

**Meeting Date:** Thursday 9 December 2021  
**Location:** Meeting held remotely  
**Time:** 5.00pm

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

## NOTICE OF BUSINESS

Item 1

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### DECLARATIONS OF INTEREST

### DEVELOPMENT APPLICATION

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85A Western Crescent, Gladesville

Substantial alterations and additions to existing part 2/part 3 storey dwelling. .... 3



## **DEVELOPMENT APPLICATION**

- 1 LDA2021/115**  
**85A Western Crescent, Gladesville**  
**Substantial alterations and additions to existing part 2/part 3 storey dwelling.**

**Report prepared by:** Senior Town Planner

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

**File Number:** GRP/09/6/12/1/2 - BP21/1123

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

<b>DA Number</b>	LDA2021/115
<b>Site Address &amp; Ward</b>	85A Western Crescent, Gladesville East Ward
<b>Zoning</b>	R2 Low Density Residential
<b>Proposal</b>	Substantial alterations and additions to existing part 2/part 3 storey dwelling
<b>Property Owner</b>	Mrs K Muga
<b>Applicant</b>	Mrs K Muga
<b>Report Author</b>	Shannon Butler – Senior Town Planner
<b>Lodgement Date</b>	15 April 2021
<b>No. of Submissions</b>	Thirteen (13) during initial notification period and seven (7) during second notification period. Two (2) submissions in support received following close of second notification period.

**ITEM 1 (continued)**

<b>Cost of Works</b>	\$907,146
<b>Reason for Referral to LPP</b>	<b>Contentious development</b> – (b) in any other case – is the subject of 10 or more unique submissions by way of objection.  <i>Schedule 1, Part 2 of Local Planning Panels Direction</i>
<b>Recommendation</b>	Approval
<b>Attachments</b>	Attachment 1: Draft Conditions of Consent Attachment 2: DCP Compliance Table Attachment 3: SREP Compliance Table Attachment 4: Sydney Harbour Foreshores & Waterways Area DCP Compliance Table Attachment 5: Architectural Plans

**1. Executive Summary**

The following report is an assessment of Local Development Application LDA2021/0115 for substantial alterations and additions to existing part 2/part 3 storey dwelling at 85A Western Crescent, Gladesville.

In accordance with the *Environmental Planning and Assessment Act 1979*, Section 9.1 – Directions by the Minister, this application is reported to the Ryde Local Planning Panel for determination as it constitutes a contentious development. The DA has received in excess of ten (10) submissions objecting to the development. A total of thirteen (13) individual submissions were received during the initial notification period and seven (7) submissions were received during the second notification period.

The subject site contains an existing part 2/part 3 storey dwelling, with a semi-detached double garage (located within the front setback) and swimming pool. The proposal involves substantial alterations and additions to the lower ground floor, ground floor and first floor. The proposal maintains the number of storeys of the existing dwelling.

During the assessment process it was ascertained that there had been unauthorised internal works carried out within the western portion of the lower ground floor to make the area habitable floor space comprising a lounge room/rumpus and a bedroom by constructing concrete floors where there had previously been natural earth floors. The applicant has lodged a Building Information Certificate (BIC) application to seek to regularise these works. The BIC application reflects the existing layout of the lower ground floor.

**ITEM 1 (continued)**

The subject application seeks to reverse the existing unauthorised situation in the lower ground floor by seeking to make the floorspace non-habitable. A significant portion of the lower ground floor is proposed to be opened up on the western side to form a terrace which will act as an extension to the outdoor living space. The proposal also seeks to convert the unauthorised bedroom to a bathroom. The further changes to the lower ground floor have been considered during the assessment of this application and are capable of compliance with the Building Code of Australia (BCA). The outcome of the BIC application will not have any bearing on the consideration of the proposed works on the lower ground floor level.

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 (EP & A Act). The proposal would not result in any unacceptable impacts upon the streetscape or the amenity of surrounding properties. The proposal does not raise any issues that would be contrary to the public interest and it is considered to be a suitable form of development for the site.

In accordance with DCP 2014 Part 2: Community Participation Plan, the owners of surrounding properties were given notice of the application between 19 April 2021 and 10 May 2021. Twelve (12) unique submissions were received objecting to the development. The amended plans received on 23 June 2021 were renotified between 29 June 2021 and 27 July 2021. Seven (7) further submissions were received. It is noted that two (2) submissions in support were received following the close of the notification period.

The issues raised in the submissions are addressed in the body of the report and are not considered to warrant refusal of the application.

The development application is recommended for approval.

**2. The Site and Locality**

The site is legally described as Lot 14 within DP 1104904 and is known 85A Western Crescent, Gladesville. The site has a frontage to Bill Mitchell Park to the west and has a total area of 868m<sup>2</sup>. The subject site is rectangular in shape with a frontage of 15.24 metres to Western Crescent. The northern side boundary has a depth of 57.29 metres and the southern boundary has a depth of 56.63 metres. The rear boundary width is 15.25 metres, and borders Bill Mitchell Park with a raised rock shelf being located along the rear boundary which falls towards the Park.

The site currently contains a part 2/part 3 storey dwelling, with an attached double garage accessed from Western Crescent. The site also contains a swimming pool in the backyard.



**ITEM 1 (continued)**



**Figure 1 - Aerial photograph of site**



**Figure 2 - The site as viewed from Western Crescent**



**ITEM 1 (continued)**



**Figure 3 – Front entrance/elevation of existing dwelling**



**Figure 4 – View towards the rear boundary from Bill Mitchell Park**



**ITEM 1 (continued)**



**Figure 5** – View of backyard (swimming pool is located behind hedge)

The general topographical features of the site consist of a slope from the front boundary (RL 16.19) to the rear boundary (RL 8.67) by approximately 7.52 metres.

The site is adjoined to the north by Nos. 85 and 85B Western Crescent which is a subdivided three storey dual occupancy (attached) (see Figure 6) and to the south by No. 87 Western Crescent which contains a two storey dwelling (see Figure 7).



**Figure 6** – Adjoining property at 85 and 85B Western Crescent (attached dual occupancy)



**ITEM 1 (continued)**



**Figure 7** – Adjoining dwelling at 87 Western Crescent

Development in the locality is primarily for residential purposes. Residential development in the locality is characterised by relatively large detached dwellings varying diversely in age, scale and architectural style. There is a multi-dwelling housing development (town house style) located on the opposite side of Western Crescent (No. 90 Western Crescent).

Existing surrounding developments to the north and south of the site are similar scale multi-storey dwelling houses with Bill Mitchell Park adjoining the rear boundary.

**3. The Proposal**

The application seeks consent for substantial alterations and additions to an existing part 2/part 3 storey dwelling and the retention of the existing swimming pool. The proposal consists of four (4) bedrooms and a home office. The proposal includes the retention of the majority of the existing floors and walls and includes minimal additional excavation or fill outside the building footprint. The proposed works include:

Lower Ground Floor

- Removal of some internal walls.
- Provision of a terrace area comprising a seating area and barbecue facilities.
- Provision of a bathroom.
- Provision of a cellar/storage room.
- Access to the floor is proposed via an existing internal staircase.
- Part of the lower ground floor area has been designated as a plant area as it does not have an adequate floor to ceiling height to be classified as a habitable room and does not meet the light and ventilation requirements in accordance with the Building Code of Australia (BCA).

## **ITEM 1 (continued)**

### Ground Floor

- Removal of some internal walls.
- Addition to the rear comprising additional family room and dining room floorspace and a terrace to the rear.
- Construction of a powder room located between the existing double garage and dwelling façade in the location of an existing breezeway.

### First Floor

- Construction of an addition above the existing double garage and to the south of the garage comprising two bedrooms, an ensuite, a home office and a linen/sewing room.
- Alterations to the master bedroom.

### Roof Form

- It is proposed to remove the existing roof tiling and replace with sheet metal roofing with an amended roofline in response to the additions to the building footprint.

### Other proposed alterations and additions

- Construction of a gazebo to the north of the existing swimming pool. The proposed gazebo is 3.1m x 3.1m in size, with a maximum height of 2.9 metres and a flat roof design.

The proposal does not include the removal of any trees or vegetation and there are no changes proposed to the existing landscaping treatment of the front setback, other than the provision of a canopy tree planting.

## **Amended Plans**

The plans were amended during the assessment phase to address the following:

On 30 April 2021:

- A dimension of 900mm was added for the side setback of the proposed gazebo.
- Details of the existing location of the pool pump/filter were added to the plans.
- Details of proposed canopy tree plantings in the front and rear yards were added to the plans.
- The plans were amended to depict operable timber batten screening devices for the family room, dining room and kitchen on the ground floor.
- The plans were amended to depict the BASIX required hot water system.

**ITEM 1 (continued)**

On 23 June 2021:

- A view impact assessment addressing the encroachment of the dwelling closer to the rear boundary.
- Confirmation was provided that there was no home business/activity operating from the premises.
- Amended stormwater management plans.
- Additional information in relation to vehicle manoeuvring.

On 9 November 2021:

- The rear setback of the rear terrace element was increased and now incorporates a stepped design in response to view loss concerns.
- Additional elevational shadow diagrams were submitted addressing the impact on the adjoining dwelling to the south (No. 87 Western Crescent).
- The plans were amended to nominate frosted glazing for four first floor windows on the northern elevation to a height of 1500mm.

Figures 8 to 14 below are the amended floor plans and elevations of the proposed substantial alterations and additions.



Figure 8 - Proposed Lower Ground Floor Plan (existing walls shown in black and proposed in red)

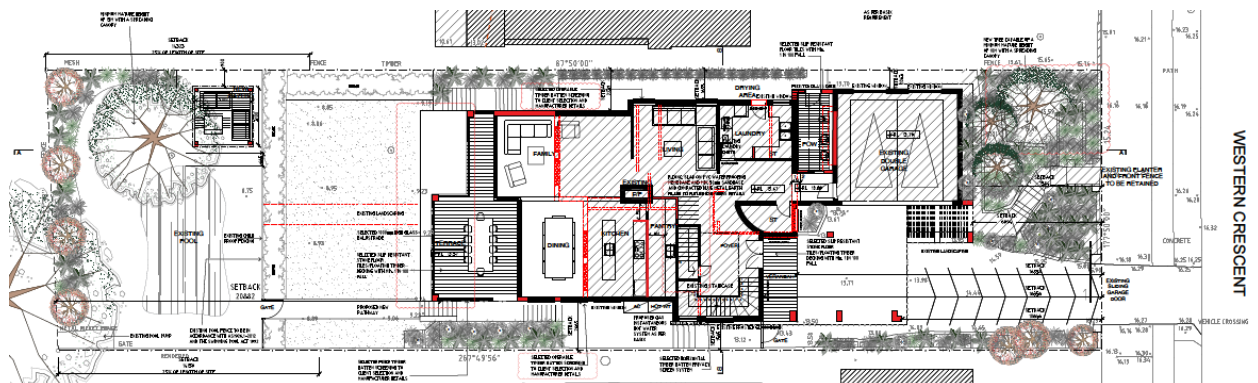
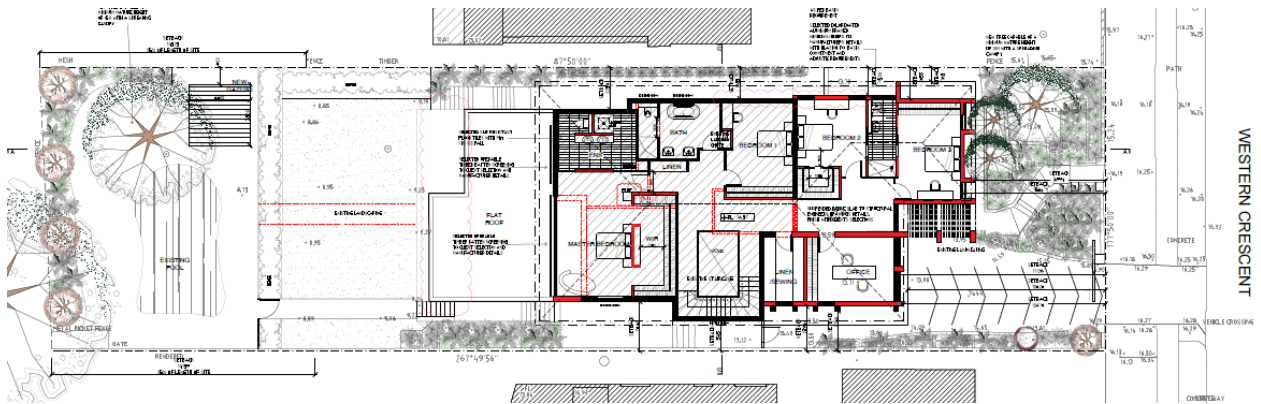


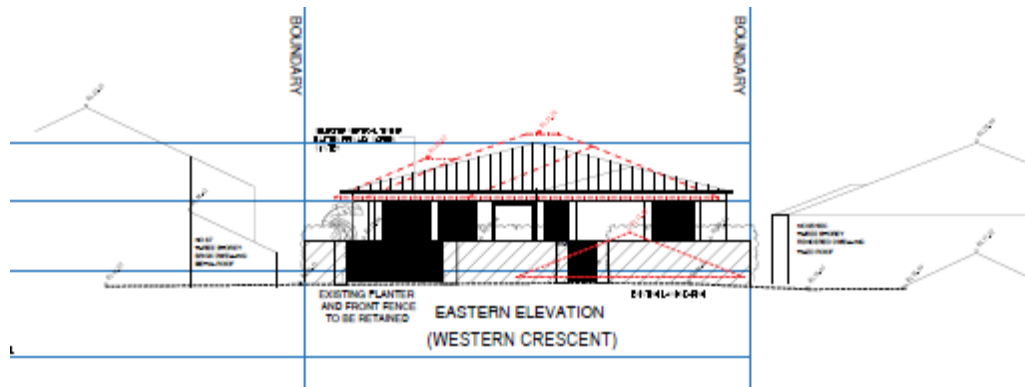
Figure 9 - Proposed Ground Floor Plan (existing walls shown in black and proposed in red)



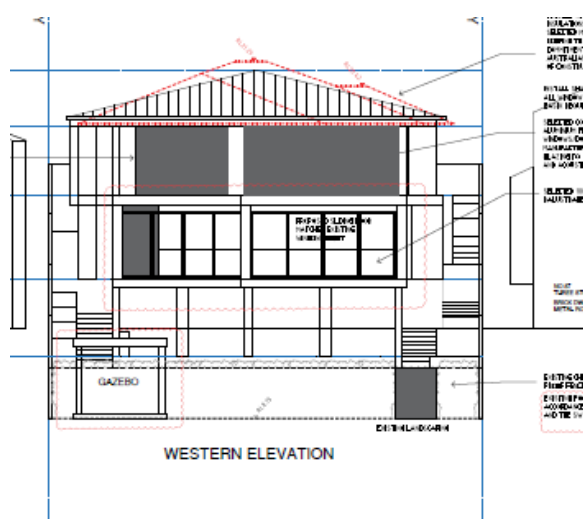
**ITEM 1 (continued)**



**Figure 10 - Proposed First Floor Plan (existing walls shown in black and proposed in red)**



**Figure 11 - Proposed eastern elevation (existing building outline shown in red)**



**Figure 12 – Proposed western elevation plan (existing building outline shown in red)**



**ITEM 1 (continued)**

	This consent has not been acted on to date and lapses on 13 December 2022.
29 June 2021	<p>During the assessment process it was ascertained that there had been unauthorised internal works carried out within the western portion of the lower ground floor to make the area habitable floor space comprising a lounge room/rumpus and a bedroom by constructing concrete floors where there had previously been natural earth floors. A Building Information Certificate (BIC) application No. BCT2021/39 was lodged with Council for these works. The BIC application reflects the existing layout of the lower ground floor. This application was under assessment at the time of writing this report.</p> <p>The subject application seeks to reverse the existing unauthorised situation in the lower ground floor by seeking to make the floorspace non-habitable. A significant portion of the lower ground floor is proposed to be opened up on the western side to form a terrace which will act as an extension to the outdoor living space. The proposal also seeks to convert the unauthorised bedroom to a bathroom. The further changes to the lower ground floor have been considered during the assessment of this application and are capable of compliance with the Building Code of Australia (BCA). The outcome of the BIC application will not have any bearing on the consideration of the proposed works on the lower ground floor level.</p>

**Application History**

15 April 2021	Local Development Application LDA2021/0115 was lodged with Council.
19 April 2021 to 10 May 2021	The Application was notified to adjoining property owners and occupiers. Thirteen (13) unique submissions were received.
27 April 2021	<p>An initial request for additional information was sent to the Applicant, requesting:</p> <ul style="list-style-type: none"> <li>- Details of proposed side setback of gazebo.</li> <li>- Details of proposed location and enclosure of pool pump/filter.</li> <li>- Details of required canopy tree plantings in front and rear yards.</li> <li>- Additional privacy protection measures for family room, dining room and kitchen windows on the ground floor.</li> </ul>



**ITEM 1 (continued)**

	<ul style="list-style-type: none"> <li>- That the BASIX required hot water system commitment be reflected in the plans.</li> </ul>
30 April 2021	<p>The applicant submitted amended plans and further information involving the following:</p> <ul style="list-style-type: none"> <li>- A dimension of 900mm was added for the side setback of the proposed gazebo.</li> <li>- Details of the existing location of the pool pump/filter were added to the plans.</li> <li>- Details of proposed canopy tree plantings in the front and rear yards were added to the plans.</li> <li>- The plans were amended to depict operable timber batten screening devices for the family room, dining room and kitchen on the ground floor.</li> <li>- The plans were amended to depict the BASIX required hot water system.</li> </ul>
21 May 2021	<p>A further request for additional information was sent to the Applicant, requesting:</p> <ul style="list-style-type: none"> <li>- Details of any previous consent for works to the lower ground floor as a site inspection identified that the floor layout differed from the last approved plans in Council's system.</li> <li>- Details of compliance with the Ryde DCP – Part 3.3 control relating to a maximum permitted height of two storeys for dwelling houses.</li> <li>- A view impact assessment to be carried out given the proposed encroachment of the rear of the dwelling closer to the rear boundary.</li> <li>- Details of any home activity/business operating from the property following concern being raised in submissions.</li> <li>- Additional information in relation to stormwater management.</li> <li>- Details of vehicle manoeuvring to permit forward ingress and egress for the site.</li> </ul>
23 June 2021	<p>The applicant submitted amended plans and additional information involving the following:</p> <ul style="list-style-type: none"> <li>- A view impact assessment addressing the encroachment of the dwelling closer to the rear boundary.</li> <li>- Confirmation that there was no home business/activity operating from the premises.</li> <li>- Amended stormwater management plans.</li> </ul>

**ITEM 1 (continued)**

	- Additional information in relation to vehicle manoeuvring.
29 June 2021 to 27 July 2021	<p>The Application was re-notified to adjoining property owners and to those who made a submission originally. Following representations from one of the objectors, the cessation of the notification period was extended from 20 July 2021 until 27 July 2021.</p> <p>As a result of the re-notification, there were a further seven (7) submissions received.</p>
13 October 2021	Site inspections were undertaken from two of the adjoining properties. These inspections were significantly delayed due to COVID related stay-at-home orders applying to the Greater Sydney region.
14 October 2021	Email correspondence was sent to the applicant outlining further requested amendments to the proposal to allow for a report to the Ryde Local Planning Panel to be finalised. These matters include, amendments to address view loss impacts, additional information in relation to solar access impacts on No. 87 Western Crescent, concern in relation to floor-to-ceiling windows on the northern elevation and fencing depicted on side elevations.
9 October 2021	<p>Amended plans submitted addressing the following:</p> <ul style="list-style-type: none"> <li>- The rear setback of the rear terrace element was increased and now incorporates a stepped design in response to view loss concerns.</li> <li>- Additional elevational shadow diagrams were submitted addressing the impact on the adjoining dwelling to the south (No. 87 Western Crescent).</li> <li>- The plans were amended to nominate frosted glazing for four first floor windows on the northern elevation to a height of 1500mm.</li> </ul>

## 5. Planning Assessment

### Environmental Planning and Assessment Act

#### Objects of EP&A Act

Section 1.3 of the EP & A Act contains the following relevant objects:

#### **1.3 Objects of Act (cf previous s 5)**

*(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*

**ITEM 1 (continued)**

*(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*

*(c) to promote the orderly and economic use and development of land,*

*(g) to promote good design and amenity of the built environment,*

*(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*

*(j) to provide increased opportunity for community participation in environmental planning and assessment.*

The proposal achieves the objectives. The proposed development provides for an appropriate built form which is responsive to the site constraints and has been designed in response to the site's topography. The proposal is consistent with relevant Objects of the Act.

**SEPP (Coastal Management) 2018**

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 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 do 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.



**ITEM 1 (continued)**

- (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 will 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.

- (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 largely located within the existing footprint of the dwelling. 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,*

Comment: The local and regional effects of coastal processes are recognised. The subject site does not have direct frontage to the waterway and the proposal does not include any earthworks or other development along the foreshore. Therefore, it is

**ITEM 1 (continued)**

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 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.

- (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:

**ITEM 1 (continued)**

- (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:*

- (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 do 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.

**ITEM 1 (continued)**

- (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 and are remote 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.*

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 type, bulk and scale of the development is appropriate for the locality. The dwelling will be of a similar scale to a number of dwellings and dual occupancies in the visual catchment of the site.

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

Comment: The proposal will not result in any adverse impacts on cultural or built environment heritage.

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



**ITEM 1 (continued)**

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

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.

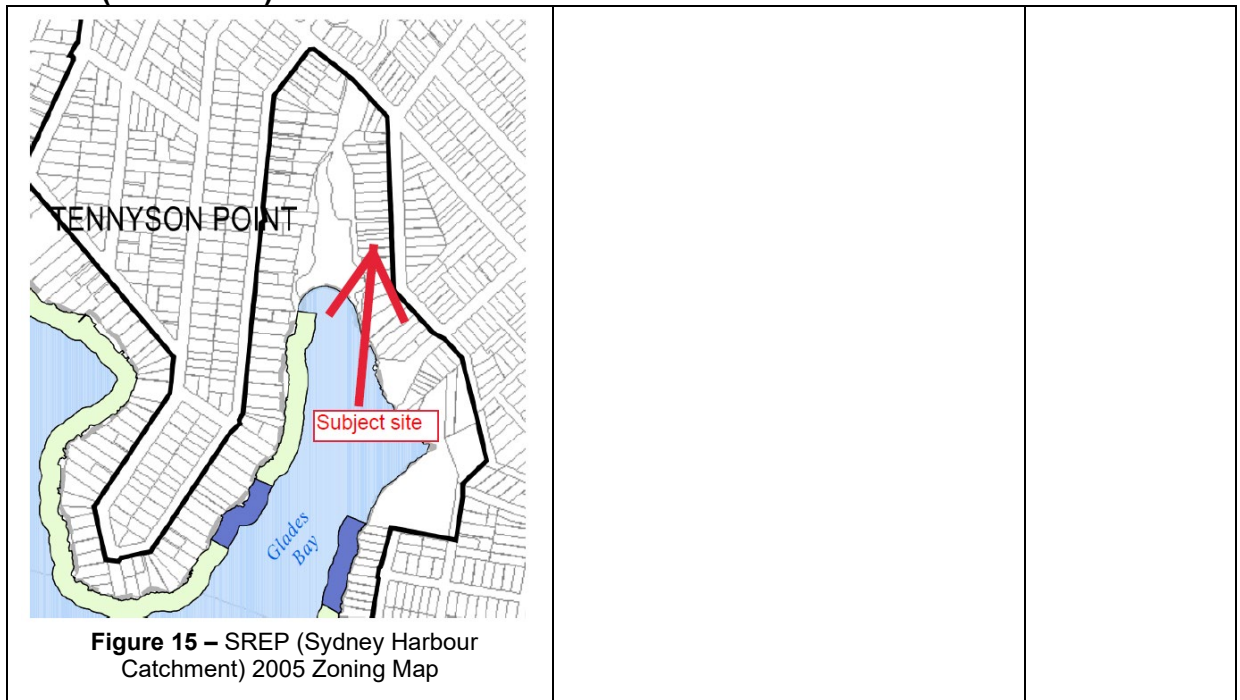
**5.1 State Environmental Planning Instruments**

Instrument	Proposal	Compliance
<b>State Environmental Planning Policy No. 55 – Remediation of Land</b>		
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
<b>State Environmental Planning Policy (BASIX) 2004</b>		
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. A400724_02, dated 9 April 2021) has been submitted with the application. The Certificate confirms that the development will meet the NSW government's requirements for sustainability. Whilst the Certificate is for 'alterations and additions', it is deemed to be satisfactory as the proposal is most accurately characterised as substantial alterations and additions, as opposed to a new dwelling.	Yes

**ITEM 1 (continued)**

<b>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</b>		
<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>	<p>The proposal does not seek to remove any trees. The retention of the trees has been considered acceptable by Council's Landscape Architect. It is considered that the proposed development does not unduly impact upon any existing biodiversity or trees or vegetation on the site.</p>	<p>Yes</p>
<b>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</b>		
<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 site is located within the Foreshores and Waterways Area and subject to consideration under the provisions of the SREP.</p> <p>The site does not immediately adjoin any land zoned under the SREP, however, the site is identified as being located within the Foreshores and Waterways Area (figure 15).</p>	<p>The proposal has been assessed against the matters for consideration for development located in the Foreshores and Waterways area, outlined in Division 2 of the SREP (<b>see attachment No. 3</b>) and is considered satisfactory.</p>	<p>Yes</p>

**ITEM 1 (continued)**



**5.2 Ryde Local Environmental Plan 2014**

The subject site is identified as being within the R2 Low Density Residential zone under the provisions of RLEP 2014. The proposal for substantial alterations and additions to an existing part 2/part 3 storey dwelling is permissible with development consent.

The R2 Low Density Residential zone is based on the following objectives:

- *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 substantial alterations and additions to an existing part 2/part 3 storey dwelling. The dwelling house use is consistent with the objectives in providing a variety of housing types to meet 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 is considered to satisfy the relevant objectives of the R2 Low Density Residential zone.

**ITEM 1 (continued)**

Ryde LEP 2014	Proposal	Compliance
<b>4.3(2) Height of buildings</b>		
9.5m	<p>The proposed alterations and additions to the building will result in it having a maximum building height of 8.6 metres. It is noted that the works will result in a minor decrease in the maximum height of the building by 300mm as the highest roof pitch of the existing dwelling is to be removed and replaced with a reduced roof pitch. Therefore, the proposed height of the building achieves compliance with Clause 4.3 of RLEP 2014.</p>	Yes
<b>4.4(2) &amp; 4.4A(1) FSR</b>		
0.5:1 (being 434m <sup>2</sup> )  Site Area: 868m <sup>2</sup>	<p>Garage = 4m<sup>2</sup>            Lower Ground Floor= 45.88m<sup>2</sup>            Ground Floor= 165.80m<sup>2</sup>            First Floor= 199.55m<sup>2</sup>            TOTAL= 415.23m<sup>2</sup></p> <p>The proposal results in an FSR of 0.48:1.</p>	Yes
<b>6.1 Acid Sulfate Soils</b>		
<p>(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.</p>	<p>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.</p> <p>Given that the proposal largely makes use of the existing floors and structure of the existing dwelling, the proposal does not include any works which will involve acid sulfate soils being exposed. Therefore, an acid sulfate soils management plan is not required.</p>	Yes



**ITEM 1 (continued)**

Ryde LEP 2014	Proposal	Compliance
<b>6.2 Earthworks</b>		
<p>(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p>	<p>The proposal does not include any excavation as it includes the retention of existing floors and external walls. Therefore, there will be no detrimental impacts on environmental functions and processes, neighbouring uses, cultural or heritage items or features of surrounding land resulting from earthworks.</p> <p>The proposed works are considered to be consistent with the provisions of Clause 6.2(3).</p>	<p>Yes</p>
<b>Clause 6.4 Stormwater management</b>		
<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 amended drainage plans submitted show the drainage system directed towards the rear park. However, the applicant has provided photographs of the existing outlet to the park which is across the rear wall. As there are some additional impervious areas proposed within the property, the current runoff towards the rear will be increased. Due to this a 2,000 litre rainwater tank is required to be incorporated into the drainage system to minimise the runoff towards the park. This tank is required to be connected to the dwelling for water reuse. See condition No. 31.</p> <p>The proposal has been considered acceptable by Council's Senior Development Engineer.</p>	<p>Yes</p>

**ITEM 1 (continued)**
**5.3 Draft Environmental Planning Instruments**

Instrument	Proposal	Compliance
<b>Draft Remediation of Land State Environmental Planning Policy</b>		
<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.</p> <p>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>	<p>Yes</p>
<b>Draft Environment SEPP</b>		
<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"> <li>- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</li> </ul>	<p>The proposal is not inconsistent with the provisions of the draft SEPP.</p>	<p>Yes</p>

**ITEM 1 (continued)****5.4 Development Control Plans****Sydney Harbour Foreshores and Waterways Area DCP 2005**

As the site falls within the Foreshores and Waterways Area of the SREP 2005, the Sydney Harbour Foreshores and Waterways Area DCP 2005 is relevant to this assessment.

A full assessment of the proposal under the Sydney Harbour Foreshores and Waterways Area DCP 2005 is illustrated in the compliance table at **Attachment 4**.

The proposal is compliant with the controls within the Sydney Harbour Foreshores and Waterways Area DCP 2005.

**Ryde Development Control Plan 2014 (RDCP 2014)**

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

- Part 3.3: Dwelling Houses and Dual Occupancy (Attached);
- Part 7.2: Waste Minimisation and Management; and
- Part 8.2: Stormwater & Floodplain Management.

An assessment of the relevant controls is provided in **Attachment 2 - Compliance Table**. Specific controls relevant to this application are also discussed below.

**Part 3.3: Dwelling Houses and Dual Occupancy (Attached)**

The application has been assessed against the requirements of Part 3.3 – Dwelling Houses and Dual Occupancy (Attached) and variations have been identified in relation to desired future character, dwelling houses (height), deep soil areas, front setback (garage), side setback (garage) and view sharing. The variations are discussed as follows:

Section 2.1 – Desired Future Character and 2.2 Dwelling Houses

The objective of Section 2.1 is to ensure that development is consistent with the desired future character of the low-density residential areas. Control 2.1(a) requires consistency with the desired future character and Part 2.1 details the fourteen means of achieving consistency with the desired future character, one of which is ‘having a low scale determined by a maximum two storey height limit’. Control 2.2.1(b) states that residential dwellings are to be a maximum of two storeys.

The proposal results in a three-storey building. The third storey component is limited to the rear of the dwelling and is not visible from Western Crescent given an approximate 7.3 metre fall from the front of the site to the rear. The proposal is considered acceptable given that the dwelling presents as a two-storey development when viewed from the streetscape and is of a consistent scale with adjoining development from the rear.





**ITEM 1 (continued)**

Control 2.9.1(c) and 2.11.1(c) requires garages to be set back a minimum of one metre from the dwelling's front façade. The existing garage is setback 7.584 metres and complies with the front setback requirement of 6 metres, but does not achieve compliance in being set back 1m behind the front façade of the dwelling.

The proposal includes a first-floor addition above the existing garage which comprises a floor slab and awning which will be set 600mm forward of the façade of the garage reducing the front setback to 6.994 metres.

The proposal is satisfactory given that the addition over the garage makes the garage more compliant with the control as the dwelling is now integrated with the garage. The front façade includes suitable design variation and articulation and is considered to result in an improvement in relation to streetscape appearance. In addition, the proposal includes the planting of a mature canopy tree within the front setback which will soften the appearance of the front façade of the dwelling and it is noted that the site falls significantly from the street level, therefore, the non-compliance will not be easily read from the public domain.

**2.9.2 Side Setbacks**

Control 2.9.2(b) states that the outside walls of a two-storey dwelling are to be set back from side boundaries not less than 1.5 metres. The proposed powder room to the west of the existing garage is setback 1063mm from the northern side boundary and does not comply. The existing garage is set back 1063mm and is single storey and complies. However, the proposal includes a first-floor addition above the garage creating a two-storey element and results in a technical non-compliance with the control. The first-floor addition is set back 1655mm from the northern boundary but the existing ground floor setback of the garage is retained. Given the proposal is for alterations and additions the setback is considered to be acceptable on merit.

**2.14.2 Visual Privacy**

Control 2.14.2(a) requires windows of the main living spaces such as living rooms, dining rooms, kitchens, family rooms and the like, generally to be orientated to the front or to the rear of allotments. The proposal includes provision of two (2) additional windows within the southern elevation associated with the dining room. There is an existing window associated with the kitchen. There are two (2) existing windows associated with the living room within the northern elevation. During the assessment phase, concern was raised with the applicant in relation to the privacy impact resulting from these windows. The applicant has submitted amended plans depicting the installation of operable timber batten screening for all of these windows. It is considered being operable does not achieve the required privacy and therefore **Condition 1(c)** is recommended requiring these screens to be fixed at a 45-degree angle to minimise privacy impacts resulting from their locations.

**2.14.2 View Sharing**

**ITEM 1 (continued)**

Control 2.14.4(a) states that the siting of development is to provide for view sharing. Concern has been raised from No. 85 (known as 85B and 85) Western Crescent (being a subdivided dual occupancy (attached)) regarding a loss of views. These properties presently have views of Glades Bay (Parramatta River) which are obtained in a southerly direction (**Figure 17**).



**Figure 17** – Location of view loss submissions (85B shown in green and 85C shown in blue) Western Crescent

Site inspections were conducted from the objector’s properties on 13 October 2021 and 19 October 2021 respectively to gain an appreciation of the potential view loss impacts.

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 the two adjoining properties are land and water views. They are best described as filtered views (given existing established native vegetation) of Glades Bay, Parramatta River and Cabarita/Breakfast Point beyond. None of the available views are considered to be iconic.*

**ITEM 1 (continued)**



*Figure 18 – Standing view from No. 85 Western Crescent*



*Figure 19 – Sitting view from 85 Western Crescent*



*Figure 20 – Standing view from 85B Western Crescent*



## ITEM 1 (continued)



Figure 21 – Sitting view from 85B Western Crescent

### 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”.*

The views are obtained over the side boundaries of Nos. 85A and 87 Western Crescent to the south and the planning principle recognises that the protection of views across side boundaries are more difficult to protect.

The views are most readily obtained from the first-floor decks of Nos. 85 (**Figure 18 and 19**) and 85B Western Crescent (**Figure 20 and 21**) and are available from both a standing and seated position. Views are also obtained from a number of rear windows of the dwellings to a lesser degree.

### 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)**

For both of the affected properties, the views are obtained primarily from the raised ground floor rear decks but the views are secondarily achieved from the first floor (upper floor) master bedroom windows. The views from the ground floor family rooms and kitchen are largely obscured by privacy screening devices in the case of both of the dwellings.

Both of the dwellings also have moderate views from the lower ground floor outdoor entertaining areas to the rear, however, the views from these points are of a lesser quality given their lack of elevation.

The impact upon the views from the ground floor raised decks is similar whether observed from a sitting or standing position.

Following the amendment of the plans by the applicant to provide a stepped alignment for the rear terrace element of the dwelling the view loss impact on the two adjoining properties to the north is assessed as being minor given where the views are obtained on the properties, the fact that the views are not iconic and are significantly filtered by existing vegetation located between the site and the foreshore.

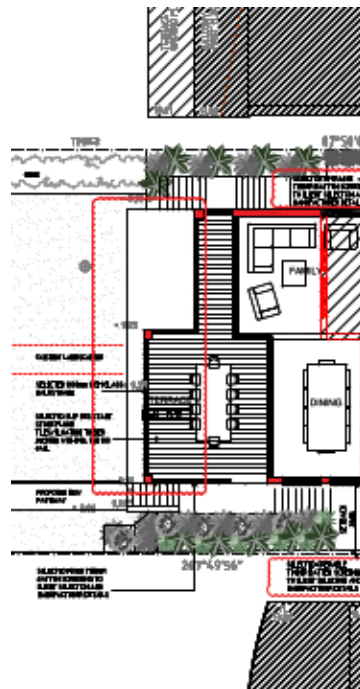
**4. Reasonableness of the proposal that is causing the impact**

*“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. 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.”*

*There are two controls within Ryde DCP 2014 – Part 3.3 – Dwelling Houses and Dual Occupancy which warrant consideration, those being the rear setback and view sharing controls.*

The proposal has a compliant rear setback of 20.5 metres. The proposal has a compliant height of 7.3 metres at the rear and complies with the required side setback. The proposal is consistent the suite of built form controls at the rear of the dwelling. The proposal has been amended at the request of Council to address the concerns raised regarding view loss. The amended plans have reduced the depth of the proposed terrace adjacent to the northern boundary (**Figure 22**) to improve the view corridor from the adjoining properties.

**ITEM 1 (continued)**



**Figure 22** – Extract of amended ground floor plan depicting amended stepped alignment of rear terrace

With regard to view sharing, the DCP provides a control stating that ‘The siting of development is to provide for view sharing’. The objective of the control states ‘To ensure new dwellings endeavour to respect important views from living areas within neighbouring dwellings’. As outlined previously, the views from the adjoining properties are primarily obtained from the raised ground floor decks and are not achieved from any primary internal living areas of the dwellings (with the exception of a bedroom).

The rear alignment of the row of dwellings fronting Western Crescent has been staggered in order to allow for view sharing from the rear areas of each of the dwellings (**Figure 23**).



**Figure 23** – Aerial photograph depicting staggering of rear setbacks in response to view sharing.

**ITEM 1 (continued)**

Whilst the proposed additions to the rear of the dwelling will encroach into this alignment to some extent, it will only moderately impact the views of Nos. 85B and 85 as a result of the amended design and through the amended stepped alignment, the proposal is considered to be respectful of the principle of view sharing and therefore achieves the intent of the DCP control. As a result, the proposal is regarded as achieving compliance with the two relevant DCP controls which protect views in the case of the subject site.

The amended proposal is considered to be reasonable in relation to preserving views.

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

The likely impacts of the development have been considered within this report and the assessment demonstrates that the proposal will not have any significant adverse impacts upon any adjoining properties or the environment in general due to the nature of the development. All relevant issues regarding environmental impacts of the development are discussed elsewhere in this report (see DCP 2014). The development is considered satisfactory in terms of environmental impacts.

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

The site is zoned R2 Low Density Residential. The proposal seeks consent for substantial alterations and additions to existing part 2/part 3 storey dwelling and demolition of swimming pool. The site is mapped as containing Class 5 acid sulfate soils, being land within 500m of actual acid sulfate soils. The extent of works is such that it is not considered to come into contact with or affect the profile of any area containing actual acid sulphate soils.

The assessment has demonstrated the proposal is consistent with the statutory requirements and policy controls. The assessment demonstrates the proposal will not result in any significant adverse impacts upon adjoining properties or the streetscape. The proposal is an appropriate development and this has been demonstrated in this report. The proposal is considered to be suitable for the site.

**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 acceptable. The proposal does not result in any unacceptable impacts upon adjoining properties or the streetscape. On this basis, the proposal is not considered to raise any issues that would be contrary to the public interest.

**ITEM 1 (continued)****9. Submissions**

In accordance with DCP 2014 Part 2: Community Participation Plan and Procedure, the owners of surrounding properties were given notice of the application between 19 April 2021 and 10 May 2021. A total of thirteen (13) unique submissions were received objecting to the development.

The amended plans received on 23 June 2021 were renotified between 29 June 2021 until 27 July 2021. A further seven (7) submissions were received. Two (2) submissions in support were received following the close of the second notification period.

The initial submissions raised the following concerns:

- *The footprint of the dwelling is proposed to be extended towards Bill Mitchell Park as compared to the other houses in the row. This will reduce the views of the other houses in the row and will set a precedent which may enable other developments to encroach closer towards the reserve.*

Comment:

The proposal achieves compliance with the rear setback control set out in Ryde DCP 2014 – Part 3.3 – Dwelling Houses and Dual Occupancy which states that the rear setback is to be a minimum of 25% of the site length or 8m, whichever is the greater. 25% of the site length equates to 14.32 metres and the proposed rear setback is 20.5 metres, which achieves compliance. In addition, the proposal has been amended during the assessment phase to provide for a greater rear setback for the ground floor to increase view sharing as outlined previously in this report.

- *The drawings indicate an excessive building envelope that will affect the amenity of the neighbours, park and surrounding area.*

Comment: The proposed building envelope is considered to be reasonable and is consistent with the scale of surrounding buildings. The proposal achieves compliance with the floor space ratio standard of 0.5:1 pursuant to Ryde Local Environmental Plan 2014, having a proposed floor space ratio of 0.48:1. In addition, the proposal achieves compliance with the 9.5m height of buildings development standard, having a maximum proposed height of 8.6m to the highest point. The proposal does not result in any adverse impact upon the amenity of surrounding properties.

- *The large bulk of the proposed additions is significant as the view sharing from the objector's residence will clearly be affected and not in keeping with the City of Ryde Development Control Plan 2014 and also does not meet the Tenacity Test (Planning Principle).*

Comment: Consideration of view sharing and an assessment against the Tenacity planning principle is provided earlier in this report. The proposal (as amended) is



**ITEM 1 (continued)**

considered to result in a suitable outcome in relation to view sharing, recognising that the views are obtained over side boundaries.

- *It is noted that the Gazebo (or outbuilding) shown close to the boundary is a significant building which does not clearly identify heights. This has a negative impact on loss of views. We also note that it is a significant height above the neighbouring ground level.*

Comment: The applicant has provided amended plans which show the proposed gazebo in more detail. It is proposed to be 3.1 metres x 3.1 metres in size (with the roof being 3.3m x 3.3m), with a maximum proposed height of 2.9 metres and a flat roof design. The gazebo is considered to have a lightweight design and will be of a similar height to an existing hedge within the rear yard which is proposed to be retained and existing vegetation on the northern boundary of the site (**Figure 24**).



**Figure 24** – Aerial photograph depicting location of proposed gazebo (in yellow highlight)

- *The proposal would greatly decrease sunlight reaching number 87. The impact on loss of sun has not been adequately assessed for number 87 Western Crescent and feel this should be more thoroughly assessed after plans changed to fully address this significant issue. The proposal seems to ignore windows and glassed in stair well of number 87. This would have a disastrous effect of day long shade into these windows and stair well for number 87*

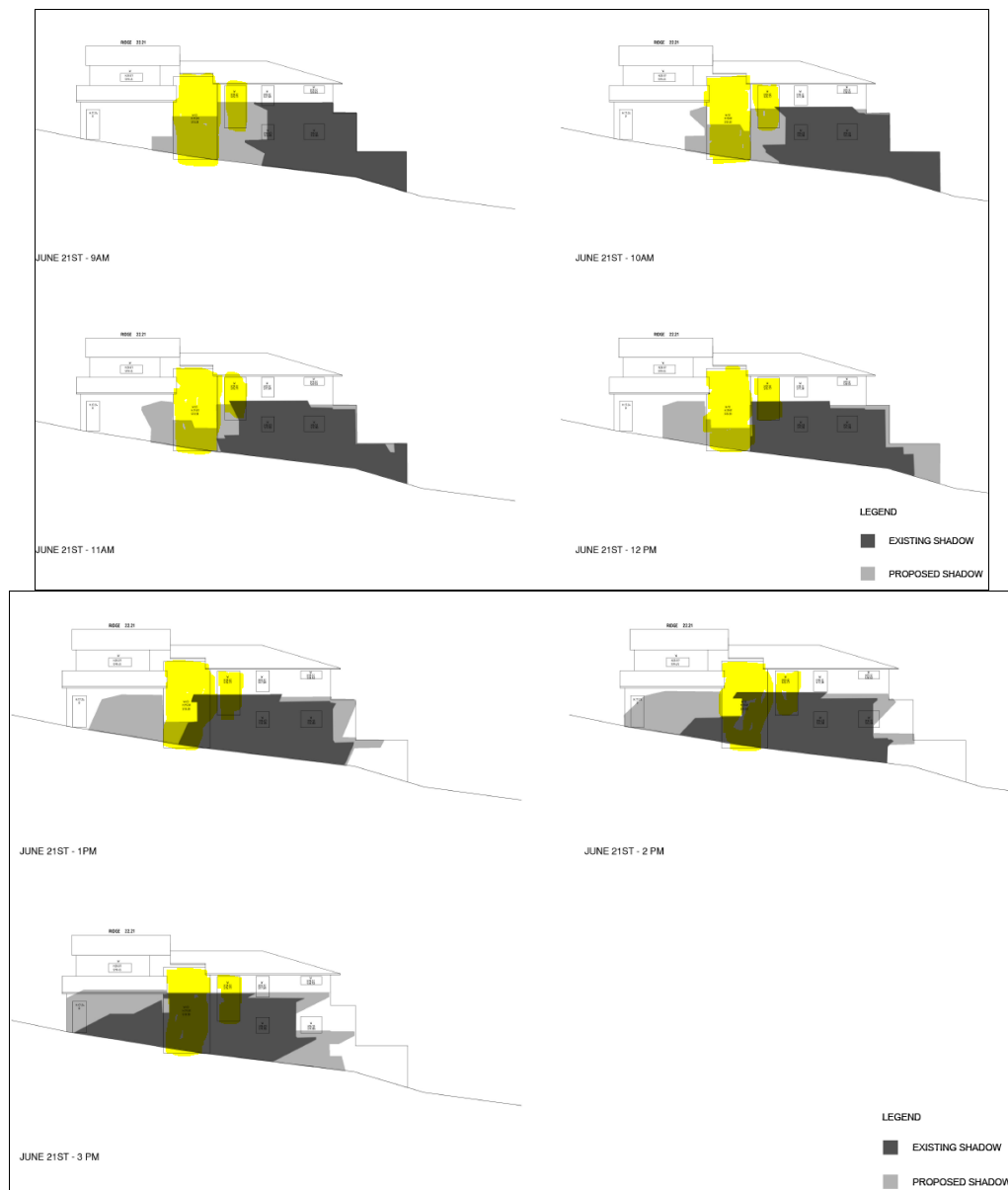
Comment: The Ryde DCP 2014 – Part 3.3 Dwelling Houses and Dual Occupancy provides the following control in relation to solar access in the case of the adjoining dwelling at No. 87:

*ii) windows to north-facing living areas of neighbouring dwellings receive at least 3 hours of sunlight between 9 am and 3 pm on 21 June over a portion of their surface, where this can be reasonably maintained given the orientation topography of the subject and neighbouring sites*



**ITEM 1 (continued)**

The adjoining dwelling at No. 87 contains two significant windows within its northern elevation. Amended elevational shadow diagrams have been submitted (**Figure 25**). The north-facing living areas (those highlighted in yellow) will continue to receive at least three (3) hours of sunlight between 9am and 3pm on 21 June over a portion of their surface and compliance is achieved. The proposal does not result in any material adverse overshadowing impact to the adjoining property.



**Figure 25** – Elevational shadow diagrams for No. 87 Western Crescent (yellow highlighting denotes key living area windows on northern elevation and dark grey shading denotes the shadowing of the existing dwelling with light grey shadowing denoting the additional proposed shadowing).

- *The streetscape view from the park not in keeping with other houses that border the Bill Mitchell Park*

**ITEM 1 (continued)**

Comment: The site is largely obscured from view from Bill Mitchell Park given the topography and existing established vegetation on the eastern edge of the park (**Figure 4**). The proposal is considered to have a negligible impact on the streetscape view from the park. Whilst the building is three storeys in scale, it is considered the proposal is not inconsistent with surrounding buildings, including the adjoining subdivided dual occupancy at No. 85 Western Crescent.

- *There are inaccuracies and omissions in drawings. The objector's house is drawn without a balcony or BBQ area. This suggests that view sharing is not an issue for the objector's house.*

Comment: It is noted that not all the features within the rear yards of adjoining properties are depicted on the plans, however, Council's assessment which has included a review of the plans, survey information and site inspections has taken these features into consideration in the assessment of the impact of the proposal on views.

- *This is not a new dwelling – that is incorrect. It is a major renovation with a cost of over \$1million.*

Comment: The description of the proposal has been modified and the application was re-notified as 'substantial alterations and additions to existing dwelling'.

- *Placement and/or size of windows and doors are either incorrect or missing off proposed plans. These drawings are cleverly deceptive.*

Comment: The floor plans and elevations being referred to are proposed plans and not existing plans. There are a number of changes proposed to the fenestration of the existing dwelling. Existing windows being retained are marked as such on the elevations.

- *The area drawing DA00 shows incorrect figures as lower ground floor is not included in calculations. The proposed extension will be greater than what is shown due to these omissions.*

Comment: The plans have been amended to accurately depict the lower ground floor and to include its floorspace in the calculations. The proposed floor space ratio is 0.48:1 which complies with the 0.5:1 development standard pursuant to Ryde Local Environmental Plan 2014.

- *Why is a new powder room needed near front door? Why does this powder room need to have external access to side path behind garage? What sort of glass is proposed?*

Comment: A powder room is a common feature on the ground floor of contemporary dwellings to prevent guests needing to walk to the first floor. The external door provides ease of access to the powder room for occupants in the event that they are working in

**ITEM 1 (continued)**

the yard, gardening, etc and is not considered to be unreasonable. The external door to the powder room is proposed to be constructed of frosted glass.

- *The properties on northern side of 85A will be significantly affected by loss of privacy. The proposed extension will completely overlook their properties.*

Comment: The proposal has been amended during the assessment phase to change the full height windows within the northern elevation to frosted glass to a height of 1500mm. These windows are associated with Bedroom 1, bedroom 2 and an ensuite. Other windows on the first floor of this elevation are either existing or high sill windows. The large proposed windows on the ground floor of the northern elevation have been amended to be fitted with operable timber batten screening. The proposal is not considered to result in any adverse privacy impacts on No. 85A.

- *When the objector did their build in 2000, for privacy issues their bedroom windows needed to be 1.5 metres above floor level – these Council regulations have not been adhered to by this proposed development.*

Comment: The amended plans provide for obscure glazing to a height of 1500mm above the floor level to ameliorate the privacy concern and provide for solar amenity. The proposed windows do not result in any adverse privacy impact.

- *Submitted plans state current property at 216m<sup>2</sup>, with extension to over 400m<sup>2</sup>. This is incorrect as lower ground floor has not been included. This error is also shown on Area Drawing DA00. This suggests deception.*

Comment: The originally submitted plans did not include the lower ground floor. The proposal has been amended to account for the lower ground floor which contains a proposed gross floor area of 45.88m<sup>2</sup>, noting that a large portion of the lower ground floor area cannot be used as habitable floorspace given that it does not comply with the floor-to-ceiling height and light and ventilation requirements of the Building Code of Australia and this area has been designated as a plant/storage area.

- *There is internal access by stairs directly opposite front door of property to existing lower ground floor, which comes out at “plant room”. This has all been omitted from plans along with the existing layout of current existing bathroom, bedroom, living area with television and office. This suggests deception.*

Comment: This matter was brought to the attention of the applicant following a site inspection being undertaken. Amended plans have been submitted depicting the internal layout of the lower ground floor area and showing the internal staircase connecting the ground floor and lower ground floor. The unauthorised internal works were previously undertaken on the lower ground floor to render part of the floorspace habitable. A Building Information Certificate (BIC) application has been lodged with Council to address the unauthorised works. The outcome of the BIC application does not influence the assessment of the subject application as changes are proposed to

**ITEM 1 (continued)**

the lower ground floor which will result in the floorspace being non-habitable (as defined by the BCA).

- *The proposed new development, flat roof, privacy screens and new walls do not allow for 'view sharing as stated in the Ryde Development Control Plan under "Section 2.14.4 View Sharing"'.*

Comment: The impact of the proposal on views and the issue of view sharing is addressed earlier in this report. The proposal (as amended) is considered to be satisfactory in relation to view sharing, noting that the views are obtained over a side boundary.

- *The addition of the flat roof extension to the rear of the building would be an example of an "unsympathetic addition" as described in Section 2.2.2 of Ryde DCP 2014.*

Comment: The flat roof addition to the rear is considered to integrate suitably with the remainder of the dwelling, noting that the external appearance of the existing dwelling will be updated to a more contemporary design with colours and finishes which are common between the flat roof addition and bulk of the dwelling.

- *The architectural plans show that the proposed landscape / Deep Soil Area is 277.52m<sup>2</sup>, i.e. only 32% of the site area. The minimum Deep Soil Area according to the DCP 2014 is 35%. The plans show the increase from the current 30% is a proposal to remove the paving around the swimming pool and replace it with grass which is unlikely to be a long-term solution.*

Comment: It is noted that the site has an existing deep soil area of 30%. The proposed extent of deep soil area is 32%. The additional deep soil area is provided by the removal of an extent of paving surrounding the swimming pool and replacing it with grass. The variation is discussed earlier in this report and is considered satisfactory.

- *A new build should include rainwater storage tanks, but these are not shown in any diagrams.*

Comment: The applicant has submitted a BASIX Certificate based on 'alterations and additions'. This Certificate does not require the provision of any additional rainwater tanks on the site. However, a condition of consent was recommended by Council's Senior Development Engineer requiring the provision of a minimum 2,000 Litre rainwater tank to minimise discharge towards the park (**Condition 31**). The rainwater tank will be required to be connected to the dwelling for water reuse.

- *The landscape coverage is way under council regulations. There are inconsistencies on the drawings showing the size of the gazebo – which one is correct?*

Comment: The applicant has sought a variation to the Ryde DCP 2014 – Part 3.3 – Dwelling Houses and Dual Occupancy control relating to deep soil areas which is

**ITEM 1 (continued)**

discussed earlier in this report. The proposal increases the extent of deep soil area on the site from 30% to 32%. With regard to the gazebo, it is noted that the first floor plan depicts the roof dimensions of gazebo which are 3.3 metres by 3.3 metres and that the other two floor plans depict the ground footprint of the gazebo which is 3.1 metres by 3.1 metres.

- *There are inconsistencies between the elevation drawings, the floor plans and the architect's impression of the extension. The architect's impressions in Figure G and Figure J in the covering letter are clearly different from the drawings. In the drawings, the ground level floor extends a further metre out from the enclosed area and the lower level extension clearly extends out as far as the floor above. Not only are there discrepancies between the drawings and the covering letter but no real attempt seems to have been made to meet the requirement for view sharing.*

Comment: The perspectives provided in the covering letter were not an accurate representation of the view loss impact and this was drawn to the attention of the applicant. Following site inspections from the two adjoining properties to the north, a full appreciation of the view loss impacts has been gained and the applicant was requested to amend the proposal to reduce its impact. The view sharing issue is discussed earlier in this report.

- *There have been virtually no structural changes to amended plans, except for adding the stairs to the Lower Ground Floor. The only other changes include removing the colour fill, adding a few notes, changing the size of the gazebo and adding a "new tree" in the pool area (indicating removal of two healthy palm trees).*

Comment: A series of amended plans have been submitted during the assessment phase. The changes in each set of plans and dates on which they were submitted are detailed earlier in this report under 'The Proposal'.

- *The fence line shown in ADA06 (Northern Elevation) is totally incorrect. This shows a 3.5m high fence, which would be non-compliant with the RDCP rules of 1.8m maximum. It is a paling fence, sloping down with the fall of the land. This implies that there is some sort of "privacy" already in place. The planner has already stated that "there is no view impact from the lower level", but this comment would imply that he has not looked closely at the architectural plans. Construction of a such a large solid wall is not indicated on any plans, and certainly has not been discussed with us.*

Comment: The plans are incorrect in respect to how the existing fencing is depicted on the northern elevation. This matter has been drawn to the attention of the applicant who has failed to amend the plans in response. **Condition 1(a)** is recommended which requires the submission of amended plans to the principal certifier to delete the incorrectly depicted fencing.



**ITEM 1 (continued)**

- *Figures I and J (from the architect) in the applicant's covering letter don't match the architect's plans ADA01, 02, 06 and 07, which include 1m extended floorage/concrete slab at ground floor (i.e. roof level at Lower Ground Floor).*

Comment: It is noted that the perspectives provided in the covering letter were not an accurate representation of the view loss impact and this was drawn to the attention of the applicant. Following site inspections from the two adjoining properties to the north, a full appreciation of the view loss impacts has been gained and the applicant was requested to amend the proposal to reduce its impact. The view sharing issue is discussed earlier in this report.

- *Concern is raised in relation to why parts of the lower terrace are not included in the floor space ratio calculation. Even if the area is open in some parts, the whole area is covered by the floor of the ground level extension above and additional walls are proposed to be erected. I note there are no privacy provisions between the proposed lower level extension and the neighbours at 2/85 (known as No. 85) even though they will be only metres apart.*

Comment: The Ryde Local Environmental Plan 2014 definition of gross floor area excludes:

(i) *terraces and balconies with outer walls less than 1.4 metres high*

It is noted that the lower ground floor terrace does not have enclosing walls on its western side and most of its northern and southern sides, therefore, the open portion of the terrace is not counted as contributing to the gross floor area in accordance with the definition.

- *The exclusion of the plant room from the floor space ratio calculation is perplexing, as people will transit this space to access the terrace area and the space is considered as a habitable area in the existing configuration. What plant/equipment would be in such a large space. A hot water service does not require that much space.*

Comment: The lower ground floor plan has been amended to reduce the size of the previous plant area and designate it as an extension to the terrace. This plan has also been amended to more accurately depict the subfloor space to the east of the staircase. This area is non-habitable floor space given that it does not meet the floor-to-ceiling and light and ventilation requirements of the Building Code of Australia. Condition No. 63 is recommended outlining that the sub-floor and plant room floor space depicted on the lower ground floor plan is not to be adapted for habitable purposes.

**ITEM 1 (continued)**

**10. Referrals**

**Senior Development Engineer**

The application was referred to Council’s Senior Development Engineer who provided the following comments:

Stormwater Management

*The amended drainage plans submitted show the drainage system directed towards the rear park. The applicant has provided photographs of the existing stormwater outlet to the park which is across the rear wall. As there are some additional impervious areas proposed within the property, the current runoff towards the rear will be increased. Therefore, a rainwater tank should be incorporated into the drainage system to minimise the runoff towards the park. This tank should be connected to the dwelling for water reuse. A condition of consent is recommended in this regard.*

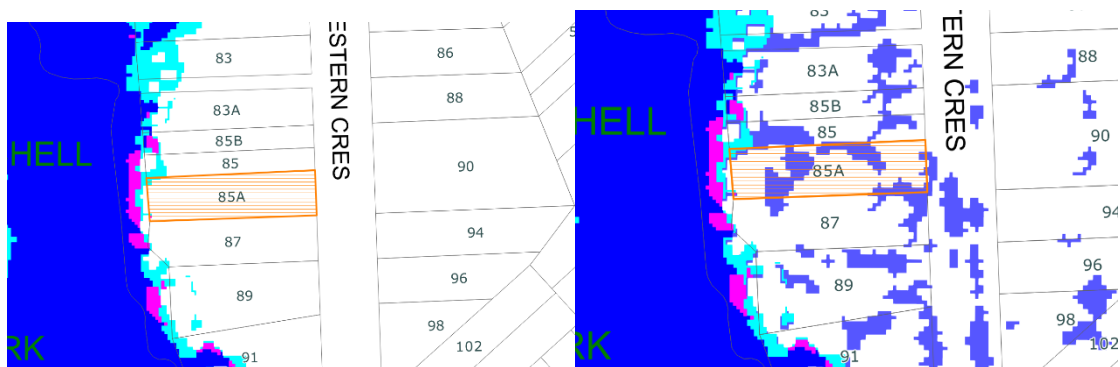
*The plans indicate that existing fence and gate are to be retained. Swept path diagrams have been provided to demonstrate vehicular access to the garages and are considered satisfactory.*

*It is noted that there is a Building Information Certificate (BIC) application submitted for unauthorised work within the lower ground floor area.*

Flooding and Overland Flow

*The current flood maps (Flood Risk Precincts October 2017) show a very small portion of the rear of the site affected by flooding. However, given that the property is well above the park, there is no way that flood will extend from the park towards the property.*

*However, with the new Department of Planning requirements, Council has a new PMF flood layer in Council’s mapping system which shows the top part of the property is within the 100 year/PMF area. These appear to be in random locations which we would be anticipated to be minor flooding. The flood assessment report provided with the BIC application is noted. An overland flow route is proposed along the southern side of the building towards the rear.*



**Figure 26 – Current 2017 flood risk map on left and possible maximum flood (PMF) map on right**

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

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

Conditions of consent have been imposed by Council's Senior Development Engineer **(see Conditions 12, 13, 14, 15, 16, 30, 31, 32, 33, 55, 56, 60 and 61)**.

**Landscape Architect**

The application was referred to Council's Consultant Landscape Architect who has raised no objection to the proposed development subject to recommended conditions of consent relating to tree retention, excavation within tree protection zones, fill requirements and root pruning. **(See condition Nos. 34, 50, 51, 52 and 53)**.

**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 suitable for the subject site and is not contrary to the public interest. The reasons for the decision are as follows:

1. The proposal is consistent with the objectives for R2 zoned land.
2. The proposal complies with the statutory provisions set out in the Environmental Planning and Assessment Act 1979.
3. The proposal is considered to be of low impact to adjoining properties and the surrounding environment.
4. The proposal is not contrary to the public interest.
5. The submissions received in response to this DA have been considered and addressed in this report. None of the issues raised are considered to warrant the refusal of the subject DA.

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

That the Ryde Local Planning Panel, as the consent authority, grant consent to LDA2021/0115 for substantial alterations and additions to an existing part 2/part 3 storey dwelling at 85A Western Crescent, Gladesville, subject to the draft conditions contained in Attachment 1.

**ATTACHMENTS**

- 1 Draft Conditions of Consent
- 2 RLEP & DCP Compliance Table
- 3 SREP (Sydney Harbour Catchment) Compliance Table
- 4 Sydney Harbour Foreshores DCP for SREP - Compliance Table
- 5 Architectural Plans - subject to copyright provisions

Report Prepared By:

**Shannon Butler**  
**Senior Town Planner**

Report Approved By:

**Kimberley Kavwenje**  
**Senior Coordinator - Development Assessment**

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

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

**ITEM 1 (continued)**

**ATTACHMENT 1**

**ATTACHMENT 1 – DRAFT CONDITIONS OF CONSENT  
 85A WESTERN CRESCENT, GLADESVILLE (LDA2021/0115)**

**GENERAL**

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

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

<b>Plan no.</b>	<b>Drawn by</b>	<b>Dated</b>
<b>Architectural Plans</b>		
Area Calculations, ADA00, Revision F	Urbanistica	10/11/2021
Roof Plan/Site Plan, ADA01, Revision F	Urbanistica	10/11/2021
First Floor Plan, ADA02, Revision F	Urbanistica	10/11/2021
Ground Floor Plan, ADA03, Revision F	Urbanistica	10/11/2021
Lower Ground Floor Plan, ADA04 , Revision F	Urbanistica	10/11/2021
Proposed Eastern and Western Elevations, ADA05, Revision F	Urbanistica	10/11/2021
Proposed Northern and Southern Elevations, ADA06, Revision F	Urbanistica	10/11/2021
Proposed Sections, ADA07, Revision F	Urbanistica	10/11/2021
D02 – Proposed Material Schedule	Urbanistica	20/01/2021
<b>Landscape Plans</b>		
Existing and Proposed Landscape Plan, L01, Revision A	Urbanistica	19/01/2021
<b>Stormwater Management Plans</b>		
20-348 – D1	Portes Civil & Structural Engineers	07/06/2021
20-348 – D2	Portes Civil & Structural Engineers	07/06/2021
20-348 – D3	Portes Civil & Structural Engineers	07/06/2021
20-348 – D4	Portes Civil & Structural Engineers	07/06/2021
20-348 – D5	Portes Civil & Structural Engineers	07/06/2021
20-348 – E1	Portes Civil & Structural Engineers	07/06/2021

<b>Document(s)</b>	<b>Dated</b>
Site Waste Minimisation and Management Plan (SWMMP)	22/12/2020



**ITEM 1 (continued)**

**ATTACHMENT 1**

Prior to the issue of a **Construction Certificate**, the following amendments shall be made (as marked in red on the approved plans):

- (a) The northern and southern elevations are to be amended to delete the 'existing fencing' depicted to the rear of the dwelling as it is not accurately depicted.
- (b) The landscaping plan is to be amended to reflect the updated dwelling design/footprint and to reflect the requirements of Condition No. 34.
- (c) The operable timber window screening depicted on the southern elevation is to be amended to screening fixed at a 45° angle.

The Development must be carried out in accordance with the amended plans approved under this condition.

**Reason:** To ensure that the development is in accordance with the determination.

2. **Inconsistency between documents.** In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

**Reason:** To ensure that the development is in accordance with the determination.

3. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.

**Reason:** Statutory requirement.

4. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered A400724\_02 and dated 9 April 2021.

**Reason:** Statutory requirement.

5. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (a) Protect and support the adjoining premises from possible damage from the excavation, and
- (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.

**Reason:** To ensure the structural protection of adjoining properties.

6. **Site Maintenance.** For the period the site remains vacant of any development the subject of this consent, the site is to be regularly maintained in a tidy manner such that it does not become overgrown with weeds or become a repository for the leaving or dumping of waste.

**Reason:** To ensure the site is maintained when vacant.

**ITEM 1 (continued)**

**ATTACHMENT 1**

7. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.

**Reason:** To ensure reasonable standards of amenity for occupants of neighbouring properties

8. **Hoardings.**

(a) A hoarding or fence must be erected between the work site and any adjoining public place.

(b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.

**Reason:** To ensure public safety.

9. **Illumination of public place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

**Reason:** To ensure public safety.

10. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.

**Reason:** To ensure development occurs within the site boundaries.

11. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.

**Reason:** To ensure public spaces are unobstructed during construction.

12. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.

**Reason:** Access to public utilities.

13. **Design and Construction Standards.** All engineering plans and work inside the property shall be carried out in accordance with the requirements of the relevant Australian Standard. All Public Domain works or modification to Council infrastructure which may be located inside the property boundary, must be undertaken in accordance with Council's DCP Part 8.5 (*Public Civil Works*) and Part 8.2 (*Stormwater and Floodplain Management*), except otherwise as amended by conditions of this consent.

**ITEM 1 (continued)**

**ATTACHMENT 1**

**Reason:** To ensure compliance Australian Standards and Council's DCP Part 8.2.

14. **Service Alterations.** All services or utilities required to be altered in order to complete the development works are to be undertaken in accordance with the requirements of the relevant service provider (eg Telstra, Jemena, Ausgrid, etc), with all costs associated with this alteration to be borne by the applicant.

**Reason:** To ensure access to public utilities.

15. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities, including repairs of damaged infrastructure as a result of the construction works associated with this development site, shall be undertaken by the Applicant in accordance with Council's standards and specifications, and DCP Part 8.5 (*Public Civil Works*), to the satisfaction of Council.

**Reason:** To maintain public infrastructure.

16. **Road Opening Permit.** In accordance with the requirements of the Roads Act, the applicant must obtain consent (*Road opening Permit*) from Council prior to any excavation being undertaken in the road reserve (this includes verge and public footpath areas). No works shall be carried out in the road reserve without this permit being paid and a copy kept on the site.

**Reason:** Statutory requirement (Roads Act 1993 Section 138) and to maintain the integrity of Council's infrastructure.

**DEMOLITION CONDITIONS**

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

A Construction Certificate is not required for Demolition.

17. **Retention of existing walls.** Prior to commencement of demolition a report shall be provided from a structural engineer which confirms that demolition can occur and the walls that are to remain will not be affected by the demolition. The report shall include the works required to be undertaken to retain the existing walls. Any works to retain the walls should occur prior to any demolition works occurring.

**Reason:** To ensure walls to be retained will not be affected by demolition.

18. **Provision of contact details/neighbour notification.** At least 7 days before any demolition work commences:

(a) Council must be notified of the following particulars:

**ITEM 1 (continued)**

**ATTACHMENT 1**

- (i) The name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
- (ii) The date the work is due to commence and the expected completion date

- (b) A written notice must be placed in the letter box of each property identified in the attached locality plan advising of the date the work is due to commence.

**Reason:** To ensure adjoining properties are notified before works commence.

19. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).

**Reason:** Statutory requirement.

**20. Excavation**

- (a) All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being dangerous to life or property and, in accordance with the design of a structural engineer.
- (b) A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with Safework NSW in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The applicant must provide a copy of the Statement to Council prior to commencement of demolition work.

**Reason:** To ensure the safety and protection of property.

21. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.

**Reason:** To ensure appropriate management of construction waste.

22. **Disposal of demolition waste.** All demolition waste must be transported to a facility or place that can lawfully be used as a waste facility for those wastes.

**Reason:** To ensure appropriate management of construction waste.

**PRIOR TO CONSTRUCTION CERTIFICATE**

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

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



**ITEM 1 (continued)**

**ATTACHMENT 1**

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

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

23. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the **Construction Certificate**.

**Reason:** To ensure compliance with the Australian Standards.

24. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate**.

**Reason:** To ensure the structure integrity and compliance with relevant standards.

25. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: dwelling houses with delivery of bricks or concrete or machine excavation)

**Reason:** Statutory requirement.

26. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:

- (a) Infrastructure Restoration and Administration Fee
- (b) Enforcement Levy

**Reason:** Statutory requirement.

27. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Certifying Authority prior to the issuing of the **Construction Certificate**.

**Reason:** Statutory requirement.

28. **Sydney Water – Building Plan Approval.** The plans approved as part of the Construction Certificate must also be approved by Sydney Water prior to excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Please go to [www.sydneywater.com.au/tapin](http://www.sydneywater.com.au/tapin) to apply.

**ITEM 1 (continued)**

**ATTACHMENT 1**

**Reason:** Statutory requirement.

29. **Reflectivity of materials.** Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Certifying Authority prior to the release of the **Construction Certificate**.

**Reason:** To ensure the use of appropriate roofing material to minimise reflectivity and impacts upon amenity.

**Reason:** To ensure existing trees are protected.

30. **Vehicle Access & Parking.** All internal driveways, vehicle turning areas, garages and vehicle parking space dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Offstreet Parking standards).

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

- a) All internal driveways and vehicle access ramps must have ramp grades, transitions and height clearances complying with AS 2890 for all types of vehicles accessing the parking area. To demonstrate compliance with this Australian Standard, the plans to be prepared for the Construction Certificate must include a driveway profile, showing ramp lengths, grades, surface RL's and overhead clearances taken along the vehicle path of travel from the crest of the ramp to the basement. The driveway profile must be taken along the steepest grade of travel or sections having significant changes in grades, where scraping or height restrictions could potentially occur and is to demonstrate compliance with AS 2890 for the respective type of vehicle.

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

**Reason:** To ensure compliance with Australian Standard AS2890.

31. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to the existing drainage system towards the Park, generally in accordance with the plans by Portes Civil & Structural Engineers Project No 20-348 Drw D1 to D5 issue C dated 7/6/21 subject to any variations marked in red on the approved plans or noted following;
- Provision of a minimum 2000L water tank to the drainage system to minimise discharge towards the park and connect down pipes to this. Water tank is to be connected to the dwelling for water reuse.
  - Provision of an overflow route towards the back in the event of a pipe blockage. The driveway must be graded such to provide a defined failure mode which directs runoff through the southern boundary, towards the western boundary.

**ITEM 1 (continued)**

**ATTACHMENT 1**

The detailed plans, documentation and certification of the drainage system must be submitted with the application for a Construction Certificate and prepared by a suitably qualified Civil Engineer and comply with the following;

- The certification must state that the submitted design (including any associated components such as WSUD measures, pump/ sump, absorption, onsite dispersal, charged system) are in accordance with the requirements of AS 3500.3 (2003) and any further detail or variations to the design are in accordance with the requirements of Council's DCP 2014 Part 8.2 (*Stormwater and Floodplain Management*) and associated annexures.
- The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.

**Reason:** To ensure effective stormwater management.

32. **Water Tank First Flush.** A first flush mechanism is to be designed and constructed with the water tank system. Details of the first flush system are to be submitted with the construction certificate application.

**Reason:** To ensure functioning of flush system.

33. **Erosion and Sediment Control Plan.** An Erosion and Sediment Control Plan (ESCP) must be prepared by a suitably qualified consultant, detailing soil erosion control measures to be implemented during construction. The ESCP is to be submitted with the application for a Construction Certificate. The ESCP must be in accordance with the manual "*Managing Urban Stormwater: Soils and Construction*" by NSW Department – Office of Environment and Heritage and must contain the following information;

- Existing and final contours
- The location of all earthworks, including roads, areas of cut and fill
- Location of all impervious areas
- Location and design criteria of erosion and sediment control structures,
- Location and description of existing vegetation
- Site access point/s and means of limiting material leaving the site
- Location of proposed vegetated buffer strips
- Location of critical areas (drainage lines, water bodies and unstable slopes)
- Location of stockpiles
- Means of diversion of uncontaminated upper catchment around disturbed areas
- Procedures for maintenance of erosion and sediment controls
- Details for any staging of works
- Details and procedures for dust control.

The ESCP must be submitted with the application for a Construction Certificate. This condition is imposed to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.

**Reason:** To protect the environment.

**ITEM 1 (continued)**

**ATTACHMENT 1**

34. **Canopy Tree Species Inclusion.** The front and rear garden areas of the subject site are to include a locally native canopy tree capable of reaching a minimum mature height of 10 metres (front) and 15 metres (rear) with a spreading canopy. Further, the trees shall be planted in accordance with the specifications as prescribed within Section 6 of the City of Ryde Tree Management Technical Manual and maintained until they reach a height of five (5) metres or have a stem circumference of 450mm at a height of 1.4m above ground level, at which time they shall become protected by Part 9.5 (Tree Preservation) of the City of Ryde Development Control Plan 2014. If either of these trees are to fail before reaching this size, they are to be replaced in accordance with the replanting conditions provided above. Details of compliance are to be shown on the plans for Construction Certificate.

**Reason:** To ensure suitable canopy tree species are provided to both the front and rear garden areas, commensurate with the scale and requirements of the open space.

**PRIOR TO COMMENCEMENT OF CONSTRUCTION**

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

**35. Site Sign**

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

**Reason:** Statutory requirement.

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

**Reason:** Statutory requirement.

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

**ITEM 1 (continued)**

**ATTACHMENT 1**

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

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

**Reason:** Statutory requirement.

**38. Excavation adjacent to adjoining land**

- (a) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must, at their own expense, protect and support the adjoining premises from possible damage from the excavation, and where necessary, underpin the adjoining premises to prevent any such damage.
- (b) The applicant must give at least seven (7) days notice to the adjoining owner(s) prior to excavating.
- (c) An owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

**Reason:** To ensure notice to given to adjoining owners prior to excavation works.

- 39. Safety fencing.** The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with Safework NSW requirements and be a minimum of 1.8m in height.

**Reason:** To ensure to site is safely secured.

**DURING CONSTRUCTION**

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

- 40. Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.



**ITEM 1 (continued)**

**ATTACHMENT 1**

**Reason:** Statutory requirement.

41. **Noise from construction and demolition work.** All feasible and reasonable measures must be implemented to minimise the emission of noise from demolition and construction work.

**Reason:** To protect the amenity of surrounding residents during construction.

42. **Survey of footings/walls.** All footings and walls within 1 metre of a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be prepared indicating the position of external walls in relation to the boundaries of the allotment.

**Reason:** To ensure the position of external walls in relation to the boundaries of the allotment are accurate.

43. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.

**Reason:** To protect the environment and the amenity of surrounding properties.

44. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
- (a) Fill is allowed under this consent;
  - (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
  - (c) the material is reused only to the extent that fill is allowed by the consent.

**Reason:** To protect the environment.

45. **Construction materials.** All materials associated with construction must be retained within the site.

**Reason:** To ensure safety and amenity of the area.

**46. Site Facilities**

The following facilities must be provided on the site:

- (a) toilet facilities in accordance with Safework NSW requirements, at a ratio of one toilet per every 20 employees, and
- (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.

**Reason:** Statutory requirement.

**47. Site maintenance**

The applicant must ensure that:

- (a) approved sediment and erosion control measures are installed and maintained during the construction period;

**ITEM 1 (continued)**

**ATTACHMENT 1**

- (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
- (c) the site is clear of waste and debris at the completion of the works.

**Reason:** To ensure the site is appropriately maintained.

48. **Work within public road.** At all times work is being undertaken within a public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in Australian Standard No. AS1742.3-1996 "Traffic Control Devices for Work on Roads".

**Reason:** To ensure works do not disrupt pedestrians and vehicular traffic.

49. **Tree Retention.** All protected existing trees located on the site must be retained and protected in accordance with AS4970: Protection of trees on development sites.

**Reason:** To ensure all trees nominated for retention on the approved plan are appropriately retained and protected.

50. **Stormwater Trench/Pit Locations - General.** The alignment of stormwater infrastructure is to be located as far away from existing trees to be retained as practical. Should the excavation for the stormwater pits and trenches conflict with any major structural roots (greater than >25 mm diameter) of existing trees, their location and alignment is to be modified in consultation with the Project Arborist to avoid impact. Under no circumstances should roots be severed or cut without prior approval from the Project Arborist.

**Reason:** To ensure excavation works associated with stormwater infrastructure do not result in damage to existing tree roots.

51. **Excavation within TPZ.** Any excavation or grading/re-grading within the identified TPZs of trees to be retained shall be carried out by hand using manual, non-motorised hand tools. Roots greater than 25mm are not to be damaged or severed without the prior written approval of the Project Arborist.

**Reason:** To ensure all excavation works do not result in damage to existing tree roots.

52. **Fill Requirements.** All fill to be placed within the Tree Protection Zones of neighbouring trees is to be gap graded structural soils which allows for gaseous exchange and future root growth. The Project Arborist is to confirm suitability of the proposed material prior to installation.

**Reason:** To ensure any fill to be placed within root zones is of a suitable type to minimise impacts to existing trees.

53. **Root Pruning.** Where root pruning is required, roots shall be severed with clean, sharp pruning implements and retained in a moist condition during the construction phase

**ITEM 1 (continued)**

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using hessian material or mulch where practical. Severed roots shall be treated with a suitable root growth hormone.

**Reason:** To reduce the stress and negative impacts caused by any root pruning required for construction.

54. **Traffic Management.** Any traffic management procedures and systems must be in accordance with *AS 1742.3 1996* and City of Ryde, Development Control Plan 2014: - Part 8.1; Construction Activities. This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

**Reason:** To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

55. **Stormwater Management - Construction.** The stormwater drainage system on the site must be constructed in accordance with the Construction Certificate version of the Stormwater Management Plan by Portes Civil & Structural Engineers Project No 20-348 Drw D1 to D5 submitted in compliance to the condition labelled “Stormwater Management.” and the requirements of Council in relation to the connection to the public drainage system.

**Reason:** To ensure that the development is in accordance with the determination.

56. **Erosion and Sediment Control Plan - Implementation.** The applicant shall install erosion and sediment control measures in accordance with the Construction Certificate approved Soil Erosion and Sediment Control (ESCP) plan at the commencement of works on the site. Erosion control management procedures in accordance with the manual “Managing Urban Stormwater: Soils and Construction” by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction.

**Reason:** To preserve and enhance the natural environment.

**PRIOR TO OCCUPATION CERTIFICATE**

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

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

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

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57. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered A400724\_02 and dated 9 April 2021.

**Reason:** Statutory requirement.

58. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of any **Occupation Certificate**.

**Reason:** To ensure that the landscape works are consistent with the Development Consent.

59. **Post-construction dilapidation report.** The submission of a post-construction dilapidation report which clearly details the final condition of all property, infrastructure, natural and man-made features that were recorded in the pre-commencement dilapidation report. A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of the affected adjoining and private properties, prior to the issue of any **Occupation Certificate**.

**Reason:** To ensure neighbouring properties are not affected.

60. **Stormwater Management - Work-as-Executed Plan.** A Work-as-Executed plan (WAE) of the as constructed Stormwater Management System must be submitted with the application for an Occupation Certificate. The WAE must be prepared and certified (signed and dated) by a Registered Surveyor and is to clearly show the constructed stormwater drainage system (including any onsite detention, pump/ sump, charged/ siphonic and onsite disposal/ absorption system) and finished surface levels which convey stormwater runoff.

**Reason:** To ensure works have been constructed in accordance with the approved stormwater management system.

61. **Engineering Compliance Certificates.** Compliance Certificates must be obtained for the following items and are to be submitted to the Accredited Certifier prior to the release of any Occupation Certificate. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.

- a) Confirming that the Stormwater Management system (including any constructed ancillary components such as water tank) servicing the development complies with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures, and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.
- b) Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system, and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
- c) Confirming that erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual "*Managing Urban Stormwater: Soils and Construction*" by the NSW Department – Office of

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Environment and Heritage and Council's DCP 2014 Part 8.1 (Construction Activities).

**Reason:** To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards.

**OPERATIONAL CONDITIONS**

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

62. **Single dwelling only.** The dwelling is not to be used or adapted for use as two separate domiciles or a boarding house.

**Reason:** To ensure the dwelling is only used as a single dwelling.

63. **Subfloor and Plant Room.** The subfloor and plant room floorspace depicted on the lower ground floor plan is not to be adapted for habitable purposes.

**Reason:** To ensure compliance with Building Code of Australia and Floor Space Ratio standard.

**End of consent**



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## Compliance Check - Quality Certification

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

<b>LDA No:</b>	<b>LDA2021/115</b>	<b>Date Plans Rec'd:</b>
<b>Address:</b>	<b>85A Western Cr, Gladesville</b>	
<b>Proposal:</b>	<b>New Dwelling with Retention of existing walls and floors</b>	
<b>Constraints Identified:</b>		

### COMPLIANCE CHECK

Ryde LEP 2014	Proposal	Compliance
<b>4.3(2) Height</b>		
9.5m	Roof RL (highest): RL20.29 = 8.6m	Yes
<b>4.4(2) &amp; 4.4A(1) FSR</b>		
0.5:1 (370m <sup>2</sup> )	Garage = 4m <sup>2</sup> Lower Ground Floor= 45.88m <sup>2</sup> Ground Floor= 165.80m <sup>2</sup> First Floor= 199.55m <sup>2</sup> TOTAL= 415.23m <sup>2</sup>  Proposed FSR= 0.48:1	Yes

DCP 2014	Proposed	Compliance
<b>Part 3.3 - Dwelling Houses and Dual Occupancy (attached)</b>		
<b>Section 1.0 Introduction</b>		
<b>Part 1.6 Site Analysis</b>		
Site analysis to be submitted.	A suitable site analysis plan was submitted.	Yes
<b>Section 2.0 General Controls</b>		
<b>2.1 Desired Future Character</b>		
Development is to be consistent with the desired future character of the low density residential areas.	The dwelling is regarded as being consistent with the desired character of the surrounding low density residential area. The	<b>No</b>

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	proposal is three storeys in scale and technically contrary to the desired future character which requires two storeys,	
<b>2.2 Dwelling Houses</b>		
(a) Landscape setting which includes significant deep soil areas at the front and rear	Proposal provides for landscape setting and deep soil within front and rear yards.	Yes
(b) Maximum two storeys high	Predominately two storey but a minor portion is three storey to the rear.	<b>No</b>
(c) Dwellings address the street	The dwelling suitably addresses the street.	Yes
(d) Boundary between public and private space is clearly articulated	The boundary between public and private is suitably defined.	Yes
(e) Garages and carports are not to be visually prominent features	The garage is not visually prominent given the fall of the site from the street and orientation of entry to the side.	Yes
(f) Dwellings are to respond appropriately to the site analysis		Yes
<b>2.5 Public Domain Amenity</b>		
<b>2.5.1 Streetscape</b>		
(a) Site design, building setbacks and level changes respect the existing topography	The design respects the site's topography.	Yes
(b) Front gardens to complement and enhance streetscape character	Front gardens are landscaped	Yes
(c) Dwelling design is to enhance the safety and amenity of the streetscape	The dwelling enhances the 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	Garage wall is proposed to be set behind the upper first floor component.	Yes
(e) Driveways and hard stand areas are to be minimised	The driveway hardstand area is suitably minimised.	Yes
(f) Dwellings, garages and carports are to be orientated to match the prevailing orientation of such buildings in the streetscape	The dwelling and garage suits the orientation of surrounding.	Yes

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(g) Facades from the public domain are to be well designed.	The front façade is suitably designed.	Yes
<b>2.5.2 Public Views and Vistas</b>		
(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.	The proposal does not result in any additional view loss impacts from the street.  The impact on views from properties to the north (side) is addressed in the body of the report.	Yes
(b) Garages/carports and outbuildings are not to be located within view corridor if they obstruct view.		Yes
<b>2.5.2 Pedestrian &amp; Vehicle Safety</b>		
(a) Car parking located to accommodate sightlines to footpath & road in accordance with relevant Australian Standard.	The car parking is suitably located to not impact on sight lines.	Yes
(b) Fencing that blocks sight lines is to be splayed.		Yes
(c) Refer to relevant AS when designed driveways		Yes
<b>2.6 Site Configuration</b>		
<b>2.6.1 Deep Soil Areas</b>		
(a) 35% of site area min. (258.93m <sup>2</sup> )	277.52m <sup>2</sup> or 32% of the site.	<b>No</b>
(b) Deep soil area must include: (i) Min 8x8m deep soil area in backyard. (ii) Front garden area to be completely permeable (exception driveway, pedestrian path and garden walls).	8m x 8m area achieved to rear of dwelling.  The front garden area is fully permeable with exception of driveway.	Yes
(c) Dual occupancies need only one 8m x 8m in back yard	N/A	N/A
(d) Deep soil areas to have soft landscaping	Yes	
(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.	The deep soil areas are fully permeable.	Yes

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<b>2.6.2 Topography &amp; Excavation</b>		
<p>(a) Building form and siting relates to the original topography of the land and of the streetscape.</p>		Yes
<p>(b) The area under the building footprint may be excavated or filled so long as:</p>		
<p>(i) the topography of the site requires cut and/or fill in order to reasonably accommodate a dwelling</p>	<p>The levels within the building footprint are proposed to be maintained as existing given the retention of a number of floor slabs and walls.</p>	Yes
<p>(ii) the depth of excavation is limited to 1.2m maximum</p>		Yes
<p>(iii) the maximum height of fill is 900mm</p>		Yes
<p>(c) Areas outside the dwelling footprint may be excavation and/or filled so long as:</p>		
<p>(i) the maximum height of retaining walls is not &gt;900mm</p>	<p>There are no new retaining walls proposed exceeding 900mm.</p>	Yes
<p>(ii) the depth of excavation is not &gt;900mm</p>	<p>There is no new excavation exceeding 900mm.</p>	Yes
<p>(iii) the height of fill is not &gt;500mm</p>		Yes
<p>(iv) the excavation and filled areas do not have an adverse impact on the privacy of neighbours</p>		Yes
<p>(v) the filled areas do not have an adverse impact on the privacy of neighbours</p>		Yes
<p>(vi) the area between the adjacent side wall of the house and the side boundary is not filled</p>		Yes
<p>(vii) the filled areas are not adjacent to side or rear boundaries</p>		Yes
<p>(d) Fill is not allowed in areas of overland flow. Refer to Part 8.2 stormwater management</p>		Yes

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(e) Generally the existing topography is to be retained.		Yes
<b>2.7 Floor Space Ratio (FSR)</b>		
(a) FSR is 0.5:1 in accordance Clause 4.4	The proposed FSR is 0.47:1	Yes
<b>2.8 Height</b>		
<b>2.8.1 Building height</b>		
(a) Building heights are to be as follows: - Maximum height of 9.5 metres for dwellings and dual occupancy. - Outbuildings including garages and carports maximum height 4.5 metres.	8.6m to highest point	Yes
<u>Maximum wall plate</u> - 7.5m max above FGL or - 8m max to top of parapet  <i>NB:</i> <i>TOW = Top of Wall</i> <i>EGL = Existing Ground Level</i> <i>FGL = Finished Ground Level</i>	The maximum proposed wall plate height is 7.25m	Yes
<u>Maximum number of storeys:</u> - 2 storeys maximum (storey incl basement elevated greater than 1.2m above EGL).	The building is predominately two storeys with a minor portion being three storeys.	<b>No</b>
- 1 storey maximum above attached garage incl semi-basement or at-grade garages	1 storey above garage only	Yes
<b>2.8.2 Ceiling Height</b>		
(a) Habitable rooms to have 2.4m floor to ceiling height (min).	2.45m minimum room height is proposed for ground floor and first floor. There are no habitable rooms proposed on the lower ground floor. The bathroom and cellar/storeroom have a floor to ceiling height of 2.2 which complies with the BCA for non-habitable rooms.	Yes
<b>2.9 Setbacks</b>		
<b>2.9.1 Front setbacks</b>		
(a) Dwellings are generally to be set back 6m from street front boundary	6.99m from Western Cres frontage	Yes



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<p>(b) On corner sites, the setback secondary frontage minimum 2m</p> <p>c) Garages and carports, including semi-basement garages and attached garages, set back min 1m from façade</p> <p>(c) The front setback free of structures. The exception is car parking structures which comply with 2.11.</p> <p>(d) Attached garages,. The outside face of wall built above a garage aligns with the outside face of the garage wall below.</p>	<p>The garage is not proposed to be set back from the façade, however this is an existing non-compliance.</p> <p>There are no structures proposed within the front setback.</p> <p>Complies</p>	<p>N/A</p> <p>No</p> <p>Yes</p> <p>Yes</p>
<p><b>2.9.2 Side Setbacks</b></p>		
<p>(a) One storey dwellings setback 900mm</p> <p>(b) Two storey dwellings setback 1.5m</p>	<p>The habitable portion of the dwelling complies but the garage has a 1.063m side setback. The garage becomes two storeys as a result of the proposed first floor additions.</p>	<p>No</p>
<p><b>2.9.3 Rear Setbacks</b></p>		
<p>(a) The rear setback min 25% of the site length or 8m, whichever is greater.</p>	<p>25% of the site length is 14.32m. The proposed rear setback is 20.5m.</p>	<p>Yes</p>
<p><b>2.11 Car Parking and Access</b></p>		
<p><b>2.11.1 Car Parking</b></p>		
<p>(a) Dwellings 2 spaces. Dual occ 1 space/dwg</p> <p>(b) Spaces can be enclosed or roofed.</p> <p>(c) Garages setback 1m behind front elevation.</p> <p>(d) Located forward of existing dwelling if:</p> <p>(e) Garages doors solid. No expanded mesh doors.</p>	<p>Two spaces are proposed.</p> <p>The spaces are enclosed in a garage.</p> <p>The garage is not set back behind the façade but this is an existing situation.</p> <p>The garage door is solid and oriented to the side boundary.</p>	<p>Yes</p> <p>Yes</p> <p>No</p> <p>Yes</p>

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<p>(f) Preference located off laneways, secondary street frontages.</p> <p>(g) Driveway widths minimised. Driveways single car width except where needed to be widen to double garage access.</p> <p>(h) Driveways not roofed.</p> <p>(i) Min width 6m or 50% of the frontage whichever is less</p> <p>(j) Total width garage doors not be &gt;5.7m</p> <p>(k) Driveways for battle axe enable vehicles to enter and leave in forward direction</p> <p>(l) Garage doors not be recessed more than 300mm</p> <p>(m) Garage windows &gt;900mm from boundaries</p> <p>(n) Free standing garages max GFA 36m<sup>2</sup></p> <p>(o) Design and materials to complement dwelling</p> <p>(p) Setback at least 1m from façade</p>	<p>The garage is 6m in width and approx. 40% of the frontage width.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>N/A</p> <p>N/A</p> <p>Yes</p> <p>Yes</p>
<p><b>2.12 Swimming Pools and Spas</b></p>		
<p>(a) Swimming pools, fencing, gates and spas must comply with all relevant Acts. Regulations and Australian Standards.</p>	<p>Existing pool to be retained. The plans are notated to require the fencing to be to AS and the pool equipment is suitably located.</p>	<p>Yes</p>
<p><b>2.13 Landscaping</b></p>		
<p>(a) Major trees to be retained where practical</p> <p>(b) Lots adjoining bushland, protect and retain indigenous native vegetation and use native indigenous plant spaces for a distance of 10m</p>	<p>There are mature tree plantings proposed to the front and rear of the dwelling.</p>	<p>Yes</p> <p>Yes</p>

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(c) Provide useful outdoor spaces	Proposed and existing terraces	Yes
(d) Physical connection between dwelling and external ground level	Terrace provides connection	Yes
(e) Provide landscape front garden. Hard paved areas no more than 40%.	47%	Yes
(f) Pathway along one side boundary connecting front to rear. Not to be blocked by ancillary structures. Not required where there is rear lane access or corner allotment.		Yes
(g) Landscape elements in front garden to be compatible with scale of dwelling.	Proposal maintains landscaping	Yes
(h) Front garden at least 1 canopy tree at least 10m in height	Existing vegetation retained no proposed tree removal	Yes
(i) Mature tree at least 15m in rear garden with the DSA	No proposed tree removal existing trees comply.	Yes
(j) Locate and design landscaping to increase privacy between dwellings		Yes
(k) Hedge planting on boundary no greater than 2.7m	None proposed	N/A
(l) Retaining walls and other landscape elements not to obstruct stormwater overland flow.		N/A
(m) OSD not to be located within front setback unless it is underneath driveway		Yes
(n) Landscaping to include POS	Landscaping provides for POS	Yes
<b>2.14 Dwelling Amenity</b>		
<b>2.14.1 Daylight and Sunlight Access</b>		
(a) Living areas are to be predominantly located to the north where possible	The living areas are proposed to be oriented to the north. The side setback to the living room is 1.65m but this is an existing situation.	Yes
(b) Sites with northern side boundary to have increased setback of 4 metres is preferred.	The windows facing the north do not receive 3 hours of sunlight between 9am and 3pm given the	
<u>Subject Dwelling</u>		

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<p>(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.</p> <p>(d) Private open space is to receive at least 2 hours sunlight between 9am to 3pm on June 21.</p> <p><u>Neighbouring properties:</u></p> <p>(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          (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.</p>	<p>orientation of the site and the adjoining dwelling to the north.</p> <p>The POS area achieves direct solar access for over three hours between 12noon and 3pm on June 21.</p> <p>The adjoining dwelling to the south's POS area receives direct sunlight for 3 hours between 12noon and 3pm on June 21.</p>	
<b>2.14.2 Visual Privacy</b>		
<p>(a) Orientate the windows of main living spaces (living room, dining, kitchen, family etc) to the front and rear</p> <p>(b) Orientate terraces, balconies and outdoor living areas to front or rear and not side boundary</p> <p>(c) Terraces and balconies are not to overlook neighbour's living areas and POS</p> <p>(d) Living and kitchen windows, terraces and balconies are not to allow direct view into neighbouring dwelling or POS</p> <p>(e) Side windows are to be offset by sufficient distance to avoid visual connection between dwellings.</p> <p>(f) Splayed walls with windows are not to be located above ground level where the windows provide views into adjoining property.</p>	<p>A number of windows have been amended during the assessment phase to be either obscure glazing or to be fitted with operable batten screening. <b>Condition 1 (c)</b> is recommended to require the screen to be fixed. The proposed windows are now considered to be satisfactory in relation to visual privacy.</p>	<b>No</b>
<b>2.14.3 Acoustic Privacy</b>		
<p>(a) Noise of mechanical equipment not exceed 5dB(A) above background noise measured in or on any premises in vicinity of the item.</p>	<p>Proposal not considered to generate any additional noise than expected in residential area</p>	<b>Yes</b>

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<p>(b) Dwellings on arterial roads double glazed windows fronting road.</p> <p>(c) Dwellings on arterial roads acoustic seal on the front door.</p> <p>(d) Dual occupancies are to be designed to reduce noise transmission between dwellings.</p>		
<p><b>2.14.4 View Sharing</b></p>		
<p>(a) The siting of development is to provide for view sharing.</p>	<p>The impact of the proposal on views of the adjoining properties to the north is addressed in the body of the report.</p>	<p>Yes – refer to discussion</p>
<p><b>2.14.5 Cross Ventilation</b></p>		
<p>(a) Designed to optimise access to prevailing breezes and provide for cross ventilation.</p>	<p>Each elevation contains openings to allow for cross ventilation.</p>	<p>Yes</p>
<p><b>2.15 External Building Elements</b></p>		
<p><b>2.15.1 Roofs</b></p>		
<p>(a) Relate roof design to the desired built form by:</p> <p>(i) articulating the roof</p> <p>(ii) roof is consistent with the architectural character of dwelling</p> <p>(iii) eaves minimum 450mm overhang on pitched roofs</p> <p>(iv) compatible roof form, slope, material and colour to adjacent buildings</p> <p>(v) roof height is in proportion to the wall height of the building</p> <p>(b) The main roof not trafficable terrace.</p> <p>(c) N/A</p> <p>(d) Skylights to be minimised on roof planes visible from the public domain. Skylights are to be symmetrical.</p> <p>(e) The front roof plane is not to contain both dormer and skylight. Dormers are preferred.</p> <p>(f) Balconies and terraces are not to be set into roofs.</p> <p>(g) Scale of the roof is to be in proportion with the scale of the wall below.</p>	<p>The roof form is suitably articulated with 450mm eaves. It is not trafficable and contains only one skylight towards the rear.</p>	<p>Yes</p>
<p><b>2.16 Fences</b></p>		
<p><b>2.16.1 Front and return Fences and Walls</b></p>		
<p>(a) Reflect the design of the dwelling</p>	<p>The existing front fencing is proposed to be retained and comprises masonry piers with</p>	<p>Yes</p>



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<p>(b) Materials compatible with the house and other fences in streetscape          (c) Solid fence or wall max 900mm. Open light weight fence (timber picket) 1m.          (d) Return fence is to be no higher than front fence          (e) Fences max 1.8m if 50% open with solid base max 900mm          (f) Fences arterial road solid and 1.8m max          (g) No Colorbond or timber paling.          (h) Retaining walls max 900mm          (i) Overland flow - fencing open not impede flow of water          (j) Fence piers max 350mm.</p>	<p>steel infill panels and is integrated with landscaping.</p>	
<p><b>2.16.2 Side and Rear Fences and Walls</b></p>		
<p>(a) 1.8m Max side and rear fence          (b) Overland flow - fencing to be open not impede flow of water          (c) No Barbed wire, broken glass or other dangerous elements.          (d) Fencing forward of the foreshore building line open and permeable.</p>	<p>The existing boundary fencing is of a suitable condition and is proposed to be retained.</p>	<p>Yes</p>
<p><b>Part 7: Environment</b></p>		
<p><b>7.1: Energy Smart, Water Wise</b></p>		
<p><b>3.0 The information Guide</b></p>		
<p><b>3.2 Required information</b></p>		
<p>(a) Energy efficiency performance report          (b) Site analysis</p>	<p>BASIX Certificate A400724_02 and dated 9 April 2021</p>	<p>Yes</p>
<p><b>Part 7.2 Waste Minimisation and Management</b></p>		
<p><b>2.3 All developments</b></p>		
<p>(a) Developments must provide space for onsite waste containers          (b) Compliant size of storage areas and number of storage containers.          (c) Space to be provided for bulk waste where appropriate.          (d) Storage of green waste provided          (e) Stored within the boundaries of the site.</p>	<p>Sufficient access to garden areas to accommodate bins within proximity of streetscape.</p>	<p>Yes</p>

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<p>(f) Site Waste Minimisation and Management Plan (SWMMP) to be submitted.</p> <p>(g) Located to provide easy, direct and convenient access.</p> <p>(h) No incineration devices.</p> <p>(i) Collection point identified on plan.</p> <p>(j) Path for wheeling bin collection not less than 14:</p>		
<b>2.4 Demolition and Construction</b>		
<p>(a) Demolition must comply with AS and WorkCover</p> <p>(b) Demolition work plan submitted</p> <p>(c) Dedicated area on site for stockpile of materials taking into account environmental factors and amenity impacts.</p> <p>(d) Construction materials to be stored away from the waste materials on site.</p>	<p>Conditions recommended in relation to demolition.</p>	<p>Yes</p>
<b>2.5 Residential Developments comprising 1 or 2 Dwellings</b>		
<p>(a) Space inside each dwelling for receptacles for garbage, recycling.</p> <p>(b) Space provided outside the dwellings to store the required garbage, recycling and green waste bins. Screened from street. Easy access to wheel the bins to the kerbside.</p>	<p>There is sufficient area adjacent to the driveway for the storage of mobile garbage bins.</p>	<p>Yes</p>
<b>Part 8: Engineering</b>		
<b>8.1 Construction Activities</b>		
<b>2.1.2 Erosion and Sediment Control Plan</b>		
<p>Erosion and sediment control plan to be submitted.</p>	<p>Erosion and sediment control plan submitted.</p>	<p>Yes</p>
<b>Part 8.2 Stormwater and Floodplain Management</b>		
<b>2.0 Stormwater Drainage</b>		
<p>(a) Drainage is to be piped in accordance with Section 2.0 Stormwater Drainage</p> <p>Application has been consideration satisfactory by Development Engineering and City Works.</p>	<p>The proposed method of stormwater disposal is considered satisfactory.</p>	<p>Yes</p>
<b>Part 8.3 Driveways</b>		
<b>3.0 Existing footway crossings</b>		
<p>3.1(a) Existing footway crossings may only be used when they</p>		<p>Yes</p>

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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.		
3.2(a) disused footway crossing slabs that become redundant are to be removed and footway restored.	N/A	N/A
<b>4.0 Designing internal access roads and parking spaces</b>		
4.1 (a) the design of all parking spaces, circulation roads and manoeuvring areas on the property must confirm to the minimum requirements of AS2890.1-2004.	Complies.	Yes
<b>4.2 Design of Parking Spaces</b>		
(b) Vehicles (85 <sup>th</sup> percentile) to enter and leave designated parking space in a single 3 point turn manoeuvre. A 99 <sup>th</sup> percentile vehicle for disabled vehicles. (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.	The design permits forward ingress and egress in 3 point turn manoeuvre	Yes
<b>S2.0 Design Standards</b>		
<b>S2.2 Vehicular crossing widths</b>		
(a) Min 3.0m and max of 5.0m. (b) Max width of 6m to facilitate accessing two adjacent garages if the distance between the space and the street frontage is less than 5.0m	The crossover is 3.5m in width and existing.	Yes
<b>Part 9.2 Access for People with Disabilities</b>		
<b>4.1.2 Class 1 Buildings</b>		
Accessible path required from the street to the front door, where the level of land permits.	The levels do not permit an accessible path as it would result in the majority of the front yard being paved.	Yes
<b>Part 9.3 Parking Controls</b>		
<b>2.2 Residential Lane Uses</b>		
- Dwelling houses up to 2 spaces/dwelling - Dual occupancy 1 space/dwelling	2 spaces are proposed within double garage.	Yes

**ITEM 1 (continued)**

**ATTACHMENT 3**

**ATTACHMENT 3 – SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005 COMPLIANCE TABLE**

Provision	Proposal	Compliance
<b><i>Cl. 21 Biodiversity, Ecology and Environmental Protection</i></b>		
(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 size of the existing dwelling is not significantly increased, it is considered the proposed development will have a neutral effect on the quality of water entering waterways. It is noted that the site currently drains to the rock shelf associated with Bill Mitchell Park. Council's Senior Development Engineer requested the installation of a dispersal trench in the rear yard with on-site detention. This will result in a lesser impact than the current stormwater arrangement on the site.	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)	With all works associated with the proposed development occurring significantly above the Mean High Water Mark (MHW) it is considered there will be minimal impacts on any terrestrial and aquatic species, populations and ecological communities.	Yes
(c) Development should promote ecological connectivity between neighbouring areas of aquatic vegetation (such as seagrass, saltmarsh and algal and mangrove communities)	The site is physically separated from aquatic vegetation by Bill Mitchell Park and will not result in any impacts on the vegetation.	Yes
(d) Development should avoid indirect impacts on aquatic vegetation (such as changes to flow, current and wave action and changes to water	The site is physically separated from aquatic vegetation by Bill Mitchell Park and will not result in	Yes

**ITEM 1 (continued)**

**ATTACHMENT 3**

<b>Provision</b>	<b>Proposal</b>	<b>Compliance</b>
quality) as a result of increased access	any impacts on the vegetation.	
(e) Development should protect and reinstate natural intertidal foreshore areas, natural landforms and native vegetation	The site is physically separated from the natural intertidal foreshore by Bill Mitchell Park.	Yes
(f) Development should retain, rehabilitate and restore riparian land	The proposal does not result in any significant impacts on riparian land. There is no tree removal proposed.	Yes
(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 site does not adjoin wetlands.	N/A
(h) The cumulative environmental impact of development	The proposal will result in a lesser impact on the natural environment through the amendment of the stormwater system to include on-site detention.	Yes
(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.	Yes
<b><i>Cl. 22 Public Access to, and Use of, Foreshores and Waterways</i></b>		
(a) Development should maintain and improve public access to and along the foreshore, without adversely impacting on watercourses, wetlands, riparian lands or remnant vegetation	The proposal does not result in any impact on the existing means of public access to Bill Mitchell Park or the foreshore.	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 foreshore.	Yes



**ITEM 1 (continued)**

**ATTACHMENT 3**

<b>Provision</b>	<b>Proposal</b>	<b>Compliance</b>
(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	Foreshore land in the vicinity of the site is made available via Bill Mitchell Park.	Yes
(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.	N/A	N/A
(e) The need to minimise disturbance of contaminated sediments	<p>The proposal is considered not to disturb any contaminants in water/sediments.</p> <p>Additionally, sediments are considered unlikely to be containment due to continued history of residential use on the subject site and the surrounding area.</p>	Yes
<b>Cl. 24 Interrelationship of Waterway and Foreshore Uses</b>		
(a) Development should promote equitable use of the waterway, including use by passive recreation craft	The 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	Yes

**ITEM 1 (continued)**

**ATTACHMENT 3**

Provision	Proposal	Compliance
	change from the existing relationship with the waterway.	
(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
<b>Cl. 25 Foreshore and Waterways Scenic Quality</b>		
(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	<p>The proposal is considered to respect the existing topography, vegetation and foreshore of the subject site and surrounding land.</p> <p>The development will be partially viewable from the water. The scale of the proposed development is considered appropriate in this instance.</p>	Yes
(II) the adjoining land, and	The proposed development creates minor additional overshadowing impacts upon the southern adjoining property which is unavoidable due to the east-west orientation. However, the overall bulk and scale of the proposed building is considered acceptable and is supported for the reasons detailed in the assessment report. The proposed building will be consistent	Yes

**ITEM 1 (continued)**

**ATTACHMENT 3**

Provision	Proposal	Compliance
	with neighbouring properties.	
(III) the likely future character of the locality	The proposed development is 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 will 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
<b>Cl. 26 Maintenance, Protection and Enhancement of Views</b> (a) Development should maintain, protect and enhance views (including night views) to and from Sydney Harbour	Views to and from Sydney Harbour will be generally maintained. It is noted that the site currently only has filtered views to Parramatta River through established vegetation.	Yes
(b) Development should minimise any adverse impacts on views and vistas to and from public places, landmarks and heritage items	Views and vistas to and from public places, landmarks and heritage items are unchanged as a result of the proposed development. It is considered that adverse impacts have been minimised.	Yes
(c) The cumulative impact of development on views should be minimised	Views are addressed in the body of the report and it is considered that the proposal (as amended) results in low view loss impact for	Yes

**ITEM 1 (continued)**

**ATTACHMENT 3**

Provision	Proposal	Compliance
	adjoining properties to the north.	
<p><b>Cl. 29 Consultation required for certain development applications</b></p> <p>(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:</p> <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>(1) It is acknowledged that the subject site is located within the Foreshores and Waterways Area (Figure 1).</p> <p>(a) As per Cl.29(3) (see below), it is the opinion of the Assessment Officer that the proposed alterations and additions are generally within the existing building footprint within the foreshore and waterways area on the site, and as such, there is no significant increase to the scale, size or intensity of the use of the existing residential dwelling. Accordingly, the development application has not been referred to the Advisory Committee.</p> <p>(b) Noted.</p>	<p>N/A</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</p>	<p>(2) Noted.</p>	<p>Noted.</p>

**ITEM 1 (continued)**

**ATTACHMENT 3**

Provision	Proposal	Compliance
development for a purpose so listed.		
(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.	(3) The proposal is for substantial alterations and additions. It is considered the works do not significantly increase the scale, size or intensity of use of the existing residential dwelling	Yes
Wetlands Protection Area along Lane Cove / Parramatta River frontage	The subject site is not located in proximity of the Wetlands Protection Area.	N/A
<b>Cl. 62 Requirement for Development Consent</b> (2) Development may be carried out only with development consent	The proposed development is currently seeking development consent via LDA2021/0115 under assessment with City of Ryde Council.	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



**ITEM 1 (continued)**

**ATTACHMENT 3**

Provision	Proposal	Compliance
(ii) that are not carried out in association with another development, and (iii) that have no significant impact on the environment beyond the site on which they are carried out.	Not applicable.  Not applicable.	N/A  N/A
<p><b>Cl. 63 Matters for Consideration</b></p> <p>(2) The matters to be taken into consideration are as:</p> <p>(a) The development should have a neutral or beneficial effect on the quality of water entering the waterways,</p> <p>(b) The environmental effects of the development, including effects on:</p> <p>(i) the growth of native plant communities,</p> <p>(ii) the survival of native wildlife populations,</p> <p>(iii) the provision and quality of habitats for both indigenous and migratory species,</p>	<p>The proposed development is for substantial alterations and additions to an existing residential dwelling. 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>No impact on the growth of native plant communities due to all existing vegetation being retained.</p> <p>Wildlife populations are considered to be unharmed as a result of the proposed development as there are no impacts to any known habitats.</p> <p>The quality of habitats for both indigenous and migratory species is fully retained as part of the proposed development.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

**ITEM 1 (continued)**

**ATTACHMENT 3**

Provision	Proposal	Compliance
(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.	Council's standard conditions will be imposed to ensure all runoff, sedimentation & siltation is controlled so as to protect the environment.	Yes
(d) Whether carrying out the development would be consistent with the principles set out in <i>The NSW Wetlands Management Policy</i> (as published in March 1996 by the then Department of Land and Water Conservation).	The proposal is considered to be consistent with principles set out in <i>The NSW Wetlands Management Policy</i> .	Yes
(e) Whether the development adequately preserves and enhances local native vegetation,	The development is considered to adequately preserve the local native vegetation.	Yes
(f) Whether the development application adequately demonstrates: (i) how the direct and indirect impacts of the development will preserve and enhance wetlands, and	The development is not identified as being within proximity to a wetland protection area.	N/A
(ii) how the development will preserve and enhance the	The proposal will not impact upon wetlands.	N/A

**ITEM 1 (continued)**

**ATTACHMENT 3**

Provision	Proposal	Compliance
<p>continuity and integrity of the wetlands, and</p> <p>(iii) how soil erosion and siltation will be minimised both while the development is being carried out and after it is completed, and</p> <p>(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</p>	<p>Conditions are recommended for erosion and sediment control measures to be implemented during construction to ensure there is no adverse impact on waterway.</p> <p>The standard conditions of consent will provide sufficient sediment control measures to ensure that the intertidal zone is kept free from pollutants arising from the development.</p>	<p>Yes</p> <p>Yes</p>
<p>(v) that the nutrient levels in the wetlands do not increase as a consequence of the development, and</p> <p>(vi) that stands of vegetation (both terrestrial and aquatic) are protected or rehabilitated, and</p> <p>(vii) that the development minimises physical damage to aquatic ecological communities, and</p>	<p>The development is considered not to result in any increase in nutrient levels in any surrounding wetlands.</p> <p>Additionally sediment and soil erosion control measures will be put in place during construction to mitigate any adverse affects as a result of runoff.</p> <p>No development is proposed within stands of existing vegetation (both terrestrial and aquatic) therefore protecting them from any adverse impacts.</p> <p>The development has aimed to minimise any adverse impacts on the aquatic ecological communities.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p>

**ITEM 1 (continued)**

**ATTACHMENT 3**

<b>Provision</b>	<b>Proposal</b>	<b>Compliance</b>
(viii) that the development does not cause physical damage to aquatic ecological communities,	No physical damage to aquatic ecological communities will occur as 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.	No conditions to be imposed on the development in regards to carrying out works to preserve or enhance the surrounding wetlands.	Yes

**ITEM 1 (continued)**

**ATTACHMENT 4**

**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.

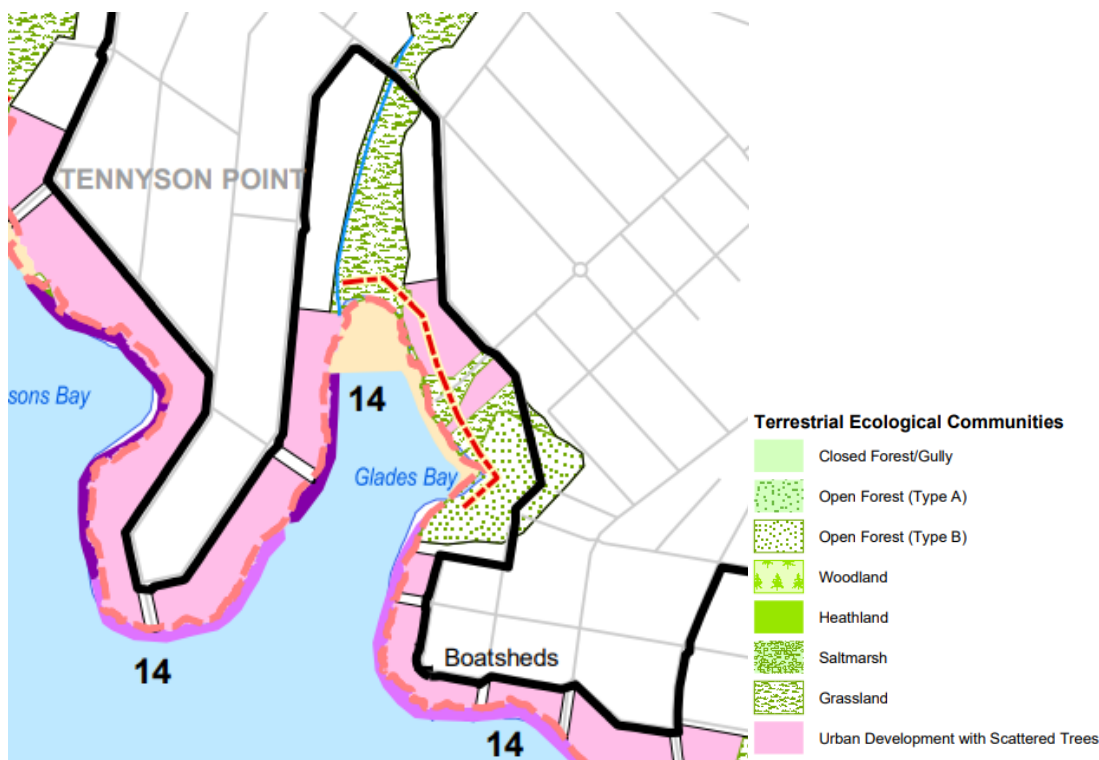
For the purposes of the following assessment, the subject site has been identified as being located with the Landscape Character Type 14, being the low topographic developed areas of Parramatta River (Refer to Figure 3)

<b>Provision</b>	<b>Proposal</b>	<b>Compliance</b>
<p><b>Statement of Character and Intent:</b>            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 the purposes of substantial alterations and additions to existing dwelling. The proposed development is not considered to impact on any rock outcrops or native vegetation being located a considerable distance from existing foreshore vegetation. Accordingly the proposed development is considered to be consistent with the character and intent for development in the Landscape Character Type 14 area.</p>	<p>Yes</p>
<p><b>Performance criteria:</b></p> <ul style="list-style-type: none"> <li>▪ consideration is given to the cumulative and incremental effects of further development along the foreshore and to preserving the remaining special features;</li> <li>▪ 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;</li> </ul>	<ul style="list-style-type: none"> <li>▪ Consideration has been given to the cumulative and incremental effects of further development along the foreshore. The proposed development is consistent with surrounding development in terms of design, and bulk and scale.</li> <li>▪ It is considered that minimal impacts will result as part of the development, no natural existing foreshore vegetation is proposed to be removed.</li> <li>▪ No existing mature ridgeline vegetation was</li> </ul>	<p>Yes</p>

ITEM 1 (continued)

ATTACHMENT 4

Provision	Proposal	Compliance
<ul style="list-style-type: none"> <li>▪ landscaping is carried out between buildings to soften the built environment; and</li> <li>▪ existing ridgeline vegetation and its dominance as the backdrop to the waterway, is retained.</li> </ul>	<p>identified during the site inspection.</p>	
<p>(a) Development should have neutral or beneficial effect on quality of water entering waterways</p>	<p>The proposed development is for substantial alterations and additions to dwelling. 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>



**Figure 3:** The above map illustrates the subject site at 85A Western Crescent is not identified as being within a Terrestrial Ecological Community and that the adjoining Bill Mitchell Park is identified as Grassland.