

Meeting Date: Thursday 9 September 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 3

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DECLARATIONS OF INTEREST

DEVELOPMENT APPLICATION

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| 3 | LDA2021/0061 60 Balaclava Road, Eastwood Demolition of existing dwelling and construction of 2 storey boarding house with 12 boarding rooms for 15 lodgers and 6 parking spaces in a basement that is partially above ground at the rear..... | 3 |
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There are no LPP Planning Proposals

DEVELOPMENT APPLICATIONS

3 LDA2021/0061 60 Balaclava Road, Eastwood

Demolition of existing dwelling and construction of 2 storey boarding house with 12 boarding rooms for 15 lodgers and 6 parking spaces in a basement that is partially above ground at the rear.

Report prepared by: Consultant Town Planner; 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 - BP21/837

City of Ryde Local Planning Panel Report

DA Number	LDA2021/0061
Site Address & Ward	60 Balaclava Road, Eastwood West Ward
Zoning	R2 Low Density Residential
Proposal	Demolition of existing dwelling and construction of 2 storey boarding house with 12 boarding rooms for 15 lodgers and 6 parking spaces in a basement that is partially above ground at the rear.
Property Owner	Jia Shen Xu
Applicant	Wen Architects
Report Author	Kerry Gordon – Consultant Town Planner
Lodgement Date	2 March 2021
No. of Submission	<ul style="list-style-type: none"> • 15 submissions objecting to the proposal in the first round of notification. Out of the 15 submissions, 12 were unique submissions. • 6 submissions objecting to the proposal in the 2nd round of notification.
Cost of Works	\$1,249,312

ITEM 1 (continued)

Reason for Referral to Local Planning Panel	Contentious development – number of submissions received
Recommendation	Refusal

1. Executive Summary

Application is made to demolish the existing structures and construct a 2 storey boarding house with 12 boarding rooms for 15 lodgers and 6 parking spaces in a basement that is partially above ground at the rear.

The first notification period (3rd March 2021 to 24 March 2021) of the application received fifteen (15) submissions objecting to the application on the lack of parking provision, out of character with the area, excessive density, traffic, poor vehicular access, loss of privacy, noise, adequacy of traffic report, concerned boarders will use service station for parking, drainage, shadowing and adequacy of Plan of Management.

Amended plans were received on 21 June 2021 with the following amendments:

- Reduction in length of building by removing the indent located midpoint of building and pushing additional built form adjacent to the adjoining service station site.
- At grade planting provided within the north east side setback.
- Common corridor reduced and the balcony to bedroom 3 deleted.
- Building form simplified and changes to material selection.
- Size of balconies to rooms 10 & 11 modified.
- Communal laundry deleted and all rooms provided with own washing facilities.
- Windows size amended to habitable spaces with privacy screens.
- Updated Plan of Management.

The amended plans were renotified between 22 June 2021 to 13 July 2021. The 2nd round of notification received six (6) submissions objecting to the proposal.

The amended plans and additional information were still unsatisfactory in terms of:

- Unacceptable landscaped setting.
- Design is uncharacteristic of the area in relation to length of building, form as viewed from Balaclava Road and across the forecourt of the adjoining service station.

ITEM 1 (continued)

- Inadequate “softening” of the bulk of the development by landscaping in the side boundary setback.
- A Phase II Site Investigation Report was not provided notwithstanding the Phase I report indicated further information was required.
- The development breaches the maximum Floor Space Ratio (FSR) control and no Clause 4.6 variation request was provided.
- No amended BASIX Certificate was provided with the amended plans.
- The development fails to provide a storage area for bulky items such as furniture that is awaiting disposal.
- Lack of privacy to the glazed doors of Boarding Room 2.
- Accessibility and design of the rear yard.
- An acoustic report has not been supplied with the application to assess noise impacts from Balaclava Road on the proposed site or anticipated noise from the proposed use on adjoining residents.

The development application is recommended for refusal.

2. The Site and Locality

The site is known as 60 Balaclava Road, Eastwood and is a single allotment with a legal description of Lot 3 in DP 21031. The site is located on the northern side of Balaclava Road, to the east of its intersection with Corunna Road. The site is a rectangular shaped allotment with a splayed frontage to Balaclava Road of 15.24m, a rear angled boundary dimension of 14.165m, side boundary dimensions of 56.755m (north-eastern) and 54.04m (south-western) and a site area of 746.1m². The site falls from the street to the rear by approximately 2.8m.

The site is currently developed with a modest, single storey detached dwelling house of brick and tile construction (see Figure 1). The property has vehicular access from a driveway along the north-western boundary of the site. The rear of the property is undeveloped, with a lawned area containing trees along the rear and south-western boundaries, including Jacarandas which can be seen in Figure 2. The site also contains two trees in the front yard near Balaclava Road which can be seen in Figure 1.

ITEM 1 (continued)



Figure 1: Existing dwelling at 60 Balaclava Road, Eastwood.

Immediately to the south-west of the site is 60A Balaclava Road which is developed with a service station incorporating a mechanical repair shop. The site contains three structures in proximity to the common boundary with the subject site. A metal shed is located adjoining the boundary near the rear of the existing dwelling. The service station main building is located at an angle to the common boundary on the other side of the shed with the awning projecting forward. (see Figure 2).



Figure 2: Adjoining service station – note visibility of existing dwelling on subject site (red tiled roof).

The service station site is contained within a small local Centre which is focused at the intersection of Balaclava Road and Corunna Road (see Figure 3).

Immediately adjoining the site to the north-east is 62 Balaclava Road which is occupied by a single storey dwelling. This dwelling is constructed with a front setback similar to that of the dwelling on the subject site. The dwelling contains six windows in the south-western façade facing the subject site.

ITEM 1 (continued)



Figure 3: Aerial photograph of site (outlined in orange) in context.

Immediately to the rear of the site are dwellings with frontage to Bellamy Avenue. The property at 3 Bellamy Avenue contains a second, single storey dwelling at the rear of the site in proximity to the common boundary with the subject site.

Diagonally opposite the site is a small landscaped park (Rotary Park).

The surrounding area, other than the small local Centre and park, is low density residential in character and is zoned R2 Low Density Residential under Ryde Local Environmental Plan 2014 (RLEP 2014). The development within the area largely consists of detached dwelling houses, with a few scattered multi dwelling housing developments and dual occupancies.

3. The Proposal (as amended)

It is proposed to demolish the existing structures and construct a 2 storey boarding house with 12 boarding rooms for 15 lodgers and 6 parking spaces in a basement that is partially above ground at the rear.

Details of the proposal is contained in the “Background – Amended Plans received 21 June 2021” section of the report.

ITEM 1 (continued)



Figure 4: Perspectives of the proposed development.

4. Background

The initial application (as lodged) sought approval for the construction of a two storey boarding house with 12 boarding rooms for 17 lodgers and basement parking for 6 parking spaces.

The development as lodged is as follows:

Basement: The basement has a length of 28.4m (excluding the projecting bin storage area at the rear) and provides parking for 6 cars (including 1 accessible space) and 3 motorcycles. The car park contains a turntable to allow cars to turn onsite and a bin storage room.

Ground: The ground floor is to be constructed at RL 80.87 and will be elevated up to 1.9m above existing ground level at the northern corner. This level contains five boarding rooms, two of which are to be accessible rooms. The rear portion of this floor contains a communal room with communal laundry and WC attached, which leads out to a communal “alfresco area”. Stairs are provided from this area to the rear yard. This level is an irregular shape, with a large private balcony located on the north-eastern side and an indent in the building on the south-western side where parking for four bicycles is proposed.

First: The first floor has a similar irregular floorplate to the ground floor, with balconies projecting forward of the ground floor to the front. The first floor and rear balconies project over most of the ground floor communal “alfresco area” and the rear western corner of the building is single storey only (above the basement). This level contains seven boarding rooms.

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An initial assessment was carried out which raised a number of concerns with the proposal. The applicant was issued a letter requesting additional information on 17 March 2021 outlining the following:

- Transport for NSW (TfNSW) raised concerns about the driveway width and to possible queuing on Balaclava Road. Swept paths to be submitted and details regarding management of two-way vehicle movements throughout the car waiting/storage areas to be provided.
- Request for more information from Council's Traffic Department such as an updated Traffic Assessment Report and road safety audit and concerns about the driveway width.
- As the site is next to a service station and the down gradient slope of the property, a site contamination report was requested as required under SEPP 55 – Remediation of Land.
- Amendment to the bin room location and Waste Management Plan.

The letter also advised that further information/amendments may be required upon completion of a more detailed assessment and completion of other referrals or as a consequence of submissions made by the public.

A further letter was issued on 17 May 2021 where it was advised that a comprehensive assessment of the proposal was undertaken and in its current form the proposal cannot be supported.

A meeting was held with the applicant on 31 May 2021 to discuss the concerns raised in Council's letters and potential design solutions. The concerns raised in the 2nd letter are summarised below:

- The design approach for the "basement" garage is inefficient resulting in an unnecessarily long garage for the number of spaces provided. It appears that the location of the stairs results in the unnecessary elongation of the garage. Given the slope of the site, the elongation of the garage adds to the height of the building at the rear which results in unacceptable bulk on the adjoining dwelling at 62 Balaclava Road.
- The design of the ground and first floor is inefficient and unreasonably elongates the side facades, creating unacceptable presentations to the adjoining dwelling at 62 Balaclava Road (particularly the visual bulk as viewed from the rear yard) and to the public domain (as viewed across the forecourt of the adjoining service station).
- The elongated design with irregular shaped floor plans results in an unnecessarily complex roof form, with two incongruous roof forms "attached" by a narrow-pitched roof. The complex pattern of roof forms, irregular floor plates, emphasis provided to the lift shaft, irregular window shapes and mix of building materials, combined with the lack of landscaping along the south western boundary will provide an unacceptable presentation to the public domain.

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- The front façade incorporates an excessive number of elements and requires simplification. The projection of the clad element is inappropriate both in terms of the cladding and the projection. The same material as the ground floor should be used and the wall should not contain the projection. The “double emphasis” of the two storey entry element and the two storey element forward of the garage is excessive.
- Size of communal laundry should be increased and details of the layout and facilities are to be provided. Provision is to be made for both washing machines and dryer.
- Layout of kitchenettes shows inadequate information, with a sink, two hob cooktop and fridge identified. An elevation of the kitchens is required showing adequate provision for cupboards for storage and the location of the microwave.
- Layout of communal kitchen in the architectural plans shows cupboards, a cook top and bench space, but no oven, fridge or sink. Provision should be made for bench space, an oven, a sink and a fridge, along with cupboard space.
- Layout of accessible kitchenettes are not adequate, no adjustable bench top and cupboard storage.
- Accessibility of communal open space - majority of the communal open space is not accessible to persons with mobility disabilities and the dimensions and design of the alfresco area makes it largely a thoroughfare rather than a recreation area.
- Amenity of boarding rooms given high sill window design
- Breach of FSR.
- Safety and security.
- Adequacy of landscaping along south-western boundary.
- Stormwater calculations/design.
- Suitability of vehicular access.
- Adequacy of plan of management.

The location of the site adjacent to a service station was discussed at the meeting, with the applicant being advised that the potential soil contamination of the site needed assessment.

Amended plans received 21 June 2021:

In response to the letter and meeting the applicant lodged amended plans and additional information. The amended development is described following:

Basement: The proposed basement has a length of 28.4m (with the bin storage area having been deleted) and provides parking for 6 cars (including 1 accessible space) and 3 motorcycles. The car park contains a turntable to allow cars to turn onsite.

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Ground: The ground floor is to be constructed at RL 80.87 and will be elevated up to 1.9m above existing ground level at the northern corner.

This level contains five boarding rooms, two of which are to be accessible rooms. The rear portion of this floor contains a communal room which leads out to a communal “alfresco area”. Stairs are provided from this area to the rear yard, along with a chair lift. This level is an irregular shape, with a large setback above the driveway ramp and an indent in the building on the south-western side where parking for four bicycles is proposed. The garbage storage has been relocated to the south-western side boundary.

First: The first floor also has an irregular floorplate, with balconies and a boarding room projecting forward of the ground floor to the front over the driveway ramp and an indent to the south-west. The first-floor projects over the ground floor communal “alfresco area” and the rear northern corner and the building is single storey (above the basement) at the northern corner. This level contains seven boarding rooms.

The amended proposal seeks approval for a boarding house containing 12 rooms (including 2 accessible rooms) for 15 lodgers and basement parking for 6 cars and 3 motorcycles.

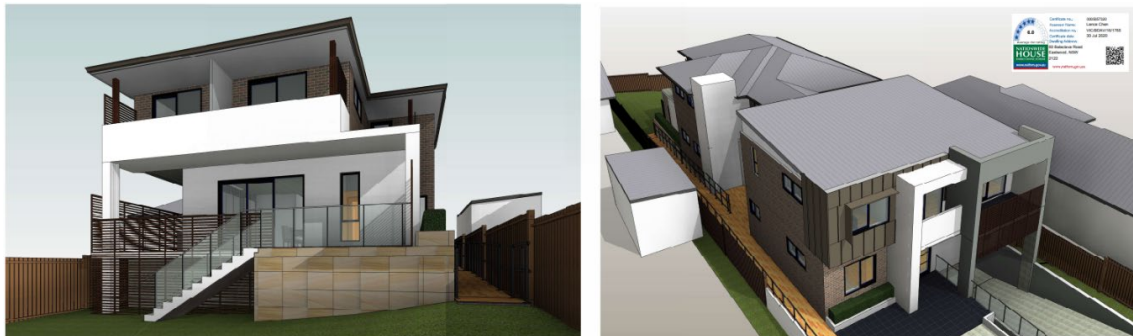


Figure 5: 3D rendering - initial proposal (as lodged) viewed from rear yard and elevated from the south and birds eye view of the proposal as viewed from Balaclava Road.



Figure 6: 3D rendering - amended proposal viewed from rear yard and elevated from the south

ITEM 1 (continued)

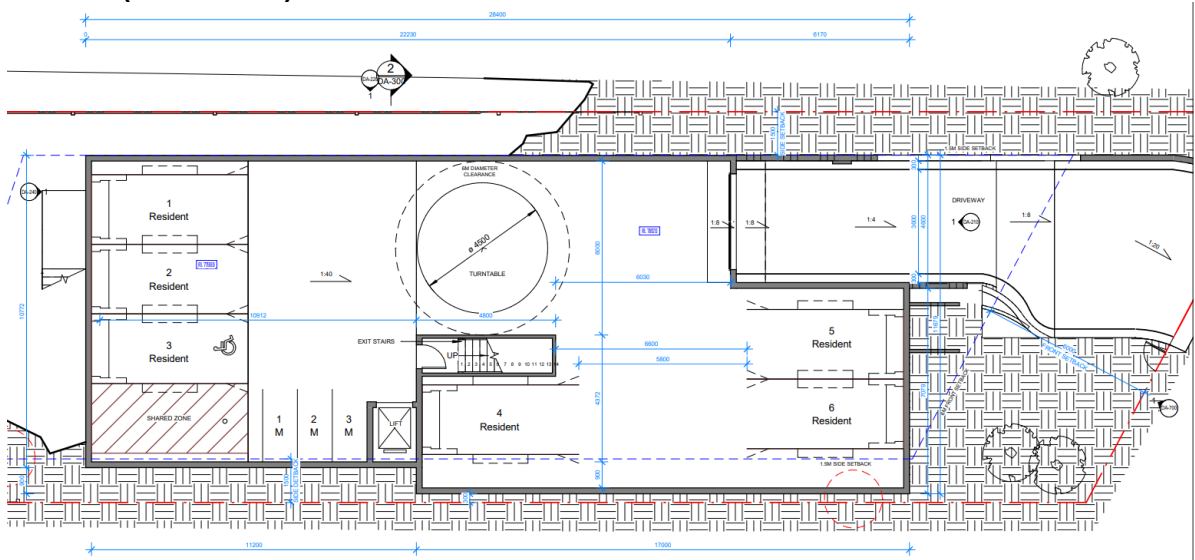


Figure 7:Basement layout - amended proposal

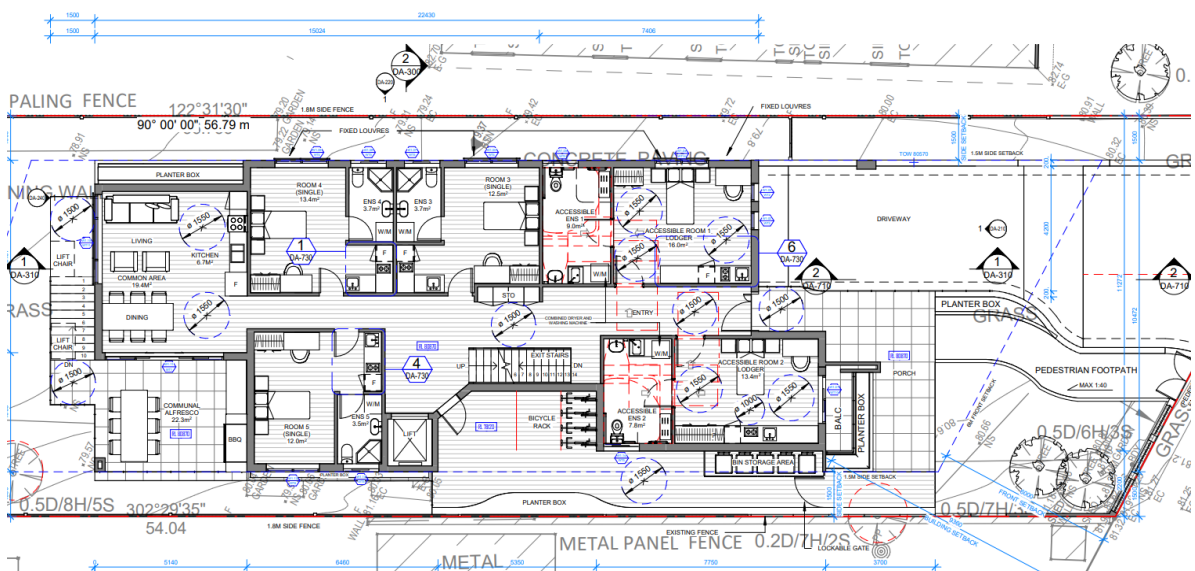


Figure 8: Ground floor - amended proposal

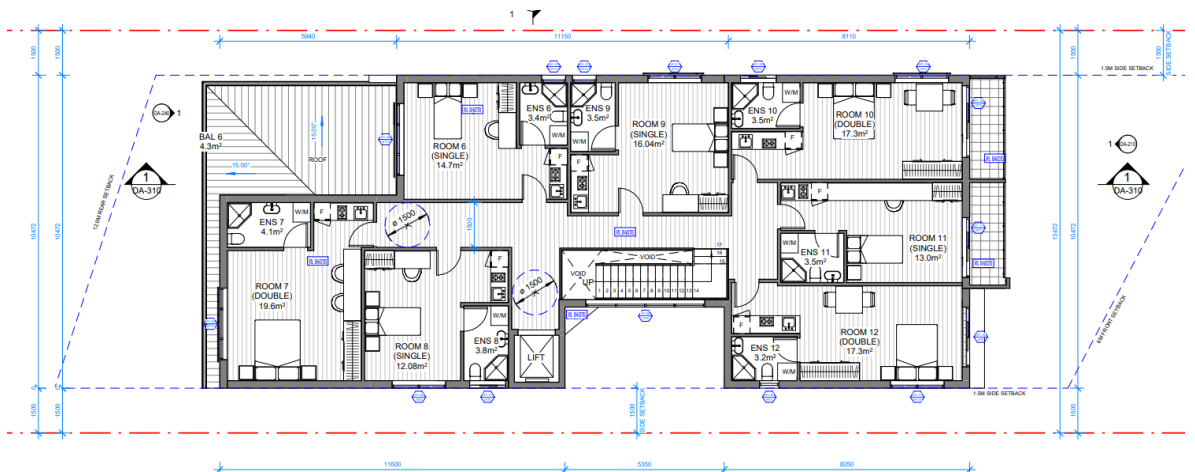


Figure 9: First floor - amended proposal

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5. Planning Assessment
5.1 State Environmental Planning Instruments
State Environmental Planning Policy (Affordable Rental Housing) 2009

The application is made under the provisions of State Environmental Planning Policy (Affordable Rental Housing) (ARHSEPP) and as such the provisions of Division 3 relating to Boarding Houses are applicable to the application.

Clause 26 indicates that the division is applicable to land within zone R2 Low Density Residential and as the site is so zoned under RLEP 2014, the division is applicable to the subject site.

Clause 27 indicates that the clauses 29, 30 and 30A do not apply for the purpose of boarding houses in R2 zones unless all or part of the development is within an accessible area. The site is less than 400m from the bus stop for Route 545 which satisfies the requirements for location in an accessible area.

Clause 28 indicates that boarding house development is permitted with consent.

Clause 29 contains a series of standards which cannot be used to refuse consent if they are complied with. These standards are addressed in the following table.

Standards which cannot be used to refuse consent	Required	Proposed	Complies
Floor Space Ratio (FSR)	Maximum FSR 0.5:1 = site area of 746.1m ² = GFA maximum 373.05m ²	The applicant has provided a calculation sheet which shows the development has a GFA of 373.2m ² . The application breaches the FSR control by 0.15m ² which is minor, but no Clause 4.6 variation request has been submitted with the application.	No
Building Height	Maximum building height under LEP – 9.5m	The building has a maximum height of 8.6m.	Yes
Landscaped area	Landscape treatment of front setback is to be compatible with the streetscape	As is discussed in relation to the character test following, the proposal will result in inadequate landscaping forward of the building to be compatible with the streetscape, which is characterised by setbacks to	No

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		buildings, which have landscaped setbacks.	
Solar access	One or more communal living room receives at least 3 hours sunlight between 9am and 3pm at mid-winter	The communal room receives in excess of 3 hours of solar access between 9am and 3pm at midwinter.	Yes
Private Open Space	One area of at least 20m ² with minimum dimension of 3m is provided for use of lodgers	The communal open space area proposed has an area of 227.5m ² , with minimum dimension of 13m. In addition, a 22.3m ² "alfresco" area is provided with minimum dimensions of 4m.	Yes
Parking	At least 0.5 of a parking space is provided for each boarding room – minimum 6 spaces	12 rooms and 6 spaces	Yes
Accommodation size	Single rooms are at least 12m ² and double rooms are at least 16m ² in area excluding private kitchen or bathroom facilities	Single boarding rooms range from 12.1m ² - 13.2m ² and double rooms range from 16.0m ² - 19.6m ²	Yes
Facilities	A boarding house may have a private kitchen or bathroom in each boarding room	Private kitchenette and bathroom facilities are provided in each room.	Yes

Clause 30 contains development standards for boarding houses which are addressed in the following table.

Provision	Required	Proposed	Complies
Common room	Minimum one communal living room for 5 or more boarding rooms	One common living room is provided.	Yes
Gross Floor Area (GFA)	No boarding room to have gross floor area exceeding 25m ² excluding private kitchen and bathroom	Boarding rooms range from 12.1m ² – 19.6m ²	Yes
Occupancy	No boarding room to be used by more than 2 adult lodgers	No boarding room is proposed to have	Yes

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		more than two occupants.	
Kitchen/Bathroom	Adequate kitchen and bathroom facilities are required for a boarding house for the use of each lodger	Private kitchenette and bathroom provided in each room.	Yes
Manager	If a boarding house accommodates 20 or more lodgers a manager's dwelling shall be provided onsite	The application is for 15 lodgers.	N/A
Parking	At least 1 motorcycle and bicycle parking space shall be provided for every 5 boarding rooms - 12 rooms require 3 motorcycle and 3 bicycle spaces required	3 motorcycle and 4 bicycle spaces provided.	Yes

Clause 30AA applies to boarding houses in R2 zones and requires that consent must not be granted to a boarding house on land in that zone unless it has no more than 12 boarding rooms. The application complies with this provision.

Clause 30A requires that consent shall not be granted to a boarding house unless consideration has been made of whether the design of the development is compatible with the character of the local area. An assessment of the proposal's compatibility with the character of the area is provided below.

The design approach for the "basement" garage is inefficient resulting in an unnecessarily long garage for the number of spaces provided. It appears that the location of the lift and stairs results in the unnecessary elongation of the garage. Given the slope of the site, the elongation of the garage adds to the height of the building at the rear which results in unacceptable bulk on the adjoining dwelling at 62 Balaclava Road.

The location of the lift and stairs and provision of the "indent" to the south-western side at ground and first floor also elongates this elevation which will be significantly visible in the streetscape given the open forecourt of the adjoining service station. Notwithstanding the significant "indent" proposed, no substantial landscaping is provided in this location which would have assisted in breaking up the visual bulk of this elevation. Whilst the design of this elevation has been improved in the amended proposal, it is still excessively bulky and not appropriately "softened" by landscaping. The first-floor projection of the front element (white section in Figure 10) towards the side boundary and different roof forms also results in this elevation being uncharacteristic.

ITEM 1 (continued)



Figure 10: South-western elevation facing service station - amended proposal.

Concern is also raised in relation to the front façade presentation of the development to Balaclava Road (see Figure 11). The design provides a bulky two storey framing element which, combined with the recess of the ground floor, emphasises the driveway ramp. The open side wall to this element adjoining 64 Balaclava Road would also result in unnecessary additional noise impact due to the driveway given the side windows in that dwelling.

Finally, notwithstanding the significant setback of the proposed building, the majority of the front setback area is hard paved. The lack of landscaping in the front setback area is considered to be uncharacteristic of the area. The area is characterised by significant areas of landscaping forward of the building line and limited hard paving.



Figure 11: Front elevation - amended proposal.

Clause 52 prevents consent being granted to strata or community title subdivide a boarding house. The application does not seek approval for subdivision.

ITEM 1 (continued)**State Environmental Planning Policy (Building Sustainability Index BASIX) 2004**

The application (as lodged) provided a suitable BASIX Certificate, however, the applicant has failed to provide an amended BASIX Certificate with the amended plans submitted.

It is noted that due to the concern with the design of the development, the applicant was not requested to provide an amended BASIX Certificate.

State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 requires consideration of whether a site is potentially contaminated and whether any such contamination makes the site unsuitable for the proposed form of development or whether remediation works are required to make the site suitable for the form of development proposed.

It is noted that due to the concern with the design of the development and that the applicant had been advised of concerns with the location of the site in proximity to the service station a site contamination report was requested to be submitted to confirm the site suitability and ensure proper classification and disposal of any removed soil.

As requested, the applicant provided a Preliminary Site Investigation Report, however the report concluded *“Potential for localised soil contamination within proximity to the house and the shed has been identified. The upgradient service station may also present a potential contamination source. Further investigation would be required to assess the presence or otherwise of such contamination.”*

The applicant did not provide a Phase II assessment of the site which would require carrying out boreholes and testing the soil and ground water. In the absence of such testing, it cannot be determined whether the site is suitable for the increase in residential density proposed and the application cannot be approved.

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

State Environmental Planning Policy (Vegetation in Non-Rural Areas) (SEPP Vegetation) applies to the site and addresses preservation of trees and vegetation.

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

The Arborist report identified ten trees and the proposal involves the removal of 4 trees (identified as Trees 4, 5, 6 & 10 within the arborist report) located on the subject site and the removal of these trees are supported.

The four trees to be removed is to facilitate the proposed construction works and are listed below:

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Tree No.	Species 'Common Name'	Arborist Proposed Recommendation	Council Comment
4	<i>Jacaranda mimosifolia</i> Jacaranda	Remove	Agreed – capable of replacement
5	<i>Jacaranda mimosifolia</i> Jacaranda	Remove	Agreed – capable of replacement
6	<i>Liquidambar styraciflua</i> Sweet Gum	Remove	Agreed – capable of replacement
10	<i>Camellia japonica</i> Camellia	Remove	Agreed – capable of replacement

The removal of these trees will result in a minor impact to the landscape character of the site. However, an absence of substantial canopy tree cover was identified within the front and rear setbacks in the initial the proposal. Amended landscaping plan has been submitted which provide for additional tree planting within the front setback. Should Council approve the development in its current form, conditions can be imposed to ensure sufficient tree planting.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

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

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

State Environmental Planning Policy (Infrastructure) 2007.

The Infrastructure SEPP applies to the subject site given its location adjacent to a Transport for New South Wales (TfNSW) regional classified road, being Balaclava Road. The following provisions of the Infrastructure SEPP are applicable to this DA:

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Infrastructure SEPP	Comments	Comply
<p>Clause 101 Development with frontage to a classified road</p> <p>(1) The objectives of this clause are:</p> <p>(a) To ensure that new development does not compromise the effective and ongoing operation and function of classified roads; and</p> <p>(b) To prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.</p> <p>(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:</p> <p>(a) Where practicable, vehicular access to the land is provided by a road, other than a classified road; and</p> <p>(b) The safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:</p> <p>i. The design of vehicular access to the land, or</p> <p>ii. The emission of smoke or dust from the development, or</p> <p>iii. The nature, volume or frequency of vehicles using the classified road to gain access to the land.</p> <p>(c) The development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</p>	<p>The proposal will have vehicular access from Balaclava Road. The amended proposal was referred to TfNSW who has reviewed the application and has provided concurrence to the proposed vehicular crossing subject to conditions.</p> <p>TfNSW provided concurrence by letter dated 14 July 2021 in accordance with Section 138 of the Roads Act, 1993.</p> <p>An acoustic report has not been supplied with the application to assess noise impacts from Balaclava Road on the proposed site or anticipated noise from the proposed use on adjoining residents.</p>	<p>Yes</p> <p>Yes</p> <p>No</p>

5.2 Ryde Local Environmental Plan 2014

The following is an assessment of the proposed development against the applicable provisions from the Ryde Local Environmental Plan 2014.

ITEM 1 (continued)Permissibility

The site is zoned R2 Low Density Residential under the provisions of Ryde Local Environmental Plan 2014 (RLEP) and a boarding house is a permissible use with consent in that zone.

The objectives of the R2 zone are addressed following:

- *To provide for the housing needs of the community within a low density residential environment.*

As the application would result in the provision of an additional form of housing, it would be consistent with the objective of providing housing within a low density residential environment, other than for the design concerns raised in this report.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

This objective is not applicable to the proposal.

- *To provide for a variety of housing types.*

This proposal would result in an increase in the variety of housing types in the locality.

Clause 4.3 Height of Buildings

Clause 4.3 sets a maximum height control for the site of 9.5m. The proposal satisfies this control with a maximum height of 8.6m.

Clause 4.4 Floor Space Ratio

Clause 4.4 sets a maximum FSR for the site of 0.5:1. The site has an area of 746.1m² which would permit a maximum gross floor area (GFA) of 373.05m².

The applicant has provided a calculation sheet which shows the development has a GFA of 373.2m². The application breaches the FSR control by 0.15m² which is minor, but no Clause 4.6 variation request has been submitted with the application.

It is noted that due to the concern with the design of the development and that the applicant had been advised of concerns with compliance with the FSR control in relation to the initial assessment, the applicant was not requested to provide a written Clause 4.6 variation request.

Clause 5.10 Heritage

The site is not within the vicinity of any items of heritage, is not within a conservation area and is not identified as an item of heritage.

ITEM 1 (continued)

Clause 6.2 Earthworks

Clause 6.2 requires consideration of the impact of earthworks in relation to environmental functions, processes, neighbouring uses, cultural and heritage items and features of the surrounding land. The following matters are required to be considered:

(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,

It is unlikely that the proposal will result in any of these detrimental impacts.

(b) the effect of the development on the likely future use or redevelopment of the land,

The proposed excavation is to facilitate the future development of the site.

(c) the quality of the fill or the soil to be excavated, or both,

It is unknown if the site is contaminated as a Phase II report is required to be carried out.

(d) the effect of the development on the existing and likely amenity of adjoining properties,

A dilapidation report would be recommended in the event the application was recommended for approval.

(e) the source of any fill material and the destination of any excavated material,

It is unknown if the site is contaminated as a Phase II report is required to be carried out. No information has been provided in regard to either the source of fill or the destination of excavated materials.

(f) the likelihood of disturbing relics,

Given the location of the site and its previous development, it is considered unlikely that any relics would be disturbed.

(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,

Subject to adequate sedimentation measures during construction, the proposal is unlikely to impact any waterway and it will not impact any drinking water catchment or environmentally sensitive area.

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(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Any consent should include conditions addressing sedimentation measures during construction and requiring dilapidation reports for adjoining structures.

5.3 Draft Environmental Planning Instruments
Draft Housing SEPP

The Draft SEPP (Housing) is currently on public exhibition until 29 August 2021 and is a matter for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979.

Boarding Houses are proposed to be removed as a permitted use from the R2 zone via the Standard Instrument (Local Environmental Plans) Amendment (Miscellaneous) Order 2021.

For the sake of completeness, the application has been assessed under the provisions of the SEPP, if the use was permitted in the zone. Clause 23 identifies development standards that if complied with, prevent the consent authority from requiring more onerous standards for the matters. These matters are addressed in the following table:

Provision	Required	Proposed	Complies
Floor Space Ratio	FSR not exceeding the maximum permissible FSR for residential accommodation, being 0.5:1 (373.05m ²)	The applicant has provided a calculation sheet which shows the development has a GFA of 373.2m ² . The application breaches the FSR control by 0.15m ² which is minor, but no Clause 4.6 variation request has been submitted with the application.	No
Landscaped Area	The minimum landscape requirements for multi dwelling housing under a relevant planning instrument.	Multi dwelling housing is not a permitted use in the R2 zone. As such, this clause is not applicable.	N/A
Solar Access	3 hours of direct solar access provided between 9am and 3pm mid-winter in at least 1 communal living area.	The communal room receives 6 hours of solar access between 9am and 3pm mid-winter.	Yes

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Communal Living Area	<p>For a boarding house containing more than 6 boarding rooms—</p> <p>(i) a total of at least 30m² of communal living area plus at least a further 2m² for each boarding room in excess of 6 boarding rooms, and</p> <p>(ii) minimum dimensions of 3m for each communal living area,</p> <p>As 12 boarding rooms are provided, a communal living area of 42m² with minimum dimensions of 3m.</p>	From the architectural plans, the internal area of the communal living area is 26.1m ² with a dimension of 3.698m	No
Communal Open Space	Total area of at least 20% of the site area with minimum dimension of 3m (746.1 x .20 = 149.2m ²)	The development provides 227.5m ² of communal open space at the rear of the site. This is disconnected with the communal living area and does not exceed the required area.	Yes
Parking	At least 0.5 of parking space is provided for each boarding room – minimum 4 spaces,	6 spaces provided.	Yes
Motorcycle Parking	At least 1 motorcycle parking space for every 5 boarding rooms. 12 rooms require 3 motorcycle spaces.	3 spaces provided,	Yes
Bicycle Parking	At least 1 bicycle parking space for every 5 boarding rooms. 12 rooms requires 3 bicycle spaces.	4 spaces provided.	Yes

Clause 24 of the Draft SEPP specifies that development consent must not be granted unless the consent authority is satisfied of the matters identified in the following table:

Provision	Required	Proposed	Complies
Character	The design of the development is to be compatible with the	As demonstrated in this report, the development is	No

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	character of the local area.	not compatible with the character of the local area.	
GFA	No room will have a gross floor area of more than 25m ² excluding kitchen and bathroom facilities.	Single boarding rooms range from 12.1m ² - 13.2m ² and double rooms range from 16.0m ² - 19.6m ²	Yes
Occupancy	Not to be occupied by more than 2 lodgers.	Each boarding room is proposed to be a single or double room (no more than 2 lodgers in a room)	Yes
Facilities	Adequate bathroom, kitchen and laundry facilities provided for each resident.	Private kitchenette and bathroom provided in each room.	Yes
Size of the Boarding House	For a boarding house in the R2 zone – not more than 12 boarding rooms.	The development complies with this requirement – 12 rooms.	Yes
Communal Area	For a boarding house containing at least 6 rooms, at least 1 communal area is to be provided.	One common living area is provided.	Yes
Minimum Lot Size	The minimum lot size is 600m ² .	The site area is 746.1m ² .	Yes
Front/Side and Rear Setbacks	For R2 zoned land, the minimum setback requirements for multi dwelling housing under a relevant planning instrument.	Multi dwelling housing is not a permitted use in the R2 zone. As such, this clause is not applicable.	N/A
Size of Rooms	Double rooms are at least 16m ² in area.	Boarding rooms range from 17.49m ² to 22.89m ² .	Yes

Clause 25 requires that a consent authority from the date of the issue of the occupation certificate must be satisfied that the boarding house will be used as affordable housing for perpetuity. No information has been provided in the Statement of Environmental Effects to demonstrate how this matter will be satisfied.

Draft Remediation of Land State Environmental Planning Policy

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

As part of the review of SEPP 55, preliminary stakeholder consultation was undertaken with Councils and industry. A key finding of this preliminary consultation was that

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although the provisions of SEPP 55 are generally effective, greater clarity is required on the circumstances when development consent is required for remediation work.

The draft SEPP does not seek to change the requirement for consent authorities to consider land contamination in the assessment of development applications. Refer to conclusions made in relation to SEPP 55.

Draft Environment State Environmental Planning Policy

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

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

The site and the adjoining properties do not contain any remnant urban bushland, and as such, State Environmental Planning Policy No. 19 – Bushland in Urban Areas is not applicable to the proposal.

5.4 Development Control Plans**Ryde Development Control Plan 2014**

The applicable provisions of Ryde Development Control Plan 2014 (RDGP) are

- Part 2.1 Community Participation Plan
- Part 3.5 Boarding Houses
- Part 7.2 Waste Minimisation and Management
- Part 8.2 Stormwater and Floodplain Management
- Part 9.2 Access for People with Disabilities
- Part 9.3 Parking Controls
- Part 9.5 Tree Preservation

The application was notified in accordance with City of Ryde Community Participation Plan and the submissions received are addressed later in this report.

It is noted that the parking controls applicable to the development are those identified under ARHSEPP and the application is compliant with the controls.

The Waste Management Plan has been assessed. The development fails to provide a storage area for bulky items such as furniture that is awaiting disposal.

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The impact of the development in relation to the trees has been addressed previously in relation to SEPP (Vegetation).

The requirements for Boarding Houses are addressed following.

Part 3.5 – Boarding Houses

Part 3.5 addresses boarding houses and is applicable to the assessment of the application other than when the provision is inconsistent with the requirements of ARHSEPP, in which case those requirements override the provisions of RDCP. The following table provides an assessment of the application against the provisions of Part 3.5.

Provision	Required	Proposed	Complies
Design and Local Area Character	Compatible with character of local area, consider – <ul style="list-style-type: none"> • Predominant building type • Predominant height • Predominant front setback and landscape • Permissible FSR and site coverage • Predominant spacing of buildings • Predominant parking arrangement • Predominant side setbacks • Predominant rear setback 	This has been addressed in relation to ARHSEPP and the development is not considered to be compatible with the character of the local area.	No
Size and Scale	Must demonstrate satisfactory <ul style="list-style-type: none"> • Overshadowing and privacy • Streetscape • Building setbacks • Parking and traffic impact • Landscape • View impacts • Impact on trees • Suitable lot size, shape and topography 	The design does not result in unacceptable shadowing or privacy impacts subject to conditions addressing the nature of the privacy screens to the windows facing 62 Balaclava Road. The streetscape impact of the proposal and landscape treatment is not acceptable as has been addressed previously within this report. The setbacks, parking and traffic impact are acceptable, and the proposal does not	In part

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		<p>result in unacceptable view loss of impact on trees.</p> <p>The site is considered of suitable size, shape and topography for a boarding house.</p>	
Parking and Traffic	Parking is not to be located within communal open space or landscape areas	The parking is appropriately separated from the communal open space or common room.	Yes
Privacy and Amenity	Main entrance to be located and designed to address street.	Main entrance fronts the street.	Yes
	Access ways to front entrance located away from windows of boarding rooms for privacy.	The design provides access to the entrance which does not create privacy impact for boarding rooms. However, the path of travel to the bike storage and bins requires travel past the glazed doors of Room 2 creating privacy impacts. The design seeks to address the impact by use of a planter box, however this is not considered adequate or appropriate.	No
	Designed to minimise privacy impacts on neighbours	The boarding house has been appropriately designed to minimise privacy impacts to the adjoining properties, but would require conditions specifying the nature of the proposed window screens facing 62 Balaclava Road in the event that approval was recommended.	Yes
Accessibility	All boarding house developments to be accompanied by accessibility report.	An Access report has been prepared to accompany the application. The design provides an accessible path of travel into the site and within the site to the communal room and communal open space (alfresco area). The design of the boarding house provides a chair lift from the alfresco area to the rear yard. However the design of the rear yard communal open space, which is	No

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		grassed and appears to be sloped is not suitably accessible, failing to provide paved areas and paved pathways.	
Waste Minimisation and Management	Required in accordance with Part 7.2 of the RDCP	This has been addressed previously in the report and the development fails to provide storage for bulky waste.	No
Sustainability and Energy Efficiency	BASIX Certificate required	No BASIX Certificate provided to accompany amended plans.	No
Internal Building Design	Must make provision for laundry facilities, communal food preparation facilities, sanitary facilities and storage areas.	Each boarding room has a bathroom, washing machine and storage. The proposed communal room has a kitchen. It is unclear whether clothes lines are proposed, and dryers are not provided for the accessible rooms.	In part, could be addressed by condition
	Safety to be optimised by providing for overlooking of communal areas, provision of lighting and providing clear definition between public and private spaces.	The design affords a satisfactory level of safety and security.	Yes
Bedrooms	<p>Not to open directly onto a communal area.</p> <p>Must comply with ARHSEPP.</p> <p>Minimum 2.1m² required for basin and toilet plus 0.8m² for shower, 1.1m² for laundry which must include a tub and 2m² for a kitchenette.</p> <p>Kitchenettes must have small fridge, cupboards, shelves, microwave and 0.5m² of bench space.</p>	<p>Boarding rooms are designed not to open directly onto common areas other than Boarding Room 2 which has been addressed previously.</p> <p>Rooms comply with ARHSEPP.</p> <p>Kitchenettes have adequate facilities.</p>	In part
Communal Living Room	Locate adjacent to communal open space to minimise impact on neighbours.	The common room is located adjacent to the common open space and is appropriately designed and oriented. However, given the	Yes

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	<p>Minimum size 15m² plus additional 15m² for each additional 12 persons</p> <p>Openings to be oriented away from adjoining residential properties.</p>	<p>elevated nature of the “alfresco” area and its location beside a service station, it is considered appropriate that screening be provided along the south-western side of the area. This could be addressed by condition in any consent. 26.1m² - complies</p> <p>The common room has no window adjacent to the adjoining dwelling.</p>	
Communal Kitchen and Dining Areas	<p>To be in accessible location</p> <p>Area to be minimum 6.5m² or 1.2m² per resident that does not contain a kitchenette and provide one sink and stove top cooker per 6 people</p> <p>Combined kitchen/dining areas to have minimum 15m² area</p>	<p>The common room is accessible.</p> <p>The common kitchen is of appropriate size.</p> <p>The common room is of adequate size.</p>	Yes
Bathroom	Communal bathrooms must be accessible 24 hours a day.	No communal bathrooms	N/A
Laundry and Drying Facilities	Outside drying areas shall be located in communal open space	No external drying area identified.	No
Management	Required to be managed Plan of Management Required	The Plan of Management provided is not consistent with the requirements of Part 3.5. See following comments.	No

Plan of Management

The Plan of Management is inadequate and should be amended as follows to ensure the protection of the amenity of surrounding residents and boarders:

- Number of rooms (7 x single and 4 double rooms listed on page 3) is incorrect.
- Rooms furnishing is to specify a single bed for single rooms (other than accessible rooms) and to also include a bedside table (or shelf), table and chair (2 for double rooms), lounge chair (2 seat lounge for double rooms).
- Common kitchen is to also be furnished with a fridge/freezer and oven.

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- Cleaning materials (e.g. mop, bucket, vacuum cleaner) are to be provided for use by boarders.
- The manager shall be contactable 24hrs a day and this contact number shall be detailed on the signage displayed at the front of the building.
- Delete reference to visitors being given keys.
- Include reference to assistance animals being permitted.
- Indicate that complaints related to noise or serious misconduct are to be addressed immediately by management (serious misconduct includes physical or sexual assault or harassment, criminal activity, threats or violence, etc.).
- Remove reference to alerting the manager if smoke or flame is seen as there is no onsite manager.
- No additional charge is to be applied to the use of the accessible room or accessible parking space compared to any other boarding room.
- Delete reference to allocation of parking and replace with the following:
 - The parking spaces (car, motorcycle and bicycle) are available on a first come first use basis at no extra cost. The exception is the accessible space which is to be allocated for the exclusive use of the boarder of the accessible room if they have a car with an accessible parking sticker and at no additional cost.

Part 7.2 Waste Minimisation and Management

As discussed earlier in this report, the Waste Management Plan is inadequate, as it fails to detail the process for the disposal of bulky waste. Furthermore, the Waste Management Plan fails to address waste/material disposal for the demolition stage of the development.

As such, the proposal fails to provide a suitable Waste Management Plan, and does not comply with the relevant controls within Part 7.2 of the RDCP 2014.

Part 8.2 Stormwater and Floodplain Management

Council's Senior Development Engineer has reviewed the amended proposal, and has advised that the application would comply with Part 8.2 of the RDCP 2014 subject to conditions of consent in the event approval was recommended. Such conditions would include a deferred commencement condition relating to the registration of a drainage easement through the neighbouring property.

Given Council are recommending refusal, no such condition has been imposed.

Part 9.2 Access for People with Disabilities

As discussed earlier in this report, an Access report has been prepared to accompany the application. The design of the boarding house provides a chair lift from the alfresco

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area to the rear yard. However the design of the rear yard communal open space, which is grassed and appears to be sloped is not suitably accessible, failing to provide paved areas and paved pathways.

Part 9.5 Tree Preservation

The development proposed to remove four (4) trees), as follows:

Tree No.	Species 'Common Name'	Arborist Proposed Recommendation	Council Comment
1	<i>Camellia sasanqua</i> Camellia	Retain & Protect	Agreed – subject to protection conditions
2	<i>Jacaranda mimosifolia</i> Jacaranda	Retain & Protect	Agreed – subject to protection conditions
3	<i>Jacaranda mimosifolia</i> Jacaranda	Retain & Protect	Agreed – subject to protection conditions
4	<i>Jacaranda mimosifolia</i> Jacaranda	Remove	Agreed – capable of replacement
5	<i>Jacaranda mimosifolia</i> Jacaranda	Remove	Agreed – capable of replacement
6	<i>Liquidambar styraciflua</i> Sweet Gum	Remove	Agreed – capable of replacement
7	<i>Lagerstoemia indica</i> Crepe Myrtle	Retain & Protect	Agreed – subject to protection conditions
8	<i>Lagerstoemia indica</i> Crepe Myrtle	Retain & Protect	Agreed – subject to protection conditions
9	<i>Olea europaea var. Africana</i> African Olive	Retain & Protect	Agreed – subject to protection conditions
10	<i>Camellia japonica</i> Camellia	Remove	Agreed – capable of replacement

The removal of four (4) individual trees (Trees 4, 5, 6 and 10) located on the subject site has been supported. The removal of these trees would result in a minor impact to the landscape character of the site; however, it is considered to be suitably offset by the proposed landscape scheme including new tree planting.

ITEM 1 (continued)**5.5 Planning Agreements OR Draft Planning Agreements**

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

5.6 Section 7.11 - Development Contributions Plan – 2020

Any approval would be subject to a condition in relation to contributions.

5.7 Any matters prescribed by the regulations

All matters prescribed by the regulations have been considered in the assessment of the application.

6. The likely impacts of the development

The impacts of the development have been considered throughout this report.

7. Suitability of the site for the development

The site is considered to be suitable for the use of a boarding house, however its slope to the rear and the visibility of the south-western elevation of any development require sensitive design responses. It is not considered that the amended design has resolved these constraints and as such the design is not considered to be suitable for the site.

8. The Public Interest

Given the above assessment, it is not considered that approval of the application would be in the public interest as the design for the proposed boarding house requires further resolution.

9. Submissions

The application was notified between 3rd to 17 March 2021. In response to the 1st round of notification, 15 submissions (12 unique submissions) were received. The amended plans received on 21 June 2021 were re-notified and 6 unique submissions were received raising the same concerns. The concerns raised in the submissions are summarised and addressed below:

Design is out of character with the area/ Provision of a basement for parking is not characteristic of area

Comment: This concern is concurred with as has been discussed in the report.

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The location is an accident hotspot/traffic safety will be impacted/ the narrowness of the driveway and its angle are dangerous/ traffic report prepared during COVID and as such underestimate's traffic/ driveway is not two way.

Comment: The design of the driveway has been amended and no objection is raised to the development by TfNSW, subject to conditions, in relation to the angle or width of the driveway or its location on Balaclava Road. As such, this concern does not form reason for the refusal of the application.

Inadequate parking/ parking on street reduces the sightlines for residents reversing out of their driveways/ kerbside garbage collection will impact sightlines for residents reversing out of their driveways/ site located on a crest and adjoining an area where traffic merges.

Comment: The proposal complies with the parking requirements of ARHSEPP and in such instances the application cannot be refused based on the number of parking spaces provided. The proposal has been assessed by Council waste management staff as being appropriately designed other than for the provision of a storeroom for bulky waste.

Noise and vibration from turntable/ will turntable be maintained.

Comment: The turntable is located in the basement and as such the plant for the turntable can be placed in the basement as well. A condition to this effect could be included in any consent in the event approval is granted. Given the location in the basement the turntable would not result in external noise or vibration impacts. As such, this concern does not form reason for the refusal of the application.

Impact of excavation on adjoining properties.

Comment: This concern can appropriately be addressed by conditions related to methods of excavation and the preparation of dilapidation reports for adjoining properties in the event approval is granted. It is noted no such conditions are recommended given Council is recommending the refusal of this application.

Loss of property value/ rent.

Comment: This is not a matter that can be considered in the assessment of the application and does not form reason for the refusal of the application.

Inappropriate design for amenity of boarders/ inadequate size of common room/ inadequate size of laundry/ communal kitchen has no cooktop or oven.

Comment: The numerous amenity design issues raised in relation to the original design of the proposal have largely been addressed by the amended plans, other than, as identified above, in relation to privacy to Boarding Room 2. The amenity issues relating to Boarding Room 2 form reason for refusal of the application.

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The balconies overlook neighbouring properties to the rear.

Comment: The balconies of concern at the first floor have been removed in the amended plans. The elevated “alfresco” area is located approximately 17m from the rear boundary, ensuring the provision of adequate separation for privacy.

Don’t want easement for drainage through property (5 Bellamy Avenue).

Comment: The stormwater disposal system proposed seeks to use a proposed easement through 3 Bellamy Avenue.

Noise.

Comment: An acoustic report has not been supplied with the application to assess noise impacts from Balaclava Road on the proposed site or anticipated noise from the proposed use on adjoining residents. This lack of assessment of the acoustic impact of the proposal forms reason for refusal of the application.

Adequacy of local services and amenities.

Comment: There has been no evidence provided that local services and amenities are inadequate to cater for the proposed development. Any increased capacity for servicing the site would be the developer’s responsibility as directed by the service provider. This concern does not form reason for refusal of the application.

Concerned about whether criminal checks of boarders will be carried out/ increases crime/ will result in deterioration of the community.

Comment: There is no evidence to suggest the type of occupant would have a detrimental impact upon the amenity of the area or that they would be criminals or result in increased crime. This concern does not form reason for refusal of the application.

Shadow impact upon 62 Balaclava Road/ shadow diagrams don’t appropriately address the impacts.

Comment: No. 62 Balaclava Road is to the north-east of the subject site and is not impacted by shadows from the proposed development between 9am and 3pm at midwinter. This concern does not form reason for refusal of the application.

No onsite manager/ concerned about being abused if complaints are made/ who will police occupancy levels/ doesn’t specify number of bins and who will put them out.

Comment: The proposed boarding house is below the threshold of 20 occupants under ARHSEPP where a boarding house manager can be required. The offsite manager

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would be responsible for enforcing occupancy levels, addressing complaints and ensuring appropriate handling of waste.

Bus service information is incorrect/ buses are already full.

Comment: The site is less than 400m from the bus stop for Route 545 which satisfies the requirements for location in an accessible area. This concern does not form reason for refusal of the application.

Concern for security of cars in adjoining motor repair shop.

Comment: There is no evidence that the location of the boarding house adjoining this business would be likely to result in any security concern. This concern does not form reason for refusal of the application.

Non-compliance with the BCA.

Comment: BCA compliance would be ensured at the Construction Certificate stage of the development should approval be granted. No such condition has been imposed given Council is recommending refusal of the application.

Political donations section is signed by architect not owner.

Comment: The donations section of the form is required to be completed by the applicant. This concern does not form reason for refusal of the application.

Loss of trees.

Comment: This proposed removal of trees has been discussed in the report and is supported by the landscape architect. The trees proposed to be removed are not significant species, and their removal would not result in an adverse impact to the streetscape. Suitable replacement planting has been proposed. As such, this concern does not form reason for refusal of the application.

Plan of management is inadequate/ doesn't say who will enforce it/ doesn't identify chairs in double rooms, cleaning equipment, clothes lines, lockable storage, mirrors/cabinets, who will ensure times of use of common areas, provision of cutlery, furniture in common room, storage on ground floor and air-conditioning.

Comment: The Plan of Management has been amended to include some of this information but still remains inappropriate. The inadequacy of the Plan of Management forms reason for refusal of the application.

The size of the building is excessive/ too many boarders.

Comment: The number of boarders was reduced by two in the amended plan. Concerns with the size of the building are concurred with as discussed in the report.

ITEM 1 (continued)**Will result in an increase in pest and vermin.**

Comment: The Plan of Management should identify the frequency of pest inspections and as such this should not result in problems for neighbours.

Will create precedence.

Comment: Boarding houses are permitted in this zone and any future applications for boarding houses would be assessed on their merits.

10. Referrals**External Referrals**Transport for NSW

Amended plans and additional information, as requested by TfNSW were reviewed by TfNSW who has provided the following comments:

TfNSW has reviewed the development application and would provide concurrence to the proposed vehicular crossing on Balaclava Road under Section 138 of the Roads Act 1993, subject to Council's approval and the following requirements being included in the development consent.

Comment: The requested conditions would be imposed in the event approval is granted.

Consultant Landscape Architect: The application was referred to Council's Consultant Landscape Architect for comments in relation to landscaping and raised no objections to the trees removal and to the landscaping subject to conditions.

Internal Referrals

Senior Development Engineer: Council's Senior Development Engineer has reviewed the amended plans and requested additional information and made the following comments:

Stormwater Management

The following matters were noted;

- *OSD Calculation Sheet – the height difference between top water level and centre of orifice is incorrect and is to be changed to 2.35m as per the OSD section. This results in a decrease in orifice size to 51mm.*

Comment: Addressed.

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- *It is recommended that the OSD access lids be amended from grated lids to sealed lids to provide amenity for the alfresco area.*

Comment: Not clarified in plan. Can be conditioned.

- *Calculations for the sizing of the pump out pit in the basement are required to be provided to demonstrate compliance with Council's DCP and AS3500.3.*

Comment: Not clarified. The sump pit is some 5.4m³ and likely to be appropriately sized. This is a matter which could be addressed by condition.

- *A grated drain is required to be provided on the entry path to avoid stormwater being directed towards the building.*

Comment: This has been addressed.

- *The easement width does not comply with the DCP however due to the constraints of the site the 900mm width is generally acceptable.*

Comment: Noted.

- *The size of the pipe within the easement is to be shown on plan.*

Comment: This has been addressed and considered acceptable.

- *A long section of the pipe within the easement is to be provided and a hydraulic grade line for the 100-year storm event provided on the section.*

Comment: This has been addressed and considered acceptable.

- *The lodgement includes a letter from the burdened property owner of the drainage easement suggesting that they are willing to grant the easement under certain conditions. Negotiations appear to be active between both parties. A letter is to be provided to Council stating that the easement terms have been finalised and all parties are agreeable. The letter is to be signed by both parties.*

Comment: Should planning consent be issued, the approval will need to be configured with a condition of deferred commencement. As such, the above requirements could be resolved in this negotiation process.

Vehicle Access and Parking

The revised plans propose 12 boarding house rooms which will therefore warrant 6 parking spaces (0.5 spaces / boarding room) and 3 bicycle + motorcycle spaces (0.2 spaces per boarding house room) as guided by the SEPP. The development is noted to

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provide 6 parking spaces, 3 motorcycle spaces and 4 bicycle spaces and therefore acceptable in this regard.

The following matters were noted;

- *The vehicular crossing along Balaclava Road is to be widened to 5.5m. This is to continue within the site boundary for the first 6m before splaying to the reduced width. This is to provide a passing bay in order to accommodate two-way access and increase pedestrian safety.*

Comment: The driveway has been widened appropriately and is demonstrated with a swept path analysis utilising B99 design vehicles, clarifying an entering vehicle can permit an exiting vehicle to pass when ascending the ramp (refer to the Traffic Report). Accordingly, this matter has been addressed.

- *A review of the driveway section on architectural plan DA-710 notes non-compliance with AS2890.1 in that the first 6m of the ramp to the basement from the property boundary exceeds the a 1:20 grade. Ramp grades are to be revised to ensure compliance with AS2890.1 - the first 6m within the site must not exceed 5% (1:20).*

Comment: 5% has been proposed and clarified by way of submission of a driveway profile.

- *A headroom clearance of 2.2m is required to be plotted on the driveway section to demonstrate compliance with AS2890.1 and AS2890.6.*

Comment: The provided driveway profile demonstrates this has been achieved.

- *A headroom of 2.5m is required above the accessible parking space as per the requirements in AS2890.6:2009. This is to be demonstrated on the architectural plans.*

Comment: The section view depicts a headroom clearance over space 3 (disabled parking space) and therefore the matter is satisfied.

- *Swept path analyses demonstrating forward entry and exit from the site is required for the following car spaces identified as 4, 5, and 6. The swept paths only show entry into the space; the exit manoeuvre is required to be demonstrated.*

Comment: The Traffic Report has revised both the entry and exit swept path analysis for spaces 3,4,5 & 6. Each space is considered:

Car space 3 – This space will essentially rely on the use of the turn table to enable exiting the site in a forward manner (as per spaces 1 & 2). The degree and distance of manoeuvring is acceptable and does not warrant concern.

ITEM 1 (continued)

Car space 4 – This space may be accessed in a single forward movement but will require a very minor 3 point correctional turn (reverse a metre) to align with the exit in a forward manner.

Car space 5 – The swept path analysis has differed from the original traffic report for this space by proposing that the driver undertake a three point turn to enter the space in a forward manner. The analysis then assumes that the driver will reverse out of the space and, being next to the access ramp, will then simply drive out in a forward manner. It is envisaged though that a driver would simply reverse into the space on entry and then would utilise the vehicle turntable on exit.

Car space 6 – The analysis depicts that vehicle may enter the space in a forward manner via a three point turn, albeit this would be a minor reverse manoeuvre similar to car space 4. The exit manoeuvre proposes the vehicle reversing out to align with the exit ramp such to exit in a forward manner.

Overall, spaces 4 & 6 would require a small 3 point turn to enter/ exit if they were to not rely on the turntable. Car space 5 is mostly reliant on the turntable given it adjoins the base of the ramp.

Whilst the small three point turns present a technical non-compliance with the DCP, the degree of manoeuvring is relatively minor (less than a metre) and the drivers could readily rely on the turntable. Whilst the basement garage is less than ideal for manoeuvring, the arrangement would not warrant refusal of the proposal on this matter alone.

- *The B99 swept path template must be utilised for the nominated accessible space allocated in space 3.*

Comment: This has been undertaken and reviewed above.

- *The access ramp to the basement is designed as a one-way aisle. Due to the low traffic volumes generated from the development; this is generally acceptable. A traffic management system (such as the use of signals) should be utilised provided sufficient area is allocated to accommodate a waiting bay. The locations of traffic signals and waiting bays are to be shown on plan.*

Comment: The revised Traffic report has detailed an internal traffic control systems however not nominated a waiting bay in the garage area. This could readily be provided between the turntable and space 1 and could be addressed by condition.

- *The proposed boundary fence appears to interfere with sight lines for pedestrian safety for vehicles exiting the site. The fence is to be amended to comply with the requirements outlines in Clause 3.2.4 and Figure 3.3 of AS2890.1:2004.*

Comment: The driveway grade at the boundary alignment has been reduced to 5% and with the graded fence on the eastern side of the entry (crucial splay location for exiting driver) the required sight distance splay requirements would be considered satisfied.

ITEM 1 (continued)

Subject to a deferred commencement condition requiring an easement to drain stormwater from the development over the downstream property, the proposal, subject to conditions can be supported.

City Works:

Traffic Engineer: Council's Senior Traffic Engineer has reviewed the amended proposal and has provided the following comments:

Trip generation and impacts

The proposed development has been estimated to generate up to eight (8) peak hour trips to and from the site. Such a level of traffic generation represents 1 trip every 7.5 minutes, which is not expected to alter the current operational performance of the surrounding road network.

Notwithstanding the above, Balaclava Road, being a sub-arterial road connecting Macquarie Park with Eastwood currently accommodates heavy bidirectional traffic demands during weekday peak periods. This is substantiated by recent weekday peak hour traffic survey results provided within the applicant's traffic study, which indicates that Balaclava Road adjacent to the site currently services two-way traffic demands in the order of 1,100 – 1,700 vehicles per hour during weekday peak hour periods (with eastbound flows dominating during the morning peak and westbound flows dominating during the afternoon peak).

The significant westbound traffic volumes along Balaclava Road in the immediate vicinity of the proposed site access driveway can affect the ability in which a driver safely and efficiently exit the site onto Balaclava Road, due to the significant queuing/congestion within the westbound Balaclava Road carriageway on approach to North Road/Corunna Road. In this regard, it is recommended that egress movements are restricted to left out only to minimise conflict with the westbound through traffic flow along Balaclava Road. People wishing to travel west towards Blaxland Road can use the roundabout at Abuklea Road to turnaround. This measure would be enforced through by regulatory signposting.

Traffic Department has no objection to the approval of this application subject to conditions.

Comment: The requested conditions would be imposed in the event approval is granted.

Council's Urban Designer: Council's Urban Designer raised concerns regarding the compatibility of the design for the plans originally lodged with the application. Whilst some of these concerns have been addressed by the amended plans, this report outlines the outstanding design concerns with the amended proposal.

Waste: Council's Waste Officer has provided the following comments:

ITEM 1 (continued)

Development application is for a 12 room boarding house. A bin storage area has been provided at the side of the property with provision of 5 x 240L bins. The caretaker will take the bins to the street for servicing and return same. There is no area designated for the storage of unwanted household items, which needs to be addressed.

Comment: The inadequacy of the Waste Management Plan forms reason for the refusal of the application.

Environmental Health Officer: The following comments in relation to the amendments were provided.

Contaminated Land - SEPP 55

A preliminary site investigation report has been supplied by Geo-Logix.

The service station is upgradient of the site and the associated underground petroleum storage system (UPSS) represents a potential source of soil and groundwater contamination at the site.

Further investigation of a detailed site investigation (DSI) would be required to assess the presence and extent of contamination, in order to determine the suitability of the site for the proposed development and to address any data gaps identified.

Concern is raised that offsite migration of potential contaminants from the upgradient service station has not adequately been assessed for the proposed increase in land-use from a single dwelling to a boarding house.

Given the age of the residential dwelling, hazardous building materials such as lead-based paint and asbestos were also identified as likely contaminants for the residential dwellings constructed from 1943 onwards.

Waste Management

The waste management plan submitted with the application does not address all stages of the development including demolition, construction and operation. Only anticipated construction and ongoing operational waste for the site was detailed.

A demolition plan and amended waste management plan are recommended to detail any hazardous materials associated with the demolition stage, the associated control measures and subsequent disposal are addressed.

Acoustic Report.

An acoustic report has not been supplied with the application to assess noise impacts from Balaclava Road on the proposed site or anticipated noise from the proposed use on adjoining residents.

ITEM 1 (continued)

An acoustic assessment is to be supplied detailing whether the development does or can be made compliant with the Noise Policy for Industry.

Summary

The proposal does not satisfy the requirements of Council's controls and cannot be supported. Further information is required – Detailed Site Investigation Report, Acoustic Report and Amended Waste Management Plan.

Building Surveyor: The application was referred to Council's Building Surveyor for comments. In response, no objections to the application were raised subject to recommended conditions in the event the application is approved.

11. Conclusion

The proposal is unacceptable due to the following and is recommended for refusal:

1. The proposed design is uncharacteristic of the area in relation to length of building, form as viewed from Balaclava Road and across the forecourt of the adjoining service station.
2. The proposal provides inadequate "softening" of the bulk of the development by landscaping in the side boundary setback.
3. The proposal results in an unacceptable landscaped setting.
4. A Phase II Site Investigation Report was not provided notwithstanding the Phase I report indicated further information was required. As such, insufficient information has been provided to demonstrate the site is suitable for the proposed development.
5. The development breaches the maximum FSR control and no clause 4.6 variation request was provided.
6. No amended BASIX Certificate was provided with the amended plans.
7. The development fails to provide a storage area for bulky items such as furniture that is awaiting disposal.
8. The proposal results in poor amenity to occupants of Boarding Room 2 due to lack of privacy to Boarding Room 2.
9. The communal open space is not accessible.
10. Insufficient information has been provided to assess noise impacts from Blaxland Road on the proposed site or anticipated noise from the proposed use on adjoining residents.

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

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

A. That the Ryde Local Planning Panel refuse Development Application LDA2021/0061 for demolition and the construction of a two level boarding house to contain 12 boarding rooms for a maximum of 15 boarders and 6 parking spaces at 60 Balaclava Road, Eastwood for the following reasons:

1. The proposed development breaches the maximum permitted Floor Space Ratio pursuant to Clause 4.4 of Ryde Local Environmental Plan 2014 and Clause 23 of draft State Environmental Planning Policy (Housing) and a Clause 4.6 variation request has not been provided.
2. The proposed development is uncharacteristic of development in the locality, having an inadequate front landscape setting, excessive length and excessive bulk at the rear. The front façade design emphasizes the two storey bulk of the building and the driveway “void” presenting an uncharacteristic streetscape. As such the application does not satisfactorily address the character test contained at Clause 30A of State Environmental Planning Policy (Affordable Rental Housing).
3. The proposed development has an uncharacteristic landscape setting as viewed from Balaclava Road and fails when assessed against Clause 29 of State Environmental Planning Policy (Affordable Rental Housing).
4. The design provides for an unacceptable level of privacy for proposed boarding room 2 from the pathway to the garbage and bike store areas.
5. The design affords an unacceptable level of amenity to residents with disabilities, with the majority of common open space (rear yard) not proposed to be landscaped in a manner such that it is suitably accessible. Further, inadequate information is provided in relation to the provision of clothes drying facilities for the occupants of accessible rooms.
6. The development fails to comply with Part 7.2 of the Ryde Development Control Plan 2014, as it fails to provide a storage area for bulky items such as furniture that is awaiting disposal.
7. The application is not accompanied by a current BASIX report as required by State Environmental Planning Policy (BASIX).
8. The Plan of Management lodged with the application does not provide adequate information as required by Part 3.5 of the Ryde Development

ITEM 1 (continued)

Control Plan 2014 and does not sufficiently protect the amenity of the residents and neighbours.

9. The application is not accompanied by an acoustic report assessing noise impacts from Balaclava Road on the proposed site or anticipated noise from the proposed use on adjoining residents.
10. The application is not accompanied by a Detailed Site Investigation as recommended in the Phase I Site Investigation Report and as such it has not been demonstrated that the site is suitable for the proposed use, or that the site can be remediated to the extent necessary for the proposed use. The application has not satisfied the requirements of State Environmental Planning Policy No. 55 – Remediation of Land.
11. The proposed development is not a permitted form of development in the R2 zone under Draft State Environmental Planning Policy (Housing).

B. That the persons who made submissions be advised of this decision.

ATTACHMENTS

- 1 Architectural Plans - subject to copyright provisions

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