

Item 3

76 Rutledge Street, Eastwood - LDA2022/0038

Demolition, new two storey dual occupancy (attached) and Torrens title subdivision

City of Ryde Local Planning Panel Report

DA Number	LDA2022/0038
Site Address & Ward	76 Rutledge Street, Eastwood West Ward
Zoning	R2 Low Density Residential and SP2 Infrastructure
Proposal	Demolition, new two storey dual occupancy (attached) and Torrens title subdivision
Property Owner	Bin Chen & Lingling Yu
Applicant	Lingling Yu
Report Author	Niroshini Stephen – Senior Town Planner
Lodgement Date	3 February 2022
No. of Submissions	One (1) submission received
Cost of Works	\$892,000.00
Reason for Referral to LPP	Departure from Development Standard - Schedule 1, Part 3 of Local Planning Panels Direction. The proposed development results in a 14.67% departure from the development standard for minimum road frontage for dual occupancies imposed by Clause 4.1B of RLEP 2014.
Recommendation	Approval
Attachments	Attachment 1: Draft Conditions of Consent Attachment 2: DCP Compliance Table Attachment 3: Clause 4.6 variation to Clause 4.1B Attachment 4: Architectural Plans

1. EXECUTIVE SUMMARY

This report considers a development application under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) on land at 76 Rutledge Street, Eastwood, which is legally described as Lot 13 within DP 6658.

The subject development application (LDA2022/0038) was lodged on 3 February 2022 and seeks consent for demolition, new two storey dual occupancy (attached) and Torrens title subdivision.

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

The development contravenes Clause 4.1B of Ryde Local Environmental Plan 2014 (RLEP 2014). Clause 4.1B(2)(b) requires development consent may be granted for development on a lot in Zone R2 Low Density Residential for the purposes of dual occupancy (attached) if the primary road frontage of the lot is equal to or greater than 15 metres. The site has a primary road frontage of 12.8 metres to Rutledge Street, representing a 14.67% departure from the standard.

In accordance with DCP 2014 Part 2: Community Participation Plan, the owners of surrounding properties were given notice of the application between 10 February 2022 and 3 March 2022. One (1) submission was received objecting to the development from the adjoining property at No.78 Rutledge Street. The amended plans received on 10 July 2022 and 25 August 2022 were not required to be renotified as the amendments do not increase the impact on adjoining or neighbouring land or cause material impact on the environment.

The submission raised the following concerns:

- Concern is raised the proposal will take space for rescue vehicles and impact the safety island.
- Concern is raised with the location of the driveway and proposed building from the electricity poles.
- Concern is raised with the impact to the existing Jacaranda Tree.
- Concern is raised with the loss of sunlight to the neighbouring property at No. 78 Rutledge Street.
- Concern is raised with the location of the proposed bathrooms.
- Concern is raised that the proposed Torrens title subdivision is not supported and a single new house should be provided.

The submitted Clause 4.6 written variation request satisfies the pre-conditions for a consent authority to allow a variation to the standard. The development application is recommended for approval subject to the recommended conditions of consent provided in **Attachment 1** of this report.

The development application is recommended for approval.

2. THE SITE AND LOCALITY

The site is legally described as Lot 13 within DP 6658 and is known as 76 Rutledge Street Eastwood. The site is located on the corner of the southern intersection of Rutledge Street and Darvall Road.

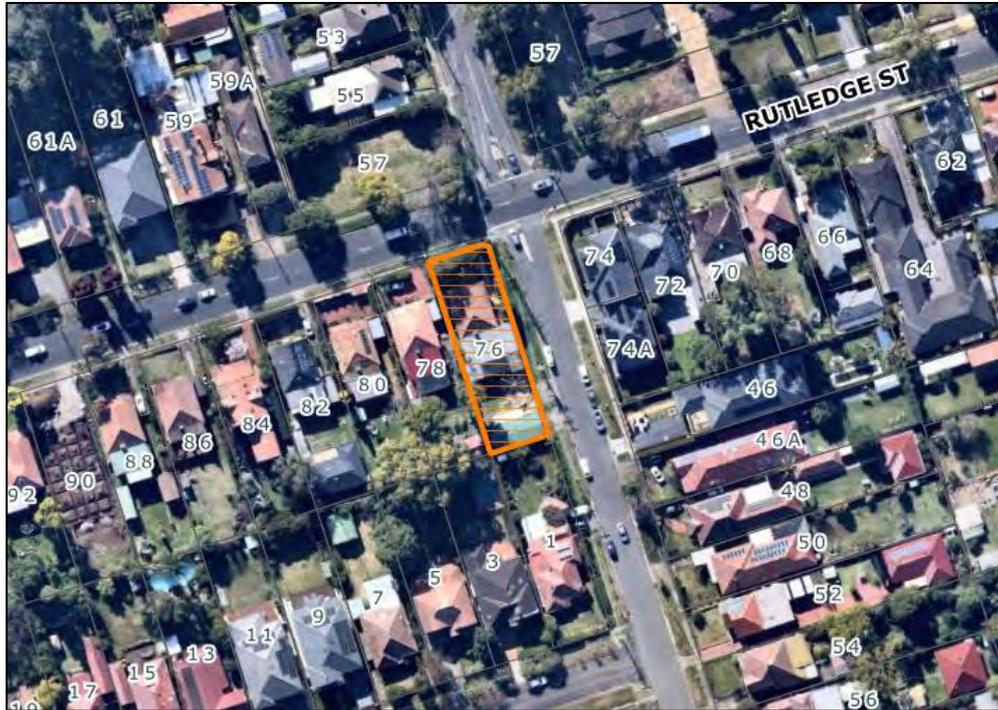


Figure 1 – Aerial photograph of site

The site is zoned R2 Low Density Residential and SP2 Infrastructure (Figure 2). The SP2 Infrastructure zone is limited to a section of the northern corner.

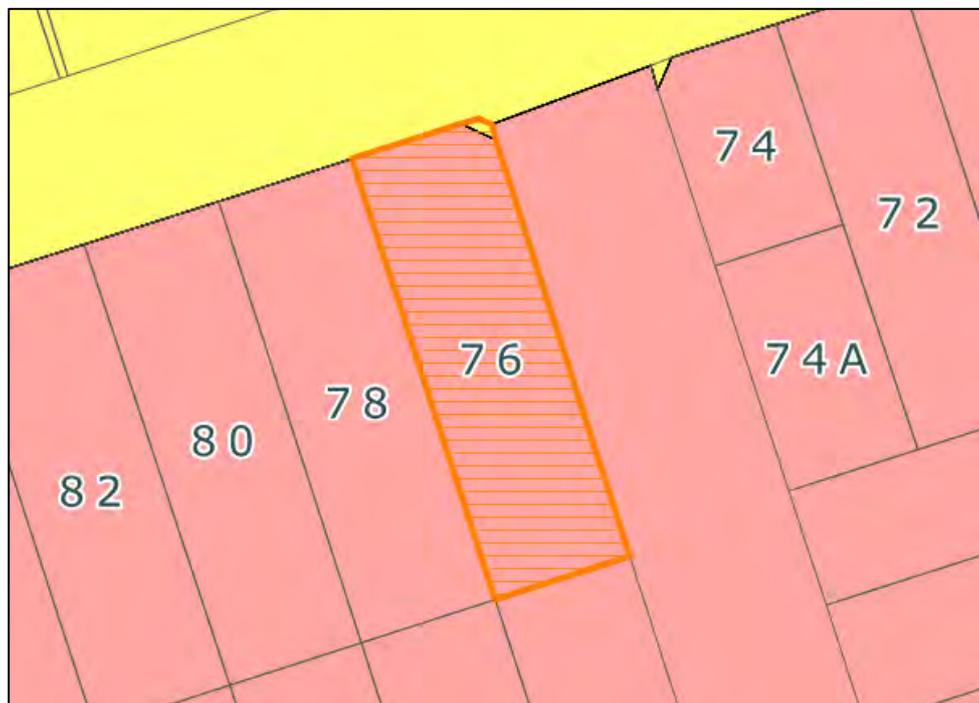


Figure 2 – Zoning map showing subject site is zoned R2 Low Density Residential and SP2 Infrastructure (subject site highlighted in orange)

It is noted that dual occupancy (attached) are prohibited in the SP2 Infrastructure zone. The area zoned SP2 Infrastructure has been excluded from the site area and site boundary dimensions. The proposed dual occupancy (attached) is located in the part of the site zoned R2 Low Density Residential under RLEP 2014. For the purpose of this assessment, the proposed dual occupancy (attached) has been assessed against the aims and objectives of the R2 Low Density Residential Zone under RLEP 2014.

The site is rectangular in shape with a frontage of 12.80 metres to Rutledge Street, splayed frontage of 3.40 metres and frontage of 47.90 metres to Darvall Road. The south western side boundary is 50.29 metres. The rear south eastern boundary width is 15.24 metres. The site has an area of 763.45m².

The site is located on the low side of the street. The site falls from the western corner (RL83.18) to the eastern corner (RL80.83) by approximately 2.35 metres.

The site presently accommodates a single storey dwelling (**Figure 3** to **Figure 6**) and detached granny flat. Vehicular access is located adjacent to the south eastern rear boundary to a detached double garage at the rear of the site. The garage and granny flat are attached. Other site works include a metal gazebo at the rear of the existing dwelling and pathways.



Figure 3 – The site as viewed from existing front garden



Figure 4 – The site as viewed from intersection of Darvall Road and Rutledge Street



Figure 5 – View south from Darvall Road



Figure 6 – Photograph of existing detached double garage

The surrounding streetscape consists mainly of single and two storey dwelling houses varying diversely in age, scale and architectural style.

The site is adjoined to the south west by No. 78 Rutledge Street (**Figure 7**). This site presently accommodates a single storey dwelling.



Figure 7 – Adjoining dwelling to the south west at 78 Darvall Road

The site is adjoined to the south east (rear) by No. 1 Denman Street (**Figure 8**). This site presently accommodates a single storey dwelling.



Figure 8 – Adjoining dwelling to the south east (rear) at No. 1 Denman Street

3. PROPOSAL

The proposal seeks consent for demolition, new two storey dual occupancy (attached) and Torrens title subdivision. The proposed works include:

- Demolition of existing dwelling and associated structures
- Construction of two storey dual occupancy comprising:

Dwelling 1 (located adjacent to Rutledge Street)

- **Single garage RL82.20** located north west of the party wall with access to Darvall Road.
- **Ground Floor RL82.50:** family room, kitchen, dining room, internal stairs, bathroom, laundry and guest/study room. The dining room has access to the alfresco (RL 82.40). A landscaped private open space area is also provided within the front setback.
- **First Floor RL85.90:** Bedroom 1 with ensuite and walk in wardrobe, sitting room, Bedroom 2 with ensuite, Bedroom 3, Bedroom 4, bathroom and internal stairs. Bedroom 1 has access to a street facing balcony 2.7 metres in depth.

Dwelling 2 (located adjacent to the south eastern boundary)

- **Single garage RL82.20** located south east of the party wall with access to Darvall Road.
- **Ground Floor RL81.70:** family room, kitchen, dining room, internal stairs, bathroom, laundry and guest/study room. The family and dining room have access to the deck (RL 81.60).
- **First Floor RL85.10:** Bedroom 1 with ensuite and walk in wardrobe, sitting room, Bedroom 2 with ensuite, Bedroom 3, Bedroom 4, bathroom and internal stairs. Bedroom 1 has access to a street facing balcony 2.7 metres in depth.

- New vehicle crossing and driveway
- Landscaping works
- Removal of three (3) trees. The following trees are proposed to be removed:

Tree No.	Species "Common name"
1	<i>Grevillea robusta</i> (Silky Oak)
2	<i>Callistemon viminalis</i> (Weeping Bottlebrush)
3	<i>Pittosporum undulatum</i> (Native Daphne)

Tree 1 is required to be removed as the pruning from overhead wires in the street has resulted in a contorted trunk. Tree 3 is required to be removed as the proposal results in major encroachment.

The removal of Tree 2 is not supported as the proposal does not impact on the tree. **Condition 54** is recommended requiring Tree 2 to be retained and protected.

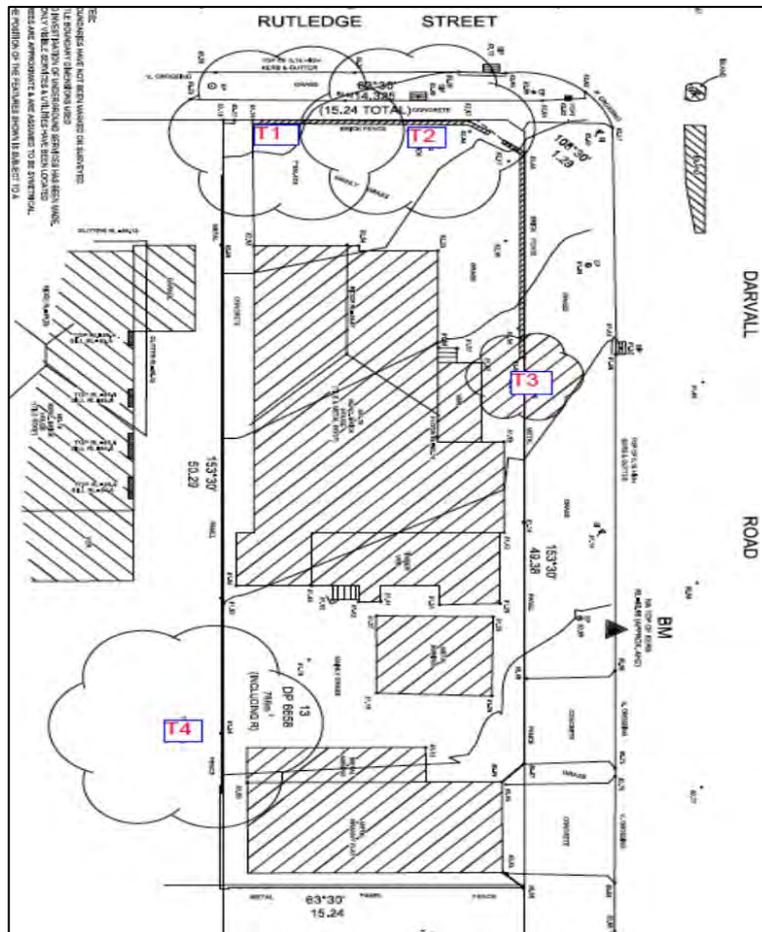


Figure 9 – Location of existing trees

- Erection of a 1.2 metre high front fence along Rutledge Street and Darvall Road
- Torrens title subdivision comprising:

- Dwelling 1 – 361.45m² in area with a 12.8m front boundary
- Dwelling 2 – 402m² in area with a 26.44m front boundary

Figures 10 to 15 below are the floor plans and elevations of the proposed dual occupancy (attached).

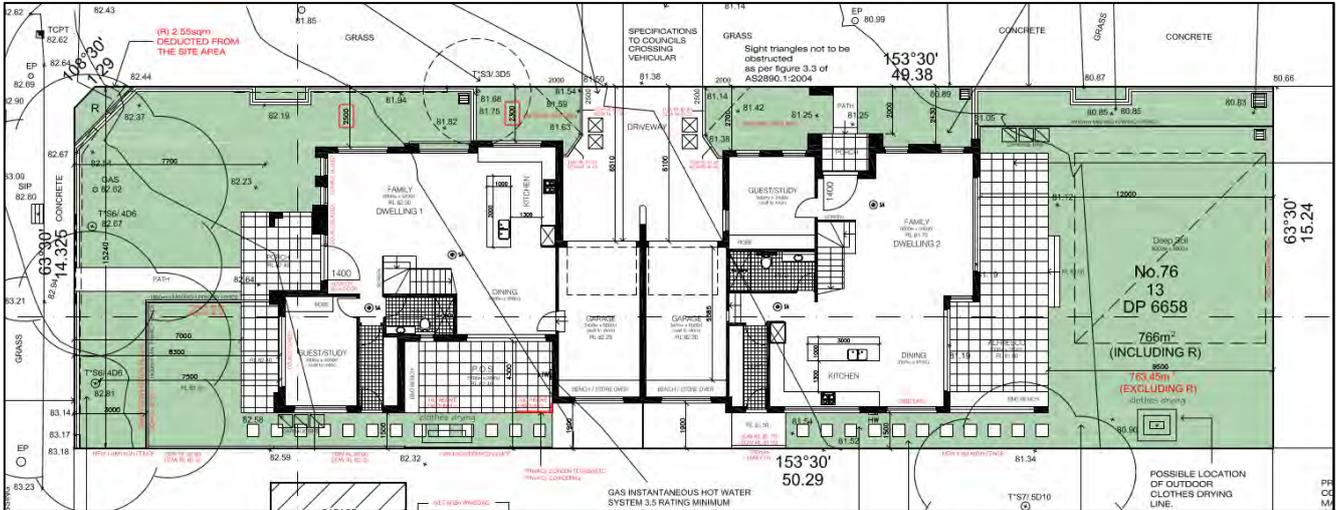


Figure 10 - Proposed Ground Floor Plan

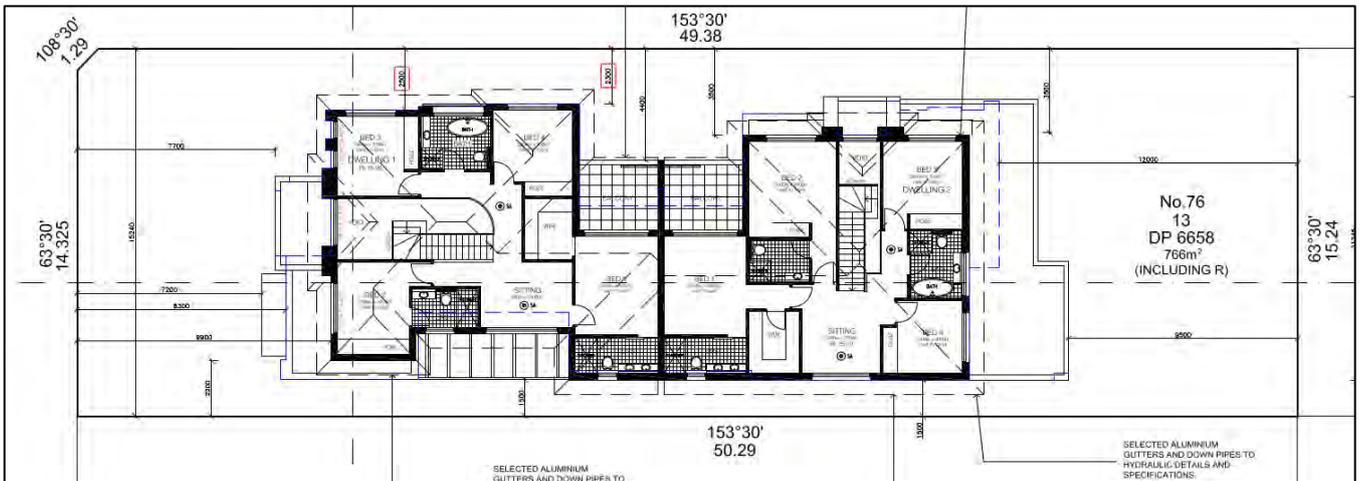


Figure 11 - Proposed First Floor Plan



Figure 12 - Proposed Eastern Elevation Plan

4. HISTORY

Application History

3 February 2022	Local Development Application LDA2022/0038 was lodged with Council.
10 February 2022 to 3 March 2022	The Application was notified to adjoining property owners. One (1) submission was received.
3 June 2022	<p>A request for further information was sent to the Applicant, requesting:</p> <ul style="list-style-type: none"> - Updated survey plan notating the site area excluding the area zoned SP2; - Legal advice or Clause 4.6 to be provided to demonstrate how the proposal satisfied Clause 4.1B(2)(b); - Roof ridge RL level to be notated; - Updated subdivision plan that is consistent with architectural plans; - Required retaining wall details to be provided; - Arborist report and landscape plan to be consistent; - Steps to be provided on the Dwelling 2 alfresco to the external ground level; - Amended plans addressing visual privacy concerns with Dwelling 1 and Dwelling 2 dining room windows; - Amended plans addressing visual privacy concerns with Dwelling 1 private open space; - Double glazed windows and acoustic seal to front door to be provided to Dwelling 1 openings facing Rutledge Street; - Materials of front fence to be notated. A notation to be included the top section of the front fence is 50% open; - Clarification how the existing boundary fencing is proposed to be retained; - Clarification if a return front fence is proposed on the rear boundary; - Updated demolition plan notating demolition of metal awning and existing front fence; and - Landscape plan to be consistent with the architectural plans
10 July 2022	<p>The applicant submits amended plans and further information involving the following:</p> <ul style="list-style-type: none"> - Updated survey plan with site area notated excluding the area zoned SP2; - Clause 4.6 written variation request submitted; - Roof ridge level notated on plans; - Updated subdivision plan submitted;

	<ul style="list-style-type: none"> - Updated landscape plan submitted; - Steps provided between Dwelling 2 alfresco and external ground level; - Amended plans addressing visual privacy concerns with Dwelling 2 dining room and Dwelling 1 deck; - Double glazed windows and acoustic seal provided to Dwelling 1 openings facing Rutledge Street; - Notation included the top section of the front fence is 50% open; - Proposed boundary fencing shown on plan; - Return front fence removed from plans; - Updated demolition plan showing demolition of all structures; and - Updated landscape plan consistent with architectural plans
25 August 2022	<p>A second request for further information was sent to the Applicant, requesting:</p> <ul style="list-style-type: none"> - Updated Clause 4.6 written variation correctly stating the variation to the development standard; - Required retaining walls to be shown on the western elevation; - Updated site, roof and front elevation plan to be consistent with the amended plans; and - Materials of front fence to be notated on the plans.
25 August 2022	<p>The applicant submits amended plans and further information involving the following:</p> <ul style="list-style-type: none"> - Updated Clause 4.6 written variation request correctly stating the variation to the development standard; - Updated western elevation showing required retaining walls; - Updated site, roof and front elevation plan submitted; and - Materials of front fence notated on the plans.

5. PLANNING ASSESSMENT

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

- State Environmental Planning Policy Resilience and Hazards SEPP 2021;
- State Environmental Planning Policy BASIX 2004;
- State Environmental Planning Policy Biodiversity and Conservation SEPP 2021;
- State Environmental Planning Policy Transport and Infrastructure SEPP 2021
- Ryde Local Environmental Plan 2014; and
- Ryde Development Control Plan 2014:
 - Part 3.3: Dwelling Houses and Dual Occupancy (Attached);
 - Part 7.2: Waste Minimisation and Management; and

- o Part 8.2: Stormwater & Floodplain Management.

5.1 State Environmental Planning Instruments

Instrument	Proposal	Compliance
State Environmental Planning Policy Resilience and Hazards SEPP 2021		
Chapter 4 Remediation of land		
<p>The object of this Chapter is to provide for a Statewide planning approach to the remediation of contaminated land.</p> <p>The aims are to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.</p>	<p>Pursuant to Clause 4.6(1) considerations, 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>
State Environmental Planning Policy BASIX 2004		
<p>The certificate demonstrates compliance with the provisions of the SEPP and is consistent with commitments identified in the application documentation.</p>	<p>A BASIX Certificate (see Certificate No. 1241850M_02 and dated 1 February 2022) has been submitted with the application. A standard condition (Condition 4) has been included in the Draft Consent requiring compliance with this BASIX certificate.</p>	<p>Yes</p>
State Environmental Planning Policy – Biodiversity and Conservation SEPP 2021		
Chapter 2 Vegetation in non-rural areas		
<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 includes the removal of three (3) trees being:</p> <ul style="list-style-type: none"> - Tree 1: <i>Grevillea robusta</i> (Silky Oak) - Tree 2: <i>Callistemon viminalis</i> (Weeping Bottlebrush) - Tree 3: <i>Pittosporum undulatum</i> (Native Daphne) <p>Two (2) trees are located on the Rutledge Street frontage and one (1) tree is located on the Darvall Road frontage.</p> <p>Tree 1 is required to be removed as the pruning from overhead wires in the street has resulted in a contorted trunk (Refer to Figure 26).</p>	<p>Yes</p>

	<p>Tree 3 is required to be removed as the proposal results in major encroachment.</p> <p>The removal of Tree 2 is not supported as the proposal does not impact on the tree (Refer to Figure 27). Condition 54 is recommended requiring Tree 2 to be retained and protected.</p> <p>The removal of Tree 1 and Tree 3 will not unduly impact upon any existing biodiversity or trees or vegetation on the site</p> <p>The proposal is considered satisfactory by Council's Landscape Architect.</p>	
<p>Chapter 10 Sydney Harbour Catchment</p>		
<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>Given the nature of the project and the location of the site, there are no specific controls that directly apply to this proposal.</p>	<p>Yes</p>
<p>State Environmental Planning Policy Transport and Infrastructure SEPP 2021</p>		
<p>Division 17 Roads and road infrastructure corridors Subdivision 2 Development in or adjacent to road corridors and road reservations</p>		
<p>Clause 2.119 Development with frontage to 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>Yes</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 and safe, vehicular access to the land is provided by a road other than the 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 the 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, and</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>As the proposal is development with frontage to a classified road it is subject to consideration pursuant to Clause 2.119 of the SEPP. Clause 2.119(2) requires that a consent authority must not consent to the carrying out of any development on land that has a frontage to a classified road unless the provisions of Clause 2.119(2)(a), (b) and (c) are satisfied.</p> <p>Rutledge Street is a classified road (State). The existing site does not have vehicular access to Rutledge Street and the proposal does not alter this.</p> <p>The proposal proposes to provide vehicular access from Darvall Road rather than from Rutledge Street. Transport for New South Wales (TfNSW) and Council's Development Engineer have reviewed the vehicular access and have raised no objections.</p> <p>As above, vehicular access is via Darvall Road and Rutledge Street will not be adversely impacted on from this development. TfNSW have raised no objections subject to conditions (see Conditions 18, 19, 60 and 78).</p> <p>Clause (2)(c) includes consideration of traffic noise and vehicle emissions on the development site arising from the classified road. Whilst an Acoustic Report has not been submitted with the application, it is proposed to provide double glazed windows to the windows facing Rutledge Street and an acoustic seal</p>	
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	<p>to the Dwelling 1 front door facing Rutledge Street.</p> <p>The application was referred to TfNSW. No objections were raised subject to recommended conditions of consent (see Conditions 18, 19, 60 and 78).</p>	
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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 demolition, new two storey dual occupancy (attached) and Torrens title subdivision is permissible with development consent.

Aims and objectives for the low density residential zones:

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

The proposal is for demolition, new two storey dual occupancy (attached) and Torrens title subdivision which provides for a variety of housing types and provides for the housing needs of the community within a low density residential environment. The second objective is not of relevance to the proposed development. The proposed satisfies the relevant objectives for residential developments.

Clause 4.1B Minimum lot sizes for dual occupancies

Clause 4.1B(2) states the following:

(2) Development consent may be granted for development on a lot in Zone R2 Low Density Residential for the purposes of dual occupancy (attached) if—

(a) the area of the lot is equal to or greater than 580 square metres, and

(b) the primary road frontage of the lot is equal to or greater than 15 metres.

The site is zoned R2 Low Density Residential and a dual occupancy (attached) is proposed.

The site has an area of 763.45m² and complies with Clause 4.1B(2)(a).

The site has a primary road frontage of 12.80 metres and does not comply with the development standard and represents a 14.67% or 2.20 metres contravention of the development standard.

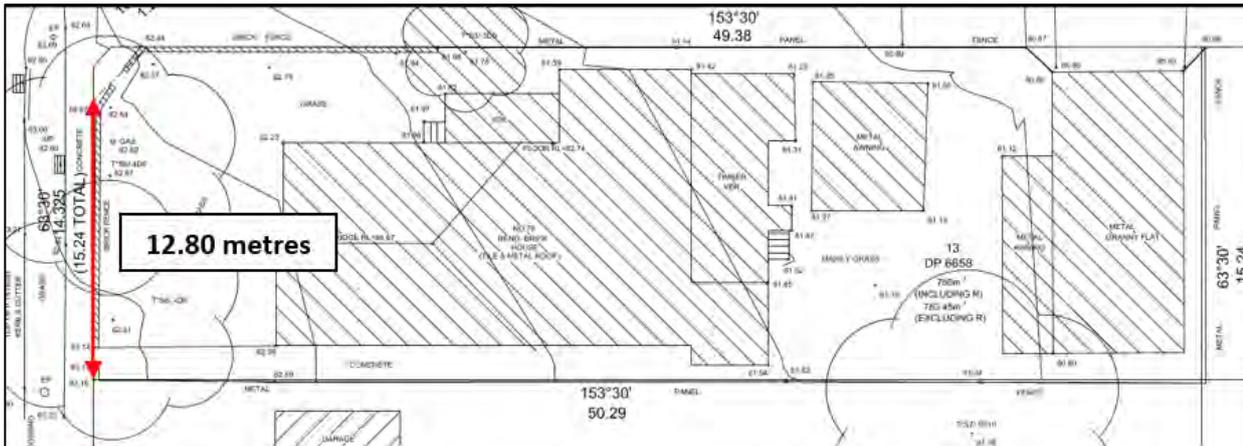


Figure 16 – Primary road frontage notated on survey plan

The applicant has sought variation pursuant to Clause 4.6 of RLEP 2014 and an assessment of the variation request is detailed below.

Clause 4.6 Exceptions to development standards

Clause 4.6 of the RLEP 2014 provides flexibility in the application of planning controls by allowing Council to approve a development application that does not comply with a development standard where it can be demonstrated that flexibility in the particular circumstances achieve a better outcome for and from development.

Several key Land and Environment Court (NSW LEC) planning principles and judgements have refined the manner in which variations to development standards are required to be approached. The key findings and directions of each of these matters are outlined in the following discussion.

The decision of Justice Lloyd in *Winten v North Sydney Council* established the basis on which the former Department of Planning and Infrastructure’s Guidelines for varying development standards was formulated.

These principles for assessment and determination of applications to vary development standards are relevant and include:

- Is the planning control in question a development standard?
- What is the underlying object or purpose of the standard?
- Is compliance with the development standard consistent with the aims of the Policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EP&A Act?
- Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?
- Is a development which complies with the development standard unreasonable or unnecessary in the circumstances of the case? and
- Is the objection well founded?

The decision of Justice Preston in *Wehbe V Pittwater [2007] NSW LEC 827* expanded on the above and established the five part test to determine whether compliance with a development standard is unreasonable or unnecessary considering the following questions:

- Would the proposal, despite numerical non-compliance be consistent with the relevant environmental or planning objectives?
- Is the underlying objective or purpose of the standard not relevant to the development thereby making compliance with any such development standard unnecessary?
- Would the underlying objective or purpose be defeated or thwarted were compliance required, making compliance with any such development standard unreasonable?
- Has Council by its own actions, abandoned or destroyed the development standard, by granting consent that depart from the standard, making compliance with the development standard by others both unnecessary and unreasonable?
- Is the “*zoning of particular land*” unreasonable or inappropriate so that a development standard appropriate for that zoning was also unreasonable and unnecessary as it applied to that land? Consequently compliance with that development standard is unnecessary and unreasonable.

In the matter of *Four2Five Pty Ltd v Ashfield Council [2015] NSW LEC*, it was found that an application under clause 4.6 to vary a development standard must go beyond the five (5) part test of *Wehbe V Pittwater [2007] NSW LEC 827* and demonstrate the following:

- Compliance with the particular requirements of Clause 4.6, with particular regard to the provisions of subclauses (3) and (4) of the LEP; and
- That there are sufficient environment planning grounds, particular to the circumstances of the proposed development (as opposed to general planning grounds that may apply to any similar development occurring on the site or within its vicinity);
- That maintenance of the development standard is unreasonable and unnecessary on the basis of planning merit that goes beyond the consideration of consistency with the objectives of the development standard and/or the land use zone in which the site occurs.

The applicant has submitted a written request to vary the primary road frontage control. An assessment of the relevant provisions of Clause 4.6 is as follows:

Whether compliance with the standard is unreasonable and unnecessary in the circumstances of the case

The submission relies upon the common ways to demonstrate compliance with a development standard is unreasonable or unnecessary in accordance with *Wehbe v Pittwater Council (2007)*. The submission relies upon the objectives of the standard being achieved notwithstanding the non-compliance with the standard.

The objective of the minimum lot sizes for dual occupancies is set out in Clause 4.1B as follows:

- (1) *The objective of this clause is to achieve planned residential density in certain zones.*

The justification in the applicant’s request and Assessment Officer’s comments are below:

“The objective of the Clause 4.1B is as follows:

“To achieve planned residential density in certain zones”

The meaning of “Residential density” is not a relatively defined term and can relate in the context of a planning instrument. The findings by Commissioner Grey in Clearcut Homes Pty Ltd v City of Ryde Council [2020] NSWLEC 1249 (Clearcut), found that “planned residential density” refers to the desired size and number of residential uses within a given area and consequentially, across the zone. It is apparent, therefore, that by fixing minimum road frontage widths and lot sizes, the clause operates to “achieve planned residential density”.

The site is zoned R2 Low Density Residential and the provision of a Dual Occupancy (attached) is a permissible use. The site achieves the fixed lot size dimensions however, the northern splayed corner of the site is reserved for land acquisition resulting in the shortfall.

The objective of the development standard is to “achieve planned residential density” in the Low-Density Residential Zone. Through fixing the lot size requirements the operation of the development standard aims to achieve a desired number of dwellings in the locality to counter population growth.

The qualifier in the objective is to achieve planned residential density, therefore it is interpreted that the objective aims to facilitate density rather than prohibit. Dual occupancies are a form of lower scale residential development that provides greater density which achieves the planned residential density as anticipated by the development standard.

It is evident that capacity exists to accommodate a net increase of one (1) additional dwelling and the site can conformably accommodate the proposed additional density, thus achieving the planned residential density.

It would be unreasonable to make boundary adjustments to the site to achieve the desired frontage. The site is a corner allotment whereby the numerical variation would be minor as it is not readily perceptible and the dispensation is viewed negligible.

The proposed is consistent with the objective of the development standard given that the subject is capable of accommodating the additional anticipated density which is consistent with the desired future character of the R2 zone.

In Clearcut Commissioner Grey references the objective to also include the bulk and scale. “Where the more bulk and scale you have on a property results in an area that is denser in bulk and scale.” As such, the development is located on a corner allotment which presents an attractive opportunity for a development with a consistent degree of compliance with the relevant planning controls.

Therefore, for the reasons outlined above the objectives of the development standard are achieved notwithstanding the non-compliance.”

Assessment Officer’s Comments: The site has an area of 763.45m². The lot size complies with Clause 4.1B(2)(a) which requires the area of the lot to be equal to or greater than 580 square metres.

The proposal has a height of 8.61 metres and complies with Clause 4.3(2) which requires a maximum height of 9.5 metres. The proposal has a floor space ratio of 0.49:1 and complies with Clause 4.4(2) which requires a maximum floor space ratio of 0.5:1.

The site is zoned R2 Low Density Residential and dual occupancies (attached) are permissible in the zone.

The site is a corner allotment and has two (2) frontages. This influences the design of the development. The driveway and parking structures are located on the secondary road frontage being Darvall Road which has a frontage of 47.90 metres. The driveway and parking structures do not dominate the primary road frontage. The driveway and parking structures being located on the secondary road frontage results in reduced hard paved areas within the primary front setback. The driveways and parking structures being located on the secondary road frontage allows the Dwelling 1 living areas to orientate north west and receive solar access between 9am and 3pm.

For these reasons the site is considered to achieve planned residential density in the R2 zone. It is agreed that the proposal achieves this objective.

Environmental planning grounds to justify contravening the development standard

The submitted request provides the following in response to addressing what the environmental planning grounds are for the variation.

“In order to establish sufficient environmental planning grounds, it is most appropriate to identify the circumstances of the contravention to the development standard. The development standard that this request seeks Council’s consent for an exemption to is Clause 4.1B(2).”

The subject site has a primary road frontage of 15.24 metres to Rutledge Street, however a portion of the primary road frontage is burdened with a Restriction to User for the purposes of road widening. The SP2 portion of the site is not included in the calculation of the primary road frontage and removed entirely from any calculations responding to applicable LEP provisions. Ultimately, resulting in the shortfall for the primary road frontage to Rutledge Street and represents a technical non-compliance.

Despite the negligible contravention to the development standard, the proposed has clearly demonstrated that a dual occupancy (attached) built form can be accommodated on the subject site. The orientation of the buildings are designed to present to Darvall Road, this establishes a new primary road frontage for each resultant lot equalling to a frontage of greater than 15 metres.

Similar to the findings in Jiang v City of Ryde Council [2020] NSWLEC 1378, Commissioner Grey accepted the position that “The clause concerns the features of the lot, which if met, allow development consent to be granted “for development on a lot” for the purpose of a dual occupancy or multi-dwelling housing. The words in cl 4.1B(2) are clearly directed to the lot, and to ensuring that the lot has the necessary attributes.”

Therefore, the resultant subdivision contains the relevant attributes to dual occupancy which will be consistent with the primary road frontage requirements. The proposed new allotments are compatible with the existing development and subdivision pattern in the immediate context of the environment and with the emerging pattern of development in the

locality. It is considered that the technical non-compliance with the primary road frontage does not result in any adverse impact and is appropriate for the orderly and economic use of the land.

Therefore, for the reasons outlined, it is considered that there are site specific reasons to demonstrate that there are sufficient environmental planning grounds to justify contravention to the development standard.”

Assessment Officer’s Comments: The submission has established there are sufficient environmental planning grounds to justify contravening the standard in accordance with Clause 4.6(3)(b) and 4.6(4)(a)(i). The sufficient environmental planning grounds include:

- Clause 4.1B(2) permits dual occupancy development (attached) if the area of the site is equal to or greater than 580sqm, and also has a primary road frontage of equal to or greater than 15m. This is understood to be most relevant on standard rectangular residential allotments, where there is only one road frontage and therefore the frontage needs to extend for an appropriate distance to allow two dwellings on the allotment. The subject site is a corner allotment. The corner allotment allows a design with a suitable outcome despite the 2.20 metre primary road frontage deficiency.
- Measured at the required front setback, the width of the allotment is approximately 15.20 metres which complies with the LEP requirement.

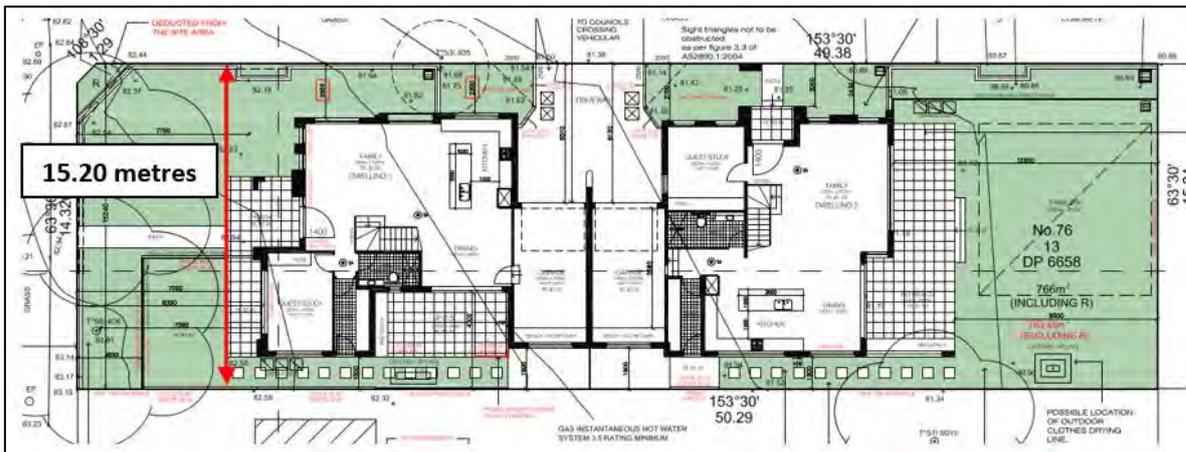


Figure 17 – Width of lot measured at front setback

- The site is a corner allotment and has two (2) frontages. This influences the design of the development. The driveway and parking structures are located on the secondary road frontage being Darvall Road which has a frontage of 47.90 metres. The driveway and parking structures do not dominate the primary road frontage. The driveway and parking structures being located on the secondary road frontage results in reduced hard paved areas within the primary front setback. The driveway and parking structures being located on the secondary road frontage allows the Dwelling 1 living areas to orientate north west and receive solar access between 9am and 3pm.
- The proposed dual occupancy (attached) is permissible within the R2 Low Density Residential Zone. The site has an area of 763.45m². The lot size complies with Clause 4.1B(2)(a) which requires the area of the lot to be equal to or greater than 580 square metres. There is sufficient land area available for the proposed development.

Public interest – Development consistent with the zone objectives and objectives of the development standard

Clause 4.6 (4)(a)(ii) requires that the consent authority is satisfied that the development is in the public interest because it is consistent with the objectives of the standard and the objectives for development within the zone.

As detailed in the discussion of whether compliance with the standard is unreasonable or unnecessary, the development is consistent with the objective of the standard and this has been demonstrated in the submitted variation request. Council is satisfied that the development is consistent with the objective of the development standard Clause 4.1B(1).

The development must also be consistent with the objectives of the zone. As already discussed in this report, the development is consistent with the R2 Low Density Residential zone objectives.

Therefore, the proposal is considered to be in the public interest. The development has demonstrated consistency with Clause 4.6(4)(a)(ii).

Matters required to be taken into consideration by the Director-General before granting the concurrence

Circular PS 08-003 issued on 9 May 2008 informed Council that it may assume the Director-General's concurrence for exceptions to development standards.

Conclusion

The applicant has adequately addressed why compliance with the development standard is unreasonable or unnecessary under Clause 4.6(3)(a) of RLEP 2014. It is considered that the non-compliance with the primary road frontage can be supported in the circumstance of the case, as there are sufficient environmental planning grounds for contravening the development standard.

The site is a corner allotment and has two (2) frontages. This influences the design of the development. The driveway and parking structures are located on the secondary road frontage and do not dominate the primary road frontage. The driveway and parking structures being located on the secondary road frontage results in reduced hard paved areas within the primary front setback. The driveway and parking structures being located on the secondary road frontage allows the Dwelling 1 living areas to orientate north west and receive solar access between 9am and 3pm.

The proposal is unlikely to have material impacts on adjoining properties. The proposal is consistent with the objectives of the development standard and the R2 Low Density Residential zone.

Accordingly, development consent may be granted to the proposal, despite the contravention of the primary road frontage development standard.

Other relevant Clauses of RLEP 2014

Ryde LEP 2014	Proposal	Compliance
4.1A Dual occupancies (attached) subdivisions		
<p>(a) on or after the day <i>Ryde Local Environmental Plan 2014 (Amendment No 28)</i> commences, a development application made for a dual occupancy (attached) has been approved for the lot, and—</p> <p>(i) the lot to be subdivided a minimum 580m²</p> <p>(ii) 1 dwelling each lot</p> <p>(iii) Each lot at least 290m²</p> <p>(iv) Primary road frontage equal or > 7.5 metres</p>	<p>763.45m²</p> <p>1 dwelling each lot</p> <p>Dwelling 1 – 361.45m²</p> <p>Dwelling 2 - 402m²</p> <p>Dwelling 1 – 12.80m</p> <p>Dwelling 2 – 26.44m</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
4.3(2) Height		
9.5m	8.61m	Yes
4.4(2) & 4.4A(1) FSR		
0.5:1 (381.725m ²)	0.49:1	Yes
6.2 Earthworks		
<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 site is not located within proximity of any cultural or heritage items. The proposal includes excavation to a depth of 100mm associated with the Dwelling 1 guest/study room. The proposed excavation is not considered to result in any adverse detrimental impacts upon environmental functions and processed or neighbouring uses.</p> <p>The redevelopment of the site, given its sloping nature involves appropriate levels of cut and fill which does not adversely impact the amenity of adjoining properties and is considered to be consistent with the provisions of Clause 6.2(3).</p>	<p>Yes</p>

Clause 6.4 Stormwater management		
<p>(1) The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.</p>	<p>The proposal is consistent with the provisions of Clause 6.4(3) in that the proposal has been designed to maximise the use of permeable surfaces allowing for water filtration and avoids adverse impacts of stormwater runoff on adjoining properties and receiving waters.</p> <p>The proposal has been considered acceptable by Council's Senior Development Engineer.</p>	<p>Yes</p>

5.3 Draft Environmental Planning Instruments

Draft Remediation of Land State Environmental Planning Policy (SEPP)

The Draft Remediation of Land SEPP does not seek to change the requirement for consent authorities to consider land contamination in the assessment of DAs. As discussed within the SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land (formerly SEPP No. 55 – Remediation of Land) assessment above, the proposed land use is low density residential consistent with the historical use of the site. As such, it is unlikely to contain any contamination and further investigation is not warranted in this case.

Draft Environment SEPP

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

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

The proposal is consistent with the provisions of the draft SEPP.

5.4 Development Control Plan

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)

2.6 Site Configuration

2.6.2 Topography and Excavation

Control 2.6.2 (c)(iii) permits maximum fill outside the building footprint of 500mm. The fill proposed outside the building footprint is 700mm. The fill proposed outside the building footprint is non compliant with Control 2.6.2(c)(iii) and exceeds the requirement by 200mm. The fill is associated with the proposed driveway. The proposal is considered acceptable as the fill is required to enable the driveway to connect to the garage at an acceptable level. The proposal is consistent with the objectives of the controls in that the development will create a consistent streetscape and natural landform when viewed from the street is generally maintained. The proposed fill does not result in any unreasonable overlooking and the non compliance is considered acceptable.

2.9 Setbacks

2.9.1 Front Setbacks

Control 2.9.1(f) requires the outside face of a wall built above a garage which faces the street to align with the outside face of the garage wall below. Bedroom 1 of Dwelling 1 is setback 1.0 metre behind the outside face of the wall of the garage below and Bedroom 1 of Dwelling 2 is setback 1.0 metre behind the outside face of the wall of the garage below. The proposal does not comply with Control 2.9.1(f).

The garages are setback 6.5 metres from Darvall Road and comply with Control 2.9.1(b) which requires on corner sites, the setback along the secondary street (the street to which the house has its secondary frontage) is to be a minimum of 2m. The first floor Bedroom 1 balconies are cantilevered 1.9 metres forward of the garages. The proposal is considered acceptable as the cantilevered first floor balconies provides for articulation of the built form and provides for visual amenity within the streetscape presentation. The design response ensures the garages are not a prominent feature. The front elevation is appropriately articulated and achieves the desired presentation to the streetscape. The non compliance is considered acceptable.

2.9.3 Rear Setbacks

Control 2.9.3(a) states the rear of the dwelling is to be set back from the rear boundary a minimum distance of 25% of the length of the site or 8 m, whichever is the greater. The rear setback required is 12.57 metres, being 25% of the site length. The rear setback measured to the alfresco associated with Dwelling 2 is 9.40 metres (**Figure 18**) which does not meet the rear setback requirement of 12.57 metres. The proposal is considered acceptable for the following reasons:

- A suitable area for private outdoor recreation is provided;
- The development ensures adequate private open space for residents;
- There is sufficient area for vegetation and mature trees;

- The proposal achieves the desired spatial separation of built form between properties; and
- The non compliance does not result in any adverse amenity impacts to adjoining properties

The non compliance is considered acceptable.

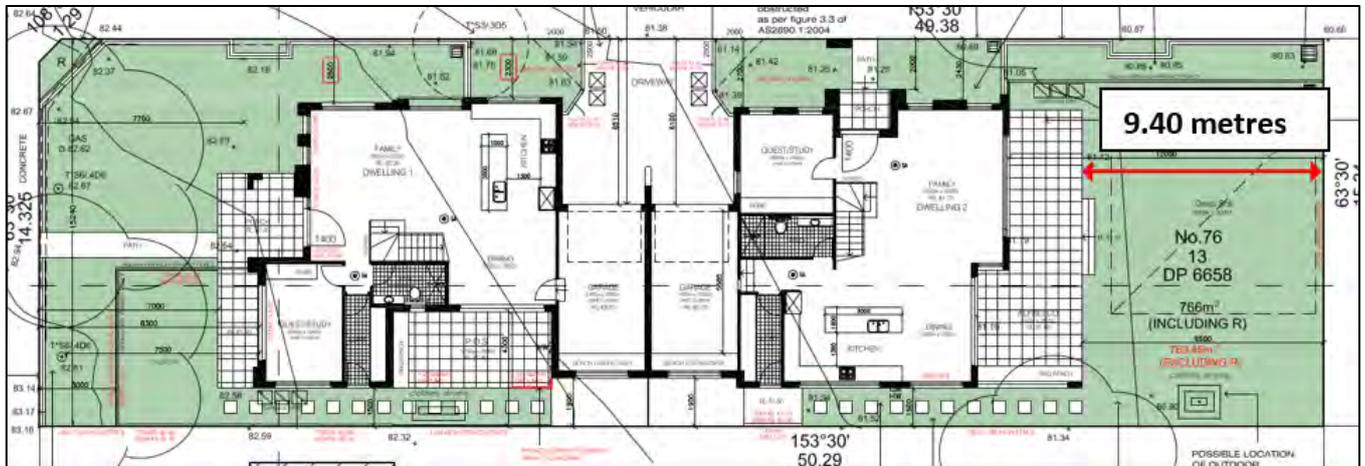


Figure 18 – Rear setback notated on ground floor plan

2.11 Car Parking and Access

2.11.1 Car Parking

Control 2.11.1(i) states garages and carports facing the public street are to have a maximum width of 6 m or 50% of the frontage, whichever is less. The garage width for the proposal is required to be 6 metres. The proposed garages have a combined width of 6.7 metres and do not comply with Control 2.11.1(i). This is considered acceptable for the following reasons:

- The Dwelling 1 garage is setback 4.2 metres from the dwelling façade and the Dwelling 2 garage is setback 3.7 metres from the dwelling façade. The articulation of the front façade ensure the garages are not a prominent feature;
- The width of the garages has not resulted in an excessively wide driveway. The driveway has been kept to a minimum width where possible; and
- The garage width is still less than 50% of the site's frontage.

Control 2.11.1(j) states the total width of garage doors visible from a public space, such as the street, is not to exceed 5.7 metres. The garage doors have a combined width of 5.8 metres and do not comply with Control 2.11.1(j). This is considered acceptable for the following reasons:

- The Dwelling 1 garage is setback 4.2 metres from the dwelling façade and the Dwelling 2 garage is setback 3.7 metres from the dwelling façade. The articulation of the front façade ensure the garages are not a prominent feature; and
- The garages are setback 6.5 metres from the secondary frontage and will not be a prominent feature in the streetscape.

2.14 Dwelling Amenity

2.14.1 Daylight and Sunlight Access

Control 2.14.1(a) states living areas are to be located predominantly to the north where the orientation of the lot makes this possible.

The living areas of Dwelling 2 orientate to the south west, south east and north east and do not comply with Control 2.14.1(a). The site has a north west to south east orientation. The family room and dining room are orientated to the south east in order to connect with the alfresco and backyard. The shadow diagrams submitted show the family room and dining room are overshadowed between 9am and 3pm on June 21. The proposal is considered acceptable given the orientation of the subdivision pattern north west – south east which results in the south eastern and south western elevations being affected by overshadowing throughout the day. The proposed development is compliant with the required heights and it is considered the shadow impact is not a result of poor design but rather the orientation of the allotments. The non compliance is considered acceptable as the two (2) north eastern family room windows receive adequate solar access 9am and 12pm.

Control 2.14.1(d) states private open space of the subject dwelling is to receive at least two hours sunlight between 9 am and 3 pm on June 21. The shadow diagrams submitted show the south west facing private open space of Dwelling 1 will not receive two hours sunlight between 9 am and 3 pm on June 21. The proposal is considered acceptable despite the non compliance given the orientation of the subdivision pattern north west – south east which results in the private open space area being overshadowed throughout the day. The proposed development is largely compliant with the required setbacks and heights and it is considered the shadow impact is not a result of poor design but rather the orientation of the allotment.

The non compliance is considered acceptable as a north western landscaped private open space area is provided to Dwelling 1. The north western landscaped private open space area receives solar access between 9am and 3pm and provides reasonable solar amenity to Dwelling 1. It is noted the north western landscaped private open space area is located within the front setback. This is considered acceptable as there are no ancillary structures proposed within the landscaped private open space area. The landscape plan shows five (5) *Viburnum Emerald Lustre* (Sweet Viburnum) plants with a mature height of 3 metres are proposed to the north west of the privacy screen surrounding the private open space area and conceal the privacy screen.

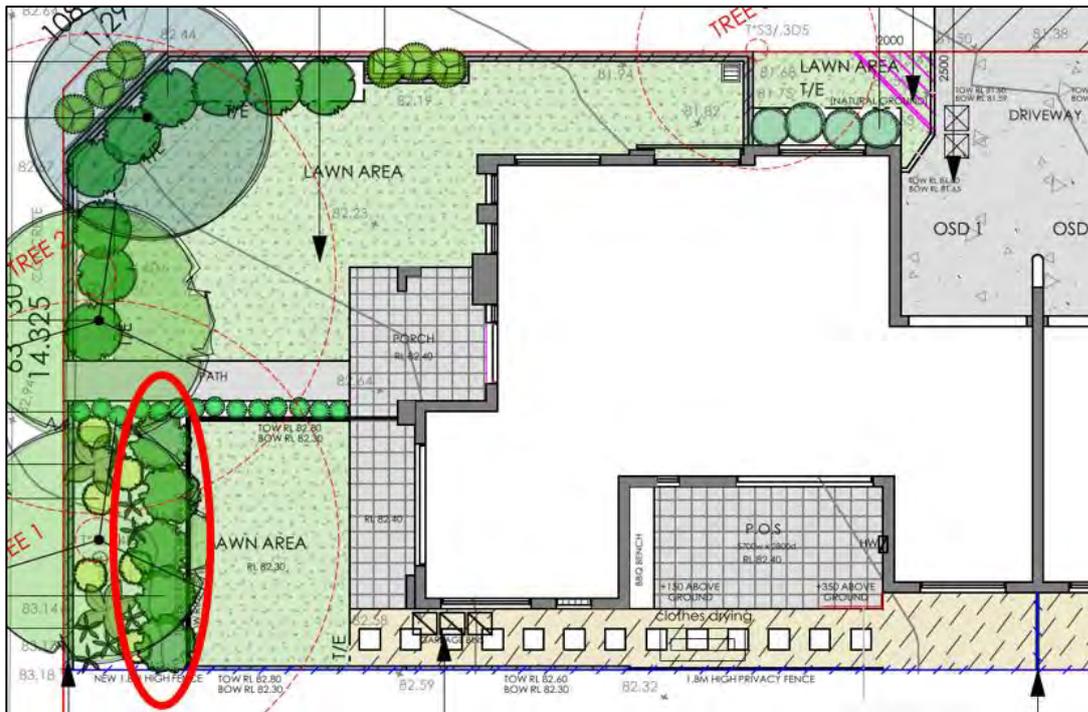


Figure 19 – Screen planting (circled in red) concealing the privacy screen

2.14.2 Visual Privacy

Control 2.14.2(a) requires windows of the main internal living spaces such as living rooms, dining rooms, kitchens, family rooms and the like, to orientate to the front or to the rear of allotments. The following openings do not comply with Control 2.14.2(a):

Dwelling 1

- Window associated with the study/guest room. The window has a sill height of 1.8 metres. The windows sit above a standard sight line and will have no adverse impact on the adjoining property.
- Glass sliding door associated with the dining room. The glass sliding door is elevated and aligns with a window (highlighted in yellow in **Figure 20**) within the neighbouring property at No. 78 Rutledge Street. **Condition 1(a)** is recommended requiring the Dwelling 1 alfresco privacy screen to be extended for a length of 1 metre.

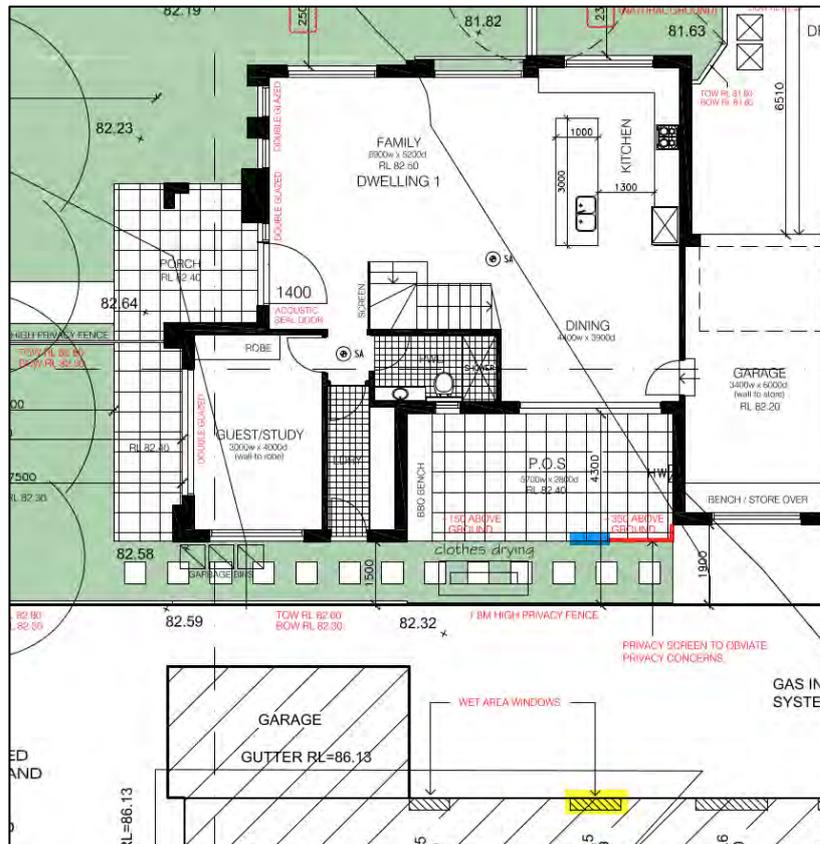


Figure 20 – The section of the privacy screen to be extended is shown in blue

- Window associated with the sitting room on the first floor. The window has a sill height of 1.6 metres. The windows sit above a standard sight line and will have no adverse impact on the adjoining property.

Dwelling 2

- Window associated with the kitchen. The window has a lintel height of 1.5 metres. The kitchen window sits below a standard sight line and will have no adverse impact on the adjoining property.
- Windows associated with the dining room. The window has obscured glazing and maintains acceptable privacy with the neighbouring dwelling.
- Windows associated with the family room. The south west facing alfresco privacy screen restricts views from the family room. The window will have no adverse impact on the adjoining property.
- Window associated with the sitting room on the first floor. The window has a sill height of 1.6 metres. The windows sit above a standard sight line and will have no adverse impact on the adjoining property.

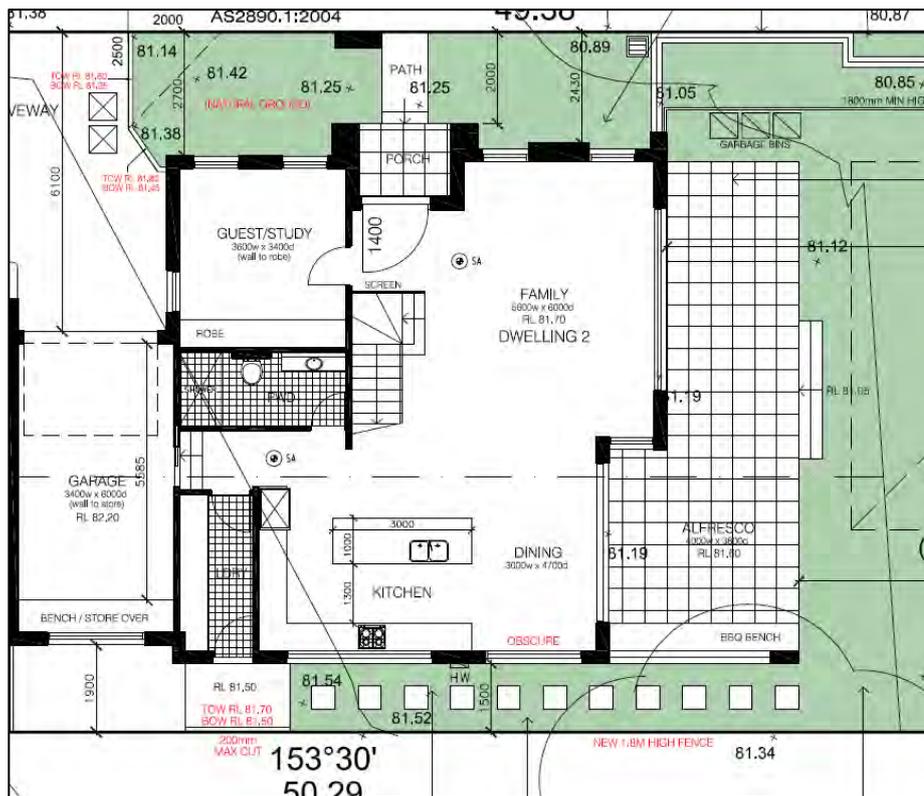


Figure 21 – Ground floor plan of Dwelling 2

The non compliance with Control 2.14.2(a) is considered acceptable.

Control 2.14.2(b) requires terraces, balconies and outdoor living areas to be orientated to either the front or the rear of allotments, and not to the side boundaries. The following terraces, balconies and outdoor living areas orientate to the side boundaries and do not comply with Control 2.14.2(b):

Dwelling 1

- Alfresco orientates to the side boundary. A privacy screen is provided to a section of the alfresco which is elevated greater than 200mm and maintains acceptable privacy with the neighbouring dwelling. A standard sightline (RL 84.00) from the proposed alfresco would be below the proposed 1.8 metre high side boundary fence. The deck will have no adverse impact on the adjoining property.

The non compliance with Control 2.14.2(b) is considered acceptable.

Control 2.14.2(d) requires living room and kitchen windows, terraces and balconies are not to allow a direct view into neighbouring dwellings or neighbouring private open space. The following living area window results in overlooking and do not comply with Control 2.14.2(d):

Dwelling 1

- Glass sliding door associated with the dining room. The glass sliding door is elevated and aligns with a window within the neighbouring property at No. 78 Rutledge Street. **Condition 1(a)** is recommended requiring the Dwelling 1 alfresco privacy screen to be extended for a length of 1 metre.

Control 2.14.2(e) requires side windows are to be offset from neighbouring dwelling windows. The following side windows are not offset from windows of the neighbouring dwelling and are contrary to Control 2.14.2 (e):

Dwelling 1

- Window associated with the ground floor bathroom. The window has obscured glazing and maintains acceptable privacy with the neighbouring dwelling.
- Windows associated with the dining room. The glass sliding door is elevated and aligns with a window within the neighbouring property at No. 78 Rutledge Street. **Condition 1(a)** is recommended requiring the Dwelling 1 alfresco privacy screen to be extended for a length of 1 metre.
- Window associated with the garage. The proposed window is associated with the garage which is a non habitable room and not considered to be an area which will be extensively used for prolonged periods.

Dwelling 2

- Window associated with the garage. The proposed window is associated with the garage which is a non habitable room and not considered to be an area which will be extensively used for prolonged periods.

The non compliance with Control 2.14.2(e) is considered acceptable.

2.16 Fences

2.16.1 Front and return fences and walls

Control 2.16.1(j) requires fence piers are to have a maximum width of 350 mm. The front fence elevation of Darvall Road shows the letter box has a width of 700mm and is non compliant with Control 2.16.1(j). The non compliance is considered acceptable as the letter box extends for a length of 0.7 metres and does not impact sightlines from the driveway.

5.5 Planning Agreements or Draft Planning Agreements

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

5.6 City of Ryde Section 7.11 Development Contributions Plan 2020

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

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$6,061.81
Open Space & Recreation Facilities	\$10,438.15
Roads & Traffic Management Facilities	\$3,204.48
Plan Administration	\$295.56
The total contribution is	\$20,000

Condition on the payment of Section 7.11 Contribution of \$20,000 has been included in the draft notice of determination attached to this report (**Condition 32**).

5.7 Any matters prescribed by the regulations

Environmental Planning and Assessment Regulation 2021

There are no planning agreements or draft planning agreements for this development. The Regulation underpins the day-to-day operation of the NSW planning system. The Regulation guides the processes, plans, public consultation, impact assessment and decisions made by local councils, the Department of Planning and others. Standard conditions are recommended relating to compliance with BCA and AS (**Condition 3 and Condition 33**).

Australian Standard for Demolition - Clause 61(1)

Clause 61(1) of the Environmental Planning & Assessment Regulations 2021 requires the consent authority to consider the provisions of *Australian Standard AS 2601-2001: The demolition of structures*. The demolition of the existing structures will be carried out in accordance with the demolition plan and demolition work method statement. A condition is included in Attachment 1 requiring the demolition plan and demolition work method statement to be complied with during demolition (**Condition 25**).

Building Code of Australia Upgrade – Clause 64

In accordance with Clause 64 of the Regulations 2021, the proposal will be required to provide adequate fire safety in accordance with the BCA. This will be included in the recommendations of this report (**Condition 3**).

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 proposal seeks consent for demolition, new two storey dual occupancy (attached) and Torrens title subdivision. The proposed dual occupancy (attached) is located in the part of the site zoned R2 Low Density Residential under RLEP 2014.

The proposal exceeds the minimum lot sizes for dual occupancies development standard. The submitted Clause 4.6 variation to Clause 4.1B has met the jurisdiction prerequisites to enable the consent authority to support the proposed departure from the development standard. 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 is non-compliant with Clause 4.1B Minimum lot sizes for dual occupancies, but has been supported by a satisfactory Clause 4.6 variation request.

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.

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 10 February 2022 and 3 March 2022. One (1) submission was received objecting to the development from the adjoining property at No.78 Rutledge Street.

The amended plans received on 10 July 2022 and 25 August 2022 were not required to be renotified as the amendments do not increase the impact on adjoining or neighbouring land or cause material impact on the environment.

The submission raised the following concerns:

1. *Space for rescue vehicles and impact on safety island*

Comment: Concern is raised that Rutledge Street and Darvall Road are not quiet streets and have a high frequency of traffic accidents. Concern is raised the proposal will take space for rescue vehicles and impact the safety island.

Assessing Officer comment's: Rutledge Street is a classified road (State). The existing site does not have vehicular access to Rutledge Street and the proposal does not alter this. The proposal proposes to provide vehicular access from Darvall Road which is a local road. The proposal has been reviewed by Council's Senior Development Engineer and Transport for New South Wales (TfNSW) and is considered acceptable.

The proposed vehicular crossing has a width of 5.0 metres and complies with Section 2.2 Vehicular Crossing Widths of Part 8.3 Driveways of RDCP 2014 which requires a maximum width of 5.0 metres. The proposal will not take up space for rescue vehicles.

The safety island is located at the intersection of Darvall Road and Rutledge Street. The driveway is located 13.9 metres from the safety island and is unlikely to have any impact on the island or safety.

2. *Distance between proposed building and driveway to existing electricity poles*

Comment: There are four (4) existing electricity poles around the site. Concern is raised with the location of the driveway and proposed building from the electricity poles.

Assessing Officer comment's: There are two (2) existing electricity poles on the Darvall Road frontage. The driveway is approximately 11.8 metres from one electricity pole and 6.4 metres from the other electricity pole. The distance between the driveway and electricity poles is considered acceptable. The proposed building is within the site boundary and will not impact on the electricity poles. Control 2.9.1(b) requires on corner sites, the setback along the secondary street (the street to which the house has its secondary frontage) is to be a minimum of 2m. The proposal is setback 2.0 metres from the secondary street and complies with Control 2.9.1(b).

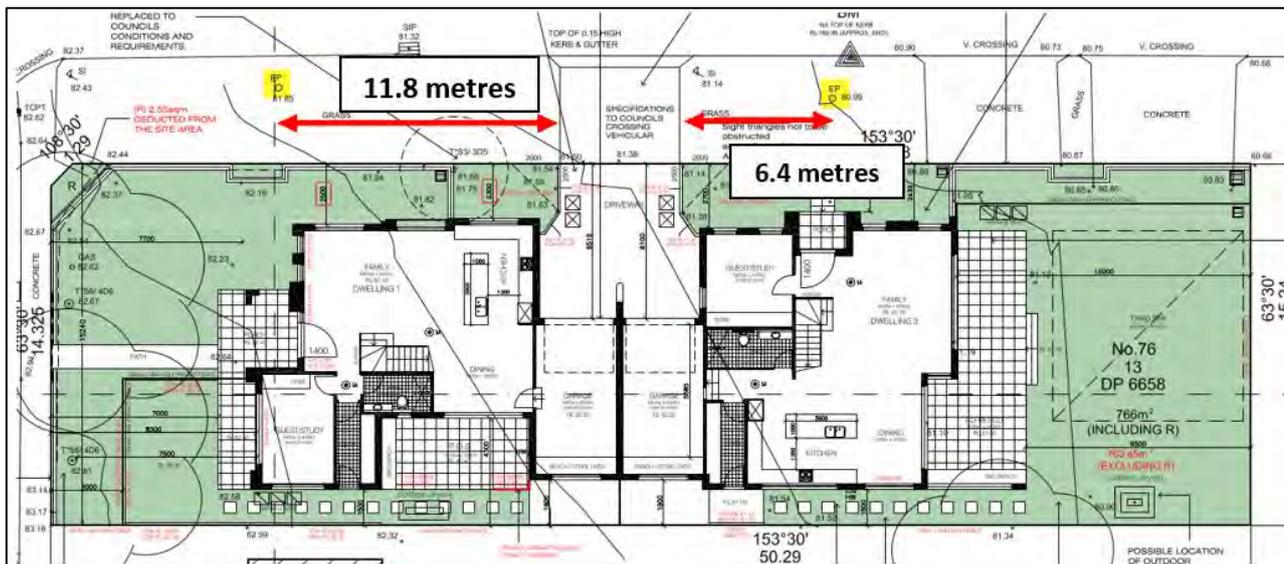


Figure 22 – Location of electricity poles highlighted in yellow

3. Impact to existing Jacaranda Tree

Comment: Concern is raised there is insufficient space for the Jacaranda Tree to grow. Concern is raised during a storm that branches may fall and damage the new building.

Assessing Officer comment's: There is an existing *Jacaranda mimosifolia* (Jacaranda) tree located within the neighbouring property at No. 78 Rutledge Street. The tree is proposed to be retained. Council's Landscape Architect has reviewed the proposal and raised no issues with the retention of the tree.



Figure 23 – Photo of the Jacaranda Tree

4. Loss of sunlight

Comment: Concern is raised sunlight is going to be lost to the east and south side of 78 Rutledge Street.

Assessing Officer comment's: The existing shadow diagrams show the existing dwelling at No. 76 Rutledge Street overshadows the north eastern elevation of No. 78 Rutledge Street at 9am and does not overshadow the neighbouring dwelling between 12pm and 3pm.

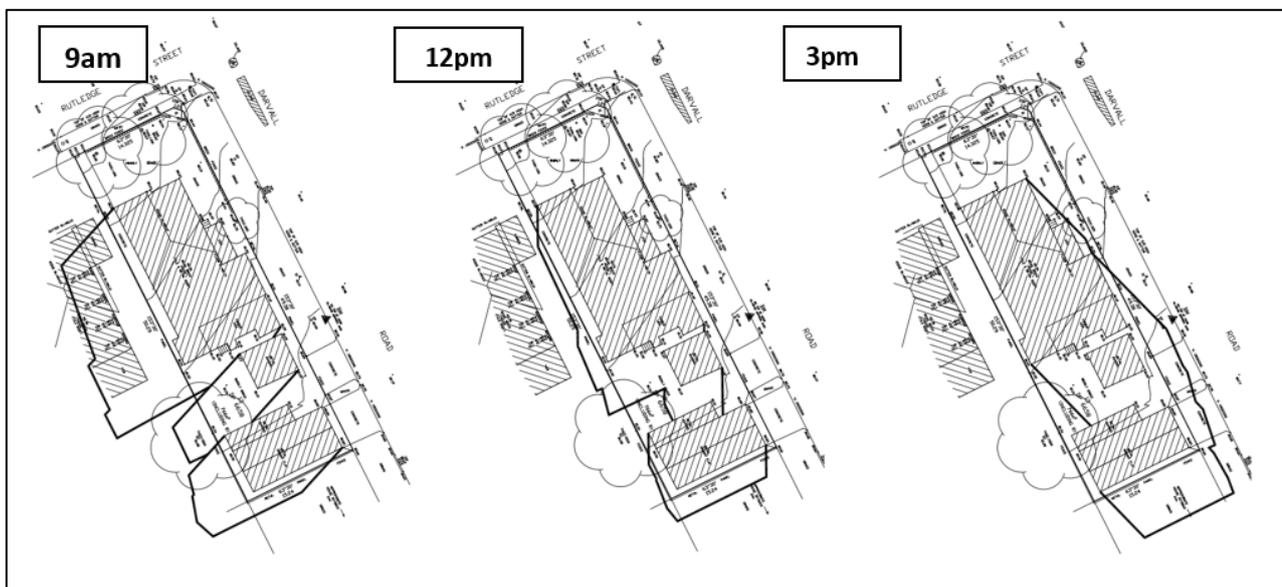


Figure 24 – Existing shadow diagram showing existing dwelling does not overshadow the neighbouring dwelling between 12pm and 3pm

The proposed shadow diagrams show the proposed dual occupancy overshadows the north eastern elevation of No. 78 Rutledge Street at 9am and does not overshadow the neighbouring dwelling between 12pm and 3pm. The extent of overshadowing onto No. 78 Rutledge Street is unchanged and the proposal is considered acceptable.

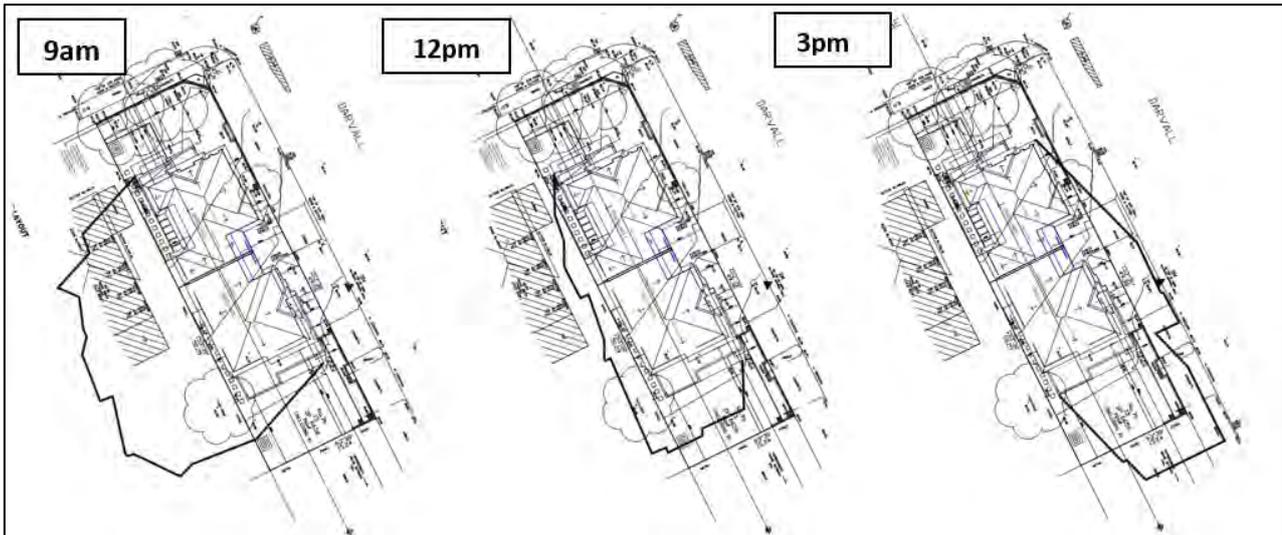


Figure 25 – Proposed shadow diagram showing proposed dual occupancy does not overshadow the neighbouring dwelling between 12pm and 3pm

5. Location of bathrooms

Comment: Concern is raised 4 to 5 bathrooms are located adjacent to the east facing living areas of No. 78 Rutledge Street. Concern is raised this will reduce the value of the neighbouring dwelling and enjoyment from the living areas will be lost.

Assessing Officer comment's: Four (4) bathroom windows are located on the south western elevation and adjoin No. 78 Rutledge Street. All four (4) windows have obscured glazing and do not result in visual privacy impacts. The location of the bathroom windows is considered acceptable.

6. Single dwelling to be provided

Comment: The proposed Torrens title subdivision is not supported and a single new house should be provided.

Assessing Officer comment's: The proposal is for demolition, new two storey dual occupancy (attached) and Torrens title subdivision which is permissible with consent in the R2 Low Density Zone under RLEP 2014.

10. REFERRALS

INTERNAL REFERRAL:

Senior Development Engineer

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

“Stormwater Management

The POS in the Rutledge Street setback is recessed below the natural ground level and will therefore warrant a surface inlet pit to be located in this area. This is marked on the plan and addressed by condition.

It is noted that the rainwater tank storage required by BASIX is accommodated in both OSD storages on the lot.

Public Domain

The proposed development will require the removal of the existing driveway crossovers and construction of new driveway fronting the vehicle access.

Vehicle Access and Parking

The development is compliant with AS 2890.1 for a single enclosed garage for each unit.

Recommendation

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

Conditions of consent have been imposed by Council’s Senior Development Engineer (see **Conditions 14, 15, 16, 17, 42, 43, 44, 45, 46, 53, 72, 73, 83, 84, 85, 86, 87, 89, 90, 91, 92, 93, 94, 95** and **96**).

Landscape Architect

The application was referred to Council’s Landscape Architect who provided the following comments:

Tree No.	Species “Common name”	Proposed recommendation in AIA	Comment
1	<i>Grevillea robusta</i> (Silky Oak)	Remove Mature, fair condition, crown modifications for overhead services resulted in a short term retention value.	Agree No impact from development. However, pruning for overhead wires in the street has resulted in a contorted trunk. See Photo 2. Compensatory tree planting required
2	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Remove Mature, fair condition, crown modifications for overhead services resulted in a short term retention value.	Disagree No impact from development. Mainly below level of street wires. See Photo 1. Therefore retain.
3	<i>Pittosporum undulatum</i> (Native Daphne)	Remove Mature, fair condition, crown modifications for	Agree Only 2.3 metres from proposed building. Major encroachment.

		overhead services resulted in a short term retention value. Impacted by development	Compensatory tree planting required.
4	<i>Jacaranda mimosifolia</i> (Jacaranda)	Retain In adjoining property. Sever lean. Tree protective fence required	Agree



Figure 26 – Photo of Tree 1 showing contorted trunk



Figure 27 – Photo of Tree 1 to be removed and Tree 2 to be retained

Conditions of consent have been imposed by Council’s Landscape Architect (see **Conditions 54, 55, 56, 57, 58, 59, 74, 75, 76, 77 and 80**).

Assessing Officer comment’s: **Condition 54** is recommended requiring Tree 2 to be retained and protected.

Condition 1(a) is recommended requiring the landscape plan shall be updated to show the retention of Tree 2.

The landscape plan shows five (5) compensatory trees are proposed. Three (3) trees are located within the Rutledge Street frontage and two (2) trees are located within the rear yard.

The retention of Tree 2 will result in insufficient space within the Rutledge Street frontage for three (3) compensatory trees to be planted. **Condition 1(c)** is recommended requiring the landscape plan shall be updated to show the *Elaeocarpus reticulatus* (Blueberry Ash) and *Banksia integrifolia* (Coastal Banksia) located to the east of the front pathway deleted from the plan.

The proposal will result in three (3) compensatory trees consisting of one (1) *Banksia integrifolia* (Coastal Banksia) and two (2) *Angophora floribunda* (Rough Barked Apple).

EXTERNAL REFERRAL:

Transport for New South Wales

The application was referred to TfNSW who provided the following comments:

“TfNSW has reviewed the submission and notes that:

- *The subject property is affected by a Road Widening Order under section 25 of the Roads Act, 1993 as published in Government Gazette No. 143 of 5th November 1965; Folio 3620, as shown by the pink colour on the attached Aerial - "X" and DP226510 (Attachment A).*

On the area of land that is affected by a road proposal, the TfNSW does not support the construction of any new buildings or substantial structures. However, TfNSW policy is that it would not object to normal maintenance and repairs, nor to minor alterations and additions within the property boundary.

In this regard, the development's proposed landscaping would be considered to be a 'minor' addition and thus allowable within the above parameters acceptable to the agency.

- *All vehicle access to the development is via Darvall Road (local road).*

As such TfNSW raises no objections to proposed development, subject to the following conditions being included in any consent issued by Council.”

Conditions of consent have been imposed by TfNSW (see **Conditions 18, 19, 60 and 78**).

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 has been supported by a satisfactory Clause 4.6 variation request which demonstrates that compliance with Clause 4.1B Minimum lot sizes for dual occupancies is unreasonable and unnecessary in the circumstances and there are sufficient environmental planning grounds to justify contravening the development standards.
5. The proposal is not contrary to the public interest.
6. The submission received in response to this DA has been considered and addressed in this report. None of the issues raised warrant the refusal of the subject application.

12. RECOMMENDATION

- A. That the Ryde Local Planning Panel accepts that the cl 4.6 written request to vary the minimum road frontage for dual occupancies development standard (Clause 4.1B(2)) in RLEP 2014 has adequately addressed the matters in sub clause (3) and will be in the public interest as it is consistent with the objectives of the development standard in Clause 4.1B and the objectives of the R2 Low Density Residential Zone of Ryde Local Environmental Plan 2014.
- B. That the Ryde Local Planning Panel, as the consent authority, grant consent to LDA2022/0038 for demolition, new two storey dual occupancy (attached) and Torrens title subdivision at 76 Rutledge Street Eastwood, subject to the draft conditions contained in Attachment 1.

ATTACHMENTS

- 1** Draft Conditions of Consent
- 2** DCP Compliance Table
- 3** Clause 4.6 written variation to Clause 4.1B Minimum lot sizes for dual occupancies
- 4** Architectural Plans - subject to copyright provision

Report prepared by:

Niroshini Stephen
Senior Town Planner

Report approved by:

Kimberley Kavwenje
Senior Coordinator Development Assessment

Sandra Bailey
Manager Development Assessment

Liz Coad
Director – City Planning and Environment



LAND SUBDIVISION & DEVELOPMENT
ENGINEERING SURVEYING
FREE QUOTES COMPUTER PLOTTING

MOBILE: 0419 606 537
EMAIL: survgn@optusnet.com.au

TITLE

DETAIL & LEVEL SURVEY
NO.76 RUTLEDGE STREET
EASTWOOD

CLIENT

BIN CHEN
LINGLING YU

SURVEYOR

GEORGE NAJJAR
REGISTERED SURVEYOR

DRAWN BY

G. NAJJAR

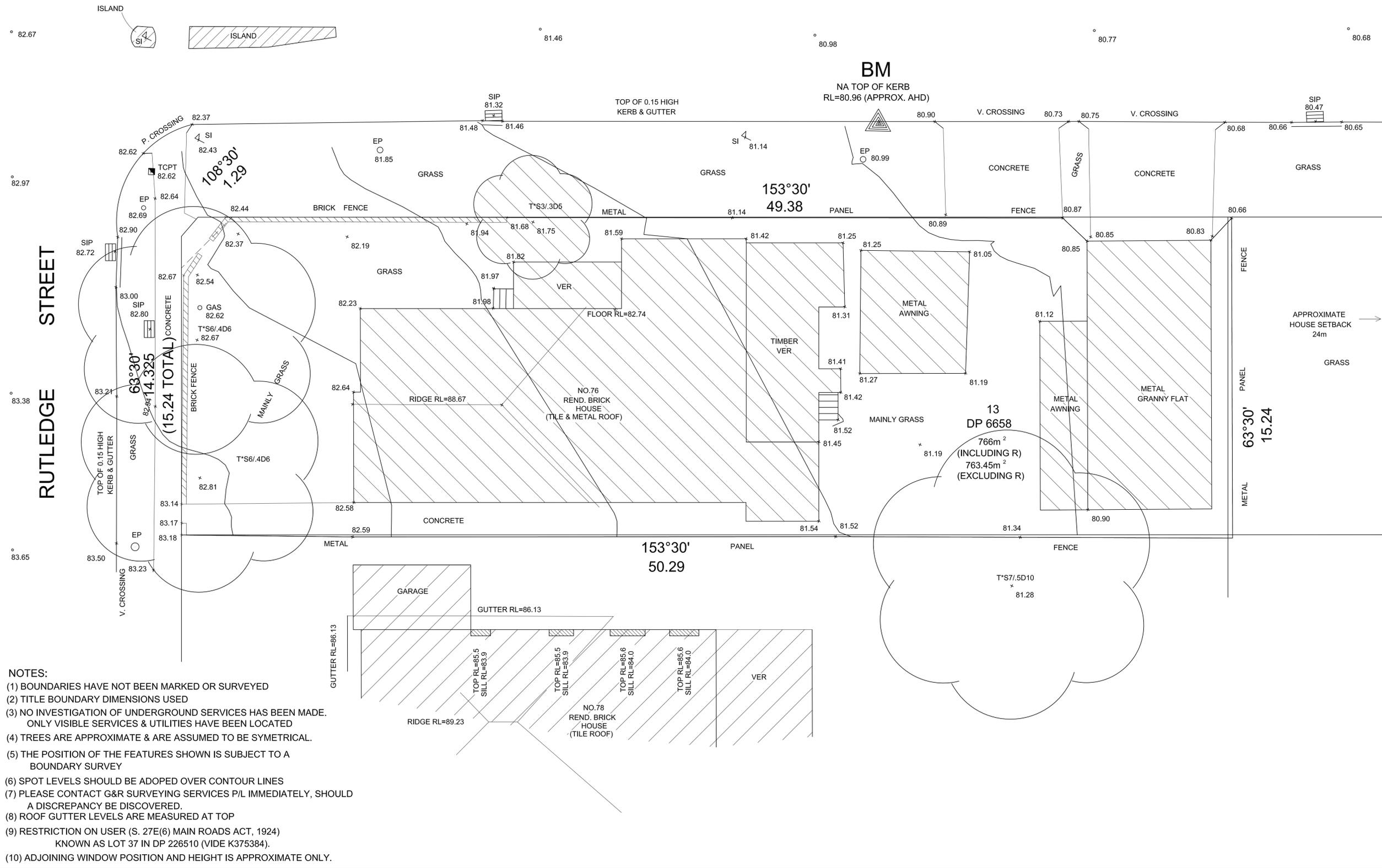
PLAN DETAILS

JOB No.:	1731
FILE No.:	1731.DWG
SCALE:	1:100 (A1) 1:200 (A3)
PLAN DATE:	15/05/2022
DATE OF SURV.:	8/04/2021
HORIZ. CONTROL:	LOCAL
CONTOUR INT.:	0.5m
HEIGHT DATUM:	(AHD) SSM 91911 RL=93.051

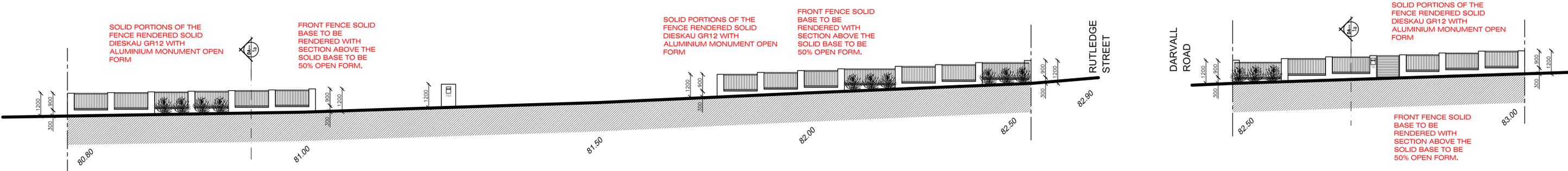
LEGEND

PIT	UNKNOWN PIT	AV	AIR VENT
TCPT	TELSTRA PIT	FL	FLOOR LEVEL
WM	WATER METRE	BM	BENCH MARK
SIP	SURFACE PIT	W	WINDOW
GP	GULLY PIT	LS	LANDSCAPING
SMH	SEWER MAN HOLE		
SWMH	STORM WATER MH.		
H	HYDRANT		
SV	STOP VALVE		
S	RAD TREE SPREAD		
GM	GAS METRE		
DMR	RTA UTILITY		
SI	SIGN		
TL	TRAFFIC LIGHT		
BT	BOUNDARY TRAP		
EBOX	ELECTRICITY BOX		

DARVALL ROAD

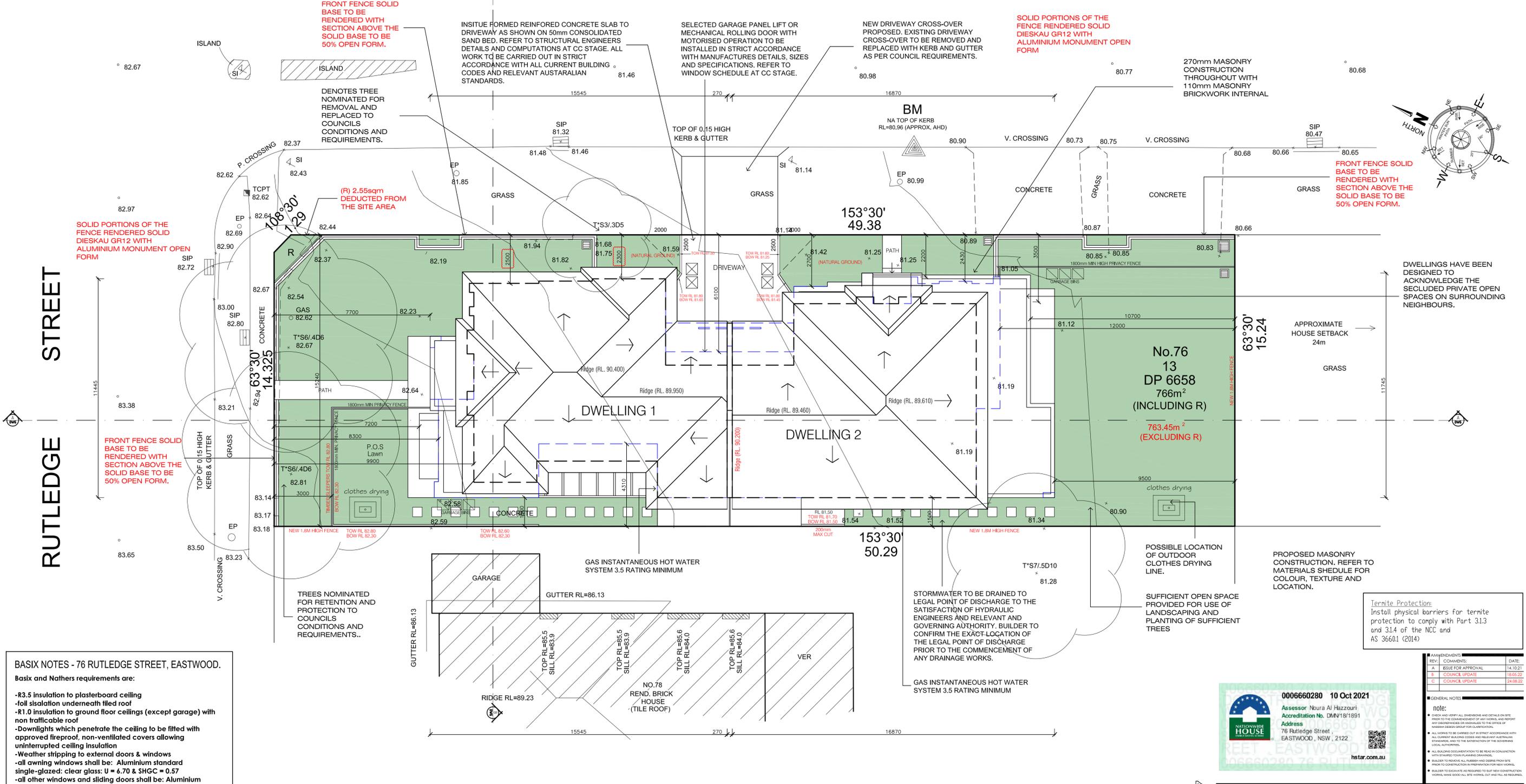


- NOTES:**
- (1) BOUNDARIES HAVE NOT BEEN MARKED OR SURVEYED
 - (2) TITLE BOUNDARY DIMENSIONS USED
 - (3) NO INVESTIGATION OF UNDERGROUND SERVICES HAS BEEN MADE. ONLY VISIBLE SERVICES & UTILITIES HAVE BEEN LOCATED
 - (4) TREES ARE APPROXIMATE & ARE ASSUMED TO BE SYMMETRICAL.
 - (5) THE POSITION OF THE FEATURES SHOWN IS SUBJECT TO A BOUNDARY SURVEY
 - (6) SPOT LEVELS SHOULD BE ADOPTED OVER CONTOUR LINES
 - (7) PLEASE CONTACT G&R SURVEYING SERVICES P/L IMMEDIATELY, SHOULD A DISCREPANCY BE DISCOVERED.
 - (8) ROOF GUTTER LEVELS ARE MEASURED AT TOP
 - (9) RESTRICTION ON USER (S. 27E(6) MAIN ROADS ACT, 1924) KNOWN AS LOT 37 IN DP 226510 (VIDE K375384).
 - (10) ADJOINING WINDOW POSITION AND HEIGHT IS APPROXIMATE ONLY.



FRONT FENCE ELEVATION
(DARVALL ROAD)
scale 1:100

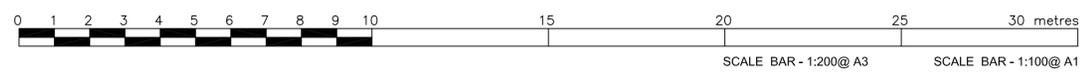
FRONT FENCE ELEVATION
(RUTLEDGE STREET)
scale 1:100



BASIX NOTES - 76 RUTLEDGE STREET, EASTWOOD.
Basix and Natthers requirements are:

- R3.5 insulation to plasterboard ceiling
- foam sisalation underneath tiled roof
- R1.0 insulation to ground floor ceilings (except garage) with non trafficable roof
- Downlights which penetrate the ceiling to be fitted with approved fireproof, non-ventilated covers allowing uninterrupted ceiling insulation
- Weather stripping to external doors & windows
- all awning windows shall be: Aluminium standard single-glazed: clear glass: U = 6.70 & SHGC = 0.57
- all other windows and sliding doors shall be: Aluminium standard single-glazed: clear glass: U = 6.70 & SHGC = 0.70
- RWT: 1,500 L to collect 80sqm of roof area and to be connected to laundry and landscape
- hot water system: 3star gas instantaneous or equivalent

SITE / ROOF LAYOUT



DRAWING No.: DA:07

0006660280 10 Oct 2021
Assessor: Noura Al Hazzouri
Accreditation No. DMV18/1991
Address: 76 Rutledge Street, EASTWOOD, NSW, 2122
hstar.com.au

no design group
14.10.21 1:200@A3
14.10.21 scale: 1:100@A1

0006660280 10 Oct 2021
Assessor: Noura Al Hazzouri
Accreditation No. DMV18/1991
Address: 76 Rutledge Street, EASTWOOD, NSW, 2122
hstar.com.au

0006660280 10 Oct 2021
Assessor: Noura Al Hazzouri
Accreditation No. DMV18/1991
Address: 76 Rutledge Street, EASTWOOD, NSW, 2122
hstar.com.au

REV	COMMENTS	DATE
A	ISSUE FOR APPROVAL	14.10.21
B	COUNCIL UPDATE	18.05.22
C	COUNCIL UPDATE	24.06.22

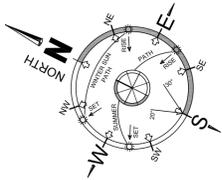
GENERAL NOTES:

note:

- CHECK AND VERIFY ALL DIMENSIONS AND DETAILS ON SITE PRIOR TO THE COMMENCEMENT OF ANY WORKS, AND REPORT ANY DISCREPANCIES OR REQUIREMENTS TO THE OWNER OR NATHERS DESIGN GROUP FOR CLARIFICATION.
- ALL WORKS TO BE CARRIED OUT IN STRICT ACCORDANCE WITH ALL CURRENT BASIX CODES AND RELEVANT AUSTRALIAN STANDARDS, AND TO THE SATISFACTION OF THE SCHEDULED LOCAL AUTHORITIES.
- ALL BUILDING DOCUMENTATION TO BE READ IN CONJUNCTION WITH ENHANCED TOWN PLANNING DOCUMENTS.
- BUILDER TO REMOVE ALL RUBBER AND OTHER FROM SITE PRIOR TO CONSTRUCTION AND REPAIRS FOR NEW WORKS.
- BUILDER TO ENSURE AS REQUIRED TO SAT NEW CONSTRUCTION WORKS, WORK GOOD ALL LIFE WORKS, CUT DETAILS AS REQUIRED.

Termite Protection:
Install physical barriers for termite protection to comply with Part 3.13 and 3.1.4 of the NCC and AS 3660.1 (2014)

NO. 76 RUTLEDGE STREET, EASTWOOD.
LOT 13 (S 89 23 8859 SITE: 766sqm)
dwg: BBN CHEN - LINGLING YU
SITE / ROOF PLAN



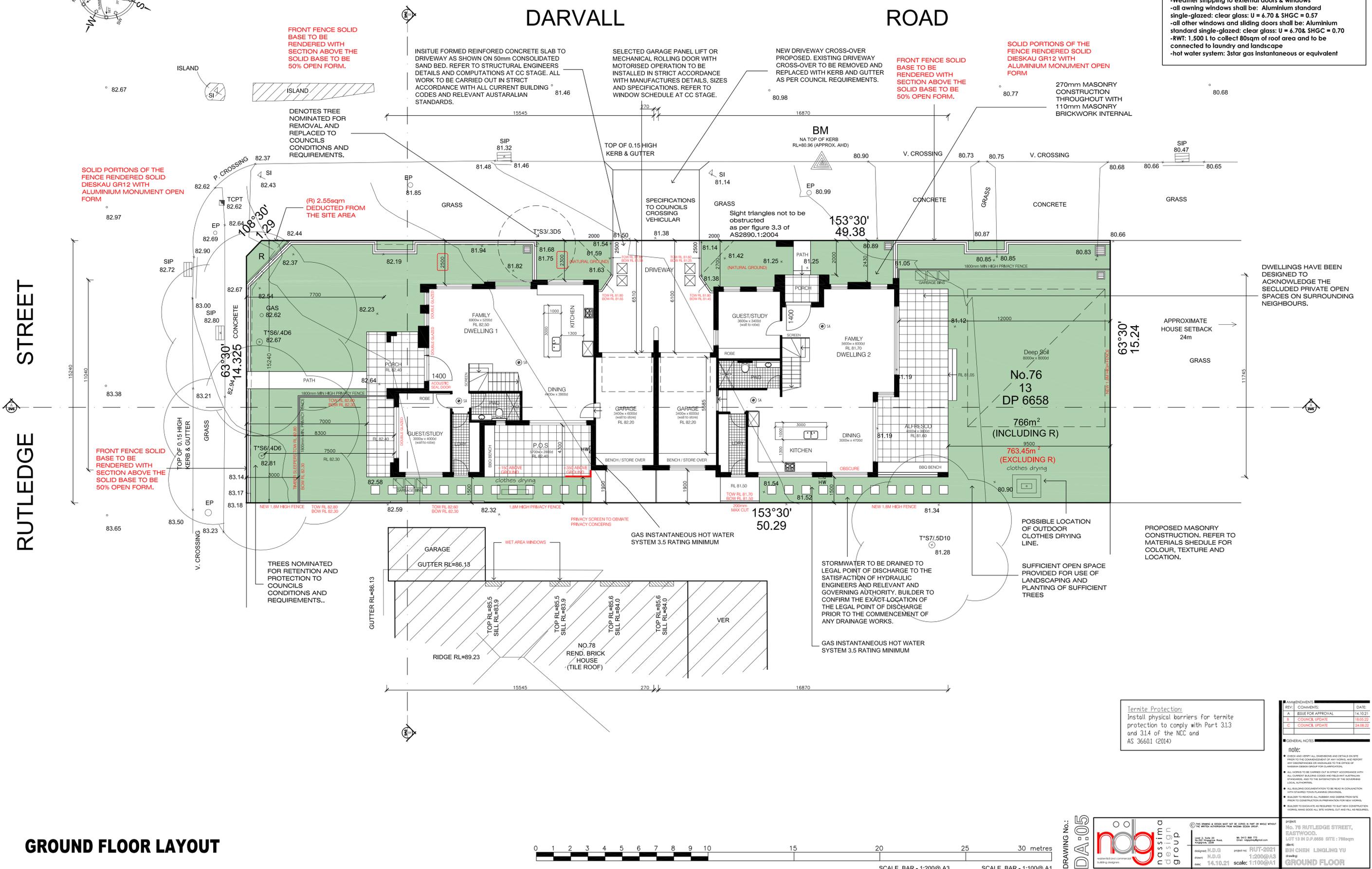
000660280 10 Oct 2021
 Assessor: Noura Al Hazzouri
 Accreditation No. DMN/18/1891
 Address: 76 Rutledge Street, EASTWOOD, NSW, 2122
 hstar.com.au

BASIX NOTES - 76 RUTLEDGE STREET, EASTWOOD.
 Basix and Naters requirements are:

- R3.5 insulation to plasterboard ceiling
- foil insulation underneath tiled roof
- R1.0 insulation to ground floor ceilings (except garage) with non trafficable roof
- Downlights which penetrate the ceiling to be fitted with approved fireproof, non-ventilated covers allowing uninterrupted ceiling insulation
- Weather stripping to external doors & windows
- all awning windows shall be: Aluminium standard single-glazed: clear glass: U = 6.70 & SHGC = 0.57
- all other windows and sliding doors shall be: Aluminium standard single-glazed: clear glass: U = 6.70& SHGC = 0.70
- RWT: 1,500 L to collect 80sqm of roof area and to be connected to laundry and landscape
- hot water system: 3star gas instantaneous or equivalent

DARVALL ROAD

RUTLEDGE STREET



Termite Protection:
 Install physical barriers for termite protection to comply with Part 3.1.3 and 3.1.4 of the NCC and AS 3660.1 (2014)

REV	COMMENTS	DATE
A	ISSUE FOR APPROVAL	14.10.21
B	COUNCIL UPDATE	18.05.22
C	COUNCIL UPDATE	24.06.22

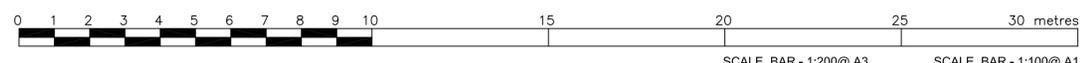
GENERAL NOTES:

note:

- CHECK AND VERIFY ALL DIMENSIONS AND DETAILS ON SITE PRIOR TO THE COMMENCEMENT OF ANY WORKS, AND REPORT ANY DISCREPANCIES OR AMBIGUITIES TO THE OFFICE OF MASSIMA DESIGN GROUP FOR CLARIFICATION.
- ALL WORKS TO BE CARRIED OUT IN STRICT ACCORDANCE WITH ALL CURRENT BASIX CODES AND RELEVANT AUSTRALIAN STANDARDS, AND TO THE SATISFACTION OF THE SCHEDULED LOCAL AUTHORITY.
- ALL BUILDING DOCUMENTATION TO BE READ IN CONJUNCTION WITH RELATED DRAWING DOCUMENTS.
- BUILDER TO REMOVE ALL RUBBER AND OTHER FROM SITE PRIOR TO CONSTRUCTION AND PREPARATION FOR NEW WORKS.
- BUILDER TO ENSURE AS REQUIRED TO SAT NEW CONSTRUCTION WORKS, WORKS GOOD ALL SITE WORKS, CUT AND FILL AS REQUIRED.

PROJECT:
 No. 76 RUTLEDGE STREET, EASTWOOD.
 LOT 13 BL DP 6658 SITE: 766sqm
 client: BIN CHEN LINGLING YU
GROUND FLOOR

GROUND FLOOR LAYOUT



DRAWING NO.: DA:05



100 DIMENSIONS & DETAILS MUST NOT BE COPIED IN PART OR WHOLE WITHOUT THE WRITTEN APPROVAL FROM MASSIMA DESIGN GROUP.
 Date: 14.10.21
 H.L.B.
 14.10.21
 No. 643 888 772
 Email: info@massimadsg.com.au
 project no: RUT-2021
 scale: 1:100@A1

270mm MINIMUM FIRE SEPERATION WALL AS PER Part 3.7 of Volume 2 of the NCCS (BCA), WITH A MINIMUM (FRL 60 / 60 / 60).

270mm DISCONTINUOUS CONSTRUCTION / RENDER WITH A R_w + CTR not less than 50 ACOUSTIC RATING MINIMUM COMMON WALL MEETS THE MINIMUM SOUND ACOUSTIC INSULATION Part 3.8.6.1 of the BCA.

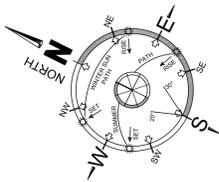
0006660280 10 Oct 2021

Assessor: Noura Al Hazzouri
 Accreditation No. DMN18/1891
 Address: 76 Rutledge Street, EASTWOOD, NSW, 2122
 hstar.com.au

BASIX NOTES - 76 RUTLEDGE STREET, EASTWOOD.

Basix and Naters requirements are:

- R3.5 insulation to plasterboard ceiling
- full insulation underneath tiled roof
- R1.0 insulation to ground floor ceilings (except garage) with non trafficable roof
- Downlights which penetrate the ceiling to be fitted with approved fireproof, non-ventilated covers allowing uninterrupted ceiling insulation
- Weather stripping to external doors & windows
- all awning windows shall be: Aluminium standard single-glazed; clear glass: U = 6.70 & SHGC = 0.57
- all other windows and sliding doors shall be: Aluminium standard single-glazed; clear glass: U = 6.70& SHGC = 0.70
- RWT: 1,500 L to collect 80sqm of roof area and to be connected to laundry and landscape
- hot water system: 3star gas instantaneous or equivalent



REFER TO STRUCTURAL ENGINEERS AT CC STAGE FOR DETAILS AND DOCUMENTATION FOR JOIST LOADING, SPACING AND CONNECTION DETAILS. ALL TIMBER WORKS TO BE CARRIED OUT IN STRICT ACCORDANCE WITH A.S 1684. BUILDER TO CONFIRM WITH PROPRIETOR EXTENT OF SELECTED FLOOR FINISH PRIOR TO INSTALLATION AT CC STAGE. ALL WET AREAS TO BE SEALED ACCORDINGLY.

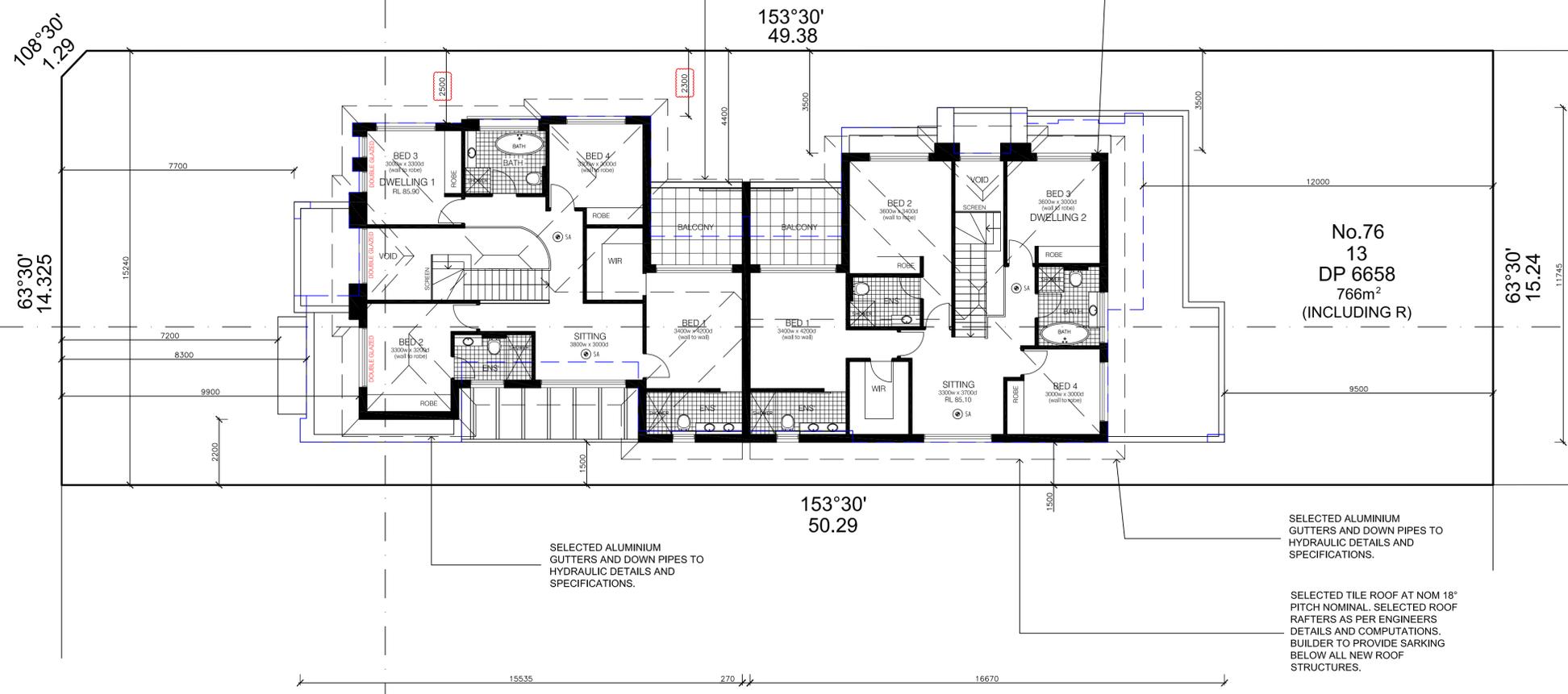
SELECTED HANDRAILS AT 1000mm MIN. ABOVE BALCONY. SELECTED BALUSTERS AT 125mm MIN. CENTRES. CONFIRMBUILDER TO CONFIRMATION OF SELECTION TO BE MADE AT CC STAGE.

PROPOSED BALCONIES POSITIONED TO OBSTRUCT DIRECT VIEW INTO NEIGHBOURING PROPERTY TO OVERCOME ANY PRIVACY ISSUES.

270mm MASONRY CONSTRUCTION THROUGHOUT WITH 110mm MASONRY BRICKWORK INTERNAL

DARVALL ROAD

RUTLEDGE STREET



SELECTED ALUMINIUM GUTTERS AND DOWN PIPES TO HYDRAULIC DETAILS AND SPECIFICATIONS.

SELECTED ALUMINIUM GUTTERS AND DOWN PIPES TO HYDRAULIC DETAILS AND SPECIFICATIONS.

SELECTED TILE ROOF AT NOM 18° PITCH NOMINAL. SELECTED ROOF RAFTERS AS PER ENGINEERS DETAILS AND COMPUTATIONS. BUILDER TO PROVIDE SARKING BELOW ALL NEW ROOF STRUCTURES.

CLAUSE D2.24 OF THE BCA AND 3.9.2.6

FIRST FLOOR BEDROOM OPENABLE WINDOWS TO BE FITTED WITH A DEVICE TO LIMIT OPENING OR SUITABLE SCREEN SO A 125mm SPHERE CANNOT PASS THROUGH.

THE DEVICE OR SCREEN CAN HAVE A CHILD RESISTANT RELEASE MECHANISM WHICH CAN ENABLE THE DEVICE OR SCREEN TO BE REMOVED, UNLOCKED OR OVERRIDDEN AND RESTRICT THE FORCE OF 250N. WHERE A CHILD RESISTANT MECHANISM IS UTILISED, THE WINDOW MUST ALSO BE PROVIDED WITH A BARRIER BELOW IT THAT HAS A MINIMUM HEIGHT OF 865MM, DOES NOT PERMIT A 125MM SPHERE TO PASS THROUGH IT, AND DOES NOT HAVE ANY HORIZONTAL OR NEAR HORIZONTAL ELEMENTS BETWEEN 150MM AND 760MM THAT FACILITATE CLIMBING. FIXED GLAZING UNDER THE OPENABLE PART OF THE WINDOW WHICH MEETS THE HEIGHT REQUIREMENTS (I.E. TRANSOM AT LEAST 865MM ABOVE THE FLOOR ETC.) WOULD SATISFY THE BARRIER REQUIREMENT.

WHERE A DEVICE OR SCREEN IS SECURELY FIXED IN POSITION (EG A SCREEN POP RIVETED TO THE WINDOW FRAME) SO IT CANNOT BE UNLOCKED, OVERRIDDEN, OR IS VERY DIFFICULT TO REMOVE WITHOUT FOR EXAMPLE A DRILL, THE 865MM BARRIER WOULD NOT BE REQUIRED AS THE SECURING METHOD IS CONSIDERED A FIXTURE AND NOT A CHILD RESISTANT RELEASE MECHANISM.

PROTECTION OF THE OPENING IS NOT REQUIRED FOR WINDOWS WHERE THE LOWEST PART OF THE OPENING IS 1.7M OR MORE ABOVE THE FLOOR

SMOKE ALARMS :3.7.2 NCC AND AS3786

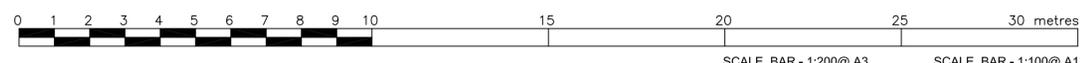
SELF CONTAINED SMOKE ALARMS SHALL BE LOCATED AS SHOWN ON DRAWINGS AND FULLY COMPLY WITH THE BUILDING CODE OF AUSTRALIA, AS 3786 AND ANY OTHER CODE OR STANDARD REFERENCED THEREIN.

SA

SELF CONTAINED SMOKE DETECTOR 12/12VDC WITH INTEGRAL BUZZER AND BATTERY BACKUP. ALL SMOKE ALARMS TO BE HARD WIRED TO MAIN POWER.

INTERCONNECT SMOKE ALARMS SO THAT ONE ALARM WILL TRIGGER ALL ALARMS WITHIN THE RESIDENCE.

FIRST FLOOR LAYOUT



DRAWING No.: **DA:06**

nog nassima design group

150 DUNNIN & COOK MUST NOT BE COPIED IN WHOLE OR PART WITHOUT THE WRITTEN AUTHORIZATION FROM NASSIMA DESIGN GROUP

Site: 76 Rutledge Street, Eastwood, NSW 2122
 No. 0413 888 770
 Email: info@nogdesign.com.au

Designed: H.D.G. Project no: RUT-2021
 Drawn: H.D.G. Date: 14.10.21
 Scale: 1:100@A1

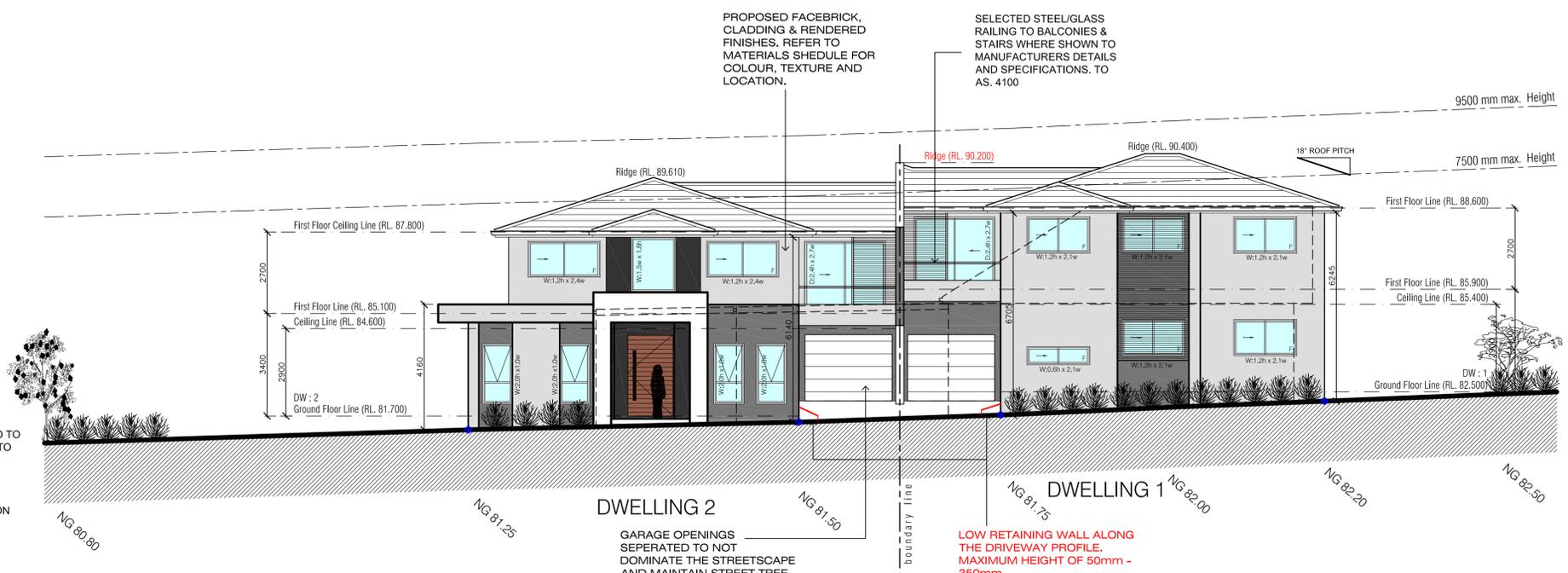
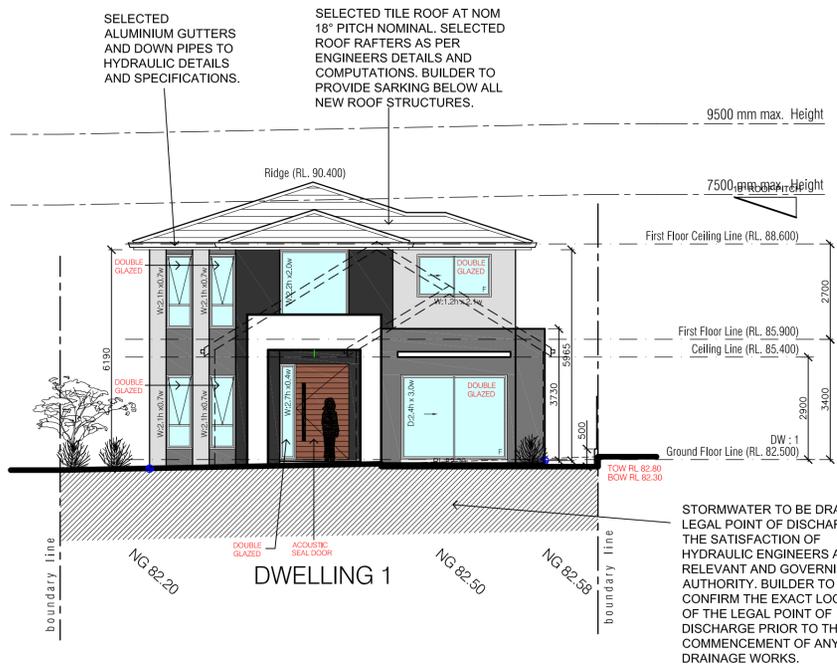
PROJECT: No. 76 RUTLEDGE STREET, EASTWOOD, LOT 13 DP 6658 SITE: 766sqm
 CLIENT: BIN CHEN LINGLING YU
FIRST FLOOR

REV	COMMENTS	DATE
A	ISSUE FOR APPROVAL	14.10.21
B	COUNCIL UPDATE	18.05.22

GENERAL NOTES:

note:

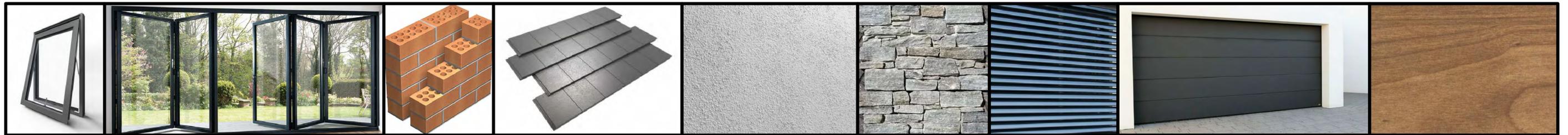
- CHECK AND VERIFY ALL DIMENSIONS AND DETAILS ON SITE PRIOR TO THE COMMENCEMENT OF ANY WORKS, AND REPORT ANY DISCREPANCIES OR AMBIGUITIES TO THE OFFICE OF NASSIMA DESIGN GROUP FOR CLARIFICATION.
- ALL WORKS TO BE CARRIED OUT IN STRICT ACCORDANCE WITH ALL CURRENT BUILDING CODES AND REGULATORY REQUIREMENTS. REFER TO THE SATISFACTION OF THE GOVERNMENT LOCAL AUTHORITY.
- ALL BUILDING DOCUMENTATION TO BE READ IN CONJUNCTION WITH RELATED DRAWINGS AND SPECIFICATIONS.
- BUILDER TO REMOVE ALL RUBBER AND OILING FROM SITE PRIOR TO CONSTRUCTION AND PREPARATION FOR NEW WORKS.
- BUILDER TO ENSURE AS REQUIRED TO SAT NEW CONSTRUCTION WORKS, WORK GOOD ALL SITE VISITS, CUT AND FILL AS REQUIRED.



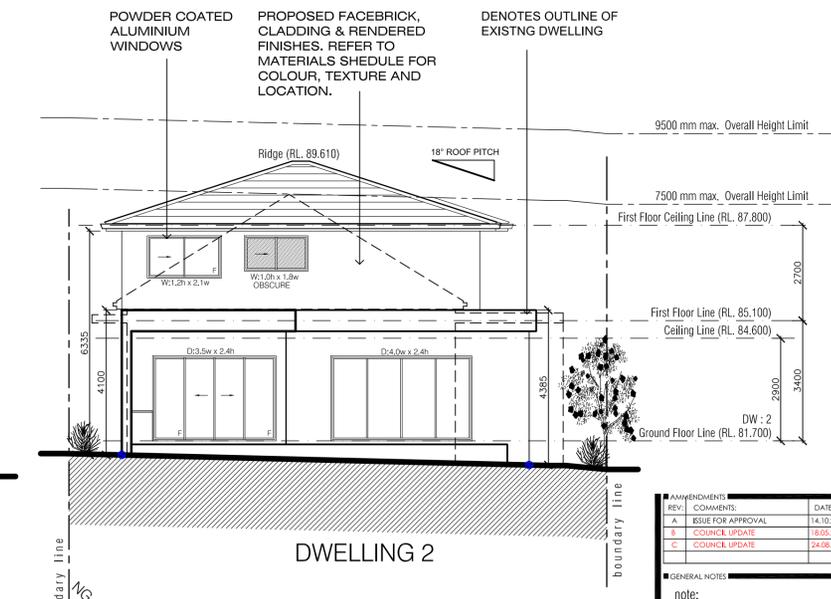
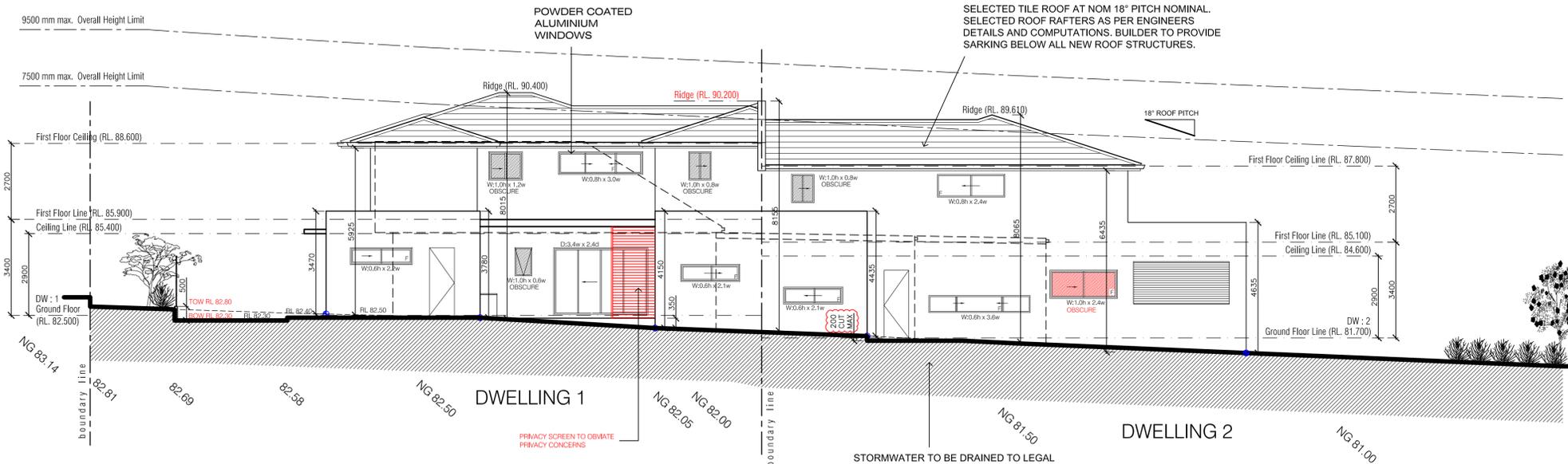
NORTHERN ELEVATION - Rutledge Street Facade

EASTERN ELEVATION - Darvall Road Facade

Sample of materials - RUTLEDGE STREET, EASTWOOD.



1. Powder Coated Aluminium Windows
2. Masonry Construction
3. Tile Roofing
4. Selected Euro Render
5. Selected Natural Stone Finish
6. Selected Privacy Screening
7. Selected Garage Paneling System Doors
8. Selected Solid Timber Entry Doors



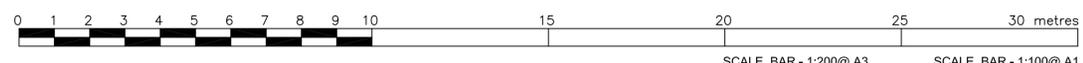
WESTERN ELEVATION

SOUTHERN ELEVATION

BASIX NOTES - 76 RUTLEDGE STREET, EASTWOOD.
 Basix and Naters requirements are:
 -R3.5 insulation to plasterboard ceiling
 -foil isolation underneath tiled roof
 -R1.0 insulation to ground floor ceilings (except garage) with non trafficable roof
 -Downlights which penetrate the ceiling to be fitted with approved fireproof, non-ventilated covers allowing uninterrupted ceiling insulation
 -Weather stripping to external doors & windows
 -all awning windows shall be: Aluminium standard single-glazed: clear glass: U = 6.70 & SHGC = 0.57
 -all other windows and sliding doors shall be: Aluminium standard single-glazed: clear glass: U = 6.70, SHGC = 0.70
 -RWT: 1.500 L to collect 80sqm of roof area and to be connected to laundry and landscape
 -hot water system: 3star gas instantaneous or equivalent

STORMWATER TO BE DRAINED TO LEGAL POINT OF DISCHARGE TO THE SATISFACTION OF HYDRAULIC ENGINEERS AND RELEVANT AND GOVERNING AUTHORITY. BUILDER TO CONFIRM THE EXACT LOCATION OF THE LEGAL POINT OF DISCHARGE PRIOR TO THE COMMENCEMENT OF ANY DRAINAGE WORKS.

0006660280 10 Oct 2021
 Assessor: Noura Al Hazzouri
 Accreditation No: DMN181891
 Address: 76 Rutledge Street, EASTWOOD, NSW, 2122
 hstar.com.au

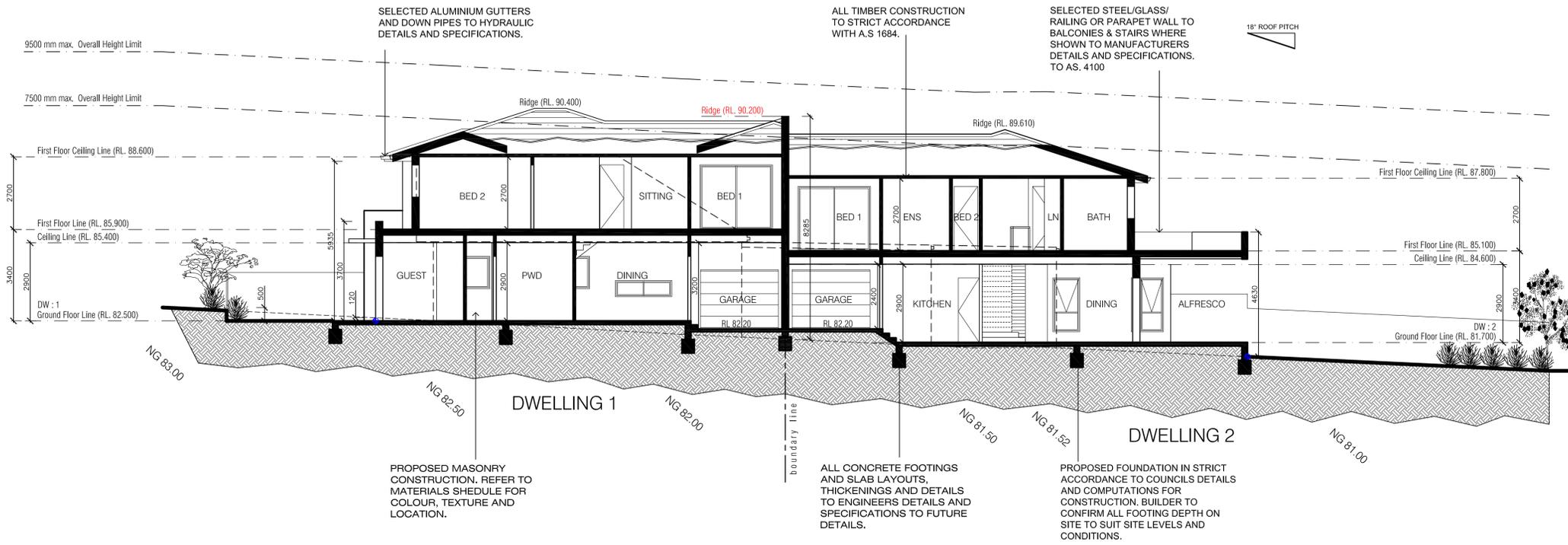


REV	COMMENTS	DATE
A	ISSUE FOR APPROVAL	14.10.21
B	COUNCIL UPDATE	18.03.22
C	COUNCIL UPDATE	24.06.22

GENERAL NOTES:
 note:
 - ALL DIMENSIONS SHOWN ARE UNLESS OTHERWISE SPECIFIED IN THIS DRAWING AND SHALL BE TO FACE UNLESS OTHERWISE SPECIFIED.
 - ALL WORKS TO BE CARRIED OUT IN STRICT ACCORDANCE WITH ALL APPLICABLE CODES AND REGULATORY REQUIREMENTS.
 - BUILDER TO REMOVE ALL RUBBER AND OTHER FROM SITE PRIOR TO CONSTRUCTION AND RECONSTRUCTION OF NEW WORK.
 - BUILDER TO ENSURE AS REQUIRED TO GET NEW CONSTRUCTION WORKS, WORKS TO ALL LIFE VIBRATIONS, OUT HERE ALL AS REQUIRED.

PROJECT:
 No. 76 RUTLEDGE STREET, EASTWOOD.
 LOT 13 B 89 2 2888 SITE: 76sqm
 client: BIN CHEN LINGLING YU
ELEVATIONS

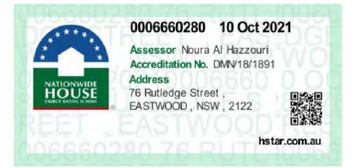
DESIGNER: n o g design group
 No. 143 888 778
 Email: info@nogdesign.com.au
 Website: www.nogdesign.com.au
 Date: 14.10.21
 Scale: 1:100@A1



BASIX NOTES - 76 RUTLEDGE STREET, EASTWOOD.

Basix and NatHERS requirements are:

- R3.5 Insulation to plasterboard ceiling
- fall insulation underneath tiled roof
- R1.0 insulation to ground floor ceilings (except garage) with non trafficable roof
- Downlights which penetrate the ceiling to be fitted with approved fireproof, non-ventilated covers allowing uninterrupted ceiling insulation
- Weather stripping to external doors & windows
- all awning windows shall be: Aluminium standard single-glazed: clear glass: U = 4.70 & SHGC = 0.57
- all other windows and sliding doors shall be: Aluminium standard single-glazed: clear glass: U = 4.70& SHGC = 0.70
- RTW: 1.500 L to collect 80sqm of roof area and to be connected to laundry and landscape
- hot water system: 3star gas instantaneous or equivalent



SECTION A - A

BASIX Certificate
Building Sustainability Index www.basix.nsw.gov.au
Multi Dwelling
Certificate number: 1241800M_02

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability. If it is built in accordance with the requirements set out below. Terms used in the certificate are in the comments, have the meaning given by the document entitled 'BASIX Definitions' (dated 03/05/2022) published by the Department. This document is available at www.basix.nsw.gov.au.

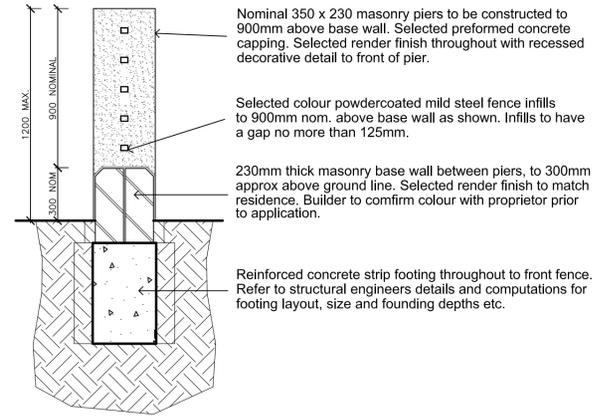
Secretary: Sulekha, Tuesday, 01 February 2022
To be valid, this certificate must be lodged within 3 months of the date of issue.

Category	Value	Target
Water	40	Target 40
Thermal Comfort	Pass	Target Pass
Energy	52	Target 50

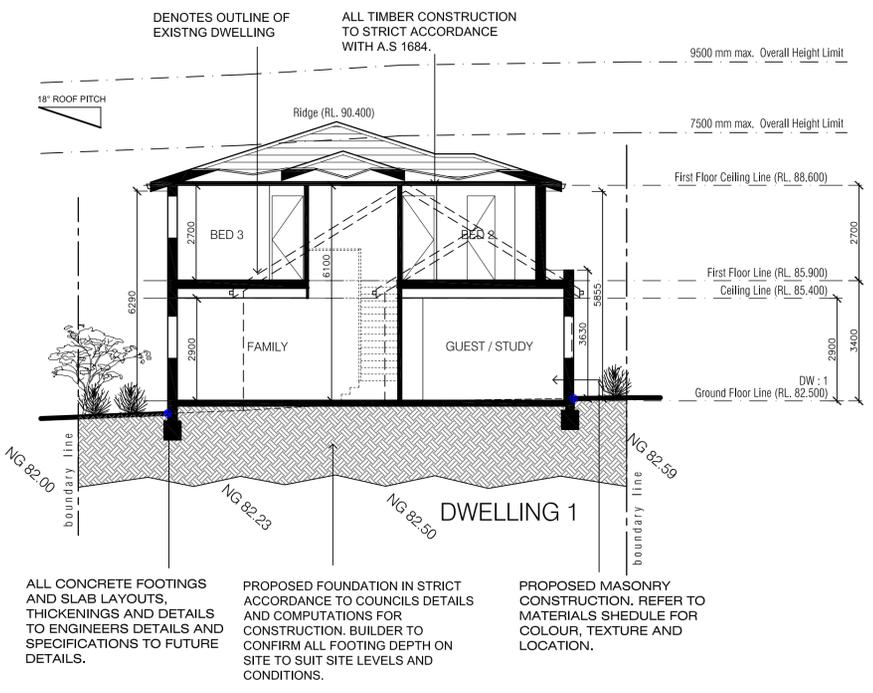
Certificate Prepared by:
Name / Company name: Nouria Al Hazzouri
ABN (if applicable): 80872399711

Description of project

Project address	Common area landscape
Project name: 76_rut_02	Common area lawn (m²): 0.0
Street address: 76 Rutledge Street Eastwood 2122	Common area garden (m²): 0.0
Local Government Area: Ryde City Council	Area of impervious or semi-impervious surface (m²): 0.0
Plan type and plan number: deposited 0950	
Lot no: 13	
Section no: -	
Project type: New Dwelling	
Assessor name: DMN181891	
Certificate number: 000660280	
Climate zone: 56	
Ceiling fan in at least one bedroom: 140	
Ceiling fan in at least one living room or other conditioned area: 140	



FRONT FENCE SECTION - 1a
scale 1:20



SECTION B - B

Nationwide House Energy Rating Scheme
NatHERS Certificate No. 000660260
Generated on 10 Oct 2021 using BERS Pro v4.4.0.6 (R21)

Property:
Address: Unit 1, 76 Rutledge Street, EASTWOOD, NSW, 2122
Lot/DP: 136958
NCC Class: 1A
Type: New Dwelling

Plans:
Main Plan: 16321
Prepared by: Nossima design group

Construction and environment:
Assessed floor area (m²): 180.0 (Conditioned), 42.0 (Unconditioned), 222.0 (Total), 26.0 (Garage)
Exposure Type: Suburban
NatHERS climate zone: 56

Thermal performance:
Heating: 25.1 MJ/m²
Cooling: 14.8 MJ/m²

Accredited assessor:
Name: Nouria Al Hazzouri
Business name: none
Email: nouria_h@optusnet.com.au
Phone: 0405660 600
Accreditation No: DMN181891

National Construction Code (NCC) requirements:
The NCC requirements for NatHERS rated houses are detailed in 3.12.0(98) and 3.12.5 of the NCC Volume Two. For apartments the requirements are detailed in 9.2 and 9.1 to 9.6 of the NCC Volume One.

Nationwide House Energy Rating Scheme
NatHERS Certificate No. 000660278
Generated on 10 Oct 2021 using BERS Pro v4.4.0.6 (R21)

Property:
Address: Unit 2, 76 Rutledge Street, EASTWOOD, NSW, 2122
Lot/DP: 136958
NCC Class: 1A
Type: New Dwelling

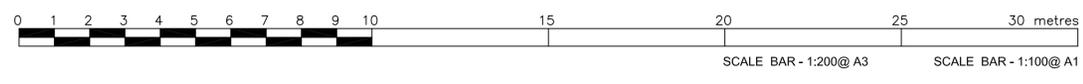
Plans:
Main Plan: 16321
Prepared by: Nossima design group

Construction and environment:
Assessed floor area (m²): 186.0 (Conditioned), 37.0 (Unconditioned), 224.0 (Total), 26.0 (Garage)
Exposure Type: Suburban
NatHERS climate zone: 56

Thermal performance:
Heating: 47.2 MJ/m²
Cooling: 14.7 MJ/m²

Accredited assessor:
Name: Nouria Al Hazzouri
Business name: none
Email: nouria_h@optusnet.com.au
Phone: 0405660 600
Accreditation No: DMN181891

National Construction Code (NCC) requirements:
The NCC requirements for NatHERS rated houses are detailed in 3.12.0(98) and 3.12.5 of the NCC Volume Two. For apartments the requirements are detailed in 9.2 and 9.1 to 9.6 of the NCC Volume One.



DA:09
nossima design group

100 OHMS & 500MS MUST NOT BE COPIED IN WHOLE OR PART WITHOUT THE WRITTEN APPROVAL FROM NOSSIMA DESIGN GROUP.

Site: 76 Rutledge Street, Eastwood, NSW, 2122
Lot: 136958 DP: 8888 SITE: 7688sqm
Date: 14.05.21
Project no: RUT-2021
Scale: 1:100@A1

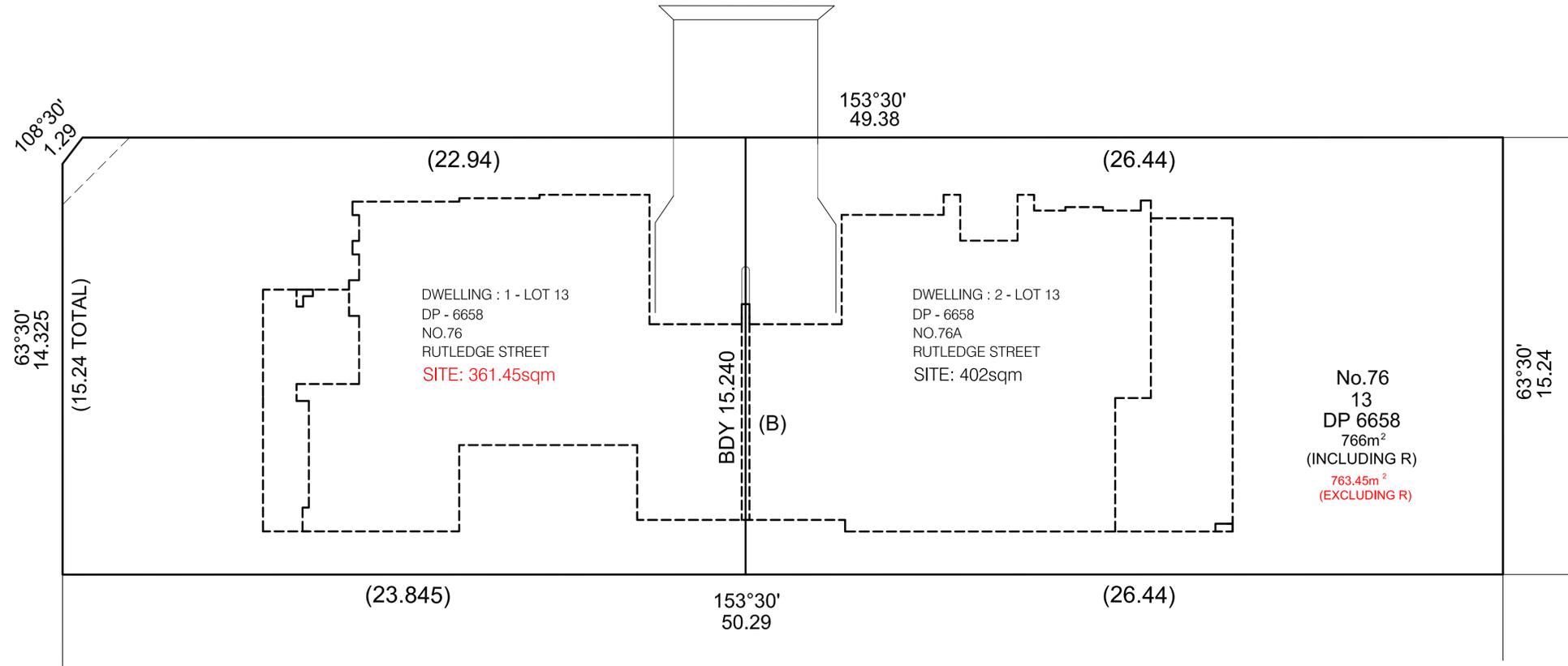
ISSUED BY: BIN CHEN, LINGLING YU
DATE: 14.05.21

REV	COMMENTS	DATE
A	ISSUE FOR APPROVAL	14.10.21
B	ISSUE FOR APPROVAL	28.01.22
C	COUNCIL UPDATE	16.05.22

GENERAL NOTES:
note:
- ALL WORKS TO BE COMPLETED IN STRICT ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL AUTHORITIES.
- ALL BUILDING CONSTRUCTION TO BE IN ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL AUTHORITIES.
- BUILDER TO REMOVE ALL RUBBER AND OTHER FROM SITE PRIOR TO CONSTRUCTION OR RECONSTRUCTION OF NEW WORKS.
- BUILDER TO ENSURE AS REQUIRED TO SUIT NEW CONSTRUCTION WORKS, HOSE GOOD ALL LIFE WORKS, CUT OFF ALL AS REQUIRED.

DARVALL ROAD

RUTLEDGE STREET



108°30'
1.29
63°30'
14.325
(15.24 TOTAL)

153°30'
49.38

(22.94)

(26.44)

DWELLING : 1 - LOT 13
DP - 6658
NO.76
RUTLEDGE STREET
SITE: 361.45sqm

DWELLING : 2 - LOT 13
DP - 6658
NO.76A
RUTLEDGE STREET
SITE: 402sqm

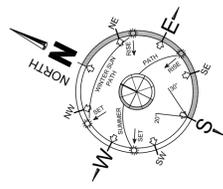
No.76
13
DP 6658
766m²
(INCLUDING R)
763.45m²
(EXCLUDING R)

63°30'
15.24

(23.845)

153°30'
50.29

(26.44)



- NOTES:
- ALL AREAS ARE APPROXIMATE
 - CY. DENOTES COURTYARD
CP. DENOTES COMMON PORPRTY
T. DENOTES TERRACE
 - THE WHOLE OF THE STRUCTURE OF THE BUILDING STANDING ON EACH LOT, INCLUDING WALLS, FLOORS, CEILINGS AND ROOFS, FORM PART OF LOT AND IS NOT COMMON PROPERTY EXCLUDING THE COMMON WALL WHICH IS COMMON PROPERTY.
 - ANY SERVICE LINES WITHIN ONE LOT SERVICING ANOTHER LOT IS COMMON PROPERTY
 - ANY COMMON SERVICE LINES ARE COMMON PROPERTY
 - THE COMMON WALL (B) IS COMMON PROPERTY

NOTE:
THIS IS A PRELIMINARY STRATA TITLE PLAN. THE LOTS SHOWN HEREON HAVE NOT BEEN SURVEYED AND ALL DIMENSIONS AND/OR AREAS SHOWN ARE APPROXIMATE AND SUBJECT TO SURVEY AND REGISTRATION OF THE FINAL STRATA PLAN AT LAND AND PROPERTY INFORMATION.

PUBLIC UTILITY IMPACT ASSESSMENT - DIAL BEFORE YOU DIG

The following guidelines should be complied with when undertaking any form of excavation:

All constructors have a Duty of Care to observe with regard to underground networks when digging or excavating. underground network information should be sought well in advance to construction activities. These are available from asset owners through the national Dial Before You Dig service and depending on the method, will take 2 working days to be sent to you.

Should the scope of works change, or plan validity dates expire, you must submit a new Dial Before You Dig enquiry. always perform an onsite inspection for the presence of assets. Should you require an onsite location, contact the asset owners directly.

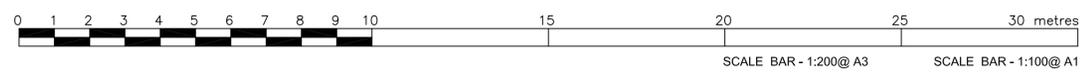
Constructors must dig by hand when excavating or working close to underground networks. if you damage an underground asset you must advise the asset owner immediately

Each asset owner can provide information on their requirements in regard to safe digging practices. This may include manually exposing the network. Simply contact the asset owner to find out how to work safely around their underground networks. Their contact details will be found on the Confirmation Sheet you receive from Dial Before You Dig or on the information you receive from the asset owner.

In the planning stages of building and construction for every project you need to obtain underground network information by calling 'Dial before you dig'.

When working in the vicinity of underground networks, it is important to observe minimum depths and clearances. Underground assets may be as little as 500mm below the surface.

BUILDER TO CONTACT ENERGY AUSTRALIA TO OBTAIN APPROVAL.



Area Analysis:
Proposed New Dual Occupancy
No. 76 RUTLEDGE STREET, EASTWOOD.
LOT 13, D.P.6658 - 766sqm
763.45sqm (DEDUCTION 2.55sqm CORNER SPLAY)
CALCULATIONS - External walls excluded in calc.

DWELLING 1 - SITE AREA : 361.45m2	
GROUND FLOOR AREA (Includes Garage).....	110.0m2
FIRST FLOOR AREA (Excludes Void).....	90.5m2
FLOOR AREA BEFORE GARAGE DEDUCTION (18sqm).....	200.5m2
TOTAL FLOOR AREA. AFTER GARAGE DEDUCTION.....	182.5m2
DWELLING ONE FSR.....	0.5:1

DWELLING 2 - SITE AREA : 402m2	
GROUND FLOOR AREA (Includes Garage).....	119.0m2
FIRST FLOOR AREA (Excludes Void).....	93.0m2
FLOOR AREA BEFORE GARAGE DEDUCTION (18sqm).....	212.0m2
TOTAL FLOOR AFTER DEDUCTION AREA.....	194.0m2
DWELLING ONE FSR.....	0.48:1

COMBINED TOTAL AREA	376.5m2
COMBINED TOTAL FSR	0.49:1
ALLOWABLE FSR	0.5:1

CALCULATIONS EXCLUDE EXTERNAL WALLS	
COMBINED EXTERNAL CALCULATIONS	
LANDSCAPE AREA.....	341m2 (44%)



Preliminary Torren Title Sub-Division Layout Street Numbering Plan scale 1:100

no design group

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Level 3, Suite 25
100/100 Adelaide Road
Melbourne VIC 3000
Tel: 0413 888 772
Email: info@nodg.com.au

designed: H.D.G. project no: RUT-2021
drawn: H.D.G. 1:200@A3
date: 14.10.21 scale: 1:100@A1

REV	COMMENTS	DATE
A	ISSUE FOR APPROVAL	14.10.21
B	COUNCIL UPDATE	18.05.22

APPENDIXES

GENERAL NOTES

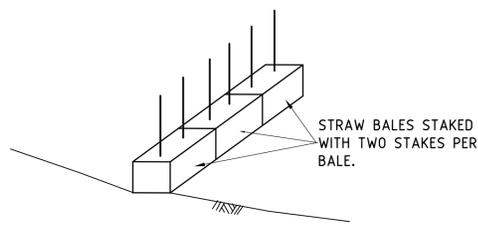
note:

- CLIENT AND VERIFY ALL DIMENSIONS AND DETAILS ON SITE PRIOR TO THE COMMENCEMENT OF ANY WORKS, AND REPORT ANY DISCREPANCIES OR INADEQUACIES TO THE OFFICE OF NEIGHBOURHOOD DESIGN GROUP FOR CLARIFICATION.
- ALL WORKS TO BE CARRIED OUT IN STRICT ACCORDANCE WITH ALL CURRENT BUILDING CODES AND RELEVANT AUSTRALIAN REGULATIONS, AND TO THE SATISFACTION OF THE RELEVANT LOCAL AUTHORITIES.
- ALL BUILDING DOCUMENTATION TO BE READ IN CONJUNCTION WITH ENQUIRED TOWN PLANNING DOCUMENTS.
- BUILDER TO REMOVE ALL RUBBER AND DEBRIS FROM SITE PRIOR TO CONSTRUCTION AND PREPARATION FOR NEW WORKS.
- BUILDER TO ENSURE AS REQUIRED TO SAT NEW CONSTRUCTION WORKS, WORKS GOOD ALL SITE VISORS, CUT AND FILL AS REQUIRED.

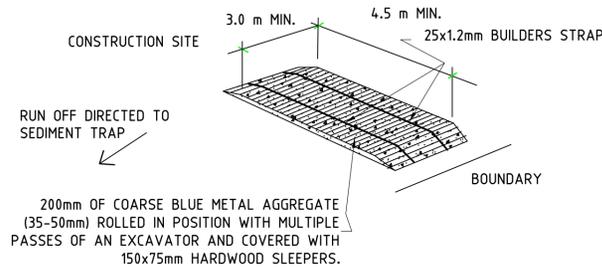
PROJECT
No. 76 RUTLEDGE STREET,
EASTWOOD,
LOT 13 IN D.P.6658 SITE: 766sqm
client:
BIN CHEN LINGLING YU
SUBDIVISION PLAN

Management of Construction and/or Demolition Waste

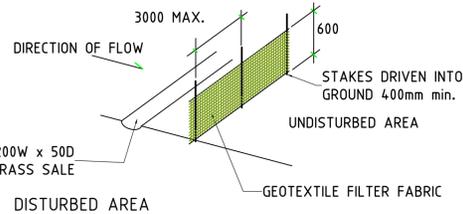
Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to its reuse onsite or being sent offsite. This includes waste materials such as paper and containers which must not litter the site or leave the site onto neighbouring public or private property. A separate dedicated bin must be provided onsite by the builder for the disposal of waste materials such as paper, containers and food scraps generated by all workers. Building waste containers are not permitted to be placed on public property at any time unless a separate application is approved by Council to locate a building waste container in a public place. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. The separation and recycling of the following waste materials is required: metals, timber, masonry products and clean waste plasterboard. This can be achieved by source separation onsite, that is, a bin for metal waste, a bin for timber, a bin for bricks and so on. Alternatively, mixed waste may be stored in one or more bins and sent to a waste contractor or transfer/ sorting station that will sort the waste on their premises for recycling. Receipts of all waste/ recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them



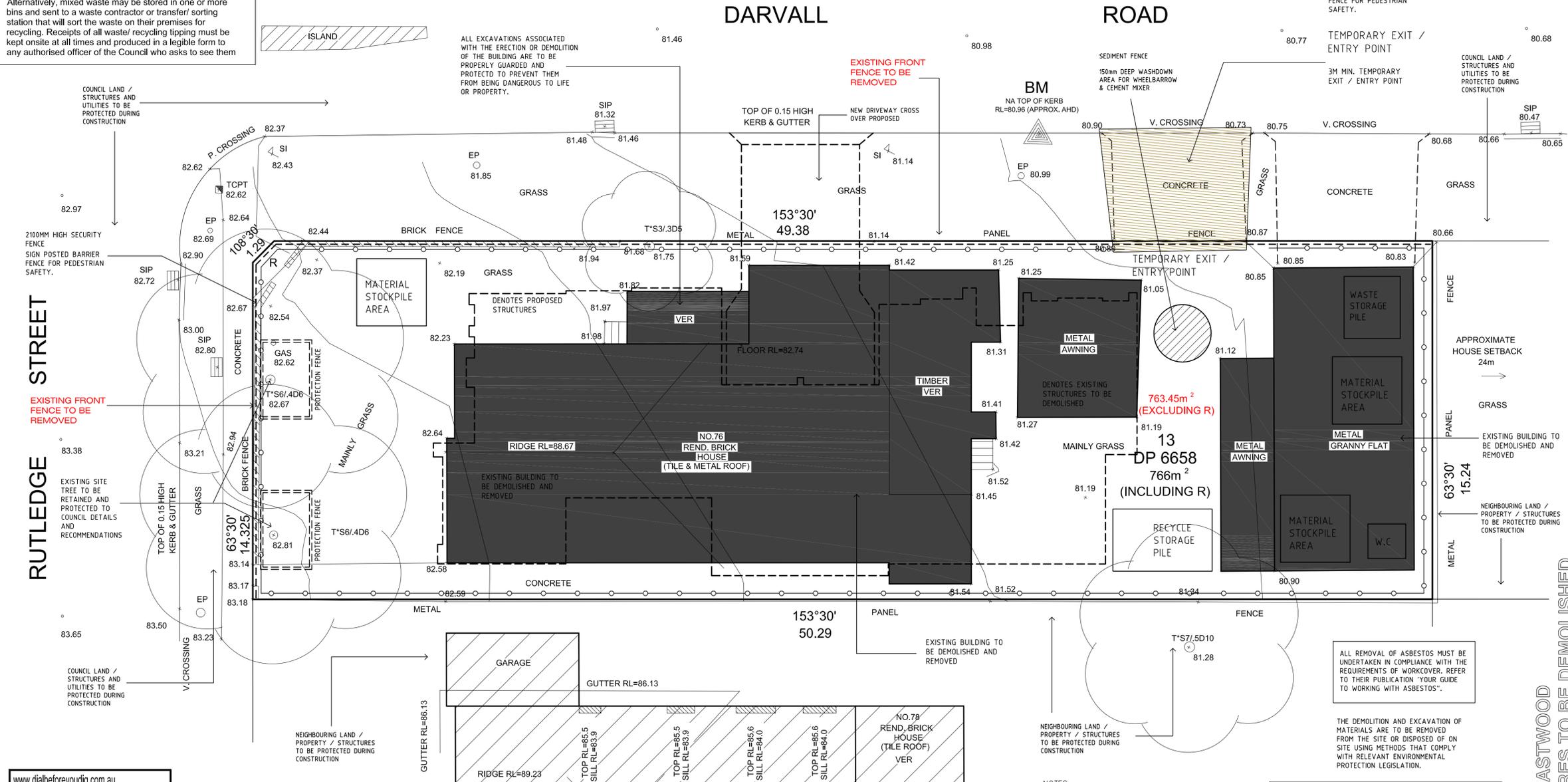
STRAW BALE SEDIMENT TRAP N.T.S



CONSTRUCTION ENTRY/EXIT DETAIL N.T.S.



SEDIMENT FENCE DETAIL N.T.S



COUNCIL LAND / STRUCTURES AND UTILITIES TO BE PROTECTED DURING CONSTRUCTION

RUTLEDGE STREET

DARVALL ROAD

2100MM HIGH SECURITY FENCE SIGN POSTED BARRIER FENCE FOR PEDESTRIAN SAFETY.

TEMPORARY EXIT / ENTRY POINT

COUNCIL LAND / STRUCTURES AND UTILITIES TO BE PROTECTED DURING CONSTRUCTION

EXISTING FRONT FENCE TO BE REMOVED

EXISTING SITE TREE TO BE RETAINED AND PROTECTED TO COUNCIL DETAILS AND RECOMMENDATIONS

NEIGHBOURING LAND / PROPERTY / STRUCTURES TO BE PROTECTED DURING CONSTRUCTION

NEIGHBOURING LAND / PROPERTY / STRUCTURES TO BE PROTECTED DURING CONSTRUCTION

ALL REMOVAL OF ASBESTOS MUST BE UNDERTAKEN IN COMPLIANCE WITH THE REQUIREMENTS OF WORKCOVER. REFER TO THEIR PUBLICATION 'YOUR GUIDE TO WORKING WITH ASBESTOS'.

THE DEMOLITION AND EXCAVATION OF MATERIALS ARE TO BE REMOVED FROM THE SITE OR DISPOSED OF ON SITE USING METHODS THAT COMPLY WITH RELEVANT ENVIRONMENTAL PROTECTION LEGISLATION.



PUBLIC UTILITY IMPACT ASSESSMENT - DIAL BEFORE YOU DIG

The following guidelines should be complied with when undertaking any form of excavation:

All constructors have a Duty of Care to observe with regard to underground networks when digging or excavating. underground network information should be sought well in advance to construction activities. These are available from asset owners through the national Dial Before You Dig service and depending on the method, will take 2 working days to be sent to you.

Should the scope of works change, or plan validity dates expire, you must submit a new Dial Before You Dig enquiry. always perform an onsite inspection for the presence of assets. Should you require an onsite location, contact the asset owners directly.

Constructors must dig by hand when excavating or working close to underground networks. If you damage an underground asset you must advise the asset owner immediately

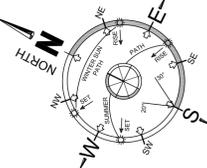
Each asset owner can provide information on their requirements in regard to safe digging practices. This may include manually exposing the network. Simply contact the asset owner to find out how to work safely around their underground networks. Their contact details will be found on the Confirmation Sheet you receive from Dial Before You Dig or on the information you receive from the asset owner.

In the planning stages of building and construction for every project you need to obtain underground network information by calling 'Dial before you dig'.

When working in the vicinity of underground networks, it is important to observe minimum depths and clearances. Underground assets may be as little as 500mm below the surface.

BUILDER TO CONTACT ENERGY AUSTRALIA TO OBTAIN APPROVAL.

DENOTES EXISTING STRUCTURES TO BE REMOVED



- NOTES
- ALL BARE SOIL AREAS ARE TO BE PROTECTED FROM EROSION BY TEMPORARY MEASURES AND REVEGETATED AT THE CESSATION OF CONSTRUCTION.
 - A SEDIMENT CATCHMENT POND IS TO BE PROVIDED AT THE RATE OF 120M³ CAPACITY PER HECTARE DRAINED. THE DETENTION TANKS MAY BE USED FOR THIS PURPOSE PROVIDED SUFFICIENT WATER IS RETAINED AS A POOL DURING CONSTRUCTION & ADEQUATE SAFETY FENCING IS PROVIDED.
 - THE DOWNHILL BOUNDARY OF THE SITE IS TO BE PROTECTED BY HAY BALES OR A FILTER FABRIC FENCE DURING CONSTRUCTION AS SHOWN IN THE ATTACHED DETAILS.
 - THE STREET DRAINAGE PIT LOCATED DOWNHILL OF THE SITE SHALL BE PROTECTED FROM SEDIMENT WITH HAY BALES.
 - A SINGLE CONSTRUCTION ENTRANCE SHALL BE ESTABLISHED IN THE MANNER SHOWN IN THE ATTACHED DETAILS.
 - THIS DRAWING SHALL BE READ IN CONJUNCTION WITH ARCHITECTURAL AND STRUCTURAL ENGINEERING DOCUMENTS. ANY DISCREPANCIES SHALL BE REPORTED BY THE BUILDER TO THE ARCHITECT PRIOR TO COMMENCEMENT OF THE ITEM.
 - THESE PLANS ARE DIAGRAMMATIC AND SHOW THE GENERAL LOCATION OF STRUCTURES AND PIPES. WORK SHALL BE SET OUT ON SITE BY THE SITE FOREMAN & MAY VARY FROM THE PLANS TO THE EXTENT REQUIRED, TO ENSURE COMPATIBLE CONSTRUCTION OF OTHER SERVICES AND STRUCTURAL REQUIREMENTS. VARIATION IN LOCATION OF MORE THAN 1.0M & ANY CHANGES IN SIZE OF ANY COMPONENT INDICATED HEREON SHALL BE REFERRED TO THE DESIGNER FOR COMMENT.
 - IF IN DOUBT, ASK THE SUPERINTENDENT WHO SHALL CONSULT THE DESIGNER.

ASBESTOS CONTROL GUIDELINES

ALL ASBESTOS FIBRE DEMOLITION MATERIALS, DEMOLITION OF STRUCTURES AND ASBESTOS DUST SHALL BE HANDLED, STORED AND REMOVED IN ACCORDANCE WITH THE RELEVANT LEGISLATION AND GUIDELINES INCLUDING:

- WORK HEALTH AND SAFETY ACT 2011
- WORK HEALTH AND SAFETY REGULATION 2012
- CODE OF PRACTICE FOR SAFE REMOVAL OF ASBESTOS (NOHSC: 2002 (2005))
- CODE OF PRACTICE FOR THE MANAGEMENT AND CONTROL OF ASBESTOS IN WORKPLACES (NOHSC: 2018 (2005))
- PROTECTION OF ENVIRONMENT OPERATIONS (WASTE) REGULATION 2005

REFER TO APPROVED DA CONSENT FOR FURTHER ASBESTOS AND DEMOLITION REQUIREMENTS

DEMOLITION PLAN & CONSTRUCTION MANAGEMENT

scale 1:100

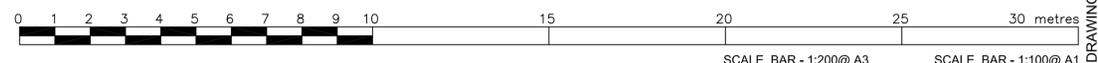
UNDISTURBED VEGETATION

SILT FENCE

STOCK PILES

WATER DIVERSION

GEOTEXTILE FABRIC



DRAWING No. DA:04

no design group

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Site: 74 Rutledge Street, Eastwood, NSW 1585
 No. 0413 888 778
 Email: info@nodg.com.au

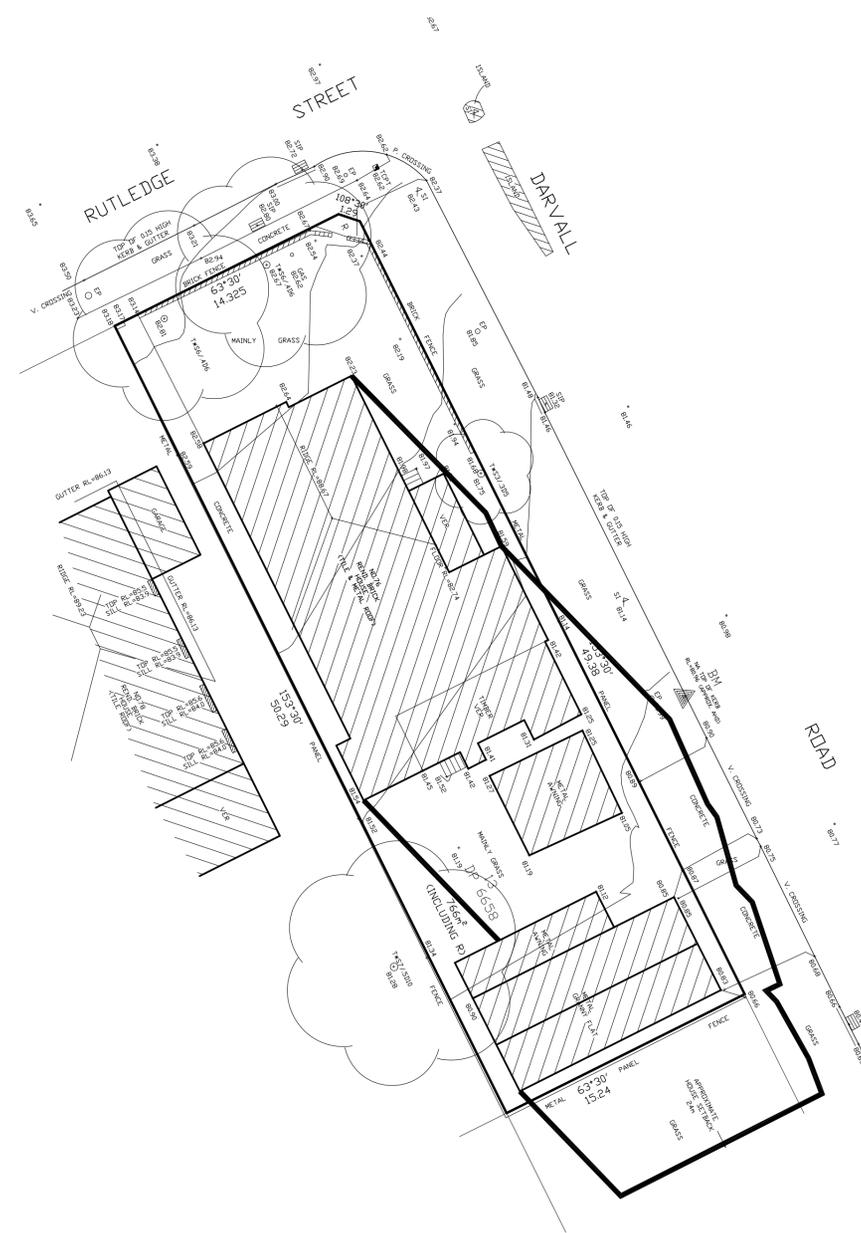
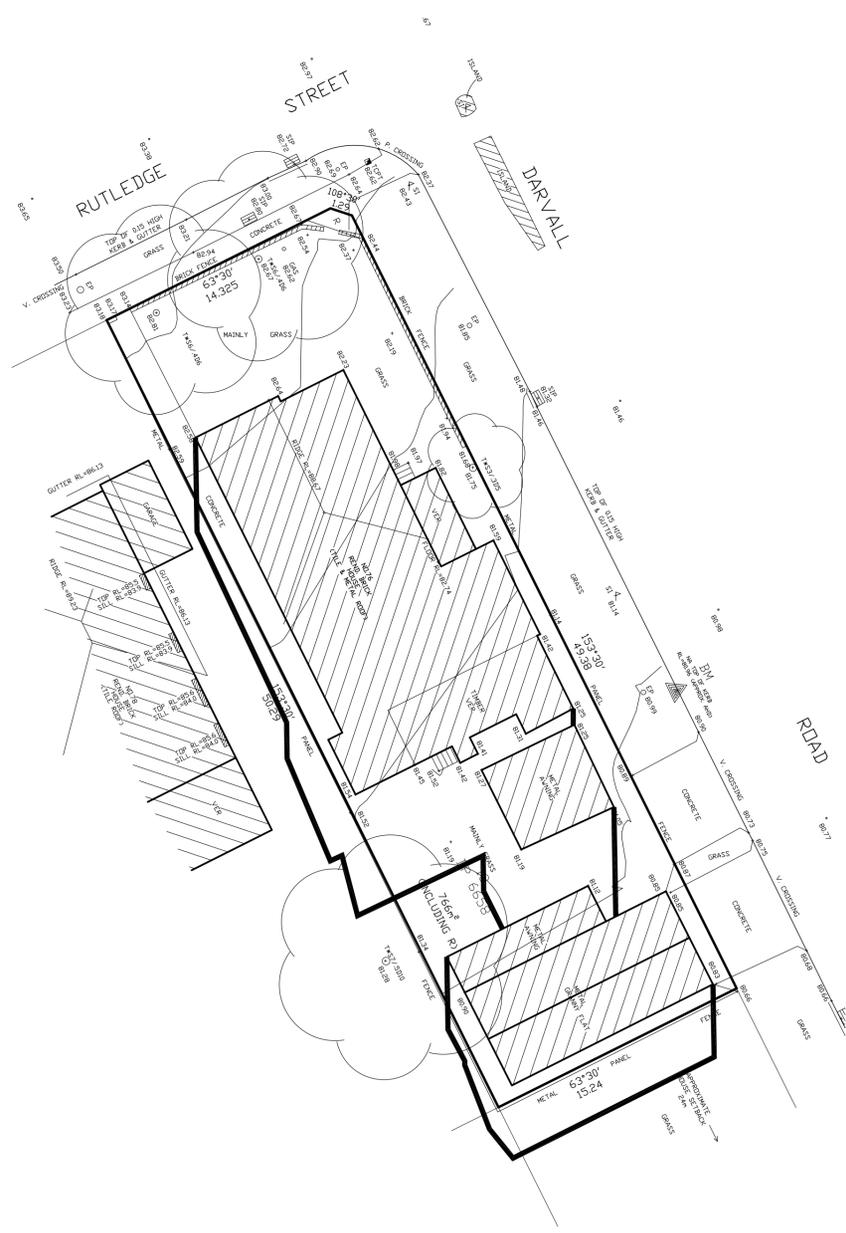
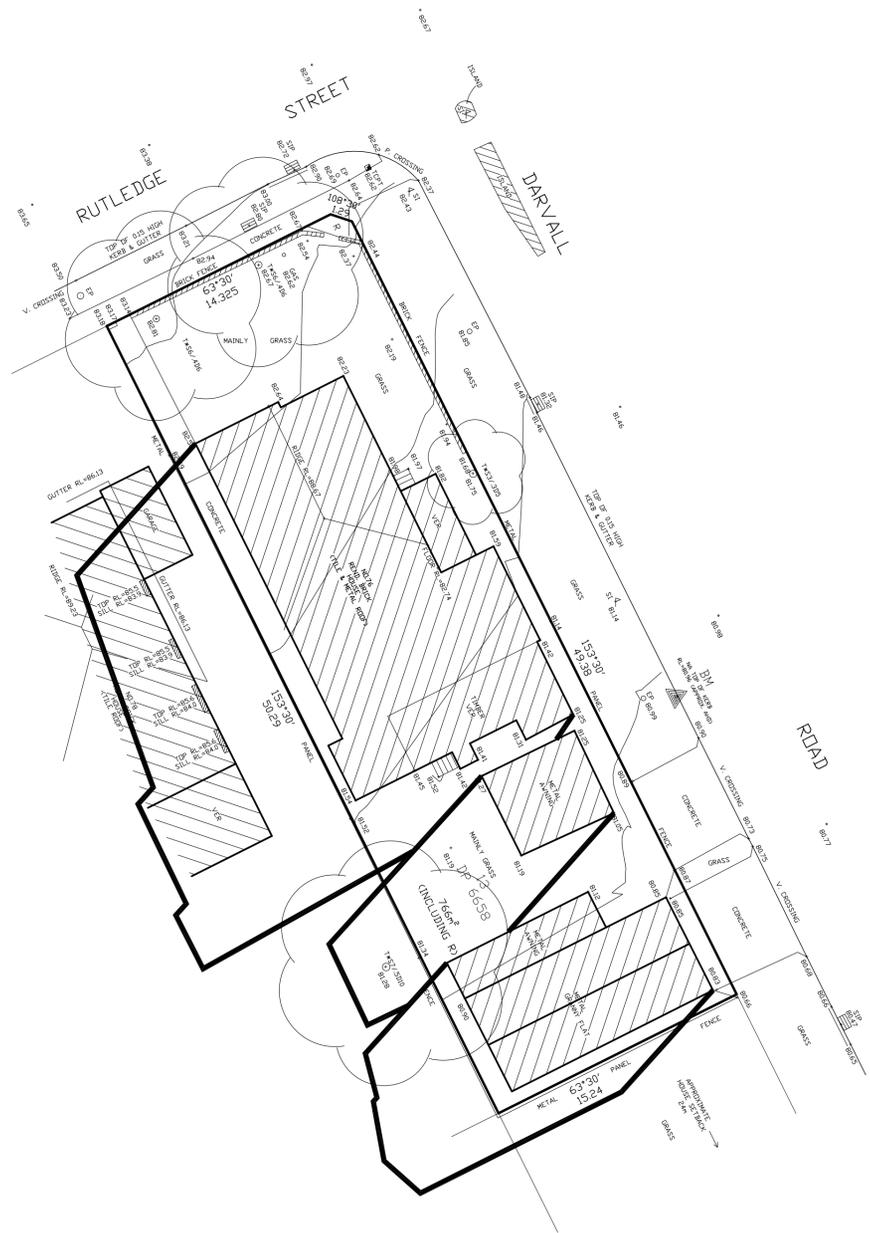
designed: H.D.B. project no: PLUT-2021
 drawn: H.D.B. 1:200@A3
 date: 14.10.21 scale: 1:100@A1

PROJECT: No. 74 RUTLEDGE STREET, EASTWOOD, LOT 13 IN DP 6658 SITE: 786sqm
 client: BIN CHEN LINGLING YU
 drawing: DEMOLITION PLAN

REV#	COMMENTS	DATE
A	ISSUE FOR APPROVAL	14.10.21
B	COUNCIL UPDATE	16.03.22

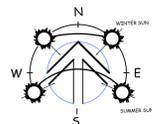


No. 74 RUTLEDGE, EASTWOOD EXISTING STRUCTURES TO BE DEMOLISHED



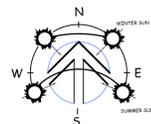
**JUNE MONTH (Existing).
Winter Solstice.**

REQUIREMENTS -
DATE: June 22 (Winter Solstice)
STANDARD TIME: 9am.



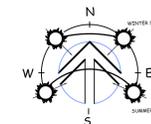
**JUNE MONTH (Existing).
Winter Solstice.**

REQUIREMENTS -
DATE: June 22 (Winter Solstice)
STANDARD TIME: 12noon.



**JUNE MONTH (Existing).
Winter Solstice.**

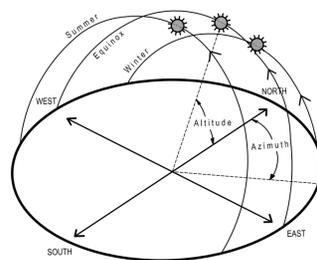
REQUIREMENTS -
DATE: June 22 (Winter Solstice)
STANDARD TIME: 3pm.



SHADOW DIAGRAMS

NOTE:
The shadows shown are at 1:200 scale. The shadows depicted in the near diagrams are a true representation that will be cast by the proposed development. It is the view of Nassima Design Group that the shadows provided are accurate.

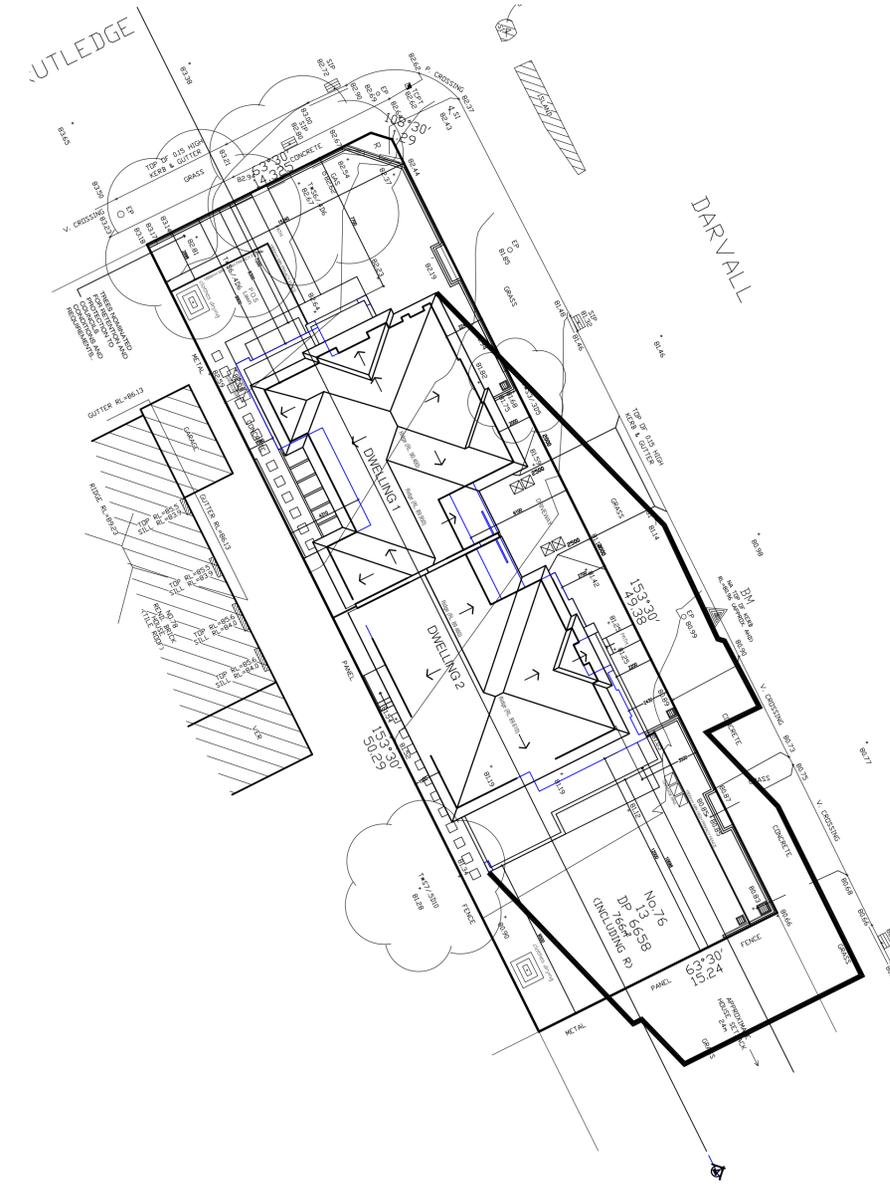
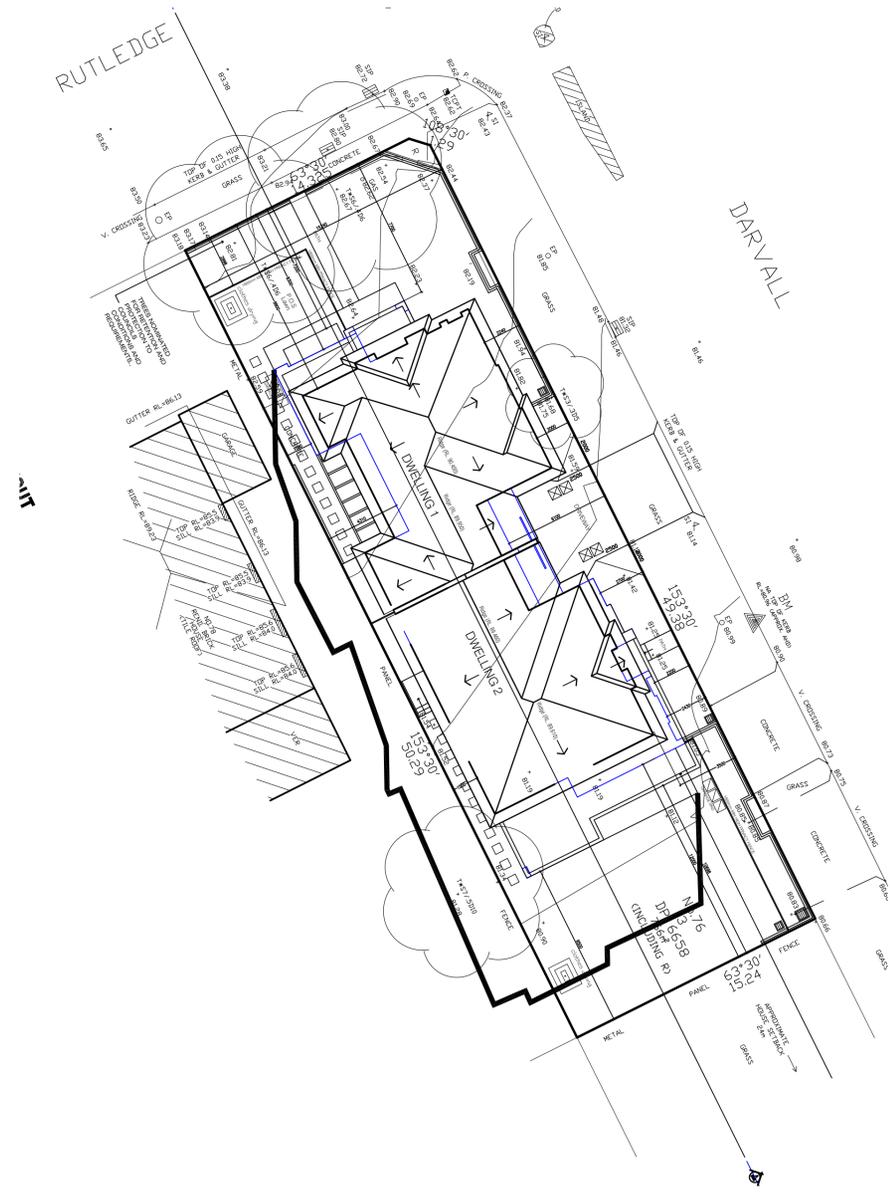
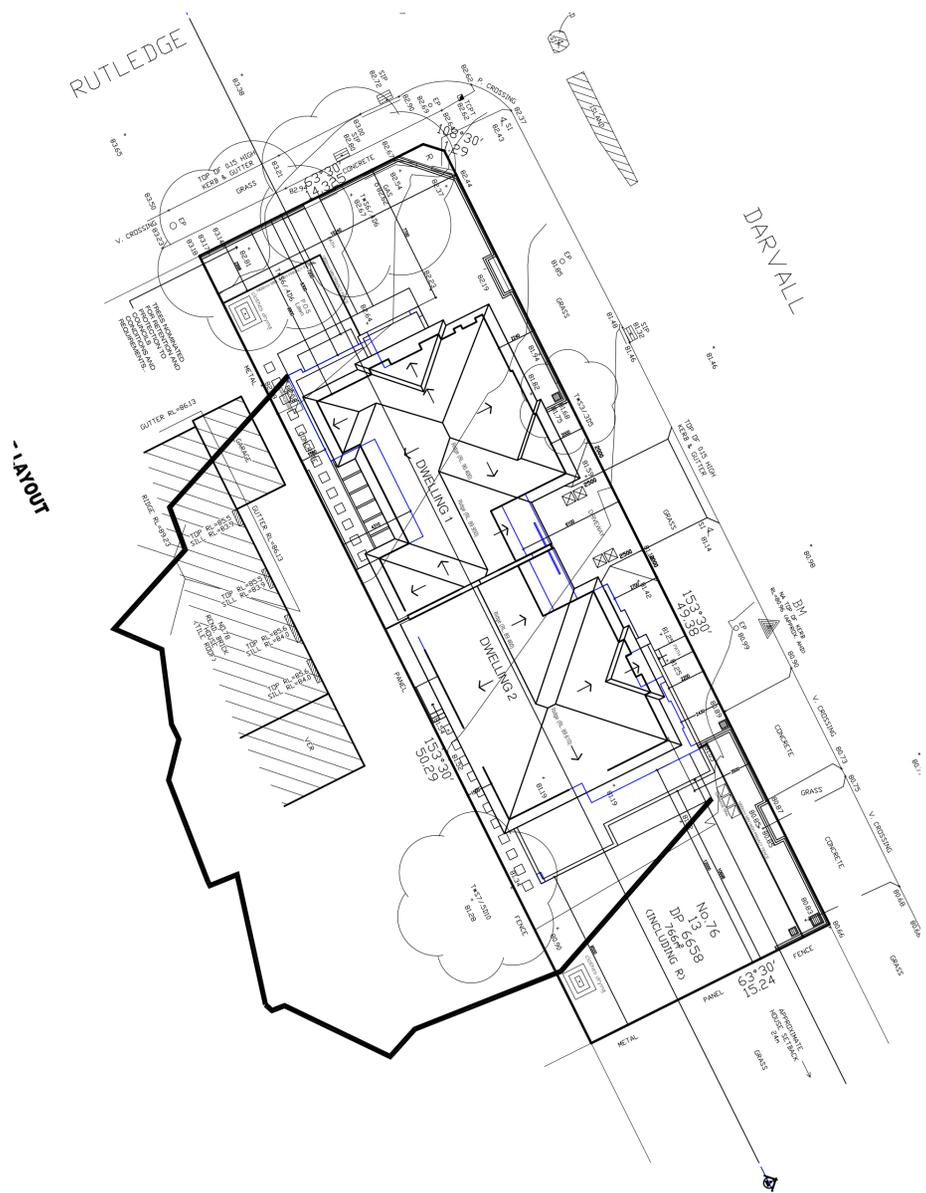
* Data from the CSIRO - Sydney Solar Tables.



MOVEMENT OF THE SUN.

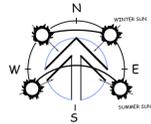
DRAWING No.:
DA:15

	<small>THIS DRAWING & DESIGN MUST NOT BE COPIED IN PART OR WHOLE WITHOUT THE WRITTEN AUTHORISATION FROM NASSIMA DESIGN GROUP.</small>		<small>project:</small> No. 75 RUTLEDGE STREET, EASTWOOD. LOT 13 IN D.P.8658 SITE : 788sqm
	<small>designed:</small> R.D.G. <small>drawn:</small> N.D.G. <small>date:</small> 14.10.21	<small>project no:</small> RUT-2021 <small>scale:</small> 1:200	<small>client:</small> BIN CHEN LINGLING YU <small>drawing:</small> EXISTING SHADOW DIAGRAMS JUNE MONTH



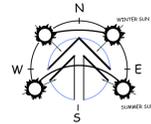
**JUNE MONTH (Proposed).
Winter Solstice.**

REQUIREMENTS -
DATE: June 22 (Winter Solstice)
STANDARD TIME: 9am.



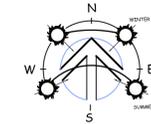
**JUNE MONTH (Proposed).
Winter Solstice.**

REQUIREMENTS -
DATE: June 22 (Winter Solstice)
STANDARD TIME: 12noon.



**JUNE MONTH (Proposed).
Winter Solstice.**

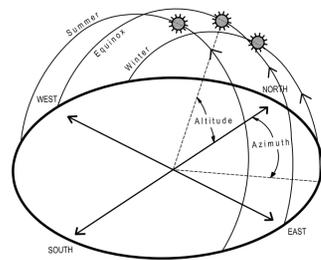
REQUIREMENTS -
DATE: June 22 (Winter Solstice)
STANDARD TIME: 3pm.



SHADOW DIAGRAMS

NOTE:
The shadows shown are at 1:200 scale. The shadows depicted in the near diagrams are a true representation that will be cast by the proposed development. It is the view of Nassima Design Group that the shadows provided are accurate.

* Data from the CSIRO - Sydney Solar Tables.



MOVEMENT OF THE SUN.

DRAWING No.:
DA:16



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ANTHONY NASSIMA
Level 31
Building 1 - No.10 Park Road,
Northside, QLD
No. 0411 888 773
Ph. 07 8550 8440
Fax. 07 8550 8092
Email: anthony@nassimadesign.com.au
ndg@ndg.com.au

designed: N.D.G.
drawn: N.D.G.
date: 14.10.21
project no: RUT-2021
scale: 1:200

project:
No. 78 RUTLEDGE STREET,
EASTWOOD.
LOT 13 IN D.P.8858 SITE : 788sqm
client: BIN CHEN LINGLING YU
drawing:
PROPOSED SHADOW
DIAGRAMS JUNE MONTH

76 RUTLEDGE STREET, EASTWOOD DUAL OCCUPANCY

LIST OF MATERIALS



RF1.

RF2.

RF3.

SOLID TIMBER FRONT DOOR

TR1. PROPOSED (TILE ROOFING) OR SIMILAR AS SHOWN. SEE PLANS & ELEVATIONS FOR EXACT LOCATION.
GUTTERS & FASCIA AS SHOWN. SEE PLANS & ELEVATIONS FOR EXACT LOCATION.

DRAWING No.:
DA:10



BR1. PROPOSED MASONRY BRICKWORK OR SIMILAR AS SHOWN. LIGHT WEIGHT FIRST FLOOR. SEE PLANS & ELEVATIONS FOR EXACT LOCATION.

RF. SELECTED ACRYLIC EURO RENDER. SEE PLANS & ELEVATIONS FOR EXACT LOCATION.

SS1. POWDER COATED HORIZONTAL ALUMINIUM PRIVACY SCREENING



AW01. POWDER COATED ALUMINIUM WINDOWS/DOORS - OPTIONAL SILVER TONE. SEE PLANS & ELEVATIONS FOR EXACT LOCATION.



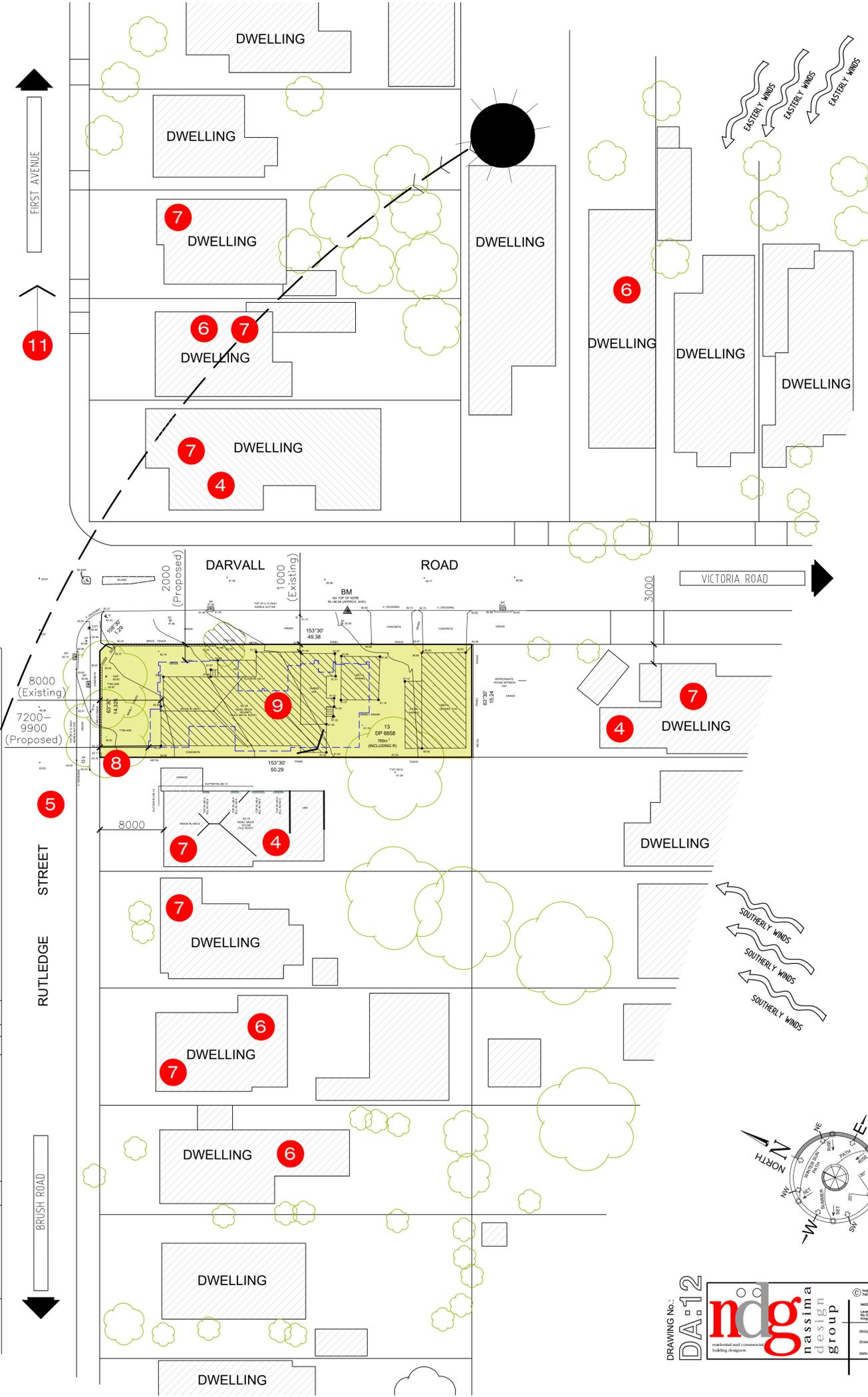
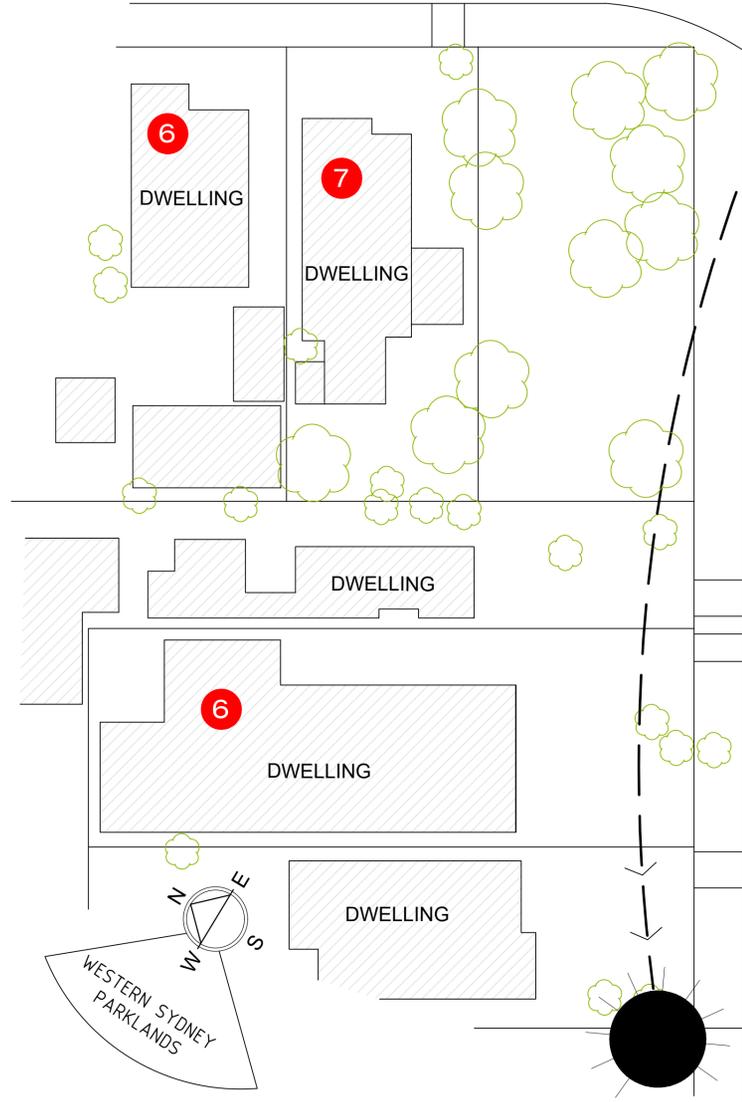
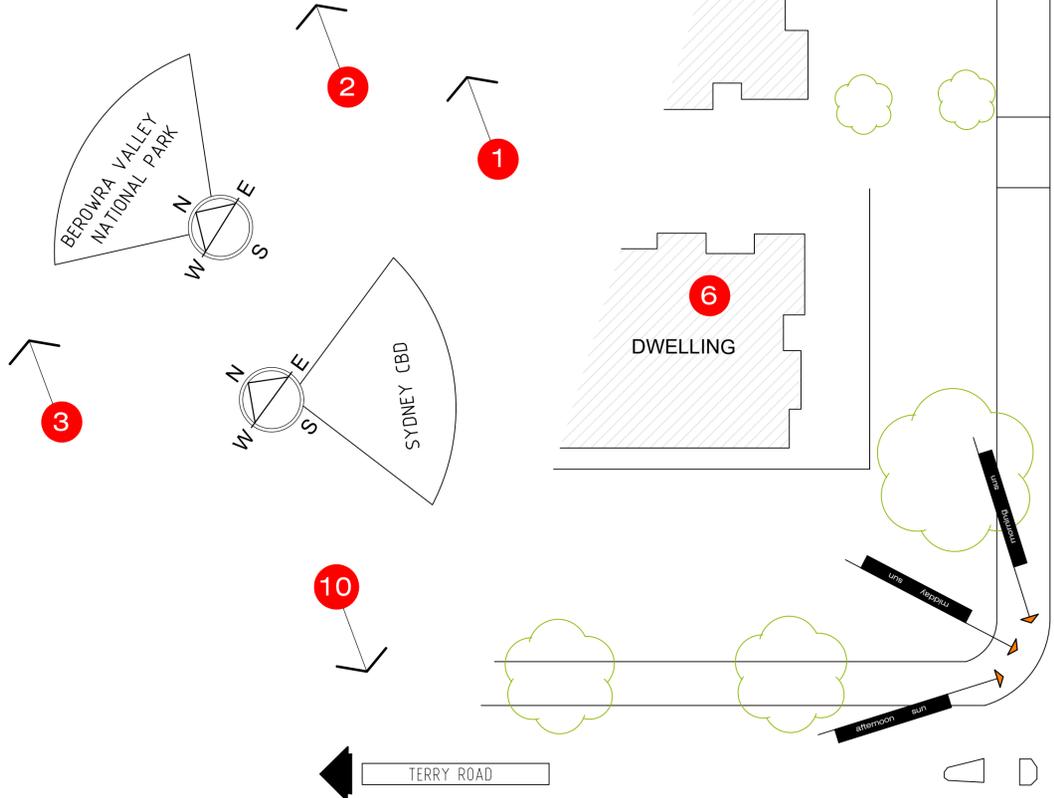
Facade 3D - RUTLEDGE STREET, EASTWOOD.



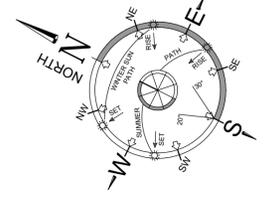
Facade 3D - DARVALL ROAD, EASTWOOD.

Reference Guide

- 1 Location to CBD approx. 17.4kms. north-east of site.
- 2 Eastwood Public School located approx. 750m north-east of site.
- 3 Eastwood Shopping Centre approx. 1.5km north-east of site.
- 4 Adjacent buildings present limited privacy/overview problems; essentially to far away, on a lower level and seperated by large vegetation.
- 5 Rutledge Street has a slight slope from the south-west side.
- 6 Architecture styles vary dramatically along Rutledge Street and the surrounding area.
- 7 Streetscape along Rutledge Street varies in storeys, including new developments and units within the area. Style of new developments are modern.
- 8 Existing trees or vegetation present limited problems. Arborist report is not necessary.
- 9 Proposed site has a slight slope down towards the back of the property.
- 10 Colour My World Childrens Centre approx. 1.6km south-west of site. Ideal for occupants with children.
- 11 Bus stop locations along Rutledge Street. east of site.



Existing Character Profiles in Eastwood



DA-12
ndg
 nassima design group
 architectural and commercial building designers

AMENDMENTS
 REV: COMMENTS DATE
 A ISSUE FOR APPROVAL 28.09.21

GENERAL NOTES
 note:
 ● CHECK AND VERIFY ALL DIMENSIONS AND DETAILS ON SITE PRIOR TO THE COMMENCEMENT OF ANY WORKS, AND REPORT ANY DISCREPANCIES OR AMBIGUITIES TO THE OFFICE OF MASSIMA DESIGN GROUP FOR CLARIFICATION.
 ● ALL WORKS TO BE CARRIED OUT IN STRICT ACCORDANCE WITH ALL CURRENT BUILDING CODES AND RELEVANT AUSTRALIAN STANDARDS AND TO THE SATISFACTION OF THE GOVERNING LOCAL AUTHORITIES.
 ● ALL BUILDING DOCUMENTATION TO BE READ IN CONJUNCTION WITH EXISTING TOWN PLANNING DOCUMENTS.
 ● BUILDER TO REMOVE ALL RUBBISH AND DEBRIS FROM SITE PRIOR TO COMMENCEMENT OF PREPARATION FOR NEW WORKS.
 ● BUILDER TO ESTIMATE AS REQUIRED TO SUIT NEW CONSTRUCTION WORKS. MAKE GOOD ALL SITE WORKS, CUT AND FILL AS REQUIRED.

project:
No. 76 RUTLEDGE STREET, EASTWOOD.
 LOT 13, D.P.8658 - 76sqm
 client:
 drawing:
SITE ANALYSIS

designed H.D.G. project no. RUT-2021
 drawn H.D.G. scale: 1:100@A1
 date: 28.09.21 scale: 1:200@A3

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 76 Rutledge Street,
 Eastwood, NSW 2122
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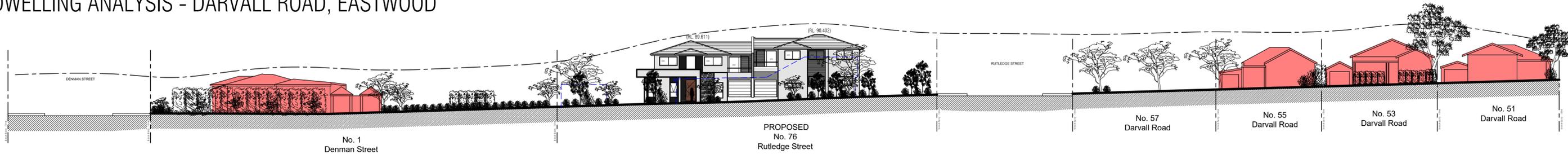
DWELLING ANALYSIS - RUTLEDGE STREET, EASTWOOD



ANALYSIS OF PROPOSED STREETScape - RUTLEDGE STREET, EASTWOOD



DWELLING ANALYSIS - DARVALL ROAD, EASTWOOD



ANALYSIS OF PROPOSED STREETScape - DARVALL ROAD, EASTWOOD

DA:13



THIS DRAWING & DESIGN MUST NOT BE COPIED IN PART OR WHOLE WITHOUT THE WRITTEN AUTHORIZATION FROM NASSIMA DESIGN GROUP.

Level 2, Suite 23 - 325 Kingsgrove Road, Kingsgrove, 2208
No. 0413 868 772
Email: ndg@ndgmat.com

designed: N.D.G. project no: RUT-2021
drawn: N.D.G. scale: 1:100
date: 28.08.21

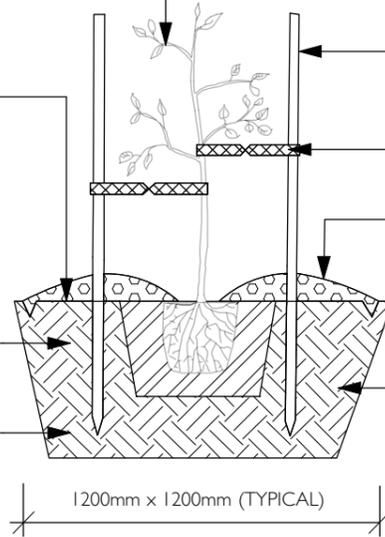
project:
No. 76 RUTLEDGE STREET, EASTWOOD.
LOT 13, DP 8658 - 786 m²
client:
drawing:
DWELLING ANALYSIS & STREETSCAPES

HEALTHY 25L TREE AS PER PLANT SCHEDULE WITH SINGLE LEADER AND PROPORTIONATE CROWN. PLACE CENTRAL AND PLUMB IN PLANTING HOLE. TOP OF ROOTBALL TO FINISH FLUSH WITH ADJACENT SURFACE

IF TREE PLANTING IN LAWN PROVIDE 100mm DEEP SPADE CUT EDGE AROUND PLANT BETWEEN TURF AND MULCH

RIP BASE AND SIDES OF PLANTING HOLE TO 100mm

SOIL PREPARATION AS PER GENERAL NOTES



TYPICAL TREE PLANTING AND STAKING DETAIL

SCALE 1:20

2 HARDWOOD STAKES 50 X 50 X 1800 MM AT EDGE OF ROOTBALL WITH 50MM HESSIAN TIES IN FIGURE OF EIGHT AND STAPLED TO STAKE AS SPECIFIED.

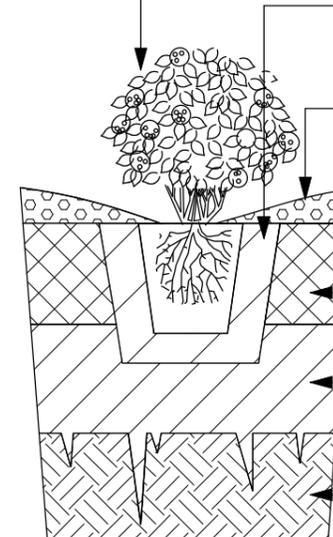
50mm HESSIAN TIES IN FIGURE 8 PATTERN AROUND TREE STEM AND STAPLED TO STAKES.

75mm MULCH, 25mm GRADED 'PINEBARK' MULCH. REDUCE COVER AROUND BASE OF PLANT CLEAR OF STEM TO CREATE WATERING DISH.

MAKE PLANTING HOLE APPROX. TWICE SIZE OF ROOTBALL. BACKFILL WITH PREMIUM ORGANIC GARDENMIX. LIGHTLY TAMP AND WATER WELL.

HEALTHY PLANT AS SPECIFIED PLACED CENTRAL AND PLUMB IN PLANTING HOLE

CONSOLIDATED SOIL
675mm DEPTH



TYPICAL PLANTING DETAIL

SCALE 1:20

MAKE PLANTING HOLE 200mm WIDER AND 100mm DEEPER THAN ROOTBALL. BACKFILL WITH PREMIUM GARDENMIX, LIGHTLY TAMP AND WATER WELL

75mm LAYER, 25mm GRADED 'PINEBARK' MULCH AND/ OR GRAVEL AS SELECTED. REDUCE COVER AROUND BASE OF PLANT CLEAR OF STEM TO CREATE WATERING DISH

ADD 100mm LAYER OF ORGANIC SOIL CONDITIONER SUCH AS 'GREENLIFE' OR EQUIVALENT AND CULTIVATE INTO TOP 150mm OF SOIL.

RIP SOIL TO 100mm DEPTH PRIOR TO CULTIVATING WITH ORGANIC SOIL CONDITIONER.

ENSURE RIP FRACTURES SUBGRADE

PLANT SCHEDULE

Latin Name	Common Name	Quantity	Scheduled Size	Spread	Height
Angophora floribunda	Rough Barked Apple	2	75Lt	7000	15000
Banksia integrifolia	Coastal Banksia	2	75Lt	6000	12000
Correa alba	Correa alba	9	200mm	1000	1500
Dianella caerulea	Blue Flax Lily	8	150mm	700	700
Doryanthes excelsa	Gynea Lily	2	200mm	1500	1500
Elaeocarpus reticulatus	Blueberry Ash	1	75Lt	6000	12000
Hibbertia scandens	Climbing Guinea Flower	6	150mm	1000	350
Lomandra 'Tanika'	Dwarf Lomandra	16	200mm	500	500
Pittosporum tobira	Japanese Pittosporum	7	200mm	1500	2000
Raphiolepis 'Snow Maiden'	Indian Hawthorn	12	200mm	1000	1000
Syzygium australe 'Resilience'	Lillypilly	18	200mm	1500	2500
Viburnum Emerald Lustre	Sweet Viburnum	5	200mm	1500	3000

PLANT SCHEDULE AND LANDSCAPE DETAILS

LANDSCAPE ARCHITECT
A 211/2B WHARF ROAD, MELROSE PARK
NSW 2114
M 0412 262 282
E bowie@belandscapearchitects.com.au



CLIENT

BILL CHEN
LINGLING YU

REVISION "B" - ARCHITECTURAL AMENDMENTS (08/07/2022)

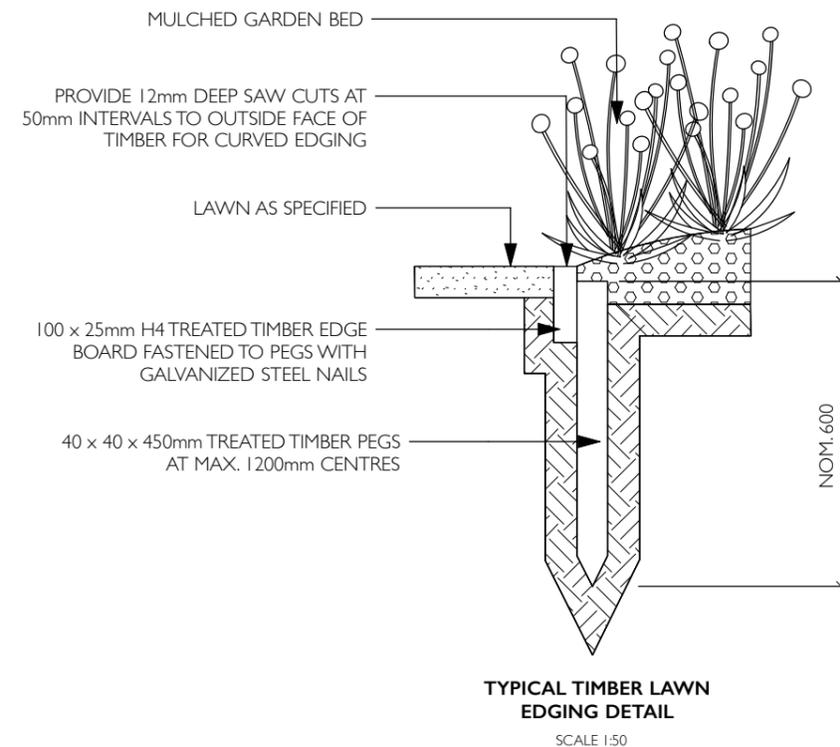
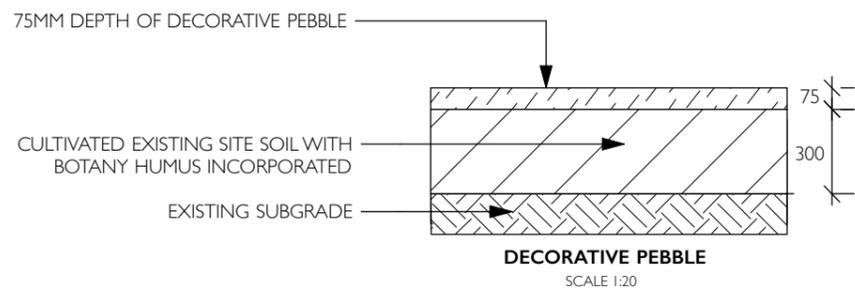
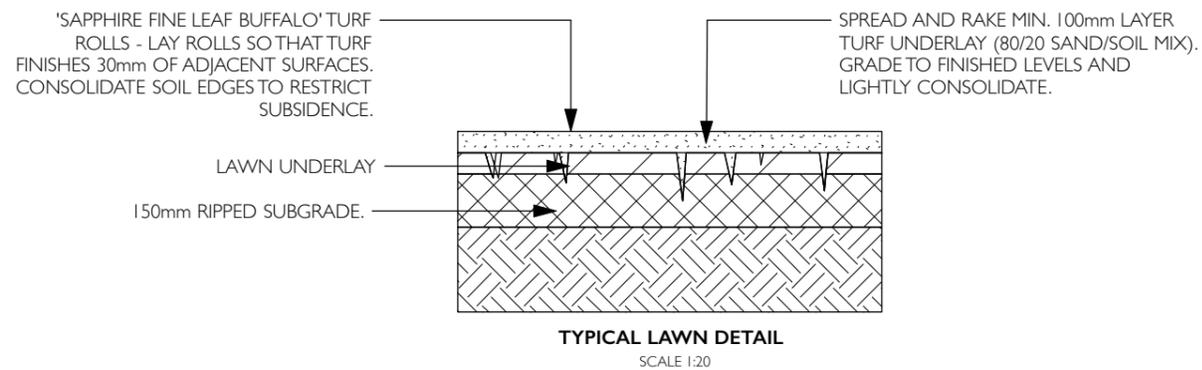
NOMINATED LANDSCAPE ARCHITECT PROJECT: 76 RUTLEDGE STREET, EASTWOOD

BOWIE WONG DRAWN: BW CHECKED: EA

SCALE: REFER TO SCALE DATE: 11TH OCT 2021 PROJECT: NDG

B

L02



LANDSCAPE DETAILS					
LANDSCAPE ARCHITECT A 211/2B WHARF ROAD, MELROSE PARK NSW 2114 M 0412 262 282 E bowie@belandscapearchitects.com.au		CLIENT	NOMINATED LANDSCAPE ARCHITECT PROJECT: 76 RUTLEDGE STREET, EASTWOOD BOWIE WONG DRAWN: BW CHECKED: EA		
		BILL CHEN LINGLING YU	SCALE: REFER TO SCALE	DATE: 11TH OCT 2021 PROJECT: NDG	A

OUTLINE LANDSCAPE SPECIFICATION (AS APPLICABLE)

Preparation by Builder: Builder shall remove all existing concrete pathways, fences, footings, walls etc. not notated to be retained and complete all necessary excavation work prior to commencement on site by Landscape Contractor (Contractor). Builder shall also install new retaining walls, kerbs, layback kerb, crossover, pathways etc. and make good all existing kerbs, gutters etc. as necessary and to approval of Council. Builder shall ensure that a minimum 450mm of topsoil in garden areas and a minimum 150mm of topsoil in lawn areas exists. Should required depths not exist Builder shall contact Landscape Architect and ask for instructions prior to completion of excavation works.

Excavate as necessary, then fill with approved site topsoil to allow for minimum 500mm soil depth in garden areas and 150mm soil depth in lawn areas and to gain required shapes & levels. Ensure all garden and lawn areas drain satisfactorily. All levels & surface drainage shall be determined by others & approved on site by Head Contractor. Note: Approved imported topsoil mix may be utilised if there is insufficient site topsoil available. State in Tender a m3 rate for additional imported topsoil and the quantities of both site topsoil and imported topsoil allowed for in Tender.

Initial Preparation: Verify all dimensions & levels on site prior to commencement. Do not scale from drawings. Locate all underground & above ground services & ensure no damage occurs to them throughout contract. Spray approved weedicide to all proposed lawn & garden areas to manufacturer's directions. Remove existing concrete pathways, footings, walls etc. not notated to be retained & weeds from site. Levels indicated on Plan are nominal only and are derived from Architectural Plans & Drawings by others. Final structural integrity of all items shall be the sole responsibility of Landscape Contractor.

Tree Protection: Trees to be retained shall be protected during site works and construction by the erection of solid barricades to the specification of Council. Storage of machinery or materials beneath canopy of trees to be retained shall not be permitted. Changes to soil level and cultivation of soil beneath canopy of trees to be retained shall not be permitted unless under direct supervision of Landscape Architect. Existing trees shall be pruned to Landscape Architects onsite instructions.

Soil Preparation: Cultivate to depth of 300mm all proposed lawn & garden areas incorporating minimum 100mm depth of organic clay breaker into existing site soil. Do not cultivate beneath existing trees to be retained. In areas where fill is required gain required shapes & levels using a premium grade soil mix. In areas where excavation is required (if in clay) over excavate as required to allow for installation of 500mm depth of premium grade topsoil mix to garden areas and 300mm depth of premium grade topsoil mix to lawn areas. Undertake all required action to ensure that no rootballs of proposed plants sit in clay wells and that all garden areas and lawn areas drain satisfactorily. Note it is intended that wherever possible existing levels shall not be altered through garden and lawn areas. It is the Contractors responsibility to ensure that the end result of the project is that all lawn and garden areas drain sufficiently (both surface & subsurface), are at required finished levels and have sufficient soil depths to enable lawn and plants to thrive and grow. Should alternative works to those specified be required to achieve the above result, Contractor shall inform Builder at time of Tender and request instructions.

Lawn Edging and Stepping Stones:(i) 125 x 25mm approved tanalith impregnated pine edging shall be installed, to lines as indicated on plan and staked with approved stakes at maximum 1500mm centres at ends and changes of direction; stakes shall be nailed to edging with approved galvanised steel nails. Top of edging shall finish flush with surrounding surfaces. Top of stakes shall finish 25mm below top of edging.(ii) Contractor shall install approved bricks on edge on a minimum 100mm deep x 90mm wide concrete footing with brick tor set in, to lines nominated on plan as brick edging. Bricks shall be laid with a nominal 10mm wide approved coloured mortar joint. Bricks needing to be cut shall be done so with clean sharp cuts. Top of edging shall finish flush with surrounding finished surfaces. Approved sandstone stepping stones shall be positioned as indicated on plan on a 25mm river sand bed. Approved sandstone stepping stones shall be positioned as indicated on plan on a 25mm river sand bed.

Retaining Walls: Positions, detail and heights of retaining walls shall be by others.

Planting: Purchase plants from an approved nursery. Plants to be healthy & true to type & species. Set out plants to positions indicated on plan. Following approval, plant holes shall be dug approximately twice width and to 100mm deeper than plant rootballs that they are to receive. Base and sides of hole shall be further loosened. Fertiliser, followed by 100mm depth of topsoil mix shall then be placed into base of hole and lightly consolidated. Base of hole shall then be watered. Remove plant container and install plant into hole. Rootball shall be backfilled with surrounding topsoil and topsoil firmed into place. An approved shallow dish shall be formed to contain water around base of stem. Base of stem of plant shall finish flush with finished soil level. Once installed plant shall be thoroughly watered and maintained for the duration of the Contract.

Staking: All trees shall be staked using 2 x 38mm x 38mm x 2000mm long hardwood stakes per plant and with hessian webbing ties installed to Landscape Architect's on site instructions.

Mulching: Install 75mm depth of 25mm diameter hardwood mulch to all garden areas, coving mulch down around all plant stems & to finish flush with adjacent surfaces.

Turfing: Prepare for, level & lay cultivated Palmetto Buffulo turves to all areas nominated on plan as being lawn. Roll, water, fertilise, mow & maintain lawns as necessary until completion of maintenance period. At same time make good all existing lawn areas using same lawn type. Lawns in shade shall be over sown with an approved seed mix. Allow to retrim and returf councils nature strip as required.

Fencing: Retain all existing fences unless advised otherwise by builder. Install timber paling fences to heights indicated on Plan.

Paving: Areas to be paved shall be excavated or filled to allow for installation of bedding materials. Levels and falls shall be as per Plan. Surface drainage on paving shall be towards grated drains with all drains connected to stormwater system and installed by Builder.

Irrigation: Contractor shall supply and install an approved fully automatic, vandal resistant, computerised irrigation system to all garden and lawn areas, excluding council nature strip. Entire system shall be to approval of Water Board and shall utilise pop-up sprinklers and electronic controllers. Contractor shall be responsible to ensure that system is able to satisfactorily operate on available water pressure. Power supply for use by irrigation system shall be provided to an approved location near southwest corner of residence by others and shall consist of an approved weatherproof G.P.O. The irrigation system controller shall be housed in an approved waterproof cabinet mounted to external wall of residence.

Clotheslines: Contractor shall allow for all necessary labour and materials and shall install clotheslines to positions as indicated on plan to manufacturer's instructions to approval of Landscape Architect. Clothesline type shall be equal to 'Hills Foldaline'.

Completion: Prior to practical completion remove from site all unwanted debris occurring from work. Satisfy Council that all landscaping work has been undertaken in strict accordance with Councils landscape codes & guidelines.

Maintenance Period: A twelve month maintenance period shall be undertaken by owner or owners representative as set out herein. Owner shall have care and maintenance of all work specified under this Contract and shall rectify any defective work for a period of 52 weeks following Practical Completion of Landscape Works. This period shall be herein known as the Maintenance Period. Work shall also include for the care and maintenance of all existing vegetation to be retained and proposed vegetation. Site shall be attended at least weekly and as otherwise required. The following works shall be undertaken during the Maintenance Period.

(a) **Recurrent works** Undertake recurrent works throughout the Maintenance Period. These works shall include but are not limited to watering, weeding, fertilising, pest and disease control, returfing, staking and tying, replanting, cultivation, pruning, aerating, renovating, top dressing and the like.

(b) **Watering** Regularly water all plants and lawn areas to maintain optimal growing conditions. Contractor shall adjust the water quantity utilised with regard to climatic conditions prevalent at the time.

(c) **Replacements** Immediately replace plants which die or fail to thrive (at discretion of Landscape Architect) with plants of same species or variety and of same size and quality unless otherwise specified. Plant replacement shall be at Contractors expense, unless replacement is required due to vandalism or theft, which shall be determined by Landscape Architect. Required replacement of plants due to vandalism or theft shall be undertaken by Contractor and shall be paid for by Client at an agreed predetermined rate.

(d) **Mulched surfaces** Maintain mulched surfaces in clean, tidy, weed-free condition and shall reinstate mulch as necessary to maintain specified depths.

(e) **Stakes & ties** Adjust and/or replace stakes and ties as required. Remove stakes and ties at end of Maintenance Period if directed by Landscape Architect.

(f) **Lawn areas** Lawn areas shall be mown at regular intervals to ensure non heading of lawn with a fine-cutting mulching mower and clippings left on lawn to mulch and self-fertilise lawn areas. Primary cut after laying of lawn by others shall be determined on site taking into consideration season, watering and growth rate of lawn. Following the primary cut all lawns shall be regularly mown as required to ensure a healthy lawn and a neat appearance. Care shall always be taken to ensure that no clippings are left on surrounding roads or garden areas after mowing. Replace lawn areas that fail to thrive at discretion of Landscape Architect. All new and made good lawn areas shall be barricaded off from pedestrian traffic by use of star pickets and brightly coloured plastic safety mesh until establishment of lawn. Barricades shall be removed upon establishment of lawn area.

(g) **Weeding** Remove by hand, or by carefully supervised use of weedicide, any weed growth that may occur throughout Maintenance Period. This work shall be executed at weekly intervals so that all lawn and garden areas may be observed in a weed-free condition.

(h) **Pruning** Prune new and existing plants (excluding existing trees) as necessary to maintain dense foliage conditions. Any rogue branches, or branches overhanging or obstructing pathways, roads, doorways, etc., shall be removed by approved horticultural methods.

(i) **Spraying** Spraying for insect, fungal and disease attack shall be undertaken as required and in accordance with spray manufacturers recommendations at intervals taking into account the season of year during which landscape works are to be implemented.

(j) **Tree Care** Should any existing trees be damaged during construction works immediately engage an experienced arboriculturist and then undertake any rectification work recommended by arboriculturist.

LANDSCAPE SPECIFICATION					
LANDSCAPE ARCHITECT A 211/2B WHARF ROAD, MELROSE PARK NSW 2114 M 0412 262 282 E bowie@belandscapearchitects.com.au		CLIENT	NOMINATED LANDSCAPE ARCHITECT	PROJECT: 76 RUTLEDGE STREET, EASTWOOD	
		BILL CHEN LINGLING YU	BOWIE WONG	DRAWN: BW	CHECKED: EA
					DATE: 24TH AUGUST 2021
L04					

STORMWATER MANAGEMENT PLANS

PROPOSED DUAL OCCUPANCY DEVELOPMENT

Lot 13 , 76 RUTLEDGE STREET EASTWOOD

NOT FOR CONSTRUCTION

DRAINAGE NOTES

PIPE SIZE:

THE MINIMUM PIPE SIZE SHALL BE:

- 90mm DIA WHERE THE LINE ONLY RECEIVES ROOFWATER RUNOFF; OR
- 100mm DIA WHERE THE LINE RECEIVES RUNOFF FROM PAVED OR UNPAVED AREAS ON THE PROPERTY

THE MINIMUM PIPE VELOCITY SHOULD BE 0.6 m/s AND A MAXIMUM PIPE VELOCITY OF 6.0 m/s DURING THE DESIGN STORM.

PIPE GRADE:

THE MINIMUM PIPE GRADE SHALL BE:

- 1.0% FOR PIPES LESS THAN 225mm DIA
- 0.5% FOR ALL LARGER PIPES

PIPES WITH A GRADIENT GREATER THAN 20% WILL REQUIRE ANCHOR BLOCKS AT THE TOP AND BOTTOM OF THE INCLINED SECTION; AND AT INTERVALS NOT EXCEEDING 3.0m

ANCHOR BLOCKS ARE DESIGNED ACCORDING TO *CLAUSE 7.9 OF AS3500.3-2018*

DEPTH OF COVER FOR PVC PIPES:

MINIMUM PIPE COVER SHALL BE AS FOLLOWS:

LOCATION	MINIMUM COVER
NOT SUBJECT TO VEHICLE LOADING	100mm SINGLE RESIDENTIAL 300mm ALL OTHER DEVELOPMENTS
SUBJECT TO VEHICLE LOADING UNDER A SEALED ROAD	450mm WHERE NOT IN A ROAD 600mm
UNSEALED ROAD	750mm
PAVED DRIVEWAY	100mm PLUS DEPTH OF CONCRETE

SEE AS2032 INSTALLATION OF UPVC PIPES FOR FURTHER INFORMATION.

CONCRETE PIPE COVER SHALL BE IN ACCORDANCE WITH *AS3725-2007 LOADS ON BURIED CONCRETE PIPES*, HOWEVER A MINIMUM COVER OF 450mm WILL APPLY.

WHERE INSUFFICIENT COVER IS PROVIDED, THE PIPE SHALL BE COVERED AT LEAST 50mm THICK OVERLAY AND SHALL THEN BE PAVED WITH AT LEAST:

- 150mm REINFORCED CONCRETE WHERE SUBJECT TO HEAVY VEHICLE TRAFFIC;
- 75mm THICKNESS OF BRICK OR 100mm OF CONCRETE PAVING WHERE SUBJECT TO LIGHT VEHICLE TRAFFIC; OR
- 50mm THICK BRICK OR CONCRETE PAVING WHERE NOT SUBJECT TO VEHICLE TRAFFIC.

CONNECTIONS TO STORMWATER DRAINS UNDER BUILDINGS:

SHALL BE CARRIED OUT IN ACCORDANCE WITH *SECTION 6.2.8 OF AS3500.3-2018*

ABOVE GROUND PIPEWORK:

SHALL BE CARRIED OUT IN ACCORDANCE WITH *SECTION 6 OF AS3500.3-2018*

PIT SIZES AND DESIGN:

DEPTH (mm)	MINIMUM PIT SIZE (mm)
UP TO 450mm	450 x 450
450mm TO 600mm	600 x 600
600mm TO 900mm	600 x 900
900mm TO 1500mm	900 x 900 (WITH STEP IRONS)
1500mm TO 2000mm	1200 x 1200 (WITH STEP IRONS)

ALL PIPES SHOULD BE CUT FLUSH WITH THE WALL OF THE PIT.

PITS GREATER THAN 600mm DEEP SHALL HAVE A MINIMUM ACCESS OPENING OF 600 x 600mm

THE GRATED COVERS OF PITS LARGER THAN 600 x 600mm ARE TO BE HINGED TO PREVENT THE GRATE FROM FALLING INTO THE PIT.

THE BASE OF THE DRAINAGE PITS SHOULD BE AT THE SAME LEVEL AS THE INVERT OF THE OUTLET PIPE. RAINWATER SHOULD NOT BE PERMITTED TO POND WITHIN THE STORMWATER SYSTEM

- TRENCH DRAINS:**
CONTINUOUS TRENCH DRAINS ARE TO BE OF WIDTH NOT LESS THAN 150mm AND DEPTH NOT LESS THAN 100mm. THE BARS OF THE GRATING ARE TO BE PARALLEL TO THE DIRECTION OF SURFACE FLOW.

- STEP IRONS:**
PITS BETWEEN 1.2m AND 6m ARE TO HAVE STEP IRONS IN ACCORDANCE WITH AS1057. FOR PITS GREATER THAN 6m OTHER MEANS OF ACCESS MUST BE PROVIDED.

- IN-SITU PITS:**
IN-SITU PITS ARE TO BE CONSTRUCTED ON A CONCRETE BED OF AT LEAST 150mm THICK. THE WALLS ARE TO BE DESIGNED TO MEET THE MINIMUM REQUIREMENTS OF *CLAUSE 7.5.5.1 OF AS3500.3-2018*. PITS DEEPER THAN 1.8m SHALL BE CONSTRUCTED WITH REINFORCED CONCRETE.

- GRATES:**
GRATES ARE TO BE GALVANISED STEEL GRID TYPE. GRATES ARE TO BE OF HEAVY-DUTY TYPE IN AREAS WHERE THEY MAY BE SUBJECT TO VEHICLE LOADING.

GENERAL NOTES

- FINAL LOCATION OF NEW DOWNPIPES TO BE DETERMINED BY BUILDER/ARCHITECT AT TIME OF CONSTRUCTION.
- THESE DRAWINGS TO BE READ IN CONJUNCTION WITH ARCHITECTS AND OTHER CONSULTANTS DRAWINGS. ANY DISCREPANCIES TO BE REFERRED TO THE ENGINEER BEFORE PROCEEDING WITH WORK.
- ALL MATERIALS AND WORKMANSHIP TO BE IN ACCORDANCE WITH AS/NZS 3500.3:2018 STORMWATER DRAINAGE, BCA AND LOCAL COUNCIL POLICY/CONSENT/REQUIREMENTS.
- ALL DIMENSIONS AND LEVELS TO BE VERIFIED BY BUILDER ON-SITE PRIOR TO COMMENCEMENT OF WORKS. THESE DRAWINGS ARE NOT TO BE SCALED FOR DIMENSIONS NOR TO BE USED FOR SETOUT PURPOSES.
- ALL SURVEY INFORMATION AND PROPOSED BUILDING AND FINISHED SURFACE LEVELS SHOWN IN THESE DRAWINGS ARE BASED ON LEVELS OBTAINED FROM DRAWINGS BY OTHERS. THESE DRAWINGS DEPICT THE DESIGN OF SURFACE STORMWATER RUNOFF DRAINAGE SYSTEMS ONLY AND DO NOT DEPICT ROOF DRAINAGE OR SUBSOIL DRAINAGE SYSTEMS UNLESS NOTED OTHERWISE. THE DESIGN OF ROOF AND SUBSOIL DRAINAGE SYSTEMS IS THE RESPONSIBILITY OF OTHERS.
- ALL STORMWATER DRAINAGE PIPES ARE TO BE uPVC AT MINIMUM 1% GRADE UNLESS NOTED OTHERWISE.
- IT IS THE CONTRACTORS RESPONSIBILITY TO LOCATE AND LEVEL ALL EXISTING SERVICES OR OTHER STRUCTURES WHICH MAY AFFECT/BE AFFECTED BY THIS DESIGN PRIOR TO COMMENCEMENT OF WORKS.
- ALL PITS WITHIN DRIVEWAYS TO BE 150mm THICK CONCRETE OR EQUAL.

PLAN NOTES

- ROOF DRAINAGE NOTE: AS 3500 ROOF DRAINAGE REQUIRES EAVES GUTTERS TO BE SIZED FOR 20 YEAR 5 MIN. STORM = 205mm/hr. FOR EAVES GUTTERS, AS 3500.3:2018 THEN HAS THE FOLLOWING REQUIREMENTS:
 - FOR TYPICAL STANDARD QUAD GUTTER WITH $A_e = 600m^2$ AND GUTTER SLOPE 1:500 AND STEEPER, THIS REQUIRES ONE DOWNPIPE PER 30m² ROOF AREA
 - DOWNPIPES TO BE MINIMUM 90mm DIA. OR 100 x 50mm FOR GUTTERS SLOPE 1:500 AND STEEPER.
 - OVERFLOW METHOD TO FIGURE G1 OF AS 3500.3:2018 IT IS THE RESPONSIBILITY OF THE PLUMBER AND / OR BUILDER TO COMPLY WITH THIS. THIS DRAWING SHOWS PRELIMINARY LOCATIONS / NUMBERS OF DOWNPIPES ONLY WHICH ARE TO BE VERIFIED BY BUILDER / PLUMBER
- TREE PRESERVATION: IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO OBTAIN ANY PRIOR APPROVAL REQUIRED FROM COUNCIL WITH RESPECT TO POTENTIAL IMPACT ON TREES FOR ANY WORKS SHOWN ON THIS DRAWING PRIOR TO THE COMMENCEMENT OF THOSE WORKS
- ALL ROOF GUTTERS TO HAVE OVERFLOW PROVISION IN ACCORDANCE WITH AS 3500.3:2018 AND SECTIONS 3.5, 3.7.7 AND APPENDIX G OF AS 3500.3:2018
- THIS DRAWING IS NOT TO BE USED FOR SET-OUT PURPOSES - REFER TO ARCHITECTURAL DRAWINGS
- LOCATION OF SURFACE STORMWATER GRATED INLET PITS MAY BE VARIED OR NEW PITS INSTALLED AT THE CONSTRUCTION STAGE PROVIDED DESIGN INTENT OF THIS DRAWING IS MAINTAINED

LEGEND	
SURFACE INLET PIT	
SURFACE INLET PIT (WITH ENVIROPOD 200 MICRON)	
ACCESS GRATE (WITH ENVIROPOD 200 MICRON)	
ACCESS GRATE (TO HED PIT)	
450 SQUARE INTERVAL	450 X 450
GRATE LEVEL = 75.50	SL 75.50
INVERT LEVEL = RL 75.20	IL 75.20
PROPOSED DOWNPIPE 90mm DIA. PVC	
GRATED TRENCH DRAIN	
ABSORPTION TRENCH	
PROPOSED ROOF GUTTER FALL	
PROPOSED DOWNPIPE SPREADER	
STORMWATER PIPE 100mm DIA. MIN. UNO	
SUBSOIL PIPE	
EXISTING STORMWATER PIPE	
INSPECTION RISER	
RAINWATER HEAD	



APPROVED BY
 TONY AHAL
 B.E., M.Build.Surv.,
 BDC2711
 MIEAust (Civil & Structural) 1080225

CLIENT

OWNER

DRAWING TITLE

DETAILS, NOTES & LEGEND

PROPOSED DUAL OCCUPANCY DEVELOPMENT

Lot 13 , 76 RUTLEDGE STREET
EASTWOOD

REVISION	DRAWN	DESCRIPTION	DATE
A	T.A	ISSUED FOR DA	27.08.2021

DESIGNED BY	No. IN SET
T.A	8
SCALE - SIZE	REVISION
-	A
JOB NUMBER	DRAWING No.
30062021	D1

SITE AREA CALCULATIONS		
TOTAL SITE AREA	766.0	m ²
EXISTING DEVELOPMENT		
BUILDING FOOTPRINT AREA	494.79	m ²
PAVED AREA	0	m ²
DRIVEWAY AREA	0	m ²
TOTAL IMPERVIOUS AREA	494.8	m ²
IMPERVIOUS AREA PERCENTAGE	64.6%	
PROPOSED DEVELOPMENT		
BUILDING FOOTPRINT AREA	287.17	m ²
PAVED AREA	106.49	m ²
DRIVEWAY AREA	35.34	m ²
TOTAL IMPERVIOUS AREA	429.0	m ²
INCREASE IN IMPERVIOUS AREA	-65.8	m ²
TOTAL IMPERVIOUS AREA PERCENTAGE	56.0%	
AREA CALCULATIONS HAVE TAKEN INTO ACCOUNT THE REMOVED IMPERVIOUS AREA AS NOTED ON THE ARCHITECTURAL PLANS		

DRAINAGE PIPE LEGEND

• DRAINAGE PIPES VIA GRAVITY 

NOTE: ALL PIPES TO BE 100mm DIA PVC UNO

ALL PROPOSED LEVELS TO BE CHECKED ON SITE BEFORE COMMENCEMENT OF WORKS

OSD WARRANT DWELLING 1

LGA: RYDE COUNCIL
RELEVANT CODE: STORMWATER MANAGEMENT TECHNICAL MANUAL

"ANY NEW DEVELOPMENT THAT EXCEEDS 35% SITE COVER WILL REQUIRE OSD"

- SITE AREA 355.0m²
- POST-DEV IMPERVIOUS AREA 179.0m² (55%)

TOTAL SITE COVER > 35%
THEREFORE OSD REQUIRED

- OSD VOLUME FROM SPREADSHEET 5.91m³

THEREFORE PROVIDE 6.20 m³ OSD STORAGE
REFER TO DETAIL ON DRAWING No.D4

OSD WARRANT DWELLING 2

LGA: RYDE COUNCIL
RELEVANT CODE: STORMWATER MANAGEMENT TECHNICAL MANUAL

"ANY NEW DEVELOPMENT THAT EXCEEDS 35% SITE COVER WILL REQUIRE OSD"

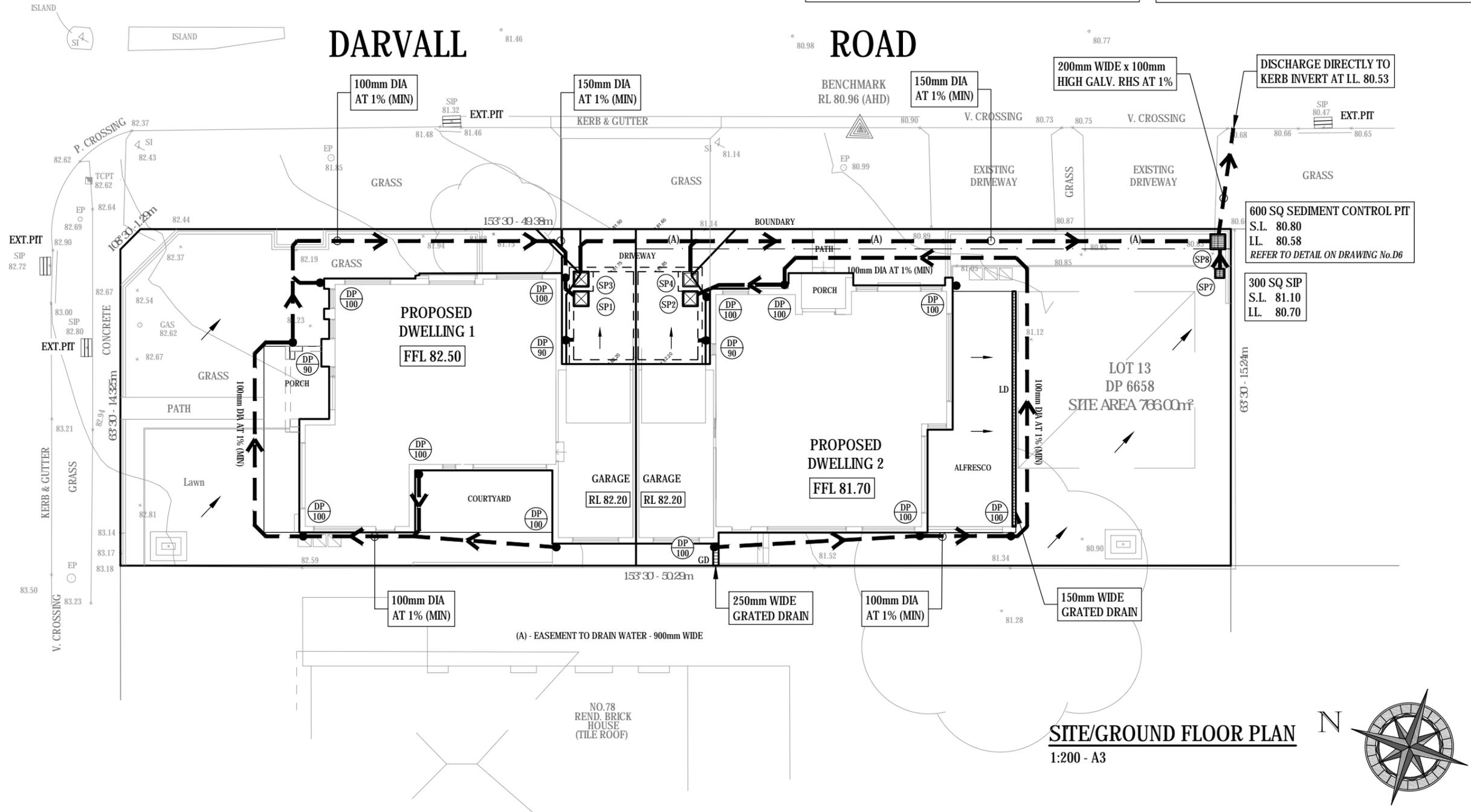
- SITE AREA 411.0m²
- POST-DEV IMPERVIOUS AREA 232.0m² (56%)

TOTAL SITE COVER > 35%
THEREFORE OSD REQUIRED

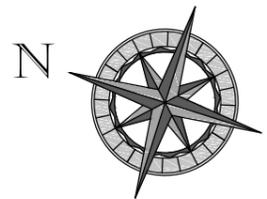
- OSD VOLUME FROM SPREADSHEET 6.96m³

THEREFORE PROVIDE 7.24 m³ OSD STORAGE
REFER TO DETAIL ON DRAWING No.D5

STREET
RUTLEDGE



SITE/GROUND FLOOR PLAN
1:200 - A3



APPROVED BY TONY AHAL B.E., M.Build.Surv., BDC2711 MIEAust (Civil & Structural) 1080225	CLIENT
	OWNER

DRAWING TITLE SITE/GROUND FLOOR PLAN
PROPOSED DUAL OCCUPANCY DEVELOPMENT Lot 13, 76 RUTLEDGE STREET EASTWOOD

REVISION	DRAWN	DESCRIPTION	DATE
A	T.A	ISSUED FOR DA	27.08.2021

DESIGNED BY T.A	No. IN SET 8
SCALE - SIZE AS NOTED - A3	REVISION A
JOB NUMBER 30062021	DRAWING No. D2

DOWNPIPE LEGEND

- INDICATES DOWNPIPE DIRECTLY TO OSD/RWT SYSTEM
- INDICATES DOWNPIPE DIAMETER
- DOWNPIPE PENETRATING FLOOR SLAB
- DOWNPIPE COMMENCING BELOW FLOOR SLAB

ROOF DRAINAGE

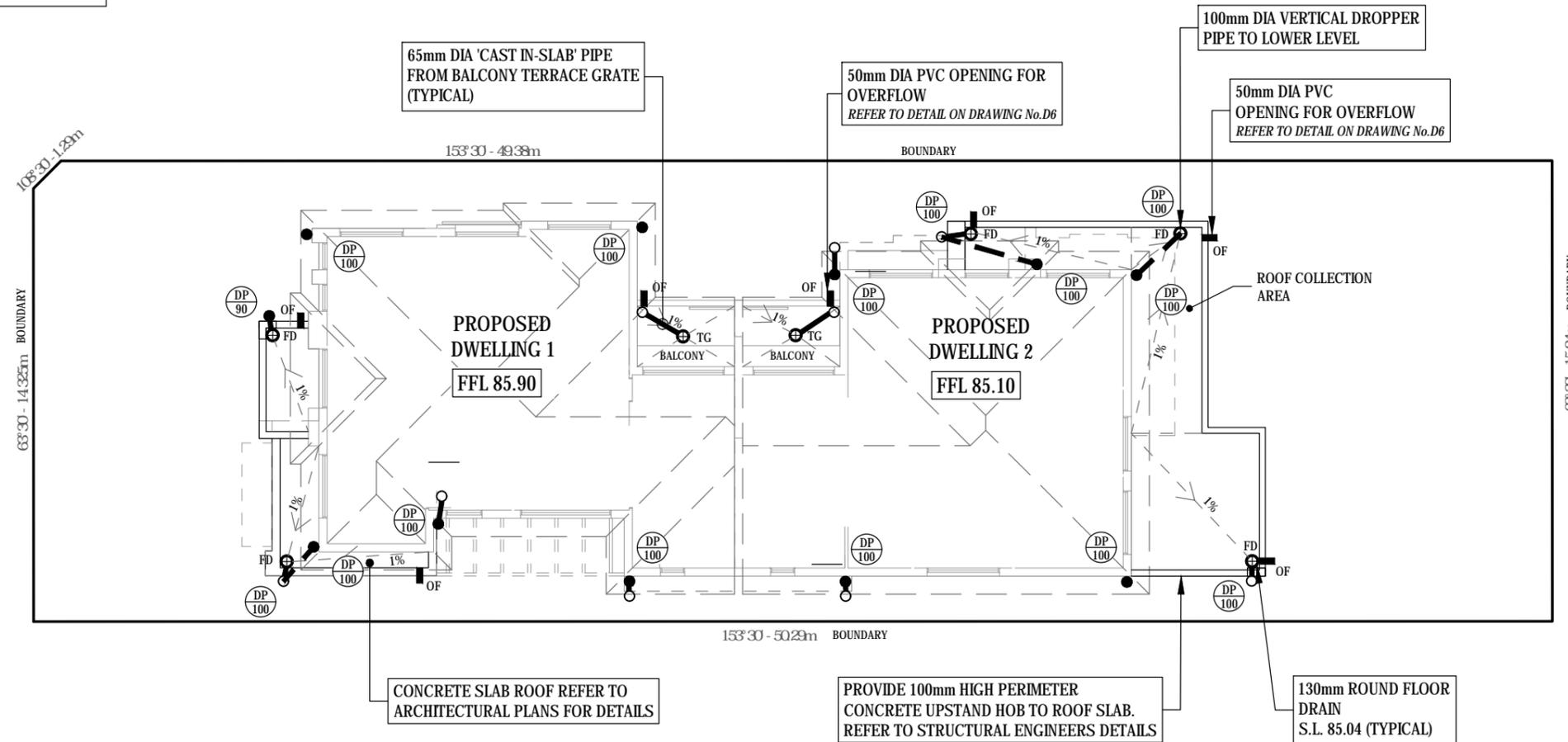
- BOX GUTTER TO BE CONSTRUCTED IN ACCORDANCE WITH AS/NZS 3500.3.2:2018: SECTION J2
- OVERFLOW (OF) - 150mm WIDE x 50mm HIGH
 - SPREADERS (SP) - 100mm DIA

DRAINAGE PIPE LEGEND

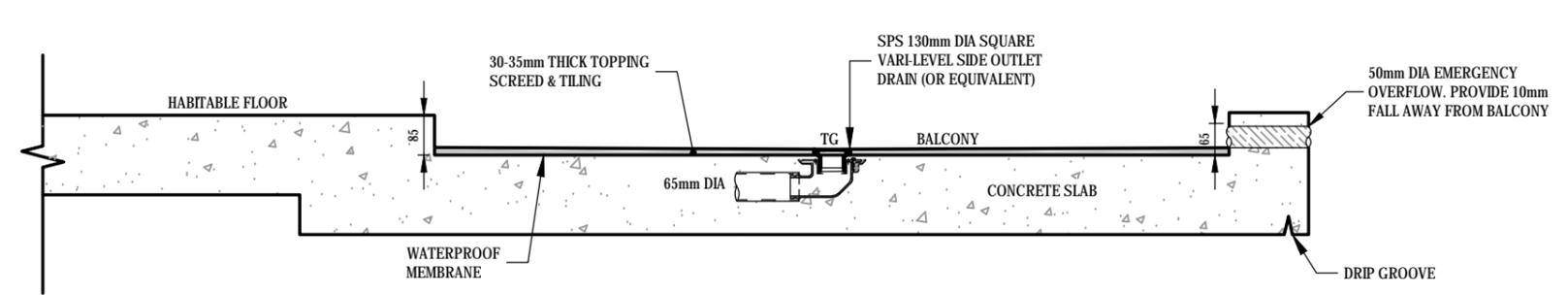
- DRAINAGE PIPES VIA GRAVITY
- NOTE: ALL PIPES TO BE 100mm DIA PVC UNO

ALL PROPOSED LEVELS TO BE CHECKED ON SITE BEFORE COMMENCEMENT OF WORKS

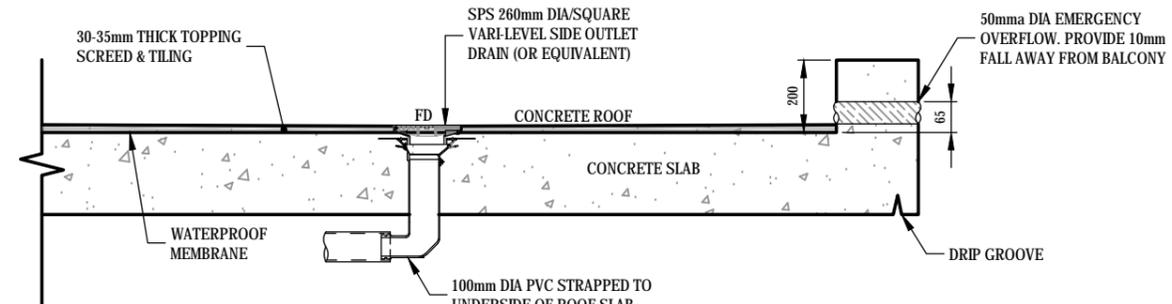
NOTE: ALL PROPOSED SPREADER (SP) TO BE 100mm DIA (UNO)



FIRST FLOOR/ROOF PLAN
1:200 - A3



BALCONY DRAINAGE DETAIL
NTS



ROOF DRAINAGE DETAIL
NTS



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CLIENT

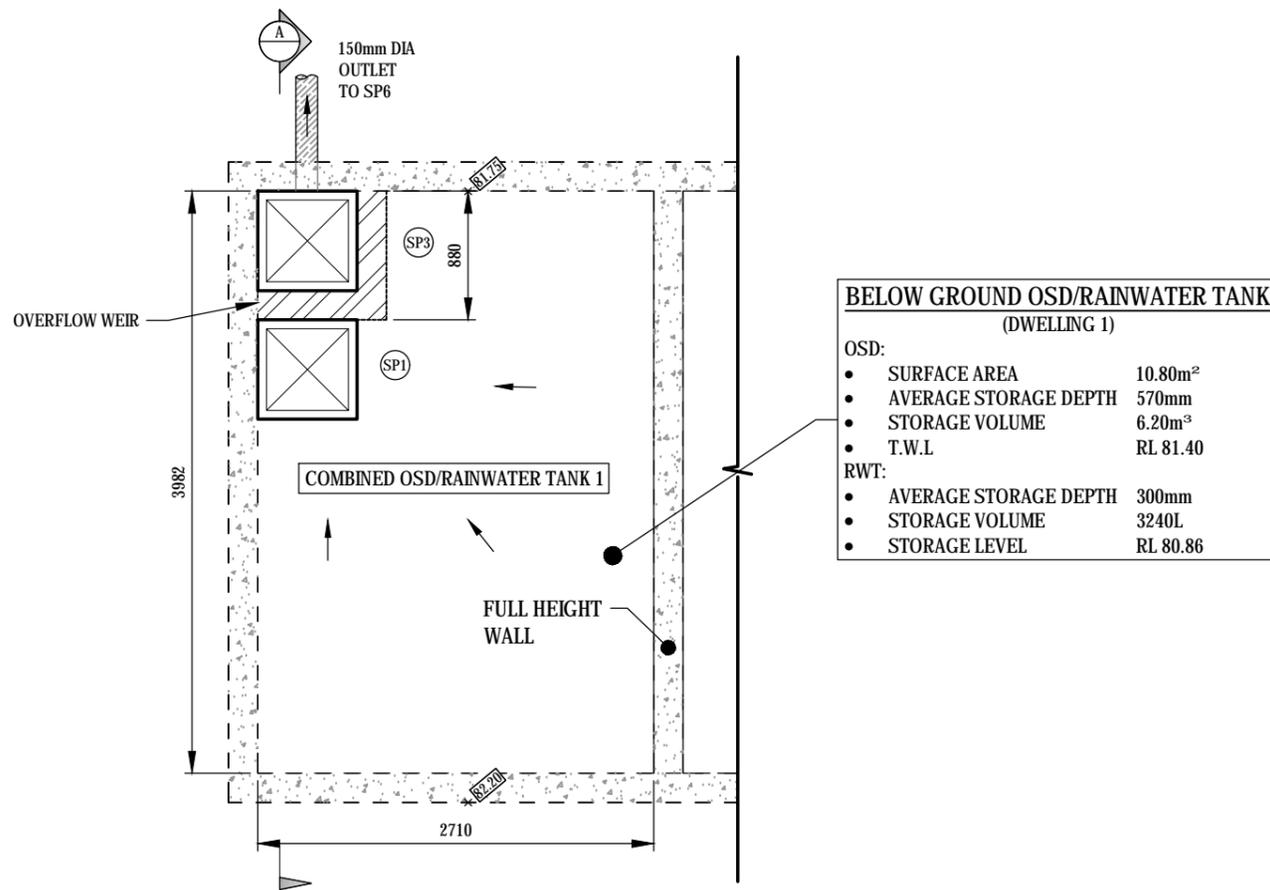
OWNER

DRAWING TITLE
FIRST FLOOR/ROOF PLAN AND DETAILS

PROPOSED DUAL OCCUPANCY DEVELOPMENT
Lot 13, 76 RUTLEDGE STREET
EASTWOOD

REVISION	DRAWN	DESCRIPTION	DATE
A	T.A	ISSUED FOR DA	27.08.2021

DESIGNED BY	No. IN SET
T.A	8
SCALE - SIZE	REVISION
1:200 - A3	A
JOB NUMBER	DRAWING No.
30062021	D3



BELOW GROUND OSD/RAINWATER TANK (DWELLING 1)	
OSD:	
• SURFACE AREA	10.80m ²
• AVERAGE STORAGE DEPTH	570mm
• STORAGE VOLUME	6.20m ³
• T.W.L	RL 81.40
RWT:	
• AVERAGE STORAGE DEPTH	300mm
• STORAGE VOLUME	3240L
• STORAGE LEVEL	RL 80.86

RAINWATER RE-USE TANK 1
(UNDERGROUND RWT)
(AS PER BASIX REQUIREMENTS)

SIZE: 3,000 LITRES (MIN)

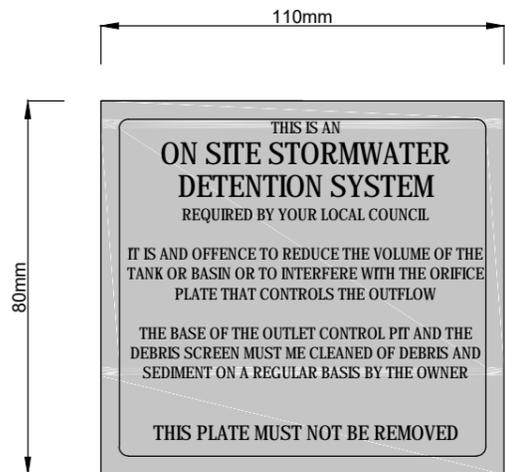
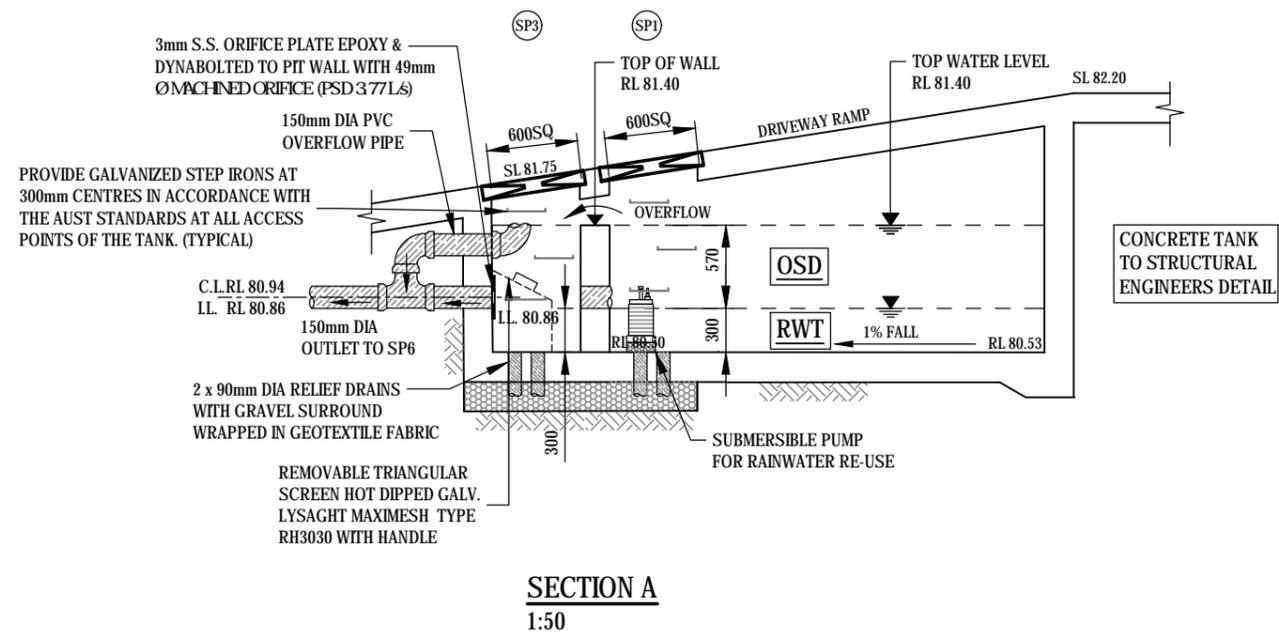
OFF-FORM CONCRETE TANK UNDER THE DRIVEWAY
INSTALL TO MANUFACTURES SPECIFICATIONS, AS3500 AND COUNCIL REQUIREMENTS

- FOR RE-USE AS SPECIFIED BY BASIX CERTIFICATE
- ENSURE TOP OF TANK IS MIN 0.6m BELOW ROOF GUTTERS TO ENSURE SUFFICIENT HEAD FOR THE SYSTEM
- TANK TO BE INSTALLED BY LICENSED PLUMBER IN ACCORDANCE WITH AS/NZS 3500:2018 AND NSW CODE OF PRACTICE PLUMBING AND DRAINAGE 2006

ON-SITE DETENTION CALCULATION SHEET			
DEVELOPMENT TYPE:	Dual Occupancy		
ADDRESS:	76 RUTLEDGE STREET EASTWOOD - DWELLING 1		
Catchment Zone	(Zone1)	(Zone 2)	(Eastwood)
Site Area			355 m ² (A)
65% Site Area			230.8 m ²
Total Proposed Impervious Area (roofs, driveways, hardstand etc)			197 m ² (B)
% of site impervious			55.5% (C)
Impervious area draining to the Storage Facility			179.36 m ² (C)
Pervious area draining to the Storage Facility			0 m ² (D)
Total Area draining to the Storage Facility (impervious and pervious)			179.36 m ² (E)
Pervious area bypassing the Storage Facility			158 m ² (F)
Impervious area bypassing to the Storage Facility			17.64 m ² (G)
			Total Area 355 Check
	(C) + (G)	197	1.10 (L)
	(C)	179.36	must not be greater than 1.25
Permitted Site Discharge (PSD) rate per m ²			
Catchment in Zones 1 & 2			
If (G)=0 then PSD =0.0265/sec/m ²			
If (G)≠0 then PSD =0.0285x (L) ^{1.37} l/sec/m ²			
Eastwood Catchment			
If (G)=0 then PSD =0.0210/sec/m ²			
If (G)≠0 then PSD =0.0210x (L) ^{1.37} l/sec/m ²		0.0210	0.0210 (J)
PERMITTED SITE DISCHARGE	(E) x (J)	3.78656	3.77 l/s
Storage Volume per m ²			
(K) = 0.0275m ³ /m ² for zone 1 or			
(K) = 0.0255m ³ /m ² for zone 2 or			
(K) = 0.0300 m ³ /m ² for Eastwood Catchment			0.03 (K)
SITE STORAGE REQUIREMENT	((C) + (G)) x (K) x (+2) ¹		5.91 m ³
OUTLET CONTROL- using a Sharp Edged Orifice Plate			
Height Difference between top water level and Centre of Orifice (m)			0.57 (H)
ORIFICE DIAMETER (mm)			49 mm
Should pipe and pit losses be used to control outflow, the calculations are to be attached			

PLAN VIEW - UNDERGROUND OSD/RAINWATER TANK 1

1:50



CORNERS: SQUARE
COLOUR: ETCHED AND FILLED BLACK LEGEND ON NATURAL SILVER BACKGROUND
MATERIAL: ALUMINIUM 0.9mm MILL

OSD PLAQUE
NTS



APPROVED BY
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BDC2711
MIEAust (Civil & Structural) 1080225

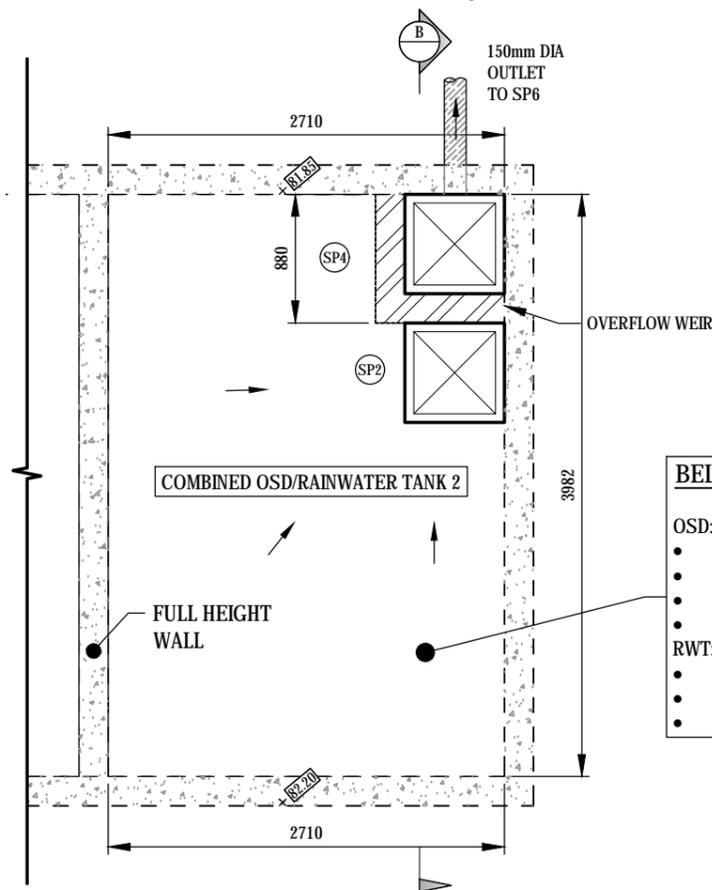
CLIENT

OWNER

DRAWING TITLE
OSD/RAINWATER TANK DETAILS - DWELLING 1
PROPOSED DUAL OCCUPANCY DEVELOPMENT
Lot 13 , 76 RUTLEDGE STREET
EASTWOOD

REVISION	DRAWN	DESCRIPTION	DATE
A	T.A	ISSUED FOR DA	27.08.2021

DESIGNED BY T.A
No. IN SET 8
SCALE - SIZE AS NOTED - A3
REVISION A
JOB NUMBER 30062021
DRAWING No. D4



PLAN VIEW - UNDERGROUND OSD/RAINWATER TANK 2

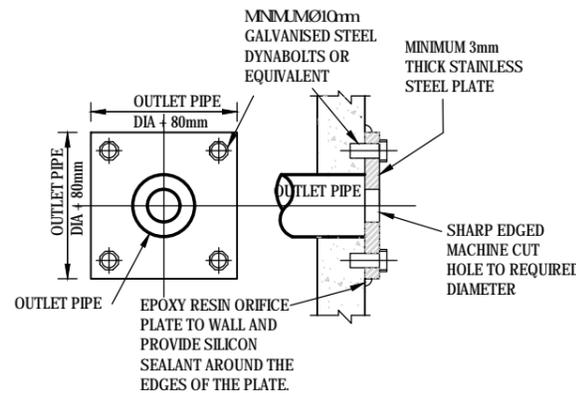
1:50

RAINWATER RE-USE TANK 2
(UNDERGROUND RWT)
 (AS PER BASIX REQUIREMENTS)

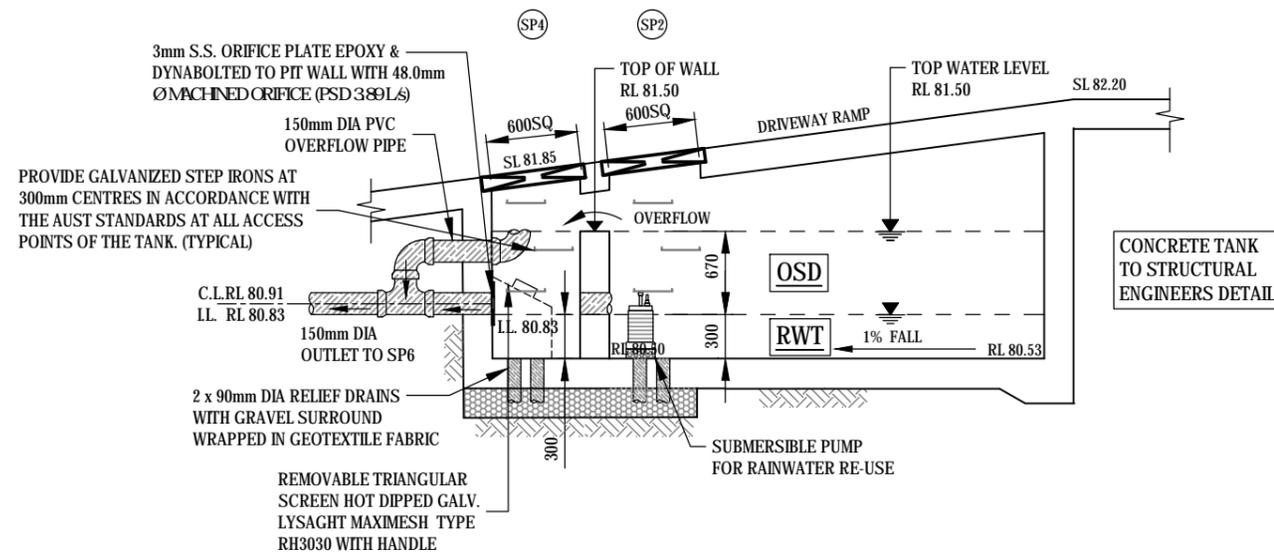
SIZE: 3,000 LITRES (MIN)
 OFF-FORM CONCRETE TANK UNDER THE DRIVEWAY
 INSTALL TO MANUFACTURES SPECIFICATIONS, AS3500 AND COUNCIL REQUIREMENTS

- FOR RE-USE AS SPECIFIED BY BASIX CERTIFICATE
- ENSURE TOP OF TANK IS MIN 0.6m BELOW ROOF GUTTERS TO ENSURE SUFFICIENT HEAD FOR THE SYSTEM
- TANK TO BE INSTALLED BY LICENSED PLUMBER IN ACCORDANCE WITH AS/NZS 3500:2018 AND NSW CODE OF PRACTICE PLUMBING AND DRAINAGE 2006

BELOW GROUND OSD/RAINWATER TANK (DWELLING 2)	
OSD:	
• SURFACE AREA	10.80m ²
• AVERAGE STORAGE DEPTH	670mm
• STORAGE VOLUME	7.24m ³
• T.W.L	RL 81.50
RWT:	
• AVERAGE STORAGE DEPTH	300mm
• STORAGE VOLUME	3240L
• STORAGE LEVEL	RL 80.83



ORIFICE PLATE DETAIL
 NTS



SECTION B
 1:50

ON-SITE DETENTION CALCULATION SHEET					
DEVELOPMENT TYPE:	Dual Occupancy				
ADDRESS:	76 RUTLEDGE STREET EASTWOOD - DWELLING 2				
Catchment Zone	(Zone1)	(Zone2)	(Eastwood)		
Site Area			411	m ²	(A)
65% Site Area			267.2	m ²	
Total Proposed Impervious Area (roofs, driveways, hardstand etc)			232	m ²	(B)
% of site impervious			56.4%	%	
Impervious area draining to the Storage Facility			185	m ²	(C)
Pervious area draining to the Storage Facility			0	m ²	(D)
Total Area draining to the Storage Facility (impervious and pervious)			185	m ²	(E)
Pervious area bypassing the Storage Facility			179	m ²	(F)
Impervious area bypassing to the Storage Facility			47	m ²	(G)
Total Area			411		Check
	(C) + (G)	232	1.25		(L)
	(C)	185			
					must not be greater than 1.25
Permitted Site Discharge (PSD) rate per m ²					
Catchment in Zones 1 & 2					
If (G)=0 then PSD =0.0265l/sec/m ²					
If (G)≠0 then PSD =0.0265x (L) ^{1.47} l/sec/m ²					
Eastwood Catchment					
If (G)=0 then PSD =0.0210l/sec/m ²					
If (G)≠0 then PSD =0.0210x (L) ^{1.37} l/sec/m ²		0.0210		0.0210	(J)
PERMITTED SITE DISCHARGE	(E) x (J)	3.885		3.89	l/s
Storage Volume per m ²					
(K) = 0.0275m ³ /m ² for zone 1 or					
(K) = 0.0255m ³ /m ² for zone 2 or					
(K) = 0.0300 m ³ /m ² for Eastwood Catchment				0.03	(K)
SITE STORAGE REQUIREMENT	((C) + (G)) x (K) x (1.2)			6.96	m³
OUTLET CONTROL- using a Sharp Edged Orifice Plate					
Height Difference between top water level and Centre of Orifice (m)				0.67	(H)
ORIFICE DIAMETER (mm)				48	
Should pipe and pit losses be used to control outflow, the calculations are to be attached.					



APPROVED BY
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CLIENT

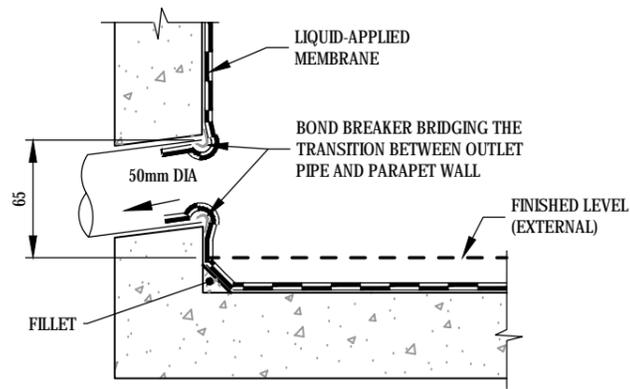
OWNER

DRAWING TITLE
 OSD/RAINWATER TANK DETAILS - DWELLING 2

PROPOSED DUAL OCCUPANCY DEVELOPMENT
 Lot 13 , 76 RUTLEDGE STREET
 EASTWOOD

REVISION	DRAWN	DESCRIPTION	DATE
A	T.A	ISSUED FOR DA	27.08.2021

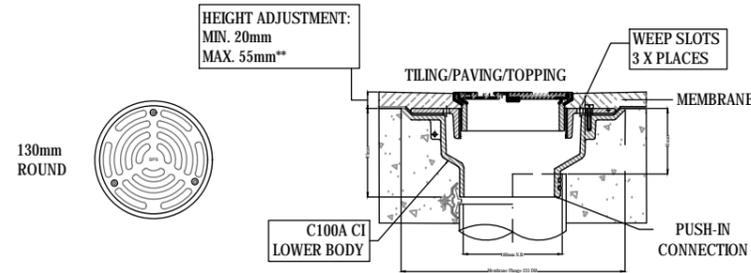
DESIGNED BY	No. IN SET
T.A	8
SCALE - SIZE	REVISION
1:200 - A3	A
JOB NUMBER	DRAWING No.
30062021	D5



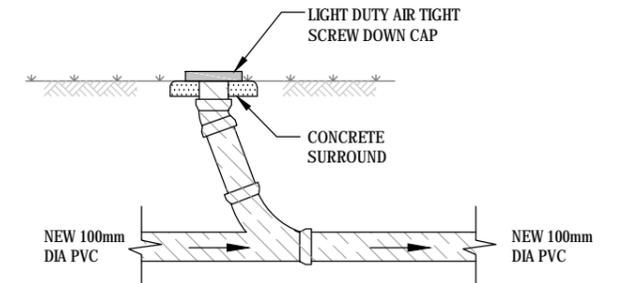
PARAPET/HOB OVERFLOW DETAIL (AS4654.2)
NTS

SPS 130mm ROUND VARI-LEVEL VERTICAL DRAIN
 SPECIFICATION CODES:
 Q130S4/C (POLISHED 304 STAINLESS STEEL GRATE)
 Q130S/C (SATIN 316 STAINLESS STEEL GRATE)
 INCLUDES 100MM CAST IRON LOWER BODY

- HEIGHT-ADJUSTABLE GRATE ASSEMBLY.
- AVAILABLE IN POLISHED 304 OR SATIN 316 STAINLESS STEEL.
- C100A CI "DELUXE" LOWER BODY WITH REVERSIBLE CLAMP COLLAR.

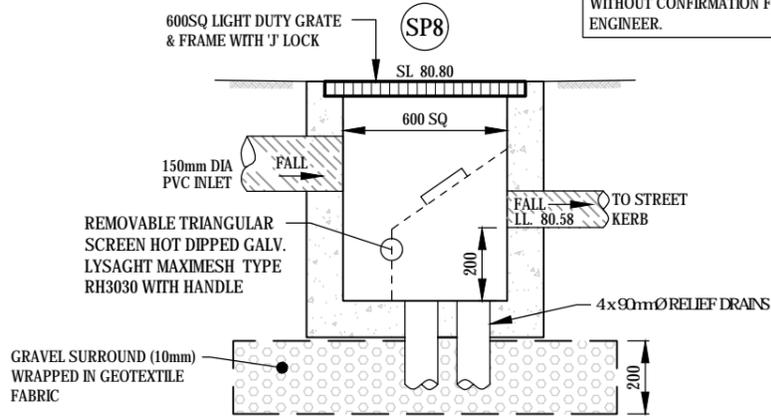


130mm ROUND TERRACE GRATE (SPS OR SIMILAR) - TG
NTS

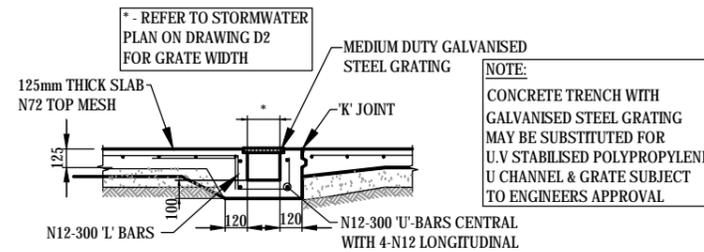


INSPECTION RISER - IR
NTS

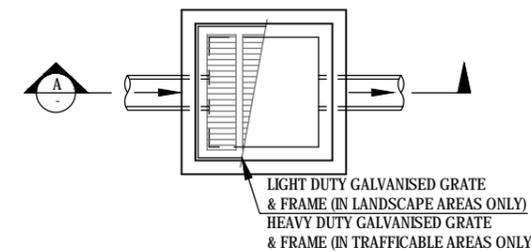
NOTE:
 ALL PROPOSED SITE PITS ARE TO BE
 CONSTRUCTED IN CONCRETE CAST IN SITU,
 FRC OR FRC.
 PLASTIC OR BRICK PITS ARE NOT ACCEPTABLE
 WITHOUT CONFIRMATION FROM DESIGN
 ENGINEER.



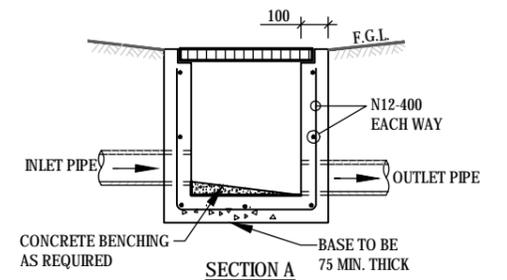
SEDIMENT CONTROL PIT - SP8
NTS



GRATED DRAIN
NTS



TYPICAL PIT (SIP) - SP5/SP6/SP7
NTS



NOTE:
 ALL PROPOSED SITE PITS ARE TO BE
 CONSTRUCTED IN CONCRETE CAST IN SITU,
 FRC OR FRC.
 PLASTIC OR BRICK PITS ARE NOT ACCEPTABLE
 WITHOUT CONFIRMATION FROM DESIGN
 ENGINEER.



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CLIENT

OWNER

DRAWING TITLE

STORMWATER DRAINAGE DETAILS

PROPOSED DUAL OCCUPANCY DEVELOPMENT

Lot 13, 76 RUTLEDGE STREET
 EASTWOOD

REVISION

DRAWN

DESCRIPTION

DATE

DESIGNED BY

No. IN SET

A

T.A

ISSUED FOR DA

27.08.2021

T.A

8

SCALE - SIZE

REVISION

1:200 - A3

A

JOB NUMBER

DRAWING No.

30062021

D6

DUST CONTROL:

• NOTE: DURING EXCAVATION, DEMOLITION AND CONSTRUCTION, ADEQUATE MEASURES SHALL BE TAKEN TO PREVENT DUST FROM AFFECTING THE AMENITY OF THE NEIGHBORHOOD.

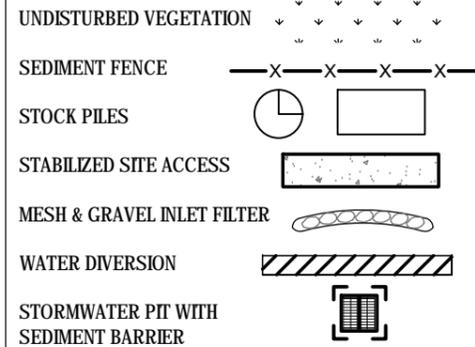
THE FOLLOWING MEASURES MUST BE ADOPTED:

1. PHYSICAL BARRIERS SHALL BE ERECTED AT RIGHT ANGLES TO PREVENT WIND DIRECTION OR SHALL BE PLACED AROUND OR OVER DUST SOURCES TO PREVENT WIND OR ACTIVITY FROM GENERATING DUST.
2. EARTHWORKS AND SCHEDULING ACTIVITIES SHALL BE MANAGED TO COINCIDE WITH THE NEXT STAGE OF DEVELOPMENT TO MINIMISE THE AMOUNT OF TIME THE SITE IS LEFT TO CUT OR EXPOSED.
3. ALL MATERIALS SHALL BE STORED OR STOCKPILED AT THE BEST LOCATIONS.
4. THE GROUND SURFACE SHOULD BE DAMPENED SLIGHTLY TO PREVENT DUST FROM BECOMING AIRBORNE BUT SHOULD NOT BE WET TO THE EXTENT THAT RUN-OFF OCCURS.
5. ALL VEHICLES CARRYING SOIL OR RUBBLE TO OR FROM THE SITE SHALL AT ALL TIMES BE COVERED TO PREVENT THE ESCAPE OF DUST.
6. ALL EQUIPMENT WHEELS SHALL BE WASHED BEFORE EXISTING THE SITE USING MANUAL OR AUTOMATED SPRAYERS AND DRIVE - THROUGH WASHING BAYS.
7. GATES SHALL BE CLOSED BETWEEN VEHICLE MOVEMENTS SHALL BE FITTED WITH SHADE CLOTH.
8. CLEANING OF FOOTPATHS AND ROADWAYS SHALL CARRIED OUT DAILY.
9. ALL BUILDERS REFUSE, SPOIL AND/OR MATERIAL UNSUITABLE FOR USE IN LANDSCAPE AREAS SHALL BE REMOVED FROM SITE ON COMPLETION OF THE BUILDING WORKS.

NOTES:

1. ALL EROSION AND SEDIMENT CONTROL MEASURES TO BE INSPECTED AND MAINTAINED DAILY BY SITE MANAGER IN ACCORDANCE WITH COUNCIL REQUIREMENTS.
2. ALL STOCKPILES TO BE CLEAR FROM DRAINS, GUTTERS AND FOOTPATHS.
3. DRAINAGE IS TO BE CONNECTED TO STORMWATER SYSTEM AS SOON AS POSSIBLE.
4. ROADS AND FOOTPATH TO BE SWEEPED DAILY AS REQUIRED BY COUNCIL.
5. IF YOU DO NOT COMPLY WITH COUNCIL REQUIREMENTS & DOCUMENTATION, YOU MAY BE LIABLE TO PROSECUTION FROM GOVERNMENT AUTHORITIES .

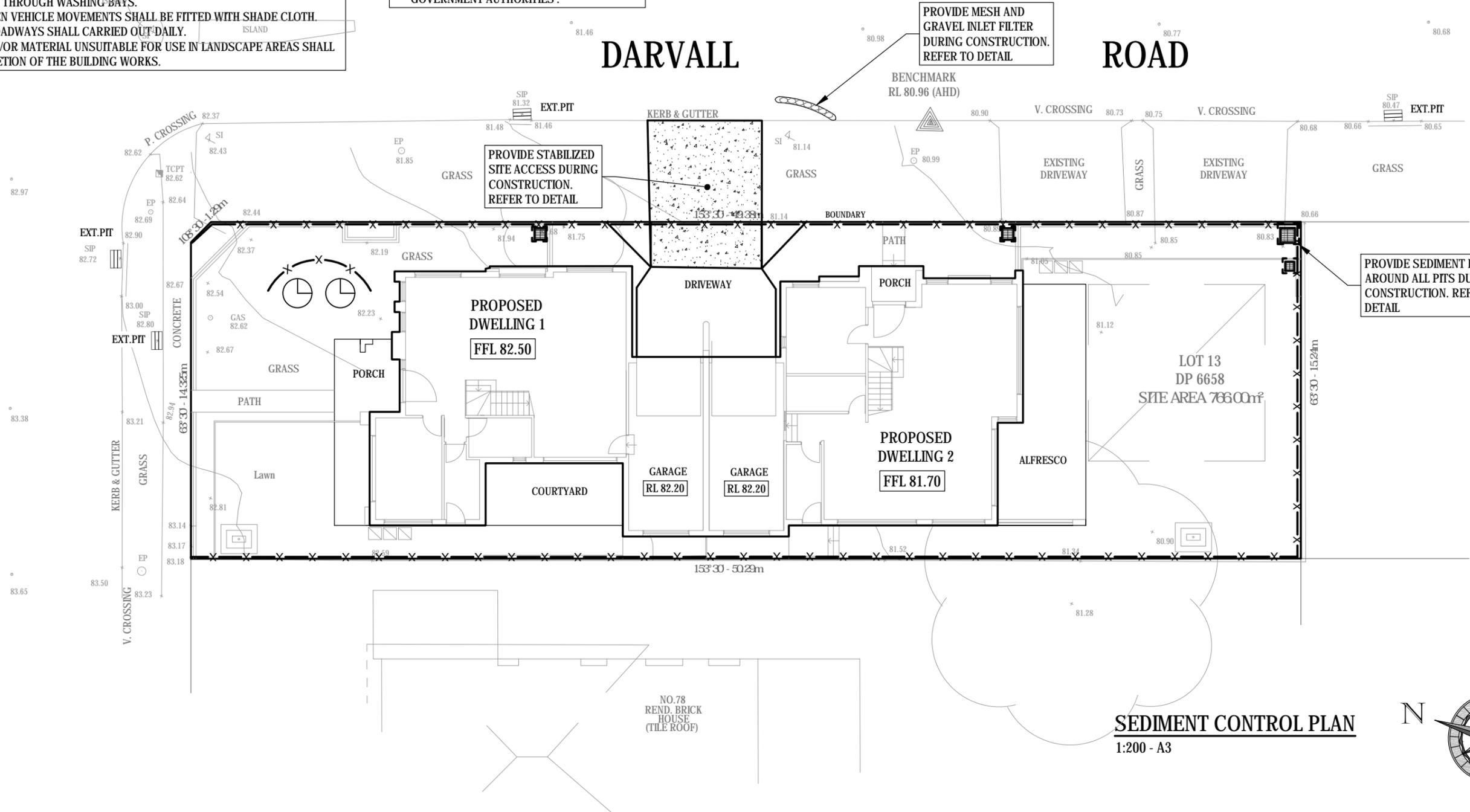
LEGEND:



RUTLEDGE STREET

DARVALL

ROAD



SEDIMENT CONTROL PLAN
1:200 - A3



APPROVED BY
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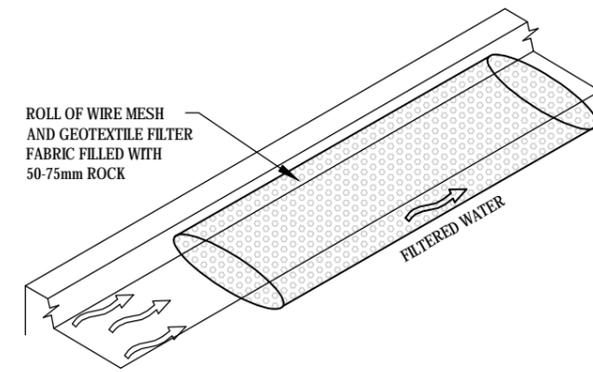
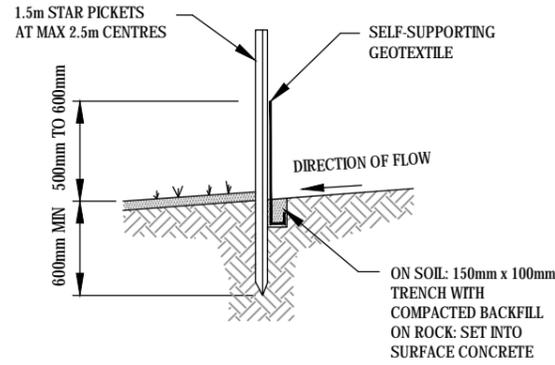
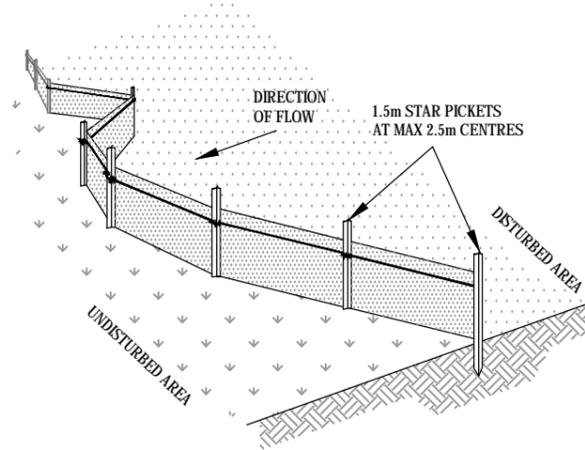
CLIENT

OWNER

DRAWING TITLE
SEDIMENT CONTROL PLAN
PROPOSED DUAL OCCUPANCY DEVELOPMENT
Lot 13 , 76 RUTLEDGE STREET EASTWOOD

REVISION	DRAWN	DESCRIPTION	DATE
A	T.A	ISSUED FOR DA	27.08.2021

DESIGNED BY	No. IN SET
T.A	8
SCALE - SIZE	REVISION
AS NOTED - A3	A
JOB NUMBER	DRAWING No.
30062021	D7



MESH AND GRAVEL FILTER

NTS

CONSTRUCTION NOTES:

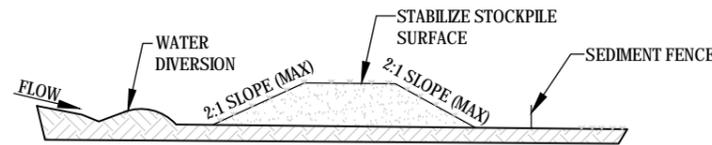
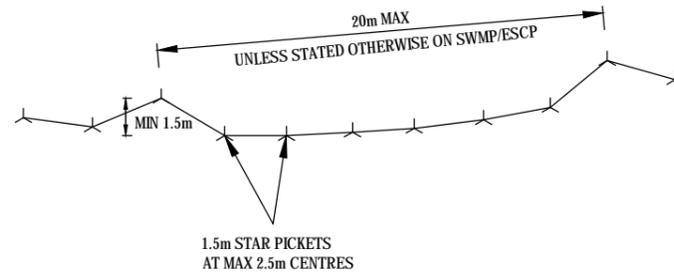
1. INSTALL FILTERS TO KERB INLETS ONLY AT SAG POINTS
2. FABRICATE A SLEEVE MADE FROM GEOTEXTILE OR WIRE MESH LONGER THAN THE LENGTH OF THE INLET PIT AND FILL IT WITH 25mm TO 50mm GRAVEL.
3. FORM AN ELLIPTICAL CROSS-SECTION ABOUT 150mm(h) x 400mm(w).
4. PLACE THE FILTER AT THE OPENING LEAVING AT LEAST 100mm SPACE BETWEEN IT AND THE KERB INLET. MAINTAIN THE OPENING WITH SPACER BLOCKS.
5. FORM A SEAL WITH THE KERB TO PREVENT SEDIMENT BYPASSING THE FILTER.
6. SANDBAGS FILLED WITH GRAVEL CAN SUBSTITUTE FOR THE MESH OR GEOTEXTILE PROVIDING THEY ARE PLACED SO THAT THEY FIRMLY ABUT EACH OTHER AND SEDIMENT-LADEN WATERS CANNOT PASS BETWEEN.

SEDIMENT FENCE DETAIL

NTS

CONSTRUCTION NOTES:

1. CONSTRUCT SEDIMENT FENCES AS CLOSE AS POSSIBLE TO BEING PARALLEL TO THE CONTOURS OF THE SITE, BUT WITH SMALL RETURNS AS SHOWN IN THE DRAWING TO LIMIT THE CATCHMENTS AREA OF ANY ONE SECTION. THE CATCHMENTS AREA SHOULD BE SMALL ENOUGH TO LIMIT WATER FLOW IF CONCENTRATED AT ONE POINT TO 50 LITRES PER SECOND IN THE DESIGN STORM EVENT, USUALLY THE 10 YEAR EVENT.
2. CUT A 150mm DEEP TRENCH ALONG THE UPSLOPE LINE OF THE FENCE FOR THE BOTTOM OF THE FABRIC TO BE ENTRENCHED.
3. DRIVE 1.5m LONG STAR PICKETS INTO GROUND AT 2.5m INTERVALS (MAX) AT THE DOWNSLOPE EDGE OF THE TRENCH. ENSURE ANY STAR PICKETS ARE FITTED WITH SAFETY CAPS.
4. FIX SELF-SUPPORTING GEOTEXTILE TO THE UPSLOPE SIDE OF THE POSTS ENSURING IT GOES TO THE BASE OF THE TRENCH. FIX THE GEOTEXTILE WITH WIRE TIES OR AS RECOMMENDED BY THE MANUFACTURER. ONLY USE GEOTEXTILE SPECIFICALLY PRODUCED FOR SEDIMENT FENCING. THE USE OF SHADE CLOTH FOR THIS PURPOSE IS NOT SATISFACTORY.
5. JOIN SECTIONS OF FABRIC AT A SUPPORT POST WITH 150mm OVERLAP.
6. BACKFILL THE TRENCH OVER THE BASE OF THE FABRIC AND COMPACT IT THOROUGHLY OVER THE GEOTEXTILE.

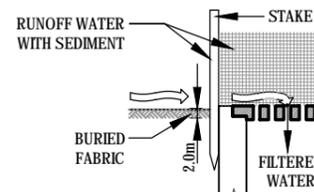


STOCKPILE

NTS

NOTE:

1. PLACE STOCKPILES MORE THAN 2 (PREFERABLY 5) METRES FROM EXISTING VEGETATION, CONCENTRATED WATER FLOW, ROADS AND HAZARD AREAS.
2. CONSTRUCT ON THE CONTOUR AS LOW, FLAT, ELONGATED MOUNDS.
3. WHERE THERE IS SUFFICIENT AREA, TOPSOIL STOCKPILES SHALL BE LESS THAN 2 METRES IN HEIGHT.
4. WHERE THEY ARE TO BE IN PLACE FOR MORE THAN 10 DAYS, STABILIZE FOLLOWING THE APPROVED ESCP OR SWMP TO REDUCE THE C-FACTOR TO LESS THAN 0.10.
5. CONSTRUCT EARTH BANKS (LOW FLOW) ON THE UPSLOPE SIDE TO DIVERT WATER AROUND STOCKPILES AND SEDIMENT FENCES 1 TO 2 METRES ON THE DOWNSLOPE.

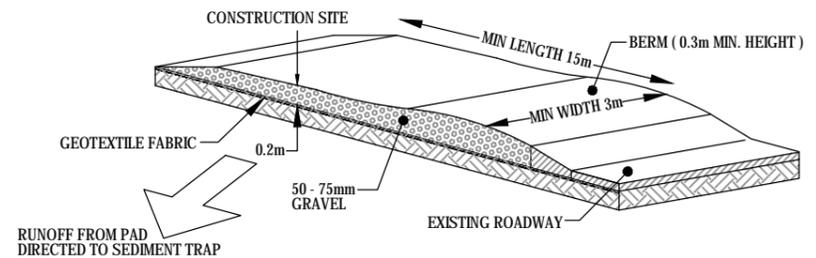


SEDIMENT BARRIER AROUND PIT

NTS

CONSTRUCTION NOTES:

1. FABRICATE A SEDIMENT BARRIER MADE FROM GEOTEXTILE OR STRAW BALES.
2. FOLLOW STRAW FILTER AND SEDIMENT FENCE FOR INSTALLATION PROCEDURES FOR THE STRAW BALES OR GEOTEXTILE. REDUCE THE PICKET SPACING TO 1 METRE CENTRES.
3. IN WATERWAYS, ARTIFICIAL SAG POINTS CAN BE CREATED WITH SANDBAGS OR EARTH BANKS AS SHOWN IN THE DRAWING.
4. DO NOT COVER THE INLET WITH GEOTEXTILE UNLESS THE DESIGN IS ADEQUATE TO ALLOW FOR ALL WATERS TO BYPASS IT.



STABILIZED SITE ACCESS

NTS

CONSTRUCTION NOTES:

1. STRIP THE TOPSOIL, LEVEL THE SITE AND COMPACT THE SUBGRADE
2. COVER THE AREA WITH NEEDLE-PUNCHED GEOTEXTILE
3. CONSTRUCT A 200mm THICK PAD OVER THE GEOTEXTILE USING ROAD BASED OR 30mm AGGREGATE
4. ENSURE THE STRUCTURE IS AT LEAST 15m LONG OR TO BUILD ALIGNMENT AND AT LEAST 3 METRES WIDE.
5. WHERE A SEDIMENT FENCE JOINS ONTO THE STABILIZED ACCESS, CONSTRUCT A HUMP IN THE STABILIZED ACCESS TO DIVERT WATER TO THE SEDIMENT FENCE.



APPROVED BY

TONY AHAL
B.E., M.Build.Surv.,
BDC2711
MIEAust (Civil & Structural) 1080225



CLIENT

OWNER

DRAWING TITLE

SEDIMENT CONTROL DETAILS

PROPOSED DUAL OCCUPANCY DEVELOPMENT

Lot 13, 76 RUTLEDGE STREET
EASTWOOD

REVISION

DRAWN

DESCRIPTION

DATE

DESIGNED BY

No. IN SET

A

T.A

ISSUED FOR DA

27.08.2021

T.A

8

SCALE - SIZE

REVISION

AS NOTED - A3

A

JOB NUMBER

DRAWING No.

30062021

D8

ATTACHMENT 1 – DRAFT CONDITIONS OF CONSENT

76 Rutledge Street, Eastwood – LDA2022/0038

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:

Plan no.	Drawn by	Dated
Architectural Plans		
Site/roof plan Project No. RUT-2021 Dwg No. DA07 Revision C	nassima design group	24/08/2022
Ground floor layout Project No. RUT-2021 Dwg No. DA05 Revision C	nassima design group	24/08/2022
First floor layout Project No. RUT-2021 Dwg No. DA06 Revision B	nassima design group	18/05/2022
Elevations Project No. RUT-2021 Dwg No. DA08 Revision C	nassima design group	24/08/2022
Subdivision plan Project No. RUT-2021 Dwg No. DA19 Revision B	nassima design group	18/05/2022
Sections Project No. RUT-2021 Dwg No. DA09 Issue C	nassima design group	18/05/2022
Demolition plan Project No. RUT-2021 Dwg No. DA04 Issue B	nassima design group	18/05/2022
Schedule of materials and finishes Dwg No. DA10	nassima design group	Received: 03/02/2022
Landscape Plans		
Landscape Plan Dwg No. L01 Revision B	B+E Landscape Architects	08/07/2022
Plant Schedule and Landscape Details Dwg No. L02 Revision B	B+E Landscape Architects	08/07/2022
Landscape Details Dwg No. L03 Revision A	B+E Landscape Architects	11/10/2021
Landscape specification Dwg No. L04 Revision A	B+E Landscape Architects	25/08/2021
Stormwater Management Plans		
Details, notes & legend Job No. 30062021 Dwg No. D1 Revision A	Tony Ahal	27/08/2021
Site/ground floor plan Job No. 30062021 Dwg No. D2 Revision A	Tony Ahal	27/08/2021
First floor/roof plan and details Job No. 30062021 Dwg No. D3 Revision A	Tony Ahal	27/08/2021

OSD/rainwater tank details – Dwelling 1 Job No. 30062021 Dwg No. D4 Revision A	Tony Ahal	27/08/2021
OSD/rainwater tank details – Dwelling 2 Job No. 30062021 Dwg No. D5 Revision A	Tony Ahal	27/08/2021
Stormwater drainage details Job No. 30062021 Dwg No. D6 Revision A	Tony Ahal	27/08/2021
Sediment control plan Job No. 30062021 Dwg No. D7 Revision A	Tony Ahal	27/08/2021
Sediment control details Job No. 30062021 Dwg No. D8 Revision A	Tony Ahal	27/08/2021

Document(s)	Dated
BASIX Certificate No. (1241850M_02)	1 February 2022
Demolition Work Method Statement prepared by Con & Sons	20/11/2021
Waste Management Plan prepared by Nassima Design Pty Ltd	Received: 03/02/2022
Arboricultural Impact Assessment prepared by DJD Tree Consultancy	22 January 2021

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

- (a) The architectural plans shall be updated to show the Dwelling 1 alfresco privacy screen extended for a length of 1.0 metre.
- (b) The landscape plan shall be updated to show the retention of Tree 2.
- (c) The landscape plan shall be updated to show the *Elaeocarpus reticulatus* (Blueberry Ash) and *Banksia integrifolia* (Coastal Banksia) located to the east of the front pathway deleted from the plan.

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

(Reason: To ensure the development is carried out 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 1241850M_02, dated 1 February 2022.

(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: Statutory requirement).

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 protect the amenity of the locality).

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 that 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 safety).

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. **Roads Act.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 138 of the Roads Act 1993.

(Reason: To ensure compliance with the requirements of the Roads Act 1993).

14. **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.

(Reason: To ensure that all works are undertaken in accordance with any relevant standard and DCP requirements.)

15. **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 public services are maintained.)

16. **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 ensure the amenity and state of the public domain is maintained.)

17. **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: To ensure the amenity and state of the public domain is maintained.)

18. **TfNSW requirement.** Any new building or structures including signage together with any improvements integral to the future use of the site, are erected clear of the land required for road unlimited in height or depth.

(Reason: To ensure compliance with TfNSW requirements)

19. **TfNSW requirement.** A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Rutledge Street during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

(Reason: To ensure compliance with TfNSW requirements)

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.

20. **Provision of contact details/neighbour notification.** At least 7 days before any demolition work commences:
- (a) Council must be notified of the following particulars:
 - (i) The name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
 - (ii) The date the work is due to commence and the expected completion date
 - (b) A written notice must be placed in the letter box of each property identified in the attached locality plan advising of the date the work is due to commence.

(Reason: To ensure adequate details are provided to Council and properties in the immediate area of the proposed works).

21. **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).

22. **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 work is completed in an appropriate manner).

23. **Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by Safework NSW.

(Reason: Safety).

24. **Asbestos – disposal.** All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal dockets must be retained by the person performing the work for at least 3 years and be submitted to Council on request.

(Reason: Safety).

25. **Waste management plan, demolition plan and work method statement.** Demolition material must be managed in accordance with the approved waste management plan. The demolition plan and demolition work method statement shall be complied with during demolition.

(Reason: To ensure demolition materials are disposed in an appropriate manner).

26. **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 demolition materials are disposed in an appropriate manner).

27. **Imported fill – type.** All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.

(Reason: To protect the environment).

28. **Imported fill – validation.** All imported fill must be supported by a validation from a qualified environmental consultant that the fill constitutes Virgin Excavated Natural Material. Records of the validation must be provided upon request by the Council.

(Reason: To protect the environment).

29. **Delivery dockets to be provided.** Each load of imported fill must be accompanied by a delivery docket from the supplier including the description and source of the fill.

(Reason: to ensure only Virgin Excavated Natural Material is used).

30. **Delivery dockets – receipt and checking on site.** A responsible person must be on site to receive each load of imported fill and must examine the delivery docket and load to ensure that only Virgin Excavated Natural Material that has been validated for use on the site is accepted.

(Reason: To protect the environment).

31. **Delivery dockets – forward to PCA on demand.** The delivery dockets must be forwarded to the Principal Certifying Authority within seven (7) days of receipt of the fill and must be produced to any authorised officer who demands to see them.

(Reason: To protect the environment and ensure appropriate fill is used on site).

PRIOR TO CONSTRUCTION CERTIFICATE

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

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

Unless an alternative approval authority is specified (eg Council or government agency), the Private Certifier 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 Private Certifier.

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

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$6,061.81
Open Space & Recreation Facilities	\$10,438.15
Roads & Traffic Management Facilities	\$3,204.48
Plan Administration	\$295.56
The total contribution is	\$20,000.00

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

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

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

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

(Reason: Statutory requirement).

33. **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: Statutory requirement).

34. **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: Statutory requirement).

35. **Security deposit.** The Council must be provided with security for the purposes of section 4.17 (6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the

release of the **Construction Certificate**. (category: dwelling houses with delivery of bricks or concrete or machine excavation)

(Reason: Statutory requirement).

36. **Infrastructure Restoration and Administration Fee** must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**.

(Reason: Statutory requirement).

37. **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).

38. **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 to apply.

(Reason: Statutory requirement).

39. **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 material to minimise reflectivity).

40. **Fencing**. Fencing is to be in accordance with Council's DCP 2014: Part 3.3 – Dwelling Houses and Dual Occupancy (attached) – Section 2.16 - Fences. Details of compliance are to be provided in the plans for the **Construction Certificate**.

(Reason: Statutory requirement).

41. **Fibre-ready facilities and telecommunications infrastructure**. Prior to the issue of any Construction Certificate satisfactory evidence is to be provided to the Certifying Authority that arrangements have been made for:

- (i) The installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Alternatively, demonstrate that the carrier

has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose.

And

- (ii) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

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

(Reason: Statutory requirement).

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

(Reason: To ensure the vehicle access and parking area is in accordance with the require standards and safe for all users.)

43. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to the kerb in Darvall Road, generally in accordance with the plans by Tony Ahal (Civil Engineer) - (Refer to Job No. 30062021 Dwgs D1-D8 Rev A dated 27 August 2021) subject to any variations marked in red on the approved plans or noted following;

- a) A surface inlet pit must be located in the recessed yard space located in the front setback of Rutledge Street fronting Dwelling 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 (*Stormwater drainage*) 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 that the developments stormwater management system is aligned with the controls and objectives of the City of Ryde DCP 2014 Part 8.2)

44. **Stormwater Management - Onsite Stormwater Detention.** In accordance with Council's community stormwater management policy, an onsite stormwater

detention (OSD) system must be implemented in the stormwater management system of the development.

As a minimum, the OSD system must;

- a) provide site storage requirement (SSR) and permissible site discharge (PSD) design parameters complying with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management).
- b) incorporate a sump and filter grate (trash rack) at the point of discharge from the OSD system to prevent gross pollutants blocking the system or entering the public drainage service,
- c) ensure the OSD storage has sufficient access for the purpose of ongoing maintenance of the system, and
- d) ensure the drainage system discharging to the OSD system is of sufficient capacity to accommodate the 100 year ARI 5 minute storm event.

Detailed engineering plans and certification demonstrating compliance with this condition & Council's DCP 2014 Part 8.2 (*Stormwater and Floodplain Management*) are to be submitted with the application for a Construction Certificate.

(Reason: To ensure that the design of the OSD is compliant with the requirements of the City of Ryde DCP 2014 Part 8.2)

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

Prior to the issue of the Construction Certificate, an application shall be made to Council for approval under Section 138 of the Roads Act, 1993, for the construction of the vehicle footpath and gutter crossover. The application shall include engineering design drawings of the proposed vehicle footpath crossing and gutter crossover. The drawings shall be prepared by a suitably qualified Civil Engineer using the standard B85 vehicle profile. The drawings shall show the proposed vehicle footpath crossing width, alignment, and any elements impacting design such as service pits, underground utilities, power poles, signage and/or trees. In addition, a benchmark (to Australian Height Datum) that will not be impacted by the development works shall be included. All grades and transitions shall comply with Australian Standard AS 2890.1-2004 Offstreet Parking and Council's specifications. The new crossing shall be 5.0 m. wide, without the splays, and shall be constructed at right angle to the alignment of the kerb and gutter, and located no closer than 1m from any power pole and 3m from any street tree unless otherwise approved by Council.

An assessment and inspection fee (as per Council's schedule of fees and charges current at the time of payment) must be paid to Council prior to the issue of the Construction Certificate.

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

(Reason: The design and levels of the new driveway crossover(s) will require approval from Council under Section 138 of the Roads Act)

46. **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;

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

The ESCP must be submitted with the application for a Construction Certificate.

(Reason: To protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.)

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.

47. 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).

48. **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).

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

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

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

(Reason: Statutory requirement).

50. 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: Statutory requirement).

51. **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: Statutory requirement).

52. **Proposed Property Addressing.** Proposed addressing for the new development must have been lodged with Council, prior to the commencement of construction.

(Reason: To ensure the address of the development meets Council's requirements).

53. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Any doors/gates on the boundary must be installed so they do not open onto any footpath.

(Reason: To maintain public safety and amenity in public domain areas adjoining the development site.)

54. **Tree Retention.** As identified in the Arboricultural Impact Assessment (AIA) prepared by DJD Tree Consultancy dated 22/01/2021 or as required by this condition. The following trees on site or adjoining the site are to be retained and protected:

Tree No.	Species "Common name"	Notes
2	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	On site on front boundary. Protective fence required
4	<i>Jacaranda mimosifolia</i> (Jacaranda)	In adjoining property. Protective fence required

(Reason: To ensure the health of existing trees retained by the development are maintained.)

55. **Tree Protection.** All tree protection works including installation of any fencing is to be undertaken prior to any demolition or site clearing works on site.

(Reason: To protect existing trees before any work on site commences.)

56. **Tree Protection Fencing.** All trees to be retained on site and on adjoining site are to have protective fencing and signage around TPZs and must be located in accordance with AS4970-2009: Protection of trees on development sites. In this regard, any fencing required to be constructed around the TPZ is to be in accordance with AS4687 Temporary fencing and hoardings.

(Reason: To protect existing trees before any work on site commences.)

57. **Tree protection – no unauthorised removal.** This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or identified as approved for removal on the stamped plans.

(Reason: To ensure all existing trees to be retained in the development works are maintained.)

58. **Project Arborist.** A Project Arborist with minimum AQF level 5 qualifications is to be engaged to ensure adequate tree protection measures are put in place for all trees to be retained on adjoining allotments in accordance with AS4970-2009 Protection of trees on development sites. All trees are to be monitored to ensure adequate health throughout the construction period. Additionally, all work within the Tree Protection Zones is to be supervised by the Project Arborist throughout construction.

(Reason: To ensure tree protection measures and the nature of works are appropriate and not detrimental to the health of the trees on site.)

59. **Provision of Project Arborist details.** Council is to be notified, in writing, of the name, contact details and qualifications of the Project Arborist appointed to the site. Should these details change during the course of works, or the appointed Consultant Arborist alter, Council is to be notified, in writing, within seven working days.

(Reason: To ensure the Project Arborist can be readily contacted in regards to the required tree protection measures.)

60. **TfNSW requirement.** Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@transport.nsw.gov.au

A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

(Reason: To ensure compliance with TfNSW requirements)

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.

61. **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*.
(Reason: Statutory requirement)

62. **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 the neighbourhood).

63. **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 that the development is in accordance with the determination).

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

(Reason: To protect the amenity of the area).

65. **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 ensure fill is consistent with the consent).

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

(Reason: To ensure the public domain is not affected during construction).

67. **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).

68. Site maintenance

The applicant must ensure that:

- (a) approved sediment and erosion control measures are installed and maintained during the construction period;
- (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
- (c) the site is clear of waste and debris at the completion of the works.

(Reason: To ensure the site is appropriately maintained during construction).

69. **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).

70. **Drop-edge beams.** Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level.

(Reason: To ensure no fill is provided in the vicinity of the slab unless prior consent has been given for the fill).

71. **Consent documents available on site.** At all times during the construction, a copy of the development consent and the approved stamped plans is to be kept on site. These documents are to be made available to any Council Officer as requested.

(Reason: To ensure Council Officers are able to access the consent during any site inspection).

72. **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 Tony Ahal (Civil Engineer) - (Refer to Job No. 30062021 Dwgs D1-D8 Rev A dated 27 August 2021) 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 the stormwater system is constructed as approved)

73. **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 prevent soil erosion and the discharge of sediment over the land.)

74. **Excavation for services within Tree Protection Zone (TPZ).** Any excavation for services or grading/re-grading within the identified TPZs of trees to be retained shall be carried out by hand using manual hand tools. Roots greater than 25mm are not to be damaged or severed without the prior written approval of the Project Arborist.

(Reason: To ensure any excavation works are not detrimental to the health of the tree.)

75. **Tree Removal.** As identified in the Arboricultural Impact Assessment (AIA) prepared by DJD Tree Consultancy dated 22/01/2021 or as required by this condition. The following trees on site are to be removed:

Tree No.	Species “Common name”
1	<i>Grevillea robusta</i> (Silky Oak)
3	<i>Pittosporum undulatum</i> (Native Daphne)

(Reason: To ensure only the trees approved for removal are in fact removed)

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

PROJECT PHASE	ACTIVITIES	PROJECT ARBORIST to
Initial Site Preparation	Establish/delineate TPZ Install protective measures and undertake soil rehabilitation for all trees to be retained.	Project Arborist to mark Tree Protection Zones and install fences, mulch, irrigation and signage Issue a Certification of Compliance of tree protection measures being in place and soil rehabilitation undertaken
Construction work	Liaison with site manager, compliance and any deviation from approved plan	Maintain or amend protective measures Supervision and monitoring formal notification of any deviation from approved tree protection plan

Stormwater connection installation through TPZ, Implement hard and soft landscape works	Supervise Installation of pipes within tree TPZ	Excavate trench through TPZ under Arborist supervision, install pipework, remove selected protective measures as necessary and perform remedial tree works Issue a Certificate of Compliance
Practical Completion	Tree vigour and structure Assessment and undertake soil rehabilitation for all retained trees	Remove all remaining tree Protection measures Certification of tree protection and soil rehabilitation for Protected Trees
Defects liability / maintenance period	Tree vigour and structure	Undertake any required remedial tree works Certification of tree protection if necessary

(Reason: To ensure the timing and frequency of inspections by the Project Arborist is appropriate to maintain the health of existing trees to be retained throughout the works.)

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

(Reason: To ensure that any tree work is carried out by a qualified Arborist)

78. **TfNSW requirement.** All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Rutledge Street.

(Reason: To ensure compliance with TfNSW requirements)

PRIOR TO OCCUPATION CERTIFICATE

An Occupation Certificate must be obtained from a Private Certifier 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 Private Certifier 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 Private Certifier 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 Private Certifier.

79. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 1241850M_02, dated 1 February 2022.

(Reason: Statutory requirement).

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

(Reason: To ensure all landscaping work is completed as per the approved plans)

81. **Sydney Water – Section 73 Compliance Certificate.** A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Sydney Water will determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. A Section 73 Compliance Certificate must be completed before the issue of any Occupation Certificate. Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

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

(Reason: Statutory requirement).

82. **Letterboxes and street/house numbering display.** All letterboxes are to be designed and constructed in accordance with Australia Post requirements and the house/unit numbering displayed shall be in accordance with the official property addressing allocated by Council's Land Information Section. The display of the street address shall be of a sufficient size and clarity to be easily visible from the street. Where a development contains multiple properties, signage is required to be clearly displayed on all unit door entrances. Directional signage is to be erected on site at driveway entry points and on buildings. Unit numbering signage is also required on stairway access doors and lobby entry doors. It is essential that all numbering signage throughout a development is clear to assist emergency service providers locate a destination with ease and speed, in the event of an emergency.

(Reason: To assist in way finding).

83. **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 clarify the configuration of the completed stormwater management system.)

84. **Disused Gutter Crossing.** All disused gutter and footpath crossings shall be removed and the kerb and footpath reinstated to the satisfaction of Council.

(Reason: To maximise onstreet parking capacity and avoid confusion relating to the enforcement of parking restrictions.)

85. **Stormwater Management – Positive Covenant(s).** A Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919), providing for the ongoing maintenance of the onsite detention components incorporated in the approved Stormwater Management system. The terms of the instrument are to be in accordance with the Council's standard for the relevant systems and are to be to the satisfaction of Council. To assure Council the construction of the stormwater management system has been completed, stormwater Works-As-Executed plans and certification of the system are to be submitted to Council with a completed "Application Form for Endorsement of Title Encumbrances" (available from Council's website). The positive covenant must be registered on the title prior to the release of any Occupation Certificate for development works for which the system(s) serve.

(Reason: This is to ensure that the drainage system will be maintained and operate as approved throughout the life of the development, by the owner of the site(s).)

86. **Engineering Compliance Certificates.** To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, Compliance Certificates must be obtained for the following items and are to be submitted to the Accredited Certifier prior to the release of any Occupation Certificate. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.

- a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and Council's DCP 2014 Part 9.3 (Parking Controls).
- b) Confirming that the Stormwater Management system (including any constructed ancillary components such as onsite detention) 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.
- 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 Environment and Heritage and Council’s DCP 2014 Part 8.1 (Construction Activities).

- d) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council’s satisfaction.

(Reason: To ensure that all engineering components are completed to the satisfaction of an appropriately qualified person, prior to occupation or use of the development.)

87. **On-Site Stormwater Detention System - Marker Plate.** To ensure the constructed On-site detention will not be modified, a marker plate is to be fixed to each on-site detention system constructed on the site. The plate construction, wordings and installation shall be in accordance with Council’s DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures. The plate may be purchased from Council's Customer Service Centre at 1 Pope Street – Ryde (Top Ryde City Shopping Centre).

(Reason: To ensure that owners of the site are aware of the location of the onsite detention system and the need to maintain the system over the life of the development.)

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.

88. **Single dwellings only.** Each approved dwelling is not to be used or adapted for use as separate domiciles or as a boarding house.

(Reason: To ensure the development is in accordance with the determination).

PRIOR TO SUBDIVISION CERTIFICATE

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

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

89. **Final Occupation Certificate.** The final occupation certificate associated with the approved development (including related modifications) must be issued for the entire development prior to the release of the Subdivision Certificate.

(Reason: To ensure that the development works are fully completed and that should the new lot come under separate ownership, such owners will not be burdened by outstanding works.)

90. **Final Plan of Subdivision.** The submission of a final plan of subdivision plus three copies suitable for endorsement by the Authorised Officer.

(Reason: To ensure that the final subdivision plan is adequate for acceptance of Land Registry Services.)

91. **Final plan of subdivision - Title Details.** The final plan of subdivision shall note all existing and/or proposed easements, positive covenants and restrictions of the use of land relating to the title.

(Reason: To disclose any easements or covenants burdening the land.)

92. **Vehicle Right of Way(s).** Any Right of Way / Carriageway easements must accommodate the vehicle swept path and height clearances of the largest vehicles utilising the access. These elements must be in accordance with the relevant section of AS 2890 and any deviations from this requirement will require a statement of support from a suitably qualified Traffic Engineer to justify the discrepancy, subject to Council consideration.

(Reason: To ensure the definition of such easements can accommodate the intended vehicle sizes.)

93. **Boundary Fences.** A boundary Identification Survey (BIS) must be undertaken to confirm the location of the fence relative to the public domain. The survey must be undertaken by a Registered Surveyor and is to clarify any encroachment of posts, gates, etc. Any encroachment will need to be corrected unless otherwise approved to remain by Council.

(Reason: To ensure the boundary fence along the frontage to a public road is wholly located off the Public Domain)

94. **Easement for Drainage of Water.** The drainage system servicing one of the lots is noted to traverse the alternate lot(s) and therefore an Easement for Drainage of Water must be created over the respective part(s) of the drainage system. Where the subdivision will result in rainwater storage/ detention tanks straddling the new lot boundaries, a reciprocal drainage easement must be created over the storage, allowing each lot to drain over the alternate lot and warranting shared responsibility in maintenance of the system. The easement width, location and alignment must be in accordance with the Council's DCP Parts 8.2 (*Stormwater and Floodplain Management*) and Part 8.4 (*Title Encumbrances*) and is to be based on recent Works-As-Executed plans of the stormwater system. Council must be listed as the prescribed authority to release or vary the terms of the easement.

Plans and documentation complying with this condition must be submitted with the application for a Subdivision Certificate.

(Reason: To ensure drainage services and conveyance of stormwater runoff are maintained.)

95. **88B Instrument.** The submission of an instrument under Section 88B of the Conveyancing Act 1919 with 2 copies, creating any Easements, Positive Covenants and Restrictions on use (where required) noting the "Council of the

City of Ryde” being the authority empowered to release vary or modify the same.

(Reason: To facilitate the registration of any instrument accompanying the subdivision certificate.)

96. **Subdivision Certificate - Compliance Certificates.** The following compliance certificates must be provided to Council prior to the release of the Subdivision Certificate;

- a) Surveyor Certification – A registered surveyor must certify that necessary easements have been created for all services and structures which encroach into adjacent lots and that all remaining services, dwelling and structures are contained wholly within their respective allotments.
- b) Sydney Water (Section 73 Compliance Certificate) - A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Sydney Water will determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains.
- c) Other Utility Providers – Written confirmation confirming compliance with the requirements (including financial costs) of electrical and telecommunication providers (e.g. AusGrid, Telstra).

(Reason: To ensure the newly created lots have access to and can maintain essential services.)

97. **Fibre-ready facilities and telecommunications infrastructure.** Prior to the issue of any Subdivision Certificate satisfactory evidence is to be provided to the Certifying Authority that arrangements have been made for:

- (i) The installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Alternatively, demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose.

And

- (ii) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

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

(Reason: Statutory requirement).

98. **Official Property Addressing.** The property addressing displayed on the administration sheets of a subdivision or strata plan, must be in accordance with the official property addressing allocated by Council's Land Information Section.

(Reason: To assist in way finding).

End of consent

ATTACHMENT 2

Compliance Check - Quality Certification

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

LDA No: LDA2022/0038	Date Plans: Amended plans received 25 August 2022
Address: 76 Rutledge Street Eastwood	
Proposal: Demolition, new two storey dual occupancy (attached) and Torrens Title subdivision	
Constraints Identified: N/A	

COMPLIANCE CHECK

Ryde LEP 2014	Proposal	Compliance
4.1B(2)(a) & (b) Minimum lot sizes for dual occupancies and multi dwelling housing		
580m ²	763.45m ²	Yes
15m frontage	12.80m	No
Clause 4.6 variation provided		
4.3(2) Height		
9.5m	Roof RL (highest): RL90.2 EGL (lowest) under: RL81.59 Height of Building = 8.61m	Yes
4.4(2) & 4.4A(1) FSR		
0.5:1 (m ²)	Ground Floor: 232.7m ² First Floor: 184.9m ² Minus 36 m ² : 381.6m ² Total GFA: 381.6m ² /763.45m ² FSR =: 0.49:1	Yes

DCP 2014	Proposed	Compliance
Part 3.3 - Dwelling Houses and Dual Occupancy (attached)		
Section 1.0 Introduction		
Part 1.6 Site Analysis		
Site analysis to be submitted.	A site plan has been submitted. Drawing prepared by NDG and dated 24/08/2022	Yes
Section 2.0 General Controls		
2.1 Desired Future Character		

DCP 2014	Proposed	Compliance
Development is to be consistent with the desired future character of the low density residential areas.	Development is consistent with the desired future character of low density residential areas	Yes
2.2 Dwelling Houses		
(a) Landscape setting which includes significant deep soil areas at the front and rear	Landscape setting includes significant deep soil areas at the front and rear	Yes
(b) Maximum two storeys high	Two storeys high	Yes
(c) Dwellings address the street	Dwelling 1 addresses Rutledge Street. Dwelling 2 addresses Darvall Road.	Yes
(d) Boundary between public and private space is clearly articulated	Boundary between public and private space is clearly articulated	Yes
(e) Garages and carports are not to be visually prominent features	Garages are not prominent features	Yes
(f) Dwellings are to respond appropriately to the site analysis	Dwellings respond appropriately to the site analysis	Yes
2.3 Dual Occupancy (attached)		
(a) New dual occupancy buildings are to meet the controls for new dwelling houses set out in 2.2.1.	Achieved	Yes
(b) Alterations and additions to dual occupancy buildings are to meet the requirements of 2.2.2.	N/A	Yes
2.4 Subdivision		
Minimum lot sizes apply under RLEP Clause 4.1A	Torrens title subdivision is proposed The proposal complies with Clause 4.1A	Yes
2.5 Public Domain Amenity		
2.5.1 Streetscape		
(a) Site design, building setbacks and level changes respect the existing topography	Site design, building setbacks and level changes respect the existing topography	Yes
(b) Front gardens to complement and enhance streetscape character	Front gardens complement and enhance streetscape character	Yes
(c) Dwelling design is to enhance the safety and amenity of the streetscape	Dwelling design enhances the safety and amenity of the streetscape. Dwelling 1 living areas orientate to Rutledge Street and Darvall Road. Dwelling 2 living areas orientate to Darvall Road.	Yes

DCP 2014	Proposed	Compliance
<p>(d) Carports and garages visible from the public street are to:</p> <p>(i) Be compatible with the building design</p> <p>(ii) Be setback behind the dwelling's front elevation</p> <p>(e) Driveways and hard stand areas are to be minimised .</p> <p>(f) Dwellings, garages and carports are to be orientated to match the prevailing orientation of such buildings in the streetscape</p> <p>(g) Facades from the public domain are to be well designed.</p>	<p>Garages are compatible with building design</p> <p>Garages are setback behind the dwelling's front elevation</p> <p>Driveways and hardstand areas have been minimised</p> <p>Dwellings and garages are orientated to match the prevailing orientation of such buildings in the streetscape</p> <p>Facades from the public domain are well designed</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
2.5.2 Public Views and Vistas		
<p>(a) A view corridor is to be provided along at least one side allotment boundary where there is an existing or potential view to the water from the street. Landscaping is not to restrict views. Fence 70% open where height is >900mm.</p> <p>(b) Garages/carports and outbuildings are not to be located within view corridor if they obstruct view.</p>	<p>N/A – no existing or potential views</p> <p>N/A – no existing or potential views</p>	<p>Yes</p> <p>Yes</p>
2.5.2 Pedestrian & Vehicle Safety		
<p>(a) Car parking located to accommodate sightlines to footpath & road in accordance with relevant Australian Standard.</p> <p>(b) Fencing that blocks sight lines is to be splayed.</p> <p>(c) Refer to relevant AS when designed driveways</p>	<p>No issues raised by Council's Development Engineer</p> <p>Fencing does not block sightlines</p>	<p>Yes</p> <p>Yes</p>
2.6 Site Configuration		
2.6.1 Deep Soil Areas		
<p>(a) 35% of site area min.</p> <p>(b) Deep soil area must include:</p> <p>(i)Min 8x8m deep soil area in backyard.</p> <p>(ii) Front garden area to be completely permeable (exception</p>	<p>39.2% (304.9m²)</p> <p>8x8m has been provided</p> <p>Front garden area is completely permeable except for driveway and pedestrian paths</p>	<p>Yes</p> <p>Yes</p>

DCP 2014	Proposed	Compliance
<p>driveway, pedestrian path and garden walls).</p> <p>(c) Dual occupancies need only one 8m x 8m in back yard</p> <p>(d) Deep soil areas to have soft landscaping</p> <p>(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.</p>	<p>One 8x8m provided</p> <p>Deep soil areas have soft landscaping</p> <p>Deep soil areas are 100% permeable</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
2.6.2 Topography & Excavation		
<p>(a) Building form and siting relates to the original topography of the land and of the streetscape.</p> <p>(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>(ii) the depth of excavation is limited to 1.2m maximum</p> <p>(iii) the maximum height of fill is 900mm</p> <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 >900mm</p> <p>(ii) the depth of excavation is not >900mm</p> <p>(iii) the height of fill is not >500mm</p> <p>(iv) the excavation and filled areas do not have an adverse impact on the privacy of neighbours</p> <p>(v) the filled areas do not have an adverse</p>	<p>Building form and siting relates to the original topography of the land and of the streetscape</p> <p>The topography of the site requires cut and fill</p> <p>Within BF Max cut: 100mm Max fill: 870mm</p> <p>500mm</p> <p>Outside BF Max cut: 400mm Max fill: 700mm</p> <p>Excavation and filled areas do not have an adverse impact on the privacy of neighbours</p> <p>Filled areas do not have an adverse impact on the privacy of neighbours</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No (justifiable – see assessment report)</p> <p>Yes</p> <p>Yes</p>

DCP 2014	Proposed	Compliance
(vi) impact on the privacy of neighbours the area between the adjacent side wall of the house and the side boundary is not filled	N/A	Yes
(vii) the filled areas are not adjacent to side or rear boundaries	N/A	Yes
(d) Fill is not allowed in areas of overland flow. Refer to Part 8.2 stormwater management	N/A	Yes
(e) Generally the existing topography is to be retained.	Generally the existing topography is retained	Yes
2.7 Floor Space Ratio (FSR)		
(a) FSR is 0.5:1 in accordance Clause 4.4 (b) A floor area of 36m ² maybe excluded when this area accommodates 2 car space. An area of 18m ² may be excluded when the area accommodates 1 parking space.	Ground Floor: 232.7m ² First Floor: 184.9m ² Minus 36 m ² : 381.6m ² Total GFA: 381.6m ² /763.45m ² FSR =: 0.49:1	Yes
2.8 Height		
2.8.1 Building height		
(a) Building heights are to be as follows: - Maximum height of 9.5 metres for dwellings and dual occupancy. - Outbuildings including garages and carports maximum height 4.5 metres.	Roof RL (highest): RL90.2 EGL (lowest) under: RL81.59 Height of Building = 8.61m	Yes
<u>Maximum wall plate</u> - 7.5m max above FGL <i>or</i> - 8m max to top of parapet <i>NB:</i> <i>TOW = Top of Wall</i> <i>EGL = Existing Ground Level</i> - <i>FGL = Finished Ground Level</i>	TOW RL: 88.50RL EGL below: 81.60RL TOW Height = 6.90m	Yes
<u>Maximum number of storeys:</u> - 2 storeys maximum (storey incl basement elevated greater than 1.2m above EGL). - 1 storey maximum above attached garage incl semi-	Two storeys proposed One (1) storey above garage	Yes Yes

DCP 2014	Proposed	Compliance
basement or at-grade garages		
2.8.2 Ceiling Height		
(a) Habitable rooms to have 2.4m floor to ceiling height (min).	2.7m minimum room height.	Yes
2.9 Setbacks		
2.9.1 Front setbacks		
(a) Dwellings are generally to be set back 6m from street front boundary	7 metres from Rutledge Street	Yes
(b) On corner sites, the setback secondary frontage minimum 2m	2 metres from Darvall Road	Yes
(c) Garages and carports, including semi-basement garages and attached garages, set back min 1m from façade	Dwelling 1 is setback 4.2m Dwelling 2 is setback 3.7m	Yes
(d) The front setback free of structures. The exception is car parking structures which comply with 2.11.	Front setback is free of structures	Yes
(e) Attached garages, including semi-basement garages on secondary frontages not to protrude forward of the façade. The exception is garages located on battle axe allotments. These garages do not need to be setback.	Both garages are located on the secondary frontage and do not protrude forward of the façade	Yes
(f) The outside face of wall built above a garage aligns with the outside face of the garage wall below.	The outside face of the wall built above the garage is setback 1m from the garage wall below	No (justifiable – see assessment report)
2.9.2 Side Setbacks		
(a) One storey dwellings setback 900mm	Ground floor – 1.5m First floor – 1.5m	Yes
(b) Two storey dwellings setback 1.5m		
(c) The second storey addition to a single storey dwelling are to be set back 1.5m	N/A	Yes
(d) Allotments wider than they are long, one side setback a min of 20% of the width of the lot or 8m, whichever is greater.	N/A	Yes
2.9.3 Rear Setbacks		
(a) The rear setback min 25% of the site length or 8m,	A rear setback of 12.57m is 25% of site length.	No (justifiable – see

DCP 2014	Proposed	Compliance assessment report)
<p>whichever is greater.</p> <p>(b) Allotments wider than they are long, min setback of 4m</p> <p>(c) Dwelling on battle axe allotment are to be setback the rear boundary of the front lot min of 8m. Single storey garage or outbuilding can be within setback.</p>	<p>Proposed rear setback is 9.40m</p> <p>N/A</p> <p>N/A</p>	<p>Yes</p> <p>Yes</p>
2.11 Car Parking and Access		
2.11.1 Car Parking		
<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: (i) there is no other suitable position (ii) no vehicular access to the rear of side of the site (iii) it is preferred that it is single car width.</p> <p>(e) Garages doors solid. No expanded mesh doors.</p> <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 >5.7m</p>	<p>1 space per dwelling proposed</p> <p>Spaces are enclosed and roofed</p> <p>Dwelling 1 is setback 4.2m. Dwelling 2 is setback 3.7m.</p> <p>N/A</p> <p>Garage doors are solid Both garages are located off the secondary frontage</p> <p>Driveway widths minimised. No issues raised by Council's Development Engineer</p> <p>Driveway is not roofed</p> <p>6.7m</p> <p>5.8m</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No (justifiable – see assessment report)</p> <p>No (justifiable – see assessment report)</p>

DCP 2014	Proposed	Compliance
(k) Driveways for battle axe enable vehicles to enter and leave in forward direction	N/A	Yes
(l) Garage doors not be recessed more than 300mm	Garage doors are not recessed more than 300mm	Yes
(m) Garage windows >900mm from boundaries	Garage windows setback 1.9m	Yes
(n) Free standing garages max GFA 36m ²	N/A	Yes
(o) Design and materials to complement dwelling	Design and materials complement the dwelling	Yes
(p) Setback at least 1m from façade	Dwelling 1 is setback 4.2m. Dwelling 2 is setback 3.7m.	Yes
(q) Carports not enclosed.	N/A – no carports proposed	Yes
2.13 Landscaping		
(a) Major trees to be retained where practical	Major trees retained where practical	Yes
(b) Lots adjoining bushland, protect and retain indigenous native vegetation and use native indigenous plant spaces for a distance of 10m	The site is affected by urban bushland. No issues raised by Council's Landscape Architect	Yes
(c) Provide useful outdoor spaces	Useful outdoor spaces provided	Yes
(d) Physical connection between dwelling and external ground level	Physical connection has been provided between dwelling and external ground level	Yes
(e) Provide landscape front garden. Hard paved areas no more than 40%.	Primary frontage – 6% (6.9m ²) Secondary frontage – 28.2% (41.2m ²)	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.	Pathway provided along one side of the boundary	Yes
(g) Landscape elements in front garden to be compatible with scale of dwelling.	Landscape elements in the front garden are compatible with the scale of the dwelling	Yes
(h) Front garden at least 1 canopy tree at least 10m in height	One (1) Blueberry Ash proposed with a mature height of 12m	Yes
(i) Mature tree at least 15m in rear garden with the DSA.	One (1) Rough Barked Apple with a mature height of 15m	Yes
(j) Locate and design landscaping top increase privacy between dwellings.	Screen planting proposed on rear boundary	Yes
(k) Hedge planting on boundary no greater than	2.0 metre high screen planting proposed	Yes

DCP 2014	Proposed	Compliance
<p>2.7m</p> <p>(l) Retaining walls and other landscape elements not to obstruct stormwater overland flow.</p> <p>(m) OSD not to be located within front setback unless it is underneath driveway</p> <p>(n) Landscaping to include POS</p> <p>(o) Designed to improve energy efficient of building and micro climate of external living areas.</p>	<p>Retaining walls and other landscape elements do not obstruct stormwater overland flow</p> <p>Below ground OSD proposed under driveway</p> <p>Landscaping includes POS</p> <p>Achieved</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
2.14 Dwelling Amenity		
2.14.1 Daylight and Sunlight Access		
<p>(a) Living areas are to be predominantly located to the north where possible</p> <p>(b) Sites with northern side boundary to have increased setback of 4 metres is preferred.</p> <p><u>Subject Dwelling</u></p> <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:</p> <p>(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</p> <p>(ii) windows to north facing living areas to receive at least 3 hours of sunlight between 9am and 3pm on 21 June</p>	<p>Dwelling 1 – Living areas orientate to the south west, north west and north east</p> <p>Dwelling 2 – Living areas orientate to the north east, south east and south west</p> <p>N/A</p> <p>Dwelling 1 – north west and north east facing windows receive 3 hours of solar access</p> <p>Dwelling 2 – north east facing windows receive 3 hours of solar access</p> <p>Dwelling 1 – POS does not receive 2 hours of solar access</p> <p>Dwelling 2 – POS receives 2 hours between 9am and 11am</p> <p>Neighbouring property POS receives 50% solar access for 2 hours</p> <p>North facing windows receives 3 hours solar access</p>	<p>No (justifiable – see assessment report)</p> <p>Yes</p> <p>Yes</p> <p>No (justifiable – see assessment report)</p> <p>Yes</p> <p>Yes</p>

DCP 2014	Proposed	Compliance
over a portion of surface, where can be reasonably maintained given orientation and topography.		
2.14.2 Visual Privacy		
<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</p>	<p>Dwelling 1 – study, dining and sitting windows orientate to the side Dwelling 2- kitchen, dining, family and sitting windows orientate to the side</p> <p>Dwelling 1 – Deck orientates to the side Dwelling 2 – Deck orientates to the rear</p> <p>Terraces and balconies do not result in visual privacy impacts</p> <p>Dwelling 1 – the dining room glass sliding door result in overlooking. The remaining windows and decks do not result in overlooking Dwelling 2 – the living area windows and decks do not result in overlooking</p> <p>It is noted the neighbouring property windows at 1 Denman Street Eastwood have not been shown on the survey plan. The proposed windows are setback approximately 12.3m from the rear boundary. The separation ensures the visual privacy of the neighbouring property is maintained.</p> <p>The Dwelling 1 bathroom window, dining room window, and garage window align with the neighbouring property at 78 Rutledge Street. Dwelling 2 garage window aligns with the neighbouring property at 78 Rutledge Street.</p> <p>N/A – no splayed walls</p>	<p>No (justifiable – see assessment report)</p> <p>No (justifiable – see assessment report)</p> <p>Yes</p> <p>No (justifiable – see assessment report)</p> <p>No (justifiable – see assessment report)</p> <p>Yes</p>

DCP 2014	Proposed	Compliance
property.		
2.14.3 Acoustic Privacy		
(a) Noise of mechanical equipment not exceed 5dB(A) above background noise measured in or on any premises in vicinity of the item.	N/A – air conditioning units have not been provided	Yes
(b) Dwellings on arterial roads double glazed windows fronting road.	Double glazed windows provided to windows of Dwelling 1 facing Rutledge Street	Yes
(c) Dwellings on arterial roads acoustic seal on the front door.	Acoustic seal door provided to Dwelling 1 front door facing Rutledge Street	Yes
(d) Dual occupancies are to be designed to reduce noise transmission between dwellings.	Garages on the ground floor are collocated and bedrooms/bathrooms on the first floor are collocated	Yes
2.14.4 View Sharing		
(a) The siting of development is to provide for view sharing.	The siting of the development provides for view sharing	Yes
2.14.5 Cross Ventilation		
(a) Designed to optimise access to prevailing breezes and provide for cross ventilation.	The plan layout is designed to optimise access to prevailing breezes and provides for cross ventilation	Yes
2.15 External Building Elements		
2.15.1 Roofs		
(a) Relate roof design to the desired built form by: (i)articulating the roof (ii)roof is consistent with the architectural character of dwelling (iii)eaves minimum 450mm overhang on pitched roofs (iv)compatible roof form, slope, material and colour to adjacent buildings (v)roof height is in proportion to the wall height of the building	An articulated roof is proposed. The roof is consistent with the architectural character of the dwelling. Eaves overhang by 500mm. Compatible roof form, slope, material and colour to adjacent buildings. Roof height is in proportion to the wall height of the building.	Yes
(b) The main roof not trafficable terrace.	The main roof is not a trafficable terrace	Yes
(c) Proposed attic contained within the volume of the roof space.	N/A – no attic proposed	Yes
(d) Skylights to be minimised on roof planes visible from	N/A – no skylights proposed	Yes

DCP 2014	Proposed	Compliance
the public domain. Skylights are to be symmetrical.		
(e) The front roof plane is not to contain both dormer and skylight. Dormers are preferred.	N/A – skylights and dormers are not proposed	Yes
(f) Balconies and terraces are not to be set into roofs.	Balconies and terraces are not set into roofs	Yes
(g) Scale of the roof is to be in proportion with the scale of the wall below.	Scale of the roof is in proportion with the scale of the wall below	Yes
(h) Attics may be located in the garage roofs if the garage is located next to the dwelling. Garages located within front or rear setbacks are not to have attics.	N/A – no attics proposed	Yes
2.16 Fences		
2.16.1 Front and return Fences and Walls		
(a) Reflect the design of the dwelling	Front fencing reflects the design of the dwelling	Yes
(b) Materials compatible with the house and other fences in streetscape	Materials are compatible with the house and other fences in streetscape	Yes
(c) Solid fence or wall max 900mm. Open light weight fence (timber picket) 1m.	N/A	Yes
(d) Return fence is to be no higher than front fence	Return fence is not higher than the front fence	Yes
(e) Fences max 1.8m if 50% open with solid base max 900mm	Soldi base 300mm and open section is 900mm. Max height of fence is 1.2m	Yes
(f) Fences arterial road solid and 1.8m max	Noted	Yes
(g) No Colorbond or timber paling.	Colorbond and timber paling is not proposed	Yes
(h) Retaining walls max 900mm	500mm	Yes
(i) Overland flow - fencing open not impede flow of water	N/A - the site is not affected by overland flow	Yes
(j) Fence piers max 350mm.	Fence pier width is 350mm. Letter box width is 700mm	No (justifiable – see assessment report)
2.16.2 Side and Rear Fences and Walls		
(a) 1.8m Max side and rear fence	New 1.8m high side and rear boundary fence proposed	Yes
(b) Overland flow - fencing to be open not impede flow of	N/A – the site is not affected by overland flow	Yes

DCP 2014	Proposed	Compliance
water (c) No Barbed wire, broken glass or other dangerous elements.	N/A	Yes
(d) Fencing forward of the foreshore building line open and permeable.	N/A	Yes
Part 7: Environment		
7.1: Energy Smart, Water Wise		
3.0 The information Guide		
3.2 Required information		
(a) Energy efficiency performance report (b) Site analysis	BASIX Certificate: 1241850M_02 and dated 1 February 2022 Energy: 52 Water: 40 Plans consistent with Certificate	Yes
Part 7.2 Waste Minimisation and Management		
2.3 All developments		
(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. (f) Site Waste Minimisation and Management Plan (SWMMP) to be submitted. (g) Located to provide easy, direct and convenient access. (h) No incineration devices. (i) Collection point identified on plan. (j) Path for wheeling bin collection not less than 14:	A Waste Management Plan has been submitted and meets the requirements of Part 7.2	Yes
2.4 Demolition and Construction		
(a) Demolition must comply with AS and WorkCover (b) Demolition work plan submitted (c) Dedicated area on site for stockpile of materials taking into account	Demolition is proposed. Demolition plan submitted Demo work method statement submitted	Yes

DCP 2014	Proposed	Compliance
environmental factors and amenity impacts. (d) Construction materials to be stored away from the waste materials on site.		
2.5 Residential Developments comprising 1 or 2 Dwellings		
(a) Space inside each dwelling for receptacles for garbage, recycling.	Provided	Yes
(b) Space provided outside the dwellings to store the required garbage, recycling and green waste bins. Screened from street. Easy access to wheel the bins to the kerbside.	Provided	Yes
Part 8: Engineering		
8.1 Construction Activities		
2.1.2 Erosion and Sediment Control Plan		
Erosion and sediment control plan to be submitted.	Erosion and sediment control plan prepared by MIE Aust ref Job No.30062021 Dwg No. D7-D8 Revision A and dated 27/08/2021 Conditions 46 and Condition 73 recommended	Yes
Part 8.2 Stormwater and Floodplain Management		
2.0 Stormwater Drainage		
(a) Drainage is to be piped in accordance with Section 2.0 Stormwater Drainage Application has been consideration satisfactory by Development Engineering and City Works.	Stormwater Plan prepared by MIE Aust ref Job No.30062021 Dwg No. D1-D8 Revision A and dated 27/08/2021 Proposal has been considered satisfactory by Council's Development Engineer and City Works.	Yes
4.0 Flooding and Overland Flow		
4.4.1(a) development that is flood affected has been provided with a Flood Impact Statement. Report prepared in accordance with Section 2.2 of the Stormwater and Flood Plan Management Technical Manual	N/A – the site is not affected by flooding	Yes
4.4.5(b) Floor levels of habitable and non habitable areas must comply with the freeboard requirements as stated in Table 2.1 of the Stormwater Technical Manual.	N/A – the site is not affected by flooding	Yes
4.4.5(d) development must not	N/A – the site is not affected by	Yes

DCP 2014	Proposed	Compliance
divert major overland flows or reduce flood storage such to adversely impact the neighbouring property or surrounding area.	flooding	
Part 8.3 Driveways		
3.0 Existing footway crossings		
3.1(a) Existing footway crossings may only be used when they provide access of max of 2 dwgs, correct location and level and adequate width. In good condition and is not a bridge or piped crossing.	N/A	Yes
3.2(a) disused footway crossing slabs that become redundant are to be removed and footway restored.	Condition 84 recommended regarding reinstatement of redundant crossing.	Yes
4.0 Designing internal access roads and parking spaces		
4.1 (a) the design of all parking spaces, circulation roads and manoeuvring areas on the property must confirm to the minimum requirements of AS2890.1-2004.	No issues raised by Council's Development Engineer	Yes
4.2 Design of Parking Spaces		
(b) Vehicles (85 th percentile) to enter and leave designated parking space in a single 3 point turn manoeuvre. A 99 th percentile vehicle for disabled vehicles. (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.	No issues raised by Council's Development Engineer	Yes
S2.0 Design Standards		
S2.2 Vehicular crossing widths		
(a) Min 3.0m and max of 5.0m.	5m	Yes
(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	N/A	Yes
Part 9.2 Access for People with Disabilities		
4.1.2 Class 1 Buildings		
Accessible path required from the street to the front door, where the	Dwelling 1 – accessible path provided	Yes

DCP 2014	Proposed	Compliance
level of land permits.	Dwelling 2 – One (1) step provided. This is considered acceptable given the slope of the site	
Part 9.3 Parking Controls		
2.2 Residential Lane Uses		
- Dwelling houses up to 2 spaces/dwelling	N/A	Yes
- Dual occupancy 1 space/dwelling	1 space per dwelling proposed	Yes

ATTACHMENT B –

Clause 4.6 Variation Request

4.1B Minimum lot sizes for dual occupancies

**76 Rutledge Street,
Eastwood 2122**

Prepared by:
Prepared: 23 Aug. 22



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Disclaimer

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Site Description

The subject site is legally described as Lot 13 in DP 6658 and known as 76 Rutledge Street, Eastwood. The subject site has a total site area of 763.45m² and is generally rectangular in shape and is located at the intersection of Rutledge Street and Darvall Road.

The site has a 14.325 metre frontage to Rutledge Street with a splayed 1.29 metre splayed northern corner (15.24 metres in total) and a 49.38 metre secondary frontage to Darvall Road. The site consists of a depth of 50.29 metres at the south western boundary and a width of 15.24 metres at the southern boundary. The site has a cross sloping topography of 2.33 metres falling from the north western corner (RL 83.18) to the south eastern corner (RL 80.85).

The site presently accommodates a single storey dwelling house presenting to Rutledge Street. Vehicular access is located adjacent to the south eastern corner off Darvall Road into an existing single storey detached garage. Other site works include ancillary structures such as a verandah and awning attached to the rear of the dwelling and metal awning in the rear.

The site is located within an R2 Low Density Residential zone and is surrounded by a mixture of single storey and two (2) storey residential developments, each varying in age and architectural style.

Provisions of Environmental Planning Instruments

Local Environmental Plan

The site is subject to the Ryde Local Environmental Plan 2014 (RLEP 2014).

Clause 2.1 - Land Use Zones

Part 2 – Permitted or Prohibited Development

Clause 2.1 – Land Use Zones

The subject site is zoned R2 - Low Density Residential and the proposal seeks consent for a ***dual occupancy (attached)***. As defined in RLEP 2014, ***Dual Occupancy (attached)*** means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling. The proposed Dual Occupancy (attached) is a permissible form of development in the R2 Low Density Residential Zone with Council's consent.

It is considered that the proposal would introduce a development to the locality that would not adversely impact on the residential amenity of the area as existing housing within the area is currently characterised with by other lower density development, providing a

design that is sensitive to the existing built form and natural environment. The proposed development could therefore be considered to satisfy the relevant objectives set for the R2 - Low Density Residential Zone as defined under Ryde Local Environmental Plan 2014 (RLEP 2014).

Purpose of Clause 4.6

This document has been prepared by Brosnan and Moore Town Planning Services to accompany a Development Application (DA) submitted to City of Ryde Council.

The Clause 4.6 variation is lodged in respect of the minimum primary road frontage requirement for a dual occupancy development (attached) in the R2 – Low Density Residential Zone. Clause 4.1B(2)(b) requires the primary road frontage of the lot (for the purpose of a dual occupancy) to be equal to or greater than 15 metres.

The subject site has a primary road frontage of 15.24 metres to Rutledge Street, however a portion of the primary road frontage is burdened with a Restriction to User for the purposes of road widening. The subject sites northern corner contains a 2.55m² portion of land zoned SP2 and identified for Land Reservation Acquisition purposes.

The subject sites lot frontage towards Rutledge Street, including the SP2 zoning, equates to a total of 15.24 metres, and without the splayed corner of 1.29 metres to 14.325 metres. The SP2 portion of the site is not included in the calculation of the primary road frontage and removed entirely from any calculations responding to applicable LEP provisions.

Ultimately, this equates to a primary road frontage of 12.8 metres to Rutledge Street and represents a technical non-compliance with a variation to the development standard of 14.67%.

4.1B Minimum lot sizes for dual occupancies		
<i>(2) Development consent may be granted for development on a lot in Zone R2 Low Density Residential for the purposes of dual occupancy (attached) if—</i>		
<i>(a) the area of the lot is equal to or greater than 580 square metres, and</i>		
<i>(b) the primary road frontage of the lot is equal to or greater than 15 metres.</i>		
<u>Description</u>	<u>Required</u>	<u>Proposed</u>
Site Area	580m ²	Complies Total Site Area = 763.45m ²
Primary Road Frontage	15m	Variation to Development Standard: Primary road frontage to Rutledge Street: 15.24 metres.

		Primary road frontage to Rutledge Street (excluding portion zoned SP2): 12.8 metres
Variation (%)		14.67%

Clause 4.6 - Clause 4.1B Minimum lot sizes for dual occupancies

Ryde Local Environmental Plan (RLEP) 2014

1. Introduction to the Clause 4.6

This document is a formal written request in pursuant to Clause 4.6 Exemptions to Development Standards as per Ryde Local Environmental Plan 2014 in support of a development application submitted to City of Ryde Council seeking consent for the construction of an attached dual occupancy and subservient Torrens title subdivision on land at No. 76 Rutledge Street, Eastwood.

The objectives of Clause 4.6 are to provide an appropriate degree of flexibility in applying development standards to achieve better outcomes for, and from, development.

As the following request demonstrates; by exercising the flexibility afforded by Clause 4.6 in the particular circumstances of this application, compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and there are sufficient environmental planning grounds to justify contravening the standard as the proposed development will be consistent with the objectives of the zone and development standard.

The development standard that this request seeks approval to vary is the Clause 4.1B Minimum lot sizes for dual occupancies as per Ryde Local Environmental Plan 2014. The numeric value of the minimum primary road frontage of the lot to facilitate a dual occupancy (attached) is equal to or greater than **15 metres**.

Clause 4.6 of the RLEP 2014 states:

Exceptions to development standards

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

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—*

 - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless—*

 - (a) *the consent authority is satisfied that—*

 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (b) *the concurrence of the Planning Secretary has been obtained.*
- (5) *In deciding whether to grant concurrence, the Planning Secretary must consider—*

 - (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) *the public benefit of maintaining the development standard, and*
 - (c) *any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.*
- (6) *Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—*

 - (a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*

(b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

Note—

When this Plan was made it did not include all of these zones.

(7) *After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*

(8) *This clause does not allow development consent to be granted for development that would contravene any of the following—*

(a) *a development standard for complying development,*

(b) *a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#) applies or for the land on which such a building is situated,*

(c) *clause 5.4,*

(caa) *clause 5.5,*

(ca) *clause 4.3, to the extent that it applies to the land identified as "Town Core" on the [Ryde Town Centre Precincts Map](#),*

(cb) *clause 4.1A, to the extent that it applies to the Torrens title subdivision of a dual occupancy (attached),*

(cc) *clause 6.9.*

This request has been prepared having regard to the Department of Planning and Environment's *Guidelines to Varying Development Standards* (August 2011) and relevant decisions in the New South Wales Land and Environment Court.

In this Clause 4.6 Request, we have explained how flexibility is justified in this case in terms of the matters explicitly required to be addressed in a written request from the applicant. In this request we also address additional matters that the consent authority is required to be satisfied of when exercising either the discretion afforded by Clause 4.6 or the assumed concurrence of the Secretary.

This submission has been prepared having regard to the following guideline judgements:

- i. *Winten Property Group Limited v North Sydney Council [2001] NSWLEC 46;*
- ii. *Wehbe v Pittwater Council [2007] NSWLEC 827;*
- iii. *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009 ('Four2Five No 1')*
- iv. *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 ('Four2Five No 2')*

- v. *Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248* ('Four2Five No 3')
- vi. *Al Maha Pty Ltd v Huajun Investments Pty Ltd [2018]*
- vii. *Micaul Holdings Pty v Randwick City Council [2015] NSWLEC 1386*;
- viii. *Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7*; and
- ix. *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*

2. Extent of Variation

The extent of the variation is related to a technical non-compliance with Clause 4.1B(2)(b), which requires a dual occupancy (attached) development to have a primary road frontage that is equal to or greater than 15 metres. The proposal accounts for a shortfall of 2.2 metres, with a accountable 12.8 metre frontage (excluding the SP2 zoned portion of the site). The shortfall represents a technical non-compliance with a variation to the development standard of 14.67%.

3. Compliance with the development standard is unreasonable or unnecessary in the circumstances of this case. [cl. 4.6(3)(a)]

Compliance with the development standard is considered unreasonable and unnecessary in the circumstances of the case. In the decision of *four2five*, the Commissioner identified to satisfy Clause 4.6(3)(a) merit considerations were required to be amounted to no more than establishing an absence of environmental harm.

Also in *Four2Five*, it was considered how this question may be answered and referred to the earlier Court decision in *Wehbe v Pittwater Council [2007] NSW LEC 827 (Wehbe)*. Under *Wehbe*, the most common way of demonstrating that compliance is unreasonable or unnecessary, was whether the objectives of the standard were still met despite the contravention of that standard.

Therefore, to determine “unreasonable and unnecessary” the 5-part-test outlined in *Wehbe* is considered to be relevant in demonstrating unreasonable and unnecessary in the circumstances of the case. Although these tests are primarily relative to the function of SEPP 1, the tests are not exhaustive or prescriptive. The tests assist in adequately addressing the non-conformity allowing the consent authority with the ability to grant consent.

- ***The objectives of the development standard are achieved notwithstanding the non-compliance.***

Comment:

The objective of the Clause 4.1B is as follows:

“To achieve planned residential density in certain zones”

The meaning of “Residential density” is not a relatively defined term and can relate in the context of a planning instrument. The findings by Commissioner Grey in *Clearcut Homes*

Pty Ltd v City of Ryde Council [2020] NSWLEC 1249 (Clearcut), found that “*planned residential density*” refers to the desired size and number of residential uses within a given area and consequentially, across the zone. It is apparent, therefore, that by fixing minimum road frontage widths and lot sizes, the clause operates to “*achieve planned residential density*”.

The site is zoned R2 Low Density Residential and the provision of a Dual Occupancy (attached) is a permissible use. The site achieves the fixed lot size dimensions however, the northern splayed corner of the site is reserved for land acquisition resulting in the shortfall.

The objective of the development standard is to “*achieve planned residential density*” in the Low-Density Residential Zone. Through fixing the lot size requirements the operation of the development standard aims to achieve a desired number of dwellings in the locality to counter population growth.

The qualifier in the objective is to achieve planned residential density, therefore it is interpreted that the objective aims to facilitate density rather than prohibit. Dual occupancies are a form of lower scale residential development that provides greater density which achieves the planned residential density as anticipated by the development standard.

It is evident that capacity exists to accommodate a net increase of one (1) additional dwelling and the site can conformably accommodate the proposed additional density, thus achieving the planned residential density.

It would be unreasonable to make boundary adjustments to the site to achieve the desired frontage. The site is a corner allotment whereby the numerical variation would be minor as it is not readily perceptible and the dispensation is viewed negligible.

The proposed is consistent with the objective of the development standard given that the subject is capable of accommodating the additional anticipated density which is consistent with the desired future character of the R2 zone.

In *Clearcut* Commissioner Grey references the objective to also include the bulk and scale. “*Where the more bulk and scale you have on a property results in an area that is denser in bulk and scale.*” As such, the development is located on a corner allotment which presents an attractive opportunity for a development with a consistent degree of compliance with the relevant planning controls.

Therefore, for the reasons outlined above the objectives of the development standard are achieved notwithstanding the non-compliance.

- ***The objective of the development standard is not relevant to the development (and therefore it is unnecessary to comply with the standard).***

Comment:

The objective is relevant to the development in particular “*to achieve planned residential density*”. The provision of a dual occupancy is permissible in the zone, and is a lower form of density that is anticipated.

The additional net increase of one (1) dwelling remains consistent with this objective despite the negligible technical non-compliance as a result of the splayed corner zoned SP2 and reserved for future road widening.

- ***Compliance with the standard would thwart or defeat the objective of the standard (and therefore it is unreasonable to require compliance).***

Comment:

The site meets the 15 metre width at the primary road, however constraint by northern splayed corner being subject to road widening and land acquisition. The building meets the 15 metre width at the building line, and it would be unreasonable to require a boundary adjustment to the site to achieve the desired frontage. To require a boundary adjustment, this would result in an undesirable subdivision pattern.

The site is a corner allotment whereby the numerical variation would be minor as it is not readily perceptible and the dispensation is viewed negligible. The proposed is consistent with the objective of the development standard given that the subject is capable of accommodating the additional anticipated density which is consistent with the desired future character of the R2 zone.

Given the site-specific reasons which result in the shortfall to the primary road frontage, strict compliance with the development standard would be thwarted in this particular circumstance.

- ***The standard has been abandoned by the Council through other approvals that exceed the standard.***

Comment:

There is no evidence to suggest that Council has abandoned the development standard.

- ***The zoning is unreasonable or inappropriate and therefore the development standard applying to that zoning is unreasonable or inappropriately applied to the site.***

Comment:

The site is zoned R2 Low Density Residential and the provision of a Dual Occupancy (attached) is a permissible form of development in the zone. Under the current development controls, attached dual occupancies are treated similar to those of a dwelling house. The proposed provides for a built form that conforms to the desired future character of the area with no adverse impact on the wider locality.

4. There are sufficient environmental planning grounds to justify contravening the standard. [cl. 4.6(3)(b)]

In order to establish sufficient environmental planning grounds, it is most appropriate to identify the circumstances of the contravention to the development standard. The development standard that this request seeks Council's consent for an exemption to is Clause 4.1B(2).

The subject site has a primary road frontage of 15.24 metres to Rutledge Street, however a portion of the primary road frontage is burdened with a Restriction to User for the purposes of road widening. The SP2 portion of the site is not included in the calculation of the primary road frontage and removed entirely from any calculations responding to applicable LEP provisions. Ultimately, resulting in the shortfall for the primary road frontage to Rutledge Street and represents a technical non-compliance.

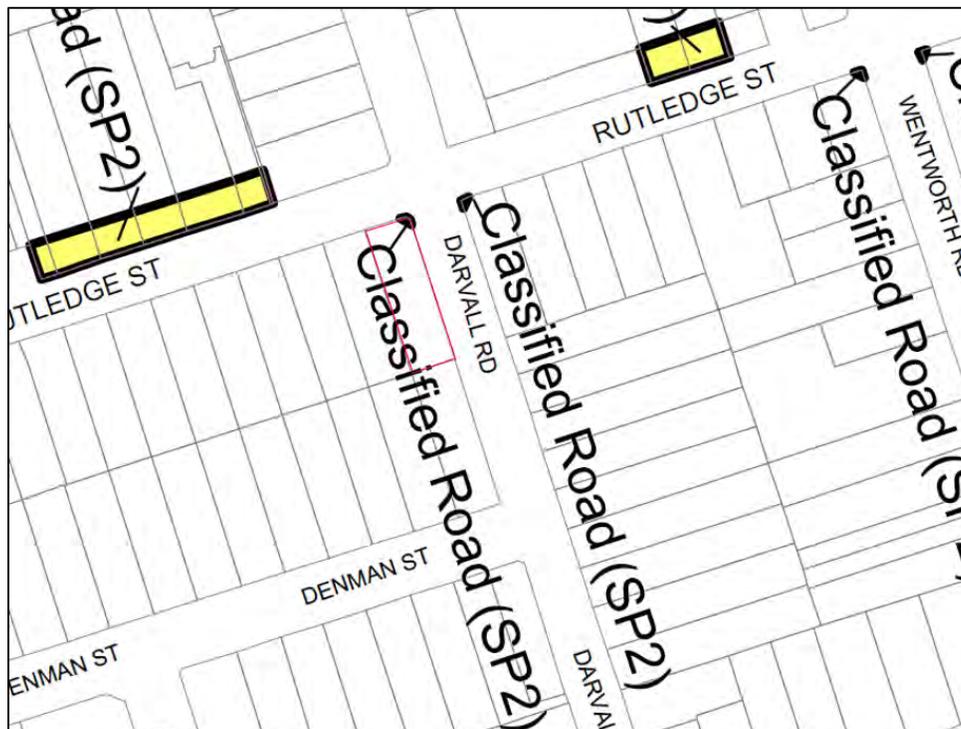


Figure 1: Land Reservation Acquisition Map Sheet LRA_002 illustrating the site reserved for road widening.

Despite the negligible contravention to the development standard, the proposed has clearly demonstrated that a dual occupancy (attached) built form can be accommodated on the subject site. The orientation of the buildings are designed to present to Darvall Road, this establishes a new primary road frontage for each resultant lot equalling to a frontage of greater than 15 metres.

Similar to the findings in *Jiang v City of Ryde Council [2020] NSWLEC 1378*, Commissioner Grey accepted the position that “The clause concerns the features of the lot, which if met, allow development consent to be granted “for development on a lot” for

the purpose of a dual occupancy or multi-dwelling housing. The words in cl 4.1B(2) are clearly directed to the lot, and to ensuring that the lot has the necessary attributes.”

Therefore, the resultant subdivision contains the relevant attributes to dual occupancy which will be consistent with the primary road frontage requirements. The proposed new allotments are compatible with the existing development and subdivision pattern in the immediate context of the environment and with the emerging pattern of development in the locality. It is considered that the technical non-compliance with the primary road frontage does not result in any adverse impact and is appropriate for the orderly and economic use of the land.

Therefore, for the reasons outlined, it is considered that there are site specific reasons to demonstrate that there are sufficient environmental planning grounds to justify contravention to the development standard.

5. The proposal will be in the public interest because it is consistent with the objectives of the standard and the objectives of the zone. [cl. 4.6(4)(a)(ii)]

Comment:

It has been demonstrated that the proposal is consistent with the objectives of the development standard. The proposal is also consistent with the objectives of the zone as outlined below:

Zone R3 – Medium Density Residential	
Objectives of the Zone	
<ul style="list-style-type: none"> To provide for the housing needs of the community within a low density residential environment. 	<p>The variation to the minimum lot sizes for dual occupancies will provide for the housing needs of the community within a low density residential environment by allowing for continuous development, and offering a variety of built form within the dual occupancy band.</p> <p>The minimum lot sizes for dual occupancies will encourage development of sites for a range of housing types, where such development does not compromise the amenity of the surrounding area, character of the area, or the natural or cultural heritage of the area.</p> <p>The minimum lot sizes for dual occupancies will encourage greater visual amenity through maintaining and enhancing landscaping as a major element of the proposed dwellings</p>
<ul style="list-style-type: none"> To enable other land uses that provide facilities or services to meet the day to day 	<p>Dual occupancies will enable other land uses that provide facilities or services to meet the day to day needs of residents.</p>

needs of residents.	
<ul style="list-style-type: none"> To provide for a variety of housing types. 	<p>The dual occupancy will encourage development of sites for a range of housing types, where such development does not compromise the amenity of the surrounding area, character of the area, or the natural or cultural heritage of the area.</p> <p>The variation to the minimum lot sizes for dual occupancies will encourage housing affordability based on the proposed new areas of the allotments and dwellings.</p>

As identified above, the proposal is consistent with the objectives of the zone and is therefore considered not contrary to the public interest. The development of the site will result in two (2) dwellings contributing to the housing needs of the community. The additional density sought by this proposal is considered to be in line with the character of the area, with a number of examples of dwelling house developments in close proximity to the subject site including within the Ryde Local Government Area.

The developments will contribute to the variety of housing types within the low-density zone. With regards to the second objective, there are no other land uses proposed as part of this application. The third objective is satisfied as the proposal maintain a residential land use on the site. The existing context and setting of the area are that of a low density residential environment which consists of single dwellings, dual occupancies and multi dwelling housing. The proposed development is therefore reflective of the varied housing types in the zone.

In view of the above, the zone objectives have been satisfied.

6. Contravention of the development standard does not raise any matter of significance for State or regional environmental planning. [cl. 4.6(5)(a)]

Comment:

There is no identified outcome which would be prejudicial to planning matters of state or regional significance that would result as a consequence of varying the development standard as proposed by this application.

7. There is no public benefit of maintaining the standard [cl. 4.6(5)(b)]

Comment:

As discussed earlier, the proposed breach of the standard facilitates is site specific and is a technical non-compliance. The proposal provides the provision of an additional dwelling which achieves the anticipated planned residential density. The development also results in a building that will this consistent with the desired future character of the area and is also consistent with the objectives of the zone.

Accordingly, there is no public benefit in maintaining strict compliance with the development standard given that there are no unreasonable impacts that will result from the variation to the minimum lot size standard and hence there are very minor disadvantages. It is therefore concluded that the benefits of the proposal outweigh any disadvantage and as such the proposal will have an overall public benefit.

8. Conclusion

This Clause 4.6 variation request demonstrates, as required by Clause 4.6 of the Ryde Local Environmental Plan (RLEP) 2014, that:

- Compliance with the development standard would be unreasonable and unnecessary in the circumstances of this development;
- There are sufficient environmental planning grounds to justify the contravention;
- The development achieves the objectives of the development standard and is consistent with the objectives of the R2 - Low Density Residential Zone;
- Compliance with the standard would thwart the objectives of the standard and would be incongruous with the existing and desired character of the area;
- The proposed development, notwithstanding the variation, is in the public interest and there is no public benefit in maintaining the standard; and
- The variation does not raise any matter of State or Regional Significance.
- On this basis, it is considered appropriate that the consent authority exercise the flexibility provided by Clause 4.6 in the circumstances of this application.