

**Meeting Date:** Tuesday 7 August 2012  
**Location:** Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde  
**Time:** 4.00pm

**ATTACHMENTS FOR Planning and Environment Committee**

<b>Item</b>		<b>Page</b>
<b>3</b>	<b>498 BLAXLAND RD, DENISTONE. Application under Section 82A of the EP&amp;A Act, 1979, to review Council's determination of LDA2011/0257 for construction of affordable rental housing (under the Affordable Rental Housing SEPP) on the site. APL2012/0002.</b>	
	Attachment 4 Previous report - CIRCULATED UNDER SEPARATE COVER.....	2
<b>4</b>	<b>252 QUARRY ROAD RYDE. LOT 2 DP 701738. Local Development Application for Demolition and Erection of an Attached Dual Occupancy. LDA2010/439.</b>	
	Attachment 6 Previous report. CIRCULATED UNDER SEPARATE COVER.....	51
<b>5</b>	<b>64 PELLISIER ROAD, PUTNEY. LOT 102 DP 866280. Local Development Application for alterations and additions to the existing dwelling and new cabana. LDA2011/493.</b>	
	Attachment 4 Previous report - CIRCULATED UNDER SEPARATE COVER.....	97

**ITEM 3 (continued)**

**ATTACHMENT 4**

- 2 498 BLAXLAND ROAD, DENISTONE. LOT 39 DP 7997. Local Development Application for Affordable rental housing (under the Affordable Housing State Environmental Planning Policy) comprising 5x2 storey dwellings on one property. LDA2011/0257.**

**INSPECTION: 4.20pm**  
**INTERVIEW: 5.05pm**

**Report prepared by:** Senior Town Planner

**Report approved by:** Manager Assessment; Group Manager - Environment & Planning

**Report dated:** 20/01/2012 **File Number:** GRP/11/3/6/9 - BP12/34

**1. Report Summary**

**Applicant:** C Chi Bong.  
**Owner:** C W Archer, G A Daniels.  
**Date lodged:** 11 May 2011.

This report considers a proposal to erect 5 townhouses, each being 2 storeys. The application was submitted as infill affordable housing under State Environmental Planning Policy (Affordable Rental Housing) 2009. Recent changes to this SEPP (Affordable Rental Housing) 2009, which can be applied to the development application, results in the development not complying with the character test for the local area.

As the development is defined as multi dwelling housing which is a permitted use in the zoning, the development application has also been assessed under Council's planning controls for such developments. This assessment has demonstrated that the development is an overdevelopment of the site and is out of character with the locality. The development will also adversely affect the amenity of the surrounding properties.

The development also does not comply with the requirements in the SEPP (Affordable Rental Housing) Amendment 2011 regarding car parking - 8 parking spaces are required but only 5 spaces are provided (single garage per dwelling).

The development application is recommended for refusal.

**Reason for Referral to Planning and Environment Committee:** Number of submissions received and called up by Councillor Perram.

**Public Submissions:** 7 individual submissions plus one petition containing 24 signatures were received objecting to the development.

**Clause 4.6 RLEP 2010 objection required?** Yes - An objection would be required for non-compliance with:

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.



**ITEM 3 (continued)**

**ATTACHMENT 4**

**ITEM 2 (continued)**

- Clause 4.5A (a) of RLEP 2010 for density control. Required: 1500m<sup>2</sup> of site area (300m<sup>2</sup> for each 3 bedroom dwelling). Site area = 1012m<sup>2</sup>.
- Clause 4.3 (2A) (a) of RLEP 2010 for height control. Dwellings that do not have frontage to street are limited to 6.5m height. Proposed 2 storeys for whole of development ranging in height from 7.9m to 7.05m.

No written request for variations to the standards was received.

Value of works? \$998,000.

A full set of the plans is **CIRCULATED UNDER SEPARATE COVER** as additional information provided to Councillors - subject to copyright provisions.

**RECOMMENDATION:**

- (a) That Local Development Application No. 2011/257 at 498 Blaxland Road, Denistone being Lot 39 DP 7997 be refused for the following reasons;

1. The proposed development is inconsistent with the amended State Environmental Planning Policy (Affordable Rental Housing) 2009 and Amendment 2011, failing to satisfy clauses 15 and 16A of the SEPP.

Particulars:

- The proposal does not satisfy parts 1,2,3 & 4 of the Seniors Living Policy: Urban Design Guidelines for Infill Development as required by clause 15 (1) of the SEPP.
- The proposal is out of character of the local area due to the building being 2 storey for the whole length of the development, resulting in a much greater scale and massing than what is existing within the immediate area.

2. The proposed development is inconsistent with the objectives of the R2 Low Density Residential Zone as contained in Ryde Local Environmental Plan 2010.

Particulars:

- Due to the 2 storey nature for the whole length of the building, the proposal is not consistent with the low density residential environment of the locality.
- The bulk, scale and massing of the development is inconsistent with the established character of the area as well as what would be expected in a low density residential area.
- The scale and bulk of the development will have an adverse impact in terms of amenity of the adjoining properties due to the bulk and scale, privacy and increased overshadowing.

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

**ITEM 3 (continued)**

**ATTACHMENT 4**

**ITEM 2 (continued)**

3. The proposed development fails to comply with the parking requirements in Clause 14(2) of State Environmental Planning Policy (Affordable Rental Housing) 2011.
  4. The proposed development fails to satisfy the height requirements in Clause 4.3 of Ryde Local Environmental Plan 2010 and no variation has been sought under Clause 4.6 of Ryde Local Environmental Plan 2010.
  5. The proposed development is inconsistent with the requirements of Part 3.5 Multi Dwelling Housing (for Low Density Residential Zone) of Development Control Plan 2010 in regard to height, storeys, type of dwellings, front setbacks, side and rear setbacks, private open space, landscaping, insufficient car parking and driveway width.
  6. The development is an overdevelopment of the site.
  7. The development is not in the public interest.
  8. The development will affect the amenity of the adjoining properties due to it not being consistent with the character of the area and insufficient car parking being provided to cater for the needs of the development.
- (b) That the persons who made submissions be advised of Council's decision.

**ATTACHMENTS**

- 1 Map
- 2 Plans
- 3 A3 Plans – subject to copyright provisions – CIRCULATED UNDER SEPARATE COVER
- 4 Seniors Living Guidelines Table

Report Prepared By:

**Sandra McCarry**  
Senior Town Planner

Report Approved By:

**Liz Coad**  
Manager Assessment

**Dominic Johnson**  
Group Manager - Environment & Planning

---

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

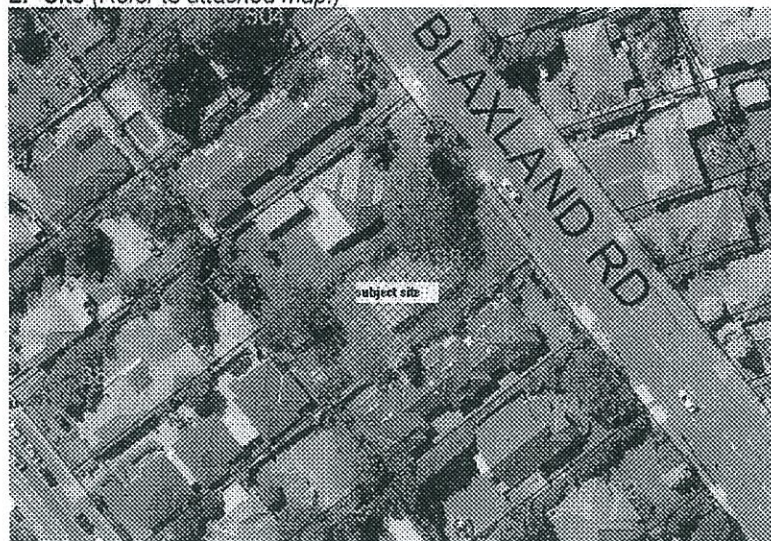


**ITEM 3 (continued)**

**ATTACHMENT 4**

**ITEM 2 (continued)**

**2. Site (Refer to attached map.)**



<b>Address</b>	: 498 Blaxland Road Denistone
<b>Site Area</b>	: 1012m <sup>2</sup> Frontage: 20.115 metres Depth: 50.31 metres
<b>Topography and Vegetation</b>	: The site is relatively level with a slight fall towards Blaxland Road and the rear of the site with a slight cross fall from south to north. The site contains three trees – two Crepe Myrtles and one Golden Cypress, all of which have limited amenity value.
<b>Existing Buildings</b>	: The site currently contains a single storey brick and tiled roof dwelling with detached garage.
<b>Planning Controls</b>	
<b>Zoning</b>	: R2 – Low Density Residential
<b>Other</b>	: Ryde Local Environmental Plan 2010 State Environmental Planning Policy (Affordable Rental Housing) 2009 State Environmental Planning Policy (Affordable Rental Housing) Amendment 2011 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 Deemed State Environmental Planning Policy Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 Development Control Plan 2010

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

**ITEM 3 (continued)**

**ATTACHMENT 4**

**ITEM 2 (continued)**

**3. Councillor Representations**

Name of Councillor: Councillor Perram

Nature of the representation: Called up to Planning and Environment Committee.

Date: 30 June 2011.

Form of the representation (e.g. via email, meeting, phone call): Email

On behalf of applicant or objectors? Objectors

Any other persons (e.g. consultants) involved in or part of the representation: No

**4. Political Donations or Gifts**

Any political donations or gifts disclosed? No

**5. Proposal**

The proposal involves the demolition of all structures on the site and the construction of five attached 2 storey townhouses. The application has been submitted under the provisions of SEPP (Affordable Rental Housing) 2009.

The development will provide one car parking space for each unit. This results in a total of five car parking spaces on the site. Access to all of these spaces is via a driveway that is located along the southern boundary.

The ground floor of each unit will contain a living room, family room, kitchen, laundry and toilet. The first floor will contain three bedrooms and two bathrooms.

A private courtyard will be provided for each dwelling. These courtyards are located along the northern side boundary.

**6. Background**

DA was lodged on 11 May 2011.

Following a preliminary assessment which was based on the amended Affordable Housing State Environmental Planning Policy (amended 20 May 2011) a letter was sent to the applicant on 19 September 2011. This letter raised the following matters:

- State Environmental Planning Policy (Affordable Rental Housing) 2009 was amended on 20 May 2011 and the saving provisions in clause 54 provide that:

---

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.



**ITEM 3 (continued)**

**ATTACHMENT 4**

**ITEM 2 (continued)**

- (2) *If a development application has been made before the commencement of this clause in relation to development to which this Policy applies and the application has not been finally determined before that commencement, the application may be determined as if this Policy had not been made.*
- (3) *If an existing application relates to development to which Division 1 or 3 of Part 2 applied, the consent authority must not consent to the development unless it has taken into consideration whether the design of the development is compatible with the character of the local area.*

Council will be assessing this application under the provisions of the State Environmental Planning Policy (Affordable Rental Housing) Amendment 2011 and under subclause 3 must take into consideration whether the proposed development is compatible with the character of the area.

- Council advised that the development would be to the detriment of the character of the area as its bulk, scale and massing is considerably greater than the low scale character of the surrounding developments. This is due to the development being 2 storey for the length of the development, resulting in a much greater scale and massing than what would normally be permitted on the site under Council's planning controls. Accordingly the proposed development is not considered to be compatible with the character of the area and cannot be supported by Council officers.
- The State Environmental Planning Policy (Affordable Rental Housing) Amendment 2011 now requires higher parking standards – clause 14 Standards that cannot be used to refuse consent (2) if
  - (ii) *at least 0.5 parking spaces are provided for each dwelling containing one bedroom, at least one parking space is provided for each dwelling containing two bedrooms and at least 1.5 parking spaces are provided for each dwelling containing three or more bedrooms.*

The proposal is for 5 x 3 bedrooms dwellings, which requires 7.5 spaces (round up to eight spaces). The proposal only provides for five spaces, a shortfall of three spaces.

- Given that the whole development consists of two storey dwellings with excessive bulk and scale in areas outside of the general building line, resulting in the development not being compatible with the local character area, the proposal in its current form cannot be supported by Council officers. The applicant was given 14 days to withdraw the application.
- On 20 October 2011 the Planning Consultant for the applicant advised that they will not be withdrawing the application.

---

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

**ITEM 3 (continued)**

**ATTACHMENT 4**

**ITEM 2 (continued)**

**7. Submissions**

The proposal was advertised and notified in accordance with Development Control Plan 2010 - Part 2.1, Notification of Development Applications. The application was advertised on 8 June 2011 and notification of the proposal was from 21 May 2011 until 30 June 2011.



Map of location where submissions were received – Red dot denote individual submission, blue dot denote signed petition.

Seven submissions and one petition containing 24 signatures were received. The issues raised in the submissions were;

3/40 Denistone (adjoining rear property – western)

- *This building will totally overshadow our backyard all morning*

Comment:

The submitted shadow diagrams shows that the adjoining rear property rear yard area will be in shade at 9.00am on 22 June, however by 12 noon overshadowing from this proposal to their rear yard area will be minimal and by 1pm there will be no shadow cast from this proposal onto their property.

- *The upper storey window will look directly down into our backyard and into our rear window and back door thus destroying our privacy.*

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.



**ITEM 3 (continued)**

**ATTACHMENT 4**

**ITEM 2 (continued)**

Comment:

House five which is the rear dwelling closest to the rear boundary will have a laundry door off the rear elevation and on the 1<sup>st</sup> floor only a stairwell window is proposed along the southwest (rear elevation). Overlooking from the rear dwelling to the rear villa at 40 Denistone is not considered to be an issue that would warrant refusal of the application.

- *Our view from the rear patio and window of our villa would look directly onto a 2 storey brick wall.*

Comment:

Agreed – the 2 storey villa is set back 4.5m off the rear boundary, which complies with the numerical requirement of 4.5m rear setback required under Council's DCP – Multi Dwelling Housing however the proposal is 2 storeys for the length of the development which adds to the bulk and scale of the development.

500 Blaxland: (adjoining northern property)

- *Our home privacy will no longer be protected. There are more than 12 windows to be built on the second storey – our living area, bathroom, shower and private open space will be overlooked.*

Comment:

Agreed - The proposed units will be set back 3.5m to 4m along the northern boundary with ground floor family room and kitchen windows facing the northern boundary. On the 1<sup>st</sup> floor the master bedroom and ensuite windows will overlook onto the adjoining northern property. The 1<sup>st</sup> floor windows are off low use areas and generally for single dwellings will not cause any overlooking issues. However it is proposed to have a row of five dwellings all with north facing 1<sup>st</sup> floor bedroom and bathroom windows (total 12 windows) looking into the adjoining property's single storey dwelling and rear yard area. Therefore, there is a perception of overlooking from 12 windows looking onto one property, resulting in the amenity of the private outdoor area being reduced.

The windows on the ground floor are off main living areas, however as the development is generally at grade and with a 1.8m high boundary fence, which will screen the ground floor elements, overlooking from these areas are not considered to be an issue that would warrant refusal of the application.

- *Light and air – our house is only single storey – our rooms and private open space will be overshadowed by the proposed 2 level building, light and air greatly reduced.*

---

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

**ITEM 3 (continued)**

**ATTACHMENT 4**

**ITEM 2 (continued)**

Comment:

Due to the orientation of the allotments with 500 Blaxland Road being north of the subject site, the proposed development will have minimal overshadowing impact to 500 Blaxland Road.

- *Our house will lose the views and outlook to existing plants and skyline. The planned bulk building is about 3m away from our fence and will negatively impact on us.*

Comment:

Agreed. The development is 2 storeys for the length of the development (39.8m). This will result in additional bulk and scale than what would be envisaged by a development that fully complied with the Council's requirements for multi dwelling housing, i.e. single storey. The increased bulk will adversely impact on the amenity of the adjoining properties.

- *For the above reasons our house property value may be reduced greatly.*

Comment:

Property values are not a planning consideration under S79C of the Environmental Planning and Assessment Act, 1979.

- *Density and compatibility – Denistone is a beautiful suburb which mainly consists of one level houses. If the application is approved, there will be a big increase in the number of dwellings, resulting from the transformation of a lovely federation house into five crowded townhouses, and it will not be compatible with character of Denistone.*

Comment:

Agreed – The predominant form of housing in this locality is detached dwellings which are either single or 2 storey in height. Along this section of Blaxland Road, the houses are predominantly single storey. There are examples of multi dwelling housing however these are single storey. Council's controls require that multi dwelling housing must be contained within a single storey building except for the dwelling facing the street. This is to ensure that the scale of such developments relates to the character and streetscape of the locality. The development proposes the erection of 5 x 2 storey attached dwellings. Although 2 storey dwellings are permissible, they do not extend for the length of the site as proposed in this development application. This development would be to the detriment of the character of the area as its bulk, scale and massing is considerably greater than the low scale character of the surrounding developments.

- *Car parking will be a big problem, more people living in one building, more cars and not enough space plus Blaxland Road is a main road and a busy road, it is unsafe for people.*

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.



**ITEM 3 (continued)**

**ATTACHMENT 4**

**ITEM 2 (continued)**

Comment:

The State Environmental Planning Policy (Affordable Rental Housing) 2009 was amended on 20 May 2011 and Council may apply the amending SEPP to the development. Under the amended State Environmental Planning Policy (Affordable Rental Housing) Amendment 2011, 1.5 parking spaces are required to be provided for each dwelling containing three or more bedrooms, therefore the development would need to provide eight parking spaces. Only five parking spaces have been provided, as such the lack of car parking is likely to have an adverse impact on the area.

496 Blaxland (adjoining southern property)

- *Blaxland Road is listed and shown in the Council map as a "red line" which indicates No developments to be undertaken at all.*

Comment:

The application is submitted as infill affordable housing under the SEPP (Affordable Rental Housing) 2009 and will be assessed under the SEPP (Affordable Rental Housing) Amendment 2011. Under the amended SEPP the development fails to satisfy Clause 16A requiring the design of the development to be compatible with the character of the local area. Accordingly, the development cannot be approved.

In Council's DCP – Multi Dwelling Housing, along this section of Blaxland Road, the site is within the "Non-preferred Location" for multi dwellings housing due to adverse traffic impacts and adverse impact to the change to the character of the local area.

- *Accommodating five families in such very limited parcel of land will have its toll to the environment and add huge pressure to the council facilities.*

Comment:

The site is within a "Non-preferred Location" for multi dwellings due to traffic and character impact. If the application were to be supported, monetary contribution would be required for the increase in population to cater for the increase in demand on facilities.

- *Turn the quiet to overcrowded, noisy and busy neighbourhood.*

Comment:

The proposed development would be out of character with the local area in terms of built form and it is acknowledged that the development could potentially result in increased noise. However noises from neighbours are matter dealt with by the Police and is not a valid reason for refusal of this development application.

- *There will be a minimum of 10 vehicles using the next door driveway – exposing children to risk and make it impossible to find car space in nearby side street.*

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

**ITEM 3 (continued)**

**ATTACHMENT 4**

**ITEM 2 (continued)**

Comment:

The issue of lack of parking spaces have been discussed above. The concern about exposure to children to risk from increased traffic is a matter of parental supervision.

- *Violation to our privacy*

Comment:

Along the southern elevation, the building will be set back 3.5m to 7m from the common southern boundary with a side driveway in between. On the 1<sup>st</sup> floor the building will be set back 6.5m to 7m from the southern boundary with bedroom windows facing the south. The adjoining property to the south comprises three villas with their courtyard area adjacent to the common boundary. As mentioned above, given that the windows in question are bedrooms, the extent of overlooking is satisfactory.

46 Denistone:

- *Insufficient parking space, people turning in from the right side at peak hours will cause significant traffic blockage to the main road.*

Comment:

The matter of insufficient parking has been addressed above and the site is within a "Non-preferred Location" for multi dwellings due to possible adverse traffic impact.

- *Linear separation*

Comment:

The proposal is assessed under the State Environmental Planning Policy (Affordable Rental Housing) 2009 where linear separation is not applicable. However Council's DCP – Multi Dwelling has a linear separation requirement and under the DCP, the proposal does not comply with this requirement.

- *Lack of privacy in the neighbourhood due to the height of the building at the back*

Comment:

Agreed - see comments above in regards to privacy and character of the area.

547 Blaxland (on other side of road and approximately 60m away)

- *Loss of sunlight and privacy for bordering dwellings. Unusual as most other have 2 storey frontage and then all those behind are usually single storey only.*

---

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.



**ITEM 3 (continued)**

**ATTACHMENT 4**

**ITEM 2 (continued)**

Comment:

The issue of sunlight and privacy to the immediate adjoining properties have been discussed above. The issue of 2 storey frontage and single storey behind has also discussed above with regards to the character of the area.

- *Stops the bordering properties the opportunity of solar access.*

Comment:

Agreed. The development is predominantly 2 storeys for the length of the development. This will result in further overshadowing than what would be envisaged by a development that fully complied with the Council's requirements for multi dwelling housing, i.e. single storey. The increased shadow will have some adverse impact on the amenity of the adjoining southern property.

- *No details as to how many bedrooms per townhouse raising concerns that one car space per townhouse is way under what's really needed. The proposal does not allow for visitor space, forcing them to park on the main road which is a clearway in the afternoon. Cars will park on Blaxland Road creating pressuring on side street.*

Comment:

The concern about parking is discussed above.

- *Does not address the problem of people ageing in place with each residence being 2 storeys.*

Comment:

The development is for infill affordable housing which is not meant to solely provide housing choice for seniors. There are options available to deal with this such as stairlifts should this be an issue for future residents.

- *No air conditioning on plans with minimal eaves and no trees how long before air conditioning installed to make top storey liveable through summer.*

Comment:

The proposal has submitted a BASIX Certificate and ABSA Assessor Certificate giving the development a Thermal Comfort and Energy rating of Pass and 42, respectively. Council is not able to answer the question of air conditioning units being installed on the 1<sup>st</sup> storey, however should the proposal be supported, a condition of consent will be imposed requiring compliance with the BASIX Certificate.

- *Set a precedent for similar developments and will not allow people to age in place having some outdoor/garden area.*

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

**ITEM 3 (continued)**

**ATTACHMENT 4**

**ITEM 2 (continued)**

Comment:

Council will assess each application on its own merit and the matter of precedence is not a consideration. Council's DCP requires that courtyards have a minimum area of 35m<sup>2</sup> for three bedroom dwellings, as such any multi dwelling development are required to provide outdoor areas.

541 Blaxland Road (directly opposite)

- *five dwellings on this one property is too dense, creating overdevelopment for this area, don't leave much room for green corridor of trees that will be removed. 5 x 2 storey buildings on the one block is completely out of character with the other dwellings around the area.*

Comment:

Agreed. The development is considered to be an overdevelopment of terms of Council's planning controls and it is not supported under SEPP (Affordable Rental Housing) Amendment 2011 due to the development being incompatible with the local area. The built form of the development is not consistent with the character of the area.

- *Loss of privacy of adjoining properties, overshadowing and loss of nature light.*

Comment:

See above comments in regards to the privacy, overshadowing and light.

- *Insufficient parking.*

Comment:

See above comments in regards to parking.

- *Removal of three trees but there appears to be no plan for trees to be replanted.*

Comment:

Council's Landscape Architect has reviewed the proposal and has no objections to the removal of the three trees on site as the trees have limited amenity value. However there are deficiencies in the landscape plan and should Council be of a mind to support the proposal, landscaping issues will need to be addressed ie amend landscaping plan to provide for 1.2m wide planting strip.

506 Blaxland Road (four allotments north of subject site).

- *Overdeveloped, 2 storey dwellings would look out of place, overshadowing, next door to villas – against Council's policy.*

---

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.



**ITEM 3 (continued)**

**ATTACHMENT 4**

**ITEM 2 (continued)**

Comment:

Agreed. – see comments above.

- *Blaxland Road – very busy road, traffic congestion is heavy during peak hours.*

Comment:

Council's Traffic Engineer has raised concerns about the lack of parking on site and should the application be supported, the driveway should be 6m wide to minimise disruption to traffic from vehicles entering the property.

**8. Policy Implications**

**Relevant Provisions of Environmental Planning Instruments etc:**

**(a) Relevant SEPPs**

**State Environmental Planning Policy (Affordable Rental Housing) 2009 and Amendment 2011**

State Environmental Planning Policy (Affordable Rental Housing) Amendment 2011 aims to provide new affordable rental housing and retain and mitigate the loss of any affordable rental housing by providing a consistent planning regime. An assessment in respect of the relevant considerations is discussed below:

Clause 10 Development to which Division applies:

Subclause 1 states that the Division applies to development for the purposes of dual occupancies, multi dwelling housing or residential flat buildings if the development concerned is permitted with consent under another environmental planning instrument.

The RLEP defines multi dwelling housing as three or more dwellings (whether attached or detached) on one lot of land (not being an individual lot in a strata plan or community title scheme) each with access at ground level, but does not include a residential flat building. This form of development is permitted in the R2 Low Density Residential zoning. As such, the development satisfies the provisions of sub clause 1.

Subclause 2, states that despite subclause 1, this Division does not apply to development on land in the Sydney region unless all or part of the development is within an accessible area. For the purposes of the State Environmental Planning Policy (Affordable Rental Housing) 2009 and Amendment 2011, accessible area is defined as follows:

---

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

**ITEM 3 (continued)**

**ATTACHMENT 4**

**ITEM 2 (continued)**

*Accessible area means land that is within:*

- (a) 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or
- (b) 400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or
- (c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.

A bus stop is located outside 460 Blaxland Road, which is approximately 358m away, hence the site is within 400 metres of a bus stop therefore subclause (c) is the relevant section. The relevant bus service is Bus 515 to Eastwood station. The development meets the criteria for at least one bus per hour between 6am to 9pm weekdays, between 8am to 6pm Saturdays and Sundays.

The development complies with the above, as such is permitted as infill affordable housing under the State Environmental Planning Policy (Affordable Rental Housing) 2009.

It should be noted that this SEPP (2009) was only amended on 20 May 2011 where the above clause was inserted. This development application has been assessed under the 20 May 2011 amended provisions of the State Environmental Planning Policy (Affordable Rental Housing) Amendment 2011 as the amended provisions are considered to be more consistent with the community's expectations for infill affordable housing.

Clause 13 Floor space ratios

- (1) *This clause applies to development to which this Division applies if the percentage of the gross floor area of the development that is to be used for the purposes of affordable housing is at least 20 per cent.*

The proposal complies with this requirement with three of the proposed dwellings being dedicated as affordable rental housing dwellings (60%).

- (2) *The maximum floor space ratio for the development to which this clause applies is the existing maximum floor space ratio for any form of residential accommodation permitted on the land on which the development is to occur, plus:*
  - (a) *if the existing maximum floor space ratio is 2.5:1 or less:*
    - (i) 0.5:1—if the percentage of the gross floor area of the development that is used for affordable housing is 50 per cent or higher, or

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.



**ITEM 3 (continued)**

**ATTACHMENT 4**

**ITEM 2 (continued)**

- (ii) Y:1—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50 per cent, where:

As it is proposed to have 60% of the gross floor area for affordable housing then the maximum FSR allowed is  $0.5 + 0.5 = 1:1$ . The proposal complies with this, having a floor space of 0.56:1.

Clause 14 Standards that cannot be used to refuse consent

Clause	Requirement	Compliance
Clause 14 (1)(b)	Site area of at least 450m <sup>2</sup> .	Yes - site area of 1012m <sup>2</sup>
Clause 14 (c)(ii)	Landscaped area of at least 30% of the site.	Yes - landscaping to 31% of the site.
Clause 14 (d)	Deep soil area of 15% of the site area with deep soil zone having a minimum 3m dimension and if practicable two thirds of the deep soil zone located at the rear.	Yes - The proposal complies with the deep soil requirement have a deep soil area of 17.9% with two thirds in the rear yard area.
Clause 14 (c)	Solar access to living rooms and private open spaces for a minimum of 70% of the dwelling receive 3 hours direct sunlight between 9am and 3pm mid winter	Yes - the family rooms are orientated to the north with large glass doors.
Clause 14 (2) General (a) (ii)	Parking to be provided at a rate of 1.5 parking spaces for each dwelling containing 3 or more bedrooms. The proposal is for 5 x 3 bedrooms, therefore required 8 spaces.	No - only 5 spaces are proposed.
Clause 14 (2)(b) (iv)	Requires 95m <sup>2</sup> of gross floor area for each 3 bedrooms	Yes – more than 95m <sup>2</sup> for each dwelling

Clause 15 Design requirements

This clause states:

- (1) A consent authority must not consent to development to which this Division applies unless it has taken into consideration the provisions of the Seniors Living Policy: Urban Design Guidelines for Infill Development published by the Department of Infrastructure, Planning and Natural Resources in March 2004, to the extent that those provisions are consistent with this Policy.

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

**ITEM 3 (continued)**

**ATTACHMENT 4**

**ITEM 2 (continued)**

The provisions of the Seniors Living Policy – Urban Design Guidelines for Infill Development were considered. The proposal does not satisfy Parts 1, 2, 3 and 4 of the Guidelines (**ATTACHMENT 4**). This is further reinforced by the non compliance with the following clause 16A – character of the local area.

Clause 16A Character of local area

On 20 May 2011 changes were made to the State Environmental Planning Policy (Affordable Rental Housing) 2009. One of these changes was the inclusion of Clause 16A Character of local area, which states:

*A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.*

Furthermore, the savings provision in Clause 54A(3) of the amending SEPP requires a consideration of whether the design of the development is compatible with the character of the local area.

It is considered that the bulk, scale and massing of the development is inconsistent with the established character of the area as well as what would be expected in a low density residential area. This is due to the development being predominantly 2 storeys for the length of the development, resulting in a much greater scale and massing than what would normally be permitted on the site under Council's planning controls. Although 2 storey dwellings are permitted within the locality, these are dwelling houses that do not extend for the length of the site as what is proposed in this development application. The locality also contains examples of other multi dwelling housing, however these are single storey rather than 2 storeys.

The character of the area can be taken from both the visual catchment in which the development will be viewed and the wider context of the area. The predominant form of development in the visual catchment comprises single storey dwellings, being a single storey dwelling at 500 Blaxland Road (adjoining northwest property), single storey villas at 496 Blaxland and 40 Denistone Road (adjoining southeast and western properties, respectively). These developments are consistent with Council's planning controls for dwelling houses and multi dwelling housing. The proposed development, at predominantly 2 storeys for a length of 39.8m (79% of the length of the site), would introduce a scale of built form that is considerably greater than that which exists or would reasonably be expected in the area. Therefore the relationship of the proposed built form to the surrounding space is incompatible and would affect the established character in terms of amenity of the adjoining properties due to the excessive height, bulk and scale and privacy.

---

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.



**ITEM 3 (continued)**

**ATTACHMENT 4**

**ITEM 2 (continued)**

In the wider locality, the character is still low density residential comprising of one or two storeys dwellings or multi dwellings which are predominately single storey and consistent with Council's DCP – Multi Dwellings. Therefore the predominant character of the wider locality is of a built form nature of single detached dwellings. The development, in its built form being predominantly 2 storey, albeit small sections of single storey for garages, for the length of the building (39.8m), is different to the existing and desired future character of the locality.

As the proposal fails in the character test, the proposal cannot be supported.

Clause 17 Must be used for affordable housing for 10 years

This clause states:

- 1) *A consent authority must not consent to development to which this Division applies unless conditions are imposed by the consent authority to the effect that:*
  - (a) *for 10 years from the date of the issue of the occupation certificate:*
    - (i) *the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and*
    - (ii) *all accommodation that is used for affordable housing will be managed by a registered community housing provider, and*
  - (b) *a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that the requirements of paragraph (a) are met.*

This clause is not applicable as the design of the proposal is incompatible with the local area as such failing the character test, and cannot be recommended for approval by Council officers.

**State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

The development is identified under the Environmental Planning and Assessment Regulation 2000 as a BASIX Affected Building. A BASIX Certificate has been prepared (No. 373358M dated 29 April 2011) which provides the development with a satisfactory target rating.

Any approval would include an appropriate condition that would require compliance with the BASIX commitments detailed within the Certificate.

---

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

**ITEM 3 (continued)**

**ATTACHMENT 4**

**ITEM 2 (continued)**

**Deemed State Environmental Planning Policy Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

Deemed SEPP Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 applies to the subject site and has been considered in this assessment.

The site is located within the designated hydrological catchment of Sydney Harbour and therefore is subject to the provisions of the above planning instrument. However, the site is not located on the foreshore or adjacent to the waterway and therefore, with the exception of the objective of improved water quality, the objectives of the planning instrument are not applicable to the proposed development. The objective of improved water quality is satisfied through compliance with the provisions of Part 8.2 of DCP 2010. The proposed development raises no other issues and otherwise satisfies the aims and objectives of the planning instrument.

**(b) Ryde Planning Scheme Ordinance**

**Zoning**

The site is zoned R2 Low Density Residential under the provisions of the RLEP 2010. The development is defined as multi dwelling housing, which is a permitted form of development in this zoning with the consent of the consent authority.

**Mandatory Requirements**

Objectives

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The objectives for the R2 Low Density Residential zone are as follows:

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

Due to the design of the development being predominantly 2 storeys for the length of the block, it is considered that this is not consistent with the low density residential environment of the locality.

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

This objective is not applicable to the development.

- *To ensure that the general low density nature of the zone is retained and that development for the purposes of dual occupancy (attached) and multi dwelling housing do not significantly alter the character of a location or neighbourhood.*

---

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.



## ITEM 3 (continued)

## ATTACHMENT 4

### ITEM 2 (continued)

The bulk, scale and massing of the development is inconsistent with the established character of the area as well as what would be expected in a low density residential area. This is due to the development being predominantly 2 storeys and having a much greater scale and massing than what would normally be permitted on the site under Council's planning controls. Although the streetscape does contain 2 storey buildings and 2 storey dwellings are permissible, these are dwelling houses that do not extend for the length of the site as proposed in this development application. The locality also contains examples of other multi dwelling housing, however these are single storey rather than 2 storeys. This development would also affect the established character in terms of amenity of the adjoining properties due to the excessive height, bulk and scale, privacy and increased overshadowing. The development fails to satisfy this objective.

- *To ensure that new development complements or enhances the local streetscape.*

The development is consistent with this objective as when viewed from the street, the front elevation will appear as a single 2 storey dwelling.

- *To maintain on sites with varying topography the two storey pitched roof form character of dwelling houses and dual occupancy (attached) developments.*

The development is consistent with this objective.

- *To ensure that land uses are compatible with the character of the area and responsive to community needs.*

The design of this development means that it is not compatible with the character of the area. Due to the number of objections received it is also not considered to be responsive to community needs.

#### Clause 4.3 Height of Buildings

This clause specifies that the maximum height for multi dwelling housing in the R2 zone should not exceed the following:

- For dwellings in the building that do not have a frontage to the street – 6.5 metres.
- For dwellings with a frontage to the street, if adjoining lots contain dwelling houses that are less than 9.5 metres high – 8 metres.

The development complies with the second part of this clause. The dwelling that faces the street will have a maximum height of 7.9 metres. The development however fails to comply with the height control for the remaining four dwellings. Dwelling two will have an overall height of 7.9 metres, dwellings three and four, 7.5 metres and dwelling five, 7.05 metres. The non compliance with height is due to the development being 2 storeys rather than single storey. This also results in the development being out of character with the locality.

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

**ITEM 3 (continued)**

**ATTACHMENT 4**

**ITEM 2 (continued)**

The applicant has not sought a variation to this clause under the provisions of Clause 4.6 of the LEP.

In this instance the variation cannot be supported.

Clause 4.5A Density controls for Zone R2 Low Density Residential

The consent authority must not consent to the erection of multi dwelling housing unless the site area for the building is not less than 300m<sup>2</sup> for each three bedroom dwelling. As the development contains 5 x 3 bedroom dwellings a site area of 1500m<sup>2</sup> is required. The proposed site area is 1012m<sup>2</sup>. The development fails to comply with the density control. This control will allow a maximum of 3 x 3 bedroom dwellings on the site rather than the five dwellings as proposed.

The applicant has not sought a variation to this clause under the provisions of Clause 4.6 of the LEP. However, it should be noted that density is covered in the SEPP in respect to FSR, site area, landscaped area. The development complies with all of these requirements and as the SEPP overrides the LEP, therefore this clause is not applicable in this instance and cannot be used as a reason for refusal.

**(c) Any draft LEPs**

There are no applicable draft LEPs to be considered.

**(d) Any DCP (e.g. dwelling house, villa)**

Part 3.5 Multi Dwelling Housing (for Low Density Residential Zone) of DCP 2010

The development meets the definition of multi dwelling housing under RLEP 2010 and an assessment of the proposal under Council's planning controls is carried out to assist in the assessment of character test.

The following table provides a list of all of the areas where the development fails to comply. This list of non compliances results in a development that can be considered as an overdevelopment for the site which will result in adverse impacts to the amenity of the adjoining properties as well as the development being inconsistent with the character of the area.

DCP 2010	Proposed	Compliance
<b>Density</b> As per clause 4.5A RLEP 2010 which states (a) Site area <ul style="list-style-type: none"> <li>300m<sup>2</sup> per 1, 2 3 bedroom dwelling</li> </ul>	As each dwelling is 3 bedrooms the development requires a site area of 1500m <sup>2</sup> . The site area is 1012m <sup>2</sup> . However, as the development complies with the SEPP this cannot be used as a reason for refusal.	<b>No</b>

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.



**ITEM 3 (continued)**

**ATTACHMENT 4**

**ITEM 2 (continued)**

DCP 2010	Proposed	Compliance
<b>Type of dwellings</b> If 4 or more dwellings on site, <75% with same number of bedrooms.	100% of the dwellings have the same number of bedrooms.	No
<b>Storeys</b> A MDH must be within a single storey building or dwelling with frontage to street can be 2 storeys provided 2 storey dwelling not attached to any other 2 storey dwelling and 2 storey is suitable in terms of streetscape.	All of the units are two storeys. 2 storeys dwellings are not appropriate in terms of the streetscape which is predominantly single storey.	No
<b>Height</b> As per clause 4.3(2a) which states the maximum height is: (a) for dwellings in buildings with no frontage to a street – 6.5 m (b) for dwellings with a frontage to the street if adjoining lots have dwellings that area < 9.5 metres – 8m	The front dwelling complies as it has a height of 7.9m. The remaining 4 dwellings fail to comply with the height control. Dwelling 2 – 7.9m Dwelling 3 & 4 – 7.5m Dwelling 5 – 7.05m.	No
<b>Site coverage</b> Site coverage <40%	The development proposes a site coverage of 39%.	Yes
<b>Front setbacks</b> Similar to adjoining buildings. Council may vary this requirement if streetscape is likely to change. In this situation, not less than 7.5m for 50% of elevation and not less than 6.5m for 50% of the elevation.	Streetscape is likely to change in the future given that dwellings can be erected closer to the front setback. Proposed 7.6 metres for approximately 80% of dwelling and 6 metres for rest of the dwelling.	No
<b>Side and rear setbacks</b> Minimum 4.5 metres unless vehicular access is included in this area then minimum 6m. Allow variation between 3-6m for less than 50% for visual interest.	Northern boundary – min 3.5m to 4m & max 7m. 90% of the elevation is setback less than 4.5m. Southern boundary requires 6m due to driveway. Proposed min 4.5m to max 7m. 44.9% less than permitted 6m. Rear elevation – 4.5m	No  Yes  Yes
<b>Private outdoor space</b> Minimum area 35m <sup>2</sup> . Minimum dimension of 4 metres.	Courtyard 1 – 33.4m <sup>2</sup> Courtyard 2 – 32.2m <sup>2</sup> Courtyard 3 – 32.2m <sup>2</sup> Courtyard 4 – 32.5m <sup>2</sup> Courtyard 5 – 97m <sup>2</sup> Courtyards have dimensions of less than 4 metres.	No No No No Yes Yes

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

**ITEM 3 (continued)**

**ATTACHMENT 4**

**ITEM 2 (continued)**

DCP 2010	Proposed	Compliance
<b>Landscaping</b> At least 1.2m landscape strip between driveway and adjoining property.	The plans demonstrate 1m setback area.	No
<b>Car parking</b> Number of parking spaces – 2 space per 3 bedroom dwelling and 1 visitor space per 4 dwellings.	Requires 12 spaces. 10 resident spaces and 2 visitor spaces.	No
<b>Driveways</b> Suitably paved, extent minimised to avoid excessive amounts of hard paving.	Driveway results in an excessive amount of hard paving. This is due to the driveway being located along the side boundary and the driveway requiring to be widened to 6m for access from Blaxland Road..	No
<b>Appearance</b> Complement streetscape.	As the development is inconsistent with the character of the area, if fails to comply with this clause.	No

**9. Likely impacts of the Development**

The predominant form of housing in this locality is detached dwellings which are either single or 2 storeys in height. There are examples of multi dwelling housing however these are single storey. Council's controls require that multi dwelling housing must be contained within a single storey building except for the dwelling facing the street. This is to ensure that the scale of such developments relates to the character and streetscape of the locality.

The development proposes the erection of five attached dwellings. These are all 2 storey townhouses. This development would be to the detriment of the character of the area as its bulk, scale and massing is considerably greater than the low scale character of the surrounding developments. The following diagram demonstrates the side elevation of the development.



Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.



**ITEM 3 (continued)**

**ATTACHMENT 4**

**ITEM 2 (continued)**

The non compliances with the Council's controls results in a built form that is considered to be an overdevelopment of the site. This will adversely impact on the amenity of the adjoining properties due to greater bulk and massing, reduced privacy and increased car parking on the street.

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

The site is not suitable for infill affordable housing under the SEPP as it fails to comply with the requirement in respect compatibility with the character of the area. The development also fails to comply with Council's requirements for multi dwelling housing. In these circumstances the development is considered to be unsuitable for the site.

**11. The Public Interest**

In terms of this development application the public interest is best served by the development complying with the relevant planning controls. In this instance the development fails to comply with the applicable controls and is recommended for refusal.

**12. Consultation – Internal and External**

Internal Referrals

**Development Engineer: 26 July 2011:** Council's Development Engineer has advised that Blaxland Road is a very busy road and the driveway needs to be widened at the entry. This will need adjustment to the landscaping and removal of part of the porch.

Amended plans were not requested as the proposal does not comply with the character test requirement and cannot be supported by Council officers.

**Traffic Engineer: 23 September 2011:** Council's Traffic Engineer advised that the proposal needs to have a 6m wide driveway to minimise disruption to traffic from vehicles wishing to enter the property. A minimum of 6m wide two way access driveway is recommended.

The number of on site parking spaces is inadequate, the applicant should provide the number of car parking spaces to satisfy the requirement of DCP 2010 Part 9.3.

**Heritage Officer: 9 June 2011:** Council's Heritage Officer has advised that the demolition of the existing dwelling is not considered to have any heritage value, therefore demolition presents no heritage concerns. The development is assessed having little or no impact on the heritage significance of a heritage item that is within 100m of the proposal because the proposal is outside the view catchment of the relevant heritage item. There are no special heritage recommendations.

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

**ITEM 3 (continued)**

**ATTACHMENT 4**

**ITEM 2 (continued)**

**Consultant Landscape Architect: 2 August 2011:** The following comments were provided:

*The site was accessed and inspected on 29 June, 2011. I have also reviewed development documentation including an arborist's report prepared by Meredith Gibbs from Australis Tree Management, dated April 2011, and a landscape plan prepared by Peta Gilliland Landscape Design Issue A, dated 2 May, 2011.*

*The arborist's report identifies five trees  
three occur on the subject site:*

*two Cape Myrtles  
one Golden Cypress*

*And two trees on neighbouring properties*

*one Silky Oak  
one Liquidambar*



Silky Oak



Cape Myrtle



Cape Myrtle



Golden Cypress



Liquidambar

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.



**ITEM 3 (continued)**

**ATTACHMENT 4**

**ITEM 2 (continued)**

*The trees occurring on the subject site are of only limited amenity value and there is no issue with their removal. The arborist has highlighted that there may be some issues associated with the construction impacts occurring within the Tree Protection Zones of the Liquidambar and the Silky Oak. Both trees are exempt under Council's Tree Preservation Order, however, they belong to the owner of 500 Blaxland Road, and should be protected from construction impacts, by the use of thrust boring as nominated by the arborist.*

*I have attached a condition requiring an exploratory trench be dug along the property boundary to reveal the presence (or not) of structural roots, which should then dictate the course of construction.*

*The common boundary will also have a low brick retaining wall, which will potentially affect the roots of the Liquidambar, and is a construction impact that has not been commented on in the arborist's report. I have attached a condition that it needs to be considered.*

**Landscape Plan**

*In terms of landscaping, the proposal does not comply with the DCP requirement for a 1.2m landscape strip along the common boundary with 496 Blaxland Rd, which I have scaled to be only 800mm. The shortfall precludes the development of shrubs to a suitable height and there is no scope for complementary tree planting. Towards the rear most of the landscape strip is used for the provision of two retaining walls leaving minimal garden width.*

*Similarly there are areas of inadequate separation between the dwellings and the driveway which require a minimum 1m of landscaping, whereas in some instances only 430-500mm is provided e.g. units five & three.*

**Conclusion**

*If the development is to be approved it must address the landscaping issues that currently do not comply with the DCP. Should they be satisfactorily addressed the following conditions should be attached regarding the management of construction impacts upon neighbouring trees.*

**Conditions**

*Schedule of removal/retention of existing trees and the installation of tree protection measures and construction management is to be in accordance with the arborist's report prepared by Meredith Gibbs from Australis Tree Management, dated April 2011. In addition:*

- a) with regard to the neighbour's Silky Oak and Liquidambar, at 500 Blaxland Road, prior to thrust boring, the project arborist shall dig an exploratory trench along the common boundary for the extent of the root protection zone of both trees to a depth of 700mm, to determine the presence of structural roots. The results of the trench shall determine 1) the necessity of thrust boring; and, 2)*

*Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.*

**ITEM 3 (continued)**

**ATTACHMENT 4**

**ITEM 2 (continued)**

*the extent and distribution of roots if thrust boring is prescribed by the project arborist.*

*b) the stormwater pipes should be off-set from the boundary by a distance of at least 2m.*

*c) no structural woody roots are to be severed for the construction of the low walling adjacent to the Liquidambar.*

External Referrals

**Road & Traffic Authority: 10 June 2011:** The proposal was referred to the RTA as it is proposed to relocate the driveway and it was referred to the RTA for concurrence under Section 138(2) of the Roads Act 1993.

RTA replied by letter dated 10 June 2011 advising:

*The RTA has reviewed the development application and grants concurrence to the proposed vehicular crossing on Blaxland Road under section 138(2) of the Roads Act 1993, subject to Council's approval and the following requirements being included in Council's conditions of consent.*

Should the application be supported the seven conditions imposed by RTA could be included in the conditions of approval.

**13. Critical Dates**

There are no critical dates or deadlines to be met.

**14. Other Options**

There are no other options in respect of this development application.

**15. Conclusion**

The development is considered to be inappropriate for the site and has been recommended for refusal. Given the recent changes to State Environmental Planning Policy (Affordable Rental Housing) Amendment 2011, which can be applied to this development, the development fails to meet the criteria for infill affordable housing and must be assessed as multi dwelling housing under RLEP 2010 and DCP 2010. In this respect, the development fails to comply with density, height, setbacks, car parking, landscaping, private outdoor space and driveway provisions. These non-compliances result in the development being out of character with the locality and will adversely impact on the amenity of the adjoining properties.

---

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

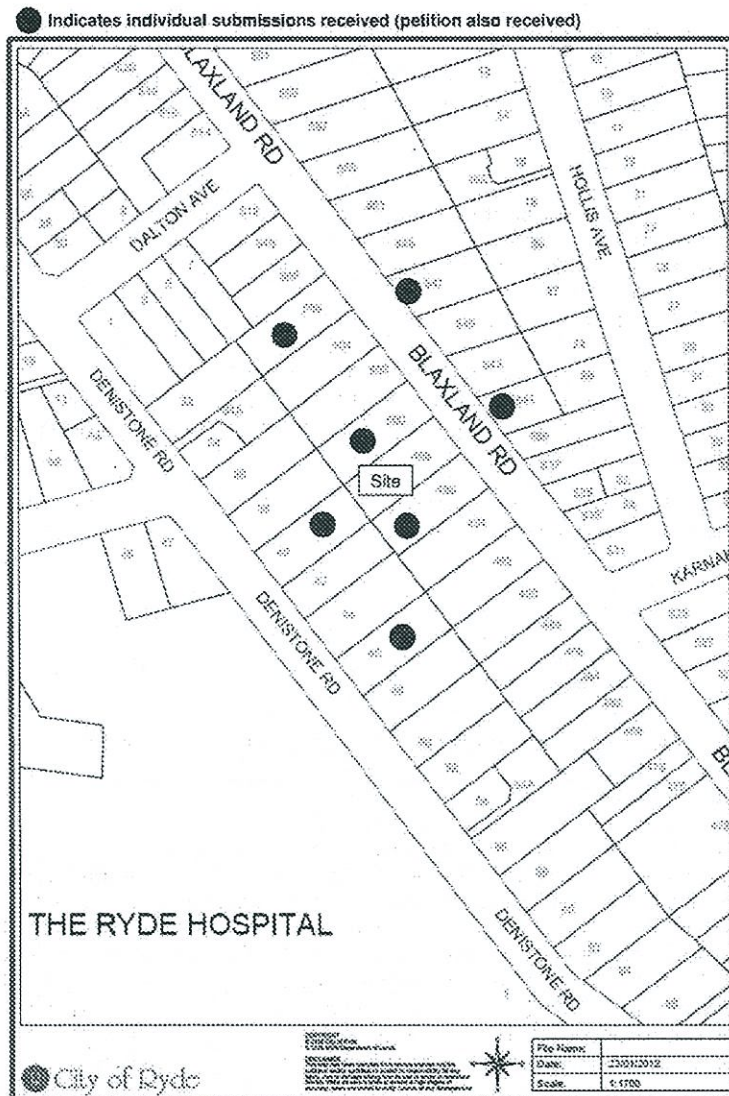


**ITEM 3 (continued)**

**ATTACHMENT 4**

**ITEM 2 (continued)**

**ATTACHMENT 1**



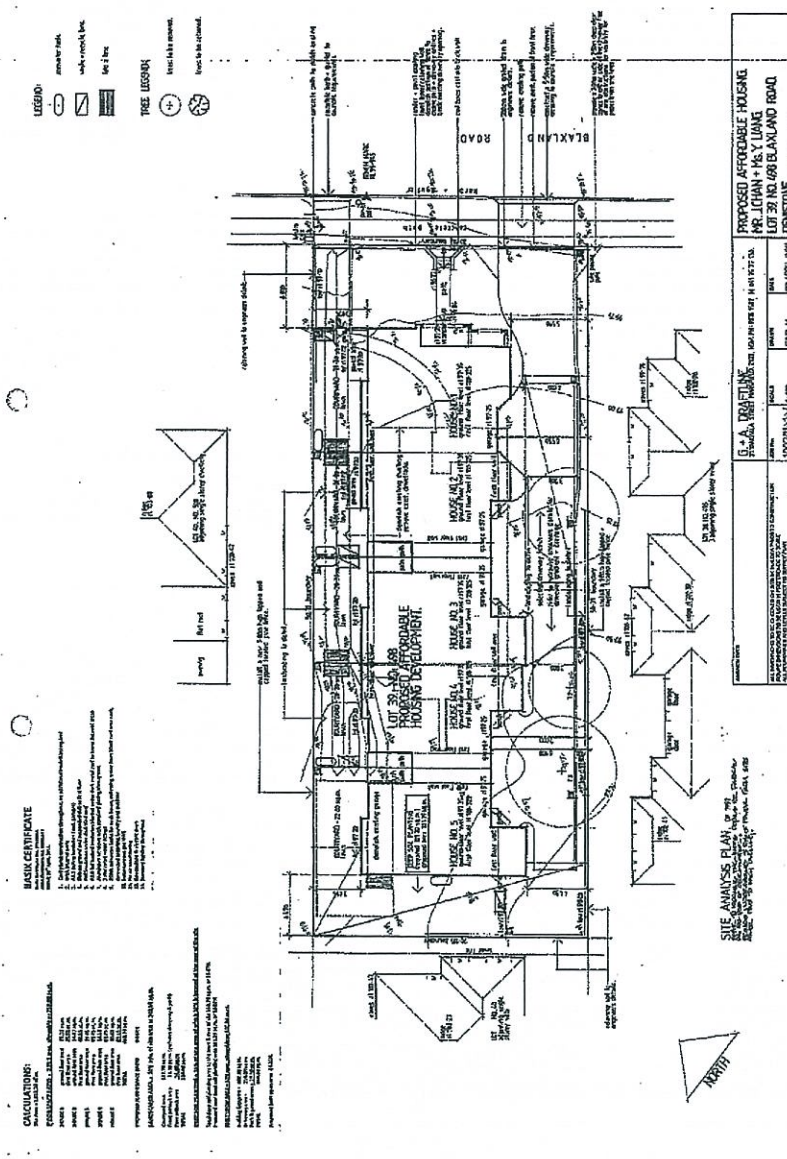
Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

**ITEM 3 (continued)**

## ATTACHMENT 4

## ITEM 2 (continued)

## ATTACHMENT 2



Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

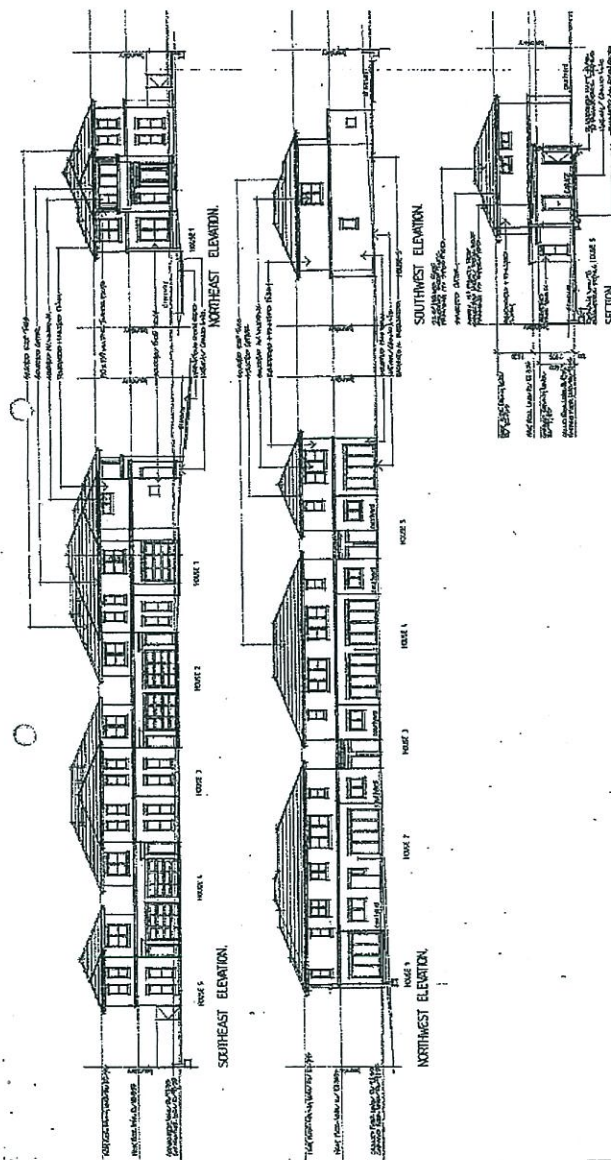


**ITEM 3 (continued)**

## ATTACHMENT 4

## ITEM 2 (continued)

## ATTACHMENT 2



<p><b>G + A DRAFTING</b>          2500 WILSON AVENUE, SUITE 200          WILSON, NJ 07094-2000          TEL: 908-761-1100          FAX: 908-761-1101</p>	<p><b>PROPOSED APPROXIMATE HOUSE:</b>  <b>MR. J. CHAN - MEY LAKE</b>          LOT 80.000 BLAXAND ROAD          PENNSYLVANIA</p>
--	---

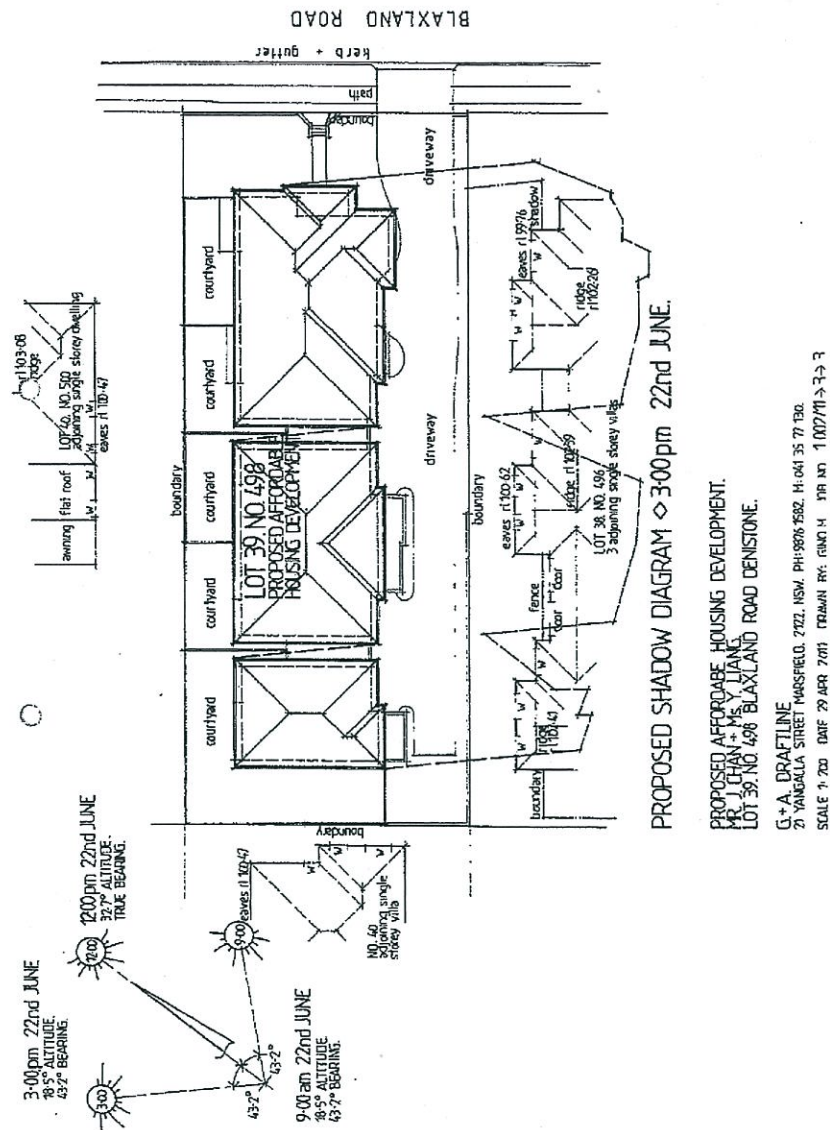
Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

**ITEM 3 (continued)**

**ATTACHMENT 4**

**ITEM 2 (continued)**

**ATTACHMENT 2**



Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

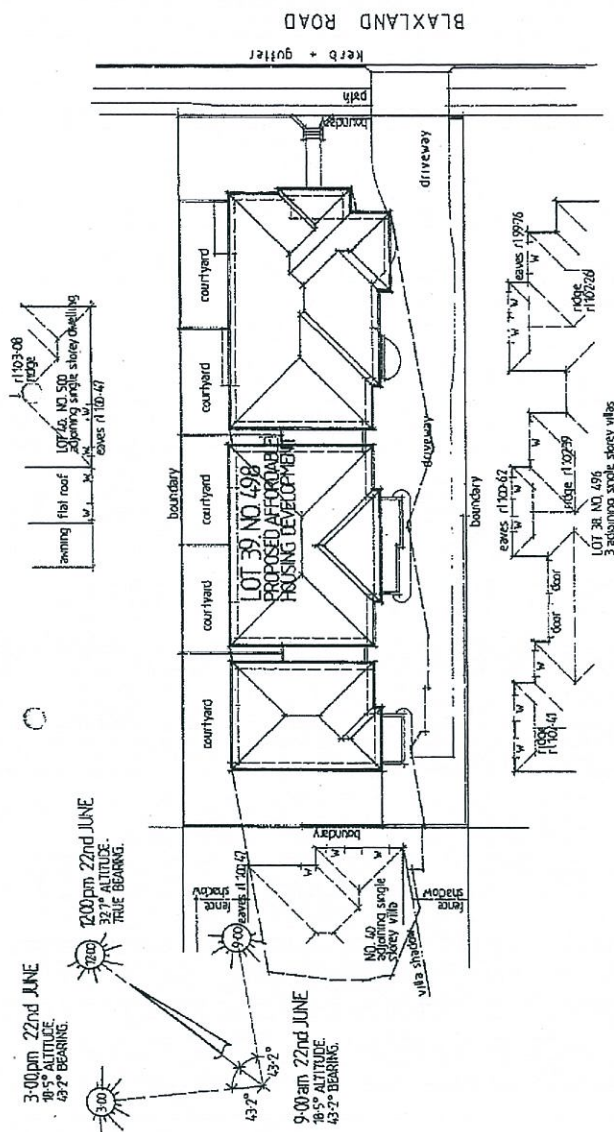


**ITEM 3 (continued)**

**ATTACHMENT 4**

**ITEM 2 (continued)**

**ATTACHMENT 2**



PROPOSED SHADOW DIAGRAM ◊ 9:00 am 22nd JUNE.

PROPOSED AFFORDABLE HOUSING DEVELOPMENT.

MR. J. CHAN + MS. Y. LIANG

LOT 39, NO 498 BLAXLAND ROAD DENSTONE.

G+A DRAFTLINE

21 YANGALLA STREET MARSHFIELD, 2102, NSW, PH: 9876 582, M: 041 35 77 130.

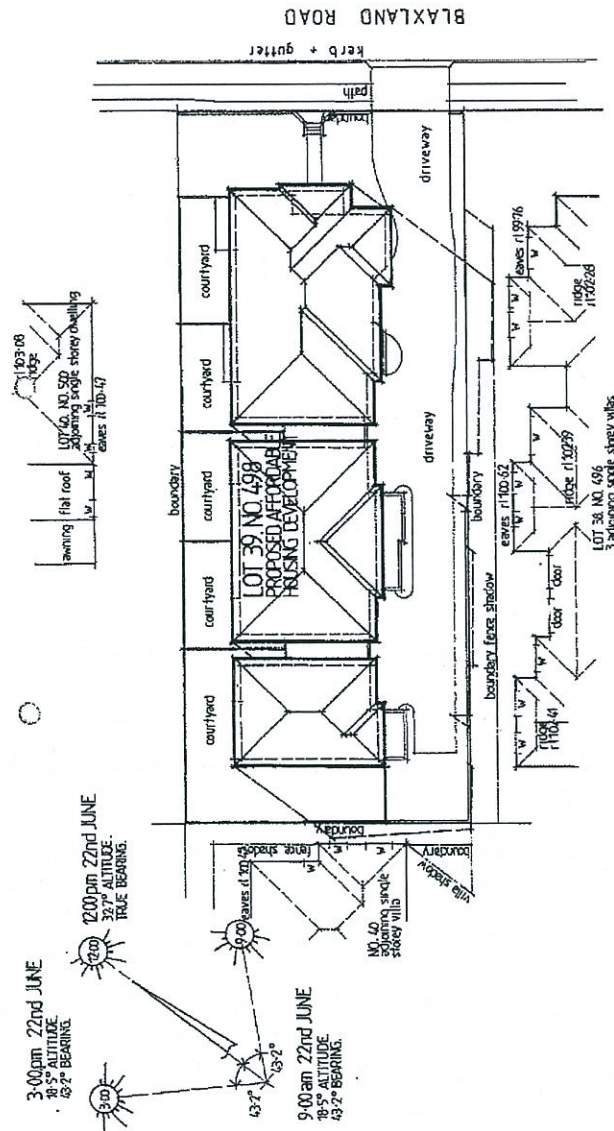
SCALE 1:200 DATE 29 APR. 2011 DRAWN BY: FUND M. JTS NO 11007/11-1-3

**ITEM 3 (continued)**

**ATTACHMENT 4**

**ITEM 2 (continued)**

**ATTACHMENT 2**



PROPOSED SHADOW DIAGRAM ◊ 12:00pm 22nd JUNE.

PROPOSED AFFORDABLE HOUSING DEVELOPMENT.  
MR. J. CHAN + MS. Y. LIANG  
LOT 39 NO. 498 BLAXLAND ROAD DENSTONE.

G+A DRAFTLINE  
21 YARRALLA STREET MARGFIELD. 2122 NSW. PH: 9878 5382. M: 041 35 77 190.  
SCALE 1:200 DATE 29 APR 2011 DRAWN BY: GINDY M. ITR NO 11007/11-7-3

Agenda of the Planning and Environment Committee Report No. 1/12, dated  
Tuesday 7 February 2012.



**ITEM 3 (continued)**

**ATTACHMENT 4**

**ITEM 2 (continued)**

**ATTACHMENT 4**

**SENIORS LIVING POLICY:**

Urban design guidelines for infill development.

<b>1. Responding to Context</b>		
<b>Neighbourhood character:</b> <b>Street layout &amp; hierarchy:</b> What is the pattern and hierarchy of streets in the local area?	No changes to the street pattern or hierarchy.	N/a
<b>Blocks &amp; Lots</b> What are the predominant block and lot patterns? How have these changed over time (for example by subdivision and amalgamation)? What are the typical lot sizes, shape and orientation.	No changes to the pattern of the street. The predominant pattern being the street block is of regular shaped allotments with street frontage to Blaxland Road. Lots sizes varies from approx 500m <sup>2</sup> to 1000m <sup>2</sup> plus.	N/a
<b>Built environment:</b> Look for buildings that have a good relationship to the street or characteristics that contribute positively to neighbourhood character. Do buildings have a consistent scale and massing? Is there a regular rhythm of spaces between them? What are the atypical buildings? Should particular streetscapes and building types be further developed or discouraged?	Proposal does not contribute positively to the character of the area. The building is not consistent with scale and massing of adjoining dwellings. Typical buildings are single or 2 storeys at street frontage with single storey with no street frontage.	No
<b>Trees:</b> Where are the significant trees and landscapes in the neighbourhood? Are there street trees, and if so what species and spacing? What are the patterns of planting in the front and rear gardens? Could new development protect and enhance existing vegetation?	No significant trees on site, trees to be removed as part of the proposal are considered to have little amenity value.	Yes
<b>Policy Environment:</b> What are the key characteristics of an area as identified by the Council? How might these be accommodated in the design of new	Council LEP does not specified the key characteristics of the area however the objectives of the zone, inter alia, <i>to ensure the general low density nature</i>	No

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

ITEM 3 (continued)

ATTACHMENT 4

ITEM 2 (continued)

ATTACHMENT 4

development for the area? Are there any special character areas, view corridors, vistas, landscaped areas, or heritage buildings or precincts that should be considered?	<i>of the zone is retained and that the development for the purposes of dual occupancy (attached) and multi dwelling housing do not significantly alter the character of a location or neighbourhood.</i> Council's LEP and DCP 2010 – Multi Dwelling restrict the height of dwelling with no frontage to 6.5m. The proposal is not consistent with Council's policies.	
<b>2. Site Planning and Design</b>		
<b>Design principles &amp; better practice</b> - Site design should be driven by the need to optimise internal amenity and minimise impacts on neighbours. These requirements should dictate the maximum development yield. - Cater for the broad range of needs from potential residents by providing a mix of dwelling sizes and dwellings both with and without assigned car parking. This can also provide variety in massing and scale of built form within the development.	Adverse impact to neighbours with 2 storey element overlooking into adjoining properties	No
<b>Built form:</b> - Locate the bulk of development towards the front of the site to maximise the number of dwellings with frontage to a public street. - Parts of the development towards the rear of the site should be more modest in scale to limit the impacts on adjoining properties. - Design and orient dwellings to respond to environmental conditions: • orient dwellings on the site to maximise solar access to	5 x 3 bedrooms, no mix of dwelling sizes. Mass form continuous for the length of the building.	No
	Building bulk is continuous for the length of the building.	No
	Family rooms and kitchen areas orientated north, family	Yes

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.



**ITEM 3 (continued)**

**ATTACHMENT 4**

**ITEM 2 (continued)**

**ATTACHMENT 4**

living areas and private open space • locate dwellings to buffer quiet areas within the development from noise.	rooms have direct access to private open space.	
<b>Tree, landscaping &amp; deep soil zones</b> Maintain existing patterns and character of gardens and trees: • retain trees and planting on the street and in front setbacks to minimise the impact of new development on the streetscape • retain trees and planting at the rear of the lot to minimise the impact of new development on neighbours and maintain the pattern of mid block deep soil planting • retain large or otherwise significant trees on other parts of the site through sensitive site planning • where it is not possible or desirable to retain existing trees, replace with new mature or semi-mature trees. Improve amenity by increasing the proportion of the site that is landscaped area by: • increasing the width of landscaped areas between driveways and boundary fences, and between driveways and new dwellings • providing pedestrian paths • reducing the width of driveways • providing additional private open space above the minimum requirements • providing communal open space	3 existing trees to be removed however landscaping plan indicate new trees to be planted in front setback.  Landscaping proposed along the rear yard area.  No significant trees on site.  Can condition to comply.  Proposal does not provide sufficient landscaping width between driveway and driveway, can condition to comply.  No pedestrian path adjacent to driveway. Driveway needs to be widen to increase manoeuvrability. Only rear dwelling have increased private open space.  No communal open space.	Yes  Yes  Yes  Yes  No  No No No No

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

**ITEM 3 (continued)**

**ATTACHMENT 4**

**ITEM 2 (continued)**

**ATTACHMENT 4**

<ul style="list-style-type: none"> <li>increasing front, rear and/or rear setbacks</li> <li>providing small landscaped areas between garages, dwelling entries, pedestrian paths, driveways, etc.</li> </ul> <p>Provide deep soil zones for absorption of run-off and to sustain vegetation, including large trees:</p> <ul style="list-style-type: none"> <li>it is preferable that as least 10% of the site area is provided as a single area at the rear of the site, where there is the opportunity to provide a mid-block corridor of trees within a neighbourhood</li> <li>where the pattern of neighbourhood development has deep soil planting at the front of the site, it may be desirable to replicate this pattern.</li> </ul> <p>Minimise the impact of higher site cover on stormwater runoff by:</p> <ul style="list-style-type: none"> <li>using semi-pervious materials for driveways, paths and other paved areas</li> <li>using of on-site detention to retain stormwater on site for re-use.</li> </ul> <p><b>Parking, garaging and vehicular circulation:</b></p> <ul style="list-style-type: none"> <li>Consider centralised parking in car courts to reduce the amount of space occupied by driveways, garages and approaches to garages.</li> <li>Where possible maintain existing crossings and driveway locations on the street.</li> </ul> <p>SEPP Controls Minimum site area: 1000</p>	<p>Minimal front rear setback.</p> <p>No landscaped areas between garages.</p> <p>Deep soil area provided at rear.</p> <p>Front setback provided with deep soil area.</p> <p>Driveway imperivous</p> <p>Rainwater reuse tank.</p> <p>Individual garages via a side driveway.</p> <p>Relocate existing driveway/crossing.</p> <p>Site area 1012m<sup>2</sup>, width 20.115m.</p>	<p>No</p> <p>No</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>No</p> <p>No</p> <p>Yes</p>
--	---	--

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.



**ITEM 3 (continued)**

**ATTACHMENT 4**

**ITEM 2 (continued)**

**ATTACHMENT 4**

<p>square metres — Cl. 38(2). Minimum site width: 20 metres Cl. 38(3). Development cannot be refused if:</p> <ul style="list-style-type: none"> <li>proposed buildings do not exceed 8 metres in height — Cl. 81(a)</li> <li>the floor space ratio does not exceed 0.5:1— Cl. 81(b)</li> <li>the landscaped area is a minimum of 30% of the site — Cl. 81 (c)(ii)</li> <li>the deep soil zone area is a minimum of 15% of the site (must have minimum dimension of 3 metres and it is preferable that two thirds of the deep soil area is at the rear of the site) — Cl. 81(d)</li> <li>one visitor parking space is provided for development of 6 or less dwellings or two visitor parking spaces for development of 7 or 8 dwellings — Cl. 81 (g)(i-ii)</li> <li>0.5 resident parking spaces per bedroom are provided — Cl. 81(h)(i).</li> </ul> <p>Additional site-related requirements regarding access to services, bush fire prone land, and water and sewerage are contained in Clauses 25 to 27.</p> <p><b>Rules of Thumb</b> The proportion of the site given to landscaped area and deep soil should be increased in less urban areas, on large lots, and in areas already characterised by a high proportion of open space and planting.</p>	<p>Under 8m.</p> <p>0.516:1</p> <p>31%</p> <p>16.8%.</p> <p>No visitor parking provided.</p> <p>Only 5 spaces are provided – require 8 spaces.</p> <p>In an urban area.</p>	<p>Yes</p> <p>No</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>No</p> <p>N/a</p>
---	---	---

Agenda of the Planning and Environment Committee Report No. 1/12, dated  
Tuesday 7 February 2012.

**ITEM 3 (continued)**

**ATTACHMENT 4**

**ITEM 2 (continued)**

**ATTACHMENT 4**

3: Impacts on streetscape		
<p><b>General:</b> Respond to the desired streetscape character by:</p> <ul style="list-style-type: none"> <li>• locating and designing new development to be sympathetic to existing streetscape patterns (building siting, height, separation; driveway locations, pedestrian entries, etc.)</li> <li>• providing a front setback that relates to adjoining development.</li> </ul> <p><b>Built form:</b> Reduce the visual bulk of a development by:</p> <ul style="list-style-type: none"> <li>• breaking up the building massing and articulating building facades</li> <li>• allowing breaks in rows of attached dwellings</li> <li>• using variation in materials, colours and openings (doors, windows and balconies) to order building facades with scale and proportions that respond to the desired contextual character</li> <li>• setting back upper levels behind the front building facade</li> <li>• where it is common practice in the streetscape, locating second storeys within the roof space and using dormer windows to match the appearance of existing dwelling houses</li> <li>• reducing the apparent bulk and visual impact of a building by breaking down the roof into smaller roof elements</li> <li>• using a roof pitch sympathetic to that of existing buildings in the</li> </ul>	<p>Existing streetscape is predominately single storey with 2 storey element within the roof form. 2 storeys dwellings are permissible.</p> <p>Does not comply – forward of adjoining properties.</p> <p>Some articulation to break up mass.</p> <p>No breaks in attached dwellings.</p> <p>No details provided.</p> <p>Upper level in line with front façade.</p> <p>Example of 2<sup>nd</sup> storey within roof space located in the street – proposal has not gone for this approach.</p> <p>Attempted to break visual mass by dividing/breaking roof areas.</p> <p>Pitched roof.</p>	<p>Yes</p> <p>No</p> <p>Yes</p> <p>No</p> <p>No</p> <p>No</p> <p>No</p> <p>Yes</p> <p>Yes</p>

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.



**ITEM 3 (continued)**

**ATTACHMENT 4**

**ITEM 2 (continued)**

**ATTACHMENT 4**

street		
<ul style="list-style-type: none"> <li>avoiding uninterrupted building facades including large areas of painted render.</li> </ul>	No large area of uninterrupted building facades.	Yes
<b>Trees, landscaping and deep soil zones:</b>		
Retain existing trees and planting in front and rear setbacks and the road reserve:		
<ul style="list-style-type: none"> <li>where this is not possible or not desirable use new planting in front setback and road reserve</li> </ul>	New planting proposed.	Yes
<ul style="list-style-type: none"> <li>plant in front of front fences to reduce their impact and improve the quality of the public domain.</li> </ul>	No details of planting in front of fence.	No
<b>Residential amenity</b>		
- Clearly design open space in front setbacks as either private or communal open space.	Front setback is not delineated as private open space however not very useable as communal open space.	No
- Define the threshold between public and private space, for example by level change, change in materials, fencing, planting and/or signage.	Private space located behind each dwelling.	Yes
- Design dwellings at the front of the site to address the street.	Front dwelling addresses the street.	Yes
Provide a high quality transition between the public and private domains by:		
<ul style="list-style-type: none"> <li>designing pedestrian entries where possible to be directly off the street</li> </ul>	Pedestrian access to front dwelling.	Yes
<ul style="list-style-type: none"> <li>for rear residents, providing a pedestrian entry that is separate from vehicular entries</li> </ul>	No separate pedestrian entry from vehicular entries.	No
<ul style="list-style-type: none"> <li>designing front fences to provide privacy where necessary, but also to allow for surveillance of the street</li> </ul>	No details of front fence.	No
<ul style="list-style-type: none"> <li>ensuring that new front fences have a consistent character with front fences</li> </ul>	No details of front fence.	No

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

**ITEM 3 (continued)**

**ATTACHMENT 4**

**ITEM 2 (continued)**

**ATTACHMENT 4**

in the street	No details of mailboxes.	No
<ul style="list-style-type: none"> <li>orienting mailboxes obliquely to the street to reduce visual clutter and the perception of multiple dwellings</li> <li>locating and treating garbage storage areas and switchboards so that their visual impact on the public domain is minimised.</li> </ul>	No proposed garbage storage area.	Yes
<b>Parking, garaging and vehicular circulation:</b> <ul style="list-style-type: none"> <li>Avoid unrelieved, long, straight driveways that are visually dominant by: <ul style="list-style-type: none"> <li>varying the alignment of driveways to avoid a 'gunbarrel' effect</li> <li>setting back garages behind the predominant building line to reduce their visibility from the street</li> <li>considering alternative site designs that avoid driveways running the length of the site.</li> </ul> </li> <li>Minimise the impact of driveways on streetscape by: <ul style="list-style-type: none"> <li>terminating vistas with trees, vegetation, open space or a dwelling, not garages or parking</li> <li>using planting to soften driveway edges</li> <li>varying the driveway surface material to break it up into a series of smaller spaces (for example to delineate individual dwellings)</li> <li>limiting driveway widths on narrow sites to single carriage width with passing points</li> <li>providing gates at the head of driveways to minimise visual 'pull' of the driveway.</li> </ul> </li> </ul>	Long driveway proposed.	No
	Garages setback, not visible from the street.	Yes
	Driveway for the length of the site.	No
	Landscaping provided down side of driveway.	Yes
	Planting provided.	Yes
	No break up in material.	No
	Driveway single carriage width with manoeuvring areas.	Yes
	No gates provided.	No
	Not basement parking.	N/a

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.



**ITEM 3 (continued)**

**ATTACHMENT 4**

**ITEM 2 (continued)**

**ATTACHMENT 4**

<ul style="list-style-type: none"> <li>- Where basement car parking is used minimise the impact of the entry by:</li> <li>- Locate or screen all parking to minimise visibility from the street.</li> </ul> <p><b>SEPP Controls</b> For development proposed in a residential zone where residential flat buildings are not permitted:</p> <ul style="list-style-type: none"> <li>• the height of all buildings in the proposed development must be 8 metres or less,</li> <li>• a building that is adjacent to a boundary of the site must be not more than 2 storeys in height — Cl. 38(4)(a-b).</li> </ul> <p><b>Rules of Thumb</b></p> <ul style="list-style-type: none"> <li>- Respond to council planning instruments that specify the character or desired character for the area.</li> <li>- Where there is a consistent front building alignment, new development should not encroach on the front setback.</li> <li>- Driveways or basement car park entries should not exceed 25% of the site frontage.</li> <li>- Garage doors should be set back a minimum of 1 m metre behind the predominant building facade on both the street frontage and common driveways.</li> </ul>	<p>Under 8m.</p> <p>2 storeys.</p> <p>Does not respond to Council's RLEP or DCP in regards to maintaining desired character.</p> <p>Proposal encroaches into the front setback.</p> <p>Driveway exceeds 25% of site frontage.</p> <p>Garages behind building façade.</p>	<p>Yes</p> <p>Yes</p> <p>No</p> <p>No</p> <p>No</p> <p>Yes</p>
<p><b>4. Impacts on Neighbours</b></p>		
<p><b>Built form:</b></p> <ul style="list-style-type: none"> <li>- Design the relationship between buildings and open space to be consistent with the existing patterns in the block:</li> <li>• where possible maintain the existing orientation of dwelling 'fronts' and 'backs'</li> </ul>	<p>2 storey building for the length of the site.</p> <p>Perception of overlooking from</p>	<p>Yes</p> <p>No</p>

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

**ITEM 3 (continued)**

## ATTACHMENT 4

**ITEM 2 (continued)**

## ATTACHMENT 4

<ul style="list-style-type: none"> <li>• where the dwelling must be oriented at 90 degrees to the existing pattern of development, be particularly sensitive to the potential for impact on privacy of neighbours.</li> </ul>		
- Protect neighbours' amenity by carefully designing the bulk and scale of the new development to relate to the existing residential character, for example by:		
<ul style="list-style-type: none"> <li>• Setting upper storeys back behind the side or rear building line</li> </ul>	Upper storey for length of the building.	No
- Reduce the visual bulk of roof forms by breaking down the roof into smaller elements, rather than having a single uninterrupted roof structure.	Roof form broken up into sections.	Yes
- Design second storeys to reduce overlooking of neighbouring properties, for example by:		
<ul style="list-style-type: none"> <li>• incorporating them within the roof space and providing dormer windows</li> <li>• offsetting openings from existing neighbouring windows or doors.</li> </ul>	Full upper storey – not set into roof area.	No
- Reduce the impact of unrelieved walls on narrow side and rear setbacks by limiting the length of the walls built to these setbacks.	Windows not off set.	No
<b>Trees, landscaping and deep soil zones:</b>	Lot not a narrow site – however long building running the length of the site.	No
- Use vegetation and mature planting to provide a buffer between new and existing dwellings.	Planting/landscaping provided.	Yes
- Locate deep soil zones where they will provide privacy between new and existing dwellings.	Deep soil zones provided.	Yes
- Planting in side and rear	Planting provided.	Yes

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.



**ITEM 3 (continued)**

**ATTACHMENT 4**

**ITEM 2 (continued)**

**ATTACHMENT 4**

setbacks can provide privacy and shade for adjacent dwellings.	Can be condition.	Yes
- For new planting, if possible, use species that are characteristic of the local area.	Sufficient building separation.	Yes
<b>Residential amenity</b>		
- Protect sun access and ventilation to living areas and private open space of neighbouring dwellings by ensuring adequate building separation.	Bedroom windows overlook into adjoining property's private open space.	No
- Design dwellings so that they do not directly overlook neighbours' private open space or look into existing dwellings.		
- When providing new private open space minimise negative impacts on neighbours, for example by:	Located at side.	No
• locating it in front setbacks where possible	No details.	No
• ensuring that it is not adjacent to quiet neighbouring uses, for example bedrooms	Courtyards at side.	No
• designing dwellings around internal courtyards	Screening/planting provided.	Yes
• providing adequate screening.	Side setback large enough for POS.	Yes
- Where side setbacks are not large enough to provide useable private open space, use them to achieve privacy and soften the visual impact of new development by planting screen vegetation.		
<b>Parking, garaging and vehicular circulation:</b>		
- Provide planting and trees between driveways and side fences to screen noise and reduce visual impacts.	Provided – need to increase width.	Yes – provided, need to increase width.
- Position driveways so as to be a buffer between new and	Side driveway – buffer between new and existing.	

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

**ITEM 3 (continued)**

**ATTACHMENT 4**

**ITEM 2 (continued)**

**ATTACHMENT 4**

existing adjacent dwellings. <b>SEPP Controls</b> In zones where residential flat buildings are not permitted, development on the rear 25% of the site must not exceed one storey — Cl. 38(4)(c). <b>Rules of Thumb</b> - Where side setbacks are less than 1.2m, a maximum of 50% of the development should be built to this alignment. - The length of unrelieved walls along narrow side or rear setbacks should not exceed 8 metres. - Living rooms of neighbouring dwellings should receive a minimum 3 hours direct sunlight between 9.00-3.00 in mid-winter neighbouring dwellings. - Solar access to the private open space of neighbouring dwellings should not be unreasonably reduced.	2 storey for whole development.          Rear elevation – 12m in length.    Adjoining northern property – 500 Blaxland, minimal impact. Southern property – 496 Blaxland will received morning and mid day sun. Rear property 40 Denistone will receive midday and afternoon sun.	Yes          Yes  <b>No</b>    Yes  Yes
<b>5. Internal Site Amenity</b>		
<b>Built form:</b> - Design dwellings to maximise solar access to living areas and private open spaces. - In villa or townhouse style developments, provide dwellings with a sense of individual identity through building articulation, roof form and other architectural elements, and through the use of planting and building separation: • provide buffer spaces and/or barriers between the dwellings and driveways, or between dwellings and communal areas • use trees, vegetation, fencing, or screening	Family rooms orientated room to maximise solar access.       Each dwellings has sense of identity.          Landscaping strip provided between dwellings and driveway, will condition to increase width.	Yes          Yes          Yes

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.



**ITEM 3 (continued)**

**ATTACHMENT 4**

**ITEM 2 (continued)**

**ATTACHMENT 4**

<p>devices to establish curtilages for individual dwellings.</p> <ul style="list-style-type: none"> <li>- Design dwelling entries so that they: <ul style="list-style-type: none"> <li>• are clear and identifiable from the street or driveway</li> <li>• provide a buffer between public/communal space and private dwellings</li> <li>• provide a sense of address for each dwelling</li> <li>• are oriented to not look directly into other dwellings.</li> </ul> </li> </ul> <p><b>Parking, garaging and vehicular circulation:</b></p> <ul style="list-style-type: none"> <li>- Locate habitable rooms, particularly bedrooms, away from driveways, parking areas and pedestrian paths: <ul style="list-style-type: none"> <li>• where this is not possible use physical separation, planting, screening devices or louvres to achieve adequate privacy.</li> </ul> </li> <li>- Avoid large uninterrupted areas of hard surface (driveways, garages, walls). Small areas of planting can break these up and soften their 'hard edge' appearance.</li> <li>- Screen parking from views and outlooks from dwellings.</li> <li>- Reduce the dominance of areas for vehicular circulation and parking by considering: <ul style="list-style-type: none"> <li>• single rather than double width driveways with passing bays</li> <li>• communal car courts rather than individual garages</li> <li>• single rather than double garages</li> <li>• tandem parking or a single garage with single car port in tandem</li> <li>• the provision of some dwellings without any car</li> </ul> </li> </ul>	<p>Front dwelling entry is clear and identifiable.</p> <p>Buffer provided.</p> <p>Single row development.</p> <p>Ground floor ground living area adjacent driveway.</p> <p>Long driveway.</p> <p>Garages not dominant.</p> <p>Single driveway width.</p> <p>Individual garages.</p> <p>Single garage.</p> <p>All dwellings with single garage.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>Yes</p> <p>No</p>
---	--	--

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

**ITEM 3 (continued)**

**ATTACHMENT 4**

**ITEM 2 (continued)**

**ATTACHMENT 4**

parking for residents without cars.		
<b>Residential amenity</b>		
- Provide distinct and separate pedestrian and vehicular circulation on the site:		
• where this is not possible shared driveway/pedestrian paths should be wide enough to allow a vehicle and a wheelchair to pass safely .	Shared driveway and pedestrian paths. Show sections not wide enough to allow a vehicle and a wheelchair to pass safety.	No
• provide pedestrian routes to all public and semi-public areas including lobbies, dwelling entries, communal facilities and visitor parking spaces.	N/a	N/a
- Ensure that adequate consideration is given to safety and security by:		
• avoiding ambiguous spaces in building and dwelling entries that are not obviously designated as public or private	N/a	N/a
• minimising opportunities for concealment by avoiding blind or dark spaces between buildings, near lifts and foyers and at the entrance to or within indoor car parks	N/a – no lift or communal entrance.	N/a
• clearly defining thresholds between public and private spaces (for example by level change, change in materials, fencing, planting and/or signage).	Buffer provided.	Yes
- Provide private open space that:		
• is generous in proportion and adjacent to the main living areas of the dwelling (living room, dining room or kitchen)	Courtyard area adjacent to family and kitchen area.	Yes
• is oriented predominantly north, east or west to	Orientated north.	Yes

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.



**ITEM 3 (continued)**

**ATTACHMENT 4**

**ITEM 2 (continued)**

**ATTACHMENT 4**

provide solar access	N/a	N/a
<ul style="list-style-type: none"> <li>comprises multiple spaces for larger dwellings</li> <li>uses screening for privacy but also allows casual surveillance when located adjacent to public or communal areas (including streets and driveways)</li> <li>provides both paved and planted areas when located at ground level</li> <li>retains existing vegetation where practical</li> <li>uses pervious pavers where private open space is predominantly hard surfaced, to allow for water percolation and reduced runoff.</li> </ul>	<p>Dwellings have living room windows facing street or driveway.</p> <p>Courtyards predominantly grassed.</p> <p>Removal of insignificant trees.</p> <p>Predominantly grassed.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>- Provide communal open space that:</p> <ul style="list-style-type: none"> <li>is clearly and easily accessible to all residents and easy to maintain</li> <li>incorporates existing mature trees and vegetation to provide additional amenity for all residents</li> <li>includes shared facilities such as seating areas and barbecues to permit resident interaction.</li> <li>Site and/or treat common service facilities such as garbage collection areas and switchboard to reduce their visual prominence to the street or to any private or communal open space.</li> </ul>	<p>Small section of communal area at rear.</p> <p>Existing trees to be remain on site is incorporated in the landscaping plan.</p> <p>None proposed.</p> <p>No common service facilities proposed.</p>	<p>Yes</p> <p>Yes</p> <p>N/a</p> <p>N/a</p>
<p><b>SEPP Controls</b> Development cannot be refused if:</p> <ul style="list-style-type: none"> <li>living rooms and private open spaces for a minimum of 70% of dwellings receive a minimum of 3 hours</li> </ul>	<p>Complies.</p>	<p>Yes</p>

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

**ITEM 3 (continued)**

**ATTACHMENT 4**

**ITEM 2 (continued)**

**ATTACHMENT 4**

<p>direct sunlight between 9am and 3pm in mid-winter Cl. 8 1(e)</p> <ul style="list-style-type: none"> <li>private open space is not less than 15 square metres and minimum dimension 3 metres for ground floor dwellings; 10 square metres and minimum dimension 2 metres for other dwellings; or 6square metres and minimum dimension 2 metres for other dwellings with only one bedroom — Cl. 81(f)(ii).</li> </ul> <p><b>Rules of Thumb</b></p> <ul style="list-style-type: none"> <li>Separation of 1.2 metres should be achieved between habitable rooms and driveway or car parks of other dwellings:</li> <li>this can be reduced if adequate screening is provided.</li> </ul>	<p>Complies.</p>	<p>Yes</p>
	<p>Complies.</p>	<p>Yes</p>



**ITEM 4 (continued)**

**ATTACHMENT 6**

- 2 252 QUARRY ROAD, RYDE. LOT 2 DP 701738. Local Development  
Application for demolition and erection of an attached dual occupancy.  
LDA 2010/439.**

**INSPECTION: 4.15PM  
INTERVIEW: 5.00PM**

**Report prepared by:** Consultant Town Planner

**Report approved by:** Manager Assessment; Group Manager - Environment &  
Planning

**Report dated:** 1 November 2011 **File Number:** grp/11/6/3/4 - BP11/774

**1. Report Summary**

**Applicant:** J F Building Consultants Pty Ltd  
**Owner:** Zhi G Lun & Xiao F Chen  
**Date lodged:** 1 September 2010

This report considers a proposal to demolish the existing dwelling house and to erect a two (2) storey attached dual occupancy on the site. There have been a number of previous applications but for the most part these have not proceeded due to issues relating to overland flooding and stormwater management.

In relation to the present application there have been ongoing issues with the management of overland flow and the management of stormwater that have resulted in a number of amended plans (architectural, drainage and landscaping) with the most recent plans received on 1 August 2011.

The proposal has been notified two (2) occasions and one (1) submission (also signed by four nearby property owners) has been received on both occasions. The issues raised in the most recent submission relate to overshadowing, overlooking and loss of privacy. The objector was interviewed and the concerns raised are addressed in the report. The issue of most concern is the loss of sunlight during the winter months which is significant. However due to the north-south orientation of the site it is likely that the shadow from any two storey building would impact on the objector's property to a similar extent. Due to the 4m wide drainage easement along the western boundary and the need to provide an overland flow path it is difficult to redesign the building to reduce the overshadowing. There are no major non compliances with the planning controls. While the affect is significant the loss of sunlight access is unlikely to be enough to substantiate a refusal of the application.

The first floor sitting room and the ground floor living room windows facing the objector's property have obscure glass up to 1.6m from the floor to minimise overlooking. The window from the entry foyer that is opposite the objector's bedroom/home office window has been conditioned to be similarly treated. The application is recommended for approval subject to the conditions in **ATTACHMENT 1**.

Agenda of the Planning and Environment Committee Report No. 15/11, dated Tuesday 15 November 2011.

**ITEM 4 (continued)**

**ATTACHMENT 6**

**ITEM 2 (continued)**

**Reason for Referral to Planning and Environment Committee:** Request by Councillor Butterworth.

Public Submissions: One (1) submission, including a petition with signatures from four nearby properties, was received objecting to the development.

SEPP 1 (or clause 4.6 RLEP 2010) objection required? No.

Value of works? \$370,000.

A full set of the plans is **CIRCULATED UNDER SEPARATE COVER** as additional information provided to Councillors - subject to copyright provisions.

**RECOMMENDATION:**

- (a) That Local Development Application No. 2010/439 for demolition and the erection of a two (2) storey dual occupancy at 252 Quarry Road Ryde, being LOT 2 in DP 701738, be approved subject to the **ATTACHED** conditions (Attachment 1).
- (b) That the persons who made submissions be advised of Council's decision.

**ATTACHMENTS**

- 1 Proposed Conditions of Consent
- 2 Map
- 3 Compliance Table
- 4 A4 Plans
- 5 Submission - **CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL**
- 6 A3 plans - Subject to Copyright Provisions - **CIRCULATED UNDER SEPARATE COVER**

Report Prepared By:

**Don Smith**  
**Consultant Town Planner**

Report Approved By:

**Liz Coad**  
**Manager Assessment**

**Dominic Johnson**  
**Group Manager - Environment & Planning**

Agenda of the Planning and Environment Committee Report No. 15/11, dated Tuesday 15 November 2011.



**ITEM 4 (continued)**

**ATTACHMENT 6**

**ITEM 2 (continued)**

**Site** (*Refer to attached map.*)

<b>Address</b>	: 252 Quarry Road Ryde
<b>Site Area</b>	: 923.7m <sup>2</sup> Frontage: 31.205m Depth: 39.75m/40.7m
<b>Topography and Vegetation</b>	: The site is relatively level although there is a slight crossfall from east to west. A 4m wide drainage easement runs along the western boundary. There are a number of trees on the site mostly along the front, side and rear boundaries.
<b>Existing Buildings</b>	: A single storey brick dwelling house with metal roof, detached single storey brick and metal roof garage (with attached carport) and metal shed are situated on the site.
<b>Planning Controls</b>	
<b>Zoning</b>	: R2 Low Density Residential under RLEP 2010.
<b>Other</b>	: DCP 2010: <ul style="list-style-type: none"><li>- 3.3 Dwelling Houses &amp; Dual Occupancy (attached)</li><li>- 7.2 Waste Minimisation &amp; management</li><li>- 8.1 Construction Activities</li><li>- 8.2 Stormwater management</li><li>- Basix</li></ul>

**3. Councillor Representations**

Name of Councillor: Councillor Butterworth.

Nature of the representation: Requested the application be referred to the Planning & Environment Committee for determination.

Date: 18 March 2011.

Form of the representation (e.g. via email, meeting, phone call): Email.

On behalf of applicant or objectors? Objector.

Any other persons (e.g. consultants) involved in or part of the representation: Not known.

---

Agenda of the Planning and Environment Committee Report No. 15/11, dated Tuesday 15 November 2011.

**ITEM 4 (continued)**

**ATTACHMENT 6**

**ITEM 2 (continued)**

**4. Political Donations or Gifts**

Any political donations or gifts disclosed? None disclosed.

**5. Proposal**

The proposal is to demolish the existing dwelling, detached garage and other improvements on site and construct a new attached dual occupancy comprising of:

- 252 Quarry - Foyer, lounge, laundry, kitchen, family and single garage on the ground floor and four bedrooms (two within ensuite), sitting area and front balcony on the 1<sup>st</sup> floor.
- 252A Quarry - Foyer, lounge, laundry, kitchen, family and single garage on the ground floor and four bedrooms (two within ensuite), sitting area and front balcony on the 1<sup>st</sup> floor.

Because it is situated within an overland flow path the floor is on piers and is raised about 700mm to allow overland flow to pass under the building. The western elevation has had to be minimised in width so not to reduce the land available for overland flow resulting in part of the first floor being supported by piers.

The building is to be of face brick and tile roof construction. The boundary fence is to be replaced and will have the bottom raised by 500mm so not to obstruct overland flow.

**6. Background**

SITE

Between 1997 and 2008 there were applications submitted to develop the site for a long day child care centre, villas and a duplex and all were withdrawn as issues relating to overland flow and the control of flooding could not be satisfactorily resolved.

APPLICATION

1/9/2010	Application lodged.
13/9/2010	Letter sent to applicant to clarify discrepancies between Council's flood information and applicant's flood study report. Follow-up letter sent 30/9/2010. (Issues re tree impacts, amended BASIX certificate, architectural amendments also requested in these letters).
5/11/2010	Further letter sent, information re drainage/flooding still not received.
10/11/2010	Information received, neighbours notified of DA. Referred to Catchments & Assets.

Agenda of the Planning and Environment Committee Report No. 15/11, dated Tuesday 15 November 2011.



**ITEM 4 (continued)**

**ATTACHMENT 6**

**ITEM 2 (continued)**

25/11/2010	Comments received from Catchments & Assets advising that they had no objections, but Development Engineer advised of conflicts between drainage plans and architectural plans – and other concerns re OSD design.
7/1/2011	Letter sent to applicant requesting detailed design levels, cross sections, calculation plans and above-ground tanks instead of underground (as site is affected by overland flow).
29/3/2011	Amended plans received, referred to Development Engineer and Catchments & Assets.
1/4/2011	Comments received from Catchments & Assets advising of a range of issues and concerns with the submitted information. Letter sent to applicant 4 April 2011.
1/8/2011	Amended plans received, referred to Development Engineer and Catchments & Assets.
8/9/2011	Comments from Catchments & Assets advising the development is now satisfactory.

**7.Submissions**

In accordance with DCP 2010 Part 2.1 Notice of Development Applications, the proposal was advertised in the *Ryde City View* insert in the Northern District Times dated 24 November 2010 and owners of surrounding properties were given notice of the application. In response, five submissions were received in the form of one letter from the resident of 250 Quarry Road that was signed by four other signatures from nearby properties (No 248, 256 & 245 Quarry Road and 1 Stephen Avenue).



Amended plans received 25 January 2011 that deleted the side doorway and stairs and reduced the roof pitch height from 22.5 to 17.5° and were renotified to the residents who made a submission and were given until 18 March 2011 to make any further comments. A further submission was received from the same resident, also signed by the residents of the four nearby properties who raised the following issues:

- Daylight and sunlight access. The DCP requires that:
  - Where the side boundary has a northerly aspect that consideration be given to increasing the setback to prevent overshadowing onto neighbouring allotments.

Agenda of the Planning and Environment Committee Report No. 15/11, dated Tuesday 15 November 2011.

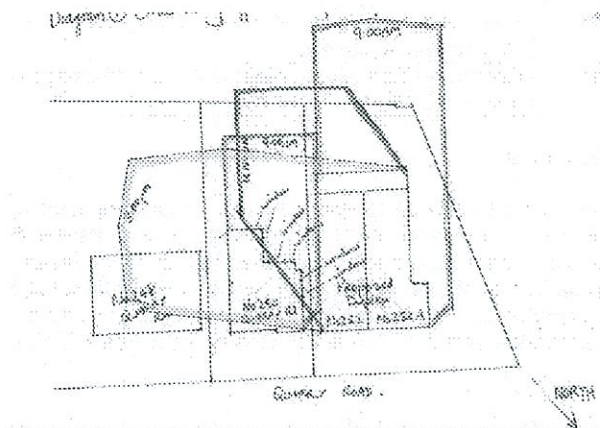
**ITEM 4 (continued)**

**ATTACHMENT 6**

**ITEM 2 (continued)**

- o Unreasonable overshadowing as a result of poor design is unacceptable.
- o Sunlight to 50% of private open space is not reduced to less than 50% between 9 am – 3 pm on June 21.
- o Windows to north facing living areas of neighbouring dwellings receive at least three hours sunlight on June 21.
- o The residence will be affected by shadows from 10am to dusk on June 21 and will not be able to install solar hot water, their skylights will be in shadow and their clothes drying area will be affected requiring use of an electric dryer thus increasing their energy costs.

The objector has submitted the following illustration.



The objector also has had shadow plans (elongational and elevational) drawn up by a professional. The plans are attached to the objector's submission that is **CIRCULATED UNDER SEPARATE COVER**. The elongational plans are not dissimilar to the diagram above submitted by the objector. The objector's site faces north and the windows of concern are on the western side of the objector's property. The one closest to the street is a bedroom/home office window, the middle one is a laundry window while the third is a bedroom window, although it is designated sunroom on the shadow plans. The impact on the laundry window is not an issue of concern. An examination of the impact in the elevational plan indicates:

9am	All windows affected by existing shadow with a small amount of sunlight available to the bedroom window.
10am	Bedroom/home office window practically in full sunlight and lower 25% of bedroom clear of existing shadows.
11am	Shadows of proposed building affect laundry window only. Bedroom/home office window clear and bedroom window practically has full sunlight.

Agenda of the Planning and Environment Committee Report No. 15/11, dated Tuesday 15 November 2011.



**ITEM 4 (continued)**

**ATTACHMENT 6**

**ITEM 2 (continued)**

12 noon	Bedroom/home office window about 75% affected by proposed shadow and bedroom window in full sunlight.
1pm	Bedroom/home office window in full shadow – bottom two thirds by existing shadow and top third by proposed shadow. Bedroom window in full sunlight.
2pm & 3pm	Bedroom/home office window fully in shadow by existing shadows, bedroom window in full shadow by proposed building.

**Comment**

There is no doubt that the objector's (windows and private open space) property will be affected by shadows, however not all is attributed to the proposed building. The Land & Environment Court has established the following planning principle for assessing shadow impact:

*Where guidelines dealing with the hours of sunlight on a window or open space leave open the question what proportion of the window or open space should be in sunlight, and whether the sunlight should be measured at floor, table or a standing person's eye level, assessment of the adequacy of solar access should be undertaken with the following principles in mind, where relevant:*

- *The ease with which sunlight access can be protected is inversely proportional to the density of development. At low densities, there is a reasonable expectation that a dwelling and some of its open space will retain its existing sunlight. (However, even at low densities there are sites and buildings that are highly vulnerable to being overshadowed). At higher densities sunlight is harder to protect and the claim to retain it is not as strong.*

Comment: While this is a low density area, the north south orientation of the site makes the objectors site and building as being highly vulnerable to being overshadowed, although some of the dwelling and its open space will retain some existing sunlight.

- *The amount of sunlight lost should be taken into account, as well as the amount of sunlight retained*

Comment: At present the objector's windows have access to sunlight as follows:

- Bedroom/home office: 10am – 12 noon with the top 1/3 in sunlight at 1pm. The proposal will reduce this to 10am – 11am and about 25% at 12 noon or 1+ hours will be maintained.
- Bedroom: 25% at 10am, full sun from 11am – 3pm. The proposal will reduce this to 25% at 10am, full sun from 11am – 2pm or four (4) hours sunlight maintained to the window.

Agenda of the Planning and Environment Committee Report No. 15/11, dated Tuesday 15 November 2011.

**ITEM 4 (continued)**

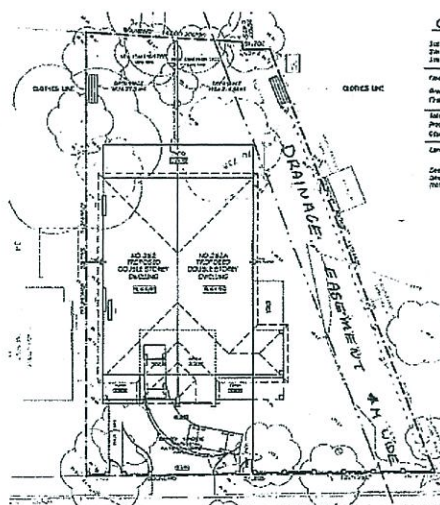
## ATTACHMENT 6

## ITEM 2 (continued)

From 9 – 10am most of the shadow over the private open space is from the objector's property (including the existing dividing fence). At 3pm there is a significant impact with a large proportion due to the existing fence. There is a small area near the objector's garage that is not affected as well as the garage itself. There are a number of trees on the site but these have not been factored into the shadow calculations as trees can die, can be replaced or can be deciduous.

- *Overshadowing arising out of poor design is not acceptable, even if it satisfies numerical guidelines. The poor quality of a proposal's design may be demonstrated by a more sensitive design that achieves the same amenity without substantial additional cost, while reducing the impact on neighbours.*

**Comment:** The objector indicates the poor design causes the overshadowing impacts. There is disagreement with this view. The building is designed well and responds to the constraints of the site. The floor levels have had to be raised to facilitate overland flow, yet the floor to ceiling levels and the roof pitch have been reduced so that it complies with the height controls. It is within the floor space ratio requirements, its side and rear setbacks comply and its position on the site is governed by the 4m wide drainage easement and the need to maintain the overland flow requirements. The north south orientation of the site has a significant impact on the ability to provide sunlight to the proposal and to shadows caused by the proposal.



Agenda of the Planning and Environment Committee Report No. 15/11, dated Tuesday 15 November 2011.



**ITEM 4 (continued)**

**ATTACHMENT 6**

**ITEM 2 (continued)**

- *For a window, door or glass wall to be assessed as being in sunlight, regard should be had not only to the proportion of the glazed area in sunlight but also to the size of the glazed area itself. Strict mathematical formulae are not always an appropriate measure of solar amenity. For larger glazed areas, adequate solar amenity in the built space behind may be achieved by the sun falling on comparatively modest portions of the glazed area.*

Comment: The windows in question are not the main living areas of the dwelling. One is to a bedroom/home office while the other is a bedroom. Whilst the residents enjoy sunlight to these rooms it is ancillary to their main purpose that can be mainly regarded as a bedroom and a bedroom/work space, not necessarily a living area or recreational space.

- *For private open space to be assessed as receiving adequate sunlight, regard should be had of the size of the open space and the amount of it receiving sunlight. Self-evidently, the smaller the open space, the greater the proportion of it requiring sunlight for it to have adequate solar amenity. A useable strip adjoining the living area in sunlight usually provides better solar amenity, depending on the size of the space. The amount of sunlight on private open space should ordinarily be measured at ground level but regard should be had to the size of the space as, in a smaller private open space, sunlight falling on seated residents may be adequate.*

Comment: The private open space is to the south of the dwelling and therefore the existing dwelling house and dividing fence contribute to the loss of sunlight particularly in the morning. There are parts of the private open space that have access to sunlight but these are near the garage and driveway and therefore their usefulness is compromised.

- *Overshadowing by fences, roof overhangs and changes in level should be taken into consideration. Overshadowing by vegetation should be ignored, except that vegetation may be taken into account in a qualitative way, in particular dense hedges that appear like a solid fence.*

Comment: Overshadowing by trees and other vegetation has been ignored but is likely to reduce further the amount of sunlight to the property. The effect of the existing dwelling and fences has been shown as existing overshadowing.

- *In areas undergoing change, the impact on what is likely to be built on adjoining sites should be considered as well as the existing development.*

Comment: Both the existing and proposed development have been considered. Shadows from sites to the south and east are unlikely to affect the objector's property.

---

Agenda of the Planning and Environment Committee Report No. 15/11, dated Tuesday 15 November 2011.

**ITEM 4 (continued)**

**ATTACHMENT 6**

**ITEM 2 (continued)**

Conclusion – overshadowing issues

Overshadowing will affect the objector's property, although a reasonable amount is caused by the existing dwelling house and dwelling fence. The length of the proposed building affects shadow over the private open space; however the building depth cannot be reduced due to the need to provide for overland flow. Given the constraints of the site it is likely that a two storey dwelling would have a similar footprint and would cast shadows similar to the proposed duplex. The building complies with the height, setback and floor space ratio controls that affect building bulk. While there is a loss of sunlight caused by the proposal there is still a reasonable amount of sunlight remaining to the site and the building. It is considered that their impact is insufficient to substantiate a refusal of the application.

- Privacy and overlooking. The first floor windows will overlook bedroom windows, rear patio and backyard and will allow people to overlook and impact on their privacy.

Comment

The ground floor windows are off the foyer area, lounge, laundry, kitchen and family room. Overlooking would normally be restricted by the dividing fence; however the floor levels have had to be raised because the site is affected by overland flow and therefore the fence will not be an effective visual barrier. The laundry window is of obscure glass, while the windows of the family and lounge areas are shown to be obscure glass up to 1.6m from the floor. However the foyer window is opposite the objector's bedroom/home office and has not been treated to restrict overlooking. Condition 28 has been imposed to require the front foyer side window to be of obscure glazing up to 1.6m to minimise any overlooking to the 250 Quarry's side bedroom/home office window. The kitchen window is of clear glass, however as there is a pergola directly opposite with side lattice screening the proposed kitchen window is unlikely to pose overlooking concerns

**8. SEPP1 (or clause 4.6 RLEP 2010) objection required?**

Not required.

**9. Policy Implications**

**Relevant Provisions of Environmental Planning Instruments etc:**

**(a) Ryde LEP 2010**

**Zoning**

R2 Low Density Residential

Agenda of the Planning and Environment Committee Report No. 15/11, dated Tuesday 15 November 2011.



**ITEM 4 (continued)**

**ATTACHMENT 6**

**ITEM 2 (continued)**

**Mandatory Requirements**

RYDE LEP 2010	PROPOSAL	COMPLIANCE
<b>4.3(2) Height</b> • 9.5m overall	8.96m	Yes
<b>4.4(2) &amp; 4.4A(1) FSR</b> • 0.5:1	0.46:1	Yes
<b>4.5A(2)(a) Allotment Size- Dual Occupancy (attached) in Zone R2</b> • Min size – 580m <sup>2</sup> • Arrangements required for disposal of sewage and stormwater from each dwelling	923.7m <sup>2</sup> Stormwater disposal considered by Development engineer, standard condition imposed re Sydney Water certificate	Yes

**(b) Relevant SEPPs or REPs**

SREP (Sydney Harbour Catchment) 2005:

From 1 July 2009 this plan is taken to be a State Environmental Planning Policy (see clause 120 of Schedule 6 to the Environmental Planning and Assessment Act 1979).

The site is located within the designated hydrological catchment of Sydney Harbour and therefore is subject to the provisions of the above SREP. However, the site is not located on the foreshore or adjacent to the waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development. The objective of improved water quality is satisfied through compliance with the provisions of section 8.1 (Construction Activities) of DCP 2010 and related conditions of consent. The proposed development raises no other issues and otherwise satisfies the aims and objectives of the SREP.

SEPP BASIX:

Two compliant BASIX Certificates (one for each dwelling) have been submitted with the DA. A standard condition has been included in the draft conditions at **ATTACHMENT 1** requiring compliance with the BASIX certificates.

SEPP No. 55 – Remediation of Land:

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

Agenda of the Planning and Environment Committee Report No. 15/11, dated Tuesday 15 November 2011.

**ITEM 4 (continued)**

**ATTACHMENT 6**

**ITEM 2 (continued)**

**(c) Any draft LEPs**

None applicable.

**(d) Any DCP (e.g. dwelling house, villa)**

Ryde DCP 2010:

A full assessment of the proposal under DCP 2010 is illustrated in the compliance table held at **ATTACHMENT 3**. The non-compliances identified in the table are assessed below.

Sunlight/overshadowing: This matter has been considered under issues raised by objectors in the "Submissions" heading.

Garage 1m behind front facade and wall above to align with garage wall: DCP 2010 provides that the garage must be located 1m behind the front building elevation and the outside of wall above a garage that faces the street is to align with the outside face of the garage wall below. The objectives of these requirements are to ensure articulation in the front elevation and to ensure garage doors are not prominent in the streetscape.

The garage is in line with the front porch of No. 252 but is slightly forward of the porch of No. 252A. The wall above the garage is set back 2.2m from the garage below. A 1<sup>st</sup> floor balcony is over this section of the garage. The proposal complies with the above objectives in that articulation is provided within the front facade, the garage is not a dominant element in the streetscape, and the balcony does not unduly add to the bulk or scale of the building. The proposal is not out of character with the existing streetscape of predominantly one and two storey dwellings. Condition 47 requires the garage doors to be of similar colour to the brickwork to minimise their impact.

Garage door - max 6m wide or 50% of frontage: The DCP requires the garages facing the public street to have a maximum width of 6m or 50% of the frontage, whichever is the lesser. The objectives of this requirement is to ensure that car parking structures are not prominent features with regard to either the individual lot or the streetscape and to ensure that car parking is consistent with the design of the dwelling.

The proposal does not comply with this requirement with the total width of the two garages being 6.4m. However the above objectives are achieved as there are two single garages, each separated by a front pillar and one slightly forward of the other to provide articulation. The garages are not prominent features and are integrated and consistent with the design of the dwelling.

Agenda of the Planning and Environment Committee Report No. 15/11, dated Tuesday 15 November 2011.



**ITEM 4 (continued)**

**ATTACHMENT 6**

**ITEM 2 (continued)**

Fencing: The Flood Mitigation plan shows the side and rear fencing and while the height measures 1.45m it is not indicated on the plans. Given the privacy issues and that the fence has to have a 500mm gap it is considered that the side and rear fencing should be 1.8m high. While colourbond or timber is indicated it should be timber unless the adjoining owner agrees to colourbond.

The return fence appears to also be 1.45m high but under the DCP should be no higher than the front fence (900mm). Given it also has to have a 500mm gap the solid part would only be 400mm. The condition is worded to allow the alternative of 900mm high pool type fencing – See condition 29

Section 94 Contributions Plan 2007(as amended):

Council's current Section 94 Development Contributions Plan 2007 (2010 Amendment) (adopted 16 March 2011) requires a contribution for the provision of various additional services required as a result of increased development density / floor area. The contribution is based on the number of additional dwellings there are in the development proposal.

The contributions that are payable with respect to the one additional dwelling (being for residential uses outside the Macquarie Park area) are as follows:

A	B
Community & Cultural Facilities	3991.39
Open Space & Recreation Facilities	9825.97
Civic & Urban Improvements	3341.90
Roads & Traffic Management Facilities	455.76
Cycleways	284.75
Stormwater Management Facilities	904.74
Plan Administration	76.78
<b>The total contribution is</b>	<b>18,881.29</b>

**NOTE:**

- The above calculation has been reviewed by the Team Leader – Assessment. A copy of rates & calculation spreadsheet is on file.
- A credit has been applied for the existing dwelling house on the site.
- The September 2011 rates have been applied to the development.
- Condition 19 has been included in the draft consent.

Agenda of the Planning and Environment Committee Report No. 15/11, dated Tuesday 15 November 2011.

**ITEM 4 (continued)**

**ATTACHMENT 6**

**ITEM 2 (continued)**

**10. Likely impacts of the Development**

**(a) Built Environment**

Issues of concern have been discussed elsewhere under DCP non-compliances or under matters raised in the submissions.

**(b) Natural Environment**

The issues affecting the natural environment are the impact of overland flow and the removal of trees. The trees to be removed are not significant and some are in the overland flow path and their removal will assist in its management. The landscape plan has been amended to provide for species that will have minimal impact on overland flow. The trees to be removed have been assessed by Council's Landscape Consultant who has provided comments as set out in this report.

The plans, including hydraulic plans, have been amended and have been assessed by the Development Engineer as well as the Drainage Engineer as set out in this report.

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

A review of Council's map of Environmentally Sensitive Areas (held on file) identifies the following constraints affecting the subject property:

Overland Flow: The subject site is within an overland flow path and has a 4m wide drainage easement along its western boundary. Council's Development Engineer & Drainage Engineer have provided comments set out in this report and raise no objection to the proposed.

**12. The Public Interest**

There is no issue of public interest that should preclude approval of this application. The main issues are the management of overland flow and issues raised as a result of notification of the proposal. Both matters are addressed elsewhere in this report.

**13. Consultation – Internal and External**

Internal Referrals

**Catchments & Asset Team: 8 September 2011:** Council's Drainage Engineer has advised that the latest amended plans address the issues previously raised and raises no objections subject to Conditions 34-35, 46, 94-95 in the recommended conditions at Attachment 1.

---

Agenda of the Planning and Environment Committee Report No. 15/11, dated Tuesday 15 November 2011.



**ITEM 4 (continued)**

**ATTACHMENT 6**

**ITEM 2 (continued)**

**Development Engineer: 14 March 2011:** *The proposed development has been referred to Public Works division for comments in relation to flooding impacts. Response has now been received confirming their concurrence to the proposal subjected to conditions.*

*The applicant's engineer has submitted stormwater drainage plans which proposed to pipe the site stormwater runoff to Quarry Road via above ground OSD & rainwater tanks.*

*The design whilst compliant with OSD provision, the location of the tanks would likely to impede overland flows, hence exacerbate existing flooding conditions. Surface detention system has also been investigated however, this option has also been abandoned since the detention system would not be able to function as designed as it would be inundated by overland flows.*

*In view of the above, OSD provision is considered not appropriate for this site and should be deleted and offset this by requiring the applicant to provide the equivalent OSD volume for rainwater storage and reuse. This would equate to each unit providing at least 5000L rainwater reuse storage. This requirement will be conditioned.*

*Access to the site is proposed via a new driveway at moderate grade with garage door opening and internal widths are in accordance with AS 2890.1-2004.*

**Comment:**

The conditions provided by the Engineer have been included in **ATTACHMENT 1** under their appropriate headings.

**Consultant Landscape Architect: 14 March 2011:** *I have inspected the site and reviewed the development plans. The site contains:*

- 1 Mugga Ironbark (Eucalyptus sideroxylon)*
- 1 Norfolk Island Pine (Araucaria heterophylla)*
- 1 Cypress (Cupressus sp)*
- 1 Jacaranda (Jacaranda mimosifolia)*

*There is also a Mugga Ironbark on the eastern neighbour's boundary which may also be affected by construction impacts, and has been conditioned for arboricultural supervision.*

*The ironbark (on the development site) is centrally located within the block and is being removed to establish the building footprint. The tree is in only fair condition and has a considerable structural defect. The tree is not endemic to the Ryde area and there is no issue with its removal. Similarly there is no issue with the removal of the cypress on the frontage or the small specimen of Jacaranda.*

---

Agenda of the Planning and Environment Committee Report No. 15/11, dated Tuesday 15 November 2011.

**ITEM 4 (continued)**

**ATTACHMENT 6**

**ITEM 2 (continued)**

*The only issues with regard to retention and construction impacts relate to:*

- (1) The Norfolk Island Pine located on the frontage; and,*
- (2) The neighbour's Mugga Ironbark.*

*With regard to the Norfolk Pine it is recommended that the front pedestrian access path be deleted in favour of soft landscaping so as to limit damage to the structural root zone of the tree. Construction of the front fence in the vicinity of the root zone will also have to be carefully managed.*

*The neighbour's Ironbark may be subject to construction impacts, particularly in relation to the rear patio. The development represents an acceptable incursion into the root zone, however the excavation of the foundation should be done by hand and supervised by a project arborist, and the root zone of this tree will need protection.*

Comment:

The consultant's recommended conditions have been included as conditions 33, 48-49 in the recommended conditions at **ATTACHMENT 1**.

External Referrals

None were required.

**14. Critical Dates**

There are no critical dates or deadlines to be met

**15. Financial Impact**

Adoption of the option outlined in this report will have no financial impact.

**16. Other Options**

No other options were considered due to the constraints of the site. The issues raised by the objector may have been ameliorated if the western part of the site had not been an overland flow path and had not been affected by a 4m wide easement along its western boundary. The site is reasonably wide (31m) and given more favourable circumstances consideration could have been given to repositioning the dwelling to minimise the loss of sunlight.

**17. Conclusion**

The application is to demolish the existing dwelling house and to erect an attached dual occupancy on the site. There have been a number of proposals to develop the site but they have not proceeded due to the difficulty in managing the overland flooding issues. These matters have been addressed in the present application.

Agenda of the Planning and Environment Committee Report No. 15/11, dated Tuesday 15 November 2011.



**ITEM 4 (continued)**

**ATTACHMENT 6**

**ITEM 2 (continued)**

The proposal complies with the planning controls except for a number of relatively minor issues, overshadowing excepted. The plans have been amended on a number of occasions and have been publicly notified. The two main issues raised in the submissions relate to privacy and overshadowing. The privacy issues are being addressed by the use of opaque glass in the side facing living area windows. The overshadowing to the adjoining property is significant although a part of it is existing. The site faces north south and some form of overshadowing is inevitable from any two storey building. The implications have been assessed against the relevant Planning Principles issued by the Land & Environment Court and it is considered that refusal on overshadowing grounds would be difficult to substantiate.

Agenda of the Planning and Environment Committee Report No. 15/11, dated  
Tuesday 15 November 2011.

**ITEM 4 (continued)**

**ATTACHMENT 6**

**ITEM 2 (continued)**

**ATTACHMENT 1**

**Recommended Conditions of Consent**

**GENERAL**

1. Development is to be carried out in accordance with the following plans and support information submitted to Council.

PLAN	ISSUE	DESCRIPTION	DATE
2933-1	G	Site Plan	17-05-11
2933-2	F	Ground Floor Plan	28-03-11
2933-3	F	First Floor Plan	28-03-11
2933-4	G	North & South Elevations	17-05-11
2933-5	G	East & West Elevations	17-05-11
2933-6	A	Section, Front Fence Detail	20-06-10
2933-10	A	Erosion & Sediment Control Plan, Demolition Plan	20-06-10
1279LAN1	E	Landscape Concept Plan	2-06-11
MO1	D	Flood Mitigation Plan	-
MO2	D	Flood Mitigation Details	-
MO3	D	Flood Mitigation Details	-

2. All building works are required to be carried out in accordance with the provisions of the Building Code of Australia.
3. Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Amendment Act, 1997 are to be complied with:
  - a) A **Construction Certificate** is to be obtained in accordance with Section 81A (2)(a) of the Act.
  - b) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A (2)(b) of the Act and Form 7 of Schedule 1 to the Regulations.
  - c) Council is to be notified at least two (2) days prior to the intention to commence building works, in accordance with Section 81A (2)(c) of the Act and Form 7 of Schedule 1 to the Regulations.
4. The applicant may apply to the Council or an accredited certifier for the issuing of a **Construction Certificate** and to Council or an accredited certifier to monitor compliance with the approval and issue any relevant documentary evidence or certificate/s.

Council Officers can provide these services and further information can be obtained from Council by telephoning 9952 8222 (Customer Service).

Agenda of the Planning and Environment Committee Report No. 15/11, dated Tuesday 15 November 2011.



**ITEM 4 (continued)**

**ATTACHMENT 6**

**ITEM 2 (continued)**

**ATTACHMENT 1**

5. The development is to be carried out in compliance with BASIX certificates No. 221403S\_02 and No. 2214005\_02, both dated 6/8/2010.
6. Any architectural and/or fixture changes to the development will require the submission of a new BASIX certificate. Please note that modifications may require the submission of a Section 96 application in accordance with the Environmental Planning & Assessment Act.
7. Residential Building Work
  - a) Building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:
    - i) in the case of work to be done under the Act: has been informed in writing of the licensee's name and contractor licence number, and is satisfied that the licensee had complied with the requirements of Part 6 of the Act; or
    - ii) in the case of work to be done by any other person: has been informed in writing of the person's name and owner-builder permit number; or has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of "owner builder work" in Section 29 of that Act, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.
  - b) A certificate purporting to be used by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purpose of this clause, sufficient evidence that the person has complied with the requirements of that Part.
8. Excavations and backfilling
  - a) All excavations and backfill associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
  - b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

---

Agenda of the Planning and Environment Committee Report No. 15/11, dated Tuesday 15 November 2011.

**ITEM 4 (continued)**

**ATTACHMENT 6**

**ITEM 2 (continued)**

**ATTACHMENT 1**

**9. Retaining walls and drainage**

If the soil conditions require it:

- a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided.
- b) adequate provision must be made for drainage.

**10. Support for neighbouring buildings**

If the soil conditions require it:

- a) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
  - i) must preserve and protect the building from damage, and
  - ii) if necessary, must underpin and support the building in an approved manner, and
  - iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- b) The 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 clause, whether carried out on the allotment of land being excavated or on an adjoining allotment of land.
- c) In this clause, "allotment of land" includes a public road and any other public place.

**11. Protection of Public Places**

- a) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.
- b) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- c) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- d) Any such hoarding, fence or awning is to be removed when the work has been completed.

**12. Telephone Installations**

Advice should be obtained from your local telecommunications office regarding any telephone lines required to be installed in concrete floors.

---

Agenda of the Planning and Environment Committee Report No. 15/11, dated Tuesday 15 November 2011.



**ITEM 4 (continued)**

**ATTACHMENT 6**

**ITEM 2 (continued)**

**ATTACHMENT 1**

**13. Australia Post**

Approval for the site and size of proposed household mailboxes must be obtained from Australia Post.

- 14. Waste Management Plan** - Should you wish to vary the information provided in the Waste Management Plan you submitted to Council with your Development Application involving demolition and construction works, you are required to give written advice to Council of any changes.

Council's DCP 2010, Part 7.2 – Waste Minimisation and Management, sets out your obligations for waste management.

General Engineering Conditions

- 15. Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the requirements as outlined within Council's publication *Environmental Standards Development Criteria 1999 and City of Ryde Development Control Plan 2010 Section 8* except as amended by other conditions.
- 16. Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
- 17. 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 will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.
- 18. Road Opening Permit.** The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) are required within the road reserve. No drainage work shall be carried out on the footpath without this permit being paid and a copy kept on the site.

**PRIOR TO CONSTRUCTION CERTIFICATE**

- 19.** A contribution for the services in Column A and for the amount in Column B shall be made to Council prior to the issue of the Construction Certificate.

---

Agenda of the Planning and Environment Committee Report No. 15/11, dated Tuesday 15 November 2011.

**ITEM 4 (continued)**

**ATTACHMENT 6**

**ITEM 2 (continued)**

**ATTACHMENT 1**

A	B
Community & Cultural Facilities	3991.39
Open Space & Recreation Facilities	9825.97
Civic & Urban Improvements	3341.90
Roads & Traffic Management Facilities	455.76
Cycleways	284.75
Stormwater Management Facilities	904.74
Plan Administration	76.78
<b>The total contribution is</b>	<b>18,881.29</b>

This contribution is a contribution under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 (2010 Amendment), adopted by City of Ryde on 16 March 2011.

The above amount, if not paid within the quarter that the consent is granted, shall be adjusted for inflation by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) on the basis of the contribution rates that are applicable at time of payment.

20. A security deposit (category: dwelling houses with delivery of bricks or concrete or machine excavation OR demolition) is to be paid to Council (Public Works and Services Group) as well as the infrastructure inspection fee. Please refer to Council's Management Plan for the current fee amounts.
21. An **Enforcement levy** is to be paid to Council on lodgement of the **Construction Certificate** application in accordance with the requirements of Council's Management Plan (scheduled fees).
22. 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 received prior to the issuing of the **Construction Certificate**.
23. Documentary evidence of compliance with Conditions 19-22 to the satisfaction of Council or an accredited certifier is to be submitted to the Council prior to the issuing of the **Construction Certificate**.
24. A clothesline is to be provided to the rear yard or sheltered well ventilated space.

Agenda of the Planning and Environment Committee Report No. 15/11, dated Tuesday 15 November 2011.



**ITEM 4 (continued)**

**ATTACHMENT 6**

**ITEM 2 (continued)**

**ATTACHMENT 1**

**25. Sydney Water**

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au), see Your Business then see Building, Developing and Plumbing then Quick Check or telephone 13 20 92.

The consent authority or a private accredited certifier must ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans before the issue of any **Construction Certificate**.

26. The applicant is to submit to and have approved by Council or an accredited certifier engineer's details for all concrete work and structural steelwork prior to the issue of the **Construction Certificate**.
27. City of Ryde will not issue a **Construction Certificate** without evidence of Home Owners Warranty / Owner Builder's Permit being submitted to Council.
28. The windows marked "o/s" shall be of obscure glass where shown by the use of stipple. The window to the foyer shown in the east elevation shall be of obscure glass to the same height as the windows to the lounge room and family room on the same elevation. Details are to be submitted with the **Construction Certificate**.
29. Fencing is to be in accordance with that shown on approved plan MOD 2 Issue D as amended by this condition.
- (a) The side and rear fence shall be 1.8m high lapped and capped paling with a 500mm gap underneath.
  - (b) The 500mm gap is to be of pool type fencing.
  - (c) The return fence (from the street to the building alignment) shall be not more than 900mm high and be constructed of materials as set out in (a) & (b) above or may be wholly of pool type fencing, only with the written agreement of the adjoining owner.
  - (d) The timber materials of the side, rear and return fence may be altered to colourbond only with the written consent of the adjoining owner.
30. Fire and Smoke Alarms are to be provided in accordance with Part 3.7.2 of the Building Code. Location details are to be submitted and approved by Council or an accredited certifier prior to the release of the **Construction Certificate**.
31. All retaining walls to excavated areas are to be completed at the earliest possible stage and prior to the erection of the timber and masonry framework. Details are to be submitted to and approved by Council or an accredited certifier prior to the issue of the **Construction Certificate**.

---

Agenda of the Planning and Environment Committee Report No. 15/11, dated Tuesday 15 November 2011.

**ITEM 4 (continued)**

**ATTACHMENT 6**

**ITEM 2 (continued)**

**ATTACHMENT 1**

32. The **Construction Certificate** plans and specifications are to detail all of the 'CC plan' commitments of the BASIX Certificate.
33. The pedestrian access to path No 252 is to be deleted in favour of soft landscaping, to minimize construction impacts on the structural root zone of the adjoining tree. Details to be shown on the **Construction Certificate** plans.
34. A retaining wall about 7m in length is to be constructed along the front section of the eastern side boundary. The applicant should limit the height of the retaining wall to the existing ground level of No. 250 Quarry Road and provide permeable fencing with 500mm gap underside of fence to allow the free passage of overland flow through the property.
35. All proposed building structures are to have flood compatible materials up to the level of RL 64.90m.

Engineering Conditions to be complied with Prior To Construction Certificate

36. **Council Inspections.** A Council engineer must inspect the stormwater connection to the existing Council stormwater pipeline. Council shall be notified when the collar connection has been made to the pipe and an inspection must be made **before** the property service line is connected to the collar. The property service line must not be connected directly to Council's pipeline. An inspection fee of \$140 shall be paid to Council prior to the issue of the Construction Certificate
37. **Boundary Levels.** The levels of the street alignment shall be obtained from Council. These levels shall be incorporated into the design of the internal driveway, carparking areas, landscaping and stormwater drainage plans and must be obtained prior to the issue of the construction certificate.
38. **Driveway Grades.** The maximum grade of all internal driveways and vehicular ramps shall be 1 in 4 and in accordance with the relevant section of AS 2890.1. The maximum change of grade permitted is 1 in 8 (12.5%) for summit grade changes and 1 in 6.7 (15%) for sag grade changes. Any transition grades shall have a minimum length of 2.0m. The driveway design is to incorporate Council's issued footpath and gutter crossing levels where they are required as a condition of consent.
39. **Control of Stormwater Runoff.** Stormwater runoff from roof impervious areas shall be collected and piped by gravity flow to Council's existing stormwater pit located in Quarry Road via rainwater tanks designed in accordance with BASIX and DCP 2010 Part 8.2. Due to flooding impacts OSD will not be required for the site however, each unit is required to provide a rainwater tank volume of at least 5000 litres, plus any additional volume that may be required under BASIX. The rainwater tanks shall be connected for internal reuse at a minimum for toilet flushing, washing machines and garden irrigation. Additionally, to minimise flooding impacts, all rainwater tanks are to be located underground.

Agenda of the Planning and Environment Committee Report No. 15/11, dated Tuesday 15 November 2011.



**ITEM 4 (continued)**

**ATTACHMENT 6**

**ITEM 2 (continued)**

**ATTACHMENT 1**

40. Amended stormwater drainage plan including engineering certification indicating compliance with this condition are to be submitted with the **Construction Certificate** application.
41. **Water Tank First Flush.** A first flush mechanism is to be designed and constructed with the water tank system. Details of the first flush system are to be submitted with the **Construction Certificate** application.
42. **Overland Flow path.** No filling, alteration to the surface levels or other obstructions within the overland flow path across the site shall be made without prior approval of Council.
43. **Structural Design** Prior to the issue of **Construction Certificate**, a suitably qualified structural engineer shall certify that the building and elevated footpath/driveway structures are able to withstand the forces of floodwaters having regard to hydrostatic pressure, hydrodynamic pressure, the impact of debris and buoyancy forces up to the Probable Maximum Flood (PMF) event.
44. **Fencing Provision** is to be constructed in a manner that does not affect the flow of flood waters so as to detrimentally change flood behaviour or increase flood levels on surrounding land. A certificate indicating compliance shall be provided to the PCA from a suitably qualified engineer prior to the issue of the **Construction Certificate and Occupation Certificate**.
45. **Erosion and Sediment Control Plan.** An *Erosion and Sediment Control Plan (ESCP)* shall be prepared by a suitably qualified consultant in accordance with the guidelines set out in the manual "*Managing Urban Stormwater, Soils and Construction*" prepared by the Landcom. These devices shall be maintained during the construction works and replaced where considered necessary.

The following details are to be included in drawings accompanying the *Erosion and Sediment Control Plan*

- (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.

Agenda of the Planning and Environment Committee Report No. 15/11, dated Tuesday 15 November 2011.

**ITEM 4 (continued)**

**ATTACHMENT 6**

**ITEM 2 (continued)**

**ATTACHMENT 1**

46. Prior to the issue of the **Construction Certificate**, a suitably qualified floodplain engineer shall certify that all structures, storage areas and utility services below the 100 year ARI flood event plus 0.5m freeboard are designed to be flood compatible in accordance with Schedule 1, Appendix D of Draft Floodplain Management DCP Provisions in the Eastwood & Terrys Creek Floodplain Risk Management Study & Plan dated October 2009.
47. The garage doors shall be of a similar colour to the colour of the face bricks to minimise their impact on the streetscape. Details shall be submitted with the **Construction Certificate**.

**PRIOR TO COMMENCEMENT**

48. A tree protection zone is to be established around the root zone of the Norfolk Island Pine (*Araucaria heterophylla*) located on the Quarry Rd frontage and the Mugga Ironbark (*Eucalyptus leucoxylon*) growing on the neighbouring property, 250 Quarry Rd. Tree protection is to be equivalent to temporary chain wire panelling, and installed **prior to the commencement of demolition and shall be retained during construction**.
49. A project arborist is to be appointed to supervise the installation of all tree protection zones, and shall supervise the hand excavation of the front wall footings and the south eastern corner of the rear patio. The severing of any significant structural roots is to be carried out in accordance with accepted arboricultural practices.
50. In issuing this approval, Council has relied on the information provided by you about the siting of the building/structure on the allotment. If this information is incorrect, it is your responsibility to correct the errors. It may be advisable to undertake a land survey prior to commencing any works.
51. 'Dial 1100 Before You Dig'
- Underground pipes and cables may exist in the area. In your own interest and for safety, telephone 1100 before excavating or erecting structures. Information on the location of underground pipes and cables can also be obtained by fax on 1300 652 077 or through the following website [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au).
- If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the Development Consent (or a new development application) may be necessary. Council's Assessment Officer should be consulted prior to the lodgement of an application for a **Construction Certificate** if this is the case.
52. The area around street tree/s to be retained is not to be used for storage of materials, stockpiling, siting of work sheds, preparation of mixes, cleaning of tools or equipment, pedestrian or vehicular activity, including parking.

Agenda of the Planning and Environment Committee Report No. 15/11, dated Tuesday 15 November 2011.



**ITEM 4 (continued)**

**ATTACHMENT 6**

**ITEM 2 (continued)**

**ATTACHMENT 1**

53. Refuelling and/or maintenance of machinery and equipment are not permitted on the road verge (nature strip).
54. Unless otherwise approved, original soil levels must be maintained at all times on the road verge (nature strip).
55. Pruning or removal of street trees, without written Council consent, is not permitted. Where works are deemed necessary, Council **MUST** be contacted and written consent obtained **PRIOR** to any works being carried out.
56. Where a street tree sustains damage during the construction process, Council must be notified within five (5) working days. Such notification can be made by contacting the Customer Service Centre on 9952 8222, between 8:30am and 4:30pm Monday to Friday.
57. Signage is to be provided on the site as follows:
  - (i) During the demolition process notices lettered in accordance with AS1319 displaying the words "**DANGER - DEMOLITION IN PROGRESS**" or a similar message shall be fixed to the security fencing at appropriate places to warn the public.
  - (ii) During the entire construction phase signage shall be fixed on site identifying the PCA and principal contractor (the coordinator of the building work), and providing phone numbers.
58. A security deposit (Category: demolition) is to be paid to Council (Public Works and Services Group) prior to the commencement of any demolition works. Please refer to Council's Management Plan for the applicable fee amount.

**Engineering Conditions to be complied with Prior to Commencement of Construction**

59. **Sediment and Erosion Control.** The applicant shall install appropriate sediment control devices in accordance with an approved plan **prior** to any earthworks being carried out on the site. These devices shall be maintained during the construction period and replaced where considered necessary. Suitable erosion control management procedures shall be practiced. This condition is imposed in order to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.
60. **Compliance Certificate.** A Compliance Certificate should be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and City of Ryde, Development Control Plan 2010: - Part 8.1; Construction Activities
61. **Vehicle Footpath Crossings.** Concrete footpath crossings shall be constructed at all locations where vehicles cross the footpath, to protect it from damage resulting from the vehicle traffic. The location, design and construction shall conform to the

Agenda of the Planning and Environment Committee Report No. 15/11, dated Tuesday 15 November 2011.

**ITEM 4 (continued)**

**ATTACHMENT 6**

**ITEM 2 (continued)**

**ATTACHMENT 1**

requirements of Council. Crossings are to be constructed in plain reinforced concrete and finished levels shall conform with property alignment levels issued by Council's Public Works Division. Kerbs shall not be returned to the alignment line. Bridge and pipe crossings will not be permitted.

**DURING DEMOLITION**

62. **Council is to be notified in writing before work commences** - The applicant must notify Council of the following particulars in writing at least seven (7) working days before demolition work commences:
  - a) the name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
  - b) the date the work is due to commence and the expected completion date.
63. **Notification of neighbouring residents** - At least seven (7) days before demolition work commences the applicant must notify the occupiers of all neighbouring premises of the date the work is due to commence by placing a written notice in the letter box of each premises.
64. In relation to demolition, all work is to be carried out in accordance with the requirements of AS 2601-2001 (*The Demolition of Structures*).
65. Security fencing shall be provided around the perimeter of the building/demolition site and precautionary measures taken to prevent unauthorized entries of the site at all times during demolition and construction.
66. Signage is to be provided on the site as follows:
  - a) During the demolition process notices lettered in accordance with AS1319 displaying the words "**DANGER - DEMOLITION IN PROGRESS**" or a similar message shall be fixed to the security fencing at appropriate places to warn the public.
  - b) During the entire construction phase signage shall be fixed on site identifying the PCA and principal contractor (the coordinator of the building work), and providing phone numbers.
67. All demolition and all construction and associated work is to be restricted to between the hours of 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No work is to be carried out on Sunday or public holidays.
68. Adequate precautions must be taken to control the emission of dust from the site during demolition and construction work. These precautions could include minimizing soil disturbance, use of water sprays, erecting screens and not carrying out dusty work during windy conditions.
69. All work involving asbestos products and materials, including asbestos-cement sheeting (i.e. fibro) must be carried out in accordance with the guidelines for asbestos work published by WorkCover New South Wales.

Agenda of the Planning and Environment Committee Report No. 15/11, dated Tuesday 15 November 2011.



**ITEM 4 (continued)**

**ATTACHMENT 6**

**ITEM 2 (continued)**

**ATTACHMENT 1**

70. All asbestos wastes including used asbestos-cement sheeting (i.e. fibro), 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 kept by the applicant for at least 3 years and be submitted to Council on request.
71. Adequate arrangements must be made for the storage and disposal of demolition and building waste generated on the premises. In this regard the demolishers and builders are encouraged to maximize the re-use and recycling of materials (e.g. Concrete, bricks, roof tiles, timber, doors, windows, fittings, etc.) by separating these materials from other wastes.

**DURING CONSTRUCTION**

72. The occasions on which building work must be inspected are:

- a) after excavation for, and prior to the placement of, any footings
- b) prior to pouring any in-situ reinforced concrete building element
- c) prior to covering of the framework for any floor, wall, roof or other building element
- d) prior to covering waterproofing in any wet areas
- e) prior to covering any stormwater drainage connections
- f) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Documentary evidence of compliance with Council's approval and relevant standards of construction is to be obtained prior to proceeding to the subsequent stages of construction and copies of the documentary evidence are to be maintained by the Principal Certifying Authority and be made available to Council officers upon request.

Prior to occupation of the building, an occupation certificate must be obtained. Prior to the issue of the occupation certificate, **the critical stage inspections must be carried out.**

73. In addition to the abovestated inspections, Council or an accredited certifier is required to ensure that adequate provisions are made for the following measures at each stage of construction, to ensure compliance with the approval and City of Ryde, Development Control Plan 2010: - Part 8.1; Construction Activities:
- a) Sediment control measures
  - b) Tree Preservation and protection measures
  - c) Security fencing
  - d) Materials or waste containers upon the footway or road.
  - e) PCA and principal contractor (the coordinator of the building work) signage and site toilets

Agenda of the Planning and Environment Committee Report No. 15/11, dated Tuesday 15 November 2011.

**ITEM 4 (continued)**

**ATTACHMENT 6**

**ITEM 2 (continued)**

**ATTACHMENT 1**

74. Council recommends that a Registered Surveyors check survey certificate be submitted to the Principal Certifying Authority (*and Council, if Council is not the PCA*) detailing compliance with Council's approval at the following stages:
- a) Prior to construction of the first completed floor/floor slab showing the area of the land, proposed building and the boundary setbacks.
  - b) Prior to construction of the first completed floor/floor slab showing the area of the land, proposed building and the boundary setbacks and verifying that the proposed building is being constructed to the approved levels.
  - c) Prior to construction of each floor level showing the area of the land, proposed building and the boundary setbacks and verifying that the proposed building is being constructed to the approved levels.
  - d) On completion of the proposed building showing the area of the land, completed building and the boundary setbacks.
75. Concrete wastes must be collected, stored and treated in accordance with the *Concrete Wastes* guide published by the Environment Protection Authority.
76. Only unpolluted water is to be discharged to Council's stormwater drainage system.
77. The L<sub>10</sub> noise level measured for a period of not less than 15 minutes while demolition and construction work is in progress must not exceed the background noise level by more than 20 dB (A) at the nearest affected residential premises.
78. No spoil, stockpiles, building or demolition material is to be placed on any public road, footpath, park or Council owned land.
79. All excavated material must be removed from the site. No fill is to be placed above the natural ground level unless shown on the approved plans.
80. All demolition and all construction and associated work is to be restricted to between the hours of 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No work is to be carried out on Sunday or public holidays.
81. Site toilets shall be provided in accordance with the WorkCover Code of Practice entitled "Amenities for Construction Work".
82. 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 AS1742.3-1996 "Traffic Control Devices for Work on Roads".

---

Agenda of the Planning and Environment Committee Report No. 15/11, dated Tuesday 15 November 2011.



**ITEM 4 (continued)**

**ATTACHMENT 6**

**ITEM 2 (continued)**

**ATTACHMENT 1**

83. Glass doors and fixed panels so located in relation to other parts of the building as to be capable of being mistaken as a doorway of unimpeded path or travel shall be provided with a Grade "A" Safety Glazing in accordance with AS 2008, Safety Glazing Materials for use in buildings (Human Impact Consideration). All other glazing shall be installed in accordance with Table 1A Appendix "A" of AS 1288 Glass Installation Code.
84. Panels and doors in paths of travel shall be provided with a midrail, motifs or other approved permanent means of making the panels clearly distinguishable. Safety glass installations that are not carrying permanent safety glass markings in accordance with AS 2208, Safety Glazing Materials for Use in Buildings, shall be either legibly labelled, or a certificate furnished to Council or an accredited certifier and in each case the following information shall be given:
- a) Distributor's or installer's name.
  - b) Details of the original panel from which the piece was cut.
- The original sheet bore permanent "safety glass" markings in accordance with AS 22.08.
85. The doors to the sanitary compartments must be open outwards, slide or be readily removable from the outside of the compartment unless there is clear space of at least 1.2m between the closest pan and the nearest part of the doorway (3.8.3.3 of the Building Code of Australia).

**PRIOR TO OCCUPATION CERTIFICATE**

86. An **Occupation Certificate** must be obtained from the Principal Certifying Authority (PCA) and a copy furnished to Council in accordance with Clause 151 of the Environmental Planning and Assessment Regulation 2000 prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.
87. Prior to the issue of the Occupation Certificate, the Principal Certifying Authority is to ensure that the BASIX commitments have been implemented in accordance with the approved BASIX Certificate. **NOTE:** Certificates from suitably qualified persons are to be submitted to the Principal Certifying Authority (*if Council is the PCA*) verifying that all BASIX commitments listed have been fulfilled in accordance with the BASIX Certificate.
88. A certificate from a suitably qualified person is to be submitted to the Principal Certifying Authority (*and Council, if Council is not the PCA*) that the method of Termite Protection has been provided in accordance with Part 3.1.3 of the Building Code of Australia and the requirements of the Australian Standard 3660.1.

---

Agenda of the Planning and Environment Committee Report No. 15/11, dated Tuesday 15 November 2011.

**ITEM 4 (continued)**

**ATTACHMENT 6**

**ITEM 2 (continued)**

**ATTACHMENT 1**

89. A certificate from a suitably qualified person is to be submitted to the Principal Certifying Authority (and Council, if Council is not the PCA) that the method of waterproofing wet areas has been provided in accordance with Part 3.8.1 of the Building Code of Australia and the requirements of the Australian Standard 3740 prior to wall tiling.
90. A certificate from a suitably qualified person is to be submitted to the Principal Certifying Authority (and Council, if Council is not the PCA) that Fire and Smoke Alarms have been provided in accordance with Part 3.7.2 of the Building Code.

Engineering Conditions to be complied with Prior to Occupation Certificate

91. **Disused Gutter Crossing.** All disused gutter and footpath crossings shall be removed and the kerb and footpath reinstated to the satisfaction of Council.
92. **Compliance Certificates – Engineering.** Compliance Certificates should be obtained for the following (If Council is appointed the Principal Certifying Authority [PCA] then the appropriate inspection fee is to be paid to Council) and **submitted to the PCA:**
  - Confirming that all vehicular footway and gutter (layback) crossings are constructed in accordance with the construction plan requirements and Ryde City Council's *Environmental Standards Development Criteria – 1999 section 4.*
  - Confirming that the site drainage system servicing the development complies with the construction plan requirements and City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management
  - Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including the on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
  - Confirming that the connection of the site drainage system to the trunk drainage system complies with Section 4.7 of AS 3500.3 - 1990 (National Plumbing and Drainage Code).
  - Confirming that the development shall be carried out in accordance with the Flood Impact Assessment Report dated 8 November 2010 prepared by Kh Consulting Engineers Pty Ltd.
93. **Restriction as to User, Floodway.** A restriction as to user is to be placed on the property title to prevent the alteration of the ground surface and maintenance within the 100 year Average Recurrence Interval flow path and also not to have any structure placed inside without Council permission. The terms of the restriction shall be generally in accordance with Council's draft terms for provision for overland flow and to the satisfaction of Council.
94. Prior to the issue of the Occupation Certificate, a certificate shall be provided to the PCA confirming the driveway has been constructed as a suspended slab, and allows the free passage of overland flow.

Agenda of the Planning and Environment Committee Report No. 15/11, dated Tuesday 15 November 2011.



**ITEM 4 (continued)**

**ATTACHMENT 6**

**ITEM 2 (continued)**

**ATTACHMENT 1**

95. Prior to the issue of the Occupation Certificate, a licensed surveyor shall certify that the ground levels have been modified as per the plan "Drawing No. M01 Revision D" prepared by KHH Consulting Engineers Pty Ltd.

**POST OCCUPATION CERTIFICATE**

96. Within 2 days of issuing a final Occupation Certificate, the Principal Certifying Authority (PCA) is required to generate a BASIX Completion Receipt in accordance with the provisions of the EP & A Regulation 2000. The PCA is to refer to the BASIX Completion Receipt tool at [www.basix.nsw.gov.au/administration/login.jsp](http://www.basix.nsw.gov.au/administration/login.jsp) in order to generate the BASIX Completion Receipt and a printed copy of the receipt is to be placed on the PCA file.

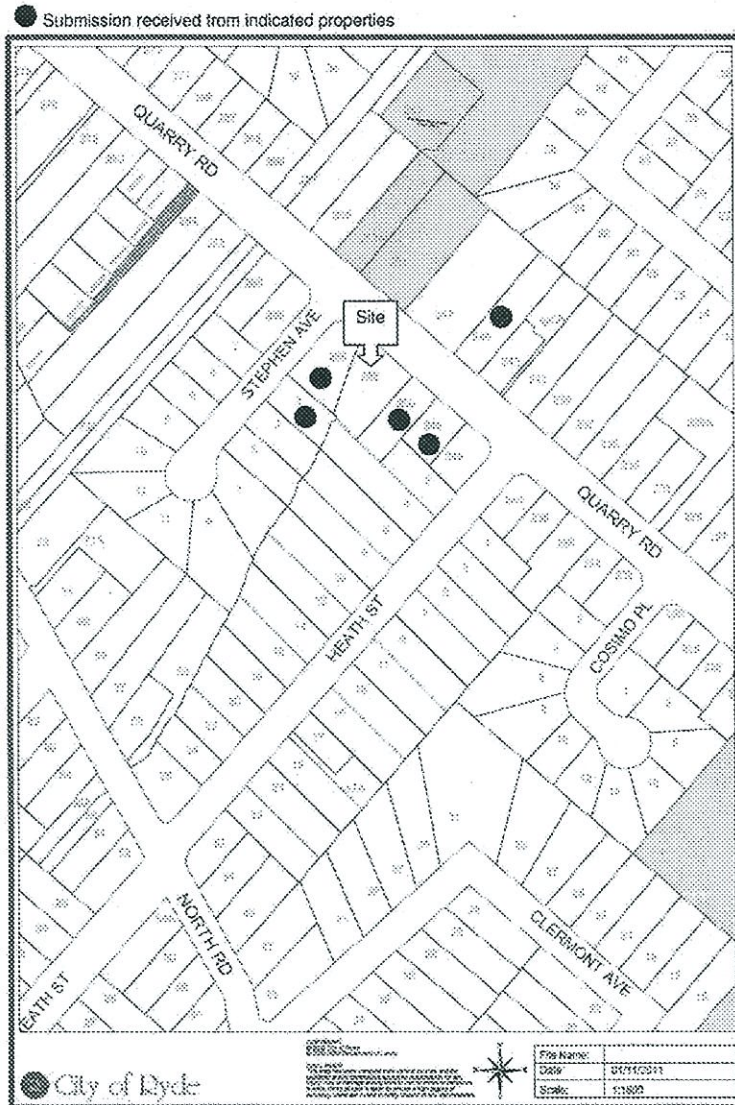
**End of Conditions**

**ITEM 4 (continued)**

**ATTACHMENT 6**

**ITEM 2 (continued)**

**ATTACHMENT 2**



Agenda of the Planning and Environment Committee Report No. 15/11, dated Tuesday 15 November 2011.



**ITEM 4 (continued)**

**ATTACHMENT 6**

**ITEM 2 (continued)**

**ATTACHMENT 3**

**Compliance Table**

DCP 2010	Proposed	Compliance
<b>Part 3.3 - Dwelling Houses and Dual Occupancy (attached)</b>		
<b>Desired Future Character</b>		
Development is to be consistent with the desired future character of the low density residential areas.	The proposed development is consistent with the desired future character of the low density residential area as detailed further in this table.	-
<b>Dwelling Houses</b>		
- To have a landscaped setting which includes significant deep soil areas at front and rear.	Front and rear gardens proposed.	Yes
- Maximum 2 storeys.	Two storeys	Yes
- Dwellings to address street	Dwelling presents to Quarry Road	Yes
- Garage/carports not visually prominent features.	Amended to 2 single garages	Yes
<b>Dual Occupancy – Linear Separation</b>		
- Any urban housing, multi dwelling (attached), villa homes, duplex, dual occupancy (attached) within double the main frontage of the subject site or existing villa/dual occupancy site?	<u>250 Quarry</u> – single dwelling, no applications for urban housing <u>248 Quarry</u> – single dwelling – no applications for urban housing. <u>256 Quarry</u> – single dwelling, no applications for urban housing. (Prelodgement for duplex in 2002 – no carry through application submitted).	Yes
<b>Public Domain Amenity</b>		
<b>Streetscape</b>		
- Front doors and windows are to face the street. Side entries to be clearly apparent.	Front doors and windows face street.	Yes
- Single storey entrance porticos.	Single entrance portico.	Yes
- Articulated street facades.	Articulated street façade.	Yes
<b>Public Views and Vistas</b>		
- 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	No view corridor	N/A

Agenda of the Planning and Environment Committee Report No. 15/11, dated Tuesday 15 November 2011.

**ITEM 4 (continued)**

**ATTACHMENT 6**

**ITEM 2 (continued)**

**ATTACHMENT 3**

DCP 2010	Proposed	Compliance
is not to restrict views. Garages/carports and outbuildings are not to be located within view corridor if they obstruct view. Fence 70% open where height is >900mm.		
<b>Pedestrian &amp; Vehicle Safety</b> <ul style="list-style-type: none"> <li>- Car parking located to accommodate sightlines to footpath &amp; road in accordance with relevant Australian Standard.</li> <li>- Fencing that blocks sight lines is to be splayed.</li> </ul>	252 Quarry – vehicle will reverse out onto Quarry Road. Council's Development Engineer has no objections to vehicles reversing out as no difference to a single dwelling house – slight line is considered satisfactory as low (900mm) fence with metal pickets.	Yes
<b>Site Configuration</b>		
<b>Deep Soil Areas</b> <ul style="list-style-type: none"> <li>- 35% of site area min.</li> <li>- Min 8x8m deep soil area in backyard.</li> <li>- Front yard to have deep soil area (only hard paved area to be driveway, pedestrian path and garden walls).</li> <li>- Dual occupancy developments only need 1 of 8 x 8m area (doesn't have to be shared equally).</li> </ul>	Permeable (deep soil) area: 464m <sup>2</sup> approx (50% of site area).  Rear DSA dimensions: Greater than 8m x 8m provided.  Front DSA: 100% permeable area in front yard. The amended plans have reduced the extent of hard surface areas within the front yard.	Yes   Yes  Yes
<b>Topography &amp; Excavation</b> <p>Within building footprint:</p> <ul style="list-style-type: none"> <li>- Max cut: 1.2m</li> <li>- Max fill: 900mm</li> </ul> <p>Outside building footprint:</p> <ul style="list-style-type: none"> <li>- Max cut: 900mm</li> <li>- Max fill: 500mm</li> <li>- No fill between side of building and boundary or close to rear boundary</li> <li>- Max ht retaining wall</li> </ul>	Within BF Max cut: No cut Max fill: 900mm  Outside BF Max cut: No fill Max fill: 600mm for side driveway No fill between side of building and boundary	Yes   Yes  Yes

Agenda of the Planning and Environment Committee Report No. 15/11, dated Tuesday 15 November 2011.



**ITEM 4 (continued)**

**ATTACHMENT 6**

**ITEM 2 (continued)**

**ATTACHMENT 3**

DCP 2010	Proposed	Compliance
900mm		
<b>Floor Space Ratio</b>		
Ground floor	244.41m <sup>2</sup>	
First floor	224.8m <sup>2</sup>	
Less 36m <sup>2</sup> (double) or 18m <sup>2</sup> (single) allowance for parking	36m <sup>2</sup> (for 2 spaces)	
Total (Gross Floor Area)	433.21m <sup>2</sup>	
Site Area	923.7 m <sup>2</sup>	
FSR (max 0.5:1)  Note: Excludes wall thicknesses; lifts/stairs; basement storage/vehicle access/garbage area; terraces/balconies with walls <1.4m; void areas.	0.46:1	Yes
<b>Height</b>		
- 2 storeys maximum (storey incl basement elevated greater than 1.2m above EGL).	Height of any basement ceiling (above EGL) that is located below two storeys above: 2 storey	Yes
9.5m Overall Height  NB: EGL = Existing Ground Level	Max point of dwelling RL: 72.41  EGL below ridge (lowest point): RL:63.7  Overall Height (max)= 8.71m	Yes
Wall plate (Ceiling Height) - 7.5m max above FGL or - 8m max to top of parapet  NB: TOW = Top of Wall EGL = Existing Ground Level FGL = Finished Ground Level	TOW RL: 70.2  FGL below (lowest point): RL:63.59  TOW Height (max)= 6.61m	Yes
Habitable rooms to have 2.4m floor to ceiling height (min).	2.4m & 2.6m min room height	Yes
<b>Setbacks</b>		
<b>SIDE</b>  <b>Two storey dwelling</b> - 1500mm to wall - Includes balconies etc	East: 1500mm  West: min 6.4m	Yes

Agenda of the Planning and Environment Committee Report No. 15/11, dated  
Tuesday 15 November 2011.

**ITEM 4 (continued)**

**ATTACHMENT 6**

**ITEM 2 (continued)**

**ATTACHMENT 3**

DCP 2010	Proposed	Compliance
<b>Front</b> <ul style="list-style-type: none"> <li>- 6m to façade (generally)</li> <li>- Garage setback 1m from the dwelling façade</li> <li>- Wall above is to align with outside face of garage below.</li> <li>- Front setback free of ancillary elements e.g. RWT, A/C</li> </ul>	6.6m Garages in line with dwelling/porch Wall setback 1.9m back balcony above	Yes No Yes
<b>Rear</b> <ul style="list-style-type: none"> <li>- 8m to rear of dwelling OR 25% of the length of the site, whichever is greater. Note: 9.75m is 25% of site length.</li> </ul>	9.8m	Yes
<b>Car Parking &amp; Access</b>		
<b>General</b> <ul style="list-style-type: none"> <li>- Dwelling: 2 spaces max, 1 space min.</li> <li>- Dual Occupancy (attached): 1 space max per dwelling.</li> <li>- Where possible access off secondary street frontages or laneways is preferable.</li> <li>- Max 6m wide or 50% of frontage, whichever is less.</li> <li>- Behind building façade.</li> </ul>	Number/location of car spaces: 2 = 2 x 1 single garage  Access from: Quarry Road  External width: 6.5m	Yes   No
<b>Garages</b> <ul style="list-style-type: none"> <li>- Garages setback 1m from façade.</li> <li>- Total width of garage doors visible from public space must not exceed 5.7m and be setback not more than 300mm behind the outside face of the building element immediately above.</li> <li>- Garage windows are to be at least 900mm away from boundary.</li> </ul>	Setback from façade: Forward of dwelling 2.1m/ in line with porch  Width of opening: 2.3m each  Door setback: In line  9m setback from side boundary	No  Yes  Yes  Yes
<b>Parking Space Sizes (AS)</b> <ul style="list-style-type: none"> <li>o Double garage: 5.4m wide (min)</li> <li>o Single garage: 3m w(min)</li> </ul>	Internal measurements: Single: 3.02m x 6.07m	Yes

Agenda of the Planning and Environment Committee Report No. 15/11, dated Tuesday 15 November 2011.



**ITEM 4 (continued)**

**ATTACHMENT 6**

**ITEM 2 (continued)**

**ATTACHMENT 3**

DCP 2010	Proposed	Compliance
o Internal length: 5.4m (min)		
<b>Driveways</b> Extent of driveways minimised	Driveway in front setback – amended to reduce driveway	Yes
<b>Landscaping</b>		
<b>Trees &amp; Landscaping</b>		
- Major trees retained where practicable	Several trees to be removed	Yes
- Physical connection to be provided between dwelling and outdoor spaces where the ground floor is elevated above NGL e.g. stairs, terraces.	Physical connection provided	Yes
- Obstruction-free pathway on one side of dwelling (excl cnr allotments or rear lane access)	Obstruction free pathway	Yes
- Front yard to have at least 1 tree with mature ht of 10m min and a spreading canopy.	Existing tree in front yard to remain	Yes
- Back yard to have at least 1 tree with mature ht of 15m min and a spreading canopy.	Proposed to plant one tree in rear yard	Yes
- Hedging or screen planting on boundary mature plants reaching no more than 2.7m.	No hedge or screen planting over 2.7m	Yes
- OSD generally not to be located in front setback unless under driveway.	OSD located in front setback	No – Engineer conditioned to delete OSD, not required.
- Landscaped front garden, with max 40% hard paving	Hard Paving: Less than 40%	Yes
<b>Landscaping for lots with Urban Bushland or Overland Flow constraints</b>		
- No fill allowed in overland flow areas.	No fill proposed in overland flow	Yes
- Fences in Overland Flow areas must be of open construction so it doesn't impede the flow of water.	Front fence – open type picket – allows flow of water, side & rear fences have 500mm gap to allow flow	Yes

Agenda of the Planning and Environment Committee Report No. 15/11, dated Tuesday 15 November 2011.

ITEM 4 (continued)

ATTACHMENT 6

ITEM 2 (continued)

ATTACHMENT 3

DCP 2010	Proposed	Compliance
<b>Dwelling Amenity</b>		
<b>Daylight and Sunlight Access</b> <ul style="list-style-type: none"> <li>- Living areas to face north where orientation makes this possible.</li> <li>- 4m side setback for side living areas where north is to the side allotment boundary.</li> </ul>	252A - Lounge & family room windows faces north/west. More than 4m setback 252 Quarry Road – family room orient to south. Common dividing wall is to the north	Yes N/A
<b>Subject Dwelling:</b> <ul style="list-style-type: none"> <li>- Subject dwelling north facing windows are to receive at least 3hrs of sunlight to a portion of their surface between 9am and 3pm on June 21.</li> <li>- Private Open space of subject dwelling is to receive at least 2 hours sunlight between 9am and 3pm on June 21.</li> </ul>	North facing windows will receive the required solar access for 252A. Dwelling 252 does not have north facing windows  The rear courtyards will receive 2hrs sunlight to a proportion of their courtyards, full access restricted by the orientation of the site	Yes  Yes
<b>Neighbouring properties are to receive:</b> <ul style="list-style-type: none"> <li>- 2 hours sunlight to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21.</li> <li>- At least 3 hours sunlight to a portion of the surface of north facing adjoining living area windows between 9am and 3pm on June 21.</li> </ul>	<b>Neighbouring Properties:</b>  <u>256 Quarry:</u> No solar impact to POS or to the dwelling house  <u>250 Quarry:</u> Overshadowing from the proposed development will be affected but mainly bedroom/home office window. POS affected by both existing & proposed shadows	Yes  No
<b>Visual Privacy</b> <ul style="list-style-type: none"> <li>- Orientate windows of living areas, balconies and outdoor living areas to the front and rear of dwelling.</li> <li>- Windows of living, dining, family etc placed so there are no close or direct views to adjoining dwelling or</li> </ul>	Side lounge & family room windows – however no impact from 252A Quarry – large setback. To 250 Quarry – Obscure glass up to 1.6m is proposed in lounge & family room.	Yes  Yes

Agenda of the Planning and Environment Committee Report No. 15/11, dated Tuesday 15 November 2011.





**ITEM 4 (continued)**

**ATTACHMENT 6**

**ITEM 2 (continued)**

**ATTACHMENT 3**

DCP 2010	Proposed	Compliance
<ul style="list-style-type: none"> <li>- Max 1.8m high if 50% open (any solid base max 900mm).</li> <li>- Retaining walls on front bdy max 900mm.</li> <li>- No colourbond or paling</li> <li>Max width of piers 350mm.</li> </ul>	or timber paling with 500mm gap underneath to allow water flow.	
<b>Side/rear fencing:</b> <ul style="list-style-type: none"> <li>- 1.8m max o/a height.</li> </ul>	1.45m high(measured) high colourbond or timber paling with 500mm gap underneath to allow water flow.	Yes
<b>Part 7.2- Waste Minimisation &amp; Management</b>		
Submission of a Waste Management Plan in accordance with Part 7.2 of DCP 2006.	The applicant has submitted a Waste Management Plan in accordance with Part 7.2 of DCP 2006.	Yes
<b>Part 8.2- Stormwater Management</b>		
Drainage is to be piped in accordance with Part 8.2 – Stormwater Management		
<b>Part 9.2- Access for People with Disabilities</b>		
Accessible path required from the street to the front door, where the level of land permits.	Accessible pathway at front.	Yes
<b>Part 9.6 – Tree Preservation</b>		
Where the removal of tree(s) is associated with the redevelopment of a site, or a neighbouring site, the applicant is required to demonstrate that an alternative design(s) is not feasible and retaining the tree(s) is not possible in order to provide adequate clearance between the tree(s) and the proposed building and the driveway.	<p>Are trees (including neighbouring trees) addressed in SEE or in a report prepared by a suitably qualified person (where necessary)?</p> <p>Several trees to be removed and tree adjacent to the common boundary with 250 Quarry.</p> <p>Council's Landscape Architect has commented on the proposal – no objections to the removal of 3 trees and tree protection conditions to protect the adjoining property's tree during construction.</p>	Yes

Agenda of the Planning and Environment Committee Report No. 15/11, dated Tuesday 15 November 2011.



**ITEM 4 (continued)**

**ATTACHMENT 6**

**ITEM 2 (continued)**

**ATTACHMENT 3**

<b>BASIX For 252A Quarry &amp; 252 Quarry Road</b>		
<b>BASIX Cert 221400S-02</b> <b>dated 6 August 2010</b> <b>ABSA Cert #</b> <ul style="list-style-type: none"> <li>• RWT 2000L</li> <li>• Stormwater tank 1000L</li> <li>• Thermal Comfort Commitments – Construction.</li> <li>• TCC – Glazing.</li> <li>• HWS Gas Instantaneous 5 star.</li> <li>• Natural Lighting                             <ol style="list-style-type: none"> <li>1. kitchen</li> <li>2. bathrooms (1)</li> </ol> </li> </ul>	Rainwater tank 2000L  Noted on plan  Shown on plan	Yes  Yes  Yes  Yes
Water Target: 40	Water: 40	Yes
Energy Target: 40	Energy: 43	Yes
Thermal Comfort Target: Pass	Thermal Comfort: Pass	Yes

<b>Demolition</b>	
Plan showing all structures to be removed	Yes
Demolition Work Plan	Yes
Waste Management Plan	Yes

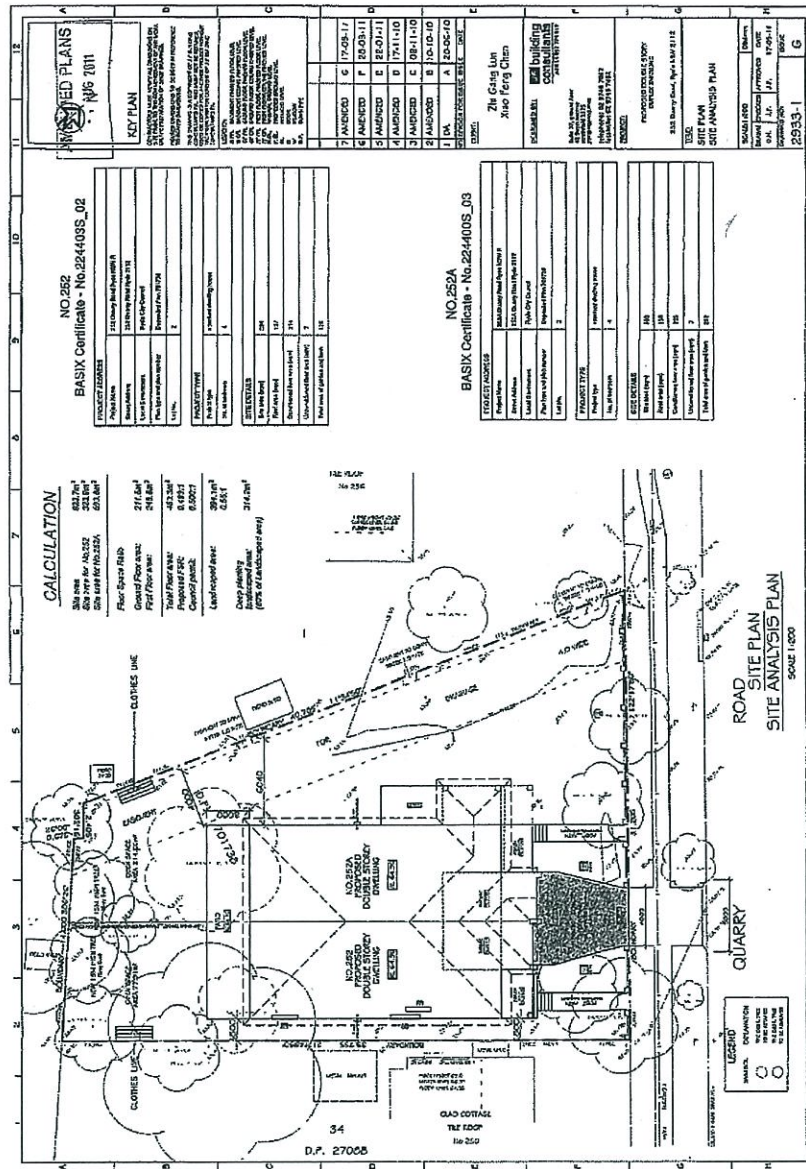
Agenda of the Planning and Environment Committee Report No. 15/11, dated Tuesday 15 November 2011.

**ITEM 4 (continued)**

**ATTACHMENT 6**

**ITEM 2 (continued)**

**ATTACHMENT 4**



Agenda of the Planning and Environment Committee Report No. 15/11, dated Tuesday 15 November 2011.

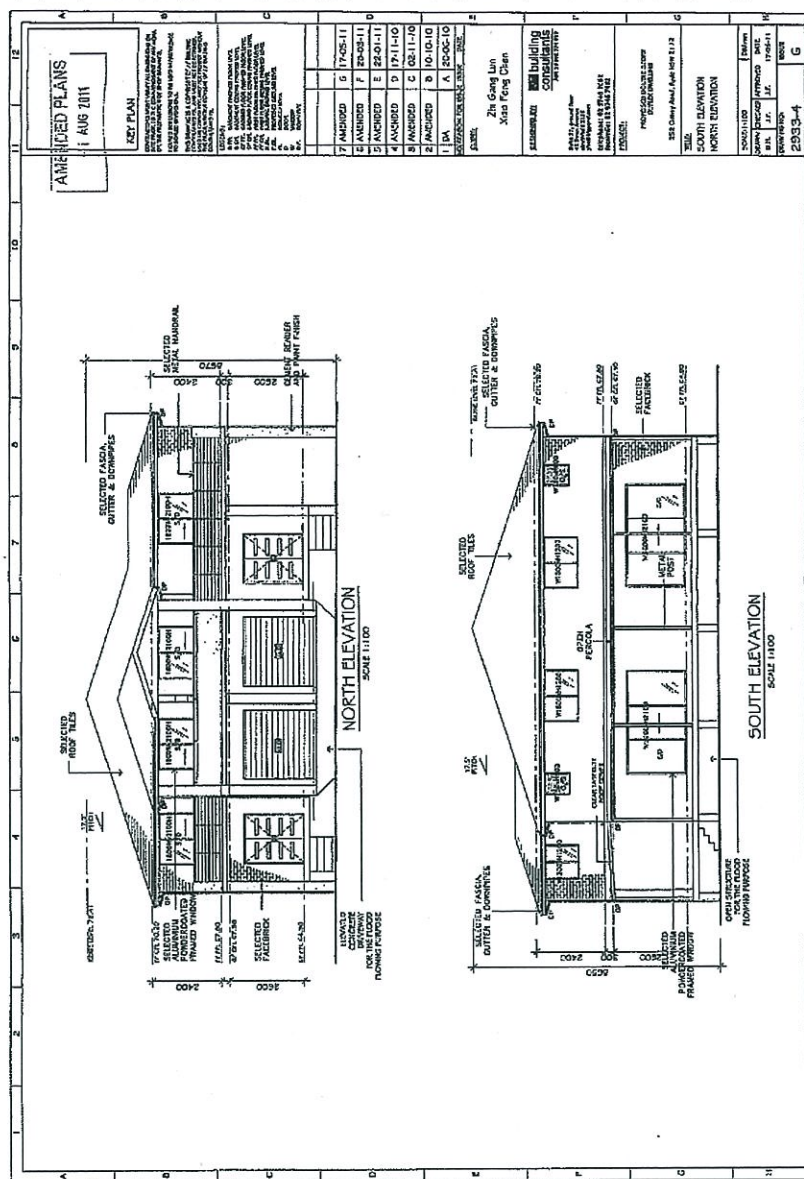


**ITEM 4 (continued)**

**ATTACHMENT 6**

**ITEM 2 (continued)**

**ATTACHMENT 4**



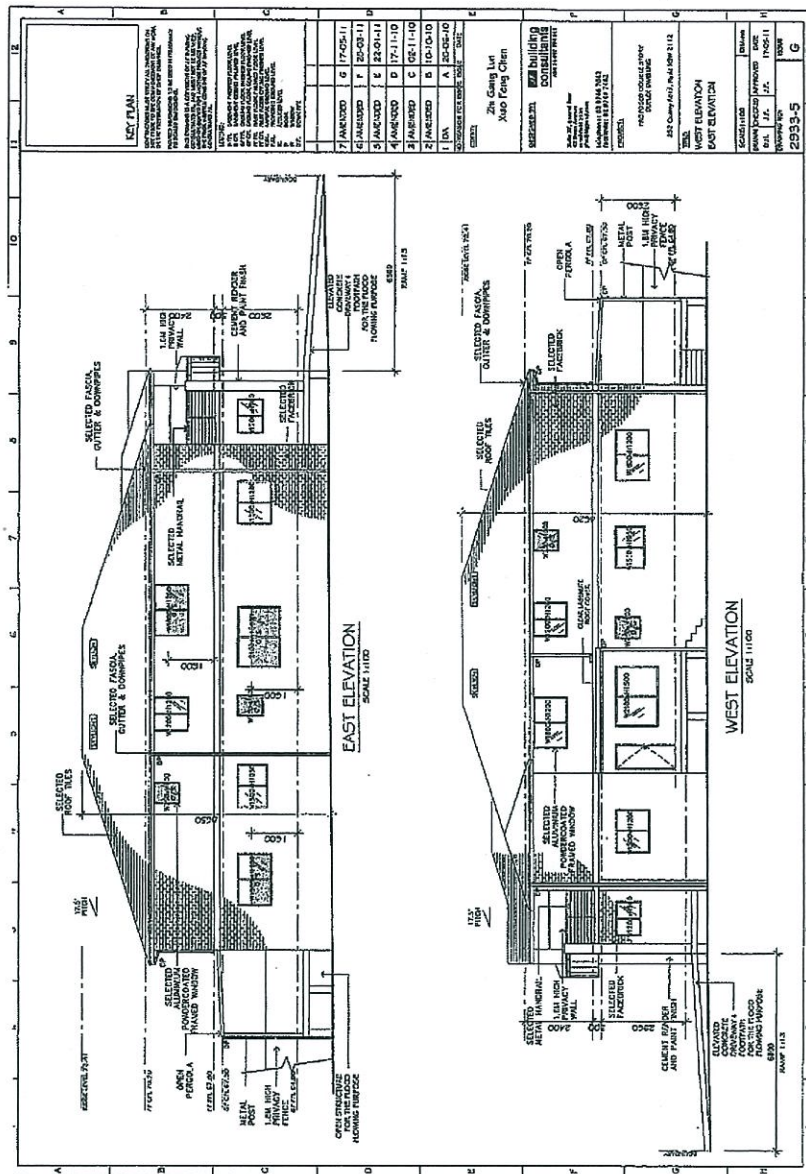
Agenda of the Planning and Environment Committee Report No. 15/11, dated Tuesday 15 November 2011.

**ITEM 4 (continued)**

**ATTACHMENT 6**

**ITEM 2 (continued)**

**ATTACHMENT 4**



Agenda of the Planning and Environment Committee Report No. 15/11, dated Tuesday 15 November 2011.



**ITEM 5 (continued)**

**ATTACHMENT 4**

- 4 64 PELLISIER ROAD, PUTNEY. LOT 102 DP 866280. Local Development Application for Alterations and additions to the existing dwelling including an additional new storey and new cabana in the rear yard. LDA2011/493.**

**INSPECTION: 4.50pm**

**INTERVIEW: 5.25pm**

**Report prepared by:** Senior Town Planner; Team Leader - Assessment

**Report approved by:** Manager Assessment; Group Manager - Environment & Planning

**Report dated:** 23/01/2012

**File Number:** GRP/11/3/6/9 - BP12/39

**1. Report Summary**

**Applicant:** S D Balestriere.  
**Owner:** S D Balestriere.  
**Date lodged:** 13 September 2011.

This report considers a proposal to carry out alterations and additions to the existing dwelling house, including a new additional floor on top of the existing flat roof of the dwelling and a new cabana at the rear of the site. The subject site is best described as a "battleaxe" allotment and which enjoys direct water front access to the Parramatta River at Morrison Bay.

The proposal is recommended for refusal.

The proposal includes additions to the rear (waterfront) elevation of each level of the dwelling, a new additional floor on top of the existing dwelling and a new detached cabana in the rear yard adjoining the existing swimming pool. The proposal comprises:

- A minor extension to the existing "utility" room adjoining the existing swimming pool and located on the basement level;
- A new balcony adjoining the rumpus room and study on the lower ground floor;
- Internal alterations and minor external additions to the existing ground floor plan, including a widening of the kitchen and main entry towards the side boundaries and an extended rear balcony; and,
- A new residential level on top of the existing flat roof of the dwelling comprising a bedroom (with ensuite and walk-in wardrobe), a study and a media/ounge room, plus open terrace at the rear.

The DA was notified to adjoining owners in accordance with Council's Notification DCP, and 4 submissions were received. The issues raised in the submissions relate to the adverse impact upon existing water views, adverse affects upon the amenity of adjoining properties and potential adverse affect upon the heritage significance of the

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**

existing adjoining heritage item (being No. 60 Pellissier Road).

In addition to the assessment of the development proposal against Council's LEP and DCP controls, due to the location of the subject site being along the foreshore of Morrison Bay, the proposal has also been assessed in accordance with the requirements of the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* and the accompanying *Sydney Harbour Foreshore & Waterways Development Control Plan*.

Although the development has been determined as being consistent with the character of the area, the additional height and number of storeys of the proposal is an inappropriate level of development for the site due to its significant adverse effect upon the amenity of the surrounding properties by overlooking and impact upon views, and is considered to not comply with the objectives for residential development of the Ryde LEP 2010. Also, the development does not comply with the height and number of storeys controls of Council's DCP and numerous sections of Part 3.3 of the Ryde DCP (as detailed in the report).

The development does not comply with clauses 17, 25 and 26 of the Sydney Harbour Catchment SREP and does not comply with clause 5 of the accompanying Sydney Harbour Foreshore and Waterways DCP.

An assessment of the principles relating to view sharing and view loss has also been undertaken and found that there will be a significant amount of water view loss to most adjoining properties, and, in particular to No. 60 Pellissier Rd where all existing water views will be lost. Council's Team Leader, Strategic Planning has noted that the visual and physical connection from the heritage item to the Bay contributes to its heritage significance.

For the reasons mentioned above and for details provided in this report, the application is recommended for refusal.

**Reason for Referral to Planning and Environment Committee:** Requested by Councillor O'Donnell.

Public Submissions: Four submissions were received objecting to the development.

SEPP 1 (or clause 4.6 RLEP 2010) objection required? No.

Value of works: \$200,000

A full set of the plans is **CIRCULATED UNDER SEPARATE COVER** as additional information provided to Councillors - subject to copyright provisions.

---

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.



**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**

**RECOMMENDATION:**

- (a) That Local Development Application No. LDA2011/493 for alterations and additions to the existing dwelling and construction of a cabana at No. 64 Pellisier Rd, Putney, be refused for the following reasons:
1. The proposal does not comply with clauses 17, 25 and 26 of *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* for the following reasons:
    - (a) Clause 17 (Zoning Objectives). The scale and size of the development is inappropriate to the locality when viewed from the waters in the W8 zone.
    - (b) Clause 25 (Foreshore and Waterways Scenic Quality). The proposal represents an overdevelopment of the land in terms of scale and bulk and will have numerous adverse effects upon adjoining land including overlooking and loss of water views.
    - (c) Clause 26 (Maintenance Protection and Enhancement of Views). The proposal will adversely affect views and vistas from the existing heritage item (60 Pellisier Rd) and will have a detrimental cumulative impact upon views enjoyed by adjoining properties.
  2. The proposal does not comply with clause 5.4 (Built Form) of *Sydney Harbour Foreshore & Waterways Development Control Plan* because: the development does not enhance the existing setting; the shape of the upper floor being 'boxy' does not harmonise with the surroundings; the cumulative visual impact and limited articulation of walls does not reduce its overall bulk; and will adversely affect adjoining views and the existing heritage item.
  3. The development proposal generally does not fulfil the aims and objectives of R2 Low Density Residential requirements of the Ryde LEP 2010 for the following reasons:
    - (a) The additional height and number of storeys of the proposal is an inappropriate level of development for the site due to its significant adverse effect upon the amenity of the surrounding properties by overlooking and impact upon views.
    - (b) Having regard to the topography of the site, the development fails to provide for a predominantly two-storey dwelling and is predominantly a 3-storey dwelling with 4-storeys facing the water.

---

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**

4. The development is inconsistent with the objectives of clause 4.3 and 4.4 of Ryde LEP 2010 by the following:
    - (a) Clause 4.3 (Height of buildings). The development is overbearing in its height and design and does not respond well to the topography of the site.
    - (b) Clause 4.4 (Floor space ratio). The location of the additional floor space and its significant adverse affect upon the amenity of the surrounding properties (including view loss).
  5. The proposal will have an adverse affect upon the conservation of views to and from the existing heritage item and upon the heritage significance of the adjoining heritage item (No. 60 Pellisier Rd), which is contrary to the controls and objectives of clause 5.10 (Heritage conservation) of the Ryde LEP 2010.
  6. The development does not comply with Part 3.3 of the Ryde DCP 2010, in particular the objectives or controls of: 2.1 – Desired Future Character; 2.2.2 – Alterations and Additions to Dwelling Houses; 2.4 – Public Domain Amenity; 2.4.1 – Streetscape; 2.4.2 – Public Views and Vistas; 2.5 – Site Configuration; 2.5.1 – Deep Soil Areas; 2.5.2 – Topography and Excavation; 2.7 – Height; 2.7.1 – Building Height; 2.9 – Outbuildings; 2.13 – Dwelling Amenity; 2.13.2 – Visual Privacy; and 2.13.4 – View Sharing.
  7. Due to non-compliance with the height and number of storeys development standards of the Ryde DCP 2010, the following adverse residential amenity impacts that the proposal would impact upon adjoining properties are considered to be unreasonable:
    - (a) Adverse visual and view impacts upon the adjoining properties being Nos. 60, 62 and 62A Pellisier Rd; and
    - (b) Adverse visual impact upon the adjoining property to the south (No. 64A Pellisier Rd)
- (b) That the persons who made submissions be advised of Council's decision.

**ATTACHMENTS**

- 1 Map
- 2 Plans
- 3 A3 Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER
- 4 Sectional View Assessment - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

---

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.



**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**

- 5 Heritage Assessment of 60 Pellisier Road - CIRCULATED UNDER SEPARATE COVER
- 6 Applicant's response to submissions plus copy of submissions - CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL

Report Prepared By:

**George Lloyd**  
**Senior Town Planner**

**Chris Young**  
**Team Leader - Assessment**

Report Approved By:

**Liz Coad**  
**Manager Assessment**

**Dominic Johnson**  
**Group Manager - Environment & Planning**

---

Agenda of the Planning and Environment Committee Report No. 1/12, dated  
Tuesday 7 February 2012.

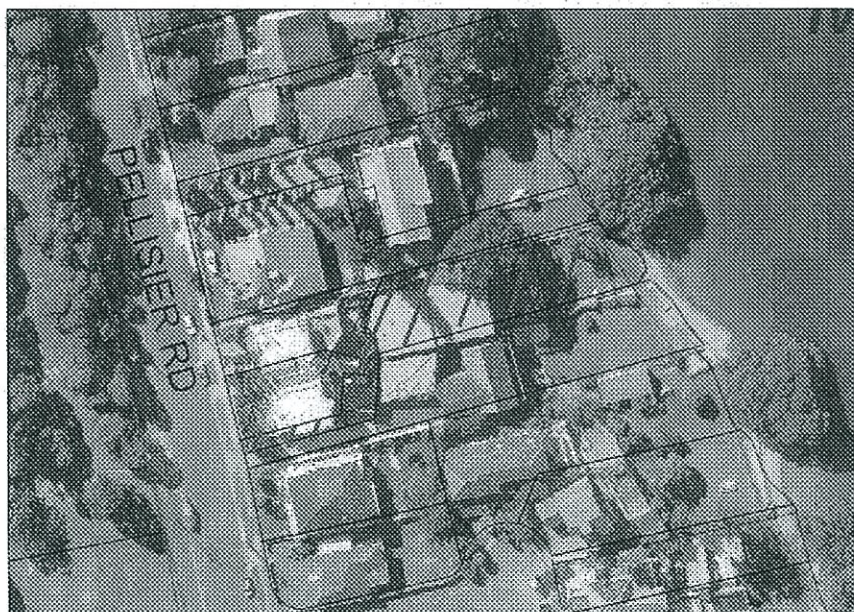
**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**

**2. Site (Refer to attached map.)**

The following map identifies the subject site by red hatching.



<b>Address</b>	: 64 Pellissier Rd, Putney
<b>Site Area</b>	: 1016m <sup>2</sup> (including the access handle) 14.5m allotment width, Depth 48.57m and 58.21m, plus vehicular access to Pellissier Rd. The site is also affected by a 1m wide drainage easement along its northern side boundary.
<b>Topography and Vegetation</b>	: The site slopes significantly (by approx. 8m) down towards the eastern waterfront boundary. No vegetation is proposed for removal in this application.
<b>Existing Buildings</b>	: Partial three storey dwelling house.
<b>Planning Controls</b>	
<b>Zoning</b>	: R2 – Low Density Residential.
<b>Other</b>	: SREPP (Sydney Harbour Catchment) 2005 Ryde Local Environment Plan 2010 Ryde DCP 2010

Agenda of the Planning and Environment Committee Report No. 1/12, dated  
Tuesday 7 February 2012.



**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**

**3. Councillor Representations**

**a. Name of Councillor: Councillor O'Donnell**

Nature of the representation: Call up to Planning and Environment Committee.

Date: 31 October 2011

Form of the representation (e.g. via email, meeting, phone call): By email.

On behalf of applicant or objectors: Objector/s.

Any other persons (e.g. consultants) involved in or part of the representation: No

**b. Name of Councillor: Councillor Pickering**

Nature of the representation: Request to expedite DA and refer to Planning and Environment Committee before the end of 2011.

Date: 10 November 2011

Form of the representation (e.g. via email, meeting, phone call): By email.

On behalf of applicant or objectors: Applicant.

Any other persons (e.g. consultants) involved in or part of the representation: No

**c. Name of Councillor: Councillor Yedelian OAM**

Nature of the representation: Request to expedite DA and refer to Planning and Environment Committee before the end of 2011.

Date: 9 November 2011

Form of the representation (e.g. via email, meeting, phone call): By email.

On behalf of applicant or objectors: Applicant.

Any other persons (e.g. consultants) involved in or part of the representation: No

**4. Political Donations or Gifts**

Any political donations or gifts disclosed: No.

**5. Proposal**

Alterations and additional floor on top of existing dwelling and new cabana. The front, side and rear elevations showing the dwelling's appearance are provided below:

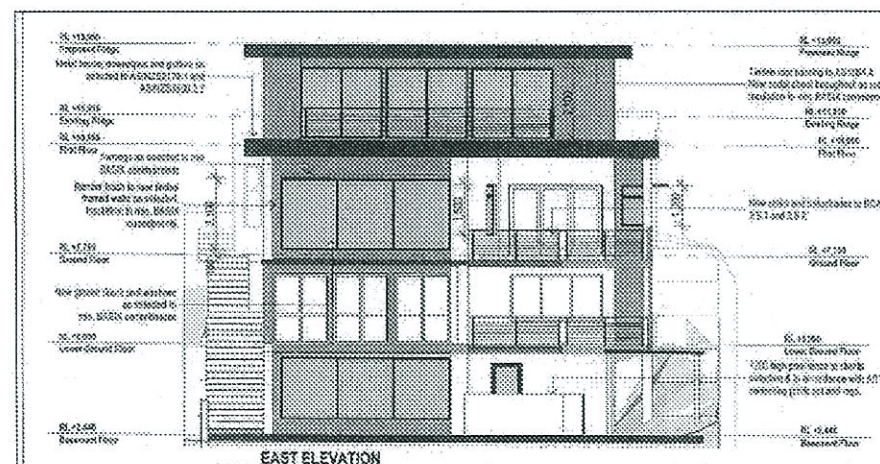
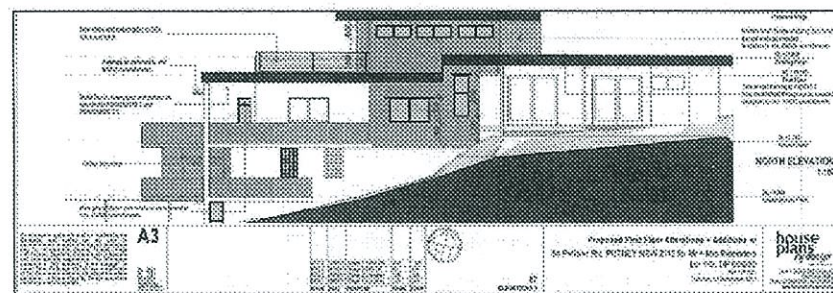
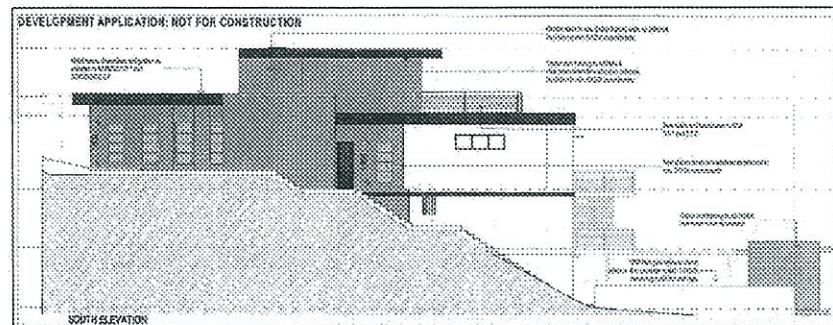
---

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

**ITEM 5 (continued)**

## ATTACHMENT 4

## ITEM 4 (continued)



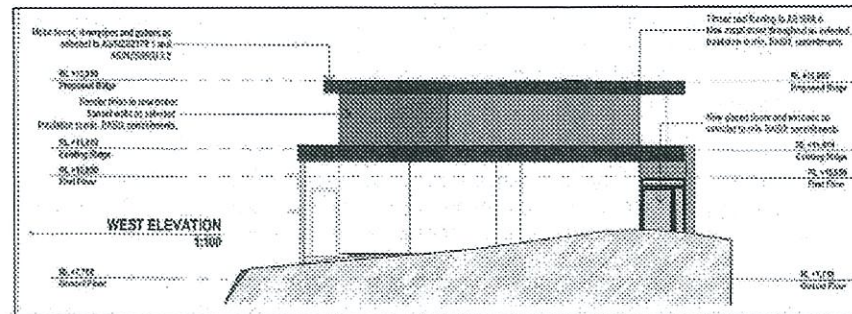
Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.



**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**



**6. Background**

The development application was lodged with Council on 13 September 2011 and notified to adjoining property owners from 29 September till 13 October 2011, during which time 4 submissions were received.

A site inspection was carried out by Council's Senior Town Planner on 23 September 2011.

Due to the topography of the site and because the easternmost 20m of the site is identified as being at risk of slope instability, the DA was referred to Council's Consultant Structural Engineers (Cardno). In a submission dated 11 October 2011, Cardno sought additional information regarding the location and method of construction of the proposed cabana.

In a letter dated 12 October 2011, Council forwarded Cardno's concerns to the applicant.

On 17 October, a response from the applicant was received justifying why a detailed geotechnical report was not necessary for the construction of the cabana and which was forwarded to Cardno on 18 October.

On 21 October, a copy of the submissions received by Council in response to the neighbour notification period were forwarded to the applicant with a view to offering them the opportunity to respond to the issues raised therein. The applicants response was received on 27 October 2011.

On 26 October, Cardno recommended that if Council were to approve the cabana, then the approval should be conditioned to require the structure to be supported on piers bearing on the natural rock underlying the site.

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**

On 19 October and 11 and 14 November, a site inspection of the neighbouring objectors' properties was undertaken to determine the extent of impact that the development would have particularly in relation to views, which required an inspection of each property.

On 7 November 2011, the applicant wrote an email to the Group Manager Environment and Planning, requesting an update on the status of the DA and requesting that the DA be determined by one of the two remaining Planning and Environment Committee meetings scheduled for the end of last year.

In an email dated 9 November 2011, Council's Team Leader, Development Assessment, responded to the applicant by stating [in part] that due to the complexity of the application and that the assessment the proposal was still on-going and that given the timeframes involved in preparing a Committee report, it was not feasible for the DA to be placed on either of the last two agendas.

On 9 November 2011, the applicant then forwarded a copy of the Team Leaders response to Councillors Yedelian and Pickering with a view to having the matter heard before the end of 2011 (see Councillor Representation earlier in this report).

**7. Submissions**

The proposal was notified in accordance with Development Control Plan 2010 - Part 2.1, Notification of Development Applications. Notification of the proposal was from 29 September until 13 October 2011.

Four submissions were received from immediately adjoining property owner/s. One of the submissions received from the owner/s of No. 60 Pellisier Rd (which is also identified as a heritage item under Ryde LEP 2010) was accompanied by a number of addendums including a heritage consultant's report and details of previous Land and Environment Court proceedings dated 25 April 2005.

A copy of the objections were forwarded to the applicant who responded to (some of) the issues raised therein. A copy of the applicant's response is **CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL** as additional information provided to Councillors.

The issues in the submissions and the applicant's response are summarised below. Due to the location and nature of the development (and particularly its adverse affect upon the amenity and existing views enjoyed from neighbouring properties), the property address of those persons who made a submission is provided below with a response to the issues raised therein. This is done in addition to the more detailed assessment of the effect of the development proposal in relation to the extent of existing views and view sharing as set out by principles of the Land and Environment Court (vide *Tenacity Consulting v Warringah Council* [2004]) and which is addressed later in this report (see section 10 – Likely Impacts of the Development).

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

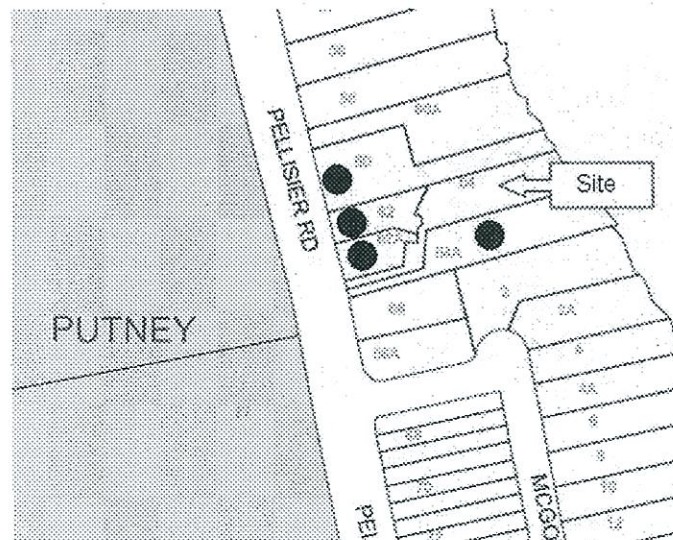


**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**

The map below identifies the site and from where the submissions were received:



**Issues raised in submission from No. 62A Pellissier Road:**

1. *Request for a detailed view analysis/assessment. The view analysis should include a plotting of elevations, maximum height of buildings and ceiling heights.*

**Officers Comments:** Objection is raised that the view loss assessment provided by the applicant only takes into account the extent of view loss from No. 62 Pellissier Road.

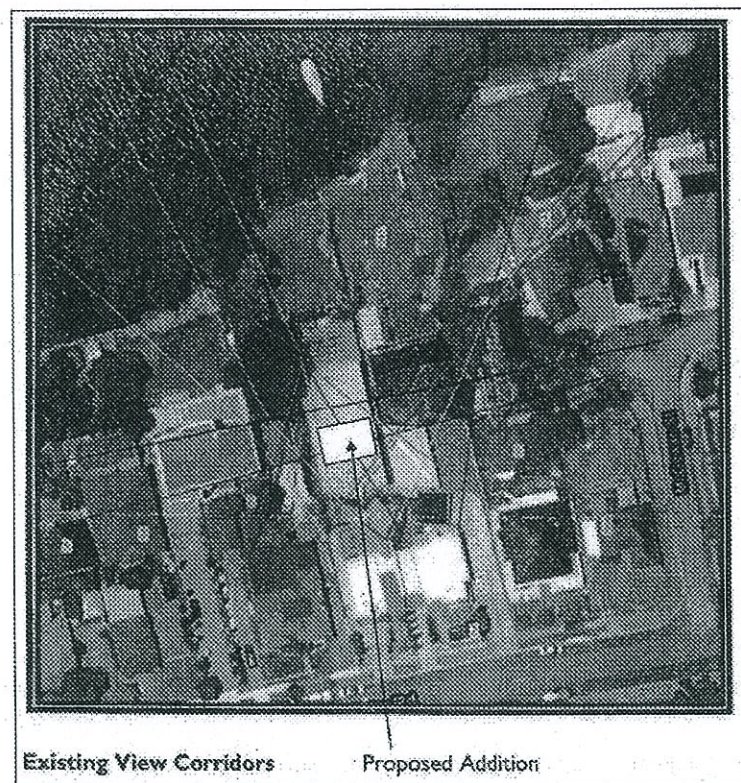
Part of the applicants' submission included the following aerial. A sectional view assessment is **CIRCULATED UNDER SEPARATE COVER**.

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**



The applicant has responded to the loss of views from this property by generally stating that the site (No. 62) will lose a small section of their views while still enjoying other significant views to the water which will not be impaired by the development.

A detailed assessment of view loss is provided later in this report (see section 10). Briefly, the objection is generally concurred with as the view assessment provided by the applicant does not thoroughly determine the extent of view loss for all neighbouring properties.

2. *The development proposal is contrary to the maximum number of storeys as required by Council's DCP.*

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.



**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**

Officers Comments: Agreed. Part of the application proposes to construct an additional storey on top of the dwelling which will in part be 3-storeys and thereby contrary to the maximum number of storeys of Council's DCP controls (being 2-storeys in total). This DCP non-compliance is addressed in greater detail below (see DCP Compliance section of this report).

3. *The DCP requires "that building form and design allow for view sharing where possible are not substantially affected by the bulk and scale of the new development". Our home was purposely designed with bedrooms on the ground floor and living areas on the first floor to take advantage of the view. We understand that view loss is assessed quantitatively, but the proposed additional storey would block our direct view. It is understood that the impact on living areas is of greater importance than loss of views from bedrooms, and the value of a view from a kitchen window is of even greater importance. At present, we have uninterrupted views from our kitchen window and from a seated position at our dining table. The proposed additional fourth storey would obstruct a significant amount of this view. The view sharing objective of the DCP is "to ensure new dwellings endeavour to respect important views from living areas within neighbouring dwellings", however I do not see what effort has been made towards view sharing. Prior to any approval we request that the applicant have a qualified person erect height poles extending the full height, depth and length of the proposed development.*

Officers Comments: Agreed. The extent of existing views and the affect that the proposal will have on them is addressed later in this report. Generally, the proposal does not comply with the objectives or performance criteria of the DCP with respect to view sharing. Also, it does not fulfil the principles relating to view sharing and view loss as established by the Land and Environment Court (also detailed later in this report).

4. *The original design of the properties on 64, 64A, 62 and 62A allowed all properties to share a view of Morrison Bay. Allowing 64 to add a fourth storey would allow 64 to completely monopolise the views across four (4) levels and set a precedent for other three (3) storey waterfront properties.*

Officers Comments: Agreed. A number of properties that face Pellissier Rd currently enjoy their only existing water views over the roof of the subject site. The additional floor level will adversely affect their views to varying degrees. The extent of view affectation/loss is addressed in greater detail later in this report.

5. *The existing home is already of considerable size and we would question whether or not the proposed development would comply with building/land ratio.*

---

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**

Officers Comments: A detailed assessment of the development proposal and its compliance with the requirements of the Ryde LEP 2010 and DCP 2010 has been undertaken. The extent of variation and non-compliance with Council's controls is addressed below. In short, it is considered that adequate site area exists for the applicant to increase their floor area without adversely affecting the amenity or view loss of the surrounding properties.

**Additional issues raised in submission from No. 64A Pellisier Road:**

6. *Location and area of cabana will reduce impervious area and will exceed allowable building area of property. Combined with the previously approved boatshed, the total area for all outbuildings will exceed 20m<sup>2</sup>. The cabana will also affect existing views from lower ground floor windows and amenity.*

Officers Comments: A detailed assessment of the development proposal and its compliance with the requirements of the Ryde LEP 2010 and DCP 2010 has been undertaken and is detailed below. The location of the proposed cabana is not considered to have an adverse effect upon the water views from the lower ground floor windows of 64A Pellisier Road. However, there is a significant degree of 'inter-overlooking' by numerous adjoining properties along this part of Morrison Bay, and the location of the proposed cabana will have an additional adverse impact upon the visual amenity and general (not water) views of No. 64A Pellisier Road.

7. *The proposed building will be imposing and out of character with the surrounding area.*

Officers Comments: This part of Putney is generally characterised by large 2-storey dwelling houses which face the water. The proposed additional floor level on top of the existing dwelling will result in a development which is not considered to be entirely out of character with the existing residences by virtue of its bulk and scale. However, unlike the other 'larger' surrounding residences in this area, the development proposal will result in an adverse affect upon the amenity of the adjoining properties by virtue of their view loss.

8. *The proposed additional floor will result in additional overshadowing and will affect natural light and heat penetration. The proposed terrace will have an adverse affect upon privacy.*

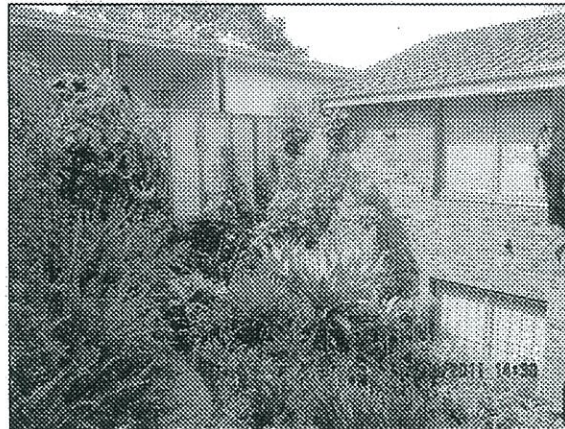
Officers Comments: Immediately adjoining the subject site to the south is the front courtyard of 64A Pellisier Road, which is improved by various plantings and a number of north and west facing windows (see photos below).



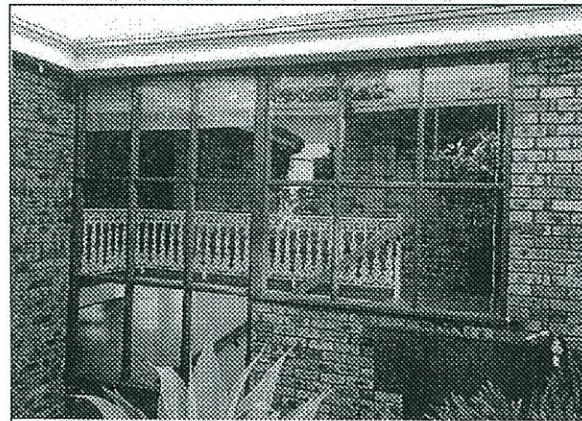
**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**



**Front courtyard of No. 64A Pellisier Road and west facing windows (note adjoining location of No. 64 Pellisier Road)**



**Northern facing windows of 64A Pellisier Road**

Overshadowing diagrams provided by the applicant indicate overshadowing of this part of the adjoining property will not be increased (see plans below). However, it is true to say that the extent of broader light penetration will be adversely affected by the development proposal as will amenity impacts from the additional floor level, especially from the rear proposed 'terrace' area and the cabana.

---

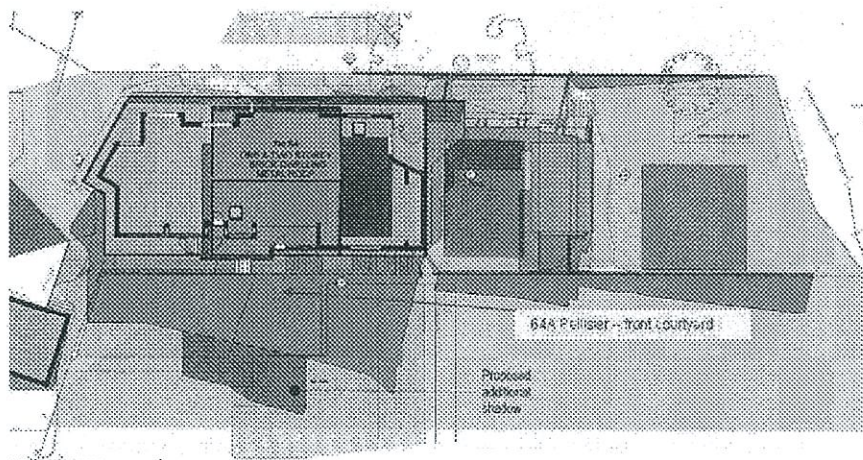
Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.



**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**



9. *Concern is raised that the shared common driveway will be impeded by builders vehicles and construction material during the construction phase of the development (if approved).*

Officers Comments: The existing right-of-carriageway can only be use by those having legal vehicular access and in accordance with the terms and conditions of the relevant property title.

Should any resident object to the illegal parking of any vehicle/s along a right-of-carriageway at any time, a complaint would need to be made to the local police who would attend the scene and issue any appropriate infringement notices.

**Additional issues raised in submission from No. 62 Pellisier Road:**

10. *Request for a complete view analysis report.*

Officers Comments: Agreed. Objection is raised that the view loss assessment provided by the applicant only takes into account the extent of view loss from the balcony of No. 62 and has not considered the extent or effect of view loss from the living, dining and kitchen room windows.

No. 62 Pellisier Rd has bedrooms on the lower floors and habitable rooms located above, which thereby overlook the roof of the subject site to enjoy visual access to the existing water views.

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.



**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**

A more detailed assessment of the extent of view loss is given later in this report. No. 62 will generally be adversely affected in terms of view loss. In addition, due to the proximity of the additional floor level, it is generally agreed that the development will result in a loss of amenity from within the complainants' dwelling and from the adjoining balcony.

11. *The proposal fails to comply with the 8m and 7.5m building height elevations and sections. The development will result in an unacceptable precedence for bulky foreshore developments. Prior to any approval a request is made for the applicant to provide height poles on the subject site which accurately locates the extent of the additional storey.*

Officers Comments: The extent of the buildings compliance with Council's height controls is addressed below. Generally speaking the development does not comply with the maximum height or storeys provisions of Ryde DCP 2010.

The applicant responded to the request for height poles to be constructed on the subject site by stating (in part):

"I will not erect height poles as I cannot make the finished roof any lower and I am 3 metres below the maximum. The direct views for the properties in the rear will be impaired. Measuring them 20 different ways will not change the facts. The building form is minimal as required to meet the Tenacity vs Warringah ruling in the LEC."

12. *The description of the development by the applicant as being (in part) a "first floor addition" is misleading. The proposal when viewed from the waterway would be 4 storeys in appearance.*

Officers Comments: The additional floor on top of the existing dwelling will be 3 storeys in height and section which does not comply with Council's requirements.

13. *The Statement of Environmental Effects erroneously refers to a maximum permissible height of 9.5m, whereas the proposal has a continuous parapet and the maximum 8m height provision applies with a max. 7.5m high wall height.*

Officers Comments: The extent of the proposal's compliance with Council's requirements is addressed later in this report (see compliance tables below). The 9.5m height limit is a requirements of the Ryde LEP 2010, while the wall height and parapet height limits are controls imposed by the Ryde DCP.

14. *The site area of the subject site has been miscalculated and therefore represents an overdevelopment of the site. Also, the setback from the southern elevation is within the minimum 1.5m setback requirement.*

---

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**

Officers Comments: Survey plans provided by the applicant confirm the site area as 1016m<sup>2</sup> (see calculations below). The maximum FSR and setback requirements complies with Council's controls.

The part of the development to which the objector refers is the amended entrance level of the building which is to become wider and which will be set back 1.2m from the southern side boundary (for a lateral distance of 5.5m). Because this part of the dwelling is only single storey (at that point), and does not contain a residential level immediately below that point, the minimum setback requirement of 900mm is compliant.

15. *The bulk, height and scale of the development is an overdevelopment of the site and does not comply with Council's guidelines and DCP in terms of the adverse affect upon the amenity of adjoining properties.*

Officers Comments: Agreed. The proposal is generally considered be an overdevelopment of the site and does not comply with a number of Council's requirements as detailed in this report.

16. *Potential for dwelling to be used as two distinct residences.*

Officers Comments: The internal configuration of the proposed residence does not lend itself to be easily converted into two fully-equipped residences. Were the application to be approved, it could be conditioned to be used as a single residence.

17. *The development should have been advertised as an 'integrated development' being within 40m of the waterway, and therefore the notification period should have been 30 days.*

Officers Comments: 'Integrated development' is development (not being State significant development or complying development) that in order for it to be carried out, requires development consent and approval from a concurring authority. Developments within 40m of a waterway were previously classified as 'Integrated Development', however this legislation has since been amended to exclude such works associated with a dwelling. In this case the development proposal does not require the approval of any concurring authority and does not therefore constitute 'integrated development'.

18. *The proposed development does not specify placement or location of air conditioning units on the roof which may further impact upon view loss.*

Officers Comments: Were the application to be approved by Council, an appropriate condition of consent could be imposed to ensure that such utility structures were not located on the roof.

---

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.



ITEM 5 (continued)

ATTACHMENT 4

ITEM 4 (continued)

**Additional issues raised in submission from No. 60 Pellisier Road ('Hazelville'):**

19. *The development is adjacent to a Council listed heritage item (being Hazelville) and the impact on the current curtilage/public views from the water and other properties from the other side of Morrison Bay to the heritage property would be significant, in that it would be totally hemmed in and blocked from public view by the development. Hazelville was the original house on the peninsula, given its prominent position and was visible from all around the foreshore areas and has expansive unrestricted views over Morrison Bay prior to all current developments. The proposal would be a significant detriment to the heritage value on Hazelville, which was heritage listed by Ryde Council for the benefit of future generations.*

**Officers Comments:** The owner/s of No. 60 Pellisier Rd have also submitted (under separate cover) a heritage assessment of their property undertaken by Robert A Moore Pty Ltd (Architects and Conservation Consultants). A copy of this heritage assessment is **CIRCULATED UNDER SEPARATE COVER** as additional information provided to Councillors.

Issues associated with the heritage significance of No. 60 Pellisier Rd, and the detrimental affect that the development proposal may have on that significance has been reviewed by Council's Team Leader, Strategic Planning whose comments are provided in details later in this report (see Referrals section).

Council's Team Leader, Strategic Planning found that the visual and physical connection from the heritage item to Morrison Bay contributes to its significance, but that views from the Bay to the item do not contribute to its significance because the item is not easily viewable and is obscured by recent additions.

20. *Due to the location of the subject site adjoining an existing heritage item, the subject application should be accompanied with a heritage impact report. The information provided within the Statement of Environmental Effects is inadequate and has not been done by a heritage consultant.*

**Officers Comments:** In accordance with clause 5.10(5) of the Ryde LEP 2010, Council may request a heritage impact statement to be prepared where the development is within the vicinity of a heritage item or conservation area. It is however not a mandatory requirement. An assessment of the impact of the development proposal upon the heritage significance of the adjoining site has been undertaken by Council's Team Leader, Strategic Planning (see Referrals section below).

---

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

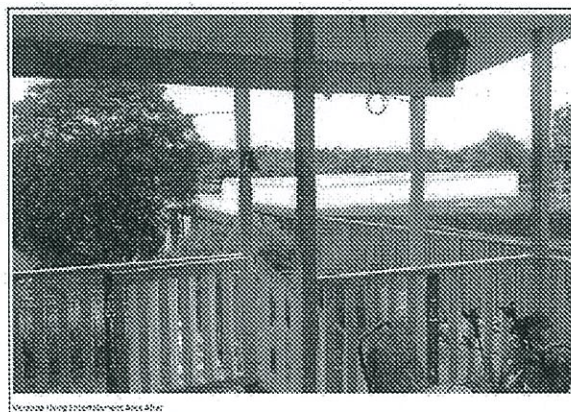
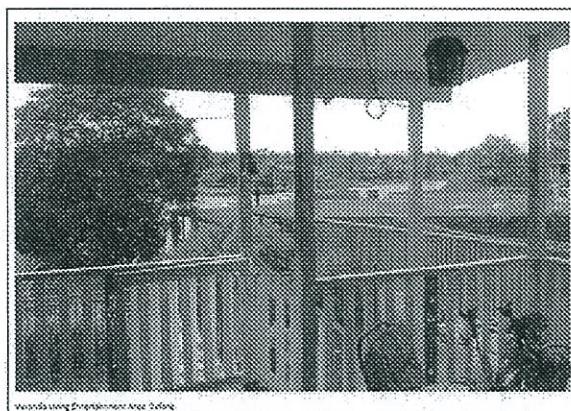
**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**

Having regard to the nature of the development, the circumstances of the case and the adverse impact that the proposal will have on adjoining and surrounding properties, it was not considered that the submission of a detailed heritage report by the applicant would serve any practical support of the development, particularly when considering the numerous non-compliances with existing state and local controls, and the overall adverse affect upon amenity and view loss of other adjoining properties (including the heritage item).

21. *The proposed upper level addition will completely block our direct views (whether seated or standing) from all living areas (kitchen, dining room and outdoor living area) and further block the current public view from Morrison Bay foreshore towards and of our heritage property. (Refer photos below)*



Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.



**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**

Officers Comments: Although the extent of impact of the proposed development as depicted in the photo above has not been confirmed, a site inspection of No. 60 Pellisier Road has been undertaken and the impact upon the loss of views will be 'severe' to 'devastating' (see detailed assessment of view loss later in this report).

Briefly, the only existing water views enjoyed from No. 60 Pellisier Road is currently enjoyed over the top of the subject site. The development proposal will result in the loss of all existing water views from the rear habitable rooms of the heritage item.

22. *The Council listed Port Jackson fig tree located at the rear of No. 60 Pellisier and immediately adjoining the boundary with the subject site (No. 64 Pellisier) would be significantly impacted by the development and would be likely to be sought to be trimmed and cut by the applicant in the future given the proximity of the canopy to the proposed new verandahs and top deck. The tree has been recently and in the past trimmed by the applicant, changing the shape of the canopy and any proposal should be assessed based on the then existing canopy.*

Officers Comments: The impact of the proposal on the existing fig tree has been assessed by Council's Landscape Architect who has stated that the location of the column, shown on the lower floor plan which is within the structural root zone of the Port Jackson Fig is to be determined subject to the advice of a project arborist who shall ensure the final location [of the column] is free of any significant structural roots and minimises construction impacts. In addition the project arborist shall provide advice for minor canopy pruning to establish building clearances, which should not include the removal of significant woody branches (see Referrals section below).

23. *The development will present a blank 'factory' wall towards our premises which is unsightly and not in line with the visual aesthetics of surrounding waterfront properties.*

Officers Comments: The development proposal from an aesthetic viewpoint (if approved) is otherwise considered to be reasonably consistent with the architectural style of the existing dwelling.

24. *The new balconies and privacy screens along the northern elevations will further block water views from both the living areas and rumpus room.*

Officers Comments: Agreed. The extension of the building envelope at the rear of the development and the location of the new balconies will further inhibit the water views currently enjoyed from the objectors site.

25. *The proposed cabana, together with the existing awning over the pool plus the new boat shed and existing double garage exceed Council's requirements for 'outbuildings'.*

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**

Officers Comments: The extent of the proposal's compliance with Council's requirements is addressed later in this report. In short, the proposed cabana together with the previously approved boatshed would not comply with Council's requirements regarding the total permissible area of all outbuildings on a site.

26. *The view analysis provided appears to be incorrect and does not show the full extent of the proposed development. This report should include plotting of elevations, maximum heights of building and maximum ceiling height.*

Officers Comments: Agreed. The view assessment submitted with the application is not considered to be detailed or thorough enough to be able to accurately determine the full extent of view loss from all of the neighbouring and adjoining properties.

27. *Privacy impacts of existing (unapproved) structures like the existing awning adjoining the pool and the new wooden fence should be treated as 'new' and not 'existing'.*

Officers Comments: The location of the 'existing' awning immediately adjoining the swimming pool appears to have been constructed without development consent. In accordance with SEPP (Exempt and Complying Development Codes) 2008, a cabana is exempt development provided it has an area of not more than 20m<sup>2</sup> and is located 900mm from any property boundary which appears would comply in this case.

The detailed assessment of this development proposal has taken into consideration all existing and previously approved buildings (see detailed assessment below).

28. *The SEE states that overall land size is 1016m<sup>2</sup> with an allotment area (excluding access handle) is 891.7m<sup>2</sup>. DCP calculations show a site area of land suitable for the footprint of a dwelling to be approx. 820m<sup>2</sup> (excluding garage and driveway). As such, the proposed development does not comply with FSR and site coverage requirements of the DCP.*

Officers Comments: A detailed assessment of the development proposal and its compliance with Council's controls is provided later in this report. In accordance with the requirements of Council's LEP and DCP, floor space and site coverage requirements are calculated as a ratio against the entire site area (inclusive of the access handle).

Notwithstanding the above, the total gross floor area of all building works proposed and approved on the site have a total floor area of 390m<sup>2</sup> which would be a total FSR of 0.48:1 based on a developable site area of 820m<sup>2</sup> and which would otherwise comply with Council's requirements regarding FSR (being less than 0.5:1).

---

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.



**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**

29. *The plans do not show any stormwater details to comply with Council's current controls.*

Officers Comments: The suitability of the development proposal and its ability to comply with Council's requirements with respect to stormwater drainage is addressed by the comments received from Council's Development Engineers (see Referrals section below).

**8. SEPP1 (or clause 4.6 RLEP 2010) objection required?**

Not required for this application.

**9. Policy Implications**

**Relevant Provisions of Environmental Planning Instruments etc:**

**(a) Ryde Local Environmental Plan 2010**

**Zoning**

The subject site is zoned *R2 – Low Density Residential* under the provisions of the Ryde LEP 2010. The proposed works are permissible with the consent of Council.

**Aims and objectives for residential zones**

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provides facilities or services to meet the day to day needs of residents.*
- *To ensure that the general low density nature of the zone is retained and that development for the purposes of dual occupancy (attached) and multi dwelling housing (attached) do not significantly alter the character of a location or neighbourhood.*
- *To ensure that new development complements or enhances the local streetscape.*
- *To maintain on sites with varying topography the two storey pitched roof form character of dwelling houses and dual occupancy (attached) developments.*
- *To ensure that land uses are compatible with the character of the area and responsive to community needs.*

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**

It is considered that the development proposal generally does not fulfil the aims and objectives of the LEP for the following reasons:

- The height and number of storeys of the development proposal is generally consistent with the character of the surrounding area but will result in a significant adverse affect upon the amenity of immediately surrounding properties by virtue of overlooking and loss of views.
- Having regard to the topography of the site, the development fails to provide for a predominantly two-storey dwelling and is partly 3-storey in section, and presents as a 4-storey dwelling when viewed from the water.

**Mandatory Requirements**

Ryde LEP 2010	Proposal	Compliance
<b>4.3(2) Height</b>		
9.5m	9-9.5m (max)	Yes
<b>4.4(2) &amp; 4.4A(1) FSR</b>		
0.5:1	Basement: 40.6m <sup>2</sup> Lower Ground: 55.7m <sup>2</sup> Entry Level: 196.2m <sup>2</sup> Additional floor: 63.45m <sup>2</sup> Cabana + boatshed: 34m <sup>2</sup> Total (Gross Floor Area): 389.95m <sup>2</sup> (0.38:1)	Yes

**Clause 4.3 Height of buildings**, specifies the height of a building on any land is not to exceed the maximum height shown on the 'Height of Buildings Map'. Objectives of this clause are:

- (a) to maintain desired character and proportions of a street within areas,
- (b) to minimise overshadowing and ensure a desired level of solar access to all properties,
- (c) to enable the built form in denser areas to create spatial systems that relate to human scale and topography,
- (d) to enable focal points to be created that relate to infrastructure such as train stations or large vehicular intersections,
- (e) to reinforce important road frontages in specific centres.

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.



**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**

Due to the site being a 'battleaxe' allotment, objectives (a), (d) and (e) are not applicable in this case.

Although the extent of additional overshadowing provided by the development is within the tolerable requirements of Council's DCP, the additional storey will inhibit access to natural daylight to the immediately adjoining property to the south of the site (No.64A Pellisier). Also, due to the location of the site being on the waterfront, the additional storey will generally create an 'enclosed' feeling to those residents who have frontage to Pellisier Road and who currently enjoy water views over the subject site. Consequently, the development is considered to be overbearing in its height and design and does not respond well to the topography of the site.

**Clause 4.4 Floor space ratio** specifies the maximum floor space ratio (FSR) for a building on any land is not to exceed the FSR shown on the 'Floor Space Ratio Map'. Objectives of this clause are:

- (a) *to provide effective control over the bulk of future development,*
- (b) *to allow appropriate levels of development for specific areas,*
- (c) *to enable the consent authority to assess and respond appropriately to future infrastructure needs.*

Despite the proposal's compliance with the numeric FSR requirements, the bulk of the proposed building is considered to be excessive especially when viewed from the waterfront. This bulk is further exacerbated by the partial 3-storey component and wall plate height which does not comply with Council's DCP requirements.

Although the development proposes a bulk and scale which is otherwise reasonably consistent with surrounding dwellings, it is however the location of the additional floor space which results in an inappropriate level of development for the site due to its significant adverse affect upon the amenity of the surrounding properties (including their view loss), and thereby does not adequately fulfil the objectives of this clause.

**Clause 5.10 Heritage conservation**, lists objectives of heritage conservation which includes not only to conserve the environmental heritage of Ryde, but also "*to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views*"

It is considered that the proposal will have an adverse affect upon the conservation of views to and from the existing heritage item at No. 60 Pellisier Rd, which will in turn have an overall significant detrimental impact upon its heritage significance.

**Clause 5.10(5) Heritage impact assessment**, specifies that Council may, before granting consent to any development on land within the vicinity of either a heritage item or conservation area, require the preparation and submission of a heritage impact statement that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage

---

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**

conservation area concerned. It is however not a mandatory requirement. While an assessment of the impact of the development proposal upon the heritage significance of the adjoining site has been undertaken by Council's Team Leader, Strategic Planning (see Referrals section below).

Under the heading of "heritage", the Statement of Environmental Effects provided with the application only briefly states *"that the proposed additions will have minimal impact on the views of the existing cottage [being No. 60 Pellisier Rd], as the existing trees and buildings surrounding the area obstruct existing views from the water."*

The owner/s of the identified heritage item at No. 60 Pellisier Rd, have submitted to Council an assessment undertaken by Robert Moore (Heritage Consultant) which emphasises the significance of the site when viewed from the adjoining waterway.

In his statement dated 21 December 2011, part of the justification of the heritage significance of the site when viewed from the waterway is argued by Mr Moore as follows:

*Most importantly, the house bears witness to the early development of the locality in which the relationship with the adjoining limb of Sydney Harbour, Morrison Bay, was of immense practical and symbolic importance. The Harbour was still a principal means of transport to and from the cities of Sydney and Parramatta, and the views to the city afforded connection and no doubt comfort from what was then a "remote" locality. The visual connections of the house to the water, and the views to and from the house in its larger setting are still of heritage significance notwithstanding the intense subdivision that has occurred around it. If anything this lends an added importance to the maintenance of what is left...*

*The important remnant view from your verandah – where it would be appreciated by most visitors to the home – to the Bay and views of the house from the water and across the Bay, will be eclipsed. This will diminish the heritage significance of your home, in my opinion, which is contrary to the aims and objectives of Ryde Council's planning controls...*

*In summary, it is my opinion that the heritage value of your home will be adversely affected by the proposal, and that the amenity of the home will also be affected by view loss and the increased intrusive bulk and scale of the proposed new top level to No. 64 in particular...*

The heritage opinion presented above is generally concurred with except for the significance of the view to the heritage site from the water, the significance of which is not generally agreed with by Council's Team Leader, Strategic Planning.

---

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.



**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**

Notwithstanding whether the view of the heritage listed site from the water adds to its heritage significance or not, it is clear that the development proposal will adversely affect the heritage significance of the site and that water views from the site (which will be lost) form part of the heritage significance of the site. Further details of the heritage significance of this site are provided later in this report (see Team Leader, Strategic Planning's comments).

**(b) Relevant SEPPs**

State and Sydney Regional Environmental Planning Policies

*Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* applies to the subject site and has been considered in this assessment. [From 1 July 2009 this plan is taken to be a State Environmental Planning Policy (see clause 120 of Schedule 6 to the Environmental Planning and Assessment Act 1979).]

The site is within the Foreshores and Waterways Area. Compliance with the relevant provisions is provided in the table below.

Provision	Proposal	Compliance
<b>Foreshores and Waterways Area</b>		
<b>Cl. 17 Zoning Objectives</b> The site is adjacent to W8 – Scenic Water Passive Use zone, and must consider the following objectives: (a) To give preference to unimpeded public access along the intertidal zone, to the visual continuity and significance of the landform and to the ecological value of waters and foreshores, (b) To allow low-lying private water-dependant development close to shore only where it can be demonstrated that the preferences referred to in paragraph (a) are not damaged or impaired in any way, that any proposed structure	Development will not affect access along intertidal zone.  Development is restricted to upper part of site away from foreshore.	N/A  N/A

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**

Provision	Proposal	Compliance
conforms closely to the shore, that development maximises open and unobstructed waterways and maintains and enhances views to and from waters in this zone		
(c) To restrict development for permanent boat storage and private landing facilities in unsuitable locations	Boatshed approved under LDA2011/168.	N/A
(d) To allow water-dependent development only where it can be demonstrated that it meets a demonstrated demand and harmonises with the planned character of the locality	Considered under LDA2011/168.	N/A
(e) To ensure that the scale and size of development are appropriate to the locality and protect and improve the natural assets and natural and cultural scenic quality of the surrounding area, particularly when viewed from waters in this zone or areas of public access	When viewed from the waters in the W8 zone, the development is considered will neither improve the natural or cultural scenic quality of the surrounding area due to its bulk, scale and 3-4 storey (visual) height.	No
<b>Matters for Consideration</b>		
<b>Cl. 21 Biodiversity, Ecology and Environmental Protection</b>		
(a) Development should have neutral or beneficial effect on quality of water entering waterways	Neutral effect on water quality.	Yes
(b) Development should protect and enhance terrestrial and aquatic species, populations and ecological communities and, in particular, should avoid physical damage and	Proximity of development from water would not affect existing vegetation in the waterway.	Yes

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.



**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**

Provision	Proposal	Compliance
shading of aquatic vegetation (such as seagrass, saltmarsh and algal and mangrove communities)		
(c) Development should promote ecological connectivity between neighbouring areas of aquatic vegetation (such as seagrass, saltmarsh and algal and mangrove communities)	N/A	N/A
(d) Development should avoid indirect impacts on aquatic vegetation (such as changes to flow, current and wave action and changes to water quality) as a result of increased access	No impact. Works will all be above MHWM and will not increase access to that which has already been previously approved (ie: boatshed LDA2011/168).	Yes
(e) Development should protect and reinstate natural intertidal foreshore areas, natural landforms and native vegetation	None affected by proposal.	N/A
(f) Development should retain, rehabilitate and restore riparian land	No detrimental impact by proposal.	Yes
(g) Development on land adjoining wetlands should maintain and enhance the ecological integrity of the wetlands and, where possible, should provide a vegetation buffer to protect the wetlands	Development will not affect the ecological integrity of adjoining wetlands.	Yes
(h) The cumulative environmental impact of development	No significant impact	Yes
(i) Whether sediments in the waterway adjacent to the development are contaminated, and what means will minimise their disturbance	Located above impact zone. Sediments in adjoining waterway will not be disturbed.	Yes

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**

Provision	Proposal	Compliance
<b>Cl. 22 Public Access to, and Use of, Foreshores and Waterways</b>		
(a) Development should maintain and improve public access to and along the foreshore, without adversely impacting on watercourses, wetlands, riparian lands or remnant vegetation	There is no existing public use of this part of the foreshore. Access to public will not be made any worse than existing.	Yes
(b) Development should maintain and improve public access to and from the waterways for recreational purposes (such as swimming, fishing and boating), without adversely impacting on watercourses, wetlands, riparian lands or remnant vegetation	Proposal will not impede or alter existing public access to river.	Yes
(c) If foreshore land made available for public access is not in public ownership, development should provide appropriate tenure and management mechanisms to safeguard public access to, and public use of, that land	Land below high water mark remains available for public access (by boat).	N/A
(d) The undesirability of boardwalks as a means of access across or along land below the mean high water mark if adequate alternative public access can otherwise be provided.	None proposed	N/A
(e) The need to minimise disturbance of contaminated sediments	Located on land & will not disturb (any) contaminants in water.	Yes
<b>Cl. 24 Interrelationship of Waterway and Foreshore Uses</b>		
(a) Development should promote equitable use of the	Proposal will not inhibit or prevent equitable use of	Yes

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.



**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**

Provision	Proposal	Compliance
waterway, including use by passive recreation craft	waterway by recreation craft.	
(b) Development on foreshore land should minimise any adverse impact on the use of the waterway, including the use of the waterway for commercial and recreational uses	Private use only	Yes
(c) Development on foreshore land should minimise excessive congestion of traffic in the waterways or along the foreshore	Private use only by owner	Yes
(d) Water-dependent land uses should have propriety over other uses	N/A	N/A
(e) Development should avoid conflict between the various uses in the waterways and along the foreshores	No change to existing use of site & waterway	Yes
<b>Cl. 25 Foreshore and Waterways Scenic Quality</b>		
(a) The scale, form, design and siting of any building should be based on an analysis of:	Scale considered bulky and excessive in context of existing and neighbouring dwellings.	No
(I) the land on which it is to be erected, and	Proposal represents an overdevelopment of the existing land in terms of scale and bulk.	No
(II) the adjoining land, and	Numerous adverse effects upon adjoining land incl. overlooking and loss of existing water views.	No
(III) the likely future character of the locality	No change to existing character.	Yes
(b) development should maintain, protect and enhance the unique visual qualities of Sydney Harbour and its islands, foreshores and tributaries	The visual qualities of the foreshore will be maintained due to location of the proposed development within the residential zoned part of	Yes

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**

Provision	Proposal	Compliance
(c) the cumulative impact of water-based development should not detract from the character of the waterways and adjoining foreshores	the site. N/A – the proposal is not 'water-based' development.	N/A
<b>Cl. 26 Maintenance, Protection and Enhancement of Views</b>		
(a) Development should maintain, protect and enhance views (including night views) to and from Sydney Harbour	N/A	N/A
(b) Development should minimise any adverse impacts on views and vistas to and from public places, landmarks and heritage items	The development will significantly adversely affect views & vistas from the adjoining heritage item (No. 60 Pellisier Rd).	No
(c) The cumulative impact of development on views should be minimised	Detrimental cumulative impact upon views enjoyed by adjoining properties.	No
<b>Wetlands Protection Area</b>		
<b>Cl.61 Objectives</b>		
(a) to preserve, protect and encourage the restoration and rehabilitation of wetlands,	The proposal will not affect the existing wetlands by virtue to its location within the existing developable part of the site.	N/A
(b) to maintain and restore the health and viability of wetlands	N/A – for reasons above	N/A
(c) to prevent the fragmentation of wetlands	N/A – for reasons above	N/A
(d) to preserve the scenic qualities of wetlands	The scenic qualities of any remnant wetlands will become restricted from adjoining properties.	N/A
(e) to ensure that wetlands continue to perform their	N/A – for reasons above	N/A

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.



**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**

Provision	Proposal	Compliance
natural ecological functions (such as the provision of wetland habitat, the preservation of water quality, the control of flooding and erosion)		
<b>Cl. 62 Requirement for Development Consent</b> (1) Development may be carried out only with development consent	Addressed by this application.	Yes
(2) Development consent is not required by this clause: (a) For anything (such as dredging) that is done for the sole purpose of maintaining an existing navigational channel, or (b) For any works that restore or enhance the natural values of wetlands being works: (i) that are carried out to rectify damage arising from a contravention of this plan, and (ii) that are not carried out in association with another development, and (iii) that have no significant impact on the environment beyond the site on which they are carried out.	N/A  N/A  N/A  N/A  No adverse affect upon broader environment.	N/A  N/A  N/A  N/A  Yes
(3) Development consent is not required for any other development if: (a) In the opinion of the consent authority: (i) the proposed development is of a minor nature, and (ii) the proposed	Consent required for proposal.   The development should	N/A   Yes

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**

Provision	Proposal	Compliance
development would not adversely affect the wetland or wetlands protection area, and (b) The proponent has notified the consent authority in writing of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development will comply with this subclause and that development consent is not otherwise required by this plan.	not adversely affect the existing wetland or wetlands protection area.  Consent has been sought by the lodgement of the current DA.	Yes
<b>Cl. 63 Matters for Consideration</b> (2) The matters to be taken into consideration are as: (a) The development should have a neutral or beneficial effect on the quality of water entering the waterways, (b) The environmental effects of the development, including effects on: (i) the growth of native plant communities, (ii) the survival of native wildlife populations, (iii) the provision and quality of habitats for both indigenous and migratory species, (iv) the surface and groundwater characteristics of the site on which the development is proposed to be carried out and of the	Proposal would not result in any additional adverse effect upon water quality.           No impact on plant community. None affected by proposal. None affected by proposal.   Water drained to site then dispersed through soil	Yes           Yes Yes Yes   Yes

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.



ITEM 5 (continued)

ATTACHMENT 4

ITEM 4 (continued)

Provision	Proposal	Compliance
surrounding areas, including salinity and water quality and whether the wetland ecosystems are groundwater dependant,		
(c) Whether adequate safeguards and rehabilitation measures have been, or will be, made to protect the environment.	Water drained to site then dispersed through soil.	Yes
(d) Whether carrying out the development would be consistent with the principles set out in <i>The NSW Wetlands Management Policy</i> (as published in March 1996 by the then Department of Land and Water Conservation).	Proposal will not adversely affect any wetland areas.	Yes
(e) Whether the development adequately preserves and enhances local native vegetation,	N/A	N/A
(f) Whether the development application adequately demonstrates:		
(i) how the direct and indirect impacts of the development will preserve and enhance wetlands, and	Adjoining and on top of existing dwelling & will not impact on wetlands or sea vegetation.	Yes
(ii) how the development will preserve and enhance the continuity and integrity of the wetlands, and	As above	Yes
(iii) how soil erosion and siltation will be minimised both while the development is being carried out and after it is completed,	Erosion and siltation will not be affected by the DA.	Yes

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**

Provision	Proposal	Compliance
and (iv) how appropriate on-site measures are to be implemented to ensure that the intertidal zone is kept free from pollutants arising from the development, and	N/A	N/A
(v) that the nutrient levels in the wetlands do not increase as a consequence of the development, and	The development will not result in an increase in nutrient levels in any surrounding wetlands.	Yes
(vi) that stands of vegetation (both terrestrial and aquatic) are protected or rehabilitated, and	N/A	N/A
(vii) that the development minimises physical damage to aquatic ecological communities, and	The proposal should not adversely affect any existing ecological communities.	Yes
(viii) that the development does not cause physical damage to aquatic ecological communities,	See above	Yes
(g) Whether conditions should be imposed on the carrying out of the development requiring the carrying out of works to preserve or enhance the value of any surrounding wetlands.	N/A.	N/A

A Development Control Plan has been prepared to support the REP (see below).

Sydney Harbour Foreshore & Waterways Development Control Plan:

Compliance with the relevant provisions is illustrated in the table below.

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.



**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**

Provision	Proposal	Compliance
<b>Cl. 2-Ecological Communities and Landscape Characters:</b>		
<ul style="list-style-type: none"> <li>o <b>Urban Development with Scattered Trees (low status):</b> <ul style="list-style-type: none"> <li>- Conserve and enhance vegetation</li> <li>- Minimise risk of predation on native fauna by domestic pets.</li> <li>- Minimise impacts of soil erosion, water siltation and pollution.</li> </ul> </li> </ul>	<p>Existing vegetation to be conserved on the site.</p> <p>Risk minimised by virtue of limited access to waterway.</p> <p>Proposal would not increase likelihood of soil erosion.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<ul style="list-style-type: none"> <li>• Aquatic Ecological Community: <ul style="list-style-type: none"> <li>o Mudflats (medium status): <ul style="list-style-type: none"> <li>- To minimise impacts on communities from shading.</li> <li>- To minimise effects from reclamation where it provides the optimum environmental outcome.</li> <li>- To minimise the effects from urban run-off.</li> <li>- To minimise the effects from dredging.</li> </ul> </li> </ul> </li> </ul>	<p>Proposal will not adversely affect mudflats with additional shading.</p> <p>N/A</p> <p>The extent of the proposed development would not increase urban run-off.</p> <p>N/A</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p> <p>N/A</p>
<b>Cl. 3 Landscape Character Type 14</b>		
<p>Performance Criteria:</p> <ul style="list-style-type: none"> <li>• Consideration given to cumulative and incremental effects of further development along foreshore and to preserving the remaining special features.</li> <li>• Development to avoid substantial impact on landscape qualities of foreshore and minimise removal of natural foreshore vegetation, radical alteration of</li> </ul>	<p>Existing foreshore features would not be affected by the proposed development.</p> <p>Proposal would not lead to adverse impact on existing natural foreshore vegetation.</p>	<p>Yes</p> <p>Yes</p>

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**

Provision	Proposal	Compliance
natural ground levels, dominance of structures protruding from rock walls or ledges or the erection of sea walls, retaining walls or terraces.		
• Landscaping between buildings to soften the built environment;	Limited existing landscape to soften building appearance.	N/A
• Existing ridgeline vegetation and its dominance as backdrop to waterway, is retained.	N/A	N/A
<b>Cl. 4 Water Based and Land/Water Interface Developments</b>	N/A	N/A
<b>Cl. 5 Land Based Developments</b>		
<b>5.2 Foreshore access</b>		
• Maintain, encourage and secure public access along foreshore and intertidal zone	Foreshore access not affected by development proposal.	N/A
• If possible provide linkage through streets where foreshore access cannot be achieved	N/A	N/A
• Boardwalks not recommended. May be acceptable in certain circumstances.	N/A	N/A
<b>5.3 Siting of Building and Structures</b>		
• Maintain foreshore building lines and observe the following:		
○ where there is existing native vegetation, buildings should be set back from this vegetation to avoid disturbing it;	Proposal to be built on existing building envelop or on land previously developed (ie pool area).	N/A
○ buildings should address the waterway;	Building faces/addresses the waterway.	N/A
○ buildings should not obstruct views and vistas from public places to the waterway;	Obstruction of views from existing public places will be limited.	Yes
○ buildings should not obstruct	N/A – Putney Wharf	N/A

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.



**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**

Provision	Proposal	Compliance
views of landmarks and features identified on the maps accompanying this DCP, o where there are cliffs or steep slopes, buildings should be sited on the top of the cliff or rise rather than on the flat land at the foreshore.	Building works will not take place along foreshore.	Yes
<b>5.4 Built Form</b> • Buildings and other structures generally be of a sympathetic design to their surroundings; well designed contrasts, considered where they enhance the scene. Following guidelines to reinforce local council requirements: o where buildings of contrasting scale or design to existing buildings, care needed to ensure contrast would enhance setting; o where undeveloped ridgelines occur, buildings should not break these unless a backdrop of trees; o while no shapes are intrinsically unacceptable, rectangular boxy shapes with flat or skillion roofs usually do not harmonise with surroundings. Preferable to break up facades and roof lines into smaller elements and to use pitched roofs. o walls and fences should be kept low enough to allow views of private gardens from waterway; o bright lighting and especially floodlighting which reflects on the water can cause problems with night navigation and	Development out of scale with surrounding development by virtue of its bulk, scale and height. N/A  Rectangular 'boxy' shaped upper floor addition will not harmonise with existing surrounds.  N/A  N/A	No  N/A  No  N/A  N/A

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**

Provision	Proposal	Compliance
should be avoided. External lights should be directed downward, away from the water.		
o use of reflective materials is minimised and relevant provisions of BCA are satisfied.	N/A (can be conditioned if required)	N/A
o colours to be sympathetic with their surrounds and consistent with the colour criteria, where specified, for particular landscape character types in Part 3 of this DCP;	Colours sympathetic to existing building.	Yes
o cumulative visual impact of a number of built elements on a single lot mitigated through bands of vegetation and by articulating walls and using smaller elements;	Cumulative visual impact cannot be mitigated by vegetation. Articulation of side walls limited and does not reduce overall bulk.	No
o the cumulative impact of development along the foreshore is considered having regard to preserving views of special natural features, landmarks or heritage items.	Cumulative impact will adversely affect adjoining views and existing heritage item identified by Ryde LEP 2010.	No

**(c) Any draft LEPs**

None applicable.

**(d) Any DCP (e.g. dwelling house, villa)**

**City of Ryde Development Control Plan 2010:**

**Part 3.3 – Dwelling Houses and Duplex Buildings**

**Part 7.2 – Waste Minimisation and Management**

**Part 8.2 – Stormwater Management**

**Part 9.2 – Access for People with Disabilities**

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.



**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**

DCP 2010	Proposed	Compliance
<b>Part 3.3 – Dwelling Houses and Duplex Buildings</b>		
<b>Desired Future Character</b>		
Development is to be consistent with the desired future character of the low density residential areas.	The proposed development is generally consistent with the character of the existing residential area.	Yes
<b>Dwelling Houses</b>		
- To have a landscaped setting which includes significant deep soil areas at front and rear.	Landscaped setting provided with existing deep soil landscaping at rear only (due to battleaxe allotment)	Yes
- Maximum 2 storeys.	Partly 3 storeys	No
- Address street, public and private space is to be clearly articulated	N/A	N/A
- Dwelling to respond appropriately to the site's constraints & opportunities as identified in the site analysis.	Development does not respond to existing topography – additional floor area could be added to site with less adverse impact upon surrounding properties.	No
<b>Public Domain Amenity</b>		
<b>Streetscape</b>		
- Site design, setbacks and height are to respect the existing topographic setting.	The dwelling design and height does not accord with existing topography.	No
- The design of front gardens is to complement and enhance streetscape.	N/A – no front garden.	N/A
- Front doors and windows are to face the street. Side entries to be clearly apparent.	N/A – redesigned entry remains on side as existing.	N/A
- Orientation to match existing buildings in streetscape.	Orientation towards water matches existing and adjoining residences.	Yes
<b>Public Views and Vistas</b>		
- A view corridor is to be provided along at least one side allotment boundary	Existing view over the top of the existing dwelling will be removed – no alternate	No

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**

DCP 2010	Proposed	Compliance
<p>where there is an existing/potential view of water.</p> <ul style="list-style-type: none"> <li>- Landscaping is not to restrict views. Fence 70% open where height is &gt;900mm.</li> <li>- View corridors in battleaxe allotments are to be co-ordinated with the front allotment.</li> <li>- Landscape elements such as ancillary structures, plantings, are not to restrict views.</li> <li>- Garages/ carports and outbuildings are not to be located within view corridor if they obstruct view.</li> </ul>	<p>corridor provided</p> <p>Landscaping will not restrict views.</p> <p>Water views of street facing residence/s will be adversely affected – no coordination.</p> <p>Proposed cabana will restrict views from habitable rooms of adjoining property (No. 64A)</p> <p>Existing garage does not obstruct view corridors.</p>	<p>Yes</p> <p>No</p> <p>No</p> <p>Yes</p>
<b>Site Configuration</b>		
<b>Deep Soil Areas</b>		
<ul style="list-style-type: none"> <li>- 35% of site area min.</li> <li>- Min 8x8m deep soil area in backyard.</li> </ul>	<p>210m<sup>2</sup> (20%)</p> <p>8 m x 8m (+ swimming pool)</p>	<p>No</p> <p>Yes</p>
<b>Topography &amp; Excavation</b>	<p>NB: The subject site has a 8.3m fall from the "front" (western) boundary to the "rear" waterfront (eastern) corner.</p> <p>Building form and siting are to relate to original topography</p> <p>Cut and fill within and outside building footprint.</p>	<p>No</p> <p>N/A</p>
<b>Floor Space Ratio (for both dwellings)</b>		
Basement	40.6m <sup>2</sup>	
Lower Ground	55.7m <sup>2</sup>	

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.



**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**

DCP 2010	Proposed	Compliance
Entry Level	196.2m <sup>2</sup>	
New Floor	63.45m <sup>2</sup>	
Cabana/boatshed	34m <sup>2</sup>	
Garage (< 36m <sup>2</sup> ) – not included in total GFA or FSR	28.85m <sup>2</sup>	
Total (Gross Floor Area)	389.95m <sup>2</sup>	
FSR (max 0.5:1) or 508m <sup>2</sup>	0.384:1	Yes
<b>Height – (Dwelling)</b>		
- 2 storeys maximum	Partly 3 storeys.	No
Wall plate (Ceiling Height)	<b>Upper floor</b> TOW: RL 13.55 (ceiling) FGL/NGL below: RL 5.09 TOW Height (max)= <b>8.46m</b>	No
- 7.5m max above FGL or - 8m max to top of parapet  NB: TOW = Top of Wall EGL = Existing Ground Level FGL = Finished Ground Level	<b>Entry level</b> TOW: RL 10.55 (ceiling) FGL/NGL below: RL 2.44 TOW Height (max)= <b>8.11m</b>	No
8m Overall Height (for roof with continuous parapet)  NB: EGL = Existing Ground Level	Max point of dwg: RL 13.95 EGL below ridge (lowest point): RL 5.09 Overall Height (max): <b>8.86m</b>	No
Habitable rooms to have 2.4m (min) floor to ceiling height.	2.4m (min)	Yes
<b>Height – (Cabana)</b>		
4.5m (max height for all outbuildings)	Overall Height (max): <b>2.6m</b>	Yes
<b>Setbacks</b>		
Side		

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**

DCP 2010	Proposed	Compliance
<b>Single storey dwelling</b>		Yes
- 900mm to wall (includes balconies etc)	1m (to single storey component – southern elevation/entry)	
<b>Two storey dwelling</b>		Yes
- 1500mm to wall (includes balconies etc)	1.8m (min)	
<b>Rear</b>		Yes
- 8m to <u>rear of dwelling</u> OR 25% of the length of the site, whichever is greater.	25 – 30m (50 – 52%)	
<b>Outbuildings</b>		
- The use of outbuildings is to be ancillary to the residential use of the dwelling.	Proposed cabana is ancillary to the residential use of the dwelling.	Yes
- The total area for all outbuildings is not to exceed 20m <sup>2</sup> .	Cabana + boatshed: 34m <sup>2</sup> .	No
- Outbuildings cannot be erected between the street alignment and the front building alignment of the dwelling.	Cabana located in rear yard.	Yes
- The design and materials of outbuildings are to complement the existing dwelling.	Design consistent with dwelling.	Yes
- An outbuilding may contain a toilet, shower and hand basin but cannot contain a bar, sink or any other kitchen facilities.	No internal facilities.	Yes
- An outbuilding may be located on the side or rear boundary so long as the external wall is maintenance free and there is no eaves overhang.	3m (min) setback from side boundary.	Yes
- The windows of outbuildings are to be at	No side windows.	Yes

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.



**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**

DCP 2010	Proposed	Compliance
least 900mm away from a boundary.		
- Outbuildings are not to adversely affect the privacy and/or amenity of neighbours.	Cabana will not adversely affect the privacy or amenity of any neighbours.	Yes
- Outbuildings are not to be located in view corridors to the water.	Located in partial view corridor/s.	No
- An outbuilding is not to be used as a dwelling.	No potential for use as dwelling	Yes
<b>Landscaping</b>		
<b>Trees &amp; Landscaping</b>		
- Major trees retained where practicable	All existing major trees retained.	Yes
- Physical connection to be provided between dwelling and outdoor spaces where the ground floor is elevated above NGL eg. stairs, terraces.	Physical connection provided at rear.	Yes
- Obstruction-free pathway on one side of dwelling.	Obstruction free pathway on both sides of dwelling.	Yes
- Back yard to have at least 1 tree with mature ht of 15m and a spreading canopy.	Back yard: no mature trees.	N/A
- Hedging or screen planting on boundary mature plants reaching no more than 2.7m.	Screen planting provided where site permits.	Yes
<b>Dwelling Amenity</b>		
<b>Daylight and Sunlight Access</b>		
- Living areas to face north where orientation makes this possible.	Site faces E-W. Dwelling designed to maximise internal light penetration.	Yes
<u>Subject Dwelling:</u>		
- Subject dwelling north facing windows are to receive at least 3hrs of sunlight to a portion of their surface between 9am and	3+ hours to north facing windows	Yes

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**

DCP 2010	Proposed	Compliance
<p>3pm on June 21.</p> <ul style="list-style-type: none"> <li>- Private open space of subject dwelling is to receive at least 2 hours sunlight between 9am and 3pm on June 21.</li> </ul> <p><u>Neighbouring properties are to receive:</u></p> <ul style="list-style-type: none"> <li>- 2 hours sunlight to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21.</li> <li>- At least 3 hours sunlight to a portion of the surface of north facing adjoining living area windows between 9am and 3pm on June 21.</li> </ul>	<p>POS: receives 3+ hours of sunlight.</p> <p>Hours of sunlight to adjoining principal open space: 3+ hrs.</p> <p>&lt;3 hrs sunlight to adjoining <u>north</u> facing windows. Can be justified due to location of property south of subject site.</p>	<p>Yes</p> <p>Yes</p> <p><b>N/A</b> – Affected property lies directly south of subject site.</p>
<p><b>Visual Privacy</b></p> <ul style="list-style-type: none"> <li>- Orientate windows of living areas, balconies and outdoor living areas to the front and rear of dwelling.</li> <li>- Windows of living, dining, family etc. placed so there are no close or direct views to adjoining dwelling or open space.</li> <li>- Terraces, balconies etc not to overlook neighbours.</li> <li>- Side windows offset from adjoining windows.</li> </ul>	<p>Living area windows and outdoor areas are orientated to the rear of dwelling.</p> <p>Windows are set back so no close or direct views to adjoining dwellings or private open space.</p> <p>Terrace faces rear – direct views over neighbours.</p> <p>Side windows offset.</p>	<p>Yes</p> <p>Yes</p> <p><b>No</b></p> <p>Yes</p>
<p><b>View Sharing</b></p> <ul style="list-style-type: none"> <li>- The siting of development is to provide for view sharing.</li> </ul>	<p>The siting of the development will adversely obstruct adjoining neighbour's views.</p>	<p><b>No</b></p>
<p><b>Cross Ventilation</b></p> <ul style="list-style-type: none"> <li>- Plan layout is to optimise access to prevailing breezes and to provide for cross ventilation.</li> </ul>	<p>Plan layout optimises cross-ventilation.</p>	<p>Yes</p>

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.



**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**

DCP 2010	Proposed	Compliance
<b>External Building Elements</b>		
<b>Roof</b> <ul style="list-style-type: none"> <li>- Articulated.</li> <li>- 450mm eaves overhang minimum.</li> <li>- Not to be trafficable terrace.</li> <li>- Attic to be within roof space.</li> <li>- Skylights to be minimised and placed symmetrically.</li> <li>- Front roof plane is not to have both dormer windows and skylights.</li> </ul>	<ul style="list-style-type: none"> <li>Articulated roof form.</li> <li>Flat roof with 500mm eaves.</li> <li>No trafficable roof terrace.</li> <li>No roof attic.</li> <li>No skylights.</li> <li>Front roof plane free of dormer windows and skylights</li> </ul>	<ul style="list-style-type: none"> <li>Yes</li> <li>Yes</li> <li>Yes</li> <li>Yes</li> <li>Yes</li> <li>Yes</li> </ul>
<b>Part 7.2 – Waste Minimisation &amp; Management</b>		
<b>Submission of a Waste Management Plan in accordance with Part 7.2 of DCP 2010.</b>	The applicant has submitted a Waste Management Plan in accordance with Part 7.2 of DCP 2010.	Yes
<b>Part 8.2 – Stormwater Management</b>		
<b>Stormwater</b>		
Drainage is to be piped in accordance with Part 8.2 - Stormwater Management.	The development proposal was referred to Development Engineers, who raised no objection against the proposal subject to appropriate conditions of consent.	Yes
<b>Part 9.2 – Access for People with Disabilities</b>		
Accessible path required from the street to the front door, where the level of land permits.	Level of land does not permit full accessibility of dwelling. Note: not been made worse.	Yes

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**

**10. Likely Impacts of the Development**

Impact upon existing views from adjoining properties

The DCP requires building form and design to allow for view sharing where possible. Given the subjectivity of the issue, and having regard to the extent of objections made against the potential loss of views that may arise as a result of this development, it is appropriate that assessment of this matter should follow the four-step procedure established by the Land & Environment Court Planning Principle on View Loss (*Tenacity Consulting v Warringah Council* [2004] NSWLEC 140 pars 23–33).

The court adopted the following four step assessment of view sharing:

1. *The assessment of the views affected;*
2. *Consideration from what part of the property views are obtained;*
3. *The extent of the impact; and*
4. *The reasonableness of the proposal that is causing the impact.*

An assessment of the development proposal and its ability to comply with the above court principles is addressed below.

1. What views will be affected?

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

Comment: Existing water views from the surrounding properties at Nos. 60, 62 and 62A Pellisier Road will be affected by the proposed additional storey on top of the existing dwelling house. Although the water views in this locality do not contain any "iconic" landmarks, the views are distinctive and highly valued.

2. From what part of the property are views obtained?

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

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.



**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**

Comment:

The affected water views from Nos. 60, 62 and 62A Pellisier Road is **CIRCULATED UNDER SEPARATE COVER** as additional information provided to Councillors.

3. What is the extent of the impact?

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

Comment: The extent of water view loss from No 60 Pellisier Road would best be described as either 'severe' or 'devastating'. The only water view currently enjoyed from this site would be totally removed were the roof-top extension approved by Council.

The water view loss from Nos. 62 and 62A Pellisier Road would be best described as 'moderate'.

4. What is the reasonableness of the proposal that is causing the impact?

The Court said: *"The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable."*

Comment: The Court poses two questions in *Tenacity Consulting v Warringah* (2004) NSWLEC 140 (paragraphs 23–33). The first question relates to whether a non-compliance with one or more planning controls results in view loss. The second question posed by the Court relates to whether a more skilful design could provide the same development potential whilst reducing the impact on views.

As the view loss is linked to non-compliances with Council's height and maximum number of storeys development standards, even a minor extent of view loss is considered to be unreasonable.

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

## ITEM 5 (continued)

## ATTACHMENT 4

### ITEM 4 (continued)

Accordingly, the proposal is considered to be unacceptable with regard to the objectives and performance criteria under Part 3.3 of the Ryde DCP 2010 which will result in the loss of views contrary to the principles established by the Land and Environment Court.

#### 11. Suitability of the site for the development

A review of Council's Map of Environmentally Sensitive Areas (held on file), identifies the site is as not being classified as a heritage item or subject to any natural constraints such as flooding or subsidence.

The design of the development proposal would need to be radically altered in order to achieve the maximum floor space potential of the site without adversely affecting the amenity and views of surrounding properties and also be able to comply with the maximum height a number of storeys provisions of Council's DCP.

#### 12. The Public Interest

Having regard to the assessment contained in this report and in particular the adverse effect the development will have upon the neighbouring properties, it is considered that approval of the development is not in the public interest.

#### 13. Consultation – Internal and External

##### Internal Referrals

**Team Leader Strategic Planning (16 January 2012):** Due to the proximity of the development proposal to an existing heritage item (Item No. 86, being No. 60 Pellisier Road), heritage advice was sought from Council's Team Leader Strategic Planning.

Council's Team Leader, Strategic Planning has recommended that the development not be approved and provided the following comments:

##### **Heritage Listing:**

<i>Heritage item:</i>	No
<i>In the vicinity of a heritage item</i>	Yes, no. 86, 60 Pellisier Rd, Federation dwelling
<i>Conservation area:</i>	No

##### **Heritage Controls:**

LEP2010 Clause 5.10 Heritage Conservation.

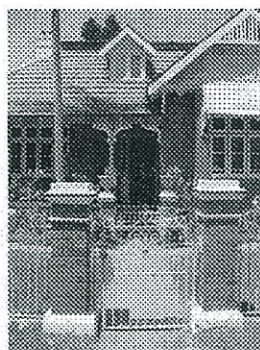
Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.



**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**



*Heritage item at 60 Pellisier Rd –street view*

**Proposal:**

*It is proposed to construct a new additional fourth storey on the flat roof.*

**Documentation:**

*This comment responds to the submission by the owners of 60 Pellisier Road of a letter authored by Robert Moore who was the court appointed heritage expert in relation to a Development Application for the heritage item some years ago.*

*Mr Moore has a detailed knowledge of the immediate locale and the heritage item as a consequence of the court case. In relation to this DA proposal Mr Moore argues that:*

*"...important remnant views from [the] verandah .....to the bay and views of the house from the water and across the Bay will be eclipsed [by the proposal]. This will diminish the heritage significance of [the] home."*

**Assessment of Heritage Impact:**

*On 11 January I visited the heritage item at 60 Pellisier Road and Morrison Bay. The owner gave access to rear the verandah and backyard.*

*I observed the following:*

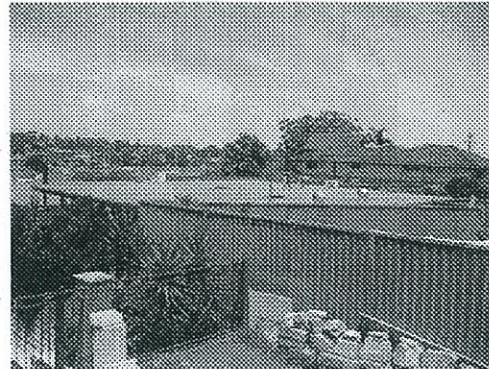
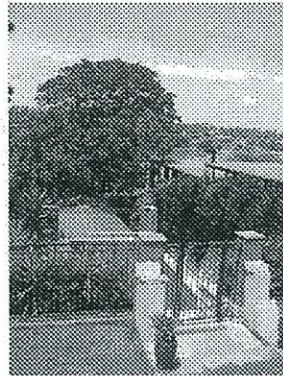
*A fig tree partially blocks views from the house to Morrison Bay. The tree is listed on Council's Significant Tree Register. As a result of the substantial tree the outlook to Morrison Bay from the rear of the heritage item is only available across the existing flat roof of the subject site. Any increase in height on that site will certainly reduce the views from the heritage item to Morrison Bay.*

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**



*Remnant views of Morrison Bay across the roof of the subject site*

**Are views from the Heritage Item to Morrison Bay significant?**

No 60 Pellisier Road was at one time part of a much larger site which connected to the Bay. Though now much reduced, the site runs down to the foreshore and includes a boatshed. There is some architectural evidence that the house may have had a "widow's walk" though this is not conclusive. A widow's walk traditionally functioned as an observation platform usually linked to views of the water. Its purpose was to allow widows access to the open air and views in privacy.

Based on its historic characteristics and links to the bay it is my opinion that the visual and physical connection from the Heritage Item at 60 Pellisier Road to the bay contributes its heritage significance. Due to its significance the existing fig tree may not be removed to afford views to the Bay. As a consequence views from the heritage item to the bay are only afforded across the subject property at 64 Pellisier Road.

**Are views from the Bay to the Heritage Item Significant?**

Views from the bay were considered from two vantage points - one at the end of Beach Street and the other from a contemporaneous heritage item at 139 Tennyson Road.

60 Pellisier Road (including the roof) is not visible from either vantage point. Photographs following highlight the location of 60 Pellisier Road in red.

Even if 60 Pellisier Road were visible from vantage points across the bay it would not be possible to appreciate any significant fabric as the rear of the heritage item has been obscured by a recent addition including family areas and a verandah.



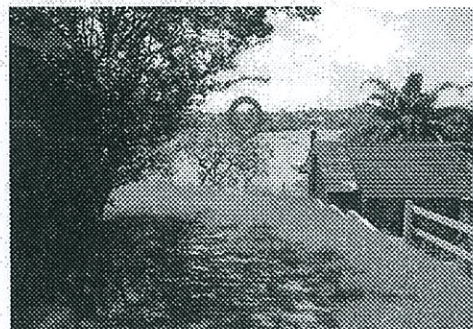
**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**



*Views of the rear verandah above*



*Views from 139 Tennyson Road above and right*

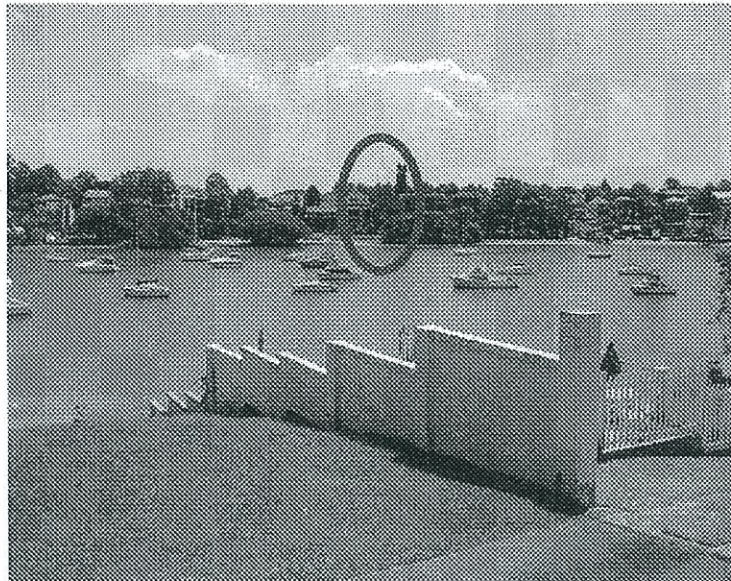
Agenda of the Planning and Environment Committee Report No. 1/12, dated  
Tuesday 7 February 2012.



**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**



*Views from Beach Street above*

**Conclusion**

*The visual and physical connection from the heritage item at 60 Pellissier Road to Morrison Bay contributes to its significance. For this reason the development application is not recommended to proceed.*

*Views from the Bay to the item do not contribute to its significance as the item is not visible and even if it were; the item would be obscured by recent additions.*

**Landscape Architect (13 January 2012):** Council's Landscape Architect has raised no objection to the application subject to 1 condition, and provided the following comments:

*Further to my email advice dated 7 December, 2012, the site was accessed and inspected on the 5 December, 2011. The owner was in attendance at the inspection and explained in detail the nature of the work to be undertaken.*



**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**



*The subject significant tree is a Port Jackson Fig (*Ficus rubiginosa*). The tree occurs on the adjoining property (No. 60 Pellissier Road) and abuts the common boundary of the development site, and is scheduled on council's Significant Tree Register:*

*Port Jackson Figs are important remnant endemic canopy trees and this specimen is located approximately 25 metres from the shoreline. There are no implications for this application with respect to the significant tree register, which allows minor pruning, but requires a council resolution for the removal of any tree on the register. This application does not require the removal of the tree and is subject to only some very minor pruning, which can be dealt with as condition a of consent.*

*It is estimated that nearly 50% of the structural root zone (SRZ) occurs on the subject development site, mostly between the boundary fence and the existing pool. As can be seen from the attached photo almost all of this area is protected by the existing deck, so the tree is not adversely affected by the current use occurring within its SRZ. The use around the base of the tree will remain essentially the same following construction, therefore there are no new impacts to consider in this regard.*

*The construction impact of the proposal on the ground involves the location of a single post/column within the SRZ and this is seen as an incursion that can reasonably managed subject to appropriate arboricultural supervision.*

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**

*The other potential impact is some pruning associated with the establishment of building clearances for the upper storey construction. The tree in the past has been pruned away from the present building envelope, therefore the nature of proposed pruning is relatively minor, and does not entail the removal of significant woody branches, and the current overall form and visual amenity of the tree will be maintained.*

**Conclusion**

No objections to the development subject to the following condition.

**Conditions**

*The location of the column, shown on Lower Floor Plan 05, within the Structural Root Zone (SRZ) of the Port Jackson Fig (*Ficus rubiginosa*) is to be determined subject to the advice of a project arborist who shall ensure the final location is: 1) free of any significant structural roots; and, 2) minimises construction impacts. In addition the project arborist shall provide advice for minor canopy pruning to establish building clearances, which should not include the removal of significant woody branches.*

**Development Engineer (24 October 2011):** Council's Development Engineer has raised no objection to the application on drainage grounds subject to 3 conditions of consent.

**14. Critical Dates**

There are no critical dates or deadlines to be met.

**15. Financial Impact**

Adoption of the option outlined in this report will have no financial impact.

**16. Other Options**

An option available to Council would be to defer consideration of the current proposal and request the applicant submit amended plans that address the concerns of the neighbours and the non-compliance with planning controls.

Also, any amended proposal would be required to be accompanied by a detailed assessment of view loss and heritage impact assessment by a suitably qualified heritage consultant in terms of impact upon the heritage significance of No. 60 Pellissier Road, Putney.

---

Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.



**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**

**17. Conclusion**

The proposal has been assessed using the heads of consideration listed in Section 79C of the Environmental Planning & Assessment Act 1979 and is generally considered unacceptable.

The main issues of concern is that the proposed development will not comply with Council's requirements with respect to the overall height and the maximum number of storeys which exceeds Council's DCP requirements and results in an unacceptable and adverse affect upon the amenity and extent of views currently enjoyed by adjoining properties.

Although the degree of view loss varies, one particular site (No. 60 Pellisier Rd), which also happens to be a heritage item under Council's LEP, will lose all of their existing water views currently enjoyed over the top of the subject site.

Having regard to the nature, location and area of the site, its constraints and opportunities and the extent of the existing development, it is considered feasible that by implementation of an alternate design scheme, alterations and additions to the existing residence could take place which would also fulfil state and local planning requirements without adversely affecting the adjoining properties.

Having regard to the numerous non-compliances of the development proposal as detailed in this report and the overall adverse affect that the proposal will have upon the amenity and impact upon the water views enjoyed by adjoining properties, the development proposal is recommended for refusal for reasons detailed below.

---

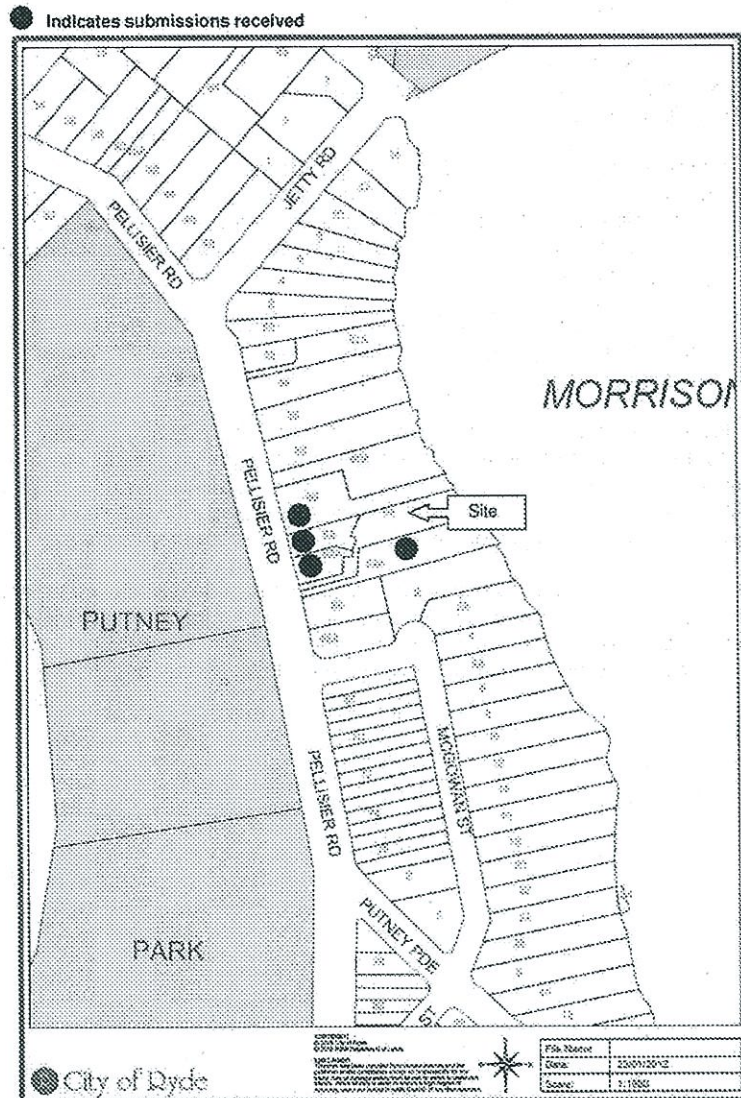
Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**

**ATTACHMENT 1**



Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

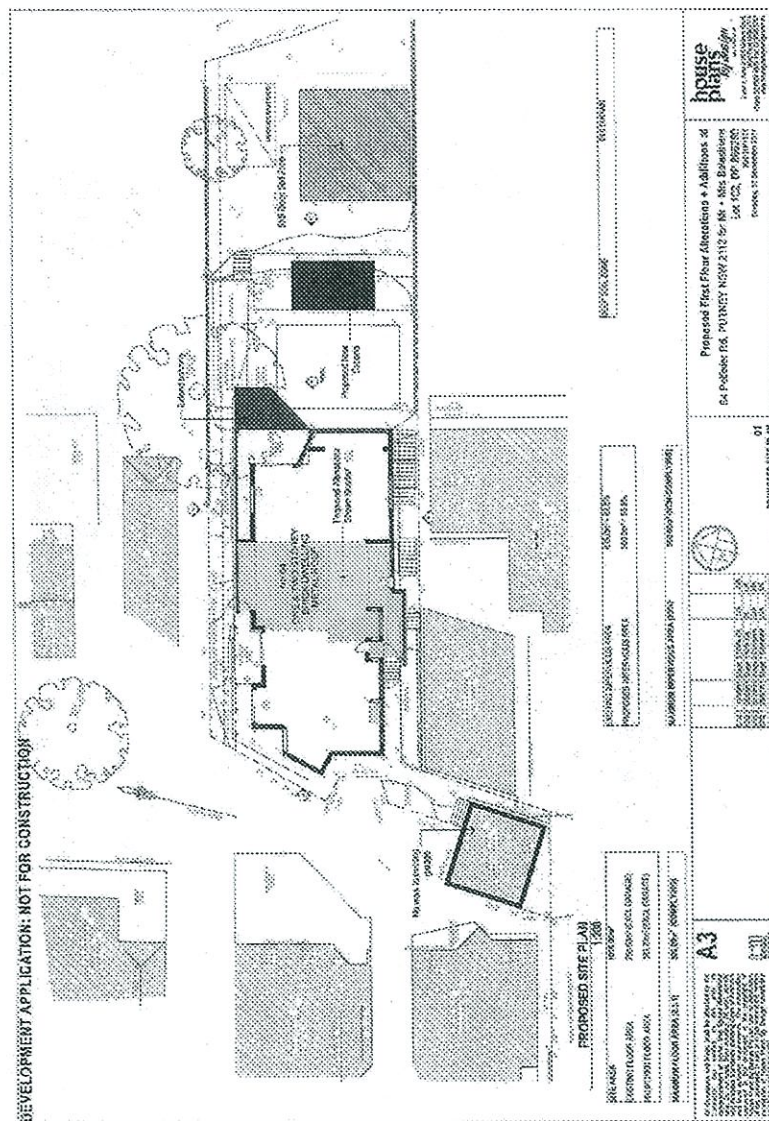


**ITEM 5 (continued)**

## ATTACHMENT 4

## ITEM 4 (continued)

## ATTACHMENT 2



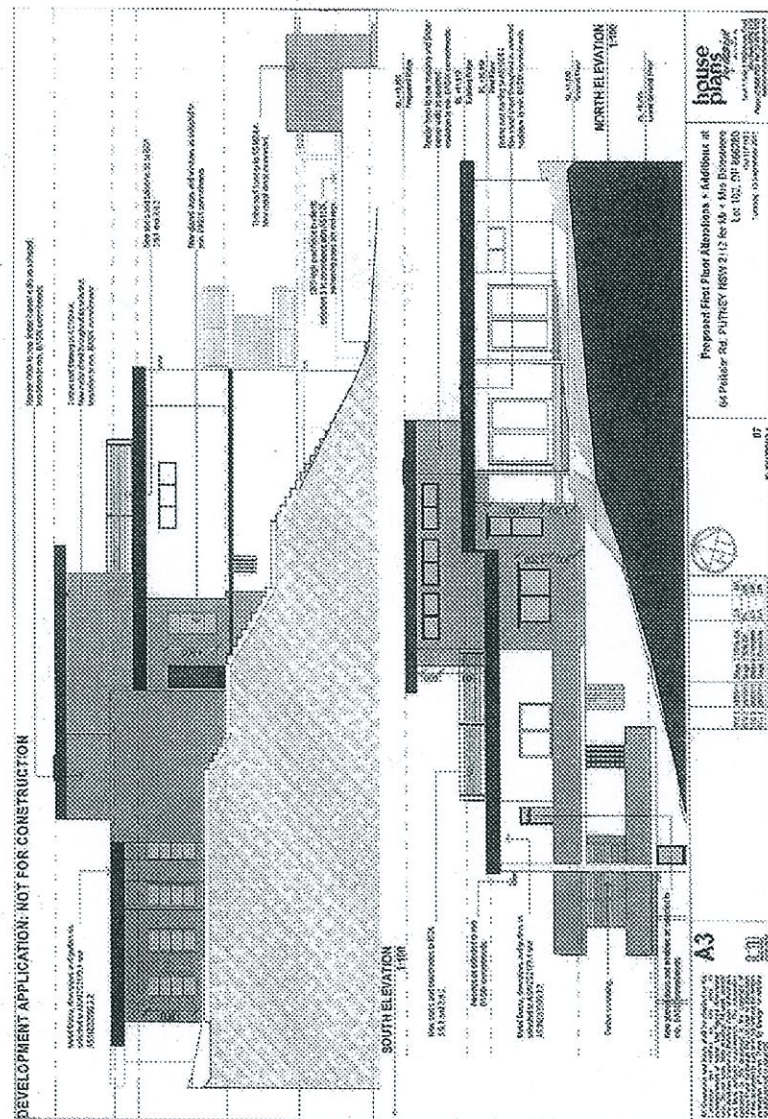
Agenda of the Planning and Environment Committee Report No. 1/12, dated Tuesday 7 February 2012.

**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**

**ATTACHMENT 2**



Agenda of the Planning and Environment Committee Report No. 1/12, dated  
Tuesday 7 February 2012.

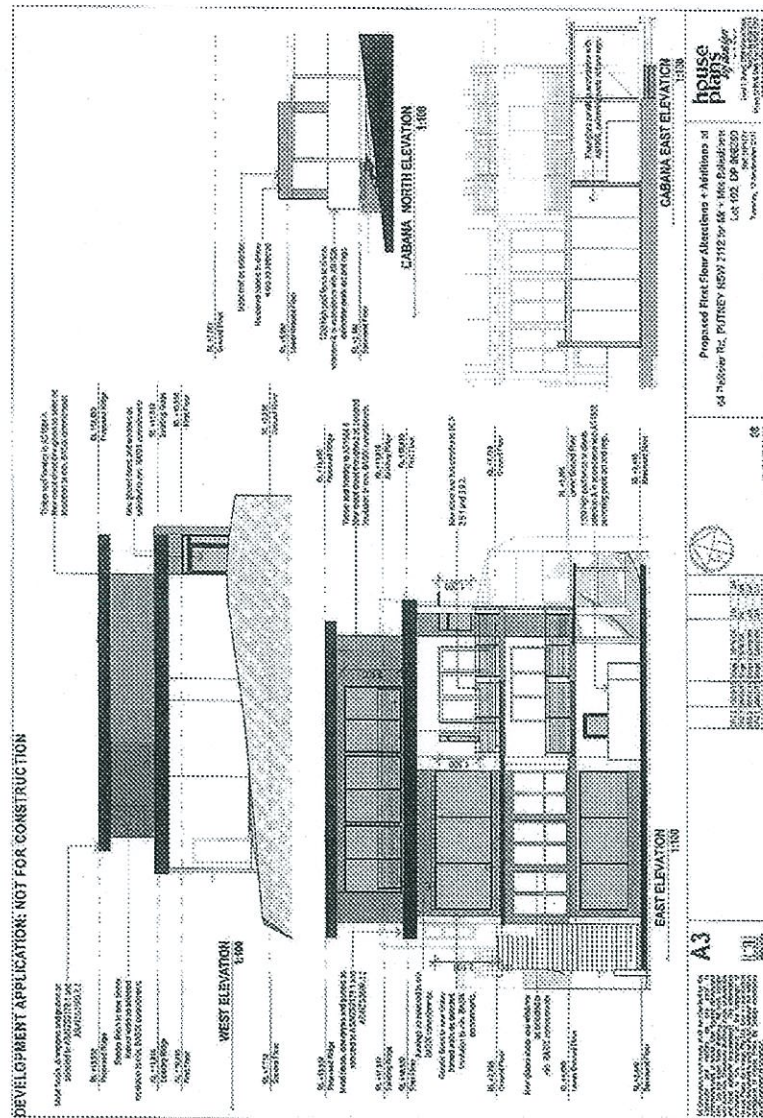


**ITEM 5 (continued)**

**ATTACHMENT 4**

**ITEM 4 (continued)**

**ATTACHMENT 2**



Agenda of the Planning and Environment Committee Report No. 1/12, dated  
Tuesday 7 February 2012.