

ATTACHMENTS FOR: AGENDA No. 1/12 Planning and Environment Committee

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

ATTACHMENTS

Item		Page
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.	
	Attachment 3 A3 Plans - subject to copyright provisions – Plans not Attached	
3	40 CLARKE STREET, WEST RYDE. LOT 7 DP 19560. Local Development Application for multi dwelling housing (attached) containing 1x4 bedroom two storey dwelling, 2x3 bedroom and 1x2 bedroom single storey dwellings. LDA2011/0248.	
	Attachment 4 A3 Plans - subject to copyright provisions – Plans not Attached	
	Attachment 5 Statement of Environmental Effects.....	2
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.	
	Attachment 3 A3 Plans - subject to copyright provisions – Plans not Attached	
	Attachment 4 Sectional View Assessment - subject to copyright provisions – Plan not Attached	
	Attachment 5 Heritage Assessment of 60 Pellisier Road.....	55
	Attachment 6 Applicant's response to submissions plus copy of submissions – not Attached - CONFIDENTIAL	

ITEM 3 (continued)

ATTACHMENT 5

STATEMENT OF ENVIRONMENTAL EFFECTS

40 Clarke Street, West Ryde

Development Application:
Proposed Multi Dwelling Development

May 2011

GOUGH PLANNING

Ph: 0408 675 015

Fax: 9683 1605

Email: andrew@sglaw.com.au

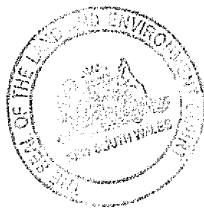
Our ref:AG1011GP

ITEM 3 (continued)

ATTACHMENT 5

PCA certifying that the subject drainage line/s and pits servicing those lines lie wholly within the proposed easements.

89. **On-Site Stormwater Detention System - Marker Plate.** Each on-site detention system basin shall be indicated on the site by fixing a marker plate. This plate is to be of minimum size: 100mm x 75mm and is to be made from non-corrosive metal or 4mm thick laminated plastic. It is to be fixed in a prominent position to the nearest concrete or permanent surface or access grate. The wording on the marker plate is described in the City of Ryde, Development Control Plan 2006: - Part 8.2; Stormwater Management. An approved plate may be purchased from Council's Customer Service Centre on presentation of a completed City of Ryde OSD certification form.
90. **Positive Covenant, OSD.** The creation of a Positive Covenant under Section 88 of the Conveyancing Act 1919, burdening the property with the requirement to maintain the stormwater detention system on the property. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88E instrument for Maintenance of Stormwater Detention Systems and to the satisfaction of Council.
91. **Footpath Paving Construction.** The applicant shall, at no cost to Council, construct standard concrete footpath paving across the frontage of the property. Levels of the footpath paving shall conform with levels issued by Council's Engineering Services Division.
92. **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.
93. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with the construction certificate version of plan by AKY Civil Engineering No. 06083 H-01 Revision A dated 6/6/07.



ITEM 3 (continued)

ATTACHMENT 5



Page 2

Statement of Environmental Effects
Development Application: 40 Clarke Street, West Ryde

CONTENTS

1. Introduction	3
2. Site Analysis	4
2.1 The Site	4
2.2 The Surrounding Area	7
2.3 Background	8
3. Proposed Development	9
3.1 Details of Proposed Development	9
3.2 Objective of Proposed Development	10
4. Environmental Planning and Assessment Act 1979	11
4.1 Section 79C(1)(a) Considerations	11
Ryde Local Environmental Plan 2010	12
Ryde Draft Local Environmental Plan 2011	16
Ryde Development Control Plan 2010	20
4.2 Section 79C(b) to (e) Considerations	35
5. Environmental Planning and Assessment Regulations 2000	36
6. Conclusion	37

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ITEM 3 (continued)

ATTACHMENT 5

Page 3

Statement of Environmental Effects
Development Application: 40 Clarke Street, West Ryde

1. INTRODUCTION

Gough Planning have been engaged to prepare a Statement of Environmental Effects to accompany a development application to the City of Ryde Council ("Council").

The proposed development involves the construction of a 'Multi Dwelling Housing' development.

This report is intended to assist in the determination of the development application by providing an assessment of the proposal against the relevant legislation, regulations, environmental planning instruments and Council policies. These include:

- Environmental Planning and Assessment Act 1979 ("the Act");
- Environmental Planning and Assessment Regulations 2000 ("the Regulations")
- Ryde Local Environmental Plan 2010 ("LEP 2010");
- Draft Ryde Local Environmental Plan 2011 ("Draft LEP 2011");
- City of Ryde Development Control Plan 2010: Multi-dwelling Housing ("DCP 2010")

This report should be read in conjunction with:

- Architectural Plans prepared by *Moderinn Group Pty Ltd*, dated March 2011, Issue A and drawing numbers A-1000 to A-1004;
- Shadow Diagrams prepared by *Moderinn Group Pty Ltd*, dated March 2011, Issue A and unnumbered;
- Landscape Plans prepared by *Ray Fuggle Associates*, dated 13 April 2011, Issue A and drawing number L-01
- Engineering Plans prepared by *AKY Civil Engineering*, dated 18 March 2011. Revision A and drawing numbers C-01 to C-03
- Survey prepared by *Watson Buchan*, dated 12 December 2006 and reference number 06/0804;
- ABSA Assessment Certificate issued by *BASIX Services Australia* dated 31 March 2011 and Certificate number 54745628
- Arboricultural Impact Assessment prepared by *Redgum Horticulture* dated 12 April 2011
- Stability Report prepared by *Jack Hodgson Consultants Pty Limited* and dated 30 March 2011

Gough Planning
May 2011

ITEM 3 (continued)

ATTACHMENT 5

Page 4

Statement of Environmental Effects
Development Application: 40 Clarke Street, West Ryde

2. SITE ANALYSIS

2.1 THE SITE

The subject property is located on the north-western side of Clarke Street in the suburb of West Ryde. (See figure 1 & 2 below). The property is legally identified as Lot 7 in Deposited Plan 19560 and is known as No. 40 Clarke Street. The property possesses the following dimensions:

- A frontage to Clarke Street of 19.73 metres;
- A southern side boundary of 65.835 metres;
- A northern side boundary of 67.19 metres; and
- A western rear boundary of 19.69 metres

The property has a total site area of approximately 1,309m².



Figure 1: Location of subject property – Map View

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May 2011

ITEM 3 (continued)

ATTACHMENT 5

Page 5

Statement of Environmental Effects
Development Application: 40 Clarke Street, West Ryde



Figure 2: Location of subject property – Aerial View

Current site improvements consist of a free standing brick cottage of face brick wall construction and a terracotta tiled roof. (See photo 1 below). Vehicular access is currently obtained onto the property via a driveway adjacent to the south-eastern boundary. The dwelling has been modified since construction with the addition of two car port structures within the front and side setbacks.

The rear of the site contains a large informal garden and open space area containing an array of introduced plant species and vegetation. (See photo 2 below) A large Eucalypt exists at the blocks midsection, which has been identified as a *Narrow Leaved Black Peppermint*. The rear yard contains a 1.83 metre drainage easement (Deposited Plan 19560) and an overland flow path.

The subject property is characterised by a fall in natural ground level from the front eastern boundary to the rear western boundary by approximately 6.4metres, with the site's lowest point occurring in the rear south-western corner.

Gough Planning
May 2011

ITEM 3 (continued)

ATTACHMENT 5

Page 6

Statement of Environmental Effects
Development Application: 40 Clarke Street, West Ryde



Photo 1: Street view of existing dwelling



Photo 2: Rear yard of the subject property

Gough Planning
May 2011

ITEM 3 (continued)

ATTACHMENT 5

Page 7

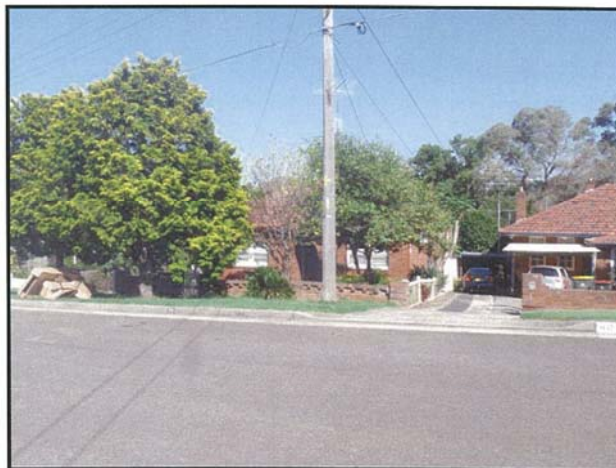
Statement of Environmental Effects
Development Application: 40 Clarke Street, West Ryde

2.2 THE SURROUNDING AREA

The area surrounding the subject property is characterised predominately by single and double storey dwellings houses, from an array of time periods. The area is experiencing a period of gentrification as older dwellings are being either renovated and extended or demolished and replaced with significantly larger residential developments. The existing dwelling upon the subject property is characteristic of older dwellings in the surrounding area.

The subject property is adjoined by the following development:

- To the north by a single storey multi dwelling housing development identified as No. 44 Clarke Street containing 5 dwellings. A driveway runs adjacent to the southern boundary of this property allowing vehicular access to all dwellings. This development is located 6.6 metres from the common boundary at its closest point. This property is sited significantly higher than the subject property due to a fall in natural ground level to the south.
- To the south by a part one storey, part two storey single dwelling house identified as No. 38 Clarke Street. (See photo 3 below). This dwelling is architecturally similar to the existing dwelling upon the subject property and contains a number of ground and first floor windows facing the subject property and a rear facing first floor deck. The development is located 1.5 metres from the common property.
- To the west by a single storey face brick dwelling upon a battle-axe allotment which accesses Falconer Street. This dwelling is sited 4 metres from the rear boundary of the subject property. (see Photo 4 below)



Gough Planning
May 2011

ITEM 3 (continued)

ATTACHMENT 5

Page 8

Statement of Environmental Effects
Development Application: 40 Clarke Street, West Ryde

Photo 3: Street view of adjoining southern dwelling



Photo 4: View of the rear of adjoining western dwelling

2.3 BACKGROUND

On 20 June 2008 Ryde Council entered into an agreement pursuant to section 34(3)(a) of the Land and Environment Court Act 1979 which approved upon the subject site an attached two storey residential duplex building. This agreement was entered into following a conciliation conference between the parties presided over by Commissioner Murrell on 28 May 2008.

The architectural plans to which development consent was granted on 20 June 2008 and the s34(3)(a) agreement is contained at Appendix A.

ITEM 3 (continued)

ATTACHMENT 5

Page 9

Statement of Environmental Effects
Development Application: 40 Clarke Street, West Ryde

3. PROPOSED DEVELOPMENT

3.1 Details of Proposed Development

The Applicant seeks development consent to the construction of a part single storey, part two storey 'multi dwelling housing' development containing four (4) attached dwellings.

The salient elements of the proposal follow:

Dwellings

The four dwellings will be constructed along an axis running in an east-west direction. Vehicular access will be obtained onto the property and to each dwelling via a 3.5 metre wide driveway adjacent to the southern boundary. Pedestrians will access the dwellings via the boundary driveway, with the exception of the front dwelling which provides a separate pathway directly from Clarke Street. All dwellings will be of single storey construction, with the exception of dwelling 1, which will be two storey.

The residential development will have a site coverage of **469.81m²** and will provide **507.02m²** of gross floor area, equating to a floor space ratio of **0.39:1**

The following table describes each dwelling:

	Dwelling 1 (Street facing)	Dwelling 2	Dwelling 3	Dwelling 4 (rear dwelling)
Storeys	2	1	1	1
Bedrooms	4	3	3	2
Bathrooms	2 bathroom and 1 ensuite	1 bathroom and 1 ensuite	1 bathroom and 1 ensuite	1 bathroom and 1 ensuite
Off street parking space	1 garage space and 1 external space behind	1 garage space and 1 external space behind	1 garage space and 1 external space behind	1 garage space
Private open space area	42.46.46m ²	44.23m ²	42.55m ²	220.17m ²
Other services	- Study - Laundry - Clothes drying facility - Rainwater tank	- Laundry - Clothes drying facility - Rainwater tank	- Laundry - Clothes drying facility - Rainwater tank	- Laundry - Clothes drying facility - Rainwater tank

Gough Planning
May 2011

ITEM 3 (continued)

ATTACHMENT 5

Page 10

Statement of Environmental Effects
Development Application: 40 Clarke Street, West Ryde

A visitor car parking space is provided adjacent to Dwelling 4.

Landscaping

The property will be landscaped pursuant to the landscape plan prepared by *Ray Fuggle Associates*. The property will be provided with a landscaped strip adjacent to all boundaries, as well as garden beds adjoining the front façade and southern side façade to soften the appearance of the proposed works when viewed from the public domain and adjoining properties.

The landscape plan introduces an array of tree and plant species of various heights and sizes.

Stormwater

The stormwater drainage system will be constructed pursuant to the plans *AKY Civil Engineering*, dated 18 March 2011. The stormwater will be transferred into the drainage easement at the rear of the property, after first being retained in an 'onsite detention system' located under the driveway. Stormwater will also be diverted into rainwater tanks, which have been provided for each dwelling.

3.2 Objective of the Proposed Development

The objective behind the proposed development is to facilitate the better utilisation of the subject property than the development duplex development previously agreed to by Council. The former development provided a significantly bulky building towards Clarke Street and the midsection of the block whilst leaving a large allowance for the overland flow path and drainage easement.

The proposed development seeks to provide a far less dominating structure than the previous approved development, whilst utilising those area of the sites that are capable of accommodating low scale development.

Gough Planning
May 2011

ITEM 3 (continued)

ATTACHMENT 5

Page 11

Statement of Environmental Effects
Development Application: 40 Clarke Street, West Ryde

4. ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

4.1 SECTION 79C(1)(a) CONSIDERATIONS

Section 79C of the Act states:

(1) In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

a. the provisions of:

- i. any environmental planning instrument, and*
- ii. any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- iii. any development control plan, and*
- iiia. any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*
- iv. the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*

that apply to the land to which the development application relates,

The following environmental planning instruments, draft environmental planning instruments and development control plans are relevant in the assessment of the proposed development:

1. Ryde Local Environmental Plan 2010 ("LEP 2010");
2. Draft Ryde Local Environmental Plan 2011 ("Draft LEP 2011");
3. City of Ryde Development Control Plan 2010: Multi-dwelling Housing ("DCP 2010")

Gough Planning
May 2011

ITEM 3 (continued)

ATTACHMENT 5

Page 12

Statement of Environmental Effects
Development Application: 40 Clarke Street, West Ryde

Ryde Local Environmental Plan 2010

The following clauses of LEP 2010 are relevant in the assessment of the subject development application:

- Clause 1.2- Aims of Plan
- Clause 2.3 – Zone objectives and land use table
- Clause 4.3 – Height of buildings
- Clause 4.4 – Floor space ratio
- Clause 4.5A Density controls for Zone R2 Low Density Residential

Clause 1.2 - Aims of Plan

The proposed development would not be antipathetic to or hinder the attainment of the aims of LEP 2010 provided in clause 1.2. The development represents the appropriate utilisation of resources without adversely effecting upon the natural, social or built environments.

Clause 2.3 – Zone objectives and land use table

The map associated with clause 2.2 of LEP 1010 identifies the subject property as being within the R2 Low Density Residential Zone. (see Figure 3 below)

The proposed development is consistent with the definition of 'multi-dwelling housing' being:

"3 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".

The land use table to clause 2.3 nominates 'Multi Dwelling Housing (attached)', as permissible development with consent.

ITEM 3 (continued)

ATTACHMENT 5

Page 13

Statement of Environmental Effects
Development Application: 40 Clarke Street, West Ryde

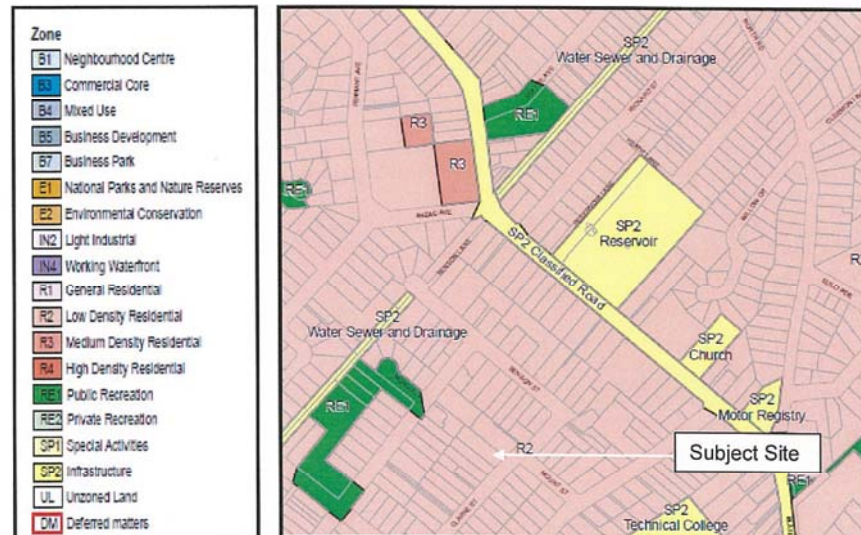


Figure 3: Zoning Map of LEP 2010

An assessment of the proposed development against the objectives of the R2 Low Density Residential zone follows:

(a) to provide for the housing needs of the community within a low density residential

Comment

The proposed development seeks to introduce 4 dwellings onto an allotment of land that currently contains a single dwelling. The development provides high quality residences in an area that is well serviced with transport, retail and other infrastructure. The development has been specifically designed to appear as a double storey house from the public domain thus promoting the low density nature of the locality.

(b) to enable other land uses that provide facilities or services to meet the day to day needs of residents.

Comment

N/A

ITEM 3 (continued)

ATTACHMENT 5

Page 14

Statement of Environmental Effects
Development Application: 40 Clarke Street, West Ryde

(c) 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.

Comment

As mentioned previously the proposal multi housing development has been specifically designed to appear as a single dwelling when viewed from the public domain. The proposed landscaping screens the rear building elements with garden beds located proximate to visible side walls. Vehicular access has been restricted to a single driveway adjacent to the southern property boundary.

The proposed development as it appears from the public domain is consistent with the height, bulk and scale of other residential development in the Clarke Street streetscape.

(d) to ensure that new development complements or enhances the local streetscape.

Comment

This objective is addressed above.

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

Comment

The subject property does have a fall in natural ground level by 6 metres towards the rear. The proposed development provides a two storey pitched roof form when viewed from Clarke Street, with the single storey element contained behind. The development maintains the character of roof pitches in the immediate locality.

(f) to ensure that land uses are compatible with the character of the area and responsive to community needs.

Comment

The proposed multi unit housing development is compatible with the residential character of the area. The development is of a lesser density than the adjoining villa development to the north, and is visually more akin to a single dwelling house than a multiple dwelling development.

As mentioned previously the development is responsive to the housing needs of the community.

Clauses 4.3 4.4 and 4.5A – Relevant Development Standards

An assessment of the proposed development against the relevant development standards within LEP 2010 is contained in the following table.

ITEM 3 (continued)

ATTACHMENT 5

Page 15

Statement of Environmental Effects
Development Application: 40 Clarke Street, West Ryde

Clause No.	Requirement	Proposal	Compliance?
4.3	<p><u>Height of Buildings</u></p> <p>Height Map – 9.5 metres for all buildings</p> <p>(2A)Max height of attached multi dwelling housing.</p> <p>(a) Dwellings not addressing the street – 6.5 metres</p> <p>(b) Dwelling addressing street - 8 metres if adjoining lots contain dwelling-houses that are less than 9.5 metres</p> <p>Consequently if adjoining lots contain dwelling houses of a height greater than 9.5 metres or adjoining allotments do not contain a dwelling house the height limit of the front building is 9.5 metres</p>	<p><u>Rear Dwellings</u></p> <p>Non street facing dwellings max height = 6.5 metres</p> <p><u>Front Dwelling</u></p> <p>Subject property is adjoined by a multi dwelling housing development, which is not consistent with the definition of 'dwelling house' being "a building containing only one dwelling."</p> <p>Max height is therefore 9.5 metres</p> <p>Dwelling 1 has a height below 9.5 metres. The front street elevation has a height of 7.7 metres.</p>	<p>Yes</p> <p>Yes</p>
4.4	<p><u>Floor Space Ratio</u></p> <p>Max 0.5:1</p>	<p>Proposed GFA = 507.02m²</p> <p>Site area = 1309m²</p> <p>FSR = 0.39:1</p>	<p>Yes</p>
4.5A(1)	<p><u>Density Control for R2 Zone</u></p> <p>Site area must be greater than:</p> <p>(i) 300m² for each 1, 2 or 3 bedroom dwelling; and</p> <p>(ii) 365m² for each 4 bedroom dwelling</p> <p>Proposed dwelling yield = 1 x 2 bedroom dwelling, 2 x 3 bedroom dwellings and 1 x 4 bedroom dwelling.</p> <p>Site area required = 1265m²</p>	<p>Site area = 1309m²</p>	<p>Yes</p>

Gough Planning
May 2011

ITEM 3 (continued)

ATTACHMENT 5

Page 16

Statement of Environmental Effects
Development Application: 40 Clarke Street, West Ryde

Draft Ryde Local Environmental Plan 2011

The following provisions are relevant in the assessment of this development application:

- Clause 1.2 – Aims of Plan
- Clause 2.3 Zone objectives and Land Use table
- Clause 4.1C Minimum Lot Size
- Clause 4.4 Floor Space Ratio
- Clause 4.5A – Density controls for R2 Low Density Residential

Clause 1.2 – Aims of Plan

The proposed development is not antipathetic to the relevant aims provided in clause 1.2. Specifically the development would achieve the following stated aims:

- Aim 2(a) – the development would supplement the housing stock in the locality, providing increased housing to accommodate the needs of existing and future residents of Ryde.
- Aim 2(b) – the multi dwelling housing development will introduce a variety of housing types which would further the principles of urban consolidation by providing a higher density development than the existing in close proximity to transport and retail services. The development achieves these higher densities without compromising the residential amenity of adjoining properties or affecting the character of the surrounding streetscape.
- Aim 2(c) – the development has been designed to accord with the principles of BASIX and to maximise the natural characteristics of the site including solar access and cross ventilation.
- Aim 2(g) – the development would preserve the existing residential character of the locality and would not jeopardise existing amenity levels or the natural environment.

Clause 2.3 - Zone objectives and Land Use table

The subject property is located within Zone R2 – Low Density Residential zone pursuant to the map associated with clause 4.5A of DLEP 2011. The figure below portrays the relevant area of the map.

Gough Planning
May 2011

ITEM 3 (continued)

ATTACHMENT 5

Page 17

Statement of Environmental Effects
Development Application: 40 Clarke Street, West Ryde

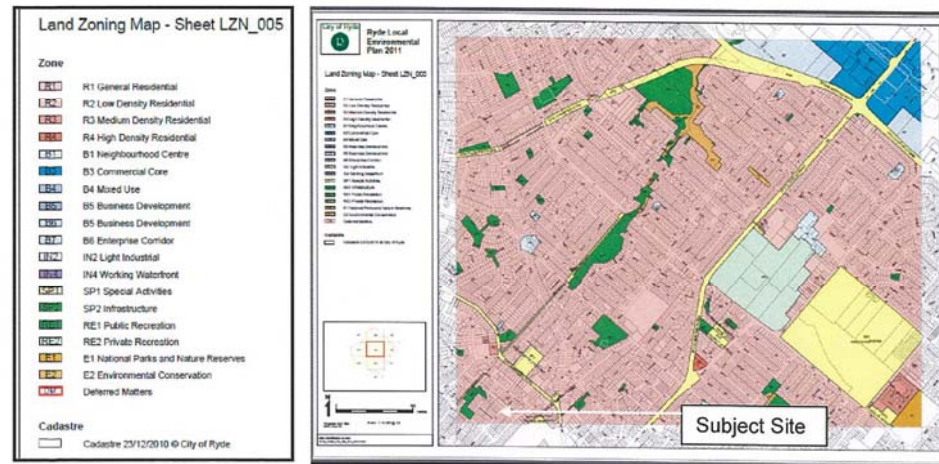


Figure 4: Zoning Map Draft LEP 2011

The proposal is consistent with the definition of 'multi dwelling housing' as it appears in the Dictionary to Draft LEP 2011. 'Multi dwelling housing' is identified in the table to clause 2.3 as being permissible with consent.

Clause 2.3(2) requires the consent authority to have regard to the objectives of the zone. The proposed development would satisfy the two relevant objectives as it would provide attractive and well designed housing in a low density environment, compliant with objective 1, and would provide a variety of housing types, being a mix of 2 bedroom, 3 bedroom and 4 bedroom dwellings, compliant with objective 3.

Clauses 4.1C, 4.4 and 4.5 – Relevant Development Standards

The table below provides an assessment of the proposed development against the relevant development standards contained in draft LEP 2011.

Clause No.	Requirement	Proposal	Compliance?
4.1C	<u>Minimum Lot Size for Multi Unit Housing</u> Minimum Lot size = 900m ²	Lot size – 1309m ²	Yes

ITEM 3 (continued)

ATTACHMENT 5

Page 19

**Statement of Environmental Effects
Development Application: 40 Clarke Street, West Ryde**

- a) Is consistent with the desired future character of the locality, and with the size and form of development in Clarke Street;
- b) Does not result in the overshadowing of the subject property or adjoining residential properties;
- c) N/A
- d) Provides a higher structure at the street frontage, reinforcing the established building pattern in the locality.

Gough Planning
May 2011

ITEM 3 (continued)

ATTACHMENT 5

Page 20

Statement of Environmental Effects
Development Application: 40 Clarke Street, West Ryde

City of Ryde Development Control Plan 2010:

Part 3.5 Multi Dwelling Housing (attached) for Low Density Residential Zone

The following parts and controls of Part 3.5 of DCP 2010 are relevant in the assessment of the subject development application:

Part 1 - Introduction

- Clause 1.2 Guiding Principles
- Clause 1.3 Objectives

Part 2 – Site Analysis, Location, Number and Type of Dwelling

- Clause 2.2 Minimum Allotment Size
- Clause 2.3 Non preferred Locations
- Clause 2.4 Separation of Medium Density Developments In the Residential ' A' Zone
- Clause 2.6 Density
- Clause 2.7 Number of Dwellings
- Clause 2.8 Types of Dwellings

Part 3 – Site Planning

- Clause 3.1 Slope of Site
- Clause 3.4 Site Coverage
- Clause 3.5 Setbacks
- Clause 3.6 Private Outdoor Space (Courtyards)
- Clause 3.7 Landscaping
- Clause 3.8 Car Parking, Manoeuvrability and Driveway crossings
- Clause 4.8 Location of Garbage Bin Enclosures
- Clause 3.11 Accessibility

Part 1 Introduction

Clause 1.2 Guiding Principles

The proposed development is consistent with the guiding principles of Council's Multi Dwelling Housing controls as contained in clause 1.2. The proposed four dwelling development will not appear from the public domain as a medium density development, with the street facing dwelling having the appearance of a single dwelling with successful street address, including separate pedestrian entry, a prominent front door and numerous street facing windows. The other dwellings are sited significantly lower than Clarke Street and will be largely screened by the two storey structure of Dwelling 1 and generous boundary and façade edge planting.

Gough Planning
May 2011

ITEM 3 (continued)

ATTACHMENT 5

Page 21

Statement of Environmental Effects
Development Application: 40 Clarke Street, West Ryde

The development will be harmonious with its neighbours and has been designed to accommodate the drainage easement in the rear. The dwellings are adequately sized and dimensioned to facilitate a high level of residential amenity for future residents, including generous open space areas

The development will not jeopardise the low density residential character of the area, nor result in adverse environmental impacts.

Clause 1.3 Objectives

An assessment of the proposed development against the objectives of Part 3.5 of DCP 2010 follows:

(1) Multi dwelling housing (attached) developments complement existing development and streetscape;

Comment

As mentioned above the proposed development will complement the existing streetscape which consists of a mix of single and double storey residential developments. The proposal will not dominate surrounding development and is akin to the bulk and scale of recent developments in Clarke Street.

(2) Dispersal of Multi dwelling housing (attached) developments occurs within neighbourhoods throughout the City of Ryde;

Comment

The proposed development adjoins a detached multi housing development which consists of 5 dwellings to the north. The area in which the subject property is located does not contain other attached multi dwelling housing developments.

The development therefore complies with this objective.

(3) Multi dwelling housing (attached) developments are designed to the highest possible aesthetic standard;

Comment

The proposed development has been designed to be aesthetically appealing from both the public domain and surrounding properties. The development will appear as a highly articulated and visually interesting 2 storey dwelling from Clarke Street. The landscape plan provides generous planting within the front setback and surrounding the buildings to provide a softening of the development when viewed from neighbouring properties. The development steps down to the rear commensurate with a fall in natural ground level, to avoid a visually bulky building.

Gough Planning
May 2011

ITEM 3 (continued)

ATTACHMENT 5

Page 22

Statement of Environmental Effects
Development Application: 40 Clarke Street, West Ryde

(4) Multi dwelling housing (attached) developments meet the needs of all households including older persons;

Comment

The proposed multi dwelling housing (attached) development will introduce an array of housing types ranging from a 2 bedroom dwelling to a 4 bedroom dwelling to cater for a diverse range of family types, including retirees. The development will provide a high level of residential amenity for future residents including level living areas and open space areas.

(5) A mix of housing types are provided throughout the City of Ryde;

Comment

The mix of unit sizes and bedroom numbers will introduce a mix of housing types in the locality.

(6) Multi dwelling housing (attached) designs promote security and safety of residents;

Comment

The proposed development has been designed to address the public domain with an array of windows from principle living rooms, to accommodate high levels of casual surveillance. Further the communal driveway will be overlooked by the bedrooms of the dwellings and has been designed to avoid blind corners in which a person may hide.

The development provides secure parking facilities for residents.

(7) Land used for Multi dwelling housing (attached) development has adequate provision of daylight, privacy, landscaping and car parking;

Comment

The proposed development complies with Council's numerical requirements in regards to solar access, landscaping and off street parking provision. The development is located central to the allotment providing a generous buffer to side boundaries. The development has side facing first floor windows from bedrooms only, and will not overlook the principle living areas of private open spaces of adjoining properties.

(8) The amenity of occupants of adjoining land is not adversely affected by any Multi dwelling housing (attached) development;

Comment

The proposed development will not adversely affect the amenity of adjoining properties in terms of noise, overshadowing, overlooking or visual bulk.

(9) The scale of any Multi dwelling housing (attached) development is related to the character of the area;

ITEM 3 (continued)

ATTACHMENT 5

Page 23

Statement of Environmental Effects
Development Application: 40 Clarke Street, West Ryde

Comment

As mentioned previously the proposed development is consistent in scale with development in Clarke Street, especially the new dwellings appearing in the area. The proposal will not be a dominant or foreign element to the Clarke Street streetscape.

(10) Heritage significant buildings and those identified as contributing to the character of Ryde are retained;

Comment

This objective is not relevant to this proposed development.

(11) Multi dwelling housing (attached) developments occur in suitable areas only, that is areas where the development meets the needs of all residents, does not have adverse environmental impact or an adverse impact on the character of an area.

Comment

The subject property is highly suitable for the proposed development. As mentioned previously the development will accommodate the needs of future residents, will relieve the demand for housing the locality, will not adversely affect the natural or social environments and is sympathetic and compatible to the residential character of the area.

Part 2 – Site Analysis, Location, Number and Type of Dwelling

Clause 2.2 Minimum Allotment Size

Clause 2.2 requires such development to have a site area not less than 600m² and a frontage of not less than 20 metres. The subject property has a site area of 1309m², and a frontage of 19.73 metres.

The technical non-compliance with the numerical requirement is justified due to the following:

1. The degree of non-compliance is minor, being some 27cm or 1.35%.
2. The non-compliance does not result in the design of the development being compromised. The allotment is of a sufficient width to facilitate a high quality development which is evidenced by the proposed development. The development provides sufficient setbacks and open space areas to facilitate both high levels of amenity to future residents and an absence of adverse impacts to surrounding neighbours.
3. The proposed development complies with the objective of clause 2.2, notwithstanding the numerical non-compliance. The development will not result overlooking of adjoining properties, and noise generating areas (the private open spaces) are orientated towards the driveway of the adjoining multi dwelling housing development.

ITEM 3 (continued)

ATTACHMENT 5

Page 24

Statement of Environmental Effects
Development Application: 40 Clarke Street, West Ryde

Clause 2.3 Non Preferred Locations

Schedule 2 of Part 3.5 identifies land which is affected by overland flow as a 'Non preferred location'. The proposed development has been specifically designed to accommodate the overland flow path to ensure that the performance of the stormwater system is not adversely affected.

Stormwater engineering plans accompany this development application.

Clause 2.4 Separation of Medium Density Developments in the Residential 'A' Zone

Inapplicability of Clause 2.4

Clause 2.4 of Part 3.5 of DCP 2010 does not apply to the proposed development for the following reasons:

1. The clause applies to development in the "Residential 'A' Zone". As mentioned previously the subject property is located within the R2 Zone pursuant to LEP 2010.¹
2. The controls of clause 2.4 require linear separation between a multi dwelling housing (attached) development and "other Multi dwelling housing (attached), Villa Homes, Urban Housing, Duplex Building and Dual Occupancy (attached developments)". The development to the north of the subject property at No. 44 Clarke Street is depicted below at Figure 5:



Figure 5: Development at No. 44 Clarke Street

¹ Please note LEP 2010 and DCP 2010 commenced at the same time.

ITEM 3 (continued)

ATTACHMENT 5

Page 25

Statement of Environmental Effects
Development Application: 40 Clarke Street, West Ryde

As the figure shows, the development comprises of three separate buildings containing 5 separate dwellings. This development is consistent with the definition of "Multi dwelling housing", which is defined as:

"multi dwelling housing" means 3 or more dwellings ... 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.

DCP 2010, LEP 2010 or the Act do not contain definitions of 'Villas Homes, Urban Housing, Duplex Building and Dual Occupancy (attached) developments. These development types all fall within the term multi dwelling housing, and were repealed from usage with the suspension of the Ryde Planning Scheme Ordinance. (The definition of Villa Home did not appear in the last version of the Ordinance). The current planning regime identifies 2 separate categories of medium density housing – attached or detached Multi Dwelling Housing. As the adjoining property to the north is a detached multi dwelling housing, clause 2.4 does not apply. The development to the north is prohibited development in the R2 Low Density Zone.

Notwithstanding the explanation stated above, an assessment of the proposed development against clause 2.4 follows for abundant caution.

Assessment of proposed development against clause 2.4

Clause 2.4 requires a minimum linear separation between medium density residential uses within the same street as follows:

- i) *Twice the distance of the frontage to the street of the existing or approved urban housing, villa, duplex, dual occupancy (attached) or multi dwelling housing (attached) development; or*
- ii) *Twice the distance of the frontage to the street of the proposed multi dwelling housing (attached) development.*

whichever is the greatest

The property at No. 44 Clarke Street has a frontage of approximately 24 metres. The standard would therefore require a linear separation of 48 metres. The proposed development provides a linear separation of 0 metres.

The non-compliance against clause 2.4 of Part 3.5 of DCP 2010 is justified for the following reasons:

1. Compliance with the objectives of clause 2.4

The proposed development complies with the objectives of clause 2.4 notwithstanding the numerical non-compliance.

ITEM 3 (continued)

ATTACHMENT 5

Page 26

**Statement of Environmental Effects
Development Application: 40 Clarke Street, West Ryde**

The first arm of objective 1 seeks to ensure the dispersal of "Multi dwelling housing (attached) development throughout the City of Ryde." As mentioned previously, the subject property does not adjoin a 'Multi dwelling housing (attached) development, as the northern development is detached. The development will therefore result in a single attached multi dwelling housing development in the locality. This is a successful dispersion of such landuses.

The second arm of objective 1 requires the retention of the *low density character of the low density residential zone*. The front façade of the building is extracted below:

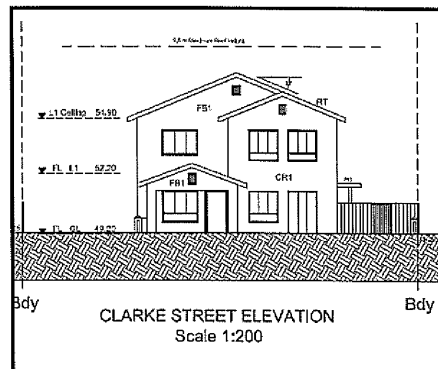


Figure 6: Proposed Front Elevation

The development will appear from Clarke Street as a double storey residential dwelling-house. The façade has a low density street address, providing a prominent and identifiable entrance comprising of a street facing front door and pedestrian pathway. The front yard will be landscaped commensurate with other residential properties in the surrounding area, comprising of an informal grassed area and generous garden beds adjacent to the boundary and front façade. The development does not require services or structures forward of the front building line. The front elevation contains a number of street facing windows which will facilitate the causal surveillance of the public domain.

The remainder of dwellings are located behind the double storey element of Dwelling 1, and will not be visible from the public domain due to:

- a fall in natural ground level towards the rear,
- the single storey nature of rear dwellings,
- the location of the dwelling at No. 38 Clarke Street and
- the abundance of landscaping adjacent to the southern elevation of the dwellings and southern elevation.

ITEM 3 (continued)

ATTACHMENT 5

Page 27

Statement of Environmental Effects
Development Application: 40 Clarke Street, West Ryde

The difference in ground level between No. 44 Clarke Street and the subject property and the existence of vegetation between the two developments, will preclude any views of the rear dwellings from this angle.

The proposed driveway has been kept to a minimum width to reduce its visibility and increase the opportunities for planting on its boundaries. The driveway width is consistent with other driveways in the locality. The rear single storey dwellings will not be overly visible from adjoining properties. The development is generously setback from both side and rear boundaries, allowing adequate landscaping between.

The intensity of the development will not result in a change from the low density character. The addition of 4 dwellings will not create unreasonable levels of traffic movements or pedestrian flows. The development will accommodate the parking needs of the proposal.

The proposed development will retain the low density character of the zone.

In regards to the first arm of Objective 2, the proposal will be the only 'Multi dwelling housing (attached) development in the locality, as the adjoining northern development is a detached housing development. Notwithstanding how the northern development is categorised, the dominant form of development will remain as single dwelling-houses. The second arm of objective 2 has been addressed previously.

2. Previous Variation of clause 2.4

Ryde Council entered into an agreement pursuant to s34(3)(a) of the Land and Environment Court Act 1979 on 28 May 2008 which approved a large attached dual occupancy development upon the subject property. Figure 7 enables a comparison to be made between the previously approved development and the development to which consent is currently sought. As can be seen from this figure the proposed development is of a significantly lesser scale when viewed from the public domain and is less recognisable as a multi dwelling housing than that previously approved.

In entering into the s34 agreement Council were of the opinion that the development as it appeared was acceptable and a variation to the standard within clause 2.4 was justified. The proposed development provides a superior outcome in regards to the retention of the low density character of the area, than the previous approval did. It is identifiable as a single dwelling from the public domain, whilst the previous development appeared as a medium density dual occupancy.

It would be contrary to sensible planning to approve a justification on the previous development, and enforce its strict application on this development.

Gough Planning
May 2011

ITEM 3 (continued)

ATTACHMENT 5

Page 28

Statement of Environmental Effects
Development Application: 40 Clarke Street, West Ryde

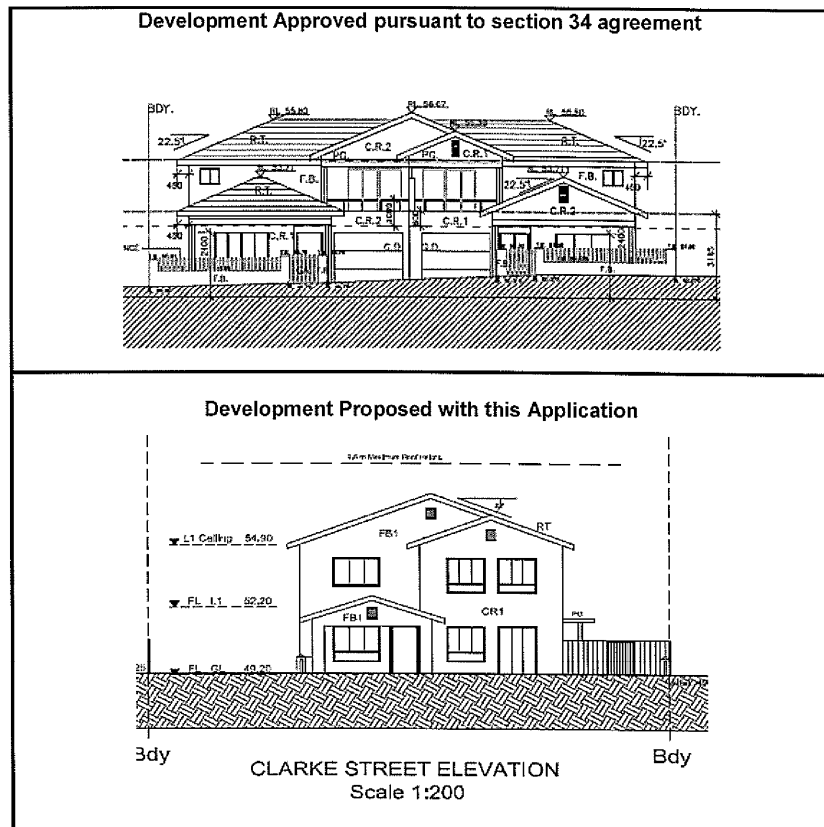


Figure 7: Comparison of previous approval to proposed development

3. Invalidity of clause 2.4

The zoning map associated with LEP 2010 nominates the subject land as being within the R2 Low Density Residential zone. The land use table for this zone provides that upon the subject property 'Multi Dwelling housing (attached)' may be carried out with the consent of Council.

ITEM 3 (continued)

ATTACHMENT 5

Page 29

**Statement of Environmental Effects
Development Application: 40 Clarke Street, West Ryde**

Clause 2.4 attempts to introduce a prohibition by providing that development (regardless of its design) cannot be granted upon the subject site due to its locational characteristics. Section 74C of the Act provides:

A provision of a development control plan (whenever made) has no effect to the extent that:

- (a) *it is the same or substantially the same as the provision of an environmental planning instrument applying to the same land, or*
- (b) *it is inconsistent with a provision of any such instrument or its application prevents compliance with a provision of any such instrument.*

Clause 2.4 is firstly inconsistent with the land use table and secondly prevents compliance with development which attempts to comply with the land use table. It therefore has no force or effect.

Other Numerical Requirements of Part 2

Clause No.	Requirement	Proposal	Compliance?
2.6	<u>Density</u> Refer to LEP	Complies with LEP standard as detailed above	Yes
2.7	<u>Number of Dwellings</u> No more than 12 dwellings	4 dwellings proposed	Yes
2.8	<u>Type of Dwelling</u> No more than 75% of dwellings to have same number of bedrooms	1 x 2 bedroom, 2 x 3 bedroom units and 1 x 4 bedroom unit proposed Not more than 75% of dwellings have same number of bedrooms.	Yes

ITEM 3 (continued)

ATTACHMENT 5

Page 30

Statement of Environmental Effects
Development Application: 40 Clarke Street, West Ryde

Part 3 Site Planning

The table below provides an assessment of the proposed development against the numerical requirements of Part 3:

Clause No.	Requirement	Proposal	Compliance?
3.1	<u>Slope of Site</u> Must have street presentation Gradient of greater than 1:6 not acceptable	Proposed development has street presentation No slope greater than 1:6	Yes Yes
3.3.1	<u>Storey Control</u> MUH must be single storey. Two storeys allowed on street facing dwelling provided: (i) It is not attached to any other two storey dwelling (ii) A two storey dwelling is acceptable in terms of the surrounding streetscape	All dwellings single storey, except street facing dwelling (i) Street facing dwelling is not attached to another two storey dwelling (ii) The surrounding area contains numerous examples of 2 storey dwellings – 17 to 21, 26, 31 to 35, 38 Clarke Street.	Yes Yes Yes
3.3.2	<u>Height Controls</u> Refer to clause 4.3(2a) of LEP 2010. This allows 6.5m rear buildings and 9.5m front buildings Floor to ceiling heights – min 2.7m <i>Note:.... To comply with 8m height requirement the second storey must be contained within the roof of the dwelling. To satisfy</i>	Proposal – 6.5m rear buildings and 9.2m front building Floor to ceiling heights – 2.7 metres	Yes Yes

Gough Planning
May 2011

ITEM 3 (continued)

ATTACHMENT 5

Page 31

Statement of Environmental Effects
Development Application: 40 Clarke Street, West Ryde

	<p><i>this control the second storey is a habitable space contained wholly within the roof above the ceiling line of the storey immediately below, except for minor encroachments such as dormer windows and the like. No additional external wall plate is permitted from the point of the ceiling line of the storey below.</i></p> <p>"Attic" is defined as <i>habitable space, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.</i></p> <p>This "note" is therefore attempting to allow only a single storey building with an attic. This is inconsistent with clause 3.3.1, which allows 2 storeys under certain circumstances. Clause 1.5 of LEP 2010 provides that 'Notes' are for guidance only and do not form part of the plan. Clause 3.3.1 must therefore take preference.</p> <p>If this "note" is followed it would leave clause 3.3.1 with no work to do.</p>		
3.4	<p><u>Site Coverage</u></p> <p>Max site coverage – 40%</p> <p>Pervious areas greater than – 35%</p>	<p>Site cover – 35.89%</p> <p>Pervious Areas – 35.63%</p>	<p>Yes</p> <p>Yes</p>
3.5.1	<p><u>Front Setbacks</u></p> <p>Same as either adjoining, if buildings on adjoining lots are</p>	<p>Adjoining north – 6.2m</p> <p>Adjoining south – 7metres = less than 2m</p>	<p>Yes</p>

Gough Planning
May 2011

ITEM 3 (continued)

ATTACHMENT 5

Page 32

Statement of Environmental Effects
Development Application: 40 Clarke Street, West Ryde

	within 2m of each other in terms of front setback.	Setback = 7 metres.	
3.5.3	<u>Side and Rear Setbacks</u> Walls – 4.5m from side and rear Where setback contains driveway – 6m Variation permitted for up to 50% of façade down to 3 metres	<u>Rear Boundary</u> – ranging from 3.182 metres to 16.5 metres (more than 50% of façade greater than 4.5 metres). <u>Northern Side Boundary</u> – ranging from 3.635 metres to 6.4 metres (more than 50% of façade greater than 4.5 metres). <u>Southern Side Boundary</u> – ranging from 3 metres to 9.5 metres. Driveway is contained within this setback and has a width of less than 6 metres for 50%.	Yes Yes No (see below)
3.6	<u>Private Outdoor Space (Courtyards)</u> 30m ² for 2 bedroom dwelling. 35m ² for 3 or more bedroom dwelling. Minimum dimension 4 metres Adequate solar access Landscape privacy strip 1.2m wide required between Courtyard and boundary	Dwelling 4: 220.17m ² Dwellings 1 to 3: All greater than 35m ² All dimension greater than 4 metres All with northern aspect. See shadow diagrams accompanying application Landscape privacy strip 1.2 metres wide provided between all courtyards and boundaries	Yes Yes Yes Yes Yes
3.7	<u>Landscaping</u> Planting strip 1.2m wide between driveway and boundary	Strip provided 1.2m wide between driveway and boundary	Yes

Gough Planning
May 2011

ITEM 3 (continued)

ATTACHMENT 5

Page 33

Statement of Environmental Effects
Development Application: 40 Clarke Street, West Ryde

	Landscape strip 1m wide between driveway and dwelling wall	Strip provided 1m wide between driveway and dwelling wall	Yes
3.8.1	<u>Car Parking</u> 1 space per 2 bedroom dwelling 2 spaces per 3 or 4 bedroom dwellings - (7 spaces required) 1 visitor space per 4 dwellings (1 space required)	7 spaces provided 1 visitor space required	Yes Yes
3.9	<u>Overshadowing</u> Habitable rooms to face courtyard. Sunlight to at least 50% of each courtyard & adjoining properties between 9am to 3pm on winter solstice	All habitable living rooms address courtyards on the northern side of the proposed building. Shadow diagrams accompany this development application. These indicate that the numerical requirements are complied with.	Yes Yes
3.10	<u>Visual and Acoustic Privacy</u> Direct views of living area windows (within 9 metres) and private open spaces (within 12 metres) should be screened.	Dwelling 1 to 3 has no overlooking of living area windows or private open spaces. Dwelling 4 has angled window between 9 metre to 12 metres from private open space of adjoining rear dwelling. Rear boundary planting and fencing will prevent direct views.	Yes
3.11	<u>Pedestrian Access</u> Separate pedestrian access required if site permits and is practical.	Separate pedestrian access not practical due to the sloping nature of the site and the small intensity of the proposed development. Safe pedestrian access is achieved via the driveway adjacent to the southern boundary.	Yes

Gough Planning
May 2011

ITEM 3 (continued)

ATTACHMENT 5

Page 34

**Statement of Environmental Effects
Development Application: 40 Clarke Street, West Ryde**

Clause 3.5.3 Rear and Side Setbacks

The proposed development is non-compliant with the side setback requirement to provide a 6 metre distance for a vehicular access path. The setback of the building from the southern side boundary in the vicinity of the driveway ranges from 5.5 metres to 9.5 metres, with the area less than 6 metres extending for 23.2 metres or 60% of the driveway length. As mentioned previously the setback standard can be varied to no less than 3 metres for up to 50% of the length. The standard is breached by approximately 10% or 3.84 metres.

The numerical non-compliance is justified due to the following:

1. The non-compliance is minor in nature and will not result in the amenity of the adjoining properties being affected, or the performance of the vehicular access path being compromised. This area will allow safe vehicular travel and manoeuvring despite the non-compliant setbacks. The deficient side setback has not restricted the availability of landscape area, and the proposed plantings will be adequate to soften the proposed built form and promote a green backdrop.
2. The low density area surrounding the subject property is characterised by smaller setbacks than the required 6 metres. The proposed development therefore accords with the character of the low density character, which contains numerous examples of building sited proximate to side boundaries.
3. The non-compliance will not be discernible from the public domain or adjoining properties.
4. The proposed development satisfies the objectives of the setback control as contained in clause 3.5, notwithstanding the numerical non-compliance. The reduced side setback would not promote the overlooking of adjoining properties, allows adequate area for landscaping, allows sufficient manoeuvring area of vehicles and will be consistent with the established streetscape of Clarke Street.

Part 4 Building Form

Clause 4.1 Appearance

The proposed development has been specifically designed to have the appearance from the public domain as a single dwelling. The resulting development will complement and enhance the existing streetscape of Clarke Street. Dwelling 1 has a successful street presentation, having a prominent entry point and numerous street facing windows.

The development complies with clause 4.1

Gough Planning
May 2011

ITEM 3 (continued)

ATTACHMENT 5

Page 35

Statement of Environmental Effects
Development Application: 40 Clarke Street, West Ryde

4.2 SECTION 79C(B) TO (E) CONSIDERATIONS

1(b) The likely impact of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

Environmental impacts on the natural / built environment

The proposed development involves the construction of a 4 dwelling residential development. The development has been specifically designed to accommodate the environmental constraints of the site which come in the form of a sloping topography and a stormwater easement to the rear. The development will maintain the natural fall of the land through a stepping down of the built form. The development will introduce a stormwater retention system that will manage the flows of water from the property and rainwater tanks to reduce reliance on town water.

The development will not adversely affect the natural environment.

The development will have a positive impact upon the surrounding built environment. The development will be harmonious with the existing Clarke Street streetscape, and will not dominate its surroundings.

Social impacts on the locality

The proposed increase in residential accommodation will have a positive social impact in the West Ryde locality. The demand for varied residential uses in this area is high, and the proposed development will further the broader planning objective of urban consolidation.

The development will have a positive social impact in the locality and will result in a high level of casual surveillance of the surrounding public domain.

Economic impacts on the locality

The proposed development will have a significant positive economic impact on the West Ryde locality. The proposed development will have a positive economic impact on the locality through increase patronage to local retail and commercial services. The proposed development represents a substantial re-investment in the housing stock in the area, which will result in a positive outcome in terms of property values.

1(c) The suitability of the site for the development

The subject site is appropriately zoned for the proposed development.

Gough Planning
May 2011

ITEM 3 (continued)

ATTACHMENT 5

Page 36

Statement of Environmental Effects
Development Application: 40 Clarke Street, West Ryde

The subject property currently an aging residential cottage that is suitable for redevelopment. The property that is adequately sized, dimensioned and accessible to facilitate the proposed development.

1(d) Any submission made in accordance with [the] Act or Regulations

Not available at this point in time.

1(e) The public interest

It is in the public interest to ensure the economic and efficient use of land and the proper management of existing resources. It is in the public interest to facilitate development that will stimulate the local and regional economies and further the principles of appropriate gentrification.

5. ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATIONS 2000

Schedule 1, Part 1, subsection 2(4) provides that a Statement of Environmental Effects must address certain matters. These matters follow:

A statement of environmental effects referred to in subclause (1) (c) must indicate the following matters:

(a) the environmental impacts of the development,

Comment:

This report provides an analysis of the environmental impacts of the proposed development.

(b) how the environmental impacts of the development have been identified,

Comment:

In the preparation of this statement of environmental effects, a detailed inspection was undertaken of the subject property and surrounding locality. The author of this report was involved in the design process and all potential environmental impacts were considered and addressed at the design stage.

(c) the steps to be taken to protect the environment or to lessen the expected harm to the environment,

Comment:

The authors involvement in the design process ensured that the proposal was designed having regard to the social, cultural or natural environments. The design of the development utilised the characteristics of the site and maximised the site's natural benefits such as solar penetration.

Gough Planning
May 2011

ITEM 3 (continued)

ATTACHMENT 5

Page 37

**Statement of Environmental Effects
Development Application: 40 Clarke Street, West Ryde**

(d) any matters required to be indicated by any guidelines issued by the Director-General for the purposes of this clause.

Comment:

None available at this time.

6. CONCLUSION

The proposed development is permissible in the R2 Low Density Residential Zone and consistent with the zone objectives. The development is also permissible with the Draft LEP 2011 and its corresponding zone objectives. The development fully complies with the standards within the existing LEP and the draft instrument.

The proposed erection of a Multi dwelling housing development containing 4 dwellings largely complies with all performance criteria and numerical requirements of Council's development control plan. The development has minor breaches in regards to side setback and building frontage. These non-compliances have been addressed and justified within this report.

The proposed development is not subject to Council's linear separation requirement. For abundant caution this report has justified in detail any possible non-compliance with this standard .

The subject property is ideally situated, configured and dimensioned to accommodate the scale of the proposed development.

In view of the above, the proposed development is highly appropriate and approval of the development is warranted.

Andrew Gough BTP (Hons), LLB

Gough Planning
May 2011

ITEM 3 (continued)

ATTACHMENT 5

Page 38

**Statement of Environmental Effects
Development Application: 40 Clarke Street, West Ryde**

Appendix A

Section 34(3)(a) Agreement and Approved Architectural Plans

Gough Planning
May 2011

ITEM 3 (continued)

ATTACHMENT 5

23 JUN 2008

**In the Land and
Environment Court
of New South Wales**

No. 11251 of 2007

Haris Sutanto

Applicant

Ryde City Council

Respondent

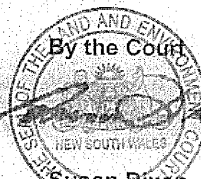
Under s. 34(3)(a) of
the Land and
Environment Court
Act 1979

The Court notes that at a conciliation conference presided over by Commissioner Murrell 28 May 2008, the parties reached agreement under s34(3) of the *Land and Environment Court Act* as to the terms of a decision that would be acceptable to the parties (being a decision that the Court could have made in the proper exercise of its functions).

Accordingly under s34(3)(a) and (b) the Court disposes of the proceedings and the terms of the decision are set out below:

1. The appeal is upheld.
2. Development consent is granted for the erection of an attached two storey residential duplex building at 40 Clarke Street, West Ryde subject to the conditions in Annexure 'A' hereto.

Ordered: 20 June 2008


By the Court
Susan Dixon
Registrar
ljr

ITEM 3 (continued)

ATTACHMENT 5

ANNEXURE 'A'

Section 1: General

1. Development is to be carried out in accordance with the following:
 - (a) Statement of Environmental Effects submitted to Council with the development application
 - (b) Drawings DA-1001, DA-1002, DA – 1003, DA – 1004, Job No 711 Issue G drawn by Moderinn Group Pty Ltd and dated June 2008
 - (c) BASIX Certificate Nos 191807M and 1911809 M dated 14 April 2008
 - (d) Landscaping Plan No. L-01 issue C drawn by RFA Landscape Architects and dated 12 June 2008and any other supportive information submitted to Council.
2. A separate development application is required for demolition of the existing dwelling and associated outbuildings on site.
3. A clothes line is to be provided to the rear yard or other sheltered, well ventilated space.
4. 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.
5. 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.

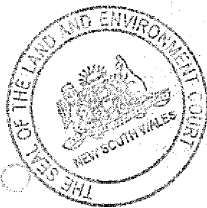
Council Officers can provide these services and further information can be obtained by telephoning 9952 8222 (Customer Service).
6. The applicant is advised that the **Construction Certificate** plans and specifications must comply with the provisions of the Building Code of Australia.

Details of compliance with the Building Code of Australia are to be provided in the **Construction Certificate** plans and specifications.

ITEM 3 (continued)

ATTACHMENT 5

7. 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.
8. Compliance with Building Code of Australia:
 - a) All building work (other than work relating to the temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date of the application for the relevant construction certificate or complying development certificate was made)
 - b) This clause does not apply to the extent to which an exemption is in force under clause 187 or 188, in the Environmental Planning and Assessment Regulations 2000, subject to any terms of any condition or requirement referred to in Clause 187(6) or 188(4).
9. 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.
10. Excavations and backfilling
 - (a) All excavations and backfill associated with the erection of a building must be executed safely and in accordance with appropriate professional standards.
 - (b) All excavations associated with the erection of a building must be properly



ITEM 3 (continued)

ATTACHMENT 5

guarded and protected to prevent them from being dangerous to life or property.

11. Retaining walls and drainage:

If the soil conditions require it:

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

12. 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.

13. 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.



ITEM 3 (continued)

ATTACHMENT 5

- d) Any such hoarding, fence or awning is to be removed when the work has been completed.

14. Telephone Installations

Conduits with draw in wires should be laid in concrete floors to the points where telephone services are required. Consult the local Telecommunications Sales Office for advice.

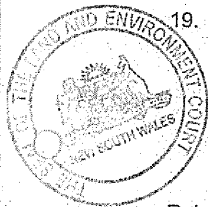
15. Australia Post

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

16. **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* and relevant Development Control Plans except as amended by other conditions.

17. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.

18. **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.



19. **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.

Rainwater Tanks

20. 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. Additionally, to ensure adequate hydraulic head the top of the rainwater tank shall be located a minimum 1.0m below the garage roof gutter invert level.
21. A first flush device shall be fitted to the system to divert the first 5mm of runoff from the area draining away from the storage tank (e.g. 0.5 litre per square metre).
22. Adequate provisions shall be made to prevent mosquitoes breeding in the reservoir. This should include suitable screening to prevent eggs being laid within the tank.

ITEM 3 (continued)

ATTACHMENT 5

23. All tanks and tank stand installations shall be structurally sound and comply with the manufacturer and/or designer's instructions.
24. Tanks must be a commercially manufactured tank designed for the use of water supply.
25. Overflow from the tank shall be piped directly to an approved stormwater system.
26. The external finishes of tanks shall be painted or coloured to be compatible with the surrounding environment. Alternatively, the water tank may be screened behind a permanent physical barrier that serves that purpose.
27. Taps associated with the tank shall be clearly marked indicating the source of the water and that it is not to be used for Drinking Water.

Section 2: Conditions to be complied with prior to issue of the Construction Certificate

28. Amended plans are to be submitted to the PCA for approval demonstrating full compliance with BASIX Certificates 191807M and 1911809 M and dated 14 April 2008.
29. Drawings DA-1003 and 1004 are to be amended to show the ground floor pergolas on the Clark Street elevation as shown on DA-1001 and 1002. The amended drawings are to be submitted to the PCA for approval.
30. Prior to issue of the Construction Certificate, the drainage plan (AKY Civil Engineering No. 06083 H-01 Revision A dated 6/6/07) is to be amended to reflect the current approved architectural plans.
31. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building, Development and Plumbing section of the website at www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, as it may take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development.

32. Sydney Water



ITEM 3 (continued)

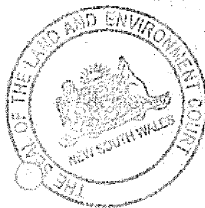
ATTACHMENT 5

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, 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**.

33. 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**.
34. 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.

A		B
Community & Cultural Facilities		3 529.30
Open Space & Recreation Facilities	8 688.40	
Civic & Urban Improvements	2 955.00	
Roads & Traffic Management Facilities		403.00
Cycleways		251.78
Stormwater Management Facilities	800.00	
Plan Administration		67.89
The total contribution is		16 695.37



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 adopted by City of Ryde on 11/12/2007.

The above amount, if not paid within one calendar year of the date of this consent, shall be adjusted for inflation by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No. 5206.0) on an annual basis in accordance until such time as the contribution is paid.

35. **Overland Flow path.** To ensure no impedance or redirection of overland flow, 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.
36. **Fencing within Floodways.** To allow free water passage, all fencing within the overland flow path shall have a permeable section at least 300 mm above the calculated top water surface level.
37. City of Ryde will not issue a Construction Certificate without evidence of Home Owners Warranty / Owner Builder's Permit being submitted to Council.

ITEM 3 (continued)

ATTACHMENT 5

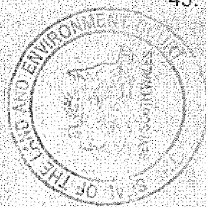
38. Fire and Smoke Alarms are to be provided in accordance with Part 3.7.2 of the Building Code. Location details are to be submitted and approved by Council or an accredited certifier prior to the release of the **Construction Certificate**.
39. All retaining walls to excavated areas are to be completed 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**.
40. A site works plan indicating compliance with Council's Development Control Plan for Engineering Standards Development Criteria Section 5 Construction Activities in relation to:
 - a) sedimentation and pollution controls;
 - b) tree preservation and protection measures;
 - c) security fencing;
 - d) builder's identification signage and demolition in progress signage; and
 - e) provision of site toilets

to the satisfaction of Council or an accredited certifier is to be submitted to Council with the **Construction Certificate**.

Concrete wastes must be collected, stored and treated in accordance with the *Concrete Wastes* guide published by the Environment Protection Authority.

41. **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).
42. **Drainage Security Deposit.** The applicant shall lodge with Council a security deposit of \$1,000 prior to the issue of the **Construction Certificate** to ensure the Positive Covenant has been prepared, lodged and registered and that the onsite stormwater detention system is constructed in accordance with the approval plans; this includes the correct sediment sump construction and fitting of the orifice plate and debris screen in the outlet control pit. Refund of this security deposit will be made on satisfactory completion of the works and notification to Council of lodgement of the Positive Covenant with the Department of Lands.
43. 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**.
44. Documentary evidence of compliance with Conditions 33, 40, 41 and 42 to the satisfaction of Council or an accredited certifier is to be submitted to the Council prior to the issuing of the **Construction Certificate**.
45. **Stormwater Drainage Connection & Council Inspections.** The connection of stormwater pipeline to Council's drainage system shall be in accordance with Clause 4.4 and standard drawing No. 8.2-116 of the City of Ryde Development Control Plan 2006. Accordingly, concept stormwater drainage plan by AKY Civil Engineering No. 06083 H-01 Revision A, dated 6/6/07 shall be amended to reflect this requirement.

Additionally, a Council engineer must inspect the stormwater connections to

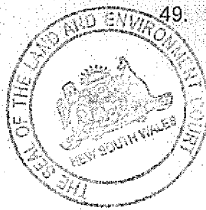


ITEM 3 (continued)

ATTACHMENT 5

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 \$110.00 shall be paid to Council prior to the issue of the Construction Certificate.

46. **On site stormwater detention Tank.** All access grates to the on site stormwater detention tank are to be hinged and fitted with a locking bolt. Any tank greater than 1.2 metres in depth must be fitted with step irons.
47. **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. A driveway plan, longitudinal section from the kerb entry to the garage floor is to be submitted with the construction certificate application, and any necessary cross-sections clearly demonstrating that the driveway complies with the above details, and that vehicles may safely manoeuvre within the site without scraping.
48. **On site stormwater detention Tank.** All access grates to the on site stormwater detention tank are to be hinged and fitted with a locking bolt. Any tank greater than 1.2 metres in depth must be fitted with step irons.
49. **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 Department of Housing. 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* :

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

Section 3: Conditions to be complied with Prior to Commencement of Construction

ITEM 3 (continued)

ATTACHMENT 5

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.

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 lodgment of an application for a **Construction Certificate** if this is the case.

52. Sediment control works are to be installed and maintained in accordance with Council's Development Control Plan 42 for Construction Activities.

53. Energy Australia

Underground and overhead electric cables may exist in this area. In your own interest and for safety, telephone Energy Australia on 13 1525 before excavating or erecting structures.

54. A site works plan must be prepared and submitted with the **Construction Certificate** for every earthworks or building works indicating methods of sediment and pollution control in accordance with Council's Development Control Plan 42 for Construction Activities.

55. Security fencing shall be provided around the perimeter of the building site and precautionary measures taken to prevent unauthorized entries of the site at all times during construction.

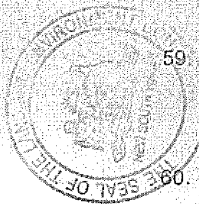
56. Site toilets shall be provided in accordance with the WorkCover Code of Practice entitled "Amenities for Construction Work".

57. 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.

58. No spoil, stockpiles or building material is to be placed on any public road, footpath, park or Council owned land.

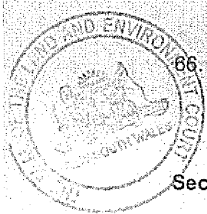
59. Adequate precautions must be taken to control the emission of dust from the site during construction work. These precautions could include minimizing soil disturbance, use of water sprays, erecting screens and not carrying out dusty work during windy conditions.

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.



ITEM 3 (continued)

ATTACHMENT 5

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61. 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.
 62. Adequate arrangements must be made for the storage and disposal of 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.
 63. Only unpolluted water is to be discharged to Council's stormwater drainage system.
 64. The L_{10} noise level measured for a period of not less than 15 minutes while construction work is in progress must not exceed the background noise level by more than 20 dB(A) at the nearest affected residential premises.
 65. **Protection of underground services** - Before work commences the location of any underground services (eg. gas, water, electricity, telecommunications cables, etc.) must be identified and appropriate measures taken to protect those services.
 66. Signage is to be provided on the site as follows:
 - (a) 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.

Section 4: Engineering Conditions

67. **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.
68. **Compliance Certificate.** A Compliance Certificate must be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and the City of Ryde, Development Control Plan 2006: - Part 8.1; Construction Activities
69. **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 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.

Section 5: During Construction

ITEM 3 (continued)

ATTACHMENT 5

Class 1 or 10 Buildings

70. The occasions on which building work must be inspected are:
- at the commencement of the building work
 - after excavation for, and prior to the placement of, any footings
 - prior to pouring any in-situ reinforced concrete building element
 - prior to covering of the framework for any floor, wall, roof or other building element
 - prior to covering waterproofing in any wet areas
 - prior to covering any stormwater drainage connections
 - 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 mandatory inspections must be carried out.**

71. In addition to the above stated 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 Council's Development Control Plan 42 for "Construction Activities":
- Sediment control measures
 - Tree Preservation and protection measures
 - Security fencing
 - Materials or waste containers upon the footway or road.
 - PCA and principal contractor (the coordinator of the building work) signage and site toilets
72. 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:
- After excavation work for the footings, but prior to pouring of concrete, showing the area of the land, proposed building and boundary setbacks
 - At damp course level showing the area of the land, proposed building and the boundary setbacks
 - Prior to construction of the first completed floor/floor slab showing the area of the land, proposed building and the boundary setbacks
 - 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
 - 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
 - On completion of the proposed building showing the area of the land, completed building and the boundary setbacks

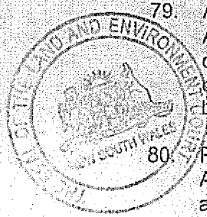


ITEM 3 (continued)

ATTACHMENT 5

73. 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).
74. All excavated material must be removed from the site. No fill is to be placed above the natural ground level.
75. Perimeter of slabs to be provided with a drop-edge beam so as to provide face brickwork from the natural ground level.
76. The provisions of the approved Waste Management Plan are to be adhered to at all times.
77. Roof water to be disposed of to the approved/existing stormwater drainage system.
78. The wall separating the two dwellings must have an F.R.L. not less than 60/60/60 extending to the underside of the roof cladding.

Section 6: Prior to Occupation Certificate



79. 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.
80. 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 BASIX certificate.
81. 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.
82. 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.
83. 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. Location details are to be submitted and approved by Council or an accredited certifier prior to the release of the **Construction Certificate**.
84. All landscaping must be completed as per the landscape plans prior to the release of an **Occupation Certificate**. In this regard, documentary evidence of compliance with Condition 5 to the satisfaction of Council or an accredited certifier is to be obtained from a qualified landscape architect or landscape consultant.

ITEM 3 (continued)

ATTACHMENT 5

85. Energy Australia's Local Customer Service Office must be contacted to obtain documentary evidence that Energy Australia has been consulted and that their requirements have been met.

Energy Australia
Building No. 2 Bridge Road (near Sherbrook Road) Hornsby
Telephone: 9477 8201
Facsimile: 9477 8295
Postal Address: GPO Box 4009, Sydney NSW 2001
Website Address: www.energy.com.au

This information is to be submitted to Council prior to the release of the Occupation Certificate.

86. **Disused Gutter Crossing.** All disused gutter and footpath crossings shall be removed and the kerb and footpath reinstated to the satisfaction of Council.
87. **Compliance Certificates – Engineering.** Compliance Certificates must 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*.
 - Confirming that the driveway is constructed in accordance with the construction plan requirements and Ryde City Council's *Environmental Standards Development Criteria - 1999*.
 - Confirming that the site drainage system (including the on-site detention storage system) servicing the development complies with the construction plan requirements and the City of Ryde, Development Control Plan 2006: - 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 vehicular crossing has been removed and the kerb and gutter have been constructed in accordance with Council's *Environmental Standards Development Criteria*
88. **Work-as-Executed Plan.** A Work-as-Executed plan signed by a Registered Surveyor clearly showing the surveyor's name and the date, the stormwater drainage, including the on-site stormwater detention system if one has been constructed and finished ground levels is to be submitted to the Principal Certifying Authority (PCA) and to Ryde City Council if Council is not the nominated PCA.

If there are proposed interallotment drainage easements on the subject property a Certificate from a Registered Surveyor is to be submitted to the



ITEM 4 (continued)

ATTACHMENT 5

ROBERT A. MOORE PTY LTD
Architects and Conservation Consultants

25 Cobar Street, Willoughby, NSW 2068, Australia
Tel : 61 2 9958 7755 Fax: 61 2 9958 7955

Email : robertamoore@ozemail.com.au

Incorporated in New South Wales - ACN 003 546 423
Nominated Architect Robert Allan Moore Reg.No.4478

ABN 27 003 546 423

21st December 2011

Mr. & Ms. M. Grodzicky
60 Pellisier Road
PUTNEY NSW 2112

Dear Mr. & Mrs. Grodzicky

Re: 64 Pellisier Road Putney – proposed alterations and additions

Further to my attendance at your home, thank you for inviting me to comment on the proposed development at No. 64 adjacent to your property. I understand this letter may be submitted to Council in support of your objections to the proposal, the grounds for which would seem on reflection, to appropriately include heritage as well as amenity concerns.

As you would recall, in the context of the Land & Environment Court hearing in relation to your property some years ago, in which I acted as a Court-appointed heritage expert witness, I was required to confirm the heritage status and significance of your home. There was little difficulty with this, for the local heritage interest and significance of the property are quite readily appreciable. The house, *Hazelville*, is not only aesthetically appealing - it has significant historic associations with the area and prominent individuals (Michael J. Connington MLA), and was “*a focal point for the social life of the people of Putney during the early part of the 20th Century*” (Council’s heritage listing).

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.

From my examination of the plans for the proposed works and appreciation of the relative location to your home and in particular, the rear verandah at main living level, there could be no doubt that the proposed new top level for the dwelling, providing a master bedroom with en-suite, would form a major intrusion and blockage for the views you and your house enjoy at present. It is not difficult to appreciate this from the drawings, photomontages and aerial photos of the locality. 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.

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ITEM 4 (continued)

ATTACHMENT 5

Amongst the Planning Principles which have been established by the Land & Environment Court through the hearing of cases on repeat issues such as view loss, the then Senior Commissioner of the Court established a principle in *Tenacity Consulting vs Warringah Council 2003* relating to the evaluation and sharing of views. He proposed a four step process of assessment –

- firstly, the assessment of the view involved – is it iconic (of a major landmark or site)? Is it a water view, generally thought more valuable than landviews? A whole or partial view?
- secondly, from where is the view appreciated?
- thirdly, what is the extent of view loss promised? Could it be described as negligible, minor, moderate, severe or devastating?
- fourthly, what is the reasonableness of the proposal causing the impact? Could it be avoided by a different design? Does it comply with all planning controls?

In response to these points :

- The view that will be curtailed by the development is a valuable water view, not only in its sense as an asset to “Hazelville” but as an historically valuable view, and one which contributes to the amenity of the property.
- The view is appreciated from the family living areas of the house, and from the rear verandah. It is readily accessible and contributory to the sense of being in “Hazelville”.
- The view loss would have to be regarded as severe to devastating in its impact upon your home, in my opinion, as it is a critical asset and heritage dimension.
- The reasonableness of the proposal is very low. The proposed rooftop addition will not only conflict with the heritage controls established to protect houses such as “Hazelville”, but will also impact the amenity of the houses to the rear and opposing sides of No.60. It has a multifold unreasonableness.

The existing dwelling at No.64 is not an architecturally distinguished design, in my opinion, and the proposal of improvements to the house could be expected, given its privileged site. However, it is not impossible to conceive that the existing house might well be replaced in future, by a new more carefully designed dwelling, and the height, scale and character that such a house might assume will be influenced by what happens in proposals for sequential, incremental change to the present home like the current scheme. It would be a catastrophe if the proposed additional level that promises such an adverse impact for “Hazelville” were to be seen – by virtue of an approval now – as licensing a future house of even greater bulk and impact on its setting.

The proposed additional structure is shown as having an extensive outdoor deck area, far greater than commensurate with a master bedroom. Highlight windows will face towards “Hazelville” allowing the spill of light at night. These characteristics do not auger well for the privacy of your rear garden and verandah, apart from the sheer bulk and intrusion of the form.

In my opinion, you should request that Councillors attend the site before considering the application, and their interpretation of the proposal should be assisted by height poles showing the scale and bulk that the rooftop level will have. Height poles might also be erected to show the effect that the proposed cabana structure will have, because there may be impacts on view to the water from this structure, though not from your living area.

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. If I can assist further

.../3

ITEM 4 (continued)

ATTACHMENT 5

in clarification of my views or understanding of the context, please contact me.

Yours faithfully
Robert A Moore Pty. Ltd.

