

Meeting Date: Tuesday 4 August 2015
Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde
Time: 5.00pm

NOTICE OF BUSINESS

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1 CONFIRMATION OF MINUTES - Meeting held on 21 July 2015

Report prepared by: Section Manager - Governance**File No.:** CLM/15/1/3/2 - BP15/951

REPORT SUMMARY

In accordance with Council's Code of Meeting Practice, a motion or discussion with respect to such minutes shall not be in order except with regard to their accuracy as a true record of the proceedings.

RECOMMENDATION:

That the Minutes of the Planning and Environment Committee 10/15, held on 21 July 2015, be confirmed.

ATTACHMENTS

- 1 MINUTES - Planning and Environment Committee Meeting - 21 July 2015

ITEM 1 (continued)

ATTACHMENT 1

**Planning and Environment Committee
MINUTES OF MEETING NO. 10/15**

Meeting Date: Tuesday 21 July 2015

Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde

Time: 5.00pm

Councillors Present: Councillors Chung (Chairperson), Laxale and Yedelian OAM.

Apologies: Nil.

Leave of Absence: Councillor Simon.

Absent: Councillor Salvestro-Martin.

Staff Present: Acting Group Manager – Environment and Planning, Team Leader – Major Development Team, Team Leader – Assessment, Heritage Officer, Senior Development Engineer, Assessment Officer – Town Planner, (Consultant Town Planner – City Plan Strategy and Development), Business Support Coordinator – Environment and Planning, Section Manager – Governance and Governance, Risk and Audit Coordinator.

DISCLOSURES OF INTEREST

Councillor Chung disclosed a Less than Significant Non-Pecuniary Interest in Item 2 – 37 Pennant Avenue, Denistone, for the reason that his wife and the applicant's wife worked together more than 15 years ago and he met the applicant socially at that time.

1 CONFIRMATION OF MINUTES - Meeting held on 16 June 2015

RESOLUTION: (Moved by Councillors Yedelian OAM and Laxale)

That the Minutes of the Planning and Environment Committee 9/15, held on 16 June 2015, be confirmed.

Record of Voting:

For the Motion: Unanimous

Note: This is now a resolution of Council in accordance with the Committee's delegated powers.

ITEM 1 (continued)

ATTACHMENT 1

- 2 37 PENNANT AVENUE, DENISTONE. LOT 1 DP 1005675. Local Development Application for Demolish pool, subdivide land into two lots, erect a new two storey dual occupancy with strata subdivision on one lot and retain the heritage item and outbuildings on the other lot. LDA2015/0005.**

Note: This matter was considered later in the meeting as detailed in these Minutes.

- 3 120-124A VICTORIA ROAD, GLADESVILLE. LOTS 1 and 2 DP 552766 and LOT A DP 439417. Local Development Application for construction of a six storey residential flat building with forty six (46) apartments and basement parking containing fifty six (56) car parking spaces. LDA2014/0379.**

Note: A Memorandum from the Acting Group Manager - Environment and Planning, dated 21 July 2015 was tabled in relation to this Item and a copy is ON FILE.

RECOMMENDATION: (Moved by Councillors Chung and Laxale)

That Local Development Application No 2014/0379 at 120-124A Victoria Road Gladesville, being LOTS 1 and 2 DP55766 and LOT A DP439417 be deferred for a further report in respect of the issues in the late submissions.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **28 JULY 2015** as substantive changes were made to the published recommendation.

- 2 37 PENNANT AVENUE, DENISTONE. LOT 1 DP 1005675. Local Development Application for Demolish pool, subdivide land into two lots, erect a new two storey dual occupancy with strata subdivision on one lot and retain the heritage item and outbuildings on the other lot. LDA2015/0005.**

Note: Councillor Chung disclosed a Less than Significant Non-Pecuniary Interest in this Item, for the reason that his wife and the applicant's wife worked together more than 15 years ago and he met the applicant socially at that time.

Note: Anthony Kirilov (applicant) and Otto Cserhalmi (Heritage Consultant on behalf of the applicant) addressed the meeting in relation to this Item.

Note: An email and correspondence from Georgina Lewis was tabled in relation to this Item and a copy is ON FILE.

ITEM 1 (continued)

ATTACHMENT 1

RECOMMENDATION: (Moved by Councillors Yedelian OAM and Laxale)

- (a) That Local Development Application No. 2015/5 at 37 Pennant Avenue, Denistone, being LOT 1 DP 1005675 be deferred allowing the submission of amended plans / additional information and to minimise the impact to the heritage significance of 'Ben Lomond' House.

The additional information / amended plans shall include:

1. A redesign to reduce bulk and scale of the dual occupancy particularly in regard to the southern elevation in closest proximity to 'Ben Lomond' House and its driveway.
 2. A Conservation Management Plan be prepared and submitted to Council.
 3. Details of the construction methods, levels and gradients of the proposed driveways in relation to Tree 14 (*Angophora floribunda*) and Tree 24 (*Eucalyptus saligna*) and which reflect the comments and recommendations contained within the Arboricultural Impact Appraisal and Method Statement; and
 4. Details of the location of each proposed driveway to the kerb with gradients that comply with AS 2890.1. Some excavation is foreseen therefore conceptual details of the driveways are required to allow Council's Consultant Landscape Architect to assess the potential impacts on trees to be retained in the verge.
- (b) That amended plans / additional information be renotified to all adjoining owners and those people who made submissions.
- (c) Subject to parts (a) and (b) above, the Acting Group Manager Environment and Planning be delegated to determine the application.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **28 JULY 2015** as substantive changes were made to the published recommendation.

ITEM 1 (continued)

ATTACHMENT 1

- 3 120-124A VICTORIA ROAD, GLADESVILLE. LOTS 1 and 2 DP 552766 and LOT A DP 439417. Local Development Application for construction of a six storey residential flat building with forty six (46) apartments and basement parking containing fifty six (56) car parking spaces. LDA2014/0379.**

Note: This matter was considered earlier in the meeting as detailed in these Minutes.

The meeting closed at 5.20pm.

CONFIRMED THIS 4TH DAY OF AUGUST 2015.

Chairperson

-
- 2 9 JORDAN STREET, GLADESVILLE. LOT 5 DP 665257. Local Development Application for Demolition of existing building and construction of a seven storey residential flat building containing 21 apartments over two levels of basement containing 24 car parking spaces. LDA2014/0450.**
-

Report prepared by: Planning Consultant - SJB Planning; Team Leader - Major Development Team

Report approved by: Manager - Assessment; Acting Group Manager - Environment and Planning

File Number: GRP/09/5/6/2 - BP15/934

1. Report Summary

Applicant: MKD Architects.

Owner: Ideal Gladesville Pty Ltd.

Date lodged: 10 October 2014.

This report considers a proposal to demolish an existing two storey residential flat building and the construction of a seven storey residential flat building containing 21 apartments over two levels of basement containing 24 car parking spaces.

The Development Application was publicly exhibited from 20 October 2014 to 5 November 2014. During this time a total of 20 submissions were received objecting to the development.

All but one of the objections were received with respect of tenants and or owners of units within the commercial office building located to the immediate north of the subject site at 1 – 7 Jordan Street. The predominant issues raised in the submissions relate to loss of light, natural ventilation and views, reduced capacity for building maintenance, excessive height and FSR, construction impacts (including noise, privacy and safety concerns), increased traffic congestion and inadequate parking, loss of income and inadequate information and or erroneous information submitted with the DA.

The other objection was received from Telstra Corporation Ltd and relates to the loss of mobile phone network coverage due to the potential blockage of radio signals from the Telstra base station located on the roof of the commercial office building at 1-7 Jordan Street. All of these issues have been addressed in detail in the report.

The proposal has been assessed against the heads of consideration of Section 79C of the *Environmental Planning and Assessment Act 1979*, the Ryde LEP 2014 and the Ryde DCP 2014.

ITEM 2 (continued)

Under the Ryde LEP 2014 the site is located within the area identified as the Gladesville Town Centre and is zoned B4 Mixed Use. The maximum height of buildings applicable to the site is 22m and the maximum floor space ratio (FSR) applicable to the site is 2.7:1.

The proposed residential flat building is permissible with consent in the B4 Mixed Use zone, the proposed building height of the development is 22m and complies with the maximum height control and the development has a FSR of 2.69:1 and complies with the maximum FSR control.

The proposed building complies with Council's setback controls and is generally consistent with the requirements of the Residential Flat Design Code (RFDC) for development in a mixed use zone.

The development provides appropriate articulation and is satisfactory in respect to the 10 design principles of SEPP 65.

The proposal does not comply with the Ryde DCP 2014 and the guidelines in the RFDC regarding building separation, landscaping (deep soil area) and communal open space. However these are considered to be justified given a merit based assessment.

It is considered that the proposal is acceptable when assessed using the objectives and controls of Ryde's DCP 2014 and is generally consistent with the provisions relating to residential flat buildings and the B4 Mixed Use zoning of the site.

It is recommended that the proposed development be approved subject to conditions of consent.

Reason for Referral to Planning and Environment Committee: Number of submissions received (20).

Public Submissions: 20 submissions were received objecting to the development.

Clause 4.6 RLEP 2014 objection required? No.

Value of works? \$5,684,000.00

RECOMMENDATION

- (a) That Local Development Application No. LDA2014/0450 at 9 Jordan Street, Gladesville being LOT 5, DP 665257 be approved subject to the **ATTACHED** conditions (Attachment 1).

ITEM 2 (continued)

(b) That the persons who made submissions be advised of Council's decision.

ATTACHMENTS

- 1 Draft Conditions of Consent
- 2 Heritage Reports from Applicant
- 3 Council's Heritage Officer's Comments
- 4 Map
- 5 A4 Plans
- 6 A3 Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

Stuart Gordon
Planning Consultant - SJB Planning

Sandra Bailey
Team Leader - Major Development Team

Report Approved By:

Liz Coad
Manager - Assessment

Sam Cappelli
Acting Group Manager - Environment and Planning

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

Address : 9 Jordan Street, Gladesville

Site Area : 598.8m²
Frontage 13.525 metres to Jordan Street
Depth 39.57 metres along the south western boundary

Topography and Vegetation : The site is generally flat and contains several small trees/shrubs in the front yard.

Existing Buildings : A two storey brick residential flat building is located on the site. A hardstand area for parking (capacity of approximately 5 spaces) is located at the rear of the building, with vehicular access provided via a driveway along the south-western side of the building from Jordan Street.

The site is located on the western side of Jordan Street to the west of the intersection with Victoria Road. On the opposite side of Jordan Street from the site is the Christ Church Anglican Church which is a heritage item. Immediately adjacent the site to the north is a 5 storey commercial building (known as 1-7 Jordan Street) with a zero side setback and a light well along the common boundary.

To the south is a 2 storey apartment building (known as 13 Jordan Street) setback 2.5m metre from the common boundary with windows and balconies facing the side boundary.

Planning Controls

Zoning : B4 Mixed Use

Other : Ryde Local Environmental Plan 2014
State Environmental Planning Policy No. 55 (Remediation of land)
State Environmental Planning Policy (Building Sustainability Index: BASIX)
State Environmental Planning Policy (Affordable Rental Housing) 2009
State Environmental Planning Policy 65 Design Quality of Residential Flat Development
Development Control Plan 2014
Deemed SEPP Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

ITEM 2 (continued)



3. Councillor Representations

Nil.

4. Political Donations or Gifts

Any political donations or gifts disclosed? No.

5. Proposal

The development application proposes the demolition of the existing building and the construction of a seven storey residential flat building containing 21 apartments over two levels of basement containing 24 car parking spaces.

The 21 apartments will consist of 1 x studio apartment, 8 x 1 bedroom apartments, 8 x 2 bedroom apartments and 4 x 3 bedroom apartments.

ITEM 2 (continued)

The ground floor of the development will contain the main pedestrian entry from Jordan Street, internal lift, a waste storage area and 3 residential apartments.

Vehicular access to the development is proposed via a driveway crossing off Jordan Street. The driveway is located adjacent to the south western boundary, in the general location of the existing vehicular access to the site. The driveway leads to a car lift at ground level which will be used to access two basement levels of car parking. The driveway includes a waiting bay and intercom access is proposed for the car lift for visitors. A traffic entry light is also proposed.

A total of 24 car parking spaces are proposed within the basement levels – 12 on each level. Of the car spaces, 19 spaces will be for residents and the remaining 5 will be visitor parking.

The development is proposed to be constructed using a variety of textures and materials and will include elements of face brick, painted masonry, painted cladding, colour back glass, powdercoated aluminium framed windows and timber privacy screens.



Figure 1. Perspective of the development as viewed from Jordan Street.

ITEM 2 (continued)

6. Background

DA was lodged on 10 October 2014.

The application was considered by the Ryde Urban Design Panel on 19 November 2014.

Initial amended plans were submitted on 9 December 2014 by the applicant. The initial amended plans were provided after Ryde Urban Design Panel meeting but prior to the issue of the written advice of the Ryde Urban Design Panel.

The initial amended plans proposed the following changes and or included the following information:

- Reduction in the number of units from 24 to 21 units. The amended design results in 3 apartments on ground level, Level 1, Level 2, Level 3 and Level 4, 4 apartments on Level 5 and 2 apartments on Level 6;
- Reconfiguration of internal layouts to widen the “breezeways” serving bedrooms in apartments on the eastern side of the development;
- Changes to the detailing of the western side wall of the ground floor;
- Amendments to the front setback of proposed dwelling GL.03 addressing Jordan Street;
- Amendments to the main ground floor pedestrian entry lobby; and
- Information concerning solar access of the units.

Following a preliminary assessment of the DA, the applicant was advised of the following issues:

- Clarification (and demonstration) that the proposal will achieve solar access compliance with the RFDC and DCP.
- Requirement for increased building separation for the side setback at ground level along the southern boundary.
- Confirmation on whether the existing residential flat building proposed to be demolished was a low-rental residential building as at 28 January 2000 in accordance with the provisions of Part 3 (Retention of existing affordable rental housing) of the State Environmental Planning Policy (Affordable Rental Housing) 2009.
- Confirmation of the particulars of any existing easement that burdens the subject site and benefits the property at 1-7 Jordan Street and relates to the area adjacent to the common boundary between the two properties.
- Provision of an eastern elevation drawing including details of the proposed finishes.

ITEM 2 (continued)

- Amended GFA and FSR calculations. The amended calculations are to be in accordance with the RLEP 2014 definition such that the waste storage area at ground level and all common horizontal circulation spaces such as hallways to fire stairs and fire isolated passageways (i.e. those common circulations spaces which are not vertical) are to be included in the GFA calculation.
- Response to public submission issues.

The applicant provided Council with various sketch amendments and the DA was subsequently formally amended with a set of amended plans submitted on 26 March 2015. The amended DA includes the following changes and additional information:

- Confirmation of the reduction in the number of units from 24 to 21 units, with 3 apartments on ground level, Level 1, Level 2, Level 3 and Level 4, 4 apartments on Level 5 and 2 apartments on Level 6.
- Unit mix of: 1 x studio apartment, 8 x 1 bedroom apartments, 8 x 2 bedroom apartments and 4 x 3 bedroom apartments
- Increased setback to ground floor western boundary;
- Confirmation of solar access compliance;
- Clarification of eastern elevation design;
- Amended GFA and FSR calculations and confirmation of 2.699:1 FSR;
- Reconfiguration of the entry space at ground level and the waste management room;
- Amendments to the basement levels including bicycle storage areas, bulky goods storage area and car lift;
- Information regarding the application of the SEPP (Affordable Rental Housing) 2009; and
- Information regarding the existence of an easement benefitting Nos. 1-7 Jordan Street.

As the amended plans results in a building that is slightly smaller than what was originally advertised, it was not necessary to renotify or readvertise this development application.

7. Submissions

The proposal was advertised and notified in accordance with Development Control Plan 2014 - Part 2.1, Notification of Development Applications. The application was advertised on 22 October 2014. Notification of the proposal was from 20 October 2014 till 5 November 2014.

ITEM 2 (continued)

20 submissions were received. The issues raised in the submissions are discussed below and similar issues have been grouped and discussed together:

- *View loss from multiple units and open space in the existing building at 1-7 Jordan Street*

Comment: Both the subject site and the property at 1-7 Jordan Street are zoned B4 Mixed Use and the building at 1-7 Jordan Street is a commercial office building.

The proposed building is a type of development that is commensurate with the strategic planning aims for the locality as expressed through the Ryde LEP 2014 and Ryde DCP. The proposed development is a permissible form of development and complies with the applicable height and FSR controls and side and rear setback controls with the DCP.

The existing commercial building at 1-7 Jordan Street is built boundary to boundary (with some upper level setbacks).

It is evident that some existing views from the outdoor open space at level 1 and west facing units within the commercial building at 1-7 Jordan Street will be diminished and or lost. This is demonstrated in the following figure which shows the relationship of the development and the adjoining building at 1-7 Jordan Street.

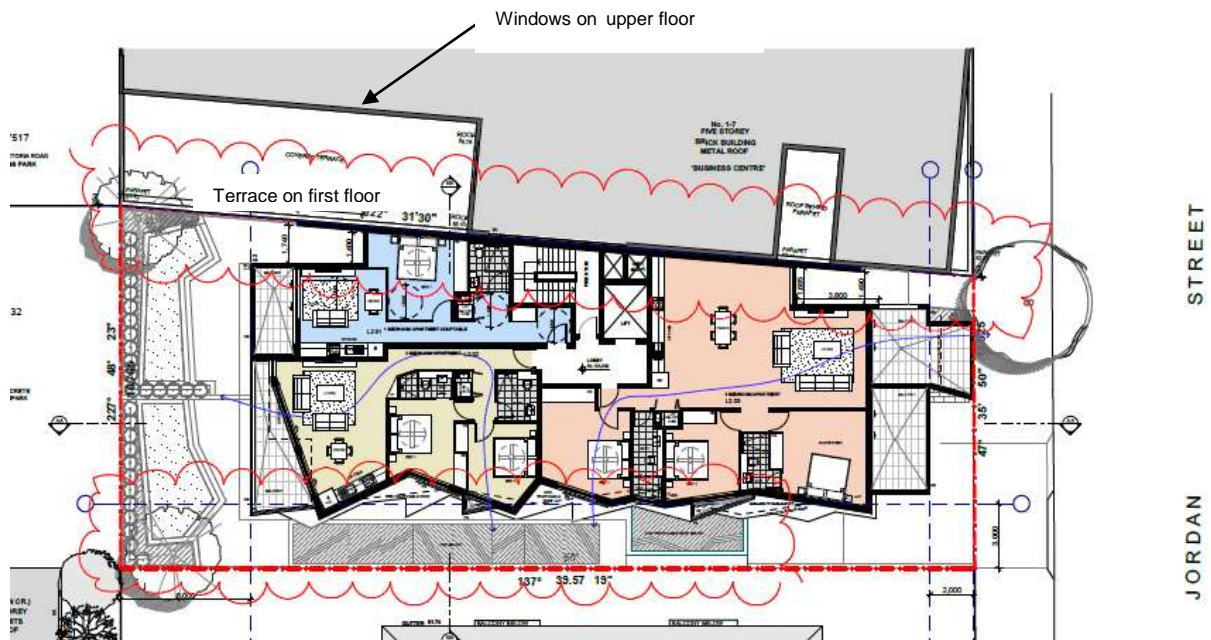


Figure 2. Typical floor plan of the development. This plan demonstrates the relationship of the development with the covered terrace area on the adjoining building at 1-7 Jordan Street.

ITEM 2 (continued)

The views to be impacted are across the common side boundary and over the subject site towards Parramatta River and beyond.

Given the B4 Mixed Use zoning of the site and the general compliance of the development with the applicable fundamental built form controls, the impacts are considered reasonable in this instance.

- *Loss of solar access and natural ventilation to units and open space in the existing building at 1-7 Jordan Street.*
- *Impacts on the environmental efficiency of 1-7 Jordan Street.*

Comment: Both the subject site and the property at 1-7 Jordan Street are zoned B4 Mixed Use and the building at 1-7 Jordan Street is a commercial office building.

The proposed building is a type of development that is commensurate with the strategic planning aims for the locality as expressed through LEP2014 and the Ryde DCP. The proposed development is a permissible form of development and complies with the applicable height and FSR controls and side and rear setback controls

The existing commercial building at 1-7 Jordan Street is built boundary to boundary (with some upper level setbacks).

It is evident that solar access and some natural ventilation to the western facing openings and the outdoor open space at level 1 of the commercial building at 1-7 Jordan Street will be diminished and or lost.

It is noted that some natural light and ventilation will be maintained (though reduced) to the open space on level 1 of the building at 1-7 Jordan Street.

Additionally, natural ventilation (though reduced) will also be maintained to the west facing openings that are setback from the common side boundary in the building at 1-7 Jordan Street.

North, east and south facing openings in the commercial building at 1-7 Jordan Street are unaffected by the proposed DA.

It is noted that in mid-winter, the reduction of direct sunlight to the west facing openings in the building at 1-7 Jordan Street will be numerically small. Specifically, the proposed development will increase overshadowing of west facing openings of 1-7 Jordan Street in the late afternoon at approximately 2.15pm in mid-winter.

Notwithstanding this, it is acknowledged that indirect or diffused daylight to the west facing windows will be reduced for longer periods of the day.

ITEM 2 (continued)

Given the B4 Mixed Use zoning of the site and the general compliance of the development with the applicable fundamental built form controls, the impacts are considered reasonable in this instance.

It is noted that the subject site is currently under developed when compared to the built form controls applicable under the Ryde LEP and the Ryde DCP and any development that seeks to develop the site in accordance with the applicable controls is likely to have similar impacts to the building at 1-7 Jordan Street, particularly given its orientation and alignment to the common boundary.

- *The proposed nil setback to the boundary with 1-7 Jordan Street will result in the loss of ability to maintain the western side of that building.*
- *New maintenance arrangements will come at a cost to the owners of 1-7 Jordan Street.*

Comment: The commercial office building at 1-7 Jordan Street is built (in part) with nil setback to the western boundary of that property (i.e. the common side boundary with the subject site).

The western wall is constructed of brick and is painted.

The following photos demonstrate the western wall of the building at 1-7 Jordan Street and its relationship with the property at 9 Jordan Street.



Photograph 1 – Existing Residential Flat Building at 9 Jordan Street in the centre and the western wall of the building at 1-7 Jordan Street on the right of the photo.

ITEM 2 (continued)



Photograph 2 – Western wall (and light well) of the building at 1-7 Jordan Street.



Photograph 3 - Eastern wall of existing building at 9 Jordan Street on the left and the western wall and Level 1 balcony of the building at 1-7 Jordan Street on the right of the photo.

ITEM 2 (continued)

It is not uncommon for buildings to be built to side boundaries and to abut adjacent buildings, particularly in commercial and mixed use zones.

The proposed development will abut those parts of the building at 1-7 Jordan Street that have nil setback and consequently there will be no potential in the future to access the western wall of 1-7 Jordan Street from within the property of 9 Jordan Street. It is however noted that there will be no need to paint those sections of the external western wall which have nil setback as they will be covered by the eastern wall of the proposed building.

The northern end of the western wall of the 1-7 Jordan Street from Level 1 (and above) is setback from the boundary by up to 3m and access to this part of the wall will be possible from within 1-7 Jordan Street.

It is noted that there is an existing light well on the western side of the building at 1-7 Jordan Street.

There are openings (windows) within the light well which will allow access for maintenance. It is possible that the access arrangements may have to be improved from within the building at 1-7 Jordan Street, however it is considered unreasonable that access to the light well at 1-7 Jordan Street from the adjacent property at 9 Jordan Street should be maintained. This would significantly reduce the development potential of the subject site.

- *Loss of enjoyment of outdoor spaces at 1-7 Jordan Street*

Comment: The commercial office building at 1-7 Jordan Street is built (in part) with nil setback to the western boundary of that property (i.e. the common side boundary with the subject site).

There is a covered outdoor open space at level 1 in the north west corner of that building.

The proposal will impact upon the outdoor space by reducing westerly views and reducing solar access and daylight access.

Given the commercial use of the building at 1-7 Jordan Street, the B4 Mixed Use zoning of the site and the general compliance of the development with the applicable fundamental built form controls, the impacts to the outdoor space are considered reasonable in this instance.

ITEM 2 (continued)

- *Adverse acoustic impacts*
- *The potential acoustic impacts have not been addressed and in accordance with clause 102 (Impact of road noise or vibration on non-road development) of the proposal is within close proximity to Victoria Road and an acoustic report is required to be provided.*

Comment: The proposed development complies with the BCA requirements and will result in acoustic impacts that could be reasonably be expected from a compliant residential flat building in a relatively dense urban environment.

With respect to acoustic impacts associated with the construction of the development, construction management conditions have been recommended which will require compliance with, amongst other matters, relevant acoustic levels for construction in urban areas.

It is noted that the site is not on or adjacent to a classified road and the provisions of clause 102 of the State Environmental Planning Policy (Infrastructure) 2007 do not apply to the development.

- *There is an easement which burdens the subject site and benefits the property at 1-7 Jordan Street. The easement relates to the area adjacent to the common boundary and particulars of the easement should be provided and addressed.*
- *The proposal encroaches upon an existing easement and the development cannot be approved if it encroaches without the consent of the owners of the property of 1-7 Jordan Street.*

Comment: The details of the easement have been submitted by the applicant.

The easement permits the building at 1-7 Jordan Street to encroach onto the land at 9 Jordan Street adjacent to the common boundary.

The Plan supporting the 88B instrument which sets out the terms of the easement indicates that the building at 1-7 Jordan Street overhangs and encroaches upon the land or 9 Jordan Street by up to 51mm.

It is noted that the particulars of the easement also nominate that the easement does not prevent the owner of 9 Jordan Street from constructing structures that abut or over hang the encroaching structure.

The applicant has indicated that the proposed development has been amended to “achieve a 50mm clearance alongside the easement”.

ITEM 2 (continued)

It is considered that subject to a condition of consent which ensures that the alignment of the eastern wall of the proposed building responds to the minor encroachment of the building at 1-7 Jordan Street, the proposal will be satisfactory with respect to the encroachment. (See condition number 3).

- *There is a lack of information regarding the appearance and treatment of the eastern wall of the proposed development.*
- *Adverse visual impact – unappealing streetscape and outlook from offices and the open terrace within 1-7 Jordan Street.*

Comment: The applicant has provided additional information regarding the eastern wall including an Eastern Elevation drawing.

The drawing demonstrates that much of the eastern wall of the proposed building will abut the western wall of the building at 1-7 Jordan Street and therefore external finishes of those sections of the wall are not of concern.

However there will be some sections of the eastern wall which will be visible from openings and the open space on the western side of the building at 1-7 Jordan Street.

In this respect the applicant has indicated that the sections of the eastern wall that will be visible will be constructed of masonry and have a painted finish.

It is considered subject to a condition of consent which requires durable, low maintenance external finishes, in a light colour, to be provided to the sections of the eastern wall which will be visible from the western facing openings and balcony at 1-7 Jordan Street, the treatment of the eastern wall of the proposed building will be acceptable. (See condition number 2).

- *The GFA and FSR have not been properly calculated and are incorrect. The submitted calculations have excluded elements that are required to be included in accordance with the definitions of the Ryde LEP.*

Comment: The submissions in particular question the calculations with respect to common circulation space and the waste storage area at ground level.

As part of the amended application, the applicant has submitted revised FSR and GFA calculations including an amended FSR Calculations sheet which demonstrates what has been included in the calculations.

The revised calculations indicate a total GFA of 1616.47m² which equates to a FSR of 2.699:1.

ITEM 2 (continued)

The fully enclosed sections of the ground floor lobby have been included as GFA, while the unenclosed pedestrian entry has been excluded. This is consistent with the LEP definition for GFA.

It is noted that the landing immediately in front of the internal fire stairs on each level has been excluded from GFA and this is consistent with Council's interpretation of the definition for GFA.

The amended FSR and GFA calculations are considered to be consistent with the relevant LEP definitions.

- *The proposal will block the existing Telstra network coverage which is provided by the mobile phone base constructed on the top of the building at 1-7 Jordan Street. The blockage of the network coverage will occur as a result of the height of the proposed building at 9 Jordan Street.*
- *The proposal may obstruct telecommunications infrastructure on the roof of 1-7 Jordan Street and the DA should not be determined without prior notification of the relevant carriers.*
- *There will be a reduction in income for the Body Corporate of the 1-7 Jordan Street related to the relocation of telecommunications infrastructure from 1-7 Jordan Street as a result of the development. The loss of income will result in an increase in strata fees.*

Comment: The application was notified and advertised consistent with Council's DCP notification requirements. One submission was received from one of the telecommunications companies (i.e. Telstra) which have telecommunications devices installed on the building at 1-7 Jordan Street.

It is considered unreasonable to significantly restrict the development potential of the subject site by limiting the height of the development to a level considerably lower than that which is permitted, based on the desire to maintain the Body Corporate income and the efficiency of the commercial operations of the Telstra mobile base located on the building at 1-7 Jordan Street.

- *Proposal will lower property prices of adjacent sites.*
- *Loss of value of units within adjacent property as a result of loss of amenity*
- *Construction impacts may result in the departure of tenants in adjacent sites*
- *A 5 year development consent will create uncertainty for potential buyers/tenants of units within 1-7 Jordan Street and effect incomes.*

ITEM 2 (continued)

Comment: Applicants have a right, under the *Environmental Planning & Assessment Act 1979*, to the orderly and economic use and development of land. The possible decreases in surrounding property values do not constitute a reasonable ground for refusal and impact on land value is not a matter for consideration under Section 79C of the *Environmental Planning & Assessment Act 1979*.

A development consent with a 5 year period is standard and is considered a reasonable period to allow an applicant/developer to act upon an approved development.

Appropriate conditions of consent have been recommended requiring standard construction management processes and standards to be implemented during construction in order to mitigate construction impacts. (See conditions 8, 60, 61, 64, 65, 66 and 68).

- *Inadequate parking / impact on parking in the surrounding area.*

Comment: The site is located within the Gladesville Town Centre Precinct and is in close proximity to public transport in the form of bus routes.

The proposed development provides off-street car parking consistent with the requirements of the Ryde DCP.

The proposal is unlikely to have a significant adverse impact upon the provision or availability of on-street parking.

- *Increased traffic generation*

Comment: The development is likely to result in 11 vehicle trips per hour during commuter peak. This is an increase of 8 vehicle trips per hour above the existing development at the site.

The traffic generated from the development is relatively minor and the road system is able to accommodate the increase.

- *The waste management truck will be in the street for a very long time.*
- *Insufficient space for storage of waste bins*
- *The waste room is poorly ventilated and has poor access. Additionally, due to the narrow width of the site, bins would have to be stored in front of neighbouring properties which is unacceptable*

Comment: Council's Waste Manager has reviewed the development and subject to the imposition of recommended conditions has not raised any objections to the development. (See condition 98).

ITEM 2 (continued)

- *Overpopulation of the area*

Comment: The proposal is consistent with the applicable density controls for the site and for the Gladesville Town Centre precinct as detailed in the RLEP 2014 and the DCP.

- *Construction impacts – dust, noise, access, safety and security.*
- *Safety and security impacts during construction*

Comment: Appropriate conditions of consent have been recommended which will require a detailed construction management plan to be prepared and approved prior to the issue of a construction Certificate. (See condition number 54).

Other conditions relating to the acoustic levels allowable during construction have also been recommended. (See condition number 64).

Subject to the imposition of the recommended conditions the construction impacts will be appropriately managed.

- *The proposed units would not be considered desirable places to live being so close to the existing commercial units at 1-7 Jordan Street.*

Comment: The site is zoned B4 Mixed Use and residential flat buildings are permissible with consent. The site (and adjacent sites) currently accommodate residential flat buildings.

The amenity of the proposed units achieves a level commensurate with the amenity requirements of the RFDC and the Ryde DCP.

- *The applicant has not addressed the displacement of low rental tenants as required by the State Environmental Planning Policy (Affordable Rental Housing) 2009*

Comment: The application has provided adequate detail with the amended documentation (including rental receipt information) to demonstrate that the proposal will not result in the displacement of low rental tenants.

- *The proposal will have an adverse impact upon the property to the west by way of overshadowing.*

Comment: It is agreed that the proposal will increase overshadowing to the property to the west of the subject site.

ITEM 2 (continued)

The matter is discussed in more detail under section 10 of this report, where it is concluded that the additional impacts are of a degree that could be reasonably expected given the compliance of the development with the applicable built form controls.

- *The proposed development does not comply with building separation and setback requirements of SEPP 65 and the proposal will compromise the development potential of the property to the west.*
- *It is unlikely that the proposal complies with the solar access requirements of SEPP 65.*
- *The proposal does not comply with the natural ventilation requirements of SEPP 65.*
- *Unit 1 has very poor amenity.*

Comment: The proposal complies with the building separation guidelines of the RFDC with respect to the rear setback.

The proposal also complies with the Ryde DCP side and front setback controls and objectives.

The proposal does not achieve the building separation guidelines with respect to the buildings adjacent to the east and west, however the RFDC envisages circumstances where zero building separation variations to the guideline may be appropriate, depending on the urban context of the site and the locality.

In this instance, the site is zoned B4 Mixed Use, it is located within the Gladesville Town Centre, the building to the east has nil setback and the building to the west has a 2.2m to 2.5m setback and there is a pattern of relatively narrow blocks that accommodate existing residential flat buildings.

Given the prevailing urban context, the desired future character for the locality, the compliance of the development with height, density and rear setback controls, it is considered that the building separation achieved to the west and the east of the site is appropriate.

It is acknowledged that unit GL.03 has an amenity that is less than other units in the proposed building, nonetheless the amended proposal complies with the RFDC guideline for solar access, natural ventilation, floor to ceiling heights and residential storage.

ITEM 2 (continued)

On balance the proposal achieves adequate residential amenity.

- *The proposed car lift access is inefficient, particularly during peak times.*
- *The manoeuvring of vehicles within the basement is unacceptable*
- *There is no space for queuing within the basement levels.*
- *Consolidation of the site with the neighbouring site/s would overcome design issues with car parking and access.*

Comment: Council's Traffic Engineer has reviewed the amended proposal and has raised no objection to the proposed car lift, the vehicular access or the basement level layouts subject to the recommended engineering conditions which have all been included in the recommended conditions of consent. (See condition numbers 28, 29, 79 and 80).

- *Access to residential storage space within the basement levels is impeded by parked vehicles.*

Comment: The proposed residential storage layout within the basement is considered satisfactory given the relative narrowness of the site and compliance with Council's car parking requirements.

- *Onsite landscaping is inadequate and unacceptable.*
- *There is no common open space.*

Comment: It is acknowledged the proposal does not include any deep soil landscaped area or communal open space.

The lack of deep soil landscaping is considered justified in this instance due to the constrained site and the requirement for compliance with Council's off-street car parking requirements.

The lack of communal open space in this instance is also considered justified given the generous private open space provided to the two ground floor north facing units, in lieu of communal open space.

It is also considered that there is no opportunity to provide a roof top communal open space without exceeding the applicable height limit.

The proposed landscape arrangements have been reviewed by Council's landscape consultant and no objections have been raised subject to the implementation of the landscape conditions which have all been adopted in the recommended conditions of consent for this report. (See condition number 45).

ITEM 2 (continued)

- *It is unclear what the first floor terrace is to be used for. If it is for private open space, then the terrace will result in adverse privacy impacts. If it is intended to be non-accessible, then the vertical gardens cannot be accessed.*

Comment: The amended plans have resolved this issue, such that the first floor terrace has been deleted.

- *The subject site is not suited to the density and form of development proposed and the proposed site should be consolidated with the neighbouring two western properties.*

Comment: The development, though of a greater height than adjacent development, is nonetheless consistent with the type of development envisaged for the site and locality as expressed within Council's built form controls.

The site is considered to be a small site having an area of 598.8m². The neighbouring two western properties are also similar sized sites and both contain a 2 storey RFB. This development will not result in either of the adjoining western properties being isolated as at some stage in the future both of these properties could be redeveloped either jointly or individually. For this reason, the applicant has not been requested to consider amalgamation with these properties.

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

No.

9. Policy Implications**Relevant Provisions of Environmental Planning Instruments etc:****(a) Ryde LEP 2014****Zoning**

Under the RLEP 2014, the zoning of the subject site is 'B4 Mixed Use'. The proposed development comprising a residential flat building is permissible with consent under this zoning. The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The objectives for the B4 Mixed Use zone are as follows:

- *To provide a mixture of compatible uses.*

The development contains an entirely residential development. The site currently accommodates a residential flat building, as do the sites to the west and the north.

ITEM 2 (continued)

As residential flat buildings are a permitted form of development in the Mixed Use B4 zone, the replacement of the existing residential flat building with a new residential flat building is considered to be compatible with development in the locality and the B4 zone.

- *To integrate suitable business, office, residential, retail and other development in accessible location so as to maximise public transport patronage and encourage walking and cycling.*

The site is close to Victoria Road and thereby is close to public transport in the form of major bus routes.

The site is within approximately 650m to Glades Bay Park, 750m of Bill Mitchell Park and 530m to Peel Park.

The development proposes an entirely residential building which complies with Councils car parking requirements. Given the proximity to public transport facilities and recreational facilities, the development is considered to be consistent with this objective.

Mandatory Requirements

The following mandatory provisions under RLEP 2014 apply to the development:

Clause 4.3 (2) – Height of buildings

This clause states that the height of a building on any land is not to exceed the maximum height shown for the land on the 'Height of Buildings Map' which is 22m for the subject site.

Building height is defined in this planning instrument as meaning the vertical distance between ground level (existing) at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

The proposed building has a varying height due to varying existing ground levels and the number of storeys.

The submitted documents indicate that the top of the roof of the proposed building has a maximum height of between 21.2m to 22m.

It is noted that the top height of a proposed roof skylight (which provides solar access to proposed unit L6.02) has not been appointed a maximum RL on the submitted plans. The skylight element rises by approximately 700mm above the roof height.

ITEM 2 (continued)

The skylight is setback approximately 9.5m from the front (Jordan Street) site boundary and approximately 3.5m from the eastern side boundary. Based on the levels on the site survey plan, the height of the proposed skylight above the existing ground level below the point where it is located is 22m.

The proposal therefore complies with the LEP height control.

A condition of consent has been recommended which will ensure that the proposed skylight is constructed so that it does not rise above the maximum 22m height limit. (See condition number 4).

Clause 4.4 (2) – Floor space ratio

This clause prescribes a maximum floor space ratio (FSR) of 2.7:1.

The subject site has a site area of 598.9m².

The proposed development has a gross floor area of 1616.47m², which results in a FSR of 2.699:1.

The proposed development complies with the LEP FSR control.

Clause 5.10 Heritage conservation

The site is not listed as a heritage item in Schedule 5 of the LEP and is not located within a Conservation Area.

The site is located within the vicinity of a heritage item, being a church (i.e. the Christ Church Anglican Church) located at 220 Victoria Road (i.e. Heritage Item 139 and 140).

The provisions of clause 5.10(5) are applicable.

The objectives of clause 5.10 are as follows:

- (a) *To conserve the environmental heritage of Ryde,*
- (b) *To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, setting and views,*
- (c) *To conserve archaeological sites,*
- (d) *To conserve Aboriginal objects and Aboriginal places of heritage significance.*

It is considered that the proposed development will not have a significant adverse impact upon the heritage significance of the church located at 220 Victoria Road.

ITEM 2 (continued)

The site scale of the development, though higher than the existing adjacent developments, is consistent with the built form controls for the locality and the zone.

The residential use of the site is consistent with its current use of the site and the zone controls.

There is adequate visual separation between the church and the subject land, with landscaping verges and a roadway separating the respective sites.

Council's Heritage Officer has raised no objections to the development subject to a street tree being provided within the public domain. This has been included as a condition by Public Works. (See condition number 46).

Clause 6.1 Acid sulfate soils

The site is not impacted by acid sulfate soils.

Clause 6.2 Earthworks

Development consent is required for the earthworks associated with the development. Before granting consent for earthworks the consent authority must consider the following matters:

- The likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality.
- The effect of the proposed development on the likely future use or redevelopment of the land.
- The quality of the fill or the soil to be excavated, or both.
- The effect of the proposed development on the existing and likely amenity of adjoining properties.
- The source of any fill material and the destination of any excavated material.
- The likelihood of disturbing relics.
- Proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.
- Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The proposed development includes excavation for a two level basement car park. Council's Senior Development Engineer requires that a number of conditions be included in the consent to address engineering issues such as a sediment and erosion control plan to be submitted prior to any works commencing on the site. (See condition number 61 and 65).

The site is not known to contain any relics or any other item of heritage significance.

ITEM 2 (continued)

Subject to the imposition of the recommended conditions of consent, the development is considered satisfactory in respect of the provisions of clause 6.2.

(b) Relevant SEPPs

State Environmental Planning Policy No. 55 – Remediation of Land

The requirements of State Planning Policy No. 55 – Remediation of Land apply to the subject site. In accordance with Clause 7 of SEPP 55, the consent authority must consider if the land is contaminated and, if so, whether it is suitable, or can be made suitable, for the proposed use.

The current use of the land is residential. There does not appear to be a history of non-residential use. Given the existing use of the site and the unlikelihood of any potential land contaminating uses or activities having taken place on the site or on adjoining sites, it is considered that site is unlikely to be contaminated and the site is suitable for the proposed use.

State Environmental Planning Policy (Affordable Rental Housing) 2009

The provisions of Part 3 (Retention of existing affordable rental housing) of the State Environmental Planning Policy (Affordable Rental Housing) 2009 apply to land within the Sydney region to those buildings that were low-rental residential buildings as at 28 January 2000. The provisions do not apply to any building that becomes a low-rental residential building after that date.

For the purposes of Part 3 of the SEPP the following definitions are pertinent:

“low-rental residential building means a building used as a residential flat building containing a low-rental dwelling or as a boarding house and includes a building:

- (a) that, at the time of lodgement of a development application to which this Part applies, is lawfully used as a residential flat building containing a low-rental dwelling or as a boarding house, irrespective of the purpose for which the building may have been erected, or*
- (b) that was used as a residential flat building containing a low-rental dwelling or as a boarding house but that use has been changed unlawfully to another use, or*
- (c) that is vacant, but the last significant use of which was as a residential flat building containing a low-rental dwelling or as a boarding house.”*

ITEM 2 (continued)

And

“low-rental dwelling means a dwelling that (at any time in the 24 month period prior to the lodgement of a development application to which this Part applies) was let at a rental not exceeding the median rental level for that time (as specified in the Rent and Sales Report) in relation to a dwelling of the same type, having the same number of bedrooms and located in the same local government area.”

In accordance with Clause 51 (Contributions for affordable housing), for the purposes of section 94F (3) (b) of the Environmental Planning and Assessment Act, the SEPP allows for condition to be imposed under section 94F of the Act if the consent authority, when determining a development application referred to in clause 50 (1), is satisfied that the proposed development will or is likely to reduce the availability of affordable housing within the area.

The applicant was unable to provide rental details to confirm whether or not the existing residential flat building at the site was a low-rental residential building as at 28 January 2000.

Notwithstanding, and assuming the existing residential flat building was a low-rental residential building as at 28 January 2000, the applicant was able to provide adequate information to demonstrate that at the time the DA was lodged, there were no low-rental dwellings located at the site and consequently there will be no loss of affordable housing a result of the proposed development.

Specifically, rental receipts were provided which confirm that 5 of the 7 existing units achieved rental levels above the median rental level for that time. Rental receipts were also provided which demonstrate that the rental levels for the two remaining units were above the median rental level in August 2014 and August 2013.

It can be reasonably concluded therefore that none of the existing 7 units at the site currently constitute a low-rental dwelling and the demolition of the existing residential flat building will not result in a reduction in affordable housing at the site and that the development is unlikely to contribute to any cumulative loss of affordable housing in the local government area.

Subsequently the imposition of a condition requiring a contribution for affordable housing (for the purposes of section 94F (3) (b) of the Environmental Planning and Assessment Act) is not warranted in this instance.

ITEM 2 (continued)

SEPP BASIX

The development is identified under the Environmental Planning and Assessment Regulation 2000 as a BASIX Affected Building. As such, a BASIX Certificate has been prepared (No: 574418M_03 dated 11 April 2015) which provides the development with a satisfactory target rating. Appropriate conditions can be imposed requiring compliance with the BASIX commitments detailed within the Certificate.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

This Policy aims to improve the design quality of residential flat development. This policy is applicable to the development as the building is defined as a Class 3 building under the Building Code of Australia.

- Urban Design Review Panel

The application was forwarded to the Urban Design Review Panel for consideration and comment. The Panel considered the plans originally submitted with the DA at a meeting on 19 November 2014. The Panel provided the following comments on the proposal:

“The proposal is a pre-DA for a 7 storey with 24 apartments and 2 basement car park levels accessed via a car lift.

The subject site is located on the western side of Jordan Street to the west of the intersection with Victoria Road. Across the street is the Christ Church Anglican Church, a heritage item. Immediately adjacent the site to the north is a 5 storey commercial building with a zero side setback and a light well along the common boundary. At the rear the levels above ground floor are setback approximately 5m with windows facing the subject site. To the south is a 2 storey apartment building setback 2.5m metre from the common boundary with windows and balconies facing the side boundary.

The site is zoned B4 Mixed Use with a permissible FSR of 2.7:1 and a height of 22m. The building is within the permissible height and the proponent claims the FSR is compliant. The FSR calculations exclude the ground floor “external lobby”. This space extends deep into the building and is fully enclosed except for a narrow opening to the street. The Panel considers this to be internal space and it should be included in the FSR calculations.

The Panel notes that as a small infill site with limited site frontage, that a proposal on this site may not be able to achieve the full permissible FSR. Panel comments on previous proposals on the site and the following comments on the current proposal suggest that an appropriate building form on the site would result in a lower FSR.

ITEM 2 (continued)**Ground Floor**

The site is a transition site between an existing commercial building in the Town Centre and existing walk-up apartment to the west. Neither adjacent building is likely to change in the short term.

The DCP includes a number of conflicting controls for the street setback on the site. The appropriate street setback depends on the ground floor use. The proposal includes an apartment at ground level along Jordon Street with a 2.6m deep ground floor terrace. The first floor above overhangs the terrace reducing the setback and the courtyards opening to sky to 1.2m. The amenity of this unit is very poor with outlook limited to the courtyard and to the space above the high fence. The apartment has a southern aspect and poor daylight access.

If a residential ground floor apartment is desired a more generous setback is needed to assist in improving amenity. The DCP includes a 2m setback in the town centre where buildings are not part of the retail frontage. At a minimum a 2m setback for the whole building height would be required. Alternatively, the ground floor apartment could be changed to a commercial tenancy and the front of the building aligned with the existing commercial building to the east.

The ground floor lobby space has poor visibility and is a concealed space, both of which limit the amenity and safety of the space. There is an opportunity to open up this space to the street by creating a shared space at the waiting bay portion of the driveway. The wall to external lobby could also be opened up to provide outlook to the street and improve surveillance. Appropriate detailing is needed to designate the vehicular path of travel from the pedestrian zone.

Western Boundary Interface

A solid wall is proposed along the boundary for the ground floor with a variable upper level setback (minimum 3m).

The blank wall along the western boundary is a poor outlook for adjacent residents and needs further resolution.

A side setback of 3m along the western boundary was recommended by the Panel to the previous applicant. This recommendation assumed that balconies and windows to habitable rooms would be oriented to the street and the rear of the site with minor room windows located in the southern façade. The objective was to reduce privacy conflicts between sites and to maximise outlook where the greatest separation can be achieved – to the front and rear of the site.

ITEM 2 (continued)

The proposal orients living rooms and balconies away from the side boundary but located bedrooms along the wester elevation overlooking the side boundary. Greater consideration of privacy and building separation is needed if bedrooms, particularly the primary bedroom is to overlook the side boundary. As a design strategy, the undulating external wall provides opportunities to orient windows obliquely away from the windows in the neighbouring property. Further refinement of the orientation of windows and the inclusion of some screening could assist in ameliorating privacy issues.

Building Depth

The building depth measured from north to south is 31m, well above the 20m recommended in the RFDC. Bedrooms are buried deep in the plan with windows to a narrow slot. The outlook and daylight to these rooms is poor and significantly compromised by the depth and narrowness of the slots.

The poor amenity is a demonstration that the plan does not adequately accommodate 4 apartments per floor. The Panel recommends that the depth be reduced to comply with the RFDC. This is likely to reduce the number of apartment per floor to 3 and increase the frontage for each apartment to remove deep slots.

Open Space

The proposal allocates open space along the rear boundary as private open space for adjacent ground floor units. The Panel supports this approach.

No communal open space is provided. It is recommended that communal open space could be provided on the roof. Communal open space needs to be accessible to all residents and should include usable areas for both groups and individuals and amenities such as BBQ facilities and shade. The lift overrun and any shade structure should be within permissible height control.

The proposal includes a green roof at Level 1. Maintenance access and plant longevity needs further consideration.

Solar Access

The proposal does not achieve adequate solar access. The Panel understands that solar access on the site is challenging with a party wall to the east and southern aspect to the street. Apartments to the rear of the building have the greatest opportunity for solar aspect. The recommendation to reduce the number of apartments per floor will assist with improved solar access.

Architectural Expression

The Panel appreciates the conceptual approach to the façade design and encourages its design development.

ITEM 2 (continued)

Recommendation

The Panel recommends the design be revised in accordance with the above advice.

Comments:

The amended proposal has responded to the majority of the above comments through design changes.

Specifically, the amended plans include:

- The ground floor external lobby has been amended so that it is open along its western and southern edges.
- A setback of 2.85m depth for the terrace in the ground floor unit GL.03 has been provided.
- Increased setback to the Jordan Street building line for all levels to minimum 2m except as punctuated by portions of terraces that extend to the street boundary for the following units: L2.03 and L4.03.
- Deletion of the balcony element from unit L1.03 which extended to the street boundary and which overhung the terrace of unit GL.03. ;
- Increased side setback along the western boundary at ground level.
- No living rooms have openings to the western elevation. Western facing bedrooms windows have oblique facing windows located behind privacy screening devices including timber screens and 'ear-style' or winged protruding elements. Additionally western openings are provided within a 'green wall' planting.
- The number of apartments per floor has been reduced to 3 per floor, except for Level 5 which contains 4 units and Level 6 which accommodates 2 units.
- Increased width provided to the 'slots' or the 'breezeways' along the northern and southern ends of the eastern side of the development. This effectively reduces the width of the building in these locations.
- The amended design deletes the 'green roof' at level 1 and instead provides a 'succulent garden' over the OSD at ground level. Access to the succulent plantings will be via the ground level.
- Solar access diagrams have been provided which demonstrate that the amended proposal will achieve 3 hours of solar access to the living areas and private open space of at least 70% of the units.

The amended DA has responded to the majority of comments provided by the Panel. In particular the reduced number of units and increased setbacks has resulted in greater amenity for the proposed units through improved solar access, improved visual privacy, improved ventilation and the design refinement of the entry, landscaped areas and the western elevation.

ITEM 2 (continued)

- SEPP 65 Design Quality Principles

Part 2 of the Policy introduces 10 design quality principles. These principles do not generate design solutions, but provide a guide to achieving good design and the means of evaluating the merits of proposed solutions.

As required by the *Environmental Planning and Assessment Regulation*, the application is accompanied by a response to the design principles, as prepared by the project architect. The following table provides an assessment of the proposal against the 10 design principles of the SEPP:

Design Quality Principle	Comment
<p>Context</p> <p>Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area. Responding to context involves identifying the of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area. desirable elements.</p>	<p>The redevelopment of this site will be consistent with the desired future character for the Gladesville Town Centre as identified in Gladesville Town Centre Precinct Vision Statement and the Objectives and Controls contained in Part 4.6 of RDCP 2014.</p>
<p>Scale</p> <p>Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.</p> <p>Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.</p>	<p>The scale in terms of height is consistent with the height control identified in RLEP 2014 and the scale envisaged for the Gladesville Town Centre precinct.</p> <p>The precinct has been identified for transformation within Council's planning controls. The proposed scale will result in a building that is higher than the current adjacent buildings but which is nonetheless consistent with the scale envisaged for the precinct.</p> <p>As such, the bulk and scale of the proposal is considered acceptable and is consistent with the identified desired future character of the precinct.</p>

ITEM 2 (continued)

Design Quality Principle	Comment
<p>Built Form</p> <p>Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>The built form of the proposed building is considered acceptable.</p> <p>The building is generally consistent with the built form objectives and controls for the Gladesville Town Centre precinct.</p> <p>The proposed development site is one of 5 sites which sit on the northern side of Jordan Street between Victoria Road and Western Crescent. The proposed development would represent the first redevelopment of those 5 sites under the provisions of RLEP 2014. The built form and set back arrangements of the proposed building is considered to respond appropriately to the site constraints, the and the existing alignment of adjacent buildings while also responding to the desired future character of the Gladesville Town Centre precinct.</p>
<p>Density</p> <p>Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents). Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.</p>	<p>The proposal complies with the maximum FSR for the site of 2.7:1 as allowed by the LEP.</p> <p>The site is in the Gladesville Town Centre and is located in close proximity to public transport. The proposed density is consistent with the desired future character, the LEP controls and is considered appropriate.</p>
<p>Resource, energy and water efficiency</p> <p>Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction. Sustainability is integral to the design process. Aspects include</p>	<p>Energy and water efficiency targets under SEPP (BASIX) 2004 are achieved. A Site Waste Minimisation and Management Plan has been submitted and assessed as acceptable by Council's Environmental Health Officer.</p>

ITEM 2 (continued)

Design Quality Principle	Comment
<p>demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.</p>	
<p>Landscape</p> <p>Landscape design enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.</p> <p>Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.</p>	<p>A Landscape Plan has been submitted and assessed as acceptable by Council's Landscape consultant subject to several recommendations relating to adequate soil volume provided for the nominated planting, inclusion of a permanent irrigation system and the provision of additional screening plants along the side boundary fences in the rear yards.</p> <p>Subject to the implementation of the landscape recommendations the proposal is considered acceptable with respect to the Landscape design principle.</p>
<p>Amenity</p> <p>Good design provides amenity through the physical, spatial and environmental quality of a development. Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.</p>	<p>The proposal will result in an acceptable level of amenity overall.</p> <p>The development satisfies the RFDC guidelines for solar access, natural ventilation, unit size, floor to ceiling heights, private open space, access and residential storage.</p>

ITEM 2 (continued)

Design Quality Principle	Comment
<p>Safety and Security</p> <p>Good design optimises safety and security, both internal to the development and for the public domain.</p>	<p>The proposal provides an acceptable level of safety and security.</p> <p>The development is generally consistent with the CPTED principles as follows:</p> <ul style="list-style-type: none"> • Clearly located entry to the residential flat building. • Clearly defined vehicular access with appropriate sight lines. • Constant passive surveillance of Jordan Street. • Clear definition between public and private spaces.
<p>Social dimensions and housing affordability</p> <p>Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities. New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community. New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs</p>	<p>The proposal, as amended, comprises 21 residential units comprising:</p> <ul style="list-style-type: none"> • 1 x studio apartment • 8 x 1 bedroom apartments • 8 x 2 bedroom apartments • 4 x 3 bedroom apartments <p>The development will provide additional housing stock in an area identified for transformation and population growth.</p> <p>The site is situated the Gladesville Town Centre precinct, close to public transport, commercial and retail facilities.</p> <p>The proposal provides a suitable mix of units which will cater to different budgets and housing needs.</p>
<p>Aesthetics</p> <p>Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable</p>	<p>The proposed building aesthetics are supported.</p> <p>The building is in a contemporary style and will provide visual interest from the street and to the western and northern elevations.</p>

ITEM 2 (continued)

Design Quality Principle	Comment
elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.	<p>The building includes a mixed palette of external materials that will combine with projecting and angled elements in the external facades to create a visually interesting building.</p> <p>Subject to conditions relating to the colouring and materials of the eastern elevation wall (which will be partially visible from units within the commercial office building at 1-7 Jordan Street) the proposal is considered acceptable with respect to the Aesthetics principle.</p>

- Residential Flat Design Code

The SEPP requires consideration of the "Residential Flat Design Code" (RFDC) which supports the 10 design quality principles by giving greater detail as to how those principles might be achieved.

The DA has been considered against the relevant RFDC guidelines in the following table.

Primary Development Control and Guidelines	Comments	Comply
Part 01 – Local Context		
Building Height Where there is an existing floor space ratio (FSR), test height controls against it to ensure a good fit.	<p>The development complies with both the maximum FSR and the maximum height controls under RLEP 2014.</p> <p>The height is greater than the surrounding buildings, but is nonetheless consistent with the scale and height envisaged for the precinct under the LEP and DCP.</p>	Yes
Building Depth In general, an apartment building depth of 10m to 18m is appropriate. Developments that propose wider than 18m must demonstrate how satisfactory day lighting	<ul style="list-style-type: none"> • The building ranges in depth from 17m to 29m, with individual apartment depths ranging from 7.5m to 15m. • Notwithstanding the relatively long building depth, the development has demonstrated that adequate solar access and natural ventilation will be 	Yes

ITEM 2 (continued)

Primary Development Control and Guidelines	Comments	Comply
and natural ventilation are to be achieved.	provided. <ul style="list-style-type: none"> • In particular and in response to the UDRP comments, the amended design has reduced the number of units and increased the size of breezeways to the eastern boundary and has been able to demonstrate that bedrooms will receive sufficient access to light and ventilation. 	
Building Separation <ul style="list-style-type: none"> • Building separation for buildings up to four storeys should be: <ul style="list-style-type: none"> • -12m between habitable rooms/balconies • -9m between habitable/balconies and non-habitable rooms • -6m between non-habitable rooms. • Building separation for buildings between five to eight storeys should be: <ul style="list-style-type: none"> • -18m between habitable rooms/balconies • -13m between habitable/balconies and non-habitable rooms • -9m between non-habitable rooms. • Developments that propose less distance must demonstrate that 	<ul style="list-style-type: none"> • A minimum 6m set back to the rear boundary is achieved at all levels with upper levels being set back further. Specifically, the rear building walls of levels 4 to 6 are setback between 7m and 11.2m to the rear boundary. • The rear (northern) elevation of the building addresses the rear yard (hard stand car park) of the residential flat building located at 1 Western Crescent and as such there are no buildings or residential dwellings located to the immediate north of the site and god separation will be achieved. • To the east, the proposed building has a nil setback. • The existing building to the east is known as 1-7 Jordan Street and is a 5 storey commercial office building that is built with nil setback to the common boundary with 9 Jordan Street. • A nil setback between these two buildings is considered appropriate given the existing alignment of the building at 1-7 Jordan Street, the mixed use zoning of the sites and the identification of the sites within the Gladesville Town Centre precinct. The 	No – Considered acceptable and justified.

ITEM 2 (continued)

Primary Development Control and Guidelines	Comments	Comply
<p>adequate daylight access, urban form and visual and acoustic privacy has been achieved.</p>	<p>UDRP has not raised any issue with the proposed nil separation between the two buildings.</p> <ul style="list-style-type: none"> • It is noted that breezeways of up to 1.74m in width have been provided in the north eastern and south eastern ends of the proposed building. The breezeways are located behind the boundary wall and will provide apartments in the south eastern and north eastern corners with natural ventilation. • To the west the majority of the proposed building is setback by a minimum of 2.335m, while the part of the building containing the car lift is setback by 700mm to the western boundary at ground level. • Above ground level the western wall is angled, irregular in shape and include protruding have oblique facing windows within winged protruding elements. The western setback of the western wall therefore varies and ranges between 2.335m (to the tip of the winged protruding elements) to 4.4m. • It is noted that level 6 is setback by 5.6m to the western boundary. • It is noted that the site to the west (i.e. 13 Jordan Street) accommodates a two storey residential flat building which is setback approximately 2.2m to 2.4m from the common boundary. 	

ITEM 2 (continued)

Primary Development Control and Guidelines	Comments	Comply
	<ul style="list-style-type: none"> • The building separation distances to the western boundary do not comply with the guideline separation distances set out in the RFDC. • The separation to the western boundary is nonetheless considered acceptable in this instance for the following reasons: <ul style="list-style-type: none"> • The proposal satisfies the objectives of the Building Separation guidelines in the RFDC. • The scale and form of the development is commensurate with the desired future character and the scale of development envisaged for the Gladeseille Town Centre precinct. • The proposal complies with the DCP side setback controls. • The proposed design responds to the existing building located at 13 Jordan Street and provides sufficient separation to allow for the redevelopment of that site in the future. • Due to the orientation of the proposed building and the configuration of internal living rooms and private open space areas, the development does not rely on solar access to the western wall in order to comply with the RFDC guidelines for solar access. Therefore if the site at 13 Jordan Street was to be developed in the future in a similar manner to the subject site, then it would not reduce the solar access received by the development at 9 Jordan Street to less than the required amount. 	

ITEM 2 (continued)

Primary Development Control and Guidelines	Comments	Comply
	<ul style="list-style-type: none"> • There are no living room windows in the western wall and bedroom openings and balconies are appropriately screened with timber screening devices, vegetation and the oblique winged elements. Consequently there visual privacy will be achieved within the site and protected for the adjacent property at 13 Jordan Street. • Overall the proposed building is considered to appropriately respond to the existing site constraints as well as the future desired character for the site. • The building separation distances achieved under the proposed design do not numerically comply with the RFDC guidelines, however they do satisfy the objectives of the guidelines, comply with Council's setbacks controls and will provide appropriate separation in the context of the transforming Gladesville Town Centre. 	
<p>Street Setbacks</p> <p>Identify the desired streetscape character. In general, no part of the building should encroach into a setback area.</p>	<ul style="list-style-type: none"> • The setback to Jordan Street is generally 2m which accords with Council's front setback control for this locality. • The 2m setback is punctuated by a protruding, framed balcony at Levels 2 and 4. • The protruding elements are 3m wide and extend to the street boundary. • The protruding elements will help articulate the front façade, providing modulation and arrangement of recessed and protruding elements. 	Yes

ITEM 2 (continued)

Primary Development Control and Guidelines	Comments	Comply
	<ul style="list-style-type: none"> The proposal is considered appropriate and responds to the Council controls as well as providing a transition between the nil setback of the commercial office building to the east and the larger front setback of the residential flat building to the west. 	
Side and Rear Setbacks Relate side setbacks to existing streetscape patterns.	<ul style="list-style-type: none"> The DCP does not specify any numerical side or rear setback controls. The side and rear setbacks are discussed above in this table under "Building Separation". 	<ul style="list-style-type: none"> Yes
Floor Space Ratio Test the desired built form outcome against the proposed floor space ratio to ensure consistency with building height, building footprint, the three dimensional building envelope and open space requirements.	<ul style="list-style-type: none"> RLEP 2014 proposes a FSR of 2.7:1. The development proposed a FSR of 2.69:1 and complies with the control. 	Yes
Part 02 – Site Design		
Deep Soil Zones A minimum of 25% of the open space area of a site should be deep soil zone. Exceptions may be made in urban areas where sites are built out and there is no capacity for water infiltration.	<ul style="list-style-type: none"> No deep soil area is proposed and the proposal does not comply with the guideline. Due to the site's constraints and the need to provide onsite parking which extends boundary to boundary, it is not possible to increase the amount of deep soil area. This variation is considered acceptable given than the site is located in an urban area. 	No, variation acceptable

ITEM 2 (continued)

Primary Development Control and Guidelines	Comments	Comply
<p>Fences and Walls</p> <p>Fences and walls are to respond to the identified architectural character for the street and area. They are also to delineate the private and public domain without compromising safety and security.</p>	<ul style="list-style-type: none"> • The development has proposed low scale fencing to Jordan Street. • Palisade boundary fencing is proposed along the western and northern boundaries, supported with planters with screen planting. • Fencing and screen planting in raised planter boxes is also proposed to delineate the rear private open spaces. • The fencing combined with the landscaping respond to the architectural character of the building. 	<p>Yes</p>
<p>Landscape Design</p> <ul style="list-style-type: none"> • Landscaping is to improve the amenity of open spaces as well as contribute to the streetscape character. 	<ul style="list-style-type: none"> • Landscaping is proposed along the rear boundary and street frontage within planter boxes and along the western boundary above the OSD system. • Landscaping has also been provided to the western wall which will contribute positively to the amenity of the occupants of the development and the visual interest for adjacent residents. • The submitted Landscape Plan has been assessed as acceptable by Council's Landscape consultant subject to several recommendations relating to adequate soil volume provided for the nominated planting, inclusion of a permanent irrigation system and the provision of additional screening plants along the side boundary fences in the rear yards. • Subject to the implementation of the landscape recommendations the proposal is considered acceptable. 	<p>Yes</p>

ITEM 2 (continued)

Primary Development Control and Guidelines	Comments	Comply
<p>Building Entry</p> <p>Ensure equal access to all. Developments are required to provide safe and secure access. The development should achieve clear lines of transition between the public street and shared private, circulation space and the apartment unit.</p>	<ul style="list-style-type: none"> • The building entry area was initially raised as a concern by UDRP. • The proposal has subsequently been amended to open the entry to views from Jordan Street by reconfiguring the entry and reducing the height of a wall running along the western edge of the pathway into the building and by changing the materials of that wall. • The amended design provides views into the entry of the building and also provides adequate separation to the vehicular access • The proposed entry point is both legible with clear lines of vision between the entrance and the street is achieved. • The development will provide equitable access from the street to the building and the entrance is appropriately secured. 	<p>Yes</p>
<p>Parking</p> <p>Determine the appropriate car parking numbers. Where possible underground car parking should be provided.</p>	<ul style="list-style-type: none"> • The development complies with Council's DCP parking requirements. 	<p>Yes</p>
<p>Pedestrian Access</p> <p>Provide high quality accessible routes to public and semi-public areas of the building and the site.</p>	<ul style="list-style-type: none"> • The development provides an accessible path of travel within the building and to all communal areas within the development. • The development has provided 3 adaptable apartments which satisfies Council's DCP requirements. 	<p>Yes</p>

ITEM 2 (continued)

Primary Development Control and Guidelines	Comments	Comply
Maximise the number of accessible, visitable and adaptable apartments in the building.		
<p>Vehicle Access</p> <p>To ensure that the potential for pedestrian / vehicle conflicts is minimised. The width of driveways should be limited to 6 metres. Vehicular entries should be located away from main pedestrian entries and on secondary streets.</p>	<ul style="list-style-type: none"> • The vehicular entry is 6m wide (narrowing to 3m at the entry to the car lift) and is located along Jordan Street. • This access is close to the pedestrian access as a result of the relatively narrow frontage. Nonetheless the vehicular access adequately delineated and separated from the pedestrian entry by the proposed pedestrian pathway hand rail and low wall. • The vehicular access also achieves appropriate sight lines. • 	Yes
<p>• Part 03 – Building Design</p>		
<p>Apartment Layout</p> <p>The minimum sizes of the apartments should achieve the following;</p> <p>1 bedroom – 50m² 2 bedroom – 70m² 3 bedroom – 95m²</p>	<ul style="list-style-type: none"> • The apartment sizes are as follows: • Studio - 46m² • 1 bedroom - 50m² to 60m² • 2 bedroom - 70m² to 77m² • 3 bedroom - 130m² to 135m² • All of the apartments comply with the minimum requirements. The units demonstrate adequate levels of internal amenity. • The development does incorporate 7 single aspect apartments of which all have been provided with 'breezeways' in order to distribute natural ventilation deeper into those units. • No kitchens are located further than 8m from a window. 	Yes

ITEM 2 (continued)

Primary Development Control and Guidelines	Comments	Comply
<p>Apartment Mix</p> <p>The development should provide a variety of types.</p>	<p>The development contains:</p> <ul style="list-style-type: none"> • 1 x studio • 8 x 1 bedroom • 8 x 2 bedroom units • 4 x 3 bedroom units. <p>Council's controls do not require a particular mix of apartment sizes. The mix as proposed will provide a variety of unit sizes within the development as well as the smaller sized apartments providing affordable accommodation.</p>	<p>Yes</p>
<p>Balconies</p> <p>Where private open space is not provided, primary balconies with a minimum depth of 2 metres should be provided.</p>	<ul style="list-style-type: none"> • Each unit is provided with a primary balcony that is accessed from the main living areas of the apartments. All balconies have a minimum depth of 2m. 	<p>Yes</p>
<p>Ceiling Heights</p> <p>The following recommended dimensions are measured from finished floor level (FFL) to finished ceiling level FCL).</p> <p>In general, 2.7m minimum for all habitable rooms on all floors, 2.4m is the preferred minimum for all non-habitable rooms, however 2.25m is permitted.</p>	<ul style="list-style-type: none"> • The development has proposed the floor to ceiling heights of 2.7m for each storey. • The development complies with the Residential Flat Design Code requirements. 	<p>Yes</p>
<p>Flexibility</p> <p>Provide apartment layouts which accommodate the changing use of rooms.</p>	<ul style="list-style-type: none"> • All apartments are of an appropriate size and layout to allow for flexibility in changing use of rooms through furniture layouts. 	<p>Yes</p>

ITEM 2 (continued)

Primary Development Control and Guidelines	Comments	Comply
	<ul style="list-style-type: none"> All adaptable units provide sufficient opportunity for reconfiguration of apartments to suit the requirements of disabled persons. 	
<p>Ground Floor Apartments</p> <p>Optimise the number of ground floor apartments with separate entries.</p> <p>This relates to the desired streetscape and topography of the site.</p>	<p>There is only one unit at ground level which addresses the street (GL.03).</p> <p>Access to this unit is via the main entry lobby which is immediately adjacent to the unit in question and therefore it is not necessary for a safety or streetscape reason to include another, separate entry to unit GL.03.</p>	<p>Yes</p>
<p>Internal Circulation</p> <p>In general, where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to eight.</p> <p>Increase amenity and safety of circulation spaces by providing generous corridor widths and ceiling heights, appropriate levels of lighting including the use of natural daylight.</p>	<p>A maximum of 4 units is 'loaded' off any one corridor.</p> <p>The entry lobbies on each level are relatively generous in size, with a minimum of at least 1.6m in width.</p>	<p>Yes</p>
<p>Storage</p> <p>In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates:</p> <ul style="list-style-type: none"> 1 bedroom apartments - 6.0m³ 2 bedroom apartments - 8.0m³ 	<p>The development complies with the required storage requirements and each apartment includes areas for storage in addition to kitchen cupboards and bedroom wardrobes.</p> <p>At least 50% of the storage has been provided within the apartment.</p> <p>The amended plans notate 16 storage areas within the basement, although there is room for 21 storage spaces (i.e. one for each apartment).</p>	<p>Yes</p>

ITEM 2 (continued)

Primary Development Control and Guidelines	Comments	Comply
<ul style="list-style-type: none"> 3 bedroom apartments – 10m3. 	<p>A condition of consent has been recommended which requires the 5 additional residential storage spaces to be indicated within the basement plans to ensure that each unit has a designated space.</p>	
<p>Acoustic Privacy</p> <p>Apartments within a development are to be arranged to minimise noise transitions.</p>	<p>The apartments have been arranged with the living areas adjacent to living area and bedrooms adjacent to bedrooms.</p> <p>Additionally a condition of consent requiring compliance with the relevant BCA requirements has been recommended.</p>	<p>Yes</p>
<p>Daylight Access</p> <p>Living rooms and private open spaces for at least 70% of apartments in a development should receive a minimum of three hours direct sunlight between 9.00am and 3.00pm in mid winter.</p> <p>Limit the number of single aspect apartments with a southerly aspect to a maximum of 10% of the total units proposed.</p>	<p>71% of the apartments will receive three hours of solar access.</p> <p>The development incorporates a south facing unit at ground level (GL.03) and a south facing unit at level 5 (L5.03).</p> <p>The unit at ground level includes a highlight window in the western wall in addition to the openings towards Jordan Street (the south).</p> <p>The western highlight window to unit GL.03 will not provide direct sunlight as it is overhung by levels above, but will provide the opportunity for diffused daylight to enter the studio apartment.</p> <p>The south facing apartment on level 5 is provided with a breezeway along part of the eastern wall which will allow natural ventilation and diffused light (although not direct sunlight) to enter that apartment.</p> <p>The proposal complies with the guidelines.</p>	<p>Yes</p>

ITEM 2 (continued)

Primary Development Control and Guidelines	Comments	Comply
<p>Natural Ventilation</p> <p>Building depths which support natural ventilation typically range from 10 to 18 metres.</p> <p>60% of residential units should be naturally cross ventilated.</p> <p>25% of kitchens should have access to natural ventilation.</p>	<p>The development has provided natural cross ventilation to 61% of the apartments and all kitchens are within 8m of an opening.</p>	<p>Yes</p>
<p>Awning</p> <p>Awnings are to encourage pedestrian activity on streets by providing awnings to retail strips.</p>	<p>The development does not propose any awnings on the buildings. This is consistent with the DCP requirements.</p> <p>Notwithstanding the external pedestrian entry lobby is overhung by levels above and is therefore protected from weather.</p>	<p>Yes</p>
<p>Facades</p> <p>Facades are to be of appropriate scale, rhythm and proportion which respond to the building's use and the desired contextual character.</p>	<p>The design of the facades incorporates a number of different building elements including recesses and projecting elements.</p> <p>The western side walled is angled and irregular, providing obliquely angled openings and surfaces.</p> <p>The building finishes include a mixture of textures and colours commensurate with the contemporary architectural style.</p> <p>External finishes include face brick, colourback glass, terracotta coloured cladding, vertical 'Scyon' cladding, timber privacy screening and painted metal framed openings.</p> <p>The western façade will also include vegetation, adding to its visual interest.</p>	<p>Yes</p>

ITEM 2 (continued)

Primary Development Control and Guidelines	Comments	Comply
Roof Design Roof design is to relate to the desired built form as well as the size and scale of the building.	The simple flat roof design is well integrated with the overall building design. Materials, colours and finishes of the roof and top floor complement the overall aesthetics.	Yes
Energy Efficiency Incorporate passive solar design techniques to optimize heat storage in winter and heat transfer in summer. Improve the control of mechanical space heating and cooling.	The energy efficiency of the buildings is consistent with the requirements under BASIX.	Yes
Maintenance The design of the development is to ensure long life and ease of maintenance.	The proposal is considered acceptable in terms of building maintenance subject to a condition requiring suitably durable finishes to the part of the eastern wall that will be exposed to west facing units in the building at 1-7 Jordan Street.	Yes
Waste Management A waste management plan is to be submitted with the development application.	A Waste Management Plan has been submitted with the DA.	Yes

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

This Plan, now a deemed State Environmental Planning Policy, applies to the whole of the Ryde local government area. The aims of the Plan are to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole.

ITEM 2 (continued)

The site is located within the designated hydrological catchment of Sydney Harbour and therefore is subject to the provisions of the above planning instrument. However, the site is not located on the foreshore or adjacent to the waterway and therefore, with the exception of the objective of improved water quality, the objectives of the planning instrument are not applicable to the proposed development.

The objective of improved water quality is satisfied through compliance with the provisions of Part 8.2 of DCP 2014. The proposed development raises no other issues and otherwise satisfies the aims and objectives of the planning instrument.

(c) Relevant REPs

There are no REPs applicable to the proposed development.

(d) Any draft LEPs

There are no draft LEPs applicable to the proposed development.

(e) Any DCP

- **City of Ryde DCP 2014**

The following sections of DCP 2014 are relevant to the proposed development.

Part 4.6 - Gladesville Town Centre and Victoria Road Corridor

The relevant provisions of the DCP are outlined below:

3.1.1 Built Form Heights

The proposal complies with the 22m maximum height described in the RLEP 2014 and each storey achieves a floor to ceiling height of at least 2.7m.

3.1.2 Active Street Frontages

The proposal involves residential uses at ground level addressing the street. Given that the site is not identified in the "Active Street Frontages Control Drawing" (Figure 4.6.05 of the DCP) as requiring an active street front, the proposed residential use at ground level is acceptable.

ITEM 2 (continued)

3.1.4 Setbacks

Jordan Street is considered a 'side street' to Victoria Road within the Gladesville Town Centre precinct. In accordance with control "c" to the Table in section 3.1.4, all levels of buildings in side streets must be setback a minimum 2 m except as shown in Key Site Diagrams.

The site is not identified as key site and therefore requires a 2m front setback.

The front building wall of the proposed development is setback by a minimum of 2m on all levels from Ground Level to Level 5, with Level 6 setback by 8m to 11m.

The 2m front setback is punctuated by portions of terraces that extend to the street boundary for two units (L2.03 and L4.03) one each on Levels 2 and 4.

The protruding terraces are framed, creating a 'box' effect and are considered appropriate in providing greater articulation and visual interest to the façade.

The front setback arrangement satisfies the objectives of the controls and provides an appropriate response to the existing site constraints, the alignments of both adjacent developments and the transforming character of the Gladesville Town Centre.

The site is identified as being within area "H" in Figure 4.6.07 (Setbacks Control Drawing). In accordance with the Table in section 3.1.4, area "H" is identified as having a nil minimum side setback requirement and in this respect the proposal complies.

3.1.5 Rear Setbacks and Residential Amenity

This section does not provide a numerical rear setback control for the site, but indicates that a minimum 12 m separation minimum above the ground floor should be provided at the rear between residential buildings (including existing residential buildings on adjacent sites).

There is no building immediately opposite the proposed building at the rear (to the north) and the proposal instead addresses a hard stand car park associated with the residential flat building located at 1 Western Crescent.

The proposal nonetheless includes a minimum 6m rear setback and a 12m building separation is achieved.

ITEM 2 (continued)

3.1.6 Conservation Area Built Form Design Guidelines

The subject site does not accommodate a heritage item and is not located in a Conservation Area.

The site is however within the vicinity of a heritage item and is also in the vicinity of the Gladesville Town Centre Conservation Area.

The proposed development is consistent with the desired future character for the Gladesville Town Centre precinct and is of a scale, density and built form that could be reasonably expected based on the applicable controls.

The proposed design and alignment of the building is unlikely to adversely impact upon the heritage significance of the heritage item and the Conservation Area within the vicinity of the site.

3.2.1 and 3.2.2 – Pedestrian Connections & Public Domain Framework

The frontage of the subject site is identified as being part of a major street connection.

Council's Public Works officers have reviewed the application and provided recommended conditions of consent relating to required public domain works.

Subject to the implementation of the recommended conditions the proposal will comply with the DCP requirements.

3.2.2 Vehicular Access

The proposal includes vehicular access from Jordan Street consistent with the requirements of section 3.2.2.

3.3.3 Landscape Character

This section of the DCP requires the creation of a consistent planting theme with a number of species to ensure that the planting gives a visual coherence. Additionally, street planting is to accord with the Landscape Character Control Drawing (Figure 4.6.15 in the DCP), the Ryde Public Domain Technical Manual and relevant street tree master plans.

Council's Landscape Consultant has recommended conditions of consent which when imposed will ensure the proposal complies with the above requirements.

ITEM 2 (continued)

Clause 3.3.4 Urban Elements

This section of the DCP requires that paving, seats, benches, lighting and bins be provided in accordance with the Ryde Public Domain Technical Manual. A condition of consent will be imposed to ensure that the development complies with this DCP requirement. (See condition number 46).

Part 7.2 – Waste Minimisation and Management

- A concept Waste Management Plan has been submitted with the development application. The Plan and the amended application were reviewed by Council's Section Manager Waste with no objections raised subject to the implementation of the recommended waste conditions. (See condition number 98).

Part 8.1 – Construction Activities

- Considerable concern has been raised with respect to the potential construction impacts by owners and tenants of the commercial office units in the building located immediately to the east of the site at 1-7 Jordan Street.
- In particular, acoustic and visual privacy impacts, air pollution (dust), length of construction time, and construction vehicular access have been raised as issue of concern.
- With respect to the duration of construction, this is not matter for which Council can reasonably condition other than by including the standard conditions relating to the length of consent and the times for when construction can occur at the site.
- With respect to the other aspects mentioned, appropriate conditions of consent have been recommended which will require a detailed construction management plan to be prepared and approved prior to the issue of a construction Certificate. Other conditions relating to the acoustic levels allowable during construction have also been recommended.
- Subject to the imposition of the recommended conditions of consent the development of the site will be undertaken in a manner consistent with the reasonable expectations for construction within a relatively dense urban environment.

ITEM 2 (continued)

Part 8.2 - Stormwater and Floodplain Management

- A Stormwater Management Plan has been submitted with the development application. The Plan and the amended application were reviewed by Council's Senior Development Engineer (Major Development) with no objections raised subject to the application of the recommended engineering conditions. (See condition numbers 30 and 69).

Part 9.2 – Access for People with Disabilities

The DCP requires that the residential flat buildings must provide an accessible path of travel to all units. The DCP also requires that a residential flat building with between 21 – 30 units requires 3 of those units to be capable of being adapted to meet the specifications for the Adaptable Housing Standard AS4299.

The proposal also includes 3 accessible car spaces within the basement car park.

The applicant has provided an Access Review Report which demonstrates that the development will comply with the access requirements as well as providing 3 adaptable apartments. A condition of consent has been imposed to ensure that the development complies with the appropriate access standards. (See condition numbers 39 and 40).

Part 9.3 - Car Parking

- The Car Parking DCP requires parking to be provided at the following rates:
 - 0.6 to 1 space per one bedroom dwelling
 - 0.9 to 1.2 spaces per two bedroom dwelling
 - 1.4 to 1.6 spaces per three bedroom dwelling
 - 1 visitor space per 5 dwellings.
- Based on the above rates, the minimum requirement for the development is 23 spaces (including 5 visitor spaces) and the maximum allowance is 30 spaces (including 5 visitor spaces).
- The proposal includes 24 on-site car spaces (including 5 visitor spaces) and complies with the above requirements.
- 3 of the 24 car spaces are accessible.
- It is noted that Council's engineers initially raised concern with the access arrangements, being the proposed car lift and its relationship with a bus stop fronting the site.

ITEM 2 (continued)

- Council’s engineers have subsequently reviewed the amended application, the bus stop timetable and surveyed the bus services and have advised that the functioning of the car lift is unlikely to raise concern with respect to delays caused by the bus stop.
- Council engineers have raised no objections with respect to the basement layout and vehicular access arrangements in the amended application subject to the implementation of the recommended engineering conditions.

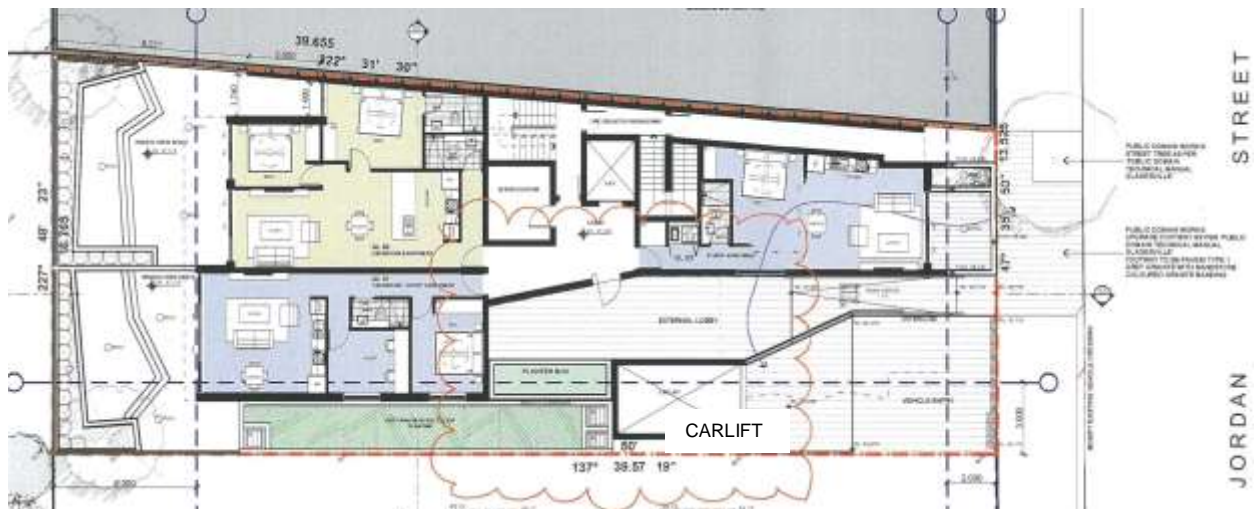


Figure 3. Ground floor plan showing the location of the car lift.

Section 94 Development Contributions Plan 2007 (Amendment 2010)

Development Contributions Plan – 2007 (2010 Amendment) allows Council to impose a monetary contribution on developments that will contribute to increased demand for services as a result of increased development density / floor area.

The contributions that are payable with respect to the increased floor area are based on the following figures being outside Macquarie Park:

Contribution Plan	Contributions	Total
Community and Cultural Facilities	\$39,781.50	
Open Space and Recreation Facilities	\$97,933.96	
Civic and Urban Improvements	\$33,309.22	
Roads and Traffic Management Facilities	\$4,543.55	
Cycleways	\$2,838.13	
Stormwater Management Facilities	\$9,021.03	
Plan Administration	\$765.15	
Grand Total		\$188,192.54

Notes:

- The March 2015 rates have been applied to the development.
- A credit has been given for 7 studio apartments and 1 x 1 bedroom apartment.

ITEM 2 (continued)

Condition 27 requiring the payment of a Section 94 contribution has been included in the recommendation of this report which will further be indexed at the time of payment if not paid in the same quarter. This condition has required the Section 94 Contribution to be paid prior to the issue of any Construction Certificate for the buildings.

10. Likely impacts of the Development

All relevant issues regarding environmental impacts of the development are discussed elsewhere in this report (see DCP 2014 and Submissions sections).

The greatest impacts are likely to be visual impacts due to the increased scale of development at the site.

Impacts will also be evident with respect to increased traffic, overshadowing and view loss.

Visual Impacts

In terms of the visual impacts the proposal is considered to be consistent with the applicable height controls and the density controls, as well as the DCP setback controls.

Additionally the façade treatments proposed are considered architecturally adequate. The proposal includes a well articulated street presentation and western and northern elevations which include angled walls, protruding and recessed elements that contribute to mitigating some of the visual massing of the development.

The proposed building will be higher than the current adjacent buildings, however given the proposal's compliance with Council's fundamental built form controls and the appropriate architectural treatment of the facades, the proposal (including the scale), is considered to be acceptable and is consistent with vision for the Gladesville Town Centre precinct and the desired future character of the locality.

The expected visual impacts are reasonable in these circumstances.

Traffic and Parking Impacts

The proposal complies with Council's controls for off-street parking.

With respect to traffic impacts, the development is likely to result in 11 vehicle trips per hour during commuter peak. This is an increase of 8 vehicle trips per hour above the existing development at the site.

ITEM 2 (continued)

The traffic generated from the development is relatively minor and that the road system is able to accommodate the increase. This has been supported by Council's Traffic Engineer.

Overshadowing Impacts

The applicant has demonstrated that at least 71% of the proposed dwellings will receive 3 hours solar access in mid-winter to their internal living areas and private open space.

With respect to the overshadowing impacts upon adjacent properties the following is noted:

- The proposal will result in increased overshadowing on the eastern wall of the residential flat building at 13 Jordan Street between 11.30am and 2pm in mid-winter.
- The proposal will not result in additional overshadowing of the rear yard of 13 Jordan Street between 9am and 3pm.
- The proposal will result in overshadowing of some west facing openings and the open space at level 1 of the commercial building at 1-7 Jordan Street from approximately 2.15pm in mid-winter.

The above impacts are considered relatively minor and acceptable for the following reasons:

- The eastern wall at 13 Jordan Street is currently overshadowed in mid-winter to a large extent by the existing residential flat building at the site and by the shadow cast by the building at 1-7 Jordan Street.
- The eastern elevation of the building at 13 Jordan Street is setback from the common boundary with 9 Jordan Street by only 2.2m-2.4m and any future compliant redevelopment of the subject site is likely to have an impact upon the existing building at 13 Jordan Street.
- The proposed development has limited the impact on 13 Jordan Street by providing a 6m minimum rear setback and by providing a 2.3m to 5.6m western side setback – noting that the DCP allows for a nil setback to this boundary.
- It is acknowledged that diffused daylight will be blocked to some of the western facing openings and part of the western facing balcony in the building at 1-7 Jordan Street due to the proposed nil setback and orientation of the buildings. However the proposal will in block direct sunlight in mid-winter to these openings for approximately only 45 minutes during the 9am to 3pm mid-winter period.

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- The impacts upon the western facing openings of the commercial office building at 1-7 Jordan Street are acceptable given that buildings nil setback to the common boundary, the non-residential nature of the land use and the compliance of the proposal with the relevant built form controls for the Gladesville Town Centre precinct.

The extent of overshadowing onto the adjoining developments is a consequence of the height of the building being consistent with the 22m height control.

As the development complies with the setbacks requirements of the DCP and is consistent with the fundamental built form controls for the site, the shadowing impacts are considered to be of a degree that could reasonably be expected with a compliant development.

View Loss

The proposal will result in the loss of west facing views from a number of units and from part of the west facing balcony on level 1 of the commercial office building at 1-7 Jordan Street.

In some instances the proposed development will completely block views and the outlook from the west facing units.

The current views are towards Parramatta River and are obtained almost entirely across the common side boundary and over the rear yard and the existing building at the subject site.

The view loss to the existing units within 1-7 Jordan Street is a consequence of the height of the proposed development and the proposed rear building alignment.

As the development complies with the applicable height control and also complies with the building separation requirements relating to the rear building alignment, the view impacts are considered acceptable.

The impacts are considered to be of a level that could reasonably be expected with a compliant development at the subject site.

11. Suitability of the site for the development

The subject site is considered suitable for the proposed development for the reasons outlined below.

The site is not affected by any overland flow or other natural constraints.

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The site is zoned B4 Mixed Use under the RLEP 2014, which permits the development of residential flat buildings. Accordingly, the proposed development is considered suitable with respect to land use permissibility.

The proposal will result in some impacts upon the amenity of the area, however the impacts are of a level that can reasonably be expected with development at the site which is compliant with the fundamental built form controls and which is commensurate with the vision and desired future character for the Gladesville Town centre precinct.

12. The Public Interest

The development is considered to be in the public interest as it is consistent with the desired future character of the area.

13. Consultation – Internal and External

Internal Referrals

Senior Development Engineer: No objections are raised subject to appropriate conditions of consent. (See condition numbers 15 to 18, 28 to 32, 55, 60 to 63, 69, 88 to 93).

Environmental Health Officer: No objections are raised subject to appropriate conditions of consent. (See condition numbers 14, 22 to 26, 96, 97).

Traffic Engineer: No objections are raised subject to appropriate conditions of consent. (See condition numbers 54, 78 to 80).

Manager Waste: No objections are raised subject to appropriate conditions of consent. (See condition number 97).

Landscape Consultant - No objections are raised subject to appropriate conditions of consent. (See condition numbers 45, 81).

External Referrals

Nil

14. Critical Dates

There are no critical dates or deadlines to be met.

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15. Financial Impact

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

16. Other Options

None relevant.

17. Conclusion

The development complies with the height and floor space ratio controls contained in the applicable planning instruments.

The proposal complies with the setback requirements of the DCP for development within the Gladesville Town Centre precinct and the building provides adequate separation.

The proposal will result in impacts with respect to view loss, overshadowing, increased traffic generation and visual massing.

The proposal is consistent with the applicable fundamental built form controls for the site and with the vision for development in the B4 Mixed Use zone in the Gladesville Town Centre precinct.

Given the physical site constraints and the planning control context, the impacts are of a level that could be reasonably be expected with a compliant development at the site.

The development application is recommended for approval subject to appropriate conditions of consent.

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CONDITIONS OF CONSENT

GENERAL

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

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

Document Description	Date	Plan Number
Cover Plan	12/6/2015	A-1.01 Revision G
Site/Roof Plan	12/6/2015	A-2.03 Revision G
Construction Site Management Plan	12/6/2015	A-2.04 Revision G
Basement Plans	12/6/2015	A-3.01 Revision H
Ground Floor Plan	15/6/2015	A-3.02 Revision J
Level 1 Plan	12/6/2015	A-3.03 Revision G
Level 2 Plan	12/6/2015	A-3.04 Revision G
Level 3 Plan	12/6/2015	A-3.05 Revision G
Level 4 Plan	12/6/2015	A-3.06 Revision G
Level 5 Plan	12/6/2015	A-3.07 Revision G
Level 6 Plan	12/6/2015	A-3.08 Revision G
Elevations 1	12/6/2015	A-4.01 Revision H
Elevations 2	12/6/2015	A-4.02 Revision H
Elevations 3	12/6/2015	A-4.03 Revision G
Streetscape Elevations	12/6/2015	A-4.04 Revision H
Sections	12/6/2015	A-5.01 Revision H
Lobby Images	12/6/2015	A-5.02 Revision G
FSR Calculations	12/6/2015	A-6.01 Revision H
Easement Details	12/6/2015	A-7.01 Revision H
Adaptation Plans	12/6/2015	A-3.09 Revision H

2. **Design Modifications.** Prior to the issue of any Construction Certificate, the design of the building must be modified as follows:

- (a) All parts of the eastern wall on all levels of the building that are adjacent to the boundary with 1-7 Jordan Street and which will be visible from the western facing openings and the western facing balcony of the building at 1-7 Jordan Street are to have a durable low maintenance materials in a light colour (white, light grey, or pale tones). This includes all the section of the eastern wall which is opposite the western facing light well in 1-7 Jordan Street.
- (b) The three bedroom apartments shall have a minimum of 10 cubic metres of storage space, the two-bedroom apartments shall have a minimum of 8 cubic metres storage space and the studio and one-bedroom apartments shall have a minimum of 6 cubic metres storage space. The storage space shall be in addition to kitchen cupboards and

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bedroom wardrobes. The storage space is to be identified on the floor plans and each apartment is to have a nominated residential storage space within the basement levels.

3. Easement.

- a) The alignment of the building must achieve a minimum 51mm clearance alongside the existing easement which relates to overhangs and encroachments upon 9 Jordan Street by the building at 1-7 Jordan Street. Details demonstrating compliance are to be submitted on the Construction Certificate plans.
- a) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the building accords with (a) above, to the satisfaction of the Principal Certifying Authority.

4. Building Height.

- a) The height of the roof skylight window above apartment L6.02 of the building must not exceed RL68.94 (AHD). Details demonstrating compliance are to be submitted on the Construction Certificate plans.
- b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifying Authority.

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

6. BASIX. Compliance with all commitments listed in BASIX Certificate(s) numbered 574418M_03, dated 11 April 2015.

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

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

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

9. Hoardings.

- (a) A hoarding or fence must be erected between the work site and any adjoining public place.
- (b) An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (c) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.

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10. **Illumination of public place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
11. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
12. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
13. **Parking/bicycle Spaces.** Twenty four (24) parking spaces are to be provided, with nineteen (19) spaces for residents and five (5) for visitor parking. The car parking spaces are to be clearly line marked with the visitor spaces clearly marked "Visitor Parking". Three (3) bicycle spaces are to be provided within the development. Details demonstrating compliance are to be shown on the Construction Certificate plans.
14. **Discovery of Additional Information.** Council and the Principal Certifying Authority (if Council is not the PCA) must be notified as soon as practicable if any information is discovered during demolition or construction work that has the potential to alter previous conclusions about site contamination. If additional information is discovered about site contamination, the proponent must comply with any reasonable requirements of Council.
15. **Design and Construction Standards.** All engineering plans and work inside the property shall be carried out in accordance with the requirements of the relevant Australian Standard. All Public Domain works or modification to Council infrastructure which may be located inside the property boundary, must be undertaken in accordance with Council's 2014 DCP Part 8.5 "Public Domain Works", except otherwise as amended by conditions of this consent.
16. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
17. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.
18. **Road Activity Permits.** To carry out work in, on or over a public road, the Consent of Council is required as per the Roads Act 1993. Prior to issue of a Construction Certificate and commencement of any work, permits for the following activities, as required and as specified in the form "*Road Activity Permits Checklist*" (available from Council's website) are to be obtained and copies submitted to Council with the *Notice of Intention to Commence Work*.
 - a) Road Use Permit - The applicant shall obtain a Road Use Permit where any area of the public road or footpath is to be occupied as construction workspace, other than activities covered by a Road Opening Permit or if a Work Zone Permit is not obtained. The permit does not grant exemption from parking regulations.

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- b) Work Zone Permit - The applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. A Roads and Maritime Services Work Zone Permit shall be obtained for State Roads.
- c) Road Opening Permit - The applicant shall apply for a road-opening permit and pay the required fee where a new pipeline is to be constructed within or across the road pavement or footpath. Additional road opening permits and fees are required where there are connections to public utility services (e.g. telephone, telecommunications, electricity, sewer, water or gas) within the road reserve. No opening of the road or footpath surface shall be carried out without this permit being obtained and a copy kept on the site.
- d) Elevated Tower, Crane or Concrete Pump Permit - The applicant shall obtain an Elevated Tower, Crane or Concrete Pump Permit where any of these items of plant are placed on Council's roads or footpaths. This permit is in addition to either a Road Use Permit or a Work Zone Permit.
- e) Crane Airspace Permit - The applicant shall obtain a Crane Over Airspace Permit where a crane on private land is operating in the air space of a Council road or footpath. Approval from the Roads and Maritime Services for works on or near State Roads is required prior to lodgement of an application with Council. A separate application for a Work Zone Permit is required for any construction vehicles or plant on the adjoining road or footpath associated with use of the crane.
- f) Hoarding Permit - The applicant shall obtain a Hoarding Permit and pay the required fee where erection of protective hoarding along the street frontage of the property is required. The fee payable is for a minimum period of 6 months and should the period is extended an adjustment of the fee will be made on completion of the works. The site must be fenced to a minimum height of 1.8 metres prior to the commencement of construction and throughout demolition and/or excavation and must comply with WorkCover (New South Wales) requirements.
- g) Skip Bin on Nature Strip - The applicant shall obtain approval and pay the required fee to place a Skip Bin on the nature strip where it is not practical to locate the bin on private property. No permit will be issued to place skips within the carriageway of any public road.

DEMOLITION CONDITIONS

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

A Construction Certificate is not required for Demolition.

19. Provision of contact details/neighbour notification. At least 7 days before any demolition work or excavation commences:

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

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- (i) The name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
 - (ii) The date the work is due to commence and the expected completion date
 - (b) A written notice must be placed in the letter box of each adjoining property advising of the date the work is due to commence.
20. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
21. **Waste Management Plan.** A Demolition Waste Management Plan for the management of demolition material must be prepared and submitted to Council prior to the commencement of works.
22. **Identification and removal of hazardous materials** - Any hazardous materials, including asbestos, must be identified before demolition work commences and be removed in a safe manner.
23. **Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by WorkCover New South Wales.
24. **Asbestos – disposal.** All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal dockets must be retained by the person performing the work for at least 3 years and be submitted to Council on request.
25. **Disposal of demolition waste.** All demolition waste must be transported in an environmentally safe manner to a facility or place that can lawfully be used as a waste facility for those wastes.
26. **Storage and removal of wastes** - All demolition and construction wastes must be stored in an environmentally acceptable manner and be removed from the site at frequent intervals to prevent any nuisance or danger to health, safety or the environment.

PRIOR TO CONSTRUCTION CERTIFICATE

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

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

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

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

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27. **Section 94.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council prior to the issue of any **Construction Certificate**:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$39,781.50
Open Space & Recreation Facilities	\$97,933.96
Civic & Urban Improvements	\$33,309.22
Roads & Traffic Management Facilities	\$4,543.55
Cycleways	\$2,838.13
Stormwater Management Facilities	\$9,021.03
Plan Administration	\$765.15
The total contribution is	\$188,192.54

These are contributions under the provisions of section 94 of the *Environmental Planning and Assessment Act 1979* as specified in Section 94 Development Contributions Plan 2007 (2010 Amendment) adopted by City of Ryde on 16 March 2011.

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

A copy of the Section 94 Development Contributions Plan may be inspected at the Ryde Planning and Business Centre, 1 Pope Street Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre) or on Council's website <http://www.ryde.nsw.gov.au>.

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

29. **Car Access Lift.** To ensure safe and efficient operation of the car lift, the following measures must be implemented in the completed development and in the design of the car lift;

- a) The internal vehicle entrance must have centreline marking(s) to ensure that two-way vehicle access is maintained at all times. The marking is also intended to demarcate a waiting bay whilst vehicles wait to enter the property whilst another exits. The markings may be in the form of a painted marking, alternate pavement treatment or raised pavement markers and are to commence from the front boundary alignment and extend no less than 6m. into the property down the centre of the vehicle entry.
- b) The visitor intercom is located on the right side of the vehicle entry as there is insufficient room for a median island. This is contrary to conventional road rules and may cause delays in operation of the lift, with visitors leaving the vehicles to use the intercom. To ensure visitors access the intercom in an efficient manner, signage must be located at the vehicle entrance, large enough to be clearly visible to an entering

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driver, indicating the location of the visitor intercom and the waiting bay on the right side of the vehicle entry.

- c) A traffic signal system must be implemented to ensure that any driver entering the property are aware of any vehicles about to exit the lift and if so, they are to utilise the waiting bay. To assure this, the traffic signal system must be located at the vehicle entry, be clearly visible to a driver approaching the property and is to signal to the approaching driver to utilise the waiting bay (on the right adjoining the visitor intercom) when another vehicle is about to exit. The signal system is to default to green when the lift is not in use.
- d) The car lift must default to street level when not in use.
- e) The car access lift must be equipped with an ability to contact the lift company by occupants of the lift in the event that it breaks down while in use.

Plans, documentation and certification demonstrating compliance with these requirements must be submitted for the approval of the Accredited Certifier, prior to the release of the Construction Certificate.

30. **Stormwater Management.** To ensure that stormwater runoff from the development is drained in an appropriate manner, without impact to neighbouring properties and downstream systems, a detailed plan and certification of the development's stormwater management system must be submitted with the application for a Construction Certificate.

Stormwater runoff from the development shall be collected and piped by gravity flow to the kerb in Jordan Street generally in accordance with the plans by Australian Consulting Engineers Pty Ltd. (Refer to Project No. 140622 Dwgs D00,D02,D03,D10 & D20 Iss. B dated 19 March 2015) subject to the following variation(s);

- The nominated orifice diameter for the OSD unit is incorrect (based on a head difference of 2.65m). The correct orifice diameter is anticipated to be approximately 77mm. This must be clarified by correction of the calculations based on the final OSD storage depth.

The detailed plans, documentation and certification of the system must be prepared by a chartered civil engineer and comply with the following;

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

31. **Geotechnical Design, Certification and Monitoring Program.** The proposed development involves the construction of subsurface structures and excavation that has potential to adversely impact neighbouring property if undertaken in an inappropriate manner. To ensure there are no adverse impacts arising from such works, the applicant must engage a suitably qualified and practicing Engineer having experience in the geotechnical and hydrogeological fields, to design, certify and oversee the construction of all subsurface structures associated with the development.

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This engineer is to prepare the following documentation;

- a) Certification that the civil and structural details of all subsurface structures are designed to;
- provide appropriate support and retention to neighbouring property,
 - ensure there will be no ground settlement or movement during excavation or after construction (whether by the act of excavation or dewatering of the excavation) sufficient to cause an adverse impact to adjoining property or public infrastructure, and,
 - ensure that the treatment and drainage of groundwater will be undertaken in a manner which maintains the pre-developed groundwater regime, so as to avoid constant or ongoing seepage to the public drainage network and structural impacts that may arise from alteration of the pre-developed groundwater table.
- b) A Geotechnical Monitoring Program (GMP) to be implemented during construction that;
- is based on a geotechnical investigation of the site and subsurface conditions, including groundwater,
 - details the location and type of monitoring systems to be utilised, including those that will detect the deflection of all shoring structures, settlement and excavation induced ground vibrations to the relevant Australian Standard;
 - details recommended hold points and trigger levels of any monitoring systems, to allow for the inspection and certification of geotechnical and hydro-geological measures by the professional engineer; and;
 - details action plan and contingency for the principal building contractor in the event these trigger levels are exceeded.

The certification and the GMP is to be submitted for the approval of the Accredited Certifier prior to the issue of the Construction Certificate.

32. **Dilapidation Survey.** A dilapidation survey is to be undertaken that addresses all properties that may be affected by the construction work, namely 1 and 13 Jordan Street. A copy of the dilapidation survey is to be submitted to the Accredited Certifier and Council prior to the release of the Construction Certificate
33. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate**.
34. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: Other buildings with delivery of bricks or concrete or machine excavation)
35. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:

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

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

37. **Sydney Water – quick check.** The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre, prior to the release of the Construction Certificate, to determine whether the development will affect any Sydney Water assets, sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website www.sydneywater.com.au for:

- Quick Check agents details - see Building, Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water assets - see Building, Development and Plumbing then Building and Renovating.

Or telephone 13 20 92.

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

39. **Disabled access:** Prior to the issue of a Construction Certificate, a report is to be provided from a suitably qualified access consultant to verify that the Construction Certificate Drawings fully comply with the Building Code of Australia and Australian Standards AS1428.1, AS4299, AS1735.12 and AS2890.6. The report is to be provided to the PCA and Council (if Council is not the PCA).

40. **Adaptable Units:** A total of 3 adaptable units are to be provided within the development. These apartments are to comply with all of the spatial requirements as outlined in AS4299. Details demonstrating compliance is to be provided on the Construction Certificate plans. Prior to the issue of the Construction Certificate, a suitably qualified access consultant is to certify that the development achieves the spatial requirements of AS4299.

41. **Design verification:** Prior to a Construction Certificate being issued with respect to this development, the Principle Certifying Authority is to be provided with a written Design Verification from a qualified designer. This statement must include verification from the designer that the plans and specification achieve or improve the design quality of the development to which this consent relates, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development*. This condition is imposed in accordance with Clause 143 of the *Environmental Planning and Assessment Regulation 2000*.

42. **Service infrastructure/utilities:** All service infrastructure/utilities including electrical substations, fire hydrants, gas meters and the like shall be located within the building

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envelope. Where this is not possible and subject to Council approval such infrastructure shall be located on the subject site and appropriately screened from view. Details of all service infrastructure/utilities are to be approved prior to the issue of the Construction Certificate.

43. **BASIX Details to be included on the Construction Certificate:** The Construction Certificate plans and specifications are to detail all of the 'CC plan' commitments of the BASIX Certificate.
44. **Mechanical ventilation details** - Details of all proposed mechanical ventilation systems, must be submitted for approval with the application for the Construction Certificate. Such details must include:
- (a) Plans (coloured to distinguish between new and existing work) and specifications of the mechanical ventilation systems;
 - (b) A site survey plan showing the location of all proposed air intakes exhaust outlets and cooling towers; and
 - (c) A design certificate from a professional mechanical services engineer certifying that the mechanical ventilation systems will comply with the *Building Code of Australia* and the conditions of this Consent.
45. **Landscaping.** A fully detailed Landscape Plan shall be prepared and submitted to Council for approval prior to the issue of a Construction Certificate
- The Landscape Plan shall include the following:
- a) Soil Depth Over Structures. Where planting is proposed over a structure (including the basement), the development is to achieve the minimum standards for soil provision suitable to the proposed planting, as contained within the Residential Flat Design Code. Information verifying that the development complies with these requirements to be provided on the Construction Certificate plans.
 - b) A permanent irrigation system is to be detailed on the Landscape Plan and installed as part of the works to ensure the long term establishment and success of the landscape areas.
 - c) Screening – The Landscape Plan is to include additional screening plants along the side boundary fences in the rear yards. The species selected should have a maximum mature height of 2.7m in accordance with the City of Ryde DCP 2014. Proposed screen planting along the northern boundary is to be planted at a minimum of 1m spacings.
 - d) Proposed trees – The Landscape Plan is to show that all proposed trees are to be located a minimum of 3m from the site boundary and installed clear of underground services.
46. **Public Domain Works - Footpath Landscaping** - Public domain improvement works are to be undertaken along the Jordan Street frontage of the development site in accordance with the City of Ryde Public Domain Technical Manual, Section 2 Gladesville. The work is to include but not be limited to paving, street furniture and plantings. A public domain plan is to be submitted to Council for approval prior to the issue of the Construction Certificate. Full details, including plans, specifications, sections, finished levels and material schedules shall be submitted to Council for approval prior to the issue of any Construction Certificate. The plans shall incorporate the following:

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- (a) Paving Type 1 grey granite with sandstone coloured granite banding to be constructed along the Jordan Street frontage of the development site.
- (b) Provision of a minimum of one street tree on the Jordan Street frontage in accordance with Council's secondary streets planting details.
- (c) All telecommunication and utility services are to be placed underground along the Jordan Street frontage of the site.
- (d) New street lighting on multi-function poles (MFP) shall be designed and installed to Australian Standard AS1158.3.1-1999 Road Lighting, with vehicular luminance category V5 and pedestrian luminance category P2. Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant for decommissioning of the existing network and constructing the new network, and are to be submitted to Council and Ausgrid for approval prior to commencement of work. Prior to submission of the plans to Council for approval, liaison with Council's Public Works Group is advisable so as to obtain Council's requirements and specifications for the MFP and components, including the appropriate LED luminaire and location of the meter box.

47. Public Domain Works – Infrastructure - Detailed engineering plans for the public domain infrastructure works prepared by a Chartered Civil Engineer (with NPER registration with Engineers Australia), are to be submitted to Council for approval prior to the issue of any Construction Certificate.

The works shall be in accordance with the City of Ryde Development Control Plan 2014 Parts 8.2 - Stormwater Management and 8.5 - Public Civil Works, and the City of Ryde Public Domain Technical Manual, Section 2 Gladesville.

The following works shall be completed at no cost to Council, prior to the issue of any Occupation Certificate;

- (a) The removal of the existing vehicular crossing in Jordan Street and replacement with new (commercial standard) vehicular crossing.
- (b) The construction of new kerb and gutter on the Jordan Street frontage of the site.
- (c) Construction of full width granite footpath along the Jordan Street frontage of the site in accordance with the City of Ryde Public Domain Technical Manual Section 2 - Gladesville.
- (d) The relocation/adjustment of all public utility services affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to council and their requirements being fully complied with.
- (f) Adjustment of levels and grades of all infrastructure (footpath, kerb and gutter, road pavement, etc.) and provide a smooth transition to existing infrastructure.
- (g) The temporary relocation of the existing bus stop during the footpath works and the installation of a new bus stop that complies with the requirements of the Disability Standards for Accessible Public Transport (2002).

48. Driveway Access Levels - The applicant is to apply to Council for site specific driveway access levels at the boundary alignment prior to the issue of the Construction Certificate. The application shall be accompanied by engineering plans of civil works along the frontage of the development site. The Council issued levels shall be incorporated into the design of the internal driveway, car parking areas, landscaping and stormwater drainage plans. Fees are payable in accordance with Council's Schedule of Fees & Charges at the time of the application.

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49. Vehicle Footpath Crossings - Footpath crossings shall be constructed at all locations where vehicles cross the footpath, to protect it from damage resulting from the vehicular traffic. The crossing(s) are to be constructed to match the paving style along the frontage of the development site and conform to the driveway access levels issued by Council's Public Works Group. The location, design and construction shall comply with the City of Ryde Development Control Plan 2014 Part 8.3 Driveways and Part 8.5 - Public Civil Works, and all relevant Australian Codes and Standards.

In order to avoid the access driveway looking like a public road, kerbs shall not be returned to the boundary alignment line.

The applicant shall provide Council with certification from a Chartered Civil Engineer (with NPER registration with Engineers Australia) confirming that the vehicle crossing design meets Council requirements and the relevant standards, prior to the issue of the Construction Certificate.

50. Engineering plans assessment and works inspection fees – The applicant is to pay to Council for assessment of all engineering and public domain plans and works inspection fees, in accordance with Council's Schedule of Fees & Charges, prior to any approval being granted by Council.

PRIOR TO COMMENCEMENT OF CONSTRUCTION

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

51. Site Sign

(a) A sign must be erected in a prominent position on site, prior to the commencement of construction:

- (i) showing the name, address and telephone number of the Principal Certifying Authority for the work,
- (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
- (iii) stating that unauthorised entry to the work site is prohibited.

(b) Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

52. Excavation adjacent to adjoining land

(a) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must, at their own expense, protect and support the adjoining premises from possible damage from the excavation, and where necessary, underpin the adjoining premises to prevent any such damage.

(b) The applicant must give at least seven (7) days notice to the adjoining owner(s) prior to excavating.

(c) An owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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53. Safety fencing. The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.

54. Construction and Traffic Management Plan. As a result of the site constraints, limited vehicle access and parking, a Construction and Traffic Management Plan (CTMP) must be submitted to Council for approval by Council's Public Works section, prior to the commencement of any works on the site. The CTMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent the site.

The CTMP must:-

- Make provision for all construction materials to be stored on site, at all times.
- Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council's Public Works.
- Liaise with NSW Transport in regards to the maintenance of service of the bus stop fronting the property during the works. The terms and requirements from NSW Transport must be included in the CTMP and all measures are to be in accordance with these requirements.
- Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
- Be in accordance with Council's DCP 2014 Part 8.1 (Construction Activities)
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street tree's.
- Take into consideration the construction effects of development on adjoining sites and specify a contingency plan to be undertaken.

Structures or works on Council property (such as hoardings, scaffolding, shoring or excavation), the modification of parking restrictions (Work Zones) and standing heavy vehicles (crane, concrete pump, etc) on a footpath/ roadway are subject to separate approval from Council and/or the Local Traffic Committee.

55. Ground Anchors. The installation of permanent ground anchors into public roadway is not permitted. The installation of temporary ground anchors may be considered subject to application for approval from Council's Public Works department, as per the provisions of Section 138 of the Roads Act. The application for consent must include detailed structural plans prepared by a chartered structural engineer, clearly nominating the number of proposed anchors, depth below existing ground level at the boundary alignment and the angle of installation. Approval is subject to the applicant paying all applicable fees in accordance with Council's Management Plan.

56. Dilapidation Report. To ensure Council's infrastructures are adequately protected a dilapidation report on the existing public infrastructure in the vicinity of the proposed development and along the travel routes of all construction vehicles is to be submitted to Council. The report shall detail, but not be limited to the location, description and

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photographic record of any observable defects but to the following infrastructure where applicable.

- (a) Road pavement,
- (b) Kerb and gutter,
- (c) Footpath,
- (d) Drainage pits,
- (e) Traffic signs, and
- (f) Any other relevant infrastructure.

The report is to be submitted to Council's Traffic Development Engineer, prior to works commencing with another similar report submitted at completion and prior to issue of Occupation Certificate. The reports shall be used by council to assess whether restoration works will be required prior to the issue of the Occupation Certificate.

All fees and charges associated with the review of this report is to be in accordance with Council's Schedule of Fees and Charges and is to be paid at the time that the Dilapidation Report is submitted.

DURING CONSTRUCTION

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

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

58. Hold Points during construction - Inspections shall be required by Council's Engineer, at the following hold points: -

- a) Prior to the commencement of construction and following the set-out on site of the position of the civil works to the levels shown on the approved civil drawings.
- b) Upon excavation, trimming and compaction to the subgrade level - to the line, grade, widths and depths, shown on the approved civil engineering drawings.
- c) Upon compaction of the applicable sub-base course.
- d) Upon compaction of any base layers of pavement, prior to the construction of the final pavement surface (e.g. prior to laying any pavers or asphalt wearing course)
- e) Upon installation of any formwork and reinforcement for footpath concrete works.
- f) Final inspection - upon the practical completion of all civil works with all disturbed areas satisfactorily restored.

Fees are payable in respect to the inspections in accordance with Council's Schedule of Fees & Charges at the time of the inspections. Alternatively, the Applicant may submit certification from a suitably qualified Engineer, at each stage of the inspection listed above, confirming that the works have been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.

59. Development to be within site boundaries. The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach

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onto the adjoining properties. Any doors/ gates on the boundary must be installed so they do not open onto any footpath.

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

61. Erosion and Sediment Control. The applicant shall install erosion and sediment control measures in accordance with the approved plan by Australian Consulting Engineers Pty Ltd. (Refer to Project No. 140622 Dwgs D01 Iss. B dated 19 March 2015) at the commencement of works on the site. Suitable erosion control management procedures in accordance with the manual "Managing Urban Stormwater: Soils and Construction" by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction. Where construction works deviate from the plan, soil erosion and sediment control measures are to be implemented in accordance with the above referenced document.

62. Geotechnical Monitoring Program - Implementation. The construction and excavation works are to be undertaken in accordance with the Geotechnical Report and Monitoring Program (GMP) submitted with the Construction Certificate. All recommendations of the Geotechnical Engineer and GMP are to be carried out during the course of the excavation. The applicant must give at least seven (7) days notice to the owner and occupiers of the adjoining allotments before excavation works commence.

63. Construction and Traffic Management Plan - Implementation. All works and construction activities are to be undertaken in accordance with the approved Construction and Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation. All construction activities must comply with the terms and requirements of NSW Transport in relation to the management of the bus stop fronting the property. Should the implementation or effectiveness of the CTMP be impacted by surrounding major development not encompassed in the approved CTMP, the CTMP measures and controls are to be revised accordingly and submitted to Council for approval.

A copy of the approved CTMP is to be kept onsite at all times and made available to the accredited certifier or Council on request.

64. Construction noise. The L10 noise level measured for a period of not less than 15 minutes while demolition and construction work is in progress must not exceed the background noise level by more than 20 dB(A) at the nearest affected residential premises.

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

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

67. Site Facilities

The following facilities must be provided on the site:

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

68. Site maintenance. The applicant must ensure that:

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

69. Stormwater Management - Construction. The stormwater drainage system on the site must be constructed in accordance with the Construction Certificate version of the Stormwater Management Plan by Australian Consulting Engineers Pty Ltd. (Refer to Project No. 140622 Dwgs D00,D02,D03,D10 & D20 Iss. B dated 19 March 2015) submitted in compliance to the condition labelled "Stormwater Management."

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

71. Graffiti. All surfaces on the street level that are not glass should use graffiti resistant paints and/or other surfaces that discourage graffiti.

72. Security. To enhance the physical security of doors, all glass doors are to be laminated and the main entry/exit doors to individual units on the ground floor, including balcony doors and fire exit doors to the development are to be fitted with a single cylinder lockset (Australian and New Zealand Standard - Lock Sets), which comply with the Building Code of Australia. Windows to individual units on the ground floor should also be fitted with key operated locksets (Australia and New Zealand Standard - Lock Sets) to restrict unauthorized access to the unit.

73. Intercom System. Intercom facilities should be incorporated into the main pedestrian and vehicle entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development. An auxiliary lock set should also be incorporated into the design of each of the entry/exit points to enable emergency services to access the development particularly in emergency situations.

74. Balcony doors to units. Balcony doors to units are to be fitted with single cylinder locksets (Australian and New Zealand Standard – Lock Sets) to restrict unauthorised access to units.

75. Unit windows. The windows to individual units are to be fitted with key operated locksets (Australian and New Zealand Standard – Lock Sets) to restrict unauthorised access to units.

76. Lift access and security. Electronic access controls are to be installed on the lift. The equipment should include card readers to restrict access to the level a resident resides on, to the car parking levels and to the Ground Floor.

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77. Connection by Gravity Flow. All sanitary fixtures must be connected to the sewerage system by gravity flow.

78. Signage – Internal. Appropriate signage detailing an emergency protocol, in the instance the Car Lift becomes inoperable, shall be erected at appropriate locations within the car lift and on approach to the car lift. Additionally, appropriate signage detailing waiting protocols shall be erected on approach to the car lift to ensure vehicles are stopping with adequate room for vehicles, already on the car lift, to exit.

79. Stop Linemarking – Internal. Appropriate Stop Lines shall be erected on approach to the Car Lift, identifying suitable stopping distance to enable a vehicle to exit the car lift whilst another vehicle is awaiting usage of the lift.

80. Gas Emission Monitor. A Carbon Dioxide monitor shall be installed to ensure that gas levels do not reach hazardous levels both in the basement and in the car lift itself.

81. CCTV Cameras

- a) The applicant shall install and maintain surveillance cameras and recorders to monitor and record all entrance and exit points to the buildings. The cameras should include the foyer area to the buildings including the area around the mail boxes. The cameras should also monitor the 50 metre vicinity outside the building including, but not limited to, both footpath areas in front of the premises. CCTV cameras should also cover any communal areas, lifts, public spaces, basement car park and the entry to the basement storage area as described on drawing SK1L. Recordings should be made twenty four (24) hours a day seven (7) days a week.
- b) As a minimum, CCTV cameras at entry and exit points to the premises MUST record footage of a nature and quality in which it can be used to identify a person recorded by the camera. All other cameras MUST record footage of a nature and quality in which it can be used to recognise a person recorded by the camera.
- c) Suitable signage shall be installed in all areas where CCTV is provided to identify that it is in use.
- d) The time and date must automatically be recorded on all recordings made whilst it is recording. All recordings are to be kept for a minimum period of thirty (30) days before they can be reused or destroyed.
- e) If requested by police, the applicant is to archive any recording until such time as they are no longer required.
- f) Recordings are to be made in a common media format such as Windows Media Player or similar, or should be accompanied by applicable viewing software to enable viewing on any windows computer.
- g) The CCTV control system should be located within a secured area of the premise and only accessible by authorised personnel.
- h) If the CCTV system is not operational, immediate steps are to be taken by the applicant to ensure that it is returned to a fully operational condition as soon as possible.
- i) CCTV should be installed throughout the basement car park area and should include the entry and exit points to the car park.

82. Lighting: Lighting is to be provided around the site and all lighting is to comply with the following requirements:

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- Lighting is to be designed and installed in accordance with the relevant Australian and New Zealand Lighting Standards.
- A Lighting Maintenance Policy is required to outline the maintenance, monitoring and operation of lighting.
- To reduce power consumption and comply with the relevant Australian and New Zealand Standards for Lighting, car park lighting is to be interfaced with motion detectors.
- Lighting is to be provided to all common areas including all car parking levels, stairs and access corridors and communal gardens.
- Lighting is to be automatically controlled by time clocks and where appropriate, sensors for energy efficiency and a controlled environment for residents.

PRIOR TO OCCUPATION CERTIFICATE

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

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

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

83. Landscaping. All landscaping works approved by condition 1 and condition 50 are to be completed prior to the issue of the final **Occupation Certificate**.

84. Sydney Water – Section 73. 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 Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site 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 Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Interim/Final Occupation Certificate.

85. Public domain – work as executed plan – A works-as-executed plan for works carried out in the public domain must be provided to Council and endorsed by Council, as the Road

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Authority, prior to the issue of the Occupation Certificate. All public domain works are to be completed to Council's satisfaction prior to the issue of the Occupation Certificate.

86. **Public Domain Works – Maintenance Bond.** To ensure satisfactory performance of the required public domain works, a maintenance period of six (6) months shall apply to the works in which Council will take ownership of, on completion of the development. The performance period shall commence from the date of issue by Council, of the Compliance Certificate. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification. A bond in the form of a cash deposit or Bank Guarantee of \$10,000 shall be lodged with the City of Ryde prior to the issue of a Construction Certificate to guarantee this requirement will be met. The bond will only be refunded when the works are determined to be satisfactory to Council after the expiry of the six (6) months maintenance period.
87. **Letterboxes and street/house numbering.** All letterboxes and house numbering are to be designed and constructed to be accessible from the public way. Council must be contacted in relation to any specific requirements for street numbering.
88. **BASIX Commitments.** Prior to the issue of the Occupation Certificate, the Principle Certifying Authority is to ensure that the BASIX commitments have been implemented in accordance with the approved BASIX Certificate. Note: Certificates from suitably qualified persons are to be submitted to the Principle Certifying Authority (if Council is the PCA) verifying that all BASIX commitments listed have been fulfilled in accordance with the BASIX Certificate.
89. **Design Verification.** Prior to an Occupation Certificate being issued to authorise a person to commence occupation or use of a residential flat building, the Principal Certifying Authority (PCA) is to be provided with a Design Verification from a qualified designer. The statement must include verification from a qualified designer that the residential flat development achieves the design quality of the development shown on plans and specifications in respect to any Construction Certificate issued, having regard to the design quality principles set out in Part 2 of the State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development. This condition is imposed in accordance with Clause 154 of the *Environmental Planning and Assessment Regulations 2000*.
90. **Stormwater Management - Work-as-Executed Plan.** A Work-as-Executed plan (WAE) of the as constructed Stormwater Management System must be submitted with the application for an Occupation Certificate. The WAE must be prepared and certified (signed and dated) by a Registered Surveyor and is to clearly show the constructed stormwater drainage system (including any onsite detention, pump/ sump, charged/ siphonic and onsite disposal/ absorption system) and finished surface levels which convey stormwater runoff.
91. **Stormwater Management – Positive Covenant(s).** A Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919), providing for the ongoing maintenance of the onsite detention and pump/ sump components incorporated in the approved Stormwater Management system. This is to ensure that the drainage system will be maintained and operate as approved throughout the life of the development, by the owner of the site(s). The terms of the instrument are to be in accordance with the Council's draft terms for these systems as specified in City of Ryde DCP 2014 - Part 8.4 (Title Encumbrances) - Section 7, and to the satisfaction of

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Council, and are to be registered on the title prior to the release of any Occupation Certificate for that title.

- 92. Engineering Compliance Certificates.** To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, Compliance Certificates must be obtained for the following items and are to be submitted to the Accredited Certifier prior to the release of any Occupation Certificate. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.
- a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and the City of Ryde DCP 2014, Part 9.3 "Car Parking".
 - b) Confirming that the Stormwater Management system (including any constructed ancillary components such as onsite detention) servicing the development complies with the City of Ryde DCP 2014, Part 8.2, "Stormwater Management" and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.
 - c) Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including any 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.
 - d) Confirming that erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual *"Managing Urban Stormwater: Soils and Construction"* by the NSW Department – Office of Environment and Heritage and the City of Ryde DCP 2014, Part 8.1 "Construction Activities".
 - e) Certification from a suitably qualified structural or geotechnical engineer confirming that any temporary soil/ rock anchors installed into public roadway, have been de-stressed and are no longer providing any structural support.
 - f) Certification from a suitably qualified geotechnical engineer confirming that the Geotechnical Monitoring Program (GMP) was implemented throughout the course of construction and that all structures supporting neighbouring property have been designed and constructed to provide appropriate support of the neighbouring property and with consideration to any temporary loading conditions that may occur on that site, in accordance with the relevant Australian Standard and building codes.
 - g) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council's satisfaction.
- 93. On-Site Stormwater Detention System - Marker Plate.** To ensure the constructed On-site detention will not be modified, a marker plate is to be fixed to each on-site detention system constructed on the site. The plate construction, wordings and installation shall be in accordance with City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater Management. The plate may be purchased from Council's Customer Service Centre at Ryde Civic Centre (Devlin Street, Ryde).
- 94. Car Access Lift Maintenance.** To ensure that the car access lift functions to its full capacity for the life of the development, the owners of the development must implement an annual maintenance routine of the car lift facility. Signage indicating the annual maintenance routine date and contact details of the lift maintenance company are to be clearly marked at the entry to the lift on both basement levels, as well as inside the lift. Signage is to be installed prior to the release of any Occupation Certificate.

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95. Certification of mechanical ventilation work - Where any mechanical ventilation systems have been installed, an installation certificate from a professional mechanical services engineer certifying that the systems comply with the approved plans and specifications must be submitted to the Principal Certifying Authority before the issue of an Occupation Certificate.

OPERATIONAL CONDITIONS

96. Parking Allocation. Both the owner and occupier of the development must provide and maintain the minimum parking allocation as follows;

- 19 residential spaces
- 5 visitor spaces.

97. Noise and vibration from plant or equipment - Unless otherwise provided in this Consent, the operation of any plant or equipment installed on the premises must not cause:

- (a) The emission of noise that exceeds the background noise level by more than 5dBA when measured at, or computed for, the most affected point, on or within the boundary of the most affected receiver. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the *New South Wales Industrial Noise Policy* (EPA, 2000).
- (b) An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*.
- (c) The transmission of vibration to any place of different occupancy.

98. Offensive Noise. The use of the premises must not cause the emissions of 'offensive noise' as defined in the Protection of the Environment Operations Act, 1979.

99. Waste

- a) **Bulky Goods Storage.** The Managing Agent will be responsible for taking the items in the bulky goods storage room in the basement to the kerb on collection day.
- b) **Safe easy access** must be provided for waste collection vehicles to service the waste containers. "No Standing on Garbage Day (Tuesday) between 5.00am to 11.00am" will be placed on Jordan St to enable the trucks to access the bins for servicing.
- c) **Bin Storage** – The Managing Agent will be responsible for taking the bins from the bin storage area in the basement to the ground floor bin collection area for collection on the morning of the bin pick up days. These bins are to be returned to the bin storage area in the basement immediately after collection.

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The shadows cast by the development fall within those already cast by existing commercial development to the east in the morning. There is no increase in winter shadowing to the properties to the west. Shadows thereafter fall within the roadway of Jordan Street. The extent of shadow cast is typical of that expected from all development on the northern side of Jordan Street.

Floor Space Ratio

The floor space set for the site, at 2.7:1 FSR (*Image 11*) reflects that envisage for a development able to satisfy the objectives of the development standard. The development has a floor space of 2.69:1 FSR, as detailed on the accompanying map to the DA. The uncoloured areas are those excluded under the definition of 'gross floor area', either in the basement; in the lift cores; or external to inside face of the external wall of building.



Image 11: Extract from the Floor Space Ratio map.

Section 5.10 – Heritage provisions

The site is not identified as a heritage item identified on the Map or in the Schedule, or within a specified heritage conservation area. The site is within vicinity of either a heritage item and a heritage conservation area. Thus, the provisions of clause 5.10(5) are applicable, given the boundary of the HCA is mid-way within Jordan Street, and the two heritage item churches to the east and south.

DEMOLITION OF EXISTING RESIDENTIAL FLAT BUILDING AND ERECTION
OF RESIDENTIAL FLAT DEVELOPMENT AND ASSOCIATED BASEMENT
PARKING AND LANDSCAPING

9-11 JORDAN STREET GLADESVILLE

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Image 12: Extract from the Heritage map.

The following is a heritage management statement, having regard to this context, as required by subclause (5). In summary, the heritage management statement observes:

- the heritage items and HCA are located in the town centre.
- high density and high rise development is anticipated along Jordan Street.
- the DCP front setback requirements for development along Jordan Street were prepared having regard to its heritage context.
- the distance between the church building and the subject land, with landscaping and a roadway between, creates a visual separation between the two localities.
- the development provides the required street setback requirements and does not project closer than the existing Business Centre building.
- the main parapet of the development corresponds with that of the Business Centre building, providing a height continuum to the edge of the footway;

DEMOLITION OF EXISTING RESIDENTIAL FLAT BUILDING AND ERECTION
OF RESIDENTIAL FLAT DEVELOPMENT AND ASSOCIATED BASEMENT
PARKING AND LANDSCAPING

9-11 JORDAN STREET GLADESVILLE

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- the 'book-end' location of building alongside the Business Centre structure reduces the existing visual impact of that development in the streetscape, improving the context of the churches as viewed from the west within Jordan Street; and,
- the contemporary appearance of the proposal, particularly its front and west elevation treatments, provide an appropriate juxtaposition to the two heritage listed churches and their landscaped settings.

The material, treatments and configuration of elements particularly to the front and western side elevations result in the development being a visual contribution to the streetscape. The development does not impact upon the setting of the HCA, nor disrupt the view line along Jordan Street to the two heritage items.

Section 6.1 – Acid Sulfate Soils

The subject land is not mapped as being subject to potential acid sulfate soils ('PASS').

Section 6.2 – Earthworks

Earthworks are proposed within the development. The matters raised in subsection 6.2(3) are addressed in turn:

- a. there is no expectation for there to be a disruption to existing drainage patterns. The subject land is located at the top of the ridge. The development is accompanied by a stormwater plan that demonstrates that water will be conveyed to the street, similar to the current situation.
- b. the proposed basement parking that result in the required earthwork achieves the proposed permissible use to be achieved to the desired density and height for this land, as conveyed by the LEP development standards.
- c. though details are not known of the quality of soil on the land, the land has been continuously used for residential purposes, and there is existing basement car parking levels, suggesting it is clean natural soil.

DEMOLITION OF EXISTING RESIDENTIAL FLAT BUILDING AND ERECTION
OF RESIDENTIAL FLAT DEVELOPMENT AND ASSOCIATED BASEMENT
PARKING AND LANDSCAPING

9-11 JORDAN STREET GLADESVILLE

ITEM 2 (continued)

ATTACHMENT 2



The General Manager
Ryde City Council
Locked Bag 2069
North Ryde NSW 1670

Attention: Sandra Bailey.

12 June 2015

Dear Ms Bailey,

Re: LDA2014/0450 – 9-11 Jordan Street Gladesville.

We have addressed each issues raised by the Council (as per your email to the architect, dated 11 June 2015) in turn:

1. Owners consent

A letter with owner consent from the new owners is attached.

2. FSR

The waste bin storage area as depicted is best described as a 'terrace' that is contained, and thus is not included in the definition of GFA.

Whilst we do not agree with your interpretation that the waste bin storage area (as proposed) is 'GFA' as defined, in any event we have addressed this issue by amending the plans. The waste bin storage area has been relocated to the Upper Basement Level, to and from which there is passenger lift, and car lift, access.

Currently there is an over-supply of disabled parking spaces (4 spaces). Only 3 spaces are required by the DCP to serve the 3 required accessible/ adaptable dwellings within the development ('one wide bay space per accessible or adaptable dwelling' - Table 9.2.01 for Class 2 buildings). Therefore there is one surplus disabled space. It therefore proposed that:

- the disabled space close to the car lift on the Upper Basement Level be allocated as a non-disabled space; and
- the 'shared zone' adjacent to that space is to be used for the location of an enclosed the waste bin storage room.

ANTHONY ROWAN PTY LTD
ACN 073 102 333 • ABN 33 073 102 333
PO BOX 2163, ROSE BAY NORTH, NSW 2030
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E. arpl@bigpond.net.au

1

ITEM 2 (continued)

ATTACHMENT 2

As 'storage' located in the basement of the development, this does not add to the GFA of the development (under the definition of GFA in the LEP).

Residents will have direct access via the lift to the bin storage area. The bins can be taken, via the car lift, to the ground floor level and footway for pick-up and collection.

The footprint area of the former waste bin storage area is allocated for additional external planting. The revision to the entry area of the development provides a more open entrance to the development, and an expansion of the planting area along the side boundary into the entry area. It will improve the appearance of the building entry as viewed from the street, with the development, and from the neighbouring property.

This amendment will result in a minor reduction to the footprint of the entry lobby. As such, there is net reduction in GFA within the development.

3. Heritage - Suggested setting back of the courtyard wall to the Ground Floor studio unit.

We do not believe there is a heritage-related necessity to set the courtyard wall of the studio unit (facing Jordan Street) back from the street boundary, for the following reasons:

- There is no DCP requirement for the studio courtyard to be set back 2m from the street edge. The DCP setback relates to the building and the studio accommodation achieves that setback.
- The minimal length of the courtyard wall is minor compared to the overall width of the site, with most of the GF frontage open to the footway.
- Due to its low height, and the wide separation of the site from the HCA and heritage item, it will not be generally visible in the same context. The road is wide and heavily used, with wide footpaths.
- A setback of the wall as suggested will not alter any appreciation of the curtilage of the heritage item or setting of the HCA as such a setback will not be discernible.
- It is unlikely to be visible from the other side of Jordan Street (in the HCA and proximate to the heritage item) due to both traffic (it is lower in height than cars on the road) and the provision of the proposed tree on the footway as part of the proposed public domain works.
- The courtyard wall will appear recessive in the streetscape, as it is both low in height and is viewed alongside the adjacent large commercial building. The adjacent prominent development at the street edge does not include any landscaping along its frontage to Jordan Street. The provision of landscaping would not provide any beneficial amenity to the street edge when viewed alongside that development.

ITEM 2 (continued)

ATTACHMENT 2

- The wall forms part of the street edge of the commercial B4 zone, being distant from, and beyond the boundary of, the heritage conservation area.
- Given the B4 zoning of the land, the provision of a courtyard wall at the street edge is a reasonable and characteristic of surrounding development.

We attach amended plans and elevations that cater for the relocation of the waste bin storage area; and for the revised treatment of the entry lobby.

The development remains compliant with the Council's FSR development standard.

It would be appreciated if the Council could now prioritise completion of its assessment of this application, given the extended passage of time to date since lodgement, with the intention of issuing consent at the earliest opportunity.

Yours faithfully,



Anthony Rowan
Director

ITEM 2 (continued)

ATTACHMENT 3

Sandra Bailey

From: Michael Edwards <MEdwards@ryde.nsw.gov.au>
Sent: Monday, 15 June 2015 1:06 PM
To: Sandra Bailey
Subject: RE: 9 Jordan Street

Sandra,

Thank you for the information.

I have reviewed the Architect's submission and their justification for not accommodating a 2m setback to the front boundary and provision of soft landscaping. I generally accept the statements made by the Architect.

In addition, I am satisfied beyond reasonable doubt that the provision of a street tree as indicated on the front elevation plan, will produce a much better aesthetic outcome to the streetscape than would be achieved with landscape plantings within a 2m front setback area. In this regard, if a street tree can be accommodated within the road reserve, I have no objections to the relaxation of the requirement to provide a 2m front building setback.

Regards,

Michael Edwards JP | Heritage Advisor
P: 02 9952 8321
E: MEdwards@ryde.nsw.gov.au

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The [Fit for the Future](#) amalgamation proposal would see the City of Ryde dissolved, and our community split between two new mega-councils. Find out more about how the City of Ryde is addressing the proposal at www.ryde.nsw.gov.au/fitforthefuture

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ITEM 2 (continued)

ATTACHMENT 3

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From: Sandra Bailey
Sent: Monday, 15 June 2015 11:48 AM
To: Michael Edwards
Subject: FW: 9 Jordan Street

Regards
Sandra Bailey | Team Leader Major Development
P: (02) 9952 8209 | www.ryde.nsw.gov.au

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The [Fit for the Future](http://www.ryde.nsw.gov.au/fitforthefuture) amalgamation proposal would see the City of Ryde dissolved, and our community split between two new mega-councils. Find out more on how the City of Ryde is addressing the proposal at www.ryde.nsw.gov.au/fitforthefuture

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From: Joseph Khoury [<mailto:joseph.khoury@mkdarchitects.com.au>]
Sent: Monday, 15 June 2015 11:24 AM
To: Sandra Bailey
Cc: Carl Salim
Subject: FW: 9 Jordan Street

Hi Sandra,

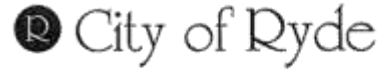
Resent as requested. Separate email will follow with the amended ground floor plan showing the bin collection zone within 15m of the street.

ITEM 2 (continued)

ATTACHMENT 3

Heritage Referral Response

To: Sandra Bailey
From: Michael Edwards
Application No.: LDA2014/0450
Date: 17 December 2014
Address: 9 Jordan Street, Gladesville



Lifestyle and opportunity @ your doorstep

SECOND REFERRAL – ADDITIONAL INFORMATION RECEIVED

Consideration of the proposal:

The development proposal seeks Council's approval for the demolition of the existing building on the site and the excavation for 2 basement carparking levels, together with the construction of a 7 storey residential flat building.

Previous heritage advice was provided on 10 November 2014, advising that the absence of a front building setback precludes the ability to incorporate any landscape plantings that can soften the external appearance of the building, exacerbating the perception of an abrupt transition in the built form within Jordan Street and eroding the visual outlook from within the heritage conservation area and adjoining heritage item.

Subsequently, it was recommended that amended plans be submitted detailing an increased front setback for the purpose of accommodating additional landscaped elements.

Consideration of the additional information

Amended plans have been received and the accompanying documentation submitted, suggests that a 2.0m front setback is now proposed to the building to address the above concerns.

However upon review of the plans, there does not appear to be any visible modification or improvement to the front setback area, with the ground floor balcony still providing a zero setback to the front boundary. As the ground floor balcony is a hard-surfaced area, it does not accommodate for any soft landscaped plantings (excepting the very small raised planter box), exacerbating the abrupt transition in the built form directly opposite the heritage conservation area.

To this effect, the amended plans do not satisfy the previous concerns raised.

Regards,

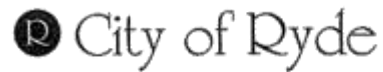
Michael Edwards
Heritage Advisor

ITEM 2 (continued)

ATTACHMENT 3

Heritage Referral Response

To: Sandra Bailey
From: Michael Edwards
Application No.: LDA2014/0450
Date: 10th November 2014
Address: 9 Jordan Street, Gladesville



Lifestyle and opportunity @ your doorstep

Consideration of the proposal:

The development proposal seeks Council's approval for the demolition of the existing building on the site and the excavation for 2 basement carparking levels, together with the construction of a 7 storey residential flat building.

Heritage listing status:

9 Jordan Street, Gladesville:

- **Is not** an item of heritage significance, listed on Schedule 5 of *Ryde LEP 2014*
- **Is not** located within a heritage conservation area or character area.
- **Is** within the vicinity of the following items of heritage significance listed under Schedule 5 of *Ryde LEP 2014*:
 - i) 'Gates' 220 Victoria Road, Gladesville (Item No.139)
 - ii) 'Church' 220 Victoria Road, Gladesville (Item No.140)
 - iii) 'Church' 265A Victoria Road, Gladesville (Item No.142)
 - iv) 'Great North Road' Victoria Road, Gladesville (Item No.54)
 - v) 'Gladesville Shopping Centre Heritage Conservation Area' (Item No.C5)

Consideration of the heritage impacts:

The subject site is located at the interface with the defined boundaries of the Gladesville Shopping Centre Heritage Conservation Area, forming a part of the outward facing visual catchment of the heritage conservation area.

The site currently contains a two-storey residential flat building, displaying architectural characteristics and form which suggest a construction date of mid 1970s. Demolition of the existing building is supported.

While the proposed development is located directly opposite Christ Church Gladesville, which is a listed item of local heritage significance, the proposed development will not result in any material affectation to significant fabric and the heritage items within the vicinity of the site.

The existing landscaped front gardens on the subject site, contribute to the wider cohesive landscaped character and pattern of development within the streetscape which provides a softening effect on the outer edges of the conservation area.

The proposed building appears consistent with Council's built form controls for the site (by virtue of the building height), and provides a contemporary architectural form with distinguishing features. Generally, no objections are raised to the proposed scale. However the absence of a front building setback precludes the ability to incorporate any landscape plantings that can soften the external appearance of the building, exacerbating the perception of an abrupt transition in the built form within Jordan Street and eroding the visual outlook from within the heritage conservation area and adjoining heritage item.

ITEM 2 (continued)

ATTACHMENT 3

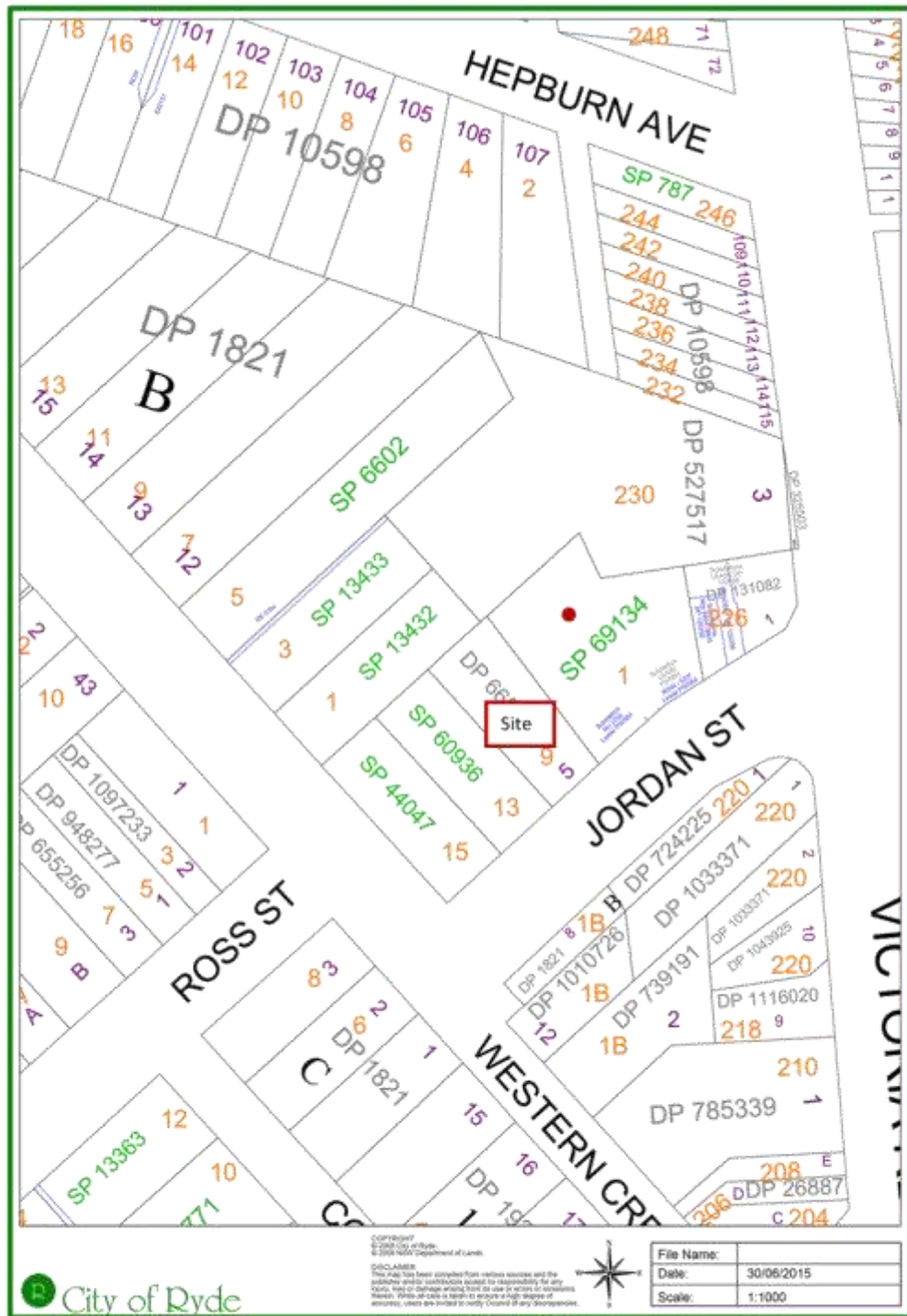
Subject to increasing the front setback to incorporate landscape plantings which will contribute to the landscaped setting of the streetscape and soften the external appearance of the building and its direct presentation to the heritage conservation area, the proposed development is considered to have an acceptable heritage impact and can be supported.

Regards,

Michael Edwards
Heritage Advisor

ITEM 2 (continued)

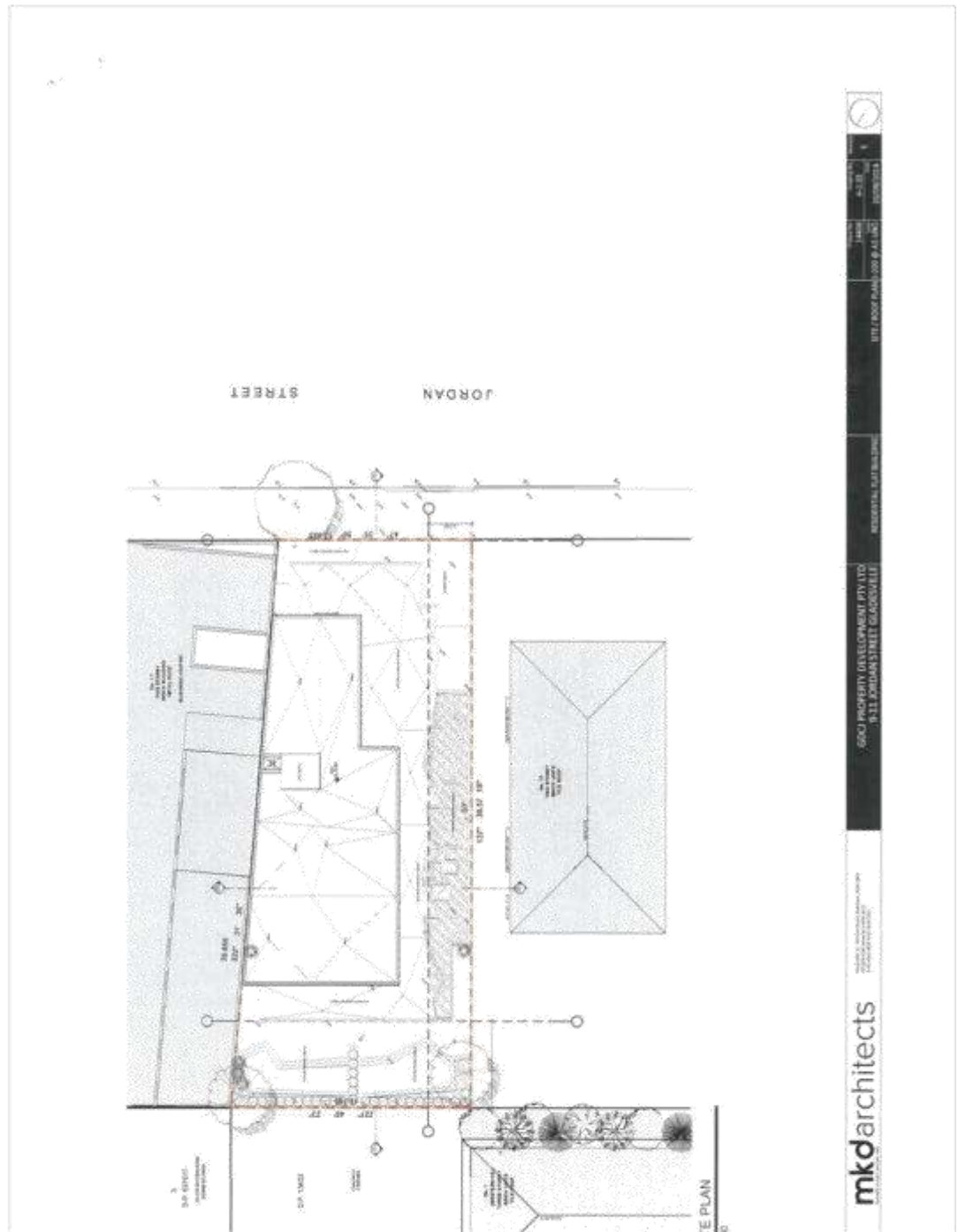
ATTACHMENT 4



- Indicates submissions – note that several suite occupants have submitted objections
Also note: other objections were received with sender addresses not in direct vicinity

ITEM 2 (continued)

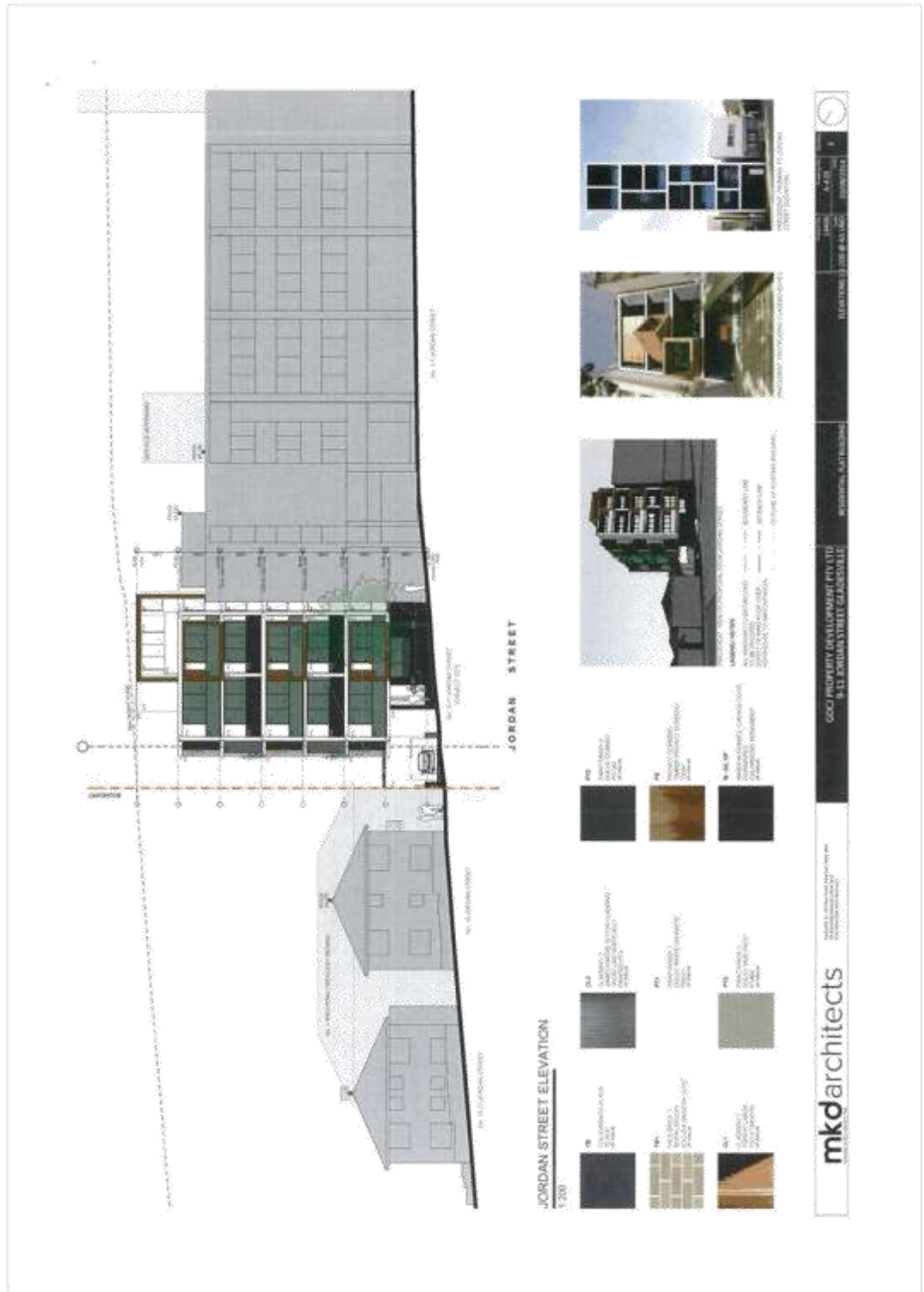
ATTACHMENT 5



General Page 1

ITEM 2 (continued)

ATTACHMENT 5



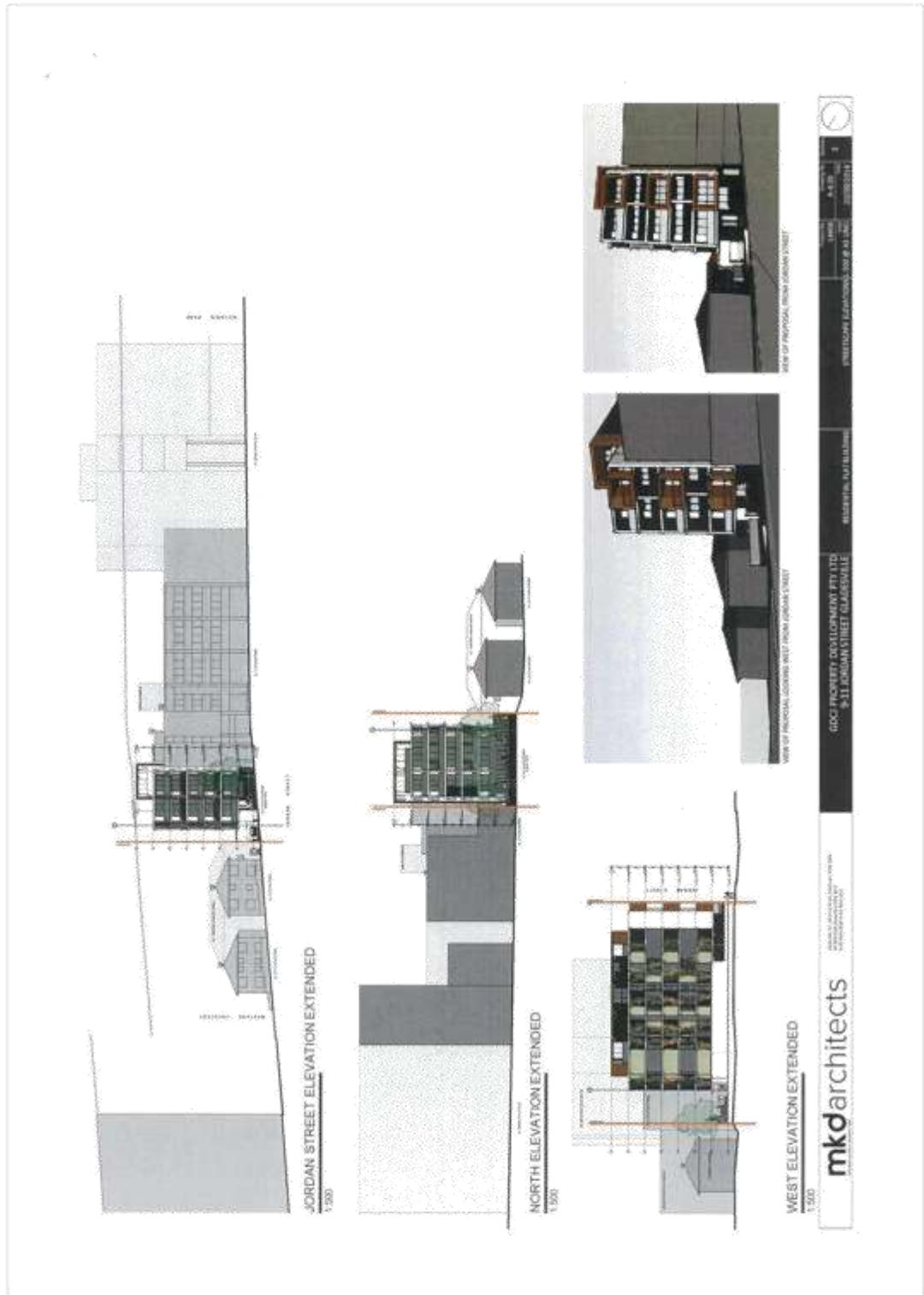
ITEM 2 (continued)

ATTACHMENT 5



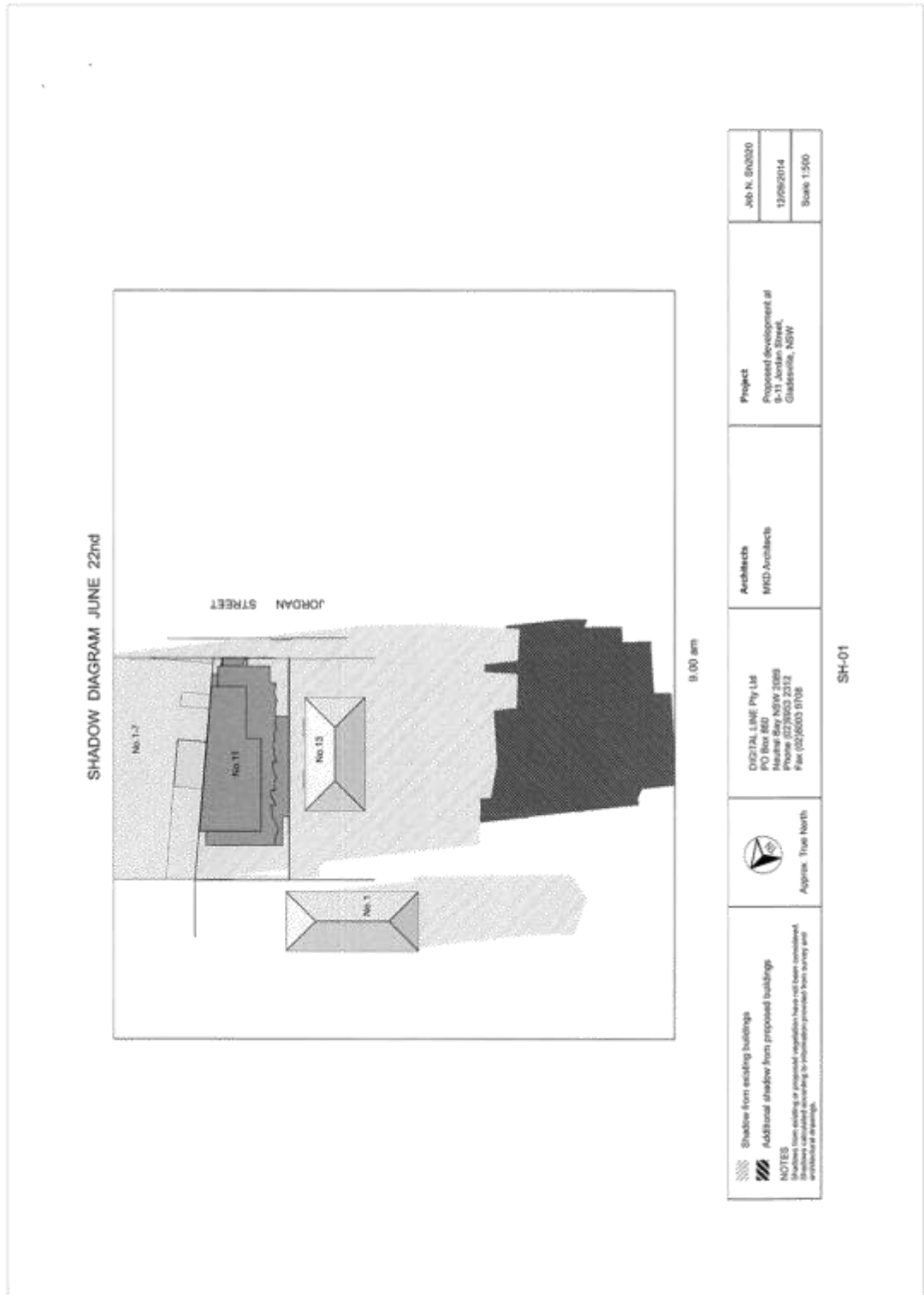
ITEM 2 (continued)

ATTACHMENT 5



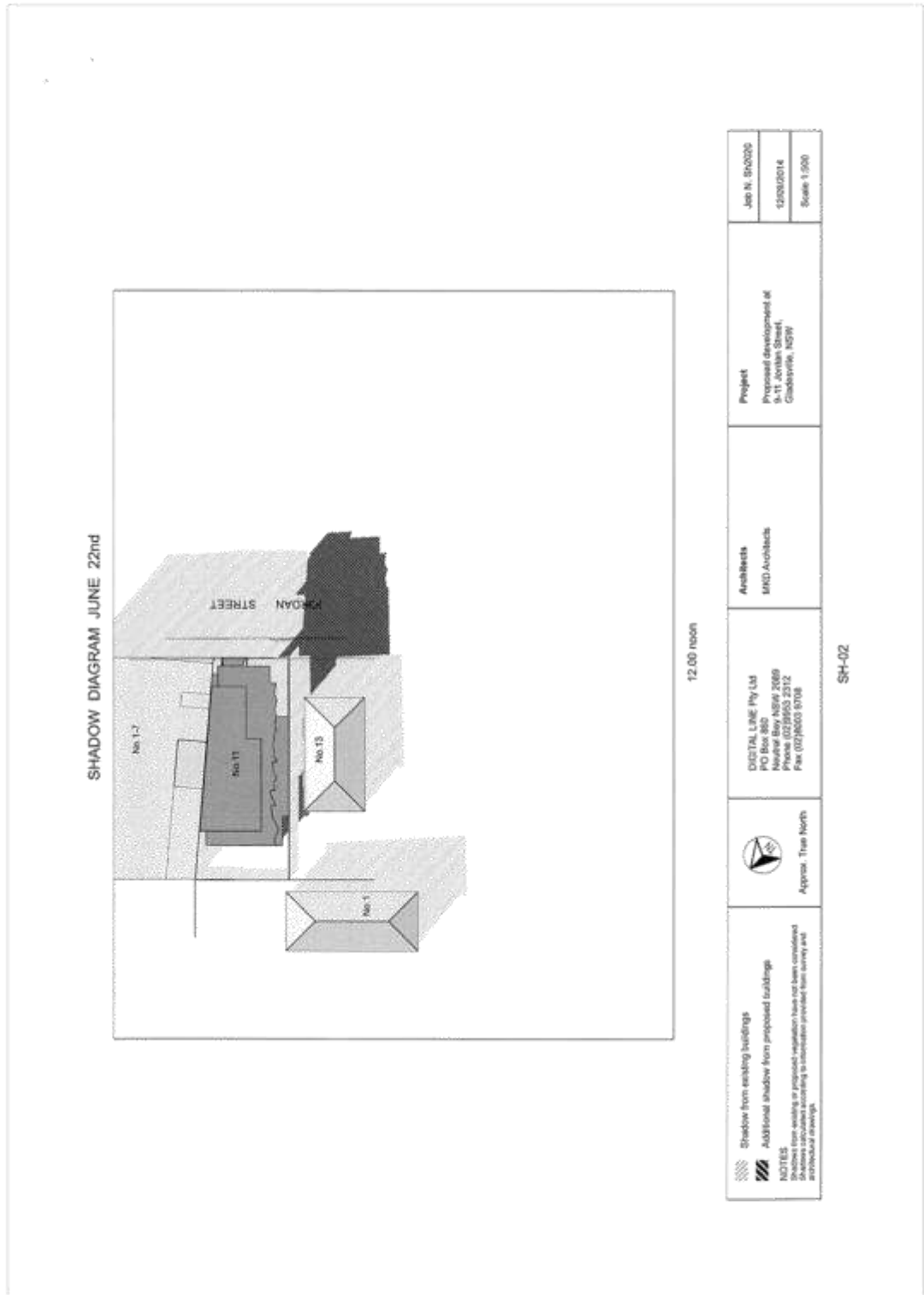
ITEM 2 (continued)

ATTACHMENT 5



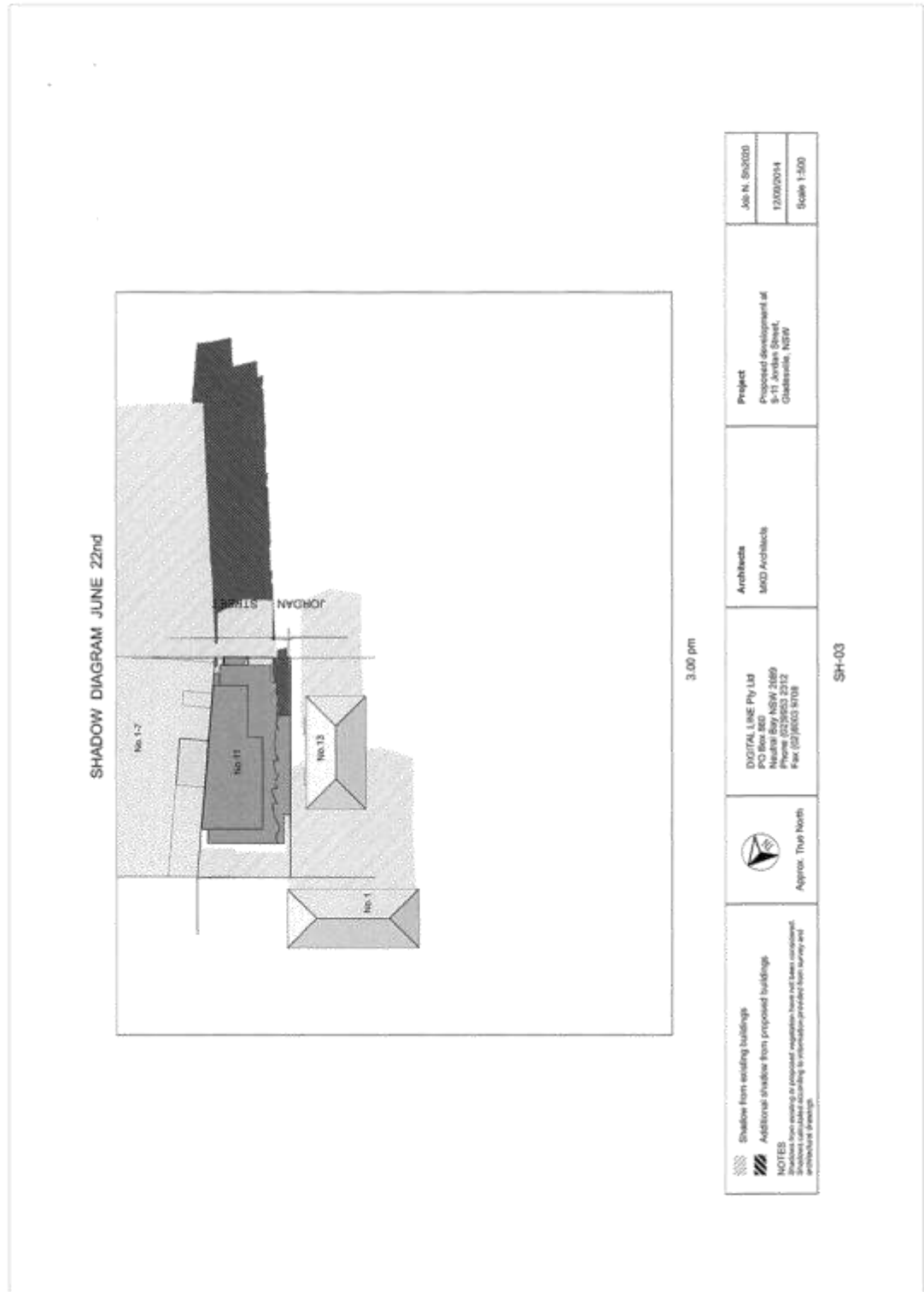
ITEM 2 (continued)

ATTACHMENT 5



ITEM 2 (continued)

ATTACHMENT 5



3 5 BUENA VISTA AVENUE, DENISTONE. LOT 64 DP 16433. Local Development Application for Alterations & first floor addition to dwelling, carport, and convert outbuilding to a secondary dwelling. LDA2015/0049.

Report prepared by: Assessment Officer - Town Planner; Team Leader - Assessment

Report approved by: Manager - Assessment; Acting Group Manager - Environment and Planning

File Number: GRP/09/5/6/2 - BP15/1029

1. Report Summary

Applicant: K Dunn.

Owner: T X Le, A T Vo.

Date lodged: 5 February 2015

This report considers a development application (DA) for the alterations and additions to an existing dwelling house, carport and conversion of an outbuilding to a secondary dwelling. The DA also originally included a first floor addition as part of the proposal however this was deleted as a result of submissions from neighbours.

The DA has been notified to neighbours in accordance with Ryde DCP 2014 and a total of six (6) submissions were received during the first notification period. The submissions raised the following key issues:

- Inconsistency with Denistone Character Area
- Traffic Generation
- Use as a Boarding House
- Privacy
- Structural Stability of Existing Outbuilding
- Subdivision

Amended plans were received which deleted the first floor addition from the proposal and a second notification period was undertaken. During this time, no submissions were received so it can be interpreted that concerns initially raised have been rectified and no longer present as an issue with neighbours.

The proposal has been assessed against the controls relating to secondary dwellings in Schedule 1 of State Environmental Planning Policy (Affordable Rental Housing) 2009 with the following areas of non-compliance:

- Lot requirements (Min. 15m frontage width required; 13.715m provided)
- Setback from road (9.48m required; 6.2m proposed)
- Side setback (1.675m required; 1.48m & 1.36m proposed)
- Rear setback (7.1m required; 4.4m proposed)

ITEM 3 (continued)

The area of non-compliance regarding lot width at the frontage is considered minor and does not warrant refusal of the DA as it does not result in substantial adverse impacts to the amenity of the secondary or principal dwelling or surrounding properties. The areas of non-compliance regarding front, side and rear setbacks are more substantial but as discussed throughout this report, seek minor variations and are each justifiable.

The proposal will have a minor impact on neighbouring properties in terms of bulk through the provision of a carport and minor extension of the existing outbuilding to accommodate a secondary dwelling. However it is considered that the proposal demonstrates appropriate consideration for Council's planning controls and the development standards within State Environmental Planning Policy (Affordable Rental Housing) 2009.

The proposed dwelling achieves the objectives of the R2 Low Density Residential zone and is consistent with the desired future character of the zone. Specifically, the character of the streetscape will be maintained.

The subject DA is recommended for approval subject to conditions of consent.

Reason for Referral to Planning and Environment Committee: Requested by Councillor Perram.

Public Submissions: Six (6) submissions were received objecting to the development (original notification). No submissions were received following re-notification of the amended plans.

Clause 4.6 RLEP 2014 objection required? None required.

Value of works? \$252,670

RECOMMENDATION:

- (a) That Local Development Application No. LDA2015/49 at 5 Buena Vista Avenue, Denistone being LOT 64 in DP 16433 be approved subject to the **ATTACHED** conditions (Attachment 1).
- (b) That the persons who made submissions be advised of Council's decision.

ITEM 3 (continued)**ATTACHMENTS**

- 1 Proposed Conditions
- 2 Compliance Table - State Environmental Policy (Affordable Rental Housing) 2009
- 3 Compliance Table - Ryde DCP 2014
- 4 Map
- 5 A4 Plans
- 6 A3 Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

Lauren Franks
Assessment Officer - Town Planner

Chris Young
Team Leader - Assessment

Report Approved By:

Liz Coad
Manager - Assessment

Sam Cappelli
Acting Group Manager - Environment and Planning

ITEM 3 (continued)**2. Site** (*Refer to attached map*)

Address	: 5 Buena Vista Avenue, Denistone (Lot 64 in DP 16433)
Site Area	: 1,221m ² (by applicant survey) Frontage: 13.715m Eastern side boundary: 92.885m Western side boundary: 86.15m Southern rear boundary: 15.135m
Topography and Vegetation	: Fall of approximately 12m towards the front boundary. Jacaranda tree situated in centre of front boundary with small to medium trees scattered throughout the site.
Existing Buildings	: Single storey brick dwelling and outbuilding.
Planning Controls	: State Environmental Planning Policy (Affordable Rental Housing) 2009 Ryde LEP 2014
Zoning	: R2 Low Density Residential
Other	: Ryde DCP 2014

ITEM 3 (continued)



Aerial photo of subject site and surrounds.



View of subject site from Buena Vista Ave.

ITEM 3 (continued)

3. Councillor Representations

Name of Councillor: Councillor Perram

Nature of the representation: Call-up to Planning & Environment Committee

Date: 23 February 2015

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

On behalf of applicant or objectors? Objectors

Any other persons (e.g. consultants) involved in or part of the representation: None

4. Political Donations or Gifts

None disclosed in applicant's DA submission or in any submission received.

5. Proposal

As submitted, the proposal included provision of a first floor addition to the existing dwelling, a carport and conversion of an outbuilding to a secondary dwelling.

Following receipt of six (6) submissions, the Applicant decided to remove the first floor addition from their application. Therefore, the proposal entails the following:

- Secondary dwelling comprising of two (2) bedrooms, bathroom, living room, kitchen, BBQ area and timber deck;
- Relocation of existing dwelling's entry to front façade; and
- Double carport.

6. Background

The DA was lodged on 5 February 2015 and placed on public notification from 9 February to 24 February 2015.

On 7 May 2015, a copy of the submissions received were provided to the Applicant.

On 27 May 2015, amended plans were received addressing concerns raised in submissions, which deleted the first floor addition from the proposal.

The amended plans were re-notified for a further two (2) week period between 28 May and 12 June 2015.

ITEM 3 (continued)

7. Submissions

As aforementioned, the original proposal was notified in accordance with Development Control Plan 2010 - Part 2.1, Notification of Development Applications from 9 February to 24 February 2015. In response, a total of six (6) submissions were received from the owners of neighbouring properties as shown on the aerial photo earlier in this report.

Due to considerable amendments made to the design, in particular, the removal of the proposed first floor, neighbours were notified for a second time between 28 May to 12 June 2015. No submissions were received during this period.

The submissions received during the initial notification period raised the following issues:

A. Inconsistency with Denistone Character Area. *Concerns are raised that the first floor addition is not in keeping with the character of the street.*

Comment: The Applicant has removed the first floor addition from their proposal. Council's Heritage Officer considers that removal of this component of the proposal results in the development being consistent with the characteristics of the built form within the Denistone Character Area.

Secondary dwellings are permissible in accordance with the State Environmental Planning Policy (Affordable Rental Housing) 2009. The proposal has been designed in accordance with Schedule 2 of this Policy and adheres to its objectives.

A secondary dwelling is a form of low density residential development, and as such is considered to be representative of the desired future character for the area.

B. Traffic Generation. *Concerns are raised that provision of a secondary dwelling will create additional traffic in Buena Vista Avenue.*

Comment: Traffic generation associated with a secondary dwelling is considered minor and may be negligible in some circumstances where the secondary dwelling is for the owner's use only and not leased. A site inspection revealed that unrestricted parking along Buena Vista Avenue is available and the low density zoning of Buena Vista Avenue ensures congestion along this road will not result.

ITEM 3 (continued)

- C. Use as a Boarding House.** *Concerns are raised that the owners will reside in the secondary dwelling and will lease the existing dwelling house as a boarding house.*

Comment: These concerns are unfounded and there is nothing in the applicant's DA submission to indicate that either the existing principal dwelling or proposed secondary dwelling will be used as a boarding house.

The following condition of consent has been imposed to restrict a development being used or adapted for use as a boarding house:

1. **Single dwelling only.** *The secondary dwelling and principal dwelling must each only be used as a separate domicile and not used as a boarding house.*

- D. Privacy.** *Concerns are raised that the first floor addition will allow direct overlooking into neighbouring properties and create adverse shadow impacts.*

Comment: The Applicant has removed the first floor addition from their proposal therefore no change to existing shadow impacts or level of privacy will result from the principal dwelling.

- E. Structural Stability of Existing Outbuilding.** *Concerns are raised the existing outbuilding is not structurally sound and does not conform to current design standards.*

Comment: The existing building (proposed in this DA to be converted to use as a secondary dwelling) is constructed of concrete blocks and is generally structurally sound. The following condition of consent has been imposed to ensure full compliance with the Building Code of Australia therefore any structural inadequacies will need to be rectified prior to occupation of the secondary dwelling:

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

- F. Subdivision.** *Concerns are raised that the construction of a second home on the site is possible after subdivision of a property only. Therefore, the secondary dwelling is not adhering to Council controls.*

ITEM 3 (continued)

Comment: The proposal includes provision of a secondary dwelling which is permissible pursuant to the State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP). A secondary dwelling is defined under the ARHSEPP as:

Secondary dwelling means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

Under the ARHSEPP, provision of a secondary dwelling does not require subdivision to be undertaken.

8. Clause 4.6 RLEP 2014 objection required?

None required.

9. Policy Implications

Relevant Provisions of Environmental Planning Instruments etc:

(a) Ryde Local Environmental Plan 2014

Zoning

The subject site is zoned R2 Low Density Residential under the provisions of the Ryde Local Environmental Plan 2014.

Within the R2 Low Density Residential zone, a 'secondary dwelling' is a prohibited form of development. However, under the provision of SEPP (Affordable Rental Housing) 2009 a secondary dwelling is a permissible form of development within any residential zone.

Mandatory Requirements

Clause 4.3 (2) – Height of Buildings

- G.** This clause states that the height of a building on any land is not to exceed the maximum height shown for the land on the 'Height of Buildings Map' – which is 9.5m for the subject site. The maximum height of the development as currently proposed is 7.6m, which complies with this clause.

ITEM 3 (continued)

Clause 4.4 – Floor Space Ratio

This clause prescribes a maximum floor space ratio (FSR) of 0.5:1. The FSR for the proposed development has been calculated to be 0.243:1, which complies with this clause.

(b) Relevant State Environmental Planning Policies (SEPPs)

SEPP BASIX:

A compliant BASIX Certificate has been submitted with the DA.

SEPP (Affordable Rental Housing) 2009:

(a) Mandatory Matters

Division 2 Secondary dwellings

Requirements	Proposal	Compliance
cl. 20 - Permissibility <ul style="list-style-type: none"> Applies to land where a dwelling house is permissible 	R2 Low Density Residential in RLEP 2014	Yes
cl. 22 - Development may be carried out with consent <p>(2) Must not consent if the development would result in any dwelling other than the principal dwelling and the secondary dwelling.</p> <p>(3) Must not consent unless:</p> <p>(a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under another environmental planning instrument (RLEP 2010), and</p>	<p>Principal & secondary only</p> <p>The total floor area of both dwellings is 296.82m². FSR = 0.243:1.</p>	<p>Yes</p> <p>Yes</p>

ITEM 3 (continued)

Requirements	Proposal	Compliance
(b) the total floor area of the secondary dwelling is no more than 60m ² or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another EPI, that greater floor area.	The proposed floor area is 59.7m ² .	Yes
(4) A consent authority must not refuse consent on either of the following grounds: a. site area , if: (i) the secondary dwelling is located within, or is attached to, the principal dwelling, or (ii) the site area is at least 450m ² . b. parking, if no additional parking is to be provided on the site.	Secondary dwelling is detached from principal dwelling. Site is 1,221m ²	Yes Yes
cl. 24 - No subdivision No consent to a development application that would result in any subdivision of a lot on a secondary dwelling has been carried out.	No application for subdivision	Yes

(b) Discretionary Matters

There are no prescribed standards applying to secondary dwellings that require development consent. The development standards in the compliance table at **Attachment 2** apply to a complying development and are used as a basis to assess whether the proposal is satisfactory in terms of its likely impact. The non-compliances identified in the table are assessed below.

ITEM 3 (continued)

Non-compliances justified:

1. Lot Requirements: Section 2.1(b) states the following:

“Development for the purposes of a secondary dwelling may only be carried out on a lot that if it is not a battle-axe lot, has a boundary with a primary road, measured at the building line, of at least the following 15m, if the lot has an area of more than 900m² but not more than 1,500m².”

Comment: The subject lot has a width of 13.715m at the frontage. This results in a non-compliance of 1.285m (8.5%).

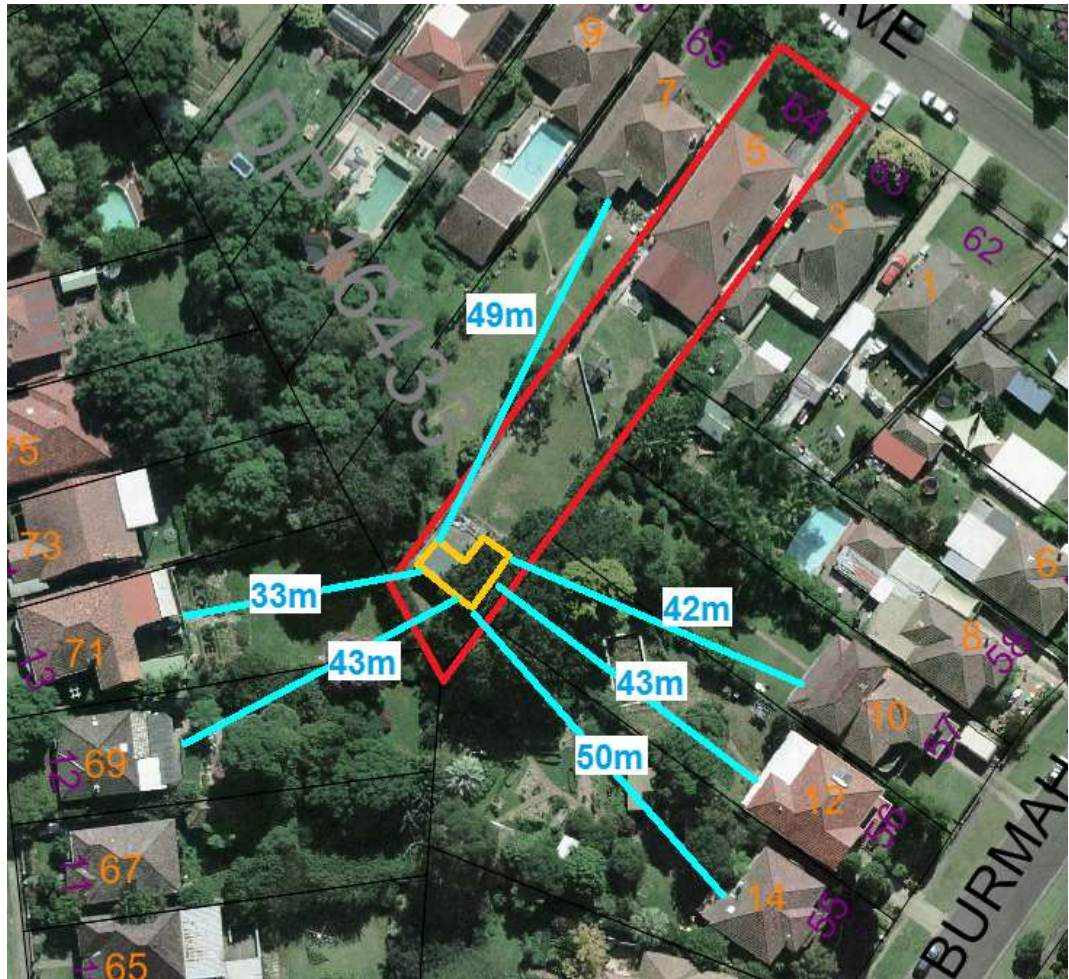
Part 2 Section 2.1(b) contains minimum allotment widths which vary according to the size of the lot. The requirements are:

- 12m for lots between 450-900m²
- 15m for lots between 900-1,500m²
- 18m for lots greater than 1,500m²

The subject site has a relatively narrow frontage (13.715m) compared to its length (86.15m western; 92.885m eastern boundary), and its site area is mostly attributed to the unusual length. If the allotment had a more typical length relative to its frontage, then its size would likely be between 450m² and 900m² and only a 12m frontage would be required. The site frontage would comply with such a requirement.

This control has been devised to recognise that not all land is appropriate for provision of a secondary dwelling. The variation sought is minor and because the level of separation between the secondary dwelling and the principal dwelling and adjoining dwellings is significant, justification can be provided. The level of separation can be seen in the following map extract:

ITEM 3 (continued)



It is also noted that this DA has been assessed against the controls of the State Environmental Planning Policy (Affordable Rental Housing) 2009 which relate to secondary dwelling's determined as complying development and containing controls which are considered more stringent as no notification is required. As this application has been lodged as a DA, a merit assessment can be undertaken and therefore, sites which may result in a minor non-compliance numerically can be supported if the design does not adversely impact surrounding properties.

ITEM 3 (continued)

2. Setbacks from roads, other than classified roads: Section 7.1(b) states the following:

“Development for the purpose of a secondary dwelling on a lot must result in a new building or a new part of an existing building having a setback from a primary road that is not a classified road of at least the average distance of the setbacks of the nearest 2 dwelling houses having the same primary road boundary and located within 40 metres of the lot on which the principal dwelling is erected.”

Comment: No. 3 and 5 Buena Vista Avenue have front setback distances of 10.7m and 8.26m respectively. This results in a 9.48m setback requirement. However, due to the provision of a carport, the front setback will be reduced to 6.2m resulting in a non-compliance of 3.28m (34.5%).

As a whole, Buena Vista Avenue contains development of varying front setbacks ranging from nil to approximately 11m. Sites where a nil front setback exists occur at No. 6 Buena Vista Avenue, which is situated opposite the site and contains a carport constructed to the front boundary. Similarly, No. 13 and 15 Buena Vista Avenue each contain a garage constructed to the front boundary. To require the applicant to comply with the 9.48m front setback when no adverse impact arises from the inclusion of the carport is considered excessive. As such, non-compliance is accepted.

3. Setbacks from Side Boundaries: Section 9.2(2) states the following:

“A new building or additions to an existing building where the new or existing building will, at the end of the development, have a building height at any part of more than 3.8m, must not result in the new building or any new part of the existing building or any new carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to such a building, having a setback from a side boundary of less than the sum of the amount of the setback specified for the relevant sized lot in subclause (1), and an amount that is equal to ¼ of the additional building height.”

Comment: The secondary dwelling will have a building height of 4.5m. In applying this control, a side setback of 1.675m is required. The secondary dwelling proposes a western side setback of 1.48m and eastern side setback of 1.36m.

ITEM 3 (continued)

The non-compliances of 0.195m and 0.315m are considered acceptable as the shadow cast from the proposed dwelling will primarily be confined to the rear yard of the subject property. Further, surrounding properties have a similar allotment shape to that of the site, ie. elongated and narrow therefore any shadow cast from the secondary dwelling will not affect the dwelling or primary entertaining area of adjoining properties which are situated directly to the rear of a dwelling, and not approximately 40m from a dwelling along the rear boundary. Therefore, minimal adverse impact will result.

No windows exist on the eastern elevation and two (2) windows are proposed on the western elevation. These windows are to a bathroom and living area. The living area window is 5.02m from the western boundary which is adequate in deterring privacy impacts.

4. Setbacks from Rear Boundaries: Section 10.2 (2) states the following:

“A new building or additions to an existing building where the new or existing building will, at the end of the development, have a building height at any part of more than 3.8m, must not result in the new building or any new part of the existing building or any new carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to such a building, having a setback from a side boundary of less than the sum of 3m plus an amount that is equal to three times the additional building height above 3.8m, up to a maximum setback of 12m, if the lot is 900-1,500m².”

Comment: In applying this control, a 7.1m rear setback is required. A 4.4m rear setback is proposed resulting in a non-compliance of 2.7m (38%).

A distance of 29.7m is provided between the rear boundary and the rear of the dwelling on the adjoining property at No. 71 Bellevue Avenue preventing the proposal from adversely impacting the amenity of this property. This results in a total separation distance of 33.8m between the secondary dwelling and the dwelling at No. 71 Bellevue Avenue.

In relation to privacy, windows directed to the rear boundary are existing and relate to a bedroom and living area. A site inspection revealed that due to the site's topography increasing towards the rear boundary, it will not be possible for future occupants of the secondary dwelling to look into the private open space of No. 71 Bellevue Avenue as seen in the following photo taken from the proposed bedroom window.

ITEM 3 (continued)



The siting of the secondary dwelling on the site prevents shadow from casting onto any adjoining dwelling or the principal dwelling on the site. Given the secondary dwelling aligns the southern rear boundary, shadow will primarily cast onto the rear of the subject site and the property which abuts the rear boundary (No. 71 Bellevue Avenue). However, as the site's topography increases towards the rear boundary and vegetation on No. 71 Bellevue Avenue extends the length of the site's boundary extends approximately 2m above the fence line, shadow impacts will be minimised to No. 71 Bellevue Avenue.

(c) Any draft Local Environmental Plans (LEPs)

There are no relevant Draft Environmental Planning Instruments for the subject site.

(e) Any Development Control Plan

Ryde Development Control Plan (DCP) 2014

A full assessment of the proposal under DCP 2010 is illustrated in the compliance table held at **Attachment 3**. No non-compliances were identified in the table.

ITEM 3 (continued)

Section 94 of the Environmental Planning and Assessment Act 1979

Council's Section 94 Development Contributions Plan - 2007

The contribution that are payable with respect to the increase housing density on the subject site (*being for residential development outside the Macquarie Park Area*) are as follows:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$1,478.87
Open Space & Recreation Facilities	\$3,640.67
Civic & Urban Improvements	\$1,238.26
Roads & Traffic Management Facilities	\$168.91
Cycleways	\$105.51
Stormwater Management Facilities	\$335.35
Plan Administration	\$28.44
The total contribution is	\$6,996.01

A condition for the payment of a Section 94 Contribution of \$6,996.01 has been included in the draft conditions of consent (Attachment 1).

Note: The above calculation has been reviewed by two Assessment Officers. A detailed copy of rates and calculation spreadsheet has been placed on the relevant development application file.

It should be noted that the above Section 94 figures were calculated using the most recently updated (March 2015 quarter) CPI figures from the Australian Bureau of Statistics (ABS). Updated figures for the June 2015 quarter are expected to be issued from the ABS around 23 July 2015, however the timeframes for preparing this report prevents these figures from being used in this report. A memo containing an updated Section 94 condition will be distributed at the Planning & Environment Committee meeting on 4 August 2015 when this DA will be considered.

10. Likely impacts of the Development

(a) Built Environment

A thorough assessment of the impacts of the proposed development on the built environment has been undertaken as part of the completed assessment of the proposed development including a compliance check against all relevant planning controls and detailed assessment report.

ITEM 3 (continued)

The resultant impacts of the secondary dwelling are considered to result in a development that is consistent with the desired character of the low density residential areas, and consistent with the nature of modern residential development in Ryde and the wider Ryde local government area.

As a result, the proposed development is considered to be satisfactory in terms of impacts on the built environment.

(b) Natural Environment

Approval of the proposal will result in the removal of one (1) Jacaranda Tree situated in the centre of the front boundary. Its removal is necessary as the existing low brick fence is being pushed forward as shown below.



In its place, a Blueberry Ash Tree is proposed in the centre of the front yard. This tree, along with proposed shrub planting will assist in providing a balance between the natural and built environment and has the capacity to reach 15m in height at maturity.

ITEM 3 (continued)

11. Suitability of the site for the development

A review of Council's Map of Environmentally Sensitive Areas (held on file) identifies the following constraints on the site:

Urban Bushland

Non-conservation urban bushland exists in the rear eastern corner of the site. No vegetation removal is required therefore no adverse impact will arise.

Slope Instability

The site is affected by a moderate level of slope instability. Council's Consultant Structural Engineer has reviewed the submitted geo-technical report and is satisfied the proposal will not compromise the structural integrity of surrounding properties and that the design takes into consideration the significant slope in the subject land.

Denistone Character Area

The subject site is situated within the Denistone Character Area. Council's Heritage Officer is supportive of the proposal and is satisfied no adverse impact to the character of the area will result from the development. Refer to Heritage comments in referral section of this report.

12. The Public Interest

It is considered that approval of this DA would be in the public interest.

The development substantially complies with development controls pertaining to secondary dwellings, and includes a built form that is in keeping with the existing and desired future character of the low density residential area.

13. Consultation – Internal and External

Internal Referrals

Senior Development Engineer: Council's Senior Development Engineer is supportive of the proposal pursuant to eight (8) conditions of consent. The following comments have been provided:

The proposal is to convert the existing building to a granny flat and minor modifications to the existing dwelling including a carport at the front.

ITEM 3 (continued)

The drainage plan which was submitted with the DA has been prepared by the architect. From the plans it appears that there are no large additional impervious areas. The carport at the front is over the existing paved area. A drainage calculation sheet (OSD) which appears to have been prepared by another engineer has been provided showing onsite detention which is not required with this proposal as increase in site cover is less than 80m².

There are three existing drainage outlets to the street kerb from the property.

I have conditioned the DA for them to address the drainage details at the CC stage.

There is no floor level shown for the secondary dwelling. It should be a minimum of 150mm above external ground levels.

The width available for the carport measures to 5.2m from the south-eastern boundary to the retaining wall across the front yard which leads towards the existing garage. With 350 columns the available open width for car port is about 4.5m. This is slightly less than the standard 4.8m width required for a double carport. However it can be easily used as a single car port.

The gutters and down pipes for the carport should be completely within the property boundaries. This has been conditioned.

The proposed driveway cannot be widened as shown due to the existing stormwater pipe to the street kerb. I have conditioned the driveway to be 4.0m wide. See the amendment on the drainage plan.

The existing masonry wall along front boundary appears to be damaged and partially collapsing.

Comments and conditions provided by Council's structural engineer should be included in the consent.

No objections are raised to the approval subject to the attached conditions and above comments.

Consultant Structural Engineer: Council's Consultant Structural Engineer is supportive of the proposal pursuant to one (1) condition of consent.

ITEM 3 (continued)

Heritage Officer (1st referral): Two (2) referral comments have been received from Council's Heritage Officer. The second referral comments have been received following removal of the first floor addition. Initially, Council's Heritage Officer stated:

Consideration of the proposal:

The development proposal seeks Council's approval for the alterations and additions to the existing dwelling to include a new upper storey addition, alterations to the existing ground floor with a reconfigured front elevation, new carport and construction of a secondary dwelling ('granny flat') at the rear of the site.

Heritage listing status:

5 Buena Vista Avenue, Denistone:

- *Is not an item of heritage significance, listed on Schedule 5 of Ryde LEP 2014.*
- *Is not located within a Heritage Conservation Area.*
- *Is located within the Denistone Character Area.*
- *Is not within the vicinity of any items of heritage significance listed under Schedule 5 of Ryde LEP 2014.*

Consideration of the heritage impacts:

The subject site is situated within the Denistone Character Area and comprises a single-storey, detached style dwelling. The dwelling displays the principal characteristics and architectural embellishment which is attributed to the 'Californian Bungalow' style of the Inter-War period, which is considered the prevalent built form within Buena Vista Avenue.

The dwelling displays a relatively high degree of architectural integrity in that the silhouette of the dwelling remains unaltered, excepting the removal of a chimney which has removed a key element that attributes the dwelling to the early 20th Century.

Other notable changes to the dwelling including the previous rendering and painting of the face-brick detailing – which is a characteristic element of the building typology within the streetscape. These changes have diminished the overall level of architectural integrity and aesthetic value of the dwelling and the dwelling is considered to interrupt the sense of cohesion and uniformity of the built form as a result of the unsympathetic rendering.

ITEM 3 (continued)

The dwelling is considered a modest and planar example of an Inter-War Californian Bungalow that reinforces and contributes to the period housing character of the streetscape. Subsequently, it is important that any alterations and additions are sympathetically designed so as to retain the ability to meaningfully interpret and appreciate the dwelling, its architectural attributes and its contribution to the character of the precinct.

The DCP states that 'it is important that the character of the Denistone Character Area is maintained', acknowledging that some change will occur, however requires that such change is harmonious with the character of the area and should ultimately, reflect the character of the area.

The Denistone Character Area features a cohesive pattern of single detached brick and tile dwellings, particularly evident within the context of Buena Vista Avenue. A low number of second storey additions are noted, though these are not the predominant nor characteristic form within the streetscape.

The proposal involves the construction of a second storey addition which is situated behind the front roof plane, retaining the single storey silhouette to the front. In principle, concentrating additions to the rear of the dwelling is encouraged.

When viewed from the streetscape, the proposed second storey addition will significantly alter the silhouette, becoming a visually dominant feature of the streetscape, discordant with the prevalent built forms. For these reasons, the additions are not considered to be 'harmonious with the character of the area'.

The Character Statement for the Denistone Character Area also recognises that 'un-spoilt roofscapes make a significant contribution to the character and visual cohesiveness of the area'.

As the site benefits from an uncharacteristically deep allotment, a more skillful design could be achieved – one which reduces the footprint of the upper storey and achieves a higher level of visual integration with the existing form, for instance, single storey additions to the rear.

With respect to the carport, carparking structures are widespread throughout the Character Area, however are generally unobtrusive. The proposed double carport structure is considered lightweight and will allow for some level of visual penetration through the structure. No objections are raised to this element.

The changes proposed to the front elevation will obscure the extant architectural detailing of the dwelling however as the detailing and architectural embellishment of the dwelling has already been obscured through previous rendering, the changes proposed are considered acceptable.

ITEM 3 (continued)

No objection is raised to the proposed secondary dwelling ('granny flat') at the rear of the site as this structure is of low scale and will not directly contribute to the streetscape character.

Recommended conditions

Should Council resolve to approve the proposal, the following conditions are recommended.

1. *No demolition of extra fabric*

Alterations to, and demolition of, the existing building shall be limited to that documented on the approved plans (by way of notation) or conditioned in this consent.

No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown to be retained.

Should any portion of the existing building which is indicated on the approved plans to be retained, be damaged for whatever reason, all the works in the area of this damaged portion are to cease and written notification given to Council.

No work is to resume until the written approval of Council is obtained. Failure to comply with the provisions of this condition may result in the Council instituting legal proceedings.

Reason: *Heritage conservation.*

Heritage Officer (2nd referral): The following comments are made in relation to the Applicant's submission of amended planning showing removal of the proposed first floor addition:

Background

This referral relates to amended plans which were received by Council on 27 May 2015.

Under the previous scheme, concern was raised regarding the proposed second storey addition. The following comments were provided in the previous heritage referral response:

When viewed from the streetscape, the proposed second storey addition will significantly alter the silhouette, becoming a visually dominant feature of the streetscape, discordant with the prevalent built forms. For these reasons, the additions are not considered to be 'harmonious with the character of the area'.

ITEM 3 (continued)

The amended plans are understood to be largely in response to addressing the issues raised in the submissions of objection which were received during the notification period of the DA.

Consideration of the additional information

The amended plans depict a revised scheme which retains the proposed double carport structure at the front of the property and the secondary dwelling at the rear. The most notable change is the deletion of the upper storey addition (previously a contentious issue, particularly because of the excessive building height and envelope and inconsistency with the prevalent characteristics of the built forms within the Denistone Character Area and more immediately, the context of the site).

The proposal still involves changes to the front elevation, including a new penetration to the front façade to create a main entry point with a new portico and double carport structure. These elements were generally supported under the previous scheme.

Overall, the revised plans present a scheme that is considered more consistent with the characteristics of the built form within the Denistone Character Area, maintaining the prevalent single-storey character of dwellings within the precinct and ameliorating the visual impacts on the streetscape.

The revised scheme is considered acceptable and can be supported from a heritage perspective.

External Referrals

None required.

14. Critical Dates

There are no critical dates or deadlines to be met.

15. Financial Impact

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

16. Other Options

None relevant.

ITEM 3 (continued)

17. Conclusion

The proposed development has been assessed using the heads of consideration listed in Section 79 of the Environmental Planning & Assessment Act 1979 and is generally considered to be satisfactory for approval.

The proposed development complies with the mandatory requirements of the Ryde LEP 2014 relating to building height and floor space ratio, and meets the objectives and development controls of Ryde DCP 2014.

Whilst minor non-compliances in relation to setbacks were identified during the proposal's assessment against the development controls within the State Environmental Planning Policy (Affordable Rental Housing) 2009, these were justifiable as no adverse impact was assessed as occurring to surrounding properties.

The initial concerns raised by neighbouring properties have been addressed as no submissions were received during the second notification period undertaken following the Applicant's decision to remove the first floor addition from their proposal.

On this basis, the proposal is considered acceptable and is recommended for approval subject to conditions.

ITEM 3 (continued)

ATTACHMENT 1

Proposed Conditions of Consent

GENERAL

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

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

Document Description	Date	Reference
Survey Plan – Lot 64 in D.P. 16433	26/8/2014	RH1289
Stormwater Layout Plan	24/5/2014	
Landscape Plan	26/10/2014	
South & East Elevation	24/5/2014	
North & West Elevation	24/5/2014	
Roof Plan	24/5/2014	
Floor Plan	24/5/2014	
Granny Flat Plan	24/5/2014	

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **BASIX.** Compliance with all commitments listed in BASIX Certificate numbered A204860, dated 11 November 2014.
4. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) Protect and support the adjoining premises from possible damage from the excavation, and
 - (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.

ITEM 3 (continued)

ATTACHMENT 1

Protection of Adjoining and Public Land

5. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
6. **Hoardings.**
 - (a) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
7. **Illumination of public place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
8. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.
9. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.

Works on Public Road

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

Spas

11. **Pool filter – noise.** The pool/spa pump/filter must be enclosed in a suitable ventilated acoustic enclosure to ensure the noise emitted therefrom does not exceed 5dB(A) above the background noise level when measured at any affected residence.
12. **Wastewater discharge.** The spa/pool shall be connected to the Sydney Water sewer for discharge of wastewater.

ITEM 3 (continued)

ATTACHMENT 1

13. **Resuscitation Chart.** A resuscitation chart containing warning “YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL” must be provided in the immediate vicinity of the pool/spa area so as to be visible from all areas of the pool/spa.

Conditions imposed by Senior Development Engineer:

14. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the relevant Australian Standard *and City of Ryde Development Control Plan 2014 Section 8* except as amended by other conditions.
15. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant’s expense.
16. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.
17. **Road Opening Permit.** The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) are required within the road reserve. No drainage work shall be carried out on the footpath without this permit being paid and a copy kept on the site.

PRIOR TO CONSTRUCTION CERTIFICATE

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

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

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

ITEM 3 (continued)

ATTACHMENT 1

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

18. **Section 94.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council prior to the issue of any **Construction Certificate**:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$1,478.87
Open Space & Recreation Facilities	\$3,640.67
Civic & Urban Improvements	\$1,238.26
Roads & Traffic Management Facilities	\$168.91
Cycleways	\$105.51
Stormwater Management Facilities	\$335.35
Plan Administration	\$28.44
The total contribution is	\$6,996.01

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

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

A copy of the Section 94 Development Contributions Plan may be inspected at the Ryde Planning and Business Centre, 1 Pope Street Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre) or on Council's website <http://www.ryde.nsw.gov.au>.

19. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate**.
20. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate**.

ITEM 3 (continued)

ATTACHMENT 1

21. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: other building with no delivery of bricks or concrete or machine excavation)
22. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:
 - (a) Infrastructure Restoration and Administration Fee
 - (b) Enforcement Levy
23. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.
24. **Sydney Water – quick check.** The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre, prior to the release of the **Construction Certificate**, to determine whether the development will affect any Sydney Water assets, sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website www.sydneywater.com.au for:

- Quick Check agents details - see Building, Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water assets - see Building, Development and Plumbing then Building and Renovating.

Or telephone 13 20 92.

25. **Reflectivity of materials.** Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority prior to the release of the **Construction Certificate**.
26. **Fencing.** Fencing is to be in accordance with Council's DCP 2014: Part 3.3 – Dwelling House and Dual Occupancy (attached) – Section 2.16 - Fences. Details of compliance are to be provided in the plans for the **Construction Certificate**.

ITEM 3 (continued)

ATTACHMENT 1

Pool / Spa fencing

27. **Pool / spa fencing.** The pool / spa fence is to be erected in accordance with the approved plans and conform with the provisions of the *Swimming Pools Act 1992* and *Swimming Pools Regulation 2008*. Details of compliance are to be reflected on the plans submitted with the **Construction Certificate**.

Conditions imposed by Consultant Structural Engineer:

28. All construction works are to be carried out strictly in accordance with the recommendations contained in the Keighran report dated 8 February 2005.

Conditions imposed by Senior Development Engineer:

29. **Widening of the Existing Driveway.** The existing driveway shall be widened to maximum of 4.0m in accordance with the plans as amended in red by Council. 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.
30. **Finished floor level of Secondary Dwelling.** The finished floor level for the granny flat shall be a minimum of 150mm above adjoining external ground levels.
31. **Drainage Plans.** Plans of the proposed drainage system are to be prepared by a suitably qualified and experienced engineer in accordance with the City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater Management and submitted for approval with the Construction Certificate. The engineer must inspect the existing drainage system and prepare the drainage plans to address but not be limited to the following.
- a) The location of the existing and proposed Stormwater Drainage System including all pipes, inspection openings, surface drains, pits and their point of discharge from the site,
 - b) Any remedial or additional works required to upgrade the existing Stormwater Drainage System to comply with City of Ryde – DCP 2014 Part 8.2 for Stormwater Management.
 - c) Provision of all gutters and down pipes for the car port within the property boundaries.
 - d) Provision of a minimum 150mm freeboard to the floor level of the granny flat from adjoining external ground levels.

ITEM 3 (continued)

ATTACHMENT 1

PRIOR TO COMMENCEMENT OF CONSTRUCTION

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

32. Site Sign

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

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

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

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

ITEM 3 (continued)

ATTACHMENT 1

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

35. Excavation adjacent to adjoining land

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

DURING CONSTRUCTION

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

36. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.
37. **Construction noise.** The L₁₀ noise level measured for a period of not less than 15 minutes while demolition and construction work is in progress must not exceed the background noise level by more than 20 dB(A) at the nearest affected residential premises.
38. **Survey of footings/walls.** All footings and walls within 1 metre of a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be prepared indicating the position of external walls in relation to the boundaries of the allotment.
39. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.

ITEM 3 (continued)

ATTACHMENT 1

40. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
- (a) Fill is allowed under this consent;
 - (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
 - (c) the material is reused only to the extent that fill is allowed by the consent.
41. **Construction materials.** All materials associated with construction must be retained within the site.
42. **Site facilities**
The following facilities must be provided on the site:
- (a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
 - (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.
43. **Site maintenance**
The applicant must ensure that:
- (a) approved sediment and erosion control measures are installed and maintained during the construction period;
 - (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
 - (c) the site is clear of waste and debris at the completion of the works.
44. **Work within public road.** At all times work is being undertaken within a public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in Australian Standard No. AS1742.3-1996 "Traffic Control Devices for Work on Roads".
45. **Tree protection – no unauthorised removal.** This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or identified as approved for removal on the stamped plans.
46. **Tree protection – during construction.** Trees that are shown on the approved plans as being retained must be protected against damage during construction.
47. **Drop-edge beams.** Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level.

ITEM 3 (continued)

ATTACHMENT 1

Conditions imposed by Heritage Officer:

48. **No demolition of extra fabric.** Alterations to, and demolition of, the existing building shall be limited to that documented on the approved plans (by way of notation) or conditioned in this consent.

No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown to be retained.

Should any portion of the existing building which is indicated on the approved plans to be retained, be damaged for whatever reason, all the works in the area of this damaged portion are to cease and written notification given to Council.

No work is to resume until the written approval of Council is obtained. Failure to comply with the provisions of this condition may result in the Council instituting legal proceedings.

PRIOR TO OCCUPATION CERTIFICATE

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

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

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

49. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate numbered A204860, dated 11 November 2014.
50. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.
51. **Sydney Water – Section 73.** 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 Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

ITEM 3 (continued)

ATTACHMENT 1

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 Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

52. **Letterboxes and street/house numbering.** All letterboxes and house numbering are to be designed and constructed to be accessible from the public way. Council must be contacted in relation to any specific requirements for street numbering.

Conditions imposed by Senior Development Engineer:

53. **Compliance Certificates – Engineering.** Compliance Certificates should be obtained for the following (If Council is appointed the Principal Certifying Authority [PCA] then the appropriate inspection fee is to be paid to Council) and submitted to the PCA:
- Confirming that the driveway is constructed in accordance with the construction plan requirements and Ryde City Development Control Plan 2014: - Part 8.3; Driveways.
 - Confirming that the site drainage system servicing the development complies with the construction plan requirements and City of Ryde, Development Control Plan 2014: - 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.**

OPERATIONAL CONDITIONS

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

54. **Single dwelling only.** The secondary dwelling and principal dwelling must each only be used as a separate domicile and not used as a boarding house.

ITEM 3 (continued)

ATTACHMENT 2

**State Environmental Planning Policy (Affordable Rental Housing) 2009
Compliance Check - Schedule 1 Development standards for secondary
dwellings for Complying Applications.**

The following development standards apply to complying development and are used as a basis to assess whether the proposal is satisfactory in terms of its likely impact.

Development standards	Proposal	Satisfied
Part 2 - Site Requirements		
2. Lot requirements		
(1) Development for the purposes of a secondary dwelling may only be carried out on a lot that:		
(a) at the completion of the development will have only one principal dwelling and one secondary dwelling, and	Development will result in 1 principal dwelling and 1 secondary dwelling.	Y
(b) if it is not a battle-axe lot, has a boundary with a primary road, measured at the building line, of at least the following:		
• 15m if the lot is 900 – 1500m ² ,	13.715m frontage width.	No (variated supported)
(c) if it is a battle-axe lot, has an access of at least 3m in width and measures at least 12m by 12m, excluding the access laneway.	Not a battle-axe lot.	N/A
(2) Has lawful access to a public road.	Has lawful access to Buena Vista Ave.	Y
3. Maximum site coverage of all development		
(1) The site coverage of the principal dwelling, secondary dwelling and all ancillary development on a lot must not be more than the following:		
• 40% if the lot is 900 - 1500m ² ,	22%	Y
(2) Site coverage calculation		

ITEM 3 (continued)

ATTACHMENT 2

Development standards	Proposal	Satisfied
<p>4. Maximum floor area for principal and secondary dwellings – already calculated under Division 2 (2)(c) 430m² if the lot has an area >900m²</p>	<p>296.82m² (59.7m² for secondary dwelling)</p>	<p>Y</p>
<p>5. Maximum floor area for balconies, decks, patios, pergolas, terraces and verandahs (1)Max for balcony, deck, patio, pergola, terrace or verandah attached to a principal dwelling or secondary dwelling with a floor level of more than 2m above ground level (existing) is 12m².</p>	<p>Raised deck and bbq area attached to secondary dwelling is not more than 2m above ground level. Existing attached patio associated with principal dwelling to remain unchanged and is not raised in excess of 2m.</p>	<p>Y</p>
<p>Part 3 - Building height & Setbacks</p>		
<p>6. Building Height A new building or a new part of an existing building must not be more than 8.5m above existing ground level.</p>	<p>Detached secondary dwelling: 4.5m height</p>	<p>Y</p>
<p>7. Setbacks from roads, other than classified roads setback means the horizontal distance between the relevant boundary of the lot and the building line building line means the line of the existing or proposed external wall or roof edge of a building (other than a wall or roof of any building element within an articulation zone), or the outside face of any existing or proposed ancillary development, closest to a boundary of the lot.</p>		

ITEM 3 (continued)

ATTACHMENT 2

Development standards	Proposal	Satisfied
<p>(1) The new secondary dwelling or new part of an existing building must be set back from a <u>primary road</u> (frontage of site) at least:</p> <p>(a) the average distance of the setbacks of the nearest 2 dwelling houses having a boundary with the same road and located within 40m of the lot on which the dwelling house is erected, or</p> <p>(b) in any case where 2 dwelling houses are not located within 40m of the lot:</p> <ul style="list-style-type: none"> • 6.5m if the lot is 900 - 1500m², or 	<p><u>No. 7 Buena Vista Ave:</u> 10.7m <u>No. 3 Buena Vista Ave:</u> 8.26m = 9.48m required. 6.2m proposed.</p> <p>2 dwelling houses adjoin the lot within 40m.</p>	<p>No (variation supported)</p> <p>N/A</p>
<p>(2) The new secondary dwelling or new part of an existing building must be set back from a <u>secondary road</u> (side road if corner site) at least:</p> <ul style="list-style-type: none"> • 3m if the lot is 600 - 1500m², or 	<p>No secondary road.</p>	<p>N/A</p>
<p>(3) The new secondary dwelling or new part of an existing building must be set back from a <u>parallel road</u> (not frontage or side road) at least:</p> <p>(a) the average distance of the setbacks of the nearest 2 dwelling houses having a boundary with the same road and located within 40m of the lot on which the dwelling house is erected, or</p> <p>(b) in any case where 2 dwelling houses are not located within 40m of the lot:</p>	<p>No parallel road.</p>	<p>N/A</p>

ITEM 3 (continued)

ATTACHMENT 2

Development standards	Proposal	Satisfied
<ul style="list-style-type: none"> • 6.5m if the lot is 900 - 1500m², or 		
<p>8. Setbacks from classified roads</p> <p>The new building or new part of an existing building must be setback from a boundary with a classified road of:</p> <p>(a) The distance stated if another environmental planning instrument applying to the lot establishes a setback for a dwelling house having a boundary with a classified road, or</p> <p>(b) 9m in any other case.</p>	<p>No boundary with a classified road.</p>	<p>N/A</p>
<p>9. Setbacks from side boundaries</p> <p>(1) A new building or a new part of an existing building or any new carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to such a building must be set back</p> <ul style="list-style-type: none"> • 1.5m if the lot is 900 - 1500m², <p>(2) A new building or additions to an existing building where the new or existing building will, at the end of the development, have a building height at any part of more than 3.8m, must not result in the new building or any new part of the existing building or any new carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to such a building, having a setback from a side boundary of less than the sum of:</p>	<p>Western side: 1.48m Eastern side: 1.36m</p>	<p>No (variation supported)</p>

ITEM 3 (continued)

ATTACHMENT 2

Development standards	Proposal	Satisfied
<ul style="list-style-type: none"> • the amount of the setback specified for the relevant sized lot in subclause (1), and • an amount that is equal to one-quarter of the additional building height above 3.8m. 	4.5m height = 0.175m additional side boundary setbacks required (i.e. 1.675m required)	No (variation supported)
<p>10. Setback from rear boundaries</p> <p>(1) A new building or a new part of an existing building or any new carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to such a building having a setback from a rear boundary of less than the following:</p> <ul style="list-style-type: none"> • 5m if the lot is 900 - 1500m², <p>(2) A new building or additions to an existing building where the new or existing building will, at the end of the development, have a building height at any part of more than 3.8m must not result in the new building or any new part of the existing building or any new carport, garage, balcony, deck, patio, pergola, terrace or verandah that is attached to such a building, having a setback from a rear boundary of less than the sum of:</p> <ul style="list-style-type: none"> • 5m plus an amount that is equal to three times the additional building height above 3.8m, up to a maximum setback of 12m, if the lot is 900 - 1500m², or 	<p>4.4m</p> <p>7.1m required. 4.4m proposed.</p>	<p>No (variation supported)</p> <p>No (variation supported)</p>

ITEM 3 (continued)

ATTACHMENT 2

Development standards	Proposal	Satisfied
<p>(3) Despite subclauses (1) and (2), a dwelling on a lot that has a rear boundary with a laneway may have a building line that abuts that boundary for up to 50% of the length of that boundary.</p>	<p>Site does not adjoin a laneway.</p>	<p>Y</p>
<p>11. Exceptions to side and rear setbacks Despite any other clause:</p> <p>(a) A new building or a new part of an existing building must not be setback less than 3m from a boundary with a public reserve, and</p> <p>(b) side and rear setbacks from the boundary with a road do not apply to allowable encroachments permitted under clause 3.7.1.7 of Volume Two of the Building Code of Australia or any eave or roof overhang that has a horizontal width of not more than 0.45m.</p> <p>Note: The allowable encroachments permitted under clause 3.7.1.7 of Vol 2 of the BCA include fascias, gutters, downpipes, rainwater tanks, chimneys, flues, domestic fuel tanks, cooling or heating appliances, light fittings, electricity and gas meters, aerials, antennae, pergolas, sun blinds, unroofed terraces, landings, steps and certain ramps.</p>	<p>Site does not adjoin a public reserve.</p> <p>Site does not have a side or rear boundary with a road.</p>	<p>Y</p> <p>Y</p>

ITEM 3 (continued)

ATTACHMENT 2

Development standards	Proposal	Satisfied
<p>12. Calculating setbacks</p> <p>(1) For the purpose of calculating the setback of an existing dwelling house, the location of any of the following is not included:</p> <ul style="list-style-type: none"> • any part of an existing garage or carport that is located between the building line of the dwelling and a boundary with the primary road, • any existing building element of a dwelling house that is located within the articulation zone. <p>(2) For the purpose of calculating the setbacks of the nearest two dwelling houses, those dwelling houses must be on the same side of the road as the lot.</p> <p>(3) For the purpose of calculating a side or rear setback, the maximum building height of a dwelling on a sloping lot is to be used.</p> <p>(4) A setback is to be calculated at the closest point to the boundary from the building line.</p>	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p>	
<p>13. Articulation zone</p> <p>articulation zone means an area within a lot within which building elements are or may be located, that consists of that part of the setback area from a primary road that is measured horizontally for a distance of 1.5m from:</p> <p>(a) the foremost edge of the building line, or</p> <p>(b) a gable or roof parapet having a surface area of more than 10m².</p>		

ITEM 3 (continued)

ATTACHMENT 2

Development standards	Proposal	Satisfied
(1) Development for the purposes of a secondary dwelling (other than development on a battle-axe lot) must result in either the principal dwelling or the secondary dwelling having a front door and a window to a habitable room in the building wall that faces a primary road	Front door and habitable room in principal dwelling face Buena Vista Street.	Y
(2) Development for the purposes of a secondary dwelling (other than development on a battle-axe lot) must result in either the principal dwelling or the secondary dwelling having a window to a habitable room in the building wall that faces a parallel road.	No parallel road.	N/A
(3) Development for the purposes of a secondary dwelling may incorporate an articulation zone from the secondary dwelling to a primary road, unless the secondary dwelling has a setback from the primary road of less than 3m.	Secondary dwelling behind principal dwelling and over 70m distance from street. Secondary dwelling will not be visible from Buena Vista St.	Y
<p>14. Building elements within the articulation zone</p> <p>(1) The following building elements are permitted in an articulation zone:</p> <ul style="list-style-type: none"> a. an entry feature or portico, b. a balcony, deck, patio, pergola, terrace or verandah, c. a window box treatment, d. a bay window or similar feature, e. an awning or other feature over a window, f. a sun shading feature. 	Noted.	

ITEM 3 (continued)

ATTACHMENT 2

Development standards	Proposal	Satisfied
(2) A building element must not extend above the eave gutter line, other than a pitched roof to an entry feature or portico that has the same pitch as the roof on the building.	Building elements do not extend above the eave gutter line.	Y
(3) The maximum area of all building elements within the articulation zone, other than a building element listed in subclause (1) (e) or (f), must not be more than 25% of the area of the articulation zone, measured through the horizontal plane of the elements.	Secondary dwelling situated behind principal dwelling therefore no building elements of the secondary dwelling extend into the articulation zone.	Y
<p>15. Privacy</p> <p>(1) A new or altered window in the secondary dwelling or to an existing principal dwelling for the purpose of a new secondary dwelling must have a privacy screen if the window:</p> <p>(a) i. is in a habitable room, other than a bedroom, that has a floor level of more than 1m above ground level (existing), and ii. has a sill height of <1.5m, and iii. faces a side or rear boundary and is <3m from that boundary, or</p> <p>(b) i. is in a habitable room that has a finished floor level that is >3m above ground level (existing), and ii. has a sill height of <1.5m, and</p> <p>(c) iii. Faces a side or rear boundary and is at least 3m, but no more than 6m, from that boundary.</p>	<p>Habitable rooms are no more than 1m above ground level.</p> <p>(a)i. above not satisfied (a)iii. above not satisfied.</p> <p>Habitable rooms are no more than 3m above ground level.</p> <p>(b)i. above not satisfied (b)ii. above not satisfied</p>	<p>Y</p> <p>N/A</p> <p>N/A</p> <p>Y</p> <p>N/A</p>

ITEM 3 (continued)

ATTACHMENT 2

Development standards	Proposal	Satisfied
(2) Subclause (1) does not apply to a window located in a bedroom where the window has an area of not more than 2m ² .	Need for privacy screen not necessary – (1) not satisfied.	Y
(3) Development for the purposes of a secondary dwelling must not result in a new or altered balcony, deck, patio, pergola, terrace or verandah without a privacy screen if it:		
(a) has a setback of less than 3m from a side or rear boundary, and	Timber deck 1.36m from western side.	Y
(b) has a floor area more than 3m ² , and	Floor area in excess of 3m.	Y
(c) has a floor level more than 1m above ground level (existing).	Floor level 600mm above ground level. As (c) not applicable, privacy screen not required.	N/A
(3) In relation to a new balcony, deck, patio, terrace or verandah for a new secondary dwelling or alteration to any of these elements that has a floor area >3m ² must have a privacy screen if the element is:		
(a) Within 3m of a side or rear boundary and has a floor level >1m above ground level (existing), or	1.36m from western side however,	N/A
(b) Between 3m & 6m of a side or rear boundary and has a floor level that is >2m above ground level (existing).	600mm raised floor level.	
(4) Any privacy screen required under subclause (3) must be installed:		
(a) To a height of at least 1.7m, but no more than 2.2, above the finished floor level of the balcony, deck, patio, terrace or verandah, and	Not required – controls do not trigger need for privacy screen.	Noted.
(b) At the edge of that part of the development that is		

ITEM 3 (continued)

ATTACHMENT 2

Development standards	Proposal	Satisfied
within the areas specified in (3)(a) or (b) and is parallel to or faces towards the relevant side or rear boundary.		
Part 4 - Landscaping		
16. Landscaped area		
(1) Must have a landscaped area of at least the following: (a) 35% 900 -1500m ²	51%	Y
(2) Minimum 50% must be located behind the building line to the primary road boundary.	In excess of 50% of landscaped area is situated behind building line.	Y
(3) Must be at least 2.5m wide.	Landscaped area is in excess of 2.5m wide.	Y
17. Principal private open space		
(1) Minimum 24m ²	In excess of 24m ²	Y
(2) principal private open space is: (a) an area that is directly accessible from, and adjacent to, a habitable room, other than a bedroom, and	Accessible from habitable room other than a bedroom.	Y
(b) is at least 4m wide	Min. 4m width achieved.	Y
(c) is not steeper than 1:50 gradient.	Portion of site with a gradient lower than 1:50 achieved.	Y
Part 5 - Earthworks & Drainage		
18. Excavation of sloping sites		
(1) Excavation must (a) be not more than 1m below ground level (existing)	Fitout of existing outbuilding. Any excavation necessary will not exceed 1m.	Y
(b) be constructed using a retaining wall or unprotected embankment that meets the standards of subclause (2) or (3)	Not required.	N/A

ITEM 3 (continued)

ATTACHMENT 2

Development standards	Proposal	Satisfied
(2) A retaining wall must not extend more than 1m horizontally beyond the external wall of the principal or secondary dwelling.	No retaining walls proposed.	N/A
(3) An unprotected embankment must not extend more than 1m horizontally beyond the external wall of the principal or secondary dwelling.	No unprotected embankment required.	N/A
19. Fill of sloping sites (Repealed)		
20. Run-off and erosion controls (Repealed)		
<p>21. Drainage</p> <p>(1) All stormwater collecting as a result of the development must be conveyed by a gravity fed or charged system to:</p> <ul style="list-style-type: none"> (a) a public drainage system, or (b) an inter-allotment drainage system, or (c) an on-site disposal system. <p>(2) All stormwater drainage systems within a lot and the connection to a public or an inter-allotment drainage system must:</p> <ul style="list-style-type: none"> (a) if an approval is required under s68 of the <u>LGA 1993</u>, be approved under that Act, or (b) if an approval is not required under s68 of the LGA 1993, comply with any requirements for the disposal of stormwater drainage contained in a DCP that is applicable to the land. 	Council's Dev. Eng. supportive of drainage arrangements.	Y

ITEM 3 (continued)

ATTACHMENT 3

Ryde Development Control Plan 2014
Compliance Check – Part 3.3 Dwelling Houses and Dual Occupancy (attached)

DCP 2014	Proposed	Compliance
Part 3.3 - Dwelling Houses and Dual Occupancy (attached)		
Desired Future Character		
Development is to be consistent with the desired future character of the low density residential areas.	The proposed development is consistent with the desired future character of the low density residential area as detailed further in this table.	Y
Dwelling Houses		
- To have a landscaped setting which includes significant deep soil areas at front and rear.	Front and rear gardens proposed.	Y
- Maximum 2 storeys.	Single storey (with storage below)	Y
- Dwellings to address street	Dwelling presents to Buena Vista Ave	Y
- Garage/carports not visually prominent features.	Carport not prominent feature as setback in front elevation of building.	Y
Alterations and Additions		
- Design of finished building appears as integrated whole.	Minor changes to principal dwelling and carport proposed – development will appear integrated.	Y
- Development to improve amenity and liveability of dwelling and site.	Proposal will improve amenity and liveability of dwelling and site.	Y
Public Domain Amenity		
Streetscape		
- Front doors and windows are to face the street. Side entries to be clearly apparent.	Front door of principal dwelling relocated to front façade. Windows face street.	Y
- Single storey entrance porticos.	Single entrance portico.	Y
- Articulated street facades.	Articulated street façade.	Y
Floor Space Ratio		
Ground floor	146.19m ²	
First floor	90.85m ²	

ITEM 3 (continued)

ATTACHMENT 3

DCP 2014	Proposed	Compliance
Detached car parking structures	-	
Outbuildings (incl covered pergolas, sheds etc)	-	
Secondary Dwelling	59.7m ²	
Total (Gross Floor Area)	296.74m ²	
Less 36m ² (double) or 18m ² (single) allowance for parking	-	
FSR (max 0.5:1) Note: Excludes wall thicknesses; lifts/stairs; basement storage/vehicle access/garbage area; terraces/balconies with walls <1.4m; void areas.	0.243:1	Y
Height		
9.5m Overall Height <i>NB:</i> <i>EGL = Existing Ground Level</i>	Max point of dwelling RL: 60.7 EGL below ridge (lowest point): RL: 53.1 (base of storage area) Overall Height (max)= 7.6m	Y
Car Parking & Access		
General <ul style="list-style-type: none"> - Dwelling: 2 spaces max, 1 space min. - Dual Occupancy (attached): 1 space max per dwelling. - Where possible access off secondary street frontages or laneways is preferable. - Max 6m wide or 50% of frontage, whichever is less. - Behind building façade. 	Number/location of car spaces: 2 Access from: Buena Vista Avenue. External width: 5.3m (50% = 6.85m)	Y Y Y
Carpports <ul style="list-style-type: none"> - Sides 1/3 open (definition in BCA) 	All sides open. Materials compatible with	Y

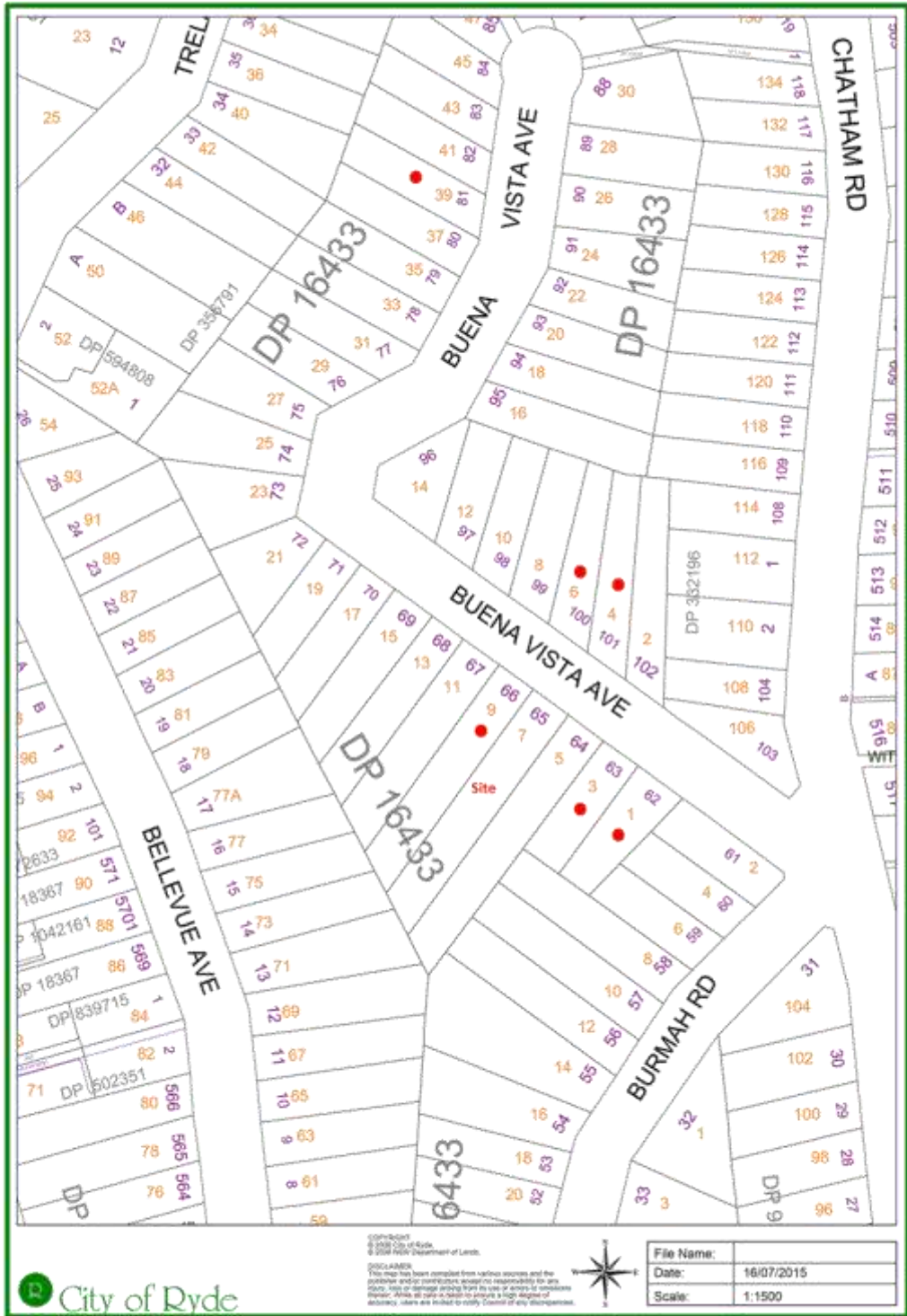
ITEM 3 (continued)

ATTACHMENT 3

DCP 2014	Proposed	Compliance
- Design & materials compatible with dwelling.	principal dwelling.	
Parking Space Sizes (AS) <ul style="list-style-type: none"> ○ Double garage: 5.4m wide (min) ○ Single garage: 3m w(min) ○ Internal length: 5.4m (min) 	Carport proposed.	Y
Driveways Extent of driveways minimised	Driveway unchanged.	Y
Semi-basement Car Parking <ul style="list-style-type: none"> - Ramps must start 2m from the boundary (not on public land). - Walls are not to extend beyond walls of dwelling above. 	No semi-basement parking proposed.	Y
Part 7.2- Waste Minimisation & Management		
Submission of a Waste Management Plan in accordance with Part 7.2 of DCP 2014.	The applicant has submitted a Waste Management Plan in accordance with Part 7.2 of DCP 2014.	Y
Part 8.2 - Stormwater Management		
Stormwater		
Drainage is to be piped in accordance with Part 8.2 - Stormwater Management.	Council's Dev. Eng. satisfied with proposed drainage arrangements.	Y
Part 9.2- Access for People with Disabilities		
Accessible path required from the street to the front door, where the level of land permits.	Path provided to new front entry.	Y

ITEM 3 (continued)

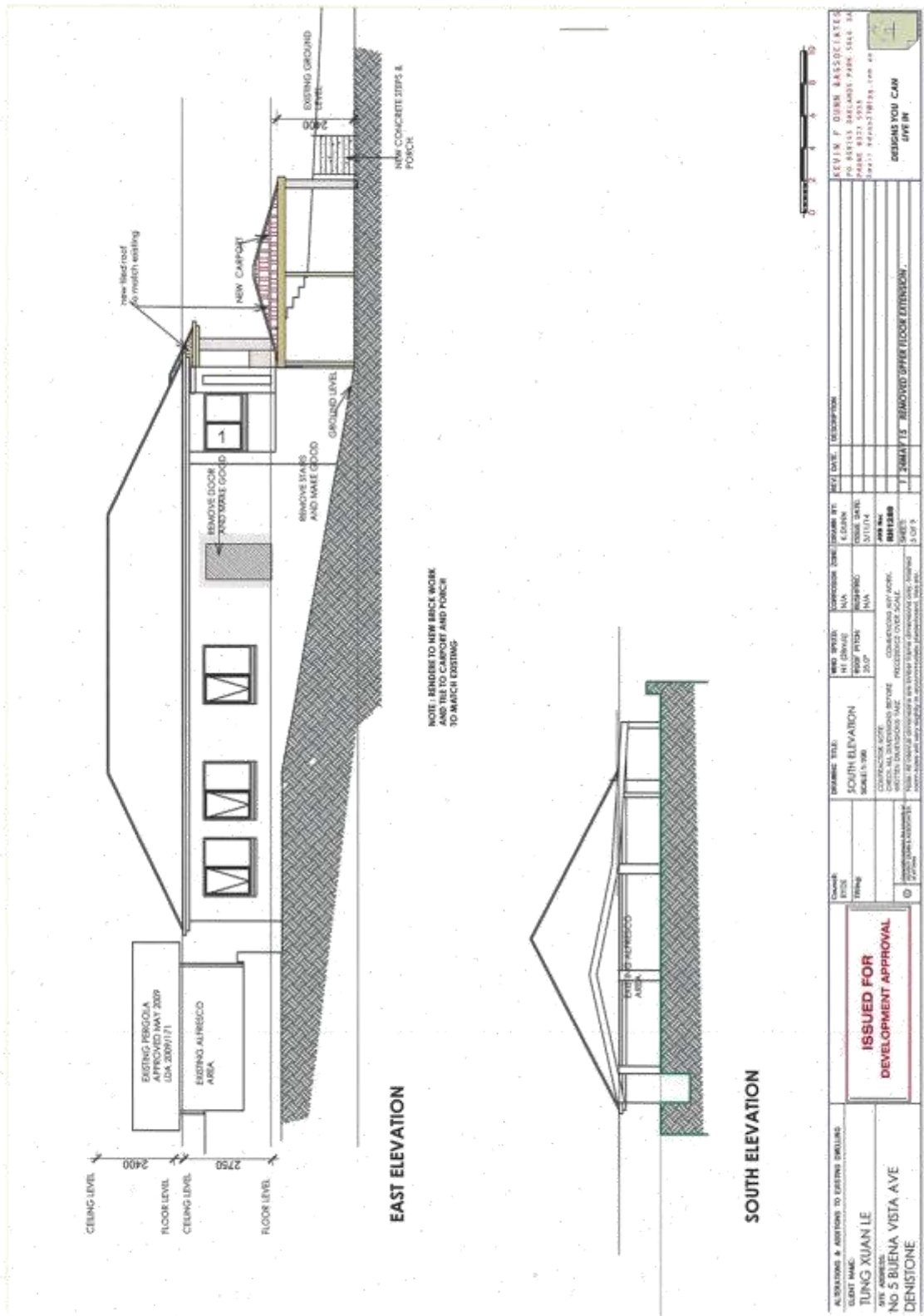
ATTACHMENT 4



● Indicates submission made

ITEM 3 (continued)

ATTACHMENT 5



ITEM 3 (continued)

ATTACHMENT 5

