

Meeting Date: Tuesday 17 March 2015
Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde
Time: 5.00pm

NOTICE OF BUSINESS

Item		Page
1	CONFIRMATION OF MINUTES - Meeting held on 3 March 2015	1
2	40 ANTHONY ROAD, DENISTONE – LOT 115 IN DP 305219. Development Application for a multi dwelling housing development containing 5 units and strata subdivision. LDA2014/0133.....	4

1 CONFIRMATION OF MINUTES - Meeting held on 3 March 2015

Report prepared by: Section Manager - Governance**File No.:** CLM/15/1/3/2 - BP15/234

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 3/15, held on 3 March 2015, be confirmed.

ATTACHMENTS

- 1 Minutes - Planning and Environment Committee - 3 March 2015

ITEM 1 (continued)

ATTACHMENT 1

Planning and Environment Committee
MINUTES OF MEETING NO. 3/15

Meeting Date: Tuesday 3 March 2015

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

Time: 5.00pm

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

Apologies: Nil.

Absent: Councillor Salvestro-Martin.

Staff Present: Group Manager – Environment and Planning, Service Unit Manager – Assessment, Team Leader – Assessment, Assessment Officer – Town Planner, Senior Development Engineer, Business Support Coordinator – Environment and Planning, Section Manager – Governance and Governance, Risk and Audit Coordinator.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES - Meeting held on 17 February 2015

RESOLUTION: (Moved by Councillors Yedelian OAM and Laxale)

That the Minutes of the Planning and Environment Committee 2/15, held on 17 February 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 8 DEAKIN STREET, WEST RYDE. LOT 9 SEC 4 DP 1095. Local Development Application for New multi-dwelling housing (attached) containing 3 units - 1 x 5 bedroom two storey unit at the front and 2 x 3 bedroom single storey units at the rear and strata subdivision. LDA2014/0385.**

Note: Catherine Watson (objector) and Peter Hall (architect for the applicant) addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Simon and Yedelian OAM)

- (a) That Local Development Application No. LDA2014/385 at 8 Deakin Street, West Ryde is approved subject to the **ATTACHED** conditions (Attachment 1).
- (b) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Unanimous

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

The meeting closed at 5.15pm

CONFIRMED THIS 17TH DAY OF MARCH 2015.

Chairperson

2 40 ANTHONY ROAD, DENISTONE – LOT 115 IN DP 305219. Development Application for a multi dwelling housing development containing 5 units and strata subdivision. LDA2014/0133.

Report prepared by: Creative Planning Solutions; Team Leader - Assessment
Report approved by: Manager Assessment; Group Manager - Environment and Planning
File Number: GRP/09/5/6/2 - BP15/214

1. Report Summary

Applicant: Paul Abi-saab

Owner: Paul Abi-saab

Date lodged: 11 April 2014 (amended plans received 11 September 2014)

This report considers a development application (DA) for construction of a multi dwelling housing development comprising 5 dwellings – one (1) x 2-storey four (4) bedroom dwelling at the front of the allotment, and four (4) x single storey dwellings (3 x 3 bedroom and 1 x 2 bedroom) at the rear of the allotment, and strata subdivision upon completion.

The DA was advertised and notified to adjoining property owners on 29 April 2014 of the exhibition period of three weeks starting on 29 April 2014 in accordance with the then Ryde Development Control Plan 2010 (now superseded by Ryde DCP 2014). In response, a total of 7 objections (including a petition containing 20 signatures) were received by Council.

A request for additional information and amended plans was made by Council on 25 June 2014, and requiring various issues to be addressed (including non-compliance with the 8m maximum height limit for dwelling 1, site frontage, amount of fill above natural ground level within the building footprint and inconsistency between architectural and landscaping plans).

Amended plans were received on 11 September 2014 and re-notified in accordance with Ryde DCP 2014. No further submissions were received by Council to the amended plans.

The issues raised by the objectors as part of the first round of notification are summarised as follows:

- Non-compliance with minimum frontage requirements in Ryde Local Environmental Plan (LEP) 2010;

ITEM 2 (continued)

- Site location in a non-preferred location for multi dwelling housing development under the provisions of the Ryde Development Control Plan (DCP) 2010 (Part 3.5 Multi Dwelling Housing);
- Inconsistency with the provisions of Ryde DCP 2014 (Part 4.3 West Ryde Urban Village). (Note – this Part of the DCP does not apply to the subject site);
- The two-storey height of the front dwelling (unit 1);
- Non-compliance with the minimum setbacks provided Ryde DCP 2014;
- Overdevelopment of the site by virtue of the density of dwellings proposed;
- Traffic generation and car parking demand arising from the development would result in a traffic safety hazard;
- Privacy impacts from overlooking;
- Overshadowing impacts impacting on amenity and solar panels;
- Inadequate landscaping and private open space concerns as a result of excessive hard paved areas;
- Acoustic impacts from vehicles using the driveway;
- Impacts on adjoining significant vegetation;
- Stormwater drainage concerns;
- The proposal does not provide a garbage bin storage area; and
- Construction noise anticipated by the proposed development is considered unacceptable.

The proposal has been assessed against the provisions of Ryde LEP 2010 and Ryde DCP 2014. The areas of non-compliance with these planning documents that remain despite the submission of amended plans from the applicant can be summarised as follows:

- Non preferred location (the land slopes and abuts a reserve and part of the site is mapped as containing urban bushland);
- Altering the levels of the site (300mm maximum cut/fill outside the building footprint; proposal exceeds in various locations as discussed in report);
- Minimum allotment frontage (20m required, 17.983m provided);
- Visitor parking (2 spaces for developments of 5 units, 1 space provided);
- Side setbacks (6m required where the setback includes the driveway; southern side setback varies between 3m and 8.7m);
- Landscaping requirements (Private open space not at natural ground level and planting strips adjacent to driveway); and
- Visual privacy (issues discussed in report).

ITEM 2 (continued)

Despite the non-compliances in terms of DCP 2014 and the issues of concern raised in the objections, the proposal is generally considered acceptable for approval as discussed in the body of the report. The exception to this is the non-compliance with the visitor parking requirement in DCP 2014, as it is considered necessary to ensure that a minimum of 2 visitor parking spaces are provided. To resolve this issue, it is recommended that further amended plans be submitted, via a “Deferred Commencement” consent that requires further amended plans to be submitted before the consent becomes operational.

The subject DA is recommended for approval subject to conditions via a deferred commencement consent – to address the visitor parking requirement noted above, and also to enable the applicant to obtain permission to drain through a Council reserve at the rear of the site (required to facilitate drainage as shown in the applicant’s drainage plans). This is a separate application to Council’s Open Space Service Unit, but which Council’s Manager Open Space has indicated (in principle) is able to be supported.

Reason for Referral to Planning and Environment Committee:

Requested by Councillor Perram.

Public Submissions: 7 objections were received in relation to the original notification, including a petition signed by 20 local residents.

(No submissions were received regarding the amended plans).

SEPP 1 (or clause 4.6 RLEP 2010) objection required? None required.

Value of works: \$800,000

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

RECOMMENDATION:

- (a) That LDA 2014/0133 at 40 Anthony Road, Denistone being LOT 115 DP 305219 be approved subject to deferred commencement and the ATTACHED conditions (See Attachment 1).
- (b) That the persons who made submissions be advised of Council's decision.

ITEM 2 (continued)

ATTACHMENTS

- 1 Draft Deferred Commencement Conditions
- 2 Ryde DCP 2014 Compliance Check
- 3 Map
- 4 A4 Plans
- 5 A3 Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

**Ben Tesoriero Planning Consultant
Creative Planning Solutions**

**Chris Young
Team Leader - Assessment**

Report Approved By:

**Liz Coad
Manager Assessment**

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

ITEM 2 (continued)

2. Site (Refer to attached map below)

Address : 40 Anthony Road, Denistone
(Lot 115 in Deposited Plan 305219)

Site Area : 1,714m².

Site frontage to Anthony Road of 17.983m
Rear boundary of 22.250m
Northern side boundary of 87.598m
Southern side boundary of 83.788m

**Topography
and Vegetation**

The subject site has a steady fall of approximately 9m : from the front boundary at Anthony Road to the rear boundary. Given this occurs over a distance of around 89m, the average gradient across the site has been calculated at approximately 1:10.
At the time of the site inspection, the subject site included some significant vegetation to the rear, although it has been claimed by the applicant that all existing vegetation on the subject site is approved for removal under a separate application and approval by Council. A search by Council has not however identified any such approval, and as such, this report includes an assessment of the vegetation observed on the site.

**Existing
Buildings**

: There is currently a single storey dwelling house of brick construction with a tiled roof, detached garage, and three (3) detached garden sheds on the subject site. Site access is via a concrete layback, crossover and driveway located parallel to the southern side boundary.
A concrete footpath extends across the verge in front of the property parallel to the front boundary and Anthony Road.

**Planning
Controls
Zoning**

: R2 – Low Density Residential under Ryde LEP 2010; (Also R2 Low Density Residential under Ryde LEP 2014).

Other

: Ryde Development Control Plan 2014,
State Environmental Planning Policy (Building
Sustainability Index: BASIX) 2004

ITEM 2 (continued)



Figure 1: Aerial image of the subject site and surrounding development.

ITEM 2 (continued)



Figure 2: Photograph of the front setback and existing brick dwelling house on the subject site.

3. Councillor Representations

Name of Councillor: Councillor Perram

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

Date: 17 December 2014

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

On behalf of applicant or objectors? Objector

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

ITEM 2 (continued)

4. Political Donations or Gifts

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

5. Proposal

The development proposes construction of a multi dwelling housing development comprising five (5) dwellings – 1 x 2-storey 4 bedroom dwelling at the front, and 4 x single-storey (3 x 3 bedroom and 1 x 2 bedroom) dwellings at the rear of the site. All dwellings are attached and contained in a single building. Strata subdivision is proposed upon completion.

Generally, the design proposes provision of a driveway along the southern side of the site, and the construction of the dwelling units along the length of the site with their private open space (courtyard) areas on the northern side. The dwelling units are to be constructed of face brickwork and concrete roof tiles.

The following drawings are the front elevation and site plan of the proposed development.

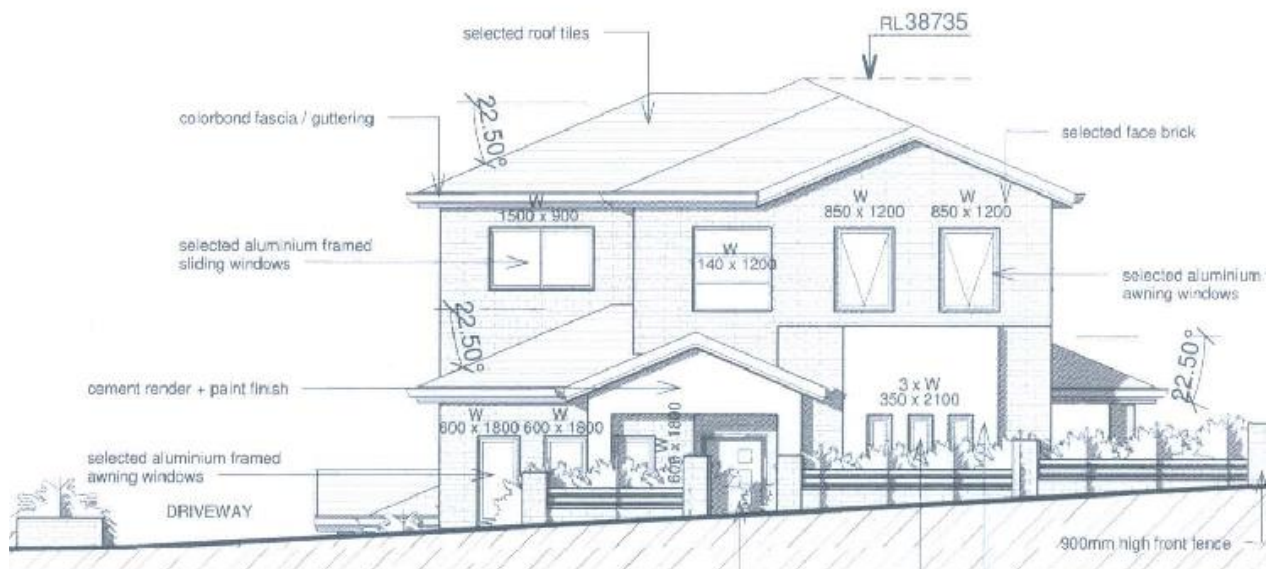


Figure 3: Front elevation of the proposed development from the Anthony Road frontage.

ITEM 2 (continued)



Figure 4: Site Plan – also attached (please see Attachment 4)

6. Background

The following is a brief overview of the development history relating to the proposed development:

- LDA2014/0133 was lodged with Council on 11 April 2014;
- Notification and advertising of the subject DA in accordance with Part 2.1 of the then Ryde DCP 2010 took place for a period from 29 April to 21 May 2014;
- In response, 7 objections were received, including a petition containing 20 signatures;
- A letter requesting additional information and revised plans was sent to the applicant on 25 June 2014. The following issues were identified as part of Council's preliminary assessment and neighbour notification process:
 - Height of Dwelling 1 fronting Anthony Road of 8.625m, which exceeds the 8m maximum building height under Ryde LEP 2010 for dwellings within a multi dwelling housing development that front the street;

ITEM 2 (continued)

- Site frontage of 17.983m does not comply with the minimum frontage requirement of Ryde LEP 2010 and Ryde DCP 2014 (20m) – and although the site is suitable for a multi-dwelling housing development due to its large site area (1714m²), the applicant was requested to address the frontage issue via a written statement;
 - Proposed fill within the building footprints to accommodate the dwellings on the site which slopes away from the street. Ryde DCP 2014 states that fill should not be brought onto the site;
 - Various inconsistencies with the architectural plans and landscape plan. A request for an arborist report was made given the proposal appeared to include the removal of several significant trees.
- On 11 September 2014, additional information and amended plans were submitted in response to Council's issues raised, along with an amended Statement of Environmental Effects. In summary, the amended proposal included a height reduction of dwelling 1 to 7.485m which will ensure compliance with the 8m maximum height prescribed under DCP 2014 (achieved through reduction in roof pitch and lowering of floor levels); a written submission regarding the site frontage; clarification regarding tree removal issues including correction in plan inconsistencies; and minimisation of cut/fill throughout the site via the reduction in floor levels.
 - The amended plans were re-notified for a period from 19 September to 13 October 2014. (No submissions were received as a result of re-notification).
 - Notification of a call-up to Planning & Environment Committee was received on 17 December 2014 (refer to Councillor Representations above).

7. Submissions

The original plans for the subject DA, and subsequent amended plans were notified to surrounding property owners and residents, and advertised in accordance with the then Part 2.1 'Notice of Development Applications' of Ryde DCP 2010 (now superseded by Ryde DCP 2014) for a period from 29 April to 21 May 2014. When amended plans were received for this DA, they were re-notified to neighbours and previous objectors for a period from 19 September to 13 October 2014.

ITEM 2 (continued)

Seven (7) submissions including a petition 20 signatures was received in response to the original DA notification. No submissions were received in response to the notification of the amended plans.

The issues raised in the submission to the original proposal along with the Assessing Officer's comments to each issue are summarised and discussed as follows:

- A. *Density.*** *Concerns were raised over the density of the originally proposed development, including the number of dwellings, bedrooms and amount of people potentially residing within the development, and that the proposal is an overdevelopment of the site in general.*

Assessing Officer's Comment

There are a range of provisions contained within both Ryde LEP 2010 and Ryde DCP 2014 which effectively control density.

Clause 4.5A of Ryde LEP 2010 provides the primary development standard that specifically controls the density of multi dwelling housing on land in Zone R2 Low Density Residential. This clause states that the consent authority must not consent to the erection of multi dwelling housing on land in Zone R2 Low Density Residential unless:

- a) *The site area for the building is not less than:*
 - i. *For each 1, 2 or 3 bedroom dwelling – 300sqm, and*
 - ii. *For each 4 bedroom dwelling – 365sqm.*

The development proposes 1 x 4 bedroom dwelling, 3 x 3 bedroom dwellings, and 1 x 2 bedroom dwelling. Accordingly, the site area required for the proposed development would be 1,565sqm. The subject site area is 1714m² which almost 10% more site area than the minimum requirements of Clause 4.5A of Ryde LEP 2010.

It is noted the floor space ratio control in clause 4.4A(1) of Ryde LEP 2010 does not apply to this development, as this clause states that the maximum FSR in Zone R2 only applies to development for the purposes of a dwelling house or dual occupancy. Nevertheless, the FSR of the proposed development has been calculated to be 0.35:1 which is well below the standard 0.5:1 set for most low density residential areas in the City of Ryde. Accordingly, the FSR indicates the relatively modest density of the proposed development in terms of floor space which is consistent with the bulk and scale character of the low density residential areas.

ITEM 2 (continued)

The proposed development is fully compliant with the density-related controls contained within Ryde LEP 2010, and therefore the development is not considered to be an over-development of the site based on site density.

- B. Site Frontage.** *Concern has been raised that the subject site does not comply with the minimum frontage controls for multi dwelling housing development in the R2 Low Density Residential zone.*

Assessing Officer's Comment

Section 2.2 of Part 3.4 of Ryde DCP 2014 prescribes minimum allotment size and frontage for multi dwelling housing developments:

Allotments must have a frontage to a road of not less than 20 m and area of not less than 900m² (refer to clause 4.1B Minimum lot sizes for dual occupancies and multi dwelling housing of City of Ryde Local Environmental Plan 2014);

The requirement for a 20m allotment frontage for multi-dwelling housing developments was not previously contained in Ryde LEP 2010 (it was previously only contained in Ryde DCP 2010). The requirement for a 20m frontage as contained in Ryde DCP 2010 has historically been considered on the merits of each application by Council, and in some circumstances varied.

Under the previous controls (in Ryde DCP 2010), the minimum allotment frontage requirement worked in conjunction with the previous linear separation requirements to provide for the dispersal of multi-dwelling housing developments throughout the City. As noted in consideration of the following point of objection (see Figure 5 below), there are some multi-dwelling housing developments close to the subject site, and these are dispersed throughout the vicinity. This DA would have complied with the previous linear separation controls.

Pursuant to the "Savings Provisions" (Clause 1.8A Ryde LEP 2014), given that this DA was lodged (11 April 2014) prior to when Ryde LEP 2014 was made (12 September 2014), this DA must be determined as if Ryde LEP 2014 had not commenced.

As discussed throughout this report, the subject site is considered to be suitable for multi-dwelling housing due to its very large size (1714m²) and compliance with the density controls in Ryde LEP 2010.

ITEM 2 (continued)

The 20m frontage requirement now contained in Ryde LEP 2014 will, for all DAs lodged after 12 September 2014, be a higher order planning consideration in the future.

- C. *Character/Streetscape*** – *concern has been raised over the originally proposed development being inconsistent with the character of the local area, and also the design of the development fronting Anthony Street being incompatible with the streetscape.*

Assessing Officer's Comment: Multi-dwelling housing development is permissible within the R2 Low Density Residential zoning of the property, and has been facilitated by various DCPs or previous Council "Codes" dating back to 1983 (when the first "Villa Homes Code" was adopted by Council).

This development has a design which will ensure compatibility with the low density character of the local area. For example it has a 2-storey height, will be constructed of face brickwork and concrete roof tiles, and will be used for residential purposes consistent with the use of surrounding properties.

The local area has a range of residential development types including single dwellings, dual occupancy developments, and multi-dwelling housing, generally varying in height from 1-2 storeys. This proposal will therefore fit within this existing character.

The following air photo shows the types of residential developments in the immediate vicinity of the subject site.

Accordingly, it is considered that the proposal is generally consistent with the character of development in the local area, and will result in a compatible building presentation to the Anthony Road streetscape. As the proposal is not considered to introduce a discordant building to the local area, the objector's comments in relation to this issue are not supported in this instance.

ITEM 2 (continued)



Figure 5. Aerial image of the development surrounding the subject site demonstrating that the local area consists of a mix of single dwelling houses, dual occupancy's and multi dwelling housing development.

ITEM 2 (continued)

D. Traffic and Parking. *Concerns have been raised that the development would result in unacceptable traffic and parking impacts. Specifically, these concerns included inadequate off-street parking provisions and lack of available on-street parking, insufficient visitor parking provision, increase in noise from the use and design of the proposed driveway, inadequate vehicle manoeuvrability on site, tandem parking arrangements, and traffic congestion and safety.*

Assessing Officer's Comment:

Ryde DCP 2014 requires 1 space for each 1 or 2 bedroom dwelling; 2 spaces for each 3 (or more) bedroom dwelling; and 1 visitor space for each 4 dwellings. Where the calculation of the parking required results in a fraction, DCP 2014 also states that the parking requirement will be rounded up to the nearest whole number.

Using these rates, this development would require 9 resident spaces (for 4 x 3 or more bedroom + 1 x 2 bedroom units), and 2 visitor spaces.

The development provides the required amount of resident parking, however only 1 visitor space is proposed (at the rear of the site, adjacent to unit 5), and therefore does not comply with the visitor parking requirement of DCP 2014.

For multi-dwelling housing developments of 5 units, Council has consistently required 2 visitor parking spaces in accordance with the rounding up requirement in DCP 2014. Accordingly, it is considered that the development plans should be amended to ensure compliance with this requirement and provide 2 visitor spaces.

It is considered that this could be resolved via a Deferred Commencement condition of consent, and could involve a relatively minor change to the design, for example it is suggested that the design of the garage for dwelling 1 could be changed from a traditional double garage to a stacked parking arrangement, to provide a visitor space between units 1 and 2 (as shown in the diagram below). These amendments will ensure that the development complies with the minimum parking requirements in DCP 2014, to address resident concerns regarding the amount of on-site parking provided in the development.

ITEM 2 (continued)

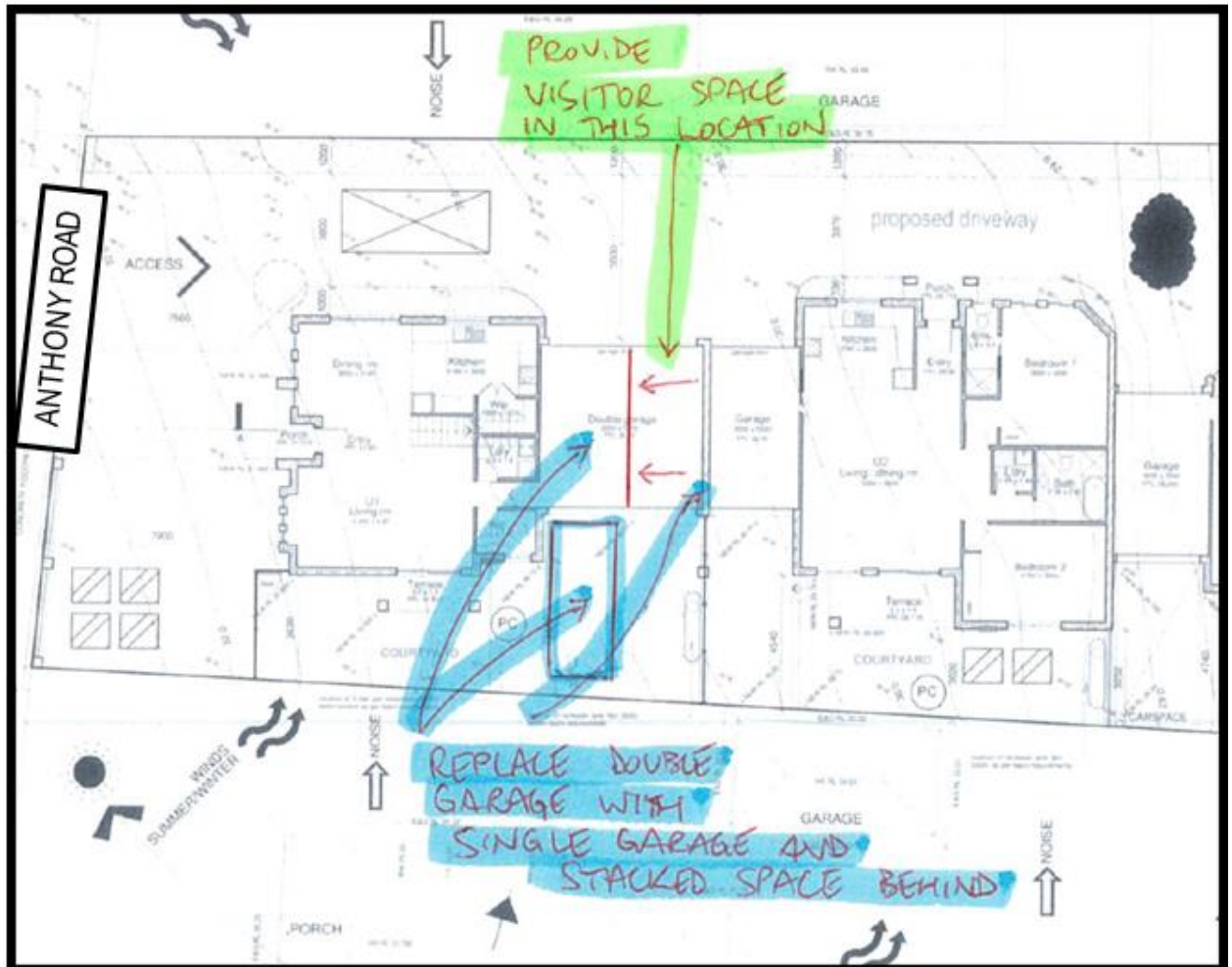


Figure 6. Suggested design change to ensure provision of an additional visitor space. In regard to the concerns regarding provision of parking in a “stacked” or “tandem” (one space behind the other) arrangement, it should be noted that this is a common arrangement for providing 2 parking spaces for dwellings in a multi-dwelling housing development.

ITEM 2 (continued)

E. *Privacy. Concerns were raised that the development would result in unacceptable loss of privacy to adjoining dwellings.*

The applicant has responded to this potential issue of loss of privacy as a result of overlooking by making a number of key amendments to the plans. Firstly this has included a more balanced approach to altering the levels of the site. The originally lodged plans proposed significant amounts of fill to accommodate for the sloping topography of the site. The impact on this however was elevated building footprints that were considered to give rise to overlooking opportunities.

In the amended plans submitted to Council, the applicant has put forward a more balanced approach to cut and fill in order to overcome the sloping nature of the site. This has meant that the dwellings are now positioned more closely to natural ground level, and as such opportunities for overlooking have been reduced.

Secondly, the overall building heights of the development have been reduced which not only has the effect of reducing overlooking impacts, but also the visual impact of the development in terms of its bulk and scale.

The proposed development is single storey in nature, except for Dwelling 1 fronting Anthony Road which is 2-storey. The second storey component of Dwelling 1 includes no living rooms, only bedrooms, bathroom and walk-in-robe. As such, given the design and layout of the dwellings, it is considered opportunities for overlooking are reduced.

It is also noted that the proposed development provides compliant front and rear setbacks. A small non-compliance with the side setback control is proposed, however, by virtue of this being the driveway area, it is not considered to impact on visual privacy (as illustrated in **Figure 8**, later in this report).

One concern that has been raised with the subject proposal, is the possibility of overlooking being presented from the courtyard area of Dwelling 5. This is depicted in in **Figure 5** below. It is recommended that this issue be resolved via provision of 300mm high lattice on top of the existing boundary fencing to the side/rear boundaries.

ITEM 2 (continued)

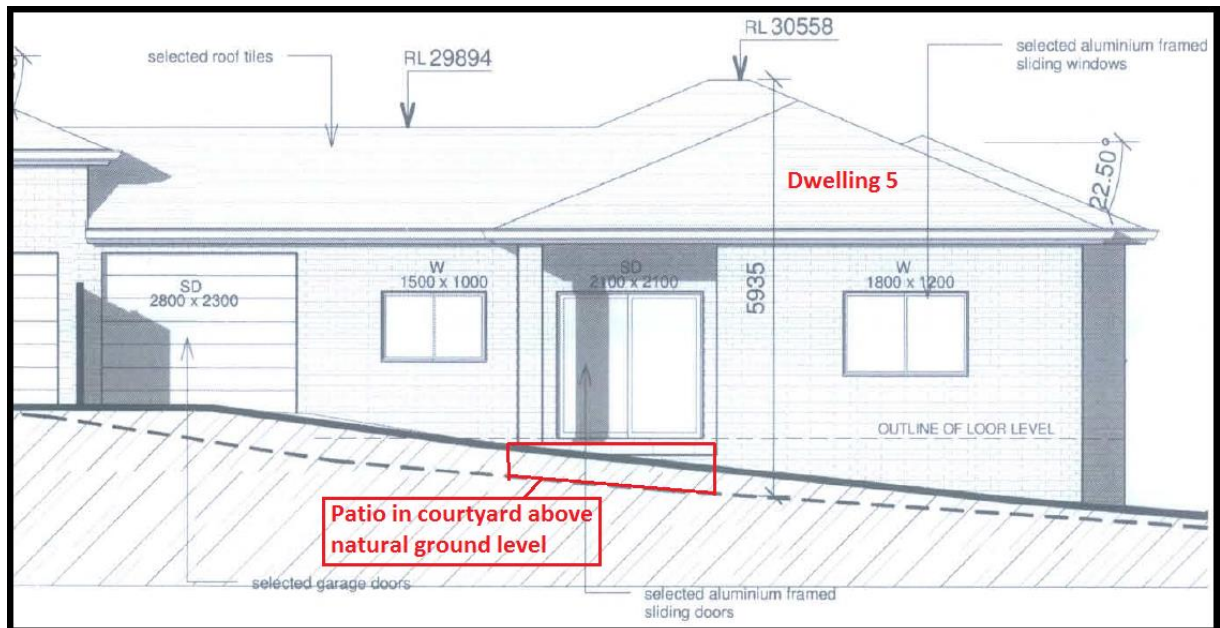


Figure 7. North elevation Dwelling 5. Due to the patio in the courtyard area of Dwelling 5 being slightly elevated above natural ground level, it is considered appropriate that a condition of consent be imposed to install 300mm lattice screening atop the fence to assist with the maintenance of privacy.

Given the above, it is considered that the objectors concerns regarding privacy impacts with the original design are considered to have been satisfactorily addressed by the applicant in their revised design. This combined with the recommended condition above are considered to result in a development outcome that is now satisfactory when having regard to visual privacy impacts.

F. Landscaping and Vegetation. Concerns were raised that the proposed development includes unsatisfactory landscaping arrangements, specifically the inadequacy of the landscape strip adjacent to the driveway as well as the amount of impervious area proposed and its subsequent storm water impacts. Concern has also been raised over the impact on adjoining significant vegetation that is identified as 'Urban Bushland' by the City of Ryde.

Assessing Officer's Comment

Site coverage/pervious area

Ryde DCP 2014 prescribes that site coverage must not exceed 40%, and pervious area must not be less than 35% of the site area. The objective of these controls is to ensure a balance between built and unbuilt areas, and to allow for sufficient landscaping and pervious areas within the site.

ITEM 2 (continued)

Measurements undertaken of the amended plans by Council's Consultant Landscape Architect has revealed that the total site coverage is 35.12% of the site area and the total amount of pervious area is 39.7% of the site area, which fully complies with the site coverage and pervious area controls. Accordingly, it is considered that the proposal provides a satisfactory balance between built and unbuilt areas so as to allow for sufficient landscaping and stormwater permeability across the site.

Landscape strips

Ryde DCP 2014 provides controls for multi dwelling housing developments so that landscape strips are provided along boundaries and also around the building itself to assist with softening development and helping to reduce overlooking opportunities. Specifically, these controls state:

- A planting strip not less than 1.2 metres wide should be provided between the driveway and the adjoining property boundary.
- A landscaping strip of not less than 1 metre must be provided between the driveway and the wall of the dwellings

An assessment of the amended plans revealed that a landscape strip 1.2m wide is provided along the southern side boundary adjacent to the driveway (except for where the driveway widens to provide access for the visitor parking space). Furthermore a landscaping strip between 500mm and 1m is provided between the driveway and the wall of the dwellings.

As for the landscape strips adjoining the dwellings themselves, these are also considered to be substantially compliant except for small portions where the kitchens of the dwellings protrude slightly southward and reduce this setback to 500mm rather than the minimum 1m. Again, this is considered justifiable as these areas will still be able to accommodate some vegetative planting and are opposite the adjacent landscaping strip which has a width of 1.2m in these locations. The dwellings that encroach are single storey only, and as such minimum opportunities for overlooking are anticipated.

Impact on vegetation

In relation to the proposal's impact on significant vegetation, the following extract is provided from Council's Consultant Landscape Architect:

Tree removal proposed on the subject site is generally supported given that the tree to be removed is included on the exempt tree species list contained within Part 9.5 of Ryde DCP 2014. It is noted that one (1) large and significant existing tree (Eucalyptus saligna (Sydney Blue Gum))

ITEM 2 (continued)

within the rear yard of the subject site is to be impacted by the development however the retention of this tree is considered to be achievable subject to detailed protection measures which will be required to be implemented by an AQF Level 5 Arborist.

As part of the assessment of the proposal, adjoining vegetation in the Denistone Sport reserve (to the rear) was considered. However, as the proposed development was not assessed as impacting on the tree protection zones of these trees, no additional conditions of consent relating to this vegetation have been recommended by the Landscape Architect.

Accordingly, given the above, the objector concerns in relation to landscaping and trees/vegetation are not supported.

- G. Side setbacks.** *Concern is raised that the side set back does not comply where vehicular access/driveway is provided.*

Assessing Officer's Comment

In relation to side setbacks, Ryde DCP 2014 states that 'where vehicular access is provided within the side setback area, the minimum setback shall be 6 metres.'

It is noted that the proposed development is setback from the southern side boundary primarily between 5.3m and 8.705m, however adjacent to Dwelling 5, a reduced setback of 3m is provided where the driveway ends and a proposed visitor parking space is to be located.

Based on the above, it is evident the proposed development falls short of the minimum setback requirement by up to 700mm. This is considered justifiable for the following reasons:

- The reduction in setback to 5.3m only occurs for a portion of the overall building length. The amount of the overall building length that is to be setback between 5.3m and 5.5m as opposed to 6m or greater has been calculated as 40%, with 60% of the elevation being between 6m and 8.705m.
- The subject DA has been referred to Council's Development Engineer who has indicated that the proposed vehicular parking and manoeuvring arrangements are suitable, subject to conditions;
- The proposal has been referred to Council's Landscape Architect who has also commented the landscaping arrangements of the proposed development are considered suitable, particularly as the minimum site coverage and permeable area controls have been met.

ITEM 2 (continued)

- The minor reduction in side setback is not considered to result in any unacceptable loss of visual or acoustic privacy impacts to adjoining development. This is because four (4) of the five (5) dwellings within the proposed development are single storey only. The only two (2) storey dwelling is Dwelling 1 located at the front of the site. For this dwelling, all living room areas have been positioned on the ground floor, with only bedrooms, bathrooms and a walk-in-robe located on the first floor of the dwelling. As such no unacceptable overlooking opportunities are considered to present themselves to adjoining property.
- The minor reduction in side setback is not considered to result in any unacceptable overshadowing impacts of adjoining property; and
- The proposed development, with its compliant building height, bulk and scale, is not considered to pose an unacceptable visual impact on adjoining property.

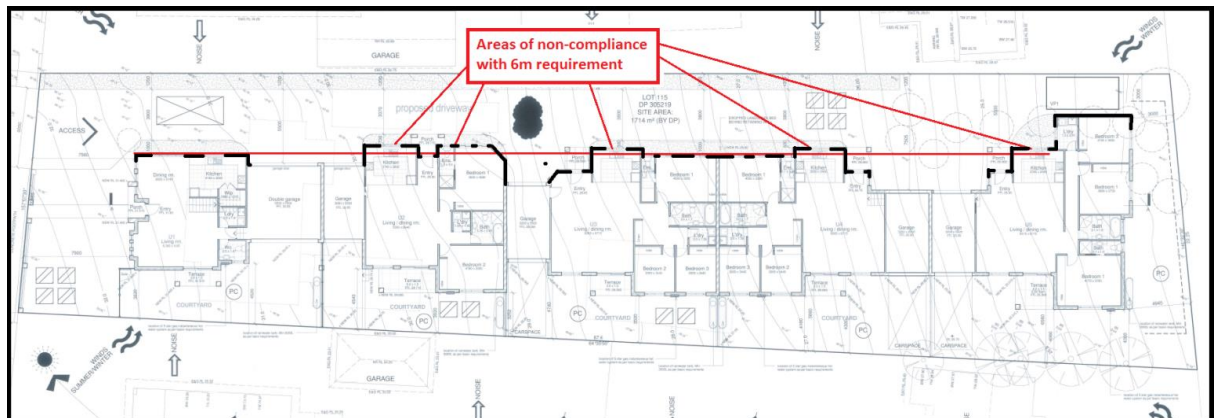


Figure 8 – Side setback non-compliance.

H. Private open space. Concerns have been raised that the backyards of each of the dwellings are inappropriately sized.

Assessing Officer's Comment

Ryde DCP 2014 provides minimum area and dimension requirements for private open space areas within multi dwelling housing developments. These include:

- Minimum private open space requirements: 30m² for 2 bedroom dwelling; 35m² for 3 or more bedroom dwelling; and
- All private outdoor space must have a minimum dimension of 4 metres.

ITEM 2 (continued)

An assessment of the amended plans submitted with the subject DA have revealed the private open space areas to have the following attributes:

- Dwelling 1 – 71.38m² – minimum 4m dimension achieved
- Dwelling 2 – 60.24m² – minimum 4m dimension achieved
- Dwelling 3 – 70.48m² – minimum 4m dimension achieved
- Dwelling 4 – 80.02m² – minimum 4m dimension achieved
- Dwelling 5 – 102.41m² – minimum 4m dimension achieved

Given the proposed development's ability to comply with the minimum provisions of Ryde DCP 2014 for private open space areas, the objectors concerns that the proposal will provide for inadequate sized backyard is not supported. This is because a key objective of the above-mentioned controls from Ryde DCP 2014 is to ensure that private outdoor spaces are functional.

I. *Adjoining Reserve.* *Concerns have been raised that the proposed development will impact on the adjoining reserve to the rear.*

As indicated in the Air Photo earlier in this report (Figure 1), the rear boundary of the site adjoins the vehicular access and informal parking area for the Denistone Sports Club. The proposal would have no impacts on any trees within the adjoining reserve. Council's Consultant Landscape Architect has undertaken an assessment of the proposed development and its potential impact on adjoining vegetation in this reserve area. It has been concluded that the proposal is unlikely to impact on any significant vegetation in this area by virtue of the building being clear of any major impacts on tree protection zones.

The proposal would involve works associated with disposal of drainage through the reserve in accordance with the submitted drainage plans. However, discussions with Council's Manager Open Space Service Unit indicates that such works would be approved (upon application to drain through Council Reserve).

J. *Accuracy of Data.* *Concern has been that there appeared to be some inconsistencies with the information raised in the Statement of Environmental Effects, and also some inconsistencies with information contained in the on-site stormwater detention calculations.*

Assessing Officer's Comment

The objectors have raised concerns about the accuracy of the applicant's Statement of Environmental Effects, including matters regarding the number of existing structures (to be demolished), statements about the number of single storey and two storey dwellings in the surrounding area, and the

ITEM 2 (continued)

applicant's incorrect reference to Huxley Street (which should be Anthony Road). Whilst it is noted that the Statement of Environmental Effects may not have been completely accurate, this issue has not prevented a full/proper assessment from being made in terms of the submitted plans. In particular regarding the on-site stormwater information, Council's Senior Development Engineer has made an assessment and found the application to be acceptable for approval subject to conditions.

- K. Pollution impacts.** Concerns have been raised that the proposed development will result in unacceptable levels of pollution.

Assessing Officer's Comment

The proposed development is for the purposes of residential accommodation within an established residential area. The proposal is not for any industrial use or other land use that is considered to have the potential to result in any significant impacts on the natural or built environment.

Standard conditions of consent will be placed on the development approval to ensure that any potential environmental impacts as a result of the construction of the multi dwelling house development will be mitigated.

- L. West Ryde Town Centre Development Control Plan.** Concern is raised that the proposed development fails to comply with the provisions of Part 4.3 of Ryde DCP 2014 'West Ryde Town Centre' (previously Ryde DCP 2010).

Assessing Officer's Comment

The subject site is located outside of the area to which this DCP applies, and as such is not a matter for consideration in the assessment of the subject DA.

- M. Impacts on property values.** Concerns have been raised that the proposed development will negatively impact on property values in the local area.

Assessing Officer's Comment

While it is acknowledged that perceived impacts on property values are often raised as a concern by objectors to multi dwelling housing developments, the issue of potential impacts on property values is not a valid matter for consideration in DA assessment. This position has also been reinforced by multiple decisions in Land and Environment Court proceedings in development matters.

ITEM 2 (continued)

N. Construction Impacts. *Concerns have been raised regarding construction impacts (such as noise, dust etc).*

Assessing Officer's Comment

While it is acknowledged that these issues of concern are commonly raised by residents living close to development sites, they are a temporary issue limited only to the construction phase of the development. Council's standard conditions of consent limits hours of construction, to ensure that construction occurs during reasonable hours of the day, and there are also various other conditions of consent regarding sediment control, dust etc.

8. Clause 4.6 Ryde LEP 2010 objection required?

None required.

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

Ryde LEP 2014 commenced on 12 September 2014 as the new environmental planning instrument applicable to the City of Ryde. In relation to existing DAs un-determined as of 12 September 2014, this instrument contains a Savings Provision (clause 1.8A), which states:

If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

The DA was made (lodged) on 11 April 2014, before the commencement of this Ryde LEP 2014 and so it must be determined as if Ryde LEP 2014 had not commenced. What this means is Ryde LEP 2014 is considered as a Draft Environmental Planning Instrument.

(b) Ryde Local Environmental Plan 2010**Zoning**

Under the Ryde Local Environmental Plan 2010 (Ryde LEP 2010) the subject site is zoned R2 Low Density Residential. The proposal is permissible with Council's development consent in this zone.

ITEM 2 (continued)**Mandatory Requirements**

The following mandatory provisions under Ryde LEP 2010 apply to the development.

Clause 4.3 Height of buildings

Clause 4.3 of Part 4 of Ryde LEP 2010 prescribes development standards for the height of buildings. Specifically, clause 4.3A(2) states the following:

(2A) despite subclause (2) (which relates to the Height of Buildings Map), the maximum height of multi dwelling housing in Zone R2 Low Density Residential is:

- (a) for dwellings in the building that do not have a frontage to the street – 6.5m, and*
- (b) for dwellings with a frontage to the street, if adjoining lots containing dwellings houses that are less than 9.5m high – 8m*

An assessment of the proposed development's dwelling heights has revealed the following:

- Dwelling 1 which fronts the street – 7.758m (complies);
- Dwelling 2 which does not front the street – 5.230m (complies);
- Dwelling 3 which does not front the street – 5.699m (complies);
- Dwelling 4 which does not front the street – 4.957m (complies); and
- Dwelling 5 which does not front the street – 5.938m (complies);

Given the above, the amended proposed development satisfactorily complies with the building height development standards contained within Ryde LEP 2010.

Clause 4.5A Density controls for Zone R2 Low Density Residential

Clause 4.5A stipulates that consent cannot be granted to multi dwelling housing in the R2 zone if the site area is less than 300m² for each 1, 2 or 3 bedroom dwelling and 365m² for each 4 or more bedroom dwelling.

ITEM 2 (continued)

Given the proposed development consists of one (1) x four (4) bedroom dwelling, three (3) x three (3) bedroom dwellings, and a single two (2) bedroom dwelling, the required site area is 1,565m². The subject site area of 1,713.59m² and therefore meets the requirement of this development standard.

(b) Relevant State Environmental Planning Policies (SEPPs)SEPP (Building Sustainability Index: BASIX)

The development is identified under the Environmental Planning and Assessment Regulation 2000 as a BASIX Affected Building. A compliant BASIX Certificate has been submitted (BASIX Cert 541285M dated 9 April 2014) with the DA.

SEPP No. 55 – Remediation of Land

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

(c) Any draft LEPs

None relevant.

(d) The provisions of any development control plan applying to the landRyde Development Control Plan 2014

The proposed development has been assessed against the controls of Ryde DCP 2014. Ryde DCP 2014 Compliance Table for this development proposal is held at **Attachment 2** to this Report.

The areas of non-compliance with Ryde DCP 2014 are discussed as follows. These non-compliances have been categorised into those controls which are considered to be justifiable in the circumstances of the development, those controls which would ordinarily be addressed by way of condition, and those controls which are neither justifiable nor capable of being addressed via conditions of consent.

ITEM 2 (continued)

In assessing the proposal in terms of the provisions of Ryde DCP 2014, it is noted that Section 79C(3A)(b) of the Environmental Planning and Assessment Act 1979, states that if a development control plan contains provisions that relate to the development that is the subject of a DA, the consent authority is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development.

Non compliances – justifiable

1. Non-Preferred Locations

Section 2.3 of Part 3.4 of Ryde DCP 2014 prescribes development controls to ensure multi dwelling housing developments are located in areas to meet the needs of the residents and does not unsatisfactorily impact on aspects of the natural or built environment. Specifically, Schedule 2 of Ryde DCP 2014 specifies the following non-preferred locations for multi dwelling housing:

- *Land abutting reserves where the land slopes towards the reserve*
- *Land where there is significant vegetation as identified in “Urban Bushland in the Ryde LGA”, April 2001*

The subject site is categorised as a “non-preferred location” because:

- *it abuts a reserve (rear of site) and the site slopes towards the reserve; and*
- *a portion of the subject site is also identified on Council’s mapping as containing Urban Bushland, thus also triggering Council’s non-preferred location controls.*

Despite not complying with the above-mentioned controls contained within Ryde DCP 2014, the subject site is considered to be a suitable location for the proposed multi dwelling housing development for the following reasons:

Adjoining Reserve

- The rear boundary of the subject site adjoins the vehicular access and informal parking area for the Denistone Sports Club. The land to the rear is not considered to be the main public open space area that used for recreational and leisure activities like that of Darvall Park located approximately 100m north of the site on the opposite site of the Denistone Sports Club.
- It is considered that the minor increase in passive surveillance over this public land may deliver some benefits in public and pedestrian safety to the area.

ITEM 2 (continued)*Urban Bushland*

- As part of the assessment of the proposal, adjoining vegetation in the reserve was considered. However, as the proposed development does not impact on the tree protection zones of these trees, no additional conditions of consent relating to this vegetation have been recommended by the Consultant Landscape Architect.
- In relation to the proposal's impact on significant vegetation, the following extract is provided from Council's Consultant Landscape Architect:

Tree removal proposed on the subject site is generally supported given that the tree to be removed is included on the exempt tree species list contained within Part 9.5 of Ryde DCP 2014. It is noted that one (1) large and significant existing tree within the rear yard of the subject site is to be impacted by the development however the retention of this tree is considered to be achievable subject to detailed protection measures which will be required to be implemented by an AQF Level 5 Arborist.

Given the above, it is considered that the proposed development is justifiable despite it being within a 'non-preferred location' pursuant to the provisions of Ryde DCP 2014.

2. Altering the Levels of the Site

Section 3.2 of Part 3.4 of Ryde DCP 2014 prescribes the following development controls for altering the levels of the site:

b. The levels of the site should not be altered by more than 300mm. This relates to all areas of the site not covered by the building floor envelope e.g. driveways, courtyards, setback areas, landscaped areas.

An assessment of the proposed levels across the site reveals that some minor alteration of levels is proposed within the courtyards of Dwelling's 1, 2 and 3 along the northern boundary and within the driveway along the southern boundary. The maximum level of excavation has been assessed at 550mm for part of the courtyards of Dwelling 2 and Dwelling 4. The maximum height of fill has been assessed at 400mm in the Dwelling 5 courtyard. Accordingly, the levels of the site are to be altered by more than 300mm which does not comply with the above control.

ITEM 2 (continued)

Although exceeding the maximum level of alteration permitted, this non-compliance can be supported for the following reasons:

- Given the steady slope of the site, the exceedance of a maximum of 300mm above the control is considered to be minimal.
- As demonstrated in **Figure 9** and **Figure 10** below, a combination of cut and fill in a balanced fashion has been utilised to minimise the level of land alteration.
- The alteration of levels in the courtyards along the northern boundary will make them flatter and hence more usable spaces. This will provide future residents with an enhanced level of amenity in their private open space areas.
- Minimal alteration of the levels throughout other areas of the site, including along the driveway on the southern side is proposed.
- The proposed levels of cut and fill will not result in any privacy impacts for the neighbouring properties. Refer to the 'submissions' section of this report for a full discussion of the privacy impacts of the proposed development.

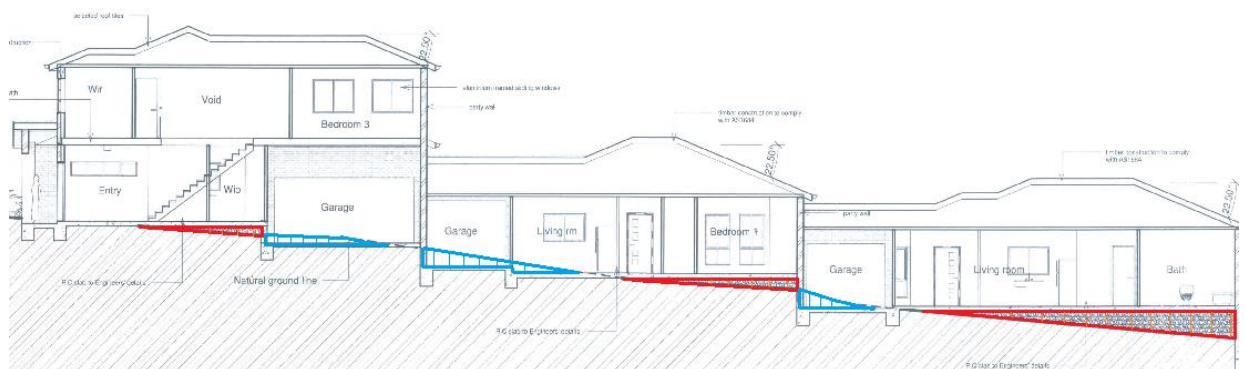


Figure 9. Section diagram for Dwelling 1, Dwelling 2 and Dwelling 3 demonstrating that the proposal includes a combination of cut and fill to minimise the level of land alteration. In this diagram the blue highlighted areas represent cut, and the red highlighted areas represent fill.

ITEM 2 (continued)

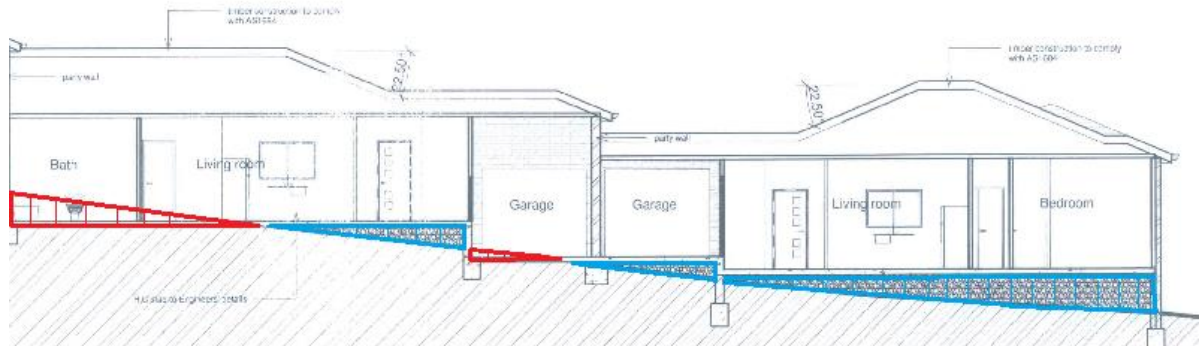


Figure 10. Section diagram for Dwelling 4 and Dwelling 5 demonstrating that the proposal includes a combination of cut and fill to minimise the level of land alteration. In this diagram the red highlighted areas represent cut, and the blue highlighted areas represent fill.

3. Minimum Allotment Size

Section 2.2 of Part 3.4 of Ryde DCP 2014 provides the following controls on the minimum allotment size for multi dwelling housing developments.

Allotments must have a frontage to a road of not less than 20 m and area of not less than 900m² (refer to clause 4.1B Minimum lot sizes for dual occupancies and multi dwelling housing of City of Ryde Local Environmental Plan 2014);

In this regard, despite the subject site easily achieving the minimum 900m² area requirement (site area of 1,714m²), the site frontage is 17.985m, which is approximately 10% short of the minimum 20m frontage width outlined above.

Despite not meeting the minimum allotment width development control. The subject site is considered suitable for the proposed multi dwelling house development on the following basis:

- The order of non-compliance with Council's numerical control is considered relatively minor, approximately 10%;
- The subject site is somewhat irregular in shape, whereby the front boundary has a width of 17.985m and the rear boundary a width of 22.25m. At the building line, the subject site has a width of 18.4m at the building line, and therefore only falls short of the minimum allotment width at this point by 1.6m or 8%;
- Despite not achieving the minimum allotment with, the proposed development is considered to provide satisfactory setbacks, building height, and dwellings of adequate size for comfortable residential development.

ITEM 2 (continued)

- All private open space areas within the development meet the minimum dimensions required by Ryde DCP 2014;
- The proposal is not considered to result in any unacceptable privacy impacts on adjoining development;
- The proposed development is considered to be compatible with the local area and streetscape; and
- The proposed development satisfactorily complies with the objective of the minimum allotment size development control.

The subject site is very large and well above the average size of a residential allotment in the City's residential zones (minimum allotment size of 580m²). The subject site is also one of the few remaining large residential sites in the immediate vicinity, as most of the other adjoining residential allotments along the western side of Anthony Road have been subdivided into "battle-axe" shaped allotments. The subject site's large size and its width at the rear (22.25m) make it suitable for a multi-dwelling housing development despite the non-compliance with the minimum frontage requirement.

4. Driveway setback

Section 3.4.5 of Part 3.4 of Ryde DCP 2014 states that 'where vehicular access is provided within the side setback area, the minimum setback shall be 6 metres.'

It is noted that the proposed development is setback from the southern side boundary primarily between 5.3m and 8.705m, however adjacent to Dwelling 5, a reduced setback of 3m is provided where the driveway ends and the proposed visitor parking space is to be located.

Accordingly, the proposed development falls short of the minimum setback requirement by up to 700mm. This is considered justifiable for the following reasons:

- The reduction in setback to 5.5m only occurs for a portion of the overall building length. The amount of the overall building length that is to be setback between 5.3m and 5.5m as opposed to 6m or greater has been calculated as 40%, with 60% of the elevation being between 6m and 8.705m.
- The subject DA has been referred to Council's Senior Development Engineer who has indicated that the proposed vehicular parking and manoeuvring arrangements are suitable, subject to conditions;

ITEM 2 (continued)

- The proposal has been referred to Council's Consultant Landscape Architect who has also commented the landscaping arrangements of the proposed development are considered suitable, particularly as the minimum site coverage and permeable area controls have been met.
- The minor reduction in side setback is not considered to result in any unacceptable loss of visual or acoustic privacy impacts to adjoining development. This is because four (4) of the five (5) dwellings within the proposed development are single storey only. The only two (2) storey dwelling is Dwelling 1 located at the front of the site. For this dwelling, all living room areas have been positioned on the ground floor, with only bedrooms, bathrooms and a walk-in-robe located on the first floor of the dwelling. As such no unacceptable overlooking opportunities are considered to present themselves to adjoining property.
- The minor reduction in side setback is not considered to result in any unacceptable overshadowing impacts of adjoining property; and
- The proposed development, with its compliant building height, bulk and scale, is not considered to pose an unacceptable visual impact on adjoining property.

Where the side setback is reduced to 3m adjacent to Dwelling 5, this is considered to be acceptable as this area is not necessarily for vehicle access, such as a driveway, but rather a hard stand parking bay only. This approach has been consistent with the way other multi dwelling housing developments across the City.

On the above basis, the proposed development setback of the proposed development from the driveway elevation is considered satisfactory despite not achieving numerical compliance with the provisions of Ryde DCP 2014.

5. Landscaping/Private Open Space*Landscape Strip*

Section 3.7 of Part 3.4 of Ryde DCP 2014 prescribes development controls in relation to Landscaping on the site. Specifically, the controls state:

- g. A planting strip not less than 1.2 metres wide should be provided between the driveway and the adjoining property boundary. Shrubs planted in this strip must achieve a mature height of 2 to 2.5 metres. Where possible small trees with a mature height of 5 to 6 metres should be planted in combination with the screen planting.*

ITEM 2 (continued)

h. A landscaping strip of not less than 1 metre must be provided between the driveway and the wall of the dwellings.

The development proposes a landscape strip between the proposed driveway and adjoining property, however the planting strip does not extend for the full length of the driveway. The landscape strip terminates approximately in line with the garage of Dwelling 4 – in order to assist facilitate vehicle manoeuvring. Additionally, the plans indicate that a landscape strip has not been provided adjacent to part of Dwelling 5 in accordance with the provision above and some planting beds do not conform with the minimum 1m width but are reduced to 500mm. Accordingly, portions of the landscaping on site do not comply with the requirements of the aforementioned control.

Although failing to comply with the above landscaping provisions, these non-compliances can be supported for the following reasons:

- Given the length of the landscape strip not provided is opposite the garage area and visitor parking space, it is considered that screening for visual privacy concern is less important.
- When viewed from the street, the proposed landscape strip extends for long enough to make this small break in landscaping largely indiscernible.
- The break in the landscaping strip allows for appropriate turning and manoeuvrability for vehicles to enter and exit the site and the garages in a forward direction.
- The landscaping adjacent to Dwelling 5 has been purposefully omitted to allow sufficient area for the visitor's parking space.
- The width of planting beds adjacent the dwelling which are 500mm are considered to be sufficient given they are capable of accommodating vegetative planting and are opposite the adjacent landscaping strip which has a width of 1.2m in these locations.
- It is considered that an appropriate level of landscaping has been provided adjacent to the dwelling to soften the visual bulk and scale of the building elevation.

Given the above, and the proposed development's design being consistent with objectives of the landscaping controls, the proposed non-compliances in relation to landscaping strips are considered justifiable in this instance.

ITEM 2 (continued)

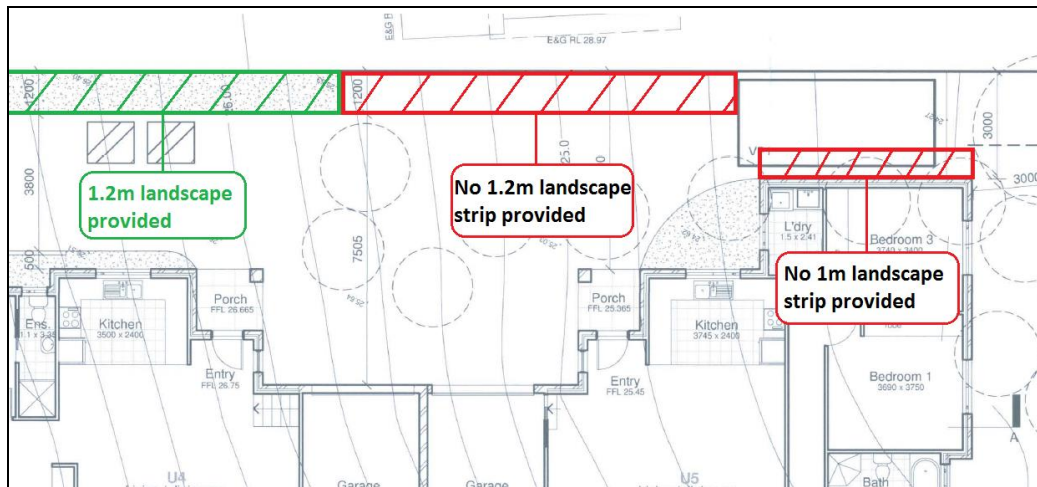


Figure 11: The above diagram illustrates the portions of landscape strip adjacent to the driveway and dwelling which do not comply with the provisions of the Landscaping controls contained within Part 3.4 of Ryde DCP 2014.

Private Open Space

Section 3.6 of Part 3.4 of Ryde DCP 2014 prescribes development controls in relation to Private Open Spaces. Specifically, the controls state:

b. All private outdoor space must have a minimum dimension of 4 metres and generally be at natural ground level.

Given the slope of the site, the finished ground levels in private open space areas of some of the units has been altered and in some cases is above existing ground level. Accordingly, the private open spaces do not strictly comply with the requirements of the aforementioned control requiring private open space to be generally at natural ground level.

Although failing to comply with the above private open space provision, this non-compliance can be supported for the following reasons:

- A good balance of excavation and fill has been achieved within each courtyard to ensure the development is sympathetic with the existing natural topography.
- The proposed levels of cut and fill do not impact on the privacy of the neighbouring allotments or within the development.
- The proposed private open space areas are considered to sufficiently fulfil the private open space objectives contained within Section 3.6 of Part 3.4 of Ryde DCP 2014.

ITEM 2 (continued)

For further justification in relation to the levels of excavation and fill on site, reference should be made to the assessment above for the 'Altering the levels of the site' control.

Given the above, and the proposed development's design being consistent with objectives of the private open space controls, the proposed non-compliance in relation to proposed ground levels is considered justifiable in this instance.

Section 3.7 of Part 3.4 of Ryde DCP 2014 prescribes development controls in relation to Private Open Spaces. Specifically, the controls state:

- d. The development should be designed in such a way that courtyards do not contain any existing substantial trees.*

The development proposes retention of one large tree within the private open space of Dwelling 5. Despite the applicant indicating that prior approval for this tree has been granted by Council, no evidence of this approval has been furnished to Council and as such, with no Arborist Assessment submitted indicating otherwise, this tree is assumed to be retained in the interim. Accordingly, the private open space of Dwelling 5 does not strictly comply with the requirements of this control.

Although failing to comply with the above private open space provision, this non-compliance can be supported for the following reasons:

- The tree to be located within the courtyard area forms part of a critically endangered ecological community (Blue Gum High Forest) and as such is not considered suitable for removal in this instance.
- The tree forms part of urban bushland which has been identified as running through the site and is considered important maintaining the canopy cover through this section of the local area.
- The tree is located less than 100mm from the side boundary and as such is generally away from the proposed dwelling's private open space area; and
- The proposed private open space areas are considered to sufficiently fulfil the private open space objectives contained within Section 3.6 of Part 3.4 of Ryde DCP 2014.

Given the above, and the proposed development's design being consistent with objectives of the private open space controls, the proposed non-compliance in relation to proposed ground levels is considered justifiable in this instance.

ITEM 2 (continued)

Issues – resolvable via conditions:

The following conditions of consent have been recommended to deal with minor issues with the proposed development that can be adequately addressed or mitigated against via condition.

Visitor Parking

As noted in the Submissions section of this report (above), it is proposed to require amendments to the DA plans to provide 2 visitor parking spaces, which will ensure compliance with the visitor parking requirement of DCP 2014 (1 space per 4 dwellings, which is rounded up to nearest whole number – ie 2 spaces for this development of 5 units).

Privacy

Also as noted in the Submissions section of this report, it is recommended that the following condition of consent be imposed in relation to privacy:

Lattice screening. *The provision of a lattice screen 300mm high on top of the northern side boundary fence adjacent to Dwelling 5. Details of compliance are to be provided in the plans for the **Construction Certificate**.*

To ensure compliance with Section 3.7 of Part 3.4 of Ryde DCP 2014 in relation to landscaping, the Consultant Landscape Architect and Arborist have recommended a number of conditions be imposed on the proposed development. These matters are discussed further in the Referrals section of this report (below).

Non compliances – not justifiable:

- Nil

Section 94 of the Environmental Planning and Assessment Act 1979

Council's Section 94 Development Contributions Plan - 2007

ITEM 2 (continued)

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	\$12,806.18
Open Space & Recreation Facilities	\$31,526.23
Civic & Urban Improvements	\$10,722.68
Roads & Traffic Management Facilities	\$1,462.62
Cycleways	\$913.65
Stormwater Management Facilities	\$2,903.98
Plan Administration	\$246.32
The total contribution is	\$60,581.66

A condition for the payment of a Section 94 Contribution of \$60,581.66 has been included in the draft conditions of consent (Attachment 1). See condition 18.

10. Likely impacts of the Development

The impacts of the proposed development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality, have been addressed in the issues discussed throughout this report in response to the proposed development's performance against the relevant planning controls and objector submissions.

The proposed development is considered to be satisfactory in terms of impacts subject to the imposed conditions of consent.

11. Suitability of the site for the development

A review of Council's map of Environmentally Sensitive Areas (held on file) identifies that the subject site is partially impacted upon by Urban Bushland.

Council's Consultant Landscape Architect and Arborist has been referred the subject DA has part of the assessment of the proposed development. The following comments have been extracted from the referral comments by the Consultant Landscape Architect and Arborist:

ITEM 2 (continued)

Tree removal proposed on the subject site is generally supported given that the tree to be removed is included on the exempt tree species list contained within Part 9.5 of Ryde DCP 2014. It is noted that one (1) large and significant existing tree within the rear yard of the subject site is to be impacted by the development however the retention of this tree is considered to be achievable subject to detailed protection measures which will be required to be implemented by an AQF Level 5 Arborist.

Accordingly, given the above the proposed development is considered suitable for the development.

12. The Public Interest

Having regard to the assessment made throughout this report, it is considered that approval of the development subject to the nominated conditions would be in the public interest. The subject site is a very large allotment that is suitable for re-development for multi-dwelling housing, and this proposal will assist in providing greater housing choice in the area which is well-served by public transport. The valid concerns raised by the neighbours can be generally addressed via conditions of consent.

13. Consultation – Internal and External**Internal Referrals**

Building Surveyor: Council's Building Surveyor (Team Leader – Fast Track Team) has provided the following comment on the proposal in terms of access to fire hydrants. Although the subject site is not identified as being within a Bush Fire Prone area, past experience indicates that sites that are unusually long (and developed for higher densities such as a multi-dwelling housing development or a subdivision, etc – such as in the case of the subject site) raise issues in terms of access to fire hydrants by Fire and Rescue vehicles.

Hydrant protection is not currently required under the Building Code of Australia (BCA) for Class 1a buildings (villa home developments).

NSW Fire & Rescue have prepared the following documents:

- 'Guidelines for Emergency Vehicle Access – Policy No. 4'
- 'Guidelines For Minor Residential Developments – Policy No. 8'
- Policy No. 4 states: Access Requirements: Section 5.1 - carriageway widths. A minimum width of 4m should be provided for general appliance access.

ITEM 2 (continued)

- *Policy No. 8 states: This document identifies the minimum requirements considered necessary to ensure that NSW Fire & Rescue can suppress fires in building not otherwise protected by fire hydrants under the control of a public water supply authority.*

Comment:

Generally, the above documents apply to new residential developments comprising no more than 3 dwellings. However, as there are no hydrant protection requirements under the BCA for Class 1a buildings, NSW Fire & Rescue have advised that the above documents can be used as they are 'guidelines'.

Issues:

- *The street hydrants in Anthony Road are greater than 20m to the street access point at 40 Anthony Road.*
- *The driveway access width is less than 4m.*
- *Access is available for a NSW Fire & Rescue 'Pumping Appliance' from the reserve at the rear, however, the street hydrant in Park Ave (nearby side street) is greater than 20m to the closest point of the subject property.*
- *A 'feed hydrant' located within the property (if required to be installed) would become a required essential service which would become the responsibility of the owners corporation.*
- *Council can refer the application to the NSW Fire & Rescue 'Fire Safety Unit' for comment as the proposed development comprises 5 'dwellings'.*
- *The adjoining properties in Anthony Road are subdivided properties that would have no street hydrant coverage.*

Recommendation:

The proposed development is deficient in street hydrant coverage and carriageway width as outlined in NSW Fire & Rescue 'Guidelines for Emergency Vehicle Access – Policy No. 4' and 'Guidelines for Minor Residential Developments – Policy No. 8'.

That the applicant be requested to provide details that have been prepared by a suitably qualified person (ie Accredited Fire Safety Engineer) to address the deficiency in street hydrant coverage and carriageway width.

ITEM 2 (continued)

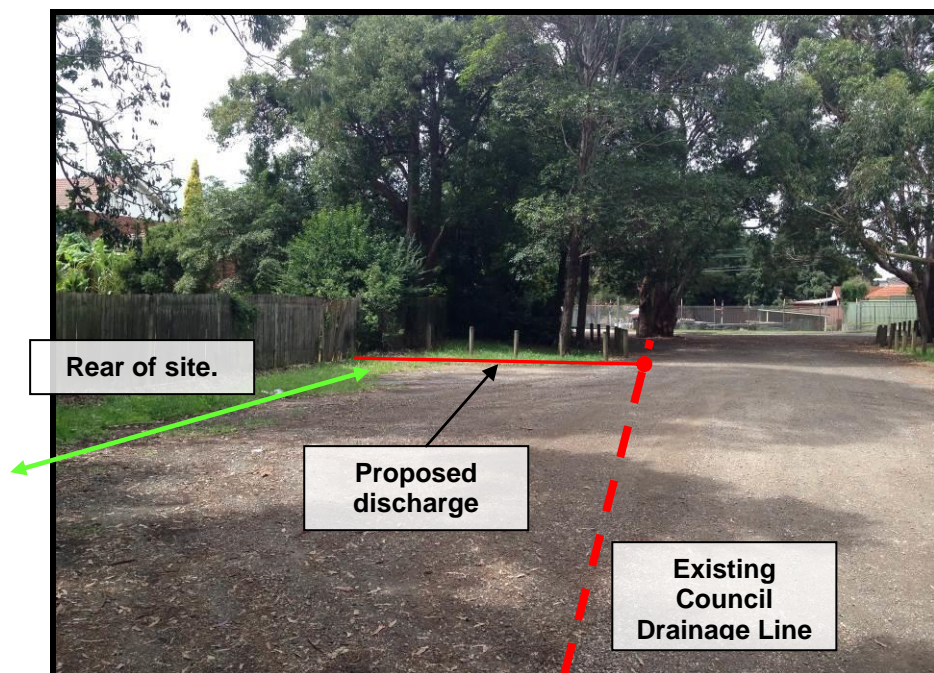
Assessment Officer's Comment: The above documents (referenced in the comments above) are guidelines for development that have been provided by NSW Fire and Rescue. Whilst they do not have statutory force in determination of this DA, they deal with a critical issue (fire safety, and the ability of NSW Fire Brigade to respond to a fire emergency) and therefore it is appropriate for these to guidelines to receive compliance wherever possible.

It is considered that compliance with these guidelines can be achieved via a condition of consent (see Deferred Commencement Part 1 condition 3 in the Draft Conditions attached). This may involve installation of a sprinkler system within the rear-most units within the development, and/or installation of a feeder hydrant within the driveway.

Senior Development Engineer: Council's Senior Development Engineer has provided the following comments in relation to the proposed development:

Background

The proposed stormwater management system nominated to connect to Council's drainage line in the park at the rear of the site, though has not obtained a formal approval through Council's procedure. An inspection of the area noted that the reserve at the rear is mostly an unpaved carpark facilitating parking at Denistone Sports Club and there is minimal disturbance of the area for the site to make a connection to the public drainage infrastructure. Refer to the photo below.



ITEM 2 (continued)

The matter was referred to Public Works who raised no objection to this in principal have requested the applicant submit a formal application. Council records indicate that Public Works have approved an application for No. 42A Anthony Road (just north of the site) however the owner has not acted upon this. As this works is supported in principal by Council though yet to be formalised, it is a matter that could be resolved by deferred commencement.

Otherwise the proposed system is generally acceptable with exception to the following matters which can be addressed by condition;

- The submitted BASIX certificate specifies each dwelling is to have 3000L of rainwater storage however only 1500mm has been provided. There is scope to enlarge the level of rainwater storage.*
- The consultant has offset the detention storage volume using the rainwater storage however this is not in accordance with the DCP which only permits an offset for storage that is surplus to the BASIX requirements.*
- The footpath fronting the site is a low level of footpath (below the adjacent kerb and gutter) and will therefore trap overland flow which could potentially enter the site. Due to the extent of the upstream catchment and there being similar boundary conditions to the adjacent properties upstream, it is unlikely that the extent of overland flow would be excessive. Though the situation warrants that the stormwater plan be amended to address any runoff entering the property from the footpath area, diverting this flow from dwelling entry points.*

This will require the slight expansion of the detention unit, which can be extended under the driveway area, as well as enlarge the proprietary rainwater storage volume for each unit to comply with the BASIX certificate.

Vehicle Access and Parking

Councils planner has advised that a condition will be applied requiring the plans provide a second visitor space.

The proposal is noted to be generally compliant with AS 2890.1 in terms of vehicle dimensions and driveway grades.

The following deficiencies were noted in the initial review;

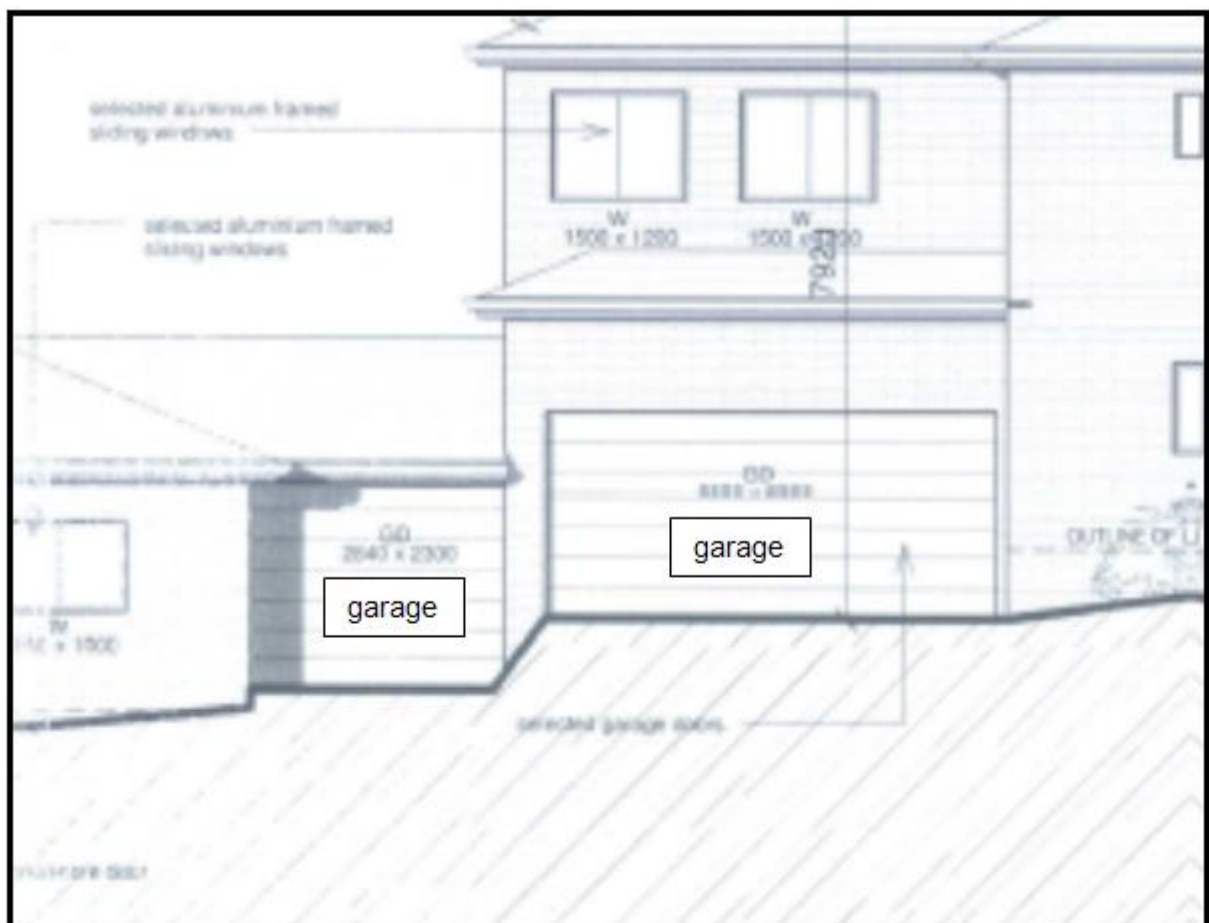
- The access aisle width (manoeuvring area) for vehicles accessing the double garage of Unit 1 is specified at 5.5 m and would impose on vehicle access. Scrutiny of this on the revised plans notes that the garage entry width is nominated at 5.0m, which is wider than required and therefore addresses this.*

ITEM 2 (continued)

- *The visitor space located at the western end of the site will require a 4 point turn to exit the site in a forward manner. The location of the space is at the far end of the site, remote from the vehicle entry point, not subject to through traffic and remote from pedestrian activity. Whilst this is not the most efficient vehicle access, it does not present a significant safety concern such to warrant refusal of the application alone. There is potential that this matter be addressed in result of the visitor space.*

The following matters are noted in the revised plans dated August 2014 (Iss. B);

- *The level difference between garages serving Unit 1 and Unit 2 are some 750mm difference yet the entries adjoin each other. This could be accommodated by partially continuing the driveway grade into the garage footprint however warrants particular attention to the height clearances and grades in the access driveway to ensure compliance with AS 2890.1. As amended plans are required in regards to the visitor space, it is addressed the matter of the driveway grades should also be addressed at this stage.*



ITEM 2 (continued)*Recommendation*

There are no objections to the proposed development with respect to the engineering components, subject to the application of standard engineering conditions tailored to address the shortfalls identified above.

Landscape Architect: Council's Consultant Landscape Architect has raised no objection to the proposed development subject to a number of conditions. The following comments were provided in relation to specific issues regarding the DA:

A review of the abovementioned landscape plan submitted in terms of location, design and extent of planting, paving, walls, structures and general layout is generally considered to be satisfactory. Additionally, the proposed species are considered to be appropriate for the site conditions and the level of planting is considered to increase the overall level of vegetation on site however the following concerns are raised:

- *Boundary Screen Planting – Concerns are raised that the proposed development does not provide adequate screen planting in key positions along the side boundaries so as to provide appropriate levels of privacy to the neighbouring allotments. Given the increase in the scale of the development and the reduced setbacks as a result of the new dwellings, it is considered additional privacy screen planting should be implemented as per the condition below:*

Screen Planting. *The northern side boundary is to include additional privacy screen planting adjacent to the existing Eucalyptus saligna within the private open space of Dwelling 5. Additionally, the side and rear boundaries are to include small tree plantings capable of reaching 5-6 metres, planted not more than 5 metres apart and of pot sizes not less than 45 Litres.*

- *Tree Planting – The proposed tree within the front yard of the allotment is not considered to grow to a sufficient mature height so as to be in scale with the proposed development. Given the increased scale and density of development on the subject site it is considered the proposed front yard tree should be substituted for a more appropriately sized tree as per the condition below:*

Tree Planting – Front Yard. *The proposed tree located within the front yard of the allotment (Elaeocarpus reticulatus – Blueberry Ash) is to be substituted for a Corymbia maculata – Spotted Gum or Eucalyptus haemastoma - Scribbly Gum of minimum 100 Litre pot size.*

ITEM 2 (continued)

- *Retaining Walls – Given the levels of the proposed external tandem car parking spaces to Units 4 & 5 and the adjacent levels of the private open spaces and neighbouring allotments, it is considered that appropriate retaining walls will be required to ensure the open space areas are functional and useable. Accordingly, the following condition is recommended to be imposed:*

Retaining Walls. *Retaining walls of appropriate heights are to be provided to the edges of the external car spaces for Dwelling 4 and Dwelling 5 as well as between the private open spaces of each Unit to ensure appropriate useable open space area are provided.*

- *Street Tree – The landscape plan submitted indicates that a *Callistemon viminalis* is to be planted within the Council verge as a street tree which conflicts with the existing established *Lophostemon confertus* street tree in the same position. As such, the following condition is recommended to be imposed to ensure the existing street tree is retained as part of the proposed development:*

Street Tree. *The existing *Lophostemon confertus* (Qld Brush Box) street tree located within the Council verge in front of 40 Anthony Road is to be retained and protected from damage during construction. Additionally, the proposed *Callistemon viminalis* shown on the Landscape Plan is not to be planted within the Council verge.*

- *Tree Protection – *Eucalyptus saligna* (Sydney Blue Gum) – A mature Sydney Blue Gum is proposed to be retained within the courtyard of villa 5. As such, the following conditions are recommended to be imposed regarding protection of this tree as part of the proposed development:*

Tree protection zone. *A Tree Protection Zone for the existing *Eucalyptus saligna* (Sydney Blue Gum) is to be incorporated into the construction works for the site and the protection fencing or works to be located as determine by the Project Arborist. The trees will be sustained within the constraints of the modifications to the site by the proposed development works.*

Ground protection. *If temporary access for machinery is required within the TPZ ground protection measures will be required. The purpose of ground protection is to prevent root damage and soil compaction within the TPZ. Measures may include a permeable membrane such as geotextile fabric beneath a layer of mulch or crushed rock below rumble boards. These measures may be applied to root zones beyond the TPZ.*

ITEM 2 (continued)

Tree protection signage. Tree Protection signage is to be attached to each **TPZ** and displayed from within the development site in accordance with AS4970 2009 Protection of trees on development sites.

Tree protection zone – no storage of materials etc. There is to be no storage of materials, rubbish, soil, equipment, structures or goods of any type to be kept or placed within 5 metres from the trunk or within the dripline of any tree for the duration of the development. This will ensure protection of the tree/s to be retained on or adjacent to site.

Project/site arborist inspection. Project/Site arborist is to inspect/assess all retained specimens prior to demolition to inspect tree protection measures have been carried out as per the approved DA conditions for the site. Documentation is to be submitted to the consenting authority after each inspection.

Excavation within TPZ. Any excavation within the identified root protection zones of trees to be retained shall be carried out by hand using manual hand tools only to minimise disturbance to tree roots. Roots greater than 25mm are not to be damaged or severed without prior assessment by the Project Arborist to determine the likely level of impact and the restorative actions required to minimise the impacts of root damage.

Tree protection works – post construction. At completion of construction work the Site/Project Arborist should carry out an assessment of all trees retained &/or affected by works. This assessment is to document and any required on-going remedial care needed to ensure viable retention of trees affected. Documentation is to be submitted to the consenting authority.

External Referrals

None required.

14. Critical Dates

There are no critical dates or deadlines to be met.

15. Financial Impact

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

ITEM 2 (continued)**16. Other Options**

None relevant.

17. Conclusion

The proposal has been assessed against the heads of consideration of Section 79C of the Environmental Planning and Assessment Act 1979, and is generally considered to be satisfactory for approval subject to suitable conditions of consent.

Although the proposal has some areas of non-compliance with DCP 2014 and there are several issues of concern raised in the objections received, it is considered that these issues can mostly be addressed via conditions of consent, or they are justifiable as discussed in the body of the report.

ITEM 2 (continued)

ATTACHMENT 1

**DRAFT CONDITIONS OF CONSENT
40 ANTHONY ROAD, WEST RYDE
LDA2014/133**

DEFERRED COMMENCEMENT

The following are the Deferred Commencement condition(s) imposed pursuant to Section 80(3) of the Environmental Planning & Assessment Act 1979.

- 1. Request for approved stormwater drainage construction through parks.**
The submission of documentary evidence of Council's approval to discharge stormwater drainage through the reserve at the rear of the property (as proposed in the approved stormwater drainage concept plans referenced in the General Conditions of Consent below).

The required documentary evidence of this approval shall include:

- Lodgement and approval of the required application;
 - Approval from Council's Open Space and Drainage & Catchments Sections of the alignment of the pipeline in Council's reserve;
 - Written agreement signed by the applicant and Council regarding the cost estimate for design and construction of the pipeline by Council, use of public land and maintenance costs.
- 2. Plan Amendments.** The submission of amended plans for Council's approval which provide the following plan amendments:
 - Visitor Parking – a minimum 2 visitor parking spaces being provided for the development.
 - Driveway Grades – A driveway profile detailing gradients and levels along the driveway and at each garage entry point, demonstrating compliance with AS 2890.1.
 - 3. Requirements of NSW Fire and Rescue.** The submission of details from a suitably qualified person (Accredited Fire Safety Engineer) of compliance with the requirements of the NSW Fire and Rescue documents entitled "Guidelines for Emergency Vehicle Access (Policy No 4)" and Guidelines for Minor Residential Development" (Policy No 8).

The conditions in the following sections of this consent shall apply upon satisfactory compliance with the above requirements and receipt of appropriate written confirmation from Council.

ITEM 2 (continued)

ATTACHMENT 1

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 No/Reference
Site Plan / Analysis / Sediment Control Plan	TBC	Subject to amendment – see Deferred Commencement condition
Ground Floor Level / First Floor Level	TBC	Subject to amendment – see Deferred Commencement condition
East Elevation, North Elevation, South Elevation, West Elevation	TBC	Subject to amendment – see Deferred Commencement condition
Section A-A	TBC	Subject to amendment – see Deferred Commencement condition
Stormwater Concept Plans	09/04/14	H1 / Issue A
Stormwater Detail	09/04/14	H2 / Issue A
Landscaping Plans	TBC	Subject to amendment – see Deferred Commencement condition

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(s) numbered 541285M dated 9 April 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

ITEM 2 (continued)

ATTACHMENT 1

- (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.
5. **Hoardings.**
- (a) A hoarding or fence must be erected between the work site and any adjoining public place.
- (b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
6. **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.
7. **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.
8. **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.
9. **Roads Act.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.
10. **Screen Planting.** The northern side boundary is to include additional privacy screen planting adjacent to the existing *Eucalyptus saligna* within the private open space of Dwelling 5. Additionally, the side and rear boundaries are to include small tree plantings capable of reaching 5-6 metres, planted not more than 5 metres apart and of pot sizes not less than 45 Litres.
11. **Tree Planting – Front Yard.** The proposed tree located within the front yard of the allotment (*Elaeocarpus reticulatus* – Blueberry Ash) is to be substituted for a *Corymbia maculata* – Spotted Gum or *Eucalyptus haemastoma* - Scribbly Gum of minimum 100 Litre pot size.
12. **Retaining Walls.** Retaining walls of appropriate heights are to be provided to the edges of the external car spaces for Dwelling 4 and Dwelling 5 as well as between the private open spaces of each Unit to ensure appropriate useable open space area are provided.

ITEM 2 (continued)

ATTACHMENT 1

13. **Street Tree.** The existing *Lophostemon confertus* (Qld Brush Box) street tree located within the Council verge in front of 40 Anthony Road is to be retained and protected from damage during construction. Additionally, the proposed *Callistemon viminalis* shown on the Landscape Plan is not to be planted within the Council verge.

Engineering Conditions

14. **Design and Construction Standards.** All engineering plans and work inside the property shall be carried out in accordance with the requirements of the relevant Australian Standard. All Public Domain works or modification to Council infrastructure which may be located inside the property boundary, must be undertaken in accordance with Council's 2014 DCP Part 8.5 "Public Domain Works", except otherwise as amended by conditions of this consent.
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) required within the road reserve. No works shall be carried out on the footpath without this permit being paid and a copy kept on the site.

ITEM 2 (continued)

ATTACHMENT 1

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.

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	\$12,806.18
Open Space & Recreation Facilities	\$31,526.23
Civic & Urban Improvements	\$10,722.68
Roads & Traffic Management Facilities	\$1,462.62
Cycleways	\$913.65
Stormwater Management Facilities	\$2,903.98
Plan Administration	\$246.32
The total contribution is	\$60,581.66

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.

ITEM 2 (continued)

ATTACHMENT 1

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**.
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 buildings with 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. **Fees associated with application to drain through Council Park.** Submission of documentary evidence of payment of the agreed cost estimate for design and construction of the pipeline by Council, use of public land and maintenance costs (refer to Deferred Commencement Part 1 Condition 1 above).
24. **Alignment Levels.** The applicant is to apply to Council, pay the required fee, and have issued site specific alignment levels by Council prior to the issue of the **Construction Certificate**.
25. **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**.

ITEM 2 (continued)

ATTACHMENT 1

26. **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.

27. **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**.
28. **Fencing.** Fencing is to be in accordance with Council's Development Control Plan and details of compliance are to be provided in the plans for the **Construction Certificate**.
29. **Lattice screening.** The provision of a lattice screen 300mm high on top of the northern side boundary fence adjacent to Dwelling 5. Details of compliance are to be provided in the plans for the **Construction Certificate**.
30. **Lighting of common areas (driveways etc).** Details of lighting for internal driveways, visitor parking areas and the street frontage shall be submitted for approval prior to issue of the **Construction Certificate**. The details to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residents.
31. **Arboricultural Method Statement.** An Arboricultural Method Statement is to be prepared by an Arborist with minimum AQF level 5 qualifications which provides details on the tree protection measures to be implemented to ensure all trees to be retained are done so with minimal impact to long term health. This is to be submitted to and approved by Council prior to the issue of **Construction Certificate**.

ITEM 2 (continued)

ATTACHMENT 1

Engineering Conditions

32. **Construction near Pipeline in Drainage Easement.** The footings for buildings and other structures adjacent to the drainage easement shall be taken a minimum of 100 mm below the invert of the existing pipeline. The existing location and depth of the stormwater pipe, along with the design of the footings, must be submitted to the Accredited Certifier for approval, with the application for a Construction Certificate.
33. **Boundary Alignment Levels.** The applicant is to apply to Council for site specific boundary alignment levels prior to the issue of the Construction Certificate. The application would need to be accompanied by engineering plans of any civil works along the frontage of the development site. Fees are payable in accordance with Council's Schedule of Fees & Charges at the time of the application.
34. **Vehicle Footpath Crossing(s).** Concrete footpath crossings and associated gutter crossovers must be constructed fronting the approved vehicle access location(s). The crossing(s) must be constructed in plain reinforced concrete with location, design and construction shall conform to Council requirements and AS 2890.1 – 2004 (Offstreet Parking). Accordingly, prior to issue of Construction Certificate an application shall be made to Council's Public Works division for driveway crossing alignment levels. These issued levels are to be incorporated into the design of the driveway access and clearly delineate on plans submitted with the Construction Certificate application.
35. **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) and as per the plans approved by Council as a requirement of the deferred commencement.
36. **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 inground public drainage infrastructure in the reserve downstream, generally in accordance with the plans by Samir Bayeh - Civil Engineer (Refer to dwgs H1-H2 Iss A dated 9 April 2014) subject to the following variation(s);

- All rainwater tanks must be upgraded to comply with the storage requirements stipulated by the approved BASIX certificate.

ITEM 2 (continued)

ATTACHMENT 1

- The OSD storage must be upsized to comply with SSR requirements by Council's DCP. The DCP does not permit the BASIX storage requirement to offset the storage volume. Revised calculations of the OSD parameters (SSR & PSD) are to be submitted, demonstrating compliance with Council's DCP for the approval of the PCA.

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 requirements of Council in regards to the approved discharge through Council reserve at the rear of the site. All costs are to be borne by the applicant in establishing this connection unless agreed to otherwise by Council's Public Works.
- The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.

37. **Erosion and Sediment Control Plan.** An Erosion and Sediment Control Plan (ESCP) must be prepared by a suitably qualified consultant, detailing soil erosion control measures to be implemented during construction. The ESCP is to be submitted with the application for a Construction Certificate. The ESCP must be in accordance with the manual "*Managing Urban Stormwater: Soils and Construction*" by NSW Department – Office of Environment and Heritage and must contain the following information;

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

ITEM 2 (continued)

ATTACHMENT 1

The ESCP must be submitted with the application for a Construction Certificate. This condition is imposed to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.

PRIOR TO COMMENCEMENT OF CONSTRUCTION

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

38. 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.

39. 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.

40. 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.

ITEM 2 (continued)

ATTACHMENT 1

- (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder; and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

41. 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.

42. 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.

43. Tree protection zone. A Tree Protection Zone for the existing Eucalyptus saligna (Sydney Blue Gum) is to be incorporated into the construction works for the site and the protection fencing or works to be located as determine by the Project Arborist. The trees will be sustained within the constraints of the modifications to the site by the proposed development works.

44. Ground protection. If temporary access for machinery is required within the TPZ ground protection measures will be required. The purpose of ground protection is to prevent root damage and soil compaction within the TPZ. Measures may include a permeable membrane such as geotextile fabric beneath a layer of mulch or crushed rock below rumble boards. These measures may be applied to root zones beyond the TPZ.

45. Tree protection signage. Tree Protection signage is to be attached to each **TPZ** and displayed from within the development site in accordance with AS4970 2009 Protection of trees on development sites.

ITEM 2 (continued)

ATTACHMENT 1

46. **Tree protection zone – no storage of materials etc.** There is to be no storage of materials, rubbish, soil, equipment, structures or goods of any type to be kept or placed within 5 metres from the trunk or within the dripline of any tree for the duration of the development. This will ensure protection of the tree/s to be retained on or adjacent to site.
47. **Project/site arborist inspection.** Project/Site arborist is to inspect/assess all retained specimens prior to demolition to inspect tree protection measures have been carried out as per the approved DA conditions for the site. Documentation is to be submitted to the consenting authority after each inspection.
48. **Project Arborist.** A Project Arborist with minimum AQF level 5 qualifications is to be engaged to ensure adequate tree protection measures are put in place for all trees to be retained on the subject site and neighbouring allotments and that recommendations contained within Arboricultural Method Statement are carried out. All trees are to be monitored to ensure adequate health throughout the construction period is maintained. Additionally, all work within the Tree Protection Zones is to be supervised throughout construction. Details of the Project Arborist are to be submitted to Council prior to the commencement of construction.
49. **Stormwater Drainage Locations.** All stormwater drainage infrastructure and pipework is to be laid as far as possible from the existing trees to be retained on the subject site and amended in design/location to ensure no conflict with existing tree roots.

Engineering Conditions

50. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Any doors/gates on the boundary must be installed so they do not open onto any footpath.
51. **Footpath Paving Construction.** The applicant shall, at no cost to Council, construct standard concrete footpath paving across the frontage of the property. Levels of the footpath paving shall conform with levels issued by Council's Engineering Services Division.

ITEM 2 (continued)

ATTACHMENT 1

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.

52. **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*.
53. **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.
54. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
55. **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.
56. **Construction materials.** All materials associated with construction must be retained within the site.
57. **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.
58. **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.

ITEM 2 (continued)

ATTACHMENT 1

59. **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".
60. **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.
61. **Tree protection – during construction.** Trees that are shown on the approved plans as being retained must be protected against damage during construction.
62. **Tree works – Australian Standards.** Any works approved by this consent to trees must be carried out in accordance with all relevant Australian Standards.
63. **Tree works – provision of arborist details.** Council is to be notified, in writing, of the name, contact details and qualifications of the Consultant Arborist appointed to the site. Should these details change during the course of works, or the appointed Consultant Arborist alter, Council is to be notified, in writing, within seven working days.
64. **Excavation within TPZ.** Any excavation within the identified root protection zones of trees to be retained shall be carried out by hand using manual hand tools only to minimise disturbance to tree roots. Roots greater than 25mm are not to be damaged or severed without prior assessment by the Project Arborist to determine the likely level of impact and the restorative actions required to minimise the impacts of root damage.
65. **Drop-edge beams.** Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level.

Engineering Conditions

66. **Erosion and Sediment Control Plan – Implementation.** The applicant shall install erosion and sediment control measures in accordance with the Construction Certificate approved Soil Erosion and Sediment Control (ESCP) plan at the commencement of works on the site. Erosion control management procedures in accordance with the manual "Managing Urban Stormwater: Soils and Construction" by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction.

ITEM 2 (continued)

ATTACHMENT 1

67. **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 Samir Bayeh - Civil Engineer (Refer to dwgs H1-H2 Iss A dated 9 April 2014) submitted in compliance to the condition labelled “Stormwater Management.” and all requirements of Council in connection to the inground public drainage system located in the public reserve at the rear of the site.

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.

68. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 541285M dated 9 April 2014.
69. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.
70. **Road opening permit – compliance document.** The submission of documentary evidence to Council of compliance with all matters that are required by the Road Opening Permit issued by Council under Section 139 of the *Roads Act 1993* in relation to works approved by this consent, prior to the issue of the **Occupation Certificate**.
71. **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 2 (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 Interim/Final Occupation Certificate.

72. **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.
73. **Tree protection works – post construction.** At completion of construction work and prior to the issue of any Occupation Certificate – the Site/Project Arborist should carry out an assessment of all trees retained &/or affected by works. This assessment is to document and any required on-going remedial care needed to ensure viable retention of trees affected. Documentation is to be submitted to Principal Certifying Authority.

Engineering Conditions

74. **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.
75. **Stormwater Management – Positive Covenant(s).** A Positive Covenant must be created on the property title(s) pursuant to Section 88 of the Conveyancing Act (1919), providing for the ongoing maintenance of the onsite detention 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 88 E 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 Council, and are to be registered on the title prior to the release of the Occupation Certificate for that title.

ITEM 2 (continued)

ATTACHMENT 1

76. **Compliance Certificates – Engineering.** 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 the connection of the site drainage system to the trunk drainage system complies with Section 4.7 of AS 3500.3 - 2003 (National Plumbing and Drainage Code) and the relevant sections of the City of Ryde DCP 2014, Part 8.2 “ Stormwater Management” and associated annexure.
 - e) 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”.
 - f) Compliance certificate from Council confirming that all external works in the public road and reserve have been completed to Council’s satisfaction.
77. **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).

ITEM 2 (continued)

ATTACHMENT 1

PRIOR TO SUBDIVISION CERTIFICATE

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

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

78. **Final plan of subdivision.** The submission of a final plan of subdivision plus 3 copies suitable for endorsement by the Authorised Officer of Council.
79. **Final plan of subdivision – title details.** The final plan of subdivision shall contain detail all existing and/or proposed easements, positive covenants and restrictions of the use of land.
80. **Section 88B Instrument.** The submission of an Instrument under Section 88B of the Conveyancing Act 1919 plus 3 copies, creating Easements, Positive Covenants and Restrictions on Use. This Instrument shall nominate the City of Ryde as the authority empowered to release, vary or modify the terms of the Instrument.
81. **Occupation Certificate.** A final occupation certificate in relation to Development Consent No.2014/133 must be in force.
82. **Section 73 Certificate.** 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 issue of the Subdivision Certificate.

83. **Utility provider – compliance.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc).

ITEM 2 (continued)

ATTACHMENT 2

COMPLIANCE TABLE

LDA No:	LDA2014/0133
Date Plans Rec'd	11 April 2014
Address:	40 Anthony Road, Denistone
Proposal:	Erection of a multi-dwelling housing development containing 5 units – 1 x 2 storey 4 bedroom unit at the front and 4 x single storey (3x3 bedroom and 1x2 bedroom) units at rear; and strata subdivision.
Constraints Identified:	Urban Bushland - Endangered, Adjacent to Heritage Item (Darvall Park), Flood prone.

Ryde DCP 2014	Proposed	Compliance
2.1 Site Analysis		
<ul style="list-style-type: none"> o Must have a SA o SA should relate dwgs to surrounds + minimise amenity impacts 	<p>Site analysis drawing has been submitted however lacks detail and does not address all of the criteria outlined in Schedule 1 of the Part 3.4 of the Ryde DCP 2014.</p> <p>Although lacking detail, it is considered the site analysis combined with the thorough site investigation undertaken is sufficient to assess the impacts on the surrounding development and streetscape. Additionally, although many elements of Schedule 1 are not shown on the site analysis drawing, this information can be found elsewhere on other drawings submitted.</p>	Yes

ITEM 2 (continued)

ATTACHMENT 2

Ryde DCP 2014	Proposed	Compliance
2.2 Minimum allotment size		
Area: (not <900m ²)	1713.59m ² according to Deposited Plan. 1714m ² according to Survey Plan.	Yes
Primary Frontage: (not <20m)	<p>Frontage to Anthony Road of 17.985m.</p> <p>The assessment of the proposed development against the objectives of the minimum allotment size controls contained within the Ryde DCP 2014 determined that the proposal satisfactorily meets the objective of the control, despite failing to comply with the numerical requirement.</p> <p>This determination is based on the proposal still being able to ensure that the intended multi dwelling housing development remains capable of meeting all the requirements relating to the adequate visual and acoustic privacy for the occupants of the development and also nearby residents.</p>	No – Justifiable
Not hatchet shaped	Allotment is not hatchet shaped	Yes

ITEM 2 (continued)

ATTACHMENT 2

Ryde DCP 2014	Proposed	Compliance
2.3 Non-Preferred Locations		
<p>Is the proposed development within a non-preferred location?</p> <ul style="list-style-type: none"> • Land abutting reserves where the land slopes towards the reserve • Land where there is significant vegetation as identified in "Urban Bushland in the Ryde LGA", April 2001 	<p>The proposed development is located within a non-preferred location given it abuts a reserve and the subject site slopes towards the reserve.</p> <p>A portion of the subject site is also identified on Council's mapping as containing Urban Bushland.</p>	<p>No - justifiable</p>
2.4 Retention of existing dwellings		
<p>Retention of an existing dwelling as part of a new Multi dwelling housing development will not be approved.</p>	<p>No retention of existing dwelling proposed</p>	<p>Yes</p>
2.5 Density		
<p>As per clause 4.5A RLEP2014 – which state: (a) Site Area: o 300m² per 1,2,3br dwg (2x300 = 600m²) o 365sqm per 4+bedroom dwellings</p>	<p>(3x3 bedroom and 1x2 bedroom) dwellings proposed plus a 1x4 bedroom dwelling, therefore 1565sqm site area required)</p> <p>Site area = 1713.59m²</p>	<p>Yes</p>
2.6 Number of Dwellings		
<p>Not more than 12 Dwellings</p>	<p>5 dwellings proposed</p>	<p>Yes</p>
2.7 Type of Dwellings		
<p>(a) If 4 or more dwellings on site, <75% with same number of bedrooms (rounded down) e.g. 6 dwg = 4x3B + 2x2B</p>	<p>Five (5) dwellings proposed: 3x3B = 60% 1x2B = 20% 1x4B = 20%</p>	<p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 2

Ryde DCP 2014	Proposed	Compliance
<p>In any proposed Multi dwelling housing development the slope of the site, proposed levels, height of dwellings, site coverage, landscaping, setbacks, accessibility and overshadowing must be considered when assessing:</p> <p>i. Whether the development will complement and enhance the existing neighbourhood; and</p> <p>ii. Whether the development meets the needs of all householders including older persons and persons with disabilities.</p>	<p>The proposed development has been assessed as satisfactorily complying with the development controls relating to cut and fill, building height, site coverage, landscaping, overshadowing and setbacks.</p> <p>In terms of accessibility, it is noted that as the proposal includes less than six (6) dwellings, the accessibility controls covered under Section 3.11 of Part 3.4 of the Ryde DCP 2014 do not apply.</p> <p>Given the above, the proposal is considered to satisfactorily complement and enhance the existing neighbourhood and be suitable for varying households.</p>	<p>Yes</p>
3.1 Slope of Site		
<p>At least one dwelling must present to the street</p>	<p>Dwelling 1 faces street Anthony Road</p>	<p>Yes</p>
<p>Slope must be <1:6 either up or down from street frontage</p>	<p>Gradient of site falls from the front to the rear boundary at a slope of 1:10</p>	<p>Yes</p>
<p>Cross-fall >1:14</p>	<p>Less than 1:14: Front 1:55 Middle 1:25 Rear 1:71.9</p>	<p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 2

Ryde DCP 2014	Proposed	Compliance
3.2 Altering the Levels of the Site		
No imported Fill	A balanced approach to cut and fill is proposed on the subject site, and as such it is not anticipated that any significant amounts of imported fill will be required to be brought onto the site.	Yes
<300mm Cut or Fill outside building envelope.	550mm of cut proposed for part of the courtyard of Dwelling 2 and Dwelling 4. 400mm of fill proposed for part of the courtyard for Dwelling 5. It is recommended that a condition be imposed to include lattice screening atop of the side boundary fence at Dwelling 5 to assist with the prevention of overlooking from this courtyard which will partially include 400mm of fill.	No – Justifiable (with condition for fill at Dwelling 5)
No basement garages, minimal steps, minimal retaining walls	No basement garages, no steps, minimal retaining walls proposed	Yes
POS generally at NGL.	POS is generally to be provided at NGL, however some ground alteration is required to ensure usable POS is achieved.	No – justifiable

ITEM 2 (continued)

ATTACHMENT 2

Ryde DCP 2014	Proposed	Compliance
3.3 Storey and Height		
3.3.1 Storeys		
<p>Dwg with frontage to street can be 2 storeys provided:</p> <ul style="list-style-type: none"> o 2 st dwg not attached to any other 2 st dwg o 2 st dwg is suitable in regards streetscape 	<p>Two storey dwelling at the frontage of the street which is not attached any other two storey dwelling. Dwelling is consistent with the streetscape character.</p>	<p>Yes</p>
3.3.2 Height		
<p>As per Clause 4.3(2A)(a) of the Ryde LEP 2010 – which states the maximum height is:</p> <p>(a) for dwgs in bldg with no frontage to street – 6.5m</p>	<p>Unit 2: 5.23m Being –upper roof ride RL34.68 Exiting Ground Level: RL29.4</p> <p>Unit 3: 5.29m Being –upper roof ride RL33.549 Exiting Ground Level: RL27.85</p> <p>Unit 4: 4.957m Being –upper roof ride RL31.907 Exiting Ground Level: RL26.95</p> <p>Unit 5: 5.938m Being –upper roof ride RL30.558 Exiting Ground Level: RL24.62</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>(b) for dwgs with a frontage to street is maximum 8m</p>	<p>Unit 1: 7.485m Being –upper roof ride RL38.735 Exiting Ground Level: RL31.25</p>	<p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 2

Ryde DCP 2014	Proposed	Compliance
3.4 Site Coverage		
Site coverage < 40%	35.12%	Yes
Pervious area > 35%	39.70%	Yes
3.5 Setbacks		
3.5.1 Front Setbacks		
<p><u>Front Setbacks:</u> The same distance as one of the buildings on an adjoining allotment, if the difference between the setbacks of the building on the two adjoining allotments is not more than 2 m; or</p> <p>If the difference between the setbacks of the adjoining buildings is more than 2m the development must be setback the average of the front setback of the two adjoining developments.</p>	<p>42 Anthony St = 10 38 Anthony St = 7</p> <p>Total = $17/2 = 8.5$ meters</p> <p>Required 8.5 Proposed 7.56</p> <p>Difference 0.94 meters</p>	<p>Yes – see below</p>
Setback of 1m less than the above std for not more than 50% of the front elevation for interest in the streetscape	<p>$8.5 - 1.0 = 7.5$ meters Proposed 7.56 meters</p>	Yes
Council may vary this requirement if streetscape is likely to change: >7.5m for 50% of frontage, >6.5m for 50% of frontage.	See above	N/A

ITEM 2 (continued)

ATTACHMENT 2

Ryde DCP 2014	Proposed	Compliance
3.5.4 Side and Rear Setbacks		
<p>Min 4.5m unless vehicular access is included in this area, then min 6m. To promote variation & interest up to 50% may be not less than 3m</p>	<p>Unit 5</p> <ul style="list-style-type: none"> • North – 4.5m except for 36.11% at 3- 3.5m • South – 4.5m except for 38.66% at 3m • West (rear) – 4.5m except for 50% at 3m <p>Unit 4</p> <ul style="list-style-type: none"> • North – 4.5m except for 41.40% at 3- 3.5m <p>Unit 3</p> <ul style="list-style-type: none"> • North – 4.5m except for 41.02% at 3- 3.5m <p>Unit 2</p> <ul style="list-style-type: none"> • North – 4.5m except for 39.25% at 3- 3.5m <p>Unit 1</p> <ul style="list-style-type: none"> • North – 4.5m except for 44.75% at 3- 3.5m 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>Must provide appropriate solar access.</p>	<p>All courtyards appropriately located to get better solar access</p>	<p>Yes</p>
<p>Ensure existing substantial trees not within proposed courtyard areas.</p>	<p>Existing large trees are proposed to be retained within Unit 5’s courtyard area.</p>	<p>Yes</p>

ITEM 2 (continued)

ATTACHMENT 2

Ryde DCP 2014	Proposed	Compliance
3.5.5 Internal Setbacks		
Habitable room windows don't overlook	No overlooking	Yes
9m separation between facing dwellings habitable room windows?	Minimum 9m separation between proposed northern first floor windows of Unit 1 which are facing windows of No. 42 Anthony Road.	Yes
3.6 Private Outdoor Space		
Min 30m ² for 2B Min 35m ² for 3+B	Unit 1 – 4 bedroom: 47.36m ² Unit 2 – 2 bedroom: 33.42m ² Unit 3 – 3 bedroom: 49.98m ² Unit 4 – 3 bedroom: 62.77m ² Unit 5 – 3 bedroom: 151.72m ²	Yes
Min dimension 4m and generally at NGL	A minimum 4m x 4m dimension is achieved for all dwellings. Dimensions generally comply, however courtyards are not all provided at NGL	No - justifiable
Solar access: 50% for ≥2hrs	Courtyards of all dwellings achieve two hours sunlight to 50% of their area between 9am and 3pm on June 21	Yes
Do not contain ex'g big trees	An existing large trees is proposed to be retained within Unit 5's courtyard area.	No - justifiable

ITEM 2 (continued)

ATTACHMENT 2

Ryde DCP 2014	Proposed	Compliance
Access to courtyard other than through dwg?	Access to courtyards through garage. Unit 1 also has excess through the front yard gate on the northwestern corner of the dwelling, while Unit 5 has an excess through the southern boundary where visitor parking is located.	Yes
Securely enclosed (not roofed) + visible from liv rms	Living areas face courtyards	Yes
Not within front setback	All private open spaces are located behind building line	Yes
3.7 Landscaping		
Extent of landscaping, existing trees retained in common areas?	Existing trees located within the common areas are proposed to be retained where possible. It is also noted that a large existing trees proposed to be retained within Unit 5 courtyard.	Yes

ITEM 2 (continued)

ATTACHMENT 2

Ryde DCP 2014	Proposed	Compliance
<p>If landscaping used for privacy:</p> <ul style="list-style-type: none"> • ≥1.2m landscaped strip • Shrub mature height 3-4m, if possible small trees mature height 5-m in combination with screen planting 	<p>Boundary landscaping provided with sufficient garden bed widths to accommodate proposed shrubs. However, they do not provide good visual privacy as the mature heights of shrubs approx. 1-3m.</p> <p>Nominated 'Red Robin' hedge on the southern side boundary has a mature height of 2.5m as per the submitted Landscape Plan.</p> <p>Nominated 'Gynea Lilli' hedge on the rear boundary has a mature height of 1.0m as per the submitted Landscape Plan.</p> <p>Rear boundary also have 'moonlight Grevillea' has a mature height of 3.0m.</p> <p>Nominated 'Spartan Juniper' and Lilly Pilly hedge on the northern side boundary has a mature height of 2.0m as per the submitted Landscape Plan.</p> <p>North eastern corner of front yard has a landscape strip consisting of "Moolight Grevillea" with a 3.0m mature height.</p>	<p>No - condition</p>
<p>1m strip between driveway and wall of dwgs</p>	<p>1m strip provided between driveway and wall of dwellings where possible.</p> <p>Unit 1 has a strip of 1m</p> <p>Unit 2 has 730mm</p> <p>Unit 3 has between 500mm to 1m</p> <p>Unit 4 has 500mm</p> <p>While Unit 5 has no landscape strip as it does not have a side setback to the driveway.</p>	<p>No - Justifiable</p>

ITEM 2 (continued)

ATTACHMENT 2

Ryde DCP 2014	Proposed	Compliance
Nature Strips: Street trees retained and protected?	No street trees affected by proposed development	Yes
3.8 Car Parking, Manoeuvrability and Driveway Crossings		
Car Parking		
<p> Number of Parking Spaces 1 space per 1 or 2 B dwelling 2 spaces per 3+B dwelling 1 visitor space per 4 dwgs (at least 1 space per dwg must be lockable garage) </p> <p> Total No of spaces req'd: 9 9 resident spaces 1.25 visitor spaces. </p> <p> As per the Ryde DCP 2014, where numbers result in fractions, they are to be rounded up. </p>	<p> Car parking provided as follows: </p> <p> Unit 1 which contains four bedrooms is to have 2 car parking spaces in a lockable garage. </p> <p> Unit 2 which contain two bedrooms are to have 1 car parking spaces with parking space located within a lockable garage </p> <p> Unit 3-5 which contains three bedroom are to have 2 parking space located within a lockable garage, and the second a tandem space behind the garage. </p> <p> 9 resident car spaces provided and 1 visitor hardstand car spaces provided adjacent to Bedroom 3 of Unit 5. </p>	<p> No for visitor parking - condition </p>

ITEM 2 (continued)

ATTACHMENT 2

Ryde DCP 2014	Proposed	Compliance
<p>Garage location:</p> <ul style="list-style-type: none"> - Not between dwelling and street frontage - No tandem parking in front of garage - Conveniently located for occupants - Located so they separate dwellings. 	<p>Behind building line</p> <p>Tandem behind garage for unit 3 - 5.</p> <p>Car parking located near dwelling</p> <p>Garages located between dwellings</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>Maneuverability: Enter and leave garage/parking area with single 3pt turn, in a forward direction (unless safe to reverse - corner allotment only).</p>	<p>Sufficient on site turning/ maneuverability is considered to have been provided. Except possibly Unit 2. Refer to Engineers comments.</p>	<p>Yes</p>
<p>Driveways Suitably paved, extent minimised, to avoid excessive amounts of hard paving.</p>	<p>Driveway and access areas have been suitably paved, with extent minimised so as to reduce excessive areas of hard stand. Including incorporation of pervious hard stand area for the visitor parking space.</p>	<p>Yes</p>
<p>Driveway Crossings Width: Up to 10 spaces, 4m 10 or more spaces, max 6m</p>	<p>Development includes 10 spaces. 6m driveway crossing proposed.</p>	<p>No - justifiable</p>

ITEM 2 (continued)

ATTACHMENT 2

Ryde DCP 2014	Proposed	Compliance
3.9 Overshadowing and Access to Sunlight		
Habitable room windows face courtyard or other outdoor space open to the sky, no closer than 1.5m to facing wall.	Habitable rooms have generally been orientated towards the courtyards or driveway so as to achieve appropriate levels of solar access. Habitable room windows are no further than 1.5m away from the wall of the multi dwelling house building.	Yes
Sunlight to at least 50% of each courtyard, and principal ground level open space >2hrs between 9am and 3pm on June 21	According to the shadow diagrams submitted, courtyards of all dwellings achieve at least two hours sunlight to at least 50% of their area between 9am and 3pm on June 2. Furthermore, it has been assessed that at least 50% of the ground level private open space areas for adjoining developments will still achieve at least 2 hours solar access in mid-winter.	Yes
Where existing overshadowing by buildings and fences is greater than this on adjoining properties, sunlight must not be further reduced by more than 20%	Existing overshadowing to courtyards and private open space areas is considered to result largely from existing buildings on neighboring sites rather than from buildings that are necessarily located on the subject site. This is because the existing dwelling located on the subject site is single story only, and setback approximately 5m from the southern side boundary. A single storey flat roofed garage is located on the subject site adjacent to the southern boundary, however this is not considered to	Yes

ITEM 2 (continued)

ATTACHMENT 2

Ryde DCP 2014	Proposed	Compliance
	contribute to any significant overshadowing given the boundary fence adjacent and the correlating neighboring garage at 38 Anthony Road.	
Shadow diagrams must indicate extent of shadowing within development and adjoining properties.	Satisfactory shadows diagrams have been submitted which indicate the extent of shadowing within development and adjoining properties. This has revealed that the proposed development will result in some overshadowing to the adjoining north facing windows of 38 Anthony Road, such that 3 hours solar access during the winter solstice cannot be achieved. This is considered to be a result of the orientation of the site rather than the proposal's design given setback of 5.5m are proposed along the southern boundary to the two storey Dwelling 1, and also the compliant building height of 7.758m.	No - justifiable
3.10 Visual and Acoustic Privacy		
Min 9m separation between facing habitable room windows	Minimum 9m separation between proposed northern first floor windows of Unit 1 which are facing windows of No. 42 Anthony Road.	Yes
No direct views between living area windows or adjacent dwellings (otherwise screening or obscuring necessary)	No direct views between the dwellings as the multi dwelling house development is contained within one building.	N/A

ITEM 2 (continued)

ATTACHMENT 2

Ryde DCP 2014	Proposed	Compliance
Direct views from living areas to private open space of other dwellings should be screened or obscured within privacy sensitive zone of 12m radius.	<p>All living rooms are located on the ground floor. The effective height of the boundary fence, site cut, and adequate setbacks are considered to provide satisfactory privacy to adjoining private open space.</p> <p>This is to be supported by select screening vegetation alongside boundaries.</p> <p>It is noted that a condition has been recommended to assist with maintenance or privacy for Dwelling 5. This is to include 300mm lattice screening atop the side boundary fence.</p>	Yes - condition
No balconies.	No balconies proposed	N/A
Elevated landings (or similar associated with stairs into courtyard) max 1m wide	No elevated landings proposed within courtyards	N/A
Living and sleeping areas protected from high levels of external noise?	The layout of each unit of the development and placement of windows is generally considered to be acceptable in terms of protecting living and sleeping areas of high levels of external noise.	Yes
Noise levels of air con pool pumps etc must not exceed background noise level by more than 5dB(A)	No air conditioning or pool pumps are shown on the plans as being proposed. A standard condition of consent is however included to ensure acoustic amenity from such equipment is maintained.	NA

ITEM 2 (continued)

ATTACHMENT 2

Ryde DCP 2014	Proposed	Compliance
3.11 Accessibility		
3.11.1 Pedestrian Access		
Pedestrian access provided, separate to vehicle access where possible.	Separate pedestrian access provided to Unit 1. Development engineers have indicated support for the proposed development subject to conditions.	Yes
3.11.2 Access for People with Disabilities – Developments of 6 or more dwellings		
Developments of 6 or more dwellings must be designed so not <35% of the dwellings provide access to people with disabilities, in accordance with AS4299.	Proposed development includes 5 dwellings only.	N/A
Dwellings which have been designed to AS4299 must be able to access the street, car parking and common areas using a continuous path of travel.	No dwellings identified as accessible due to the proposal only including 5 dwellings in total.	N/A
3.11.3 Access Audits		
Access audit submitted that has been conducted by a qualified and accredited access auditor.	Proposed development includes 5 dwellings only, and as such an access audit is not required.	N/A
4.1 Appearance		
Complement streetscape	The materiality of the finished development is considered to complement and be consistent with the existing streetscape character of Anthony Road	Yes

ITEM 2 (continued)

ATTACHMENT 2

Ryde DCP 2014	Proposed	Compliance
Includes pitched roof, eaves, vertically oriented windows, verandahs, rendered and face brick	Pitched roof design proposed with eaves to provide visual interest. Rendered and face brick proposed. Small porches provided to each dwelling. Appropriate level of vertically orientated windows provided across all facades of the dwelling.	Yes
At least 1 dwg must face street	Dwelling 1 faces Anthony Road	Yes
4.2 Ceiling Height		
Floor to Ceiling min 2.7m	Minimum 2.7 provided	Yes
4.3 Roofscape and Roof Materials		
Pitch 22-30° (35° where 2 nd floor is within roof)	All units have been proposed with 22.5 degree roof pitch	Yes
Min 300mm eaves overhang for roofs & verandas	Minimum 300 provided	Yes
Gables to street frontage?	Gables incorporated within Unit 1 facing the street.	Yes
Variation to roof line?	Roof has been broken up into smaller elements so as to create variation and reduce bulk.	Yes
Roof materials consistent with traditional ones in the street?	Tile roof proposed which is consistent with existing dwelling on Anthony street.	Yes

ITEM 2 (continued)

ATTACHMENT 2

Ryde DCP 2014	Proposed	Compliance
4.4 Building materials for Walls		
In keeping with the traditional materials for the locality. Detailing to break up large areas of wall adding interest and individuality	Face brick proposed in keeping with surrounding character. Sufficient detailing included so as breaking up areas of walling.	Yes
Proportion of windows and other openings consistent with character of locality. (windows generally 2:1 and 3:1 vertical proportion)	Proportion of windows is considered to be consistent with the surrounding area of development.	Yes
4.5 Fences		
4.5.1 Front fence		
Max ht 1m, and 70% visually permeable, return to be similar to front fence	900mm high front fence is proposed that appears to be 70% visually permeable. The return fence proposed is similar to that of the proposed front fence. A standard condition of consent requiring compliance with the fencing provisions of the Ryde DCP 2014 is to be included.	Yes - condition
Materials compliment dwelling e.g. wooden pickets, masonry with infill panels, wrought iron or similar etc	Materials take to compliment dwelling	Yes
4.5.3 Other boundary fences		
Min ht 1.8m	No details provided of other boundary fences. However a standard condition of consent requiring compliance with the fencing provisions of the Ryde DCP 2014 is to be included.	Yes - condition

ITEM 2 (continued)

ATTACHMENT 2

Ryde DCP 2014	Proposed	Compliance
Lapped and capped timber	As above.	Yes - condition
4.6 Clotheslines and drying area		
External clotheslines (not visible from adjoining properties or public areas)	External clothes lines provided within courtyards which are not visible from public domain or adjoining properties as to original landscape plan.	Yes
Each dwelling must have its own laundry	Laundries provided to each dwelling	Yes
4.7 Lighting		
Front yard lighting and lighting for the front of dwellings is to be provided	No information provided regarding front yard lighting.	Yes - condition
Location of external lighting must not have adverse effect on adjoining properties.	No information provided regarding front yard lighting.	Yes - condition
4.8 Garbage bin enclosures		
<p>For developments up to 5 dwellings on sites that are not steeply sloping and which have a wide road frontage:</p> <ul style="list-style-type: none"> - Each dwelling must be provided with a storage area for Council's standard rubbish and recycling bins. - Storage area should be behind the dwelling, not visible from public spaces, common areas and habitable room windows 	<p>No details provided regarding garbage bin enclosures. However, each dwelling will include sufficient space within the private courtyards which will be suitable for rubbish and recycling storage. Appropriate areas are not visible from the public spaces, common areas and habitable room windows.</p>	Yes

ITEM 2 (continued)

ATTACHMENT 2

Ryde DCP 2014	Proposed	Compliance
Drainage		
Refer to Part 8.2 Storm water Management DCP 2010	Development Engineers comments indicated that proposal is suitable subject to conditions of consent.	Yes
Tree Removal		
Refer to Part 9.6 Tree Preservation DCP 2010	See Landscape Officers comments. No arborist report submitted. Landscaping and tree impact generally acceptable subject to conditions.	Yes

BASIX	Proposal	Compliance
All ticked "DA plans" commitments on the BASIX Certificate are to be shown on plans BASIX Cert 541285M dated 09/04/2014	Multi dwelling houses – 5 units, correctly labelled and referenced.	Yes
• RWT 3000L per dwelling	3000L for each unit provided	Yes
• Thermal Comfort Commitments:		
- Insulation as per schedule	To comply	Yes
- Windows & glazing as per schedule	To comply	Yes
- Construction as per schedule	To comply	Yes
- TCC – Glazing as per schedule.	To comply	Yes
• Fixtures		
- 5 star taps & 3 star shower-heads	To comply	Yes
- Toilets 4 star	To comply	Yes
-		
- HWS 100 litre	To comply	Yes
- 5 Star Gas instantaneous	To comply	Yes


ITEM 2 (continued)

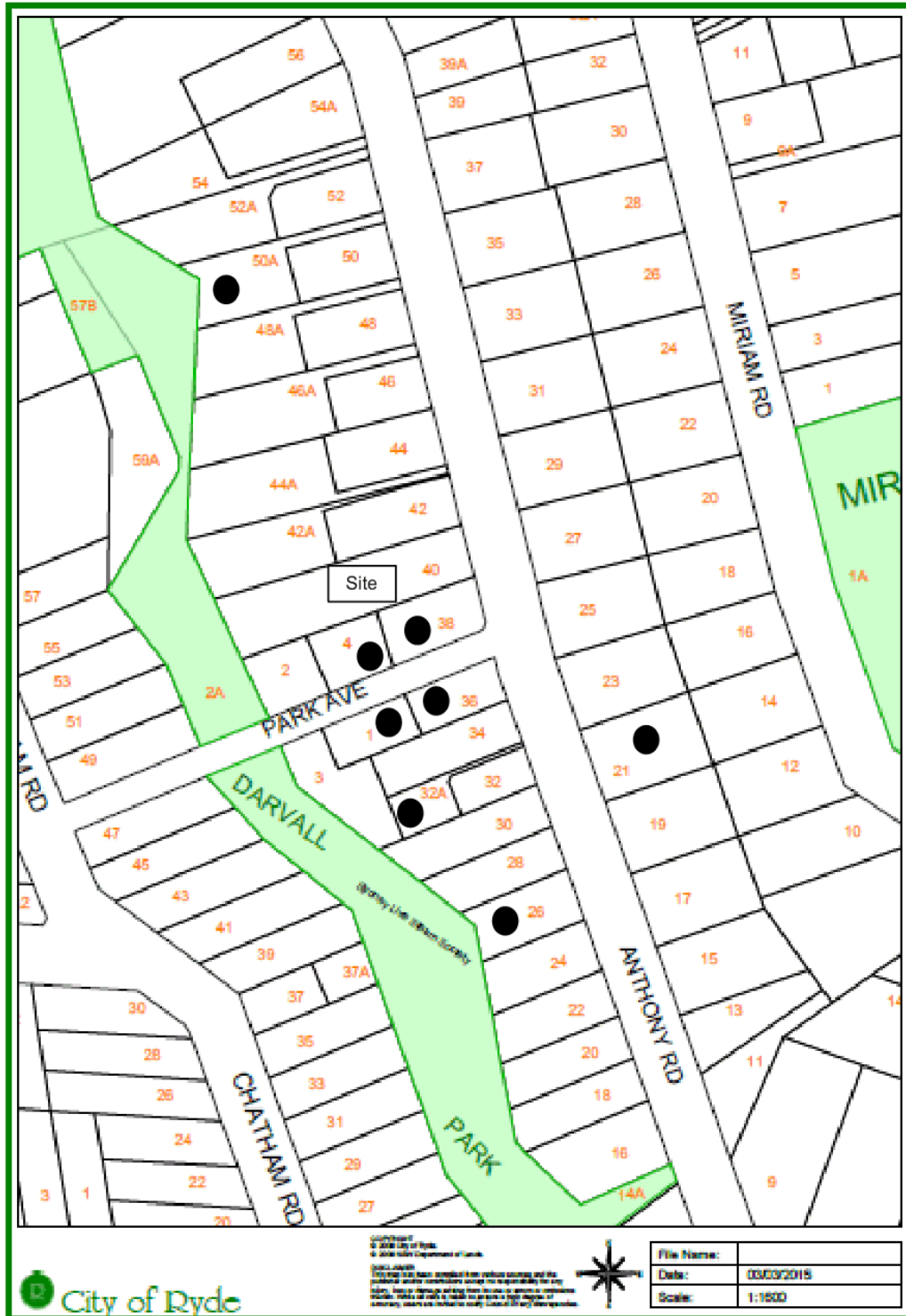
ATTACHMENT 2

BASIX	Proposal	Compliance
<ul style="list-style-type: none"> • Lighting - Natural lighting to kitchen and bathrooms 	- To comply	Yes
Water Target 40	Water: 40	Yes
Energy Target 42	Energy: 42	Yes
Correct description of property/proposal on 1 st page of Certificate.	Correct details shown	Yes

ITEM 2 (continued)

ATTACHMENT 3

 Indicates submissions received (petition also received)



ITEM 2 (continued)

ATTACHMENT 4

