

**Meeting Date:** Tuesday 19 May 2015  
**Location:** Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde  
**Time:** 5.00pm

**NOTICE OF BUSINESS**

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**1 CONFIRMATION OF MINUTES - Meeting held on 5 May 2015**

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**Report prepared by:** Section Manager - Governance**File No.:** CLM/15/1/3/2 - BP15/574

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**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 6/15, held on 5 May 2015, be confirmed.

**ATTACHMENTS**

1 MINUTES - Planning and Environment Committee Meeting - 5 May 2015

**ITEM 1 (continued)**

**ATTACHMENT 1**

**Planning and Environment Committee  
MINUTES OF MEETING NO. 6/15**

**Meeting Date:** Tuesday 5 May 2015

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

**Time:** 5.06pm

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

**Apologies:** Councillor Yedelian OAM.

**Absent:** Councillor Salvestro-Martin.

**Staff Present:** Group Manager – Environment and Planning, Service Unit Manager – Assessment, Service Unit Manager – Environment, Health and Building, Team Leader – Assessment, Assessment Officer – Town Planner, Planning Consultant (Creative Planning Solutions), Team Leader – Environmental Health, Senior Development Engineer, Business Support Coordinator – Environment and Planning and Governance, Risk and Audit Coordinator.

**DISCLOSURES OF INTEREST**

There were no disclosures of interest.

**1 CONFIRMATION OF MINUTES - Meeting held on 21 April 2015**

**RESOLUTION:** (Moved by Councillors Simon and Laxale)

That the Minutes of the Planning and Environment Committee 5/15, held on 21 April 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 43-45 MAGDALA ROAD, NORTH RYDE. LOT 242 DP 752035. Local Development Application for the use of southern section of existing car park at North Ryde RSL for parking of 30 buses by North Sydney Bus Charters Pty Ltd. LDA2014/0313.**

Note: Darren Cooper (objector) addressed the meeting in relation to this Item.

Note: An email from C.R. Jones, General Manager of North Ryde RSL Community Club Limited dated 5 May 2015 was tabled in relation to this Item and a copy is ON FILE.

Note: As a result of no Motion being moved by the Committee, this matter is **AT LARGE** due to a request from the applicant that the matter be deferred. This matter is listed for the next Planning and Environment Committee Meeting on 19 May 2015.

Note: This matter will be dealt with at the Council Meeting to be held on **12 MAY 2015** as the matter is AT LARGE.

**3 325 ROWE STREET, EASTWOOD. LOT 2 DP 18871 Development Application - Demolition, new 2 storey dwelling. LDA2014/0411.**

**RESOLUTION:** (Moved by Councillors Simon and Laxale)

- (a) That Local Development Application No. LDA2014/0411 at 325 Rowe Street, Eastwood being LOT 2 DP 18871 be 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 5.19pm.

CONFIRMED THIS 19TH DAY OF MAY 2015.

Chairperson



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**2 DEFERRED REPORT: 43-45 MAGDALA ROAD, NORTH RYDE. LOT 242 DP 752035. Local Development Application for the use of southern section of existing car park at North Ryde RSL for parking of 30 buses by North Sydney Bus Charters Pty Ltd. LDA2014/0313.**

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

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

**Report dated:** 8 April 2015 **File Number:** GRP/09/5/6/2 - BP15/442

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This report is deferred from the Planning and Environment Committee Meeting held on 5 May 2015.

### 1. Report Summary

**Applicant: North Ryde RSL Community Club Ltd.**

**Owner: Crown Land – NSW Trade & Investment**

**Date lodged: 23 July 2014 (additional information received 19 February 2015)**

This report considers a development application (DA) for the partial use of an existing car park at North Ryde RSL for the parking of thirty (30) buses. To accommodate these buses, the number of available on-site parking spaces will be reduced from 782 to 675, in the southern section of an existing car park.

The subject site is located on land owned and leased by the Crown - under Special Lease 172789 (1988/1) in the name of North Ryde RSL Community Club Ltd. This has been confirmed to Council in writing by NSW Trade & Investment, Crown Lands.

NSW Trade & Investment, Crown Lands have provided owner's consent for the lodgement of the Development Application (ATTACHED). This relates to the lodgement of the application only, and specifically indicates that it does not indicate concurrence for the proposed development.

The applicant is proposing to claim 'existing use rights' provisions of the Environmental Planning and Assessment Act 1979 to gain approval and has submitted legal advice in support of their DA. The legal advice provided by the applicant claims the storage of buses on the site continues the current use of a car park.

Council staff do not accept the legal argument provided by the applicant given that the proposed use is defined as a "Transport Depot". Accordingly, Council staff are of the opinion that the proposal does not enjoy the benefit of 'existing use rights' and is therefore a prohibited use in the RE1 Public Recreation zone.

**ITEM 2 (continued)**

The DA has been notified to neighbours in accordance with Ryde DCP 2010, and eight (8) submissions were received, which oppose the development on the following key grounds:

- Permissibility
- Noise
- Air pollution
- Current operational hours of use inconsistent with proposed hours
- Traffic generation, parking and access
- Contamination of land
- Safety

Despite the proposal being prohibited, Council officers are also of the opinion that the proposal is unsatisfactory from an environmental perspective with numerous residents' noting that buses are refuelled on the site and Council's Environmental Health Officer observing soapy waste water from the washing of buses draining from the site.

The site's location adjoining Lane Cove National Park and surrounding residential development is not appropriate for the proposed use, which would be better suited to a location within an industrial zone.

Given that the proposal is prohibited within the zoning of the property and the development is considered to be unacceptable as it will adversely affect the amenity of the immediate locality, the subject DA is recommended for refusal.

**Reason for Referral to Planning and Environment Committee:** Number of submissions received (8).

**Public Submissions:** Eight (8) submissions were received objecting to the development.

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

**Value of works?** Nil. Use is currently operational.

**RECOMMENDATION:**

- (a) That Local Development Application No. LDA2014/313 at 43-45 Magdala Road, North Ryde being LOT 242 DP 752035 be refused for the following reasons:
1. The Applicant has failed to prove that the subject property benefits from "existing use rights" and as such, the use of the property as a "Transport Depot" is prohibited under the relevant RE1 Public Recreation zone.

**ITEM 2 (continued)**

2. The proposal will have adverse impacts on the amenity of surrounding residential properties by virtue of unacceptable:
    - (a) noise impacts;
    - (b) odours;
    - (c) hours of operation;
    - (d) vehicular egress for buses onto Magdala Road.
  3. Inadequate measures are proposed to be provided within the subject property to:
    - (a) prevent the occurrence of water pollution as a result of bus washing activities; and
    - (b) prevent the occurrence of pollution spills from bus re-fuelling operations; and
    - (c) mitigate against the increased bushfire threat associated with the bus re-fuelling operations.
  4. In the circumstances of the case, approval of the development is not in the public interest.
- (b) That this matter be referred to the Manager Environment, Environmental Health and Building for appropriate action to have the use as a Transport Depot cease and the persons who made submissions be kept informed of the progress of this action.
- (c) That the persons who made submissions be advised of Council's decision.

**ATTACHMENTS**

- 1 Applicant's legal advice prepared by CBP Lawyers
- 2 Owner's Consent
- 3 Map
- 4 A4 Plan
- 5 A3 Plan - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

**ITEM 2 (continued)**

Report Prepared By:

**Lauren Franks**  
**Assessment Officer - Town Planner**

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

Report Approved By:

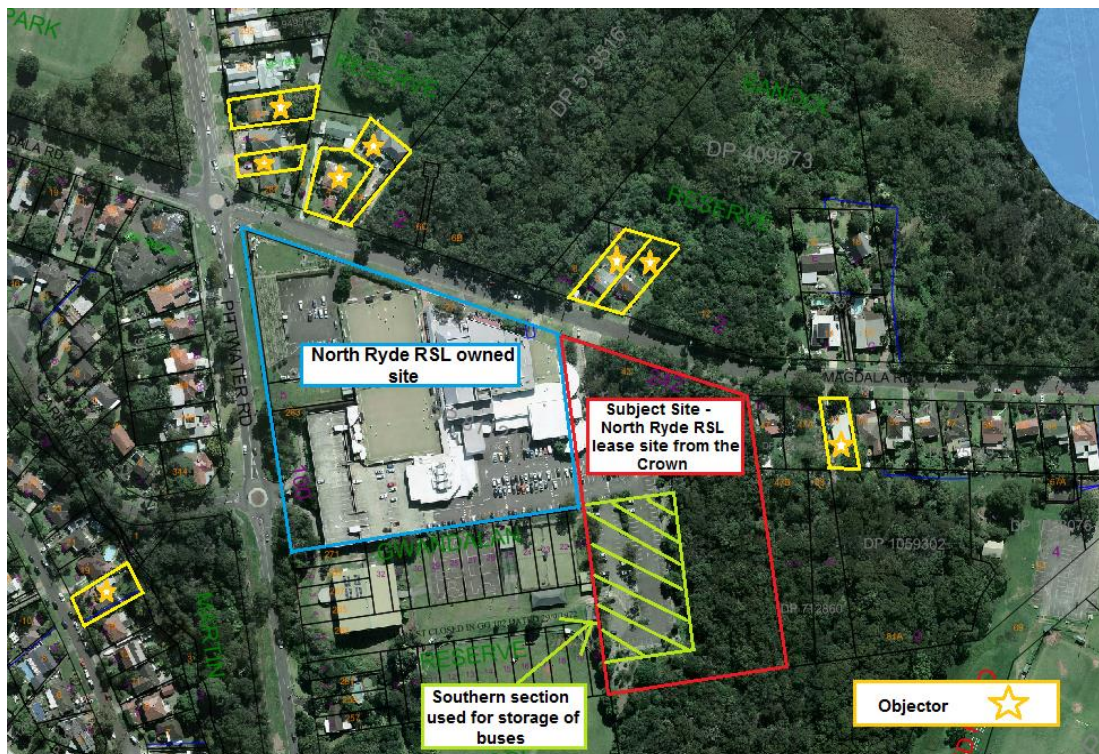
**Liz Coad**  
**Manager Assessment**

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

**ITEM 2 (continued)**

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

- Address** : 43-45 Magdala Rd North Ryde  
(LOT 242 in DP 752035)
- Site Area** : 16.614m<sup>2</sup>  
Frontage to Magdala Road: Approx. 108m  
Rear Boundary: Approx. 96m  
Eastern Side Boundary: Approx. 147m  
Western Side Boundary: Approx. 195m
- Topography and Vegetation** : Unmaintained extensive vegetation surrounds the perimeter of the site.
- Existing Buildings** : Site contains a carpark with a small portion of North Ryde RSL extending onto the allotment.
- Planning Controls** : Ryde LEP 2010
- Zoning** : RE1 Public Recreation under Ryde LEP 2010  
RE1 Public Recreation under Ryde LEP 2014
- Other** : Ryde DCP 2014



**Aerial photo of subject site and surrounds.**



**ITEM 2 (continued)**



**View of site from Magdala Road.**



**View of southern portion of carpark cordoned off for use as a transport depot.**

**ITEM 2 (continued)****3. Councillor Representations**

Nil.

**4. Political Donations or Gifts**

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

**5. Proposal**

The DA seeks development consent for the use of the southern section of an existing car park at North Ryde RSL for the parking of thirty (30) buses by North Sydney Bus Charters Pty Ltd.

According to the Statement of Environmental Effects submitted with the DA, the following details are provided surrounding the use:

- Hours of operation: 6am to 6pm daily.
- Parking of twenty (20) x 24 seater Mitsubishi Rosas (similar in size to a mini bus) and ten (10) larger buses / coaches.
- Buses are primarily used to provide transport facilities for schools.
- Moveable barriers surround the bus parking area to restrict public access.
- Two (2) demountable buildings are located within the bus parking area to provide storage, change and rest facilities to drivers.
- Waste associated with the use relates to the internal cleaning of buses prior to their departure.
- Use does not involve any plant and equipment use or the carrying out of any maintenance of buses on the site with the exception of internal cleaning before departure and recharging of batteries.

**6. Background**

The subject site is located on land owned and leased by the Crown - under Special Lease 172789 (1988/1) in the name of North Ryde RSL Community Club Ltd. This has been confirmed to Council in writing by NSW Trade & Investment, Crown Lands.

NSW Trade & Investment, Crown Lands have provided owner's consent for the lodgement of the Development Application (ATTACHED). This relates to the lodgement of the application only, and specifically indicates that it does not indicate concurrence for the proposed development.

**ITEM 2 (continued)**Previous Approvals

The site was undeveloped until construction of the car park was approved by Council on 12 October 1989 (Development Consent No. A6005). At this time the land was designated as “Reserved for Proposed County Road” under the Ryde Planning Scheme Ordinance. The land has been continuously used or at least provided for use for car parking since its construction in 1990 / 1991.

Enforcement Action

On 7 November 2013, a “Notice of Proposed Order” was issued to North Ryde RSL after Council received various noise complaints from neighbours. North Ryde RSL was given until 27 November 2013 to provide a response. None was received.

An Order was issued under the terms of Section 121 of the Environmental Planning & Assessment Act 1979 on 7 March 2014 and required the use of the land for the parking of buses to cease. North Ryde RSL responded on 12 March 2014 requesting that Council not proceed with the Order as the RSL intended to submit a DA to legitimise the parking of buses on the site. Subsequently, Council withheld any enforcement action.

Due to ongoing complaints made by residents, Council’s Compliance Officers are currently investigating whether further enforcement action is required.

At this time, buses continue to park on the site.

**7. Submissions**

The proposal was advertised and notified in accordance with Development Control Plan 2010 - Part 2.1, Notification of Development Applications. The application was advertised on 13 August 2014. Notification of the proposal occurred between 11 August 2014 and 27 August 2014.

Eight (8) submissions were received. The key issues raised in the submissions are summarised and discussed as follows:

**A. Permissibility**

*Concerns are raised that the use of the car park has become a transport depot and is prohibited in the RE1 Public Recreation zone.*



**ITEM 2 (continued)**Assessment Officer's Comment

It is agreed that the use constitutes a transport depot and is prohibited in the RE1 Public Recreation zone. The applicant has submitted legal advice in support of their application which utilises 'existing use rights' to gain approval. This claim is not supported. Refer to the Ryde Local Environmental Plan 2014 Section of this report for further commentary on 'existing use rights'.

**B. Noise**

*Concerns are raised that data within the Noise Impact Assessment is not a true representation of the level of noise disturbance ascertained by surrounding residential properties and that the noise associated with buses entering and exiting the site is adversely impacting resident's amenity.*

Assessment Officer's Comment

Agreed. Council's Environmental Health Officer identified errors and inadequacies in the results of the Noise Impact Assessment submitted with the DA. Subsequently, the applicant produced an Amended Noise Impact Assessment on 10 February 2015. Council's Environmental Health Officer is of the opinion that the results and recommendations within this amended report remain inadequate and are not a true representation of the level of noise disturbance experienced by surrounding residents. This assessment appears in the Referrals section, later in this report.

**C. Air Pollution**

*Concerns are raised that emissions from the number and type of buses (including old diesel buses), accelerating up the steep driveway into the site emit fumes and gases which accumulates in No. 8 and 10 Magdala Road situated opposite the driveway and on the downhill slope of the land. Further, these buses regularly utilise the netball court carpark for parking and the turning circle at the end of Magdala Road which emit fumes to people undertaking bootcamp fitness classes and recreational activities.*

Assessment Officer's Comment

The continuous arrival and departure of diesel buses into a site surrounded by low density residential and outdoor recreational spaces does present a health risk to not only residents within Magdala Road, but for residents of the wider community utilising the sports fields.

**ITEM 2 (continued)**

The location is not suitable for a transport depot and no mitigation measures are in force to monitor and control emissions from the buses.

**D. Traffic Generation, Parking & Access**

*Concerns are raised that the proposal will exacerbate existing traffic congestion along Pittwater Road. Further, buses regularly park along Magdala Road and across resident's driveways, preventing access. Of added concern is that buses are regularly seen making a 3 point turn to exit the site as the driveway which has not been designed for the movement of heavy vehicles.*

Assessment Officer's Comment

The parking of buses has been operational for approximately two (2) years. It is accepted that traffic congestion along Pittwater Road has increased during this time however; the increase in traffic congestion is not solely attributed to the parking of buses on the site. Further, RMS guidelines do not prescribe a maximum rate for bus movements within residential areas.

The ongoing arrival and departure of thirty (30) buses to the site will have a detrimental impact on Council's public infrastructure. Council's Senior Development Engineer anticipates that the movement of buses along Magdala Road generates 110 to 120 vehicle trips per day. This will intensify the rate of decline of Magdala Road. Subsequently, approval of the proposal can be seen as potentially having a financial burden to Council.

In terms of on-site parking availability to RSL patrons, the bus parking area reduces the number of spaces from 782 to 675. The Parking Surveys submitted with the DA have been reviewed by Council's Traffic Engineer who states:

*"The applicant has identified that the RSL has not incorporated any additional facilities or services and as such, through documented 'Check Surveys', it is noted that the parking availability is deemed sufficient to cope with the demand whilst parking spaces are being occupied by buses.*

*In light of the excess parking identified in the John Coady Consulting Pty Ltd report, it has been deemed that parking demand will not be impacted."*

## ITEM 2 (continued)

In terms of manoeuvrability, Council's Traffic Engineer states that the amended plan showing provision of a "2.5m x 2.5m splay does not appear to be adequate to enable a bus to perform a safe turn when exiting the site." The applicant has not demonstrated that a bus' turning path when exiting the site can be achieved with a 2.5m x 2.5m splayed corner. The following photo shows the close proximity buses come to parked cars on Magdala Road and the damage cause the grass adjacent to the driveway:



### E. Hours of Operation

*Concerns are raised that the current operational hours of buses arriving and departing the site occurs seven (7) days a week between 5:30am - 1am which contradicts the DA which seeks approval for 6am – 6pm, seven (7) days a week. Should approval of the DA be granted, the applicant will not adhere to the operational hours they have stated in their DA.*

#### Assessment Officer's Comment

This concern was reiterated in multiple submissions. It is agreed that the departure of any bus within a low density residential precinct before 6am is unacceptable on a weekday and weekend.

As demonstrated throughout this report, the applicant has failed to adhere to Council's Compliance Officer's repeated instructions to cease operation of the storage of buses on the site. This does not instil a sense of confidence that the applicant will adhere to a condition of consent restricting the hours of operation.

## ITEM 2 (continued)

Of added concern is the applicant's comment in their Statement of Environmental Effects that "*the normal operational mode involves buses leaving the site by 6:30am at the earliest.*" This potentially means that up to thirty (30) buses could enter and exit the site at 6:30am and is substantial given that the nearest dwelling houses are located directly opposite the site at a distance of 22m (No. 8 Magdala Rd) and 30 (No. 10 Magdala Rd).

### F. Contamination of Land

*Concerns are raised that refuelling of buses occurs on the site and is causing the land to become contaminated and is inappropriate for a site identified as bushfire prone land.*

#### Assessment Officer's Comment

Additional information submitted by the applicant's Planner states that "*there is to be no refuelling of vehicles or maintenance works carried out on-site.*" This contradicts numerous residents' claims of seeing a refuelling truck, namely *Fuel and Go mobile refuelling* regularly arriving to the site and departing approximately one (1) hour later. Council's Environmental Health Officer has also reported seeing oil stains in the car park during their site visit.

Further, the applicant's Planner claims in their Statement of Environmental Effects that "*the use does not involve the use of any plant or equipment or the carrying out of any maintenance of buses on the site, with the exception of cleaning before departure and recharging of batteries...the only wastes associated with the use relate to cleaning of the interior of the buses before departure.*" Contrary to this comment, Council's Environmental Health Officer has seen bus exteriors being washed as per the following photo:



**ITEM 2 (continued)**

The subject site adjoins Lane Cove National Park to the east and south. This adjoining land is zoned E1 National Park and Nature Reserves. Land with this zoning is categorised as being of high environmental significance. Serious concerns are raised that soapy wastewater is not being disposed of in an environmentally sensitive manner and is draining into the stormwater drainage system and flows into the adjoining Lane Cove National Park situated downhill from the subject site.

It is considered that the contents of the DA do not accurately reflect the current operations of buses parking on the site. Bus refueling has been omitted from the DA as forming part of the use and serious concerns are raised that the use has the potential to instigate or encourage the spread of a bushfire. Subsequently, a Bushfire Assessment Report has not been submitted. Council's Bushfire Consultant has reviewed the proposal stating:

*"While it is noted in the application that refueling is not proposed, as requested by Council we have considered potential refueling operations associated with the proposed bus depot. In relation to the refueling of buses the following extract from Planning for Bush Fire Protection 2006 should be addressed by the applicant:*

**3.1 Bush Fire Protection Measures**

*Controlling Development Types.*

*Developments which should not be permitted on bush fire grounds, including those that may start bush fires or are a potential hazard to adjacent areas or to fire fighters if they are impacted upon by a bush fire:*

- *Power generating works*
- *Sawmills*
- *Junk yards*
- ***Liquid fuel depots***
- *Offensive and hazardous industries*
- *Chemical industries*
- ***Service stations***
- *Ammunition storage/manufacture*
- *Fire works manufacture/storage."*

For these reasons, it is agreed that the use is potentially contributing to the contamination of land and should not be supported.



**ITEM 2 (continued)****G. Safety**

*Concern is raised that with the absence of a footpath along Magdala Road means that pedestrians need to walk on the road. The continual manoeuvring of buses in Magdala Road poses a safety risk to pedestrians.*

Assessment Officer's Comment

Of greatest concern are the reports from residents that buses are regularly seen making 3 point turns at the end of Magdala Road and when exiting the site and the driveway crossover. In the circumstance that the applicant had considered manoeuvrability of buses when exiting the property and instructed its drivers to park wholly within the site, the risk to pedestrian safety would not be an issue. The applicant has failed on many levels to consider the impact of the proposal on neighbouring properties.

**8. SEPP 1 (or clause 4.6 RLEP 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 undetermined 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 23 July 2014, before the commencement of this Plan and so it must be determined as if Ryde LEP 2014 had not commenced. What this means is that Ryde LEP 2014 is treated as a draft.

**ITEM 2 (continued)****(b) Ryde Local Environmental Plan 2010****Zoning**Proposed Use

Under the Ryde Local Environmental Plan 2010 (Ryde LEP 2010) the subject site is zoned RE1 Public Recreation. Whilst development for the purpose of a car park (being a commercial use) is prohibited in the zone, the car park is existing. It was constructed in accordance with development consent No. A6005 granted 12 October 1989, which pre-dates the Ryde LEP 2010.

As identified by Council, the proposal is considered to alter the existing use from a commercial use which is affiliated with North Ryde RSL to a transport depot which is also prohibited. The definition of each use as it appears in the Ryde LEP 2010 is:

***car park** means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.*

***commercial premises** means any of the following:*

- (a) business premises,*
- (b) office premises,*
- (c) retail premises.*

***transport depot** means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a business, industry, shop or passenger or freight transport undertaking.*

Aims and Objectives of the Zone

The aims and objectives of the RE1 Public Recreation zone are:

- To enable land to be used for public open space or recreational purposes.*
- To provide a range of recreational settings and activities and compatible land uses.*
- To protect and enhance the natural environment for recreational purposes.*
- To provide adequate open space areas to meet the existing and future needs of the residents of Ryde.*
- To protect and enhance the natural bushland in a way that enhances the quality of the bushland and facilitates public enjoyment of the bushland in a way that is compatible with its conservation.*

**ITEM 2 (continued)**

The proposal fails to achieve the aims and objectives of the zone which is in part, due to the use being prohibited. The use detracts from the natural bushland which bounds the eastern and southern boundaries of the site. The erection of wire fencing, waste bins and storage of large sized buses detracts from the appearance of the surrounding natural environment. Further, the use poses a threat to native flora and fauna which surrounds the site through waste water draining from the site and refuelling occurring on the site.

Existing Use Rights

Part 4 Division 10 of the *Environmental Planning and Assessment Act 1979* and Part 5 of the *Environmental Planning and Assessment Regulation 2000* specifies that existing use rights apply when a non-conforming use (car park – commercial use) can be changed to another non-conforming use (commercial use). The clauses within these Parts can be utilised when a planning instrument comes into force and consequently prohibits that use.

The applicant is seeking the utilisation of existing use rights and considers the use of North Ryde RSL and the car park as one (1) development on the site. Legal advice accompanying the DA supports this claim noting:

*“The Club is proposing to have a defined space within the existing car park used by a local bus company, for the purposes of parking passenger buses owned by a local bus company” ... (which) “is limited to the “parking” of buses only, and does not involve administration-related tasks (associated with a bus company), refuelling, the carrying out of repairs, maintenance and associated tasks.”*

The applicant has omitted any reference to a transport depot in their DA which includes their legal advice. As identified in numerous site inspections by Council Officers, telephone conversations and submissions received from concerned residents, bus refuelling, and washing of buses occurs on the site. The proposal's incorporation of two (2) demountable buildings for the storage of bus keys collected by drivers before their run is an administration-related task. These findings contradict the information on which the applicant's legal advice is based.

It is agreed that the existing approved use on the site is for a car park, which is a commercial use given its affiliation with North Ryde RSL and its use by RSL patrons or Fitness First members. However, it is argued that by restricting access to the southern portion of the site to accommodate a bus parking area that is for private use only and includes operations of refuelling and washing of buses that the use is categorised as a transport depot and therefore does not benefit from existing use rights.



**ITEM 2 (continued)****Mandatory Requirements**

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

**Clause 5.1A Development on land intended to be acquired for a public purpose**

This clause applies to specific land zoned RE1 Public Recreation and SP2 Infrastructure as identified in the *Land Reservation Acquisition Map*.

Whilst the site is zoned RE1 Public Recreation, the site is not identified on the *Land Reservation Acquisition Map*. As such, no further commentary is required.

**(b) Relevant SEPPs****State Environmental Planning Policy 55 – Remediation of Land**

This Policy requires Council to consider the potential for a site to be contaminated. The site has a history of being used as a car park and is unlikely to contain any contamination. In saying this, the proposed use as a transport depot has commenced on the site without approval. Site inspections undertaken by Council's Environmental Health Officer has revealed that washing of buses is undertaken on the site and oil stains throughout the car park are present which suggests that repair work to buses may have occurred. Concerns are raised that the continued operation of the use has the potential to contaminate the land which is situated adjacent to Lane Cove National Park.

**(c) Relevant REPs**

N/A

**(d) Any draft LEPs**

None relevant.

**(e) Any DCP****Ryde Development Control Plan (DCP) 2014**

There are no development controls contained within the Ryde DCP 2014 which relate to use of a site for a transport depot. As such, reliance upon the controls within the Ryde LEP 2010 and impact of the development on surrounding residents, the natural environment and suitability of the site for the proposed use are to be considered.

## ITEM 2 (continued)

### 10. Likely impacts of the Development

#### (a) Built Environment

The storage of substantial sized buses, demountable buildings, erection of 1.8m high wire fencing and waste containers is not representative of an aesthetically pleasing development. No formal bin storage area has been provided to obscure view of waste containers. This can be seen in the following photo:



The proposal relies upon wire fencing for delineating the bus parking area and existing car park. The type of wire fencing present is usually associated with a temporary use only around a construction site. This type of fencing is not considered to have the longevity required for the use as a transport depot and also detracts from the surrounding natural environment.

#### (b) Natural Environment

Serious concerns are raised that the washing and repair of buses undertaken on the site is detrimentally impacting the health of native flora and fauna in Lane Cove National Park and surrounding vegetative land. Details within the DA documentation claiming that no maintenance or cleaning of buses (with the exception of internal areas of the buses) contradicts the comments raised in multiple submissions and the findings by Council's Environmental Health Officer.

The proposal fails to demonstrate that the use is controlled with appropriate mitigation measures in place to ensure no adverse impact to the natural environment occurs.

**ITEM 2 (continued)****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 affected by the following constraints:

Bushfire Prone Land

The site is categorised as bushfire prone land. No bushfire report has been submitted as the applicant claims that no refuelling, maintenance work or external washing of buses occurs. This is contrary to numerous submissions received during the notification period which report seeing refuelling tanks arriving to the site and leaving approximately one (1) hour later. As noted throughout this report, Council's Environmental Health Officer has seen oil stains in the area utilised for bus parking. Refuelling of buses poses a significant and real risk to causing a bushfire and has the potential to exacerbate a bushfire within the immediate vicinity of the site. No evidence to support the applicant's claim that refuelling does not occur has been provided.

Urban Bushland

Inadequately conserved urban bushland accounts for approximately half of the site's area extending from the front boundary, being Magdala Road, along the eastern side to the rear boundary. Waste water from washing buses has been observed by Council's Environmental Health Officer draining from the car park and poses a risk to the health of native flora and fauna habitats. This bushland is unmaintained and contains scrub and dense leaf cover on the ground. The concerns raised by surrounding residents regarding bus refuelling occurring on the site and within such close proximity to bushland are valid.

Acid Sulphate Soils

The subject site is situated within the 500m buffer zone of land affected by Class 1, 2, 3 or 4 Acid Sulphate Soils. The proposed development does not involve any excavation or ground disturbances that would require formal assessment regarding acid sulphate soils. It is therefore concluded that this environmental constraint will not adversely impact surrounding properties.

**12. The Public Interest**

The development is prohibited in the zone and fails to achieve the objectives of the RE1 Public Recreation zone. In particular, amenity of adjoining neighbours is not maintained and the development is unacceptable in terms of its impact on the natural environment as discussed throughout this report.

Therefore, it is considered that approval of this DA would not be in the public interest.

## ITEM 2 (continued)

### 13. Consultation – Internal and External

#### Internal Referrals

**Environmental Health Officer:** Council's Environmental Health Officer is not supportive of the proposal and has provided the following comments:

#### **Site Inspection:**

*An inspection of the site on 10 November 2014 revealed that:*

- *Buses were being washed in the parking area and the soapy wastewater was flowing into the stormwater drainage system.*
- *There was evidence of oil staining on the pavement.*
- *One of the transportable buildings contains a kitchenette and that the sink is not connected to the sewerage system.*
- *The toilets in the Club are more than 100 metres away.*

#### **Water pollution:**

*A wash bay should be provided for washing buses.*

*Equipment should also be kept on site for cleaning up accidental spills or leaks.*

#### **Staff amenities:**

*Adequate toilet and kitchen facilities should be provided for the staff employed on site.*

#### **Waste management:**

*The wash bay and all sanitary fixtures must be connected to the sewerage system in accordance with the requirements of Sydney Water Corporation and the NSW Department of Fair Trading*

*An adequate number of waste containers should also be provided for the storage of garbage.*

*Ideally the garbage bins should be stored in a covered waste storage area that is graded and drained to the sewerage system*

**ITEM 2 (continued)**

The following comments are provided in response to the Amended Noise Impact Assessment submitted 2 February 2015 after deficiencies were identified in the Initial Noise Impact Assessment submitted at lodgement:

***Background Noise Measurements:***

*The background noise level was measured in two locations. Monitor 1 was located in Magdala Road and Monitor 2 was located adjacent to the south-eastern boundary of the site.*

*The measured background noise levels are set out in Table 1 of the revised report as follows:*

Location	Background Noise Level dB(A)			
	Daytime (7am - 6pm)	Evening (6pm - 10pm)	Night (10pm - 7am)	Shoulder Morning Period (6am - 7am)
Monitor 1 – along Magdala Road	49	51	45	49
Monitor 2 – south-east corner of site	43	44	42	43

*I was concerned that the background noise measurement locations may be affected by extraneous noise from the Club. However, the consultant claims that this was not the case.*

***Noise Objectives:***

*The noise objectives have been amended and are set out in Table 6 of the revised report as follows:*

Location	Time Period	INP Amenity Criteria dB(A) Leq (Period)	INP Intrusiveness Criteria dB(A) Leq (15 minute)	Sleep Disturbance Criteria dB(A) L1 (1 minute)
10 Magdala Road	Day	55	54	N/A
	Evening	45	56	N/A
	Night	40	54	64

**ITEM 2 (continued)**

<i>Location</i>	<i>Time Period</i>	<i>INP Amenity Criteria dB(A)  Leq (Period)</i>	<i>INP Intrusiveness Criteria dB(A)  Leq (15 minute)</i>	<i>Sleep Disturbance Criteria dB(A)  L1 (1 minute)</i>
47 Magdala Road	Day	55	48	N/A
	Evening	45	49	N/A
	Night	40	48	58

*I disagree with some of the objectives set out in this table. The night-time intrusiveness criteria should be 50 dB(A) for 10 Magdala Road and 47 dB(A) for 47 Magdala Road. Also, the night-time sleep disturbance criteria should be 60 dB(A) for 10 Magdala Road and 57 dB(A) for 47 Magdala Road.*

*It is understood that the proposed bus depot will operate from 6am - 6pm daily.*

*According to the Industrial Noise Policy where operations are proposed between 5am - 7am it may be unruly stringent to expect such operations to be assessed against the night-time criteria. In these circumstances, the Policy states that as a rule of thumb it may be appropriate to assign a shoulder period rating background level as the mid-point value between the rating background levels of the two assessment periods that are either side of the shoulder period.*

*This would give a shoulder period intrusiveness criteria of 52 dB(A) for 10 Magdala Road and 48 dB(A) for 47 Magdala Road and a shoulder period sleep disturbance criteria of 62 dB(A) for 10 Magdala Road and 58 dB(A) for 47 Magdala Road.*

**Predicted Noise Levels:**

*The predicted noise levels at the nearest affected residences are set out in Tables 10, 11 & 12 of the revised report and are summarised as follows:*

<i>Location</i>	<i>Noise Source</i>	<i>Leq dB(A)</i>	<i>Lmax dB(A)</i>
10 Magdala Road	Operational noise	40	N/A
	Engine Starting	N/A	49
	Reversing Alarm	N/A	54
	Bus arriving/departing	N/A	66

**ITEM 2 (continued)**

<i>Location</i>	<i>Noise Source</i>	<i>Leq dB(A)</i>	<i>Lmax dB(A)</i>
<i>47 Magdala Road</i>	<i>Operational noise</i>	39	N/A
	<i>Engine Starting</i>	N/A	53
	<i>Reversing Alarm</i>	N/A	57
	<i>Bus arriving/departing</i>	N/A	55

*The letter sets out the basis for determining the predicted noise levels. However, I am unsure about their methodology.*

*According to my calculations, the predicted noise levels at the worst affected residence for a bus leaving the site will be as follows:*

*LAeq:*

$$SPL2 = SPL1 - 10 \log [r2^2 / r1^2]$$

$$SPL2 = 70 - 10 \log [20^2 / 5^2]$$

$$SPL2 = 58dB(A)$$

*LAmix:*

$$SPL2 = SPL1 - 10 \log [r2^2 / r1^2]$$

$$SPL2 = 78 - 10 \log [r20^2 / r5^2]$$

$$SPL2 = 66dB(A)$$

*Modifying factors may also need to be added to the predicted noise levels for low-frequency noise and intermittency. This could add up to 10 decibels to the predicted noise levels.*

**Assessment of Noise Impact:**

*Based on my assessment, the noise level at the worst affected residence will exceed the shoulder period intrusiveness criteria by up to 16dB(A) and the shoulder period sleep disturbance criteria by up to 14dB(A).*

*In my opinion, the noise from the proposed bus depot will have an adverse impact on neighbouring residents.*



**ITEM 2 (continued)****RECOMMENDATION:**

*That the application be refused for the following reasons:*

- *inadequate amenities for staff*
- *inadequate facilities for the storage and handling of garbage*
- *inadequate facilities for washing buses*
- *potential water pollution impacts*
- *potential noise impacts*

**Traffic Engineer:** Council's Traffic Engineer has provided the following comments:

*It should be noted that a 2.5m x 2.5m splay does not appear to be adequate to enable a bus to perform a safe turn exiting the site. Appropriate turning paths would be required to demonstrate the extent of the bus turning path and determine the required splay dimension.*

*The applicant has identified that the RSL has not incorporated any additional facilities or services and as such, through documented 'Check Surveys', it is noted that the parking availability is deemed sufficient to cope with the demand whilst parking spaces are being occupied by Buses.*

*Further, in light of the excess parking identified in the John Coady Consulting Pty Ltd report, it has been deemed that parking demand will not be impacted.*

External Referrals

**Bushfire Consultant:** Council's Bushfire Consultant has raised concerns about the proposal and provided the following comments:

*To accord with Council's request for a review of bushfire compliance or otherwise with Planning for Bush Fire Protection 2006 for the subject development application, the following information is provided having regard to Section 79BA of the Environmental Planning and Assessment Act 1979.*

*We have undertaken a review of the subject application and the surrounding lands for the purposes of determining the potential bushfire impact to the subject property. We have also reviewed the documentation provided by Council relevant to the subject development application.*

*The proposal as submitted to Council relates to the approval for the parking of 30 buses at the above mentioned address. The application also includes the approval of two (2) transportable buildings. The development proposal must demonstrate compliance with the aims and objectives of Planning for Bush Fire Protection 2006 as follows;*



**ITEM 2 (continued)*****Aim and Objectives of PBP.***

*All development on Bush Fire Prone Land must satisfy the aim and objectives of PBP.*

*The aim of PBP is to use the NSW development assessment system to provide for the protection of human life (including firefighters) and to minimise impacts on property from the threat of bush fire, while having due regard to development potential, on-site amenity and protection of the environment.*

*More specifically, the objectives are to:*

- (i) afford occupants of any building adequate protection from exposure to a bush fire;*
- (ii) provide for a defensible space to be located around buildings;*
- (iii) provide appropriate separation between a hazard and buildings which, in combination with other measures, prevent direct flame contact and material ignition;*
- (iv) ensure that safe operational access and egress for emergency service personnel and residents is available;*
- (v) provide for ongoing management and maintenance of bush fire protection measures, including fuel loads in the asset protection zone (APZ); and*
- (vi) ensure that utility services are adequate to meet the needs of firefighters (and others assisting in bush fire fighting).*

*In this regard insufficient information has been provided by the applicant that demonstrates compliance with the above.*

*Particular consideration should be given to the siting, design and construction standard of the temporary buildings in accordance with Planning for Bush Fire Protection 2006 and Australian Standard 3959 'Construction of buildings in bushfire-prone areas' 2009.*

*Consideration could also be given as to the impact that the proposed development may have on the local road infrastructure during a bushfire emergency in the locality.*

*While it is noted in the application that refueling is not proposed, as requested by Council we have considered potential refueling operations associated with the proposed bus depot. In relation to the refueling of buses the following extract from Planning for Bush Fire Protection 2006 should be addressed by the applicant:*

**ITEM 2 (continued)****3.1 Bush Fire Protection Measures**

*Controlling Development Types.*

*Developments which should not be permitted on bush fire grounds, including those that may start bush fires or are a potential hazard to adjacent areas or to fire fighters if they are impacted upon by a bush fire:*

- *Power generating works*
- *Sawmills*
- *Junk yards*
- **Liquid fuel depots**
- *Offensive and hazardous industries*
- *Chemical industries*
- **Service stations**
- *Ammunition storage/manufacture*
- *Fire works manufacture/storage.*

**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.

**16. Other Options**

None relevant.

**17. Conclusion**

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

An assessment of the proposal in terms of the permissibility of the use has identified that the current operation of the storing of buses on the site is consistent with the definition of a 'transport depot' and therefore is not eligible to enjoy the benefits of 'existing use rights'.

From an environmental perspective, the proposed use is unsatisfactory on many levels namely, water pollution, air pollution and increasing the risk of a bushfire. These issues alone are considered to be fatal to the application.

**ITEM 2 (continued)**

Council's Environmental Health Officer and Traffic Engineer have raised concerns with the existing operation of the site for bus parking and do not agree with findings within the Noise Report submitted with the DA.

The proposal has been notified and advertised in accordance with DCP 2014 and a total of eight (8) submissions have been received objecting to the development. Several valid issues of concern have been raised in the submissions relating to permissibility, noise and air pollution, obstruction of driveway crossovers, hours of operation and safety.

On balance, the proposed use of the North Ryde RSL car park for use as a transport depot is not appropriate and refusal is recommended.

**ITEM 2 (continued)**

**ATTACHMENT 1**



Our Ref: AFP.CFP.145420

22 July 2014

Mr Chris Jones  
North Ryde RSL  
PO Box 44  
NORTH RYDE NSW 2113

By email: [cjones@nrsl.com.au](mailto:cjones@nrsl.com.au)

Dear Sir

**Existing Club car park  
Re advice on proposal to change the current use under existing use rights**

We refer to our recent conference regarding the above site and the Club's proposed application to Ryde Municipal Council seeking approval for the use of part of the Club's existing car park, currently servicing the needs of patrons and guests of the Club, for the purposes of parking passenger buses, owned and operated by a local bus company. The Club proposes to lodge that application reliant upon existing use rights.

We have been asked to advise on the legal merits of the proposed application. That advice is set out below, following an overview of the background details of the site and the legal framework underpinning existing use rights in NSW.

**Background**

The following facts and circumstances appear to be relevant to the advice:

1. The existing car park is situated on Lot 242 DP 752035 (the site).
2. The Club, which owns and occupies the property immediately to the west of the site, leases the site from the Crown under a perpetual lease granted by the Department of Lands in March 1988. For the all intent and purposes the Club and the existing car park present as single development or single "club site", albeit on separate legal title.
3. The car park was originally approved by Council in 1989. Briefly summarised, sometime in late 1988 or early 1989 the Club applied to the Council to construct the car park, for the purpose of servicing the parking needs of the Club. At the time of the application, the land was designated as "Reserved for Proposed County Road" under the Ryde Planning Scheme Ordinance. Clause 12(2) of the Ordinance provided that, where it appeared that the purpose for which the land was reserved could not commence within a reasonable time, Council, could, with the consent of the Commissioner for Main Roads (which consent was ultimately provided), consent to the carrying out of a work of a permanent character on the reserved land, subject to conditions which the Commissioner may require to be imposed. It was upon this basis that development consent No.A6005 was issued by Council on 12 October 1989 (shortly after the granting of the perpetual lease).

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& Sydney  
ADVOC network member

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ITEM 2 (continued)

ATTACHMENT 1

22 July 2014  
North Ryde RSL

cbp

The car park was constructed in 1990-91.

4. On or about 30 June 2010 the Ryde Local Environmental Plan 2010 (RLEP 2010) came into effect. Under that instrument, the site was rezoned to RE1 Public Recreation. The RE1 zone permitted, with development consent:

*Business identification signs; Community facilities; Environmental facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Restaurants or cafes; Roads.*

5. All other uses, with the exception of "environmental protection works" (being exempt development under the RE1 zone), are prohibited under the RE1 zone. In and of itself, a car park would be a prohibited use on the site.
6. The car park, having been lawfully approved under a prior environmental planning instrument, therefore enjoys existing use rights, based on the well established principles of existing use rights set out in the EPA Act 1979 (summarised briefly below).

**Legislative framework for existing use rights under the EPA Act 1979**

7. Section 106 of the EPA Act sets out the framework for existing use rights under the Act, in the following terms:

*In this Division, existing use means:*

- (a) the use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for Division 4 of this Part, have the effect of prohibiting that use, and
- (b) the use of a building, work or land: (i) for which development consent was granted before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use, and (ii) that has been carried out, within one year after the date on which that provision commenced, in accordance with the terms of the consent and to such an extent as to ensure (apart from that provision) that the development consent would not lapse.
8. An existing use may, in limited circumstances, be changed to another use that would otherwise be prohibited under the Act. The types of uses that may be changed are generally limited to commercial uses and light industrial uses, as set out in cl.41(1) of the Regulation.
9. Regarding existing commercial uses, cl.41(1)(e) of the EPA Regulation provides that an existing use may - if it is a commercial use - be changed to another commercial use, including a commercial use that would otherwise be prohibited under the Act.
10. Cl.41(3) goes on to address the definition of "commercial use" for the purposes of dealing with existing use rights under clause 41 of the EPA Regulation, in the following terms:

*commercial use means the use of a building, work or land for the purpose of office premises, business premises or retail premises (as those terms are defined in the standard instrument set out in the Standard Instrument (Local Environmental Plans) Order 2006). (Standard Instrument).*

11. The term "commercial use", therefore, incorporates three types of uses or sub-uses, namely, office premises, business premises or retail premises. These uses are separately defined in the Standard Instrument, as follows:

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ITEM 2 (continued)

ATTACHMENT 1

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cbp

*office premises means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.*

*business premises means a building or place at which an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis.*

*retail premises means a building or place used for the purpose of selling items by retail, or for hiring or displaying items for the purpose of selling them by retail or hiring them out, whether the items are goods or materials or whether also sold by wholesale).*

- 12. Of the foregoing uses, office premises and retail premises would appear to be sufficiently remote from the concept of a car park being exclusively utilised by a Registered Club (being the existing use).
- 13. The question is therefore whether the existing use of the car park - servicing the needs of patrons and staff of the Club - could properly constitute a type business premises (constituting a sub category of commercial use) for the purposes of the Standard Instrument. If the answer is yes, then the existing use could lawfully be changed to another commercial use, in part or whole, that would otherwise be prohibited under the RLEP 2010, subject to any other relevant provisions of the Act or Regulation.

**Opinion**

- 14. The term "car park" is a defined term under the RLEP 2010, in the following terms:

*car park means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.*

- 15. A car park is therefore a recognised and defined use under the RLEP 2010. However, in certain circumstances, nothing prevents a particular use - in this case, a car park - from being characterised as another or separate use under the RLEP 2010.
- 16. In our view, as touched on above, the Club premises and the car park present as one development site or one integrated club site. It follows that any categorisation of the existing car park would have to have regard to the broader use of the combined sites, including the use or activities of what would certainly be construed as the dominant use of the combined site, being a registered club.
- 17. Therefore, the car park forms part of the Club's premises, and is subordinate to the activities and use of the Club. The car park has no independent use as a car park in these circumstances: *Goodwins (Sydney) Pty Ltd v Sydney City Council [1960] NSWRC; (1960) 5 LGRA 346.*
- 18. The question then arises as to whether, in all the circumstances, a registered club under the RLEP 2010 might be characterised as a commercial use or, more specifically, a type of business premises as defined by the Standard Instrument. The first thing to observe is that "registered club" is a defined term under the Standard Instrument and in similarly but updated wording in the RLEP 2010.
- 19. In our view, however, there is nothing inconsistent with categorizing the activities of a registered club with the activities of a commercial enterprise or, more specifically, the activities conducted as part of or in connection with business premises, as defined by the

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**ITEM 2 (continued)**

**ATTACHMENT 1**

22 July 2014  
North Ryde RSL

cbp

Standard Instrument. In short, a registered club routinely employs a number of "occupations" (administration staff, waiter and bar service employees, gaming attendants, sporting coaches and fitness personnel, etc). These services are, in the main, directly available to members of the public on a regular basis.

20. The use of the Club's premises, in our view, is consistent with those premises being characterised as "business premises". That conclusion is generally consistent with registered clubs being permissible development under the B3 Commercial Core zone and the B5 Business Development zone under the Ryde LEP 2012.

21. In our view, having regard to the foregoing:

- (a) the car park should properly be characterised as subordinate to the activities and functions of the Club.
- (b) the Club is a registered club for the purposes of the Standard Instrument and the RLEP 2010. The use of the Club is also consistent with or otherwise not inconsistent with a commercial use and, specifically, business premises.
- (c) the car park therefore forms part of a commercial use and, more specifically, business premises.
- (d) as a commercial use having the benefit of existing use rights, that use could, in part of whole, be changed, with development consent, to another commercial use in accordance with cl.41(1)(e) of the EPA Regulation.

**Comment on the Club's proposed application**

22. As noted, the Club is proposing to apply to the Council to have a defined space within the existing car park used by a local bus company, for the purposes of parking passenger buses owned by a local bus company. We are instructed that the activity - for which approval is sought - is limited to the "parking" of buses only, and does not involve administration-related tasks (associated with a bus company), refuelling, the carrying out of repairs, maintenance and associated tasks.

23. On the foregoing analysis, assuming that the activity of parking buses in a car park constitutes a change of use (please see comments below), that change of use would be permissible under cl.41 (1) of the Regulation, on the basis that:

- (a) the car park forms part of a commercial use and, more specifically, business premises.
- (b) the activities associated with the operation of a bus company would constitute a commercial use for the purposes of cl.41 (3).
- (c) the relevant change of use would represent a change of use from one commercial use to another commercial use.
- (d) the change in use would constitute a minor change, would not increase floor space, does not involve rebuilding of the premises and does not involve intensification of the existing use, pursuant to cl.41(2)(a)-(e).

24. The above conclusion proceeds on the assumption that the parking of buses in the car park constitutes a change of use, as contemplated by the Act and the Regulation. That assumption may not necessarily be correct. Relevantly, the current use, being a car park, expressly permits the parking of "motor vehicles". The term "motor vehicles" is not defined. However, arguably, a passenger bus may represent a type of motor vehicle for

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**ITEM 2 (continued)**

**ATTACHMENT 1**

22 July 2014  
North Ryde RSL



the purposes of the definition. If that position is correct, then no development consent would be required.

In summary, an application to change a part of the existing car park from its existing commercial use to another commercial use would be permissible, providing the planning merits of the application are satisfactory.

Should you have any questions in relation to the foregoing advice, please do not hesitate to contact us.

Yours faithfully



**Anthony Perkins**  
Partner  
Email: [afp@cbp.com.au](mailto:afp@cbp.com.au)  
Direct Line: +61 (02) 8281 4606

**Contact: Claire Parsons**  
Senior Associate  
Email: [cfp@cbp.com.au](mailto:cfp@cbp.com.au)  
Direct Line: +61 (02) 8281 4610



**ITEM 2 (continued)**

**ATTACHMENT 2**



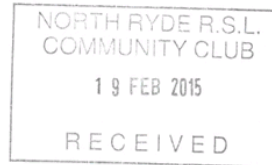
Letter to Applicant (consent granted)

File Ref: mn88h35-002  
Account No: 545674

Stephen Cook  
Phone: 02 9842 8338  
Stephen.Cook@crowmland.nsw.gov.au

The Manager  
North Ryde RSL Community Club Ltd  
Cnr. Magdala Road & Pittwater Road  
NORTH RYDE NSW 2113

Attention: Chris Jones



16 February 2015

Dear Sir

**Landowner's Consent for Lodgement of Applications relating to development comprising:  
Approval to use part of North Ryde RSL Club's car park for the parking of buses.**

**On Crown land: Lot 242 DP752035 Parish: Hunters Hill County: Cumberland**

Consent is granted by the Minister administering the Crown Lands Act 1989 to the lodging a development application under the *Environmental Planning and Assessment Act 1979*, and other associated applications required under other legislation, for the development proposal described above.

This consent is subject to the following:

- (1) This consent is given without prejudice so that consideration of the proposed development may proceed under the *Environmental Planning and Assessment Act 1979* and any other relevant legislation.
- (2) This consent does not imply the concurrence of the Minister for Natural Resources, Lands and Water for the proposed development, or the issue of any necessary lease, licence or other required approval under the *Crown Lands Act 1989*; and does not prevent the NSW Trade & Investment Crown Lands from making any submission commenting on.
- (3) This consent will expire after a period of 12 months from the date of this letter if not acted on within that time. Extensions of this consent can be sought.
- (4) The Minister reserves the right to issue landowner's consent for the lodgement of applications for any other development proposals on the subject land concurrent with this landowner's consent.
- (5) Irrespective of any development consent or any approval given by other public authorities, any work or occupation of Crown land cannot commence without a current tenure from the NSW Trade & Investment authorising such work or occupation.

This letter should be submitted to the relevant consent or approval authority in conjunction with the development application and/or any other application.

It is advised that the NSW Trade & Investment will inform Ryde City Council of the issue of this landowner's consent and will request that Ryde City Council notify the NSW Trade & Investment of the subsequent development application, for potential comment, as part of any public notification procedure.

**ITEM 2 (continued)**

**ATTACHMENT 2**

You are required to forward to NSW Trade & Investment a copy of any development consent or other approval as soon as practical after that consent or approval is received.

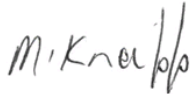
If any modifications are made to the application (whether in the course of assessment, by conditions of consent, or otherwise), it is your responsibility to ensure the modified development remains consistent with this landowner's consent.

This landowner's consent relates to the following plans and other documents as stamped and retained by the NSW Trade & Investment:

**Statement of Environmental Effects prepared by Ludvik & Associates Pty Ltd dated July 2014**

For further information, please contact Stephen Cook via the details given in the letter head.

Yours faithfully



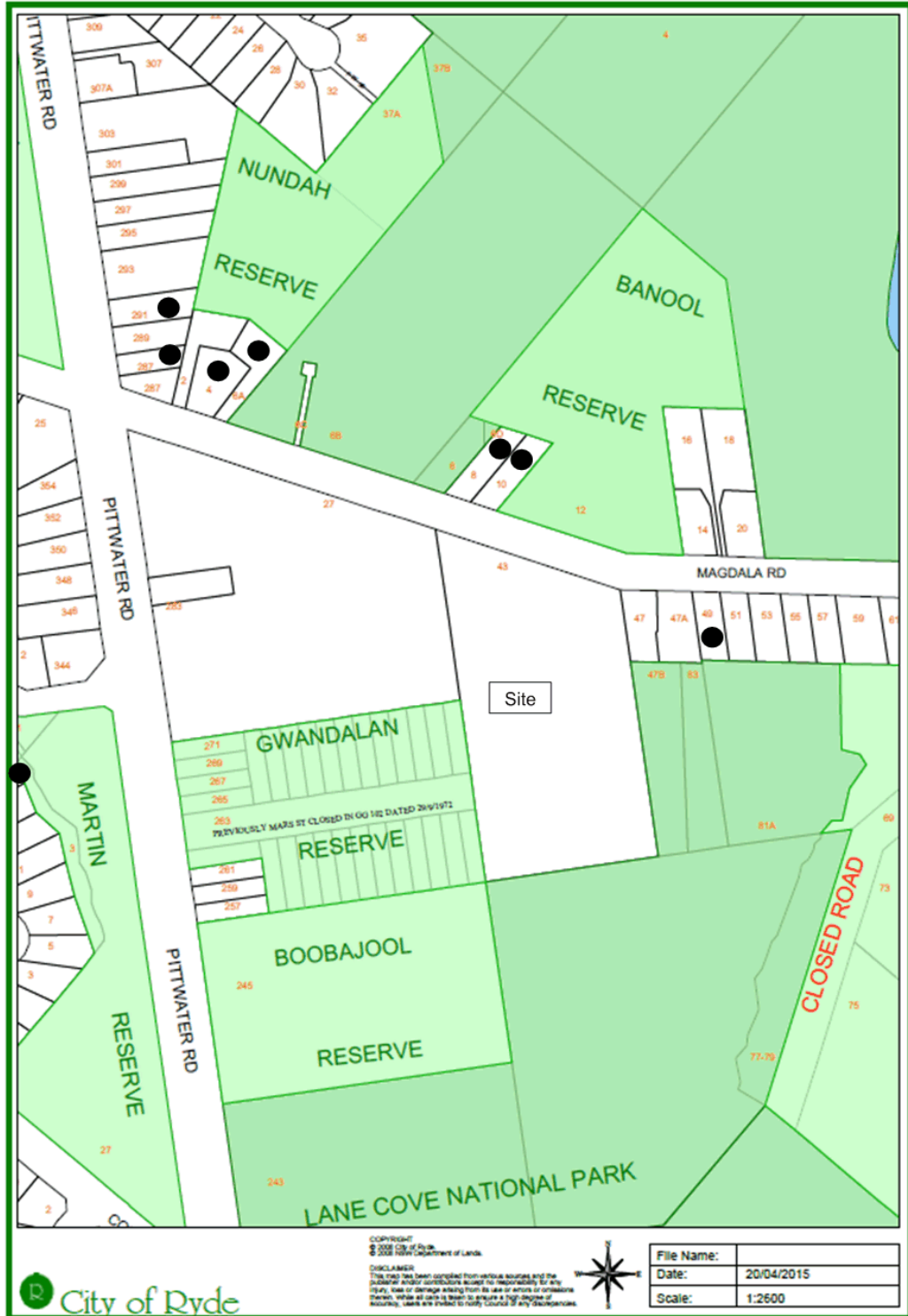
Michael Kneipp  
A/Senior Manager  
NSW Trade & Investment, Crown Lands, Metropolitan

16/02/2015

ITEM 2 (continued)

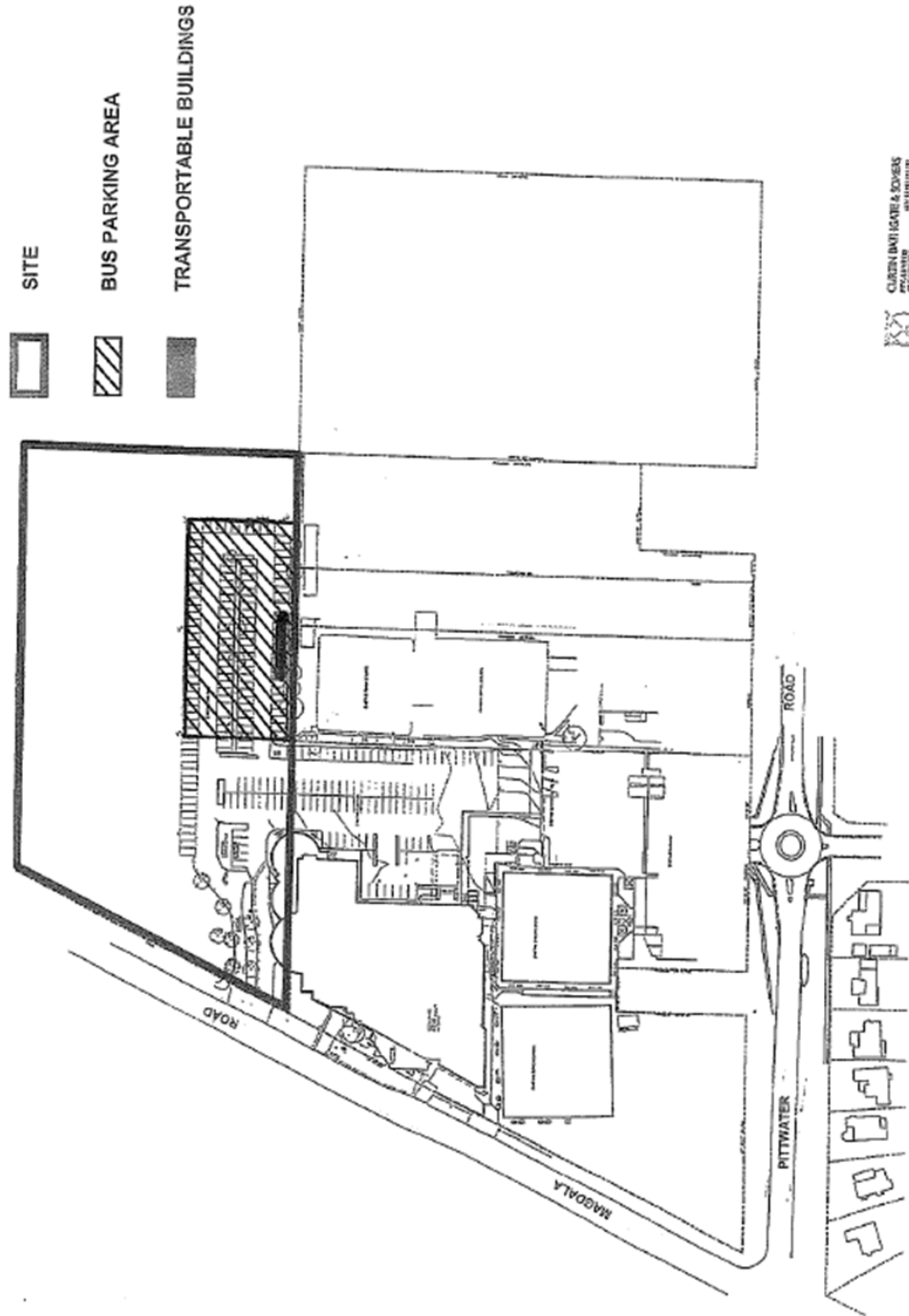
ATTACHMENT 3

● Indicates submissions received.



**ITEM 2 (continued)**

**ATTACHMENT 4**



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**3 89 CULLODEN ROAD, MARSFIELD - LOT 9 DP 1046404. Development Application for a new two storey boarding house development comprising nine (9) boarding rooms under State Environmental Planning Policy (Affordable Rental Housing) 2009. LDA2014/0451.**

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**Report prepared by:** Team Leader - Assessment; Creative Planning Solutions

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

**Report dated:** 27/04/2015

**File Number:** GRP/09/5/6/2 - BP15/546

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## 1. Report Summary

**Applicant:** Prescott Architects

**Owner:** Si Han and Dong Jian Tan

**Date lodged:** 13 October 2014

This report considers a development application (DA) for the construction of a new two-storey boarding house development comprising nine (9) boarding rooms under State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP). Of the nine (9) boarding rooms, five (5) are to be single rooms, and four (4) are to be double rooms, so the development has a total capacity of thirteen (13) lodgers.

The DA was advertised and notified to adjoining property owners in accordance with the Ryde DCP 2014, and four (4) objections were received by Council, raising the following issues of concern:

- *Parking* – concerns that the proposed development provides inadequate parking and there is insufficient capacity within the surrounding streets to accommodate the additional parking demand that will result from the boarding house development;
- *Noise* – concern that both the construction and ongoing operation of the proposed development will result in unacceptable noise impacts on surrounding development;
- *Scale/Density* – concerns that the proposed development, particularly with nine (9) boarding rooms is an overdevelopment of the subject site; and
- *Garbage* – concerns that the garbage storage facilities on site are inadequate.

The proposal has been assessed against the provisions of the ARHSEPP, and where relevant, the provisions of Ryde LEP 2014 and Ryde DCP 2014. The areas of non-compliance can be summarised as follows:

**ITEM 3 (continued)***Non compliances justifiable:*

1. Topography and Excavation requirements:
  - Maximum cut / fill within the building footprint exceeded – maximum cut 1.2m, proposed 1.66m at basement storage; maximum fill 900mm, proposed is 1.15m at rear deck.
  - Fill between building and side boundary (no fill allowed, proposal is for up to 990mm fill, partly for provision of required disabled access ramp).
  - Maximum height of retaining walls is 900mm, proposal is 990mm (to be addressed via condition for privacy screen to address potential privacy impacts).
2. Garage Arrangement – requirement is 1m setback of garage behind building façade, proposal is 700mm. Also maximum garage width is 6m, proposal is 6.3m
3. Visual Privacy – proposal includes one (1) living room window orientated toward the side boundary. Also opportunities for overlooking exist as a result of the proposed fill within the side setback for the disabled parking shared zone.

*Non compliances/issues to be addressed via conditions:*

4. Landscaping – amount of hard paving within front setback (max 40%, proposal is 46.7%)
5. Internal Building Design - No lighting details shown on plans for common areas etc.
6. Communal Kitchen - Second sink not provided within communal kitchen as required for a boarding house containing thirteen (13) people. Also a second stove top cooker not provided within communal kitchen as required for a boarding house containing thirteen (13) people.
7. Clothes Drying Facilities - external clothes drying area of inadequate size as required. Also internal clothes drying areas are not indicated on the plans.
8. Boarding House Management - Name and contact details of the manager to be displayed at all times. Also occupiers of adjacent properties to be provided with a 24hr contact number for the boarding house.

Despite the non-compliances outlined above and the issues of concern raised in the neighbour objections, the proposal is considered acceptable for approval as discussed in the body of the report. For this reason, the subject DA is recommended for approval subject to conditions.



**ITEM 3 (continued)**

**Reason for Referral to Planning and Environment Committee:** Nature of proposed development (boarding house in R2 zone).

**Public Submissions:** Four (4) submissions were received objecting to the development.

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

**Value of works: \$677,445**

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

**RECOMMENDATION:**

- (a) That Local Development Application No. LDA2014/0451 at 89 Culloden Road, Marsfield being LOT 9 DP 1046404 be approved subject to the **ATTACHED** conditions (**Attachment 1**).
- (b) That the persons who made submissions be advised of Council's decision.

**ATTACHMENTS**

- 1 Draft Conditions of Consent
- 2 Compliance Table - ARHSEPP
- 3 Compliance Table - DCP 2014
- 4 Plan of Management
- 5 Map
- 6 A4 Plans
- 7 A3 Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

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

<b>Address</b>	: 89 Culloden Road, Marsfield (LOT 9 in Deposited Plan 1046404)
<b>Site Area</b>	: 600.7m <sup>2</sup> (Deposited Plan) Frontage to Culloden Road of 15.24m Southern side boundary of 39.625m Northern side boundary of 39.625m Rear eastern boundary of 15.24m
<b>Topography and Vegetation</b>	: The subject site has a fall of approximately 2.68m from the front western corner of the site adjacent to Culloden Road to the rear eastern corner. Given this occurs over a distance of around 42m, the average gradient across the site has been calculated at approximately 1:16. At the time of the site inspection, the subject site was clear of any significant vegetation.
<b>Existing Buildings</b>	: Vacant site
<b>Planning Controls</b>	
<b>Zoning</b>	: Zone R2 Low Density Residential. Ryde LEP 2014
<b>Other</b>	: State Environmental Planning Policy (Affordable Rental Housing) 2009 Ryde Local Environmental Plan 2014 Ryde Development Control Plan 2014

**ITEM 3 (continued)**



**Figure 1** - Aerial Image of subject site, including an annotation of the neighbouring properties objecting to the proposed development. Although four submissions were received objecting to the proposal, only two of these acknowledged their address.



**ITEM 3 (continued)**



**Figure 2** – Photograph showing the subject site which is currently vacant.  
Source: [www.google.com.au/maps](http://www.google.com.au/maps).

**3. Councillor Representations**

Nil.

**4. Political Donations or Gifts**

None disclosed in applicant's development application submission or in any submission received.

**5. Proposal**

The proposed development includes the construction of a new two-storey boarding house with the following attributes:

- Nine boarding rooms consisting of five (5) single boarding rooms on the ground floor and four (4) double boarding rooms on the first floor of the building;
- Each boarding room is to include a bathroom, kitchenette, desk area and wardrobe;
- One of the nine boarding rooms has been designed as being capable for occupation by a disabled person;

**ITEM 3 (continued)**

- To the rear of the main lodging area is a common kitchen area, living area, laundry and powder room. The common living area opens onto a rear facing deck;
- Common storage space is also provided throughout the ground floor of the building and also within a small basement area;
- The proposal includes a garage area for parking of two (2) vehicles, with one of these spaces being a disabled parking space. Also within the garage is the proposed bin storage area for five (5) bins;
- External to the proposed building and within the front setback area is a new driveway, separate disabled access path to the building, and parking for two (2) motorcycles adjacent to the garage.
- Access to the rear of the site is available via the side access paths, with the southern side access path including disabled access and an enclave with parking for four (4) bicycles;
- The rear yard of the site is to include a landscaped common open space area, clothes drying area, and deep soil planting area.
- Associated works include new stormwater drainage, general site landscaping, and new 1800mm high fencing to the southern side boundary and eastern rear boundary. The existing 1800mm Colorbond fence to the northern boundary is to remain.

**6. Background**Subject Site

The following is a brief overview of the development history relating to the proposed boarding house to be constructed on the subject site:

- A boarding house development containing ten (10) boarding rooms was first proposed on the subject site under LDA2014/0181 lodged with Council on 15 May 2014;
- Council's assessment of LDA2014/0181 identified numerous and significant non-compliances with the ARHSEPP, the then Ryde LEP 2010 and also Ryde DCP 2010. Following these issues being raised with the applicant, LDA2014/0181 was subsequently withdrawn.

**ITEM 3 (continued)**

- At a Pre-Lodgement Meeting held with Council on 17 September 2014, a new design for the proposed boarding house was tabled that reduced the number of boarding rooms from ten to nine, and also addressed many of the issues raised in Council's assessment of the original development proposal.
- The subject DA, being LDA2014/451, was lodged with Council on 13 October 2014.
- The DA was notified to surrounding properties in accordance with the Ryde DCP 2014 on 27 October 2014.
- The DA was also advertised in the Northern District Times on 29 October 2014 in accordance with the Ryde DCP 2014;
- In response to the notification/advertisement of the subject DA, four (4) submissions generally objecting to the proposed development were received. Of these four submissions, two were anonymous.
- The preliminary planning assessment of the subject DA did not identify any non-compliances or issues that weren't considered to be justifiable or otherwise addressed via conditions of consent.
- The subject DA was referred to Council's Development Engineers, Environmental Health Officers and Building Surveyors. The Development Engineer's referral included an additional information request from the applicant seeking clarification on a sewerage line traversing the rear yard of the subject site. This additional information request has been provided by the applicant and is to Council's satisfaction.

Council Resolution 9 November 2010:

At its meeting of 9 November 2010, Council determined a boarding house DA at 82 Culloden Road, Marsfield (LDA2009/722), and also passed a resolution which affects other boarding house DAs being considered by Council. The full resolution reads as follows – and No 4 is the relevant part which affects other boarding house applications:

*That this application (i.e. LDA2009/722) be refused for the following reasons:*

1. *Failure of the application to comply with disability access and the standards required for commercial premises.*



**ITEM 3 (continued)**

2. *The City of Ryde is currently considering legal covenants by which Council is looking to address boarding house developments in Ryde. This is part of the review currently under way and presented at the student accommodation forum where a report is yet to be received and would allow appropriate action to be taken.*
3. *It fails to address matters such as concentration in suburban streets, amenity for student boarders and parking.*
4. ***That Council refuse to consider DA's for boarding houses that are operating illegally until they are fined and the premises restored to an unmodified state. (emphasis added)***

Given that this property has had no history of illegal use as a boarding house, nor has there been any illegal building works at this site associated with such use, the above resolution is not relevant to this development and there is no impediment to Council considering this DA on the basis of past illegal usage/or illegal building works.

**7. Submissions**

The subject DA was notified to adjoining property owners in accordance with the Ryde DCP 2014 – Part 2.1, Notification of Development Applications for a period from 27 October 2014 to 12 November 2014.

In response, four (4) submissions were received from owners of neighbouring properties as shown on the aerial photograph at **Figure 1** earlier in this report. It is noted that two of the four submissions received were anonymous.

The key planning issues raised in the submissions regarding the proposed development are summarised and discussed as follows.

- A. *Parking*** – *concerns that the proposed development provides inadequate parking and there is insufficient capacity within the surrounding streets to accommodate the additional parking demand that will result from the boarding house development.*

Assessing Officer Comment. Clause 29 of the ARHSEPP provides various 'Standards that cannot be used to refuse consent'. In particular, Clause 29(2)(e) indicates that a consent authority must not refuse consent to development for a boarding house on the basis of car parking if at least 0.2 parking spaces are provided for each boarding room if the site is located within an accessible area.

**ITEM 3 (continued)**

As detailed later in this report, the subject site is located within an ‘accessible area’ and as such, Council must not refuse consent to the subject boarding house on the basis of parking if it achieves the minimum 1.8 (rounded up to 2) car parking spaces required by the ARHSEPP.

Given the proposed development provides two (2) vehicular parking spaces, one of which is a disabled space, the proposal cannot be refused on the basis of parking.

It is noted that the ARHSEPP over-rides the provisions of Ryde DCP 2014 in relation to car parking. In this regard, Section 2.2 of Part 9.3 of Ryde DCP 2014 prescribes the following car parking requirements for boarding house developments (within “accessible areas” such as the subject site):

*At least 0.2 parking spaces / boarding room (1 space /5 boarding rooms).  
In terms of dwelling size this equates to:*

- *At least 0.2 parking spaces/dwelling containing 1 bedroom (this development – 5 single boarding rooms requires 1 space)*
- *At least 0.5 parking spaces / dwelling containing 2 bedrooms (this development – 4 double rooms requires 2 spaces)*
- *At least 1 parking space / dwelling containing 3 or more bedrooms (NA for this development)*

*Not more than 1 parking space for each person employed in connection with the development (NA for this development).*

Furthermore, Section 2.3 of Part 3.6 of Ryde DCP 2014 indicates the following requirements for motorcycle and bicycle parking:

*For every 5 boarding rooms or part thereof, area equivalent to one parking space must be provided for a bicycle parking and area equivalent to one parking space one must be provided for motorcycle parking (for this development 2 bicycle and 2 motorcycle spaces are required).*

Therefore, this development has a total requirement of three (3) car parking spaces, two (2) bicycle parking spaces, and two (2) motorcycle parking spaces under Ryde DCP 2014.

The proposed development provides two (2) car parking spaces, four (4) bicycle parking spaces, and two (2) motorcycle parking spaces – therefore the proposal complies with Ryde DCP 2014 in relation to bicycle and motorcycle parking, however does not comply (one space short) in terms of car parking.

**ITEM 3 (continued)**

Given the above, while the concerns raised in the public submissions are understood, it is acknowledged that the proposal is in compliance with the ARHSEPP and therefore consent cannot be refused on the basis of parking. The car parking requirements in ARHSEPP are generally based on the demographic profile of the average boarding house lodger and the semi-permanent nature of their occupation. Accordingly, car ownership and usage in boarding house developments is typically relatively low. It is considered the proposed boarding house will not cause significant problems in terms of excessive vehicle parking.

- B. Noise** – *concern that both the construction and ongoing operation of the proposed development will result in unacceptable noise impacts on surrounding development;*

Assessing Officer Comment: Noise associated with the construction of the proposed boarding house is typically regulated via Council's standard conditions of consent which limit the hours of work building activities can take place. This includes the following condition (see condition 5):

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

As for the operation of the proposed boarding house, it is important to note that the proposal remains a residential land use, and by the very nature of this land use, is considered to be generally consistent with other forms of residential development within the vicinity of the site, such as dwelling houses and dual occupancy developments.

It is also noted that the subject site is located approximately 35m from Epping Road, which is a classified road, and according to the Road and Maritime Service (RMS) identified as a busy road with over 40,000 vehicle movements per day. As such, it is reasonable to assume the existing (background) noise environment is considerably louder than those low density residential areas located further away from noise sources. In this regard, any minor increase in noise that may occur from the boarding house over that of a single dwelling house is considered to be acceptable given the site's location.

The subject development application has also been referred to Council's Environmental Health Officers who have recommended support for the proposed development, subject to conditions. Of these conditions, the following have been recommended from Council's Environmental Health Officers to mitigate potential operational noise impacts (see condition 77 and 78):

**ITEM 3 (continued)**

**Offensive noise** – *The use of the premises must not cause the emission of ‘offensive noise’ as defined in the Protection of the Environment Operations Act 1997.*

**Noise and vibration from plant or equipment** – *Unless otherwise provided by this consent, the operation of any plant or equipment installed on the premises must not cause:*

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

Based on the above, it is considered that the objector’s concerns in relation to noise associated with the construction and operation of the proposed development are satisfactorily addressed via conditions of consent.

- C. Proposed Land use along with Scale and Density** – *there is general concern over the nature of the proposed development being for the purposes of a boarding house, and also concerns that the proposed development, particularly with nine (9) boarding rooms, is an overdevelopment of the subject site.*

Assessing Officer Comment: In relation to the proposed land use, it is important to acknowledge that under the R2 Low Density Residential zone of the subject site, the Ryde LEP 2014 identifies boarding houses as being permissible with consent. In this regard, any objection to boarding house developments within the R2 Low Density Zone is taken to be an objection to the provisions of the Ryde LEP 2014, and not related specifically to the subject development application.

With regard to the physical scale of the proposed development, Ryde LEP 2014 provides a maximum floor space ratio of 0.5:1 for buildings on the subject site, along with a maximum building height of 9.5m. These, along with Council’s setback controls contained within the Ryde DCP 2014, are considered to be the key controls governing the scale of buildings.

**ITEM 3 (continued)**

The assessment of the proposal has revealed that the boarding house will have a floor space ratio of 0.46:1 and building height of 7.05m. Furthermore, the proposal has been assessed as having compliant front, side and rear setbacks. Given this, it is considered that the subject building to accommodate the boarding house is of a bulk and scale that is substantially less than that which could be developed under the local planning controls, and as such is acceptable.

When looking at the number of boarding rooms proposed, it is acknowledged that a balanced amount of both single and double rooms is to be included. The boarding room mix is to comprise of five (5) single rooms and four (4) double rooms. The proposal will also include compliant common areas, storage, parking, and circulation areas all within a building envelope that is substantially smaller than the maximum permissible on the subject site.

Given the above, it is considered that the density of boarding rooms within the subject building is appropriate for the subject site.

In summary, the proposal is permissible within the R2 Low Density Residential zone, if well within the bulk and scale permitted by Council's planning controls, and further provides a balanced density of boarding rooms. For this reason, the objector's issues are not supported on these matters.

It must also be noted that Clause 29(1)(a) of the ARHSEPP states that a consent authority must not refuse consent to development for a boarding house development undertaken pursuant to the ARHSEPP on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than the existing maximum floor space ratio for any form of residential accommodation permitted on the land.

As outlined above, the floor space ratio of the proposal is less than maximum permitted for residential development on the site, and as such, Council is not able to refuse the proposal on the grounds of density and scale.

**D. *Garbage*** – concerns that the garbage storage facilities on site are inadequate.

Assessing Officer Comment: The proposed development is to include a garbage storage area within the garage area of the boarding house. This area is identified on the plans as accommodating five (5) bins.

A referral was sent to Council's Environmental Health Officers for consideration including regarding waste disposal. The referral response raises no objection to the proposed development subject to a number of conditions, four (4) of which relate to waste storage (see condition 72-76). These are:

**ITEM 3 (continued)**

- **Storage and disposal of wastes.** All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.
- **Waste containers.** An adequate number of suitable waste containers must be kept on the premises for the storage of garbage and trade waste.
- **Recyclable wastes.** Wastes for recycling must be stored in separate bins or containers and be transported to a facility where the wastes will be recycled or re-used.
- **Maintenance of waste storage areas.** All waste storage areas must be maintained in a clean and tidy condition at all times.

Additionally, it is acknowledged that the notification plans provided to adjoining residents in accordance with the Ryde DCP 2014 do not include the internal layouts of developments for privacy and security reasons. In this regard, given the garbage storage area is internal to the building, it is understood objectors would not be privy to this information, and as such raise this potential issue.

Given the above, it is considered that adequate garbage storage has been provided within the proposed development. Further any potential issues with garbage storage and garbage management are satisfactorily addressed via conditions.

**8. SEPP1 (or clause 4.6 Ryde LEP 2014) objection required?**

None required for this DA.

**9. Policy Implications****Relevant Provisions of Environmental Planning Instruments etc:****(a) State Environmental Planning Policy (Affordable Rental Housing) 2009**

The ARHSEPP allows for the development of new generation boarding houses in residential, mixed use and some commercial zones.

The proposed development is for a new generation boarding house and has been lodged pursuant to the provisions of the ARHSEPP. Given the ARHSEPP is an environmental planning instrument, it becomes a matter for consideration in the assessment of the subject development application.

It is important to note that Clause 8 of the ARHSEPP indicates where there is an inconsistency between the ARHSEPP and any other environmental planning instrument (i.e. Ryde LEP 2014), whether made before or after the commencement of this ARHSEPP, the ARHSEPP prevails to the extent of the inconsistency.



**ITEM 3 (continued)**

A full assessment of the proposed development is contained within the Compliance Check table contained in **Attachment 2**. The following provides a brief overview of the proposed development performance against the key provisions of the ARHSEPP relating to new generation boarding house developments.

- **Clause 26** prescribes those zones to which the boarding house provisions of the ARHSEPP applies. The subject site is identified as being within the R2 Low Density Residential zone under the provisions of the Ryde LEP 2014. The R2 Low Density Residential zone is a prescribed zone under Clause 26, and as such the subject site is land to which the ARHSEPP boarding house provisions apply.
- **Clause 27(1)** outlines development to which the boarding house provisions of the ARHSEPP apply. A boarding house is defined within the Dictionary of the Ryde LEP 2014 as:

***boarding house*** means a building that:

- (a) is wholly or partly let in lodgings, and
- (b) provides lodgers with a principal place of residence for 3 months or more, and
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,

*but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.*

The proposal meets the above definition for a 'boarding house'. As such the proposal is development to which the boarding house provisions of the ARHSEPP apply.

- **Clause 27(2)** and **Clause 27(3)** indicate that despite the provisions of Clause 27(1) the boarding house provisions of the ARHSEPP do not apply to development on land within the R2 Low Density Residential zone unless it is located within an 'accessible area' and secondly within the Sydney region.

An accessible area is defined under the ARHSEPP as:

***accessible area*** means land that is within:

- (a) 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or

**ITEM 3 (continued)**

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

The development site is located approximately 84m walking distance from a bus stop located on the southern side of Epping Road near the corner of Culloden Road.

This bus stop is serviced by the Sydney Buses routes 288, 290, 292, 293, 295 and M54 in addition the Hills Bus route 630 which also services this bus stop. At least one bus per hour services the bus stop Monday to Friday between 6am and 9pm and Saturday and Sunday 8am to 6pm.

In addition, the proposal is within the “Sydney region”. On the basis of the above, the boarding house provisions of the ARHSEPP apply to the proposed development.

- **Clause 28** indicates that development for the purposes of a boarding house to which the ARHSEPP applies may be carried out with consent. In this regard it is noted that the subject development application has been lodged with Council seeking consent. As such, this is consistent with the provisions of Clause 28.
- **Clause 29** provides standards that cannot be used to refuse consent. For example, a consent authority cannot refuse consent to development to which the ARHSEPP applies on the basis of bulk and scale, building height, landscaped area, solar access, private open space, parking, or accommodation size if minimum standards outlined within the ARHSEPP are met.

As indicated in the Compliance Check contained in **Attachment 2**, the proposed development achieves the minimum standards established by the ARHSEPP, so in this regard, it is acknowledged that development consent for the proposed development cannot be refused on the basis of any of the following:

**ITEM 3 (continued)**

- bulk and scale,
  - building height,
  - landscaped area,
  - solar access,
  - private open space,
  - parking, or
  - accommodation size.
- **Clause 30** provides minimum standards for boarding house developments under the ARHSEPP. Specifically, it states that unless the listed standards are met, a consent authority must not grant consent to an ARHSEPP boarding house development.

Again, the Compliance Check contained in **Attachment 2** provides a detailed assessment of how the proposed development performs against each of these development standards. The outcome of this assessment has determined that the proposed boarding house development satisfactorily complies with each of the specified standards.

- **Clause 30A** outlines that a consent authority must not consent to development under the ARHSEPP unless it has taken into consideration whether the design of the development is compatible with the character of the local area.

A comprehensive Local Area Character Assessment has been prepared by the applicant's town planner and is included within the submitted Statement of Environmental Effects that accompanies the subject development application.

This assessment has been reviewed as part of the assessment of the subject development application and it has been determined that it appropriately utilises the methodology set out in Schedule 2 of Part 3.5 of the Ryde DCP 2014. The assessment also correctly references relevant case law established in the NSW Land and Environment Court on the matter of establishing the 'local area' to which the site relates, and also the questions to be answered in determining whether a development is compatible with this established local area.

Although the building containing the boarding house has a contemporary style, it can reasonably be expected that as new houses replace the remaining old original houses in the area over time, they too will adopt a style contemporary to the period in which they are built.

**ITEM 3 (continued)**

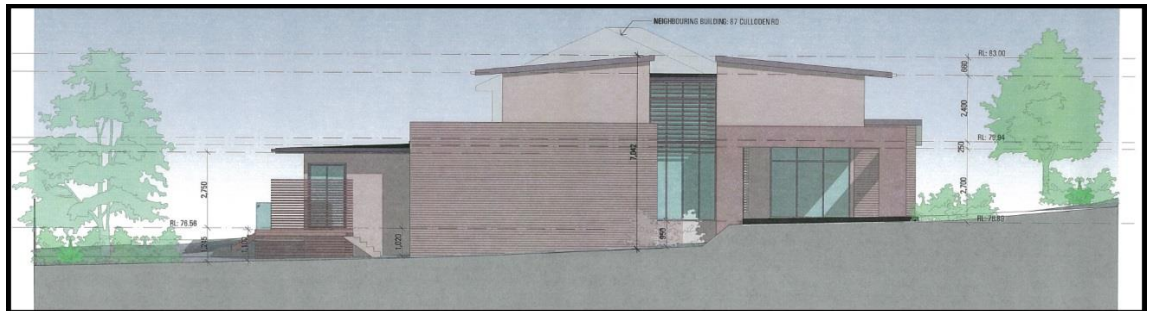
It is also important to note that the building to contain the boarding house essentially takes on the appearance of a two-storey dwelling house with compliant building heights, setbacks, floor space ratio, and landscaped area. The result is a building that is considered to be compatible with the character of the local area in the required sense of it being capable of existing in harmony with the current and likely future development in the area.

The following drawings show the front and side elevations of the proposed development.

**Front elevation:**



**East elevation:**



**West elevation:**





**ITEM 3 (continued)**

In order to illustrate the existing streetscape character, the following is a selection of photos showing the existing dwellings in the immediate vicinity of the subject site:

91 Culloden (immediately to the north):



87 Culloden (immediately to the south):



93 Culloden:



85 Culloden:



**ITEM 3 (continued)**

90 Culloden (directly opposite):



79 Culloden:



81 Culloden:



78 Culloden:



**(b) Ryde Local Environmental Plan 2014**

**Zoning**

Under the Ryde LEP 2014, the zoning of the subject site is located within the R2 Low Density Residential. It is noted that boarding houses are a permissible form of development within the R2 Low Density Residential zone.

**Aims and objectives for residential zones:**

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



**ITEM 3 (continued)**

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

The proposed development is considered to satisfy the objectives for residential developments as it will provide a range of housing types for the community within a low density residential environment, and ensures the general low scale of the surrounding area is maintained via compliant building heights, floor space ratio, and satisfactory setbacks.

The proposal is not considered to detract from the streetscape and includes a form and modern appearance consistent with new and recently approved residential development in the local area.

**Principal Development Standards**

A full assessment of the proposal against the relevant principal development standards contained within the Ryde Local Environmental Plan 2014 (Ryde LEP 2014) is illustrated in the Compliance Check held in **Attachment 2**.

<b>RYDE LEP 2014</b>	<b>PROPOSAL</b>	<b>COMPLIANCE</b>
<b>Clause 4.3(2) - Height</b> • 9.5m overall	<b>7.05m</b>	<b>Yes</b>
<b>Clauses 4.4(2) &amp; 4.4A(1) - FSR</b> • 0.5:1	<b>0.448:1</b> Site Area 600.7m <sup>2</sup> (DP)	<b>Yes</b>

**ITEM 3 (continued)****(b) Other Relevant State Environmental Planning Policies (SEPPs)**State and Sydney Regional Environmental Planning PoliciesSEPP BASIX:

A compliant BASIX Certificate (No 579428M\_03 dated 2 October 2014) has been submitted with the development application. A standard condition has been included in the Draft Consent requiring compliance with this BASIX certificate (see condition 3).

Due to the particular arrangements of the boarding house development, including kitchens within each boarding room, a Building Code of Australia 2014 Section J Report has also been submitted with the subject development application which is to be used in conjunction with the BASIX Certificate outlined above.

The subject development application has been referred to Council's Executive Building Surveyor who raises no objections to the proposed development subject to the inclusion of two (2) conditions of consent which are outlined in the referral comments below.

**(c) Any draft environmental planning instruments (i.e. LEPs)**

No draft environmental planning instruments are relevant to the proposed development.

**(d) The provisions of any development control plan applying to the land****Ryde Development Control Plan 2014**Part 3.5 Boarding Houses

The proposal has been assessed using the development controls contained in Ryde Development Control Plan 2014 (Ryde DCP 2014) and a full assessment is detailed in the Compliance Check contained in **Attachment 2**. The following is a detailed assessment of the non-compliances of the subject development application against the key components of the Ryde DCP 2014.

***Non-Compliances justifiable:****Topography and Excavation*

Section 2.5.2 of Part 3.5 of the Ryde DCP 2014 prescribes development controls relating to topography and excavation. Specifically, the Ryde DCP 2014 stipulates the following:

**ITEM 3 (continued)**

- b. The area under the dwelling footprint may be excavated or filled so long as:*
- i. the topography of the site requires cut and/or fill in order to reasonably accommodate a dwelling;*
  - ii. the depth of excavation is limited to 1.2 metres maximum; and*
  - iii. the maximum height of fill is 900mm.*
- c. Areas outside the dwelling footprint may be excavated and/or filled so long as:*
- i. the maximum height of retaining walls is no greater than 900mm; and*
  - ii. the depth of excavation is not more than 900mm; and*
  - iii. the height of fill is not more than 500mm; and*
  - iv. the excavated and filled areas do not have an adverse impact on the streetscape; and*
  - v. the filled areas do not have an adverse impact on the privacy of neighbours; and*
  - vi. the area between the adjacent side wall of the house and the side boundary is not filled; and*
  - vii. the filled areas are not adjacent to side or rear boundaries.*
- d. Fill is not allowed in areas of overland flow. Refer to Part 8.2 Stormwater Management under this DCP.*
- e. Generally the existing topography is to be retained. The areas of excavation and fill are to be minimised.*

An assessment of the cut and fill arrangements for the proposed development has revealed the following:

- Maximum cut proposed within the building footprint is approx. 1.66m at the basement storage area.
- Maximum fill within the building footprint is 1.15m at the rear deck.
- Maximum fill outside of the building footprint is up to 990mm in the north-eastern side setback area.
- Maximum height of retaining walls is approx. 990mm also in the side setback area adjacent to the north-eastern boundary.

Although exceeding the maximum levels of cut and fill on site, these non-compliances with the numerical controls can be supported for the following reasons:

- The maximum fill within the building footprint (see **Figure 3** below) is not typical 'fill' associated with introduction of soil to the site, but rather an elevated deck to the rear of the site which acts as a transition from the boarding house to the rear private open space area. Located on the side elevations of this deck are privacy screens to reduce the potential for overlooking and subsequent loss of privacy to adjoining allotments.

**ITEM 3 (continued)**

- The maximum cut within the building footprint (see **Figure 4** below) is entirely related to the basement storage area for the boarding house. This small area of approximately 15m<sup>2</sup> is not visible from the street, nor any adjoining property, and due to its modest size, it not considered to result in a significant modification to the site's overall topography.
- The maximum fill outside of the building footprint (see **Figure 3** below) relates to the shared parking zone for the disabled car parking space within the under croft garage area, and also partially within the side setback. Outside of the building footprint, this level of fill equates to an area of only 7.3m<sup>2</sup>, and as such is considered to be relatively minor.

Nevertheless, the area would also be traversed by persons accessing the side of the boarding house and rear private open space area. As such, there is considered to be an opportunity for overlooking to the adjoining property (91 Culloden Road) from this elevated area within the side setback (see **Figure 5** below).

It is noted on the landscape plan that the existing 1800mm high Colorbond fence along the north-eastern boundary is to be retained. In this regard, with the proposed level of fill to occur on the subject site in this location, the effective height of the boundary fence will be reduce to only 810mm. Accordingly, the existing side fence will provide no opportunity to reduce the potential for overlooking and maintain visual privacy. In this regard the following condition is recommended to ensure adequate levels of privacy can be maintained to the adjoin dwelling at 91 Culloden Road (see condition 27):

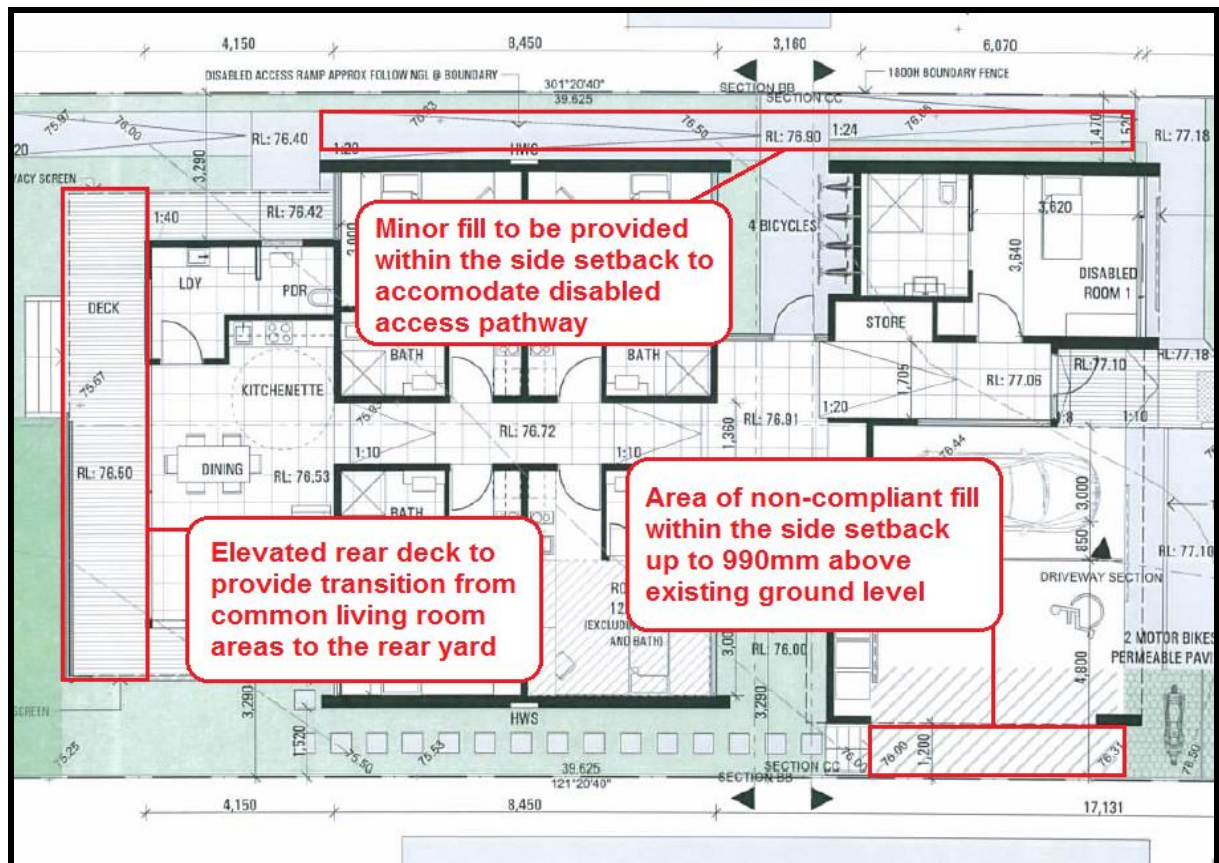
***Privacy Screen.*** A 1.8m high privacy screen is to be installed adjacent to north-eastern side boundary and the shared zone for the disabled parking space to prevent overlooking and loss of visual privacy to the adjoining property at 91 Culloden Road. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a **Construction Certificate**.

- Despite the proposed development not achieving numerical compliance with the provisions of the topography and excavation controls under the Ryde DCP 2014, it is acknowledged that Section 79C(3A)(b) of the Environmental Planning and Assessment Act 1979 (the Act), outlines that if a development control plan contains provisions that relate to the development that is the subject of a development application, 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.

**ITEM 3 (continued)**

For the reasons outlined above, it is considered the proposal satisfactorily achieves compliance with the objectives of the topography and excavation objectives because:

- Natural ground levels and existing landforms of the site are satisfactorily retained;
- The proposed cut and fill is not considered to create any inconsistency along the Culloden Road streetscape.
- A balanced approach to cut and fill has been undertaken to minimise the extent of excavation and fill across the site.
- Subject to the imposition of the recommended conditions, the excavation and fill proposed does not result in any unreasonable loss of privacy or security for neighbours.

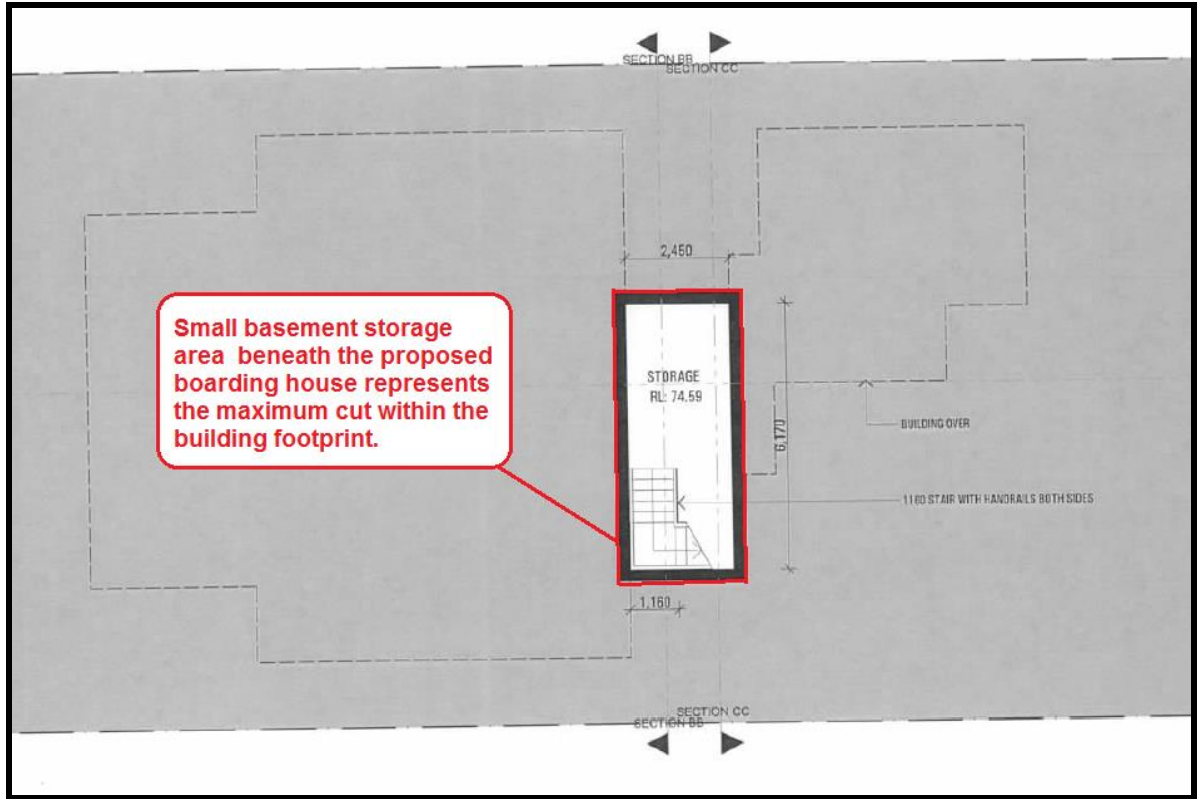


**Figure 3** –This diagram shows the areas of fill proposed across the development site, including the more significant fill (990mm) at the shared zone for the disabled car parking space in the side setback, as well as the elevated rear deck and to a lesser extent the minor fill located along the southern side boundary to accommodate the disabled access pathway grade of 1:20.

Source: Submitted ground floor plan edited by CPS



**ITEM 3 (continued)**



**Figure 4** –This diagram shows small basement storage area located beneath the proposed boarding house which represents the maximum level of cut within the building footprint.  
Source: Submitted basement floor plan edited by CPS

### ITEM 3 (continued)



**Figure 5** –This diagram shows the adjoining dwelling house to the north-east of the subject site at 91 Culloden Road which is directly opposite the fill proposed at the shared zone for the disabled car parking space in the side setback. Noted is the adjoining windows which may be overlooked from persons in the shared zone and accessing the side setback area of the subject site. As such a privacy screen is recommended adjacent to the elevated shared parking zone to prevent overlooking and subsequent loss of privacy.

Source: Submitted ground floor plan edited by CPS

### Garage Arrangement

Multiple provisions with Part 3.3 of Ryde DCP 2014 relate to the design of garages and carports. In particular, Ryde DCP 2014 states that garages and carports are to be located 1000mm behind the front façade of the dwelling, and also that the width of garage openings is to be less than 6m in the circumstances of the subject site.

As assessment of the submitted architectural plans has revealed that proposed undercroft area of the dwelling which is to operate as the building's garage is located only 700mm behind the front façade, and has a garage opening facing the street of 6.3m (see **Figure 6** below).

**ITEM 3 (continued)**

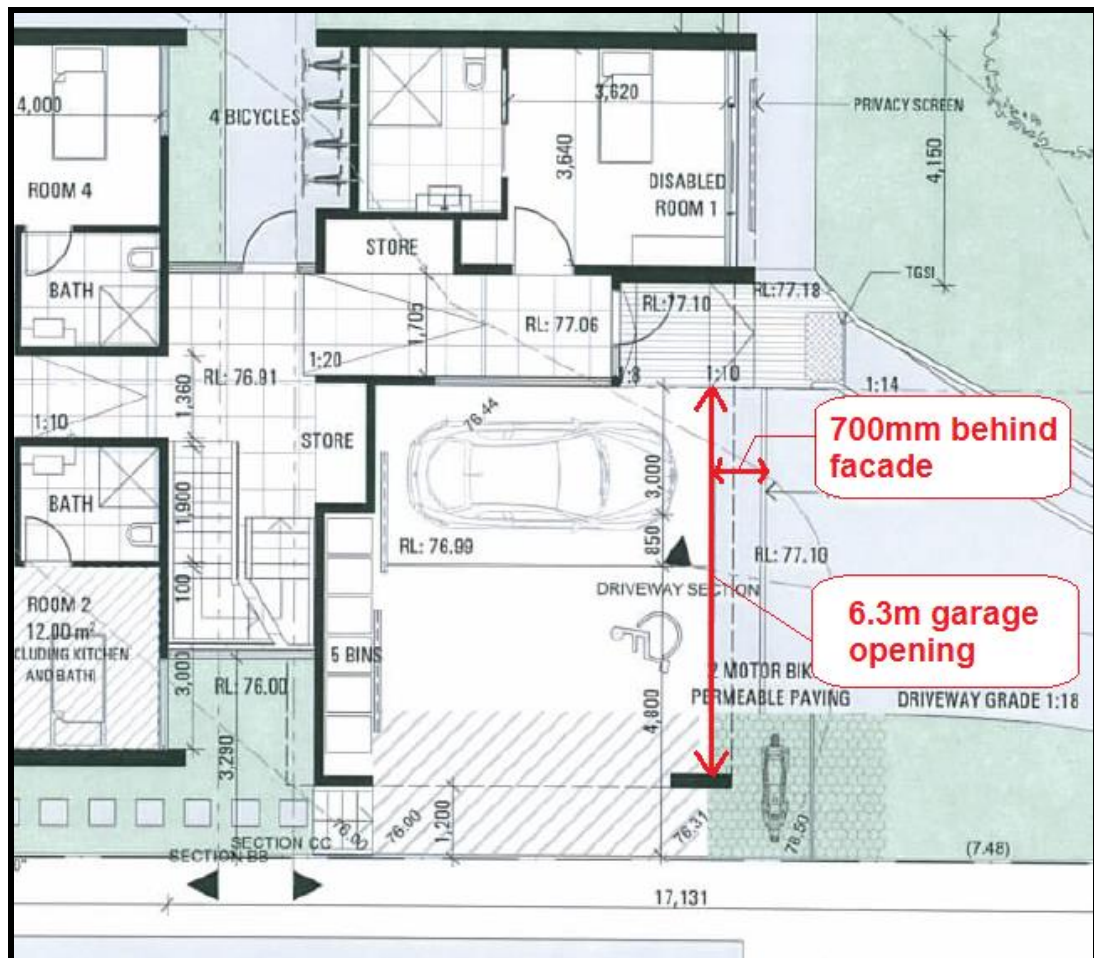
Although not complying with the requirements of Ryde DCP, these non-compliances with the numerical controls can be supported for the following reasons:

- Although the garage is short of the minimum setback from the front façade by 300mm, given the proposed garage is an undercroft area with an aluminium batten sliding privacy screen it is considered the presentation to the street will be considerably softer than a Colorbond garage door which is a more common treatment to secure garage door openings.
- The additional driveway opening width of 300mm has been undertaken to enable adequate parking and manoeuvring for a disabled parking space and the adjacent shared zone. In this regard, despite the proposed garage being slightly wider than that specified under the Ryde DCP 2014, only two motor vehicles are capable of being parked in the garage.
- The proposed garage door opening is setback 8m from the front boundary. Within this setback considerable landscaping has been proposed which will screen the garage opening from the street and help reduce any impact the 300mm setback and 300mm opening width shortfall may produce.
- Despite the proposed development not achieving numerical compliance with the provisions of the car parking and access controls under the Ryde DCP 2014, it is acknowledged that Section 79C(3A)(b) of the Act, outlines that if a development control plan contains provisions that relate to the development that is the subject of a development application, 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.

For the reasons outlined above, it is considered the proposal satisfactorily achieves compliance with the objectives of the car parking and access objectives because:

- The proposal provides a compliant level of off-street car parking.
- The design of the undercroft parking area and design of the internal and external components of the development are such that the car parking arrangements on site are not prominent features with regard to either the individual lot or the streetscape.
- The undercroft parking arrangement is considered to be consistent with the contemporary design of the building.

**ITEM 3 (continued)**



**Figure 6** – Diagram demonstrating the proposed garage design has a 6.3m width rather than a maximum 6m width as required by the Ryde DCP 2014, and also is setback 700mm behind the front façade rather than 1000mm as required. Noted in this diagram is how the additional garage width has been utilised to accommodate adjacent disabled parking space and shared zone.

Source: Submitted ground floor plan edited by CPS

***Non-Compliances / Issues Resolved via Conditions:***

***Landscaping***

Section 2.12 of Part 3.3 of the Ryde DCP 2014 prescribes development controls for landscaping. Specifically it states that:

- e. Provide a landscaped front garden. Hard paved areas are to be minimised, and at a maximum, are to be no more than 40% of the front garden areas.*



**ITEM 3 (continued)**

As assessment of the submitted architectural and landscape plans of the front garden, indicates that the portion of the front garden to be hard paved is calculated at 46.7% (57m<sup>2</sup>) of the total front garden area. The proposed front garden therefore exceeds the maximum of 40% hard paved area (which would be 48.8m<sup>2</sup>) prescribed in the Ryde DCP 2014 by some 8.2m<sup>2</sup>.

In order to address possible concerns regarding overland flow caused by excessive hard-paved areas within the front setback, it is recommended that this area of non-compliance be addressed via a condition of consent. It is suggested that this could be readily achieved via amendments to the width of the driveway and/or the ancillary paved (footpath) areas and/or via the use of additional permeable paving. The suggested condition (refer to condition 1(a)) reads as follows:

*Amendments required to the site plan to ensure full compliance with the requirement of maximum 40% hard paving within the front setback. Evidence of compliance with this requirement to be submitted with the **Construction Certificate** application.*

**Internal Building Design**

Section 3.6 of Part 3.5 of the Ryde DCP 2014 prescribes development controls relating to the internal building design of boarding house developments. This is to ensure all new boarding houses provide an acceptable level of safety, amenity and privacy for occupants and also adjoining properties. One particular component of this is lighting, and ensuring that lighting to common areas is provided in a fashion that maintains safety and security, without compromising on the amenity of occupants or properties adjoining the development.

An assessment of the subject development application has failed to identify specific details on the common area lighting arrangements for the proposed development.

Accordingly, the following condition of consent is recommended to ensure that the lighting arrangements for the proposed development are designed to comply with the provisions of the Ryde DCP 2014, and achieve the performance criteria outlined above (see condition 31):

***Lighting of common areas (driveways etc).*** Details of lighting for internal driveways, common 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 or boarding rooms within the development.



**ITEM 3 (continued)**Communal Kitchen

The Table within Section 3.6 of Part 3.5 of the Ryde DCP 2014 prescribes development controls relating to specific rooms, areas and facilities within boarding house developments. Again, these controls are to ensure all new boarding houses provide an acceptable level of safety, amenity and privacy for occupants and also adjoining properties.

The Table specifies that sinks within communal kitchens are to be provided at a rate of one (1) sink per six (6) persons residing in a boarding house. Similarly, a stove top cooker is to be provided at the same rate.

As assessment of the proposed development has revealed that one (1) sink and stove top cooker is to be provided within the communal kitchen. Given the proposed boarding house is capable of accommodating thirteen (13) lodgers, a minimum of two (2) sinks and stove top cookers need to be provided within the communal kitchen.

To address this shortfall within the communal kitchen, the following condition of consent is recommended (see condition 32):

***Communal Kitchen. Two (2) sinks and two (2) stove top cookers are to be provided within the communal kitchen in accordance with the provisions contained within Part 3.5 of the Ryde Development Control Plan 2014. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a **Construction Certificate**.***

Clothes Drying Facilities

Similarly to communal kitchens, the Table within Section 3.6 of Part 3.5 of the Ryde DCP 2014 also prescribes development controls relating to drying facilities for boarding houses. Specifically, external and internal drying facilities are to be provided as follows:

- 15m<sup>2</sup> external clothes drying area for every 12 residents in an outdoor area (can be retractable).
- Internal drying and laundry facilities shall be located in a safe and accessible location for all residents, and separate from communal kitchen facilities.

An assessment of the submitted plans has revealed that the external clothes drying area is approximately 2m<sup>2</sup> in area. Given the proposed development includes thirteen (13) residents, the amount of external drying area is considered to be insufficient. Additionally, while an internal laundry has been provided, it is not clear whether internal drying facilities have been provided for in this area. Accordingly, the following condition of consent is recommended to address this issue (see condition 33):

**ITEM 3 (continued)**

***Clothes Drying Facilities.*** An external clothes drying area is to be provided with minimum area of 15m<sup>2</sup> that is accessible for all residents. Additionally, the laundry is to include an internal clothes drying facility in compliance with the provisions contained within Part 3.5 of the Ryde DCP 2015. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a **Construction Certificate**.

**Boarding House Management**

Section 4 of Part 3.5 of the Ryde DCP 2014 provides development controls relating to the management of boarding houses to ensure they are well maintained and operated in a manner that ensures a high level of amenity for the occupants as well as for adjoining residents.

Specifically it is indicated that the name and contact details of the boarding house manager or managing agent be displayed all times externally at the front entrance on the boarding house.

It is also specified that occupiers of adjacent properties be provided with a 24 hour telephone number for a principal contact (for example owner or manager) for use in the event of an emergency.

It is noted that that subject development application does not detail on the plans or within the accompanying documentation that these management controls will be satisfactorily complied with. As such, it is considered appropriate that the following condition be included as an operational condition of consent (see condition 71):

***Boarding House Management.*** The name and contact details of the manager or managing agent is to be displayed at all times externally at the front entrance on the boarding house. Additionally, occupiers of all adjacent properties are to be provided with a 24 hour telephone number for a principal contact (for example owner or manager) for use in the event of an emergency.

It is also noted that a Plan of Management has been submitted with the DA, in accordance with the Standard Template (which is included in Ryde DCP 2014 for Plan of Management documents). A copy of this Plan of Management is held at **Attachment 4** to this report. Condition 70 in the Draft Conditions of consent requires compliance with this Plan of Management.

### ITEM 3 (continued)

#### Section 94 of the Environmental Planning and Assessment Act 1979

##### *Council' Section 94 Development Contributions Plan - 2007*

Council's Section 94 Development Contributions Plan 2007 requires a contribution for the provision of various additional services required as a result of increased development. Boarding house developments are charged at a rate of \$6996.01 per bedroom (ie total of \$62,964.09 for this development), minus a credit of \$20,000 for a new dwelling that could be erected on this property.

The contributions 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:

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
Community & Cultural Facilities	\$9,082.09
Open Space & Recreation Facilities	\$22,358.18
Civic & Urban Improvements	\$7,604.43
Roads & Traffic Management Facilities	\$1,037.33
Cycleways	\$647.97
Stormwater Management Facilities	\$2,059.45
Plan Administration	\$174.64
<b>The total contribution is</b>	<b>\$42,964.09</b>

A condition for the payment of a Section 94 Contribution of **\$42,964.09** has been included in the draft conditions of consent (Attachment 1). See Condition 18.

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

### 10. Likely impacts of the Development

#### (a) Built Environment

A thorough assessment of the impacts of the proposed development on the built environment has been undertaken as part of the completed assessment of the proposed development. This has included a compliance check against all relevant planning controls, a character assessment, detailed assessment report, as well as referral to Council's Development Engineers, Building Surveyors and Environmental Health Officers.

**ITEM 3 (continued)**

The resultant impacts of the proposed boarding house on the built environment are considered to result in a development that is consistent with the desired future character of the low density residential area, and consistent with the nature of development in Ryde and the wider local government area.

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

**(b) Natural Environment**

Given the nature of the proposed development being for the construction of a new boarding house that within an existing suburban environment, and given the development includes no vegetation removal (site is currently vacant), it is considered there will be no significant negative impact upon the natural environment as a result of the proposal.

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

A review of Council's map of Environmentally Sensitive Areas (held on file) identifies no environmental constraints affecting the subject property. In this regard the subject site is considered to be suitable when having regard to environmental planning hazards.

The proposed boarding house is a permissible form of development on the subject site, both under the ARHSEPP for which LDA2014/451 has been lodged, and also under the provisions of the Ryde LEP 2014. Further the subject site is located in an 'accessible area' when having regard to its proximity to public transport services and the provisions of the ARHSEPP.

The subject site has also been determined to be compatible with the character of the local area. This is because the building to accommodate the boarding house is of a bulk and scale that is consistent with the provisions of the local planning controls, and in harmony with the low density residential environment surrounding the site.

Given the above, it is considered that the proposed development is suitable for the subject site.

**12. The Public Interest**

The development substantially complies with the provisions of the ARHSEPP and also Council's current development controls. Additionally, it has been determined that the proposed built form is in keeping with the existing and desired future character of the low density residential area.

**ITEM 3 (continued)**

In this regard, it is considered that approval of the subject DA would be in the public interest.

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

**Senior Development Engineer:** The proposed boarding house development was referred to Council's Senior Development Engineer who noted that clarification was required from the applicant that the observed line at the rear of the site is not a sewer line, as this would have implications on the redevelopment potential of the subject site. The applicant has since clarified that the observed line at the rear of the site is not a sewer line.

In the referral it was outlined that upon receipt of this clarification, the proposed boarding house development would be satisfactory subject to nineteen (19) conditions of approval.

In this regard, it is considered that the proposed development is now appropriate from a development engineering perspective, subject to the above-mentioned conditions of consent.

**Executive Building Surveyor:** The proposed development was referred to Council's Executive Building Surveyor who has provided no objection to the proposed development subject to Council's standard building conditions.

**Environmental Health Officer:** The proposed development was referred to Council's Environmental Health Officer who has outlined no objection to the subject development application subject to the imposition of fifteen (15) conditions and an advisory note. These conditions cover mechanical ventilation, plumbing and drainage, connection to sewer, contaminated land, waste storage and handling facilities, noise pollution, and health inspection services.

External Referrals

None.

**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 3 (continued)****16. Other Options**

None relevant.

**17. Conclusion**

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

It is noted that although some non-compliances with the Ryde DCP 2014 were identified, these were either considered to either be justifiable given the circumstances of the subject site and the nature of the boarding house development proposed, or alternatively addressed via imposition of consent conditions.

Despite the proposed boarding house development being lodged pursuant to the provisions of the ARHSEPP, the design of the proposed boarding house is considered to be consistent with the desired future character of the low density residential areas, and consistent with the nature of modern development in the Ryde and wider local government area.

On the above basis, LDA2014/0451 at 89 Culloden Road, Ryde is recommended for approval subject to conditions.

**ITEM 3 (continued)**

**ATTACHMENT 1**

**DRAFT CONDITIONS OF CONSENT**  
**89 CULLODEN ROAD, MARSFIELD - LDA2014/451**

**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:

<b>Document Description</b>	<b>Date</b>	<b>Plan No/Reference</b>
Site Plan	07.10.2014	Dwg. No. A0003, Issue G
Cellar Plan	07.10.2014	Dwg. No. A2100, Issue G
Ground Floor Plan	07.10.2014	Dwg. No. A2101, Issue G
First Floor Plan	07.10.2014	Dwg. No. A2102, Issue G
Roof Plan	07.10.2014	Dwg. No. A2103, Issue G
Disabled Access Plan	07.10.2014	Dwg. No. A2104, Issue G
North Elevation & Materials	07.10.2014	Dwg. No. A3300, Issue G
East Elevation	07.10.2014	Dwg. No. A3301, Issue G
South Elevation	07.10.2014	Dwg. No. A3302, Issue G
West Elevation	07.10.2014	Dwg. No. A3303, Issue G
Section AA	07.10.2014	Dwg. No. A3400, Issue G
Section BB	07.10.2014	Dwg. No. A3401, Issue G
Section CC	07.10.2014	Dwg. No. A3402, Issue G
Proposed Landscape Plan	03.10.2014	Dwg. No. L/01
Stormwater Drainage Plan	09.10.2014	Ref: 2014106 S1, Issue B
Plan of Management prepared by Mark Shanahan Planning Pty Ltd	October 2014	Attachment 2 of Statement of Environmental Effects dated 10.10.2014.
Access Report prepared by Ergon Consulting	03.10.2014	Issue B
Building Code of Australia 2013 Compliance Report prepared by Ray Williams	07.14.2014	Prepared for 89 Culloden Road, Marsfield by Ray Williams. (ray-75@live.com)
Building Code of Australia 2014 Section J Report prepared by Australian Energy Efficiency Consulting.	01.10.2014	AE338

**ITEM 3 (continued)**

**ATTACHMENT 1**

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

- (a) Amendments required to the site plan to ensure full compliance with the requirement of maximum 40% hard paving within the front setback. Evidence of compliance with this requirement to be submitted with the **Construction Certificate** application.

The Development must be carried out in accordance with the amended plans approved under this 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 579428M\_03 dated 2 October 2014.
4. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (a) Protect and support the adjoining premises from possible damage from the excavation, and
  - (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.

**Protection of Adjoining and Public Land**

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

**ITEM 3 (continued)**

**ATTACHMENT 1**

7. **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.
8. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.

**Works on Public Road**

9. **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.
10. **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.

**General Engineering Conditions**

11. **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.
12. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
13. **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.

**ITEM 3 (continued)**

**ATTACHMENT 1**

14. **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.

**Mechanical Ventilation:**

15. **Fresh air intake vents** - All fresh air intake vents must be located in a position that is free from contamination and at least 6 metres from any exhaust air discharge vent or cooling tower discharge.
16. **Exhaust air discharge vents** - All exhaust air discharge vents must be designed and located so that no nuisance or danger to health will be created.

**Plumbing and Drainage:**

17. **Plumbing and drainage work** - All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation and the NSW Department of Fair Trading.

**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.



**ITEM 3 (continued)**

**ATTACHMENT 1**

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**:

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
Community & Cultural Facilities	\$9,082.09
Open Space & Recreation Facilities	\$22,358.18
Civic & Urban Improvements	\$7,604.43
Roads & Traffic Management Facilities	\$1,037.33
Cycleways	\$647.97
Stormwater Management Facilities	\$2,059.45
Plan Administration	\$174.64
<b>The total contribution is</b>	<b>\$42,964.09</b>

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

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

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

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

**ITEM 3 (continued)**

**ATTACHMENT 1**

21. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (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. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.
24. **Sydney Water – quick check.** The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre, prior to the release of the **Construction Certificate**, to determine whether the development will affect any Sydney Water assets, sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

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

Or telephone 13 20 92.

25. **Reflectivity of materials.** Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority prior to the release of the **Construction Certificate**.
26. **Fencing.** Fencing is to be in accordance with Council's Development Control Plan and details of compliance are to be provided in the plans for the **Construction Certificate**.

**ITEM 3 (continued)**

**ATTACHMENT 1**

27. **Privacy Screen.** A 1.8m high privacy screen is to be installed adjacent to north-eastern side boundary and the shared zone for the disabled parking space to prevent overlooking and loss of visual privacy to the adjoining property at 91 Culloden Road. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a **Construction Certificate**.
28. **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.
29. **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.
30. **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).
31. **Lighting of common areas (driveways etc).** Details of lighting for internal driveways, common 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 or boarding rooms within the development.
32. **Communal Kitchen.** Two (2) sinks and two (2) stove top cookers are to be provided within the communal kitchen in accordance with the provisions contained within Part 3.5 of the Ryde Development Control Plan 2014. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a **Construction Certificate**.

**ITEM 3 (continued)**

**ATTACHMENT 1**

33. **Clothes Drying Facilities.** An external clothes drying area is to be provided with minimum area of 15m<sup>2</sup> that is accessible for all residents. Additionally, the laundry is to include an internal clothes drying facility in compliance with the provisions contained within Part 3.5 of the Ryde DCP 2015. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a **Construction Certificate**.
34. **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 private drainage easement and service line at the rear of the site, generally in accordance with the plans by MBC Engineering Pty Ltd. (Refer to Project No. 2014106 Sheet S1 Iss B dated 9 October 2014).

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

- The certification must state that the submitted design (including any associated components such as pump/ sump, absorption, onsite dispersal, charged system) are in accordance with the requirements of AS 3500.3 (2003) and any further detail or variations to the design are in accordance with the requirements of City of Ryde – DCP 2014 Part 8.2 (Stormwater Management).
  - The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.
35. **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

**ITEM 3 (continued)**

**ATTACHMENT 1**

- 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.

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.

**Connection to Sewer:**

36. **Evidence of connection by gravity flow** - Documentary evidence from a professional hydraulic engineer or other suitably qualified person demonstrating that all of the premises will be connected directly to the sewerage system by gravity flow must be submitted with the application for the Construction Certificate.

**Mechanical Ventilation:**

37. **Mechanical ventilation details** - Details of all proposed mechanical ventilation systems, and alterations to any existing systems, must be submitted for approval with the application for the Construction Certificate. Such details must include:
- (a) Plans (coloured to distinguish between new and existing work) and specifications of the mechanical ventilation systems; and
  - (b) A design certificate from a professional mechanical services engineer certifying that the mechanical ventilation systems will comply with the *Building Code of Australia* and the conditions of this Consent.

**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.



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**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.
- (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).

**ITEM 3 (continued)**

**ATTACHMENT 1**

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. **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.
44. **Footpath Works.** The applicant shall, at no cost to Council, excavate and/or fill the footpath adjacent to the subject property so the levels of the footpath comply with the levels specified by Council's Engineering Public Works. All work which is necessary to join the new footpath levels with the levels in front of the adjoining properties in a satisfactory manner shall be carried out by the applicant. The cost of reconstructing footpath paving or adjusting any services that may be affected shall be borne by the applicant.
45. **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.

**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.

**ITEM 3 (continued)**

**ATTACHMENT 1**

46. **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*.
47. **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.
48. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
49. **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.
50. **Construction materials.** All materials associated with construction must be retained within the site.
51. **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.
52. **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.
53. **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".

**ITEM 3 (continued)**

**ATTACHMENT 1**

54. **Tree protection – no unauthorised removal.** This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or otherwise necessary as a result of construction works approved by this consent.
55. **Drop-edge beams.** Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level.
56. **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.
57. **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 MBC Engineering Pty Ltd. (Refer to Project No. 2014106 Sheet S1 Iss B dated 9 October 2014) submitted in compliance to the condition labelled “Stormwater Management.”
58. **Discovery of Additional Information -** Council and the Principal Certifying Authority (if Council is not the PCA) must be notified as soon as practicable if any information is discovered during demolition or construction work that has the potential to alter previous conclusions about site contamination.

**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.

**ITEM 3 (continued)**

**ATTACHMENT 1**

59. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 579428M\_03 dated 2 October 2014.
60. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.
61. **Fire safety matters.** At the completion of all works, a Fire Safety Certificate must be prepared, which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

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

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

62. **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](http://www.sydneywater.com.au) then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

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

63. **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.



**ITEM 3 (continued)**

**ATTACHMENT 1**

64. **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.
65. **Stormwater Management – Positive Covenant(s).** A Positive Covenant must be created on the property title(s) pursuant to Section 88 E 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.
66. **Redundant Footpath Crossing.** The existing footpath crossing(s) and associated gutter crossover(s) which are not accessing approved vehicle access points must be removed and restore kerb and gutter, verge and footway to match existing adjoining sections. All new levels and materials must be flush and consistent with adjoining sections and all costs are to be borne by the applicant. The works must be completed to Councils satisfaction, prior to the issue of the Final Occupation certificate.
67. **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.

**ITEM 3 (continued)**

**ATTACHMENT 1**

- 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 footings adjacent to drainage easements are founded below the zone of influence of this infrastructure, in accordance 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 reserve have been completed to Council’s satisfaction.
68. **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).
69. **Certification of mechanical ventilation work** - Where any mechanical ventilation systems have been installed or altered, an installation certificate from a professional mechanical services engineer certifying that the systems comply with the approved plans and specifications must be submitted to the Principal Certifying Authority before the issue of an Occupation Certificate.

**OPERATIONAL CONDITIONS**

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

70. **Plan of Management.** The operation of the approved Boarding House shall fully comply with the Plan of Management dated October 2014 and submitted with the Development Application (Attachment 2 to the Statement of Environmental Effects by Mark Shanahan dated 10.10.2014).

**ITEM 3 (continued)**

**ATTACHMENT 1**

71. **Boarding House Management.** The name and contact details of the manager or managing agent is to be displayed at all times externally at the front entrance on the boarding house. Additionally, occupiers of all adjacent properties are to be provided with a 24 hour telephone number for a principal contact (for example owner or manager) for use in the event of an emergency.
72. **Standards for places of shared accommodation** - The premises must comply with the standards for places of shared accommodation under the *Local Government (General) Regulation 2005*.
73. **Storage and disposal of wastes** - All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.
74. **Waste containers** - An adequate number of suitable waste containers must be kept on the premises for the storage of garbage and trade waste.
75. **Recyclable wastes** - Wastes for recycling must be stored in separate bins or containers and be transported to a facility where the wastes will be recycled or re-used.
76. **Trade waste permit** - The applicant must contact Sydney Water Corporation to determine whether a Trade Waste Permit is required before discharging any trade wastewater to the sewerage system.
77. **Maintenance of waste storage areas** - All waste storage areas must be maintained in a clean and tidy condition at all times.
78. **Offensive noise** - The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.
79. **Noise and vibration from plant or equipment** - Unless otherwise provided in this Consent, the operation of any plant or equipment installed on the premises must not cause:
  - (a) The emission of noise that exceeds the background noise level by more than 5dBA when measured at, or computed for, the most affected point, on or within the boundary of the most affected receiver. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the *New South Wales Industrial Noise Policy* (EPA, 2000).
  - (b) An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*.

**ITEM 3 (continued)**

**ATTACHMENT 1**

(c) The transmission of vibration to any place of different occupancy.

**ADVISORY NOTES**

**Health Inspection Services:**

1. **Inspections and fees** - Council officers may carry out periodic inspections of the premises to ensure compliance with relevant environmental health standards and Council may charge an approved fee for this service in accordance with Section 608 of the *Local Government Act 1993*.

The approved fees are contained in Council's Management Plan and may be viewed or downloaded at [www.ryde.nsw.gov.au](http://www.ryde.nsw.gov.au).

ITEM 3 (continued)

ATTACHMENT 2

COMPLIANCE TABLE (Affordable Rental Housing SEPP 2009)

<b>LDA No:</b>	LDA2014/0451
<b>Date Plans Rec'd</b>	11 October 2014
<b>Address:</b>	89 Culloden Road, Marsfield
<b>Proposal:</b>	Construction of a two-storey 9 room boarding house under the State Environmental Planning Policy (Affordable Rental Housing) 2009.
<b>Constraints Identified:</b>	None identified.

ARH SEPP 2009 Division 3	Proposed	Compliance
<b>26 Land to which Division applies</b>		
This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones: (a) Zone R1 General Residential, (b) Zone R2 Low Density Residential, (c) Zone R3 Medium Density Residential, (d) Zone R4 High Density Residential, (e) Zone B1 Neighbourhood Centre, (f) Zone B2 Local Centre, (g) Zone B4 Mixed Use.	Subject site is identified as being zoned R2 Low Density Residential under the Ryde LEP 2014.	Yes
<b>27 Development to which Division applies</b>		
(1) This Division applies to development, on land to which this Division applies, for the purposes of boarding houses.  A 'boarding house' is defined under the RLEP2010 as:  <b><i>boarding house</i></b> means a building that:  (a) is wholly or partly let in lodgings, and (b) provides lodgers with a	(1) The SEE submitted with the subject development application specifies that the proposal is for the purposes of a 'boarding house'  A review of the plans submitted as part of the proposed development indicates the proposal would meet the definition for a 'boarding house' under the provisions of the 'Standard Instrument'.	Yes



**ITEM 3 (continued)**

**ATTACHMENT 2**

ARH SEPP 2009 Division 3	Proposed	Compliance
<p><i>principal place of residence for 3 months or more, and</i>  <i>(c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and</i>  <i>(d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,</i>  <i>but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.</i></p>	<p>Note: Pursuant to clause 4 of the ARHSEPP a word or expression used in the ARHSEPP generally has the same meaning as it has in the standard instrument (as in force immediately before the commencement of the Standard Instrument (Local Environmental Plans) Amendment Order 2011) unless it is otherwise defined in this Policy.</p>	
<p>(2) Despite subclause (1), this Division does not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone in the Sydney region unless the land is within an accessible area.</p> <p><b>accessible area</b> means land that is within:</p> <p>(a) 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or</p> <p>(b) 400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or</p> <p>(c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop</p>	<p>(2) Subject site is within zone R2 Low Density Residential under the Ryde LEP 2014. It is however within an 'accessible area' for the following reasons:</p> <ul style="list-style-type: none"> <li>• The development is located approximately 84m walking distance (see <b>Figure 2</b> below) from a bus stop (ID 212218) located on the southern side of Epping Road near the corner of Culloden Road.</li> <li>• This bus stop on the southern side of Epping Road is serviced by the Sydney Buses routes 288, 290, 292, 293, 295 and M54 in addition the Hills Bus route 630 also services this bus stop. At least one bus per hour services the bus stop Monday to Friday between 6am and 9pm and Saturday and Sunday 8am to 6pm.</li> </ul>	<p>Yes</p>

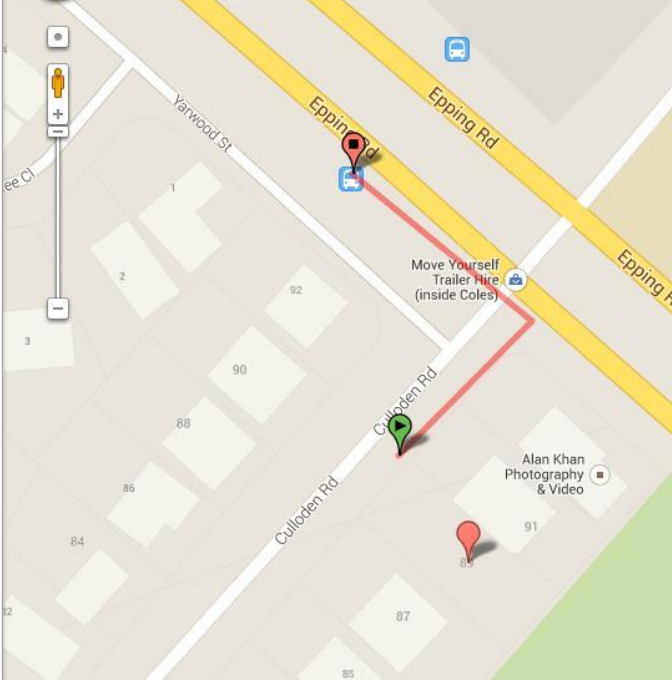
**ITEM 3 (continued)**

**ATTACHMENT 2**

ARH SEPP 2009 Division 3	Proposed	Compliance
<p><i>between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.</i></p> <p><b>walking distance</b> means the shortest distance between 2 points measured along a route that may be safely walked by a pedestrian using, as far as reasonably practicable, public footpaths and pedestrian crossings.</p> <p><b>regular bus service</b> means any regular passenger service conducted by bus (including any transitway service).</p> <p><b>regular passenger service</b> means a public passenger service conducted according to regular routes and timetables, but does not include a tourist service or a long-distance service.</p>		
<p>(3) Despite subclause (1), this Division does not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone that is not in the Sydney region unless all or part of the development is within 400 metres walking distance of land within Zone B2 Local Centre or Zone B4 Mixed Use or within a land use zone that is equivalent to any of those zones.</p>	<p>(3) Subject site is located within the Sydney region</p>	<p>Yes</p>

ITEM 3 (continued)

ATTACHMENT 2

ARH SEPP 2009 Division 3	Proposed	Compliance
<p><b>Distance Measurement Tool</b></p> <p>Click on the map to trace a path you want to measure.</p> <p><b>Units:</b>  <input checked="" type="radio"/> Metric <input type="radio"/> English <input type="radio"/> I'm feeling geeky</p> <p><b>Total distance:</b>  <b>83.9078 m</b></p> <p><input type="button" value="Delete last point"/> <input type="button" value="Reset"/></p>		
<p><b>Figure 1. Distance to nearest bus stop (ID 212218)</b></p>		

<p><b>28 Development may be carried out with consent</b></p>		
<p>Development to which this division applies may be carried out with consent.</p>	<p>Noted, the proposed boarding house is the subject of a development application (LDA2014/0451) and as such is seeking development consent.</p>	<p>Noted.</p>

<p><b>29 Standards that cannot be used to refuse consent</b></p>		
<p>(1) A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than:</p> <p>(a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land, or</p>	<p>(a) The maximum floor space ratio for residential accommodation permitted on the subject site, per the Ryde LEP 2014 is 0.5:1, as is detailed in the DCP Compliance Table an FSR of 0.448:1 is proposed by the subject development application.</p>	<p>Yes</p>

**ITEM 3 (continued)**

**ATTACHMENT 2**

ARH SEPP 2009 Division 3	Proposed	Compliance
<p>(b) if the development is on land within a zone in which no residential accommodation is permitted—the existing maximum floor space ratio for any form of development permitted on the land, or</p> <p>(c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus:</p> <p>(i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or</p> <p>(ii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1.</p>	<p>(b) Proposed development is not within a zone in which no residential accommodation is permitted.</p> <p>(c) Proposed development is not within a zone in which residential flat buildings are permitted.</p>	<p>N/A</p> <p>N/A</p>
<p>(2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</p> <p><b>(a) Building height</b> if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land,</p>	<p>(a) Under the Ryde LEP 2014, the maximum height allowed on the subject site is 9.5m. The proposal is for a building with a maximum height of 7.05m as detailed in the Ryde DCP 2014.</p>	<p>Yes</p>

**ITEM 3 (continued)**

**ATTACHMENT 2**

ARH SEPP 2009 Division 3	Proposed	Compliance
<p><b>(b) Landscaped area</b> if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,</p>	<p>(b) the landscape treatment of the front setback area is considered to be compatible with the streetscape as it will include open lawn and vegetation planting consistent with that of the appearance of single dwellings houses where are prevalent in the local area.</p>	<p>Yes</p>
<p><b>(c) Solar access</b> where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,</p>	<p>(c) One communal living room is proposed in the subject development application. The submitted shadow diagrams indicate that the proposed living room receives direct sunlight between 9am and 3pm in mid-winter.</p>	<p>Yes</p>
<p><b>(d) Private Open Space</b> if at least the following private open space areas are provided (other than the front setback area):</p>	<p>(d)</p>	
<p>(i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers,</p>	<p>(i) One area of POS in excess of 20m<sup>2</sup> is provided to the lodgers with minimum dimension of 8m in the rear yard.</p>	<p>Yes</p>
<p>(ii) if accommodation is provided on site for a boarding house manager—one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation,</p>	<p>(ii) No accommodation provided for boarding house manager.</p>	<p>N/A</p>
<p><b>(e) Parking</b></p>	<p>(e)</p>	
<p>If: (i) in the case of development in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and</p>	<p>(i) 1.8 car parking spaces required for 9 boarding rooms. Two (2) car parking spaces provided.</p>	<p>Yes</p>
<p>(ii) in the case of development not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and</p>	<p>(ii) Proposed development is in an accessible area.</p>	<p>N/A</p>



**ITEM 3 (continued)**

**ATTACHMENT 2**

ARH SEPP 2009 Division 3	Proposed	Compliance
<p>(iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,</p> <p>(f) <b>Accommodation size</b> If each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:</p> <p>(i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or</p> <p>(ii) 16 square metres in any other case</p>	<p>(iii) No parking space is proposed to be provided for employees, as no employed are proposed with the subject boarding house.</p> <p>(f)</p> <p>(i) All single boarding rooms are at least 12m<sup>2</sup></p> <p>(ii) All double boarding rooms are 16.25m<sup>2</sup>.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>(3) A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.</p>	<p>(3) Private kitchen and bathroom facilities are provided in each room, as well a common facilities adjacent to the proposed living room.</p>	<p>Yes</p>
<p>(4) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).</p>	<p>(4) Noted, the proposed boarding house is the subject of a development application (LDA2014/0451) and will be determined against the standards within subclause (1), (2), the Ryde LEP 2014, and Ryde DCP 2014.</p>	<p>Noted.</p>
<p><b>30 Standards for boarding houses</b></p>		
<p>(1) A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:</p> <p>(a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,</p>	<p>(1)</p> <p>(a) Proposed boarding house with 9 rooms. One (1) communal living room is provided located at the rear of</p>	<p>Yes</p>

**ITEM 3 (continued)**

**ATTACHMENT 2**

ARH SEPP 2009 Division 3	Proposed	Compliance
(b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,	the dwelling on the ground floor. (b) No boarding room proposed to have a floor area of more than 25m <sup>2</sup>	Yes
(c) no boarding room will be occupied by more than 2 adult lodgers,	(c) No boarding room proposed to be occupied by more than 2 adult lodgers.	Yes
(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,	(d) Adequate bathroom and kitchen facilities are provided for all lodgers in each boarding room along with common kitchen and water closet adjacent to the living room.	Yes
(e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,	(e) Boarding house proposed to house a maximum of 13 lodgers.	N/A
(f) (Repealed)		
(g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use,	(g) Proposed boarding house is not on land zoned primarily for commercial purposes.	N/A
(h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.	(h) 9 boarding rooms proposed. Requirement: 2 bicycle and 2 motorcycle spaces. Proposed: Parking space for 4 bicycles and 2 motorcycles.	Yes

**ITEM 3 (continued)**

**ATTACHMENT 2**

<b>ARH SEPP 2009 Division 3</b>	<b>Proposed</b>	<b>Compliance</b>
(2) Subclause (1) does not apply to development for the purposes of minor alterations or additions to an existing boarding house.	(2) Proposed development is not for purposes of minor alterations or additions to an existing boarding house.	N/A
<b>30A Character of local area</b>		
A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.	<p>A comprehensive Local Area Character Assessment has been prepared by the applicant's town planner and is included within the submitted SEE that accompanies the subject development application.</p> <p>This assessment has been reviewed as part of the assessment of the subject development application and it has been determined that it appropriately utilises the methodology set out in Schedule 2 of Part 3.5 of the Ryde DCP 2014. The assessment also correctly references relevant case law established in the NSW Land and Environment Court on the matter of establishing the 'local area' to which the site relates, and also the questions to be answered in determining whether a development is compatible with this established local area.</p> <p>Although the building containing the boarding house has a contemporary style, it can reasonably be expected that as new houses replace the remaining old original houses in the area over time, they too will adopt a style contemporary to the period in which they are</p>	Yes

**ITEM 3 (continued)**

**ATTACHMENT 2**

ARH SEPP 2009 Division 3	Proposed	Compliance
	<p>built.</p> <p>It is also important to note that the building to contain the boarding house essentially takes on the appearance of a two-storey dwelling house with compliant building heights, setbacks, floor space ratio, and landscaped area. The result is a building that is considered to be compatible with the character of the local area in the required sense of it being capable of existing in harmony with the current and likely future development in the area.</p>	

Summary of Issues/Non compliances:

- *No non-compliances with the provisions of the ARHSEPP identified.*

**Certification**

I certify that all of the issues have been accurately and professionally examined by me.

Name: Ben Tesoriero



Signature:

Date: 4 February 2015

**ITEM 3 (continued)**

**ATTACHMENT 3**

**COMPLIANCE TABLE Ryde DCP 2014**

<b>LDA No:</b>	<b>LDA2014/0451</b>
<b>Date Plans Rec'd</b>	<b>13 October 2014</b>
<b>Address:</b>	<b>89 Culloden Road, Marsfield</b>
<b>Proposal:</b>	New two storey boarding house comprising nine (9) lodging rooms under State Environmental Planning Policy Affordable Rental Housing 2009.
<b>Constraints Identified:</b>	<b>None identified.</b>

Part 3.5 of the Ryde DCP 2014 provides the development controls which are applicable to boarding house developments in the City of Ryde. However, as per Section 1.6 of the Part, applicable controls for boarding houses are also contained within:

- Part 3.3 Dwelling Houses and Dual Occupancy (Attached),
- Part 3.4 Multi Dwelling Housing [for Low Density Residential zone] in 3.0 Development Types,
- all parts in 4.0 Urban Centres, and
- all parts in 5.0 Special Areas with respect to local area character; and
- Part 7.1 Energy Smart, Water Wise; Part 7.2 Waste Minimisation and Management; and Part 9.3 Parking Controls.

As such, the following tables brings together the applicable development controls from across all Parts of the Ryde DCP 2014 and assesses the proposed development performance against each of these controls.

<b>Ryde DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<b>Part 3.3 – Dwelling Houses and Dual Occupancy (attached)</b>		
<b>Section 2.1 Desired Future Character</b>		
Development is to be consistent with the desired future character of the low density residential areas.	The proposed development is considered to be consistent with the desired future character of the low density residential area as detailed further in this table, and also in the character assessment when responding to Condition 30A of State Environmental Planning Policy (Affordable Rental Housing) 2009.	Yes



**ITEM 3 (continued)**

**ATTACHMENT 3**

Ryde DCP 2014	PROPOSED	COMPLIANCE
<b>Section 2.2 Dwelling Houses</b>		
<ul style="list-style-type: none"> <li>- To have a landscaped setting which includes significant deep soil areas at front and rear.</li> </ul>	<p>Front and rear gardens proposed both with significant deep soil areas capable of supporting a variety of vegetation.</p>	<p>Yes</p>
<ul style="list-style-type: none"> <li>- Maximum 2 storeys.</li> </ul>	<p>Proposal is for a two storey boarding house, however it is noted that a small storage area of approximately 15m<sup>2</sup> is located below the ground floor, however this is not considered to be a storey as this space only includes a staircase and storage area.</p>	<p>Yes</p>
<ul style="list-style-type: none"> <li>- Dwellings to address street</li> </ul>	<p>The boarding house development is considered to adequately address Culloden Road through provision of appropriate windows on both the first and ground floor facing the street, clear sightlines to the front door as well as the double garage adjacent. As such it appears consistent with other dwelling houses within the street.</p>	<p>Yes</p>
<ul style="list-style-type: none"> <li>- Garage/carports not visually prominent features.</li> </ul>	<p>Proposed double garage is located at the front of the dwelling and is not considered to be visually prominent as it consists of only sliding timber batten screen doors which are semi-transparent and reduce the visual bulk of the garage.</p>	<p>Yes</p>
<b>Section 2.4 Public Domain Amenity</b>		
<ul style="list-style-type: none"> <li>• <b>Streetscape</b> <ul style="list-style-type: none"> <li>- Front doors and windows are to face the street. Side entries to be clearly apparent.</li> </ul> </li> </ul>	<p>Front door of the boarding house faces Culloden Road and is considered to be clearly apparent from the street frontage. A side entry</p>	<p>Yes</p>

**ITEM 3 (continued)**

**ATTACHMENT 3**

Ryde DCP 2014	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> <li>- Single storey entrance porticos.</li> <li>- Articulated street facades.</li> </ul>	<p>is also proposed which is accessed via a pathway at the top of the entry ramp porch and is considered also easily identifiable. Front facing windows of the proposed dwelling house are to a bedroom on both the ground and first floor. Side entry is clearly identifiable. Single storey portico proposed. Proposed dwelling is considered to have a well articulated street facade.</p>	<p>N/A</p> <p>Yes</p>
<ul style="list-style-type: none"> <li>• <b>Public Views and Vistas</b> <ul style="list-style-type: none"> <li>- A view corridor is to be provided along at least one side allotment boundary where there is an existing or potential view to the water from the street. Landscaping is not to restrict views.</li> <li>- Garages/carports and outbuildings are not to be located within view corridor if they obstruct view.</li> <li>- Fence 70% open where height is &gt;900mm</li> </ul> </li> </ul>	<p>No water views are available from the street across the site.</p> <p>N/A see above.</p> <p>N/A see above.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>
<ul style="list-style-type: none"> <li>• <b>Pedestrian &amp; Vehicle Safety</b> <ul style="list-style-type: none"> <li>- Car parking located to accommodate sightlines to footpath &amp; road.</li> </ul> </li> </ul>	<p>Proposed car parking is located within an attached double garage and driveway design will allow for adequate sightlines. Driveway gradient is 1 in 18 and will not restrict sight lines. Council's Development Engineer has assessed the proposal a deemed it to be satisfactory, subject to conditions.</p>	<p>Yes</p>

**ITEM 3 (continued)**

**ATTACHMENT 3**

Ryde DCP 2014	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> <li>- Fencing that blocks sight line is to be splayed.</li> </ul>	No front fencing proposed.	N/A
<b>Section 2.5 Site Configuration</b>		
<ul style="list-style-type: none"> <li>• <b>Deep Soil Areas</b> <ul style="list-style-type: none"> <li>- 35% of site area min.</li> <li>- Min 8x8m deep soil area in backyard.</li> <li>- Front yard to have deep soil area (only hard paved area to be driveway, pedestrian path and garden walls).</li> </ul> </li> </ul>	<p>223.50m<sup>2</sup> approx. (40.52% of site area).</p> <p>Proposal includes a deep soil area in the backyard with min dimensions of 8m x 8m.</p> <p>The front yard consists of deep soil area, with the only hard paved area being the driveway and pedestrian access path to the boarding house.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<ul style="list-style-type: none"> <li>• <b>Topography &amp; Excavation</b></li> </ul> <p>Within building footprint:</p> <ul style="list-style-type: none"> <li>- Max cut: 1.2m</li> <li>- Max fill: 900mm</li> </ul> <p>Outside building footprint:</p> <ul style="list-style-type: none"> <li>- Max cut: 900mm</li> <li>- Max fill: 500mm</li> </ul> <ul style="list-style-type: none"> <li>- No fill between side of building and boundary or close to rear boundary</li> </ul>	<p>Max cut approx. 1.66m at basement storage.</p> <p>Max fill: approx. 1.15m at rear deck.</p> <p>Max cut: approx. 150mm.</p> <p>Max fill: approx. 470mm along southern side boundary for disabled 1:20 side access path.</p> <p>Fill is proposed between the building and north-east side boundary. The proposed north-eastern side access-way proposes fill up to 990mm. Where the level of fill occurs adjacent to the garage area, there is considered to be an opportunity for overlooking of the adjoining property from the elevated parking area to the adjoining property to the north. This is because the existing 1800mm high Colorbond</p>	<p>No - justifiable</p> <p>No - justifiable</p> <p>Yes</p> <p>No - justifiable</p> <p>No - condition</p>

**ITEM 3 (continued)**

**ATTACHMENT 3**

Ryde DCP 2014	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> <li>- No fill in overland flow path</li> <li>- Max ht retaining wall 900mm</li> </ul>	<p>fence in this location is to be retained, making the effective height of the fence in this location only 810mm high. As such a condition is recommended for a privacy screen adjacent to the parking area in this location to maintain privacy to the adjoining property.</p> <p>No overland flow path on site however the an overland flow path is located in close proximity to the rear of the site.</p> <p>Plans indicate retaining walls along the north-east and south-west boundaries which are 990mm (adjacent to car parking area) and 350mm (adjacent to bike racks) respectively.</p>	<p>N/A</p> <p>No – condition (see above)</p>
<b>Section 2.7 Floor Space Ratio</b>		
<ul style="list-style-type: none"> <li>- Ground floor</li> <li>- First floor</li> <li>- Total (Gross Floor Area)</li> <li>- Less 36m<sup>2</sup> (double) or 18m<sup>2</sup> (single) allowance for parking</li> </ul> <p><b>FSR (max 0.5:1)</b></p> <p>Note: Excludes wall thicknesses, lifts/stairs; basement storage/vehicle access/garbage area; terraces/balconies with walls &lt;1.4m; void areas.</p> <p>Note: The garage area has not been included in the gross floor area calculation as it is considered to constitute a secured under croft area rather than an enclosed floor area within the building. This is because the garage is open on two sides, with the front secured by an open timber gate and the north-eastern side predominantly open.</p> <p>In any event, the garage area is approximately 36m<sup>2</sup> and would be excluded even if it were to be considered to constitute gross floor area by virtue of the definition contained in the Dictionary of the Ryde LEP 2014.</p>	<p style="text-align: center;">168 m<sup>2</sup> 101m<sup>2</sup> 269m<sup>2</sup> N/A – See note below <b>0.448:1</b> (area from DP1046404 – 600.7m<sup>2</sup>)</p>	<p style="text-align: center;">Yes</p>

**ITEM 3 (continued)**

**ATTACHMENT 3**

Ryde DCP 2014	PROPOSED	COMPLIANCE
<b>Section 2.8 Height</b>		
<ul style="list-style-type: none"> <li>- 2 storeys maximum (storey) incl basement elevated greater than 1.2m above EGL).</li> </ul>	<p>Proposal is for a two storey boarding house however it is noted that a small storage area of approximately 15m<sup>2</sup> is located below the ground floor, however this is not considered to be a storey as this area is entirely below ground and comprises only a staircase with small storage area adjacent.</p>	<p>Yes</p>
<ul style="list-style-type: none"> <li>- 1 storey maximum above attached garage incl semi-basement or at-grade garages.</li> </ul>	<p>Single storey proposed above garage.</p>	<p>Yes</p>
<p>Wall plate</p> <ul style="list-style-type: none"> <li>- 7.5m max above FGL or</li> <li>- 8m max to top of parapet.</li> </ul>	<p>TOW RL: 82.8 FGL below (lowest point): RL: 76.00 TOW Height = 6.8m maximum</p>	<p>Yes</p>
<p>NB: <i>TOW = Top of Wall</i> <i>EGL = Existing Ground Level</i> <i>FGL = Finished Ground Level</i></p>		
<ul style="list-style-type: none"> <li>- 9.5m Overall Height</li> </ul>	<p>Max point of dwelling RL: 83.00</p>	<p>Yes</p>
<p>NB: <i>EGL – Existing ground Level</i></p>	<p>EGL below ridge (lowest point) RL: 75.95</p>	
	<p>Overall Height (max)= 7.05m</p>	
<ul style="list-style-type: none"> <li>- Habitable rooms to have 2.4m floor to ceiling height (min).</li> </ul>	<p>Habitable rooms have a minimum ceiling height of 2.4m in the first floor bathroom and min. 2.7 to max. 2.75m on ground floor.</p>	<p>Yes</p>
<b>Section 2.9 Setbacks</b>		
<ul style="list-style-type: none"> <li>• <b>Front</b></li> <li>- 6m to façade (generally)</li> <li>- Garage setback 1m from the dwelling facade</li> </ul>	<p>7.25m minimum The proposed garage is setback 700mm from the front dwelling façade.</p>	<p>Yes No - justifiable</p>



**ITEM 3 (continued)**

**ATTACHMENT 3**

Ryde DCP 2014	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> <li>- Wall above is to align with outside face of garage below.</li> <li>- Front setback free of ancillary elements e.g. RWT,A/C</li> </ul> <ul style="list-style-type: none"> <li>• <b>Side</b> <ul style="list-style-type: none"> <li>○ <b>Two storey dwelling</b> <ul style="list-style-type: none"> <li>- 1.5m to wall, includes balconies etc.</li> </ul> </li> </ul> </li> <li>• <b>Rear</b> <ul style="list-style-type: none"> <li>- 8m to rear of dwelling <b>OR</b> 25% of the length of the site, whichever is greater. <b>Note: 9.9m is 25% of site length.</b></li> </ul> </li> </ul>	<p>No wall above.</p> <p>Front setback includes a screened motorbike car parking area however it will be screened by landscaping and will not detrimentally impact the streetscape.</p> <p>2.74m minimum to two-storey component and ground floor minimum 1.2m.</p> <p>9.7m minimum proposed (25% of side boundary is 9.90m).</p>	<p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<b>Section 2.10 Car Parking &amp; Access</b>		
<ul style="list-style-type: none"> <li>• <b>General</b> <ul style="list-style-type: none"> <li>- Dwelling: 2 spaces max, 1 space min.</li> <li>- Where possible access off secondary street frontages or laneways is preferable.</li> <li>- Garage or carport may be in front if no other suitable position, no vehicular access to side or rear</li> <li>- Max 6m wide or 50% of frontage, whichever is less. <b>Note: 7.62m is 50% of site frontage.</b></li> <li>- Behind building façade.</li> </ul> </li> <li>• <b>Garages</b> <ul style="list-style-type: none"> <li>- Garages setback 1m from façade.</li> </ul> </li> </ul>	<p>2 spaces proposed in double garage under croft area</p> <p>No secondary street frontages or laneways are available to subject site.</p> <p>Garage not located in front of dwelling house.</p> <p>Proposed garage frontage 6.3m wide.</p> <p>The proposed garage is behind the building façade but only 700mm as stated earlier.</p> <p>The proposed garage is setback 700mm from dwelling façade.</p>	<p>Yes</p> <p>N/A</p> <p>N/A</p> <p>No - justifiable</p> <p>Yes</p> <p>No - justifiable</p>

**ITEM 3 (continued)**

**ATTACHMENT 3**

Ryde DCP 2014	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> <li>- Total width of garage doors visible from public space must not exceed 5.7m and not be recessed more than 300mm behind the outside face of the building element immediately above.</li> <li>- Garage windows are to be at least 900mm away from boundary.</li> <li>- Free standing garages are to have a max GFA of 36m<sup>2</sup>.</li> <li>- Solid doors required</li> <li>- Materials in keeping or complementary to dwelling.</li> <li>• <b>Parking Space Sizes (AS)</b> <ul style="list-style-type: none"> <li>- Double garages: 5.4m w (min)</li> <li>- Internal length: 5.4m (min)</li> </ul> </li> <li>• <b>Driveways</b> <ul style="list-style-type: none"> <li>- Extent of driveways minimised</li> </ul> </li> </ul>	<p>No garage doors proposed – sliding timber batten screen proposed of a width that is considered acceptable.</p> <p>No garage doors proposed.</p> <p>Two (2) garage windows proposed, with a 1500mm setback from the boundary.</p> <p>Proposed garage is attached not free standing</p> <p>Solid door proposed</p> <p>Proposed materials complement contemporary style of new dwelling.</p> <p>5.4m</p> <p>5.5m</p> <p>Extent of driveway has been minimised.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<b>Section 2.12 Landscaping</b>		
<ul style="list-style-type: none"> <li>• <b>Trees &amp; Landscaping</b> <ul style="list-style-type: none"> <li>- Major trees retained where practicable.</li> <li>- If bushland adjoining use native indigenous species for 10m from boundary</li> <li>- Physical connection to be provided between dwelling and outdoor spaces where the ground floor is elevated above NGL e.g. stairs, terraces.</li> <li>- Obstruction-free pathway on one side of dwelling (excl cnr allotments or rear lane access).</li> <li>- Front yard to have at least 1 tree with mature ht of 10m min and a spreading canopy.</li> </ul> </li> </ul>	<p>No major trees on site as the site is currently vacant.</p> <p>No bushland adjoining.</p> <p>Proposal includes physical connection between boarding house and outdoor spaces in the form of stairs and ramp.</p> <p>Obstruction free pathway provided on both sides of the dwelling.</p> <p>Landscape plan indicates 3 x trees proposed to be planted in the front yard capable of reaching 10m.</p>	<p>N/A</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

**ITEM 3 (continued)**

**ATTACHMENT 3**

Ryde DCP 2014	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> <li>- Backyard to have at least 1 tree with mature ht of 15m min and a spreading canopy.</li> <li>- Hedging or screen planting on boundary mature plants reaching no more than 2.7m.</li> <li>- OSD generally not to be located in front setback unless under driveway.</li> <li>- Landscaped front garden, with max 40% hard paving.</li> <li>• <b>Landscaping for lots with Urban Bushland or Overland Flow constraints</b></li> <li>- Where lot is adjoining bushland protect, retain and use only native indigenous vegetation for distance of 10m from building adjoining bushland.</li> <li>- No fill allowed in overland flow areas.</li> <li>- Fences in Overland Flow areas must be of open construction so it doesn't impede the flow of water.</li> </ul>	<p>Landscape plan indicates one tree proposed to be planted in the rear yard capable of reaching 15m.</p> <p>As assessed the proposed hedging and/or screen planting will not exceed 2.7m. No OSD located in front setback.</p> <p>Front garden will be 46.7% (57m<sup>2</sup>) hard paving. No urban bushland or overland flow constraints identified on site.</p> <p>As above.</p> <p>As above.</p> <p>As above.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No - justified</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>
<b>Section 2.13 Dwelling Amenity</b>		
<ul style="list-style-type: none"> <li>• <b>Daylight and Sunlight Access</b></li> <li>- Living areas to face north where orientation makes this possible.</li> <li>- Increase side setback for side living areas (4m preferred) where north is the side boundary.</li> </ul>	<p>North is the front corner boundary. The living area to the rear of the boarding house includes a north-eastern facing window which is considered to allow sufficient sunlight and daylight access to this area.</p> <p>North is not the side boundary.</p>	<p>Yes</p> <p>N/A</p>

**ITEM 3 (continued)**

**ATTACHMENT 3**

Ryde DCP 2014	PROPOSED	COMPLIANCE
<p><u>Subject Dwelling:</u></p> <ul style="list-style-type: none"> <li>- Subject dwelling north facing windows are to receive at least 3 hrs of sunlight to a portion of their surface between 9am and 3pm on June 21.</li> <li>- Private Open space of subject dwelling is to receive at least 2 hours sunlight between 9am and 3pm on June 21.</li> </ul> <p><u>Neighbouring properties are to receive:</u></p> <ul style="list-style-type: none"> <li>- 2 hours sunlight to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21.</li> <li>- At least 3 hours sunlight to a portion of the surface of north facing adjoining living area windows between 9am and 3pm on June 21.</li> </ul> <ul style="list-style-type: none"> <li>• <b>Visual Privacy</b> <ul style="list-style-type: none"> <li>- Orientate windows of living areas, balconies and outdoor living areas to the front and rear of dwelling.</li> </ul> </li> </ul>	<p>Proposed development does not include any north facing living room windows. Living room windows are orientated east-north-east and south-east.</p> <p>The submitted shadow diagrams indicate that the rear private open space of the subject dwelling is to receive at least 2 hours sunlight between 9am and 3pm on June 21.</p> <p>The submitted shadow diagrams indicate that more than 2 hours of sunlight to at least 50% of adjoining principal open space between 9am and 3pm on June 22.</p> <p>The submitted shadow diagrams indicate that the adjoining N-E facing windows of 87 Culloden Road receive at least 3 hours sunlight to a portion of their surface between 9am and 3pm on June 21.</p> <p>Living area windows orientated to the side of the dwelling however increased setback of 3.29m provided with no adjoining windows on the neighbouring allotment. Additionally, a privacy screen is to be implemented to preclude any overlooking. Furthermore, significant screen planting is proposed to increase privacy. Lastly,</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No - Justifiable</p>

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Ryde DCP 2014	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> <li>- Windows of living, dining, family etc. placed so there are no close or direct views to adjoining dwelling or open space.</li> </ul>	<p>minimal side facing windows are proposed. North-east living area window faces the private open space of the adjoining property No.91 Culloden Road however increased setback of 3.29m provided, a privacy screen is to be implemented and significant screen planting is proposed to increase privacy.</p>	<p style="text-align: center;">Yes</p>
<ul style="list-style-type: none"> <li>- Side windows offset from adjoining windows.</li> </ul>	<p>At ground floor, there is no side facing windows that align with adjoining windows. At first floor, the high sill height of bedrooms will not allow for any overlooking.</p>	<p style="text-align: center;">Yes</p>
<ul style="list-style-type: none"> <li>- Terraces, balconies etc. are not to overlook neighbouring dwellings/private open space.</li> </ul>	<p>Rear deck proposed however increased north-east side setback of 2.1m provided, a privacy screen is to be fitted to the full length of the north-east side of the deck to preclude any overlooking. Furthermore, significant screen planting is proposed to increase privacy. A privacy screen is also proposed along the south-west side of the full useable length of the deck.</p>	<p style="text-align: center;">Yes</p>
<ul style="list-style-type: none"> <li>• <b>Acoustic Privacy</b></li> <li>- Layout of rooms in dual occupancies (attached) are to minimise noise impacts between dwellings e.g.: place adjoining living areas near each other and adjoining bedrooms near each other.</li> </ul>	<p>Proposed development is not dual occupancy, but rather a boarding house development. Nevertheless, boarding rooms have been designed to correlate kitchen areas etc. to minimise transmission of noise to quieter areas of the boarding rooms.</p>	<p style="text-align: center;">N/A</p>

**ITEM 3 (continued)**

**ATTACHMENT 3**

Ryde DCP 2014	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> <li>• <b>View Sharing</b> <ul style="list-style-type: none"> <li>- The siting of development is to provide for view sharing.</li> </ul> </li> <li>• <b>Cross Ventilation</b> <ul style="list-style-type: none"> <li>- Plan layout is to optimise access to prevailing breezes and to provide for cross ventilation.</li> </ul> </li> </ul>	<p>No significant views have been observed from the subject site.</p> <p>Opportunities exist for cross-ventilation given the design of the proposed building to accommodate the boarding house.</p>	<p>N/A</p> <p>Yes</p>
<b>Section 2.14 External Building Elements</b>		
<ul style="list-style-type: none"> <li>• <b>Roof</b> <ul style="list-style-type: none"> <li>- Articulated.</li> <li>- 450mm eaves overhang minimum.</li> <li>- Not to be trafficable Terrace.</li> <li>- Skylights to be minimised and placed symmetrically.</li> <li>- Front roof plane is not to have both dormer windows and skylights.</li> <li>- Attic to be within roof space</li> </ul> </li> </ul>	<p>Articulated roof proposed.</p> <p>Flat roof proposed however eaves have been included in the design to assist with energy efficiency.</p> <p>No proposed trafficable terrace.</p> <p>No skylights proposed.</p> <p>No dormer windows or skylights proposed.</p> <p>No attic proposed.</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>
<b>Section 2.15 Fences</b>		
<ul style="list-style-type: none"> <li>• <b>Front/return:</b> <ul style="list-style-type: none"> <li>- To reflect design of dwelling.</li> <li>- To reflect character and height of neighbouring fences.</li> <li>- Max 900mm high for solid (picket can be 1m).</li> <li>- Max 1.8m high if 50% open (any solid base max 900mm).</li> <li>- Retaining walls on front building max 900mm.</li> <li>- No colourbond or paling</li> <li>- Max pier width 350mm.</li> </ul> </li> </ul>	<p>No proposed front/return fencing. Existing return fencing to be retained.</p> <p>As above.</p> <p>As above.</p> <p>As above.</p> <p>As above.</p> <p>As above.</p> <p>As above.</p> <p>As above.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>



**ITEM 3 (continued)**

**ATTACHMENT 3**

Ryde DCP 2014	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> <li>• <b>Side/rear fencing:</b></li> <li>- 1.8m max o/a height.</li> </ul>	Proposed side/rear fencing to be 1.8m high.	Yes
<b>Part 3.5: Boarding Houses</b>		
<b>Section 2.3 Development subject to provisions of Part 2 of the ARHSEPP</b>		
(a) All boarding house developments are to be designed to be compatible with the character of the local area.	Proposed boarding house development is considered to be compatible with the character of the local area in regards to its scale and architectural design and presentation to Culloden Road. This is because the building to contain the boarding house essentially takes on the appearance of a two-storey dwelling house with compliant building heights, setbacks, and floor space ratio. Although the development has a contemporary style, it can be expected that as new houses replace the remaining old original houses in the area over time, they too will adopt a style contemporary to the period in which they are built. In this regard, the result is a building that is considered to be compatible with the character of the local area in the required sense of capable of existing in harmony with existing and likely future development.	Yes
(b) Where external changes, including building and/or construction work, are proposed, a Local Area Character Statement is to be prepared and submitted with the development application.	A comprehensive Local Area Character Assessment is contained within the Statement of Environmental Effects submitted with the development application. This assessment appropriately	Yes

**ITEM 3 (continued)**

**ATTACHMENT 3**

Ryde DCP 2014	PROPOSED	COMPLIANCE
<p>(c) Boarding house development located in the vicinity of a Heritage Item or within a Heritage Conservation Area must be designed sympathetically to the significance of the Heritage Conservation Area/Item.</p> <p>(d) The design of boarding house development is to take into consideration any desired future character objectives of urban centres identified under the RLEP2014, RLEP (Gladesville Town Centre and Victoria Road Corridor) 2014 and Part 4 Urban Centres of this DCP.</p> <p><b>Size and Scale</b></p> <p>(e) In the R1 General Residential and R2 Low Density Residential zones, a maximum number of 12 bedrooms per boarding house will be permitted.</p>	<p>utilises the methodology set out in Schedule 2 of Part 3.5 of the Ryde DCP 2014 and also correctly references relevant case law established in the NSW Land and Environment Court on the matter of establishing the 'local area' to which the site relates, and also the questions to be answered in determining whether a development is compatible with this established local area.</p> <p>Proposed site is not within the vicinity of a heritage item or heritage conservation area.</p> <p>The proposed site is not within any of the urban centres identified in the Ryde LEP 2014 or Ryde DCP 2014.</p> <p>9 bedrooms proposed.</p>	<p>N/A</p> <p>N/A</p> <p>Yes</p>

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Ryde DCP 2014	PROPOSED	COMPLIANCE
(f) Notwithstanding compliance with numerical standards under the ARHSEPP and LEP, applicants must demonstrate that the bulk and relative mass of development is acceptable for the street and adjoining dwellings in terms of:	See Part 3.3 of Ryde DCP 2014 Compliance check above.	Yes
(i) Overshadowing and privacy	As above	Yes
(ii) Streetscape (bulk and scale)	As above	Yes
(iii) Building setbacks	As above	Yes
(iv) Parking and traffic generation	As above	Yes
(v) Landscape requirements	As above	Yes
(vi) Visual impact and impact on existing views (this must address view sharing)	As above	Yes
(vii) Any significant trees on site, and	As above	Yes
(viii) Lot size, shape and topography.	As above	Yes
<b>Parking and Traffic</b>		
(g) Parking spaces and access are not to be located within communal open space areas or landscaped areas.	Parking is not located within communal open space areas or landscaped areas.	Yes
(h) Notwithstanding the requirements of Part 9.3 Parking Controls under this DCP, a boarding house development for 30 or more bedrooms is to be supported by a Traffic and Parking Impact Assessment Report, prepared by a suitably qualified person.	Proposal is for boarding house with 9 bedrooms.	N/A
<b>Section 3.2 Privacy (Acoustic and Visual) and Amenity</b>		
(a) The main entrance of the boarding house is to be located and designed to address the front (street) elevation.	The building is considered to adequately address Culloden Road through provision of appropriate windows on both the first and ground floor facing the street, clear	Yes

**ITEM 3 (continued)**

**ATTACHMENT 3**

<b>Ryde DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<p>(b) Access ways to the front entrance of the boarding house are to be located away from windows to boarding rooms to maximise privacy and amenity for lodgers.</p> <p>(c) Boarding houses are to be designed to minimise and mitigate any impacts on the visual and acoustic privacy of neighbouring buildings and on the amenity of future residents.</p> <p>(d) An acoustic report prepared by a suitably qualified acoustic consultant may be required where there is the potential for noise impacts on occupants and neighbours.</p>	<p>sightlines to the front door as well as the double garage adjacent. As such it appears consistent with other dwelling houses within the street. Disabled room 1 includes a front facing window however it includes a full height powder coated aluminium batten sliding privacy screen.</p> <p>See Part 3.3 of the Ryde DCP 2014 Compliance Check above. Additionally, minimal side facing windows are proposed.</p> <p>No acoustic report submitted, however due to the modest side of the development it is considered that there is limited potential for noise impact on occupants and neighbours. Additionally, the subject development application has been referred to Council's Environmental Health Officers who have recommended a number of conditions of consent in order to maintain acoustic amenity to neighbouring properties.</p>	<p>Yes</p> <p>Yes</p>
<b>Section 3.3 Accessibility</b>		
<p>(a) All boarding house developments are to be accompanied by an Accessibility Report which addresses the accessibility requirements for people with disabilities, where required, under the BCA and Disability (Access to Premises – Buildings) Standards 2010.</p>	<p>Accessibility Report submitted. The Report states the proposed development complies with relevant accessibility requirements. Additionally, the subject development application has been referred to Council's Building Surveyors who have indicated that the proposed</p>	<p>Yes</p>

**ITEM 3 (continued)**

**ATTACHMENT 3**

<b>Ryde DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
	development is satisfactory when having regard to the provisions contained within the BCA. Further conditions of consent have been recommended to ensure compliance with the relevant Australian Standards and BCA.	
<b>Section 3.4 Waste Minimisation and Management</b>		
(a) Waste storage and recycling facilities shall be provided on the premises in accordance with the requirements for boarding houses contained in Part 7.2 Waste Minimisation and Management of this DCP.	See Part 7.2 below.	
<b>Section 3.5 Sustainability and Energy Efficiency</b>		
A BASIX Certificate is to be submitted with the Development Application.	BASIX Certificate and Section J report under the BCA submitted that demonstrates compliance with thermal, energy and water. Additionally, the subject development application has been referred to Council's Environmental Health Officers/Building Surveyors who have indicated that the proposed development is satisfactory subject to conditions.	Yes
<b>Section 3.6 Internal Building Design</b>		
(a) As a minimum, in the R2 Low Density Residential zone (and where Class 1b under the BCA) boarding houses shall make provision for the following facilities within each building;		

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**ATTACHMENT 3**

Ryde DCP 2014	PROPOSED	COMPLIANCE
(i) storage for occupants;	Proposed storage areas are considered appropriate for the development (2 storerooms provided on the ground floor as well as the proposed basement storage area).	Yes
(ii) laundry facilities;	Adequate laundry facilities are proposed.	Yes
(iii) sanitary facilities.	Adequate sanitary facilities are proposed.	Yes
(d) All boarding house developments are to be designed to optimise safety and security, both internal to the development and for the public domain by employing design criteria including:		
(i) maximising overlooking of public and communal spaces while maintaining internal privacy;	Boarding house design maximises overlooking of public and communal spaces to ensure appropriate passive surveillance of such areas while maintain internal and cross boundary privacy through utilisation of privacy screens where necessary.	Yes
(ii) avoiding dark and non-visible areas;	Side entrances to the proposed boarding house does provide a potential dark and non-visible areas however this can be mitigated via conditions of consent for lockable front side access gates plus sensor lighting to ensure front of site is adequately lit.	Yes, subject to conditions of consent
(iii) locating communal and common areas in safe and accessible locations;	Communal and common areas including side entranceways are considered to be safe and accessible subject to conditions stated above.	Yes, subject to conditions of consent



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Ryde DCP 2014	PROPOSED	COMPLIANCE
(iv) providing lighting appropriate to the location and desired activities;	No lighting details provided. To be conditioned utilising Council's standard conditions.	Yes, subject to conditions of consent
(v) providing clear definition between public and private spaces.	Clear definition between public and private spaces provided. The building typically takes on the appearance of a two storey dwelling house, and as such the typical public and private land definitions associated with dwelling houses are inherent in the design of the proposed development.	Yes
<b>Specific Rooms, Areas and Facilities</b>		
(e) The development is to be designed to meet the requirements identified in the following table.	See assessment below.	
<b>(i) Bedrooms / Boarding Rooms:</b>		
(a) Boarding rooms are to be designed as the principal place of residence for occupants.	Boarding house has been designed as a principal place of residence for occupants, including bedrooms with kitchens and bathrooms, along with common kitchen, living room, laundry, private open space and storage. This design is considered to cater to the needs of occupants to ensure the boarding house is capable of being used as a place of residence.	Yes
(b) No boarding rooms shall open directly onto communal living, dining and kitchen areas.	Boarding rooms do not open onto kitchen/dining areas.	Yes
(c) Each boarding room (excluding any private kitchen or bathroom facilities) must comply with the minimum areas identified in the ARHSEPP. Plans shall	All boarding rooms excluding any private kitchen or bathroom facilities have a minimum of 12m <sup>2</sup> for single lodgers and 16m <sup>2</sup> in any	Yes

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**ATTACHMENT 3**

Ryde DCP 2014	PROPOSED	COMPLIANCE
<p>clearly show the size and maximum occupation of each room. Boarding rooms less than the minimum size will not be supported.</p> <p>(d) Where additional facilities are proposed in boarding rooms, the following additional gross floor areas apply:</p> <p>(i) Minimum 2.1m<sup>2</sup> for any ensuite, which must comprise a hand basin and toilet; plus</p> <p>(ii) 0.8m<sup>2</sup> for any shower in the ensuite (in addition to above); plus</p> <p>(iii) 1.1m<sup>2</sup> for any laundry, which must comprise a wash tub and washing machine; plus</p> <p>(iv) 2m<sup>2</sup> for any kitchenette, which must comprise a small fridge, cupboards and shelves (in addition to required wardrobe space), a microwave, and a minimum of 0.5m<sup>2</sup> bench area.</p> <p><b>(ii) Communal Living Rooms</b></p> <p>(a) Indoor communal living rooms/areas are to be located:</p> <p>(i) near commonly used spaces, such as kitchen, laundry, lobby entry area, or manager's</p>	<p>other case</p> <p>All exceed 2.1m<sup>2</sup>.</p> <p>All exceed 0.8m<sup>2</sup>.</p> <p>Laundry exceeds 1.1m<sup>2</sup> and comprises a wash tub and washing machine.</p> <p>All kitchenettes provided in boarding rooms exceed 2m<sup>2</sup> that comprise a small fridge, cupboards and shelves. Further All kitchenettes have a minimum of 0.5m<sup>2</sup> bench area. A microwave is not identifiable on the submitted plans within each boarding room however this level of detail is not considered to be typically indicated on development application plans. Nevertheless, a condition of consent is recommended to ensure each kitchenette complies with this component of the Ryde DCP 2014.</p> <p>Living room is located adjacent to the laundry, veranda and kitchenette.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

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**ATTACHMENT 3**

Ryde DCP 2014	PROPOSED	COMPLIANCE
<p>office; (ii) adjacent to the communal open space; and (iii) where they will have a minimal impact on bedrooms and adjoining properties in terms of noise generation.</p> <p>(b) Class 1b boarding houses must have indoor communal living areas of a minimum 12.5m<sup>2</sup> or 1.25m<sup>2</sup>/resident, whichever is greater. Class 3 Boarding Houses must provide a common living area a minimum 15m<sup>2</sup> in area, with a further 15m<sup>2</sup> provided for each additional 12 persons thereafter.</p> <p><b>Note: 9 residents proposed, therefore 12.5m<sup>2</sup> of indoor communal living areas required.</b></p> <p>(c) Openings are to be oriented away from adjoining residential properties to minimise overlooking and maximise privacy and amenity.</p>	<p>Living room is adjacent to the communal open space. The location of the proposed living room will have a minimal impact on the bedrooms within the development and the adjoining properties. Living room is measured as exceeding 20m<sup>2</sup>.</p> <p>The rear living room includes a north-east side facing window however this part of the building has an increased side setback of 3.29m, a privacy screen is to be fitted to the full length of the north-east side of the deck to preclude any overlooking, and, significant screen planting is proposed to increase privacy. Accordingly, despite the side opening/window, the privacy of the adjoining property will not be jeopardised. Furthermore, the door is orientated to the rear of the property.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No - justifiable</p>

**ITEM 3 (continued)**

**ATTACHMENT 3**

Ryde DCP 2014	PROPOSED	COMPLIANCE
<p><b>(iii) Communal Kitchen and Dining Areas</b></p> <p>(a) Where communal kitchens are provided, they are to be in a location accessible to all residents.</p> <p>(b) A communal kitchen area is to be provided with a minimum area of 6.5m<sup>2</sup> in total or 1.2m<sup>2</sup> for each resident occupying a boarding room that does not contain a kitchenette, whichever is greater, and is to contain:</p> <p>(i) One sink for every 6 people, or part thereof, with running hot and cold water; and</p> <p>(ii) One stove top cooker for every 6 people, or part thereof, with adequate exhaust ventilation.</p> <p>(c) A combined kitchen and dining area must have a minimum area of 15m<sup>2</sup> with an additional 1m<sup>2</sup> per room in a development that contains 12 or more bedrooms.</p> <p>(d) No bathrooms, toilets or boarding rooms shall open directly on to communal kitchen facilities.</p> <p>(e) Where food is proposed to be provided as part of Boarding House operations, or is for sale, kitchen and food areas shall comply with the National Code for the Construction and Fitout of Food Premises and be provided with sufficient ventilation in</p>	<p>Accessible location in main living area. Accessibility Report submitted that has been assessed by Council's Building Surveyor who has indicated no objection to the proposed development subject to conditions.</p> <p>Communal kitchen area exceeds &gt; 6.5m<sup>2</sup>.</p> <p>Only one (1) sink provided (requires 2 1/6 sink).</p> <p>Only one stove top cooker provided (requires 2 1/6 stove top).</p> <p>Approx. min. 25m<sup>2</sup> provided</p> <p>No bathrooms, toilets or boarding rooms open directly on to communal kitchen.</p> <p>Not proposed within subject boarding house.</p>	<p>Yes</p> <p>Yes</p> <p>No - condition</p> <p>No - condition</p> <p>Yes</p> <p>Yes</p> <p>N/A</p>

**ITEM 3 (continued)**

**ATTACHMENT 3**

Ryde DCP 2014	PROPOSED	COMPLIANCE
<p>accordance with the BCA. (f) Kitchen facilities shall be available for all lodgers 24 hours per day/ 7 days per week.</p>	<p>Kitchen available 24/7.</p>	<p>Yes</p>
<p><b>(iv) Bathroom Facilities</b> (a) In all boarding houses communal bathroom facilities must be in an accessible location for all occupants 24 hours per day.</p>	<p>The proposed development includes en-suite bathrooms in each of the boarding rooms, but no communal bathroom area. It is noted however that a Powder Room with a toilet and washbasin is provided adjacent to communal laundry and communal living area in an accessible location.</p>	<p>N/A</p>
<p>(b) Bathrooms should be a minimum of 5m<sup>2</sup>.</p>	<p>No communal bathrooms proposed – see above.</p>	<p>N/A</p>
<p>(c) Where ensuite bathroom facilities are provided in boarding rooms, the overall facilities must comply with the minimum facility requirements for the total occupancy of the overall premises.</p>	<p>The proposed development includes en-suite bathrooms in each of the boarding rooms. As demonstrated above, these en-suite bathrooms comply with the facility requirements previously in this table – i.e. minimum hand wash basin, shower, laundry and kitchenette sizes.</p>	<p>Yes</p>
<p><b>(v) Laundries and Drying Facilities</b></p>	<p>4.65m<sup>2</sup> of laundry facilities is provided. (4.25m<sup>2</sup> required).</p>	<p>Yes</p>
<p>(a) Laundry and drying facilities are to be provided for all lodgers. Where lodgers do not have their own laundry facilities, the following is to be provided: (i) A minimum space of 4m<sup>2</sup> for every 12 lodgers; an additional 3m<sup>2</sup> for every additional 12 lodgers or part thereof;</p>		

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**ATTACHMENT 3**

Ryde DCP 2014	PROPOSED	COMPLIANCE
<p>(ii) 15m<sup>2</sup> external clothes drying area for every 12 residents in an outdoor area (can be retractable).</p> <p>(b) Outside drying areas shall be located in a communal open space in a location which maximises solar access and ensures that the usability of the space is not compromised.</p> <p>(c) Internal drying and laundry facilities shall be located in a safe and accessible location for all residents, and separate from communal kitchen facilities.</p> <p><b>(vi) Management Office Design</b></p> <p>(a) Where management offices are to be provided, they are to be located at a central, visible point which is convenient to occupants of and visitors to the boarding house.</p>	<p>2m<sup>2</sup> of external clothes line is proposed for 13 residents.</p> <p>Outside drying area is located in the rear POS in a location which maximises solar access.</p> <p>Internal drying facilities are not indicated on the plans. Condition recommended.</p> <p>No management office required due to size of the proposed boarding house development.</p>	<p>No - condition</p> <p>Yes</p> <p>No - condition</p> <p>N/A</p>
<b>Section 4.0 Management</b>		
<p>(a) All boarding houses are required to be managed by a manager who has overall responsibility including the operation, administration, cleanliness, maintenance and fire safety of the premises. Management arrangements are to be set out in a Plan of Management.</p> <p>(b) A Plan of Management is to be submitted with each Development Application for a boarding house. The Plan of Management, as a minimum, must address the ongoing management and operational aspects of the boarding house identified in the template attached</p>	<p>Boarding house proposed to be managed by an off-site manager, as covered in the Plan of Management submitted by the applicant. Condition to be imposed binding the Plan of Management.</p> <p>A Plan of Management has been submitted as part of the proposed development which has been assessed as satisfactory when having regard to the template contained within Schedule 2 of Part 3.5 of the Ryde DCP 2014.</p>	<p>Yes</p> <p>Yes</p>



**ITEM 3 (continued)**

**ATTACHMENT 3**

<b>Ryde DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<p>to this Part (refer Schedule 2 Template for Plan of Management).</p> <p>(c) The name and contact details of the manager or managing agent is to be displayed at all times externally at the front entrance on the boarding house.</p> <p>(d) Occupiers of adjacent properties are to be provided with a 24 hour telephone number for a principal contact (for example owner or manager) for use in the event of an emergency.</p>	<p>No details provided to confirm this.</p> <p>No details provided to confirm this.</p>	<p>No - condition</p> <p>No - condition</p>
<b>Part 7.2 – Waste Minimisation and Management</b>		
<b>Section 2.3 All Developments</b>		
<p>(a) Developments must provide space on-site for the sorting and storage of waste in containers suitable for collection.</p> <p>(b) The size of storage areas and number of storage containers required must be sufficient to handle and store the waste likely to be generated and stored on the premises between collections.</p>	<p>Space on-site is provided for the sorting and storage of waste within the undercroft carport.</p> <p>Proposal requires 40L per person per week of general waste &amp; 35L per person per week of recyclable waste = 520L general waste and 455L recyclable.</p> <p>Proposed is 480L for both general and recyclable.</p> <p>Despite this, Council’s Environmental Health Officer’s have assessed the proposed development and determined the proposed waste arrangements to be satisfactory, subject to specific conditions of consent. In this regard, to proposal is considered to satisfactorily comply.</p>	<p>Yes</p> <p>Yes</p>

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**ATTACHMENT 3**

Ryde DCP 2014	PROPOSED	COMPLIANCE
(c) Additional space must be provided for the storage of bulky wastes where appropriate.	No significant bulky waste likely to be generated by proposed boarding house.	N/A
(d) Allowance must be made for the storage of green waste where relevant.	Allowance made for the storage of green waste within the undercroft carport.	Yes
(e) All waste containers must be stored within the boundaries of the site unless otherwise approved by Council under Section 68 of the Local Government Act 1993.	All waste containers proposed to be contained within the site.	Yes
(f) All applications for development, including demolition, construction and the ongoing use of a site/premises, must be accompanied by:		
(i) a Site Waste Minimisation and Management Plan (SWMMP);	A SWMMP has been submitted	Yes
(ii) location and design details of waste storage facilities on the site.	Location details of waste storage facilities have been provided.	Yes
(g) In all development, waste and recycling storage areas and facilities should be provided and be located in positions that:		
(i) provide easy, direct and convenient access for the users of the facility;	Proposed garbage area located in easy, direct and convenient location.	Yes
(ii) permit easy transfer of bins to the collection point if relocation of bins is required;	Proposed garbage area permits easy transfer of bins to collection point (street kerb).	Yes
(iii) permit easy, direct and convenient access for collection service providers;	Proposed garbage collection will utilise street kerb collection.	N/A
(iv) do not intrude on car parking, landscaping, access and turning areas required for the type and scale of development;	Proposed garbage storage area does not intrude on car parking, landscaping, access	Yes
(v) do not reduce amenity		

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**ATTACHMENT 3**

Ryde DCP 2014	PROPOSED	COMPLIANCE
<p>(minimises the potential for noise, odour and other amenity and environmental impacts on residents and other occupants);</p> <p>(vi) maximize protection of trees and significant vegetation.</p> <p>(h) In cases where the waste storage areas and facilities are likely to be visible from the street, the design and location of waste storage areas/facilities should be such that they compliment the design of both the development and the surrounding streetscape. Design elements such as fencing, landscaping and roof treatments may be used.</p> <p>(i) No incineration devices are permitted.</p> <p>(j) A collection point for waste collection is to be identified on the plans submitted with the development application. The collection point must be conveniently located for users and services purposes and sited so that waste collection vehicles do not impede the access to the site or car parking facilities when servicing the bins so that waste can be safely and easily collected.</p> <p>(k) The path for wheeling bins between the waste and recycling storage room/area and the vehicle collection point must be free of steps and kerbs and, in the case of residential</p>	<p>or turning areas. Access is available along the side boundary adjacent to the undercroft carport.</p> <p>No impacts on residents. Proposed garbage storage area is also unlikely to affect neighbours as garbage area has privacy screen and enclosed by return wall.</p> <p>No impact on trees on site. Waste storage area will not be visible from street due to screen for the car parking and screens for the bin area.</p> <p>No incineration devices proposed.</p> <p>Proposed garbage collection will utilise street kerb collection.</p> <p>Proposed path from storage area to street kerb is free of steps and kerbs and is 1 in 18 gradient.</p>	<p>Yes</p> <p>Yes Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p>

**ITEM 3 (continued)**

**ATTACHMENT 3**

Ryde DCP 2014	PROPOSED	COMPLIANCE
<p>development, of a gradient of less than 14:1, and for all other development types, of a grade to the satisfaction of Council. The waste storage area must be as close as practicable to the collection point.</p> <p>(l) Access driveways and service areas for waste collection vehicles must be designed in accordance with Australian Standard AS 2890.2-2002 <i>Parking Facilities – Part 2: Off-street commercial vehicle facilities</i>.</p> <p>(m) All waste facilities must comply with the Building Code of Australia (BCA) and all relevant Australian Standards (AS).</p> <p>(n) Heritage conservation considerations may alter requirements of this Part in the refurbishment of existing buildings. Designs should be discussed with Council’s Heritage Advisor.</p> <p>(o) Any equipment, such as volume reducing equipment, will be required to be installed in accordance with the manufacturer’s instructions.</p> <p>(p) Where commercial food preparation is carried out on the premises, the waste storage area is to be designed with a cover to exclude rainwater and a floor to be graded and drained to the sewerage system. The area is to be readily accessible for servicing and suitably screened from public view.</p>	<p>No waste collection vehicles entering the site.</p> <p>The proposal has been referred to Council’s Building Surveyor and Environmental Health Officers who have indicated no objection to the proposed development subject to conditions. Subject site is not located near any heritage items or within a heritage conservation area.</p> <p>No equipment required to be installed.</p> <p>No commercial food preparation proposed to be carried out on site.</p>	<p>N/A</p> <p>Yes</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>

**ITEM 3 (continued)**

**ATTACHMENT 3**

Ryde DCP 2014	PROPOSED	COMPLIANCE
<b>Section 2.4 – Demolition and Construction</b>		
(a) Demolition activity must comply with relevant Australian Standards and WorkCover requirements.	No proposed demolition.	N/A
(b) Demolition is to be carried out using the process of deconstruction where materials are carefully dismantled and sorted. A Demolition Work Plan is required to be submitted.	As above.	N/A
(c) A dedicated area is to be allocated on-site for the stockpile of materials for reuse, recycling or disposal and for site waste bins (for surplus and unwanted materials).	Noted, to be covered by Standard Condition.	Yes
(d) Construction materials are to be stored away from the waste materials stored on-site for collection to enable easy access for waste collectors.	Noted, to be covered by Standard Condition.	Yes
<b>Section 2.6 Multi Dwelling Housing developments (3 or more dwellings) and Residential Flat Buildings (up to 3 storeys)</b>		
<ul style="list-style-type: none"> <li>• <b>All Developments</b></li> <li>(a) Space must be provided inside each dwelling for receptacles to store garbage and recycling material. The area is to have the capacity to store two day's worth of materials.</li> </ul>	Space available to store two days worth of garbage and recycling materials.	Yes
<ul style="list-style-type: none"> <li>• <b>Individual Bin Storage – smaller scale developments</b></li> <li>(b) Multi Dwelling Housing developments that do not meet the requirements for individual bin storage, and Residential Flat Developments of up to 3 storeys, must have communal bin storage areas designed and constructed in accordance with <b>Schedule 4: S4.1. Residential Bin Storage Areas.</b></li> </ul>	Not applicable as individual bin storage is not proposed.	N/A

**ITEM 3 (continued)**

**ATTACHMENT 3**

Ryde DCP 2014	PROPOSED	COMPLIANCE
<p>• <b>Communal Bin Storage – larger scale developments</b>                      (c) Multi Dwelling Housing developments that do not meet the requirements for individual bin storage, and Residential Flat Developments of up to 3 storeys, must have communal bin storage areas designed and constructed in accordance with <b>Schedule 4: S4.1. Residential Bin Storage Areas.</b>                      (d) Communal bin storage areas are to be located so as they can be screened from the street and in a position which is convenient for users and waste collection staff.                      (e) To facilitate servicing by waste collection staff, communal bin storage areas must not be more than 15 metres from the street kerb.                      (f) For developments where bulk bins are provided for waste (i.e. 660/1100 litre skip bins) the bulk bins should be contained within waste and recycling storage rooms designed and constructed in accordance with the requirements of Schedule 4 (refer S4.2 Waste and Recycling Storage Rooms).                      (g) For developments comprising 30 or more dwellings, a separate room or undercover caged area of a minimum 5 square metres, with instructive signage must be provided for the storage of bulky discarded items such as furniture and white</p>	<p>Proposal complies with Schedule 4.</p> <p>Communal bin storage is screened by timber batten privacy screens and in a position which is convenient for users and waste collection staff.</p> <p>Communal bin storage area &lt;15m from kerb.</p> <p>Bulk bins not provided.</p> <p>Not applicable to subject proposal.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>N/A</p>



**ITEM 3 (continued)**

**ATTACHMENT 3**

Ryde DCP 2014	PROPOSED	COMPLIANCE
<p>goods, awaiting Council pickup, to prevent illegal dumping in the public domain. Bulky items storage areas should be located adjacent to waste storage areas.</p> <p>(h) Where collection vehicles are required to drive into a property to collect waste and recycling, adequate access must be provided for the users, waste collection staff and collection vehicles, and:</p> <p>(i) the site must be designed to allow collection vehicles to enter and exit the property in a forward direction with minimal need for reversing and to be operated with adequate clearances; and</p> <p>(ii) the access and manoeuvring space are to be suitable for the collection vehicle in terms of pavement strength, spatial design, access width and clearances. Appendix C Collection Vehicles and Appendix D Vehicle access/Turning Circles under the Better Practice Guide for Waste Management in Multi-Unit Dwellings, DECC 2008 are to be used as a guide.</p>	<p>Collection vehicles not required to drive into property.</p>	<p>N/A</p>
<p><b>Part 8.2 – Stormwater Management</b></p>		
<p>• <b>Stormwater</b></p> <p>- Drainage is to be piped in accordance with Part 8.2 – Stormwater Management.</p>	<p>Application has been referred to Council’s Development Engineer who has indicated no objection to the proposed development, subject to conditions.</p>	<p>Yes</p>
<p><b>Part 9.2 – Access for People with Disabilities</b></p>		
<p>Accessible path required from the street to the front door, where the level of land permits.</p>	<p>Accessible path from the street to the front door, provided.</p>	<p>Yes</p>



**ITEM 3 (continued)**

**ATTACHMENT 3**

<b>Ryde DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<p>(f) Bicycle parking is to be located in accordance with Safer by Design principles</p> <p>(h) Provide secure bicycle storage in all residential developments except for developments with a minimum of 600m<sup>2</sup>, dwelling houses and multi-unit (villa) housing.</p>	<p>Bicycle parking is considered to be safe and in a secure located outside of the view from the public domain.</p> <p>Not applicable as subject site exceeds 600m<sup>2</sup>.</p>	<p>Yes</p> <p>N/A</p>
<b>Part 9.5 – Tree Preservation</b>		
<p>Where the removal of tree(s) is associated with the redevelopment of a site, or a neighbouring site, the applicant is required to demonstrate that an alternative design(s) is not feasible and retaining the tree(s) is not possible in order to provide adequate clearance between the tree(s) and the proposed building and the driveway.</p> <p>Note: A site analysis is to be undertaken to identify the site constraints and opportunities including trees located on the site and neighbouring sites. In planning for a development, consideration must be given to building/site design that retains healthy trees, as Council does not normally allow the removal of trees to allow a development to proceed. The site analysis must also describe the impact of the proposed development on neighbouring trees. This is particularly important where neighbouring trees are close to the property boundary. The main issues are potential damage to</p>	<p>No trees located on site. The subject site is currently vacant.</p>	<p>N/A</p>

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<b>Ryde DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
the roots of neighbouring trees (possibly leading to instability and/or health deterioration), and canopy spread/shade from neighbouring trees that must be taken into account during the landscape design of the new development.		

<b>BASIX</b>	<b>PROPOSAL</b>	<b>COMPLIANCE</b>
All ticked "DA plans" commitments on the BASIX Certificate are to be shown on plans (list) <b>BASIX Cert 579428M_03 dated 02 October 2014</b>	BASIX commitments indicated on plans. To be read in conjunction with Section J BCA Report submitted with the development application.	Yes
• RWT 4000L	4000 RWT proposed	Yes
• Thermal Comfort Commitments: - Construction - TCC – Glazing.	To Comply To Comply	Yes Yes
• HWS Gas Instantaneous 3 star.	To Comply	Yes
• Natural Lighting Principal Dwelling - Kitchen - bathrooms (6)	To Comply. To Comply	Yes Yes Yes
Water Target 40	Water:40	Yes
Energy Target 35	Energy:36	Yes
Correct description of property/proposal on 1 <sup>st</sup> page of Certificate.	Correct details shown	Yes

Summary of Issues/Non compliances:

*Non compliances justifiable:*

- Topography and Excavation
- Maximum cut / fill within the building footprint exceeded.

**ITEM 3 (continued)**

**ATTACHMENT 3**

- Maximum fill outside of the building footprint exceeded and located within the side setback area.
- Maximum height of retaining walls exceeds 900mm.
- Garage Arrangement
  - The undercroft parking area is setback 700mm behind the front façade, rather than 1000mm as required.
  - The maximum width of the undercroft garage opening is 6.3m, which is greater than the 6m maximum required.
- Landscaping
  - The front garden includes 46.7% of its area as hard paving, which is greater than the 40% maximum required.
- Visual Privacy
  - The proposed development includes one (1) living room window orientated toward the side boundary.
  - Opportunities for overlooking exist with the proposed fill within the side setback for the disabled parking shared zone.

*Non compliances/issues justifiable:*

- Internal Building Design
  - No lighting details shown on plans for common areas etc.
- Communal Kitchen
  - Second sink not provided within communal kitchen as required for a boarding house containing thirteen (13) people.
  - Second stove top cooker not provided within communal kitchen as required for a boarding house containing thirteen (13) people.
- Drying Facilities
  - External clothes drying area of inadequate size as required.
  - Internal clothes drying areas are not indicated on the plans.
- Boarding House Management
  - Name and contact details of the manager to be displayed at all times.
  - Occupiers of adjacent properties to be provided with a 24hr contact number for the boarding house.

*Non compliances/issues not justifiable:*

- Nil.

**ITEM 3 (continued)**

**ATTACHMENT 3**

**Certification**

I certify that all of the issues have been accurately and professionally examined by me.

Name: Ben Tesoriero



Date: 5 February 2015



ITEM 3 (continued)

ATTACHMENT 4

Boarding house Plan of Management & House Rules  
89 Culloden Rd, Marsfield

Attachment 2  
Page 1

**PLAN OF MANAGEMENT**  
**Boarding House**  
**89 Culloden Rd, Marsfield**

**1. INTRODUCTION**

1.1 This Plan of Management provides directions and controls on the use and management of the premise as a Boarding House. The directions and controls are to be strictly adhered to in the operation of the Boarding House, to ensure compliance with the conditions of Development Consent and health and amenity requirements for both the occupants and surrounding residents.

1.2 The Plan of Management refers to the plans prepared by Prescott Architects dated 02 October 2014 and Development Application No. [INSERT NUMBER].

1.3 The Plan of Management has been prepared for a Boarding Housing at premises: 89 Culloden Rd, Marsfield. The Boarding House was approved on [INSERT DATE OF DA CONSENT] and is subject to compliance with the Conditions of Consent [INSERT DA CONSENT NUMBER]. The Conditions of Consent and a copy of the approved plans are provided as **Annexure A** [PROVIDE COPY OF RELEVANT CONSENT AS ANNEXURE A].

1.4 The Boarding House is to be managed by an Off-site Manager who will be familiar with the content of the Plan of Management. The manager's contact details are:

Mr Robert Tan  
172 Ray Rd  
EPPING NSW 2121  
Ph: 0433 253 691

1.5 The location of the premises is shown on Figure 1 – Location Plan.

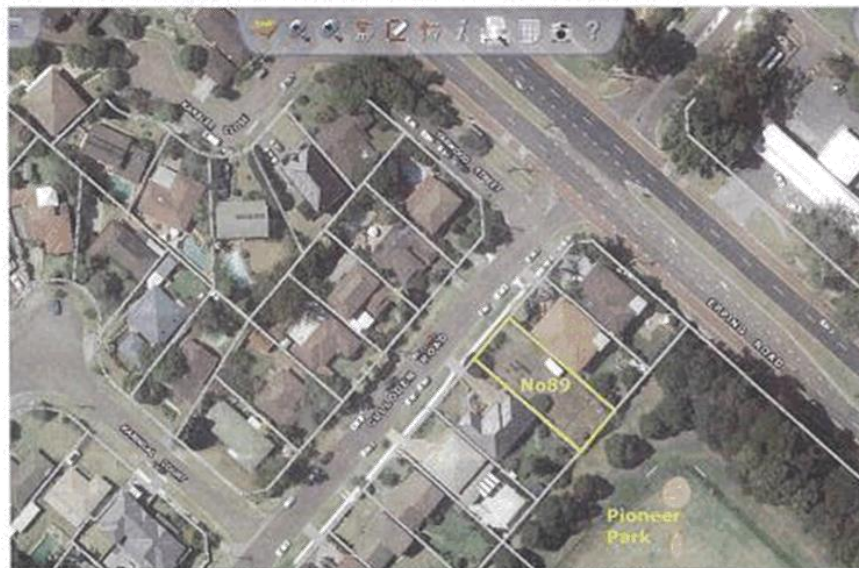


Figure 1: Location Plan of the premises (No89 Culloden Rd, Marsfield)

**2. DEFINITIONS**

2.1 In this Plan of Management:

- a. **Building**: means the building known as 89 Culloden Rd, Marsfield.
- b. **Business**: means the operation of the building as a Boarding House.
- c. **Common Room**: means the room identified as the dining and living room on the approved plans.

*mark shanahan planning pty ltd*

October 2014

**ITEM 3 (continued)**

**ATTACHMENT 4**

**Boarding house Plan of Management & House Rules  
89 Culloden Rd, Marsfield**

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Page 2**

- d. **Common Areas:** means the common room, kitchen, laundry/bathroom, WC, hallways, basement store room and the stairs as identified on the approved plans.
- e. **Common Open Space Area:** means the external communal area including the front yard, side yard, rear yard and rear deck as identified on the approved plans.
- f. **Council:** means City of Ryde Council.
- g. **Boarder, Lodger:** means a person having the benefit of the use a nominated bedroom and the common rooms /areas within the building.
- h. **Manager:** means the Manager engaged by the business proprietor.
- i. **Owner:** means the registered proprietor/s of the building.
- j. **Room:** means that part of the building occupied and used by a lodger.

**3. DUTIES OF THE MANAGER**

3.1 The proprietor shall engage a Manager whose responsibilities are, but not limited to, the following:

The Manager shall:

- a. Be contactable between the hours of 8.00 am to 6.00pm Monday to Saturday inclusive.
- b. Oversee all residential concerns.
- c. Enforce the minimum occupancy period.
- d. Organise the cleaning and maintenance of the common areas and common open space areas.
- e. Enforce the maximum occupancy levels.
- f. Provide lodgers with appropriate information prior to the commencement of occupation.
- g. Carry out inspections on a regular basis at a minimum of once every 3 months to ensure that the building is maintained in a clean and tidy condition and that all facilities and fittings are appropriately maintained.
- h. Record all inspections in a log book which must be made available to Council upon request.
- i. Organise the waste collection and facility needs for the site, and the ongoing storage and collection of waste on-site including transfer of waste to and from collection points for the waste collection service as required, and regular cleaning of bins/waste storage areas/ rooms.
- j. Maintain an incident register.
- k. Maintain the electrical circuits to a safe standard.
- l. Notify the Council in writing within 1 month of any change in the management and provide contact details for the new management.

**4. MAXIMUM NUMBER OF LODGERS**

4.1 The maximum number of lodgers in the building is thirteen (13). The maximum number of persons per bedroom is as follows:

- Bedroom one (1): One (1) person.
- Bedroom two (2): One (1) person.
- Bedroom three (3): One (1) person.
- Bedroom four (4): One (1) person.
- Bedroom five (5): One (1) person.
- Bedroom six (6): Two (2) persons.
- Bedroom seven (7): Two (2) persons.
- Bedroom eight (8): Two (2) persons.
- Bedroom nine (9): Two (2) persons.

It is the Manager's responsibility to ensure that these numbers are not exceeded.

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**ATTACHMENT 4**

**Boarding house Plan of Management & House Rules**  
89 Culloden Rd, Marsfield

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Page 3

**5. MINIMISING IMPACTS ON RESIDENTS**

So as to minimise impacts upon the residents of adjoining premises as well as residents of the building, the following rules apply:

- a. No loud music or television noise is permitted after 10.00pm.
- b. No parties or gatherings are permitted upon the premises after 10.00pm.
- c. No visitors other than residents of the property are permitted after 10.00pm.
- d. No use of the outdoor areas is permitted after 10.00pm.
- e. No smoking in areas which may affect the amenity of other residents of the boarding house or of residents of neighbouring properties.

**6. DISPLAY OF HOUSE RULES**

The house rules are to be clearly displayed throughout the premises and are to detail the following:

**a. Lodger behaviour**

- Lodgers must behave at all times in a manner that does not disturb the right of other lodgers or neighbours to the quiet enjoyment of their property.
- Lodgers must not behave in a way which endangers or threatens the safety of other lodgers or the safe and healthy condition of the premises.
- Lodgers must report to the manager any behaviour by another lodger or a visitor that endangers or threatens a lodger or the safe and healthy condition of the premises.
- The manager shall record these reports in the incidents register and will consider those reports when deciding whether to renew an Occupancy Agreement for the lodger who is the subject of the reports.
- Lodgers must maintain their room and any common areas they use in a clean, tidy and hygienic condition at all times.
- Smoking is not permitted in bedrooms at any time.
- Smoking is only permitted on the premises in the rear yard common area.

**b. Visitor policy**

- A lodger may have no more than two (2) visitors in their room or on the premises at any one time.
- Lodgers are responsible for ensuring that their visitors abide by these house rules at all times.
- Visitors must leave the premises by 10:00pm.

**c. Activities and noise**

- Lodgers shall respect the right of other lodgers and neighbours to the quiet enjoyment of their premises.
- Lodgers shall not make noise by any means (including by voice, music player, computer, TV or musical instruments) at a level that would disturb the quiet enjoyment of other lodgers or neighbours.

**d. Operating hours of outdoor common areas**

- The outdoor common areas (including the deck off the common living/dining room) shall not be used between the hours of 10:00pm and 7:00am.

**e. Emergency contact details**

- In the event of an emergency, ring 000 to alert the relevant emergency authority (Police, Fire Brigade, Ambulance, SES etc).
- The manager (Mr Robert Tan) must also be contacted on 0433 253 691.

**f. Responsible consumption of alcohol**

- Lodgers are responsible for ensuring that they and their visitors observe the responsible consumption of alcohol and at a level which does not give rise to a breach of the house rules.



**ITEM 3 (continued)**

**ATTACHMENT 4**

**Boarding house Plan of Management & House Rules  
89 Culloden Rd, Marsfield**

**Attachment 2  
Page 4**

**g. Illegal drugs**

- No illegal drugs shall be brought onto or consumed at the premises by lodgers or visitors.
- Lodgers shall report to the manager any breach of this rule that they become aware of.
- Any lodger breaching this rule will be liable to immediate eviction.

**h. Pets**

- No pets are permitted to be kept on the premises by lodgers or brought onto the premises by lodgers or visitors.

**i. Parking spaces**

- Vehicles brought on site (cars, motorcycles or bicycles) must be parked wholly within the area designated for parking and not parked on the driveway or any other part of the common area.
- Parking for vehicles is for shared use of lodgers' vehicles only on a first come, first served basis.
- No lodger shall leave a car or motorcycle on the premises for more than a 24 hour period without taking it off the premises at least once in that period.

**j. Clothes drying**

- Only the clothesline shall be used for drying clothes and no clothes shall be hung for drying on the rear deck or any other part of the common area.
- Clothes shall be removed from the clothesline as soon as possible after they are dry and shall not be left on the clothesline for more than 24 hrs at a time.

**7. FIRE SAFETY**

Emergency Management & Evacuation Plans and Fire Mitigation Plans (no smoking or cooking in bedrooms) will form part of this Plan of Management.

The manager is responsible for ensuring that:

- All fire safety features within the building are regularly maintained in accordance with statutory requirements.
- A copy of the annual fire safety statement and current fire safety schedule for the premises is prominently displayed in the reception area.
- A floor plan is permanently fixed to the inside of the door of each sleeping room to indicate the available emergency egress routes from the respective sleeping room.
- All residents are made aware of the fire safety features of the building and what to do in the event of an emergency.
- The manager and any other staff are trained in the operation of the approved Emergency Management & Evacuation Plan.

**8. CLEANING & MAINTENANCE**

The subject premises are at all times to be maintained in a safe and healthy condition. In this regard all common areas are to be cleaned to a professional standard at least once a week. The cleaning and maintenance is to occur to both the area and fixtures and fittings in the area.

In addition all boarders are to be made aware, upon their entering into an agreement to occupy, of their responsibilities in relation to the maintenance and cleaning of the facility.

Further, the common open space areas are to be maintained in a neat and orderly manner and in accordance with the approved Landscape Plan. This will require mowing and garden maintenance at least fortnightly during spring and summer and at least monthly during autumn and winter, and replacement of any plants identified in the approved Landscape Plan that fail to thrive.

**ITEM 3 (continued)**

**ATTACHMENT 4**

**Boarding house Plan of Management & House Rules**  
**89 Culloden Rd, Marsfield**

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**9. BOARDER/ LODGER INFORMATION**

The manager must ensure that all boarders are made aware of the contents and their obligations under this Plan of Management.

In this regard:

- A full copy of this Plan of Management is to be permanently displayed in each boarding room and each common area.
- A copy of the approved Plan of Management is to be made available to Council and adjoining neighbours upon request.

**10. BOARDING HOUSE FURNITURE & FACILITIES**

1. Each boarding room shall be provided with one (1) of each of the following:
  - a. Bed, mattress and bedding
  - b. Student desk & chair
  - c. Desk lamp
  - d. Wardrobe
  - e. Window furnishings (curtain/blind)
2. The communal kitchenette is to be provided with a sink, a cook top and a refrigerator/freezer.
3. The common dining room is to be provided with a dining table and 6 chairs.
4. The common living room is to be provided with a coffee table and seating for 3 people.
5. The laundry is to be provided with at least one washing machine.
6. A broom, bucket and mop are to be kept in the laundry for use by lodgers as necessary.
7. The external doors and each boarding room shall be fitted with a classroom latch (dead bolt) which is able to be opened from the inside by a single handle motion.

**11. WASTE MANAGEMENT & RECYCLING**

Residents are encouraged to take advantage of Council's waste recycling facilities. It is the responsibility of each lodger to sort their own garbage and recyclable waste and place it into the appropriate waste bin. The recycling bins shall be used only for the items identified on the lid of the bin and other waste shall be placed in the general waste bin.

The manager is responsible for waste collection arrangements, including making sure that bins are placed adjacent to the kerb on the day of collection and removed back onto the property promptly after collection, and including the servicing of special waste such as "sharps" and/or sanitary napkin receptacles. Where receptacles are provided for the disposal of sanitary napkins, these are to be serviced and cleaned on a regular basis.

Collection responsibilities of the manager include all regular garbage, recycling and green waste collection services, as well as household cleanup collection, and ensuring goods for collection are managed in accordance with Council's collection requirements.

**12. SAFETY & SECURITY**

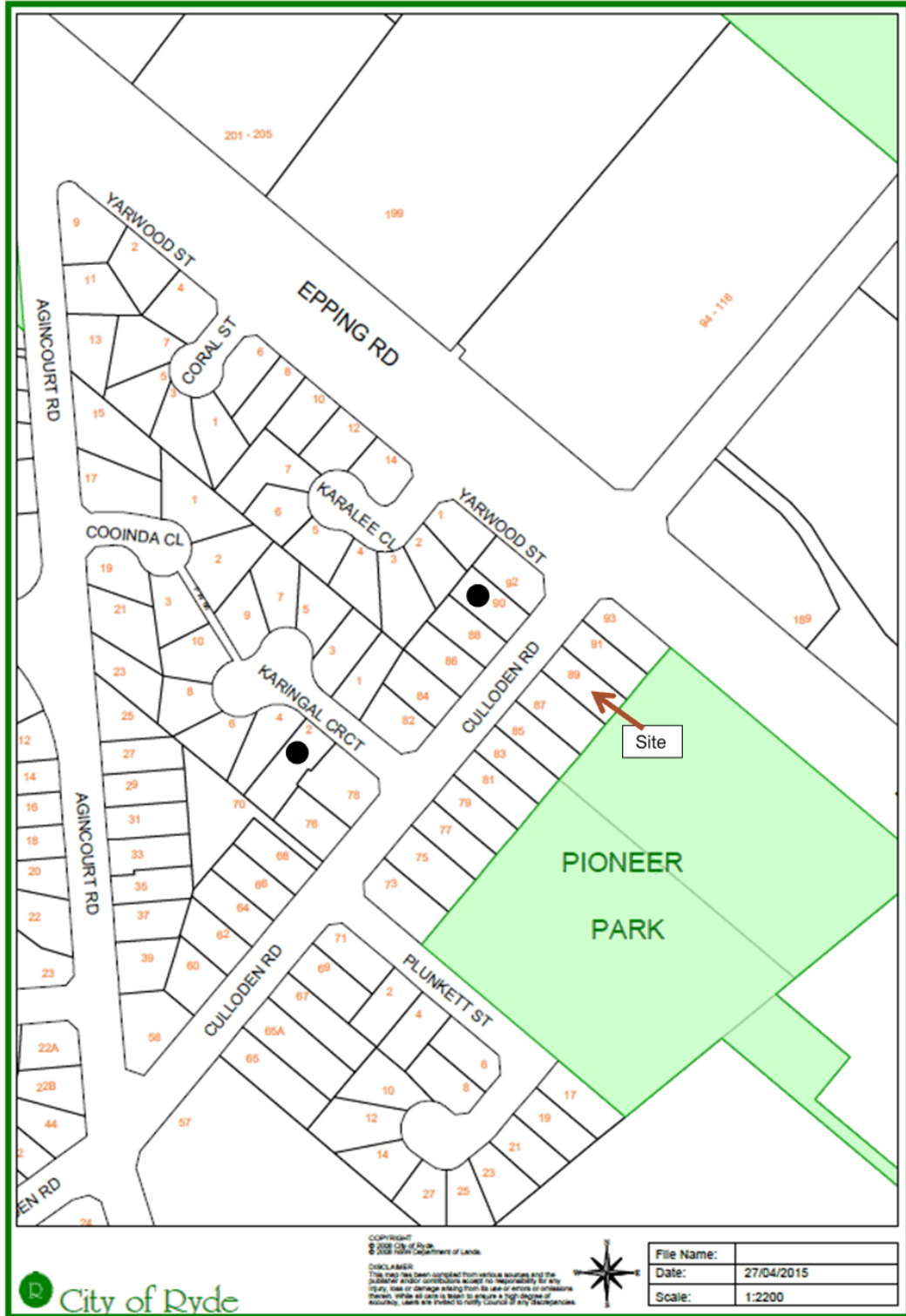
The following items are to be provided within the property:

- Internal signage indicating the manager's name and contact number;
- Emergency contact numbers for essential services including fire, ambulance, police and utilities such as gas, electricity, plumbing and the like;
- Perimeter lighting;
- Individual room keys (a master key is to be maintained by the manager and made available to the fire brigade);
- Landline telephone within a common area available for use by residents in the event of an emergency.

**ITEM 3 (continued)**

**ATTACHMENT 5**

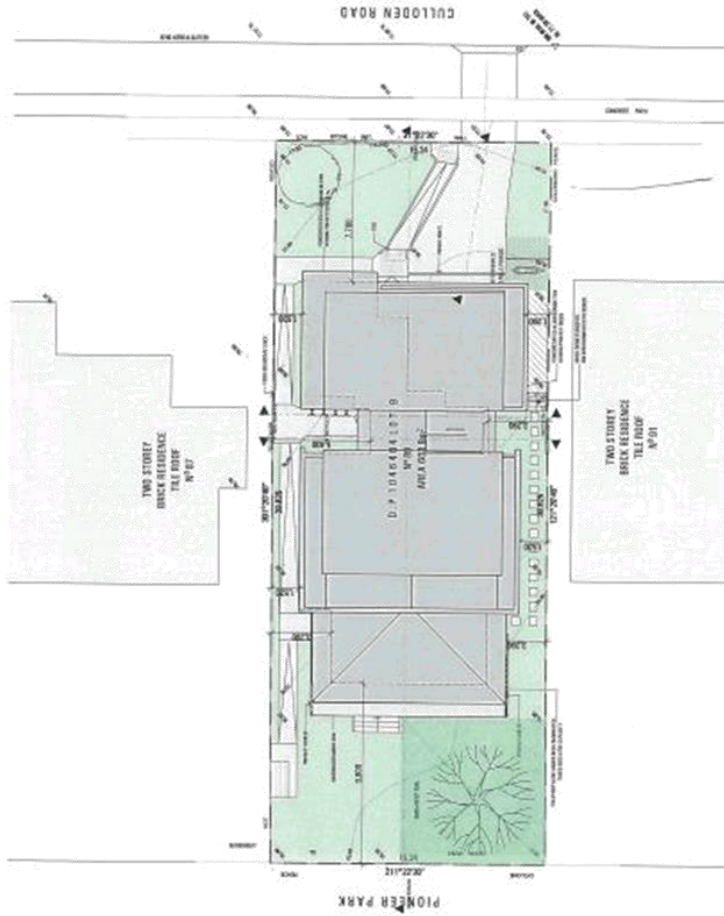
● Indicates submissions received (1 anonymous submission & 1 with no property address also received)





**ITEM 3 (continued)**

**ATTACHMENT 6**



**prescottarchitects**  
 110/111A South Ryde Rd  
 Ryde NSW 1513  
 Phone: (02) 9372 2000  
 Fax: (02) 9372 2001  
 Email: info@prescottarchitects.com.au  
 Website: www.prescottarchitects.com.au

Project: 88 CULLODEN RD  
 Ryde NSW 1513  
 Drawing No: 2, 14, 17  
 Drawing Title: SITE PLAN  
 Drawing Date: 07.10.14  
 Drawing Scale: 1:150 @ A3

NO.	DATE	BY	CHKD	DESCRIPTION
1	07.10.14	...	...	...
2	07.10.14	...	...	...
3	07.10.14	...	...	...
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9	07.10.14	...	...	...
10	07.10.14	...	...	...

**ITEM 3 (continued)**

**ATTACHMENT 6**



**ITEM 3 (continued)**

**ATTACHMENT 6**



**prescottarchitects**  
 10/8 St. Nicholas Street  
 Ryde NSW 1510  
 Phone: 02 9376 3022  
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 Email: info@prescottarchitects.com.au  
 Website: www.prescottarchitects.com.au

Project: 88 COLLODIN RD  
 MANSFIELD  
 Drawing: EAST ELEVATION  
 Date: 21/11/14  
 Drawing No: A3031  
 Scale: 1:100 @ A3

NO.	DATE	DESCRIPTION	BY
1	20/11/14	ISSUED FOR PERMIT	JP
2	18/10/14	ISSUED FOR PERMIT	JP
3	02/10/14	ISSUED FOR PERMIT	JP
4	02/10/14	ISSUED FOR PERMIT	JP
5	02/10/14	ISSUED FOR PERMIT	JP
6	02/10/14	ISSUED FOR PERMIT	JP
7	02/10/14	ISSUED FOR PERMIT	JP
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10	02/10/14	ISSUED FOR PERMIT	JP





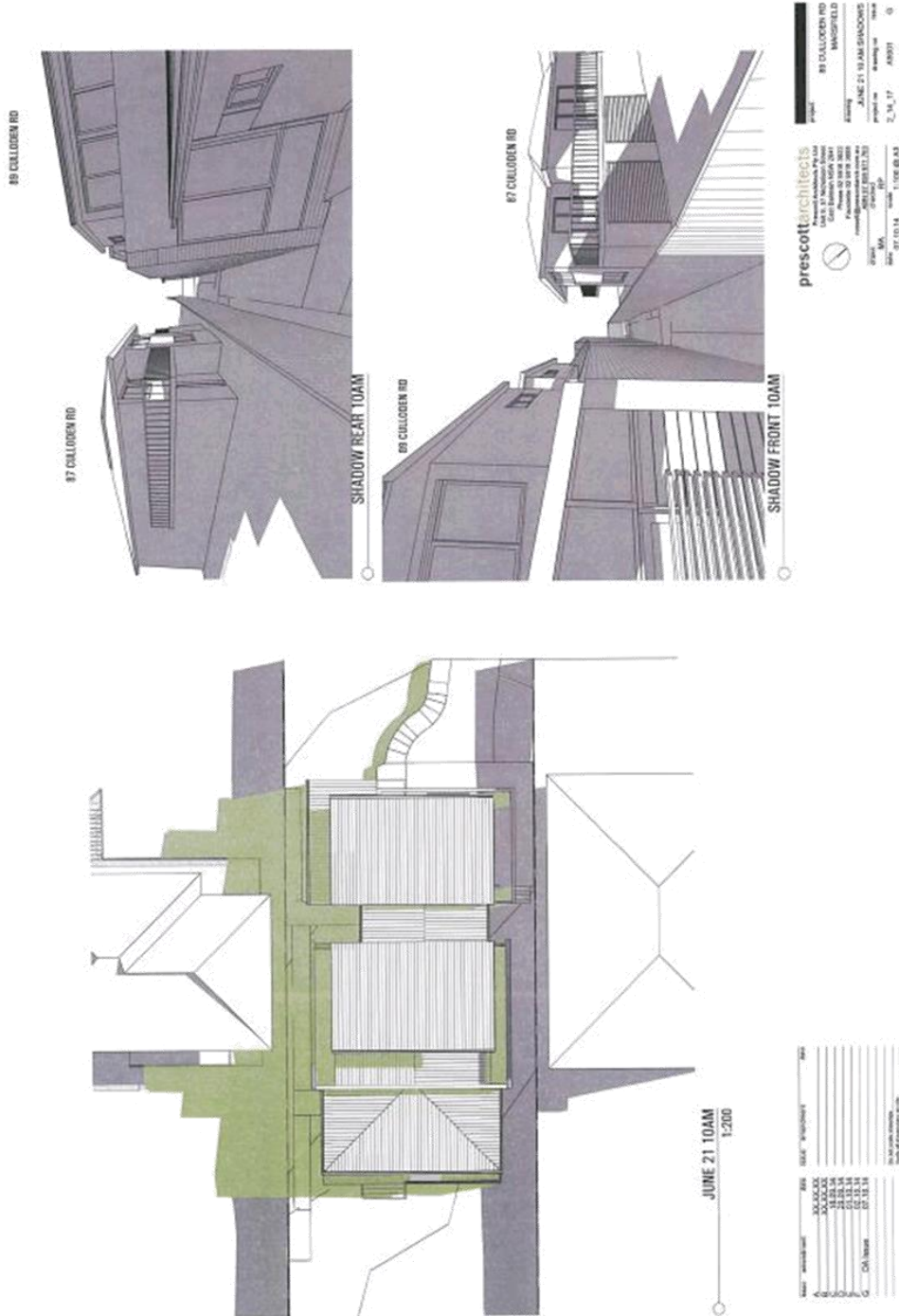






ITEM 3 (continued)

ATTACHMENT 6

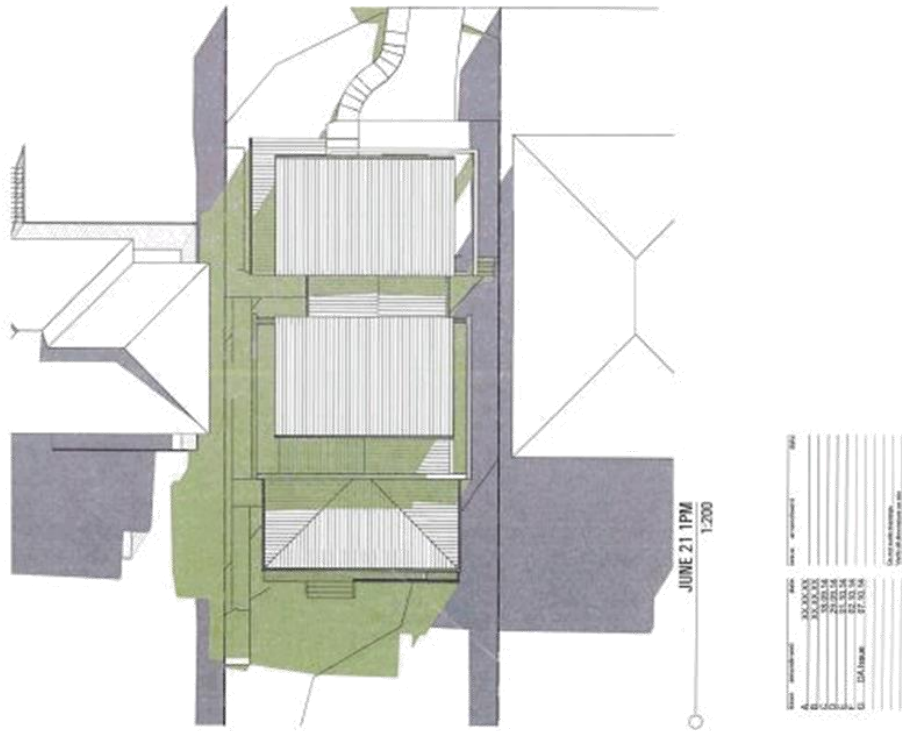
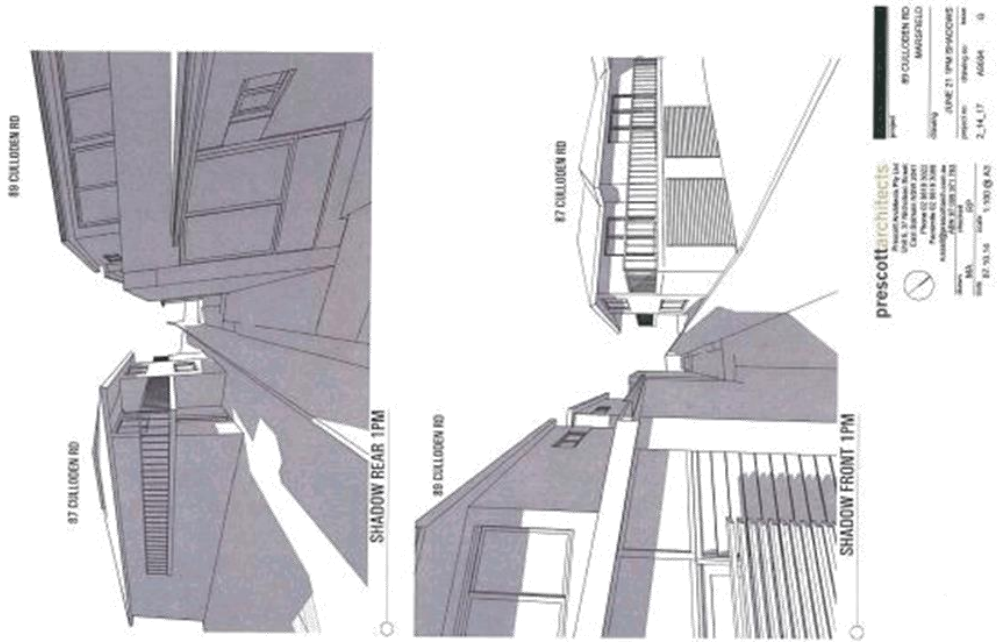






**ITEM 3 (continued)**

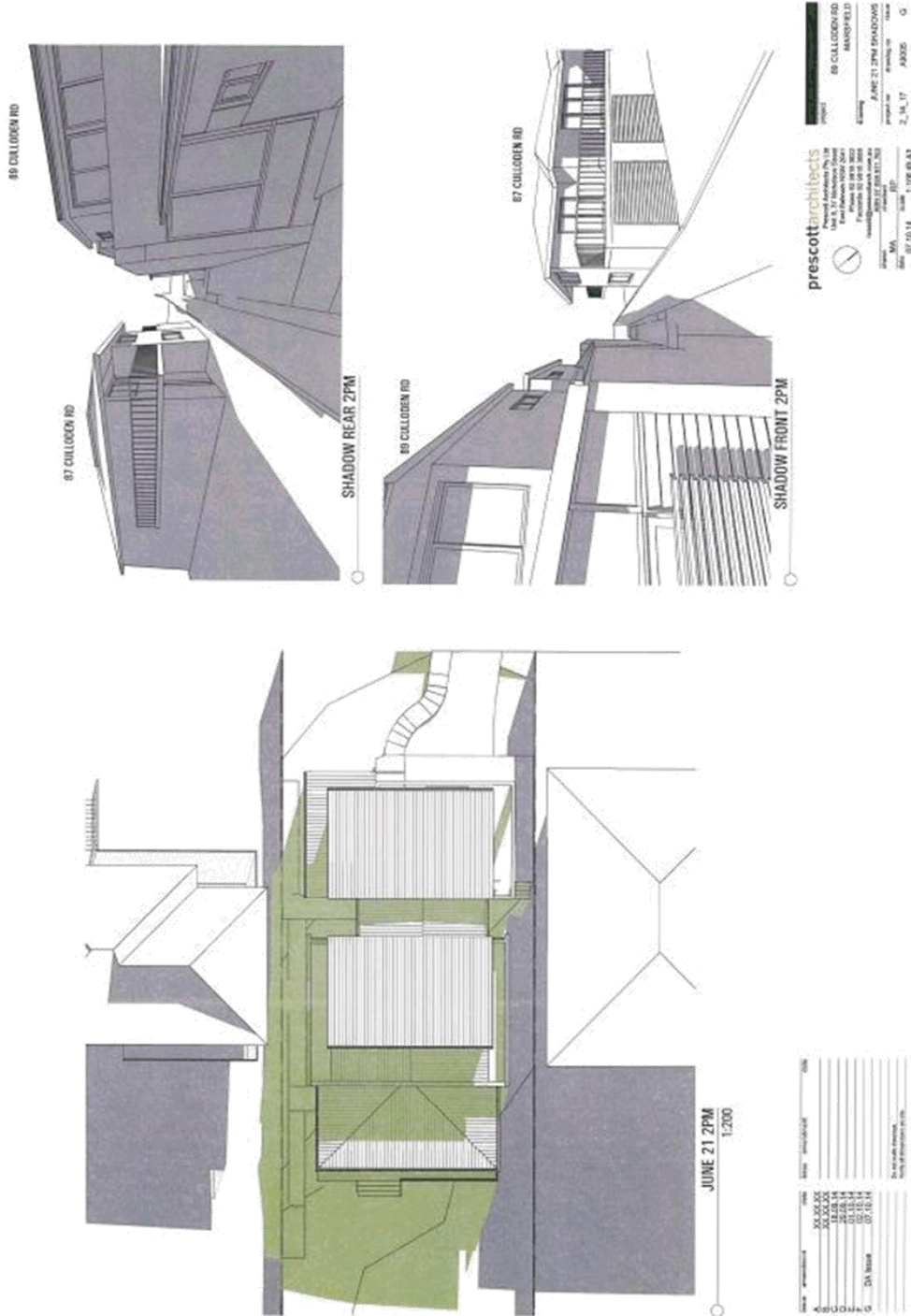
**ATTACHMENT 6**





**ITEM 3 (continued)**

**ATTACHMENT 6**



**ITEM 3 (continued)**

**ATTACHMENT 6**

