

**Meeting Date:** Tuesday 11 October 2016  
**Location:** Council Chambers, Level 1A, 1 Pope Street, Ryde  
**Time:** 5.00pm

**NOTICE OF BUSINESS**

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**1 CONFIRMATION OF MINUTES - Meeting held on 13 September 2016**

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**Report prepared by:** Senior Coordinator - Governance

**File No.:** CLM/16/1/3/2 - BP16/1238

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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 7/16, held on 13 September 2016, be confirmed.

**ATTACHMENTS**

- 1 MINUTES - Planning and Environment Committee Meeting - 13 September 2016

**ITEM 1 (continued)**

**ATTACHMENT 1**

**Planning and Environment Committee  
MINUTES OF MEETING NO. 7/16**

**Meeting Date:** Tuesday 13 September 2016

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

**Time:** 5.00pm

**Councillors Present:** Councillors Pendleton (Chairperson), Chung, Pickering, and Yedelian OAM.

**Apologies:** Councillors Etmekdjian and Simon.

Note: In the absence of Councillor Simon, the Deputy Chairperson – Councillor Pendleton chaired the meeting.

Note: Councillor Yedelian OAM left the meeting at 5.20pm during the consideration of Item 2 and did not return. He was not present for voting on Items 2, 3 and 4.

**Staff Present:** Acting Director – City Strategy and Planning, Acting Manager – Assessment, Manager – Environment, Health and Building, Supervisor – Environmental Assessment, Senior Town Planner, Senior Development Engineer, Senior Coordinator – Environment, Governance, Risk and Audit Coordinator and Administration Officer – Councillor Support.

**DISCLOSURES OF INTEREST**

There were no disclosures of interest.

**1 CONFIRMATION OF MINUTES - Meeting held on 9 August 2016**

**RESOLUTION:** (Moved by Councillors Pickering and Pendleton)

That the Minutes of the Planning and Environment Committee 6/16, held on 9 August 2016, 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 27-37 DELHI ROAD, NORTH RYDE. LOT 160 DP1136651. Application for the modification of development consent No. LDA2014/0077 under Section 96(1A) of the EP&A Act, 1979 to allow extended construction hours for approved mixed use development - MOD2016/0094**

Note: Kristine Luff (objector), Philip Howe (objector) and Nicholas Limbrey (on behalf of the applicant) addressed the meeting in relation to this Item.

Note: A Memorandum from the Acting Director – City Strategy and Planning dated 12 September 2016 was tabled in relation to this Item and a copy is ON FILE.

Note: Photographs provided by Kristine Luff were circulated to Committee members, however copies were not tabled in relation to this Item.

Note: Councillor Yedelian OAM left the meeting at 5.20pm during the consideration of this Item. He was not present for voting on this Item.

**RESOLUTION:** (Moved by Councillors Chung and Pickering)

- (a) That Section 96 Modification Application No. 2016/0094 at 27-37 Delhi Road, North Ryde, being Lot 160 DP1136651 be refused for the following reasons:
- 1) The proposed modification of condition 7 to allow extended hours of construction work is likely to exceed the noise management level for noise outside standard hours and is likely to have an adversely impact the amenity of nearby residential properties.
  - 2) The reasons provided to justify the proposed extended hours of construction work are not considered sufficient given the potential adverse impact on the amenity of nearby residential properties in terms of increased noise, dust and disturbance. Also the reasons given do not satisfy the circumstances for work outside standard hours specified in the Interim Construction Noise Guidelines (DECC, 2009).
  - 3) The proposal is considered not to be in the public interest.
  - 4) The development does not satisfy the provisions of Section 96(1A)(a) in that the development is not of minimal environmental impact due to the increased noise that will adversely affect the amenity of the adjoining properties.
  - 5) The proposed development is inconsistent with Section 4.6 of Part 8.1 of DCP 2014 in that the extension of construction hours will result in adverse impacts to the residents in the vicinity of the construction site.



**ITEM 1 (continued)**

**ATTACHMENT 1**

- 6) The proposed modification of condition 7 will allow all construction work to be carried out during the extended hours and not just deliveries and a limited range of construction activities.
- 7) Extending the hours of work in this instance would allow other developers to seek similar modifications in the future and make it difficult for Council to justify limiting building work to standard hours.

(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.

**3 210-216 VICTORIA ROAD, GLADESVILLE. LOT 1 DP 785339. Local Development Application for demolition and construction of a 6 storey mixed use development containing 7 commercial tenancies, 31 residential apartments and car parking for 61 vehicles. LDA2015/0653**

Note: Councillor Yedelian OAM was not present for consideration or voting on this Item.

Note: Jennifer Bautovich (representing Ansa Investments Pty Ltd – Planner on behalf of the applicant) addressed the meeting in relation to this Item.

Note: Documentation from Jennifer Bautovich from Planning Urban Design was tabled in relation to this Item and a copy is ON FILE.

**RESOLUTION:** (Moved by Councillors Chung and Pickering)

- (a) That Local Development Application No. 2015/653 at 210 Victoria Road, Gladesville be approved subject to the **ATTACHED** conditions (Attachment 1).
- (b) That the persons who made submissions be advised of Council's decision.
- (c) That a copy of the Consent be forwarded to the Roads and Maritime Services for their records.

**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**

**4 DRAFT BIODIVERSITY PLAN FOR RYDE LOCAL GOVERNMENT AREA**

Note: Councillor Yedelian OAM was not present for consideration or voting on this Item.

**RECOMMENDATION:** (Moved by Councillors Chung and Pickering)

That the consideration of this matter be deferred to Council for determination.

**Record of Voting:**

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **27 SEPTEMBER 2016** as substantive changes were made to the published recommendation.

The meeting closed at 5.40pm.

CONFIRMED THIS 11TH DAY OF OCTOBER 2016.

Chairperson

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**2      1 LUMSDAINE AVENUE, EAST RYDE- LOT 435 IN DP31253. Development Application for demolition, and construction of a two (2) storey dual occupancy (attached) and strata subdivision. LDA2016/0197.**

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**Report prepared by:** Creative Planning Solutions; Senior Coordinator - Development Assessment

**Report approved by:** Acting Manager - Assessment; Acting Director - City Strategy and Planning

**File Number:** GRP/09/5/6/2 - BP16/1207

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**1.    Report Summary**

**Applicant: M Cubed Design**

**Owners: Rami Faraj, Rani Faraj, and Shadi Faraj**

**Date lodged: 3 May 2016**

This report considers a development application (DA) for demolition of all existing structures, and construction of a two-storey dual occupancy (attached) and strata subdivision at 1 Lumsdaine Avenue, East Ryde. The proposal will also include associated stormwater and landscaping works.

The subject DA was received by Council on 3 May 2016. The application was notified to adjoining owners in accordance with the provisions of the Ryde Development Control Plan 2014 (DCP2014) from 11 May 2016 to 1 June 2016. In response to the notification, six (6) submissions were received in objection to the proposal, raising the following issues of concern (summarised):

- Density;
- Consistency with streetscape character, in particular the Dress Circle Estate;
- Front, side and rear setbacks;
- Amenity impacts, including acoustic, visual privacy and overshadowing;
- Car parking, i.e. the proposed development provides inadequate parking and will result in on-street parking impacts;
- Stormwater drainage management;
- Electrical Safety due to the location of the overhead transformer located within the road reserve of Lumsdaine Avenue; and
- Asbestos removal.

The proposal has been assessed against the heads of consideration of Section 79C of the *Environmental Planning and Assessment Act 1979* (the Act), the *Ryde Local Environmental Plan 2014* (LEP2014), and DCP2014. The areas of non-compliance relate to Part 3.3 of DCP2014 for dual-occupancy development, and can be summarised as follows:

## ITEM 2 (continued)

### Non compliances justifiable:

#### 1. Topography & Excavation – Section 2.6.2

- The maximum level of fill within the building footprint is 1000mm, which exceeds the 900mm limit by 100mm. This occurs within the north-western corner of Dwelling 1 where the living room and alfresco area is proposed.

#### 2. Car Parking and Access - Section 2.11

- The garage doors for each dwelling are recessed by some 1200mm, does not comply with the requirement of 300mm behind the outside face of the building element immediately above.

### Non-compliances to be resolved by condition:

#### 1. Front Setbacks – Section 2.9.1

- A primary front setback ranging between 4.8m and 6.5m is proposed, which does not comply with the minimum 6m control. The encroachment is a result of the cantilevered balconies located on the front façade of Dwelling 1 and Dwelling 2. There are very few if any examples of such setback encroachments in the immediate vicinity, particularly at the first floor level. In order to ensure consistency in terms of streetscape presentation, a condition is recommended (Deferred Commencement) to require compliance with the 6m setback requirement.

#### 2. Fences – Section 2.16

- A solid front fence with a maximum height of 1m is proposed. This is a 100mm variance to the 900mm front fence height control. A condition is recommended to ensure front fencing complies with the DCP2014 requirements.

Despite the non-compliances outlined above and the issues of concern raised in submissions, it is considered the proposal is generally satisfactory for approval as discussed in the body of the report. For this reason, the subject DA is recommended for approval via a Deferred Commencement consent, subject to conditions.

**Reason for Referral to Planning and Environment Committee:** Requested by Councillor Maggio; number of submissions received (6 submissions).

**Public Submissions:** A total of six (6) submissions objecting to the proposal were received by Council.

**ITEM 2 (continued)**

**SEPP 1 (or clause 4.6 RLEP 2014) objection required?** None required.

**Value of works \$499,260**

**RECOMMENDATION:**

- (a) That Local Development Application No. LDA2016/0197 at 1 Lumsdaine Avenue, East Ryde 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 DCP Compliance Check
- 3 A4 Plans
- 4 A3 Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

**Ben Tesoriero Planning Consultant  
Creative Planning Solutions**

**Chris Young  
Senior Coordinator - Development Assessment**

Report Approved By:

**Sandra Bailey  
Acting Manager - Assessment**

**Liz Coad  
Acting Director - City Strategy and Planning**

**ITEM 2 (continued)**

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

- Address** : 1 Lumsdaine Avenue, East Ryde  
(LOT 435 in Deposited Plan 31253)
- Site Area** : 607.25m<sup>2</sup>  
Site frontage to Elliot Avenue of 21.3m  
Secondary street frontage to Lumsdaine Avenue of 19.84m  
Corner splay of 6.45m  
North-western side boundary 24.38m  
Rear boundary of 26.59m  
*Note: All areas and dimensions obtained from Deposited Plan.*
- Topography and Vegetation** : The topography of the local area has a moderate gradient, with the subject site having a steady cross fall of approximately 1m from the south corner at the junction of Elliot Avenue and Lumsdaine Avenue to the northern corner of the site.  
No significant vegetation has been identified on the site.
- Existing Buildings** : The site currently comprises a single storey dwelling house which fronts onto Elliot Avenue and in-ground swimming pool located within the rear yard.
- Planning Controls Zoning** : R2 – Low Density Residential under Ryde Local Environmental Plan 2014
- Other** : Ryde Development Control Plan 2014

**ITEM 2 (continued)**



**Aerial Image of subject site, including an annotation of the properties which objected to the proposed development by way of submission to Council as part of the notification of the DA.**

*Source: [www.six.nsw.gov.au](http://www.six.nsw.gov.au) – edited by CPS*



**Photograph from the Elliot Avenue frontage showing the existing dwelling house located on the subject site.**

*Source: [www.google.com.au](http://www.google.com.au)*

## **ITEM 2 (continued)**

### **3. Councillor Representations**

Name of Councillor: Councillor Maggio

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

Date: 2 June 2016

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

On behalf of applicant or objectors? Objector at No 65 Lumsdaine Ave.

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

### **4. Political Donations or Gifts**

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

### **5. Proposal**

The proposal is for the construction of a two-storey attached dual occupancy development at 1 Lumsdaine Avenue, East Ryde. Each dwelling generally has the same layout, but is in a slightly different configuration due to building's location on a corner allotment. The details of each dwelling within the proposed dual occupancy development is described as follows:

#### *Ground Floor*

The ground floor of each dwelling comprises; the main living areas including an open plan kitchen, lounge and dining area; as well as a study, laundry, bathroom, and staircase leading to the first floor.

Each dwelling incorporates an attached single garage, which is accessed via the primary frontage off Elliot Avenue.

Pedestrian entry is provided for each dwelling via a covered porch entrance off Elliot Avenue.

#### *First Floor*

The first floor of each dwelling comprises four (4) bedrooms, one of which is a master bedroom containing an en-suite bathroom and walk-in-robe. A separate bathroom and a staircase leading to the ground floor are also provided on the first floor.



## ITEM 2 (continued)

Dwelling 1 and Dwelling 2 each incorporate a balcony off the respective master bedrooms which front Elliot Avenue. A balcony fronting Lumsdaine Avenue is also located off Bedroom 4 on the south-eastern elevation of Dwelling 2.

### *External*

The primary setback to Elliot Avenue consists of a turf area, garden beds, mature plantings and a pathway leading to the front entry of each dwelling. Also within the primary street setback is a central driveway leading to a single garage for each dwelling. The secondary street setback comprises landscaping and a pathway leading to the rear private open space area of Dwelling 2.

The principal private open space area for each dwelling is located to the rear northern portion of the subject site, and is accessible from the main living areas via a rear paved terrace.

A new solid front fence is proposed to the Elliot Avenue frontage, and part of the Lumsdaine Avenue frontage. For the primary setback to Elliot Avenue, the new fence will have a height up to 1m. For the Lumsdaine Avenue frontage, the fence will be of varying height, up to a maximum 1.8m.

The proposal will also include new stormwater drainage arrangements.



Artist impression of the proposal as it presents to Elliot Avenue.

*Source: Applicant's Statement of Environmental Effects.*

## 6. Background

The DA was lodged 3 May 2016. It then underwent an initial review and internal referrals (to Council's Senior Development Engineer), and it was notified to neighbours for a period from 11 May to 1 June 2016. Six (6) submissions were received as a result of neighbour notification (see Submissions section below).

## ITEM 2 (continued)

The DA was called-up to Council's Planning & Environment Committee on 2 June 2016 by Councillor Maggio.

On 18 July 2016, following an assessment of the DA by Council's Senior Development Engineer, an additional information request was sent to the applicant in relation to the drainage plan submitted with the DA. A revised drainage plan was submitted by the applicant and referred to Council's Senior Development Engineer on 2 August 2016, and was advised to be satisfactory for approval subject to conditions.

It should be noted that the revised drainage plan did not make any alteration to the design of the dual occupancy building, and so re-notification to neighbours was not required.

## 7. Submissions

The application was notified between 11 May to 1 June 2016 in accordance with the provisions of the DCP2014, – Part 2.1, Notification of Development Applications. In response, six (6) submissions were received from surrounding properties, as shown on the aerial photograph earlier in this report.

The key planning objections/issues raised in the submissions are summarised and discussed below.

**A – Density.** *Concerns have been raised with regard to dwelling density. In particular, it is claimed by objectors that the proposal does not comply with clause 4.5A of LEP2014, which prescribes density controls for the R2 zone.*

**Assessing Officer Comments:** Clause 4.5A prescribes development controls for multi-dwelling. However, it should be noted that these controls do not apply to the subject development which is for a dual occupancy (attached).

It is however noted that clause 4.1A(2) of the LEP2014 prescribes that:

*development consent may only be granted to the strata subdivision of a dual occupancy (attached) on land in Zone R2 Low Density Residential if the land has an area of at least 580 square metres.*

In addition clause 4.1B(2) of the LEP2014 prescribes a minimum allotment frontage of 20m and area of 580m<sup>2</sup> for dual occupancy developments.

The proposal also includes dual occupancy (attached) and strata subdivision on a site which has an area of 607.028m<sup>2</sup> (DP 31253) and a total road frontage of 47.6m. This frontage includes the primary frontage to Elliot Avenue (21.3m), corner splay of (6.465m) and secondary frontage to Lumsdaine Avenue (19.84m).

## ITEM 2 (continued)

Accordingly, the subject site meets the prescribed minimum lot size and frontage width for a dual occupancy development. As such, the proposal is considered to be an appropriate from a dwelling density and site performance perspective.

It is also noted that the proposed complies with Council's floor space ratio and building height controls, therefore also being considered appropriate from a building bulk and scale perspective.

For the reasons outlined above, the objectors concerns relating to density are not supported in this instance.

***B – Consistency with streetscape character.*** *Concerns have been raised by objectors with regard to the compatibility of the proposal with the existing streetscape character, as well as the desired future character for the R2 zone. In addition, concerns have been raised in relation to the proposal's compatibility with the character of the Dress Circle Estate for which the site is a part of.*

**Assessing Officer Comments:** The proposed dual occupancy has been assessed against Sections 2.1 and 2.5 in Part 3.3 of the DCP2014, which prescribe development controls to ensure that development is consistent with the desired future character of the low density areas, as well as ensure the existing landform and landscape setting of the street is retained and reinforced by new dwellings.

The proposal is considered to be consistent with the desired future character, as well as the existing streetscape character, for the following reasons.

- The proposed dual occupancy is low scale as determined by a two-storey height limit;
- The surrounding area will maintain a limited number of dual occupancy (attached) buildings, even with the introduction of the proposed development. Further, as dual occupancy (attached) development is limited to sites with a minimum 20m frontage, the surrounding area is not considered to include a proliferation of such housing into the future. Accordingly, the local area is considered to have the capacity to accommodate the proposal when having regard to Council's desired future character for the low density residential area;
- The proposed dual occupancy has been designed so that the building has a similar appearance of two detached dwelling houses. This has been achieved by the articulation of the form, as well as the separation of the two storey component of each dwelling;
- The proposed dual occupancy is well articulated so as to reduce the overall bulk of the built form;

## ITEM 2 (continued)

- The proposed dual occupancy dwellings are considered to include a high degree of amenity through appropriate layouts, access to sunlight, cross ventilation, and private open space;
- The dwellings are located within a landscape setting, which include a clearly defined front garden and back yard, which are to include mature plantings;
- The proposed development has appropriate secondary, side and rear setbacks, despite the inherent constraints of being located on a corner allotment. The development proposes a non-compliance in terms of the front setback (ie 4.8m setback to the cantilevered balcony and associated structure at the first floor level). The immediate vicinity of the site generally features consistent front setbacks, and therefore it is agreed that the proposed non-compliance of the first floor balconies would result in inconsistency with the established front setbacks. This non-compliance is proposed to be addressed via a condition of consent (Deferred Commencement);
- The garages have been appropriately integrated into the design of the dual occupancy development, and as such are not prominent elements within the streetscape;
- The dual occupancy development is considered to appropriately respond to the site's constraints and opportunities as identified in the site analysis. The dwellings have been orientated so as to take advantage of the northern sun, limit overshadowing, maintain satisfactory visual and acoustic privacy, and minimise the bulk and scale of the proposal through achieving a compliant building height and floor space ratio.

### "Dress Circle Estate"

With regard to the objector concerns over the proposal's compatibility with the Dress Circle Estate character, the following specific comments are made:

'Dress Circle Estate' was created in the 1960s by Hooker Rex after removal of a significant portion of contaminated soils (previously a sewage dump) to allow the subdivision to occur. At Council's request, Hooker Rex also upgraded Pittwater Road as part of the subdivision. The subdivision configuration and streets within the estate are shown in the plan below.

**ITEM 2 (continued)**



The streets within the 'Dress Circle Estate' area contain a mixture of brick and fibro clad dwellings (single and two storeys) with hipped gable roofs. Newly constructed dwellings and dual occupancies (predominantly two storeys) combine a variety of external finishes, contemporary window shapes and roof forms which is consistent with a significant number of modern redevelopments throughout the City of Ryde. Such examples are shown below:

**50 Melba Drive – dual occupancy  
(constructed 2014)**



**102 Melba Drive – single dwelling  
(constructed 2015)**





**ITEM 2 (continued)**

6 Rene Street – single dwelling



79 Moncrieff Street – single dwelling



41 Finch Avenue – single dwelling



92 Melba Drive – dual occupancy



LDA2011/554 – Approved 05/04/12  
Four (4) submissions received.

**ITEM 2 (continued)**

Existing dwellings within the 'Dress Circle Estate' and properties which have been modified present a variety of built form as demonstrated by the images below:

36 Elliott Avenue – single dwelling



14 Elliott Avenue – single dwelling



12 Elliott Avenue – single dwelling



24 Elliott Avenue – single dwelling





**ITEM 2 (continued)**

72 Elliott Avenue – single dwelling



42 Melba Drive – single dwelling



106 Melba Drive – single dwelling



94 Melba Drive – single dwelling



It is considered the design of the dual occupancy (refer to the applicant's "Artist Impression" earlier in this report) is reflective of both traditional and contemporary designs through the incorporation of a flat roof with the mixture of cement render, brickwork, and cladding facades to create a modern building with elements of traditional design.

The overall height of the building is a maximum of 7.7m which is well below the maximum allowable 9.5m. It has an overall FSR of 0.489:1 which is less than the maximum allowable 0.5:1, complying with LEP 2014. The building is a maximum of two storeys, and satisfactorily performs against Council's setback controls (subject to a Deferred Commencement condition to resolve non-compliance with the front setback as a result of the first floor balcony, as discussed throughout this report).



## ITEM 2 (continued)

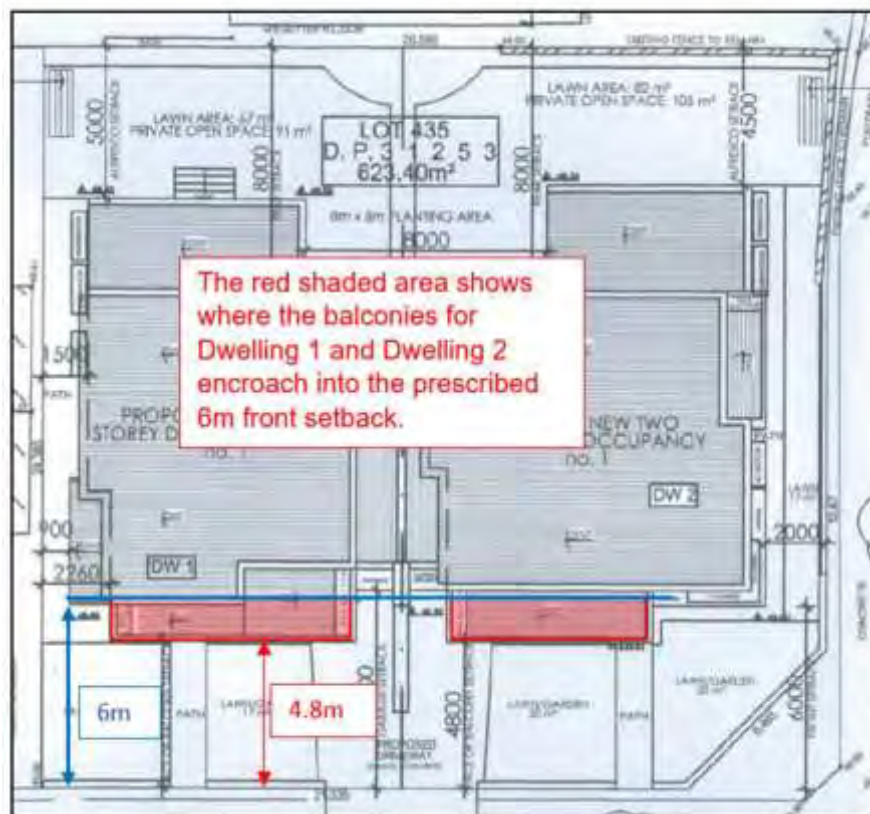
Given the above, the design, bulk and scale of the proposed dual occupancy is considered to be consistent with the prevailing streetscape and the residential character of the 'Dress Circle Estate'.

**C – Setbacks.** Concerns have been raised that the proposal does not comply with the front, side and rear setback controls prescribed by DCP2014.

### Assessing Officer Comments:

#### Front Setback

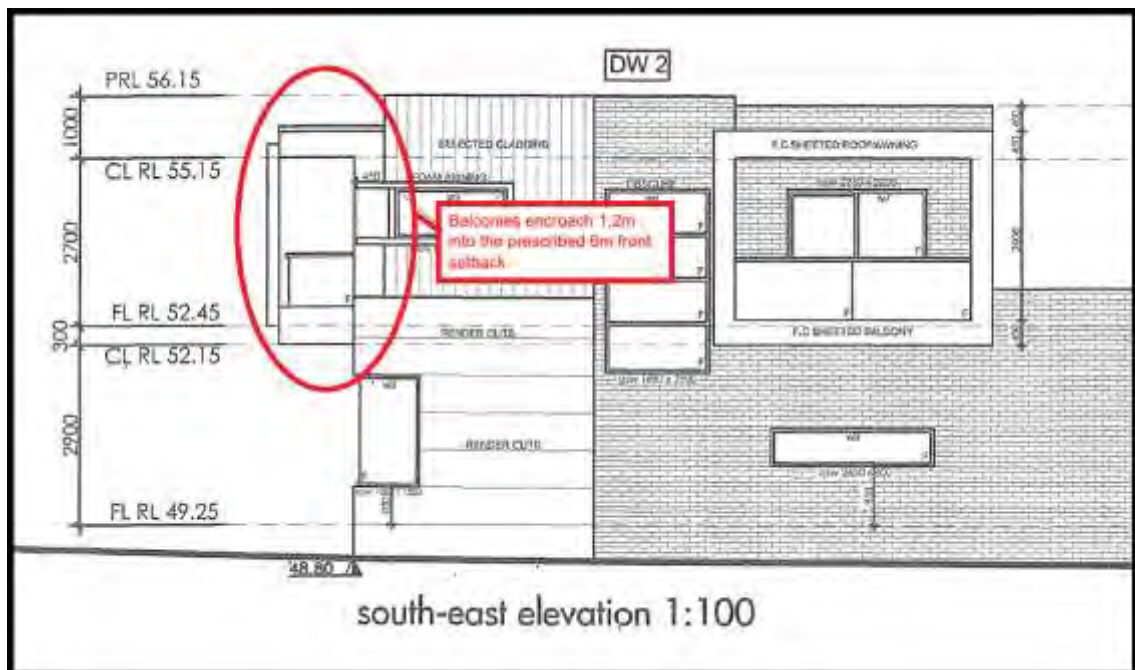
The proposal does not comply with the prescribed 6m front setback as outlined within DCP2014 (see diagram below, showing the area of non-compliance). The extent of non-compliance relates to the balconies at first floor level, which have a setback of 4.8m from the front boundary.



This diagram shows where the balconies for Dwelling 1 and Dwelling 2 encroach into the prescribed 6m front setback.

Source: Site Plan by applicant, edited for diagrammatic purposes by CPS.

## ITEM 2 (continued)



This diagram demonstrates the balcony (Dwelling 2) is a light weight structure and has an open appearance when viewed from Lumsdaine Avenue.

*Source: South-East Elevation plan by applicant, edited for diagrammatic purposes by CPS.*

The objector's concerns are supported in this instance. It is agreed that the proposed non-compliance would be inconsistent with the character of the streetscape of the immediate vicinity, which generally features consistent front setbacks of 6m (being the minimum allowed under Ryde DCP 2014) or greater. It is proposed to resolve this issue via the following condition of consent (Deferred Commencement):

- 1. Plan Amendments.** *The submission of amended plans for the approval of the Acting Director, City Strategy & Planning which provide the following plan amendment:*
  - Deletion of the first floor balcony at the front of both dwellings, to achieve compliance with the minimum 6m front setback requirement of Ryde DCP 2014.*

### Side Setbacks

Section 2.9.2 of DCP2014 prescribes that single storey dwellings are to have a side setback of no less than 900mm, and two storey dwellings are to have a side setback of no less than 1.5m. When applying this development control, Council has consistently allowed the single storey component of a 2-storey dwelling to have a 900mm side setback, with the 2-storey component required to have a 1500mm side setback.

## ITEM 2 (continued)

Given Council's above application of Section 2.9.2, the proposed side setbacks are in compliance with the minimum requirements. This is because the single storey component of the dual occupancy development proposes a minimum side setback of 900mm from the north-western side property boundary, and the two-storey component proposes a minimum setback of 1.5m, when measured from the external building wall. This is shown in the following drawing:



Diagram showing side boundary setbacks of proposed development.

Source: Elevation Plan by applicant, edited.

### Rear Setback

Section 2.9.3 of the DCP2014 prescribes that allotments which are wider than they are long, and so cannot achieve the minimum rear setback requirement, are to have a minimum rear setback of 4 m.

The subject site has an average width of 26.6m and an average length of 24.385, as such the site is wider than it is longer. In this circumstance, a minimum rear setback of 4m is applicable.

The dual occupancy proposes a setback of between 4.5 and 8m, as such complies with section 2.9.3 of the DCP2014.

Accordingly, for the reasons outlined above, objections relating to the proposal's setbacks are not supported on this occasion.

**D – Visual Privacy.** Concerns have been raised with regard to the potential for overlooking from the ground floor living areas, the alfresco areas, as well as from the second-storey bedroom windows, to adjoining properties. Furthermore, concerns have also been raised with regard to the potential for overlooking from proposed balconies located adjacent to the primary street frontage of Elliot Avenue and secondary street frontage of Lumsdaine Avenue.

## ITEM 2 (continued)

**Assessing Officer Comments:** The proposed development has been assessed against the visual privacy controls contained in Section 2.14.2 of DCP2014, and the proposal is not considered to have an adverse impact on the privacy of surrounding properties for the following reasons:

- Windows of the proposed living areas for each dwelling have generally been orientated to the front and rear. Minimal windows are located on the side elevation of each dwelling. Side facing windows for Dwelling 2 are orientated to Lumsdaine Avenue, and the only window for Dwelling 1 which faces the adjoining property at 63 Elliot Avenue includes a high sill height of 1.55m.
- Bedrooms have been located on the first level of the proposed development, which is considered to be an ideal layout for a two-storey dwelling. As stated in Section 2.14.2 of the DCP2014, overlooking from bedroom windows is less of a concern than overlooking from windows of other habitable rooms such as living spaces. This is because bedrooms are not the principal activity areas of a dwelling, and as such opportunities for overlooking are reduced.
- The side elevation of the adjoining dwelling at 3 Lumsdaine Avenue, which is located adjacent to the rear boundary of the subject site, does not contain any windows. As such, direct overlooking to adjoining living areas will not occur from the rear facing living room and kitchen windows of the dual occupancy development, into neighbouring dwellings – see photo below:



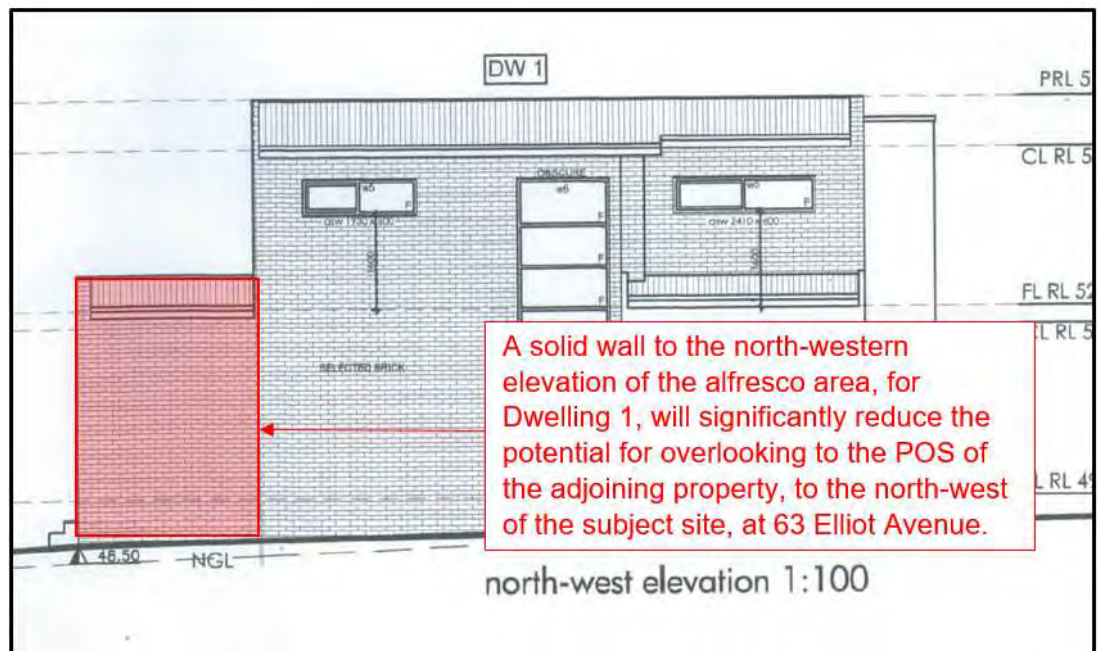
This figure demonstrates that the side elevation of adjoining dwelling at 3 Lumsdaine Avenue does not contain any windows. This dwelling is located adjacent to the rear boundary of the subject site.

*Source: [www.google.com.au](http://www.google.com.au), edited for diagrammatical purposes by CPS.*



## ITEM 2 (continued)

- The alfresco area for Dwelling 1 proposes a solid wall to the north-western elevation of the alfresco area, which will significantly reduce the potential for overlooking to the private open space of the adjoining property, to the north-west of the subject site, at 63 Elliot Avenue – see following diagram:



This figure demonstrates that a solid wall to the north-western elevation of the alfresco area for Dwelling 1 will reduce the potential for overlooking to the POS of 63 Elliot Avenue.

*Source: North-west Elevation Plan by applicant, edited for diagrammatical purposes by CPS.*

- The FFL floor level of the proposed development is within acceptable limits and has not been raised significantly from the existing ground level. Accordingly, it is considered that the location of all ground floor living room windows will not result in direct overlooking to neighbouring properties.
- Dwelling 1 and Dwelling 2 each propose a balcony, which faces onto Elliot Avenue. Due to their location at the front of the site, direct overlooking will not occur into neighbour's living areas and private open space. The front facing balconies are only open on those elevations which overlook the street, therefore ensuring any overlooking of adjoining property is minimised.
- It is considered the balcony located adjacent to the secondary street frontage of Lumsdaine Avenue will not result in an unreasonable level of overlooking into neighbour's living areas and private open space. This is largely due to the separation distance of approximately 15 (from the property located directly adjacent to proposed balcony at 65 Elliot Avenue) – see following diagram:

**ITEM 2 (continued)**



This diagram demonstrates the separation distance between the proposed balcony adjacent to the secondary street frontage of Lumsdaine Avenue, and the POS of the dwelling at 65 Elliot Avenue.

*Source: maps.six.nsw.gov.au, edited for diagrammatic purposes by CPS.*

- Each of the proposed balconies are located off a bedroom and are of a size that are unlikely to be utilised by any more than one (1) person at any one time. It is also noted that these balconies will not be used as the main area of private open space. The main areas of private open space are located off the ground floor level.
- The proposed balconies located adjacent to Elliot Avenue and Lumsdaine Avenue will allow for casual surveillance over the street. This is encouraged by the objectives of Section 2.14.2 of DCP2014.

**ITEM 2 (continued)**

Further to the above, it is noted that the alfresco area for Dwelling 1 is to be raised up to 1m above EGL. It is also noted that as the site is located on a corner lot, a lesser rear setback is permitted under DCP2014. The reduced setback has resulted in the main area of private open space being located closer to the side boundary of the adjoining property at 3 Lumsdaine Avenue. In order to maintain the privacy of the adjoining property at 3 Lumsdaine Avenue, where the side boundary adjoins the rear boundary of the subject site, it was considered that a 300mm high lattice screening on top of the existing north-eastern boundary fence, would satisfactorily minimise any potential for direct overlooking.

However, a review of a submission from the owners of 3 Lumsdaine Avenue, has demonstrated that privacy screening already exists on top of the existing fence. As the submitted Landscape Plan has indicated that the existing rear north-eastern boundary fence is to be retained (with the existing privacy screen), it is not considered necessary to impose such a condition.

The below photograph is an extract of the submission from the owners of 3 Lumsdaine Avenue, which has been taken from the alfresco area of the adjoining property at 3 Lumsdaine Avenue looking toward the rear property boundary of the subject site.

**ITEM 2 (continued)**



Photo 3: Outdoor entertaining area of 3 Lumsdaine Ave towards proposed Dwelling 1.

**This photograph is an extract of the submission received from the owners of 3 Lumsdaine Avenue, which demonstrates that the existing privacy screen will mitigate any potential for direct overlooking.**

**Source: Objection letter from owners at 3 Lumsdaine Avenue, East Ryde**

This photograph demonstrates that the existing screen will satisfactorily minimise any potential for overlooking from the proposed rear alfresco area (of Dwelling 1, in particular) to adjoining private open space at 3 Lumsdaine Avenue. Also, the following is an aerial image showing the location of the existing privacy screen.



**ITEM 2 (continued)**



This aerial image demonstrates the location of the existing privacy screen along the north-eastern property boundary which reducing overlooking potential from the rear private open space areas of the proposed development.

*Source: maps.six.nsw.gov.au, edited for diagrammatic purposes by CPS.*

Accordingly, for the reasons outlined above, the objectors concerns relating to visual privacy, are not supported on this occasion.

***E – Overshadowing.*** Concerns have been raised that the proposed development will overshadow the private open space of the property at 65 Elliot Avenue, which is located south-east of the subject site on the opposite side of Lumsdaine Avenue.

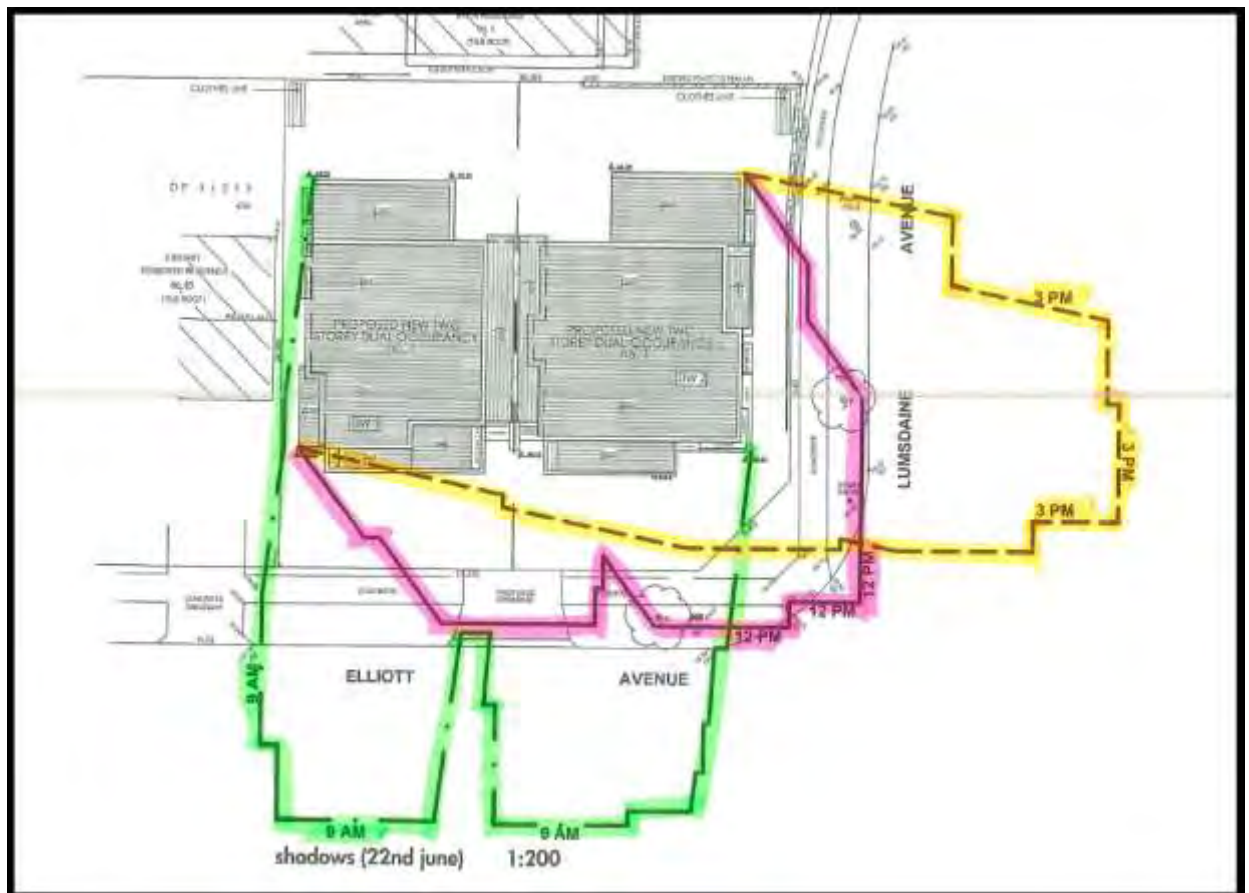
**Assessing Officer Comments:** Section 2.14.1 of the DCP2014 prescribes that *sunlight to at least 50% of the principal area of ground level private open space of adjacent properties is not reduced to less than two hours between 9 am and 3 pm on June 21.*

The shadow diagrams submitted with the proposed development demonstrates that given the orientation of the land, shadows from the development will fall mostly onto the street or the front setback area of the subject site.

## ITEM 2 (continued)

In relation to impacts on the private open space of the objector's property at 65 Elliot Avenue, this property may be subject to some minor overshadowing during late afternoon - from 2:30pm onwards. As such, 65 Elliot Avenue will not be impacted upon by overshadowing between the approximate hours of 9am – 2:30pm during the winter solstice. Accordingly, compliance with the provisions of DCP2014 will be achieved as 65 Elliot Avenue will not be reduced to less than two hours of sunlight between 9am and 3pm on June 21.

Accordingly, for the reasons outlined above, the objector's concerns relating to overshadowing, are not supported on this occasion. The shadow diagrams for the proposed development are provided below.



Shadow diagrams for proposed development (source: Applicant DA submission).

**F – Car parking and Traffic.** The submissions have raised a number of concerns with regard to the car parking for the proposed dual occupancy development, which include the following comments:

- The proposed development will result in increased off-street parking to Lumsdaine Avenue.

## ITEM 2 (continued)

- The dual occupancy will double the number of cars entering and exiting the site, which will increase traffic accidents at this location.
- There is no safe off-street parking outside 1 Lumsdaine Avenue. Thus causing visitors/residents to park outside surrounding homes in the area.

**Assessing Officer Comments:** Section 9.3 of DCP2014 includes development controls and parking rates for different types of development in the City of Ryde. In particular, it prescribes that a dual occupancy development is to provide one (1) car parking space per dwelling.

Each dwelling within the proposed dual occupancy development proposes a single covered car parking space, as well as a tandem parking space within the driveway, thus adequately meeting the minimum car parking requirements prescribed by DCP2014.

With regard to traffic, Council's Senior Development Engineer has reviewed the submissions received and provided specific comment. In this regard, it is noted that the RMS document "*Guide to Traffic Generating Developments*" provides average traffic generation rates for residential development for use in the assessment of such development. Whilst this document does not directly specify a rate for dual occupancy development, the document details a rate for larger units and townhouses (3 bedrooms or more) which would be equivalent to the subject proposal. As such, the specified rate is slightly greater than half that for single residential dwellings, being 5 to 6.5 daily vehicle trips per townhouse compared to 9 daily vehicle trips for a residential dwelling. Accordingly it is acknowledged that whilst there will be an increase in traffic generation, the level of traffic generation is not significant such to impact Lumsdaine Avenue or Elliott Avenue in terms of operation and safety.

On this basis, the objectors concerns in relation the provision of parking and potential traffic conflicts are not supported.

**G - Water management.** *Concerns have been raised with regard to the potential for excess stormwater run-off within the rear yard of the subject site to the adjoining property at 3 Lumsdaine Avenue and 63 Elliot Avenue.*

**Assessing Officer Comments:** A review of Council's map of Environmentally Sensitive Areas (held on file) has revealed that the site not subject to overland flow.

As part of the assessment of the DA, the proposal and the applicant's Drainage Concept Plan were referred to Council's Senior Development Engineer for comment. Further, Council's Senior Development Engineer has reviewed the proposal and provided specific comment on concerns raised by the neighbour in relation to excess stormwater runoff. In this regard, the neighbour on the low side No 3 Lumsdaine Ave in their submission to the development indicated that they are getting a lot of surface runoff during heavy rain events. By providing the retaining walls and the fill it will

**ITEM 2 (continued)**

allow for a gravity drained pipes to Lumsdaine Avenue with surface inlet pits. These surface inlet pits and agg lines for the retaining wall will help to collect most of this surface water and seepage water and direct it to the street. With the regrading proposed, the direction of surface runoff is now towards Lumsdaine Avenue.

On this basis, the objectors concerns in relation water management are not supported.

**H - Electrical safety.** Concerns have been raised with regard to the proximity of Dwelling 2, to the overhead transformer located within the road reserve of Lumsdaine Avenue.

**Assessing Officer Comments:** Clause 45 of State Environmental Planning Policy (Infrastructure) 2007 applies to development likely to affect electricity transmission or distribution network. Clause 45 is provided below:

**45. Determination of development applications – other development**

- (1) *This clause applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following:*
- (a) *the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,*
  - (b) *development carried out:*
    - (i) *within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or*
    - (ii) *immediately adjacent to an electricity substation, or*
    - (iii) *within 5m of an exposed overhead electricity power line,*
  - (c) *installation of a swimming pool any part of which is:*
    - (i) *within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or*
    - (ii) *within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,*
  - (d) *development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.*

**ITEM 2 (continued)**

(2) *Before determining a development application (or an application for modification of a consent) for development to which this clause applies, the consent authority must:*

- (a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and*
- (b) take into consideration any response to the notice that is received within 21 days after the notice is given.*

In summary, in relation to the proximity of an electrical power pole (and overhead electricity power lines) to a development, this clause requires the consent authority (Council) to give written notice to the energy supply authority, inviting comments about potential safety risks, and take into consideration any response that is received within 21 days after the notice is given.

Council officers emailed an officer at Ausgrid on 9 August 2016, to advise of the development application, and to request them to comment on the range of potential safety concerns regarding the proximity of the development to high voltage electricity equipment with the power pole in the Lumsdaine Ave frontage of the site.

On 16 September 2016, Ausgrid responded with the following comments:

*Ausgrid has examined and reviewed the attached plans and the letter from neighbour in relation to the proposed Dual Occupancy Development at No. 1 Lumsdaine Ave, East Ryde and would like to provide the following comments.*

- 1. The development should comply with the clearance requirements as specified in Section 13 of Ausgrid's Network Standard NS220.*
- 2. The horizontal clearance between the existing 11 kV overhead mains and those parts of any structure of the building accessible to person should be greater than 4m (with the consideration of blow out).*
- 3. The vertical clearance between existing 11 kV overhead main and those parts of any structure of the building accessible to person should be greater than 4.5m.*
- 4. If there is any openable or fixed windows or glass block work or similar irrespective of fire rating, they are not permitted within 3 metres in any direction of the existing transformer tank, unless fire resistance level of 120/120/120 non-ignitable blast -resisting barrier is provided.*



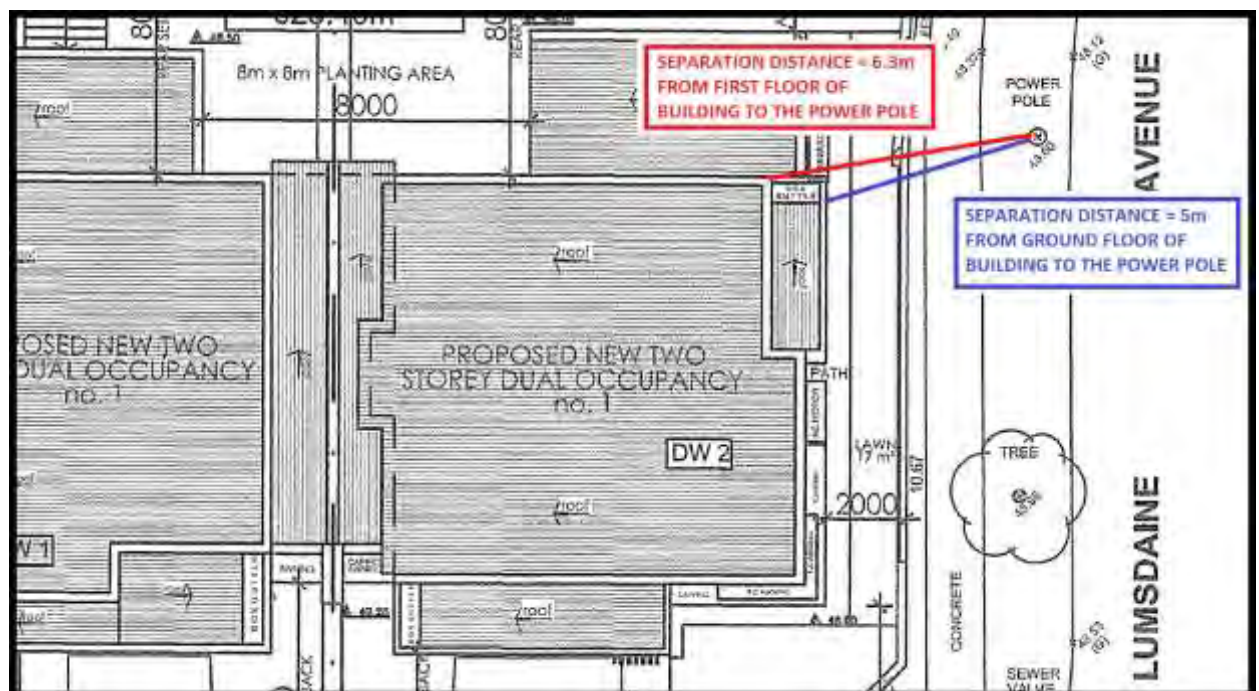
## ITEM 2 (continued)

5. Ausgrid requires existing transformer tank to be separated from building ventilation system air intake and exhaust duct openings, by not less than 6 metres. This applies irrespective of whether the building ducted ventilation system is mechanical or natural and irrespective of whether or not fire dampers are installed in the ducts.

6. The existing transformer will have noise all the time and therefore, the developer should be aware of this issue and provide enough clearance from the existing transformer in order maintain a tolerable noise level (by human) all the time (day and night) . Ausgrid will not be responsible for noise interference complaints by the resident in the future, due to the not sufficient clearance.

Hope the above comments provided by Ausgrid will assist you for the above DA assessment.

Review of the DA plans (both by officers of Ausgrid and Council officers) indicates that the proposed building is some 5m at ground floor level, and 6.3m at first floor level from the power pole and all associated electricity infrastructure, which would ensure compliance with the above requirements of Ausgrid. See diagram below.



Plan showing distances from the power pole to the proposed building  
(Source: Applicant DA plans, edited).

## ITEM 2 (continued)

Council's standard conditions requires compliance with the requirements of public utility authorities and Australian Standards. These conditions will be incorporated into the draft consent and include the following:

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

- a. *The development should comply with the clearance requirements as specified in Section 13 of Ausgrid's Network Standard NS220.*
- b. *The horizontal clearance between the existing 11 kV overhead mains and those parts of any structure of the building accessible to person should be greater than 4m (with the consideration of blow out).*
- c. *The vertical clearance between existing 11 kV overhead main and those parts of any structure of the building accessible to person should be greater than 4.5m.*
- d. *If there is any openable or fixed windows or glass block work or similar irrespective of fire rating, they are not permitted within 3 metres in any direction of the existing transformer tank, unless fire resistance level of 120/120/120 non-ignitable blast -resisting barrier is provided.*
- e. *Ausgrid requires existing transformer tank to be separated from building ventilation system air intake and exhaust duct openings, by not less than 6 metres. This applies irrespective of whether the building ducted ventilation system is mechanical or natural and irrespective of whether or not fire dampers are installed in the ducts.*
- f. *The existing transformer will have noise all the time and therefore, the developer should be aware of this issue and provide enough clearance from the existing transformer in order maintain a tolerable noise level (by human) all the time (day and night). Ausgrid will not be responsible for noise interference complaints by the resident in the future, due to the not sufficient clearance.*

*Prior to the issue of any Construction Certificate, the applicant is to provide verification from Ausgrid that the development complies with the above requirements.*

## ITEM 2 (continued)

**Utility provider** - compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Ausgrid, Sydney Water, Telstra, Council etc). Prior to the Subdivision Certificate the applicant is to provide details to demonstrate compliance with this condition.

In summary, Council has complied with the requirements of clause 45 of SEPP (Infrastructure) 2007, and it is considered that the development is acceptable in terms of electrical safety issues, raised in the objector's submission, subject to compliance with the requirements of Ausgrid above.

**I - Asbestos removal.** Concerns have been raised with regard to the removal of asbestos from the building during the demolition phase of the development.

**Assessing Officer Comments:** A Demolition Work Plan has been submitted with the DA, which outlines that demolition works will be carried out in accordance with the requirements of the Work Health and Safety Requirements and code of practice under section 274 of the *Work Health and Safety Act*.

Furthermore, standard conditions are to be included in the consent to ensure that where asbestos is present during demolition work, work must be carried out in accordance with the guidelines for asbestos work published by WorkCover New South Wales.

These conditions are copied below:

**Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by WorkCover New South Wales.

**Asbestos – disposal.** All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal dockets must be retained by the person performing the work for at least 3 years and be submitted to Council on request.

### 8. SEPP1 (or clause 4.6 RLEP 2014) objection required?

A Clause 4.6 Variation is not required.



## ITEM 2 (continued)

### 9. Policy Implications

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

##### (a) Ryde Local Environmental Plan 2014

#### Zoning

Under Ryde LEP 2014, the zoning of the subject site is R2 Low Density Residential. The proposed development, being a 'dual occupancy (attached)', is permissible with consent under the R2 zoning.

The proposal is considered capable of satisfying the objectives for residential development as it will provide for the housing needs of the community within a low density residential environment.

The proposal maintains the existing general low density nature of the zone as the built form will appear as two separate two-storey dwelling houses. The modern form of the development will assist in the enhancement of the local streetscape through the provision of architectural features to the façade, such as balconies and porticos fronting the primary and secondary street frontages. These features provide articulation to the façade as well as allow passive surveillance opportunities over the street.

#### Principal Development Standards

A full assessment of the proposal against the relevant principal development standards contained within LEP2014 is illustrated in the Compliance Check table attached – see **Attachment 2**. The following outlines the relevant development standards applying to the proposed development, along with a comment as to how the proposal performs against these development standards:

Clause 4.3 – Height of buildings. Sub-clause (2) of this clause states that:

*“the height of a building on any land is not to exceed the maximum height for the land shown for the land on the height of buildings map”.*

LEP2014 prescribes a maximum building height of 9.5m. The development proposes a building height of 7.7m, which fully complies with the provisions of the LEP2014.

Clause 4.4 - Floor Space Ratio. This clause prescribes a maximum floor space ratio (FSR) of 0.5:1 on the Floor Space Ratio Map within LEP2014.

## ITEM 2 (continued)

When utilising the definition for 'gross floor area' (GFA) as prescribed by the Dictionary within LEP2014, the total GFA of the building has been calculated to be 297.07m<sup>2</sup> – refer to the attached Compliance Checklist in **Appendix 2** for a more detailed calculation of the GFA of the building.

The site area has been identified as 607.028m<sup>2</sup> (as per DP31253). Accordingly, given the above, the FSR of the proposed development has been calculated as 0.489:1, thus fully complying with LEP2014.

Clause 4.1A and Clause 4.1B – Minimum lot size for dual occupancies. Clause 4.1A(2) of the LEP2014 prescribes that '*development consent may only be granted to the strata subdivision of a dual occupancy (attached) on land in Zone R2 Low Density Residential if the land has an area of at least 580 square metres.*'

In addition clause 4.1B(2) of the LEP2014 prescribes that '*development consent may be granted for development on a lot in Zone R2 Low Density Residential for a purpose shown in Column 1 of the table to this clause if:*

- (a) the area of the lot is equal to or greater than the area specified for that purpose and shown opposite in Column 2 of the table, and*
- (b) the road frontage of the lot is equal to or greater than 20 metres.*

**Column 1**

*Dual  
occupancy  
(attached)*

**Column 2**

*580 square metres*

The proposal also includes dual occupancy (attached) and strata subdivision on a site which has an area of 607.028m<sup>2</sup> (DP 31253) and a total road frontage of 47.6m. This frontage is made up of the primary frontage to Elliot Avenue of 21.3m, corner splay of 6.465m, and secondary frontage to Lumsdaine Avenue of 19.84m.

Accordingly, the subject site meets the minimum lot size and frontage width for a dual occupancy development, as prescribed by the LEP2014, and as such is considered to be an appropriate form of development for the subject site.

## **ITEM 2 (continued)**

### **(b) Relevant State Environmental Planning Policies (SEPPs)**

#### State and Sydney Regional Environmental Planning Policies

#### **State Environmental Planning Policy No.55 – Remediation of Land**

*State Environmental Planning Policy No.55 – Remediation of Land* (SEPP55) applies to the entire state of New South Wales and includes planning controls for the remediation of contaminated land. It also requires an investigation to be made if land contamination is suspected.

A review of Council's environmentally sensitive land mapping has not identified that the site is impacted upon by contamination.

Standard conditions of consent relating to contamination, fill and removal of hazardous materials will be imposed to assist in mitigating any potential impacts.

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

A compliant BASIX Certificate (Cert. No. 717590S and 717584S, dated 5 April 2016) has been submitted with the subject DA. A standard condition of consent will be imposed to ensure compliance with the BASIX Certificate.

#### Other State Environmental Planning Policies

No other SEPPs have been identified as being applicable to the proposed development.

### **(c) Any draft LEPs**

No draft environmental planning instruments that have been identified which are considered relevant for the proposed development on the subject site.

### **(d) The provisions of any development control plan applying to the land**

#### **Ryde Development Control Plan 2014**

The proposal has been assessed using the development controls contained in *Ryde Development Control Plan 2014* (DCP2014). The full assessment is detailed in the Compliance Check table attached – see **Attachment 2**.

## ITEM 2 (continued)

The following outlines those non-compliances identified with the subject DA, and elaborates on how these non-compliances are either justifiable in the circumstances of the case, or are not justifiable and require amendment to the design or imposition of mitigation measures by way of conditions of consent.

### Non-Compliances: Justifiable

As covered by Section 79C(3A)(b) of the *Environmental Planning and Assessment Act 1979* (the Act), if a development control plan contains provisions that relate to the development that is the subject of a DA, the consent authority is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development.

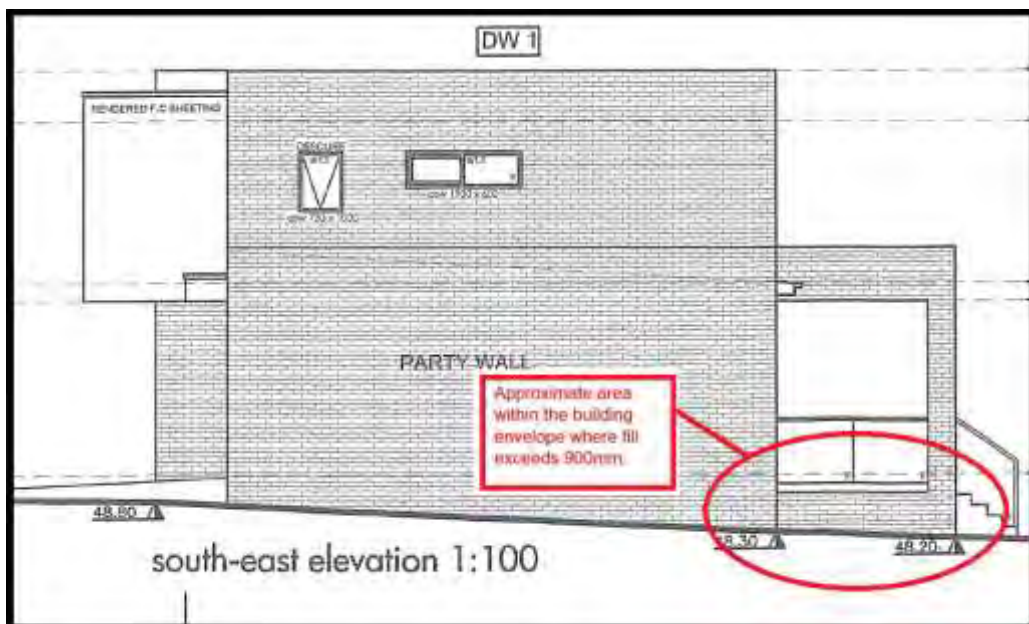
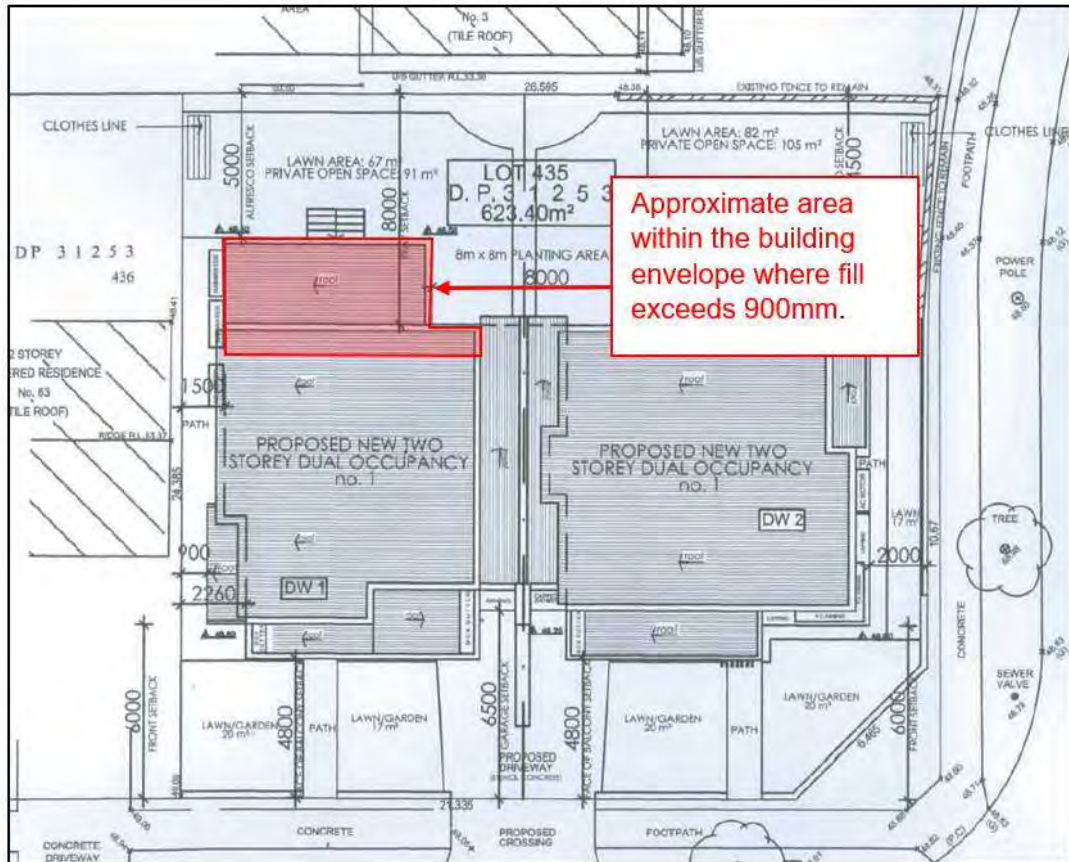
With the above in mind, the following outlines those aspects of the proposal which have been assessed as non-compliant with the applicable development controls under DCP2014, but nonetheless have been determined acceptable as they are able to achieve the objects of those standards.

1. **Topography and Excavation:** Section 2.6.2 of Part 3.3 of the DCP2014 prescribes development controls for topography and excavation. Specifically, DCP2014 stipulates the following:

- b. The area under the dwelling footprint may be excavated or filled so long as:*
  - ii. the depth of excavation is limited to 1.2m maximum; and*
  - iii. the maximum height of fill is 900mm.*

With reference to the above development control, an assessment of the proposal has revealed the maximum fill within the building footprint is approximately 1m, which exceeds the maximum requirement by 100mm. This occurs within the north-western corner of Dwelling 1 where the living room and alfresco area is proposed to be located – see diagram below.

ITEM 2 (continued)



Diagrams showing the small portion of the building footprint where non-compliance occurs.  
Source: Applicant DA plans, edited.

## ITEM 2 (continued)

Although not complying with the above controls for fill, the non-compliance with Council's numerical control can be supported as the proposal is still capable of meeting the relevant objectives of the control for the following reasons:

- The 100mm of excess fill will occur only within a small portion of the building footprint, predominately within the alfresco area of Dwelling 1.
- The majority of the development achieves compliance with this development control as the height of fill generally does not exceed 900mm across the building footprint.
- The variance in the amount of fill will not result in an unacceptable loss of privacy for neighbours. It is noted that the alfresco area incorporates a solid wall to the north-western elevation, which will mitigate any potential for overlooking to the adjoining property at 63 Elliot Avenue. Additionally, an existing privacy screen is in place at on top of the existing rear north-eastern boundary fence (which is proposed to be retained). This privacy screen is considered to adequately mitigate the potential for direct overlooking.
- The additional fill does not result in any non-compliances with Council's building height controls. Additionally, the proposal maintains compliance with Council's overshadowing controls despite the minor fill non-compliance.
- Due to the relatively minor variance with the development control relating to fill, the proposal is not considered to result in an outcome that is unsympathetic with the natural topography of the local area.

Given the above, the proposed non-compliance with the topography and excavation control contained within DCP2014 is considered justifiable in this instance, particularly having regard to the provisions of Section 79C(3A)(b) of the Act.

- 2. Front Setbacks:** Section 2.9.1(a) in Part 3.3 of the DCP2014 prescribes that dwellings are generally to be setback 6m from the street front boundary. The DCP2014 notes that setbacks are measured from the allotment boundary to the outside wall, or the outside face of any deck balcony or the like, or to the supporting posts of a carport or verandah.

Furthermore, Section 2.9.1(f) in Part 3.3 prescribes that the outside face of a wall built above a garage which faces the street is to align with the outside face of the garage wall below.

## ITEM 2 (continued)

An assessment of the proposed development has revealed that the proposal is at variance with the above-mentioned development control for the following reasons:

### *Front Setback*

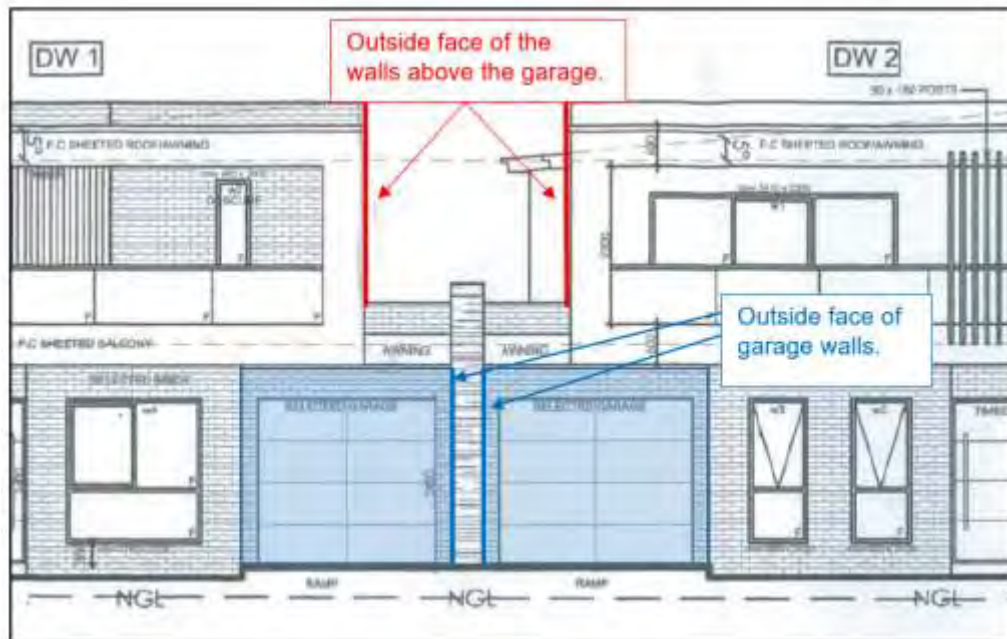
Although the ground floor level of the development complies with the minimum 6m front setback requirement of DCP 2014, a 1.2m encroachment into the front setback is proposed at the first level balconies to Dwelling 1 and Dwelling 2, resulting in a 4.8m front setback (drawing showing diagrammatical explanation of this non-compliance provided in the Submissions section, earlier in this report).

As discussed in the Submissions section, it is agreed that the proposed front setback non-compliance would result in a development that is inconsistent with the character of the streetscape, which in this locality generally features consistent front setbacks (of 6m or greater). Accordingly, it is recommended that the proposed non-compliance be addressed via a condition of consent (Deferred Commencement).

### *Alignment of garage walls and the outside face of the walls immediately above.*

Ryde DCP 2014 contains a requirement that the outside face of the walls above a garage are to align with the outside face of the garage wall below. In the subject proposal, the outside face of the walls above the garages do not align with the outside face of the garage wall below. This occurs where the first floor component of each dwelling is separated above the garage so as to reduce visual bulk when viewed from Elliot Avenue. See following drawing.

**ITEM 2 (continued)**



This diagram demonstrates how the outside face of the walls built above the garages do not align with the outside face of the garage wall below. However, given this enables separation of the building mass, it is considered to be a positive outcome from a design perspective.

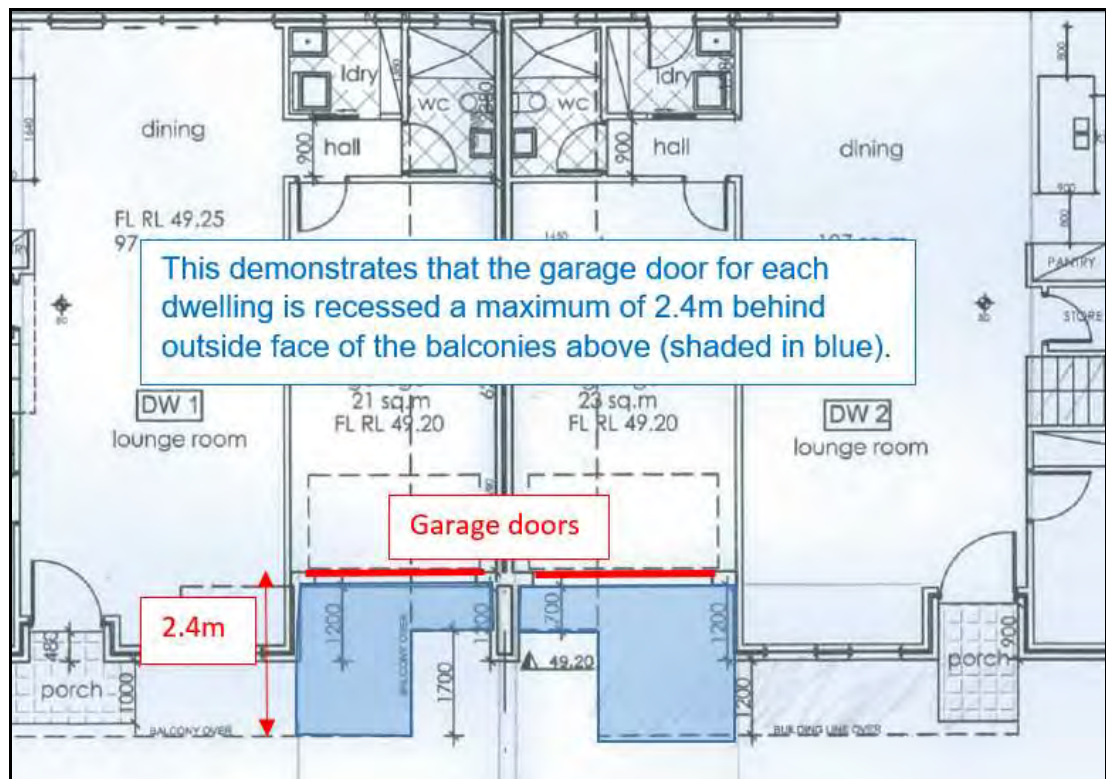
*Source: South-West Elevation plan by applicant, edited for diagrammatic purposes by CPS.*

The development is considered to be acceptable despite this non-compliance for the following reasons:

- The proposed dual occupancy development has been designed so as to reduce the bulk of the built form. In particular, this has been achieved by separating the first floor component of the development so that the dwellings will be attached via a party wall at the ground floor only. Subsequently, this has resulted in a misalignment of the outside face of the walls above the garage and the outside face of the garage wall below. See following drawing.



**ITEM 2 (continued)**



This diagram demonstrates that the garage door for each dwelling is recessed a maximum of 2.4 behind the balconies above.

*Source: Ground Floor plan by applicant, edited for diagrammatic purposes by CPS*

- Despite the non-compliance with this development control, the proposed built form of the dual occupancy is considered to make a positive contribution to the existing and emerging streetscape character. This is because the overall bulk of the development has been substantially reduced by separating the first floor component of each dwelling.
- The garages are not considered to be prominent elements within the streetscape as they are setback at least 1m from the front building elevation and have been incorporated into the design of the dwelling so as to ensure that they are not the dominant feature of the building when viewed from the street.

Although not complying with the prescribed front setback controls, the development is considered to be acceptable despite the non-compliance with the requirement that the outside face of the wall is to align with that of the garage below.

## ITEM 2 (continued)

The development is not considered acceptable in terms of non-compliance with the 6m front setback control (to the first floor balconies), and this non-compliance is proposed to be addressed via a (Deferred Commencement) condition of consent as discussed throughout this report.

- 3. Car Parking and Access.** Section 2.11 of Part 3.3 prescribes that the garage doors for each dwelling are not to be recessed more than 300mm behind the outside face of the building element immediately above.

An assessment has revealed the location of the garages for the dual occupancy are at variance with the above-mentioned development control as the garage doors for each dwelling are recessed up to 2m behind the outside face of the building element immediately above, i.e. the cantilevered balconies to the front façade – see drawing above.

Although not complying with the prescribed controls relating to the siting of garages, the non-compliance with Council's development control can be supported as the proposal is capable of meeting the relevant objectives contained within the DCP2014. The reasoning for this is explained below:

- The garages are not considered to be prominent elements when viewed from the front building elevation. This is because the garages have been incorporated into the design of the dwelling so as to ensure that they are not the predominant feature when viewed from the street. Furthermore, the garages are located at least 1m behind the front building elevation, as prescribed by Section 2.11 of the DCP2014.
- This non-compliance occurs as a result of the cantilevered balconies located on the façade of Dwelling 1 and Dwelling 2, as such does not create the illusion of an undercroft within the front setback. The balconies proposed are generally light weight in design, and sufficiently open so as not to impede on the front setback area.

### **Non Compliances / Issues to be resolved via conditions**

- 1. Fences.** Section 2.16 in Part 3.3 of the DCP2014 seeks to ensure that front fences contribute to the streetscape appearance. In particular, fences may have a maximum height of 1.8m so long as the fence is an open fence with an openness ratio of at least 50%. The fence may have a solid base so long as the base is no higher than 900mm.

The submitted elevation plans indicate the front fence is not 50% open where the height exceeds 1m. Accordingly, the following condition of consent is recommended to ensure front fencing complies with the requirements of DCP2014.

## ITEM 2 (continued)

***Fencing.*** *Fencing is to be in accordance with Council's Development Control Plan 2014 and details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a **Construction Certificate.***

### 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 assessment of the proposed development. This has included a compliance check against all relevant planning controls, referral of the proposal to relevant technical officers within Council, and a detailed assessment report.

The assessment of the proposal has revealed that it is unlikely to adversely impact on the existing character of the locality in terms of bulk and scale. Whilst it is acknowledged that the scale and built form density of the subject site will increase as a result of the development, the proposed dual occupancy has been appropriately designed so that the building has a similar appearance of two detached dwelling houses.

It is also noted that the primary controls governing the scale of the proposed development relating to building height, floor space ratio and setbacks contained within the DCP2014 have all been achieved. Furthermore, the objectives of the R2 Low Density Residential Zone as contained within the LEP2014 have also been achieved.

Having regard to the above, the proposed development is considered unlikely to significantly impact the streetscape or surrounding development.

#### (b) Natural Environment

The proposed development is located in an established urban area, and as such is not considered to result in any significant impacts on the natural environment. Imposition of Council's standard conditions of consent, relating to protection of the natural environment, are considered to satisfactorily mitigate any adverse impact the proposed demolition and construction of the proposed dual occupancy.

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

A review of Council's map of Environmentally Sensitive Areas (held on file) identifies no constraints affecting the subject property other than those already identified within this report.

## **ITEM 2 (continued)**

### **12. The Public Interest**

The proposed development is considered satisfactory having regard to the objectives and requirements of the LEP2014 and DCP2014. Any potential impact on adjoining properties has been considered and addressed within this report. As such it is considered that the proposed development is in the public interest.

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

#### Internal Referrals

**Senior Development Engineer:** The proposed development and revised plans were referred to Council's Senior Development Engineer who has raised no objection to the proposal subject to appropriate conditions of consent.

#### External Referrals

None required.

### **14. Critical Dates**

There are no critical dates or deadlines to be met.

### **15. Financial Impact**

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

### **16. Other Options**

None relevant.

### **17. Conclusion**

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

Although areas of non-compliance with DCP2014 were identified, these were either considered to be justifiable given the circumstances of the subject site and the development proposed, or alternatively addressed via imposition of consent conditions.

## **ITEM 2 (continued)**

The proposed dual occupancy development is considered to result in a development that is consistent with the objectives of the R2 Low Density Residential zone. The proposal contributes to the delivery of a variety of housing types to meet the needs of the community within the R2 zone through the provision of a dual occupancy development in an area characterised by mostly single dwelling houses.

The proposal has attracted a number of submissions from the notification of DA. A number of submissions raised issue with the proposed dual occupancy being out of character with the 'Dress Circle Estate' and setting precedence for future development of this type and scale. However, the housing typology within the streets of the 'Dress Circle Estate' do not provide a sense of cohesion that enables one to view and appreciate the precinct as a good example of a c1960s estate subdivision that is readily identifiable and interpreted as such. This is demonstrated in the 'submissions section' of the report which included examples of the earlier housing forms which have been modified through alterations and additions, as well cosmetic changes such as rendering, re-cladding and newly constructed dwellings/dual occupancies which incorporated modern and contemporary designs.

The other issues raised in the submission with regard to traffic and parking, impacts on utility services, visual privacy, and overshadowing were not considered to be significant, nor necessitate any design amendments to the building.

Therefore, the issues of concern are not considered sufficient to warrant further design amendments or justify refusal of the proposal.

On the above basis, LDA2016/0197 at 1 Lumsdaine Avenue, East Ryde is recommended for approval, subject to conditions.

**ITEM 2 (continued)**

**ATTACHMENT 1**

**DRAFT CONDITIONS OF CONSENT**  
**1 LUMSDAINE STREET EAST RYDE**  
**LDA2016/197**

**DEFERRED COMMENCEMENT**

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

1. **Plan Amendments.** The submission of amended plans for the approval of the Acting Director – City Strategy & Planning which provide the following plan amendment:
  - A minimum 6m front setback is to be provided from Elliott Ave to all parts of the building, including balconies, as prescribed in Ryde DCP 2014. This shall be achieved without any reduction to the side or rear setbacks as currently shown.

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

**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>
<b><i>Architectural plans and documents prepared by Champion Homes</i></b>		
Site Plan	04/04/2016	Sheet 2/15
Ground Floor Plan	04/04/2016	Sheet 3/15
1 <sup>st</sup> Floor Plan	04/04/2016	Sheet 4/15
Roof Plan	04/04/2016	Sheet 5/15
South-west elevation North-west elevation Front fence (Elliot Avenue)	04/04/2016	Sheet 6/15
North-east elevation South-east elevation Side fence (Lumsdaine Avenue)	04/04/2016	Sheet 7/15

**ITEM 2 (continued)**

**ATTACHMENT 1**

South-east elevation North-west elevation	04/04/2016	Sheet 8/15
Typical Section a-a	04/04/2016	Sheet 9/15
Erosion, Soil & Sediment Control Plan Construction Site Management Plan Site Works Plan	04/04/2016	Sheet 10/15
Demolition Plan	04/04/2016	Sheet 11/15
Proposed Subdivision Plan	04/04/2016	Sheet 12/15
Landscape Plan	04/04/2016	Sheet 13/15
<b><i>Specialist reports and documents</i></b>		
Drainage Concept Plan & Details	27/04/2015	Sheet 1 of 1, Revision A Prepared by KD Stormwater Pty Ltd.

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 717590S & 717584S dated 5 April 2016.
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 2 (continued)**

**ATTACHMENT 1**

7. **Illumination of public place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
8. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.
9. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
10. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Ausgrid, 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.
11. **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.

Engineering Conditions

12. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the relevant Australian Standard *and City of Ryde Development Control Plan 2014 Section 8* except as amended by other conditions.
13. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
14. **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 2 (continued)**

**ATTACHMENT 1**

**15. Road Activity Permits.** To carry out work in, on or over a public road, the Consent of Council is required as per the Roads Act 1993. Prior to issue of a Construction Certificate and commencement of any work, permits for the following activities, as required and as specified in the form "*Road Activity Permits Checklist*" (available from Councils website) are to be obtained and copies submitted to Council with the *Notice of Intention to Commence Work*.

- a) Road Use Permit - The applicant shall obtain a Road Use Permit where any area of the public road or footpath is to be occupied as construction workspace, other than activities covered by a Road Opening Permit or if a Work Zone Permit is not obtained. The permit does not grant exemption from parking regulations.
- b) Work Zone Permit - The applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. A Roads and Maritime Services Work Zone Permit shall be obtained for State Roads.
- c) Road Opening Permit - The applicant shall apply for a road-opening permit and pay the required fee where a new pipeline is to be constructed within or across the road pavement or footpath. Additional road opening permits and fees are required where there are connections to public utility services (e.g. telephone, telecommunications, electricity, sewer, water or gas) within the road reserve. No opening of the road or footpath surface shall be carried out without this permit being obtained and a copy kept on the site.
- d) Elevated Tower, Crane or Concrete Pump Permit - The applicant shall obtain an Elevated Tower, Crane or Concrete Pump Permit where any of these items of plant are placed on Council's roads or footpaths. This permit is in addition to either a Road Use Permit or a Work Zone Permit.
- e) Crane Airspace Permit - The applicant shall obtain a Crane Over Airspace Permit where a crane on private land is operating in the air space of a Council road or footpath. Approval from the Roads and Maritime Services for works on or near State Roads is required prior to lodgement of an application with Council. A separate application for a Work Zone Permit is required for any construction vehicles or plant on the adjoining road or footpath associated with use of the crane.

**ITEM 2 (continued)**

**ATTACHMENT 1**

- f) Hoarding Permit - The applicant shall obtain a Hoarding Permit and pay the required fee where erection of protective hoarding along the street frontage of the property is required. The fee payable is for a minimum period of 6 months and should the period is extended an adjustment of the fee will be made on completion of the works. The site must be fenced to a minimum height of 1.8 metres prior to the commencement of construction and throughout demolition and/or excavation and must comply with WorkCover (New South Wales) requirements.
- g) Skip Bin on Nature Strip - The applicant shall obtain approval and pay the required fee to place a Skip Bin on the nature strip where it is not practical to locate the bin on private property. No permit will be issued to place skips within the carriageway of any public road.

**DEMOLITION CONDITIONS**

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

A Construction Certificate is not required for Demolition.

**16. Provision of contact details/neighbour notification.** At least 7 days before any demolition work commences:

- (a) Council must be notified of the following particulars:
  - (i) The name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
  - (ii) The date the work is due to commence and the expected completion date
- (b) A written notice must be placed in the letter box of each property identified in the attached locality plan advising of the date the work is due to commence.

**17. Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).

**18. Excavation**

- (a) All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being dangerous to life or property and, in accordance with the design of a structural engineer.

**ITEM 2 (continued)**

**ATTACHMENT 1**

- (b) A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with the Work Cover Authority, in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The applicant must provide a copy of the Statement to Council prior to commencement of demolition work.

19. **Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by WorkCover New South Wales.

20. **Asbestos – disposal.** All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal dockets must be retained by the person performing the work for at least 3 years and be submitted to Council on request.

21. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.

22. **Disposal of demolition waste.** All demolition waste must be transported to a facility or place that can lawfully be used as a waste facility for those wastes.

**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 2 (continued)**

**ATTACHMENT 1**

23. **Section 94.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council as follows:

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
Community & Cultural Facilities	\$4,227.74
Open Space & Recreation Facilities	\$10,407.85
Civic & Urban Improvements	\$3,539.91
Roads & Traffic Management Facilities	\$482.86
Cycleways	\$301.62
Stormwater Management Facilities	\$958.70
Plan Administration	\$81.32
<b>The total contribution is</b>	<b>\$20,000.00</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 Interim Update (2014), effective from 10 December 2014.

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.

The contribution must be paid **prior to the issue of any Construction Certificate**. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the **City of Ryde**. Personal or company cheques will not be accepted.

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>.

24. **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**.
25. **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 2 (continued)**

**ATTACHMENT 1**

26. **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**.

27. **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

28. **Alignment Levels.** The applicant is to apply to Council, pay the required fee, and have issued site specific alignment levels by Council prior to the issue of the **Construction Certificate**.

29. **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**.

30. **Sydney Water Tap in™.** The approved plans must be submitted to the Sydney Water Tap in™ on-line service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Sydney Water Sydney Water Tap in™ service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, eg relocating or moving an asset.

Sydney Water's Tap in™ online service is available at:  
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>



**ITEM 2 (continued)**

**ATTACHMENT 1**

31. **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**.
32. **Acoustic amenity/privacy.** The operating noise level of air conditioners, swimming pool pumps and other mechanical services must not exceed the background noise level by more than 5dB(A). Details of any proposed air-conditioning are to be submitted and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.
33. **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**.
34. **Boundary Levels.** The levels of the street alignment shall be obtained from Council. These levels shall be incorporated into the design of the internal driveway, carparking areas, landscaping and stormwater drainage plans and must be obtained prior to the issue of the construction certificate.
35. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Ausgrid, Sydney Water, Telstra, RMS, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development. In particular, the development shall comply with the following requirements of Ausgrid:
1. The development should comply with the clearance requirements as specified in Section 13 of Ausgrid's Network Standard NS220.
  2. The horizontal clearance between the existing 11 kV overhead mains and those parts of any structure of the building accessible to person should be greater than 4m (with the consideration of blow out).
  3. The vertical clearance between existing 11 kV overhead main and those parts of any structure of the building accessible to person should be greater than 4.5m.
  4. If there is any openable or fixed windows or glass block work or similar irrespective of fire rating, they are not permitted within 3 metres in any direction of the existing transformer tank, unless fire resistance level of 120/120/120 non-ignitable blast -resisting barrier is provided.

**ITEM 2 (continued)**

**ATTACHMENT 1**

5. Ausgrid requires existing transformer tank to be separated from building ventilation system air intake and exhaust duct openings, by not less than 6 metres. This applies irrespective of whether the building ducted ventilation system is mechanical or natural and irrespective of whether or not fire dampers are installed in the ducts.
6. The existing transformer will have noise all the time and therefore, the developer should be aware of this issue and provide enough clearance from the existing transformer in order maintain a tolerable noise level (by human) all the time (day and night). Ausgrid will not be responsible for noise interference complaints by the resident in the future, due to the not sufficient clearance.

Prior to the issue of any Construction Certificate, the applicant is to provide verification from Ausgrid that the development complies with the above requirements.

Engineering Conditions

36. **Boundary Levels.** The levels of the street alignment shall be obtained from Council. These levels shall be incorporated into the design of the internal driveway, carparking areas, landscaping and stormwater drainage plans and must be obtained prior to the issue of the construction certificate.
37. **Driveway Grades.** The maximum grade of all internal driveways and vehicular ramps shall be 1 in 4 and in accordance with the relevant section of AS 2890.1. The maximum change of grade permitted is 1 in 8 (12.5%) for summit grade changes and 1 in 6.7 (15%) for sag grade changes. Any transition grades shall have a minimum length of 2.0m. The driveway design is to incorporate Council's issued footpath and gutter crossing levels where they are required as a condition of consent. A driveway plan, longitudinal section from the centreline of the public road to the garage floor, and any necessary cross-sections clearly demonstrating that the driveway complies with the above details, and that vehicles may safely manoeuvre within the site without scraping shall be submitted with the Construction Certificate application.
38. **On-Site Stormwater Detention.** Stormwater runoff from all impervious areas shall be collected and piped by gravity flow to a suitable on-site detention system in accordance with City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater & Floodplain Management. The minimum capacity of the piped drainage system shall be equivalent to the collected runoff from a 100 year average recurrence interval 5 minute storm event.

## ITEM 2 (continued)

## ATTACHMENT 1

Detailed engineering plans including certification from an accredited hydraulic engineer indicating compliance with this condition & DCP 2014 are to be submitted with the Construction Certificate application.

39. **Water Tank First Flush.** A first flush mechanism is to be designed and constructed with the water tank system. Details of the first flush system are to be submitted with the construction certificate application.

40. **Erosion and Sediment Control Plan.** An *Erosion and Sediment Control Plan (ESCP)* shall be prepared by a suitably qualified consultant in accordance with the guidelines set out in the manual "*Managing Urban Stormwater, Soils and Construction*" prepared by the Landcom. These devices shall be maintained during the construction works and replaced where considered necessary.

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

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

## 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.

### Prescribed Conditions

#### 41. Site Sign

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

**ITEM 2 (continued)**

**ATTACHMENT 1**

- (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.

**42. 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.

**43. 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).

**44. 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.

**ITEM 2 (continued)**

**ATTACHMENT 1**

- (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.

45. **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.

Engineering Conditions

46. **Sediment and Erosion Control.** The applicant shall install appropriate sediment control devices in accordance with an approved plan **prior** to any earthworks being carried out on the site. These devices shall be maintained during the construction period and replaced where considered necessary. Suitable erosion control management procedures shall be practiced. This condition is imposed in order to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.

47. **Compliance Certificate.** A Compliance Certificate should be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and City of Ryde, Development Control Plan 2014: - Part 8.1; Construction Activities.

**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.

48. **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*.

49. **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.



**ITEM 2 (continued)**

**ATTACHMENT 1**

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

51. **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.

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

**53. 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.

**54. 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.

55. **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".

56. **Drop-edge beams.** Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level.

**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.

**ITEM 2 (continued)**

**ATTACHMENT 1**

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.

57. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 717590S & 717584S dated 05 April 2016.

58. **Landscaping.** All landscaping works approved by condition 1, as modified by this consent, are to be completed prior to the issue of the final **Occupation Certificate**.

59. **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.

60. **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.

Engineering Conditions

61. **Disused Gutter Crossing.** All disused gutter and footpath crossings shall be removed and the kerb and footpath reinstated to the satisfaction of Council.

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62. **Vehicle Footpath Crossings.** Concrete footpath crossings shall be constructed at all locations where vehicles cross the footpath, to protect it from damage resulting from the vehicle traffic. The location, design and construction shall conform to the requirements of Council. Crossings are to be constructed in plain reinforced concrete and finished levels shall conform with property alignment levels issued by Council's City Works & Infrastructure Division. Kerbs shall not be returned to the alignment line.
63. **On-Site Stormwater Detention System - Marker Plate.** Each on-site detention system basin shall be indicated on the site by fixing a marker plate. This plate is to be of minimum size: 100mm x 75mm and is to be made from non-corrosive metal or 4mm thick laminated plastic. It is to be fixed in a prominent position to the nearest concrete or permanent surface or access grate. The wording on the marker plate is described in City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater & Floodplain Management. An approved plate may be purchased from Council's Customer Service Centre on presentation of a completed City of Ryde OSD certification form.
64. **Work-as-Executed Plan.** A Work-as-Executed plan signed by a Registered Surveyor clearly showing the surveyor's name and the date, the stormwater drainage, including the on-site stormwater detention system if one has been constructed and finished ground levels **is to be submitted to the Principal Certifying Authority (PCA)** and to Ryde City Council if Council is not the nominated PCA.
65. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with plan the Construction Certificate version of Job No DG864 issue D dated 19/7/16 prepared by KD Stormwater Pty Ltd.
66. **Damaged Footpath Paving Construction.** The applicant shall, at no cost to Council, construct any damaged concrete footpath paving across the frontages of the property in Lumsdaine & Elliot Avenue. A compliance certificate from the Council's City Works & Infrastructure shall be obtained upon completion of concrete footpath paving works indicating that all works have been completed to Council's satisfaction and submitted to the Principal Certifying Authority.
67. **Compliance Certificates – Engineering.** Compliance Certificates should be obtained for the following and **submitted to the PCA**:
- Confirming that all vehicular footway and gutter (layback) crossings are constructed in accordance with the construction plan requirements and Ryde City Council's Development Control Plan 2014: - Part 8.3; Driveways

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- Confirming that the driveway is constructed in accordance with the construction plan requirements and Ryde City Development Control Plan 2014: - Part 8.3; Driveways.
- Confirming that the site drainage system (including the on-site detention storage system) servicing the development complies with the construction plan requirements and City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater & Floodplain Management
- Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including the on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
- Confirming that the vehicular crossing has been removed and the kerb and gutter have been constructed in accordance with Council's Development Control Plan 2014: - Part 8.3 Driveways

**68. Positive Covenant, OSD.** The creation of a Positive Covenant under Section 88 of the Conveyancing Act 1919, burdening the property with the requirement to maintain the stormwater detention system on the property. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88E instrument for Maintenance of Stormwater Detention Systems and to the satisfaction of Council.

**PRIOR TO SUBDIVISION CERTIFICATE**

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

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

**69. Final Occupation Certificate.** The final occupation certificate associated with Development Consent DA2016/0197 and all related S96 applications if any, must be issued for the entire development prior to the release of the Strata Subdivision Certificate.

**70. 88B Instrument.** If required, an instrument under Section 88B of the Conveyancing Act 1919 plus 2 copies shall be submitted, creating any Easements Positive Covenants and restrictions on use, the Ryde City being the authority empowered to release, vary or modify the same.

**71. Final Plan of Subdivision.** The submission of a final plan of subdivision plus three copies suitable for endorsement by the Authorised Officer.

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72. **Final plan of subdivision - title details.** The final plan of subdivision shall contain detail all existing and/or proposed easements, positive covenants and restrictions of the use of land
73. **Section 73 Certificate.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Subdivision Certificate being issued. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to issue of the Subdivision Certificate.
74. **Utility provider** - compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Ausgrid, Sydney Water, Telstra, Council etc). Prior to the Subdivision Certificate the applicant is to provide details to demonstrate compliance with this condition.

Engineering Conditions

75. **Positive Covenant, OSD.** The creation of a Positive Covenant under Section 88 of the Conveyancing Act 1919, burdening the property with the requirement to maintain the stormwater detention system on the property. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88E instrument for Maintenance of Stormwater Detention Systems and to the satisfaction of Council.

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**ATTACHMENT 2**

**Quality Certification**

**Assessment of a Dual Occupancy (attached), Single Dwelling House, Alterations & Additions to a Dwelling House and ancillary development**

<b>LDA No:</b>	<b>LDA2016/0197</b>
<b>Date Plans Rec'd</b>	<b>3 May 2016</b>
<b>Address:</b>	<b>1 Lumsdaine Avenue, East Ryde</b>
<b>Proposal:</b>	<b>New two (2), storey dual occupancy (attached). Including demolition of existing structures and strata subdivision.</b>
<b>Constraints Identified:</b>	<b>No constraints identified.</b>

**COMPLIANCE CHECK**

<b>LEP 2014</b>	<b>PROPOSAL</b>	<b>COMPLIANCE</b>
<b>4.3(2) Height</b>		
<ul style="list-style-type: none"> <li>9.5m overall</li> </ul>	The maximum building height occurs at the north-western corner of Dwelling 1, where: Highest point is RL56.0 EGL below max point is RL48.3 Overall Height (max)= <b>7.7m</b>	Yes
<b>4.4(2) &amp; 4.4A(1) - FSR</b>		
<ul style="list-style-type: none"> <li><b>0.5:1</b></li> </ul>	<b>0.489:1</b>	Yes
<b>4.1A Dual occupancy (attached) strata subdivision</b>		
Development consent may only be granted to the subdivision of a dual occupancy (attached) on land in Zone R2 Low Density Residential if <ul style="list-style-type: none"> <li>the subdivision is a strata subdivision, and</li> </ul>	The proposal includes strata subdivision and has a land area of 607.028m <sup>2</sup> .	Yes



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**ATTACHMENT 2**

LEP 2014	PROPOSAL	COMPLIANCE
<ul style="list-style-type: none"> <li>the land has an area of at least 580 square metres.</li> </ul>		
<b>4.1B Minimum Lot Size</b>		
<ul style="list-style-type: none"> <li>580 square metres</li> </ul>	The subject site has an area of 607.028m <sup>2</sup> (DP 31253 )	Yes
<ul style="list-style-type: none"> <li>road frontage of the lot is equal to or greater than 20 metres</li> </ul>	The subject site has a total road frontage of 47.6m. This includes the primary frontage to Elliot Avenue (21.3m), corner splay of (6.465m) and secondary frontage to Lumsdaine Avenue (19.84m) - (DP 31253)	Yes

DCP 2014	PROPOSED	COMPLIANCE
<b>Part 3.3 – Dwelling Houses and Dual Occupancy (attached)</b>		
<b>Desired Future Character</b>		
Development is to be consistent with the desired future character of the low density residential areas.	Subject to the conditions of consent outlined within the Assessment Report, the proposed development is capable of being consistent with the desired future character of the low density residential area as described in Section 2.1 of DCP2014 for the following reasons: <ul style="list-style-type: none"> <li>The proposed dual occupancy is low scale as determined by a two-storey height limit.</li> <li>The dual occupancy has been designed so that the building has a similar appearance of two separate dwellings.</li> <li>The proposed dual occupancy is well articulated so as to reduce the overall</li> </ul>	Yes

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**ATTACHMENT 2**

<b>DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
	<p>bulk of the built form.</p> <ul style="list-style-type: none"> <li>• Dwellings are located within a landscape setting, which include a clearly defined front garden and back yard – refer to submitted Landscape Plan.</li> <li>• The proposed development has appropriate front, secondary, side and rear setbacks, despite the inherent constraints of a corner site.</li> <li>• The garages have been appropriately integrated into the design of the dual occupancy development, as such are not prominent elements within the streetscape.</li> <li>• Deep soil areas meet minimum requirements.</li> </ul>	
<b>Dual Occupancy (attached)</b>		
<p>New Dual occupancy (attached) buildings are to meet the controls for new dwelling houses:</p> <p>a) To have a landscaped setting which includes significant deep soil areas at front and rear.</p> <p>b) Residential dwellings are to be a maximum of two storeys high.</p> <p>c) Dwellings to address street</p>	<p>The proposed development is considered capable of meeting the requirements of the controls for new dwelling houses for the following reasons:-</p> <p>- The submitted Landscape Plan has demonstrated that an 8m x 8m deep soil area can be achieved within the rear yard. In addition to this, each dwelling provides significant deep soil areas within the front and rear yards.</p> <p>- The proposed dual occupancy development does not exceed 2 storeys</p>	<p>Yes</p> <p>Yes</p>



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**ATTACHMENT 2**

<b>DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<ul style="list-style-type: none"> <li>- Alterations and additions to dual occupancy (attached) buildings are to meet the requirements set out in 2.2.2</li> </ul>	<p>Not alterations and additions</p>	<p>N/A</p>
<b>Public Domain Amenity</b>		
<ul style="list-style-type: none"> <li>• <b>Streetscape</b></li> </ul>		
<ul style="list-style-type: none"> <li>- Site design, building setbacks and the location and height of level changes are to respect the existing topographic setting of the street and the relationship of existing buildings in the street to the topography</li>   <li>- The design of front gardens is to complement and enhance streetscape character</li> </ul>	<p>The proposed design satisfactorily complies with the side and rear setback requirements, overall building height limits, and is generally compatible with existing surrounding low density development, as well as the desired future character for low density residential areas</p> <p>The proposed development generally respects the existing topographic setting, as excavation and fill has been minimised.</p> <p>The front garden satisfactorily compliments and enhances the prevailing streetscape character, as it allows for sufficient landscape planting and deep soil zones.</p>	<p>Yes</p> <p>Yes</p>
<ul style="list-style-type: none"> <li>- Dwelling design is to enhance the safety and amenity of the streetscape.</li> </ul>	<p>The design is considered to enhance the level of passive surveillance over the streetscape, as living areas and balconies are oriented towards the street for each dwelling. Furthermore, Dwelling 2 incorporates a balcony, which fronts onto the secondary street frontage of Lumsdaine Avenue.</p>	<p>Yes</p>

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**ATTACHMENT 2**

<b>DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<ul style="list-style-type: none"> <li>• <b>Public Views and Vistas</b></li> <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> </ul>	<p>There are no existing or potential views to the water from the street.</p>	<p>N/A</p>
<ul style="list-style-type: none"> <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>	<p>There are no existing or potential views to the water from the street.</p> <p>There are no existing or potential views to the water from the street.</p>	<p>N/A</p> <p>N/A</p>
<ul style="list-style-type: none"> <li>• <b>Pedestrian &amp; Vehicle Safety</b></li> <li>- Car parking located to accommodate sightlines to footpath &amp; road.</li> </ul>	<p>As part of the assessment of the subject DA, the proposal was referred to Council's Development Engineers for review and comment.</p> <p>Council's Development Engineers have raised no issue with the proposal's vehicular access arrangements, subject to imposition of conditions of consent. In this regard, it is taken the proposed car parking allows for satisfactory sightlines to the footpath and road.</p>	<p>Yes</p>
<p><b>Site Configuration</b></p>		
<ul style="list-style-type: none"> <li>• <b>Deep Soil Areas</b></li> <li>- 35% of site area min.</li> </ul>	<p>The landscape plan indicates that an area of approx. 235m<sup>2</sup> of deep soil area is provided. Given a site area of 607.28m<sup>2</sup> this</p>	<p>Yes</p>

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**ATTACHMENT 2**

<b>DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<ul style="list-style-type: none"> <li>- Min 8x8m deep soil area in backyard.</li> <li>- Front yard to have deep soil area (only hard paved area to be driveway, pedestrian path and garden walls).</li> <li>- Dual occupancy developments only need 1 of 8 x 8m area (doesn't have to be shared equally).</li> <li>- Deep soil areas are to have soft landscaping</li> <li>- Deep soil areas are to be 100% permeable to water and cannot be covered by structures, paving or the like, or have below surface structures such as stormwater detention elements.</li> </ul>	<p>equates to a deep soil area of 38% of the site area</p> <p>An 8m x 8m deep soil area is provided within the rear yard of the dual occupancy development.</p> <p>Aside from the driveway and pedestrian pathways and garden walls, all remaining front yard areas include landscape planting.</p> <p>An 8m x 8m deep soil area is provided within the rear yard of the dual occupancy development.</p> <p>The submitted Landscape Plan demonstrates that deep soil areas will provide soft landscaping.</p> <p>The nominated deep soil areas are 100% permeable to water and is not covered by structures or paving</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<ul style="list-style-type: none"> <li>• <b>Topography &amp; Excavation</b> Within building footprint:               <ul style="list-style-type: none"> <li>- Max cut: 1.2m</li> </ul> </li> </ul>	<p>The extent of excavation within the building footprint does not exceed 1.2m.</p>	<p>Yes</p>



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**ATTACHMENT 2**

<b>DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
- Max fill: 900mm	The maximum fill within the building footprint is approximately 1m, which exceeds the maximum requirement by 100mm. This occurs within the north western corner of Dwelling 1, where the living room and alfresco area is proposed to be located.	No – Justifiable
- Outside building footprint: - Max cut: 900mm	The extent of excavation within the building footprint does not exceed 900mm.	Yes
- Max fill: 500mm	The extent of fill outside the building footprint does not exceed 500mm.	Yes
- No fill between side of building and boundary or close to rear boundary	The submitted plans do not show any fill between the side of the building and the boundary. It is, however, acknowledged that some minor grading will occur to create a level pathway.	Yes
- No fill in overland flow path	A review of Council's maps of environmentally sensitive land held on file has revealed that the site is not impacted by overland flow.	N/A
- Max ht retaining wall 900mm	The submitted plans have demonstrated that retaining walls are not proposed.	N/A
<b>Floor Space Ratio</b>		
- Basement Floor - Ground floor - First Floor - Outbuildings (incl covered pergolas, sheds etc)	N/A 179.99m <sup>2</sup> 153.08m <sup>2</sup> N/A	Yes

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**ATTACHMENT 2**

<b>DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<p>- Total (Gross Floor Area)            - Less 36m<sup>2</sup> (double) <b>or</b> 18m<sup>2</sup> (single) allowance for parking</p> <p><b>FSR (max 0.5:1)</b></p> <p><b>Note: Excludes wall thicknesses, lifts/stairs; basement storage/vehicle access/garbage area; terraces/balconies with walls &lt;1.4m; void areas.</b></p>	<p>333.07m<sup>2</sup>            Less garage - 36m<sup>2</sup>  <b>297.076m<sup>2</sup></b></p> <p><b>0.489:1</b>            Based on a site area            607.028m<sup>2</sup> (Lot 435 DP            31253)</p>	
<b>Height</b>		
<p>- 2 storeys maximum (storey) incl basement elevated greater than 1.2m above EGL).</p> <p>- 1 storey maximum above attached garage incl semi-basement or at-grade garages.</p> <p>Wall plate (Ceiling Height)            - 7.5m max above FGL <i>or</i>            - 8m max to top of parapet above FGL.            NB:  <i>TOW = Top of Wall</i>  <i>EGL = Existing Ground Level</i></p> <p>- 9.5m Overall Height</p> <p><i>NB: EGL – Existing ground Level</i></p>	<p>The proposed development includes two storeys.</p> <p>1 storey is located above the garage for each dwelling.</p> <p>The maximum wall plate height is 7.4m. Occurs at the north western corner of Dwelling 1.</p> <p>The maximum building height occurs at the north-western corner of Dwelling 1, where:            Highest point is RL56.0, and EGL below max point is RL48.3            Overall Height (max)= <b>7.7m</b></p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>- Habitable rooms to have 2.4m floor to ceiling height (min).</p>	<p>The submitted plans indicate that all ceilings will have a minimum height of 2.4m.</p>	<p>Yes</p>

ITEM 2 (continued)		ATTACHMENT 2
DCP 2014	PROPOSED	COMPLIANCE
<b>Setbacks</b>		
<ul style="list-style-type: none"> <li>• <b>Front</b></li> <li>- 6m to façade (generally)</li>   <li>- On corner sites, the setback along the secondary street (the street to which the house has its secondary frontage) is to be a minimum of 2 m.</li>   <li>- Garage setback 1m from the <b>dwelling façade</b></li>   <li>- Wall above is to align with outside face of garage below.</li> </ul>	<p>A front setback of between 4.8m and 6.5m is proposed to Elliot Avenue, thus does not comply with this development control.</p> <p>The proposed 1.2m encroachment into the prescribed front setback is a result of the cantilevered balconies located on the front façade of Dwelling 1 and Dwelling 2.</p> <p>It is noted that the calculation of the primary front setback to Elliot Avenue does not include the corner splay.</p> <p>The minimum setback to the secondary street frontage of Lumsdaine Avenue is 2m.</p> <p>Garages are setback 1.2m from the façade of the dual occupancy development.</p> <p>The outside face of the walls built above the garages do not align with the outside face of the garage wall below.</p> <p>This occurs where the first floor component of each dwelling is separated above the garage so as to reduce visual bulk when viewed from Elliot Avenue.</p>	<p>No – addressed via condition (Deferred Commencement)</p> <p>Yes</p> <p>Yes</p> <p>No - Justifiable</p>

**ITEM 2 (continued)**

**ATTACHMENT 2**

<b>DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<p>- Front setback free of ancillary elements e.g. RWT,A/C</p> <ul style="list-style-type: none"> <li>• <b>Side</b> <ul style="list-style-type: none"> <li>○ <b>One storey dwelling</b> <ul style="list-style-type: none"> <li>- 900mm to wall</li> </ul> </li> <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 OR 25% of the length of the site, whichever is greater.</li> </ul> </li> </ul> <p>Allotments which are wider than they are long, and so cannot achieve the minimum rear setback requirement, are to have a minimum rear setback of 4 m.</p>	<p>Front setback is free of ancillary elements</p> <p>The single storey component of the dual occupancy building proposes a setback of 900mm from the north-western side property boundary</p> <p>The first floor component of the dual occupancy building proposes a minimum setback of 1.5m when measured from the side boundary to the outside wall.</p> <p>N/A – refer below.</p> <p>The subject site has an average width of 26.6m and an average length of 24.385, as such the site is wider than it is longer. In this circumstance, a minimum rear setback of 4m is applicable.</p> <p>The dual occupancy proposes a setback of between 4.5 and 8m, as such complies with this development control</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p>
<b>Outbuildings</b>		
<p>- Not within front setback.</p>	<p>No outbuildings proposed. Dwelling 2 includes a freestanding garage, however by virtue of the</p>	<p>N/A</p>

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**ATTACHMENT 2**

<b>DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<ul style="list-style-type: none"> <li>- Max area 20m<sup>2</sup></li> <li>- The design and materials to complement the existing dwelling</li> <li>- An outbuilding may contain a toilet, shower and hand basin but cannot contain a bar, sink or any other kitchen facilities.</li> <li>- An outbuilding may be located on the side or rear boundary so long as the external wall is maintenance free and there is no eaves overhang</li> <li>- Windows not less than 900mm from boundary</li> <li>- Concrete dish drain if setback less than 900mm</li> <li>- Outbuilding are not to adversely affect the privacy and/or amenity of neighbours</li> <li>- Outbuilding are not to be located in the view corridors to the water</li> <li>- An outbuilding is not to be used as a dwelling</li> </ul>	<p>definition contained within the Dictionary for DCP2014, garages and carport are not included as 'outbuildings'</p> <p>Refer above</p> <p>Refer above</p> <p>Refer above</p> <p>Refer above</p> <p>Refer above</p> <p>Refer above</p> <p>Refer above</p> <p>Refer above</p> <p>Refer above</p> <p>Refer above</p>	
<b>Car Parking &amp; Access</b>		
<ul style="list-style-type: none"> <li>• <b>General</b></li> </ul>		
<ul style="list-style-type: none"> <li>• <b>General</b></li> <li>- Dwelling: 2 spaces max, 1 space min.</li> <li>- <b>Dual Occ 1 space per dwelling</b></li>   <li>- Where possible access off secondary street frontages or laneways is preferable.</li> </ul>	<p>The development provides one car spaces per dwelling in the form of an attached garage.</p> <p>Due to the orientation of the site, the proposed development proposes</p>	<p>Yes</p> <p>Yes</p>

**ITEM 2 (continued)**

**ATTACHMENT 2**

<b>DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<p>- Garage or carport may be in front if no other suitable position, no vehicular access to side or rear</p> <p>- Max 6m wide or 50% of frontage, whichever is less.  <b>Note.</b> 50% of frontage to Elliot Avenue = 10.6m</p> <p>- Behind building façade.</p> <p>• <b>Garages</b></p> <p>- Garages setback 1m from façade.</p> <p>- 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.</p> <p>- Garage windows are to be at least 900mm away from boundary.</p> <p>- Free standing garages are to have a max GFA of 36m<sup>2</sup>.</p>	<p>vehicular access for each dwelling from the primary frontage, which faces south. This has allowed the layout of each dwelling to take advantage of the northerly aspect, by locating the POS and living areas to the rear.</p> <p>This control applies to existing dwellings.</p> <p>Each garage does not exceed 6m in width.</p> <p>Garages are setback 1.2m from the façade of the dual occupancy development.</p> <p>Garages are setback 1.2m from the façade of the dual occupancy development.</p> <p>The combined width of the garage doors is 5.2m, as such does not exceed 5.47m.          The garage doors for each dwelling are recessed more than 300mm behind the outside face of the building element immediately above.</p> <p>N/A – no windows proposed</p> <p>N/A – Freestanding garage not proposed.</p>	<p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No - Justifiable</p> <p>N/A</p> <p>N/A</p>



**ITEM 2 (continued)**

**ATTACHMENT 2**

<b>DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<ul style="list-style-type: none"> <li>- Solid doors required</li> <li>- Materials in keeping or complementary to dwelling.</li> <li>• <b>Parking Space Sizes (AS)</b> Double garages: 5.4m w (min)</li> <li>- Single garage: 3m w(min)</li> <li>- Internal length: 5.4m (min)</li> <li>• <b>Driveways</b> - Extent of driveways minimised</li> </ul>	<p>Each garage proposes a solid door.</p> <p>Materials are considered to be complementary to the dwelling.</p> <p>N/A.</p> <p>Min. width provided. Min. length provided.</p> <p>Driveway width has generally been minimised. One driveway is proposed for both dwellings, which reduces in width towards the front property boundary.</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<b>2.11.2 Semi Basement Car Parking</b>		
- Ramps at least 2m back from street boundary	Semi-basement parking not proposed.	N/A
- Walls not extend beyond walls of dwelling	Semi-basement parking not proposed.	N/A
- Can only be used if appropriate to topography of site	Semi-basement parking not proposed.	N/A
<b>Swimming Pools &amp; Spas</b>	Not Proposed – existing pool within rear yard to be demolished.	N/A
<b>Landscaping</b>		
<ul style="list-style-type: none"> <li>• <b>Trees &amp; Landscaping</b> - Major trees retained where practicable</li> </ul>	<p>There are no trees of significance located within the subject site.</p> <p>It is noted that there are two (2) tree located within council's verge, adjacent to</p>	<p>Yes</p>

**ITEM 2 (continued)**

**ATTACHMENT 2**

<b>DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<p>If bushland adjoining use native indigenous species for 10m from boundary</p> <p>Physical connection to be provided between dwelling and outdoor spaces where the ground floor is elevated above NGL e.g. stairs, terraces.</p> <ul style="list-style-type: none"> <li>- 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.</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> <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> </ul>	<p>the subject site, which are to be retained.</p> <p>Bushland is not adjoining the subject site.</p> <p>Physical connection is shown to be provided between the patio area and outdoor spaces for each dwelling.</p> <p>36% (45m<sup>2</sup>) of hard paved area is proposed within the front yard of Dwelling 1 and Dwelling 2, adjacent to Elliot Avenue.</p> <p>Obstruction free pathway provided for each dwelling</p> <p>The submitted Landscape Plan has indicated that the front yard of each dwelling is to contain 2 x <i>Acacia binervia</i>, which are capable of reaching a maximum height of 16m..</p> <p>The submitted Landscape Plan has indicated that the front yard of each dwelling is to contain 1 x <i>Acacia binervia</i>, which are capable of reaching a maximum height of 16m.</p> <p>Hedge planting proposed is identified as growing to a height of less than 2.7m</p>	<p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

**ITEM 2 (continued)**

**ATTACHMENT 2**

<b>DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<ul style="list-style-type: none"> <li>- Retaining walls and other landscape elements are not to obstruct the stormwater overland flow path.</li> <li>- OSD generally not to be located in front setback unless under driveway.</li> <li>- Landscaping is to include ground level private open space for each dwelling.</li> </ul>	<p>The subject site is not impacted by overland flow.</p> <p>The submitted Drainage Concept Plan has not indicated an OSD tank to be included. The proposal has however been assessed by Council's Development Engineer who has determined it to be satisfactory, subject to conditions.</p> <p>Ground level private open space has been provided for each dwelling.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p>
<b>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> <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</li> </ul>	<p>It is considered that the design of the dwelling has maximised the northern sun where possible.</p> <p>Dwellings have been orientated so that living areas and POS take advantage of the northerly aspect to the rear of the site.</p> <p>N/A – refer above</p> <p>The submitted shadow diagrams demonstrate that the north facing windows of each dwelling will receive at</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p>

**ITEM 2 (continued)**

**ATTACHMENT 2**

<b>DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<p>June 21.</p> <p>- Private Open space of subject dwelling is to receive at least 2 hours sunlight between 9am and 3pm on June 21.</p> <p><u>Neighbouring properties are to receive:</u></p> <p>- 2 hours sunlight to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21.</p> <p>- 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.</p>	<p>least 3 hours of sunlight to a portion of their surface between 9am &amp; 3pm on June 21.</p> <p>According to the shadow diagrams submitted the POS of each dwelling will receive at least 2 hours solar access to at least 50% of the area on June 21.</p> <p>The subject site is of a favourable orientation so as to minimise the extent of shadow cast over adjoining properties.</p> <p>As such, the submitted shadow diagrams demonstrate that the adjoining properties at 3 Lumsdaine Avenue and 63 Elliot Avenue will achieve at least 2 hours sunlight to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21.</p> <p>The submitted shadow diagrams demonstrate that the adjoining properties at 3 Lumsdaine Avenue and 63 Elliot Avenue will receive 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.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

**ITEM 2 (continued)**

**ATTACHMENT 2**

<b>DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<ul style="list-style-type: none"> <li>• <b>Visual Privacy</b></li> <li>- Orientate the windows of the main internal living spaces such as living rooms, dining rooms, kitchens, family rooms and the like, generally to the front or to the rear of allotments.</li> <li>- Orientate terraces, balconies and outdoor living areas to either the front or the rear of allotments, and not to the side boundaries</li> <li>- Terraces and balconies are not to overlook neighbour's living areas and private open space.</li> </ul>	<p>Windows of the proposed living areas for each dwelling have generally been orientated to the front and rear. Minimal windows are located on the side elevation of each dwelling.</p> <p>Dwelling 1 and Dwelling 2 each propose a balcony, which faces onto Elliot Avenue. Due to their location at the front of the site, overlooking will not occur into neighbour's living areas and private open space.</p> <p>Dwelling 2 also proposes a balcony, which faces onto the secondary street frontage of Lumsdaine Avenue.</p> <p>It is considered the location of this balcony will not result in an unreasonable level of overlooking into neighbour's living areas and private open space. This is largely due to the separation distance of approximately 17m (from the property located directly adjacent to proposed balcony at 65 Elliot Avenue). Furthermore, the balcony is located off a bedroom and is of a size that is likely to be utilised by one (1) person at any one time.</p>	<p style="text-align: center;">Yes</p> <p style="text-align: center;">Yes</p>

**ITEM 2 (continued)**

**ATTACHMENT 2**

<b>DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
	<p>It is noted that the first level balconies will not be used as the main area of private open space and are not accessible via a main living area, as such their location and orientation are considered acceptable.</p> <p>Each dwelling proposes a rear alfresco area. In particular the alfresco area for Dwelling 1 is raised a maximum of approximately 1m above EGL. It is noted that, as the site is located on a corner lot, a lesser rear setback is permitted. This has resulted in the main area of private open space being located closer to the side boundary of the adjoining property at 3 Lumsdaine Avenue.</p> <p>In order to maintain the privacy of the adjoining property at 3 Lumsdaine Avenue, where the side boundary adjoins the rear boundary of the subject site, it was considered that a 300mm high lattice screening on top of the existing north-eastern boundary fence, would satisfactorily minimise any potential for direct overlooking.</p> <p>However, a review of a submission from the owners of 3 Lumsdaine Avenue, has demonstrated that privacy</p>	

**ITEM 2 (continued)**

**ATTACHMENT 2**

<b>DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<p>– Windows of living, dining, family etc. placed so there are no close or direct views to adjoining dwelling or open space.</p>	<p>screening already exists on top of the existing fence. As the submitted Landscape Plan has indicated that the existing rear north-eastern boundary fence is to be retained (with the existing privacy screen), it is not considered necessary to impose such a condition.</p> <p>Windows of the proposed living areas for each dwelling have generally been orientated to the front and rear. Minimal windows are located on the side elevation of each dwelling.</p>	<p>Yes</p>
<p>– Side windows offset from adjoining windows.</p>	<p>It is generally considered that the proposed window locations on the ground and first floor of each dwelling have been appropriately located and are of a size and height which will avoid inappropriate looking into adjoining properties.</p>	<p>Yes</p>
<p>– Splayed walls with windows are not to be located above ground level where the windows will provide views into neighbouring allotments.</p>	<p>No splayed wall with windows are proposed</p>	<p>Yes</p>
<p>• Acoustic Privacy 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.</p>	<p>The proposed layout of the rooms of each dwelling is generally considered to allow for sufficient acoustic privacy due to the design placing similar rooms adjacent to each other.</p>	<p>Yes</p>



**ITEM 2 (continued)**

**ATTACHMENT 2**

<b>DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<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 identified from the subject site.</p> <p>The design of the dwelling is considered to optimise the access to prevailing breezes and provide for cross ventilation.</p>	<p>N/A</p> <p>Yes</p>
<b>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 to pitched roof.</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>- Attics to be within roof space</li> </ul> </li> </ul>	<p>A flat roof form is proposed. However it has been broken up so that there is not one continuous roof form across both dwellings within the dual occupancy development.</p> <p>450mm eave overhang not provided, however pitched roof form is not proposed. As such, this control is not considered applicable.</p> <p>Not provided.</p> <p>No skylights proposed.</p> <p>No dormer windows proposed.</p> <p>No attic proposed</p>	<p>Yes</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>

DCP 2014	PROPOSED	COMPLIANCE
<b>Fencing</b>		
<ul style="list-style-type: none"> <li>• <b>Front/return:</b></li> <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, which are part of a front or return fence - max height 900mm.</li> <li>- No colourbond or paling</li> <li>- Max pier width 350mm.</li> <li>• <b>Side/rear fencing:</b></li> <li>- 1.8m max o/a height.</li> </ul>	<p>The proposed front fence is considered to appropriately reflect the design of the proposed development.</p> <p>Refer above</p> <p>Solid fence with a maximum height of 1m is proposed, thus is at variance with this development control by 100mm. Accordingly, a condition of consent is recommended for front fencing to comply with DCP2014 requirements.</p> <p>Refer above.</p> <p>No retaining is proposed for front fence. Fencing will generally be stepped down with the slope of the site.</p> <p>Refer above</p> <p>Refer above</p> <p>The submitted plans have indicated that existing boundary fencing is to be retained to the north-eastern and north-western property boundaries. A new 1.8m high fence is proposed to the secondary street frontage.</p>	<p>Yes</p> <p>Yes</p> <p>No – To be conditioned</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>Yes</p>

ITEM 2 (continued)		ATTACHMENT 2
DCP 2014	PROPOSED	COMPLIANCE
<b>Part 7.2 – Waste Minimisation &amp; Management</b>		
Submission of a Waste Management Plan	The applicant has submitted a Waste Management Plan	Yes
<b>Part 8.2 – Stormwater Management</b>		
<ul style="list-style-type: none"> <li><b>Stormwater</b></li> </ul>		
- Drainage is to be piped in accordance with Part 8.2 – Stormwater Management.	Drainage plans submitted and referred to Development Engineer for comment.	Yes
<b>Part 9.2 – Access for People with Disabilities</b>		
Accessible path required from the street to the front door, where the level of land permits.	Accessible pathway is provided from the street to the front door.	Yes
<b>Part 9.4 – Fencing</b>		
<ul style="list-style-type: none"> <li><b>Front &amp; Return Fences</b></li> </ul>		
- Front and return fences that exceed 1m in height are to be 50% open.	N/A –fence has a maximum height of 1m.	N/A
<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</p>	<p>There are no trees of significance located within the subject site.</p> <p>It is noted that there are two (2) tree located within council's verge adjacent to the subject site which are to be retained.</p>	N/A

**ITEM 2 (continued)**

**ATTACHMENT 2**

<b>DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<p>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 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.</p>		

<b>BASIX</b>	<b>PROPOSAL</b>	<b>COMPLIANCE</b>
<p>All ticked "DA plans" commitments on the BASIX Certificate are to be shown on plans (list) <b>BASIX Cert 717590S &amp; 717584S dated 05 April 2016</b></p>	<p>Dual occupancy (attached)</p>	<p>Yes</p>
<p>1000L RWT</p>	<p>2500L provided per dwelling - Shown DA on plans</p>	<p>Yes</p>
<ul style="list-style-type: none"> <li>• Fixtures</li> <li>• 3 star showerheads</li> <li>• 4 star toilet flushing systems</li> <li>• 5 star bathroom taps</li> <li>• 5 star kitchen taps</li> </ul>	<p>To comply – show on CC Plans</p>	<p>Yes</p>
<ul style="list-style-type: none"> <li>• Thermal Comfort Commitments:               <ul style="list-style-type: none"> <li>- Construction</li> <li>- TCC – Glazing.</li> </ul> </li> </ul>	<p>Shown on DA plans</p>	<p>Yes</p>
<ul style="list-style-type: none"> <li>• HWS Gas Instantaneous 5 star for all dwellings</li> </ul>	<p>Shown on DA plans</p>	<p>Yes</p>
<ul style="list-style-type: none"> <li>• Natural Lighting               <ul style="list-style-type: none"> <li>- kitchen</li> <li>- bathrooms (2)</li> </ul> </li> </ul>	<p>Shown on DA plans</p>	<p>Yes Yes</p>
<p>Correct description of property/proposal on 1<sup>st</sup> page of Certificate.</p>	<p>Correct description shown on first page.</p>	<p>Yes</p>

**ITEM 2 (continued)**

**ATTACHMENT 2**

<b>DEMOLITION</b>	<b>PROPOSAL</b>	<b>COMPLIANCE</b>
<ul style="list-style-type: none"> <li>Plan showing all structures to be removed.</li> </ul>	Demolition plan provided	Yes
<ul style="list-style-type: none"> <li>Demolition Work Plan</li> </ul>	Demolition Work Plan provided	Yes
<ul style="list-style-type: none"> <li>Waste Management Plan</li> </ul>	Plan submitted	Yes

Non compliances justifiable:

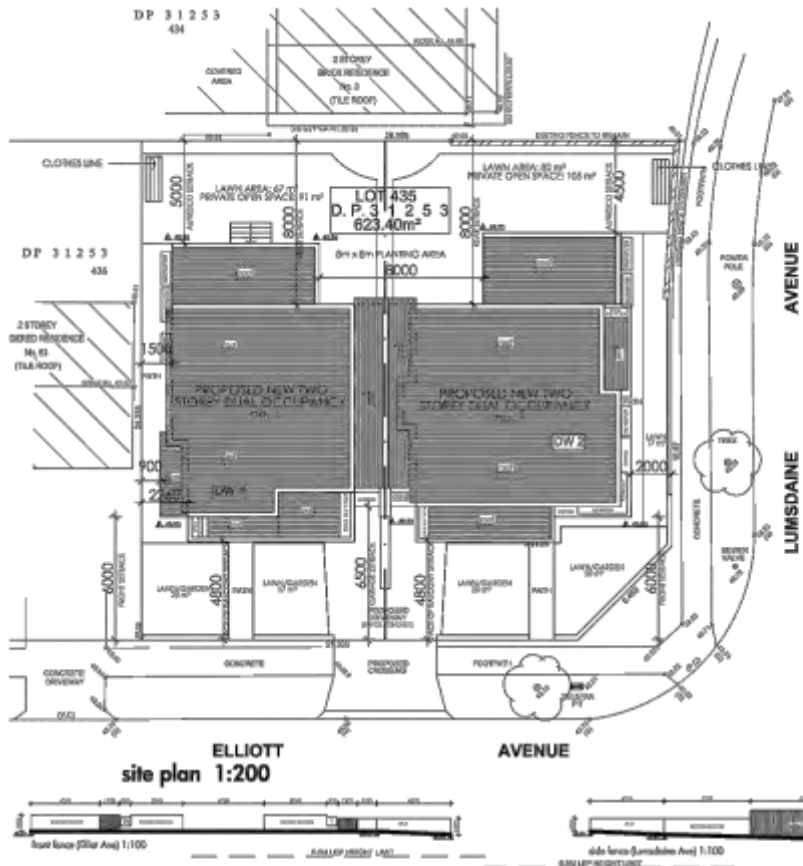
1. *Topography & Excavation – Section 2.6.2*
  - The maximum level of fill within the building footprint is 1m, which exceeds the 900mm limit by 100mm. This occurs within the north-western corner of Dwelling 1 where the living room and alfresco area is proposed.
2. *Front Setbacks – Section 2.9.1*
  - A primary front setback ranging between 4.8m and 6.5m is proposed, which does not comply with the 6m control. The encroachment is a result of the cantilevered balconies on the front façade of Dwelling 1 and Dwelling 2.
3. *Car Parking and Access - Section 2.11*
  - The garage doors for each dwelling are recessed more than 300mm behind the outside face of the building element immediately above.

Non-compliances to be resolved by condition:

1. *Daylight and Sunlight Access – Section 2.14.1*
  - DCP2014 seeks for development to maximise daylight access. In order to ensure reasonable daylight access is afforded to Bedroom 2 of Dwelling 1, a condition requiring a larger window is recommended.
2. *Fences – Section 2.16*
  - A solid front fence with a maximum height of 1m is proposed. This is a 100mm variance to the 900mm front fence height control. A condition is recommended to ensure front fencing complies with the DCP2014 requirements.

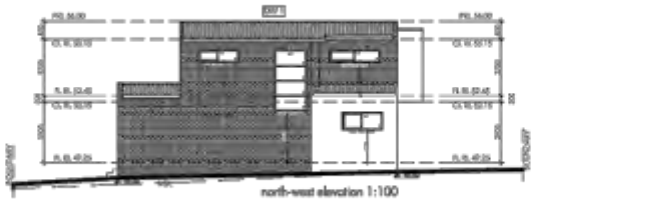
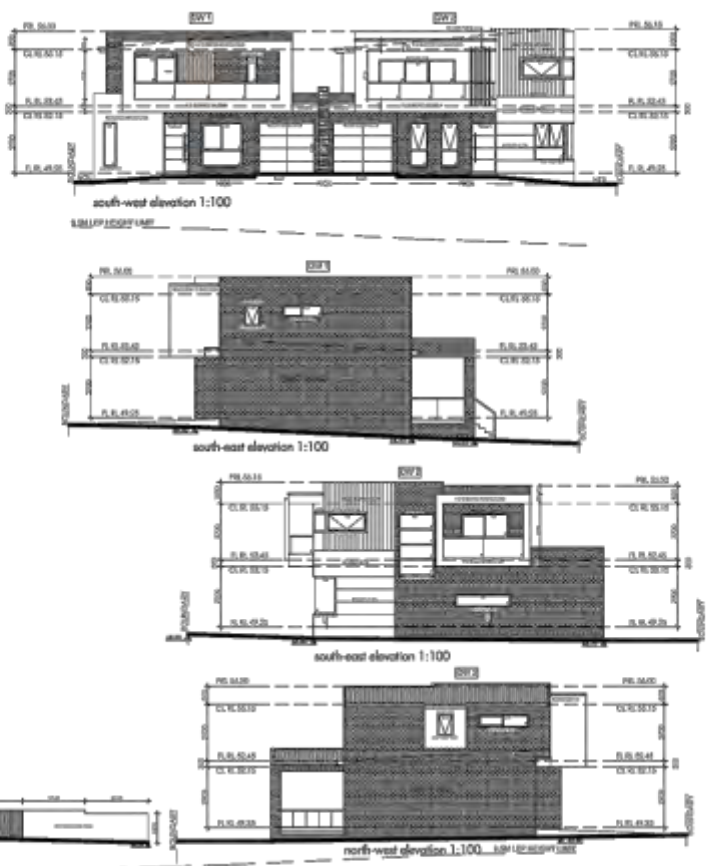
ITEM 2 (continued)

ATTACHMENT 3



**NOTIFICATION PLAN**

This drawing is copyright and is the property of M|Cubed Design - larger scale drawings and written documents take precedence - Do not scale from drawings, all dimensions to be verified on site before commencement of work - Drawings are to be checked and in accordance with the Building Code of Australia and relevant Australian standards - Drawings are to be checked and in accordance with the title certificate - All discrepancies to be brought to the attention of the architect - M|Cubed Design accepts the copyright for this document and all its contents. This proposal should be considered private and confidential and may not be shared with any third party without the prior written permission of M|Cubed Design



1 Lumsdaine Avenue, EAST RYDE

drawn <b>A3 - 1:100</b>	designed <b>mounzer mortada</b>	DATE 04/04/2016	SCALE 1:100
DATE 4th April, 2016	BY ARCHITECTURE MOUNZER MORTADA	BY ENGINEER MOUNZER MORTADA	BY ARCHITECTURE MOUNZER MORTADA

1 of 1

- 3 191 SHAFTSBURY ROAD, EASTWOOD - LOT 30 DP 663281. Alterations and additions to an existing dwelling house, and change of use to a twelve (12) room boarding house with basement parking pursuant to the provisions of State Environmental Planning Policy Affordable Rental Housing 2009. LDA2015/0480.**

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**Report prepared by:** Creative Planning Solutions; Senior Coordinator -  
Development Assessment

**Report approved by:** Acting Manager - Assessment; Acting Director - City Strategy  
and Planning

**File Number:** GRP/09/5/6/2 - BP16/1226

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## 1. Report Summary

**Applicant: Prescott Architects**

**Owners: Yue Xin Peng**

**Date lodged: 1 October 2015 (amended plans received 9 December 2015  
and 13 May 2016)**

This report considers a development application (DA) for alterations and additions to an existing dwelling house and change of use to a twelve (12) room boarding house with basement parking under the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009. The development proposes six (6) single rooms and six (6) double rooms for a total capacity of 18 lodgers.

The DA was notified in accordance with the provisions of the Ryde Development Control Plan 2014 (DCP2014) between 14 October 2015 and 28 October 2015. In response, ten (10) submissions were received.

The issues of concern raised in the submissions are as follows:

- Traffic, parking, and pedestrian safety;
- Acoustic Impacts;
- Consistency with the character of the local area;
- Oversupply of affordable housing in Eastwood;
- Amenity impacts, including visual privacy and overshadowing;
- Safety concerns;
- Stormwater Management;
- Operational and construction waste;
- Concerns regarding the management of the boarding house; and
- Disturbance to residents during the construction phase

Council's preliminary assessment of the subject DA identified the following issues requiring additional information from the applicant:

### ITEM 3 (continued)

- Internal building design issues, including non-compliances with the minimum room sizes;
- The layout of the communal kitchen did not comply with the minimum requirements;
- A sufficient external clothes drying area was not provided.
- Insufficient detail on retaining wall heights;
- Insufficient detail on the use of the proposed office within the boarding house;
- Inadequate solar access to the communal rooms within the boarding house;
- Inadequate size and dimension of the private open space area for the boarding house;
- Concern was raised over the noise impacts on adjoining property that would result from the originally proposed side facing communal deck/BBQ area on the northern elevation, and also the first floor deck on the southern elevation.

Amended plans were received by Council on 9 December and 13 May 2016 which are considered to satisfactorily address the issues identified, and thus enable completion of Council's assessment.

The proposal has been assessed against the provisions of *State Environmental Planning Policy (Affordable Rental Housing) 2009*, *Ryde Local Environmental Plan 2014*, and *Ryde Development Control Plan 2014*. The areas of non-compliance can be summarised as follows:

#### Ryde DCP 2014

##### Non compliances justifiable:

#### 1. *Topography and Excavation*

- The maximum amount of cut within the building footprint up to 2m. This exceeds the 1.2m limit.
- The extent of cut outside the building envelope is up to 1.2m. This exceeds the 900mm limit.

#### 2. *Deep Soil Areas / Parking and Traffic*

- Aside from the driveway, pedestrian path and garden walls the remainder of the front setback is to constitute deep soil areas, however the proposal includes an open hard-stand car parking space within the front setback, along with parking for two motorcycles.



### ITEM 3 (continued)

#### Non compliances / Issues to be resolved via condition:

##### 3. Landscaping

- Landscape plan indicates two trees proposed to be planted in the front yard capable of reaching 6m, however DCP2014 requires at least one tree capable of reaching a mature height of 10m.

##### 4. Internal Building Design

- Potential noise impacts on adjoining property emanating from the glass sliding doors to the common room which is adjacent to the adjoining property at 193 Shaftsbury Road. This is to be addressed via a condition (64) requiring replacement of these sliding doors with solid glazing and a single self-closing door.
- Insufficient detail of the common area lighting arrangements is included in the proposal. As such a standard condition of consent (66) mitigating any potential impacts of light spill onto adjoining properties is recommended.
- No internal clothes drying area is demonstrated on the plans. Accordingly a condition (63) requiring clothes dryers in the laundry is proposed.

##### 5. Management

- Occupiers of adjoining properties are required to be provided with a 24-hour phone number for a principal contact for the use in the event of an emergency. This is addressed via condition 30 requiring the name and contact details of the manager or managing agent to be displayed at all times externally at the front entrance of the boarding house.

Despite the non-compliances outlined above and the issues of concern raised in submissions, it is considered the proposal is generally satisfactory for approval as discussed in the body of the report and attached compliance checklists. For this reason, the subject DA is recommended for approval subject to conditions.

**Reason for Referral to Planning and Environment Committee:** Boarding house within the R2 Low Density Residential zone; number of submissions received.

#### **Public Submissions:**

**Original Plans:** A total of ten (10) submissions objecting to the proposal were received following notification of the DA. Of these submissions two (2) separate submissions were received from 193 Shaftsbury Road, and one (1) submission was signed by the owners of 210 and 212 Shaftsbury Road.

**ITEM 3 (continued)**

**Amended Plans:** One (1) submission received.

**SEPP 1 (or clause 4.6 RLEP 2014) objection required?** None required.

**Value of works \$971,300**

**RECOMMENDATION:**

- (a) That Local Development Application No. LDA2015/0480 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 - State Environment Planning Policy (Affordable Rental Housing) 2009
- 3** Compliance Table - Ryde DCP 2014
- 4** Heritage Officer's Comments
- 5** A4 Plans
- 6** A3 Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

**Ben Tesoriero Planning Consultant  
Creative Planning Solutions**

**Chris Young  
Senior Coordinator - Development Assessment**

Report Approved By:

**Sandra Bailey  
Acting Manager - Assessment**

**Liz Coad  
Acting Director - City Strategy and Planning**

### ITEM 3 (continued)

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

- Address** : 191 Shaftsbury Road, Eastwood  
(LOT 30 Deposited Plan 663281)
- Site Area** : 1,005.4m<sup>2</sup>  
Frontage to Shaftsbury Road of 15.24m  
Rear boundary of 15.705m  
Northern side boundary of 65.33m  
Southern side boundary: 67.725m  
*Note: All areas and dimensions obtained from  
Deposited Plan.*
- Topography  
and Vegetation** : The submitted site survey shows that the site falls from  
the eastern rear boundary to the front western boundary  
with Shaftsbury Road. The average gradient of this fall  
is approximately 1:6.  
  
Council's Consultant Landscape Architect has identified  
seven (7) significant trees within the subject site. These  
predominantly occur within the rear yard.
- Existing  
Buildings  
Planning Controls  
Zoning** : Single storey dwelling house  
  
: R2 – Low Density Residential under Ryde Local  
Environmental Plan 2014; and  
State Environmental Planning Policy (Affordable Rental  
Housing) 2009.
- Other** : Ryde Development Control Plan 2014.

**ITEM 3 (continued)**



**Aerial Image of subject site, including an annotation of the properties which objected to the proposed development by way of submission to Council as part of the notification of the DA.**

*Source: www.google.com – edited by CPS*



**Subject Site**

*Source: CPS – August 2016*

### **ITEM 3 (continued)**

#### **3. Councillor Representations**

No Councillor representations for this development application.

#### **4. Political Donations or Gifts**

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

#### **5. Proposal**

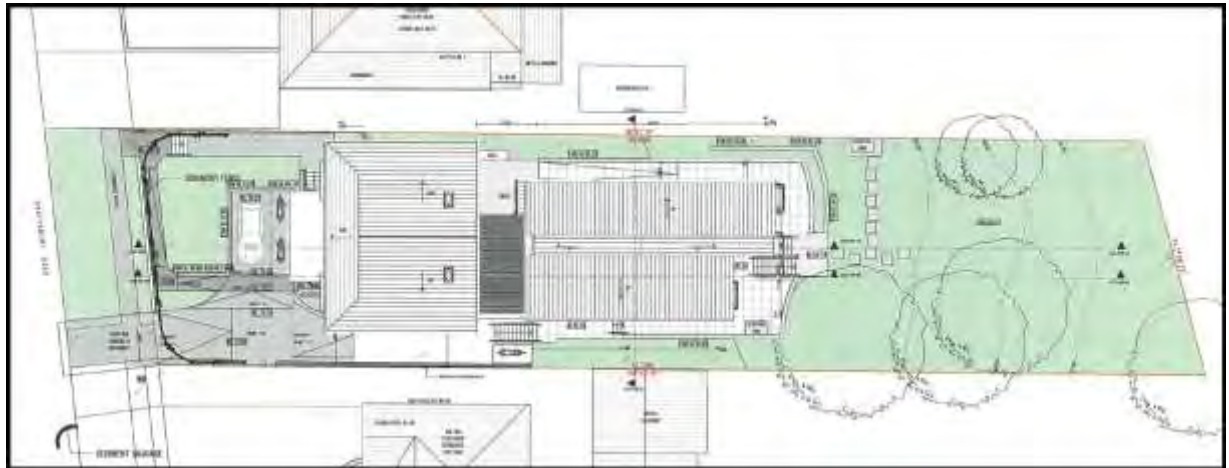
The proposed development is for alterations and additions to an existing dwelling house, and change of use of the building to a twelve (12) room boarding house with basement parking at 191 Shaftsbury Road, Eastwood.

Further details of the proposal are as follows:

- Twelve (12) boarding rooms – six (6) single rooms and six (6) double rooms for a total capacity of eighteen (18) lodgers. This includes six (6) boarding rooms on the ground floor and six (6) on the first floor of the building.
- Two of the twelve (12) boarding rooms have been designed as being capable for occupation by a disabled person. These are located on the ground floor of the building.
- Each boarding room comprises a kitchenette and en-suite bathroom. The boarding house is to include a common water-closet/powder room, communal living area with full kitchen, and also a communal laundry. A separate office is also included for the boarding house manager who will visit the site 2-4 hours per week. No live in manager is proposed (and also is not required as the development proposes less than 20 boarders).
- Access to the rear of the site is available via a path within the southern side setback area.
- The rear yard of the site is to include a paved private open space area, with a landscaped common backyard with deep soil planting located beyond.
- Associated works include a lift and access pathways at the front of the building, new stormwater drainage arrangements, general site landscaping, and new 1800mm high boundary fencing to the southern side boundary.

### ITEM 3 (continued)

The site plan and front elevation of the development are provided below.



**Site Plan**  
(Source: Applicant DA plans)



**Front Elevation (West Elevation)**  
(Source: Applicant DA plans).

## 6. Background

Following a preliminary assessment of the DA, Council sent a letter to the applicant dated 30 November 2015 requesting them to address the following issues of concern.

- Section 3.6 in Part 3.5 of the DCP2014 prescribes development controls relating to the internal building design of boarding houses. In particular, the proposal did not comply with the following matters and amended plans were requested to demonstrate compliance.



### ITEM 3 (continued)

- Some of the rooms within the proposed boarding house failed to comply with the minimum room requirements.
  - The layout of the communal kitchen did not comply with the minimum requirements.
  - A sufficient external clothes drying area was not provided.
- 
- The top of the retaining wall heights were not shown on the submitted plans. This detail was requested to be shown in order to determine the height of the proposed retaining walls.
  - Further details of the use of the proposed office within the boarding house were requested.

Following the request for additional information, amended plans were received by Council on 9 December 2015, which detailed the following:

- Compliance with the prescribed minimum size for boarding rooms, the communal kitchen and external clothes drying area.
- Top of retaining wall heights.
- Confirmation of the use of the proposed office space.

Following a more detailed review of the development and the amended plans, it was revealed that further additional information was required. A letter was sent to the applicant on 3 May 2016, requiring the following matters to be addressed:

- The shadow diagrams submitted with the DA indicate the communal living room would not receive a minimum of three hours direct sunlight between 9am and 3pm in mid-winter. This was principally because of the overshadowing incurred by the existing dwelling at 193 Shaftsbury Road. Accordingly, the applicant was requested to submit elevational shadow diagrams demonstrating the level of compliance with clause 29(2)(c) of the ARHSEPP.
- The proposal did not provide an area of private open space of at least 20m<sup>2</sup> with minimum 3m dimension which would be available for all lodgers of the boarding house. Accordingly, revised plans demonstrating compliance with clause 29(2)(d) were requested.
- Concern was raised over the noise impacts that would result from the proposed side facing communal deck/BBQ area on the northern elevation, and also the first floor deck on the southern elevation. This was due to their proximity to adjacent dwelling houses. Accordingly, revised plans with more appropriately located communal areas were requested to be submitted to Council.

### ITEM 3 (continued)

The amended plans were received by Council on 13 May 2016 which detailed the following:

- A three-dimensional shadow diagram analysis was provided which demonstrates that the communal area receives three (3) hours of direct sunlight between 9am and 3pm in mid-winter, thus complying with ARHSEPP requirements.
- The provision of a 20m<sup>2</sup> private open space area located within the rear courtyard, which is accessible by all lodgers. This now satisfies the requirements of the ARHSEPP.
- The side facing communal deck/BBQ and first floor deck have been deleted from the architectural plans and all private open space has been provided to the rear. This satisfactorily addresses Council's concerns relating to the acoustic amenity and visual privacy of neighbouring property.

Having regard to the above, the assessment contained herein is based on these revised plans submitted to Council on 13 May 2016.

The amended plans referenced above were re-notified to neighbours and previous objectors for a period from 1 to 15 September 2016, and one (1) further submission was received.

### 7. Submissions

The application (as originally submitted) was notified between 14 October 2015 and 28 October 2015 in accordance with the provisions of the DCP2014. In response, a total of ten (10) submissions objecting to the proposal were received. Of these submissions two (2) separate submissions were received from 193 Shaftsbury Road, and one (1) submission was signed by the owners of both 210 and 212 Shaftsbury Road.

The location of the objectors to the proposal are illustrated on the aerial photograph earlier in this report.

The following concerns were raised in relation to the plans as **originally submitted**:

- A. Traffic, parking and pedestrian safety – Concerns were raised that insufficient parking has been provided for the boarding house. This is of particular concern as on-street parking on Shaftsbury Road is limited.**

**Assessing Officer's Comment:** Clause 29 of the ARHSEPP provides development standards that cannot be used to refuse consent for boarding houses made pursuant to the ARHSEPP. In relation to parking, if a site is located within an 'accessible area' (i.e. within specified proximity to public transport), consent cannot be refused on the basis of parking if at least 0.2 parking spaces are provided for each boarding room.



### **ITEM 3 (continued)**

The site is located approximately 767m walking distance to the public entrance of the Eastwood Railway Station. The site is within an 'accessible area' as defined by the ARHSEPP.

Given the proposal includes twelve (12) boarding rooms, a minimum of 2.4 parking spaces is required. When taking into consideration the rounding up requirements of DCP2014, this equates to three (3) spaces.

The proposal includes three (3) car parking spaces. Two of these spaces are to be located in a basement garage beneath the existing dwelling house, with the third space to be located within an open hard-stand parking space in the front setback.

It is noted that the ARHSEPP also requires one (1) parking space be provided for each employed person in conjunction with the boarding house who is a resident on site. Although the proposal outlines that a boarding house manager is proposed to attend the site 2-4 hours per week, the manager will not reside on site, and therefore is not required to have a dedicated parking space.

Having regard to the above, the proposal achieves compliance with the parking provisions of clause 29, and the proposal cannot be refused on the basis of parking.

It is also noted that clause 30 of the ARHSEPP provides standards for bicycle and motorcycle parking. Specifically that one bicycle space and one motorcycle space is to be provided for every five (5) boarding rooms.

Given the proposal includes twelve (12) boarding rooms, a total of three (3) motorcycle and bicycle parking spaces are required for the proposal when using the rounding up provisions of DCP2014.

The proposal will provide for three (3) motorcycle parking spaces and five (5) bicycle parking spaces. Accordingly, compliance with the balance of the parking provisions contained within the ARHSEPP are also achieved.

It is noted the parking requirements outlined within DCP2014 for boarding houses in accessible areas generally reflect the same parking provisions contained within the ARHSEPP. The exception being that unlike the ARHSEPP, DCP2014 requires a parking space for each person employed in connection with the development, whether or not they reside on site.

### **ITEM 3 (continued)**

In this circumstance one may argue a fourth parking space for the boarding house manager is required. However, given the proposal includes less than 20 lodgers, a boarding house manager is not a requirement under the planning controls. Further, the applicant has stated that the boarding house manager is to only attend the site 2-4 hours per week. In this regard, it is considered onerous to require a parking space for the boarding house manager given one is not otherwise required for the development, and the little time the manager will be onsite.

Further it is noted that given compliance is achieved with the parking provisions of the ARHSEPP, the parking provisions of DCP2014 are dismissed in this instance.

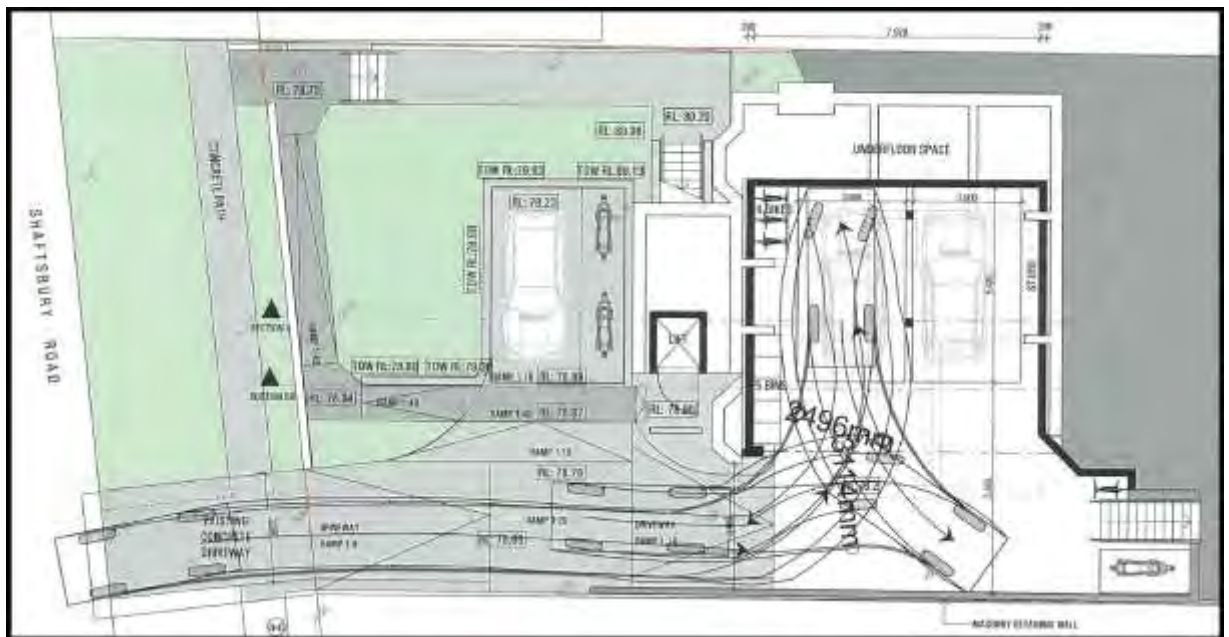
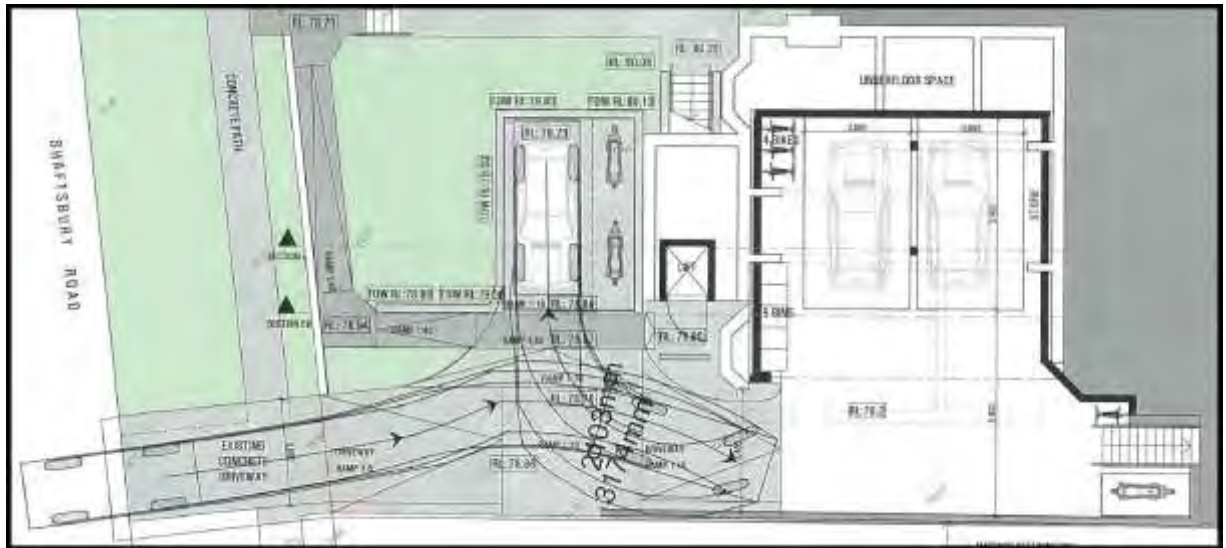
As part of the assessment of the DA, the proposal was referred to Council's Senior Development Engineer. The response from the development engineer on 27 November 2015 raised a number of issues in relation to access and parking which required amended plans from the applicant. The issues raised inadequate disabled parking, along with non-compliances with the relevant Australian Standards for parking widths, driveways and vehicle manoeuvrability.

These issues were included as part of Council's original additional information request issued to the applicant. The revised plans were then referred to Council's Senior Development Engineer again for comment who has now indicated no objection to the approval of the DA subject to conditions of consent relating to driveway grades, driveway widths, pedestrian sight lines, vehicular parking arrangements, traffic management, and footpath crossings. These conditions will ensure that all vehicles can enter and exit the site in a forward direction as well as maintaining adequate pedestrian sight lines. (See conditions 48 to 51).

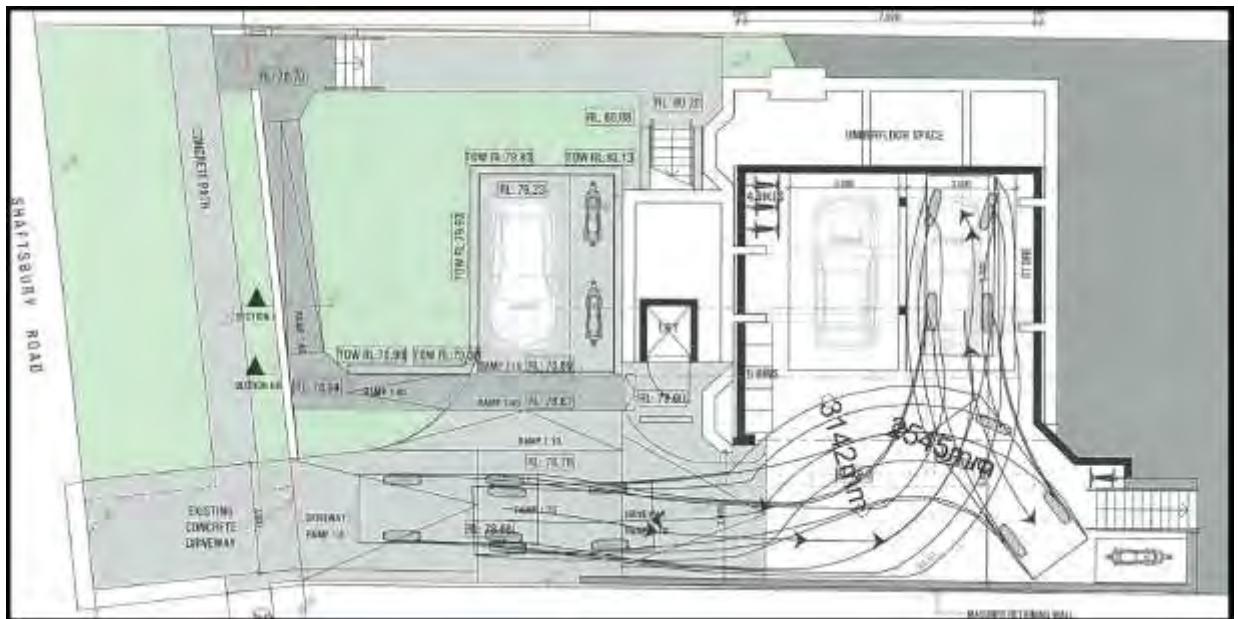
Given the above, the amended proposal is deemed to satisfactorily respond to the objector's concerns in relation to parking, traffic and pedestrian safety.

The following diagrams show modelling of vehicle movements, showing that vehicles can enter/leave the site in a forward direction from the car parking spaces of the proposed development:

**ITEM 3 (continued)**



**ITEM 3 (continued)**



Vehicle turning diagrams (Source: applicant's DA plans)

- B. Acoustic Impact – concerns have been raised by objectors over the noise generated from the proposed boarding house and the subsequent acoustic impacts on adjoining residences.**

**Assessing Officer's Comment:** The objector's concern over potential acoustic impacts from the boarding house development were also held by Council following a review of the applicant's amended plans. In particular, concern was raised over the noise impacts that would result from the proposed side facing communal deck/BBQ area on the northern elevation, and also the first floor deck on the southern elevation. This was due to their proximity to adjacent dwelling houses. The following drawings show these building elements as originally proposed.

**ITEM 3 (continued)**

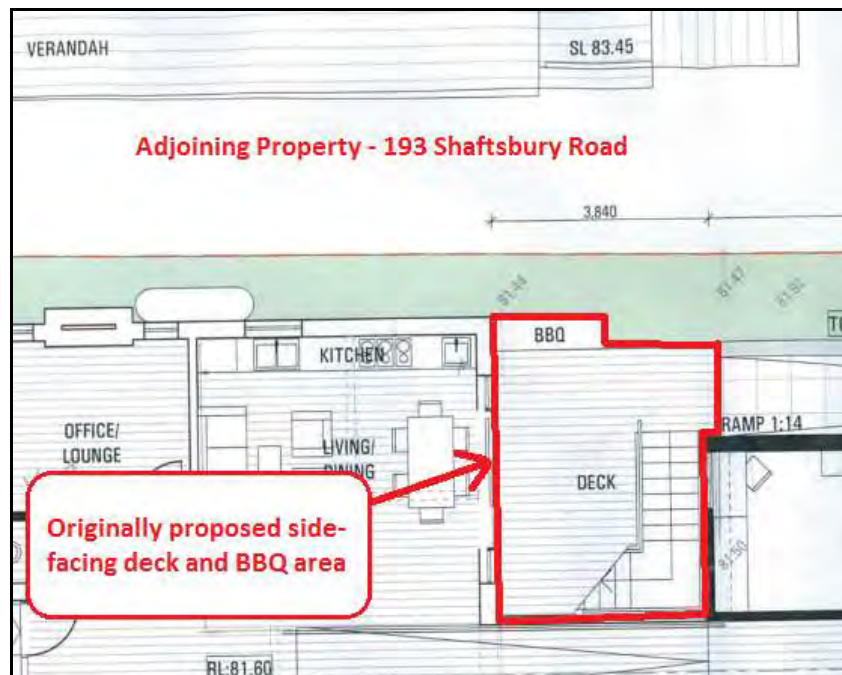


Diagram illustrating the side-facing ground floor deck and BBQ area that was originally proposed as part of the boarding house layout. This was deemed unacceptable by Council from an acoustic amenity perspective. The deck and BBQ areas has since been deleted in the revised plans submitted by the applicant.

*Source: Plans by applicant – amended for diagrammatic purposes by CPS.*

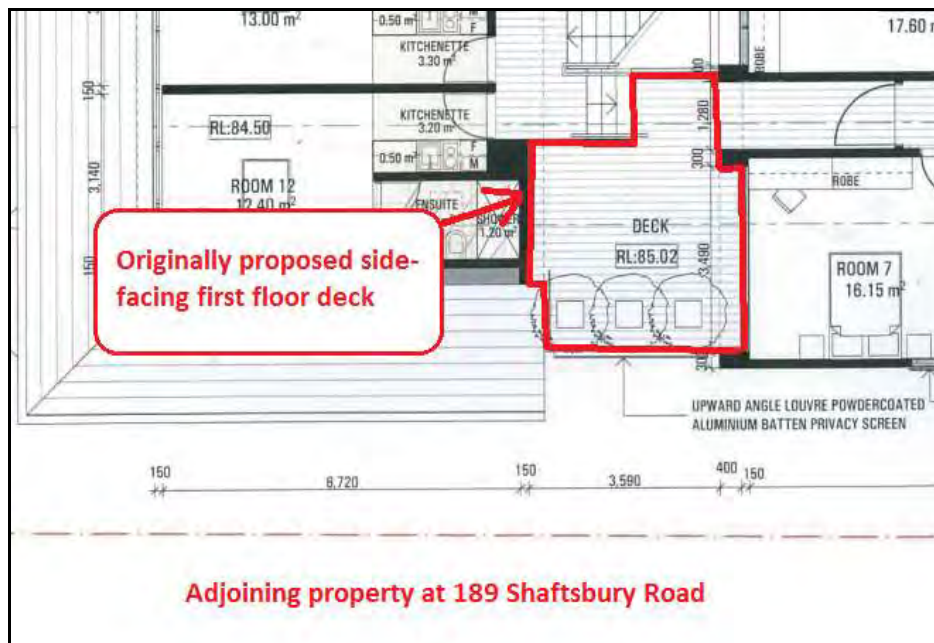


Diagram illustrating the side-facing first floor deck that was originally proposed as part of the boarding house layout. This was deemed unacceptable by Council from an acoustic and visual privacy perspective. This has since been deleted in the revised plans submitted by the applicant.

*Source: Plans by applicant – amended for diagrammatic purposes by CPS.*



### ITEM 3 (continued)

Both of these building elements have been deleted from the boarding house design in revised plans submitted as part of the assessment of the proposal. In lieu of the deck and BBQ area on the ground floor is a side access pathway leading to a new private open space area within the rear yard. This is demonstrated in the following diagram.

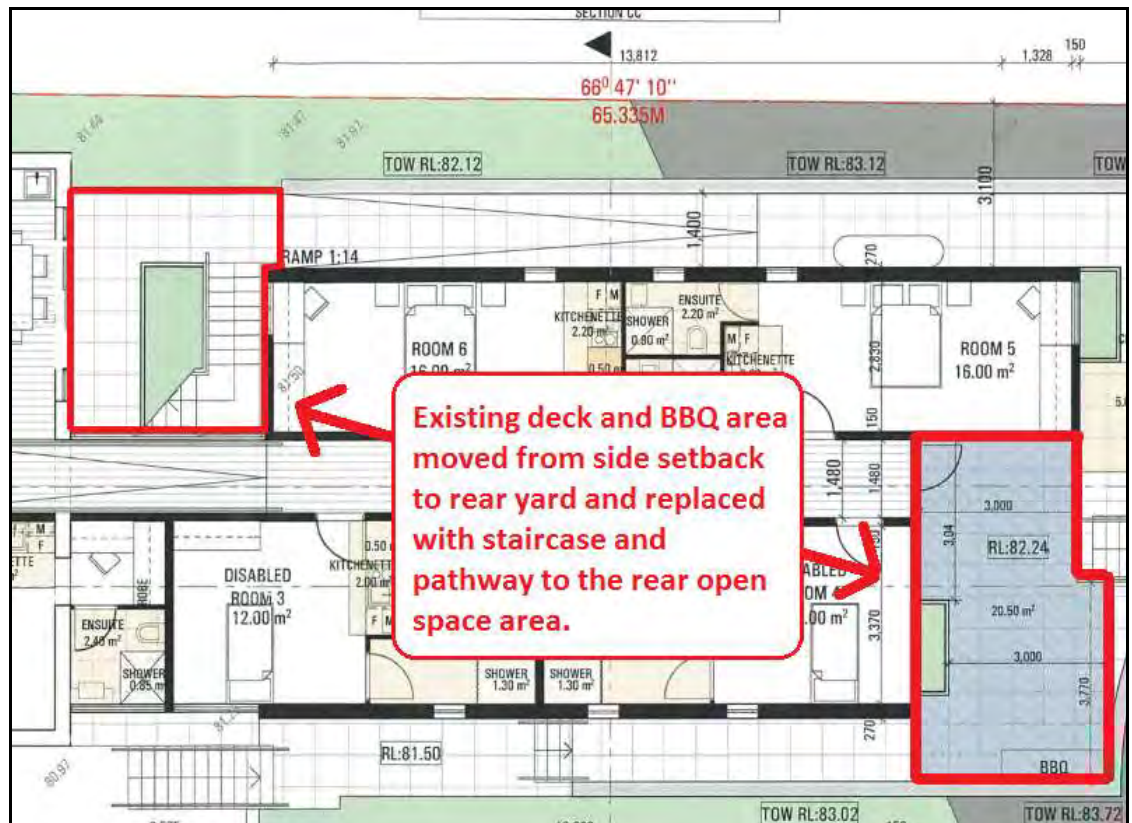


Diagram illustrating the side-facing deck and BBQ area having been moved to a more suitable location in the rear yard to reduce the acoustic impact on the adjoining property at 193 Shaftsbury Road.

*Source: Plans by applicant – amended for diagrammatic purposes by CPS.*

The side-facing first floor deck has been deleted and replaced by standard inaccessible roofing. This is demonstrated in the following diagram.

### ITEM 3 (continued)

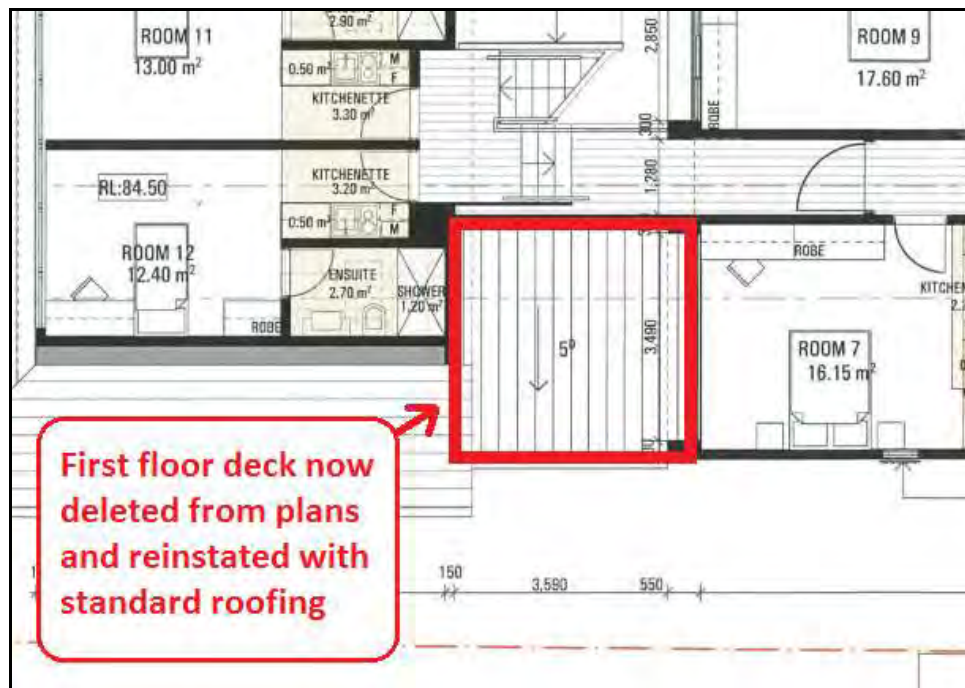


Diagram illustrating the side-facing deck on the first floor of the boarding house has now been deleted and replaced by standard roofing, thus alleviating acoustic and visual privacy impacts to the adjacent property.

*Source: Plans by applicant – amended for diagrammatic purposes by CPS.*

In this regard, the key aspects of the building's design that may have resulted in acoustic impacts have been addressed.

The one outstanding matter in relation to noise impacts and the building design is that relating to the sliding doors on the northern elevation of the communal living/dining/kitchen on the ground floor of the boarding house. In particular, concern is raised that with the sliding doors open, noise from this communal room would readily transfer to the adjoining property at 193 Shaftsbury Road and impact on the acoustic amenity of the neighbour. In this regard, the following condition (64) is recommended to replace the sliding door with solid glazing and a single self-closing door. This would still allow solar access to the communal room, whilst minimising the transfer of noise and acoustic impact on adjoining property.

***Sliding Doors to Communal Room.*** *The sliding doors on the northern elevation of the communal living/dining/kitchen room be replaced with solid glazing and a single self-closing door to minimise the transfer of noise and reduce the acoustic impact of this room on adjoining property. Details of compliance are to be submitted and approved by the Principal Certifying Authority prior to the issue of a **Construction Certificate**.*

### ITEM 3 (continued)

This is demonstrated on the following diagram.

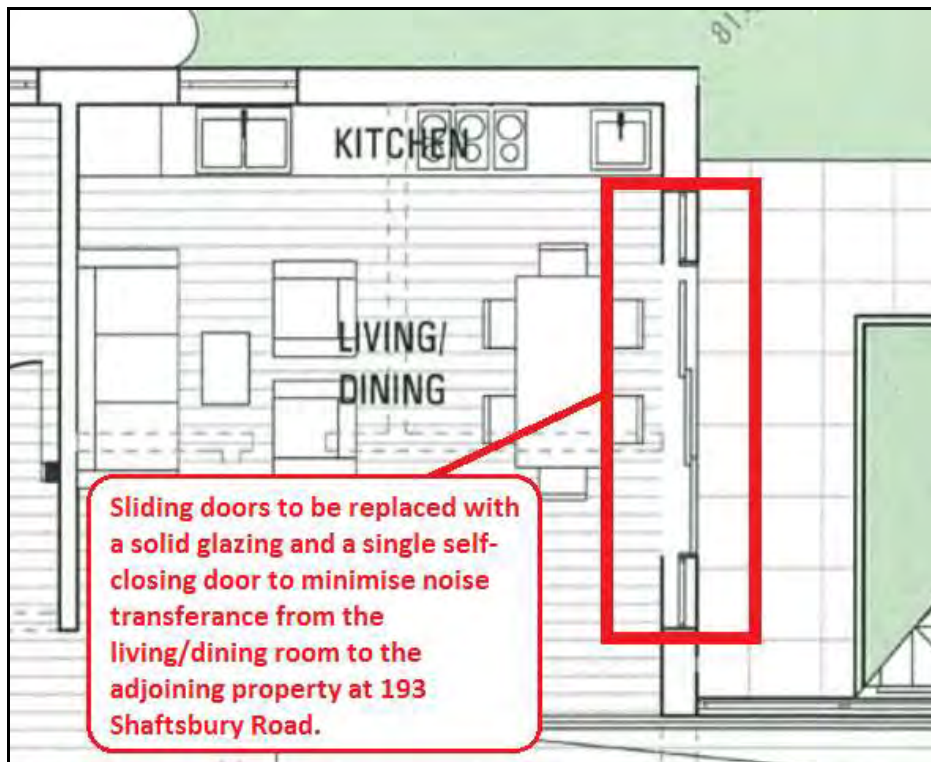


Diagram illustrating the sliding doors to the communal living/dining/kitchen on the ground floor of the boarding house. Concern is raised that with the sliding doors open, noise would readily transfer to the adjoining property at 193 Shaftsbury Road and impact on the acoustic amenity of the neighbour. This is to be addressed via condition of consent.

*Source: Plans by applicant – amended for diagrammatic purposes by CPS.*

Submitted with the DA is a detailed Plan of Management which is intended to be included as a condition of consent (1) for the DA. This Plan of Management details house rules for minimising impact on residents, both internally and on adjoining properties. Some of these rules include the following:

- No loud music or television noise is permitted after 10pm;
- No parties or gatherings are permitted on the premises after 10pm;
- No visitors other than residents of the property are permitted after 10pm;
- No use of the outdoor areas is permitted after 10pm; and
- No smoking in areas which may affect the amenity of other residents of the boarding house or of residents of neighbouring properties.
- Lodgers are to 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.

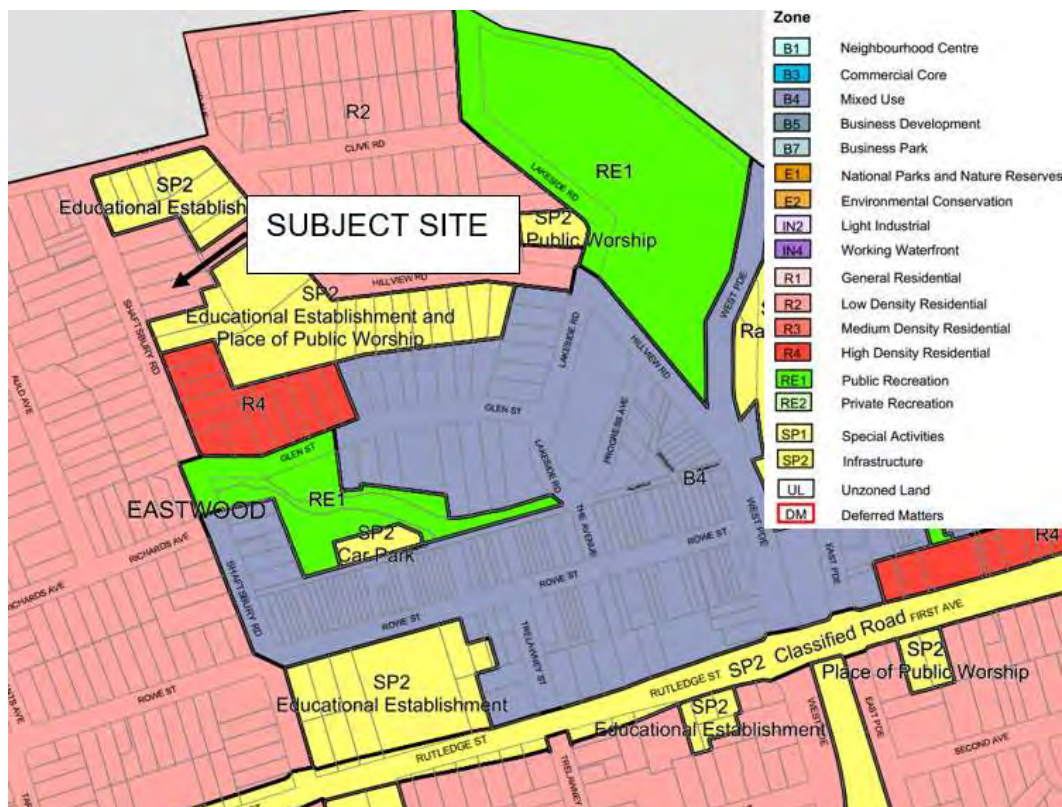


### ITEM 3 (continued)

With the applicant's amended design, recommended conditions, and nominated boarding house rules and Plan of Management, the acoustic amenity issues raised by the objectors is considered to have been satisfactorily addressed.

#### C. Compatibility with the character of the local area – Concerns were raised that the proposed boarding house was incompatible with the character of the local area.

**Assessing Officer's Comment:** The local area is a typical low density residential neighbourhood of Eastwood. It predominantly comprises single dwelling houses, with some dual occupancy development and other development in the form of education establishments. The site is also in close proximity to an area zoned for high density residential development. This is illustrated on the following extract of the zoning map.



**LEP2014 Zoning Map Extract – Demonstrating the subject site being zoned R2 and as such constituting land to which Division 3 of the ARHSEPP applies.**

The proposal seeks to undertake alterations and additions to an existing dwelling house, and then change the use of this building to a boarding house. In this regard, the proposal is considered to result in a built form outcome that is of a consistent building type for the local area.

### **ITEM 3 (continued)**

The maximum height of the development is 8.52m, and the resultant floor space ratio (FSR) of the building is 0.34:1. Accordingly, the building is well below the height limit of 9.5m and the FSR limit of 0.5:1 as prescribed in Council's Planning Controls. In addition, the proposal is to include compliant setbacks which, when combined with the compliant height and FSR, result in a built form outcome that is consistent with the scale and form of current and likely future development in the local area.

The layout of the proposed development is considered to be generally consistent with that of typical residential development and that of surrounding dwellings houses. For example, the proposed boarding house will include the main common living areas, kitchen, and laundry on the ground floor along with some boarding rooms, and then only boarding rooms located on the first floor of the building. Externally, the boarding house includes a front door facing the street, private open space areas to the rear of the building within the backyard, side access paths, and vehicular parking arrangements to the front of the site.

Given the proposal seeks to predominantly include the building additions to the rear, the presentation to the street will largely maintain the appearance of a single dwelling house. The proposed development is considered to include materials and finishes which would not place it out of character with the local area and that of emerging development in Eastwood. Further, the proposal is not located within a view corridor, and as such will not impact on any views, vistas or skylines.

It is acknowledged the front setback area is to include an open hard-stand parking area for a single car and tandem motorcycles. The provisions of DCP2014 typically do not permit such vehicular parking within the front setback, however, given numerous examples of vehicular parking within the front setback exist along the eastern side of Shaftsbury Road, the proposed arrangement is therefore not considered to be out of character with the streetscape. The other examples of parking within the front setback area are shown in the following photos.

**ITEM 3 (continued)**



**Example of a hard stand parking space located within the front setback at 195 Shaftsbury Road within close proximity to the subject site.**

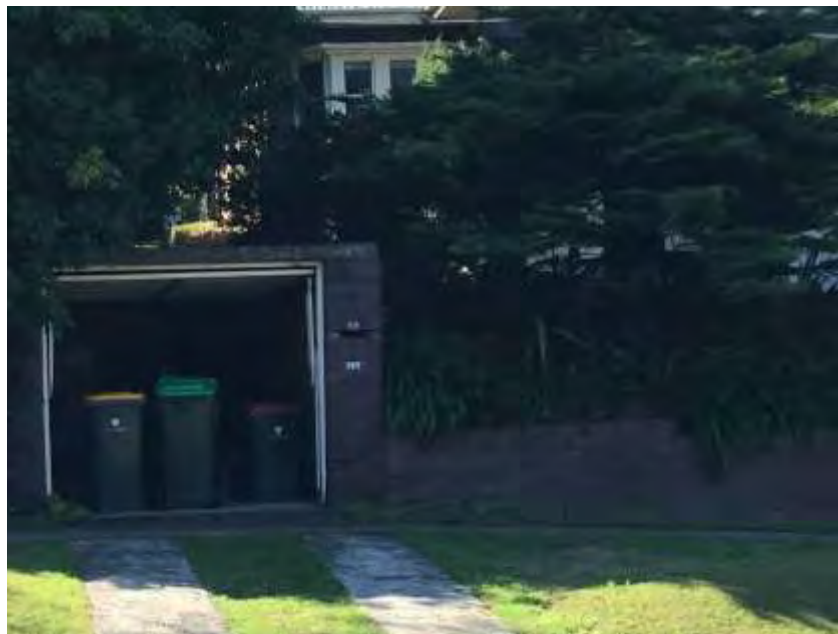
Source: [www.maps.google.com.au](http://www.maps.google.com.au)

**ITEM 3 (continued)**



**Example of vehicular parking within the front setback area at 187 Shaftsbury Road within close proximity of the subject site.**

**Source: CPS – August 2016**



**Example of vehicular parking within the front setback area at 197 Shaftsbury Road within close proximity of the subject site.**

**Source: CPS – August 2016**



**ITEM 3 (continued)**



**Example of vehicular parking within the front setback area at 183 Shaftsbury Road within close proximity of the subject site.**

**Source: CPS – August 2016**

The proposed development was also referred to Council's Heritage Officer given the proximity to the site to a heritage item and heritage conservation area. The Heritage Officer has advised that the proposed alterations and additions are of a scale and form that will not visually dominate the site, retaining emphasis on the established prevalent single-storey built form character of the local area. Additionally, the new works will not be visible from the heritage item or conservation area and will have an acceptable impact accordingly.

Having regard to the above, and the guidelines for local area character assessment contained in Schedule 1 of Part 3.5 of DCP2014, it is considered the amended proposal is compatible with the character of the local area. For this reason, neighbour objections of the basis of character are considered to have been satisfactorily addressed via the applicant's amended plans.

**ITEM 3 (continued)**

**D. Oversupply of affordable housing in Eastwood – Concerns have been raised by the applicant that the proposal results in oversupply of affordable housing in Eastwood.**

**Assessing Officer's Comment:** It has been widely reported that Sydney has a shortage of affordable housing, where the demand far exceeds supply of such housing.

A review of recent available online data<sup>1</sup> has revealed that rental affordability within the Greater Sydney region has reached a critical position, whereby the average household is required to spend 28% of their household income on rent in order to access a rental dwelling.

In Eastwood, rental affordability fares even worse, whereby 38% of an average household's income is required to be spent to access a rental dwelling. This effectively places Eastwood in a category of severely unaffordable rents.

The City of Ryde Affordable Housing Policy 2016-2031 outlines there is a significant lack of affordable housing in the City of Ryde. The Policy goes on to outline that the shortfall has reached crisis levels, and is having a significant negative impact on communities and the local economy through the loss of key workers. It is estimated that by 2031, the Ryde local government area will be in need of 10,700 affordable housing dwellings for key workers.

The guiding principles of the Policy is to increase the amount of affordable housing available in the City of Ryde, and to encourage a diverse range of housing in the City of Ryde. Boarding houses are recognised within the Policy as contributing to this housing diversity.

Based on the above, the objector's concerns that there is an oversupply of affordable housing in Eastwood is not supported, and on the contrary there is a shortage of affordable housing in Sydney generally.

**E. Safety– Safety concerns were raised by objectors over the nature of tenants that may accommodate the proposed boarding house.**

**Assessing Officer's Comment:** The proposal is for a new generation boarding house to be undertaken pursuant to the provisions of the ARHSEPP. The new generation boarding house will provide much needed affordable rental housing options for people living in Eastwood, and also the wider City of Ryde.

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<sup>1</sup> Rental Affordability Index – RAI Release Report – Community Sector Banking, Shelter Australia and SGS Economic and Planning, November 2015

### ITEM 3 (continued)

As outlined within the City of Ryde Affordable Housing Policy 2016-2031, the shortfall of affordable housing has reached crisis levels, and is having a negative impact on communities and the local economy through the loss of key workers.

The notion that boarding houses only exist to house the unemployed or socially disadvantaged is not necessarily correct. New generation boarding houses under the ARHSEPP will provide essential housing for key workers on lower income levels and also potentially students seeking to live closer to educational establishments.

The proposal satisfactorily complies with Council's DCP2014 and provisions of the ARHSEPP in relation to safety and security, and as such is considered to be a design that minimises safety or security risks. In addition, the applicant has provided a well-founded Plan of Management which details safety and security measures for the boarding house which are to form part of the recommended conditions of consent.

Having regard to the above, the proposal is considered suitable for the subject site with regard to neighbourhood safety.

**F. Amenity impacts from loss of visual privacy and overshadowing – Concerns were raised by objectors that the proposal would result in unacceptable loss of visual privacy from overlooking, and also a loss of amenity from overshadowing.**

**Assessing Officer's Comment:** With regard to loss of visual privacy, Council concurred with the neighbour objections that the proposal, in its original form, gave rise to unacceptable loss of visual privacy to neighbours from overlooking.

The original proposal included decks and BBQ areas on the ground floor and first floor which were orientated toward the side boundaries, and as such were considered to present overlooking opportunities.

As such, these issues were raised with the applicant in an additional information letter which requested amended plans. As demonstrated previously in this report, the applicant has now submitted revised plans which show these building elements having been deleted from the design.

In addition, the amended plans and elevation drawings show obscure glass windows with privacy screens have been included to all upper level boarding rooms. Privacy screens with upward angle louvre aluminium battens have also been included to all stairwells and landings to ensure overlooking is restricted and visual privacy is maintained to adjoining dwellings.

### **ITEM 3 (continued)**

In this regard, the applicant's amended plans have satisfactorily responded to Council's concerns relating to loss of visual privacy to adjoining property. Following the exhibition of the amended plans, one submission was received which raised further issues in respect of visual privacy. This has been discussed in greater detail at the end of this section under the heading "Amended Plan Re-Notification".

With regard to overshadowing, it is noted the provisions of DCP2014 require the provision of at least two hours solar access to adjoining private open space areas, and three hours to adjoining north-facing living room windows, between 9am and 3pm at the winter solstice.

Adjoining to the south of the subject site is the dwelling house at 189 Shaftsbury Road. The shadow diagrams submitted with the DA demonstrate the private open space area of this dwelling will achieve the minimum two hours solar access required by DCP2014. Furthermore, it is noted no living room windows are located on the northern elevation of the building (see photo below), and as such, compliance with the provisions of DCP2014 for this aspect of the proposal is also achieved.

It is also pertinent to note that the proposed boarding house has a building height of 8.52m, FSR of 0.34:1, and side setback from the southern boundary of 3.4m. This is well below Council's building height limit of 9.5m, FSR of 0.5:1, and over double the minimum 1.5m side setback distance. Accordingly, any overshadowing presented by the proposal is considered to be a circumstance of the site's orientation, and not poor building design or positioning.



**ITEM 3 (continued)**



Photograph of the northern elevation of the adjoining dwelling house to the south of the subject site at 189 Shaftsbury Road as it presents to the subject site. Noted in this image is the existing roofed areas over the adjoining property's claimed patio area which are already considered to block direct sunlight to this area, despite any additional overshadowing the proposal may incur. Despite this, the adjoining property will still receive solar access to at least 50% of its private open space area in compliance with DCP2014. Additionally, it is noted that no north facing living room windows are present on the side elevation of the adjoining dwelling house. In any event, this expanse of wall correlates with the existing dwelling house building on the subject site which is to be retained as part of the boarding house development.

*Source: CPS – August 2016*

- G. Management of the boarding house – Concerns were raised with regard to the management of the boarding house. In particular, one of the objectors stated that a management plan has not been prepared.**

**Assessing Officer's Comment:** Appended to the Statement of Environmental Effects that was submitted with the DA is a detailed Plan of Management that has been prepared in regard to Schedule 2 of Part 3.5 of DCP2014.

### ITEM 3 (continued)

This Plan of Management specifically outlines:

- the duties of the boarding house manager,
- maximum number of lodgers within the boarding house,
- measures to be adopted within the boarding house to minimise impact on residents and neighbours,
- the boarding house lodger rules and how they will be displayed,
- fire safety measures,
- cleaning and maintenance,
- information on the boarders and lodgers,
- detailed on boarding house furniture and facilities, and
- waste management and recycling, and general safety and security measures.

In addition to the above, it is noted that under Ryde DCP 2014, a boarding house manager is not required for developments with less than twenty (20) lodgers. Given the proposal has only eighteen (18) lodgers, an on-site manager is not required. The applicant has nominated a boarding house manager who will not live on the premises, but rather attend between 2-4 hours per week, and be on call for other periods to deal with any issues that may arise.

It is noted however, the submitted Plan of Management does not specify that occupiers of adjoining properties will be provided with a 24-hour phone number for a principal contact for the use in the event of an emergency.

In this regard, the following condition of consent (30) has been recommended:

***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.*

Having regard to the above, it is considered the boarding house will be appropriately managed as there is a detailed Plan of Management in place which satisfies the provisions of DCP2014, subject to the above condition of consent.

In this regard, the objectors concerns are considered to have been either addressed by the applicant in their submission, subject to the conditions to be imposed by Council.

**ITEM 3 (continued)**

**H. Waste Management – Concerns were raised by objectors in relation to waste management arrangements for the proposed boarding house. This included both operational waste and also construction waste and potential asbestos located within those parts of the existing dwelling house to be demolished.**

**Assessing Officer's Comment:** As part of the assessment of the subject DA, the proposal has been referred to Council's Environmental Health Officers. With regard to operational waste arrangements, it is noted that five (5) waste storage bins are provided for the occupants in the basement garage.

The Plan of Management submitted by the applicant states the following in relation to waste management and storage:

*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 manger include all regular garbage, recycling, and green waste collection services, as well as household clean-up collection, and ensuring good for collection are managed in accordance with Council's collection requirements.*

Council's Environmental Health Officer has indicated the proposal will be satisfactory subject to conditions of consent. These conditions cover waste storage and handling facilities, as well and cleaning and maintenance.

The Plan of Management is intended to be included as a condition of consent, thus ensuring the above commitments will be binding to the boarding house proposal.

Given the above, the proposal is considered satisfactory from an operational waste perspective, subject to conditions. (See condition numbers 110 to 115).

### ITEM 3 (continued)

With regard to construction waste, and in particular asbestos, it is noted that Council's standard conditions of consent for demolition works, handling and disposal of asbestos and other hazardous materials will be included. (See condition numbers 36 and 37).

This is considered satisfactory to ensure proper safeguards are in place for dealing with such hazardous materials, and ensuring the safety of neighbours during the construction phase of development.

- I. Stormwater drainage – Concerns were raised that the drainage design is inadequate to service the proposed development, including a missing sub-soil drain behind the retaining wall adjacent to 189 Shaftsbury Road, and the location of the drainage outlet pipe.**

***Assessing Officer's Comment:*** As part of the assessment of the subject DA, the proposal was referred to Council's Senior Development Engineer for comment. In response to the applicant's originally submitted design, Council's engineer raised a number of issues in relation to site drainage which were required to be addressed via amended plans.

On 9 December 2015 the applicant submitted revised plans which were again referred to Council's Senior Development Engineer for comment.

In response, the Senior Development Engineer has advised that no objections are raised to the approval of the DA, subject to conditions of consent. The conditions to be imposed cover drainage matters associated with the proposed on-site stormwater detention, and the drainage construction. (See condition numbers 53, 54, 98, 99 and 100).

Given the Senior Development Engineer's support for the proposal, the stormwater drainage arrangements for the site are considered to have been satisfactorily assessed and addressed.

- J. Construction related impacts – Concerns were raised over the amenity impacts on neighbouring property associated with construction of the proposed alterations and additions to the existing building on the subject site. This includes noise impacts, asbestos removal, and construction workers/labourers onsite.**

### ITEM 3 (continued)

**Assessing Officer's Comment:** Council's standard conditions of consent place numerous requirements on developers to ensure construction related impacts are minimised. This includes conditions relating to the permitted hours of construction or demolition works, support for neighbouring dwellings, erection of hoardings, illumination of public spaces, developments to be confined to site boundaries, provision of contact details/neighbour notification before demolition works commence, compliance with Australian Standards, asbestos removal and disposal, erection of site signs, safety fencing, sediment and dust control, and site maintenance.

With the above conditions in place, construction related impacts are considered to be reduced to acceptable limits.

In this regard the objectors concerns on this matter are satisfactorily addressed by way of conditions.

#### Amended Plan Re-notification

The amended plans received throughout the assessment of this DA (9 December 2015 and 13 May 2016) were re-notified for a period from 1 to 15 September 2016. One (1) further submission was received, from the owners (of the adjoining property at 193 Shaftsbury Road).

The following concerns were raised in relation to the **amended plans:**

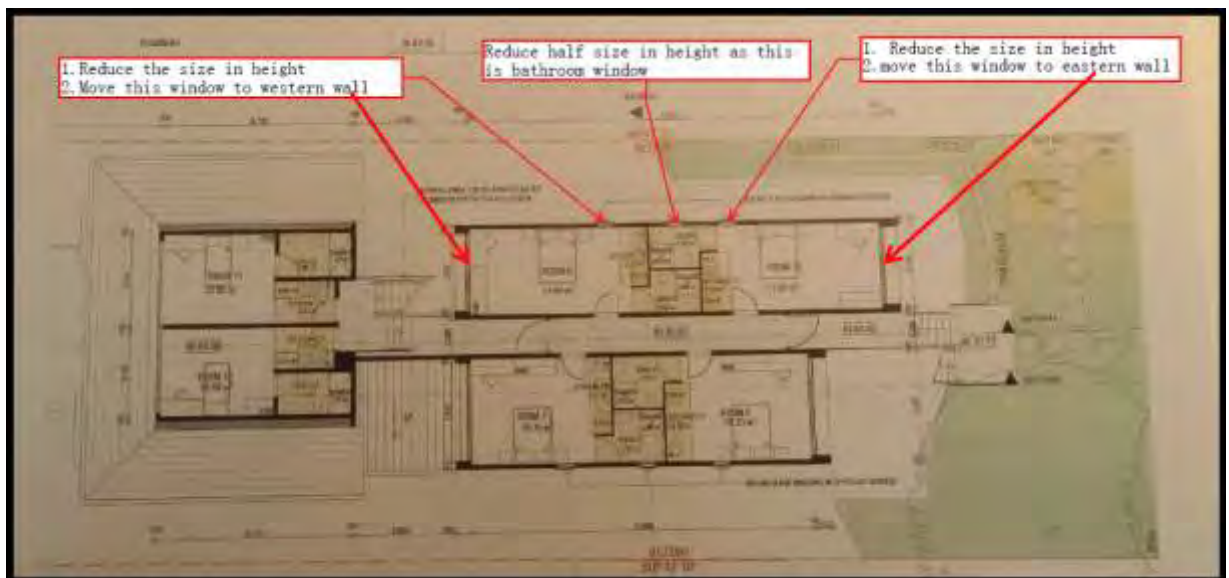
- K. Privacy issues – the objector to the north at No 193 Shaftsbury raises concerns in relation to privacy/overlooking regarding the amended plans, particularly regarding overlooking of their swimming pool and living area, and have requested consideration to various further design suggestions.**

**Assessment Officer's Comment:** In support of the objector's request for consideration to the design amendments, the objector has provided the following suggestions as mark-ups on the northern elevation and the first floor plan of the applicant's DA plans:

**ITEM 3 (continued)**



Suggested amendments from objector at No 193 Shaftsbury Road – elevation drawing.  
(Source: applicant DA plans, marked up by objector).



Suggested amendments from objector at No 193 Shaftsbury Road – first floor plan.  
(Source: applicant DA plans, marked up by objector).

The above suggestions made by the neighbour at No 193 Shaftsbury are summarised and discussed as follows:

- **Reduce size of windows or relocate these to the eastern/western elevation and/or angle louvres to the 6 x narrow vertical windows (left side of elevation drawing):**

It is noted that the applicant proposes that the 3 x upper level windows are to be both obscure glazing and also provided with privacy screens (as noted on the DA floor plan). It is considered that these privacy attenuation measures, together with the small size of the windows, will be adequate to ensure that the objector's property will be provided with adequate privacy.

### ITEM 3 (continued)

In relation to the 3 x ground floor windows, although these are not proposed to be provided with obscure glazing, it is considered that privacy impacts from these windows will be resolved via the provision of boundary fencing, noting that the level of the windows (and the floor level of the room) will be lower than the height of such boundary fencing.

Accordingly, it is not considered necessary to require any further adjustment to these 6 x narrow vertical windows on the northern elevation.

- **Query on the louvres (middle of elevation drawing):**

The objector has made a query in relation to the louvres on the elevation drawing. This louvre is provided to the side of the stairs leading from the first floor to the ground floor level, and as noted on the applicant's first floor plan, the louvre is upward-angled to ensure that occupants cannot look outward over the neighbouring property (only down). It is not possible to extend the louvres for the entire length of this indent in the building as louvres would prevent the stairs from being able to function.

Accordingly, it is not considered necessary to require any further adjustment to these louvres on the northern elevation. However, as an additional privacy attenuation measure, a privacy screen is recommended opposite the bottom of the stairs to minimise potential overlooking as occupants of the boarding house travel down the lower section of the stairs, as recommended in the following condition (condition 67):

***Privacy screen.*** *A privacy screen minimum (2m high x 3m wide) shall be provided on the northern side of the path, opposite the stairs near the centre of the building, to prevent overlooking into the neighbour's property.*



### ITEM 3 (continued)

This is shown in the following drawing:



Plan showing location of privacy screen to prevent overlooking as occupants travel down the lower section of the stairs

(Source: applicant's DA plan, edited).

- **Request to remove window (right side of elevation drawing):** This is not a window, it is a skylight provided in the roof for natural light into the kitchenette of boarding rooms 11 and 12 (a skylight is to be provided to both the northern and southern sides). Being a skylight, not a window, it will not allow overlooking into the neighbour's property.

### 8. SEPP1 (or clause 4.6 RLEP 2014) objection required?

None required – the development does not propose to vary any “development standard” contained in any environmental planning instrument.



### ITEM 3 (continued)

#### 9. Policy Implications

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

##### (a) State Environmental Planning Policy (Affordable Rental Housing) 2009

State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP) allows for the development of new generation boarding houses in residential, mixed use and some commercial zones.

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. LEP 2014), whether made before or after the commencement of this ARHSEPP, the ARHSEPP prevails to the extent of the inconsistency.

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 LEP 2014. The R2 Low Density Residential zone is a prescribed zone under Clause 26, and as such the subject site is considered to be 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.*

### ITEM 3 (continued)

A review of the plans submitted as part of the proposed development indicates the proposal would meet the above definition for a 'boarding house'. As such the proposal is considered to be 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
- (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 is located within 800m (approximately 767m) walking distance from the public entrance to the Eastwood railway station and therefore 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.

### ITEM 3 (continued)

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, development consent for the proposed development cannot be refused on any of the following grounds:

- 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 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 DA.

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 DCP2014.

As the proposed boarding house is formed from alterations and additions to the existing dwelling house, the proposal essentially maintains the appearance of a two-storey dwelling house with compliant building heights, front and side 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.

### ITEM 3 (continued)

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

##### Zoning

Under the Ryde Local Environmental Plan 2014 (LEP2014), the zoning of the subject site is R2 Low Density Residential. Despite the proposal being lodged pursuant to the ARHSEPP, 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.*
- *To provide for a variety of housing types.*

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 appearance consistent with the existing and emerging character of buildings recently approved in the local area.

##### Principal Development Standards

A full assessment of the proposal against the relevant principal development standards contained within the LEP2014 is illustrated in the Compliance Check held in **Attachment 3**. A summary of the key development standards is provided below:

LEP 2014	PROPOSAL	COMPLIANCE
<b>Clause 4.3(2) - Height</b> • 9.5m overall	8.52m	Yes
<b>Clauses 4.4(2) &amp; 4.4A(1) - FSR</b> • 0.5:1	0.34:1	Yes

### **ITEM 3 (continued)**

#### **Clause 5.10 – Heritage Conservation**

Clause 5.10 of LEP2014 prescribes development standards to conserve the environmental heritage of Ryde, and also conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.

In this regard it is noted that the subject site is within the vicinity of the following items of heritage significance listed under Schedule 5 of LEP 2014:

- 'Eastwood House' 40 Hillview Road, Eastwood (Item No.155)
- Eastwood House Estate Heritage Conservation Area (Item No.C4)

For this reason the subject DA was referred to Council's Heritage Officer for assessment and comment. In summary, Council's Heritage Officer has advised that the proposed development is of a scale and form that will not visually dominate the site, retaining emphasis on the established prevalent single-storey built form character of the local area. Additionally, the Heritage Officer has commented that the new works will not be visible from the heritage item or conservation area and will have an acceptable impact accordingly.

Overall, no objections were raised by the Heritage Officer on heritage grounds, subject to the imposition of three (3) conditions of consent. These conditions (22-24) cover salvage of materials and building elements, archaeology and restrictions on the demolition of extra fabric.

A copy of the Heritage Officers comments have been included in Attachment 4.

#### **(b) Other Relevant State Environmental Planning Policies (SEPPs)**

##### State and Sydney Regional Environmental Planning Policies

##### SEPP BASIX:

A compliant BASIX Certificate (No 651098M\_02) has been submitted with the development application. A standard condition (9) has been included in the Draft Consent requiring compliance with this BASIX certificate.

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

No draft environmental planning instruments have been identified as being applicable to the proposed development.

### ITEM 3 (continued)

#### (d) The provisions of any development control plan applying to the land

#### Ryde Development Control Plan 2014

##### Part 3.3 Dwelling Houses and Part 3.5 Boarding Houses

The proposal has been assessed using the development controls contained in Ryde Development Control Plan 2014 (DCP2014) and a full assessment is detailed in the Compliance Checks contained in **Attachment 3**. The following is an assessment of the non-compliances of the subject DA against the key components of the DCP2014.

#### ***Non-Compliances justifiable:***

As covered by Section 79C(3A)(b) of the Environmental Planning and Assessment Act 1979 (the Act), 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.

With the above in mind, the following outlines those aspects of the proposal which have been assessed as non-compliant with the applicable development controls under DCP2014, but nonetheless have been determined acceptable as they are able to achieve the objects of those standards.

#### Topography and Excavation

Sections 2.6.2 of Part 3.3 of the DCP2014 prescribes development controls relating to excavation and fill, specifically the DCP2014 stipulates the following:

*b The area under the dwelling footprint may be excavated or filled so long as:*

*ii. the depth of excavation is limited to 1.2 m maximum; and*

*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 900 mm;*

*ii. the depth of excavation is not more than 900 mm;*

*iii. the height of fill is not more than 500 mm;*

### ITEM 3 (continued)

As assessment of the submitted architectural and landscape plans have revealed the following:

- The maximum amount of cut within the building footprint up to 2m. This exceeds the 1.2m limit by 800mm.
- The extent of cut outside the building envelope is up to and is up to 1.2m. This exceeds the 900mm limit by 300mm.

Diagrams of where this cut and/or fill are located are shown on the following drawings (applicant's DA plans, marked up).

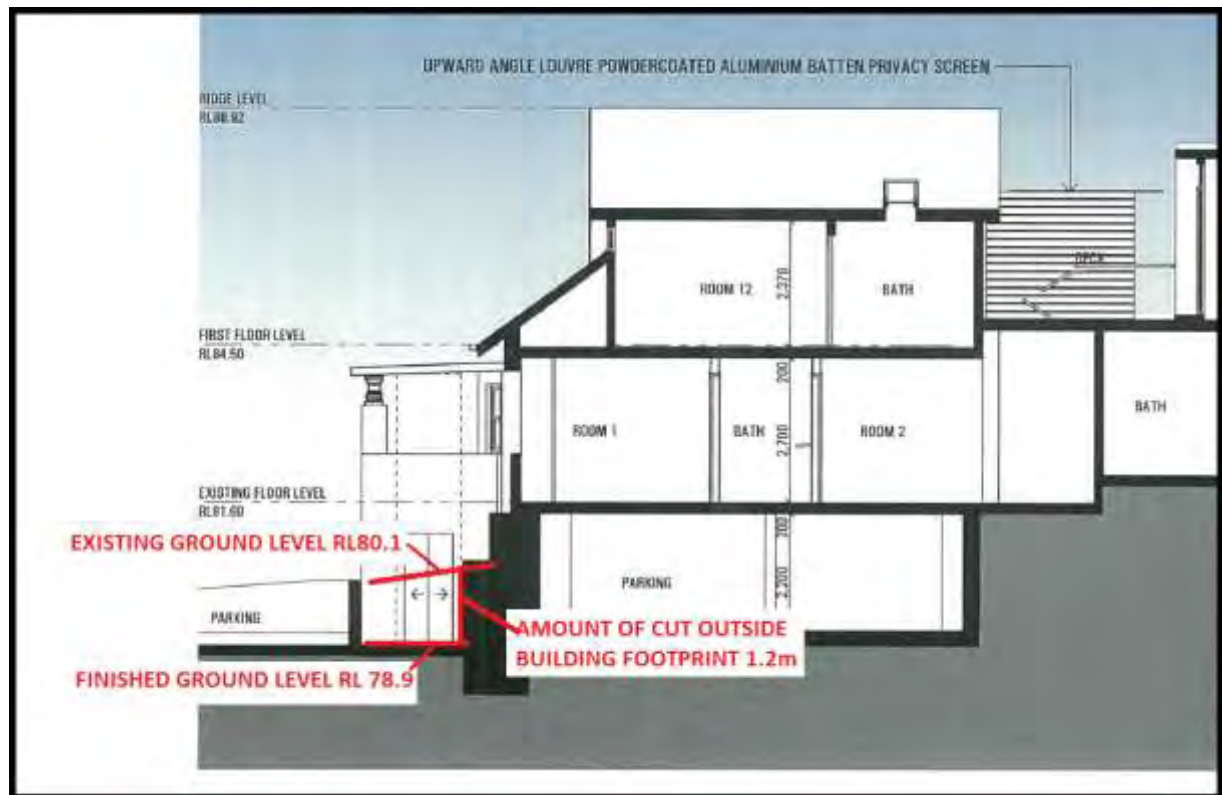


Extract of Section AA – Showing cut within the building footprint of max 2m (at location of basement).

Source: Applicant DA plans, edited.



**ITEM 3 (continued)**



**Extract of Section BB – Showing cut outside the building footprint of max 1.2m (driveway/paved area adjacent to the lift entry).**

**Source: Applicant DA plans, edited.**

Although exceeding the maximum levels of cut and fill within and outside of the building envelope, these non-compliances can be supported for the following reasons:

- The subject site experiences a significant fall from the rear eastern boundary to the front western boundary – average gradient of 1 in 6. As such, any redevelopment of the subject site would invariably necessitate cut and fill in order to create a suitable building footprint and usable private open space area.
- The proposal results in a relatively modest building envelope which has an FSR 34% lower than the maximum permitted under LEP2014, and a building height 10.3% lower than the maximum permitted under LEP2014. Furthermore the proposal has compliant front, side and rear setbacks. This demonstrates that the built form outcome does not result in excessive cut or fill which leads to non-compliances with other key planning controls.
- A review of other developments along the eastern side of Shaftsbury Road reveals that similar levels of cut and fill have been undertaken to create feasible building footprints and usable private open space areas. As such, the proposal is not considered to result in an inconsistency along the streetscape.

### ITEM 3 (continued)

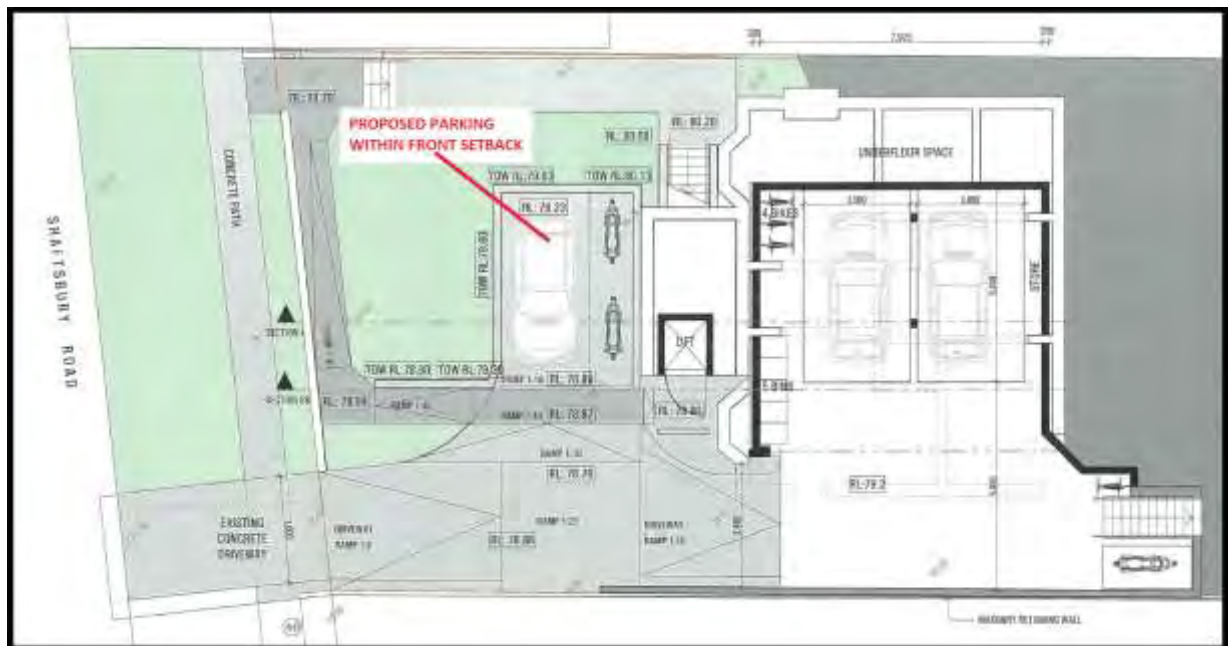
- As has been demonstrated earlier in this assessment report, the cut and fill associated with the proposed boarding house development does not result in an unreasonable loss of privacy or security for neighbours.

For the reasons outlined above it is considered the proposal satisfactorily achieves compliance with the objectives of the topography and excavation controls, and as such, the variation to Council's cut and fill controls are justifiable in this instance.

#### Deep Soil Areas / Parking and Traffic

Section 2.5 of Part 3.3 of DCP2014 prescribes that the front yard is to include only deep soil areas, aside from the driveway, pedestrian path and garden walls. Furthermore, Section 2.3 of Part 3.5 of the DCP2014 prescribes controls for parking and traffic, specifically that parking areas are not to be located within landscaped areas.

The proposal includes an open hard-stand car parking space within the front setback, and tandem parking for two motorcycles. As such, this contravenes the requirements of the above components of DCP2014. This is shown on the following drawing.



Proposed car parking arrangements showing parking within the front setback.

(Source: Applicant DA plans, edited).

### ITEM 3 (continued)

Although not complying with the above controls the proposed parking area within the front setback is considered justifiable for the following reasons.

- Vehicular parking within the front setback area is a common feature of residential development along the eastern side of Shaftsbury Road, particularly within the vicinity of the subject site. This includes garages built to the boundary at 183, 187, and 197 Shaftsbury Street, and also open hard-stand parking areas within the front setback of 195 Shaftsbury Road. As such, the inclusion of a car parking space within the front setback of the subject site is not considered to result in a development outcome that is inconsistent with the streetscape – (see photos earlier in this report).
- By virtue of the site's topography, the vehicular parking spaces will be screened from the public domain areas of Shaftsbury Road, This is because the front setback steeply slopes up from Shaftsbury Street, and the proposed car parking space will be partially recessed into the slope of the land.
- Hedge style landscape planting up to 3m in height is proposed around the parking area to assist in screening the hard-stand parking space when viewed from the street and adjoining property.
- Despite the additional hard paved areas within the front setback, the proposal includes a satisfactory level of landscape planting within the front setback which includes the planting of two (2) trees capable of reaching a mature height of 6m.
- Council's Consultant Landscape Architect has undertaken an assessment of the proposed landscaping arrangements and determined them to be satisfactory, subject to conditions of consent.
- Council's Senior Development Engineer has assessed vehicular manoeuvrability, along with vehicular sightlines, and determined the proposed parking arrangement is satisfactory from a functionality and safety perspective.
- Clause 29(2)(b) of the ARHSEPP prescribes that a consent authority must not refuse consent to a boarding house development made under Division 3 of the ARHSEPP on the basis of landscaped area if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located. Having regard to the precedent set by existing development along Shaftsbury Road which includes parking in the front setback area, it is considered the proposal would not be incompatible with the streetscape.

### **ITEM 3 (continued)**

Having regard to the above, it is considered the proposed vehicular parking arrangements within the front setback are acceptable in the circumstances of the case. As such the variation to Council's DCP2014 controls are justifiable in this instance.

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

##### *Landscaping*

Section 2.13 of Part 3.3 of DCP2014 prescribes controls in relation to landscaping. In particular, the front garden is to have at least 1 tree capable of a minimum mature height of 10m with a spreading canopy.

An assessment of the submitted landscape plan has identified that rather than planting a single tree capable of reaching a mature height of 10m, the applicant is to plant two trees capable of reaching a mature height of 6m.

As part of the assessment of the subject DA, the proposal was referred to Council's Consultant Landscape Architect who has responded by recommending the imposition of the following condition of consent (68) to address the non-compliance with the DCP2014 provision:

***Tree planting – front yard. One (1) Australian native tree with a minimum size of 75litres to be planted in the front garden, to reach a height of 10m at maturity. The location of the canopy tree planting to the front of the site will need to be coordinated with the Civil Engineer as part of the Construction Certificate (CC) documentation, to ensure no conflict arises with the location of the OSD tank. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a **Construction Certificate**.***

It is noted that the above condition will require the applicant to liaise with the project Civil Engineer to ensure any such tree planting within the front setback appropriately takes into consideration stormwater drainage arrangements, i.e. on-site detention tanks.

##### *Acoustic Privacy*

Section 3.2 of Part 3.5 of the DCP2014 prescribes development controls relating to the Privacy (Visual and Acoustic) and Amenity. 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 acoustic privacy and ensuring that 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.

### ITEM 3 (continued)

The proposed development includes sliding doors on the northern elevation of the communal living/dining/kitchen on the ground floor of the boarding house. Concern is raised that with the sliding doors open, noise from this communal room would readily transfer to the adjoining property at 193 Shaftsbury Road and impact on the acoustic amenity of the neighbour. In this regard, the following condition (64) is recommended to replace the sliding door with solid glazing and a single self-closing door. This would still allow solar access to the communal room, whilst minimising the transfer of noise and acoustic impact on adjoining property.

***Sliding Doors to Communal Room.*** *The sliding doors on the northern elevation of the communal living/dining/kitchen room be replaced with solid glazing and a single self-closing door to minimise the transfer of noise and reduce the acoustic impact of this room on adjoining property. Details of compliance are to be submitted and approved by the Principal Certifying Authority prior to the issue of a **Construction Certificate**.*

It is noted that the submitted plan of management states the following in relation to minimising the impacts on residents.

*So as to minimise impacts upon the residents of adjoining premises as well as residents of the building the following rules are to 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.*

Furthermore the 'House Rules' within the POM states the outdoor communal areas shall not be used between the hours of 10pm and 7am.

The submitted plan of management will be included within Condition 1 of the consent and can only be amended with the agreement of Council in writing. Copies of the approved Plan of Management must be provided to the relevant managing agent, and are required to be on display and available at all times to lodgers.

Notwithstanding the above it is recommended that the following specific conditions of consent (107 and 108) are imposed to safeguard the acoustic amenity of adjacent residential properties and to ensure that the boarding house operates consistently in accordance with its plan of management and good neighbour obligations therein.

### ITEM 3 (continued)

**Approved number of lodgers.** *The approved number of lodgers within the Boarding House must not exceed eighteen (18) persons at any time.*

#### **Use of Communal Outdoor Areas**

- (a) *The use of the communal outdoor areas of the boarding house are restricted to the hours stipulated within the approved Plan of Management as detailed within Condition 1 of this consent being 7am to 10pm.*
- (b) *The use of the communal areas must be according to the House Rules contained within the approved Plan of Management as detailed within Condition 1 of this consent.*

#### Internal Building Design

Section 3.6 of Part 3.5 of the DCP2014 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. Particular components of this control seek to avoid dark and less visible areas, and locate communal and common areas in safe and accessible locations. Also outlined are provisions for lighting to common areas be 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 DA has revealed that whilst gates are shown to be provided to the side and rear these gates are not shown to be lockable. Furthermore these areas may potentially provide dark and non-visible areas. In addition the subject development application has failed to identify specific details on the common area lighting arrangements for the proposed development.

Accordingly, the following conditions of consent (62, 65 and 66) are recommended to ensure that proposed side entry gates are lockable, sensor lighting is provided to these setback areas and that the lighting arrangements for the proposed development are designed to comply with the provisions of the DCP 2014:

**62. 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)

**65. Lockable side entry gates** *The side gates shown on the submitted ground floor plans within southern side setback providing access to the private open space areas of the boarding house must be provided with a keypad locking mechanism to prevent unauthorised access into these areas. Details indicating compliance with this condition shall be submitted to the Principal Certifying Authority prior to the issue of a **Construction Certificate**.*

**66. Sensor Lighting** – *Sensor lighting is to be provided to the side gates within the southern side setback area. Details are to be submitted to the Principal Certifying Authority for approval prior to the issue of a **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.*

#### Clothes Drying Facilities

The Table within Section 3.6 of Part 3.5 of DCP2014 prescribes development controls relating to drying facilities for boarding houses. Specifically, external and internal drying facilities are to be provided. Whilst the proposal includes sufficient external clothes drying areas, details of indoor clothes drying facilities are not provided. Such facilities could readily be provided within the internal laundry, and as such are to be addressed by imposition of the following condition (63):

**Clothes Drying Facilities.** *Internal clothes drying facilities are to be provided within the boarding house in compliance with the provisions contained within Part 3.5 of the Ryde Development Control Plan 2014. Such clothes drying facilities may take the form of mechanical clothes dryers provided within the internal laundry. 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 DCP2014 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.

### **ITEM 3 (continued)**

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 (30) be included as an operational condition of consent:

***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.*

## **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 Senior Development Engineer, Consultant Landscape Architect, Building Surveyor, Heritage Officer, Consultant Structural Engineer and Environmental Health Officer.

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, consistent with the aims and objectives of the City of Ryde Affordable Housing Policy 2016-2031, 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 alterations and additions to an existing house within an existing suburban environment, and given the development includes vegetation removal that has been assessed as being satisfactory by Council's Consultant Landscape Architect, it is considered there will be no significant negative impact upon the natural environment as a result of the proposal.



### **ITEM 3 (continued)**

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

A review of Council's map of Environmentally Sensitive Areas (held on file) identifies one (1) environmental constraint affecting the subject property being Urban Bushland – Non Conservation. As detailed above the proposed development was referred to Council's Consultant Landscape Architect who has no objections to the proposed tree removal subject to the imposition of conditions of consent.

The proposed boarding house is a permissible form of development on the subject site, both under the ARHSEPP, and also under the provisions of the LEP2014. 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 and the existing heritage item and heritage conservation area nearby.

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 with respect given to the existing heritage item and conservation area nearby.

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:** Council's Senior Development Engineer initially raised concerns in regard to access and parking, drainage levels and OSD, driveway width and retaining wall heights. Accordingly, additional information and amended plans were requested from the applicant which addressed these concerns.

### **ITEM 3 (continued)**

Amended plans were submitted to Council in December 2015, and referred to Council's Senior Development Engineer who has advised that the concerns previously raised have been satisfactorily addressed. Accordingly, subject to the imposition of some 24 conditions of consent.

**Building Surveyor:** The proposed development was referred to Council's Building Surveyor who has raised no objection to the proposed development subject to appropriate conditions relating to fire safety considerations and upgrades.

**Heritage Officer:** The proposed development was referred to Council's Heritage Officer who has advised that the proposed alterations and additions are of a scale and form that will not visually dominate the site, retaining emphasis on the established prevalent single-storey built form character of the local area. Additionally, the new works will not be visible from the heritage item or conservation area and will have an acceptable impact accordingly. Overall, no objections are raised to the proposed development on heritage grounds, subject to three (3) conditions, relating to cover salvage of materials and building elements, archaeology and restrictions on the demolition of extra fabric.

**Consultant Structural Engineer:** Council's Consultant Structural Engineer initially advised that the Geotechnical Report submitted did not address slope instability issues. Accordingly, a revised report was requested from the applicant that assesses slope instability risks both pre and post development and that recommends construction procedures to appropriately minimise the identified risks.

A revised Geotechnical Report dated 25 November 2015 was submitted to Council and referred to Council's Consultant Structural Engineer, who has advised that the revised report now complies with Council's normal requirements for reports submitted in relation to developments on sites assessed as being potentially at risk of slope instability. As such, it was recommended that should the development be approved, all works are to be executed in strict compliance with the recommendations as contained in the Michael Adler and Associates Consulting Geotechnical Engineers' report dated 25 November 2015. Accordingly, this has been included as a condition of consent.

**Environmental Health Officer:** The proposed development was referred to Council's Environmental Health Officer who has raised no objection subject to appropriate conditions of consent – relating to accommodation, ventilation, notices, shared facilities, laundries and drying facilities, waste storage and handling facilities, cleaning and maintenance, noise pollution, registration and the advisory note relating to periodic health inspections.

### **ITEM 3 (continued)**

It is noted that whilst some conditions imposed by the Environmental Health Officers are already addressed on the plans, i.e. provision of a communal room, it is considered appropriate to ensure such recommended conditions are maintained in the consent to ensure the proposed communal room is not modified for some other purpose in the future.

**Consultant Landscape Architect** - The proposed development was referred to Council's Consultant Landscape Architect who has raised no objection to the proposal subject to appropriate conditions of consent – relating to tree removal, tree protection, Australian Standards, tree works, public domain areas, proposed trees, stormwater management, fencing, retaining walls. Accessibility, landscape implementation, compliance and maintenance.

#### 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.

#### **16. Other Options**

The recommendation in this report is approval subject to conditions.

The only practical alternative to this recommendation of approval would be refusal. In this regard, various issues of concern raised in neighbour's submissions (as outlined above) and the areas of non-compliance with DCP 2014 could form the basis for reasons for refusal. However, this option of refusal is not recommended because (overall) the development is considered to be satisfactory, the areas of non-compliance with Council's planning controls are justifiable and the neighbours' concerns have been addressed as noted in the assessment above, and can be addressed via conditions of consent.

#### **17. Conclusion**

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

**ITEM 3 (continued)**

It is noted that although some non-compliances with the DCP2014 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.

Although the proposed boarding house development being lodged pursuant to the provisions of the ARHSEPP, the design of the boarding house is considered to be consistent with the desired future character of the low density residential areas, consistent with Council's planning controls, and also consistent with the nature of modern development in Eastwood and wider local government area.

On the above basis, LDA2015/0480 at 191 Shaftsbury Road, Eastwood is recommended for approval subject to conditions.

**ITEM 3 (continued)**

**ATTACHMENT 1**

**DRAFT CONDITIONS OF CONSENT**  
**191 SHAFTSBURY ROAD EASTWOOD**  
**LDA2015/480**

**GENERAL**

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

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

Document Description	Date	Plan No/Reference
Ground Floor Plan	10.05.2016	A2101 – Issue G
First Floor Plan	10.05.2016	A2102 – Issue G
North Elevation	10.05.2016	A3100 – Issue G
South Elevation	10.05.2016	A3102 – Issue G
Inner West Elevation	10.05.2016	A3104 – Issue G
Inner East Elevation	10.05.2016	A3105 – Issue G
Stormwater Drainage Design	06.12.2015	Rev 01
Stormwater Management Plan	06.12.2015	Prepared by Apex Engineers
Landscaping Plans	18.08.2015	L01 – Rev A
Geotechnical report	25.11.2015	15/09665
Arboricultural Impact Assessment Report	10.07.2015	Prepared by All About Trees Consulting Arborists
Plan of Management	August 2015	Mark Shanahan Planning

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. **Internal Walls.** Ensure that the internal walls bounding public corridors/public lobbies and between or bounding sole-occupancy units in the existing portion of the building comply with the requirements of the Building Code of Australia (BCA).
4. **Doorways.** Ensure that doorways to sole-occupancy units in the existing portion of the building are protected in accordance with the requirements of the BCA.
5. **Floor/Ceilings.** Ensure that the floor/ceiling between the two residential floor of the existing portion of the building complies with the requirements of the BCA.

**ITEM 3 (continued)**

**ATTACHMENT 1**

6. **External Wall Openings.** Ensure that openings in the external walls of the existing portion of the building are protected in accordance with the requirements of the BCA.
7. **Egress.** Ensure that egress from the existing portion of the building complies with the requirements of the BCA.
8. **Services & Equipment.** Ensure that the existing portion of the building is provided with Services and Equipment in accordance with the requirements of Section E of the BCA.
9. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 651098M\_02, dated 24 July 2015.
10. **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.
11. **Hoardings.**
  - (a) A hoarding or fence must be erected between the work site and any adjoining public place.
  - (b) An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
  - (c) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
12. **Illumination of public place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
13. **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.
14. **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.

**ITEM 3 (continued)**

**ATTACHMENT 1**

15. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
16. **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.
17. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the relevant Australian Standard *and City of Ryde Development Control Plan 2014 Section 8* except as amended by other conditions.
18. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
19. **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.
20. **Road Opening Permit.** The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) are required within the road reserve. No drainage work shall be carried out on the footpath without this permit being paid and a copy kept on the site.
21. **Geotechnical Works.** All works are to be executed in strict compliance with the recommendations as contained in the Michael Adler and Associates Consulting Geotechnical Engineers' report dated 25 November 2015.
22. **Salvage of Materials and Building Elements.** Traditional building materials and architectural elements (such as windows, doors, internal and external joinery, masonry, tiles etc) surplus to the alterations and additions to the existing dwelling, are to be dismantled, salvaged and sold to an established dealer in second-hand heritage building materials. Documentation of the salvage methodology must be submitted for the approval of Council prior to the commencement of demolition.

**ITEM 3 (continued)**

**ATTACHMENT 1**

23. **Archaeology.** Should any substantial intact archaeological deposits whether artefacts, relics or occupation deposits be discovered or uncovered, excavation and / or disturbance of the site is to immediately cease and Council must be notified.

Additional archaeological assessment may be required prior to works continuing in the affected area/s based on the nature of the discovery.

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

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

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

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

25. **Bicycle/motorcycle parking.** An area shall be designated for motorbike and/or bicycle parking on the site within the basement level. A bicycle parking rack must be provided.
26. **Facilities.** Adequate kitchen, bathroom and laundry facilities must be available for the use of the lodgers.
27. **Communal Living Room.** A communal living room must be provided for the use of the lodgers.
28. **Laundries.** Laundries and drying facilities must comply with the requirements of Part 3.5 *Boarding Houses* -City of Ryde Development Control Plan 2014.
29. **Ventilation.** The premises being ventilated in accordance with the requirement of the Building Code of Australia.
30. **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.



**ITEM 3 (continued)**

**ATTACHMENT 1**

31. **Tree Removal.** This consent authorises the removal of the following trees: Tree 5 - *Melaleuca linarifolia* (Narrow leaved paperbark). Tree 6 - *Callistemon viminalis* (Red Bottlebrush). Tree 7 - *Callistemon viminalis* (Red Bottlebrush).
32. **Tree Protection – No Unauthorised Removal.** This consent does not authorise the removal of trees unless specifically authorised by a condition of this consent. Trees shown on the approved plans as being retained must be protected against damage during construction.

**DEMOLITION CONDITIONS**

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

A Construction Certificate is not required for Demolition.

33. **Provision of contact details/neighbour notification.** At least 7 days before any demolition work commences:
- (a) Council must be notified of the following particulars:
    - (i) The name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
    - (ii) The date the work is due to commence and the expected completion date
  - (b) A written notice must be placed in the letter box of each property identified in the attached locality plan advising of the date the work is due to commence.
34. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
35. **Excavation**
- (a) All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being dangerous to life or property and, in accordance with the design of a structural engineer.
  - (b) A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with the Work Cover Authority, in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The applicant must provide a copy of the Statement to Council prior to commencement of demolition work.

**ITEM 3 (continued)**

**ATTACHMENT 1**

36. **Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by WorkCover New South Wales.
37. **Asbestos – disposal.** All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal dockets must be retained by the person performing the work for at least 3 years and be submitted to Council on request.
38. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.
39. **Disposal of demolition waste.** All demolition waste must be transported to a facility or place that can lawfully be used as a waste facility for those wastes.
40. **Imported fill – type.** All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.

**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**

41. **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	\$13,849.42
Open Space & Recreation Facilities	\$34,094.51
Civic & Urban Improvements	\$11,596.17
Roads & Traffic Management Facilities	\$1,581.74
Cycleways	\$988.02
Stormwater Management Facilities	\$3,140.50
Plan Administration	\$266.32
<b>The total contribution is</b>	<b>\$65,516.68</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 Interim Update (2014), effective from 10 December 2014.

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.

The contribution must be paid **prior to the issue of any Construction Certificate**. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the **City of Ryde**. Personal or company cheques will not be accepted.

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>.

42. **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**.

**ITEM 3 (continued)**

**ATTACHMENT 1**

43. **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**.
44. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: OR other buildings with delivery of bricks or concrete or machine excavation)
45. **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
46. **Alignment Levels.** The applicant is to apply to Council, pay the required fee, and have issued site specific alignment levels by Council prior to the issue of the **Construction Certificate**.
47. **Boundary Levels.** The levels of the street alignment shall be obtained from Council. These levels shall be incorporated into the design of the internal driveway, carparking areas, landscaping and stormwater drainage plans and must be obtained prior to the issue of the construction certificate.
48. **Driveway Grades.** The maximum grade of all internal driveways and vehicular ramps shall be 1 in 4 and in accordance with the relevant section of AS 2890.1. The maximum change of grade permitted is 1 in 8 (12.5%) for summit grade changes and 1 in 6.7 (15%) for sag grade changes. Any transition grades shall have a minimum length of 2.0m. The driveway design is to incorporate Council's issued footpath and gutter crossing levels where they are required as a condition of consent. A driveway plan, longitudinal section from the centreline of the public road to the garage floor, and any necessary cross-sections clearly demonstrating that the driveway complies with the above details, and that vehicles may safely manoeuvre within the site without scraping shall be submitted with the Construction Certificate application.
49. **Driveway Width.** The minimum width of the driveway shall be 3.0m at the property boundary. A 100mm high kerb shall be provided along the southern side of the internal driveway.

**ITEM 3 (continued)**

**ATTACHMENT 1**

50. **Provision of Pedestrian Sight Lines.** Clear pedestrian sight lines in accordance with Figure 3.3 of AS2890.1 :2004 Off Street Car parking are to be provided at the driveway entry. This requires that there be no boundary wall or fence(including vegetation planted adjoining it) higher than 900mm within 2.5m of the driveway entry at the boundary and to a distance of 2.0m. Any proposed walls/fences/landscaping are to be adjusted in order to also comply with this. Full details are to be shown on the architectural and landscaping plans submitted for approval with the Construction Certificate.

51. **Vehicle Parking.** To facilitate safe access, all internal driveways, vehicle turning areas, garage opening widths, parking space dimensions, headroom clearances, pedestrian sight line etc shall be designed to comply with relevant section of AS 2890 and also ensure all vehicles servicing the site can enter and exit in a forward direction.

Engineering certification from a suitably qualified traffic engineer, demonstrating compliance with this condition is to be submitted with the Construction Certificate application.

52. **Traffic Management.** Traffic management plans must be prepared and procedures must be in place and practised during the construction period to ensure safety and minimise construction traffic conflict on adjoining pedestrian and vehicular traffic movement. These procedures and systems must be in accordance with AS 1742.3 1985 and the RMS's Manual – "Traffic Control at Work Sites" where applicable.

Accordingly, a detailed plan of traffic management prepared by a traffic engineer including certification indicating compliance with the above are to be submitted with the Construction Certificate application. A copy of the TMP shall be forwarded to Council. The TMP shall be implemented and fully in place prior to commencement of any work.

53. **On-Site Stormwater Detention.** Stormwater runoff from all impervious areas shall be collected and piped by gravity flow to a suitable on-site detention system in accordance with City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater & Floodplain Management. The minimum capacity of the piped drainage system shall be equivalent to the collected runoff from a 100 year average recurrence interval 5 minute storm event.

Detailed engineering plans including certification from a chartered civil engineer with NPER registration with Engineers Australia indicating compliance with this condition are to be submitted for approval with the Construction Certificate application.

54. **Water Tank First Flush.** A first flush mechanism is to be designed and constructed with the water tank system. Details of the first flush system are to be submitted with the construction certificate application.

**ITEM 3 (continued)**

**ATTACHMENT 1**

55. **Excavation.** The proposed development will result in substantial excavation that has the potential to adversely impact the adjoining properties if undertaken in an inappropriate manner. To ensure there are no adverse impacts arising from such works, the applicant must engage a suitably qualified practicing geotechnical engineer to design, certify and oversee the proposed excavation and construction work

The engineer is to prepare the following documentation to:-

- a) Provide appropriate support and retention to neighbouring properties
- b) Ensure there will be no ground settlement or movement during excavation or after construction creating adverse impact on adjoining properties.
- c) Detail what measures are to be taken to protect the adjoining properties from undermining during and after construction
- d) Certify the necessity and adequacy of support for the adjoining properties.

The above matters shall be completed prior to the issue of the construction certificate and engineering details/plans including certification shall be submitted to the principal certifying Authority.

All recommendations of the Geotechnical Engineer are to be carried out during the course of the excavation. The applicant must give at least seven (7) days notice to the owners and occupiers of the adjoining allotments before excavation works commence. Repair of damage to neighbouring private property will remain the responsibility of the land owner and the builder of the subject site.

56. **Dilapidation Report.** Submit a dilapidation report on all existing adjoining structures in the vicinity of the proposed development. The report is to include a description of the location and nature of any existing observable defects to the following structures including a photographic record.

- a) Adjoining dwellings & associated structures
- b) Retaining walls
- c) Constructed pavements/driveway areas.
- d) Any other relevant infrastructure.

The report is also to be submitted to the Principal Certifying Authority prior to the issue of the construction certificate. The report shall be used by the PCA to assess whether restoration works are required prior to the issue of the occupation certificate.

**ITEM 3 (continued)**

**ATTACHMENT 1**

57. **Erosion and Sediment Control Plan.** An *Erosion and Sediment Control Plan (ESCP)* shall be prepared by a suitably qualified consultant in accordance with the guidelines set out in the manual “*Managing Urban Stormwater, Soils and Construction*” prepared by the Landcom. These devices shall be maintained during the construction works and replaced where considered necessary.

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

- a) Existing and final contours
  - b) The location of all earthworks, including roads, areas of cut and fill
  - c) Location of all impervious areas
  - d) **Location and design criteria of erosion and sediment control structures,**
  - e) Location and description of existing vegetation
  - f) Site access point/s and means of limiting material leaving the site
  - g) Location of proposed vegetated buffer strips
  - h) Location of critical areas (drainage lines, water bodies and unstable slopes)
  - i) Location of stockpiles
  - j) Means of diversion of uncontaminated upper catchment around disturbed areas
  - k) Procedures for maintenance of erosion and sediment controls
  - l) Details for any staging of works
  - m) Details and procedures for dust control.
58. **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**.
59. **Sydney Water Tap in™.** The approved plans must be submitted to the Sydney Water Tap in™ on-line service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Sydney Water Sydney Water Tap in™ service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, eg relocating or moving an asset.

**ITEM 3 (continued)**

**ATTACHMENT 1**

Sydney Water's [Tap in™](https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm) online service is available at:  
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

60. **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**.
61. **Fencing.** Fencing is to be in accordance with Council's DCP 2014: Part 3.3 – Dwelling Houses and Dual Occupancy (attached) – Section 2.16 - Fences. Details of compliance are to be provided in the plans for the **Construction Certificate**.
62. **Lighting of common areas (driveways etc).** Details of lighting for internal driveways, visitor parking areas and the street frontage shall be submitted for approval prior to issue of the **Construction Certificate**. The details to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residents.
63. **Clothes Drying Facilities.** Internal clothes drying facilities are to be provided within the boarding house in compliance with the provisions contained within Part 3.5 of the Ryde Development Control Plan 2014. Such clothes drying facilities may take the form of mechanical clothes dryers provided within the internal laundry. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a **Construction Certificate**.
64. **Sliding Doors to Communal Room.** The sliding doors on the northern elevation of the communal living/dining/kitchen room be replaced with solid glazing and a single self-closing door to minimise the transfer of noise and reduce the acoustic impact of this room on adjoining property. Details of compliance are to be submitted and approved by the Principal Certifying Authority prior to the issue of a **Construction Certificate**.
65. **Lockable side entry gates.** The side gates shown on the submitted ground floor plans within southern side setback providing access to the private open space areas of the boarding house must be provided with a keypad locking mechanism to prevent unauthorised access into these areas. Details indicating compliance with this condition shall be submitted to the Principal Certifying Authority prior to the issue of a **Construction Certificate**.



**ITEM 3 (continued)**

**ATTACHMENT 1**

66. **Sensor Lighting** – Sensor lighting is to be provided to the side gates within the southern side setback area. Details are to be submitted to the Principal Certifying Authority for approval prior to the issue of a **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.
67. **Privacy screen**. A privacy screen minimum (2m high x 3m wide) shall be provided on the northern side of the path, opposite the stairs near the centre of the building, to prevent overlooking into the neighbour’s property.
68. **Tree planting – front yard**. One (1) Australian native tree with a minimum size of 75litres to be planted in the front garden, to reach a height of 10m at maturity. The location of the canopy tree planting to the front of the site will need to be coordinated with the Civil Engineer as part of the Construction Certificate (CC) documentation, to ensure no conflict arises with the location of the OSD tank. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a **Construction Certificate**.
69. **Tree works Arborist supervision**. An AQF Level 5 Arborist is also to be engaged to monitor the trees throughout the development process and ensure compliance with the tree protection measures.

Hold points and certification - The Tree Protection Schedule provides a logical sequence of hold points for the various development stages including pre construction, construction and post construction. It also provides a checklist of various hold points that are to be signed and dated by the Project Arborist. This is to be completed progressively and included as part of the final certification. A copy of the final certification is to be made available to the City of Ryde Council on completion of the project.

Tree Protection Schedule

Hold Point	Task	Responsibility	Certification	Timing of Inspection
1	Indicate clearly (with spray paint on trunks) trees	Principal Contractor	Project Arborist	Prior to demolition and site establishment
2	Establishment of tree protection fencing and	Principal Contractor	Project Arborist	Prior to demolition and site establishment
3	Supervise all excavation works	Principal Contractor	Project Arborist	As required prior to the works proceeding adjacent to the tree

**ITEM 3 (continued)**

**ATTACHMENT 1**

Hold Point	Task	Responsibility	Certification	Timing of Inspection
4	Inspection of trees by Project Arborist	Principal Contractor	Project Arborist	Bi-monthly during construction period
5	Final inspection of trees by	Principal Contractor	Project Arborist	Prior to issue of Occupation Certificate

70. **Tree works - provision of Arborist details.** Council is to be notified, in writing, of the name, contact details and qualifications of the Project Arborist appointed to the site. Should these details change during the course of works, or the appointed Project Arborist alter, Council is to be notified, in writing, within seven working days
71. **Stormwater Location.** The location of Stormwater pits, underground services and any onsite detention tanks is to be coordinated in consultation with the Project Arborist to minimise the potential impact on site trees.
72. **Fence Footings.** Fence footings are to be designed to span over roots to minimise the impact of root disturbance to a level that is considered acceptable. The Arborist is to address this as part of the Tree Protection Plan (TPP).
73. **Retaining Wall Fencing.** Fencing is to be provided on top of retaining walls which are higher than 1m, fencing is to be a minimum of 1m high in accordance with the Building Code of Australia.
74. **Accessibility Report.** An Accessibility Report is to be submitted as part of the Construction Certificate (CC) documentation. Information presented for CC stage will include details of tactile indicators, accessible ground surfaces, grates within the accessible path of travel and stairways (handrails).
75. **Landscape Compliance.** All landscape works shall be carried out by members of the Landscape Contractors Association of Australia and implemented under the full supervision of the appropriately qualified landscape consultant until the Landscape Compliance Report is received by the Principal Certifying Authority (PCA) with a copy provided to Council. At the completion of landscape works, the landscape consultant who supervised the works shall submit to the Principal Certifying Authority a Landscape Compliance Report that establishes satisfactory

**ITEM 3 (continued)**

**ATTACHMENT 1**

76. **Landscape Maintenance Period.** The site works will incur a 12 month maintenance period to ensure the successful establishment of the plant material. The Landscape Maintenance Report has been reviewed and considered acceptable. This report must be updated for the Construction Certificate of the project to include all the materials and finishes specified as part of the documentation.

The Landscape Consultant that produced the Landscape Documentation or an equally qualified person shall submit 2 Landscape Maintenance Reports (one at 6 months and 12 months after practical completion) for each stage of the development. Reports are to certify that (at each of the intervals listed above after practical completion) the works are being satisfactorily maintained and are to be submitted to the PCA with a copy provided to Council.

The location of the canopy tree planting to the front of the site will need to be coordinated with the Civil Engineer as part of the Construction Certificate (CC) documentation, to ensure no conflict arises with the location of the OSD tank.

**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.

77. **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.

78. **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.

**ITEM 3 (continued)**

**ATTACHMENT 1**

79. **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).

80. **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.

81. **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.

**ITEM 3 (continued)**

**ATTACHMENT 1**

82. **Sediment and Erosion Control.** The applicant shall install appropriate sediment control devices in accordance with an approved plan **prior** to any earthworks being carried out on the site. These devices shall be maintained during the construction period and replaced where considered necessary. Suitable erosion control management procedures shall be practiced. This condition is imposed in order to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.
83. **Compliance Certificate.** A Compliance Certificate should be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and City of Ryde, Development Control Plan 2014: - Part 8.1; Construction Activities.

**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.

84. **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*.
85. **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.
86. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
87. **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.
88. **Construction materials.** All materials associated with construction must be retained within the site.

**ITEM 3 (continued)**

**ATTACHMENT 1**

**89. 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.

**90. 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.

- 91. 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".

**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.

- 92. BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 651098M\_02, dated 24 July 2015.
- 93. Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.

**ITEM 3 (continued)**

**ATTACHMENT 1**

94. **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 Fire and Rescue NSW.

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

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

95. **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 Occupation Certificate.

96. **Vehicle Footpath Crossings.** Concrete footpath crossings shall be constructed at all locations where vehicles cross the footpath, to protect it from damage resulting from the vehicle traffic. The location, design and construction shall conform to the requirements of Council. Crossings are to be constructed in plain reinforced concrete and finished levels shall conform with property alignment levels issued by Council’s Public Works Division. Kerbs shall not be returned to the alignment line. Bridge and pipe crossings will not be permitted.
97. **Footpath Paving Construction.** The applicant shall, at no cost to Council, reconstruct any damaged concrete footpath paving, kerb and gutter across the frontage of the property in Shaftsbury Road.

**ITEM 3 (continued)**

**ATTACHMENT 1**

98. **On-Site Stormwater Detention System - Marker Plate.** Each on-site detention system basin shall be indicated on the site by fixing a marker plate. This plate is to be of minimum size: 100mm x 75mm and is to be made from non-corrosive metal or 4mm thick laminated plastic. It is to be fixed in a prominent position to the nearest concrete or permanent surface or access grate. The wording on the marker plate is described in City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater & Floodplain Management. An approved plate may be purchased from Council's Customer Service Centre on presentation of a completed City of Ryde OSD certification form.
99. **Work-as-Executed Plan.** A Work-as-Executed plan signed by a Registered Surveyor clearly showing the surveyor's name and the date, the stormwater drainage, including the on-site stormwater detention system if one has been constructed and finished ground levels **is to be submitted to the Principal Certifying Authority (PCA)** and to Ryde City Council if Council is not the nominated PCA.
100. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with plan the Construction Certificate version of Drawing Rev 1 dated 6/12/15 (two sheets) prepared by APEX Engineers and as amended in red by Council
101. **Compliance Certificates – Engineering.** Compliance Certificates should be obtained for the following (If Council is appointed the Principal Certifying Authority [PCA] then the appropriate inspection fee is to be paid to Council) and **submitted to the PCA:**
- Confirming that all vehicular footway and gutter (layback) crossings are constructed in accordance with the construction plan requirements and Ryde City Council's Development Control Plan 2014: - Part 8.3; Driveways
  - Confirming that the driveway is constructed in accordance with the construction plan requirements and Ryde City Development Control Plan 2014: - Part 8.3; Driveways.
  - Confirming that the site drainage system (including the on-site detention storage system) servicing the development complies with the construction plan requirements and City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater & Floodplain Management
  - Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including the on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.



**ITEM 3 (continued)**

**ATTACHMENT 1**

102. **Positive Covenant, OSD.** The creation of a Positive Covenant under Section 88 of the Conveyancing Act 1919, burdening the property with the requirement to maintain the stormwater detention system on the property. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88E instrument for Maintenance of Stormwater Detention Systems and to the satisfaction of Council.

**The applicant shall submit the works as executed drawing and the compliance certificate for drainage from the hydraulic engineer to Council with the documents for the Positive Covenant.**

103. **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.
104. **Registration of the Premises.** The owner must register the premises with Council's Environmental Health Unit before operations commence and must renew the registration annually.
105. **Notices.** A schedule showing the numeral designating each bedroom and the number of lodgers permitted to be accommodated in each must be conspicuously displayed near the entrance of the premises. The schedule shall also include the name and contact telephone number of the owner or the current person responsible for care of the premises. Each bedroom must be clearly numbered in accordance with the schedule.

**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.

106. **Occupants.** No boarding room is to be occupied by more than 2 adult lodgers.
107. **Approved number of lodgers.** The approved number of lodgers within the Boarding House must not exceed eighteen (18) persons at any time.
108. **Use of Communal Outdoor Areas.** The use of the communal outdoor areas of the boarding house are restricted to the hours stipulated within the approved Plan of Management as detailed within Condition 1 of this consent being 7am to 10pm.

The use of the communal areas must be according to the House Rules contained within the approved Plan of Management as detailed within Condition 1 of this consent.

**ITEM 3 (continued)**

**ATTACHMENT 1**

109. **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*.

Unless otherwise provided in this consent, the operation of any plant or equipment installed on the premises must not cause:

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

Council may require the submission of a report from an appropriately qualified acoustical consultant demonstrating compliance with the relevant noise and vibration criteria.

110. **Waste storage/disposal – hours of collection.** Waste and recyclable material generated by these premises must not be collected between the hours of 9pm and 8am on any day.
111. **Waste storage/disposal – method.** All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.
112. **Waste storage/disposal – containers.** An adequate number of suitable waste containers must be kept on the premises for the storage of garbage and trade waste.
113. **Waste storage/disposal – recycling.** Wastes for recycling should be the stored in separate bins or containers and transported to a facility where the wastes will be recycled or re-used.
114. **Waste Containers.** Waste containers must return to the storage area as soon as possible after servicing.
115. **Waste Storage Areas.** Waste storage area must be of adequate size to allow easy access for use and servicing. Waste storage areas and waste containers must be maintained in a clean and tidy condition at all times.

**ITEM 3 (continued)**

**ATTACHMENT 1**

116. **Cleaning.** The premises and all fixtures, furnishings and equipment must be maintained in a clean, sanitary condition and kept in good repair at all times.
117. **Maintenance.** Open space areas, including any lawns, gardens, or landscaped areas must be regularly maintained and kept in a clean and tidy condition at all times.

**ADVISORY NOTES**

**Health Inspections:**

1. 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**

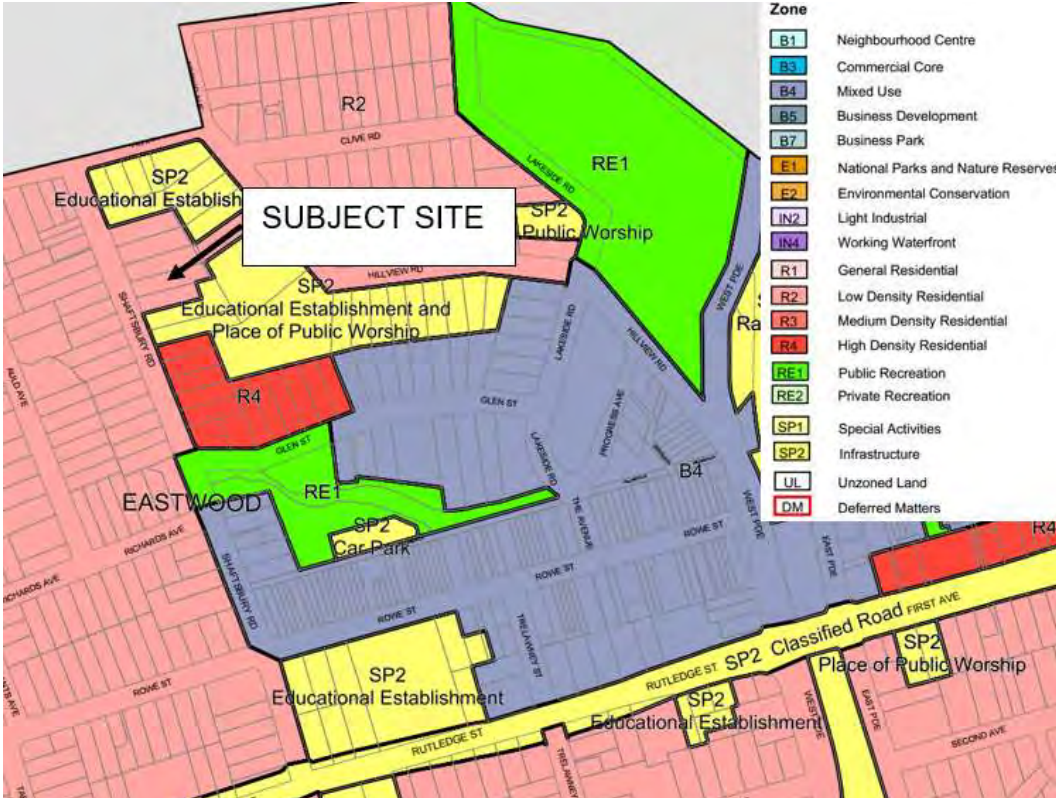
**COMPLIANCE TABLE (Affordable Rental Housing SEPP 2009)**

<b>LDA No:</b>	<b>LDA2015/0480</b>
<b>Date Plans Rec'd</b>	<b>1 October 2015</b> <b>Amended plans received 10 December 2015</b> <b>Further amended plans received 13 May 2016</b>
<b>Address:</b>	<b>191 Shaftsbury Road, Eastwood</b>
<b>Proposal:</b>	Alterations and additions to an existing dwelling house, and change of use to a twelve (12) room boarding house with basement parking under the provisions of <i>State Environmental Planning Policy Affordable Rental Housing 2009</i> .
<b>Constraints Identified:</b>	<b>Slope Instability, within 100m of a Heritage Item and Urban Bushland.</b>

<b>ARH SEPP 2009 Division 3</b>	<b>Proposed</b>	<b>Compliance</b>
<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.	The subject site is identified as being zoned R2 Low Density Residential under the provisions of LEP2014 (refer to <b>Figure 1</b> below).  As such the subject site is land to which Division 3 'Boarding Houses' of the ARHSEPP applies.	Yes

ITEM 3 (continued)

ATTACHMENT 2

ARH SEPP 2009 Division 3	Proposed	Compliance
 <p><b>Figure 1 - LEP2014 Zoning Map Extract – Demonstrating the subject site being zoned R2 and as such constituting land to which Division 3 of the ARHSEPP applies.</b></p>		

27 Development to which Division applies		
<p>(1) This Division applies to development, on land to which this Division applies, for the purposes of boarding houses.</p> <p>A 'boarding house' is defined under the RLEP2014 as:</p> <p><b>boarding house</b> means a building that:</p> <p>(a) is wholly or partly let in lodgings, and</p> <p>(b) provides lodgers with a principal place of residence for 3 months or more, and</p>	<p>(1) The SEE and DA lodgement form submitted with the subject development application specifies that the proposal is for the purposes of a 'boarding house'.</p> <p>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'.</p> <p>Note: Pursuant to clause 4 of the ARHSEPP a word or</p>	<p>Yes</p>

**ITEM 3 (continued)**

**ATTACHMENT 2**

<b>ARH SEPP 2009 Division 3</b>	<b>Proposed</b>	<b>Compliance</b>
<p><i>(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.</i></p>	<p>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><i>accessible area means land that is within:</i></b></p> <p><b><i>(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</i></b></p> <p><b><i>(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</i></b></p> <p><b><i>(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</i></b></p>	<p>(2) The subject site is within zone R2 Low Density Residential under LEP2014. Additionally the subject site is within an 'accessible area' for the following reason:</p> <ul style="list-style-type: none"> <li>• Consistent with the definition for 'accessible area' and 'walking distance' in clause 4 of the ARHSEPP, the development site is located approximately 767m walking distance from the public entrance to Eastwood Station.</li> </ul>	<p>Yes</p>

**ITEM 3 (continued)**

**ATTACHMENT 2**

<b>ARH SEPP 2009 Division 3</b>	<b>Proposed</b>	<b>Compliance</b>
<p><i>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) The subject site is located within Eastwood, which is within the Sydney region.</p>	<p>N/A</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 (LDA2015/0480) and as such is seeking development consent.</p>	<p>Noted.</p>

**ITEM 3 (continued)**

**ATTACHMENT 2**

ARH SEPP 2009 Division 3	Proposed	Compliance
<b>29 Standards that cannot be used to refuse consent</b>		
<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>(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</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 detailed in the DCP Compliance Table an FSR of 0.34:1 is proposed by the subject development application.</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 RFBs are permitted.</p>	<p>Yes</p> <p>N/A</p> <p>N/A</p>



ITEM 3 (continued)

ATTACHMENT 2

ARH SEPP 2009 Division 3	Proposed	Compliance
maximum floor space ratio is 2.5:1 or less, or (ii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1.		

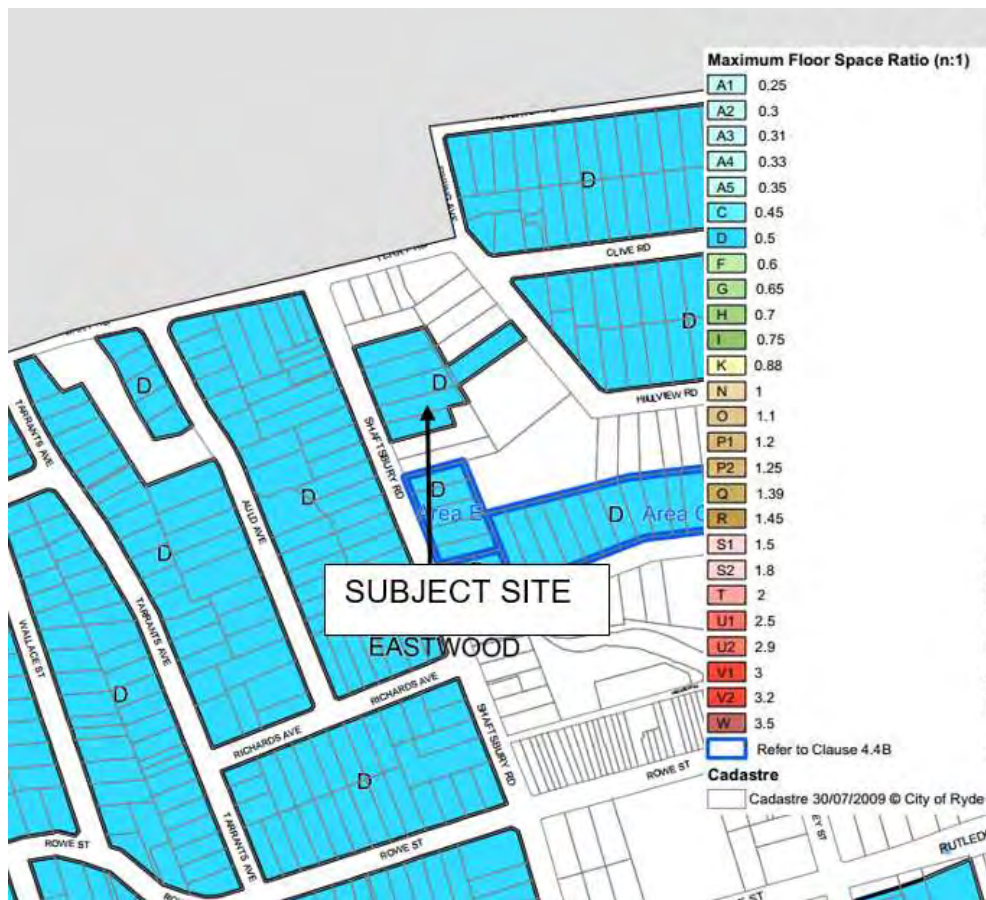


Figure 2. Ryde LEP 2014 FSR map extract

(2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:  (a) <b>Building height</b> if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental	(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	Yes
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**ITEM 3 (continued)**

**ATTACHMENT 2**

<b>ARH SEPP 2009 Division 3</b>	<b>Proposed</b>	<b>Compliance</b>
<p>planning instrument for any building on the land,</p> <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>maximum height of 8.52m as detailed in the Ryde DCP 2014 Compliance Check.</p> <p>(b) The front setbacks areas along the eastern side of Shaftsbury Road, particularly in the vicinity of the subject site, include front garden areas landscape areas, steep driveways extending past the dwelling within the side setback, and also vehicular parking within the front setback. This includes garages built to the boundary at 183, 185, and 197 Shaftsbury Street, and also hard-stand parking areas within the front setback of 195 Shaftsbury Road.</p> <p>The proposed development is to include one hardstand car parking space, and a tandem motorcycle parking space within the front setback. The balance of the front setback is to be landscaped, and also include a driveway along the southern side boundary (consistent with the current driveway location) for access to the basement parking area for two (2) cars.</p> <p>Given the front setback treatment is not dissimilar to that of other property on the eastern side of Shaftsbury Road, it is considered the proposed front setback arrangements are compatible with the streetscape.</p>	<p>Yes</p>

**ITEM 3 (continued)**

**ATTACHMENT 2**

ARH SEPP 2009 Division 3	Proposed	Compliance
<p>(c) <b>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 within the proposed boarding house.            The shadow studies submitted to Council, as a result of a request for additional information, has demonstrated that the communal living room will receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.</p>	<p>Yes</p>
<p>(d) <b>Private Open Space</b>            if at least the following private open space areas are provided (other than the front setback area):</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) At least one area of private open space in excess of 20m<sup>2</sup> is provided to the lodgers with a minimum dimension of 3m. This area is located to the rear of the building and at ground level so that it is accessible to all lodgers.</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 is to be provided for a boarding house manager, as no line-in boarding house manager is proposed. The applicant has confirmed that the boarding house manager will use the provided office space for 2-4 hours per week only.</p>	<p>N/A</p>
<p>(e) <b>Parking</b>            If:            (i) in the case of development in an</p>	<p>The subject site is located</p>	

**ITEM 3 (continued)**

**ATTACHMENT 2**

ARH SEPP 2009 Division 3	Proposed	Compliance
<p>accessible area—at least 0.2 parking spaces are provided for each boarding room, and</p>	<p>within an ‘accessible area’, pursuant to clause 27 and the definitions contained in the ARH SEPP due to its proximity to Eastwood train station. As such, three (3) car parking spaces are required (rounded up from 2.4) for the 12 boarding rooms.</p> <p>The proposed development complies as three (3) car parking spaces provided. This includes one open hard stand parking space within the front setback, and two parking spaces within a basement garage.</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>
<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>(iii) The submitted SEE has indicated that no employees will reside within the premises. A boarding house manager will attend the premises for a maximum of 2-4 hours per week only. A small office area is provided within the boarding house for use by the manager when on premises.</p>	<p>N/A</p>
<p><b>(f) 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</p>	<p>(i) The proposed boarding house contains six single</p>	<p>Yes</p>



**ITEM 3 (continued)**

**ATTACHMENT 2**

<b>ARH SEPP 2009 Division 3</b>	<b>Proposed</b>	<b>Compliance</b>
(c) no boarding room will be occupied by more than 2 adult lodgers,	or bathroom facilities)	
(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,	(c) The submitted SEE has indicated that boarding rooms will not be occupied by more than 2 adult lodgers. 6 single boarding rooms and 6 double boarding rooms are proposed, with a total capacity of 18 lodgers.	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,	(d) Adequate bathroom and kitchen facilities are provided for all lodgers. Each boarding room will contain an en-suite bathroom and kitchenette. To compliment this additional full-size kitchen facilities and a separate water-closet are provided within the common area.	Yes
(f) (Repealed)	(e) The proposed boarding house proposes to accommodate a maximum of 18 lodgers.	Yes
(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) The 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		

**ITEM 3 (continued)**

**ATTACHMENT 2**

<b>ARH SEPP 2009 Division 3</b>	<b>Proposed</b>	<b>Compliance</b>
<p>motorcycle, for every 5 boarding rooms.</p>	<p>(h) 12 boarding rooms are proposed within the boarding house.</p> <p>Requirement: 3 bicycle and 3 motorcycle spaces.</p> <p>Proposed: 3 motorcycle and 5 bicycle spaces.</p> <p>This includes an open hard-stand car parking space within the front setback with a tandem motorcycle parking area adjacent for two motorcycles.</p> <p>Also include is a basement parking garage for two cars and four bicycles.</p> <p>At the head of the driveway is a third motorcycle parking space and fifth bicycle parking space.</p>	<p>Yes</p>
<p>(2) Subclause (1) does not apply to development for the purposes of minor alterations or additions to an existing boarding house.</p>	<p>(2) Proposed development is not for purposes of minor alterations or additions to an existing boarding house, but rather significant alterations and additions to an existing dwelling house.</p>	<p>N/A</p>
<p><b>30A Character of local area</b></p>		
<p>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</p>	<p>The submitted SEE has provided a detailed Local Character Assessment, pursuant to Schedule 1 of Part 3.5 of the DCP2014. The Local</p>	<p>Yes</p>

**ITEM 3 (continued)**

**ATTACHMENT 2**

<b>ARH SEPP 2009 Division 3</b>	<b>Proposed</b>	<b>Compliance</b>
<p>compatible with the character of the local area.</p>	<p>Character 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>An assessment of the compatibility of the proposed development with the local character of the area has been undertaken, pursuant to Schedule 1 of Part 3.5 of the DCP2014. The assessment has revealed that the proposed boarding house is consistent with the local character. This is largely because the existing bungalow is to be retained with a modern 2-storey addition to the rear. The bulk, scale and proportion of the proposal is consistent with that of the local area, as it achieves a consistent height and building footprint, whilst providing appropriate side and rear setbacks.</p> <p>Furthermore, the proposal seeks to retain four significant trees within in the rear yard which have been identified as having a high retention value. Thus it is considered that the landscape character has been satisfactorily retained.</p> <p>It is also important to remember the NSW Land and Environment Court has</p>	



**ITEM 3 (continued)**

**ATTACHMENT 2**

<b>ARH SEPP 2009 Division 3</b>	<b>Proposed</b>	<b>Compliance</b>
	<p>consistently ruled that a development's compatibility with the local area is not about 'sameness' but rather a proposal's ability to exist in harmony with surrounding development.</p> <p>In this regard, given the proposal's high level of compliance with the relevant planning controls, and minimal environmental impact, it is considered capable of existing in harmony with the local area.</p>	

**ITEM 3 (continued)**

**ATTACHMENT 3**

**COMPLIANCE TABLE (Ryde DCP 2014)**

<b>LDA No:</b>	<b>LDA2015/0480</b>
<b>Date Plans Rec'd</b>	<b>1 October 2015</b> <b>Amended plans received 10 December 2015</b> <b>Further amended plans received 13 May 2016</b>
<b>Address:</b>	<b>191 Shaftsbury Road, Eastwood</b>
<b>Proposal:</b>	Alterations and additions to an existing dwelling house, and change of use to a twelve (12) room boarding house with basement parking under the provisions of <i>State Environmental Planning Policy Affordable Rental Housing 2009</i> .
<b>Constraints Identified:</b>	<b>Slope Instability, within 100m of a Heritage Item and Urban Bushland.</b>

Part 3.5 of the DCP2014 provides the development controls which are applicable to boarding house developments in the City of Ryde. However, as per Section 1.6 of this 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 all Parts of DCP2014 and assesses the proposed development performance against each of these controls.

<b>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 because the proposal is low scale, as established by its two-storey	Yes

**ITEM 3 (continued)**

**ATTACHMENT 3**

<b>DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
	<p>height limit, compliant building height, compliant FSR, landscaped setting, and compatible streetscape presentation. Furthermore the desired future character is also maintained via retention of mature trees within the rear yard.</p> <p>The compatibility of the proposed development is also demonstrated further by the level of compliance achieved with the relevant planning controls (see assessment in this table).</p>	
<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>   <li>- Maximum 2 storeys.</li> </ul>	<p>Front and rear gardens proposed both with significant deep soil areas capable of supporting a variety of vegetation. Although the front setback includes a open hard stand parking space, this is not considered to be inconsistent with the streetscape as numerous examples of parking within the front setback are evident.</p> <p>Proposal is for a two storey boarding house.</p> <p>It is noted that a portion of the basement level extends more than 1.2m above ground level. Accordingly, this portion of the basement is defined as a storey, pursuant to Section 2.8.1 of the DCP2014.</p>	<p>Yes</p> <p>Yes</p>

**ITEM 3 (continued)**

**ATTACHMENT 3**

DCP 2014	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> <li>- Dwellings to address street</li>   <li>- Garage/carports not visually prominent features.</li> </ul>	<p>Despite this, the 'first floor' above the existing ground floor is defined as an <i>attic</i> pursuant to the Dictionary contained within the RLEP2014, as such only one storey is located above the basement level.</p> <p>The boarding house development is considered to adequately address Shaftsbury Road through provision of appropriate windows facing the street, as well as clear sightlines to the front door of the building.</p> <p>Basement garage is not visible from the street as it is accessed via a side facing door.</p>	<p>Yes</p> <p>Yes</p>
<p><b>Section 2.5 Public Domain Amenity</b></p>		
<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>   <li>- Single storey entrance porticos.</li>   <li>- Articulated street facades.</li> </ul> </li> </ul>	<p>The front door of the boarding house faces Shaftsbury Road and is considered to be clearly apparent from the street frontage. The boarding house incorporates front facing windows.</p> <p>Existing front portico to be retained.</p> <p>Existing bungalow style of existing dwelling to be retained.</p>	<p>Yes</p> <p>Yes</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.</li> </ul> </li> </ul>	<p>No water views are available from the street across the site.</p>	<p>N/A</p>

**ITEM 3 (continued)**

**ATTACHMENT 3**

<b>DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
Landscaping is not to restrict views. – Garages/carports and outbuildings are not to be located within view corridor if they obstruct view. – Fence 70% open where height is >900mm	N/A - refer above.  N/A - refer above.	N/A  N/A
<ul style="list-style-type: none"> <li>• <b>Pedestrian &amp; Vehicle Safety</b></li> <li>– Car parking located to accommodate sightlines to footpath &amp; road.</li> <li>– Fencing that blocks sight line is to be splayed.</li> </ul>	Proposed car parking is located within basement level and front setback with the existing driveway to be retained. Council's Development Engineer has assessed the proposal and deemed it to be satisfactory, subject to conditions.  Existing low front fence/retaining wall to be retained.	Yes  Yes
<b>Section 2.5 Site Configuration</b>		
<ul style="list-style-type: none"> <li>• <b>Deep Soil Areas</b></li> <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>	498m <sup>2</sup> approx. (49.5% of site area).  Proposal includes a deep soil area in the backyard of the boarding house with min. dimensions of 8m x 8m.  The front yard includes a open hard stand parking area for one car and two motorcycles. This is in addition to the pedestrian path, driveway and garden walls and as such does not comply with the above control.	Yes  Yes  No - justifiable

**ITEM 3 (continued)**

**ATTACHMENT 3**

DCP 2014	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> <li>• <b>Topography &amp; Excavation</b></li> <li>Within building footprint:               <ul style="list-style-type: none"> <li>- Max cut: 1.2m</li> </ul> </li>   <li>- Max fill: 900mm</li>   <li>Outside building footprint:               <ul style="list-style-type: none"> <li>- Max cut: 900mm</li> </ul> </li>   <li>- Max fill: 500mm</li>   <li>- No fill between side of building and boundary or close to rear boundary</li> </ul>	<p>The maximum amount of cut within the building footprint is <b>2m</b>. This is in association with the proposed basement level where EGL is RL81.2 and the basement level is RL79.2.</p> <p>The extent of cut also exceeds 1.2m within the north-eastern corner of the ground floor addition, where EGL is RL83.7 and the ground floor level is RL82.12 – <b>1.58m</b></p> <p>The extent of fill within the building envelope does not exceed 900mm</p> <p>The extent of cut outside the building envelope exceeds 900mm. The maximum amount of cut occurs within the driveway and paved area adjacent the lift entry, where EGL is RL80.1 and the FGL is RL78.9 – <b>1.2m</b></p> <p>Fill outside the building envelope is proposed for a pathway adjacent to the building wall. EGL is RL81.8 and the finished level of the path is RL82.24 – <b>440m (0.44m) of fill</b></p> <p>Although paths are proposed adjacent to the building, natural ground levels are maintained adjacent to the boundaries.</p>	<p>No - justifiable</p> <p>Yes</p> <p>No - justifiable</p> <p>Yes</p> <p>Yes</p>

**ITEM 3 (continued)**

**ATTACHMENT 3**

<b>DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<ul style="list-style-type: none"> <li>- No fill in overland flow path</li> <li>- Max ht retaining wall 900mm</li> </ul>	<p>The site is not subject to overland flow.</p> <p>A small portion of the retaining wall in association with the footpath adjacent the southern side boundary will exceed 900mm in height.</p>	<p>N/A</p> <p>No - justifiable</p>
<b>Section 2.7 Floor Space Ratio</b>		
<ul style="list-style-type: none"> <li>- Ground floor</li> <li>- First floor</li> <li>- Attic</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>213.85m<sup>2</sup></p> <p>106.45m<sup>2</sup></p> <p>26m<sup>2</sup></p> <p><b>346.3m<sup>2</sup></b></p> <p>See note below</p> <p><b>0.34:1</b></p> <p>(area from DP663281 – 1,005.4m<sup>2</sup>)</p> <p>Excludes the basement as GFA given that it is open on one side, non-habitable, and for vehicular parking purposes.</p>	<p>Yes</p>
<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>It is noted that a portion of the basement level extends more than 1.2m above ground level. Accordingly, this portion of the basement is defined as a storey, pursuant to Section 2.8.1 of the DCP2014.</p> <p>Despite this, the 'first floor' above the existing ground floor is defined as an <i>attic</i> pursuant to the Dictionary contained within the LEP2014, as such only one storey is located above the basement level.</p>	<p>Yes</p>

**ITEM 3 (continued)**

**ATTACHMENT 3**

<b>DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<p>- 1 storey maximum above attached garage incl semi-basement or at-grade garages. Wall plate</p> <ul style="list-style-type: none"> <li>- 7.5m max above FGL <i>or</i></li> <li>- 8m max to top of parapet.</li> </ul> <p>NB: TOW = Top of Wall EGL = Existing Ground Level FGL = Finished Ground Level</p> <p>- 9.5m Overall Height</p> <p>NB: EGL – Existing ground Level</p> <p>- Habitable rooms to have 2.4m floor to ceiling height (min).</p>	<p>Single storey proposed above garage – refer to explanation above.</p> <p><u>Wall plate height</u> TOW RL88.05 (approx.) FGL: RL81.6 TOW Height = <b>6.45m</b></p> <p><u>Building Height</u></p> <p>Max point of boarding house RL: 88.92 EGL below ridge (lowest point) RL: 80.4</p> <p>Overall Height (max)= <b>8.52m</b></p> <p>Minimum ceiling height for habitable rooms is 2.7m.</p> <p>The section plans demonstrate that the attic meets the minimum ceiling height (2.4m for a habitable room) for more than 50% of the ceiling space.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</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> </ul>	<p>Front setback distance remains unchanged as existing building is to be retained and the addition occurs principally to the rear of the site. A lift is proposed in front of the existing dwelling house, this however is to be setback from the front boundary by 9m.</p>	<p>Yes</p>



**ITEM 3 (continued)**

**ATTACHMENT 3**

<b>DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<ul style="list-style-type: none"> <li>- Garage setback 1m from the dwelling façade</li>   <li>- Wall above is to align with outside face of garage below.</li>   <li>- Front setback free of ancillary elements e.g. RWT,A/C</li> </ul>	<p>N/A – basement parking provided.</p> <p>N/A – basement parking provided.</p> <p>Front setback includes a screened car and motorcycle parking area however it will be screened by landscaping and will not detrimentally impact the streetscape. It is also noted the streetscape already includes parking within the front setback as a common feature, whether it be physical garages or open hard stand areas – see garages built to the boundary at 183, 185, and 197 Shaftsbury Street, and also hard-stand parking areas within the front setback of 195 Shaftsbury Road.</p>	<p>N/A</p> <p>N/A</p> <p>Yes</p>
<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: 16.6m is 25% of site length.</b></li> </ul> </li> </ul>	<p>3.1m minimum side setback for the first floor and minimum 1m setback for the ground floor (existing).</p> <p>22m minimum proposed – measured to the rear deck.</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> </ul> </li> </ul>	<p>N/A – boarding house proposed, as such a different car parking rate applies –</p>	<p>N/A</p>

**ITEM 3 (continued)**

**ATTACHMENT 3**

DCP 2014	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> <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.</li> <li>- Behind building façade.</li> <li>• <b>Garages</b> <ul style="list-style-type: none"> <li>- Garages setback 1m from façade.</li> <li>- Total width of garage doors visible from public space must not exceed 5.7m and 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> </ul> </li> </ul>	<p><b>refer to ARHSEPP Compliance Check.</b></p> <ul style="list-style-type: none"> <li>No secondary street frontages or laneways are available to subject site.</li> <li>N/A – basement parking proposed</li> <li>N/A – basement parking proposed. Furthermore, entry to basement parking does not face the street.</li> <li>N/A – basement parking proposed</li> <li>N/A – basement parking proposed. Furthermore, entry to basement parking does not face the street.</li> <li>No garage door proposed.</li> <li>N/A – basement parking proposed.</li> <li>N/A – basement parking proposed.</li> <li>No garage door proposed.</li> <li>No garage door proposed.</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> <li>N/A</li> <li>N/A</li> <li>N/A</li> <li>N/A</li> <li>N/A</li> <li>N/A</li> <li>N/A</li> <li>N/A</li> </ul>

**ITEM 3 (continued)**

**ATTACHMENT 3**

<b>DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<ul style="list-style-type: none"> <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>6.2m 5.5m</p> <p>Extent of driveway has been minimised.</p>	<p>Yes Yes 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> </ul> </li> </ul>	<p>The submitted Arboricultural Impact Assessment Report has identified 7 trees of significance. The report has recommended that 4 of the identified trees (Trees 1, 2, 3 &amp; 4) are to be retained due to their high retention value.</p> <p>Council's consultant Landscape Architect has reviewed the proposed development that noted that Trees 1 and 2 are likely to be impacted by the proposed development, yet are able to be retained in accordance with the tree protection measures specified in the submitted Arboricultural Impact Assessment Report.</p> <p>Trees 3 and 4 are unlikely to be impacted by the proposed development; however they are to be retained in accordance with the tree protection measures specified in the submitted Arboricultural Impact Assessment Report.</p>	<p>Yes</p>

**ITEM 3 (continued)**

**ATTACHMENT 3**

DCP 2014	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> <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> <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> </ul>	<p>Furthermore, Council's consultant Landscape Architect has advised that the removal of Trees 5, 6 and 7 in the Arboricultural Assessment Report is supported.</p> <p>No bushland adjoining.</p> <p>Proposal provides a physical connection between the boarding house and outdoor spaces in the form of stairs and ramp.</p> <p>Obstruction free path of travel provided on both sides of the boarding house.</p> <p>Landscape plan indicates 2 x trees proposed to be planted in the front yard capable of reaching 6m.</p> <p>4 significant trees are proposed to be retained within the rear yard,</p> <p>As assessed the proposed hedging and/or screen planting will not exceed 2.7m. The submitted landscape plan indicates that boundary planting is to reach a maximum height of 2.5m.</p> <p>OSD is proposed to be located in front setback, under the driveway.</p>	<p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

**ITEM 3 (continued)**

**ATTACHMENT 3**

DCP 2014	PROPOSED	COMPLIANCE
<ul style="list-style-type: none"> <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>A review of Council's mapping indicates that the rear portion of the site includes urban bushland. Significant vegetation to be retained and protected within the rear yard.</p> <p>The site is not identified as being subject to overland flow.</p> <p>The site is not identified as being subject to overland flow.</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><u>Subject Dwelling:</u></p> <ul style="list-style-type: none"> <li>- Subject dwelling north facing living area windows are to receive at least 3 hrs of sunlight to a portion of their surface between 9am and 3pm on June 21.</li> </ul>	<p>The shadow studies submitted with the DA indicate the communal living room will receive a minimum of three hours direct sunlight between 9am and 3pm in mid-winter.</p> <p>Alterations and additions are to occur to an existing building with an existing setback less than 4m. Nevertheless, it is noted that compliant solar access is achieved.</p> <p>Refer above.</p>	<p>Yes</p> <p>Yes</p>

**ITEM 3 (continued)**

**ATTACHMENT 3**

DCP 2014	PROPOSED	COMPLIANCE
<p>- Private Open space of 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 a majority of the rear private open space of the boarding house is to receive at least 2 hours sunlight between 9am and 3pm on June 21.</p>	<p>Yes</p>
<p><u>Neighbouring properties are to receive:</u></p> <p>- 2 hours sunlight to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21.</p>	<p>The submitted shadow diagrams indicate the adjoining property to the south at 189 Shaftsbury Road will receive at least 2 hours of sunlight to at least 50% of adjoining principal open space between 9am and 3pm on June 22.</p> <p>The adjoining property to the north at 193 Shaftsbury Road will not be impacted upon by the proposed development.</p>	<p>Yes</p>
<p>- 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.</p> <p>• <b>Visual Privacy</b></p> <p>- Orientate windows of living areas, balconies and outdoor living areas to the front and rear of dwelling.</p>	<p>The submitted survey plan and the site inspection photos demonstrate that there are no windows located on the side northern elevation of 189 Shaftsbury Road.</p> <p>One small communal area window is orientated to the side of the dwelling, however is not considered to result in direct overlooking due to its size. Furthermore, the FFL of the subject dwelling is lower than that of the adjoining dwelling at 193 Shaftsbury Road, thus further reducing the potential for direct overlooking when considering the impact of side boundary</p>	<p>N/A</p>

**ITEM 3 (continued)**

**ATTACHMENT 3**

DCP 2014	PROPOSED	COMPLIANCE
<p>- Windows of living, dining, family etc. placed so there are no close or direct views to adjoining dwelling or open space.</p> <p>- Side windows offset from adjoining windows.</p> <p>- Terraces, balconies etc. are not to overlook neighbouring dwellings/private open space.</p> <p>• <b>Acoustic Privacy</b></p> <p>- 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.</p>	<p>fencing.</p> <p>A large sliding door, in association with the communal area, opens adjacent to the northern side property boundary. However it only provides access to a pathway which leads to the rear of the site. Thus it is not considered result in visual privacy concerns to the adjoining property at 193 Shaftsbury Road as it is not a principal activity area of the boarding house.</p> <p>Refer above.</p> <p>All side facing boarding rooms have been appropriately located and screened (first floor only) to prevent direct overlooking. The submitted plans have been amended to remove the side facing decks and balconies which were originally proposed and identified as having the potential to overlook adjoining properties.</p> <p>The proposed development is not a dual occupancy, but rather a boarding house development. Nevertheless, it is considered that the boarding house has a satisfactorily design and layout to minimise the transmission of noise.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

**ITEM 3 (continued)**

**ATTACHMENT 3**

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 form proposed.</p> <p>Eave overhang provided for existing dwelling. Flat roof form proposed for addition, as such eaves are not required to be provided.</p> <p>No proposed trafficable terrace.</p> <p>No skylights proposed.</p> <p>Dormer windows are not proposed on front roof plane.</p> <p>Attic is located within the roof space, as per the definition of an <i>attic</i> outlined in the Dictionary of LEP2014.</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p> <p>N/A</p> <p>Yes</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> </ul> </li> </ul>	<p>No proposed front/return fencing. Existing return fencing to be retained.</p> <p>As above.</p>	<p>N/A</p> <p>N/A</p>



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**ATTACHMENT 3**

<b>DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
- Max 900mm high for solid (picket can be 1m).	As above.	N/A
- Max 1.8m high if 50% open (any solid base max 900mm).	As above.	N/A
- Retaining walls on front building max 900mm.	As above.	N/A
- No colourbond or paling	As above.	N/A
- Max pier width 350mm.	As above.	N/A
<ul style="list-style-type: none"> <li>• <b>Side/rear fencing:</b></li> </ul>		
- 1.8m max o/a height.	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.	An assessment of the compatibility of the proposed development with the local character of the area has been undertaken, pursuant to Schedule 1 of Part 3.5 of the DCP2014. The assessment has revealed that the proposed boarding house is consistent with the local character of the low density area as established by DCP2014. This is largely because that the existing bungalow is to be retained with a modern 2 storey addition to the rear. The bulk, scale and proportion of the proposal is consistent with that of the local area, as it achieves a consistent height and building footprint, whilst providing appropriate side and rear setbacks. Furthermore, the proposal seeks to retain 4 significant trees within in the rear yard which have been identified as having a high retention value. Thus it is considered that the landscape character has	Yes

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**ATTACHMENT 3**

<b>DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<p>(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.</p>	<p>been satisfactorily retained.</p> <p>A comprehensive Local Area Character Assessment is contained within the Statement of Environmental Effects submitted with the development application. This assessment appropriately utilises the methodology set out in Schedule 2 of Part 3.5 of DCP2014 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>Yes</p>
<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>The subject site is located within 100m of a Heritage Item and Heritage Conservation Area. Subsequently the application was referred to Council's Heritage Advisor who advised that there are no objections to the proposed development, subject to conditions of consent – refer to Heritage Referral Response.</p>	<p>Yes</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</p>	<p>The proposed site is not within any of the urban centres identified in LEP2014 or DCP2014.</p>	<p>N/A</p>

**ITEM 3 (continued)**

**ATTACHMENT 3**

DCP 2014	PROPOSED	COMPLIANCE
<p>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>(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:</p> <p>(i) Overshadowing and privacy</p> <p>(ii) Streetscape (bulk and scale)</p> <p>(iii) Building setbacks</p> <p>(iv) Parking and traffic generation</p> <p>(v) Landscape requirements</p> <p>(vi) Visual impact and impact on existing views (this must address view sharing)</p> <p>(vii) Any significant trees on site, and</p> <p>(viii) Lot size, shape and topography.</p> <p><b>Parking and Traffic</b></p> <p>(g) Parking spaces and access are not to be located within communal open space areas or landscaped areas.</p>	<p>The subject site is located within the R2 zone and 12 boarding rooms are proposed.</p> <p>See Part 3.3 of DCP2014 Compliance check above.</p> <p>As above</p> <p>As above</p> <p>As above</p> <p>Refer to ARHSEPP Compliance Check.</p> <p>See Part 3.3 of DCP 2014 Compliance check above.</p> <p>As above</p> <p>As above</p> <p>As above</p> <p>An at-grade parking space is proposed to be located within the front setback, which would otherwise be required to be landscaped by the provisions of DCP2014.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No – justifiable</p>

**ITEM 3 (continued)**

**ATTACHMENT 3**

<b>DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<p>(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.</p>	<p>Proposal is for boarding house with 12 bedrooms.</p>	<p>N/A</p>
<b>Section 3.2 Privacy (Acoustic and Visual) and Amenity</b>		
<p>(a) The main entrance of the boarding house is to be located and designed to address the front (street) elevation.</p>	<p>The boarding house development is considered to adequately address Shaftsbury Road through provision of appropriate windows facing the street, as well as clear sightlines to the front door.</p>	<p>Yes</p>
<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>Access ways to the front entrance are considered to be appropriately located away from windows to boarding rooms.</p>	<p>Yes</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>See Part 3.3 of DCP 2014 Compliance Check above. Following a request for additional information, amended plans have been submitted to Council which have adequately addressed visual and acoustic privacy concerns through deletion of side facing balconies and appropriate window location and treatment.</p>	<p>Yes</p>
<p>(d) An acoustic report prepared by a suitably qualified acoustic consultant may be required</p>	<p>No acoustic report submitted, however due to the design and layout of the boarding</p>	<p>Yes</p>

**ITEM 3 (continued)**

**ATTACHMENT 3**

<b>DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<p>where there is the potential for noise impacts on occupants and neighbours.</p>	<p>house, it is considered that there is limited potential for noise impact on occupants and neighbours.</p> <p>Furthermore, the submitted SEE has detailed that acoustic privacy will be mitigated by the operation of the boarding house in accordance with the submitted Plan of Management.</p>	
<p><b>Section 3.3 Accessibility</b></p>		
<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>The submitted Access Report confirms that accessibility can be appropriately achieved, subject to complying with the recommendations provided within the report.</p>	<p>Yes</p>
<p><b>Section 3.4 Waste Minimisation and Management</b></p>		
<p>(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.</p>	<p>See Part 7.2 below.</p>	
<p><b>Section 3.5 Sustainability and Energy Efficiency</b></p>		
<p>A BASIX Certificate is to be submitted with the Development Application.</p>	<p>BASIX Certificate (No. 651098M_02, dated 24 July 2015) and Section J report under the BCA submitted that demonstrates compliance with thermal, energy and water. Additionally, the subject development application has been referred</p>	<p>Yes</p>

**ITEM 3 (continued)**

**ATTACHMENT 3**

DCP 2014	PROPOSED	COMPLIANCE
	to Council's Building Surveyor who has indicated that the proposed development is satisfactory subject to conditions.	
<b>Section 3.6 Internal Building Design</b>		
<p>(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;</p> <p>(i) storage for occupants;</p> <p>(ii) laundry facilities;</p> <p>(iii) sanitary facilities.</p> <p>(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:</p> <p>(e)</p> <p>(i) maximising overlooking of public and communal spaces while maintaining internal privacy;</p>	<p>Small storage cupboards provided in basement garage.</p> <p>Adequate laundry facilities are proposed.</p> <p>Adequate sanitary facilities are proposed.</p> <p>The proposed boarding house has been referred to Council's Building Surveyors, Environmental Health Officers, and Development Engineers. The proposal has been deemed satisfactory subject to conditions. No apparent safety concerns with the proposal's design have been identified as part of the planning assessment.</p> <p>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.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

**ITEM 3 (continued)**

**ATTACHMENT 3**

<b>DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
(ii) avoiding dark and non-visible areas;	<p>The main entry is provided at the front of the site, however the submitted plans indicate that occupants may access the building via the rear door. This would require occupants to walk along the side of the property, which may provide potential dark and non-visible areas.</p> <p>It is noted that the Plan of Management has stated that perimeter lighting is to be provided within the property.</p> <p>However, a condition of consent is recommended to provide a lockable front side access gates plus sensor lighting to ensure the front of site is adequately lit, but not illuminated unnecessarily.</p>	Yes, subject to conditions of consent
(iii) locating communal and common areas in safe and accessible locations;	Communal and common areas are considered to be safe and accessible subject to conditions stated above.	Yes, subject to conditions of consent
(iv) providing lighting appropriate to the location and desired activities;	Plan of Management has stated that perimeter lighting is to be provided within the property. Council's standard conditions relating to the provision of lighting is also recommended to ensure obtrusive effects of common area lighting is minimised.	Yes, subject to conditions of consent
(v) providing clear definition between public and private spaces.	A clear definition between the public and private spaces has been provided. The building typically takes on the appearance of a two storey	Yes

**ITEM 3 (continued)**

**ATTACHMENT 3**

DCP 2014	PROPOSED	COMPLIANCE
<p><b>Specific Rooms, Areas and Facilities</b></p> <p>(f) The development is to be designed to meet the requirements identified in the following table.</p> <p><b>(i) Bedrooms / Boarding Rooms:</b></p> <p>(a) Boarding rooms are to be designed as the principal place of residence for occupants.</p> <p>(b) No boarding rooms shall open directly onto communal living, dining and kitchen areas.</p> <p>(c) Each boarding room (excluding any private kitchen or bathroom facilities) must comply with the minimum areas identified in the ARHSEPP. Plans shall clearly show the size and</p>	<p>dwelling house, and as such the typical public and private land definitions associated with dwelling houses are inherent in the design of the proposed boarding house development.</p> <p>See assessment below.</p> <p>The boarding house has been designed as a principal place of residence for occupants, and provides appropriately sized bedrooms with kitchenettes and en-suite bathrooms, along with a common kitchen, living room, laundry, private open space and outdoor common areas. 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 into the future.</p> <p>The boarding rooms do not open onto the kitchen/dining areas.</p> <p>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 other case</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>



**ITEM 3 (continued)**

**ATTACHMENT 3**

DCP 2014	PROPOSED	COMPLIANCE
<p>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 office;</p>	<p>All exceed 2.1m<sup>2</sup>.</p> <p>All exceed 0.8m<sup>2</sup>.</p> <p>Laundry has an area of 7m<sup>2</sup>. Although not detailed on the submitted plans, there is adequate space for at least one wash tub and washing machine.</p> <p>All kitchenettes provided in the boarding rooms exceed 2m<sup>2</sup>. The submitted SEE has indicated that each kitchenette will comprise a small fridge, a microwave, cupboards and shelves.</p> <p>Further, the submitted plans have indicated that all kitchenettes have a minimum of 0.5m<sup>2</sup> bench area.</p> <p>Living room is located adjacent to the lobby entry area.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

**ITEM 3 (continued)**

**ATTACHMENT 3**

DCP 2014	PROPOSED	COMPLIANCE
(ii) adjacent to the communal open space; and	Living room is adjacent to the communal open space.	Yes
(iii) where they will have a minimal impact on bedrooms and adjoining properties in terms of noise generation.	The location of the proposed living room will have minimal impact on the bedrooms as no bedrooms open directly onto the communal room. Those rooms opposite are separated from the common room by the hallway and an internal wall.	Yes
(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.  <b>Note: 18 residents proposed, therefore 22.5m<sup>2</sup> of indoor communal living areas required.</b>	Communal living room has an area of 25m <sup>2</sup> .	Yes
(c) Openings are to be oriented away from adjoining residential properties to minimise overlooking and maximise privacy and amenity.	A large sliding door, in association with the communal area, opens adjacent to the northern side property boundary. However it only provides access to a pathway which leads to the rear of the site. Thus, is not considered to result in visual privacy concerns to the adjoining property at 193 Shaftsbury Road.	Yes

**ITEM 3 (continued)**

**ATTACHMENT 3**

<b>DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<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>The communal room is in an accessible location in the main living area. An Accessibility Report has been 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 is at least 6.5m<sup>2</sup>.</p> <p>3 sinks required for 18 people. As shown on the plans, 3 sinks are provided within the communal kitchen.</p> <p>3 stove top cookers required for 18 people. As shown on the plans, 3 stove top cookers provided within communal kitchen.</p> <p>18 bedrooms requires a combined kitchen and dining area of 21m<sup>2</sup>. A combined kitchen, living and dining area of 25m<sup>2</sup>.</p> <p>No bathrooms, toilets or boarding rooms open directly on to communal kitchen.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

**ITEM 3 (continued)**

**ATTACHMENT 3**

<b>DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<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 accordance with the BCA.</p>	<p>Not proposed within subject boarding house.</p>	<p>N/A</p>
<p>(f) Kitchen facilities shall be available for all lodgers 24 hours per day/ 7 days per week.</p>	<p>Kitchen available 24/7. This is not described otherwise within the applicant's submission.</p>	<p>Yes</p>
<p><b>(iv) Bathroom Facilities</b></p>		
<p>(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 living area in an accessible location.</p>	<p>Yes</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>(a) Laundry and drying facilities are to be provided for all lodgers.</p>		

**ITEM 3 (continued)**

**ATTACHMENT 3**

<b>DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<p>Where lodgers do not have their own laundry facilities, the following is to be provided:</p> <p>(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> <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>A 7m<sup>2</sup> communal laundry is required for 18 lodgers. The submitted plans indicate that a 7m<sup>2</sup> laundry is to be provided adjacent to the hallway.</p> <p>Sufficient clothes drying areas are provided to the rear of the building.</p> <p>Outside drying area is located in the rear private open space area in a location which maximises solar access and will not impact negatively from a visual perspective on the street.</p> <p>Internal drying facilities are not indicated on the plans. This is however considered capable of being accommodated within the internal laundry. Accordingly a condition of consent is recommended.</p> <p>No management office required due to size of the proposed boarding house development.</p> <p>However, it is noted that the applicant has decided to include an office for the boarding house manager to use 2-4 hours per week, which is considered to be appropriately located at the front of the building adjacent to the entry. This away from the boarding rooms, and in a</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No - condition</p> <p>Yes</p>

**ITEM 3 (continued)**

**ATTACHMENT 3**

DCP 2014	PROPOSED	COMPLIANCE
	convenient location for any visitors should that coincide with the manager's hours.	
<b>Section 4.0 Management</b>		
(a) All boarding houses are required to be managed by a manager who has overall responsibility including the operation, administration, cleanliness, and maintenance and fire safety of the premises. Management arrangements are to be set out in a Plan of Management.	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. This will be augmented with a manager to be on-site 2-4 hours per week and utilising the office within the building.	Yes
(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 to this Part (refer Schedule 2 Template for Plan of Management).	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 DCP 2014.	Yes
(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.	The submitted Plan of Management has provided the contact details of the off-site manager.	Yes
(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.	The submitted SEE has stated that the Plan of Management requires the boarding housing manager to provide a phone number which neighbours can contact	No - condition

**ITEM 3 (continued)**

**ATTACHMENT 3**

DCP 2014	PROPOSED	COMPLIANCE
	at any time. However, the Plan of Management has not specifically outlined that the contact details will be provided to neighbours.	
<b>Part 7.2 – Waste Minimisation and Management</b>		
<b>Section 2.3 All Developments</b>		
(a) Developments must provide space on-site for the sorting and storage of waste in containers suitable for collection.	Space on-site is provided for the sorting and storage of waste within the basement.	Yes
(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>Proposal requires 40L per person per week of general waste &amp; 35L per person per week of recyclable waste = 720L general waste and 630L recyclable.</p> <p>The submitted Waste and Environmental Management Plan has indicated the 3 x 240ltr (total 720ltr) rubbish bins are to be provided, which complies with Schedule 3.</p> <p>However, it is indicated that 1 x 240ltr recycling bin is to be provided, which is less that required by Schedule 3.</p> <p>Storage for 5 bins in the basement is however shown on the submitted plans.</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</p>	Yes

**ITEM 3 (continued)**

**ATTACHMENT 3**

<b>DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
(c) Additional space must be provided for the storage of bulky wastes where appropriate.	<p>proposal is considered to satisfactorily comply.</p> <p>No significant bulky waste likely to be generated by proposed boarding house.</p>	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 basement	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 within the basement.	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 in basement.	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	Yes
(iii) permit easy, direct and		



**ITEM 3 (continued)**

**ATTACHMENT 3**

<b>DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<p>convenient access for collection service providers;</p> <p>(iv) do not intrude on car parking, landscaping, access and turning areas required for the type and scale of development;</p> <p>(v) do not reduce amenity (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</p>	<p>to collection point (street kerb) via driveway.</p> <p>Proposed garbage collection will utilise street kerb collection.</p> <p>Proposed garbage storage area does not intrude on car parking, landscaping, access or turning areas.</p> <p>No impacts on residents. Proposed garbage storage area is also unlikely to affect neighbours as garbage area will be located within the basement.</p> <p>No impact on trees on site. Waste storage area will not be visible from street as it will be provided within the basement.</p> <p>No incineration devices proposed.</p> <p>Proposed garbage collection will utilise street kerb collection.</p>	<p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes Yes</p> <p>N/A</p> <p>Yes</p>

**ITEM 3 (continued)**

**ATTACHMENT 3**

DCP 2014	PROPOSED	COMPLIANCE
<p>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 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>Proposed path from storage area to street kerb is free of steps and kerbs and has a gradient varying from 1:10, 1:20 to 1:8.</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 conditions of consent. In this regard, the proposal is considered to satisfactorily comply.</p>	<p>Yes</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>No waste collection vehicles entering the site.</p>	<p>N/A</p>
<p>(m) All waste facilities must comply with the Building Code of Australia (BCA) and all relevant Australian Standards (AS).</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.</p>	<p>Yes</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>The subject site is located within the vicinity of a heritage item, as well as a heritage conservation area. Accordingly, the application was referred to Council's Heritage Advisor who has no objections to the proposed</p>	<p>Yes</p>

**ITEM 3 (continued)**

**ATTACHMENT 3**

<b>DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<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>development, subject to conditions of consent.</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>N/A</p>
<b>Section 2.4 – Demolition and Construction</b>		
<p>(a) Demolition activity must comply with relevant Australian Standards and WorkCover requirements.</p> <p>(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.</p> <p>(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).</p> <p>(d) Construction materials are to be stored away from the waste materials stored on-site for collection to enable easy access for waste collectors.</p>	<p>To comply</p> <p>To comply</p> <p>Noted, to be covered by Standard Condition.</p> <p>Noted, to be covered by Standard Condition.</p>	<p>To comply</p> <p>To comply</p> <p>To comply</p> <p>To comply</p>

**ITEM 3 (continued)**

**ATTACHMENT 3**

DCP 2014	PROPOSED	COMPLIANCE
<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>   <li>• <b>Communal Bin Storage – larger 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> <li>(c) 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.</li> <li>(d) To facilitate servicing by waste collection staff, communal bin storage areas must not be more than 15 metres from the street kerb.</li> <li>(e) 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</li> </ul>	<p>Space available to store two days worth of garbage and recycling materials included to the satisfaction of Council's EHO provided within five bins to be stored in the basement level.</p> <p>Individual bin storage is not proposed. A communal bin storage area is provided within the basement.</p> <p>A communal bin storage area is provided within the basement.</p> <p>Communal bin storage area &lt;15m from kerb.</p> <p>Bulk bins not provided.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p>



**ITEM 3 (continued)**

**ATTACHMENT 3**

<b>DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
Stormwater Management.	Engineer who has indicated no objection to the proposed development, subject to conditions.	
<b>Part 9.2 – Access for People with Disabilities</b>		
Accessible path required from the street to the front door, where the level of land permits.	Accessible path from the street to the front door, provided. The application was referred to Council’s Building Surveyor who has indicated the proposal is satisfactory, subject to conditions.	Yes
<b>Part 9.3 – Parking Controls</b>		
<b>Section 2.2 Residential Land-Uses</b>		
<ul style="list-style-type: none"> <li>• <b>Boarding Houses – accessible area:</b></li> <li>(a) At least 0.2 parking spaces / boarding room (1 space /5 boarding rooms). In terms of dwelling size this equates to:               <ul style="list-style-type: none"> <li>(i) At least 0.2 parking spaces/dwelling containing 1 bedroom</li> <li>(ii) At least 0.5 parking spaces / dwelling containing 2 bedrooms</li> <li>(iii) At least 1 parking space / dwelling containing 3 or more bedrooms</li> </ul> </li> <li>(b) Not more than 1 parking space for each person employed in connection with the development.</li> </ul>	<p>2.4 spaces required for 12 boarding rooms. 3 spaces proposed. Two of these spaces are within the basement, and one space is at an open hard-stand area in the front setback.</p> <p>0 employee spaces as no employees are proposed to reside at the subject boarding house development. A manager is to attend the site and utilise the office within the building for 2-4 hours per week. It is anticipated on-street parking will be utilised by the boarding house manager in this instance.</p>	<p>Yes</p> <p>Yes</p>
<b>Section 2.7 Bicycle Parking</b>		
(b) Bicycle and motor cycle parking is to be provided for boarding house development in	ARHSEPP requires 3 bicycle and 3 motorcycle spaces.	Yes

**ITEM 3 (continued)**

**ATTACHMENT 3**

<b>DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<p>accordance with the requirements of State Environmental Planning Policy (Affordable Rental Housing) 2009, and Part 3.6 Boarding Houses under this DCP.</p> <p>(c) Bicycle parking should be designed in accordance with AS 2890.3 Parking facilities - Bicycle parking facilities.</p> <p>(d) Bicycle parking and access should ensure that potential conflicts with vehicles are minimised.</p> <p>(e) Bicycle parking is to be secure and located undercover with easy access from the street and building entries.</p> <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>3 motorcycle and 5 bicycle spaces are proposed</p> <p>To be addressed via standard condition.</p> <p>Bicycle parking and access will not conflict with vehicles.</p> <p>Bicycle parking is located satisfactorily undercover in a secure location outside of the view from the public domain.</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>Yes</p> <p>Yes</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</p>	<p>The submitted Arboricultural Impact Assessment Report has identified 7 trees of significance. The report has recommended that 4 of the identified trees (Trees 1, 2, 3 &amp; 4) are to be retained due to their high retention value.</p> <p>Council's consultant Landscape Architect has reviewed the proposed development and identified that Trees 1 and 2 are likely to be impacted by the</p>	<p>Yes</p>

**ITEM 3 (continued)**

**ATTACHMENT 3**

<b>DCP 2014</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<p>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 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.</p>	<p>proposed development and are to be retained in accordance with the tree protection measures specified in the submitted Arboricultural Impact Assessment Report.</p> <p>Trees 3 and 4 are unlikely to be impacted by the proposed development; however they are still to be retained in accordance with the tree protection measures specified in the submitted Arboricultural Impact Assessment Report.</p> <p>Furthermore, Council's consultant Landscape Architect has advised that the removal of Trees 5, 6 and 7 is supported due to their low retention value.</p>	

<b>BASIX</b>	<b>PROPOSAL</b>	<b>COMPLIANCE</b>
<p>All ticked "DA plans" commitments on the BASIX Certificate are to be shown on plans (list) <b>BASIX Cert 651098M_02 dated 24 July 2015</b></p>	<p>BASIX commitments indicated on plans. To be read in conjunction with Section J BCA Report submitted with the development application.</p>	<p>Yes</p>

**Certification**

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

Name: Ben Tesoriero



Date: 9 August 2016



**ITEM 3 (continued)**

**ATTACHMENT 4**

## Heritage Referral Response

To: Lauren Franks  
From: Michael Edwards  
Application No.: LDA2015/0480  
Date: 27/10/2015  
Address: 191 Shaftsbury Road, Eastwood

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### Consideration of the proposal:

The development proposal seeks Council's approval for the alterations and additions to an existing single-storey, detached style dwelling house for conversion to a boarding house with basement level carparking.

### Reason for the Heritage Referral:

The development proposal has been referred for heritage consideration as the subject site is within the vicinity of the following items of heritage significance listed under Schedule 5 of *Ryde LEP 2014*:

- i) 'Eastwood House' 40 Hillview Road, Eastwood (Item No.I55)
- ii) Eastwood House Estate Heritage Conservation Area (Item No.C4)

### Consideration of the heritage impacts:

The Heritage Impact Statement (Anne Warr, June 2015) has been reviewed. The HIS essentially concludes that the proposed development has an acceptable heritage impact. No assessment has been undertaken to consider the potential significance of the subject site, though it is noted that the subject site contains a single-storey, detached style dwelling house which displays characteristics and architectural embellishment attributed to the Californian Bungalow style of the Inter-War period.

This is an architectural style that remains a prevalent form throughout the locality and has a low degree of rarity.

The dwelling itself displays a moderate degree of architectural integrity in that there appear to have been no previous alterations or additions which have detracted from, or obscured, the original silhouette, form and detailing. For these reasons, the dwelling is considered a good example of the architectural style, though is not considered visually distinguished within the context of the streetscape.

The dwelling immediately adjoins Eastwood House, being located along the rear boundary and also adjoins the Eastwood House Heritage Conservation Area. However, owing to the topography of the landscape, the dwelling on the subject site is not visible when viewed from Hillview Road or any of the other attributing streetscapes to the conservation area. For this reason, the subject site is not considered to form a part of the visual catchment of the conservation area and is visually detached from the heritage item.

### ITEM 3 (continued)

### ATTACHMENT 4

Whilst the HIS is silent on an assessment of significance for the subject site, in my opinion, the dwelling is of low significance and would not warrant heritage listing as an individual item.

The proposed alterations and additions seek to retain the front portion of the existing dwelling, retaining the silhouette of the bungalow and essentially reading as alterations and additions to the dwelling rather than new development.

The additions are of a scale and form that will not visually dominate the site, retaining emphasis on the established prevalent single-storey built form character.

The new works will not be visible from the heritage item or conservation area and will have an acceptable impact accordingly.

It is noted that the proposed works will retain the existing trees (particularly Tree No.1 and 2 as marked on the site plan) which is the preferred outcome from a heritage perspective given the height, canopy and maturity of the trees (particularly Tree No.1 and 2 as marked on the site plan).

Overall, no objections are raised to the proposed development on heritage grounds, subject to the following conditions:

#### Recommended conditions

##### 1. Salvage of materials and building elements

Traditional building materials and architectural elements (such as windows, doors, internal and external joinery, masonry, tiles etc) surplus to the alterations and additions to the existing dwelling, are to be dismantled, salvaged and sold to an established dealer in second-hand heritage building materials.

Documentation of the salvage methodology must be submitted for the approval of Council prior to the commencement of demolition.

##### 2. Archaeology

Should any substantial intact archaeological deposits whether artifacts, relics or occupation deposits be discovered or uncovered, excavation and / or disturbance of the site is to immediately cease and Council must be notified.

Additional archaeological assessment may be required prior to works continuing in the affected area/s based on the nature of the discovery.

**Reason:** Statutory obligations under the *Heritage Act 1977* and *National Parks and Wildlife Act 1974*.

##### 3. No demolition of extra fabric

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

**ITEM 3 (continued)**

**ATTACHMENT 4**

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

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

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

Regards,

Michael Edwards  
Heritage Advisor

ITEM 3 (continued)

ATTACHMENT 5



NO.	DESCRIPTION	QTY	UNIT PRICE	TOTAL
1	Excavation	100	10.00	1000.00
2	Foundation	100	20.00	2000.00
3	Structure	100	30.00	3000.00
4	Roofing	100	15.00	1500.00
5	Cladding	100	25.00	2500.00
6	Windows	100	10.00	1000.00
7	Doors	100	15.00	1500.00
8	Paint	100	5.00	500.00
9	Site works	100	10.00	1000.00
10	Final works	100	10.00	1000.00
11	Professional fees	100	10.00	1000.00
12	Contingency	100	10.00	1000.00
13	Subtotal			18000.00
14	GST			1800.00
15	Total			19800.00

**prescottarchitects**  
 100 SHAFESBURY ROAD  
 SASBWOOD  
 NSW 2155  
 02 9439 1111  
 www.prescottarchitects.com.au  
 10/05/16 1:10 PM









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**4 1 ANGAS STREET, MEADOWBANK. LOT 60 DP 4773. Local Development Application for a residential apartment building containing 26 apartments & parking for 29 vehicles and strata subdivision. LDA2015/0540.**

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**Report prepared by:** Acting Senior Coordinator - Major Development

**Report approved by:** Acting Manager - Assessment; Acting Director - City Strategy and Planning

**File Number:** GRP/09/5/6/2 - BP16/1228

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## **1. Report Summary**

**Applicant:** O2 Architecture Pty Ltd.

**Owner:** Zeotan P/L.

**Date lodged:** 30 October 2015.

This report considers a proposal for demolition and construction of a part 5 part 6 storey residential apartment building, with basement car parking for 29 vehicles. Twenty six (26) apartments are proposed comprising 6 X one bedroom, 15 X two bedroom and 5 X three bedroom apartments. The ground floor apartments facing Constitution Road frontage includes rooms capable of being used as a home office.

The Local Development Application (DA) was publicly exhibited for twenty one days ending on 2 December 2015. A total of twelve (12) submissions were received objecting to the development. The submissions raised the following concerns:

- Overlooking and overshadowing;
- Lack of parking;
- Too many buildings in the area;
- Concerns about the public domain;
- Risk of vehicular accidents on the bridge.

The proposal was amended on 2 June 2016 to address concerns raised by Council Officers. The amended proposal was not renotified, as changes were in response to specific issues relating to public domain and engineering requirements.

The proposal generally complies with Council's requirements except for minor non-compliance with the numerical height control under the RLEP2014 resulting from the encroachment by the lift overrun. The minor height non-compliance is supported on merit subject to Clause 4.6 submission received from the applicant.

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

**Reason for Referral to Planning and Environment Committee:** Number of submissions received (12 submissions).



**ITEM 4 (continued)**

**Public Submissions:** 12 submissions were received.

**SEPP 1 (or clause 4.6 RLEP 2010) objection required?** Yes, with respect to height variation by the lift overrun. The variation is supported on merits.

**Value of works?** \$6,492,000

**RECOMMENDATION:**

- (a) That Local Development Application No. 2015/0540 for 1 Angas Street MEADOWBANK 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 Heritage Referral Response
- 3 Map
- 4 A4 Plans
- 5 A3 Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

**Sanju Reddy**  
**Acting Senior Coordinator - Major Development**

Report Approved By:

**Sandra Bailey**  
**Acting Manager - Assessment**

**Liz Coad**  
**Acting Director - City Strategy and Planning**

**ITEM 4 (continued)**

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

**Address** : 1 Angas Street, Meadowbank

**Site Area** : 1167m<sup>2</sup>  
Frontage  
20.115 metres to Angas Street  
20.115 metres to Faraday Lane;  
56 metres frontage to Constitution Road.

**Topography and Vegetation** : The site slopes from west to east, with a maximum fall of approximately 1.24m between the Faraday lane (rear) and Angas Street (front) boundaries. There are two trees on the North West corner of the site and a street tree on Angas Street frontage. These trees are proposed for removal.

**Existing Buildings** : The site is currently occupied by a single storey building that is presently used as a panel beating business. The site is practically covered by a mixture of buildings and hard paving.

**Planning Controls**

**Zoning**

: B4 – Mixed Use

**Other**

- : ■ State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development (SEPP 65).
- Local Environmental Plan 2014.
- Ryde Development Control Plan 2014.
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
- State Environmental Planning Policy No. 55 – Remediation of Land.
- Deemed SEPP Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

**ITEM 4 (continued)**



**LOCATION PLAN**

**3. Councillor Representations**

Nil.

**4. Political Donations or Gifts**

Any political donations or gifts disclosed? None has been disclosed.

**5. Proposal**

The proposal is for the demolition of existing structures and the construction of a part 5 part 6 storey residential apartment building over 1 level of basement car parking. The development will contain 26 apartments (6 X 1 bedroom, 15 X 2 bedroom & 5 X 3 bedrooms) and parking for 29 vehicles. Access to the parking level is from Angas Street.

The development involves a total of 4 home offices which are all proposed on the ground floor. These apartments have been designed as residential apartments however each of the apartments will have direct access to Constitution Road as well as from the lobby of the building.

As part of the development it is also proposed to adjust the street boundary along Faraday Lane. An area of 2.6m wide along the entire Faraday Lane frontage will be dedicated for road widening works. The design also provides a 2m wide ROW along the Constitution Road frontage for the purposes of a public pedestrian link.

#### ITEM 4 (continued)



**PHOTO MONTAGE – View from Constitution Street (Note: The landscaping and rock face along the Constitution Road will not appear as shown in the above montage because of the requirement to remove the road embankment. Instead due to excavation, the reinforced concrete block associated with the car parking level will be visible from the street level.**

The amended application also includes excavation of the Constitution Road rock face along the northern boundary of the site. Although the rock face is located partly on Council land, the applicant has agreed to undertake the work at no cost to Council. This will overcome potential safety issues in relation to possible collapse of the rock face after demolition/ excavation of the site. This work will also facilitate the future widening of Constitution Road.

#### 6. Background

- The Application was lodged on 30 October 2015;
- The application was advertised and notified from 11 November 2015 to 2 December 2015;
- On 22 February 2016, a letter was sent to the applicant seeking amended plans to address the treatment of rock embankment along the Constitution Road frontage, waste management, building height, public domain and engineering issues;
- On 23 March 2016, a meeting was held between the Applicant and Council Officers to discuss matters raised in the Council's letter of 22 February 2016. The applicant was advised in this meeting that amended and additional details were required to address the issues raised by Council Officers;



## ITEM 4 (continued)

- On 2 June 2016, amended plans and additional information was submitted by the applicant for further assessment and review. As these plans did not amend the design of the development it was not necessary to renotify the architectural plans.

## 7. Submissions

The proposal was advertised and notified in accordance with Development Control Plan 2014 - Part 2.1, Notification of Development Applications. The application was advertised on 11 November 2015. Notification of the proposal was from 10 November 2015 to 2 December 2015. During this period twelve (12) submissions were received.

The issues raised in the submissions are discussed below:

- a) **Overlooking.** *The north side of the development has too many windows and doors and will result in overlooking into 1B Angas Street.*

### Assessment Officer's Comment

1B Angas Street is located towards the north and is on the opposite side of Constitution Road. The development provides adequate separation (close to 20m separation) and provides the required building setback along Constitution Road. Any perceived overlooking or privacy impacts are offset by the distance and the vegetation on the northern side of Constitution Road. As shown in the aerial photo included below, the private open space for 1B Angas Street on that site is oriented towards the north and would not be affected by this development. It is unlikely that the development as proposed will result in any unacceptable overlooking into 1B Angas Street. The application could not be refused based on this issue.



**Aerial Photo showing – separation between 1B Angas St & 1 Angas Street**

**ITEM 4 (continued)**

- b) **Public footpath.** *The development should provide a public path for pedestrians that connects Angas Street and Faraday Lane. This path should be designed so that there are no steps.*

Assessment Officer's Comment

In accordance with the DCP the site is required to provide a 2m wide path along Constitution Road within the boundaries of the site. The amended plan provides a 2m wide pedestrian footpath along its Constitution Road boundary to provide a connection between Angas Street and Faraday Lane. The amended plan has removed steps and replaced it with accessible ramps to make the pedestrian path accessible. As the footpath is located on the site, it is necessary to include a condition on the consent to ensure a right of way is created over the footpath (see Condition 106).

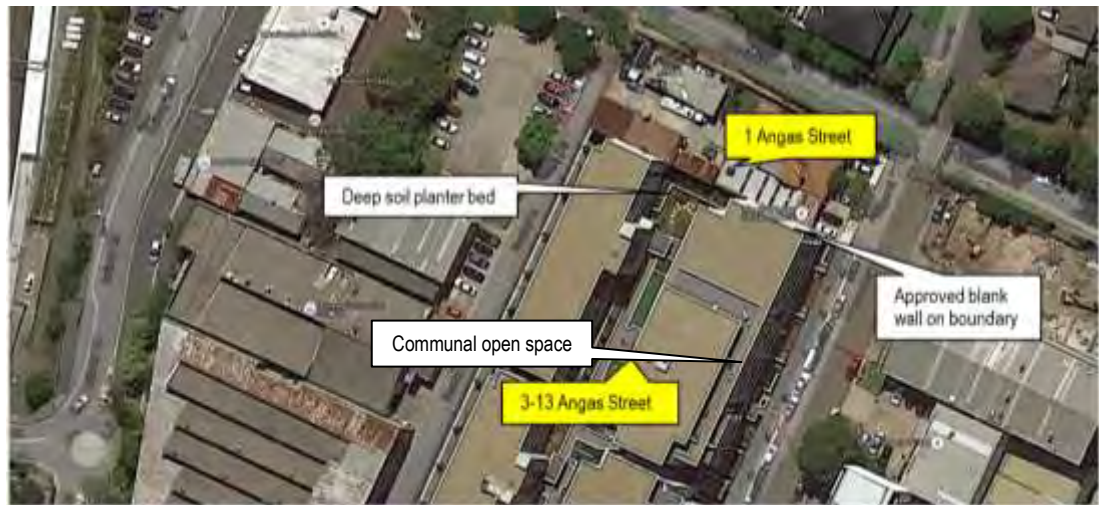
- c) **Overshadowing.** *This proposed 5 storey building will replace an existing 1 storey building, cutting off all or most direct sunlight in winter months to the central courtyard and to the balconies of apartments which face NW into the courtyard in building C located at 3 Angas Street.*

Assessment Officer's Comment

The development has been designed to respond to the opportunities provided under the Ryde Local Environmental Plans 2014 to utilise the land to its economic potential while ensuring that any adverse environmental impact is minimised. The proposed development is suitably located within the B4 zone in which this form of development is permitted.

It is noted that the adjoining property has a blank wall and a wide planter bed located on the common boundary as shown on the aerial photo below. Majority of the shadows will be cast on the blank wall. With the anticipated new developments in the locality, sites located on the southern side of any development site are likely to be affected by some degree of overshadowing impact (given the orientation of the sites and the area has been up-zoned with either 18.5m or 21.5m maximum height).

**ITEM 4 (continued)**

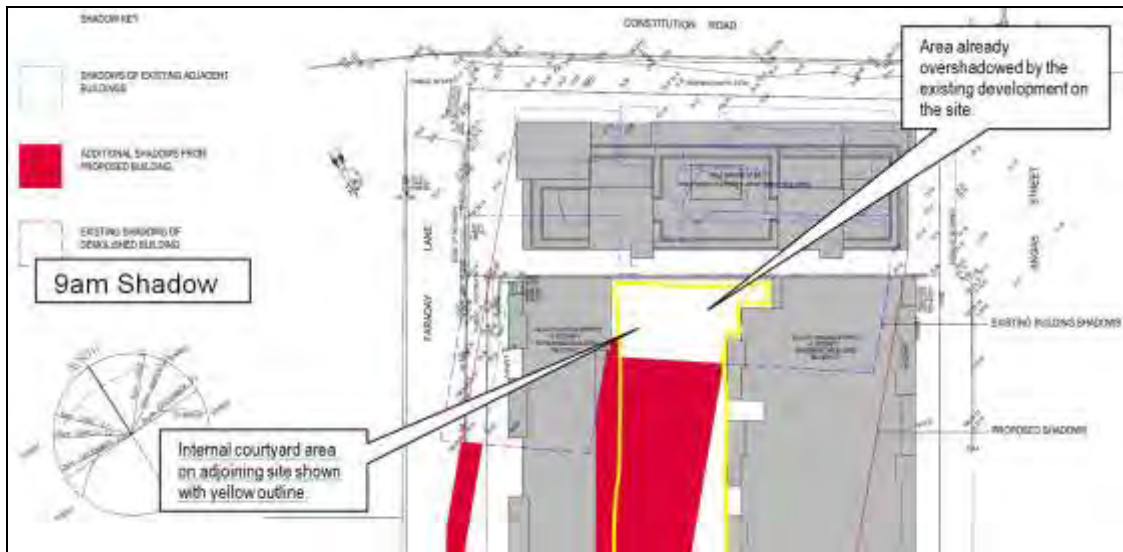


**Aerial photo showing the adjoining development (Source Google Maps)**

Generally, the extent of overshadowing impact emanating from high density development would be greater than the overshadowing impact resulting from lower density development such as dwelling houses. Based on the Land and Environment Court's Planning Principle, at higher densities sunlight is harder to protect and the claim to retain it is not as strong. The proposed development is generally in accordance with character, density and height envisaged under Council's planning controls. Thus, it would not be reasonable to seek full preservation of sunlight access to an extent that would be expected in a low density area.

The development will result in overshadowing to the adjoining property as demonstrated in the following shadow diagrams. The overshadowing to the communal courtyard will occur between 9am & 12noon. The development has proposed a 3m setback rather than a zero setback which will improve the extent of overshadowing to this area. It should also be noted that the size of the communal open space is quite large and at 9:00am where the greatest amount of shadowing will occur to this space, at least 50% of the area will receive solar access. By 12 noon, the additional shadow will only affect a small portion of the courtyard.

**ITEM 4 (continued)**



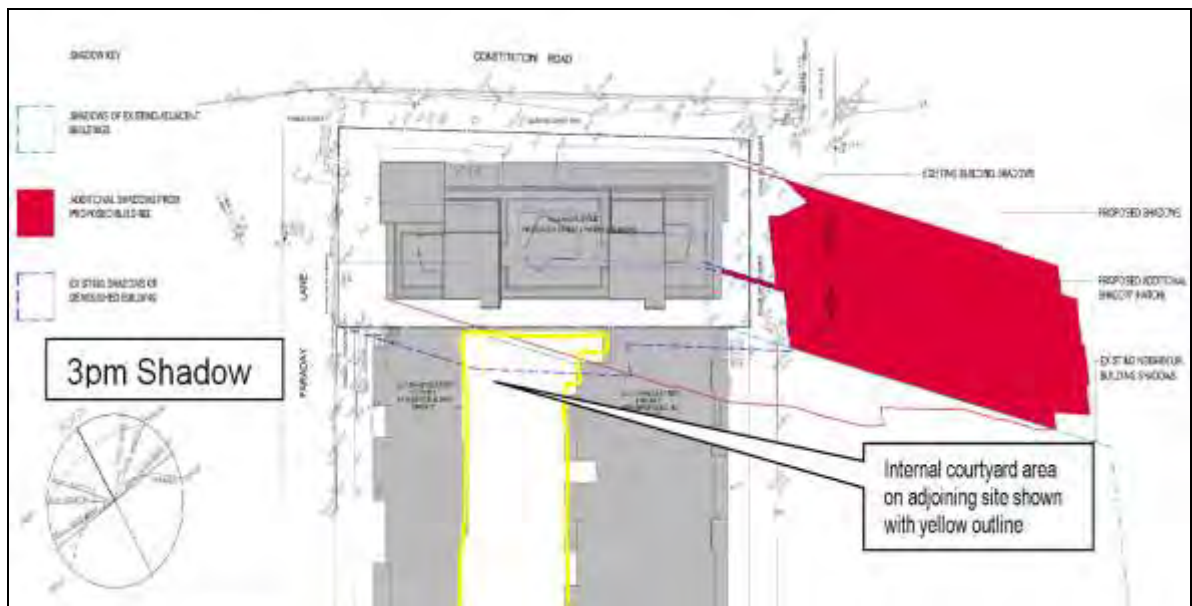
**Overshadowing at 9:00am**



**Overshadowing at 12:00pm**



**ITEM 4 (continued)**



**Overshadowing at 3:00pm**

The extent of overshadowing cannot be avoided and is considered acceptable given that the area has been zoned for high density development.

d) **Parking.** Provision of only 29 on-site parking spaces for 26 apartments is likely to

*increase demand for off-site parking spaces in surrounding streets, especially Angas Street, See Street, and Faraday Lane. Also of particular concern is the delays encountered in using the single lane bridge connecting Angas St and See Street.*

Assessment Officer's Comment

The parking calculation based on the RMS rates indicates that a minimum of 29.3 spaces are required. When this is rounded up, it equates to a total of 30 required spaces. The development proposes 29 spaces. Six (6) visitor spaces will be provided. The proposal is short by 1 residential parking space.

The objectives of the RMS requirement and Part 9.3 of the RDGP2014 is, amongst other things, to minimise car dependency, to promote alternative means of transport such as public transport, minimise traffic congestion and to provide adequate car parking for building users and visitors, depending on building use and proximity to public transport. Given that the proposal is located within a close proximity to the Meadowbank Railway Station, and that adequate visitor spaces will be provided, the car parking is considered satisfactory.

#### ITEM 4 (continued)

In addition, Council's Senior Development Engineer has reviewed this matter and have provided the following advice:

- *Considering the proximity of the development to the Meadowbank Train Station (less than 150m away) and ferry terminal, the shortfall of 1 parking space does not present a considerable concern though it is crucial that the level of visitor parking be accounted for (6 parking spaces) and the remaining 23 spaces be allocated to the residents.*

Appropriate condition has been recommended to ensure the visitor and accessible spaces are available in conjunction with the spaces for the residents (see Condition 127).

The driveway has a transition area that allows vehicles to stop before exiting onto Angas Street thus enabling drivers to have a clear view of the road and footpath. The bridge over Constitution Rd is single lane thus requiring drivers to slow down and ensure there are no oncoming vehicles. This feature assists in managing traffic and ensuring vehicles are travelling slowly. Council's Traffic Engineer has raised no issues in relation to this matter.

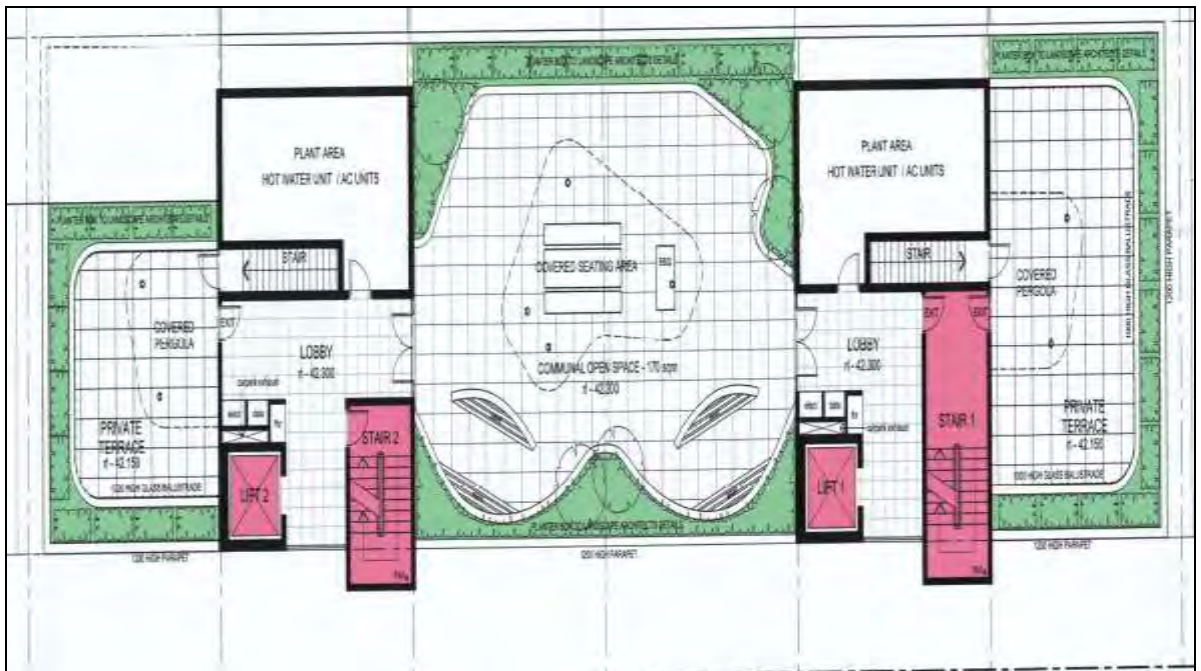
- e) **Open Space.** *The proposed redevelopment does not include any significant area of open space for use for its residents. Consequently residents, including children,*

*would have to make use of existing public parks and play facilities.*

#### Assessment Officer's Comment

The ground floor residences will have access to their own courtyards. Communal open space is proposed on the roof terrace (as shown in the plan included below). Two private terraces are proposed at either end of the building and a large communal area in the middle of the building. The communal space will provide seating, a BBQ, shaded areas as well as landscape plantings. This space will provide amenity for the future occupiers of the building. The extent of communal open space is considered acceptable and will provide amenity for the residents.

**ITEM 4 (continued)**



**Plan showing communal open space on the roof level**

- f) **Embankment.** *The embankment along the SW side of Constitution Rd, which would be*

*overlooked by residents on all balconies of the proposed building, is covered with weeds and debris, in contrast to the established vegetation along the other side.*

Assessment Officer's Comment

To allow for the future widening of Constitution Road and a footpath at the road level, this embankment is required to be removed. The development will provide for passive surveillance over the footpath and road.

- g) **Too many buildings in the locality.** *The street already has enough building & there is no need for another.*

Assessment Officer's Comment

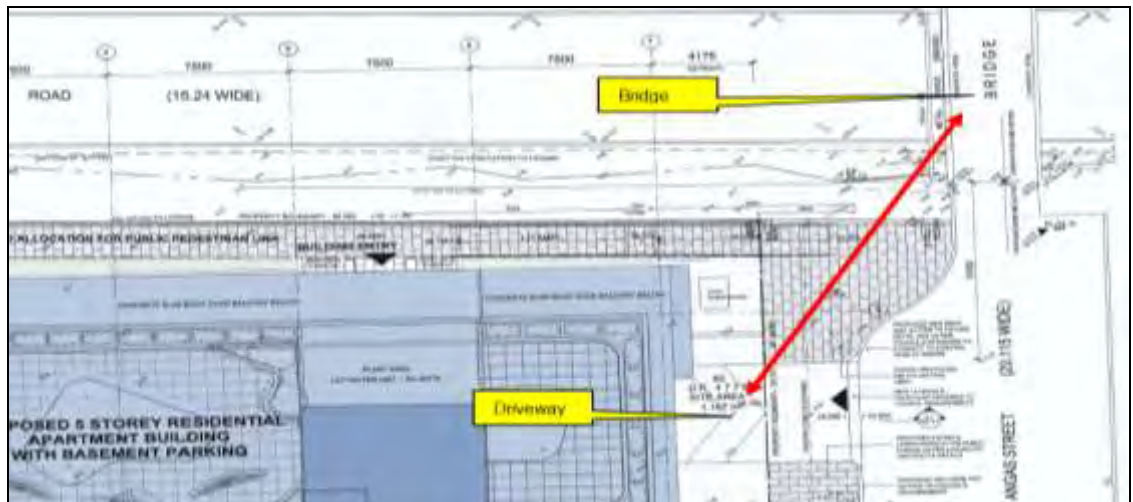
The development is suitably located within the B4 zone which allows for this form of development. The application could not be refused for this reason.

#### ITEM 4 (continued)

- h) **Risk of accident.** Increased risk of more accidents on the bridge due to greater cars and apartment entrance close to the bridge. The entry to the building is right next to the bridge which is raised and already hard to see oncoming traffic. Cars pulling out of the driveway will be danger to both other cars and pedestrians.

#### Assessment Officer's Comment

The bridge over Constitution Road is single lane thus currently requiring drivers to slow down and ensure there are no oncoming vehicles before proceeding. There are adequate road signs to alert drivers of the limitations of the bridge. This feature assists in managing traffic and ensuring vehicles are travelling slowly.



**Plan showing the location of driveway**

The driveway is located at least 10m from the bridge. As the proposal has no fence, landscaping or upright structures along the Angas Street frontage, appropriate sight distances will be retained for vehicles exiting the driveway. This will ensure that vehicles exiting the site are able to see any oncoming traffic on the bridge. Similarly pedestrians in the footway area would notice a vehicle emerging from the basement when approaching the driveway. Council's Traffic Engineer and Senior Development Engineer have raised no objections/ issues in relation to this matter.

**ITEM 4 (continued)**

- i) **Damage to adjoining building.** *The development may result in potential damage to the adjoining building during demolition and construction.*

Assessment Officer's Comment

Any damage to adjoining property is a matter that can be dealt with via condition of consent that will require a dilapidation report of the adjoining property to be carried prior to the issue of any Construction Certificate (see Condition 56). If damage does occur this will become a private matter between the adjoining property owner and the developer.

- j) **Pedestrian traffic.** *The proposal will add additional foot traffic on Faraday Lane which means new residents will be passing by the units.*

Assessment Officer's Comment

The application could not be refused on the grounds that there will be additional pedestrian traffic on the nearby road.

- k) **Exposed walls on adjoining site.** *After smash repair shop is demolished, the northern wall of the building on the adjoining site will be exposed. Who will be responsible for painting and damp-proofing the exposed wall? Our strata manager, our developer or the O2 architect?*

Assessment Officer's Comment

As a result of works being carried out on the subject site, damp proofing of the adjoining wall at the common boundary will not be required as the redevelopment will only require removal of the existing building currently on the development site. The wall is not impacted by this proposed development. If the wall is exposed as a result of the removal of the existing building on the development site, it would be a matter for the adjoining Owners Corporation to consider and deal with appropriately.

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

Yes, in relation to the building height breach by the lift overrun by 700mm at the worst point. This is discussed later in this report.

## ITEM 4 (continued)

### 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. Under Ryde LEP 2014, the property is zoned B4, and the proposed development is permissible with Council's consent.

The following is a summary of the clauses under Ryde LEP 2014 applicable to the development.

#### Clause 2.3 Zone Objectives and Land Use Table

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within that zone. The objectives for the B4 – Mixed Use zone are as follows:

- *To provide a mixture of compatible land uses;*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling;*

#### Assessment Officer's Comments:

The development incorporates a home office in each of the ground floor apartments which will face the footpath on Constitution Road. Home offices are considered to be an appropriate way of incorporating mix uses into buildings.

While the above objectives encourage mixed use development, some locations such as the subject site may not be suitable for uses other than home offices because of physical site constraints (such as topography, building setbacks and the site not being in an established commercially accessible location). For this reason the subject site in this location is likely to face difficulty in attracting commercial/ retail uses given strong competition from other, better located, established and larger commercial/ retail markets in the surrounding area.

#### **ITEM 4 (continued)**

It is noted that a mixture of other compatible uses are available in the locality, more suitably located towards Railway Road and Bay Drive within Meadowbank. Thus the zone objectives will be met through other developments which are more suitably located, when considered in the context of the overall locality.

Although the development is predominantly residential, such a use is permitted in the zone. No issues are raised in relation to this requirement.

- *To ensure employment and educational activities within the Macquarie University campus are integrated with other businesses and activities;*
- *To promote strong links between Macquarie University and research institutions and businesses within the Macquarie Park corridor.*

#### Assessment Officer's Comments:

The development will not be inconsistent with the above objectives.

#### **Clause 2.7 Demolition Requires Consent**

Under this Clause the demolition of a building or work may be carried out only with consent.

The application includes demolition for which consent is being sought.

#### **Clause 4.3 Heights of Buildings**

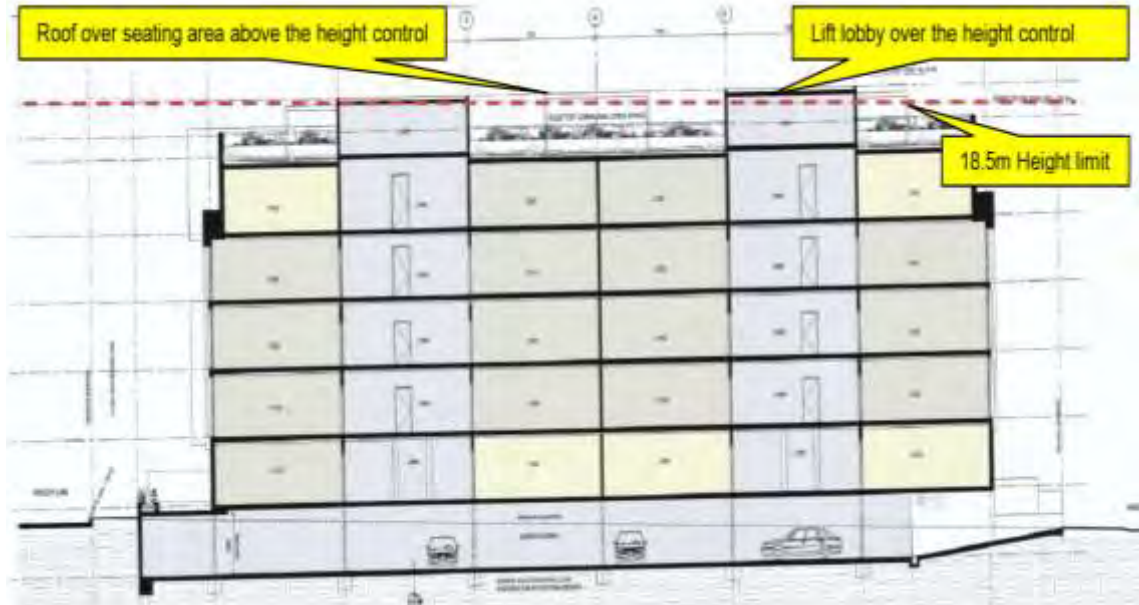
The height of a building on any land is not to exceed the maximum height restriction under this Clause. The LEP2014 provides a maximum height of 18.5m for the subject site.

The development proposes a height of 19.2m at the highest point on the roof which exceeds the maximum height control by 700mm.

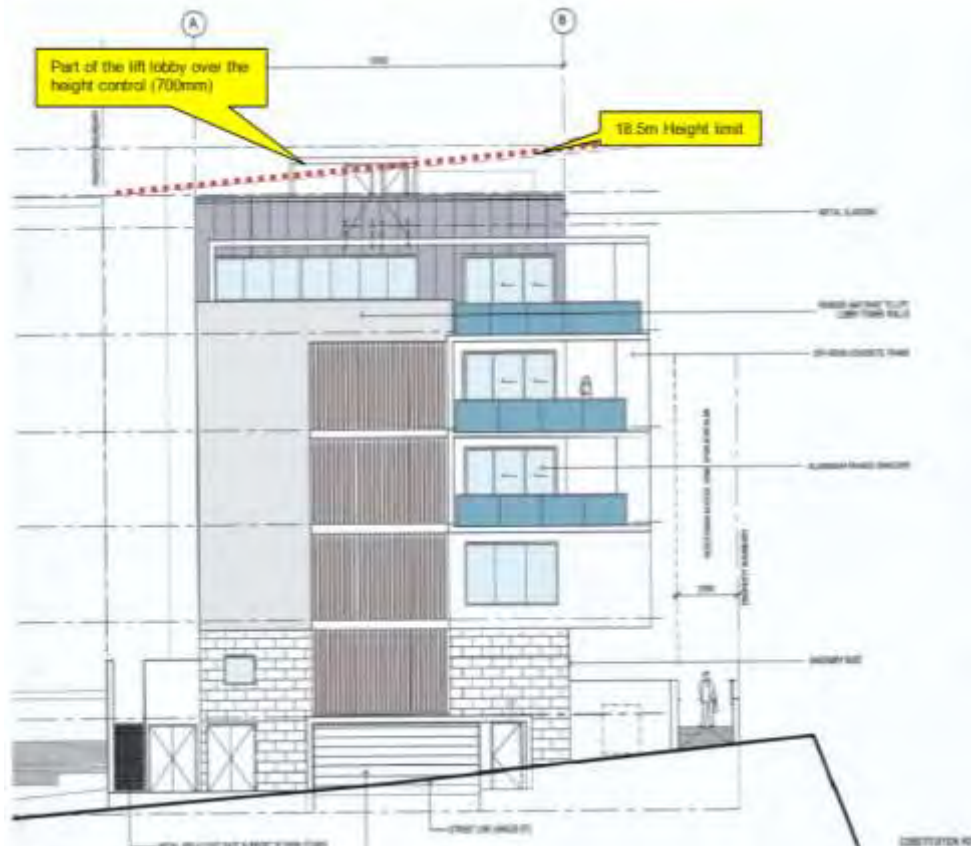
This breach in height occurs over the eastern lift lobby area and the covered communal seating area located on the roof. The area of non-compliance to the height control is demonstrated in the figures below:



**ITEM 4 (continued)**



**Long Section showing extent of height non-compliance across the building**



**East Elevation showing extent of height non-compliance viewed from Angus St**



#### ITEM 4 (continued)

The breach in the building height is mainly attributed to the amendment sought by Council's Urban Design Review Panel to increase the floor to ceiling height to ensure increased amenity for the apartments. The applicant has submitted a Clause 4.6 Submission to justify the proposed variation.

Clause 4.6 of RLEP 2014 allows exceptions to development standards. Consent must not be granted for a development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard. The consent authority must be satisfied that the applicant's written request has satisfied the above criteria and that the proposed development will be in the public interest as it is consistent with the zone objectives as well as the objectives of the particular development standard. In addition, consent cannot be granted unless the concurrence of the Director-General has been obtained. These matters are discussed below.

i) Written request provided by the applicant.

The applicant has provided a written request seeking to justify the variation to the development standard.

ii) Which development standard is being varied?

Under Ryde Environmental Planning Policy – Clause 4.3 –Height of buildings the maximum height provided is 18.5m.

iii) What are the objectives of the development standard?

The objectives of the development standard as stated in clause 4.3(1) are:

- (a) to ensure that street frontages of development are in proportion with and in keeping with the character of nearby development,*
- (b) to minimise overshadowing and to ensure that development is generally compatible with or improves the appearance of the area,*
- (c) to encourage a consolidation pattern and sustainable integrated land use and transport development around key public transport infrastructure,*
- (d) to minimise the impact of development on the amenity of surrounding properties,*
- (e) to emphasise road frontages along road corridors.*

#### ITEM 4 (continued)

The applicant submits that the objectives of the development standard is met notwithstanding the non-compliance with the numerical height restrictions. The following justification is submitted by the applicant's town planner:

- *The development is keeping with the character of the nearby developments. The proposed building height and design has been reviewed and supported by Council's Urban Design Review Panel;*
- *The development proposal is largely within the 18.5m height control with the minor variation to part of the roof form and lift overrun being recessed and will not be highly visible from Angas Street – public domain;*
- *That part of the building that exceeds the height control by a maximum of 700mm*  
*is limited to the lift overrun and lobby to the roof top open space;*
- *There would no additional overshadowing or privacy impacts caused by the minor breach of the standard resulting from the lift overrun;*

- iv) Whether compliance with the development standard would be unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard.

The applicant's written request has demonstrated that compliance with the development standard would be unreasonable and unnecessary in the circumstances of the case since ensuring strict compliance with the numerical height control would not achieve a better outcome in this instance.

Notwithstanding the breach of the numerical height limit, the development complies with the objectives of the standard and also ensures improved amenity for the future residents and the locality. The written request has also considered the environmental planning grounds that are particular to the circumstances of the proposed development. In part the applicant's submission is as follows:

*Strict compliance would either require:*

- *The constraints of the site will not allow the basement to be lowered without detrimentally affecting other aspects of the building (a lower basement level would require a longer vehicular ramp which would remove car spaces). The overall height of the building has been influenced by the basement level and the need to comply with Councils requirements relating to the provision of off street parking spaces and the need to increase the floor to floor of each apartment to 3m;*

#### ITEM 4 (continued)

- *A reduction in the floor to floor heights would result in a non-compliance with the requirements of the Urban Design Review Panel and reduced amenity for the future occupants, and*
- *A reduction in parking spaces which would exacerbate existing local on street parking that is at a premium due to demand for street parking caused by the increasing development of residential flat development and mixed development in the area.*

*The variation to the building height development standard is acceptable for the subject site allowing for flexibility to the height control noting the minor variation of 700mm is confined to only small part of the building and centrally located on the building - roof form with the majority of the building meeting the 18.5m height control consistent with form of development planned for the B4 – Mixed Use zone in the locality.*

#### Assessment Officer's Comments:

Agreed with the above – the extent of height non compliance is minor and is unlikely to result in any significant adverse impact on the amenity of the adjoining properties or the streetscape. The breach in height will have negligible impact to adjoining neighbours in terms of additional overshadowing, overlooking or visual impact. Accordingly the proposal meets the objectives of the development standard.

The variation in building height is attributed to the requirement to obtain a compliant basement height clearance and to achieve minimum 2.7m floor to ceiling height for the apartments and the provision of communal open space on the roof top that requires lift access. As a result of the breach a better outcome is achieved in relation to improved compliance with car parking, engineering and SEPP 65 amenity requirements.

The minor variation to the building height standard does not attempt to abandon the respective planning standard but aims to achieve a better planning outcome for the site and the locality. The non-compliance would not be easily discernible from any public place, thus ensuring a visually compatible building height.

There are sufficient environmental planning grounds to justify contravening the development standard. Therefore, on balance, the proposal is considered to achieve a planning purpose of enhancing the development through achieving a better built form and amenity while minimising any significant adverse impact on the locality.

**ITEM 4 (continued)**

- v) Are there sufficient environmental planning grounds to justify contravening the development standard?

The applicant submits that the proposal does not result in any unacceptable environmental impacts either internal or external as a result of the variation of the development standard:

- *That part of the building that exceeds the height control by a maximum of 700mm is limited to the lift overrun and lobby to the roof top open space;*
  - *The protruding elements are separated and appear as 4 small articulated elements each about 2.8m wide at roof level. The southern side of the roof is some 44m in length and for the most part is under the 18.5m height limit;*
  - *There are no adverse overshadowing or privacy impacts caused by the additional 900mm that is limited to a small part of the southern side of the building;*
  - *The protruding parts of the building will not be visible from the public domain and do not add to the height of the building when viewed from any adjoining street;*
  - *The height of the building will be visually compatible with the height of adjoining and nearby developments and will result in a development that will provide appositive contribution to the character of the area.*
- vi) The proposed development is in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Despite the breach in the height control the development will be in proportion with and in keeping with the intended future character of the area, as well as being consistent with the recently constructed and approved developments along Bowden Street and Angas Street. The breach will not result in the loss of amenity to adjoining properties and it will not contribute to any additional or unacceptable overshadowing to adjoining properties.

The objectives of the height standard and the zone objectives have been addressed in the applicant's submission detailed above.

#### ITEM 4 (continued)

vii) Concurrence of the Director General has been obtained.

Circular PS 08-003 issued on 9 May 2008 informed Council that it may assume the Director-General's concurrence for exceptions to development standards.

#### Conclusion

The applicant has demonstrated satisfactorily that the development complies with the objectives of the height standard and the objectives of the B4 zoning. In this instance the proposed development is considered to be in the public interest and that strict compliance with the height standard would be unreasonable and unnecessary.

#### **Clause 4.4 Floor Space Ratio (FSR)**

The floor space ratio of a building is not to exceed the maximum floor space ratio as specified on the Floor Space Ratio Map. The Floor Space Ratio Map identifies the overall site as having a FSR of 2.5:1.

The development site has an area of 1,167m<sup>2</sup>. Based on the above FSR restriction, a maximum gross floor area of 2,917.5m<sup>2</sup> can be allowed on the site. The proposed gross floor area equates to 2,456.5m<sup>2</sup> which equates to a FSR of 2.1:1. The proposal is satisfactory in relation to this clause.

#### **Clause 5.9 Preservation of trees or vegetation**

The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.

There are 2 trees on the site and 1 tree located in front of the property as shown in the plan below. The trees have been identified as the following species:

- Tree 1: *Lophostemon confertus* 'Brush Box' – street tree;
- Tree 2: *Jacaranda mimosifolia* 'Blue Jacaranda';
- Tree 3: *Brachychiton acerifolius* 'Illawarra Flame Tree'

**ITEM 4 (continued)**



**Plan showing location of trees**

There are 2 X 8m high trees (Tree 2 & Tree 3) located on the northern corner of the site. These trees will be removed to make way for the proposed public footpath along Constitution Road. The removal of both these trees has been supported by Council's Consultant Landscape Architect due to their poor health and vigour. Removal of the street tree (Tree 1) from the Angas Street frontage has also been supported due to the very poor form and structure of the tree which has been the result of continual aggressive pruning for the overhead power lines. This tree also does not conform to the preferred species noted in the Public Domain Technical Manual. Given two (2) tree plantings of the same species (being Spotted Gums) are proposed within the Angas Street frontage as part of the new landscape works, it is considered that the removal of this tree has been adequately compensated/ offset. The public domain and street tree planting will occur in accordance with Council's requirements (see Condition 50).

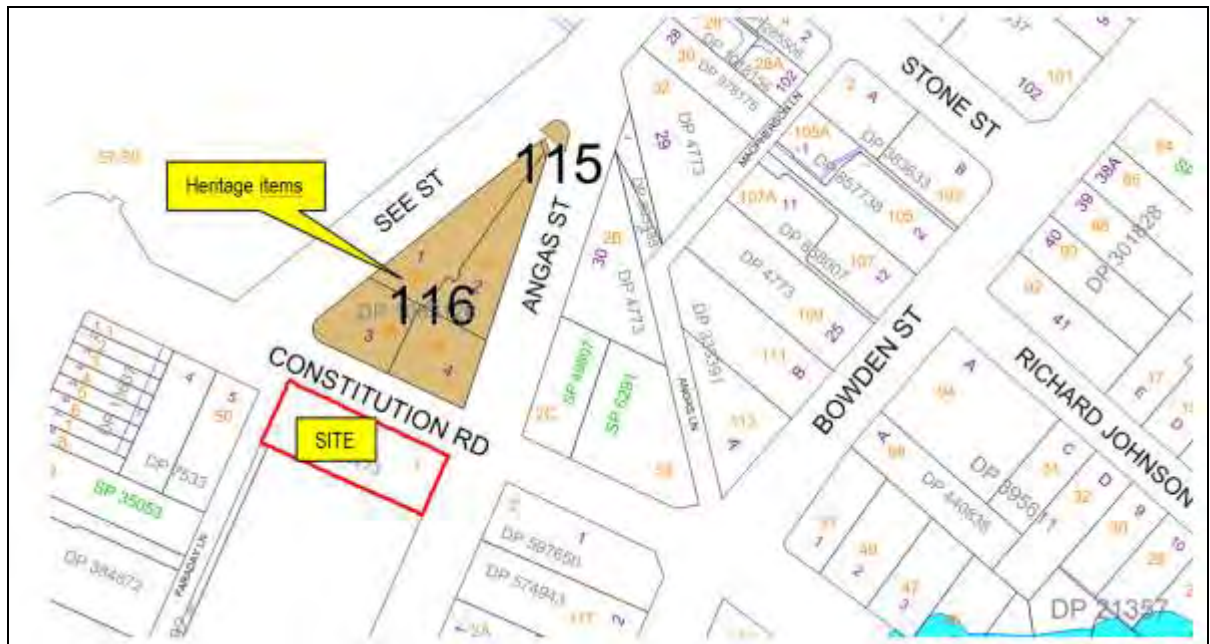
**Clause 5.10 Heritage Conservation**

Under this Clause, the consent authority must consider the effect of the proposed development on the heritage significance of the item or area concerned.

The subject site is within the vicinity of the following items of heritage significance listed under Schedule 5 of Ryde LEP 2014:

- i) 'Attached Dwellings' Corner 1a Angas and 34 See Streets, Meadowbank (Item No.116)
- ii) 'Fountain' Corner Angas and See Streets, Meadowbank (Item No.115)

**ITEM 4 (continued)**



**MAP SHOWING LOCATION OF HERITAGE ITEMS**

The application has been reviewed by Council's Heritage Officer who has raised the following:

***Consideration of the heritage impacts:***

*The subject site is within the vicinity of two listed items of local heritage significance. A Heritage Impact Statement has not been submitted with the proposal to provide any detailed impact assessment of the proposal.*

*The subject site contains a single-storey, detached style dwelling house which displays the principal characteristics of the bungalow vernacular of the early 20<sup>th</sup> Century and stylistic influence of the Federation period.*

*Although there is much original fabric evident, the dwelling has also been substantially modified, with the attachment of a utilitarian built form on the southern side elevation (vehicle repair workshop) and partial enclosure of the verandah.*

*The dwelling is associated with an architectural style that is increasingly under threat and rare within the Meadowbank locality, demonstrating the original residential character of the locality.*

*However, the modifications which have been undertaken to the dwelling, are considered to obscure and diminish the architectural integrity of the dwelling and it is unlikely that the dwelling would satisfy the assessment criteria for demonstrating heritage significance.*

## **ITEM 4 (continued)**

*In this regard, demolition of the dwelling is supported, subject to the imposition of conditions of consent requiring the salvaging of building fabric and elements (to enable conservation and restoration works to recipient buildings) and a Photographic Archival Recording.*

*The overall height of the proposed building will have a visible alteration to the skyline when viewed from the heritage items within the vicinity. However, with Constitution Road separating the two sites, the spatial separation is such that the proposed building will not visually dominate the heritage items nor will it adversely diminish their setting. It should be noted that two two-storey detached style dwellings have been erected to the south of the heritage listed buildings. These contemporary built forms further obscure any direct visual relationship to the subject site.*

*Overall, the proposal is supported, subject to the following conditions:*

### **Recommended conditions**

#### **1. Salvage of materials and building elements**

*Traditional building materials and architectural elements (such as windows, doors, internal and external joinery, masonry, tiles etc) are to be dismantled, salvaged and sold to an established dealer in second-hand heritage building materials.*

*Documentation of the salvage methodology must be submitted for the approval of Council prior to the commencement of demolition.*

#### **2. Photographic Archival Recording**

*Prior to the commencement of any works, including the dismantling of fabric or demolition, a Photographic Archival Recording shall be undertaken and submitted to Council.*

*The Photographic Archival Recording shall be prepared in accordance with the guidelines "Archival Recording of Heritage Items Using Film or Digital Capture" published by the Heritage Division of the Office of Environment and Heritage.*

*One complete copy of the Photographic Archival Recording shall be submitted to Council and must contain (for digital projects):*

- A brief report or introduction which explains the purposes of the Photographic Archival Recording and gives a brief description of the subject site, as well as details of the sequence in which images were taken. The report may also address the limitations of the photographic record and may make recommendations for future work;*



#### **ITEM 4 (continued)**

- *Plans of the building marked up to indicate where the photographs were taken and the direction of the photograph;*
- *The report should include all technical details including camera and lenses, image file size and format, technical metadata associated with the images, and colour information;*
- *Catalogue sheets, photographic plan, supplementary maps;*
- *Colour thumbnail image sheets (e.g. A4 page with six images by six images) showing images and reference numbers. The thumbnail sheets should be processed with archivally stable inks on archivally acceptable photographic paper and cross referenced to catalogue sheets;*
- *One full set of 10.5x14.8cm (A6) colour prints OR, if a large project, a representative set of selected images processed with archivally stable inks on archivally acceptable photographic paper.*
- *A CD or DVD containing electronic image files saved as RAW files with associated metadata, and cross-referenced to catalogue sheets.*

*The report should be presented on archival quality paper in a suitable archival binder and slipcase, and all storage of individual components must be in archival quality packaging suitable for long term storage.*

Overall, the proposal is supported, subject to conditions requiring salvage of materials and building elements and photographic archival recordings (see Conditions 22 & 23). A copy of the Heritage Officer's advice has been attached to the report.

#### **Clause 6.1 Acid Sulfate Soils**

The objective of this clause is to ensure that the development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

Under the LEP2014, the Acid Sulfate Soils Map establishes five classes of acid sulfate land (classes 1 -5), 1 being most sever and 5 being least severely affected. Development consent is required (and thus a soil management plan is required) if the site is located in *class 5 acid sulfate soil and works are within 500m of adjacent Class 1-4 and land which are likely to lower the water table below 1 metre AHD on adjacent Class 1, 2, 3 or 4 land.*

The subject site is not affected by the above constraint.

## ITEM 4 (continued)

### Clause 6.2 Earthworks

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

- The likely impact on drainage, soil stability, amenity of adjoining properties, likelihood of disturbing relics, potential impacts on watercourse, drinking water catchment or environmentally sensitive area.
- Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The proposed development includes excavation for a basement car park. Council's Senior Development Engineer requires that a condition be included in the consent to address engineering issues such as a sediment and erosion control plan to be submitted prior to the issue of a construction certificate.

The site is not known to contain any relics or water course. The development is considered satisfactory in respect of this clause.

### Clause 6.6 Environmental Sustainability

The objective of this clause is to ensure that development on land in a business or industrial zone embraces principles of quality urban design and is consistent with principles of best practice environmentally sensitive design.

This clause provides that development consent must not be granted to development on land in a business or industrial zone if the development is 1,500 square metres in gross floor area or greater unless the consent authority is satisfied that the development has regard to the following:

*(a) water demand reduction, including water efficiency, water recycling and minimisation of potable water usage,*

High water efficiency taps, showers and toilets fixtures (min 3 star rating) will be selected to reduce potable water consumption. The development can comply with the water reduction targets provided in the BASIX Certificate.

**ITEM 4 (continued)**

*(b) energy demand reduction, including energy generation, use of renewable energy and reduced reliance on mains power,*

The development will comply with the requirements of the BCA Section J energy efficiency provisions and BASIX. In addition passive solar design principles have been considered in the design to avoid the need for additional heating and cooling.

*(c) indoor environmental quality, including daylight provision, glare control, increased outside air rates, thermal comfort,*

*(d) a reduction in new materials consumption and use of sustainable materials, including recycled content in concrete, sustainable timber and PVC minimisation,*

*(e) emissions reduction, including reduced flow to sewer and light pollution,*

Details submitted with the application indicate that a good level of indoor environment quality including air quality, daylight and thermal comfort will be aimed for as identified in the DA. This is achieved through design features and compliance with BASIX.

*(f) transport initiatives to reduce car dependence such as providing cycle facilities, car share and small vehicle parking spaces,*

The proposed car parking will not exceed that required by Council's planning control. Bicycle parking will be provided on the site. These measures are considered satisfactory in relation to this requirement given the size of the proposed development.

**(b) Relevant State Environmental Planning Policies**

**State Environmental Planning Policy No 55 - Remediation of Land**

The requirements of State Planning Policy No. 55 - Remediation of Land apply to the subject site. In accordance with Clause 7 of SEPP 55, Council must consider if the land is contaminated. If it is contaminated whether it is suitable for the proposed use and if it is not suitable, can it be remediated to a standard such that it will be made suitable for the proposed use.

The matter of site contamination has been reviewed by Council's Senior Environmental Health Officer. The following comments have been provided:

*As stated in Statement of Environmental Effects submitted with this application, there is evidence that the subject premises has been used as a mechanical workshop with a spray painting booth. The pre-lodgment advice provided to the applicant by Council was to consider the requirements of SEPP 55 within their*

**ITEM 4 (continued)**

*application. The applicant has noted that they have not submitted a contamination report as there are hardstand surfaces on the site, making it difficult to access the soil, although a Preliminary Contamination Report which may have been undertaken by a suitably qualified consultant was also not submitted. The Statement of Environmental Effects does not contain sufficient site history and has not adequately considered the potential for site contamination from the past uses of this site.*

*Spray booths and Mechanics workshops are known to store motor vehicle oils, other petroleum products — hydrocarbons, solvents and spray paints which are associated with these industries. Such products are known sources of contamination on sites and therefore, where such industries previously existed on a site and a site is proposed to be redeveloped for residential uses, Council must consider the potential for contamination under SEPP 55. Therefore the applicant shall submit a detailed contamination report undertaken by a suitably qualified and experienced consultant for the subject site, which must be assessed by Council prior to any Construction works commencing for the site because the site has not been determined as being suitable for the proposed development. This can be undertaken -under deferred commencement condition. Should the site be found to contain contamination, a remedial action plan will be required to be submitted.*

Council's Senior Environmental Health Officer has advised that these matters can be dealt with via deferred commencement conditions of consent (see Conditions Part 1).

**State Environmental Planning Policy BASIX:**

The development is defined as 'BASIX Affected Development' under the *Environmental Planning and Assessment Regulation 2000*.

The applicant has provided Assessor Certificates and BASIX Certificate:  
- BASIX No. 676069M dated 27 October 2015.

The certificate indicates that the development will achieve the required target scores for water efficiency, thermal comfort and energy efficiency.

A condition has been recommended in accordance with the *Environmental Planning & Assessment Regulation, 2000* requiring compliance with the *Schedule of BASIX Commitments* made in the Certificates (See Condition No. 4 & 91).

**Deemed SEPP Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

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

#### ITEM 4 (continued)

The site is located within the designated hydrological catchment of Sydney Harbour and therefore is subject to the provisions of the above planning instrument. However, the site is not located on the foreshore or adjacent to the waterway and it is not a heritage item and therefore, with the exception of the objective of improved water quality, the objectives of the planning instrument are not applicable to the proposed development. The objective of improved water quality is satisfied through compliance with the provisions of Part 8.2 of DCP 2014. The proposed development raises no other issues and otherwise satisfies the aims and objectives of the planning instrument.

#### **State Environmental Planning Policy No. 65 (as amended -19 June 2015)**

SEPP 65 requires that prior to determination of application for apartment development; the consent authority must take into consideration the following:

- The advice (if any) of the design review panel;
- The design quality of the development evaluated against the design quality principles provided under Schedule 1 of the SEPP;
- The Apartment Design Guide.

Prior to lodgement, the applicant undertook a review by Council's Urban Design Review Panel on 26 November 2014. Upon lodgement of the DA the application was again reviewed by the Urban Design Review Panel on 8 December 2015. The Panel advised that the proposal has generally incorporated earlier advice offered by the Panel and consequently has improved as a design scheme. The Panel supported the project in its current form with a series of relatively minor recommendations discussed below:

- a) **Basement & footpath interface:** *The relationship of the vehicle basement entry, kiosk substation and adjacent public domain levels requires further refinement to eliminate steps in the proposed footpath, and hence to provide a continuous, accessible path of travel along each site frontage.*

#### **Assessment Officers Comments:**

The footpath has been redesigned with compliant ramps instead of steps to ensure a continuous accessible path is provided.

- b) **Sustainability:** *All of the proposed apartments enjoy a northerly aspect and outlook. A high proportion of the proposed apartments achieve natural cross ventilation. The Panel supports the sustainability measures evident in the proposed building configuration.*

**ITEM 4 (continued)**

Assessment Officers Comments:

Noted.

- c) **Building height:** *In an effort to ensure the scheme complies with the prescribed building height, residential floor to floor heights are nominated at 2.9m. The Panel is concerned this dimension will not result in a clear 2.7m ceiling height to living spaces within apartments. The Panel supports the increase of floor to floor heights to achieve minimum 2.7m ceiling clearances even if this creates a minor building height non-compliance (likely to be limited to one lift over-run).*

Assessment Officers Comments:

The plans have been amended to increase the floor to floor height to 3m in order to achieve the recommended 2.7m floor to ceiling height for the individual apartments.

- d) **Landscape & Open space:** *The street-level landscape design is supported by the Panel. Communal open space provided on the roof would benefit from further refinement and design resolution with a view to creating greater flexibility of use and potential for several groups to utilize the space concurrently.*

Assessment Officers Comments:

Plans have been revised accordingly to provide additional amenity, seating, landscaping, access and security to the communal open space on the roof level.

The applicant has generally incorporated the suggestions of the UDRP and the application is found to be satisfactory in terms of its design.

There are 9 design quality principles identified within SEPP 65. The following table provides an assessment of the development proposed against the 9 design principles of the SEPP.

Planning Principle	Comment
<b>Context &amp; Neighbourhood Character</b> Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes	The subject site and locality had historically been an industrial area. In recent times however, it was identified as a prime high density residential area, due to its proximity to excellent public transport and amenities and was subsequently rezoned for residential use.

**ITEM 4 (continued)**

<b>Planning Principle</b>	<b>Comment</b>
<p>social, economic, health and environmental conditions. Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p>Consequently the area has undergone extensive renewal and is now characterised by residential flat buildings. Accordingly this project, which involves the construction of a part 5 part 6 storey residential flat building will meet the character of the area and the planning and design policies for this precinct. It will meet the expected social, economic, health and environmental conditions by providing well designed units with modern amenities that utilise sunlight and natural ventilation to encourage sustainable living. A mix of unit types and adaptable units will allow housing choice to a broad band of social groups.</p>
<p><b>Built Form &amp; Scale</b>            Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>The scale, bulk and height of the proposed building are appropriate to the desired future character of the Station and Waterfront Precinct. The building sits within the height control (with minor variation). The development complies with the FSR control.</p> <p>Proposed building is generally consistent with adjoining development and Council's prescribed setbacks. Proportions of the proposal and façade are designed to reflect the cellular nature of the building. It presents as a horizontal building and incorporates vertical elements as counterbalance. The building is well articulated with façade elements, blade walls and voids. Appropriately scaled balconies permit recessed building lines and shadowing to add further articulation. The result is a façade with a random order that reflects the cellular nature of the building but maintains interest.</p> <p>The proposal will not affect any views and vistas of adjoining properties or from the public domain. Excellent internal amenity is offered by integrated open plan living, and balconies that are orientated northwards.</p>

**ITEM 4 (continued)**

Planning Principle	Comment
	<p>The bulk of the development is also considered to be acceptable given that the development achieves compliance with the objectives and FSR control.</p>
<p><b>Density</b>            Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>The proposed development meets all relevant density controls. It is under the maximum allowed floor space ratio applicable to the site and all units meet the minimum unit sizes required. The density and unit sizes are compatible with adjoining development. The locality offers excellent public transport and community facilities. It is located within an established urban area which provides appropriate infrastructure and environment.</p>
<p><b>Sustainability</b>            Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<p>The applicant has provided a BASIX Certificate which indicates that the residential component of the buildings will meet the energy and water use targets set by the BASIX SEPP.</p> <p>All units feature excellent solar access to external balconies and adjoining living rooms and most units receive excellent cross ventilation.</p> <p>The design maximises solar access and cross ventilation to apartments. At least 77% (20 out of 26) of units are deemed to be naturally cross-ventilated as per the objectives of the Apartment Design Guide.</p>
<p><b>Landscape</b>            Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Good landscape design enhances the development's environmental</p>	<p>Landscaping has been designed to integrate with and compliment the proposed built form. Perimeter planting is intended to provide a visual transition from public to private domains and to respect the streetscape. Courtyard landscaping is intended to provide an appropriate micro-climate suitable for a private garden whilst the landscaping treatment of the rooftop open space is more suited to a communal space. Generally, the landscaping is designed on sustainable</p>



**ITEM 4 (continued)**

<b>Planning Principle</b>	<b>Comment</b>
<p>performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks. Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<p>principals.</p> <p>Each unit is also provided with a private balcony area sufficient for recreational use for improved amenity.</p>
<p><b>Amenity</b>            Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well-being. Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p>The proposed building achieves a high level of amenity through flexible internal layouts of the apartments, open plan layout that flow seamlessly onto balconies and terraces.</p> <p>Bedrooms are appropriately-sized and located with co-located bathrooms for ease of use. The sunlight access to living areas has been maximised.</p> <p>The design of the units allows for sufficient level of amenity for occupants of the buildings and residents of surrounding properties.</p> <p>The development complies with the controls and objectives contained in the Apartment Design Guide in respect to apartment sizes, access to sunlight, ventilation, visual and acoustic privacy, storage layout and access requirements.</p>
<p><b>Safety</b>            Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety. A positive relationship between public</p>	<p>The development is consistent with the CPTED principles as follows:</p> <ul style="list-style-type: none"> <li>• The entrance to each apartment building will be clearly legible and well lit.</li> <li>• Appropriate signage to be provided to the building's entrance with appropriate</li> </ul>

**ITEM 4 (continued)**

<b>Planning Principle</b>	<b>Comment</b>
<p>and private spaces is achieved through clearly defined secure access points and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>lighting.</p> <ul style="list-style-type: none"> <li>• Lighting, both internal and external, will be provided in accordance with Australian Standards.</li> </ul>
<p><b>Housing Diversity and Social Interaction</b></p> <p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p>The proposed building includes a mix of 1, 2 &amp; 3 bedroom apartments and internal layouts that provides greater housing choice. 10% of the apartments are adaptable to allow flexibility for differing levels of physical abilities and an ageing population.</p> <p>This proposed apartment mix will result in an affordable range of housing types which should attract singles, couples and family occupants alike into an area which is highly accessible to public transport and nearby shopping centres. In this regard, as a guide the Housing NSW Centre for Affordable Housing suggests 1 and 2 bedroom apartments contribute towards achieving housing affordability. 1 &amp; 2 bedroom apartments are well represented in this proposal.</p>
<p><b>Aesthetics</b></p> <p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures. The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p>The facade responds to the surrounding area which is a mix of recently constructed apartment buildings.</p> <p>The proposed design proposes colours and materials that reference the local context.</p> <p>The development has incorporated a variety of materials and finishes to assist in the massing of the building as well as providing differentiation between the uses and various elements within the development.</p>

**ITEM 4 (continued)**

**Design Quality of Residential Apartment Development (published 19 June 2015)**

The SEPP also requires the Council to take into consideration the requirements of the Apartment Design Guide. These matters have been discussed in the following table:

<b>Part 2 Development the controls</b>		
	<b>Considerations</b>	<b>Consistent</b>
<p><b>Building Depth</b> Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line.</p>	<p>The building proposes 12m</p>	<p>Yes</p>
<p><b>Building Separation</b> Minimum separation distances for buildings are: <i>Up to four storeys (approx 12m):</i> - 12m between habitable rooms/balconies - 9m between habitable and non-habitable rooms - 6m between non-habitable rooms <i>Five to eight storeys (approx 25m):</i> - 18m between habitable rooms/balconies - 12m between habitable and non-habitable rooms - 9m between non-habitable rooms <i>Nine storeys and above (over 25m):</i> - 24m between habitable rooms/balconies - 18m between habitable and non-habitable rooms - 12m between non-habitable rooms</p>	<p>The building separation is provided as follows:</p> <p>Proposal is 5 storeys (this excludes the roof of the building). The site has 3 frontages with appropriate setbacks.</p> <p>The remaining side boundary adjoins No.3-13 Angas Street which has a zero lot line adjacent to the subject property allowing a party wall on the common boundary. However, the proposal incorporates a setback of 3m to its southern boundary in order to provide access to daylight. The proposed setback was reviewed by the Urban Design Review Panel and has been considered acceptable as the adjoining development does not contain any windows directly facing the subject property.</p>	<p>No (supported)</p>

**ITEM 4 (continued)**

<p><u>Note:</u></p> <ul style="list-style-type: none"> <li>• At the boundary between a change in zone from apartment buildings to a lower density area, increase the building setback from the boundary by 3m</li> <li>• No building separation is necessary where building types incorporate blank party walls. Typically this occurs along a main street or at podium levels within centres.</li> </ul>		
<p><b>Front, Rear &amp; Side Setbacks</b> See discussion under the relevant Development Control Plan.</p>	As per requirement under Council's DCP (this is discussed later in this report).	Yes
<p><b>Part 3 Siting the development</b> <b>Design criteria/guidance</b></p>		
<p><b>3B Orientation</b> Building types and layouts respond to the streetscape and site while optimising solar access and minimising overshadowing of neighbouring properties in winter.</p>	<p>The site has 3 frontages being located at the corner of the Angas Street, Constitution Road and Faraday Lane. The building layout corresponds to the site constraints and 3 frontages.</p> <p>The shadow of the proposed building in midwinter will falls on the adjoining property, mostly on the blank wall built to the boundary and the communal courtyard on the adjoining property.</p> <p>The site runs from east to west and the proposed overshadowing of the adjoining property is no more than expected for a development of this type. The development has proposed a 3m side setback rather than zero setback to minimise overshadowing in this area.</p>	Yes

**ITEM 4 (continued)**

	The proposal is considered satisfactory in this regard.	
<b>3C Public domain interface</b> Transition between private & public domain is achieved without compromising safety and security and amenity of the public domain is retained and enhanced.	The pathway from the public street to the building entry is straight, clear and legible, providing safe access to the proposed development.	Yes
<b>3D Communal &amp; public open space</b> Provide communal open space to enhance amenity and opportunities for landscaping & communal activities.	Communal open space is located on the roof and will be embellished with bbq, seating and landscaping. The perimeter parapet is 1200mm high to provide screening and safety. The communal space will be accessible by elevator and stairs.	Yes
<b>Design Criteria</b> 1. Provide communal open space (COS) with an area equal to 25% of site;	Required COS: 291.8m <sup>2</sup> ; Provided COS: 170.5m <sup>2</sup> . This equates 14.5%.	No (supported)
2. Minimum 50% of usable area of communal open space to receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June.	The proposal is considered satisfactory given the limited depth of the allotment. In addition reasonable size balconies to individual apartments and two large private terraces on the roof are proposed to provide for the recreational needs of the occupants.  Majority of the communal open space on the roof top will receive at least 2 hours direct sunlight between 9:00 am and 12:00pm.	Yes
<b>3E Deep Soil Zone</b> Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.	Limited deep soil available due to the site constraints of an isolated site and planning controls allow basement to boundary.	
<b>Design criteria</b> 1. Deep soil zones are to be provided equal to 7% of the site area and with min dimension of 3m – 6m.	Required: 81.7m <sup>2</sup> (7%); Provided: 46.2m <sup>2</sup> (4%).	No (supported)

**ITEM 4 (continued)**

	<p>The deep soil area equals 4% of the site area, which is below the required 7%. However, given that the small nature of the site, it would not be possible to fully comply with this requirement. Acceptable stormwater management is proposed and extensive planting to be provided in planter boxes at ground floor podium level and in the communal open spaces at roof level.</p> <p>It should be noted that the 2m wide public pathway along the northern side of the site is being provided as paved area for public benefit which if deleted from the proposal, would allow an additional 114m<sup>2</sup> (10%) deep soil zone on the site. This would result in a compliant overall level of open space and deep soil zone. In this instance, the benefit of the provision of the public pathway is considered preferable to an increased level of open space/ deep soil zone on the site. On this basis and in light of the foregoing a variation to this requirement is considered acceptable.</p>	
<p><b>3F Visual Privacy</b>          Building separation distances to be shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.  <b>Design Criteria</b>          Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p>	<p>Proposal is for 5-6 storeys with 3 street frontages with appropriate setbacks.</p> <p>The remaining side boundary adjoins No.3-13 Angas Street which has a zero setback along the side boundary allowing a party wall on the common</p>	

**ITEM 4 (continued)**


Building Height	Habitable rooms & balconies	Non habitable rooms		
Up to 12m(4 storeys)	6m	3m	boundary. However, the proposal incorporates a setback of 3m to its southern boundary in order to provide access to daylight. The proposed setback was reviewed by the Urban Design Review Panel and has been considered acceptable as the adjoining approved development does not contain any windows directly facing the subject property.	Yes
Up to 25m (5-8 storeys)	9m	4.5m		
Over 25m (9+ storeys)	12m	6m		
<p><u>Note:</u></p> <ul style="list-style-type: none"> <li>No separation is required from blank walls;</li> <li>Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.</li> </ul>				
<p><b>3G Pedestrian Access &amp; entries</b> Pedestrian Access, entries and pathways are accessible and easy to identify.</p>			Pedestrian entry to the building is wide and centrally located, thus easy to identify.	Yes
<p><b>3H Vehicle Access.</b> Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.</p>			Access point is satisfactory being 10m away from the bridge and it will result in no significant impact on the streetscape.	Yes
<p><b>3J Parking Provisions.</b> <b>Car parking:</b> For development in the following locations:</p> <ul style="list-style-type: none"> <li>on sites that are within 800 metres of a railway station; or</li> <li>within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre,</li> </ul>			The site is within 800m of the Meadowbank Railway Station. The following RMS rate will apply: <ul style="list-style-type: none"> <li>0.6 space/ 1 bed</li> <li>0.9 space/ 2 bed</li> <li>1.4 space/ 3 bed</li> <li>0.2 space/ unit (visitor parking);</li> </ul>	No (supported)

**ITEM 4 (continued)**

<p>the minimum parking for residents and visitors to be as per RMS Guide to Traffic Generating Developments, or Council's car parking requirement, whichever is less.</p>	<p>Proposal involves:          1 Bed: 6 X 0.6 = 3.6 space;          2 Bed: 15 X 0.9 = 13.5 space;          3 Bed: 5 X 1.4 = 7.0 spaces;          Visitor: 26 X 0.2 = 5.2 (6) spaces.</p> <p>Required minimum = 30,          Proposed 29 (including 4 accessible spaces).</p> <p>Considering the proximity of the development to the Meadowbank train station (less than 150m away) and ferry terminal, the shortfall of 1 parking space does not present a considerable concern though it is crucial that the level of visitor parking be accounted for (6 parking spaces) and the remaining 23 spaces be allocated to the residents.</p>	
<p><b>Bicycle Parking:</b>          Provide adequate motorbike, scooter and bicycle parking space (undercover).</p>	<p>3 spaces are required based on Council's DCP. Parking racks for 7 bicycles have been provided over 1 basement level.</p>	<p>Yes</p>
<p><b>Basement Design for parking:</b></p> <ul style="list-style-type: none"> <li>Basement car park not to exceed 1m above ground (use stepped/ split level).</li> </ul>	<p>The basement does not exceed 1m above ground except for along the Constitution Road frontage. The amended plans now includes excavation of the Constitution Road rock face along the northern boundary of the site as required by Asset Department that will result in the basement wall being visible along Constitution Road. The applicant will be required to provide materials and finishing details for the basement wall to demonstrate that this exposed basement wall will not adversely impact on the streetscape (see Condition 3 Part 1).</p> <p>The removal of the rock face is important as it will overcome potential safety issues relating to</p>	<p>No (supported)</p>



**ITEM 4 (continued)**

<ul style="list-style-type: none"> <li>Natural ventilation to be provided for basement car parks. Any ventilation grills/ screening device to be integrated into the façade and landscape design.</li> </ul>	<p>possible collapse of this embankment due to construction related vibrations. This work will also facilitate the future widening and landscaping of Constitution Road. This requirement is consistent with the recently approved development at No. 2 Angas Street.</p>  <p><b>Photo of existing rock face</b></p> <p>The ventilation of the basement will comply with the BCA.</p>	<p>Yes</p>
<p><b>Part 4 Designing the building</b></p>		
<p><b>4A Solar &amp; daylight access</b></p> <p>1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.</p>	<p>Given that the longer elevation of the building faces north and incorporates all balconies, all apartments can received minimum 2 hours of sunlight between 9 am and 3 pm at mid-winter.</p>	<p>Yes</p>
<p>No more than 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid- winter.</p>	<p>All apartments will receive direct sunlight in mid-winter.</p>	<p>Yes</p>
<p>Design should incorporate shading and glare control, particularly for warmer months.</p>	<p>Will be adequately dealt with using highlight windows, internal shading fixtures and location of main windows set behind balconies. Additional screening is incorporated on the western windows.</p>	<p>Yes</p>

**ITEM 4 (continued)**

<p><b>4B Natural Ventilation</b></p> <p>All habitable rooms are naturally ventilated.</p>	<p>All habitable rooms are naturally ventilated.</p>	<p>Yes</p>												
<p>Design layout of single aspect apartments to maximises natural ventilation.</p>	<p>The design ensures natural ventilation is maximised.</p>	<p>Yes</p>												
<p><u>Design criteria for natural cross ventilation:</u></p> <p>1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</p> <p>2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>	<p>20 of the 26 apartments are dual aspect and are naturally cross ventilated. Compliance is achieved. All apartments are dual aspect and will be cross ventilated.</p> <p>The overall depth of all apartments is less than 12 metres.</p>	<p>Yes</p> <p>Yes</p>												
<p><b>4C Ceiling Heights</b></p> <p>Ceiling height achieves sufficient natural ventilation and daylight access. The following is required as a minimum:</p> <table border="1" data-bbox="193 1339 708 1856"> <thead> <tr> <th colspan="2">Min ceiling height for apartment &amp; mixed use buildings</th> </tr> </thead> <tbody> <tr> <td>Habitable rooms</td> <td>2.7m (3.1m floor to floor)</td> </tr> <tr> <td>Non Habitable</td> <td>2.4m</td> </tr> <tr> <td>2 storey apts</td> <td>2.7m for main living area , 2.4m for 2<sup>nd</sup> floor</td> </tr> <tr> <td>Attic spaces</td> <td>1.8m at edge of room</td> </tr> <tr> <td>Mixed used zone</td> <td>3.3m for ground &amp; 1<sup>st</sup> floor to promote future flexibility of use.</td> </tr> </tbody> </table>	Min ceiling height for apartment & mixed use buildings		Habitable rooms	2.7m (3.1m floor to floor)	Non Habitable	2.4m	2 storey apts	2.7m for main living area , 2.4m for 2 <sup>nd</sup> floor	Attic spaces	1.8m at edge of room	Mixed used zone	3.3m for ground & 1 <sup>st</sup> floor to promote future flexibility of use.	<p>The proposal indicates a floor to floor height of 3.0m which is sufficient to ensure at least 2.7m floor to ceiling height after allowing for service ducts etc. This is also inconsistent with the ADG.</p>	<p>Yes</p>
Min ceiling height for apartment & mixed use buildings														
Habitable rooms	2.7m (3.1m floor to floor)													
Non Habitable	2.4m													
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Attic spaces	1.8m at edge of room													
Mixed used zone	3.3m for ground & 1 <sup>st</sup> floor to promote future flexibility of use.													

**ITEM 4 (continued)**

<p><b>4D Apartment size and layout</b>          Apartments are required to have the following minimum internal areas with one bathroom:</p> <ul style="list-style-type: none"> <li>• Studio = 35m<sup>2</sup>;</li> <li>• 1 bedroom = 50m<sup>2</sup>;</li> <li>• 2 bedroom = 70m<sup>2</sup>;</li> <li>• 3 bedroom = 90m<sup>2</sup>;</li> <li>• 4 bedroom = 102m<sup>2</sup>.</li> </ul> <p><u>Note:</u>          ➤ Additional bathrooms increase the minimum internal area by 5m<sup>2</sup>;</p>	<p>The application proposes 1, 2 &amp; 3 bedroom apartments. The proposed areas of the apartments generally comply with the Design Guide:</p> <p>1 bedroom apartment: 50m<sup>2</sup>;          2 bedroom apartment: 92m<sup>2</sup> - 88m<sup>2</sup>;          3 bedroom apartment: 101m<sup>2</sup> – 120m<sup>2</sup>.</p>	<p>Yes</p>
<p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.</p>	<p>All habitable rooms have direct access to a window opening that achieves light and ventilation. No borrowed daylight and air is proposed.</p>	<p>Yes</p>
<p>Habitable room depths are limited to a maximum of 2.5 x the ceiling height. In open plan layouts – habitable room (where the living, dining and kitchen are combined) be maximum depth of 8m from a window.</p>	<p>All units comply with this requirement.</p>	<p>Yes</p>
<p>Bedroom - minimum dimension of 3m (excluding wardrobe space)</p>	<p>All bedrooms have minimum dimension of 3m.</p>	<p>Yes</p>
<p>Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> <li>• 3.6m for studio and 1 bedroom apartments;</li> <li>• 4m for 2 and 3 bedroom apartments.</li> </ul>	<p>7.5m minimum width proposed.</p>	<p>Yes</p>
<p>The width of cross-over or cross-through apartments are at least 4m internally to</p>	<p>No cross over apartments proposed.</p>	<p>N/A</p>

**ITEM 4 (continued)**

<p>avoid deep narrow apartment layouts.</p>																	
<p><b>4E Private Open Space and balconies</b>          Apartments must provide appropriately sized private open space and balconies to enhance residential amenity.</p> <p><b>Design criteria</b>          1. All apartments are required to have primary balconies as follows:</p> <table border="1" data-bbox="215 781 735 1048"> <thead> <tr> <th>Dwelling type</th> <th>Minimum area</th> <th>Min. depth</th> </tr> </thead> <tbody> <tr> <td>Studio apartments</td> <td>4m<sup>2</sup></td> <td>N/A</td> </tr> <tr> <td>1 bedroom</td> <td>8m<sup>2</sup></td> <td>2m</td> </tr> <tr> <td>2 bedroom</td> <td>10m<sup>2</sup></td> <td>2m</td> </tr> <tr> <td>3+ bedroom</td> <td>12m<sup>2</sup></td> <td>2.4m</td> </tr> </tbody> </table>	Dwelling type	Minimum area	Min. depth	Studio apartments	4m <sup>2</sup>	N/A	1 bedroom	8m <sup>2</sup>	2m	2 bedroom	10m <sup>2</sup>	2m	3+ bedroom	12m <sup>2</sup>	2.4m	<p>All balconies comply with minimum depth requirement and range in size from 13.8m<sup>2</sup> to 26m<sup>2</sup>.</p>	<p>Yes</p>
Dwelling type	Minimum area	Min. depth															
Studio apartments	4m <sup>2</sup>	N/A															
1 bedroom	8m <sup>2</sup>	2m															
2 bedroom	10m <sup>2</sup>	2m															
3+ bedroom	12m <sup>2</sup>	2.4m															
<p>2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m<sup>2</sup> and a minimum depth of 3m.</p>	<p>Private open space is provided.</p>	<p>Yes</p>															
<p><b>4F Common circulation and spaces.</b>  <b>Design criteria</b>          1. The maximum number of apartments off a circulation core on a single level is 8.           2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</p>	<p>Two lift cores are proposed in the development, each servicing 3 apartments per floor.</p>	<p>Yes</p>															
<p><b>Design Guide:</b>          Daylight and natural ventilation should be provided to all common circulation space above ground. Windows should be provided at the end wall of corridor, adjacent to the stair or lift core.</p>	<p>Both the lobby's have incorporated windows to the wall which will provide solar access and ventilation.</p>	<p>Yes</p>															

**ITEM 4 (continued)**

<p><b>4G Storage</b>          Adequate, well designed storage is to be provided for each apartment.  <b>Design criteria</b>          1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided:</p> <table border="1" data-bbox="188 651 727 987"> <thead> <tr> <th>Dwelling type</th> <th>Storage size volume</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m<sup>3</sup></td> </tr> <tr> <td>1 bedroom apt</td> <td>6m<sup>3</sup></td> </tr> <tr> <td>2 bedroom apt</td> <td>8m<sup>3</sup></td> </tr> <tr> <td>3 + bedroom apt</td> <td>10m<sup>3</sup></td> </tr> </tbody> </table> <p>At least 50% of the required storage is to be located within the apartment. Additional storage is conveniently located, accessible and nominated for individual apartments (show on the plan).</p>	Dwelling type	Storage size volume	Studio	4m <sup>3</sup>	1 bedroom apt	6m <sup>3</sup>	2 bedroom apt	8m <sup>3</sup>	3 + bedroom apt	10m <sup>3</sup>	<p><u>Requirement:</u>          1bed: 6 X6m<sup>3</sup> = 36m<sup>3</sup>          2bed: 16X8m<sup>3</sup> = 288m<sup>3</sup>          3bed: 4 X10m<sup>3</sup>=40m<sup>3</sup>          TOTAL Required: 364m<sup>3</sup>.</p> <p><u>Total Proposed:</u>          Generous storage area is provided within the individual apartments and in the basement including over 300m<sup>3</sup> of storage within the basement and over 90m<sup>3</sup> within individual apartments.</p> <p>The proposal is satisfactory.</p>	<p>Yes</p>
Dwelling type	Storage size volume											
Studio	4m <sup>3</sup>											
1 bedroom apt	6m <sup>3</sup>											
2 bedroom apt	8m <sup>3</sup>											
3 + bedroom apt	10m <sup>3</sup>											
<p><b>4H Acoustic privacy</b>          Noise transfer is minimised through the siting of buildings, building layout, and acoustic treatments.</p> <p>Plant rooms, services and communal open space and the like to be located at least 3m away from the bedrooms.</p> <p>Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.</p>	<p>The likely source of noise in the building is from the car park entry. This is located underneath and setback from the living spaces above it.</p> <p>Plant room and communal space is located on the roof level. The site is not located near any significant noise sources or significant pollution sources.</p> <p>An Acoustic Assessment Report has been prepared by Blakett Acoustics. This report provides that the proposed site is capable of complying with all relevant acoustic criteria through means of standard acoustic treatment and management. The acoustic treatment and management</p>	<p>Yes</p> <p>Yes</p>										


**ITEM 4 (continued)**

	<p>methods suggested in this report include:</p> <ul style="list-style-type: none"> <li>• double or acoustic glazing;</li> <li>• acoustic seals;</li> <li>• use of materials with low noise penetration properties;</li> <li>• continuous walls to ground level courtyards</li> </ul> <p>(see Condition 48).</p>	
<p><b>4K Apartment mix</b> A range of apartment types with different number of bedrooms (1bed, 2 bed, 3 bed etc) should be provided.</p>	A mix of studio, 1, 2 & 3 bedroom apartments have been provided.	Yes
<p><b>4L Ground floor apartments</b>  Building facades to provide visual interest, respect the character of the local area and deliver amenity and safety for residents.</p>	<p>The facade is adequately articulated to provide visual interest and reflective of contemporary buildings recently approved in the locality.</p> <p>Apartments located on the ground floor provide large terraces for residents. A mix of layered landscape, fencing and walls provides a permeable and varied street frontage which allows for casual surveillance of the street and the building entry.</p>	Yes
<p>Building functions are expressed by the façade.</p>	The building is residential and the design reflects the proposed use of the building.	Yes
<p><b>4N Roof design</b>  Roof treatments are integrated into the building design and positively respond to the street.</p>	Roof elements are integrated into the building design.	Yes
<p>Opportunities to use roof space for residential accommodation and open space are maximised.</p>	Communal open space is proposed on the roof top. This is in accordance with the UDRP recommendation.	Yes

**ITEM 4 (continued)**

Roof design incorporates sustainability features.	The application will comply with BASIX.	Yes
<b>4O Landscape design</b> Landscape design contributes to the streetscape and amenity. Landscape design is viable and sustainable	The proposal includes a landscape concept plan prepared in accordance with the design principles outlined in this Part.	Yes
<b>4P Planting on structures</b> Appropriate soil profiles are provided.	The proposed planting on structures are proposed along setback areas and the roof and are adequate in size, shape and depth to ensure the future healthy growth of vegetation.	Yes
<b>4Q Universal design</b> Universal design features are included in apartment design to promote flexible housing for all community members. A variety of apartments with adaptable designs are to provided.	10% of the units are adaptable with accessible car space which equates to 3 apartments.  The development proposes 3 adaptable apartments (Units 9, 15 & 21).	Yes
<b>4R Adaptive reuse</b> New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place. Adapted buildings provide residential amenity while not precluding future adaptive reuse.	N/A	N/A
<b>4S Mixed use</b> Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.	The street is not identified as active frontage as the building is setback 4m from the street. However, the ground level apartments incorporate home office arrangement facing Constitution Road footpath. The footpath along the street will be upgraded to provide amenity for pedestrians.	Yes

**ITEM 4 (continued)**

	 <p>Unit layout showing home office</p>	
<p><b>4T Awnings and signage</b> Awnings are well located and complement and integrate with the building design.</p>	<p>No awnings required.</p>	<p>N/A</p>
<p><b>4U Energy efficiency</b> Development incorporates passive environmental design measures – solar design, natural ventilation etc.</p>	<p>Complies with BASIX</p>	<p>Yes</p>

**(c) Any draft LEPs**

N/A

**(d) Ryde Development Control Plan 2014**

A full assessment of the proposal under DCP 2014 is illustrated in the compliance table below:



**ITEM 4 (continued)**

Part 4.2 Shepherd's Bay, Meadowbank

Control	Comments	Comply
<b>Public Domain Interface</b>		
<b>Mixed Use Development</b>		
<p>Mixed-use development will comprise a combination of medium and high density residential development with compatible employment related activity. Compatible employment related activities include:</p> <ul style="list-style-type: none"> <li>▪ restaurants and cafés</li> <li>▪ small scale retail establishments such as convenience stores</li> <li>▪ small commercial offices and studios</li> <li>▪ professional suites</li> <li>▪ home offices.</li> </ul>	<p>The B4 zone permits the proposed residential use on the site. The development will comprise of high density residential development with home offices on the ground floor level. This is acceptable for the reasons explained earlier in this report. Commercial/ retail uses would not be suitable in this site.</p>	<p>Yes</p>
<p>Home office accommodation is allowed throughout the area.</p>	<p>Home offices are proposed as part of the development within the ground floor units.</p>	<p>Yes</p>
<p>Ground floor apartments are to be of flexible design to facilitate change of use and ensure privacy for occupants.</p>	<p>The proposal is predominantly a residential development as envisaged in this locality. Home offices have been incorporated in the ground level apartments. This is consistent with other approved uses in the street.</p>	<p>Yes</p>
<p>Private living spaces and communal or public spaces should be clearly identified and defined.</p>	<p>The development has incorporated private living spaces for each apartment in the form of either a courtyard or balcony. Two private terraces are also proposed on the roof level.</p>	<p>Yes</p>
<p>Pedestrian entry to the residential component of mixed-use developments should be separated from entry to other land uses in the</p>	<p>Two pedestrian entries to the residential component of the building are well separated. Separate and direct entries are provided to the rooms identified as home office.</p>	<p>Yes</p>

**ITEM 4 (continued)**

Control	Comments	Comply
building/s and have a clear address and presentation to the street.		
<b>Public Domain, Access and Pedestrian &amp; Cyclist Amenity</b>		
The achievement of maximum heights and density is contingent on meeting the public domain provisions of this plan and all public domain items being provided by the proponent.	Figure 4.2.07 in the DCP identifies the provision of a public footpath on the southern side of Constitution Road at the top of the rock face. The application incorporates a publically accessible footpath within the site adjacent to the Constitution Road frontage which will provide an important link between Angas Street and Faraday Lane. Conditions are recommended with regard to public domain works (see conditions 50 & 51).	Yes
New development must be provided with a minimum of one barrier free access point to the main entry.	Access is possible from Angas Street and Faraday Lane.	Yes
Publicly accessible pedestrian and cycle ways must be provided through large sites.	Figure 4.2.03 refers to the public domain upgrades required with respect to cycle paths and pedestrian links. Angas Street is deemed an existing pedestrian link. A public footpath is also required along the Constitution Road frontage of the site. The development incorporates a publically accessible footpath along Angas Street to link the development to the bridge to ensure access is maintained to the northern side of Constitution Road.	Yes
New roads, shared ways, pedestrian and cycle paths shall be provided in accordance with Figure 4.2.03.	<p>Figure 4.2.03 identifies that Faraday Lane is earmarked for road widening &amp; footpaths upgrades. Angas Street frontage requires improved footpath and Constitution Road frontage requires a high level footpath 2.0m wide within this property (site level is higher than the Constitution Road level).</p> <p>The application provides a 2.6m wide strip of land along the Faraday Lane frontage designated for future road widening. This area will be embellished as a footpath and dedicated to Council under the current DA for future road</p>	Yes

**ITEM 4 (continued)**

Control	Comments	Comply
	widening. A new pedestrian footpath will also be provided within the site along the Constitution Road boundary with a ROW created in favour of public use of this pedestrian path. The footpath within the existing road reserve along Angas Street will be upgraded as per Council's requirement. These matters will be reinforced via conditions of consent to ensure its compliance (see condition 50 & 51).	
<p>Constitution Road is to be upgraded with new footpath;</p> <p>Faraday Lane is to be upgraded/ widened.</p> <p>The design of new roads, shared ways footpaths and cycle paths shall be in accordance with Figure 4.2.03, Figure 4.2.04, Figure 4.2.05 and Figure 4.2.06.</p>	<p>Not all figures relate to the subject site. Figure 4.2.07 illustrates a 2m wide footpath at the top of the existing rock face/batter on the southern side of Constitution Road. The pedestrian path is being provided as part of the development with all costs to be borne by the applicant. A ROW will be created as required by Consent conditions (see Conditions 106).</p>	Yes
<p>The design and location of vehicle access to developments should minimise conflicts between pedestrian and vehicles on footpaths, particularly along high volume pedestrian streets.</p>	<p>Vehicular access is proposed from Angas Street frontage. The location of the driveway crossing is in accordance with the advice provided to the applicant during pre-lodgement discussion of the proposal.</p>	Yes
<p>Service vehicle access is to be combined with parking access and limited to a maximum of one access point per building.</p>	<p>All vehicle entry will occur from the Angas Street driveway.</p>	Yes
<p>Wherever practicable, vehicle access is to be a single crossing, perpendicular to the kerb alignment.</p>	<p>The development complies with this requirement.</p>	Yes
<p>Vehicle access ramps parallel to the street frontage will not be permitted.</p>	<p>The vehicular access driveways/ramps are perpendicular to the kerb alignment.</p>	Yes

**ITEM 4 (continued)**

Control	Comments	Comply
<p>Vehicle entries are to have high quality finishes to walls and ceiling as well as high standard detailing. No service ducts or pipes are to be visible from the street.</p>	<p>It is proposed to include a condition on the consent to ensure that the walls of the vehicle entries that will be visible from Angas Street will have high quality finishes and do not contain any service ducts or pipes.</p>	<p>Yes</p>
<p>The ground floor of all development is to be flush with the street footpath for the predominant level of the street frontage and at the main entry to the building.</p>	<p>The proposed pedestrian path along the northern boundary is also flush with the ground level. The Angas Street frontage has basement entry and vehicular access ramp and because of site cross fall it is difficult to provide the whole frontage level with the street. Notwithstanding the interface as provided is satisfactory given that the other frontages are flush with the street.</p>	<p>Yes</p>
<p>Recesses for roller doors and fire escapes are to be wide and shallow to provide for personal security. Narrow, deep recesses are to be avoided.</p>	<p>The roller door will be provided at the end of the driveway entrance ramp. This will enable a vehicle wishing to enter the basement to queue on the ramp rather than the road. The recess that is provided will not affect the streetscape nor will it adversely affect the safety of any pedestrians.</p>	<p>Yes</p>
<p>Pedestrian links must be a minimum width of 3.5m, clear of buildings and open 24 hours a day. Pedestrian links identified in Figure 4.2.03 must be dedicated to Council.</p>	<p>The proposed development incorporates a 2m wide publically <i>accessible</i> footpath within the site adjacent to Constitution Road. The footpath is located above the basement car park so will not be dedicated to Council. Instead, a condition of consent is recommended requiring a Right of Way (ROW) to be created over the pedestrian link and that the ROW shall be accessible at all times to members of the public (see condition 106).</p>	<p>No</p>

**ITEM 4 (continued)**

<b>Implementation – Infrastructure, Facilities and Public Domain Improvements</b>		
<p>The public land such as the road verge adjoining a development site is to be embellished and if required dedicated to Council as part of any new development. The design and construction of the works are to be undertaken in accordance with section Figure 4.2.03, Figure 4.2.04, Figure 4.2.05, Figure 4.2.06 and Figure 4.2.08.</p>	<p>The public domain adjacent to the site on Angas Street, Faraday Lane and Constitution Road will be embellished as part of the proposed development. Conditions of consent have been imposed to require these areas to be upgraded to Council’s requirements. With regard to Constitution Road, condition 50 also requires the publically accessible pedestrian pathway be paved with granite to match other public footpaths and enabling it to be read as part of the public domain. With regard to the excavation of the Constitution Road rock face, suitable revised architectural plans and landscape plan have been submitted with regard to the treatment of the excavated area and no concerns have been raised in this regard by Council’s Senior Coordinator Asset Networks or the Traffic Engineer.</p>	<p>Yes</p>
<p>The Access Network being the roads, pedestrian connections and open space network as shown on Figure 4.2.03 is to be embellished if required and dedicated to Council as part of the new development. The design and construction of the works are to be undertaken in accordance with Ryde Public Domain Technical Manual and section 4.1.2 of this DCP.</p>	<p>As detailed previously in this report, the application incorporates a 2m wide publically accessible footpath within the site adjacent to Constitution Road. The 2m dimension is consistent with Figure 4.2.07. Given the footpath is located over the basement of the proposed building, a ROW will be created over the footpath rather than it being dedicated to Council (see condition 50 &amp; 106).</p>	<p>Yes</p>
<p>Section 94 contributions still apply throughout the area, notwithstanding any land dedications, public domain improvements, infrastructure provision etc as required by this DCP.</p>	<p>An appropriate condition of consent will be imposed on any development consent to reflect the required Section 94 contributions (see condition 27).</p>	<p>Yes</p>

**ITEM 4 (continued)**

<b>Views &amp; Vistas</b>		
Panoramic views of Parramatta River are to be maintained from Faraday Park, Settlers Park, Anderson Park, and Helene Park.	The development will not interfere with any views from the parks.	Yes
Development is to ensure that vistas towards Parramatta River are maintained.	Views of Parramatta River from the nearby residential flat buildings will not be affected by this development.	Yes
Development must reflect the topography of the area taking into consideration views from the Rhodes Peninsula, Railway Bridge and Ryde Bridge.	The development has reflected the topography of the area and have ensured that the ground level is as close as possible to the street level. In addition, the development is generally in accordance with the height control as permitted in LEP 2014. The development will not adversely affect the views from Rhodes Peninsula, Railway Bridge or Ryde Bridge.	Yes
Maintain views for pedestrians and cyclists along the public open space to the Parramatta River.	The development will not adversely affect the views for pedestrians and cyclists along the public open space adjacent to Parramatta River.	Yes
Provide a four (4m) metre setback along both sides of Bowden Street and Belmore Street from the north at Constitution Road towards the south at the junction of Parramatta River.	The site is not located on Bowden or Belmore Street.	N/A
New buildings are to take into account the existing views on the subject site and adjoining sites.	The development will not materially affect the views from adjacent properties.	Yes
Orientate new development to take advantage of water views and vistas.	Views towards Parramatta River will be available from the top floor apartments.	Yes
New developments are not to materially compromise views of the northern ridgeline of Meadowbank.	The proposed development does not materially compromise views of the northern ridgeline of Meadowbank.	Yes

**ITEM 4 (continued)**

<b>Landscaping &amp; Open Space</b>		
Roof gardens are encouraged and must be considered in any landscaping plan.	Landscaped roof top terraces are proposed and have been included in the landscaping plan.	Yes
All existing mature trees that enhance the quality of the area are to be retained.	The site contains no mature trees that are required to be retained.	N/A
Provide adequate deep planting zones above car parking and other concrete and similar structures to allow sustainable planting.	The development has provided common open space courtyards and private courtyards above the basement car park and on the roof. These areas contain suitable planter boxes and planting.	Yes
Provide at ground floor level, where possible, open space for dwelling units and contiguous open garden areas to create common large landscaped space.	Private ground level courtyards are proposed where possible.	Yes
Where appropriate, developments should incorporate landscaping like planter boxes integrated into the upper levels of building to soften building form.	Planter boxes are proposed on the roof level of the building.	Yes
Where a proposal involves redevelopment of a site the developer shall arrange for electricity and telecommunications utilities to be under-grounded along the entire length of all street frontages. Such utility modifications will be carried out to the satisfaction of the responsible authority (eg. Energy Australia). This is to improve the visual amenity of the area and allow street trees to grow unimpeded.	Any approval will be conditioned to require undergrounding along Constitution Road (see condition 50(b)).	Yes
Permeable landscape surface materials are to be maximised, to allow maximum penetration of stormwater and urban runoff.	The development will comply with this requirement where possible. The development is satisfactory in regard to stormwater management on the site.	Yes

**ITEM 4 (continued)**

<p>Recommended permeable landscape materials include gravel, loosely fitting pavers, stepping stones, vegetative groundcover such as grass, creepers and shrubs.</p>		
<p><b>Street Furniture &amp; Public Art</b></p>		
<p>All development proposals are to be accompanied by a landscape plan, prepared by a qualified and suitably experienced landscape architect, indicating how public domain improvements including paving, street furniture and lighting will be incorporated into the development.</p>	<p>The landscape plan does not contain all aspects of the public domain. This matter will be subject to conditions of consent. The required detailed landscape plan requires Council's approval prior to the issue of any Construction Certificate with works completed prior to the any Occupation Certificate.</p>	<p>Yes</p>
<p>Public art is to be provided in accordance with Council's Public Art Policy.</p>	<p>Consistent with other development in the locality the development must provide a public art on the site. Given the size of the development there is no basis for the development to be excluded from Council's Public Art Policy. Conditions 62 &amp; 120 are therefore recommended in this regard.</p>	<p>Yes</p>
<p><b>Safety</b></p>		
<p>Public spaces need to be designed to meet Crime Prevention Through Environmental Design (CPTED) Principles.</p>	<p>The application has been referred to NSW Police for review under CPTED principles. A number of recommendations have been made which have been incorporated into conditions 84 - 90.</p> <p>This condition includes lighting and surveillance measures for the proposed public footpath.</p>	<p>Yes</p>
<p>Lighting is to be provided to all pedestrian ways, building entries, corridors, laundries, lifts, stairwells, driveways and car parks to ensure a high level of safety and security for residents and visitors at night.</p>	<p>Appropriate conditions are recommended with regard to external lighting to the development (see conditions 84).</p>	<p>Yes</p>





**ITEM 4 (continued)**

	Review Panel. In these circumstances, the height is considered appropriate despite the non-compliance with the storeys control under DCP2014.	
The ground floor height shall be four metres floor to floor regardless of use.	The proposal is predominantly a residential development as envisaged in this locality. The BCA prescribes a minimum floor to ceiling height of 2.4m for residential development. The ADG prescribes a minimum floor to ceiling height of 2.7m. The application proposes a minimum ceiling height of 2.7m which is considered satisfactory given that it is unlikely the development will be converted to any other uses other than home office type development. Home office has been incorporated in the ground level apartments. This is consistent with other approved uses in the street.	No (supported)
Any car parking above ground will have a minimum three metres (floor to underside ceiling) to allow for potential future conversion.	The development does not propose any car parking above ground. The basement is only partly above ground on the eastern side of the site.	N/A
<b>Setbacks</b>		
Setbacks to be consistent with the setback map (Fig.4.2.12). For corner buildings a reduction of the setback on one side will be considered on its merit.		
Constitution Rd. No setback specified in Figure 4.2.12 but treat as "Special edge". As per preDA advice to the applicant, a new footpath is required along Constitution Rd.	On the Constitution Road frontage, a 6m setback is proposed to the building wall and 3.4m to the edge of the balconies. This setback will contain the proposed 2m wide publically accessible footpath connecting Angas Street and Faraday Lane.	Yes
Angas Street: 4m required.	Angas Street: A setback of 4.1m is proposed at basement and ground level. Upper levels have balcony encroachment into the setback by 1m, still maintaining over 3m setback. This provides an	No (supported)

**ITEM 4 (continued)**

<p>Faraday Lane: 4m required.</p>	<p>important articulation to the corner site and is acceptable on merit as supported by the Urban Design Review Panel.</p> <p>The building wall is setback 6.8m from the Faraday Lane boundary inclusive of the 2.6m wide road widening requirement. After allowing for the road widening, majority of the setback provided along Faraday Lane will be over 4m, except for a fire stairs which is proposed to be located within the 4m setback area. The fire stairs is 5m long relative to the 20.1m width of the lot. This will result in zero setback for a distance of 5m from the realigned boundary. The height of the structure above the stairs will be approximately 2m. This wall will be designed as a public art wall and integrated with the front fence and landscaping along the frontage. No objection is raised. In addition it is noted that a 2.6m wide road widening proposed on the site along Faraday Lane will be embellished and dedicated to Council. This provides a significant public benefit and allows future widening of Faraday Lane (see Condition 108). The minor breach of the setback is supported as it is unlikely to affect the streetscape.</p>	<p>No (supported)</p>
<p>Setbacks for buildings of four storeys and above to be consistent with Figure 4.2.13.</p>	<p>Figure 4.2.13 refers to Church Street and Porter Street and is not applicable to the development.</p>	<p>N/A</p>
<p><b>Roof Form</b></p>		
<p>Buildings below RL15 must have articulated roofs as they will be viewed from buildings above.</p>	<p>This is not applicable to the development as the building is not below RL15.</p>	<p>N/A</p>

**ITEM 4 (continued)**

<p>The use of solar panels on roofs is permitted where possible.</p>	<p>The application does not include the provision for the installation of solar roof panels. This may be considered at a future date and if it is considered to be feasible and desirable, this work would be permissible under the Infrastructure SEPP.</p>	<p>N/A</p>
<p>Pitched roofs of up to 30% are permitted for buildings that are 3 storeys or less.</p>	<p>The proposed building exceeds 3 storeys.</p>	<p>N/A</p>
<p>Attic roofs are to be avoided—as they are not in character with the locale.</p>	<p>No attic roofs are proposed.</p>	<p>N/A</p>
<p><b><i>Building Articulation</i></b></p>		
<p>Building facades should be articulated within a 3-metre zone to provide entries, external balconies, porches, glazed balcony enclosures, terraces, verandahs, sun shading elements etc.</p>	<p>The development complies with this requirement.</p>	<p>Yes</p>
<p>Penthouses should be set a minimum of four metres from any building façade.</p>	<p>The objectives of this control is as follows:</p> <ul style="list-style-type: none"> <li>• To articulate the facades of buildings to provide architectural interest;</li> <li>• To ensure the appearance of buildings is complimentary to the locality and streetscape character.</li> </ul> <p>The penthouse level is not setback from the building façade. This is supported for the reasons provided below.</p> <p>The site is 20.1m wide and the development has complied with the required street setbacks on the lower levels. As a result the building depth is 12m. If the development was required to comply with the additional 4m requirement, the 5<sup>th</sup> storey would be reduced to such an extent that it would not be possible to provide any apartments</p>	<p>No (supported)</p>

**ITEM 4 (continued)**

	<p>on that level.</p> <p>For that part of the adjoining development at 3 Angas Street that is located within the 18.5m height control, the upper floor has not been setback. The proposed would be consistent with this part of the development. This control is a streetscape control and as proposed the development is consistent with the adjoining property.</p> <p>With respect to the Constitution Road frontage, the site is situated much higher than the road and thus any such setback is unlikely to contribute to the visual articulation when viewed from the road level.</p>	
<p>Articulate buildings to respond to orientation, views, breezes, privacy, views, acoustic requirements, street widths and the relationship of the building to external garden spaces.</p>	<p>The development complies with this requirement.</p>	<p>Yes</p>
<p>Articulate buildings vertically and horizontally: materials and building setbacks on the upper storeys are to be used to reduce the perceived bulk of buildings.</p>	<p>The finishes and materials of the development will add to the vertical and horizontal articulation in the building. The proposed building is considered highly articulated and the proposed design successfully integrates the use of setbacks, articulation and materials to reduce the perceived bulk and scale of the building.</p>	<p>Yes</p>
<p>Provide and denote entries along street frontages and public domain spaces where appropriate.</p>	<p>Entries will be clearly identifiable from the public domain.</p>	<p>Yes</p>
<p>Buildings are to address streets, open spaces and the river foreshore. Street frontages are to be parallel with or aligned to the street alignment.</p>	<p>The proposed building frontages are parallel with the street alignment. The site has multiple frontages, vehicular access is from Angas Street while pedestrian entry is from Constitution Road frontage.</p>	<p>Yes</p>
<p>Provide balconies and terraces, particularly where</p>	<p>Each apartment has been allocated a balcony or terrace. Balconies and</p>	<p>Yes</p>

**ITEM 4 (continued)**

buildings overlook public spaces.	terraces are provided along all street frontages of the development.	
All facades visible from the public domain are to be durable, low maintenance and of high quality.	The development complies with this requirement.	Yes
External glass to be non-reflective and have a maximum of 20% tint.	This matter can be addressed as a condition of consent (see condition 34).	Yes
<b><i>Private and Communal Open Space</i></b>		
No more than 50% of communal open space provided at ground level shall be paved or of other non-permeable materials.	Communal open space is proposed on the roof level.	Yes
Landscaping to be in accordance with approved landscape plan.	A condition is recommended requiring landscaping to be provided in accordance with the approved landscape plan prior to the occupation of the development (see condition 92).	Yes
<b><i>Residential Amenity</i></b>		
In considering compliance with SEPP65, regard will be given to: i. limitations imposed by heritage items to be retained on the site;  ii. sunlight access to adjoining balconies of living rooms; and  iii. appropriate urban form, site orientation and other constraints.	There is no heritage item on the site. The application has been considered against the requirements under the provisions of SEPP65 and the RFDC.	Yes
Apartments below a sloping ground level shall apply the SEPP 65 guideline for light-wells.	All the apartments are above ground.	N/A
<b><i>Energy Efficient Design</i></b>		
Residential development must be designed in accordance with principle outlined in the Building	The applicant has submitted a BASIX Certificate which demonstrates that the development complies with the requirements.	Yes

**ITEM 4 (continued)**

Sustainability Index (BASIX).		
<b>Noise and Vibration Attenuation</b>		
New residential developments, including those within a mixed-use building, are required to consider noise attenuation and acoustic treatment in their design.	The applicant has submitted an acoustic report which has identified that the development is impacted by relatively low volumes of traffic noise. This report has identified appropriate construction for glazing, external walls and the roof/ceiling systems. A condition of consent will be imposed to require the development to comply with the recommendations of the Acoustic Report (see condition 35).	Yes
Balconies and other external building elements are to be located, designed and treated to minimise infiltration of noise into the building and reflection of noise from the façade.	The proposed design satisfies this requirement and the submitted acoustic report includes consideration of these issues.	Yes
<b>On site Loading and unloading facilities</b>		
All new buildings are required to provide on-site loading and unloading facilities. Loading docks shall be located in such a position that vehicles do not stand on any public road, footway, laneway or service road and vehicles entering and leaving the site move in a forward direction. Loading docks that extend more than 7.5m into a building, mechanical ventilation might be required.	Due to the small nature of the site, there is inadequate width to create manoeuvring areas for trucks. As such the proposed development does not include a loading dock. Given that the site does not have any retail or commercial development, this is considered satisfactory in light of the site limitation.	No (supported)
<b>Flooding and Stormwater</b>		
Development must comply with Part 8.6 Floodplain Management of this DCP.	The site is not located within a flood area. This clause is not applicable to the development.	N/A

Precinct Specific Development Controls

The Shepherd's Bay Area consists of 4 precincts that are differentiated by land-use, urban form and district character. Each precinct has additional and specific planning principles and planning and urban design controls that are to be applied to the precinct. The site is located within Precinct 1: Station Precinct. The planning objectives and controls are contained in the following table.

**ITEM 4 (continued)**

<b>Controls</b>	<b>Comments</b>	<b>Compliant</b>
Views from Parramatta River must be protected and not be interrupted by a continuous line of buildings.	The subject site is located well away from the foreshore area and will have no significant impact on views to Parramatta River.	Yes
Apartments fronting the main railway line must be treated with suitable acoustic glazing and appropriate solar control.	Not applicable to the subject site.	N/A
Acoustic treatment is to be considered for development fronting the railway cutting.	Not applicable to the subject site.	N/A
Awnings are required on Railway Road with a minimum height of 3.2m.	Not applicable to the subject site.	N/A
Properties between Angas Street and Faraday Lane, between Constitution Road and Underdale Lane, must be accessed from Angas Street.	Vehicular access is proposed from Angas Street.	Yes
Properties between Faraday Lane and Railway Road, between Constitution Road and Underdale Lane, must, wherever possible, be accessed from Railway Road.	Not applicable to the subject site.	N/A

**Part 7.1 Energy Smart, Water Wise**

This DCP provides a strategic framework for achieving sustainable development and new developments are required to comply with the minimum energy performance standard.

Due to the introduction of the BASIX legislation, any provisions of the Council's DCP that intends to reduce the consumption of mains supplied potable water, or reduce emissions of greenhouse gases or improve the thermal performance of a building have no effect. This is only applicable to the residential component of the building. For this reason, there is no additional requirements that impact on the residential component.



## **ITEM 4 (continued)**

### **Part 7.2 Waste Minimisation and Management**

A Waste Management Plan (WMP) was submitted with the application.

With regard to ongoing waste management the residential bins will be brought out to the Angas Street and Faraday Lane frontages (based on provision of two separate storage areas within the basement) for collection. Due to the size of the site it is not possible to have a truck access the basement. Council's Waste Coordinator has raised no objections to this arrangement.

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

This DCP requires that for residential development it is necessary to provide an accessible path of travel from the street to and through the front door to all units on each level of the building.

Also 10% (3) of the units are to be adaptable units in terms of AS4299. Apartment Nos. 9, 15 & 21 are identified as adaptable apartments.

The application includes an Access Report prepared by Morris Goding Accessibility Consulting dated 15 October 2015 which confirms that the proposal can comply with applicable requirements. Details for compliance can be provided prior to the issue of Construction Certificate. Condition 37 & 98 has been recommended to ensure compliance with this requirement.

### **Part 9.3 Parking Controls**

The parking requirement for this form of development is provided under the Apartment Design Guide. Under the ADG, the site is within 800m of the Meadowbank Railway Station. The following RMS rates will apply:

- 0.6 space/ 1 bed
- 0.9 space/ 2 bed
- 1.4 space/ 3 bed
- 0.2 space/ unit (visitor parking);

#### 26 Apartments proposed as follows:

Proposal involves:

1 Bed: 6 X 0.6 = 3.6 space;

2 Bed: 15 X 0.9 = 13.5 space;

3 Bed: 5 X 1.4 = 7.0 spaces;

Visitor: 26 X 0.2 = 5.2 (6) spaces.

Required minimum = 29.3 (30),

Proposed 29 (including 4 accessible spaces).

#### ITEM 4 (continued)

Since the parking numbers require rounding up if the calculation results in a fraction (29.3 spaces), a total of 30 spaces would be required. The development has proposed 29 spaces. The proposal is short by 1 parking space. Council's Senior Development Engineer has reviewed this matter and have provided the following advice:

- Considering the proximity of the development to the Meadowbank Train Station (less than 150m away) and ferry terminal, the shortfall of 1 parking space does not present a considerable concern though it is crucial that the level of visitor parking be accounted for (6 parking spaces) and the remaining 23 spaces be allocated to the residents.*

Appropriate condition has been recommended to ensure the visitor and accessible spaces are available in conjunction with the spaces for the residents (see Condition 127).

#### City of Ryde Section 94 Development Contribution Plan 2007

##### **Section 94 Contributions Plan**

Development Contributions Plan – 2007 (Interim Update (2014)) allows Council to impose a monetary contribution on developments that will contribute to increased demand for services as a result of increased development density / floor area.

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

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
Community & Cultural Facilities	\$71,555.55
Open Space & Recreation Facilities	\$176,155.09
Civic & Urban Improvements	\$59,913.81
Roads & Traffic Management Facilities	\$8,172.63
Cycleways	\$5,104.96
Stormwater Management Facilities	\$16,226.26
Plan Administration	\$1,376.21
<b>The total contribution is</b>	<b>\$338,504.51</b>

Condition 27 requiring the payment of a Section 94 contribution has been included in the attached draft consent.

## **ITEM 4 (continued)**

### **10. Likely impacts of the Development**

#### **(a) Built Environment**

The site is located in the Meadowbank area which is undergoing a redevelopment phase in line with the RLEP2014.

The proposed development involving the redevelopment of the site into a part 5 part 6 storey residential flat building with basement parking will not have any significant adverse impacts on the existing built environment or the amenity of the surrounding area. The proposed development generally complies with the objectives of the planning controls applicable to the site.

The built form is articulated with significant architectural elements and a variety of materials and colours. The elevations have incorporated balconies and frames which further articulate the facades. The public domain along both frontages will be improved.

Adequate consideration has been given to the amenity of the future and adjoining dwellings. The proposal is unlikely to cause any adverse social or economic impact to the locality.

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

The site is not classified as a heritage item or subject to any natural constraints such as major flooding or subsidence. The site is zoned for the proposed development with suitable access available. In this regard, despite the small size of the lot, the proposal is considered to be suitable for the site in terms of the impact on both the existing natural and built environments.

### **12. The Public Interest**

The proposal is considered to be in the public interest providing redevelopment of a precinct within Meadowbank. This will assist in the supply of housing in the City of Ryde and also result in the form of development anticipated under Council's Planning Controls.

Having regard to the assessment contained in this report, it is considered that approval of the development is in the public interest.

## ITEM 4 (continued)

### 13. Consultation – Internal and External

#### Internal Referrals

**Senior Coordinator Waste, 1 September 2016:** Raised no objections subject to conditions of Consent (see Conditions 63, 64, 116-117, 121 - 126).

**Traffic & Development Engineer, 1 September 2016:** Raised no objections subject to conditions (see Conditions 49).

**Senior Coordinator – Asset Networks, 1 September 2016:** Raised no objections subject to conditions (see Conditions 50 – 60, 68-69, 106-115).

**Senior Development Engineer, 8 August 2016:** No objection to the development subject to standard engineering conditions (see Conditions 13-16, 40-42, 79-81, 93-96, 128) .

**Environmental Health Officer:** No objections to the proposed development subject to standard environmental health conditions (see Conditions Part 11-2, 17-21, 46-48, 128).

**Heritage Officer:** Raised no objections to the proposal subject to conditions (see Conditions 22 & 23).

#### External Referrals

**NSW Police:** Raised no objections to the proposed development subject to conditions to ensure safety (see Conditions 84– 90).

**Consultant Landscape Architect, 25 November 2015:** Raised no objection to the proposed tree removal for the reasons that that the trees to be removed are not significant within the landscape and have only a low-moderate retention value due to poor health or form and appropriate tree planting is proposed to offset the tree removal to occur.

### 14. Critical Dates

N/A

### 15. Financial Impact

N/A

#### **ITEM 4 (continued)**

#### **16. Other Options**

N/A

#### **17. Conclusion**

The proposed development complies with the Council's requirements for public domain and pedestrian access. 2.6m wide strip of lane will be dedicated along the frontage of Faraday Lane and a new footpath constructed. The application also includes provision for a 2m ROW for pedestrian access along the top of Constitution Road. The applicant has also agreed to excavate at their cost the rock face in Council's land along the southern boundary of Constitution Road. This will allow for future road widening of Constitution Road.

The application has been supported by Council's Urban Design Review Panel and the development generally complies with the planning provisions. There is a minor variation to the height control and the upper floor has not been setback on each street frontage. These variations will not adversely impact adjoining properties of the locality and both variations can be supported.

The development did generate 12 submissions during the exhibition period and all of the issues raised have been addressed in detail in the report.

After consideration of the development against section 79C of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the proposal is considered suitable for the site and is in the public interest. Therefore, it is recommended that the application be approved.

**ITEM 4 (continued)**

**ATTACHMENT 1**

**1 Angas Street Meadowbank - LDA2015/0540**

**DRAFT CONDITIONS OF CONSENT**

**DEFERRED COMMENCEMENT**

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

1. **Detailed site investigation report** - The proponent must submit a detailed site investigation report for Council's consideration. The detailed site investigation report must comply with the Guidelines for Consultants Reporting on Contaminated Sites (EPA, 1997) and demonstrate that the site is suitable for the proposed use, or that the site can be remediated to the extent necessary for the proposed use:
  - a. If remediation for the site is required, the report should also set out the remediation options available for the site and whether the work is considered to be category 1 or category 2 remediation work;
  - b. If the suitably qualified and experienced consultant is unable to undertake a detailed site investigation report prior to the removal of hardstand surfaces, then, the applicant is to advise Council of their intention to undertake all appropriate demolition works subject to the appropriate consent;
  - c. The investigation and testing shall be undertaken prior to the excavation and removal of any soil from the site and the report shall be submitted to Council for written approval prior to this Development Consent becoming operative. This is to ensure that the site is suitable for the proposed development.
2. **Site audit.** Council may require site audit of detailed investigation report. If requested by Council, the proponent must submit a site audit statement and a site audit summary report from an accredited site auditor under the Contaminated Land Management Act 1997, verifying the information contained in the detailed site investigation report.
3. **Treatment of exposed basement wall along Constitution Road.** The basement wall facing Constitution Road requires further articulation to minimise impact on the streetscape. Blank walls are not supported. The design of the façade should incorporate surface articulation through variation in material selection and surface design. The applicant must submit details of finished external surface materials, including colours and texture through submission of revised elevation plan with colour and material sample board detailing the proposed articulation, proposed material and colour finishes demonstrating that the basement wall facing Constitution Road will provide articulation and add interest to the streetscape.

**ITEM 4 (continued)**

**ATTACHMENT 1**

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

**GENERAL CONDITIONS**

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 and support documents:

Plan Title and Number	Description	Date	Issue
DA-01	Site Analysis Plan	27.04.2016	B
DA-02	Site Plan	27.04.2016	B
DA-04	Basement Plan	27.04.2016	B
DA-05	Ground Floor Plan	26.04.2016	B
DA-06	Level 1 & Level 2 Plan	26.04.2016	B
DA-07	Level 3 & Level 4 Plan	26.04.2016	B
DA-08	Roof Plan/ Landscaping	27.04.2016	B
DA-09	North & West Elevation	27.04.2016	B
DA-10	South & East Elevation	27.04.2016	B
DA-11	Sections	27.04.2016	B
LSC -1	Landscape – by Paddock Studio	18.10.2015	-
LSC -2	Landscape – by Paddock Studio	18.10.2015	-
LSC -3	Landscape – by Paddock Studio	18.10.2015	-
LSC -5	Landscape – by Paddock Studio	18.10.2015	-

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

- (a) The Landscape Plans shall be amended to reflect the amended architectural plan Issue B. The plans must show removal of the Constitution Road rock face in accordance to the conditions that require its removal;
- (b) Any doors and gates opening out in the public domain area must be removed or redesigned so that there is no encroachment.

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.

**ITEM 4 (continued)**

**ATTACHMENT 1**

3. **Home Occupation:** Approval is granted for use of a room in Apartments 1, 2, 3 & 4 (as indicated in the approved plan) to be used as a home office (home occupation).
4. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 676069M, dated 27October 2015.
5. **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.
6. **Signage – not approved unless shown on plans.** This consent does not authorise the erection of any signs or advertising structures not indicated on the approved plans. Separate approval must be obtained from Council for any additional signs, unless such signage is "exempt development".
7. **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.
8. **Hoardings.**
  - (a) A hoarding or fence must be erected between the work site and any adjoining public place.
  - (b) An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
  - (c) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
9. **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 if installed must not open onto any footpath or public place.
10. **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.
11. **Illumination of public place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.



**ITEM 4 (continued)**

**ATTACHMENT 1**

12. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
13. **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.
14. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
15. **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 storm water 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.
16. **Road Activity Permits.** To carry out work in, on or over a public road, the Consent of Council is required as per the Roads Act 1993. Prior to issue of a Construction Certificate and commencement of any work, permits for the following activities, as required and as specified in the form "*Road Activity Permits Checklist*" (available from Council's website) are to be obtained and copies submitted to Council with the *Notice of Intention to Commence Work*.
  - a) Road Use Permit - The applicant shall obtain a Road Use Permit where any area of the public road or footpath is to be occupied as construction workspace, other than activities covered by a Road Opening Permit or if a Work Zone Permit is not obtained. The permit does not grant exemption from parking regulations.
  - b) Work Zone Permit - The applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. A Roads and Maritime Services Work Zone Permit shall be obtained for State Roads.

**ITEM 4 (continued)**

**ATTACHMENT 1**

- c) Road Opening Permit - The applicant shall apply for a road-opening permit and pay the required fee where a new pipeline is to be constructed within or across the road pavement or footpath. Additional road opening permits and fees are required where there are connections to public utility services (e.g. telephone, telecommunications, electricity, sewer, water or gas) within the road reserve. No opening of the road or footpath surface shall be carried out without this permit being obtained and a copy kept on the site.
  - d) Elevated Tower, Crane or Concrete Pump Permit - The applicant shall obtain an Elevated Tower, Crane or Concrete Pump Permit where any of these items of plant are placed on Council's roads or footpaths. This permit is in addition to either a Road Use Permit or a Work Zone Permit.
  - e) Crane Airspace Permit - The applicant shall obtain a Crane Over Airspace Permit where a crane on private land is operating in the air space of a Council road or footpath. Approval from the Roads and Maritime Services for works on or near State Roads is required prior to lodgement of an application with Council. A separate application for a Work Zone Permit is required for any construction vehicles or plant on the adjoining road or footpath associated with use of the crane.
  - f) Hoarding Permit - The applicant shall obtain a Hoarding Permit and pay the required fee where erection of protective hoarding along the street frontage of the property is required. The fee payable is for a minimum period of 6 months and should the period is extended an adjustment of the fee will be made on completion of the works. The site must be fenced to a minimum height of 1.8 metres prior to the commencement of construction and throughout demolition and/or excavation and must comply with WorkCover (New South Wales) requirements.
  - g) Skip Bin on Nature Strip - The applicant shall obtain approval and pay the required fee to place a Skip Bin on the nature strip where it is not practical to locate the bin on private property. No permit will be issued to place skips within the carriageway of any public road.
17. **Discovery of Additional Information** - Council and the Principal Certifying Authority (if Council is not the PCA) must be notified as soon as practicable if any information is discovered during demolition or construction work that has the potential to alter previous conclusions about site contamination. If additional information is discovered about site contamination, the proponent must comply with any reasonable requirements of Council to comply with the terms of SEPP55.

**ITEM 4 (continued)**

**ATTACHMENT 1**

18. **Rail noise and vibration criteria for sensitive developments** - The building(s) must be designed and constructed so that the rail noise and vibration levels inside the building(s) comply with the criteria specified in Development Near Rail Corridors and Busy Roads - Interim Guideline (Department of Planning, 2008).
19. **Mechanical ventilation of rooms** - If the airborne noise level with windows and doors open exceeds the above noise criteria by more than 10dBA, an approved system of mechanical ventilation must be provided so that the building occupants can leave the windows and doors closed. Every habitable room, sanitary compartment or other room occupied by a person for any purpose must be provided with adequate natural ventilation or an approved system of mechanical ventilation.
20. **Ventilation of carpark** - The basement carpark must be provided with an adequate system of permanent natural ventilation or an approved system of mechanical ventilation. The carpark exhaust vent must be located at least 3 metres above ground level or any pedestrian thoroughfare and: (a) at least 6 metres from any fresh air intake vent or natural ventilation opening; and (b) at least 6 metres or, where the dimensions of the allotment make this impossible, the greatest possible distance from any neighbouring property boundary.
21. **Plumbing and drainage work** - All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation.
22. **Salvage of materials and building elements.** Traditional building materials and architectural elements (such as windows, doors, internal and external joinery, masonry, tiles etc) are to be dismantled, salvaged and sold to an established dealer in second-hand heritage building materials.

Documentation of the salvage methodology must be submitted for the approval of Council prior to the commencement of demolition.

23. **Photographic Archival Recording.** Prior to the commencement of any works, including the dismantling of fabric or demolition, a Photographic Archival Recording shall be undertaken and submitted to Council.

The Photographic Archival Recording shall be prepared in accordance with the guidelines "*Archival Recording of Heritage Items Using Film or Digital Capture*" published by the Heritage Division of the Office of Environment and Heritage.

**ITEM 4 (continued)**

**ATTACHMENT 1**

One complete copy of the Photographic Archival Recording shall be submitted to Council and must contain (for digital projects):

- A brief report or introduction which explains the purposes of the Photographic Archival Recording and gives a brief description of the subject site, as well as details of the sequence in which images were taken. The report may also address the limitations of the photographic record and may make recommendations for future work;
- Plans of the building marked up to indicate where the photographs were taken and the direction of the photograph;
- The report should include all technical details including camera and lenses, image file size and format, technical metadata associated with the images, and colour information;
- Catalogue sheets, photographic plan, supplementary maps;
- Colour thumbnail image sheets (e.g. A4 page with six images by six images) showing images and reference numbers. The thumbnail sheets should be processed with archivally stable inks on archivally acceptable photographic paper and cross referenced to catalogue sheets;
- One full set of 10.5x14.8cm (A6) colour prints OR, if a large project, a representative set of selected images processed with archivally stable inks on archivally acceptable photographic paper.
- A CD or DVD containing electronic image files saved as RAW files with associated metadata, and cross-referenced to catalogue sheets.

The report should be presented on archival quality paper in a suitable archival binder and slipcase, and all storage of individual components must be in archival quality packaging suitable for long term storage.

24. **Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by WorkCover New South Wales. All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal dockets must be retained by the person performing the work for at least 3 years and be submitted to Council on request.
25. **Provision of contact details/neighbour notification.** At least 7 days before any demolition work commences:
  - (a) Council must be notified of the following particulars:
    - (i) The name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
    - (ii) The date the work is due to commence and the expected completion date.

**ITEM 4 (continued)**

**ATTACHMENT 1**

- (b) A written notice must be placed in the letter box of each property identified in the attached locality plan (all adjoining properties – including properties across the road) advising of the date the work is due to commence.
- (c) All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).

26. **Tree removal:** The trees referenced Tree 1 (Brush Box – Street tree), Tree 2 (Blue Jacaranda) and Tree 3 (Illawara Flame Tree) are approved for removal. The trees approved for removal are to be removed in accordance with NSW Workcover Code of Practice (2007) and undertaken by an Arborist with minimum AQF Level 3 qualifications.

**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.

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

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
Community & Cultural Facilities	\$71,555.55
Open Space & Recreation Facilities	\$176,155.09
Civic & Urban Improvements	\$59,913.81
Roads & Traffic Management Facilities	\$8,172.63
Cycleways	\$5,104.96
Stormwater Management Facilities	\$16,226.26
Plan Administration	\$1,376.21
<b>The total contribution is</b>	<b>\$338,504.51</b>

**ITEM 4 (continued)**

**ATTACHMENT 1**

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 Interim Update (2014), effective from 10 December 2014.

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.

The contribution must be paid **prior to the issue of any Construction Certificate**. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the **City of Ryde**. Personal or company cheques will not be accepted.

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

28. **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**.
29. **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**.
30. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: other buildings with delivery of bricks or concrete or machine excavation).
31. **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
32. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.

**ITEM 4 (continued)**

**ATTACHMENT 1**

33. **Sydney Water Tap in™**. The approved plans must be submitted to the Sydney Water Tap in™ on-line service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Sydney Water Sydney Water Tap in™ service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, eg relocating or moving an asset.

Sydney Water's Tap in™ online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

34. **Reflectivity**. Roofing and other external materials/ glazing must be of low glare and reflectivity. Visible light reflectivity from building materials used on the façades of new buildings should not exceed 18%. Details of the approved finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority. The roof material is to be finished in a non- reflective surface.
35. **Construction requirements** - All acoustic treatment requirements nominated in the Acoustic report (Prepared by Blackett Acoustics reference number BA151010) and any related project documentation must be documented in the Construction Certificate plans implemented during construction.
36. **Storage Facility**: All residential units must be provided with sufficient secure storage facility at the following rates:
- At least 6m<sup>3</sup> for one-bedroom apartments
  - At least 8m<sup>3</sup> for two-bedroom apartments
  - At least 10m<sup>3</sup> for three bedroom apartments
- Storage facility must be lockable and allocated to individual units.

**ITEM 4 (continued)**

**ATTACHMENT 1**

37. **Disabled Access & Adaptable Units.** Access for disabled persons shall be provided in the building in accordance with the applicable legislation and the requirements set out in AS 1428.1 & AS4299. Documentary evidence and certification is to be obtained from a suitable qualified person confirming that the development will meet these requirements in accordance with this condition and as per the Access Report by Morris Goding Accessibility Consulting dated 15 October 2015, and provided to the PCA prior to the issue of any Construction Certificate. A minimum of 3 adaptable apartments must be provided on the site.
38. **Bicycle parking.** An area shall be designated for bicycle parking on the site within the basement level. A bicycle parking rack must be provided for at least 7 bicycles.
39. **Car parking provision:** No less than 29 car parking spaces are to be provided on the site comprising 23 spaces allocated for residential parking (including 3 accessible spaces) and 6 visitor parking spaces (including 1 accessible spaces). At least 1 accessible spaces must be allocated to each of the adaptable apartments. Details are to be submitted on the **Construction Certificate** plans.
40. **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).

With respect to this, the following revision(s) must be undertaken;

- a) All driveways and vehicle access ramps must have ramp grades and transitions complying with AS 2890.1. In this respect, ramps must be no greater than 25% for 20m and any ramp transitions must be no greater than 12.5% for crest's and 15% for sag's, for a minimum length of 2m. A driveway profile must be prepared, showing ramp lengths, grades, surface RL's and overhead clearances, taken from the Council approved boundary levels to the parking space area. The driveway profile must be taken along the steepest grade of travel or sections having significant changes in grades, where scraping or height restrictions could potentially occur and is to demonstrate compliance with AS 2890 for the respective type of vehicle.
- b) To assure that the all disabled spaces satisfy the height clearance requirements of AS 2890.6, all plans to be submitted with the application for a Construction Certificate must clearly depict a minimum height clearance of 2.5m is attained (including the provision of internal services).



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- c) To allow for adequate sight distance from a vehicle exiting the property to pedestrians in the footpath area, both sides of the driveway entry at the property boundary must have clear sight through a splayed region defined by Figure 3.3 of AS 2890.1 (2004). Ideally the region is to be free of all obstructions, otherwise any solid obstructions are to be no greater than 500mm above finished surfaces.

These amendment(s) must be clearly marked on the plans submitted to the Accredited Certifier prior to the issue of a Construction Certificate.

41. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to inground public drainage infrastructure in Angas Street, generally in accordance with the plans by ERBAS Consulting Engineers (Refer to Project No. SYD15214 Dwgs SW000(P3), SW001(P2), SW002(P4), SW003(P2) & SW005(P1), dated 24 May 2016). Connection to the public drainage infrastructure will require a road opening permit. Plans detailing these works are to be provided with the permit application and Council's Public Works is to inspect the connection prior to backfill. This is to be noted on the detailed plans.

The detailed plans, documentation and certification of the drainage system must be submitted with the application for a Construction Certificate and 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 WSUD measures, 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 Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.
- The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.

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

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This engineer is to prepare the following documentation;

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

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

43. **Notice of remediation work** - Before commencing remediation work written notice must be submitted to Council in accordance with clause 16 of State Environmental Planning Policy No. 55 - Remediation of Land
  
44. **Remediation work** - All remediation work must be carried out in accordance with the requirements of:
  - (a) State Environmental Planning Policy No. 55 - Remediation of Land;
  - (b) any relevant guidelines published by the NSW Environment Protection Authority; and
  - (c) any council policy or development control plan relating to the remediation of land.

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45. **Council may require site audit of validation report** - If requested by Council, a site audit statement and a site audit summary report from an accredited site auditor under the Contaminated Land Management Act 1997 must be submitted to Council verifying the information contained in the site validation report.
46. **Remediation of land** - The land must be remediated to the extent necessary for the proposed use and a copy of the site validation report must be submitted to Council for consideration. The site validation report must comply with the Guidelines for Consultants Reporting on Contaminated Sites (EPA, 1997) and demonstrate that the site is suitable for the proposed use.  
**No Construction Certificate is to be issued for any building work on the land until Council has confirmed in writing that it is satisfied that the land is suitable for the proposed use, without the need for further remediation.**
47. **Connection to Sewer.** 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.
48. **Acoustic consultant's report.** The recommendations stated in the acoustic report prepared by Blackett Acoustics Noise and Vibration Consultants Report No. BA 151010 Version A" dated October 2015 detailing the measures required to comply with the relevant noise and vibration criteria must be submitted and incorporated into the application for the Construction Certificate.
49. **Construction Traffic Management Plan.** As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by Council prior to issue of Construction Certificate. This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The CTMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent the site.  
The CTMP must:-
- Make provision for all construction materials to be stored on site, at all times.
  - Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
  - Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council's Public Works.
  - Include a Traffic Control Plan prepared by an RMS accredited traffic controller for any activities involving the management of vehicle and pedestrian traffic.
  - Specify that a minimum seven (7) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.

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- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street tree's.
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and supplied to Council.

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’s Manual – “Traffic Control at Work Sites” and Councils DCP 2014 Part 8.1 (Construction Activities).

All aspects of the approved CTMP must be adhered to at all times. Failure to do so will result in termination of the approval and will place the applicant in breach of this Condition of Consent.

All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and is to be paid at the time that the Traffic Management Plan is submitted.

50. **Public domain improvements** - The public domain is to be upgraded in Angas Street, Faraday Lane and Constitution Road frontages of the development site in accordance with the City of Ryde Public Domain Technical Manual Section 5 - Meadowbank. This work is to include but not be limited to paving, multifunction light poles, street furniture and plantings. A public domain plan is to be submitted to Council for approval by Council, prior to the issue of the Construction Certificate.
- (a) Street trees to be provided in accordance with the Meadowbank Street Tree Master Plan. The designated species are: “*Corumbiamaculata*” (Spotted Gum) for Angas Street and “*Tristaniopsis laurina* ‘Luscious’” (Water gum) - for Faraday Lane.
- Note:** In designing the street tree layout, the consultant shall check and ensure that all new street trees are positioned such that there are no conflicts with the proposed street lights, utilities and driveway accesses. The proposed street lights will have priority over the street trees. All costs associated with the removal of existing street trees, where required, will be borne by the Developer.
- (b) All telecommunication and utility services are to be placed underground along the Angas Street, Faraday Lane and Constitution Road frontages of the site. Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant for decommissioning the existing network and constructing the new network; and are to be submitted to Council and relevant utility authorities for approval prior to commencement of work.

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- (c) New street lighting serviced by metered underground power and on multifunction poles (MFPs) shall be designed and installed to Australian Standard AS1158:2010 *Lighting for Roads and Public Spaces*, with vehicular luminance category V5 and pedestrian luminance category P2 along Angas Street and Faraday Lane.

A minimum of two new street lights on multi-function poles (MFP) will be required: one in Faraday Lane and one in Angas Street. The consultant shall liaise with Council's City Works and Infrastructure Directorate in obtaining Council's requirements and specifications for the MFP and components, including the appropriate LED luminaire and location of the meter boxes.

**Note:** Council has prepared a design guide and schema for the provision of the street lighting on MFPs. A copy of the design guide and schema can be made available to the Electrical Design Consultant upon request to Council's City Works and Infrastructure Directorate.

- (d) Lighting along the new publicly accessible footpath (Right of Way) along the northern boundary of the development site between Angas Street and Faraday Lane, to be provided for pedestrians in accordance with the requirements of Australian Standard AS1158:2010 *Lighting for Roads and Public Spaces*, with pedestrian luminance category P2.

Plans are to be prepared and certified by a suitably qualified Electrical Design Consultant and submitted to Council's City Works and Infrastructure Directorate for approval.

51. **Public Infrastructure Works** – Public infrastructure works shall be constructed as outlined in this condition of consent. All works must be completed to Council's satisfaction at no cost to Council, prior to the issue of any Occupation Certificate. Engineering drawings prepared by a Chartered Civil Engineer (registered on the NER of Engineers Australia) are to be submitted to, and approved by Council's City Works and Infrastructure prior to the issue of a Construction Certificate. The works shall be in accordance with City of Ryde DCP 2014 Part 8.5 - Public Civil Works, and DCP 2014 Part 8.2 - Stormwater Management, where applicable.

The drawings shall include plans, sections, existing and finished surface levels, drainage pit configurations, kerb returns and other relevant details for the new works and also demonstrate the smooth connection of the proposed road pavement widening into the remaining street scape.

- (a) The widening of the road reserve for Faraday Lane along the entire frontage of the site by 2.60m, in order to provide a widened footway area. The exact dimension shall be confirmed following the completion of a boundary survey.
- (b) Construction of granite paving on the 2.0m wide footway that is to be dedicated to Council as a Right of Way along the northern boundary of the development site between Angas Street and Faraday Lane. The right of way access is to be compliant with Australian Standard 1428.1-2009 Design for Access and Mobility – General Requirements for Access.

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- (c) Construction of the proposed balustrading along the edge of the pedestrian pathway between Angas Street and Faraday Lane. Details are to be included in the Public Domain plan, as part of the package of works to be undertaken by the Developer.
- (d) Construction of concrete footpath along the Constitution Road frontage of the development site.
- (e) The removal of all redundant vehicular crossings and replacement with new vertical kerb and gutter along both Angas Street and Faraday Lane frontages of the site.
- (f) Construction of granite footway in accordance with the City of Ryde Public Domain Technical Manual Section 5 – Meadowbank, along the Angas Street and Faraday Lane frontages of the development site.
- (g) The construction of new kerb and gutter and half road pavement reconstruction along the Faraday Lane and Angas Street frontages of the development site, including connections and adjustments to existing kerb and gutter and footpaths along the neighbouring property.
- (h) The relocation/adjustment of all public utility services affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to Council and their requirements being fully complied with.

**Note:** Prior to submission to Council, the Applicant is advised to ensure that the drawings are prepared in accordance with the standards listed in the City of Ryde DCP 2014 Part 8.5 - Public Civil Works, Section 5 “Standards Enforcement”.

- 52. **Constitution Road Rock Face** -Removal of the rock escarpment over the entire length of the northern boundary of the development site is to be included as part of the civil works by the Developer, at no cost to Council. The revised ground level is to match the current road level. Detailed design plans prepared by a suitably qualified engineer (registered on the NER of Engineers Australia) are to be submitted to and approved by Council prior to the issue of a Construction Certificate.
- 53. **Driveway Access and boundary alignment Levels** – The Driveway Access for this development is to be from Angas Street. The applicant is to apply to Council for site specific driveway access and boundary alignment levels prior to the issue of the Construction Certificate. The application shall be accompanied by engineering plans of civil works along the frontage of the development site. The Council issued levels shall be incorporated into the design of the internal driveway, car parking areas, landscaping and stormwater drainage plans. Fees are payable in accordance with Council’s Schedule of Fees & Charges at the time of the application.
- 54. **Vehicle Footpath Crossings** – The footpath crossings shall be designed and constructed to protect the footpath from damage resulting from the vehicular traffic. The crossing shall match the paving style along the frontages of the development site. The location, design and construction shall comply with the City of Ryde Development Control Plan 2014 Part 8.3 Driveways and Part 8.5 - Public Civil Works, and all relevant Australian Codes and Standards.

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Given the potential for stormwater flowing across the footpath and down towards the newly built apartments at 3-13 Angas Street, kerb returns may form part of the access.

The applicant shall provide Council with certification from a Chartered Civil Engineer (registered on the NER of Engineers Australia) confirming that the vehicle footpath crossing and driveway design meet Council requirements and the relevant standards, prior to the issue of the Construction Certificate.

**55. Structural Adequacy of Adjoining Properties.**

(a) A certificate prepared by an appropriately qualified and practicing structural engineer, at no cost to Council, detailing the structural adequacy of adjoining property No 3-13 Angas Street and certifying its ability to withstand the proposed excavation and any measures required to be incorporated into the work to ensure that no damage will occur to adjoining properties during the course of the works, shall be submitted to the PCA for approval prior to the issue of a Construction Certificate;

(b) The rock supporting the Angas Street bridge abutment is to be protected to maintain the integrity of the bridge. Prior to the commencement of any excavation works, the Applicant is to provide to Council's City Works & Infrastructure Directorate, an engineering statement confirming the integrity of the abutment will not be compromised during the demolition of the existing buildings, and construction of the proposed development. The statement shall be supplemented with a certified set of engineering drawings, prepared by a suitably qualified Structural or Geotechnical Engineer registered on the NER of Engineers Australia. Details are to be provided prior to the issue of any Construction Certificate.

**56. Dilapidation Survey.** A dilapidation survey is to be undertaken that addresses all properties that may be affected in the zone of influence of the construction work, namely 3 to 13 Angas Street. A copy of the dilapidation survey is to be submitted to the Accredited Certifier *and Council* prior to the release of the Construction Certificate.

**57. Pre-Construction Dilapidation Report.** To ensure Council's infrastructures are adequately protected a pre-construction dilapidation report on the existing public infrastructure in the vicinity of the proposed development and along the travel routes of all construction vehicles is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record of any observable defects but to the following infrastructure where applicable.

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

The report is to be submitted to, and approved by Council's Traffic Development Engineer, prior to the issue of Construction Certificate.

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

58. **Ground Anchors** - The installation of permanent ground anchors into public roadway is not permitted. The installation of temporary ground anchors may be considered subject to application for approval from Council's City Works & Infrastructure Directorate, as per the provisions of Section 138 of the Roads Act, 1993. The application for consent must include detailed structural plans prepared by a Chartered Structural Engineer (registered on the NER of Engineers Australia), clearly nominating the number of proposed anchors, depth below existing ground level at the boundary alignment and the angle of installation. The approval will be subject to the applicant paying all applicable fees in accordance with Council's Schedule of Fees & Charges at the time of the application.
59. **Public Domain Works – Maintenance Bond.** To ensure satisfactory performance of the public domain works, a maintenance period of six (6) months shall apply to the works for which Council will take ownership of, following completion of the development. The maintenance period shall commence from the date of issue by Council, of the Compliance Certificate. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification. A bond in the form of a cash deposit or Bank Guarantee of \$30,000 shall be lodged with the City of Ryde prior to the issue of a Construction Certificate to guarantee this requirement will be met. The bond will only be refunded when the works are determined to be satisfactory to Council after the expiry of the six (6) months maintenance period.
60. **Engineering plans assessment and works inspection fees** – The applicant is to pay to Council fees for assessment of all engineering and public domain plans and inspection of the completed works in the public domain, in accordance with Council's Schedule of Fees & Charges at the time of the assessment, prior to any approval being granted by Council.



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61. **Design Verification in respect of SEPP 65.** Prior to the relevant Construction Certificate being issued with respect to this development, the Principal Certifying Authority (PCA) is to be provided with a written Design Verification from a qualified designer. The statement must include verification from the designer that the plans and specifications achieve or improve the design quality of the development to which this consent relates, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development. This condition is imposed in accordance with Clause 143A of the Environmental Planning and Assessment Regulation 2000.
62. **Public Arts Plan.** A public art is to be provided as part of the proposed development in accordance with Council's Public Art Policy. A Public Arts Plan is to be submitted for approval by Council prior to the issue of any **Construction Certificate**. This plan is to be prepared by an arts and cultural planner and will be required to address the following:
- Identify opportunities for the integration of public art in the proposed development;
  - Identify themes for public art consistent with RDCP2014 & options considered;
  - Submission of the detailed proposal demonstrating that the scale of the public art is appropriate and proportionate to the development and thoughtfully sited & integrated with the building to create a point of interest and define the location of area;
  - The proposal should provide a program for installation and integration with the construction program for the development. Construction must be completed prior to the issue of Occupation Certificate;
  - The proposal should provide engineer's drawings and demonstrate:
    - Australian building standards requirements and codes for the structural design;
    - Sound practices for fabrication and construction, and materials appropriate for application;
    - Materials and all components have appropriate durability, and a functional life in excess of the designated life span of the work
63. **Details of waste management.** Details of the proposed waste storage, handling facilities and safe access including no parking arrangement on Angas Street and Faraday Lane in front of the property must be approved by City of Ryde Council in writing before the issue of a **Construction Certificate**.
64. **Waste rooms.** All garbage and recycling rooms must be constructed in accordance with the following requirements:
- The room must be of adequate dimensions to accommodate all waste containers, and any compaction equipment installed, and allow easy access to the containers and equipment for users and servicing purposes;

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- The floor must be constructed of concrete finished to a smooth even surface, coved to a 25mm radius at the intersections with the walls and any exposed plinths, and graded to a floor waste connected to the sewerage system;
- The floor waste must be provided with a fixed screen in accordance with the requirements of Sydney Water Corporation;
- The walls must be constructed of brick, concrete blocks or similar solid material cement rendered to a smooth even surface and painted with a light coloured washable paint;
- The ceiling must be constructed of a rigid, smooth-faced, non-absorbent material and painted with a light coloured washable paint;
- The doors must be of adequate dimensions to allow easy access for servicing purposes and must be finished on the internal face with a smooth-faced impervious material;
- Any fixed equipment must be located clear of the walls and supported on a concrete plinth at least 75mm high or non-corrosive metal legs at least 150mm high;
- The room must be provided with adequate natural ventilation direct to the outside air or an approved system of mechanical ventilation;
- The room must be provided with adequate artificial lighting; and
- a hose with a trigger nozzle must be provided in or adjacent to the room to facilitate cleaning;
- All waste storage areas which have a doorway must be wide enough to allow the bins allocated to the property to fit through opening including the door.
  - 660L Bins – width 1.3m, depth 0.8m, height 1.3m;
  - 240L Bins – width 0.6m, depth 0.8m, height 1.1m.

**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.

**65. 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,

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- (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.
66. **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.
67. **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.
68. **Property above/below Footpath Level.** Where the ground level adjacent the property alignment is above/below the ultimate footpath level, as set by Council, adequate measures are to be taken (either by means of constructing approved retaining structures or batters entirely on the subject property) to support the subject land/footpath. An approved fence shall be erected along the boundary for public safety.
69. **Ground Anchors.** The installation of permanent ground anchors into public roadway is not permitted. The installation of temporary ground anchors may be considered subject to application for approval from Council's Public Works department, as per the provisions of Section 138 of the Roads Act. The application for consent must include detailed structural plans prepared by a chartered structural engineer, clearly nominating the number of proposed anchors, depth below existing ground level at the boundary alignment and the angle of installation. Approval is subject to the applicant paying all applicable fees in accordance with Council's Management Plan.

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70. **Notice of Intention to Commence Work** – Prior to commencement of the public domain works, a Notice of Intention to Commence Work shall be submitted to Council's City Works and Infrastructure Directorate. This Notice shall include the name of the Supervising Engineer, who will also be responsible for providing the certifications required at the hold points during construction.

**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.

71. **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*.
72. **Noise management plan** - Where demolition or construction activities are likely to cause significant noise or vibration (eg. jackhammering, rock breaking or impact piling) a noise management plan must be prepared by a suitably qualified acoustical consultant and be submitted to the Principal Certifying Authority before the work commences. The plan must be prepared in accordance with the Interim Construction Noise Guideline (DECC, 2009) and include:
- (a) Identification of nearby affected residences or other sensitive receivers.
  - (b) An assessment of the expected noise impacts.
  - (c) Details of the work practices required to minimise noise impacts.
  - (d) Noise monitoring procedures.
  - (e) Procedures for notifying nearby affected residents.
  - (f) Complaints management procedures.
73. **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.
74. **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.

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**75. 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.

**76. 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".

**77. Removal of underground storage tanks** — Any underground storage tanks discovered on the site must be removed in compliance with: (a) Australian Standard AS 4976-2008: The removal and disposal of underground petroleum storage tanks; and (b) the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014.

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

**79. Erosion and Sediment Control.** The applicant shall install erosion and sediment control measures in accordance with the approved plan at the commencement of works on the site. Suitable erosion control management procedures in accordance with the manual "Managing Urban Stormwater: Soils and Construction" by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction. Where construction works deviate from the plan, soil erosion and sediment control measures are to be implemented in accordance with the above referenced document.

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

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81. **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 ERBAS Consulting Engineers (Refer to Project No. SYD15214 Dwgs SW000(P3), SW001(P2), SW002(P4), SW003(P2) & SW005(P1), dated 13 May 2016) submitted in compliance to the condition labelled "Stormwater Management." and the requirements of Council in relation to the connection to the public drainage system.
82. **Hold Points during construction - Public Domain** - Inspections are required to be undertaken by a Chartered Civil Engineer (registered on the NER of Engineers Australia), for the public domain, at the hold points shown below. The Applicant shall submit to Council's City Works and Infrastructure, certification from the Engineer, at each stage of the inspection listed below. The certificates shall contain photographs of the works in progress and a commentary of the inspected works, including any deficiencies and rectifications that were undertaken. Council shall confirm receipt of the certificates and approval at each stage during the construction, before works are to proceed to the subsequent stage.
- (a) Prior to the commencement of construction and following the set-out on site of the position of the civil works to the levels shown on the approved civil drawings.
  - (b) Upon excavation, trimming and compaction to the subgrade level - to the line, grade, widths and depths, shown on the approved civil engineering drawings.
  - (c) Upon compaction of the applicable sub-base course.
  - (d) Upon compaction of any base layers of pavement, prior to the construction of the final pavement surface (e.g. prior to laying any pavers or asphalt wearing course).
  - (e) Upon installation of any formwork and reinforcement for footpath concrete works.
  - (f) Final inspection - upon the practical completion of all civil works with all disturbed areas satisfactorily restored.
83. **Drainage.** Construction inspections shall be required by Council's Stormwater Engineer for the Council stormwater drainage works at the following hold points:
- (a) Upon excavation of trenches shown on the approved drainage drawings;
  - (b) Upon installation of pipes and other drainage structures;
  - (c) Upon backfilling of excavated areas and prior to the construction of the final pavement surface;
  - (d) An inspection fee is applicable for each visit.
84. **Lighting** shall be provided to all common areas including the car parking levels as well as the stairs and access to and including the public outdoor courtyard, communal gardens and the bin storage rooms. Such lighting to be automatically controlled by time clocks, and where appropriate, sensors to provide an energy efficient and controlled environment for residents.

**ITEM 4 (continued)**

**ATTACHMENT 1**

85. **Signage.** Signage must be provided at entry/exit points and throughout the development to assist users and warn intruders that they will be prosecuted.  
**Warning:** these premises are under constant surveillance.  
**Warning: trespassers** will be prosecuted.
86. **Security Signs:** Signs must be erected in the car parks and near entry and exit points which details security measures and reminds people to lock their vehicles and remove valuables from their vehicles.
87. **Graffiti:** All surfaces on the street frontages that are not glass should use graffiti resistant paints and/or other surfaces that discourage graffiti.
88. **Intercom Facility:** The entry to the car park should have a ticket/boom gate system. Intercom facilities should be incorporated into these entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development.
89. **CCTV Cameras:** The applicant shall install and maintain surveillance cameras and recorders to monitor and record all entrance and exit points to the buildings. The cameras should include the foyer area to the buildings including the area around the mail boxes as mail theft in unit complexes in the Sydney Metropolitan area is an emerging crime. The cameras should also monitor the 50 metre vicinity outside the building including, but not limited to, the footpath area in front of the premises. CCTV cameras should also cover any communal areas, lifts, public spaces and the basement car parks. Recordings should be made twenty four (24) hours a day seven (7) days a week.
- As a minimum, CCTV cameras at entry and exit points to the premises MUST record footage of a nature and quality in which it can be used to identify a person recorded by the camera. All other cameras MUST record footage of a nature and quality in which it can be used to recognise a person recorded by the camera.
  - The time and date must automatically be recorded on all recordings made whilst it is recording. All recordings are to be kept for a minimum period of thirty (30) days before they can be reused or destroyed.
  - If requested by police, the applicant is to archive any recording until such time as they are no longer required.
  - Recordings are to be made in a common media format such as Windows Media Player or similar, or should be accompanied by applicable viewing software to enable viewing on any windows computer.
  - The CCTV control system should be located within a secured area of the premise and only accessible by authorised personnel.
  - If the CCTV system is not operational, immediate steps are to be taken by the applicant to ensure that it is returned to a fully operational condition as soon as possible.

**ITEM 4 (continued)**

**ATTACHMENT 1**

- CCTV should be installed throughout the basement car park area and should include the entry and exit points to the car park.

**90. Installation of Locksets:**

- (a) The main entry/exit points for this development should be fitted with single cylinder locksets (Australia and New Zealand Standards - Locksets), which comply with the Building Code of Australia.
- (b) An auxiliary lock set should also be incorporated into the design of each of the entry/exit points to enable emergency services to access the development particularly in emergency situations.
- (c) Fire exit doors to the development should also be fitted with single cylinder locksets (Australia and New Zealand Standard - Lock Sets) to restrict unauthorized access to the development.
- (d) The main entry/exit doors to individual units should also be fitted with single cylinder locksets (Australia and New Zealand Standard - Lock Sets) to restrict unauthorized access to the unit.
- (e) The balcony doors to individual units should also be fitted with single cylinder locksets (Australia and New Zealand Standard - Lock Sets) to restrict unauthorized access to the unit.
- (f) The windows to individual units should also be fitted with key operated locksets (Australia and New Zealand Standard - Lock Sets) to restrict unauthorized access to the unit.

**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.

91. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate numbered 676069M, dated 27 October 2015.

92. **Landscaping.** All landscaping works are to be completed prior to the issue of any **Occupation Certificate.**



**ITEM 4 (continued)**

**ATTACHMENT 1**

93. **CCTV drainage report.** Prior to the issue of an Occupation Certificate, the Council shall be provided with an electronic closed circuit television report (CCTV report) prepared by an accredited operator that assesses the condition of the newly constructed drainage network. Any defects in the drainage network identified in the report shall be rectified to Council's satisfaction.
94. **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.
95. **Stormwater Management – Positive Covenant(s).** A Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919), providing for the ongoing maintenance of the pump/ sump components incorporated in the approved Stormwater Management system. This is to ensure that the drainage system will be maintained and operate as approved throughout the life of the development, by the owner of the site(s). The terms of the instrument are to be in accordance with the Council's standard terms for such systems, as specified in City of Ryde DCP 2014 - Part 8.4 (Title Encumbrances) - Section 7 and to the satisfaction of Council. The positive covenant must be registered on the title prior to the release of any Occupation Certificate for development works for which the system(s) serve.
96. **Engineering Compliance Certificates.** To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, Compliance Certificates must be obtained for the following items and are to be submitted to the Accredited Certifier prior to the release of any Occupation Certificate. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.
- a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and Council's DCP 2014 Part 9.3 (Parking Controls).
  - b) Confirming that the Stormwater Management system (including any constructed ancillary components such as onsite detention) servicing the development complies with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures, and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.

**ITEM 4 (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 connection of the site drainage system to the trunk drainage system complies with Section 4.7 of AS 3500.3 - 2003 (National Plumbing and Drainage Code), the relevant sections of the Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures and any requirements of Council pending on site conditions.
  - 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 Council's DCP 2014 Part 8.1 (Construction Activities).
  - f) Certification from a suitably qualified structural or geotechnical engineer confirming that any temporary soil/ rock anchors installed into public roadway, have been de-stressed and are no longer providing any structural support.
  - g) Certification from a suitably qualified geotechnical engineer confirming that the Geotechnical Monitoring Program (GMP) was implemented throughout the course of construction and that all structures supporting neighbouring property have been designed and constructed to provide appropriate support of the neighbouring property and with consideration to any temporary loading conditions that may occur on that site, in accordance with the relevant Australian Standard and building codes.
  - h) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council's satisfaction.
97. **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.
98. **Accessibility.** Access for disabled persons shall be provided in the building or portion of the building in accordance with the applicable legislation and the requirements set out in AS 1428.1. Documentary evidence and certification is to be obtained from a suitable qualified person confirming that the development meets these requirements in accordance with this consent, is to be provided to the PCA prior to the issue of any Occupation Certificate.

**ITEM 4 (continued)**

**ATTACHMENT 1**

99. **Design Verification:** Prior to an Occupation Certificate being issued to authorise a person to commence occupation or use of a residential flat building, the Principal Certifying Authority (PCA) is to be provided with design verification from a qualified designer. The statement must include verification from the qualified designer that the residential flat development achieves the design quality of the development as shown on plans and specifications in respect of the relevant Construction Certificate issued, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development. This condition is imposed in accordance with Clause 154A of the Environmental Planning and Assessment Regulation 2000.
100. **Mechanical Ventilation:** Where any mechanical ventilation systems have been installed or altered, a 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**.
101. **Compliance report** — Prior to the issue of the Occupation Certificate, a report from a qualified acoustical consultant demonstrating compliance with the relevant noise criteria must be submitted to the Principal Certifying Authority. A copy of this Compliance Report shall be concurrently submitted to Council, where Council is not the Certifier.
102. **Pedestrian safety.** A compliant balustrades/ hand rail is to be provided along the northern side of the proposed pedestrian path (ROW) which must be of see through construction to allow visibility and provide additional safety along the excavated embankment. Details demonstrating compliance are to be provided before the issue of an Occupation Certificate.
103. **Dilapidation Report.** To ensure Council's infrastructures are adequately protected a dilapidation report on the existing public infrastructure in the vicinity of the proposed development and along the travel routes of all construction vehicles is to be submitted to Council. The report shall detail, but not be limited to the location, description and photographic record of any observable defects but to the following infrastructure where applicable.
- (g) Road pavement,
  - (h) Kerb and gutter,
  - (i) Footpath,
  - (j) Drainage pits,
  - (k) Traffic signs, and
  - (l) Any other relevant infrastructure.

**ITEM 4 (continued)**

**ATTACHMENT 1**

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

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

104. **Signage and Linemarking – External.** A plan demonstrating the proposed signage and line marking within Council's Public Domain shall be prepared by a suitably qualified person and submitted to and approved by the Ryde Traffic Committee prior to the issue of an Occupation Certificate.

**Note:** The applicant is advised that the plan will require approval by the Ryde Traffic Committee and adequate time should be allowed for this process.

105. **Signage and Linemarking – Implementation.** The applicant is to install all signage and linemarking, as per the plan approved by the Ryde Traffic Committee. These works are to be undertaken prior to the issue of an Occupation Certificate.

**Note:** The applicant is advised that the plan will require approval by the Ryde Traffic Committee and adequate time should be allowed for this process.

106. **Public Access and Right of Way.** Prior to the issue of the Occupation Certificate, a 2.0m Right of Way (ROW) shall be created over the pedestrian link along the northern boundary of the development site between Angas St and Faraday Lane, in favour of Council for public access. The terms regarding the creation of the ROW are to be submitted to and approved by Council prior to the lodgement at the Lands and Property Information Office. Evidence regarding effective registration of the ROW shall be submitted to Council and the PCA prior to the issue of the Occupation Certificate.

The terms of the Right of Way must ensure that:

- a. The Pedestrian Link is accessible at all times to the Public;
- b. The Pedestrian Link will be adequately maintained by the occupier/ owner of the site at all times;
- c. The Council is the only authority empowered to release, vary or modify the terms of the Public Access.

107. **Public Positive Covenant** - Prior to the issue of any Occupation Certificate for the development, a public positive covenant, pursuant to Section 88E of the Conveyancing Act 1919, is to be created over the subject land in order to ensure that the registered owner of the land, at his / her / its own cost and risk:

**ITEM 4 (continued)**

**ATTACHMENT 1**

- (i) maintains and repairs at all times that area of the subject land that has been designated as the privately owned, publicly accessible pedestrian link, to a standard commensurate with Council's standards for the maintenance of such facility;
- (ii) maintains at all times, public liability insurance for at least \$20 million, with Council identified as an interested party in that insurance policy.

The Instrument that is to create the public positive covenant referred to in this condition is to be submitted to and approved by Council prior to lodgement for registration at the Land & Property Information Office.

Prior to the issue of any Occupation Certificate the applicant is to submit to Council a certificate of currency for the above mentioned public liability insurance.

- 108. **Road Widening of Faraday Lane:** The applicant/ owner shall dedicate to Council a 2.60m width of the site to Council for public road along the Faraday Lane frontage of the site. The dedication shall be initiated after Council has provided written confirmation of a satisfactory final inspection of the completed public infrastructure works. The associated administrative and registration costs where applicable, shall be borne by the Applicant. The dedication shall occur prior to the issue of any Occupation Certificate.
- 109. **Electricity accounts for new street lighting** - Prior to the issue of the Occupation Certificate, the Applicant shall liaise with Council's Asset Networks Section regarding the setting up of the electricity account/s in order to energise the newly constructed street lighting.
- 110. **Compliance Certificate – Street Lighting** – Prior to the issue of the Occupation Certificate, the Applicant shall submit to Council, certification from a qualified Electrical Engineering consultant confirming that the street lighting in the public domain has been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.
- 111. **Compliance Certificate – External Landscaping Works** – Prior to the issue of the Occupation Certificate, the Applicant shall submit to Council, certification from a qualified Landscape Architect confirming that the public domain landscaping works have been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.
- 112. **Public Domain Works-as-Executed Plans** – To ensure the public infrastructure works are completed in accordance with the approved plans and specifications, and that the assets to be handed over to Council are accounted for inclusion in Council's Assets Register, Works-as-Executed Plans certified by a Registered Surveyor shall be submitted to Council for review, with any rectifications required by Council to be completed by the Developer prior to the issue of any Occupation Certificate.

**ITEM 4 (continued)**

**ATTACHMENT 1**

The Works-as-Executed Plans are to note all departures clearly in red, on a copy of the approved Construction Certificate drawings, and certification from a suitably qualified Civil Engineer shall be submitted to support all variations from the approved plans.

113. **Post Construction Dilapidation Report.** To ensure Council's infrastructures are adequately protected a post construction dilapidation report on the existing public infrastructure in the vicinity of the completed development and along the travel routes of all construction vehicles is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record of any observable defects to the following infrastructure where applicable.
- (a) Road pavement,
  - (b) Kerb and gutter,
  - (c) Footpath,
  - (d) Drainage pits,
  - (e) Traffic signs, and
  - (f) Any other relevant infrastructure.

The report is to be submitted to, and approved by Council's Traffic Development Engineer, prior to issue of Occupation Certificate. The report shall be used by Council to compare with the pre-construction dilapidation report, to assess whether restoration works will be required prior to the issue of the Occupation Certificate.

All fees and charges associated with the review of the reports will be payable in accordance with Council's Schedule of Fees and Charges, and shall be paid at the time that the Dilapidation Report is submitted.

114. **Final Inspection – Assets Handover** - For the purpose of the handover of the public infrastructure assets to Council, a final inspection shall be conducted in conjunction with Council's Engineer following the completion of the external works. Additional inspections, if required, shall be subject to fees payable in accordance with Council's Schedule of Fees & Charges at the time.
115. **Compliance Certificate – External Works** – Prior to the issue of the Occupation Certificate, a compliance certificate shall be obtained from Council confirming that all works in the road reserve including all public domain improvement works have been completed to Council's satisfaction and in accordance with the Council approved drawings. The applicant shall be liable for the payment of the fee associated with the issuing of this certificate.
116. **Waste collection arrangement.** Suitable arrangements must be made with the City of Ryde Council for the provision of garbage services to the premises prior to the issue of any Occupation Certificate. The following bins will be required:

**ITEM 4 (continued)**

**ATTACHMENT 1**

- 2 x 660L waste bins serviced 3 times per week.
- 7 x 240L recycle bins serviced weekly
- 1 x 240K garden organics bin serviced fortnightly

117. **Road Signs approval.** Safe easy access must be provided for waste collection vehicles to service the waste containers. “No Standing on Garbage Day between 5.00am to 11.00am” signs is to be placed on Angas Street and Faraday Lane to enable the trucks to access the bins for servicing. Approval (via Council’s Traffic Committee) must be obtained and signs erected at no cost to Council prior to the issue of Occupation Certificate.

118. **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.

119. **Post-construction dilapidation report.** The submission of a post-construction dilapidation report which clearly details the final condition of all property, infrastructure, natural and man-made features that were recorded in the pre-commencement dilapidation reports. A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of the affected adjoining and private properties, prior to the issue of the **Occupation Certificate**.

120. **Completion of Public Art:** Public Art required under this Development Consent must be completed prior to the issue of any Occupation Certificate. Documentary evidence must be submitted to the PCA confirming that the approved public art has been constructed as per the approved design.

**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.

**ITEM 4 (continued)**

**ATTACHMENT 1**

121. **Bulky Items on Collection Days.** All material in the bulky items/hard waste storage room is to be taken to the collection area on the kerbside stipulated by Council, by the building management or cleaners. The material is to be placed in such a manner so that it will not impede the access to pedestrian access.
122. **Indemnity.** Where it is necessary for waste collection vehicles to enter the property to service the waste containers, the property owner must indemnify Council and its contractor in writing against claims for damage to the driveways and maneuvering areas.
123. **Waste collection arrangement.** Arrangements must be made with Council for the provision of garbage services to the premises before occupation commences.
124. **Signs.** Signs will be required to be placed within the bin area to encourage correct recycling and reduce contamination. City of Ryde will provide the required signage.
125. **Bulky waste.** All material in the bulky items/hard waste storage room located behind Lift 1 in the basement, is to be taken to the collection area on the kerbside stipulated by Council, by the building management or cleaners the night before the booked collection service. The material is to be placed in such a manner so that it will not impede the pedestrian access.
126. **Waste collection staff.** Staff or contractors must be employed to take the waste containers from garbage and recycling room to the container emptying points on Faraday Lane and Angus St for servicing and to return the containers to the garbage room after servicing.
127. **Parking Allocation.** Both the owner and occupier of the development must provide and maintain the minimum parking allocation as follows;
- 23 residential spaces (with 3 accessible spaces);
  - 6 visitor spaces (with 1 accessible), and
  - 7 bicycle parking spaces.
128. **Noise and vibration from plant and equipment** -The operation of any plant or machinery 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 the most affected noise sensitive location in the vicinity. 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).



**ITEM 4 (continued)**

**ATTACHMENT 1**

- (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.

**PRIOR TO SUBDIVISION CERTIFICATE**

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

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

- 129. **Final plan of subdivision.** The submission of a final plan of subdivision plus 3 copies suitable for endorsement by the Authorised Officer of Council.
- 130. **Final plan of subdivision – title details.** The final plan of subdivision shall contain detail all existing and/or proposed easements, positive covenants and restrictions of the use of land.
- 131. **Section 88B Instrument.** The submission of an Instrument under Section 88B of the Conveyancing Act 1919 plus 3 copies, creating Easements, Positive Covenants and Restrictions on Use. This Instrument shall nominate the City of Ryde as the authority empowered to release, vary or modify the terms of the Instrument.
- 132. **Occupation Certificate.** A final Occupation Certificate in relation to Development Consent No. 2015/540 must be in force.
- 133. **Section 73 Certificate.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](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 issue of the Subdivision Certificate.

**ITEM 4 (continued)**

**ATTACHMENT 1**

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

**ITEM 4 (continued)**

**ATTACHMENT 2**

## Heritage Referral Response

To: Sanju Reddy  
From: Michael Edwards  
Application No.: LDA2016/0540  
Date: 1<sup>st</sup> March 2016  
Address: 1 Angas Street, Meadowbank

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### Consideration of the proposal:

The development proposal seeks Council's approval for the demolition of the existing building on the site and construction of a multi-storey residential flat building.

### Reason for the Heritage Referral:

The development proposal has been referred for heritage consideration as the subject site is within the vicinity of the following items of heritage significance listed under Schedule 5 of *Ryde LEP 2014*:

- i) 'Attached Dwellings' Corner 1a Angas and 34 See Streets, Meadowbank (Item No.116)
- ii) 'Fountain' Corner Angas and See Streets, Meadowbank (Item No.115)

### Consideration of the heritage impacts:

The subject site is within the vicinity of two listed items of local heritage significance. A Heritage Impact Statement has not been submitted with the proposal to provide any detailed impact assessment of the proposal.

The subject site contains a single-storey, detached style dwelling house which displays the principal characteristics of the bungalow vernacular of the early 20<sup>th</sup> Century and stylistic influence of the Federation period.

Although there is much original fabric evident, the dwelling has also been substantially modified, with the attachment of a utilitarian built form on the southern side elevation (vehicle repair workshop) and partial enclosure of the verandah.

The dwelling is associated with an architectural style that is increasingly under threat and rare within the Meadowbank locality, demonstrating the original residential character of the locality.

However, the modifications which have been undertaken to the dwelling, are considered to obscure and diminish the architectural integrity of the dwelling and it is unlikely that the dwelling would satisfy the assessment criteria for demonstrating heritage significance.

In this regard, demolition of the dwelling is supported, subject to the imposition of conditions of consent requiring the salvaging of building fabric and elements (to enable conservation and restoration works to recipient buildings) and a Photographic Archival Recording.

## ITEM 4 (continued)

## ATTACHMENT 2

The overall height of the proposed building will have a visible alteration to the skyline when viewed from the heritage items within the vicinity. However, with Constitution Road separating the two sites, the spatial separation is such that the proposed building will not visually dominate the heritage items nor will adversely diminish their setting. It should be noted that two two-storey detached style dwellings have been erected to the south of the heritage listed buildings. These contemporary built forms further obscure any direct visual relationship to the subject site.

Overall, the proposal is supported, subject to the following conditions:

### Recommended conditions

#### 1. Salvage of materials and building elements

Traditional building materials and architectural elements (such as windows, doors, internal and external joinery, masonry, tiles etc) are to be dismantled, salvaged and sold to an established dealer in second-hand heritage building materials.

Documentation of the salvage methodology must be submitted for the approval of Council prior to the commencement of demolition.

#### 2. Photographic Archival Recording

Prior to the commencement of any works, including the dismantling of fabric or demolition, a Photographic Archival Recording shall be undertaken and submitted to Council.

The Photographic Archival Recording shall be prepared in accordance with the guidelines "*Archival Recording of Heritage Items Using Film or Digital Capture*" published by the Heritage Division of the Office of Environment and Heritage.

One complete copy of the Photographic Archival Recording shall be submitted to Council and must contain (for digital projects):

- A brief report or introduction which explains the purposes of the Photographic Archival Recording and gives a brief description of the subject site, as well as details of the sequence in which images were taken. The report may also address the limitations of the photographic record and may make recommendations for future work;
- Plans of the building marked up to indicate where the photographs were taken and the direction of the photograph;
- The report should include all technical details including camera and lenses, image file size and format, technical metadata associated with the images, and colour information;
- Catalogue sheets, photographic plan, supplementary maps;
- Colour thumbnail image sheets (e.g. A4 page with six images by six images) showing images and reference numbers. The thumbnail sheets should be processed with archivally stable inks on archivally acceptable photographic paper and cross referenced to catalogue sheets;

**ITEM 4 (continued)**

**ATTACHMENT 2**

- One full set of 10.5x14.8cm (A6) colour prints OR, if a large project, a representative set of selected images processed with archivally stable inks on archivally acceptable photographic paper;
- A CD or DVD containing electronic image files saved as RAW files with associated metadata, and cross-referenced to catalogue sheets.

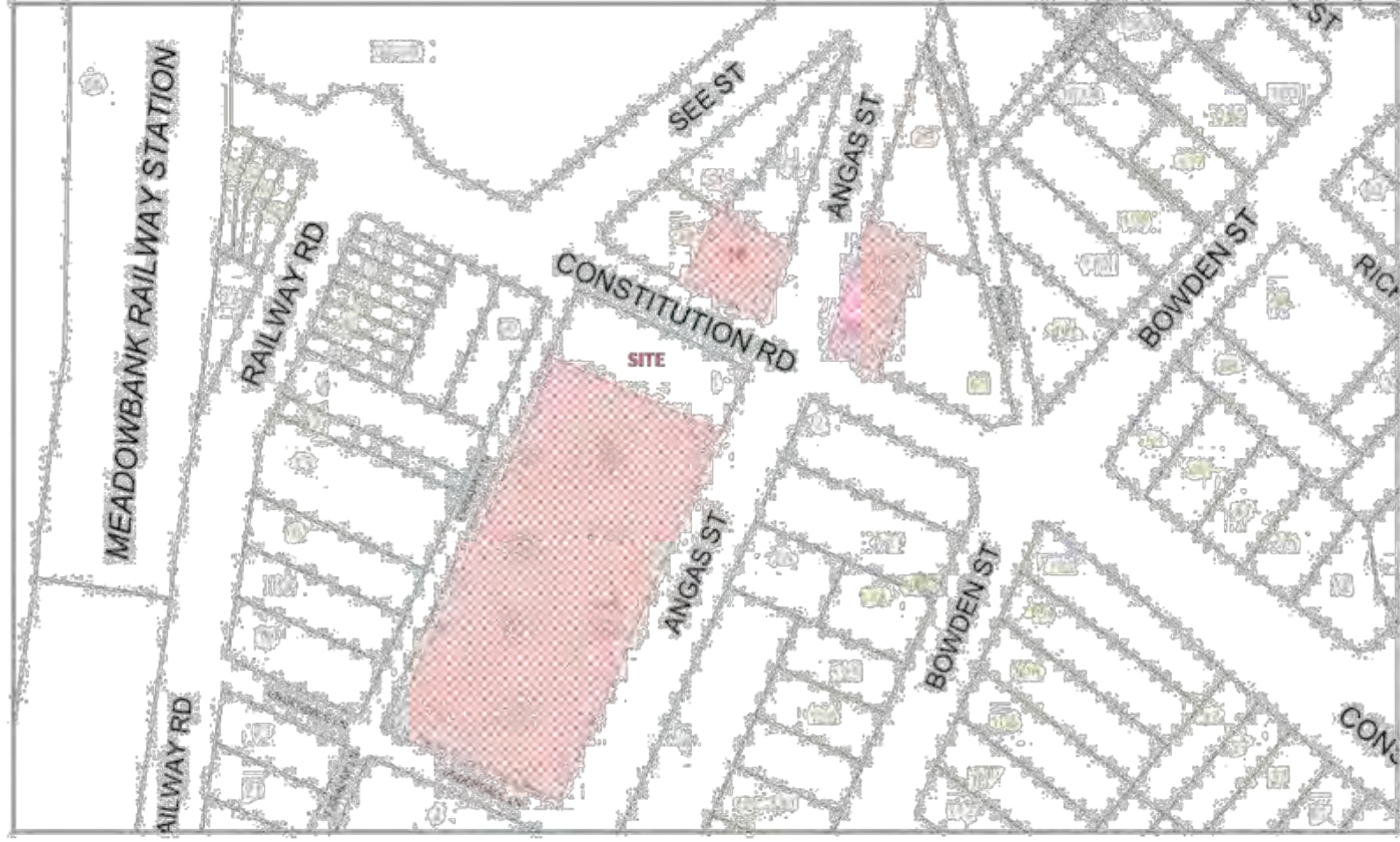
The report should be presented on archival quality paper in a suitable archival binder and slipcase, and all storage of individual components must be in archival quality packaging suitable for long term storage.

Regards,

Michael Edwards  
Heritage Advisor

**ITEM 4 (continued)**

**ATTACHMENT 3**

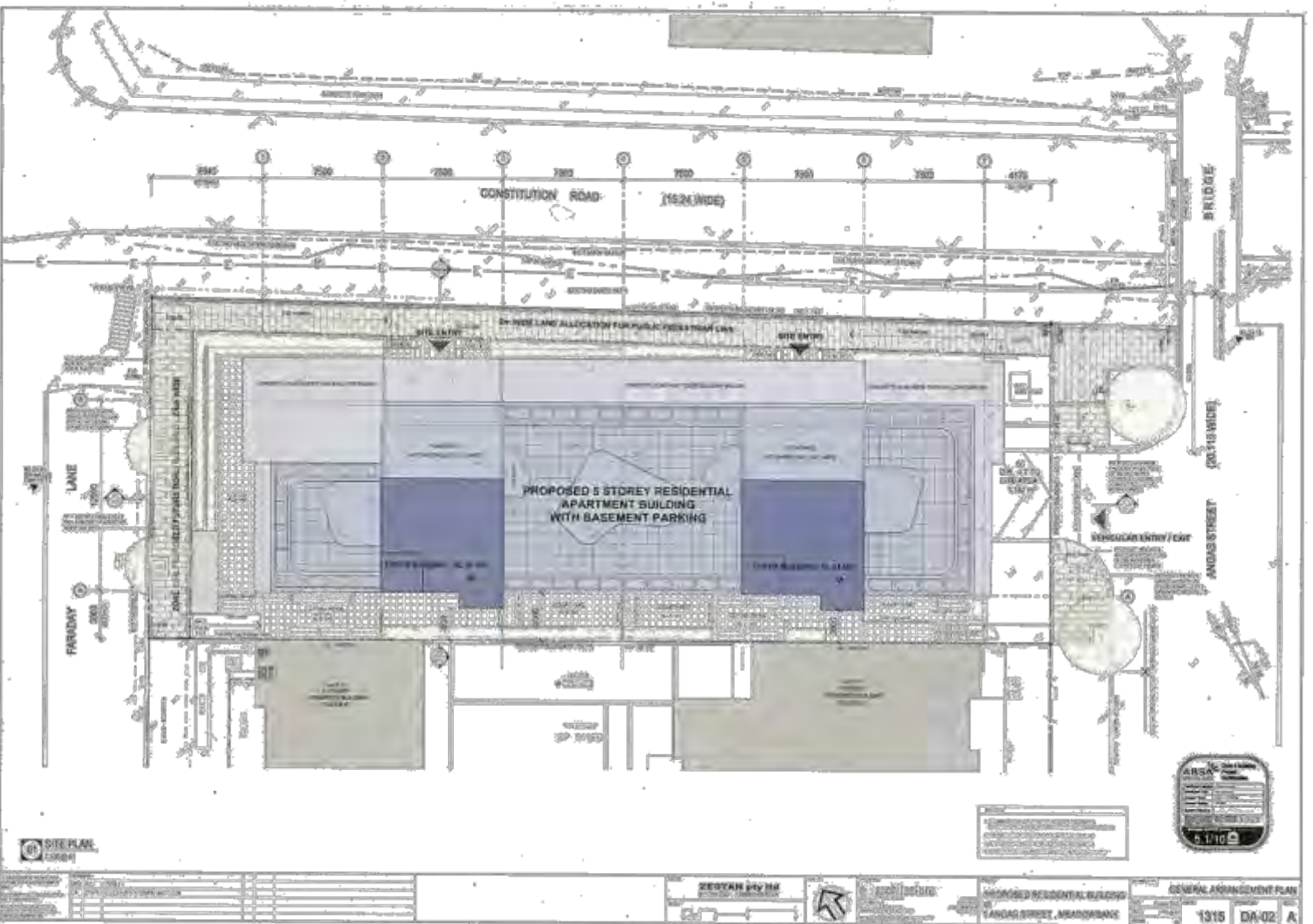


Indicates submission made

Please note that multiple submissions were received from some of the sites marked

**ITEM 4 (continued)**

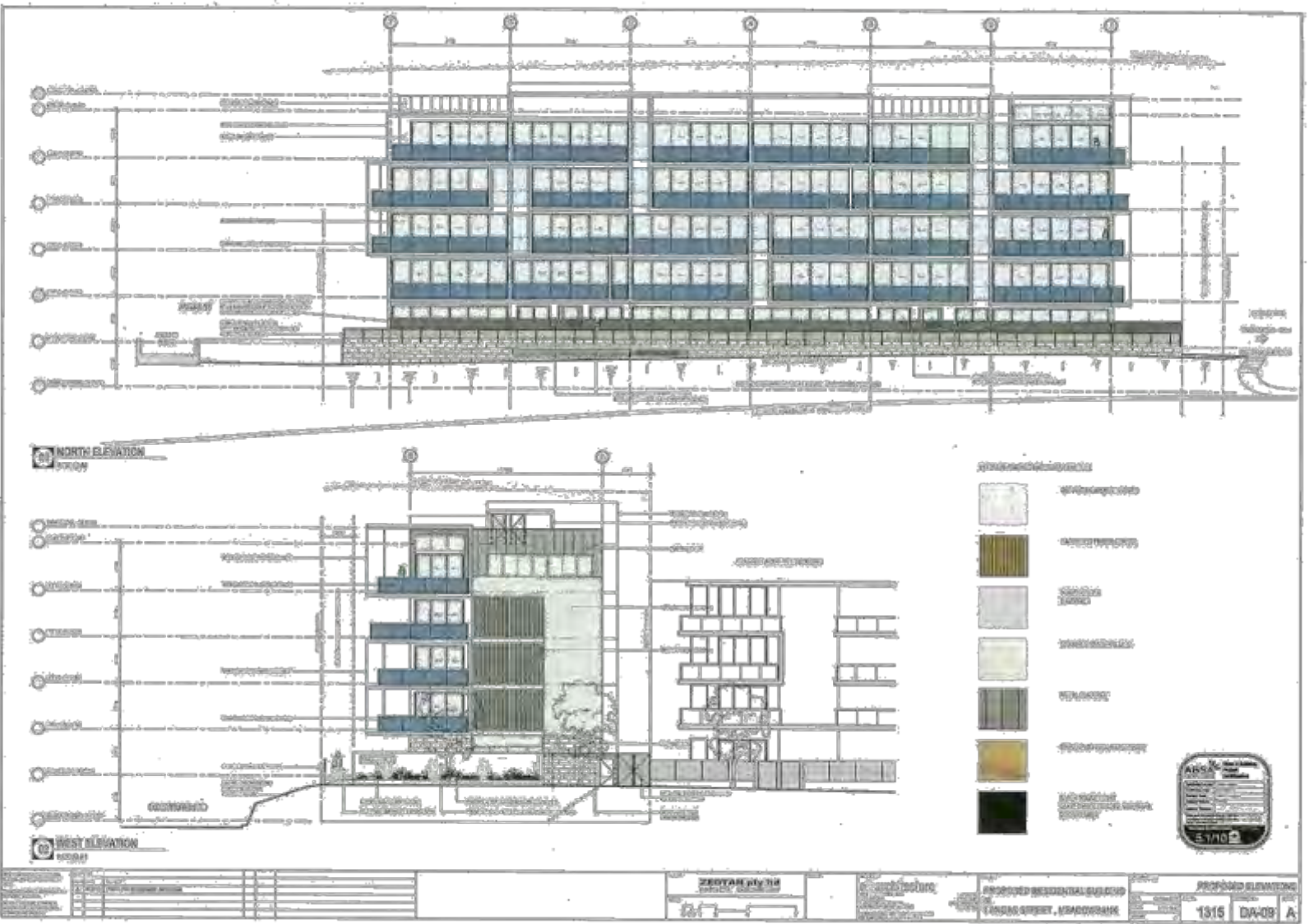
**ATTACHMENT 4**





**ITEM 4 (continued)**

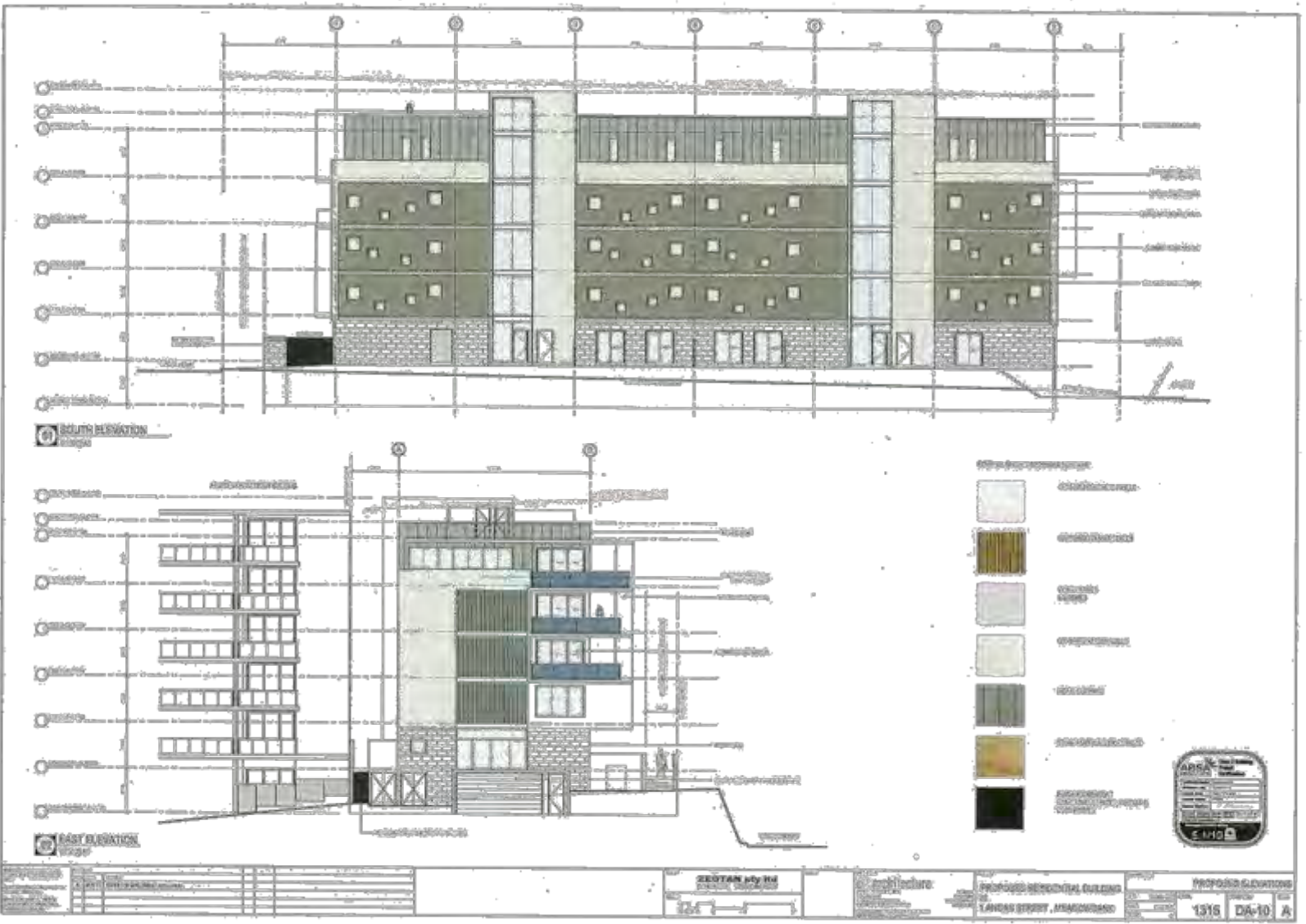
**ATTACHMENT 4**





**ITEM 4 (continued)**

**ATTACHMENT 4**



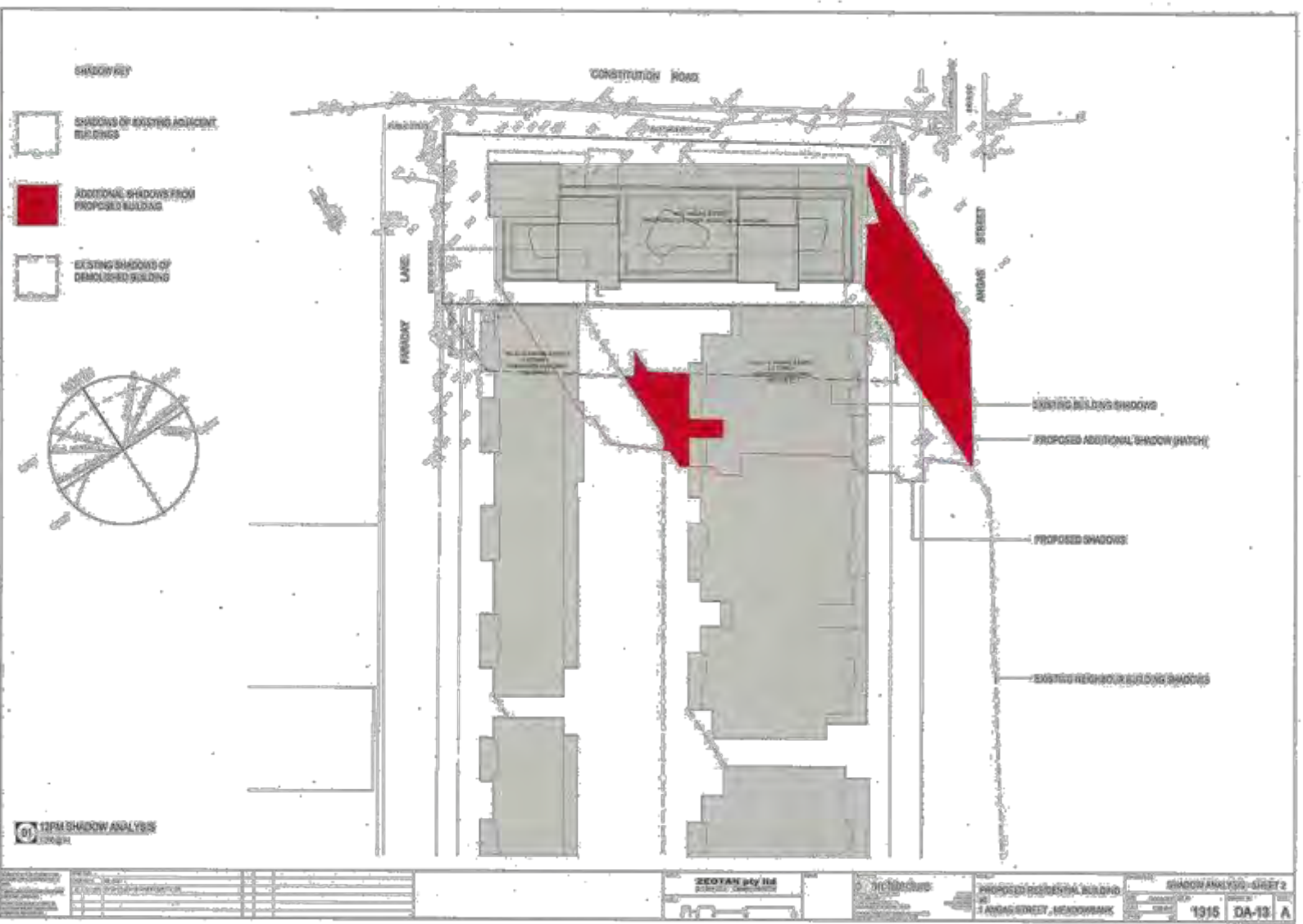
**ITEM 4 (continued)**

**ATTACHMENT 4**



**ITEM 4 (continued)**

**ATTACHMENT 4**



**ITEM 4 (continued)**

**ATTACHMENT 4**



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## 5 PLANNING PROPOSAL - 176 BLAXLAND ROAD, RYDE

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**Report prepared by:** Senior Strategic Planner

**File No.:** LEP2016/6/3 - BP16/701

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### REPORT SUMMARY

Council has received a Planning Proposal (PP) to amend controls within Ryde Local Environmental Plan (RLEP) 2014 as they apply to 176 Blaxland Road, Ryde, LOTS 22 and 23 in DP 6046 (known as the “the site”). The PP has been prepared by the consultant planner Andrew Martin Planning on behalf of the property owner Community of Christ Limited.

The Planning Proposal seeks to change the zoning, height of buildings and floor space ratio controls applying to the site. This will facilitate the development of a residential flat building on the site in conjunction with the 3 sites located to the north of the site (182-186 Blaxland Road) which are currently zoned R4 High Density Residential.

This will require the following changes for 176 Blaxland Road:

- Amending LEP 2014 Land Zoning Map from SP2 Infrastructure (Place of Public Worship) to R4 High Density Residential;
- Amending LEP 2014 Height of Buildings Map to include a Maximum Building Height of 11.5 metres; and
- Amending LEP 2014 Floor Space Ratio (FSR) Map to include an FSR control of 1:1.
- Amending LEP 2014 Lot Size Map to include a Minimum Lot Size of 580m<sup>2</sup>.

The proposed changes to the planning controls are consistent with the adjacent site.

An assessment of the PP has been undertaken which included a review of:

- The consistency of the PP against objectives and actions of state, regional and local planning policies and strategies; and
- The environmental, amenity and traffic and parking impacts.

The PP is **ATTACHED (ATTACHMENT 1)**.

The proponent has also submitted draft amendments to Ryde Development Control Plan (RDCP) which are **ATTACHED (ATTACHMENT 2)**. The draft DCP controls address design, landscaping and streetscape considerations and provide specific side and rear setbacks in order to protect the amenity of neighbouring sites.

### **ITEM 5 (continued)**

This report recommends that Council support forwarding the PP to the Department of Planning and Environment for a Gateway Determination, community consultation and exhibiting the draft amendments to the RDCP concurrently with the exhibition of the Planning Proposal.

### **RECOMMENDATION:**

- (a) That Council endorse forwarding the planning proposal for 176 Blaxland Road, Ryde (LOT 22 and 23 DP 6046) to receive a gateway determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979 and that the Ministers delegation enabling Council to determine the LEP be requested.
- (b) That, in the event of a gateway determination being issued pursuant to Section 56 of the Environmental Planning and Assessment Act 1979, Council delegate authority to the Acting General Manager to place the proposal on public exhibition and a further report be presented to Council following the completion of the exhibition period.
- (c) That Council exhibit the proposed amendments to Ryde DCP concurrently with the exhibition of the Planning Proposal.

### **ATTACHMENTS**

- 1 Planning Proposal - 176 Blaxland Road, Ryde
- 2 Draft Ryde Development Control Plan 2014 - Part 6.6

Report Prepared By:

**Lara Dominish**  
**Senior Strategic Planner**

Report Approved By:

**Lexie Macdonald**  
**Senior Coordinator - Strategic Planning**

**Dyalan Govender**  
**Acting Manager - Strategic City**

**Liz Coad**  
**Acting Director - City Strategy and Planning**



## ITEM 5 (continued)

### Discussion

This report contains a description of the site, a description of the proposed amendments to Ryde Local Environmental Plan 2014 (RLEP2014) and Ryde Development Control Plan 2014 (RDCP2014), and an appraisal of the subject planning proposal. This appraisal forms the basis of a recommendation to forward the proposal to the Minister for Planning for a gateway determination and subsequent community consultation.

### Gateway Plan-Making Process

1. *Planning proposal* – this is an explanation of the effect of and justification for the proposed plan to change the planning provisions of a site or area which is prepared by a proponent or the relevant planning authority such as Council. The relevant planning authority decides whether or not to proceed at this stage.
2. *Gateway* – determination by the Minister for Planning or delegate if the planning proposal should proceed, and under what conditions it will proceed. This step is made prior to, and informs the community consultation process.
3. *Community Consultation* – the proposal is publicly exhibited (generally low impact proposals for 14 days, others for 28 days).
4. *Assessment* – the relevant planning authority considers public submissions. The relevant planning authority may decide to vary the proposal or not to proceed. Where proposals are to proceed, it is Parliamentary Counsel which prepares a draft local environmental plan – the legal instrument.
5. *Decision* – the making of the plan by the Minister (or delegate).

This proposal is at Step 1 of the process. Council is the relevant planning authority for this proposal which has been prepared by the consultant planner Andrew Martin Planning on behalf of the property owner Community of Christ Limited.

The proposal has been assessed by Council staff in respect of the information required to be included in a planning proposal.

### Site Description and Context

This planning proposal applies to land known as 176 Blaxland Road, Ryde being Lots 22 and 23 in DP 6046 (identified in Figure 1 and 2 below).

**ITEM 5 (continued)**

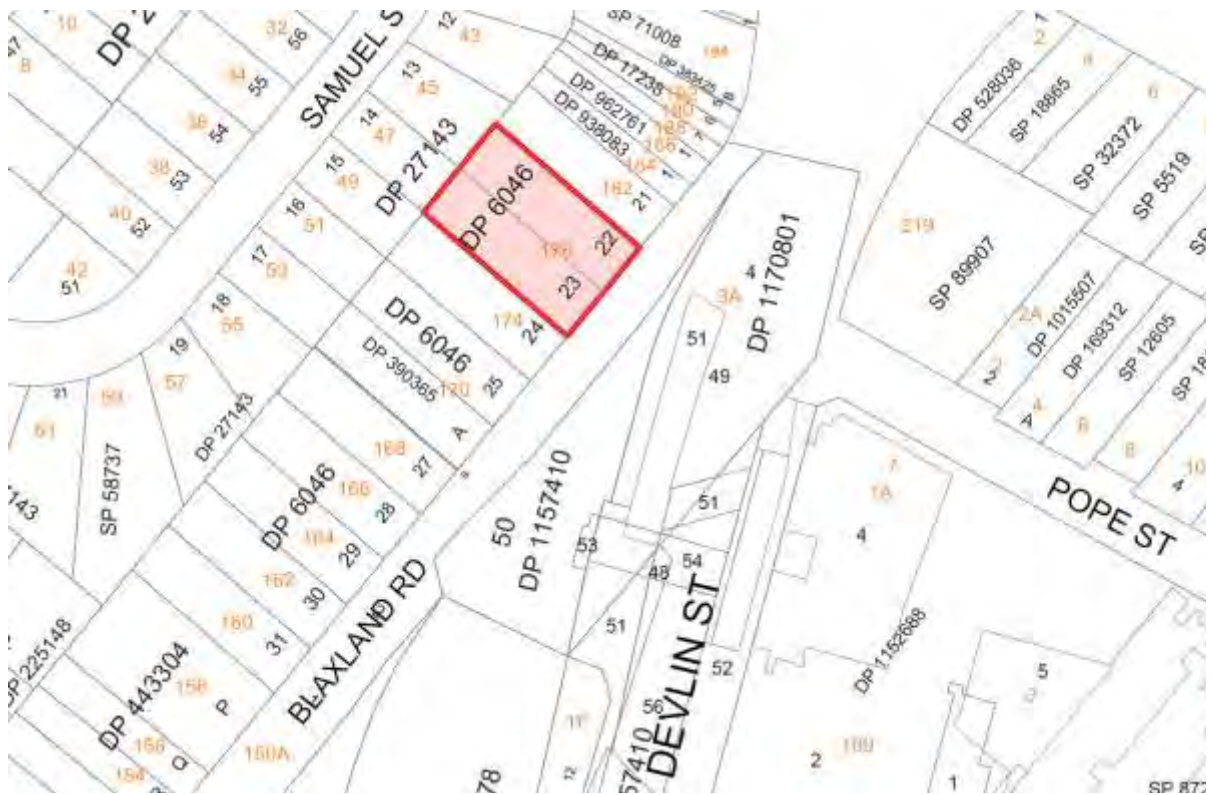


Figure 1- Site location



Figure 2- Site location



### ITEM 5 (continued)

The site contains a single storey brick and tile building, currently used for community purposes (Northern Sydney Youth Support Service) and religious services. The site is owned by Community of Christ Ltd. Photographs of the existing building on the site are shown below in Figure 3.



*Figure 3- 176 Blaxland Road, Ryde*

The site area of 176 Blaxland Road is 1525m<sup>2</sup>. The site has a 4 metre crossfall towards Samuel Street. The property is accessed from a portion of Blaxland Road which ends in a cul-de-sac. The site is zoned SP2 Infrastructure (Place of Public Worship) under RLEP2014.

To the north is a single storey dwelling house (182 Blaxland Road), a vacant lot (184 Blaxland Road) and a single storey shop (186 Blaxland Road). The shop at 186 Blaxland Road is detached from the adjacent shops at 188-192 Blaxland Road.

The properties at 182-192 Blaxland Road are zoned R4 High Density Residential. 182-186 Blaxland Road forms part of a proposed development site in conjunction with the subject site at 176 Blaxland Road. The proposed development site has a combined site area of 2989m<sup>2</sup>.

Further to the north is a row of shops (186-192 Blaxland Road). Approximately 100 metres to the north on Blaxland Road is a residential flat building developed in accordance with the controls for the R4 zone (208 Blaxland Road).

## ITEM 5 (continued)

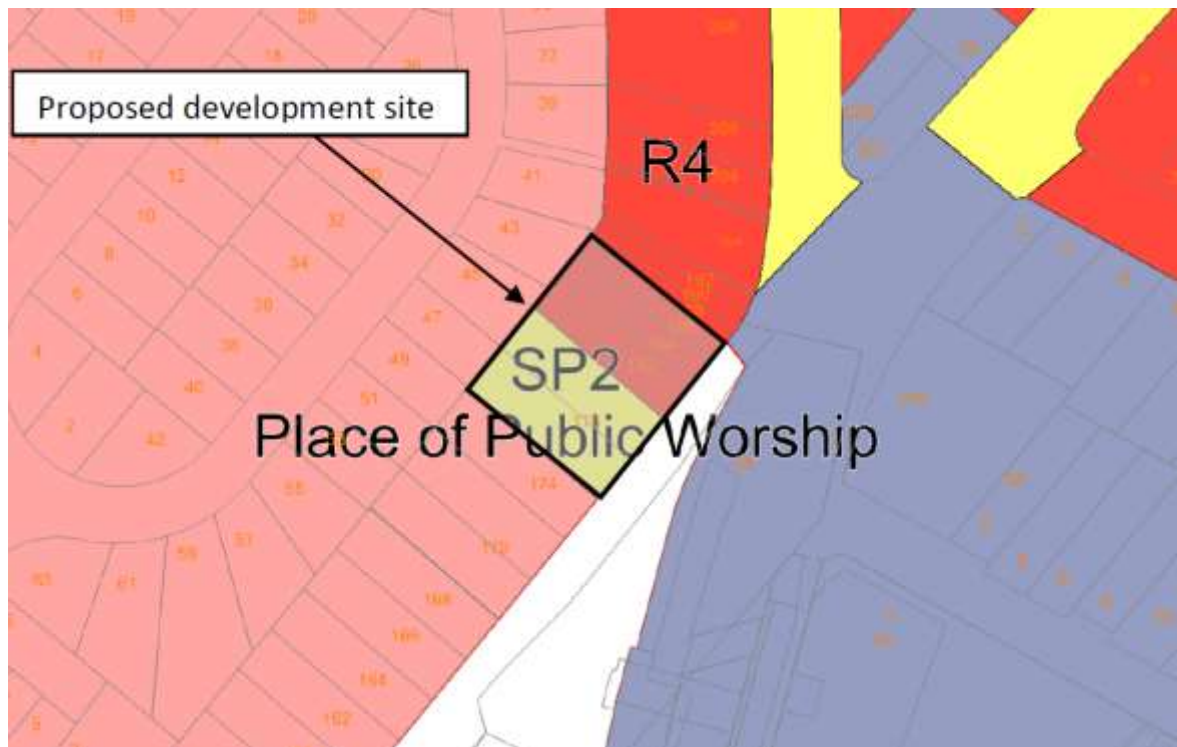


Figure 4- Proposed development site

To the south of the site is a single storey dwelling house (174 Blaxland Road) which is zoned R2 Low Density Residential. 45 and 47 Samuel Street adjoin the site to the rear (west) and are zoned R2 Low Density Residential.

To the east is the Ryde Civic Centre site which is a deferred matter from RLEP2014.

### Current Planning Controls

#### *Zoning*

176 Blaxland Road is zoned SP2 Infrastructure under RLEP2014. The SP2 Infrastructure zone permits specific purposes shown on the Land Zoning Map (in this case, place of public worship).

#### *Building Height*

The site does not currently have a maximum building height as per RLEP 2014 Height of Buildings Map. This is consistent with the approach for all land zoned SP2 Infrastructure. The adjoining sites at 182-186 Blaxland Road have a building height of 11.5 metres.

## **ITEM 5 (continued)**

### *Floor Space Ratio*

There is no currently maximum floor space ratio control for the site. This is consistent with other land zoned SP2 Infrastructure. The adjoining sites at 182-186 Blaxland Road have an FSR control of 1:1.

### **Proposed amendments to Ryde Local Environmental Plan 2014**

The Planning Proposal seeks to amend RLEP 2014 by rezoning the site for high density residential.

The planning proposal seeks to make the following amendments to RLEP2014 for 176 Blaxland Road by:














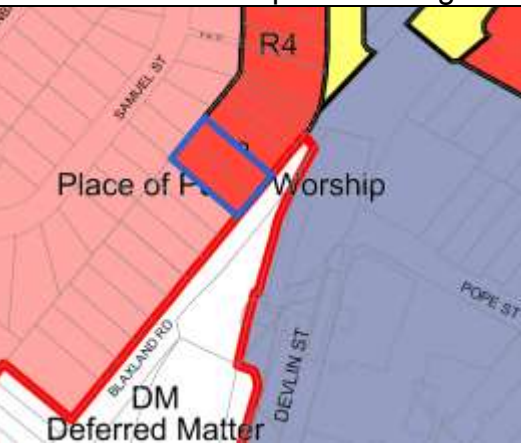















- Amending the Land Zoning Map from SP2 Infrastructure (Place of Public Worship) to R4 High Density Residential;
- Amending the Height of Buildings Map by requiring a maximum building height of 11.5 metres;
- Amending the Floor Space Ratio (FSR) map by imposing a maximum FSR of 1:1; and
- Amending the Lot Size Map by requiring a minimum lot size of 580m<sup>2</sup>.

An FSR of 1:1 and a height limit of 11.5 metres is consistent with all other land zoned R4 in the City of Ryde, including adjacent land to the subject site.

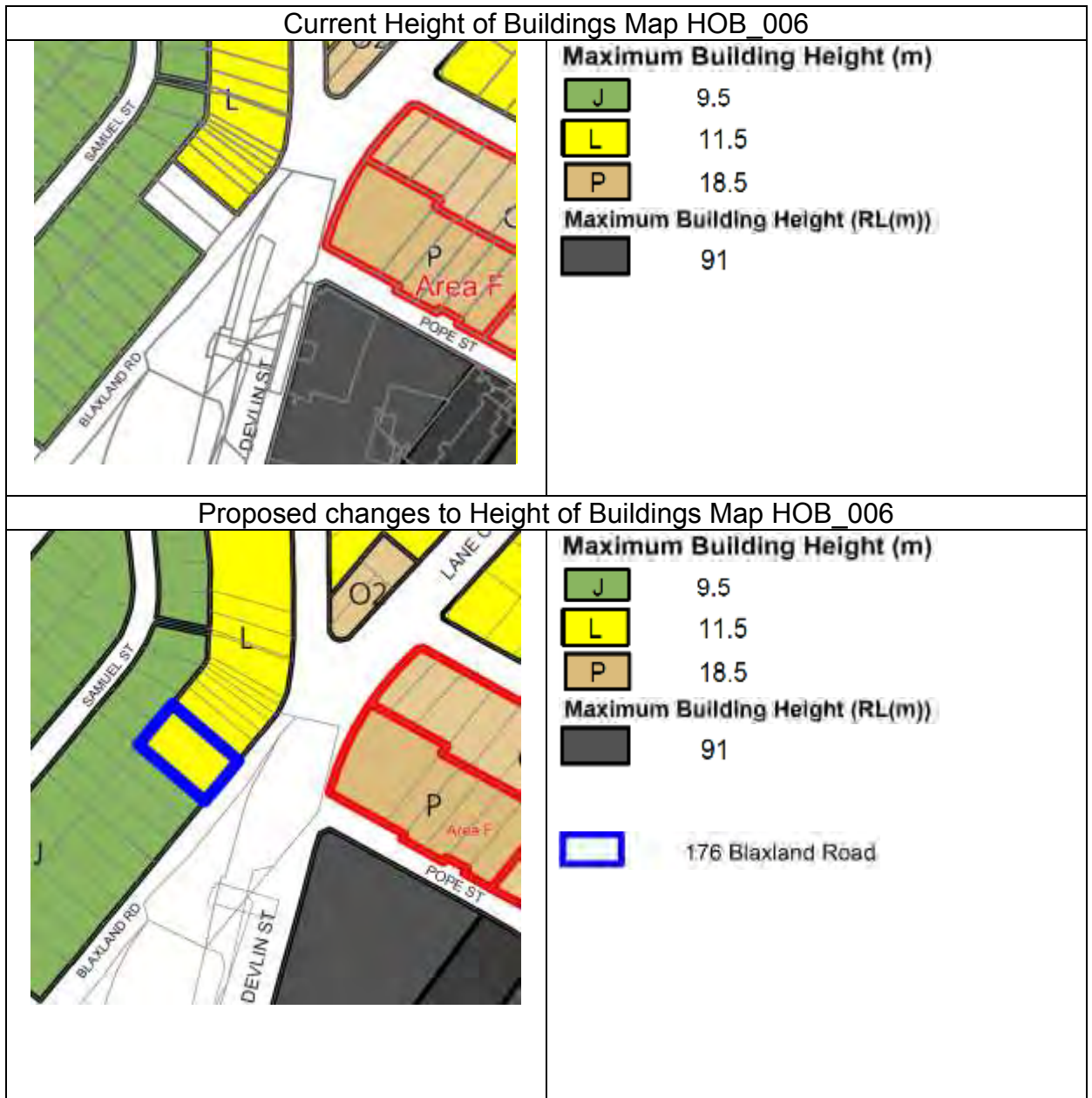
The following maps show the existing planning controls for the site under Ryde LEP 2014, and the proposed planning controls for the site envisaged in the Planning Proposal, including zoning, height, FSR and lot size.

**ITEM 5 (continued)**

*Mapping*


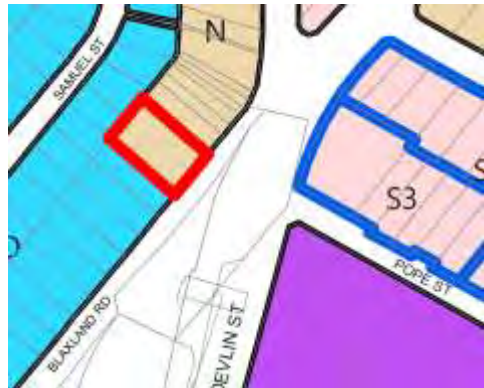
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**ITEM 5 (continued)**









**ITEM 5 (continued)**

Current Floor Space Ratio Map FSR_006											
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**ITEM 5 (continued)**

Current Lot Size Map LSZ_006	
	<p>Minimum Lot Size (sq m)</p> <p> 580</p>
Proposed changes to Lot Size Map LSZ_006	
	<p>Minimum Lot Size (sq m)</p> <p> 580</p>

Justification

The Planning Proposal submitted by the applicant provides the following justification:

- The development concept for the site aligns with Council's vision for the Ryde Town Centre (although it is noted that the site is located outside the edge of the Ryde Town Centre as marked on the RLEP2014 Centres Map);
- The Planning Proposal is consistent with the metropolitan plan, A Plan for Growing Sydney;
- The Planning Proposal contributes to housing choice in the City;
- The Planning Proposal will allow amalgamation with adjoining land parcels to form a development site; and
- The site is located opposite a major retail, community and employment node and can provide density close to transport and employment.

## **ITEM 5 (continued)**

### **Assessment of the planning proposal**

This section of the report provides an appraisal of the PP against the criteria for justifying a Planning Proposal in the Department of Planning and Environment's "A Guide to preparing Local Environmental Plans".

#### Is this Planning Proposal the result of any strategic study or report?

The Planning Proposal is not the subject of any strategic study or report.

The Planning Proposal is consistent with Action 2.2.1 of the metropolitan plan "A Plan for Growing Sydney", to accelerate housing supply and local housing choices, in particular in and around centres. The provisions of A Plan for Growing Sydney for the North Subregion identifies Lane Cove Road as a potential growth corridor and identifies accelerating housing supply, choice and affordability and building great places to live as a priority for the North subregion.

#### Is the Planning Proposal consistent with a local strategy or other local strategic plan?

The City of Ryde 2025 Community Strategic Plan sets out the future vision for the City of Ryde. The plans set the desired outcomes and the aspirations of the community, and the goals and strategies on how they will be achieved.

The Planning Proposal is in line with the following goals and strategies of the Community Strategic Plan:

- Our neighbourhoods thrive and grow through sustainable design, planning and regulation that support community needs; and
- To design our city to reflect the unique character, identity and housing needs of our community.

The Local Planning Study (adopted 7 December 2010) which informed the preparation of RLEP2014 recognised the need to provide a diverse range of housing within the Local Government Area including residential units. The Local Planning Study identified five town centres (including Ryde Town Centre) which are to function as genuine mixed use precincts. The centres are capable of absorbing additional residential development as they provide complementary and supportive uses, services, facilities and amenities such as open space. This has been captured and reflected in Council's existing planning controls.

The site is also supported by good public transport being on the strategic bus corridors from the City to Parramatta and Hurstville to Macquarie Park.

The PP represents a minor extension of the existing R4 High Density Residential zoning to facilitate the formation of a development site, in close proximity to the Ryde Town Centre.



**ITEM 5 (continued)**

The subject PP proposes the same scale of development as that in the adjoining R4 High Density Residential zone, being an FSR of 1:1 and height of 11.5 metres, and is consistent with the planning controls for R4 zones generally.

Is the Planning Proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

*SEPP 55 - Remediation of Land*

Clause 6 of SEPP 55 requires that a planning authority is not to permit a change in use of land unless the planning authority has considered whether the land is contaminated.

The preliminary site investigation submitted as part of the Planning Proposal package indicates that the potential for significant contamination from current and previous activities within the site is generally low.

Advice received from Council's Environmental Health section indicate that there are no further requirements with respect to contamination at this stage.

*State Environmental Planning Policy 65- Design Quality of Residential Flat Development*

The Planning Proposal outlines how the proposed future development design is capable of meeting the requirements of SEPP 65 and the Apartment Design Guide, including compliance with the solar access and cross ventilation requirements.

Further assessment of the proposal against SEPP65 would occur at Development Application stage.

Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 Directions)?

The following s.117 Directions apply to the consideration of the PP:

Direction	Assessment
<p><b>3.1 Residential Zones</b></p> <p>(1) The objectives of this direction are:</p> <p>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,</p> <p>(b) to make efficient use of existing infrastructure and</p>	<p>The Proposal is consistent with this Direction.</p>

**ITEM 5 (continued)**

Direction	Assessment
<p>services and ensure that new housing has appropriate access to infrastructure and services, and</p> <p>(c) to minimise the impact of residential development on the environment and resource lands.</p>	
<p><b>3.4 Integrating Land Use and Transport</b></p> <p>1. The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <p>(b) improving access to housing, jobs and services by walking, cycling and public transport, and</p> <p>(c) increasing the choice of available transport and reducing dependence on cars, and</p> <p>(d) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</p> <p>(e) supporting the efficient and viable operation of public transport services, and</p> <p>(f) providing for the efficient movement of freight.</p>	<p>The proposal is generally consistent with this Direction.</p>
<p><b>7.1 Implementation of A Plan for Growing Sydney</b></p> <p>The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.</p>	<p>The proposal is consistent with this Direction.</p>

## ITEM 5 (continued)

### Assessment of the Planning Proposal

#### Built form

The PP seeks to amend Ryde LEP 2014 to amend the maximum building height to 11.5m and Floor Space Ratio control to 1:1. This would allow for the construction of a 4 storey building with 2989m<sup>2</sup> gross floor area (on all 5 lots 176-186 Blaxland Road). The indicative concept accompanying the Planning Proposal estimates that the resultant development would comprise 7 x 1 bedroom units, 25 x 2 bedroom units and 7 x 3 bedroom units (a total of 39 units).



Figure 5: Site plan- as submitted with Planning Proposal (Urbanlink plans p.7)

**ITEM 5 (continued)**

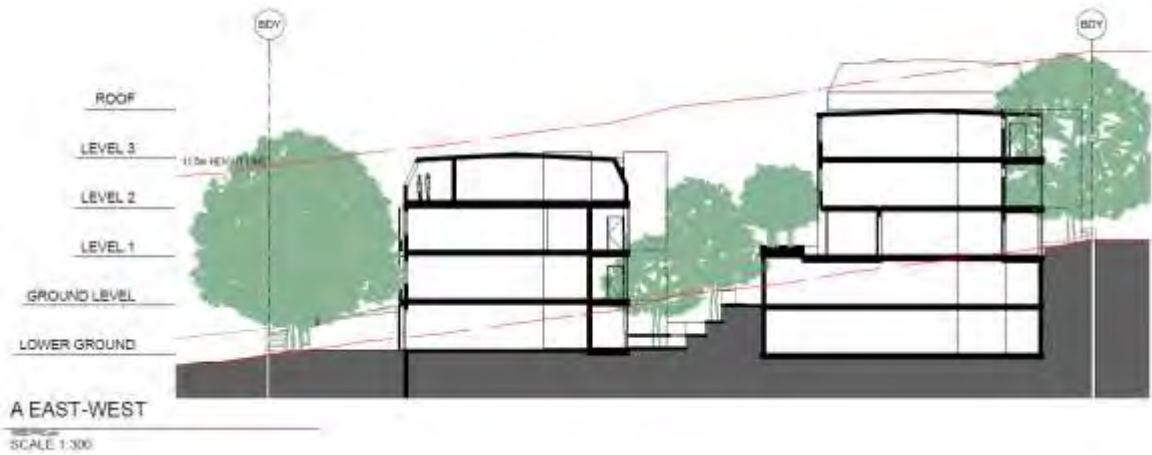


Figure 6: East-West Site Section (as submitted with Planning Proposal (Urbanlink plans p.15))

**ITEM 5 (continued)**



VIEW FROM SOUTH

*Figure 7: Conceptual 3D view, as submitted with Planning Proposal (Urbanlink plans p.19)*

The applicant articulates the merits for greater height and FSR based on the consolidated site providing an opportunity for development that will complement the existing and future amenity of the Top Ryde area, can occur without significant environmental impacts and responds to the site constraints by stepping the building height.

The proposed building height and Floor Space Ratio are consistent with that of the adjoining R4 zone.



## ITEM 5 (continued)

The development concept submitted with the Planning Proposal includes shadow diagrams showing minimal shadowing of the adjoining residential lot to the south of the site at 174 Blaxland Road at mid-winter. There is no shadowing of the residential properties at 43-47 Samuel Street in midwinter.



*Figure 7: Shadow diagrams, as submitted with Planning Proposal (Urbanlink plans p.21)*

The shadowing impacts of the proposal are considered acceptable and a further analysis of the shadow impacts will be undertaken at Development Application stage.

### Traffic

The site has a frontage to the cul-de-sac created when this portion of Blaxland Road was severed from Blaxland Road following the construction of Top Ryde City. The site has access to Land Cove Road at the Devlin Street/ Blaxland Road/ Parkes Street intersection.

A Traffic and Parking Impact Assessment was submitted with the PP. In summary, the Assessment indicates that 56 basement car parking spaces would be provided. The parking rates in Council's DCP require between 44 and 56 spaces to be provided and as such the proposal complies with the car parking requirements of the DCP.

The Assessment states that the anticipated traffic generation is 8 vehicle trips per hour in the AM peak and 6 vehicle trips per hour in the PM peak. The Assessment also states that there will not be any adverse traffic implications due to the traffic signal controlled access provision at the Devlin Street/ Blaxland Road/ Parkes Street intersection.

## **ITEM 5 (continued)**

Council's Traffic section provided the following comments:

- Adopting a more conservative traffic generation rate of 0.29 trips per hour would result in around 11 vehicle trips per hour or 1 trip per 6 minutes which is considered negligible on the road network.
- The proponent will need to reconstruct the existing footpath along the Blaxland Road frontage to the site to be fully shared path compliant for its entire frontage length. Further comments relating to this will be provided at Development Application stage.

The proposal is therefore acceptable from a traffic perspective.

It is noted that any future redevelopment of the Civic Centre site may result in an alternate traffic solution for this area.

### Waste management

Council's waste section noted that there may be issues for the garbage truck to turn around and that bins would need to be presented to the kerbside. In general, Council is trying to get all bins off the road for collection where there is more than 25-30 units for noise and aesthetics however the topographical constraints of the block may not allow even a small truck down the driveway and into the basement for collection.

The proposed provisions of Ryde DCP 2014 require any future Development Application to be in accordance with the provisions of Ryde DCP Part 7.2 Waste Management and Minimisation.

### **Other matters**

#### Use as a community facility

The site is owned by Community of Christ Limited. The building is currently occupied by Northern Sydney Youth Support Services who use the site on a part-time basis and would need to relocate as a result of the Planning Proposal. The remaining 2/3 of the site is vacant land. It is understood that the Youth Support Services no longer have funding and have largely relocated their operations to Western Sydney.

## **ITEM 5 (continued)**

### Affordable housing

The City of Ryde Affordable Housing Policy was adopted by Council in April 2016. At this time, Council adopted an interim position in relation to the delivery of affordable housing as part of new development and planning process with:

*2 % of dwellings in new residential and mixed use developments be affordable housing.*

*4 % of dwellings constructed on land to be rezoned to permit residential/ mixed use development be affordable housing.*

In a letter to the applicant on 2 June 2016, Council outlined the Affordable Housing Policy and the interim policy position and stated that Council would welcome a discussion regarding the inclusion of affordable housing within the development through a Voluntary Planning Agreement (VPA).

Council officers met with the applicant on 1 September 2016 to explain Council's position. The applicant responded by letter following the meeting of 1 September that they do not believe the size of the PP warrants a VPA, for the following reasons:

- The proposal involves a minor extension of the R4 zoned land to the north;
- The current planning controls in the SP2 zone do not restrict height and FSR, and redevelopment of the site for community purposes could result in a building of a greater scale than that proposed through the PP;
- A rear setback of 8 metres has been provided which is a community benefit (this is discussed below);
- The PP only results in an additional 19 apartments;
- Any Ryde LEP 2014 requirements with regards to affordable housing can be met at Development Application stage.

Comment: Council is currently preparing a Planning Proposal which will amend the planning controls to require applicants for Planning Proposals to provide affordable housing. Council is not in a position to mandate the provision of affordable housing through a VPA.

### **Draft amendments to Ryde Development Control Plan 2014**

Ryde DCP 2014 Part 6 provides controls for specific sites in the City.



### ITEM 5 (continued)

The applicant prepared and submitted draft DCP controls. The DCP controls outline the proposed built form including setbacks, height and density which support the height and FSR controls identified in the Planning Proposal, including specific side and rear setbacks. The draft DCP controls also address design, landscaping and streetscape considerations and require that car parking, stormwater, tree preservation and waste minimisation be in accordance with the relevant parts of Ryde DCP 2014. These controls form the basis for the attached Draft Ryde DCP 2014 Part 6.6- 176-186 Blaxland Road, Ryde.

The development concept diagrams originally submitted with the Planning Proposal indicated a 6 metre setback to the rear boundary to allow for a deep soil zone and boundary planting. Following discussions with Council officers, the applicant has increased the rear setback to 8 metres in the draft DCP amendments to provide increased separation to the low density residential buildings to the rear of the site, and to remove any shadowing of the properties at 43-47 Samuel Street at any time of the day in midwinter. The diagram in the draft DCP amendments at Attachment 2 reflects the increased rear setback.



Figure 8: Draft Ryde DCP Part 6.6- Setbacks diagram

### **ITEM 5 (continued)**

The current building has a setback of approximately 5 metres. The proposed front setback control is 3 metres. The shops located to the north of the subject site have a zero setback to the street, and the property to the south of the site at 174 Blaxland Road has a front setback of approximately 7.5 metres. The proposed setback control is considered acceptable and has been reduced to compensate for the additional rear setback which has been provided.

The indicative design incorporates some encroachments into the setback area to allow for staircases. The applicant wrote to Council proposing the following clause be inserted into the DCP controls:

*“To assist with and encourage articulation of the design, no more than 25% of the frontage of the site is to encroach beyond the front setback of 3 metres”.*

This draft clause has been amended in the draft DCP amendments to allow a 20% encroachment into the front setback which will accommodate the proposed design.

The front setback (and any encroachments into this setback) will be further assessed as part of a future Development Application for the proposed development.

The DCP controls prepared by the applicant were amended to include a section diagram (submitted by the applicant with the Planning Proposal), and adding the requirement for the upper level of the building at the rear to be setback a minimum of 2 metres.

It is recommended that the draft amendments to Ryde DCP 2014 be exhibited concurrently with the Planning Proposal, following the issue of a gateway determination. The draft DCP amendments are at Attachment 2.

### **Consultation**

Under the gateway plan-making process, a gateway determination is required before community consultation on the planning proposal takes place. The consultation process will be determined by the Minister and stipulated as part of the gateway determination.

The Department of Planning’s guidelines stipulate at least 28 days community consultation for a major plan, and at least 14 days for a low impact plan. If the PP is approved and a gateway determination given, consultation will include the following:

## ITEM 5 (continued)

- written notice given:
  - in the local newspaper circulating in the area,
  - on Council's webpage and
  - to adjoining landowners (where this involves strata's a letter will be sent to the body corporate)
  - to local state government representatives
  - consultations considered necessary by the Department of Planning and Environment with relevant State and Commonwealth authorities
  
- the written notice will:
  - provide a brief description of the objectives and intended outcomes,
  - indicate the land affected,
  - state where the planning proposal can be inspected,
  - indicate the last date for submissions and
  - confirm whether the Minister has chosen to delegate the making of the LEP.

During the consultation period, two drop-in information sessions will be held.

### Critical Dates

Time periods for preparation of amending LEPs apply upon the issue of the Gateway Determination by the Minister. The Planning Proposal does not provide an anticipated timeline, however a proposed timeline will be forwarded to the Department of Planning and Environment accompanying the request for a Gateway Determination.

Planning Proposal submitted to Gateway	October 2016
Gateway determination received by Council	November 2016
Community consultation (4 weeks)	January/ February 2016
Outcomes of community consultation presented to Council	March 2016
PP submitted to DPE requesting notification on Government website	May 2017

### Financial Impact

The cost of the exhibition is covered by the fee for the Planning Proposal.

## **ITEM 5 (continued)**

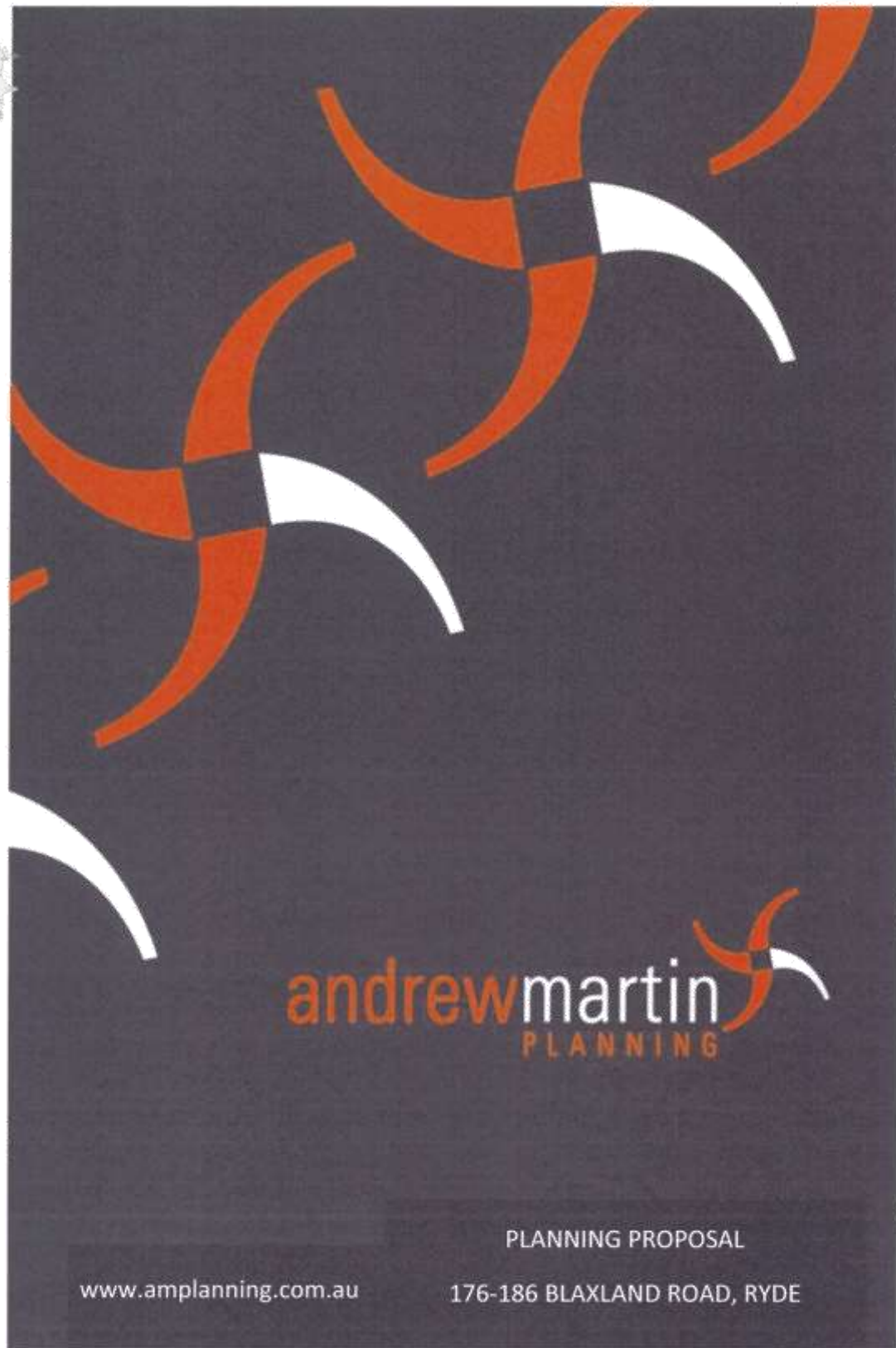
### **Options**

1. That Council proceed with the planning proposal to the next stage (gateway determination and community consultation). Should the Minister for Planning determine that the planning proposal can proceed to community consultation Council has another opportunity to decide whether to proceed, vary or reject the proposal after community consultation; or
2. That Council not to proceed with the Planning Proposal.
3. That Council defer consideration of the Planning Proposal for the General Manager and Director to meet with the applicant to discuss provision of appropriate public benefit given the applicant has not complied with Council's resolution for the provision of Affordable Housing with the Planning Proposal.

Option 1 is the recommended option because the proposal represents an extension of the existing R4 zone and is in accordance with the metropolitan planning context.

**ITEM 5 (continued)**

**ATTACHMENT 1**



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**ATTACHMENT 1**

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential

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*Preface*

*A Planning Proposal is the first step in proposing amendments to Council's principle environmental planning instrument, known as the Ryde Local Environmental Plan (RLEP) 2014. A Planning Proposal explains the intended effect of the proposed amendment and also sets out the justification for making the change. The Planning Proposal is submitted to the NSW Department of Planning and Environment (DP&E) for its consideration, referred to as the Gateway Determination, and is also made available to the public as part of the community consultation process. This report sets out the reasoning and justification and assesses the relevant matters for consideration namely the S117 Directions and other relevant provisions.*



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Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential

 andrew martin



**Part 1 Introduction**

- 1.1. Andrew Martin Planning Pty Ltd has been engaged by the property owners (herein referred to as the "proponent") to prepare a Planning Proposal (PP), for the sites known as Lot 22 and Lot 23 DP 6046, 176-178 Blaxland Road, Ryde to be submitted to Ryde Council (the "Council").
- 1.2. The primary purpose of the planning proposal is to rezone the two abovementioned allotments (herein referred to as the site), currently zoned SP2 Infrastructure to R4 High Density Residential pursuant to Ryde Local Environmental Plan 2014 (RLEP 2014). The PP includes the application of the corresponding height and FSR *development standards* making the site consistent with the adjoining R4 High Density Residential zoned lands to the north. Part 4 of this report contains the details of the future development proposal which incorporates three additional sites to the north (currently zoned R4) which are to be amalgamated with the Planning Proposal sites. The future development proposal consists of a residential flat building comprising 39 residential units with basement car parking.
- 1.3. A concept development proposal has been architecturally designed by a registered architect demonstrating the development potential of the site under PP conditions. The concept plan reflects the current Ryde Council residential development provisions, SEPP 65 (Apartment Design Guidelines) and Council's previous advice to the proponent regarding the potential development of the site, its FSR and building heights pursuant to RLEP 2014. A future development application will be lodged for the construction of the proposal as depicted in the PP submission. Whilst not required the proponent has opted to provide a significant amount of additional information with the PP application that technically is only required at the future DA stage. The additional information improves transparency and provides an opportunity for Council and the community to understand the likely built form outcomes.
- 1.4. By letter dated 28 April 2015, Council advised the proponent that Council will consider the proposed rezoning (to R4 High Density Residential) and that any planning proposal would need to include floor space ratio and height of building controls. The Planning Proposal is supported by the following information and plans:
  - Architectural plans prepared by Urban Link Architecture, including Shadow Diagrams
  - *Assessment of Traffic and Parking Implications* Report, prepared by Transport and Traffic Planning Associates, dated April 2016.



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Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential

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- Preliminary Site Investigation (PSI) prepared by Benviron dated May 2016.

1.5. The planning proposal is considered appropriate for the following reasons:

- Achieves the objectives and outcomes of *A Plan for Growing Sydney* by utilising existing infrastructure to provide new housing within existing built urban environments to achieve growth and investment for Sydney.
- Located opposite a major retail, commercial and employment node, the development can provide density close to transport and employment, accessibility and affordability in a more effective way than traditional suburban/detached housing, and deliver genuine public transport orientated development. The proposal achieves the underlying objective to achieve TOD.
- Locates housing within a quality environment, close to work, transport links and established social facilities and retail outlets.
- Provides housing choice to service increased numbers of working couples, single occupancy households and couples with no children.
- The development can boost the economic viability of the Top Ryde Shopping Centre and additional local population will support local services.
- High density in this location accords with TOD principles.
- The proposed development that will follow the PP adopts a high quality urban design and use of quality materials and finishes.
- Additional housing provides a residential presence, increase diversity and safety and reduced journey to work times which in turn improves quality of life.
- Improves the safety and security of the public domain spaces to the east of the site due to the increased opportunities for casual surveillance
- It provides opportunities for new homes or rental accommodation which is required in Ryde given that the median home price is \$1.48m with the median unit price at \$673 000.00. Dwellings are simply not affordable in this area and other housing options are required.
- The proposal represents the efficient use of available land, sustainable and energy efficient development and has the effect of relieving urban sprawl pressures in outer areas in keeping with local and state consolidation objectives.

Given the above the proposal accords with metropolitan and Councils planning objectives; is likely to satisfy Council and SEPP 65 design controls at the site development DA stage; is in the public interest; and satisfies the overarching objectives of the Environmental Planning and Assessment Act, 1979 and Regulation 2000.

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- 1.6. The Planning Proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 (*EP&A Act*) and the relevant Department of Planning Guidelines including '*A Guide to Preparing Planning Proposals*'.
- 1.7. The Planning Proposal report comprises eleven Parts. Part 1 is the Introduction; Part 2 provides details of the subject site; Part 3 provides a brief overview of the area's social profile; Part 4 describes the concept development proposed over the consolidated site (5 land parcels including the two lots that are the subject of the Planning Proposal); Part 5 contains info on Ryde LEP 2014 and DCP 2014; Part 5 provides a preliminary assessment of the Concept Development under the SEPP 65 Apartment Design Guidelines; Part 7 comprises the Objectives or Intended Outcomes, Part 8 comprises the Explanation of the Provisions; Part 9 comprises the Justification; Part 10 is the Conclusion and Part 11 is a reference list of documents and websites consulted to assist in preparing the Planning Proposal. This report addresses the relevant S117 Directions.
- 1.8. Having regard to the above the PP is deemed to be appropriate and should receive favourable support by Councils Strategic planning staff, Councillors and the Department.

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Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



**Part 2 Subject Site**

- 2.1 This Planning Proposal relates to No. 176-178 Blaxland Road, Ryde, Local Government Area of Ryde. The site is legally identified as Lot 22 and Lot 23 DP 6046. It has a site area of approximately 1504sqm and is generally rectangular in shape with primary frontage (30m) to Blaxland Road. Vehicle access is available from the formed public road along Blaxland Road via a single crossover and driveway located adjacent to the south eastern boundary, providing access to the rear of the existing building. Figure 1 is an aerial of the subject site.
- 2.2 There is a single brick and tile building constructed across the front of the two allotments. (Refer to Figures 2, 3 & 5). Approximately two-thirds of the site (the rear portion) is vacant. The building is currently occupied by the Northern Sydney Youth Support Services (<http://youthsource.com.au/results/43>). There are two fully accessible pedestrian pathways into the building together with Eucalypt street trees along the Blaxland Road frontage. The Blaxland Road (side road) is a two way public road which narrows to the north. There is a public telephone box and Australia Post Mail Box out the front of the site. The crossover and driveway to the rear of the property is located adjacent the south-west boundary. Timber paling fences are erected along each side boundary.
- 2.3 Adjoining the site to the south and west are a number of single occupancy dwelling houses (refer to Figures 4 & 5).



Figure 1 – Aerial of No. 176-178 Blaxland Road, Ryde  
(Source: Sixmaps NSW)

ITEM 5 (continued)

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Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 - SP2 Infrastructure to R4 High Density Residential



*Figure 2 – Front of the existing building, No 176-178 Blaxland Road, Ryde  
(Source: googlemaps)*



*Figure 3 – View of proposed development site from Blaxland Road side road (No. 176-186 Blaxland Road, Ryde) (Source: googlemaps)*



*Figure 4 – View of existing single dwellings on Samuel Street that are located adjoining the rear of the subject development site (Source: googlemaps)*



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Planning Proposal, 176 -178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



Figure 5 – View of existing single dwelling on southern side of rezoning site on Blaxland Road. (Source: googlemaps)

- 2.4 The subject site is located approximately 13 km north-west of the Sydney CBD and 8km east of Parramatta. The site is directly opposite the Ryde Town Centre Precinct and Top Ryde Shopping Centre. See Figures 6 – 11 below.



Figure 6: General location of subject site, approx 13km to Sydney CBD  
(Source: googlemaps)

**ITEM 5 (continued)**

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Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



*Figure 7: Location of rezoning site directly opposite Top Ryde Shopping Centre (TRSC) to the east and Council offices to the South East  
(Source: sixmaps NSW)*



*Figure 8: Aerial of Top Ryde area showing concentration of high density living to the north and to the east on top of the TRSC. (Source: googlemaps)*

**ITEM 5 (continued)**

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Planning Proposal, 176 - 178 Blaxland Road, Ryde  
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*Figure 9: Subject site viewed from Pope Street intersection  
(Source: googlemaps)*



*Figure 10: Looking north along Blaxland Road, Subject site on left near mature street trees and TRSC on right with pedestrian walkway across arterial road (Devlin Street)  
(Source: googlemaps)*



*Figure 11: TRSC on eastern side of Devlin Street, opposite Blaxland Road (Source: googlemaps)*



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Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 - SP2 Infrastructure to R4 High Density Residential



**Part 3 Ryde (State Suburbs) - Social Profile**

3.1 The following is a brief overview of the social profile of the area around Ryde Town Centre. The statistics are based on the 2011 Census for the area known as Ryde (State Suburbs). This area is smaller than the Ryde LGA, as shown below:



- ✓ In the 2011 Census, there were 21,599 people in Ryde (State Suburbs) of these 48.8% were male and 51.2% were female. Aboriginal and Torres Strait Islander people made up 0.4% of the population.
- ✓ The median age of people in Ryde (State Suburbs) was 37 years. Children aged 0 - 14 years made up 17.6% of the population and people aged 65 years and over made up 15.5% of the population.
- ✓ Of people in Ryde (State Suburbs) aged 15 years and over, 51.0% were married and 9.3% were either divorced or separated.
- ✓ In Ryde (State Suburbs), 55.8% of people were born in Australia. The most common countries of birth were China (excludes SARs and Taiwan) 6.8%, Italy 2.7%, England 2.1%, Korea, Republic of (South) 2.1% and India 2.0%.
- ✓ In Ryde (State Suburbs), 32.3% of people had both parents born in Australia and 56.5% of people had both parents born overseas.
- ✓ There were 11,134 people who reported being in the labour force in the week before Census night in Ryde (State Suburbs). Of these 64.2% were employed full time, 26.3% were employed part-time and 4.7% were unemployed.
- ✓ Of employed people in Ryde (State Suburbs), 9.1% worked 1 to 15 hours, 9.6% worked 16 to 24 hours and 47.9% worked 40 hours or more.

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Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential

- ✓ The most common occupations in Ryde (State Suburbs) included Professionals 27.5%, Clerical and Administrative Workers 17.3%, Managers 13.6%, Technicians and Trades Workers 12.3%, and Sales Workers 8.6%.
- ✓ In Ryde (State Suburbs), on the day of the Census, the methods of travel to work for employed people were Car, as driver 56.5%, Bus 13.2% and Car, as passenger 4.9%. Other common responses were Train 3.0% and Walked only 3.0%. On the day, 20.5% of employed people travelled to work on public transport and 61.5% by car (either as driver or as passenger).
- ✓ Of the families in Ryde (State Suburbs), 49.4% were couple families with children, 34.1% were couple families without children and 14.8% were one parent families.
- ✓ In Ryde (State Suburbs) 17.7% of single parents were male and 82.3% were female.
- ✓ In Ryde (State Suburbs), of couple families, 25.6% had both partners employed full-time, 3.3% had both employed part-time and 20.4% had one employed full-time and the other part-time.
- ✓ In Ryde (State Suburbs), 93.3% of private dwellings were occupied and 6.7% were unoccupied.
- ✓ Of occupied private dwellings in Ryde (State Suburbs), 54.5% were separate houses, 12.2% were semi-detached, row or terrace houses, townhouses etc, 33.1% were flats, units or apartments and 0.1% were other dwellings.
- ✓ In Ryde (State Suburbs), of occupied private dwellings 8.0% had 1 bedroom, 31.9% had 2 bedrooms and 36.1% had 3 bedrooms. The average number of bedrooms per occupied private dwelling was 2.8. The average household size was 2.6 people.
- ✓ Of occupied private dwellings in Ryde (State Suburbs), 30.3% were owned outright, 30.7% were owned with a mortgage and 35.7% were rented.
- ✓ In Ryde (State Suburbs), of all households, 69.7% were family households, 25.7% were single person households and 4.6% were group households.
- ✓ In Ryde (State Suburbs), 41.9% of occupied private dwellings had one registered motor vehicle garaged or parked at their address, 31.8% had two registered motor vehicles and 11.5% had three or more registered motor vehicles.

Source: [http://www.censusdata.abs.gov.au/census\\_services/getproduct/census/2011/communityprofile/SSC12023](http://www.censusdata.abs.gov.au/census_services/getproduct/census/2011/communityprofile/SSC12023)

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Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential

- 3.2 In terms of this Planning Proposal it is relevant to note that at least one third of dwellings are units or apartments, containing either 2 or 3 bedrooms. While family households dominate, possibly due to the historical development of the area as separate houses, thirty five percent of households are couples without children and one quarter of households contain a single person. Sydney wide there is a trend of vertical living with markets confirming the desire of new home owners to live in new apartments rather than older residential dwellings that require more maintenance and are fast becoming too expensive. There is also the demand generated by older generations to down size. Further the median house price is 1.48m and the median unit price is \$673, 000.00 thus dwellings are no longer affordable.
- 3.3 In 2011 the majority of residents in the area worked full time, in white collar based professions, for 40 hours per week or longer. The majority of these travelled to work by car - as the driver or as a passenger and it is therefore not surprising that vehicle ownership in the area is high with over 41% of occupied private dwellings having one registered vehicle garaged or parked at their address and 32% having two vehicles for private use.
- 3.4 The rezoning supports the key trends found for the Ryde Town Centre and Top Ryde area as there are more households that contain couples without children or single households that will require or desire smaller dwellings and housing options. Tenants or owner occupiers will be provided with a range of apartment varying in price depending upon size, aspect and floor level with the future development. The future proposal will offer a range and choice of dwelling types within the development. The proposed accommodation will be brand new; require less energy to maintain due to SEPP 65 compliance; is well located so as to negate the need for transport to local shops and services and will offer lower running costs overall compared with older separate houses in the vicinity. The proximity of the site to the Ryde Town Centre and other major areas like Parramatta, Chatswood and Macquarie Park and even central Sydney will makes the site appealing for a number of reasons.

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Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 - SP2-Infrastructure to R4 High Density Residential



**Part 4. Flat 4 Development Site Proposal - No. 176-178 Blaxland Road, Ryde.**

- 4.1 The two allotments which comprise the subject rezoning (No. 176 & 178 Blaxland Road) are part of a larger redevelopment site comprising an additional 3 lots (see in bold below) that is described as:

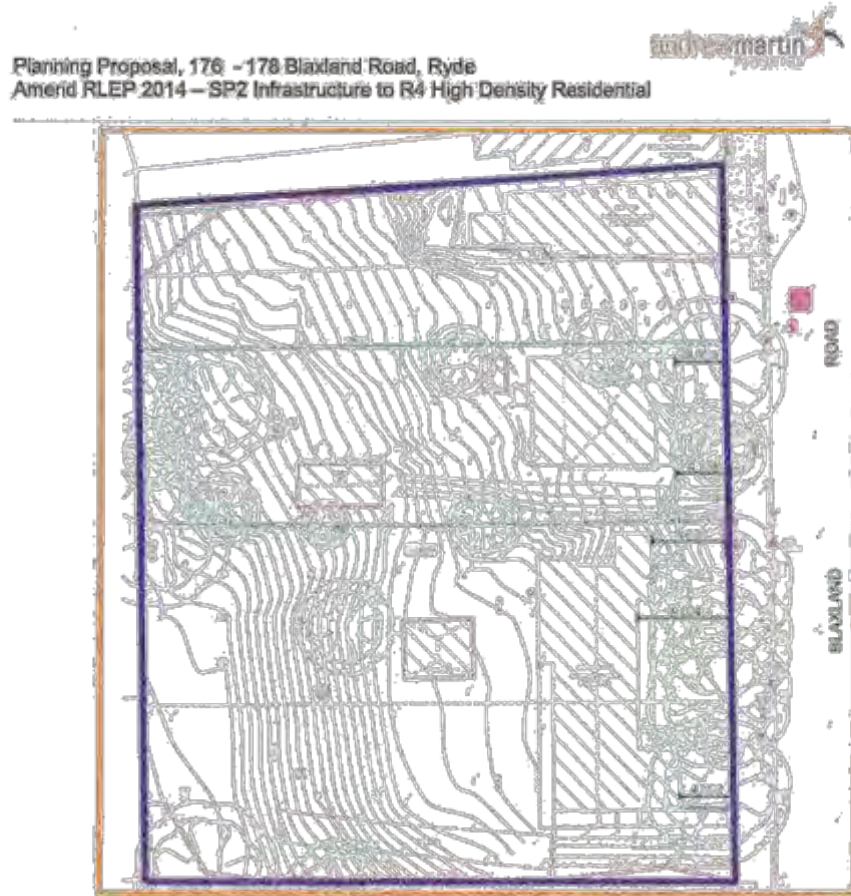
Demolition of all structures and construction of a residential flat building development comprising thirty-nine (39) residential units with associated basement parking and landscaping on land known as:

Lot 22 DP 6046 (No. 176 Blaxland Rd) - proposed R4 zone  
Lot 23 DP 6046 (No. 178 Blaxland Rd) - proposed R4 zone  
Lot 21 DP 6046 (No. 182 Blaxland Rd) - existing R4 zone  
Lot 1 DP 938083 (No. 184 Blaxland Rd) - existing R4 zone  
Lot 1 DP 962761 (No. 186 Blaxland Rd) - existing R4 zone

- 4.2 The consolidated site (herein referred to as the 'Development Site') has a total site area of 2989sqm. Figure 12 below is the survey plan of the Development Site.

**ITEM 5 (continued)**

**ATTACHMENT 1**



*Figure 12: Survey of Proposed Development Site, comprising five allotments (No. 176-186 Blaxland Road, Ryde) (Source: UrbanLink Architecture, 2016)*

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Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential

4.3 The inclusion of concept Development Plans at the Planning Proposal stage is to provide Council with additional information demonstrating the project can be delivered within the development standards applicable under RLEP 2104 (plus state polices such as SEPP 65) whilst respecting, to the extent necessary, the amenity of the adjoining low density residential zone.

4.4 The preparation of the architectural plans represents an investment by the proponent that would not ordinarily be required at a planning proposal stage. Greater understanding and certainty is provided as a result of the architectural plan bundle to the community and the Council. The proponent also achieves greater levels of certainty because the critical DA issues are canvassed at the PP stage. The submitted plans assist with the understanding of the likely built form outcomes arising from the foreshadowed amendments to RLEP 2014.

4.5 The concept Development Plans have therefore been prepared for the Development Site demonstrating its redevelopment, facilitated by the PP rezoning of SP2 zoned land to R4, can occur without significant environmental impacts on the adjoining R2 land and the urban fabric of the area. The design principles, broad demographics and site specifics utilised in preparing the plans for the Development Site include:

- ✓ Appreciation of the locational context of the site in terms of its juxtaposition to the Top Ryde Shopping Centre, Civic Centre and the Ryde Town Centre precinct.
- ✓ Awareness of the current social and economic population statistics and trends moving forward for the area.
- ✓ Knowledge of household trends in relation to family, work, leisure and entertainment.
- ✓ Demolition of the existing structures (three buildings).
- ✓ Site preparation works across the site to prepare for a RFB development with basement.
- ✓ Location of sewer services line across rear of property.
- ✓ Fall across the site of up to four (4) metres from Blaxland Road towards Samuel Street to the west.
- ✓ Existing low density dwellings adjoining the site to the south and west.
- ✓ Access to the site from the side road on Blaxland Road.
- ✓ Retention of mature street trees on Blaxland Road.
- ✓ Deep soil planting along rear boundary to increase visual separation and privacy to adjoining dwellings.
- ✓ Stepping of height of the buildings across the development site to respect and minimise potential impacts on the adjoining dwellings and the enjoyment of their properties.
- ✓ Separation of buildings to ensure adequate residential amenity for residents of the development.

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Planning Proposal, 176 -178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



- ✓ Car parking to comply with Council's on-site parking provisions.
- ✓ Provision of a mix of dwelling types and sizes to provide a diversity of choice and affordability in the units.
- ✓ Accessible and adaptable units and parking.
- ✓ Deep soil landscaped edges

4.6 The proposed development would comprise the following dwelling mix per level (also refer to plans in Figures 11 to 21 and the accompanying set of architectural plans). The 39 units are proposed as follows.

Lower Ground	5 x 1br	-	1 x 3br	26cps
Ground Level	-	6 x 2br	-	30cps
Level 1	2 x 1br	8 x 2br	2 x 3br	-
Level 2	-	5 x 2br	3 x 3br	-
Level 3	-	6 x 2br	1 x 3br	-
<b>Total</b>	<b>7 x 1br</b>	<b>25 x 2br</b>	<b>7 x 3br</b>	<b>56cps</b>

There are 4 adaptable residential units with 5 accessible parking spaces. Each unit and parking space is capable of complying with Australian Standard provisions for size, location and accessibility.

Note: Assessment of the concept Development Plans in relation to RLEP 2014, RDCP 2014 and SEPP 65 (ADG) is addressed in Parts 5 & 6 below:

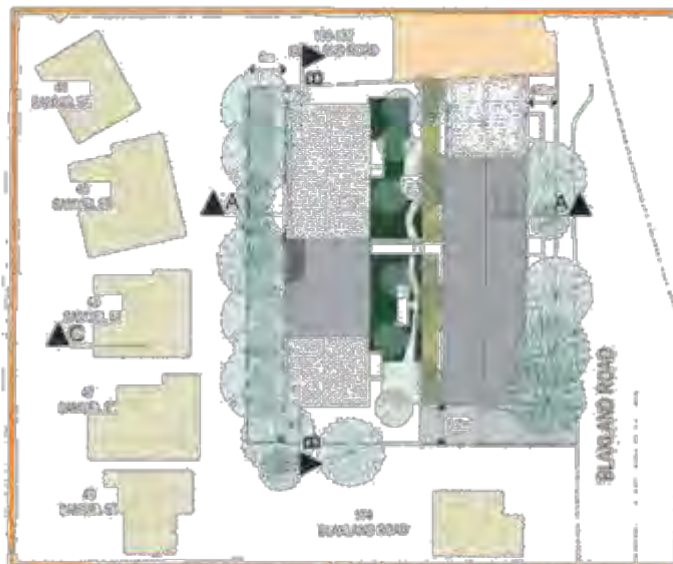


Figure 13: Site Plan of Proposed Development Site, showing locational context



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Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



(Source: UrbanLink Architecture, 2016)



Figure 14: Perspective of Proposed Development showing number of storeys of adjoining and adjacent development (Source: UrbanLink Architecture, 2016)



Figure 15: Perspective of Proposed Development showing number of storeys of in the area, including Top Ryde Shopping Centre and other Commercial development in the RTC area (Source: UrbanLink Architecture, 2016)

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Figure 16: Southern section across development site showing stepping down in height, bulk and scale of development from Blaxland Rd to Samuel Street. (Source: Extract from UrbanLink Architecture, 2016)



Figure 17: Cross section of development site showing compliance with height limits shown in red (Source: UrbanLink Architecture, 2016)



Figure 18: North west section of development site showing height compliance and large setback to rear boundary and low density dwelling with deep soil planting along boundaries. (Source: UrbanLink Architecture, 2016)



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Planning Proposal, 176 - 178 Blaxland Road, Ryde  
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Figure 19: Site Plan of Proposed Development Site, showing locational context  
[Source: UrbanLink Architecture, 2016]

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Figure 20: Ground Level  
(Source: UrbanLink Architecture, 2016)

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Figure 21: Level 1  
(Source: UrbanLink Architecture, 2016)

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Figure 22: Level 2  
[Source: UrbanLink Architecture, 2016]



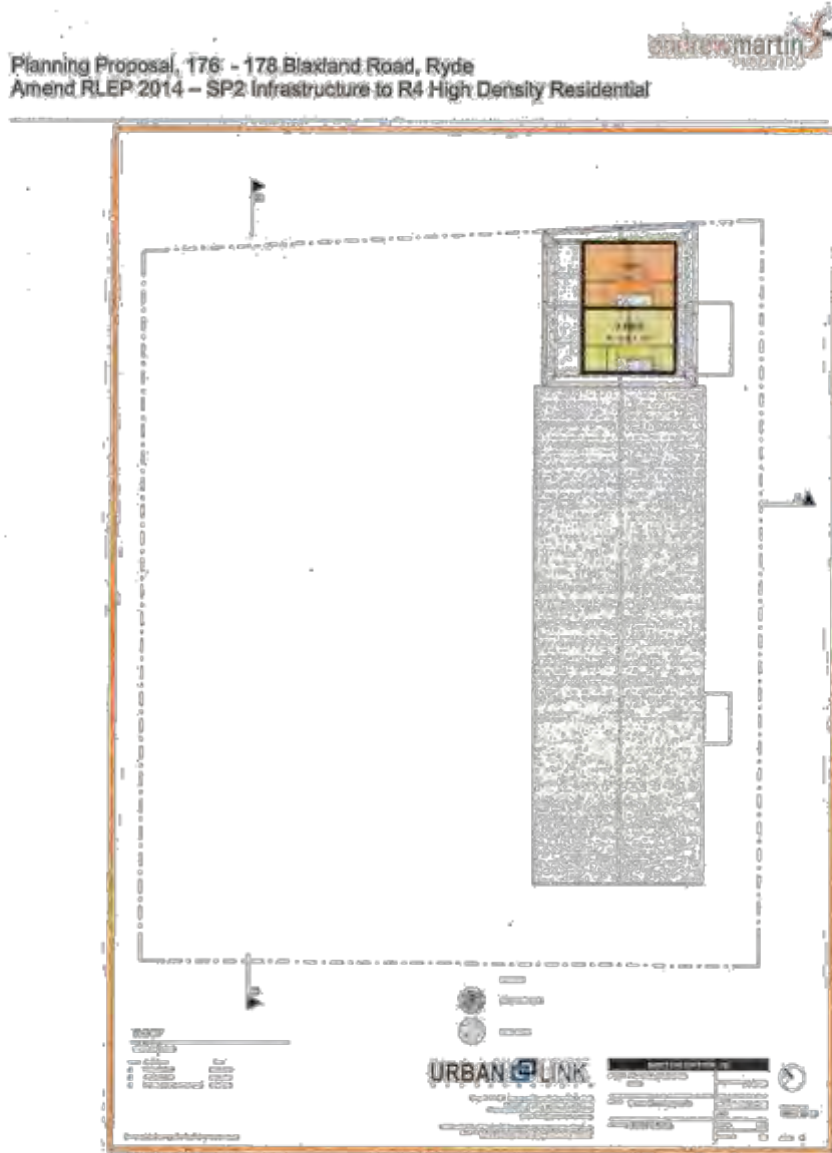
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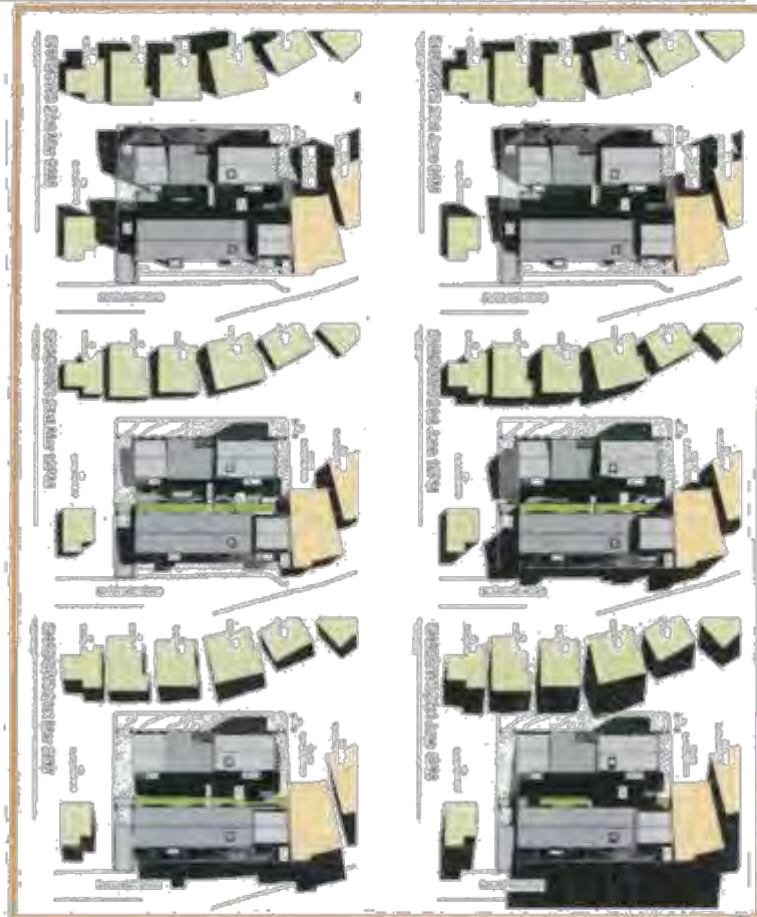


Figure 25: Shadow Diagrams  
(Source: UrbanLink Architecture, 2016)

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Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



~~Item 5 Ryde LEP 2014 and Ryde DCP 2014~~

5.1 The two lots subject of the specific rezoning are currently zoned SP2 Infrastructure (Place of Public Worship) pursuant to Ryde LEP 2014. The primary LEP provisions which apply to any development of the site include, but are not limited to the following:

5.2 Clause 1.2 Aims of Plan

1.2 Aims of Plan

*(1) This Plan aims to make local environmental planning provisions for land in Ryde in accordance with the relevant standard environmental planning instrument under section 33A of the Act.*

*(2) The particular aims of this Plan are as follows:*

- (a) to encourage a range of development, including housing, employment and recreation, that will accommodate the needs of the existing and future residents of Ryde,*
- (b) to provide opportunities for a range of housing types that are consistent with adjoining development and the existing environmental character of the locality,*
- (c) to foster the environmental, economic, social and physical development of Ryde so that it develops as an integrated, balanced and sustainable city,*
- (d) to identify, conserve and promote Ryde's natural and cultural heritage as the framework for its identity, prosperity, liveability and social development;*
- (e) to improve access to the city, minimise vehicle kilometres travelled, facilitate the maximum use of public transport and encourage walking and cycling,*
- (f) to protect and enhance the natural environment, including areas of remnant bushland in Ryde, by incorporating principles of ecologically sustainable development into land use controls,*
- (g) to preserve and improve the existing character, amenity and environmental quality of the land to which this Plan applies,*
- (h) in relation to economic activities, to provide a hierarchy of retail, commercial and industrial activities that enable employment capacity targets to be met, provide employment diversity and are compatible with local amenity.*

The PP is consistent with the aims of RLEP 2014. As highlighted throughout this report the site is located within an area which borders the Ryde Town Centre (RTC) and is directly opposite the TRSC. High density living in units or apartments accounts for approximately one-third of current housing stock in the area. The predominant form of housing remains low density dwellings due to the age and history of existing development.

5.3 In Ryde the trend is changing as lifestyles change with the emerging demographics. The concept Development Plans demonstrate that the proposed rezoning of this land to high density residential and subsequent construction of a residential flat building across the consolidated development site is an appropriate amendment to RLEP 2014. The proposed development seeks to optimise the development potential of the



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consolidated site whilst respecting the lower density character of the adjoining properties to the west and south. The design steps down the site from Blaxland Road towards Samuel Street. The residential character and amenity of the area is maintained and enhanced by good quality, well designed residential development. The site is in close proximity to shops, employment, services, entertainment and public transport. Additional demand for services increases demand for local workforce which in turn supports the aims of the RLEP. The site is not challenged in terms of environmental constraints and is an existing underutilised urban lot capable of supporting residential development in the form of flat buildings. Overall the PP satisfies the aims of the RLEP 2014.

5.4 Any future Development Application (DA) that is lodged for the development of the land will be tested again against the aims of RLEP 2014 and will be assessed under S79C of the EP&A Act 1979. The submitted Development Plans do not offend any of the relevant aims as detailed below.

Relevant Aim	Comment
<p><i>(2) The particular aims of this Plan are as follows:</i></p> <p><i>(a) to encourage a range of development, including housing, employment and recreation, that will accommodate the needs of the existing and future residents of Ryde,</i></p>	<p>The rezoning facilitates the proposed Development across the five sites fronting Blaxland Road.</p> <p>The orderly and economic use of land is achieved by the rezoning as it allows the sites to become part of a larger development site. The need for additional apartments in the area is established by the area's social profile and broader strategic directions for Ryde LGA and Sydney. The loss of the site as a place of worship is not significant and other place of worship sites exist in the LGA given the permissibility of the use in other zones. The proposed concept Development Plan proposal will be tested under a separate assessment to ensure the aims under cl. 1.2 of RLEP are achieved.</p>
<p><i>(b) to provide opportunities for a range of housing types that are consistent with adjoining development and the existing environmental character of the locality,</i></p>	<p>The concept Development Plan provides a mix of dwellings comprising 1, 2 and 3 bedroom units. High density development is consistent with the adjoining and emerging character of the Top Ryde area. The design and layout of the</p>

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	<p>proposal steps the height and density of the development down towards the low density dwellings located to the south and west of the development site. It is the stepped pavilion style approach which makes the scheme acceptable. The proposal also steps to follow the 11m height control line which ensures the overall scale of the proposal is consistent with lands to the north. Separation at the rear of the Development Site and rear dwellings provides the necessary visual buffers.</p>
<p><i>(c) to foster the environmental, economic, social and physical development of Ryde so that it develops as an integrated, balanced and sustainable city,</i></p>	<p>The development site is ideally located directly opposite the Top Ryde Shopping centre and Top Ryde Town Centre Precinct. This Town Centre contains a wide range of land uses that cater for the needs of new residents to the area. The provision of this type of infrastructure (i.e. retail and support services) supports the need (request) to increase housing within 100m of the TRSC.</p>
<p><i>(g) to preserve and improve the existing character, amenity and environmental quality of the land to which this Plan applies,</i></p>	<p>The concept Development Plans submitted with the Planning Proposal demonstrate that the proposed development respects the adjoining low density area by complying with height as the land slopes across the site to the rear from Blaxland Road towards Samuel Street. The built form presentation to the street will be enhanced by new active residential edges fronting Blaxland Street. Dwellings to the rear will adopt screening devices as required plus deep soil landscaped area to ameliorate any perceived impacts of the development.</p>

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**5.5 Clause 1.7 - Maps**

*(1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name:*

- (a) approved by the Minister when the map is adopted, and*
- (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the Minister when the instruments are made.*

*(1AA) A reference to the Minister in subclause (1) is taken to be a reference to the Greater Sydney Commission in the case of any map that applies to a local government area in the Greater Sydney Region (within the meaning of the Greater Sydney Commission Act 2015) and that is adopted by a local environmental plan on or after 27 January 2016.*

*(2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Plan to any such named map is a reference to the relevant part or aspect of the single map.*

*(3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.*

*(4) For the purposes of this Plan, a map may be in, and may be kept and made available in, electronic or paper form, or both.*

This planning proposal results in the need to amend the relevant LEP Maps (006) series to change the SP2 Place of Public Worship (coloured bright yellow and associated text) to R4 High Density Residential (bright red). Refer to Part 7 & 8 below for details.



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**5.6 Land Use Table – Existing Zone**

No. 176-178 Blaxland Road is currently zoned SP2 Infrastructure (Place of Public Worship), as follows:

**Zone SP2 Infrastructure**

**1 Objectives of zone**

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.
- To ensure the orderly development of land so as to minimise any adverse effect of development on other land uses.

**2 Permitted without consent**

*Nil.*

**3 Permitted with consent**

*Roads; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose.*

**4 Prohibited**

*Any development not specified in item 2 or 3.*

A Place of Public Worship is defined as *a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.*

The following RLEP 2014 development standards apply to the SP2 Infrastructure site.

- Clause 4.1 Lot sizes: N/A.
- Clause 4.3 Height of buildings: N/A.
- Clause 4.4 Floor space ratio: N/A.

In effect a greater level of certainty is provided under the PP for adjoining residents. A place of worship typically has amenity impacts and residents have been acclimatised to the low frequency use of the site. Under different operating conditions the Church in theory could expand particularly with no height or FSR controls in place. This would leave a rule of thumb assessment under any future application to construct a new facility.

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**5.7 Land Use Table – Proposed Zone**

It is proposed to zone Lots 22 & 23 DP 6046 (No. 176-178 Blaxland Road, Ryde) to R4 High Density Residential, as follows:

**Zone R4 High Density Residential**

**1 Objectives of zone**

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

**2 Permitted without consent**

Home occupations

**3 Permitted with consent**

Bed and breakfast accommodation; Boarding houses; Business identification signs; Child care centres; Community facilities; Dual occupancies (attached); Dwelling houses; Environmental protection works; Home-based child care; Home businesses; Home industries; Multi dwelling housing; Neighbourhood shops; Places of public worship; Public administration buildings; Recreation areas; Residential care facilities; Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Serviced apartments; Shop top housing

**4 Prohibited**

Any development not specified in item 2 or 3.

A 'Residential Flat Building' is a permissible with the consent of Council.

The following RLEP 2014 development standards apply to the proposed R4 High Density Residential zone:

- Clause 4.1 Lot sizes: 580sqm (min)
- Clause 4.3 Height of buildings: 11.5m (max)
- Clause 4.4 Floor space ratio: 1:1 (max)

- 5.8** RLEP 2014 Clause 6.2 - Earthworks, Clause 6.4 - Stormwater Management, Clause 6.6 - Environmental sustainability, Schedule 2 - Exempt development and Schedule 3 - Complying Development will also apply to any future development of the land.

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5.9 The following table is a preliminary assessment of the concept Development Plans against the provisions of the R4 High Density Residential Zone provisions contained in RLEP 2014, the relevant controls in RDCP 2014 and the provisions of SEPP 65 and its associated Apartment Design Guidelines. A more detailed assessment of each is provided in Parts 5 & 6 below.

RLEP 2014 Development Standard	Requirement	Proposed
Site Area	2989sqm	
FSR	1:1 (max)	1:1
GFA	2989 (max)	2988.6sqm
HOB	11.5m (max)	11.5m
<b>RDCP 2014 Provisions</b>		
Car parking	45 (min) -56 (max)	56
<b>SEPP 65 (ADG) Provisions</b>		
Solar Access	70%	100%
Cross Ventilation	60%	94.9%
Adaptable Units	10%	10.3%
Single Oriented south facing units	10%	0%
Communal Open Space	25%	25.4%
Deep Soil	7%	10%
Overshadowing	As per SEPP 65	Complies

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**5.10 Ryde Development Control Plan 2014 (RDCP 2014)**

The RDCP 2014 contains the following objectives for the development of land within the LGA, as follows:

**1.5 Objectives of this Plan**

**Objectives**

*The objectives of this Plan are:*

- 1. To achieve a responsible development control system that has sustainable environmental outcomes;*
- 2. To enhance the existing amenity and character of the City of Ryde;*
- 3. To create vibrant, viable and economically sound employment and living centres;*
- 4. To ensure new development is appropriate for its site and context;*
- 5. To ensure that urban centres and special areas are identified and their special qualities protected and enhanced;*
- 6. To provide guidelines for specific development types and development sites to ensure appropriate high quality development.*

The rezoning of the subject land for residential purposes achieves these objectives given that:

- The concept development presents a sustainable outcome for the consolidated development site. The site amalgamation is a logical and practical use of the land. It does not isolate any properties between the R4 lands to the north and residential development to the south and west.
- The concept design demonstrates that the consolidated site provides the opportunity for development that will complement the existing and future amenity of the Top Ryde area. Active residential edges improve safety and increase the vibrancy and vitality of the area.
- The development is appropriate for the consolidated site, in this location, given its locational context and site opportunities and constraints.
- The development of the consolidated development site will increase the supply of housing in the Top Ryde area, in line with Council's and the State Government Growth Strategy. Additional housing supply will make housing more affordable.
- The concept plans submitted with this Planning Proposal demonstrate (plan package includes shadow diagrams) that the site can be developed in accordance with the development standards of RLEP 2014 and RDCP 2014 applicable to the R4 High Density Residential zone, while respecting the adjoining low density (R2) zone and existing properties.

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- All parking and required services can be accommodated on the site.

The site is not subject to the provisions of Part 3 – Development Type, Part 4 – Urban Centres, Part 5 – Special Areas or Part 6 – Specific Sites of RDCP 2014.

Part 7 – Environment, Part 8 – Engineering and Part 9 – Other Provisions are applicable and will be addressed as part of any assessment of a development application by Council at a later date.

The following more detailed assessment of the concept Development Plans is provided below:

**5.11 Setback from Boundaries**

Setbacks along Blaxland Road are proposed to range from 4.65m to 5.34m to the main front walls and balconies. Stairwells protrude forward of this line. The adjoining building to the north is constructed on a nil boundary setback and the detached dwelling to the south is setback 9.17m. These setbacks reflect the commercial nature of the site to the north and the location of the dwelling on what was a main road previously. The requirement for such a large front setback is superseded by the realignment of Devlin Street through this area. The site is now located on the side road, set well back from the alignment of the arterial road. The average of the two existing setbacks is 4.5m. The front building maintains this setback on each level. Based on the location of the property and the development typology proposed, the proposal is considered appropriate. Overstated front setbacks area simply not required or warranted for infill residential development this close to rather large scale town centre developments. The front setback proposed has allow compliance with internal separation distances and provision of suitable rear setbacks.

Side setbacks to the southern boundary are 6.04m and 6.767m which is acceptable for the scale and depth of building proposed. The access driveway is located along the southern boundary (in the same location as the existing driveway to the rear of the subject site). The side setback to the northern boundary is 3m to the rear building and a nil setback to the front building. (refer to Drawing No. 160330-07 - Site Plan which shows the relative position of the buildings to development on the northern side of the land)



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The rear building (western pavilion) is setback 6m from the rear boundary with deep soil planting proposed within this private open space area. Landscaping embellishment will assist with softening the visual impact of the proposal and reduce any potential overlooking or visual impacts to and from adjoining residential properties.

The current design of the buildings has allowed for adequate building modulation and articulation along rear and side boundaries to reduce visual bulk when viewed from adjoining properties.

**5.12 Traffic and Parking**

An *Assessment of Traffic and Parking Implications* Report has been prepared by Transport and Traffic Planning Associates, dated April 2016. The report assessed the proposed Concept Development (39 units, two buildings and basement parking with access from Blaxland Road) in relation to traffic generation on the area, access to and from the site, circulation within the site, parking numbers and servicing of the site (ie waste management). A copy of this report is submitted to Council, under separate cover. By way of summary, the report states:

*"The traffic generation of the existing uses on the site would only be some 2-3 vtpm however the additional movements - AM Peak = 8 vtpm and PM Peak = 6 vtpm - represent a quite minor traffic generation outcome in the context of the road system in the area. It is apparent that there will not be any adverse traffic implications resulting from the development particularly due to the traffic signal controlled access provision at the Devlin Street / Blaxland Road / Parkes Street intersection."*

*The envisaged development will provide a total of 56 basement parking spaces (46 residential and 10 visitor), including 5 accessible driver spaces, which is considered to be suitable and appropriate given the location which is convenient to public transport and other facilities."*

*The existing access driveways will be removed and vehicle access for the development will involve a 5.5m wide combined ingress/egress driveway located at the southern site boundary. This driveway will accord with AS 2890.1 and will provide suitable sight distances for entering and exiting vehicles.*

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*The design of the internal ramps, aisles and parking bays will accord with the criteria of AS 2890.1 and 6 with suitable provision for accessible parking. The simple two-way circulation system will provide for flexible and efficient access with a minimum of potential conflict points.*

*Refuse will be removed from the street by Council's refuse vehicle as it is not feasible to provide for collection in the basement level due to the significant change in site levels. Small furniture vans, etc. will also be able to stand in this bay while other small vehicles (service personnel, couriers, etc.) will also be able to use the visitor spaces. Details of the turning path assessment for the Council vehicle are provided in Appendix C utilising the area where 3.0m headroom will be available.*

*The envisaged residential apartment based development subject to the Planning Proposal will be a suitable and appropriate outcome for the site on Blaxland Road, Ryde..... This assessment has concluded that:*

- the envisaged development will not present any adverse traffic implications*
- the envisaged parking provision will be quite appropriate and adequate for the uses*
- the envisaged access, internal circulation and servicing arrangements will be suitable and appropriate to normal design criteria."*

**5.13 Residential Amenity – Solar Access, Ventilation and Access**

A preliminary assessment of the concept Development Plan has been undertaken pursuant to the provisions of SEPP 65 and the associated Apartment Design Guidelines. Refer to Part 6 below. By way of summary, the plans either comply with the minimum standards or are identified as being capable of complying – subject to more detailed plans and reporting at the DA stage.

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**5.14 Stormwater Management**

A stormwater management system is to be provided in accordance with the requirements of Part 8.2 Stormwater Management of this DCP. The site is capable of complying with these requirements.

**5.15 Tree Preservation**

The Concept Development Plans show the retention of the mature Eucalypt Street Trees at the front of the site. New deep soil planting and landscaping is proposed within the site, particularly along the rear and western boundaries to reduce any visual privacy impacts from the site into the rear yards of the adjoining dwellings. Any development is to comply with the Part 9.5 Tree Preservation.

**5.16 Waste Minimisation and Management**

The storage, management and collection of waste is to be in accordance with the requirements of Part 7.2 Waste Minimisation and Management provisions of RDCP 2014. Bins would be moved to the temporary bin room in corner of building at street level which would then be collected by Council. This would avoid the bins being on the kerbside. The submitted plans demonstrate that the proposal is capable of complying with Council's requirements.

**5.17 Site Specific DCP**

As detailed above and within this report the site is subject to the updated flat building design provisions under the ADG and the additional provisions where relevant of the RDCP 2014 with regard to the assessment of environmental impacts. The site is not of a size to warrant a site specific DCP. The future development application will be subject to the RLEP development standards being height and FSR. The ADG will be the primary tool to establish setbacks, site coverage, deep soil and landscaping etc. A range of comprehensive Australian Standards will also apply to the future proposal. These are the same controls and guidelines Council currently use to assess development of similar or greater size and as such are deemed to be adequate to control and manage future development on the site.

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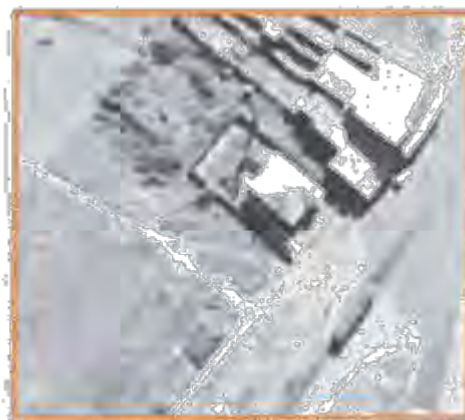


**Part 3 State Environmental Planning Policies – SEPP 55 & SEPP 66  
(ADG) Preliminary Assessment of Concept Development Plans**

**6.1 SEPP 55 – Remediation of Land**

The proposed Concept Development, or any other residential flat development, on the consolidated development site will also need to satisfy the provisions of SEPP 55.

Due to the nature of the existing development of the land, being community serviced based, residential and small lot commercial/retail it is considered highly unlikely that the land would be subject to contamination in terms of SEPP 55. A 1943 aerial of the sites show the rezoning site is vacant at that time with only the single dwelling and set of shops to the north. Based on the existing buildings and use of the site, it is considered unlikely that the overall development site is contaminated.



*Figure 26: aerial photo of sites in 1943  
(Source: Sixmaps NSW)*

In support of the application is a stage 1 preliminary site assessment report. The site assessment concludes that the proposed residential use is acceptable and there are no environmental impediments to the rezoning of the land from SP2 to R4. The site assessment report concludes as follows:

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*Based on the results of this investigation it is considered that the risks to human health and the environment associated with soil contamination at the site are low in the context of the proposed use of the site. The site is suitable for the proposed development, subject to the following recommendations:*

*ii. Any soils proposed for removal from the site should initially be classified in accordance with the "Waste Classification Guidelines, Part 1: Classifying Waste" NSW DECC (2014).*

*If during any potential site works any significant unexpected occurrence is identified, site works should cease in that area, at least temporarily, and the environmental consultant should be notified immediately to set up a response to this unexpected occurrence."*

**6.2 SEPP 65 – Design Quality for Residential Flat Buildings**

RDCP 2014 does not contain specific provisions for the assessment of medium to high density residential flat buildings. Rather, it refers to the provisions of SEPP 65 and its associated Apartment Design Guidelines for guidance and sets the parameters and controls for the design and assessment of these developments.

To assist with the assessment of the site's capacity to be developed in accordance with the concept Development Plans submitted as part of this Planning Proposal, the following table provides an indication of where the proposal complies or is capable of complying and/or achieving good quality design outcomes on the development site.

Principle	Comment
<b>1 Context and neighbourhood character</b>	
<p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p>	<p>The locational context of the development site in relation to Ryde Town Centre and even more broadly within the region creates a highly desirable redevelopment site in terms of access to employment, leisure, entertainment, community services and public transport. The opportunities created by rezoning this site are addressed throughout</p>

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<p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p>this Planning Proposal.</p>
<p><b>2 Built form and scale</b></p>	
<p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>The proposed rezoning of SP2 land to R4 is considered appropriate in this case. Council requested the proponent to demonstrate how the R4 development standards would transition the height and FSR, and hence the bulk and scale of the new development between the R4 zone and the R2 zone adjoining the site.</p> <p>The concept Development Plans demonstrate that the site is capable of achieving the 1:1 FSR and overall height of building not exceeding 11.5m across the site without adversely impacting on the adjoining detached dwellings or their curtilages. The proposed design and built form is considered to be an appropriate response and transition between the height, bulk and scale of the Top Ryde Shopping Centre to the east, the existing Civic Centre to the South and the 1 and 2 storey dwellings and low rise commercial buildings to the south, west and north. Refer to Figures 14 &amp; 15 above.</p> <p>The proposed scale of the RFB is reduced due to the provision of two individual pavilions (i.e. east and west wing) that provides a minimum 12m break in the centre of the site. Within each pavilion the built form will be broken down by balconies and other architectural treatments that</p>

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	<p>provide relief and increase the effects of light and shade. The future DA will be subject to a detailed assessment under S79C of the EP and A Act 1979 which considers bulk and scale and the requirements of SEPP 65. The site slopes to the rear and has cross fall thus the built form has been designed to step with the slope and comply with height given that height is determined from the existing site levels.</p>
<p><b>3 Density</b></p>	
<p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population.</p> <p>Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>The development site proposes to contain 39 residential units with a FSR of 1:1. This is considered appropriate for the area in terms of population growth in the immediate area and the broader planning principle of urban renewal and consolidation in areas close to public transport, employment and services. The site is ideally situated in this context. The site is accessible from the TRSC with lift service provided within the overhead bridge. Regardless the transition from the site to the TRSC is reasonably level. The resultant density is the same as the R4 lands to the north but is significantly less than the density provided in the Top Ryde town centre. The future development will provide all parking on site. The consolidated site is quite large and has the capacity to support the proposed 39 dwellings. Each dwelling will have its own private open space.</p>
<p><b>4 Sustainability</b></p>	



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<p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and livability of residents and passive thermal design for ventilation, heating and cooling, reducing reliance on technology and operational costs. Other elements include recycling and re-use of materials and waste, use of sustainable materials and deep soil zone or groundwater recharge and vegetation.</p>	<p>The Concept Development Plans demonstrate that 100% of the proposed units will comply with solar access minimum requirements, 95% with cross ventilation minimums and sufficient landscaping and deep soil planting to soften effects of privacy and potential overlooking of communal areas.</p>
<p><b>5 Landscape</b></p>	
<p>Good design recognises that together, landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the developments' environmental performance by retaining positive natural features which contribute to the local context, coordinating water and soil management, solar access, microclimate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, and respect for neighbours' amenity and provides for practical establishment and long-term management.</p>	<p>Concept Development plans demonstrate that adequate landscape areas within the site are available for deep soil planting to soften the visual impact of the development and to increase visual privacy to and from the site. Detailed landscape plans, prepared by a suitably qualified landscape designer will be submitted at the DA stage.</p> <p>The plan will deal with the different requirements between rear planting and front setback planting. All species will be selected based on effectiveness and suitability of the site.</p>
<p><b>6 Amenity</b></p>	
<p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well-being.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic</p>	<p>Concept Development Plans demonstrate that the design, layout and urban form of the proposed development will result in adequate amenity for both residents and neighbours of the development. The bulk, scale,</p>



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<p>privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p>shape and layout of the development reflects the opportunities and constraints of the development site. The plans demonstrate that the development is capable of adequately addressing issues related to setbacks, open space, communal open space, deep soil planting, waste management, privacy and overlooking.</p>
<p><b>7 Safety</b></p>	
<p>Good design optimises safety and security within the development and the public domain.</p> <p>It provides for quality public and private spaces that are clearly defined and fit for the intended purpose.</p> <p>Opportunities to maximise passive surveillance of public and communal areas promote safety. A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>A CPTED report can be prepared and submitted at the DA stage. Generally the concept Development Plans do not raise any obvious concerns regarding safety of residents entering or leaving the site. Adequate casual surveillance is provided intra site and to the front setback areas. The entry is clearly identified and residents are provided with clear sight lines to the entry.</p>
<p><b>8 Housing diversity and social interaction</b></p>	
<p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a board range of people and providing opportunities for social interaction among residents.</p>	<p>The proposed housing mix is considered appropriate in relation to the social profile previously discussed for the Ryde area, particularly in the vicinity of the Top Ryde Shopping Centre and Ryde Town Centre and Civic precincts.</p>
<p><b>9 Aesthetics</b></p>	
<p>Good design achieves a built form that has good proportions and a balanced composition of</p>	<p>Details of proposed materials,</p>

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<p>elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p>colours and finishes will be submitted at the DA stage. It is anticipated that the building form shown will carry over in the Development Application to be submitted to Council as soon as possible.</p>
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**Part 3 Siting the Development**

Objectives	Comment
<b>3A Site analysis</b>	
<p><b>Objective 3A-1</b> Site analysis illustrates that design decisions have been based on opportunities and constraints of the site, conditions and their relationship to the surrounding context.</p>	<p>Yes. Refer to the Architectural drawings prepared by Urban Link Architecture, submitted as part of this Planning Proposal.</p>
<b>3B Orientation</b>	
<p><b>Objective 3B-1</b> Building types and layouts respond to the streetscape and site while optimising solar access within the development.</p>	<p>Yes. The role and function of Blaxland Road in this area has changed to that of a side road access to a small number of properties. The concept Development Plan responds to this change while optimizing the orientation of the land, achieving 100% of units with adequate solar access.</p>
<p><b>Objective 3B-2</b> Overshadowing of neighbouring properties is minimised during mid-winter.</p> <p><b>Design guidance</b> Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%.</p> <p>A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring</p>	<p>Yes. The Shadow Diagrams submitted with the Architectural Plans demonstrate that the design and siting of the proposal on the development site does not adversely impact on the solar access and amenity of the adjoining residential dwellings or their connected private open space areas. As with any level of</p>

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<p>buildings.</p>	<p>redevelopment there will be impacts associated with change however the impacts of this development will be within the limits set but the Ryde controls. Some level of impact is contemplated by the controls and it is likely the impacts will be within these controls when the formal DA is processed following gazettal of the planning proposal.</p>
<p>3C Public Domain Interface</p>	
<p><b>Objective 3C-1</b> Transition between private and public domain is achieved without compromising safety and security.</p>	<p>The Concept Development is capable of complying.</p>
<p><b>Objective 3C-2</b> Amenity of the public domain is retained and enhanced.</p>	<p>The existing mature street trees are proposed to be retained. These Eucalypts are an important element of the existing streetscape along this frontage. A more detailed assessment will be contained within the future DA when submitted. The future DA will be supported by an arborist report which will be reviewed in house by Councils landscape experts.</p>
<p>3D Communal and public open space</p>	
<p><b>Objective 3D-1</b> An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.</p> <p><b>Design Criteria</b> Communal open space has a minimum area equal to 25% of the site. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid-winter). The communal open space should have a minimum dimension of 3m.</p>	<p>The Plans show that some 25.4% of the site area is available for landscaping and communal open space purposes. Adequate solar access is available to each of the principles areas, being the centre courtyard, side and rear setbacks. The central communal space is provided with adequate direct sun light and will have access</p>

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<p>Objective 3D-2 Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.</p>	<p>Details of landscaping, including hard stand areas, any furniture or activity space will be provided as part of the DA. The principle communal open space areas are capable of being attractive and inviting places for residents.</p>
<p>Objective 3D-3 Communal open space is designed to maximise safety.</p>	<p>As above.</p>
<p>Objective 3D-4 Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood.</p>	<p>Not applicable to this development. Only private or communal open space is to be provided as part of the Concept Development.</p>
<p><b>3E Deep soil zones</b></p>	
<p>Objective 3E-1 Deep soil zones provide areas on the site that allow for and support health plant and tree growth. They improve residential amenity and promote management of water and air quality.</p> <p>Design criteria Deep soil zones are to meet the following minimum requirements:</p> <ul style="list-style-type: none"> <li>* 7% of site area</li> <li>* &lt;650m<sup>2</sup> – no min dimensions</li> <li>* 650m<sup>2</sup>-1500m<sup>2</sup> – 3m min dimensions</li> <li>* &gt;1500m<sup>2</sup> – 5m min dimensions</li> </ul>	<p>The rear boundary setback (6m) is proposed to be a deep soil zone, together with part of the side boundary setback along the northern boundary and parts of the central courtyards and front setback on Blaxland Road. Each of these areas contains sufficient length and breadth to comply. Details to be submitted with any DA.</p>
<p><b>3F Visual Privacy</b></p>	
<p>Objective 3F-1 Adequate building separation distances are shared equitable between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.</p> <p>Design Criteria Separation between windows and balconies, is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows: 4 storeys: 6m for habitable rooms and balconies; 3m for non-habitable rooms.</p>	<p>The rear building is to be setback 6m from the rear boundary. It appears on the concept plans that the proposal is capable of complying.</p>
<p>Objective 3F-2 Site and building design elements increase privacy without compromising access to light and air, and balance outlook and views from habitable rooms</p>	<p>The plans demonstrate that the proposal is capable of complying. Details to be submitted at the DA</p>

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and private open space.	stage.
<b>3G Pedestrian access and entries</b>	
Objective 3G-1 Building entries and pedestrian access connects to and addresses the public domain.	Complies.
Objective 3G-2 Access, entries and pathways are accessible and easy to identify.	Complies.
Objective 3G-3 Large sites provide pedestrian links for access to streets and connection to destinations.	No pedestrian links required for this specific site. Blaxland Road connects directly to the pedestrian overpass over Devlin Street to the Top Ryde Shopping Centre and Ryde Town Centre area.
<b>3H Vehicle access</b>	
Objective 3H-1 Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.	Redundant crossovers and driveways will be reinstated and one new crossover and driveway is proposed to be constructed along the southern boundary of the development site. Pavement details to be submitted at the DA stage.
<b>3J Bicycle and car parking</b>	
Integrating car parking within apartment buildings has a significant impact on site planning, landscape and building design. On-site parking can be located underground, above ground within a structure or at grade.	Parking for the proposed development is located at lower ground level, below the front building.
Objective 3J-2 Parking and facilities are provided for other modes of transport	No details provided. Capable of complying. Details to be submitted at the DA stage.
Objective 3J-3 Car park design and access is safe and secure.	The preliminary traffic report concludes that the proposal is satisfactory in terms of traffic generation, parking provision, circulation and access.
Objective 3J-4 Visual and environmental impacts of underground	Complies.

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car parking are minimised.	
Objective 3J-5 Visual and environmental impacts of on-grade car parking are minimised.	Not applicable to the proposal.
Objective 3J-6 Visual and environmental impacts of above ground enclosed car parking are minimised.	Not applicable to the proposal.

Part 4 Designing the Building

<b>4A Solar and daylight access</b>	
Objective 4A-1 To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.  Design criteria In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9am and 3pm at mid-winter.	Complies. 100% of apartments will receive adequate sunlight in accordance with the ADG criteria.
Objective 4A-2 Daylight access is maximised where sunlight is limited.	Not applicable in this case.
Objective 4A-3 Design incorporates shading and glare control, particularly for warmer months.	Details to be submitted at the DA stage.
<b>4B Natural ventilation</b>	
Objective 4B-1 All habitable rooms are naturally ventilated.	95% of units have adequate cross ventilation.
Objective 4B-2 The layout and design of single aspect apartments maximises natural ventilation.	Capable of complying. Details to be submitted at the DA stage.
Objective 4B-3 The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents.  Design criteria At least 60% of apartments are naturally cross-ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross-ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	Complies. 95% of units have natural cross ventilation.
<b>4C Ceiling heights</b>	
Objective 4C-1	Concept Plan developed to

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<p>Ceiling height achieves sufficient natural ventilation and daylight access.</p> <p><b>Design criteria</b>          Measured from finished floor level to finished ceiling level, minimum ceiling heights are:          Habitable rooms: 2.7m          Non-habitable rooms: 2.4m          2 storey apartments: 2.7m for main living area floor; 2.4m for second floor where its area does not exceed 50% of the apartment area.</p>	<p>ensure compliance with floor to ceiling height standards. Details to be submitted at the DA stage.</p>
<p><b>Objective 4C-2</b>          Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms.</p>	<p>Noted.</p>
<p><b>4D Apartment size and layout</b></p>	
<p><b>Objective 4D-1</b>          The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.</p> <p><b>Design criteria</b>          All apartments are required to have the following minimum internal areas:          Studio: 35m<sup>2</sup>          1 bedroom: 50m<sup>2</sup>          2 bedroom: 70m<sup>2</sup>          3 bedroom: 90m<sup>2</sup></p> <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.</p> <p><b>Design guidance</b>          A window should be visible from any point in a habitable room.</p>	<p>Concept plans demonstrate a high quality of residential amenity in the floor layouts and internal design.</p> <p>Concept Development Plan complies. Dwelling mix is a combination of one bedroom, two bedroom and three bedroom apartments, noting that the two northern units are townhouses.</p>
<p><b>Objective 4D-2</b>          Environmental performance of the apartment is maximised.</p> <p><b>Design criteria</b>          Habitable room depths are limited to a maximum of 2.5 x the ceiling height.          In open plan layouts (where the living, dining + kitchen are combined) the max habitable room depth is 8m from a window.</p>	<p>Concept Plans have been prepared to comply. Details to be provided at the DA stage.</p>
<p><b>Objective 4D-3</b>          Apartment layouts are designed to accommodate a variety of household activities and needs.</p> <p><b>Design criteria</b>          Master bedrooms have a minimum area of 10m<sup>2</sup></p>	<p>Concept Plans have been prepared to comply with these provisions. Details to be submitted at the DA stage.</p>



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<p>and other bedrooms 9m<sup>2</sup>, (excluding wardrobe space) Bedrooms have a minimum dimension of 3m (excluding wardrobe space) Living rooms or combined living/dining rooms have a minimum width of 4m for 2 and 3 bedroom apartments. The width of cross-over or cross-through apartments is at least 4m internally to avoid deep narrow apartment layouts.</p>	
<p><b>4E Private open space and balconies</b></p>	
<p><b>Objective 4E-1</b> Apartments provide appropriately sized private open space and balconies to enhance residential amenity. <b>Design criteria</b> All apartments are required to have primary balconies as follows: o Studio: 4m<sup>2</sup> min o 1 bed: 8m<sup>2</sup> min + 2m depth o 2 bed: 10m<sup>2</sup> + 2m depth o 3 bed: 12m<sup>2</sup> + 2.4m depth  The minimum balcony depth to be counted as contributing to the balcony area is 1m.</p>	<p>Concept Plans have been prepared to comply with these provisions.</p>
<p><b>Objective 4E-2</b> Primary private open space and balconies are appropriately located to enhance liveability for residents.</p>	<p>Complies. Balconies directly accessible from living areas of apartments.</p>
<p><b>Objective 4E-3</b> Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.</p>	<p>Complies.</p>
<p><b>Objective 4E-4</b> Private open space and balcony design maximises safety.</p>	<p>Concept Plans have been prepared to ensure safety. Details of materials and finishes to be submitted at the DA stage.</p>
<p><b>4F Common circulation and spaces</b></p>	
<p><b>Objective 4F-1</b> Common circulation spaces achieve good amenity and properly service the number of apartments.  <b>Design criteria</b> The maximum number of apartments off a circulation core on a single level is eight. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40. Where design criteria 1 is not achieved, no more than 12 apartments should be provided off a circulation core on a single level.</p>	<p>Concept Plans have been prepared to comply with these provisions.</p>
<p><b>Objective 4F-2</b></p>	<p>The buildings are capable of</p>



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Common circulation spaces promote safety and provide for social interaction between residents.	complying with CPTED principles for the safety of residents. Details to be submitted at the DA stage.
<b>4G Storage</b>	
<p><b>Objective 4G-1</b> Adequate, well-designed storage is provided in each apartment.</p> <p><b>Design criteria</b></p> <ul style="list-style-type: none"> <li>• In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <ul style="list-style-type: none"> <li>o Studio: 4m<sup>3</sup></li> <li>o 1 bed: 6m<sup>3</sup></li> <li>o 2 bed: 8m<sup>3</sup></li> <li>o 3 bed: 10m<sup>3</sup></li> </ul> </li> </ul> <p>At least 50% of the required storage is to be located within the apartment.</p>	Details to be submitted at the DA stage.
<p><b>Objective 4G-2</b> Additional storage is conveniently located, accessible and nominated for individual apartments.</p>	Details to be submitted at the DA stage.
<b>4H Acoustic privacy</b>	
<p><b>Objective 4H-1</b> Noise transfer is minimised through the siting of buildings and building layout.</p>	The buildings will be capable of complying. Details to be submitted at the Construction Certificate stage.
<p><b>Objective 4H-2</b> Noise impacts are mitigated within apartments through layout and acoustic treatments.</p>	The buildings will be capable of complying. Details to be submitted at the Construction Certificate stage.
<b>4J Noise and pollution</b>	
<p><b>Objective 4J-1</b> In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.</p>	The site is close to Devlin Street, being an arterial road. An acoustic report would be submitted at the DA stage and would include any recommendations to acoustically treat the front apartments, if necessary.
<p><b>Objective 4J-2</b> Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.</p>	As above. Subject to any recommendations of an Acoustic Assessment of the site and its surrounds.

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<b>4K Apartment mix</b>	
Objective 4K-1 A range of apartment types and sizes is provided to cater for different household types now and into the future.	The Concept Development is to contain and mix of one, two and three bedroom apartments.
Objective 4K-2 The apartment mix is distributed to suitable locations within the building.	The mix of units is distributed across the two buildings and on different levels.
<b>4L Ground floor apartments</b>	
Objective 4L-1 Street frontage activity is maximised where ground floor apartments are located.	Complies.
Objective 4L-2 Design of ground floor apartments delivers amenity and safety for residents.	Complies. Details to be submitted at the DA stage.
<b>4M Façade</b>	
Objective 4M-1 Building façades provide visual interest along the street while respecting the character of the local area.	Concept Plans generally complies. The front façade is articulated along the street frontage. Finishes and materials to be submitted at the DA stage. The proposal is capable of complying.
Objective 4M-2 Building functions are expressed by the façade.	As above.
<b>4N Roof design</b>	
Objective 4N-1 Roof treatments are integrated into the building design and positively respond to the street.	Details of roof treatment, design and sustainability will be submitted at the DA stage.
Objective 4N-2 Opportunities to use the roof space for residential accommodation and open space are maximised.	The roof space at the northern end of the site is proposed to be used for two units, creating two townhouses with upper level bedrooms.
Objective 4N-3 Roof design incorporates sustainability features.	The proposal is capable of complying. Details to be submitted at the DA stage.
<b>4O Landscape design</b>	
Objective 4O-1 Landscape design is viable and sustainable.	Concept plans demonstrate that there is sufficient site area dedicated to landscaping and

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	large areas of deep soil planting proposed along the rear and side boundaries, where available to soften the appearance of the development when viewed from the detached dwellings next door.
Objective 4Q-2 Landscape design contributes to the streetscape and amenity.	Concept Plans retain the existing mature street trees which are significant in creating the amenity and streetscape along Blaxland Road.
<b>4P Planting on structures</b>	
Objective 4P-1 Appropriate soil profiles are provided.	Concept plans only. Details to be provided at DA stage. There are no early indications of any soil instability that would affect the proposed development of the site.
Objective 4P-2 Plant growth is optimised with appropriate selection and maintenance.	Details of proposed plantings will be submitted at the DA stage. There are no early indications of any detrimental issues relating to plant selection for this site.
Objective 4P-3 Planting on structures contributes to the quality and amenity of communal and public open spaces.	Noted. Details of all landscaping and outdoor areas, including the central courtyard will be submitted at the DA stage.
<b>4Q Universal design</b>	
Objective 4Q-1 Universal design features are included in apartment design to promote flexible housing for all community members.  Developments achieve a benchmark of 20% of the total apartments incorporating the Livable Housing Guidelines' silver level universal design features.	Concept Plans indicate that a minimum of 4 units will be adaptable.
Objective 4Q-2 A variety of apartments with adaptable designs are provided.	Details to be provided at the DA stage.
Objective 4Q-3 Apartment layouts are flexible and accommodate a range of lifestyle needs.	Concept Plans demonstrate that the proposal is capable of complying.

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4T Awnings and signage	
Objective 4T-1 Awnings are well located and complement and integrate with the building design.	None proposed or required.
Objective 4T-2 Signage responds to the context and desired streetscape character.	None proposed or required.
4U Energy efficiency	
Objective 4U-1 Development incorporates passive environmental design.	No current details. Capable of complying.
Objective 4U-2 Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.	No current details. Capable of complying.
Objective 4U-3 Adequate natural ventilation minimises the need for mechanical ventilation.	No current details. Capable of complying.
4V Water management and conservation	
Objective 4V-1 Potable water use is minimised.	No current details. Capable of complying.
Objective 4V-2 Urban stormwater is treated on site before being discharged to receiving waters.	No current details. Capable of complying.
Objective 4V-3 Flood management systems are integrated into site design.	Not applicable to this site.
4W Waste management	
Objective 4W-1 Waste storage facilities are design to minimise impacts on the streetscape, building entry and amenity of residents.	Concept Plans indicate a number of small waste collection areas for domestic bins. Capable of complying with details to be provided at the DA stage.
Objective 4W-3 Domestic waste is minimised by providing safe and convenient source separation and recycling.	No current details. Capable of complying.
4X Building maintenance	
Objective 4X-1 Building design detail provides protection from weathering.	No current details. Capable of complying.
Objective 4X-2 Systems and access enable ease of maintenance.	No current details. Capable of complying.
Objective 4X-3 Material selection reduces ongoing maintenance.	No current details. Capable of

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costs.	complying.
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6.3 The Concept Development Plans, submitted as part of this Planning Proposal, serve to demonstrate satisfactory achievement of these provisions. The proposed concept Development Plans for the consolidated site either complies or is capable of complying with the provisions of RLEP 2014, the relevant provisions of RDCP 2014 and the principles and provisions of SEPP 65 (ADG).

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**Part 7 Objectives/Intended Outcomes**

7.1 The Planning Proposal seeks to:

Rezone No. 176 – 178 Blaxland Road, Ryde from SP2 Infrastructure (Place of Public Worship) to R4 High Density Residential pursuant to Ryde Local Environmental Plan 2014.

The proposed amendment requires changes to the Ryde LEP 2014 Map\_006 Series – Land Zoning Map; Lot Size Map; Floor Space Ratio Map; Height of Building Map. The remainder of the Map\_006 Series do not change.

7.2 There is no intended change or modification to any other planning standard, provision or control as it relates to the existing site or the ongoing use or development of the site in the future.

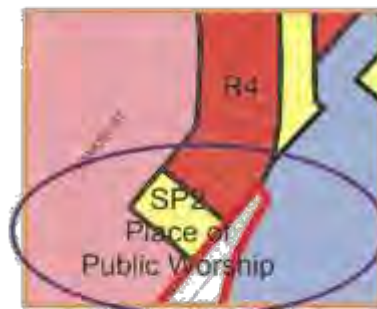
**Part 8 Explanation of the Provisions**

8.1 Ryde Local Environmental Plan 2014 is to be amended by:

1. Amending the Ryde LEP 2014 maps as follows:

	Name of Map	Delete	Add	Colour	Letter
1.	Land Zoning	✓	✓	Change from yellow to bright red	R4
2.	Floor Space Ratio		✓	Light Brown	N
3.	Height of Building		✓	Yellow	L
4.	Lot Size		✓	Yellow	L

Map 1: Land Zoning





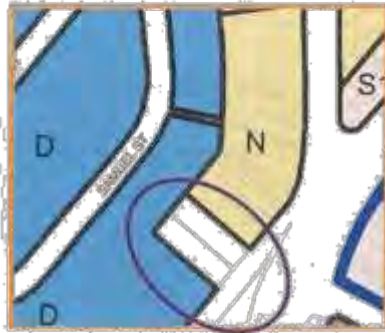
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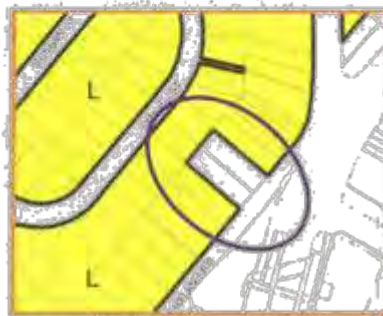
**Map 2: Floor Space Ratio**



**Map 3: Height of Building**



**Map 4: Lot Size**



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**Part 3 Justification**

**Section A - Need for the Planning Proposal**

**1. Is the planning proposal part of any strategic study or report?**

No. The proposal is a site specific Planning Proposal to rezone two allotments to facilitate residential development across a consolidate site comprising five land parcels. Notwithstanding, the preparation of the concept Development Plans for the consolidated site has taken into account Council's strategic vision and direction for this area of Ryde and more broadly the goals of the State Government's *A Plan for Growing Sydney* in relation to housing supply, urban renewal and urban infill in areas close to infrastructure and services.

The proponent has engaged a suitably qualified and experienced architectural firm, together with a Town Planning consultant, Traffic Engineer and earth scientists to develop concept plans for a consolidated development site comprising five (5) lots; two lots which are currently zoned SP2 Infrastructure (Place of Public Worship). The architect has worked through a number of options for the land seeking to optimize its use for residential purposes (given its locational context) while ensuring the proposal respects the site's interface between the high density R4 zone and the low density R2 zone and existing development.

The subject site is not part of any defined Urban Centre and it is not a nominated 'specific site' under Council's adopted DCP.

Notwithstanding that this is a 'site specific' rezoning, its future development relates closely to the future vision and character that Council has enunciated in Part 4.4 of RDCP 2014 - Ryde Town Centre for the Civic/Mixed Use precinct. Council's objectives, vision and planning principles for this area are noted.



Figure 27: Area covered by RDCP Part 4.4 - Ryde Town Centre



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Council's adopted Vision for this area is:

*"Ryde Town Centre will be an attractive place to live, work and visit. The future character of Ryde Town Centre will build on its historic role as a community and retail hub catering for leisure and learning, shopping and business. This Part identifies strategies and controls that will shape the future development of Ryde Town Centre to create an attractive, accessible and unique environment in which to live, work, shop, and visit. High quality built form will define and edge public spaces."*

The site is located on the edge of the Town Centre and fronts part of Precinct 1 (Civic/Mixed Use). It is also directly opposite Precinct 6 (Commercial Edge (north)) of RTC.

The development concept presented in this Planning Proposal achieves Council's vision for this area. The site, and neighbouring properties, will need to have continued vehicular access as Blaxland Road is its only legal frontage. It is noted that the DCP denotes a 'preferred civic plaza place' adjacent the frontage of the site. No details are provided and the future development is part of the current architectural design competition currently on exhibition. Regardless of the future scheme it is clear the scale and form of buildings will increase in this area.

Overall, the Planning Proposal and Concept Development complements the long term vision and function of the Ryde Town Centre. Additional residential accommodation will support the likely civic role of the current Council offices to the south.

**2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

Yes. Advice received from Council officers indicated that Council would be willing to consider an amendment of RLEP 2014 to facilitate a residential development on the subject land and adjoining sites.

An amendment to the Ryde LEP 2014 is the only feasible way of achieving the desired future redevelopment of the consolidated site. It will provide greater certainty and this Planning Proposal has enabled the new planning controls to be informed by an urban design analysis that has tested the built form outcomes for the site and the immediate area.

The loss of the SP2 land is not significant in any way as churches are permissible in other zones under the RLEP 2014. Clearly there is no demand for a church use and residential use is the most appropriate given the demand for housing and the rising prices of singular residential homes.

ITEM 5 (continued)

ATTACHMENT 1

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2: Infrastructure to R4 High Density Residential



***Is there a net community benefit?***

The proposal has a community benefit in the form of housing supply directly adjacent to a transport link, shopping centre, Civic Centre and growing Town Centre comprising a range of services essential to the local community. The additional housing supply will assist in curtailing the rising rental and housing prices in the area. With a very high level of occupied private dwellings in the area (above 90%) the issue with housing in the area is that demand outstrips supply and this causes prices to rise. Traditionally housing in this area has been separate houses, however there is social pressure for more units and apartments as the area's population demographics are changing. Over recent years all dwelling stock in the area has been purchased confirming that the type of product (i.e. apartments) is in demand.

As reported the median house price in Ryde is now above \$1.4m and this is about 35% greater than the average Sydney house price. The additional accommodation also assists in reducing rental prices which over the last decade have risen to very high levels when compared to other countries.

The proposal will also assist in providing demand for local goods and services by virtue of the additional population which in turn provides local jobs.

There is considered to be an overall community benefit given the potential positive economic, social and environmental advantages.

***Section 3 - Consistency to Strategic Planning Frameworks***

**3. Is the planning proposal consistent with the objectives and actions of the applicable regional and sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?**

Yes. The proposal is consistent with *A Plan for Growing Sydney*, December 2014. The Plan states:

*"Sydney needs a plan that outlines how to:*

- make it easier for Sydney's residents to move between their homes, their jobs, the centres where they shop and use local services, and their open spaces;*
- make a wider variety of housing available to suit the changing make-up of the population – more than one million people will be over the age of 65 years and almost the same number under the age of 15 years by 2031;*
- deliver new infrastructure which supports our community as it grows, and strategic infrastructure that also strengthens the economy; and*

**ITEM 5 (continued)**

**ATTACHMENT 1**

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



- *recognise our highly prized environment – the harbour, the coast, our mountains, parks and open spaces – and how to safeguard these places.”*

Goal 2 of that Plan reads: A city of housing choice, with homes that meet our needs and lifestyles. The rezoning and development of the consolidated land parcel focuses on achieving that goal, as follows:

- It provides more housing in the Ryde LGA;
- It provides housing choice in a well-serviced location;
- It will help meet changing household needs in the area and a range of lifestyle choices
- It seeks to address population growth in the immediate area in close proximity to work, shopping, leisure pursuits and community services
- It will include accessible and adaptable dwellings to assist residents who are aged, disabled or other incumbent by allowing access to families, friends and services
- It is located in easy walking distance to work, services and a variety of entertainment and social activities
- It reflects the demographic needs of this local Ryde community.
- It is an example of urban renewal and infill development that is appropriate to its location and neighbourhood context.

The proposal is considered consistent with the following objectives of the strategy:

- Providing additional housing opportunities adjoining an existing town centre and shopping precinct that itself is still growing and attracting investment;
- Boosting development opportunities on the consolidated development site by offering a density and scale of development that optimises the development potential of the land while respecting the residential amenity of adjoining low density properties;
- Maintaining environmental quality;
- Lessening energy costs and ongoing running costs of housing through quality design
- Reducing car dependence;
- Improving access and proximity to employment opportunities;
- Assisting with metropolitan housing targets;
- Providing diverse and affordable housing to reduce transport costs and inefficiencies;
- Improving environmental sustainability and efficiently using resources and infrastructure

**ITEM 5 (continued)**

**ATTACHMENT 1**

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



**4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?**

Yes. The proposal is consistent with Council's adopted Community Plan – the *Ryde 2025 Community Strategic Plan*. This Plan is the long term strategy that describes the vision for the City of Ryde as 'the place to be'.

The Plan contains a number of challenges and opportunities that are relevant to this Planning Proposal, as follows:

**1. Meeting the needs of a growing population**

*Sydney's population is expected to grow to six million people by 2036, with an average annual rise of 56,650 people. As of 30 June 2011 the population of Ryde was estimated to be 108,371. By 2031 that figure is forecast to reach an estimated 135,508. While these are the forecast figures, Ryde's popularity is likely to bring even stronger growth than predicted.*

**2. Addressing the needs of a changing population**

*We are living longer with an ever increasing life expectancy. By 2036 the number of people across Sydney over the age of 65 will more than double, to just over one million people, or 17% of the overall population. In keeping with national predictions of an ageing population, figures provide clear predictions of an ageing population in Ryde. It is estimated the number of people aged over 65 will increase, and represent 15.4% of the population by 2021. We also anticipate an influx of younger residents moving closer to employment and education opportunities, together with our multicultural population continuing to grow.*

**3. Offering suitable housing options while maintaining the characteristics of our suburbs**

*In 2011 there were 41,755 dwellings in the City of Ryde. The metropolitan strategy has a target for 12,000 dwellings by 2031. We are witnessing an increasing under supply of housing, with a higher demand for villas, units and rental properties. We are also moving towards smaller households, projections show that from 2007 to 2027 there will be a 43.8% increase in lone person households, making this the dominant housing type within six years.*

**4. Creating a strong economy and employment closer to home**

*There are over 33,000 businesses operating in the City of Ryde. Our growing City is predicted to create over 21,000 new jobs, amounting to around 80,000 people working in our city by 2031. With increasing opportunities across our booming City we anticipate this predicted number*

**ITEM 5 (continued)**

**ATTACHMENT 1**

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 -- SP2 Infrastructure to R4 High Density Residential



*to rise even further: Of the 69,480 people who currently work in the City of Ryde, 13,643 or 19.6% also live in the area. By 2031 and beyond this is expected to rise significantly as people seek opportunities closer to home." (our emphasis).*

The Planning Proposal addresses these community based challenges and adequately works towards the achievement of Council's local strategy for sustainable growth and economic vitality within the Ryde LGA.

**5. Is the planning proposal consistent with applicable State Environmental Planning Policies?**

There are no State Environmental Planning Policies which would contravene the Planning Proposal. As addressed previously in this Planning Proposal the final development proposal, when submitted as a Development Application will need to address the relevant provisions of any SEPP that applies to the design and construction of a residential development on that land. That includes SEPP 55 and SEPP 65. The Concept Development Plans submitted as part of this Planning Proposal demonstrate that the land and subsequent development for high density residential development is capable of complying with these provisions. Detailed future development applications will be supported by additional information such as BASIX and SEPP 65 design certificate etc confirming that the proposal achieves the relevant provisions of any SEPP.

**6. Is the planning proposal consistent with applicable Ministerial Directions [s. 117 directions]?**

Yes. Consistency with the list of Directions (under section 117(2) of the Environmental Planning and Assessment Act 1979 issued by the Minister for Planning) is assessed below.

Direction	Issue Date / Date Effective	Relevance to Planning Proposal
<b>1. Employment and Resources</b>	1 July 2009	
1.1 Business and Industrial Zones		Not relevant
1.2 Rural Zones		Not relevant
1.3 Mining, Petroleum Production and Extractive Industries		Not relevant
1.4 Oyster Aquaculture		Not relevant
1.5 Rural Lands		Not relevant
<b>2. Environment and</b>	1 July 2009	

ITEM 5 (continued)

ATTACHMENT 1

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



<b>Heritage</b>		
2.1 Environment Protection Zones		Not relevant
2.2 Coastal Protection		Not relevant
2.3 Heritage Conservation		Not relevant
2.4 Recreation Vehicle Areas		Not relevant
<b>3. Housing, Infrastructure</b>	1 July 2009 (Except for new Direction 3.6 - effective 16 February 2011)	The proposal is to be zoned land for high density residential development. The concept plans submitted in support of the planning proposal demonstrates that the development site is capable of complying with the relevant development standards and controls while maintaining adequate residential amenity to all existing low density development adjoining the development site.
3.1 Residential Zones		No change to the existing LEP provisions, zoning or development standards that apply to R4 zoned land. The scheme adopts the same 11.5m height and 1:1 FSR controls currently applicable to the R4 zoned lands to the north.
3.2 Caravan Parks and Manufactured Home Estates		Not relevant
3.3 Home Occupations		Not relevant
3.4 Integrating Land Use and Transport		Not relevant
3.5 Development Near Licensed		Not relevant

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**ITEM 5 (continued)**

**ATTACHMENT 1**



Planning Proposal, 176 - 178 Blandland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential

<b>Aerodromes</b>		
3.6 Shooting Ranges		Not relevant
<b>4. Hazard and Risk</b>	1 July 2009	
4.1 Acid Sulfate Soils		Not relevant
4.2 Mine Subsidence and Unstable Land		Not relevant
4.3 Flood Prone Land		Not relevant
4.4 Planning for Bushfire Protection		Not relevant
<b>5. Regional Planning</b>	1 July 2009 (Except for new Direction 5.4 effective 29 Nov 2009 & Direction 5.2 effective 3 Mar 2011 & Direction 5.9 effective 30 Sep 2014)	
5.1 Implementation of Regional Strategies		Not relevant
5.2 Sydney Drinking Water Catchments		Not relevant
5.3 Farmland of State and Regional Significance on the NSW Far North Coast		Not relevant
5.4 Commercial and Retail Development along the Pacific Highway, North Coast		Not relevant
5.5 (Revoked 18 June 2010)		Not relevant
5.6 (Revoked 10 July 2008)		Not relevant
5.7 (Revoked 10 July 2008)		Not relevant
5.8 Second Sydney Airport: Badgerys Creek		Not relevant
5.9 North west Rail Link Corridor Strategy		Not relevant
<b>6. Local Plan Making</b>	1 July 2009	
6.1 Approval and Referral Requirements		This planning proposal is consistent with these provisions.
6.2 Reserving Land		Not relevant

**ITEM 5 (continued)**

**ATTACHMENT 1**

Planning Proposal, 176 - 178 Blandland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



<p>for Public Purposes 6.3 Site Specific Provisions</p>		<p>This planning proposal seeks to rezone the subject site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone. The PP is essentially a proposal to continue the current R4 zone to the south to include two SP 2 zoned sites. The SP 2 use of the site is no longer viable or required and its loss has no strategic planning implications.</p>
<p>7. Metropolitan Planning</p>	<p>14 January 2015 (Except for Direction 7.2 effective 22 September 2015)</p>	
<p>7.1 Implementation of the Metropolitan Plan for Sydney 2036</p>		<p>Generally consistent with <i>A Plan for Growing Sydney</i>, Dec 2014. Refer to comments in Part 9, Section B (3) above.</p>



ITEM 5 (continued)

ATTACHMENT 1

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



**Section C – Environmental, Social and Economic Impact**

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. There is no known critical habitat or threatened species, populations or ecological communities, or their habitats affected by the Planning Proposal.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. There are no other likely environmental effects as a result of the Planning Proposal, such as flooding, landslip, bushfire hazard and the like. Additionally the Shadow Diagrams submitted as part of the Planning Proposal demonstrate that the residential amenity of adjoining properties is not adversely affected by the development of the land in accordance with the concept development plans included with architectural plans that accompany this report. The degree of natural light provided to the adjoining sites is to be within the parameters of the Ryde DCP.

9. How has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal acknowledges that there will be a small net community loss due to the displacement of the existing Youth Services use on the rezoning site. This community based service will need to be relocated to new premises as a result of the rezoning. Conversely this Planning Proposal has also outlined there is a net community benefit of providing close to 40 new permanent residential units in this location. The reasons why this appropriate and desired from a social impact and community benefit perspective are outlined and included throughout this report. Overall, the Concept Development provides for a logical and pragmatic use of the land and the design, siting and layout represents good quality urban infill development. The site is widely accessible to work, leisure, entertainment and community services. It is anticipated that the Youth Services premises will be able to be relocated and continue to assist and support the region as it does currently, but in a new location. As advised the Church has witnessed diminishing demand for services from this specific location. The Church currently has one group using the premises once a week. On this basis there would not appear to be any adverse impact resulting from the cessation of the SP2 zoned lands.

**ITEM 5 (continued)**

**ATTACHMENT 1**

Planning Proposal, 176 – 178 Blaxland Road, Ryde  
Amend. RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



**Section D - State and Commonwealth Agencies**

**10. Is there adequate public infrastructure for the planning proposal?**

The Planning Proposal is not expected to generate demand for additional state government infrastructure or services. Local services and infrastructure, including water, sewer, energy, road and traffic is provide and can be upgraded as part of the Concept Development over the consolidated site.

**11. What are the views of State and Commonwealth authorities consulted in accordance with the gateway determination?**

Council may choose to consult with the Department of Roads and Maritime Services as part of its assessment of this Planning Proposal as the subject site fronts onto part of Blaxland Road near Devlin Street.

The Gateway Determination will confirm and specify any consultation required with State and Commonwealth authorities on the Planning Proposal.

**Section E - Mapping**

The proposed amendment of the Ryde LEP 2014 will require amendment of the RLEP Map\_006 series as set out in this report. This section contains the list and copy of the relevant maps to be amended together with a table listing the necessary changes.

**Section F - Community Consultation**

Community consultation will be undertaken by Council as part of its assessment of the planning.

The Gateway Determination will confirm and specify the community consultation that must be undertaken on the Planning Proposal.

ITEM 5 (continued)

ATTACHMENT 1

Planning Proposal, 176 - 178 Blaxland Road, Ryde.  
Amend RLEP 2014 - SP2 Infrastructure to R4 High Density Residential



**Part 10 Conclusion**

No. 176 - 178 Blaxland Road, Ryde is currently zoned SP2 Infrastructure (Place of Public Worship) under Ryde LEP 2014. The two sites subject of the rezoning are part of a Development Site comprising five (5) lots, being No. 176-186 Blaxland Road, Ryde. The three additional lots to the north are zoned R4 High Density Residential and are privy to a 1:1 FSR and 11.5m height control.

The Planning Proposal seeks to amend the zoning of No. 176 - 178 Blaxland Road, Ryde from SP2 Infrastructure to R4 High Density Residential to allow this land to be amalgamated and included in redevelopment of the consolidated land parcel. The sites will also be subject to the same height and FSR controls as the R4 zoned lands to the north.

The proponent engaged suitably qualified architects; planners; traffic engineers; and environmental scientists to design and/or assess the Concept Development Plans for the site, Architectural Plans and supporting reports demonstrate that the site is suitable for high density residential infill development.

The concept Development Proposal is for the demolition of the three existing buildings on the consolidate development site and construction of residential flat building development comprising 39 residential units. The units are to be constructed in two buildings (wings) and access is obtained from Blaxland Road. Generous boundary setbacks are provided to the future buildings. The rear building steps down the site creating a modulated façade when viewed from the adjoining detached dwelling sites.

The preliminary assessment of the Concept Development Plans, submitted as part of the Planning Proposal serves to demonstrate that the development complies or is capable of complying with the development standards for a R4 High Density Residential development under the current provisions of RLEP. Further that the relevant provisions of RDCP 2014 relating to traffic generation, parking, circulation and access can be complied with and the design provisions of SEPP 65 (Apartment Design Guidelines) for a residential flat building can be satisfied.

Of particular importance to Council's review of this Planning Proposal has been the need to demonstrate that the residential amenity of the adjoining properties is not adversely affected by any residential flat building development on the land, especially a development that is able to achieve the FSR and Height of Building standards that apply to the R4 zone.

ITEM 5 (continued)

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Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential

andrewmartin  
PLANNING

The Architectural plans submitted as part of the Planning Proposal include shadow diagrams. These demonstrate that the proposal, as presented, will not unduly impact on amount of sunlight enjoyed by any of the adjoining low density residential developments. Minor shadowing for a short period of time in the morning will be experienced by the property on the southern boundary. This impact is considered to be minor, short term and significantly less than the SEPP 65 provisions.

The Council has advised the proponent that it is willing to consider the Planning Proposal to rezone the land subject to any submission to Council demonstrating how the proposal would address the transition from high density residential development (with a FSR of 1:1 and height of building - 11.5m). The Concept Development plans show that compliance can be achieved. The built form provides a transition to the bulk and scale of the Top Ryde Shopping Centre.

Based on the details contained in this Planning Proposal, as supported the Architectural Plans and Traffic Report, the proponent requests that the site be rezoned from SP2 to R4 High Density Residential pursuant to the current and relevant provisions of RLEP 2014. The only mechanism available for this to occur is to prepare a PP application seeking amendment to RLEP 2014 and the relevant RLEP 2014 Map Series\_006 (as relevant to subject site). No change to the current development standards or provisions as they relate to the R4 High Density Residential zone are proposed or required. The Concept Development Plans demonstrate that the consolidated development site is capable of redevelopment in compliance with these provisions.

This PP has been prepared pursuant to Section 55 of the *Environmental Planning and Assessment Act 1979*, and the relevant Department of Planning Guidelines including 'A Guide to Preparing Planning Proposals'. In fact the application includes significantly more information than required under the guide.

The proposal is submitted to Ryde Council for consideration and approval pursuant to the Gateway Determination and Section 56 of the *Environmental Planning and Assessment Act 1979*. The amendment need only apply to the subject site (being No. 176–178 Blaxland Road, Ryde).



Andrew Martin MPiA  
Principal

ITEM 5 (continued)

ATTACHMENT 1

Planning Proposal, 176 - 178 Bland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



**Part 3: Links to Supporting Materials**

- Architectural Plans, including shadow diagrams  
Prepared by Urban Link Architecture, dated April 2016
- *Assessment of Traffic and Parking Implications*  
Prepared by Transport and Traffic Planning Associates, dated April 2016.
- Ryde LEP 2014  
<http://www.legislation.nsw.gov.au/#/view/EPI/2014/608>
- Ryde DCP 2014  
<http://www.ryde.nsw.gov.au/Business-and-Development/Planning-Controls/Development-Control-Plan>
- Ryde Social Profile (Quick Stats)  
<http://www.abs.gov.au/websitedbs/censushome.nsf/home/quickstats?opendocument&navpos=220>
- Ryde 2023: Community Strategic Plan  
[http://www.Ryde.nsw.gov.au/page/community\\_plan2.html](http://www.Ryde.nsw.gov.au/page/community_plan2.html)
- *A Plan for Growing Sydney*, December 2014, NSW Government  
<http://www.planning.nsw.gov.au/Plans-for-Your-Area/Sydney/A-Plan-for-Growing-Sydney>
- *Priorities for the Northern Subregion*  
<http://www.planning.nsw.gov.au/Plans-for-Your-Area/Sydney/Sydney-Districts>





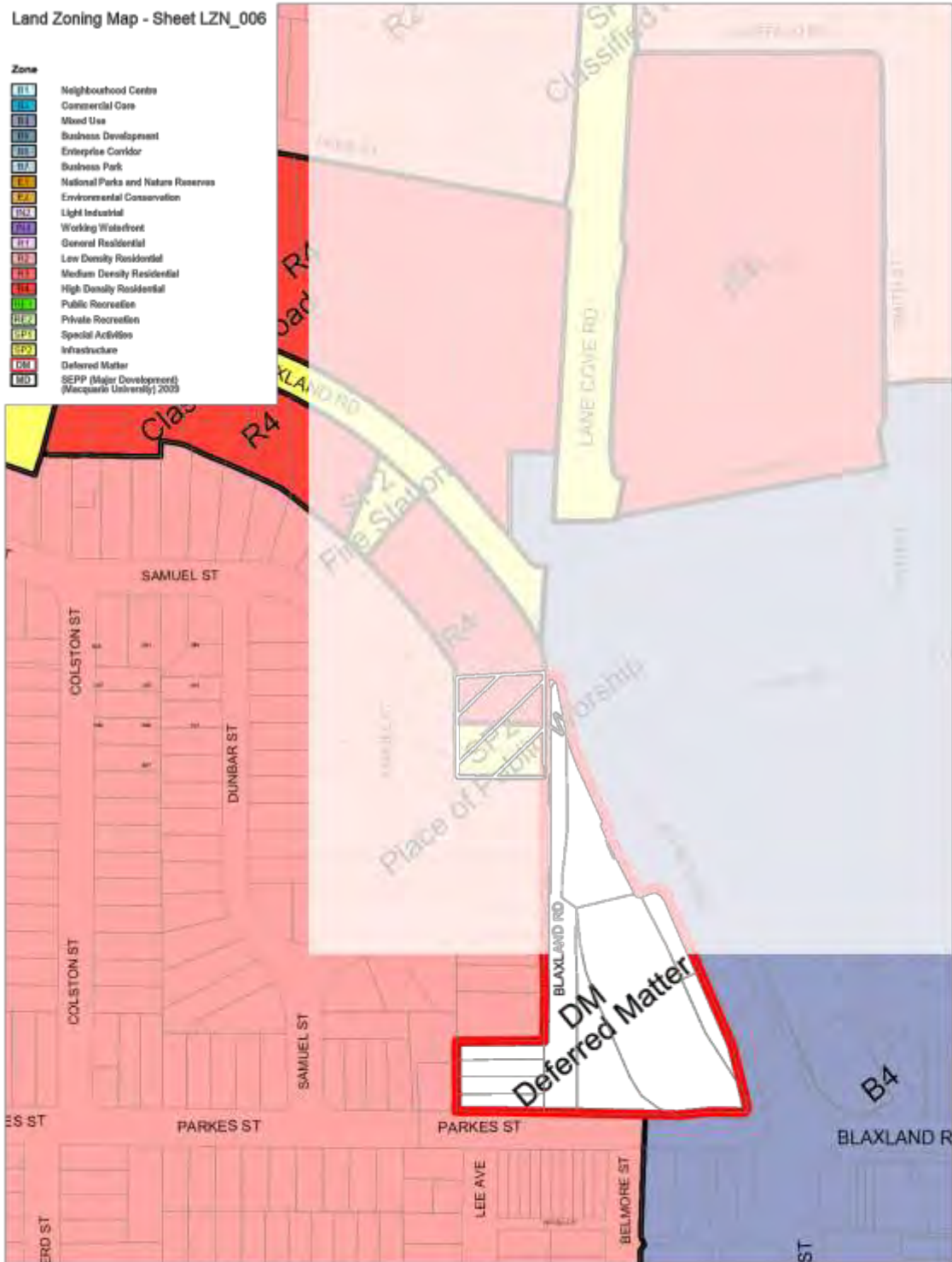
**ITEM 5 (continued)**

**ATTACHMENT 1**

Land Zoning Map - Sheet LZN\_006

**Zone**

B1L	Neighbourhood Centre
B1C	Commercial Core
B1D	Mixed Use
B1E	Business Development
B1F	Enterprise Corridor
B1G	Business Park
N1A	National Parks and Nature Reserves
E1A	Environmental Conservation
I1A	Light Industrial
W1A	Working Waterfront
R1	General Residential
R1L	Low Density Residential
R1M	Medium Density Residential
R1H	High Density Residential
P1A	Public Recreation
P1B	Private Recreation
S1A	Special Activities
I1B	Infrastructure
DM	Deferred Matter
SEPP	SEPP (Major Development) (Macquarie University) 2003



Zone	Associate	Doc
A	PRELIMINARY	20/05/2016
B	PRELIMINARY	20/05/2016
C	PRE-PLANNING PROPOSAL	20/05/2016
D	PUBLIC CONSULTATION	21/05/2016
E	FINAL PLANNING PROPOSAL	20/05/2016

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PLANNING AND ENVIRONMENT CONSULTANTS

Shop 0-41 889 Liverpool Road Balclutha NSW 2110  
Ph 02 9516 2888 Fax 02 9516 2128  
Phone 0202 9704 5700 Fax 0202 9704 8824  
Email info@urbanlink.com.au

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PLANNING PROPOSAL

Site 176-180 BLAXLAND RD  
RYDE

Site No 16-002

Scale: 1:500  
Date: 20/05/2016  
Author: [Name]  
Checked: TJ



ITEM 5 (continued)

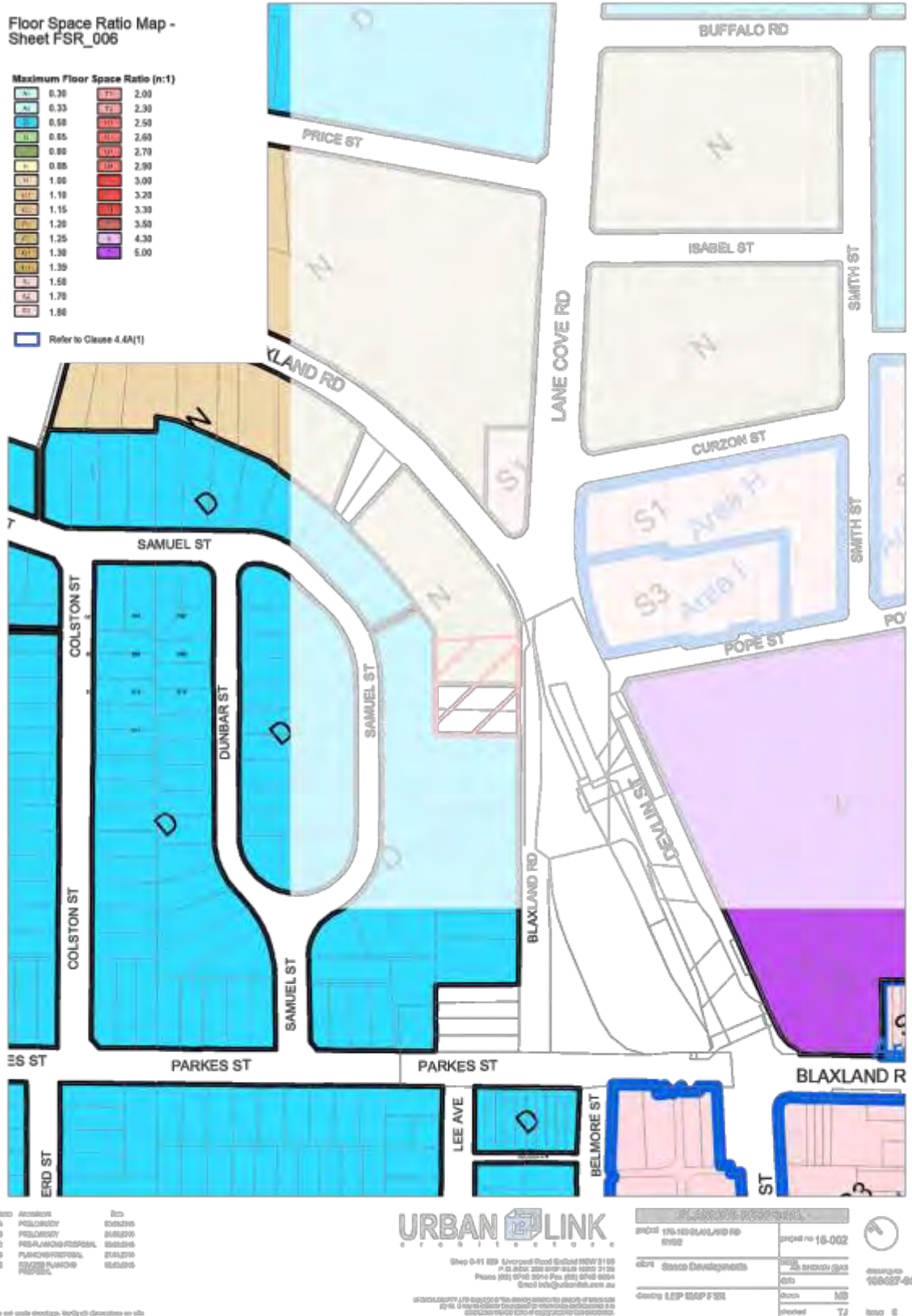
ATTACHMENT 1





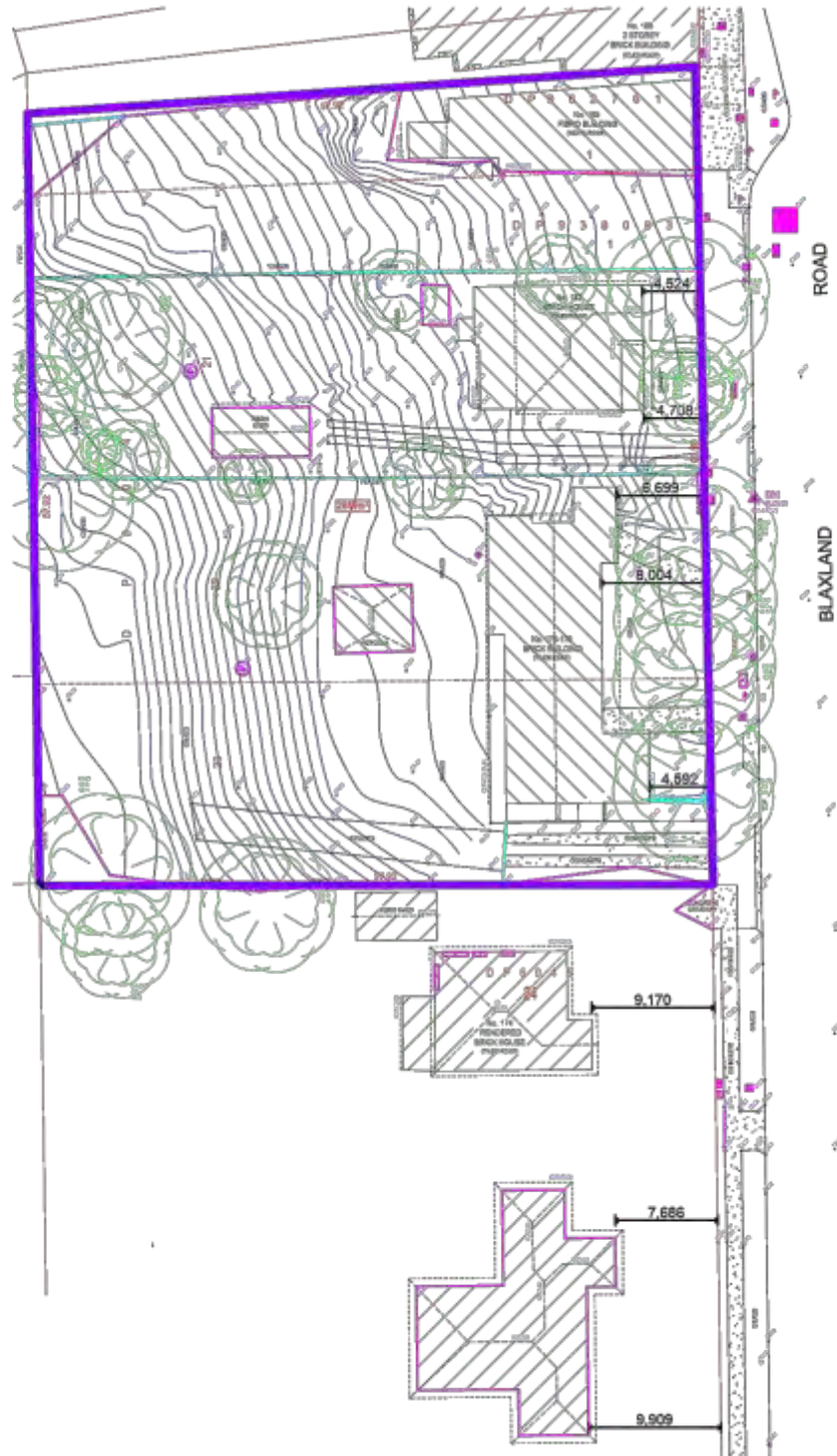
ITEM 5 (continued)

ATTACHMENT 1



**ITEM 5 (continued)**

**ATTACHMENT 1**



Issue	Assessment	Date
A	PRELIMINARY	05.05.2016
B	PRELIMINARY	04.05.2016
C	PRE-PLANNING PROPOSAL	30.05.2016
D	PLANNING PROPOSAL	27.04.2016
E	REVISED PLANNING PROPOSAL	01.05.2016

Do not scale drawings. Verify all dimensions on site.

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Shop 9-11 800 Liverpool Road Enfield NSW 2136  
 Ph: 02 8330 2888 Fax: 02 8330 2136  
 Email: info@urbanlink.com.au

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**PLANNING PROPOSAL**

176-180 BLAXLAND RD  
 RYDE

client: **Sisco Developments**

drawing: **SUBSURY**

project no: **16-002**

date: **20.10.2016**

sheet: **M5**

checked: **TJ**



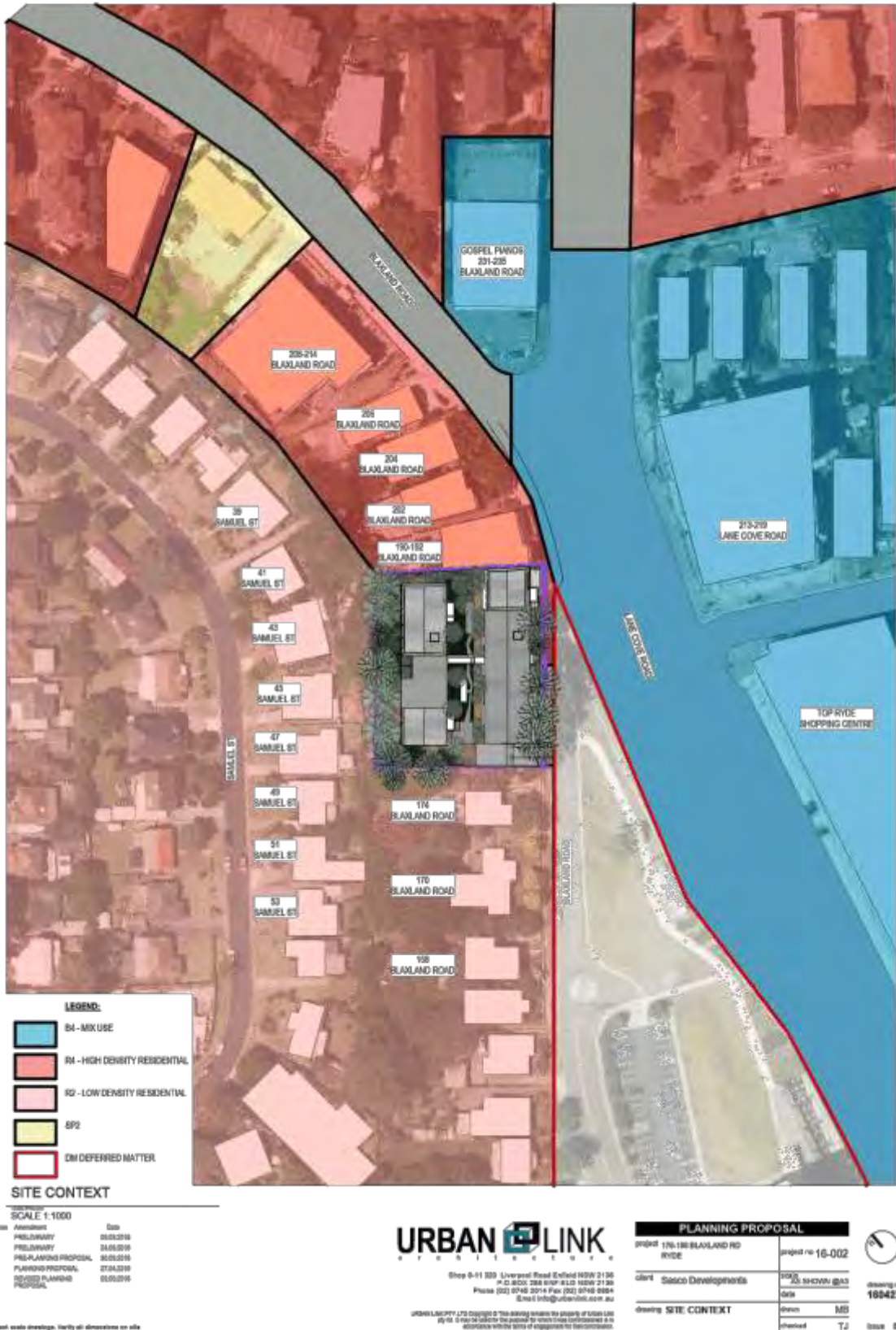
drawing no: **160427-05**

issue: **2**



**ITEM 5 (continued)**

**ATTACHMENT 1**



**ITEM 5 (continued)**

**ATTACHMENT 1**





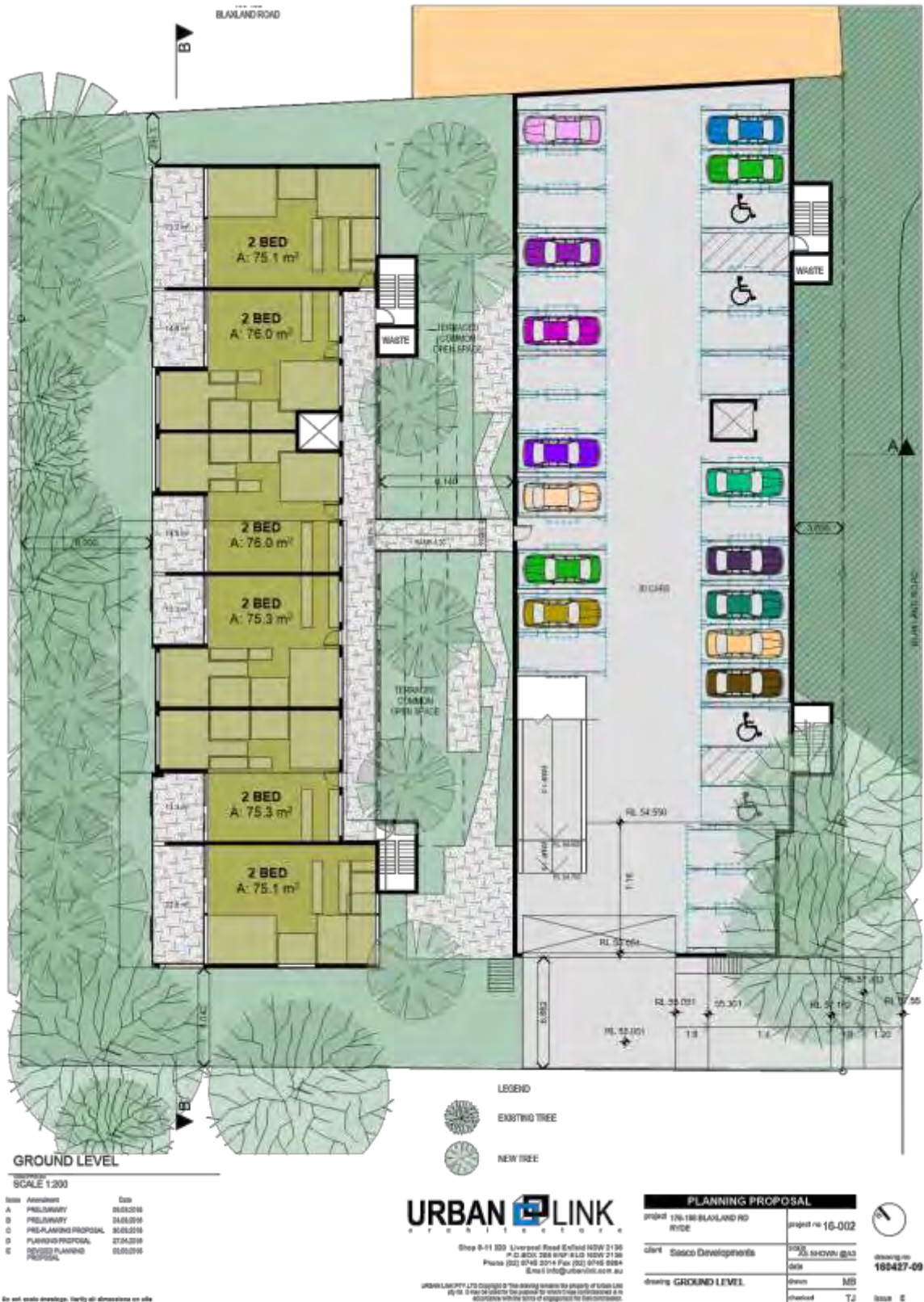
**ITEM 5 (continued)**

**ATTACHMENT 1**



**ITEM 5 (continued)**

**ATTACHMENT 1**





**ITEM 5 (continued)**

**ATTACHMENT 1**



**ITEM 5 (continued)**

**ATTACHMENT 1**



**LEVEL 2**

SCALE 1:200

Issue	Attachment	Date
A	PRELIMINARY	06.03.2016
B	PRELIMINARY	04.03.2016
C	PRE-PLANNING PROPOSAL	30.03.2016
D	PLANNING PROPOSAL	07.04.2016
E	REVISIONS PLANNING PROPOSAL	01.05.2016

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**LEGEND**

- EXISTING TREE
- NEW TREE



Shop 8-11 880 Liverpool Road Enfield NSW 2136  
P O BOX 288 NEW ENGLAND NSW 2138  
Phone (02) 9745 2074 Fax (02) 9745 0884  
Email info@urbanlink.com.au

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**PLANNING PROPOSAL**

PROJECT 176-180 BLAYND RD RYDE	PROJECT NO 16-002
CLIENT Baseo Developments	DRAWN TO: ARCHITECT @ BAS
	DATE
DRAWING 1/LEVEL 2	DESIGN MB
	CHECKED TJ



DRAWING NO  
**160427-11**  
ISSUE E



**ITEM 5 (continued)**

**ATTACHMENT 1**



**LEVEL 3**

SCALE 1:200

Issue	Attachment	Date
A	PRELIMINARY	08.03.2016
B	PRELIMINARY	04.03.2016
C	PRE-PLANNING PROPOSAL	30.03.2016
D	PLANNING PROPOSAL	27.04.2016
E	REVISIONS PLANNING PROPOSAL	01.05.2016

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**LEGEND**

-  EXISTING TREE
-  NEW TREE



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Ph: 02 8333 2888 Fax: 02 8333 2136  
Phone (02) 9745 2074 Fax (02) 9745 8884  
Email info@urbanlink.com.au

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**PLANNING PROPOSAL**

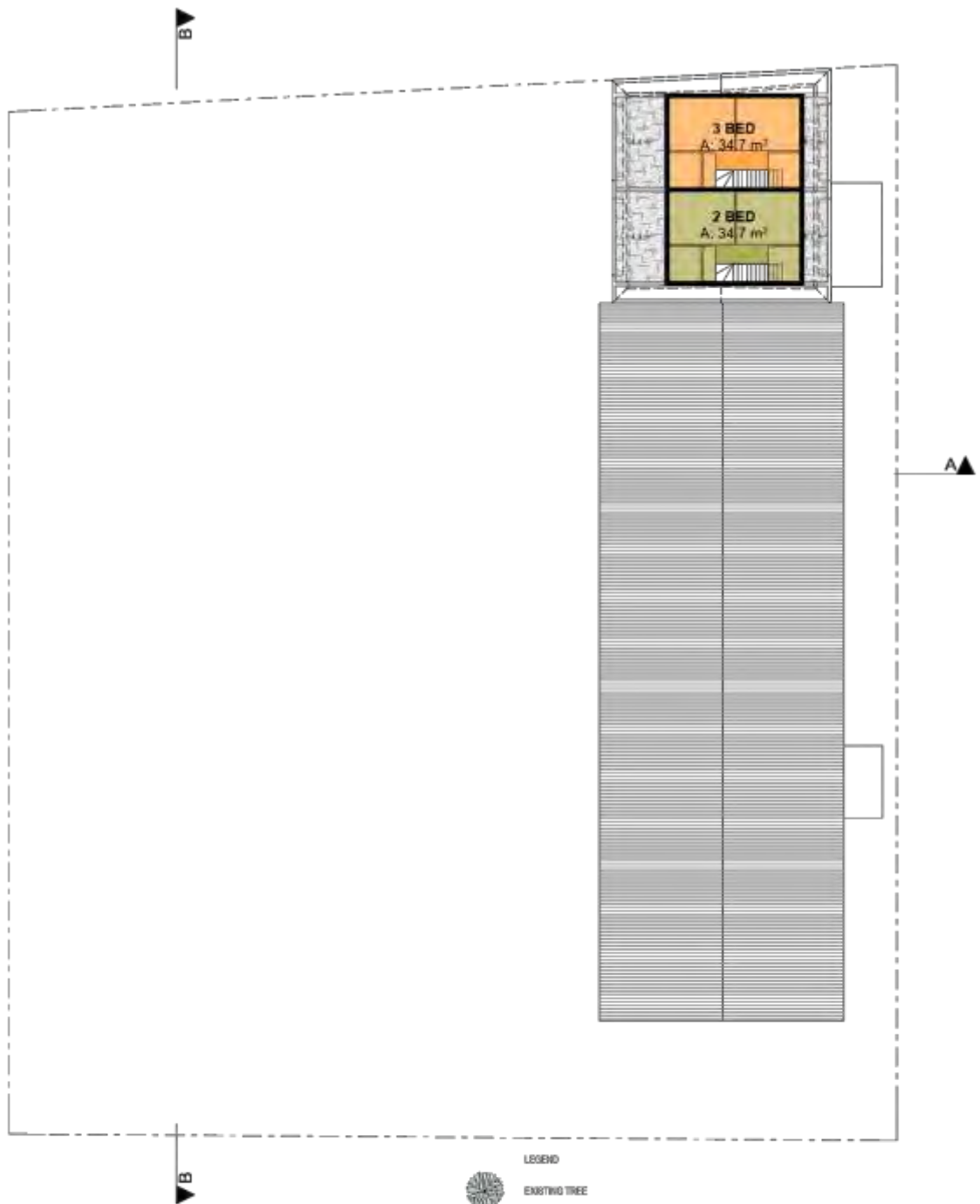
PROJECT 176-180 BLAYND RD RYDE	PROJECT NO 16-002
CLIENT Baseco Developments	DRAWN TO: ARCHITECT @ BAS
	DATE
DRAWING 11/W1_3	DESIGN MB
	CHECKED TJ



drawing no: 160427-12  
issue 2

**ITEM 5 (continued)**

**ATTACHMENT 1**



**ROOF**

SCALE 1:200

Issue	Attachment	Date
A	PRELIMINARY	08.03.2016
B	PRELIMINARY	24.03.2016
C	PRE-PLANNING PROPOSAL	30.03.2016
D	PLANNING PROPOSAL	27.04.2016
E	REVISED PLANNING PROPOSAL	03.05.2016

Do not scale drawings. Verify all dimensions on site.

**LEGEND**

-  EXISTING TREE
-  NEW TREE



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 Ph 02 8333 2888 Fax 02 8333 2136  
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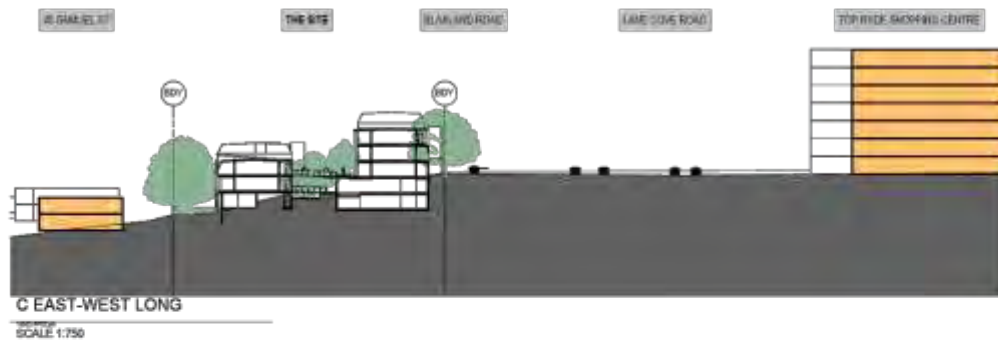
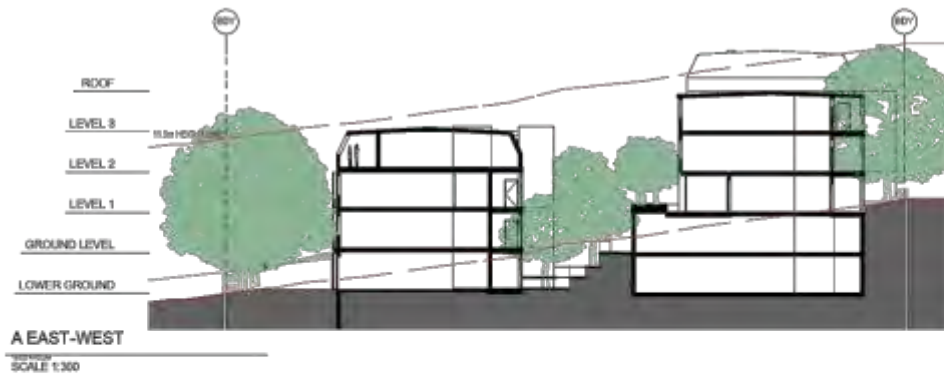
PROJECT 176-180 BLAVLAND RD RYDE	PROJECT NO 16-002
CLIENT Baseco Developments	DRAWN TO: ARCHITECT @ BAS
DRAWING: ROOF LEVEL	DATE
	DRAWN MB
	CHECKED TJ



drawing no: 160427-13  
 issue 2

**ITEM 5 (continued)**

**ATTACHMENT 1**



Issue	Attachment	Date
A	PRELIMINARY	05.03.2016
B	PRELIMINARY	04.03.2016
C	PRE-PLANNING PROPOSAL	05.03.2016
D	PLANNING PROPOSAL	07.04.2016
E	REVISED PLANNING PROPOSAL	03.09.2016

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**PLANNING PROPOSAL**

176-180 BLAYND RD  
RYDE

client **Sisco Developments**

drawing **SECTIONS**

project no **16-002**

date **03.09.2016**

drawn **MB**

checked **TJ**

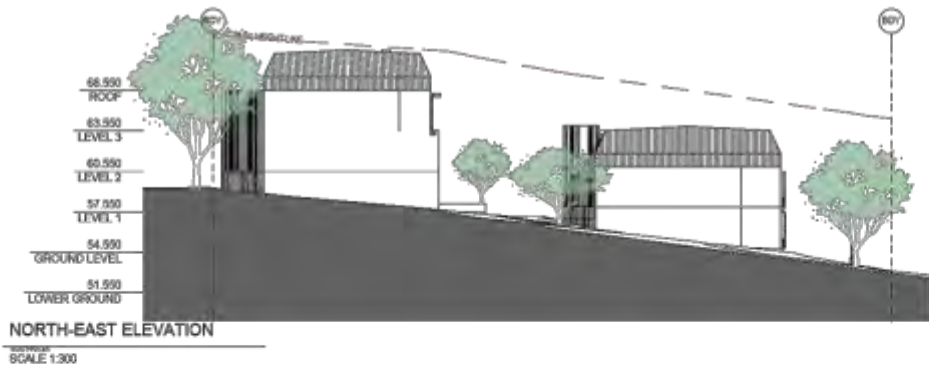


drawing no **160427-14**

issue **2**

**ITEM 5 (continued)**

**ATTACHMENT 1**



Issue	Attachment	Date
A	PRELIMINARY	30.03.2016
B	PRELIMINARY	24.03.2016
C	PRE-PLANNING PROPOSAL	30.03.2016
D	PLANNING PROPOSAL	27.04.2016
E	REVISED PLANNING PROPOSAL	03.05.2016

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ARCHITECTS

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**PLANNING PROPOSAL**

PROJECT 176-180 BLAVLAND RD RYDE

PROJECT NO 16-002

CLIENT Sisco Developments

DATE 26.10.2016

DRAWING ELEVATIONS

DESIGNER MB

CHECKED TJ

ISSUE 2



DRAWING NO 160427-16



**ITEM 5 (continued)**

**ATTACHMENT 1**



VIEW FROM SOUTH-WEST



VIEW FROM NORTH

Issue	Attachment	Date
A	PRELIMINARY	05.05.2016
B	PRELIMINARY	04.05.2016
C	PRE-PLANNING PROPOSAL	30.05.2016
D	PLANNING PROPOSAL	27.04.2016
E	REVISED PLANNING PROPOSAL	01.05.2016

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Ph: 02 8233 2884 Fax: 02 8233 2136  
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**PLANNING PROPOSAL**

PROJECT 176-180 BLAVLAND RD  
RYDE

client Sisco Developments

drawing CONCEPTIAL 3D VIEW

project no 16-002

DATE 26.10.2016

DATE

sheet M5

checked TJ



drawing no  
**160427-16**

issue 2

**ITEM 5 (continued)**

**ATTACHMENT 1**



VIEW FROM SOUTH-EAST (DELHI ROAD)



VIEW2 FROM NORTH-EAST (DELHI ROAD)

Issue	Attachment	Date
A	PRELIMINARY	20.05.2016
B	PRELIMINARY	24.05.2016
C	PRE-PLANNING PROPOSAL	26.05.2016
D	PLANNING PROPOSAL	27.06.2016
E	REVISED PLANNING PROPOSAL	03.09.2016

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Shop 9-11 888 Liverpool Road Enfield NSW 2136  
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**PLANNING PROPOSAL**

PROJECT 176-180 BLAYLAND RD  
RYDE

client Saco Developments

drawing CONCEPTIAL 3D VIEW

project no 16-002

DATE 20.10.2016

DATE

DATE

CHECKED TJ



drawing no

160427-17

DATE

DATE



**ITEM 5 (continued)**

**ATTACHMENT 1**



VIEW FROM SOUTH

Issue	Attachment	Date
A	PRELIMINARY	05.05.2016
B	PRELIMINARY	04.05.2016
C	PRE-PLANNING PROPOSAL	05.05.2016
D	PLANNING PROPOSAL	07.04.2016
E	REVISED PLANNING PROPOSAL	03.09.2016

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**PLANNING PROPOSAL**

PROJECT 176-180 BLAVLAND RD  
RYDE

client: **Basco Developments**

drawing: **CONCEPTIAL 3D VIEW**

project no:	16-002
date:	05.10.2016
drawn:	MS
checked:	TJ



drawing no:  
**160427-18**  
issue: **E**

**ITEM 5 (continued)**

**ATTACHMENT 1**



**AERIAL VIEW**

Issue	Attachment	Date
A	PRELIMINARY	05/03/16
B	PRELIMINARY	04/03/16
C	PRE-PLANNING PROPOSAL	05/03/16
D	PLANNING PROPOSAL	07/04/16
E	REVISED PLANNING PROPOSAL	03/09/16

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**PLANNING PROPOSAL**

176-180 BLAVLAND RD  
 RYDE

client **Sisco Developments**

drawing **CONCEPTIAL 3D VIEW**

project no **16-002**

date **20/10/2016**

drawn **MS**

checked **TJ**



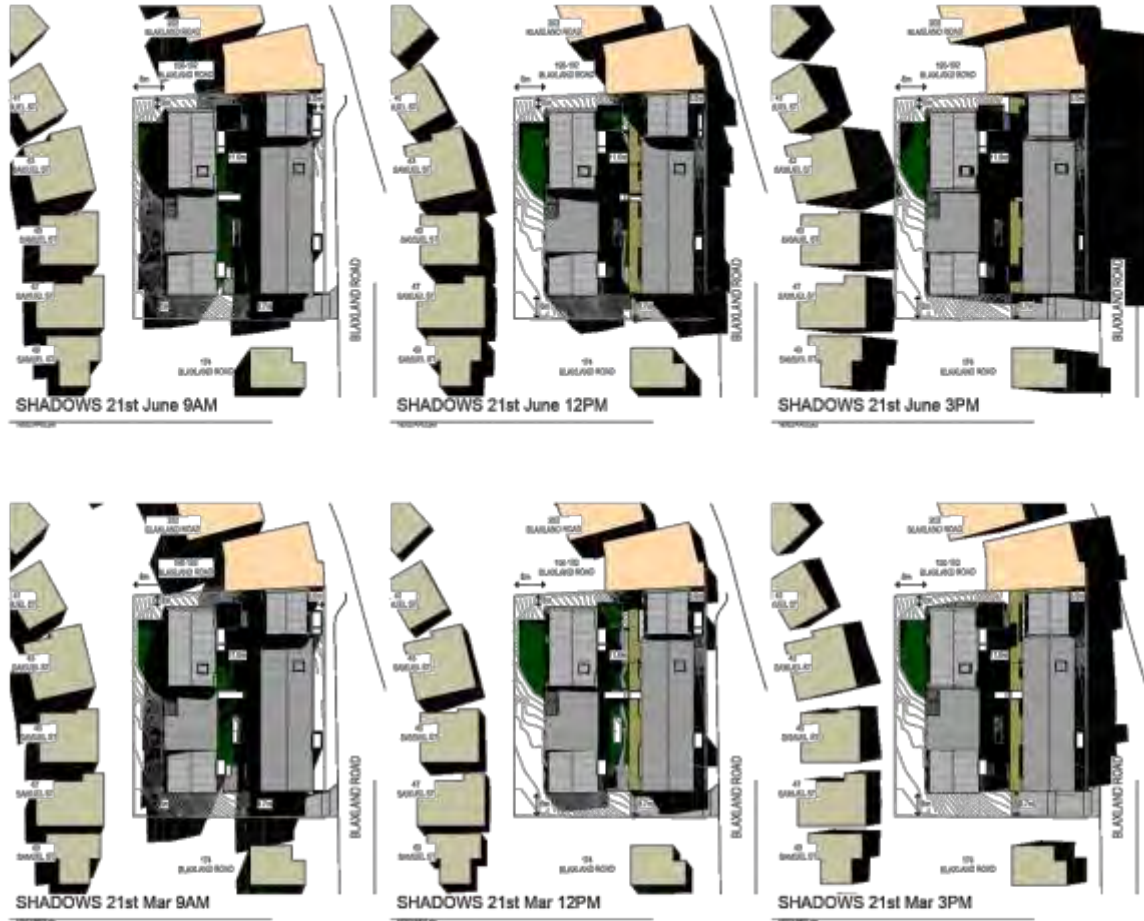
drawing no **160427-19**

issue **2**



**ITEM 5 (continued)**

**ATTACHMENT 1**



Issue	Attachment	Date
A	PRELIMINARY	06.03.2016
B	PRELIMINARY	04.03.2016
C	PRE-PLANNING PROPOSAL	05.03.2016
D	PLANNING PROPOSAL	27.04.2016
E	REVISOR PLANNING PROPOSAL	01.05.2016

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**URBAN LINK**  
ARCHITECTS

Shop 8-11 300 Liverpool Road Enfield NSW 2136  
Ph: 02 9512 2888 Fax: 02 9512 2136  
Mobile: 0414 2074 204 Fax: 02 9512 8884  
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PLANNING PROPOSAL	
PROJECT: 176-180 BLAXLAND RD RYDE	PROJECT NO: 16-002
CLIENT: Sisco Developments	DESIGNER: JLS ARCHITECTS
DRAWING: SHADOW DIAGRAMS	DATE: 01/05/2016
	DRAWN: MB
	CHECKED: TJ
	ISSUE: E

**ITEM 5 (continued)**

**ATTACHMENT 2**





**ITEM 5 (continued)**

**ATTACHMENT 2**



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**ITEM 5 (continued)**

**ATTACHMENT 2**



**1.0 Introduction**

**1.1 Objectives of this Part**

The objectives of this Part are:

- a. to provide appropriate development control and design quality principles for the redevelopment of the site;
- b. to ensure that the future development of the land appropriately responds to the zone boundary interface and is compatible with existing adjoining development; and
- c. to maintain appropriate residential amenity to existing adjoining development.

**1.2 Land to which this Part applies**

This part applies to the land: Lot 21, 22 & 23 DP 6046; Lot 1, DP 938083; and Lot 1 DP 962761 – No.176-186 Blaxland Road, Ryde.





ITEM 5 (continued)

ATTACHMENT 2



## 2.0 Development Controls

This section provides detailed planning controls for the subject site that will ensure that future development is of high design quality. The controls will also minimise negative impacts on adjoining and adjacent properties.

### 2.1 Design Quality

- a. A residential flat building to be erected on the land shall be designed in accordance with the Design Quality Principles of State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development and the associated Apartment Design Guide.

### 2.2 Height and Density

- b. The development to be erected on the land shall have a maximum building height of 11.5m being the maximum height shown for the land on the *Height of Buildings Map of Ryde Local Environmental Plan 2014*.
- c. The building height of development on the land shall be distributed across the site generally as nominated on the attached diagrams (Figure 1.01 and 1.02).
- d. The maximum floor space ratio for a building on the land shall not exceed 1.0:1, being the floor space ratio shown for the land on the *Floor Space Ratio Map of Ryde Local Environmental Plan 2014*.



Figure 1.01 Height diagram

### 2.3 Siting and Design

- e. Development shall be designed and sited to maintain appropriate spatial separation, privacy and amenity to the adjoining residential properties.
- f. The siting of any development on the land shall be consistent with that depicted on the attached diagram (Figure 1.02).
- g. To assist with and encourage articulation of the design, no more than 25% of the frontage of the site is to encroach beyond the front setback of 3 metres.
- h. Direct overlooking of private open space and/or living rooms of adjoining residential properties shall be prevented by building layout, fixed screening devices, landscaping, spatial separation or a combination of these elements.

ITEM 5 (continued)

ATTACHMENT 2



**2.4 Streetscape**

- i. The development of the land must be compatible with the established streetscape patterns along Blaxland Rd.
- j. The streetscape and residential amenity is to be enhanced through landscaping and the preservation of the mature large canopy trees along Blaxland Rd.
- k. The height and scale of the development is to be modulated to provide for an appropriate built form transition in response to the falling topography and the adjoining residential properties to the rear of the premises.
- l. The development must be suitably articulated along Blaxland Rd to provide visual interest. This is to be achieved through careful consideration of scale, proportions, building materials and the location of entry points, windows and balconies.

**2.5 Setback from Boundaries**

- m. The development of the land shall generally maintain the front, side and rear boundary setbacks as nominated on the attached diagram (Figure 1.01).
- n. The development must allow for adequate building modulation and articulation along rear and side boundaries to reduce visual bulk when viewed from adjoining properties.
- o. To assist with and encourage articulation of the design, no more than 20% of the frontage of the site is to encroach beyond the front setback of 3 metres.



Figure 1.02 Setback diagram

**ITEM 5 (continued)**

**ATTACHMENT 2**



**2.6 Landscaping and Deep Soil**

- p. Appropriate intervening landscaping treatments shall be provided within the side and rear setback areas to soften and screen the development when viewed from adjoining residential properties.
- q. Appropriate deep soil zones within the side and rear setback areas are to be generally maintained as nominated on the attached plans to enable mature landscaping to further enhance privacy and screening to adjoining residential properties.

**2.7 Solar Access**

- r. The development of the land shall not reduce solar access to the living rooms and private open space areas of adjoining residential development to less than 3 hours of sunlight between 9am and 3pm in mid-winter.

**2.8 Access**

- s. Vehicular access is to be provided via dual carriageway at the south western corner of the site from Blaxland Rd.

**2.9 Stormwater and Floodplain Management**

- t. A stormwater management system is to be provided in accordance with the requirements of Part 8.2 Stormwater and Floodplain Management of this DCP.

**2.10 Car Parking**

- u. Car parking is to be designed and provided in accordance with Part 9.3 Parking Controls of this DCP.

**2.11 Tree Preservation**

- v. Development is to comply with the Part 9.5 Tree Preservation provisions of this DCP.

**2.12 Waste Minimisation and Management**

- w. The storage, management and collection of waste is to be in accordance with the requirements of Part 7.2 Waste Minimisation and Management provisions of this DCP.



**ITEM 5 (continued)**

**ATTACHMENT 2**

