

**Meeting Date:** Tuesday 12 April 2016  
**Location:** Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde  
**Time:** 5.00pm

**NOTICE OF BUSINESS**

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**1 CONFIRMATION OF MINUTES - Meeting held on 8 March 2016**

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**Report prepared by:** Senior Coordinator - Governance**File No.:** CLM/16/1/3/2 - BP16/187

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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 2/16, held on 8 March 2016, be confirmed.

**ATTACHMENTS**

1 MINUTES - Planning and Environment Committee Meeting - 8 March 2016

**ITEM 1 (continued)**

**ATTACHMENT 1**

**Planning and Environment Committee  
MINUTES OF MEETING NO. 2/16**

**Meeting Date:** Tuesday 8 March 2016

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

**Time:** 5.00pm

**Councillors Present:** Councillors Simon (Chairperson), Chung, Etmekdjian, Pendleton and Pickering.

Note: Councillor Pickering arrived at the meeting at 5.01pm during Disclosures of Interest.

**Apologies:** Councillor Yedelian OAM.

**Staff Present:** General Manager, Acting Director – City Strategy and Planning, General Counsel, Acting Manager – Assessment, Manager – Strategic City, Acting Senior Coordinator – Major Development, Acting Senior Coordinator – Community Engagement, Senior Development Engineer, Business Support Coordinator and Senior Coordinator - Governance.

**DISCLOSURES OF INTEREST**

Councillor Chung disclosed a Less than Significant Non-Pecuniary Interest in Item 2 – 68 Blaxland Road, Ryde, for the reason that the Solicitor for the applicant has acted for Councillor Chung in the past.

Councillor Pickering disclosed a Less than Significant Non-Pecuniary Interest in Item 2 – 68 Blaxland Road, Ryde, for the reason that he has met the owner of the Hotel on three occasions including once while he was Mayor.

Councillor Pickering disclosed a Significant Non-Pecuniary Interest in Item 3 – Planning Proposal – 86 Blenheim Road and 12A-14 Epping Road, North Ryde, for the reason that the planner for the applicant, Think Planners have another mutual client (not this applicant) that Councillor Pickering's company is consulting for in a different Local Government Area.

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

Note: This Item was dealt with later in the meeting as detailed in these Minutes.

**ITEM 1 (continued)**

**ATTACHMENT 1**

- 2 68 BLAXLAND ROAD, RYDE. LOT 17 DP 9692, LOT 16 DP 9692.**  
**Application pursuant to Section 96(2) of the Environmental Planning and Assessment Act, 1979 to amend the approved trading hours of the Royal Hotel. LDA1988/3707. Section 96 Application No. MOD2015/0100.**

Note: This Item was dealt with later in the meeting as detailed in these Minutes.

**3 PLANNING PROPOSAL- 86 BLENHEIM ROAD AND 12A-14 EPPING ROAD, NORTH RYDE**

Note: Councillor Pickering disclosed a Significant Non-Pecuniary Interest in this Item for the reason that the planner for the applicant, Think Planners have another mutual client (not this applicant) that Councillor Pickering's company is consulting for in a different Local Government Area. Councillor Pickering left the meeting at 5.13pm and was not present for consideration or voting on this Item.

Note: Jennie Minifie (representing Ryde Community Alliance), Jasmina Molter, Patrick Azizi and Adam Byrnes (representing the applicant and owners of the land) addressed the meeting in relation to this Item.

Note: Documentation from Adam Byrnes (on behalf of the applicant) was tabled in relation to this Item and a copy is ON FILE.

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

- (a) That Council not support the Planning Proposal for 86 Blenheim Road and 12A and 14 Epping Road, North Ryde to zone the site R4 High Density Residential under Ryde LEP 2014 proceeding to a Gateway Determination as the Proposal:
- (i) Does not support the principles of "A Plan for Growing Sydney" which aim to accelerate new housing in specific locations and concentrate additional development in close proximity train stations;
  - (ii) Constitutes an ad-hoc rezoning of the site in isolation of an agreed strategic vision for the southern side of Epping Road;
  - (iii) Lack of understanding of the traffic impacts on the local road system;
  - (iv) Is not supported by any strategic land use study prepared by either Council or the Department of Planning and Environment;
  - (v) Does not constitute Transit Oriented Development due to the heavily compromised walking route to the station;
  - (vi) Is premature to the finalisation of the North District Plan which will identify areas suitable for housing growth;



**ITEM 1 (continued)**

**ATTACHMENT 1**

- (vii) Will have an unacceptable traffic impact on the intersection of Pittwater Road/ Blenheim Road and Pittwater Road/ Epping Road;
  - (viii) Results in poor amenity for residents given its close relationship to Epping Road and the inability to provide adequate setbacks;
  - (ix) Is not required to meet existing housing targets for growth in the City of Ryde;
  - (x) Is inconsistent with the development options for the site previously outlined to the proponent to develop the site for multi-dwelling housing (villas) or a lower scale residential flat development;
  - (xi) The site does not form part of the Macquarie Park Corridor or the North Ryde Station Precinct and is geographically separated from these areas by significant road barriers, therefore achieving the same densities and height as these areas is not appropriate;
  - (xii) Does not provide urban design rationale for high rise development in this low rise residential and parkland setting;
  - (xiii) Has overshadowing impacts on neighbouring Blenheim Park and Myall Reserve;
  - (xiv) Will have an unacceptable visual impact on surrounding low density residential areas; and
  - (xv) The community benefits identified in the Voluntary Planning Agreement offer are inadequate.
- (b) That the General Manager be delegated to investigate and action the acquisition of the land for open space to be incorporated into Blenheim Park.

**Record of Voting:**

For the Motion: Councillors Chung, Pendleton and Simon

Against the Motion: Councillor Etmekdjian

Note: This matter will be dealt with at the Council Meeting to be held on **22 MARCH 2016** as dissenting votes were recorded.

Note: Councillor Pickering returned to the meeting at 5.44pm.

**ITEM 1 (continued)**

**ATTACHMENT 1**

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

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

That the Minutes of the Planning and Environment Committee 1/16, held on 9 February 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.

**CLOSED SESSION**

**ITEM 2 – 68 BLAXLAND ROAD, RYDE**

**Confidential**

This item is classified CONFIDENTIAL under Section 10A (2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (g) advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

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

That the meeting resolve into Closed Session to discuss the above matter.

**Record of Voting:**

For the Motion: Unanimous

Note: The Committee closed the meeting at 5.45pm and Committee members held a confidential discussion in Committee Room 1, Level 5, Civic Centre, 1 Devlin Street, Ryde.

**OPEN SESSION**

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

That the Committee resolve itself into open Session.

**Record of Voting:**

For the Motion: Unanimous

**ITEM 1 (continued)**

**ATTACHMENT 1**

Note: Open Committee resumed at 5.58pm.

**2 68 BLAXLAND ROAD, RYDE. LOT 17 DP 9692, LOT 16 DP 9692.  
Application pursuant to Section 96(2) of the Environmental Planning and  
Assessment Act, 1979 to amend the approved trading hours of the Royal  
Hotel. LDA1988/3707. Section 96 Application No. MOD2015/0100.**

Note: Councillor Chung disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that the Solicitor for the applicant has acted for Councillor Chung in the past.

Note: Councillor Pickering disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he has met the owner of the Hotel on three occasions including once while he was Mayor.

Note: Tony Hatzis (representing the applicant) addressed the meeting in relation to this Item.

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

(a) That the Section 96 application No. MOD2015/0100 at 68 Blaxland Road, Ryde being LOT 17 DP 9692 to modify Development Consent No. 3707 be modified in the following manner:

1. That Condition Numbers 7 be deleted and replaced by the following:

7. **Trading hours.** The Hotel shall only operate within the hours specified under this condition:

- (a) The hours of operation of the premises are restricted to between 10:00am to 12:00 midnight Mondays to Saturdays and 10:00am to 10:00pm on Sundays.
- (b) Notwithstanding (a) above, the premises may operate until 2:00am on Tuesday to Sunday mornings and until midnight on Sundays for a trial period of twelve (12) months commencing from the grant of an extended trading authorisation by the NSW Independent Liquor and Gaming Authority. The applicant shall as soon as reasonably possible, furnish Council with documents to confirm commencement of the trial period.
- (c) At the expiration of the trial period the opening hours shall revert to the hours approved under (a) above.
- (d) The operator may seek a review of the opening hours through a separate Section 96 Application being made to Council prior to the expiry of the trial period. A decision to make the hours permanent may include (but not limited to) factors such as:

**ITEM 1 (continued)**

**ATTACHMENT 1**

- Evidence to be furnished by the operator as to whether the trial has actually occurred;
  - Any justified complaints received and investigated by the Police and or the Council;
  - Comments and advice received from the Ryde Local Area Command as a result of the new Section 96 Application being referred to them;
  - The performance of the operator during the trial period with respect compliance with the Venue Management Plan;
2. That the following additional condition be imposed:
14. **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.
  15. **Venue Management Plan (VMP)**. The business must be operated at all times in accordance with the Venue Management Plan dated February 2016 approved under this development consent. Any changes to the Venue Management Plan must be agreed upon in writing by the Ryde Local Area Commander and City of Ryde.
  16. **Restriction on entertainment**. No live music, entertainment provided by DJ or other performer is to be provided at the Hotel after midnight. Any music if provided is to be limited to background music only.
  17. **Maximum number of Patrons after 12:00 midnight**. On any morning that the Hotel trades after midnight, no more than 50 patrons are to be in the Hotel at any one time after midnight.
  18. **No sale or supply of liquor after midnight**. There shall be no sale or supply of liquor after 12:00 midnight.
  19. **Security guard**. On the nights that the Royal Hotel trades past midnight, at least one licensed security officer shall be provided at the premises from 10:00pm and must ensure patrolling in the vicinity of the hotel until 30 minutes after closing time. The conduct and duties of the security personnel is to be in accordance with the details provided in the Venue Management Plan.
- (b) That the persons who made submissions be advised of Council's decision.

**Record of Voting:**

For the Motion: Councillors Chung, Etmekdjian and Pickering

Against the Motion: Councillors Pendleton and Simon

**ITEM 1 (continued)**

**ATTACHMENT 1**

Note: This matter will be dealt with at the Council Meeting to be held on **22 MARCH 2016** as dissenting votes were recorded.

The meeting closed at 6.01pm.

CONFIRMED THIS 12TH DAY OF APRIL 2016.

Chairperson

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**2 2 CLIVE ROAD, EASTWOOD. LOT 78 DP 8043. Local Development Application for alterations and first floor addition to dwelling and new secondary dwelling. LDA2015/0381.**

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**Report prepared by:** Assessment Officer - Town Planner; Senior Coordinator - Development Assessment

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

**File Number:** GRP/09/5/6/2 - BP16/251

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**1. Report Summary**

**Applicant:** KAS Architects.

**Owner:** Y H He, Y Y Chen.

**Date lodged:** 17 August 2015 (Amended plans received 14 October 2015 & 18 December 2015)

This report considers a proposal for alterations and first floor additions to an existing dwelling and new secondary dwelling at 2 Clive Road, Eastwood.

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

The existing dwelling on site is a single storey detached bungalow style dark face brick cottage with gable facing the street. The site is located within the Eastwood House Heritage Conservation Area (C4) being part of the Eastwood House Estate which was subdivided in 1915. The estate was developed with predominantly Californian Bungalow dwellings such as the dwelling on the subject site.

The DA was notified to neighbours three (3) times following amendments to the plans, with the following number of objections received to each notification period:

- Notification #1 (Revision A) – 20 August 2015 to 4 September 2015 – 9 submissions
- Notification #2 (Revision B) – 30 October 2015 to 17 November 2015 – 7 submissions
- Notification #3 (Revision C) – 7 January 2016 to 11 February 2016 – 4 submissions

The issues of concern raised in the submissions relate to:

- Heritage and compatibility of the design
- Compliance with Ryde DCP 2014 – Part 5.2
- Proposed use of the dwelling – number of bedrooms and bathrooms
- Adequacy of landscaping

**ITEM 2 (continued)**

- Size, scale and bulk of the development
- Viewing opportunities of the proposed extension from Clive Street and Lakeside Road
- Privacy and overlooking
- Materials and finishes
- Overshadowing
- Parking and traffic

The proposal has been assessed against the provisions of Ryde DCP 2014, specifically Part 3.3: Dwelling Houses and Dual Occupancy and also Part 5.2: Eastwood House Estate Heritage Conservation Area. There are minor areas of non-compliance regarding the following matters:

- Section 2.2.2 of Part 3.3 - Design appearance as an integrated whole; and
- Section 2.9.2 of Part 3.3 - Side setback of 1<sup>st</sup> floor addition:
  - Required: 1.5m
  - Proposed: 1.486m

The proposed secondary dwelling has also been assessed against the controls of State Environmental Planning Policy (Affordable Rental Housing) 2009 (the Affordable Housing SEPP) and no areas of non-compliance have been identified.

It is generally considered that the proposal is acceptable when assessed using the objectives and controls of Ryde's DCP 2014 and Ryde LEP 2014 and has been considered satisfactory in terms of heritage impact by Council's Heritage Officer. It is therefore recommended that the DA be approved subject to conditions.

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

**Public Submissions:**

- Notification #1 (Revision A) – 20 August 2015 to 4 September 2015 – 9 submissions
- Notification #2 (Revision B) – 30 October 2015 to 17 November 2015 – 7 submissions
- Notification #3 (Revision C) – 7 January 2016 to 11 February 2016 – 4 submissions

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

**Value of works?** \$495,000

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

- (a) That Local Development Application No. LDA2015/381 at 2 Clive Road, Eastwood being LOT 78, DP 8043 be approved subject to conditions.
- (b) That the persons who made submissions be advised of Council's decision.

**ATTACHMENTS**

- 1 Draft Conditions of Consent
- 2 Ryde DCP 2014 Compliance Table
- 3 State Environmental Planning Policy (Affordable Rental Housing) 2009 Compliance Table
- 4 Heritage referral responses from Council's Heritage Officer and Statement of Heritage Impact prepared by Urban Planning Group (July 2015).
- 5 A4 Plans
- 6 A3 Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

**Rebecca Lockart**  
**Assessment Officer - Town Planner**

**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)

<b>Address</b>	: 2 Clive Road, Eastwood
<b>Site Area</b>	: Survey: 920m <sup>2</sup> Deposited Plan: 916.9m <sup>2</sup> Frontage: 18.29 metres Depth: 50.3metres
<b>Topography and Vegetation</b>	: Slight slope towards front boundary being Clive Road. Eleven (11) trees and shrubs on the subject site and one (1) within the street verge.
<b>Existing Buildings</b>	: Existing single storey brick dwelling
<b>Planning Controls</b>	: Ryde LEP 2015
<b>Zoning</b>	: R2 Low Density Residential
<b>Other</b>	: Ryde DCP 2014



**Figure 1. Aerial photo of subject site and surrounds**

**ITEM 2 (continued)**



**Figure 2. View of the site from Clive Road**

**3. Councillor Representations**

Name of Councillor: Councillor Perram

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

Date: 21/8/2015

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

On behalf of applicant or objectors? Objector

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

**4. Political Donations or Gifts**

Any political donations or gifts disclosed? No.

**5. Proposal**

Alterations and first floor addition to dwelling and new secondary dwelling.

**ITEM 2 (continued)****6. Background**

- DA Lodged 14 August 2015 and notified to surrounding owners and residents from 20 August 2015 to 4 September 2015.
- Following the notification period nine (9) letters of objection against the proposal were received. Key issues raised are discussed below in Section 7 of this report.
- Council's Heritage Officer's referral (dated 26 August 2015) raised a number of conditions to be imposed on any consent relating to the submitted plans (Revision A):
  - Retention of the wheel strip driveway and front masonry fence;
  - No painting or rendering of masonry or stone;
  - No demolition of extra fabric; and
  - Requirement for a structural assessment of the existing dwelling which considers the suitability of the altered roof loads from the partial demolition of the roof form at the rear of the dwelling and the tolerance of the surviving retained fabric to withstand altered loads.
- Additional information and amended plans were requested by Council on 8 September 2015 requiring amendments to the built form of the proposed development, the design of the proposed secondary dwelling (including proposed setbacks), the required amendments suggested by Council's Heritage Officer, and the submitted BASIX certificate.
- Development Assessment Officer and Team Leader Assessment met with the applicant on 17 September 2015 to discuss the key issues with the proposal highlighted in Council's letter dated 8 September 2015.
- Amended plans (Revision B) were received by Council on 14 October 2015. Key amendments included:
  - Reduction of building footprint and gross floor area (GFA) of the main dwelling from 419m<sup>2</sup> to 369m<sup>2</sup>, including a reduction of the number of bathrooms and bedrooms;
  - Reconfiguration of secondary dwelling including increase of the rear and side setbacks;
  - Retain front brick fence and existing wheel strip driveway, including new front driveway gate and front fence pedestrian gate; and
  - Increased landscaped site area and new hedges along the side boundary fence.

**ITEM 2 (continued)**

- The amended plans (Revision B) were notified to previous objectors, and surrounding owners and residents from 30 October 2015 to 17 November 2015.
- Following the second notification period seven (7) letters of objection against the proposal were received. Key issues raised are discussed below in Section 7 of this report.
- Council's Heritage Officers referral (dated 3 November 2015) raised a number of issues relating to the amended plans (Revision B), including that the various design changes had shifted the additions to sit further forward on the site, whereby requiring an increased extent of demolition of the rear of the existing dwelling. This additional amount of demolition was not supported by Council's Heritage Officer who requested the design to be amended so that the entirety of the gabled roof ends are retained and not compromised by the new additions.
- Additional information and amended plans were requested by Council on 23 November 2015 requiring:
  - Amendments to the plans to reduce the amount of the rear facing roof plane that will be demolished, so that the entirety of the gabled roof ends are retained and not compromised by the new additions;
  - Provide a plan showing the viewing angles of the proposed extension from Clive Road and Lakeside Road;
  - Additional information regarding plantings proposed in the landscaping plan;
  - Amended shadow diagrams to show the existing shadows from the dwelling and clear diagrams showing the extent of overshadowing on the private open space of the site, the adjoining site and street areas;
  - Clarification of the use of the proposed development as the proposal resulted in 7 bathrooms and 10 bedrooms (or rooms capable of being a bedroom) on the site, and 5 separate entry points to the principal dwelling, creating a possibility for various unauthorised residential uses such as a boarding house;
  - An accurate assessment of the privacy impacts and viewing opportunities from the first floor extensions; and
  - Additional detail regarding the proposed front fence materials and finishes.
- Amended plans (Revision C) were received by Council on 18 December 2015. The submitted information responded to Council's requests in the 23 November letter, and included:
  - Reduction in floor area, particularly at first floor level, resulting in a further decrease in GFA from 369m<sup>2</sup> to 346m<sup>2</sup>,





**ITEM 2 (continued)**



**Figure 4. Western elevation of proposed development (Revision C).**



**Figure 5. Eastern elevation of proposed development (Revision C).**

**7. Submissions**

The proposal was notified in accordance with Development Control Plan 2014 - Part 2.1, Notification of Development Applications. The application was notified to neighbours on three (3) occasions in response to each amendment of the plans, with the following number of objections and issues raised to each notification as depicted at Figure 6.

**ITEM 2 (continued)**



**Figure 6. Submissions of objection to the proposed development**

**7.1 Key issues assessment**

The issues of concern are discussed as follows.

**A. HERITAGE – Compliance with Covenant on Title**

A number of submissions highlight that the proposed materials and finishes of the development is not in accordance with the covenant which applies generally to most of the land along Clive Street.

The restrictive covenant (A386821) recorded on the title of the subject site dates back to 1909 and restricts development on the subject site to:

- prohibit dairy, brick yards, poultry farms or quarry;
- stipulate that any building is to cost more than £300; and
- require buildings erected on the lot to be made of stone and/or brick, slate and or tile.

## ITEM 2 (continued)

### Assessment Officer Comments

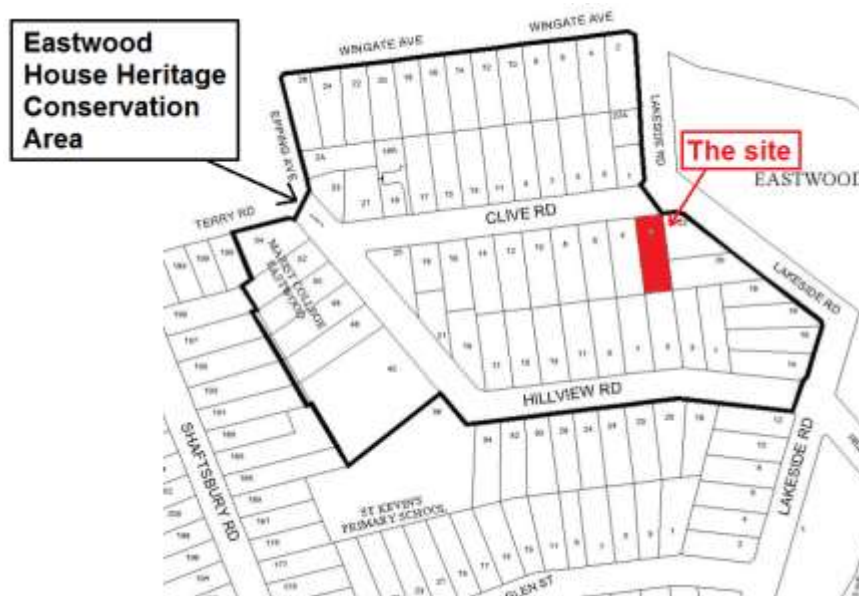
Ryde LEP 2014, Clause 1.9A - *Suspension of covenants, agreements and instruments* states:

- (1) *For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the [EP&A] Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.*

Accordingly, as the subject DA seeks consent under the EP&A Act, the covenant no longer applies to the extent of restricting development on the land. Matters regarding the suitability of the materials and finishes of the proposed development are considered later in this report.

**B. HERITAGE** – *Compliance with heritage guidelines and the Part 5.2 of Ryde DCP 2014 - Eastwood House Estate Heritage Conservation Area, particularly that the proposed development is out of character with the heritage conservation area.*

In particular, the proposed development is inconsistent with Part 5.2 of Ryde DCP 2014 - Eastwood House Estate Heritage Conservation Area (HCA), which the subject site is located within (refer Figure 7), due to the proposed use of “contemporary” building materials. The submissions also raise that the proposal for multiple occupancy of the site via provision of a secondary dwelling shows insensitivity of the heritage character of the neighbourhood.



**Figure 7. Eastwood House Heritage Conservation Area**



## ITEM 2 (continued)

### **Assessment Officer Comments**

The key objections relate to the compatibility of the proposed addition and granny flat with the character of the HCA and the consistency of the development with the Ryde DCP 2015 – Part 5.2.

In the three heritage referrals to each revision of the plans, Council's Heritage Officer refers to the Australia ICOMOS Burra Charter, 2013 (the Burra Charter). The Burra Charter is a set of principles that have been adopted to create a nationally accepted standard for heritage conservation practice in Australia.

- Part 5.2 of Ryde DCP 2014- Eastwood House Estate Heritage Conservation Area

**ATTACHMENT 2** provides an assessment against the provisions of Part 5.2 of Ryde DCP 2014- Eastwood House Estate Heritage Conservation Area. The assessment outlines that the proposal is generally consistent with the aims and objectives of this Part of the DCP, and will achieve a development style that respects and does not obscure the heritage significance of the HCA or the contribution of the existing dwelling on site.

Council's Heritage Officer was specifically asked to comment on the compliance of the proposed development with Part 5.2 of Ryde DCP 2014. The Table at **ATTACHMENT 2** provides a summary of the Heritage Officers assessment under Section 2.3 – *Desired Future Character*.

#### The Burra Charter

A review of the Heritage Officers referral which refers to the Burra Charter, identifies a difference in approach between the Ryde DCP 2014 and the Burra Charter.

Section 2.2.2 of Part 3.3 Dwelling Houses and Dual Occupancy (attached) of Ryde DCP 2014 states:

- a) Alterations and additions visible from the public domain are to be designed so that the finished building appears as an integrated whole. This may require the addition to have a façade and materials consistent with the existing house.*

Additionally, Section 2.3(6) of Part 5.2 Eastwood House Estate Heritage Conservation Area of Ryde DCP 2014 states:

- 6. Alterations and additions should repeat details of the important elements of the original building.*

**ITEM 2 (continued)**

Conversely, Council's Heritage Officer states the following in their assessment of the proposed development against Section 2.3 (6) – Desired Future Character, of Part 5.2 of the Ryde DCP 2014.

*The intent of this clause is to ensure that new development and alterations and additions has an appropriate level of regard to the principal dwelling and architectural form. It does stipulate that alts and adds should repeat details of the important elements of the original dwelling – it does not state that new additions should replicate and therefore be a facsimile of the detailing. It is important to note that the Burra Charter advocates for new work to be readily identifiable as such. (Article 22.2) and that new work such as additions to a place where it does not distort or obscure the cultural significance of the place or detract from its interpretation and appreciation (Article 22.1). In this regard, it is considered acceptable heritage practice to delineate between the old and the new. This can be achieved through contemporary architectural form and expression, materiality, visual relief such as setbacks or recesses, glazed corridor linkages etc.*

*In such instances, it is necessary to ensure that in distinguishing the new work, it still has an appropriate level of compatibility and regard to the form, detailing and materiality of the original dwelling. This can be achieved through such techniques as adopting the same building height planes, window proportions, etc. New work need not, nor is it considered appropriate to replicate the finer detailing of the original form and detailing. In other words, new work should not be a facsimile or a carbon copy of the original. For this reason, I am generally of the opinion that adopting a more contemporary architectural form to the rear additions is acceptable and more appropriate than replicating the early 20<sup>th</sup> Century vernacular.*

While the distinction between the Burra Charter and Ryde DCP 2014 is recognised, it is considered that the design of the proposed additions in a delineated, modern architectural style is a satisfactory approach to respect the heritage significance, silhouette and style of the existing dwelling.

The proposed materials, textures and finishes proposed, including brick and timber veneer, allow the new rear additions to be readily identifiable, while being compatible with the materials of the existing dwelling and HCA, and being positioned at the rear of the dwelling to reduce the impact on the streetscape.

**C. HERITAGE** - *Visibility of the proposed extension from Clive Road and Lakeside Road. Concern is raised that the proposed additions are visible from the public domain and are not acceptable in terms of visual appurtenance and compatibility with the existing dwelling.*

## ITEM 2 (continued)

### Assessment Officer Comments

#### Viewing opportunities

Figure 4 and the images below show the main public viewing opportunities of the site from three possible locations along Clive Road and Lakeside Road. The Applicant has also submitted Drawing No. DA 003 (submitted with Revision C) to provide a view analysis of the proposed development from six viewing locations, excerpts of which are also shown at Figure 8.

It is highlighted that the views depicted by the architect in Drawing No. DA003 show the landscape screen planting along the side boundaries, which is proposed as a requirement of Ryde DCP 2014 Part 3.3 Section 2.13, to provide greater amenity and greenery within the streetscape.

The photographs and drawings show that partial views will be visible from oblique angles from both Clive Road and Lakeside Parade down side boundaries, above the garage of 22 Lakeside Road and between neighbouring dwellings.



**Viewing opportunity A**



**Architect view analysis  
Drawing No. DA003**



**Viewing opportunity B**

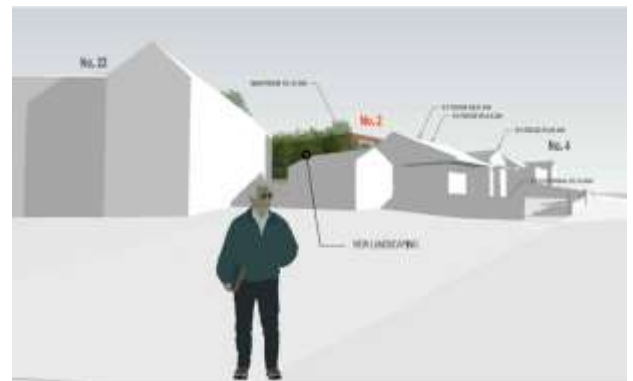


**Architect view analysis  
Drawing No. DA003**

**ITEM 2 (continued)**



**Viewing opportunity C**



**Architect view analysis  
Drawing No. DA003**

**Figure 8. Viewing opportunities of proposed development**

Eastwood House HCA

Part 5.2 of Ryde DCP 2014 provides controls relating to alterations and additions of a building within the Eastwood House HCA. The controls require the design of additions to be positioned and designed in a manner that reduces the impact on the heritage significance of contributory items and the streetscape, including:

- Section 2.2: *To ensure that such alterations are not visible from the street they will need to be toward the rear of the house and retain at least 65% of the original house. If this is achieved, an increase in the ridge height of not more than 25% will be considered.*
- Section 2.3: *'Alterations and additions must take place toward the rear of the existing dwelling' and 'Second storey additions are only permitted toward the rear of the site'.*

The proposed development is consistent with these controls as it is located to the rear of the house and will retain approximately 85% of the external portions of the original dwelling including the entirety of the gabled roof ends. Further the additions propose an increase in ridge height of 12% (above the lower street facing ridge) so that the new additions are read as new work, and silhouette the form of the original dwelling.

As discussed earlier, Article 22 of The Burra Charter states that imitation should generally be avoided and new work should respect the significance of a place through consideration of its siting, bulk, form, scale, character, colour, texture and material. The siting of the proposed additions to the rear of the site is considered an appropriate positioning to protect the street presentation of the existing dwelling, provide a visual break between the two building masses, and reduce the impact of the proposed work on the heritage qualities of the streetscape.

**ITEM 2 (continued)**

In light of this, while issues of privacy, overlooking and visual impact are addressed elsewhere in this report, the ability to see the proposed addition from a public space is not considered to be means for refusal or requiring design changes as essentially any development of the side would be capable of being seen from oblique angles from the street.

**D. HERITAGE** - *The proposed development is unsympathetic to the heritage context of the area with regards to scale, and bulk. Also, concerns are raised regarding the use of "Contemporary" building materials as well as the proposed architectural style.*

**Assessment Officer Comments**

Ryde LEP 2014 contains numerical controls to ensure that the bulk and scale of development is appropriate for the low density residential areas of Ryde. Floor Space Ratios (FSR) are imposed with the objective of providing effective control over the bulk of future development, and to allow appropriate levels of development for specific areas.

The subject site has a FSR control of 0.5:1 and height control of 9.5m under Ryde LEP 2014. The proposed rear addition has a maximum height of 6.405m and the proposed development has a total FSR of 0.37:1 – both of which are below the permissible controls of the LEP.

The Ryde DCP 2014 goes further to impose controls regarding the wall plate height and number of storeys as a means to ensure that the height of development is consistent with the desired future character of Ryde's low density residential areas and is compatible with the streetscape. Section 2.8 of Part 3.3 of Ryde DCP 2014 states that dwelling houses are to have a *maximum wall plate height of 7.5 m or 8 m for a roof which has a continuous parapet*, and a maximum of two (2) storeys.

The proposed development complies with these controls in that the proposed two (2) storey addition has a maximum wall plate height of 6.2m. Further the additions are visually varied through using different materials including brick and ply wood (timber cladding) for the first and second storeys respectively, and recessing the lower floor by 100mm to reduce the overall bulk of the design.

While the proposed additions have a modern architectural style, as previously discussed, this is considered acceptable as the work reads as new work, rather than replicating the heritage style of the existing development in accordance with the Burra Charter (Article 22.2).



**ITEM 2 (continued)****E. HERITAGE** - *Requesting an amended Heritage Impact Statement and Statement of Environmental Effects response to the revised plans.*

A number of objections highlight the need for a revised Statement of Environmental Effects (SEE) and Heritage Impact Statement (HIS) to be submitted to assess the design changes proposed in the amended plans.

Council's Heritage Officer was consulted with regards the amended plans (Revisions B and C) refer **ATTACHMENT 6**. Similarly, Council's Development Assessment Officer has comprehensively reviewed and assessed the application.

Accordingly, it was not considered that a further assessment of the proposal, in response to the Revisions was necessary as Council's Heritage Officer and Assessment Officer were capable of making an informed assessment of the proposal without relying on an additional or revised Consultant's assessment.

**F. HERITAGE** - *Concerns regarding the amount of original building footprint to be demolished.***Assessment Officer Comments**

Council's Heritage Officer raised concern regarding Revision B of the proposed plans and the amount of the original dwelling to be demolished in the second referral stating:

*The amended plans detail various design changes to the proposed alterations and additions. Most significantly, the additions have been shifted to sit further forward on the site, whereby requiring an increased extent of demolition of the rear of the existing dwelling.*

*This results in an increased amount of demolition to the rear of the dwelling. Originally the extent of demolition was considered limited to a small portion of the rear elevation and roof form, retaining a sufficient extent of the rear facing roof plane so that the new additions read as such and that the silhouette and form of the original dwelling could continue to be meaningfully read and appreciated, particularly given the higher visual exposure of the eastern side elevation of the dwelling due to the orientation of the allotments and adjoining built form.*

*The proposal now involves the demolition of more than 75% of the rear facing roof plane and will involve the 'slicing through' of the eastern and western facing gabled ends of the principal roof form.*

*This is not supported and the design should be amended so that the entirety of the gabled roof ends are retained and not compromised by the new additions.*

**ITEM 2 (continued)**

*No objection is raised to the slight increase in the demolition of the rear facing roof plane, however this should not extend beyond the existing gabled ends.*

The amended plans received with Revision C, decreased the amount of the existing dwelling roof form to be demolished. These plans were referred to the Heritage Officer who acknowledged that the amended plans had addressed the previous comments and issues raised, and that there were no objections are raised to the proposed additions.

As outlined earlier in this report, Part 5.2 of Ryde DCP 2014, Section 2.2 states: *To ensure that such alterations are not visible from the street they will need to be toward the rear of the house and retain at least 65% of the original house. If this is achieved, an increase in the ridge height of not more than 25% will be considered.*

The proposed development is compliant with this control - demolishing less than 35% of the original house, and with an increased ridge height of less than 25%. Additionally, the entire front elevation of the building will remain unaffected by the proposed works. It is thus considered that the amount of original building footprint being demolished is satisfactory.

With regards to tiling of the front verandah, the following recommended condition from Council's Heritage Officer, which is included on the draft consent, will ensure that the existing fabric of the existing dwelling will be retained:

***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.*

**ITEM 2 (continued)****G. USE - Potential for use a boarding house with 10 bedrooms and bathrooms.**

A number of submissions raise concerns regarding the future usage of the extension to the existing dwelling and proposed new secondary dwelling as a boarding house.

**Assessment Officer Comments**

The original (Revision A) proposed development included 10 bathrooms and 10 bedrooms (or rooms capable of being a bedroom) on the site, in addition to 6 separate entry points to the principal dwelling. This created a possibility for various unauthorised residential uses such as a boarding house.

Council's letter to the applicant on 8 September 2015 highlighted this concern and requested that the design of the development be amended to reduce the number of bedrooms and bathrooms, and the number of external entrances to the dwelling.

While Revision B did not alter the number of bedrooms and bathrooms, the number of external entrances to the dwelling was reduced. Further, following Council's further letter dated 23 November, the number of bedrooms and bathrooms in Revision C of the plans was reduced to five (5) bedrooms and five (5) bathrooms within the main dwelling and two (2) bedrooms and two (2) bathrooms within the secondary dwelling. This was achieved through removing a number of internal walls within the existing dwelling, which were considered satisfactory by Council's Heritage Officer, in addition to redesigning the first floor bedroom layout.

The applicant has provided the following response in their letter dated 15 December 2015 when asked about proposed use of the site:

*This proposal is to accommodate owner's young growing and extended family and they do not have the intention to turn this development into a boarding house as put forward in Council's letter.*

The resultant design presented in Revision C is considered acceptable for the use of the building as a single dwelling with a detached secondary dwelling, and has removed the concern that the dwelling will be used as a boarding house.

A condition of consent is recommended to be imposed stating:

*This consent allows one principal dwelling and one secondary dwelling only.*



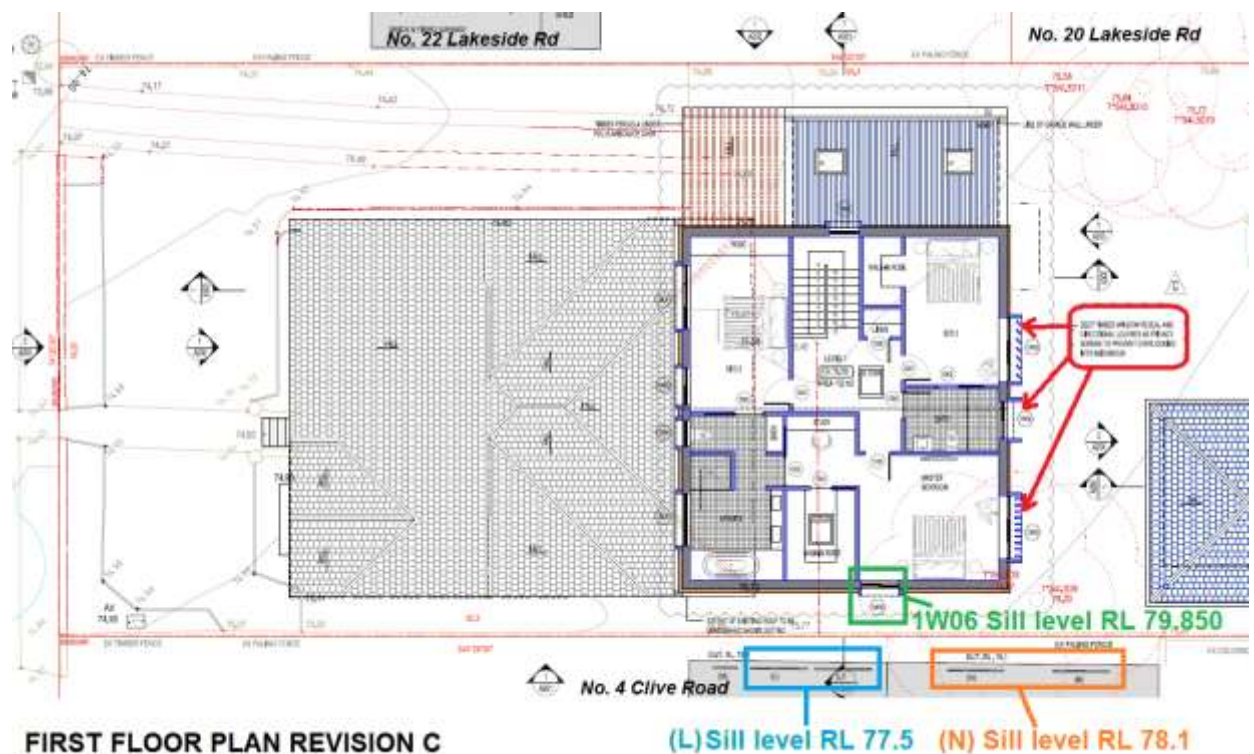
**ITEM 2 (continued)**

**H. PRIVACY** - Overlooking and amenity impacts from the proposed addition and direct views from the first floor addition into the rear yards of adjoining dwellings.

**Assessment Officer Comments**

The amended plans in Revision C have introduced a number of design elements aimed at reducing potential direct views between dwellings, overlooking and privacy impacts on the rear yards of the neighbouring dwellings along Lakeside Road. This is shown at Figure 9 and includes:

- removing all eastern side boundary facing windows on the first floor other than the small window off the stairs;
- ensuring the finished floor level of the first floor does not align with the neighbouring window sill levels to the west;
- deep timber window reveal and directional louvres on the rear facing windows on Bedroom 2 and the Master Bedroom to prevent direct views into the rear yards of Nos. 18, 20 and 22 Lakeside Road.



**Figure 9. First Floor Plan noting window sill levels**

Furthermore, the original plans submitted did not provide sufficient detail regarding the rear and side boundary shrubs to be planted. Revision C has provided a Landscape Plan prepared by a Landscape Architect. Proposed plantings include Cascade Lilly Pilly which has a mature height of 2 – 3m, in addition to Slender Weavers Bamboo which grows to a mature height of 3 – 5m.

**ITEM 2 (continued)**

While it is acknowledged that landscaping alone is not a sufficient response to exclusively prevent and mitigate privacy impacts (as discussed earlier), the proposed landscaping will assist in improving the amenity of the site and provide soft barriers between dwellings.

Ryde DCP 2014

Section 2.14.2 Visual Privacy – of Part 3.3 of Ryde DCP states:

- a) *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.*
- b) *Orientate terraces, balconies and outdoor living areas to either the front or the rear of allotments, and not to the side boundaries.*
- c) *Terraces and balconies are not to overlook neighbour's living areas and private open space.*
- d) *Living room and kitchen windows, terraces and balconies are not to allow a direct view into neighbouring dwellings or neighbouring private open space.*
- e) *Side windows are to be offset by distances sufficient to avoid visual connection between windows of the subject dwelling and those of the neighbouring dwelling.*
- f) *Splayed walls with windows are not to be located above ground level where the windows will provide views into neighbouring allotments.*

The proposed development is consistent with the above controls as there are no side facing windows off main internal living spaces, there are no first floor balconies, the ground floor terrace will have no direct view to neighbouring dwellings, all windows with a potential direct view to neighbouring rear private open space will have a deep reveal and directional louvres to prevent overlooking, and there will be no visual connection between windows of the subject dwelling and those of the neighbouring dwellings.

It is considered that the proposed development is satisfactory with regards to mitigation of privacy impacts as a result of the first floor additions.

- I. **LANDSCAPING** - *Various concerns are raised regarding the proposed landscaping, including lack of information, viability of such landscaping having regard to size and location, and on-going maintenance issues.*

**ITEM 2 (continued)****Assessment Officer Comments**Landscaping

Section 2.13 of Part 3.3 of Ryde DCP 2014 states:

*k. Hedge planting on boundaries is to consist of plant species which have a mature height no greater than 2.7 m.*

Revision C of the plans has provided a Landscape Plan prepared by a Landscape Architect. Proposed plantings include Cascade Lilly Pilly which has a mature height of 2 – 3m along the side and rear boundaries, in addition to Slender Weavers Bamboo which grows to a mature height of 3 – 5m along the side of the proposed garage. Additionally, the rear yard includes a Eumundai Quandong capable of reaching 8m mature height and the existing Camphor Laurel (Tree 7) will be retained.

Cascade Lilly Pilly is a large evergreen flowering shrub suitable for hedges and screening with dense foliage. Slender Weavers Bamboo is a non-invasive clumping bamboo that is fast growing and resilient. While the proposed hedging is capable of achieving a height greater than 2.7m, in this instance it is considered suitable due to the above-mentioned privacy and amenity concerns.

The proposed tree planting, hedge and screen plantings are considered appropriate for the proposed development subject to the conditions provided by Council's Consultant Landscape Architect.

Council's Consultant Landscape Architect has reviewed the proposed Landscape Plans and stated:

*"The Landscape Plan prepared by TGS Landscape Architects is generally in accordance with the City of Ryde DCP 2014 and is considered acceptable."*

Landscaping and Privacy Screening

The following comments were made by the owner of 13 Clive Road in response to the notification of Revision C of the plans:

*The provision of landscape planting to screen the addition is not an appropriate solution to a problematic design concept that fails to acknowledge site context given the difficulty in ensuring the continued health and maintenance of landscaping over time. Such issues were subject of the Planning Principle established in Super Studio v Waverley Council [2004] NSWLEC 91 at 5-7 in relation to landscaping for privacy. The same*

**ITEM 2 (continued)**

*consideration can also be applied in relation to landscape screening in an attempt to reduce visual impact.*

*A solution that explores integration of the addition with the roof of the existing house may solve this issue from our perspective noting that additional issues have been raised by other residents*

The proposed landscaping is designed to meet the requirements of Ryde DCP 2014 while also providing for improved amenity. The purpose of the landscaping is not for the sole function of screening the proposed development from the street, but to provide for replacement planting for the nine (9) trees proposed to be removed, and improve amenity and greenery within the local area.

In the *Super Studio v Waverley Council* case highlighted by the submission, landscaping was proposed as a safeguard against overlooking and for privacy. In the instance of this proposal, overlooking and privacy impacts have been addressed through design changes to the proposed development including recessed windows, obscure glass and directional louvres as discussed later in this report.

The design of the proposed development aims to integrate the extension with the existing dwelling, and provide maximum functionality of the space, while ensuring the two building masses are visually separated.

It is therefore concluded in regards to visibility and design that:

- The architectural style and finishes of the proposed development is considered satisfactory taking into account the principles of The Burra Charter; and
- The additional screen planting along the side boundary is considered a positive and beneficial component of the proposal which will improve the overall streetscape, amenity and greenery within the area, while also providing screening along the side boundary.

**Viability of Landscaping**

While standard conditions of consent will be imposed requiring all landscaping works identified on the approved landscaping plans to be undertaken prior to the issue of an Occupation Certificate, to ensure the viability and longevity of the proposed plantings the following 'Operational Condition' is recommended:

***Tree maintenance*** – *The owner of the property is to water and maintain the proposed tree and hedge plantings shown on the Landscape Plan (Drawing No. 1244.L.01, dated December 2015, Issue A) for first 12 months after planting has been completed.*

**ITEM 2 (continued)**

*The trees and hedges shall be in good health and vigour. Should the plantings fail to survive and thrive it will be at the cost of the applicant to replace the respective tree and/or hedges and the maintenance period of 12 months shall recommence.*

As the landscaping is not solely relied upon for privacy screening between the neighbouring dwellings it is considered that the recommended condition will ensure the proposed plantings have the best opportunity for growth in the first 12 months after planting and improve the ability for the planting to achieve the primary objective to provide increased amenity and greenery in the area.

- J. TREE REMOVAL** – *Concern is raised regarding proposed tree removal. Further, concern is raised that it would be preferable to retain existing vegetation rather than replace with immature trees.*

**Assessment Officer Comments**

The proposed development and tree removal has been referred to Council's Tree Management Officer and Council's Consultant Landscape Architect. There are 11 trees affected by the proposed development, shown at Figure 10. The following outlines which trees are to be removed and provides an assessment based on the referrals received from Council's Tree Management Officer and Council's Consultant Landscape Architect.

- Tree 1 - The proposal in its current form does not impact the street tree 1 Brush Box (*Lophostemon confertus*) on the street.
- Trees 2-4 are semi mature Camphor Laurel (*Cinnamomum camphora*) trees are deemed exempt under the Ryde DCP 2014, Part 9.5 as it is considered an exempt species (undesirable species).
- Tree Group 5 is a stand of *Ligustrum lucidum* (Broad-Leaved Privet) and is deemed exempt under the Ryde DCP 2014, Part 9.5 as it is considered an exempt species (weed species).
- Tree 6 is a *Ligustrum lucidum* (Broad-Leaved Privet) located to the rear of the site. The Arborist report submitted with the DA states that the tree has been nominated for retention as part of the project, which has been supported by Council's Consultant Landscape Architect.

It should be noted that the tree is considered an undesirable species and is exempt under the Ryde DCP 2014, Part 9.5. Council's Tree Management Officer has recommended this tree for removal.

It is considered that while Tree 6 is recommended to be retained by Council's Consultant Landscape Architect, that the tree should be removed to provide the best opportunity for the healthy growth of nearby Tree 7 as a large tree.



**ITEM 2 (continued)**

- Tree 7 is an *Angophora costata* (Smooth Barked Apple) which is recommended for retention as it is in keeping for the period of the heritage item. Council's Consultant Landscape Architect has recommended conditions to ensure the protection of this tree under the relevant Australian Standards.
- Tree 8 is a *Ligustrum lucidum* (Broad-Leaved Privet) is deemed exempt under the Ryde DCP 2014, Part 9.5 as it is considered an exempt species (weed species).
- Tree 9 is a *Pittosporum undulatum* (Sweet Pittosporum) located along the Western boundary towards the rear of the site. Although this tree does contribute to the landscape, given its structural defects its removal is considered acceptable provided appropriate replacement planting is installed to compensate for the loss of shade, privacy and habitat in the rear yard. Council's Tree Management Officer has raised no concern regarding the removal of this tree.
- Tree 10 is a *Cinnamomum camphora* (Camphor Laurel) which is deemed exempt under the Ryde DCP 2014, Part 9.5 as it is considered an exempt species (undesirable species).
- Tree 11 is a Palm species (There were no leaves on the plant at the time of inspection by Council's Consultant Landscape Architect) which is deemed exempt under Ryde DCP 2014, Part 9.5 due to its small size.

As noted above, most of the trees to be removed are exempt species under Ryde DCP 2014, with appropriate tree protection measures to be put in place to protect Trees 1, 6 & 7.

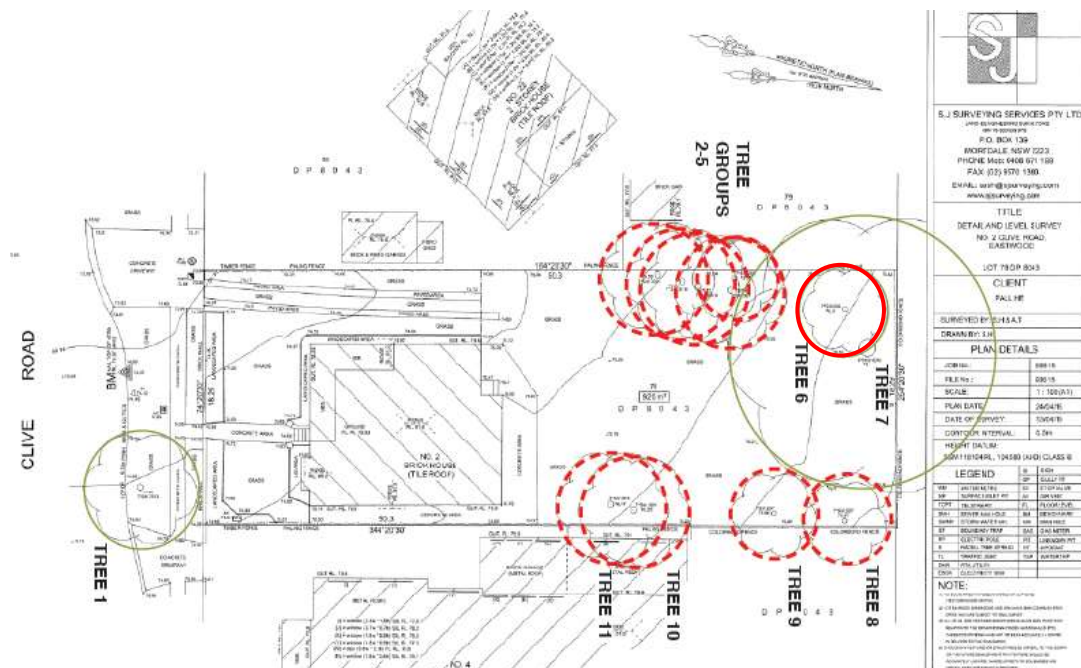
Further the proposed trees noted on the landscaping plan are considered satisfactory replacement planting for the removed trees. It is also recommended by Council's Landscape Architect that due to the canopy coverage lost as a result of tree removal across the site that an additional tree is planted within the front setback area. The following condition of consent has been recommended on the draft consent to ensure the proposed trees are of a mature size. This will also be noted on the landscaping plans:

***Proposed trees.*** *The front garden is to have at least one least one (1) tree with a spreading canopy capable of reaching a minimum mature height of 10m. The nominated species can be chosen at the applicants discretion but suggestions include; *Elaeocarpus eumundii* or *Pyrus calleryana* 'Capital'.*

*All proposed trees are to be installed at a minimum container size of 75L and be grown in accordance with the Australian Standard AS2303:2015 'Tree stock for Landscape Use'.*

*All proposed trees are to be located a minimum of 3m from the site boundary and installed clear of underground services.*

**ITEM 2 (continued)**



**Figure 10. Existing trees to be removed and retained.**

**K. SIZE, SCALE AND BULK OF THE DEVELOPMENT** – Concern is raised that despite amendments to the plans, the proposal is an overdevelopment of the site and the bulk and scale is excessive compared to the existing dwelling.

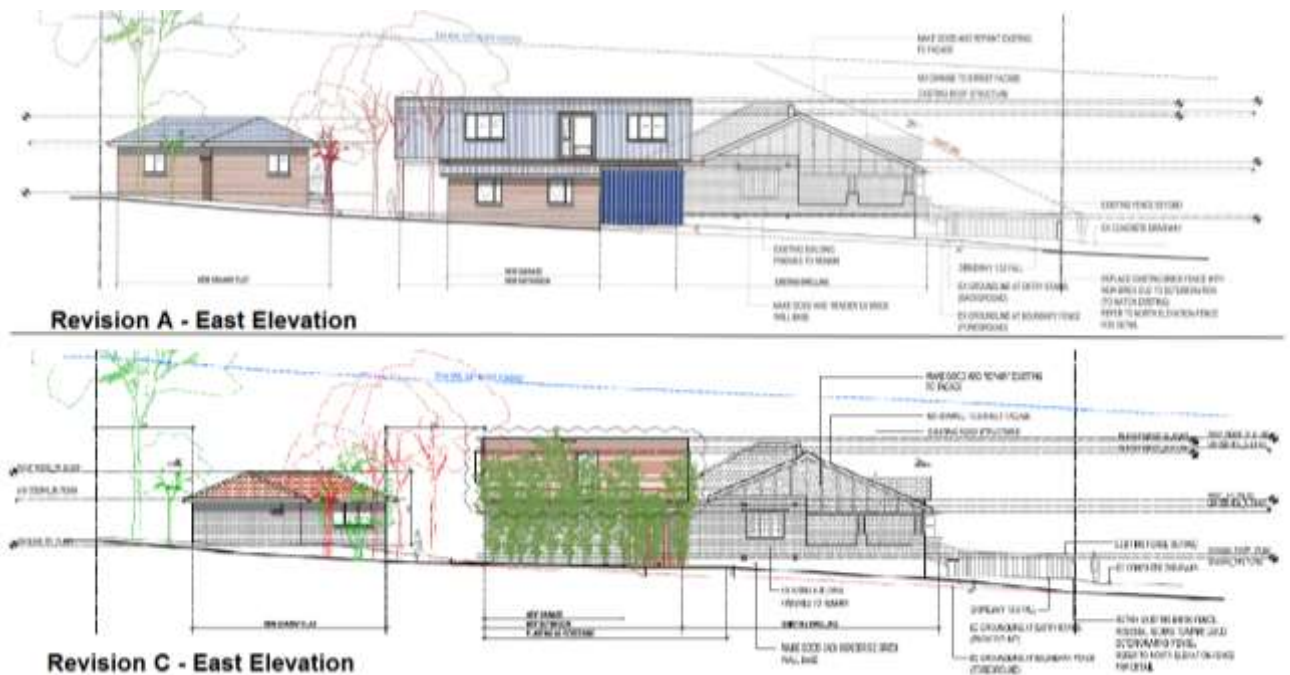
**Assessment Officer Comments**

As discussed earlier in this report, the proposed development complies with Council’s LEP and DCP controls with regards to height, FSR, wall plate height, materials and finishes and siting. These controls are used a means to control the future desired built form of development in low density areas of City of Ryde and a means to which Council can ensure future dwellings are well designed and attractive, and provide a high level of amenity.

While submissions to the proposal may object to the overall design of the proposed development, Council’s Heritage Officer has raised no concern with the compatibility of the design within the Eastwood House HCA, and the proposed development complies with the desired future character controls under Part 5.3 of Ryde DCP 2014 – refer **ATTACHMENT 2**.

As shown in Figure 11, the proposed Revision C plans are an improvement on the development proposed in Revision A. The overall bulk of the development has been reduced considerably, and the overall gross floor area of the proposed extension has been reduced from 240m<sup>2</sup> to 167m<sup>2</sup>.

**ITEM 2 (continued)**



**Figure 11. Revision A and Revision C east elevation plan of the proposed development**

**L. OVERSHADOWING** – Concern is raised regarding overshadowing from the proposed development onto rear yards of adjoining properties.

**Assessment Officer Comments**

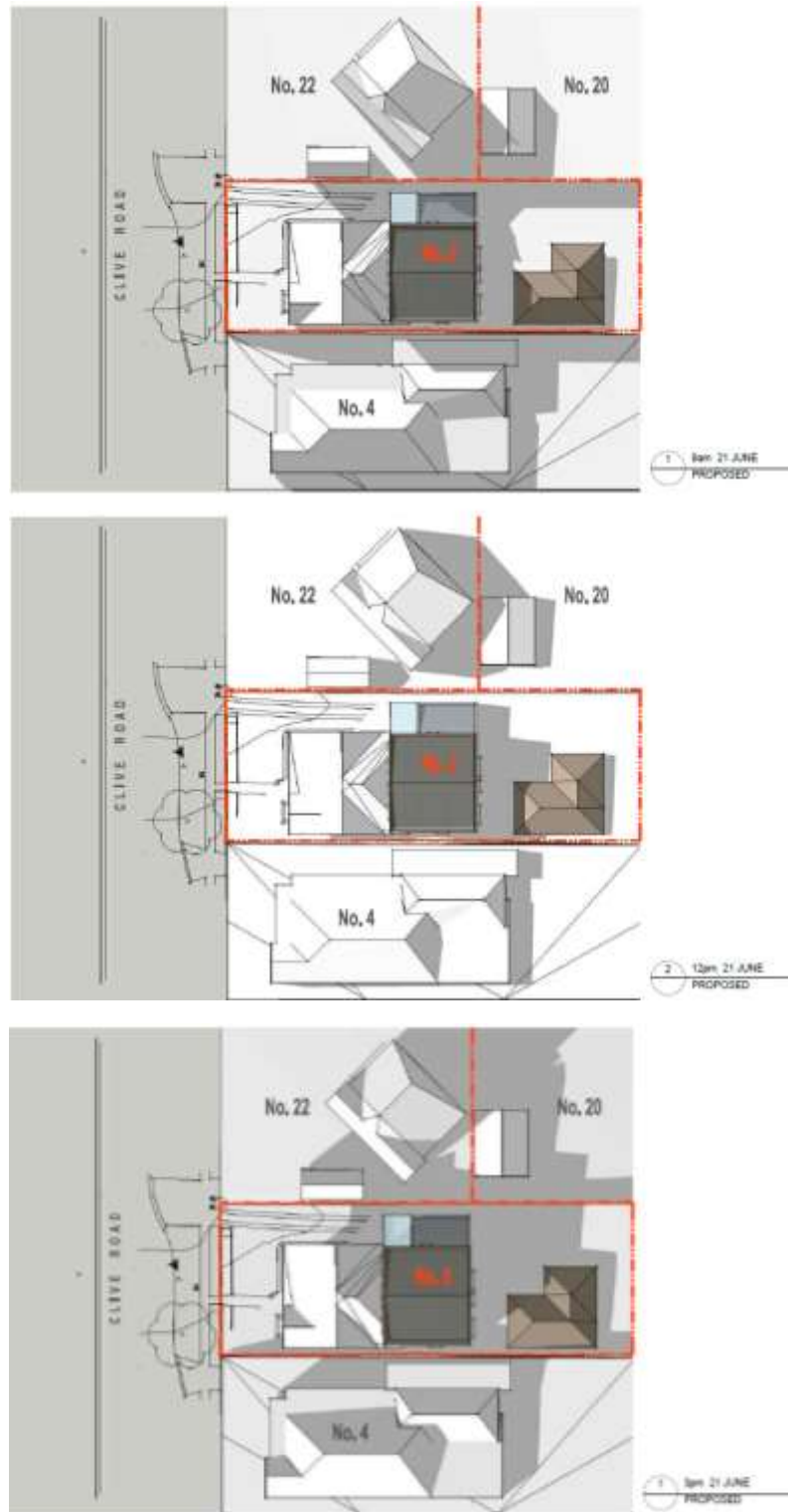
Section 2.14.1 of Part 3.3 of Ryde DCP 2014 states:

- e. For neighbouring properties ensure:
  - i. 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; and
  - ii. windows to north-facing living areas of neighbouring dwellings receive at least 3 hours of sunlight between 9 am and 3 pm on 21 June over a portion of their surface, where this can be reasonably maintained given the orientation topography of the subject and neighbouring sites.

The following shadow diagrams show the impacts of the proposal at 9am, 12 noon and 3pm in relation to the neighbouring properties.



**ITEM 2 (continued)**



**Figure 12. Proposed overshadowing at 9am, 12 noon and 3pm**

**ITEM 2 (continued)**

Given the orientation of the site and position of the proposed additions, the proposal has the following impacts on neighbouring properties:

- At 9am, shadows would fall onto the neighbour to the west (No. 4 Clive Road). However by 12 noon this adjoining property is no longer affected by shadows from the proposed development.
- At 12 noon, shadows from the proposal fall entirely within the subject site.
- After 12 noon, shadows begin to affect the adjoining properties to the east (No. 20 and 22 Lakeside Road between 12 noon and 3pm. The orientation of the site and position of the proposed additions ensures that the proposal achieves compliance with DCP 2014 in relation to overshadowing of neighbouring properties.

Accordingly, the proposed level of overshadowing is consistent with Ryde DCP 2014 and is considered 'to be satisfactory' as:

- 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; and
- windows to north-facing living areas of neighbouring dwellings will continue to receive at least 3 hours of sunlight between 9 am and 3 pm on 21 June over a portion of their surface.

**M. PARKING AND TRAFFIC** - *Concern raised that the development with such a large number of bedrooms will generate a significant demand for on-street parking.*

**Assessment Officer Comments**

The amended plans (Revision C) has reduced the number of bedrooms in the principal dwelling to five (5) and there are two (2) bedrooms within the secondary dwelling.

The development requires only one (1) parking space for a single dwelling under the provisions of Ryde DCP 2014, and the Affordable Housing SEPP.

Ryde DCP 2014 Part 3.3 Section 2.11.1 states:

*a. Provision must be made for off street parking in accordance with Part 9.3 Parking Controls in this DCP.*

*Note: Part 9.3 requires as follows:*

*- dwelling house = up to 2 spaces/dwelling*

**ITEM 2 (continued)**

The Affordable Housing SEPP states under Clause 22 that:

- (4) *A consent authority must not refuse consent to development to which this Division applies on either of the following grounds:*
- (b) *parking*  
*if no additional parking is to be provided on the site.*

Further Schedule 1 of the Affordable Housing SEPP provides the following note:

**Note.** *There is no requirement that additional parking spaces be provided in respect of development for the purposes of a secondary dwelling.*

As such, the provision of one (1) parking space within the garage, satisfies the parking requirements outlined with Ryde DCP 2014 and the Affordable Housing SEPP. Additionally, the driveway, being more than 22m long from the front boundary to the garage, allows for additional parking as necessary. Accordingly there is not considered to be undue parking and traffic impacts as a result of the proposed development.

- N. GARBAGE AND WASTE** – *Concern is raised that the plans do not show the location of waste storage.*

**Assessment Officer Comments**

Part 7.2 – *Waste Minimisation and Management* of Ryde DCP 2014 states:

- b. *Space must be provided outside the dwelling/s to store the minimum number of Council's garbage, recycling and green waste bins required to meet Council's standard collection services applicable to the development. The space provided should be screened from the street with easy access for the householder to wheel the bins to the kerbside for servicing. Indicative dimensions of bins and numbers of bins are provided in Schedule 1 Indicative Bin Sizes and Dimensions and Schedule 2 Standard Waste and Recycling Bins for Residential Developments attached to this Part.*

Council's standard allocation of residential bins for households is:

- 1 x 140L red lidded garbage bin - weekly
- 1 x 240L yellow lidded recycling bin – fortnightly
- 1 x 240L green lidded garden organics bin – fortnightly

**ITEM 2 (continued)**

Review of the plans shows that there is an accessible path down each side of the proposed development that will allow for easy access for the householder to wheel the three (3) bins from the rear or side of the house to the kerb side. Each of the side access paths have a return fence and gate which will allow for the screening and storage of bins either down the side or to the rear of the dwelling.

It is considered that the design of the proposed development meets the requirement of having space outside the dwelling for the storage of residential garbage, recycling and green waste bins.

**O. LACK OF DETAIL IN THE PLANS AND DOCUMENTS SUBMITTED – Concern is raised that the DA plans are misleading regarding:**

- *presentation of information on the plans;*
- *insufficient information on the landscaping plans to show the proposed materials and finishes; and*
- *no detail for the operation and appearance of the new front sliding gate*

**Assessment Officer Comments**

Council's letter to the applicant dated 23 November 2015 requested the following amendments/information in response to Revision B of the plans:

- *The landscape plan is to provide a schedule of plantings cross-referenced to the site plan indicating species, massing and mature height.*
- *Amended plans are to be consistent in information.*
- *The first floor window off the stairwell is to have frosted glass to minimum 1.8m above finished floor level of the stair adjoining the window.*

Accordingly, the Revision C plans have updated this information and provided a landscape plan prepared by a Landscape Architect. The submitted information with Revision C has been reviewed and no further inconsistencies have been identified.

**P. FRONT FENCE AND GATE – Concern is raised regarding the design and colour of the proposed front fence and gate.****Assessment Officer Comments**

Council's letter to the applicant dated 23 November 2015 requested the following amendments/information in response to Revision B of the plans:

- *Amended plans are to outline the proposed materials and finishes of the proposed new gates along the front fence. Materials are to be of appropriate and compatible design and colour for the era of the existing dwelling.*

**ITEM 2 (continued)**

- *Detail of the type of gate to be installed along the driveway are to be submitted to outline if the gate is to be mechanised or manual opening.*

Consequently, Revision C deleted the sliding gate across the driveway, and details regarding the proposed pedestrian front gate were submitted. The proposed front gate is to be timber with Drawing No. DA200 Rev C noting that the materials are to be 'Natural Timber Spotted Gum'.

This proposed design, colour and materials are considered suitable for the context of the fence, and the removal of the sliding front driveway gate is supported.

- Q. ROOF TILES OF THE SECONDARY DWELLING.** *Concern is raised that the roof tiles of the secondary dwelling should be consistent with the existing dwelling and other dwellings in the street.*

**Assessment Officer Comments**

Drawing No. DA700 of Revision C depicts the External Finishes and Materials Schedule for the proposed development with materials proposed for the Granny Flat reproduced at Figure 13. These materials are considered suitable for the proposed secondary dwelling.



**Figure 13. Materials and finishes of the proposed granny flat**

- 8. SEPP1 (or clause 4.6 RLEP 2010) objection required? None required.**



## ITEM 2 (continued)

### 9. Policy Implications

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

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

#### Zoning

The proposed alterations and additions to dwelling and new secondary dwelling is permissible within the R2 Low Density Residential zone subject to the approval of Council.

The objectives of the R2 Infrastructure zone are:

- 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.

#### Assessment Officer's Comments

The proposed development is considered to be consistent with the objectives of the zone.

#### Mandatory Requirements

The following is a summary of the clauses under Ryde LEP 2014 applicable to the development.

Ryde LEP 2014	Proposal	Compliance
<b>4.3(2) Height</b>		
9.5m	6.305m – principal dwelling 3.8m – secondary dwelling	Yes
<b>4.4(2) &amp; 4.4A(1) FSR</b>		
0.5:1	0.38:1	Yes

#### Heritage conservation

Clause 5.10 of Ryde LEP 2014 states the following with regards to HCAs:

(2) **Requirement for consent**

*Development consent is required for any of the following:*

...

(e) *erecting a building on land:*

**ITEM 2 (continued)**

- (i) *on which a heritage item is located or that is within a heritage conservation area,*

**(4) Effect of proposed development on heritage significance**

*The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).*

**Assessment Officer's Comments**

The subject DA seeks consent from Council for alterations and additions to the existing dwelling and a new secondary dwelling within an HCA. Council's Heritage Officer has assessed the proposed development with regards to the effect of the proposed development on the heritage significance of the HCA and has concluded that there are no objections raised to the proposed additions. Matters regarding heritage impact have been discussed elsewhere in this report.

**(b) Relevant SEPPs**
**State Environmental Planning Policy (Affordable Rental Housing) 2009**

- (a) Mandatory Matters

**Division 2 Secondary dwellings**

Requirements	Proposal	Compliance
<b>cl. 20 - Permissibility</b> <ul style="list-style-type: none"> <li>Applies to land where a dwelling house is permissible</li> </ul>	R2 Low Density Residential in RLEP 2014	Yes
<b>cl. 22 - Development may be carried out with consent</b> <p>(2) Must not consent if the development would result in any dwelling other than the principal dwelling and the secondary dwelling.</p> <p>(3) Must not consent unless:</p> <p>(a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area</p>	Principal & secondary only  The total floor area of both dwellings is 350.35m <sup>2</sup> .	Yes

**ITEM 2 (continued)**

Requirements	Proposal	Compliance
allowed for a dwelling house on the land under another environmental planning instrument (RLEP 2014), and (b) the total floor area of the secondary dwelling is no more than 60m <sup>2</sup> or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another EPI, that greater floor area.	FSR = 0.38:1  The proposed floor area is 58m <sup>2</sup> .	Yes  Yes
(4) A consent authority must not refuse consent on either of the following grounds: a. <b>site area</b> , if: (i) the secondary dwelling is located within, or is attached to, the principal dwelling, or (ii) the site area is at least 450m <sup>2</sup> . b. parking, if no additional parking is to be provided on the site.	Site is 920m <sup>2</sup>	Yes
<b>cl. 24 - No subdivision</b> No consent to a development application that would result in any subdivision of a lot on a secondary dwelling has been carried out.	No application for subdivision	Yes

**(b) Discretionary Matters**

There are no prescribed standards applying to secondary dwellings that require development consent. The development standards in the compliance table at **ATTACHMENT 3** apply to complying development and are used as a basis to assess whether the proposal is satisfactory in terms of its likely impact.

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

BASIX Certificates No.A226225\_02 (alterations and additions) and 665406S\_02 (secondary dwelling), both dated 11 February 2016 have been submitted and the development satisfies the commitments listed in the schedule.

**(c) Relevant REPs**

There are none that affect this application.

**ITEM 2 (continued)**

**(d) Any draft LEPs**

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

**(e) Any DCP (e.g. dwelling house, villa)**

Ryde DCP 2014:

A full assessment of the proposal under DCP 2014 is illustrated in the compliance table held at **ATTACHMENT 2**. Two (2) non-compliances were identified in the table and are further discussed below.

**Part 3.3- Dwelling Houses and Dual Occupancy (attached)**

**a) Section 2.2.2 - Alterations and additions to Dwelling Houses**

***Objectives***

1. *To improve the amenity and liveability of dwellings and sites.*
2. *To ensure that buildings are well designed.*

***Controls***

- a. *Alterations and additions visible from the public domain are to be designed so that the finished building appears as an integrated whole. This may require the addition to have a façade and materials consistent with the existing house.*
- b. *Alterations and additions are to improve the amenity and liveability of dwellings and sites, including practical and useable external spaces.*

***Assessment Officer's Comments:***

The subject application seeks to construct a modern addition to the rear of an existing Californian bungalow dwelling that is situated in an HCA. The proposed development does not appear as an 'integrated whole', however this is purposefully and carefully designed to ensure that the heritage components of the existing dwelling are retained. This has been discussed earlier in the report and the noncompliance with control (a) above is considered satisfactory in light of the principles of the Burra Charter as raised by Council's Heritage Officer.

The proposed development is consistent with the objectives of this section as the additions are well designed with due consideration of the existing dwelling on the site, and is intended to improve the amenity and liveability of the dwelling.

## ITEM 2 (continued)

### b) Section 2.9.2 Side Setbacks

#### **Objectives**

1. To enable building siting to be compatible with the streetscape.
2. To provide car access.
3. To provide access to the rear of the allotment.

#### **Controls**

- c. The outside walls of a second storey addition to a single storey dwelling are to be set back not less than 1.5 m from the side boundaries.

#### **Assessment Officer's Comments:**

Review of the proposed development indicates that the side setback of the second storey addition is setback from the western side boundary by 1.486m. This represents a noncompliance of 0.014m (14mm), or less than 1% variation. The proposed side setback is designed to align with the side setback of the existing dwelling.

Despite the proposed noncompliance, the development complies with the objectives of the clause as car access is provided down the eastern side of the site, and pedestrian access is provided to the rear down both sides of the dwelling. Additionally, being to the rear of the site, the siting of the proposed development is compatible with the streetscape as there is no proposed changes to the front façade or presentation of the existing dwelling to the street.

## 10. Likely impacts of the Development

### (a) Built Environment

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

### (b) Natural Environment

The proposed development is permitted in the zone and is located within an established urban area. There will be no significant adverse impact on the surrounding land uses or the natural environment. Imposition of Council's standard conditions of consent relating to protection of the natural environment are considered satisfactory to mitigate any adverse impact the proposed development will have.



## ITEM 2 (continued)

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

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

Non-Conservation Urban Bushland: The subject site containing pockets of non-conservation urban bushland. Tree removal and replacement planting is discussed earlier in this report and is considered satisfactory subject to the proposed recommended conditions of consent.

#### Within Eastwood House Estate Heritage Conservation Area and within 100m of Heritage Item:

The site is situated within 100m of 'Eastwood House', which is listed as having local heritage significance. Council's Heritage Officer has stated the following:

- *"no objection is raised to the removal of trees and construction of the secondary dwelling", and*
- *"While the rear additions will extend above the finished ridge height of the existing dwelling, the additions have been designed in such manner that largely retains the existing silhouette of the modest scaled single storey dwelling and will enable the continued meaningful interpretation of the original architectural form.  
The extent of the additions which are visible above the ridgeline will not visually dominate the dwelling, and the contemporary form and detailing of the additions will sufficiently delineate them from the original built form. Overall, the rear two storey additions will largely be concealed behind the silhouette of the existing single storey dwelling."*

### 12. The Public Interest

Having regard to the assessment contained in this report, it is considered that approval of the 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 provided the following comments. Conditions of consent have been provided, and these are included in the Draft Conditions of Consent (see **ATTACHMENT 1**).

**ITEM 2 (continued)**

*“The drainage details submitted are generally satisfactory subject to minor amendments. OSD has been provided as an underground tank adjoining the garage. 5000 litres has been offset within the water tank which has been provided for the main dwelling. The volume of the underground tank has been increased to achieve a total of 16.0m<sup>3</sup> of OSD volume.*

*The BASIX volume required for the granny flat is 3000 litres however the drainage plan shows a 2000 litre tank. This has been amended in red and conditioned.*

*The driveway cross over appears to be in good condition and therefore no conditions have been provided for a new driveway. The driveway gradients can be achieved to comply with AS 2890.1.*

*No objections are raised to the approval subject to the attached conditions”*

The following recommended conditions have been included on the draft consent at **ATTACHMENT 1**: Conditions 16-19, 34-36, 43-44, and 62-66,

**Heritage Officer:** The subject DA was referred to Council’s Heritage Officer for heritage consideration as the subject site is located within the Eastwood House Estate Heritage Conservation Area, which is an item of heritage significance listed on Schedule 5 of the Ryde LEP 2014.

Council’s Heritage Officer has raised no issue with the subject application subject to four conditions of consent (refer conditions 13-15 and 26 of **ATTACHMENT 1**).

**Tree Management Officer:** The proposed development was referred to Council’s Tree Management Officer who stated that the proposal is acceptable subject to conditions of consent (refer condition 58 of **ATTACHMENT 1**).

**External Referrals**

**Landscape Architect:** The proposed development and revised landscape design (Revision C) were referred to Council’s Consultant Landscape Architect who has stated the proposed landscaping is acceptable, subject to conditions of consent (refer conditions 20-22 and 37 of **ATTACHMENT 1**).

As noted earlier, Council’s Tree Management Officer has recommended the removal of Tree 6 which is a *Ligustrum lucidum* (Broad-Leaved Privet) located to the rear of the site, while the tree is recommended to be retained by Council’s Consultant Landscape Architect.

The tree is considered an undesirable species and is exempt under the Ryde DCP 2014, Part 9.5, as such it is recommended that Tree 6 should be removed to provide the best opportunity for the healthy growth of nearby Tree 7 as a large tree.

## **ITEM 2 (continued)**

### **14. Critical Dates**

There are no critical dates or deadlines to be met.

### **15. Financial Impact**

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

### **16. Other Options**

None relevant.

### **17. Conclusion**

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

Although areas of non-compliance with Part 3.2 of Ryde DCP 2014 were identified, these were either considered to be justifiable given the circumstances of the subject site and the development proposed.

Although key issues regarding heritage impact, bulk and scale and use were key areas that submissions objected to, the proposed development is considered to result in a development that, according to Council's Heritage Officer, *have been designed in such manner that largely retains the existing silhouette of the modest scaled single storey dwelling and will enable the continued meaningful interpretation of the original architectural form.*

On the above basis, LDA2015/381 at 2 Clive Road, Eastwood is recommended for approval subject to conditions.

**ITEM 2 (continued)**

**ATTACHMENT 1**

**DRAFT CONDITIONS OF CONSENT**  
**2 CLIVE ROAD EASTWOOD**  
**LDA2015/0381**

**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>
Architectural Plans	15.12.2015	KAS Architects Pty Ltd  Revision C: DA001, DA002, DA100, DA101, DA102, DA103, DA200, DA201, DA202, DA203, DA204, DA300, DA301, DA400, DA401, DA500, DA800  Revision A: DA003
Landscape Plan	07.12.15	Greenland Design Pty Ltd. Drawing No. 1244.L.01, Issue A
External Finishes & Materials Schedule	19.06.2015	KAS Architects Pty Ltd Revision C DA700
Stormwater Drainage Plans	19.06.2015	MBC Engineering Ref 2015295 S1 (as amended in red by Council and conditions of consent)
Specialist reports	14/05/2015	Arboricultural Assessment prepared by Sydney Arbor Vision dated June 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 Landscaping Plan is to show at least one (1) tree with a spreading canopy capable of reaching a minimum mature height of 10m. Species suggestions include: *Elaeocarpus eumundii* or *Pyrus calleryana* 'Capital'.

**ITEM 2 (continued)**

**ATTACHMENT 1**

The Development must be carried out in accordance with the amended plans approved under this condition.

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered A226225\_02 and 655406S\_02 dated 11 February 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.
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.
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.



**ITEM 2 (continued)**

**ATTACHMENT 1**

10. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
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.
12. **Tree maintenance** – The owner of the property is to water and maintain the proposed tree and hedge plantings shown on the Landscape Plan (Drawing No. 1244.L.01, dated December 2015, Issue A) for first 12 months after planting has been completed.

The trees and hedges shall be in good health and vigour. Should the plantings fail to survive and thrive it will be at the cost of the applicant to replace the respective tree and/or hedges and the maintenance period of 12 months shall recommence.

13. **No painting or rendering of masonry or stone.** No painting or rendering shall be permitted to masonry or stone surfaces which have not previously been painted or rendered.
14. **Retention of wheel strip driveway and front masonry fence.** The existing wheel strip driveway and front masonry fence are to be retained.
15. **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, including the existing verandah tiling, 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.

16. **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.

**ITEM 2 (continued)**

**ATTACHMENT 1**

17. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
18. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.
19. **Road Opening Permit.** The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) are required within the road reserve. No drainage work shall be carried out on the footpath without this permit being paid and a copy kept on the site.
20. **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.

**Site Trees**

Tree 7 - *Cinnamomum camphora* (Camphour laurel).

**Street Tree**

Tree 1 - *Angophora costata* (Smooth Barked Apple)

21. **Tree removal.** This consent authorises the removal of the following trees:

Tree 2 - *Cinnamomum camphora* (Camphour laurel).

Tree 3 - *Cinnamomum camphora* (Camphour laurel).

Tree 4 - *Cinnamomum camphora* (Camphour laurel).

Tree group 5 - *Ligustrum lucidum* (Broad-Leaved Privet).

Tree 6 - *Ligustrum lucidum* (Broad-Leaved Privet).

Tree 8 - *Ligustrum lucidum* (Broad-Leaved Privet).

Tree 9 - *Pittosporum undulatum* (Sweet Pittosporum).

Tree 10 - *Cinnamomum camphora* (Camphour laurel).

Tree 11 - Palm species.

All tree removal work is to be carried out in accordance NSW Workcover Code of Practice (2007) and undertaken by an Arborist with minimum AQF Level 2 qualifications.

**ITEM 2 (continued)**

**ATTACHMENT 1**

22. **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. 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.

**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.

23. **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	\$1,500.92
Open Space & Recreation Facilities	\$3,694.96
Civic & Urban Improvements	\$1,256.73
Roads & Traffic Management facilities	\$171.43
Cycleways	\$107.08
Stormwater Management Facilities	\$340.35
Plan Administration	\$28.87
<b>The total contribution is</b>	<b>\$7,100.34</b>

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

**ITEM 2 (continued)**

**ATTACHMENT 1**

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

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

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 suitably experienced in heritage fabric, to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate**.

The Structural Assessment is to also consider the suitability of the altered roof loads from the partial demolition of the roof form at the rear of the dwelling and the tolerance of the surviving retained fabric to withstand altered loads.

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**. (category: dwelling houses with delivery of bricks or concrete or machine excavation)
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. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.

**ITEM 2 (continued)**

**ATTACHMENT 1**

29. **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™](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>

30. **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**.
31. **Fencing**. Side and rear boundary fencing is to be in accordance with Council's DCP 2014: Part 3.3 – Dwelling House and Dual Occupancy (attached) – Section 2.16 - Fences. The cost of any replacement fencing shall be at the expense of the applicant. Details of compliance are to be provided in the plans for the **Construction Certificate**.

This condition does not permit the replacement, alteration or demolition of the existing front masonry fence which is to be retained per Condition 14.

32. **Tree planting – location**. Where possible, all proposed trees are to be located a minimum of 3m from the site boundary and installed clear of underground services. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of the **Construction Certificate**.
33. **Tree container size**. All proposed trees are to be installed at a minimum container size of 75L and be grown in accordance with the Australian Standard AS2303:2015 'Tree stock for Landscape Use'. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a **Construction Certificate**.



**ITEM 2 (continued)**

**ATTACHMENT 1**

34. **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.

Accordingly, revised engineering plans prepared by a qualified engineer shall be submitted with the construction certificate application, addressing, but not be limited to the following:

- (a) Provision of the correct layout for the granny flat.
- (b) Increase the volume of the BASIX tank for the granny flat to 3000 litres as per the BASIX report. In addition to this a 5000 litre water tank shall be provided for the main dwelling.
- (c) Connection of the water tanks to the main dwelling and to the granny flat for reuse.
- (d) Increase the volume of the underground OSD tank to 11.0m<sup>3</sup>.
- (e) All gutters, downpipes and pipeline conveying stormwater runoff to the OSD tank are to be designed for the 1 in 100 year, 5 minute duration 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.

35. **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.
36. **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

**ITEM 2 (continued)**

**ATTACHMENT 1**

- (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.

37. **Landscape Plan.** The following items are to be addressed as part of Construction Documentation.

- (a) Public domain areas  
Any damage caused to council property (during construction) within the public domain along Clive Road shall be rectified at the expense of the applicant.
- (b) Storm water management.  
The location of 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.
- (c) Landscape Implementation  
Landscaping shall be implemented/installed in accordance with the approved landscape plans/ Conditions of Consent and in accordance with each stage of the development.

**PRIOR TO COMMENCEMENT OF CONSTRUCTION**

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

38. **Site Sign**

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

**ITEM 2 (continued)**

**ATTACHMENT 1**

39. **Residential building work – insurance.** In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
40. **Residential building work – provision of information.** Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the PCA has given the Council written notice of the following information:
- (a) in the case of work for which a principal contractor is required to be appointed:
    - (i) the name and licence number of the principal contractor; and
    - (ii) the name of the insurer by which the work is insured under Part 6 of that Act.
  - (b) in the case of work to be done by an owner-builder:
    - (i) the name of the owner-builder; and
    - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

41. **Excavation adjacent to adjoining land**
- (a) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must, at their own expense, protect and support the adjoining premises from possible damage from the excavation, and where necessary, underpin the adjoining premises to prevent any such damage.
  - (b) The applicant must give at least seven (7) days notice to the adjoining owner(s) prior to excavating.
  - (c) An owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
42. **Safety fencing.** The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.

**ITEM 2 (continued)**

**ATTACHMENT 1**

- 43. **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.
- 44. **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.

- 45. **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*.
- 46. **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 approved for removal only	Principal Contractor	Project Arborist	Prior to demolition and site establishment
2	Establishment of tree protection fencing and additional root, trunk and/or branch protection	Principal Contractor	Project Arborist	Prior to demolition and site establishment

**ITEM 2 (continued)**

**ATTACHMENT 1**

<b>Hold Point</b>	<b>Task</b>	<b>Responsibility</b>	<b>Certification</b>	<b>Timing of Inspection</b>
3	Supervise all excavation works proposed within the TPZ	Principal Contractor	Project Arborist	As required prior to the works proceeding adjacent to the tree
4	Inspection of trees by Project Arborist	Principal Contractor	Project Arborist	Bi-monthly during construction period
5	Final inspection of trees by Project Arborist	Principal Contractor	Project Arborist	Prior to issue of Occupation Certificate

47. **Survey of footings/walls.** All footings and walls within 1 metre of a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be prepared indicating the position of external walls in relation to the boundaries of the allotment.
48. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
49. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
- Fill is allowed under this consent;
  - The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
  - the material is reused only to the extent that fill is allowed by the consent.
50. **Construction materials.** All materials associated with construction must be retained within the site.
51. **Site Facilities**  
 The following facilities must be provided on the site:
- toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
  - a garbage receptacle for food scraps and papers, with a tight fitting lid.
52. **Site maintenance**  
 The applicant must ensure that:
- approved sediment and erosion control measures are installed and maintained during the construction period;
  - building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
  - the site is clear of waste and debris at the completion of the works.

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53. **Work within public road.** At all times work is being undertaken within a public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in Australian Standard No. AS1742.3-1996 "Traffic Control Devices for Work on Roads".
54. **Tree protection – no unauthorised removal.** This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or identified as approved for removal on the stamped plans.
55. **Tree protection – during construction.** Trees that are shown on the approved plans as being retained must be protected against damage during construction.
56. **Tree works – Australian Standards.** Any works approved by this consent to trees must be carried out in accordance with all relevant Australian Standards.
57. **Drop-edge beams.** Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level.
58. **Tree Protection.** No cutting or filling is to occur within the tree protection zone and existing surface levels are to be maintained.

**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.

59. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s).
60. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.



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61. **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.
62. **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.
63. **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.
64. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with plan the Construction Certificate version of Ref No 2015295 S1 Rev A dated 19/6/15 prepared by MBC Engineering and **as amended in red by Council and conditions of this consent.**
65. **Compliance Certificates – Engineering.** Compliance Certificates should be obtained for the following (If Council is appointed the Principal Certifying Authority [PCA] then the appropriate inspection fee is to be paid to Council) and **submitted to the PCA:**
  - Confirming that the site drainage system (including the on-site detention storage & water tank 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.

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66. **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.

**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.

67. This consent allows one principal and one secondary dwelling only.

ITEM 2 (continued)

ATTACHMENT 2

## Compliance Check - Quality Certification

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

<b>LDA No:</b> LDA2015/381	<b>Date Plans Rec'd:</b> 18 December 2015
<b>Address:</b> 2 Clive Street, Eastwood	
<b>Proposal:</b> Alterations and first floor addition to dwelling and new secondary dwelling.	
<b>Constraints Identified:</b> Urban Bushland, HCA Area, 100m from a heritage item	

#### COMPLIANCE CHECK – Ryde LEP 2014

Ryde LEP 2014	Proposal	Compliance
<b>4.3(2) Height</b>		
9.5m	6.305m	Yes
<b>4.4(2) &amp; 4.4A(1) FSR</b>		
0.5:1	0.38:1	Yes

#### COMPLIANCE CHECK – PART 3.3 OF RYDE DCP 2014 DWELLING HOUSES AND DUAL OCCUPANCY (ATTACHED)

DCP 2014	Proposed	Compliance
<b>Desired Future Character</b>		
Development is to be consistent with the desired future character of the low density residential areas.	The proposed development is consistent with the desired future character of the low density residential area as detailed further in this table. While the dwelling design can be interpreted as modern in nature, it still incorporates traditional	-

**ITEM 2 (continued)**

**ATTACHMENT 2**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Compliance</b>
	building materials such as brick, feature timber and tile roofing which is typical of dwelling houses in the locality. The DCP has to provide for a wide range of architectural styles and the proposal is considered to meet the requirements for new buildings in a HCA by including a form and modern appearance that reads as a new construction, rather than imitating the existing dwelling.	
<b>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> <li>- Dwellings to address street</li> <li>- Garage/carports not visually prominent features.</li> </ul>	Front and rear gardens proposed.  Two storeys  Dwelling presents to Clive Road  Garage not prominent feature as setback in front elevation of building.	Yes   Yes  Yes  Yes
<b>Alterations and Additions</b>		
<ul style="list-style-type: none"> <li>- Design of finished building appears as integrated whole.</li> <li>- Development to improve amenity and liveability of dwelling and site.</li> </ul>	See further discussion in report.  Purpose of the proposed development is to adapt the existing dwelling to the needs of the new owners.	<b>No (1)</b>   Yes
<b>Public Domain Amenity</b>		
<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>	Existing streetscape frontage and building façade remains unchanged.	Yes

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<b>DCP 2014</b>	<b>Proposed</b>	<b>Compliance</b>
<p><b>Public Views and Vistas</b></p> <ul style="list-style-type: none"> <li>- A view corridor is to be provided along at least one side allotment boundary where there is an existing or potential view to the water from the street. Landscaping is not to restrict views. Garages/carports and outbuildings are not to be located within view corridor if they obstruct view. Fence 70% open where height is &gt;900mm.</li> </ul>	<p>There is no view to water from the street. The development maintains the existing view corridors; therefore there will be no obstruction to views.</p> <p>The proposed development will not be located within any view corridors.</p>	<p>Yes</p> <p>Yes</p>
<p><b>Pedestrian &amp; Vehicle Safety</b></p> <ul style="list-style-type: none"> <li>- Car parking located to accommodate sightlines to footpath &amp; road in accordance with relevant Australian Standard.</li> <li>- Fencing that blocks sight lines is to be splayed.</li> </ul>	<p>Location of the new garages will accommodate sightlines to footpath and road in accordance with relevant Australian Standard.</p> <p>Existing front fence is retained.</p>	<p>Yes</p> <p>Yes</p>
<b>Site Configuration</b>		
<p><b>Deep Soil Areas</b></p> <ul style="list-style-type: none"> <li>- 35% of site area min.</li> <li>- Min 8x8m deep soil area in backyard.</li> <li>- Front yard to have deep soil area (only hard paved area to be driveway, pedestrian path and garden walls).</li> <li>- Dual occupancy developments only need 1 of 8 x 8m area (doesn't have to be shared equally).</li> </ul>	<p>Permeable (deep soil) area: 426.96m<sup>2</sup> approx (46% of site area).</p> <p>Rear DSA dimensions: 8m x 8m provided.</p> <p>Front DSA: 100% permeable area in front yard= 141.41m<sup>2</sup>. Hard surface areas have been kept to a minimum in the front yard.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p><b>Topography &amp; Excavation</b></p> <p>Within building footprint:</p> <ul style="list-style-type: none"> <li>- Max cut: 1.2m</li> <li>- Max fill: 900mm</li> </ul> <p>Outside building footprint:</p>	<p>Within BF</p> <p>Max cut: &lt;1.2m</p> <p>Max fill: &lt;900mmm</p> <p>Outside BF</p>	<p>Yes</p> <p>Yes</p>

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<b>DCP 2014</b>	<b>Proposed</b>	<b>Compliance</b>
<ul style="list-style-type: none"> <li>- Max cut: 900mm</li> <li>- Max fill: 500mm</li> <li>- No fill between side of building and boundary or close to rear boundary</li> <li>- Max ht retaining wall 900mm</li> </ul>	Max cut:750mm Max fill:<500mm  No fill between side of building and boundary or close to rear boundary Max ht retaining wall 900mm	Yes Yes  Yes Yes
<b>Floor Space Ratio</b>		
Ground floor	242.04 m <sup>2</sup>	
First floor	100.56m <sup>2</sup>	
Detached car parking structures	0m <sup>2</sup>	
Outbuildings (incl covered pergolas, sheds etc)	0m <sup>2</sup>	
Total (Gross Floor Area)	368.35m <sup>2</sup>	
Less 36m <sup>2</sup> (double) or 18m <sup>2</sup> (single) allowance for parking	250.35m <sup>2</sup>	
<b>FSR (max 0.5:1)</b>  <b>Note: Excludes wall thicknesses; lifts/stairs; basement storage/vehicle access/garbage area; terraces/balconies with walls &lt;1.4m; void areas.</b>	<b>0.38:1</b>	<b>Yes</b>
<b>Height</b>		
- 2 storeys maximum (storey incl basement elevated greater than 1.2m above EGL).	Maximum two (2) storey dwelling, single storey secondary dwelling.	Yes
- 1 storey maximum above attached garage incl semi-basement or at-grade garages.	No development above the garage.	Yes
Wall plate (Ceiling Height) - 7.5m max above FGL or - 8m max to top of parapet  <i>NB:</i> <i>TOW = Top of Wall</i> <i>EGL = Existing Ground Level</i> <i>FGL = Finished Ground Level</i>	Max point of dwelling RL: 81.955  EGL below ridge (lowest point): 75.65 Overall Height (max)= 6.305m	Yes



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**ATTACHMENT 2**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Compliance</b>
9.5m Overall Height  <i>NB:</i> <i>EGL = Existing Ground Level</i>	Max point of dwelling RL: 81.955  EGL below ridge (lowest point): 75.65 Overall Height (max)= 6.305m	Yes
Habitable rooms to have 2.4m floor to ceiling height (min).	2.65m	Yes
<b>Setbacks</b>		
<b>SIDE</b>		
<b>Single storey dwelling</b> - 900mm to wall - Includes balconies etc	To wall min: 1.419m garage – side	Yes
<b>SIDE</b>		
<b>First floor addition</b> - 1500mm to wall - Includes balconies etc	To wall min 1486mm	<b>No (2) Considered satisfactory – 14mm variation</b>
<b>SIDE</b>		
<b>Two storey dwelling</b> - 1500mm to wall - Includes balconies etc	As above.	As above.
Side setback to <b>secondary frontage</b> (cnr allotments): 2m to façade and garage/carports	N/A	N/A
<b>Front</b>		
- 6m to façade (generally)	Existing 6.8m front setback – remains unchanged.	Yes
- Garage setback 1m from the dwelling façade	15m garage setback from front dwelling façade.	Yes
- Wall above is to align with outside face of garage below.	No development above garage.	Yes
- Front setback free of ancillary elements eg RWT, A/C	Front setback free of ancillary elements.	Yes

**ITEM 2 (continued)**

**ATTACHMENT 2**

DCP 2014	Proposed	Compliance
<b>Rear</b> - 8m to rear of dwelling <b>OR</b> 25% of the length of the site, whichever is greater. <b>Note: 12.575m is 25% of site            length.</b>	19.935m setback to rear of principal dwelling.	Yes
<b>Sites wider than they are long</b> - One side setback of 8m or 20% of allotment width, whichever is greater. - Rear setback 4m min (in addition to 8m side setback).  NB: Side setback on irregular allotments can be measured at the centre line of the site. (must have 8x8m DSA)	N/A	N/A
<b>Outbuildings – N/A</b>		
Not within front setback.		N/A
Max area – 20m <sup>2</sup>	Area:	
Max wall plate (ceiling) height 2.7m	TOW (ceiling) RL: EGL below: Ceiling height =	
Max O/A height 4.5m – Ridge to EGL	Roof Ridge RL: EGL below: Overall height =	
To be single storey.		
Windows not less than 900mm from boundary.	Setback:	
Concrete dish drain if setback less than 900mm.		
Design to complement new dwelling.	Materials:  Roof Design:	

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**ATTACHMENT 2**

DCP 2014	Proposed	Compliance
<b>Car Parking &amp; Access</b>		
<b>General</b> - Dwelling: 2 spaces max, 1 space min. - Dual Occupancy (attached): 1 space max per dwelling. - Where possible access off secondary street frontages or laneways is preferable. - Max 6m wide or 50% of frontage, whichever is less. - Behind building façade.	Number/location of car spaces: 1  Access from: Clive Road  External width:3.840m  Located behind building façade.	Yes   Yes  Yes  Yes
<b>Garages</b> - Garages setback 1m from façade. - Total width of garage doors visible from public space must not exceed 5.7m and be setback not more than 300mm behind the outside face of the building element immediately above. - Garage windows are to be at least 900mm away from boundary. - Free standing garages are to have a max GFA of 36m <sup>2</sup> - Materials in keeping or complimentary to dwelling.	Setback from façade:  Width of opening: 2.4m Door setback <300mm  No windows.  Floor Area:  Materials: consistent with new dwelling addition.	Yes  Yes  Yes  Yes  Yes
<b>Carports</b> - Sides 1/3 open (definition in BCA) - Design & materials compatible with dwelling.	N/A	N/A
<b>Parking Space Sizes (AS)</b> ○ Double garage: 5.4m wide (min) ○ Single garage: 3m w(min) ○ Internal length: 5.4m (min)	Internal measurements:3m x 6.5m	Yes

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**ATTACHMENT 2**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Compliance</b>
<b>Driveways</b> - Extent of driveways minimised	Extent of driveway has been minimised. Paving and grass wheel strips.	Yes
<b>Semi-basement Car Parking</b> - Ramps must start 2m from the boundary (not on public land). - Walls are not to extend beyond walls of dwelling above.	N/A	N/A
<b>Swimming Pools &amp; Spas</b>		
- Must comply with all relevant Acts, Regulations and Australian Standards. - Must at all times be surrounded by a child resistant barrier and located to separate pool from any residential building and/or outbuildings (excl cabanas) and from adjoining land. - No openable windows, doors or other openings in a wall that forms part of barrier. - Spa to have lockable lid. - Pools not to be in front setback.	N/A	N/A
<b>Pool coping height</b> - 500mm maximum above existing ground level  <i>(only if no impact on privacy)</i>	Pool coping RL: EGL (lowest point below coping): RL: EGL (highest point below coping): RL: Coping Height (min)= Coping Height (max)=	
<b>Pool Setback</b> - 900mm min from outside edge of pool coping, deck or surrounds to allow sufficient	Setback (min):  Landscaping proposed:	



**ITEM 2 (continued)**

**ATTACHMENT 2**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Compliance</b>
	<p>There will be a physical connection between the dwelling and the outdoor spaces through a rear terrace.</p> <p>OSD under driveway/front paving.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>- Landscaped front garden, with max 40% hard paving</p>	<p>Hard Paving: 28%</p>	<p>Yes</p>
<p><b>Landscaping for lots with Urban Bushland or Overland Flow constraints</b></p> <p>- Where lot is adjoining bushland protect, retain and use only native indigenous vegetation for distance of 10m from bdy adjoining bushland.</p> <p>- No fill allowed in overland flow areas.</p> <p>- Fences in Overland Flow areas must be of open construction so it doesn't impede the flow of water.</p>	<p>Urban bushland at rear of the site. Only species that are exempt species are to be removed, and replacement planting is proposed.</p>	<p>Yes</p>
<b>Dwelling Amenity</b>		
<p><b>Daylight and Sunlight Access</b></p> <p>- Living areas to face north where orientation makes this possible.</p> <p>- 4m side setback for side living areas where north is to the side allotment boundary.</p> <p><u>Subject Dwelling:</u></p> <p>- Subject dwelling north facing windows are to receive at least 3hrs of sunlight to a portion of their surface between 9am and 3pm on June 21.</p>	<p>Living areas face to the rear of the site where the proposed additions are proposed.</p> <p>North facing windows will receive at least 3 hours of sunlight to a portion of their surface between 9am and 3pm</p>	<p>Yes</p> <p>Yes</p>



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**ATTACHMENT 2**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Compliance</b>
<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>on June 21. Private open space of subject dwelling will receive at least 2 hours sunlight between 9am and 3pm on June 21.</p> <p>The proposed additions will not significantly increase the level of overshadowing on the adjoining properties.</p> <p>There will be no impact on the adjoining north facing windows with dwellings to either side continuing to receive at least 3 hrs.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</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>- 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>Family room windows are oriented towards the rear of dwelling or are screened by hedging/tree planting or recessed windows.</p> <p>Living and dining rooms windows will have no direct views to the amenity of the adjoining dwellings.</p> <p>Side windows are setback at least 1.5m from the adjoining windows.</p> <p>No first floor balconies proposed.</p> <p>Upper level windows recessed and with directional louvres to prevent overlooking of neighbouring properties.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p><b>Acoustic Privacy</b></p> <p>Layout of rooms in dual occupancies (attached) are to minimise noise impacts between dwellings eg: place adjoining living areas near each other and adjoining bedrooms near each other.</p>		<p>N/A</p>

**ITEM 2 (continued)**

**ATTACHMENT 2**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Compliance</b>
<b>View Sharing</b> - The siting of development is to provide for view sharing.	The siting of the development will not alter the existing view corridors.	Yes
<b>Cross Ventilation</b> - Plan layout is to optimise access to prevailing breezes and to provide for cross ventilation.	First and ground floor plan will optimise and provide for cross ventilation.	Yes
<b>External Building Elements</b>		
<b>Roof</b> - Articulated. - 450mm eaves overhang minimum. - Not to be trafficable Terrace. - Skylights to be minimised and placed symmetrically. - Front roof plane is not to have both dormer windows and skylights. <b>Attic Dormer Windows</b> - Max 2 dormer windows with a max total width of 3m. - Highest point to be 500mm min below roof ridge and 1m min above the top of gutter. - Total roof area of attic dormer: 8m <sup>2</sup> - Front face to be setback 1m min back from external face of wall below. - Balconies set into roof not permitted.	Modern design of the proposed development has an articulated first level with a flat roof and parapet wall.  No trafficable terrace has been proposed. No attic within roof area has been proposed. Skylights are unable to be seen from neighbouring dwellings or street.  Front roof plane is free of both dormer window and skylights.  No Attic dormer windows proposed.	Yes  Yes  Yes Yes  Yes  N/A
<b>Fencing</b>		
<b>Front/return:</b> - To reflect design of dwelling. - To reflect character & height of neighbouring fences. - Max 900mm high for solid (picket can be 1m).	No change to existing front fence.  Gate proposed within pedestrian pathway of fence. This is made of timber and is 720mm high.	Yes

**ITEM 2 (continued)**

**ATTACHMENT 2**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Compliance</b>
<ul style="list-style-type: none"> <li>- Max 1.8m high if 50% open (any solid base max 900mm).</li> <li>- Retaining walls on front bdy max 900mm.</li> <li>- No colorbond or paling</li> </ul> Max width of piers 350mm.		
<b>Side/rear fencing:</b> <ul style="list-style-type: none"> <li>- 1.8m max o/a height.</li> </ul>	Existing side fencing to remain.	Yes
<b>Special requirements for Battleaxe Lots</b>		
Must be setback from rear boundary of front allotment 8m min (in addition to having an 8m/25% rear setback). Single storey garage or carport may be within setback.		N/A
Must have hard paved area in front setback for turning, so vehicles can enter & exit in a forward direction.		
View corridor to water coordinated with that of front allotment or along access handle.		

**Summary of Issues/Non compliances:**

**Part 3.3 Dwelling Houses and Dual Occupancy (attached)**

1. Section 2.2.2 – Alterations and additions to dwelling houses  
 Control a. *Alterations and additions visible from the public domain are to be designed so that the finished building appears as an integrated whole. This may require the addition to have a façade and materials consistent with the existing house.*

Proposed development appears as a separate building mass with modern design. Discussed further in the assessment report with regards to heritage.

2. Section 2.9.2 – Side Setbacks  
 Control c. *The outside walls of a second storey addition to a single storey dwelling are to be set back not less than 1.5 m from the side boundaries.*

Proposed first floor addition is setback 1.486m – a variance of 14mm.

**ITEM 2 (continued)**

**ATTACHMENT 2**

**COMPLIANCE CHECK – Other Parts of Ryde DCP 2014**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Compliance</b>
<b>Part 7.2- Waste Minimisation &amp; Management</b>		
Submission of a Waste Management Plan in accordance with Part 7.2 of DCP 2014.	The applicant has submitted a Waste Management Plan in accordance with Part 7.2 of DCP 2014.	Yes
<b>Part 8.2 - Stormwater Management</b>		
<b>Stormwater</b>		
Drainage is to be piped in accordance with Part 8.2 - Stormwater Management.	Drainage is to be in accordance with Part 8.2 - Stormwater Management and the conditions of the development consent.	Referred to Dev Eng.
<b>Part 9.4 – Fencing</b>		
<b>Front &amp; return fences</b>		
Front and return fences that exceed 1m in height are to be 50% open	Standard condition to be applied to consent regarding residential fences.	N/A
<b>Part 9.6 – Tree Preservation</b>		
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>Are trees (including neighbouring trees) addressed in SEE or in a report prepared by a suitably qualified person (where necessary)?</p> <p>The proposal was referred to Council’s Consulting Landscape Architect and Tree Management Officer.</p> <p>The proposed tree removal and tree planting is considered appropriate for the development.</p> <p>Trees to be removed are generally exempt species under Ryde DCP.</p>	es

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**ATTACHMENT 2**

**COMPLIANCE CHECK – Part 5.2 of Ryde DCP 2014  
 Eastwood House Estate Heritage Conservation Area**

1.0 Introduction	Assessment by Council Development Assessment Officer – Town Planner	Compliance
<b>Section 1.1 Background</b>		
<i>In developing this Part, the following guiding principles were taken into account:</i>		
<ul style="list-style-type: none"> <li>the Part should identify buildings that contribute to the streetscape of the area and buildings which do not contribute (i.e. non-contributing items);</li> </ul>	The subject site has a house which is considered a contributory item. Only elements at the rear of the house will be impacted by the development.	Yes
<ul style="list-style-type: none"> <li>those attributes that contribute to the heritage value and character of the area should be kept;</li> </ul>	The existing house will not be modified when viewed from the street frontage. All contributory attributes will be retained.	
<ul style="list-style-type: none"> <li>the residential amenity of the area should be maintained and where possible enhanced;</li> </ul>	Residential Amenity is improved through additional landscaping, and designing the addition to read as a new build rather than mimicking the existing dwelling style.	Yes
<ul style="list-style-type: none"> <li>development that is compatible with the architectural style of the existing dwellings in the area should be allowed;</li> </ul>	The proposed development is considered compatible and does not detract from the heritage significance of the existing dwellings in the area.	
<ul style="list-style-type: none"> <li>redevelopment of non-contributing items, including replacement, should be allowed provided the design of the new dwelling is in keeping with the existing streetscape;</li> </ul>	Proposed extension is to the rear of the property as to minimise potential impacts on the streetscape.	Yes

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<ul style="list-style-type: none"> <li><i>the scale, general form and architectural details of existing contributing items should be maintained; and</i></li> </ul>	<p>The existing item will not be altered when viewed from the streetscape and will retain the existing form and detail of the existing building. The new addition reads as a separate building mass as to ensure the existing built form is maintained.</p>	
<ul style="list-style-type: none"> <li><i>materials used in alterations should be compatible with the existing house.</i></li> </ul>	<p>Materials include timber, brick and tiles which are compatible with the existing house.</p>	<p>Yes</p>
<p><b>Section 1.2 Objectives of this Part</b></p>		
<p>1. <i>To identify houses that are contributing items to the area.</i></p>	<p>The subject site is considered to be a contributory item.</p>	<p>Yes</p>
<p>2. <i>To retain original building stock, where practicable, particularly those buildings that are listed as contributing to the character of the neighbourhood.</i></p>	<p>The original building will be retained with additions to the rear of the dwelling.</p>	
<p>3. <i>To retain the homogeneous bungalow and Federation streetscape characterised by uniform single storey dwellings with regular setbacks and spacing.</i></p>	<p>The bungalow streetscape will be retained as the existing dwelling will remain untouched from the street frontage. The garage to the side of the development is setback 22.5m from the front boundary as to retain the existing building setback and not to interrupt the siting of the existing dwelling when viewed from the street.</p>	<p>Yes</p>
<p>4. <i>To allow for the contributing items to be sympathetically extended without compromising the nature of the existing property.</i></p>	<p>The existing property is a contributory item. The proposed addition is intended to read as a modern extension which appears as a separate building mass while still integrating the functionality of the internal areas of the dwelling. The nature of the existing dwelling is maintained as the majority of the house, and the whole of the front elevation will remain untouched.</p>	



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<p>5. <i>To ensure that alterations, additions and infill development do not result in excessive site cover that eliminates useable landscaped area and private open space.</i></p>	<p>Council's LEP has a FSR control of 0.5:1 for the site. The proposed development is at 0.38:1 and complies in terms of required landscaping, deep soil and private open space.</p>	<p>Yes</p>
<p>6. <i>To provide guidelines for development which reflect the existing pattern of development while providing for additional floor area without compromising the character of the street.</i></p>	<p>The matter of character and pattern of the streetscape is discussed within the main assessment report. It is considered that the design of the proposed addition retains the existing dwelling, while extending it in a respectful manner that reads as a separate building.</p>	
<p><b>2.0 The Place</b></p>	<p><b>Assessment by Council Heritage Advisor</b></p>	<p><b>Compliance</b></p>
<p><b>2.3 Desired Future Character</b></p>		
<p><i>Development must be undertaken in accordance with the desired future character. The desired future character of the area is:-</i></p>		<p>Yes</p>
<p>1. <i>Retain original building stock</i></p>	<p>The alterations and additions are concentrated at the rear of the existing dwelling, retaining original building stock.</p>	<p>Yes</p>
<p>2. <i>Retain the homogeneous bungalow streetscape characterised by uniform single storey gabled bungalows with regular setbacks and spacing.</i></p>	<p>The alterations and additions being concentrated to the rear, largely retain the rear-facing roof plane, which further sets the rear additions to the rear and distinguishes the original dwelling from the new additions. As such, the silhouette of the original dwelling remains legible and can continue to be meaningfully interpreted and appreciated.</p>	<p>Yes</p>
<p>3. <i>Alterations, additions and infill development should not result in excessive site cover that reduces the useable landscaped area and private open space.</i></p>	<p>This is more a planning consideration which you will need to determine the suitability of. In considering the landscape value and setting of the rear yard, it is noted that the present rear yard comprises open turf areas with a number of shrubs and medium</p>	<p>Yes</p>

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	<p>sized trees – which have been assessed in the Arboricultural assessment as being a weed species. While the existing trees contribute to the present landscaped setting of the dwelling and provide amenity to neighbouring properties, the question I must ask is what is their contribution to the significance of the site and heritage conservation area. In answering this, I am not convinced that the trees are original plantings, whereby they do not contribute to an original landscape scheme, nor do they significantly contribute to the landscaped setting and values of the conservation area. In this regard, I have no objections to the removal of the trees, nor any objections to the single storey granny flat at the rear. The site coverage is more so a planning issue in this instance.</p> <p>Note, a planning assessment of site cover and density is addressed within the DCP Part 3.3 table assessment accompanying this report.</p>	
<p>4. <i>Generally, extensions on the side of dwellings would not be favoured. However, if it can clearly be demonstrated that such an extension will not compromise the nature of the dwelling or the view of the dwelling from the street, such an application will be considered, but only where the extension is located at least 5 m behind the front building line. Alterations and additions to the front of the dwellings will not be permitted.</i></p>	<p>The additions to the side of the dwelling comprise a garage. The merits of this have previously been dealt with in the original referral.</p> <p>Note the original referral dated 26/8/15 stated:</p> <p>The proposed garage structure on the eastern side elevation is of a bulk and scale that does not visually dominate the dwelling, is set sufficiently back from the front façade to emphasis its subservient relationship to the dwelling and will</p>	<p>Yes</p>

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	not visually dominate the streetscape.	
<p>5. <i>Alterations and additions must take place toward the rear of the existing dwelling. This can be achieved by demolishing part of the rear of the existing house and then extending the dwelling, or by linking the existing dwelling to the new extension by way of an integrated walkway around an external courtyard.</i></p>	<p>The additions achieve this requirement by being concentrated to the rear of the dwelling. While they propose part removal of the rear-facing roof plane, I am generally of the opinion that this is acceptable. Certainly, a more skilful design could be achieved whereby further pushing the rear additions to the rear (which could include an overall reduction in the footprint to reduce site coverage issues). This would enable the entire rear facing roof plane to be retained and would also allow for the retention of existing fabric, which would otherwise be removed under the proposal. Again, the additions are concentrated to the rear of the dwelling, generally in areas of lesser architectural significance or value and the physical integration with the dwelling in my opinion, is acceptable.</p>	Yes
<p>6. <i>Alterations and additions should repeat details of the important elements of the original building</i></p>	<p>The intent of this clause is to ensure that new development and alterations and additions have an appropriate level of regard to the principal dwelling and architectural form. It does stipulate that alts and adds should repeat details of the important elements of the original dwelling – it does not state that new additions should replicate and therefore be a facsimile of the detailing.</p> <p>It is important to note that the Burra Charter advocates for new work to be readily identifiable as such. (Article 22.2) and that new work such as additions to a place where it does not distort or obscure the cultural significance of</p>	Yes

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	<p>the place or detract from its interpretation and appreciation (Article 22.1). In this regard, it is considered acceptable heritage practice to delineate between the old and the new.</p> <p>This can be achieved through contemporary architectural form and expression, materiality, visual relief such as setbacks or recesses, glazed corridor linkages etc. In such instances, it is necessary to ensure that in distinguishing the new work, it still has an appropriate level of compatibility and regard to the form, detailing and materiality of the original dwelling. This can be achieved through such techniques as adopting the same building height planes, window proportions, etc. New work need not, nor is it considered appropriate to replicate the finer detailing of the original form and detailing. In other words, new work should not be a facsimile or a carbon copy of the original. For this reason, I am generally of the opinion that adopting a more contemporary architectural form to the rear additions is acceptable and more appropriate than replicating the early 20<sup>th</sup> Century vernacular.</p>	
<p>7. <i>Second storey additions are only permitted toward the rear of the site. Given the desired ground floor level of such alterations, second storey additions can be largely accommodated with an increase to the ridge height of no more than 25%, provided at least 65% of the original house is retained. Should at least 70% of the original house be retained, then an increase of 35% in ridge</i></p>	<p>The two storey additions are oriented to the rear and are considered to achieve compliance with the numerical standards set, whereby it is recognised that the Statement of Significance for the HCA together with this clause of the DCP, supports and encourages the concentration of rear two storey additions within the HCA. Yes it is still requiring a merit based assessment, but the</p>	<p>Yes</p>

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<i>height will be considered. The roof of the new addition should be integrated with the existing roof form to avoid extensive vertical wall surfaces at the upper level.</i>	benchmark has been set here and it is generally considered acceptable heritage practice to concentrate additions, new development or changes to the rear of a heritage item and in areas of lesser significance (this can include visual and physical).	
8. <i>Additional accommodation such as attic rooms need to be accommodated within the original roof form. Minimal fenestration in the form of roof plane skylights will be allowed to any roof plane not visible from the street.</i>	Not applicable.	N/A
9. <i>No buildings or structures (other than a fence along the front property boundary) will be permitted in front of the building line.</i>	Not applicable.	N/A
10. <i>1 Garages should be located toward the rear of the lot and behind the dwelling. However, consideration will be given to a location closer to the street, provided it is behind the building line and it can be clearly demonstrated that the streetscape will not be compromised.</i>	The merits of the proposed garage have been previously dealt with.	Yes
11. <i>A carport can be constructed level with the front of the house, provided it is open at the building line and includes details of the house, such as pitch of roof and is constructed of similar materials.</i>	Not applicable.	Yes
12. <i>Single width driveways should occur and widen behind building line to double garage if necessary. Wheel strips should occur between the building line and the street alignment.</i>	This matter has previously been considered and advice given on the retention of the existing wheel strip driveway.	Yes
<b>3.0 Development of Contributory Items</b>	<b>Assessment by Council Development Assessment Officer based on Comments by Council Heritage Advisor</b>	<b>Compliance</b>

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<b>3.1 Design</b>		
<i>Such extensions, in all probability will need to be designed by someone with considerable experience with extending heritage houses, particularly Californian bungalows.</i>	The proposed development is designed by Tracee Lim NSW Registered Architect 9243	Yes
<i>Whilst Californian bungalows rarely have rooms in the roof space the requirement of modern families are different from those at the time when the homes were built. With this in mind, and provided the house still appeared to be a single storey from the street, it would be possible to build a second storey in the roof space if it were carefully and skilfully designed and does not present as a full two storey house.</i>	The proposed work will stil appear as a single storey from the street frontage with only 755mm of timber parapet wall siting above the existing roof ridge. Viewing opportunities of the extension is possible from obscure angles, however the final design will appear as a single storey dwelling from the street.	Yes
<i>To ensure that such alterations are not visible from the street they will need to be located at the rear of the house and with an increase to the ridge height of no more than 25%, where 65% of the original house is retained. Where at least 70% of the original house is retained, an increase in ridge height of 35% will be considered.</i>	The proposed additions are to the rear of the house. The ridge height will be increased by 12% above the lower ridgeline, and 2.2% above the higher existing ridgeline. Further 85% of the external portion of the original house, including the entirety of the gabled roof ends will be retained.	Yes
<b>5.0 Things to avoid</b>	<b>Assessment by Council Development Assessment Officer – Town Planner</b>	<b>Compliance</b>
<i>1. Painting, cement rendering or re-skinning of original brick walls.</i>	The subject site has a house which is considered contributory. Only elements at the rear of the house will be impacted by the development.	Yes
<i>2. Re-roofing the main body of the house in material that does not match the original.</i>	The existing house will not be reroofed.	Yes
<i>3. Removal of original details from façades.</i>	The original facade will not be impacted by the proposed development.	Yes
<i>4. Extension to the front of the existing house.</i>	No extensions to the front of the house are proposed.	Yes



**ITEM 2 (continued)**

**ATTACHMENT 2**

5. <i>Extension to the side of the house within 5 m of building line.</i>	Extension of the garage is setback 15m from the front building line and 22.5m from the front boundary.	Yes
6. <i>Garages that are integrated with the existing house.</i>	The proposed garage is integrated with the proposed dwelling addition.	Yes
7. <i>Fully paved driveways from the building line to the street alignment.</i>	The proposed driveway includes paving and grass wheel strips.	Yes
8. <i>High front fences - front fences to be no higher than 1 metre.</i>	The existing fence will be retained.	Yes
9. <i>Closed verandahs and aluminium windows which are visible from the street.</i>	No closed verandas are proposed. New windows will be to the side or rear of the new addition and will be recessed for privacy.	Yes

**COMPLIANCE CHECK – BASIX CERTIFICATE**

<b>BASIX – Principal dwelling alterations and additions</b>		
All ticked “DA plans” commitments on the BASIX Certificate are to be shown on plans (list) <b>BASIX Cert A226225_02 dated 11 February 2016</b>		
<ul style="list-style-type: none"> <li>• Thermal Comfort Commitments – Construction.</li> <li>• TCC – Glazing.</li> <li>• HWS Gas Instantaneous</li> <li>• Natural Lighting</li> </ul> 1. kitchen 2. bathrooms ()		
Water Target 40 Energy Target 40	-	N/A
Correct description of property/proposal on 1 <sup>st</sup> page of Certificate.	Incorrect details: Nil.	-

**ITEM 2 (continued)**

**ATTACHMENT 2**

**BASIX Certificate – Granny Flat**  
**(Certificate No. 655406S\_02, dated 11 February 2016)**

<b>BASIX</b>	<b>Proposed</b>	<b>Compliance</b>
<b>Landscape</b>		
Low water use species of vegetation – throughout the garden area	Shown on DA Plans	Yes
<b>Rainwater Tank</b>		
Installation of a 3,000 litres rainwater tank	Shown on DA Plans	Yes
<b>Hot Water</b>		
Gas instantaneous with 4 stars	Shown on DA Plans	Yes
<b>Natural Lighting</b>		
Installation of a window and/or skylight in 2 bathroom(s)/toilet(s) in the development.	Shown on DA Plans	Yes
<b>Thermal Score</b>		Yes
PASS	Pass	Yes
<b>Water Score= 40</b>		
Target 40%	40	Yes
<b>Energy Score</b>		
Target 40%	45	Yes
Correct description of property/proposal on 1 <sup>st</sup> page of Certificate.	Shown on the 1 <sup>st</sup> Page of the certificate.	Yes
<b>Assessor details</b>		
Assessor Number		Kas architects
Certificate Number		655406S_02

**ITEM 2 (continued)**

**ATTACHMENT 3**

**STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009  
COMPLIANCE TABLE**

Schedule 1 – Development standards for secondary dwellings for Complying Applications.

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

<b>Development standards</b>	<b>Proposal</b>	<b>Satisfied</b>
<b>Part 2 - Site Requirements</b>		
<b>2. Lot requirements</b>		
(1) Development for the purposes of a secondary dwelling may only be carried out on a lot that:		
(a) at the completion of the development will have only one principal dwelling and one secondary dwelling, and	One principal dwelling and one secondary dwelling	Yes
(b) if it is not a battle-axe lot, has a boundary with a primary road, measured at the building line, of at least the following:		
• 15m if the lot is 900 – 1500m <sup>2</sup> ,	Greater than 15m wide	Yes
(2) Has lawful access to a public road.	Has lawful access to a public road	Yes
<b>3. Maximum site coverage of all development</b>		
(1) The site coverage of the principal dwelling, secondary dwelling and all ancillary development on a lot must not be more than the following:		
• 40% if the lot is 900 -1500m <sup>2</sup> ,	Site coverage is 39%	Yes
<b>4. Maximum floor area for principal and secondary dwellings – already calculated under Division 2</b>		
	The total floor area of both dwellings is 350.35m <sup>2</sup> .	Yes
	FSR = 0.38:1	
<b>5. Maximum floor area for balconies, decks, patios, pergolas, terraces and verandahs</b>		
(1)Max for balcony, deck, patio, pergola, terrace or verandah attached to a principal dwelling or secondary dwelling with a floor level of more than 3m above ground level (existing) is 12m <sup>2</sup> .	No deck or balcony proposed	Yes





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**ATTACHMENT 3**

Development standards	Proposal	Satisfied
<ul style="list-style-type: none"> <li>• any existing building element of a dwelling house that is located within the articulation zone.</li> <li>(2) For the purpose of calculating the setbacks of the nearest two dwelling houses, those dwelling houses must be on the same side of the road as the lot.</li> <li>(3) For the purpose of calculating a side or rear setback, the maximum building height of a dwelling on a sloping lot is to be used.</li> <li>(4) A setback is to be calculated at the closest point to the boundary from the building line.</li> </ul>		
<p><b>13. Articulation zone</b></p>		
<p>(1) Development for the purposes of a secondary dwelling (other than development on a battle-axe lot) must not result in neither the principal dwelling nor the secondary dwelling having a front door and a window to a habitable room in the building wall that faces a primary road</p>	N/A	Yes
<p>(2) Development for the purposes of a secondary dwelling (other than development on a battle-axe lot) must not result in neither the principal dwelling nor the secondary dwelling having a window to a habitable room in the building wall that faces a parallel road.</p>	N/A	Yes
<p>(3) Development for the purposes of a secondary dwelling may incorporate an articulation zone from the secondary dwelling to a primary road, unless the secondary dwelling has a setback from the primary road of less than 3m.</p>	N/A	Yes
<p><b>14. Building elements within the articulation zone</b></p>		
<p>(1) The following building elements are permitted in an articulation zone:</p> <ul style="list-style-type: none"> <li>a. an entry feature or portico,</li> <li>b. a balcony, deck, patio, pergola, terrace or verandah,</li> <li>c. a window box treatment,</li> <li>d. a bay window or similar feature,</li> </ul>	N/A	Yes



**ITEM 2 (continued)**

**ATTACHMENT 3**

Development standards	Proposal	Satisfied
e. an awning or other feature over a window, f. a sun shading feature. (2) A building element must not extend above the eave gutter line, other than a pitched roof to an entry feature or portico that has the same pitch as the roof on the building. (3) The maximum area of all building elements within the articulation zone, other than a building element listed in subclause (1) (e) or (f), must not be more than 25% of the area of the articulation zone, measured through the horizontal plane of the elements.	N/A  N/A	Yes  Yes
<b>15. Privacy</b> (1) A new window in the principal or secondary dwelling must have a privacy screen if: (a) it is a window in a habitable room, other than a bedroom, that has a floor level of more than 1m above ground level (existing), and (b) the wall in which the window is located has a setback of less than 3m from a side or rear boundary, & (c) the window has a sill height of less than 1.5m. (2) Development for the purposes of a secondary dwelling must not result in a new or altered balcony, deck, patio, pergola, terrace or verandah without a privacy screen if it: (a) has a setback of less than 3m from a side or rear boundary, and (b) has a floor area more than 3m <sup>2</sup> , and (c) has a floor level more than 1m above ground level (existing). (3) A new or altered detached deck, patio, pergola or terrace must not have a floor level more than 0.6m above ground level (4) In this clause <b>alter</b> includes making additions to <b>privacy screen</b> means a screen that: (a) faces the boundary identified in subclause (2) (a), and (b) is 1.5m high, measured from the floor level, and	N/A  N/A  N/A  No decks or verandahs proposed  N/A  N/A	Yes  Yes  Yes  Yes  Yes

**ITEM 2 (continued)**

**ATTACHMENT 3**

Development standards	Proposal	Satisfied
(c) has no individual opening more than 30mm wide, and has a total of all openings less than 30% of the surface area of the screen.		
<b>Part 4 - Landscaping</b>		
<b>16. Landscaped area</b>		
(1) Must have a landscaped area of at least the following: 35% 900 -1500m <sup>2</sup> (2) Minimum 50% must be located behind the building line to the primary road boundary. (3) Must be at least 2.5m wide.	Greater than 35% Greater than 50% behind the building line Greater than 2.5m wide	Yes Yes Yes
<b>17. Principal private open space</b>		
(1) Minimum 24m <sup>2</sup>  (2) principal private open space is: (a) an area that is directly accessible from, and adjacent to, a habitable room, other than a bedroom, and (b) is at least 4m wide (c) is not steeper than 1:50 gradient.	Principal private open space is greater than 24m <sup>2</sup>  Is directly accessible from, and adjacent to a habitable room Is at least 4m wide Is not steeper than 1:50 gradient.	Yes  Yes  Yes Yes
<b>Part 5 - Earthworks &amp; Drainage</b>		
<b>18. Excavation of sloping sites</b>		
(1) Excavation must (a) be not more than 1m below ground level (existing) (b) be constructed using a retaining wall or unprotected embankment that meets the standards of subclause (2) or (3) (2) A retaining wall must not extend more than 1m horizontally beyond the external wall of the principal or secondary dwelling. (3) An unprotected embankment must not extend more than 1m horizontally beyond the external wall of the principal or secondary dwelling.	N/A N/A  N/A  N/A	Yes Yes  Yes  Yes
<b>19. Fill of sloping sites</b>		
(1) Fill must be contained wholly within the external walls of the principal or secondary dwelling. (2) Despite subclause (1), exposed fill may be constructed using an unprotected embankment if the principal or secondary	N/A  N/A	Yes  Yes

**ITEM 2 (continued)**

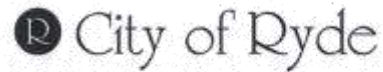
**ATTACHMENT 3**

Development standards	Proposal	Satisfied
dwelling has a setback of more than 2m from a side or rear boundary, if: <ul style="list-style-type: none"> <li>(a) the fill is not more than 600mm above ground level (existing), and</li> <li>(b) the fill (but not the embankment) does not extend more than 1m beyond an external wall of the dwelling, and</li> <li>(c) the toe of the unprotected embankment has a setback of at least 400mm from a side or rear boundary.</li> </ul>		
<b>20. Run-off and erosion controls</b> Must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by: <ul style="list-style-type: none"> <li>(a) diverting uncontaminated run-off around cleared or disturbed areas, and</li> <li>(b) erecting a silt fence to prevent debris escaping into drainage systems and waterways, and</li> <li>(c) preventing tracking of sediment by vehicles onto roads, and</li> <li>(d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.</li> </ul>	To be a condition of consent  To be a condition of consent  To be a condition of consent  To be a condition of consent	Yes  Yes  Yes  Yes
<b>21. Drainage</b> (1) All stormwater collecting as a result of the development must be conveyed by a gravity fed or charged system to: <ul style="list-style-type: none"> <li>(a) a public drainage system, or</li> <li>(b) an inter-allotment drainage system, or</li> <li>(c) an on-site disposal system.</li> </ul> (2) All stormwater drainage systems within a lot and the connection to a public or an inter-allotment drainage system must: <ul style="list-style-type: none"> <li>(a) if an approval is required under s68 of the <a href="#">LGA 1993</a>, be approved under that Act, or</li> <li>(b) if an approval is not required under s68 of the LGA 1993, comply with any requirements for the disposal of stormwater drainage contained in a DCP that is applicable to the land.</li> </ul>	Stormwater to OSD   N/A  N/A	Yes   Yes  Yes

**ITEM 2 (continued)**

**ATTACHMENT 4**

**Heritage Referral Response**



To: Rebecca Lockart  
From: Michael Edwards  
Application No.: LDA2015/0381  
Date: 26 August 2015  
Address: 2 Clive Road, Eastwood



Lifestyle and opportunity @ your doorstep

**Consideration of the proposal:**

The development proposal seeks Council's approval for the alterations and additions to the existing dwelling to include a new two storey rear addition and attached single car garage, together with the construction of a detached secondary dwelling at the rear of the site and reconstruction of the boundary fence at the front.

**Reason for the Heritage Referral:**

The development proposal has been referred for heritage consideration as the subject site is located within the Eastwood House Estate Heritage Conservation Area, which is an item of heritage significance, listed on Schedule 5 of the Ryde LEP 2014.

**Statement of Significance:**

*Eastwood House Estate Heritage Conservation Area is of historical significance as a suburban subdivision developed 1905-1920s from the Eastwood House Estate and which includes the original Eastwood House (now part of Marist College).*

*The Eastwood House Estate Heritage Conservation Area has historical association (through Eastwood House itself) with William Rutledge (1st owner of Eastwood House); with Edward Terry (2nd owner of Eastwood House), who was mayor for Ryde in 1871-73, 1875-6 and 1899, and a member of the NSW Legislative Assembly from 1898 to 1904; and with the Marist Brothers, who operated a school on the Eastwood House site from 1937.*

*The Eastwood House Estate Conservation Area is of aesthetic significance for its wide streets and consistent streetscapes incorporating generally single storey Federation Queen Anne (less common) and Inter-war California Bungalow (prevalent) style housing.*

*The Eastwood House property itself (now Marist College) has some archaeological research potential.*

*The Eastwood House Estate Heritage Conservation Area is rare for its inclusion of the original Eastwood House.*

*The Eastwood House Estate is representative of a 1905-1930s developed subdivision of an mid-19th century rural estate, which encompasses the original Eastwood House,*

Source: State Heritage Inventory (SHI)

**Consideration of the heritage impacts:**

Previous advice has been provided to the architect for this project as part of initial pre-DA enquiries. A copy of this advice has been placed in TRIM.

The Heritage Impact Statement (HIS) (Urban Planning Group, July 2015) has been reviewed.



**ITEM 2 (continued)**

**ATTACHMENT 4**

The HIS provides a summary of the historical context of the heritage conservation area, a description of the development proposal, and an assessment of the heritage impacts. In general, the HIS is considered cursory in the level of assessment, however is considered sufficient in making an informed assessment of the proposal.

The proposal has been significantly scaled back from the pre-DA proposal, which included an upper storey addition atop of the existing single storey dwelling. This proposal now essentially comprises a two storey rear addition, with the construction of a detached single storey secondary dwelling.

In considering the detached secondary dwelling, this structure is concentrated to the southwestern rear corner of the site and will not be visible from the streetscape, owing to the footprint of the existing dwelling and adjoining structures.

The secondary dwelling requires the removal of existing trees and vegetation within the rear yard, however an examination of these, together with consideration of the Arboricultural Report, demonstrates that these trees are of a species that is undesirable to retain and do not significantly contribute to the heritage significance of the conservation area.

Subsequently, no objection is raised to the removal of trees and construction of the secondary dwelling.

An examination of the streetscape evidences a high degree of architectural integrity, with single storey, detached style dwelling houses the prevalent housing form. While alterations and additions are noted throughout the streetscape, such changes are generally considered to be sympathetic to the parent dwelling and for the greater part, sit silently on their respective allotments.

The proposal includes the part demolition of the rear of the existing dwelling and construction of a two-storey addition. Demolition of the rear of the dwelling will involve the loss of original fabric and part of the roof form, however this can be supported as it is limited to a lesser seen elevation of the dwelling, subject to the imposition of conditions requiring a structural assessment to ensure the structural integrity of the modified roof form.

While the rear additions will extend above the finished ridge height of the existing dwelling, the additions have been designed in such manner that largely retains the existing silhouette of the modest scaled single storey dwelling and will enable the continued meaningful interpretation of the original architectural form.

The extent of the additions which are visible above the ridgeline will not visually dominate the dwelling, and the contemporary form and detailing of the additions will sufficiently delineate them from the original built form. Overall, the rear two storey additions will largely be concealed behind the silhouette of the existing single storey dwelling.

The proposed garage structure on the eastern side elevation is of a bulk and scale that does not visually dominate the dwelling, is set sufficiently back from the front façade to emphasise its subservient relationship to the dwelling and will not visually dominate the streetscape. As part of the new garage, it is proposed to remove the existing cementitious wheel strip driveway and replace it with a solid reinforced concrete driveway. This is not supported as the existing wheel strip driveway is a characteristic element of the streetscape and conservation area and a solid driveway will significantly diminish the landscaped setting and character of the dwelling.

The proposal also seeks to demolish the existing low-height masonry front fence and reconstruction of new fence. The plans indicate that the reconstructed fence will 'match existing' however the plans show the silhouette of the existing boundary fence and the proposed and there is a significant degree of dissimilarity between the two. The proposed reconstructed fence is both higher and has shorter spans between the incremental steps which following the site topography. The new fence also includes a solid timber fence and gate and the driveway opening will be increased.

**ITEM 2 (continued)**

**ATTACHMENT 4**



It is understood that the rationale behind rebuilding the fence is due to its present dilapidated condition. However, a visual inspection of the masonry fence indicates that it is generally in sound repair and requires only minor remedial works rather than total demolition and reconstruction.

As the front fence is a characteristic element of the streetscape, demolition is not supported.

**Recommended conditions**

**1. No painting or rendering of masonry or stone**

No painting or rendering shall be permitted to masonry or stone surfaces which have not previously been painted or rendered.

**Reason:** Heritage conservation.

**2. Retention of wheel strip driveway and front masonry fence**

The existing wheel strip driveway and front masonry fence are to be retained.

Amended plans demonstrating compliance are to be submitted to the Consent Authority prior to the issue of any Construction Certificate.

**Reason:** To ensure the retention of significant elements which contribute to the character and significance of the heritage conservation area.

**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.

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

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

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

**Reason:** Heritage conservation.

**4. Structural Assessment**

Prior to the issue of any Construction Certificate, a Structural Assessment shall be prepared which considers the suitability of the altered roof loads from the partial demolition of the roof form at the rear of the dwelling and the tolerance of the surviving retained fabric to withstand altered loads.



**ITEM 2 (continued)**

**ATTACHMENT 4**

The Structural Assessment shall be prepared by a Structural Engineer, suitably experienced in heritage fabric.

**Reason:** To ensure that the partial demolition of the roof form and dwelling will not compromise the structural integrity of retained heritage fabric.

Regards,

Michael Edwards  
Heritage Advisor

**ITEM 2 (continued)**

**ATTACHMENT 4**

**Myra Malek**

---

**From:** Michael Edwards  
**Sent:** Thursday, 10 September 2015 2:14 PM  
**To:** Rebecca Lockart  
**Subject:** RE: 22 Lakeside Rd, Eastwood - FYI

Rebecca,

In considering this matter further, I have reviewed the submissions received. Many identify issues pertaining to privacy, setbacks, scale etc. While these are to some degree relevant heritage considerations, I will leave any planning commentary and assessment to you.

Considering clause 2.2 of the Eastwood House Heritage Conservation Area DCP, this component states:

To ensure that such alterations are not visible from the street they will need to be toward the rear of the house and retain at least 65% of the original house. If this is achieved, an increase in the ridge height of not more than 25% will be considered. Should the retention of at least 70% of the original dwelling occur, then an increase in ridge height of no more than 35% will be considered. In order to achieve the desired outcome such extensions in all probability will need to be designed by someone with considerable experience with heritage houses, particularly Californian Bungalows and their sympathetic extension.

In considering clause 2.3 DFC of the DCP:

1. The alterations and additions are concentrated at the rear of the existing dwelling, retaining original building stock.
2. The alterations and additions being concentrated to the rear, largely retain the rear-facing roof plane, which further sets the rear additions to the rear and distinguishes the original dwelling from the new additions. As such, the silhouette of the original dwelling remains legible and can continue to be meaningfully interpreted and appreciated.
3. This is more a planning consideration which you will need to determine the suitability of. In considering the landscape value and setting of the rear yard, it is noted that the present rear yard comprises open turf areas with a number of shrubs and medium sized trees – which have been assessed in the Arboricultural assessment as being a weed species. While the existing trees contribute to the present landscaped setting of the dwelling and provide amenity to neighbouring properties, the question I must ask is what is their contribution to the significance of the site and heritage conservation area. In answering this, I am not convinced that the trees are original plantings, whereby they do not contribute to an original landscape scheme, nor do they significantly contribute to the landscaped setting and values of the conservation area. In this regard, I have no objections to the removal of the trees, nor any objections to the single storey granny flat at the rear. The site coverage is more so a planning issue in this instance.
4. The additions to the side of the dwelling comprise a garage. The merits of this have previously been dealt with in the original referral.
5. The additions achieve this requirement by being concentrated to the rear of the dwelling. While they propose part removal of the rear-facing roof plane, I am generally of the opinion that this is acceptable. Certainly, a more skilful design could be achieved whereby further pushing the rear additions to the rear (which could include an overall reduction in the footprint to reduce site coverage issues). This would enable the entire rear facing roof plane to be retained and would also allow for the retention of existing fabric, which would otherwise be removed under the proposal. Again, the additions are concentrated to the rear of the dwelling, generally in areas of lesser architectural significance or value and the physical integration with the dwelling in my opinion, is acceptable.
6. The intent of this clause is to ensure that new development and alterations and additions has an appropriate level of regard to the principal dwelling and architectural form. It does stipulate that alts and adds should repeat details of the important elements of the original dwelling – it does not state that new additions should replicate and therefore be a facsimile of the detailing. It is important to note that the Burra Charter advocates for new work to be readily identifiable as such. (Article 22.2) and that new work such as additions to a place where it does not distort or obscure the cultural significance of the place or detract from its interpretation and

**ITEM 2 (continued)**

**ATTACHMENT 4**

- appreciation (Article 22.1). In this regard, it is considered acceptable heritage practice to delineate between the old and the new. This can be achieved through contemporary architectural form and expression, materiality, visual relief such as setbacks or recesses, glazed corridor linkages etc. In such instances, it is necessary to ensure that in distinguishing the new work, it still has an appropriate level of compatibility and regard to the form, detailing and materiality of the original dwelling. This can be achieved through such techniques as adopting the same building height planes, window proportions, etc. New work need not, nor is it considered appropriate to replicate the finer detailing of the original form and detailing. In other words, new work should not be a facsimile or a carbon copy of the original. For this reason, I am generally of the opinion that adopting a more contemporary architectural form to the rear additions is acceptable and more appropriate than replicating the early 20<sup>th</sup> Century vernacular.
7. The two storey additions are oriented to the rear and are considered to achieve compliance with the numerical standards set, whereby it is recognised that the Statement of Significance for the HCA together with this clause of the DCP, supports and encourages the concentration of rear two storey additions within the HCA. Yes it is still requiring a merit based assessment, but the benchmark has been set here and it is generally considered acceptable heritage practice to concentrate additions, new development or changes to the rear of a heritage item and in areas of lesser significance (this can include visual and physical).
  8. Not applicable.
  9. Not applicable.
  10. The merits of the proposed garage have been previously dealt with.
  11. Not applicable.
  12. This matter has previously been considered and advice given on the retention of the existing wheel strip driveway.

In considering the overall height of the rear additions, as addressed above, the Statement of Significance and the DFC both support the notion of concentrating additions at the rear and both provide specifications for exceedance of the existing ridgeline of the dwelling. I acknowledge that the proposed alterations will sit higher than the existing dwelling, however, when viewed from a pedestrian scale from the front elevation and streetscape, the viewing angle will be such that the additions are not visible. Partial views will be visible from oblique viewing angles, larger on the eastern elevation owing to the orientation of the allotments and built form. Again, the rear additions will provide an appropriate level of detachment from the main dwelling form, so that the original silhouette remains visible. The Objectors mock-up of the building envelope of the rear additions is misleading as it depicts the rear additions as projecting off the rear of the topmost portion of the roof, which is incorrect. Subsequently, there will be a visible break between the two building masses.

Some issue has been raised on the complexity and robustness of the Heritage Impact Statement. I will not comment on the professionalism or academic abilities and competencies of the Author, however I generally concur that the report offered a cursory assessment of the proposal. However, I was not going to request a further assessment just for the sake of it as I was well placed to make an informed assessment of the proposal myself without relying on the Consultant's assessment.

I note that a covenant has been produced which applies to the Title of the subject site. Under the terms of the Covenant, it restricts the original purchaser of the lot from using the land for certain activities and binds them to ensure that any main building erected on the site comprises specific materials (stone, brick, slate / or terracotta tile roofing) and must have a value of no less than three hundred pounds. The Covenants were originally imposed for two reasons: firstly, it established an acceptable and desired future character for the subdivision estate, secondly, it ensured that any improvements to the land were of a certain value, which was to protect the mortgagor should the mortgagee default on their loan – then the value of the land with improvements is not less than their debt. I would understand that the covenant no longer applies once the dwelling has been built as the terms of the covenant have been satisfied. In any case, I reiterate previous comments that it would be appropriate to seek legal advice on the implications of the covenant and whether or not the terms do in fact still apply.

Happy to discuss this with you if you have any further questions.

Regards,

Michael Edwards JP | Heritage Advisor  
P: 02 9952 8321  
E: [MEdwards@ryde.nsw.gov.au](mailto:MEdwards@ryde.nsw.gov.au)

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**ITEM 2 (continued)**

**ATTACHMENT 4**

**Heritage Referral Response**

To: Rebecca Lockart  
From: Michael Edwards  
Application No.: LDA2015/0381  
Date: 3 November 2015  
Address: 2 Clive Road, Eastwood



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**SECOND REFERRAL – ADDITIONAL INFORMATION RECEIVED**

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**Background**

This proposal has been previously considered, with heritage referral comments provided 26<sup>th</sup> August 2015.

It is understood that amended plans have been received, detailing various design changes to the proposal in response to issues raised during Council's assessment of the application.

**Consideration of the additional information**

The amended plans detail various design changes to the proposed alterations and additions. Most significantly, the additions have been shifted to sit further forward on the site, whereby requiring an increased extent of demolition of the rear of the existing dwelling.

This results in an increased amount of demolition to the rear of the dwelling. Originally the extent of demolition was considered limited to a small portion of the rear elevation and roof form, retaining a sufficient extent of the rear facing roof plane so that the new additions read as such and that the silhouette and form of the original dwelling could continue to be meaningfully read and appreciated, particularly given the higher visual exposure of the eastern side elevation of the dwelling due to the orientation of the allotments and adjoining built form.

The proposal now involves the demolition of more than 75% of the rear facing roof plane and will involve the 'slicing through' of the eastern and western facing gabled ends of the principal roof form.

This is not supported and the design should be amended so that the entirety of the gabled roof ends are retained and not compromised by the new additions. No objection is raised to the slight increase in the demolition of the rear facing roof plane, however this should not extend beyond the existing gabled ends.

The plans indicate the conversion of the proposed carport roof form from a hipped roof to a flat skillion roof form. No objections are raised to this design change.

The existing low height masonry boundary fence is now also nominated on the plans for retention which is acceptable and consistent with previous advice. No objection is raised to the remedial works to the boundary wall and construction of a new pier at the location of the driveway.

All previous recommended conditions of consent remain.

Regards,

Michael Edwards  
Heritage Advisor

**ITEM 2 (continued)**

**ATTACHMENT 4**

**Heritage Referral Response**



To: Rebecca Lockart  
From: Michael Edwards  
Application No.: LDA2015/0381  
Date: 21 January 2016 / 22 March 2016  
Address: 2 Clive Road, Eastwood

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**THIRD REFERRAL – ADDITIONAL INFORMATION RECEIVED**

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**Background**

This proposal has been previously considered, with heritage referral comments provided 26<sup>th</sup> August 2015.

It is understood that amended plans have been received, detailing various design changes to the proposal in response to issues raised during Council's assessment of the application.

**Consideration of the additional information**

The proposal has been amended and addresses the previous comments and issues raised.

Upon initial consideration, there appeared to be a discrepancy between the front elevation and side elevation drawings, in that the front elevation depicts the rear additions as sitting higher than the finished ridgeline of the existing dwelling, whilst on the elevations, the same rear additions were shown as adopting a matching height plane.

This was subsequently clarified and it is understood that the additions are in fact to match the building height plane of the existing dwelling.

In this regard, the proposal in its revised form is supported from a heritage perspective.

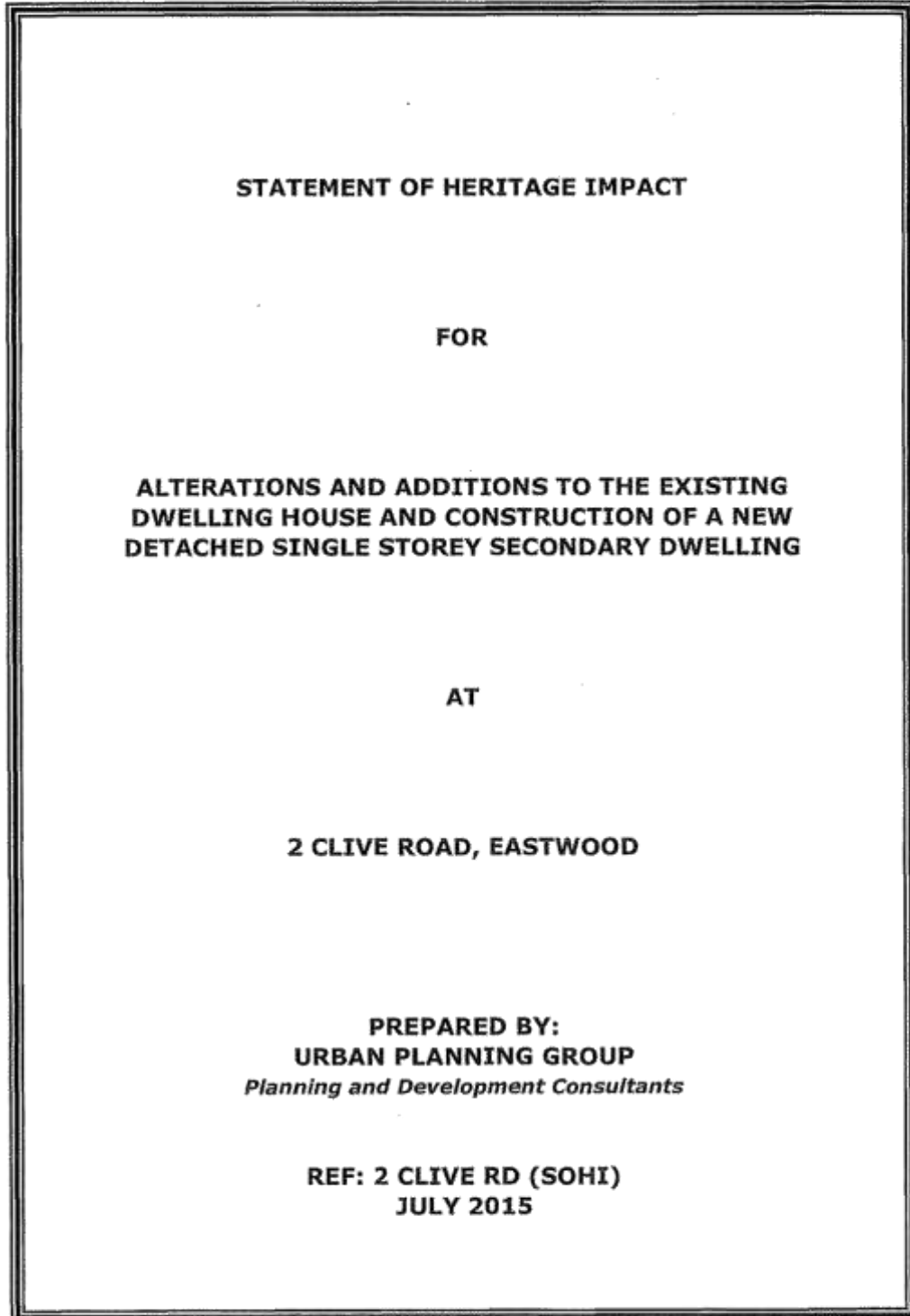
While a revised Heritage Impact Statement (HIS) has not been submitted which gives consideration of the revised proposal, given the heritage status of the site, and the demonstrated incorporation of my previous heritage design advice, in my opinion, I am satisfied that a revised HIS is not required.

Regards,

Michael Edwards  
Heritage Advisor

**ITEM 2 (continued)**

**ATTACHMENT 4**





**ITEM 2 (continued)**

**ATTACHMENT 4**

**Urban Planning Group**

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**ITEM 2 (continued)**

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Urban Planning Group

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**ITEM 2 (continued)**

**ATTACHMENT 4**

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**Urban Planning Group**

**1. INTRODUCTION**

This Statement of Heritage Impact (SOHI) accompanies a development application to Ryde City Council for the development consent to carry out alterations and additions to the existing dwelling house and construction of a new detached single storey secondary dwelling at No. 2 Clive Road, Eastwood.

The subject site is identified in Schedule 5 of the Ryde Local Environmental Plan 2014 as being within Eastwood House Estate Heritage Conservation Area and is also within the vicinity of the heritage items known as "Eastwood Park" and "Eastwood House" and is classified to be of local significance.

The subject property is not individually listed on the National Heritage List, the Commonwealth Heritage List, the Register of the National Estate, the State Heritage Register, or the heritage register of the National Trust of Australia (NSW).

The main objective of this SOHI is to assess the impact of the proposed development on the heritage significance of the associated heritage conservation area and the nearby heritage items.

This SOHI has been prepared in accordance with guidelines outlined in the Australia ICOMOS Charter for Places of Cultural Significance, 1999, known as *The Burra Charter*, the NSW Heritage Branch's publication, *The NSW Heritage Manual* and the guidelines relating to *Altering Heritage Assets and Statement of Heritage Impact*.

*The Burra Charter* provides definitions for terms used in heritage conservation and proposes conservation processes and principles for the conservation of an item. The NSW Heritage Manual explains and promotes the standardisation of heritage investigation, assessment and management practices in NSW.

Comments contained in this SOHI are restricted to only where a proposal may have potential to impact upon the significance of the heritage conservation area and heritage items, such as characteristic, streetscape, details, fabric, finish and appearance, etc.

**ITEM 2 (continued)**

**ATTACHMENT 4**

**Urban Planning Group**

**2. DESCRIPTION OF SITE & SURROUNDS**

The subject site is located on the southern side of Clive Road in Eastwood and is currently occupied by an existing single storey detached bungalow style dark face brick cottage with gable facing the street. **Figure 1** is an aerial photo of the subject site and surrounding area. **Figures 2 & 3** are the photographs of the existing dwelling house.

The site is a rectangular shape allotment and has a frontage width of 18.29m to Clive Road, a side boundary depth of 50.3m and an overall site area of 920m<sup>2</sup>.

The immediate locality is characteristic by predominantly one/two storey freestanding dwelling houses with attached/detached outbuilding (i.e. carport/garage).



**Figure 1: Aerial photo of the subject site (marked with red flag) Source: Six Maps**

**ITEM 2 (continued)**

**ATTACHMENT 4**

**Urban Planning Group**



*Figure 2: View of the existing dwelling house from Clive Road*



*Figure 3: View of the rear yard of the subject site*

**ITEM 2 (continued)**

**ATTACHMENT 4**

**Urban Planning Group**

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**3. THE PROPOSAL**

The application, which this SOHI accompanies, seeks consent for the following building works:

- alterations and additions to the existing dwelling house including minor internal reconfiguration;
- construction of new two storey addition attached to the rear of the existing dwelling to accommodate new kitchen, open plan family and dining area at ground floor level and three bedrooms, an open plan lounge area and bathrooms at first floor level;
- new entry porch and garage attached to the eastern side of the new rear addition;
- construction of new detached single storey secondary dwelling with two bedrooms and an open plan kitchen with dining and living area; and
- construction of new front boundary fence with pedestrian and driveway gates.

The proposal does not involve any changes to the front facade of the existing dwelling house.

Refer to the architectural plans prepared by KAS Architects Pty Ltd and accompanied with the subject application for further details.



**ITEM 2 (continued)**

**ATTACHMENT 4**

**Urban Planning Group**

**4. ASSESSMENT OF HERITAGE IMPACT**

**4.1 INTRODUCTION**

This SOHI has been prepared in relation to the assessment criteria contain in the Ryde Local Environmental Plan 2014 and the New South Wales Heritage Council Guidelines *Altering Heritage Assets and Statements of Heritage Impact*.

As noted above, the subject site is identified in Schedule 5 of the Ryde Local Environmental Plan 2014 as being within the Eastwood House Estate Heritage Conservation Area (C4) and is also within the vicinity of the heritage item Nos. 161 to 163 and is classified to be of local significance (See **Figure 4** below).



**Figure 4: Heritage map (subject site marked with red dot) (extract from Ryde LEP 2014)**

**ITEM 2 (continued)**

**ATTACHMENT 4**

**Urban Planning Group**

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**4.2 EASTWOOD HOUSE ESTATE HERITAGE CONSERVATION AREA**

The following history and description of the Eastwood House Estate Heritage Conservation Area have been taken into consideration in the design process and all information being obtained from the DCP.

**4.2.1 HISTORY**

*The original paved level on which Eastwood House stands was part of land granted to Private John Love of the NSW Corps. It was given to him by the acting Governor of the colony Lt. Colonel Paterson on March 14, 1795 (Governor Phillip had returned to England in 1792 due to ill health). The property was next owned by William Kent, who sold it to William Rutledge in 1835. It is thought that Rutledge built the original section of Eastwood House in 1840, and gave it its name.*

*The occupancy passed from Rutledge to James Beuzeville (a Frenchman) in 1848. Beuzeville, with government assistance, began a silk industry on the property. Samuel Terry the grandfather of Edward Terry (a former Mayor of Ryde) lived in Eastwood House from 1865 till the early 1900's.*

*In 1915, the Eastwood House Estate was subdivided and sold. Due to the area's proximity to the railway station, the station was renamed Eastwood. The land sold quickly and the houses were built resulting in a bungalow suburb. The adjacent area within the Parramatta Council area, has a similar character.*

**4.2.2 DESCRIPTION**

*The land falls gently from Eastwood House, which is on the crest of the hill at a point 80m higher than Eastwood station. The 1915 subdivision resulted in numerous regular blocks all approximately 50m deep, with a frontage of 16m and an area of approximately 840sqm.*

*The area developed quickly, largely because to the proximity to the railway. These factors contribute to a high level of consistency of building stock, which is primarily double fronted detached bungalow style dark face brick cottages with gables facing the street. Driveways of five m generally occur on the same side of each of the houses. Most houses are single storey, with a building footprint of 9.6m by 18m being 160sqm and, in general, a Floor Space Ratio of approximately 0.2:1.*

**ITEM 2 (continued)**

**ATTACHMENT 4**

**Urban Planning Group**

*Whilst this is a cohesive and generally intact Californian Bungalow suburb, it does contain houses of the Federation style. Generally, the houses in the conservation area are in good condition, with minimal unsympathetic or irreversible alterations such as verandah enclosures or aluminium windows. Few carports occur forward of the building line. The row of consistently pitched gabled roof forms along these gently sloping streets create pleasant rhythmic vistas, which together with consistent setbacks, wide grassy verges, mature trees and gardens create a sense of space and harmony of design.*

*Whilst Californian bungalows rarely had rooms in the roof space, the requirements of modern families are different from those at the time when the houses were built. It is considered that provided the house still appeared to be single storey from the street it would be possible to build a second storey in the roof space, if it were carefully and skilfully designed and does not present as a full two storey house. To ensure that such alterations are not visible from the street they will need to be toward the rear of the house and retain at least 65% of the original house. If this is achieved, an increase in the ridge height of not more than 25% will be considered. Should the retention of at least 70% of the original dwelling occur, then an increase in ridge height of no more than 35% will be considered. In order to achieve the desired outcome such extensions in all probability will need to be designed by someone with considerable experience with heritage houses, particularly Californian Bungalows and their sympathetic extension.*

**ITEM 2 (continued)**

**ATTACHMENT 4**

**Urban Planning Group**

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**4.3 RYDE LOCAL ENVIRONMENTAL PLAN 2014 (LEP)**

Clause 5.10 of the LEP sets out the provisions relating to the heritage conservation, viz:

**"(4) Effect of proposed development on heritage significance**

*The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).*

**(5) Heritage assessment**

*The consent authority may, before granting consent to any development:*

- (a) on land on which a heritage item is located, or*
- (b) on land that is within a heritage conservation area, or*
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),*

*require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned."*

**Comment:**

As noted previously, the proposal does not involve any changes to the external fabrics of the existing dwelling including the existing building footprint, front façade and the overall visual appearance of the existing building as viewed from Clive Road. The proposed rear two storey addition and the detached secondary dwelling are located at the rear of the existing dwelling and setback from the front elevation behind the existing roof form. In addition, the proposed rear two storey extension also maintains similar ridge height as the existing roof and the first floor level is provided with vertical metal deck wall cladding to mimic the appearance of metal deck roof and will provide visual relief and interest when viewed from the street.

**ITEM 2 (continued)**

**ATTACHMENT 4**

**Urban Planning Group**

Whilst the design of the proposed rear two storey extension is contemporary in style, however, it should be noted that the design will complement with other dwelling houses within the vicinity of the subject site in terms of its scale, proportion, shape and detailing. The proposed development will also maintain the character and heritage significance of the existing streetscape in terms of its setback, roof form/pitch and height. Further, it should be noted that there are similar flat roof addition to the rear of the existing dwelling houses at Nos. 6 Clive Road.

Overall, the proposal is considered to be an acceptable development for the following reasons:

- The proposed development is compatible with the design, bulk and scale of other residential accommodation in the vicinity of the subject site; and
- The proposal has been designed to be consistent with the heritage conservation principles and will provide greater standard of living for the occupants of the subject building.

For the above reasons, it is considered that the proposal is consistent with the relevant heritage provisions under Clause 5.10 of the LEP and is unlikely to detract from the heritage significance and siting of the heritage conservation area and the nearby heritage items.

There are no other clauses of the LEP applicable to the proposed development.

**ITEM 2 (continued)**

**ATTACHMENT 4**

**Urban Planning Group**

**4.4 RYDE DEVELOPMENT CONTROL PLAN 2014 (DCP)**

Part 5.2 of the DCP provides guiding principles and objectives for development within Eastwood House Estate Heritage Conservation Area. The subject site is being identified as a contributing component of conservation area and the following controls are applicable:

<b>2.3 Desired Future Character</b>		
<b>Control</b>	<b>Proposed</b>	<b>Compliance (Yes/No)</b>
Retain original building stock	As noted previously, the existing building fabric including the building footprint and façade remains unaltered.	Yes
Retain the homogeneous bungalow streetscape characterised by uniform single storey gabled bungalows with regular setbacks and spacing.	The proposed additions are located at the rear of the existing dwelling and the existing single storey dwelling presentation from the street remains unaltered.	Yes
Alterations, additions and infill development should not result in excessive site cover that reduces the useable landscaped area and private open space.	The proposed development remains compliance with the landscaped area and private open space controls of the DCP.	Yes
Generally, extensions on the side of dwellings would not be favoured. However, if it can clearly be demonstrated that such an extension will not compromise the nature of the dwelling or the view of the dwelling from the street, such an application will be considered, but only where the extension	The majority of the proposed additions are located at the rear of the existing dwelling with the new entry porch and garage being located on the eastern side of the dwelling and is setback more than 5m from the front building line and is also located substantially behind an existing detached single storey garage on the eastern adjoining site at No. 22 Lakeside Road.	Yes



**ITEM 2 (continued)**

**ATTACHMENT 4**

**Urban Planning Group**

<p>is located at least 5 m behind the front building line. Alterations and additions to the front of the dwellings will not be permitted.</p>		
<p>Alterations and additions must take place toward the rear of the existing dwelling. This can be achieved by demolishing part of the rear of the existing house and then extending the dwelling, or by linking the existing dwelling to the new extension by way of an integrated walkway around an external courtyard.</p>	<p>As noted previously, the proposed two storey addition and the detached single storey secondary dwelling are located at the rear of the existing dwelling. The proposed rear two storey addition has been designed with similar ridge height as the existing roof and is provided with vertical metal deck wall cladding to create visual appearance similar to metal deck roof and will provide a subtle contrast with the original fabric of the existing dwelling without dominating the original form. More importantly, the silhouette of the original dwelling will largely be retained.</p>	<p>Yes</p>
<p>Alterations and additions should repeat details of the important elements of the original building.</p>	<p>The proposal does not involve any alteration and additions that will effect the external appearance of the original building when viewed from Clive Road.</p>	<p>Yes</p>
<p>Second storey additions are only permitted toward the rear of the site. Given the desired ground floor level of such alterations, second storey additions can be largely accommodated with an increase to the ridge height of no more than 25%, provided at least 65% of the original house</p>	<p>As noted previously, the proposed two storey addition is located at the rear of the site and has a similar ridge height as the original roof and the original dwelling house is also fully retained. In addition, the overall height of the proposed two storey addition is also well below the maximum building height allowed under the DCP (i.e. 9.5m).</p>	<p>Yes</p>

**ITEM 2 (continued)**

**ATTACHMENT 4**

**Urban Planning Group**

<p>is retained. Should at least 70% of the original house be retained, then an increase of 35% in ridge height will be considered. The roof of the new addition should be integrated with the existing roof form to avoid extensive vertical wall surfaces at the upper level.</p>		
<p>Additional accommodation such as attic rooms need to be accommodated within the original roof form. Minimal fenestration in the form of roof plane skylights will be allowed to any roof plane not visible from the street.</p>	<p>No attic roof proposed.</p>	<p>N/A</p>
<p>No buildings or structures (other than a fence along the front property boundary) will be permitted in front of the building line.</p>	<p>The proposed two storey addition and the detached secondary dwelling are located at the rear of the existing dwelling with substantial setback behind the front building line.</p> <p>The proposed front fence including the pedestrian and driveway gates are up to 1,000mm in height (measured to the top of the brick piers) and is consistent with the height and design of the existing fence form along Clive Road.</p>	<p>Yes</p>
<p>Garages should be located toward the rear of the lot and behind the dwelling. However, consideration</p>	<p>The proposed garage is located towards the rear of the site on the eastern side of the dwelling and is also consistent with other garage</p>	<p>Yes</p>

**ITEM 2 (continued)**

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will be given to a location closer to the street, provided it is behind the building line and it can be clearly demonstrated that the streetscape will not be compromised.	structures along Clive Road.	
A carport can be constructed level with the front of the house, provided it is open at the building line and includes details of the house, such as pitch of roof and is constructed of similar materials.	No carport proposed.	N/A
Single width driveways should occur and widen behind building line to double garage if necessary. Wheel strips should occur between the building line and the street alignment.	The existing driveway along the eastern side of the dwelling is to be paved.	Yes
<b>3.0 Development of Contributory Items</b>		
<b>Control</b>	<b>Proposed</b>	<b>Compliance (Yes/No)</b>
Such extensions, in all probability will need to be designed by someone with considerable experience with extending heritage houses, particularly Californian bungalows.  Whilst Californian bungalows rarely have rooms in the roof space	As noted previously, the proposed development has been designed to minimise potential impact upon the heritage significance and contribution of the existing dwelling to the Eastwood House Estate Heritage Conservation Area. The proposal does not involve any changes to the external fabrics of the existing dwelling including the existing building footprint, front façade and the overall	Yes

**ITEM 2 (continued)**

**ATTACHMENT 4**

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<p>the requirement of modern families are different from those at the time when the homes were built. With this in mind, and provided the house still appeared to be a single storey from the street, it would be possible to build a second storey in the roof space if it were carefully and skilfully designed and does not present as a full two storey house.</p>	<p>visual appearance of the existing building as viewed from Clive Road. The proposed rear two storey addition and the detached secondary dwelling are located at the rear of the existing dwelling and setback from the front elevation behind the existing roof form. In addition, the proposed rear two storey extension also maintains similar ridge height as the existing roof and the first floor level is provided with vertical metal deck wall cladding to mimic the appearance of metal deck roof and will provide visual relief and interest when viewed from the street.</p>
<p>To ensure that such alterations are not visible from the street they will need to be located at the rear of the house and with an increase to the ridge height of no more than 25%, where 65% of the original house is retained. Where at least 70% of the original house is retained, an increase in ridge height of 35% will be considered.</p>	<p>The proposed external colour scheme for the proposed rear two storey addition and the detached secondary dwelling has also been carefully selected to complement with the existing dwelling houses in the immediate vicinity and to minimise potential impact upon the character of the streetscape. The external walls of the proposed additions will be constructed of dark colour face bricks (i.e. Boral - Horizontal Blackheath), the roof of the secondary dwelling will be fitted with dark colour roof tiles (i.e. gunmetal) and the metal deck wall cladding to the first floor level and roof of the rear two storey addition will be in slightly lighter colour to provide adequate contrast except the rear elevation will be finished with natural plywood cladding. Refer to the external colour scheme accompanied</p>

**ITEM 2 (continued)**

**ATTACHMENT 4**

**Urban Planning Group**

	with the subject application for further details.	
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**4.5 EVALUATION AGAINST THE GUIDELINES OF THE NEW SOUTH WALES HERITAGE COUNCIL**

The New South Wales Heritage Council has published the following series of criteria for the assessment of the heritage impacts.

NSW Heritage Office Guidelines	Comment
<p><b>New additions within heritage conservation area</b></p> <ul style="list-style-type: none"> <li>• How is the impact of the new development on the heritage significance of the item or area to be minimised?</li> <li>• Why is the new development required to be adjacent to heritage item?</li> <li>• How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?</li> <li>• How does the new development affects views to, and from, the heritage item?</li> <li>• Is the new development sympathetic to the heritage item? In what way (e.g. form, siting, proportions, design)?</li> <li>• Will the additions visually dominate the heritage item? How has this been minimised?</li> <li>• Will the public, and users of the item, still be able to view and appreciate its significance?</li> </ul>	<ul style="list-style-type: none"> <li>• The proposed development has been designed to remain compatible with the bulk, scale, form, massing and detailing of the existing and adjoining buildings and will not result in any significant adverse impact upon the character of the local streetscape.</li> <li>• The proposed rear two storey addition has been designed to remain sympathetic and consistent with the ridgeline of the existing dwelling and is also sited behind the existing roof form to minimise its visual prominence from the street and does not distort the silhouette of the original dwelling and the rhythm and cohesiveness of the streetscape, which consists of single storey built form.</li> <li>• The proposed detached secondary dwelling is also located at the rear of the site that will be very well screened by the existing dwelling and will not be visible from the street.</li> </ul>

ITEM 2 (continued)

ATTACHMENT 4

Urban Planning Group

	<ul style="list-style-type: none"><li>• The proposed development will have a positive impact on the established heritage significance of the Eastwood House Estate Heritage Conservation Area by creating a contemporary living space that will meet the modern needs of the dwelling occupants and enhance the property value within the locality without affecting the original fabric of the existing dwelling house.</li><li>• The proposed development is compatible in design, height, bulk, scale, setbacks, and materials and external finishes with the existing residential dwellings in the surrounding locality, and will not result in any adverse impact upon the amenity of the adjoining residential properties.</li><li>• The cartilage of the subject property has been established as the lot boundary. There will be no change to these boundaries.</li><li>• The development is not sited on any known or potentially significant archaeological deposits.</li></ul>
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**ITEM 2 (continued)**

**ATTACHMENT 4**

**Urban Planning Group**

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**5. CONCLUSION**

The design of the proposed development has been carefully guided by the relevant assessment criteria in order to protect the significance of the subject dwelling and the overall heritage conservation area.

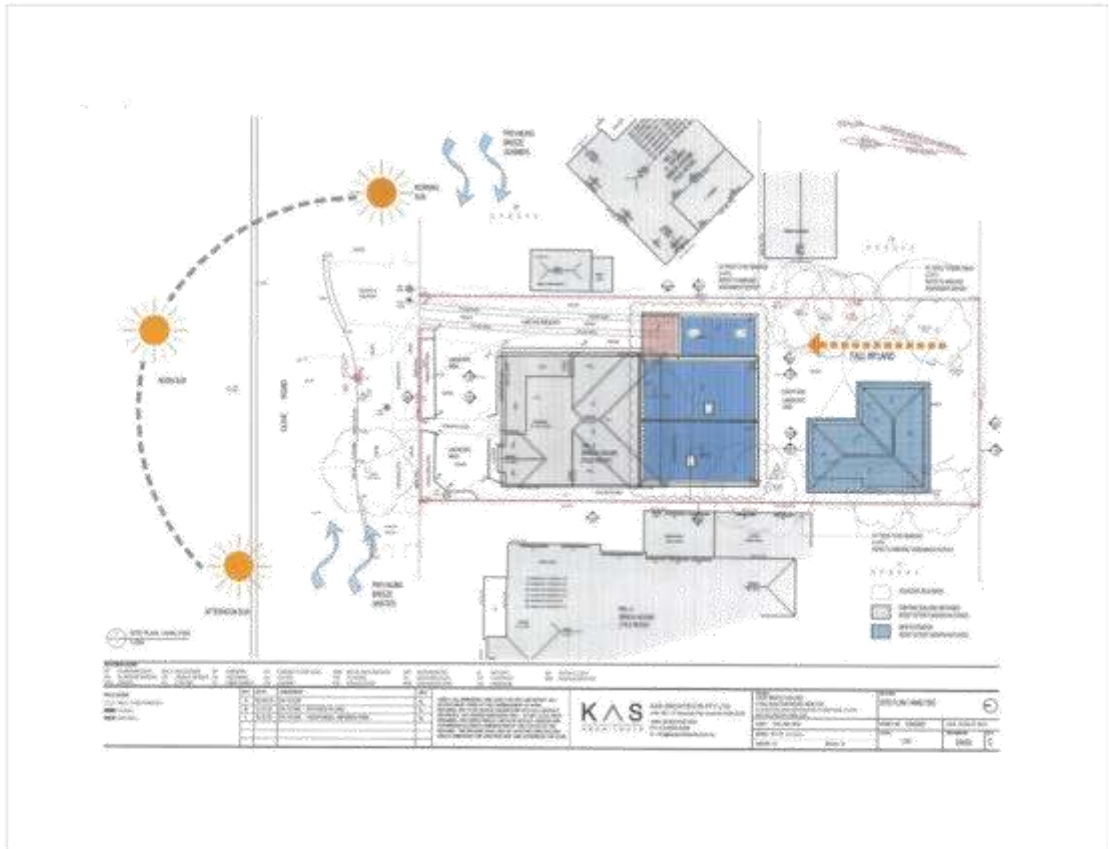
The proposed development is considered to be compatible with the architectural style and would not result in any significant negative impact on the significance of the Eastwood House Estate Heritage Conservation Area and diminish the dwelling's contributory status within the conservation area. The proposed development has been designed to respect the existing patterns of development including the spacing, rhythm and siting of built forms, the landscaped settings, and the scale massing, form and materials of the general development.

The proposed development will not result in any significant adverse impact upon the amenity of the adjoining residential properties in terms of overshadowing, visual bulk, loss of privacy or views.

For the above reasons, this SOHI recommends that the proposed development will have a positive impact on the heritage significance of the Eastwood House Estate Heritage Conservation Area. Given these findings, Council should have no hesitation in approving the application on heritage terms.

**ITEM 2 (continued)**

**ATTACHMENT 5**



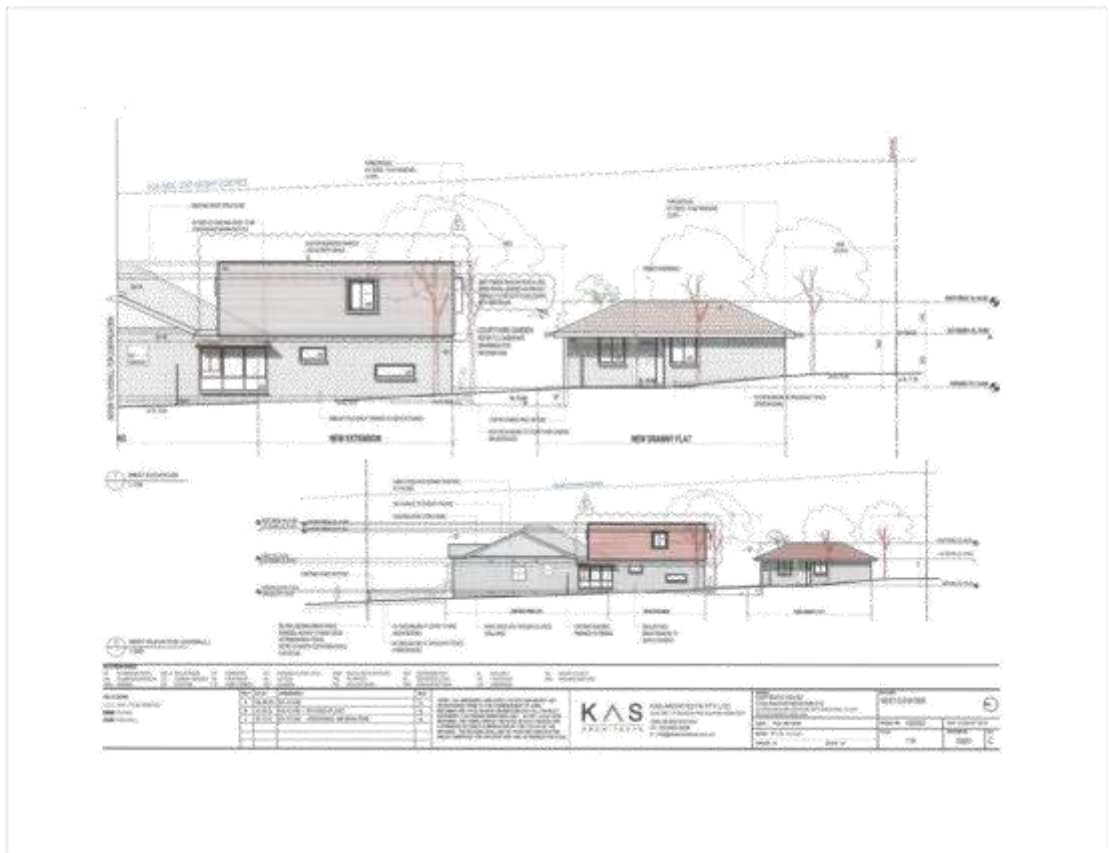
**ITEM 2 (continued)**

**ATTACHMENT 5**



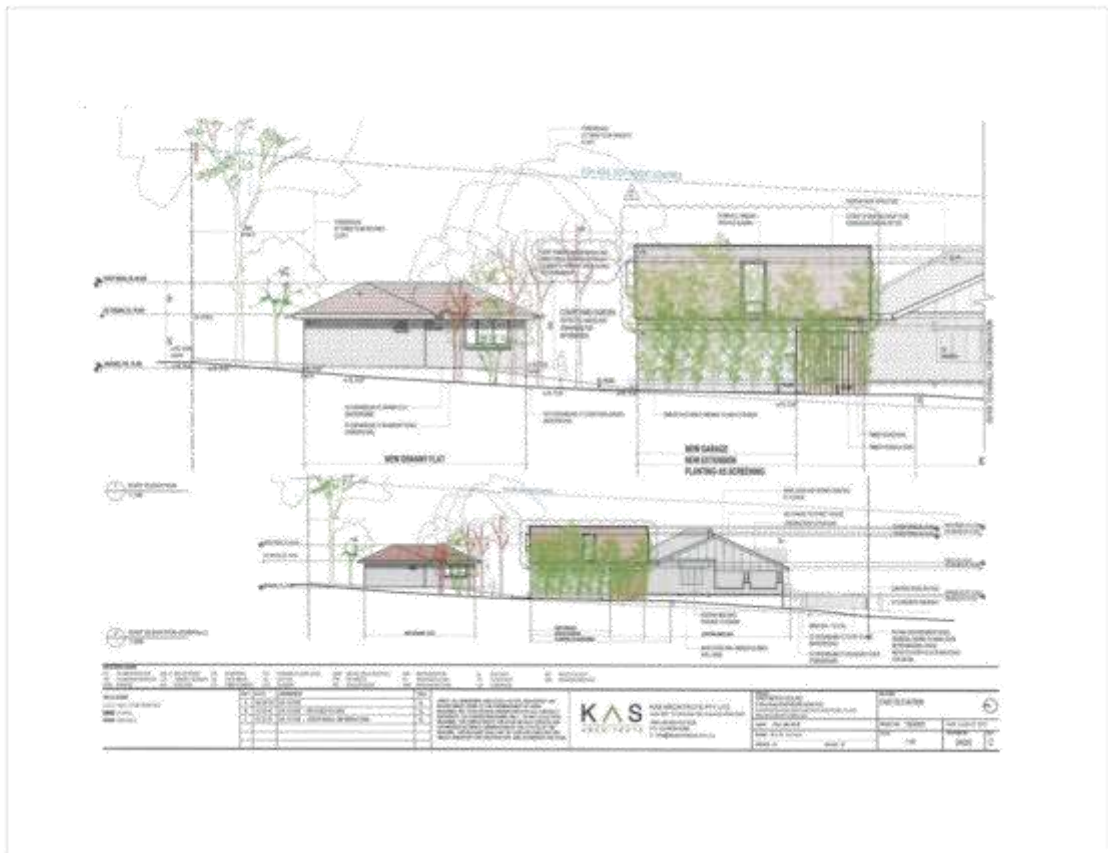
**ITEM 2 (continued)**

**ATTACHMENT 5**



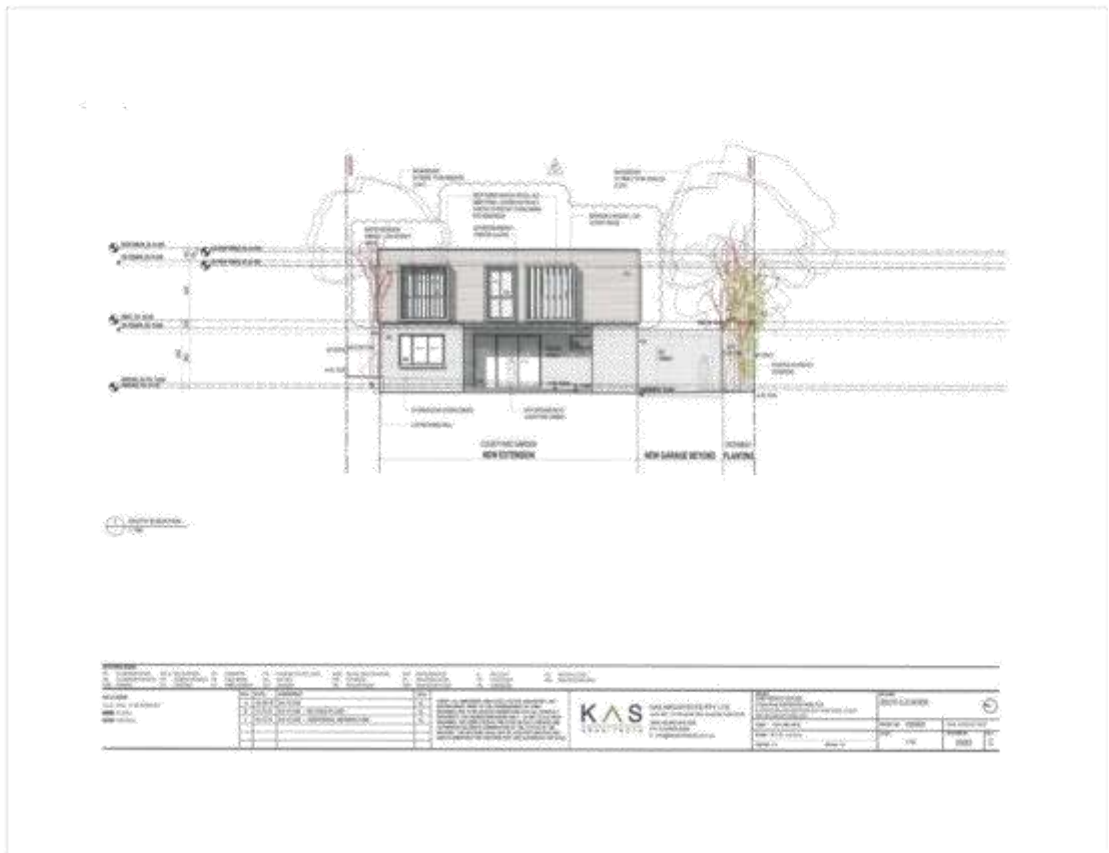
**ITEM 2 (continued)**

**ATTACHMENT 5**



**ITEM 2 (continued)**

**ATTACHMENT 5**





**ITEM 2 (continued)**

**ATTACHMENT 5**



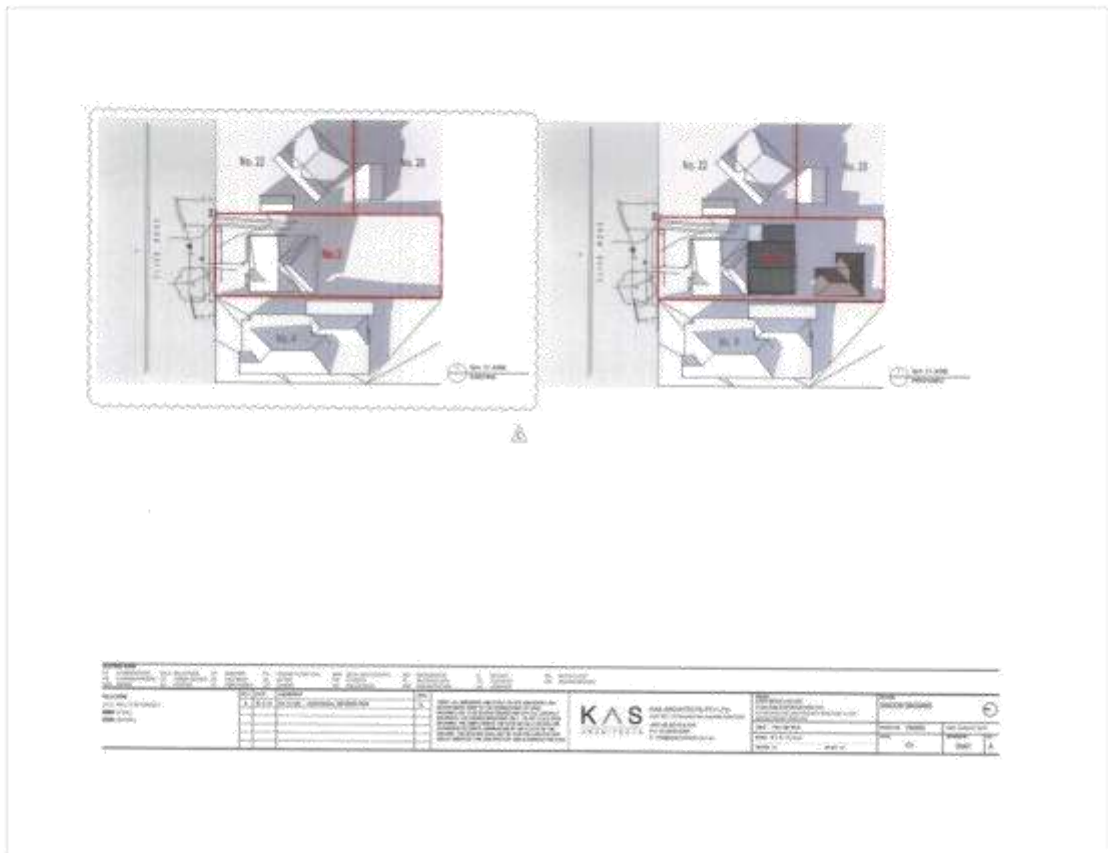
**ITEM 2 (continued)**

**ATTACHMENT 5**



**ITEM 2 (continued)**

**ATTACHMENT 5**



- 3 115 ROWE STREET, EASTWOOD. LOT A DP 407059. Local Development Application for erection of a new building containing a pub (comprising bar/dining areas, alfresco dining and seating areas, bar with outdoor gaming) at ground floor with three (3) levels of parking above (containing 45 parking spaces), signage, alterations and additions to rear of the existing Eastwood Hotel. LDA2015/0263.**

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**Report prepared by:** Assessment Officer - Town Planner; Senior Coordinator - Development Assessment

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

**File Number:** GRP/09/5/6/2 - BP16/286

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## 1. Report Summary

**Applicant:** Rhg Properties Pty Ltd.

**Owner:** Rhg Properties Pty Ltd.

**Date lodged:** 9 June 2015

This report considers a development application for the erection of a new building containing a pub to be known as the Red Lantern Hotel (comprising bar/dining areas, alfresco dining and seating areas, bar with outdoor gaming) at ground floor, three (3) levels of parking above (containing 45 parking spaces) and signage. The proposal also includes alterations and additions to the rear (north eastern corner) of the existing Eastwood Hotel, adjacent to Rowe Lane. The works are located on an existing car park adjacent to the Eastwood Hotel. This car park is owned by the Eastwood Hotel and provides car parking for the Eastwood Hotel. The hours of operation of the proposed pub are 10am to midnight (Monday to Saturday) and 10am to 10pm Sunday.

The DA was advertised and notified to surrounding properties (200 metre radius - 1214 letters) in accordance with Ryde DCP 2014, and as a result, three (3) submissions were received objecting to the proposed development.

The issues raised in the submissions included but were not limited to insufficient car parking, impact of further traffic, lack of information in respect of gaming machines and dining areas, and increased risk of alcohol related harm. All of the issues raised in the submissions have been considered in detail.

The matter was considered by NSW Police who have advised that this development will result in negative social impacts. The proposal will result in increased alcohol availability in an area (Eastwood) where alcohol related crime, street offences and anti-social behaviour are higher than any other suburbs in the command or local government area.

### ITEM 3 (continued)

Should the number of licensed premises continue to increase within the suburb of Eastwood, alcohol related crime will also continue to increase.

The premise is located within an alcohol free zone and in a suburb that already has 58 licensed premises, many of which provide the services as proposed by this development and are available in close proximity to the site. Lastly, there is no community demand for any further hotels within the suburb of Eastwood.

The proposal has been assessed against the provisions of SEPP 64: Advertising & Signage, the Ryde LEP 2014 and DCP 2014. The areas of non-compliance can be summarised as follows:

- The proposal is inconsistent with the objectives of the *B4 Mixed Use* zoning under Ryde LEP 2014 as it is considered to be an incompatible land use and will result in unacceptable alcohol related harm, loss of off street car parking and localised traffic congestion.
- The proposal is inconsistent with Part 4.1 (Eastwood Town Centre) of the Ryde DCP 2014, most notably:
  - Boundary setbacks are inadequate.
  - Streetscape impacts of the multiple levels of car parking (above ground) and lack of landscaping incorporated into the design of the car parking levels.
  - Signage type, location and area (sqm) of the proposed signage are inconsistent with the controls prescribed within the DCP.
  - Lack of detail on potential light spillage from the proposed car parking on adjoining residential units.
- The proposal is inconsistent with Part 8.2 (Stormwater) of the Ryde DCP 2014, most notably:
  - Lack of detail of required drainage easement, and failure to demonstrate that there will be no encroachment onto the required easement.
- The proposal is inconsistent with Part 9.1 (Signage) of the Ryde DCP Plan 2014, most notably:
  - The proposed projecting wall signs (no. 1 and no. 2) are prohibited signage types throughout the City of Ryde.
  - The proposal fails to provide adequate detail with regard to the signage content material, colour and illumination of all signs proposed.

### ITEM 3 (continued)

- The proposal is inconsistent with Part 9.3 (Car parking) of the Ryde DCP 2014, most notably:
  - The proposed development results in a significant shortfall of car parking (93 car parking spaces).
  - The proposal will result in adverse localised traffic congestion and impact upon pedestrian safety as a result of the shortfall in off street car parking spaces.
- The development is Inconsistent with SEPP 64: Advertising & Signage, in that it is not compatible with the character of the area;

In addition to the above issues, the proposed pub is considered to create unacceptable social impacts as well as impact upon the amenity, safety and security of the local community.

Therefore, the proposal is recommended for refusal.

#### Appeal Lodged in the Land and Environment Court

On 21 January 2016, Council received formal notice of an appeal lodged in the Land and Environment Court against Council's deemed refusal of this DA.

This matter is listed for a Section 34 Conciliation conference on 12 April 2016.

**Reason for Referral to Planning and Environment Committee:** The application is subject to pending court proceedings after the applicant filed a Class 1 Appeal for the deemed refusal of the application.

Public Submissions: Three (3) submissions were received objecting to the proposed development.

SEPP 1 (or clause 4.6 RLEP 2014) objection required? No.

Value of works: \$ 7,669,423.30

#### **RECOMMENDATION:**

- (a) That Local Development Application No. 2015/263 at 115 Rowe Street, Eastwood being LOT A in Deposited Plan 407059 (Car park) and LOT 1 & 2 in Deposited Plan 304384 (Eastwood Hotel) be refused for the following reasons:



**ITEM 3 (continued)**

- The proposal is inconsistent with the objectives of the B4 Mixed Use zoning applying to the land under Ryde LEP 2014, most notably the first two objectives:
  - The pub is considered incompatible with the adjoining land uses. The pub will result in the suburb of Eastwood having 4 of 9 hotel licences within the Ryde Local Government Area (LGA). Three out of the four hotel licences would be on Rowe Street and the fourth (Landmark Hotel) is within 300m, on the western side of Eastwood Train Station. This would contribute to a cluster of pubs/hotels and result in adverse alcohol related harm onto the population of Eastwood.
  - The pub will result in shortfall of ninety three (93) car parking spaces and increase the demand for already limited on street car parking and contribute to traffic congestion within Rowe Street and the Eastwood Town Centre.
- The proposal is inconsistent with Part 4.1 (Eastwood Town Centre) of the Ryde Development Control Plan 2014, most notably:
  - Contrary to section 3.4.1 (Parking design and location) of the DCP, the proposed building fails to adequately screen the three levels of car parking (above ground), creating an undesirable streetscape element within Rowe Street and the Eastwood Town Centre.
  - Contrary to section 3.6 (Signage) of the DCP, the proposed flush walls signs, no. 7 and no. 8 are located above the awning and inconsistent with other business identification signage types within Rowe Street.
    - The overall area (sqm) of sign no. 7 and No. 8 exceed the maximum prescribed area of 5sqm, having a signage area of 5.4sqm and 6.8sqm respectively.
    - The proposed under awning signs are 450mm in height, contrary to the control which restricts the maximum height of the signs to 300mm.
- The proposal is inconsistent with Part 8.2 (Stormwater) of the Ryde Development Control Plan 2014, most notably:
  - The proposal fails to provide details of a drainage easement that is required to be created.
  - The proposal fails to demonstrate that any building, eave or permanent structure (existing and/or proposed) does not encroach the deemed drainage easement.
  - The proposal fails to specify the location of new drainage pits.

**ITEM 3 (continued)**

- The proposal is inconsistent with Part 9.1 (Signage) of the Ryde Development Control Plan 2014, most notably:
    - Contrary to section 4.0, two projecting wall signs are proposed (no. 1 and no. 2) which are prohibited signage types throughout the City of Ryde.
    - The proposal fails to provide adequate detail with regards signage content material, colour and illumination concerning all signs proposed.
  - The proposal is inconsistent with Part 9.3 (Car parking) of DCP 2014 of the Ryde Development Control Plan 2014, most notably:
    - The proposed development provides an inadequate number of car parking spaces for staff, patrons and other building users. The proposal results in a shortfall of ninety three (93) car parking spaces.
    - The proposal will result in adverse localised traffic congestion and impact upon pedestrian safety as a result of the shortfall in off street car parking spaces.
  - The development is Inconsistent with SEPP 64: Advertising & Signage, most notably:
    - The proposal is inconsistent with Schedule 1 of SEPP 64 in that it is not compatible with the character of the area;
  - The proposal will have significant adverse alcohol-related social impacts and increase the risk of alcohol related harm.
  - The proposal will adversely impact upon the amenity, safety and security of the local community, particularly within the Eastwood Town Centre.
  - The Plan of Management is inadequate, failing to address the management of patrons affected by alcohol between the existing Eastwood Hotel and the proposed hotel.
    - The plan of management fails to identify who will be responsible for monitoring patrons within the passageway between the two hotels.
  - In the circumstances of the case, approval of the development is not in the public interest.
- (b) That the persons who made submissions be advised of Council's decision.

**ITEM 3 (continued)**

**ATTACHMENTS**

- 1 Compliance Checklist
- 2 DRAFT Conditions of Consent
- 3 Comments from NSW Police (15 July 2015)
- 4 A4 Plans
- 5 A3 Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

**Michael Tully**  
**Assessment Officer - Town Planner**

**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.)*

- Address** : 115 Rowe Street, Eastwood  
LOT A in Deposited Plan 407059 (Car park)  
LOT 1 & 2 in Deposited Plan 304384 (Eastwood Hotel)
- Site Area** : 1039m<sup>2</sup> (car park) + 1548m<sup>2</sup> (Eastwood Hotel)  
The car park has a frontage to Rowe Street of 22.555m, a rear boundary of 22.555m and side boundaries of 45.965m in length (Site Survey). The Eastwood Hotel site has a frontage to Rowe Street of 38.36m, a frontage to Railway Parade of 47.33m and a frontage to Rowe Lane of 29.02m.
- Topography and Vegetation** : Both sites are relatively flat, comprising limited vegetation except for small shrubs at the Rowe Street end of the car park.
- Existing Buildings** : The car park comprises parking for up to 27 cars and a garbage/recycling storage facility in the north western corner, adjacent to Rowe Lane. The site is currently used in connection with the Eastwood Hotel as a VIP car park for use by members only. It also provides access to the Eastwood Hotel from within the car park and for the storage of garbage/recycling generated by the Eastwood Hotel. Vehicular entry and exit to the car park is from Rowe Street, however vehicle access is also available via Rowe Lane but is prevented by a locked gate.
- Planning Controls Zoning** : State Environmental Planning Policy 64: Advertising and signage  
Ryde Local Environmental Plan 2014:  
Zone B4 Mixed Use
- Other** : Ryde Development Control Plan 2014

**ITEM 3 (continued)**



**3. Councillor Representations**

Nil.

**4. Political Donations or Gifts**

Any political donations or gifts disclosed? No.

**5. Proposal**

Erection of a new building containing a pub (comprising bar/dining areas, alfresco dining and seating areas, bar with outdoor gaming) at ground floor with three (3) levels of parking above (containing 45 parking spaces), signage, alterations and additions to rear of the existing Eastwood Hotel. The hours of operation of the proposed pub are 10am to midnight (Monday to Saturday) and 10am to 10pm Sunday.

Minor alterations are also proposed to the Eastwood Hotel, including partial demolition of the existing back-of-house area to accommodate a new shared loading bay accessed off Rowe Lane, and alteration of the existing entry on the northern side of the Hotel including a new ramp between the two hotels.

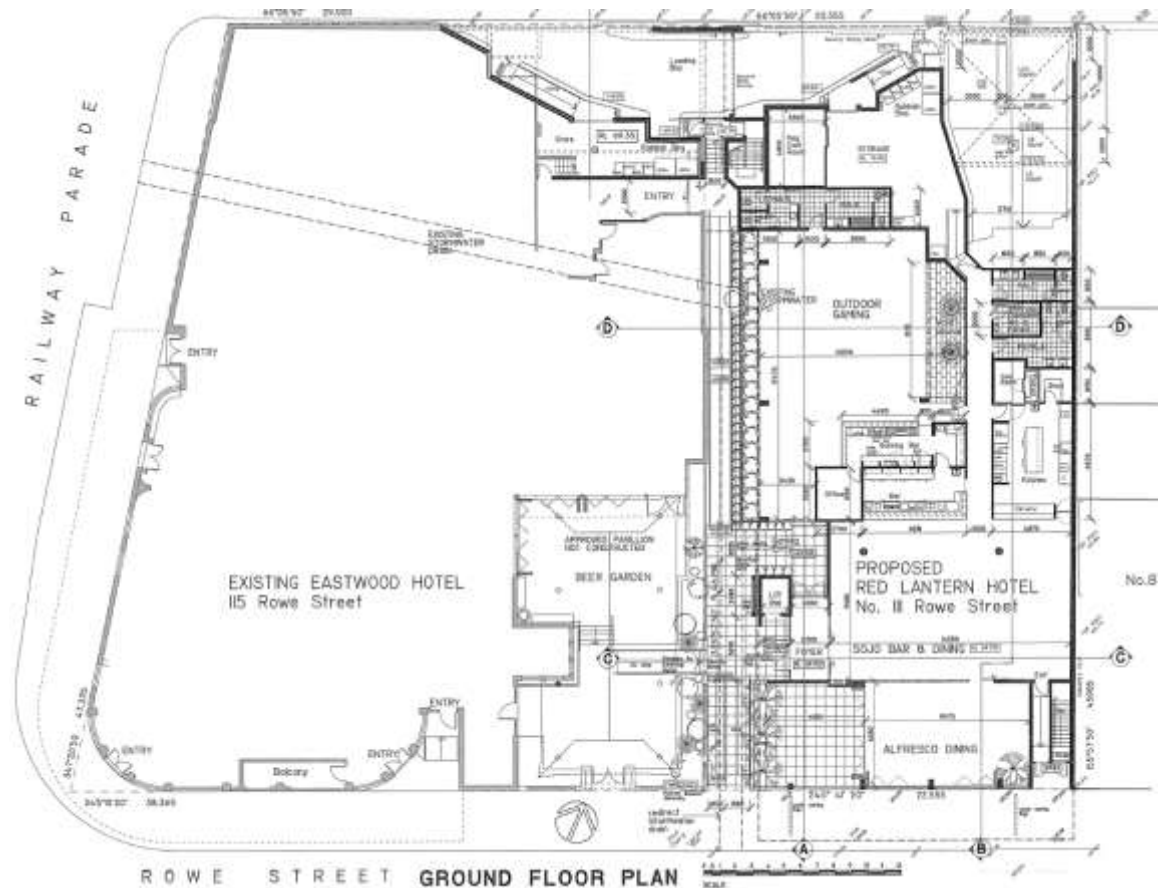


**ITEM 3 (continued)**

The Eastwood Hotel and the proposed Red Lantern Hotel will utilise the proposed shared loading/unloading bay for the purposes of alcohol delivery/collection, food delivery and waste collection.

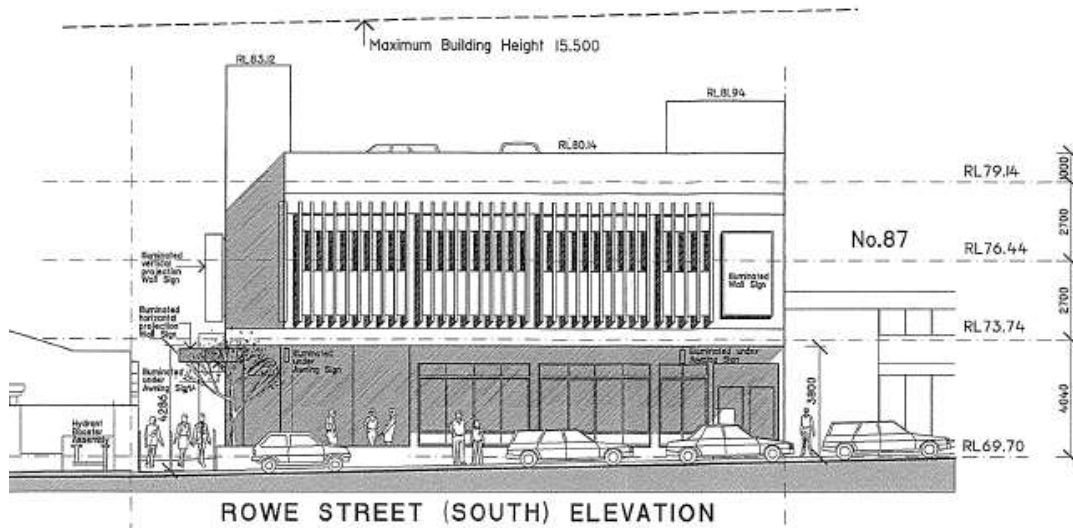
Signage is also proposed to the new pub, comprising eight (8) business identification signs (2 x projecting wall signs, 3 x under awning signs and 3 x flush wall signs). The signage will address Rowe Street only.

The site plan/ground floor plan and front elevation (below) further detail the extent of the proposal.





### ITEM 3 (continued)



## 6. Background

- LDA2015/263 was lodged with Council 9 June 2015.
- The DA was notified to surrounding properties in accordance with the Development Control Plan 2014 - Part 2.1, Notification of Development Applications. The application was advertised on 24 June 2015. Notification of the proposal was from 22 June until 8 July 2015.
- In response to the notification/advertisement of the subject DA, three (3) submissions were received objecting to the proposed development.
- The subject DA was referred to Council's Development Engineers, City Works and Infrastructure Engineers Environmental Health Officers, Building Surveyors, Heritage Officers and externally to the NSW Police - Ryde Local Area Command. The Development Engineer's referral included an additional information request from the applicant with regard to car parking space shortfall. The NSW Police referral stated that the proposal was not supported for reasons of density of licensed premises within Eastwood, increased likelihood of alcohol related harm and impact upon the amenity, safety and security of the local community.
- Council officer's assessment of the DA identified a number of non-compliances with the provisions of DCP2014 and other issues not covered within the DCP with regard to social impacts. A letter was sent to the applicant on 30 September 2015 advising that the development could not be supported. This letter also identified where the applicant had not submitted sufficient information. Key issues raised in this letter included:

**ITEM 3 (continued)**

- Unacceptable social impacts as well as impact upon the amenity, safety and security of the local community.
  - Car parking shortfall of ninety three (93) car spaces
  - Traffic congestion and pedestrian safety
  - Building setbacks and design of the car parking levels
  - Signage type, location and size
  - Lack of external lighting details and impact upon adjoining residential units
  - Lack of stormwater details and required easement information
- Following the request for additional information, a meeting was held at Council on 19 November 2015 with the Applicant (planning consultant) and owner (Rhg Properties Pty Ltd) to discuss the issues raised in the letter sent on the 30 September 2015.
  - A follow up letter sent was sent to the applicant on 14 December 2015 requesting a response to the issues raised in Council's previous letter and the meeting held in November.
  - On 20 January 2016 Council received a letter from Gadens Lawyers acting on behalf of the applicant that they intend to commence a Class 1 Appeal in the Land & Environment Court. The following day (21 January 2016) the applicant lodged the Class 1 Appeal.
  - A statement of facts and contentions for the upcoming Class 1 Appeal was submitted to the Land & Environment Court on 18 February 2016.

**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 24 June 2015. Notification of the proposal was from 22 June until 8 July 2015.

Three (3) submissions were received during the notification. The issues raised in the submissions were as follows:

**Insufficient on site car parking has been proposed**

Comment: Agreed. This matter is discussed in detail later in this report. In summary, parking is required to not only be provided for the new development, but also to replace the parking that is currently used by the Eastwood Hotel. The development results in a shortfall of ninety three (93) car spaces.

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

**Vehicles exiting the proposed car park within Rowe Lane may not be provided with adequate sightlines to ensure safety of vehicles exiting.**

Comment: Councils Senior Development Engineer reviewed the proposed vehicle access arrangements for the proposed pub and was satisfied that adequate sightlines have been provided.

**The noise of vehicles and patrons exiting the pub, particularly from Rowe Lane will impact upon the amenity of residential properties within Rowe Lane.**

Comment: The hours of operation of the proposed hotel (Red Lantern Hotel) are 10am to midnight (Monday to Saturday) and 10am to 10pm Sunday.

Patrons will enter and exit the hotel at the front of the site via Rowe Street. The noise generated by the patrons will predominately be projected onto Rowe Street and is unlikely to create a level of noise that will impact upon the amenity of residential properties within Rowe Lane, which is to the rear.

With regard to noise generated by vehicles entering and exiting the car park via Rowe Lane, it is considered that the impact will be minimal and the amenity of residential properties within Rowe Lane is unlikely to be impacted.

**Is the proposed hotel seeking the transfer of an existing licence or a new licence?**

Comment: The proposed hotel is seeking a new liquor licence.

**No details have been provided with regard to the number and type of gaming machines within the proposed hotel. Any further gaming machines to the Eastwood community would lead to further social impacts.**

Comment: Consideration of social impacts of gaming machines on a local community come into effect with the assessment of relevant applications under the provisions of the Gaming Act 2001 and not the Environmental Planning & Assessment Act.

In reference to a recent case law *Waugh Hotel Management v Marrickville Council* [2007] NSWLEC 775 (27 November 2007) it is noted that, the Environmental Planning and Assessment Act, 1979 cannot prohibit or require development consent for, or otherwise regulate or restrict, the installation, keeping or operation of approved gaming machines in hotels, registered clubs or any other premises. In addition a consent authority (Council in this instance) is not able to refuse to grant development consent to a hotel for any reason that relates to the installation, keeping or operation of approved gaming machines in a hotel.

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

**The applicant has made no effort to address the recently introduced smoke-free regulations with regard to dining areas.**

Comment: This is a management issue for the future hotel to address and ensure compliance with the *Smoke-free Environment Act 2000*. However, it is noted that compliance with the smoking laws may substantially alter the available areas for dining within the nominated alfresco and outdoor areas (fronting Rowe Street) of the pub.

**The applicant has not detailed the number of diners which they intend to cater for within the *Sojo Bar* and *alfresco area*, nor have they clarified what food will be provided.**

Comment: The applicant has provided a floor plan of the seating arrangements which indicates the hotel could cater for up to 178 patrons. The applicant has indicated the type of food being provided includes a Korean Dumpling Bar (Mandu Dumplings - Jjunmandu & Yaki Mandu) and Korean Casual Food (Gimbap "Korean Sushi ", Dakkochi "Korean Chicken Skewers", Tornado Potatoes "French Fries equiv" Hotteok "Deep Fried Snack").

**The large dining area provided within the Hotel is out of character with regard to surrounding restaurants within Eastwood.**

Comment: The dining area is larger than surrounding restaurants, however it will not be solely used for the purposes of dining and it will also be utilised by patrons who wish to solely consume alcoholic beverage/s while being seated.

**The proposed hotel should not be approved until the pending Class1 Appeal against the deemed refusal of another hotel at 75 Rowe Street has been finalised.**

Comment: The application at 75 Rowe Street comprised the alterations and additions to an existing building and change of use to a pub and restaurant with a maximum capacity of 140 persons. The restaurant/pub (Moko Heather's Kitchen) will operate between the hours of Mondays to Saturdays 10am to Midnight and Sundays 10am to 10pm.

Moko Heather's Kitchen is a combined restaurant and pub, focusing primarily on providing a Korean dining experience, including the provision of cooking classes within the restaurant. The internal configuration of the restaurant and pub is more conducive to dining and includes a large dining area, private dining room and seating along two sides of the kitchen. The restaurant component will operate the same hours as the pub component as they are complimentary.

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

Moko Heather's Kitchen is considered to be a very different use to the proposal at 115 Rowe Street which is a traditional pub, where the focus is on the consumption of alcohol not dining. The internal configuration of the proposed pub at 115 Rowe Street reflects as such, comprising little connection between the dining areas and kitchen and having a bar as the prominent feature to the entry of the hotel and the seating areas.

Another difference between the two is the NSW Police supported Moko Heather's Kitchen subject to conditions of consent, whereas the proposal at 115 Rowe Street has not been supported by the NSW Police because of the adverse social issues, alcohol related crime and the impact upon the community.

Moko Heather's Kitchen at 75 Rowe Street was approved by the Land and Environment Court on the 1 June 2015.

The proposed application (Red Lantern Hotel) is recommended for refusal.

**The applicant owns the Eastwood Hotel and The Landmark Hotel, therefore three hotels within the Eastwood Town Centre would be owned by the one company if the subject application were to be approved, which is not conducive to a free market economy.**

Comment: This is not a relevant planning consideration.

**The existing Eastwood Hotel should reduce their hours of operation and adopt similar hours to that of the proposed hotel.**

Comment: The applicant has not applied to modify the hours of operation of the Eastwood Hotel. Any consideration of the hours of operation of the Eastwood Hotel is not relevant to Councils consideration of the subject proposal.

**The proposed venue is located in Eastwood Town Centre, which already has several licenced outlets within a concentrated area. Research shows a strong relationship between alcohol outlet density and higher rates of alcohol-related harm, particularly among young people. Further increasing the density of licensed venues in the Eastwood Town Centre precinct increases the risk of alcohol-related harm and would be likely to have an adverse impact on the wider community.**

Comment: Agreed. The application is recommended for refusal for reasons of alcohol related harm and adverse impacts upon the community. The NSW Police have raised several issues regarding adverse social impacts as indicated in their referral comments (See Referrals section of this report).

**ITEM 3 (continued)**

**8. SEPP1 (or clause 4.6 RLEP 2014) objection required?** No.

**9. Policy Implications**

**Relevant Provisions of Environmental Planning Instruments:**

**(b) State Environmental Planning Policy 64: Advertising & Signage**

SEPP 64 defines a '*building identification sign*' as follows:

*'a sign that identifies or names a building, and that may include the name of a business or building, the street number of a building, the nature of the business and a logo or other symbol that identifies the business, but that does not include general advertising of products, goods or services'*

The aims and objectives of SEPP 64 are stated in Part 1 Clause 3(1) as follows:

- (a) to ensure that signage (including advertising):
  - (i) is compatible with the desired amenity and visual character of an area, and
  - (ii) provides effective communication in suitable locations, and
  - (iii) is of high quality design and finish, and
- (b) to regulate signage (but not content) under Part 4 of the Act, and
- (c) to provide time-limited consents for the display of certain advertisements.

SEPP 64 Part 2 Clause 8 states the following:

*A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:*

*that the signage is consistent with the objectives of this Policy as set out in Clause 3(1)(a), and; that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.*

<b>SCHEDULE 1 – ASSESSMENT CRITERIA</b>	
<b>1 Character of the area</b>	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	No - the signage, particular the flush wall signs (no.7 and no. 8) and the vertical projecting wall signs (no. 1 and no. 2) are not compatible with existing/ future character of Rowe Street or the Eastwood Town Centre.



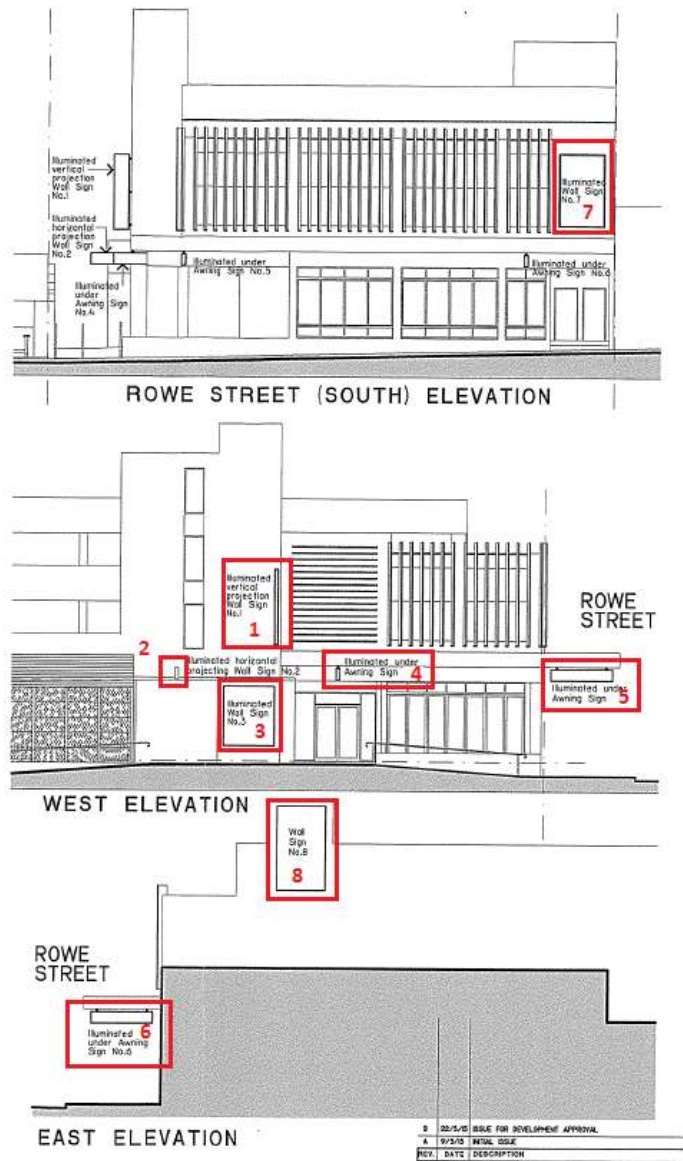
**ITEM 3 (continued)**

**SCHEDULE 1 – ASSESSMENT CRITERIA**

Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?

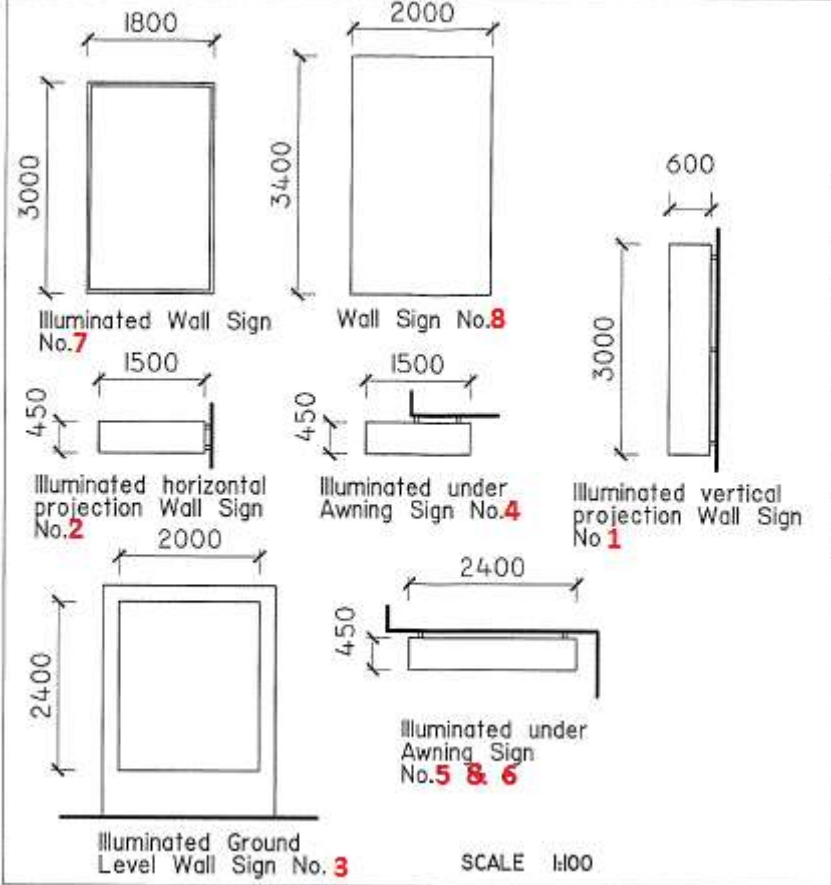
Rowe Street and the Eastwood Town Centre is characterised by a variety of signage type. However flush wall signs associated with the new building are located above the awning and are not consistent with other business identification signage within Rowe Street, nor are projecting wall signs.

Therefore, the proposed signage (detailed in the elevations below) is considered to be inconsistent with the particular theme for outdoor advertising in the area.



**ITEM 3 (continued)**

**SCHEDULE 1 – ASSESSMENT CRITERIA**

	
<p><b>2 Special areas</b></p>	
<p>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</p>	<p>As mentioned above, the proposed signage is inconsistent with the particular theme for outdoor advertising within the Eastwood Town Centre.</p>
<p><b>3 Views and vistas</b></p>	
<p>Does the proposal obscure or compromise important views?</p>	<p>The site is not located within any existing nominated vista.</p>
<p>Does the proposal dominate the skyline and reduce the quality of vistas?</p>	<p>The signage will not dominate the skyline.</p>

**ITEM 3 (continued)**

<b>SCHEDULE 1 – ASSESSMENT CRITERIA</b>	
Does the proposal respect the viewing rights of other advertisers?	The sign would not compromise the viewing rights of other advertisers.
<b>4 Streetscape, setting or landscape</b>	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	No – the location of the proposed flush wall signs and type of signage (projecting wall signs) are not consistent with the streetscape.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	No. See comment above.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	No – the proposed signage contributes to the visual clutter.
Does the proposal screen unsightliness?	No.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No – the proposed signage will not protrude above the building/structure.
Does the proposal require ongoing vegetation management?	No
<b>5 Site and building</b>	
Is The proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	No - the location of the proposed flush wall signs and type of signage (projecting wall signs) are not consistent with the streetscape nor the building use.
Does the proposal respect important features of the site or building, or both?	Yes – except for the signs previously mentioned.
Does the proposal show innovation and imagination in its relationship to the site or building, or both	Yes - except for the signs previously mentioned.

**ITEM 3 (continued)**

<b>SCHEDULE 1 – ASSESSMENT CRITERIA</b>	
<b>6 Associated devices and logos with advertisements and advertising structures</b>	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Unknown.
<b>7 Illumination</b>	
Would illumination result in unacceptable glare?	No.
Would illumination affect safety for pedestrians, vehicles or aircraft?	No.
Would illumination detract from the amenity of any residence or other form of accommodation?	No.
Can the intensity of the illumination be adjusted, if necessary?	Not proposed.
Is the illumination subject to a curfew?	N/A - The application is recommended for refusal.
<b>8 Safety</b>	
Would the proposal reduce the safety for any public road?	No.
Would the proposal reduce the safety for pedestrians or bicyclists?	No.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No.

**ITEM 3 (continued)**

Clause 18 of the SEPP stipulates advertisements greater than 20 square metres and within 250 metres of, and visible from, a classified road, Council must not grant development consent to the display of an *advertisement* to which this clause applies without the concurrence of the RTA.

The definition of advertisement, as defined by the SEPP, is as follows:

*advertisement means signage to which Part 3 applies and includes any advertising structure for the advertisement.*

*Part 3 - Advertisements to which this Part applies*

*This Part applies to all signage to which this Policy applies, other than the following:*

- (a) business identification signs,*
- (b) building identification signs,*
- (c) signage that, or the display of which, is exempt development under an environmental planning instrument that applies to it,*

The proposed signage types are defined as a building identification signs and as such, clause 18 is not applicable.

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

Under Ryde LEP 2014, the property is zoned B4 Mixed Use, and the proposed *pub* is permissible with Council's consent.

**Aims and objectives for B4 Mixed Use Zone:**

- 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.*
- 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.*

Comment: The first two objectives are applicable to this development. Although a pub is a permitted use in the zone, in this instance the pub is considered incompatible with the adjoining land uses. The pub will result in the suburb of Eastwood having 4 of 9 hotel licences within the Ryde Local Government Area (LGA). Three out of the four hotel licences would be on Rowe Street and the fourth (Landmark Hotel) is within 300m, on the western side of Eastwood Train Station. This would contribute to a cluster of pubs/hotels and result in negative social impacts, including increased alcohol availability in an area (Eastwood) where alcohol related crime, street offences

**ITEM 3 (continued)**

and anti-social behaviour are higher than any other suburb in the command or local government area.

In regard to the second objective, the pub will result in shortfall of ninety three (93) car parking spaces and increase the demand for already limited street car parking and contribute to traffic congestion within Rowe Street and the Eastwood Town Centre.

The following is a summary of the clauses under Ryde LEP 2014 applicable to the development.

Ryde LEP 2014	Proposal	Compliance
<b>4.3(2) Height</b>		
15.5m	13.42m	Yes
<b>4.4(2) &amp; 4.4A(1) FSR</b>		
A floor space ratio is not specified for the subject site.	N/A	

**Clause 6.3 Flood Planning**

(2) *This clause applies to:*

- (a) *land identified as "Flood Planning Area" on the [Flood Planning Map](#), and*
- (b) *other land at or below the flood planning level.*

(3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*

- (a) *is compatible with the flood hazard of the land, and*
- (b) *will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) *incorporates appropriate measures to manage risk to life from flood, and*
- (d) *will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
- (e) *is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

(4) *A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.*



### ITEM 3 (continued)

(5) *In this clause:*

***land at or below the flood planning level*** means land at or below the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

Comment: Councils City Works and Infrastructure Engineer (stormwater) has raised no objections in respect of the development application.

#### (d) Any draft LEPs

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

#### (e) Ryde Development Control Plan 2014

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 Check contained in **Attachment 1**. The following is an assessment of the non-compliances of the subject DA against the key components of the DCP2014.

##### Part 4.1 Eastwood Town Centre, Ryde Development Control Plan 2014:

- **Section 3.3.1 (Setbacks) of the DCP prescribes the following:**

- c) New buildings are to have street frontages built predominantly to the street alignment (front boundary) for up to 9.5m measured from the street level.*
- d) Buildings may be constructed to the side and rear boundaries for up to 9.5m from street level.*
- e) Buildings (including balconies) must be setback a minimum of 3m from all boundaries above 9.5m from street level.*

Comment: The proposed part three (3) and part four (4) storey building incorporates the following setbacks from the property boundaries:

*Southern boundary:* The building is proposed to be built up to the Rowe Street boundary to a height of 9.59m, thereafter the building is setback 3m from the front boundary. **Non-compliance.**

*Western side boundary:* The proposed building is setback between 1000mm – 3000mm from the western side boundary. **Non-compliance.**

*Eastern side boundary:* Nil setback is provided. The eastern elevation has a predominant maximum height of 10.59m, increasing to 12.59m at the southern end of the building. **Non-compliance.**

### ITEM 3 (continued)

*Northern rear boundary:* Nil setback is provided up to a height of 7.94m, thereafter the building is setback well in excess of 3m from the rear boundary. **Complies.**

However, the non-compliances are considered minor and worthy of support as they do not result in a bulk or scale that is out of character with the variety of building forms within Rowe Street.

- **Section 3.4.1 (Parking design and location) of the DCP prescribes the following:**

- a) *Car parking should be located below ground level. Where this is not practicable (e.g. due to flood impacts) parking must not be visible from the street.*

Comment: The subject site is flood affected and basement parking (below ground level) is not possible, thus the application proposes three levels of above ground car parking. However, the proposal fails to adequately screen the three levels of car parking (above ground), creating an undesirable streetscape element within Rowe Street and the Eastwood Town Centre.

Therefore, it is recommended that the vertical screening element applied to the multiple levels of car parking within the Rowe Street elevation be extended to the entire western and northern elevation of the parking component.

- **Section 3.6 (Signage) of the DCP prescribes the following restrictions and dimensional requirements for signage within the Eastwood Town Centre:**

*Under-Awning Signs*

*Should not exceed:*

- a. *One per five (5) metres of street frontage; and*
- b. *2.4 metres in length and 0.3 metres in height.*

*Flush Wall Signs*

*Should not exceed a maximum of five (5) square metres.*

Comment: The proposed flush walls signs, no. 7 and no. 8 have an overall area (sqm) of 5.4sqm and 6.8sqm respectively, exceeding the maximum prescribed area of 5sqm. Further, the flush walls signs are located above the awning and inconsistent with other business identification signage types within Rowe Street.

The proposed under awning signs are 450mm in height, contrary to the control which restricts the maximum height of the signs to 300mm.

### ITEM 3 (continued)

The non-compliances with regards to signage dimensions could be addressed via a condition of consent, however the application is recommended for refusal.

- **Section 3.7.6 (External lighting of buildings) of the DCP prescribes the following controls:**

- a. *Any external lighting of buildings is to be considered with regard to:*
  - i. *The integration of external light fixtures with the architecture of the building (for example, highlighting external features of the building);*
  - ii. *The contribution of the visual effects of external lighting to the character of the building, surrounds and skyline;*
  - iii. *The energy efficiency of the external lighting system; and*
  - iv. *The amenity of residents in the locality.*

Comment: The external lighting details for the multiple levels of above ground car parking have not been provided, however this can be addressed via a condition of consent requiring lighting to be provided to minimise light spillage and glare.

#### Part 8.2 Stormwater, Ryde Development Control Plan 2014:

Comment: The applicant has provided a stormwater concept plan for the new development, including relocation of an existing stormwater pipe that traverses the site. However, the applicant has failed to provide adequate detail on the concept plans and the following issues were identified by Councils City Works and Infrastructure Engineer (stormwater):

- The proposal fails to provide details of a drainage easement that is required to be created.
- The proposal fails to demonstrate that any building, eave or permanent structure (existing and/or proposed) does not encroach the deemed drainage easement.
- The proposal fails to specify the location of new drainage pits.

Therefore, the proposal is considered to be inconsistent with the DCP.

#### Part 9.1 Signage, Ryde Development Control Plan 2014:

- **Section 4.0 of the DCP prescribe illustrations (where possible), definitions and controls with respect to all types of signage referred to in this DCP. More specifically it prohibits signage types through the city of Ryde.**

Comment: Two projecting wall signs are proposed (no. 1 and no. 2) which are listed as prohibited signage types throughout the City of Ryde.

### ITEM 3 (continued)

The non-compliance could be addressed via a condition of consent, however the application is recommended for refusal.

#### Part 9.3 Car Parking, Ryde Development Control Plan 2014:

Section 2.3 of Part 9.3 of the Ryde DCP 2014 prescribes rates for car parking for non-residential land uses. More specifically section 2.3 provides the following car parking rates for Pubs and Registered Clubs.

***“Pub and Registered Club***

*1 space / 5 m<sup>2</sup> GFA, AND*

*1 space / 10 m<sup>2</sup> GFA auditorium and games rooms*

*See also Hotel Accommodation above “*

Comment: The required parking for the proposed development is as follows:

**Total Required Pub** – 96 based on GFA of 476m<sup>2</sup>

**Total Required Gaming** – 15 based on a Games Room GFA of 141.7m<sup>2</sup> (round up as per DCP)

**Total Spaces required for new hotel** – 111

The development also involves the removal of 27 car spaces previously allocated to the Eastwood Hotel.

Therefore, the **total spaces required for both hotels is 138 car spaces.**

**The development proposes 45 car spaces** for the existing Eastwood Hotel and the New Red Lantern Hotel.

27 of the proposed 45 car spaces must be allocated to the Eastwood Hotel as per development consent (LDA2012/248), therefore only 18 spaces are available to the proposed hotel – Red Lantern Hotel. Therefore, the proposal results in a shortfall of 93 car spaces (111 minus 18).

However, the applicant submitted a Traffic and Parking report prepared by *Traffix – Traffic and Transport Planners* dated 29/05/15 and based the rate of parking provision on the rate provided within their own determined rate of three spaces per 100sqm. This estimate of parking demand was based on a rate established from a Marrickville Hotel. Considering the development adjoins the Eastwood Hotel, it would therefore be appropriate that the parking demand of the Eastwood Hotel would provide a far more accurate portrayal of the parking demand of the development.

### ITEM 3 (continued)

The shortfall in car parking was raised in Council's letter to the applicants and the applicant was requested to provide an updated traffic and parking assessment report to support the proposal. This however has not been provided. In these circumstances Council can only rely on its DCP parking rate to determine the appropriate amount of car parking. Based on the DCP requirements the development provides a shortfall of ninety three (93) parking spaces.

#### Section 94 – Development Contributions Plan 2007 (if applicable)

Council's current Section 94 Development Contributions Plan 2007 (2010 Amendment) (adopted 16 March 2011) requires a contribution for the provision of various additional services required as a result of increased development density. The contribution is based on the floor area of the new hotel-pub which is considered to be a 'retail use' within *Table 1.2 Summary Schedule – Contributions by Development Type and Location*.

The contribution that is payable with respect to the gross floor area on the subject site (being for a hotel-pub outside the Macquarie Park Area) is as follows:

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
Community & Cultural Facilities	\$12,197.35
Open Space & Recreation Facilities	-
Civic & Urban Improvements	\$19,395.88
Roads & Traffic Management facilities	\$ 5,468.42
Cycleways	\$ 1,655.97
Stormwater Management Facilities	\$ 7,556.92
Plan Administration	\$ 444.89
<b>The total contribution is</b>	<b>\$46,719.42</b>

However, the proposed hotel-pub provides insufficient on site car parking in accordance with the DCP parking rate as discussed in the DCP non-compliance section. The proposal results in a shortfall of ninety three (93) car spaces and therefore a parking contribution of \$35, 755.16 per car space is required, equating to a contribution of **\$3,325,229.30** (93 x \$35, 755.16).

Should the application be recommended for approval, a total Section 94 Contribution of **\$3,371,948.30** (\$3,325, 229.30 + \$46,719.42) would be applicable.

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

#### **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.

The proposed pub and multiple levels of above ground car parking represent a similar bulk and scale to that of the existing and recently constructed mixed use developments within Rowe Street, Eastwood.

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

##### **(b) Natural Environment**

Given the nature of the proposed development being for the construction of a new pub and car parking within an existing built environment, it is considered there will be no significant negative impact upon the natural environment as a result of the proposal.

##### **(c) Social Impact**

As indicated in comments received from the NSW Police and submissions received, the proposal will have a range of adverse social impacts. These impacts include:

- The addition of another hotel results in a significant cluster of hotels and other on-licence premises within a 300 metre radius. The proposed hotel will result in the suburb of Eastwood having 4 of 9 hotel licences within the Ryde Local Government Area (LGA). Three out of the four hotel licences would be on Rowe Street and the fourth (Landmark Hotel) is within 300m, on the western side of Eastwood Train Station. The increased clustering of hotels and other licensed venues which the proposal exacerbates, increases the likelihood of excessive alcohol consumption and alcohol related harms.
- Clustering hotels and other on-licence premises will lead to excessive consumption and patron migration and have a cumulative effect, impacting amenity, safety and security of the locality.
- The increased density and clustering of licensed premises is linked to increased incidences of alcohol related crime, antisocial behaviour and other social harms.



**ITEM 3 (continued)**

- The immediate locality already has crime hot spots for alcohol related Assault (Non-Domestic), Malicious Damage, Theft (Break and Enter Non-Dwelling) and Robbery areas in the immediate proximity of the other three hotels, train station and Eastwood Town Centre. These problems will be exacerbated by the approval of another hotel.
- The suburb of Eastwood contains groups of people more susceptible to alcohol related harm including; particularly, 'people from non-English speaking background' (NESB). Eastwood has a substantially higher proportion of persons from a NESB compared to the NSW average.

As a result of the adverse social impacts, the development application is recommended for refusal.

**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 overland flow. Council's City Works and Infrastructure Engineer raised no objection with regards to flooding.

In this regard the subject site is considered to be suitable when having regard to environmental planning hazards.

The proposed pub is a permissible form of development on the subject site, under the provisions of the LEP2014.

However, the proposal results in a large parking non-compliance that includes a shortfall of ninety three (93) car spaces and a number of other DCP noncompliance's with regard to signage, parking design and stormwater.

More importantly, the proposed pub is considered to result in significant adverse alcohol-related social impacts and increase the risk of alcohol related harm. Additionally, the proposal is likely to adversely impact upon the amenity, safety and security of the local community, particularly within the Eastwood Town Centre.

Given the above, it is considered that the proposed development is not suitable for the subject site.

**12. The Public Interest**

Having regard to the assessment contained in this report, it is considered that approval of the development is not in the public interest.

### ITEM 3 (continued)

#### 13. Consultation – Internal and External

##### Internal Referrals

**Senior Development Engineer:** Council's Senior Development Engineer has raised concerns with the proposed number of onsite parking spaces and provided the following comment:

*The development will construct the new pub establishment over an existing parking area which currently provides 27 parking spaces. As part of the development, the works will involve the incorporation of a loading bay inside the property and 45 parking spaces in multilevel parking.*

*With respect to Councils DCP requirements, the development requires the following parking to be provided;*

<b>Type</b>	<b>Parking Rate</b> <i>(1 cspace per ... m<sup>2</sup>)</i>	<b>Quantity</b> <i>(m<sup>2</sup>)</i>	<b>Parking Required</b>
<i>Pub / Registered Club</i>	5	476.2	95.25 (96)
<i>Gaming Area</i>	10	141.7	14.17 (15)

*Rounding up, the development would warrant 111 (96 +15) parking spaces.*

*The applicant has presented a parking analysis in the submitted traffic report which broadly presents;*

- Existing onstreet parking conditions present a very high occupancy rate, varying approximately from. 91% @ 4pm, peaking at 98% @ 7pm and reducing to 82% @ 9:30pm.*
- A parking survey undertaken on a Friday and Saturday evening of the existing carpark presented parking occupancy rates of 40.7% - 51.9% (Friday evening) and 40.7% - 59.3% (Saturday evening).*
- Comparative parking surveys of other Hotel establishments have been presented. A Hotel in Narellan (to depict the maximum parking demand, distanced from public transport) with a resulting parking rate of 8.47 spaces per 100m<sup>2</sup> and a Hotel in Marrickville which generated a parking rate of 3 spaces per 100m<sup>2</sup>. The consultant has therefore presented that a rate of 3 parking spaces per 100m<sup>2</sup> would be appropriate to adopt.*

*In regard to the consultants parking demand estimate, the analysis relied on data from the Marrickville Hotel. This is not considered appropriate given the likely variations in travel modes, public transport options as well as the number and proximity of similar establishments in the respective areas when comparing both establishments.*

### ITEM 3 (continued)

*In summary, the consultant presents 2 scenarios of how the existing parking spaces are may be considered in the assessment of this development. These are;*

- *Scenario 1 presents that the Eastwood Hotel parking demand is to be disregarded. Subtracting this from the 45 spaces provided then yields 18 parking spaces available to the development.*
- *Scenario 2 presents that the existing parking occupancy of the Eastwood Hotel carpark allows a number of spaces to be utilised. It presents that carpark survey observed a maximum occupancy rate 16 parking spaces, therefore allowing 11 spaces to be utilised by the new development. Accordingly the proposal would therefore provide a total of 29 parking spaces (45 less 16 spaces occupied by Eastwood Hotel patrons).*

*Considering that the existing parking area access is limited to VIP members of the Eastwood Hotel gaming auditorium, it does not portray the actual parking demand of the Hotel. It is appropriate then that the existing 27 parking spaces should be discounted from the proposed parking capacity, leaving 18 parking spaces allocated for the proposed development. As such, the development presents a **parking shortfall of 93 spaces by the DCP parking rates.***

**Environmental Health Officer:** Council's Environmental Health Officer has raised no objection to the application subject to 58 conditions of consent.

**City Works and Infrastructure Engineer (Stormwater):** Council's City Works and Infrastructure Engineer (stormwater) has raised no objection to the application subject to five (5) conditions of consent.

**City Works and Infrastructure Engineer (Public Domain):** Council's Councils City Works and Infrastructure Engineer (public domain) has raised no objection to the application subject to 10 conditions of consent.

**Building Surveyor:** Council's Building Surveyor has raised no objection to the application.

**Heritage Advisor:** Council's Heritage Advisor has raised no objection to the application.

#### External Referrals

**NSW Police - Ryde Local Area Command:** The Police raised significant concerns with regards to alcohol related harm and operational issues, and do not support the proposal in its current form. Comments from the NSW Police received in relation to this development application stated the following:

**ITEM 3 (continued)**

*'Police object to the approval of this application due to the following reasons:*

- It will result in negative social impacts. Police submit that should the suburb of Eastwood continue to increase the number of licensed premises within the area the alcohol related crime will continue to increase. As shown in other Local Area Commands within the state.*
- The site is unsuitable for this development. The premises are located within an alcohol free zone. The premise is located in a suburb that already has 58 licensed premises, many of which provide the services as proposed to be provided by this development.*
- It is not in the public interest for this application to be approved. It will result in increased alcohol availability in an area (Eastwood) where alcohol related crime, street offences, anti-social behaviour are higher than any other suburbs in the command or Local Government Area. There are sufficient existing liquor outlets to provide for the needs of the community. With this proposed development not offering any other service that isn't already available in the close vicinity. There is no community demand for any further hotels within the suburb'.*

A copy of the NSW Police comments is attached to the report (**Attachment 2**).

**14. Critical Dates**

On 21 January 2016, Council received formal notice of an appeal lodged in the Land and Environment Court against Council's deemed refusal of this DA.

According to this notice of appeal, this matter is listed for a Section 34 Conciliation conference on 12 April 2016.

**15. Financial Impact**

Given that an appeal has been lodged in relation to this DA, there are now financial impacts which vary according to how Council determines the DA. If Council adopts the recommendation of refusal, then costs will be incurred in Council's defence of the appeal. This will include engaging external consultants to support any recommendation of refusal, including in this case town planning, social planning and traffic/development engineering consultants, should this matter proceed to a full hearing. Past experience indicates that the total costs of Council's defence of this appeal could be in the order of \$50,000.

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

Conversely, if Council decides to approve this DA and vote against the recommendation for refusal, the applicants would discontinue the appeal in the Court upon Council's approval of the DA, which would end the matter relatively quickly. Costs for Council in this scenario would normally be limited to under \$3000.

### **16. Other Options**

The recommendation in the report in this matter is refusal.

The only practical alternative to this recommendation would be approval subject to conditions. In this regard, a deferred commencement consent is provided at **Attachment 3**. This consent includes conditions that the applicant must address prior to the activation of the consent such as a revised a plan of management and details of screening to the parking component of the building. If the consent is activated the applicant will be required to pay a Section 94 contribution in excess of three million dollars in lieu of the parking shortfall of ninety three (93) car spaces.

### **17. Conclusion**

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

An assessment of the proposal in terms of the controls contained in DCP 2014 has identified several areas of non-compliance namely no. of car parking spaces, parking design, signage building setbacks, stormwater and external lighting. The proposal is considered unacceptable in terms of these controls, particularly the parking non-compliance that includes a shortfall of ninety three (93) car spaces.

Furthermore, the proposed pub is considered to result in significant adverse alcohol-related social impacts and increase the risk of alcohol related harm. Additionally, the proposal is likely to adversely impact upon the amenity, safety and security of the local community, particularly within the Eastwood Town Centre.

The proposal has been notified and advertised in accordance with DCP 2014 and three (3) submissions have been received. Several valid issues of concern have been raised in the submissions including no. of licensed outlets, social impacts and adverse impacts upon the local community.

On balance, the proposal is considered unacceptable and refusal is recommended.

**ITEM 3 (continued)**

**ATTACHMENT 1**

**Part 4.1 – Eastwood Town Centre DCP 2014**

The development has been considered under this section of the DCP which applies to the Eastwood Town Centre.

DCP 2014	Proposed	Complies
<b>Section 3.0 – Eastwood Urban Village</b>		
<b>3.1 Mixed use development</b>		
a. Active public uses, such as restaurants, cafes, community facilities, entries to business premises and retail should be located at street level. Refer also section 3.5.1 of this DCP	Yes – The development has incorporated active public uses along the Rowe Street frontage by providing an entry to the hotel as well as outdoor seating.	Yes
d. Buildings are to designed to overlook public and communal streets and other public areas to provide casual surveillance.	The proposed building overlooks Rowe Street.	Yes
f. Sufficient lighting is to be provided to all pedestrian ways, building entries, driveways and car parks to ensure a high level of safety and security for residents	This level of detail has not been provided at the DA stage. If the development were to be supported, a condition could be imposed requiring further details to be submitted.	No
g. Pedestrian and communal areas to be well lit and designed to minimise opportunities for concealment.	As above.	
i. The use of outdoor restaurant seating whether on private or public land is a favoured land use in the urban village. Applicants should refer to	The development has provided outdoor seating within the property boundaries fronting Rowe Street.	Yes



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<b>DCP 2014</b>	<b>Proposed</b>	<b>Complies</b>
<p>Council's Footpath Activity Policy and Outdoor Dining Policy.</p> <p><b>3.2 Flooding and Stormwater Management</b></p> <p>a. A stormwater inundation impact assessment and stormwater management strategy is to be submitted for all developments to the satisfaction of Council.</p> <p>b. Floor levels within any new development should be a minimum of 300mm above the calculated flood level for the 100 year ARI event.</p> <p>c. Developments should comply with Part 8.2 Stormwater Management and Part 8.6 Floodplain Management of this DCP for flood controls for Eastwood/Terry's Creek Flood Plain.</p>	<p>Councils Public Works Unit supported the proposal subject to draft conditions of consent.</p> <p>See above.</p> <p>See above.</p>	<p>Yes</p>
<p><b>3.3 Architectural Characteristics</b></p> <p><u>3.3.1 Setbacks</u></p> <p>a. Buildings must comply with the maximum height limit shown on the Height of Buildings Map under Ryde Local Environmental Plan 2014.</p>	<p>A maximum height of 15.5m is permitted on the subject site. The proposed building is 13.42m.</p>	<p>Yes</p> <p>No</p>

**ITEM 3 (continued)**

**ATTACHMENT 1**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Complies</b>
<p>b. Setbacks at the upper levels shall be provided. Parapets, fronting retail/pedestrian priority streets (see Section 3.5) should reflect existing predominant parapet lines.</p> <p>c. New buildings are to have street frontages built predominantly to the street alignment (front boundary) for up to 9.5m measured from the street level.</p> <p>d. Buildings may be constructed to the side and rear boundaries for up to 9.5 m from street level.</p> <p>e. Buildings (including balconies) must be setback a minimum of 3 m from all boundaries above 9.5 m from street level.</p>	<p>Setbacks at the car parking upper levels have not been provided, proposing a nil setback from Rowe Street. However, no objection is raised to this non-compliance.</p> <p>The proposed building is built up to the Rowe Street boundary to a height of 9.59m, thereafter the building is setback 3m from the front boundary. However no objection is raised to this non-compliance.</p> <p><u>Western side boundary:</u> Beyond 9.5m in height, the building is setback between 1000 – 3000mm</p> <p><u>Eastern side boundary:</u> Nil setback is provided. The eastern elevation has a predominant maximum height of 10.59m, increasing to 12.59m at the southern end of the building.</p> <p><u>Northern rear boundary:</u> Complies.</p> <p>The development does not comply with the setback controls for the western and eastern side boundary. The non-compliance is generally restricted to the lift, plant room or parapet of the upper level of the car park. As the</p>	<p>No</p> <p>No</p> <p>No</p> <p>Yes</p>

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**ATTACHMENT 1**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Complies</b>
<p><u>3.3.2 Urban Design/Exterior Finishes</u></p> <p>a. Building exteriors are to be designed to avoid extensive expanses of blank glass or solid wall.</p> <p>c. The siting and configuration of buildings should take into account the impact on surrounding development and public spaces in terms of amenity, shadowing and visual privacy. In this regard at least 2 hours of sunlight access must be maintained in public spaces in Rowe Street.</p> <p>d. The tops of buildings are to be designed so that they:</p> <p>i. Integrate with the design of the building and conceal plant and equipment; and</p> <p>ii. Promote a visually distinctive and interesting skyline.</p>	<p>development complies with the 15.5m height control, no objection is raised to the setbacks as proposed.</p> <p>The proposed building incorporates glass on the ground floor only, the three storeys above are for car parking and comprise solid concrete walls with timber panelling (vertical) along the Rowe Street elevation and a small portion of the western elevation (side).</p> <p>A minimum of two hours sunlight is provided to public spaces within Rowe Street.</p> <p>The top of the building comprises an uncovered storey of car parking and the lift overrun. The lift overrun is setback from the Rowe Street frontage and will not detract from the top of the building.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p>

**ITEM 3 (continued)**

**ATTACHMENT 1**

DCP 2014	Proposed	Complies
<p><b>3.4 Access &amp; Parking</b></p> <p><u>3.4.1 Parking Design and Location</u></p> <p>a. The creation of additional on-street car parking is encouraged. Opportunities to amplify on-street car parking through reconfiguration of car spaces (i.e. angled parking) should be explored with Council.</p> <p>b. Car parking should be located below ground level. Where this is not practicable (e.g. due to flood impacts) parking must not be visible from the street.</p> <p>c. In order to minimise vehicular conflict between residents' delivery and customer vehicles, car parking associated with residential uses should be separated from parking for other land uses.</p>	<p>No additional on-street car parking is proposed. However, the development does not result in a reduction in the number of on street car parking spaces.</p> <p>Three levels of car parking are located entirely above ground as the site is flood affected. However, the car parking is visible from the street and presents as an undesirable streetscape element within Rowe Street. If this application were to be approved it would necessary to include a condition to require further screening on the western (side) and northern (rear) elevations.</p> <p>N/A – No residential car parking component is proposed as part of the development.</p>	<p>No</p> <p>Yes</p>

**ITEM 3 (continued)**

**ATTACHMENT 1**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Complies</b>
<p><u>3.4.2 Location of Vehicle Access and Footpath crossings</u></p> <p>a. New vehicle access points are restricted in retail/pedestrian priority streets. Where practicable, vehicle access is to be from lanes and minor streets rather than major pedestrian streets or major arterial roads such as Rutledge Street, First Avenue, or Blaxland Road.</p> <p>b. Service vehicle access is to be combined with parking access and limited to a maximum of one access point per building.</p>	<p>Vehicle access to the proposed hotel and associated car parking is from Rowe Lane.</p> <p>Service vehicle access is separate to the parking access which represents a noncompliance. However, the proposed service vehicle access will be shared by the Eastwood Hotel and the Red Lantern Hotel. This is a better outcome as previously the Eastwood Hotel loaded/unloaded goods from Rowe Lane. Therefore, no objection is raised to the separate service vehicle and parking access.</p>	<p>No</p> <p>No</p>
<p><u>3.4.2 Design of Vehicle Access</u></p> <p>a. Vehicle access is to be a single crossing, perpendicular to the kerb alignment.</p>	<p>Vehicle access is provided via two crossings side by side, within Rowe Lane. One provides access to the three levels of above ground car parking and the second access point is for delivery vehicles, including the delivery of alcohol ie kegs of beer. No objection is raised to the multiple vehicle crossings for the reasons described above.</p>	<p>Yes</p> <p>Yes</p>

**ITEM 3 (continued)**

**ATTACHMENT 1**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Complies</b>
<p>b. Vehicle access ramps parallel to the street frontage will not be permitted</p> <p>c. Active uses or items of visual interest above vehicle access points are required in the horizontal line of sight of pedestrians.</p> <p>d. Vehicle entries to buildings are to be well designed and include high quality finishes to walls and soffit. No service ducts or pipes are to be visible from the street.</p>	<p>The vehicle ramp is not parallel to the street.</p> <p>Vehicle access points are within Rowe Lane, however the primary pedestrian thoroughfare is within Rowe Street. Therefore, the rear elevation (Rowe Lane) is considered satisfactory.</p> <p>This level of detail has not been provided on plans submitted, however vehicle access is via a rear lane.</p>	<p>Yes</p>
<p><b>3.5 Pedestrian Access &amp; Amenity</b></p> <p><u>3.5.3 Public Domain Finishes</u></p> <p>a. Developments which entail the provision of new public spaces (e.g. streets, footpaths, walkways and the like) will need to incorporate new paving and street furniture that is at the developers cost and in accordance with the Ryde Public Domain Technical Manual.</p>	<p>Council has already upgraded the public domain along Rowe Street. Conditions will be imposed to require the replacement of the driveway on the street frontage with finishes consistent with Councils Public Domain Plan.</p>	<p>Yes</p>



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<b>DCP 2014</b>	<b>Proposed</b>	<b>Complies</b>
<p><u>3.5.4 Landscaping &amp; trees</u></p> <p>a. Development proposals, incorporating landscaped elements, are to be accompanied by a landscape plan. Where the development comprises mixed uses or is 2 or more storeys the landscape plan should be prepared by a qualified landscape architect.</p> <p>c. Ground level entries should be well lit and not obstructed by planting in a way that reduces the actual or perceived personal safety and security of centre residents or pedestrians.</p> <p>d. Street trees shall be provided in accordance with the <i>Ryde Public Domain Technical Manual</i> and shall be provided at the developers' cost in conjunction with any new building work involving additional floor space.</p> <p>f. Where a proposal involves redevelopment of a site with a frontage of at least 40m to a public road, the developer shall arrange for electricity and telecommunications utilities to be undergrounded along the entire length of all street frontages. Such utility modifications will be carried out to the satisfaction of the responsible authority (e.g. Energy Australia).</p>	<p>The landscaping works proposed on the site are limited, however the landscape plan is deemed adequate when considering the proposed use is for a hotel rather than a mixed use development.</p> <p>The ground level entry to the hotel is clear.</p> <p>No street trees are proposed to be provided within the frontage of the site as per Councils Public Works Unit referral comments.</p> <p>The subject site has a frontage of less than 40m.</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p>

**ITEM 3 (continued)**

**ATTACHMENT 1**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Complies</b>
<p><u>3.5.5 Awnings and Weather Protection</u></p> <p>a. Buildings with frontage to any street must incorporate an awning or other form of weather protection along that boundary.</p> <p>c. The height of a colonnade, awning or covered way shall not be less than 3 metres or greater than 4.5 metres measured to the soffit.</p> <p>d. The width of a colonnade, awning or covered way shall not be less than 3 metres.</p> <p>e. Any new awnings should:</p> <p>i. Be continuous for the entire length of the site frontage;</p> <p>ii. Be set back from the face of the kerb by 0.6m;</p> <p>iii. Have cut-outs of 1m wide by 1m deep to accommodate street trees, where the frontage is proposed to accommodate a street tree in accordance with the master plan or any public domain improvement plan;</p> <p>iv. Be weather sealed to the face of the building to which they are attached and to the adjoining awnings;</p>	<p>An awning along the Rowe Street frontage has been provided.</p> <p>The maximum height of the awning ranges from 3.8m – 4.286m to the underside of the awning.</p> <p>The awning is a minimum width of 3m.</p> <p>The proposed awning spans for the entire width of the frontage</p> <p>A setback of 600mm from the kerb is provided.</p> <p>No cut outs within the awning for street trees have been proposed.</p> <p>To be addressed via a condition of consent if the application was recommended for approval.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes. No street trees are proposed to be provided as per Councils Public Works Unit referral comments.</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

**ITEM 3 (continued)**

**ATTACHMENT 1**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Complies</b>
<p>v. Have a height clearance above the footpath level of at least 3m or a height consistent with adjacent awnings; and</p> <p>vi. Maintain sufficient clearances from any overhead electricity or telecommunications installations.</p>	<p>A minimum clearance of 3m is provided.</p> <p>Complies</p>	
<b>Section 3.6 Signage</b>		
<p>a. Signage shall relate to the use of the building on which it appears.</p> <p>b. Architectural features of the building shall be considered in the design of the advertising sign or structure. Signs shall not obscure decorative forms or mouldings and should observe reasonable separation distance from the lines of windows, doors, parapets, etc.</p> <p>c. Signs should be of a size and proportion which complement the scale of the existing façade, as well as surrounding buildings and signs. Care should be taken in the design, size and positioning of signs above awning level.</p>	<p>The proposed flush wall signage, projecting wall signage and under awning signage appear to relate to the proposed use, however the detail of the signage writing and materials has not been provided.</p> <p>The signage does not obscure decorative features, mouldings and appear to be reasonably separated from each other.</p> <p>The location, type, size and illumination of the proposed signage is generally considered to be consistent with the existing signage within Rowe Street and the Eastwood Town Centre, except for the flush wall signs no. 7 and no. 8 as they are located above the</p>	<p>No. Insufficient information provided.</p> <p>Yes</p> <p>No</p>

**ITEM 3 (continued)**

**ATTACHMENT 1**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Complies</b>
<p>d. Signage must comply with the following restrictions and dimensional requirements:</p> <p><b>i. Under-Awning Signs</b></p> <p>Should not exceed</p> <p>a. One per five (5) metres of street frontage; and</p> <p>b. 2.4 metres in length and 0.3 metres in height</p> <p><b>ii. Flush Wall Signs</b></p> <p>Should not exceed a maximum of five (5) square metres.</p>	<p>awning and are not consistent with other business identification signage within Rowe Street.</p> <p>The proposed signage includes: flush wall signage, projecting wall signage and under awning signage.</p> <p>Two under awning signs are proposed within the Rowe Street frontage which spans 22.55m and a further sign is proposed within the western side setback above the entry to the hotel.</p> <p>The under awning signs facing Rowe Street have dimensions of 2400mm x 450mm, while the sign within the side setback has dimensions of 1500mm x 450mm.</p> <p>Sign 3: 2400mm x 2000mm (4.8sqm)            Sign 7: 3000mm x 1800mm (5.4sqm)            Sign 8: 3400mm x 2000mm (6.8sqm)</p>	<p>Yes</p> <p>No. This could be addressed by a condition.</p> <p>Yes            No. This could be addressed by a condition            No. As above.</p>

**ITEM 3 (continued)**

**ATTACHMENT 1**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Complies</b>
<p><b>iii. Clearance</b> All signs should maintain a minimum clearance of 2.6 metres above footpaths or above any pedestrian areas</p>	<p>All signage provides a minimum clearance of 2.6m above footpaths or above any pedestrian areas.</p>	<p>Yes</p>
<p><b>iv. Multiple use of Properties</b>  A co-ordinated approach to the sign development on the site should be used by utilising composite signs.</p>	<p>The proposed building is occupied by a hotel only.</p>	<p>N/A</p>
<p><b>v. Prohibited Signs</b>  Signs other than identification, business and directional signs;</p>	<p>Complies</p>	<p>Yes</p>
<p>Signs that would adversely affect traffic movement or safety or would interfere with the amenity of the neighbourhood;</p>	<p>The proposed flush wall signs (no. 7 and 8) are located above the awning on the car parking levels. The signs are considered inappropriate and inconsistent with prevailing signage type within Rowe Street.</p>	<p>No</p>
<p><b>3.7 Environmental Management</b>  <u>3.7.1 Sunlight</u>  a. Major public spaces should receive a minimum of 50% sunlight on the ground plane for at least 2 hours between 10am and 2pm on June 21.</p>	<p>The proposal is for a hotel only it does not incorporate any public spaces.</p>	<p>Yes</p>

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<b>DCP 2014</b>	<b>Proposed</b>	<b>Complies</b>
<p>c. All development proposals of 2 storeys or more are to be accompanied by shadow diagrams that are to be submitted with the local development application.</p>	<p>Shadow diagrams were submitted.</p>	<p>Yes</p>
<p><u>3.7.3 Energy Efficiency of Buildings</u></p>		
<p>a. New buildings should be designed to ensure that energy usage is minimised.</p>	<p>A condition of consent would be imposed requiring the building to be energy efficient.</p>	<p>Yes</p>
<p><u>3.7.5 Reflectivity</u></p>		
<p>a. The use of highly reflective glass is discouraged.</p>	<p>Glazing is proposed on the ground floor only of the proposed hotel, however the extent of the glazing is limited to bi-fold doors and a small window within the Rowe Street frontage. Therefore, it is unlikely to result in uncomfortable glare that causes discomfort or threatens safety of pedestrians or drivers.</p>	<p>Yes</p>
<p>b. New buildings and façades should not result in uncomfortable glare that causes discomfort or threatens safety of pedestrians or drivers.</p>	<p>Complies as per the above comment.</p>	<p>Yes</p>



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**ATTACHMENT 1**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Complies</b>
<p>c. Visible light reflectivity from building materials used on the façades of new buildings should not exceed 18%.</p> <p><u>3.7.6 External Lighting of Buildings</u></p> <p>a. Any external lighting of buildings is to be considered with regard to: i. The integration of external light fixtures with the architecture of the building (for i. example, highlighting external features of the building); ii. The contribution of the visual effects of external lighting to the character of the building, surrounds and skyline; iii. The energy efficiency of the external lighting system; and iv. The amenity of residents in the locality.</p>	<p>The limited glazing to the ground floor and use of concrete for the car parking levels are unlikely to exceed 18% light reflectivity.</p> <p>Lighting appears to be integrated within the architecture of the ground floor component of the building, which is for the hotel. However, the external lighting for the multiple levels of above ground car parking above has not been detailed. Concerns are raised that the light spill from the car parking particularly the top level will impact upon the amenity of the residential units within Rowe Lane.</p>	<p>Yes</p> <p>No</p>

**Part 7.1 – Energy Smart / Water Wise**

Section 2.4 of this part of the DCP applies to new shops, industrial and commercial premises, and requires the base building to incorporate appropriate energy conservation measures, reduce the consumption of water, electricity and gas for the purposes of lighting, heating and cooling and to substantially reduce water consumption through the use of water efficient fixtures and water efficient landscaping.

A condition of consent would be imposed requiring the building to address this part of the DCP, however the application is recommended for refusal.

**ITEM 3 (continued)**

**ATTACHMENT 1**

**Part 7.2 – Waste Minimisation and Management**

Subject to appropriate conditions, no objection was raised to the proposed waste storage and disposal arrangement for the proposed hotel by Councils Environmental Health Officer.

**Part 8.2 – Stormwater Management**

The subject site comprises public drainage infrastructure that traverses the allotment, running directly through the centre of the site. The applicant has proposed to relocate the drainage line to a passageway between the subject site and the adjoining allotment (Eastwood Hotel). Council's Public Works have reviewed the proposal and have no objections to the proposed works, subject to conditions. However, as the proposal is recommended for refusal and the draft conditions request further information they have included as reasons for refusal.

**Part 9.1 - Signage**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Complies</b>
<b>2.1 Signage Content</b>		
A sign must be either: i) A business identification sign or a building identification sign as defined in RLEP 2014; ii) A directional sign that is a sign which directs persons to development on the land to which it is displayed.	A total of 8 business identification signs are proposed.	Yes
<b>2.2 Language</b>		
<ul style="list-style-type: none"> <li>- All advertising signs are to be displayed in the English language but may include a translation into another language using letters or characters that are no larger than the English language letters or characters.</li> <li>- Any translated message must be accurate and complete.</li> </ul>	Details of the signage content have not been provided. A condition of consent can be imposed requiring compliance with the control.	No

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**ATTACHMENT 1**

DCP 2014	Proposed	Complies
<b>2.3 Number of Signs</b>		
<p>- Visual clutter through the proliferation of signage and advertising structures are not permitted.</p>	<p>The proposed signage is generally considered appropriate, except for the flush wall signs no. 7 and 8 which would be deleted via condition if the application was recommended for approval.</p>	<p>No</p>
<b>2.4 Design, Safety and Maintenance</b>		
<p>All signs must be sympathetic to, and compatible with the architectural style and finishes of the building to which they are attached.</p>	<p>As previously mentioned the proposed signage is generally considered appropriate, except for the flush wall signs no. 7 and 8.</p>	<p>No</p>
<p>Signs are to be unobtrusive in design, colour, height and scale</p>	<p>See above comment.</p>	<p>No</p>
<p>Signs must be attractive and professionally written as well as being simple, clear and efficient.</p>	<p>Details of the signage content have not been provided.</p>	<p>No. However, a condition of consent can be imposed requiring compliance with the control.</p>
<p>Signs should be located at a height which avoids impact from footpath maintenance vehicles and discourages vandalism.</p>	<p>Proposed signage will not impact upon footpath maintenance or encourage vandalism.</p>	<p>Yes</p>
<p>Council will give due attention to all applications with respect to possible distraction of motorists due to illumination, position,</p>	<p>The location, size and hours of operation of the illuminated signage is unlikely to result in</p>	<p>Yes</p>

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**ATTACHMENT 1**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Complies</b>
<p>colours, design and proximity to traffic.</p> <p>Signs facing roads with high traffic volumes, traffic lights or major intersections may be referred to other relevant authorities.</p> <p>Signs must be kept in good and substantial repair and in clean and tidy condition.</p> <p>Council will not favour signs prone to deterioration in appearance and condition, and may order removal of objectionable or unsightly advertisements.</p>	<p>unacceptable glare for passing motorists.</p> <p>It is not considered necessary to refer proposal to the RTA.</p> <p>If the application was recommended for approval, the signage could be kept in good condition and repairs undertaken when necessary.</p> <p>N/A</p>	<p>Yes</p> <p>Yes</p>
<b>2.5 Illuminated Signs</b>		
<p>The lighting intensity and hours of illumination must not unreasonably impact on any residential properties adjoining the sign or that is within its locality.</p> <p>The lighting intensity of a sign must be capable of modification or control after installation</p>	<p>The location, size and hours of operation will not unreasonably impact the nearby residential tenancies.</p> <p>Details concerning this requirement were not submitted with the application. However, this is normally addressed as a condition of consent</p>	<p>Yes</p> <p>Yes</p>

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**ATTACHMENT 1**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Complies</b>
<p>Illuminated signs must minimise the spill effects or escape of light beyond the subject sign and must not compromise safety for pedestrians, vehicles or aircraft.</p> <p>Illumination of a sign must not be external to the sign i.e. surrounding a sign. Illumination must be part of the advertisement.</p> <p>Electric wiring to illuminated signs is to be concealed.</p> <p>Illumination is to be controlled by automatic time clocks extinguishing illumination between 11pm and 6am, or as is considered reasonable in the circumstances.</p>	<p>It appears that all signs are proposed to be illuminated internally.</p> <p>All signs are proposed to be illuminated internally.</p> <p>Wiring will be concealed based on the detail provided.</p> <p>Details concerning this requirement were not submitted with the application. However, this is normally addressed as a condition of consent.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A – the application is recommended for refusal.</p>
<b>3.2 Business Zones</b>		
<p><b>Sign options for Office and Retail Shop - Fronts within Shopping Precincts or Areas</b></p> <p>a. Sign options in business zones are:</p> <p>i. An Illuminated Under Awning Sign (one per site);</p>	<p>Two under awning signs are proposed within the Rowe Street frontage which spans 22.55m and a further sign is proposed within the western side setback above the entry to the hotel.</p>	<p>Yes - Specific signage controls within the Eastwood Town Centre DCP (Part 4.1) permit the number of signs.</p>

**ITEM 3 (continued)**

**ATTACHMENT 1**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Complies</b>
ii. Fascia Sign;	None proposed.	Yes
iii. Top Hamper Sign;	None proposed.	Yes
iv. Window Sign;	None proposed.	Yes
v. Drop Awning Sign;	None proposed.	Yes
vi. Under Awning Bracket Sign;	None proposed.	Yes
vii. Real Estate Sign;	None proposed.	Yes
viii. Temporary Sign;	None proposed.	Yes
ix. Flush Wall Sign (Only if it relates to activity at that level); and	Three flush wall signs are proposed. Signs (no. 7 and 8) are located above the awning on the car parking levels. The signs are considered inappropriate and inconsistent with prevailing signage type within Rowe Street. The third flush wall sign (no 3) is located within the side setback and will not be seen from the street, therefore no objection is raised to this sign.	No
x. Internally Illuminated Sign.	All signs that are proposed to be illuminated are internally lit. No external illumination is proposed.	Yes
<b>For Three or more Storey Buildings</b>		
a. Maximum Sign Area – The total area of signs to be erected	The property has two frontages, Rowe Street and	Yes



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**ATTACHMENT 1**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Complies</b>
<p>on a building (this includes all elevations) should not exceed 1.5 m<sup>2</sup> per 1 metre of frontage of the property to the street.</p> <p>b. All signage is restricted to the ground floor level and the transom area of the building i.e. the area above the doorway on the ground floor level to the floor level above. Council will only consider any additional signage after the submission of a signage plan for the total development.</p>	<p>Rowe Lane. Rowe Street is the primary frontage and permits a sign area of 33.825sqm &amp; Rowe Lane 33.825sqm. Therefore, a total signs are of 67.65sqm. The proposed sign area 22.31sqm</p> <p>Flush wall signs (x 2) and one projecting wall sign are proposed above the ground floor.</p>	<p>No</p>
<p><b>Flush Wall Sign</b></p> <p>A sign attached or painted on the wall of a building and projecting horizontally no more than 300 mm from the wall.</p> <p>a. Only one sign per building elevation.</p> <p>b. Where it is illuminated shall not be less than 2.6 metres above the ground.</p>	<p>One flush wall sign is proposed within the Rowe Street elevation (South), a second within the eastern elevation and a third within the western elevation.</p> <p>Flush wall signs 7 and 8 are more than 2.6m above the ground, however sign 3 is located less than 1m above the ground. No objection is raised to the height of sign 3 as it located within the eastern side setback.</p>	<p>Yes</p> <p>No</p>

**ITEM 3 (continued)**

**ATTACHMENT 1**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Complies</b>
c. shall not exceed a maximum area of five (5) square metres.	Sign 3: 4.8sqm Sign 7: 5.4sqm Sign 8: 6.8sqm	Yes No No
d. shall not extend laterally beyond the wall of the building to which it is attached.	Complies	Yes
e. shall not project above the top of the wall to which it is attached.	Complies	Yes
f. shall not be located on a building wall if there is an existing building or business identification sign.	The western elevation comprises a flush wall sign and a projecting wall sign	No
g. shall not extend over a window or other opening or architectural feature.	Complies	Yes
h. shall not project horizontally more than 300 mm from the wall.	Complies	Yes
i. consideration must be given to design and aesthetics, so as to harmonise with the nature of the streetscape and townscape.	The proposed flush wall signs (no. 7 and no. 8) above the ground floor are not considered to be consistent with prevailing streetscape or the Eastwood Town Centre.	No
j. flush wall sign advertising on end walls adjoining residential properties are prohibited. However, Council may permit advertising on end walls adjoining a public place	Complies	

**ITEM 3 (continued)**

**ATTACHMENT 1**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Complies</b>
<p><b>Projecting Wall Sign</b></p> <p>A sign attached either vertically or horizontally to the wall of a building (other than the transom of a doorway or display window) and projecting not more than 300 mm from the wall.</p> <p><b><u>Prohibited throughout the City of Ryde</u></b></p>	<p>Two projecting wall signs (no. 1 &amp; no. 2) are proposed within the western elevation.</p>	<p>No</p>
<p><b>Under Awning Sign</b></p> <p>A sign that is attached to and hangs below an awning and is erected at right angles to the building wall.</p> <p>a. shall be erected approximately horizontal to the ground and at no point less than 2.6 m from the ground.</p> <p>b. shall be erected at right-angles to the building to which the awning is attached; shall be securely fixed to the awning by means of suitable metal supports not exceeding 50 mm in width or diameter.</p> <p>c. shall not project beyond the edge of the awning, except in the case of an awning wholly within the boundaries of the allotment occupied by the building.</p>	<p>Three under awning signs (no. 4, 5 &amp; 6) are proposed.</p> <p>All three signs are more than 2.6m above ground level.</p> <p>All signs are erected at right-angles to the building to which the awning is attached to.</p> <p>All signs comply.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

**ITEM 3 (continued)**

**ATTACHMENT 1**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Complies</b>
d. shall be no greater than 2.4 metres in length and 300 mm in height.	Sign 4: 1500mm x 450mm Sign 5 & 6: 2400mm x 450mm. A condition of consent can be imposed requiring compliance with the control.	No
e. one permitted per shopfront , however where a premise has exceptionally wide frontage, more than one under awning sign may be permitted, but must be a minimum of ten (10) metres apart.	Signs 5 and 6 are within the same frontage, however they are more than 10m apart.	Yes

**Part 9.2 – Access for People with Disabilities**

The development application proposes a new hotel which was accompanied by a BCA Capability and Access report. The report was reviewed by Councils Building Surveyor and deemed adequate.

Therefore, the proposal is considered to be consistent with the controls and objectives of Part 9.2 Access for People with Disabilities.

**Part 9.3 - Car Parking**

Section 2.3 of Part 9.3 of the Ryde DCP 2014 prescribes rates for car parking for non-residential land uses. More specifically section 2.3 provides the following car parking rates for Pubs and Registered Clubs.

***“Pub and Registered Club***

*1 space / 5 m2 GFA, AND*

*1 space / 10 m2 GFA auditorium and games rooms*

*See also Hotel Accommodation above “*

The submitted Traffic and Parking report prepared by *Traffix – Traffic and Transport Planners* dated 29/05/15 has based the rate of parking provision on the rate provided within their own determined rate of one space per 100sqm. This is deemed unacceptable.

**ITEM 3 (continued)**

**ATTACHMENT 1**

When calculated according to the current rates, the required parking for the proposed development is as follows:

**Total Required Pub** – 96 based on GFA of 476m<sup>2</sup>

**Total Required Gaming** – 15 based on a Games Room GFA of 141.7m<sup>2</sup> (round up as per DCP)

**Total Spaces required for new hotel** – 111

The development also involves the removal of 27 car spaces previously allocated to the Eastwood Hotel.

Therefore, the **total spaces required for both hotels is 138 car spaces.**

**The development proposes 45 car spaces** for the existing Eastwood Hotel and the New Red Lantern Hotel.

27 of the proposed 45 car spaces must be allocated to the Eastwood Hotel as per development consent (LDA2012/248), therefore only 18 spaces are available to the proposed hotel – Red Lantern Hotel. Therefore, the proposal results in a shortfall of 93 car spaces (111 minus 18).

**Summary of DCP Non compliances:**

- The proposal is inconsistent with Part 4.1 (Eastwood Town Centre) of the Ryde Development Control Plan 2014, most notably:
  - Contrary to section 3.4.1 (Parking design and location) of the DCP, the proposed building fails to adequately screen the three levels of car parking (above ground), creating an undesirable streetscape element within Rowe Street and the Eastwood Town Centre.
  - Contrary to section 3.6 (Signage) of the DCP, the proposed flush walls signs, no. 7 and no. 8 are located above the awning and inconsistent with other business identification signage types within Rowe Street.
    - The overall area (sqm) of sign no. 7 and No. 8 exceed the maximum prescribed area of 5sqm, having a signage area of 5.4sqm and 6.8sqm respectively.
    - The proposed under awning signs are 450mm in height, contrary to the control which restricts the maximum height of the signs to 300mm.

**ITEM 3 (continued)**

**ATTACHMENT 1**

- The proposal is inconsistent with Part 8.2 (Stormwater) of the Ryde Development Control Plan 2014, most notably:
  - The proposal fails to provide details of a drainage easement that is required to be created.
  - The proposal fails to demonstrate that any building, eave or permanent structure (existing and/or proposed) does not encroach the deemed drainage easement.
  - The proposal fails to specify the location of new drainage pits.
- The proposal is inconsistent with Part 9.1 (Signage) of the Ryde Development Control Plan 2014, most notably:
  - Contrary to section 3.2, two projecting wall signs are proposed (no. 1 and no. 2) which are prohibited signage types throughout the City of Ryde.
  - The proposal fails to provide adequate detail with regards signage content material, colour and illumination concerning all signs proposed.
- The proposal is inconsistent with Part 9.3 (Car parking) of DCP 2014 of the Ryde Development Control Plan 2014, most notably:
  - The proposed development provides an inadequate number of car parking spaces for staff, patrons and other building users. The proposal results in a shortfall of ninety three (93) car parking spaces.
  - The proposal will result in adverse localised traffic congestion and impact upon pedestrian safety as a result of the shortfall in off street car parking spaces.

**Certification**

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

Name .....

Signature .....

Date .....



**ITEM 3 (continued)**

**ATTACHMENT 2**

**Draft conditions of consent**

**DEFERRED COMMENCEMENT**

**PART 1** - The following are the Deferred Commencement condition(s) imposed pursuant to Section 80(3) of the Environmental Planning & Assessment Act 1979.

1. **Plan of management.** A revised plan of management is to be provided which addresses patron migration between the existing Eastwood Hotel and the proposed Red Lantern Hotel. The revised plan of management must also identify who will be responsible for monitoring patrons within the passageway between the two hotels and security. The revised plan of management must be submitted to Council and approved by the NSW Police - Ryde Local Area Command.
2. **Waste storage and handling facilities** - The details of the waste storage and handling facilities submitted with the development application do not meet the requirements of Section 7.2 of Council's Development Control Plan 2014.

Amended details must be submitted and include the size of garbage and recycling bins, the location of the garbage room and the proposed frequency of collection. This information shall be submitted to Council for approval.

3. **Architectural elements.** The vertical screening element applied to the multiple levels of car parking within the Rowe Street elevation is to be extended to the entire western (side) and northern (rear) elevation of the parking component. Details are to be provided to Council for approval.
4. **Signage.** The proposed flush walls signs, no. 7 and no. 8 and the two projecting wall signs, no. 1 and no. 2 are to be deleted. Details demonstrating compliance are to be provided to Council for approval. All other signs are to comply with Council's DCP requirements in respect to their sizes.
5. **Signage.** Details of signage material, colour and illumination are to be detailed on the architectural plans and submitted to Council for approval.
6. **External lighting.** External lighting details for the multiple levels of above ground car parking are to be provided, including the extent of light spillage beyond the confines of the carpark. The details are to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residential properties. The information is to be provided to Council for approval.

**ITEM 3 (continued)**

**ATTACHMENT 2**

**PART 2** - 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>
Site Plan	22/05/15	DA 01 Issue B
Ground Floor Plan	22/05/15	DA 02 Issue C
First Floor Plan	22/05/15	DA 03 Issue C
Second & Third Floor Plan	22/05/15	DA 04 Issue C
Elevations	TBA	TBA (refer to Deferred Commencement condition above)
Sections	22/05/15	DA 06 Issue C
Landscape Plan	TBA	TBA (refer to Deferred Commencement condition above)
Signage Plan & Elevation	TBA	TBA (refer to Deferred Commencement condition above)
CCTV & Security Plan	TBA	TBA (refer to Deferred Commencement condition above)
External Lighting Plan	TBA	TBA (refer to Deferred Commencement condition above)
Demolition Plan	22/05/15	DA 11 Issue B
Furniture Layout	22/05/15	DA 14 Issue B
Stormwater Plan - Catchment Plan	19/05/15	P01 1 of 5
Stormwater Plan - Catchment Plan	19/05/15	P02 2 of 5
Concept Stormwater Plan	19/05/15	P03 3 of 5
Concept Stormwater Plan	19/05/15	P04 4 of 5
Concept Stormwater Plan	19/05/15	P05 5 of 5

**ITEM 3 (continued)**

**ATTACHMENT 2**

<b>Document Description</b>	<b>Date</b>	<b>Plan No/Reference</b>
Traffic Impact Assessment - Loading Dock Management Plan	29/05/15	Prepared by traffix
Plan of Management		TBA (refer to Deferred Commencement condition above)
BCA Capability Statement & Access Report	22/05/15	J150122
Environmental Noise Impact Assessment Report	29/05/15	Day Design Pty Ltd

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

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. **Energy Efficiency.** The fittings, fixtures and materials installed in association with the development (including but not limited to hot water systems, ceiling/roof insulation, shower heads, toilet cisterns and the like) shall comply with the requirements of Council's DCP. Details are to be noted on the plans submitted with the **Construction Certificate**.
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.
5. **Maximum number of persons.** A sign must be displayed in a prominent position in the building stating the maximum number of persons that are permitted in the building as specified in the development consent.
 

The maximum number of persons permitted in the building is 220 persons.
6. **Entertainment Venues.** The use of the building as an entertainment venue shall comply with the requirements of Schedule 3A of the Environmental Planning & Assessment Regulation 2000.

**ITEM 3 (continued)**

**ATTACHMENT 2**

7. **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”.
8. **Security Grilles.** This consent does not authorise the erection of any security grilles or barriers on the shopfront. Separate approval must be obtained for any such works.
9. **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.
10. **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.
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.
12. **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.
13. **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.
14. **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.

**ITEM 3 (continued)**

**ATTACHMENT 2**

15. **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.
16. **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.
17. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
18. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.
19. **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 3 (continued)**

**ATTACHMENT 2**

- 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.
20. **Public domain improvements** – The public domain along the Rowe Street frontage of the development site is to be upgraded in accordance with the Public Domain Technical Manual Section 3 – Eastwood, and the revised technical standards as advised by City of Ryde Public Works Group. The Developer shall liaise with Council's Public Works Group for specific requirements along the frontage of this development site.



**ITEM 3 (continued)**

**ATTACHMENT 2**

**Note:** Council is proposing to undertake major improvements works for the public domain in Rowe Street including along the frontage to this development site, during late 2015. The work will consist of the upgrading of the footpath paving, street lighting, street furniture and plantings. Any construction work proposed at the development site is to be co-ordinated with Council's Public Works Group.

21. **Hold Points during construction** - Inspections shall be required to be undertaken by a Chartered Civil Engineer (with NPER registration with Engineers Australia), at the following hold points: -
- a) Prior to the commencement of construction and following the set-out on site of the position of the civil works to the levels shown on the approved civil drawings.
  - b) Upon excavation, trimming and compaction to the subgrade level - to the line, grade, widths and depths, shown on the approved civil engineering drawings.
  - c) Upon compaction of the applicable sub-base course.
  - d) Upon compaction of any base layers of pavement, prior to the construction of the final pavement surface (e.g. prior to laying any pavers or asphalt wearing course)
  - e) Upon installation of any formwork and reinforcement for footpath concrete works.
  - f) Final inspection - upon the practical completion of all civil works with all disturbed areas satisfactorily restored.

The Applicant shall submit certification from the Engineer, at each stage of the inspection listed above, confirming that the works have been constructed in accordance with the Council approved drawings and City of Ryde standards and specifications.

A final inspection for the purpose of the handover to Council, of the public infrastructure assets, shall be conducted in conjunction with Council' Engineer following the completion of the external works. Additional inspections, if required, shall be subject of additional fees payable in accordance with Council's Schedule of Fees & Charges at the time.

22. **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.

**ITEM 3 (continued)**

**ATTACHMENT 2**

23. **Construction and fit-out of food premises** – All proposed food premises including storage and bar areas (other than retail meat premises) must be constructed and fitted-out in accordance with the requirements of:
  - (a) Food Safety Standard 3.2.3: *Food Premises and Equipment*; and
  - (b) Australian Standard AS 4674-2004: *Design, construction and fit-out of food premises*.
24. **Construction of walls** - The walls of all proposed food premises must be constructed of brick, concrete blocks, preformed panels filled with suitable material or other solid materials.
25. **Provision for installation of kitchen exhaust systems** - Adequate provision must be made for the installation of kitchen exhaust systems to the proposed food premises.
26. **Toilets for customers** - Toilets intended for use by customers must not be accessed through food preparation and storage areas.
27. **Airlocks** - The toilets must be provided with airlocks where required by the *Building Code of Australia*.
28. **Mechanical ventilation of loading docks** – All loading docks located more than 10 metres from the external entrance opening must be provided with a system of mechanical ventilation complying with clause 4.5.2 of Australian Standard AS 1668.2-2012: *The use of mechanical ventilation and airconditioning in buildings – Mechanical ventilation in buildings*.
29. **Bundling of above ground storage tanks** - All above ground liquid storage tanks including above ground grease arrestors must be banded to prevent the escape of spills or leaks. Where required, bands must be designed and constructed in accordance with the following requirements:
  - (a) The band must have a capacity of at least 110% of the largest tank plus the volume displaced by any additional tanks within the banded area.
  - (b) The walls and floor of the band must be constructed of materials impervious to the contents of any container within the band and be structurally adequate to contain any liquid spilled within the band.
  - (c) A collection sump must be provided in the floor of the band to facilitate the removal of liquids and the floor of the band graded to the sump.
  - (d) Drain valves must not be provided in the band.
  - (e) Pipework from the enclosed tanks and any associated pumps must pass over the band walls.

**ITEM 3 (continued)**

**ATTACHMENT 2**

- (f) Hose couplings for tanks enclosed within the bund must be located so that leaks or spills are contained within the bund.
  - (g) The bund must be roofed where practicable to prevent the entry of rainwater.
30. **Fresh air intake vents** - All fresh air intake vents must be located in a position that is free from contamination and at least 6 metres from any exhaust air discharge vent or cooling tower discharge.
31. **Exhaust air discharge vents** - All exhaust air discharge vents must be designed and located so that no nuisance or danger to health will be created.
32. **Carpark exhaust vent** - 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.
33. **Kitchen exhaust vent** - The kitchen exhaust vent must be located above roof level:
- (a) at least 6 metres from any fresh air intake vent or natural ventilation opening;
  - (b) at least 6 metres or, where the dimensions of the allotment make this impossible, the greatest possible distance from any neighbouring property boundary; and
  - (c) at least 8 metres from any cooling tower.
34. **Installation, operating and maintenance requirements** - All air-handling and water systems regulated under the *Public Health Act 2010* must be installed, operated and maintained in accordance with the requirements of the *Public Health Regulation 2012*.
35. **Registration of water-cooling systems** - All water-cooling regulated under the *Public Health Act 2010* must be registered with Council's Environmental Health Unit within one (1) month of installation.
- Registration forms may be obtained from Council's Customer Service Centre on Tel. 9952 8222.
36. **Storage of commercial wastes** - A separate garbage room must be provided in a convenient location on the premises for the storage of commercial wastes.

**ITEM 3 (continued)**

**ATTACHMENT 2**

37. **Construction of garbage rooms** - All garbage rooms must be constructed in accordance with the following requirements:
- (a) 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;
  - (b) 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;
  - (c) The floor waste must be provided with a fixed screen in accordance with the requirements of Sydney Water Corporation;
  - (d) 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;
  - (e) The ceiling must be constructed of a rigid, smooth-faced, non-absorbent material and painted with a light coloured washable paint;
  - (f) 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;
  - (g) 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;
  - (h) The room must be provided with adequate natural ventilation direct to the outside air or an approved system of mechanical ventilation;
  - (i) The room must be provided with adequate artificial lighting; and
  - (j) A hose cock must be provided in or adjacent to the room to facilitate cleaning.
38. **Waste collection point for commercial waste** - The commercial waste must be collected from the loading dock located inside the building.
39. **Access for waste collection vehicles** - Safe easy access must be provided for waste collection vehicles to service the waste containers. The driveways and manoeuvring areas must be designed for maximum legal dimensions and weights and allow collection vehicles to enter and leave the premises in a forward direction.

Additional clearances must be provided for overhead and side loading where appropriate.

**ITEM 3 (continued)**

**ATTACHMENT 2**

40. **Plumbing and drainage work** - All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation and the NSW Department of Fair Trading.
41. **Installation of grease trap** - A grease trap must be *installed if required by Sydney Water Corporation*. The grease trap must be located outside the building or in a dedicated grease trap room and be readily accessible for servicing. Access through areas where food is handled or stored or food contact equipment or packaging materials are handled or stored is not permitted.
42. **Construction of grease trap rooms** - All grease trap rooms must be constructed in accordance with the following requirements:
  - (a) The floor, walls and ceiling must be constructed of solid materials finished to a smooth even impervious surface free of any cracks, holes or other openings that may allow the escape of odours;
  - (b) The room must be fitted with an air-tight (eg. coolroom type) door;
  - (c) The room must be vented in accordance with Australian/New Zealand Standard AS/NZS 3500.2:2003 *Plumbing and drainage – Sanitary plumbing and drainage* or be provided with an approved system of mechanical ventilation;
  - (d) The room must be provided with intrinsically safe artificial lighting; and
  - (e) A hose cock with a backflow prevention device must be provided in or adjacent to the room to facilitate cleaning.

**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.

43. **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 3 (continued)**

**ATTACHMENT 2**

- (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.
44. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
45. **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.
46. **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.
47. **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.
48. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.
49. **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.



**ITEM 3 (continued)**

**ATTACHMENT 2**

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.

50. **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	\$12,197.35
Open Space & Recreation Facilities	-
Civic & Urban Improvements	\$19,395.88
Roads & Traffic Management Facilities	\$5,468.42
Cycleways	\$1,655.97
Stormwater Management Facilities	\$7,556.92
Plan Administration	\$444.89
Car parking	\$3,325,229.30
<b>The total contribution is</b>	<b>\$3,371,948.30</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>.

**ITEM 3 (continued)**

**ATTACHMENT 2**

51. **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**.
52. **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**.
53. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (other buildings with delivery of bricks or concrete or machine excavation )
54. **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
55. **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**.
56. **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 2**

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>

57. **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**.
58. **Sensor Lighting.** The areas around the entrances, car parks and communal areas should be well lit and all lighting should be designed to Australian and New Zealand Lighting standards. Sensor lighting should be installed into areas that may be areas of concealment, in the car park the passageway between the Eastwood Hotel and Red lantern Hotel and in any areas that are not well lit.

All lighting details shall be submitted for approval by Council prior to issue of the Construction Certificate. The details are to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residents.

59. **Awning over Council verge.** The proposed awning extending over Council's verge and footway area must provide no less than 3m clearance above the footpath and setback 600mm from the vertical alignment of the kerb fronting the site. The awning is to weather sealed to the face of the building to which they are attached to. The structure is to be designed and certified by an appropriately qualified Structural Engineer. This engineer is to provide certification with the application for a Construction Certificate that the structure has been designed in accordance with the relevant Australian Standards to ensure public safety.
60. **Public Infrastructure Works** – Engineering drawings prepared by a Chartered Civil Engineer (with NPER registration with Engineers Australia) are to be submitted to Council for approval prior to the issue of Construction Certificate. The works shall be in accordance with the Public Domain Technical Manual Section 3 – Eastwood, and the revised technical standards as advised by Council's Public Works Group, as well as City of Ryde DCP 2014 Part 8.5 - Public Civil Works, and DCP 2014 Part 8.2 - Stormwater Management, where applicable. All works must be completed to Council's satisfaction at no cost to Council, prior to the issue of any Occupation Certificate.

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 works with the remaining street scape.

**ITEM 3 (continued)**

**ATTACHMENT 2**

- (a) The removal of all redundant vehicular crossings and the construction of new kerb and gutter along the Rowe Street frontage of the development site. Proposed kerb profiles are to be provided to ensure proper connections to existing kerb and gutter along Rowe Street.
- (b) Construction of footway pavement along the Rowe Street frontage of the development site in accordance with the technical standards as advised by Council's Public Works Group.
- (c) The construction of the vehicular crossing and access driveway in Rowe Lane.
- (d) The relocation/adjustment of all public utility services affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to Council and their requirements being fully complied with.

**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".

61. **Public Domain Works – Maintenance Bond.** To ensure satisfactory performance of the required public domain works, a maintenance period of six (6) months shall apply to the works in which Council will take ownership of, on completion of the development. The performance period shall commence from the date of issue by Council, of the Compliance Certificate. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification. A bond in the form of a cash deposit or Bank Guarantee of **\$10,000** shall be lodged with the City of Ryde prior to the issue of a Construction Certificate to guarantee this requirement will be met. The bond will only be refunded when the works are determined to be satisfactory to Council after the expiry of the six (6) months maintenance period.
62. **Construction near Pipeline in Drainage Easement.** To ensure the new structure is not jeopardised by any potential maintenance works in the adjacent drainage easement, all footings for structures adjacent to the easement shall be extended below the zone of influence of the asset foundations. The zone of influence is to extend from a point offset from the edge of the asset by half the pit footprint / pipe diameter, at the depth of the asset invert and extending upwards at the angle of repose for the given subsurface conditions. To demonstrate compliance with this requirement, cross section details prepared by a suitably qualified engineer, showing the new footing, the exact location and depth of the existing and approved public drainage infrastructure in the easement and the resulting zone of influence are to be submitted with the application for a Construction Certificate.

**ITEM 3 (continued)**

**ATTACHMENT 2**

63. **Boundary Alignment Levels.** The applicant is to apply to Council for site specific boundary alignment levels prior to the issue of the Construction Certificate. The application would need to be accompanied by engineering plans of any civil works along the frontage of the development site. Fees are payable in accordance with Council's Schedule of Fees & Charges at the time of the application.
64. **Vehicle Footpath Crossing(s).** Concrete footpath crossings and associated gutter crossovers must be constructed fronting the approved vehicle access location(s). The crossing(s) must be constructed in plain reinforced concrete with location, design and construction shall conform to Council requirements and AS 2890.1 – 2004 (Offstreet Parking). Accordingly, prior to issue of Construction Certificate an application shall be made to Council's Public Works division for driveway crossing alignment levels. These issued levels are to be incorporated into the design of the driveway access and clearly delineate on plans submitted with the Construction Certificate application.
65. **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).
66. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to the public drainage infrastructure generally in accordance with the plans by Storm Engineering - Consulting Engineers (Refer to Project No. 1693 Sheets 1-5 Rev C dated 19 May 2015) subject to the following variation(s);
- All alterations to the public drainage infrastructure are subject to approval by Council's Public Works – Stormwater Assets section.

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.

**ITEM 3 (continued)**

**ATTACHMENT 2**

67. **Erosion and Sediment Control Plan.** An Erosion and Sediment Control Plan (ESCP) must be prepared by a suitably qualified consultant, detailing soil erosion control measures to be implemented during construction. The ESCP is to be submitted with the application for a Construction Certificate. The ESCP must be in accordance with the manual *“Managing Urban Stormwater: Soils and Construction”* by NSW Department – Office of Environment and Heritage and must contain the following information;
- Existing and final contours
  - The location of all earthworks, including roads, areas of cut and fill
  - Location of all impervious areas
  - Location and design criteria of erosion and sediment control structures,
  - Location and description of existing vegetation
  - Site access point/s and means of limiting material leaving the site
  - Location of proposed vegetated buffer strips
  - Location of critical areas (drainage lines, water bodies and unstable slopes)
  - Location of stockpiles
  - Means of diversion of uncontaminated upper catchment around disturbed areas
  - Procedures for maintenance of erosion and sediment controls
  - Details for any staging of works
  - Details and procedures for dust control.

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

68. **Dilapidation Survey.** A dilapidation survey is to be undertaken that addresses all properties that may be affected by the construction work, namely 87 Rowe Street adjoining the eastern side of site. A copy of the dilapidation survey is to be submitted to the Accredited Certifier *and Council* prior to the release of the Construction Certificate.
69. **Public Domain Works Stormwater - Approval.** The proposed reconfiguration of the existing public drainage infrastructure traversing the property will require the review and approval of Council's Public Works – Stormwater Asset section, as per the requirements of the Roads Act and Local Government Act. This is to ensure that the level of service and capacity of this infrastructure is maintained following completion of the development.



**ITEM 3 (continued)**

**ATTACHMENT 2**

Detailed engineering plans prepared by a Civil engineer in accordance with the Council's DCP and Technical Manuals shall be submitted to Council's Public Works – Stormwater section for approval. At a minimum, the plans must be generally based on the drainage details presented by Storm Engineering - Consulting Engineers (Refer to Project No. 1693 Sheets 1-5 Rev C dated 19 May 2015) and is to show the works in plan view, longitudinal sections and typical details at a scale relevant for the level of detail, including all existing services/ infrastructure to be retained in the area of works. All correspondence and approvals between the applicant and utility authorities must be provided to the Council in conjunction with engineering documentation.

The applicant shall undertake and bear all costs associated with these works and the liaison, approval and relocation of any utility services.

The approval of the engineering plans and payment of any Council inspection fees (in accordance with Council's Management Plan) must be finalised prior to the issue of a Construction Certificate.

70. **Public Domain Works Stormwater - Bond.** To ensure the modification to drainage infrastructure is undertaken in accordance with the approved plans and to Council satisfaction, a bond of \$624,000 must be provided to Council prior to commencement of the public drainage infrastructure works. The bond is to be held for a 6 month period following the completion of development works to allow for any repair and rectification of any defects that may arise in this period. The bond will be refunded at the end of the 6 month period when the applicant has demonstrated to Council that all of the works are satisfactorily completed.
71. **Grease trap room details** - Details of any proposed grease trap room must be submitted to Council or an accredited private certifier for approval with the application for the Construction Certificate.
72. **Shop fitout plans** - The food premises fitout plans submitted with the development application do not meet the requirements of Food Safety Standard 3.2.3: *Food Premises and Equipment* and Australian Standard AS 4674-2004: *Design, construction and fitout of food premises*.
- Amended plans demonstrating compliance with AS 4674 and Standard 3.2.3 must be submitted for approval with the application for the Construction Certificate. The amended plans must include:
- (a) The proposed floor layout and use of each room or area;
  - (b) The proposed floor, wall and ceiling finishes;
  - (c) Details of all proposed fixtures fittings and equipment (including the proposed method of installation); and

**ITEM 3 (continued)**

**ATTACHMENT 2**

- (d) Lighting, ventilation and drainage details.
73. **Bund details** – Where required, details of the proposed tank bunds must be submitted for approval with the application for the Construction Certificate. Such details must include a design certificate from a suitably qualified person certifying that the design of the tank bunds complies with the conditions of this Consent.
74. **Mechanical ventilation details** - Details of all proposed mechanical ventilation systems, and alterations to any existing systems, must be submitted for approval with the application for the Construction Certificate. Such details must include:
- (a) Plans (coloured to distinguish between new and existing work) and specifications of the mechanical ventilation systems; and
  - (b) A design certificate from a professional mechanical services engineer certifying that the mechanical ventilation systems will comply with the *Building Code of Australia* and the conditions of this Consent.
75. **Garbage storage details** - Details of the proposed garbage room or storage area must be submitted for approval with the application for the Construction Certificate. Such details must include:
- (a) the specifications and layout of all proposed waste storage and handling equipment; and
  - (b) the access to the collection point.
76. **Access details for waste collection vehicles** - Details of all driveways and manoeuvring areas for waste collection vehicles must be submitted for approval with the application for the Construction Certificate. Such details must include:
- (a) vehicle turning circles and swept paths; and
  - (b) overhead and side clearances (where appropriate).

**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.

**ITEM 3 (continued)**

**ATTACHMENT 2**

**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. 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.

**79. 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.

**80. 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.

**DURING CONSTRUCTION**

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

**ITEM 3 (continued)**

**ATTACHMENT 2**

81. **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*.
82. **Construction noise.** The L<sub>10</sub> noise level measured for a period of not less than 15 minutes while demolition and construction work is in progress must not exceed the background noise level by more than 20 dB(A) at the nearest affected residential premises.
83. **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.
84. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
85. **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.
86. **Construction materials.** All materials associated with construction must be retained within the site.
87. **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.
88. **Site maintenance**  
The applicant must ensure that:
- (a) approved sediment and erosion control measures are installed and maintained during the construction period;
  - (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
  - (c) the site is clear of waste and debris at the completion of the works.

**ITEM 3 (continued)**

**ATTACHMENT 2**

89. **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”.
90. **Erosion and Sediment Control Plan - Implementation.** The applicant shall install erosion and sediment control measures in accordance with the Construction Certificate approved Soil Erosion and Sediment Control (ESCP) plan at the commencement of works on the site. Erosion control management procedures in accordance with the manual “Managing Urban Stormwater: Soils and Construction” by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction.
91. **Stormwater Management - Construction.** The stormwater drainage system on the site (excluding the public drainage infrastructure works) must be constructed in accordance with the Construction Certificate version of the Stormwater Management Plan by Storm Engineering Consulting Engineers (Refer to Project No. 1693 Sheets 1-5 Rev C dated 19 May 2015) submitted in compliance to the condition labelled “Stormwater Management.” and the requirements of Council in relation to the connection to the public drainage system.
92. **Public Domain Works - Construction.** The public domain infrastructure works approved by Council in relation to this development consent must be constructed in accordance with the approved civil infrastructure plans, documentation and any associated conditions as issued by Council’s Public Works – Stormwater Assets section, as required under the relevant sections of the Roads Act and Local Government Act.
93. **Public Domain Works – Construction Inspections.** Any works on public infrastructure that will come under the care and control of Council upon completion, will require inspection by Council’s Public Works section (the relevant officer) at the following hold points: -
- a) Prior to the commencement of construction and following the set-out on site of the position of the drainage works to the levels shown on the approved drainage drawings.
  - b) Upon excavation of trenches and for other drainage structures to the line, grade, widths and depths shown on the approved drainage drawings.
  - c) Upon installation of any pipe and other drainage structures.
  - d) Upon backfilling of excavated areas and prior to the construction of the final pavement surface.
  - e) Upon the completion of all drainage works and prior to practical completion.

**ITEM 3 (continued)**

**ATTACHMENT 2**

94. **Public Domain Works Stormwater - Dilapidation report (CCTV).** To ensure the public drainage infrastructure is constructed in accordance with the approved plans and in accordance with Council's standards, a dilapidation report must be submitted to Council's Public Works – Stormwater Asset section, recording the state of the drainage infrastructure traversing the property, immediately upon completion of the drainage infrastructure works. The report must include a CCTV (closed circuit television) inspection of the length of the drainage infrastructure in DVD format, in colour, digital and date stamped. The report is to record and specify the location and nature of any imperfections or damage of the infrastructure. It is advised that this information be provided as early as possible in the construction program given that any potential rectification works will be increasingly difficult to undertake in the latter stages.

**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.

95. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.
96. **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.



**ITEM 3 (continued)**

**ATTACHMENT 2**

97. **Road opening permit – compliance document.** The submission of documentary evidence to Council of compliance with all matters that are required by the Road Opening Permit issued by Council under Section 139 of the *Roads Act 1993* in relation to works approved by this consent, prior to the issue of any **Occupation Certificate**.

98. **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.

99. **Compliance Certificate – External Works** – Prior to the issue of the Occupation Certificate, a compliance certificate shall be obtained from Council confirming that all external works have been completed to Council’s satisfaction. The applicant shall be liable for the payment of the fee associated with the issuing of this certificate.

100. **Public Domain Works-as-Executed Plans** – To ensure the public infrastructure works are completed in accordance with the approved plans and specifications, 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.

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.

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

**ITEM 3 (continued)**

**ATTACHMENT 2**

101. **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.
102. **Stormwater Management – Positive Covenant(s).** A Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919), providing for the ongoing maintenance of the onsite detention 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 terms for these systems as specified in City of Ryde DCP 2014 - Part 8.4 (Title Encumbrances) - Section 7, and to the satisfaction of Council, and are to be registered on the title prior to the release of the Occupation Certificate for that title.
103. **Positive Covenant - Access to easement.** A positive covenant registered in accordance with Section 88 of the Conveyancing Act 1919 shall be placed on the property title, requiring the property owner to remove all structures spanning the easement in the property no less than 1.25m clear of the pipeline at their cost, when requested to do so by Council or other service provider, in accordance with Council's DCP Part 8.4 (Title Encumbrances) Section 2.1.3. The terms of the restriction shall be generally in accordance with Council's draft terms for such measures and be to the satisfaction of Council.
104. **Public Drainage Easement.** A new public drainage easement must be registered on the title of the property, to ensure that access to public drainage infrastructure traversing the lot is maintained. The area and alignment of the easement must be located over the public drainage infrastructure which is to be confirmed by a practising and registered surveyor, specialising in service investigation. The dimension, alignment and terms of the easement must be in accordance with the relevant DCP (Part 8.2 Stormwater Management & 8.4 Title Encumbrances S2.1) and to the satisfaction of Council. The easement must be registered on the title of the property prior to the release of any Occupation Certificate for the development.

**ITEM 3 (continued)**

**ATTACHMENT 2**

105. **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.
  - 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 the footings adjacent to drainage easements are founded below the zone of influence of this infrastructure, in accordance with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.
  - f) 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).
  - g) Compliance certificate from Council confirming that all external works in the public road reserve and alteration to Council assets located in the property have been completed to Council's satisfaction.

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**ATTACHMENT 2**

106. **On-Site Stormwater Detention System - Marker Plate.** To ensure the constructed On-site detention will not be modified, a marker plate is to be fixed to each on-site detention system constructed on the site. The plate construction, wordings and installation shall be in accordance with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures. The plate may be purchased from Council's Customer Service Centre at Ryde Civic Centre (Devlin Street, Ryde).
107. **Public Domain Works Stormwater – Post construction dilapidation report (CCTV).** Upon completion of development works, a dilapidation report must be submitted to Council to verify that the works have not damaged the public drainage infrastructure traversing the property. The report must include a CCTV (closed circuit television) inspection of the length of the drainage infrastructure in the property which is to be submitted in DVD format, in colour, digital and date stamped. The report is to record and specify the location and nature of any damage of the infrastructure.
108. **Public Domain Works Stormwater – Works As Executed.** Prior to the issue of an Occupation Certificate, Works-As-Executed Drawings for the Council stormwater drainage works shall be submitted to and approved by Council. The Works-as-Executed Drawings shall be accompanied by a certificate from a suitably qualified engineer, certifying the drawings are a true and accurate representation of the constructed works.
109. **Certification of fit-out work** - Where Council is not the Principal Certifying Authority, the PCA must inspect the completed fit-out and issue a compliance certificate certifying that the fit-out complies with Food Safety Standard 3.2.3: *Food Premises and Equipment* and Australian Standard AS 4674-2004: *Design, construction and fit-out of food premises*, and a copy of the compliance certificate must be submitted to Council, before the issue of an Occupation Certificate.
- Note: Prior to issuing a compliance certificate, the PCA is advised to engage a consultant eligible to hold full membership with Environmental Health Australia (EHA) to prepare a report including premises inspections, outlining the compliance of the fitout of the subject premises with AS4674:2004 and Food Standards Code 3.2.2. A copy of this report shall be submitted to Council.*
110. **Certification of mechanical ventilation work** - Where any mechanical ventilation systems have been installed or altered, an installation certificate from a professional mechanical services engineer certifying that the systems comply with the approved plans and specifications must be submitted to the Principal Certifying Authority before the issue of an Occupation Certificate.

**ITEM 3 (continued)**

**ATTACHMENT 2**

111. **Cool room and Keg room details** – The cool room and keg room floor shall be constructed of a material that is smooth faced, durable, and impervious to moisture. The floor shall be graded and drained to the door. A floor waste fitted with a basket arrester shall be located outside the cool room and keg room, adjacent to the door and the floor waste/s shall be connected to the sewerage system in accordance with the requirements of Sydney Water and NSW Department of Fair Trading.
112. **Registration of premises** - The operator of the business must register the premises with Council's Environmental Health Unit before trading commences.

**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.

113. **Hours of operation.** The hours of operation are to be restricted to:  
10am to midnight (Monday-Saturday).  
10am to 10pm (Sundays and public holidays)
114. **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*.
115. **Liquor licensing requirements** - The proposal must meet the requirements of the Liquor Administration Board.
116. **Plan of Management.** The operation of the licenced premises must be according to the Plan of Management as approved by Condition 1 of this consent.
117. **CCTV.** A camera must be located at the main entrance to the venue and positioned to record any person entering through this entrance. The CCTV recordings of this camera must be sufficient to enable an individual to be identified, beyond reasonable doubt, when:
- a. the person represents not less than 100% screen height and
  - b. there is an un-obstructive view of the persons face,
- In addition, CCTV cameras must be maintained throughout the premises with camera coverage to specifically record images of the following areas:
- c. all other public entrances and exits, whether or not in use at the time.
  - d. toilet external entrances

**ITEM 3 (continued)**

**ATTACHMENT 2**

- e. all public accessible areas within the premise excluding toilets
- f. the footpath area directly adjacent to the premises, and
- g. smoking areas.

Recordings must:

- h. Be in digital format
- i. Record at a minimum of six frames per second and,
- j. Commence one hour prior to opening, and operate continuously until at least one hour after closure. The correct time, date and camera identification must be automatically embedded on all recordings and be able to be read when the image is played back on a different system without interfering with the view of the target area.

Recording should be retained for a period of 30 days before being reused or destroyed. The licensee shall ensure that no person is able to delete or alter any recordings within the 30 day period.

When the venue open and trading, at least one person shall be at the venue that is capable of accessing the CCTV system and is able to immediately review recordings and produce copies.

Immediate access to the CCTV system and the ability to review recordings on the system is to be granted to NSW Police, OLGR Inspectors and other regulatory officers.

Prior to the commencement of trade each day, the CCTV system shall be checked to ensure the equipment is in full operating order. If, during the daily check or at any other time, it is discovered that the equipment is not in full operating order, the licensee is to notify the Local Area Commander or delegate within two hours. All reasonable steps must be undertaken to repair the system as soon as practicable.

- 118. **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.
- 119. **Waste storage/disposal – method.** All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.
- 120. **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.



**ITEM 3 (continued)**

**ATTACHMENT 2**

121. **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.
122. **Delivery and loading/unloading – hours.** No deliveries, loading or unloading associated with the premises are to take place between the hours of 10pm and 7am on any day.
123. **Delivery and loading/unloading – location.** All loading and unloading in relation to the use of the premises shall take place wholly within the property via the rear lane (Rowe Lane).
124. **Loading areas.** Loading areas are to be used for the loading and unloading of goods, materials etc. only and no other purpose.
125. **Compliance report** - A report from a qualified acoustical consultant demonstrating compliance with the noise and vibration criteria specified in this consent must be submitted to Council within thirty (30) days of completion and commissioning of the plant and equipment.
126. **Hazardous wastes** - All wastes classified as hazardous wastes under the *Protection of the Environment Operations Act 1997* must be transported to an appropriately licensed waste facility for disposal.
127. **Trade waste permit** - The applicant must contact Sydney Water Corporation to determine whether a Trade Waste Permit is required before discharging any trade wastewater to the sewerage system.
128. **Maintenance of waste storage areas** - All waste storage areas must be maintained in a clean and tidy condition at all times.
129. **Air pollution** - The use of the premises, including any plant or equipment installed on the premises, must not cause the emission of smoke, soot, dust, solid particles, gases, fumes, vapours, mists, odours or other air impurities that are a nuisance or danger to health.
130. **Standards of air impurities not to be exceeded** - Any discharge to atmosphere from the premises must comply with the requirements of the *Protection of the Environment Operations (Clean Air) Regulation 2010*.
131. **Noise and vibration from plant or equipment** - Unless otherwise provided in this Consent, the operation of any plant or equipment installed on the premises must not cause:

**ITEM 3 (continued)**

**ATTACHMENT 2**

- (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.

132. **Noise Limits** - Noise generated at the premises must not exceed the noise limits specified in the noise impact assessment report submitted with the development application, being the acoustic report prepared by Day Design Pty Ltd “Environmental Noise Impact Assessment Proposed Red Lantern Hotel 111 Rowe Street Eastwood” Report No, 5607-1.1R dated 29 May 2015.

To determine compliance with the specified noise limits the noise must be measured at, or computed for, the most affected point, on or within the boundary of the most affected receiver’s premises

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).

133. **Noise from public entertainment** - The noise emitted from the public entertainment must comply with the following criteria:

- (a) The L<sub>10</sub> noise level emitted from the licensed premises must not exceed the background noise level in any octave band frequency (31.5Hz to 8kHz inclusive) by more than 5dBA between 7.00am and midnight at the boundary of any affected residence.
- (b) The L<sub>10</sub> noise level emitted from the licensed premises must not exceed the background noise level in any octave band frequency (31.5Hz to 8kHz inclusive) between midnight and 7.00am at the boundary of any affected residence.
- (c) Notwithstanding compliance with the above, the noise from the licensed premises must not be audible in any habitable room in any residential premises between the hours of midnight and 7.00am.

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

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135. **Advertising.** No advertising of alcoholic products is to be erected on the exterior of the building.
136. **Street sign.** A street sign should be prominently displayed at the front of the development to comply with Local Government Act, 1993, Section 124 Order No.8.
137. **Directional signage.** Signage needs to be provided at the entry/exit points and throughout the development to assist users and ward intruders they will be prosecuted.
138. **Emergency signage.** Signage needs to be provided on any fire exist doors warning users that the doors are to be used for emergency purposes only.
139. **No entry areas.** Signage should be placed in areas that are restricted to employees only.
140. **Security signage.** Signs should be erected in the car parks and near entry and exist points which details security measures and reminds people to lock their vehicles and remove valuables from their vehicles.
141. **Graffiti Management.** A graffiti management plan needs to be incorporated into the maintenance plan for the development. Research has shown that the most effective strategy for reducing graffiti attacks is the quick removal of such material within a forty-eight hour period.
142. **Graffiti.** Graffiti resistant materials should be used where possible around the building,
143. **Doors and locks.** All areas should be fitted with doors that comply with Australian Design Standards. The locks fitted to the doors should be of a high quality and meet the Australian Design Standards.
144. **Access and security.** Access control should be set in place to exclude unauthorized access to restricted areas.
145. **Windows and security.** Any windows that can be opened should be fitted with good quality window locks that can be locked with a key.
146. **Alarm.** An alarm system and a duress system should be installed into the premises.
147. **Clean water only to stormwater system** - Only clean unpolluted water is permitted to enter Council's stormwater drainage system.

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148. **Signage – English language.** All advertising signs are to be displayed in the English language but may include a translation into another language using letters or characters that are no larger than the English language letters or characters.

Any translated message must be accurate and complete.

No amendment to the size of a sign will be permitted to allow for both the English and translated language to be displayed.

149. **Signage – illumination.** Illuminated signs shall be fitted with a timing device to switch off the illumination between 11pm and 7am.
150. **Advertising.** No approval is granted in this consent for general or third party advertising which is prohibited.

**ADVISORY NOTES**

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

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


152. **Saturated and trans fats** - To minimise the risk of cardiovascular disease in the community, fats and cooking oils that are high in saturated and/or trans fats should not be used in the preparation or cooking of food. Alternatively, instead of deep frying, change to healthier cooking methods such as baking, grilling, steaming or microwaving or use mono/polyunsaturated fats or oils such as canola, olive, sunflower, soybean and safflower oils and margarines.
153. **Duty to notify** - Pollution incidents causing or threatening harm to the environment must be reported to Council as soon as practicable on Tel. 9952 8222.


**ITEM 3 (continued)**

**ATTACHMENT 3**

15 July 2015

Sue Pemberton  
City of Ryde Council  
1 Devlin Street  
Ryde NSW 2112





**NSW Police Force**

**APPLICATION NUMBER: D/2015/0263**  
**DEVELOPMENT APPLICATION FOR ERECTION OF A NEW BUILDING CONTAINING A PUB AT GROUND FLOOR AND THREE LEVELS OF PARKING ABOVE.**

Police object to this application due to the likely negative social impacts, suitability of the site and it is not in the public interest.

**1. Location**

- 1.1. The proposed location is within the Ryde Local Area Command. There are 31 suburbs within the Ryde Local Area Command. A list of these suburbs is provided in Annexure 1. There are 18 suburbs within the City of Ryde Council area. A list of these suburbs is provided in Annexure 2.
- 1.2. The proposed development is for a new hotel to be built on the existing car park of the Eastwood Hotel. The Eastwood Hotel is situated at 115 Rowe Street Eastwood. The proposed development site is 111 Rowe Street Eastwood. The surrounding development to the proposed site is diverse and varies between other licensed premises, commercial premises and residential buildings.
- 1.3. The proposed location is within the Eastwood Alcohol Free Zone. This alcohol free zone has been implemented by Ryde Local Council in an attempt minimise alcohol related crime, street offences, anti social behaviour and public drinking.
- 1.4. The location is currently a 27 space car park servicing the Eastwood Hotel, owned by the applicant Redcape Hotel Group Pty Limited. The proposed hotel will have a capacity of 220 patrons consisting of a large outdoor gaming room, bar and dining area, and outdoor alfresco dining area.

**2. Licensed Premises Saturation**

- 2.1. The Ryde Local Area Command has 305 licensed premises. These licensed premises are made up of 202 on-premises licences, 20 Club, 13 Hotels, 53 packaged licenses and 17 producers' licenses.
- 2.2. Of the 305 licensed premises within the Ryde Local Area Command **58** are located in the suburb of Eastwood. The below map highlights the density of licensed premises

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**Ryde Local Area Command**  
**Gladesville Police Station**  
8 Victoria Road, Gladesville NSW 2111  
T 02 9879 9626 F 02 9879 9611 W www.police.nsw.gov.au  
TTY 02 9211 3776 for the hearing and speech impaired. aux 02 9879 9611

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within the suburb. There are 31 suburbs in the Ryde Local Area Command. Of these 31 suburbs within the command Eastwood has 19% of the total licensed premises.



Source: Alcohol Related Crime Information Exchange (ARCHIE)

- 2.3. The licensed premises within the suburb of Eastwood are made up of 2 hotels, 4 clubs, 6 bottleshops, 45 on-premises and 1 producer.
- 2.4. Police are aware of a recent approval for the development of another new hotel to be situated at 75 Rowe Street, Eastwood to be known as Moko's Heathers Kitchen. The patron capacity for this hotel is 140 persons. Should this current application be approved it will allow for a rise in patrons of a further 360 within 50 metres of one another.
- 2.5. If both these proposed applications are granted it would result in the suburb of Eastwood having 27% of all hotels within the Ryde Local Command. Further the suburb of Eastwood would have 4 of the 9 hotel licences being 45% of hotels within the Ryde Local Government Area (Sawdust Hotel, Victoria Road Ryde is not currently trading).
- 2.6. The area of Eastwood is already well serviced by the existing licensed premises and the proposed development is not offering anything that is not already available at any one of the existing licensed premises in the immediate vicinity. Of the current 45 on-premises liquor licences with the suburb of Eastwood, 18 are Korean Restaurants, some of these restaurants have a Primary Service Authorisation allowing the sale of liquor without consuming a meal.

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- 2.7. This application is directly next door to the Eastwood Hotel and less than 50 metres from the proposed Heathers Kitchen Hotel. The Landmark Hotel is a 300 metre walk from the proposed site. The Eastwood Club is a 350 metre walk.
- 2.8. The primary purpose of a hotel is the supply of liquor for consumption on the premises. The proposed new development is likely to attract patrons who may either contribute to levels of alcohol related crime or adversely impact the amenity of the local community as they move through the neighbouring streets and Railway Station to and from other licensed premises. The CBD of Eastwood will have four hotels and one registered club within a 200 metre radius of each other which will create patron migration. This migration is going to have detrimental affect on the local community of Eastwood through the likelihood of increased potential of alcohol related crime.
- 2.9. The proposed site is not in line of sight of the Landmark Hotel or the Eastwood Club both are situated on the western side of the Eastwood Railway line. The staff from the proposed hotel cannot be expected to, nor will they be able to respond to incidents arising from patron migration away from the immediate vicinity of the proposed premises. Patron migration will result in an increase in malicious damage and assaults resulting in an increase for a police response.
- 2.10. Between the period of 1 June 2014 and 31 May 2015 police conducted a total of 787 business inspections in licensed premises within the Ryde Local Area Command. These have been as a result of calls for assistance or more often proactively patrolling the premises to deter the increase of alcohol related crime. Combine these results with the 1941 alcohol related incidents; including the investigation of 135 Alcohol related assaults you have a substantial drain on police resources.
- 2.11. One more licensed premise does make a difference. The approval of this application will increase the availability of alcohol which is clearly shown to adversely affect the local and broader community.
- 2.12. The proposed location which is directly next to the existing hotel is not suitable for this development. The landscape plan provided by the applicant (Annexure 3) indicates that the Eastwood Hotel as well as the proposed hotel will share the same off street entrance from Rowe Street. The Eastwood Hotel has extended trading hours. On numerous days of the week the Eastwood Hotel trades until 5am. If this application is successful police suspect when the proposed hotel closes at midnight many patrons will just walk out of the new premise directly into the other without having to enter the street. In effect the site may operate as 'one hotel'. With this come concerns of patrons entering the Eastwood Hotel without any RSA checks being completed. Other concerns are in relation to security. Which premises has the responsibility to monitor the area between the two hotels? There will be difficulties for police when investigating licensing breaches and attempting to establish which premises patrons had been attending.
- 3. Crime Data**
- 3.1. Computerised Operational Policing System (COPS) highlights the involvement of alcohol in specific crime types. Data from the 1 June 2014 until 31 May 2015 shows 23% of all Assaults, 29% of all Move – Ons, 50% of all Resist/Hinder/Assault Police Officer and 41% of all Street Offence within Ryde Local Area Command were alcohol related.

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- 3.2. This equates to:
- 3.2.1. 135 alcohol related assaults
  - 3.2.2. 227 alcohol related move-ons,
  - 3.2.3. 20 alcohol related resist/hinder/assault police incidents,
  - 3.2.4. 79 Intoxicated persons and
  - 3.2.5. 34 alcohol related street offences for the Ryde Local Area Command.
- 3.3. COPS further shows that of the 31 suburbs within the Ryde Local Command the suburb of Eastwood recorded 18% of all alcohol related street offences, 22% of all alcohol related Move-ons, 10% of all alcohol related assaults and 18% of all Intoxicated Persons.
- 3.4. It must be noted that while these crime statistics take into consideration data retrieved from COPS it does not take into consideration the calls for police assistance that are not created into a COPS report. These incidents are recorded on Computer Aided Dispatch System (CAD). A copy of known alcohol related CAD jobs for the period of 1 January 2014 to 1 June 2015 is attached in Annexure 4. By no means is this list an exhaustive list of every CAD job within the suburb of Eastwood during that time but it serves to provide more compressive information of the type of jobs that police respond to within the suburb relating to alcohol. Below is an example of some of these incidents.
- 3.4.1. **CAD 496080-29052014** – Vicinity of Eastwood Railway Station, West Parade, Coolgun Lane Eastwood. Informant saw an intoxicated person, male person of interest walking and he was caring for a 2 year old child. Informant is concerned for the welfare of the child.
  - 3.4.2. **CAD 84754-07082014** – Midson Road, Hillcrest Eastwood. Informant states there are approximately 6 males, heavily intoxicated being rowdy at the above. Informant would like them moved on.
  - 3.4.3. **CAD 987857-03092014** – Eastwood Shopping Centre, 152-160 Rowe Street Eastwood. Informant states male person of interest (description given) Heavily intoxicated person and hanging around in the centre. Currently laying near the front doors.
  - 3.4.4. **CAD 463114-22052015** – Progress Avenue, Hillview Lane Eastwood. Location is outside breadtop. Person of interest male (description given) described as being blind drunk has fallen into roadway has now been helped to his feet but is stumbling all over. Police to attend and check on welfare.
- 3.5. Police do not dispute the Ryde Local Government Area and Ryde Local Area Command has a lower rate of alcohol related crime than many other Local Government Areas and policing commands within the State of NSW. However police submit that this is largely due to the suburbs within the command not being highly populated with licensed premises in close proximity to one another with the exception of the suburb of Eastwood. The statistics below give a comparison to the Ryde Local Area Command compared to other Local Area Commands within the state of NSW where there is a higher presence of hotels. These results are sourced from the Alcohol Related Crime Information Exchange over the period of 1 June 2014 to 31 May 2015.
- 3.5.1. Ryde Local Area Command had 134 incidents of alcohol related assaults. This equates to 24% of all assaults. 12 Hotels within the command.

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- 3.5.2. Brisbane Water Local Area Command had 511 incidents of alcohol related assaults. This equates to 41% of all assaults. 24 Hotels within the command.
  - 3.5.3. Newcastle City Local Area Command had 631 incidents of alcohol related assault. This equates to 36% of all assaults. 71 Hotels within the command.
  - 3.5.4. Northern Beaches Local Area Command had 462 incidents of alcohol related assaults. This equates to 47% of all assaults are alcohol related. 20 Hotels within the command.
- 3.6. The information above shows a clear correlation between the increased number of licensed hotels within a command and the increase in numbers of alcohol related crime. Police submit that should the suburb of Eastwood continue to increase the number of licensed premises within the area the alcohol related crime will continue to increase.

**4. Statement of Environmental Effects**

- 4.1. Page 4 of the Statement of Environmental Effects (SEE) states "The new venue will have an emphasis on dining, with a focus on Korean cuisine". The applicant provided two page document titled 'Red Lantern Hotel' (Annexure 5). Within this document the applicant stated, "Red Lantern Hotel will be a destination Hotel for local families, professionals and other visitors to meet and enjoy the dining experience on offer for both lunch and dinner, 7 days a week. Discussions with the applicant indicate the business model will not allow for minors within the premises. Police submit that without allowing minors in the premises the focus of the premises will not be on food or 'a destination for local families' as suggested within the SEE and supporting documents, and that appears the premises will rely or focus on alcohol and gaming.
- 4.2. Page 5 of the SEE states, "There will be no live music at the new Hotel". While police do not believe the premises is an appropriate location for live entertainment police again submit that the premises will not offer anything new that isn't already offered within the close vicinity.
- 4.3. Page 44 and 45 provides a density calculation of licenses in the suburb of Eastwood. It provides the ratio of hotels compared with the Eastwood population, 16,193. Police submit that while the ratio of people to hotels may be under the state average the ratio of population to all types of licensed premises is likely to be a lot higher.
- 4.4. Page 4 and page 44 of the SEE state the following, "There is a valid community demand for a new hotel premises in the Eastwood Town Centre". Police submit the council have already approved a new hotel in Eastwood located at 75 Rowe Street and that another hotel is not required.
- 4.5. On Thursday 2 July 2015 Police attended the Eastwood CBD and conducted a basic survey with regards the need for a new hotel in Eastwood. Police asked the following two questions. 1. Do you believe there is a COMMUNITY demand for a new hotel in Eastwood? 2. Do you PERSONALLY want a new hotel in Eastwood? The survey was provided in English, Korean and Chinese. All surveys have been provided in Annexure 5.

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- 4.6. Of the 51 people willing to complete the survey the results are as follows;
- 4.6.1. 47 persons stated there is NO COMMUNITY demand.
  - 4.6.2. 47 persons stated they DO NOT PERSONALLY want a new hotel
  - 4.6.3. 3 persons stated there IS a COMMUNITY demand.
  - 4.6.4. 3 persons stated they PERSONALLY WANT another new hotel.
  - 4.6.5. 1 person stated there IS a COMMUNITY need but they do not personally want another hotel.

4.7. While this was by no means a comprehensive survey police believe it does go towards demonstrating there is no community need for another hotel in Eastwood.

**5. Comment**

5.1. Police object to the approval of this application due to the following reasons;

- 5.1.1. It will result in negative social impacts. Police submit that should the suburb of Eastwood continue to increase the number of licensed premises within the area the alcohol related crime will continue to increase. As shown in other Local Area Commands within the state.
- 5.1.2. The site is unsuitable for this development. The premises are located within an alcohol free zone. The premise is located in a suburb that already has 58 licensed premises, many of which provide the services as proposed to be provided by this development.
- 5.1.3. It is not in the public interest for this application to be approved. It will result in increased alcohol availability in an area (Eastwood) where alcohol related crime, street offences, anti-social behaviour are higher than any other suburbs in the command or Local Government Area. There are sufficient existing liquor outlets to provide for the needs of the community. With this proposed development not offering any other service that isn't already available in the close vicinity. There is no community demand for any further hotels within the suburb.

While police strongly object to this application we request if council approve the development two conditions are placed on the consent to ensure the premises is not operated until such time as the Plan of Management has been finalised and agreed upon with the Ryde Local Area Commander. The conditions requested are as follows

"The licensee must ensure that the premises at all times are operated in accordance with the Plan of Management. A copy of the Management Plan must be contained in a register within the licensed premises and must be made available to police, the local council or inspectors on demand."

"Any changes to the Plan of Management must be agreed upon by the Ryde Local Area Commander."

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**ATTACHMENT 3**

If you require any further information please don't hesitate to contact Sergeant Barnard in the Ryde Licensing Office.



J Duncan  
Superintendent  
Ryde Local Area Command

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Report crime anonymously

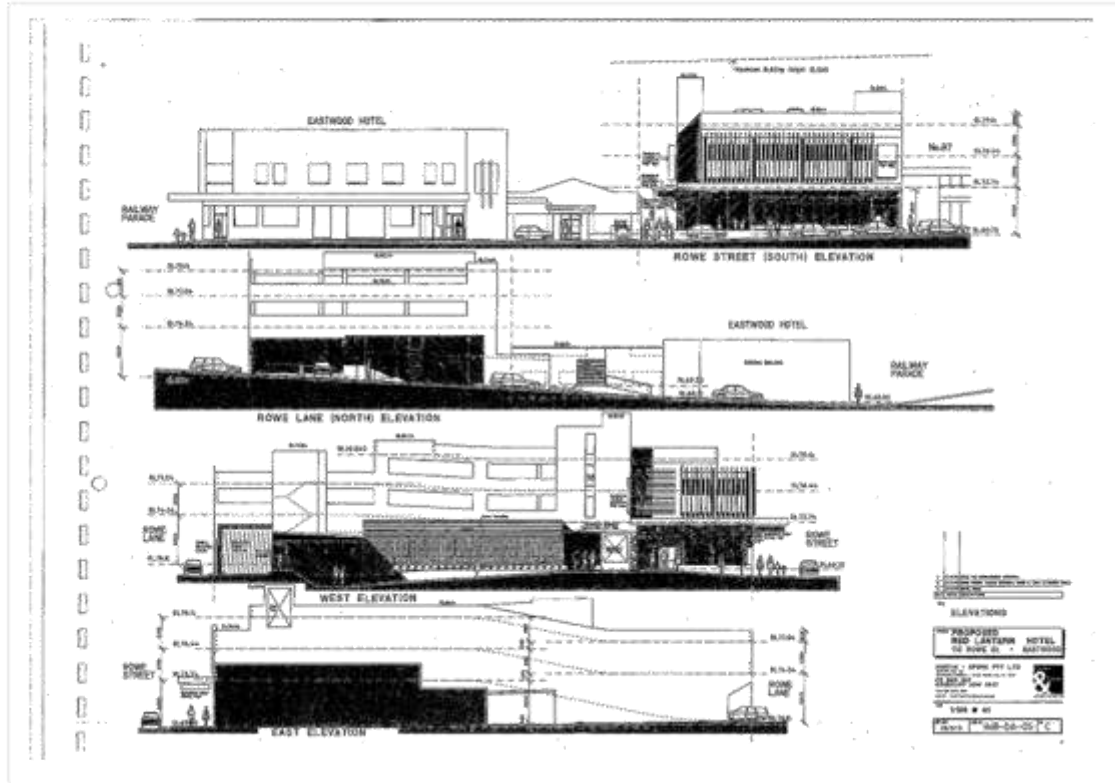






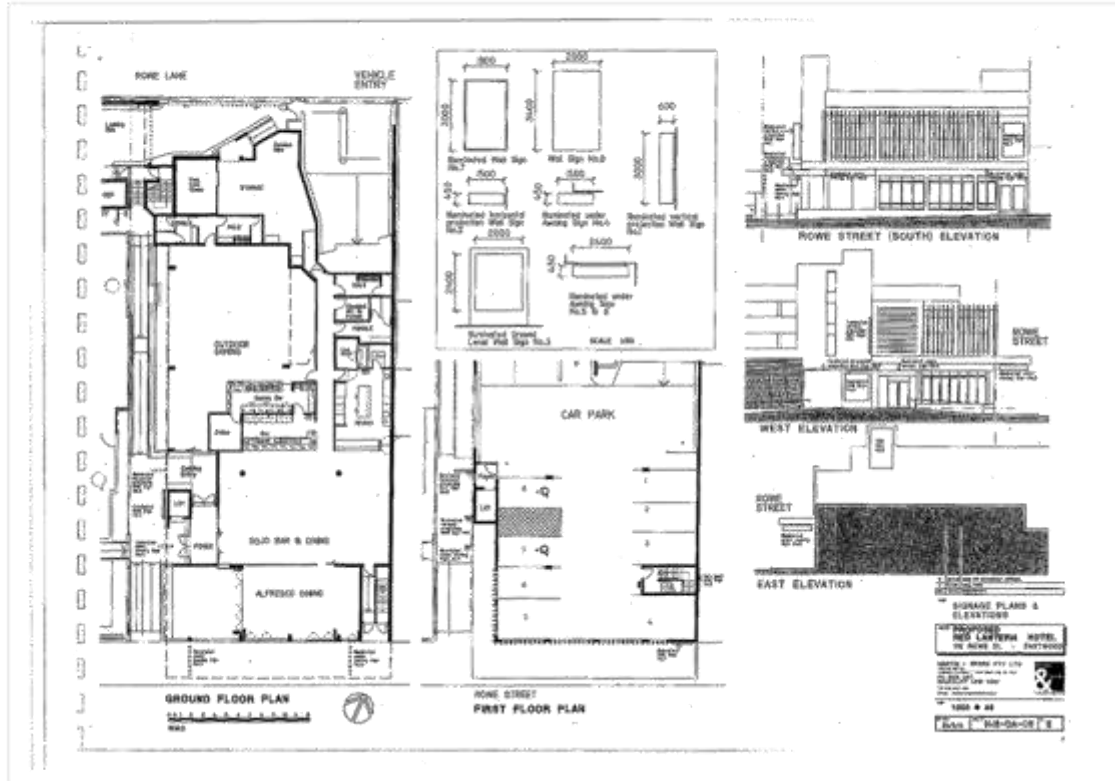
ITEM 3 (continued)

ATTACHMENT 4



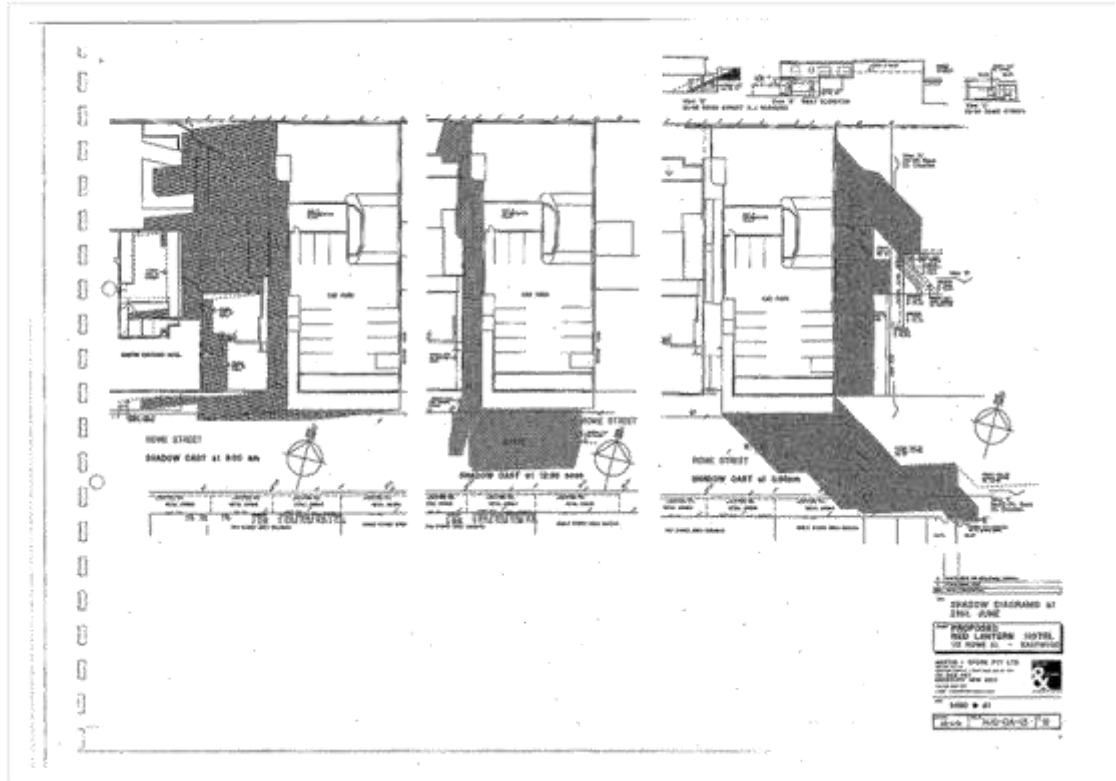
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ATTACHMENT 4



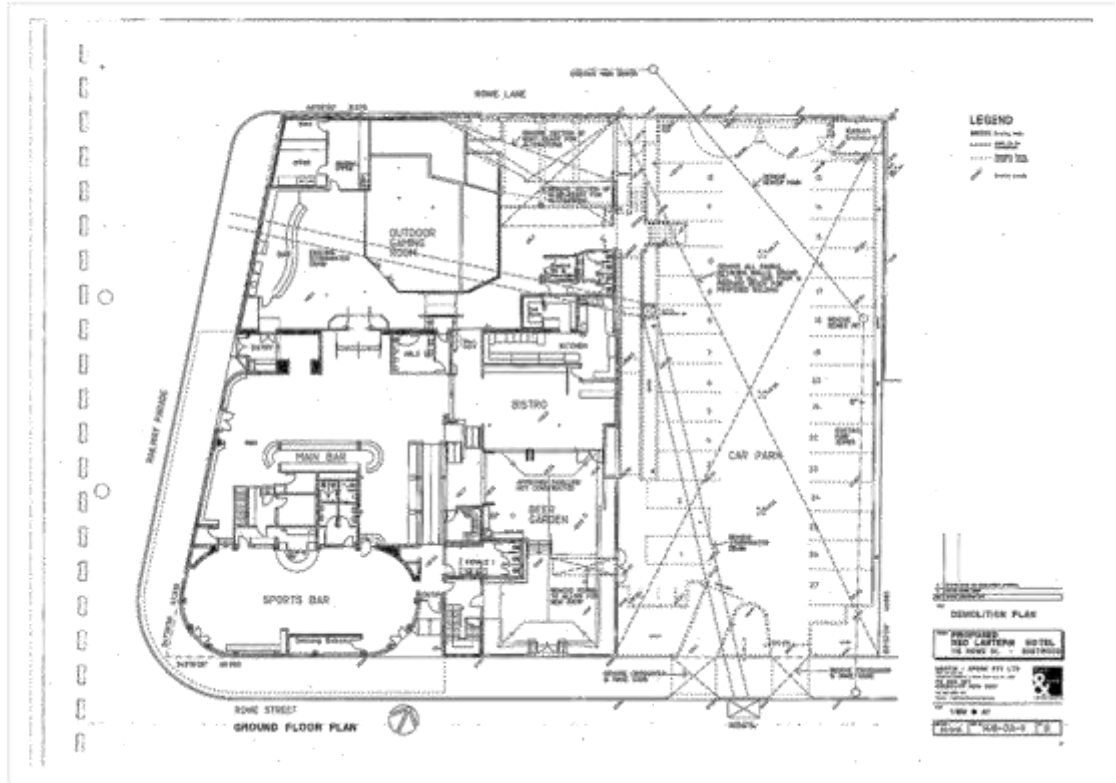
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ATTACHMENT 4



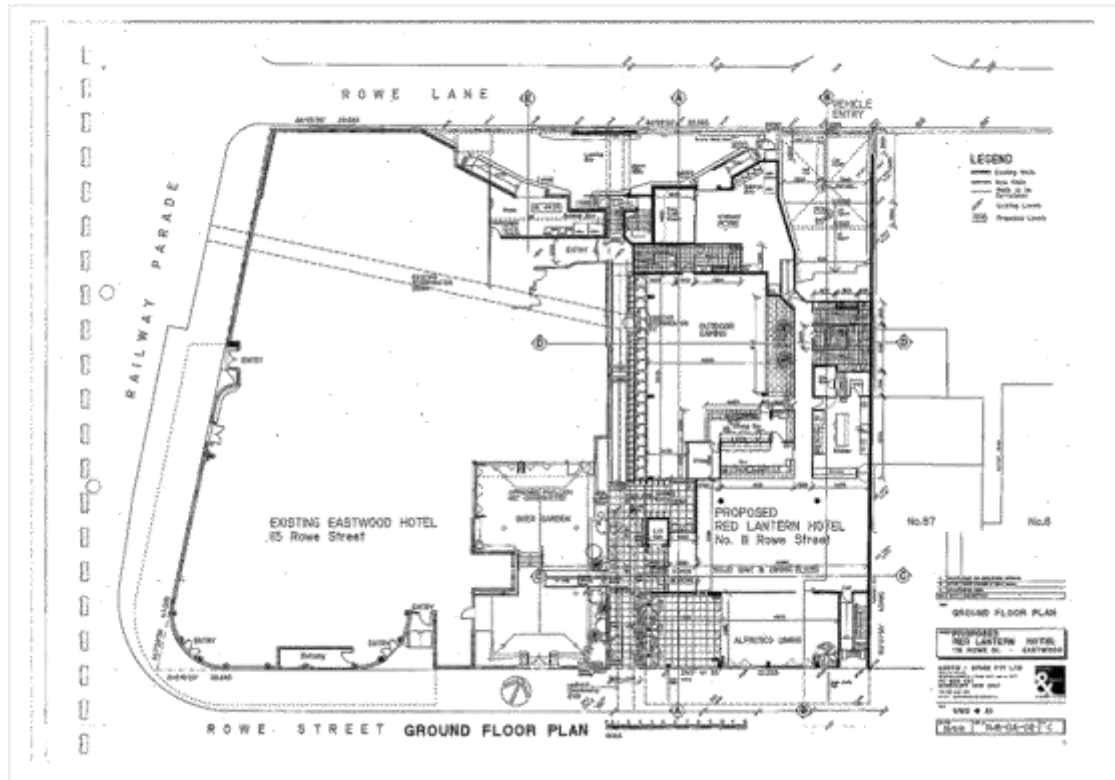
ITEM 3 (continued)

ATTACHMENT 4



ITEM 3 (continued)

ATTACHMENT 4



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#### 4 PLANNING PROPOSAL - 87 BOWDEN STREET RYDE - DELLINA PALMS COTTAGE

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**Report prepared by:** Strategic Planner  
**File No.:** LEP2016/2/3 - BP16/256

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#### REPORT SUMMARY

Council on the 23 February 2016 considered a report on the property 87 Bowden Street Ryde that identified the site as containing an item of local heritage that was under threat from demolition. In response to that report Council resolved in part the following:-

- (a) *That Council delegate authority to the General Manager to take all necessary action to place an Interim Heritage Order over 87 Bowden Street, Meadowbank.*
- (b) *That Council resolve to list the property at 87 Bowden Street, Meadowbank as an item of local heritage significance within Schedule 5 Environmental Heritage of Ryde Local Environmental Plan 2014.*

Interim Heritage Order No.2 was placed on the property 87 Bowden Street Ryde via Government Gazette No.19 dated 11 March 2016. The IHO covers all landscaping, works and buildings located upon the land.

A Planning Proposal (PP) has been prepared in response to the Council resolution to list the 87 Bowden Street Ryde (LOT 17 DP 663261) as an item of local heritage significance within Schedule 5 Environmental Heritage of Ryde Local Environmental Plan 2014 .

This requires:

- Amending LEP 2014 Schedule 5 Environmental heritage to include the site as an item environmental heritage and
- Amending LEP 2014 Heritage Map to identify the site.

The PP is **ATTACHED (ATTACHMENT 1)**.

This report recommends that Council support forwarding the PP to the Department of Planning and Environment for a Gateway Determination.



**ITEM 4 (continued)****RECOMMENDATION:**

- (a) That Council endorse forwarding the planning proposal for 87 Bowden Street, Ryde (LOT 17 DP 663261) 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 Council endorse that, in the event of a gateway determination being issued pursuant to Section 56 of the Environmental Planning and Assessment Act 1979, the proposal be placed on public exhibition in accordance with the Community Engagement Consultation Program and a further report be presented to Council following the completion of the exhibition period.

**ATTACHMENTS**

- 1 Planning Proposal - 87 Bowden Street, Ryde
- 2 Interim Heritage Order (IHO) - 87 Bowden Street, Ryde
- 3 LEP 2014 Schedule 5 - Environmental Heritage
- 4 Draft Heritage Inventory Sheet

Report Prepared By:

**Susan Wotton**  
**Strategic Planner**

Report Approved By:

**Lexie Macdonald**  
**Senior Coordinator - Strategic Planning**

**Meryl Bishop**  
**Manager - Strategic City**

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

## ITEM 4 (continued)

### Background

Key elements relating to the heritage listing of the property 87 Bowden Street, Ryde are outlined below:

- Ryde Heritage Study 2010 was commenced in 2003 and approximately 71 properties were identified and recommended for heritage listing, together with amendments to existing heritage listings. The site 87 Bowden Street, Ryde was identified in the Ryde Heritage Study 2010 as follows:-

*An intact Federation style dwelling in excellent condition, representative of better class of dwelling in Meadowbank at the turn of the twentieth century. Dwelling is located on a prominent corner site with local landmark qualities and is one of a number of houses of similar age and scale in Bowden St. Recommendation: To be included as a heritage item in the Comprehensive LEP.*

- Council on 17 August 2010 resolved when considering the Draft Ryde Heritage Study 2010, not to pursue the heritage listing of any property unless the land owner specifically applied for a heritage listing of that property. As a result the subject property was not listed in LEP 2014 Schedule 5 Heritage Items.
- A development application was submitted in June 2015 for 87 Bowden Street Ryde to demolish the existing structures on the site and to construct a new two storey building with basement level parking for nineteen (19) car parking spaces to be used as a childcare centre for 90 children.

The development application was refused on the 23 February 2016 on the grounds that:-

- Insufficient information had been submitted to enable Council to make a full and proper assessment of the application.
- The development is unacceptable in terms of non-compliance with Ryde Development Control Plan 2014.
- The proposal is unacceptable in terms of traffic issues, extent of excavation proposed and loss of amenity on neighbouring properties (in particular noise).
- Council on the 23 February 2016 resolved to:-
  - impose an Interim Heritage Order over the property and
  - to list the property 87 Bowden Street Ryde as an item of local heritage significant within Schedule 5 Environmental Heritage of Ryde Local Environmental Plan 2014. (Attachment 3)

**ITEM 4 (continued)**

An IHO is a temporary heritage protection measure against the demolition of a potential heritage item. It also provides time to assess the heritage significance of a potential item and take the appropriate steps to list the item if warranted.

Interim Heritage Order No.2 (IHO) which relates to the subject property was published in Government Gazette No.19 dated 11 March 2016. (Attachment 2)

**Discussion**

The following outlines the “gateway plan-making process”, and a summary of the subject planning proposal.

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).

According to section 55 of the Environmental Planning and Assessment Act 1979, a Planning Proposal must include:

- A **statement** of objectives and intended outcomes of the proposal
- An **explanation** of the provisions of the proposal;
- A **justification** of the objectives, outcomes and provisions including the process for implementation;
- **Maps where relevant**, containing the appropriate detail are to be submitted, including land use zones; and
- Details of the **community consultation** that will be undertaken.

Council is the relevant planning authority for this proposal.

**ITEM 4 (continued)**

**1.1 Site Description and Context**

This planning proposal applies to land known as the 87 Bowden Street, Ryde being LOT 17 in DP 663261 (identified in Figure 1 and 2 below).



(Fig 1)



(Fig 2)

#### ITEM 4 (continued)

The site contains a dwelling house, landscaped areas and a single dwelling house. Photographs of the existing building on the site is shown in Fig 3 with photos



87 Bowden St.

(Fig 3)

The site is in the vicinity of a number of local heritage items listed under RLEP 2014, the closest being:

Church (Item 2)) - 74A Bowden Street Ryde (Ryde Presbyterian Church)

House (Item 21) – 95 Bowden Street Ryde

Church (Item 64) – 7-9 McPherson Street West Ryde

Fountain (Item 115) – Corner See and Angas Streets Meadowbank

Attached dwellings (Item 116) – 1A Angus and 34 See Street Meadowbank

Location of local heritage items in the vicinity of the site are shown in **Fig 4**.



(Fig 4)



## ITEM 4 (continued)

### 1.2 Current Planning Controls

#### Zoning

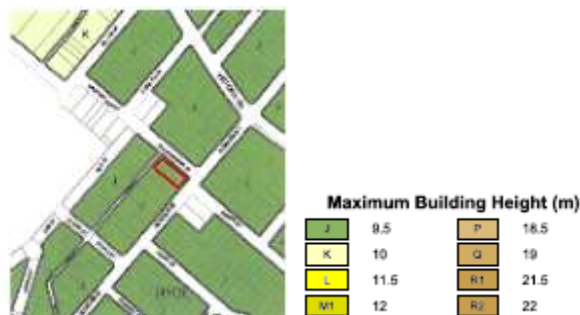
The site is currently zoned R2 Residential Low Density under RLEP 2014. The R2 zone provides for a broad range of residential uses (Figure 5 below) including child care centres, community facilities, health consulting rooms, dual occupancy and multi dwelling housing.



(Fig 5)

#### Building Height

The maximum building height relating to the site, is 9.5m as per Ryde LEP 2014 Height of Buildings Map. (see **Figure 6 below**)



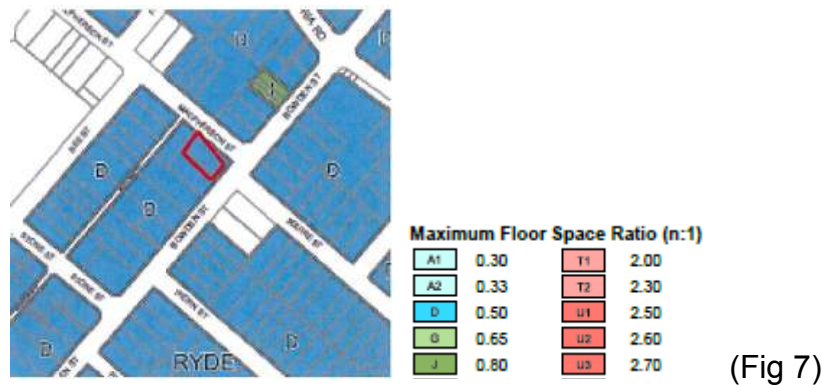
(Fig 6)



## ITEM 4 (continued)

### Floor Space Ratio

The maximum floor space ratio relating to the site, is 0.5:1 as per Ryde LEP 2014 Floor Space Ratio Map. (see **Figure 7 below**)



(Fig 7)

## 3. Proposed amendment to LEP 2014

### Proposal

The Planning Proposal seeks to amend RLEP 2014 by including the property 87 Bowden Street Ryde as a Heritage item *in Schedule 5 Environmental heritage* and including the property in *Ryde LEP 2014 Heritage Map*.

The intended outcome of the Planning Proposal is:-

- to ensure the protection of the dwelling and its curtilage at 87 Bowden Street Ryde from development that would adversely affect the heritage significance of the property
- to conserve the contribution the site makes to the environmental heritage of Ryde.
- to permit future use of the building (including adaptive re-use) that is consistent with the cultural significance of the item.

The planning proposal seeks to:

- amend *Ryde LEP 2014 Schedule 5 Environmental heritage* to include the property 87 Bowden Street Ryde (LOT 17 in DP 663261) (see Fig 8)
- amend *Ryde LEP 2014 Heritage Map* – to include 87 Bowden Street Ryde (LOT 17 in DP 663261) (see Fig 9)

F

**ITEM 4 (continued)**

**Figure 8 – Amendment to Ryde LEP 2014 Schedule 5 Environmental heritage**

(Amendment in **Red**)

**Schedule 5 Environmental heritage**

(Clause 5.10)

**Part 1 Heritage items**

Suburb	Item name	Address	Property description	Significance	Item no
Ryde	Hattons Cottage	158 Blaxland Road	Lot P, DP 443304	Local	17
Ryde	Church	74A Bowden Street	Lots 23 and 24, DP 8677	Local	20
<b>Ryde</b>	<b>House and garden</b>	<b>87 Bowden Street Ryde</b>	<b>Lot 17 DP 663261</b>	<b>Local</b>	<b>222</b>
Ryde	House	95 Bowden Street	Lot 101, DP 1055980	Local	21

(Fig 8)



*Figure 9 - Amendment to Ryde LEP 2014 Heritage Map (Item No 222)*

Justification

The property was originally recognised in City of Ryde Heritage Study 2010 and was identified as an intact Federation style dwelling in excellent condition, representative of better class of dwelling in Ryde at the turn of the twentieth century.

#### **ITEM 4 (continued)**

The recommendation of the study was that the property be included as a heritage item in LEP 2014.

An initial heritage assessment of the site was undertaken by Council's Heritage Officer on the 21 July 2015 as part of the assessment of the development application submitted for the site. The assessment advised the following:-

- 87 Bowden Street is located on a street corner and as such, has a high visual contribution to the established streetscape character. It is also located at the terminus of a road intersection, with long distance views directly towards the subject site (i.e. there are various vantage points within both Bowden Street and Squire Street from which to view the property).
- The dwelling is attributed to the diminishing housing stock of early 20<sup>th</sup> Century dwellings in the City of Ryde and displays an intact form and high degree of architectural integrity. 87 Bowden Street is considered a good example of the Federation Queen Anne architectural style of which there are few intact surviving examples within the locality (i.e. Ryde LGA) and is considered to have a degree of rarity it is in good condition.

A draft Heritage Inventory Sheet was updated and revised to reflect the additional heritage assessment undertaken by Council's Heritage Advisor in March 2016. That updated Inventory states the following (Attachment 4):-

#### ***Physical Description***

*A large picturesque free standing single-storey dwelling, situated on a prominent street corner and set within an established landscaped garden, which comprises open lawn areas flanked by mature trees and understorey plantings.*

*The dwelling is typically constructed of red-brick with a slate clad hipped roof and gables to the top and finished with terracotta tile ridge capping and finials.*

*A gable roofed wing projects off the front elevation and has vertical red-brick bands with roughcast render infill. A small timber framed awning is suspended from the gabled façade, above the tri-casement window set. A similar projecting wing is situated on the northern secondary front elevation and employs similar architectural detailing.*

*A verandah occupies the remainder of the front elevation, returning along the northern side elevation and includes corrugated sheet metal clad roof (replacement), supported by masonry piers with a pair of upper timber posts and decorative fretwork panels. The northern side elevation of the verandah has been partly enclosed.*

*Three masonry chimneys of matching detailing with roughcast render and terracotta pots, projects off the northern-facing roof plane and southern facing roof plane.*

#### **ITEM 4 (continued)**

*The dwelling displays the principal characteristics and elements which define the dwelling as belonging to the Federation Queen Anne architectural style.*

#### **Physical condition and Archaeological potential**

*Documentary and physical evidence shows that some changes have been undertaken previously to the dwelling, although the principal characteristics of the architectural style remain. The concentration of previous alterations and additions to the rear, combined with their respective height, bulk and scale, retains the overall silhouette of the dwelling when viewed from the streetscape and retains a relatively high degree of architectural integrity.*

#### **Statement of significance**

*Dellina Palms Cottage' is of historical, social, aesthetic, rarity and representative significance at a local level.*

*The dwelling is of historical significance as it demonstrates the residential development of the Ryde and Meadowbank area from the early 20<sup>th</sup> Century and evidences the higher quality vernacular of the period.*

*The dwelling has social significance for its historical use and function as a series of private hospitals under the guise of different names and operation by differing Matrons during the mid 20<sup>th</sup> Century. Documentary evidence reveals that the dwelling played an important role in the community as a place of respite and convalescence.*

*Dellina Palms Cottage is a large picturesque free standing single-storey dwelling, situated on a prominent corner site and set within established landscaped gardens, which comprise open lawn areas flanked by mature trees and understorey plantings. These features culminate to give the property and dwelling landmark qualities and contribute highly to the sensory appeal of the streetscape.*

*The dwelling displays characteristics and elements which define it as belonging to the Federation Queen Anne architectural style and has a construction date of c1905-1910 and is of an architectural style that is increasingly rare and under threat within the locality.*

*Despite some notable alterations and additions, the dwelling retains a high degree of architectural integrity, with original fabric and detailing extant and the previous changes do not obscure the silhouette of the dwelling, form or detailing.*

*Overall, the dwelling is in good repair and has architectural interest and value as a good representative example of a substantially sized Federation Queen Anne styled dwelling in the Ryde locality.*

## **ITEM 4 (continued)**

Council has engaged a heritage consultant to prepare a detailed heritage assessment of the site which will be attached to the Planning Proposal.

### **1.4 Appraisal of the Planning Proposal**

#### **1. State Government Strategies**

- *A Plan for Growing Sydney* - December 2014.
- the draft *Inner North Draft Subregional Strategy (draft Subregional Strategy)* exhibited between 18 July to 17 September 2007.

It is considered that the Planning Proposal is consistent with the objectives and strategies of *A Plan for Growing Sydney* and *draft Subregional Strategy* in that:

- it will assist in reflecting the city's heritage and history, its sense of place and identity.

*Community life is often centred around significant places such as heritage buildings. These buildings provide a connection to our past and collectively tell our city's story. Heritage buildings and sites contribute to our sense of place and identity and help us to understand and learn about our past, .....(Plan for Growing Sydney Page 90)*

- it will assist in protecting the cultural and heritage elements of the subregion. (draft Subregional Strategy page 84) by being part of the conservation of places and streetscapes of heritage value. (draft Subregional Strategy page 89)

#### **2. Local Council Strategies**

- The City of Ryde 2025 Community Strategic Plan

The 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 seven outcomes for the City of Ryde are:

A City of Liveable Neighbourhoods

A City of Wellbeing

A City of Prosperity

A City of Environmental Sensitivity

A City of Connections

A City of Harmony and Culture

A City of Progressive Leadership

#### **ITEM 4 (continued)**

The Planning Proposal is in line with goals and strategies of the Community Strategic Plan in that it is responding to the community's sense of identity to their neighbourhood and a desire for liveable neighbourhoods by protecting local heritage.

To create a distinct local identity built on our city's character and cultural heritage." (Pge 23 City of Ryde 2025 Community Strategic Plan)"

- Local Planning Study (LPS)  
Council adopted *Ryde Local Planning Study (December 2010)* in response to the NSW Government's *Metropolitan Strategy* and draft *Inner North Draft Subregional Strategy* to outline a vision for development of Ryde over the next 20 years.

The Local Planning Study was the basis for the development of Ryde LEP 2014. One of the aims of Ryde LEP that was derived from the Local Planning Study is:-

(d) *to identify, conserve and promote Ryde's natural and cultural heritage as the framework for its identity, prosperity, liveability and social development, (RLEP 2014 Clause 1.2 (d))*

The Planning Proposal is consistent with both the Study and Ryde LEP 2014.

#### **3. Ministerial Directions (s.117 directions)**

A summary assessment of the Planning Proposal in terms of the Directions issued by the Minister for Planning under Section 117 of the EP&A Act is contained in the Tables 1 and 2 of the PP and can be found on pages 19).

The Ministerial Directions apply to draft local environmental plans and relate to areas such as employment and resources, environment and heritage, housing infrastructure and urban development, hazard and risk and regional Planning.

The PP complies with the Directions which are relevant to the site and planning proposal.

#### **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.



**ITEM 4 (continued)**

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:

- 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 Infrastructure 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.

A communications and consultation program will be prepared by Council's Communication and Media (C&M) Unit with respect to the exhibition of a draft LEP should Gateway approval be given by the Department.

**Critical Dates**

Time periods for preparation of amending LEPs apply upon the issue of the Gateway Determinations by the Minister. There is usually a 6 time period allowed. The timeline provided in the PP indicates that the notification of the changes on the government website should occur by mid 2016.

**Financial Impact**

To exhibit the Planning Proposal it is necessary to place an advertisement in a local newspaper. The cost of placing the advertisement is estimated at \$1000. These funds provided for in the current budget for the financial year 2015/16 from the Strategic City budget.

**Policy Implications**

The proposal is consistent with Ryde Heritage Study 2010 and Ryde Local Planning Study.

#### **ITEM 4 (continued)**

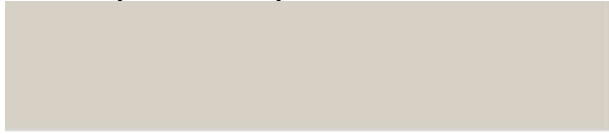
##### **Options**

Council has the option to:-

1. 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. Not to proceed with the Planning Proposal and to resolve to revoke the Interim Heritage Order.

**ITEM 4 (continued)**

**ATTACHMENT 1**



 City of Ryde  
Lifestyle and opportunity @ your doorstep



Strategic City Department

**Planning Proposal  
87 Bowden Street Ryde  
(Lot 17 DP 663261)**

**ITEM 4 (continued)**

**ATTACHMENT 1**



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<b>ATTACHMENTS</b>		
<b>1</b>	<b>Ryde Local Environmental Plan 2014 - Amendment No. 8: Site Identification Map</b>	
<b>2</b>	<b>Interim Heritage Order No.2 (IHO) published in Government Gazette 19 dated 11 March 2016.</b>	
<b>3</b>	<b>Council Minutes 23 February 2016</b>	
<b>4</b>	<b>Heritage Study – to be attached</b>	
<b>5</b>	<b>Schedule 5 Environmental heritage and Draft</b>	

**ITEM 4 (continued)**

**ATTACHMENT 1**

Urban Planning Unit	Planning Proposal for 87 Bowden Street Ryde	Page 3
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	<b>Heritage Map</b>	
<b>6</b>	<b>Communication/Consultation Program – to be attached</b>	

**1.0 Introduction**

A planning proposal is a document that explains the intended effect of a proposed local environmental plan (LEP) and sets out the justification for making that plan. This planning proposal has been prepared in accordance with the requirements of the Environmental Planning and Assessment Act 1979 (in particular section 55) and relevant guidelines produced by the Department of Planning and Infrastructure.

The Department of Planning and Infrastructure requires a Planning Proposal to cover six main parts which form the basis of this document as follows:

- Part 1 – Statement of Objectives and Intended Outcomes of the proposed LEP (refer 2.0)
- Part 2 – Explanation of the Provisions to be included in the LEP (refer 3.0)
- Part 3 – Justification of objectives, outcomes and process for implementation (refer 4.0)
- Part 4 – Maps to identify intent and applicable area (refer 5.0)
- Part 5 – Community Consultation proposed to be undertaken on the Draft LEP (refer 6.0)
- Part 6 – Project timeline - anticipated timeframe for the making of the LEP (refer 7.0)

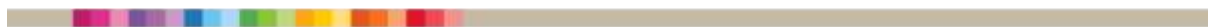
*Planning Proposal*

This planning proposal aims to amend the existing planning controls to:-

- o to conserve and protect the heritage of the built environment of the property to which this plan applies,
- o to ensure that any new development on the land does not adversely affect the heritage significance of the building(s) or their setting and
- o Include the property 87 Bowden Street Ryde in LEP 2014 as a Heritage Item in *Schedule 5 Environmental heritage*

**1.1 Site Description and Context**

This planning proposal applies to land known as the 87 Bowden Street Ryde (Lot 17 in DP 663261) identified on the map titled "Ryde Local Environmental Plan 2014 - Amendment No. 8: Site Identification Map" contained in Attachment 1.



**ITEM 4 (continued)**

**ATTACHMENT 1**

Urban Planning Unit	Planning Proposal for 87 Bowden Street Ryde	Page 4
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The subject site which is approximately 975m<sup>2</sup> (1.65ha) contains an intact Federation style dwelling and associated garden is identified in **Figure 1**.



**Figure 1**

A site location plan of the site is shown at **Figure 2** and an aerial photo of the site is shown at **Figure 3**.



**Figure 2 (The site in red)**



**ITEM 4 (continued)**

**ATTACHMENT 1**

Urban Planning Unit	Planning Proposal for 87 Bowden Street Ryde	Page 5
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**Figure 3** – Aerial photograph of the site

Photographs of the existing buildings on the site are shown at **Figure 4**.



87 Bowden St.

**Figure 4**

**Context**

**ITEM 4 (continued)**

**ATTACHMENT 1**

Urban Planning Unit

Planning Proposal for  
87 Bowden Street Ryde

Page 6

The site is located at the corner of Bowden and Macpherson Streets in the suburb of Ryde.

Northern Sydney Institute of TAFE is located to the west of the site whilst Ryde Town Centre is located to the east, Meadowbank Urban Village and the Parramatta River to the south. Victoria Road is to the north of the site and directly opposite the site is the Ryde Presbyterian Church which itself is identified as a heritage item under Ryde LEP 2014.

The site is in the vicinity of a number of local heritage items listed under RLEP 2014, the closest being :

- Church (Item 2) - 74A Bowden Street Ryde (Ryde Presbyterian Church)
- House (Item 21) – 95 Bowden Street Ryde
- Church (Item 64) – 7-9 McPherson Street West Ryde
- Fountain (Item 115) – Corner See and Angas Streets Meadowbank
- Attached dwellings (Item 116) – 1A Angus and 34 See Street Meadowbank

Location of local heritage items in the vicinity of the site are shown in **Fig 5**



**Fig 5**

**ITEM 4 (continued)**

**ATTACHMENT 1**



**1.2 Current Planning Controls**

**Environmental Planning Instruments**

Ryde LEP 2014 is the principle planning instrument applying to the site.

**Zoning**

The site is currently zoned R2 Residential Low Density under RLEP 2014. The R2 zone provides for a broad range of residential uses.

Under the zone the following uses are permitted:-

Bed and breakfast accommodation; Boarding houses; Business identification signs; Child care centres; Community facilities; Dual occupancies (attached); Dwelling houses; Environmental protection works; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Home occupations; Hospitals; Multi dwelling housing; Places of public worship; Recreation areas; Residential care facilities; Respite day care centres; Roads; Secondary dwellings (see **Figure 6** below)



**Figure 6**

**Building Height**

The maximum building height relating to the site, is 9.5m as per Ryde LEP 2014 Height of Buildings Map . (see **Figure 7** below)

**ITEM 4 (continued)**

**ATTACHMENT 1**

Urban Planning Unit	Planning Proposal for 87 Bowden Street Ryde	Page 8
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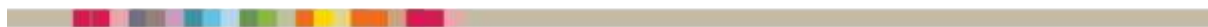
**Figure 7**

**Floor Space Ratio**

The maximum floor space ratio relating to the site, is 0.5m:1 as per Ryde LEP 2014 Floor Space Ratio Map . (see **Figure 8 below**)



**Figure 8**





**ITEM 4 (continued)**

**ATTACHMENT 1**

Urban Planning Unit

Planning Proposal for  
87 Bowden Street Ryde

Page 9

**1.3 Background**

- Ryde Heritage Study 2010 was commenced in 2003 and approximately 71 properties were identified and recommended for heritage listing, together with amendments to existing heritage listings. The site 87 Bowden Street Ryde was identified in the Heritage Study 2010 as follows:-

*An intact Federation style dwelling in excellent condition, representative of better class of dwelling in Meadowbank at the turn of the twentieth century. Dwelling is located on a prominent corner site with local landmark qualities and is one of a number of houses of similar age and scale in Bowden St.*

*Recommendation: To be included as a heritage item in the Comprehensive LEP*

- Council on 17 August 2010 resolved when considering the Draft Ryde Heritage Study 2010, not to pursue the heritage listing of any property unless the land owner specifically applied for a heritage listing of that property. As a result the subject property was not listed in LEP 2014 Schedule 5 Heritage Items.
- A development application was submitted in June 2015 for 87 Bowden Street Ryde to demolish the existing structures on the site and to construct a new two storey building with basement level parking for nineteen (19) car parking spaces to be used as a childcare centre for 90 children.

The development application was refused on the 23 February 2016 on a number of grounds including traffic and amenity issues, non-compliance with Development Control Plan 2014 and insufficient information being submitted.

- Council on the 23 February 2016 resolved in part to-
  - impose an Interim Heritage Order over the property and
  - list the property 87 Bowden Street Ryde as an item of local heritage significant within Schedule 5 Environmental Heritage of Ryde Local Environmental Plan 2014. (Attachment 3)

An IHO is a temporary heritage protection measure against the demolition of a potential heritage item. It also provides time to assess the heritage significance of a potential item and take the appropriate steps to list the item if warranted.

Interim Heritage Order No.2 (IHO) which relates to the subject property was published in Government Gazette No.19 dated 11 March 2016. (Attachment 2)

- To evaluate the heritage significance of the property in more detail a consultant was engaged by Council to undertake an assessment of the property.

Details of consultant and (Attachment 4) :- to be included

**ITEM 4 (continued)**

**ATTACHMENT 1**

Urban Planning Unit

Planning Proposal for  
87 Bowden Street Ryde

Page 10

**2.0 Objectives and Intended Outcomes**

*This part of the planning proposal responds to Section 55(1) of the Environmental Planning and Assessment Act 1979 which requires an explanation of what is planned to be achieved by the proposed amendments to Ryde LEP 2010.*

The Planning Proposal seeks to amend RLEP 2014 by including the property 87 Bowden Street Ryde as a Heritage item in *Schedule 5 Environmental heritage* and including the property in *Ryde LEP 2014 Heritage Map*.

The intended outcome of the Planning Proposal is :-

- to ensure the protection of the dwelling and its curtilage at 87 Bowden Street Ryde from development that would adversely affect the heritage significance of the property and
- to conserve the contribution the site makes to the environmental heritage of Ryde.
- To permit future use of the building (including adaptive re-use) that is consistent with the cultural significance of the item.



**ITEM 4 (continued)**

**ATTACHMENT 1**



**3.0 Explanation of Provisions**

The planning proposal seeks to:

- amend *Ryde LEP 2014 Schedule 5 Environmental heritage* to include the property 87 Bowden Street Ryde (Lot 17 in DP 663261) (see Fig 9)
- amend *Ryde LEP 2014 Heritage Map* – to include 87 Bowden Street Ryde (Lot 17 in DP 663261) (see Fig 10)

**Figure 9 – Amendment to Ryde LEP 2014 Schedule 5 Environmental heritage**

(Amendment in **Red**)

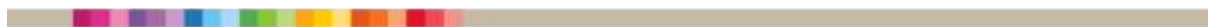
**Schedule 5 Environmental heritage**

(Clause 5.10)

**Part 1 Heritage items**

Suburb	Item name	Address	Property description	Significance	Item no
Ryde	Hattons Cottage	158 Blaxland Road	Lot P, DP 443304	Local	17
Ryde	Church	74A Bowden Street	Lots 23 and 24, DP 8677	Local	20
<b>Ryde</b>	<b>House and garden</b>	<b>87 Bowden Street Ryde</b>	<b>Lot 17 DP 663261</b>		<b>222</b>
Ryde	House	95 Bowden Street	Lot 101, DP 1055980	Local	21

*Figure 10 - Amendment to Ryde LEP 2014 Heritage Map (Amendment Item No 222)*



**ITEM 4 (continued)**

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Proposed Heritage Map  
Sheet HER\_003



A draft Schedule 5 Environmental heritage and Draft Heritage Map are included at **Attachment 5**.

**ITEM 4 (continued)**

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87 Bowden Street Ryde

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**4.0 Justification**

*Section 55 (3) of the Environmental Planning and Assessment Act 1979 enables the Director-General to issue requirements with respect to the preparation of a planning proposal. This section responds to all matters to be addressed in a planning proposal – including Director-General's requirements for the justification of all planning proposals (other than those that solely reclassify public land).*

**4.1 Need for the Planning Proposal**

**4.1.1 Is the planning proposal a result of any strategic study or report?**

The property was originally recognised in City of Ryde Heritage Study 2010 and was identified as an intact Federation style dwelling in excellent condition, representative of better class of dwelling in Ryde at the turn of the twentieth century.

The recommendation of the study was that the property be included as a heritage item in LEP 2014.

A draft Heritage Inventory Sheet was updated and revised to reflect the additional heritage assessment undertaken by Council's Heritage Advisor in March 2016.

A consultant was engaged by Council to provide a detailed heritage assessment of the site (Attachment 4).

**4.1.2 Is the planning proposal the best means of achieving the objectives or intended outcomes?**

The Planning Proposal represents the only means of ensuring the heritage significance of the site is recognised and protected from development that may adversely affect the significance of the site and its contribution to the environmental heritage of the City of Ryde.

**ITEM 4 (continued)**

**ATTACHMENT 1**

Urban Planning Unit	Planning Proposal for 87 Bowden Street Ryde	Page 14
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**4.2 Relationship to strategic planning framework**

4.2.1 Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The strategic planning context for the consideration of this Planning Proposal includes:

- A Plan for Growing Sydney - December 2014.
- the draft *Inner North Draft Subregional Strategy (draft Subregional Strategy)* exhibited between 18 July to 17 September 2007.
- A Plan for Growing Sydney

*A Plan for Growing Sydney* is the NSW's State Governments plan for the future growth and prosperity of the Greater Sydney Region. The Plan includes 4 main goals which are underpinned by several key actions. Goal 3 – *A great place to live with communities that are strong, healthy and well connected* reflects the Plans desire to build on Sydney's reputation of a vibrant cosmopolitan culture by requiring quality public spaces, green spaces, sports facilities and precincts that engage people and reflect the city's heritage and history. (A Plan for Growing Sydney Pge 9) Goal 3 is supported by a number of Directions.

Direction 3.4: *Promote Sydney's heritage, areas and culture* of the Plan builds on Sydney's reputation of being a vibrant cosmopolitan culture by requiring quality public spaces, green spaces, sports facilities and precincts that engage people and reflect the city's heritage and history our sense of place and identity and help us to understand and learn about our past,

*Community life is often centred around significant places such as heritage buildings. These buildings provide a connection to our past and collectively tell our city's story. Heritage buildings and sites contribute to our sense of place and identity and help us to understand and learn about our past, .....(Plan for Growing Sydney Pge 90)*

- Subregional Plan

A Key Direction of the draft Subregional Strategy is the protection of the cultural and heritage elements of the subregion. (pge 84). The Strategy identifies the need to consider the conservation of places and streetscapes of heritage value that contribute to the subregion. (page 89)

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The recognition and protection of 87 Bowden St Ryde as containing a building and grounds which are representative of dwellings at the turn of the twentieth century and are a contributing item to the heritage of the City of Ryde supports the Goals and Directions of A Plan for Growing Sydney and the Subregional Plan.

4.2.2 Is the planning proposal consistent with the local council's local strategy, or other local strategic plan?

City of Ryde Strategic Plans:

**1. The City of Ryde 2025 Community Strategic Plan**

The 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 seven outcomes for the City of Ryde are:

- A City of Liveable Neighbourhoods
- A City of Wellbeing
- A City of Prosperity
- A City of Environmental Sensitivity
- A City of Connections
- A City of Harmony and Culture
- A City of Progressive Leadership

The Planning Proposal is in line with goals and strategies of the Community Strategic Plan in that it is responding to the community's sense of identity to their neighbourhood and a desire for liveable neighbourhoods by protecting local heritage. (see below extract)

"A City Of Harmony and Culture

*"Goal One*

Our residents are proud of their diverse community ,celebrating their similarities and differences.

**STRATEGIES**

.....

To bring people together in their local neighbourhoods to encourage connection and belonging.

To create a distinct local identity built on our city's character and cultural heritage." (Page 23 City of Ryde 2025 Community Strategic Plan)"



**ITEM 4 (continued)**

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Urban Planning Unit

Planning Proposal for  
87 Bowden Street Ryde

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**2. Local Planning Study (LPS)**

Council adopted *Local Planning Study (December 2010)* in response to the NSW Government's *Metropolitan Strategy* and draft *Inner North Draft Subregional Strategy* to outline a vision for development of Ryde over the next 20 years. The Local Planning Study was the basis for the development of Ryde LEP 2014. One of the aims of Ryde LEP that was derived from the Local Planning Study is:-

*(d) to identify, conserve and promote Ryde's natural and cultural heritage as the framework for its identity, prosperity, liveability and social development, (RLEP 2014 Clause 1.2 (d))*

The Planning Proposal is consistent with both the Study and Ryde LEP 2014.

**4.2.3 Is there a net community benefit?**

The Planning Proposal will facilitate the retention of the an item of local heritage significance that contributes to the overall character of the City of Ryde

The amendments under this Planning Proposal will enable the Council to ensure:

- The protection of an item of local heritage significance to the City of Ryde from any development that would adversely impact on the heritage value of the buildings and grounds.

The above outcome of the proposal is considered to be in the public interest.



**ITEM 4 (continued)**

**ATTACHMENT 1**



**4.2.4 Is the planning proposal consistent with applicable state environmental planning policies?**

A summary assessment of the Planning Proposal in terms of State Environmental Planning Policies is contained in the table below (Table 1).

This assessment indicates that the draft LEP contained in this Planning Proposal is consistent with all relevant State environmental planning policies.

**Table 1 – Consistency with relevant SEPPs**

State Environmental Planning Policies (SEPPs)	Consistent		N/A	Comment
	YES	NO		
EPP No 19 Bushland in Urban Areas			✓	Applies to the whole of the State. Not relevant to proposed amendment.
SEPP No 21 Caravan Parks			✓	Applies to the whole of the State. Not relevant to proposed amendment.
SEPP No 30 Intensive Agriculture			✓	Applies to the whole of the State. Not relevant to proposed amendment.
SEPP No 32 Urban Consolidation (Redevelopment of Urban Land)			✓	Applies to all urban land. . Not relevant to proposed amendment.
SEPP No 33 Hazardous and Offensive Development			✓	Applies to all urban land. . Not relevant to proposed amendment.
SEPP No 50 Canal Estate Development			✓	Applies to the whole of the State. Not relevant to proposed amendment. .
SEPP No 55 Remediation of Land			✓	Applies to all land. . Not relevant to proposed amendment.
SEPP No.62 Sustainable Aquaculture			✓	Applies to the whole of the State. Not relevant to proposed amendment .
SEPP No 64 Advertising and signage			✓	Applies land. . Not relevant to proposed amendment.
SEPP No 65 Design Quality of Residential Flat Development			✓	Applies to the whole of the State Not relevant to proposed amendment
SEPP (Affordable Rental Housing) 2009			✓	Applies to all land. Not relevant to proposed amendment.
SEPP(BASIX) 2004			✓	Applies to all land. Not relevant to proposed amendment.



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State Environmental Planning Policies (SEPPs)	Consistent		N/A	Comment
	YES	NO		
SEPP (Exempt and Complying Development Codes) 2008			✓	Applies to all urban land. . Not relevant to proposed amendment.
SEPP(Housing for Seniors or People with a Disability) 2004			✓	Applies to all residential land. . Not relevant to proposed amendment.
SEPP (Infrastructure) 2007			✓	Applies to all urban land. . Not relevant to proposed amendment.
SEPP (Major Development) 2005			✓	Applies to all urban land. . Not relevant to proposed amendment.
SEPP (Temporary Structures) 2007			✓	Applies to all urban land. . Not relevant to proposed amendment.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007			✓	Applies to the whole of the State. Not relevant to proposed amendment.
SEPP (State and Regional Development) 2011			✓	Applies to all land. .Not relevant to proposed amendment.
Deemed SEPPs				
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005			✓	Applies to all urban land. . Not relevant to proposed amendment.

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Urban Planning Unit	Planning Proposal for 87 Bowden Street Ryde	Page 19
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4.2.5 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

A summary assessment of the Planning Proposal in terms of the Directions issued by the Minister for Planning under Section 117 of the *EP&A Act* (last update 1 February 2011) is contained in the Table 2).

The following is a list of Directions issued by the Minister for Planning to relevant planning authorities under section 117(2) of the *Environmental Planning and Assessment Act 1979*. These directions apply to planning proposals lodged with the Department of Planning and Infrastructure on or after the date the particular direction was issued:

Consideration of Relevant Section 117 Directions applying to planning proposals

Ministerial Directions under Section 117 of the Environmental Planning and Assessment Act 1979	Consistent		N/A	Comment
	YES	NO		
<b>1. Employment and Resources</b>				
1.1 Business and Industrial Zones <b>Objectives are:-</b> <ul style="list-style-type: none"> <li>o Encourage employment growth in suitable locations</li> <li>o Protect employment land in business and industrial zones and</li> <li>o Support the viability of identified strategic centres.</li> </ul>			x	
1.2 Rural Zones <b>Objective:</b> To protect the agricultural production value of rural land.			x	
1.3 Mining, Petroleum Production and Extractive Industries <b>Objective:</b> To ensure that the future extraction of significant materials is not compromised by inappropriate development.			x	
1.4 Oyster Aquaculture <b>Objective:</b> To protect oyster aquaculture from development that may result in adverse impact on water quality.			x	
1.5 Rural Lands <b>Objective:</b> To protect and facilitate economic development of rural lands.			x	
<b>2. Environment and Heritage</b>				
2.1 Environment Protection Zones <b>Objective:</b> To protect and conserve			x	

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Ministerial Directions under Section 117 of the Environmental Planning and Assessment Act 1979	Consistent		N/A	Comment
	YES	NO		
environmentally sensitive areas.				
2.2 Coastal Protection <b>Objective:</b> To implement the principles in the NSW Coastal Policy.			x	Ryde is not a coastal zone under the Coastal Protection Act 1979.
2.3 Heritage Conservation <b>Objective:</b> To conserve items ,areas, objects and places of environmental heritage significance and indigenous heritage significance.	x			The PP aims to heritage list a property of heritage significance.
2.4 Recreation Vehicle Areas <b>Objective:</b> To protect sensitive land from adverse impacts from recreation vehicles.			x	Not relevant to PP
<b>3. Housing, Infrastructure and Urban Development</b>				
3.1 Residential Zones <b>Objectives are:</b> <ul style="list-style-type: none"> <li>o To encourage a variety and choice of housing types to provide for existing and future housing needs</li> <li>o To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services and</li> <li>o To minimise the impact of residential development on the environment and resource lands.</li> </ul> <b>Comment</b> The subject land is currently zoned <i>R2 Residential Low Density</i> residential development is permitted in the zone with Council consent.  The land subject of the PP is currently used as a dwelling house. The intent of the PP is to identify the land as a heritage item in Schedule 5 of Ryde LEP 2014.	x			See adjacent comment

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Ministerial Directions under Section 117 of the Environmental Planning and Assessment Act 1979	Consistent		N/A	Comment
	YES	NO		
3.2 Caravan Parks and Manufactured Home Estates <b>Objective:</b> To provide a variety of housing types.			x	
3.3 Home Occupations <b>Objective:</b> To encourage the carrying out of low impact small businesses in dwelling houses.			x	
3.4 Integrating Land Use and Transport <b>Objectives are:</b> <ul style="list-style-type: none"> <li>o Improving access to housing , jobs and services by walking, cycling and public transport</li> <li>o Support of public transport services and reduce travel demand.</li> </ul>			x	
3.5 Development Near Licensed Aerodromes <b>Objective:</b> To ensure safe and effective operation of aerodromes.			x	
3.6 Shooting Ranges <b>Objective:</b> To reduce land use conflict, maintain appropriate levels of public safety and amenity.			x	
<b>4. Hazard and Risk</b>				
4.1 Acid Sulfate Soils <b>Objective:</b> To avoid significant adverse impacts from use of land that contains acid sulfate soils.	x			
4.2 Mine Subsidence and Unstable Land <b>Objective:</b> To prevent damage to life, property and the environment on land identified as subject to mine subsidence.			x	
4.3 Flood Prone Land <b>Objective:</b> To ensure an LEP includes consideration of appropriate flood impacts.			x	
4.4 Planning for Bushfire Protection <b>Objective:</b> To encourage sound management of bush fire prone areas.			x	
<b>5. Regional Planning</b>				
5.1 Implementation of Regional Strategies <b>Objective:</b> To give legal affect to the regional strategies.			x	
5.2 Sydney Drinking Water Catchments <b>Objective:</b> To protect water quality in the Sydney drinking water catchment.			x	



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Ministerial Directions under Section 117 of the Environmental Planning and Assessment Act 1979	Consistent		N/A	Comment
	YES	NO		
5.3 Farmland of State and Regional Significance on the NSW Far North Coast <b>Objective:</b> To ensure the best agricultural land will be available for current and future generations.			x	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast <b>Objective:</b> To manage commercial and retail development along the Pacific Hwy.			x	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) ( <b>Revoked</b> 18 June 2010)				
5.6 Sydney to Canberra Corridor ( <b>Revoked</b> 10 July 2008. See amended Direction 5.1)				
5.7 Central Coast ( <b>Revoked</b> 10 July 2008. See amended Direction 5.1)				
5.8 Second Sydney Airport: Badgerys Creek <b>Objective:</b> To avoid incompatible development in the vicinity of any future second Sydney airport.			x	
<b>6. Local Plan Making</b>				
6.1 Approval and Referral Requirements <b>Objective:</b> To ensure that LEP provisions encourage the efficient and appropriate assessment of development.	x			
6.2 Reserving Land for Public Purposes <b>Objective:</b> To facilitate the provision of public services and facilities.	x			
6.3 Site Specific Provisions <b>Objective:</b> To discourage unnecessary restrictive site specific planning controls.			x	
<b>7. Metropolitan Planning</b>				
7.1 Implementation of the Metropolitan Plan for Sydney 2036. <b>Objective:</b> To give legal affect to the vision contained in the A Plan for Growing Sydney (December 2014) <b>Comment</b> The recognition and protection of 87 Bowden St Ryde as containing a building and grounds which	x			See adjacent comment

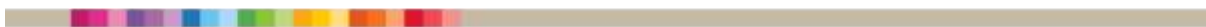


**ITEM 4 (continued)**

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Ministerial Directions under Section 117 of the Environmental Planning and Assessment Act 1979	Consistent		N/A	Comment
	YES	NO		
are representative of dwellings at the turn of the twentieth century and are a contributing item to the heritage of the City of Ryde supports the Goals and Directions of A Plan for Growing.				



**ITEM 4 (continued)**

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Urban Planning Unit

Planning Proposal for  
87 Bowden Street Ryde

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**4.3 – Environment, social and economic impact**

**4.3.1 Impact on Critical Habitat, Threatened Species and Ecological Communities**

The land is situated in a suburban context and is currently used for a dwelling house and the wider area has historically been developed for urban purposes.

The Planning Proposal will not affect any critical habitat or threatened species, populations or ecological communities, or their habitats nor is it expected to have any adverse environmental effects.

**4.3.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

*Environmental effects*

The subject site is not subject to flooding, bushfire hazard, noise impact, or soil instability and does not contain critical habitat or threatened species populations or ecological communities, or their habitats

As such the Planning Proposal will not affect any nor is it expected to have any adverse environmental effects.

*Heritage*

The Planning Proposal aims to list the property 87 Bowden Street Ryde as a heritage item within Ryde LEP 2014 and as such the property will be protected through *Clause 5.10 Heritage conservation* of LEP 2014 from any work that would adversely affect the heritage significance of the site.

**4.3.3 Has the planning proposal adequately addressed any social and economic effects?**

The Planning Proposal provides an opportunity for the site to be protected from any development that would adversely impact on the significance of the site to the heritage of the City of Ryde.

**ITEM 4 (continued)**

**ATTACHMENT 1**

Urban Planning Unit	Planning Proposal for 87 Bowden Street Ryde	Page 25
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**4.4 State and Commonwealth interests**

**4.4.1 Is there adequate public infrastructure for the planning proposal?**

There is extensive public utility service infrastructure available in this area which supports the existing residential use of the site and the surrounding development.

**4.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?**

Any State or Commonwealth authority who is identified in the gateway determination as needing to be consulted, will be consulted following that determination being.

**ITEM 4 (continued)**

**ATTACHMENT 1**

Urban Planning Unit	Planning Proposal for 87 Bowden Street Ryde	Page 26
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**5.0 Mapping**

Proposed Draft Ryde LEP 2014 Heritage Map- Amendment 8, indicating the proposed amendment being sought is provided in Attachment 3.

**ITEM 4 (continued)**

**ATTACHMENT 1**

Urban Planning Unit

Planning Proposal for  
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**6.0 Community Consultation**

This section provides details of the community consultation that is to be undertaken on the planning proposal:

The community consultation process to be undertaken for this Planning Proposal is expected to be undertaken in the following manner for a 28 day period :-

- o 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 Infrastructure with relevant State and Commonwealth authorities
- o 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.
- o The following materials will be placed on exhibition: -
  - the planning proposal
  - the gateway determination

A communication/consultation program for the planning proposal is found at **Attachment 6** (to be attached).

**ITEM 4 (continued)**

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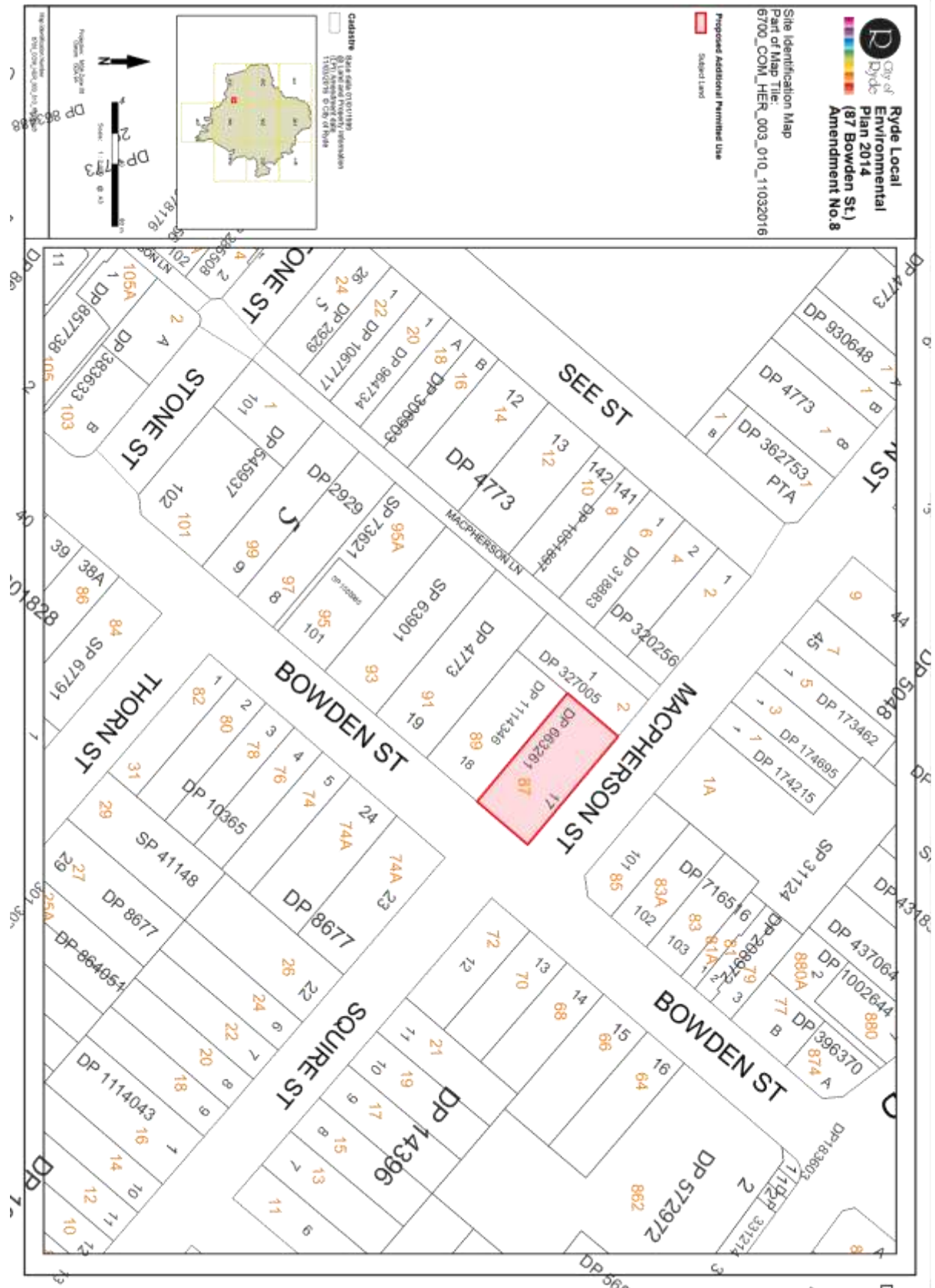
**7.0 Project Timeline**

- |   |                            |
|---|----------------------------|
| 1. Planning Proposal presented to Council   | 12 April 2016              |
| 2. Planning Proposal submitted to Gateway   |                            |
| 3. Gateway determination received by Council  | 6 May 2016                 |
| 4. Community consultation (28days)  | 18 May 2016 – 17 June 2016 |
| 5. Outcomes of Community consultation<br>Presented to Council                           | 26 July 2016               |
| 6. Planning Proposal submitted to DoPE<br>requesting notification on Government website | 1 August 2016              |



ITEM 4 (continued)

ATTACHMENT 1



**ITEM 4 (continued)**

**ATTACHMENT 2**



## *Government Gazette*

of the State of  
New South Wales

**Number 19**  
**Friday, 11 March 2016**

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The *New South Wales Government Gazette* is the permanent public record of official notices issued by the New South Wales Government. It also contains local council and other notices and private advertisements.

The Gazette is compiled by the Parliamentary Counsel's Office and published on the NSW legislation website ([www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)) under the authority of the NSW Government. The website contains a permanent archive of past Gazettes.

To submit a notice for gazettal – see [Gazette Information](#).

ITEM 4 (continued)

ATTACHMENT 2

Government Notices

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**Council Notices**

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**COUNCIL OF THE CITY OF RYDE**

HERITAGE ACT 1977

Revocation of Interim Heritage Order No 1

Lot 17 DP 663261  
(87 Bowden Street, Ryde)

Under section 29 of the *Heritage Act 1977*, the Council of the City of Ryde does by this order:

- i. revoke Interim Heritage Order number 1 affecting lot 17 in DP 663261 and made 25 February 2016 and published in the *New South Wales Government Gazette* No 14 dated 26 February 2016 (page 246)

Executed this 11th day of March 2016 at Ryde in the State of New South Wales, for The Council of the City of Ryde, by GAIL CONNOLLY, General Manager, in accordance with the resolution passed by Council on 23 February 2016.

[8465]

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**COUNCIL OF THE CITY OF RYDE**

HERITAGE ACT 1977

Interim Heritage Order No 2

Lot 17 DP 663261  
(87 Bowden Street, Ryde)

Under section 25 of the *Heritage Act 1977*, the Council of the City of Ryde does by this order:

- (1) make an interim heritage order to cover the items of the environmental heritage specified or described in Schedule 'A'; and
- (2) declares that the Interim Heritage Order shall also apply to the curtilage and site of such items, being the land described in Schedule 'B'.

This Interim Heritage Order will lapse after six months from the date it is made unless the local council has passed a resolution before that date; and

- (i) in the case of an item which, in the council's opinion, is of local significance, the resolution seeks to place the item on the heritage schedule of a local environmental plan with appropriate provisions for protecting and managing the item; or
- (ii) in the case of an item which in the Council's opinion, is of State heritage significance, the resolution requests the Heritage Council to make a recommendation to the Minister for Heritage under section 32 (2) of the Heritage Act to include the item on the State Heritage Register.

Executed this 11th day of March 2016 at Ryde in the State of New South Wales, for the Council of the City of Ryde, by GAIL CONNOLLY, General Manager, in accordance with the resolution passed by Council on 23 February 2016.

**Schedule 'A'**

All landscaping, works, relics and buildings that are attached to, located upon or form part of the land described in Schedule 'B'.

**Schedule 'B'**

All that parcel of land known as Lot 17 in DP 663261 (also known as 87 Bowden Street, Ryde) shown edged heavy black on the plan catalogued Interim Heritage Order No 2 in the office of the Council of the City of Ryde.

[8466]

**ITEM 4 (continued)**

**ATTACHMENT 3**

**Ryde LEP 2014**

**[1] Schedule 5**

**Insert in correct alphabetical order the item name of 222**

**Ryde House and garden 87 Bowden Street Lot 17 DP663261 Local 222**

**Schedule 5 Environmental heritage**

(Clause 5.10)

**Part 1 Heritage items**

<b>Suburb</b>	<b>Item name</b>	<b>Address</b>	<b>Property description</b>	<b>Significance</b>	<b>Item no</b>
Ryde	Hattons Cottage	158 Blaxland Road	Lot P, DP 443304	Local	17
Ryde	Church	74A Bowden Street	Lots 23 and 24, DP 8677	Local	20
<b>Ryde</b>	<b>House and garden</b>	<b>87 Bowden Street</b>	<b>Lot 17 DP 663261</b>	<b>Local</b>	<b>222</b>
Ryde	House	95 Bowden Street	Lot 101, DP 1055980	Local	21

ITEM 4 (continued)

ATTACHMENT 4

## *Heritage Data Form*

ITEM DETAILS					
Name of Item	Federation Queen Anne House				
Other Name/s Former Name/s	'Dellina Palms Cottage', 'Harwood' (c1915), 'Alpha Private Hospital' (c1928), 'Linwood Private Hospital' (c1931).				
Item type (if known)	Built				
Item group (if known)	Residential buildings				
Item category (if known)	House				
Area, Group, or Collection Name					
Street number	87				
Street name	Bowden Street				
Suburb/town	Ryde	Postcode	2114		
Local Government Area/s	City of Ryde				
Property description	Lot 17 Deposited Plan 663261				
Location - Lat/long	Latitude		Longitude		
Location - AMG (if no street address)	Zone		Easting		Northing
Owner	Private Individual				
Current use	Private dwelling house				
Former Use	Private dwelling house, nursing home / possible hostel, private hospital				
Statement of significance	<p>'Dellina Palms Cottage' is of historical, social, aesthetic, rarity and representative significance at a local level.</p> <p>The dwelling is of historical significance as it demonstrates the residential development of the Ryde and Meadowbank area from the early 20<sup>th</sup> Century and evidences the higher quality vernacular of the period.</p> <p>The dwelling has social significance for its historical use and function as a series of private hospitals under the guise of different names and operation by differing Matrons during the mid 20<sup>th</sup> Century. Documentary evidence reveals that the dwelling played an important role in the community as a place of respite and convalescence.</p> <p>Dellina Palms Cottage is a large picturesque free standing single-storey dwelling, situated on a prominent corner site and set within established landscaped gardens, which comprise open lawn areas flanked by mature trees and understorey plantings. These features culminate to give the property and dwelling landmark qualities and contribute highly to the sensory appeal of the streetscape.</p> <p>The dwelling displays characteristics and elements which define it as belonging to the Federation</p>				



ITEM 4 (continued)

ATTACHMENT 4

## *Heritage Data Form*

	<p>Queen Anne architectural style and has a construction date of c1906-1910 and is of an architectural style that is increasingly rare and under threat within the locality.</p> <p>Despite some notable alterations and additions, the dwelling retains a high degree of architectural integrity, with original fabric and detailing extant and the previous changes do not obscure the silhouette of the dwelling, form or detailing.</p> <p>Overall, the dwelling is in good repair and has architectural interest and value as a good representative example of a substantially sized Federation Queen Anne styled dwelling in the Ryde locality.</p>					
Level of Significance	State <input type="checkbox"/>			Local <input checked="" type="checkbox"/>		
<b>DESCRIPTION</b>						
Designer	Unknown					
Builder/ maker	Unknown					
Physical Description	<p>A large picturesque free standing single-storey dwelling, situated on a prominent street corner and set within an established landscaped garden, which comprises open lawn areas flanked by mature trees and understorey plantings.</p> <p>The dwelling is typically constructed of red-brick with a slate clad hipped roof and gables to the top and finished with terracotta tile ridge capping and finials.</p> <p>A gable roofed wing projects off the front elevation and has vertical red-brick bands with roughcast render infill. A small timber framed awning is suspended from the gabled façade, above the tri-casement window set. A similar projecting wing is situated on the northern secondary front elevation and employs similar architectural detailing.</p> <p>A verandah occupies the remainder of the front elevation, returning along the northern side elevation and includes corrugated sheet metal clad roof (replacement), supported by masonry piers with a pair of upper timber posts and decorative fretwork panels. The northern side elevation of the verandah has been partly enclosed.</p> <p>Three masonry chimneys of matching detailing with roughcast render and terracotta pots, projects off the northern-facing roof plane and southern facing roof plane.</p> <p>The dwelling displays the principal characteristics and elements which define the dwelling as belonging to the Federation Queen Anne architectural style.</p>					
Physical condition and Archaeological potential	<p>Documentary and physical evidence shows that some changes have been undertaken previously to the dwelling, although the principal characteristics of the architectural style remain. The concentration of previous alterations and additions to the rear, combined with their respective height, bulk and scale, retains the overall silhouette of the dwelling when viewed from the streetscape and retains a relatively high degree of architectural integrity.</p>					
Construction years	Start year	1905	Finish year	1910	Circa	<input checked="" type="checkbox"/>
Modifications and dates						



**ITEM 4 (continued)**

**ATTACHMENT 4**

## *Heritage Data Form*

<b>Further comments</b>	
<b>HISTORY</b>	
<b>Historical notes</b>	<p><b>AREA HISTORY</b></p> <p>Aboriginal people inhabited the Sydney basin for thousands of years prior to the arrival of Europeans.</p> <p>The northern coastal area of Sydney was home to the Guringai people, western Sydney was home to the Dharug clans, and southern Sydney was inhabited by the Dharawal clans. The Guringai lived primarily along the foreshores of the harbour, and fished and hunted in the waters and hinterlands of the area. All clans harvested food from their surrounding bush. Self-sufficient and harmonious, they had no need to travel far from their lands, since the resources around them were so abundant, and trade with other tribal groups was well established.</p> <p>The British arrival in 1788 had a dramatic impact on all of the Sydney clans. Food resources were quickly diminished by the invaders, who had little understanding of the local environment. As a result, the Aboriginal people throughout the Sydney Basin were soon close to starvation. The Sydney clans fought back against the invaders, but the introduction of diseases from Europe and Asia, most notably smallpox, destroyed over half the population. The clearing of land for settlements and farms displaced local tribes and reduced the availability of natural food resources, leaving Aboriginal people reliant on white food and clothing. The French surgeon and pharmacist Rene Primavere Lesson, who visited Sydney in 1824, wrote: "the tribes today are reduced to fragments scattered all around Port Jackson, on the land where their ancestors lived and which they do not wish to leave."</p> <p>The area around West Ryde and Meadowbank was granted to the colonial official William Bailmain, a surgeon on the First Fleet, from 1794. He named the property 'Meadowbank'.</p> <p>This Estate was farmed by John and William Bennett throughout most of the nineteenth century, except for 40 acres that were sold to Major Edward Darvall. William Bennett was a sea captain involved in trade, who appreciated the river frontage. The Darvall property stretched from Shaftsbury Road to Ryedale Road and from Rowe Street to Victoria Road, a total of 360 acres (146 hectares). The Darvall's built Ryedale House on the site in the late 1850's, and the family lived there for the next 70 years. The other largest estate in the area, also covering both Meadowbank and West Ryde, was granted to Lieutenant William Kent between 1796 and 1799. Smaller land grants were made in 1796 to Edward Goodin, Michael Connor, Richard Porter and George Patfield. On the edge of the area was also small land grant made to the ex-convict Ann Thorn in 1795. She later married James Shepherd who acquired more land in the area, including William Kent's original land grant.</p> <p>The Shepherd's became a notable local family. James' son, Isaac Shepherd, lived in the Meadowbank section of the Estate and built himself a two-storey sandstone mansion called Helenie. In the 1860s he was a member of the Legislative Assembly.</p> <p>Shepherd's Estate was the first subdivision in the area, and lots were offered for auction in 1841. All 23 lots were sold, although an economic downturn meant that development of the sites did not progress quickly. The Meadowbank Estate was first subdivided in 1883, in anticipation of the railway line. The Strathfield to Hornsby line was opened in 1886, and further Meadowbank Estate subdivisions were offered in 1888. Some lots, around Station Street, were sold to professional gentlemen who commuted to offices in the city. The largest land sale, however, was the Helenie Estate to the Mallor brothers. They established the Meadowbank Manufacturing Company in 1890. The site was well situated for both river and rail transport, and they separated some lots for building housing for</p>

ITEM 4 (continued)

ATTACHMENT 4

## *Heritage Data Form*

	<p>Company officials. The Company manufactured agricultural implements, and later railway rolling stock and trams.</p> <p>For most of the 19th century transport to and from the Ryde Council area across the Parramatta River was achieved by road and ferry. However, construction began on the Gladesville Bridge in 1878 and it opened for traffic on 1 February 1881. Nearly two years later, the Iron Cove Bridge opened in November 1882. With these two road bridges completed the entire pattern of Ryde's communication with the city altered.</p> <p>The original railway bridge across the Parramatta River was the Meadowbank Bridge, a lattice girder bridge designed for John Whitton, (Engineer-in-Chief of the NSW Railways between 1856 and 1890). The bridge was completed in August 1886 as part of the original infrastructure for the Main North Line, and the stations along the section of the line from North Strathfield to Hornsby also opened in 1886. The construction of the railway encouraged rapid subdivision and construction in the areas near the railway stations at Meadowbank, West Ryde, Denistone and Eastwood. once land became available for subdivision into suburban blocks.</p> <p>West Ryde as a suburb did not develop a separate identity to Ryde until the 1920s and 1930s. It was designated as its own postal area in 1926, and the local public school was renamed 'West Ryde Public School' in 1930 (originally called Meadowbank). The railway station was not changed to West Ryde until 1945, although the name had been debated for several decades previous to the final change.</p> <p>87 BOWDEN STREET, RYDE</p> <p>The land appears as area east of Meadowbank Estate.</p> <p>No building shown 31 October 1905.</p> <p>Arthur George Baxter is believed to have been the first owner of the property and likely responsible for building the dwelling post 1905. He first appeared in the Sands Directory for 1914 and in 1915, his house was named "Harwood", a name he had also used for his previous home in Summer Hill.</p> <p>The last entry for the Baxters in Bowden Street was in 1924 and the Electoral Roll entries show that they moved to North Sydney or Lane Cove.</p> <p>The next entry for 87 Bowden St was in 1928, when it appears as "Alpha Private Hospital" with I M Trimmins as Matron. In the last Sands (1931), it was recorded as "Linwood Private Hospital" with J Keogh as Matron.</p> <p>In 1938, the house continued operating as a private hospital, as noted in the Sydney Morning Herald of Wednesday 6 Apr 1938, page 26: <i>Under Instructions from PERPETUAL TRUSTEE COMPANY (LIMITED) and Dr. THOMAS DIXON HUGHES, Executors of the Will of Frank Herbert Hughes. - (1) RYDE, in an EXCELLENT POSITION, convenient to Ryde or Meadowbank Stations. "LINWOOD PRIVATE HOSPITAL," No. 87 BOWDEN STREET, corner of McPherson Street, comprising an attractive detached double-fronted Cottage of brick, slate main roof, having return verandah (tiled) in front, and containing Hall, 6 rooms, operating Theatre, Sterilising Room (with Hot-water system), bathroom, kitchen, storeroom, detached laundry of fibro. Detached room of fibro and brick. LAND 142 feet frontage, depth 150 feet being part Lots 17 and 18, D.P. 4773, Area 1 Rood 38 Perches, TORRENS TITLE. Let at £2/2/ per week (lease expires 5th March, 1939). Gas, water, sewer, electric light connected. Kalendar reserved from sale.</i></p> <p>Thomas Dixon Hughes was a famous obstetrician and is mentioned in "The Hospital on the River" by Catherine Hamlin.</p>
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ITEM 4 (continued)

ATTACHMENT 4

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	Linwood private hospital lasted until at least 1947 and up until relatively recently it was used as a nursing home or boarding house.
<b>THEMES</b>	
<b>National historical theme</b>	Settlement
<b>State historical theme</b>	Towns, Villages, Suburbs
<b>APPLICATION OF CRITERIA</b>	
<b>Historical significance</b> SHR criteria (a)	The dwelling is of historical significance as it demonstrates the residential development of the Ryde and Meadowbank area from the early 20 <sup>th</sup> Century and evidences the higher quality vernacular of the period.
<b>Historical association significance</b> SHR criteria (b)	
<b>Aesthetic significance</b> SHR criteria (c)	Dellina Palms Cottage is a large picturesque free standing single-storey dwelling, situated on a prominent corner site and set within established landscaped gardens, which comprise open lawn areas flanked by mature trees and understorey plantings. These features culminate to give the property and dwelling landmark qualities and contribute highly to the sensory appeal of the streetscape.
<b>Social significance</b> SHR criteria (d)	The dwelling has social significance for its historical use and function as a series of private hospitals under the guise of different names and operation by differing Matrons during the mid 20 <sup>th</sup> Century. Documentary evidence reveals that the dwelling played an important role in the community as a place of respite and convalescence.
<b>Technical/Research significance</b> SHR criteria (e)	
<b>Rarity</b> SHR criteria (f)	The dwelling displays characteristics and elements which define it as belonging to the Federation Queen Anne architectural style and has a construction date of c1905-1910 and is of an architectural style that is increasingly rare and under threat within the locality.
<b>Representativeness</b> SHR criteria (g)	Despite some notable alterations and additions, the dwelling retains a high degree of architectural integrity, with original fabric and detailing extant and the previous changes do not obscure the silhouette of the dwelling, form or detailing.

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	Overall, the dwelling is in good repair and has architectural interest and value as a good representative example of a substantially sized Federation Queen Anne styled dwelling in the Ryde locality.
<b>Integrity</b>	

<b>HERITAGE LISTINGS</b>	
<b>Heritage listings</b>	Interim Heritage Order No.2 dated 11/03/2016.

<b>INFORMATION SOURCES</b>				
Include conservation and/or management plans and other heritage studies.				
Type	Author/Client	Title	Year	Repository
	NSW Land and Property Information	Land Title records		

<b>RECOMMENDATIONS</b>	
<b>Recommendations</b>	To be included as a heritage item in the Comprehensive LEP.

<b>SOURCE OF THIS INFORMATION</b>			
<b>Name of study or report</b>	City of Ryde Heritage Study 2009	<b>Year of study or report</b>	2009
<b>Item number in study or report</b>	36		
<b>Author of study or</b>	Michael Edwards, Heritage Advisor, City of Ryde Council		



**ITEM 4 (continued)**

**ATTACHMENT 4**

*Heritage Data Form*

<b>report</b>			
<b>Inspected by</b>	Michael Edwards		
<b>NSW Heritage Manual guidelines used?</b>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
<b>This form completed by</b>	Michael Edwards	<b>Date</b>	24/03/2016

**IMAGES - 1 per page**

Please supply images of each elevation, the interior and the setting.

<b>Image caption</b>	87 Bowden Street, Ryde				
<b>Image year</b>	2009	<b>Image by</b>	Garry Stanley	<b>Image copyright holder</b>	City of Ryde Council



**ITEM 4 (continued)**

**ATTACHMENT 4**

*Heritage Data Form*

<b>Image caption</b>	87 Bowden Street, Ryde				
<b>Image year</b>	2014	<b>Image by</b>	LJ Hooker Ryde City	<b>Image copyright holder</b>	LJ Hooker Ryde City



**ITEM 4 (continued)**

**ATTACHMENT 4**

*Heritage Data Form*



**ITEM 4 (continued)**

**ATTACHMENT 4**

*Heritage Data Form*



**ITEM 4 (continued)**

**ATTACHMENT 4**

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**ITEM 4 (continued)**

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*Heritage Data Form*



**ITEM 4 (continued)**

**ATTACHMENT 4**

*Heritage Data Form*



**ITEM 4 (continued)**

**ATTACHMENT 4**

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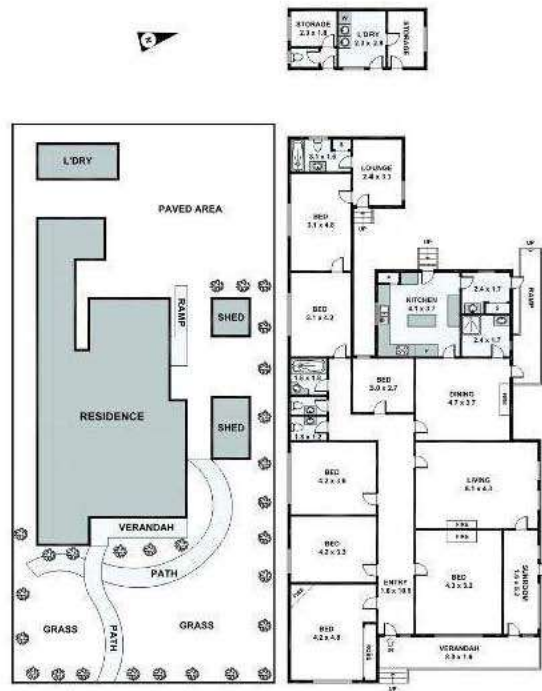


**ITEM 4 (continued)**

**ATTACHMENT 4**

## *Heritage Data Form*

**87 Bowden Street, Ryde**



Please note: All stated dimensions are approximate only. Particulars are not to be used for construction or other purposes. The drawings are not to be used for any other purpose without the written consent of the author.

**ITEM 4 (continued)**

**ATTACHMENT 4**

*Heritage Data Form*



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## 5 DRAFT AFFORDABLE HOUSING POLICY- RESULTS OF COMMUNITY ENGAGEMENT

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**Report prepared by:** Senior Strategic Planner  
**File No.:** URB/08/1/30 - BP15/1878

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### REPORT SUMMARY

The draft City of Ryde Affordable Housing Policy 2016-2031 offers a comprehensive framework to advocate for, facilitate, provide and manage affordable housing in the Ryde Local Government Area. In November 2015 Council considered a report regarding the draft Policy and resolved to endorse the public exhibition of the Policy. Council also resolved to delegate authority to the General Manager to edit the Policy.

The Draft Policy was exhibited from 18 November 2015 to 5 February 2016. A total of six (6) submissions were received and these are summarised in this report.

This report recommends that Council adopt the Affordable Housing Policy and commence the actions outlined in the Policy's Implementation Plan, including the preparation of a Planning Proposal to introduce planning controls for affordable housing.

The Draft City of Ryde Affordable Housing Policy as exhibited has been redrafted to enhance readability and refine the document structure. The amended Policy is at **ATTACHMENT 1 – CIRCULATED UNDER SEPARATE COVER** and this version is recommended for adoption by Council.

This report also recommends that Council prepare a Planning Proposal to include affordable housing provisions in Ryde Local Environmental Plan 2014 (RLEP 2014), following which the Planning Proposal will be reported to Council to endorse the PP and forward it to the Department of Planning and Environment for a gateway determination.

### RECOMMENDATION:

- (a) That Council adopt the "City of Ryde Affordable Housing Policy 2016-2031".
- (b) That Council prepare a Planning Proposal to amend Ryde Local Environmental Plan 2014 to include affordable housing provisions as outlined in the City of Ryde Affordable Housing Policy.
- (c) That Council invite Lane Cove and Hunters Hill Councils (JRA Partners) to participate in expanding the Affordable Housing Policy to address affordable / key worker housing within their local government areas.

**ITEM 5 (continued)**

- (d) That the Mayor write to the Minister for Planning advocating an amendment to State planning policies requiring the mandatory delivery of affordable housing in the development and rezoning of land.
- (e) That Council adopt an interim position in relation to the delivery of affordable housing as part of the 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.

**ATTACHMENTS**

- 1 City of Ryde Affordable Housing Policy 2016-2031 - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

**Lara Dominish**  
**Senior Strategic Planner**

Report Approved By:

**Lexie Macdonald**  
**Senior Coordinator - Strategic Planning**

**Meryl Bishop**  
**Manager - Strategic City**

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

## ITEM 5 (continued)

### History

A Housing Affordability Summit was held in November 2014, the findings of which supported the need to address affordable housing issues locally. In May 2015 Council resolved to prepare a draft Affordable Housing Policy. The draft Policy that was prepared provides a comprehensive framework to advocate for, facilitate, provide and manage affordable housing in the City of Ryde. The Policy was informed by a background paper prepared by Judith Stubbs and Associates which identified the need for affordable housing and outlined suitable strategies to address the issue.

On 10 November 2015 Council's Planning and Environment Committee considered a report regarding the draft Policy and resolved:

- (a) *That Council endorse the public exhibition of the draft City of Ryde Affordable Housing Policy 2016 – 2031.*
- (b) *That a further report detailing the outcomes of the public exhibition be presented to Council in early 2016.*
- (c) *That the General Manager be delegated to amend, edit and design the draft City of Ryde Affordable Housing Policy to improve readability prior to the draft Policy being placed on public exhibition.*

### Discussion

#### Community consultation

The draft Policy was exhibited from Wednesday 18 November to Friday 5 February 2015. The draft Policy will be exhibited via the following channels:

- Council website
- Council libraries
- Ryde Planning and Business Centre
- Customer Service
- Notification in the Northern District Times (Mayoral Column)
- Council's e-Newsletter

Letters were sent to interested parties outlined in the previous Council report, being:

- Christian Community Aid
- Economic Development Advisory Committee
- Evolve Housing
- FACS Housing Service (West Ryde Office)
- Ivanhoe Estate Residents
- Local council's in the region (e.g. Hunters Hill and Lane Cove)
- LINK Housing

**ITEM 5 (continued)**

- Macquarie Park Forum
- NSW Department of Environment and Planning
- Ryde Business Forum
- Ryde Salvation Army

Two information sessions were held on Monday 14 December and Wednesday 16 December 2015 which were attended by a total of six people. The main points discussed in these sessions were:

- Understanding the operation of the proposed mechanisms in planning controls
- The impact the lack of affordable housing has for the local workforce
- How to inform potential tenants of the availability of affordable housing
- Ensuring the management of affordable housing properties is conducted by an accredited Community Housing Provider.

Six (6) submissions were received during the consultation period. These submissions have been summarised below.

Submission	Comment
<b>Resident (D15/155479)</b>	
Affordable housing is critical for lower income workers to be able to work in the area. Inability to pay the high rents set by landlords will result in a decline of available labour.	The Policy recognises the impact of the lack of affordable housing on economic functions and residents of the City.
Approval for multi unit developments will actually put downward pressure on rents overall.	The impact of dwelling supply on market price and rental rates is outside the scope of the draft Policy which focusses primarily on affordable rental accommodation independent of market activity.
<b>Resident (D15/157019)</b>	
It appears that the planned method of achieving the Policy aims is sound. I personally favour strong intervention (per table in Section 9.6). The implementation plan appears to be well constructed.	Noted.
<b>Resident (D15/157023)</b>	
I fully support the proposed policy requirement for a % of new development to be set aside by developers as Affordable Housing. However, does it go far enough? Is 5% enough? Looking at	The draft Policy sets a goal of the equivalent of 5% of all new dwellings to be affordable housing by 2031. This target represents a significant increase from the current provision of affordable



**ITEM 5 (continued)**

Submission	Comment
similar contexts in the UK, this provision seems very low.	housing in the City of Ryde. Only limited comparisons can be drawn with overseas models which have very different housing markets and planning legislative frameworks.
Shouldn't Council also be looking at how the housing market operates? Record local sale values have been achieved and many families are priced out of this area.	The functions of the housing market for home ownership are largely dictated by federal government fiscal policy and are outside the role of local government and the scope of the draft Affordable Housing Policy. The Policy actions focus on obtaining affordable housing through development controls and advocacy which Council can influence.
<b>Resident (D15/159359)</b>	
This will help many Ryde residents who are already under housing stress for many years now. This should have been done long time ago. We really need action now. Thanks.	The preparation of the draft Affordable Housing Policy reflects Council's commitment to alleviating housing stress.
<b>Resident (D16/3019)</b>	
It is very encouraging to see the effort Council has put into this comprehensive and timely report. Housing values have moved beyond the reach of all but a small number of people.	Noted.
The report outlines the reasonable concerns of business that employees increasingly live far from their work places but there are other problems when a community lacks a broad mix of residents from different backgrounds, income groups, occupations, ages and interests. Isolation can lead to intolerance and a lack of diversity.	The Policy recognises the impact of a lack of affordable housing on the economic functions of the City, the social wellbeing of residents and the need for a social mix.
The report is impressive in its thorough examination of the ways in which affordable housing could be provided, for example through the precinct-based density bonus model.	The Policy identifies a number of potential mechanisms for delivering affordable housing.
There may be some community resistance to affordable housing, as there has been at times to social housing in this	Submissions received to the exhibition of the draft Policy support the policy objectives and implementation plan.

**ITEM 5 (continued)**

Submission	Comment
area, but hopefully Council will act in the interests of the majority of people who want to live and work in this area, and work in such essential roles.	
<b>Resident (D16/7529)</b>	
Supports draft Policy	Noted.
Clear that many crucial workers will find it impossible to afford rental accommodation.	The Policy reinforces the need for affordable housing.
Fully supports the Policy's "Objectives", "Vision" and "Goals".	Noted.
Genuinely believes there is a need to increase the availability of "Affordable Housing" (below market rent percentiles) in the City of Ryde.	Noted.
Supports Government, Council and Social Housing providers in the effort to reach these objectives.	Noted.
It is imperative that other forms of Housing such as 'Social Housing' should be increased as well where land may become available.	The Policy recognises the importance of advocating to the State Government on housing affordability issues.
<b>Lane Cove Council (D16/15282)</b>	
The Policy is a welcome addition to measures being undertaken by other councils to address this important issue.	Noted.
The Policy appears to target key workers who live and work in the local area- how would this be enforced?	The specific criteria for tenant eligibility need to be refined following the appointment of a community housing provider. It is not expected that eligibility would be restricted solely to those who both live and work in the area.
The focus on key workers could have more regard for the research which shows that others experiencing housing stress include older people, younger people, the disabled and recently divorced persons.	The main aim of the Policy is to accommodate key workers although the eligibility criteria may not be prescriptive and will be further refined. There may be a mix of tenants on very low incomes (such as the groups described in the submission) and workers on moderate incomes in other dwellings.

**ITEM 5 (continued)**

Submission	Comment
The Policy defines affordable rents as a percentage of household income rather than as a percentage of market rent and this is supported.	Noted. The method through which rents are to be calculated would need to be determined in conjunction with the appointed community housing provider.
The eligibility criteria used by Link Housing (a local community housing provider) only accommodates very low and low incomes households, not moderate income households.	Community housing providers accommodate both social and affordable housing tenants. Link Housing has confirmed that moderate income tenants can be accommodated in affordable housing dwellings under their management.
The 5% target is a welcome commitment to a measurable goal. While it is modest compared with, say, 8% in Parramatta and 7.5% in certain City of Sydney precincts, it has the advantage of being LGA-wide and focused specifically on 400 State Government and 200 Council required dwellings. It is also a realistic response to the recent low growth in affordable housing.	Noted. The target aims for a significant increase in the number of affordable housing dwellings in Ryde to 2031.
Monitoring of the achievement of new affordable housing dwellings would be valuable.	Noted. The Policy's implementation plan recommends ongoing monitoring and review of the Policy.
The Policy relies strongly on advocacy towards the State Government and the developer community. This is a valuable educational tool. This will rely on communication and monitoring.	Noted. The Policy's implementation plan recommends actions for ongoing communication, advocacy and monitoring of the Policy's progression.
We support the intention to appoint community housing providers to manage affordable housing.	Noted.
Supports harnessing developer incentives in the form of benefits for bonuses, such as the VPA process.	Noted.
Supports creation of Affordable Housing Fund.	Noted.
The State Government's recent Social and Affordable Housing Fund could be mentioned in the Policy although it targets larger projects.	The Social and Affordable Housing Fund targets developments with over 200 affordable housing units.
Lane Cove Council welcomes the City of Ryde's efforts to address a national housing problem at a local level.	Noted. The Policy recognises the importance of the role in local government in addressing the issue.

## ITEM 5 (continued)

In summary, the submissions received support the intent of the draft Policy and the need to take action on this issue.

### Policy drafting

In accordance with the Council resolution of 10 November 2015, the content of the Policy has been revised and the amended version is at **ATTACHMENT 1 – CIRCULATED UNDER SEPARATE COVER**. The amended version improves readability by changing the structure of the document. While the document structure has been revised, the Policy intent and substantive content remains similar. Other than redrafting of all sections, a summary of the key changes is provided below:

- An executive summary has been added.
- An introduction has been added to set the structure for the Policy. This also promotes the key information in regards to the Vision, guiding principles and Why a Policy is needed.
- The 'background' section is made up of the former glossary (previously 4.0) and the housing need and stress section (previously 7.0). This is designed to define the current housing affordability situation.
- The new 'process so far' section brings together 'Council resolutions' and 'Community feedback' (previously sections 5.0 and 6.0)
- The new section 'Housing Market Analysis' summarises the detailed data that was previously contained in 7.5, and 8.0. A new Appendix A contains all this information and related graphics, but only highlights are included in the analysis section.
- The Implementation Plans have been linked to each goal.

### Actions to implement the Policy- Next steps

The Policy includes an Implementation Plan that outlines a number of actions to deliver key worker housing in Ryde. The priority actions are:

- Creation of an inclusionary zoning calculator to assist in value sharing negotiations;
- Testing and analysis of the proposed planning controls;
- Enter into a Memorandum of Understanding with an accredited Community Housing Provider to manage affordable housing units;
- Establish an Affordable Housing Working Group to implement and review this Policy, ensuring a whole of Council approach; and
- Amending Ryde Local Environmental Plan 2014 by preparing a Planning Proposal with provisions such as mandatory inclusions, inclusionary zoning or precinct based bonus schemes. This will require negotiation with the Department of Planning and Environment to understand the legal framework.

## **ITEM 5 (continued)**

### Amendments to Ryde Local Environmental Plan 2014 (RLEP 2014)

This report recommends that Council prepares the PP which will be reported to Council prior to forwarding it to the Department of Planning and Environment for a gateway determination. Consultation on the PP will be outlined in this later report and will reflect any conditions of the Gateway Determination.

Council officers contacted the Department of Planning and Environment in February 2016 who advised that they are interested in discussing amendments to introduce affordable housing into City of Ryde's planning controls, which may require an amendment to State Environmental Planning Policy 70- Affordable Housing (Revised Schemes).

The timeframe to develop and implement the provisions for the LEP could take up to 18 months – on the basis that the proposed controls are “untested” with the Department and the standard template.

Given this lengthy timeframe and the level of development activity occurring in the City – it is suggested that Council apply an interim position on the delivery of affordable housing stock. The interim position would be that as part of the development / planning process that Council negotiate:

- 2% of dwellings in new residential / mixed use developments be affordable housing.
- 4% of dwellings constructed non to be rezoned to permit residential development affordable housing.

### Resourcing the Actions in the Implementation Plan

The cost of implementing the actions outlined above are estimated at \$40,000 and this has been budgeted for in 2016-17 financial year.

The cost of implementing the remaining actions over the next 5-6 years is estimated at \$200,000 with the establishment of an affordable housing fund, planning studies focusing on housing need and housing choice and education programs.

To assist in implementing the program, in particular the management of the affordable housing properties, it is proposed that within the next 12-18 months an officer is employed to undertake tasks such as:

- Managing the relationship with the housing provider appointed to manage the stock
- Managing the implementation of the program and projects such as the affordable housing fund.

It is anticipated that the position will be self-funding using funds held in the Affordable Housing Fund (received via VPA process) for this purpose.

## **ITEM 5 (continued)**

### **Key Worker Housing – Broader Context**

Given the need for affordable housing within the Northern District and Sydney Metropolitan Area it is considered that Council take a leadership position on the issue and take the following additional actions:

- Invite Lane Cove and Hunters Hill Councils (JRA partners) to expand the policy to address affordable / key worker housing with their LGAs
- Write to the Minister for Planning advocating an amendment to the State planning policies requiring a mandatory percentage of dwellings in all residential / mixed use developments to be key workers / affordable housing.

### **Financial Implications**

Adoption of the recommendation will have no financial impact.

### **Options**

1. Council resolve not to adopt the Affordable Housing Policy. This is not the preferred option, as the policy has been developed following an Affordable Housing Summit, background studies prepared by consultants and received support during the exhibition of the draft Policy. Should a Policy not be adopted, there will be very few options for key worker households in the future.
2. Council adopt the Affordable Housing Policy and resolve to prepare a Planning Proposal to amend Ryde Local Environmental Plan 2014 to include affordable housing provisions, including consideration of inclusionary zoning and mandatory provisions.

This report recommends that Council support Option 2 as the feedback received during the community consultation period supported the Policy intent, reflects Council's commitment to addressing affordable housing issues and is a critical step towards Council providing housing for key workers in the Ryde LGA.



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## 6 PEDESTRIAN ACCESS AND MOBILITY PLAN - TOP RYDE CENTRE AND NORTH RYDE SMALL CENTRES

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**Report prepared by:** Senior Sustainability Coordinator  
**File No.:** GRP/09/6/9 - BP16/150

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### REPORT SUMMARY

A Draft Pedestrian Access and Mobility Plan (PAMP) has been developed for the Top Ryde Town Centre and for the smaller centres of Blenheim Road and Cox's Road under this year's program of strategic PAMPs being developed.

This Draft PAMP (**ATTACHED – CIRCULATED UNDER SEPARATE COVER**) is Council's fourth PAMP, with PAMPs already in place for Gladesville, Eastwood and Macquarie Park.

The purpose of PAMPs is to provide a strategic framework for developing safe and accessible pedestrian routes and fostering improvements in pedestrian mobility in Centres. PAMPs contain a comprehensive overview of pedestrian issues in the area as well as a recommended program of works that will guide future prioritisation of capital works relating to accessibility and mobility.

Improvements such as installation of new kerb ramps, improved pedestrian islands and crossing points and upgrades to footpaths are covered in this Draft PAMP and implementation will, subject to Council adopting the Draft PAMP, be undertaken in future years under the Council's separate PAMP Implementation Program.

Internal stakeholder and community consultation for the development of this Draft PAMP has taken place and it is now proposed to exhibit the Draft PAMP more widely for community consultation for a period of 28 days.

A further report will be submitted to Council for consideration and determination after the exhibition period closes.

### RECOMMENDATION:

- (a) That Council endorses the exhibition of the Draft Top Ryde Centre & North Ryde Small Centres Pedestrian Access and Mobility Plan for a period of 28 days.
- (b) That subject to (a), a further report be submitted for Council to determine the Draft Pedestrian Access and Mobility Plan after the public exhibition period has finished and all submissions have been considered.

**ITEM 6 (continued)****ATTACHMENTS**

- 1 Top Ryde PAMP DRAFT - Version 2 - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

**Lara Cumming**  
**Senior Sustainability Coordinator**

Report Approved By:

**Sam Cappelli**  
**Manager - Environment, Health and Building****Liz Coad**  
**Acting Director - City Strategy and Planning**

## **ITEM 6 (continued)**

### **History**

In 2007 Council developed an Integrated Transport and Land Use Strategy. This strategy identified the need to develop Pedestrian Access and Mobility Plans (PAMPs) for the key centres of Ryde. PAMPs are comprehensive plans outlining ways to improve pedestrian facilities in an area. They identify pedestrian access and safety issues, formulate priority routes, highlight improvements that could be made to the pedestrian network and include an action plan and schedule of capital works.

Council developed a PAMP for Eastwood in 2009, Macquarie Park in 2013 and Gladesville in 2014. Works have been undertaken, or are scheduled to be undertaken in these areas, including improving pedestrian islands, installing new kerb ramps and upgrading footpaths. In 2015 Bitzios Consulting was appointed to develop a PAMP for the Top Ryde Town Centre and the smaller North Ryde centres of Blenheim Road and Cox's Road.

Further PAMP's for West Ryde and Meadowbank are proposed in future years.

### **Discussion**

The Draft Top Ryde Centre & North Ryde Small Centres PAMP has been prepared by Bitzios with oversight by a project manager and project reference group.

Development of the Draft PAMP included:

- Reviewing existing pedestrian network information;
- Identifying key generators and attractors of pedestrian traffic;
- Identifying key pedestrian hazards through analysis of crash data;
- Identifying and consulting with key stakeholders;
- Conducting site visits with a member of Council's Access Committee;
- Conducting an online survey of residents and user groups;
- Developing and auditing priority pedestrian routes;
- Analysing future pedestrian demand;
- Developing a scoring system for works prioritisation.

Some of the issues identified in the Draft PAMP include:

- Connectivity and accessibility problems along Victoria Rd, including misaligned kerb ramps and uneven and degraded footpaths;
- Lack of flashing lights at the school zone on Pope St;
- Lack of a footpath on sections of Lane Cove Rd between Twin Rd and Cox's Rd; and
- Non-compliance with the Disability Discrimination Act at key bus stops.

## **ITEM 6 (continued)**

Overall, the most common issues were footpaths containing cracks that hinder pedestrian movement and kerb ramps that are non-compliant or lack connectivity.

Initial community and stakeholder consultation was undertaken regarding pedestrian issues in the form of an online survey. Further community consultation is set to be undertaken by placing the Draft PAMP on public exhibition, seeking submissions and holding a community and stakeholder workshop. Following public consultation, submissions will be considered and a Final PAMP will be developed. This will include a recommended schedule of works. It is anticipated that a report on the final PAMP will be brought back to Council in June 2016.

### **Financial Implications**

The development of this strategic PAMP is included under Council's current operating budget. The final PAMP will include a recommended schedule of works with estimated costings with future implementation to be funded from the separate PAMP Implementation Program. Council has approved funding of \$750k over 3 years from 2015/16 to implement PAMP works.

The recommended program of works will guide future prioritization of capital works relating to accessibility and mobility in each of the Centres and available resources will be allocated accordingly.

Recommendations are non-binding on Council and it will be up to Council to decide the priority of works and allocation of funding for identified projects under its normal four year delivery program and budgetary processes.

Currently, PAMP works are being implemented in Eastwood, Gladesville and Macquarie Park and these works are being guided by the relevant PAMP's.

### **Options**

- 1) Placing the Draft PAMP on public exhibition. This will ensure the community and key stakeholders are adequately consulted. This is more likely to lead to acceptance of Council's action plan and a sense that issues have been appropriately considered.
- 2) Electing not to place the Draft PAMP on public exhibition. There is a risk that if the report is not publicly exhibited there may be opposition to the action plan or criticism that particular issues have not been adequately investigated.

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## 7 EASTWOOD PLAZA - SMOKE FREE ZONE

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**Report prepared by:** Place Manager - Major Centres  
**File No.:** UPS2009/9 - BP15/1880

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### REPORT SUMMARY

Council at its meeting of 23 June 2015 resolved to implement a 'Smoke Free Zone' trial in the Eastwood Plaza; the six month trial occurred between 1 July 2015 and 1 January 2016.

As part of the trial:

- 12 x 'No Smoking' signs were installed in the Plaza;
- 12 x 'Information signs' translated into Chinese and Korean were installed;
- Council Rangers distributed 'business information cards' raising awareness of the trial and directing smokers to either move out of the Plaza or to 'butt out';
- A "Have Your Say" page was provided on Council's website providing information on the trial and allowing community members to provide feedback.

To continue the program of staged behavioural change, the butt bins on poles within the Plaza were initially maintained to provide an option for smokers to "butt out" and were then removed on 6 October 2015.

The trial generated significant media interest with the local newspaper running a number of stories on the trial. Council also promoted the trial through the Mayoral Column and on the website through the 'Have Your Say' page. To date, Council has received twelve responses to the trial; eleven supporting Eastwood Plaza being designated a smoke free zone and one response not supporting the smoking ban.

The low number of submissions and the minimal objections received indicate the trial has been broadly supported by the community with minimal negative impact or sentiment.

While no official warnings or fines were issued during the trial period, Council's Rangers estimate they issued 15 unofficial warnings over the first three weeks of the trial and then on average 1 per week. Following the additional signage being placed in the Plaza, compliance increased with the no smoking ban.

Given this positive result and the positive health benefits it is recommended that the Smoke Free Zone be retained on an ongoing basis.

## ITEM 7 (continued)

Should Council endorse the recommendation to make Eastwood Plaza a Smoke Free Zone (24/7), the following actions would be undertaken to progress this resolution:

- “Trial” stickers will be removed and the ‘No Smoking’ Regulatory signs will be maintained on an ongoing basis.
- The local chambers, local businesses, and the individuals who made submissions during the trial will be advised of Council’s decision.
- **Increased presence of Council’s Rangers during the first 12 weeks to increase visibility and to reinforce Council’s decision.**

It is proposed that Trim Place be the next public space to be explored; the first step being to gauge the interest of the Gladesville community through consultation with the Gladesville Business Chamber. It is anticipated this consultation could be completed by 30 June 2016.

West Ryde Plaza is also viewed as another potential location to roll out the Smoke Free Zone initiative; this will be pursued once Council takes possession of the Plaza space from Coles (anticipated to be in June 2016).

## RECOMMENDATION:

- (a) That Council endorse the implementation of Eastwood Plaza as a ‘Smoke Free Zone’;
- (b) That the local chambers, local businesses, and the individuals who made submissions during the trial will be advised of Council’s decision.
- (c) That the change is to be promoted through Council’s regular media channels.

## ATTACHMENTS

There are no attachments for this report.

Report Prepared By:

**John Brown**

**Place Manager - Major Centres**

Report Approved By:

**Meryl Bishop**

**Manager - Strategic City**

**Liz Coad**

**Acting Director - City Strategy and Planning**



## ITEM 7 (continued)

### Discussion

### Background

At the Council meeting of 14 October 2014 a petition signed by 240 users of Eastwood Plaza was tabled and it was resolved that consultation with the Eastwood community and local businesses commence with the view to create a 'Smoke Free Zone' in the Eastwood Plaza.

Council staff liaised with a variety of stakeholders including:

- Eastwood and Korean Business Chambers
- Broader Community (survey)
- Internal Business Units (Ranger and Parking Services, Eastwood Place Manager, Media and Communications).

Community feedback was monitored through an online 'Have Your Say' survey which was promoted through the media, on the Council web site and at the Lunar New Year Festival, with 146 people responding. The survey indicated strong support for designating Eastwood Plaza as a 'Smoke Free Zone' as noted below:

- 85% of respondents were supportive of a No Smoking Zone either 'during designated hours' or 'all the time' in Eastwood Plaza
- 75% of respondents supported the Plaza being Smoke Free, 'at all times'

At its meeting of 23 June 2015 Council resolved to implement a 'Smoke Free Zone' trial in the Eastwood Plaza; the six month trial occurring between 1 July 2015 and 1 January 2016. Council resolved:

- That Council endorses the implementation of Eastwood Plaza as a 'Smoke Free Zone' on a six month trial basis;*
- That Council implements a community awareness program (focused on Eastwood) to support this trial;*
- That following the six month trial, Council receives a subsequent report detailing the results of the trial.*

To avoid confusion, while the report was being compiled, signage has remained in place and all feedback received has been included in this report.

## ITEM 7 (continued)

### Eastwood Plaza – Smoke Free Zone



As part of the trial, a number of communication strategies were implemented to inform the community, including:

- 6 x 'No Smoking' signs were installed in the Plaza;
- 6 x 'Information signs' translated into Chinese and Korean were installed;
- Council Rangers distributed 'business information cards' raising awareness of the trial and directing smokers to either move out of the Plaza or to 'butt out'
- Information was provided on Council's website and included an "Have Your Say" facility to gather feedback.

Following a site inspection by Council Officers and Rangers, it was decided to increase the number of signs displayed in the Plaza to enhance community awareness of the Smoke Free Zone trial. An additional six regulatory signs were installed and six further supporting information signs in Chinese, Korean and English were also installed. The regulatory and information signs used are highlighted below.

### Regulatory Signs – Public Notice



**ITEM 7 (continued)**

Information signs in Chinese and English (note: Korean signs were also displayed)



Council Rangers patrolled the Plaza to reinforce the signage and to promote the trial. Smokers were referred to the public notice signs and asked to either 'butt out' or move out of the Plaza. Rangers during their patrols also distributed business cards which promoted the trial and provided a link to the Council web site for more information. During the trial no **official warnings** or fines were issued as it was important to give the community time to understand and comply with the No Smoking Zone and smokers were generally compliant with the Rangers' requests.

'Business Card distributed by Rangers'



## ITEM 7 (continued)

To continue the program of staged behavioural change, the butt bins on poles within the Plaza were removed on 6 October 2015. This measure reinforced the Smoke Free Zone, and it was noted that the need for smokers to safely dispose of butts in order to comply with the restrictions of the zone is sufficiently served by the recycle bin stations within the Plaza.

While no official warnings or fines were issued during the trial period, Council Rangers estimate that they issue unofficial warnings over the first 3 week period of the trial, with this decreasing to 1 per week over the remaining period. The Rangers have advised that once more signage was installed in the Plaza, compliance with the no smoking ban increased.

### Consultation

The trial generated significant media interest with the local newspaper running a number of stories on the trial. Council also promoted the trial through the Mayoral Column and on the website through 'Have Your Say'. Signs in the plaza sought feedback and referred to the website. To date, Council has received twelve responses; eleven supporting Eastwood Plaza being designated a smoke free zone and one response not supporting the smoking ban.

The low number of submissions during the trial and the receipt of just one objection indicate the trial has been broadly supported by the community with minimal negative impact or sentiment.

Should Council endorse the recommendation to make Eastwood Plaza a Smoke Free Zone (24/7), the following actions would be undertaken to progress this resolution:

- "Trial" stickers will be removed and the 'No Smoking' Regulatory signs will be maintained on an ongoing basis.
- The local chambers, local businesses, and the individuals who made submissions during the trial will be advised of Council's decision.

Should Council resolve to continue the Smoke Free Zone, Ranger's would continue to enforce the zone by asking smokers to 'butt out' or to move out of the Plaza. Where an individual refuses to either cease smoking or move out of the Smoke Free Zone on-the-spot fines (\$110.00) may be issued under section 632 of the Local Government Act 1993 for failing to comply with a Public Notice.

During the first 12 weeks of a permanent Smoke Free Zone in the Plaza, it is proposed for Council's Rangers to increase their presence with additional patrols in maintaining high visibility with the public in reinforcing Council's decision. This presence would also include the night markets and any other events in the Plaza.



## **ITEM 7 (continued)**

### **Further Investigations**

Given the success of the trial and cognisant of the health risks of smoking, City of Ryde has begun to consider other locations to expand the Smoke Free Zones in its Town Centres. For these zones to be effective they must be applied in clearly defined spaces where people congregate. It is proposed that Trim Place be the next public space to be explored; the first step being to gauge the interest of the Gladesville community through consultation with the Gladesville Business Chamber. It is anticipated this consultation could be achieved by 30 June 2016 and the findings of these investigations reported back to Council.

West Ryde Plaza is also viewed as another potential location to roll out the Smoke Free Zone initiative; this can be pursued once Council takes possession of the Plaza space from Coles (anticipated to be in June 2016).

### **Financial Implications**

The 12 signs cost approximately \$500.00 including installation. Should Council continue the operation of the Smoke Free Zones the "Trial" stickers will be removed.

Patrolling of the Plaza will form part of the on-going work undertaken by the Council regulatory unit. Adoption of the recommendation will have no financial impact.

### **Options**

Council could decide not to support the introduction of Eastwood Plaza as a Smoke Free Zone. Given the initial support expressed by the broader community and the lack of concerns raised, it would be a lost opportunity to introduce a low cost public health initiative with significant community benefit.

Council could also resolve not to expand the Smoke Free Zone initiative to other Town Centres. However, given the smooth and overwhelmingly supported operation of the trial it is recommended that Council seek to expand the initiative to public spaces in other Town Centres.