

**Meeting Date:** Tuesday 13 February 2018  
**Location:** Council Chambers, Level 1A, 1 Pope Street, Ryde  
**Time:** 5.00pm

**NOTICE OF BUSINESS**

<b>Item</b>		<b>Page</b>
1	CONFIRMATION OF MINUTES - Meeting held on 14 November 2017.....	1
2	76 MORRISON ROAD, GLADESVILLE. LOT A in DP 343167. Local Development Application for the demolition and construction of a two storey dwelling-house and a secondary dwelling. LDA2016/0377. ....	6
3	93-97 BALACLAVA ROAD, EASTWOOD. LOT 5, 6 and 7 DP 35226. Local Development Application for boundary adjustment of three existing lots and construction of two dual occupancy developments, a single dwelling house and front fencing. LDA2017/0070.....	94
4	PLANNING PROPOSAL - 176 BLAXLAND ROAD, RYDE AND DRAFT DEVELOPMENT CONTROL PLAN - 176 - 186 BLAXLAND ROAD, RYDE - OUTCOME OF EXHIBITION.....	164
5	PLANNING PROPOSAL - 3-5 VINCENTIA STREET MARSFIELD - OUTCOMES OF COMMUNITY EXHIBITION .....	281
6	PLANNING PROPOSAL FOR 17 ACACIA STREET AND 16 VERA STREET, EASTWOOD .....	290

**1 CONFIRMATION OF MINUTES - Meeting held on 14 November 2017**

---

**Report prepared by:** Senior Coordinator - Governance**File No.:** CLM/17/1/3/2 - BP17/1304

---

**REPORT SUMMARY**

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

**RECOMMENDATION:**

That the Minutes of the Planning and Environment Committee 7/17, held on 14 November 2017, be confirmed.

**ATTACHMENTS**

- 1 MINUTES - Planning and Environment Committee Meeting - 14 November 2017

**ITEM 1 (continued)**

**ATTACHMENT 1**

Planning and Environment Committee  
**MINUTES OF MEETING NO. 7/17**

**Meeting Date:** Tuesday 14 November 2017  
**Location:** Council Chambers, Level 1A, 1 Pope Street, Ryde  
**Time:** 5.04pm

**Councillors Present:** Councillors Purcell, (Chairperson), Clifton, Gordon, Kim, Pedersen, Yedelian OAM and Zhou.

**Apologies:** Nil.

**Note:** Councillor Kim left the meeting at 5.47pm and did not return. He was not present for consideration or voting on Item 4.

**Staff Present:** Acting General Manager, Acting Director – City Planning and Development, Director – Corporate and Organisational Support Services, Acting Director – Customer and Community Services, Acting Manager – Assessment, Senior Coordinator – Environmental Assessment, Senior Coordinator – Development Engineering Services, Assessment Officer – Town Planner, Senior Coordinator – Communications, Senior Coordinator – Governance and Administration Officer – Councillor Support.

**DISCLOSURES OF INTEREST**

Councillor Kim disclosed a Significant Non-Pecuniary Interest in Item 4 – 30 Farnell Street, West Ryde (LDA2016/0618) for the reason that he lives in Farnell Street, West Ryde and he knows Peter Hall who he met approximately 15 years ago and is acting on behalf of the Applicant.

**1 ELECTION OF CHAIRPERSON AND DEPUTY CHAIRPERSON**

The Acting General Manager, as Returning Officer, gave an overview of the election process in relation to the election of the Chairperson and Deputy Chairperson.

**METHOD OF VOTING FOR CHAIRPERSON AND DEPUTY CHAIRPERSON**

The Acting General Manager, as Returning Officer presented the options on the method of voting for Chairperson and Deputy Chairperson.

**ITEM 1 (continued)**

**ATTACHMENT 1**

**RESOLUTION:** (Moved by Councillors Gordon and Pedersen)

- (a) That the method of voting for the election of the Chairperson and Deputy Chairperson be open voting by show of hands.
- (b) That the Acting General Manager, as Returning Officer, undertake the election of the Chairperson and Deputy Chairperson for the ensuing twelve (12) months by announcing the nominations and then conducting the election.

**Record of the Voting:**

For the Motion: Unanimous

**ELECTION OF CHAIRPERSON**

The Acting General Manager, as Returning Officer called for nominations for the position of Chairperson of the Committee and received one nomination being for Councillor Purcell.

The Acting General Manager, as Returning Officer called for any further nominations. As there were none, nominations were closed.

The Acting General Manager, as Returning Officer confirmed with Councillor Purcell that he accepted the nomination.

As there was only one nomination, **COUNCILLOR PURCELL WAS DULY ELECTED CHAIRPERSON FOR THE ENSUING YEAR.**

**ELECTION OF DEPUTY CHAIRPERSON**

The Acting General Manager, as Returning Officer called for nominations for the position of Deputy Chairperson of the Committee and received one nomination being for Councillor Kim.

The Acting General Manager, as Returning Officer called for any further nominations. As there were none, nominations were closed.

The Acting General Manager, as Returning Officer confirmed with Councillor Kim that he accepted the nomination.

As there was only one nomination, **COUNCILLOR KIM WAS DULY ELECTED DEPUTY CHAIRPERSON FOR THE ENSUING YEAR.**

Note: The Chairperson, Councillor Purcell then assumed the Chair.



**ITEM 1 (continued)**

**ATTACHMENT 1**

**2 CONFIRMATION OF MINUTES - Meeting held on 8 August 2017**

**RESOLUTION:** (Moved by Councillors Gordon and Kim)

That the Minutes of the Planning and Environment Committee 6/17, held on 8 August 2017, 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.

**3 76 MORRISON ROAD, GLADESVILLE. LOT A in DP 343167. Local Development Application for the demolition and construction of a two storey dwelling-house and a secondary dwelling. LDA2016/0377.**

Note: Lee Mizens (objector) and Ivy Wang (representing Vigor Mater Pty Ltd – applicant) addressed the meeting in relation to this Item.

Note: A Memorandum from the Acting Director – City Planning and Development dated 14 November 2017 was tabled in relation to this Item and a copy is ON FILE.

**RECOMMENDATION:** (Moved by Councillors Gordon and Pedersen)

- (a) That the application be deferred for a mediation to be undertaken between the neighbours and the applicant to look at issues of privacy.
- (b) That a further report be presented to the Planning and Environment Committee.

On being put to the Meeting, Councillor Kim abstained from voting and accordingly his vote was recorded Against the Motion.

**Record of Voting:**

For the Motion: Councillors Clifton, Gordon, Pedersen, Purcell, Yedelian OAM and Zhou

Against the Motion: Councillor Kim

Note: This matter will be dealt with at the Council Meeting to be held on **28 NOVEMBER 2017** as dissenting votes were recorded, substantive changes were made to the published recommendation and Councillor **MAGGIO** requested that the matter be referred to the next Council Meeting.

**ITEM 1 (continued)**

**ATTACHMENT 1**

**4 30 FARNELL STREET, WEST RYDE. LOT 1 DP 219137. Local Development Application for construction of a multi-dwelling development containing 3 dwellings - 2 x two storey dwellings at the front and 1 x single storey dwelling at the rear and strata subdivision. LDA2016/0618**

Note: Councillor Kim disclosed a Significant Non-Pecuniary Interest in this Item for the reason that he lives in Farnell Street, West Ryde and he knows Peter Hall who he met approximately 15 years ago and is acting on behalf of the Applicant. He left the meeting at 5.47pm and did not return and was not present for consideration or voting on this Item.

Note: Livio Panozzo (objector) and Peter Hall (representing Skycorp Properties – applicant) addressed the meeting in relation to this Item.

Note: A Memorandum from the Acting Director – City Planning and Development dated 14 November 2017 was tabled in relation to this Item and a copy is ON FILE.

**RECOMMENDATION:** (Moved by Councillors Gordon and Pedersen)

- (a) That Local Development Application No. 2016/618 at 30 Farnell Street, West Ryde be referred back to the Acting Director - City Planning and Development.
- (b) That Amended Plans are required to be submitted to Council to increase the front setback to a minimum of 12 metres and these plans are to be notified to the objector. (Mr Panozzo).
- (c) That the application can then be approved under officers delegation, subject to the conditions in **ATTACHMENT 2** incorporating any changes required to enforce the 12 metre setback.
- (d) That the persons who made submissions be advised of Council's decision.

**Record of Voting:**

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **28 NOVEMBER 2017** as substantive changes were made to the published recommendation.

The meeting closed at 6.05pm.

CONFIRMED THIS 13TH DAY OF FEBRUARY 2018.

Chairperson

---

**2 76 MORRISON ROAD, GLADESVILLE. LOT A in DP 343167. Local Development Application for the demolition and construction of a two storey dwelling-house and a secondary dwelling. LDA2016/0377.**

---

**Report prepared by:** Senior Coordinator - Development Assessment

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

**File Number:** GRP/09/5/6/2 - BP18/31

---

## 1. REPORT SUMMARY

**Applicant:** Vigor Master Pty Ltd

**Owner:** Betty B. Chen

**Date lodged:** 12 August 2016 (latest amended plans submitted 9 January 2018)

This report has been prepared to enable Council's further consideration of a development application (DA) for demolition of the existing structures and construction of a two-storey dwelling with an attached single-storey secondary dwelling (as part of the same building).

Council's Ordinary Meeting on 28 November 2017 resolved to undertake a mediation meeting between the applicant and the neighbours, to discuss issues relating to privacy impacts from the proposed development.

A Mediation Meeting for this DA was held on 8 January 2018 (mediation meeting notes are attached to this report). At this meeting, the neighbours stated their issues of concern which primarily related to the secondary dwelling and its proximity to the common boundary with the neighbour's property (No 67 Western Crescent). In particular, the main concerns of the neighbours are the rear boundary setbacks of the proposed development, and resulting impacts from the building (ie privacy, overshadowing, bulk and scale).

Following the Mediation Meeting, amended plans were provided by the applicant on 9 January 2018, which included the following amendments:

- Changes to the rear setback (from the southern side) by increasing the ground floor setback to 5m at the closest point (the ground floor setback in the original plans was previously 3m to the closest point).
- The rear (southern side) setback of the building at the first floor level has been reduced to be 10m at the closest point (the first floor setback in the original plans was previously 10.3m to the closest point).

**ITEM 2 (continued)**

- The changes also include reduction in the amount of floor space in the ground floor level of the development from 150.22 sqm to 143.64 sqm and increasing the floor space at the first floor level from 92.81 sqm to 107.17 sqm. This increases the overall gross floor area of the development from 243.03 sqm to 250.81 sqm which still ensures compliance with the maximum 0.5:1 floor space ratio (0.479:1 proposed).

The amended plans were re-notified to all neighbours and no submissions were received.

It is considered that the amended plans following the Mediation process for this application have resulted in a reasonable compromise, which has enabled the applicant to achieve their desired development outcome of a 2-storey dwelling with a secondary dwelling, whilst improving the situation regarding potential adverse impacts on the immediate neighbour in terms of the built form (as a result of increased rear setbacks). Accordingly, this DA is now referred back to enable the Planning & Environment Committee's further consideration, with a recommendation of approval subject to conditions.

The conditions of consent (attached to the previous report to the Planning & Environment Committee) have been revised and updated to reflect the latest amended plans

**Reason for Referral to Planning and Environment Committee:** Requested by Councillor Maggio; previously considered by the Committee.

**Public Submissions:**

Original DA: Three (3) submissions received.

Amended Plans: One (1) submission received.

Amended Plans (following Mediation): No submissions received.

**Clause 4.6 Ryde LEP 2010 objection required?** None required.

**Value of works:** \$480,000

**RECOMMENDATION:**

- (a) That Local Development Application No. 2016/0377 at No. 76 Morrison Road, Gladesville being LOT A in DP 343167 be approved subject to the **ATTACHED** conditions of consent (**ATTACHMENT 1**).
- (b) That all persons who made submissions during the DA process be advised of Council's decision.

**ITEM 2 (continued)****ATTACHMENTS**

- 1 Proposed Conditions of Consent (revised following mediation meeting)
- 2 Mediation Meeting Notes - 8 January 2018
- 3 Previous Report and Plans to Planning and Environment Committee - 14 November 2017
- 4 Map indicating submissions made
- 5 A4 Plans
- 6 A3 Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

**Chris Young**  
**Senior Coordinator - Development Assessment**

Report Approved By:

**Sandra Bailey**  
**Acting Manager - Assessment**

**Sam Cappelli**  
**Acting Director - City Planning and Development**

## ITEM 2 (continued)

### 2. Background

The previous report to Planning and Environment Committee 14 November 2017 (**ATTACHED**) contains an assessment of the proposal as originally submitted, and details of the background to the development application up until that point in time.

At this meeting, the Planning & Environment Committee recommended the following in relation to this DA:

- (a) *That the application be deferred for a mediation to be undertaken between the neighbours and the applicant to look at issues of privacy.*
- (b) *That a further report be presented to the Planning and Environment Committee.*

The Planning and Environment Committee's recommendation was considered and adopted as a formal resolution of Council at Council's Ordinary Meeting of 28 November 2017.

### 3. Actions Following Council's Resolution

#### Mediation Meeting Arrangements

In accordance with Council's resolution, a Mediation Meeting was held on 8 January 2018, attended by Council's Acting Manager – Assessment, and Senior Co-ordinator Assessment; the applicant; and the neighbours at No 67 Western Crescent, which is the immediate neighbour to the south.

Although Council's resolution in relation to the Mediation was to discuss the issues of concern regarding privacy, the major issue of concern for the neighbours was the rear boundary setback of the secondary dwelling in proximity to their property, and much of the discussion centred around that issue.

Notes from the Mediation Meeting have been prepared and were circulated to the neighbours and the applicant (a copy of the Mediation Meeting Notes are **ATTACHED** to this report).

#### Amended Plans 9 January 2018

Following the Mediation Meeting, amended plans were submitted on 9 January 2018 by the applicant, which included the following amendments:

- Changes to the rear setback (from the southern side) by increasing the ground floor setback to 5m at the closest point (the ground floor setback in the original plans was previously 3m to the closest point).

**ITEM 2 (continued)**

- The rear (southern side) setback of the building at the first floor level has been reduced to be 10m at the closest point (the first floor setback in the original plans was previously 10.3m to the closest point).
- The changes also include reduction in the amount of floor space in the ground floor level of the development and increasing the floor space at the first floor level.
- There have also been a number of minor internal changes to the design/layout of the building as a result of these increased rear setbacks.

These amended plans were re-notified to all neighbours (ie not only the immediate neighbour who attended the Mediation Meeting), and no submissions were received.

**Ryde DCP 2014 – Compliance Assessment**

The previous report to Planning & Environment Committee identified a number of areas of non-compliance with Ryde DCP 2014 in relation to the previous set of amended plans. Many of these areas of non-compliance still remain unchanged with the latest amended plans following the Mediation Meeting.

However the proposal is considered to be acceptable despite the areas of non-compliance with DCP 2014, as indicated in the previous report to Planning & Environment Committee. In summary, the areas of non-compliance with DCP 2014 are:

1. Deep soil area – Ryde DCP 2014 contains a requirement for a deep soil area of 8m x 8m square to be provided within the rear yard. The amended plans provided for a deep soil area of 10.047m x 7m which does not comply.
2. Amount of hard paving within front setback – Ryde DCP 2014 prescribes a maximum 40% hard paving within the setback; the development proposes approximately 63% hard paving within the front setback – which is the result of providing a turning area for safe vehicle access to/from Morrison Road.
3. Amount of fill within building footprint – Ryde DCP 2014 prescribes a maximum of 900mm of fill within the building footprint; the development proposes up to 1300mm (1.3m) of fill. This is the result of the slope of the site, and although the proposal has been stepped down to follow the natural topography as much as possible, there is still a minor area of non-compliance with the numerical control.
4. Garage setback – Ryde DCP 2014 contains a requirement that garages should be set back a minimum 1m from the main building façade. The design of the development proposes the garage to be in line with the rest of the wall (on north elevation) – which is considered to be acceptable because the garage door is not a visually prominent feature in the design of the building.

**ITEM 2 (continued)****Rear Setback Non-compliance**

5. Rear setback – a rear setback requirement is contained in both Ryde DCP 2014 and SEPP (ARH) 2009. Ryde DCP 2014 requires a rear setback of 8m or 25% of the site length whichever is the greater – which would require a rear setback of between 8m to 8.87m at this site. SEPP (ARH) 2009 also generally requires a setback of 8m.

The amended plans submitted following the Mediation Meeting now provide a rear setback of 5m to the secondary dwelling (measured from the rear boundary to the closest point of the building) which does not comply. This is an increase from 3m (from the boundary to the closest point) in the previous amended plans.

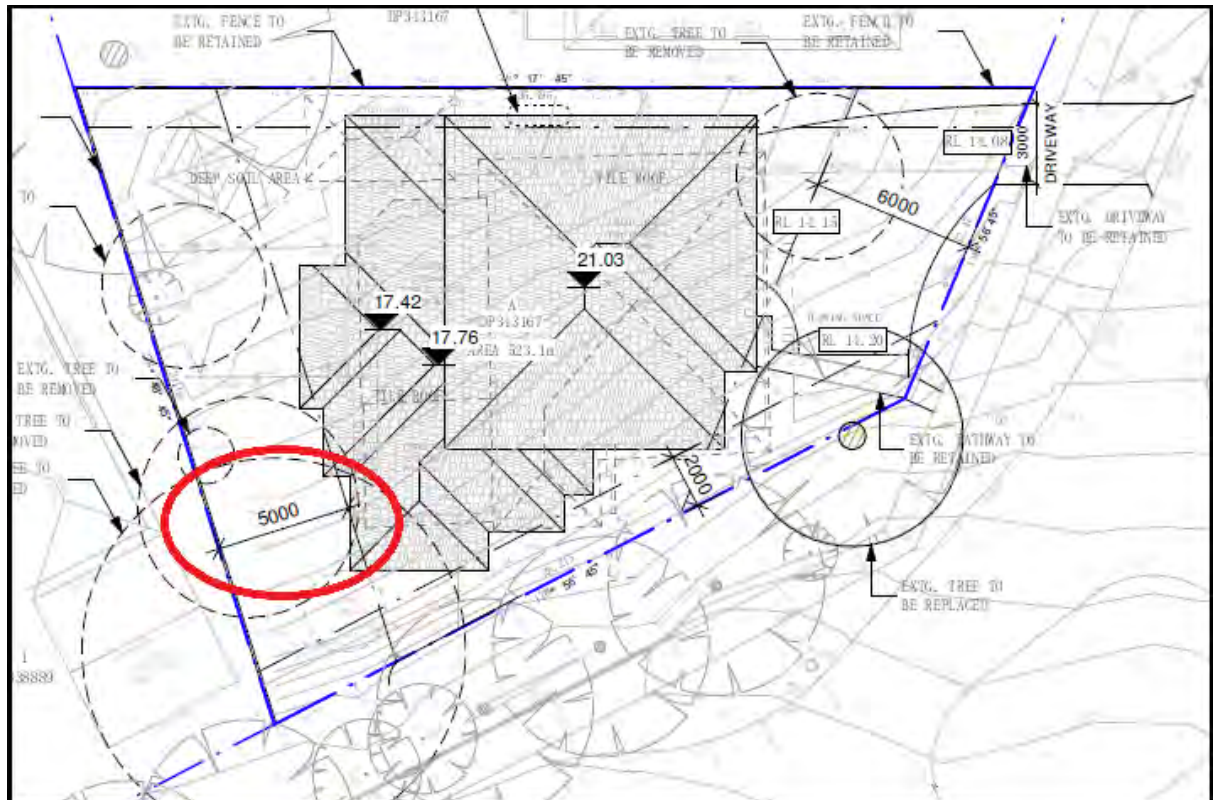
Despite the numerical non-compliance, the proposal is considered acceptable for the following reasons.

- The increase in the rear setback to 5m will minimise the impacts on the neighbour compared to the previous amended plans (which was for a 3m setback)
- The rear setbacks of the proposed building are similar to those of the dwelling that currently exists on the site. The survey plan submitted with the DA documents show that the existing dwelling has a rear setback of 5m to the closest point. Therefore the built form of the proposed development will be very similar to the existing situation.
- The portion of the building closest to the rear boundary (ie the secondary dwelling) is single storey in height which will ensure the physical impacts on the immediate neighbour (e.g. bulk, scale, overshadowing etc) are minimised.
- The site has an unusual shape, in particular a short length along its eastern boundary of 26.215m, which make full compliance with the rear setbacks difficult to achieve on this side of the building. On the western side (where the boundary is 35.495m long), the rear setback is 10.047m which well exceeds the minimum required by the DCP.
- The development has been designed to minimise privacy impacts from the secondary dwelling on the immediate neighbour. In this regard, the secondary dwelling only has one window facing the rear, which is a small (600mm high) window to the kitchen. The other windows to the primary dwelling are set much further back from the boundary, so privacy impacts would be minimised from those rooms.



## ITEM 2 (continued)

Overall, the development is considered to be acceptable despite the numerical non-compliance with the rear setback controls. The following drawing is the Site Plan submitted as part of the amended plans following the Mediation Meeting, and showing the 5m rear setback.



Site Plan, showing rear setbacks of proposal.  
Source: DA plans, marked up

## 4. Other Options

The recommendation of this report is approval subject to conditions.

The only practical alternative to this recommendation of approval would be refusal. In this regard, the various issues of concern arising from assessment of this DA as discussed throughout this report (i.e. DCP non-compliances and concerns in submissions from neighbours) could form the basis for reasons for refusal.

However it is not considered that Council would be successful in defending an appeal in the Land and Environment Court based on these issues, because the development is generally considered to be satisfactory on merit despite these issues, as discussed throughout this report.

**ITEM 2 (continued)**

The applicant has amended the proposal on several occasions throughout the processing of this DA, both in relation to concerns from Council officers, and also in particular following the mediation meeting on 9 January 2018 to address specific concerns regarding impacts on the neighbour's property (No 67 Western Crescent). The latest amendments are considered to be a significant improvement in terms of its relationship with this adjoining property, in particular visual impacts from the new building as a result of its increased rear setbacks, and related privacy impacts.

**5. Conclusion**

The proposal has been assessed using the heads of consideration listed in Section 79C of the Environmental Planning and Assessment Act 1979 as outlined in the previous report to Planning and Environment Committee.

Following Council's resolution of 28 November 2017, a Mediation Meeting has been conducted in relation to this development. This Mediation Meeting has resulted in amended plans which have provided a greater rear boundary setback from the secondary dwelling.

It is considered that these amended plans have resulted in a reasonable compromise, which has enabled the applicant to achieve their desired development outcome of a 2-storey dwelling with a secondary dwelling, whilst improving the situation regarding potential adverse impacts on the immediate neighbour in terms of the built form (as a result of increased rear setbacks).

Accordingly this DA is presented back to the Planning & Environment Committee for consideration and determination. Approval is recommended subject to the conditions in **ATTACHMENT 1**.

**ITEM 2 (continued)**

**ATTACHMENT 1**

**DRAFT CONDITIONS OF CONSENT**  
**76 MORRISON ROAD, GLADESVILLE**  
**LDA2016/377**

**GENERAL**

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

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

Document Description	Date	Plan No/Reference
Site Plan	Jan 2018	DA001 Rev 8
Ground Floor Plan	Jan 2018	DA101 Rev 8
First Floor Plan	Jan 2018	DA102 Rev 8
Roof Plan	Jan 2018	DA103 Rev 8
North Elevation	Jan 2018	DA201 Rev 8
South Elevation	Jan 2018	DA202 Rev 8
East Elevation	Jan 2018	DA203 Rev 8
West Elevation	Jan 2018	DA204 Rev 8
Sections	Jan 2018	DA301 Rev 8
Landscape Plan	10.10.2017	L/01

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 747970M\_02 dated 12 Oct 2017.
4. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (a) Protect and support the adjoining premises from possible damage from the excavation, and
  - (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.

**ITEM 2 (continued)**

**ATTACHMENT 1**

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. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.
8. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
9. **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.
10. **Roads Act.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.
11. **Asbestos.** Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by Safework NSW.
12. **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.

**ITEM 2 (continued)**

**ATTACHMENT 1**

Engineering Conditions

13. **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.
14. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
15. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public 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.
16. **Vehicle Entry & Exit.** All vehicles to the development site shall enter and exit in a forward direction using the turning/manoeuvring area within the front yard.
17. **Road Activity Permits.** To carry out work in, on or over a public road, the Consent of Council is required as per the Roads Act 1993. Prior to issue of a Construction Certificate and commencement of any work, permits for the following activities, as required and as specified in the form "Road Activity Permits Checklist" (available from Councils website) are to be obtained and copies submitted to Council with the Notice of Intention to Commence Work.
  - a) Road Use Permit - The applicant shall obtain a Road Use Permit where any area of the public road or footpath is to be occupied as construction workspace, other than activities covered by a Road Opening Permit or if a Work Zone Permit is not obtained. The permit does not grant exemption from parking regulations.
  - b) Work Zone Permit - The applicant shall obtain a Work Zone Permit where it is proposed to reserve an area of road pavement for the parking of vehicles associated with a construction site. Separate application is required with a Traffic Management Plan for standing of construction vehicles in a trafficable lane. A Roads and Maritime Services Work Zone Permit shall be obtained for State Roads.
  - c) Road Opening Permit - The applicant shall apply for a road-opening permit and pay the required fee where a new pipeline is to be constructed within or across the road pavement or footpath. Additional road opening permits and fees are required where there are connections to public utility services (e.g. telephone, telecommunications, electricity, sewer, water or gas) within the

**ITEM 2 (continued)**

**ATTACHMENT 1**

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.

Note. It will be necessary to contact Viva Energy before applying to Council for the Road Opening Permit. The relevant contact at Viva Energy is Tony Carnovale on 0423603895.

- 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.

**PRIOR TO CONSTRUCTION CERTIFICATE**

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

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

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

**ITEM 2 (continued)**

**ATTACHMENT 1**

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

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

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
Community and Cultural Facilities	\$1,550.54
Open Space & Recreation Facilities	\$3,817.10
Civic & Urban Improvements	\$1,298.27
Roads & Traffic Management facilities	\$177.09
Cycleway	\$110.62
Stormwater Management Facilities	\$351.60
Plan Administration	\$29.82
<b>The total contribution is</b>	<b>\$7,335.04</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 Customer Service Centre, 1 Pope Street Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre) or on Council's website <http://www.ryde.nsw.gov.au>.

19. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate**.

**ITEM 2 (continued)**

**ATTACHMENT 1**

20. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate**.
21. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the Environmental Planning and Assessment Act 1979 in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: dwelling houses with delivery of bricks or concrete or machine excavation)
22. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:
  - (a) Infrastructure Restoration and Administration Fee
  - (b) Enforcement Levy
23. **Alignment Levels.** The applicant is to apply to Council, pay the required fee, and have issued site specific alignment levels by Council prior to the issue of the **Construction Certificate**.
24. **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**.
25. **Sydney Water – Building Plan Approval.** The plans approved as part of the Construction Certificate must also be approved by Sydney Water prior to excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Please go to [www.sydneywater.com.au/tapin](http://www.sydneywater.com.au/tapin) to apply.
26. **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**.
27. **Tree Planting – Front Yard.** The proposed *Elaeocarpus reticulatus* (Blueberry Ash) located within the front yard of the allotment is to be substituted for a locally endemic tree capable of reaching 10m in height with a spreading canopy planted at a minimum 45 litre pot/container size. Details of compliance are to be demonstrated on the plans for Construction Certificate.



**ITEM 2 (continued)**

**ATTACHMENT 1**

28. **Tree planting – location.** These trees are to be planted a minimum of 3m from any property boundary. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of the **Construction Certificate**.
29. **Fibre-ready facilities and telecommunications infrastructure.** Prior to the issue of any Construction Certificate satisfactory evidence is to be provided to the Certifying Authority that arrangements have been made for:
- (i) The installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Alternatively, demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose.
- And
- (ii) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

(Note real estate development project has the meanings given in Section 372Q of the Telecommunications Act).

Engineering Conditions

30. **Boundary Levels.** The levels of the street alignment shall be obtained from Council. These levels shall be incorporated into the design of the internal driveway, carparking areas, landscaping and stormwater drainage plans and must be obtained prior to the issue of the construction certificate.
31. **Driveway Location.** The driveway shall be minimum 500mm from the existing power pole.

**ITEM 2 (continued)**

**ATTACHMENT 1**

32. **Driveway Grades.** The maximum grade of all internal driveways and vehicular ramps shall be 1 in 4 and in accordance with the relevant section of AS 2890.1. The maximum change of grade permitted is 1 in 8 (12.5%) for summit grade changes and 1 in 6.7 (15%) for sag grade changes. Any transition grades shall have a minimum length of 2.0m. The driveway design is to incorporate Council's issued footpath and gutter crossing levels where they are required as a condition of consent. A driveway plan, longitudinal section from the centreline of the public road to the garage floor, and any necessary cross-sections clearly demonstrating that the driveway complies with the above details, and that vehicles may safely manoeuvre within the site without scraping shall be submitted with the Construction Certificate application.
33. **Control of Stormwater Runoff.** Stormwater runoff from all roof areas shall be collected and piped by a charged system to a rainwater tank with outlet pipe from the rainwater tank directed to the street gutter. The pipe from the boundary pit to the street gutter across the footpath is to be a gravity pipe. The driveway/paved areas are to be collected and directed to an absorption system in the rear yard. The drainage system shall be designed in accordance with the City of Ryde, Development Control Plan 2014: - Part 8.2; Stormwater & Floodplain Management. The concept drainage design prepared by A & G Consulting Engineers Pty Ltd, Job No 16020 Drw C01.2, C02.2 & C03.2 Rev 2 dated 1/5/17 shall be amended to incorporate but not be limited to the following:
- a. Design of the absorption system as recommended in the White Geotechnical Group dated 26/4/17 with a minimum 3.0m distance to the north-western boundary as marked in red on the drainage plan.
  - b. Provision of permeable pavers to the driveway and the turning area to minimise the runoff towards the rear.
  - c. Demonstration by calculation, including hydraulic grade line calculation that proposed overflow pipe from the BASIX water tank has adequate hydraulic head to convey the 20 year ARI 5 minute runoff to the street. The rainwater tank overflow pipe is to be 150mm minimum diameter or conduit of equivalent capacity.
  - d. Ensure consistency between the architectural plans & the stormwater plans

Amended engineering plans including certification from a chartered civil engineer with NPER registration with Engineers Australia indicating compliance with this condition and the DCP 2014 Part 8.2 are to be submitted for approval with the Construction Certificate application.

**ITEM 2 (continued)**

**ATTACHMENT 1**

34. **Foundation Design Adjoining Absorption Trenches.** The foundations of structures adjoining the on-site dispersal system shall consist of pier and beam construction and the piers shall be extended to a solid stratum. Details from a suitably qualified structural engineer shall be submitted with the construction certificate.
35. **Permeable Paving.** The driveway & turning area at front shall be constructed of permeable paving which is to be strictly in accordance with the manufacturer's specifications & requirements. Certification shall be provided by the manufacturer stating that the proposed construction of the permeable paving is to their requirements prior to issuing the Construction Certificate.
36. **Water Tank First Flush.** A first flush mechanism is to be designed and constructed with the each water tank system. Details of the first flush system are to be submitted with the construction certificate application.
37. **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, and submitted for approval as part of the **Construction Certificate**. These devices shall be maintained during the construction works and replaced where considered necessary.

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

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

**ITEM 2 (continued)**

**ATTACHMENT 1**

**PRIOR TO COMMENCEMENT OF CONSTRUCTION**

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

**38. Site Sign**

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

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

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

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

**ITEM 2 (continued)**

**ATTACHMENT 1**

- (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

**41. Excavation adjacent to adjoining land**

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

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

**43. Project Arborist.** A Project Arborist with minimum AQF level 5 qualifications is to be engaged to ensure adequate tree protection measures are put in place for all trees to be retained on neighbouring allotments in accordance with AS4970-2009 Protection of trees on development sites and the Arboricultural Impact Assessment prepared by Bluegum Tree Care and Consulting dated July 2016. All trees are to be monitored to ensure adequate health throughout the construction period is maintained. Additionally, all work within the Tree Protection Zones is to be supervised by the Project Arborist throughout construction. Details of the Project Arborist are to be submitted to Council prior to the commencement of construction.

**ITEM 2 (continued)**

**ATTACHMENT 1**

Engineering Conditions

44. **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.
45. **Compliance Certificate.** A Compliance Certificate should be obtained prior to the commencement of construction 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.

46. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the Environmental Planning and Assessment Regulation 2000.
47. **Survey of footings/walls.** All footings and walls within 1 metre of a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be prepared indicating the position of external walls in relation to the boundaries of the allotment.
48. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
49. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
- (a) Fill is allowed under this consent;
  - (b) The material constitutes Virgin Excavated Natural Material as defined in the Protection of the Environment Operations Act 1997;
  - (c) the material is reused only to the extent that fill is allowed by the consent.

**ITEM 2 (continued)**

**ATTACHMENT 1**

50. **Construction materials.** All materials associated with construction must be retained within the site.
51. **Site Facilities**  
The following facilities must be provided on the site:
- (a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
  - (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.
52. **Site maintenance**  
The applicant must ensure that:
- (a) approved sediment and erosion control measures are installed and maintained during the construction period;
  - (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
  - (c) the site is clear of waste and debris at the completion of the works.
53. **Work within public road.** At all times work is being undertaken within a public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in Australian Standard No. AS1742.3-1996 "Traffic Control Devices for Work on Roads".
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. Tree protection measures are to be undertaken and construction activity managed in accordance with the arborists's report prepared by Bluegum Tree Care and Consultancy, Arboricultural Impact Study 76 Morrison Road, Gladesville, Alexis Anderson.
56. **Street tree removal.** Remove 1 x narrow leaf peppermint (*Eucalyptus nicholii*) indicated as T1, located on the nature strip adjacent to the subject property.

**ITEM 2 (continued)**

**ATTACHMENT 1**

57. **Tree planting – street tree.** One (1) kurrajong (*Brachychiton populneus*) tree with a minimum size of 75litres to be planted in the nature strip. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.
58. **Security deposit.** The Council must be provided with security for the purposes in a sum \$750 prior to the release of any Occupation Certificate and be held for a minimum of 12 months to ensure the long term health and condition of the replacement street tree.
59. **Tree works – arborist supervision.** A Consultant Arborist must be appointed to oversee all works, including demolition and construction, in relation to the trees identified for retention on the site.
60. **Tree works – Australian Standards.** Any works approved by this consent to trees must be carried out in accordance with all relevant Australian Standards, in particular Australian Standard 4790 Protection of trees on development sites.
61. **Absorption Trench Location.** Should the excavation for the stormwater absorption trench conflict with any major structural roots (greater than >40 mm diameter), its location and alignment is to be modified in consultation with the Project Arborist to avoid impact. Under no circumstances should roots be severed or cut without prior approval from the Project Arborist.
62. **Underground Utilities.** Any utility services to be located underground within the TPZ are to be undertaken utilising excavation techniques that prevent or minimise damage to structural roots (roots greater than >40 mm diameter). To prevent soil compaction and root damage these works should be conducted with non-motorised hand tools, air knife or directional drilling.

Engineering Conditions

63. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with plan the Construction Certificate version of Job No 16020 Drw C01.2, C02.2 & C03.2 Rev 2 dated 1/5/17 prepared by A & G Consulting Engineers Pty Ltd and as amended in red by Council and condition with the heading “Control of Stormwater Runoff”.



**ITEM 2 (continued)**

**ATTACHMENT 1**

64. **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.
65. **Traffic Management.** Traffic management procedures and systems must be in place and practised during the construction period to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 1996 and City of Ryde, Development Control Plan 2014 Part 8.1 Construction Activities.

**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.

66. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 747970M\_02 dated 12 Oct 2017.
67. **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.

**ITEM 2 (continued)**

**ATTACHMENT 1**

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

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

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

Engineering Conditions

69. **Disused Gutter Crossing.** All disused gutter and footpath crossings shall be removed and the kerb and footpath reinstated to the satisfaction of Council.
70. **Turning Area for Vehicles.** All vehicle entry and exit to and from the property shall be in a forward direction. The proposed turning area must be made available for vehicle manoeuvring all the time and must not be used for parking of vehicles. It shall be signposted and marked as a turning area for vehicles.
71. **Vehicle Footpath Crossings.** Concrete footpath crossings shall be constructed at all locations where vehicles cross the footpath, to protect it from damage resulting from the vehicle traffic. The location, design and construction shall conform to the requirements of Council. Crossings are to be constructed in plain reinforced concrete and finished levels shall conform with property alignment levels issued by Council’s Public Works Division. Kerbs shall not be returned to the alignment line. Bridge and pipe crossings will not be permitted.
72. **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.
73. **Compliance Certificates – Engineering.** Compliance Certificates should be obtained for the following and submitted to the PCA:
- Confirming that all vehicular footway and gutter (layback) crossings are constructed in accordance with the construction plan requirements and Ryde City Council’s Development Control Plan 2014: - Part 8.3

**ITEM 2 (continued)**

**ATTACHMENT 1**

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

74. **Positive Covenant, Charged.** The creation of a Positive Covenant under Section 88 of the Conveyancing Act 1919, burdening the property with the requirement to maintain the charged drainage 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 Charged Drainage Systems and to the satisfaction of Council.

75. **Positive Covenant, Dispersal.** The creation of a Positive Covenant under Section 88 of the Conveyancing Act 1919, burdening the property with the requirement to maintain the stormwater dispersal system. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88E instrument for Maintenance of On- site Dispersal 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.

**ITEM 2 (continued)**

**ATTACHMENT 1**

76. **Single dwelling only.** The principal dwelling and secondary dwelling is not to be used or adapted for use as more than two separate domiciles in total (ie principal dwelling and secondary dwelling only) or a boarding house.

**ITEM 2 (continued)**

**ATTACHMENT 2**

<b>Mediation Meeting Notes</b>	
<b>76 Morrison Road, Gladesville - Demolition and construction of a two-storey dwelling and a secondary dwelling</b>	
<b>8 January 2018. 5.00pm</b>	
<b>Landmark Meeting Room, Level 1, Binary Centre 3 Richardson Place, North Ryde.</b>	
<b>In attendance:</b>	
<u>Council Officers:</u>	<b>SB</b> = Sandra Bailey – Acting Manager – Assessment (Chair) <b>CY</b> = Chris Young – Senior Coordinator – Assessment
<u>Applicant:</u>	<b>IW</b> = Ivy Wang. Project Manager Vigor Master Architects
<u>Neighbours:</u>	<b>LM</b> = Lee Mizens. 67 Western Crescent Gladesville <b>AM</b> = Annabel Mizens. 67 Western Crescent Gladesville
<b>SUMMARY OF DISCUSSIONS:</b>	
SB	<p>Opened the meeting and introduced those attending from Council. Explained the “rules” to be followed in the meeting including providing opportunities for both parties to speak, to explain their point of view, mutual respect for each other’s position, and an expectation that all parties will work together to reach a solution.</p> <p>Quoted the resolution of Council in this matter, which is stated as follows:</p> <p>(a) <i>That the application be deferred for a mediation to be undertaken between the neighbours and the applicant to look at issues of privacy.</i></p> <p>(b) <i>That a further report be presented to the Planning and Environment Committee.</i></p>
LM & AM	Noted that the property owners were not in attendance and questioned whether the architects had the power / authority to enter into Mediation without the owners.
IW	Advised that they have authority from the owners to speak on their behalf and enter into agreement including preparing amended plans if required.
LM & AM	Advised that the rear setback is their major issue. Privacy is no longer an issue and they are happy with window sizes, placement etc. They remain concerned regarding the proximity of the new building which they feel is caused by the non-compliant rear setback.
LM & AM	<p>Discussion regarding rear setback in relation to the existing dwelling. The rear-most portion of the existing dwelling is measured to the rear of a deck which is an open-style structure. They are concerned that the new rear setback will be measured to the wall of the new building which has different impacts on their property compared to an open style structure.</p> <p>Also concerned that the reduced rear setback will impact on their existing dwelling and also potentially a new dwelling if they decide to re-develop their property into the future.</p>

**ITEM 2 (continued)**

**ATTACHMENT 2**

	<p>The neighbours also raised concerns that the property has been previously used as a boarding house and that they had seen many different people living at the property over the years, often for a short period (3 months) to be replaced by other people. Also concerned about use of space under the dwelling for cooking of food etc</p>
SB	<p>Advised that any future development of the neighbour's property was an unknown and could not be factored into the current proposal at the subject site.</p> <p>Also advised that a condition of consent has been recommended to prevent any usage of the subject site as a boarding house.</p>
IW	<p>The applicant advised that the dwelling will be used to accommodate two sisters (main dwelling) and their elderly parents (within the secondary dwelling).</p> <p>Also advised that they maybe able to increase the rear setback from the neighbours' property to 5m at the closest point, but they would likely increase the floor area at 1<sup>st</sup> floor level to compensate for any reduction in floor space caused by increasing the setback at the ground floor level.</p>
LM & AM	<p>Advised that the previous plans with the DA could not be properly considered in terms of floor space assessment as it did not include the full dimensions.</p> <p>Stated that the increase in rear setback would be preferable but they would need to see details.</p>
SB	<p>Confirmed that these changes would need to be shown on formal amended plans which would be re-notified to the neighbours following the Mediation Meeting.</p>
LM & AM	<p>Asked why the secondary dwelling needed to have 2 bedrooms.</p>
IW	<p>Advised that the secondary dwelling was provided with 2 bedrooms to ensure a reasonable level of internal amenity, and it was common for such secondary dwellings to be provided with 2 bedrooms. Advised that the secondary dwelling is a maximum of 60m<sup>2</sup> as prescribed in Ryde LEP 2014 and also State Environmental Planning Policy (Affordable Rental Housing (2009)).</p> <p>Also advised that in relation to previous potential boarding house usage, the previous owners had not used the premises as a boarding house, but had rented the property out to tenants. Confirmed that the new use of the property once this development is undertaken, is intended to be for family accommodation only.</p>

**ITEM 2 (continued)**

**ATTACHMENT 2**

	<p><b>Summary of Outcomes &amp; Notes</b></p> <ol style="list-style-type: none"> <li>1. Amended plans to be provided for a minimum setback of 5m (measured to the closest point) from the rear southern boundary. Amended plans also to include adjustment of floor space at 1<sup>st</sup> floor level, with full details to be included on the amended plans.</li> <li>2. These amended plans to be re-notified to all neighbours and specifically emailed to Mr and Mrs Mizens. Any comments on those amended plans to be provided urgently to assist Council staff in preparing a further report to Planning &amp; Environment Committee as required by the previous Council resolution.</li> <li>3. Notes from the mediation meeting to be provided to the neighbours and the applicant.</li> <li>4. Council officers will prepare a report back to the first available Planning &amp; Environment Committee to enable further consideration and determination, with details of the Mediation Meeting discussions.</li> </ol>
	<p>Mediation meeting concluded at 6.00pm</p>

**ITEM 2 (continued)**

**ATTACHMENT 3**

**3 76 MORRISON ROAD, GLADESVILLE. LOT A in DP 343167.  
Local Development Application for the demolition and  
construction of a two storey dwelling-house and a secondary  
dwelling. LDA2016/0377.**

**Report prepared by:** Senior Coordinator - Development Assessment

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

**Report dated:** 17/10/2017 **File Number:** GRP/09/5/6/2 - BP17/1075

**1. Report Summary**

**Applicant:** Vigor Master Pty Ltd

**Owner:** Betty B. Chen

**Date lodged:** 12 August 2016 (latest amended plans submitted 9 March  
2017)

This report considers a development application (DA) for demolition of the existing structures and construction of a two-storey dwelling with an attached single-storey secondary dwelling (as part of the same building).

The DA originally proposed vehicle access off Western Crescent, however this was amended during DA processing to be from the Morrison Road frontage (in a similar location to the existing driveway). This will be discussed throughout this report.

The DA (as originally submitted) was notified to neighbours in accordance with Ryde DCP 2014 and three (3) submissions were received. The neighbours' issues of concern with the original DA plans are summarised as follows:

- Density and scale
- Solar access
- Potential boarding house
- Issues associated with the original proposal for the proposed driveway off Western Crescent
- Insufficient car parking
- Landscape plan
- Privacy impacts
- Construction Traffic/Parking
- Lack of detail on the DA plans
- Height
- Cut and fill
- Rear setbacks
- Drainage disposal

Planning and Environment Committee, dated 18 January 2018, submitted on 14 November 2017.



**ITEM 2 (continued)**

**ATTACHMENT 3**

**ITEM 3 (continued)**

- Asbestos removal.

In addition to the issues of concern raised in neighbour's submissions, Council's Senior Development Engineer had also raised concerns regarding the proposed vehicle access off Western Crescent – in particular due to the close proximity to the roundabout, the change in levels that would be involved in providing a new access off Western Crescent, and potential removal of a street tree. In this regard, it should be noted that this is a change from the existing vehicle access which is presently off Morrison Road. There were several sets of amended plans submitted from the applicant; however none of these resolved the fundamental issues of concern regarding vehicle access.

The applicant submitted amended plans on 9 March 2017 which proposed vehicle access from Morrison Road (in a similar position to where the site's current vehicle access location). These amended plans were re-notified to neighbours, and one (1) further submission was received from the immediate neighbour to the south, raising concerns regarding privacy impacts, overshadowing, insufficient on-site car parking, need for a construction traffic management plan, and potential breach of floor space ratio controls.

It is considered that the amended plans have adequately addressed the concerns raised in the neighbours' submissions, as discussed further in the body of this report.

The proposal has been assessed in terms of the planning controls applicable to the development (Ryde LEP 2014; Ryde DCP 2014; and State Environmental Planning Policy (Affordable Rental Housing) 2009 ("SEPP (ARH) 2009"), and the following areas of numerical non-compliance have been identified:

- Deep soil area – Ryde DCP 2014 contains a requirement for a deep soil area of 8m x 8m square to be provided within the rear yard. The proposal provides for a deep soil area of 10.047m x 7m which does not comply.
- Amount of hard paving within front setback – Ryde DCP 2014 prescribes a maximum 40% hard paving within the setback; the development proposes approximately 63% hard paving within the front setback – which is the result of providing a turning area for safe vehicle access to/from Morrison Road.
- Amount of fill within building footprint – Ryde DCP 2014 prescribes a maximum of 900mm of fill within the building footprint; the development proposes up to 1300mm (1.3m) of fill. This is the result of the slope of the site, and although the proposal has been stepped down to follow the natural topography as much as possible, there is still a minor area of non-compliance with the numerical control.

---

Planning and Environment Committee, dated 18 January 2018, submitted on 14 November 2017.

**ITEM 2 (continued)**

**ATTACHMENT 3**

**ITEM 3 (continued)**

- Garage setback – Ryde DCP 2014 contains a requirement that garages should be set back a minimum 1m from the main building façade. The design of the development proposes the garage to be in line with the rest of the wall (on north elevation).
- Rear setback – a rear setback requirement is contained in both Ryde DCP 2014 and SEPP (ARH) 2009. Ryde DCP 2014 requires a rear setback of 8m or 25% of the site length whichever is the greater – which would require a rear setback of between 8m to 8.87m at this site. SEPP (ARH) 2009 also generally requires a setback of 8m. The proposal has a setback of 3m to the secondary dwelling which does not comply.

However, the proposal is considered acceptable despite these non-compliances with the numerical controls, as the proposal meets the objectives of the controls. This is discussed in more detail in the body of the report.

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

**Clause 4.6 Ryde LEP 2014 required?** Not applicable to the proposal

**Estimated value of works:** \$480,000

**RECOMMENDATION:**

- (a) That Local Development Application No. 2016/0377 at No. 76 Morrison Road, Gladesville being LOT A in DP 343167 be approved subject to the **ATTACHED** conditions of consent (**ATTACHMENT 1**).
- (b) That the persons who made submissions be advised of Council's decision.

**ATTACHMENTS**

- 1 Draft Conditions of Consent
- 2 Final DCP Compliance Check
- 3 Map indicating submissions made
- 4 A4 Plans
- 5 A3 Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

---

Planning and Environment Committee, dated 18 January 2018, submitted on 14 November 2017.

**ITEM 2 (continued)**

**ATTACHMENT 3**

**ITEM 3 (continued)**  
**Chris Young**  
**Senior Coordinator - Development Assessment**

Report Approved By:

**Sandra Bailey**  
**Acting Manager - Assessment**

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

---

Planning and Environment Committee, dated 18 January 2018, submitted on 14 November 2017.

**ITEM 2 (continued)**

**ATTACHMENT 3**

**ITEM 3 (continued)**

**2. Site**

**Address** : 76 Morrison Road, Gladesville

**Site Area** : 523.2 square metres (irregular shaped lot)  
Frontage to Morrison Road = 38.685 metres  
Frontage to Western Crescent = 26.215 metres

**Topography and Vegetation** : The site slopes away from the street by some 2.6m  
over the 35.495m length (for a gradient of 1:13.6).

There are twelve (12) trees located on the development site, of which five (5) trees will be removed. The trees to be removed are a Cedar tree, a European Olive (exempt), a Mulberry tree (exempt), a Norfolk Island Hibiscus (exempt) and a broad leaf privet (exempt). Also proposed to be removed is one (1) street tree (*Eucalyptus nicholii*)

**Existing Buildings** : The site features an existing single storey fibro cement and metal roof home, attached single lock-up garage to its north-western side.

**Planning Controls Zoning** : R2 Low Density Residential Zone under Ryde Local Environmental Plan 2014

**Other** : Ryde DCP 2014 – Part 3.3 Dwelling Houses and Dual Occupancy (Attached)

State Environmental Planning Policy (Affordable Rental Housing) 2009

---

Planning and Environment Committee, dated 18 January 2018, submitted on 14 November 2017.

**ITEM 2 (continued)**

**ATTACHMENT 3**

**ITEM 3 (continued)**



Air Photo of Subject Site. Source: Council's Land Information Mapping System



Subject site, viewed from Morrison Road on northern side. Source: Google Street View

Planning and Environment Committee, dated 18 January 2018, submitted on 14 November 2017.



**ITEM 2 (continued)**

**ATTACHMENT 3**

**ITEM 3 (continued)**

**3. Councillor Representations**

Name of Councillor: Councillor Maggio

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

Date: 8 September, 2016

Form of the representation: Received by e-mail to the Councillor's Help Desk

On behalf of applicant or objector(s): Neighbour at No 67 Western Crescent.

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

**NOTE:** There was also an email sent from a number of Councillors on behalf of the neighbour at No 67 Western Crescent on 31 January 2017 – raising concerns that the property has been previously used as a boarding house. A response was sent to various Councillors on 3 February 2017 that there has been no evidence to suggest that the property has been used for this purpose in the past. In particular, there have been no past complaints and no enforcement actions for the unauthorised use of the premises as a boarding house.

**4. Political Donations or Gifts**

None disclosed in the applicant's DA submission or in any submissions received from neighbours.

**5. The Proposal**

The development proposes demolition of the existing structures, and erection of a two storey dwelling with attached single-storey secondary dwelling. The site is on the south-western corner of Morrison Road and Western Crescent, Gladesville.

The principal dwelling is to be sited on the northern side of the site, and is to contain 4 bedrooms and a double garage with vehicle access off Morrison Road. The secondary dwelling is on the southern side of the principal dwelling and has two bedrooms and no parking space.

It should be noted that the DA, as originally lodged, proposed vehicle access to/from Western Crescent. However this was required to be amended in response to concerns from adjoining neighbours and Council's Senior Development Engineer regarding vehicle access, site levels, the proximity to the roundabout, and the need to potentially remove trees from the nature strip in Western Crescent. As a result,

---

Planning and Environment Committee, dated 18 January 2018, submitted on 14 November 2017.

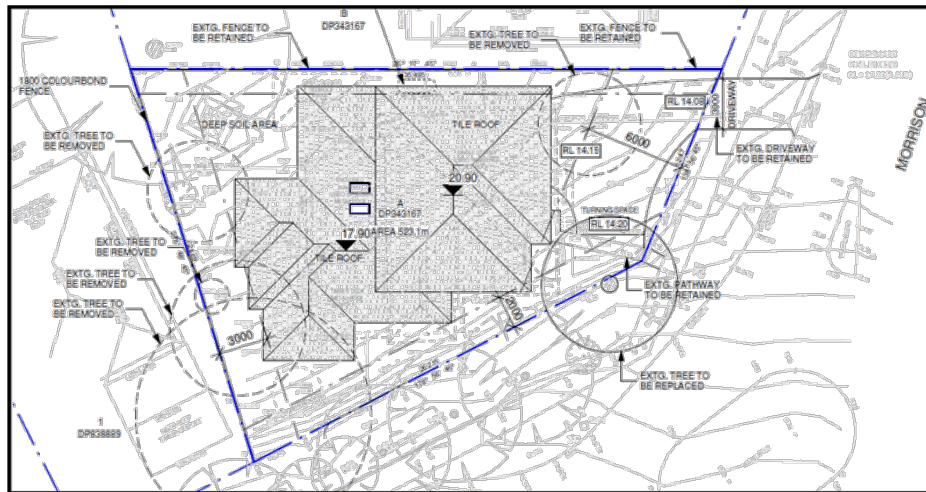
**ITEM 2 (continued)**

**ATTACHMENT 3**

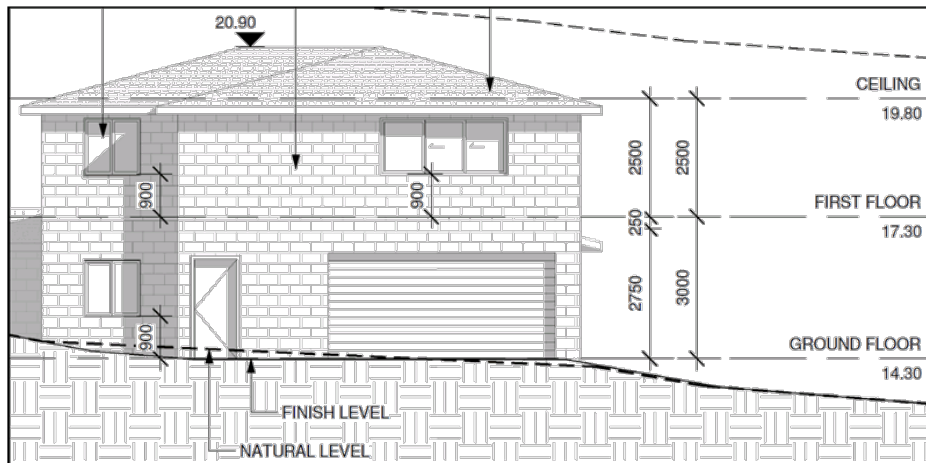
**ITEM 3 (continued)**

amended plans were received which retain vehicle access from Morrison Road (as is the existing situation).

These amended plans form the basis for the assessment in this report. The Site Plan and Front Elevation of the amended plans are shown in the following drawings.



Site Plan. Source: Applicant DA plans



North / Front Elevation (facing Morrison Road). Source: Applicant DA plans

Planning and Environment Committee, dated 18 January 2018, submitted on 14 November 2017.

**ITEM 2 (continued)**

**ATTACHMENT 3**

**ITEM 3 (continued)**

**6. Background**

The DA was lodged on 12 August 2016, and was referred to other officers and notified to neighbours (for a period closing 9 September 2016). Three (3) submissions were received as discussed in the Submissions section of this report below.

On 8 September 2016, the DA was "called up" to Council's Planning & Environment Committee as noted earlier in this report.

A letter was sent to the applicant on 26 October 2016, requesting additional information / amended plans to address the following issues.

- Fill within the proposed building's footprint,
- Parking spaces size,
- Accuracy of the BASIX Certificate,
- Landscaping setting and retention of trees along the Western Crescent.

These issues of concern were able to be clarified by email correspondence between the assessment officer and the applicant, and no amended plans were required to address these issues.

On 17 November 2016, following assessment of the proposal by Council's Senior Development Engineer, an email was sent to the applicant raising a more significant concern regarding vehicle access. Specifically, the applicant was advised:

*The proposed new driveway to the development is located off Western Crescent. It is located very close to the roundabout. There is also a traffic splitter island at the roundabout leg, just opposite the driveway crossing. This splitter island is further extended along Western Crescent as a bubble island creating no right turn into the property from Western Crescent. The driveway as proposed is too close to the roundabout and cannot be supported. The applicant needs to amend plans to provide access to the development via the existing driveway or relocate the proposed driveway adjoining the southern boundary. If access via the existing driveway (most preferred) is proposed, the driveway should be 3.0m with an internal transition to a double or single garage. Plans need to be amended to provide an alternative access to the site.*

*The access off Western Crescent will require removal of the existing trees and also construction of an elevated driveway across the footpath due to steep levels.*

The applicant submitted amended plans on 21 November 2016, which made only minor changes to the design by retaining the driveway in its original position from

---

Planning and Environment Committee, dated 18 January 2018, submitted on 14 November 2017.



**ITEM 2 (continued)**

**ATTACHMENT 3**

**ITEM 3 (continued)**

Western Crescent, but relocating the driveway further from the intersection with Morrison Road. These were referred to Council's Senior Development Engineer for further assessment, and re-notified to neighbours for a period closing 30 January 2017 (extended notification period applied during the Christmas period). One (1) submission was received in response to these amended plans.

Council officers sent an email to the applicant on 13 January 2017, which (in summary), advised that the amended vehicle access arrangement off Western Crescent was still unacceptable due to the close proximity to the roundabout, the need for an elevated footpath (due to the site levels in the road reserve in Western Crescent), and potential street tree removal.

Further amended plans were provided by the applicant (1 February 2017) which retained the vehicle access in Western Crescent, however Council officers advised the applicant that these were unacceptable for the reasons previously indicated. A site meeting was undertaken between the applicant and Council officers (Assessment Officer and Senior Development Engineer) to discuss the issues of concern.

On 9 March 2017, amended plans were received which changed the vehicle access to be from Morrison Road (in a similar location to the existing vehicle access). In addition, the amended plans have reduced floor levels and the overall height of the development – both in terms of the main building (ridge level reduced by 390mm from RL21.28 – to RL20.9); and also the secondary dwelling (ridge level reduced by 740mm from RL18.85 to RL18.11). This is illustrated in the following drawings (east elevation of original and amended DA plans provided for comparison purposes):

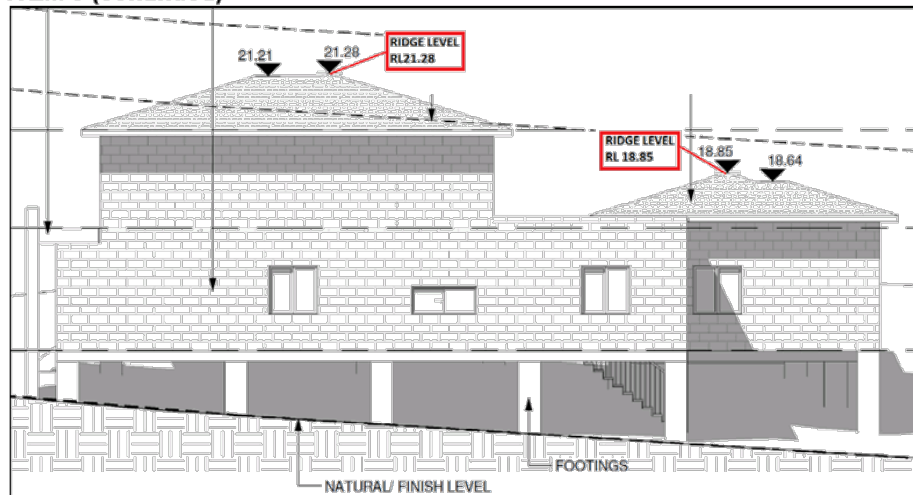
---

Planning and Environment Committee, dated 18 January 2018, submitted on 14 November 2017.

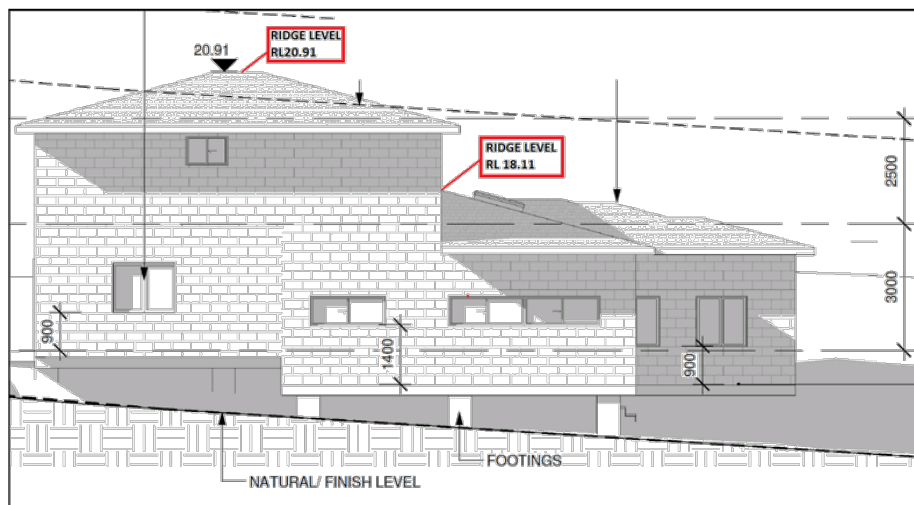
ITEM 2 (continued)

ATTACHMENT 3

ITEM 3 (continued)



West Elevation of Original DA plans – showing ridge height of main dwelling (RL21.28) and secondary dwelling (RL18.85). Source: Applicant DA plans, marked up.



West Elevation of Amended DA plans – showing ridge height of main dwelling (RL20.91) and secondary dwelling (RL18.11). Source: Applicant DA plans, marked up.

These amended plans were referred to Council's Senior Development Engineer for assessment, and re-notified to neighbours for a period closing 29 March 2017. One

Planning and Environment Committee, dated 18 January 2018, submitted on 14 November 2017.

**ITEM 2 (continued)**

**ATTACHMENT 3**

**ITEM 3 (continued)**

(1) submission was received in response to these amended plans (see discussion in Submissions section of this report below).

**7. Submissions**

The original DA plans were notified to neighbours in accordance with Ryde DCP 2014 - Part 2.1 "Notification of Development Applications" for a period from 24 August to 9 September 2016. Three (3) submissions were received following the notification of these original DA plans – two (2) submissions from/on behalf of the owners of No 67 Western Crescent, and one from the owner of No 69 Western Crescent, both to the south of the subject site.

The amended plans (received 21 November 2016) were re-notified to neighbours for a period from 14 December 2016 to 30 January 2017 (extended period applied due to the Christmas period). One (1) further submission was received following this re-notification, from the owner of No 67 Western Crescent, to the south.

The latest amended plans (received 9 March 2017) – which proposed the change in vehicle access to its current position in Morrison Road – were re-notified to neighbours for a period from 14 to 29 March 2017. One further submission was received following this re-notification, again from No 67 Western Crescent.

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

**A. Density and Scale.** *Concern is raised regarding the density, scale and apparent site coverage of the proposed development.*

Comment: These were issues of concern in relation to the original DA plans. It is noted that amended plans have been submitted which have reduced the height and the overall bulk and scale of the development through stepping the building down to relate better to the natural topography (as discussed in the Background section of this report above).

The principal development controls which relate to the physical bulk and scale applicable for this type of development under Ryde LEP 2014 and DCP 2014 are floor space ratio, height and setbacks. As indicated in the DCP Compliance Assessment (refer to Attachment 2 to this report), the proposal fully complies with the floor space ratio (maximum 0.5:1 – proposal is 0.465:1); and height (overall height is maximum 9.5m – proposal is maximum 7.3m).

The development also complies with the requirements for front setbacks (minimum 6m – proposal ranges from 6m to 9.5m) and side setbacks (minimum 1.5m – proposal is 1.5m) and secondary setbacks for a corner lot ie Western Crescent in this

---

Planning and Environment Committee, dated 18 January 2018, submitted on 14 November 2017.

**ITEM 2 (continued)**

**ATTACHMENT 3**

**ITEM 3 (continued)**

instance (minimum 2m – proposal ranges from 2m to 5m). The proposal does not comply with the rear setback requirements of Ryde DCP 2014 or the SEPP (ARH) 2009 (8m to 8.87m required – 3m to 10.047m proposed) – however the proposal is considered to be acceptable as discussed in more detail in the DCP compliance assessment later in this report.

Overall, the development will present as a two-storey dwelling when viewed from the front (Morrison Road), while from the side (Western Crescent frontage), the upper-storey is limited to only the northern side of the building. The amended proposal is now considered to be acceptable in terms of density, bulk and scale.

**B. Solar Access.** *Concern is raised that the proposal will cause excessive solar access impacts on the adjoining property to the south, No 67 Western Crescent.*

Comment: This particular issue of concern was raised both with the original DA plans, and also the re-notification of the amended DA plans.

Ryde DCP 2014 contains the following controls in relation to overshadowing of neighbouring properties:

*For neighbouring properties ensure:*

- *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 9am and 3pm on June 21, and*
- *windows to north-facing living areas of neighbouring dwellings receive at least 3 hours of sunlight between 9am and 3pm 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 shadow diagrams for the amended plans are provided at the end of this discussion. These generally show that given the orientation of the land and the form of the proposed building, the proposal would have a significant overshadowing impact on the neighbour's property to the south at 9am, but minimal impact at 12noon, and practically no impact at 3pm.

**Overshadowing of Adjoining Private Open Space at No 67 Western Crescent:**

The principal area of private open space at No 67 Western Crescent is located on the western side of that site (refer to the air photo earlier in this report). The shadow diagrams for the amended plans show the following impacts on the private open space of this adjoining dwelling:

- 9am – shadows would fall onto approximately 30% of the rear yard area;

---

Planning and Environment Committee, dated 18 January 2018, submitted on 14 November 2017.

**ITEM 2 (continued)**

**ATTACHMENT 3**

**ITEM 3 (continued)**

- 12noon – minimal shadows (less than 5%) onto the rear yard area at No 67, most of the shadows fall onto the area between the dwelling and the side boundary;
- 3pm – no shadows fall onto the rear yard of No 67 due to the site orientation.

Therefore, the proposal would allow over 3 hours of sunlight to the rear yard of No 67 Western Crescent, which fully complies with the above DCP 2014 requirement for overshadowing of the adjoining private open space areas.

**Overshadowing of windows to north-facing living rooms at No 67 Western Crescent:**

The living rooms of the adjoining dwelling are generally oriented towards the west, however these rooms also contain north-facing windows. The shadow diagrams for the amended plans show the following impacts on the north-facing living room windows of this adjoining dwelling:

- 9am – significant overshadowing of all windows on the northern side of the adjoining dwelling
- 12noon – the three western-most windows are free from shadows, and the eastern-most window would only be partly overshadowed, from the proposed development. Therefore, all north facing windows receive sunlight to a portion of their surface from 12noon onwards;
- 3pm – none of the north-facing windows affected by any shadows from the proposed development, the shadows only fall onto the carport and front setback area of No 67 at 3pm.

Accordingly, the proposal also fully complies with the DCP requirements for overshadowing of north-facing windows of neighbouring properties, and the proposal is considered to be acceptable in terms of overshadowing of both the rear yard area and the north facing windows of No 67 Western Crescent. It is noted that the building is single-storey (and 4.31m) in height where it adjoins the neighbour's property, and has a setback of 3m to 4.5m from the boundary.

The following are the shadow diagrams for the amended plans, showing the impacts on the neighbour at No 67 Western Crescent.

---

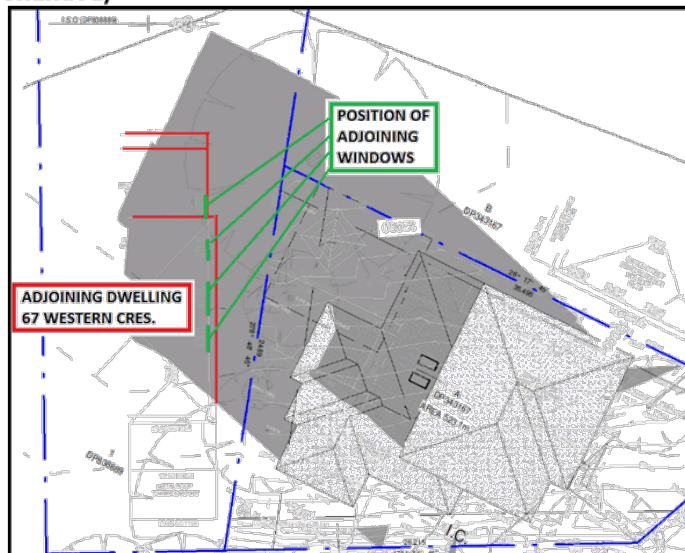
Planning and Environment Committee, dated 18 January 2018, submitted on 14 November 2017.



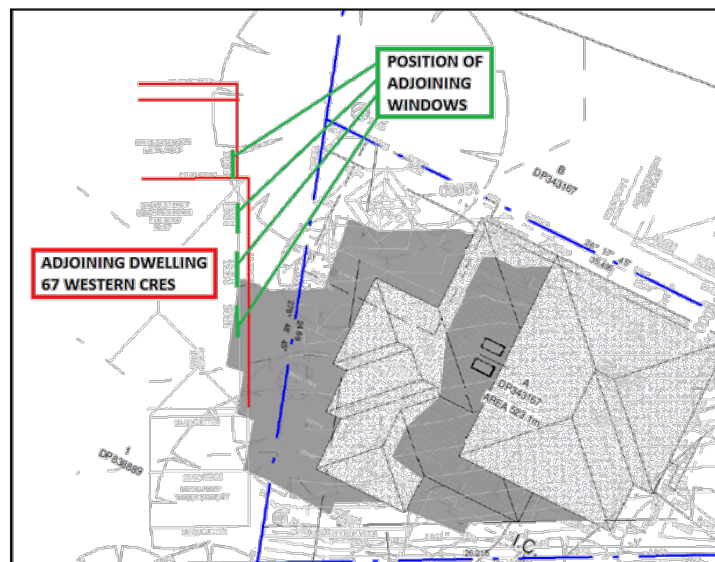
**ITEM 2 (continued)**

**ATTACHMENT 3**

**ITEM 3 (continued)**



Shadow diagram – 9am 22 June, showing impacts on neighbour at No 67 Western Cres.  
Source: Applicant DA plans, marked up.



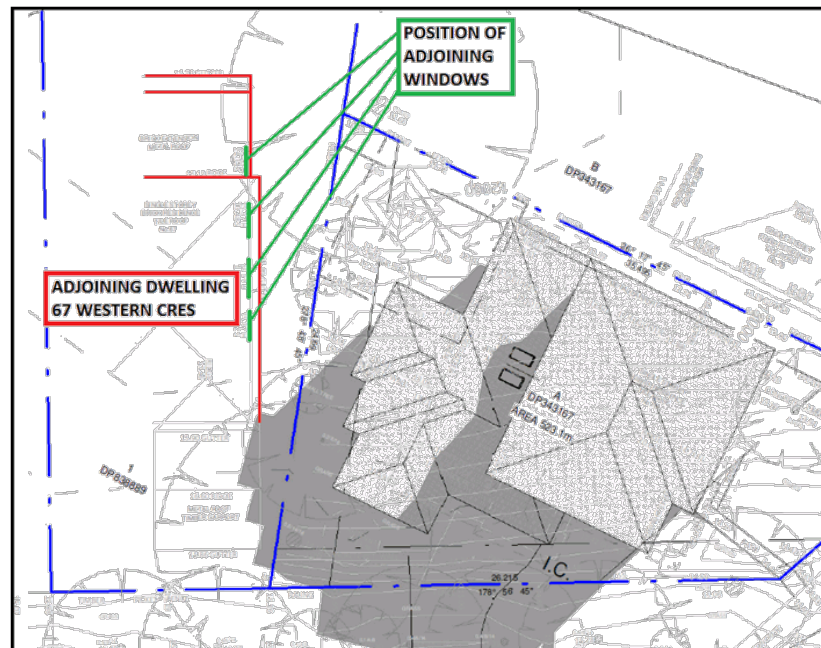
Shadow diagram – 12noon 22 June, showing impacts on neighbour at No 67 Western Cres.  
Source: Applicant DA plans, marked up.

Planning and Environment Committee, dated 18 January 2018, submitted on 14 November 2017.

ITEM 2 (continued)

ATTACHMENT 3

ITEM 3 (continued)



Shadow diagram – 3pm 22 June, showing impacts on neighbour at No 67 Western Cres.  
Source: Applicant DA plans, marked up.

**C. Potential boarding house.** Concern is raised that the existing property has been previously used as a boarding house, and with the number of bedrooms and bathrooms in both the principal dwelling and secondary dwelling, that the proposal could again be used as a boarding house.

Comment: A search of Council's records has been undertaken, and there has been no evidence to suggest that the property has been used for this purpose in the past. In particular, there have been no past complaints and no enforcement actions for the unauthorised use of the premises as a boarding house.

The draft conditions of consent (attached to this report) include the following standard condition to prevent the use of the development as a boarding house. It is noted that any future breach of this condition would constitute an offence under the Environmental Planning & Assessment Act 1979, and Council could take enforcement action if required.

---

Planning and Environment Committee, dated 18 January 2018, submitted on 14 November 2017.

**ITEM 2 (continued)**

**ATTACHMENT 3**

**ITEM 3 (continued)**

**75. Single dwelling only.** *The principal dwelling and secondary dwelling is not to be used or adapted for use as more than two separate domiciles (ie principal dwelling and secondary dwelling only) or a boarding house.*

**D. Driveway.** *Significant concerns are raised regarding the proposed driveway from Western Crescent – in terms of vehicle safety, proximity to the roundabout and also the height of the driveway where it crosses Council's footpath (due to change in levels), as well as potential tree removal.*

Comment: These concerns related to the DA plans as originally submitted, and were also raised by Council's Senior Development Engineer during the processing of this DA. As a result, amended plans have been submitted for vehicle access from Morrison Road (in the same position as the existing driveway) – which has resolved this issue of concern.

**E. Car Parking.** *Concern is raised that the proposal does not provide enough car parking.*

Comment: Under DCP 2014, a single dwelling requires up to 2 spaces per dwelling. The proposal provides a double garage for the principal dwelling, which complies with the DCP requirement. For the secondary dwelling, there is no parking requirement for the secondary dwelling (under the SEPP ARH 2009), and no parking space is provided.

In addition, it is noted that Clause 22 (4) (b) of SEPP ARH 2009 states that "a consent authority (ie Council) must not refuse consent on the grounds of car parking if no additional parking is to be provided on site". What this means is that the non-provision of car parking for the secondary dwelling cannot be used as a ground for refusal of this DA, given that no car parking is provided for the secondary dwelling.

**F. Landscape Plan.** *Concern is raised regarding the use of *Elaeocarpus eumundii* (quandong) trees as part of the landscaping plan.*

Comment: The neighbour has raised concern regarding the use of *quandong* plants as part of the landscaping, in particular a "quandong" is a type of fruit and the neighbour has raised concerns that this type of plant is not suitable for landscaping in a residential development.

This has been clarified with the applicant, who has confirmed that the *quandong* plants to be used in the landscaping are not the fruiting variety (used to make jams etc), but they are a shrub commonly used along fences where dense screening is required where there is limited space. This type of shrub is endemic to the north-coast of NSW and no objections are raised to its use as part of the landscaping for

---

Planning and Environment Committee, dated 18 January 2018, submitted on 14 November 2017.



**ITEM 2 (continued)**

**ATTACHMENT 3**

**ITEM 3 (continued)**

the proposed development. The landscape plan has been assessed by Council's Consultant Landscape Architect to be satisfactory.

**G. Privacy.** *Concern is raised that the proposal will have significant privacy impacts on the neighbour at No 67 Western Crescent, as a consequence of 9 elevated windows that will allow direct downward viewing into that property. Also, the amended plans have not resolved the neighbour's concern regarding potential privacy impacts.*

**Comment:** Privacy concerns were raised in relation to the original DA plans. As noted elsewhere in this report, the original DA plans had the floor level some 2.4m above natural ground level.

The amended plans have significantly reduced height of the finished floor level above natural ground level, and also reduced the number of windows that face towards the neighbour's property, and as a result it is considered that the privacy impacts have been satisfactorily resolved.

There are now only 6 windows facing south towards the neighbour's property. These are summarised below with a brief comment:

- Kitchen of secondary dwelling: This has been amended to provide only a small (600mm high) window. The small size of this window will serve to prevent any significant overlooking towards the neighbour. It is also considered that privacy impacts will also be prevented by boundary fencing.
- Family room (of principal dwelling): The three (3) windows in the ground floor family room have been replaced with one (1) window in the amended plans. This window is on a wall set well back (8m) from the neighbour's boundary, and although this room is elevated above natural ground level, any privacy impacts will also be prevented by boundary fencing, and the distance of this room from the neighbour's property.
- Bedrooms 3 and 4 of principal dwelling: Bedrooms are not primary living areas and will be used primarily at night when occupants are asleep. Accordingly, it is not considered that these rooms will cause adverse privacy impacts and they are considered acceptable.
- Bathroom and ensuite of principal dwelling: The windows to these rooms are very small in size, and will be frosted. Accordingly there will be no adverse privacy impacts from these rooms.

The following are the rear / south elevation drawings for both the original DA plans and amended plans.

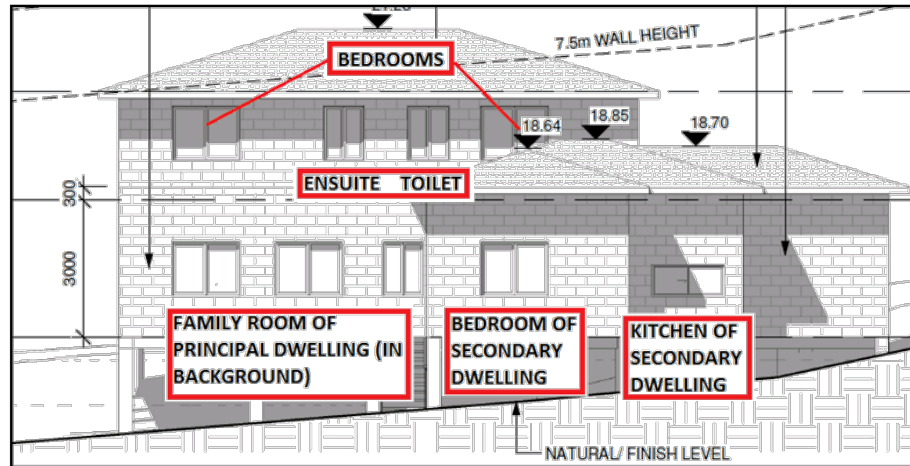
---

Planning and Environment Committee, dated 18 January 2018, submitted on 14 November 2017.

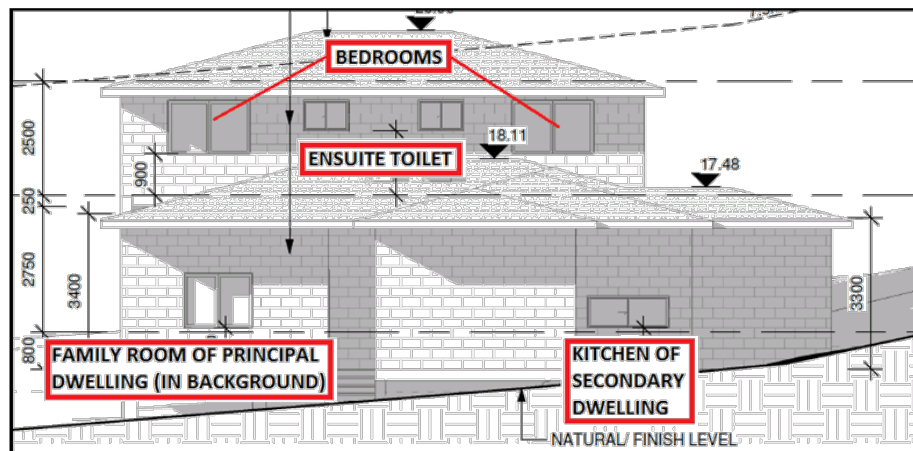
**ITEM 2 (continued)**

**ATTACHMENT 3**

**ITEM 3 (continued)**



**ORIGINAL Plan – rear / south elevation identifying the windows on this elevation.**  
Source: ORIGINAL DA plans, marked up.



**AMENDED Plan – rear / south elevation identifying the windows on this elevation.**  
Source: AMENDED DA plans, marked up.

**H. Construction Traffic/Parking.** Concern is raised regarding issues regarding construction traffic and parking, including workers and delivery vehicles.

Planning and Environment Committee, dated 18 January 2018, submitted on 14 November 2017.

**ITEM 2 (continued)**

**ATTACHMENT 3**

**ITEM 3 (continued)**

Comment: This issue has been considered by Council's Senior Development Engineer as part of the assessment of the DA. The following standard condition is included in the Draft Conditions

**64. Traffic Management.** *Traffic management procedures and systems must be in place and practised during the construction period to ensure safety and minimise the effect on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 1996 and City of Ryde, Development Control Plan 2014 Part 8.1 Construction Activities.*

**I. Lack of detail on the DA documents.** *Concern is raised that the DA plans/documents lack detail to enable review by the neighbours, or assessment by Council officers.*

Comment: The DA plans for the proposed principal dwelling and secondary dwelling contain sufficient information for assessment. In particular, the DA plans are prepared by a qualified architect and are sufficiently clear and legible to enable a thorough assessment to be made. These also include a site analysis which has regard for solar access to the site and neighbours, as well as other site features such as existing trees and buildings to be demolished.

**J. Height.** *Proposal has a three storey appearance and does not meet the objectives of the DCP 2014 height control, and also does not meet the desired future character of the area.*

Comment: This was an issue of concern with the original DA plans, which did have a three storey appearance because the ground floor was to be significantly elevated above ground level (by some 2.4m). As discussed in the Background section of this report, the amended plans have significantly lowered the floor level of the dwelling to provide a two storey appearance, although the floor level is still elevated above ground level as a result of the site's topography.

**K. Cut and fill.** *Concern is raised that the original proposal did not step the building down the slope of the site, resulting in the rear of the dwelling being unnecessarily high and bulky when viewed from the neighbour's property.*

Comment: These concerns were supported in relation to the original DA plans, which proposed the ground floor on a single level (ie not split level), and as a result the floor level at the rear of the dwelling was to be some 2.4m above natural ground level. The amended plans have substantially reduced the height of the finished floor above natural ground level, and is considered to be satisfactory. This issue is discussed in more detail in the DCP Compliance section of this report below.

---

Planning and Environment Committee, dated 18 January 2018, submitted on 14 November 2017.

**ITEM 2 (continued)**

**ATTACHMENT 3**

**ITEM 3 (continued)**

**L. Rear Setbacks.** *The proposal does not comply with the rear setback controls in Ryde DCP 2014, resulting in an adverse amenity impacts on the neighbour's property.*

Comment: Issues regarding the rear setback have been discussed in detail in the DCP Compliance section of this report (see below). In summary, Ryde DCP 2014 requires a rear setback of 8m to 8.87m, and SEPP (ARH) 2009 also generally requires a rear setback of 8m. The proposal has a rear setback of 3m (to the closest point) which does not comply. However despite the numerical non-compliance, the proposal is considered to be acceptable as there will be minimal impact on the neighbouring property to the south. This issue is discussed in more detail in the DCP Compliance section of this report (below).

**M. Drainage disposal.** *Concern is raised regarding the proposed use of an on-site absorption pit at the rear of the site, which could potentially impact on the neighbour's property. It is requested that the proposal should be amended to provide a charged on-site detention system or pump system discharging to Morrison Road.*

Comment: An amended stormwater concept plan has been submitted with the amended DA plans. These show that absorption trenches have been provided in the rear yard, as water will flow towards that point with the natural topography (which falls towards the rear). The stormwater will then be discharged to Morrison Road, via a charged system. The proposed method of stormwater disposal has been assessed by Council's Senior Development Engineer to be satisfactory and compliant with the stormwater controls contained in Ryde DCP 2014.

**N. Asbestos.** *Concern is raised that the existing dwelling may contain asbestos.*

Comment: The draft conditions of consent (see **ATTACHMENT 1**) include the following standard conditions regarding the removal and disposal of asbestos:

**11. Asbestos.** *Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by Safework NSW.*

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

**8. Clause 4.6 Request for Variation**

---

Planning and Environment Committee, dated 18 January 2018, submitted on 14 November 2017.



**ITEM 2 (continued)**

**ATTACHMENT 3**

**ITEM 3 (continued)**

No request for variation under Clause 4.6 of Ryde LEP 2014 is required for this application.

**9. Policy Implications**

**Relevant Provisions of Environmental Planning Instruments, etc.:**

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

**Zoning**

The proposed two storey principal dwelling house and secondary dwelling are both permissible within the R2 Low Density Residential zone subject to approval of Council.

The objectives of the R2 Low Density Residential 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.

The proposed development is 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.

Clause 4.3(2) – Height: Ryde LEP 2014 prescribes a maximum height of 9.5m for the subject site. The proposal has a maximum height of 7.3m which fully complies with this clause in Ryde LEP 2014.

Clause 4.4 – Floor Space Ratio: Ryde LEP 2014 prescribes a maximum floor space ratio (FSR) of 0.5:1. The proposal has a floor space ratio of 0.465:1 which fully complies with this clause in Ryde LEP 2014.

Clause 6.1 – Acid Sulphate Soils: The objective of this clause is to ensure that development does not disturb, expose or drain acid sulphate soils and cause environmental damage.

As identified on the Acid Sulphate Soil maps within Ryde LEP 2014, the subject site is identified as within class 5 land. Subclause (2) of clause 6.1 in Ryde LEP 2014 is as follows:

---

Planning and Environment Committee, dated 18 January 2018, submitted on 14 November 2017.

**ITEM 2 (continued)**

**ATTACHMENT 3**

**ITEM 3 (continued)**

*(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.*

*Class 5 - Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.*

**Comment:** Development consent is sought in the subject DA, to comply with the requirements of this clause. The proposal involves minimal excavation, and therefore it is not expected that the proposal will lower the water table below 1m AHD on adjacent Class 1, 2, 3, or 4 land. Accordingly, no further assessment is required in respect of Acid Sulphate Soils.

**(b) Relevant State Environmental Planning Policies and Regional Environmental Plans**

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

A compliant BASIX Certificate has been submitted and the development satisfies the commitments listed in the schedule. The proposal therefore complies with the requirements of SEPP (BASIX) 2004.

State Environmental Planning Policy (Affordable Rental Housing) 2009

The secondary dwelling component of this development is subject to the controls contained in the SEPP (ARH) 2009. The Compliance Check at **ATTACHMENT 2** contains a full assessment of the controls contained in this SEPP. The proposal fully complies with the SEPP (ARH) 2009 controls, except for rear setback, which is discussed in the DCP Compliance section below.

**(c) Any Draft Local Environmental Plan**

There are no Draft LEPs applicable to this site or this development.

**(d) The provisions of any Development Control Plan applying to the land**

Ryde DCP 2014

A full assessment of the proposal under DCP 2014 [Part 3.3 Dwelling Houses and Dual Occupancy (Attached)] is illustrated in the Compliance Table held at

---

Planning and Environment Committee, dated 18 January 2018, submitted on 14 November 2017.

**ITEM 2 (continued)**

**ATTACHMENT 3**

**ITEM 3 (continued)**

**ATTACHMENT 2.** The areas of non-compliance identified in the Compliance Table are further discussed below.

**Deep Soil Area:**

In the "Site Configuration" controls (Part 3.3.2.6) there is a requirement for a deep soil area square with minimum dimensions of 8m x 8m to be provided within the rear yard. The development proposes a rear yard with an angular shape and dimensions of 10.047 x 7m at the widest point (area of 63.91m<sup>2</sup>), which does not strictly comply with the DCP control (see diagram below).

Despite the numerical non-compliance, the proposal is considered to be acceptable for the following reasons:

1. The area identified for rear yard has been calculated at 63.91m<sup>2</sup>, which is very similar to the area that would be available if an 8m x 8m square was provided (ie 64m<sup>2</sup>).
2. In addition to this "main" area of deep soil, the rear yard also includes other spaces not part of the main area which will also be available for deep soil and landscape planting.
3. The development meets the objectives of DCP 2014 for deep soil areas – which includes ensuring that land retains its ability to absorb rain water to reduce stormwater runoff, and provide space for mature tree growth and other vegetation.

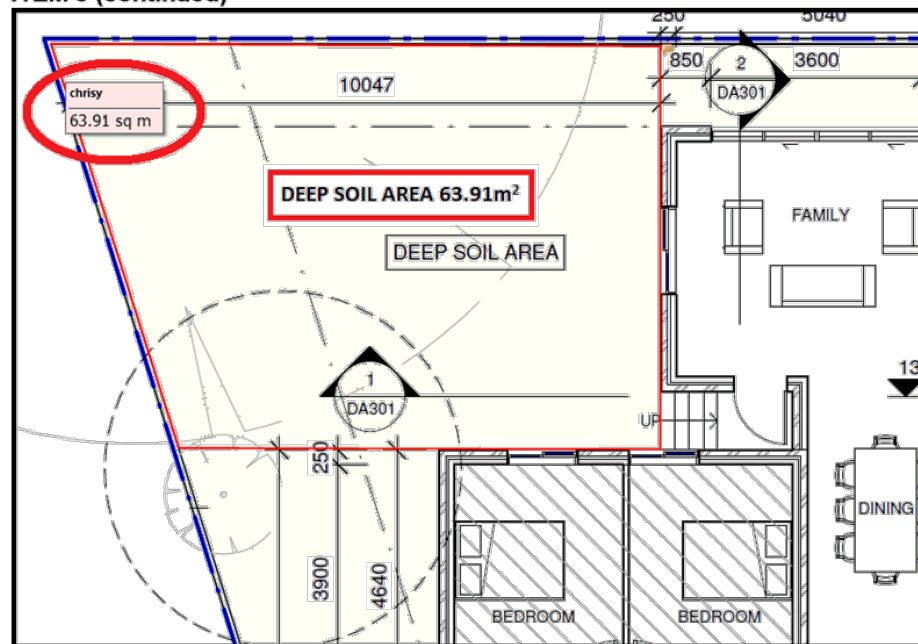
---

Planning and Environment Committee, dated 18 January 2018, submitted on 14 November 2017.

ITEM 2 (continued)

ATTACHMENT 3

ITEM 3 (continued)



Extract of Site Plan showing the deep soil area provided for this development.  
Source: DA floor plans, marked up.

**Hard Paving within the Front Setback:**

In the "Landscaping" controls (Part 3.3.2.9) there is a requirement for a maximum 40% hard paving within the front setback. The proposal has been calculated to have a hard paved area of 66.69m<sup>2</sup> or 63.07% within the front setback, which does not comply with the DCP control.

Despite the numerical non-compliance, the proposal is considered to be acceptable for the following reasons:

1. The original proposal did comply with the 40% hard paving within the front setback, however the driveway arrangement (for vehicle access from Western Crescent) was considered to be unacceptable for other reasons identified in this report (ie removal of trees from the footpath area, significant change in level from the street to the property boundary), and so Council officers requested vehicle access to be changed to Morrison Road.

Planning and Environment Committee, dated 18 January 2018, submitted on 14 November 2017.



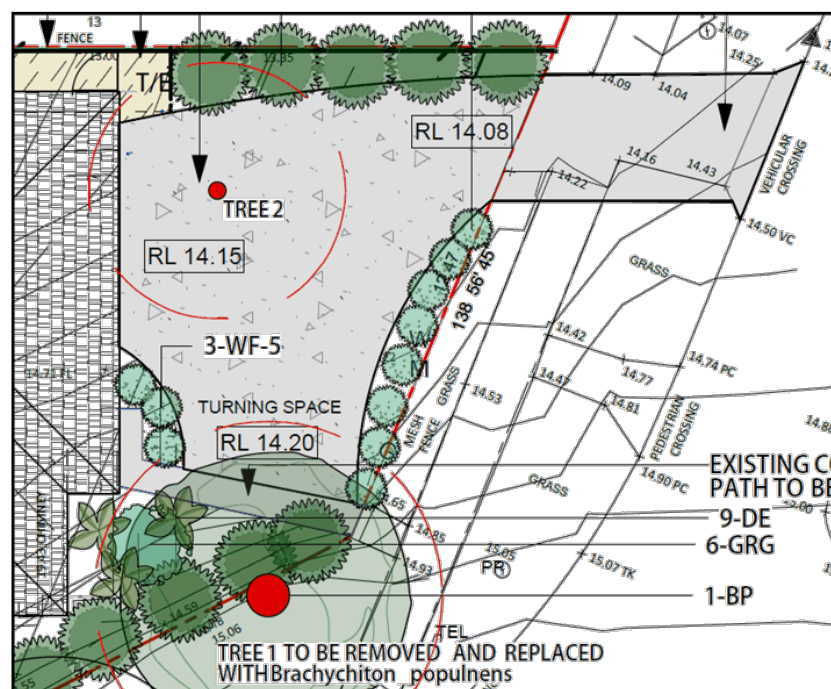
**ITEM 2 (continued)**

**ATTACHMENT 3**

**ITEM 3 (continued)**

2. The reason for the non-compliance in the latest amended plans is the provision of an on-site vehicle turning area within the front setback for safe vehicle access to/from Morrison Road.
3. The existing vehicle access is a driveway off Morrison Road, with no provision of on-site turning (ie vehicles would reverse straight out onto Morrison Road).
4. Therefore, the provision of the driveway in the manner proposed is considered to be a vast improvement both compared to the development as originally proposed, as well as the existing situation of vehicle access at the site.
5. The amended landscaping plan still provides some opportunity for landscaping in front of the vehicle turning space, so as to minimise it's visual impact.

The following is an extract of the landscape plan, showing the location of the vehicle turning space.



Extract of Landscape Plan showing vehicle turning area within the front setback to Morrison Road.

Source: DA Landscape Plan.

Planning and Environment Committee, dated 18 January 2018, submitted on 14 November 2017.

**ITEM 2 (continued)**

**ATTACHMENT 3**

**ITEM 3 (continued)**

**Maximum Fill within the Building Footprint:**

Ryde DCP 2014 contains Topography and Excavation controls (Part 3.3.2.6) including a requirement for a maximum height of fill of 900mm (or 0.9m). In the amended plans, the development proposes finished floor levels that are elevated by up to 1300mm (1.3m) which does not comply with the DCP 2014 requirement. This is most evident along the west elevation (see diagram at the end of this discussion).

Despite the numerical non-compliance, the proposal is considered to be acceptable for the following reasons:

1. The non-compliance results from the significant slope of the land. In this regard, the site falls away from the street by some 2.6m over the 35.495m length (for a gradient of 1:13.6).
2. The amended proposal has been designed to follow the topography of the site. In this regard, it is noted that the original proposal had a slab at a single level of RL14.5 (ie not split level), which resulted in the ground floor being up to 2.4m above natural ground level at the highest point. The amended proposal has introduced a split level within the ground floor which has significantly reduced this non-compliance.
3. The DCP control states that the "maximum height of fill" shall be 900mm. In this instance, "fill" is not being used, rather the development proposes the use of a suspended slab with raised footings.
4. The objectives of the DCP include ensuring that the excavation and fill does not result in an unreasonable loss of privacy or security for neighbours. It is not considered that the proposal adversely impacts on any neighbour's privacy (refer to discussion in Submissions section of this report above).

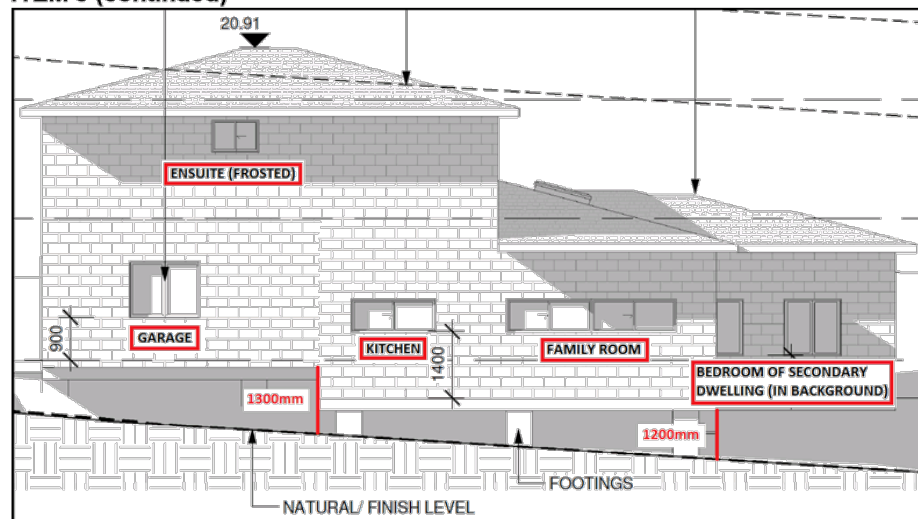
---

Planning and Environment Committee, dated 18 January 2018, submitted on 14 November 2017.

ITEM 2 (continued)

ATTACHMENT 3

ITEM 3 (continued)



West elevation drawing, showing the height of floor levels above natural ground level at particular locations, as well as the room windows on this side.

Source: DA plans, marked up.

**Garage Setback:**

Ryde DCP 2014 contains a requirement (Part 3.3.2.11) that garages are to be located at least 1m behind the front building elevation. The development proposes the double garage to be in line with the front wall of the dwelling (ie not set back from the front building elevation) which does not comply with the DCP 2014 requirement.

Despite the numerical non-compliance, the proposal is considered acceptable for the following reasons:

1. The proposal complies with the objective of the DCP control for car parking – which states that car parking structures and garage doors are not to be prominent features in the individual lot or the streetscape. In this regard, the garage door (5.5m) is only 50% of the width of the front wall (11m) on the north elevation, and so it is considered that the garage wall will not be visually dominant.
2. The garage fully complies with the front setback requirement of DCP 2014 (ie 6m required).

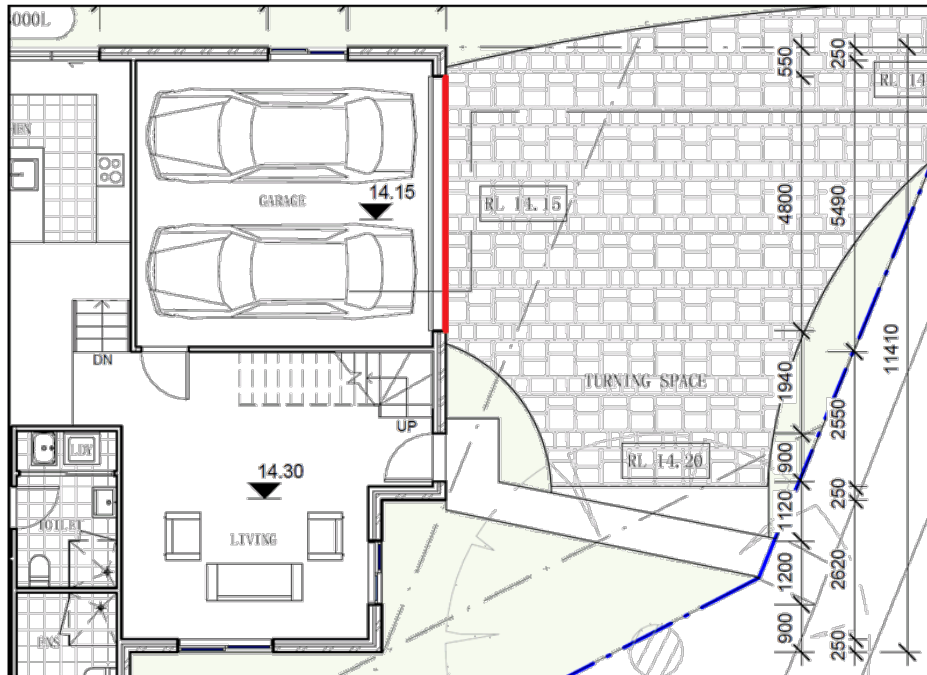
The following is an extract of the ground floor plan, showing the position of the garage. It is noted that the front / north elevation of the development has also been provided in the Proposal section of this report (above).

Planning and Environment Committee, dated 18 January 2018, submitted on 14 November 2017.

ITEM 2 (continued)

ATTACHMENT 3

ITEM 3 (continued)



Extract of ground floor plan, showing position of garage.  
Source: DA plans, marked up.

**Rear Setback:**

Ryde DCP 2014 (Part 3.3.2.9) prescribes a minimum rear setback of 8m or 25% of the site length (whichever is greater). This site has a length of 26.215m (eastern boundary) and 35.495m (western boundary) – so the required rear setback would be 8m / 8.87m.

Similarly, SEPP (ARH) 2009 contains a rear setback for secondary dwellings. Under the SEPP (ARH) 2009, the method of calculating the rear setback requirement is a little more complex – it is "3m plus an amount that is equal to three times the additional building height above 3.8m, up to a maximum setback of 8m, if the lot is 450 - 900m<sup>2</sup>" – this calculation would require a rear setback of 10.5m so therefore 8m is required as the SEPP (ARH) 2009 states that the maximum rear setback required is 8m.

Planning and Environment Committee, dated 18 January 2018, submitted on 14 November 2017.

**ITEM 2 (continued)**

**ATTACHMENT 3**

**ITEM 3 (continued)**

The proposal has a rear setback of 3m (at the closest point) up to 10.447m (furthest point) which does not comply with the above requirements of Ryde DCP 2014 or SEPP (ARH) 2009. A drawing, showing the rear setbacks of the development, is provided at the end of this discussion.

Despite the numerical non-compliance, the proposal is considered acceptable for the following reasons.

1. The rear setbacks of the proposed building are similar to those of the dwelling that currently exists on the site. The survey plan submitted with the DA documents show that the existing dwelling has a rear setback of 5m to the closest point. Therefore the built form of the proposed development will be very similar to the existing situation.
2. The portion of the building closest to the rear boundary (ie the secondary dwelling) is single storey in height which will ensure the physical impacts on the immediate neighbour (eg bulk, scale, overshadowing etc) are minimised.

It is noted that the rear setback to the upper storey is 10.3m to 13.5m.

3. The site has an unusual shape, in particular a short length along it's eastern boundary of 26.215m, which make full compliance with the rear setbacks difficult to achieve on this side of the building. On the western side (where the boundary is 35.495m long), the rear setback is 10.047m which well exceeds the minimum required by the DCP.
4. The development has been designed to minimise privacy impacts from the secondary dwelling on the immediate neighbour. In this regard, the secondary dwelling only has one window facing the rear, which is a small (600mm high) window to the kitchen. The other windows to the primary dwelling are set much further back from the boundary, so privacy impacts would be minimised from those rooms (see drawing provided in the discussion on Privacy in the Submissions section of this report above).

Overall, the development is considered to be acceptable despite the numerical non-compliance with the rear setback controls. The rear setbacks of the proposed development are illustrated in the following drawing illustrated in the following drawing.

---

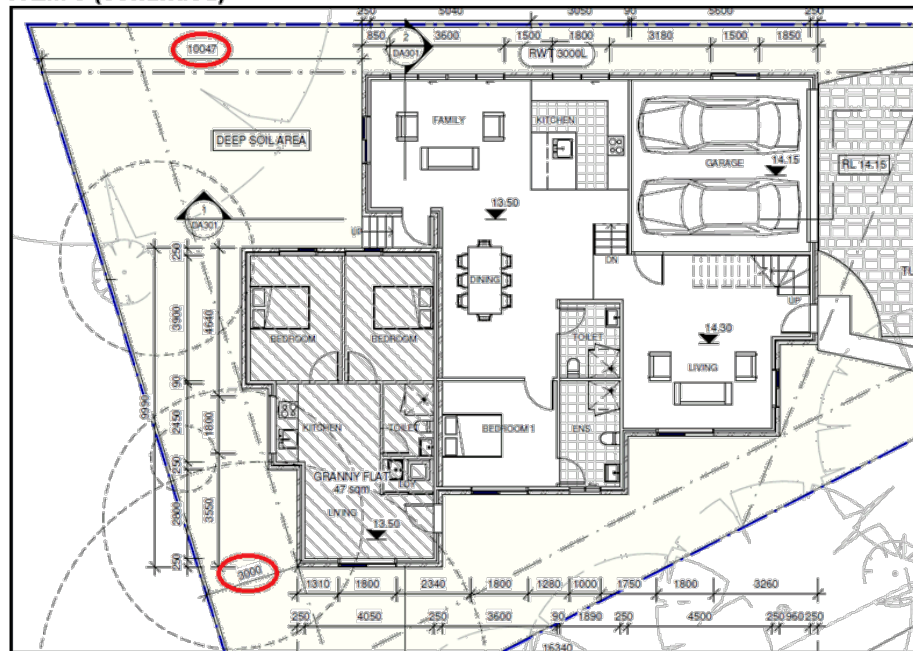
Planning and Environment Committee, dated 18 January 2018, submitted on 14 November 2017.



ITEM 2 (continued)

ATTACHMENT 3

ITEM 3 (continued)



Ground floor plan, showing rear setbacks of proposal.  
Source: DA plans, marked up.

**Section 94 - Development Contributions Plan – 2007 Interim Update (2014)**

Council's current Section 94 Development Contributions Plan 2007 (Interim Update (2014) effective 10 December 2014) requires a contribution for the provision of various additional services required as a result of increased development density. The contribution is based on the number of additional dwellings there are in the development proposal. The contribution that are payable with respect to the increase housing density on the subject site (being for residential development outside the Macquarie Park Area) are as follows:

---

Planning and Environment Committee, dated 18 January 2018, submitted on 14 November 2017.

**ITEM 2 (continued)**

**ATTACHMENT 3**

**ITEM 3 (continued)**

<b>A – Contribution Type</b>	<b>B – Contribution Amount</b>
Community and Cultural Facilities	\$1,539.51
Open Space & Recreation Facilities	\$3,789.96
Civic & Urban Improvements	\$1,289.04
Roads & Traffic Management facilities	\$175.83
Cycleway	\$109.83
Stormwater Management Facilities	\$349.10
Plan Administration	\$29.61
<b>The total contribution is</b>	<b>\$7,282.88</b>

**10. The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality**

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

The extent of tree removal in particular is considered to be satisfactory, as only five (5) trees are to be removed within the site, of which four (4) are exempt species. Only one (1) tree is proposed for removal from within the road reserve, and conditions of consent have been recommended by Council's Tree Management Officer. This is discussed in more detail in the Referrals section of this report below.

The development is considered satisfactory in terms of environmental impacts.

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

A review of Council's maps of environmentally sensitive areas indicates the following constraints affecting the subject site.

Acid Sulphate Soils: See comments in relation to Clause 6.1 of Ryde LEP 2014 (see earlier in this report).

Shell Pipeline (now Viva Energy): See comments in the Referrals section of this report below.

**12. The Public Interest**

Having regard to the circumstances of the case, approval of the development is considered to be in the public interest. The addition of a secondary dwelling will add

---

Planning and Environment Committee, dated 18 January 2018, submitted on 14 November 2017.

**ITEM 2 (continued)**

**ATTACHMENT 3**

**ITEM 3 (continued)**

to the housing stock and broadened the range of housing choice and is consistent with the objectives of the AHR SEPP.

**13. Consultation – Internal and External**

Internal Referrals

**Senior Development Engineer:** As noted in the Background section of this report, Council's Senior Development Engineer initially had significant concerns regarding the original DA plans, which proposed vehicle access from Western Crescent. On 17 November 2016, an email was sent to the applicant to advise of those concerns.

Amended plans were submitted, which included changing the vehicle access to Morrison Road. In relation to the amended plans, Council's Senior Development Engineer has provided the following comments:

Stormwater Management

*The applicant has provided a report from a geotechnical engineer who has carried out subsurface investigation to ascertain the suitability of the site to provide absorption trenches. The report from White Geotechnical Group recommends provision of disposal trenches. The distance to the north western boundary from the trenches should be minimum of 3.0m and this would further achieve 5.0m distance to the rear corner. With this increased side setback, the trenches will be closer to the dwelling. Due to this, the foundations of the dwelling should be designed as a pier and beam construction to mitigate the impact.*

**To minimise the runoff towards the rear, the driveway and the turning area should be constructed of permeable paving. (This should be marked on the architectural plans)**

*All roof water has been directed as a charged drainage system to Morrison Road via a water tank. The property is located within OSD exempt area.*

Public Domain

*The driveway needs to be reconstructed and should be located minimum 500mm from the driveway.*

Vehicle Access and Parking

*The applicant has amended plans to provide access to the development from Morrison Road. A turning area has been proposed within the front yard for all*

---

Planning and Environment Committee, dated 18 January 2018, submitted on 14 November 2017.



**ITEM 2 (continued)**

**ATTACHMENT 3**

**ITEM 3 (continued)**

*vehicles to exit in a forward direction to the street. This will improve the current situation significantly, if drivers utilised the turning area for vehicles to manoeuvre and exit to the street.*

Recommendation

*There are no objections to the proposed development with respect to the engineering components.*

Assessment Officer's comment: The amended plans have addressed the concerns initially raised regarding the vehicle access. The Senior Development Engineer has provided conditions to be imposed on any consent for the proposed development, and these are included in the conditions at **ATTACHMENT 1**.

**Consultant Landscape Architect:** Has undertaken an assessment both in terms of the original and amended landscape plan submitted with this DA.

The original DA plans proposed the removal of some 5 trees from within the site, namely:

- Tree 2 – Cedar
- Tree 8 – European Olive (exempt)
- Tree 9 – Mulberry (exempt)
- Tree 10 – Norfolk Island Hibiscus (exempt)
- Tree 11 – Broad-leafed privet (exempt).

The Consultant Landscape Architect has supported the proposed tree removal and the replacement planting shown on the landscape plan, as most of the above trees are "exempt species" (exempt from the need to obtain approval), or in the case of the Cedar, this tree was subject to a major level of encroachment with the dwelling construction.

The amended DA plans, propose the same tree removal as originally proposed. However they now propose to retain Tree T5 from the road reserve which was originally proposed to be removed for the driveway from Western Crescent, and remove another tree (Tree T1 from the road reserve).

Council's Consultant Landscape Architect has provided the following comments as an addendum to their original comments:

*This addendum comes as the result of amended Architectural and Landscape Plans submitted to Council which respond to comments made by Council as part of the preliminary assessment. As such, modifications have been carried out by the applicant which are subject of this review.*

---

Planning and Environment Committee, dated 18 January 2018, submitted on 14 November 2017.

**ITEM 2 (continued)**

**ATTACHMENT 3**

**ITEM 3 (continued)**

*With regards to landscaping, the revised landscape plans indicates two changes to the original submitted plan have been made, that being the removal of one tree (Tree 1 – *Eucalyptus nicholii*) located adjacent to the boundary within the Council verge. This was recommended as part of the original Landscape Assessment dated 18<sup>th</sup> October 2016 given the tree was observed to be in poor structural condition with a short Safe Useful Life Expectancy.*

*It is noted that the plans indicate that this tree is to be replaced by one (1) *Brachychiton populneus* planted in a similar location. Whilst this is supported from a landscape perspective, as discussed in the original assessment, concurrence should be sought from Council's Public Works team given this tree is located within the Council verge area.*

*In addition to the above, the tree species located within the front setback has been modified to a locally endemic species (*Glochidion ferdinandi*) which was also recommended as part of the original landscape assessment. As such this is supported and the condition contained within Section 6.0 of the original assessment can be deleted.*

*No other modifications to the landscape arrangements are proposed and as such the amendments are supported. It is noted that all other conditions relating to tree protection within the original assessment remain current and should be imposed as part of any consent granted for the subject development.*

**Assessment Officer's Comment:** The recommended conditions provided by Council's Consultant Landscape Architect have been included in the draft conditions at **ATTACHMENT 1** (see conditions 53-61). Council's Tree Management Officer has undertaken an assessment of the removal of tree T1 from Council's road reserve, as discussed below.

**Tree Management Officer:** A referral was sent to Council's Tree Management Officer, for assessment of the proposal to remove one x *Melaleuca stypheloides* (prickly paper bark) tree (identified as Tree T5 on the DA landscape plans) from the road reserve in Western Crescent, and this was associated with the original driveway location. No objections were raised to the removal of this tree, subject to appropriate conditions. However – with the amendments to the design (for vehicle access from Morrison Road instead), this tree no longer needs to be removed.

The amended landscaping plan now proposes to remove a different tree (a *Eucalyptus nicholii*, narrow leaf peppermint – identified as Tree T1 on the DA landscape plans) from the road reserve in Western Crescent near the intersection

---

Planning and Environment Committee, dated 18 January 2018, submitted on 14 November 2017.

**ITEM 2 (continued)**

**ATTACHMENT 3**

**ITEM 3 (continued)**

with Morrison Road. In relation to the amended proposal for the removal of this tree, Council's Tree Management Officer has provided the following comments:

*I have reinspected the narrow leaf peppermint (Eucalyptus nicholii) street tree located adjacent to 76 Morrison Road, Gladesville.*

*It appears, the removal of the tree is for the benefit of the development. The tree's structure does not appear to be compromised and under normal circumstances Council would manage this tree into the future.*

*I have also noted the adverse impact of the development process, from heavy machinery compacting the soil with the Tree Protection Zone the tree will cause the tree to further decline.*

*It light of this information I recommend the tree be removed and replaced in accordance with the existing tree referral conditions and the additional conditions below;*

**Street tree removal.** Remove 1 x narrow leaf peppermint (*Eucalyptus nicholii*) indicated as T1, located on the nature strip adjacent to the subject property.

**No unauthorised removal.** This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or otherwise necessary as a result of construction works approved by this consent

**Tree planting – street tree.** One (1) kurrajong (*Brachychiton populnens*) tree with a minimum size of 75litres to be planted in the nature strip. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

**Security deposit.** The Council must be provided with security for the purposes in a sum \$750 prior to the release of any Occupation Certificate and be held for a minimum of 12 moths to ensure the long term health and condition of the replacement street tree.

**Assessment Officer's comments:** The above conditions are included in the draft consent (see conditions 53-61). The following drawing shows the location of the tree to be removed.

---

Planning and Environment Committee, dated 18 January 2018, submitted on 14 November 2017.

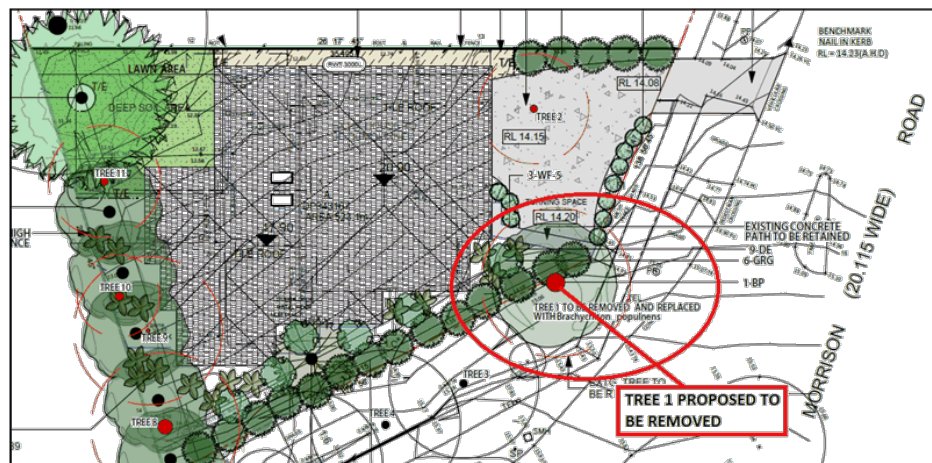
**ITEM 2 (continued)**

**ATTACHMENT 3**

**ITEM 3 (continued)**



**Image of the narrow leaf peppermint to be removed.**



**Landscaping Plan, showing the location of tree to be removed from within the road reserve.  
Source: DA Landscape Plan**

External Referrals

Planning and Environment Committee, dated 18 January 2018, submitted on 14 November 2017.



**ITEM 2 (continued)**

**ATTACHMENT 3**

**ITEM 3 (continued)**

**Viva Energy:** This referral was required because there is a high-pressure fuel pipeline within the road reserve of Morrison Road (at the front of this site). Viva Energy is an external company responsible for the maintenance of this pipeline, and Council refers DAs for sites close to this pipeline to Viva Energy for review and comment.

For the subject DA, Viva Energy have provided the following comments to Council:

*In this instance we have no objections to the development.*

*If there are any utility crossings required in Morrison Rd or works in the road reserve the developer is required to contact our patrolman for assessment. These works can normally be completed under a Right of way permit after a site assessment by our patrolman.*

**Assessment Officer's Comment:** The conditions provided by Council's Senior Development Engineer include a requirement for a road opening permit to be obtained (for works within the road reserve such as construction of new driveway crossing, footpath paving etc, see condition 17). Prior to obtaining the road opening permit the applicant is required to contact Viva Energy to ensure their requirements are met.

**14. Critical Dates**

There are no critical dates or deadlines to be met.

**15. Financial Impact**

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

**16. Other Options**

The recommendation in this report is approval subject to conditions.

The only practical alternative would be a recommendation of **refusal**. In this regard, the various areas of non-compliance with Ryde DCP 2014 could form the basis for reasons for refusal. However as discussed in the preceding assessment, the areas of non-compliance are relatively minor and are acceptable on merit as they do not result in adverse impacts on neighbouring properties.

**17. Conclusion**

---

Planning and Environment Committee, dated 18 January 2018, submitted on 14 November 2017.

**ITEM 2 (continued)**

**ATTACHMENT 3**

**ITEM 3 (continued)**

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

Although there are some areas of numerical non-compliance with the applicable planning controls, these are considered to be acceptable on merit for the reasons discussed in the preceding assessment.

The issues of concern raised in the neighbour's submissions have also been largely addressed in the amended plans submitted for this DA. Whilst there are some unresolved issues of concern, these are not considered to warrant refusal of the application or any further design amendments.

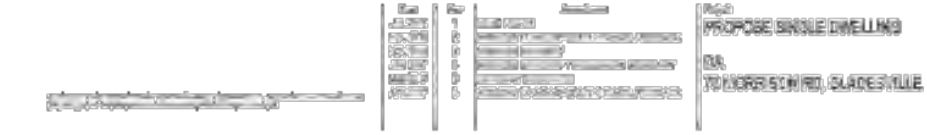
Approval of this application is recommended subject to the conditions contained **ATTACHMENT 1**.

---

Planning and Environment Committee, dated 18 January 2018, submitted on 14 November 2017.

**ITEM 2 (continued)**

**ATTACHMENT 3**



**PROPOSED SINGLE DWELLING**  
**76 MORRISON RD, GLADESVILLE NSW 2111**

NUMERICAL OVERVIEW OF PROPOSED DEVELOPMENT	
COMPONENT	PROPOSED
SITE AREA	325.5 sqm
MAX FFR ALLOWED	0.31
MAX GFA ALLOWED	101.50 sqm
TOTAL FFR PROPOSED	0.421
TOTAL GFA PROPOSED	242.07 sqm
SEPERAL AREA	208.00 sqm 64.5%

**DRAWING INDEX**

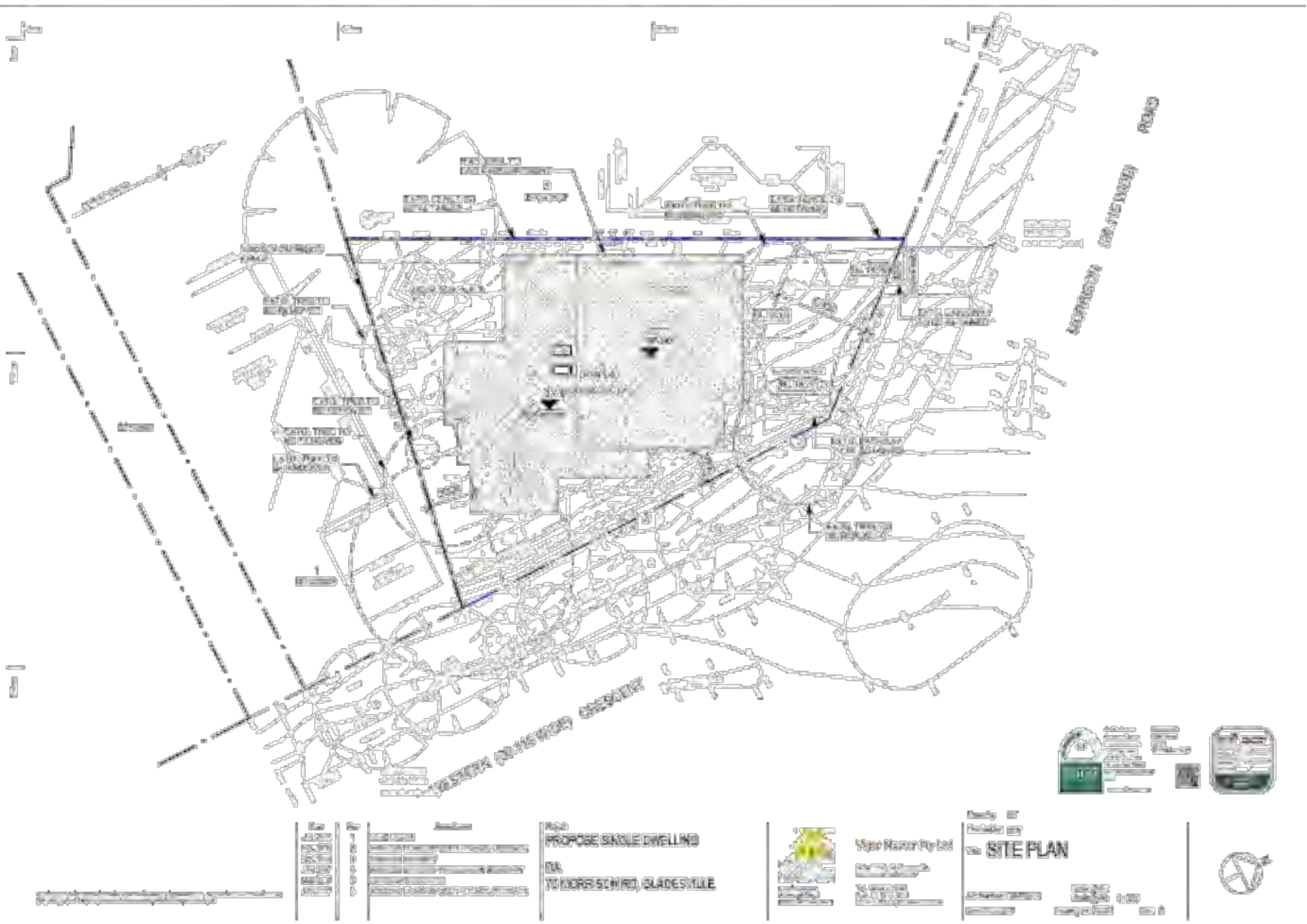
DA000	COVER SHEET
DA001	SITE PLAN
DA002	SITE ANALYSIS
DA003	SHOWDOWN DIAGRAM
DA101	GROUND FLOOR PLAN
DA102	FIRST FLOOR PLAN
DA103	ROOF PLAN
DA201	NORTH ELEVATION
DA202	SOUTH ELEVATION
DA203	EAST ELEVATION
DA204	WEST ELEVATION
DA301	Sections





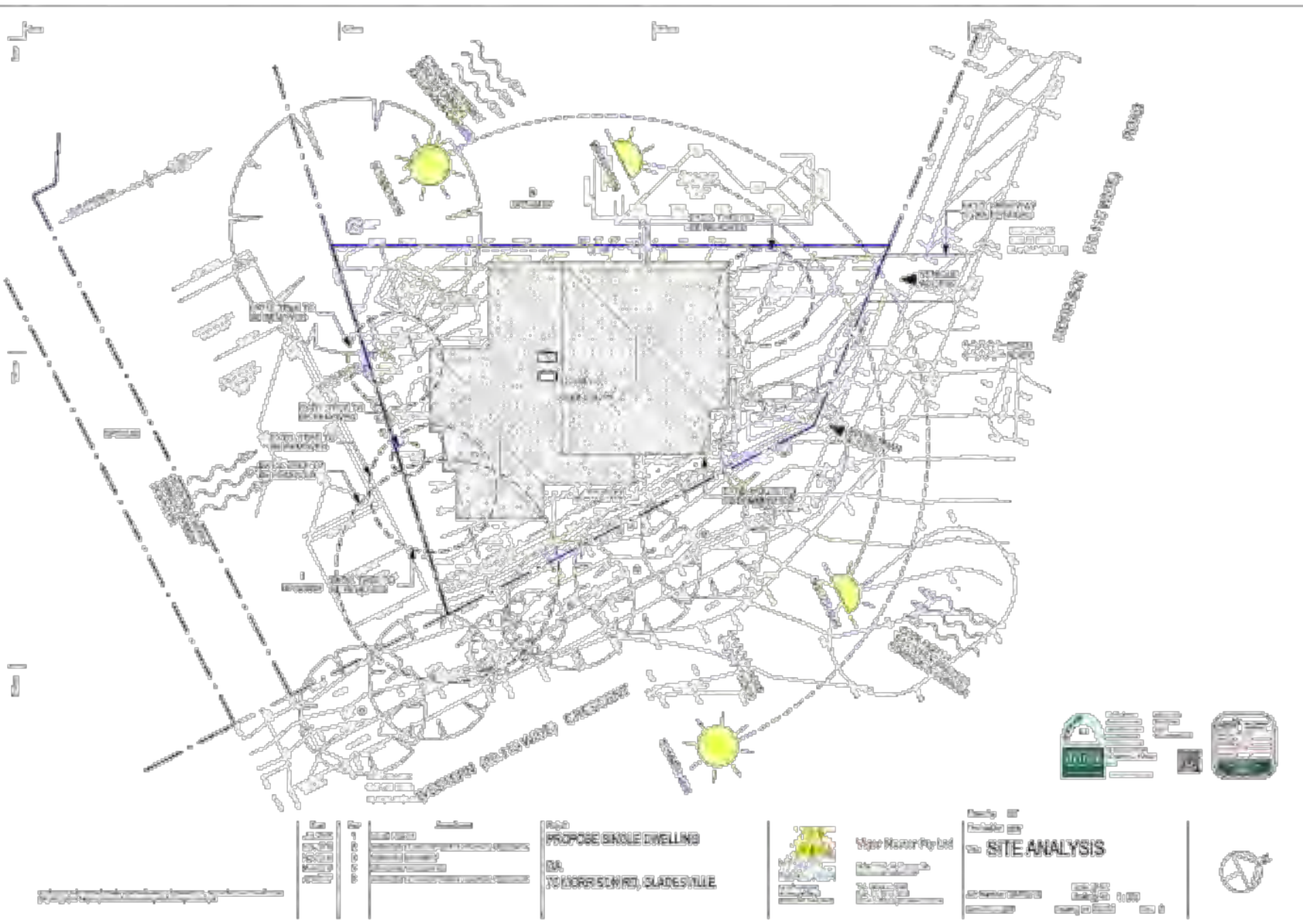
**ITEM 2 (continued)**

**ATTACHMENT 3**



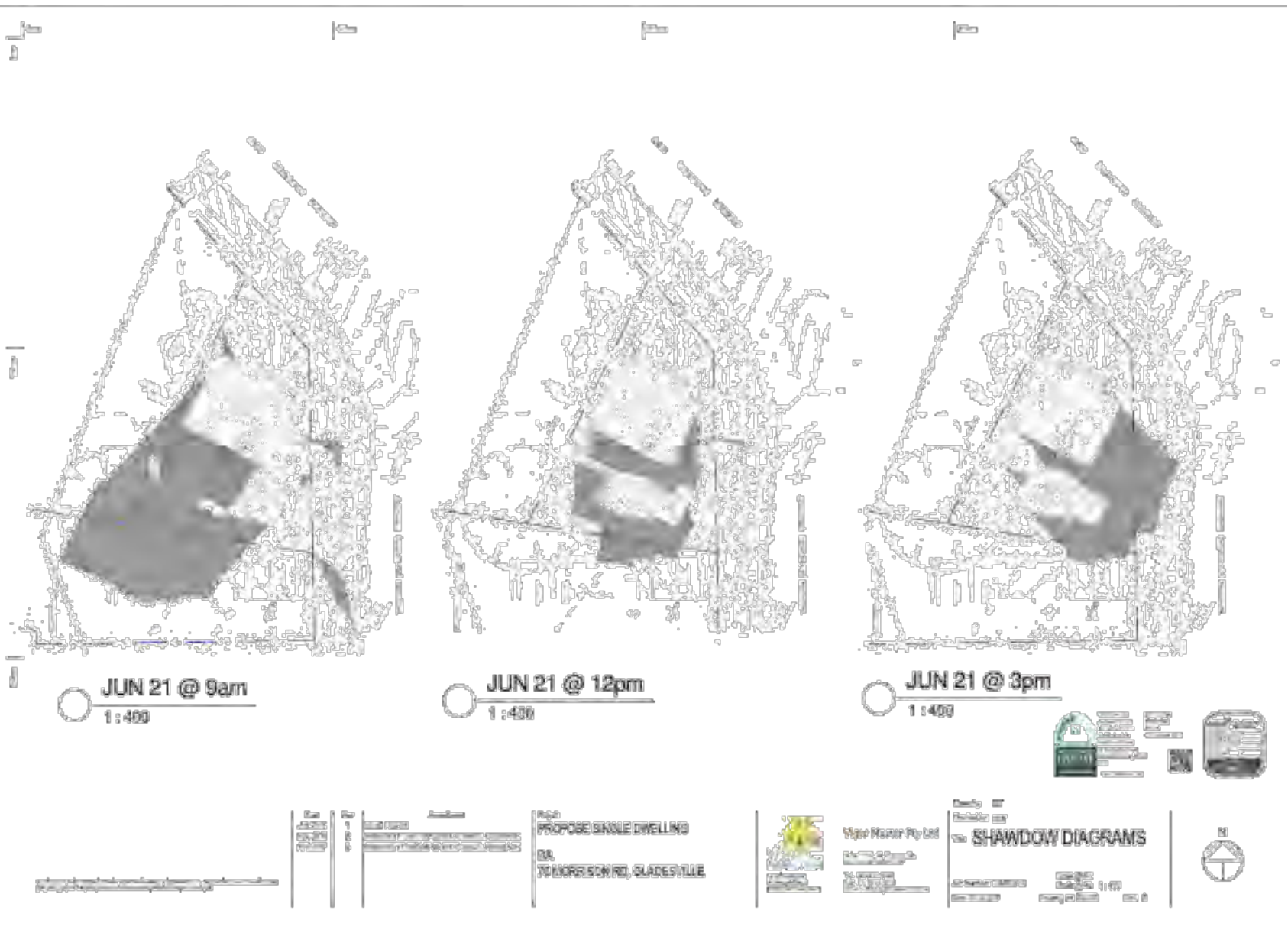
**ITEM 2 (continued)**

**ATTACHMENT 3**



**ITEM 2 (continued)**

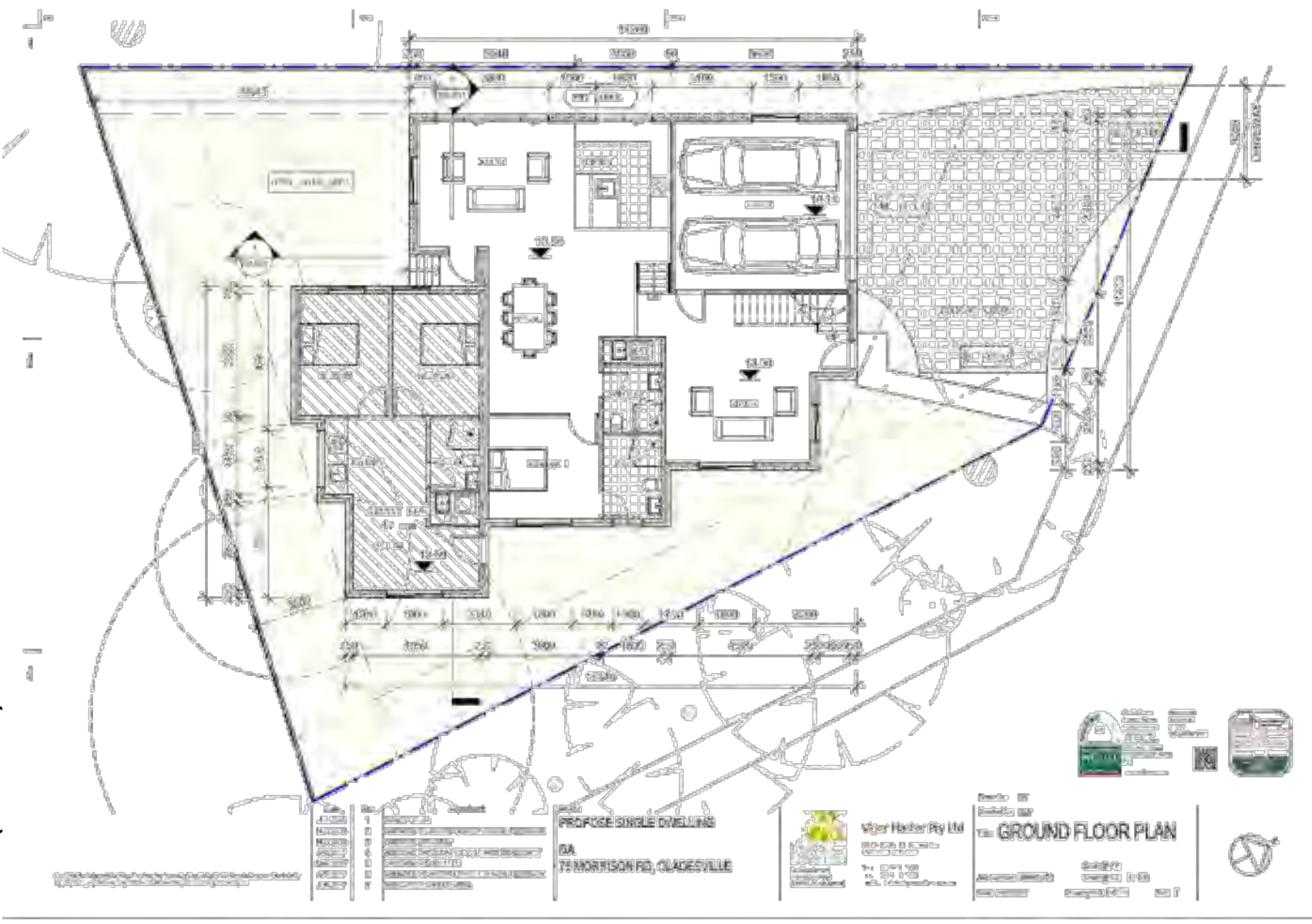
**ATTACHMENT 3**





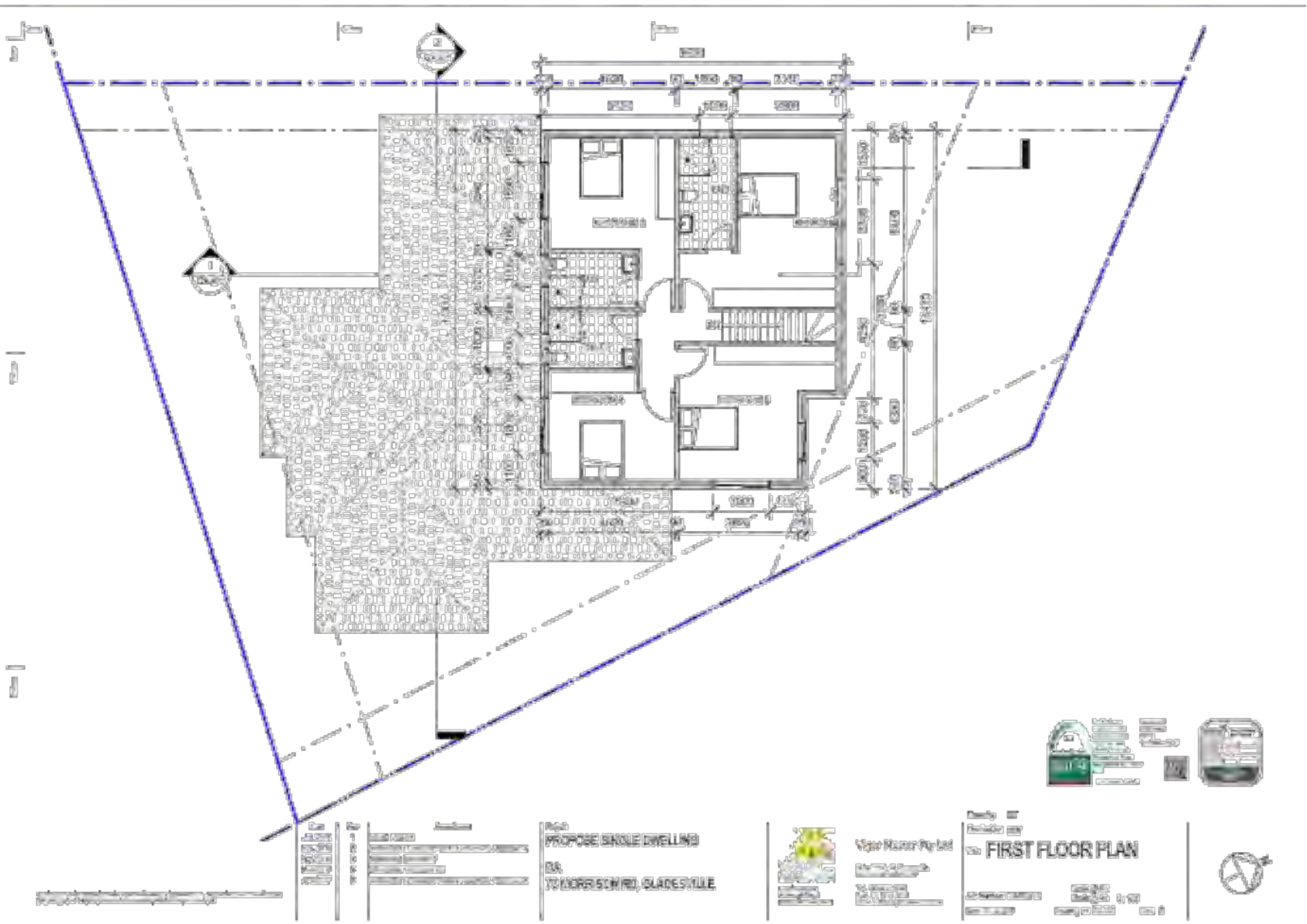
**ITEM 2 (continued)**

**ATTACHMENT 3**



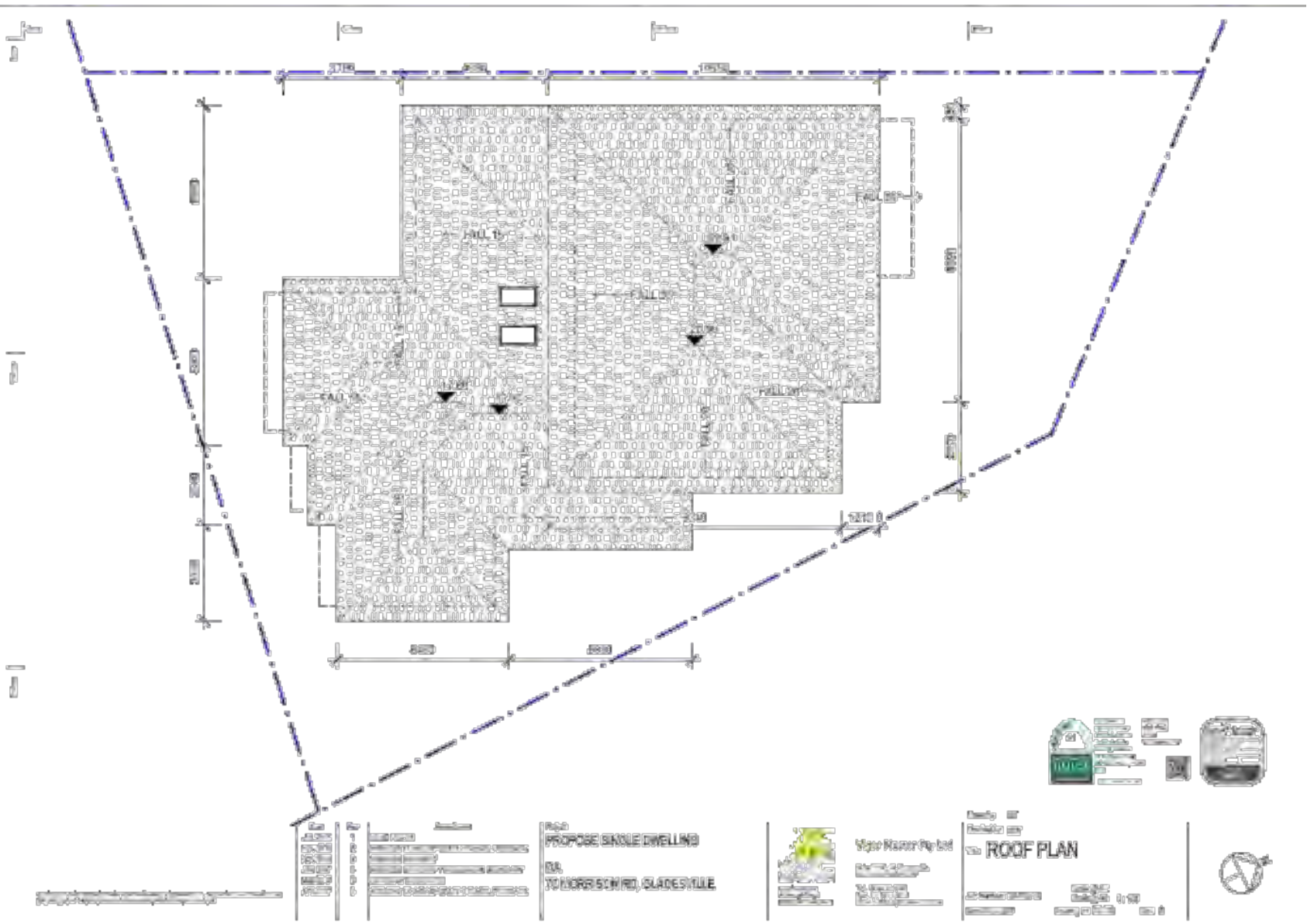
**ITEM 2 (continued)**

**ATTACHMENT 3**



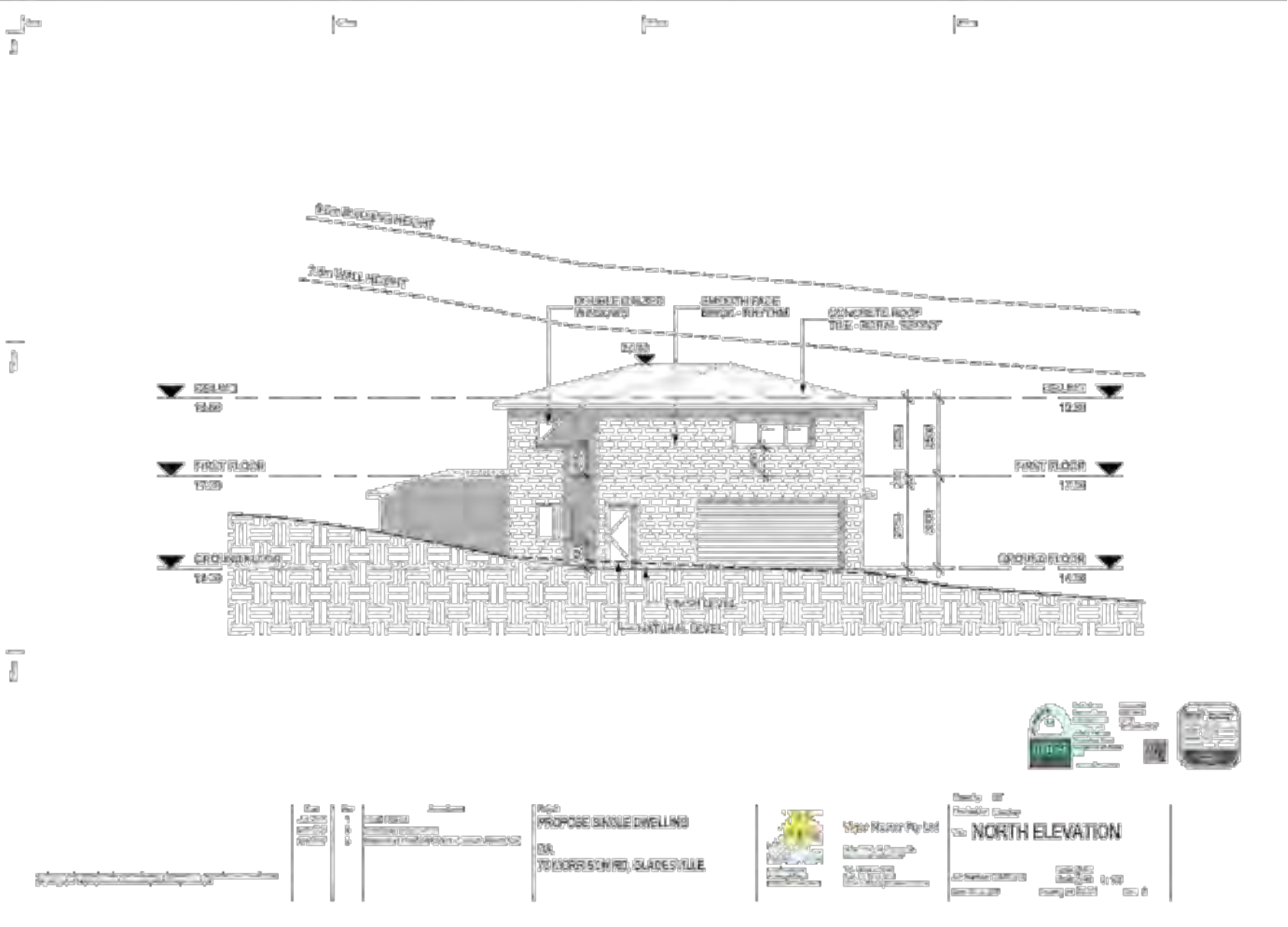
**ITEM 2 (continued)**

**ATTACHMENT 3**



**ITEM 2 (continued)**

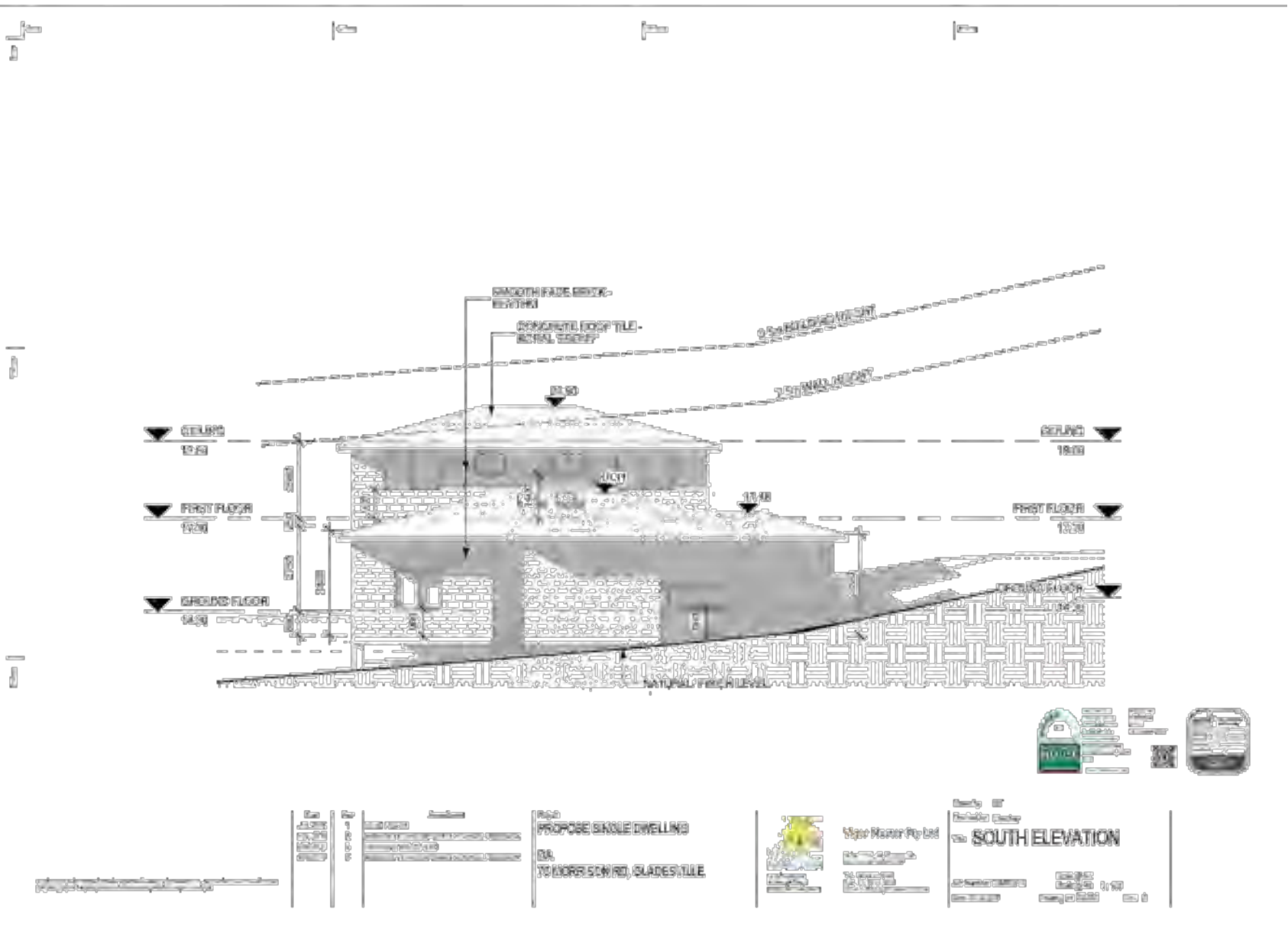
**ATTACHMENT 3**





**ITEM 2 (continued)**

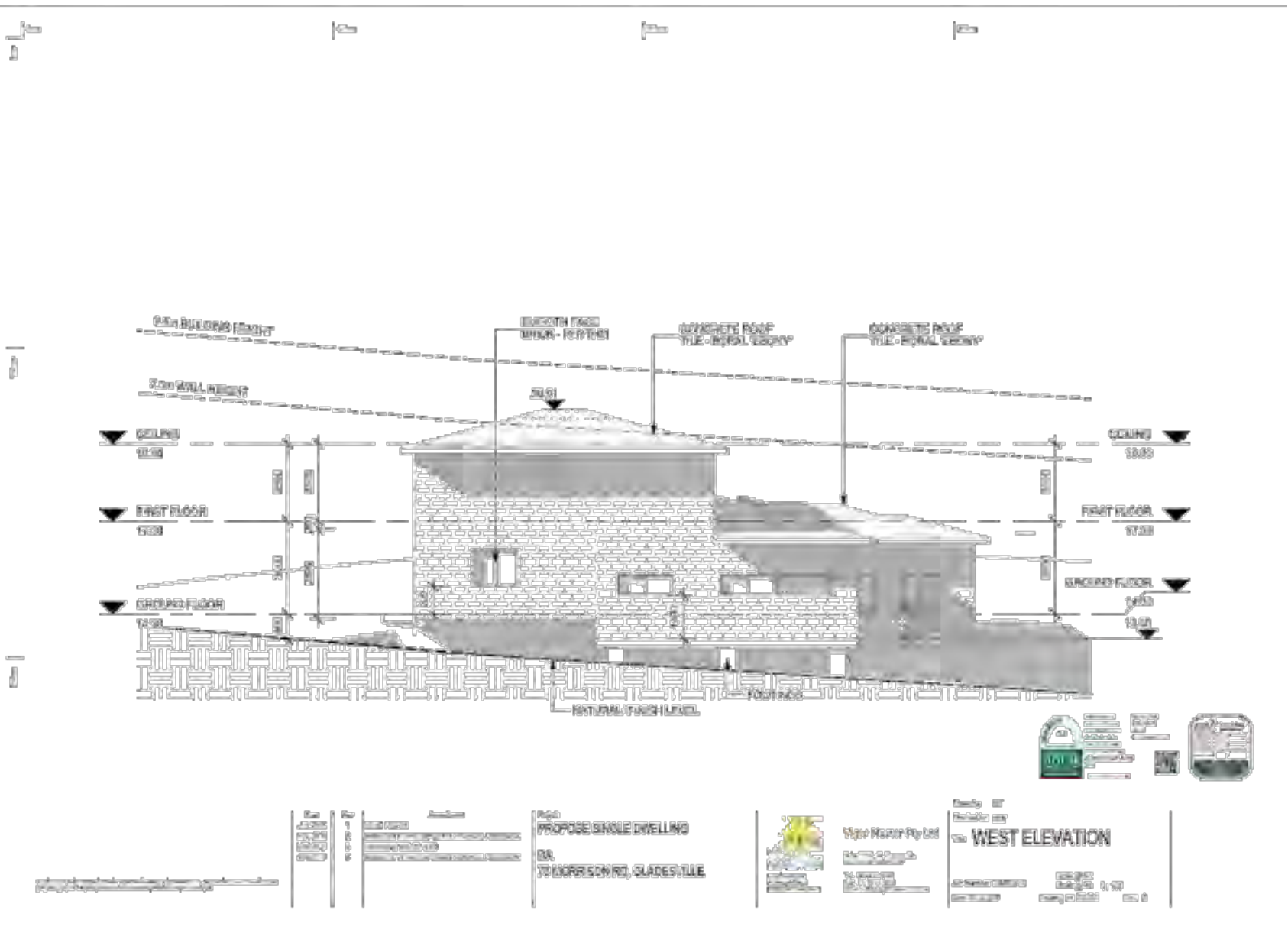
**ATTACHMENT 3**





**ITEM 2 (continued)**

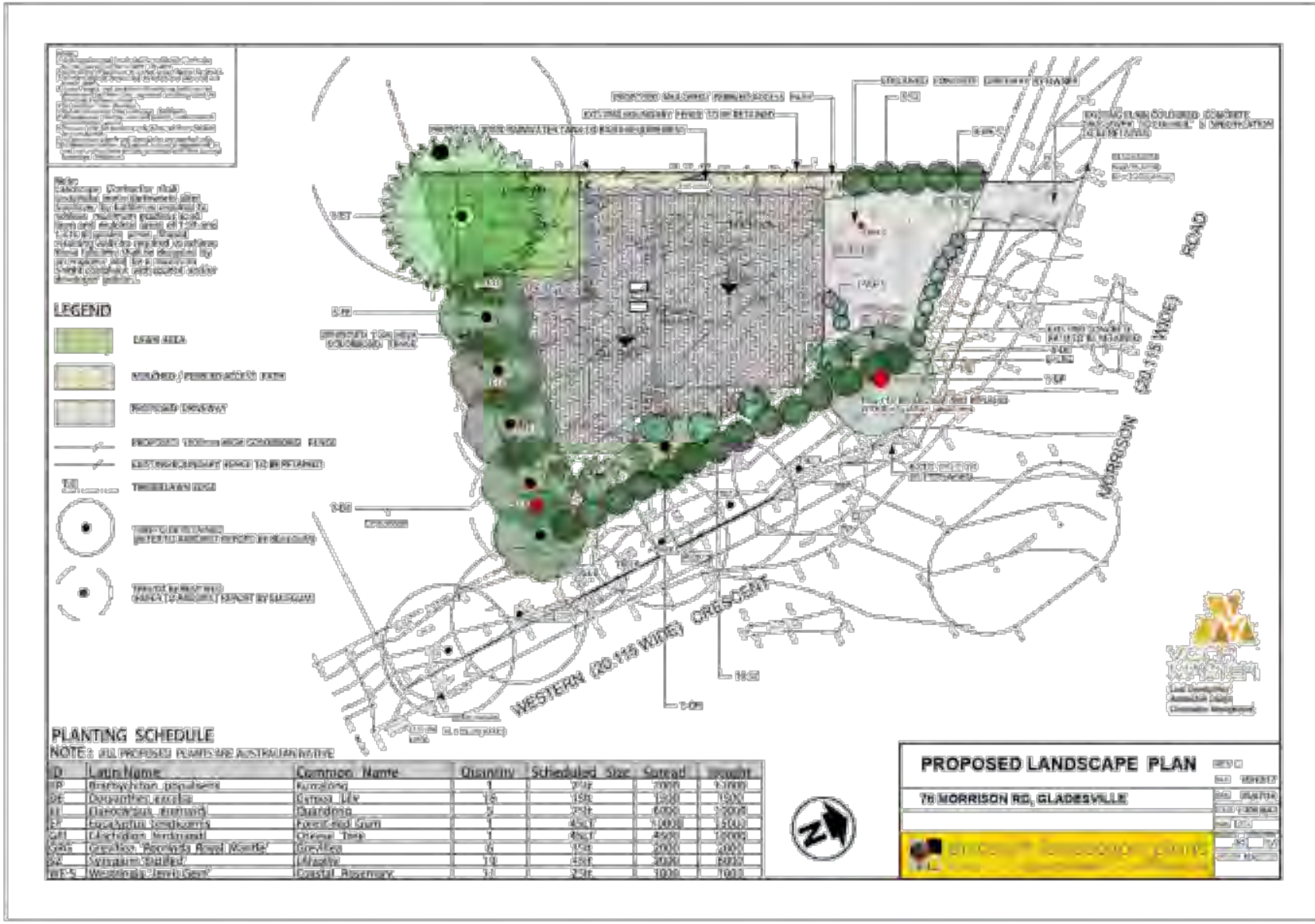
**ATTACHMENT 3**





**ITEM 2 (continued)**

**ATTACHMENT 3**





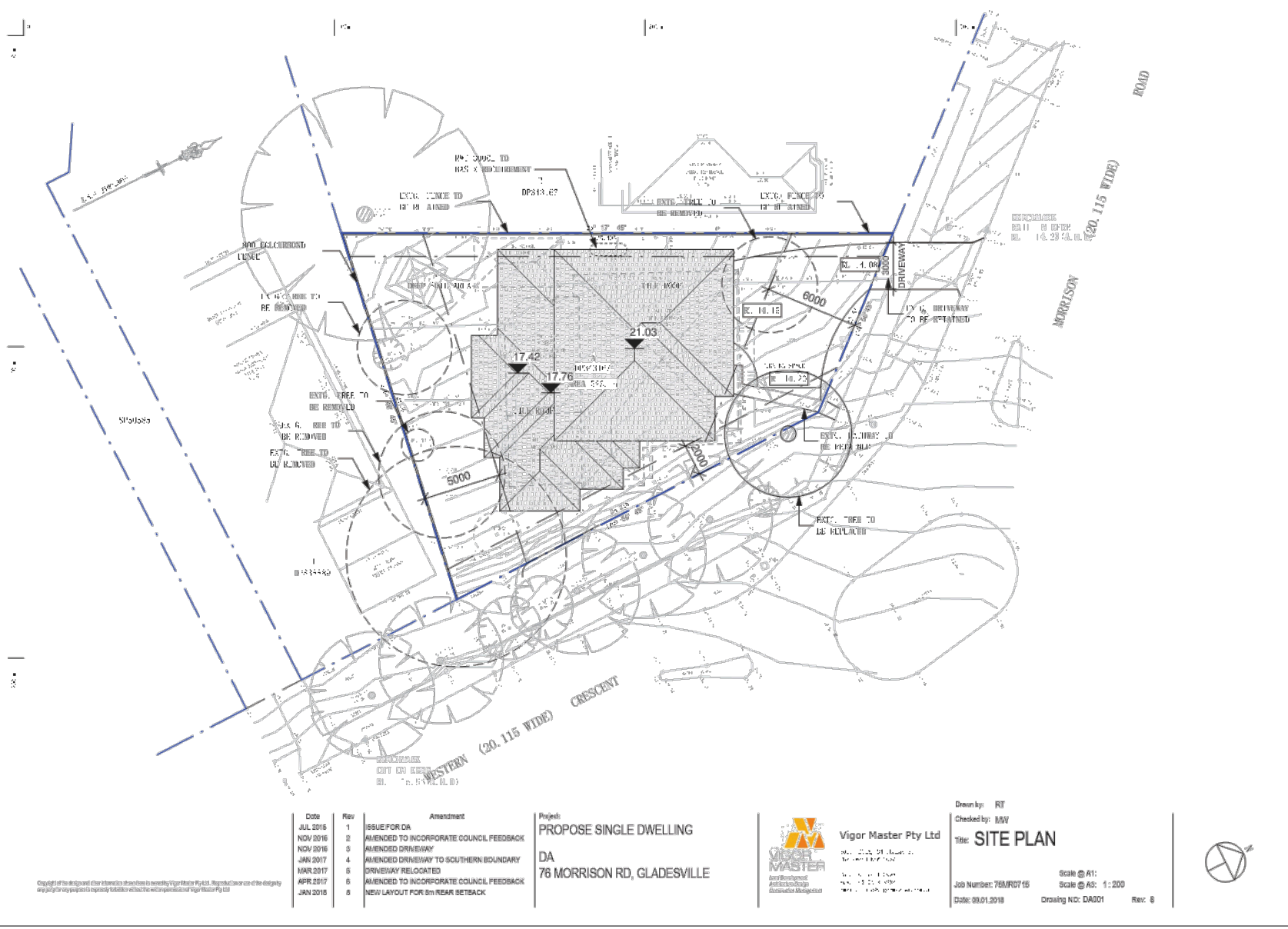
**ITEM 2 (continued)**

**ATTACHMENT 4**



**ITEM 2 (continued)**

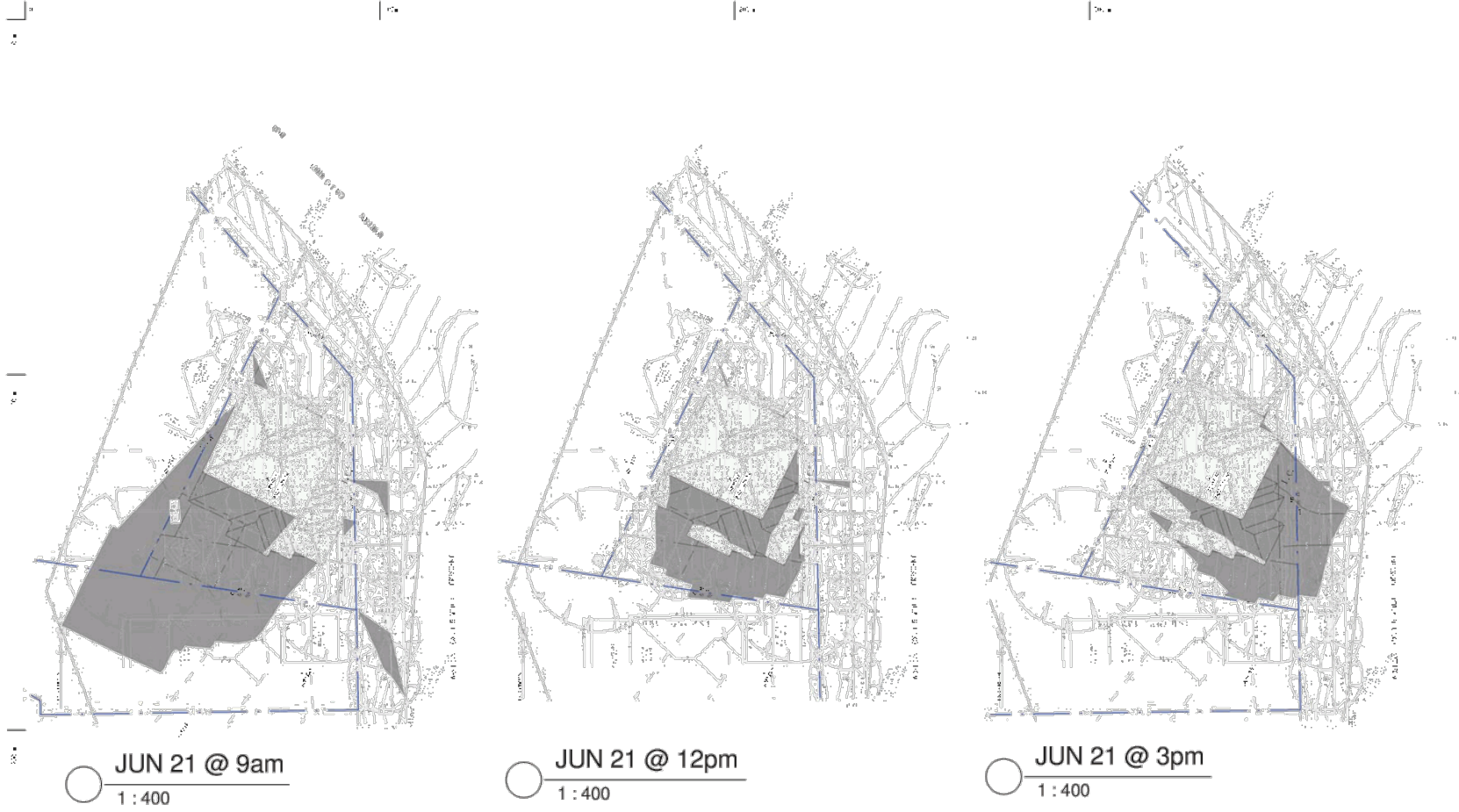
**ATTACHMENT 5**





**ITEM 2 (continued)**

**ATTACHMENT 5**



Copyright of the design and other information contained herein is reserved by Vigor Master Pty Ltd. Reproduction or use of the design or any part of it is prohibited without the written permission of Vigor Master Pty Ltd.

Date	Rev	Amendment
JUL 2016	1	ISSUE FOR DR
NOV 2016	2	AMENDED TO INCORPORATE COUNCIL FEEDBACK
APR 2017	3	AMENDED TO INCORPORATE COUNCIL FEEDBACK
JUN 2018	4	NEW LAYOUT FOR 5m REAR SETBACK

**Project:**  
PROPOSE SINGLE DWELLING  
DA  
76 MORRISON RD, GLADESVILLE



**Vigor Master Pty Ltd**  
10/11-13/15 The Arcade  
Sydney NSW 1585  
T: 02 9550 4444  
F: 02 9550 4444  
www.vigormaster.com.au

Drawn by: RT  
Checked by: MW  
**Title: SHADOW DIAGRAMS**  
Job Number: 76M/RD716  
Date: 09.01.2018  
Scale @ A1:  
Scale @ A3: 1:400  
Drawing No: DA003 Rev: 8



**ITEM 2 (continued)**

**ATTACHMENT 5**

Copyright of the design and other information contained herein is owned by Vigor Master Pty Ltd. Reproduction or use of the design or any part of it is prohibited without the written permission of Vigor Master Pty Ltd.

Date	Rev	Amendment
JUL 2016	1	ISSUE FOR DR
MAR 2017	5	DRIVEWAY RELOCATED
APR 2017	6	AMENDED TO INCORPORATE COUNCIL FEEDBACK
JUN 2018	8	NEW LAYOUT FOR 5m REAR SETBACK

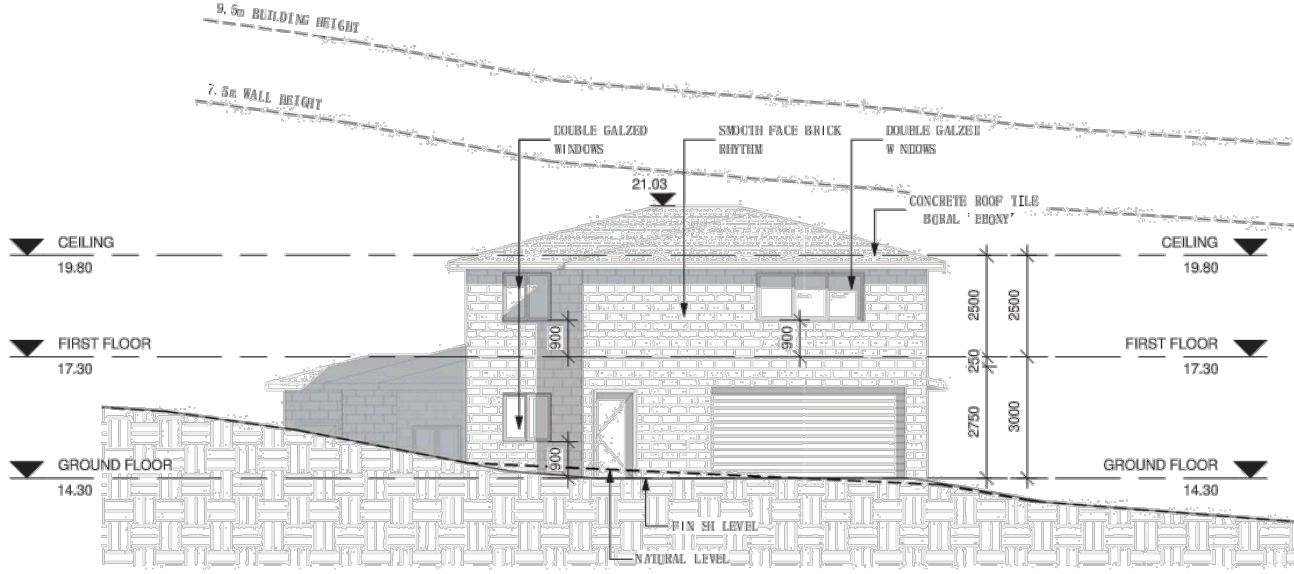
Project:  
**PROPOSE SINGLE DWELLING**  
 DA  
 76 MORRISON RD, GLADESVILLE



Vigor Master Pty Ltd

10/11-13/15  
 10/11-13/15  
 10/11-13/15

Drawn by: RT  
 Checked by: Creeker  
 Title: **NORTH ELEVATION**  
 Scale @ A1:  
 Scale @ A3: 1:100  
 Job Number: 76M/RD716  
 Date: 08.01.2018  
 Drawing No: DA201  
 Rev: 8



**ITEM 2 (continued)**

**ATTACHMENT 5**

Copyright of the design and other information contained herein is owned by Vigor Master Pty Ltd. Reproduction or use of the design and/or any part of it is prohibited without the written permission of Vigor Master Pty Ltd.

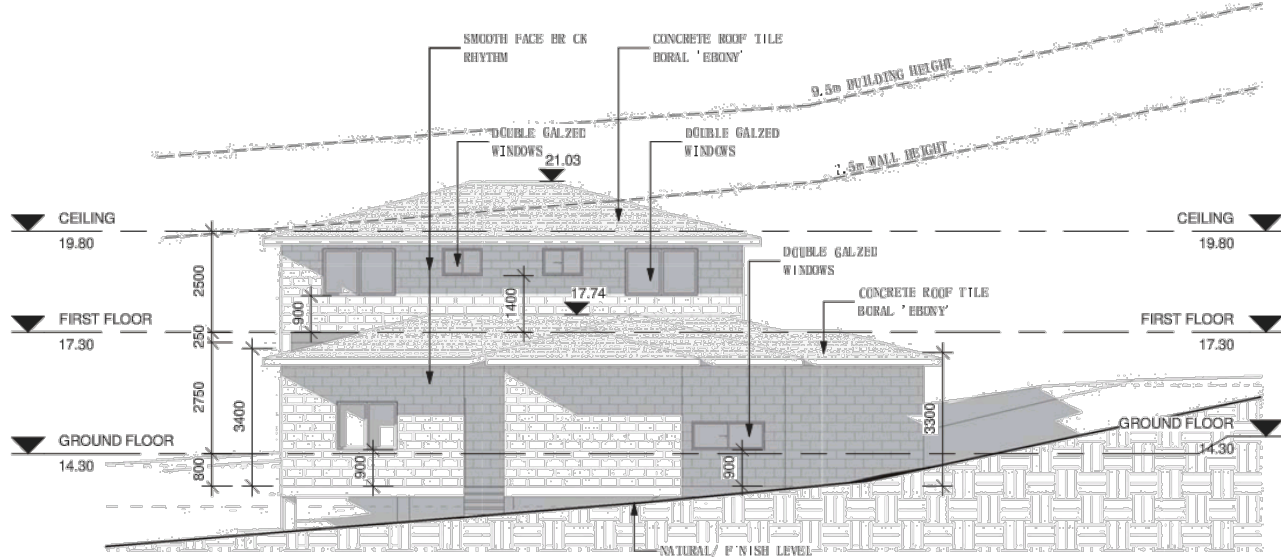
Date	Rev	Amendment
JUL 2016	1	ISSUE FOR DA
NOV 2016	2	AMENDED TO INCORPORATE COUNCIL FEEDBACK
MAR 2017	3	DRIVEWAY RELOCATED
APR 2017	4	AMENDED TO INCORPORATE COUNCIL FEEDBACK
JAN 2018	5	NEW LAYOUT FOR 8m REAR SETBACK

Project:  
**PROPOSE SINGLE DWELLING**  
 DA  
 76 MORRISON RD, GLADESVILLE



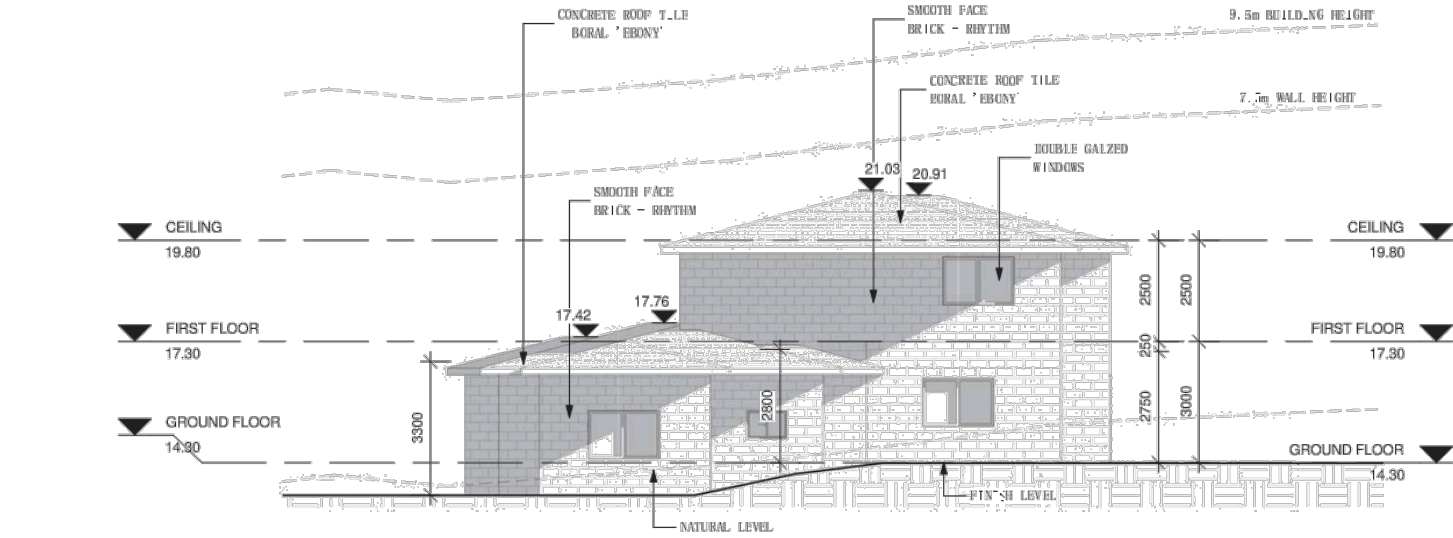
**Vigor Master Pty Ltd**  
 1/11-13/15 The Arcade  
 150-152 The Arcade  
 Sydney NSW 1510  
 Tel: 02 9550 1111  
 Fax: 02 9550 1112  
 Email: info@vigor.com.au

Drawn by: RT  
 Checked by: Creeker  
 Title: **SOUTH ELEVATION**  
 Scale @ A1:  
 Scale @ A0: 1:100  
 Job Number: 76M/RD716  
 Date: 09.01.2018  
 Drawing No: DA202  
 Rev: 5



**ITEM 2 (continued)**

**ATTACHMENT 5**



Copyright of the design and other information contained herein is owned by Vigor Master Pty Ltd. Reproduction or use of the design or any part of any part of it is prohibited without the written permission of Vigor Master Pty Ltd.

Date	Rev	Amendment
JUL 2016	1	ISSUE FOR DA
NOV 2016	2	AMENDED TO INCORPORATE COUNCIL FEEDBACK
NOV 2016	3	AMENDED DRIVEWAY
JAN 2017	4	AMENDED DRIVEWAY TO SOUTHERN BOUNDARY
MAR 2017	5	DRIVEWAY RELOCATED
APR 2017	6	AMENDED TO INCORPORATE COUNCIL FEEDBACK
JAN 2018	8	NEW LAYOUT FOR 5m REAR SETBACK

Project: PROPOSE SINGLE DWELLING  
 DA  
 76 MORRISON RD, GLADESVILLE

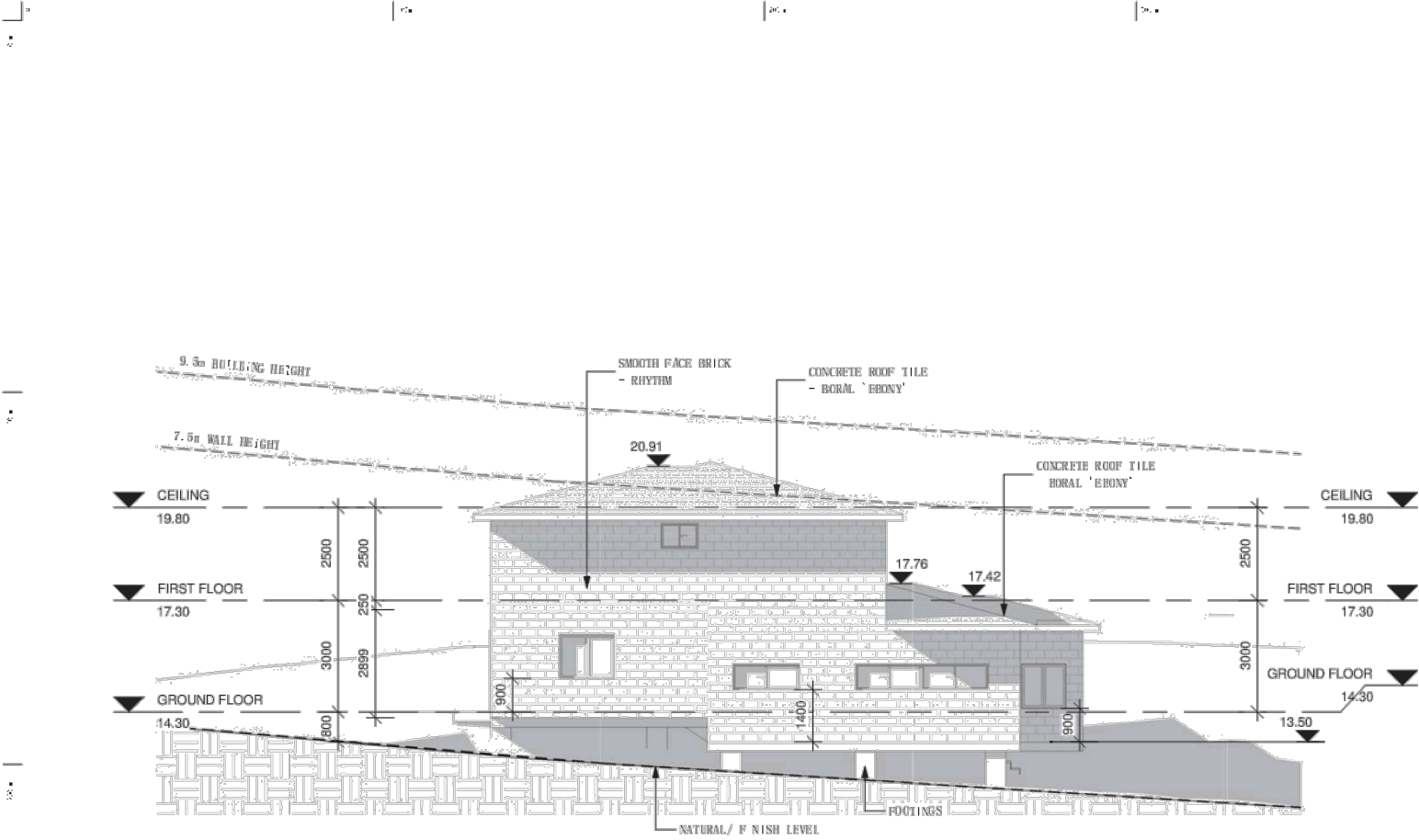


**Vigor Master Pty Ltd**  
 10/11-13/15  
 10/11-13/15  
 10/11-13/15

Drawn by: RT  
 Checked by: MW  
 Title: **EAST ELEVATION**  
 Scale @ A1:  
 Scale @ A3: 1:100  
 Job Number: 76M/R0716  
 Date: 08.01.2018  
 Drawing No: DA203  
 Rev: 8

**ITEM 2 (continued)**

**ATTACHMENT 5**



Copyright of the design and other information contained herein is reserved by Vigor Master Pty Ltd. Reproduction or use of the design or any part of any part of it is expressly prohibited without the written permission of Vigor Master Pty Ltd.

Date	Rev	Amendment
JUL 2016	1	ISSUE FOR DR
NOV 2016	2	AMENDED TO INCORPORATE COUNCIL FEEDBACK
MAR 2017	3	DRIVEWAY RELOCATED
APR 2017	4	AMENDED TO INCORPORATE COUNCIL FEEDBACK
JAN 2018	5	NEW LAYOUT FOR 8m REAR SETBACK

Project:  
**PROPOSE SINGLE DWELLING**  
 DA  
 76 MORRISON RD, GLADESVILLE



**Vigor Master Pty Ltd**  
 1/11-13/15 The Esplanade  
 North Ryde NSW 1585  
 Tel: 02 9387 4444  
 Fax: 02 9387 4445  
 Email: info@vigmaster.com.au

Drawn by: RT  
 Checked by: MW  
 Title: **WEST ELEVATION**  
 Scale @ A1:  
 Scale @ A3: 1:100  
 Job Number: 76M/RD716  
 Date: 08.01.2018  
 Drawing No: DA204  
 Rev: 5

- 
- 3 93-97 BALACLAVA ROAD, EASTWOOD. LOT 5, 6 and 7 DP 35226. Local Development Application for boundary adjustment of three existing lots and construction of two dual occupancy developments, a single dwelling house and front fencing. LDA2017/0070.**
- 

**Report prepared by:** Assessment Officer - Town Planner

**Report approved by:** Senior Coordinator - Development Assessment; Acting Manager - Assessment; Acting Director - City Planning and Development

**File Number:** GRP/09/5/6/2 - BP18/50

---

## 1. REPORT SUMMARY

**Applicant:** ARC Homes Australia.

**Owner:** Green Garden Developments Pty Ltd.

**Date lodged:** 24 February 2017 (latest amended plans 12 December 2017)

This report considers an amended development application proposing boundary adjustments to three lots and the construction of a new development on each of the three lots. The development proposes a dual occupancy on two of the lots and a single dwelling on the third lot, together with associated front fencing and landscaping works.

The attached dual occupancies are proposed to be constructed on the two lots identified as Lot 5 and 6. The dual occupancies are two storeys in height and comprise four (4) bedrooms each.

A two storey detached dwelling house is proposed to be constructed on Lot 7 comprising of four (4) bedrooms and a front balcony.

A 1 metre high front fence comprised of rendered brick piers is proposed along the road frontages of each lot.

The development application as originally submitted proposed six (6) detached two storey 'terrace-like' dwellings arranged side by side. The proposal was notified to neighbours in accordance with Ryde Development Control Plan 2014 (RDCP 2014) and three (3) submissions were received. The submissions objected to the development on the basis of the following issues:

- Streetscape
- Boundary fencing
- Privacy
- Overshadowing
- Pollution and noise levels
- Tree retention

**ITEM 3 (continued)**

In addition to the above issues, Council's officers also raised a number of concerns. The applicant was advised that the development was inconsistent with the intended design of multi dwelling housing as permitted by the planning controls and that the siting, bulk and scale impacts of the development were unacceptable.

In response to the abovementioned issues, amended architectural plans and supporting documents were submitted to Council on 2 August 2017. The amended development now proposes a boundary adjustment and the retention of three lots. On two of the lots a dual occupancy is proposed on each lot and a two-storey detached dwelling house is to be erected on the third lot. This design resulted in a form of development that is more consistent with Council's planning controls as well as proposing a significant decrease in the scale of the development and a resulting form of development that is more consistent with the streetscape.

Neighbouring properties were notified of the amended development which resulted in five (5) submissions raising the following issues:

- Front and boundary fencing
- Privacy
- Overshadowing
- Notification of the amended development
- Roof design
- Wall bisecting the front balcony
- Provision of parking and vehicle access
- The public interest
- Bulk and scale
- Tree retention

On 11 December 2017, a mediation was undertaken between the applicant and the objectors of the development. It was agreed by both parties that in order to address the above listed issues raised by the objectors, various design changes would be undertaken.

Amended plans were subsequently submitted to Council on 19 December 2017 and the objectors who attended the mediation were notified of the amended application. A total of three (3) submissions were received (one in support and two objecting to the development). The submissions that objected to the development raised concerns regarding bulk and scale, privacy and boundary fencing. All of these issues have been addressed in detail in the report.

The current development fully complies with the planning controls applicable to the development in respect of Ryde LEP 2014 and Ryde DCP 2014.



**ITEM 3 (continued)**

The development will result in the removal of eighteen (18) onsite trees and four (4) street trees. The onsite trees consist of a variety of species including Portugese Laurel, Cabbage Tree, Leyland Cypress, Spotted Gum, Native Daphne, Norfolk Island Pine, Jacaranda, Mahonia, Queensland Brush Box, Broad Leafed Paperbark, Crimson Bottlebrush, Weeping Fig and Camphor Laurel. The street trees to be removed consist of two species including Snow in Summer and Hackberry. The tree removal is supported as many of these trees are exempt species or they are not significant. Council's Consultant Landscape Architect has supported the removal of the trees.

The development is recommended for approval given that the development complies with Council's planning controls and is consistent with the locality and does not result in unacceptable impacts.

**Reason for Referral to Planning and Environment Committee:** Requested by Mayor, Councillor Laxale and Councillor Maggio.

**Clause 4.6 RLEP 2014 required?** Not required.

**Value of works:** \$2,100,000

**RECOMMENDATION:**

- (a) That Local Development Application No. 2017/70 at No. 93-97 Balaclava Road, Eastwood being LOT 5, 6 and 7 DP 35226 be approved subject to the **ATTACHED** conditions of consent (**ATTACHMENT 2**).
- (b) That the persons who made submissions be advised of Council's decision.

**ATTACHMENTS**

- 1 RLEP and RDCP Compliance Table
- 2 Draft Conditions of Consent
- 3 Map indicating submissions made
- 4 A4 Plans
- 5 A3 Plans - subject to copyright provisions - CIRCULATED UNDER SEPARATE COVER

**ITEM 3 (continued)**

Report Prepared By:

**Roy Wong**  
**Assessment Officer - Town Planner**

Report Approved By:

**Chris Young**  
**Senior Coordinator - Development Assessment**

**Sandra Bailey**  
**Acting Manager - Assessment**

**Sam Cappelli**  
**Acting Director - City Planning and Development**

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

<b>Address</b>	:	93-97 Balaclava Road Eastwood
<b>Site Area</b>	:	Existing lot areas Lot 5 – 676.6sqm Lot 6 – 676.6sqm Lot 7 – 695.6sqm  Existing frontages Lot 5 – 18.895m Lot 6 – 18.895m Lot 7 – 14.63m  Existing depth (taken from western boundaries) Lot 5 – 36m Lot 6 – 35.955m Lot 7 – 35.91m
<b>Topography and Vegetation</b>	:	The topography of the subject sites is relatively flat. Eighteen (18) out of twenty two (22) onsite trees are proposed to be removed. The trees proposed to be removed conflict with the proposed building envelopes, are in poor health and condition, are minor trees capable of replacement or exempt due to size and species provisions within RDCP 2014. These trees include Portugese Laurel, Cabbage Tree, Leyland Cypress, Spotted Gum, Native Daphne, Norfolk Island Pine, Jacaranda, Mahonia, Queensland Brush Box, Broad Leafed Paperbark, Crimson Bottlebrush, Weeping Fig and Camphor Laurel.  Four (4) street trees are proposed to be removed as they conflict with the proposed driveway crossings and possess little retention value. These trees include Snow in Summer and Hackberry.
<b>Existing Buildings</b>	:	Lot 5 contains a single storey dwelling house with a double garage and an in-ground swimming pool. Lot 6 contains a single storey dwelling house with a detached single garage. Lot 7 contains a single storey dwelling house with a single garage.

**ITEM 3 (continued)**

**Planning Controls**

- Zoning** : R2 Low Density Residential Zone under RLEP 2014
- Other** : RDCP 2014
- Part 3.3 Dwelling Houses and Dual Occupancy (attached).
  - Part 9.3 Parking controls



**Figure 1.** Aerial photo of the site (identified in 'red').



**ITEM 3 (continued)**



**Figure 2.** View of Lot 5 from Balaclava Road.



**Figure 3.** View of Lot 6 from Balaclava Road.



### ITEM 3 (continued)



Figure 4. View of Lot 7 from Balaclava Road.

### 3. Councillor Representations

**Name of Councillor:** Roy Maggio.

**Nature of the representation:** Request that the application be referred to the Planning and Environment Committee for determination.

**Date:** 9 September 2017

**Form of representation:** Received by email to the Councillors Help Desk.

**On behalf of applicant or objectors?** Objectors.

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

**Name of Councillor:** Mayor Jerome Laxale.

**Nature of the representation:** Request that the application be referred to the Planning and Environment Committee for determination.

**Date:** 5 December 2017.

**Form of representation:** Received by email to the Councillors Help Desk.



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

**On behalf of applicant or objectors?** Objectors.

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

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

None disclosed.

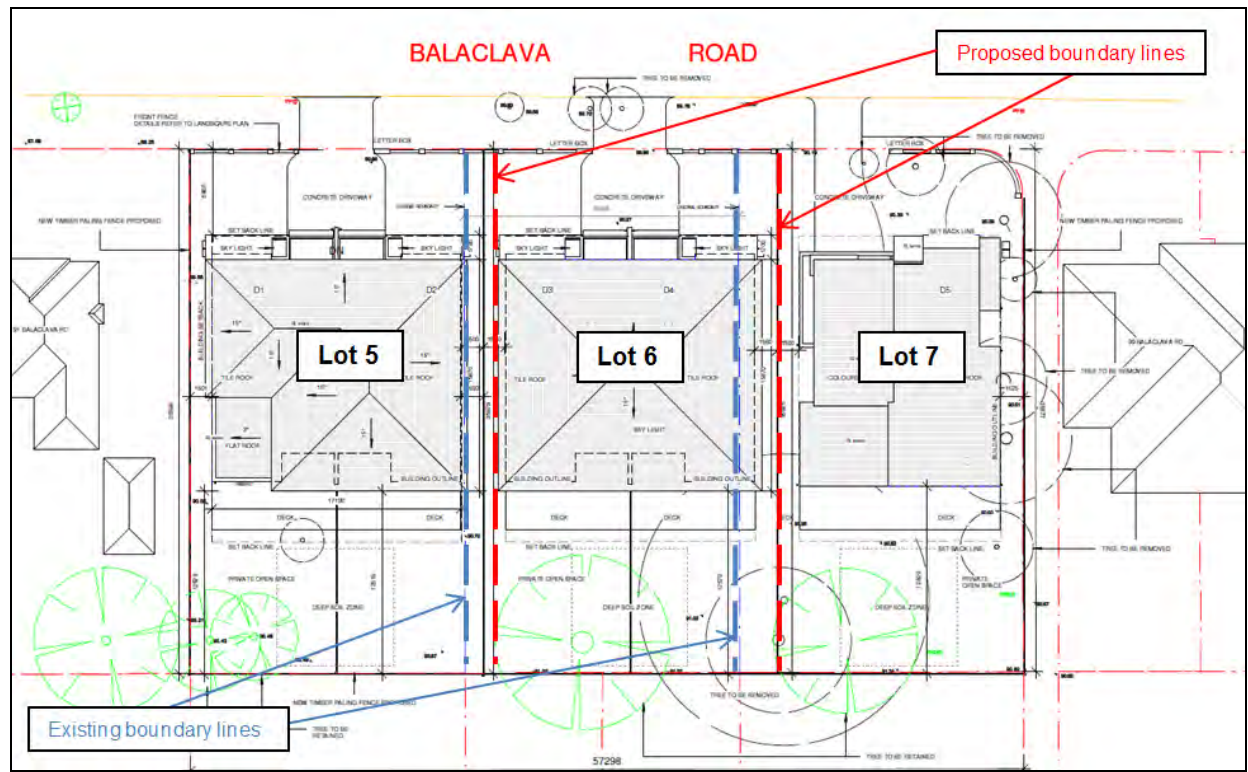
#### **5. Proposal**

The development proposes boundary adjustments to three existing lots resulting in an increase in the size of two (Lot 5 and 6) and a marginal decrease in size of the other (Lot 7). The boundary adjustment is required in order to facilitate the construction of two dual occupancy developments and a single detached dwelling. A 1 metre high front fence is proposed along the frontage to each lot comprising of rendered brick piers.

#### Proposed boundary adjustments

Ryde LEP 2014 specifies a minimum road frontage of 20 metres must be provided to enable the construction of a dual occupancy on a site. The development application proposes the adjustment of two side boundaries to increase the width of Lots 5 and 6 as shown in Figure 5. The resulting frontages of Lots 5 and 6 will increase from 18.895 metres to 20.2 metres. Consequently, the width of Lot 7 will decrease from 19.508 to 16.899m. The respective site areas of Lot 5, 6 and 7 will be 727sqm, 726sqm and 604sqm. The existing and proposed dimensions of each lot are shown Figure 6.

**ITEM 3 (continued)**



**Figure 5.** Plan showing proposed boundary adjustments.

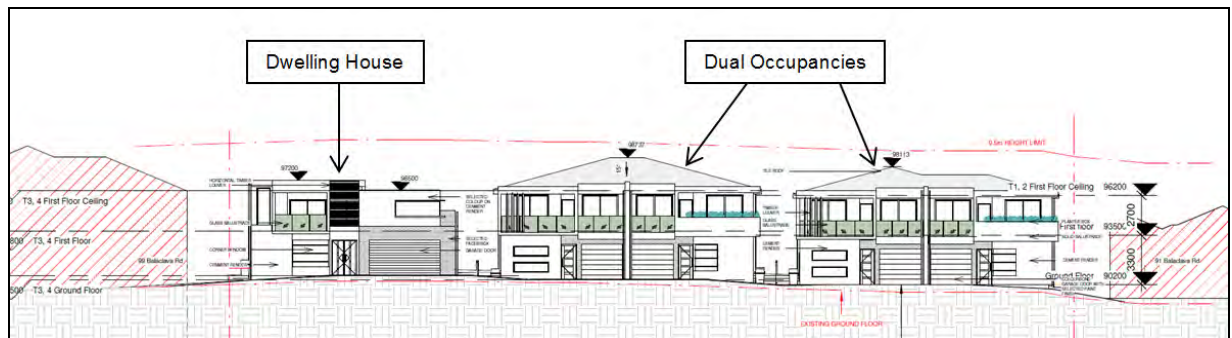
Lot number	Existing site area (sqm)	Proposed site area (sqm)	Existing frontage (metres)	Proposed frontage (metres)
5	676.6	727	18.9	20.2
6	676.6	726	18.9	20.2
7	695.6	604	19.5	16.9

**Figure 6.** Table showing existing and proposed lot sizes resulting from boundary adjustment.

Proposed dual occupancies and dwelling house

Attached dual occupancies are proposed to be constructed on Lots 5 and 6 and are similar in layout. Each unit within the dual occupancy contains reflective floor plans with a shared wall that is centrally located. The ground floor of each unit contains a single garage, a lounge room, a bedroom, a laundry, a combined kitchen, dining and living area and a rear terrace. The first floor consists of four (4) bedrooms, an ensuite, a bathroom and front balconies.

### ITEM 3 (continued)



**Figure 7.** Street elevation of the development.

A two storey detached dwelling house is proposed to be constructed on Lot 7. The ground floor contains a double garage, a lounge room, a bedroom, an office, a bathroom, a laundry, a combined living, dining and kitchen area and a rear terrace. The first floor comprises four (4) bedrooms, two (2) ensuites, a bathroom, a living area and a front balcony.

Eighteen (18) out of twenty-two (22) onsite trees are proposed to be removed. Additionally, four (4) street trees are to be removed. Replacement trees are to be planted throughout the front and rear setbacks of the development and four (4) replacement street trees are to be planted at regular intervals along the Balaclava Road frontage.

## 6. Background

On 24 February 2017, the application was lodged with Council. The application proposed 6 x 2 storey detached dwellings. These were notified from 6 March 2017 to 29 March 2017 to surrounding properties resulting in three (3) submissions objecting to the development.

On 22 March 2017, a letter was sent to the applicant specifying that the development in its current form would not be supported unless substantial design amendments were undertaken.

On 8 June 2017, a meeting with the applicant was held to discuss the issues raised in Council's letter. An alternative proposal was presented by the applicant consisting of boundary adjustments to facilitate the construction of two dual occupancies, one detached dwelling house, front fencing and associated landscaping.

Amended architectural plans and supporting documentation was submitted to Council on 3 August 2017. Surrounding property owners were notified of the amended development from 14 August 2017 to 30 August 2017. Two (2) submissions objecting to the development were received during this period and a further three (3) submissions were received after the conclusion of the notification period.

**ITEM 3 (continued)**

Given that the amended plans had not resolved the neighbour's issues of concern, it was decided that a mediation meeting between the applicant and the objectors should be undertaken prior to the PEC meeting. Invitations to the mediation scheduled for 11 December 2017 were subsequently sent to the applicant and objectors on 1 December 2017.

On 11 December 2017, the mediation meeting was held. The aim of the meeting was to facilitate discussions between the applicant and the objectors in an attempt to resolve the various issues of concern. The issues discussed at the mediation related principally to amenity impacts, bulk and scale, the provision of parking, tree removal, boundary fencing and architectural aesthetics. A detailed discussion of these issues is provided in the 'Submissions' section of this report.

It was generally agreed by both parties that the issues could be resolved by undertaking further design amendments to the development. Specifically, these design amendments included the following:

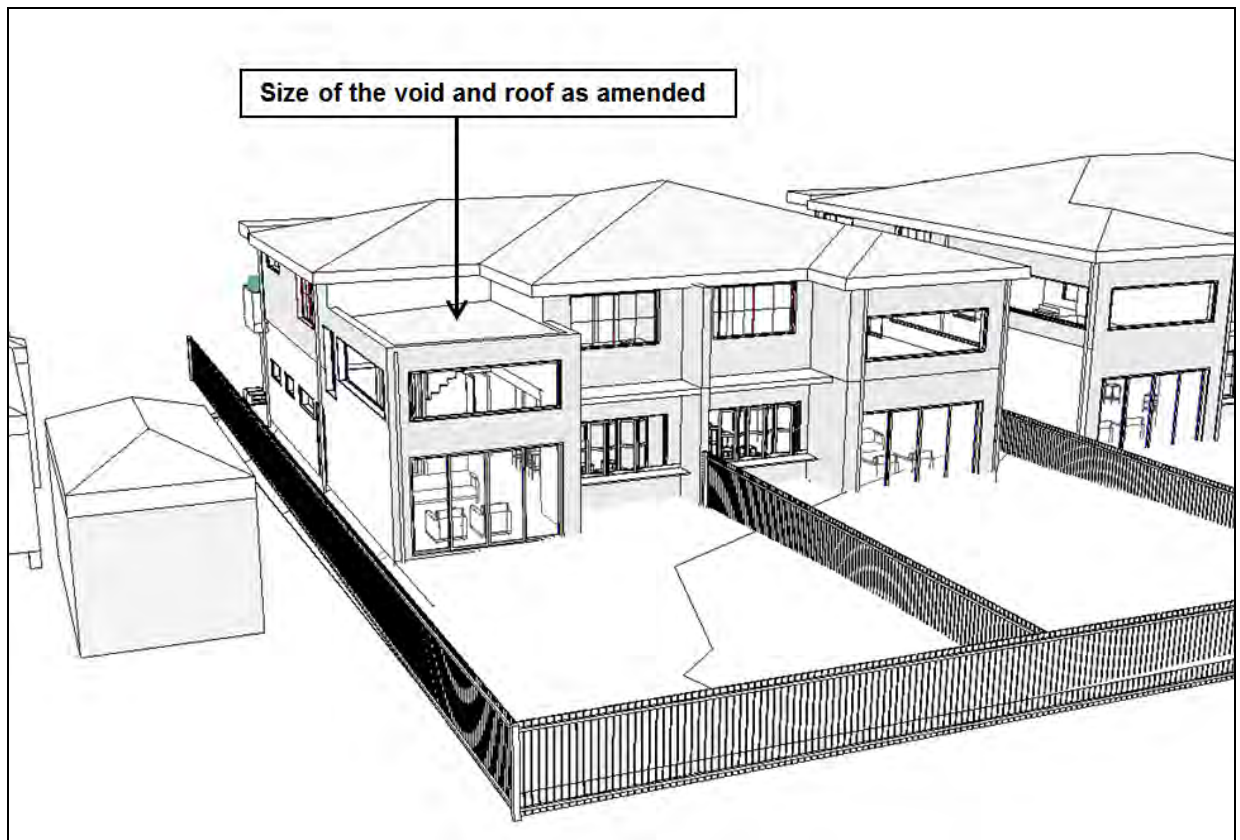
- The rear first floor balconies associated with the dual occupancy dwellings would be deleted to reduce the potential for overlooking into private open spaces and windows of the neighbouring properties located to the rear (south) of the development lots.
- The 'void' area above the ground floor living room to the rear of Dwelling 1 shall be deleted to reduce the extent of overshadowing and visual impact on the neighbouring property to the west (91 Balaclava Road).
- Concern was raised with regard to the availability of onsite parking to cater for the proposed dual occupancy developments (Dwellings 1, 2, 3 and 4). It was suggested to the applicant by Council officers that the size of the driveways servicing the dwellings could be increased resulting in the provision of an additional parking space in front of each garage.
- The neighbours raised issue with the size of two (2) trees situated adjacent to the rear boundary of Lot 7. These trees are identified as a Jacaranda (*Jacaranda mimosifolia*) and a Weeping Fig (*Ficus benjamina*). It was suggested by the neighbours that these trees should be removed as they are overgrown and conflict with the adjusted side boundaries and fencing of the development. An agreement was reached between the applicant and the neighbours that these trees would be removed.
- It was noted that side and rear fencing is in a dilapidated state. It was agreed by both parties that should the development be approved, a condition will be included in the consent to ensure new boundary fencing will be provided at the cost of the developer and the fencing is to be 1.8 metres high and be comprised of lapped and capped timber.

**ITEM 3 (continued)**

- An issue was raised by the adjoining residents regarding the flat roof design proposed by the detached dwelling house and its impact on the streetscape. It was explained to the objectors that there is no basis to preclude the development from incorporating such a design in this instance and that there are many other examples of flat roofs in the City of Ryde. This issue is discussed in detail under the 'Submissions' section of the report.
- Concern was also raised by the neighbours in relation to the blade walls that bisect the first floor street facing balconies associated with each dwelling of the dual occupancies. The blade wall results in the balconies provided for each dwelling in the dual occupancies being separated and that this could possibly lead to the dwelling being used as a boarding house. It was explained by Council officers that the purpose of the blade wall was considered to promote building articulation and visual interest of the buildings and would not have a significant impact on the use. Further to this, it was communicated by Council officers that a specific condition would be imposed in any consent of the development to prevent any unauthorised use of the dwellings.

On 19 December 2017, amended architectural plans were submitted to Council in response to the mediation. Each of the design amendments agreed to at the mediation were undertaken as anticipated with the exception of the void area issue. It was Council's Officers expectation that the void area would be deleted in its entirety. However only half of the void area above the living area of Dwelling 1 (located in the dual occupancy on Lot 5) had been deleted resulting in a smaller than anticipated reduction in bulk and scale. Figure 8 includes a 3D drawing of the dual occupancy demonstrating the reduction in bulk and scale. The applicant has submitted a written justification for this design change noting that the design will have minor impact to the neighbour at 91 Balaclava Road in terms of shadowing and privacy. The sill height of windows associated with the void area measures 3.38 metres from the finished floor level of the ground floor. Therefore, there is no possibility for overlooking to occur from these windows.

### ITEM 3 (continued)



**Figure 8.** 3D view of the dual occupancy on Lot 5 showing the reduction in size of the rear void area.

The objectors who attended the mediation were subsequently notified of the amended development on 4 January 2018. A total of three (3) submissions were received from neighbours. One (1) was submitted in support and two (2) was submitted in objection.

### 7. Submissions

The proposal was notified in accordance with Development Control Plan 2014 - Part 2.1, Notification of Development Applications from 6 March 2017 to 29 March 2017 generating three (3) submissions. A discussion of these issues is no longer warranted given the development has undergone significant design changes in response to Council's initial correspondence to the applicant dated 22 March 2017.



**ITEM 3 (continued)**Submissions regarding notification of amended plans of development (issued 3 August 2017)

The amended plans that were submitted on 3 August 2017 were notified from 14 August 2017 to 30 August 2017 generating two (2) submissions. A further three (3) submissions were received after the conclusion of the notification period. The issues raised in these submissions are summarised below:

**A. Front and boundary fencing.** *No details of the front fence are shown on the plans. The rear boundary fence will require replacing which should be undertaken by the developer.*

Comment: Front fencing is proposed to extend along the road frontages of each site and consists of rendered brick piers and an undisclosed infill material. Given the lack of detail provided in relation to materials, Council considers it appropriate to impose a condition in any consent for the development to require the front fence to maintain a height of 1 metre and comply with the design requirements of RDCP 2014. (See condition number 20).

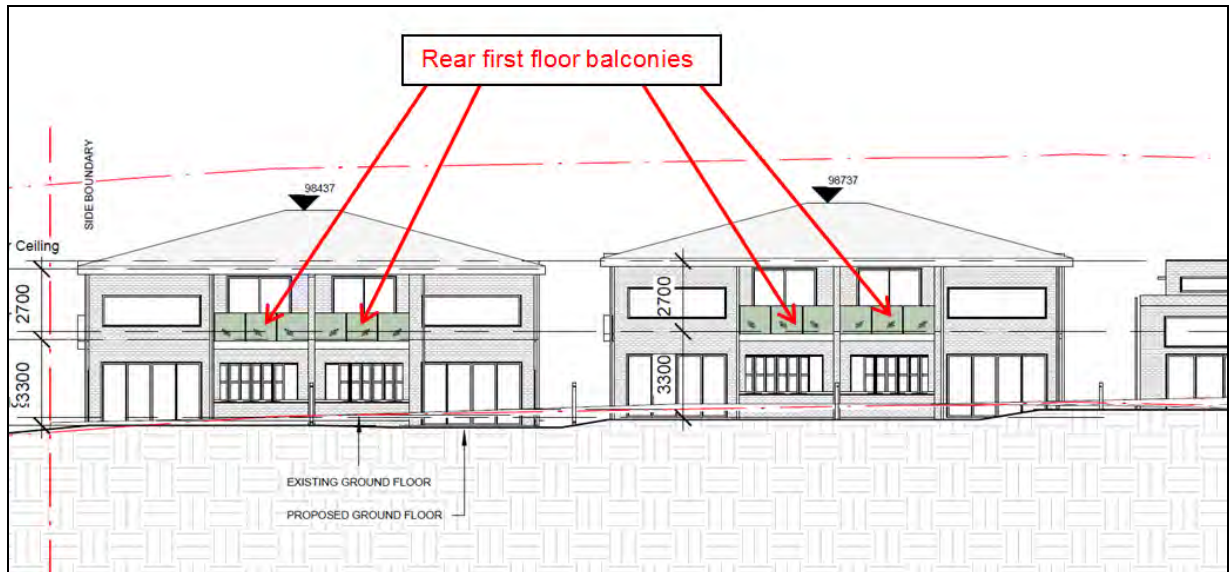
A condition of consent is also proposed to require that all boundary fencing is to be replaced at the applicant's expense. The fence will be 1.8 metres high and be comprised of lapped and capped timber. (See condition number 21)

**B. Privacy.** *We strongly oppose the rear first floor balconies due to visual and acoustic privacy and amenity impacts on our living and private open space areas. The rear balconies should be removed.*

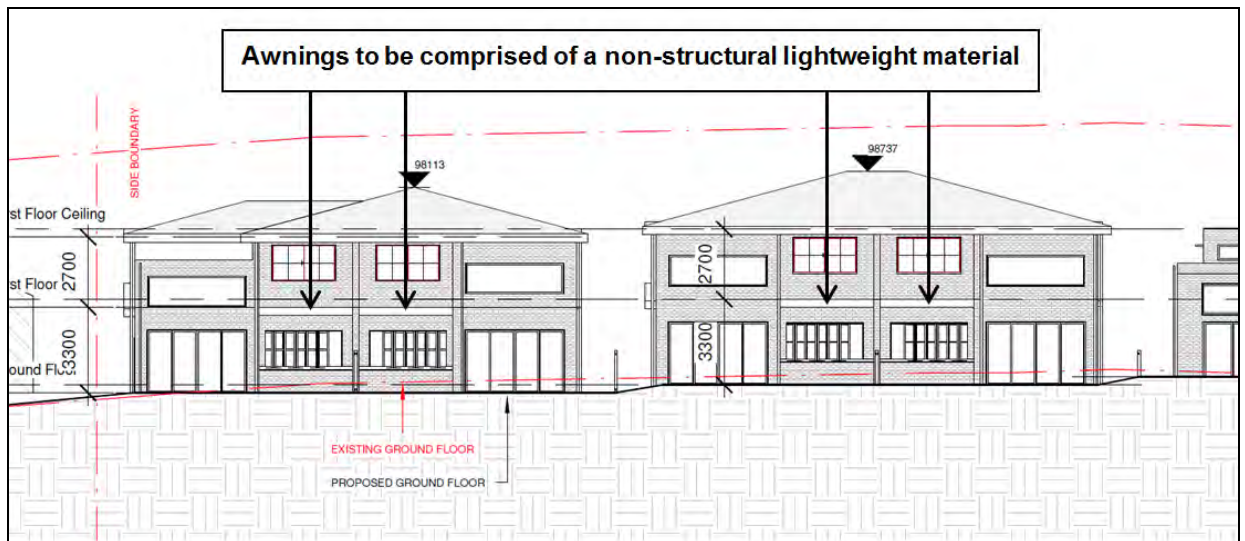
Comment: At the mediation meeting held on 11 December 2017 it was agreed by the applicant and neighbours that the rear balconies associated with the dual occupancy dwellings (demonstrated in Figure 9) would be deleted to address the issue of privacy. The amended plans of the development illustrating the balcony deletions are shown in Figure 10.

In addition, in further discussions between Council Officers and the applicant, it was agreed to impose a condition of consent to require the awnings above each of the rear terrace areas to be comprised of a non-structural lightweight material to limit the potential for the establishment of balconies in the future (refer to Figure 10). (See condition number 21).

**ITEM 3 (continued)**



**Figure 9.** The originally submitted development showing rear balconies to the dual occupancy dwellings.

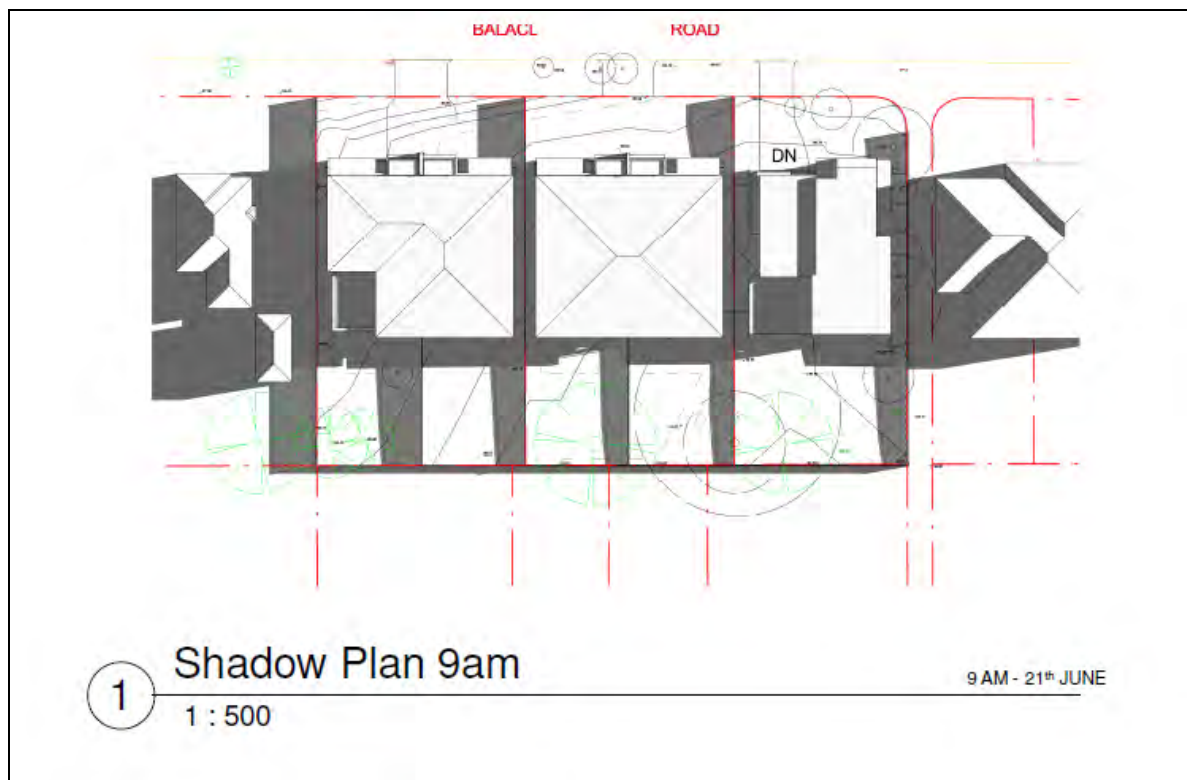


**Figure 10.** The amended development showing the deletion of rear balconies to the dual occupancy dwellings.

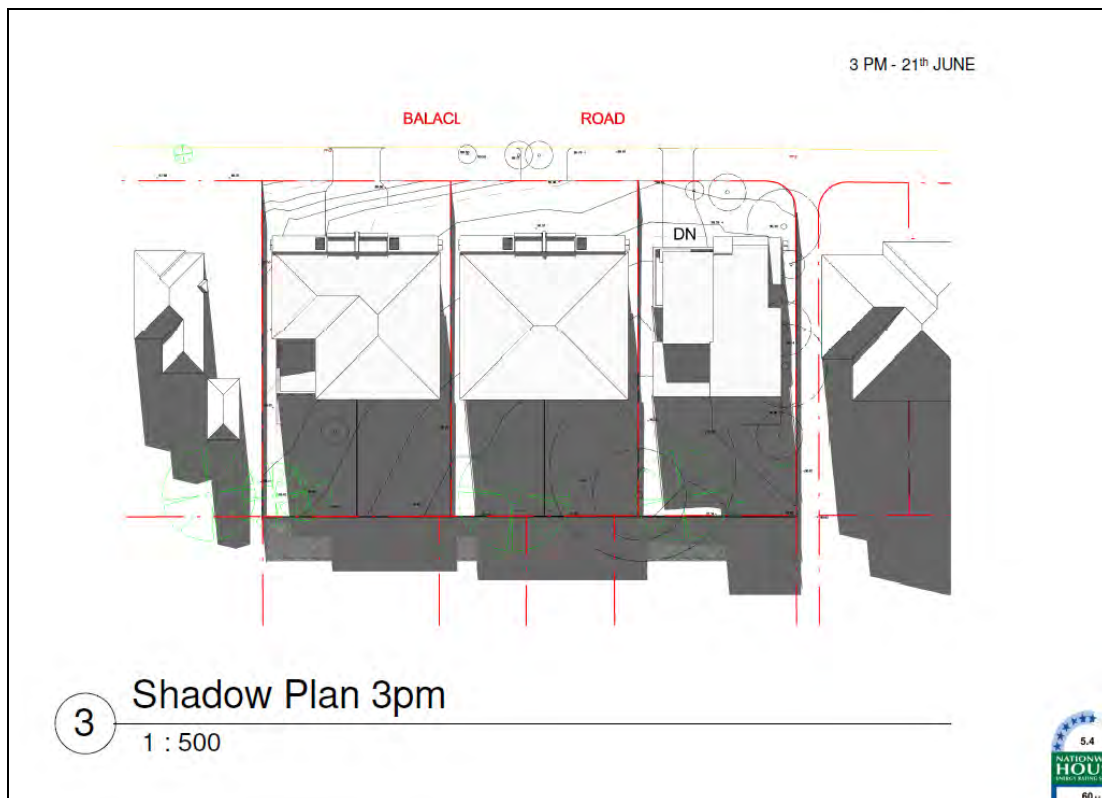
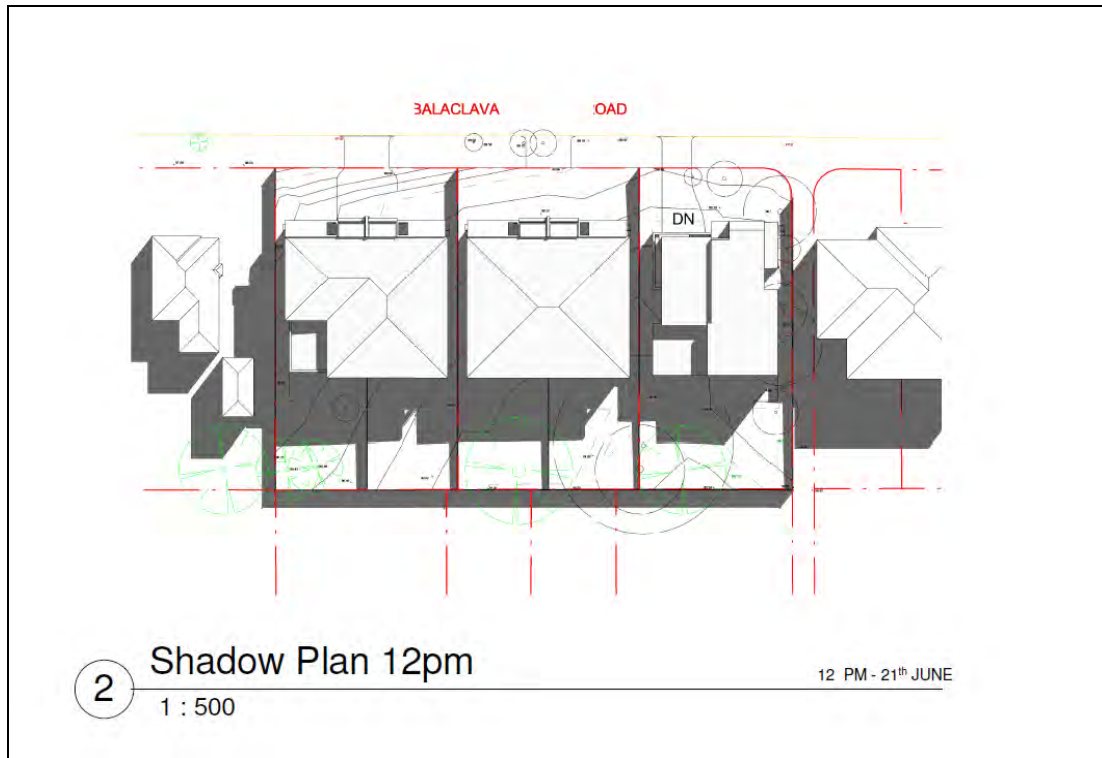
**ITEM 3 (continued)**

**C. Overshadowing.** *Floor to ceiling heights of the development should be reduced due to overshadowing impact to properties at the rear.*

Comment: The floor to ceiling heights of the development is generally 3 metres at the ground floor and 2.7 metres at the first floor which is typical of low density residential development and compliant with the floor to ceiling height control contained in RDCP 2014. The submitted sun shadow diagrams (shown in Figure 11) indicate that the rear yards of neighbouring properties will remain unaffected by shadow during 3 hours of the day (from 9am to 3pm). It is also acknowledged that the development complies with the relevant control in RDCP 2014 which requires a minimum of 2 hours of sunlight between 9am and 3pm on June 21. From 3pm onwards, only relatively small parts of the neighbouring rear yards would be impacted by shadow. The degree of impact is therefore not unreasonable in the circumstances and the suggestion to reduce the floor to ceiling heights of the development is therefore not warranted.



**ITEM 3 (continued)**



**Figure 11.** Sun shadow diagrams of the development.

**ITEM 3 (continued)**

***D. Notification of the amended development.*** *The amended development should have been withdrawn and a new development application lodged instead.*

*The notification letter does not clarify the nature of changes to the development in relation to the original proposal and does not include Nos 95 and 97 Balaclava Road in the site address.*

Comment: The *Environmental Planning and Assessment Regulations 2000* (The Regulations) specifies that a development application may be amended or varied by the applicant with the agreement of the consent authority at any time before the application is determined. In this regard, no objection is raised to the continued assessment of the amended development application.

The site address indicated on the notification letter to surrounding properties was a typographical error and should have made reference to two other sites including 95 and 97 Balaclava Road). The attached plans clearly indicated that the proposal was for all three sites and the issue was discussed with the objector to ensure there was no confusion about the subject site. It should also be noted that when the amended plans following the mediation were renotified the correct address was used.

***E. Roof design.*** *The style of building is not in keeping with surrounding properties.*

Comment: The two dual occupancies proposed by this development incorporate hipped roof forms and various projecting elements within the facades that are not unlike that of the existing dwelling houses aligning this portion of Balaclava Road.

While the flat roof form of the proposed dwelling house (located on Lot 7) is not a feature in the immediate area, it has been applied to many recently constructed and approved dwelling house and dual occupancy developments throughout the Local Government Area.

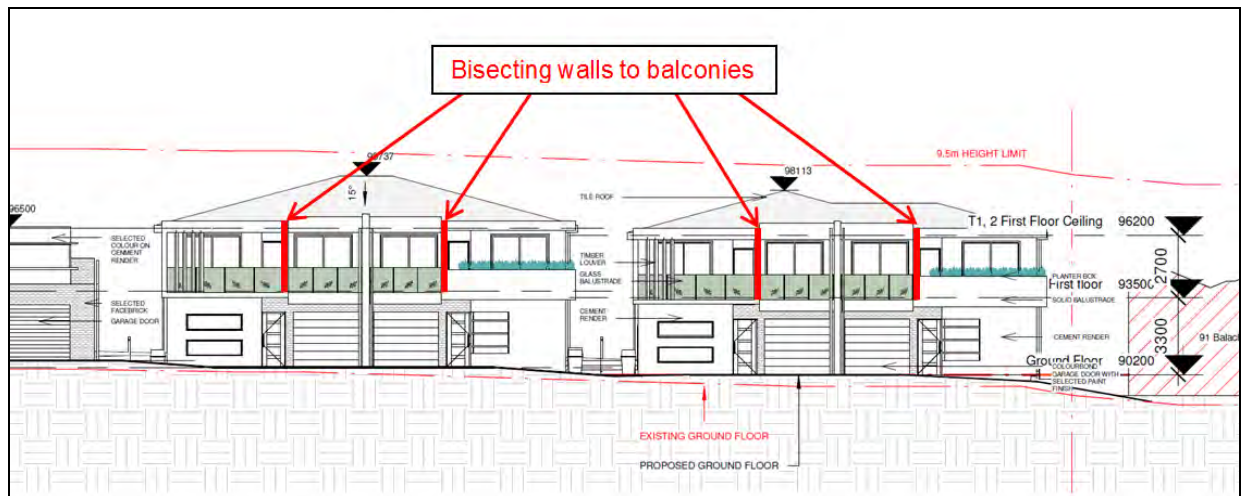
It is also noted that the subject lots are not subject to any constraints that would preclude the establishment of flat roof forms. Specifically, the subject lots are not heritage items, are not located in a heritage conservation area, have no perceived heritage significance and are not identified as being located in any special character area prescribed by Council's planning instruments.

No objection is raised to the proposed roof form.

***F. Wall bisecting the front balcony.*** *There is a wall between the front balconies of bedrooms 1 and 2. This is an unusual feature if the residence is expected to be used by only one family.*



**ITEM 3 (continued)**



**Figure 12.** Bisecting wall to the street facing balconies of the dual occupancy dwellings.

Comment: The abovementioned design feature results in articulation of the front façade to create visual interest and is not considered to significantly impact the use of the dwelling. Notwithstanding, a condition will be imposed in the development consent to ensure that each dwelling within the development shall only be used for the purpose of a single dwelling. (See condition number 77)

**G. Provision of parking and vehicle access.** Each dwelling within the dual occupancy development only provides a single garage and no provision for stacked parking in front of the garage. No turnaround area is provided for vehicles to enter and leave. The original proposal for multi dwelling housing included turnaround areas.

Comment: The parking requirements specified for dual occupancy development under RDCP 2014 require a minimum of one (1) parking space to be provided to serve each dwelling. The development complies with this requirement. Despite compliance being achieved, further amendments to the development were undertaken as a result of the mediation meeting held on 11 December 2017. The amendment included an increase in the size of the driveways servicing each of the dual occupancy developments to create additional space for each dwelling. The issue of parking provision is considered to be resolved by this design amendment.

With regard to vehicle access, entry and exit in a forward direction to sites containing a dual occupancy development is not a mandatory requirement under Council's planning instruments. Nonetheless, Council's Senior Development and Traffic Engineers have assessed the vehicle access arrangements and the impact on traffic flow arising from the development and has determined that the provision of vehicle turnaround areas is unnecessary in the circumstances on the basis of the following:



**ITEM 3 (continued)**

- Adequate sight distances are maintained for vehicles reversing out of the subject lots to approaching traffic given the extent of the 'No-Stopping' zone across the frontages of the development.
- The traffic lane is setback 3.5m from the kerb and permits vehicles exiting the sites to reverse into the setback and wait for through traffic to pass before entering the flow of traffic (refer to Figure 13).
- A significant majority of existing developments of comparable scale within Balaclava Road do not provide turning bays facilities.
- A recent traffic count of southbound and northbound vehicle movements indicates that traffic levels are considered low given the classification of the roadway as a sub arterial road.



**Figure 13.** View of the demarcated setback from kerb to the traffic lane marked in 'red'.

**ITEM 3 (continued)**

**H. The public interest.** *The development is not in the public interest.*

Comment: The development will provide an increase in dwelling capacity by proposing a total of two additional dwellings over the yield provided by the existing development on the lots. The increase in dwelling yield proposed by the development is considered to the key direction set out by the State Government's plan to accommodate the increasing demand for housing in the Sydney metropolitan for the next 20 years ('A Plan for Growing Sydney'). The development (as amended) is considered to maximise the development potential of the subject sites. Moreover, the neighbouring properties surrounding the subject sites will maintain a suitable level of amenity as detailed in the compliance table at Attachment 1. For these reasons, the development is considered to be in the public interest.

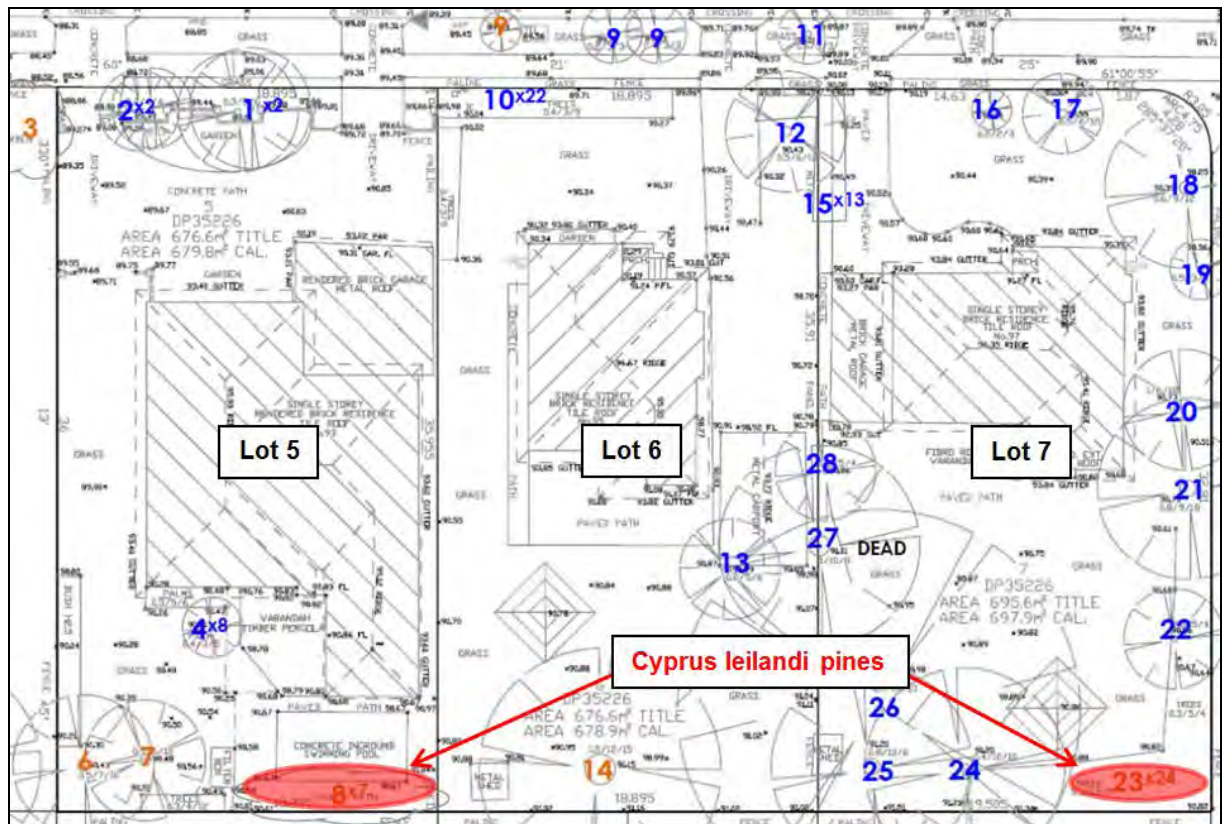
**I. Bulk and scale.** *Large void areas are provided to each dual occupancy and add visual bulk.*

Comment: Refer to comments in response to amended plans issued 14 December 2017.

**J. Tree retention.** *We are concerned that a number of large *Cyprus leilandi* pines at the rear of the properties are being retained which cause significant shading of the neighbouring properties that face Irene Crescent.*

Comment: Two groups of *Cyprus leilandi* pines are located adjacent to the rear boundary of Lot 5 and Lot 7. The submitted landscape plan indicates that both groups are to be removed and replaced by screen plantings in the form of shrubs and trees. The replacement plantings will not result in any significant shadowing over the properties that face Irene Crescent.

**ITEM 3 (continued)**



**Figure 14.** Plan identifying the location of the subject pines (*Cyprus leilandi*).

Submissions regarding notification of amended plans of development in response to mediation (issued 14 December 2017)

**A. Boundary fencing.** The plans still show the current boundary fences to be retained in a number of places.

Comment: A condition of consent has been imposed to ensure that all side and rear boundary fencing is replaced at the applicant's expense. (See condition number 22)

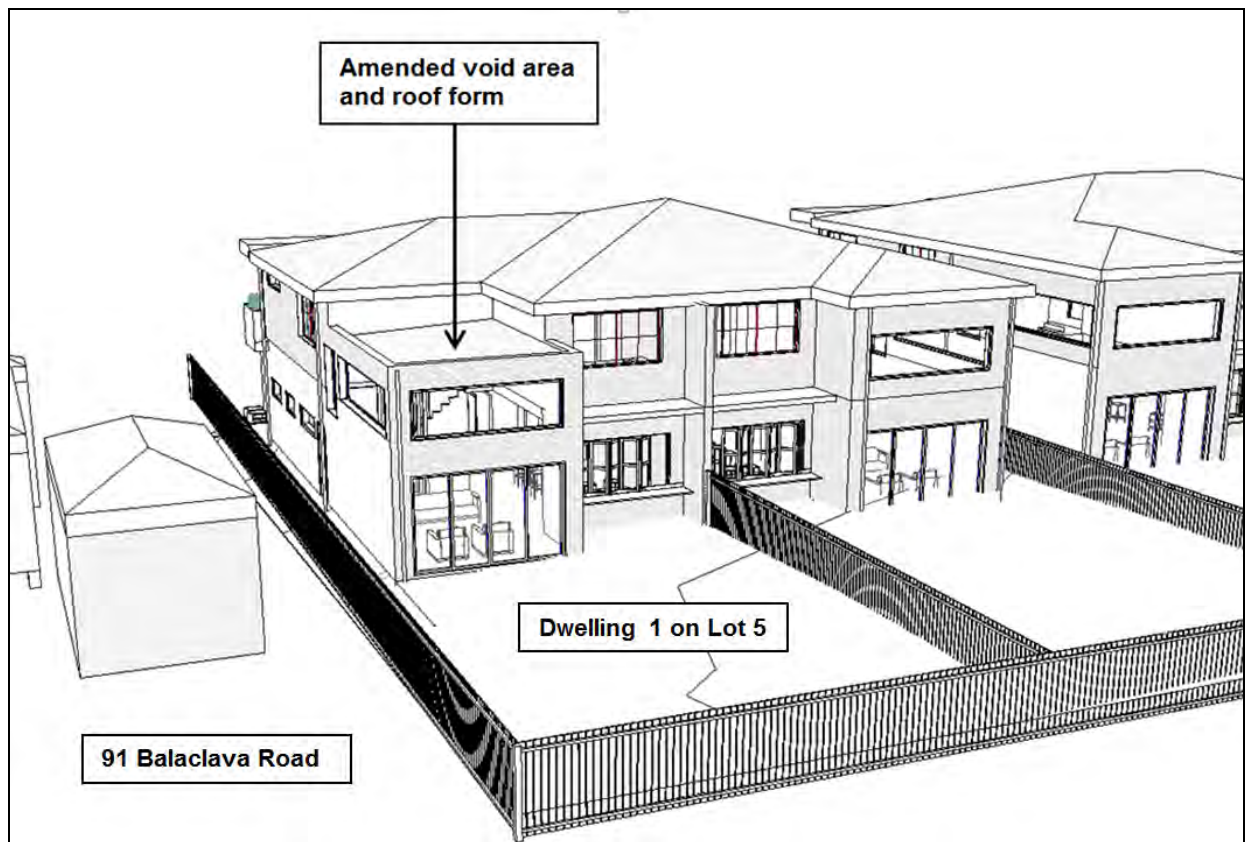
**B. Bulk and scale.** Dwellings D2, D3 and D4 are still bulky and boxy with no articulation as large first floor void areas remain unchanged.

Comment: The issue of bulk and scale was raised by a number of neighbours located to the west (91 Balaclava) and to the rear of the development sites (properties facing Irene Crescent).



**ITEM 3 (continued)**

It was determined at the mediation that the void above the rear living area of Dwelling 1 (located in the dual occupancy on Lot 5) would potentially impact the amenity of the neighbouring property to the west (known as 91 Balaclava Road). Council Officers advised that no such impacts would be posed by the other dwellings of the development that included the void areas as they are setback a significant distance from the neighbouring properties (being setback 9.9m from the rear boundary shared by properties that face Irene Crescent). The applicant was therefore advised to remove the void area to Dwelling 1.



**Figure 15.** Amended design of Dwelling 1 showing a reduction in size of the void area and the roof form.

The design of Dwelling 1 was subsequently amended by reducing the scale of the void area and incorporating a flat roof in place of the hipped roof form. The reduction in bulk and scale to Dwelling 1 is demonstrated in Figure 15. The decrease in the void will result in a minor reduction in overshadowing to 91 Balaclava Road and it will also result in the bulk and scale and the visual impact of the development being improved as viewed from 91 Balaclava Road. Given that the dwelling on 91 Balaclava Road is setback at least 6 metres from the common boundary, the bulk and scale as proposed with the amended plans is considered acceptable.

**ITEM 3 (continued)**

**C. Privacy.** *The street facing balcony and first floor window negatively impacts our privacy.*

Comment: The resident in question is located at 91 Balaclava Road and makes reference to the west elevation of Dwelling 1 (located in the dual occupancy on Lot 5). It is considered appropriate to install a 1.8 metre high privacy screen on the western side of balcony to ensure view lines are redirected to the street and not the neighbour's property. This requirement shall be enforced as a condition of consent. (See condition number 19).

The first floor window alluded to in the submission is associated with 'Bed 3' and is identified as window '1-08' (refer to First Floor plan). It is noted that this window is associated with a non-living area of the dwelling and is therefore exempt from the privacy controls of RDCP 2014. Notwithstanding this, the applicant has agreed to undertake privacy measures to the window in order to address the issue of concern raised by the neighbour. In this regard the glazed portion of the window shall be made obscure to a height of 1.5 metres as measured from finished floor level to ensure view lines are appropriately redirected. It is recommended that this requirement be included as a condition of consent. (See condition number 19).

**8. Clause 4.6 Request for Variation**

No request for a variation under clause 4.6 of RLEP 2014 is required for this application.

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

The site is zoned R2 Low Density Residential. The proposed dual occupancies and detached dwelling house development is permissible with Council's Development Consent.

The objectives of the R2 Low Density Residential 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.

### ITEM 3 (continued)

The proposed development is consistent with the objectives of the zone.

#### Mandatory Requirements

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

Clause 4.1 - Minimum subdivision lot size: RLEP 2014 specifies objectives for minimum subdivision lot sizes. The clause makes reference to the LEP maps when determining a minimum lot size. The minimum subdivision lot size based on the LEP maps is 580sqm. The size of the subject lots as a result of the boundary adjustments will be 727sqm, 726sqm and 604sqm which comply with the requirements of this clause.

Clause 4.1B - Minimum lot sizes for dual occupancies: RLEP 2014 specifies minimum lot size requirements for dual occupancy developments including a road frontage equal to or greater than 20m and a site area of 580sqm. Dual occupancy developments are proposed on Lot 5 and 6. The boundary adjustment to these lots will ensure that the lots will have a frontage of 20.2 metres. The requirements of this clause are therefore satisfied by the proposed development.

Clause 4.3 – Height of buildings: RLEP 2014 prescribes a maximum height of 9.5m for the subject site. The development proposes a maximum building height of 8.36 metres. The heights associated with each building of the development are shown in the following table:

Lot	Building height (metres)
5	8.36
6	8.28
7	6.89

Clause 4.34(2) & 4.4A(1) – Floor Space Ratio (FSR): RLEP 2014 specifies that development on each of the subject sites must have a floor space ratio no greater than 0.5:1. The development proposes a compliant FSR on each of the subject lots which is shown in the table below:

Lot	Floor Space Ratio
5	0.49:1
6	0.5:1
7	0.49:1



**ITEM 3 (continued)****(b) Relevant State Environmental Planning Policies and Regional Environmental Plans**State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A compliant BASIX Certificate has been submitted and the development satisfies the commitments listed in the schedule. The proposal therefore complies with the requirements of SEPP (BASIX) 2004.

State Environmental Planning Policy 55 – Remediation of land

The requirements of SEPP 55 were considered in the assessment of the application. The site has historically been used for residential purposes and is not located in close proximity to any known contaminated land. Furthermore, it is noted that the proposed development seeks to continue a low density residential land use. Council's officers consider that an appropriate level of investigation has been carried out and the site is suitable to accommodate the proposed development with respect to the relevant requirements of the SEPP.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The site is located within the designated hydrological catchment of Sydney Harbour and therefore is subject to the provisions of the above SREP. However, the site is not located on the foreshore or adjacent to the waterway and therefore, the objectives of the SREP are not applicable to the proposed development.

**(c) Any Draft Local Environmental Plan**

There are no draft planning instruments that apply to the subject site.

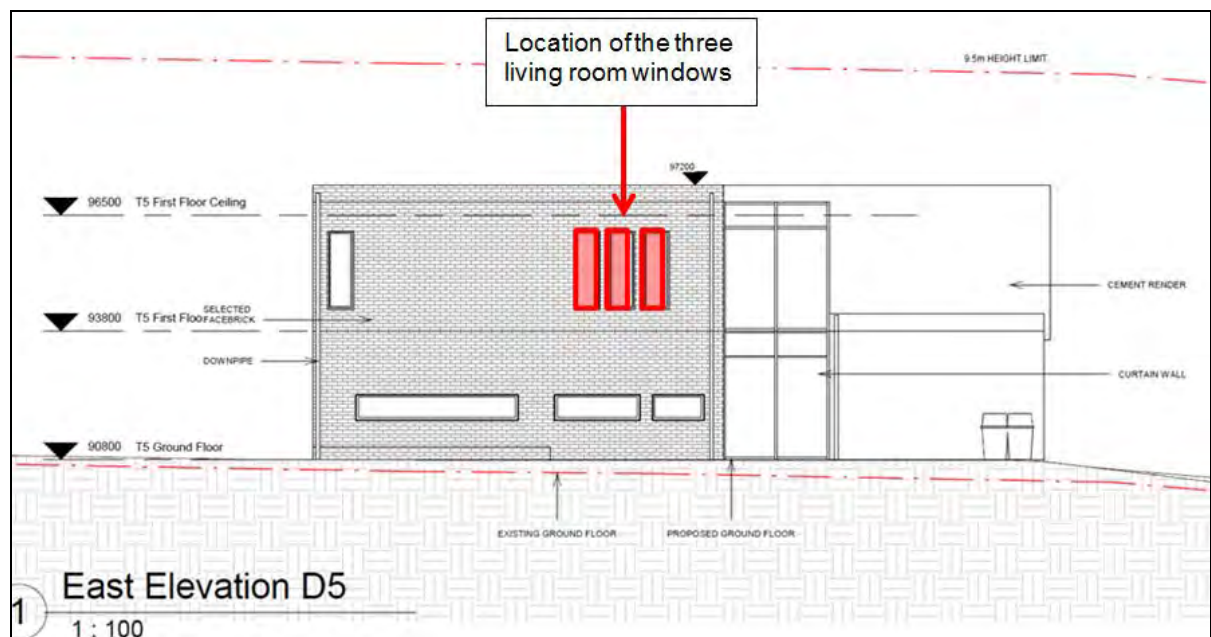
**(d) The provisions of any Development Control Plan applying to the land**Ryde Development Control Plan 2014 (RDCP 2014)

A full assessment of the proposal under RDCP 2014 is illustrated in the compliance table held at **ATTACHMENT 1**. The non-compliances identified in the table are assessed below.

**ITEM 3 (continued)**

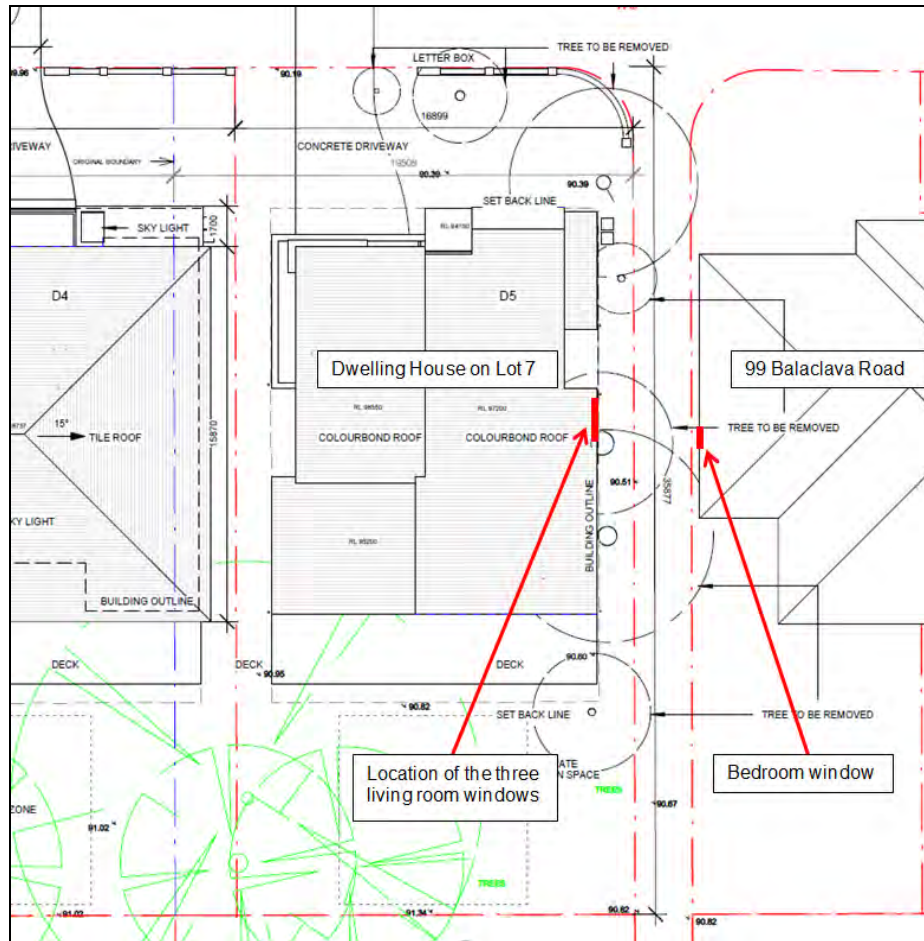
Visual privacy

The east elevation of the proposed dwelling house on Lot 7 contains three (3) first floor living room windows as demonstrated in Figure 16. These windows face a first floor window of the neighbouring dwelling at 99 Balaclava Road (shown in Figure 17). In order to prevent overlooking to the adjoining property, it is recommended that a condition be imposed to provide a high sill window instead of these three windows. (See condition number 19)



**Figure 16.** The first floor living room windows of Lot 7 hi-lighted in 'red'.

**ITEM 3 (continued)**



**Figure 17.** Approximate location of windows in relation to neighbouring dwelling.

**(e) Section 94 Contributions Plan 2007 (as amended)**

Council's current Section 94 Development Contributions Plan 2007 (Interim Update 2014) effective 10 December 2014 requires a contribution for the provision of various additional services required as a result of increased development density/ floor area. The contribution is based on the number of additional dwellings there are in the development proposal.

The contributions that are payable with respect to the additional dwellings (being for residential uses outside the Macquarie Park area) associated with the two dual occupancy developments are as follows:

**ITEM 3 (continued)**

<b>A</b>	<b>B</b>
Community & Cultural Facilities	\$8,455.48
Open Space & Recreation Facilities	\$20,815.70
Civic & Urban Improvements	\$7,079.82
Roads & Traffic Management Facilities	\$965.72
Cycleways	\$603.24
Stormwater Management Facilities	\$1,917.40
Plan Administration	\$162.64
<b>The total contribution is</b>	<b>\$40,000.00</b>

**10. Likely impacts of the Development**
**(a) Built Environment**

All relevant issues have been addressed either under the DCP and Submissions headings.

**(b) Natural Environment**

Eighteen (18) out of twenty-two (22) onsite trees are proposed to be removed as they are in conflict with the proposed building envelopes, are in poor health and condition, are exempt due to size under RDCP 2014 and pose safety and amenity issues to surrounding properties. The species of onsite trees proposed to be removed include Portugese Laurel, Cabbage Tree, Leyland Cypress, Spotted Gum, Native Daphne, Norfolk Island Pine, Jacaranda, Mahonia, Queensland Brush Box, Broad Leafed Paperbark, Crimson Bottlebrush, Weeping Fig and Camphor Laurel. Council's Consultant Landscape Architect have raised no issue with the proposed tree removal and have endorsed the original landscape concept which remains consistent with the currently proposed Landscape Plan. Conditions are recommended for inclusion in any consent for the development to ensure the existing trees to be retained are appropriately protected throughout the construction phase of the development. (See condition numbers 39 to 45, 61 and 62)

In addition, four (4) street trees identified as 3 x *Melaleuca linarifolia* and 1 x *Celtis occidentalis* are proposed to be removed. Figure 18 demonstrates these trees. Council's Tree Officer has assessed the subject street trees and raises no issue to their removal subject to a number of standard conditions relating to the planting of replacement trees. (See condition number 25).

### ITEM 3 (continued)



**Figure 18.** View of the street trees proposed for removal.

The development proposes replacement plantings in the form of shrubs and trees throughout the front and rear setbacks of each lot. Four (4) replacement street trees are to be planted at regular intervals along the Balaclava Road frontage.

The development is considered to preserve the natural environment where reasonable and adequately accommodates the removal of trees through replacement plantings within the front and rear setbacks of each lot.

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

A review of Council's map of Environmentally Sensitive Areas indicates that the site is not affected by any constraints. The site is considered suitable for the development.

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

Having regard to the assessment contained in this report, it is considered that approval of the development would not be contrary to the public interest, subject to compliance with the recommended conditions of consent.



### ITEM 3 (continued)

#### 13. Consultation – Internal and External

##### Internal Referrals

**Senior Co-ordinator – Development Engineering:** Council's Development Engineer has raised no objection to the application subject to the imposition of conditions in the consent relating to stormwater management, vehicle access and parking and subdivision. (See condition numbers 33 to 37, 50, 51, 64 to 66, 72 to 76, and 78 to 85)

**City Works & Infrastructure (CW&I):** The submitted traffic report prepared by NK Traffic and dated December 2016 (Rev F, 27/7/17) was assessed by Council's Traffic Engineers. It was noted that a net increase (at most) of 2 vehicle trips per hour would be generated by the proposal compared to the existing development on the subject sites. This was concluded by Council's Traffic Engineer to pose a negligible impact on the road network.

It was also noted that vehicles associated with the development would need to make a forward-in and reverse-out manoeuvre to and from Balaclava Road. While this arrangement is not ideal, it was acknowledged that this is no different from the arrangements of existing developments located along Balaclava Road. Council's Traffic Engineers considers this arrangement to be acceptable.

**Consultant Landscape Architect:** Has raised no objection to the proposed tree removal and landscape concept plan. Conditions are recommended to be included in any consent to ensure trees to be retained are protected throughout the construction phase of the development. (See condition numbers 39 to 45, 61 and 62)

**Tree Officer:** Has raised no objection to the proposed street tree removal subject to the inclusion of a condition to require the replacement planting of four (4) street trees in suitable locations along the Balaclava Road frontage. A bond shall also be required for the maintenance of the replacement street trees. (See condition number 25)

##### External Referrals

#### 14. Critical Dates

There are no critical dates or deadlines to be met.

#### 15. Financial Impact

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



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

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

The recommendation in this report is approval subject to conditions. The only practical alternative would be a recommendation of **refusal**. In this regard however there are not considered to be any reasons that could be used to substantiate the refusal of the development application.

#### **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.

The development complies with all of Council's numeric requirements in respect to the planning controls. There is one non-compliance in respect of window placement in the dwelling house on Lot 7 which would result in potential overlooking to 99 Balaclava Road. This issue has however been addressed via a condition of consent to ensure a high light window is provided.

Prior to this development being considered by the Planning & Environment Committee, mediation occurred between the neighbours and the applicant. This mediation resulted in most of the issues being raised originally by the objectors being satisfied. This has been demonstrated by the amended plans which were exhibited to the objectors and Council receiving three (3) submissions. One (1) of these submissions supported the proposed development with two (2) against the development.

Approval of this application is recommended subject to the conditions contained in **ATTACHMENT 2**.

**ITEM 3 (continued)**

**ATTACHMENT 1**

**ATTACHMENT 1 – RLEP and RDCP Compliance Table**

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

<b>LDA No:</b> LDA2017/0228	<b>Date Plans Rec'd:</b> 12/12/17
<b>Address:</b> 93, 95 and 97 Balaclava Road Eastwood	
<b>Proposal:</b> Boundary adjustments and construction of two dual occupancy developments, a single detached dwelling and front fencing	
<b>Constraints Identified:</b> nil	

**COMPLIANCE CHECK**

Ryde LEP 2014	Proposal	Compliance
<b>4.1 Minimum lot size</b>		
580sqm	Site area Lot 7 (Dwelling house) = 604sqm	Yes
<b>4.1B Minimum lot sizes for dual occupancies</b>		
Road frontage = 20 metres (min) Site area = 580sqm (min)	Road frontages Lot 5 (Dual occupancy) = 20.2m Lot 6 (Dual occupancy) = 20.2m  Site area Lot 5 = 727sqm Lot 6 = 726sqm	Yes
<b>4.3(2) Height</b>		
9.5m	Lot 5 = 8.36m Lot 6 = 8.28m Lot 7 = 6.89m	Yes Yes Yes
<b>4.4(2) &amp; 4.4A(1) FSR</b>		
0.5:1	Lot 5 = 0.49:1 (359.76sqm) Lot 6 = 0.5:1 (359.76sqm) Lot 7 = 0.49:1 (298.31sqm)	Yes Yes Yes

DCP 2014	Proposed	Compliance
<b>Part 3.3 - Dwelling Houses and Dual Occupancy (attached)</b>		
<b>Desired Future Character</b>		
Development is to be consistent with the desired future character of the low density residential areas.	The proposed development is consistent with the desired future character of the low density residential area as	Yes

**ITEM 3 (continued)**

**ATTACHMENT 1**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Compliance</b>
	detailed further in this table.	
<b>Dwelling Houses</b>		
- To have a landscaped setting which includes significant deep soil areas at front and rear.	Front and rear gardens proposed for each development	Yes
- Maximum 2 storeys.	Each development is two storeys.	Yes
- Dwellings to address street	Each development presents to street and garages are setback appropriately.	Yes
- Garage/carports not visually prominent features.		Yes
<b>Alterations and Additions</b>		
- Design of finished building appears as integrated whole.	n/a	
- Development to improve amenity and liveability of dwelling and site.		
<b>Public Domain Amenity</b>		
<b>Streetscape</b>		
- Front doors and windows are to face the street. Side entries to be clearly apparent.	Front doors and windows of each development face street.	Yes
- Single storey entrance porticos.	Single entrance portico provided to each dwelling.	Yes
- Articulated street facades.	Street façades are well articulated.	Yes
<b>Public Views and Vistas</b>		
- 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 >900mm.	No water views exist from the development sites.	
<b>Pedestrian &amp; Vehicle Safety</b>		
- Car parking located to accommodate sightlines to footpath & road in	No issue has been raised by Council's City Works & Infrastructure department	Yes

**ITEM 3 (continued)**

**ATTACHMENT 1**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Compliance</b>
accordance with relevant Australian Standard. - Fencing that blocks sight lines is to be splayed.	regarding vehicle movements and traffic. 1m high front fencing is proposed which would not obscure sightlines to the street.	
<b>Site Configuration</b>		
<b>Deep Soil Areas</b>		
- 35% of site area min.	Permeable (deep soil) area Lot 5 and 6 = 46% (337.29sqm) Lot 7 = 48% (287.6sqm)	Yes
- Min 8x8m deep soil area in backyard.	Achieved.	Yes
- Front yard to have deep soil area (only hard paved area to be driveway, pedestrian path and garden walls).	Achieved.	Yes
- Dual occupancy developments only need 1 of 8 x 8m area (doesn't have to be shared equally).	Sufficient area provided in rear yards of dual occupancy developments.	Yes
<b>Topography &amp; Excavation</b>		
Within building footprint: - Max cut: 1.2m - Max fill: 900mm	Within BF Max cut: 580mm Max fill: 580mm	Yes
Outside building footprint: - Max cut: 900mm - Max fill: 500mm - No fill between side of building and boundary or close to rear boundary - Max ht retaining wall 900mm	Outside BF Max cut: 680mm Max fill: 500mm	Yes
<b>Floor Space Ratio</b>		
Ground floor	Lot 5 = 235.24sqm Lot 6 = 235.24sqm Lot 7 = 200.57sqm	
First floor	Lot 5 = 160.52sqm Lot 6 = 160.52sqm Lot 7 = 133.74sqm	
Detached car parking structures	n/a	
Outbuildings (incl covered	n/a	

**ITEM 3 (continued)**

**ATTACHMENT 1**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Compliance</b>
pergolas, sheds etc)		
Total (Gross Floor Area)	Lot 5 = 395.76sqm Lot 6 = 395.76sqm Lot 7 = 334.31sqm	
Less 36m <sup>2</sup> (double) or 18m <sup>2</sup> (single) allowance for parking	Lot 5 = 359.76sqm Lot 6 = 359.76sqm Lot 7 = 298.31sqm	
<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>	Lot 5 = 0.49:1 Lot 6 = 0.5:1 Lot 7 = 0.49:1	Yes Yes Yes
<b>Height</b>		
- 2 storeys maximum (storey incl basement elevated greater than 1.2m above EGL).	Each development is two storeys.	Yes
- 1 storey maximum above attached garage incl semi-basement or at-grade garages.	Achieved.	Yes
Wall plate (Ceiling Height) - 7.5m max above FGL or - 8m max to top of parapet <i>NB: TOW = Top of Wall EGL = Existing Ground Level FGL = Finished Ground Level</i>	Lot 5 = 6.41m Lot 6 = 6.13m Lot 7 = 6.89m	Yes
9.5m Overall Height <i>NB: EGL = Existing Ground Level</i>	Lot 5 = 8.36m Lot 6 = 8.28m Lot 7 = 6.89m	Yes
Habitable rooms to have 2.4m floor to ceiling height (min).	2.7m to 3m.	Yes
<b>Setbacks</b>		
<b>SIDE</b> <b>Single storey dwelling</b> - 900mm to wall - Includes balconies etc	n/a	

**ITEM 3 (continued)**

**ATTACHMENT 1**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Compliance</b>
<b>SIDE</b> <b>First floor addition</b> - 1500mm to wall - Includes balconies etc	n/a	
<b>SIDE</b> <b>Two storey dwelling</b> - 1500mm to wall - Includes balconies etc	Lot 5 = 1500mm Lot 6 = 1500mm Lot 7 = 1500mm	Yes
Side setback to <b>secondary frontage</b> (cnr allotments): 2m to façade and garage/carports	n/a	
<b>Front</b> - 6m to façade (generally) - Garage setback 1m from the dwelling façade - Wall above is to align with outside face of garage below. - Front setback free of ancillary elements eg RWT, A/C	Lot 5 = 6.1m Lot 6 = 6.1m Lot 7 = 6.1m	Yes
<b>Rear</b> - 8m to rear of dwelling <b>OR</b> 25% of the length of the site, whichever is greater. <b>Note: 8.96m is 25% of site length.</b>	Lot 5 = 9.9m Lot 6 = 9.9m Lot 7 = 9.9m	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	
<b>Outbuildings – not applicable</b>		



**ITEM 3 (continued)**

**ATTACHMENT 1**

DCP 2014	Proposed	Compliance
<b>Car Parking &amp; Access</b>		
<b>General</b> <ul style="list-style-type: none"> <li>- Dwelling: 2 spaces max, 1 space min.</li> <li>- Dual Occupancy (attached): 1 space max per dwelling.</li> <li>- Where possible access off secondary street frontages or laneways is preferable.</li> <li>- Max 6m wide or 50% of frontage, whichever is less.</li> <li>- Behind building façade.</li> </ul>	Double garage proposed for detached dwelling house. Single garage and open space on to serve each dual occupancy dwelling. n/a  Achieved.  Garages setback behind front building line by 1m.	Yes  Yes  Yes  Yes
<b>Garages</b> <ul style="list-style-type: none"> <li>- Garages setback 1m from façade.</li> <li>- Total width of garage doors visible from public space must not exceed 5.7m and be setback not more than 300mm behind the outside face of the building element immediately above.</li> <li>- Garage windows are to be at least 900mm away from boundary.</li> <li>- Free standing garages are to have a max GFA of 36m<sup>2</sup></li> <li>- Materials in keeping or complimentary to dwelling.</li> </ul>	Setback from façade: 1m  Combined width of opening: 4.8m  n/a  n/a  Materials: consistent with new dwelling.	Yes  Yes     Yes
<b>Carpports</b> <ul style="list-style-type: none"> <li>- Sides 1/3 open (definition in BCA)</li> <li>- Design &amp; materials compatible with dwelling.</li> </ul>	n/a	
<b>Parking Space Sizes (AS)</b> <ul style="list-style-type: none"> <li>o Double garage: 5.4m wide (min)</li> <li>o Single garage: 3m w(min)</li> <li>o Internal length: 5.4m (min)</li> </ul>	Achieved for each dwelling.	Yes
<b>Driveways</b> Extent of driveways minimised	Achieved.	Yes
<b>Semi-basement Car Parking</b>	n/a	

**ITEM 3 (continued)**

**ATTACHMENT 1**

DCP 2014	Proposed	Compliance
<ul style="list-style-type: none"> <li>- Ramps must start 2m from the boundary (not on public land).</li> <li>- Walls are not to extend beyond walls of dwelling above.</li> </ul>		
<b>Swimming Pools &amp; Spas – not applicable</b>		
<b>Landscaping</b>		
<b>Trees &amp; Landscaping</b>		
<ul style="list-style-type: none"> <li>- Major trees retained where practicable</li> </ul>	Eighteen (18) onsite trees and four (4) street trees are proposed to be removed. Four (4) onsite trees located adjacent to the rear boundaries of each lot are to be retained. No issue has been raised by Council's consultant landscape architect.	Yes
<ul style="list-style-type: none"> <li>- Physical connection to be provided between dwelling and outdoor spaces where the ground floor is elevated above NGL eg. stairs, terraces.</li> </ul>	Provided.	Yes
<ul style="list-style-type: none"> <li>- Obstruction-free pathway on one side of dwelling (excl cnr allotments or rear lane access)</li> </ul>	Provided.	Yes
<ul style="list-style-type: none"> <li>- Front yard to have at least 1 tree with mature ht of 10m min and a spreading canopy.</li> </ul>	All trees within the front yard of each site are proposed to be removed. The landscape plan does not indicate the planting of trees within the front setbacks of the development. A condition shall be included in the consent to require a suitable tree to be planted in the front setback of each lot.	Yes
<ul style="list-style-type: none"> <li>- Back yard to have at least 1 tree with mature ht of 15m min and a spreading canopy.</li> </ul>	A combination of existing trees and new trees are proposed to be planted in the rear yards of each lot.	Yes
<ul style="list-style-type: none"> <li>- Hedging or screen planting</li> </ul>	Screen planting is provided in	Yes

**ITEM 3 (continued)**

**ATTACHMENT 1**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Compliance</b>
on boundary mature plants reaching no more than 2.7m. - OSD generally not to be located in front setback unless under driveway.	appropriate locations along the perimeter of each lot.  Achieved.	Yes
- Landscaped front garden, with max 40% hard paving	Lot 5 = 63% Lot 6 = 63% Lot 7 = 67%	Yes Yes Yes
<b>Landscaping for lots with Urban Bushland or Overland Flow constraints</b> - Where lot is adjoining bushland protect, retain and use only native indigenous vegetation for distance of 10m from bdy adjoining bushland. - No fill allowed in overland flow areas. - Fences in Overland Flow areas must be of open construction so it doesn't impede the flow of water.	No issue raised by Council's development engineer.	Yes
<b>Dwelling Amenity</b>		
<b>Daylight and Sunlight Access</b> - Living areas to face north where orientation makes this possible. - 4m side setback for side living areas where north is to the side allotment boundary.	Primary living areas on the ground floor of each dwelling will have access to northern sun. n/a	Yes
<u>Subject Dwelling:</u> - 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.	Achieved.	Yes
- Private Open space of subject dwelling is to receive at least 2 hours sunlight between 9am and	Achieved.	Yes

**ITEM 3 (continued)**

**ATTACHMENT 1**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Compliance</b>
3pm on June 21.  <u>Neighbouring properties are to receive:</u> - 2 hours sunlight to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21. - 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.	Achieved.  Achieved.	Yes  Yes
<b>Visual Privacy</b> - Orientate windows of living areas, balconies and outdoor living areas to the front and rear of dwelling. - Windows of living, dining, family etc placed so there are no close or direct views to adjoining dwelling or open space.  - Side windows offset from adjoining windows. - Terraces, balconies etc are not to overlook neighbouring dwellings/private open space.	Achieved.  First floor living windows on east elevation of the proposed detached dwelling faces a first floor window of the neighbouring dwelling at 99 Balaclava. It is considered appropriate to require these windows to be made obscure to 1.5m to ensure view lines are redirected. Achieved.  Achieved.	Yes  Yes, subject to condition to require privacy measure.  Yes Yes
<b>Acoustic Privacy</b> 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.	Achieved.	Yes
<b>View Sharing</b> - The siting of development is to provide for view sharing.	Achieved.	Yes

**ITEM 3 (continued)**

**ATTACHMENT 1**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Compliance</b>
<b>Cross Ventilation</b> - Plan layout is to optimise access to prevailing breezes and to provide for cross ventilation.	Achieved.	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.	The dual occupancies propose traditional hipped roof forms and the detached dwelling proposes an articulated flat colorbond roof.  No issue is raised with regard to the proposed roof designs as they are considered to be well articulated and promote variation within the streetscape.	Yes
<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). - Max 1.8m high if 50% open (any solid base max 900mm). - Retaining walls on front bdy max 900mm. - No colorbond or paling Max width of piers 350mm.	1m high front fencing is proposed along the frontages of each lot comprised of rendered brick piers with an undisclosed infill material.  A condition shall be included in the consent to ensure the infill material is semi-transparent.  n/a  n/a	Yes

**ITEM 3 (continued)**

**ATTACHMENT 1**

<b>DCP 2014</b>	<b>Proposed</b>	<b>Compliance</b>
<b>Side/rear fencing:</b> - 1.8m max o/a height.	It is anticipated that a large proportion if not all of the side and rear fencing will require replacing. A condition will be included in the consent to require replacement fencing and new side fencing to comply with the design requirements of this plan. 1.8m high and comprised of lapped and capped timber.	Yes subject to condition.
<b>Special requirements for Battleaxe Lots – not applicable</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 &amp; Floodplain Management</b>		
Drainage is to be piped in accordance with Part 8.2 - Stormwater & Floodplain Management.	No issue has been raised by Council's development engineer.	Yes
<b>Part 9.2- Access for People with Disabilities</b>		
Accessible path required from the street to the front door, where the level of land permits.	Not warranted given the scale of development proposed.	
<b>Part 9.5 – 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.	Refer to comment under assessment of 'Landscaping'.	Yes
<b>BASIX</b>		



**ITEM 3 (continued)**

**ATTACHMENT 1**

All ticked "DA plans" commitments on the BASIX Certificate are to be shown on plans (list) <b>BASIX Cert # dated</b> <b>ABSA Cert #</b> <ul style="list-style-type: none"> <li>• RWT 5000L</li> <li>• Swimming Pool             <ol style="list-style-type: none"> <li>1. &lt;28kL</li> <li>2. outdoors</li> </ol> </li> <li>• Thermal Comfort Commitments – Construction.</li> <li>• TCC – Glazing.</li> <li>• Solar Gas Boosted HWS w/41-45 RECS+</li> <li>• HWS Gas Instantaneous 5 star.</li> <li>• Natural Lighting             <ol style="list-style-type: none"> <li>1. kitchen</li> <li>2. bathrooms ()</li> </ol> </li> </ul>	Complies	Yes
Water Target 40 Energy Target 40	Water: 41 Energy: 53	Yes Yes
Correct description of property/proposal on 1 <sup>st</sup> page of Certificate.	Details are correct.	Yes

**Demolition – not applicable**

**Summary of Issues/Non compliances:**

- Visual privacy

**Certification**

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

Name Roy Wong

Date: 9 January 2018

**ITEM 3 (continued)**

**ATTACHMENT 2**

**Draft Conditions of Consent**

**GENERAL**

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

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

<b>Document Description</b>	<b>Date</b>	<b>Plan No/Reference</b>
Site Plan	12/12/2017	Drawing Number 1001. Rev H
Ground Floor	12/12/2017	Drawing Number 2001. Rev H
First Floor (with amendments in red)	12/12/2017	Drawing Number 2002. Rev H
Long Elevations	12/12/2017	Drawing Number 2004. Rev H
Dwelling 1 & 2 Elevation (with amendments in red)	12/12/2017	Drawing Number 2010. Rev H
Dwelling 3 & 4 Elevation	12/12/2017	Drawing Number 2012. Rev H
Dwelling 5 Elevation (with amendments in red)	12/12/2017	Drawing Number 2014. Rev H
Section A & B	12/12/2017	Drawing Number 2015. Rev H
Site Management Plan Site Analysis Plan	17/12/17	Plan No. 1743LAN1B Sheet 1 of 3
Landscape Concept Plan (with amendments in red)	17/12/17	Plan No. 1743LAN2AB Sheet 2 of 3
Landscape Details	17/12/17	Plan No. 1743LAN3B Sheet 3 of 3

**ITEM 3 (continued)**

**ATTACHMENT 2**

<b>Document Description</b>	<b>Date</b>	<b>Plan No/Reference</b>
Legend, Notes, Details, Calculations	28.07.2017	Job No 302018, DWG No. D1, Issue A
Details, Calculations	28.07.2017	Job No 302018, DWG No. D2, Issue A
Stormwater Management Plan – No 93	28.07.2017	Job No 302018, DWG No. D3, Issue A
Stormwater Management Plan – No 95	28.07.2017	Job No 302018, DWG No. D4, Issue A
Stormwater Management Plan – No 97	28.07.2017	Job No 302018, DWG No. D5, Issue A
Erosion and Sediment Control Plan	28.07.2017	Job No 302018, DWG No. E1, Issue A

2. **Tree removal/retention.** The removal and retention of street trees and onsite trees shall be in accordance with the approved Site Management Plan/Site Management Plan, identified as 1743LAN1B, Sheet 1 of 3 and dated 17/12/17.
3. **Wildlife associated with tree removal.** A suitably qualified professional shall be engaged to capture and relocate any wildlife that is displaced from the removal of onsite trees associated with the development.
4. **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.
5. **BASIX.** Compliance with all commitments listed in the BASIX Certificate numbered 844942M dated 31 July 2017.
6. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - (a) Protect and support the adjoining premises from possible damage from the excavation, and
  - (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.

**ITEM 3 (continued)**

**ATTACHMENT 2**

7. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
8. **Hoardings.**
  - (a) A hoarding or fence must be erected between the work site and any adjoining public place.
  - (b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
9. **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.
10. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
11. **Public Utilities.** The development shall comply 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.
12. **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.
13. **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.
14. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
15. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public 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.
16. **Road Opening Permit.** The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) required within the road reserve. No works shall be carried out on the footpath without this permit being paid and a copy kept on the site.

**ITEM 3 (continued)**

**ATTACHMENT 2**

**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.

17. **Boundary adjustment.** The boundary realignment of the lots must be finalised (issued subdivision certificate and registered with LPI) prior to the issue of the Construction Certificate.
18. **Section 94 Contribution for development.** 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	\$8,455.48
Open Space & Recreation Facilities	\$20,815.70
Civic & Urban Improvements	\$7,079.82
Roads & Traffic Management Facilities	\$965.72
Cycleways	\$603.24
Stormwater Management Facilities	\$1,917.40
Plan Administration	\$162.64
<b>The total contribution is</b>	<b>\$40,000.00</b>

These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 Interim Update, effective from 1 November 2017.

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.

**ITEM 3 (continued)**

**ATTACHMENT 2**

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

19. **Privacy measures.** The following privacy measures shall be undertaken to the development.
- A single highlight window shall replace the three (3) first floor living room windows located on the east elevation of the proposed detached dwelling house (located on Lot 7). The sill of the window shall be no less than 1.5 metres as measured from the finished floor level of the first floor.
  - The window to Bed 3 located on the first floor of Dwelling 1 (located in the dual occupancy on Lot 5) shall be comprised of obscure glazing to a height of 1.5 metres as measured from the finished floor level of the first floor.
  - A 1.8 metre high privacy screen shall be installed on the western side of the balcony to Dwelling 1. The total area of all openings shall be no more than 30% of the surface area of the screen or barrier and no individual opening shall be more than 30mm wide.
20. **Design of fencing.** The design of fencing is to be in accordance with Council's DCP 2014: Part 3.3 – Dwelling Houses and Dual Occupancy (attached) – Section 2.16 - Fences. Specifically:
- The front fence shall be limited to a height of 1m and the infill portion must comprise an open, lightweight material.
  - Side and rear boundary fencing shall be limited to 1.8m in height and shall comprise a lapped and capped timber design.
21. **Design of rear awnings to dual occupancy dwellings.** The awnings situated above the rear terraces associated with the dual occupancies of the development shall be comprised of a non-structural and lightweight material. Details demonstrating compliance with this requirement shall be submitted to the PCA for approval prior to the issue of the Construction Certificate.
22. **Replacement of boundary fencing.** All side and rear fencing bordering the development sites shall be replaced in accordance with the design requirements specified in Condition 20. All costs associated with the replacement of boundary fencing shall be borne by the developer.



**ITEM 3 (continued)**

**ATTACHMENT 2**

23. **Fibre-ready facilities and telecommunications infrastructure.** Prior to the issue of the Construction Certificate in connection with a development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Certifying Authority that arrangements have been made for:

- (i) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lands. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose.
- (ii) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

(Note real estate development project has the meaning given in Section 372Q of the Telecommunication Act).

24. **Tree planting – front yard.** One (1) Australian native tree with a minimum size of 35 litres to be planted in the front setback of each development lot. The trees must reach a height of 10m at maturity. Details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of a **Construction Certificate**.

25. **Street tree removal/replacement.** Three (3) Snow-in-Summer (*Melaleuca linarifolia*) and one (1) Celtis (*Celtis occidentalis*) located on the nature strip at 95 Balaclava Road shall be removed and replaced as part of this development in accordance with the following:

- Four (4) Lophostemon confertus (Brush Box) shall be planted in the road reserve to replace the lost amenity.
- All relevant legislation and WHS regulations shall be adhered to whilst undertaking these works.
- The pot size of the replacement trees shall be no less than 45 litres at the time of planting.
- The trees shall be planted in accordance with Section 6 of Council's Tree Management Technical Manual.
- The trees shall be planted in appropriate locations so as not to impede the line of sight for vehicles entering and exiting the driveways of the development sites.
- The replacement street trees shall be in place prior to the issue of the Occupation Certificate.

**ITEM 3 (continued)**

**ATTACHMENT 2**

- The owner of the property shall maintain the trees for the first 12 months after the issue of the Occupation Certificate.
  - A bond shall be placed upon each of the trees to the value of \$1,000.00 and must be paid to Council prior to the commencement of construction. The bond shall be redeemable no sooner than 12 months after the Occupation Certificate has been issued.
  - Council's Tree Management Officer must inspect the trees prior to the bond being released.
  - The trees shall be in good health and vigour upon inspection.
  - If the trees are found to be in poor condition or has not been planted as specified, the bond shall not be released.
26. **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**.
27. **Compliance with BCA with respect to fire safety.** The shared wall between the dwellings of each dual occupancy development shall be a fire separating wall in accordance with the Building Code of Australia with an FRL of 60/60/60. Details demonstrating compliance with this requirement shall be submitted to the PCA for approval prior to the issue of the **Construction Certificate**.
28. **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**.
29. **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)
30. **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

**ITEM 3 (continued)**

**ATTACHMENT 2**

31. **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**.
32. **Sydney Water – Building Plan Approval.** The plans approved as part of the Construction Certificate must also be approved by Sydney Water prior to excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Please go to [www.sydneywater.com.au/tapin](http://www.sydneywater.com.au/tapin) to apply.
33. **Driveway Access Levels.** The applicant is to apply to Council, pay the required fee, and have issued site specific driveway access levels by Council prior to the issue of the Construction Certificate.
34. **External Engineering Works.** To facilitate satisfactory and safe access to and from the proposed development, the following public infrastructure works shall be constructed at no cost to Council along the entire public road frontage of the site.
  - a) Construction of concrete footpath paving and replacement of all damaged kerb and gutter etc.
  - b) Construction of any other associated structures across the footway if required by Council's Civil Infrastructure & Integration Department.
  - c) Relocation or adjustments of any services within the footpath area if required due to proposed works

Detailed engineering plans prepared by a qualified and experienced civil engineer in accordance with Development Control Plan 2014 Part 8.5 - Public Civil Works are to be submitted to, and approved by Council.

Engineering plans assessment and inspections fee associated with this work are payable in accordance with Council's Management Plan prior to approval being issued by Council.

35. **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 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.

**ITEM 3 (continued)**

**ATTACHMENT 2**

36. **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).
37. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to the kerb in Balaclava Road, generally in accordance with the plans by Storm Civil Consulting Pty Ltd. (Refer Project No. 302018 Dwgs D1 to D5 Iss. A dated 28 July 2017).

The detailed plans, documentation and certification of the drainage system must be submitted with the application for a Construction Certificate and are to be prepared by a chartered civil engineer and comply with the following;

- The certification must state that the submitted design (including any associated components such as pump/ sump, absorption, onsite dispersal, charged system) are in accordance with the requirements of AS 3500.3 (2003) and any further detail or variations to the design are in accordance with the requirements of City of Ryde DCP 2014 Part 8.2 (Stormwater 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.

**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 3 (continued)**

**ATTACHMENT 2**

39. **Tree protection.** All tree protection works including installation of any fencing is to be undertaken prior to any demolition or site clearing works on site.
40. **Project Arborist.** A Project Arborist with minimum AQF level 5 qualifications is to be engaged to ensure adequate tree protection measures are put in place for all trees to be retained on the subject site and neighbouring allotments in accordance with AS4970-2009 Protection of trees on development sites. All trees are to be monitored to ensure adequate health throughout the construction period is maintained. Additionally, all work within the Tree Protection Zones is to be supervised by the Project Arborist throughout construction. Details of the Project Arborist are to be submitted to Council prior to the commencement of construction.
41. **Stormwater Trench/Pit Locations.** The location of stormwater infrastructure located along the southern side boundary is to be located as far away from existing trees to be retained as practical. Should the excavation for the stormwater pits and trenches conflict with any major structural roots (greater than >25mm diameter) of existing trees, their location and alignment is to be modified in consultation with the Project Arborist to avoid impact. Under no circumstances should roots be severed or cut without prior approval from the Project Arborist.
42. **Underground Utilities.** Any utility services to be located underground within the TPZ are to be undertaken utilising excavation techniques that prevent or minimise damage to structural roots (roots greater than >25 mm diameter). To prevent soil compaction and root damage these works should be conducted with non-motorised hand tools or directional drilling.
43. **Excavation within TPZ.** Any excavation or grading/re-grading within the identified TPZs of trees to be retained shall be carried out by hand using manual, non-motorised hand tools. Roots greater than 25mm are not to be damaged or severed without the prior written approval of the Project Arborist.
44. **Tree protection fencing.** All protective fencing and signage around TPZs must be located in accordance with AS4970: Protection of trees on development sites. In this regard, any fencing required to be constructed around TPZs is to be in accordance with AS46878 Temporary fencing and hoardings.
45. **Tree Protection Schedule.** 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 Ryde City Council on completion of the project.

**ITEM 3 (continued)**

**ATTACHMENT 2**

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	Principal Contractor	Project Arborist	Prior to demolition and site establishment
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

46. **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.
47. **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).

48. **Excavation adjacent to adjoining land**

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



**ITEM 3 (continued)**

**ATTACHMENT 2**

- (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.
49. **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.
50. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.
51. **Footpath Paving Construction.** The applicant shall, at no cost to Council, construct standard concrete footpath paving across the frontage of the property. Levels of the footpath paving shall conform with levels issued by Council's Civil Infrastructure & Integration Department.
52. **Work Zones and Permits.** 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.
53. **Erosion and Sediment Control.** The applicant shall install erosion and sediment control measures in accordance with the approved plan by Storm Civil Consulting Pty Ltd. (Refer Project No. 302018 Dwgs E1 Iss. A dated 28 July 2017) at the commencement of works on the site.

**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.

54. **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*.

**ITEM 3 (continued)**

**ATTACHMENT 2**

55. **Construction noise.** The  $L_{10}$  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.
56. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
57. **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.
58. **Construction materials.** All materials associated with construction must be retained within the site.
59. **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.
60. **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.
61. **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. AS 1742.3-1996 "Traffic Control Devices for Work on Roads".
62. **Tree protection – no unauthorised removal.** This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent.
63. **Tree protection – during construction.** Trees that are proposed to be retained must be protected against damage during construction.

**ITEM 3 (continued)**

**ATTACHMENT 2**

64. **Traffic Management.** Any traffic management procedures and systems must be in accordance with *AS 1742.3 1996* and City of Ryde, Development Control Plan 2014: - Part 8.1; Construction Activities. This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. Accordingly, a detailed plan of traffic management prepared by a traffic engineer including certification indicating compliance are to be submitted with the Construction Certificate application.
65. **Erosion and Sediment Control.** Suitable erosion control management procedures in accordance with the manual “Managing Urban Stormwater: Soils and Construction” by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction. Where construction works deviate from the approved plan, soil erosion and sediment control measures are to be implemented in accordance with the above referenced document.
66. **Stormwater Management - Construction.** The stormwater drainage system on the site must be constructed in accordance with the Construction Certificate version of the Stormwater Management Plan by Storm Civil Consulting Pty Ltd. (Refer Project No. 302018 Dwgs D1 to D5 Iss. A dated 28 July 2017) submitted in compliance to the condition labelled “Stormwater Management”.
67. **Disposal of construction related waste.** Tip dockets identifying the type and quantity of waste disposed/recycled during construction are to be kept in accordance with the Site Waste Minimisation & Management Plan for spot inspections.

The area surrounding the construction site must be maintained to reduce the incidence of illegal dumping and management of litter from the site and workers.

**PRIOR TO OCCUPATION CERTIFICATE**

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

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

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

**ITEM 3 (continued)**

**ATTACHMENT 2**

68. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate.
69. **Landscaping.** All landscaping works approved by this development consent are to be completed prior to the issue of the final **Occupation Certificate**.
70. **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.
71. **Sydney Water – Section 73 Compliance Certificate.** A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Sydney Water will determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. A Section 73 Compliance Certificate must be completed before the issue of any Occupation Certificate. Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.
- Go to [www.sydneywater.com.au/section73](http://www.sydneywater.com.au/section73) or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.
72. **Redundant Footpath Crossing.** The existing footpath crossing(s) and associated gutter crossover(s) which are not accessing approved vehicle access points must be removed and restore kerb and gutter, verge and footway to match existing adjoining sections. All new levels and materials must be flush and consistent with adjoining sections and all costs are to be borne by the applicant. The works must be completed to Councils satisfaction, prior to the issue of any Occupation Certificate.
73. **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.

**ITEM 3 (continued)**

**ATTACHMENT 2**

74. **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.
75. **Compliance Certificates – Engineering.** To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, Compliance Certificates must be obtained for the following items and are to be submitted to the Accredited Certifier prior to the release of any Occupation Certificate. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.
- a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and the City of Ryde DCP 2014, Part 9.3 “Car Parking”.
  - b) Confirming that the Stormwater Management system (including any constructed ancillary components such as onsite detention) servicing the development complies with the City of Ryde DCP 2014 Part 8.2 (Stormwater 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 erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual “*Managing Urban Stormwater: Soils and Construction*” by the NSW Department – Office of Environment and Heritage and the City of Ryde DCP 2014, Part 8.1 “Construction Activities”.
  - e) Compliance certificate from Council confirming that all external works in the public road reserve have been completed to Council’s satisfaction.
76. **On-Site Stormwater Detention System - Marker Plate.** To ensure the constructed On-site detention will not be modified, a marker plate is to be fixed to each on-site detention system constructed on the site. The plate construction, wordings and installation shall be in accordance with City of Ryde 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).

**ITEM 3 (continued)**

**ATTACHMENT 2**

**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.

77. **Use of dual occupancy developments.** The dual occupancy developments are not to be used or adapted for use as a boarding house.

**PRIOR TO SUBDIVISION CERTIFICATE**

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

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

78. **Final Plan of Subdivision.** The submission of a final plan of subdivision plus three copies suitable for endorsement by the Authorised Officer.
79. **Final plan of subdivision - title details.** The final plan of subdivision shall contain detail all existing and/or proposed easements, positive covenants and restrictions of the use of land
80. **Existing Easements and Restrictions.** The applicant must acknowledge all existing easements and restrictions of the use of land on the final plan of subdivision.
81. **Removal of encroachments.** All structures, services etc. are to be wholly contained within the legal property boundaries of each lot. All existing structures and services etc are either to be demolished, relocated and/or have appropriate easement/s registered over the encroachment to ensure their legal operation. Prior to issue of Subdivision Certificate, a certificate shall be obtained from a registered surveyor and submitted to the Principal Certifying Authority to confirm this requirement has been met.
82. **Registration of easements.** The registration of all necessary easements is required to ensure all proposed lots will have legal access to all utility services, drainage and vehicular access. Prior to release of the Subdivision Certificate, certification shall be obtained from a registered surveyor and submitted to Council confirming the above requirement will be met upon registration of the linen plan at the Land and Property Information.



**ITEM 3 (continued)**

**ATTACHMENT 2**

83. **Sydney Water – Section 73 Compliance Certificate.** A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Sydney Water will determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. A Section 73 Compliance Certificate must be completed before the issue of any Occupation Certificate. Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

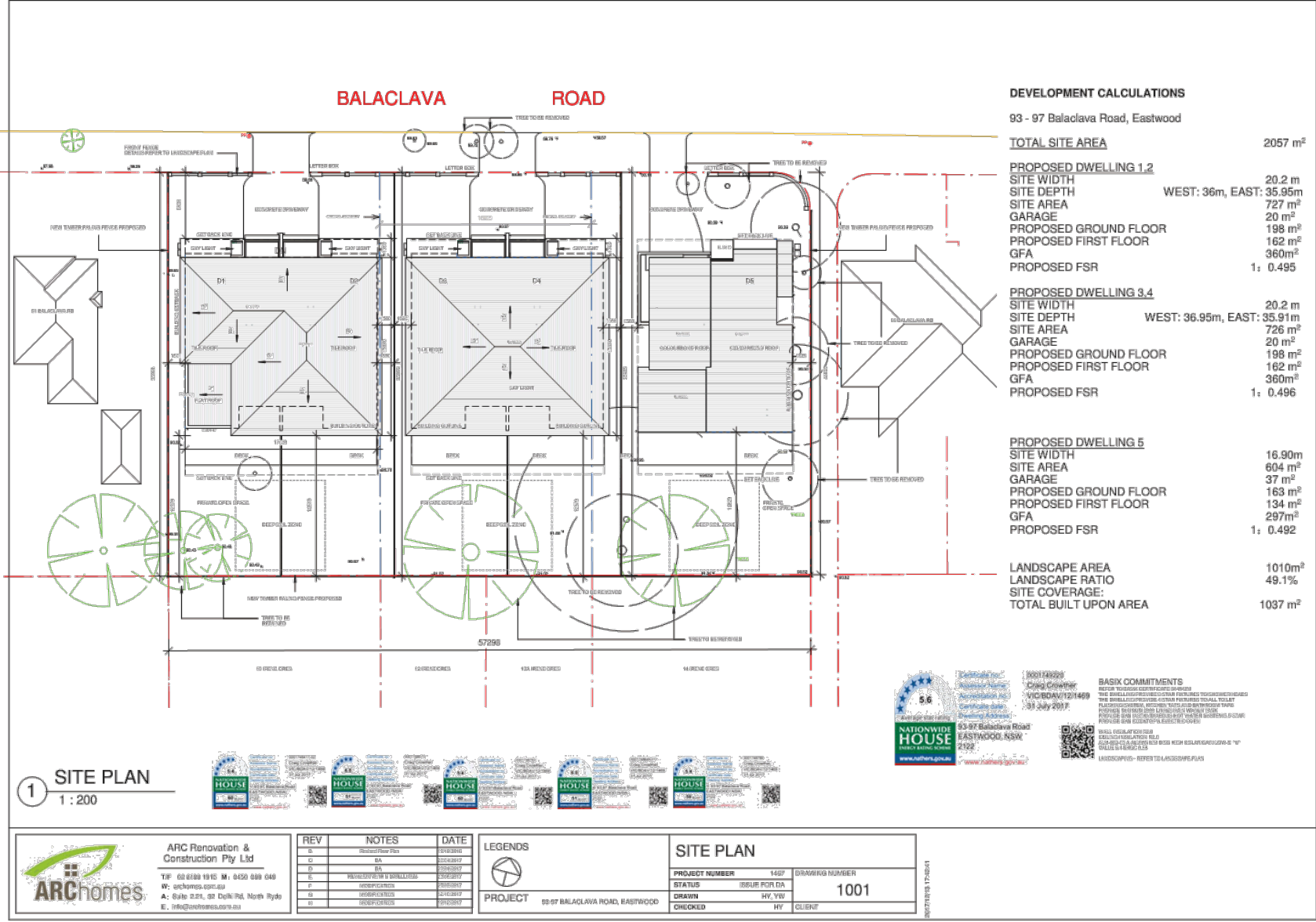
Go to [www.sydneywater.com.au/section73](http://www.sydneywater.com.au/section73) or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

84. **Utility provider** - compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, Council etc).
85. **88B Instrument.** If required, the submission of an instrument under Section 88B of the Conveyancing Act 1919 with 2 copies, creating any Easements, Positive Covenants and Restrictions on use, the City of Ryde being the authority empowered to release vary or modify the same.



ITEM 3 (continued)

ATTACHMENT 4



**ITEM 3 (continued)**

**ATTACHMENT 4**

**2 South Elevation**  
1 : 200

**1 North Elevation**  
1 : 200

**2023 Mayor**  
Craig Crowther  
VIC BOAV/12/1469  
31 July 2017

**36**  
37 Balaklava Road  
Eastwood, NSW  
1512  
www.nathouse.gov.au

**BASIC COMMITMENTS**  
NATHOUSE CERTIFICATION  
THE FOLLOWING INFORMATION IS PROVIDED TO YOU AS REQUIRED TO UNDERSTAND THE NATHOUSE CERTIFICATION AND THE NATHOUSE CERTIFICATION PROCESS. THE NATHOUSE CERTIFICATION PROCESS IS A VOLUNTARY SCHEME AND IS NOT A REQUIREMENT OF ANY LEGISLATION. THE NATHOUSE CERTIFICATION PROCESS IS A VOLUNTARY SCHEME AND IS NOT A REQUIREMENT OF ANY LEGISLATION. THE NATHOUSE CERTIFICATION PROCESS IS A VOLUNTARY SCHEME AND IS NOT A REQUIREMENT OF ANY LEGISLATION.

	<p><b>ARC Renovation &amp; Construction Pty Ltd</b> TF: 60 6388 1915 M: 0450 889 048 W: archomes.com.au A: Suite 2.01, 92 Deakin Rd, North Ryde E: info@archomes.com.au</p>	<table border="1"> <thead> <tr> <th>REV</th> <th>NOTES</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Issue for DA</td> <td>20180801</td> </tr> <tr> <td>2</td> <td>DA</td> <td>20180917</td> </tr> <tr> <td>3</td> <td>DA</td> <td>20190807</td> </tr> <tr> <td>4</td> <td>WORKSHEET 1 SUBMITTED</td> <td>20190807</td> </tr> <tr> <td>5</td> <td>WORKSHEET 2</td> <td>20190807</td> </tr> <tr> <td>6</td> <td>WORKSHEET 3</td> <td>20190817</td> </tr> <tr> <td>7</td> <td>WORKSHEET 4</td> <td>20190807</td> </tr> </tbody> </table>	REV	NOTES	DATE	1	Issue for DA	20180801	2	DA	20180917	3	DA	20190807	4	WORKSHEET 1 SUBMITTED	20190807	5	WORKSHEET 2	20190807	6	WORKSHEET 3	20190817	7	WORKSHEET 4	20190807	<p><b>LEGENDS</b></p> <p> PROJECT 99-97 BALAKLAVA ROAD, EASTWOOD</p>	<p><b>LONG ELEVATIONS</b></p> <table border="1"> <tr> <td>PROJECT NUMBER</td> <td>1467</td> <td>DRAWING NUMBER</td> <td></td> </tr> <tr> <td>STATUS</td> <td>ISSUE FOR DA</td> <td></td> <td>2004</td> </tr> <tr> <td>DRAWN</td> <td>HY_YW</td> <td></td> <td></td> </tr> <tr> <td>CHECKED</td> <td>HY</td> <td>CLIENT</td> <td></td> </tr> </table>	PROJECT NUMBER	1467	DRAWING NUMBER		STATUS	ISSUE FOR DA		2004	DRAWN	HY_YW			CHECKED	HY	CLIENT	
	REV	NOTES	DATE																																									
1	Issue for DA	20180801																																										
2	DA	20180917																																										
3	DA	20190807																																										
4	WORKSHEET 1 SUBMITTED	20190807																																										
5	WORKSHEET 2	20190807																																										
6	WORKSHEET 3	20190817																																										
7	WORKSHEET 4	20190807																																										
PROJECT NUMBER	1467	DRAWING NUMBER																																										
STATUS	ISSUE FOR DA		2004																																									
DRAWN	HY_YW																																											
CHECKED	HY	CLIENT																																										

Agenda of the Planning and Environment Committee Report No. 1/18, dated Tuesday 13 February 2018.

ITEM 3 (continued)

ATTACHMENT 4

**1 East Elevation D 2**  
1: 100

**2 North Elevation D 1 & 2**  
1: 100

**3 South Elevation D 1 & 2**  
1: 100

**4 West Elevation D 1**  
1: 100

REV	NOTES	DATE
1	Issue for DA	20180207
2	Issue for DA	20180207
3	Issue for DA	20180207
4	Issue for DA	20180207
5	Issue for DA	20180207
6	Issue for DA	20180207
7	Issue for DA	20180207
8	Issue for DA	20180207
9	Issue for DA	20180207
10	Issue for DA	20180207

PROJECT	93-97 BALACLAVA ROAD, EASTWOOD
---------	--------------------------------

Dwelling 1 & 2 Elevation	
PROJECT NUMBER	1467
DRAWING NUMBER	2010
STATUS	ISSUE FOR DA
DRAWN	HY, YDY
CHECKED	HY
CLIENT	

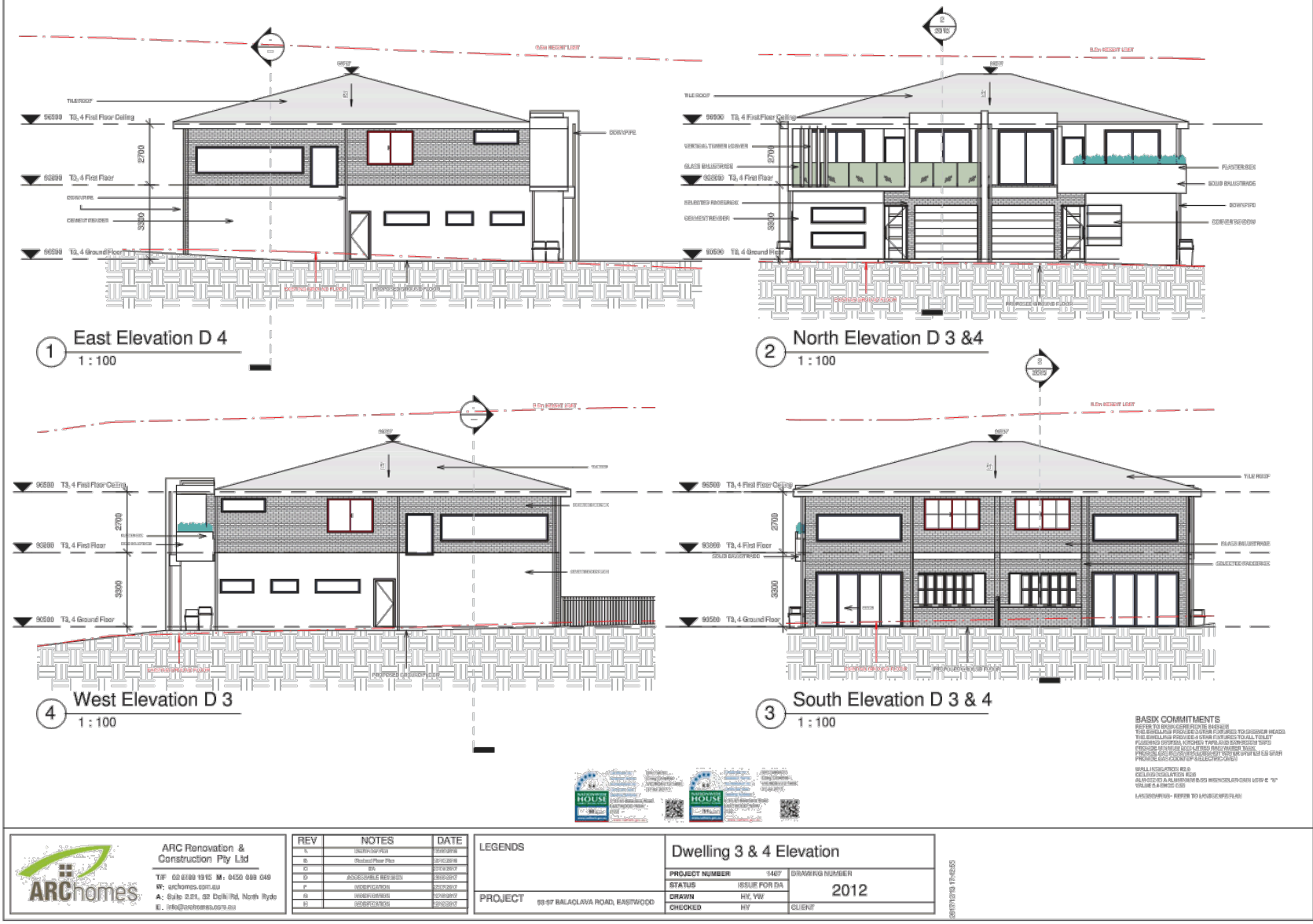
**BASIC COMMITMENTS**

THE DRAWING IS THE PROPERTY OF ARCHOMES PTY LTD. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED. ANY REUSE OR MODIFICATION OF THIS DRAWING WITHOUT THE WRITTEN PERMISSION OF ARCHOMES PTY LTD IS STRICTLY PROHIBITED.



ITEM 3 (continued)

ATTACHMENT 4



**ARC**  
ARChomes

ARC Renovation & Construction Pty Ltd  
 TF: 02 8388 1915 M: 0450 889 048  
 W: arhomes.com.au  
 A: Suite 2.51, 92 Delhi Rd, North Ryde  
 E: info@arhomes.com.au

REV	NOTES	DATE
1	Issue for DA	20120110
2	Issue for DA	20120110
3	Issue for DA	20120110
4	Issue for DA	20120110
5	Issue for DA	20120110
6	Issue for DA	20120110
7	Issue for DA	20120110
8	Issue for DA	20120110
9	Issue for DA	20120110
10	Issue for DA	20120110

LEGENDS
PROJECT 99-97 BALACLAVA ROAD, EASTWOOD

Dwelling 3 & 4 Elevation		
PROJECT NUMBER	1467	DRAWING NUMBER
STATUS	ISSUE FOR DA	2012
DRAWN	HY, VW	
CHECKED	HY	CLIENT





ITEM 3 (continued)

ATTACHMENT 4

1 Shadow Plan 9am  
1 : 500  
9 AM - 21<sup>st</sup> JUNE

2 Shadow Plan 12pm  
1 : 500  
12 PM - 21<sup>st</sup> JUNE

3 Shadow Plan 3pm  
1 : 500  
3 PM - 21<sup>st</sup> JUNE

**BASIC COMMITMENTS**  
 REFER TO BASIC COMMITMENTS REPORT  
 THE SOLARIA PROCESS IS REFERENCED TO DESIGNER HOUSE  
 THE SOLARIA PROCESS IS REFERENCED TO ALL SOLAR  
 DESIGN TO BE USED IN ALL SOLARIA DESIGN TO BE  
 PROVIDED TO THE SOLARIA DESIGNER HOUSE TO BE  
 PROVIDED TO THE SOLARIA DESIGNER HOUSE TO BE  
 PROVIDED TO THE SOLARIA DESIGNER HOUSE TO BE

WELL CONSIDERED BY  
 SOLARIA DESIGNER HOUSE TO BE  
 SOLARIA DESIGNER HOUSE TO BE  
 SOLARIA DESIGNER HOUSE TO BE  
 LANDSCAPE - REFER TO LANDSCAPE PLAN

	ARC Renovation & Construction Pty Ltd TF: 02 8388 1915 M: 0450 889 048 W: archenov.com.au A: Suite 2.51, 92 Deakin Rd, North Ryde E: info@archenov.com.au	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>REV</th> <th>NOTES</th> <th>DATE</th> </tr> </thead> <tbody> <tr><td>1</td><td>Issue for DA</td><td>20/02/17</td></tr> <tr><td>2</td><td>Revised Floor Plan</td><td>20/02/17</td></tr> <tr><td>3</td><td>DA</td><td>27/02/17</td></tr> <tr><td>4</td><td>ARCHITECTURE REVISIONS</td><td>20/02/17</td></tr> <tr><td>5</td><td>ISSUE FOR DA</td><td>20/02/17</td></tr> <tr><td>6</td><td>ISSUE FOR DA</td><td>20/02/17</td></tr> <tr><td>7</td><td>ISSUE FOR DA</td><td>20/02/17</td></tr> </tbody> </table>	REV	NOTES	DATE	1	Issue for DA	20/02/17	2	Revised Floor Plan	20/02/17	3	DA	27/02/17	4	ARCHITECTURE REVISIONS	20/02/17	5	ISSUE FOR DA	20/02/17	6	ISSUE FOR DA	20/02/17	7	ISSUE FOR DA	20/02/17	LEGENDS  PROJECT 99-97 BALAKLAVA ROAD, EASTWOOD	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">SHADOW DIAGRAM</th> </tr> <tr> <th>PROJECT NUMBER</th> <th>DRAWING NUMBER</th> </tr> </thead> <tbody> <tr> <td>1467</td> <td>2020</td> </tr> <tr> <th>STATUS</th> <th>ISSUE FOR DA</th> </tr> <tr> <td>DRAWN HY, VV</td> <td>2020</td> </tr> <tr> <td>CHECKED HY</td> <td>CLIENT</td> </tr> </tbody> </table>	SHADOW DIAGRAM		PROJECT NUMBER	DRAWING NUMBER	1467	2020	STATUS	ISSUE FOR DA	DRAWN HY, VV	2020	CHECKED HY	CLIENT
	REV	NOTES	DATE																																					
1	Issue for DA	20/02/17																																						
2	Revised Floor Plan	20/02/17																																						
3	DA	27/02/17																																						
4	ARCHITECTURE REVISIONS	20/02/17																																						
5	ISSUE FOR DA	20/02/17																																						
6	ISSUE FOR DA	20/02/17																																						
7	ISSUE FOR DA	20/02/17																																						
SHADOW DIAGRAM																																								
PROJECT NUMBER	DRAWING NUMBER																																							
1467	2020																																							
STATUS	ISSUE FOR DA																																							
DRAWN HY, VV	2020																																							
CHECKED HY	CLIENT																																							

**4 PLANNING PROPOSAL - 176 BLAXLAND ROAD, RYDE AND DRAFT DEVELOPMENT CONTROL PLAN - 176 - 186 BLAXLAND ROAD, RYDE - OUTCOME OF EXHIBITION**

**Report prepared by:** Strategic Planner; Senior Coordinator - Strategic Planning  
**File No.:** LEP2016/6/3 - BP17/1025

**REPORT SUMMARY**

This report summarizes the outcomes of the community consultation process for the Planning Proposal (PP) relating to 176 Blaxland Road, Ryde being LOTS 22 and 23 in DP 6046 (known as “the site”) and draft Development Control Plan (DCP) ‘Part 6.6 176-186 Blaxland Road Ryde’.



Image 1: Aerial view of ‘176 Blaxland Road Ryde’

The PP seeks to amend the zoning and development controls applying to 176 Blaxland Road Ryde so as to align with the zoning and development controls of three adjacent sites to the north, which are zoned R4 High Density Residential. The PP is to facilitate the construction of a 4 storey residential building containing 39 units, with basement parking for 56 vehicles across 176-186 Blaxland Road, Ryde.

**ITEM 4 (continued)**

The PP (**ATTACHED**) for 176 Blaxland Road, Ryde seeks to:

- Amend Ryde Local Environmental Plan 2014 (RLEP2014) Land Zoning Map from SP2 Infrastructure - Place of Public Worship to R4 High Density Residential,
- Amend RLEP2014 Height of Buildings Map to introduce a maximum building height of 11.5 metres (as for adjacent R4 sites);
- Amend RLEP2014 Floor Space Ratio (FSR) Map to introduce an FSR control of 1:1 (as for adjacent R4 sites); and
- Amend RLEP2014 Lot Size Map to introduce a minimum lot size control of 580m<sup>2</sup>.

Draft Development Control Plan 'Part 6.6 176-186 Blaxland Road Ryde' guides the design of the consolidated site 176-186 Blaxland Road Ryde for the proposed residential flat building. The draft DCP includes controls on setbacks, amenity and privacy for neighbouring properties, streetscape and landscaping.

The draft DCP Part 6.6 176-186 Blaxland Rd, Ryde is **ATTACHED**.

A Gateway Determination for the PP was issued by the Department of Planning and Environment on the 3 February 2017 as was authorisation for Council to exercise its delegations with respect to the making of the Plan. The Gateway Determination required a minimum exhibition period of 28 days and consultation with the Roads and Maritime Services.

The PP, draft DCP and supporting documentation were publicly exhibited for 32 days from 26 May 2017 to the 26 June 2017.

Three (3) submissions were received with the RMS (1) providing in-principle support to the proposal and two (2) submissions opposing the PP and draft DCP.

The main points raised in the submissions include:

- Streetscape impact of proposed development on Samuel Street
- Additional traffic congestion along Blaxland Rd and nearby suburban streets.
- Anticipated overflow parking on residential streets
- The proposal is not well serviced by amenities such as Parks and Open Space areas
- The proposal will cause overshadowing on surrounding properties and have negative impacts on the privacy of surrounding residents.

**ITEM 4 (continued)**

In response to the above it should be noted that:

- Properties to the rear of the site front Samuel Street Ryde and a significant difference in levels exists between Blaxland Road and Samuel Street. This issue is addressed in the draft DCP which contains controls relating to height, privacy, streetscape and amenity of adjoining properties. In particular, significant rear boundary setbacks are required to manage impacts.
- Council's Traffic and Development Section found no negative traffic implications would arise from the proposal,
- Shadow diagrams submitted with the PP indicate minimal overshadowing will result to adjoining properties and
- It is considered that sufficient open space (Ryde Park and Ryde Cascades) and facilities are provided within the area to service the rezoning of 176 Blaxland Road and development of adjoining properties currently zoned for high density residential development.

All submissions are dealt with in detail in the body of this report.

Based on the above it is considered both the PP and draft DCP should be supported by Council. This report recommends that:

- the Planning Proposal as exhibited be forwarded to the Department of Planning and Environment for publication on the NSW Legislation website and
- Council endorse draft Development Control Plan Part 6.6 176-186 Blaxland Road Ryde' and that a public notice of Council's decisions be placed in a local newspaper advising that the DCP comes into effect upon the publication of the Local Environmental Plan on the NSW legislation website.

**RECOMMENDATION:**

- (a) That Council endorse that Ryde Local Environmental Plan 2014 be amended as it relates to 176 Blaxland Road, Ryde being LOTS 22 and 23 in DP 6046 by:
- Amending Ryde Local Environmental Plan 2014 Land Zoning Map from SP2 Infrastructure - Place of Public Worship to R4 High Density Residential;
  - Amending Ryde Local Environmental Plan 2014 Height of Buildings Map to include a maximum building height of 11.5 metres; and

**ITEM 4 (continued)**

- Amending Ryde Local Environmental Plan 2014 Floor Space Ratio (FSR) Map to include an FSR control of 1:1.
  - Amending Ryde Local Environmental Plan 2014 Lot Size Map to include a Minimum Lot Size of 580m<sup>2</sup>.
- (b) That Council, endorse the planning proposal for 176 Blaxland Road, Ryde being forwarded to the Department of Planning and Environment with a request that the Plan be published on the NSW Legislation website.
- (c) That Council endorse Draft DCP Part 6.6 176-186 Blaxland Road and that a public notice of Council's decisions is placed in a local newspaper advising that the Plan comes into effect upon the publication of the Local Environmental Plan on the NSW legislation website.
- (d) That Council endorse notifying all community members who made a submission regarding this planning proposal and amendments to Ryde DCP 2014.

**ATTACHMENTS**

- 1 Planning Proposal - 176 Blaxland Road, Ryde
- 2 Draft DCP 176 - 186 Blaxland Road, Ryde

Report Prepared By:

**Susan Wotton**  
**Strategic Planner**

Report Approved By:

**Lexie Macdonald**  
**Senior Coordinator - Strategic Planning**

**Dyalan Govender**  
**Manager - City Planning**

**Sam Cappelli**  
**Acting Director - City Planning and Development**



**ITEM 4 (continued)**

**Background**

This planning proposal applies to land known as 176 Blaxland Road, Ryde being Lots 22 and 23 in DP 6046 (identified in Figure 1 and 2 below).

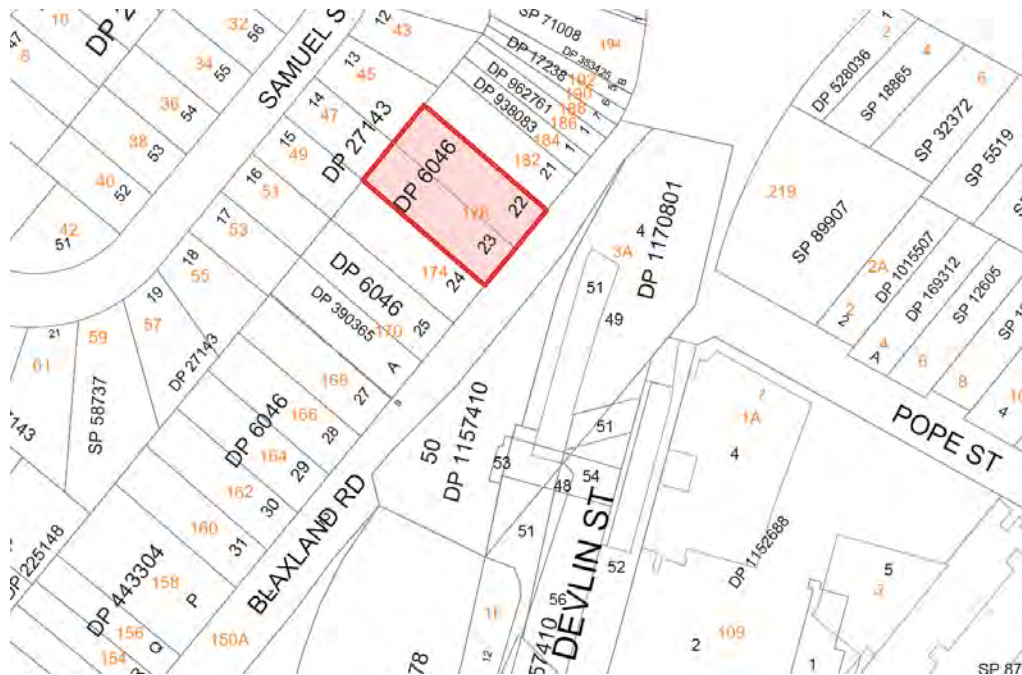


Figure 1- Site location



Figure 2- Site location



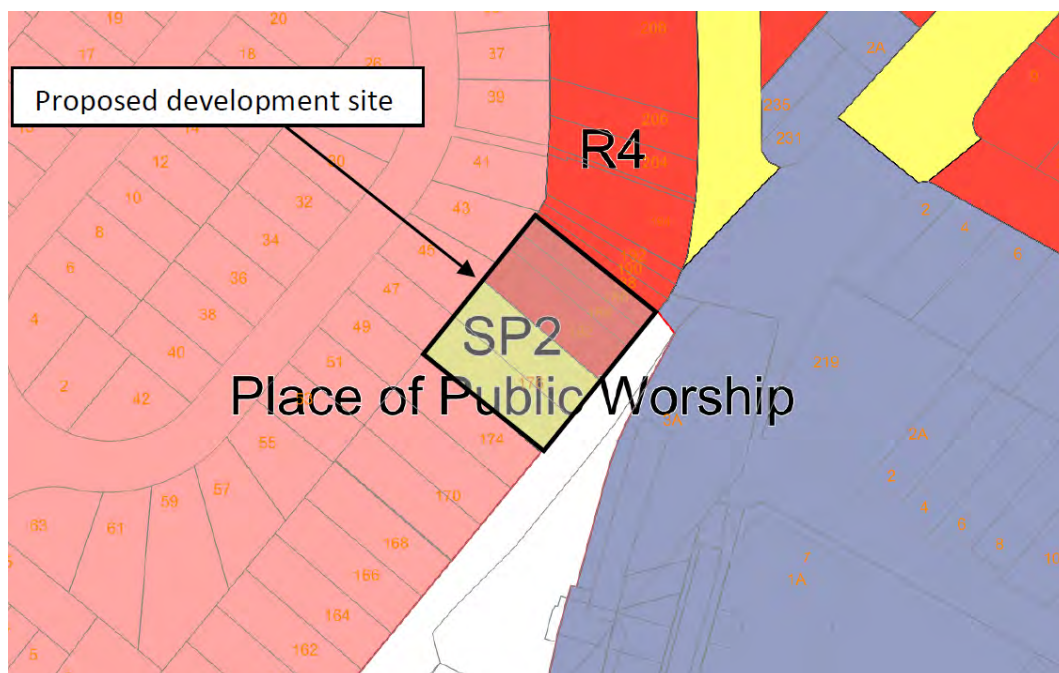
**ITEM 4 (continued)**

The site contains a single storey brick and tile building, formerly owned by Community of Christ Ltd. Photographs of the existing building on the site are shown below in Figure 3



*Figure 3- 176 Blaxland Road, Ryde*

The PP seeks to amend the zoning and development controls applying to 176 Blaxland Road Ryde so as to align them with the zoning and development controls applying to three adjacent sites to the north, which are zoned R4 High Density Residential. The PP amendments are to facilitate the construction of a 4 storey residential building containing 39 units, with basement parking for 56 vehicles across 176-186 Blaxland Road, Ryde.



*Figure 4- Proposed development site*

**ITEM 4 (continued)**

The PP for 176 Blaxland Road Ryde seeks to:

- amend Ryde Local Environmental Plan 2014 (RLEP2014) Land Zoning Map from SP2 Infrastructure - Place of Public Worship to R4 High Density Residential,
- amend RLEP2014 Height of Buildings Map to introduce a maximum building height of 11.5 metres (as for adjacent R4 sites);
- amend RLEP2014 Floor Space Ratio (FSR) Map to introduce an FSR control of 1:1 (as for adjacent R4 sites); and
- amend RLEP2014 Lot Size Map to introduce a minimum lot size control of 580m<sup>2</sup>. The PP is **ATTACHED**

**Mapping**

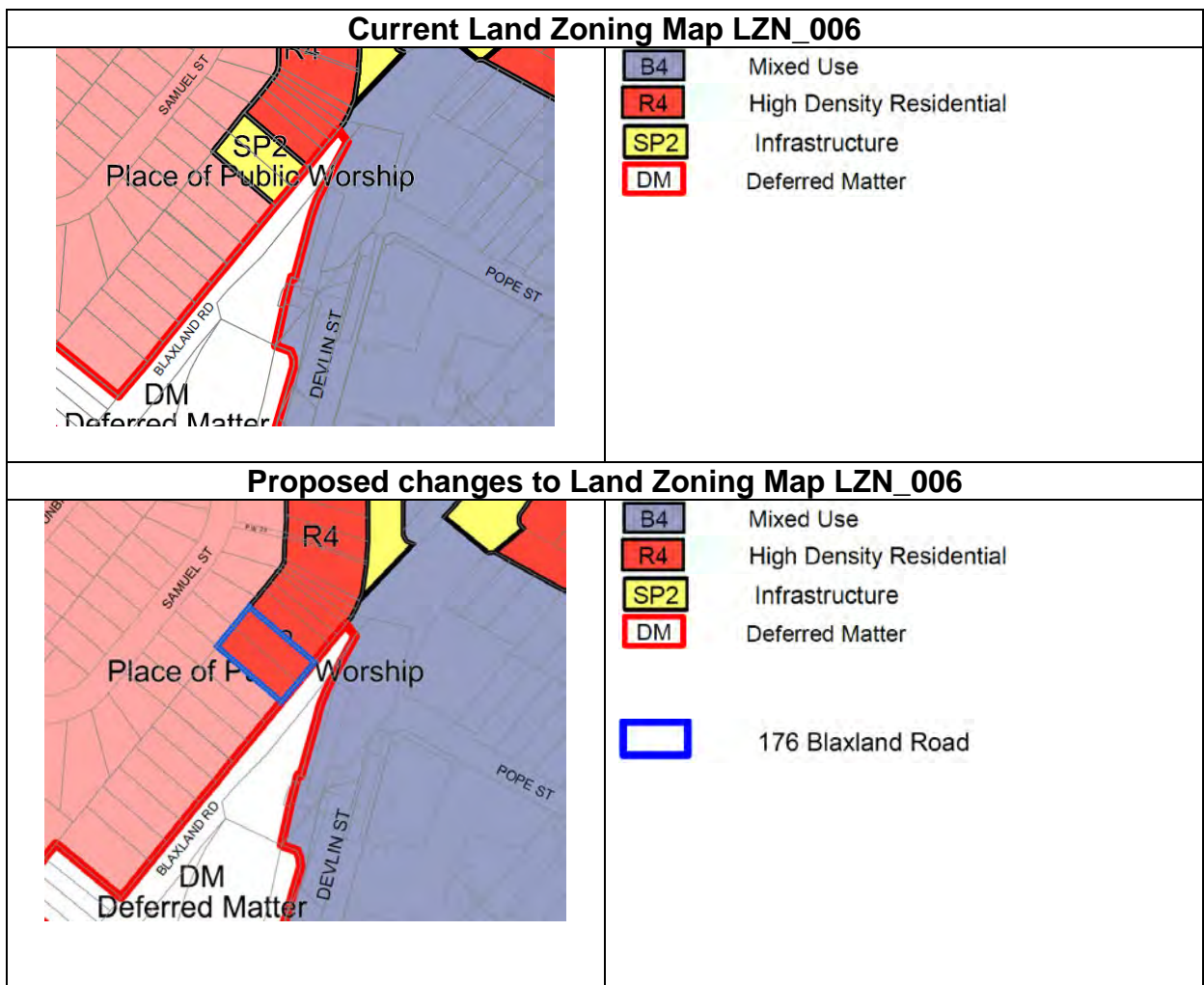


Figure 5- Land Zoning map

**ITEM 4 (continued)**



Figure 6- Height of Buildings maps



**ITEM 4 (continued)**

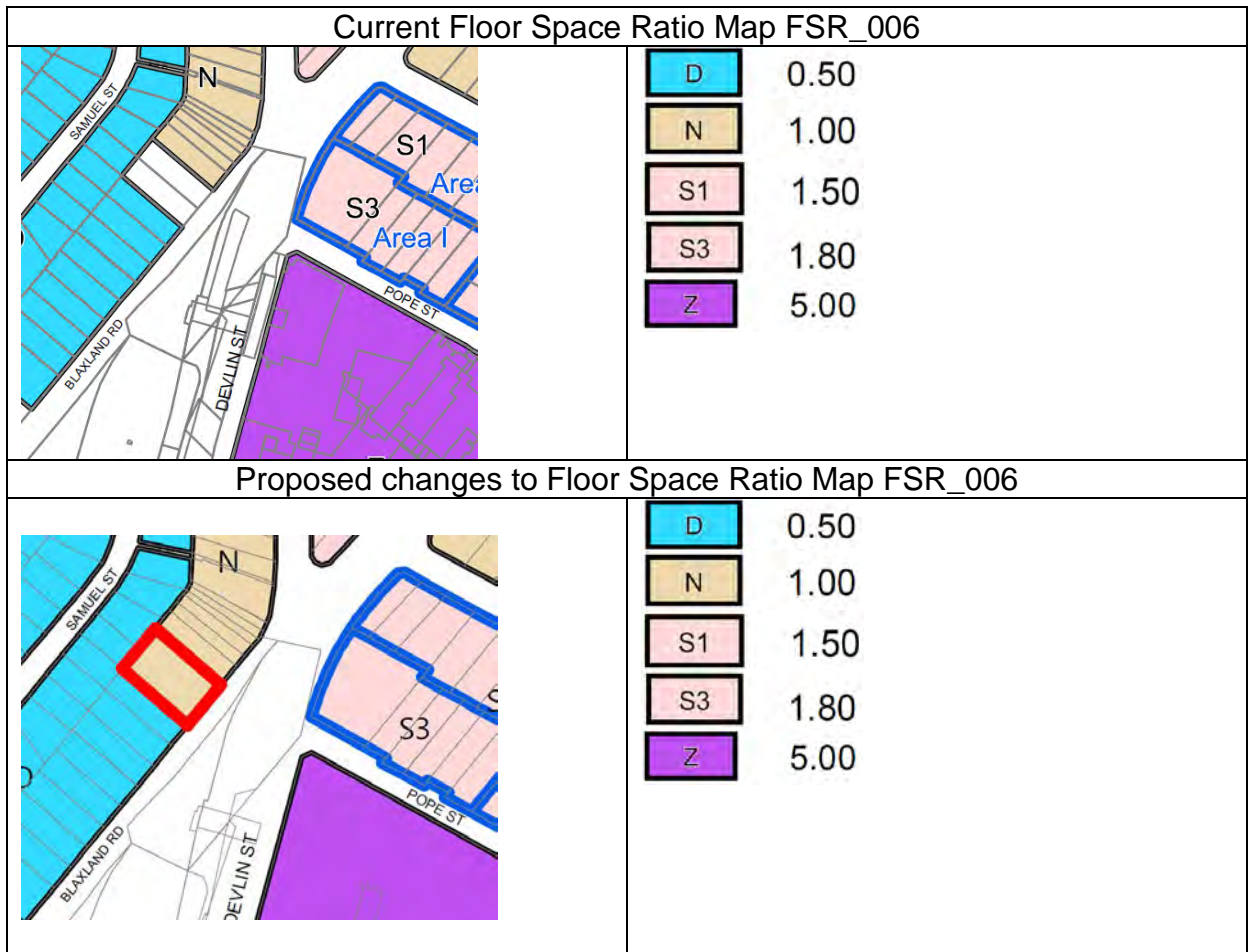


Figure 7- Floor Space Ratio maps

**ITEM 4 (continued)**



Figure 8- Lot Size maps

A report considering the PP was presented to Council's Planning and Environment Committee on 11 October 2016 recommending that Council forward the PP for a Gateway Determination. This matter was deferred to the Council meeting of 25 October 2016.

On 25 October 2016 Council resolved:

*That Council defer consideration of the Planning Proposal for the General Manager and Director to meet with the applicant to discuss provision of appropriate public benefit given the applicant has not complied with Council's resolution for the provision of Affordable Housing with the Planning Proposal.*

The proponent by letter dated 10 November 2016 advised that they are not willing to enter into a Voluntary Planning Agreement (VPA) but would prefer to provide affordable housing as part of a future Development Application.

**ITEM 4 (continued)**

Council resolved on 13 December 2016 to forward the Planning Proposal for a Gateway Determination, and to request the Department of Planning and Environment (DPE) to impose a condition on the Gateway Determination to require the provision of affordable housing consistent with the City of Ryde Affordable Housing Strategy 2016-2031 and Council's interim policy position including that 4% of dwellings on land to be rezoned be affordable housing.

The Gateway Determination was received on 3 February 2017, however, the DPE advised that it had not imposed the requested condition on the Gateway Determination as the City of Ryde was not part of State Environmental Planning Policy 70- Affordable Housing (Revised Schemes)(SEPP 70) at the time of lodgement.

Council on the 22 August 2017 resolved to prepare a Planning Proposal for the inclusion of affordable housing provisions in Ryde Local Environmental Plan. The PP has been forwarded to the DPE for a Gateway Determination and has not yet been issued. As the Affordable Housing Planning Proposal has not yet been exhibited it cannot provide the legislative basis on which to require affordable housing.

Council on the 9 May 2017 resolved that Council prepare amendments to Ryde Development Control Plan 2014 for the site and exhibit the amendment concurrently with the exhibition of the Planning Proposal for 176 Blaxland Road Ryde.

**Discussion**

The PP and draft DCP were exhibited for a period of 32 days from 26 May 2017 to the 26 June 2017 (inclusive). The following was undertaken:

- Notification letters were sent to approximately 92 land owners within the surrounding area.
- Roads and Maritime Services were consulted in accordance with the conditions of the Gateway determination.
- An exhibition notice placed in the Northern District Times with circulation across the Ryde Local Government Area.
- The exhibition material was available for viewing at Council's Customer Service Centre and North Ryde Office, Ryde Library, and on Council's webpage.

During the exhibition period, three (3) submissions were received, two from members of the public expressing objections to the PP and draft DCP and one submission from Roads and Maritime Services stating the following:

*Following a review of the submitted documentation, Roads and Maritime raises no objection to the Planning Proposal as the proposed amendments will not have a significant impact on the classified road network.*



**ITEM 4 (continued)**

The two submissions received objected to the PP and draft DCP on the following grounds:

**Comment:** *There is already sufficient development (over State Government targets) in the Ryde LGA*

**Response:** The proposed rezoning would facilitate development that contributes to housing choice in Sydney. The loss of the site as a place of worship is not considered significant.

*A Plan for Growing Sydney*, released in December 2014, was the NSW Government's plan to guide Sydney's future growth. An objective of the Plan was providing greater housing choice and included the following directions:

*Direction 2.1: Improve housing supply across Sydney*

*Direction 2.2: Ensure more homes closer to jobs*

*Direction 2.3: Improve housing choice to suit different needs and lifestyles*

On 22 October 2017 a new Metropolitan Strategy, the *Draft Greater Sydney Region Plan* was released by the Greater Sydney Commission for public comment. The vision of the Draft Plan is to meet the needs of a growing and changing population by transforming Greater Sydney into a metropolis of three cities – the Western Parkland City, the Central River City, and the Eastern Harbour City.

There are ten overarching directions to guide the delivery of the Draft Plan's objectives. The objectives of the Housing Direction are:

*Objective 10: Greater Housing supply.*

*Objective 11: Housing is more diverse and affordable.*

This Planning Proposal is consistent with the housing related directions of the existing *A Plan for Growing Sydney*, and with the Housing Direction of the new *Draft Greater Sydney Region Plan*.

**Comment:** *The proposal will place increased stress on the already busy Blaxland Road and impact on surrounding streets.*

**Response:** The PP was supported by a Traffic and Parking Impact Assessment (TIA).

The TIA looked at the parking requirements in Council's DCP and found that the proposal complies with the car parking requirements of the DCP. The Assessment also found that no adverse traffic implications would result due to:

- The site being located in a cul-de-sac and

**ITEM 4 (continued)**

- The traffic signal controlled access provision at the Devlin Street/Blaxland Road/Parkes Street intersection.

Council's Traffic and Development section reviewed the TIA and found the proposal was acceptable

**Comment:** *The proposal does not develop an integrated, balanced and sustainable city*

**Response:** The proposed amendments to RLEP 2014 are similar to the adjoining R4 zone controls. It is considered that the controls within the draft site specific DCP ensure that the proposed development is appropriately integrated with the existing residential area.

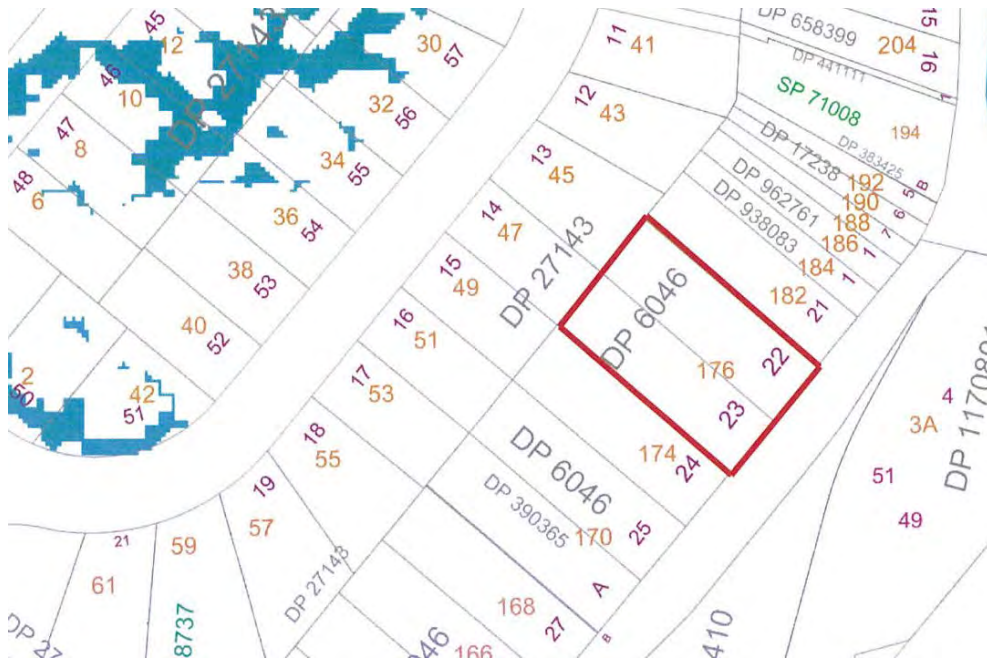
**Comment:** *The proposal is not well serviced by amenities such as Parks and Open Space areas*


**Response:** The site is located opposite a major retail, community and employment node and close to transport including strategic bus routes running East/West and North/South. Ryde town centre is capable of absorbing additional residential development as it can provide complementary and supportive uses, services, facilities and amenities including access to open space. The site is less than 300m from Ryde Public School and approximately 850m from Ryde Park. Ryde Cascades (lineal open space) are within 200m.

**Comment:** *The area is located on, above and adjacent to a flood zone and Council's flood maps are outdated meaning the impact on Coastal protection impacts cannot be assessed*

**Response:** Council's most recent flood studies indicate that none of the sites at 176-186 Blaxland Road or adjoining properties to the rear are flood affected. (Fig 9) Any potential flooding related impacts will be addressed at the Development Assessment phase.

**ITEM 4 (continued)**



 Flood affected land  
Figure 9

**Comment:** *The proposal provides misleading information by underestimating the impact of the proposed development on the surrounding area by overstating the heights of buildings in a Conceptual 3D view drawing (No 160427-19)*

**Response:** The shadow diagrams provided within the PP show minimal shadowing on the adjoining residential lot to the south of the site at 174 Blaxland Road at mid-winter and no shadowing at all onto properties at 43-47 Samuel Street in mid-winter due to the setbacks required by the DCP. The shadowing impacts are considered acceptable.

**Comment:** *The proposal will have a significant impact on the quality of the streetscape as viewed from Samuel Street in comparison to Blaxland Road. The significant site slope means the visual impact of the proposal would be far greater as viewed from Samuel Street.*

**Response:** The proposed building height and FSR controls are consistent with the adjoining R4 zones. The draft DCP gives detailed guidance to the proposed height and FSR in the form of setbacks and landscaping. The site specific DCP exceeds the Council's usual requirements for rear and side boundary setbacks for residential flat buildings. The inclusion of specific side and rear setbacks ensures the site's slope has been considered. Development Controls have been placed on this development in order to mitigate the visual impact of the proposal on surrounding properties.

**ITEM 4 (continued)**

**Comment:** *The proposal will significantly overlook and overshadow the rear of 47 Samuel Street, Ryde and neighbouring properties. This will impact on neighbours privacy and the overall residential amenity.*

**Response:** The applicant has increased the rear setback to 8 metres following discussions with council officers (from the original 6 metre setback indicated in the initial PP). These amendments are incorporated into the site specific draft DCP amendments to provide increased separation to the low density residential buildings to the rear of the site. This successfully removes any shadowing to properties at 43-47 Samuel Street at any time of the day during mid-winter.

**Comment:** *Samuel Street will be used for residential overflow and visitor parking due to the additional 39 units proposed and this will cause traffic and parking issues for existing residents.*

**Response:** A Traffic and Parking Impact Assessment submitted with the PP was undertaken by Transport and Traffic Planning Associates. Their assessment concluded that there will be no adverse traffic implications and the proposed parking provisions will be appropriate and adequate for the uses proposed. Council officers undertook a more conservative traffic assessment in addition to this and also found the proposal to be acceptable in terms of potential traffic and parking implications.

**Financial Implications**

If Council resolves to adopt the draft DCP it is a requirement under the Act that Councils decision be notified in the local newspaper. The cost of placing the advertisement is estimated at \$1000. Funds are provided for this purpose in current budget for the financial year 2017/18 from the City Planning budget.

**Critical Dates and Timeframe**

The Gateway Determination requires completion of this amending LEP 12 months from the week following the date of the Gateway Determination which is 8<sup>th</sup> February 2018.

Council staff have requested an extension to the Gateway Determination to enable Council to consider this report.

**ITEM 4 (continued)****Options**Option 1: That Council supports the Planning Proposal and Draft Development Control Plan as exhibited

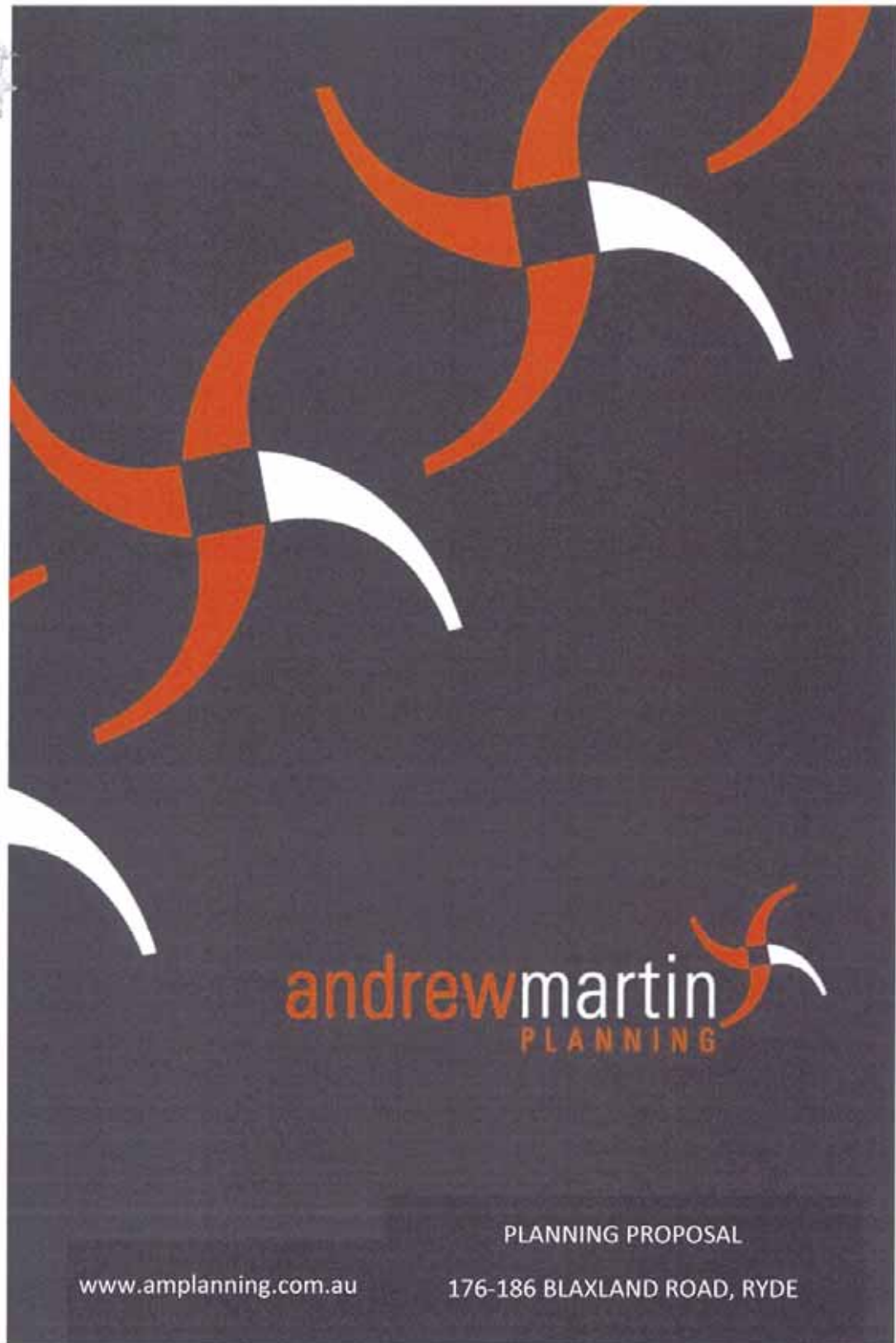
This is the recommended option as it is considered that all issues raised during the public exhibition period have been adequately addressed in this report.

Option 2: That Council decides not to proceed with the Planning Proposal.

This option would obstruct an extension of the existing R4 zone that is in accordance with the metropolitan planning context and the City of Ryde's vision for Ryde Town Centre. This option would result in a missed opportunity to contribute to housing supply and choice in the city, on a site that is well serviced by the neighbouring retail, community and employment node, and close to transport and open space.

ITEM 4 (continued)

ATTACHMENT 1



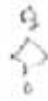


**ITEM 4 (continued)**

**ATTACHMENT 1**

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential

andrewmartin  
PLANNING



*INDEX*

<i>Preface</i>	<i>PAGE</i>
<i>Part 1 Introduction</i>	<i>4 – 6</i>
<i>Part 2 Subject Site</i>	<i>7 - 11</i>
<i>Part 3 Ryde (state suburbs) Social Profile</i>	<i>12 - 14</i>
<i>Part 4 Development Proposal – No. 176-178 Blaxland Road, Ryde</i>	<i>15 - 27</i>
<i>Part 5 Ryde LEP 2014 and Ryde DCP 2014</i>	<i>28</i>
<i>Part 6 State Environment Planning Polices SEPP 65 (ADG) Preliminary Assessment of Concept Development Plans</i>	<i>40</i>
<i>Part 7 Objectives/Intended Outcomes</i>	<i>58</i>
<i>Part 8 Explanation of Provisions</i>	<i>58</i>
<i>Part 9 Justification</i>	<i>60</i>
<i>Section A - Need for the Planning Proposal</i>	<i>60</i>
<i>Section B - Relationship to Strategic Planning Framework</i>	<i>62</i>
<i>Section C - Environmental, Social and Economic</i>	<i>69</i>
<i>Section D - State and Commonwealth Interests</i>	<i>70</i>
<i>Section E - Mapping</i>	<i>70</i>
<i>Section F - Community Consultation</i>	<i>70</i>
<i>Part 10 Conclusion</i>	<i>71</i>
<i>Part 11 Links</i>	<i>73</i>

**ITEM 4 (continued)**

**ATTACHMENT 1**



Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential

andrewmartin  
PLANNING

*Preface*

*A Planning Proposal is the first step in proposing amendments to Council's principle environmental planning instrument, known as the Ryde Local Environmental Plan (RLEP) 2014. A Planning Proposal explains the intended effect of the proposed amendment and also sets out the justification for making the change. The Planning Proposal is submitted to the NSW Department of Planning and Environment (DP&E) for its consideration, referred to as the Gateway Determination, and is also made available to the public as part of the community consultation process. This report sets out the reasoning and justification and assesses the relevant matters for consideration namely the S117 Directions and other relevant provisions.*

ITEM 4 (continued)

ATTACHMENT 1

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



**Part 1 Introduction**

- 1.1. Andrew Martin Planning Pty Ltd has been engaged by the property owners (herein referred to as the 'proponent') to prepare a Planning Proposal (PP), for the sites known as Lot 22 and Lot 23 DP 6046, 176-178 Blaxland Road, Ryde to be submitted to Ryde Council (the "Council").
- 1.2. The primary purpose of the planning proposal is to rezone the two abovementioned allotments (herein referred to as the site), currently zoned SP2 Infrastructure to R4 High Density Residential pursuant to Ryde Local Environmental Plan 2014 (RLEP 2014). The PP includes the application of the corresponding height and FSR *development standards* making the site consistent with the adjoining R4 High Density Residential zoned lands to the north. Part 4 of this report contains the details of the future development proposal which incorporates three additional sites to the north (currently zoned R4) which are to be amalgamated with the Planning Proposal sites. The future development proposal consists of a residential flat building comprising 39 residential units with basement car parking.
- 1.3. A concept development proposal has been architecturally designed by a registered architect demonstrating the development potential of the site under PP conditions. The concept plan reflects the current Ryde Council residential development provisions, SEPP 65 (Apartment Design Guidelines) and Council's previous advice to the proponent regarding the potential development of the site, its FSR and building heights pursuant to RLEP 2014. A future development application will be lodged for the construction of the proposal as depicted in the PP submission. Whilst not required the proponent has opted to provide a significant amount of additional information with the PP application that technically is only required at the future DA stage. The additional information improves transparency and provides an opportunity for Council and the community to understand the likely built form outcomes.
- 1.4. By letter dated 28 April 2015, Council advised the proponent that Council will consider the proposed rezoning (to R4 High Density Residential) and that any planning proposal would need to include floor space ratio and height of building controls. The Planning Proposal is supported by the following information and plans:
  - Architectural plans prepared by Urban Link Architecture, including Shadow Diagrams
  - *Assessment of Traffic and Parking Implications* Report, prepared by Transport and Traffic Planning Associates, dated April 2016.

ITEM 4 (continued)

ATTACHMENT 1



Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential

andrewmartin  
PLANNING

- Preliminary Site Investigation (PSI) prepared by Benviron dated May 2016.

1.5. The planning proposal is considered appropriate for the following reasons:

- Achieves the objectives and outcomes of *A Plan for Growing Sydney* by utilising existing infrastructure to provide new housing within existing built urban environments to achieve growth and investment for Sydney.
- Located opposite a major retail, commercial and employment node, the development can provide density close to transport and employment, accessibility and affordability in a more effective way than traditional suburban/detached housing, and deliver genuine public transport orientated development. The proposal achieves the underlying objective to achieve TOD.
- Locates housing within a quality environment, close to work, transport links and established social facilities and retail outlets.
- Provides housing choice to service increased numbers of working couples, single occupancy households and couples with no children.
- The development can boost the economic viability of the Top Ryde Shopping Centre and additional local population will support local services.
- High density in this location accords with TOD principles.
- The proposed development that will follow the PP adopts a high quality urban design and use of quality materials and finishes.
- Additional housing provides a residential presence, increase diversity and safety and reduced journey to work times which in turn improves quality of life.
- Improves the safety and security of the public domain spaces to the east of the site due to the increased opportunities for casual surveillance
- It provides opportunities for new homes or rental accommodation which is required in Ryde given that the median home price is \$1.48m with the median unit price at \$673 000.00. Dwellings are simply not affordable in this area and other housing options are required.
- The proposal represents the efficient use of available land, sustainable and energy efficient development and has the effect of relieving urban sprawl pressures in outer areas in keeping with local and state consolidation objectives.

Given the above the proposal accords with metropolitan and Councils planning objectives; is likely to satisfy Council and SEPP 65 design controls at the site development DA stage; is in the public interest; and satisfies the overarching objectives of the Environmental Planning and Assessment Act, 1979 and Regulation 2000.



**ITEM 4 (continued)**

**ATTACHMENT 1**

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential

andrewmartin  
PLANNING



- 1.6. The Planning Proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 (*EP&A Act*) and the relevant Department of Planning Guidelines including '*A Guide to Preparing Planning Proposals*'.
- 1.7. The Planning Proposal report comprises eleven Parts. Part 1 is the Introduction; Part 2 provides details of the subject site; Part 3 provides a brief overview of the area's social profile; Part 4 describes the concept development proposed over the consolidated site (5 land parcels including the two lots that are the subject of the Planning Proposal); Part 5 contains info on Ryde LEP 2014 and DCP 2014; Part 5 provides a preliminary assessment of the Concept Development under the SEPP 65 Apartment Design Guidelines; Part 7 comprises the Objectives or Intended Outcomes, Part 8 comprises the Explanation of the Provisions; Part 9 comprises the Justification; Part 10 is the Conclusion and Part 11 is a reference list of documents and websites consulted to assist in preparing the Planning Proposal. This report addresses the relevant S117 Directions.
- 1.8. Having regard to the above the PP is deemed to be appropriate and should receive favourable support by Councils Strategic planning staff, Councillors and the Department.

**ITEM 4 (continued)**

**ATTACHMENT 1**

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



**Part 2 Subject Site**

- 2.1 This Planning Proposal relates to No. 176-178 Blaxland Road, Ryde, Local Government Area of Ryde. The site is legally identified as Lot 22 and Lot 23 DP 6046. It has a site area of approximately 1504sqm and is generally rectangular in shape with primary frontage (30m) to Blaxland Road. Vehicle access is available from the formed public road along Blaxland Road via a single crossover and driveway located adjacent to the south eastern boundary, providing access to the rear of the existing building. Figure 1 is an aerial of the subject site.
- 2.2 There is a single brick and tile building constructed across the front of the two allotments. (Refer to Figures 2, 3 & 5). Approximately two-thirds of the site (the rear portion) is vacant. The building is currently occupied by the Northern Sydney Youth Support Services (<http://youthsource.com.au/results/43>). There are two fully accessible pedestrian pathways into the building together with Eucalypt street trees along the Blaxland Road frontage. The Blaxland Road (side road) is a two way public road which narrows to the north. There is a public telephone box and Australia Post Mail Box out the front of the site. The crossover and driveway to the rear of the property is located adjacent the south-west boundary. Timber paling fences are erected along each side boundary.
- 2.3 Adjoining the site to the south and west are a number of single occupancy dwelling houses (refer to Figures 4 & 5).



Figure 1 – Aerial of No. 176-178 Blaxland Road, Ryde  
(Source: Sixmaps NSW)



ITEM 4 (continued)

ATTACHMENT 1

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential

andrewmartin  
PLANNING



*Figure 2 – Front of the existing building, No 176-178 Blaxland Road, Ryde  
(Source: googlemaps)*



*Figure 3 – View of proposed development site from Blaxland Road side road (No. 176 –  
186 Blaxland Road, Ryde) (Source: googlemaps)*



*Figure 4 – View of existing single dwellings on Samuel Street that are located adjoining  
the rear of the subject development site (Source: googlemaps)*

ITEM 4 (continued)

ATTACHMENT 1

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



Figure 5 – View of existing single dwelling on southern side of rezoning site on Blaxland Road. (Source: googlemaps)

- 2.4 The subject site is located approximately 13 km north-west of the Sydney CBD and 8km east of Parramatta. The site is directly opposite the Ryde Town Centre Precinct and Top Ryde Shopping Centre. See Figures 6 – 11 below.



Figure 6: General location of subject site, approx 13km to Sydney CBD  
(Source: googlemaps)



ITEM 4 (continued)

ATTACHMENT 1

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



*Figure 7: Location of rezoning site directly opposite Top Ryde Shopping Centre (TRSC) to the east and Council offices to the South East  
(Source: sixmaps NSW)*



*Figure 8: Aerial of Top Ryde area showing concentration of high density living to the north and to the east on top of the TRSC. (Source: googlemaps)*

**ITEM 4 (continued)**

**ATTACHMENT 1**

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential





*Figure 9: Subject site viewed from Pope Street intersection  
(Source: googlemaps)*



*Figure 10: Looking north along Blaxland Road. Subject site on left near mature street trees and TRSC on right with pedestrian walkway across arterial road (Devlin Street)  
(Source: googlemaps)*



*Figure 11: TRSC on eastern side of Devlin Street, opposite Blaxland Road (Source: googlemaps)*

## ITEM 4 (continued)

## ATTACHMENT 1

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



### Part 3 Ryde (state suburbs) – Social Profile

- 3.1 The following is a brief overview of the social profile of the area around Ryde Town Centre. The statistics are based on the 2011 Census for the area known as Ryde (State Suburbs). This area is smaller than the Ryde LGA, as shown below:



- ✓ In the 2011 Census, there were 21,599 people in Ryde (State Suburbs) of these 48.8% were male and 51.2% were female. Aboriginal and Torres Strait Islander people made up 0.4% of the population.
- ✓ The median age of people in Ryde (State Suburbs) was 37 years. Children aged 0 - 14 years made up 17.6% of the population and people aged 65 years and over made up 15.5% of the population.
- ✓ Of people in Ryde (State Suburbs) aged 15 years and over, 51.0% were married and 9.3% were either divorced or separated.
- ✓ In Ryde (State Suburbs), 55.8% of people were born in Australia. The most common countries of birth were China (excludes SARs and Taiwan) 6.8%, Italy 2.7%, England 2.1%, Korea, Republic of (South) 2.1% and India 2.0%.
- ✓ In Ryde (State Suburbs), 32.3% of people had both parents born in Australia and 56.5% of people had both parents born overseas.
- ✓ There were 11,134 people who reported being in the labour force in the week before Census night in Ryde (State Suburbs). Of these 64.2% were employed full time, 26.3% were employed part-time and 4.7% were unemployed.
- ✓ Of employed people in Ryde (State Suburbs), 9.1% worked 1 to 15 hours, 9.6% worked 16 to 24 hours and 47.9% worked 40 hours or more.



ITEM 4 (continued)

ATTACHMENT 1



Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential

- ✓ The most common occupations in Ryde (State Suburbs) included Professionals 27.5%, Clerical and Administrative Workers 17.3%, Managers 13.6%, Technicians and Trades Workers 12.3%, and Sales Workers 8.6%.
- ✓ In Ryde (State Suburbs), on the day of the Census, the methods of travel to work for employed people were Car, as driver 56.5%, Bus 13.2% and Car, as passenger 4.9%. Other common responses were Train 3.0% and Walked only 3.0%. On the day, 20.5% of employed people travelled to work on public transport and 61.5% by car (either as driver or as passenger).
- ✓ Of the families in Ryde (State Suburbs), 49.4% were couple families with children, 34.1% were couple families without children and 14.8% were one parent families.
- ✓ In Ryde (State Suburbs) 17.7% of single parents were male and 82.3% were female.
- ✓ In Ryde (State Suburbs), of couple families, 25.6% had both partners employed full-time, 3.3% had both employed part-time and 20.4% had one employed full-time and the other part-time.
- ✓ In Ryde (State Suburbs), 93.3% of private dwellings were occupied and 6.7% were unoccupied.
- ✓ Of occupied private dwellings in Ryde (State Suburbs), 54.5% were separate houses, 12.2% were semi-detached, row or terrace houses, townhouses etc, 33.1% were flats, units or apartments and 0.1% were other dwellings.
- ✓ In Ryde (State Suburbs), of occupied private dwellings 8.0% had 1 bedroom, 31.9% had 2 bedrooms and 36.1% had 3 bedrooms. The average number of bedrooms per occupied private dwelling was 2.8. The average household size was 2.6 people.
- ✓ Of occupied private dwellings in Ryde (State Suburbs), 30.3% were owned outright, 30.7% were owned with a mortgage and 35.7% were rented.
- ✓ In Ryde (State Suburbs), of all households, 69.7% were family households, 25.7% were single person households and 4.6% were group households.
- ✓ In Ryde (State Suburbs), 41.9% of occupied private dwellings had one registered motor vehicle garaged or parked at their address, 31.8% had two registered motor vehicles and 11.5% had three or more registered motor vehicles.

Source: [http://www.censusdata.abs.gov.au/census\\_services/getproduct/census/2011/communityprofile/SSC12023](http://www.censusdata.abs.gov.au/census_services/getproduct/census/2011/communityprofile/SSC12023)



**ITEM 4 (continued)**

**ATTACHMENT 1**



Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential

- 3.2 In terms of this Planning Proposal it is relevant to note that at least one third of dwellings are units or apartments, containing either 2 or 3 bedrooms. While family households dominate, possibly due to the historical development of the area as separate houses, thirty five percent of households are couples without children and one quarter of households contain a single person. Sydney wide there is a trend of vertical living with markets confirming the desire of new home owners to live in new apartments rather than older residential dwellings that require more maintenance and are fast becoming too expensive. There is also the demand generated by older generations to down size. Further the median house price is 1.48m and the median unit price is \$673, 000.00 thus dwellings are no longer affordable.
- 3.3 In 2011 the majority of residents in the area worked full time, in white collar based professions, for 40 hours per week or longer. The majority of these travelled to work by car - as the driver or as a passenger and it is therefore not surprising that vehicle ownership in the area is high with over 41% of occupied private dwellings having one registered vehicle garaged or parked at their address and 32% having two vehicles for private use.
- 3.4 The rezoning supports the key trends found for the Ryde Town Centre and Top Ryde area as there are more households that contain couples without children or single households that will require or desire smaller dwellings and housing options. Tenants or owner occupiers will be provided with a range of apartment varying in price depending upon size, aspect and floor level with the future development. The future proposal will offer a range and choice of dwelling types within the development. The proposed accommodation will be brand new; require less energy to maintain due to SEPP 65 compliance; is well located so as to negate the need for transport to local shops and services and will offer lower running costs overall compared with older separate houses in the vicinity. The proximity of the site to the Ryde Town Centre and other major areas like Parramatta, Chatswood and Macquarie Park and even central Sydney will makes the site appealing for a number of reasons.

ITEM 4 (continued)

ATTACHMENT 1

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



**Part 4 Future Development Site Proposal – No. 176–186 Blaxland Road, Ryde**

- 4.1 The two allotments which comprise the subject rezoning (No. 176 & 178 Blaxland Road) are part of a larger redevelopment site comprising an additional **3 lots** (see in bold below) that is described as:

Demolition of all structures and construction of a residential flat building development comprising thirty-nine (39) residential units with associated basement parking and landscaping on land known as:

Lot 22 DP 6046 (No. 176 Blaxland Rd) - proposed R4 zone  
Lot 23 DP 6046 (No. 178 Blaxland Rd) – proposed R4 zone  
**Lot 21 DP 6046 (No. 182 Blaxland Rd) – existing R4 zone**  
**Lot 1 DP 938083 (No. 184 Blaxland Rd) – existing R4 zone**  
**Lot 1 DP 962761 (No. 186 Blaxland Rd) – existing R4 zone**

- 4.2 The consolidated site (herein referred to as the ‘Development Site’) has a total site area of **2989sqm**. Figure 12 below is the survey plan of the Development Site.

ITEM 4 (continued)

ATTACHMENT 1

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential




Figure 12: Survey of Proposed Development Site, comprising five allotments (No. 176-186 Blaxland Road, Ryde) (Source: UrbanLink Architecture, 2016)

ITEM 4 (continued)

ATTACHMENT 1



Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential

- 4.3 The inclusion of concept Development Plans at the Planning Proposal stage is to provide Council with additional information demonstrating the project can be delivered within the development standards applicable under RLEP 2104 (plus state polices such as SEPP 65) whilst respecting, to the extent necessary, the amenity of the adjoining low density residential zone.
- 4.4 The preparation of the architectural plans represents an investment by the proponent that would not ordinarily be required at a planning proposal stage. Greater understanding and certainty is provided as a result of the architectural plan bundle to the community and the Council. The proponent also achieves greater levels of certainty because the critical DA issues are canvassed at the PP stage. The submitted plans assist with the understanding of the likely built form outcomes arising from the foreshadowed amendments to RLEP 2014.
- 4.5 The concept Development Plans have therefore been prepared for the Development Site demonstrating its redevelopment, facilitated by the PP rezoning of SP2 zoned land to R4, can occur without significant environmental impacts on the adjoining R2 land and the urban fabric of the area. The design principles, broad demographics and site specifics utilised in preparing the plans for the Development Site include:
- ✓ Appreciation of the locational context of the site in terms of its juxtaposition to the Top Ryde Shopping Centre, Civic Centre and the Ryde Town Centre precinct.
  - ✓ Awareness of the current social and economic population statistics and trends moving forward for the area.
  - ✓ Knowledge of household trends in relation to family, work, leisure and entertainment.
  - ✓ Demolition of the existing structures (three buildings).
  - ✓ Site preparation works across the site to prepare for a RFB development with basement.
  - ✓ Location of sewer services line across rear of property.
  - ✓ Fall across the site of up to four (4) metres from Blaxland Road towards Samuel Street to the west.
  - ✓ Existing low density dwellings adjoining the site to the south and west.
  - ✓ Access to the site from the side road on Blaxland Road.
  - ✓ Retention of mature street trees on Blaxland Road.
  - ✓ Deep soil planting along rear boundary to increase visual separation and privacy to adjoining dwellings.
  - ✓ Stepping of height of the buildings across the development site to respect and minimise potential impacts on the adjoining dwellings and the enjoyment of their properties.
  - ✓ Separation of buildings to ensure adequate residential amenity for residents of the development.



ITEM 4 (continued)

ATTACHMENT 1



Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential

- ✓ Car parking to comply with Council’s on-site parking provisions.
- ✓ Provision of a mix of dwelling types and sizes to provide a diversity of choice and affordability in the units.
- ✓ Accessible and adaptable units and parking.
- ✓ Deep soil landscaped edges

4.6 The proposed development would comprise the following dwelling mix per level (also refer to plans in Figures 11 to 21 and the accompanying set of architectural plans). The 39 units are proposed as follows.

Lower Ground	5 x 1br	-	1 x 3br	26cps
Ground Level	-	6 x 2br	-	30cps
Level 1	2 x 1br	8 x 2br	2 x 3br	-
Level 2	-	5 x 2br	3 x 3br	-
Level 3	-	6 x 2br	1 x 3br	-
<b>Total</b>	<b>7 x 1br</b>	<b>25 x 2br</b>	<b>7 x 3br</b>	<b>56cps</b>

There are 4 adaptable residential units with 5 accessible parking spaces. Each unit and parking space is capable of complying with Australian Standard provisions for size, location and accessibility.

Note: Assessment of the concept Development Plans in relation to RLEP 2014, RDCP 2014 and SEPP 65 (ADG) is addressed in Parts 5 & 6 below.



Figure 13: Site Plan of Proposed Development Site, showing locational context

ITEM 4 (continued)

ATTACHMENT 1

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



(Source: UrbanLink Architecture, 2016)



Figure 14: Perspective of Proposed Development showing number of storeys of adjoining and adjacent development (Source: UrbanLink Architecture, 2016)



Figure 15: Perspective of Proposed Development showing number of storeys of in the area, including Top Ryde Shopping Centre and other Commercial development in the RTC area (Source: UrbanLink Architecture, 2016)



ITEM 4 (continued)

ATTACHMENT 1

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential

**andrewmartin**  
PLANNING



Figure 16: Southern section across development site showing stepping down in height, bulk and scale of development from Blaxland Rd to Samuel Street (Source: Extract from UrbanLink Architecture, 2016)



Figure 17: Cross section of development site showing compliance with height limits shown in red (Source: UrbanLink Architecture, 2016)

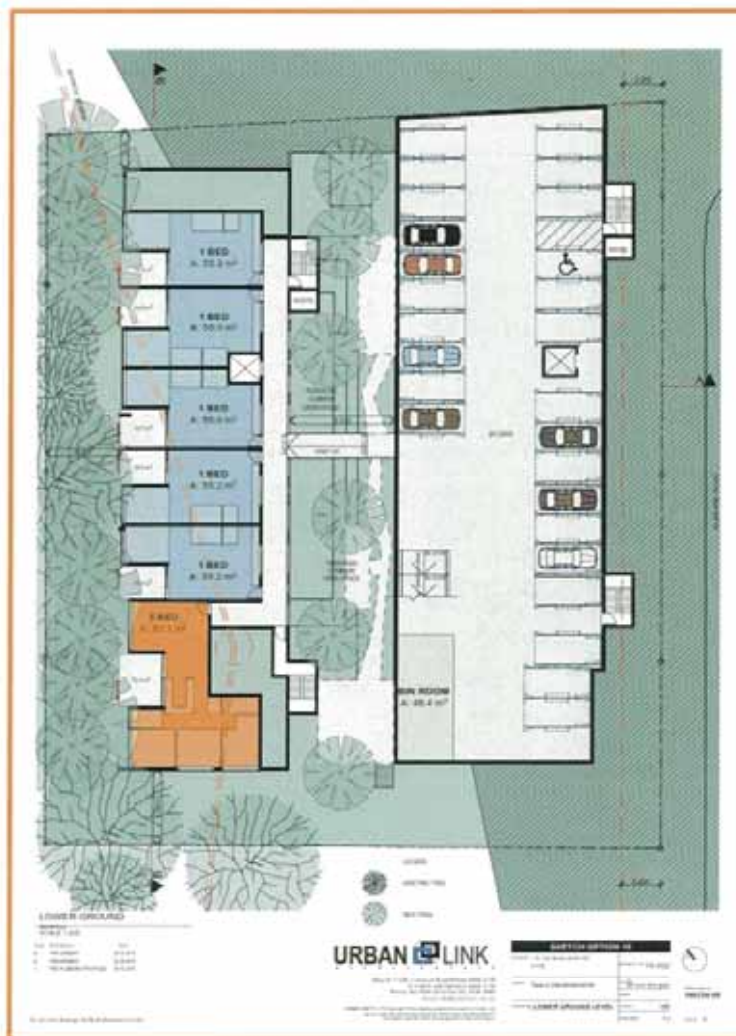


Figure 18: North west section of development site showing height compliance and large setback to rear boundary and low density dwelling with deep soil planting along boundaries. (Source: UrbanLink Architecture, 2016)

**ITEM 4 (continued)**

**ATTACHMENT 1**

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



*Figure 19: Site Plan of Proposed Development Site, showing locational context  
(Source: UrbanLink Architecture, 2016)*

ITEM 4 (continued)

ATTACHMENT 1

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 - SP2 Infrastructure to R4 High Density Residential

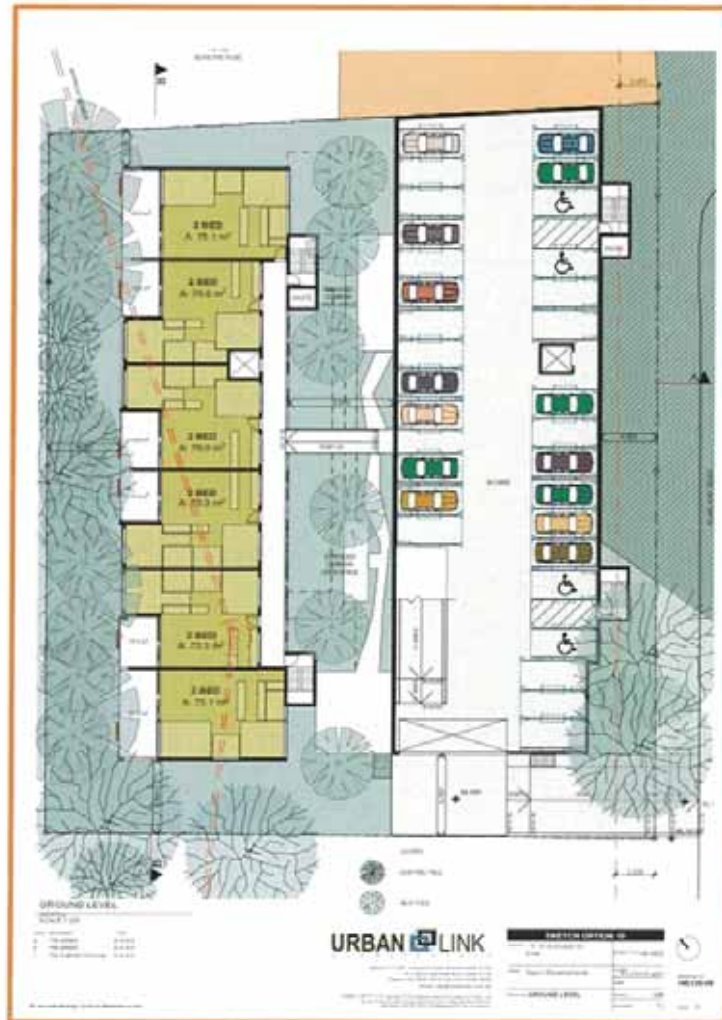


Figure 20: Ground Level  
(Source: UrbanLink Architecture, 2016)

**ITEM 4 (continued)**

**ATTACHMENT 1**

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



*Figure 21: Level 1*  
*(Source: UrbanLink Architecture, 2016)*

ITEM 4 (continued)

ATTACHMENT 1

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 - SP2 Infrastructure to R4 High Density Residential



Figure 22: Level 2  
(Source: UrbanLink Architecture, 2016)



**ITEM 4 (continued)**

**ATTACHMENT 1**

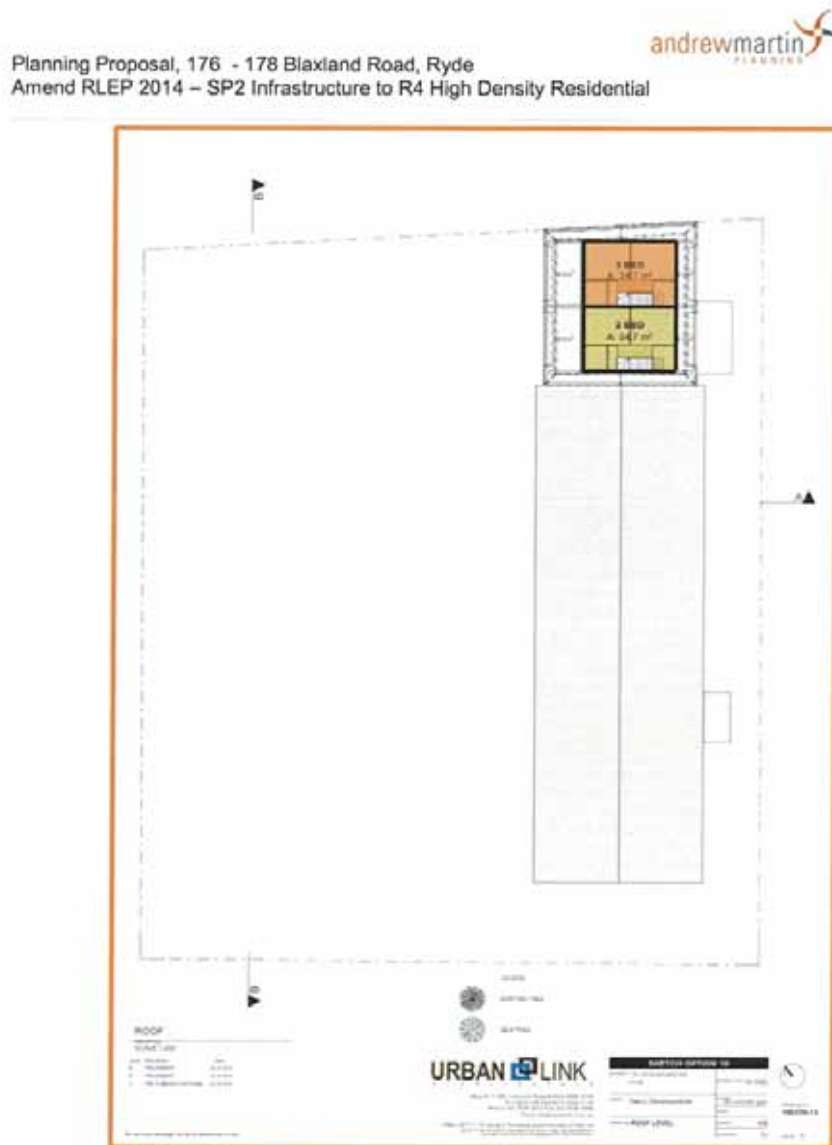


**Figure 23: Level 3**  
 (Source: UrbanLink Architecture, 2016)



ITEM 4 (continued)

ATTACHMENT 1



ITEM 4 (continued)

ATTACHMENT 1

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential

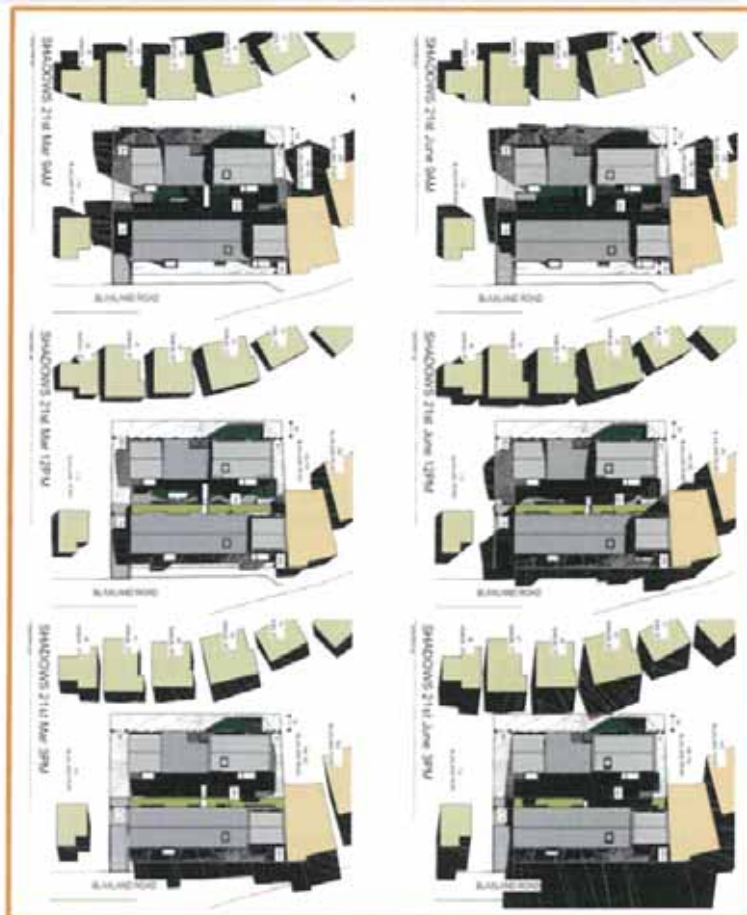


Figure 25: Shadow Diagrams  
(Source: UrbanLink Architecture, 2016)

ITEM 4 (continued)

ATTACHMENT 1

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



**Part 5 Ryde LEP 2014 and Ryde DCP 2014**

5.1 The two lots subject of the specific rezoning are currently zoned SP2 Infrastructure (Place of Public Worship) pursuant to Ryde LEP 2014. The primary LEP provisions which apply to any development of the site include, but are not limited to the following:

5.2 Clause 1.2 Aims of Plan

*1.2 Aims of Plan*

*(1) This Plan aims to make local environmental planning provisions for land in Ryde in accordance with the relevant standard environmental planning instrument under section 33A of the Act.*

*(2) The particular aims of this Plan are as follows:*

- (a) to encourage a range of development, including housing, employment and recreation, that will accommodate the needs of the existing and future residents of Ryde,*
- (b) to provide opportunities for a range of housing types that are consistent with adjoining development and the existing environmental character of the locality,*
- (c) to foster the environmental, economic, social and physical development of Ryde so that it develops as an integrated, balanced and sustainable city,*
- (d) to identify, conserve and promote Ryde's natural and cultural heritage as the framework for its identity, prosperity, liveability and social development,*
- (e) to improve access to the city, minimise vehicle kilometres travelled, facilitate the maximum use of public transport and encourage walking and cycling,*
- (f) to protect and enhance the natural environment, including areas of remnant bushland in Ryde, by incorporating principles of ecologically sustainable development into land use controls,*
- (g) to preserve and improve the existing character, amenity and environmental quality of the land to which this Plan applies,*
- (h) in relation to economic activities, to provide a hierarchy of retail, commercial and industrial activities that enable employment capacity targets to be met, provide employment diversity and are compatible with local amenity.*

The PP is consistent with the aims of RLEP 2014. As highlighted throughout this report the site is located within an area which borders the Ryde Town Centre (RTC) and is directly opposite the TRSC. High density living in units or apartments accounts for approximately one-third of current housing stock in the area. The predominant form of housing remains low density dwellings due to the age and history of existing development.

5.3 In Ryde the trend is changing as lifestyles change with the emerging demographics. The concept Development Plans demonstrate that the proposed rezoning of this land to high density residential and subsequent construction of a residential flat building across the consolidated development site is an appropriate amendment to RLEP 2014. The proposed development seeks to optimise the development potential of the

**ITEM 4 (continued)**

**ATTACHMENT 1**



Planning Proposal, 176 - 178 Blaxland Road, Ryde  
 Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential

consolidated site whilst respecting the lower density character of the adjoining properties to the west and south. The design steps down the site from Blaxland Road towards Samuel Street. The residential character and amenity of the area is maintained and enhanced by good quality, well designed residential development. The site is in close proximity to shops, employment, services, entertainment and public transport. Additional demand for services increases demand for local workforce which in turn supports the aims of the RLEP. The site is not challenged in terms of environmental constraints and is an existing underutilised urban lot capable of supporting residential development in the form of flat buildings. Overall the PP satisfies the aims of the RLEP 2014.

- 5.4 Any future Development Application (DA) that is lodged for the development of the land will be tested again against the aims of RLEP 2014 and will be assessed under S79C of the *EP&A Act 1979*. The submitted Development Plans do not offend any of the relevant aims as detailed below.

Relevant Aim	Comment
<p><i>(2) The particular aims of this Plan are as follows:</i></p> <p><i>(a) to encourage a range of development, including housing, employment and recreation, that will accommodate the needs of the existing and future residents of Ryde,</i></p>	<p>The rezoning facilitates the proposed Development across the five sites fronting Blaxland Road.</p> <p>The orderly and economic use of land is achieved by the rezoning as it allows the sites to become part of a larger development site. The need for additional apartments in the area is established by the area's social profile and broader strategic directions for Ryde LGA and Sydney. The loss of the site as a place of worship is not significant and other place of worship sites exist in the LGA given the permissibility of the use in other zones. The proposed concept Development Plan proposal will be tested under a separate assessment to ensure the aims under cl. 1.2 of RLEP are achieved.</p>
<p><i>(b) to provide opportunities for a range of housing types that are consistent with adjoining development and the existing environmental character of the locality,</i></p>	<p>The concept Development Plan provides a mix of dwellings comprising 1, 2 and 3 bedroom units. High density development is consistent with the adjoining and emerging character of the Top Ryde area. The design and layout of the</p>



**ITEM 4 (continued)**

**ATTACHMENT 1**

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
 Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



	<p>proposal steps the height and density of the development down towards the low density dwellings located to the south and west of the development site. It is the stepped pavilion style approach which makes the scheme acceptable. The proposal also steps to follow the 11m height control line which ensures the overall scale of the proposal is consistent with lands to the north. Separation at the rear of the Development Site and rear dwellings provides the necessary visual buffers.</p>
<p><i>(c) to foster the environmental, economic, social and physical development of Ryde so that it develops as an integrated, balanced and sustainable city,</i></p>	<p>The development site is ideally located directly opposite the Top Ryde Shopping centre and Top Ryde Town Centre Precinct. This Town Centre contains a wide range of land uses that cater for the needs of new residents to the area. The provision of this type of infrastructure (i.e. retail and support services) supports the need (request) to increase housing within 100m of the TRSC.</p>
<p><i>(g) to preserve and improve the existing character, amenity and environmental quality of the land to which this Plan applies,</i></p>	<p>The concept Development Plans submitted with the Planning Proposal demonstrate that the proposed development respects the adjoining low density area by complying with height as the land slopes across the site to the rear from Blaxland Road towards Samuel Street. The built form presentation to the street will be enhanced by new active residential edges fronting Blaxland Street. Dwellings to the rear will adopt screening devices as required plus deep soil landscaped area to ameliorate any perceived impacts of the development.</p>

ITEM 4 (continued)

ATTACHMENT 1

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



5.5 Clause 1.7 - Maps

(1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name:

- (a) approved by the Minister when the map is adopted, and
- (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the Minister when the instruments are made.

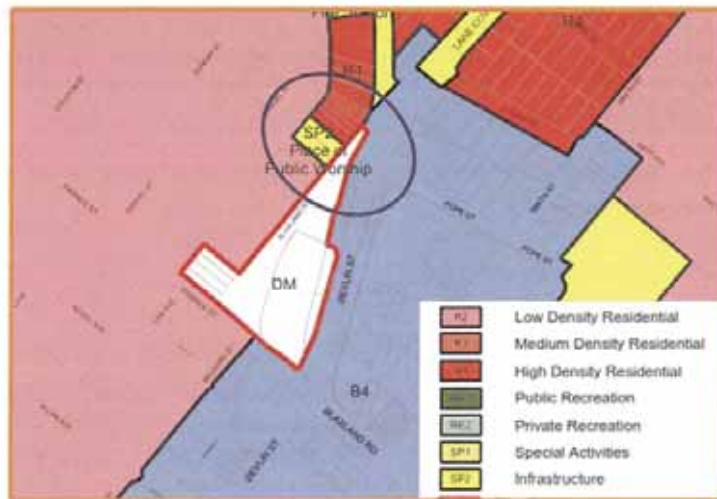
(1AA) A reference to the Minister in subclause (1) is taken to be a reference to the Greater Sydney Commission in the case of any map that applies to a local government area in the Greater Sydney Region (within the meaning of the *Greater Sydney Commission Act 2015*) and that is adopted by a local environmental plan on or after 27 January 2016.

(2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Plan to any such named map is a reference to the relevant part or aspect of the single map.

(3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.

(4) For the purposes of this Plan, a map may be in, and may be kept and made available in, electronic or paper form, or both.

This planning proposal results in the need to amend the relevant LEP Maps (006) series to change the SP2 Place of Public Worship (coloured bright yellow and associated text) to R4 High Density Residential (bright red). Refer to Part 7 & 8 below for details.





**ITEM 4 (continued)**

**ATTACHMENT 1**

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



**5.6 Land Use Table – Existing Zone**

No. 176-178 Blaxland Road is currently zoned SP2 Infrastructure (Place of Public Worship), as follows:

**Zone SP2 Infrastructure**

**1 Objectives of zone**

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.
- To ensure the orderly development of land so as to minimise any adverse effect of development on other land uses.

**2 Permitted without consent**

Nil.

**3 Permitted with consent**

Roads; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose.

**4 Prohibited**

Any development not specified in item 2 or 3.

A Place of Public Worship is defined as a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

The following RLEP 2014 development standards apply to the SP2 Infrastructure site.

- Clause 4.1 Lot sizes: N/A.
- Clause 4.3 Height of buildings: N/A.
- Clause 4.4 Floor space ratio: N/A.

In effect a greater level of certainty is provided under the PP for adjoining residents. A place of worship typically has amenity impacts and residents have been acclimatised to the low frequency use of the site. Under different operating conditions the Church in theory could expand particularly with no height or FSR controls in place. This would leave a rule of thumb assessment under any future application to construct a new facility.

## ITEM 4 (continued)

## ATTACHMENT 1



Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential

### 5.7 Land Use Table – Proposed Zone

It is proposed to zone Lots 22 & 23 DP 6046 (No. 176-178 Blaxland Road, Ryde) to R4 High Density Residential, as follows:

#### Zone R4 High Density Residential

##### 1 Objectives of zone

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

##### 2 Permitted without consent

Home occupations

##### 3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Business identification signs; Child care centres; Community facilities; Dual occupancies (attached); Dwelling houses; Environmental protection works; Home-based child care; Home businesses; Home industries; Multi dwelling housing; Neighbourhood shops; Places of public worship; Public administration buildings; Recreation areas; Residential care facilities; Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Serviced apartments; Shop top housing

##### 4 Prohibited

Any development not specified in Item 2 or 3.

A 'Residential Flat Building' is a permissible with the consent of Council.

The following RLEP 2014 development standards apply to the proposed R4 High Density Residential zone:

- Clause 4.1 Lot sizes: 580sqm (min)
- Clause 4.3 Height of buildings: 11.5m (max)
- Clause 4.4 Floor space ratio: 1:1 (max)

- 5.8 RLEP 2014 Clause 6.2 - Earthworks, Clause 6.4 - Stormwater Management, Clause 6.6 - Environmental sustainability, Schedule 2 - Exempt development and Schedule 3 - Complying Development will also apply to any future development of the land.

**ITEM 4 (continued)**

**ATTACHMENT 1**

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



5.9 The following table is a preliminary assessment of the concept Development Plans against the provisions of the R4 High Density Residential Zone provisions contained in RLEP 2014, the relevant controls in RDCP 2014 and the provisions of SEPP 65 and its associated Apartment Design Guidelines. A more detailed assessment of each is provided in Parts 5 & 6 below.

RLEP 2014 Development Standard	Requirement	Proposed
Site Area	2989sqm	
FSR	1:1 (max)	1:1
GFA	2989 (max)	2988.6sqm
HOB	11.5m (max)	11.5m
RDCP 2014 Provisions		
Car parking	45 (min) -56 (max)	56
SEPP 65 (ADG) Provisions		
Solar Access	70%	100%
Cross Ventilation	60%	94.9%
Adaptable Units	10%	10.3%
Single Oriented south facing units	10%	0%
Communal Open Space	25%	25.4%
Deep Soil	7%	10%
Overshadowing	As per SEPP 65	Complies

**ITEM 4 (continued)**

**ATTACHMENT 1**

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



**5.10 Ryde Development Control Plan 2014 (RDCP 2014)**

The RDCP 2014 contains the following objectives for the development of land within the LGA, as follows:

**1.5 Objectives of this Plan**

**Objectives**

*The objectives of this Plan are:*

- 1. To achieve a responsible development control system that has sustainable environmental outcomes;*
- 2. To enhance the existing amenity and character of the City of Ryde;*
- 3. To create vibrant, viable and economically sound employment and living centres;*
- 4. To ensure new development is appropriate for its site and context;*
- 5. To ensure that urban centres and special areas are identified and their special qualities protected and enhanced;*
- 6. To provide guidelines for specific development types and development sites to ensure appropriate high quality development.*

The rezoning of the subject land for residential purposes achieves these objectives given that:

- The concept development presents a sustainable outcome for the consolidated development site. The site amalgamation is a logical and practical use of the land. It does not isolate any properties between the R4 lands to the north and residential development to the south and west.
- The concept design demonstrates that the consolidated site provides the opportunity for development that will complement the existing and future amenity of the Top Ryde area. Active residential edges improve safety and increase the vibrancy and vitality of the area.
- The development is appropriate for the consolidated site, in this location, given its locational context and site opportunities and constraints.
- The development of the consolidated development site will increase the supply of housing in the Top Ryde area, in line with Council's and the State Government Growth Strategy. Additional housing supply will make housing more affordable.
- The concept plans submitted with this Planning Proposal demonstrate (plan package includes shadow diagrams) that the site can be developed in accordance with the development standards of RLEP 2014 and RDCP 2014 applicable to the R4 High Density Residential zone, while respecting the adjoining low density (R2) zone and existing properties.



**ITEM 4 (continued)**

**ATTACHMENT 1**

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



- All parking and required services can be accommodated on the site.

The site is not subject to the provisions of Part 3 – Development Type, Part 4 – Urban Centres, Part 5 – Special Areas or Part 6 – Specific Sites of RDCP 2014.

Part 7 – Environment, Part 8 – Engineering and Part 9 – Other Provisions are applicable and will be addressed as part of any assessment of a development application by Council at a later date.

The following more detailed assessment of the concept Development Plans is provided below:

**5.11 Setback from Boundaries**

Setbacks along Blaxland Road are proposed to range from 4.65m to 5.34m to the main front walls and balconies. Stairwells protrude forward of this line. The adjoining building to the north is constructed on a nil boundary setback and the detached dwelling to the south is setback 9.17m. These setbacks reflect the commercial nature of the site to the north and the location of the dwelling on what was a main road previously. The requirement for such a large front setback is superseded by the realignment of Devlin Street through this area. The site is now located on the side road, set well back from the alignment of the arterial road. The average of the two existing setbacks is 4.5m. The front building maintains this setback on each level. Based on the location of the property and the development typology proposed, the proposal is considered appropriate. Overstated front setbacks area simply not required or warranted for infill residential development this close to rather large scale town centre developments. The front setback proposed has allow compliance with internal separation distances and provision of suitable rear setbacks.

Side setbacks to the southern boundary are 6.04m and 6.767m which is acceptable for the scale and depth of building proposed. The access driveway is located along the southern boundary (in the same location as the existing driveway to the rear of the subject site). The side setback to the northern boundary is 3m to the rear building and a nil setback to the front building. (refer to Drawing No. 160330-07 - Site Plan which shows the relative position of the buildings to development on the northern side of the land)

ITEM 4 (continued)

ATTACHMENT 1

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



The rear building (western pavilion) is setback 6m from the rear boundary with deep soil planting proposed within this private open space area. Landscaping embellishment will assist with softening the visual impact of the proposal and reduce any potential overlooking or visual impacts to and from adjoining residential properties.

The current design of the buildings has allowed for adequate building modulation and articulation along rear and side boundaries to reduce visual bulk when viewed from adjoining properties.

**5.12 Traffic and Parking**

An *Assessment of Traffic and Parking Implications* Report has been prepared by Transport and Traffic Planning Associates, dated April 2016. The report assessed the proposed Concept Development (39 units, two buildings and basement parking with access from Blaxland Road) in relation to traffic generation on the area, access to and from the site, circulation within the site, parking numbers and servicing of the site (ie waste management). A copy of this report is submitted to Council, under separate cover. By way of summary, the report states:

*"The traffic generation of the existing uses on the site would only be some 2-3 vtp/h however the additional movements - AM Peak = 8 vtp/h and PM Peak = 6 vtp/h - represent a quite minor traffic generation outcome in the context of the road system in the area. It is apparent that there will not be any adverse traffic implications resulting from the development particularly due to the traffic signal controlled access provision at the Devlin Street / Blaxland Road / Parkes Street intersection."*

*The envisaged development will provide a total of 56 basement parking spaces (46 residential and 10 visitor), including 5 accessible driver spaces, which is considered to be suitable and appropriate given the location which is convenient to public transport and other facilities."*

*The existing access driveways will be removed and vehicle access for the development will involve a 5.5m wide combined ingress/egress driveway located at the southern site boundary. This driveway will accord with AS 2890.1 and will provide suitable sight distances for entering and exiting vehicles.*



**ITEM 4 (continued)**

**ATTACHMENT 1**

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



*The design of the internal ramps, aisles and parking bays will accord with the criteria of AS 2890.1 and 6 with suitable provision for accessible parking. The simple two-way circulation system will provide for flexible and efficient access with a minimum of potential conflict points.*

*Refuse will be removed from the street by Council's refuse vehicle as it is not feasible to provide for collection in the basement level due to the significant change in site levels. Small furniture vans, etc. will also be able to stand in this bay while other small vehicles (service personnel, couriers, etc.) will also be able to use the visitor spaces. Details of the turning path assessment for the Council vehicle are provided in Appendix C utilising the area where 3.0m headroom will be available.*

*The envisaged residential apartment based development subject to the Planning Proposal will be a suitable and appropriate outcome for the site on Blaxland Road, Ryde..... This assessment has concluded that:*

- the envisaged development will not present any adverse traffic implications*
- the envisaged parking provision will be quite appropriate and adequate for the uses*
- the envisaged access, internal circulation and servicing arrangements will be suitable and appropriate to normal design criteria."*

**5.13 Residential Amenity – Solar Access, Ventilation and Access**

A preliminary assessment of the concept Development Plan has been undertaken pursuant to the provisions of SEPP 65 and the associated Apartment Design Guidelines. Refer to Part 6 below. By way of summary, the plans either comply with the minimum standards or are identified as being capable of complying – subject to more detailed plans and reporting at the DA stage.

**ITEM 4 (continued)**

**ATTACHMENT 1**

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



**5.14 Stormwater Management**

A stormwater management system is to be provided in accordance with the requirements of Part 8.2 Stormwater Management of this DCP. The site is capable of complying with these requirements.

**5.15 Tree Preservation**

The Concept Development Plans show the retention of the mature Eucalypt Street Trees at the front of the site. New deep soil planting and landscaping is proposed within the site, particularly along the rear and western boundaries to reduce any visual privacy impacts from the site into the rear yards of the adjoining dwellings. Any development is to comply with the Part 9.5 Tree Preservation.

**5.16 Waste Minimisation and Management**

The storage, management and collection of waste is to be in accordance with the requirements of Part 7.2 Waste Minimisation and Management provisions of RDCP 2014. Bins would be moved to the temporary bin room in corner of building at street level which would then be collected by Council. This would avoid the bins being on the kerbside. The submitted plans demonstrate that the proposal is capable of complying with Council's requirements.

**5.17 Site Specific DCP**

As detailed above and within this report the site is subject to the updated flat building design provisions under the ADG and the additional provisions where relevant of the RDCP 2014 with regard to the assessment of environmental impacts. The site is not of a size to warrant a site specific DCP. The future development application will be subject to the RLEP development standards being height and FSR. The ADG will be the primary tool to establish setbacks, site coverage, deep soil and landscaping etc. A range of comprehensive Australian Standards will also apply to the future proposal. These are the same controls and guidelines Council currently use to assess development of similar or greater size and as such are deemed to be adequate to control and manage future development on the site.

**ITEM 4 (continued)**

**ATTACHMENT 1**

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



**Part 6 State Environmental Planning Policies – SEPP 55 & SEPP 65  
(ADG) Preliminary Assessment of Concept Development Plans**

**6.1 SEPP 55 – Remediation of Land**

The proposed Concept Development, or any other residential flat development, on the consolidated development site will also need to satisfy the provisions of SEPP 55.

Due to the nature of the existing development of the land, being community serviced based, residential and small lot commercial/retail it is considered highly unlikely that the land would be subject to contamination in terms of SEPP 55. A 1943 aerial of the sites show the rezoning site is vacant at that time with only the single dwelling and set of shops to the north. Based on the existing buildings and use of the site, it is considered unlikely that the overall development site is contaminated.



*Figure 26: aerial photo of sites in 1943  
(Source: Sixmaps NSW)*

In support of the application is a stage 1 preliminary site assessment report. The site assessment concludes that the proposed residential use is acceptable and there are no environmental impediments to the rezoning of the land from SP2 to R4. The site assessment report concludes as follows:

**ITEM 4 (continued)**

**ATTACHMENT 1**

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
 Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



*"Based on the results of this investigation it is considered that the risks to human health and the environment associated with soil contamination at the site are low in the context of the proposed use of the site. The site is suitable for the proposed development, subject to the following recommendations:*

*Any soils proposed for removal from the site should initially be classified in accordance with the "Waste Classification Guidelines, Part 1: Classifying Waste" NSW DECC (2014).*

*If during any potential site works any significant unexpected occurrence is identified, site works should cease in that area, at least temporarily, and the environmental consultant should be notified immediately to set up a response to this unexpected occurrence."*

**6.2 SEPP 65 – Design Quality for Residential Flat Buildings**

RDCP 2014 does not contain specific provisions for the assessment of medium to high density residential flat buildings. Rather, it refers to the provisions of SEPP 65 and its associated Apartment Design Guidelines for guidance and sets the parameters and controls for the design and assessment of these developments.

To assist with the assessment of the site's capacity to be developed in accordance with the concept Development Plans submitted as part of this Planning Proposal, the following table provides an indication of where the proposal complies or is capable of complying and/or achieving good quality design outcomes on the development site.

Principle	Comment
<b>1 Context and neighbourhood character</b>	
<p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined, it also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p>	<p>The locational context of the development site in relation to Ryde Town Centre and even more broadly within the region creates a highly desirable redevelopment site in terms of access to employment, leisure, entertainment, community services and public transport. The opportunities created by rezoning this site are addressed throughout</p>



**ITEM 4 (continued)**

**ATTACHMENT 1**



Planning Proposal, 176 - 178 Blaxland Road, Ryde  
 Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential

<p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p>this Planning Proposal.</p>
<p><b>2 Built form and scale</b></p>	
<p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>The proposed rezoning of SP2 land to R4 is considered appropriate in this case. Council requested the proponent to demonstrate how the R4 development standards would transition the height and FSR, and hence the bulk and scale of the new development between the R4 zone and the R2 zone adjoining the site.</p> <p>The concept Development Plans demonstrate that the site is capable of achieving the 1.1 FSR and overall height of building not exceeding 11.5m across the site without adversely impacting on the adjoining detached dwellings or their curtilages. The proposed design and built form is considered to be an appropriate response and transition between the height, bulk and scale of the Top Ryde Shopping Centre to the east, the existing Civic Centre to the South and the 1 and 2 storey dwellings and low rise commercial buildings to the south, west and north. Refer to Figures 14 &amp; 15 above.</p> <p>The proposed scale of the RFB is reduced due to the provision of two individual pavilions (i.e. east and west wing) that provides a minimum 12m break in the centre of the site. Within each pavilion the built form will be broken down by balconies and other architectural treatments that</p>

ITEM 4 (continued)

ATTACHMENT 1

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



	<p>provide relief and increase the effects of light and shade. The future DA will be subject to a detailed assessment under S79C of the EP and A Act 1979 which considers bulk and scale and the requirements of SEPP 65. The site slopes to the rear and has cross fall thus the built form has been designed to step with the slope and comply with height given that height is determined from the existing site levels.</p>
<b>3 Density</b>	
<p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population.</p> <p>Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>The development site proposes to contain 39 residential units with a FSR of 1:1. This is considered appropriate for the area in terms of population growth in the immediate area and the broader planning principle of urban renewal and consolidation in areas close to public transport, employment and services. The site is ideally situated in this context. The site is accessible from the TRSC with lift service provided within the overhead bridge. Regardless the transition from the site to the TRSC is reasonably level. The resultant density is the same as the R4 lands to the north but is significantly less than the density provided in the Top Ryde town centre. The future development will provide all parking on site. The consolidated site is quite large and has the capacity to support the proposed 39 dwellings. Each dwelling will have its own private open space.</p>
<b>4 Sustainability</b>	



**ITEM 4 (continued)**

**ATTACHMENT 1**

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
 Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



<p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and livability of residents and passive thermal design for ventilation, heating and cooling, reducing reliance on technology and operational costs. Other elements include recycling and re-use of materials and waste, use of sustainable materials and deep soil zone or groundwater recharge and vegetation.</p>	<p>The Concept Development Plans demonstrate that 100% of the proposed units will comply with solar access minimum requirements, 95% with cross ventilation minimums and sufficient landscaping and deep soil planting to soften effects of privacy and potential overlooking of communal areas.</p>
<p><b>5 Landscape</b></p>	
<p>Good design recognises that together, landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the developments' environmental performance by retaining positive natural features which contribute to the local context, coordinating water and soil management, solar access, microclimate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, and respect for neighbours' amenity and provides for practical establishment and long-term management.</p>	<p>Concept Development plans demonstrate that adequate landscape areas within the site are available for deep soil planting to soften the visual impact of the development and to increase visual privacy to and from the site. Detailed landscape plans, prepared by a suitably qualified landscape designer will be submitted at the DA stage.</p> <p>The plan will deal with the different requirements between rear planting and front setback planting. All species will be selected based on effectiveness and suitability of the site.</p>
<p><b>6 Amenity</b></p>	
<p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well-being.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic</p>	<p>Concept Development Plans demonstrate that the design, layout and urban form of the proposed development will result in adequate amenity for both residents and neighbours of the development. The bulk, scale,</p>

**ITEM 4 (continued)**

**ATTACHMENT 1**



Planning Proposal, 176 - 178 Blaxland Road, Ryde  
 Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential

<p>privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p>shape and layout of the development reflects the opportunities and constraints of the development site. The plans demonstrate that the development is capable of adequately addressing issues related to setbacks, open space, communal open space, deep soil planting, waste management, privacy and overlooking.</p>
<p><b>7 Safety</b></p>	
<p>Good design optimises safety and security within the development and the public domain.</p> <p>It provides for quality public and private spaces that are clearly defined and fit for the intended purpose.</p> <p>Opportunities to maximise passive surveillance of public and communal areas promote safety. A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>A CPTED report can be prepared and submitted at the DA stage. Generally the concept Development Plans do not raise any obvious concerns regarding safety of residents entering or leaving the site. Adequate casual surveillance is provided intra site and to the front setback areas. The entry is clearly identified and residents are provided with clear sight lines to the entry.</p>
<p><b>8 Housing diversity and social interaction</b></p>	
<p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a board range of people and providing opportunities for social interaction among residents.</p>	<p>The proposed housing mix is considered appropriate in relation to the social profile previously discussed for the Ryde area, particularly in the vicinity of the Top Ryde Shopping Centre and Ryde Town Centre and Civic precincts.</p>
<p><b>9 Aesthetics</b></p>	
<p>Good design achieves a built form that has good proportions and a balanced composition of</p>	<p>Details of proposed materials,</p>

ITEM 4 (continued)

ATTACHMENT 1



Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential

<p>elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p>colours and finishes will be submitted at the DA stage. It is anticipated that the building form shown will carry over in the Development Application to be submitted to Council as soon as possible.</p>
---	--

**Part 3 Siting the Development**

Objectives	Comment
<b>3A Site analysis</b>	
<p>Objective 3A-1 Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.</p>	<p>Yes. Refer to the Architectural drawings prepared by Urban Link Architecture, submitted as part of this Planning Proposal.</p>
<b>3B Orientation</b>	
<p>Objective 3B-1 Building types and layouts respond to the streetscape and site while optimising solar access within the development.</p>	<p>Yes. The role and function of Blaxland Road in this area has changed to that of a side road access to a small number of properties. The concept Development Plan responds to this change while optimizing the orientation of the land, achieving 100% of units with adequate solar access.</p>
<p>Objective 3B-2 Overshadowing of neighbouring properties is minimised during mid-winter.</p> <p>Design guidance Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%.</p> <p>A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring</p>	<p>Yes. The Shadow Diagrams submitted with the Architectural Plans demonstrate that the design and siting of the proposal on the development site does not adversely impact on the solar access and amenity of the adjoining residential dwellings or their connected private open space areas. As with any level of</p>

46

**ITEM 4 (continued)**

**ATTACHMENT 1**



Planning Proposal, 176 - 178 Blaxland Road, Ryde  
 Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential

buildings.	redevelopment there will be impacts associated with change however the impacts of this development will be within the limits set but the Ryde controls. Some level of impact is contemplated by the controls and it is likely the impacts will be within these controls when the formal DA is processed following gazettal of the planning proposal.
<b>3C Public Domain Interface</b>	
<b>Objective 3C-1</b> Transition between private and public domain is achieved without compromising safety and security.	The Concept Development is capable of complying.
<b>Objective 3C-2</b> Amenity of the public domain is retained and enhanced.	The existing mature street trees are proposed to be retained. These Eucalypts are an important element of the existing streetscape along this frontage. A more detailed assessment will be contained within the future DA when submitted. The future DA will be supported by an arborist report which will be reviewed in house by Councils landscape experts.
<b>3D Communal and public open space</b>	
<b>Objective 3D-1</b> An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.  <b>Design Criteria</b> Communal open space has a minimum area equal to 25% of the site. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid-winter). The communal open space should have a minimum dimension of 3m.	The Plans show that some 25.4% of the site area is available for landscaping and communal open space purposes. Adequate solar access is available to each of the principles areas, being the centre courtyard, side and rear setbacks. The central communal space is provided with adequate direct sunlight and will have access



**ITEM 4 (continued)**

**ATTACHMENT 1**



Planning Proposal, 176 - 178 Blaxland Road, Ryde  
 Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential

<p>Objective 3D-2 Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.</p>	<p>Details of landscaping, including hard stand areas, any furniture or activity space will be provided as part of the DA. The principle communal open space areas are capable of being attractive and inviting places for residents.</p>
<p>Objective 3D-3 Communal open space is designed to maximise safety.</p>	<p>As above.</p>
<p>Objective 3D-4 Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood.</p>	<p>Not applicable to this development. Only private or communal open space is to be provided as part of the Concept Development.</p>
<p><b>3E Deep soil zones</b></p>	
<p>Objective 3E-1 Deep soil zones provide areas on the site that allow for and support health plant and tree growth. They improve residential amenity and promote management of water and air quality.</p> <p>Design criteria Deep soil zones are to meet the following minimum requirements:</p> <ul style="list-style-type: none"> <li>• 7% of site area</li> <li>• &lt;650m<sup>2</sup> - no min dimensions</li> <li>• 650m<sup>2</sup>-1500m<sup>2</sup> - 3m min dimensions</li> <li>• &gt;1500m<sup>2</sup> - 6m min dimensions</li> </ul>	<p>The rear boundary setback (6m) is proposed to be a deep soil zone, together with part of the side boundary setback along the northern boundary and parts of the central courtyards and front setback on Blaxland Road. Each of these areas contains sufficient length and breadth to comply. Details to submitted with any DA.</p>
<p><b>3F Visual Privacy</b></p>	
<p>Objective 3F-1 Adequate building separation distances are shared equitable between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.</p> <p>Design Criteria Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows: 4 storeys: 6m for habitable rooms and balconies; 3m for non-habitable rooms.</p>	<p>The rear building is to be setback 6m from the rear boundary. It appears on the concept plans that the proposal is capable of complying.</p>
<p>Objective 3F-2 Site and building design elements increase privacy without compromising access to light and air, and balance outlook and viewed from habitable rooms</p>	<p>The plans demonstrate that the proposal is capable of complying. Details to be submitted at the DA</p>

ITEM 4 (continued)

ATTACHMENT 1

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



and private open space.	stage.
<b>3G Pedestrian access and entries</b>	
Objective 3G-1 Building entries and pedestrian access connects to and addresses the public domain.	Complies.
Objective 3G-2 Access, entries and pathways are accessible and easy to identify.	Complies.
Objective 3G-3 Large sites provide pedestrian links for access to streets and connection to destinations.	No pedestrian links required for this specific site. Blaxland Road connects directly to the pedestrian overpass over Devlin Street to the Top Ryde Shopping Centre and Ryde Town Centre area.
<b>3H Vehicle access</b>	
Objective 3H-1 Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.	Redundant crossovers and driveways will be reinstated and one new crossover and driveway is proposed to be constructed along the southern boundary of the development site. Pavement details to be submitted at the DA stage.
<b>3J Bicycle and car parking</b>	
Integrating car parking within apartment buildings has a significant impact on site planning, landscape and building design. On-site parking can be located underground, above ground within a structure or at grade.	Parking for the proposed development is located at lower ground level, below the front building.
Objective 3J-2 Parking and facilities are provided for other modes of transport	No details provided. Capable of complying. Details to be submitted at the DA stage.
Objective 3J-3 Car park design and access is safe and secure.	The preliminary traffic report concludes that the proposal is satisfactory in terms of traffic generation, parking provision, circulation and access.
Objective 3J-4 Visual and environmental impacts of underground	Complies.

49



**ITEM 4 (continued)**

**ATTACHMENT 1**



Planning Proposal, 176 - 178 Blaxland Road, Ryde  
 Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential

car parking are minimised.	
Objective 3J-5 Visual and environmental impacts of on-grade car parking are minimised.	Not applicable to the proposal.
Objective 3J-6 Visual and environmental impacts of above ground enclosed car parking are minimised.	Not applicable to the proposal.

**Part 4 Designing the Building**

<b>4A Solar and daylight access</b>	
Objective 4A-1 To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.  Design criteria In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9am and 3pm at mid-winter.	Complies. 100% of apartments will receive adequate sunlight in accordance with the ADG criteria.
Objective 4A-2 Daylight access is maximised where sunlight is limited.	Not applicable in this case.
Objective 4A-3 Design incorporates shading and glare control, particularly for warmer months.	Details to be submitted at the DA stage.
<b>4B Natural ventilation</b>	
Objective 4B-1 All habitable rooms are naturally ventilated.	95% of units have adequate cross ventilation.
Objective 4B-2 The layout and design of single aspect apartments maximises natural ventilation.	Capable of complying. Details to be submitted at the DA stage.
Objective 4B-3 The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents.  Design criteria At least 60% of apartments are naturally cross-ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed. Overall depth of a cross-over or cross- through apartment does not exceed 18m, measured glass line to glass line.	Complies. 95% of units have natural cross ventilation.
<b>4C Ceiling heights</b>	
Objective 4C-1	Concept Plan developed to

ITEM 4 (continued)

ATTACHMENT 1

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



<p>Ceiling height achieves sufficient natural ventilation and daylight access.</p> <p><b>Design criteria</b> Measured from finished floor level to finished ceiling level, minimum ceiling heights are: Habitable rooms: 2.7m Non-habitable rooms: 2.4m 2 storey apartments: 2.7m for main living area floor; 2.4m for second floor where its area does not exceed 50% of the apartment area.</p>	<p>ensure compliance with floor to ceiling height standards. Details to be submitted at the DA stage.</p>
<p><b>Objective 4C-2</b> Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms.</p>	<p>Noted.</p>
<p><b>4D Apartment size and layout</b></p>	
<p><b>Objective 4D-1</b> The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.</p> <p><b>Design criteria</b> All apartments are required to have the following minimum internal areas: Studio: 35m<sup>2</sup> 1 bedroom: 50m<sup>2</sup> 2 bedroom: 70m<sup>2</sup> 3 bedroom: 90m<sup>2</sup> Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.</p> <p><b>Design guidance</b> A window should be visible from any point in a habitable room.</p>	<p>Concept plans demonstrate a high quality of residential amenity in the floor layouts and internal design.</p> <p>Concept Development Plan complies. Dwelling mix is a combination of one bedroom, two bedroom and three bedroom apartments, noting that the two northern units are townhouses.</p>
<p><b>Objective 4D-2</b> Environmental performance of the apartment is maximised.</p> <p><b>Design criteria</b> Habitable room depths are limited to a maximum of 2.5 x the ceiling height. In open plan layouts (where the living, dining + kitchen are combined) the max habitable room depth is 8m from a window.</p>	<p>Concept Plans have been prepared to comply. Details to be provided at the DA stage.</p>
<p><b>Objective 4D-3</b> Apartment layouts are designed to accommodate a variety of household activities and needs.</p> <p><b>Design criteria</b> Master bedrooms have a minimum area of 10m<sup>2</sup></p>	<p>Concept Plans have been prepared to comply with these provisions. Details to be submitted at the DA stage.</p>

**ITEM 4 (continued)**

**ATTACHMENT 1**



Planning Proposal, 176 - 178 Blaxland Road, Ryde  
 Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential

<p>and other bedrooms 9m<sup>2</sup> (excluding wardrobe space)          Bedrooms have a minimum dimension of 3m (excluding wardrobe space)          Living rooms or combined living/dining rooms have a minimum width of 4m for 2 and 3 bedroom apartments. The width of cross-over or cross-through apartments is at least 4m internally to avoid deep narrow apartment layouts.</p>	
<b>4E Private open space and balconies</b>	
<p>Objective 4E-1          Apartments provide appropriately sized private open space and balconies to enhance residential amenity.          Design criteria          All apartments are required to have primary balconies as follows:</p> <ul style="list-style-type: none"> <li>o Studio: 4m<sup>2</sup> min</li> <li>o 1 bed: 8m<sup>2</sup> min + 2m depth</li> <li>o 2 bed: 10m<sup>2</sup> + 2m depth</li> <li>o 3 bed: 12m<sup>2</sup> + 2.4m depth</li> </ul> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m.</p>	<p>Concept Plans have been prepared to comply with these provisions.</p>
<p>Objective 4E-2          Primary private open space and balconies are appropriately located to enhance liveability for residents.</p>	<p>Complies. Balconies directly accessible from living areas of apartments.</p>
<p>Objective 4E-3          Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.</p>	<p>Complies.</p>
<p>Objective 4E-4          Private open space and balcony design maximises safety.</p>	<p>Concept Plans have been prepared to ensure safety. Details of materials and finishes to be submitted at the DA stage.</p>
<b>4F Common circulation and spaces</b>	
<p>Objective 4F-1          Common circulation spaces achieve good amenity and properly service the number of apartments.          Design criteria          The maximum number of apartments off a circulation core on a single level is eight. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.          Where design criteria 1 is not achieved, no more than 12 apartments should be provided off a circulation core on a single level.</p>	<p>Concept Plans have been prepared to comply with these provisions.</p>
<p>Objective 4F-2</p>	<p>The buildings are capable of</p>

ITEM 4 (continued)

ATTACHMENT 1

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



Common circulation spaces promote safety and provide for social interaction between residents.	complying with CPTED principles for the safety of residents. Details to be submitted at the DA stage.
<b>4G Storage</b>	
<p>Objective 4G-1 Adequate, well-designed storage is provided in each apartment.</p> <p>Design criteria</p> <ul style="list-style-type: none"> <li>• In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <ul style="list-style-type: none"> <li>o Studio: 4m<sup>3</sup></li> <li>o 1 bed: 6m<sup>3</sup></li> <li>o 2 bed: 8m<sup>3</sup></li> <li>o 3 bed: 10m<sup>3</sup></li> </ul> </li> </ul> <p>At least 50% of the required storage is to be located within the apartment.</p>	Details to be submitted at the DA stage.
Objective 4G-2 Additional storage is conveniently located, accessible and nominated for individual apartments.	Details to be submitted at the DA stage.
<b>4H Acoustic privacy</b>	
Objective 4H-1 Noise transfer is minimised through the siting of buildings and building layout.	The buildings will be capable of complying. Details to be submitted at the Construction Certificate stage.
Objective 4H-2 Noise impacts are mitigated within apartments through layout and acoustic treatments.	The buildings will be capable of complying. Details to be submitted at the Construction Certificate stage.
<b>4J Noise and pollution</b>	
Objective 4J-1 In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.	The site is close to Devlin Street, being an arterial road. An acoustic report would be submitted at the DA stage and would include any recommendations to acoustically treat the front apartments, if necessary.
Objective 4J-2 Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.	As above. Subject to any recommendations of an Acoustic Assessment of the site and its surrounds.

53



ITEM 4 (continued)

ATTACHMENT 1

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



<b>4K Apartment mix</b>	
Objective 4K-1 A range of apartment types and sizes is provided to cater for different household types now and into the future.	The Concept Development is to contain and mix of one, two and three bedroom apartments.
Objective 4K-2 The apartment mix is distributed to suitable locations within the building.	The mix of units is distributed across the two buildings and on different levels.
<b>4L Ground floor apartments</b>	
Objective 4L-1 Street frontage activity is maximised where ground floor apartments are located.	Complies.
Objective 4L-2 Design of ground floor apartments delivers amenity and safety for residents.	Complies. Details to be submitted at the DA stage.
<b>4M Façade</b>	
Objective 4M-1 Building façades provide visual interest along the street while respecting the character of the local area.	Concept Plans generally complies. The front façade is articulated along the street frontage. Finishes and materials to be submitted at the DA stage. The proposal is capable of complying.
Objective 4M-2 Building functions are expressed by the façade.	As above.
<b>4N Roof design</b>	
Objective 4N-1 Roof treatments are integrated into the building design and positively respond to the street.	Details of roof treatment, design and sustainability will be submitted at the DA stage.
Objective 4N-2 Opportunities to use the roof space for residential accommodation and open space are maximised.	The roof space at the northern end of the site is proposed to be used for two units, creating two townhouses with upper level bedrooms.
Objective 4N-3 Roof design incorporates sustainability features.	The proposal is capable of complying. Details to be submitted at the DA stage.
<b>4O Landscape design</b>	
Objective 4O-1 Landscape design is viable and sustainable.	Concept plans demonstrate that there is sufficient site area dedicated to landscaping and

54

ITEM 4 (continued)

ATTACHMENT 1

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



	large areas of deep soil planting proposed along the rear and side boundaries, where available to soften the appearance of the development when viewed from the detached dwellings next door.
Objective 4O-2 Landscape design contributes to the streetscape and amenity.	Concept Plans retain the existing mature street trees which are significant in creating the amenity and streetscape along Blaxland Road.
<b>4P Planting on structures</b>	
Objective 4P-1 Appropriate soil profiles are provided.	Concept plans only. Details to be provided at DA stage. There are no early indications of any soil instability that would affect the proposed development of the site.
Objective 4P-2 Plant growth is optimised with appropriate selection and maintenance.	Details of proposed plantings will be submitted at the DA stage. There are no early indications of any detrimental issues relating to plant selection for this site.
Objective 4P-3 Planting on structures contributes to the quality and amenity of communal and public open spaces.	Noted. Details of all landscaping and outdoor areas, including the central courtyard will be submitted at the DA stage.
<b>4Q Universal design</b>	
Objective 4Q-1 Universal design features are included in apartment design to promote flexible housing for all community members.  Developments achieve a benchmark of 20% of the total apartments incorporating the Livable Housing Guidelines' silver level universal design features.	Concept Plans indicate that a minimum of 4 units will be adaptable.
Objective 4Q-2 A variety of apartments with adaptable designs are provided.	Details to be provided at the DA stage.
Objective 4Q-3 Apartment layouts are flexible and accommodate a range of lifestyle needs.	Concept Plans demonstrate that the proposal is capable of complying.

55



ITEM 4 (continued)

ATTACHMENT 1

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



4T Awnings and signage	
Objective 4T-1 Awnings are well located and complement and integrate with the building design.	None proposed or required.
Objective 4T-2 Signage responds to the context and desired streetscape character.	None proposed or required.
4U Energy efficiency	
Objective 4U-1 Development incorporates passive environmental design.	No current details. Capable of complying.
Objective 4U-2 Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.	No current details. Capable of complying.
Objective 4U-3 Adequate natural ventilation minimises the need for mechanical ventilation.	No current details. Capable of complying.
4V Water management and conservation	
Objective 4V-1 Potable water use is minimised.	No current details. Capable of complying.
Objective 4V-2 Urban stormwater is treated on site before being discharged to receiving waters.	No current details. Capable of complying.
Objective 4V-3 Flood management systems are integrated into site design.	Not applicable to this site.
4W Waste management	
Objective 4W-1 Waste storage facilities are design to minimise impacts on the streetscape, building entry and amenity of residents.	Concept Plans indicate a number of small waste collection areas for domestic bins. Capable of complying with details to be provided at the DA stage.
Objective 4W-3 Domestic waste is minimised by providing safe and convenient source separation and recycling.	No current details. Capable of complying.
4X Building maintenance	
Objective 4X-1 Building design detail provides protection from weathering.	No current details. Capable of complying.
Objective 4X-2 Systems and access enable ease of maintenance.	No current details. Capable of complying.
Objective 4X-3 Material selection reduces ongoing maintenance	No current details. Capable of

56

**ITEM 4 (continued)**

**ATTACHMENT 1**

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



costs.	complying.
--------	------------

- 6.3 The Concept Development Plans, submitted as part of this Planning Proposal, serve to demonstrate satisfactory achievement of these provisions. The proposed concept Development Plans for the consolidated site either complies or is capable of complying with the provisions of RLEP 2014, the relevant provisions of RDCP 2014 and the principles and provisions of SEPP 65 (ADG).

**ITEM 4 (continued)**

**ATTACHMENT 1**

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
 Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



**Part 7 Objectives/Intended Outcomes**

7.1 The Planning Proposal seeks to:

Rezone No. 176 – 178 Blaxland Road, Ryde from SP2 Infrastructure (Place of Public Worship) to R4 High Density Residential pursuant to Ryde Local Environmental Plan 2014.

The proposed amendment requires changes to the Ryde LEP 2014 Map \_006 Series – Land Zoning Map; Lot Size Map; Floor Space Ratio Map; Height of Building Map. The remainder of the Map\_006 Series do not change.

7.2 There is no intended change or modification to any other planning standard, provision or control as it relates to the existing site or the ongoing use or development of the site in the future.

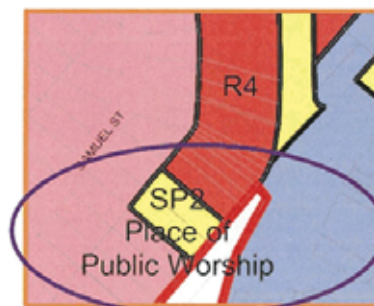
**Part 8 Explanation of the Provisions**

8.1 Ryde Local Environmental Plan 2014 is to be amended by:

1. Amending the Ryde LEP 2014 maps as follows:

	Name of Map	Delete	Add	Colour	Letter
1.	Land Zoning	✓	✓	Change from yellow to bright red	R4
2.	Floor Space Ratio		✓	Light Brown	N
3.	Height of Building		✓	Yellow	L
4.	Lot Size		✓	Yellow	L

**Map 1: Land Zoning**



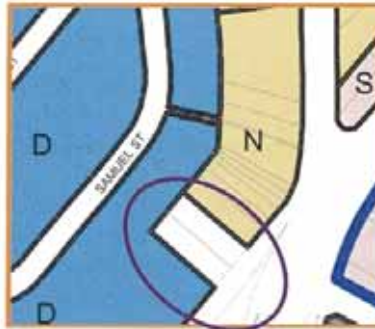
**ITEM 4 (continued)**

**ATTACHMENT 1**

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



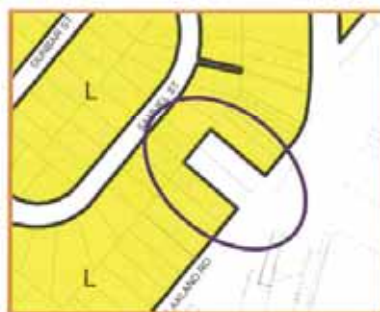
**Map 2: Floor Space Ratio**



**Map 3: Height of Building**



**Map 4: Lot Size**



ITEM 4 (continued)

ATTACHMENT 1

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



Part 9 Justification

Section A - Need for the Planning Proposal

1. Is the planning proposal part of any strategic study or report?

No. The proposal is a site specific Planning Proposal to rezone two allotments to facilitate residential development across a consolidate site comprising five land parcels. Notwithstanding, the preparation of the concept Development Plans for the consolidated site has taken into account Council’s strategic vision and direction for this area of Ryde and more broadly the goals of the State Government’s *A Plan for Growing Sydney* in relation to housing supply, urban renewal and urban infill in areas close to infrastructure and services.

The proponent has engaged a suitably qualified and experienced architectural firm, together with a Town Planning consultant; Traffic Engineer and earth scientists to develop concept plans for a consolidated development site comprising five (5) lots; two lots which are currently zoned SP2 Infrastructure (Place of Public Worship). The architect has worked through a number of options for the land seeking to optimize its use for residential purposes (given its locational context) while ensuring the proposal respects the site’s interface between the high density R4 zone and the low density R2 zone and existing development.

The subject site is not part of any defined Urban Centre and it is not a nominated ‘specific site’ under Council’s adopted DCP.

Notwithstanding that this is a ‘site specific’ rezoning, its future development relates closely to the future vision and character that Council has enunciated in Part 4.4 of RDCP 2014 - Ryde Town Centre for the Civic/Mixed Use precinct. Council’s objectives, vision and planning principles for this area are noted.



Figure 27: Area covered by RDCP Part 4.4 - Ryde Town Centre



**ITEM 4 (continued)**

**ATTACHMENT 1**



Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential

Council's adopted Vision for this area is:

*"Ryde Town Centre will be an attractive place to live, work and visit. The future character of Ryde Town Centre will build on its historic role as a community and retail hub catering for leisure and learning, shopping and business. This Part identifies strategies and controls that will shape the future development of Ryde Town Centre to create an attractive, accessible and unique environment in which to live, work, shop, and visit. High quality built form will define and edge public spaces."*

The site is located on the edge of the Town Centre and fronts part of Precinct 1 (Civic/Mixed Use). It is also directly opposite Precinct 6 (Commercial Edge (north)) of RTC.

The development concept presented in this Planning Proposal achieves Council's vision for this area. The site, and neighbouring properties, will need to have continued vehicular access as Blaxland Road is its only legal frontage. It is noted that the DCP denotes a 'preferred civic plaza place' adjacent the frontage of the site. No details are provided and the future development is part of the current architectural design competition currently on exhibition. Regardless of the future scheme it is clear the scale and form of buildings will increase in this area.

Overall, the Planning Proposal and Concept Development complements the long term vision and function of the Ryde Town Centre. Additional residential accommodation will support the likely civic role of the current Council offices to the south.

**2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

Yes. Advice received from Council officers indicated that Council would be willing to consider an amendment of RLEP 2014 to facilitate a residential development on the subject land and adjoining sites.

An amendment to the Ryde LEP 2014 is the only feasible way of achieving the desired future redevelopment of the consolidated site. It will provide greater certainty and this Planning Proposal has enabled the new planning controls to be informed by an urban design analysis that has tested the built form outcomes for the site and the immediate area.

The loss of the SP2 land is not significant in any way as churches are permissible in other zones under the RLEP 2014. Clearly there is no demand for a church use and residential use is the most appropriate given the demand for housing and the rising prices of singular residential homes.

ITEM 4 (continued)

ATTACHMENT 1

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



***Is there a net community benefit?***

The proposal has a community benefit in the form of housing supply directly adjacent to a transport link, shopping centre, Civic Centre and growing Town Centre comprising a range of services essential to the local community. The additional housing supply will assist in curtailing the rising rental and housing prices in the area. With a very high level of occupied private dwellings in the area (above 90%) the issue with housing in the area is that demand outstrips supply and this causes prices to rise. Traditionally housing in this area has been separate houses, however there is social pressure for more units and apartments as the area's population demographics are changing. Over recent years all dwelling stock in the area has been purchased confirming that the type of product (i.e. apartments) is in demand.

As reported the median house price in Ryde is now above \$1.4m and this is about 35% greater than the average Sydney house price. The additional accommodation also assists in reducing rental prices which over the last decade have risen to very high levels when compared to other countries.

The proposal will also assist in providing demand for local goods and services by virtue of the additional population which in turn provides local jobs.

There is considered to be an overall community benefit given the potential positive economic, social and environmental advantages.

**Section B - Relationship to Strategic Planning Framework**

**3. Is the planning proposal consistent with the objectives and actions of the applicable regional and sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?**

Yes. The proposal is consistent with *A Plan for Growing Sydney*, December 2014. The Plan states:

*"Sydney needs a plan that outlines how to:*

- make it easier for Sydney's residents to move between their homes, their jobs, the centres where they shop and use local services, and their open spaces;*
- make a wider variety of housing available to suit the changing make-up of the population - more than one million people will be over the age of 65 years and almost the same number under the age of 15 years by 2031;*
- deliver new infrastructure which supports our community as it grows, and strategic infrastructure that also strengthens the economy; and*

ITEM 4 (continued)

ATTACHMENT 1

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



- *recognise our highly prized environment – the harbour, the coast, our mountains, parks and open spaces – and how to safeguard these places.”*

Goal 2 of that Plan reads: A city of housing choice, with homes that meet our needs and lifestyles. The rezoning and development of the consolidated land parcel focuses on achieving that goal, as follows:

- It provides more housing in the Ryde LGA;
- It provides housing choice in a well-serviced location;
- It will help meet changing household needs in the area and a range of lifestyle choices
- It seeks to address population growth in the immediate area in close proximity to work, shopping, leisure pursuits and community services
- It will include accessible and adaptable dwellings to assist residents who are aged, disabled or other incumbent by allowing access to families, friends and services
- It is located in easy walking distance to work, services and a variety of entertainment and social activities
- It reflects the demographic needs of this local Ryde community.
- It is an example of urban renewal and infill development that is appropriate to its location and neighbourhood context.

The proposal is considered consistent with the following objectives of the strategy:

- Providing additional housing opportunities adjoining an existing town centre and shopping precinct that itself is still growing and attracting investment;
- Boosting development opportunities on the consolidated development site by offering a density and scale of development that optimises the development potential of the land while respecting the residential amenity of adjoining low density properties;
- Maintaining environmental quality;
- Lessening energy costs and ongoing running costs of housing through quality design
- Reducing car dependence;
- Improving access and proximity to employment opportunities;
- Assisting with metropolitan housing targets;
- Providing diverse and affordable housing to reduce transport costs and inefficiencies;
- Improving environmental sustainability and efficiently using resources and infrastructure



**ITEM 4 (continued)**

**ATTACHMENT 1**

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



**4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?**

Yes. The proposal is consistent with Council's adopted Community Plan – the *Ryde 2025 Community Strategic Plan*. This Plan is the long term strategy that describes the vision for the City of Ryde as 'the place to be'.

The Plan contains a number of challenges and opportunities that are relevant to this Planning Proposal, as follows:

**1. Meeting the needs of a growing population**

*Sydney's population is expected to grow to six million people by 2036, with an average annual rise of 56,650 people. As of 30 June 2011 the population of Ryde was estimated to be 108,371. By 2031 that figure is forecast to reach an estimated 135,508. While these are the forecast figures, Ryde's popularity is likely to bring even stronger growth than predicted.*

**2. Addressing the needs of a changing population**

*We are living longer with an ever increasing life expectancy. By 2036 the number of people across Sydney over the age of 65 will more than double, to just over one million people, or 17% of the overall population. In keeping with national predictions of an ageing population, figures provide clear predictions of an ageing population in Ryde. It is estimated the number of people aged over 65 will increase, and represent 15.4% of the population by 2021. We also anticipate an influx of younger residents moving closer to employment and education opportunities, together with our multicultural population continuing to grow.*

**3. Offering suitable housing options while maintaining the characteristics of our suburbs**

*In 2011 there were 41,755 dwellings in the City of Ryde. The metropolitan strategy has a target for 12,000 dwellings by 2031. We are witnessing an increasing under supply of housing, with a higher demand for villas, units and rental properties. We are also moving towards smaller households, projections show that from 2007 to 2027 there will be a 43.8% increase in lone person households, making this the dominant housing type within six years.*

**4. Creating a strong economy and employment closer to home**

*There are over 33,000 businesses operating in the City of Ryde. Our growing City is predicted to create over 21,000 new jobs, amounting to around 80,000 people working in our city by 2031. With increasing opportunities across our booming City we anticipate this predicted number*

**ITEM 4 (continued)**

**ATTACHMENT 1**



Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential

*to rise even further. Of the 69,480 people who currently work in the City of Ryde, 13,643 or 19.6% also live in the area. By 2031 and beyond this is expected to rise significantly as people seek opportunities closer to home.” (our emphasis)*

The Planning Proposal addresses these community based challenges and adequately works towards the achievement of Council’s local strategy for sustainable growth and economic vitality within the Ryde LGA.

**5. Is the planning proposal consistent with applicable State Environmental Planning Policies?**

There are no State Environmental Planning Policies which would contravene the Planning Proposal. As addressed previously in this Planning Proposal the final development proposal, when submitted as a Development Application will need to address the relevant provisions of any SEPP that applies to the design and construction of a residential development on that land. That includes SEPP 55 and SEPP 65. The Concept Development Plans submitted as part of this Planning Proposal demonstrate that the land and subsequent development for high density residential development is capable of complying with these provisions. Detailed future development applications will be supported by additional information such as BASIX and SEPP 65 design certificate etc confirming that the proposal achieves the relevant provisions of any SEPP.

**6. Is the planning proposal consistent with applicable Ministerial Directions (s. 117 directions)?**

Yes. Consistency with the list of Directions (under section 117(2) of the Environmental Planning and Assessment Act 1979 issued by the Minister for Planning) is assessed below.

Direction	Issue Date / Date Effective	Relevance to Planning Proposal
<b>1. Employment and Resources</b>	1 July 2009	
1.1 Business and Industrial Zones		Not relevant
1.2 Rural Zones		Not relevant
1.3 Mining, Petroleum Production and Extractive Industries		Not relevant
1.4 Oyster Aquaculture		Not relevant
1.5 Rural Lands		Not relevant
<b>2. Environment and</b>	1 July 2009	



ITEM 4 (continued)

ATTACHMENT 1



Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential

<b>Heritage</b>		
2.1 Environment Protection Zones		Not relevant
2.2 Coastal Protection		Not relevant
2.3 Heritage Conservation		Not relevant
2.4 Recreation Vehicle Areas		Not relevant
<b>3. Housing, Infrastructure</b>	1 July 2009 (Except for new Direction 3.6 - effective 16 February 2011)	The proposal is to be zoned land for high density residential development. The concept plans submitted in support of the planning proposal demonstrates that the development site is capable of complying with the relevant development standards and controls while maintaining adequate residential amenity to all existing low density development adjoining the development site.
3.1 Residential Zones		No change to the existing LEP provisions, zoning or development standards that apply to R4 zoned land. The scheme adopts the same 11.5m height and 1:1 FSR controls currently applicable to the R4 zoned lands to the north.
3.2 Caravan Parks and Manufactured Home Estates		Not relevant
3.3 Home Occupations		Not relevant
3.4 Integrating Land Use and Transport		Not relevant
3.5 Development Near Licensed		Not relevant

66

**ITEM 4 (continued)**

**ATTACHMENT 1**



Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential

Aerodromes		
3.6 Shooting Ranges		Not relevant
<b>4. Hazard and Risk</b>	1 July 2009	
4.1 Acid Sulfate Soils		Not relevant
4.2 Mine Subsidence and Unstable Land		Not relevant
4.3 Flood Prone Land		Not relevant
4.4 Planning for Bushfire Protection		Not relevant
<b>5. Regional Planning</b>	1 July 2009 (Except for new Direction 5.4 effective 29 Nov 2009 & Direction 5.2 effective 3 Mar 2011 & Direction 5.9 effective 30 Sep 2014)	
5.1 Implementation of Regional Strategies		Not relevant
5.2 Sydney Drinking Water Catchments		Not relevant
5.3 Farmland of State and Regional Significance on the NSW Far North Coast		Not relevant
5.4 Commercial and Retail Development along the Pacific Highway, North Coast		Not relevant
5.5 (Revoked 18 June 2010)		Not relevant
5.6 (Revoked 10 July 2008)		Not relevant
5.7 (Revoked 10 July 2008)		Not relevant
5.8 Second Sydney Airport: Badgerys Creek		Not relevant
5.9 North west Rail Link Corridor Strategy		Not relevant
<b>6. Local Plan Making</b>	1 July 2009	
6.1 Approval and Referral Requirements		This planning proposal is consistent with these provisions.
6.2 Reserving Land		Not relevant

**ITEM 4 (continued)**

**ATTACHMENT 1**

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



for Public Purposes		
6.3 Site Specific Provisions		This planning proposal seeks to rezone the subject site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone. The PP is essentially a proposal to continue the current R4 zone to the south to include two SP 2 zoned sites. The SP 2 use of the site is no longer viable or required and its loss has no strategic planning implications.
7. Metropolitan Planning	14 January 2015 (Except for Direction 7.2 effective 22 September 2015)	
7.1 Implementation of the Metropolitan Plan for Sydney 2036		Generally consistent with <i>A Plan for Growing Sydney</i> , Dec 2014. Refer to comments in Part 9, Section B (3) above.

**ITEM 4 (continued)**

**ATTACHMENT 1**

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



**Section C – Environmental, Social and Economic Impact**

- 7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

No. There is no known critical habitat or threatened species, populations or ecological communities, or their habitats affected by the Planning Proposal.

- 8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

No. There are no other likely environmental effects as a result of the Planning Proposal, such as flooding, landslip, bushfire hazard and the like. Additionally the Shadow Diagrams submitted as part of the Planning Proposal demonstrate that the residential amenity of adjoining properties is not adversely affected by the development of the land in accordance with the concept development plans included with architectural plans that accompany this report. The degree of natural light provided to the adjoining sites is to be within the parameters of the Ryde DCP.

- 9. How has the planning proposal adequately addressed any social and economic effects?**

The Planning Proposal acknowledges that there will be a small net community loss due to the displacement of the existing Youth Services use on the rezoning site. This community based service will need to be relocated to new premises as a result of the rezoning. Conversely this Planning Proposal has also outlined there is a net community benefit of providing close to 40 new permanent residential units in this location. The reasons why this is appropriate and desired from a social impact and community benefit perspective are outlined and included throughout this report. Overall, the Concept Development provides for a logical and pragmatic use of the land and the design, siting and layout represents good quality urban infill development. The site is widely accessible to work, leisure, entertainment and community services. It is anticipated that the Youth Services premises will be able to be relocated and continue to assist and support the region as it does currently, but in a new location. As advised the Church has witnessed diminishing demand for services from this specific location. The Church currently has one group using the premises once a week. On this basis there would not appear to be any adverse impact resulting from the cessation of the SP2 zoned lands.

**ITEM 4 (continued)**

**ATTACHMENT 1**

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



**Section D - State and Commonwealth Interests**

**10. Is there adequate public infrastructure for the planning proposal?**

The Planning Proposal is not expected to generate demand for additional state government infrastructure or services. Local services and infrastructure, including water, sewer, energy, road and traffic is provide and can be upgraded as part of the Concept Development over the consolidated site.

**11. What are the views of State and Commonwealth authorities consulted in accordance with the gateway determination?**

Council may choose to consult with the Department of Roads and Maritime Services as part of its assessment of this Planning Proposal as the subject site fronts onto part of Blaxland Road near Devlin Street.

The Gateway Determination will confirm and specify any consultation required with State and Commonwealth authorities on the Planning Proposal.

**Section E – Mapping**

The proposed amendment of the Ryde LEP 2014 will require amendment of the RLEP Map\_006 series as set out in this report. This section contains the list and copy of the relevant maps to be amended together with a table listing the necessary changes.

**Section F - Community Consultation**

Community consultation will be undertaken by Council as part of its assessment of the planning.

The Gateway Determination will confirm and specify the community consultation that must be undertaken on the Planning Proposal.



**ITEM 4 (continued)**

**ATTACHMENT 1**

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



**Part 10 Conclusion**

No. 176 – 178 Blaxland Road, Ryde is currently zoned SP2 Infrastructure (Place of Public Worship) under Ryde LEP 2014. The two sites subject of the rezoning are part of a Development Site comprising five (5) lots, being No. 176-186 Blaxland Road, Ryde. The three additional lots to the north are zoned R4 High Density Residential and are privy to a 1:1 FSR and 11.5m height control.

The Planning Proposal seeks to amend the zoning of No. 176 – 178 Blaxland Road, Ryde from SP2 Infrastructure to R4 High Density Residential to allow this land to be amalgamated and included in redevelopment of the consolidated land parcel. The sites will also be subject to the same height and FSR controls as the R4 zoned lands to the north.

The proponent engaged suitably qualified architects; planners; traffic engineers; and environmental scientists to design and/or assess the Concept Development Plans for the site. Architectural Plans and supporting reports demonstrate that the site is suitable for high density residential infill development.

The concept Development Proposal is for the demolition of the three existing buildings on the consolidate development site and construction of residential flat building development comprising 39 residential units. The units are to be constructed in two buildings (wings) and access is obtained from Blaxland Road. Generous boundary setbacks are provided to the future buildings. The rear building steps down the site creating a modulated façade when viewed from the adjoining detached dwelling sites.

The preliminary assessment of the Concept Development Plans, submitted as part of the Planning Proposal serves to demonstrate that the development complies or is capable of complying with the development standards for a R4 High Density Residential development under the current provisions of RLEP. Further that the relevant provisions of RDCP 2014 relating to traffic generation, parking, circulation and access can be complied with and the design provisions of SEPP 65 (Apartment Design Guidelines) for a residential flat building can be satisfied.

Of particular importance to Council's review of this Planning Proposal has been the need to demonstrate that the residential amenity of the adjoining properties is not adversely affected by any residential flat building development on the land, especially a development that is able to achieve the FSR and Height of Building standards that apply to the R4 zone.

ITEM 4 (continued)

ATTACHMENT 1

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential

andrewmartin  
PLANNING

The Architectural plans submitted as part of the Planning Proposal include shadow diagrams. These demonstrate that the proposal, as presented, will not unduly impact on amount of sunlight enjoyed by any of the adjoining low density residential developments. Minor shadowing for a short period of time in the morning will be experienced by the property on the southern boundary. This impact is considered to be minor, short term and significantly less than the SEPP 65 provisions.

The Council has advised the proponent that it is willing to consider the Planning Proposal to rezone the land subject to any submission to Council demonstrating how the proposal would address the transition from high density residential development (with a FSR of 1:1 and height of building - 11.5m). The Concept Development plans show that compliance can be achieved. The built form provides a transition to the bulk and scale of the Top Ryde Shopping Centre.

Based on the details contained in this Planning Proposal, as supported the Architectural Plans and Traffic Report, the proponent requests that the site be rezoned from SP2 to R4 High Density Residential pursuant to the current and relevant provisions of RLEP 2014. The only mechanism available for this to occur is to prepare a PP application seeking amendment to RLEP 2014 and the relevant RLEP 2014 Map Series\_006 (as relevant to subject site). No change to the current development standards or provisions as they relate to the R4 High Density Residential zone are proposed or required. The Concept Development Plans demonstrate that the consolidated development site is capable of redevelopment in compliance with these provisions.

This PP has been prepared pursuant to Section 55 of the *Environmental Planning and Assessment Act 1979*, and the relevant Department of Planning Guidelines including 'A Guide to Preparing Planning Proposals'. In fact the application includes significantly more information than required under the guide.

The proposal is submitted to Ryde Council for consideration and approval pursuant to the Gateway Determination and Section 56 of the *Environmental Planning and Assessment Act 1979*. The amendment need only apply to the subject site (being No. 176–178 Blaxland Road, Ryde).



Andrew Martin MPlA  
Principal

ITEM 4 (continued)

ATTACHMENT 1

Planning Proposal, 176 - 178 Blaxland Road, Ryde  
Amend RLEP 2014 – SP2 Infrastructure to R4 High Density Residential



**Part 11 Links to Supporting Material**

- Architectural Plans, including shadow diagrams  
Prepared by Urban Link Architecture, dated April 2016
- *Assessment of Traffic and Parking Implications*  
Prepared by Transport and Traffic Planning Associates, dated April 2016.
- Ryde LEP 2014  
<http://www.legislation.nsw.gov.au/#/view/EPI/2014/608>
- Ryde DCP 2014  
<http://www.ryde.nsw.gov.au/Business-and-Development/Planning-Controls/Development-Control-Plan>
- Ryde Social Profile (Quick Stats)  
<http://www.abs.gov.au/websitedbs/censushome.nsf/home/quickstats?opendocument&navpos=220>
- Ryde 2023 Community Strategic Plan  
[http://www.Ryde.nsw.gov.au/page/community\\_plan2.html](http://www.Ryde.nsw.gov.au/page/community_plan2.html)
- *A Plan for Growing Sydney*, December 2014, NSW Government  
<http://www.planning.nsw.gov.au/Plans-for-Your-Area/Sydney/A-Plan-for-Growing-Sydney>
- *Priorities for the Northern Subregion*  
<http://www.planning.nsw.gov.au/Plans-for-Your-Area/Sydney/Sydney-Districts>





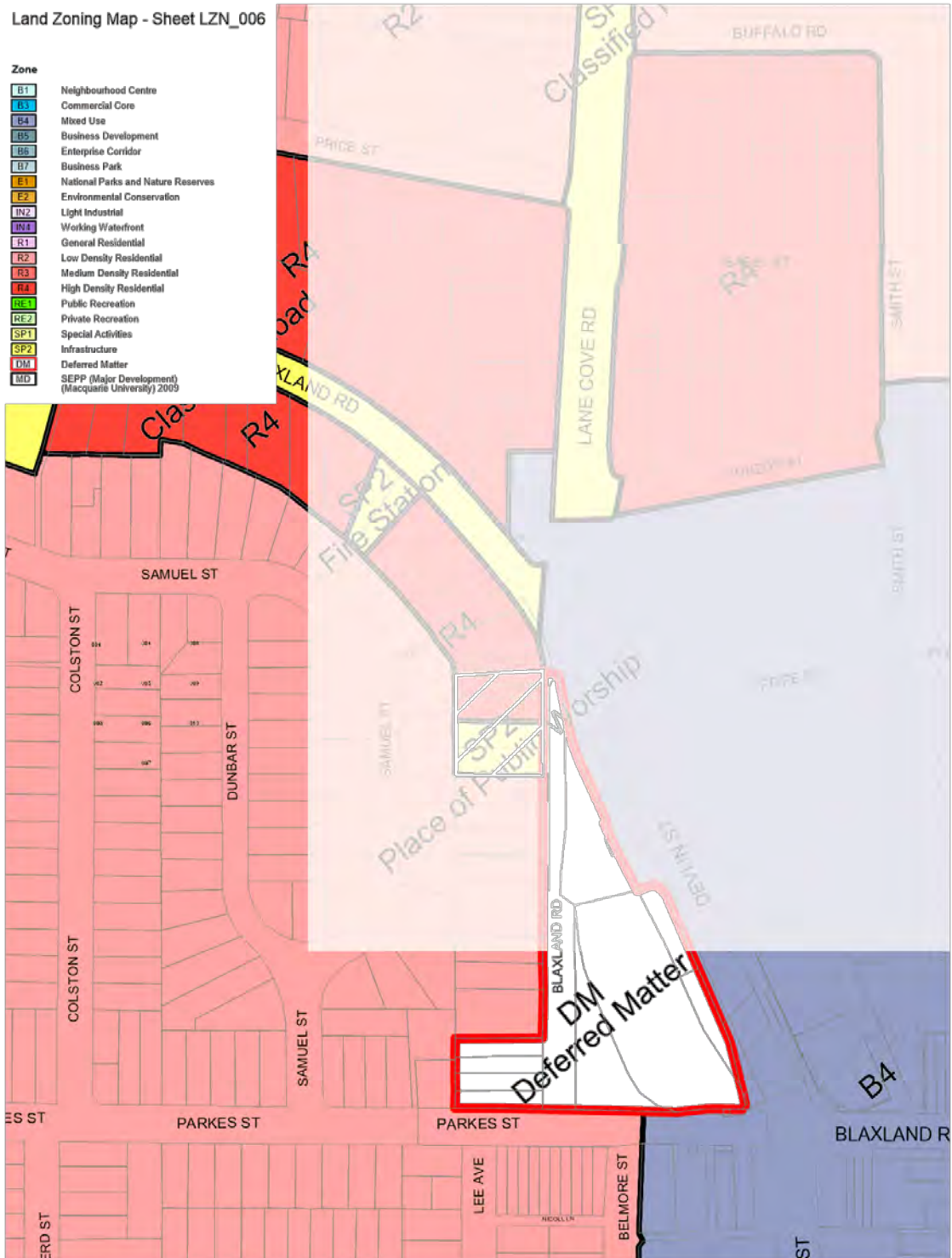
**ITEM 4 (continued)**

**ATTACHMENT 1**

Land Zoning Map - Sheet LZN\_006

**Zone**

B1	Neighbourhood Centre
B2	Commercial Core
B4	Mixed Use
B5	Business Development
B6	Enterprise Corridor
B7	Business Park
E1	National Parks and Nature Reserves
E2	Environmental Conservation
IN2	Light Industrial
IN1	Working Waterfront
R1	General Residential
R2	Low Density Residential
R3	Medium Density Residential
R4	High Density Residential
RE1	Public Recreation
RE2	Private Recreation
SP1	Special Activities
SP2	Infrastructure
DM	Deferred Matter
MD	SEPP (Major Development) (Macquarie University) 2009



INFO	ARCHITECT	DATE
A	PRELIMINARY	2018/02/13
B	PRELIMINARY	2018/02/13
C	PLANNING PROPOSAL	2018/02/13
D	PLANNING PROPOSAL	2018/02/13
E	PLANNING PROPOSAL	2018/02/13



Shop 6-11 889 Liverpool Road Berala NSW 2180  
P.O. BOX 3048 87 KELLS ROAD 2188  
Phone: (02) 9743 2914 Fax: (02) 9743 2914  
Email: info@urbanlink.com.au

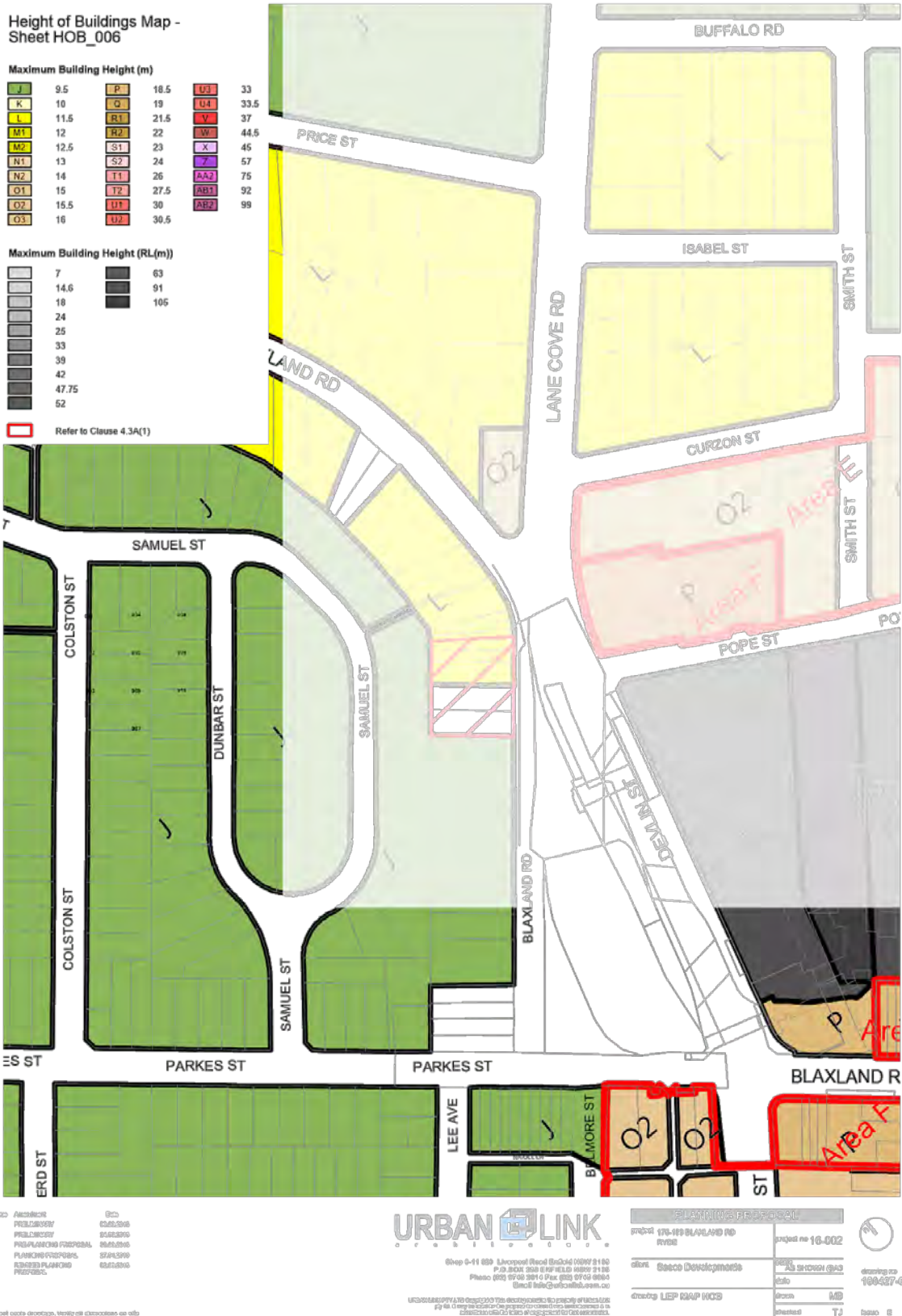
**PLANNING PROPOSAL**

PROJECT	176-189 BLAXLAND RD RYDE	PROJECT NO	16-002
CLIENT	Geeco Development	PREPARED BY	AS SHOWN ON
DATE	16/02/2018	SCALE	AS SHOWN ON
DRAWING	LFP ZONING	DATE	16/02/2018
DRAWN	MD	CHECKED	TJ
DATE	16/02/2018	SCALE	AS SHOWN ON



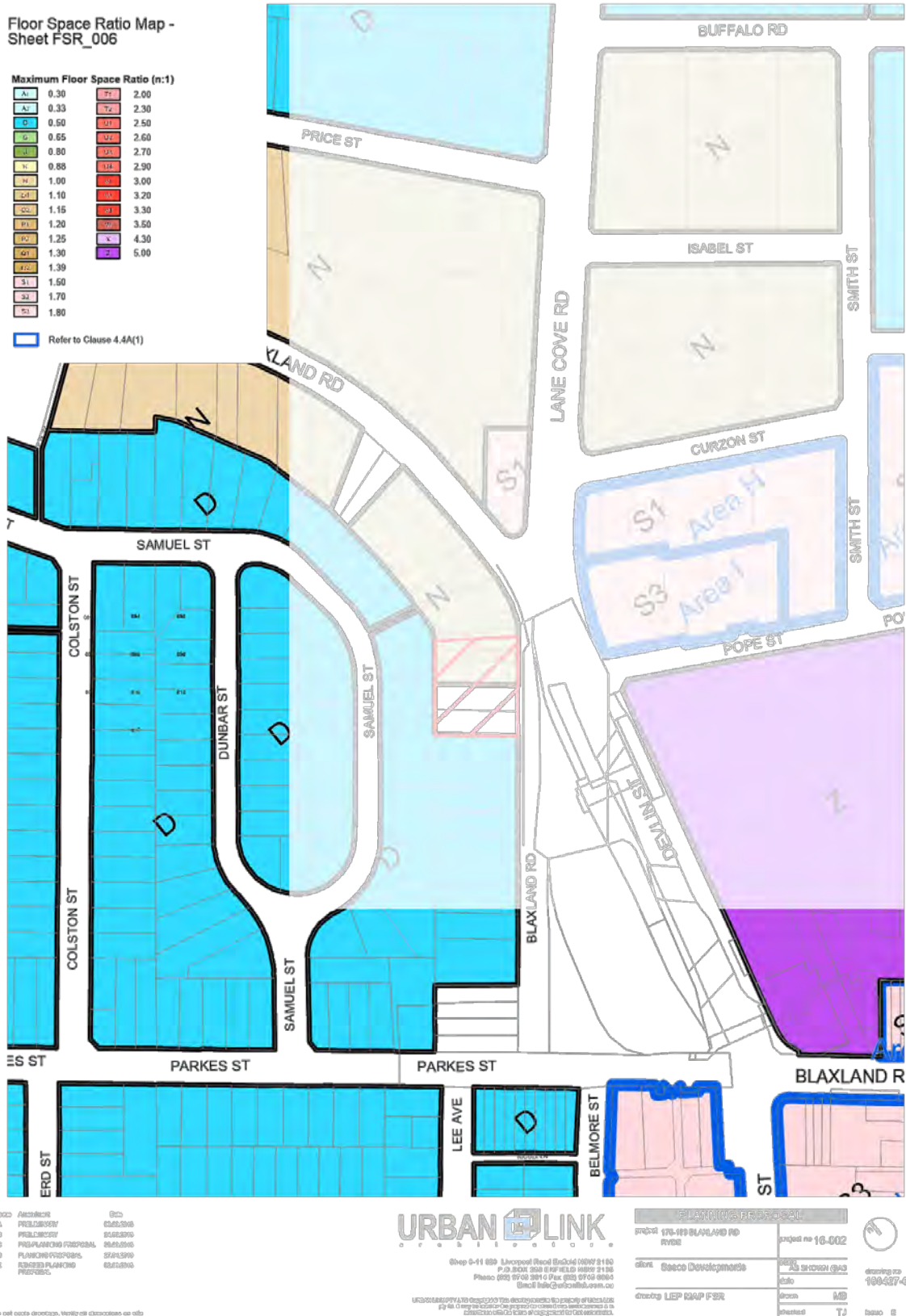
ITEM 4 (continued)

ATTACHMENT 1



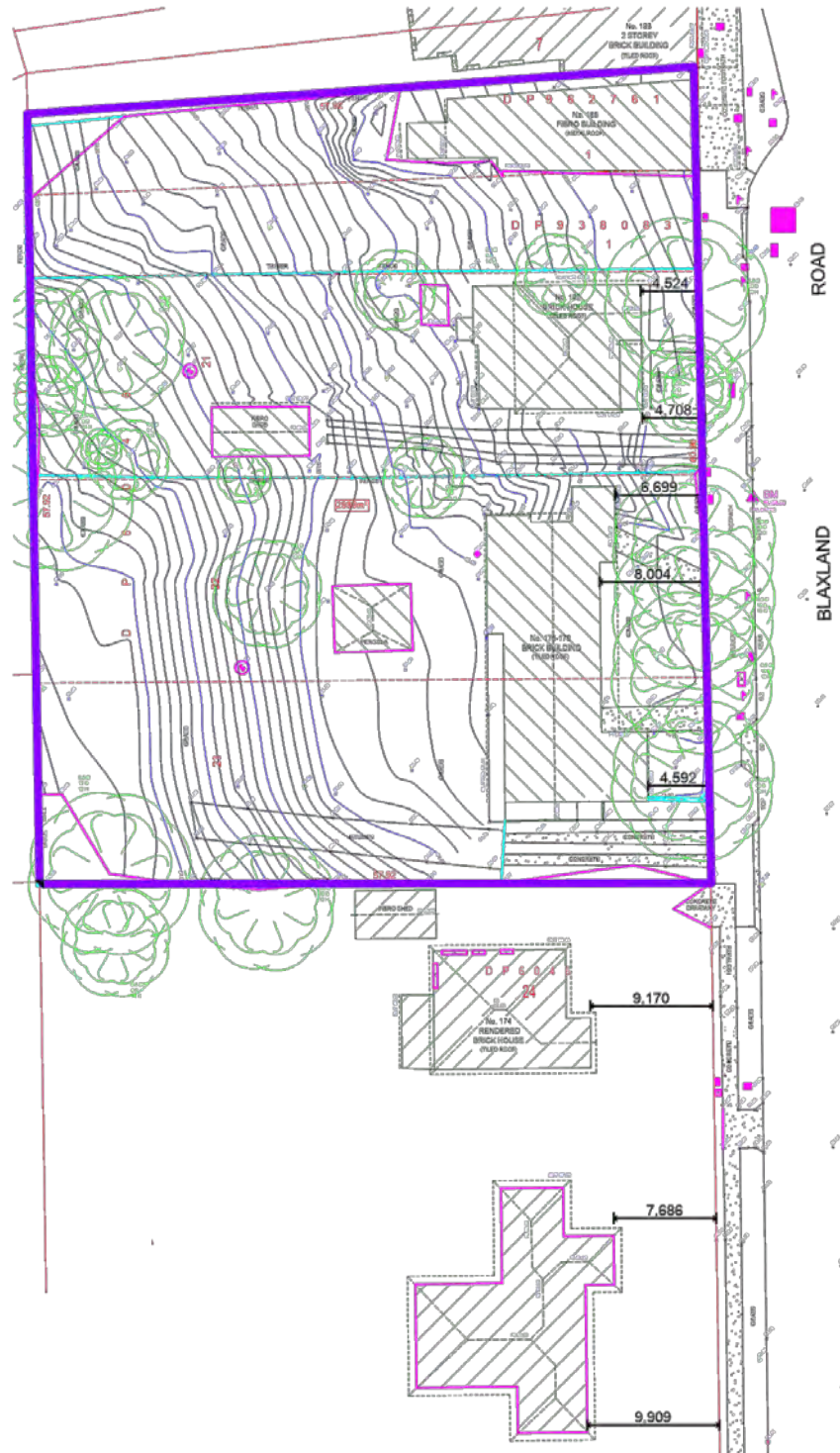
**ITEM 4 (continued)**

**ATTACHMENT 1**



**ITEM 4 (continued)**

**ATTACHMENT 1**



Issue	Amendment	Date
A	PRELIMINARY	03.03.2016
B	PRELIMINARY	24.03.2016
C	PRE-PLANNING PROPOSAL	30.03.2016
D	PLANNING PROPOSAL	27.04.2016
E	REVISED PLANNING PROPOSAL	03.05.2016

do not state drawings, verify all dimensions on site

**URBAN LINK**  
urbanlink.com.au

Shop 8-11 820 Liverpool Road Enfield NSW 2136  
P.O. BOX 2848 8th FLD Rydges 2135  
Phone (02) 9745 2014 Fax (02) 9745 0284  
Email info@urbanlink.com.au

URBAN LINK PTY LTD Copyright © This drawing remains the property of Urban Link  
ply ltd. It may be used for the purposes for which it was commissioned in full  
accordance with the terms of engagement for that commission.

**PLANNING PROPOSAL**

project 176-188 BLAXLAND RD  
RYDE

project no 16-002

client Saseco Developments

drawn AS SHOWN @A3

drawing SURVEY

date

drawn MB

checked TJ



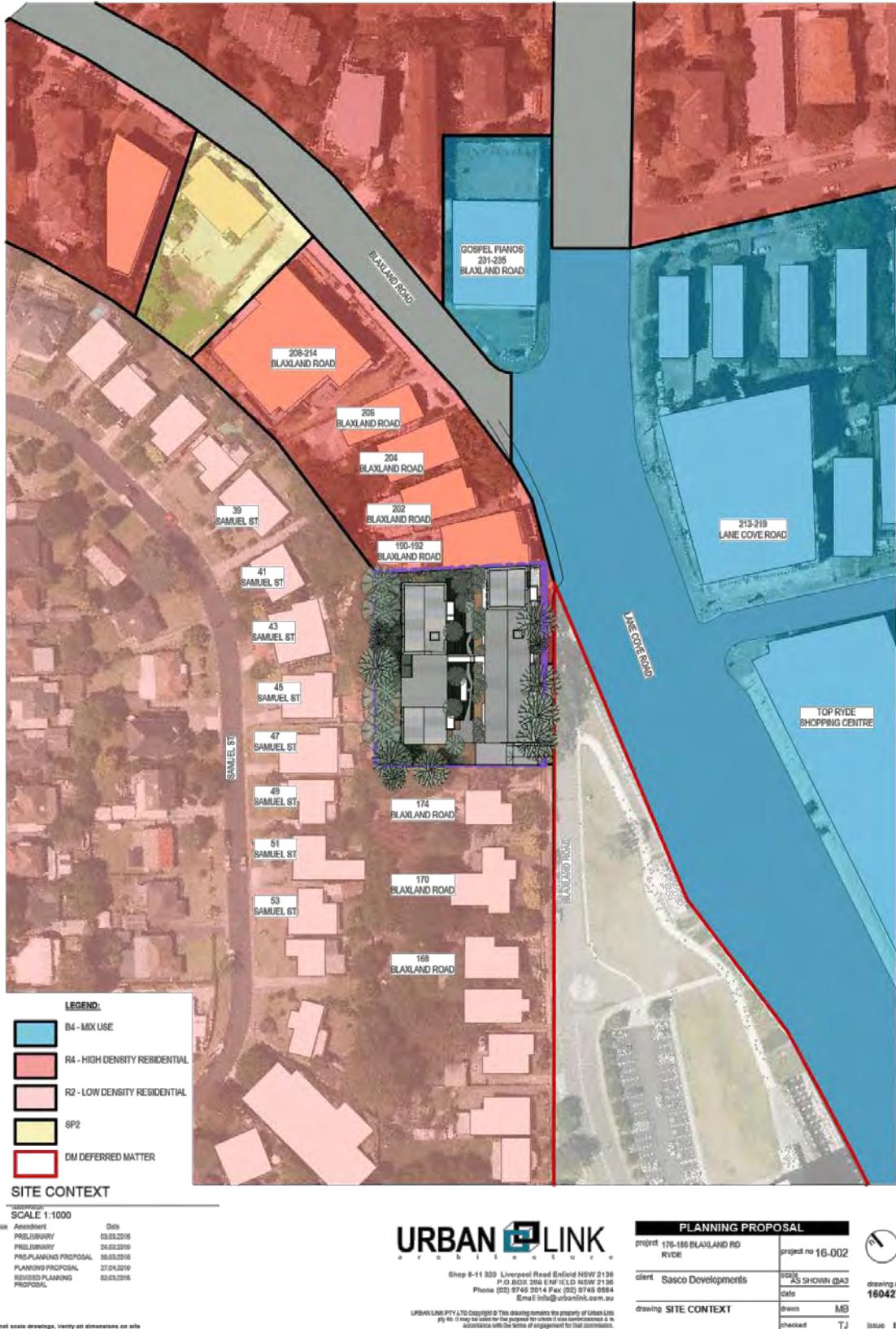
drawing no 160427-05

issue E



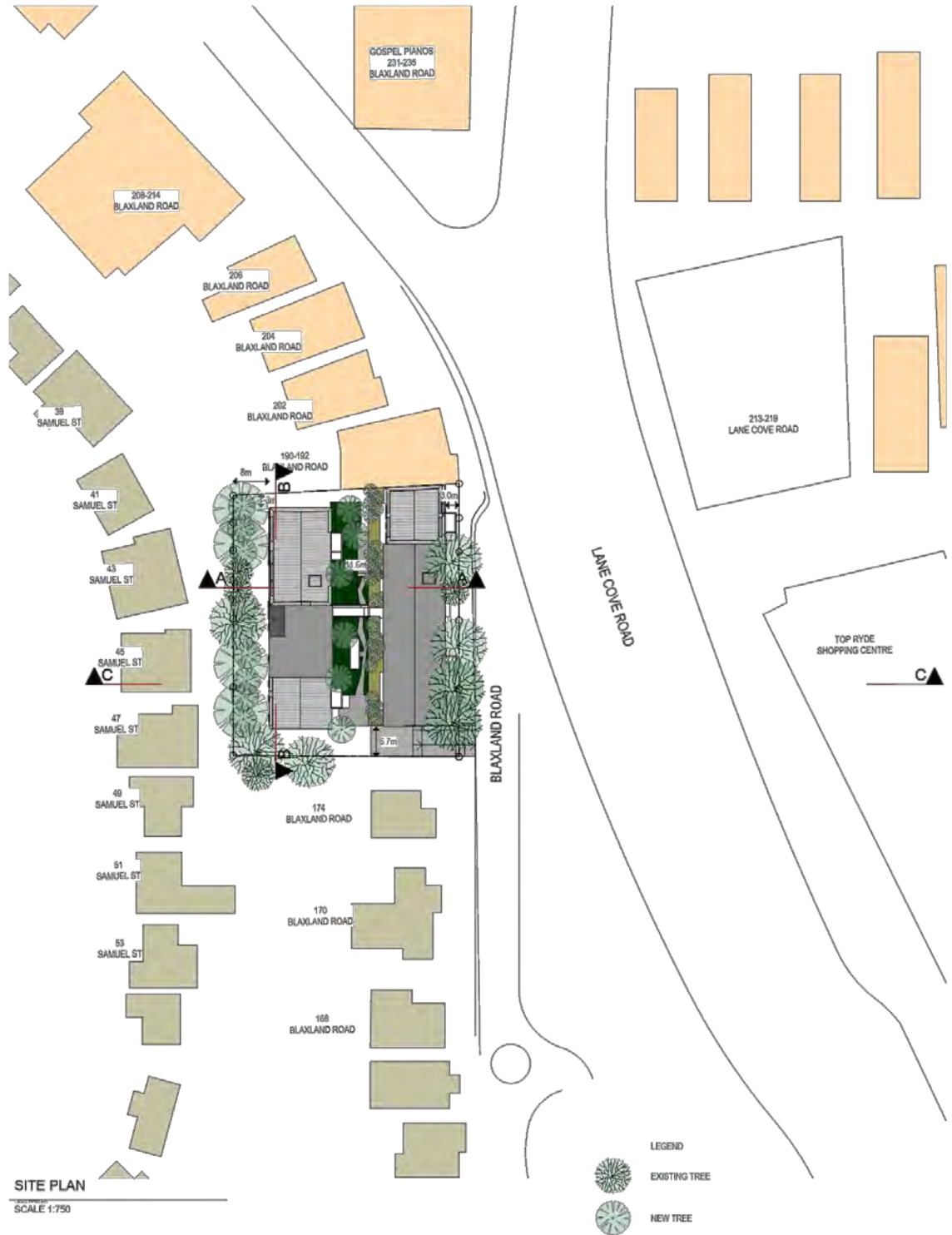
**ITEM 4 (continued)**

**ATTACHMENT 1**



**ITEM 4 (continued)**

**ATTACHMENT 1**



**SITE PLAN**  
SCALE 1:750

Issue	Attachment	Date
A	PRELIMINARY	03.03.2016
B	PRELIMINARY	24.03.2016
C	PRE-PLANNING PROPOSAL	30.03.2016
D	PLANNING PROPOSAL	27.04.2016
E	REVISIONS PLANNING PROPOSAL	02.03.2016

do not scale drawings, verify all dimensions on site



Shop 8-11 820 Liverpool Road Enfield NSW 2136  
P.O. BOX 2048 8th FLD Ryde NSW 2135  
Phone: (02) 9745 2014 Fax: (02) 9745 0284  
Email: info@urbanlink.com.au

URBAN LINK PTY LTD Copyright © This drawing remains the property of Urban Link  
ply ltd. It may not be used for the purposes for which it was commissioned or in  
accordance with the terms of engagement for that commission.

- LEGEND**
- EXISTING TREE
  - NEW TREE

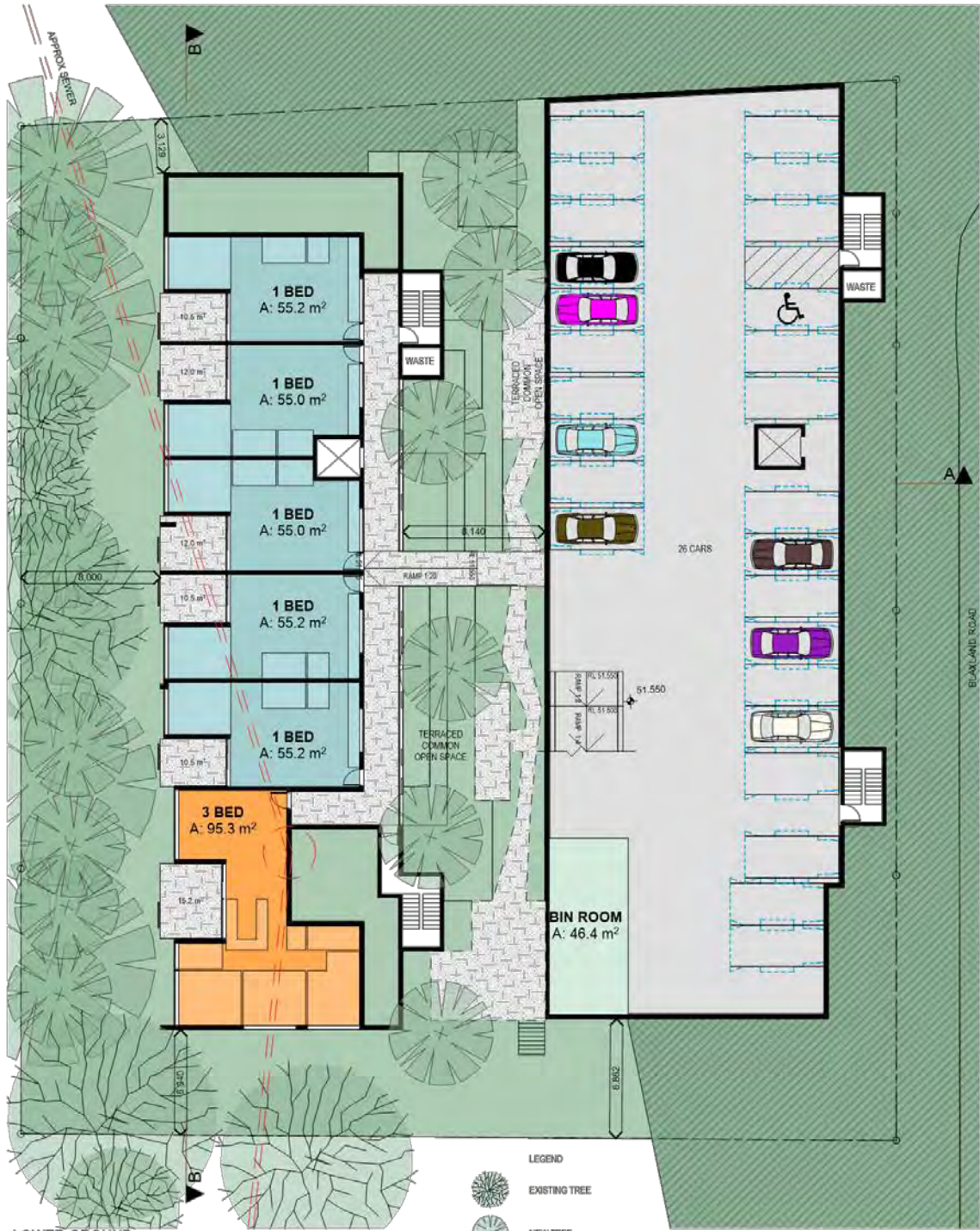
PLANNING PROPOSAL	
project 176-188 BLAXLAND RD RYDE	project no 16-002
client Saseco Developments	status AS SHOWN @A3
drawing SITE PLAN	drawn MB
	checked TJ

drawing no <b>160427-07</b>
issue E



**ITEM 4 (continued)**

**ATTACHMENT 1**



**LOWER GROUND**  
SCALE 1:200

Issue	Amendment	Date
A	PRELIMINARY	03.03.2016
B	PRELIMINARY	24.03.2016
C	PRE-PLANNING PROPOSAL	09.03.2016
D	PLANNING PROPOSAL	27.04.2016
E	REVISION PLANNING PROPOSAL	01.03.2016

do not scale drawings. Verify all dimensions on site

**URBAN LINK**  
architects

Shop 8-11 820 Liverpool Road Enfield NSW 2136  
P.O. BOX 2044 E MF WILD WOOD 2136  
Phone (02) 9743 2014 Fax (02) 9743 0984  
Email info@urbanlink.com.au

URBAN LINK PTY LTD Copyright © This drawing remains the property of Urban Link  
ply ltd. It may not be used for the proposed or any other construction or in  
substance with the terms of engagement for that construction.

**PLANNING PROPOSAL**

Project 176-188 BLAYLAND RD  
RYDE

client Saseco Developments

Project no 16-002

drawing LOWER GROUND LEVEL

drawn MB  
checked TJ



AS SHOWN @A3

date

issue E

drawing no 160427-08



**ITEM 4 (continued)**

**ATTACHMENT 1**



**ITEM 4 (continued)**

**ATTACHMENT 1**





**ITEM 4 (continued)**

**ATTACHMENT 1**



**LEVEL 2**

SCALE 1:200

Issue	Amendment	Date
A	PRELIMINARY	03.03.2016
B	PRELIMINARY	24.03.2016
C	PRE-PLANNING PROPOSAL	20.03.2016
D	PLANNING PROPOSAL	27.04.2016
E	REVISION PLANNING PROPOSAL	03.03.2018

do not scale drawings, verify all dimensions on site

**LEGEND**

- EXISTING TREE
- NEW TREE



Shop 8-11 820 Liverpool Road Enfield NSW 2136  
P.O. BOX 2048 ENFIELD NSW 2136  
Phone (02) 9745 2014 Fax (02) 9745 0284  
Email info@urbanlink.com.au

URBAN LINK PTY LTD Copyright © This drawing remains the property of Urban Link  
ply ltd. It may be used for the purposes for which it was commissioned & in  
accordance with the terms of engagement for that commission.

**PLANNING PROPOSAL**

Project 176-188 BLAYLAND RD  
RYDE

Project no 16-002

client Saseco Developments

status AS SHOWN @A2

drawing LEVEL 2

date

drawn MB

checked TJ



drawing no 160427-11

Issue E

**ITEM 4 (continued)**

**ATTACHMENT 1**



**LEVEL 3**

SCALE 1:200

Issue	Amendment	Date
A	PRELIMINARY	03.03.2016
B	PRELIMINARY	24.03.2016
C	PRE-PLANNING PROPOSAL	30.03.2016
D	PLANNING PROPOSAL	27.04.2016
E	REVISION PLANNING PROPOSAL	03.03.2018

do not state drawings, verify all dimensions on site

**LEGEND**

-  EXISTING TREE
-  NEW TREE



Shop 8-11 820 Liverpool Road Enfield NSW 2136  
P.O. BOX 2848 Enfield NSW 2136  
Phone (02) 9745 2014 Fax (02) 9745 0284  
Email info@urbanlink.com.au

URBAN LINK PTY LTD Copyright © This drawing remains the property of Urban Link Pty Ltd. It may not be used for the purposes for which it was commissioned or be reproduced without the written consent of Urban Link Pty Ltd.

**PLANNING PROPOSAL**

Project 176-188 BLAYLAND RD RYDE project no 16-002

client Saseco Developments

drawing LEVEL 3

date AS SHOWN @A3

drawn MB

checked TJ



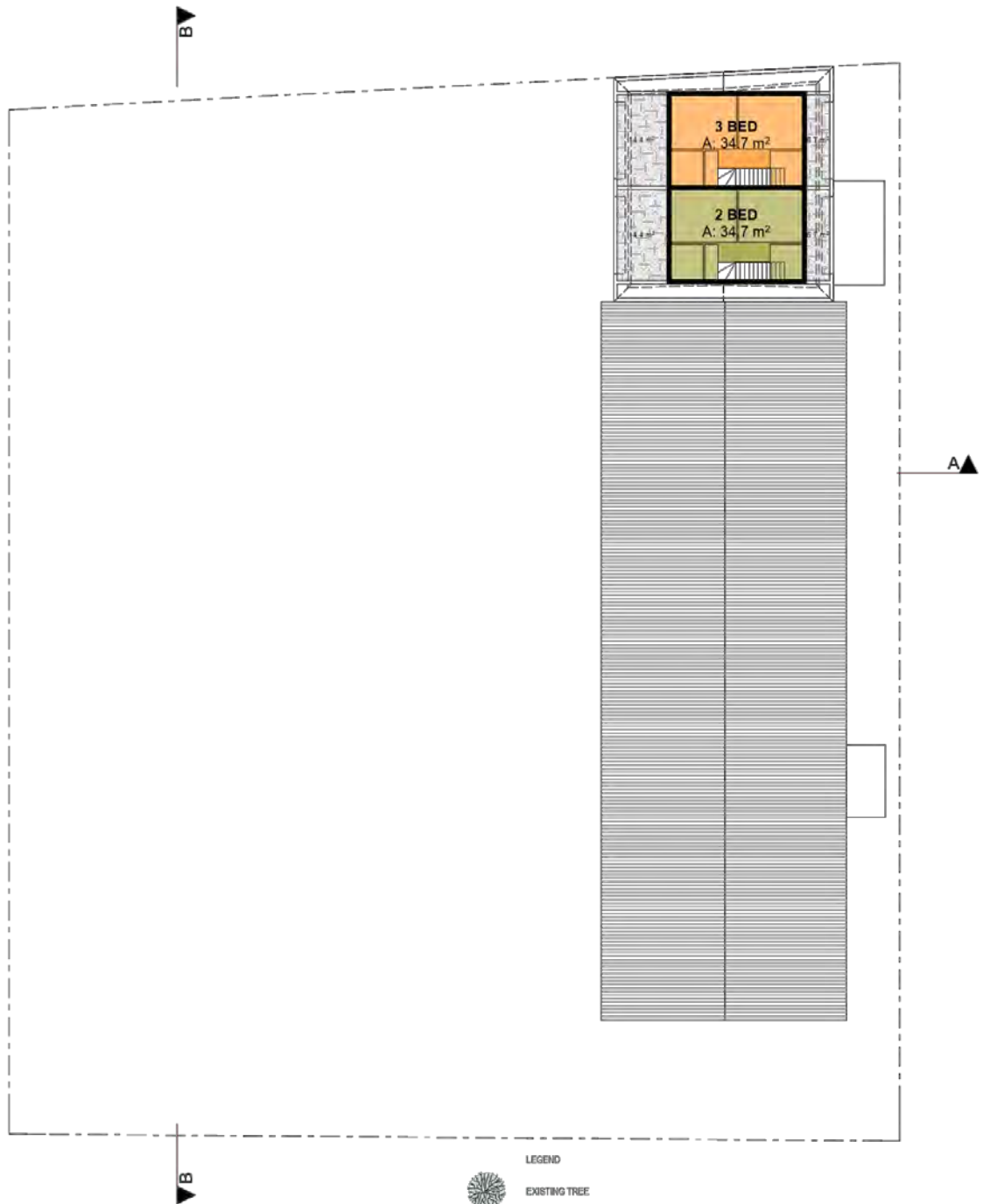
drawing no 160427-12

issue E



**ITEM 4 (continued)**

**ATTACHMENT 1**



**ROOF**

SCALE 1:200

Issue	Amendment	Date
A	PRELIMINARY	08.03.2016
B	PRELIMINARY	24.03.2016
C	PRE-PLANNING PROPOSAL	30.03.2016
D	PLANNING PROPOSAL	27.04.2016
E	REVISED PLANNING PROPOSAL	03.03.2018

do not scale drawings, verify all dimensions on site

**LEGEND**

-  EXISTING TREE
-  NEW TREE



Shop 8-11 820 Liverpool Road Enfield NSW 2136  
P.O. BOX 284 8 MP RD LD RYDE 2135  
Phone (02) 9745 2014 Fax (02) 9745 0284  
Email info@urbanlink.com.au

URBAN LINK PTY LTD Copyright © This drawing remains the property of Urban Link Pty Ltd. It may not be used for the proposed development or any other development without the written consent of Urban Link Pty Ltd.

**PLANNING PROPOSAL**

project 176-188 BLAYLAND RD RYDE

client Saseco Developments

drawing ROOF LEVEL

project no 16-002

status AS SHOWN @A3

drawn MB

checked TJ

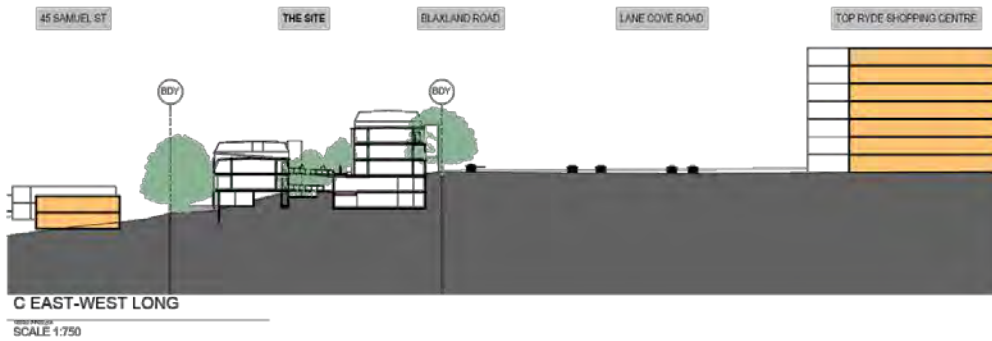
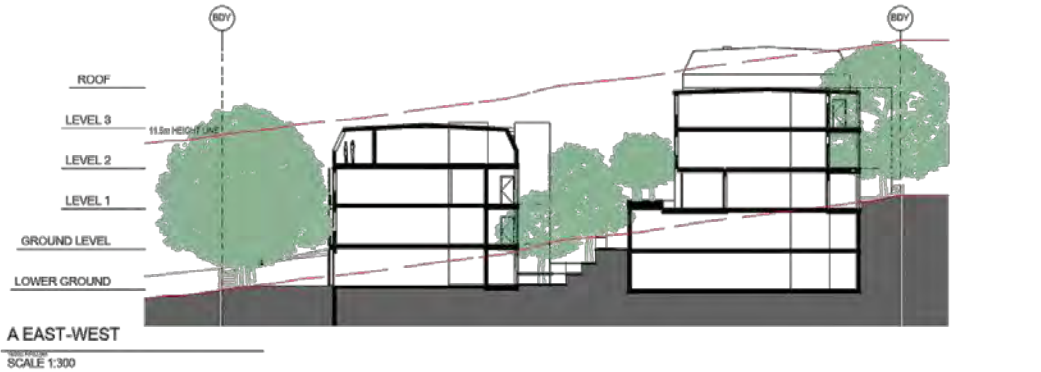


drawing no 160427-13

issue E

**ITEM 4 (continued)**

**ATTACHMENT 1**



Issue	Attachment	Date
A	PRELIMINARY	03.03.2016
B	PRELIMINARY	24.03.2016
C	PRE-PLANNING PROPOSAL	30.03.2016
D	PLANNING PROPOSAL	27.04.2016
E	REVISIONS PLANNING PROPOSAL	02.03.2016

do not scale drawings, verify all dimensions on site



Shop 8-11 820 Liverpool Road Enfield NSW 2136  
P.O. BOX 2044 5 MP WILLO WILLOW 2136  
Phone (02) 9745 2014 Fax (02) 9745 0884  
Email info@urbanlink.com.au

URBAN LINK PTY LTD Copyright © This drawing remains the property of Urban Link  
ply ltd. It may be used for the proposed development only in accordance with the terms of engagement for that commission.

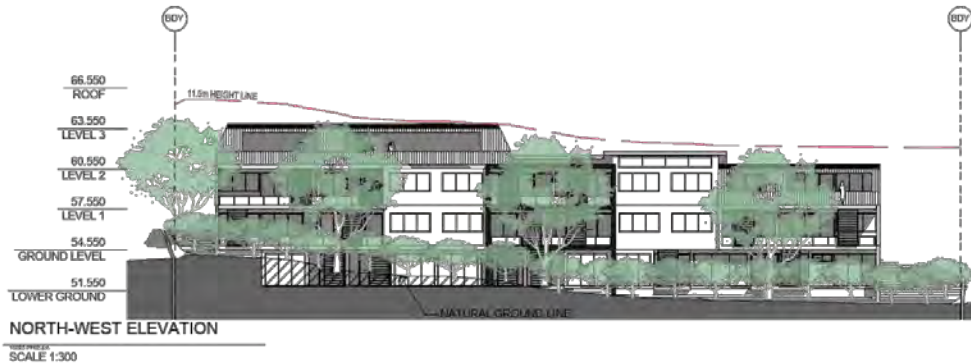
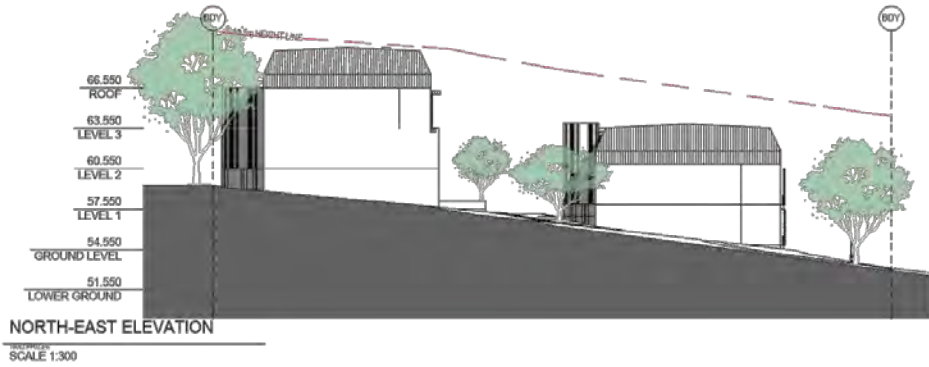
PLANNING PROPOSAL	
project 176-188 BLAKLAND RD RYDE	project no 16-002
client Saseco Developments	status AS SHOWN @A3
drawing SECTIONS	date
	drawn MB
	checked TJ



drawing no 160427-14  
issue E

**ITEM 4 (continued)**

**ATTACHMENT 1**



Issue	Attachment	Date
A	PRELIMINARY	03.03.2016
B	PRELIMINARY	24.03.2016
C	PRE-PLANNING PROPOSAL	30.03.2016
D	PLANNING PROPOSAL	27.04.2016
E	REVISIONS PLANNING PROPOSAL	03.05.2016

do not scale drawings, verify all dimensions on site

**URBAN LINK**  
architects + urbanists

Shop 8-11 820 Liverpool Road Enfield NSW 2136  
P.O. BOX 2848 E MF WILD WOOD 2136  
Phone (02) 9745 2014 Fax (02) 9745 0284  
Email info@urbanlink.com.au

URBAN LINK PTY LTD Copyright © This drawing remains the property of Urban Link  
ply ltd. It may not be used for the proposed development or any other development without the  
assistance with the terms of engagement for that commission.

PLANNING PROPOSAL	
project 176-188 BLAYLAND RD RYDE	project no 16-002
client Saseco Developments	status AS SHOWN Q&A
date	drawn MB
drawing ELEVATIONS	checked TJ
	issue E





**ITEM 4 (continued)**

**ATTACHMENT 1**



VIEW FROM SOUTH-WEST



VIEW FROM NORTH

Issue	Amendment	Date
A	PRELIMINARY	03.03.2016
B	PRELIMINARY	24.03.2016
C	PRE-PLANNING PROPOSAL	20.03.2016
D	PLANNING PROPOSAL	27.04.2016
E	REVISIONS PLANNING PROPOSAL	03.03.2016

do not scale drawings. Verify all dimensions on site



Sheep 8-11 820 Liverpool Road Enfield NSW 2136  
P.O. BOX 2064 ENF 1613 NSW 2136  
Phone (02) 9743 2014 Fax (02) 9743 0984  
Email info@urbanlink.com.au

URBAN LINK PTY LTD Copyright © This drawing remains the property of Urban Link  
ply ltd. It may be used for the purposes for which it was commissioned & in  
accordance with the terms of engagement for that commission.

**PLANNING PROPOSAL**

project 176-188 BLAVLAND RD  
RYDE

project no 16-002

client Sasco Developments

status AS SHOWN Q&A3

drawing CONCEPTUAL 3D VIEW

drawn MB

checked TJ

issue E



drawing no 160427-16

**ITEM 4 (continued)**

**ATTACHMENT 1**



VIEW FROM SOUTH-EAST (DELHI ROAD)



VIEW2 FROM NORTH-EAST (DELHI ROAD)

Issue	Attachment	Date
A	PRELIMINARY	03.03.2016
B	PRELIMINARY	24.03.2016
C	PRE-PLANNING PROPOSAL	30.03.2016
D	PLANNING PROPOSAL	27.04.2016
E	REVISIONS PLANNING PROPOSAL	01.03.2016

do not scale drawings, verify all dimensions on site



Shop 8-11 820 Liverpool Road Enfield NSW 2136  
P.O. BOX 204 8 MP WILD WOOD 2136  
Phone (02) 9745 2014 Fax (02) 9745 0984  
Email info@urbanlink.com.au

URBAN LINK PTY LTD Copyright © This drawing remains the property of Urban Link  
ply ltd. It may be used for the original or similar or other construction in its  
accordance with the terms of engagement for that construction.

**PLANNING PROPOSAL**

project 176-188 BLAYLAND RD  
RYDE

project no 16-002

client Sasco Developments

status AS SHOWN @A3

drawing CONCEPTUAL 3D VIEW

date

drawn MB

checked TJ



drawing no 160427-17

issue E



**ITEM 4 (continued)**

**ATTACHMENT 1**



VIEW FROM SOUTH

Issue	Amendment	Date
A	PRELIMINARY	05.03.2016
B	PRELIMINARY	24.03.2016
C	PRE-PLANNING PROPOSAL	05.03.2016
D	PLANNING PROPOSAL	27.04.2016
E	REVISIONS PLANNING PROPOSAL	01.03.2016

do not scale drawings, verify all dimensions on site



Shop 8-11 820 Liverpool Road Enfield NSW 2136  
P.O. BOX 204 Enfield NSW 2136  
Phone (02) 9745 2014 Fax (02) 9745 0284  
Email info@urbanlink.com.au

URBAN LINK PTY LTD Copyright © This drawing remains the property of Urban Link  
ply ltd. It may be used for the purposes for which it was commissioned as its  
accuracy will be within the terms of engagement for that commission.

PLANNING PROPOSAL	
project 176-188 BLAYLAND RD RYDE	project no 16-002
client Saseco Developments	status AS SHOWN @A2
drawing CONCEPTUAL 3D VIEW	drawn MB
	checked TJ



drawing no  
**160427-18**  
issue E

**ITEM 4 (continued)**

**ATTACHMENT 1**



AERIAL VIEW

Issue	Amendment	Date
A	PRELIMINARY	03.03.2016
B	PRELIMINARY	24.03.2016
C	PRE-PLANNING PROPOSAL	30.03.2016
D	PLANNING PROPOSAL	27.04.2016
E	REVISIONS PLANNING PROPOSAL	01.05.2016

do not scale drawings. Verify all dimensions on site



Shop 8-11 820 Liverpool Road Enfield NSW 2136  
P.O. BOX 204 Enfield NSW 2136  
Phone (02) 9745 2014 Fax (02) 9745 0284  
Email info@urbanlink.com.au

URBAN LINK PTY LTD Copyright © This drawing remains the property of Urban Link  
ply ltd. It may be used for the proposed or similar construction as its  
accuracy with the limits of engagement for that construction.

PLANNING PROPOSAL	
project 176-188 BLAVLAND RD RYDE	project no 16-002
client Saseco Developments	status AS SHOWN @A3
drawing CONCEPTUAL 3D VIEW	date
	drawn MB
	checked TJ

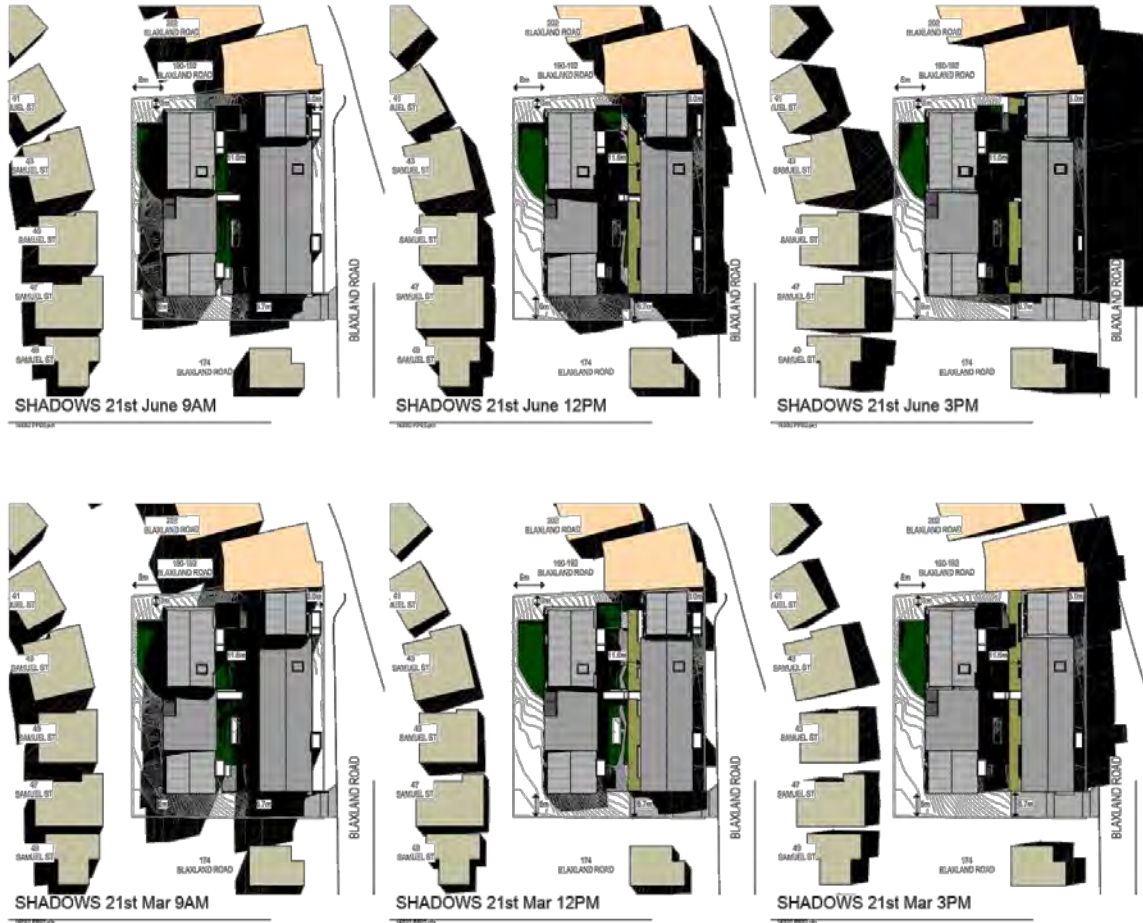


drawing no 160427-19  
issue E



**ITEM 4 (continued)**

**ATTACHMENT 1**



Issue	Attachment	Date
A	PRELIMINARY	03.03.2016
B	PRELIMINARY	24.03.2016
C	PRE-PLANNING PROPOSAL	30.03.2016
D	PLANNING PROPOSAL	27.04.2016
E	REVISION PLANNING PROPOSAL	03.05.2016

do not scale drawings, verify all dimensions on site



Shop 8-11 820 Liverpool Road Enfield NSW 2136  
P.O. BOX 2044 ENFIELD NSW 2136  
Phone (02) 9743 2014 Fax (02) 9743 0284  
Email info@urbanlink.com.au

URBAN LINK PTY LTD Copyright © This drawing remains the property of Urban Link  
ply ltd. It may not be used for the proposed or other site developments or in  
accordance with the terms of engagement for that commission.

**PLANNING PROPOSAL**

Project 176-188 BLAYLAND RD  
RYDE

Project no 16-002

client Saseco Developments

status AS SHOWN @A3

drawing SHADOW DIAGRAMS

drawn MB

checked TJ




drawing no 160427-20

Issue E

**ITEM 4 (continued)**

**ATTACHMENT 2**

 City of Ryde

Lifestyle and opportunity  
@ your doorstep

City of Ryde  
**Development Control Plan 2014**

Part: 6.6  
**176-186 Blaxland Road, Ryde**

**DRAFT**

ITEM 4 (continued)

ATTACHMENT 2

176 -186 Blaxland Road, Ryde

6.6

Translation

ENGLISH

If you do not understand this document please come to Ryde Civic Centre, 1 Devlin Street, Ryde Monday to Friday 8.30am to 4.30pm or telephone the Telephone and Interpreting Service on 131 450 and ask an interpreter to contact the City of Ryde for you on 9952 8222.

FARSI

اگر این سند را نمی فهمید لطفاً از ساعت 8:30 صبح تا 4:30 بعد از ظهر روزهای Monday تا Friday به مرکز شهرداری Ryde Civic Centre، 1 Devlin Street، Ryde مراجعه کنید یا به سرویس مترجم تلفنی شماره 131 450 تلفن کنید و از یک مترجم بخواهید که از طرف شما با شهرداری Ryde تماس بگیرد. شماره تلفن: 9952 8222.

ARABIC

إذا لم تفهم هذا المستند، يرجى الحضور إلى مركز بلدية Ryde Civic Centre، 1 Devlin Street، Ryde من الاثنين إلى الجمعة من الساعة 8:30 صباحاً والساعة 4:30 بعد الظهر أو الاتصال بمكتب خدمات الترجمة على الرقم 131 450 لكي يطلب من أحد المترجمين الاتصال بخطتي مدينة Ryde على الرقم 9952 8222.

ITALIAN

Se non capite il presente documento, siete pregati di rivolgervi al Ryde Civic Centre al n. 1 di Devlin Street, Ryde, dalle 8.30 alle 16.30, dal lunedì al venerdì, oppure potete chiamare il Telephone Translating and Interpreting Service al 131 450 e chiedere all'interprete di contattare a vostro nome il Municipio di Ryde presso il 9952 8222.

ARMENIAN

Եթե այս փաստաթուղթը չե՞ք հասկանում, Խնդրում ենք ժամանել Ryde Civic Centre, 1 Devlin Street, Ryde (կիրակի և քառշաբթի 8:30 - 16:30) կամ 4:30 - 13:45 ժամը 131 450-ը հեռախոսակապում և խնդրել մեզ հարապահանջելու 131 450-ը հեռախոսակապում կամ Ryde քաղաքի քաղաքապետի կաբինետում 9952 8222-ը հեռախոսակապում:

KOREAN

이 문서가 무슨 의미인지 모르실 경우에는 1 Devlin Street, Ryde 에 있는 Ryde Civic Centre 로 오시거나 (월 - 금, 오전 8:30 - 오후 4:30) 전화 131 450 번으로 전화 통역 서비스에 연락해서 통역자에게 여러번 대신 Ryde 시청에 전화 9952 8222 번으로 연락을 부탁하십시오.

CHINESE

如果您看不懂本文，請在星期一至星期五上午 8 時 30 分至下午 4 時 30 分前往 Ryde 市政中心詢問。(Ryde Civic Centre, 地址: 1 Devlin Street, Ryde)。您也可以打電話至電話傳譯服務中心，電話號碼是: 131 450。接過後您可以要求一位傳譯員為您打如下電話和 Ryde 市政廳聯繫。電話是: 9952 8222。

Amend. No.	Date approved	Effective date	Subject of amendment



**ITEM 4 (continued)**

**ATTACHMENT 2**

176 -186 Blaxland Road, Ryde

**6.6**

Contents

<b>1.0</b>	<b>Introduction</b>	<b>4</b>
<b>1.1</b>	<b>Objectives of this Part</b>	<b>4</b>
<b>1.2</b>	<b>Land to which this Part applies</b>	<b>4</b>
<b>2.0</b>	<b>Development Controls</b>	<b>5</b>
<b>2.1</b>	<b>Design Quality</b>	<b>5</b>
<b>2.2</b>	<b>Height and Density</b>	<b>5</b>
<b>2.3</b>	<b>Siting and Design</b>	<b>5</b>
<b>2.4</b>	<b>Streetscape</b>	<b>6</b>
<b>2.5</b>	<b>Setback from Boundaries</b>	<b>6</b>
<b>2.6</b>	<b>Landscaping and Deep Soil</b>	<b>7</b>
<b>2.7</b>	<b>Solar Access</b>	<b>7</b>
<b>2.8</b>	<b>Access</b>	<b>7</b>
<b>2.9</b>	<b>Stormwater and Floodplain Management</b>	<b>7</b>
<b>2.10</b>	<b>Car Parking</b>	<b>7</b>
<b>2.11</b>	<b>Tree Preservation</b>	<b>7</b>
<b>2.12</b>	<b>Waste Minimisation and Management</b>	<b>7</b>

**ITEM 4 (continued)**

**ATTACHMENT 2**



**1.0 Introduction**

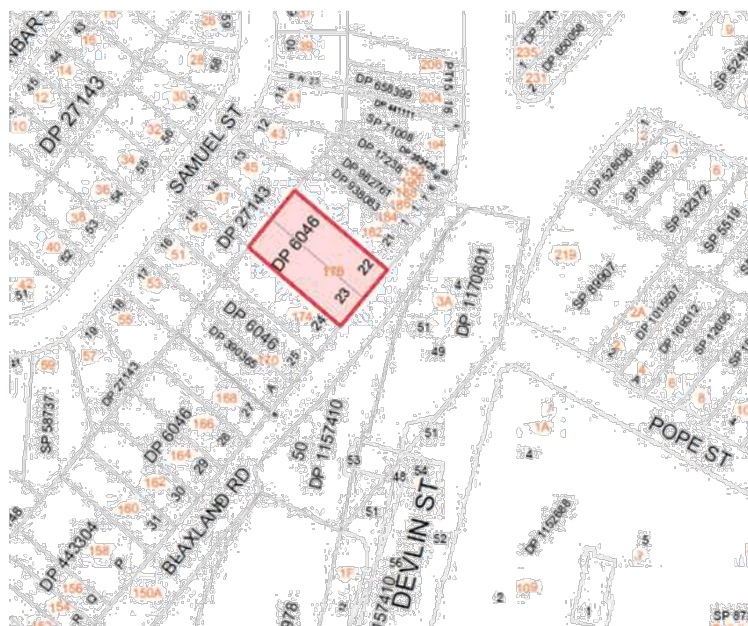
**1.1 Objectives of this Part**

The objectives of this Part are:

- a. to provide appropriate development control and design quality principles for the redevelopment of the site;
- b. to ensure that the future development of the land appropriately responds to the zone boundary interface and is compatible with existing adjoining development; and
- c. to maintain appropriate residential amenity to existing adjoining development.

**1.2 Land to which this Part applies**

This part applies to the land: Lot 21, 22 & 23 DP 6046; Lot 1, DP 938083; and Lot 1 DP 962761 – No.176-186 Blaxland Road, Ryde.



ITEM 4 (continued)

ATTACHMENT 2



## 2.0 Development Controls

This section provides detailed planning controls for the subject site that will ensure that future development is of high design quality. The controls will also minimise negative impacts on adjoining and adjacent properties.

### 2.1 Design Quality

- a. A residential flat building to be erected on the land shall be designed in accordance with the Design Quality Principles of State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development and the associated Apartment Design Guide.

### 2.2 Height and Density

- b. The development to be erected on the land shall have a maximum building height of 11.5m being the maximum height shown for the land on the *Height of Buildings Map of Ryde Local Environmental Plan 2014*.
- c. The building height of development on the land shall be distributed across the site generally as nominated on the attached diagrams (Figure 1.01 and 1.02).
- d. The maximum floor space ratio for a building on the land shall not exceed 1.0:1, being the floor space ratio shown for the land on the *Floor Space Ratio Map of Ryde Local Environmental Plan 2014*.

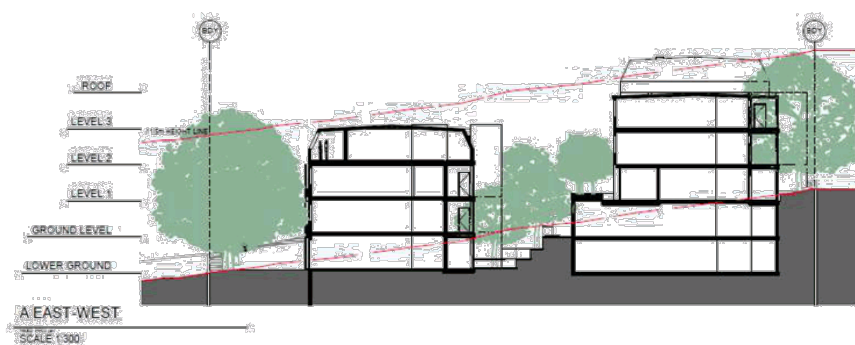


Figure 1.01 Height diagram

### 2.3 Siting and Design

- e. Development shall be designed and sited to maintain appropriate spatial separation, privacy and amenity to the adjoining residential properties.
- f. The siting of any development on the land shall be consistent with that depicted on the attached diagram (Figure 1.02).
- g. To assist with and encourage articulation of the design, no more than 25% of the frontage of the site is to encroach beyond the front setback of 3 metres.
- h. Direct overlooking of private open space and/or living rooms of adjoining residential properties shall be prevented by building layout, fixed screening devices, landscaping, spatial separation or a combination of these elements.

ITEM 4 (continued)

ATTACHMENT 2



**2.4 Streetscape**

- i. The development of the land must be compatible with the established streetscape patterns along Blaxland Rd.
- j. The streetscape and residential amenity is to be enhanced through landscaping and the preservation of the mature large canopy trees along Blaxland Rd.
- k. The height and scale of the development is to be modulated to provide for an appropriate built form transition in response to the falling topography and the adjoining residential properties to the rear of the premises.
- l. The development must be suitably articulated along Blaxland Rd to provide visual interest. This is to be achieved through careful consideration of scale, proportions, building materials and the location of entry points, windows and balconies.

**2.5 Setback from Boundaries**

- m. The development of the land shall generally maintain the front, side and rear boundary setbacks as nominated on the attached diagram (Figure 1.01).
- n. The development must allow for adequate building modulation and articulation along rear and side boundaries to reduce visual bulk when viewed from adjoining properties.
- o. To assist with and encourage articulation of the design, no more than 20% of the frontage of the site is to encroach beyond the front setback of 3 metres.

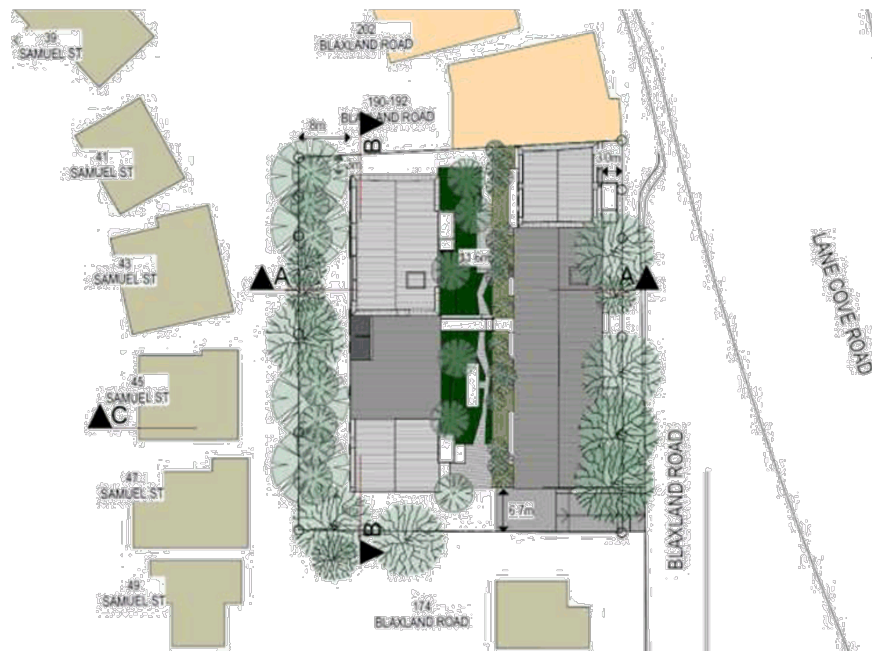


Figure 1.02 Setback diagram

**ITEM 4 (continued)**

**ATTACHMENT 2**



**2.6 Landscaping and Deep Soil**

- p. Appropriate intervening landscaping treatments shall be provided within the side and rear setback areas to soften and screen the development when viewed from adjoining residential properties.
- q. Appropriate deep soil zones within the side and rear setback areas are to be generally maintained as nominated on the attached plans to enable mature landscaping to further enhance privacy and screening to adjoining residential properties.

**2.7 Solar Access**

- r. The development of the land shall not reduce solar access to the living rooms and private open space areas of adjoining residential development to less than 3 hours of sunlight between 9am and 3pm in mid-winter.

**2.8 Access**

- s. Vehicular access is to be provided via dual carriageway at the south western corner of the site from Blaxland Rd.

**2.9 Stormwater and Floodplain Management**

- t. A stormwater management system is to be provided in accordance with the requirements of Part 8.2 Stormwater and Floodplain Management of this DCP.

**2.10 Car Parking**

- u. Car parking is to be designed and provided in accordance with Part 9.3 Parking Controls of this DCP.

**2.11 Tree Preservation**

- v. Development is to comply with the Part 9.5 Tree Preservation provisions of this DCP.

**2.12 Waste Minimisation and Management**

- w. The storage, management and collection of waste is to be in accordance with the requirements of Part 7.2 Waste Minimisation and Management provisions of this DCP.



**ITEM 4 (continued)**

**ATTACHMENT 2**



City of Ryde  
Civic Centre  
1 Devlin Street  
Ryde NSW 2112

[www.ryde.nsw.gov.au](http://www.ryde.nsw.gov.au)

---

## 5 PLANNING PROPOSAL - 3-5 VINCENTIA STREET MARSFIELD - OUTCOMES OF COMMUNITY EXHIBITION

---

**Report prepared by:** Strategic Planner; Senior Coordinator - Strategic Planning  
**File No.:** LEP2017/4/4 - BP17/1243

---

### REPORT SUMMARY

This report details the outcomes of the community consultation process for the Planning Proposal (PP) 3-5 Vincentia Street Marsfield, being part LOT 3 DP707390 (known as the “the site”) as identified in Figure 1.

The site is currently zoned SP2 Infrastructure - Place of Public Worship and contains six dwellings.

The Planning Proposal seeks to change zoning, height, floor space and minimum lot size controls on part of 3-5 Vincentia Street Marsfield (approximately 4,033sqm). The remainder of the site (approximately 1,774sqm) is to remain SP2 Infrastructure - Place of Public Worship. The proposed amendments are to facilitate the Torrens Title and strata subdivision of the existing residential dwellings on the site and to create one vacant low density residential lot.



Fig 1: Aerial photo showing the existing six existing dwellings on the site and the extent of the proposed change to the planning controls.

**ITEM 5 (continued)**

This PP proposes the following amendments to Ryde Local Environmental Plan 2014 (RLEP 2014):

- Amending RLEP 2014 Land Zoning Map from SP2 Infrastructure - Place of Public Worship to R2 Low Density.
- Amending RLEP 2014 Height of Buildings Map to give the land a maximum building height of 9.5 metres (the land currently has no height control).
- Amending RLEP 2014 Floor Space Ratio Map to give the land a FSR control of 0.5:1 (the land currently has no floor space ratio control).
- Amending RLEP 2014 Lot Size Map to include the land into the map requiring a minimum lot size of 580sqm.

It should be noted that the proposed Height, FSR and Minimum Lot Size are the same as for all land zoned R2 Low Density Residential

The Planning Proposal is **ATTACHED**.

At its meeting of 8 August 2017 Council's Planning and Environment Committee Resolved:

- (a) That Council submit the Planning Proposal relating to part of 3-5 Vincentia Street, Marsfield (Part Lot 3 DP 707390) for Gateway Determination, in accordance with Section 56 of the Environmental Planning and Assessment Act 1979 and that Council request delegation from the Minister to implement the Plan.*
- (b) That Council, when the Gateway Determination is issued pursuant to Section 56 of the Environmental Planning and Assessment Act 1979, delegate authority to the Acting General Manager to publicly exhibit the Planning Proposal. A further report will be presented to Council following the completion of the exhibition period.*

A Gateway Determination for the PP was issued by the Department of Planning and Environment (DPE) as the delegate for the Greater Sydney Commission on the 12 September 2017. At that time the DPE also issued authorisation for Council to exercise its delegations with respect to the making of the Plan. A minimum exhibition period of 28 days was stipulated and no public authorities were required to be consulted.

**ITEM 5 (continued)**

The PP and supporting documentation were publicly exhibited for 31 days from 25 October 2017 to the 24 November 2017. No submissions were received.

As no submissions were received and the PP will result in the zoning and development controls applying to the land reflecting the current use of the site, it is recommended that the PP should be supported by Council.

This report recommends that the Planning Proposal as exhibited be forwarded to the Department of Planning and Environment for publication on the NSW Legislation website.

**RECOMMENDATION:**

- (a) That Council endorse the amendment of Ryde Local Environmental Plan 2014 as it relates to 3-5 Vincentia Street Marsfield, being part LOT 3 DP707390 by:
- Amending Ryde Local Environmental Plan 2014 Land Zoning Map from SP2 Infrastructure - Place of Public Worship to R2 Low Density
  - Amending Ryde Local Environmental Plan 2014 Height of Buildings Map to give the land a maximum building height of 9.5 metres
  - Amending Ryde Local Environmental Plan 2014 Floor Space Ratio Map to give the land a FSR control of 0.5:1 and
  - Amending Ryde Local Environmental Plan 2014 Lot Size Map to include the land into the map requiring a minimum lot size of 580sqm.
- (b) That Council, forward the planning proposal for 3-5 Vincentia Street, Marsfield to the Department of Planning and Environment with a request that the Plan be published on the NSW Legislation website.

**ATTACHMENTS**

There are no attachments for this report.

**ITEM 5 (continued)**

Report Prepared By:

**Susan Wotton  
Strategic Planner**

Report Approved By:

**Lexie Macdonald  
Senior Coordinator - Strategic Planning****Dyalan Govender  
Manager - City Planning****Sam Cappelli  
Acting Director - City Planning and Development**



**ITEM 5 (continued)****Background**

The Planning Proposal seeks to change zoning, height, floor space and minimum lot size controls on part of 3-5 Vincentia Street, Marsfield (approximately 4,033sqm). The remainder of the site (approximately 1,774sqm) is to remain SP2 Infrastructure - Place of Public Worship. The proposed amendments are to facilitate the Torrens Title and strata subdivision of the existing residential dwellings on the site and to create one vacant low density residential lot.

The PP seeks to amend zoning and development controls applying to part of 3-5 Vincentia Street, Marsfield to reflect those applying to land zoned R2 Low Density Residential, as follows:

- Amending LEP 2014 Land Zoning Map from SP2 Infrastructure - Place of Public Worship to R2 Low Density
- Amending LEP 2014 Height of Buildings Map to give the land a maximum Building Height of 9.5 metres (the land currently has no height control).
- Amending LEP 2014 Floor Space Ratio Map to give the land a FSR control of 0.5:1 (the land currently has no floor space ratio control).
- Amending LEP 2014 Lot Size Map to include the land into the map requiring a minimum lot size of 580sqm.

**ITEM 5 (continued)**



Figure 2: Existing and Proposed LEP Mapping

## ITEM 5 (continued)

### Concept Plan

The site currently contains 6 dwellings and the proposed amendments are to facilitate the Torrens Title and strata subdivision of the existing residential dwellings on the site and to create one vacant residential lot. A portion of the site will remain zoned SP2 Infrastructure - Place of Public Worship. The subdivision will be the subject of a separate Development Application, in the event that Council supports the Planning Proposal. The concept subdivision plan indicates:

- The Torrens title subdivision of the land into 4 residential lots comprising:
  - Lot 1 containing an existing multi dwelling housing development of 4 dwellings, which is to be subsequently strata subdivided into 4 strata lots.
  - Lots 2 and 3 each containing one of the existing dwelling houses.
  - Lot 4 is a proposed vacant residential lot.



Fig 3: Concept subdivision plan – Proposed Torrens title lot boundaries shown orange and strata title lot boundaries shown green. These will be considered as part of a future Development Application.

A report considering the PP was presented to Council's Planning and Environment Committee on 8 August 2017 recommending that Council forward the PP for a Gateway Determination.

The Gateway Determination was issued on the 12 September 2017 as was Council's authorisation to exercise its delegation and make the Plan. The Gateway Determination required a minimum exhibition period of 28 days.

**ITEM 5 (continued)****Discussion**

The PP was exhibited for 31 days from the 25 October 2017 to 24 November 2017. The following was undertaken during the exhibition period:

- Notification letters were sent to approximately 78 land owners within the surrounding area.
- An exhibition notice was placed in the Northern District Times with circulation across the Ryde Local Government Area.
- The exhibition material was available for viewing at Council's Customer Service Centre and North Ryde Office, Ryde Library, and on Council's webpage.

No submissions were received.

**Financial Implications**

Adoption of the recommendation will have no financial impact.

**Consultation with relevant external bodies**

The Gateway Determination did not require any consultation with external public authorities to occur.

**Critical Dates and Timeframe**

The making of the amending LEP is required to occur 9 months from the date of the Gateway Determination which is 12 June 2018.

In order to meet this timeframe, Council must refer its request to Parliamentary Counsel (under delegation) to draft and finalise the LEP approximately 6 weeks prior to the finalization date.

**ITEM 5 (continued)****Options**Option 1: That Council supports the Planning Proposal exhibited

This is the recommended option as it is considered that the proposed amendments reflect the current land uses that occur on the land.

Option 2: That Council decides not to proceed with the Planning Proposal

This is not the recommended option. If Council decides not to proceed with the Planning Proposal the residential use of the land is limited to being associated with its function as a support to church activities.

Option 1 is the recommended option because the proposal is of a minor nature and will enable the planning controls for the land to reflect the existing use of the land for residential purposes.



---

## 6 PLANNING PROPOSAL FOR 17 ACACIA STREET AND 16 VERA STREET, EASTWOOD

---

**Report prepared by:** Strategic Planner; Senior Coordinator - Strategic Planning  
**File No.:** LEP2017/18/4 - BP17/900

---

### REPORT SUMMARY

Council has received a Planning Proposal (PP) to amend controls within Ryde Local Environmental Plan 2014 (RLEP2014) as they apply to 17 Acacia Street, Eastwood (Lot 69 DP 17583) and 16 Vera Street, Eastwood (Lot 14 DP 26340) (known as the “the site”). The PP was submitted by John Brunton Planning Pty Ltd on behalf of the owner Denistone East Uniting Church (Uniting Church Property Trust (NSW)).

The site is currently zoned SP2 Infrastructure - Place of Public Worship under RLEP2014 and contains an existing dwelling house (manse) at 16 Vera Street, a church building at 17 Acacia Street (Fig 1) and a related hall located between the church and manse. The buildings are now surplus to the needs of the Uniting Church.



**(Fig 1)**

The Planning Proposal (**ATTACHED**) seeks to make the following amendments to the RLEP2014:

1. Rezone the subject land from SP2 Infrastructure - Place of Public Worship to R2 - Low Density Residential (which is the same as the adjacent zone)
2. Amend the Height of Buildings Map for the subject land to include a height control of 9.5 metres (which is the same as the adjacent land)

**ITEM 6 (continued)**

3. Amend the Floor Space Ratio Map for the subject land to include an FSR control of 0.5:1 (which is the same as the adjacent land)
4. Amend the Lot Size Map for the subject land to include a minimum lot control of 580 square metres (which is the same as the adjacent land).

The proposed amendments to the RLEP will allow for the disposal and the redevelopment of the land consistent with the surrounding low density residential area.

An assessment of the PP has been undertaken and it is considered that:

- The PP is consistent with the objectives and actions of state, regional and local planning policies and strategies; and
- That the PP will have minimal environmental, amenity, traffic and parking impacts.

This report recommends that Council supports forwarding the PP to the Department of Planning and Environment for a Gateway Determination and community consultation as the proposed changes are in accordance with the zoning of the surrounding area and the current uses are permitted within the proposed new R2 Low Density Zone.

**RECOMMENDATION:**

- (a) That Council submit the Planning Proposal relating to 17 Acacia Street, Eastwood (Lot 69 DP 17583) and 16 Vera Street, Eastwood (Lot 14 DP 26340) for Gateway Determination, in accordance with Section 56 of the Environmental Planning and Assessment Act 1979 and that Council request delegation from the Minister to implement the Plan.
- (b) That Council, when the Gateway Determination is issued pursuant to Section 56 of the Environmental Planning and Assessment Act 1979, delegate authority to the Acting General Manager to publicly exhibit the Planning Proposal. A further report will be presented to Council following the completion of the exhibition period.

**ATTACHMENTS**

- 1 Planning Proposal - Acacia Street 17 and Vera Street 16, Eastwood

**ITEM 6 (continued)**

Report Prepared By:

**Susan Wotton  
Strategic Planner**

Report Approved By:

**Lexie Macdonald  
Senior Coordinator - Strategic Planning****Dyalan Govender  
Manager - City Planning****Sam Cappelli  
Acting Director - City Planning and Development**

## ITEM 6 (continued)

### Discussion

This report contains a description of the site, a description of the proposed LEP amendments and an appraisal of the subject Planning Proposal (PP). This appraisal forms the basis of a recommendation to forward the PP to the Minister for Planning for a Gateway Determination and subsequent community consultation.

### Gateway Plan Making Process

The Gateway process has a number of steps as outlined below:

- 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 to the next stage to seek a Gateway Determination.
- 2. Gateway Determination** by the Minister for Planning or delegate if the planning proposal should proceed, and under what conditions it will proceed, including the community consultation process and any additional studies.
- 3. Community Consultation** – the proposal is publicly exhibited.
- 4. Assessment** – the relevant planning authority considers public submissions. The relevant planning authority may decide to vary the proposal or not to proceed. Where proposals are to proceed, it is Parliamentary Counsel which prepares a draft local environmental plan – the legal instrument.
- 5. Decision** – the making of the plan by the Minister (or delegate).

This proposal, which has been submitted by John Brunton Planning Pty Ltd on behalf of the proponents Uniting Church Property Trust (NSW), is at Step 1 of the Gateway process. The PP has been assessed by Council staff to ensure that the information provided is consistent with the requirements and technical standard as per the Department of Planning and Environment's (DPE) *Guide to Preparing Planning Proposals*.

#### 1.1 Site Description and Context

The site is 17 Acacia Street, Eastwood (Lot 69 DP 17583) and 16 Vera Street, Eastwood (Lot 14 DP 26340). The site runs between two parallel streets and has an area of 2 013.5sqm. It consists of an existing dwelling house (manse) at 16 Vera Street, a church building at 17 Acacia Street and a related hall located between the church and manse. The buildings are now surplus to the needs of the Uniting Church. The site is identified in Figures 2a and 2b below.

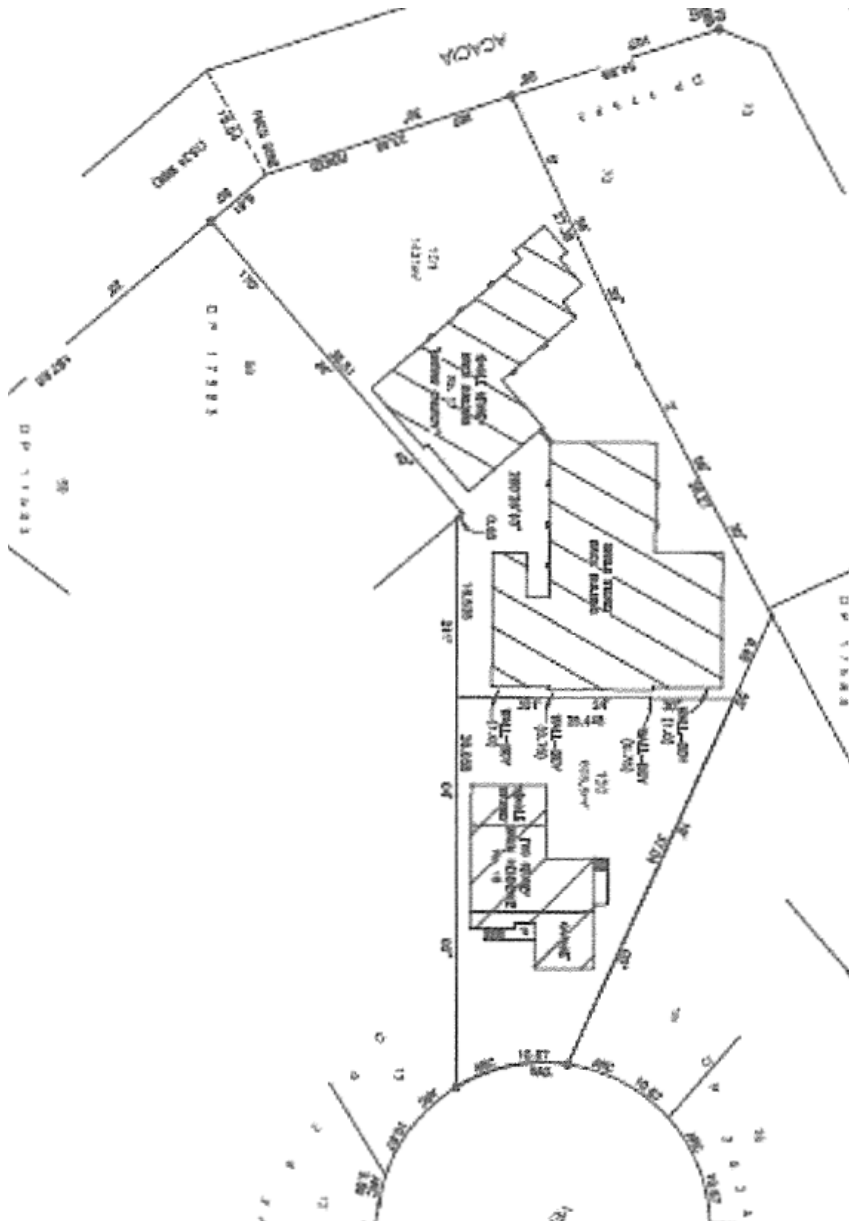
**ITEM 6 (continued)**



**Fig 2a: Subject land**



**ITEM 6 (continued)**



**Fig 2b Survey Plan (PP Attachment 3)**

**Context**

Vera Street and Acacia Streets both connect to North Road to the north of the site, Denistone East Primary School is located to the south and Acacia Park is approximately 100m south east of the site.

Adjoining properties in Vera Street and Acacia Street are zoned R2 Low Density Residential and have been predominantly developed for dwelling houses (Figs 3a and 3b).

**ITEM 6 (continued)**



Vera Street with No 16 the church manse on the far left of the photo.

**Fig 3a**



Acacia Street looking south from the church at No 17.

**Fig 3b**

**1. Current Planning Controls**

*Zoning*

The subject site is currently zoned SP2 Infrastructure – Place of Public Worship under the RLEP2014.

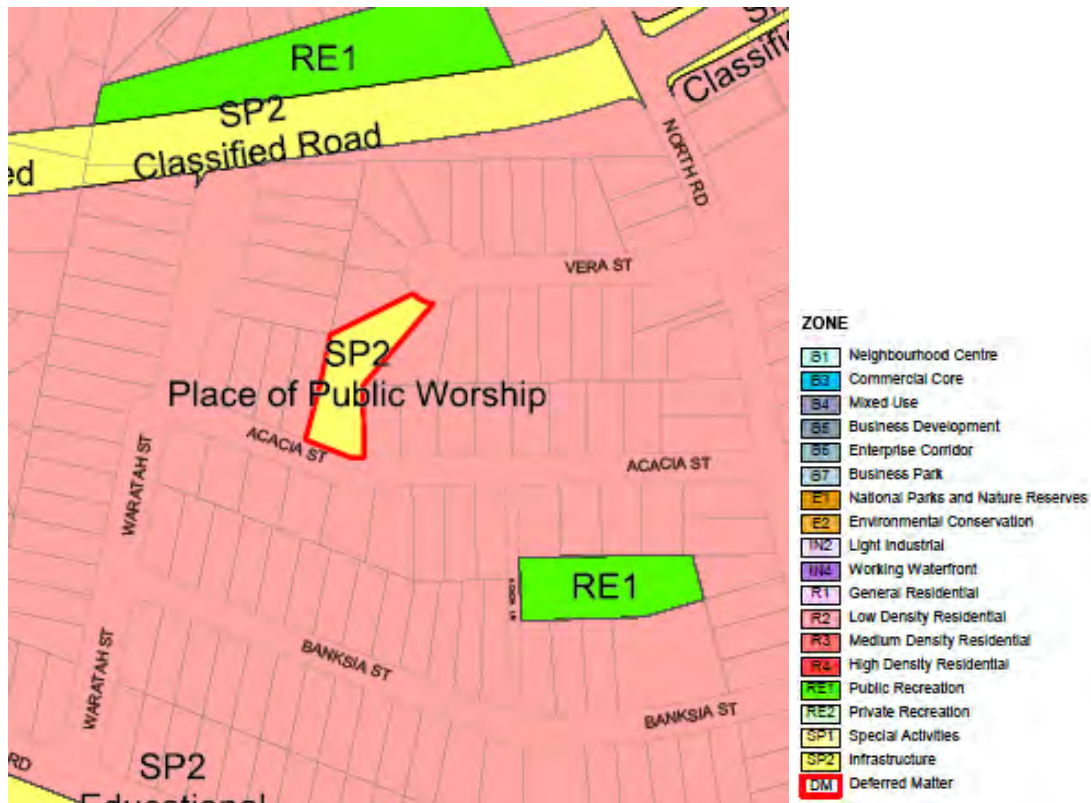
The objectives of the SP2 Infrastructure – Place of Public Worship zone are:

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.
- To ensure the orderly development of land so as to minimise any adverse effect of development on other land uses.

The land uses permitted in the SP2 Infrastructure - Place of Public Worship zone are roads, places of public worship and any development that is ancillary to that use. The existing dwelling (manse), church building and hall are in keeping with the zoning and permitted use of the site as a place of public worship.

**ITEM 6 (continued)**

Land adjoining the site is zoned R2 Low Density Residential (Figure 4).



**Fig 4 Land Zoning Map**

*Building Height and Floor Space Ratio (FSR)*

Under RLEP2014 the site has no height or floor space controls. This is consistent with all other land in the City which is zoned SP2 Infrastructure – Place of Public Worship under RLEP2014.

The R2 low density residential land adjoining the site has a maximum height control of 9.5m and a maximum floor space ratio control of 0.5:1 (Figures 5 and 6).

**ITEM 6 (continued)**



**Fig 5 Height of Buildings Map**



**Fig 6 Floor Space Ratio Map**



## ITEM 6 (continued)

### Lot Size Map

Under RLEP2014 only land zoned residential is included in the Lot Size Map with a minimum subdivision requirement of 580sqm.

As the subject land is zoned SP2 Infrastructure – Place of Public Worship there are no minimum subdivision requirements with respect to the land. (Fig 7)



**Fig 7 Lot Size Map**

### Objectives and Intended Outcomes

The PP states:

*The primary objective of the Planning Proposal is to provide the subject site with the same zoning and development standards as currently exist for the surrounding suburb's low density housing areas. This will enable the site to be redeveloped for the same purposes and at the same scale as the surrounding locality. (PP pg. 10)*

The PP further states the proposed amendments to the RLEP2014 will have the following key outcomes:

- Consistency with State Government policy for church land to be zoned consistent with the surrounding land



**ITEM 6 (continued)**

- *Consistency with State and Regional strategic planning priorities and actions*
- *Consistency with the Ryde City Council's strategic planning document for the future planning of local suburban housing areas*
- *Potential for low density housing redevelopment consistent with existing streetscapes (PP pg 10)*

**Justification**

The PP provides the following justification for the proposed amendments to RLEP2014:

- The existing zoning of the site allows only one land use (other than roads) that is specific to religious organisation and does not allow flexibility for any other land use.
- The rezoning of the land will help achieve the objective of increasing supply and mix of housing opportunities in the Ryde LGA and
- The rezoning is in line with State Government policy of rezoning SP2 Infrastructure – Place of Public Worship land to an adjoining zone. (PP pgs. 10 and 11)

**Proposed changes to Ryde Local Environmental Plan 2014 (RLEP2014)**Future Use of Land

The Planning Proposal seeks to change the land use zoning, height, FSR and lot size controls applying to the site to facilitate the redevelopment of the land for low density residential purposes in line with existing development on adjoining land.

RLEP2014 Map amendments

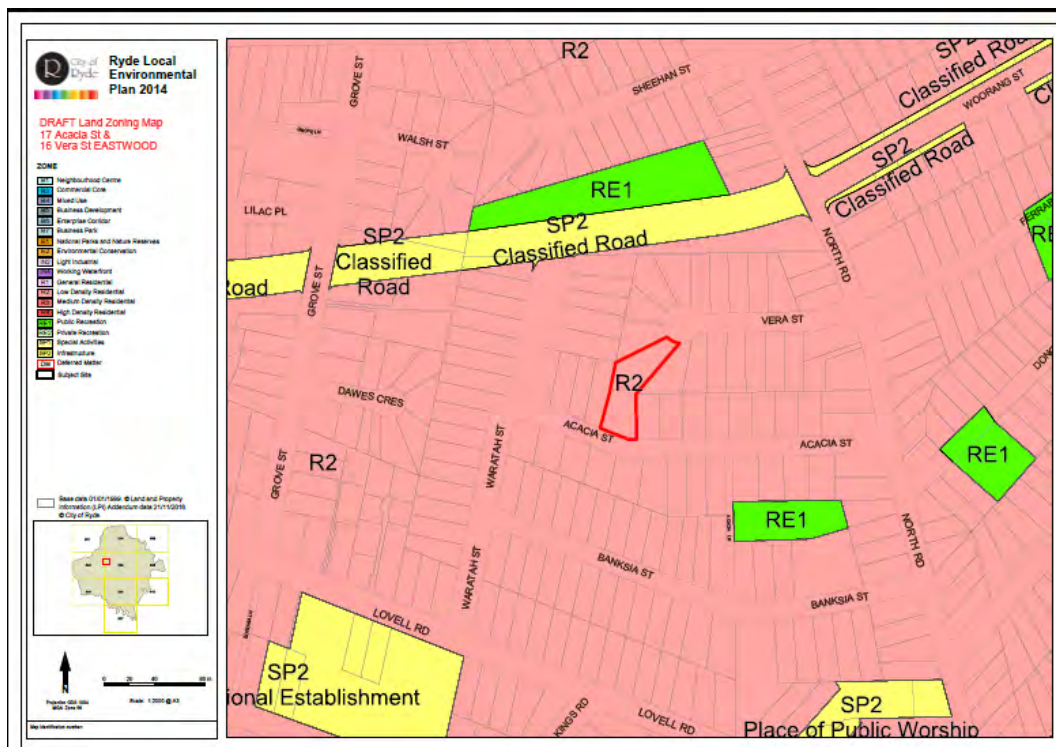
The Planning Proposal seeks to amend RLEP2014 by recognising the existing use of the surrounding land for low density residential purposes and amending the planning controls for the site to reflect R2 Low Density Residential controls.

The proposed amendments include:

- Amending RLEP2014 Land Zoning Map from SP2 Infrastructure - Place of Public Worship to R2 Low Density (Fig 9)
- Amending RLEP2014 Height of Buildings Map to give the land a maximum Building Height of 9.5 metres (Fig 10)

**ITEM 6 (continued)**

- Amending RLEP2014 Floor Space Ratio Map to give the land a maximum FSR control of 0.5:1 (Fig 11)
- Amending RLEP2014 Lot Size Map to include the land into the map requiring a minimum lot size of 580sqm. (Fig 12)

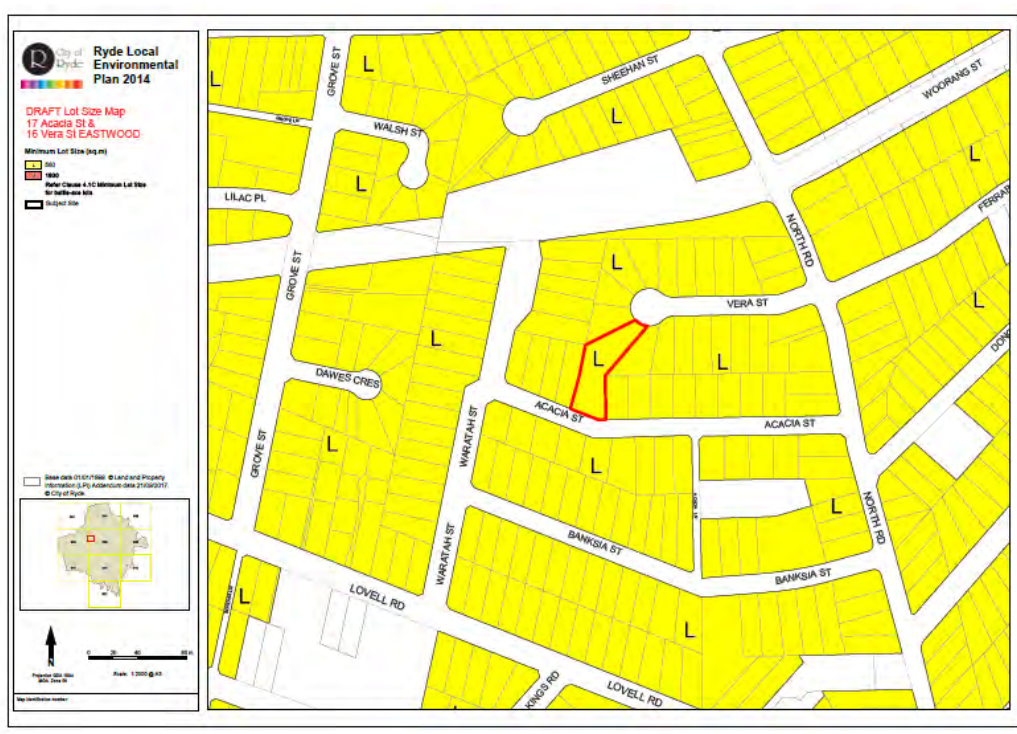


**Fig 9: Proposed Land Zoning Map**





**ITEM 6 (continued)**



**Fig 12:** Proposed Lot Size Map (PP page 20-23)

**Assessment of the Planning Proposal (PP)**

The following provides an assessment and review of the PP based on the required considerations under the DPE’s *Guide to Preparing Planning Proposals*.

Adequacy of Documentation

The documentation as submitted is satisfactory and addresses all necessary requirements of the Gateway process.

Assessment of Need for the Planning Proposal

In accordance with the Gateway process the following questions must be considered:

***Is this planning proposal the result of any strategic study or report?***

The Planning Proposal states it is not the result of a specific strategic study or report, but is consistent with the relevant City of Ryde strategic planning documents. (PP pg.11)

***Is the planning proposal the best means of achieving the objective, or is there a better way?***

The PP states that the proposed rezoning of the land is the best means of achieving the objectives and intended outcomes for the site, specifically, the expansion of land uses on the site.

**ITEM 6 (continued)**

The PP further states:

*The existing zoning allows only one land use that is specific to religious organisations and does not allow flexibility for any other land use or landowner. The amendment is the only way to enable the land to be used for the same purposes as the R2 zoned surrounding land. (PP pg.11)*

**Response**

The land under its current zoning of SP2 Infrastructure - Place of Public Worship prohibits the use of the land for residential purposes except when dwellings are an ancillary function to the use of the land as a place of public worship.

For the land to be used for residential purpose it must be rezoned.

***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 Planning Proposal states the following:

**A Plan for Growing Sydney and Draft Greater Sydney Regional Plan**

*A Plan for Growing Sydney, released in December 2014, was the NSW Government's plan to guide Sydney's future growth... the following directions were made for the implementation of the plan:*

*Direction 2.1: Improve housing supply across Sydney*

*Direction 2.2: Ensure more homes closer to jobs*

*Direction 2.3: Improve housing choice to suit different needs and lifestyles*

*On 22 October 2017 a new Metropolitan Strategy, the Draft Greater Sydney Region Plan was released by the Greater Sydney Commission for public comment... There are ten overarching directions to guide the delivery of the Draft Plan's objectives. The objectives of the Housing Direction are:*

*Objective 10: Greater Housing supply.*

*Objective 11: Housing is more diverse and affordable.*



**ITEM 6 (continued)**

*This Planning Proposal is consistent with the housing related directions of the existing A Plan for Growing Sydney, and with the Housing Direction of the new Draft Greater Sydney Region Plan for the Eastern Harbour City. This Proposal is consistent because it will provide the opportunity for small scale urban renewal that is compatible with the local neighbourhood identity, will contribute to housing supply, and provide the opportunity for more diverse and affordable housing in Ryde City. Rezoning will facilitate the development of the site for additional housing, and the site is of such a size that there are several viable housing options. (Addendum November 2017)*

**Draft North District Plan (2016)**

*A Revised Draft North District Plan October 2017 (NDP)...provides the means by which the Greater Sydney Region Plan can be put into action at a local level ... Under the Revised Draft NDP the Housing Direction is Planning Priority No 5: Providing housing supply, choice and affordability, with access to jobs and services. ...This Planning proposal is consistent with the Revised Draft NDP as it will provide additional land for housing within an existing low density residential setting, with the opportunity for the construction of several additional detached or attached dwellings as permissible within the proposed R2 zone. (Addendum November 2017)*

**Response**

It is considered that the PP is consistent with both 'A Plan for Growing Sydney', the Draft Greater Sydney Regional Plan, and the Draft North District Plan, in that it will result in a release of land for additional housing in keeping with the surrounding area.

***Is the planning proposal consistent with a council's local strategy or other local strategic plan?***

The PP states the following:

**Ryde Local Planning Study 2010**

*The Local Planning Study established the planning direction for the City over the next 20 years and guided the preparation of the new comprehensive local environmental plan (LEP) for the City of Ryde...*

*As a consequence of the Study, no actions were proposed for major change to the subject site or to the surrounding suburban area, which remained as a low density residential zoning in the current RLEP2014. The Study did recommend allowing villa developments and duplex buildings throughout the low density residential areas in order to deliver a range of smaller dwellings which are attractive to families, lone person households and ageing households.*

**ITEM 6 (continued)**

*This Planning Proposal is consistent with the Study as it proposes to zone the subject site R2 Low Density Residential the same as the surrounding residential area and will therefore increase the capacity for villa developments and duplex buildings in the neighbourhood. (Addendum November 2017)*

**Ryde 2025 Community Strategic Plan**

*This Plan articulates the needs and aspirations of the Ryde City community. The seven outcomes that form the basis of the Plan establish an overall direction for the City over the next ten years. The Plan follows on from the previous 2012 Community Strategic Plan.*

*The Outcome for City of Liveable neighbourhoods is: A range of well-planned clean and safe neighbourhoods and public spaces, designed with a strong sense of identity and place. Strategies to ensure this outcome include: To design our City to reflect the unique character, identity and housing needs of our community.*

*This Planning Proposal, to change the zoning of the subject site to R2 Low Density Residential under RLEP2014 is consistent with the Ryde 2015 Community Strategic Plan outcome and strategies for City of Liveable Neighbourhoods, as it reflects the character of the existing neighbourhood and will contribute towards the additional housing needs of the community. (Addendum November 2017)*

**Response**

It is considered that the PP is in line with goals and strategies of the Community Strategic Plan and Ryde Local Planning Study.

***Is the planning proposal consistent with applicable State Environmental Planning Policies?***

The proposal is consistent with the relevant State Environmental Planning Policies (SEPPs). The relevant SEPPs include:

State Environmental Planning Policy No 55 - Remediation of Land.

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

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007

**ITEM 6 (continued)**
**Response**

It is considered that the PP does not contradict any applicable State Environmental Planning Policies, however, further consideration of these Policies will occur with the detailed assessment of any Development Application received.

**Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?**

The relevant Section 117 directions are identified and detailed in the PP (pg. 15-17) and below.

Section 117 Direction	Assessment
<b>1 Employment Resources</b> 1.1 Business and Industrial Zones 1.2 Rural Zones 1.3 Mining, Petroleum Production and Extractive Industries 1.4 Oyster Aquaculture 1.5 Rural Lands	N/A
<b>2. Environment Heritage</b> 2.1 Environment Protection Zones 2.2 Coastal Protection 2.3 Heritage Conservation 2.4 Recreation Vehicle Areas 2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N/A
<b>3.Housing , Infrastructure and Urban Development</b>	
3.1 Residential Zones	The PP states: <i>The proposal will provide for existing and future housing needs. The subject site is located within an existing low density residential suburb and will make use of existing infrastructure and services provided to the site.(PP pg 12)</i>
3.2 Caravan Parks and Manufactured Home Estates	N/A
3.3 Home Occupations	N/A
3.4 Integrated Land Use and transport	The PP states: <i>The proposal supports the efficient use of public transport services</i>
3.5 Development near Licensed Aerodromes 3.6 Shooting Ranges	N/A
<b>4 Hazard and Risk</b> 4.1 Acid Sulfate Soils 4.2 Mine Subsidence and Unstable Land 4.3 Flood Prone Land	N/A The PP states: <i>The subject site is not identified on the RLEP2014 Acid Sulfate Soils Map.</i>

**ITEM 6 (continued)**

Section 117 Direction	Assessment
4.4 <i>Planning for Bushfire</i>	
<b>5. Regional Planning</b> 5.1 <i>Implementation of regional strategies</i> 5.2 <i>Sydney Drinking Water Catchments</i> 5.3 <i>Farmland of State and Regional Significance on the NSW Far North Coast</i> 5.4 <i>Commercial and Retail Development along the Pacific Highway, North Coast</i> 5.5 <i>Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)</i> 5.6 <i>Sydney to Canberra Corridor (Revoked)</i> 5.7 <i>Central Coast (Revoked)</i> 5.8 <i>Second Sydney Airport: Badgerys Creek</i> 5.9 <i>North West Rail Link Corridor Strategy</i> 5.10 <i>Implementation Regional Plans</i>	N/A
<b>6. Local Plan Marketing</b> 6.1 <i>Approval and Referral Requirements</i> 6.2 <i>Reserving Land for Public Purposes</i> 6.3 <i>Site Specific Provisions</i>	N/A
<b>7. Metropolitan Planning</b>	
<b>7.1 Implementation of the Metropolitan Plan Objective</b> <i>(1) The objective of this direction is to give legal effect to the planning principles; directions and priorities for subregions, strategic centre and transport gateways contained in A Plan for Growing Sydney.</i>	The PP states: <i>The Planning Proposal is consistent with the aims of A Plan for Growing Sydney as discussed in Section 4.1 and 4.2 above. (PP pg 13)</i>
7.2 <i>Implementation of Greater Macarthur Land Release Investigation</i>	N/A

**Response**

The PP complies with the relevant Ministerial Directions (s.117 directions).

**Environmental, social and economic impact**

***Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?***

The PP states that there are no critical habitats or threatened species located on the site (PP pg. 13).

**ITEM 6 (continued)****Response**

The PP site is located in a built up area and contains existing development. The land has not been identified as containing a specific habitat that will be affected by the PP.

***Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?***

The PP states:

*There are not likely to be any environmental impacts associated with the future development of the site for uses permissible within the R2 Low Density Residential zone. There is likely to be less traffic generation and street parking compared to the existing church use. (PP pg 13)*

**Response**

It is considered that there will be minimal environmental effects as a result of the PP.

**Has the planning proposal adequately addressed any social and economic effects?**

The PP states that there are no anticipated social or economic effects. (PP pg.13)

**Response**

It is considered that there will be minimal social and economic effects as a result of the PP.

**State and Commonwealth interests****Is there adequate public infrastructure for the planning proposal?**

The PP states there is adequate infrastructure available for the proposal as the site is served by existing utility services, telecommunication and the local road network. (PP pg.13).

**Response**

As the PP is rezoning the land to reflect its existing partial residential use it is considered that there is adequate infrastructure available.

***What are the views of State and Commonwealth Public Authorities consulted in accordance with the Gateway determination?***

The PP states (PP pg.13).

*No consultation with State or Commonwealth authorities has been undertaken for this Planning Proposal as it is considered to be of local significance only.*



**ITEM 6 (continued)****Response**

As the PP is rezoning the land to reflect part of its current use for residential purposes it is not considered necessary to consult with any external authority at this time. Relevant authorities will be consulted in accordance with the conditions of the Gateway Determination issued by the DPE. (Note: The GD always nominates state government agencies and departments required to be consulted together with the duration of consultation.)

**Consultation with relevant external bodies***Internal Consultation*

The PP was referred to the relevant Council staff for comment on matters relating to contamination and development contributions.

Council's Development Contributions Coordinator has advised that the Planning Proposal does not generate any additional demand on Council's services, as it does not change the current on ground uses of the site. However, should the land owners seek changes to the uses of the site resulting from the LEP amendment an assessment of whether or not development contributions would be applicable would be undertaken at that time.

Council's Senior Environmental Health Officer has advised that based on Council's records it appears that land contamination is unlikely to be an issue.

*Community 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 and stipulated as part of the Gateway Determination.

The DPE'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,
  - to adjoining landowners (where this involves strata titled properties, a letter will be sent to the body corporate), and
  - consultations considered necessary by the Department of Planning and Environment with relevant State and Commonwealth authorities.

**ITEM 6 (continued)**

- 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.

**Critical Dates**

Time periods for preparation of amending LEPs apply upon the issue of the Gateway Determinations by the Greater Sydney Commission. No timeline has been provided within the PP however a timeline will be provided to the Greater Sydney Commission by Council when submitting the PP for a Gateway determination. That timeline will be part of any exhibited PP document.

**Financial Implications**

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. Funds are provided for this purpose in current budget for the financial year 2017/18 from the City Planning budget.

**Options**

1. That Council proceed with the Planning Proposal to the next stage of the plan making process (gateway determination and community consultation). Should the Greater Sydney Commission determine that the planning proposal can proceed to community consultation Council has another opportunity to decide whether to proceed, vary or reject the proposal after community consultation; or
2. That Council not to proceed with the Planning Proposal. This is not the recommended option. If Council decides not to proceed with the Planning Proposal, the applicant can lodge a request with the Department of Planning and Environment for a pre-gateway review.

Option 1 is the recommended option because the proposal is of a minor nature and will enable the planning controls for the land to reflect the zoning of adjoining land and the existing use of the land for residential and place of public worship purposes.

## Planning Proposal

for an amendment to Ryde Local Environmental Plan 2014

**Denistone East Uniting Church and Manse site at**

**17 Acacia Street and 16 Vera Street Eastwood.**



Prepared on behalf of Eastwood Uniting Church, Lakeside Road, Eastwood.



John Brunton Planning Pty. Ltd.

June 2017

## ITEM 6 (continued)

## CONTENTS

1. Introduction	p. 3
2. Site and Surrounding Area Context	p. 3
3. Local Planning Framework	p. 7
4. Strategic Planning Context	p. 8
5. Part 1 - Objectives and Intended Outcomes	p. 10
6. Part 2 - Explanation of the provisions that are to be included in the proposed LEP	p. 10
7. Part 3 – Justification for the Planning Proposal	p. 11
8. Part 4 - Mapping	p. 13
9. Part 5 - Community Consultation	p. 14
10. Conclusion	p. 14

## ATTACHMENTS

Attachment 1 Letter to Council April 2017	p. 15
Attachment 2 Council letter April 2017	p. 17
Attachment 3 Site Plans	p. 18

## 1. Introduction

This Planning Proposal has been prepared by John Brunton Planning Pty Ltd on behalf of the Eastwood Uniting Church to initiate the preparation of a Local Environmental Plan to rezone land and apply development standards for height, floor space ratio and minimum lot size for the land at 17 Acacia Street and 16 Vera St Eastwood.

The site is currently zoned SP2 Place of Public Worship under the Ryde Local Environmental Plan (RLEP) 2014, with no development standards. This zoning permits, with Council consent, a very limited number of uses - place of public worship (and ancillary uses such as residence, halls etc.), and roads.

Eastwood Uniting Church has the stewardship of the property on behalf of the Uniting Church Property Trust (NSW). The church buildings are now surplus to the needs of the Uniting Church. It wishes to pursue opportunities to rationalize its property holdings, including the redevelopment of the Acacia Avenue property, in order for the Church to undertake further work with the local Eastwood community.

To facilitate the disposal and redevelopment of the property it is appropriate for it to be rezoned to the same land use zone as the surrounding land, that is R2 Low Density Residential (R2), including the same development standards for height, floor space ratio and minimum lot size.

Members of the Eastwood Uniting Church held a pre-lodgement meeting with Council strategic planning officers on 19<sup>th</sup> May 2016 concerning this matter. A subsequent letter from the Church to Council in April 2017 (at Attachment 1), requested the site be rezoned to the surrounding zone in the next Council initiated amendment of the RLEP2014, consistent with State Government land zoning policies for Special Uses / Special Purposes zoned land. In response, a letter from Council dated 24<sup>th</sup> April (at Attachment 2), advised that, should the Church seek a rezoning of the subject property it will be necessary to submit a Planning Proposal for the site with the appropriate fee.

This Planning Proposal demonstrates the strategic merit of the proposed amendment to the RLEP 2014, to rezone the subject site to R2 and to apply to the site the same development standards under RLEP2014 that apply to the surrounding land. A site specific development control plan is not required as the provisions of the Ryde Development Control Plan will apply to the site upon rezoning in the same way that they apply to the surrounding R2 land at present.

## 2. Site and Surrounding Area Context

### 2.1 Site Description and Current Use.

The subject site comprises Lot 69 DP 17583, area 814.7m<sup>2</sup>, known as 17 Acacia Street and Lot 14 DP 26340, area 1198.8m<sup>2</sup>, known as 16 Vera Street, Eastwood. A site plan is at Attachment 3.

The site runs between the two streets, which run parallel to one another. The church manse, a double storey brick dwelling house, is located on and accessed from the Vera Street cul-de-sac frontage of the site. The single storey brick church and the single storey brick hall are accessed from Acacia Street. Despite being located in the suburb of Eastwood, the site is known as Denistone East Uniting Church and manse.



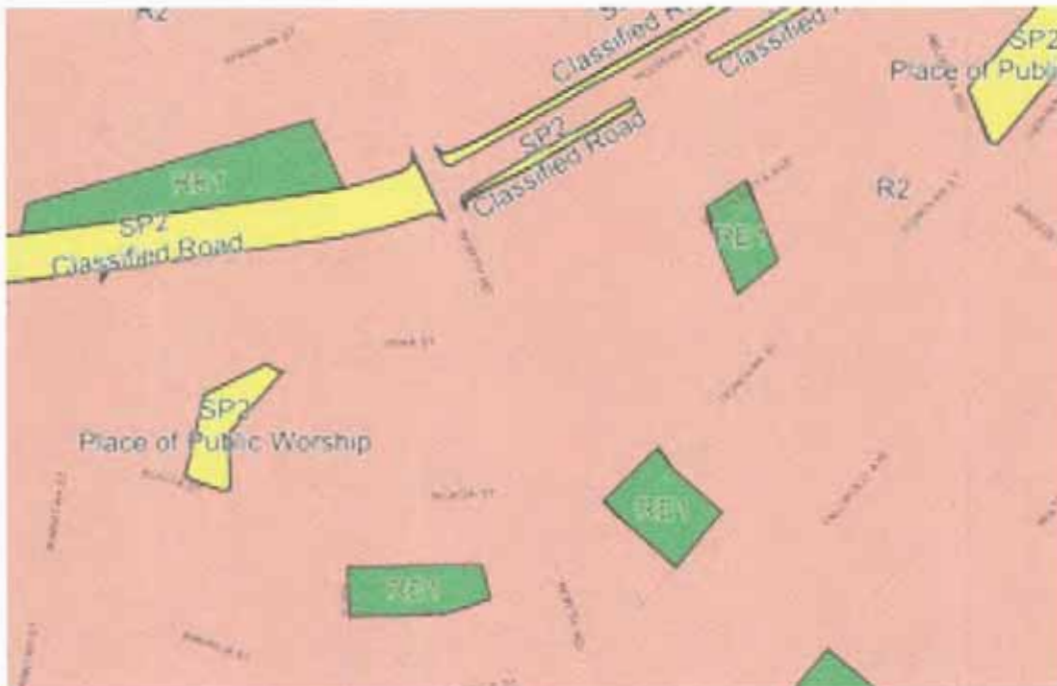
ITEM 6 (continued)

ATTACHMENT 1



Subject site shown hatched

The site is zoned SP2 Infrastructure Place of Public Worship under RLEP2014. There are no development standards that apply to the site.



Extract from Ryde Local Environmental Plan 2014 Land Zoning Map sheet 5

ITEM 6 (continued)



Existing house (manse) at 16 Vera Street Eastwood



Church building at 17 Acacia Street, Eastwood



Hall building accessed from 17 Acacia Street, located between the church and manse.



The site is owned by the Uniting Church Property Trust (NSW), under the stewardship of the Eastwood Uniting Church, which has responsibility for the management and use of the site. Stewardship of the site was transferred from the Denistone East Uniting Church congregation following its amalgamation with the former Lakeside Road and St Andrews church congregations. The amalgamated congregation became the Eastwood Uniting Church located at Lakeside Road Eastwood.

The church buildings on the subject site are currently leased by The Lord's Mind, a Korean congregation of the Uniting Church, which is proposing to move to a more accessible location at Ryde.

## 2.2 History of Development on the Site

The subject site has only been used for a church and manse, since urbanisation of the locality. Following World War II, undeveloped rural land in Denistone East and Marsfield was subdivided and opened up to rapid housing development. In 1950, the need for a church to serve the growing population prompted the Eastwood Lakeside Road Methodist Church to purchase the vacant subject site at 17 Acacia Street. The new Denistone East Methodist Church opened in March 1953.

Due to the need to expand the building facilities, the adjacent vacant site at 16 Vera Street was purchased in 1955. The new hall was completed in 1958 and the Vera Street manse opened in 1962. No other buildings have been built on the subject site. With Church union in 1977 all Methodist churches became part of the Uniting Church in Australia.

## 2.3 Surrounding Area

The site is located to the east of Blaxland Road and north of Lovell Road in the south eastern corner of Eastwood. Vera and Acacia Streets run parallel to one another, intersecting with North Road.

Bus services along North Road, Lovell Road and Blaxland Road provide access to Eastwood, Ryde and Macquarie commercial centres and transport interchanges. Denistone East Public School is located 300metres from the site. Eastwood railway station and commercial centre are located approximately 1.7kms to the west of the site. Nearby are the local Acacia Park and the neighbourhood shopping centre at Midway.

The surrounding suburbs of Eastwood, Denistone East and Ryde are predominantly low density housing areas zoned R2 Low Density Residential under RLEP2014, including the surrounding properties in Acacia and Vera Streets. The built form of the suburb consists largely of dwelling houses, with some dual occupancies, secondary dwellings and villas.



Vera Street with No 16 the church manse on the far left of the photo.



Acacia Street looking south from the church at No 17.

### 3. Local Planning Framework

#### 3.1 Ryde Local Environmental Plan 2014

The Ryde Local Environmental Plan 2014 (RLEP2014) is the principal environmental planning instrument guiding development within Ryde City. It was made on 30<sup>th</sup> January 2015.

The aims of the RLEP 2014 include:

- (a) to encourage a range of development, including housing, employment and recreation, that will accommodate the needs of the existing and future residents of Ryde,*
- (b) to provide opportunities for a range of housing types that are consistent with adjoining development and the existing environmental character of the locality,*

The Planning Proposal to rezone the subject site to the same residential zone as the surrounding land is consistent with the aims of the RLEP2014.

#### 3.2 Zoning

##### 3.2.1 SP2 Infrastructure.

The subject site is zoned SP2 Infrastructure Place of Public Worship under RLEP2014. The zone objectives of the SP2 zone are:

- To provide for infrastructure and related uses.*
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.*
- To ensure the orderly development of land so as to minimise any adverse effect of development on other land uses.*

The zone permits with consent:

- Roads; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose.*

The purpose shown on the Land Zoning Map for the subject site is Place of Public Worship. The site has no development standards for height of buildings, floor space ratio or minimum allotment size.



Despite the lack of limitation by development standards, now that the church buildings at this location are surplus to the current needs of the Uniting Church, the existing zone permits very few alternative land use options for the future use and disposal of all or part of the site.

### 3.2.2 R2 Low Density Residential

Land in the vicinity of the site is zoned R2 Low Density Residential. The zone objectives for the R2 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.*

The permitted land uses are:

- Without consent: *Home occupations.*
- With consent: *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; Hospitals; Multi dwelling housing; Places of public worship; Recreation areas; Residential care facilities; Respite day care centres; Roads; Secondary dwellings.*

The surrounding land in the vicinity of the subject site that is zoned R2 has the following development standards which are common across the City for R2 zoned land:

- Maximum building height: 9.5 metres
- Floor space ratio: 0.5:1
- Minimum lot size: 580 square metres

The range of potential uses permissible on the site under the R2 zone with the same development standards would provide a number of options for the church for future use or disposal of all or part of the site.

## 4. Strategic Planning Context

### 4.1 Metropolitan Strategy - A Plan for Growing Sydney

*A Plan for Growing Sydney* (and an exhibited draft amendment *Towards Our Greater Sydney 2056*) is the NSW Government's plan to guide Sydney's growth. Within the framework of this Metropolitan Strategy, the Greater Sydney Commission is developing 6 District Plans that will replace the previous Draft Subregional Strategies for the subregions of Greater Sydney. Ryde local government area is within the North District.

### 4.2 Draft North District Plan.

The draft North District Plan (NDP) was publicly exhibited in late 2016 and early 2017. It will be finalized in 2017. The draft District Plan sets out the opportunities, priorities and



actions and provides the means by which the Greater Sydney Region Plan, *A Plan for Growing Sydney* can be put into action at a local level. The goal of these plans is to have well-coordinated, integrated and effective planning for land use, transport and infrastructure.

The Draft NDP contains no specific or general priorities that directly affect the future use of the subject site, which is located in a suburban area that is not close to a local centre or transport interchange.

#### 4.3 Ryde Local Planning Study 2010

The Ryde Local Planning Study 2010 was prepared in response to the Metropolitan Strategy and Inner North Draft Subregional Strategy and the Ryde 2021 Community Strategic Plan. The Local Planning Study established the planning direction for the City over the next 20 years and guided the preparation of the new comprehensive local environmental plan (LEP) for the City of Ryde. The Study articulates a vision for land use planning in the whole of the City of Ryde and provides a single mechanism that coordinates and focuses Council's planning activities.

In relation to housing, the Study states:

*The City of Ryde is an established residential area. Its suburbs are largely made up of a single house per lot, with interspersed villas (townhouses) and duplex buildings. Higher density residential development in the form of apartment buildings and 3 storey walk-up flat buildings occur within and at the edges of town centres. Recent planning controls will deliver more housing to town centres in the form of multi-level apartment buildings above street level retail and commercial premises.*

As a consequence of the Study, no actions were proposed for major change to the subject site or to the surrounding suburban area, which remained as a low density residential zoning in the current RLEP2014. The Study did recommend allowing villa developments and duplex buildings throughout the low density residential areas in order to deliver a range of smaller dwellings which are attractive to families, lone person households and ageing households.

#### 4.4 Ryde 2025 Community Strategic Plan

This Plan articulates the needs and aspirations of the Ryde City community. The seven outcomes that form the basis of the Plan establish an overall direction for the City over the next ten years. The Plan follows on from the previous 2012 Community Strategic Plan.

The Outcome for City of Liveable neighbourhoods is: *A range of well planned clean and safe neighbourhoods and public spaces, designed with a strong sense of identity and place. Strategies to ensure this outcome include: To design our City to reflect the unique character, identity and housing needs of our community.*

The Planning Proposal to change the zoning of the subject site to R2 Low Density Residential under RLEP2014 is consistent with the Ryde 2015 Community Strategic Plan outcome and strategies for City of Liveable Neighbourhoods.



This planning proposal has been prepared in accordance with Sections 55(1) and (2) of the *Environmental Planning and Assessment Act 1979* with consideration of the relevant guidelines, namely 'A Guide to Preparing Planning Proposals' issued by the Department of Planning in April 2013. Reference has also been made to the Ryde City Council's *Planning Proposal Application Information Sheet*. Accordingly, the proposal is discussed in the following parts:

- Part 1 Statement of the objectives or intended outcomes.
- Part 2 Explanation of the provisions to be included in the proposed LEP.
- Part 3 Justification and process for the implementation.
- Part 4 Mapping
- Part 5 Community consultation.

## 5. Part 1 Statement of the Objectives and Intended Outcomes.

The primary objective of the Planning Proposal is to provide the subject site with the same zoning and development standards as currently exist for the surrounding suburb's low density housing areas. This will enable the site to be redeveloped for the same purposes and at the same scale as the surrounding locality.

The proposed amendments to the RLEP2014 will have the following key outcomes:

- Consistency with State Government policy for church land to be zoned consistent with the surrounding land.
- Consistency with State and Regional strategic planning priorities and actions.
- Consistency with the Ryde City Council's strategic planning documents for the future planning of local suburban housing areas.
- Potential for low density housing redevelopment consistent with existing streetscapes.

## 6. Part 2 Explanation of the provisions to be included in the proposed LEP

The purpose of the Planning Proposal is to amend RLEP2014 to allow development of the site consistent with the surrounding land. Accordingly the proposal seeks the following amendments to the RLEP2014:

Zoning: Amending the RLEP2014 Land Zoning Map applicable to the site (sheet 5) from SP2 Infrastructure Place of Public Worship to R2 Low Density Residential.

Height of buildings: The existing Height of Buildings Map (sheet 5) does not nominate a maximum height for the subject site. It is proposed to amend the Height of Buildings Map (sheet 5) by identifying the subject site as J 9.5 metres maximum building height. This is consistent with the height of buildings development standard for the surrounding R2 zoned land.

Floor Space Ratio: The existing Floor Space Ratio Map (sheet 5) does not nominate a maximum floor space ratio for the subject site. It is proposed to amend the Floor Space Ratio Map (sheet 5) by identifying the subject site as D 0.5:1 maximum floor space ratio. This is consistent with the floor space ratio development standard for the surrounding R2 zoned land.

Minimum Lot Size: The existing Lot Size Map (sheet 5) does not nominate a minimum lot size for the subject site. It is proposed to amend the Lot Size Map (sheet 5) by identifying the subject site as L 580 square metres minimum lot size. This is consistent with the minimum lot size development standard for the surrounding R2 zoned land.

## 7. Part 3 Justification and process for the implementation.

### SECTION A – NEED FOR THE PLANNING PROPOSAL

#### 1. Is the planning proposal the result of any strategic study or report?

The Planning Proposal is not the result of a strategic study or report prepared by the Council. The proposal is consistent with the relevant Ryde City Council strategic planning documents that are discussed above in Section 4 of this report.

#### 2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is considered to be the best means of achieving the objectives and intended outcomes for the subject site. The existing zoning of the site under the RLEP2014 allows only one land use (other than roads) that is specific to religious organisations and does not allow flexibility for any other land use or landowner. The amendment is the only way to enable the land to be used for the same purposes as the R2 zoned surrounding land.

### SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

#### 3. 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)?

As outlined in Section 4.1 and 4.2 above, the Planning Proposal is consistent with the Sydney Metropolitan Strategy 'A Plan for Growing Sydney' (including the exhibited draft amendment 'Towards Our Greater Sydney 2056') and the exhibited Draft North District Plan. There is no specific priority or action in these strategies that relate specifically to the subject site.

#### 4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

As outlined in Section 4.3 and 4.4 above, the Planning Proposal is consistent with the Ryde City Council's strategic planning documents *Ryde 2025 Community Strategic Plan* and the *Ryde Local Planning Study 2010*. There is no local strategy that applies specifically to the subject site.

#### 5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is considered to be consistent with applicable state environmental planning policies (SEPPs). The relevant SEPPs are identified as:



ITEM 6 (continued)

ATTACHMENT 1

- a. SEPP (Building Sustainability Index: BASIX) 2004. A potential residential development on the subject site would be capable of being designed to meet the mandated levels of energy and water efficiency requirements of this SEPP.
- b. SEPP No 55 Remediation of Land. Given the history of the use of this land initially for rural purposes and since 1953 for church and residential purposes, the site's potential for contamination is low and it is considered to be suitable for the purposes permitted under the proposed R2 Low Density Residential zone. The site has not been used for industrial or any other purpose that would potentially contaminate the land.

The land was released for residential development by government authorities over 60 years ago and was identified as Living Area under the County of Cumberland Planning Scheme 1951. The potential use for low density housing is a less intense use of the subject site than has occurred during the heyday of the church, with the residential use of the manse, and intense use of the church buildings and hall seven days a week for church and local community group activities.

6. Is the planning proposal consistent with the applicable Ministerial Directions (s117 directions)?

The Planning Proposal has been assessed against the applicable s117 Ministerial directions and is consistent with each of the relevant matters as outlined below:

- 1. Employment and Resources. Not applicable
- 2. Environment and Heritage. Not applicable
- 3. Housing, Infrastructure and Urban Development.

3.1 Residential Zones. The proposal will provide for existing and future housing needs. The subject site is located within an existing low density residential suburb and will make use of existing infrastructure and services provided to the site.

3.4 Integrating Land Use and Transport. The proposal supports the efficient use of public transport services

Directions 3.2-3.3 and 3.5-3.6 Not applicable.

4. Hazard and Risk.

4.1 Acid sulfate soils. The subject site is not identified on the RLEP2014 Acid Sulfate Soils Map.

Directions 4.2-4.4. Not applicable.

5. Regional Planning. Not applicable.

6. Local Plan Making.

## ITEM 6 (continued)

## ATTACHMENT 1

6.1 Approval and Referral Requirements. This is an administrative requirement for Council.

6.2 Reserving Land for Public Purposes. This is an administrative requirement for Council.

6.3 Site Specific provisions. No site specific provisions are proposed.

7. Metropolitan Planning.

7.1 Implementation of the Metropolitan Plan. The Planning Proposal is consistent with the aims of *A Plan for Growing Sydney* as discussed in Section 4.1 and 4.2 above.

SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The site is fully developed and contains no critical habitats, threatened species or ecological communities located on the site.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are not likely to be any environmental impacts associated with the future development of the site for uses permissible within the R2 Low Density Residential zone. There is likely to be less traffic generation and street parking compared to the existing church use.

9. Has the planning proposal adequately addressed any social and economic effects?

There are not anticipated to be any social or economic effects resulting from the Planning Proposal.

SECTION D – STATE AND COMMONWEALTH INTERESTS

10. Is there adequate public infrastructure for the planning proposal?

There is adequate public infrastructure for the planning proposal. The site is served by existing utility services, telecommunications and local road network.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

No consultation with State or Commonwealth authorities has been undertaken for this Planning Proposal that is considered to be of local significance only.



## ITEM 6 (continued)

## 8. Part 4 Mapping

The amendment to RLEP2014 will include 4 new maps containing the proposed identification of the subject site as set out in Part 2 above. That is:

- Land Zoning Map sheet 5 identifying the subject site as R2 Low Density Residential zone, to replace the existing sheet 5.
- Height of Buildings Map sheet 5 identifying the subject site as J 9.5 metres maximum building height, to replace the existing sheet 5.
- Floor Space Ratio Map sheet 5 identifying the subject site as D 0.5:1 maximum floor space ratio, to replace the existing sheet 5.
- Lot Size Map sheet 5 identifying the subject site as L 580 square metres minimum lot size, to replace the existing sheet 5.

These 4 new maps will replace the existing sheet 5 equivalent maps in RLEP2104.

## 9. Part 5 Community consultation

Community consultation will be undertaken by the Council as required by the Gateway. It is anticipated that this would be for a minimum period of 14 days in accordance with the Council's planning proposal exhibition procedures and the Environmental Planning and Assessment Act 1979.

## 10. Conclusion

The church buildings on the subject site are now surplus to the needs of the Uniting Church. Under the current zoning there is little opportunity for the land to be used for other purposes. The objective of the Planning Proposal is to provide the same zoning and development standards for the subject site as currently exist for the surrounding suburb's low density housing areas. This will enable the site to be redeveloped for the same purposes and at the same scale as the surrounding locality.

This planning proposal seeks, for the subject site at 17 Acacia Street and 16 Vera Street Eastwood, an amendment to RLEP2014 to change the zoning of the site from SP2 Infrastructure Place of Public Worship to R2 Low Density Residential. It also seeks to apply to the site the development standards that apply to the surrounding R2 zoned land, that is, maximum height of buildings 9.5 metres, maximum floor space ratio 0.5:1 and minimum lot size 580 square metres.

The Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the relevant guidelines prepared by the NSW Department of Planning and Infrastructure including *A Guide to Preparing Planning Proposals* and *A Guide to Preparing Local Environmental Plans*.

The Planning Proposal is consistent with the relevant State Environmental Planning Policies and Ministerial Section 117 directions, the Sydney Metropolitan Strategy *A Plan for Growing Sydney* and the Ryde Council's strategic planning documents, *Ryde 2025 Community Strategic Plan* and the *Ryde Local Planning Study 2010*.

The Planning Proposal is of minor local significance and will have no negative economic, environmental or social impacts on the local area.

## ATTACHMENT 1. Letter to Ryde Council

**EASTWOOD UNITING CHURCH**

16 Lakeside Road Eastwood 2122

P.O. Box 324 Eastwood 2122

Phone 9858 5732

A.B.N. 81 514 896 604

Email: [secretary@euc.org.au](mailto:secretary@euc.org.au)[www.euc.org.au](http://www.euc.org.au)

Acting General Manager,  
Ryde City Council,  
Locked Bag 2069  
North Ryde NSW 1670

Re: Property at 17 Acacia Street and 16 Vera Street, Eastwood.  
Landuse Zoning under Ryde Local Environmental Plan 2014.

Dear Sir,

On 19<sup>th</sup> May 2016 representatives of Eastwood Uniting Church, attended a meeting with Ryde City Council officers Lexi McDonald, Strategic Planning Team Leader and Sean Kaufman, strategic planner, to discuss the possible rezoning of the Uniting Church property at 17 Acacia Street and 16 Vera Street, Eastwood.

The properties are currently zoned SP2 Infrastructure (Church) under the Ryde Local Environmental Plan (LEP) 2014. This zoning permits (with Council consent) development for the purposes of Church (including any ancillary or incidental development to that use, such as residence, halls etc), recreation areas and roads. The site was previously zoned Special Uses "Church" under the Ryde Planning Scheme Ordinance.

Eastwood Uniting Church wishes to pursue opportunities to develop the property, in order to undertake further mission and charity work with the local community in Eastwood. To facilitate the future development of the property it is appropriate for it to be rezoned to the same land use zone as the surrounding land ie R2 Low Density Residential. This zone will continue to permit places of public worship with the Council consent (including the existing church).

At the meeting, Council officers stated that to commence the land rezoning process, a Planning Proposal Application is required from the owner and the cost for a simple rezoning involving map amendments, such as proposed, is \$17,420. (This cost is now \$30,000 under the 2016/2017 schedule of fees on the Council website).

Eastwood Uniting Church understands that, as part of the local planning standardisation process using the State Government's Standard Instrument Local Environmental Plan (LEP) format, the Department of Planning instructed councils to rezone existing special uses zone sites to match the adjacent zone. This occurred in many other local government areas in Sydney, however, not in the City of Ryde. The Department stated that the purpose of its instruction to reduce Special Uses/SP2 land zoning was to avoid the need for future spot rezonings when the special use expands, ceases, is realigned or is



**ITEM 6 (continued)****ATTACHMENT 1**

downsized. It is appropriate that the land use zone be the same as the adjacent zoning, so that future uses are compatible with existing surrounding uses. Applying the adjacent zone type to special uses land follows a basic planning principle of aligning land uses. It is established practice to refer to the zoning of adjoining land when seeking to establish an appropriate zoning for land. Under this approach the subject site would have been zoned the same as the adjoining land if it had not been used instead for a special uses purpose. Eastwood Uniting Church now finds itself in the position anticipated by the Department of Planning a decade ago - requiring a spot rezoning to the adjacent zone, at a prohibitive cost. This would not have been the situation had Ryde City Council followed the Department of Planning Guidelines for the making of Standard Instrument LEPs. The current use is redundant but the zoning compromises the potential for the redevelopment of the site. While there is no immediate proposal for the redevelopment of the site it is desirable for the rezoning process to begin as soon as possible.

Eastwood Uniting Church therefore requests that, when Council is undertaking the next Ryde Local Environmental Plan 2014 amendment (as a result of either a private Planning Proposal or Council initiated amendment) the Eastwood Uniting Church properties at 17 Acacia Street and 16 Vera Street Eastwood be rezoned R2 Low Density Residential, consistent with the adjoining land and the State Government land zoning policies.

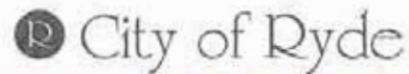
We would appreciate your consideration of this matter and response. Please contact me (mobile 0417 332225) for any further information or enquiries.

Yours sincerely,

Phil Looby,

Chair, Eastwood Uniting Church Council.

## ATTACHMENT 2. Letter from Ryde City Council.



Lifestyle and opportunity @ your doorstep

Mr Phil Looby  
 Chair, Eastwood Uniting Church Council  
 PO BOX 324  
 EASTWOOD NSW 2122

24 April 2017

Our ref: URB/08/1/3

Dear Mr Looby

**17 Acacia Street and 16 Vera Street Eastwood**

Thank you for your letter regarding the rezoning of the properties 17 Acacia Street and 16 Vera Street Eastwood.

Please be advised that Council on the 12 February 2012 resolved the following with respect to the then draft Ryde LEP 2014:-

*(a) That Council seek an amended Section 65 Certificate from the Department of Planning that does not rezone any current SP2 land to other purposes and that this will be reflected in the Draft LEP for exhibition.*

Based on the above resolution Council on the 5 April 2012 forwarded a request to the then Department of Planning and Infrastructure that a new Section 65 Certificate be issued to enable the draft LEP to be exhibited based on a number of amendments including all land zone SP2 under Ryde LEP 2010 being reinstated to a SP2 zoning under Ryde LEP 2014.

This request was supported by the Department of Planning and Infrastructure.

As such you are advised that should you wish to seek a rezoning of the subject property it will be necessary to submit a Planning Proposal (PP) for the site with the relevant fee at the time of the PP being submitted.

For more information please view Council's website  
<http://www.ryde.nsw.gov.au/Business-and-Development/Planning-Proposals/Information-Sheets-Forms-and-Guides>  
 And the Department of Planning and Environments website  
<http://www.planning.nsw.gov.au/Plans-for-Your-Area/Local-Planning-and-Zoning/The-Gateway-Process>

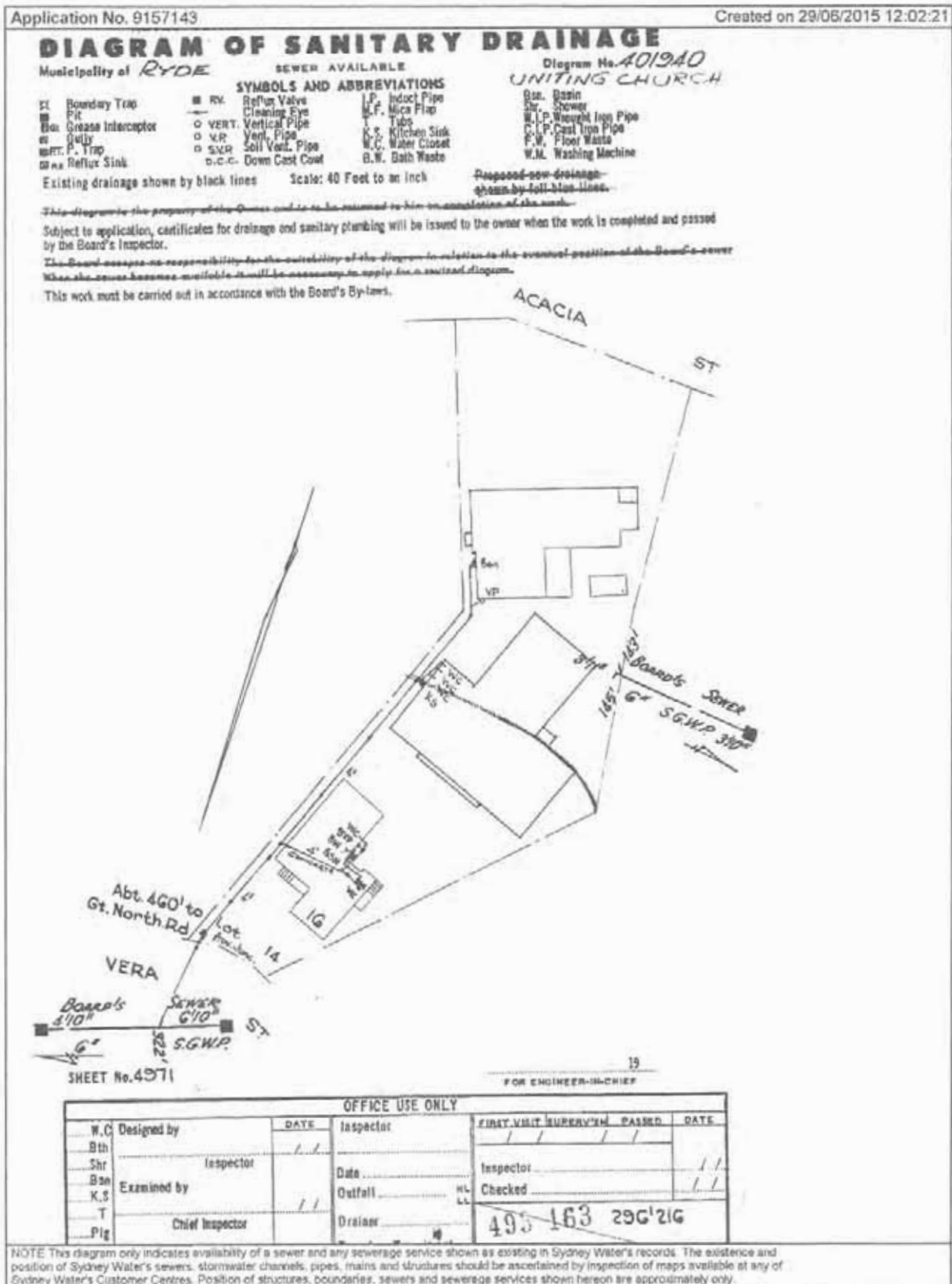
Should you have any enquiries regarding the above please contact Susan Wotton – Strategic Planner on 9952 8204.

Civic Centre 1 Devlin Street, Ryde NSW  
 Ryde Planning and Business Centre  
 1 Pope Street, Ryde (Below Ryde Library)

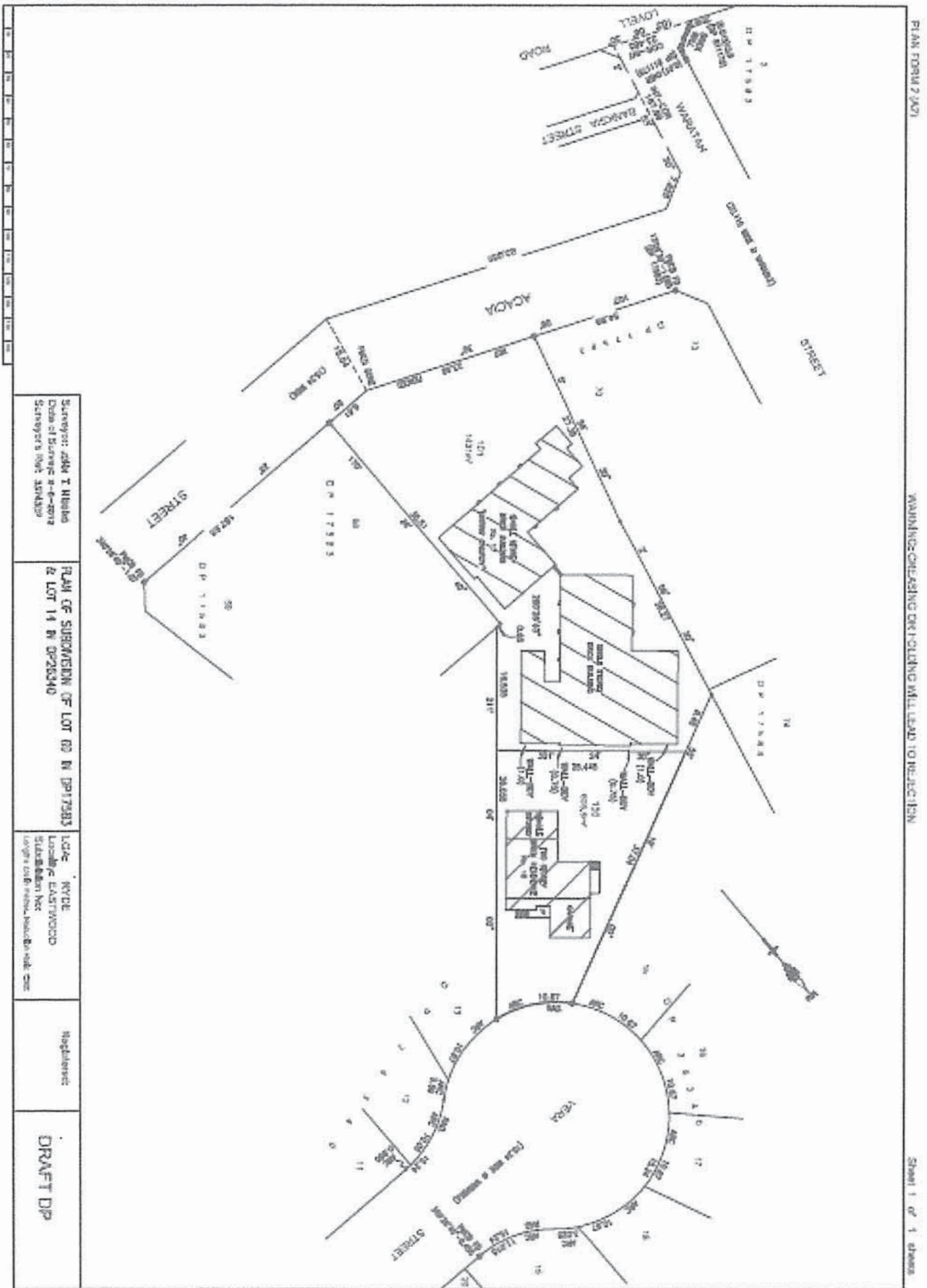
Post Locked Bag 2069, North Ryde NSW 1670  
 Email [cityofryde@ryde.nsw.gov.au](mailto:cityofryde@ryde.nsw.gov.au)  
[www.ryde.nsw.gov.au](http://www.ryde.nsw.gov.au)

Customer Service (02) 9952 8222  
 TTY (02) 9952 8470 Fax (02) 9952 8070  
 Translating and Interpreting Service 131 450

ATTACHMENT 3. Site Plans







PLAN FORM 2 (A/2)

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

Sheet 1 of 1 shows

Surveyor: Jodie T. Nishida Date of Survey: 8-6-2012 Surveyor's Reg. No: 30181/09	PLAN OF SUBDIVISION OF LOT 14 IN DP175883 & LOT 14 IN DP20340	L2/4c NYDE Localising EASTWOOD Subdivision No: 1 Lot 14 of 14 in Subdivision No: 1	Neighbour:	DRAFT DP
--	--	---	------------	----------

## ADDENDUM - November 2017

### Planning Proposal for Denistone East Uniting Church and Manse Site at 17 Acacia Street and 16 Vera Street Eastwood.

The following additional information is provided in relation to the Planning Proposal for the site, submitted in June 2017. The information is in relation to the Strategic Planning Context on pages 8 to 10 of the Planning Proposal and reflects the strategic planning framework subsequently instituted by the NSW Government.

#### 4. Strategic Planning Context

##### 4.1 Metropolitan Strategy - A Plan for Growing Sydney

*A Plan for Growing Sydney*, released in December 2014, was the NSW Government's plan to guide Sydney's future growth. The goal of the plan was to have well-coordinated, integrated and effective planning for land use, transport and infrastructure. In relation to the objective of providing greater housing choice, the following directions were made for the implementation of the plan:

*Direction 2.1: Improve housing supply across Sydney*

*Direction 2.2: Ensure more homes closer to jobs*

*Direction 2.3: Improve housing choice to suit different needs and lifestyles*

On 22<sup>nd</sup> October 2017 a new Metropolitan Strategy, the *Draft Greater Sydney Region Plan* was released by the Greater Sydney Commission for public comment. The Vision of the Draft Plan is to meet the needs of a growing and changing population by transforming Greater Sydney into a metropolis of three cities – the Western Parkland City, the Central River City and the Eastern Harbour City.

Ryde City is located within the Eastern Harbour City. Under the Draft Plan, '*The Eastern Harbour City will build on its credentials and leverage its strong financial, professional, health and education sectors and extend its capabilities with an innovation precinct that will boost productivity and global connections. Large and small scale urban renewal will acknowledge local identity, amenity and the famous Harbour and coastal setting.*'

There are ten overarching directions to guide the delivery of the Draft Plan's objectives. The objectives of the Housing Direction are:

*Objective 10: Greater Housing supply.*

*Objective 11: Housing is more diverse and affordable.*

This Planning Proposal is consistent with the housing related directions of the existing *A Plan for Growing Sydney*, and with the Housing Direction of the new *Draft Greater Sydney Region Plan* for the Eastern Harbour City. This Proposal is consistent because it will provide the opportunity for small scale urban renewal that is compatible with the local

neighbourhood identity, will contribute to housing supply, and provide the opportunity for more diverse and affordable housing in Ryde City. Rezoning will facilitate the development of the site for additional housing, and the site is of such a size that there are several viable housing options.

Within the framework of the Metropolitan Strategy, the Greater Sydney Commission is developing five District Plans that will replace the previous Draft Subregional Strategies for the subregions of Greater Sydney. Ryde local government area is within the North District.

#### 4.2 Draft North District Plan.

The first *Draft North District Plan* was publicly exhibited in late 2016. A *Revised Draft North District Plan* October 2017 (NDP) replaces the first draft plan and is on public exhibition until 15<sup>th</sup> December 2017. The Revised Draft NDP provides the means by which the Greater Sydney Region Plan can be put into action at a local level, by setting out the opportunities, priorities and actions for the growth and development of the North District.

Under the Revised Draft NDP the Housing Direction is Planning Priority No 5: *Providing housing supply, choice and affordability, with access to jobs and services*. In giving effect to the *Draft Greater Sydney Region Plan*, this Planning priority delivers on Objectives 10 and 11 listed above in 4.1. To address housing supply, the Revised Draft NDP sets a five year housing target for Ryde City of 7,600 dwellings, that includes all types of housing – traditional detached and attached houses, apartments, seniors housing, granny flats and aged care.

This Planning proposal is consistent with the Revised Draft NDP as it will provide additional land for housing within an existing low density residential setting, with the opportunity for the construction of several additional detached or attached dwellings as permissible within the proposed R2 zone. By being consistent with the Revised Draft NDP this Planning proposal is consequently consistent with *A Plan for Growing Sydney* and the *Draft Greater Sydney Region Plan*.

#### 4.3 Ryde Local Planning Study 2010

The Ryde Local Planning Study 2010 was prepared in response to the Metropolitan Strategy and Inner North Draft Subregional Strategy and the Ryde 2021 Community Strategic Plan. The Local Planning Study established the planning direction for the City over the next 20 years and guided the preparation of the new comprehensive local environmental plan (LEP) for the City of Ryde. The Study articulates a vision for land use planning in the whole of the City of Ryde and provides a single mechanism that coordinates and focuses Council's planning activities.

In relation to housing, the Study states:

*The City of Ryde is an established residential area. Its suburbs are largely made up of a single house per lot, with interspersed villas (townhouses) and duplex buildings. Higher density residential development in the form of apartment buildings and 3 storey walk-up flat buildings occur within and at the edges of town centres. Recent planning controls will deliver more housing to town centres in the form of multi-level apartment buildings above street level retail and commercial premises.*

As a consequence of the Study, no actions were proposed for major change to the subject site or to the surrounding suburban area, which remained as a low density residential zoning in the current RLEP2014. The Study did recommend allowing villa developments and duplex buildings throughout the low density residential areas in order to deliver a range of smaller dwellings which are attractive to families, lone person households and ageing households.

This Planning Proposal is consistent with the Study as it proposes to zone the subject site R2 Low Density Residential the same as the surrounding residential area and will therefore increase the capacity for villa developments and duplex buildings in the neighbourhood.

#### 4.4 Ryde 2025 Community Strategic Plan

This Plan articulates the needs and aspirations of the Ryde City community. The seven outcomes that form the basis of the Plan establish an overall direction for the City over the next ten years. The Plan follows on from the previous 2012 Community Strategic Plan.

The Outcome for City of Liveable neighbourhoods is: *A range of well planned clean and safe neighbourhoods and public spaces, designed with a strong sense of identity and place.* Strategies to ensure this outcome include: *To design our City to reflect the unique character, identity and housing needs of our community.*

This Planning Proposal, to change the zoning of the subject site to R2 Low Density Residential under RLEP2014 is consistent with the Ryde 2015 Community Strategic Plan outcome and strategies for City of Liveable Neighbourhoods, as it reflects the character of the existing neighbourhood and will contribute towards the additional housing needs of the community.