

Item 2
36 Potts Street Ryde - LDA2022/0323
Proposal: Demolition, new dual occupancy (attached) and strata subdivision

Report prepared by: Senior Town Planner
Report approved by: Senior Coordinator - Development Assessment
 Manager Development Assessment
 Executive Manager - City Development

**City of Ryde
Local Planning Panel Report**

DA Number	LDA2022/0323
Site Address & Ward	36 Potts Street, Ryde East Ward
Zoning	R2 Low Density Residential
Proposal	Demolition, new dual occupancy (attached) and strata subdivision
Property Owner	Rajan Khatak & Gursimran Gill
Applicant	Rajan Khatak
Report Author	Niroshini Stephen – Senior Town Planner
Lodgement Date	17 October 2022
Cost of Works	\$1,738,077.00
No. of Submissions	Two (2) submissions received
Reason for Referral to LPP	Departure from Development Standard - <i>Development that contravenes a development standard by more than 10% (minimum frontage width).</i>
Recommendation	Approval
Attachments	Attachment 1: Draft Conditions of Consent Attachment 2: DCP Compliance Table Attachment 3: Clause 4.6 variation to Clause 4.1B Attachment 4: Architectural Plans

1. EXECUTIVE SUMMARY

This report considers a development application under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) on land at 36 Potts Street Ryde which is legally described as Lot A within DP 407706.

Subject development application, LDA2022/0323, was lodged on 17 October 2022 and seeks consent for demolition, new dual occupancy (attached) and strata subdivision. It is reported to the Ryde Local Planning Panel for determination as it proposes a departure from a development standard in excess of 10% in accordance with the *EP&A Act 1979*, Section 9.1 - Directions by the Minister.

The development contravenes Clause 4.1B of Ryde Local Environmental Plan 2014 (RLEP 2014). Clause 4.1B(2)(b) requires development consent may be granted for development on a lot in Zone R2 Low Density Residential for the purpose of dual occupancy (attached) if the lot's primary road frontage is equal to or greater than 15 metres. The site has a primary road frontage of 10.37 metres to Potts Street, representing a 30.87% departure from the standard.

The proposal is non compliant with the following sections within RDCP 2014:

The proposal is non compliant with the following sections within RDCP 2014:

- Section 2.6.1 – Deep Soil Areas
- Section 2.9 – Setbacks
- Section 2.11.1 – Car Parking
- Section 2.14.1 – Daylight and Sunlight Access
- Section 2.14.2 – Visual Privacy

The non-compliances are addressed in the body of the report and are considered to be of a minor nature and are supported on merit.

In accordance with DCP 2014 Part 2: Community Participation Plan, the owners of surrounding properties were given notice of the application between 26 October 2022 and 14 November 2022. One (1) submission was received objecting to the development. The amended plans received on 14 March 2023 were renotified between 24 April 2023 and 11 May 2023. One (1) submission was received objecting to the development. The amended plans received on 23 March 2023, 20 April 2023, 19 May 2023 and 14 June 2023 were not required to be renotified as the amendments do not increase the impact on adjoining or neighbouring land or cause material impact on the environment.

The submissions raised the following concerns that are discussed later in this report:

- The proposal is non compliant with the 15 metre frontage requirement and is an overdevelopment of the site.
- Height of the building and overshadowing/privacy impacts.
- Impacts of car lights from the carport.
- Flood impacts of the proposal.
- Impacts to existing neighbouring property trees.
- The proposal development is unsuitable for the site and will materially impact the neighbouring property.
- Flood study to be provided for review.

The submitted Clause 4.6 written variation request satisfies the pre-conditions for a consent authority to allow a variation to the standard. The application is recommended for approval subject to the recommended conditions of consent provided in **Attachment 1** of this report.

2. THE SITE AND LOCALITY

The site is legally described as Lot A within DP 407706 and is known as 36 Potts Street Ryde. The site is located on the southern corner of Potts Street and Tyagarah Street.

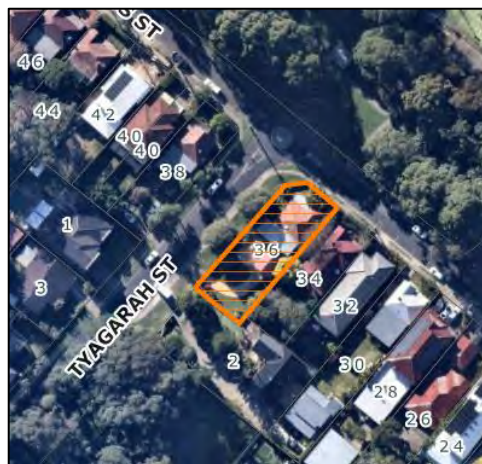


Figure 1 – Aerial photograph of site

The site is rectangular in shape with a frontage of 10.37 metres to Potts Street, splayed frontage of 6.57 metres and frontage of 37.49 metres to Tyagarah Street. The south eastern side boundary is 42.04 metres. The rear south western boundary width is 16.35 metres. The site has an area of 647.30m².

The site is located on the low side of the street. The site falls from the eastern corner (RL26.17) to the southern corner (RL23.54) by approximately 2.63 metres.

The site presently accommodates a single storey dwelling (**Figure 2 to Figure 5**). Vehicular access is located adjacent to the south western rear boundary to a detached single garage at the rear of the site. Other site works include paved areas, pathways and retaining walls.



Figure 2 – The site as viewed from Potts Street



Figure 3 – The site as viewed from Tyagarah Street



Figure 4 – The site as viewed from Tyagarah Street



Figure 5 – Photograph of rear of dwelling and existing detached garage

The surrounding streetscape consists mainly of single and two storey dwelling houses varying in age, scale and architectural style. The site is adjoined to the south east by No. 34 Potts Street (**Figure 6**). This site presently accommodates a single storey dwelling. The site is adjoined to the south west (rear) by No. 2 Tyagarah Street (**Figure 7**). This site presently accommodates a two storey dwelling.



Figure 6 – Adjoining dwelling to the south east at 34 Potts Street



Figure 7 – Adjoining dwelling to the south west (rear) at No. 2 Tyagarah Street

Olympic Park is located opposite the site to the north east (**Figure 8**).



Figure 8 – Olympic Park located opposite the site

Mallee Reserve is located approximately 20m to the south west of the site (**Figure 9**).



Figure 9 – Potts Street entrance to Mallee Reserve

3. PROPOSAL

The proposal seeks consent for demolition of existing dwelling and associated structures, construction of a new two storey dual occupancy (attached) and strata subdivision. The proposal includes the following works:

Unit 1 (located adjacent to Potts Street)

- **Single garage RL 25.83** located north east of the party wall with access to Tyagarah Street.
- **Ground Floor RL26.42:** family room, internal stairs, kitchen, laundry, bathroom and living/dining room. The living/dining room has access to the patio (RL 26.25).
- **First Floor RL29.42:** Study, bathroom, internal stairs, Bedroom 1 with ensuite, Bedroom 2, Bedroom 3 and Bedroom 4. The study has access to a balcony orientating to Tyagarah Street and ranges in depth from 1.2 metres to 1.6 metres. The internal corridor has access to a balcony orientating to Potts Street with a depth of 1.6 metres.

Unit 2 (located adjacent to the south western boundary)

- **Single garage and single hard stand space RL 25.35** located adjacent to the south western boundary.
- **Ground Floor RL25.67:** family room, internal stairs, kitchen, laundry, bathroom and living/dining room. The living/dining room has access to the patio (RL 25.50).
- **First Floor RL28.67:** Study, bathroom, internal stairs, Bedroom 1 with ensuite, Bedroom 2, Bedroom 3 and Bedroom 4. The internal corridor has access to a balcony orientating to Tyagarah Street with a depth of 1.2 metres.
- New vehicle crossing and driveway
- Landscaping works & removal of three (3) trees as follows:

Tree No.	Species "Common name"
2	<i>Murraya paniculata</i> (Murraya)
10	<i>Plumeria sp.</i> (Frangipani)
11	<i>Plumeria sp.</i> (Frangipani)

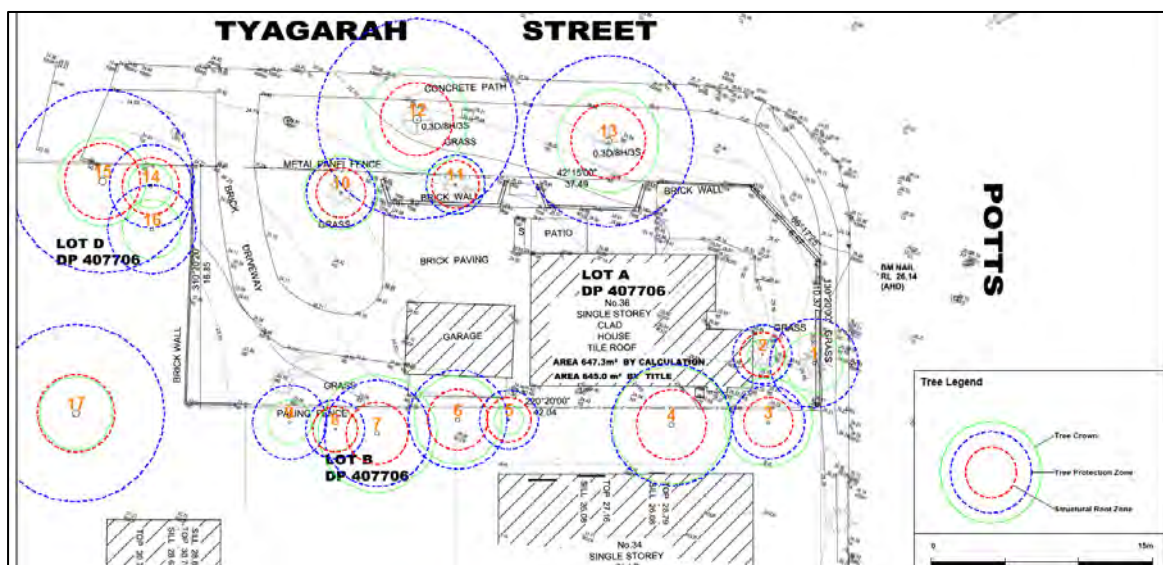


Figure 10 – Location of trees to be removed. Removal of Tree 1 is supported by Council's Landscape Architect

- Strata subdivision comprising:
 - Lot 1 – 293.10m² in area with a 10.37m front boundary
 - Lot 2 – 354.20m² in area with a 22.175m front boundary

Figures 11 to 16 are the floor plans and elevations of the proposed dual occupancy (attached).

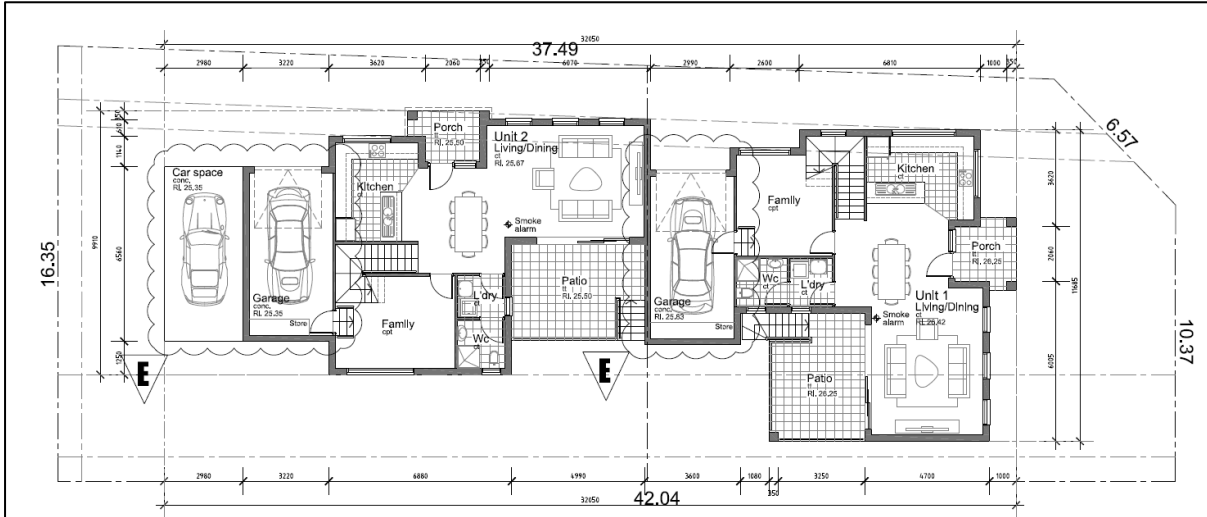


Figure 11 - Proposed Ground Floor Plan

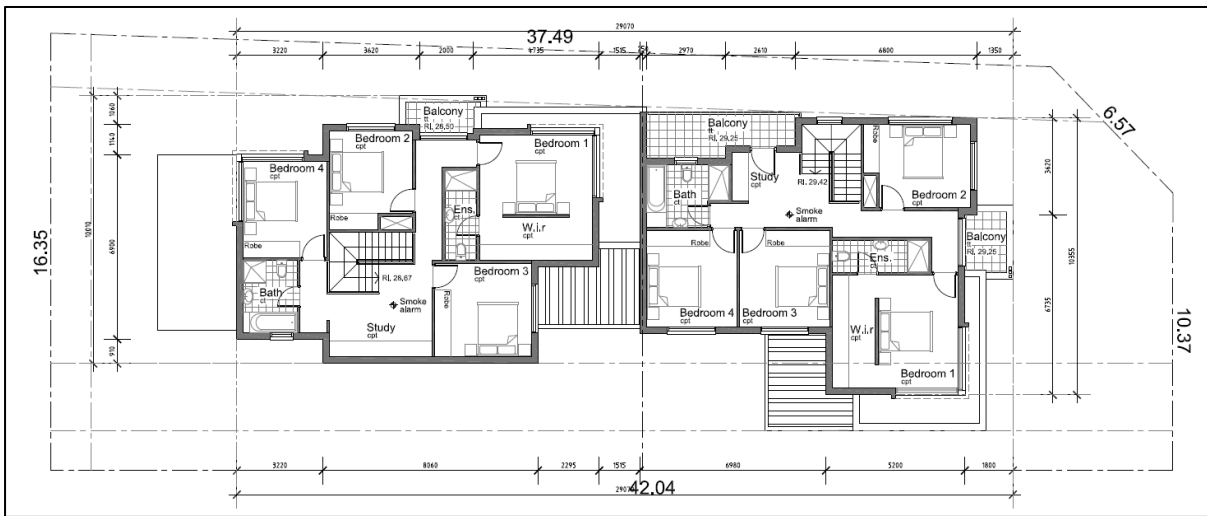


Figure 12 - Proposed First Floor Plan

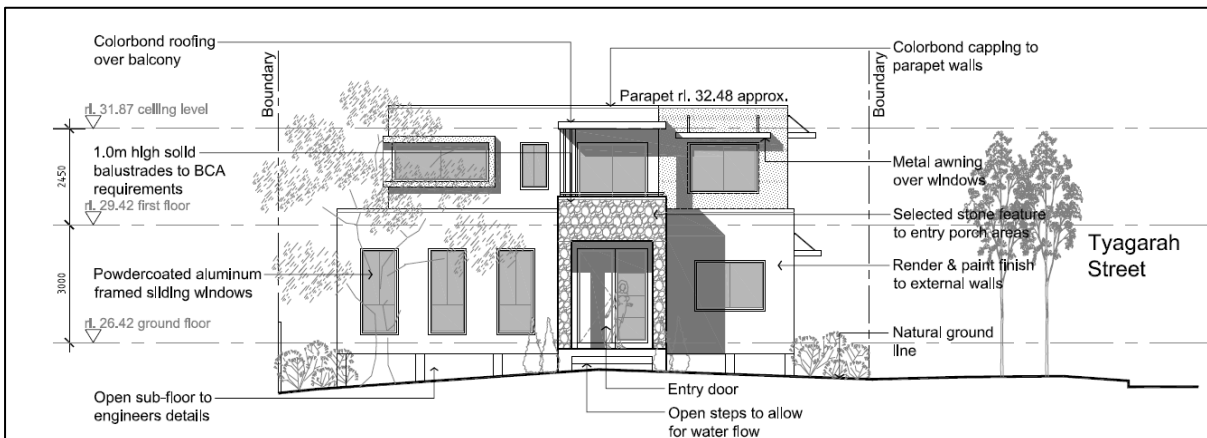


Figure 13 - Proposed Northern Elevation Plan

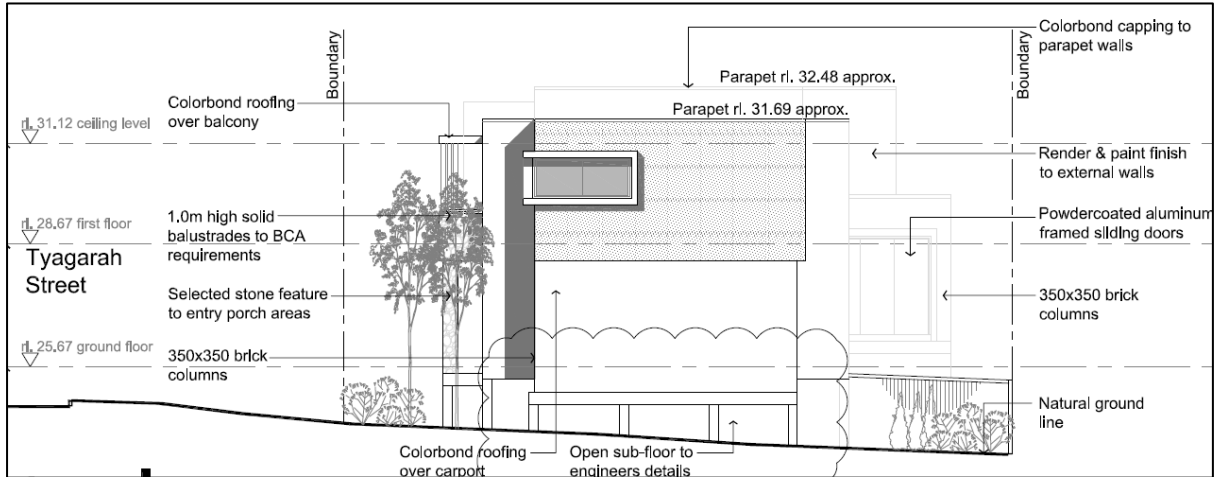


Figure 14 - Proposed Southern Elevation Plan

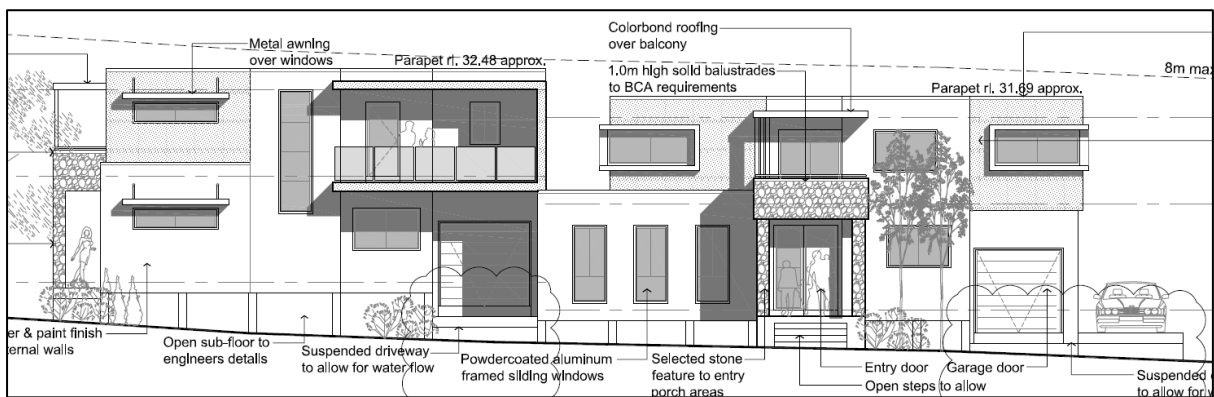


Figure 15 - Proposed Western Elevation Plan

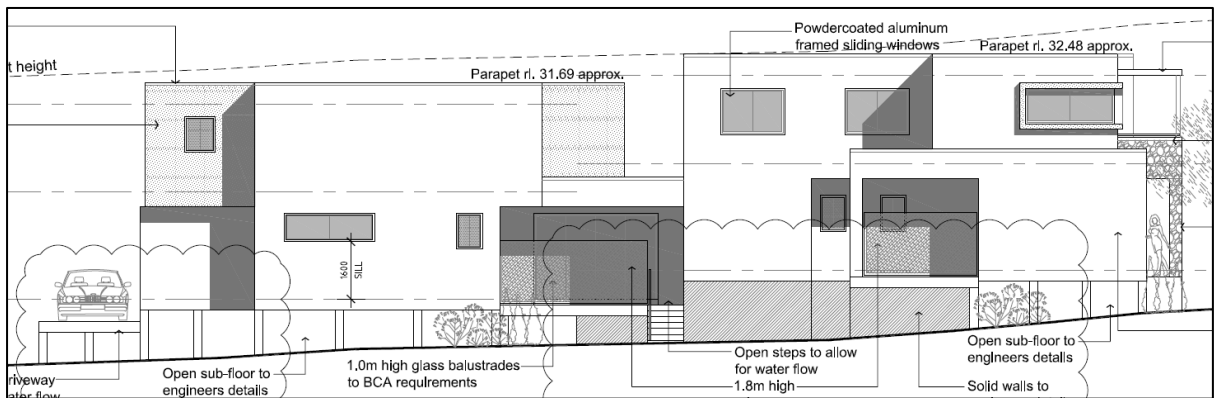


Figure 16 - Proposed Eastern Elevation Plan

4. HISTORY

Application History

17 October 2022	Local Development Application LDA2022/0323 was lodged with Council.
26 October 2022 to 14 November 2022	The Application was notified to adjoining property owners. One (1) submission was received.

2 February 2023	A request for further information was sent to the Applicant, requesting: <ul style="list-style-type: none"> - Amended proposal complying with floor space ratio requirement; - Unit 1 carport to be deleted to address issues with permissibility, light spill, rear setback non compliance and solar access non compliance; - Unit 2 carport roof to be deleted to reduce bulk of the development; - Elevational shadow diagrams to be provided; - Amended plans addressing visual privacy concerns; - Updated Arborist Report including all existing trees; and - Updated plans and documents addressing drainage matters.
14 March 2023	The applicant submits amended plans and further information.
23 March 2023	The applicant submits an updated Arborist Report and Flood Report.
19 April 2023	An email was sent to the applicant requesting an updated BASIX Certificate to be provided which is consistent with the amended plans.
20 April 2023	The applicant submits an updated BASIX Certificate.
2 May 2023	A request for further information was sent to the Applicant, requesting amended plans and documents addressing drainage matters.
19 May 2023	The applicant submits amended plans and further information to address drainage matters.
31 May 2023	A request for further information was sent to the Applicant, requesting amended plans and documents addressing drainage matters.
14 June 2023	The applicant submits amended plans and further information to address drainage matters.

5. PLANNING ASSESSMENT

The following planning policies and controls are of relevance to the development:

- State Environmental Planning Policy Resilience and Hazards SEPP 2021;
- State Environmental Planning Policy BASIX 2004;
- State Environmental Planning Policy Biodiversity and Conservation SEPP 2021;
- Ryde Local Environmental Plan 2014; and
- Ryde Development Control Plan 2014:
 - Part 3.3: Dwelling Houses and Dual Occupancy (Attached);
 - Part 7.2: Waste Minimisation and Management; and
 - Part 8.2: Stormwater & Floodplain Management.

5.1 State Environmental Planning Instruments

Instrument	Proposal	Compliance
State Environmental Planning Policy Resilience and Hazards SEPP 2021		
Chapter 4 Remediation of land		
<p>The object of this Chapter is to provide for a Statewide planning approach to the remediation of contaminated land. The aims are to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.</p>	<p>Pursuant to Clause 4.6(1) considerations, the subject site has been historically used for residential purposes. As such, it is unlikely to contain any contamination and further investigation is not warranted in this case.</p>	<p>Yes</p>
State Environmental Planning Policy BASIX 2004		
<p>The certificate demonstrates compliance with the provisions of the SEPP and is consistent with commitments identified in the application documentation.</p>	<p>A BASIX Certificate (Certificate No. 1311844M_03 dated 20 April 2023) was submitted with the application. Standard (Condition 4) has been included in the Draft Consent requiring compliance with this BASIX certificate.</p>	<p>Yes</p>
State Environmental Planning Policy – Biodiversity and Conservation SEPP 2021		
Chapter 2 Vegetation in non-rural areas		
<p>The objective of the SEPP is to protect the biodiversity values of trees and other vegetation and to preserve the amenity of the area through the preservation of trees and other vegetation.</p>	<p>The proposal includes the removal of three (3) trees being:</p> <ul style="list-style-type: none"> - Tree 2: <i>Murraya paniculata</i> - Tree 10: <i>Plumeria sp.</i> (Frangipani) - Tree 11: <i>Plumeria sp.</i> (Frangipani) <p>The removal of Tree 2 is supported as it is a weed plant. The removal of Trees 10 & 11 is supported as they are less than 5 metres and exempt.</p> <p>The Arborist Report indicates Tree 1 <i>Dyopsis lutescens</i> (Golden Cane Palm) is to be retained. The Landscape Plan shows these palms are to be removed and replaced with a <i>Glochidion ferdinandi</i> (Cheese Tree). The removal of the <i>Dyopsis lutescens</i> (Golden Cane Palm) and replacement with a <i>Glochidion ferdinandi</i> (Cheese Tree) has been supported by Council's Landscape Architect.</p> <p>The removal of the four (4) trees will not unduly impact upon any existing biodiversity or trees or vegetation on the site.</p> <p>The proposal is considered satisfactory by Council's Landscape Architect.</p>	<p>Yes</p>

Chapter 6 Water Catchments		
<p>This Plan applies to the whole of the Ryde Local Government Area as the LGS is within the Sydney Harbour Catchment. Division 2 of Part 6.2 of this SEPP identifies controls on development in respect of water quality and quantity, aquatic ecology, flooding, recreation and public access and total catchment management.</p>	<p>Given the nature of the project and the location of the site, there are no specific controls that directly apply to this proposal.</p>	<p>Yes</p>

5.2 Ryde Local Environmental Plan 2014

The subject site is identified as being within the R2 Low Density Residential zone under the provisions of RLEP 2014. The proposal for demolition, new dual occupancy (attached) and strata subdivision is permissible with development consent.

Aims and objectives for the low density residential zones:

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

The proposal is for demolition, new dual occupancy (attached) and strata subdivision which provides for a variety of housing types and provides for the housing needs of the community within a low density residential environment. The second objective is not of relevance to the proposed development. The proposed satisfies the relevant objectives for residential developments.

Clause 4.1B Minimum lot sizes for dual occupancies

Clause 4.1B(2) states the following:

(2) Development consent may be granted for development on a lot in Zone R2 Low Density Residential for the purposes of dual occupancy (attached) if—

(a) the area of the lot is equal to or greater than 580 square metres, and

(b) the primary road frontage of the lot is equal to or greater than 15 metres.

The site is zoned R2 Low Density Residential and a dual occupancy (attached) is proposed.

The site has an area of 647.30m² and complies with Clause 4.1B(2)(a).

The site has a primary road frontage of 10.37 metres and does not comply with the development standard (4.1B(2)(b)) and represents a 30.87% or 4.63 metres contravention of the development standard.

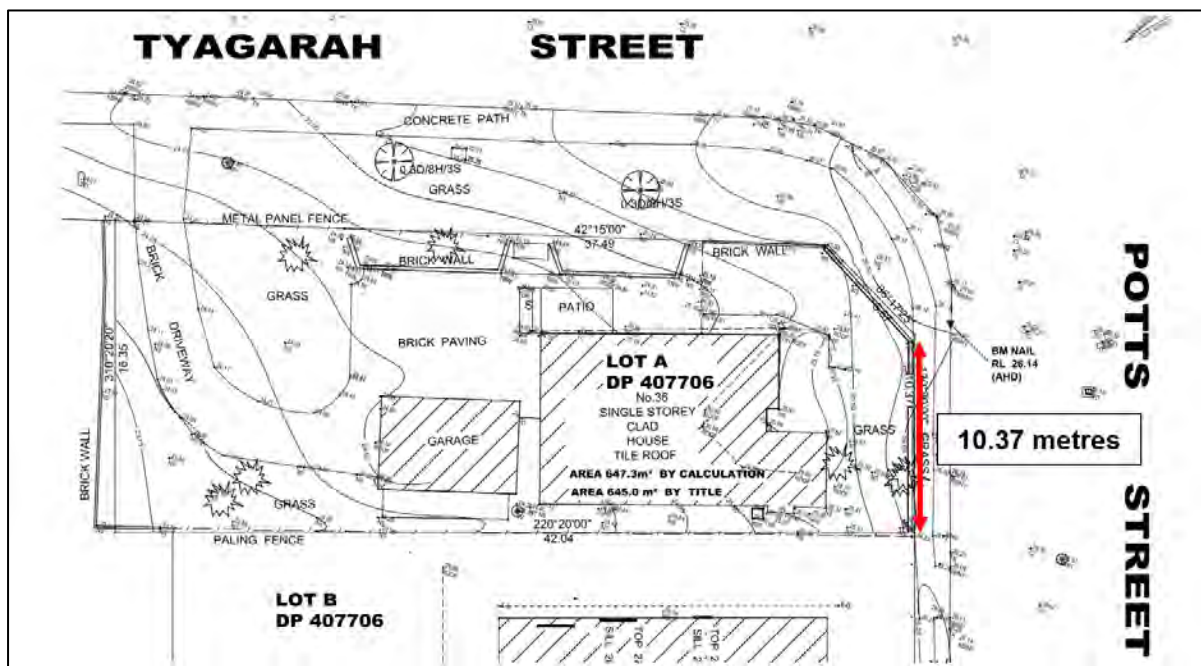


Figure 17 – Primary road frontage notated on survey plan

The applicant has sought variation pursuant to Clause 4.6 of RLEP 2014 and an assessment of the variation request is detailed below.

Clause 4.6 Exceptions to development standards

Clause 4.6 of the RLEP 2014 provides flexibility in the application of planning controls by allowing Council to approve a development application that does not comply with a development standard where it can be demonstrated that flexibility in the particular circumstances achieve a better outcome for and from the development.

Several key Land and Environment Court (NSW LEC) planning principles and judgements have refined the manner in which variations to development standards are required to be approached. The key findings and directions of each of these matters are outlined in the following discussion.

The decision of Justice Lloyd in *Winten v North Sydney Council* established the basis on which the former Department of Planning and Infrastructure's Guidelines for varying development standards was formulated.

These principles for assessment and determination of applications to vary development standards are relevant and include:

- Is the planning control in question a development standard?
- What is the underlying object or purpose of the standard?
- Is compliance with the development standard consistent with the aims of the Policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EP&A Act?
- Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?
- Is a development which complies with the development standard unreasonable or unnecessary in the circumstances of the case? and
- Is the objection well founded?

The decision of Justice Preston in *Wehbe V Pittwater [2007] NSW LEC 827* expanded on the above and established the five part test to determine whether compliance with a development standard is unreasonable or unnecessary considering the following questions:

- Would the proposal, despite numerical non-compliance be consistent with the relevant environmental or planning objectives?
- Is the underlying objective or purpose of the standard not relevant to the development thereby making compliance with any such development standard unnecessary?
- Would the underlying objective or purpose be defeated or thwarted were compliance required, making compliance with any such development standard unreasonable?
- Has Council by its own actions, abandoned or destroyed the development standard, by granting consent that depart from the standard, making compliance with the development standard by others both unnecessary and unreasonable?
- Is the “zoning of particular land” unreasonable or inappropriate so that a development standard appropriate for that zoning was also unreasonable and unnecessary as it applied to that land? Consequently compliance with that development standard is unnecessary and unreasonable.

In the matter of *Four2Five Pty Ltd v Ashfield Council [2015] NSW LEC*, it was found that an application under clause 4.6 to vary a development standard must go beyond the five (5) part test of *Wehbe V Pittwater [2007] NSW LEC 827* and demonstrate the following:

- Compliance with the particular requirements of Clause 4.6, with particular regard to the provisions of subclauses (3) and (4) of the LEP; and
- That there are sufficient environment planning grounds, particular to the circumstances of the proposed development (as opposed to general planning grounds that may apply to any similar development occurring on the site or within its vicinity);
- That maintenance of the development standard is unreasonable and unnecessary on the basis of planning merit that goes beyond the consideration of consistency with the objectives of the development standard and/or the land use zone in which the site occurs.

The applicant has submitted a written request to vary the primary road frontage control. An assessment of the relevant provisions of Clause 4.6 is as follows:

Whether compliance with the standard is unreasonable and unnecessary in the circumstances of the case

The submission relies upon the common ways to demonstrate compliance with a development standard is unreasonable or unnecessary in accordance with *Wehbe v Pittwater Council (2007)*. The submission relies upon the objectives of the standard being achieved notwithstanding the non-compliance with the standard.

The objective of the minimum lot sizes for dual occupancies is set out in Clause 4.1B as follows:

- (1) *The objective of this clause is to achieve planned residential density in certain zones.*

The justification in the applicant's request and Assessment Officer's comments are provided below:

"This written 15m minimum frontage variation request relies, in the first instance, on demonstrating that compliance is unreasonable and unnecessary as the objectives of the development standard are achieved notwithstanding, a variation of the development standard.

The objective of the clause is to achieve planned residential densities. The objective unlike objectives of other development standards is quite broad. The site is not so constrained as to warrant a limitation on dual occupancy development. As stated the future subdivision is more than capable of achieving the relevant controls under Clause 4.1A of the RLEP. The frontage will achieve 4.1A (b) provisions which relevantly provide:

(b) on or after the day Ryde Local Environmental Plan 2014 (Amendment No 28) commences, a development application made for a dual occupancy (attached) has been approved for the lot,

and—

(i) the lot has an area of at least 580 square metres, and

(ii) 1 dwelling will be situated on each lot resulting from the subdivision, and

(iii) each resulting lot will have an area of not less than 290 square metres, and

(iv) the primary road frontage of each resulting lot will be equal to or greater than 7.5 metres.

Clause 4.1 provides certain lot requirements which are expected to facilitate the planned residential densities. The subject site has the required 580sqm; will provide one (1) dwelling per lot; will provide lots which are at least 290sqm each; and will achieve lots which have at least 7.5m of frontage to a primary road. The 15m minimum control facilitates compliance with the 7.5m frontage per lot control and is designed principally to apply to non corner sites. The proposal achieves the planned residential density primarily because the overall lot size is compliant for attached dual occupancy and the proposal complies with the FSR, lot size and frontage requirements as expressed above. The proposal achieves the stated objectives.

The built form and height of the proposed dual occupancy will not result in any significant adverse impacts to neighbouring residential amenity with regard to view loss, overshadowing and privacy. Minimal additional shadowing of the neighbouring properties will occur as a result of the proposal. The proposed overall bulk of the building is compatible with the area and similar to corner dual occupancy developments supported by Council in the past."

Assessment Officer's Comments: The site has an area of 647.30m². The lot size complies with Clause 4.1B(2)(a) which requires the area of the lot to be equal to or greater than 580 square metres.

The proposal has a height of 8.0 metres and complies with Clause 4.3(2) which requires a maximum height of 9.5 metres. The proposal has a floor space ratio of 0.499:1 and complies with Clause 4.4(2) which requires a maximum floor space ratio of 0.5:1.

The site is zoned R2 Low Density Residential and dual occupancies (attached) are permissible in the zone. The site is a corner allotment and has two (2) primary street frontages. This influences the design of the development. The driveway and parking structures are located on the secondary road frontage being Tyagarah Street which has a frontage of 37.49 metres. The driveway and parking structures do not dominate the road frontage. The driveway and parking structures being located on the secondary road frontage results in reduced hard paved areas within the primary front setback. The driveways and parking structures being located on the secondary road frontage allows the Unit 1 kitchen, living and dining areas to orientate north east and receive solar access between 9am and 12pm.

For these reasons the site is considered to achieve planned residential density in the R2 zone. It is agreed that the proposal achieves this objective.

Environmental planning grounds to justify contravening the development standard

The submitted request provides the following in response to addressing what the environmental planning grounds are for the variation.

“The following provides sufficient environmental planning grounds to warrant the variation:

- *The dual occupancy complies with height and FSR*
- *There are no significant additional impacts as a result of the 15m frontage departure when compared to a compliant development*
- *The control is, in our opinion, primarily developed to apply to non corner sites*
- *The site has two boundaries that cumulatively achieve the minimum 15m control (16.94m achieved when both boundaries are added together)*
- *The site is a corner site and therefore the future dwelling fronting the secondary street has more than adequate frontage as does the dwelling fronting Potts Street (i.e. 7.5m frontage achieved as required for each dwelling under Clause 4.1A).*
- *The control is clearly targeted at non corner allotments given that the frontage of each successive lot is at least 7.5m*
- *The site (due to the cumulative width of 16.93m) has sufficient room to accommodate the proposed dual occupancy and also satisfy the remaining clauses relating to individual width of the future subdivided sites.*
- *The control itself is a development standard meaning that there are alternate schemes which can offer acceptable planning outcomes.*
- *The scheme provides acceptable front setbacks and side setbacks notwithstanding the technical variation to the frontage control.*
- *The non-compliance does not contribute to unreasonable overshadowing, privacy or view loss impacts to neighbouring properties.*
- *No adverse streetscape impacts arising from the variation.*
- *Sufficient side and front setbacks provided notwithstanding the 10.37m frontage due the additional lot width afforded by the 6.57m angled boundary.*
- *Site achieves the required lot requirements which are expected to facilitate the planned residential densities such as the required 580sqm;*
- *The site provides one (1) dwelling per lot and lots which are at least 290sqm each*
- *Each lot will achieve a frontage width of at least 7.5m to a primary road”*

Assessment Officer's Comments: The submission has established there are sufficient environmental planning grounds to justify contravening the standard in accordance with Clause 4.6(3)(b) and 4.6(4)(a)(i). The sufficient environmental planning grounds include:

- Clause 4.1B(2) permits dual occupancy development (attached) if the area of the site is equal to or greater than 580sqm, and also has a primary road frontage of equal to or greater than 15m. This is understood to be most relevant on standard rectangular residential allotments, where there is only one road frontage and therefore the frontage needs to extend for an appropriate distance to allow two dwellings on the allotment. The subject site is a corner allotment. The corner allotment allows a design with a suitable outcome despite the 4.63 metre primary road frontage deficiency.
- Measured at the required front setback, the width of the allotment is approximately 15.20 metres which complies with the LEP requirement.

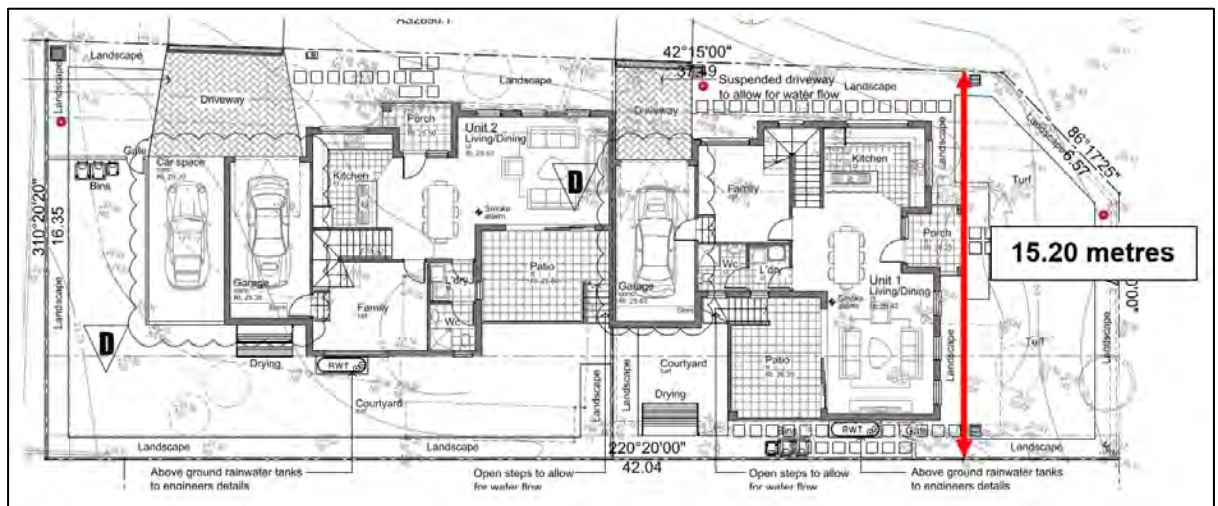


Figure 18 – Width of lot measured at front setback

- The site is a corner allotment and has two (2) street frontages. Unit 1 orientates to Potts Street and has a frontage of 10.37 metres. Its vehicular access is provided off Tyagarah Street, with a frontage of 15.31m. Unit 2 orientates to Tyagarah Street and has a frontage of 22.175 metres.
- The proposed dual occupancy (attached) is permissible within the R2 Low Density Residential Zone. The site has an area of 647.30m². The lot size complies with Clause 4.1B(2)(a) which requires the area of the lot to be equal to or greater than 580 square metres. There is sufficient land area available for the proposed development.

Public interest – Development consistent with the zone objectives and objectives of the development standard

Clause 4.6 (4)(a)(ii) requires that the consent authority is satisfied that the development is in the public interest because it is consistent with the objectives of the standard and the objectives for development within the zone.

As detailed in the discussion of whether compliance with the standard is unreasonable or unnecessary, the development is consistent with the objective of the standard and this has been demonstrated in the submitted variation request. Council is satisfied that the development is consistent with the objective of the development standard Clause 4.1B(1).

The development must also be consistent with the objectives of the zone. As already discussed in this report, the development is consistent with the R2 Low Density Residential zone objectives.

Therefore, the proposal is considered to be in the public interest. The development has demonstrated consistency with Clause 4.6(4)(a)(ii).

Matters required to be taken into consideration by the Director-General before granting the concurrence

Circular PS 18-003 issued on 21 February 2018 informed Council that it may assume the Director-General's concurrence for exceptions to development standards.

Conclusion

The applicant has adequately addressed why compliance with the development standard is unreasonable or unnecessary under Clause 4.6(3)(a) of RLEP 2014. It is considered that the non-compliance with the primary road frontage can be supported in the circumstance of the case, as there are sufficient environmental planning grounds for contravening the development standard.

The proposal is unlikely to have material impacts on adjoining properties. The proposal is consistent with the objectives of the development standard and the R2 Low Density Residential zone.

Accordingly, development consent may be granted to the proposal, despite the contravention of the primary road frontage development standard.

Other relevant Clauses of RLEP 2014

Ryde LEP 2014	Proposal	Compliance
4.1A Dual occupancies (attached) subdivisions		
(a) on or after the day <i>Ryde Local Environmental Plan 2014 (Amendment No 28)</i> commences, a development application made for a dual occupancy (attached) has been approved for the lot, and— (i) the lot to be subdivided a minimum 580m ² (ii) 1 dwelling each lot (iii) Each lot at least 290m ² (iv) Primary road frontage equal or > 7.5 metres	 647.3m ² 1 dwelling each lot Lot 1 – 293.10m ² Lot 2 – 354.20m ² Lot 1 – 10.37m Lot 2 – 22.175m	 Yes Yes Yes Yes

4.1B(2) Minimum lot sizes for dual occupancies and multi dwelling housing		
(a) Minimum 580 m ²	647.3m ²	Yes
(b) the primary road frontage of the lot is equal to or greater than 15 metres.	10.37m	No, a Clause 4.6 request has been submitted. See discussion earlier in this report.
4.3(2) Height		
9.5m	8.0m	Yes
4.4(2) & 4.4A(1) FSR		
0.5:1 (323.65m ²)	0.499:1	Yes
5.23 Public bushland		
(1) The objective of this clause is to protect and ensure the ecological viability of bushland, including rehabilitated areas in urban areas, by— preserving biodiversity, habitat corridors and links between public bushland and other nearby bushland, and preserving bushland as a natural stabiliser of the soil surface, and preserving existing hydrological landforms, processes and functions, including natural drainage lines, watercourses, wetlands and foreshores, and preserving the recreational, educational, scientific, aesthetic, environmental, ecological and cultural values and potential of bushland, and mitigating disturbance caused by development.	Olympic Park is located opposite the site to the north east. Mallee Reserve is located approximately 20 metres to the south west of the site. The proposal will not impact Olympic Park or Mallee Reserve and is considered acceptable.	Yes
6.1 Acid Sulfate Soils		
(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.	The subject site is mapped as containing Class 5 acid sulphate soils, being land within 500m of actual acid sulphate soils. The extent of works is such that it is not considered to come into contact with or affect the profile of any area containing actual acid sulphate soils.	Yes

6.2 Earthworks		
<p>(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p>	<p>The site is not located within proximity of any cultural or heritage items. The proposal does not involve cut and fill. The proposal is not considered to result in any adverse detrimental impacts upon environmental functions and processes or neighbouring uses.</p> <p>The redevelopment of the site does not adversely impact the amenity of adjoining properties and is considered to be consistent with the provisions of Clause 6.2(3).</p>	<p>Yes</p>
6.3 Flood Planning		
<p>(1) The objectives of this clause are as follows—</p> <p>(a) to minimise the flood risk to life and property associated with the use of land,</p> <p>(b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,</p> <p>(c) to avoid significant adverse impacts on flood behaviour and the environment.</p>	<p>The site is mapped as being impacted by low to high risk flooding. The proposal has been supported by a Flood Study Revision D prepared by MBC Engineering Pty Ltd and dated 9/05/2023.</p> <p>The proposal is consistent with the provisions of Clause 6.3(3) and has been considered satisfactory by Council's Drainage Engineer subject to conditions.</p>	<p>Yes</p>
Clause 6.4 Stormwater management		
<p>(1) The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.</p>	<p>The proposal is consistent with the provisions of Clause 6.4(3) in that the proposal has been designed to maximise the use of</p>	<p>Yes</p>

	<p>permeable surfaces allowing for water filtration and avoids adverse impacts of stormwater runoff on adjoining properties and receiving waters.</p> <p>The proposal has been considered acceptable by Council's Senior Development Engineer.</p>	
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5.3 Draft Environmental Planning Instruments

There are no relevant draft Environmental Planning Instruments for consideration.

5.4 Development Control Plan

Ryde Development Control Plan 2014 (RDCP 2014)

The proposal is subject to the provisions of the following parts of RDCP 2014:

- Part 3.3: Dwelling Houses and Dual Occupancy (Attached);
- Part 7.2: Waste Minimisation and Management; and
- Part 8.2: Stormwater & Floodplain Management.

An assessment of the relevant controls is provided in **Attachment 2 - Compliance Table**. Specific controls relevant to this application are also discussed below.

Part 3.3: Dwelling Houses and Dual Occupancy (Attached)

2.6 Site Configuration

2.6.1 Deep Soil Areas

Control 2.6.1(b)(i) states the deep soil area must include an area with minimum dimensions of 8m x 8m in the back yard. Control 2.6.1(c) states dual occupancies need only one 8m x 8m in the back yard. Unit 1 contains a deep soil area of 4.6m x 5.1m and Unit 2 contains a deep soil area of 3.9m x 22.2m. The proposal does not contain a deep soil area with minimum dimensions of 8m x 8m in the backyard and does not comply with Control 2.6.1(b)(i) and (c). The proposal is considered acceptable for the following reasons:

- The site layout offers limited opportunity to provide a 8m x 8m deep soil area in the backyard;
- The proposal achieves a deep soil landscape area of 158.5m² at the rear. Whilst the proposal does not meet the minimum dimensions of 8m, the proposal does exceed the overall deep soil landscape area of 64m²;
- The land retains its ability to absorb rainwater so as to reduce stormwater runoff;
- Space is provided for mature tree growth and other vegetation; and
- The vegetation corridor is retained.

2.9 Setbacks

2.9.1 Front Setbacks

Control 2.9.1(b) requires on corner sites, the setback along the secondary street (the street to which the house has its secondary frontage) is to be a minimum of 2m. The front setback measured to Unit 2 porch is 1.9m the Unit 2 first floor balcony is 1.8m. The proposal is non compliant with Control 2.9.1(b). The proposal is considered acceptable for the following:

- The proposed porch is an ancillary structure. The extent of non compliance is minor at 100mm and extends for a length of 3.1 metres only;
- The extent of non compliance of the balcony is minor at 200mm and extends for a length of 3.3 metres only;
- The remainder of the secondary frontage has a front setback of 2 metres.

The proposal meets the objectives of the control in that a satisfactory transition between public and private space is created, a front garden is provided and the garages are not a prominent element in the streetscape. The non-compliance is considered acceptable in this circumstance for the reasons outlined above.

2.9.3 Rear Setbacks

Control 2.9.3(a) states the rear of the dwelling is to be set back from the rear boundary a minimum distance of 25% of the length of the site or 8 metres, whichever is the greater. The rear setback required is 10.51 metres, being 25% of the site length. The rear setback measured to the Unit 2 garage is 7.0 metres (**Figure 19**) which does not meet the rear setback requirement of 10.51 metres. The proposal is considered acceptable for the following reasons:

- A suitable area for private outdoor recreation is provided;
- The development ensures adequate private open space for residents;
- There is sufficient area for vegetation and mature trees;
- The proposal achieves the desired spatial separation of built form between properties;
- The non compliance does not result in adverse amenity impacts to adjoining properties.

The non compliance is considered acceptable.

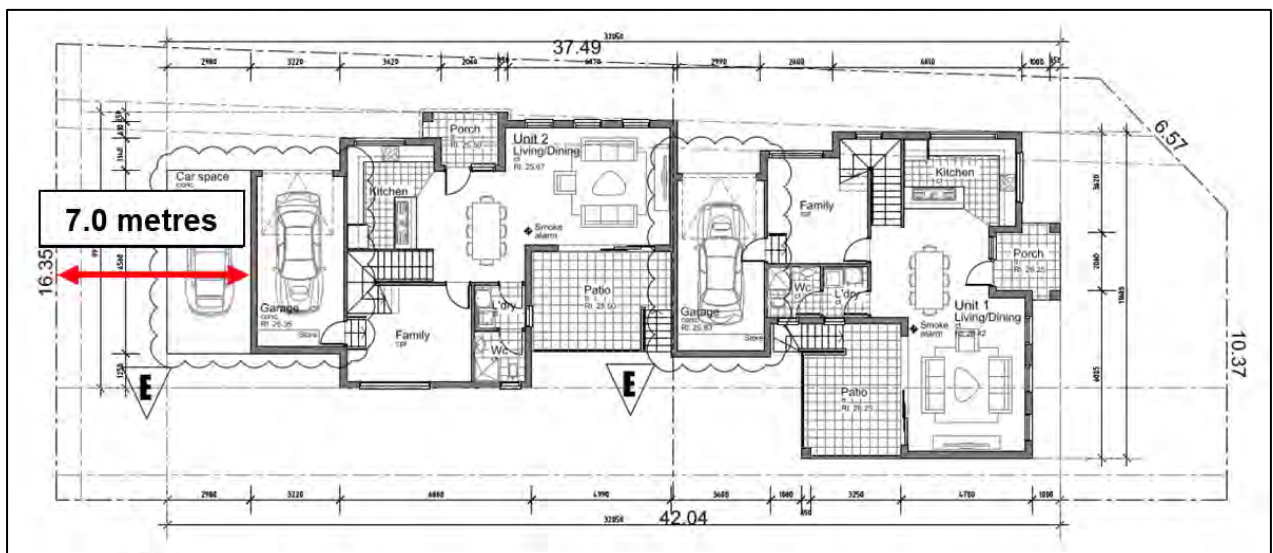


Figure 19 – Rear setback notated on ground floor plan

2.11 Car Parking and Access

2.11.1 Car Parking

Control 2.11.1(a) requires provision must be made for off street parking in accordance with Part 9.3 Parking Controls in this DCP. Part 9.3 requires dual occupancy (attached) developments to have 1 space per dwelling. A single garage is proposed for Unit 1 and a single garage and hard stand space are proposed for Unit 2. Unit 2 is non compliant with Control 2.11.1(a). The non compliance is considered acceptable given the hard stand space is not roofed and does not contribute to the bulk of the development. The garage is integrated with the dwelling and hardstand area and is not a prominent feature in the streetscape. The non compliance is considered acceptable.

2.14 Dwelling Amenity

2.14.1 Daylight and Sunlight Access

Control 2.14.1(d) states private open space of the subject dwelling is to receive at least two hours sunlight between 9 am and 3 pm on June 21.

The shadow diagrams show the private open space of Unit 1 will not receive two hours sunlight between 9am and 3pm on June 21. The proposal is considered acceptable despite the non compliance given the orientation of the subdivision pattern north east – south west which results in the private open space areas being overshadowed throughout the day. The proposed development is largely compliant with the required setbacks and heights and maximises the sunlight and daylight access to the dwelling under the circumstances. It is considered the shadow impact is not a result of poor design but rather the orientation of the allotment.

The shadow diagrams show the private open space of Unit 2 will not receive two hours sunlight between 9am and 3pm on June 21. The proposal is considered acceptable despite the non compliance given the orientation of the subdivision pattern north east – south west which results in the private open space areas being overshadowed throughout the day. The proposed development is largely compliant with the required setbacks and heights and maximises the sunlight and daylight access to the dwelling under the circumstances. It is considered the shadow impact is not a result of poor design but rather the orientation of the allotment. The proposal is considered acceptable as the southern and south western portion of the Unit 2 private open space area receives solar access between 9 am and 3pm.

The development meets the objectives of the control which are to maximise sunlight and daylight access, to ensure that new development maintains appropriate sunlight access to neighbouring dwellings and neighbouring private open space and to encourage the use of passive solar design.

2.14.2 Visual Privacy and amenity

Control 2.14.2(a) requires windows of the main internal living spaces such as living rooms, dining rooms, kitchens, family rooms and the like, to orientate to the front or to the rear of allotments. Control 2.14.2(d) requires living room and kitchen windows, terraces and balconies are not to allow a direct view into neighbouring dwellings or neighbouring private open space.

The following openings and private open space areas do not comply with Control 2.14.2(a) and (d):

- The Unit 1 patio is elevated and results in overlooking to the Unit 2 private open space area. The non compliance with Control 2.14.2(a) and (d) is considered acceptable provided a condition (**Condition 1(a)**) requiring a 1.5 metre high privacy screen be installed to the south western elevation of the Unit 1 patio. This privacy screen should consist of horizontal louvres fixed at 45 degrees in an upward direction. Details would be required to be submitted to the principal certifying authority prior to the issue of any construction certificate as part of the condition.
- The Unit 1 patio is elevated 1.7 metres above the existing ground level. The Unit 2 patio is elevated 1.1 metres above the existing ground level.

Council's Development Engineer confirmed the level of the patios can be reduced to be consistent with the annual exceedance probability (AEP) flood levels nominated in the Flood Study Revision D prepared by MBC Engineering Pty Ltd and dated 9/05/2023 (Table 1).

Table 1 – 1% AEP flood levels and floor levels for floor areas.

FLOOR AREA	1% AEP WATER LEVEL (mAHD)	MINIMUM FLOOR LEVEL (mAHD)
DWELLING 1	25.92	26.42
GARAGE 1	25.33	25.63
DWELLING 2	25.13	25.67
GARAGE 2	24.85	25.15

The Unit 1 patio can be reduced by 330mm and the Unit 2 patio can be reduced by 370mm. **Condition 1(b)** is recommended requiring the level of the Unit 1 patio be reduced to RL25.92 and the level of the Unit 2 patio be reduced to RL25.13. Additional steps would be required between the living areas and patio.

Consideration was given to removing the patios entirely and providing stairs directly into the backyards, however it was concluded the deletion of the patios would result in poor amenity to the future occupants and privacy could be treated with privacy screening and the lowering of both patios in line with recommended condition 1(b). Screen planting capable of reaching a height of 3.0 metres is proposed on the south eastern side boundary and will significantly conceal the elevated patios.

There are no additional privacy issues as these are resolved through design treatment by the applicant. A 1.8 metre high privacy screen is provided to the south eastern elevation of both patios. **Condition 1(c)** is recommended requiring the privacy screens on the south eastern elevation of the Unit 1 and Unit 2 patio areas should be reduced to 1.5 metres which is considered high enough to limit privacy impacts in this instance. The privacy screens should consist of horizontal louvres fixed at 45 degrees in an upward direction. Details would be required to be submitted to the principal certifying authority prior to the issue of any construction certificate as part of the condition.

The Unit 1 window associated with the ground floor bathroom is not offset from a neighbouring property window. The window is 6.3 metres from the side boundary and 10.8 metres from the

window within the neighbouring property. The separation restricts direct views into the neighbouring dwelling and is considered to be sufficient separation in this instance. The window will have no adverse impact on the adjoining property. The proposal does not result in visual privacy impacts.

5.5 Planning Agreements or Draft Planning Agreements

There are no planning agreements or draft planning agreements for this development.

5.6 City of Ryde Section 7.11 Development Contributions Plan 2020

Council's current Section 7.11 Development Contributions Plan 2020 effective 1 July 2020 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:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$6,061.80
Open Space & Recreation Facilities	\$10,438.15
Roads & Traffic Management Facilities	\$3,204.48
Plan Administration	\$295.57
The total contribution is	\$20,000

Condition on the payment of Section 7.11 Contribution of \$20,000 has been included in the draft notice of determination attached to this report (**Condition 32**).

5.7 Any matters prescribed by the regulations

Environmental Planning and Assessment Regulation 2021

There are no planning agreements or draft planning agreements for this development. The Regulation underpins the day-to-day operation of the NSW planning system. The Regulation guides the processes, plans, public consultation, impact assessment and decisions made by local councils, the Department of Planning and others. Standard conditions are recommended relating to compliance with BCA and AS (**Condition 3** and **Condition 33**).

Australian Standard for Demolition - Clause 61(1)

Clause 61(1) of the Environmental Planning & Assessment Regulations 2021 requires the consent authority to consider the provisions of *Australian Standard AS 2601-2001: The demolition of structures*. The demolition of the existing structures will be carried out in accordance with the demolition plan. A condition is included in Attachment 1 requiring the demolition plan to be complied with during demolition (**Condition 29**).

Building Code of Australia Upgrade – Clause 64

In accordance with Clause 64 of the Regulations 2021, the proposal will be required to provide adequate fire safety in accordance with the BCA. This will be included in the recommendations of this report (**Condition 3**).

6. THE LIKELY IMPACTS OF THE DEVELOPMENT

The likely impacts of the development have been considered within this report and the assessment demonstrates that the proposal will not have any significant adverse impacts upon any adjoining properties or the environment in general due to the nature of the development. All relevant issues regarding environmental impacts of the development are discussed elsewhere in this report (see RDCP 2014). The development is considered satisfactory in terms of environmental impacts.

7. SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The proposal seeks consent for demolition, new dual occupancy (attached) and strata subdivision. The site is zoned R2 Low Density Residential under RLEP 2014.

Clause 4.1B(2)(b) requires development consent may be granted for development on a lot in Zone R2 Low Density Residential for the purposes of dual occupancy (attached) if the primary road frontage of the lot is equal to or greater than 15 metres. The site has a primary road frontage of 10.37 metres to Potts Street, representing a 30.87% departure from the standard.

The site is impacted by low to high risk flooding. The proposal has been supported by a Flood Study Revision D prepared by MBC Engineering Pty Ltd and dated 9/05/2023. The modelling concludes that the flood impacts to the local flood condition are of immaterial significance and are considered acceptable. The proposed development has been designed to ensure any increase in flood levels are immaterial in the vicinity of the site. Council's Development Engineer and Council's City Works Engineer have reviewed the proposal and have not raised any concerns subject to conditions. The proposed development is considered suitable.

The submitted Clause 4.6 variation to Clause 4.1B has met the jurisdictional prerequisites to enable the consent authority to support the proposed departure from the development standard. The proposal is an appropriate development and this has been demonstrated in this report. The proposal is considered to be suitable for the site.

8. THE PUBLIC INTEREST

The public interest is best served by the consistent application of the requirements of relevant Environmental Planning Instruments and by Council ensuring that any adverse effects on the surrounding area and the environment is minimised.

The proposal has been assessed against the relevant planning instruments and is considered to be acceptable. The proposal is non compliant with Clause 4.1B Minimum lot sizes for dual occupancies, but has been supported by a satisfactory Clause 4.6 variation request.

On this basis, the proposal is not considered to raise any issues that would be contrary to the public interest.

9. SUBMISSIONS

In accordance with DCP 2014 Part 2: Community Participation Plan, the owners of surrounding properties were given notice of the application between 26 October 2022 and 14 November 2022. One (1) submission was received objecting to the development. The amended plans received on 14 March 2023 were renotified between 24 April 2023 and 11 May 2023. One (1) submission was received objecting to the development.

The amended plans received on 23 March 2023, 20 April 2023, 19 May 2023 and 14 June 2023 were not required to be renotified as the amendments do not increase the impact on adjoining or neighbouring land or cause material impact on the environment.

The submissions raised the following concerns:

1. *The proposal is non compliant with the 15 metre frontage requirement and is an overdevelopment of the site.*

Assessing Officer comment's: The site has a primary road frontage of 10.37 metres to Potts Street, representing a 30.87% departure from the standard. The applicant has submitted a written request to vary the minimum road frontage for dual occupancies development standard. The breach is due to the splay corner and the rest of the site achieves a width greater than 15 metres. Also being a corner allotment, the site can take advantage of the second street frontage.

The applicant has adequately addressed why compliance with the development standard is unreasonable or unnecessary under Clause 4.6(3)(a) of RLEP 2014. The applicant has also demonstrated sufficient environmental planning ground to justify contravention of the primary road frontage development standard, as required by Clause 4.6(3)(b). It has been demonstrated the proposed development is consistent with the objectives of both the development standard and the R2 zone. For these reasons, the development will be in the public interest. Accordingly, development consent is granted to the proposal, despite the contravention of the primary road frontage development standard.

The proposal has a height of 8.0 metres and complies with Clause 4.3(2) of RLEP 2014 which requires a maximum height of 9.5 metres. The proposal has a floor space ratio of 0.499:1 and complies with Clause 4.4(2) of RLEP 2014 which requires a maximum floor space ratio of 0.5:1. The site is zoned R2 Low Density Residential and dual occupancies (attached) are permissible in the zone.

2. *Concern is raised with the height of the building, overshadowing impacts and visual privacy impacts.*

Assessing Officer comment's: The site is impacted by low to high risk flooding. The raised floor levels are proposed due to the flood impacts of the site. The proposed floor levels are consistent with the minimum floor levels recommended in the Flood Study Revision D prepared by MBC Engineering Pty Ltd and dated 9/05/2023.

The proposal has a height of 8.0 metres and complies with Clause 4.3(2) which requires a maximum height of 9.5 metres. The proposed dual occupancy is two (2) storeys and complies with Control 2.8.1(a) of RDCP 2014.

The shadow diagrams demonstrate compliance with control 2.14.1(e)(i) that requires sunlight to at least 50% of the principal area of ground level private open space of adjacent properties is not reduced to less than two hours between 9 am and 3 pm on June 21. The neighbouring property receives sunlight to 50% of the private open space area between 9am and 12pm.

Control 2.14.1(e)(ii) states for neighbouring properties ensure windows to north-facing living areas of neighbouring dwellings receive at least 3 hours of sunlight between 9 am and 3 pm on 21 June over a portion of their surface, where this can be reasonably maintained given the orientation and topography of the subject and neighbouring sites. The shadow diagrams show the north west and north east neighbouring property windows receive adequate solar access between 9am and 12pm on June 21.

The windows and outdoor living areas are not considered to result in visual privacy impacts.

3. Impacts of car lights from the carport negatively impacting on neighbouring property.

Assessing Officer comment's: The hard stand space aligns with the neighbouring properties private open space area. The proposed 1.8 metre high boundary fence and 3.0 metre high screen planting along the shared boundary will minimise light spill from the hard stand space.

The following condition has been imposed:

47. Vehicle Access & Parking. *All internal driveways, vehicle turning areas, garages and vehicle parking space/ loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Offstreet Parking standards).*

With respect to this, the following revision(s) / documentation must be provided with the plans submitted with the application for a Construction Certificate;

- a) *In accordance with Section 2.4.5.3 of AS2890.1, a solid barrier is to be installed at the end of the open parking spaces (and for Unit 2, along the southern side) so as to ensure a vehicle does not accidentally continue over the edge of the parking platform. The barrier must be structurally designed to resist the anticipated load of a vehicle and is to be certified.*
- b) *To allow for adequate sight distance from a vehicle exiting the property to pedestrians in the footpath area, the northern side of the driveway entry at the property boundary must have clear sight through a splayed region defined by Figure 3.3 of AS 2890.1 (2004) and Council's DCP. Ideally the region is to be free of all obstructions, otherwise any solid obstructions are to be no greater than 900mm above finished surfaces and horizontal fencing/ slats are to permit more than 50% visual permeability.*

These amendment(s) must be clearly marked on the plans submitted to the Accredited Certifier prior to the issue of a Construction Certificate.

(Reason: To ensure the vehicle access and parking area is in accordance with the require standards and safe for all users.)

The solid barrier at the end of the parking space will minimise light spill.

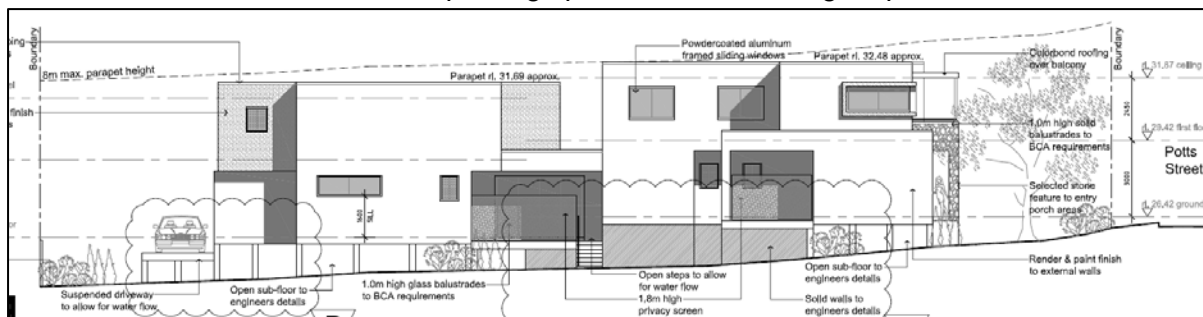


Figure 20 – South eastern elevation showing elevated hard stand space

4. *Concern is raised with the assumptions in the flood study. Concern is raised the proposed over development of the block would result in flood impacts.*

Assessing Officer comment's: An updated Flood Study (Revision D prepared by MBC Engineering Pty Ltd and dated 9/05/2023) was submitted. The modelling concludes that the flood impacts to the local flood condition are of immaterial significance and are considered acceptable. The proposed development has been designed to ensure any increase in flood levels are immaterial in the vicinity of the site. The proposal has been reviewed by Council's Drainage Engineer and no issues were raised subject to conditions of consent.

5. *Concern is raised large native tress within the neighbouring property will be negatively impacted. Concern is raised the Arboriculture Impact Assessment report does not give a proper picture of the impact on the existing neighbouring trees.*

Assessing Officer comment's: An Arboricultural Impact Assessment (Reference No. 230322-36 Potts St-AIA Revision 1 prepared by Urban Arbor and dated 22/03/2023) was submitted. The proposal has been reviewed by Council's Landscape Architect and no issues were raised subject to conditions of consent. The following conditions have been imposed:

62. **Tree Retention.** *As identified in the Arboricultural Impact Assessment (AIA) prepared by Urban Arbor dated 22/03/2023. The following trees on site or adjoining the site are to be retained and protected;*

Tree No.	Species "Common name"	Notes
3	<i>Plumeria sp.</i> (Frangipani)	In 34 Potts St. Tree protective fence required
4	<i>Lagerstroemia indica</i> (Crape Myrtle)	In 34 Potts St. 11% encroachment in TPZ by dwelling. Tree protection fence required. Stormwater encroachment into TPZ and SRZ, tree sensitive construction required per section 9.2 of AIA.
5	<i>Hymenosporum flavum,</i> (Native Frangipani),	In 34 Potts St. Tree protection fence required
6	<i>Melaleuca bracteata</i> (Black Tea-Tree)	In 34 Potts St. Tree protection fence required

7	<i>Hymenosporum flavum</i> , (Native Frangipani),	<i>In 34 Potts St. Tree protection fence required</i>
8	<i>Hymenosporum flavum</i> , (Native Frangipani),	<i>In 34 Potts St. Tree protection fence required</i>
9	<i>Cordyline sp</i> (Cordyline)	<i>In 34 Potts St. Tree protection fence required</i>
12	<i>Melaleuca styphelioides</i> (Prickly-leaved Paperbark)	<i>See Street Tree Protection conditions</i>
13	<i>Melaleuca styphelioides</i> (Prickly-leaved Paperbark)	<i>See Street Tree Protection conditions</i>
14	<i>Thuja occidentalis</i> (Northern White Cedar)	<i>In 2 Tyagarah Street.</i>
15	<i>Cupressus × leylandii</i> (Leyland Cypress)	<i>In 2 Tyagarah Street.</i>
16	<i>Syagrus romanzoffiana</i> (Cocos Palm)	<i>In 2 Tyagarah Street.</i>
17	<i>Syagrus romanzoffiana</i> (Cocos Palm)	<i>In 2 Tyagarah Street.</i>

(Reason: To ensure the health of existing trees retained by the development are maintained.)

65. **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.*

(Reason: To ensure all existing trees to be retained in the development works are maintained.)

6. *The proposed development is unsuitable for the site and will materially impact the neighbouring property.*

Assessing Officer comment's: The proposal has been assessed against the relevant planning instruments and is considered to be acceptable. The proposal is non compliant with Clause 4.1B Minimum lot sizes for dual occupancies, but has been supported by a satisfactory Clause 4.6 variation request. The proposal is considered to be suitable for the site. The proposal is considered to be of low impact to adjoining properties and the surrounding environment.

7. *A copy of the correct flood study should be provided and further extension to be granted.*

Assessing Officer comment's: The flood study was sent to the objector via email and an extension until 31 May 2023 was granted for the objector to respond with a further submission. A further submission was not received from the objector.

10. REFERRALS

EXTERNAL REFERRAL:

Ausgrid: The proposal was considered satisfactory by Ausgrid.

INTERNAL REFERRAL:

City Works Drainage Engineer: No objections were raised subject to recommended conditions of consent.

City Works Traffic Engineer: No objections were raised subject to recommended conditions of consent.

Senior Development Engineer: No objections were raised subject to recommended conditions of consent.

Landscape Architect: No objections were raised subject to recommended conditions of consent.

Tree Management Officer: No objections were raised subject to recommended conditions of consent.

11. CONCLUSION

After consideration of the development against section 4.15 of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the proposal is suitable for the subject site and is not contrary to the public interest. The reasons for the decision are as follows:

1. The proposal is consistent with the objectives for R2 zoned land.
2. The proposal complies with the statutory provisions set out in the Environmental Planning and Assessment Act 1979.
3. The proposal is considered to be of low impact to adjoining properties and the surrounding environment.
4. The proposal has been supported by a satisfactory Clause 4.6 variation request which demonstrates that compliance with Clause 4.1B Minimum lot sizes for dual occupancies is unreasonable and unnecessary in the circumstances and there are sufficient environmental planning grounds to justify contravening the development standards.
5. Although the development is affected by overland flow, the development will have immaterial significance in respect of flood impacts.
6. The proposal is not contrary to the public interest.
7. The submission received in response to this DA has been considered and addressed in this report. None of the issues raised warrant the refusal of the subject application.

12. RECOMMENDATION

- A. THAT the Ryde Local Planning Panel accepts that the cl 4.6 written request to vary the minimum road frontage for dual occupancies development standard (Clause 4.1B(2)) in RLEP 2014 has adequately addressed the matters in sub clause (3) and will be in the public interest as it is consistent with the objectives of the development standard in Clause 4.1B and the objectives of the R2 Low Density Residential Zone of Ryde Local Environmental Plan 2014.
- B. THAT the Ryde Local Planning Panel, as the consent authority, grant consent to LDA2022/0323 for demolition, new dual occupancy (attached) and strata subdivision at 36 Potts Street Ryde, subject to the draft conditions contained in Attachment 1.

ATTACHMENTS

- 1 Draft Conditions of Consent
- 2 DCP Compliance Table
- 3 Clause 4.6 variation to Clause 4.1B Minimum lot sizes for dual occupancies
- 4 Architectural Plans - subject to copyright provision

Report prepared by:

Niroshini Stephen
Senior Town Planner

Report approved by:

Sohail Faridy
Senior Coordinator Development Assessment

Carine Elias
Manager Development Assessment

Sandra Bailey
Executive Manager City Development



Development Consent

Applicant: R Khatak

36 Potts St

RYDE NSW 2112

Consent No: LDA2022/0323

Consent Date: XXXXX

Valid until: XXXXX

The City of Ryde, as the consent authority under the provisions of the Environmental Planning and Assessment Act, 1979 hereby consents to the development as follows:

Property: 36 Potts St Ryde

Lot A DP 407706

Development: Demolition, new dual occupancy (attached) and strata subdivision.

subject to the conditions 1 to 111 specified in this consent.

You are advised that failure to observe any condition of approval set out in the consent is an offence and legal proceedings may be instituted by Council.

This Consent does not guarantee compliance with the Disability Discrimination Act and you should, therefore, investigate your liability under the Act.

You are advised of your right of appeal to the Land and Environment Court under Section 8.7 of the Environmental Planning & Assessment Act and your right to request a review of the determination to Council under Division 82, of the Environmental Planning & Assessment Act within 6 months after you have received the Consent.

An objector does not have a right of appeal against this determination however, any person may bring proceedings against this determination before the court under section 9.45 of the EP&A Act.

Niroshini Stephen
Senior Town Planner

The fees quoted at the time of issue of this Consent may be subject to variation. Council's annual fees and charges are published in the Management Plan. To confirm fees please contact Customer Service on 9952-8222.

Conditions of Consent for LDA2022/0323 :-

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:

Plan no.	Drawn by	Dated
Architectural Plans		
Site/Ground floor Plan Job No. 10122 DA 01 Issue D	designview	June 2023
Plans Job No. 10122 DA 02 Issue E	designview	June 2023
Elevations & Section a-a Job No. 10122 DA 03 Issue D	designview	June 2023
Subdivision & Demolition Job No. 10122 DA 04 Issue C	designview	March 2023
Landscape Plans		
Landscape Concept Plan Dwg No. 22114 DA 1 Revision D	Vision dynamics	5/06/2023
Stormwater Management Plans		
General notes Dwg No. A21292- Cover Revision E	Alpha Engineering & Development	15/05/2023
Sediment and erosion control plan Dwg No. A21292- SW01 Revision E	Alpha Engineering & Development	15/05/2023
Ground floor drainage plan Dwg No. A21292- SW02 Revision E	Alpha Engineering & Development	15/05/2023
First floor and roof drainage plan Dwg No. A21292- SW03 Revision E	Alpha Engineering & Development	15/05/2023
Stormwater sections & details Dwg No. A21292- SW04 Revision E	Alpha Engineering & Development	15/05/2023

Document(s)	Dated
BASIX Certificate No. (1311844M_03)	20 April 2023
Waste Management Plan prepared by designview Issue A	23/05/2022
Arboricultural Impact Assessment Report prepared by Urban Arbor Reference No. 230322-36 Potts St-AIA Revision 1	22/03/2023
Demolition plan prepared by Mercon Group Pty Ltd	17 September 2022
Flood Study Rev. D prepared by MBC Engineering Pty Ltd	9/05/2023 Received: 14/06/2023
Ausgrid letter	Received: 18/03/2023

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

- (a) A 1.5 metre high privacy screen should be installed to the south western elevation of the Unit 1 patio. This privacy screen should consist of horizontal louvres fixed at 45 degrees in an upward direction. Details shall be submitted to the principal certifying authority prior to the issue of any construction certificate.
- (b) The level of the Unit 1 patio should be reduced to RL25.92 and the level of the Unit 2 patio should be reduced to RL25.13. Additional steps should be provided between the living areas and patio.
- (c) The privacy screens on the south eastern elevation of the Unit 1 and Unit 2 patio areas should be reduced to 1.5 metres. The privacy screen should consist of horizontal louvres fixed at 45 degrees in an upward direction. Details shall be submitted to the principal certifying authority prior to the issue of any construction certificate.

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

(Reason: To ensure the development is carried out in accordance with the determination).

2. **Inconsistency between documents.** In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

(Reason: To ensure that the development is in accordance with the determination).

3. **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.

(Reason: Statutory requirement).

4. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 1311844M_03, dated 20 April 2023.

(Reason: Statutory requirement).

5. **Support for neighbouring buildings.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

(a) Protect and support the adjoining premises from possible damage from the excavation, and

(b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.

(Reason: Statutory requirement).

6. **Site Maintenance.** For the period the site remains vacant of any development the subject of this consent, the site is to be regularly maintained in a tidy

manner such that it does not become overgrown with weeds or become a repository for the leaving or dumping of waste.

(Reason: To protect the amenity of the locality).

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.

(Reason: To ensure reasonable standards of amenity for occupants of neighbouring properties).

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.

(Reason: To ensure public safety).

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.

(Reason: To ensure public safety).

10. **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.

(Reason: To ensure that development occurs within the site boundaries).

11. **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.

(Reason: to ensure public safety).

12. **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.

(Reason: Access to public utilities).

13. **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 138 of the Roads Act 1993.

(Reason: To ensure compliance with the requirements of the Roads Act 1993).

14. **Design and Construction Standards** - All engineering detailed design plans and associated drainage works shall be carried out in accordance with the requirements of the relevant Australian Standards and Council's DCP Part 8.2.

Detailed design of all proposed Council Infrastructure works or proposed modification to Council infrastructure which may be located inside the property boundary, must be approved by Council City Works Directorate and undertaken in accordance with Council's 2014 DCP Part 8.2 and relevant Australian Standards, except otherwise as amended by conditions of this consent.

(Reason: to ensure Council's DCP and relevant Australian Standard requirements are met.)_

15. **Public areas and restoration works** - 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, including repairs of damaged infrastructure as a result of the construction works associated with this development site, shall be undertaken by the Applicant in accordance with Council's standards and specifications, and DCP 2014 Part 8.5 Public Civil Works, to the satisfaction of Council.

(Reason: to ensure the public areas are restored upon completion of construction works.)

16. **Utility Services** - The applicant shall undertake and bear all costs associated with the liaison, approval and relocation of any utility services. All correspondence and approvals between the Applicant and utility authorities shall be provided to the Council in conjunction with engineering documentation for the stormwater drainage works prior to commencement of construction.

(Reason: to ensure that the applicant avoids conflicts with utilities and services.)

17. **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 - 2019 and Part 8.1 of City of Ryde *Development Control Plan 2014: Construction Activities*.

(Reason: This condition is to ensure that appropriate measures/controls are in place to assist with the safety of all affected road users within the public domain when construction works are being undertaken.)

18. **Design and Construction Standards.** All engineering plans and work inside the property shall be carried out in accordance with the requirements of the relevant Australian Standard. All Public Domain works or modification to Council infrastructure which may be located inside the property boundary, must be undertaken in accordance with Council's DCP Part 8.5 (Public Civil Works) and Part 8.2 (Stormwater and Floodplain Management), except otherwise as amended by conditions of this consent.

(Reason: To ensure that all works are undertaken in accordance with any relevant standard and DCP requirements.)

19. **Service Alterations.** All services or utilities required to be altered in order to complete the development works are to be undertaken in accordance with the requirements of the relevant service provider (eg Telstra, Jemena, Ausgrid, etc), with all costs associated with this alteration to be borne by the applicant.

(Reason: To ensure public services are maintained.)

20. **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, including repairs of damaged infrastructure as a result of the construction works associated with this development site, shall be undertaken by the Applicant in accordance with Council's standards and specifications, and DCP Part 8.5 (Public Civil Works), to the satisfaction of Council.

(Reason: To ensure the amenity and state of the public domain is maintained.)

21. **Road Opening Permit.** In accordance with the requirements of the Roads Act, the applicant must obtain consent (Road opening Permit) from Council prior to any excavation being undertaken in the road reserve (this includes verge and public footpath areas). No works shall be carried out in the road reserve without this permit being paid and a copy kept on the site.

(Reason: To ensure the amenity and state of the public domain is maintained.)

22. **Road Activity Permits.** To carry out any work in, on or over a public road (including verge), consent from Council is required as per the Roads Act 1993. The applicant is required to review the "Road Activity Permits Checklist" (available from Council's website) and apply for the relevant permits for approval by Council.

(Reason: To ensure the amenity and state of the public domain is maintained.)

DEMOLITION CONDITIONS

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

A Construction Certificate is not required for Demolition.

23. **Demolition Deposit.** The Council must be provided with security for the purposes of Section 4.17(6) of the Environmental Planning and Assessment Act 1979 in a sum determined by reference to Council's Management Plan prior to the demolition occurring on the site.

(Reason: Statutory requirement)

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

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

(Reason: To ensure adequate details are provided to Council and properties in the immediate area of the proposed works).

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

(Reason: Statutory requirement).

26. **Excavation**

- (a) All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent the activities from being dangerous to life or property and, in accordance with the design of a structural engineer.
- (b) A Demolition Work Method Statement must be prepared by a licensed demolisher who is registered with Safework NSW in accordance with AS 2601-2001: *The Demolition of Structures*, or its latest version. The applicant must provide a copy of the Statement to Council prior to commencement of demolition work.

(Reason: to ensure work is completed in an appropriate manner).

27. **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.

(Reason: Safety).

28. **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.

(Reason: Safety).

29. **Waste management plan and demolition plan.** Demolition material must be managed in accordance with the approved waste management plan. The demolition plan shall be complied with during demolition.

(Reason: To ensure demolition materials are disposed in an appropriate manner).

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

(Reason: To ensure demolition materials are disposed in an appropriate manner).

31. **Imported fill – type.** All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.

(Reason: To protect the environment).

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.

32. **Section 7.11.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council as follows:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$6,061.80
Open Space & Recreation Facilities	\$10,438.15
Roads & Traffic Management Facilities	\$3,204.48
Plan Administration	\$295.57
The total contribution is	\$20,000.00

These are contributions under the provisions of Section 7.11 of the Environmental Planning and Assessment Act, 1979 as specified in City of Ryde Section 7.11 Development Contributions Plan 2020, effective from 1 July 2020.

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 7.11 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>.

(Reason: Statutory requirement).

33. **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 Certifying Authority prior to the issue of the **Construction Certificate**.

(Reason: Statutory requirement).

34. **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**.

(Reason: Statutory requirement).

35. **Security deposit.** The Council must be provided with security for the purposes of section 4.17 (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)

(Reason: Statutory requirement).

36. **Infrastructure Restoration and Administration Fee** must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**.

(Reason: Statutory requirement).

37. **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 Certifying Authority prior to the issuing of the **Construction Certificate**.

(Reason: Statutory requirement).

38. **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 to apply.

(Reason: Statutory requirement).

39. **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 Certifying Authority prior to the release of the **Construction Certificate**.

(Reason: To ensure the use of appropriate material to minimise reflectivity).

40. **Fencing.** Fencing is to be in accordance with Council's DCP 2014: Part 3.3 – Dwelling Houses and Dual Occupancy (attached) – Section 2.16 - Fences. Details of compliance are to be provided in the plans for the **Construction Certificate**.

(Reason: Statutory requirement).

41. **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).

(Reason: Statutory requirement).

42. **Flooding - Flood and Overland Flow Protection.** The property has been identified as being susceptible to flooding and overland flow during large storm events. In accordance with the floodplain management controls started within Council's DCP Part 8.2 (Stormwater and Floodplain Management), the following measures must be implemented in the development.

A certificate from a suitably qualified Chartered Civil Engineer (registered on the NER of Engineers Australia), or equivalent, shall be submitted to the Principal Certifying Authority stating compliance with this condition prior to the issue of the Construction Certificate for the following items:

- a) The applicant shall comply with the flood recommendations provided in the Flood Study prepared by MBC Engineering Pty Ltd (Revision D) dated 09 May 2023.
- b) The habitable floor levels of all dwellings encompassed under this approval must not be constructed less than the approved Flood Study

prepared by MBC Engineering Pty Ltd (Revision D) dated 09 May 2023.

- c) All electrical connections and flood sensitive equipment shall be located above the 1% AEP (100 year ARI) flood level plus 500 mm freeboard.

Where it is not practical and feasible to install the equipment above the 1% AEP (100 year ARI) flood level plus 500 mm freeboard, the installations shall generally be in accordance with the recommendations in ABCB Construction of Buildings in Flood Hazard Areas (2012) Section C2.9 - Requirements for Utilities.

- d) All fencing shall be constructed in a manner that does not affect the flow of flood waters so as to detrimentally change flood behaviour or increase flood levels on adjacent properties.

To this end, any fencing angled to the anticipated overland flowpath must incorporate either louvres, open type pool fencing, frangible screen, battens or floodgate system, at the base of the fence, extending from the finished surface level up to the 1% AEP (100 year ARI) flood level plus 300 mm freeboard (minimum 300 mm from the ground).

- e) All external steps leading to natural ground are to have open risers to permit the free flow of flood waters.

A certificate from a suitably qualified Chartered Structural Engineer (registered on the NER of Engineers Australia), or equivalent, shall be submitted to the Principal Certifying Authority stating compliance with this condition prior to the issue of the Construction Certificate for the following items:

- a) All structures subject to flooding and overland flows must be constructed of flood compatible building components below the 1% AEP (100 year ARI) flood plus 500 mm freeboard.
- b) All structures subject to flooding and overland flows must be structurally designed to withstand the forces of floodwaters having regard to hydrostatic pressure, hydrodynamic pressure, the impact of debris and buoyancy forces up to the Probable Maximum Flood (PMF) event
- c) Any portion of the development which is to be suspended above the estimated flooding and overland flow must be designed and constructed to allow for the free passage of flood waters. To ensure that a clear flowpath is maintained for the life of the dwelling, the ground surface in the region of the undercroft must be stripped of vegetation, levelled and coated with blue metal (or similar aggregate) to prevent the growth of vegetation under the structure.

To ensure the area is maintained and kept clear, a placard is to be installed on the underside of the structure advising the undercroft is to be kept clear at all times to allow for the conveyance of overland flow during extreme storm events.

(Reason: to ensure flood protection measures are as per approved flood report.)

43. **Stormwater - Council Drainage - Reflux Valve** - A design certificate from a suitably qualified Chartered Professional Civil Engineer (CPEng) or Registered

Professional Civil Engineer (RPEng), or equivalent, shall be provided to the Principal Certifying Authority, prior to the issue of the Construction Certificate, confirming that the site drainage outlet pipe has been designed with a reflux valve in order to stop any backwater effect from Council's stormwater system for events up to the 1% AEP (100 year ARI).

(Reason: To ensure no water from Council's Stormwater Drainage Network enters the site.)

44. **Stormwater - Council Drainage – Pipe Connection Details** - The proposed site drainage connection to the {existing Council stormwater drainage line} shall be made as per the standard detail in Council's DCP (2014) Part 8.2 Stormwater and Floodplain Management Technical Manual.

Amended stormwater plans complying with this condition shall be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate. The plans shall be prepared by a Chartered Professional Civil Engineer (CPEng) or Registered Professional Civil Engineer (RPEng).

(Reason: to ensure connection to pipe compliance with Council's DCP and Australian Standards.)

45. **Stormwater - Drainage Design Submission - Assessment Fee** – The applicant is to pay to Council fees for assessment of all relevant drainage design engineering plans, in accordance with Council's Schedule of Fees & Charges at the time of the issue of the plan approval, prior to such approval being granted by Council prior to the issue of the Construction Certificate.

Note: An invoice will be issued to the Applicant for the amount payable, which will be calculated based on the design plans for the Council drainage works and any additional reviews required.

(Reason: to ensure relevant Council assessment fees are paid.)

46. **Stormwater - Drainage Design Submission** - Engineering drawings prepared by a Chartered Professional Civil Engineer (CPEng) or Registered Professional Civil Engineer (RPEng) are to be submitted to, and approved by Council's City Works Directorate for the proposed drainage works in accordance with Council's DCP (2014) Part 8.2 Stormwater and Floodplain Management Technical Manual, prior to the issue of the Construction Certificate.

The design submission shall address the following:

- a) A drainage system layout plan and structural details shall be drawn at a scale of 1:100, 1:200 or 1:250 and shall show the location of drainage pits and pipe and any other information necessary for the design and construction of the drainage system (i.e. utility services).
- b) A drainage system longitudinal section shall be drawn at a scale of 1:100 or 1:200 horizontally and 1:10 or 1:20 vertically and shall show the underground channel and pipe size, class and type, pipe support type in accordance with AS 3725 or AS 2032 as appropriate, pipeline chainages, pipeline grade, hydraulic grade line and any other information necessary for the design and construction of the drainage system (i.e. utility services).

- c) The location and as-built information (including dimensions and invert levels) of the existing Council kerb inlet pit as shown on {Civil Plans prepared by Alpha Engineering and Development P/L Drawing No. SW02, SW03, & SW04 (Project No. A21292, Revision E, 15 May 2023)} is to be confirmed by a suitably qualified surveyor. This shall be incorporated into the drainage engineering drawings.
- d) Special details including non-standard pits, pit benching and transitions shall be provided on the drawings at scales appropriate to the type and complexity of the detail being shown.
- e) The drainage system layout plan shall be documented on a detailed features survey plan that describes all existing structures, utility services, vegetation and other relevant features.

(Reason: to ensure the Stormwater Civil Design complies with Council's and Australian Standards and has sufficient details to obtain construction certificate.)

47. **Vehicle Access & Parking.** All internal driveways, vehicle turning areas, garages and vehicle parking space/ loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Offstreet Parking standards).

With respect to this, the following revision(s) / documentation must be provided with the plans submitted with the application for a Construction Certificate;

- a) In accordance with Section 2.4.5.3 of AS2890.1, a solid barrier is to be installed at the end of the open parking spaces (and for Unit 2, along the southern side) so as to ensure a vehicle does not accidentally continue over the edge of the parking platform. The barrier must be structurally designed to resist the anticipated load of a vehicle and is to be certified.
- b) To allow for adequate sight distance from a vehicle exiting the property to pedestrians in the footpath area, the northern side of the driveway entry at the property boundary must have clear sight through a splayed region defined by Figure 3.3 of AS 2890.1 (2004) and Council's DCP. Ideally the region is to be free of all obstructions, otherwise any solid obstructions are to be no greater than 900mm above finished surfaces and horizontal fencing/ slats are to permit more than 50% visual permeability.

These amendment(s) must be clearly marked on the plans submitted to the Accredited Certifier prior to the issue of a Construction Certificate.

(Reason: To ensure the vehicle access and parking area is in accordance with the require standards and safe for all users.)

48. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to Tyagarah Street, generally in accordance with the plans by Alpha Engineering Pty Ltd (Refer to Project No. A21292 Sheets COVER-SW04 Rev E dated 15 May 2023) subject to the following matters;

- a) Notwithstanding the requirement of any conditions related to flood mitigation and the driveway ramps, both internal driveway ramps must be suspended

with a clear undercroft so as to allow for the conveyance of overland flow under.

- b) Connection to the public drainage infrastructure will require the approval of Council's City Works (Stormwater) Department. Any conditions associated with this approval must be noted on the plans.

The detailed plans, documentation and certification of the drainage system must be submitted with the application for a Construction Certificate and prepared by a suitably qualified Civil Engineer and comply with the following;

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

(Reason: To ensure that the developments stormwater management system is aligned with the controls and objectives of the City of Ryde DCP 2014 Part 8.2)

49. Stormwater Management – Connection to Public Drainage System.

Engineering plans detailing the connection of the developments stormwater management system to the public drainage service must be forwarded to Council and an inspection fee (as per Council's schedule of fees and charges current at the time of payment) must be paid to Council prior to the issue of the Construction Certificate.

Council must be notified when the connection has been made to the pit / pipe and an inspection must be made by a Council officer prior to restoration/ backfill at the point of connection for approval.

Where the point of connection is in neighbouring property, the applicant must provide written notification to the affected property owner no less than a week prior to the works and all structures/ surface areas affected by the drainage connection works must be reinstated at the completion of this activity, at no cost to the affected property owner.

(Reason: To ensure that the connection is in accordance with the City of Ryde 2014 DCP Part 8.2 and to Council's satisfaction.)

- 50. Vehicle Footpath and Gutter Crossover Approval.** A new vehicle footpath crossing and associated gutter crossover shall be constructed at the approved vehicular access location/s. Where there is an existing vehicle footpath crossing and gutter crossover, the reconstruction of this infrastructure may be required in order that it has a service life consistent with that of the development and ensure it is compliant with current Council's standards and specifications. The location, design and construction shall be in accordance with Council's DCP 2014 Part 8.3 (Driveways), Part 8.5 (Public Civil Works) and Australian Standard AS2890.1 – 2004 (Offstreet Parking).

Prior to the issue of the Construction Certificate, an application shall be made to Council for approval under Section 138 of the Roads Act, 1993, for the

construction of the vehicle footpath and gutter crossover. The application shall include engineering design drawings of the proposed vehicle footpath crossing and gutter crossover. The drawings shall be prepared by a suitably qualified Civil Engineer using the standard B85 vehicle profile. The drawings shall show the proposed vehicle footpath crossing width, alignment, and any elements impacting design such as service pits, underground utilities, power poles, signage and/or trees. In addition, a benchmark (to Australian Height Datum) that will not be impacted by the development works shall be included. All grades and transitions shall comply with Australian Standard AS 2890.1-2004 Offstreet Parking and Council's specifications. The new crossing shall be 4.5 m. wide, without the splays, and shall be constructed at right angle to the alignment of the kerb and gutter, and located no closer than 1m from any power pole and 3m from any street tree unless otherwise approved by Council.

An assessment and inspection fee (as per Council's schedule of fees and charges current at the time of payment) must be paid to Council prior to the issue of the Construction Certificate.

The Council approved design details shall be incorporated into the plans submitted for the application of the Construction Certificate.

(Reason: The design and levels of the new driveway crossover(s) will require approval from Council under Section 138 of the Roads Act)

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

- 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.

The ESCP must be submitted with the application for a Construction Certificate.

(Reason: To protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.)

52. **Tree bonds.** Prior to the issue of a Construction Certificate A bond be placed upon the two street trees to be retained to the value of \$2000 each as by Condition 70. This bond (\$4000) must be paid to Council prior to the issue of a Construction Certificate. A receipt must be provided to the Certifying Authority prior to the issue of the Construction Certificate. The bond is not redeemable until after 12 months of the issuing of the Occupation Certificate (Condition 103).

Reason: To ensure the protection of street trees.

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.

53. 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.

(Reason: Statutory requirement).

54. **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.

(Reason: Statutory requirement).

55. **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).

(Reason: Statutory requirement).

56. 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.

(Reason: Statutory requirement).

- 57. Safety fencing.** The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with Safework NSW requirements and be a minimum of 1.8m in height.

(Reason: Statutory requirement).

- 58. Proposed Property Addressing.** Proposed addressing for the new development must have been lodged with Council, prior to the commencement of construction.

(Reason: To ensure the address of the development meets Council's requirements).

- 59. Stormwater - Pre-Construction CCTV Report -** To ensure Council's stormwater infrastructures are adequately protected, a pre-construction CCTV report on the existing stormwater pipeline and the existing kerb lintel pit in the vicinity of the proposed development is to be submitted to Council prior to the commencement of any construction works.

An electronic closed circuit television report (track mounted CCTV camera footage) prepared by an accredited operator (with a certificate of attainment in NWP331A Perform Conduit Condition Evaluation) that assesses the condition of the existing drainage line adjacent to the site is required. This report shall include the date of CCTV inspection and shall be submitted to Council's City Works Directorate for approval prior to commencement of any works.

Note: The applicant shall contact Council's Assets and Integration section to obtain a map of Council's existing Stormwater Network in the vicinity prior to conducting the CCTV survey.

All fees and charges associated with the review of the report shall be in accordance with Council's Schedule of Fees and Charges, and shall be paid at the time that the report is submitted.

(Reason: to verify the pre-construction condition of Council's asset/s.)

60. **Road Activity Permits** - To carry out any work in, on or over a public road (including verge), consent from Council is required as per the *Roads Act 1993*. The applicant is required to review the "*Road Activity Permits Checklist*" (available from Council's website) and apply for the following Road Activity Permits (where applicable) for approval by Council, prior to the commencement of the relevant works:
- 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.
 - c) Road Opening Permit - The applicant shall apply for a road-opening permit and pay the required fee where the applicant is required to dig into or adjust Council Assets (Assets include all facilities within the road reserve). Additional road opening permits and fees are required where there are connections to public utility services (e.g. telephone, telecommunications, electricity, sewer, water or gas) within the road reserve. No opening of the road or footpath surface shall be carried out without this permit being obtained and a copy kept on the site.
 - d) Elevated Tower, Crane or Concrete Pump Permit - The applicant shall obtain an Elevated Tower, Crane or Concrete Pump Permit where any of these items of plant are placed on Council's roads or footpaths. This permit is in addition to either a Road Use Permit or a Work Zone Permit.
 - e) Crane Airspace Permit - The applicant shall obtain a Crane Over Airspace Permit where a crane on private land is operating in the air space of a Council road or footpath. Approval from the Roads and Maritime Services for works on or near State Roads is required prior to lodgement of an application with Council. A separate application for a Work Zone Permit is required for any construction vehicles or plant on the adjoining road or footpath associated with use of the crane.
 - f) Hoarding Permit - The applicant shall obtain a Hoarding Permit and pay the required fee where erection of protective hoarding along the street frontage of the property is required. The fee payable is for a minimum period of 6 months and should the period be 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.

(Reason: Specific activities on public roads where Council is the consent authority requires Council approval prior to such activities being undertaken.)

61. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Any doors/gates on the boundary must be installed so they do not open onto any footpath.

(Reason: To maintain public safety and amenity in public domain areas adjoining the development site.)

62. **Tree Retention.** As identified in the Arboricultural Impact Assessment (AIA) prepared by Urban Arbor dated 22/03/2023. The following trees on site or adjoining the site are to be retained and protected;

Tree No.	Species "Common name"	Notes
3	<i>Plumeria sp.</i> (Frangipani)	In 34 Potts St. Tree protective fence required
4	<i>Lagerstroemia indica</i> (Crape Myrtle)	In 34 Potts St. 11% encroachment in TPZ by dwelling. Tree protection fence required. Stormwater encroachment into TPZ and SRZ, tree sensitive construction required per section 9.2 of AIA.
5	<i>Hymenosporum flavum</i> , (Native Frangipani),	In 34 Potts St. Tree protection fence required
6	<i>Melaleuca bracteata</i> (Black Tea-Tree)	In 34 Potts St. Tree protection fence required
7	<i>Hymenosporum flavum</i> , (Native Frangipani),	In 34 Potts St. Tree protection fence required
8	<i>Hymenosporum flavum</i> , (Native Frangipani),	In 34 Potts St. Tree protection fence required
9	<i>Cordyline sp</i> (Cordyline)	In 34 Potts St. Tree protection fence required
12	<i>Melaleuca styphelioides</i> (Prickly-leaved Paperbark)	See Street Tree Protection conditions
13	<i>Melaleuca styphelioides</i> (Prickly-leaved Paperbark)	See Street Tree Protection conditions
14	<i>Thuja occidentalis</i> (Northern White Cedar)	In 2 Tyagarah Street.
15	<i>Cupressus × leylandii</i> (Leyland Cypress)	In 2 Tyagarah Street.
16	<i>Syagrus romanzoffiana</i> (Cocos Palm)	In 2 Tyagarah Street.
17	<i>Syagrus romanzoffiana</i> (Cocos Palm)	In 2 Tyagarah Street.

(Reason: To ensure the health of existing trees retained by the development are maintained.)

63. **Tree Protection.** Tree Protection is to be installed before demolition and construction commences as indicated in the Arboricultural Impact Assessment (AIA) "Appendix 1B – proposed site Plan" prepared by Urban Arbor dated 22/03/2023.

(Reason: To protect existing trees before any work on site commences.)

64. **Tree Protection Fencing.** All trees to be retained on site and on adjoining site are to have protective fencing and signage around TPZs and must be located in accordance with AS4970-2009: Protection of trees on development sites. In this regard, any fencing required to be constructed around the TPZ is to be in accordance with AS4687 Temporary fencing and hoardings.

(Reason: To protect existing trees before any work on site commences.)

65. **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.

(Reason: To ensure all existing trees to be retained in the development works are maintained.)

66. **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 adjoining 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. Additionally, all work within the Tree Protection Zones is to be supervised by the Project Arborist throughout construction.

(Reason: To ensure tree protection measures and the nature of works are appropriate and not detrimental to the health of the trees on site.)

67. **Provision of Project Arborist details.** Council is to be notified, in writing, of the name, contact details and qualifications of the Project Arborist appointed to the site. Should these details change during the course of works, or the appointed Consultant Arborist alter, Council is to be notified, in writing, within seven working days.

(Reason: To ensure the Project Arborist can be readily contacted in regards to the required tree protection measures.)

68. **Arboricultural Impact Assessment (AIA).** All items in the AIA outlined in: "Section 11 Tree Protection Requirements" prepared by Urban Arbor dated 22/03/2023, are to be implemented.

(Reason: To ensure all tree protection measures are implemented prior to commencement of works.)

69. Tree Sensitive Construction methods are to be utilised as per the Arboricultural Impact Assessment provided by UrbanArbor with regard to the two nature strip trees located outside 36 Potts St Ryde.
70. Street trees – Two (2) Prickly Paper Bark (*Melaleuca styphelioides*) identified as Trees 12 and 13 and located in the road reserve at the front of 36 Potts St Ryde are to be retained and protected in accordance with the following conditions:
 1. Protection fencing, construction type 1.8m high chainwire fencing, in accordance with AS4970-2009 Protection of trees on Construction Sites, to be installed around the tree in the road reserve to be retained, prior to the issue of the construction certificate.
 2. That all relevant legislation and WHS regulations be adhered to whilst undertaking these works
 3. Fencing to have a minimum of two signs that include the words “Tree Protection Zone – Keep Out”. Each sign shall be a minimum size of 600mm x 500mm and the name and contact details of the Project Arborist. Signs shall be attached facing outwards in prominent positions at 10 metre intervals or closer where the fence changes direction. The signs shall be visible within the site.

Where the Project Arborist determines that tree protection fencing cannot be installed, the tree protection fencing needs to be removed temporarily, access within or through the Tree Protection Zone is necessary or where work will be carried out within the Tree Protection Zone (as approved and supervised by the Project Arborist):

1. The stem and branches of trees to be retained shall be protected, as follows:
 - two layers of carpet underlay (or other padding approved by the Project Arborist) shall be installed around the stem and branches. Stem protection shall cover the stem from ground level; and
 - hardwood or treated pine timbers (100mm x 50mm) the same length as the stem or branch shall be positioned over the padding and next to each other around the stem or branch, secured together with galvanised wire or strapping. Boards shall not be nailed or screwed into the stem or branch. No part of the protection shall be secured to the tree.
2. The ground surface within the Tree Protection Zone shall be protected by placing geotextile fabric on the ground surface, covering this with a layer of mulch to a depth of 75mm and then placing boarding (scaffolding board, plywood sheeting or similar material) on top. The geotextile fabric and mulch shall be kept clear of tree stems by at least 50mm.
3. The following activities shall not be carried out within any Tree Protection Zone:
 - a. disposal of chemicals and liquids (including concrete and mortar slurry, solvents, paint, fuel or oil);

- b. stockpiling, storage or mixing of materials;
 - c. refuelling, parking, storing, washing and repairing tools, equipment, machinery and vehicles;
 - d. disposal of building materials and waste;
4. The following activities shall not be carried out within any Tree Protection Zone unless under the supervision of the Project Arborist:
- a. increasing or decreasing soil levels (including cut and fill);
 - b. soil cultivation, excavation or trenching;
 - c. placing offices or sheds;
 - d. erection of scaffolding or hoardings; and/or
 - e. any other act that may adversely affect the vitality or structural condition of the tree.
5. All work undertaken within or above a Tree Protection Zone shall be supervised by the Project Arborist.
6. Excavation within the Tree Protection Zone of any tree to be retained shall:
- a. be undertaken using non-destructive methods (eg. an Airspade or by hand) to ensure no roots greater than 40mm in diameter are damaged, pruned or removed. All care shall be taken to preserve and avoid damaging roots;
 - b. not occur within the Structural Root Zone.
7. The City of Ryde shall only give approval for minor pruning works. All pruning works shall be specified by the Project Arborist. All pruning shall be carried out in accordance with section 5 and by an arborist qualified in accordance with section 4.
8. Written approval from the City of Ryde shall be obtained prior to removing or pruning any street tree. All street trees not approved for removal shall be protected in accordance with the tree protection measures set out above.

DURING CONSTRUCTION

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

71. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 61 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2001*.

(Reason: Statutory requirement).

72. **Noise from construction and demolition work.** All feasible and reasonable measures must be implemented to minimise the emission of noise from demolition and construction work.

(Reason: To protect the amenity of the neighbourhood).

73. **Survey of footings/walls.** All footings and walls within 1 metre of a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be prepared indicating the position of external walls in relation to the boundaries of the allotment.

(Reason: To ensure that the development is in accordance with the determination).

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

(Reason: To protect the amenity of the area).

75. **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.

(Reason: To ensure fill is consistent with the consent).

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

(Reason: To ensure the public domain is not affected during construction).

77. **Site Facilities**

The following facilities must be provided on the site:

- (a) toilet facilities in accordance with Safework 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.

(Reason: Statutory requirement).

78. **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.

(Reason: To ensure the site is appropriately maintained during construction).

79. **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".

(Reason: To ensure works do not disrupt pedestrians and vehicular traffic).

80. **Consent documents available on site.** At all times during the construction, a copy of the development consent and the approved stamped plans is to be kept on site. These documents are to be made available to any Council Officer as requested.

(Reason: To ensure Council Officers are able to access the consent during any site inspection).

81. **Stormwater - Hold Points during construction – {Council Drainage Connection Works}** – Council requires inspections to be undertaken by a suitably qualified Chartered Professional Civil Engineer (CPEng) or Registered Professional Civil Engineer (RPEng), or equivalent, for {all Council stormwater drainage connection works}

The Applicant shall submit to the Principal Certifying Authority, certification from the Engineer, at each stage of the inspection listed below, stating all civil and structural construction works have been executed as detailed in the stamped approved plans, and in accordance with the relevant Australian Standards, City of Ryde standards and specifications within 24 hours following completion of the relevant stage/s. The certificates shall contain photographs of the works in progress and a commentary of the inspected works, including any deficiencies and rectifications that were undertaken.

- a) Upon connection to Council's existing public drainage pipe.}

(Reason: to ensure construction works satisfy Council's DCP and Australian Standards requirements.)

82. **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 Alpha Engineering Pty Ltd (Refer to Project No. A21292 Sheets COVER-SW04 Rev E dated 15 May 2023) submitted in compliance to the condition labelled "Stormwater Management." and the requirements of Council in relation to the connection to the public drainage system.

(Reason: To ensure the stormwater system is constructed as approved)

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

(Reason: To prevent soil erosion and the discharge of sediment over the land.)

84. **Traffic Management.** Traffic management procedures and systems must be implemented during the construction period to ensure a safe environment and

minimise impacts to pedestrian and other vehicle traffic. Any traffic management procedures and systems must be in accordance with AS 1742.3 2019 and the DCP 2014 Part 8.1 (*Construction Activities*).

(Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.)

85. **Excavation for services within Tree Protection Zone (TPZ).** Any excavation for services or grading/re-grading within the identified TPZs of trees to be retained shall be carried out by hand using manual hand tools. Roots greater than 25mm are not to be damaged or severed without the prior written approval of the Project Arborist.

(Reason: To ensure any excavation works are not detrimental to the health of the tree.)

86. **Tree Removal.** As identified in the Arboricultural Impact Assessment (AIA) prepared by Urban Arbor dated 22/03/2023. The following trees on site are to be removed:

Tree No.	Species "Common name"
1	<i>Dyopsis lutescens</i> (Golden Cane Palm)
2	<i>Murraya paniculata</i> (Murraya)
10	<i>Plumeria sp.</i> (Frangipani)
11	<i>Plumeria sp.</i> (Frangipani)

(Reason: To ensure only the trees approved for removal are in fact removed)

87. **Project Arborist Inspections.** The Project Arborist is to inspect and document with Certificates of Compliance to the certifying authority as stipulated in SECTION 5 MONITORING AND CERTIFICATION of AS4970-2009.

PROJECT PHASE	ACTIVITIES	PROJECT ARBORIST to
Initial Site Preparation	Establish/delineate TPZ Install protective measures and undertake soil rehabilitation for all trees to be retained.	Project Arborist to mark Tree Protection Zones and install fences, mulch, irrigation and signage Issue a Certification of Compliance of tree protection measures being in place and soil rehabilitation undertaken
Construction work	Liaison with site manager, compliance and any deviation from approved plan	Maintain or amend protective measures Supervision and monitoring formal notification of any deviation from approved tree protection plan

Stormwater connection installation through TPZ, Implement hard and soft landscape works	Supervise Installation of pipes within tree TPZ	Excavate trench through TPZ under Arborist supervision, install pipework, remove selected protective measures as necessary and perform remedial tree works Issue a Certificate of Compliance
Practical Completion	Tree vigour and structure Assessment and undertake soil rehabilitation for all retained trees	Remove all remaining tree Protection measures Certification of tree protection and soil rehabilitation for Protected Trees
Defects liability / maintenance period	Tree vigour and structure	Undertake any required remedial tree works Certification of tree protection if necessary

(Reason: To ensure the timing and frequency of inspections by the Project Arborist is appropriate to maintain the health of existing trees to be retained throughout the works.)

88. **Tree works – Australian Standards.** All tree work must be carried out by a qualified and experienced Arborist with a minimum of AQF level 3 in Arboriculture with NSW Work Cover Code of Practice for Amenity Tree Industry (1998) and AS4373 Pruning of amenity trees (2007).

(Reason: To ensure that any tree work is carried out by a qualified Arborist)

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.

89. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 1311844M_03, dated 20 April 2023.

(Reason: Statutory requirement).

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

(Reason: To ensure the development is in accordance with the development consent).

91. **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 or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

(Reason: Statutory requirement).

92. **Letterboxes and street/house numbering display.** All letterboxes are to be designed and constructed in accordance with Australia Post requirements and the house/unit numbering displayed shall be in accordance with the official property addressing allocated by Council's Land Information Section. The display of the street address shall be of a sufficient size and clarity to be easily visible from the street. Where a development contains multiple properties, signage is required to be clearly displayed on all unit door entrances. Directional signage is to be erected on site at driveway entry points and on buildings. Unit numbering signage is also required on stairway access doors and lobby entry doors. It is essential that all numbering signage throughout a development is clear to assist emergency service providers locate a destination with ease and speed, in the event of an emergency.

(Reason: To assist in way finding).

93. **Positive Covenant - Overland Flow** - A positive covenant shall be created for the existing overland flow path through the subject site, under Section 88E of the Conveyancing Act 1919. All associated costs shall be borne by the applicant.

This is to place a restriction on the title that the overland flow path and flood storage areas are maintained and kept free of debris/weed to allow unobstructed passage of overland flow of water through the site and underneath the residence. The new buildings shall not have the subfloor area enclosed or utilised for storage.

The wording of the Instrument shall be submitted to, and approved by Council's City Works Directorate prior to lodgement at NSW Land Registry Services. The Instrument shall be registered and a registered copy of the document shall be submitted to and approved by the consent authority prior to the issue of an Occupation Certificate/use of the building.

(Reason: To ensure the overland flow and flood storage areas are maintained and unobstructed.)

94. **Flooding – Engineering Compliance Certificate** – A certificate from a suitably qualified Chartered Professional Civil Engineer (CPEng) or Registered Professional Civil Engineer (RPEng), or equivalent, shall be provided to the Principal Certifying Authority, prior to the issue of the Occupation Certificate, confirming that all requirements of condition “*Flooding - Flood and Overland Flow Protection*” have been satisfied.

The qualified and practising Chartered Professional Civil Engineer (CPEng) or Registered Professional Civil Engineer (RPEng) shall have experience in the area respective of the certification unless stated otherwise.

(Reason: To ensure that all flood and overland flow protection requirements are satisfied.)

95. **Stormwater - Post-Construction CCTV Report** - To ensure Council's stormwater infrastructures are adequately protected, there are no damages and no protruding pipe inside Council's pipeline due to proposed construction activities and property drainage connection, a post-construction CCTV report on the Council's stormwater pipeline through the proposed development site and the existing kerb inlet pit in front of the property is to be submitted to Council.

An electronic closed circuit television report (track mounted CCTV camera footage) prepared by an accredited operator (with a certificate of attainment in NWP331A Perform Conduit Condition Evaluation) that assesses the condition of the existing drainage line adjacent to the site is required. The report is to be dated and submitted to, and accepted by Council's City Works Directorate, prior to issue of the Occupation Certificate.

The report shall be used by Council to compare with the pre-construction CCTV footage report, and to assess whether any rectification works will be required to Council's satisfaction at no cost to Council. The applicant shall obtain written approval from a Council Engineer prior to the issue of the Occupation Certificate.

Note: The applicant shall contact Council's Assets and Integration Section to obtain a map of Council's existing stormwater network in the vicinity prior to conducting the CCTV survey.

All fees and charges associated with the review of the report shall be in accordance with Council's Schedule of Fees and Charges, and shall be paid at the time that the report is submitted.

(Reason: to verify the post-construction condition of Council's drainage assets.)

96. **Restoration – Supervising Engineer's Certificate** - Prior to the issue of any Occupation Certificate, the Applicant shall submit to Council a certificate from the Supervising Engineer confirming that the final restoration of disturbed road and footway areas for the purpose of connection to public utilities, including repairs of damaged infrastructure and replacement of any redundant vehicular crossings as a result of the construction works associated with this

development site, have been completed in accordance with the Council's standards and specifications, and DCP (2014) Part 8.5 Public Civil Works, or the Roads and Maritime Services' standards and specifications, where applicable.

(Reason: to ensure road and footpath restoration works have been completed as per Australian and Council's standards.)

97. **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.

(Reason: To clarify the configuration of the completed stormwater management system.)

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

(Reason: To maximise onstreet parking capacity and avoid confusion relating to the enforcement of parking restrictions.)

99. **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 charged/ siphonic components incorporated in the approved Stormwater Management system. The terms of the instrument are to be in accordance with the Council's standard for the relevant systems and are to be to the satisfaction of Council. To assure Council the construction of the stormwater management system has been completed, stormwater Works-As-Executed plans and certification of the system are to be submitted to Council with a completed "Application Form for Endorsement of Title Encumbrances" (available from Council's website). The positive covenant must be registered on the title prior to the release of any Occupation Certificate for development works for which the system(s) serve.

(Reason: 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).)

100. **Restriction as to User - Floodway.** A restriction as to user is to be placed on the property title to prevent any works which would result in the alteration of the ground surface level or impose on overland flow due to stormwater runoff in the 100ARI, such to adversely impact flood protection of the approved dwelling or have an adverse impact on neighbouring properties. The terms of the restriction shall be generally in accordance with Council's current standard terms for provision for overland flow and to the satisfaction of Council. To assure Council the completed development works are consistent with the approved development and associated flood conditions, Works-As-Executed plans and/ or engineering certification related to any flood mitigation measures are to be

submitted to Council with a completed “Application Form for Endorsement of Title Encumbrances” (available from Council’s website). The covenant must be registered on the title prior to the release of any Occupation Certificate for the development works.

(Reason: To ensure that the site topography and any flood mitigation measures are maintained for the ongoing life of the development)

101. **Restriction as to User - Site cover.** A restriction as to user under Section 88 of the Conveyancing Act 1919 shall be placed on the property title, to limit the extent of impervious paving and or roof areas on the site. The drafted terms must be in accordance with Council’s standard terms and are to be submitted to Council with a completed “Application Form for Endorsement of Title Encumbrances” (available from Council’s website) for review. The covenant must be registered on the title prior to the release of any Occupation Certificate for the development works.

(Reason: The approved stormwater management system has been designed to accommodate only the approved hardstand area. This requirement ensures that no further expansion of hardstand will be undertaken which would cause the stormwater system to fail.)

102. **Engineering Compliance Certificates.** To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, Compliance Certificates must be obtained for the following items and are to be submitted to the Accredited Certifier prior to the release of any Occupation Certificate. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.

- a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and Council’s DCP 2014 Part 9.3 (Parking Controls).
- b) Certification from an Engineer specialising in Flood and Overland Flow analysis that the finished surface levels and the habitable floor levels have been constructed in accordance with this development consent, that the overland flow path has been maintained as designed and that the requirements of the condition “*Flood and Overland Flow Protection*” have been satisfied.
- c) Confirming that the Stormwater Management system (including any constructed ancillary components such as onsite detention) servicing the development complies with Council’s DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures, and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.
- 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 Council’s 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.

(Reason: To ensure that all engineering components are completed to the satisfaction of an appropriately qualified person, prior to occupation or use of the development.)

103. **Tree bonds.** The paid tree bonds as required by Condition 52 is not redeemable until after 12 months of the issuing of the Occupation Certificate. Council's Tree Management Officer must inspect the trees prior to the bond being released and all trees shall be in good health and vigor upon inspection. If the trees are found to be in poor condition or vigor, the bond will not be released.

Reason: To ensure street trees to be retained and replaced are in health vigor at the completion of works.

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.

104. **Single dwellings only.** Each approved dwelling is not to be used or adapted for use as separate domiciles or as a boarding house.

(Reason: To ensure the development is in accordance with the determination).

105. **Flood Emergency Response Matters** - The development must at all times comply with the recommendations made within the Flood Emergency Response Plan (FERP) formulated as part of the Occupation Certificate for the proposed development.

Implementation and maintenance of the FERP shall be the responsibility of building management and all owners, tenants and users of the building must be made aware of the FERP. FERP shall include details of the proposed 'on-site' refuge area. Permanent signage shall be installed in the common areas informing the future occupants of the emergency evacuation procedures and refuge areas

(Reason: to ensure Flood Emergency Response Plan is in place during and after construction is completed.)

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.

106. **Occupation Certificate.** A full (not partial) Occupation Certificate associated with the approved development (including related modifications) must be issued for the development prior to the release of the Subdivision Certificate. All conditions required to be satisfied prior to the issue of an Occupation Certificate must be satisfied in full.

(Reason: To ensure that the development works are fully completed and that should the new lot come under separate ownership, such owners will not be burdened by outstanding works.)

107. **Final plan of subdivision - Title Details.** The final plan of subdivision shall note all existing and/or proposed easements, positive covenants and restrictions of the use of land relating to the title.

(Reason: To disclose any easements or covenants burdening the land.)

108. **Boundary Fences.** A boundary Identification Survey (BIS) must be undertaken to confirm the location of the fence relative to the public domain. The survey must be undertaken by a Registered Surveyor and is to clarify any encroachment of posts, gates , etc. Any encroachment will need to be corrected unless otherwise approved to remain by Council.

(Reason: To ensure the boundary fence along the frontage to a public road is wholly located off the Public Domain)

109. **Subdivision Certificate - Compliance Certificates.** The following compliance certificates must be provided to Council prior to the release of the Subdivision Certificate;

- a) Surveyor Certification – A registered surveyor must certify that necessary easements have been created for all services and structures which encroach into adjacent lots and that all remaining services, dwelling and structures are contained wholly within their respective allotments.
- b) 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.
- c) Other Utility Providers – Written confirmation confirming compliance with the requirements (including financial costs) of electrical and telecommunication providers (e.g. AusGrid, Telstra).

(Reason: To ensure the newly created lots have access to and can maintain essential services.)

110. **Fibre-ready facilities and telecommunications infrastructure.** Prior to the issue of any Subdivision 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).

(Reason: Statutory requirement).

111. **Official Property Addressing.** The property addressing displayed on the administration sheets of a subdivision or strata plan, must be in accordance with the official property addressing allocated by Council's Land Information Section.

(Reason: To assist in way finding).

End of Consent

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Compliance Check - Quality Certification

Assessment of a Dual Occupancy (attached)

DCP 2014	Proposed	Compliance
Part 3.3 - Dwelling Houses and Dual Occupancy (attached)		
Section 1.0 Introduction		
Part 1.6 Site Analysis		
Site analysis to be submitted.	Site plan Drawing prepared by design view Job No. 10122 DA01 and dated Issue D dated June 2023	Yes
Section 2.0 General Controls		
2.1 Desired Future Character		
Development is to be consistent with the desired future character of the low density residential areas.	Development is consistent with the desired future character	Yes
2.2 Dwelling Houses		
(a) Landscape setting which includes significant deep soil areas at the front and rear	Landscape setting includes significant deep soil areas at the front and rear	Yes
(b) Maximum two storeys high	Two storeys high	Yes
(c) Dwellings address the street	Unit 1 orientates to Potts Street and Unit 2 orientates to Tyagarah Street	Yes
(d) Boundary between public and private space is clearly articulated	Boundary between public and private space is clearly articulated	Yes
(e) Garages and carports are not to be visually prominent features	Garages and carports are no prominent features	Yes
(f) Dwellings are to respond appropriately to the site analysis	Dwellings respond appropriately to the site analysis	Yes
2.3 Dual Occupancy (attached)		
(a) New dual occupancy buildings are to meet the controls for new dwelling houses set out in 2.2.1..	Complies	Yes
(b) Alterations and additions to dual occupancy buildings are to meet the requirements of 2.2.2	N/A	Yes
2.4 Subdivision		
Minimum lot sizes apply under RLEP Clause 4.1A	Strata subdivision is proposed. The proposal complies with Clause 4.1A	Yes
2.5 Public Domain Amenity		
2.5.1 Streetscape		
(a) Site design, building setbacks and level changes respect the existing topography	Site design, building setbacks and levels changes respect the existing topography	Yes

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DCP 2014	Proposed	Compliance
(b) Front gardens to complement and enhance streetscape character	Front gardens complement and enhance the streetscape character	Yes
(c) Dwelling design is to enhance the safety and amenity of the streetscape	Dwelling design enhances the safety and amenity of the streetscape. Unit 1 windows and balconies orientate to Potts Street and Unit 2 windows and balconies orientate to Tyagarah Street	Yes
(d) Carports and garages visible from the public street are to: <ul style="list-style-type: none"> (i) Be compatible with the building design (ii) Be setback behind the dwelling's front elevation 	Garages and carports are compatible with the building design. Garages and carports are setback behind the dwelling's front elevation	Yes
(e) Driveways and hard stand areas are to be minimised	Driveways and hardstand areas are minimised	Yes
(f) Dwellings, garages and carports are to be orientated to match the prevailing orientation of such buildings in the streetscape	Dwelling and garages orientate to match the prevailing orientation of such buildings in the streetscape	Yes
(g) Facades from the public domain are to be well designed.	Facades from the building domain are well designed	Yes
2.5.2 Public Views and Vistas		
(a) 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. Fence 70% open where height is >900mm.	N/A – no existing or potential view to water	Yes
(b) Garages/carports and outbuildings are not to be located within view corridor if they obstruct view.	N/A – no existing or potential view to water	Yes
2.5.2 Pedestrian & Vehicle Safety		
(a) Car parking located to accommodate sightlines to footpath & road in accordance with relevant Australian Standard.	No issues raised by Council's Development Engineer.	Yes
(b) Fencing that blocks sight lines is to be splayed.	N/A – front fence is not proposed	Yes
(c) Refer to relevant AS when designed driveways		
2.6 Site Configuration		
2.6.1 Deep Soil Areas		
(a) 35% of site area min.	47.9% (310.2m ²)	Yes

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DCP 2014	Proposed	Compliance
<p>(b) Deep soil area must include: (i) Min 8x8m deep soil area in backyard. (ii) Front garden area to be completely permeable (exception driveway, pedestrian path and garden walls).</p> <p>(c) Dual occupancies need only one 8m x 8m in back yard</p> <p>(d) Deep soil areas to have soft landscaping</p> <p>(e) Deep soil areas to be 100% permeable. Not covered by structures, paving or the like, or have below surface structures such as stormwater detention elements.</p>	<p>8x8m has not been provided Front garden completely permeable except for driveway and pedestrian path</p> <p>8x8m has not been provided</p> <p>Deep soil areas have soft landscaping.</p> <p>Deep soil areas are 100% permeable.</p>	<p>No</p> <p>No</p> <p>Yes</p> <p>Yes</p>
2.6.2 Topography & Excavation		
<p>(a) Building form and siting relates to the original topography of the land and of the streetscape.</p> <p>(b) The area under the building footprint may be excavated or filled so long as: (i) the topography of the site requires cut and/or fill in order to reasonably accommodate a dwelling (ii) the depth of excavation is limited to 1.2m maximum (iii) the maximum height of fill is 900mm</p> <p>(c) Areas outside the dwelling footprint may be excavation and/or filled so long as: (i) the maximum height of retaining walls is not >900mm (ii) the depth of excavation is not >900mm (iii) the height of fill is not >500mm</p>	<p>Building form and siting relates to the original topography of the land and of the streetscape</p> <p>The topography of the site requires cut and fill to reasonably accommodate the dwelling</p> <p>Max cut: 0mm</p> <p>Max fill: 0mm</p> <p>N/A – no retaining walls proposed</p> <p>Max cut: 0mm</p> <p>Max fill: 0mm</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

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DCP 2014	Proposed	Compliance
(iv) the excavation and filled areas do not have an adverse impact on the privacy of neighbours	N/A – no cut and fill is proposed	Yes
(v) the filled areas do not have an adverse impact on the privacy of neighbours	N/A – no fill is proposed	Yes
(vi) the area between the adjacent side wall of the house and the side boundary is not filled	N/A – no fill is proposed	Yes
(vii) the filled areas are not adjacent to side or rear boundaries	N/A – no fill is proposed	Yes
(d) Fill is not allowed in areas of overland flow. Refer to Part 8.2 stormwater management	N/A – no fill is proposed	Yes
(e) Generally the existing topography is to be retained.	Generally the existing topography is being retained	Yes
2.7 Floor Space Ratio (FSR)		
(a) FSR is 0.5:1 in accordance Clause 4.4 (b) A floor area of 36m ² maybe excluded when this area accommodates 2 car space. An area of 18m ² may be excluded when the area accommodates 1 parking space.	Ground Floor: 185.6m ² First Floor: 173.6m ² Minus 36m ² : 323.2m ² 323.2m ² / 647.3m ² FSR: 0.499:1	Yes
2.8 Height		
2.8.1 Building height		
(a) Building heights are to be as follows: - Maximum height of 9.5 metres for dwellings and dual occupancy. - Outbuildings including garages and carports maximum height 4.5 metres.	TOW RL: 32.48 EGL below: RL 24.48 TOW Height = 8m	Yes
<u>Maximum wall plate</u> - 7.5m max above FGL or	TOW RL: 32.48 EGL below: RL 24.48	Yes

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DCP 2014	Proposed	Compliance
<ul style="list-style-type: none"> - 8m max to top of parapet <p><i>NB:</i> <i>TOW = Top of Wall</i> <i>EGL = Existing Ground Level</i> <ul style="list-style-type: none"> - <i>FGL = Finished Ground Level</i> </p>	TOW Height = 8m	
<p><u>Maximum number of storeys:</u></p> <ul style="list-style-type: none"> - 2 storeys maximum (storey incl basement elevated greater than 1.2m above EGL). 	Two storeys proposed	Yes
<ul style="list-style-type: none"> - 1 storey maximum above attached garage incl semi-basement or at-grade garages 	1 storey above garage	Yes
2.8.2 Ceiling Height		
(a) Habitable rooms to have 2.4m floor to ceiling height (min).	Unit 1 – 2.4 metres	Yes
2.9 Setbacks		
2.9.1 Front setbacks		
(a) Dwellings are generally to be set back 6m from street front boundary	6 metres	Yes
(b) On corner sites, the setback secondary frontage minimum 2m	1.8 metres	No
(c) Garages and carports, including semi-basement garages and attached garages, set back min 1m from façade	Unit 1 – 1.5 metres Unit 2 – 1.8 metres	Yes
(d) The front setback free of structures. The exception is car parking structures which comply with 2.11.	Front setback is free of structures	Yes
(e) Attached garages, including semi-basement garages on secondary frontages not to protrude forward of the façade. The exception is garages located on battle axe allotments. These garages do not need to be setback.	The garage does not protrude forward of the façade	Yes
(f) The outside face of wall built above a garage aligns with the outside face of the garage wall below.	Unit 1 – Outside face of wall aligns with garage wall below Unit 2- Outside face of wall aligns with garage wall below	Yes
2.9.2 Side Setbacks		

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DCP 2014	Proposed	Compliance
(a) One storey dwellings setback 900mm	N/A	Yes
(b) Two storey dwellings setback 1.5m	1.5 metres	Yes
(c) The second storey addition to a single storey dwelling are to be set back 1.5m	NA	Yes
(d) Allotments wider than they are long, one side setback a min of 20% of the width of the lot or 8m, whichever is greater.	N/A	Yes
2.9.3 Rear Setbacks		
(a) The rear setback min 25% of the site length or 8m, whichever is greater.	A rear setback of 10.51m is 25% of site length. Proposed rear setback is 7m	No
(b) Allotments wider than they are long, min setback of 4m	N/A	
(c) Dwelling on battle axe allotment are to be setback the rear boundary of the front lot min of 8m. Single storey garage or outbuilding can be within setback.	N/A	
2.11 Car Parking and Access		
2.11.1 Car Parking		
(a) Dwellings 2 spaces. Dual occ 1 space/dwg	Unit 1 – 1 space Unit 2 - 2 spaces	No
(b) Spaces can be enclosed or roofed.	The garages are enclosed and roofed.	Yes
(c) Garages setback 1m behind front elevation.	Unit 1 – 1.5 metres Unit 2 – 1.8 metres	Yes
(d) Located forward of existing dwelling if: (i) there is no other suitable position (ii) no vehicular access to the rear of side of the site (iii) it is preferred that it is single car width.	N/A	Yes
(e) Garages doors solid. No expanded mesh doors.	Garage doors are solid	Yes
(f) Preference located off laneways, secondary street frontages.	Garages and carport are located on secondary street frontage	Yes
(g) Driveway widths minimised. Driveways single car width except where needed to be widen to double garage access.	Driveway width minimized. No issues raised by Council's Development Engineer.	Yes

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DCP 2014	Proposed	Compliance
(h) Driveways not roofed.	Driveway not roofed	Yes
(i) Min width 6m or 50% of the frontage whichever is less	Unit 1 – 3m Unit 2 – 3.2m	Yes
(j) Total width garage doors not be >5.7m	Unit 1- 2.6m Unit 2 – 2.5m	Yes
(k) Driveways for battle axe enable vehicles to enter and leave in forward direction	N/A	Yes
(l) Garage doors not be recessed more than 300mm	Garages are not recessed more than 300mm	Yes
(m) Garage windows >900mm from boundaries	N/A – no garage windows	Yes
(n) Free standing garages max GFA 36m ²	N/A	Yes
(o) Design and materials to complement dwelling	Design and material complement dwelling	Yes
(p) Setback at least 1m from façade	Unit 1 – 1.5 metres Unit 2 – 1.8 metres	Yes
(q) Carports not enclosed.	Carports are not enclosed	Yes
2.13 Landscaping		
(a) Major trees to be retained where practical	Major trees retained where practical. No issues raised by Council's Landscape Architect.	Yes
(b) Lots adjoining bushland, protect and retain indigenous native vegetation and use native indigenous plant spaces for a distance of 10m	N/A – the site is not affected by urban bushland	Yes
(c) Provide useful outdoor spaces	Useful outdoor spaces provided	Yes
(d) Physical connection between dwelling and external ground level	Physical connection between dwelling and external ground level	Yes
(e) Provide landscape front garden. Hard paved areas no more than 40%.	Primary frontage – 6.6% (6.1m ²) Secondary frontage - 38.1% (42.3m ²)	Yes
(f) Pathway along one side boundary connecting front to rear. Not to be blocked by ancillary structures. Not required where there is rear lane access or corner allotment.	Pathway provided on one side	Yes
(g) Landscape elements in front garden to be compatible with scale of dwelling.	Landscape elements in front garden are compatible with scale of dwelling	Yes

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DCP 2014	Proposed	Compliance
(h) Front garden at least 1 canopy tree at least 10m in height	One (1) cheese tree with a mature height of 7 metres. No issues raised by Council's Landscape Architect.	Yes
(i) Mature tree at least 15m in rear garden with the DSA	One (1) Rough-barked apple with a mature height of 20 metres. No issues raised by Council's Landscape Architect	Yes
(j) Locate and design landscaping to increase privacy between dwellings	Screen planting provided along side boundary	Yes
(k) Hedge planting on boundary no greater than 2.7m	3 metres. The 3.0 metre high screen planting does not result in overshadowing impacts to the neighbouring properties and the non compliance is considered acceptable.	No
(l) Retaining walls and other landscape elements not to obstruct stormwater overland flow.	No issues raised by Council's City Works Drainage Engineer and Council's Development Engineer	Yes
(m) OSD not to be located within front setback unless it is underneath driveway	N/A – OSD is not located within front setback	Yes
(n) Landscaping to include POS	Landscaping includes POS	Yes
2.14 Dwelling Amenity		
2.14.1 Daylight and Sunlight Access		
(a) Living areas are to be predominantly located to the north where possible	Unit 1 – orientate north west, north east and south west Unit 2 – orientate north west and south east	Yes
(b) Sites with northern side boundary to have increased setback of 4 metres is preferred. <u>Subject Dwelling</u>	N/A – north is not located to the side boundary	Yes
(c) Windows to north facing living areas of subject dwellings are to receive at least 3 hours of sunlight between 9am to 3pm on June 21.	Unit 1 – north east facing living area receives 3 hours of sunlight between 9am and 12pm. North west facing living area receives 3 hours of sunlight between 12pm and 3pm Unit 2 – north west facing living areas receive 3 hours of sunlight between 12pm and 3pm	Yes
(d) Private open space is to receive at least 2 hours sunlight between 9am to 3pm on June 21. <u>Neighbouring properties:</u>	Both units do not receive 2 hours	No

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DCP 2014	Proposed	Compliance
<p>(e) For neighbouring properties:</p> <p>(i) sunlight to 50% of principal areas of ground level POS is not reduced to less than 2 hours between 9am to 3pm on 21 June</p> <p>(ii) windows to north facing living areas to receive at least 3 hours of sunlight between 9am and 3pm on 21 June over a portion of surface, where can be reasonably maintained given orientation and topography.</p>	<p>34 Potts Street receives 2 hours between 9am and 11am 2 Tyagarah Street receives 2 hours between 12pm and 3pm</p> <p>34 Potts Street – north facing windows receive 3 hours of sunlight between 9am and 12pm 2 Tyagarah Street – north facing windows receive 3 hours of sunlight between 9am and 3pm</p>	<p>Yes</p> <p>Yes</p>
2.14.2 Visual Privacy		
<p>(a) Orientate the windows of main living spaces (living room, dining, kitchen, family etc) to the front and rear</p> <p>(b) Orientate terraces, balconies and outdoor living areas to front or rear and not side boundary</p> <p>(c) Terraces and balconies are not to overlook neighbour's living areas and POS</p> <p>(d) Living and kitchen windows, terraces and balconies are not to allow direct view into neighbouring dwelling or POS</p> <p>(e) Side windows are to be offset by sufficient distance to avoid visual connection between dwellings.</p>	<p>Unit 1 – no living area windows orientate to the side Unit 2 – family room window and living/dining room glass sliding door orientate to the side. The family window is a highlight window with a sill height of 1.6 metres and does not result in visual privacy impacts. The living/dining glass sliding door aligns with the 1.8 metre high privacy screen on the south eastern elevation of the patio and does not result in visual privacy impacts</p> <p>Unit 1 – patio orientates to the side Unit 2 – patio orientates to the side</p> <p>Balconies do not result in overlooking. Patios do not result in overlooking</p> <p>Unit 1 – patio results in overlooking Unit 2 – the patio, balconies and living areas do not result in overlooking</p> <p>Unit 1- bathroom window aligns Unit 2- all windows offset</p> <p>N/A – no splayed walls</p>	<p>No (justified)</p> <p>No</p> <p>Yes</p> <p>No</p> <p>No</p> <p>Yes</p>

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DCP 2014	Proposed	Compliance
(f) Splayed walls with windows are not to be located above ground level where the windows provide views into adjoining property.		
2.14.3 Acoustic Privacy		
(a) Noise of mechanical equipment not exceed 5dB(A) above background noise measured in or on any premises in vicinity of the item.	N/A – air conditioning units are not proposed	Yes
(b) Dwellings on arterial roads double glazed windows fronting road.	N/A – the dual occupancy is not located on an arterial road	Yes
(c) Dwellings on arterial roads acoustic seal on the front door.	N/A – the dual occupancy is not located on an arterial road	Yes
(d) Dual occupancies are to be designed to reduce noise transmission between dwellings.	The dual occupancy is designed to reduce noise transmission between dwellings. The Unit 1 garage separates the units on the ground floor. The first floor is detached.	Yes
2.14.4 View Sharing		
(a) The siting of development is to provide for view sharing.	The siting of the development provides for view sharing	Yes
2.14.5 Cross Ventilation		
(a) Designed to optimise access to prevailing breezes and provide for cross ventilation.	The plan layout is designed to optimise access to prevailing breezes and provides for cross ventilation	Yes
2.15 External Building Elements		
2.15.1 Roofs		
(a) Relate roof design to the desired built form by:		
(i) articulating the roof	An articulated roof is proposed.	Yes
(ii) roof is consistent with the architectural character of dwelling	Roof is consistent with the architectural character of the dwelling	Yes
(iii) eaves minimum 450mm overhang on pitched roofs	N/A – no eaves	Yes
(iv) compatible roof form, slope, material and colour to adjacent buildings	Roof form, slope, material and colour is compatible with adjacent buildings.	Yes
(v) roof height is in proportion to the wall height of the building	The roof height is in proportion to the wall height of the building.	Yes
(b) The main roof not trafficable terrace.	The main roof is not a trafficable terrace	Yes

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DCP 2014	Proposed	Compliance
(c) Proposed attic contained within the volume of the roof space.	N/A	Yes
(d) Skylights to be minimised on roof planes visible from the public domain. Skylights are to be symmetrical.	N/A – no skylights proposed	Yes
(e) The front roof plane is not to contain both dormer and skylight. Dormers are preferred.	Front roof plans does not contain dormers and skylights	Yes
(f) Balconies and terraces are not to be set into roofs.	Balconies and terraces are not set into roofs.	Yes
(g) Scale of the roof is to be in proportion with the scale of the wall below.	Scale of the roof is in proportion with the scale of the wall below	Yes
(h) Attics may be located in the garage roofs if the garage is located next to the dwelling. Garages located within front or rear setbacks are not to have attics.	N/A – no attics proposed	Yes
2.16 Fences		
2.16.1 Front and return Fences and Walls		
(a) Reflect the design of the dwelling	N/A – no front fencing proposed	Yes
(b) Materials compatible with the house and other fences in streetscape		
(c) Solid fence or wall max 900mm. Open light weight fence (timber picket) 1m.		
(d) Return fence is to be no higher than front fence		
(e) Fences max 1.8m if 50% open with solid base max 900mm		
(f) Fences arterial road solid and 1.8m max		
(g) No Colorbond or timber paling.		
(h) Retaining walls max 900mm		
(i) Fence Overland flow - fencing open not impede flow of water		
(j) piers max 350mm.		
2.16.2 Side and Rear Fences and Walls		
(a) 1.8m Max side and rear fence	1.8m high boundary fence provided on rear and side boundary	Yes
(b) Overland flow - fencing to be open not impede flow of water	Condition recommended	Yes

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DCP 2014	Proposed	Compliance
(c) No Barbed wire, broken glass or other dangerous elements.	Barbed wire, broken glass or other dangerous elements are not proposed	Yes
(d) Fencing forward of the foreshore building line open and permeable.	N/A	Yes
Part 7: Environment		
7.1: Energy Smart, Water Wise		
3.0 The information Guide		
3.2 Required information		
(a) Energy efficiency performance report (b) Site analysis	BASIX Certificate: 1311844M_03 and dated 20 April 2023 Energy: 56 Water: 42 Plans consistent with Certificate	Yes
Part 7.2 Waste Minimisation and Management		
2.3 All developments		
(a) Developments must provide space for onsite waste containers (b) Compliant size of storage areas and number of storage containers. (c) Space to be provided for bulk waste where appropriate. (d) Storage of green waste provided (e) Stored within the boundaries of the site. (f) Site Waste Minimisation and Management Plan (SWMMP) to be submitted (g) Located to provide easy, direct and convenient access. (h) No incineration devices. (i) Collection point identified on plan. (j) Path for wheeling bin collection not less than 14	A Waste Management Plan has been submitted and is considered acceptable	Yes
2.4 Demolition and Construction		
(a) Demolition must comply with AS and WorkCover	A demolition plan has been submitted	Yes
(b) Demolition work plan submitted	A demolition work plan has been provided	

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DCP 2014	Proposed	Compliance
<p>(c) Dedicated area on site for stockpile of materials taking into account environmental factors and amenity impacts.</p> <p>(d) Construction materials to be stored away from the waste materials on site.</p>		
2.5 Residential Developments comprising 1 or 2 Dwellings		
(a) Space inside each dwelling for receptacles for garbage, recycling.	Space provided inside each unit for receptacles	Yes
(b) Space provided outside the dwellings to store the required garbage, recycling and green waste bins. Screened from street. Easy access to wheel the bins to the kerbside.	Space provided outside the units for waste bins	Yes
Part 8: Engineering		
8.1 Construction Activities		
2.1.2 Erosion and Sediment Control Plan		
Erosion and sediment control plan to be submitted.	<p>Erosion and sediment control plan Dwg No. A21292-SW01 Revision E prepared by Alpha Engineering and dated 15/05/2023</p> <p>Conditions recommended</p>	Yes
Part 8.2 Stormwater and Floodplain Management		
2.0 Stormwater Drainage		
(a) Drainage is to be piped in accordance with Section 2.0 Stormwater Drainage Application has been consideration satisfactory by Development Engineering and City Works.	<p>Stormwater Plan prepared by Alpha Engineering Dwg No. A21292 – Cover, A21292-SW01, A21292-SW02, A21292-SW03 and A21292 – SW04 Revision E and dated 15/05/2023</p> <p>Proposal has been considered satisfactory by Council's Development Engineer and City Works.</p>	Yes
4.0 Flooding and Overland Flow		
4.4.1(a) development that is flood affected has been provided with a Flood Impact Statement. Report prepared in accordance with Section 2.2 of the Stormwater and Flood Plan Management Technical Manual	<p>Flood Study prepared by MBC Engineering Pty Ltd Revision D and dated 9/05/2023</p> <p>The proposal is considered acceptable by Council's City Work Drainage Engineer</p>	Yes

Item 2 - Attachment 2

DCP 2014	Proposed	Compliance
<p>4.4.5(b) Floor levels of habitable and non habitable areas must comply with the freeboard requirements as stated in Table 2.1 of the Stormwater Technical Manual.</p> <p>4.4.5(d) development must not divert major overland flows or reduce flood storage such to adversely impact the neighbouring property or surrounding area.</p>		
Part 8.3 Driveways		
3.0 Existing footway crossings		
<p>3.1(a) Existing footway crossings may only be used when they provide access of max of 2 dwgs, correct location and level and adequate width. In good condition and is not a bridge or piped crossing.</p> <p>3.2(a) disused footway crossing slabs that become redundant are to be removed and footway restored.</p>	<p>N/A</p> <p>Condition recommended regarding reinstatement of redundant crossing.</p>	<p>Yes</p> <p>Yes</p>
4.0 Designing internal access roads and parking spaces		
<p>4.1 (a) the design of all parking spaces, circulation roads and manoeuvring areas on the property must confirm to the minimum requirements of AS2890.1-2004.</p>	<p>No issues raised by Council's Development Engineer</p>	<p>Yes</p>
4.2 Design of Parking Spaces		
<p>(b) Vehicles (85th percentile) to enter and leave designated parking space in a single 3 point turn manoeuvre. A 99th percentile vehicle for disabled vehicles.</p> <p>(c) Enter and leave in a forward direction. Waived where the garage is located at the front of a dwelling and insufficient space within front setback to provide a turning area.</p>	<p>No issues raised by Council's Development Engineer</p>	<p>Yes</p>
S2.0 Design Standards		
S2.2 Vehicular crossing widths		
<p>(a) Min 3.0m and max of 5.0m.</p> <p>(b) Max width of 6m to facilitate accessing two adjacent garages if the distance</p>	<p>Unit 1 – 3m Unit 2 – 4.5m N/A</p>	<p>Yes</p> <p>Yes</p>

Item 2 - Attachment 2

DCP 2014	Proposed	Compliance
between the space and the street frontage is less than 5.0m		
Part 9.2 Access for People with Disabilities		
4.1.2 Class 1 Buildings		
Accessible path required from the street to the front door, where the level of land permits.	An accessible pathway has not been provided for each unit. This is considered acceptable given the slope of the site.	Yes
Part 9.3 Parking Controls		
2.2 Residential Lane Uses		
<ul style="list-style-type: none"> - Dwelling houses up to 2 spaces/dwelling - Dual occupancy 1 space/dwelling 	<p>N/A</p> <p>Unit 1 – 1 space proposed Unit 2 - 2 spaces proposed</p>	<p>Yes</p> <p>No</p>

**CLAUSE 4.6 VARIATION TO
CLAUSE 4.1B(2)(B) (MINIMUM WIDTH OF LOT FOR
DUAL OCCUPANCY) UNDER
RYDE LOCAL ENVIRONMENTAL PLAN 2014
(RLEP 2014)**

***36 Potts Street
Ryde***

September 2022



Section 1 Background

- The subject site is legally described as Lot A DP 407706, 36 Potts Street, Ryde.



- The site is zoned **R2 Low Density Residential** under the Ryde Local Environmental Plan 2014 (RLEP 2014) where a dwelling house is permissible with consent.
- The relevant *development standard* subject of the variation request is the **15m** minimum site width control under **clause 4.1B(2)(b)** of RLEP 2014.
- Clause **4.6(2)** confirms that environmental planning instruments (EPIs) are subject to the provisions of Clause 4.6.
- Clause **4.6(8)** does not exclude a variation to **clause 4.1B(2)(b)** of **RLEP 2014** and only clause 4.1A is excluded.
- The clause 4.6 is lodged for abundant precaution due to the fact that the combined frontage is **16.94m**.
- This written variation forms part of the written material to be considered by the Consent Authority in determining the subject development application.

Section 2 Introduction

- This is a written request to vary **clause 4.1B(2)(b)** of RLEP 2014 being the **15m** minimum lot width for dual occupancy development.
- The variation request is made under **Clause 4.6 of RLEP 2014**.
- The subject application proposes a maximum combined width of **16.94m**. The boundary running parallel to Potts Street is **10.37m**. The site is unique in that it has an angled corner measuring **6.57m**.
- The minimum 15m frontage control is a *development standard* for the purposes of the *EP&A Act 1979* as it prescribes a numerical value to an aspect of the permitted development (see Justice Mc Clellans decision in *Georgakis v North Sydney Council* [2004] NSWLEC 123)
- This request to vary **clause 4.1B(2)(b)** of RLEP 2014 has regard to the judgments in:
 - a. *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 (“Initial Action”)
 - b. *Wehbe v Pittwater Council* [2007] NSWLEC 827 at [42] (“Wehbe”)
 - c. *SJD DB2 Pty Ltd v Woollahra Council* [2020] NSWLEC 1112 (SJD DB2).
- The objective of Clause 4.6 (1)(a) is to provide an ‘*appropriate degree of flexibility in applying certain development standards to particular development*’. The intent is ‘*to achieve better outcomes for and from development by allowing flexibility in particular circumstances*’ in accordance with Clause 4.6 1(b).
- The extent of the discretion available to the consent authority is unfettered (see SJD DB2) and therefore a variation can be granted to the **15m** minimum lot width control.
- The relevant plans relied upon are those identified as the plans prepared by Designview.

Section 3 Development Standard to be Varied

The relevant *development standard* to be varied is the 15m minimum lot width control under **clause 4.1B(2)(b)** of RLEP 2014. **Clause 4.1B(2)(b)** of RLEP 2014 relevantly provides:

“4.1B Minimum lot sizes for dual occupancies

- (1) *The objective of this clause is to achieve planned residential density in certain zones.*
- (2) *Development consent may be granted for development on a lot in Zone R2 Low Density Residential for the purposes of dual occupancy (attached) if—*
 - (a) *the area of the lot is equal to or greater than 580 square metres, and*
 - (b) ***the primary road frontage of the lot is equal to or greater than 15 metres.*** *(emphasis added)”*

Section 4 Nature of Variation Sought

The following plan shows the current lot dimensions and the overall combined frontage is shown as **16.94m** which achieves the control.

Council has requested a clause 4.6 variation due to the fact that the corner is angled and as such may not be regarded as a primary road frontage leaving **10.37m** as the relevant frontage.



Fig A: Frontage dimensions

Section 5 Clause 4.3 - Development Standard

A *development standard* is defined in S1.4 of the *Environmental Planning and Assessment Act 1979* ("EPA Act") to mean:

*"provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which **requirements are specified or standards are fixed** in respect of **any aspect of that development**, including, but without limiting the generality of the foregoing, requirements or standards in respect of:*

- (a) the area, shape or **frontage of any land, the dimensions of any land**, buildings or works, or the distance of any land, building or work from any specified point,*
- (b) the proportion or percentage of the area of a site which a building or work may occupy,*
- (c) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,*
- (d) the cubic content or floor space of a building,*
- (e) the intensity or density of the use of any land, building or work,*
- (f) the provision of public access, open space, landscaped space, tree planting or other treatment for the conservation, protection or enhancement of the environment,*
- (g) the provision of facilities for the standing, movement, parking, servicing, manoeuvring, loading or unloading of vehicles,*
- (h) the volume, nature and type of traffic generated by the development,*
- (i) road patterns,*
- (j) drainage,*
- (k) the carrying out of earthworks,*
- (l) the effects of development on patterns of wind, sunlight, daylight or shadows,*
- (m) the provision of services, facilities and amenities demanded by development,*
- (n) the emission of pollution and means for its prevention or control or mitigation, and*
- (o) such other matters as may be prescribed." (our emphasis)*

The 15m primary frontage control is a *development standard* as defined under the *EP & A Act 1979*.

Section 6 - Clause 4.6 of Ryde Local Environmental Plan 2014 (RLEP 2014)

- 6.1 Clause 4.6 of the **RLEP 2014** provides a legal pathway by which an applicant can vary a *development standard*. Clause 4.6 of **RLEP 2014** relevantly provides as follows:

“4.6 Exceptions to development standards

(1) The objectives of this clause are as follows--

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating--

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless--

(a) the consent authority is satisfied that--

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Planning Secretary has been obtained.

(5) In deciding whether to grant concurrence, the Planning Secretary must consider--

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if--

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

Note : When this Plan was made it did not include all of these zones.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following--

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,

(c) clause 5.4,

(caa) clause 5.5,

(ca) clause 4.3, to the extent that it applies to the land identified as "Town Core" on the Ryde Town Centre Precincts Map,

(cb) clause 4.1A, to the extent that it applies to the Torrens title subdivision of a dual occupancy (attached),

(cc) clause 6.9.

Response to Clause 4.6 of RLEP 2014

The following provides a response to the Clause 4.6 provisions:

1. We deal with **Clause 4.6 (1)(a) and (b)** below:

1) *The objectives of this clause are as follows—*

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

The purpose of Clause 4.6 of the RLEP 2014 is to provide flexibility in the application of development standards (see SJD DB2).

Justification within this written request (see Sections 7 – 9) demonstrates that an appropriate degree of flexibility should be applied to this particular application notwithstanding the frontage variation articulated in Section 4 of this written request.

The environmental planning grounds justifying the variation is provided in Section 8 of this written request.

The proposal, whilst being under the minimum prescribed frontage control, (assuming the boundaries are considered individually) provides an acceptable planning outcome based on the following:

- The site has two boundaries that cumulatively achieve the minimum 15m control (16.94m achieved when both boundaries are added together)
- The site is a corner site and therefore the future dwelling fronting the secondary street has more than adequate frontage as does the dwelling fronting Potts Street (i.e. 7.5m frontage achieved as required for each dwelling under Clause 4.1A).
- The control is clearly targeted at non corner allotments given that the frontage of each successive lot is required to be 7.5m (a corner allotment has two frontages and can easily achieve the 7.5m frontage)
- The site (due to the cumulative width of 16.93m) has sufficient room to accommodate the proposed dual occupancy and also satisfy the remaining clauses relating to individual width of the future subdivided sites. The controls under Clause 4.1A of the RLEP are seen to be of greater importance as they are protected by clause 4.6 which excludes variations to clause 4.1A.
- The control itself is a *development standard* meaning that there are alternate schemes which can offer acceptable planning outcomes.
- The scheme provides acceptable front setbacks and side setbacks notwithstanding the technical variation to the control.
- The non-compliance does not contribute to unreasonable overshadowing, privacy or view loss impacts to neighbouring properties.
- No adverse streetscape impacts arising from the variation.
- Sufficient side and front setbacks provided notwithstanding the 10.37m frontage due the additional lot width afforded by the 6.57m angled boundary.

2. In summary **clause 4.6(2)** is addressed and is satisfied because:
- Clause 4.6(2) requires the control to be a *development standard*.
 - The 15m minimum frontage is a *development standard* as it relates to a numerical provision being the 15m minimum frontage and therefore is capable of being varied by a written request under clause 4.6.
 - The provisions of **Clause 4.1B(2)(b)** of **RLEP 2014** are not expressly excluded under Clause 4.6(8) of the **RLEP 2014**.

3. **Clause 4.6 (3)** requires the making of a written request to justify the contravention of a *development standard* and states as follows:

“(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.”

As stated by Council the proposed development technically departs from the 15m minimum frontage control under **clause 4.1B(2)(b)** of the **RLEP 2014**.

Strict compliance with the 15m frontage *development standard* is considered to be ‘*unreasonable and unnecessary in the circumstances of this case*’ as justified in this written variation request.

The relevant justification dealing with **Clause 4.6 (3)(a)** criteria is contained in this written variation request.

This written variation request demonstrates that strict compliance is unreasonable and unnecessary in the circumstances of this case and sufficient environmental planning grounds exist to justify contravening the development standard as detailed in **Section 8** of this written request.

4. **Clause 4.6 (4)** provides that consent must not be granted for development that contravenes a *development standard* unless the consent authority is satisfied as to:

(i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Planning Secretary has been obtained.

Sections below of this written variation request address the matters required under cl4.6(4)(a) and cl4.6(4)(b) of the **RLEP 2014**.

Section 9 addresses 4.6(4) (a) and (b) criteria.

Clause 4.6(5) provides that:

(5) In deciding whether to grant concurrence, the Planning Secretary must consider—

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.

Section 10 below in this written variation request addresses the matters required under Clause 4.6(5) of the **RLEP 2014**.

Clauses 4.6(6) and (8) are not relevant to the proposed development and cl 4.6(7) is an administrative clause requiring the consent authority to keep a record of its assessment under this clause after determining a development application.

5. **Clause 4.6(a)(b)** is not relevant to this application
6. **Clause 4.6 (7)** is a matter for the consent authority
7. **Clause 4.6(8)** confirms that the 15m minimum frontage is not a matter excluded from clause 4.6.

Section 7 Compliance is Unreasonable or Unnecessary - Clause 4.6(3)(a)

In dealing with the “unreasonable and unnecessary” we refer to Preston CJ where he identifies and validates at least 5 arguments available to an applicant in *Wehbe v Pittwater Council* which can be adopted in dealing with the *unreasonable and unnecessary* test under **Cl. 4.6(3)(a)**.

Preston CJ concluded as follows:

“As to the first matter required by cl 4.6(3)(a), I summarised the common ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary in Wehbe v Pittwater Council at [42]-[51]. Although that was said in the context of an objection under State Environmental Planning Policy No 1 – Development Standards to compliance with a development standard, the discussion is equally applicable to a written request under cl 4.6 demonstrating that compliance with a development standard is unreasonable or unnecessary.”

*‘An objection under SEPP 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the **objectives of the development standard are achieved notwithstanding non-compliance with the standard**’ (our emphasis)*

The first way identified in *Wehbe* is to justify this written variation (as set out at 42 of the judgment):

“42 An objection under SEPP 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard”

This written 15m minimum frontage variation request relies, in the first instance, on demonstrating that compliance is *unreasonable and unnecessary* as the objectives of the development standard are achieved notwithstanding, a variation of the development standard.

The objective of the clause is to achieve planned residential densities. The objective unlike objectives of other development standards is quite broad. The site is not so constrained as to warrant a limitation on dual occupancy development. As stated the future subdivision is more than capable of achieving the relevant controls under Clause 4.1A of the RLEP. The frontage will achieve 4.1A (b) provisions which relevantly provide:

(b) on or after the day [Ryde Local Environmental Plan 2014 \(Amendment No 28\)](#) commences, a development application made for a dual occupancy (attached) has been approved for the lot, and—

- (i) the lot has an area of at least 580 square metres, and*
- (ii) 1 dwelling will be situated on each lot resulting from the subdivision, and*
- (iii) each resulting lot will have an area of not less than 290 square metres, and*
- (iv) the primary road frontage of each resulting lot will be equal to or greater than 7.5 metres.*

Clause 4.1 provides certain lot requirements which are expected to facilitate the planned residential densities. The subject site has the required 580sqm; will provide one (1) dwelling per lot; will provide lots which are at least 290sqm each; and will achieve lots which have at least 7.5m of frontage to a primary road. The 15m minimum control facilitates compliance with the 7.5m frontage per lot control and is designed principally to apply to

non corner sites. The proposal achieves the planned residential density primarily because the overall lot size is compliant for attached dual occupancy and the proposal complies with the FSR, lot size and frontage requirements as expressed above. The proposal achieves the stated objectives.

The built form and height of the proposed dual occupancy will not result in any significant adverse impacts to neighbouring residential amenity with regard to view loss, overshadowing and privacy. Minimal additional shadowing of the neighbouring properties will occur as a result of the proposal. The proposed overall bulk of the building is compatible with the area and similar to corner dual occupancy developments supported by Council in the past.

Section 8 Sufficient Environmental Planning Grounds – Clause 4.6(3)(b)

Clause 4.6 (3)(b) prescribes the following:

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—*
- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) **that there are sufficient environmental planning grounds to justify contravening the development standard.**

The following provides sufficient environmental planning grounds to warrant the variation:

- The dual occupancy complies with height and FSR
- There are no significant additional impacts as a result of the 15m frontage departure when compared to a compliant development
- The control is, in our opinion, primarily developed to apply to non corner sites
- The site has two boundaries that cumulatively achieve the minimum 15m control (16.94m achieved when both boundaries are added together)
- The site is a corner site and therefore the future dwelling fronting the secondary street has more than adequate frontage as does the dwelling fronting Potts Street (i.e. 7.5m frontage achieved as required for each dwelling under Clause 4.1A).
- The control is clearly targeted at non corner allotments given that the frontage of each successive lot is at least 7.5m
- The site (due to the cumulative width of 16.93m) has sufficient room to accommodate the proposed dual occupancy and also satisfy the remaining clauses relating to individual width of the future subdivided sites.
- The control itself is a *development standard* meaning that there are alternate schemes which can offer acceptable planning outcomes.
- The scheme provides acceptable front setbacks and side setbacks notwithstanding the technical variation to the frontage control.
- The non-compliance does not contribute to unreasonable overshadowing, privacy or view loss impacts to neighbouring properties.
- No adverse streetscape impacts arising from the variation.
- Sufficient side and front setbacks provided notwithstanding the 10.37m frontage due the additional lot width afforded by the 6.57m angled boundary.
- Site achieves the required lot requirements which are expected to facilitate the planned residential densities such as the required 580sqm;
- The site provides one (1) dwelling per lot and lots which are at least 290sqm each
- Each lot will achieve a frontage width of at least 7.5m to a primary road

Clause 1.3 Objects of the EP and Act 1979

In explaining the sufficient environmental planning grounds referred to in cl 4.6 Preston CJ in 'Initial Action' considers that it is available to the applicant to also deal with the Objectives of the Act under S1.3 when considering a Clause 4.6 variation. Clause 1.3 of the EP and A Act 1979 relevantly provides:

"1.3 Objects of Act

The objects of this Act are as follows:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,**
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,**
- (c) to promote the orderly and economic use and development of land,**
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,**
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,**
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,**
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment. (emphasis added)*

The proposal accepting the frontage variation described in section 3 reasonably satisfies the objectives of under s1.3 *EP&A Act 1979*. The plans by Designview satisfy the objectives in bold (as above) given that:

- The technical frontage departure is considered to be minor in the overall context of the development proposal because of the additional width provided by the angled boundary;
- The development achieves the zone objectives;
- The proposal makes the best use of land currently serviced by existing infrastructure;
- The proposed landuse is permissible under the RLEP 2014;
- The control in question is a *development standard* and can be varied;
- The proposal represents an economically viable development of the site, that is both capable and suitable for the site, when assessed on merit under s4.15 of the *EP&A Act 1979*;

Notwithstanding the above Preston CJ clarified in *Micaul* and *Initial Action*, that sufficient environmental planning grounds may also include demonstrating a lack of adverse amenity impacts. In this case, these include:

- There is no significant detrimental impact to the existing viewing rights of neighbouring properties.
- Solar access is not drastically altered to neighbouring properties and the overall shadowing impacts are acceptable.
- The overall form of the dual occupancy is reflective of the form resulting from a compliant frontage corner site.
- When viewed in the context of the streetscape the development is compatible with other modern dwellings erected within the LGA that have painted render and flat roofs.

Section 9 Matters for Consideration - Clause 4.6(4)(a)(i)(ii)

The relevant provisions under clause 4.6(4)(a)(i) and (ii) are provided below:

- (4) *Development consent must not be granted for development that contravenes a development standard unless—*
- (a) *the consent authority is satisfied that—*
- (i) *the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

The relevant provisions of clause 4.6(4) are addressed below:

Clause 4.6(4)(a)(i)

The written request addresses the relevant matters set out in clause 4.6 (3) in section

Provision of Clause 4.6	Addressed in Written Request Report
<i>(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:</i>	Yes - Section 7 and 8
<i>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</i>	Yes - Section 7
<i>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</i>	Yes - Section 8

Clause 4.6(4)(a)(ii)

The proposed development will be in the public interest because it is consistent with the objectives of the minimum 15m frontage control development standard and the objectives for development within the R2 Low Density Residential zone. In this section “Consistency” means “not antipathetic to” rather than the higher threshold of “promotes” or “is compatible” with the objectives.

Clause 4.6(4)(a)(ii) requires a two part test. Each part is addressed within the written request as specified below.

In the first instance Clause 4.6(4)(a)(ii) requires an investigation into the objectives of the standard and this is provided at **Section 7** thus satisfying Clause 4.6(4)(a)(ii).

A review of the Zone Objectives confirms that sufficient environmental planning grounds exist to support the frontage variation given that the objectives are satisfied.

An enquiry is made below in relation to the ability of the proposal to ‘*be in the public interest*’, notwithstanding the variation, because it is able to reasonably satisfy the stated objectives of the **R2 Low Density Residential** zone.

The zone objectives are:

R2 Low Density Residential

The objectives of the R2 Low Density Residential zone are as follows:

1.Objectives of zone

- *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 objectives are addressed below:

- ***To provide for the housing needs of the community within a low density residential environment.***

The proposed attached dual occupancy delivers the anticipated dwelling density on a site which is greater than 580sqm. The objective is achieved.

- ***To enable other land uses that provide facilities or services to meet the day to day needs of residents.***

The development does not reduce the potential for other land uses on surrounding sites. The objective is achieved.

- ***To provide for a variety of housing types.***

The proposal achieves the objective by providing housing options in the form of a new attached dual occupancy. The objective is achieved.

Summary:

The proposal satisfies the **R2 Low Density Residential** zone objectives.

10.0 Other Matters For Consideration

Step 4 - Clause 4.6(4)(b) – The Concurrence of the Secretary has been obtained

On 21 February 2018, the Secretary of the Department of Planning and Environment issued a Notice ('the Notice') under cl. 64 of the *Environmental Planning and Assessment Regulation 2000* (the EP&A Regulation) providing that consent authorities may assume the Secretary's concurrence for exceptions to development standards for applications made under cl4.6 of the ALEP.

The Court has power to grant development consent to the proposed development even though it contravenes Clause 30AA Number of boarding rooms development standard, without obtaining or assuming the concurrence of the Secretary by reason of s39(6) of the *Land and Environment Court Act 1979* (the Court Act).

Clause 4.6(5) - Concurrence Considerations

In the event that concurrence cannot be assumed pursuant to the Notice, cl4.6(5) of the LEP provides that in deciding whether to grant concurrence, the Secretary must consider:

- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) *the public benefit of maintaining the development standard, and*
- (c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*

The proposed contravention of the development standard has been considered in light of cl4.6(5) as follows:

- The proposed non-compliance does not raise any matter of significance for State or regional environmental planning as it is peculiar to the design of the existing dwelling house on this particular site. The frontage variation and circumstances of this case are not directly transferrable to any other site in the immediate locality, wider region or the State and the scale of the proposed development does not trigger any requirement for a higher level of assessment;
- As indicated in **Sections 7 – 9**, the proposed contravention of the development standard is considered to be in the public interest because it is consistent with the objectives of the **R2 Low Density Residential** zone and the objectives of the 15m frontage control.

The proposed development contravenes **Clause 4.1B(2)(b)** of the **RLEP 2014** being a *development standard* and frontage is not excluded from the application of **clause 4.6 of RLEP 2014**.

This written request to vary the development standard has been prepared in accordance with **cl4.6 of the RLEP 2014** and demonstrates that strict compliance with the development standard is unreasonable and unnecessary for the reasons outlined in this submission.

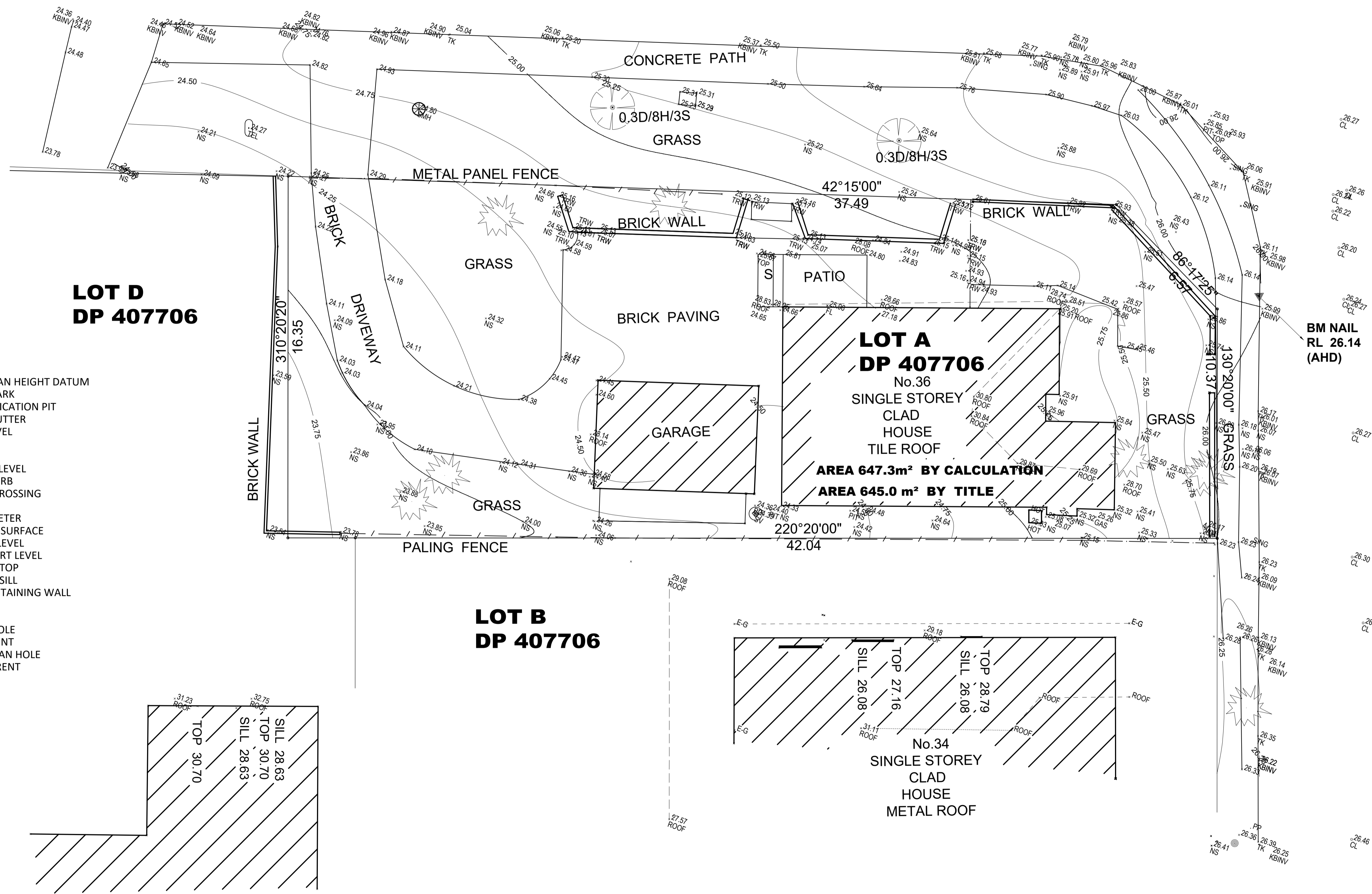
In addition, this written request outlines sufficient environmental planning grounds to justify the contravention of the development standard.



**Andrew Martin MPIA
Planning Consultant**

TYAGARAH STREET

POTTS STREET



**LOT D
DP 407706**

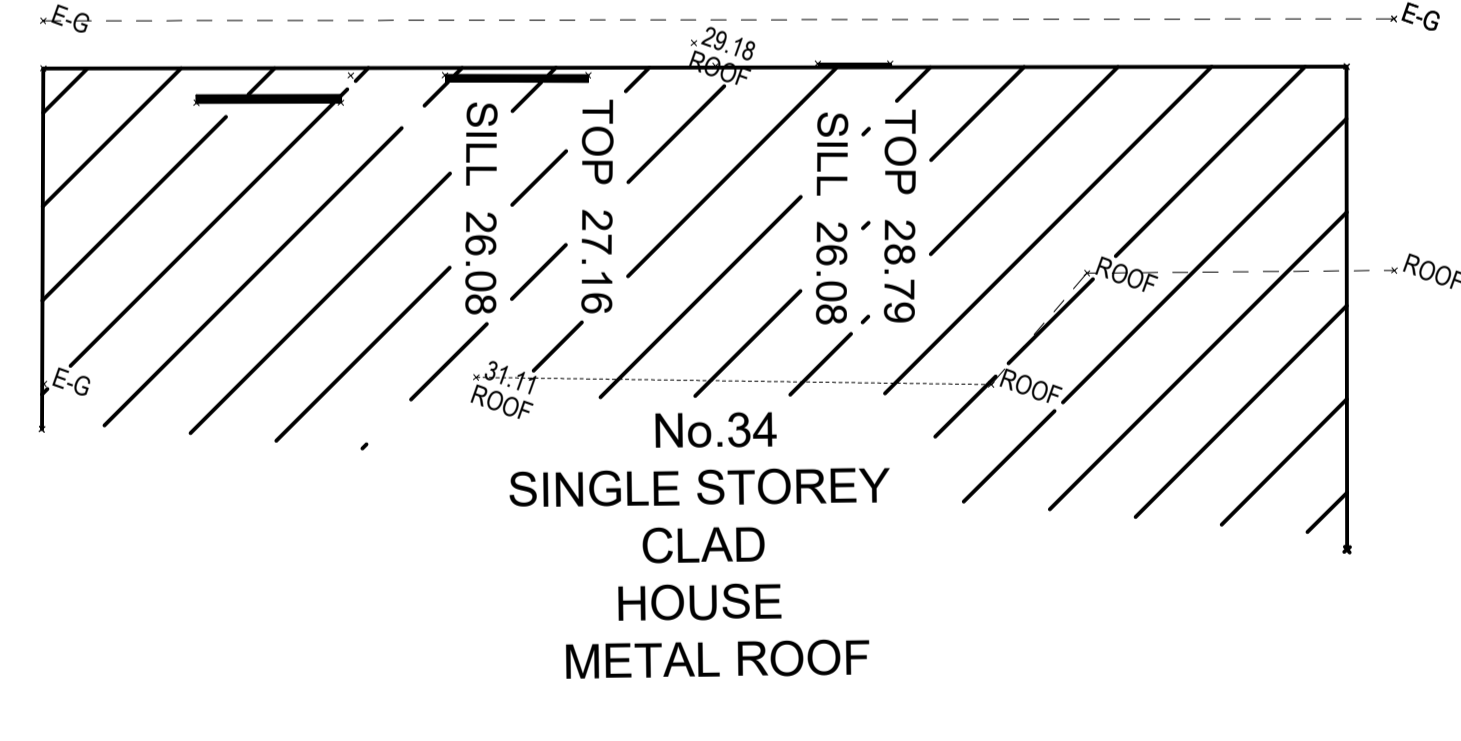
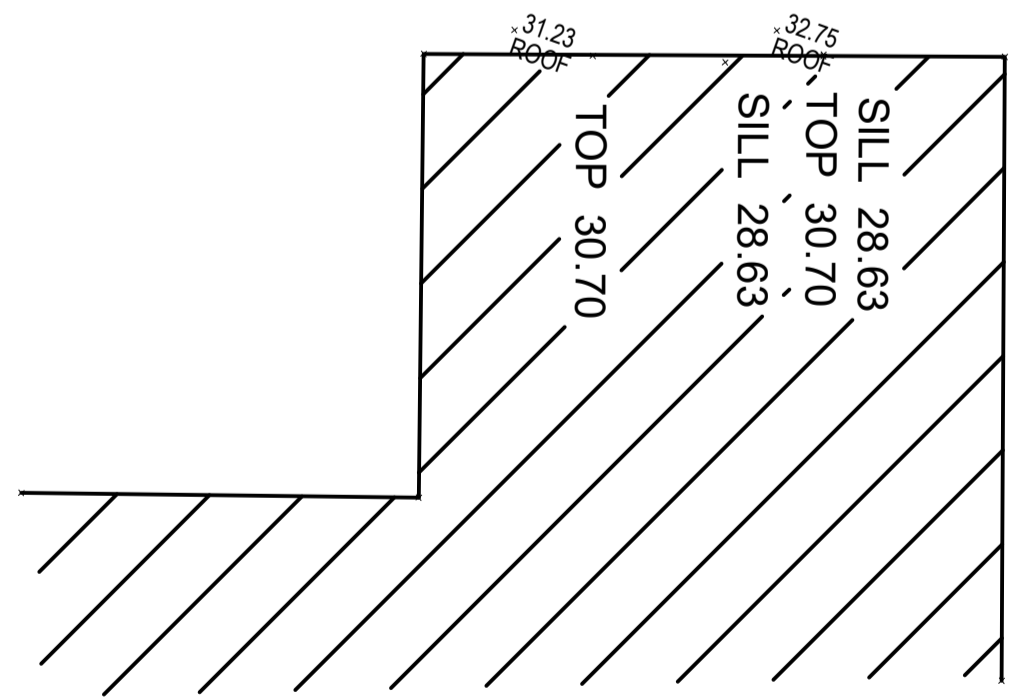
**LOT A
DP 407706**

No.36
SINGLE STOREY
CLAD
HOUSE
TILE ROOF
AREA 647.3m² BY CALCULATION
AREA 645.0 m² BY TITLE

**LOT B
DP 407706**

No.34
SINGLE STOREY
CLAD
HOUSE
METAL ROOF

- LEGEND:
- AHD AUSTRALIAN HEIGHT DATUM
 - BM BENCH MARK
 - TEL COMMUNICATION PIT
 - E-G EAVE & GUTTER
 - FL FLOOR LEVEL
 - S STEP
 - AW AWNING
 - RL REDUCED LEVEL
 - TK TOP OF KERB
 - VC VEHICLE CROSSING
 - AW AWNING
 - WM WATER METER
 - NS NATURAL SURFACE
 - SL SURFACE LEVEL
 - KB KERB INVERT LEVEL
 - TOP WINDOW TOP
 - SILL WINDOW SILL
 - TRW TOP OF RETAINING WALL
 - SHRUB SHRUB
 - TREE TREE
 - POWER POLE POWER POLE
 - SEWER VENT SEWER VENT
 - SEWER MAN HOLE SEWER MAN HOLE
 - FIRE HYDRANT FIRE HYDRANT



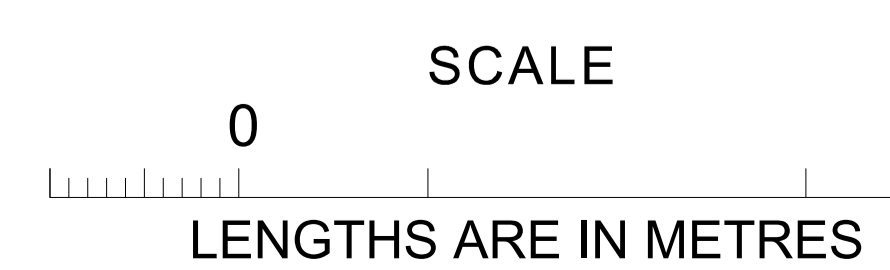
NOTE : Bearings, distances and area are by title and Plans only available at the LRS and may be subjected to redefinition. No boundary investigation has been carried out or marked.

Details and level shown on this plan are for general desing works only any critical dimensions required should be requested independantly of this plan. Prior to any demolition, excavation or construction on this site the relevant Authorities should be contacted to detailed locations of all existing services and the possible location of future services.

GEOFFREY GALLEN
REGISTERED SURVEYOR
No: 1083

**EAST WEST SURVEYORS
PTY LTD**
Ph: 02 83882318 MOB 0403 818 643
ABN: 52 615 075 119
Suite 2 Ground Floor, 123 Midson Road Epping NSW 2121
Email: info@eastwestsurveyors.com.au
www.eastwestsurveyors.com.au

DETAIL SURVEY OF LOT A IN DP 407706
No. 36 POTTS STREET RYDE
NSW 2112



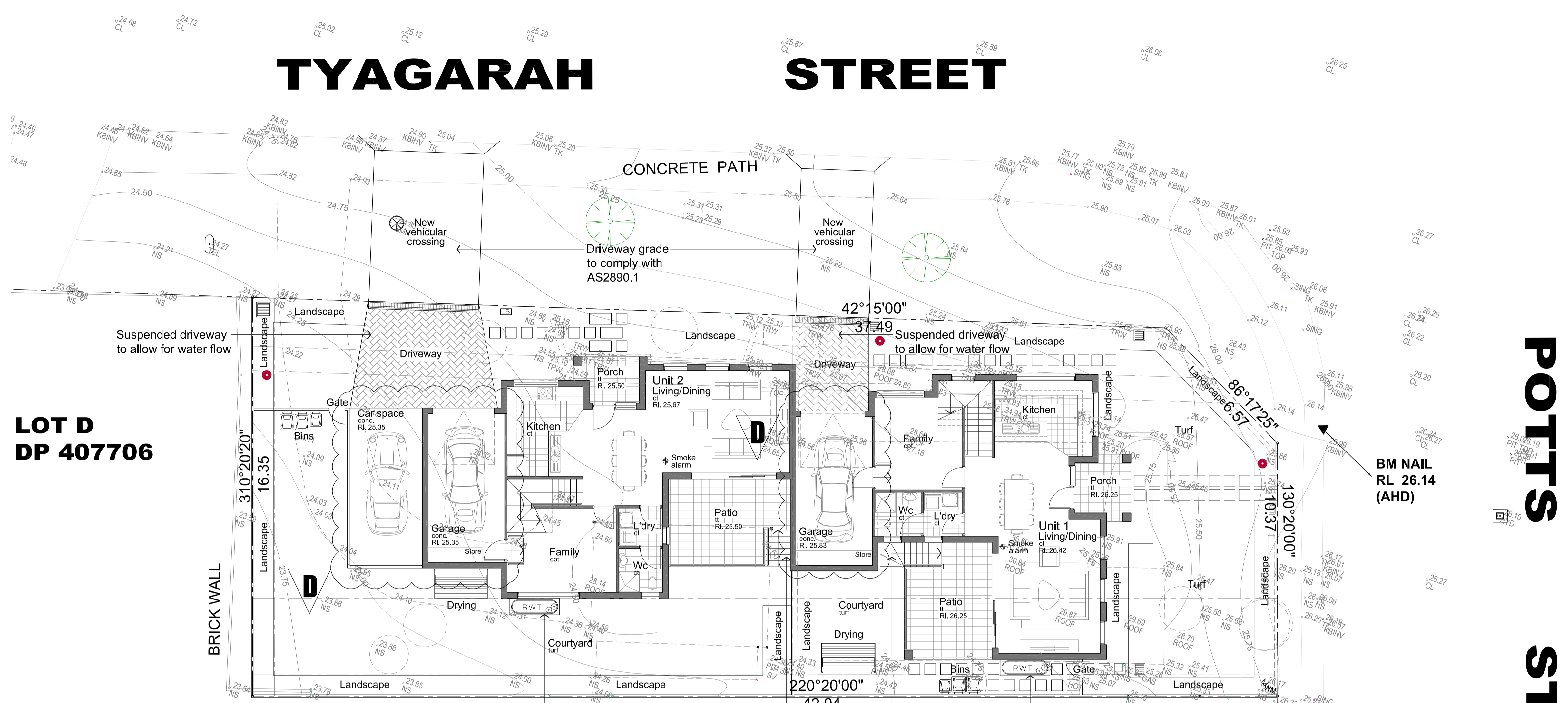
ORIGINAL
SCALE SHEET
1:100 SIZE
A1

THE LAND IN THE SURVEY IS SHOWN ENCLOSED BY CONTINUOUS THICK LINES

SURVEYED : JUDITA DATE: 30.11.2021
DRAWN : TJ DATE: 06.12.2021
REFERENCE: 21/4042 - DET DATUM : AHD BY GPS
SHEET 1 OF 1 SHEETS

NOTE : CONTOUR INTERVAL : 0.25

TYAGARAH STREET

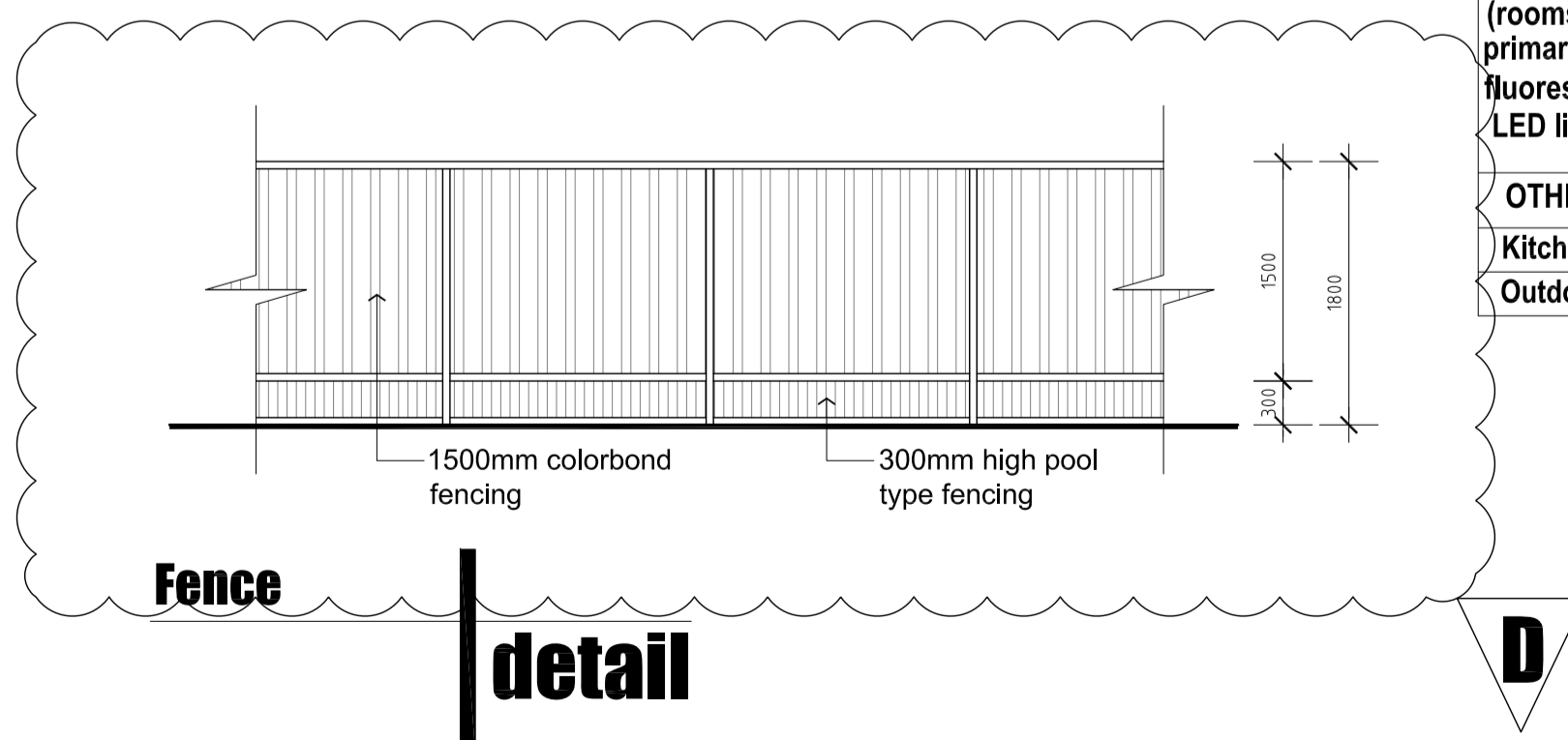
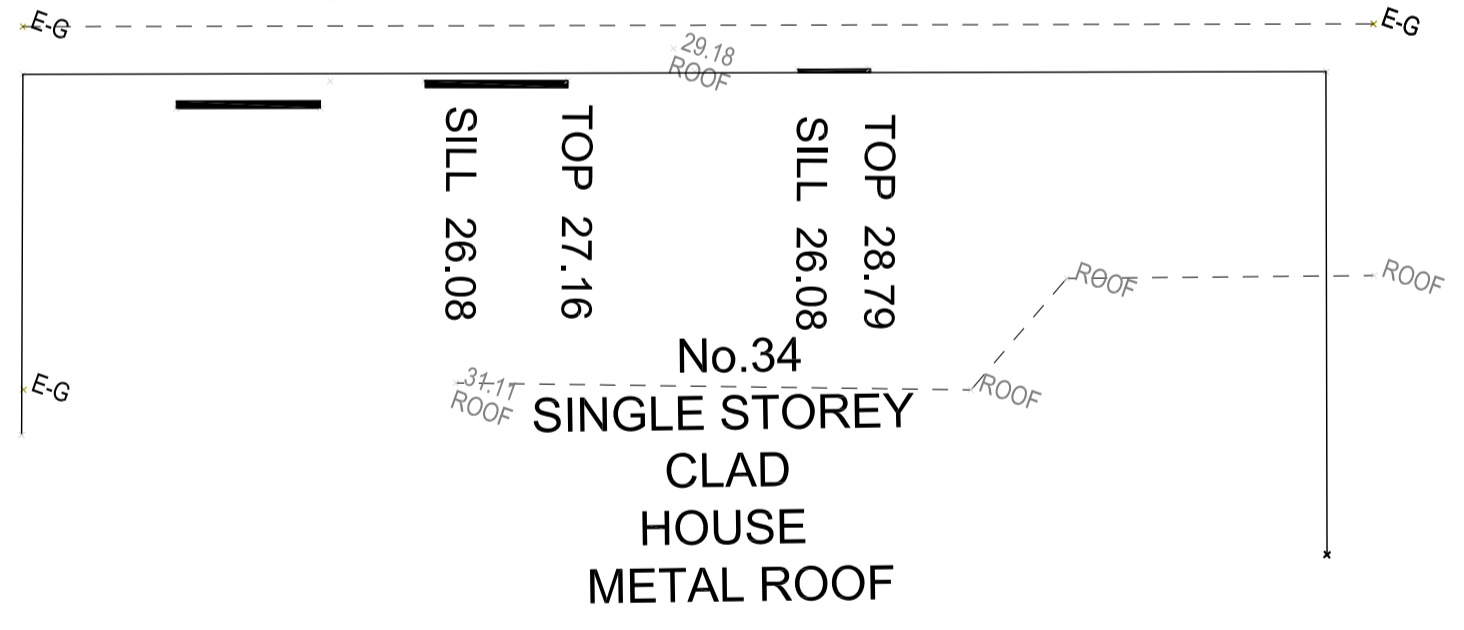


**LOT D
DP 407706**

**LOT B
DP 407706**



Site / Ground floor plan



Fence detail

Calculations:

Site Area: 647.3m²
 Proposed Ground floor: 151.65m²
 Proposed First floor: 171.75m²
 Total: 323.4m²
 FSR: 0.49 to 1
 POS:
 Unit 1: 47.4m²
 Unit 2: 133.5m²
 Total Deep soil: 309.4m² / 47.7%
 Rear deep soil: 151.4m²

POTTS STREET

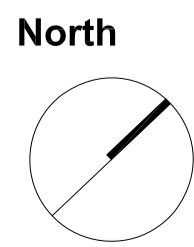
Unit 1 & 2 / 36 Potts Street, Ryde
SUMMARY OF BASIX COMMITMENTS FOR EACH UNIT

This is a summary of the BASIX Commitments as detailed in the BASIX Certificate. Refer to the CURRENT BASIX Certificate for Complete details. For definitions refer to basix.nsw.gov.au

WATER COMMITMENTS			
Fixtures			
4 Star Shower Heads	Yes	5 Star Toilet	Yes
5 Star Kitchen Taps	Yes	5 Star Basin Taps	Yes
Alternative Water			
Minimum Tank Size (L)	1800	Collected from Roof Area (m ²)	120m ²
Tank Connected To:			
All Toilets	Yes	Laundry W/M Cold Tap	No
One Outdoor Tap	Yes		
THERMAL COMFORT COMMITMENTS - Refer to TPA Specification on plans			
ENERGY COMMITMENTS			
Hot Water	Gas Instantaneous	6 Star	
Cooling System	Living	1 Phase A/C	3.0 Stars
	Bedrooms	1 Phase A/C	3.0 Stars
Heating System	Living	1 Phase A/C	3.0 Stars
	Bedrooms	1 Phase A/C	3.0 Stars
Ventilation	Bathroom	Fan ducted to exterior	Manual on/off
	Kitchen	Fan ducted to exterior	Manual on/off
	Laundry	Fan ducted to exterior	Manual on/off
Natural Lighting	Window/Skylight in Kitchen		As drawn
	Window/Skylight in Bathrooms/Toilets		As drawn
Artificial Lighting (rooms to be primarily lit by fluorescent or LED lights)	Number of bedrooms	5	Dedicated Yes
	Number of Living/Dining rooms	3	Dedicated Yes
	Kitchen	Yes	Dedicated Yes
	All Bathrms/Toilets	Yes	Dedicated Yes
	Laundry	Yes	Dedicated Yes
	All Hallways	Yes	Dedicated Yes
OTHER COMMITMENTS			
Kitchen cooktop & Oven		Gas cooktop / electric oven	
Outdoor clothes line	Yes	Ventilated refrigerator space	No

Issue	Description	By	Date
D	Garage level raised as per flood report	AB	Jun. 23
C	Unit 2 floor levels raised as per flood report	AB	May. 23
B	Amendments to council requirements	AB	Mar. 23
A	Issue to council for da	AB	Jul. 22

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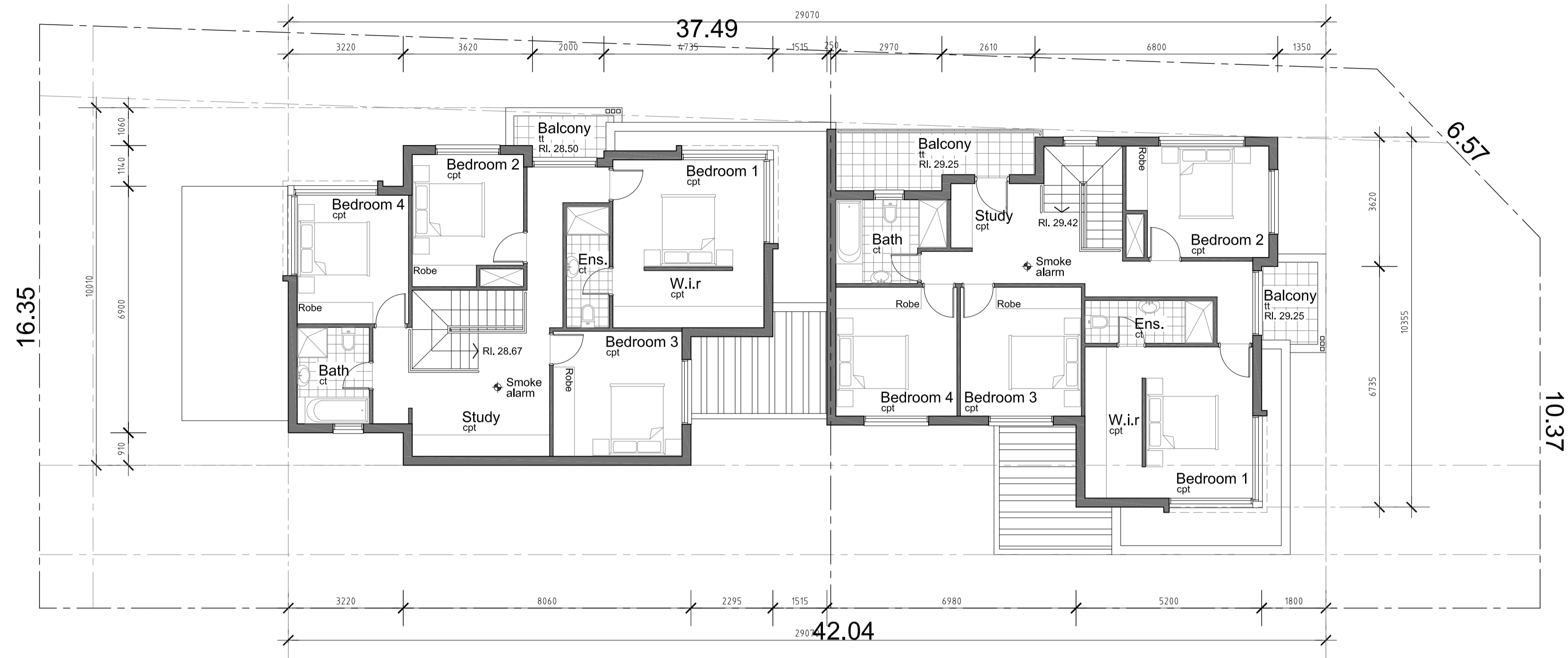


Drawing Title
Site / Ground floor plan
 L.G.A City of Ryde Council
 Drawn AB Checked AB Date Jul. 22
 Scale 1:100 (A1)

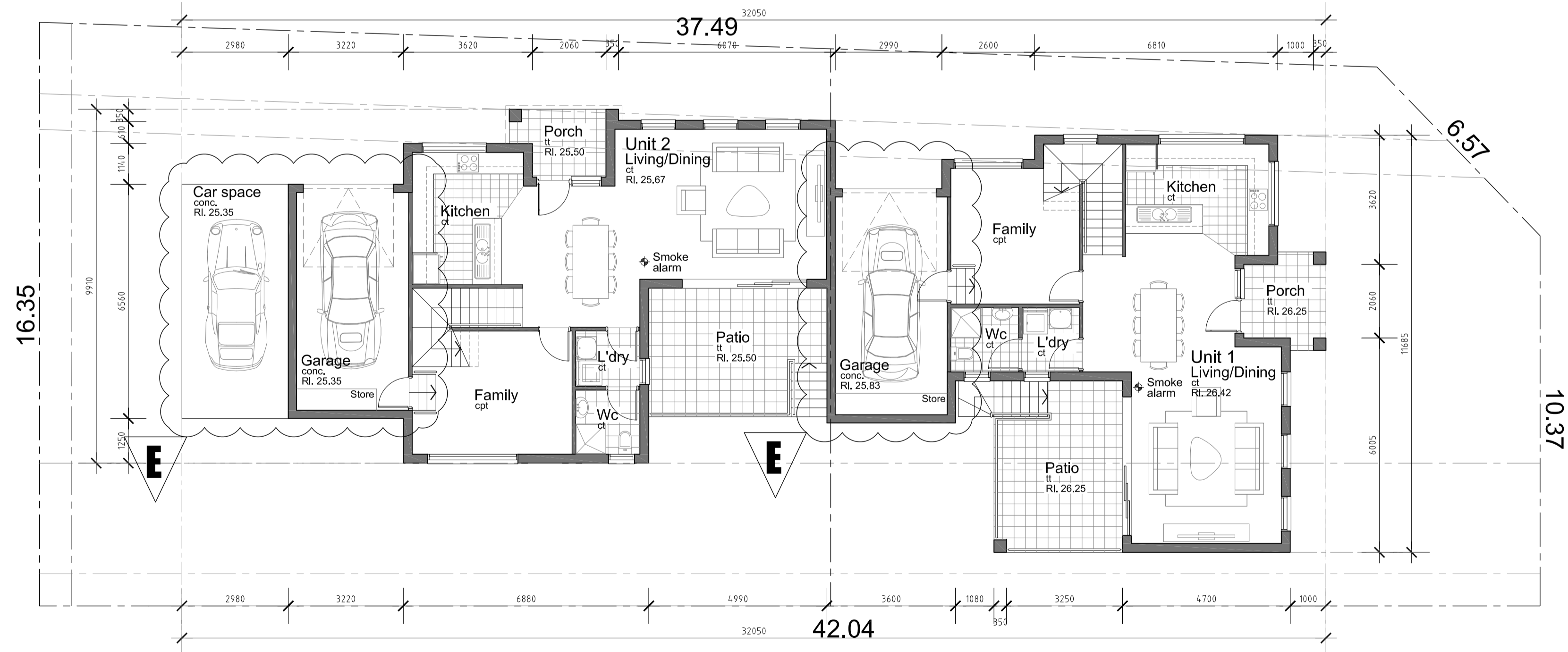
Project
 Proposed Duplex
 36 Potts Street,
 Ryde NSW 2112
 Lot A DP 407706



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 E : albert@designview.net.au
Job Number 10122 DA 01



First floor plan



Ground floor plan

NATHERS Thermal Performance Specifications (BASIX Thermal Comfort)					
36 Potts Street, Ryde					
<i>These are the specifications upon which the NATHERS assessment is based. If details included in these Specifications vary from other drawings or written specifications, these Specifications shall take precedence. If only one specification option is detailed for a building element, that specification must apply to all instances of that element for the project.</i>					
Windows	Glass	Frame	U value	SHGC	Detail
Default	Single glazed, low E	Aluminium	5.4	0.49	Window types: awning, bi-fold, casement
Default	Single glazed, low E	Aluminium	5.4	0.58	Window types: sliding window/ door, double hung, fixed
<i>* The glass type and frame descriptions are indicative only. The U-value and SHGC performance figures must be met to achieve compliance</i>					
Skylights	Glass	Frame	U value	SHGC	Detail
None					
External walls	Construction	Added Insulation	Detail		
	Brick veneer	R 2.5	All external walls (insulation not required for garage)		
Internal walls	Construction	Added Insulation	Detail		
	Plasterboard on studs	None	Generally		
	Plasterboard on studs	R 1.0	Internal walls shared with garage		
Floors	Construction	Added Insulation	Detail		Coverings
	Concrete	R 1.5	Ground floors over subfloor		As per drawings
	Concrete	None	First floors over internal spaces		
	Concrete	R 1.5	First floors over open air and garage		
Ceilings	Construction	Added Insulation	Detail		
	Plasterboard		(See roof detail below)		
Roof	Construction	Added Insulation	Detail		
	Steel roof	R 3.5			
Other Requirements					
All vents, exhaust fans and downlights (if installed) to be sealed to prevent air-infiltration.					

Issue	Description	By	Date
E	Garage level raised as per flood report	AB	Jun. 23
D	Unit 2 floor levels raised as per flood report	AB	May. 23
C	Amendments to council requirements	AB	Mar. 23
B	Boundaries shown on floor plans	AB	Sep. 22
A	Issue to council for da	AB	Jul. 22

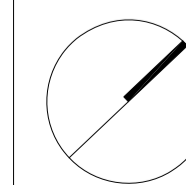
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North



Drawing Title

Plans

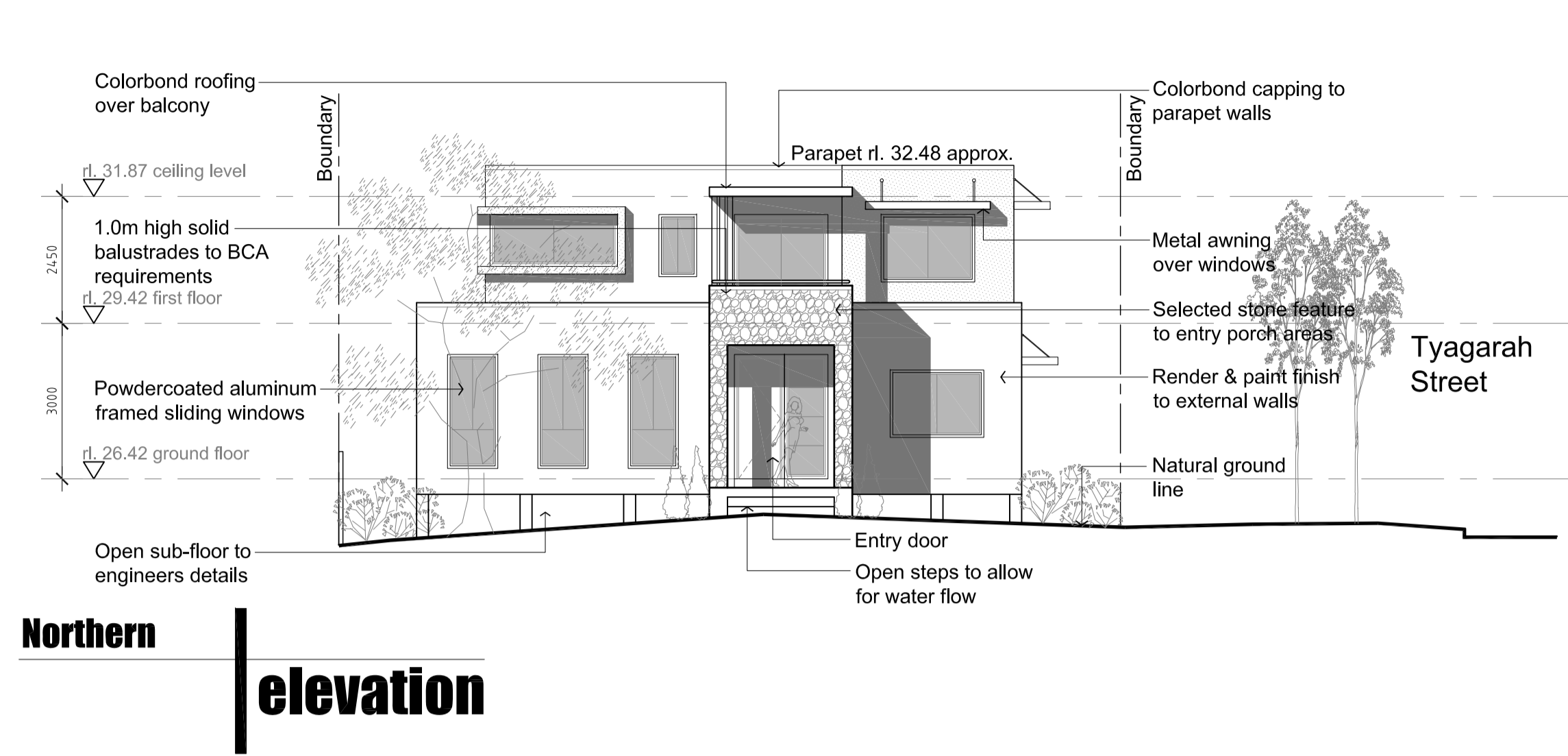
L.G.A	City of Ryde Council	Scale	1:100 (A1)
Drawn	AB	Checked	AB
Date	Jul. 22		

Project

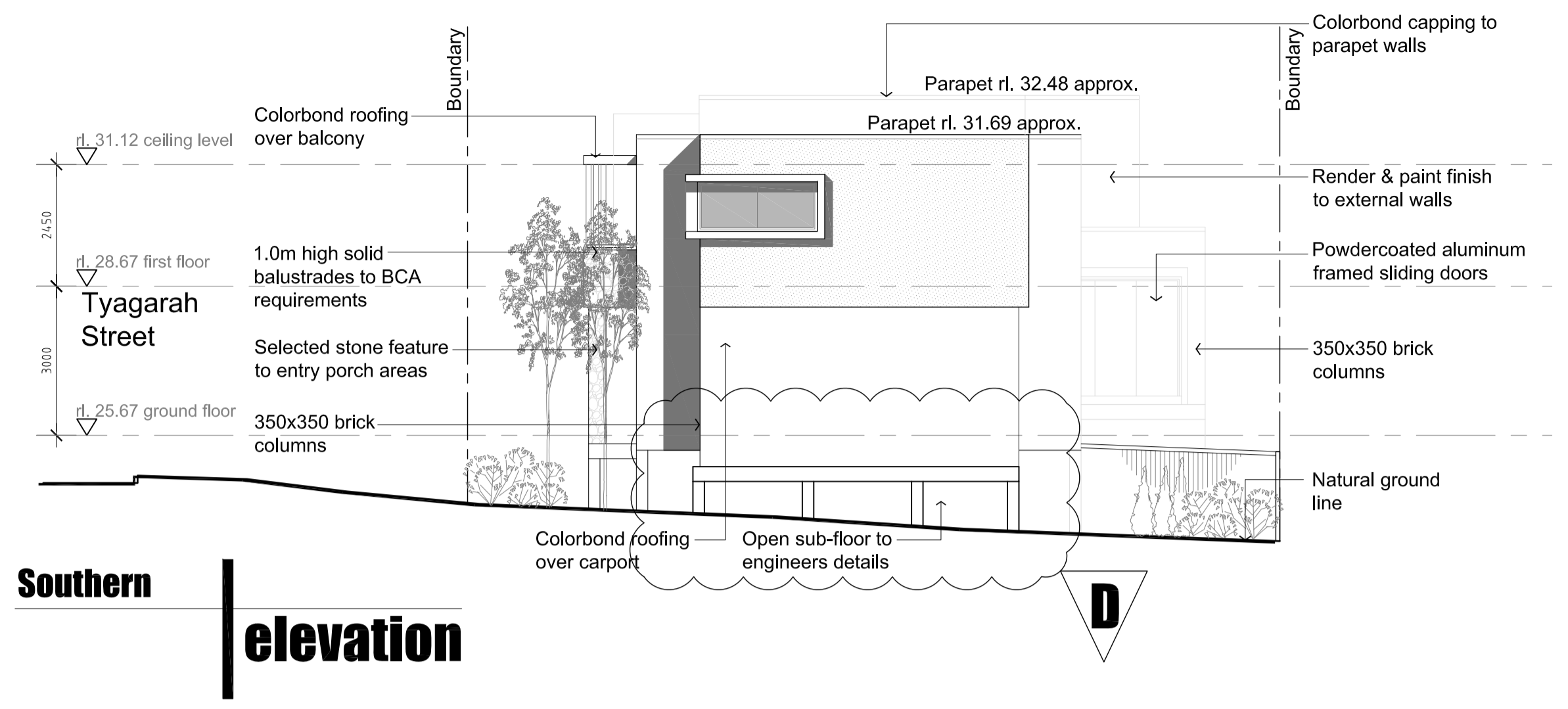
Proposed Duplex
36 Potts Street,
Ryde NSW 2112
Lot A DP 407706



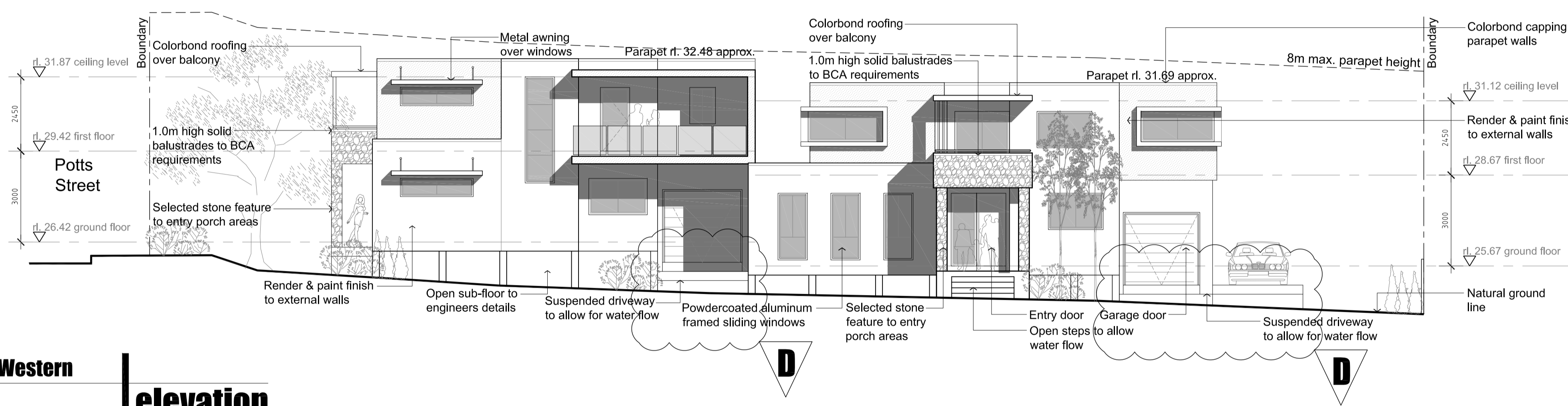
241-245 Pennant Hills Road, Carlingford. NSW 2118
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E : albert@designview.net.au
Job Number 10122 DA 02



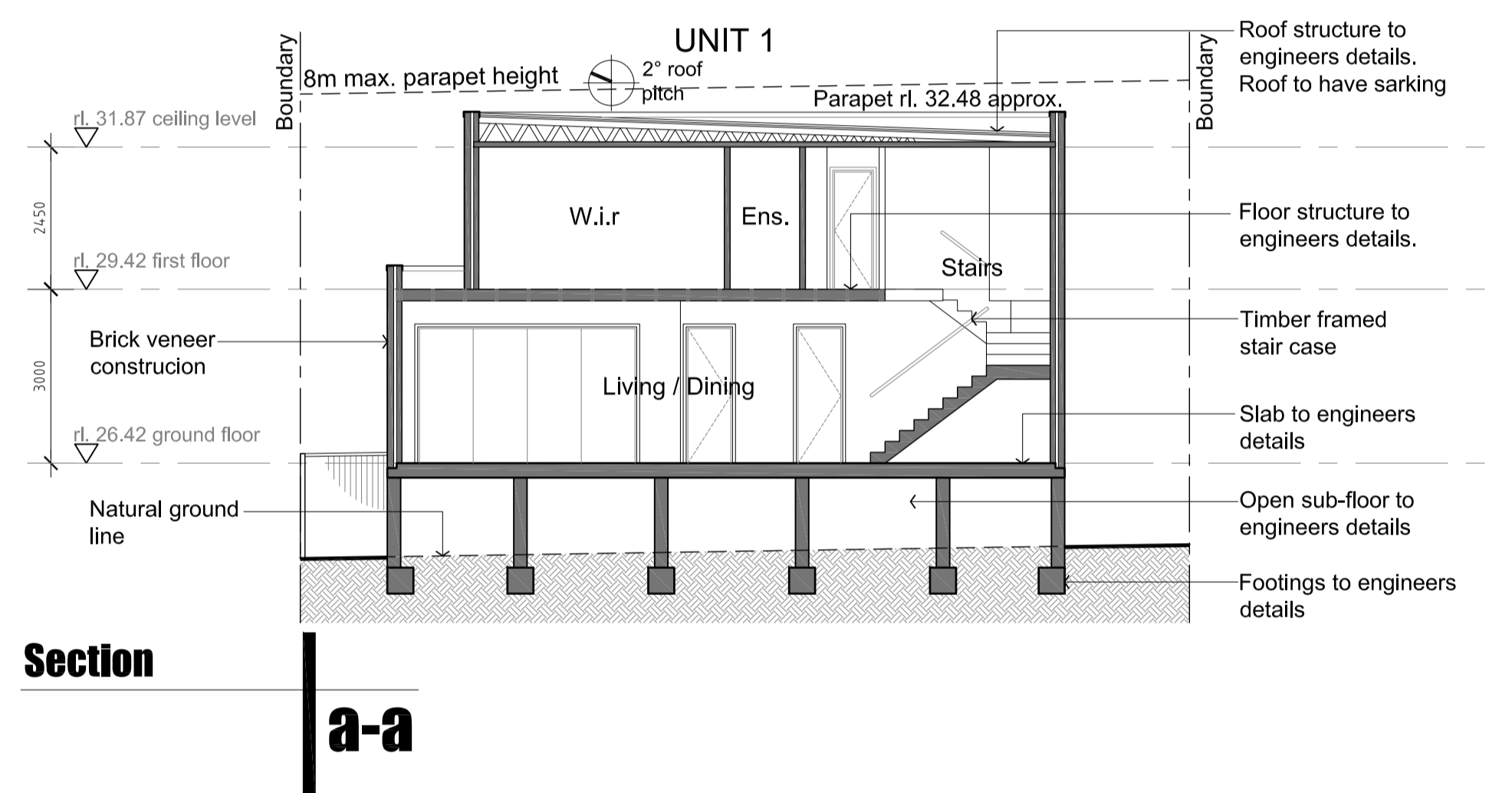
Northern elevation



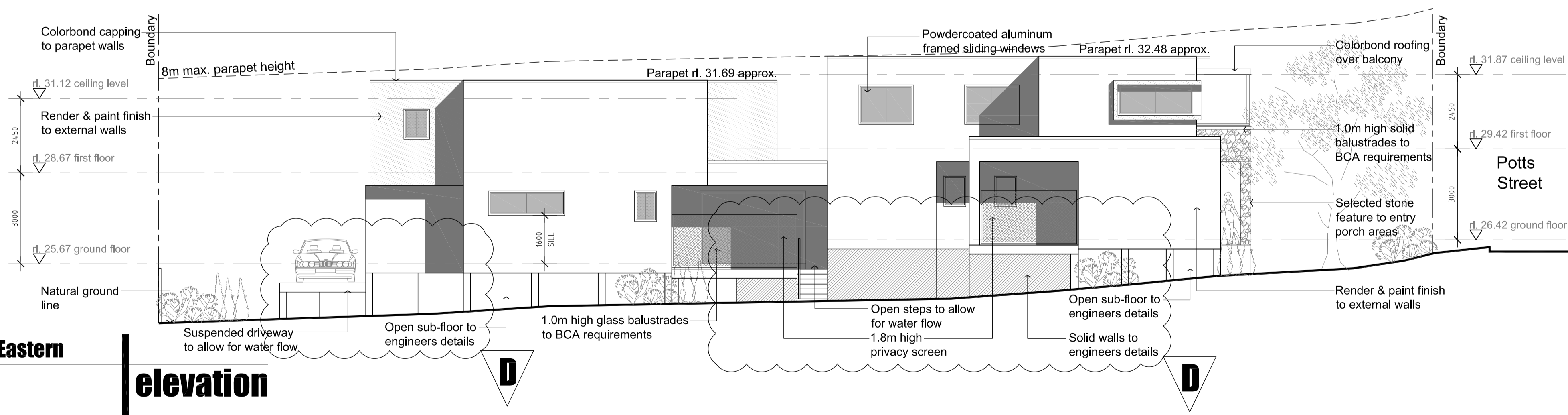
Southern elevation



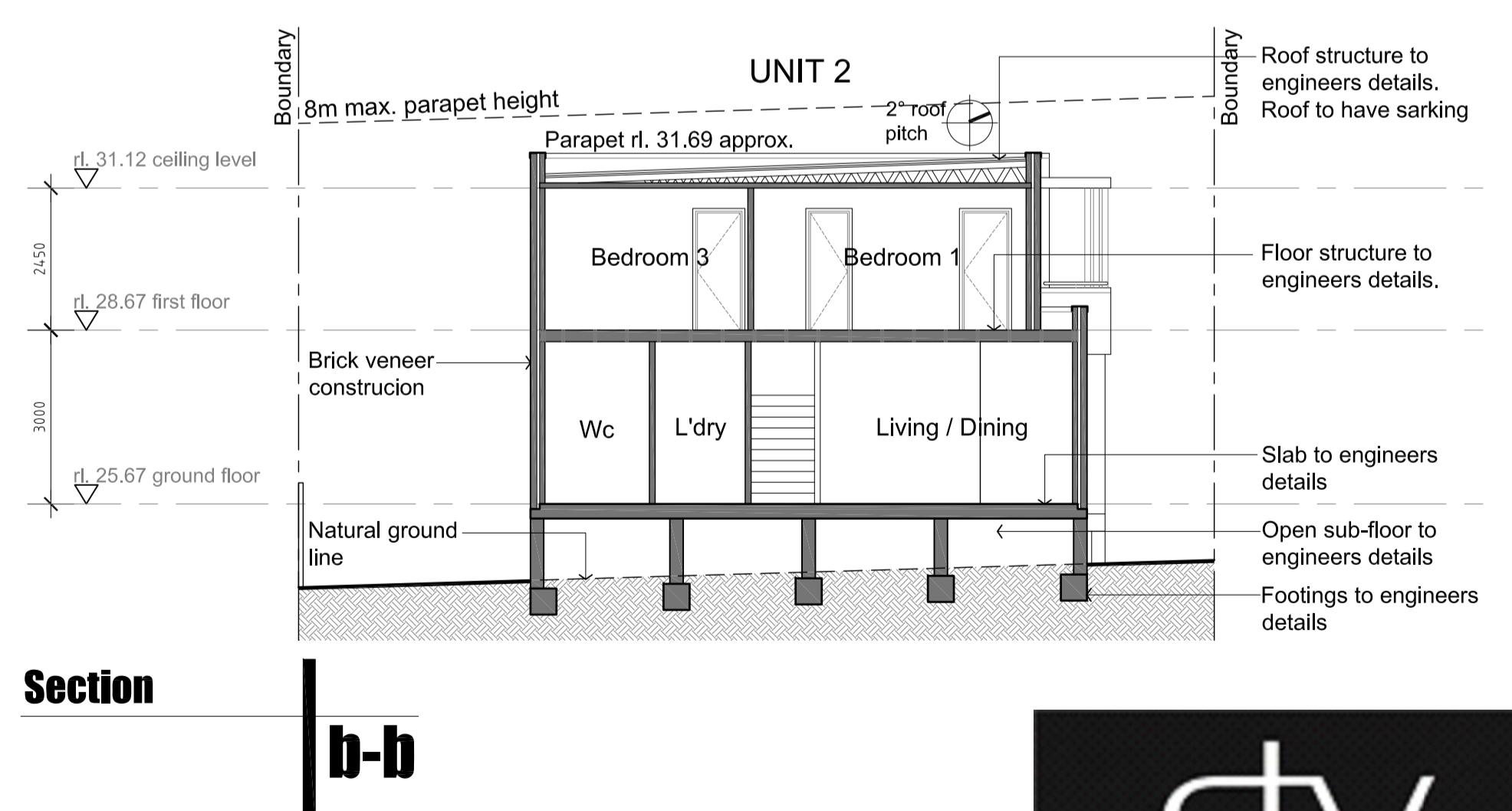
Western elevation



Section a-a



Eastern elevation

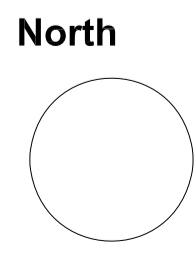


Section b-b

Issue	Description	By	Date
D	Amendments to as per flood report	AB	Jun. 23
C	Unit 2 floor levels raised as per flood report	AB	May. 23
B	Amendments to council requirements	AB	Mar. 23
A	Issue to council for da	AB	Jul. 22



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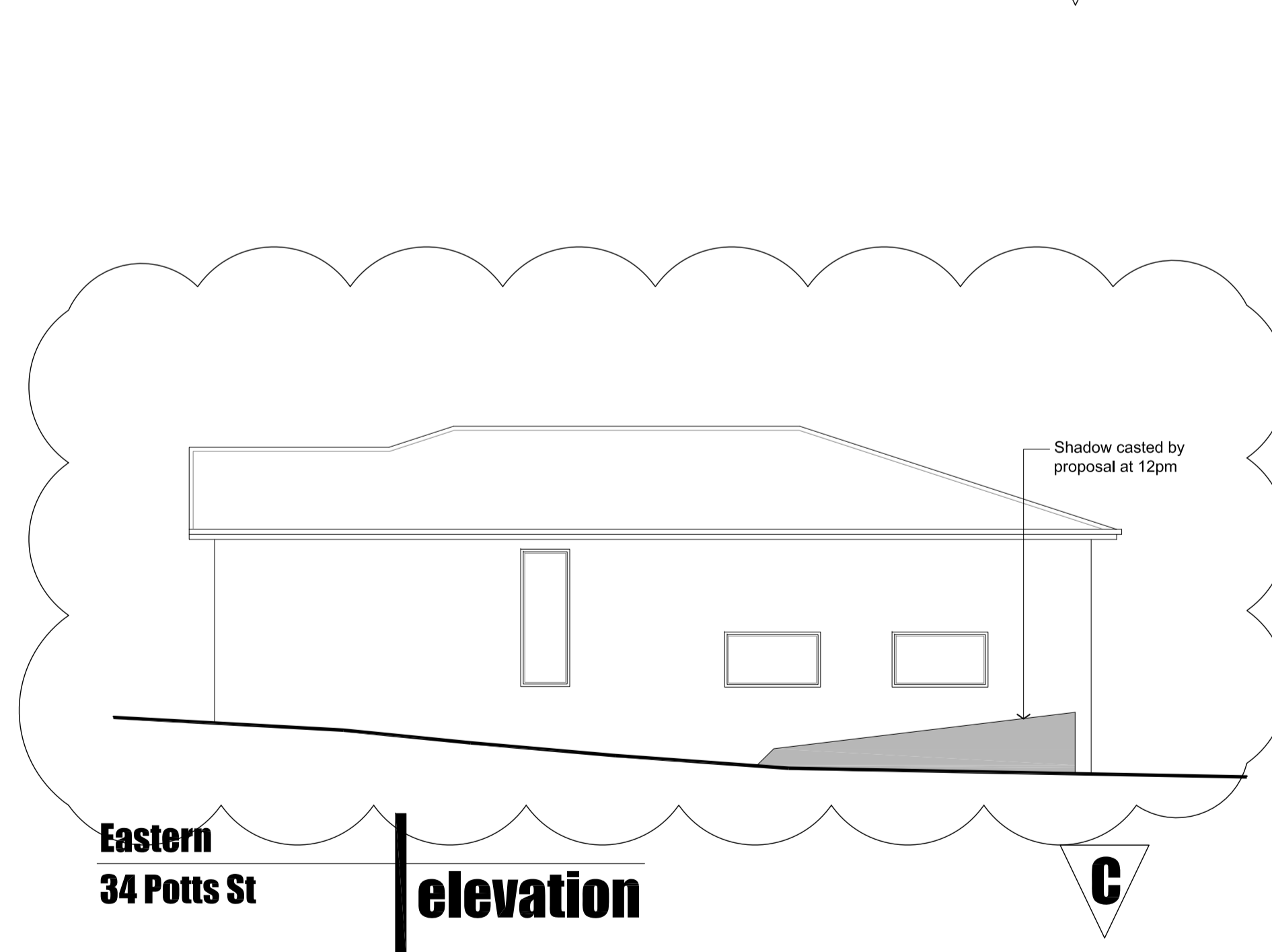
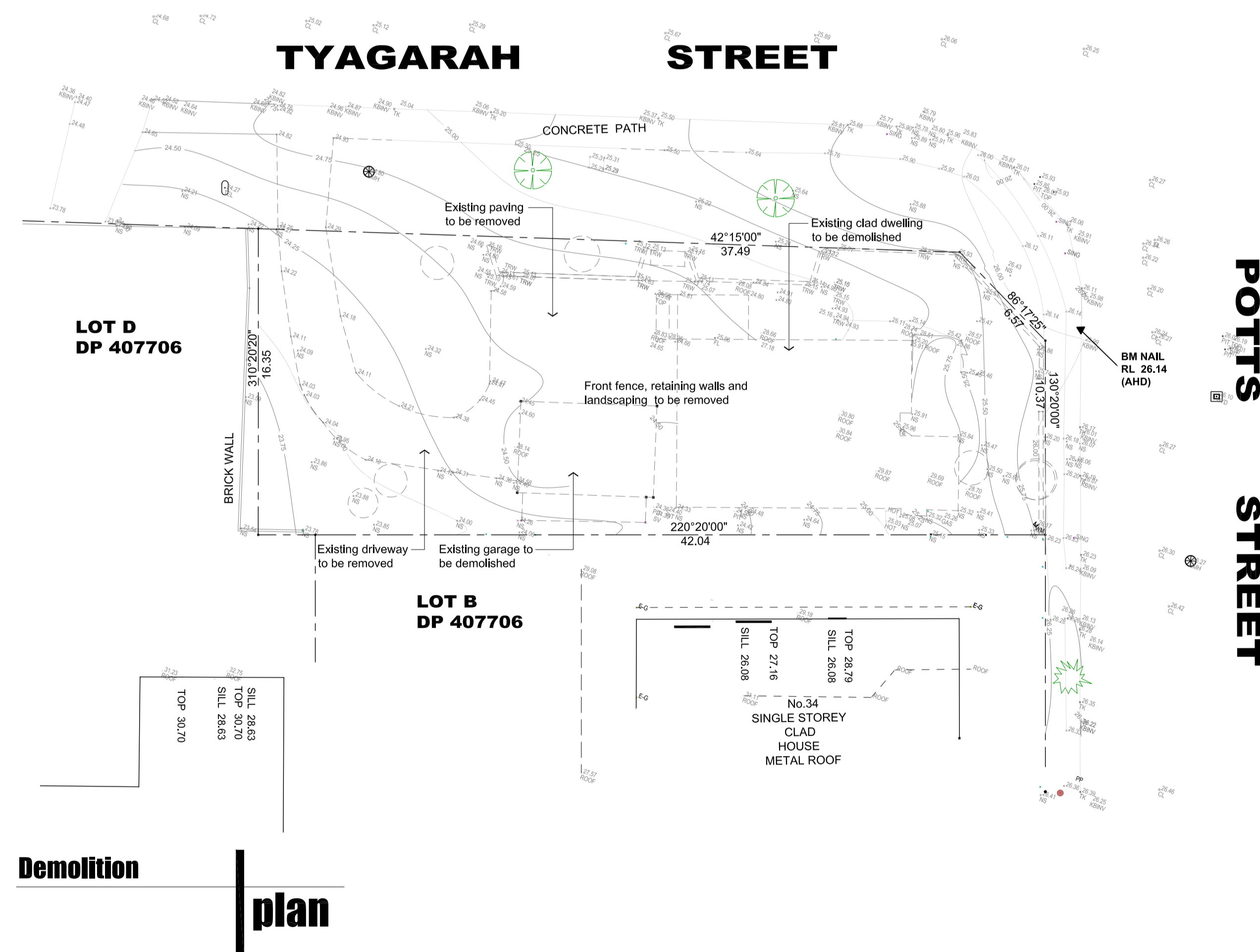
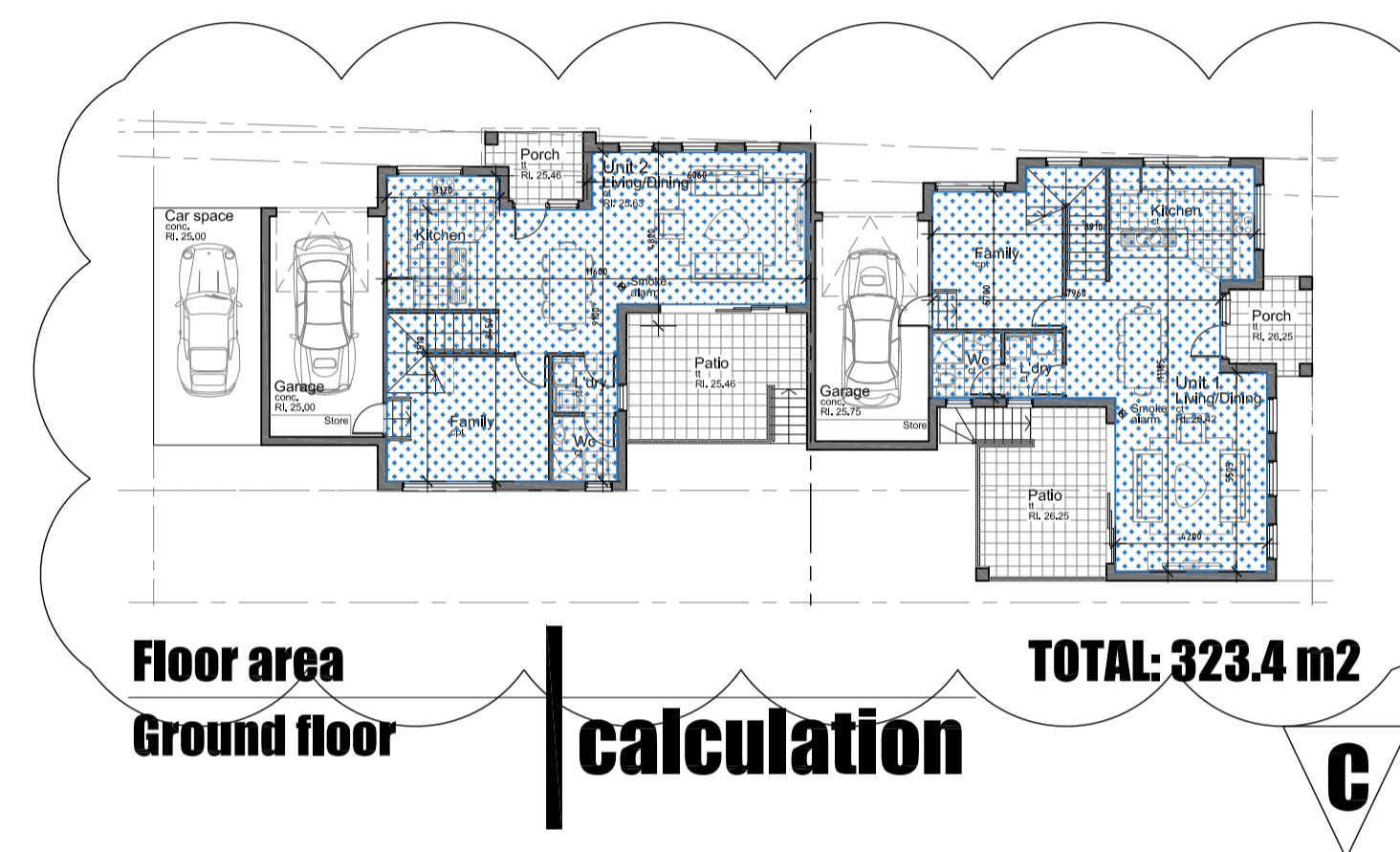
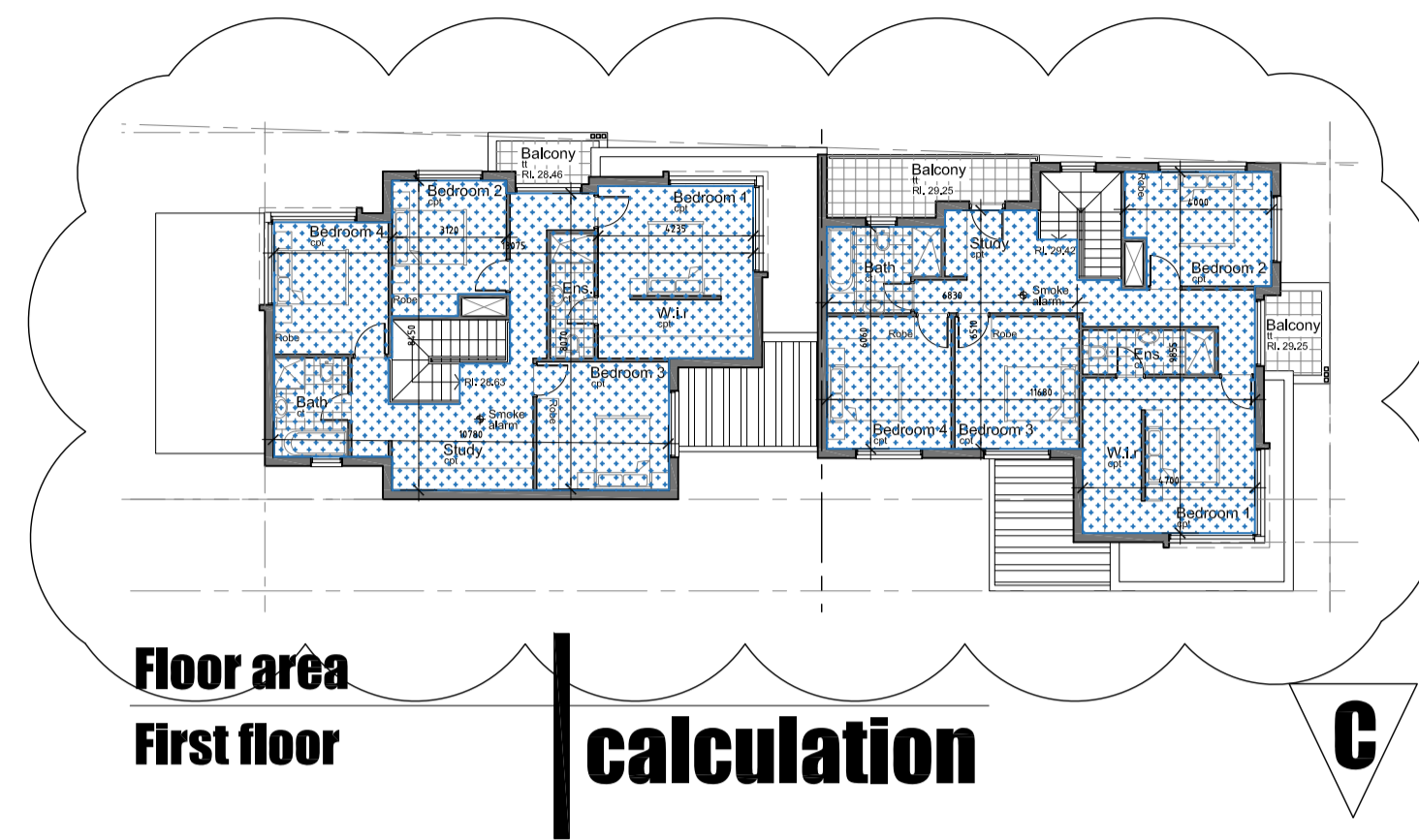
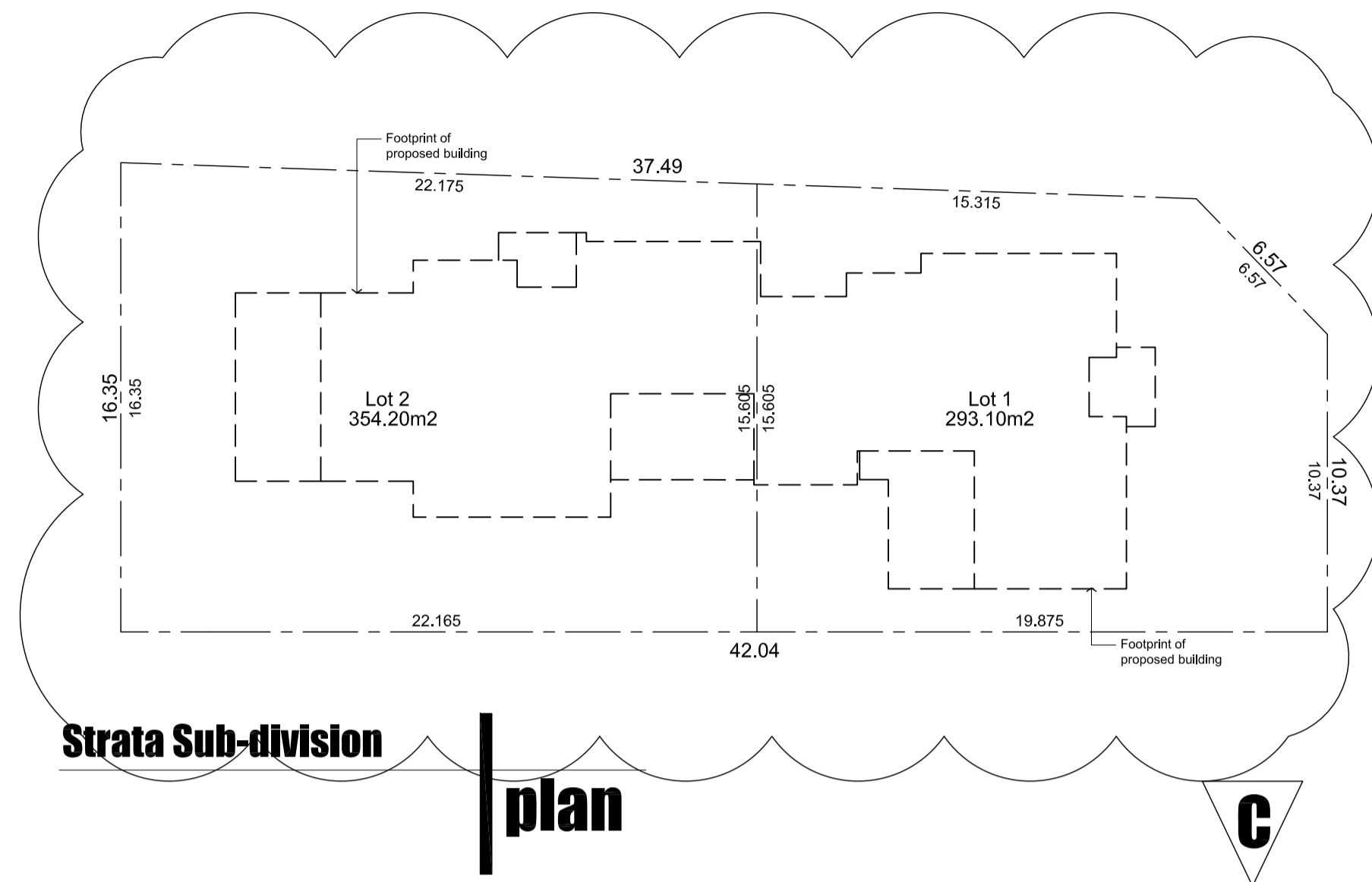


Drawing Title
Elevations & Section a-a
L.G.A City of Ryde Council
Drawn AB Checked AB Scale 1:100 (A1) Date Jul. 22

Project
Proposed Duplex
36 Potts Street,
Ryde NSW 2112
Lot A DP 407706



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Job Number 10122 DA 03



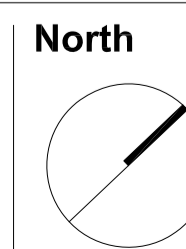
Schedule of External finishes / Materials

1. **White colour**
Paint & Render
2. **Metal Roof**
Colorbond - Custom Orb - Surfmist
3. **Fascia / Gutters / Downpipes**
Colorbond - Custom Orb- Monument Grey
4. **Windows / Doors**
Colorbond Powdercoat - Night Sky
5. **Balustrades**
Colorbond Powdercoat - Anodic Silver
6. **Balustrades glazing**
Clear
7. **Arctic Bluestone**
Stone cladding
8. **Timber work**

Issue	Description	By	Date
C	Amendments to council requirements	AB	Mar. 23
B	Building foot print shown on subdivision plan	AB	Sep. 22
A	Issue to council for da	AB	Jul. 22



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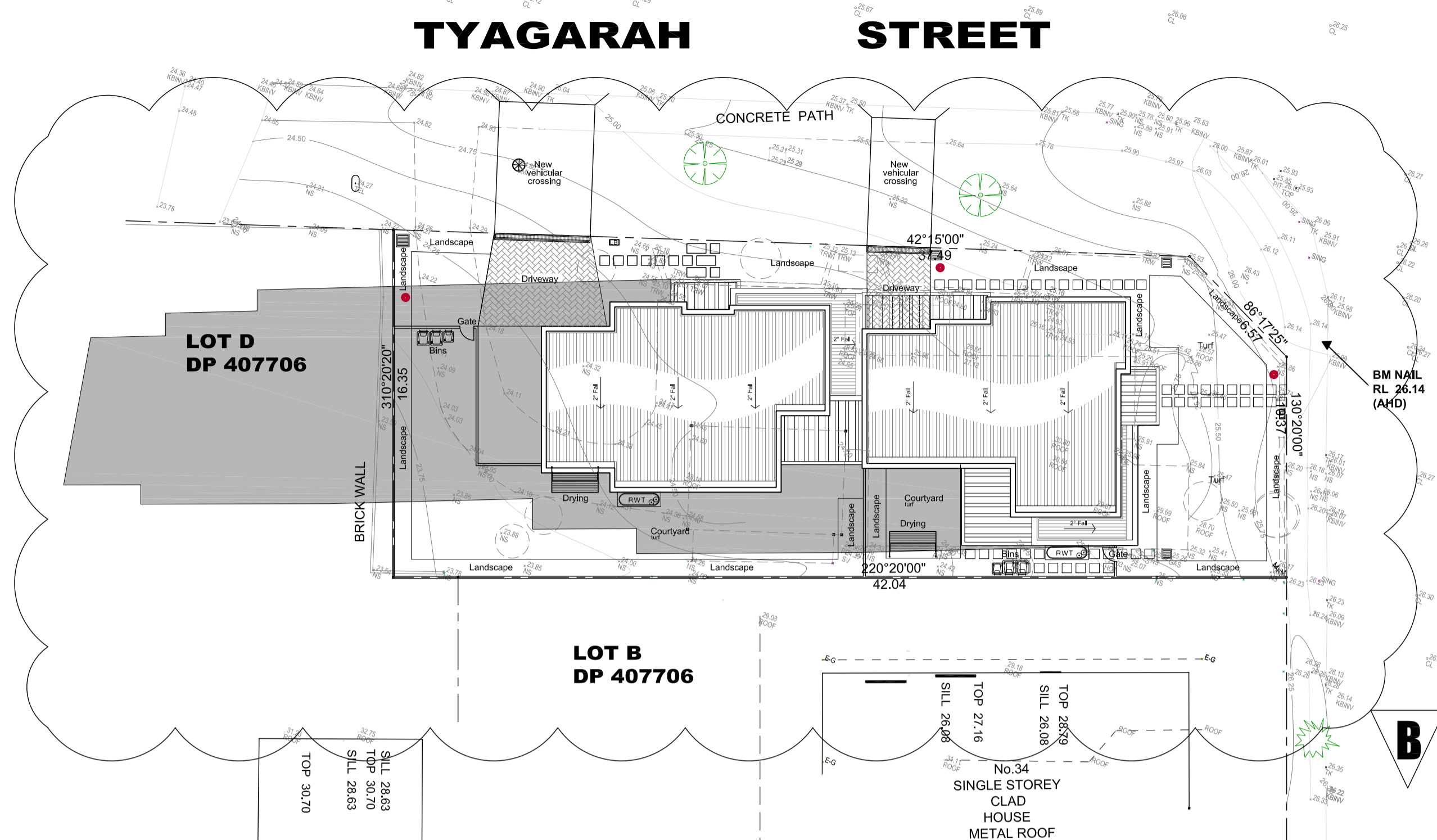


Drawing Title
Sub-division & Demolition & Calcs
L.G.A City of Ryde Council
Drawn AB Checked AB Date Jul. 22

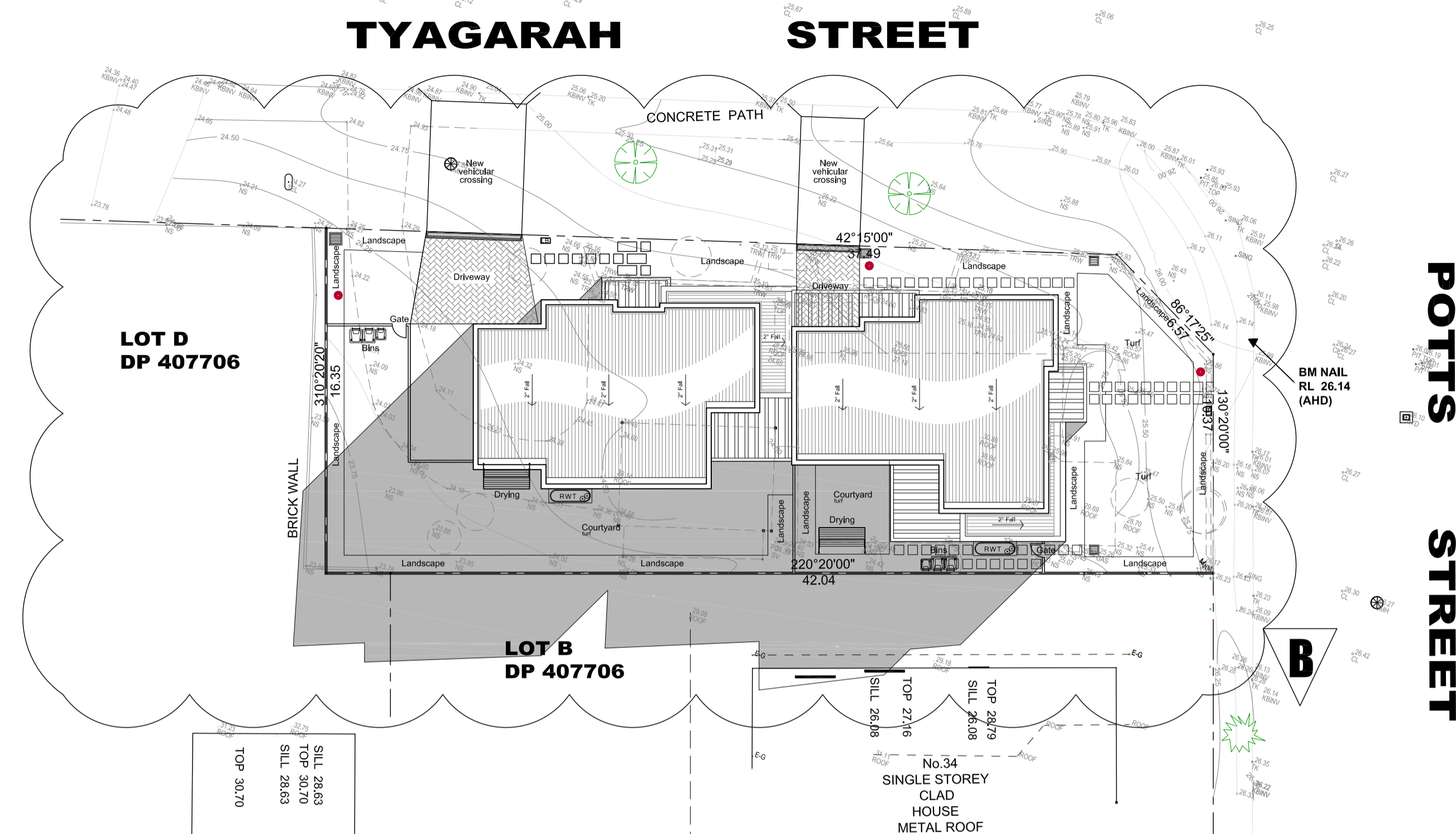
Project
Proposed Duplex
36 Potts Street,
Ryde NSW 2112
Lot A DP 407706



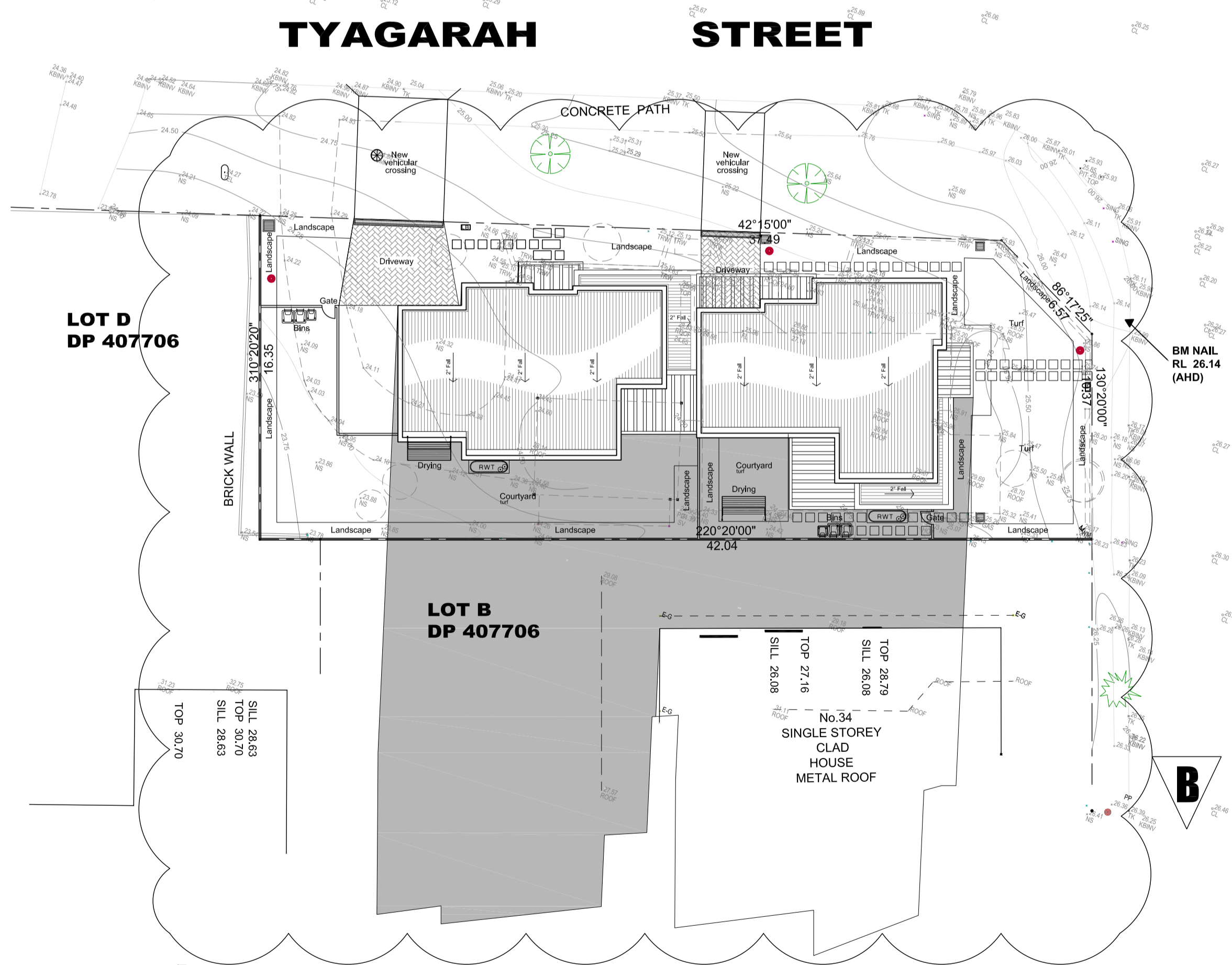
241-245 Pennant Hills Road, Carlingford. NSW 2118
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Fax: 8860 0037
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E : albert@designview.net.au
Job Number 10122 DA 04



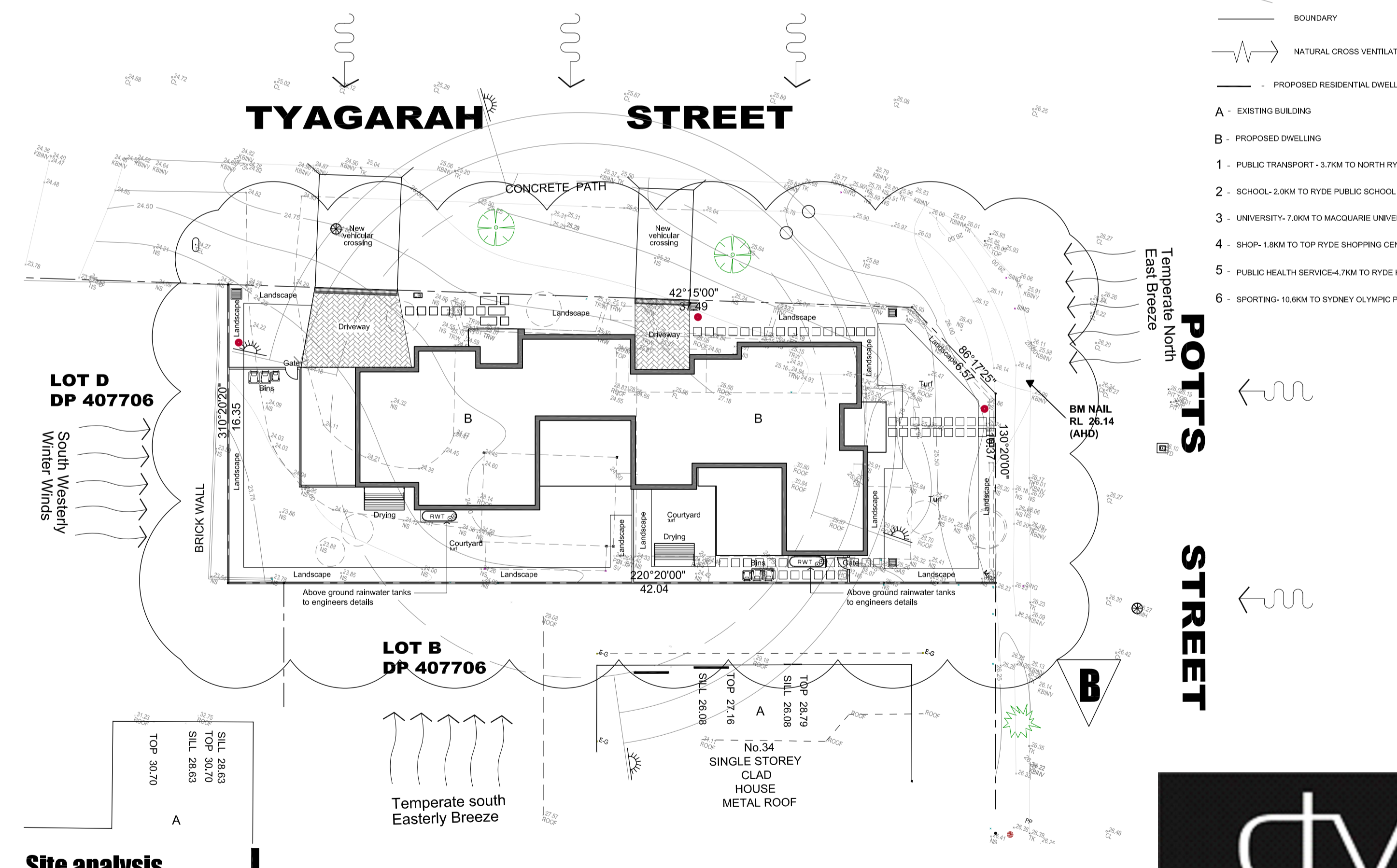
9am shadow
21st June
diagram



Noon shadow
21st June
diagram



3pm shadow
21st June
diagram



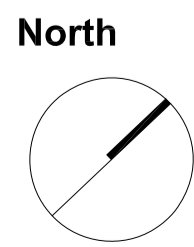
Site analysis
plan

- LEGEND**
- NEIGHBOURHOOD WINDOWS FACING SITE
 - NOISE - CAR NOISE ONLY
 - VEHICULAR SITE ENTRY
 - CONTOURS
 - BOUNDARY
 - NATURAL CROSS VENTILATION
 - PROPOSED RESIDENTIAL DWELLING
 - A** - EXISTING BUILDING
 - B** - PROPOSED DWELLING
 - 1 - PUBLIC TRANSPORT - 3.7KM TO NORTH RYDE STATION
 - 2 - SCHOOL - 2.0KM TO RYDE PUBLIC SCHOOL
 - 3 - UNIVERSITY - 7.0KM TO MACQUARIE UNIVERSITY
 - 4 - SHOP - 1.8KM TO TOP RYDE SHOPPING CENTRE
 - 5 - PUBLIC HEALTH SERVICE - 4.7KM TO RYDE HOSPITAL
 - 6 - SPORTING - 10.6KM TO SYDNEY OLYMPIC PARK



Issue	Description	By	Date
B	Amendments to council requirements	AB	Mar. 23
A	Issue to council for da	AB	Jul. 22

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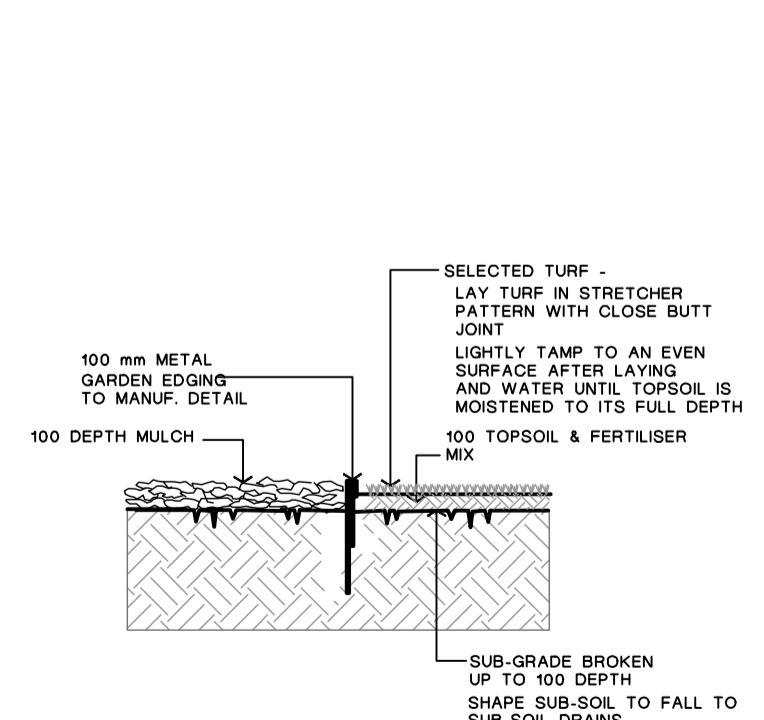
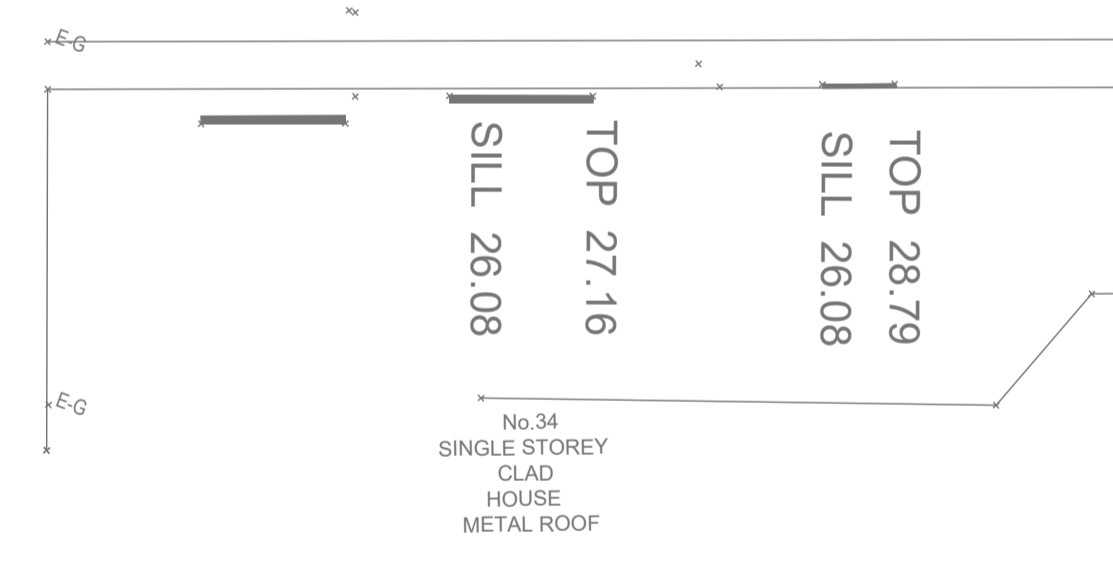
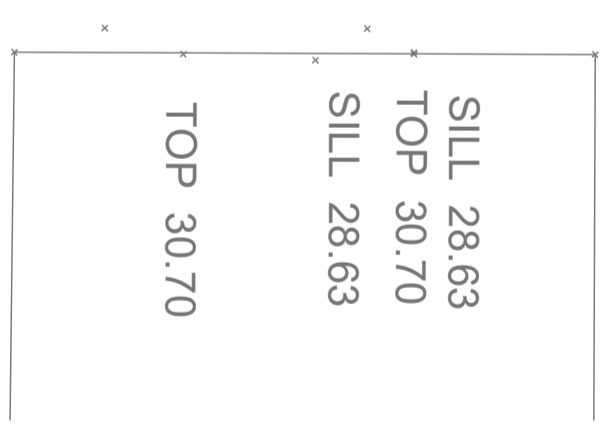
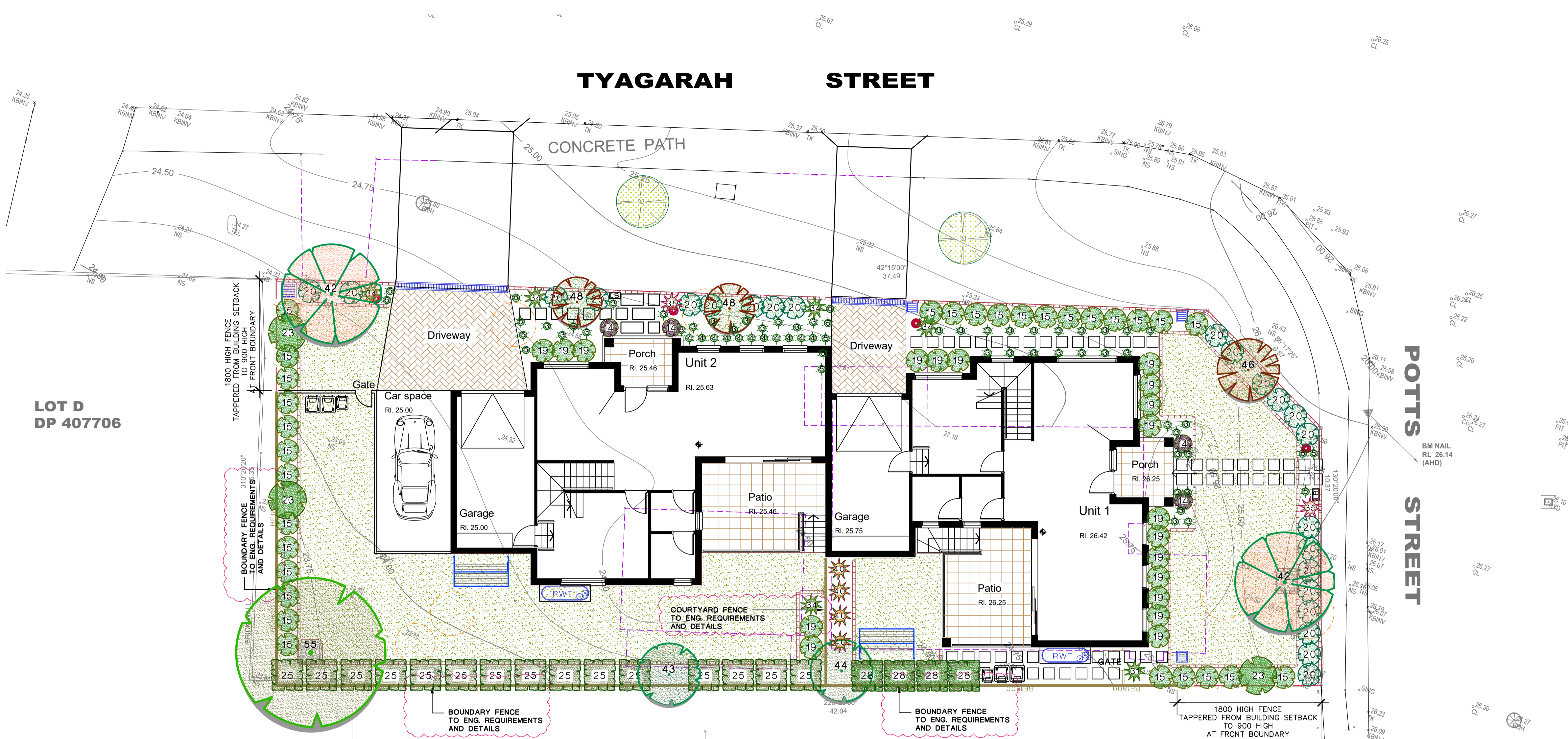
Drawing Title
Shadow diagrams & Site analysis
L.G.A City of Ryde Council
Drawn AB Checked AB Date Jul. 22

Project
Proposed Duplex
36 Potts Street,
Ryde NSW 2112
Lot A DP 407706

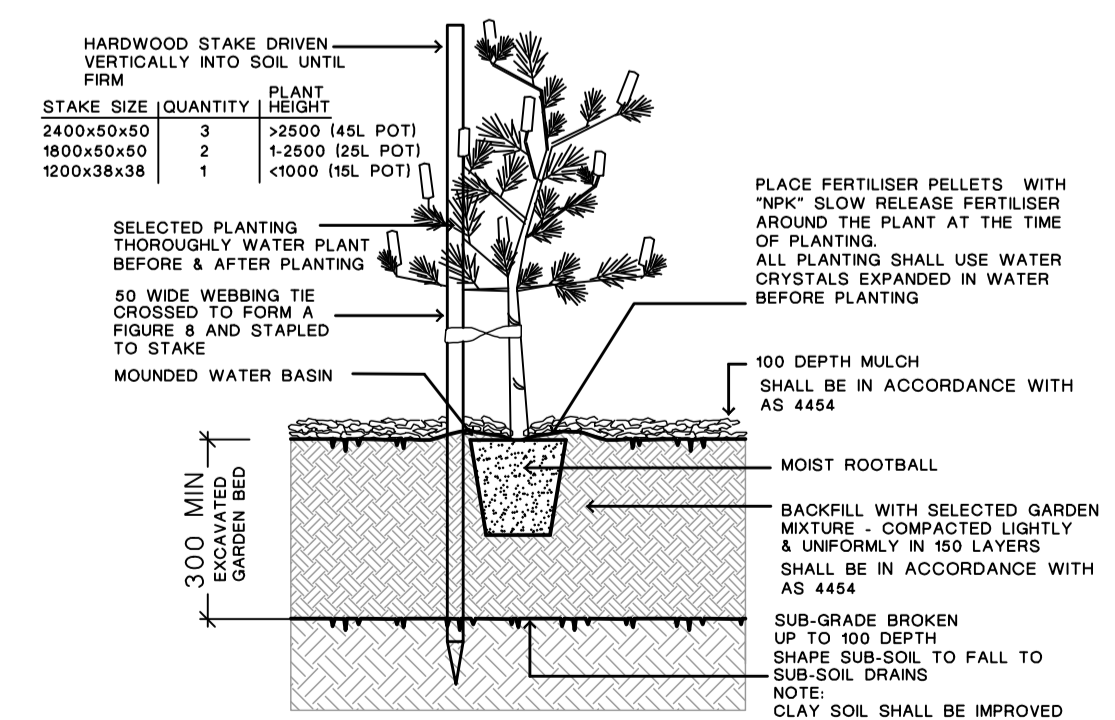
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Fax: 8860 0037
M : 0421 155 677
E : albert@designview.net.au
Job Number **10122 DA 05**

LEGEND / FINISHES SCHEDULE

	EXISTING RL
	EXISTING TREE TO BE REMOVED NOTE: All noxious weeds on the site shall be removed and destroyed as per their classification under the noxious weeds Act.
	EXISTING TREE TO BE RETAINED AND SHALL BE PROTECTED DURING CONSTRUCTION IN ACCORDANCE WITH AS 4970-2009 TREE PRUNING SHALL BE IN ACCORDANCE WITH AS 4373
	PROPOSED TREES, SHRUBS & GROUND COVER (REFER NO. TO PLANT SCHEDULE)
	BOUNDARY FENCE
	MULCHED GARDEN BED 900 WIDE MIN. OR AS SHOWN ON PLAN REFER TO DETAIL 1 & 2
	SELECTED METAL GARDEN EDGE OR AS SELECTED REFER TO DETAIL 1
	LAWN AREA SIR WALTER BUFFALO REFER TO DETAIL 1 All turf area shall be finished level with adjoining surfaces and also fall evenly to approved point of drainage discharge.
	DRIVEWAY / PATH SELECTED STENCILED OR COLOURED CONCRETE - TO AUST. STANDARDS
	PATIO / TERRACE / PATH SELECTED TILES - TO AUST. STANDARDS
	SELECTED CONC. STEPPING STONES SET WITHIN LAWN AREA
	SELECTED CLOTHES LINE SHALL BE AT LEAST 16 LINEAL METRES TO MANUF. DETAIL
	SELECTED LETTER BOX - TO AUST. POST REQUIREMENTS AND TO AS/NZS 4253-1994
	SELECTED ILLUMINATION ILLUMINATION SHALL BE DESIGNED BY A QUALIFIED LIGHTING CONSULTANT AND WITH AS 4282, AS 1680 & AS 1158 IN ACCORDANCE
	DRAINAGE REFER TO ENGINEER PLANS FOR DETAILS
	DRAINAGE PIT NOTE: PROVIDE SELECTED HEEL GUARD GRATES TO PITS ON TRAFFICABLE AREAS - TO MANUF. DETAIL
ITEM	MATERIAL
SOIL DETAIL 1 & 2	NOTE: ALL SOIL TYPE AS PER AUST. NATIVE LANDSCAPE SUPPLY OR EQUIVALENT AND SHALL BE IN ACCORDANCE WITH AS 4419 AND AS 4454 FOR SOIL CONDITIONERS AND COMPOSTS
LAWN AREA	1st QUALITY TOP SOIL
NATIVE GARDEN BED	NATIVE GARDEN MIX
EXOTIC GARDEN BED	ORGANIC GARDEN MIX
MULCH	SELECTED HARD WOOD CHIP SHALL BE IN ACCORDANCE WITH AS 4454 NOTE: PROVIDE DECORATIVE GRAVEL TO OSD / RAIN GARDEN AREA REFER TO DETAIL 1 & 2
PLANT MATERIAL	AS PER PLANT SCHEDULE REFER TO DETAIL 2
GARDEN EDGE	SELECTED METAL EDGING OR AS SELECTED REFER TO DETAIL 1
FENCE	1800 HIGH LAPPED & CAPPED TIMBER FENCE OR 1800 HIGH COLOURBOND any fencing angled to the anticipated overland flowpath must incorporate either louvers, open type pool fencing, frangible screen, battens or floodgate system, at the base of the fence, extending from the finished surface level up to the 1% AEP (100 year AR) flood level plus 300 mm freeboard (minimum 300 mm from the ground). Details of the proposed fence to be provided in the architectural plan. UNLESS THE TYPE OF MATERIAL IS STIPULATED IN ANY FLOOD STUDY PREPARED FOR THE SITE
SIDES & REAR BOUNDARY	1800 HIGH LAPPED & CAPPED TIMBER FENCE OR 1800 HIGH COLOURBOND
COURTYARD SEPARATION FENCE	1800 HIGH LAPPED & CAPPED TIMBER FENCE OR 1800 HIGH COLOURBOND



1. TURF & METAL GARDEN EDGE DETAIL
NOTE: ALIGNMENT OF METAL EDGE SHALL BE EVEN & FREE FROM DIPS AND HUMPS.
ALL TURFED AREAS SHALL BE FINISHED LEVEL WITH ADJOINING SURFACES AND ALSO FALL EVENLY TO APPROVED POINTS OF DRAINAGE DISCHARGE



2. TREE & SHRUB PLANTING IN GARDEN BED
NOTE: DO NOT PLANT IN UNSUITABLE WEATHER CONDITIONS SUCH AS EXTREME HEAT, COLD, WIND OR RAIN. CLAY SOIL IS TO BE TREATED WITH CLAY BREAKER AND ORGANIC COMPOST.
ALL SOIL TYPE AS PER AUST. NATIVE LANDSCAPE SUPPLY OR EQUIVALENT AND SHALL BE IN ACCORDANCE WITH AS 4419

PROPOSED PLANT SCHEDULE
IN ACCORDANCE WITH AS 2303: 2015

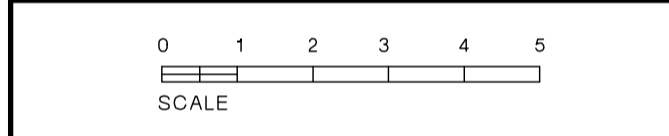
CODE	BOTANICAL NAME	COMMON NAME	APPROX MATURED HEIGHT	POT SIZE	QUANTITY
GROUND COVER / BORDER					
3	Viola hederacea	Native Violet	hanging	150mm	42
4	Liriope muscari 'Just Right'	Just Right Liriope	0.5	150mm	11
5	Dianella tasmanica 'Destiny'	Destiny Flax Lily	0.4	150mm	14
LOW SHRUBS					
14	Syzygium 'Standard'	Lilly pilly Standard	1.2	200mm	4
15	Callistemon Great Balls of Fire	Great Balls of Fire	2	200mm	31
19	Acmena 'Allyn's Magic'	Lilly pilly	1.5	200mm	19
20	Westringia Wynyabbie Gem	Wynyabbie Gem	1.2	200mm	23
TALL SHRUBS					
23	Backhousia myrtifolia	Grey Myrtle	3	200mm	3
25	Syzygium Superior	Superior Lilly pilly	3	200mm	15
28	Pittosporum tenuifolium 'Silver Sheen'	Pittosporum Silver Sheen	3	200mm	4
FEATURE SHRUBS					
31	Cordyline stricta	Slender palm lily	3	200mm	1
34	Phormium tenax purpurea	Dianella	1.2	200mm	5
35	Cordyline 'Red Sensation'	Red Sensation	1.2	25 L	2
40	Alpinia zerumbet variegata	Variegated Shell Ginger	1.5	200mm	4
TREES					
42	Glochidion ferdinandi	Cheese Tree	7	25 L	2
43	Elaeocarpus reticulatus	Blueberry Ash	8	45 L	1
44	Tristanopsis laurina 'Luscious'	Water gum	8	45 L	1
46	Lagerstroemia indica 'Indian Summer'	Crepe Myrtle	5	45 L	1
48	Magnolia Teddy Bear	Magnolia	5	45 L	2
55	Angophora floribunda	Rough-barked Apple	20	75 L	1

NOTE:
THE TREES SHALL COMPLY WITH NATSPEC SPECIFYING TREES: A GUIDE TO ASSESSMENT OF TREE QUALITY (2003) OR AUSTRALIAN STANDARD AS 2303 - 2015 TREE STOCK FOR LANDSCAPE USE.
HEIGHT AND SPAN ARE INDICATIVE ONLY SUBJECT TO ON SITE ENVIRONMENTAL FACTORS. USE ONLY AS A GUIDE.

REV	DESCRIPTION	REVISION DATE
D	AMEND FENCE DETAIL AS PER COUNCIL LETTER	5.6.23
C	AMEND AS PER ARCH CHG	7.3.23
B	DA ISSUE	26.7.22
A	DA ISSUE	17.6.22

- NOTE:
- In the event of any inconsistency between the architectural plans and stormwater plans, The architectural plan shall prevail to the extent of the inconsistency
 - All landscape works shall be carried out by members of the LANDSCAPE CONTRACTORS ASSOCIATION OF AUSTRALIA.
 - Contractors must verify all dimensions at the site before commencing any work or making any shop drawings which must be approved before manufacturing.
 - Do not scale drawing, if in doubt - ASK
 - This drawing is to be read in conjunction with Architectural, Hydraulic and survey plans
 - All Existing trees to remain shall be protected as per arborist report & council requirements
 - All pruning shall be in accordance with the AS 4373
 - Thoroughly eradicate weeds from all garden areas.
 - No variation to the works to be carried out without prior approval from owner.
 - All materials to be the best of their respective kinds and shall comply with approved sample type submitted or specified.
 - Substitution of plant species or varieties will not be permitted.
 - Unless otherwise specified or directed, all instructions are to be issued by the consulting landscape designer.
 - All storm water outlets & surface run off shall be to Hydraulic Engineers detail.
 - Provide sub-soil drainage to garden beds & lawn areas where required - To be confirmed on site.
 - Refer to survey plan for position of all existing services.
 - Refer to Architectural elevations & Sections for existing and proposed ground lines.
 - All landscape works shall comply with all councils DA & CC conditions and all relevant "AUSTRALIAN STANDARDS" and AUS SPEC NO.1 Specification C273-Landscaping.
 - Irrigation system - If required, shall be designed & installed to comply with AS 2698, AS 2698.1-1994, AS 2698.2-1995, AS 2698.3-1990, water board and other relevant authority regulations.

MAINTENANCE
- All landscape works are to be maintained for a period of 12 months (or as required by council DA Consent) by landscape contractor after final completion AND shall be maintained at all times in a suitable manner. Replace all plants which have failed with the same species. Mulch is to be maintained at specified depth. All plants and turf shall be watered on a regular basis to maintain moisture levels required for optimum growth. All garden areas are to be maintained free from weeds.



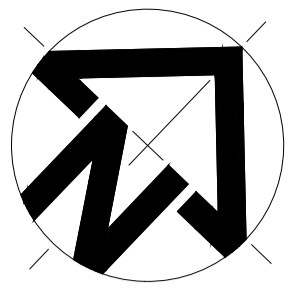
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36 Potts Street,
Ryde

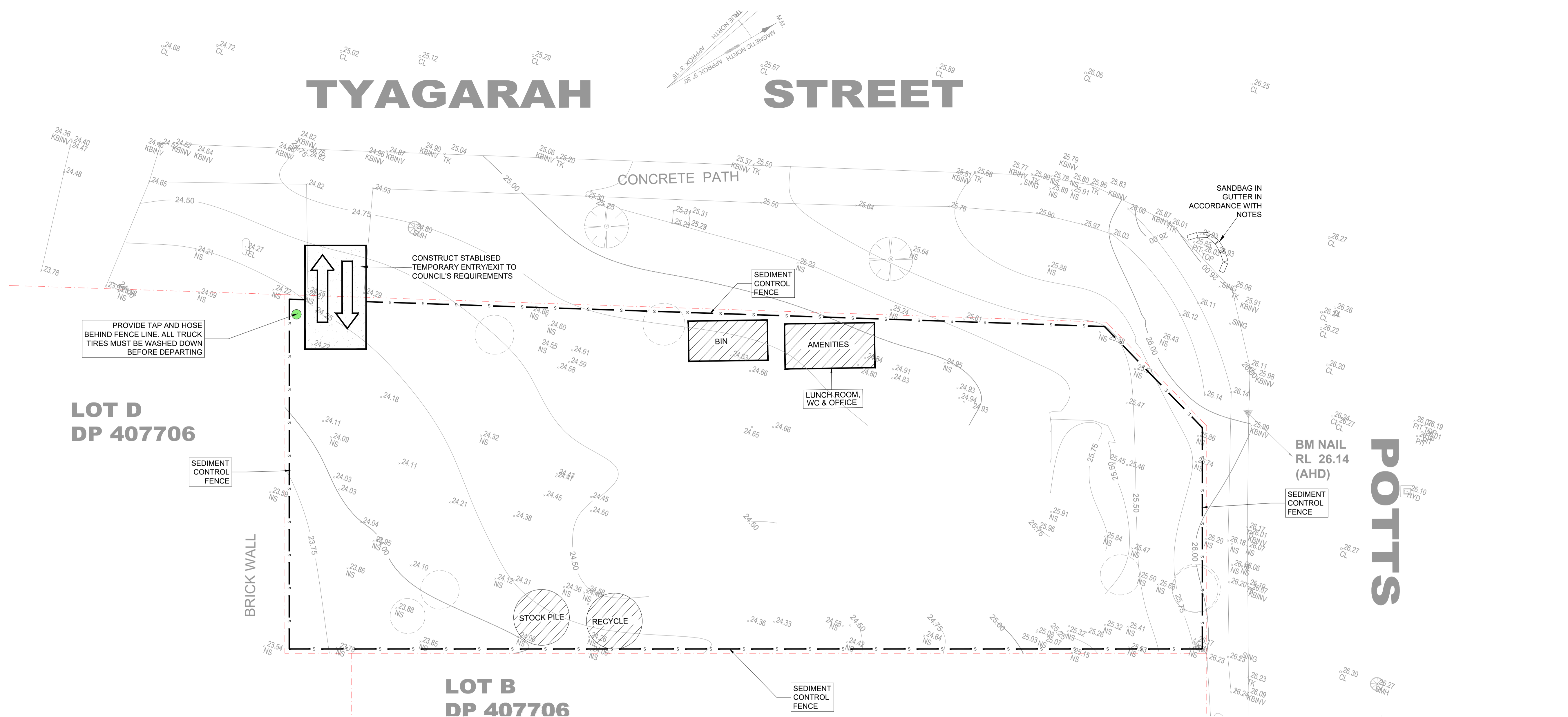


vision dynamics
landscape design
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Ph: (02) 9499 8888
em : visiondynamics @ westnet.com.au

DRAWN	FF	SCALE	1:100@A1 OR 1:200@A3	REV.	
DRAWING NUMBER	22114 DA		1		D
MEMBER	Fona Fong Associate Member Australian Institute Landscape Designers & Managers Ltd of Membership No. 193				



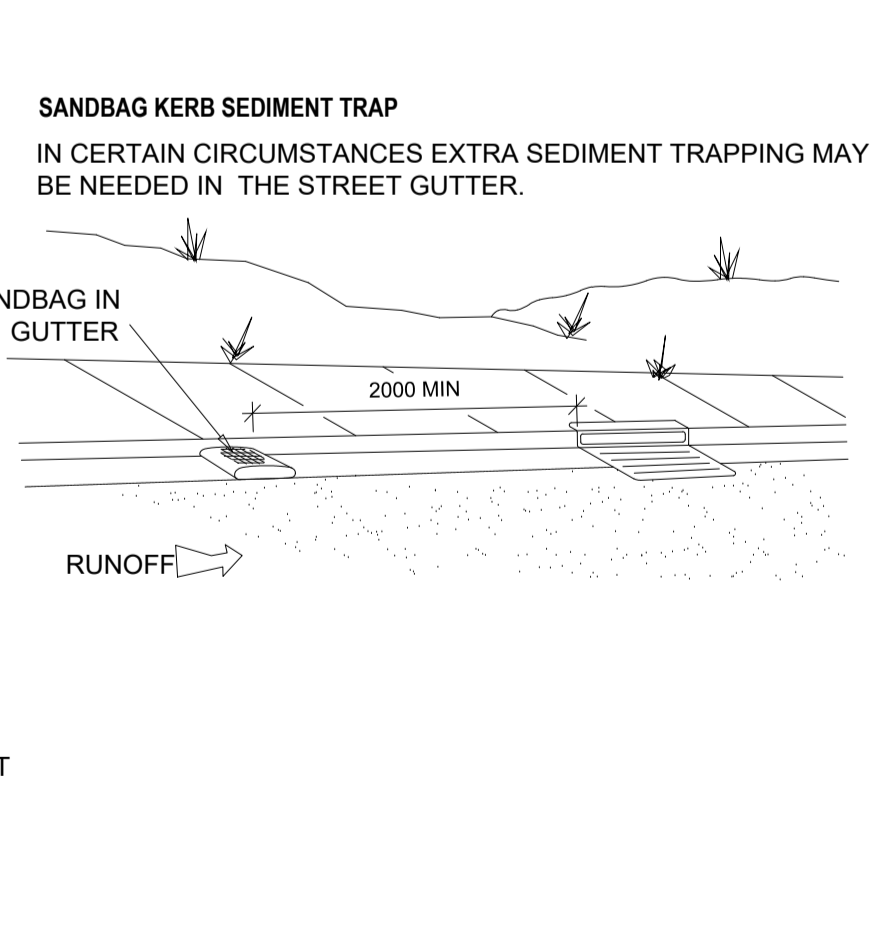
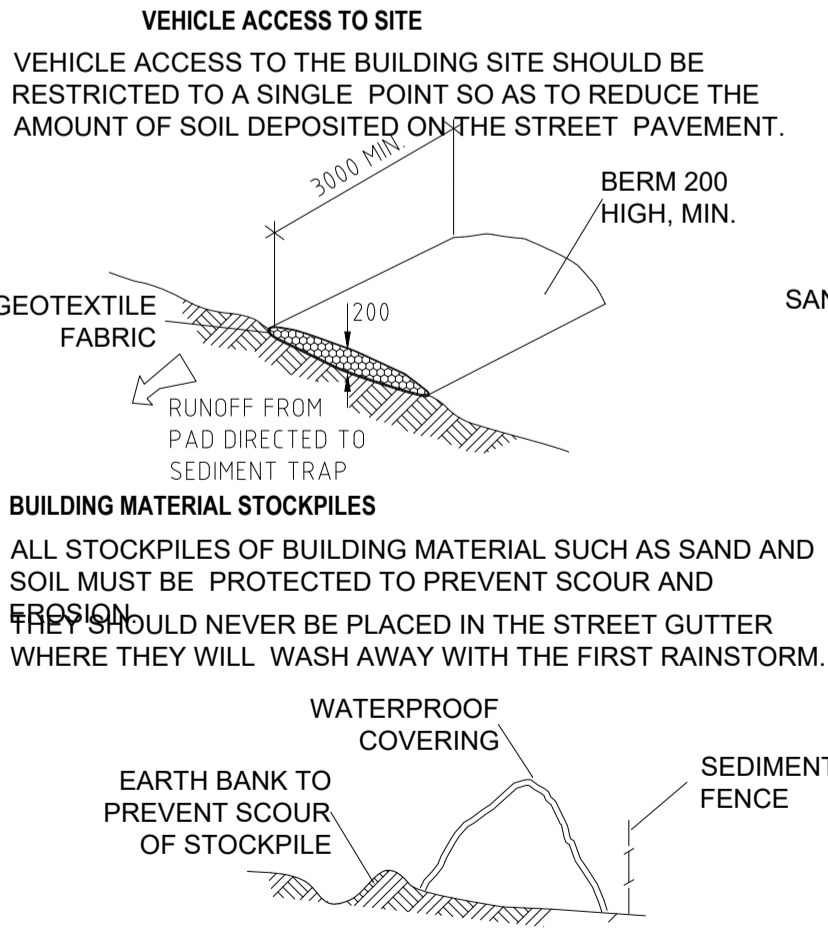
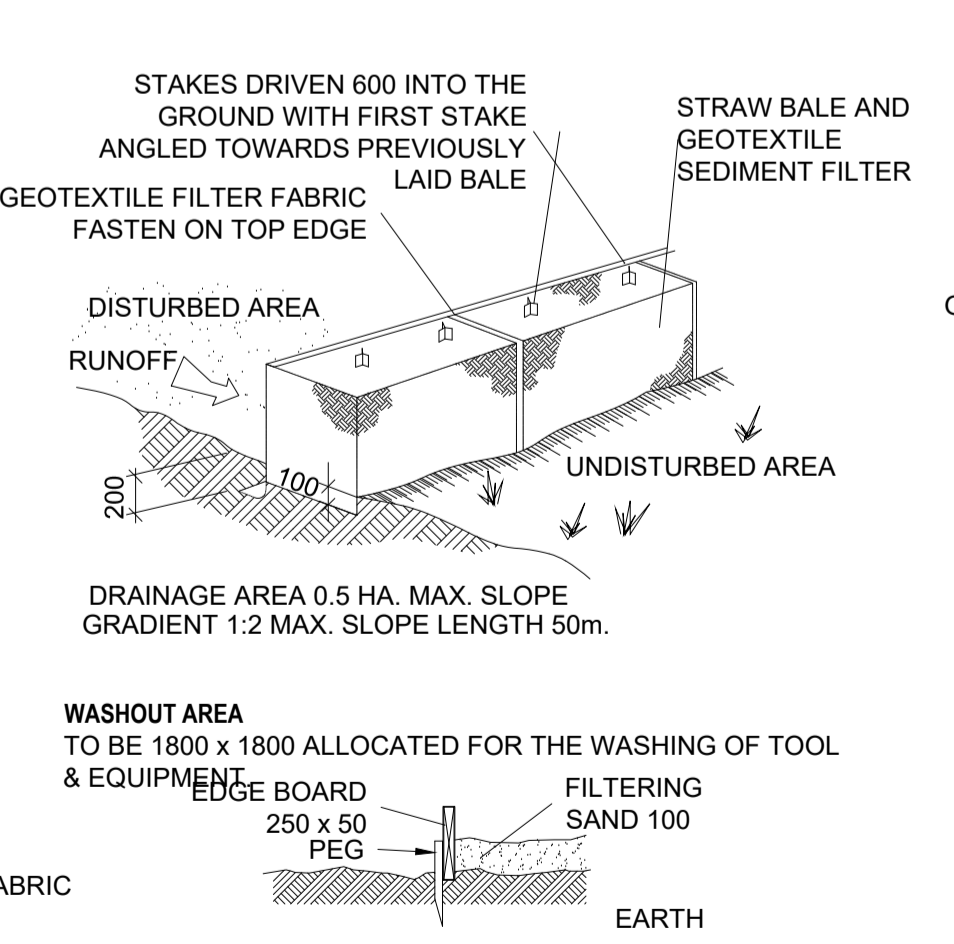
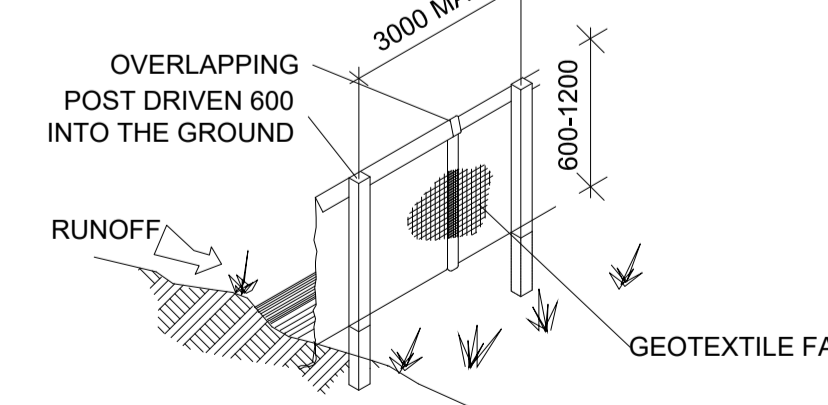
TYAGARAH STREET



SEDIMENT & EROSION CONTROL PLAN
1:100 @ A1

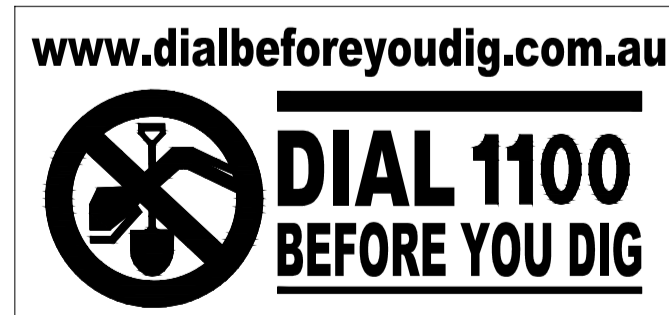
SEDIMENT AND EROSION CONTROL NOTES
SEDIMENT AND EROSION CONTROL SHALL BE EFFECTIVELY MAINTAINED AT ALL TIMES DURING THE COURSE OF CONSTRUCTION AND SHALL NOT BE REMOVED UNTIL THE SITE HAS BEEN STABILISED OR LANDSCAPED TO THE SUPERINTENDENT'S SATISFACTION. A SINGLE ALL WEATHER ACCESS WAY WILL BE PROVIDED AT THE FRONT OF THE PROPERTY CONSISTING OF 50-75 AGGREGATE OR SIMILAR MATERIAL AT A MINIMUM THICKNESS OF 150 LAID OVER NEEDLE-PUNCHED GEOTEXTILE FABRIC AND CONSTRUCTED PRIOR TO COMMENCEMENT OF WORKS. THE CONTRACTOR SHALL ENSURE THAT NO SPOIL OR FILL ENCROACHES UPON ADJACENT AREAS FOR THE DURATION OF WORKS. THE CONTRACTOR SHALL ENSURE THAT KERB INLETS AND DRAINS RECEIVING STORMWATER SHALL BE PROTECTED AT ALL TIMES DURING DEVELOPMENT. KERB INLET SEDIMENT TRAPS SHALL BE INSTALLED ALONG THE IMMEDIATE VICINITY ALONG THE STREET FRONTAGE. SEDIMENT FENCING SHALL BE SECURED BY POST (WHERE METAL STAR PICKETS ARE USED PLASTIC SAFETY CAPS SHALL BE USED) AT 2000 INTERVALS WITH GEOTEXTILE FABRIC EMBEDDED 200 IN SOIL. ALL TOPSOIL STRIPPED FROM THE SITE AND STOCKPILED DOES NOT INTERFERE WITH DRAINAGE LINES AND STORMWATER INLETS AND WILL BE SUITABLY COVERED WITH AN IMPERVIOUS MEMBRANE MATERIAL AND SCREENED BY SEDIMENT FENCING.

SOIL CONSERVATION NOTE:
PRIOR TO COMMENCEMENT OF CONSTRUCTION PROVIDE 'SEDIMENT FENCE', 'SEDIMENT TRAP' AND WASHOUT AREA TO ENSURE THE CAPTURE OF WATER BORNE MATERIAL GENERATED FROM THE SITE. MAINTAIN THE ABOVE DURING THE COURSE OF CONSTRUCTION, AND CLEAR THE 'SEDIMENT TRAP' AFTER EACH STORM.
SEDIMENT TRAP
1000 x 1000 WIDE 500 DEEP PIT, LOCATED AT THE LOWEST POINT TO THE TRAP SEDIMENT.
SEDIMENT FENCE
PROVIDE 'SEDIMENT FENCE' ON DOWN SLOPE BOUNDARY AS SHOWN ON PLAN. FABRIC TO BE BURIED BELOW GROUND AT LOWER EDGE.



GENERAL NOTES
THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH OTHER CONSULTANTS' DRAWINGS AND SPECIFICATIONS AND WITH OTHER SUCH WRITTEN INSTRUCTIONS AS MAY BE ISSUED DURING THE COURSE OF THE CONTRACT. ANY DISCREPANCY SHALL BE REFERRED TO THE ENGINEER BEFORE PROCEEDING WITH THE WORK.
ALL DIMENSIONS ARE IN MILLIMETRES & ALL LEVELS ARE IN METRES, UNO (UNLESS NOTED OTHERWISE).
NO DIMENSION SHALL BE OBTAINED BY SCALING THE DRAWINGS.
ALL LEVELS AND SETTING OUT DIMENSIONS SHOWN ON THE DRAWINGS SHALL BE CHECKED ON SITE PRIOR TO THE COMMENCEMENT OF THE WORK.
DURING EXCAVATION WORK THE STRUCTURE SHALL BE MAINTAINED IN A STABLE AND NO PART SHALL BE OVERSTRESSED.
ALL WORK IS TO BE UNDERTAKEN IN ACCORDANCE WITH THE DETAILS SHOWN ON THE DRAWINGS & THE SPECIFICATION.
EXISTING SERVICES WHERE SHOWN HAVE BEEN PLOTTED FROM SUPPLIED DATA AND SUCH THEIR ACCURACY CAN NOT BE GUARANTEED. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ESTABLISH THE LEVEL OF ALL EXISTING SERVICES PRIOR TO THE COMMENCEMENT OF WORK.
ALL SERVICE TRENCHES UNDER VEHICULAR PAVEMENTS SHALL BE BACK FILLED IN ACCORDANCE WITH THE REQUIREMENTS OF THE LOCAL COUNCIL.
ALL TRENCH BACK FILL MATERIAL SHALL BE COMPACTED TO THE SAME DENSITY AS THE ADJACENT MATERIAL.
ON COMPLETION OF STORMWATER INSTALLATION, ALL DISTURBED AREAS MUST BE RESTORED TO ORIGINAL CONDITION, INCLUDING KERBS, FOOTPATHS, CONCRETE AREAS, GRAVEL AND GRASSED AREAS AND ROAD PAVEMENTS, UNLESS DIRECTED OTHERWISE.
CONTRACTOR TO OBTAIN ALL AUTHORITY APPROVALS UNLESS DIRECTED OTHERWISE.

STORMWATER DRAINAGE
THE STORMWATER DRAINAGE DESIGN HAS BEEN CARRIED OUT IN ACCORDANCE WITH AS/NZS 3500.3 - 1990 'STORMWATER DRAINAGE' & AS/NZS 3500.3.2-1998 'STORMWATER DRAINAGE - ACCEPTABLE SOLUTIONS'.
ANY VARIATIONS TO THE NOMINATED LEVELS SHALL BE REFERRED TO ENGINEER IMMEDIATELY.
ANY VARIATIONS TO SPECIFIED PRODUCTS OR DETAILS SHALL BE REFERRED TO THE ENGINEER FOR APPROVAL.
DOWN PIPES SHALL BE A MINIMUM OF DN100 SW GRADE UPVC OR 100X100 COLORBOND/ZINCALUME STEEL, UNO.
BOX COLORBOND OR ZINCALUME STEEL. GUTTERS SHALL BE A MINIMUM OF 450 WIDE X 150 DEEP.
EAVES GUTTERS SHALL BE A MINIMUM OF 125 WIDE X 100 DEEP (OR OF EQUIVALENT AREA) COLORBOND OR ZINCALUME STEEL.
SUBSOIL DRAINAGE SHALL BE PROVIDED TO ALL RETAINING WALLS & EMBANKMENTS, WITH THE LINES FEEDING INTO THE STORMWATER DRAINAGE SYSTEM.



ISSUED FOR DA

REVISION	AMENDMENT	ISSUE DATE
E	ISSUED FOR DA	15-05-2023
D	ISSUED FOR DA	13-03-2023
C	ISSUED FOR DA	28-07-2022
B	ISSUED FOR DA	25-07-2022
A	ISSUED FOR COORDINATION	14-06-2022



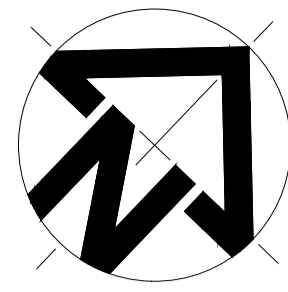
Phone: (02) 9745 5202
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Address: 4.03, 16 Railway Parade,
Burwood NSW 2134
Website: www.alphaengineering.com.au

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PROJECT
PROPOSED DEVELOPMENT
36 POTTS STREET,
RYDE

DRAWING TITLE		
SEDIMENT AND EROSION CONTROL PLAN		
SCALES AS SHOWN	DESIGNED ASK	DRAFTED ASK
DRAWING NO. A21292 - SW01	APPROVED JM	REVISION E



LEGEND	
	uPVC PIPE TO PIT
	uPVC PIPE TO RAINWATER TANK
	uPVC OVERFLOW PIPE FROM RAINWATER TANK
	OUTLINE OF ROOF ABOVE
	EXISTING SEWER MAIN
	EXISTING SEWER MANHOLE
	EXISTING STORMWATER PIPE

- NOTES:
- ALL PITS AND DRAINS IN LANDSCAPE AREAS TO BE MIN. CLASS B UNO.
 - ALL PITS AND DRAINS IN DRIVEWAY AND PAVED AREAS TO BE MIN. CLASS C UNO
 - ALL PIPES TO BE UPVC LAID AT MIN. 1% SLOPE
 - HAND DIGGING REQUIRED FOR STORMWATER PIPES NEAR TREES

GROUND FLOOR DRAINAGE PLAN

1:100 @ A1

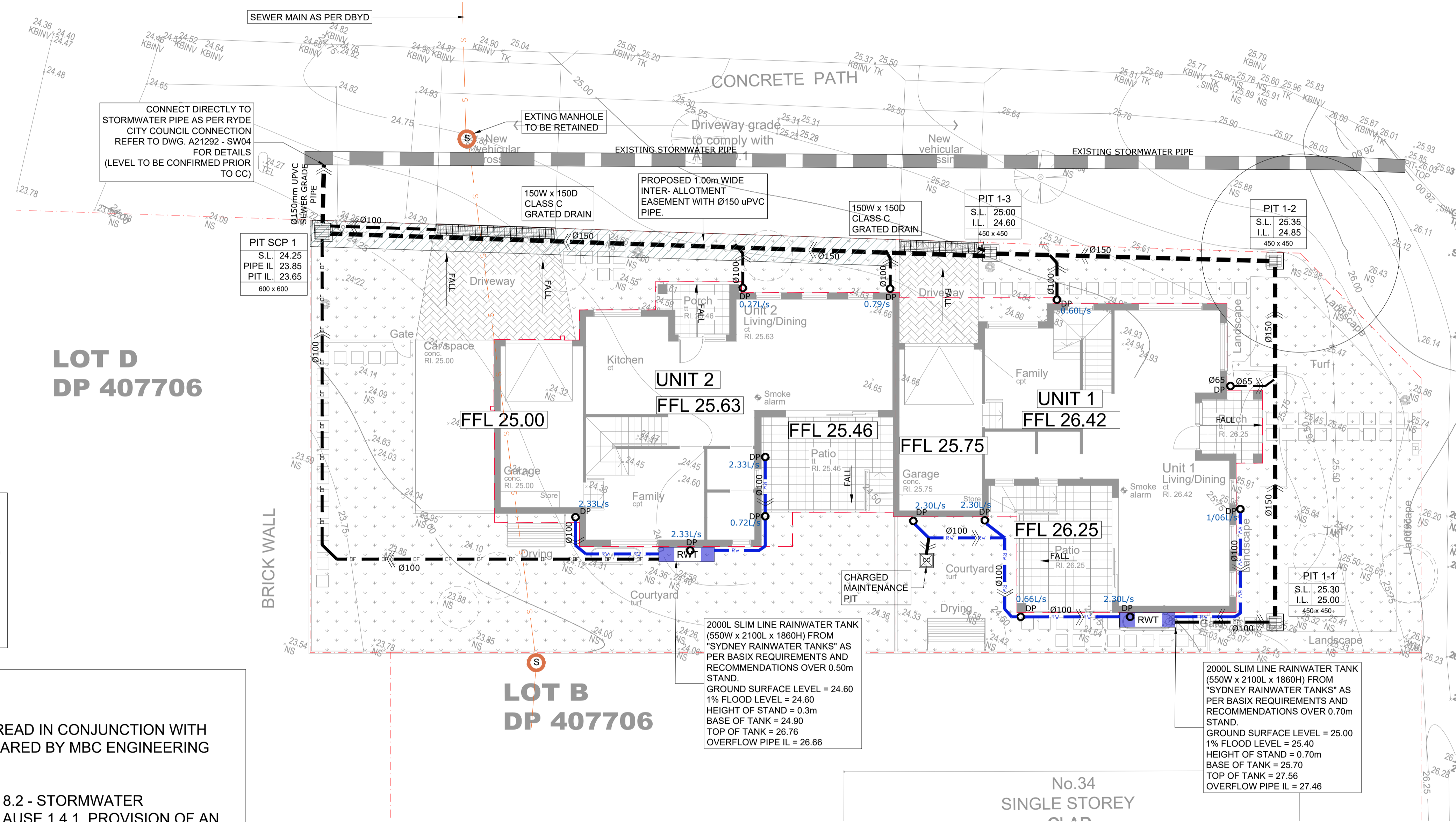
ALL DRAINAGE LINES SHALL BE UPVC (CLASS SH)
STORMWATER DRAINAGE PIPE, UNO.

ALL DRAINAGE LINES SHALL BE LAID @ 1% FALL MIN. UNO.
FIRST FLUSH RAINWATER DEVICES TO BE FITTED TO DRAINAGE LINES TO BUILDER'S DETAIL.
TYPICAL MINIMUM EFFECTIVE EAVES GUTTER SIZE 125WIDE x 100DEEP
TYPICAL MINIMUM EFFECTIVE EAVES GUTTER SLOPE = 1:500

DOWNPPIPES SHALL BE A MINIMUM OF DN 100 SEWER GRADE uPVC OR 100x100 COLORBOND/ZINCALUME STEEL, UNO.

ALL uPVC DRAINAGE LINE Ø100 OR LESS TO BE CLASS 'SN10'
ALL uPVC DRAINAGE LINE Ø100 OR ABOVE TO BE CLASS 'SN8'

TYAGARAH STREET



NOTES ON RAINWATER TANK:

RAINWATER TANK SHOULD BE PLACED 500mm ABOVE THE NATURAL GROUND LEVEL IN A STRUCTURALLY SAFE STAND SO THAT IT DOES NOT OBSTRUCT ANY OVERLAND FLOW.

DESIGN SUMMARY:

THE STORMWATER PLAN SHOULD BE READ IN CONJUNCTION WITH THE FLOOD REPORT REVISION A PREPARED BY MBC ENGINEERING PTY LTD DATED APRIL 30, 2022.

AS PER CITY OF RYDE DCP 2014 PART: 8.2 - STORMWATER MANAGEMENT TECHNICAL MANUAL, CLAUSE 1.4.1, PROVISION OF AN OSD SYSTEM MAY BE WAIVED WHERE: (f) IT IS DEMONSTRATED THAT THE PROPERTY IS SUBJECT TO SIGNIFICANT INUNDATION (SAY OVER 50% INUNDATION OF THE SITE DUE TO A 100yr ARI STORM EVENT) OR THAT IT IS IMPRACTICAL TO PROVIDE AN OSD STORAGE FACILITY OUT OF OR ABOVE THIS FLOW WHEN THE SITE IS PARTIALLY INUNDATED OR OSD WILL NOT BE REQUIRED WHERE THE SITE OF THE DEVELOPMENT IS LOCATED WITHIN A COUNCIL ESTABLISHED 1 IN 100 YEAR ARI FLOODPLAIN AND THAT IT CAN BE DEMONSTRATED THAT LESSER STORM EVENTS WILL ALSO FLOOD THE SITE. OTHERWISE IT WILL BE NECESSARY TO PROVIDE OSD TO CONTROL THE RUNOFF FOR THE MINOR STORM EVENTS.

AS PER THE FLOOD STUDY PREPARED BY MBC ENGINEERING, THE PROPOSED SITE HAS MORE THAN 50% INUNDATION DUE TO A 100yr ARI STORM EVENT. THUS, OSD IS NOT REQUIRED FOR THE PROPOSED SITE.

www.dialbeforeyoudig.com.au



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REVISION	AMENDMENT	ISSUE DATE
E	ISSUED FOR DA	15-05-2023
D	ISSUED FOR DA	13-03-2023
C	ISSUED FOR DA	28-07-2022
B	ISSUED FOR DA	25-07-2022
A	ISSUED FOR COORDINATION	14-06-2022



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ARCHITECT



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 Job Number: 10122 DA 02

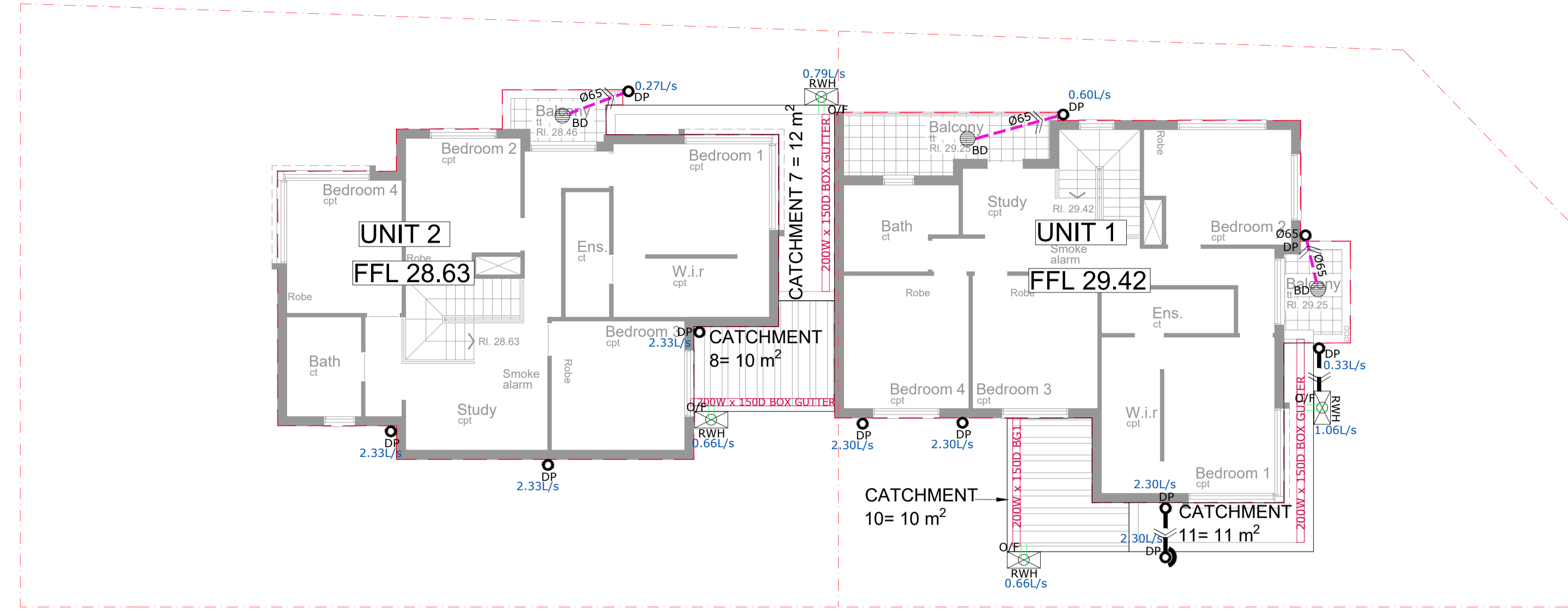
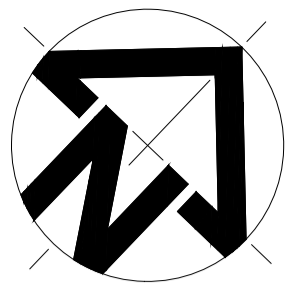
PROJECT

PROPOSED DEVELOPMENT
 36 POTTS STREET,
 RYDE

DRAWING TITLE

GROUND FLOOR DRAINAGE PLAN

DRAWING NO.	DESIGNED	DRAFTED
	ASK	ASK
A21292 - SW02	JM	E



FIRST FLOOR DRAINAGE PLAN
1:100 @ A1

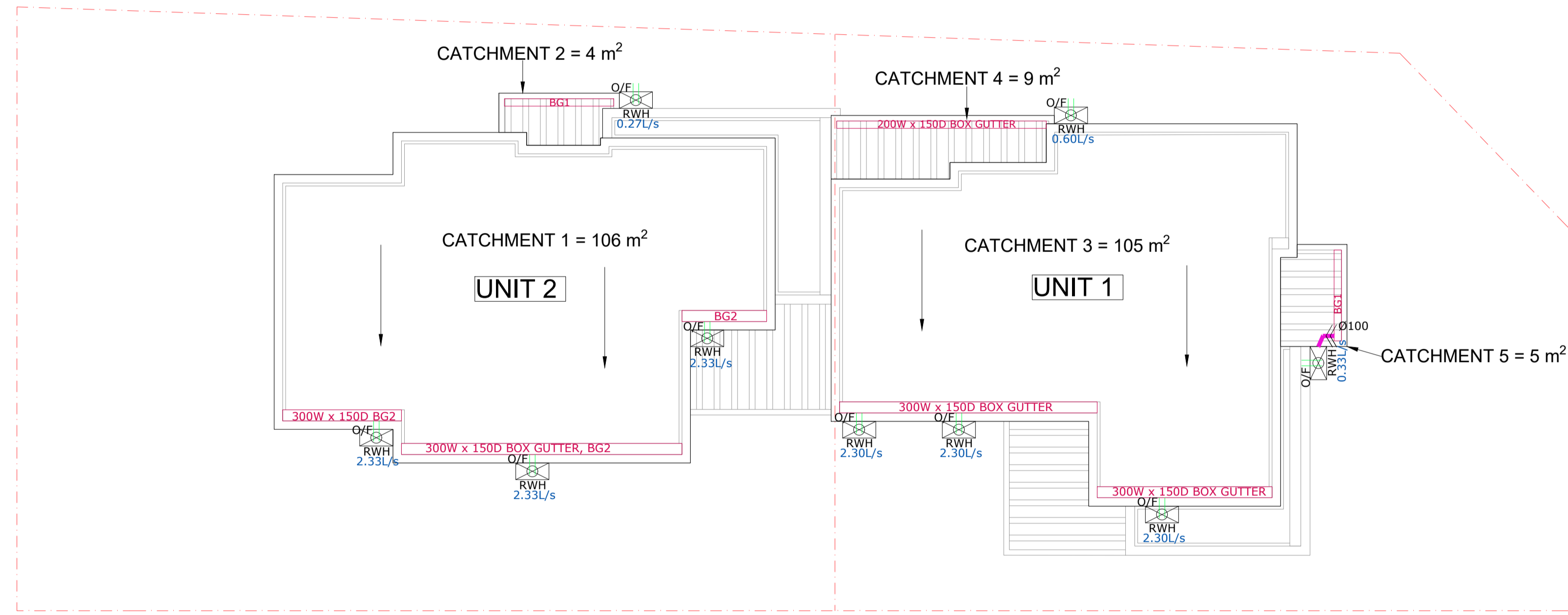
ALL DRAINAGE LINES SHALL BE UPVC (CLASS SH) STORMWATER DRAINAGE PIPE, UNO.

ALL DRAINAGE LINES SHALL BE LAID @ 1% FALL MIN. UNO. FIRST FLUSH RAINWATER DEVICES TO BE FITTED TO DRAINAGE LINES TO BUILDER'S DETAIL. TYPICAL MINIMUM EFFECTIVE EAVES GUTTER SIZE 125WIDE x 100DEEP. TYPICAL MINIMUM EFFECTIVE EAVES GUTTER SLOPE = 1:500

DOWNPIPES SHALL BE A MINIMUM OF DN 100 SEWER GRADE uPVC OR 100x100 COLORBOND/ZINCALUME STEE, UNO.

ALL uPVC DRAINAGE LINE Ø100 OR LESS TO BE CLASS 'SN10'
ALL uPVC DRAINAGE LINE Ø100 OR ABOVE TO BE CLASS 'SN8'

LEGEND	
	OUTLINE OF ROOF ABOVE
	Ø65 uPVC AERIAL PIPE UNO



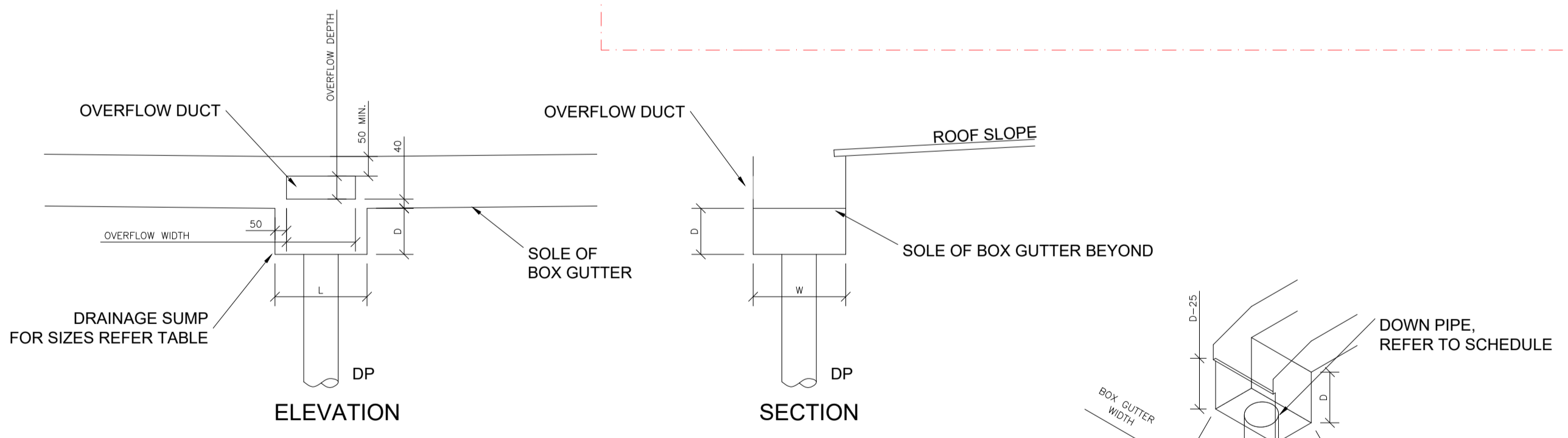
ROOF DRAINAGE PLAN
1:100 @ A1

ALL DRAINAGE LINES SHALL BE UPVC (CLASS SH) STORMWATER DRAINAGE PIPE, UNO.

ALL DRAINAGE LINES SHALL BE LAID @ 1% FALL MIN. UNO. FIRST FLUSH RAINWATER DEVICES TO BE FITTED TO DRAINAGE LINES TO BUILDER'S DETAIL. TYPICAL MINIMUM EFFECTIVE EAVES GUTTER SIZE 125WIDE x 100DEEP. TYPICAL MINIMUM EFFECTIVE EAVES GUTTER SLOPE = 1:500

DOWNPIPES SHALL BE A MINIMUM OF DN 100 SEWER GRADE uPVC OR 100x100 COLORBOND/ZINCALUME STEE, UNO.

ALL uPVC DRAINAGE LINE Ø100 OR LESS TO BE CLASS 'SN10'
ALL uPVC DRAINAGE LINE Ø100 OR ABOVE TO BE CLASS 'SN8'



TYPICAL BOX GUTTER DETAIL WITH SUMP OVERFLOW 1:20

RAINWATER HEAD SECTION NTS

BOX GUTTER, RAINWATER HEAD & SUMP SIZING SCHEDULE					
NODE	BOX GUTTER SIZE	RAINWATER HEAD SIZE	SUMP SIZE	OVERFLOW TO SUMP	DOWNPIPE Ø mm
BG1	200 W x 150 D	200 D x 150 W	200X200X100	100 D X 100 W	100
BG2	300 W x 150 D	200 D x 150 W	300X300X100	100 D X 100 W	100



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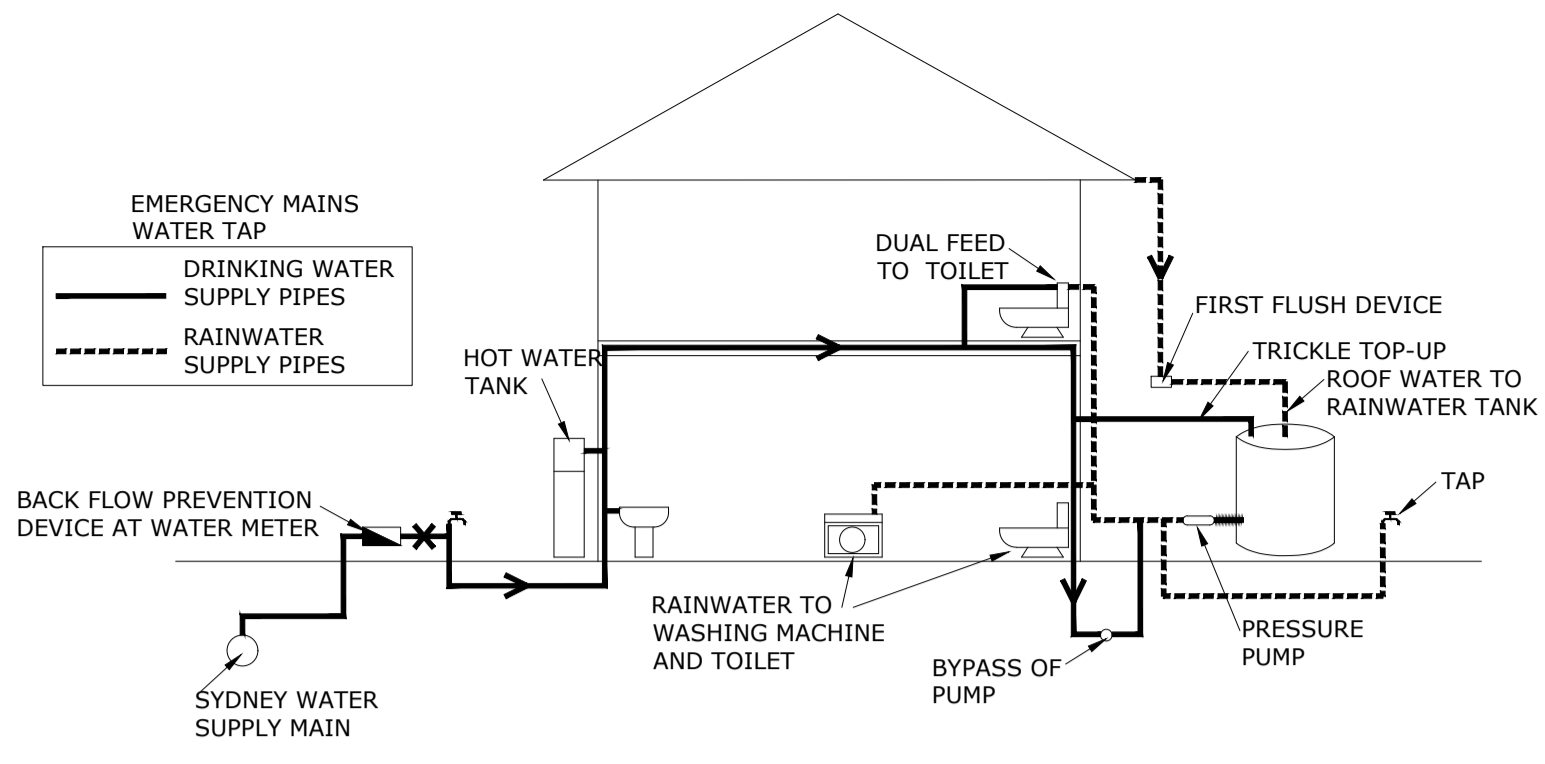
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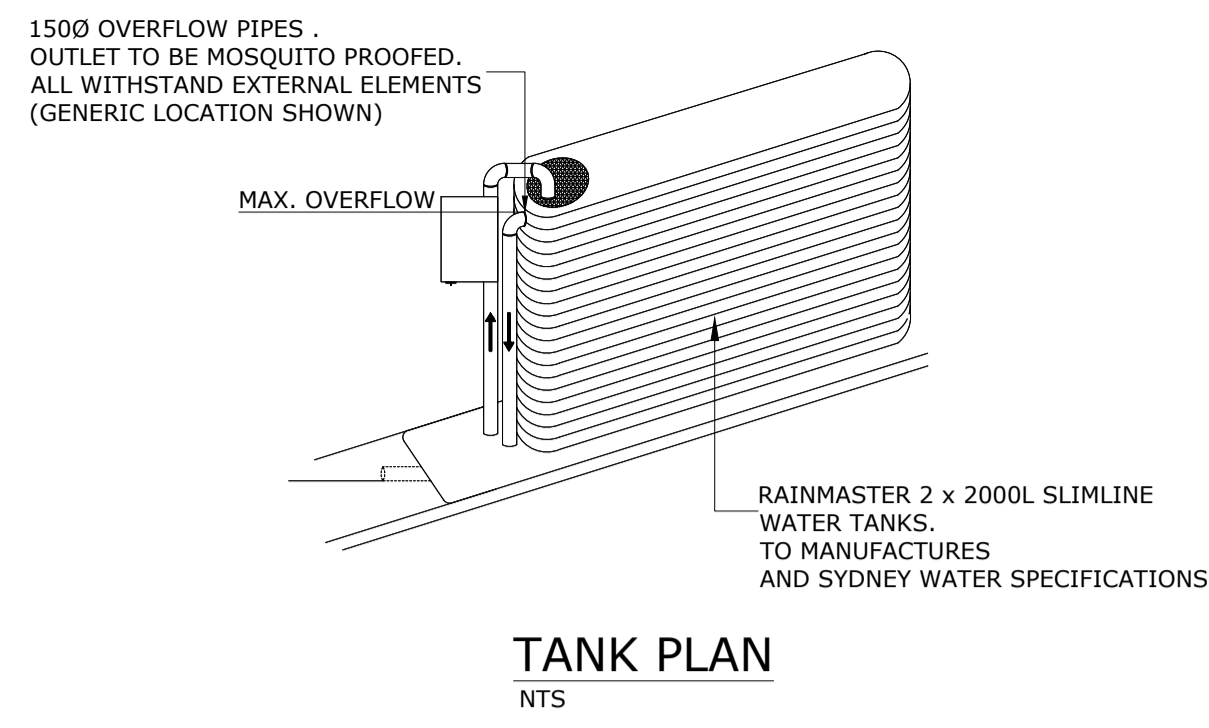


PROJECT
PROPOSED DEVELOPMENT
36 POTTS STREET,
RYDE

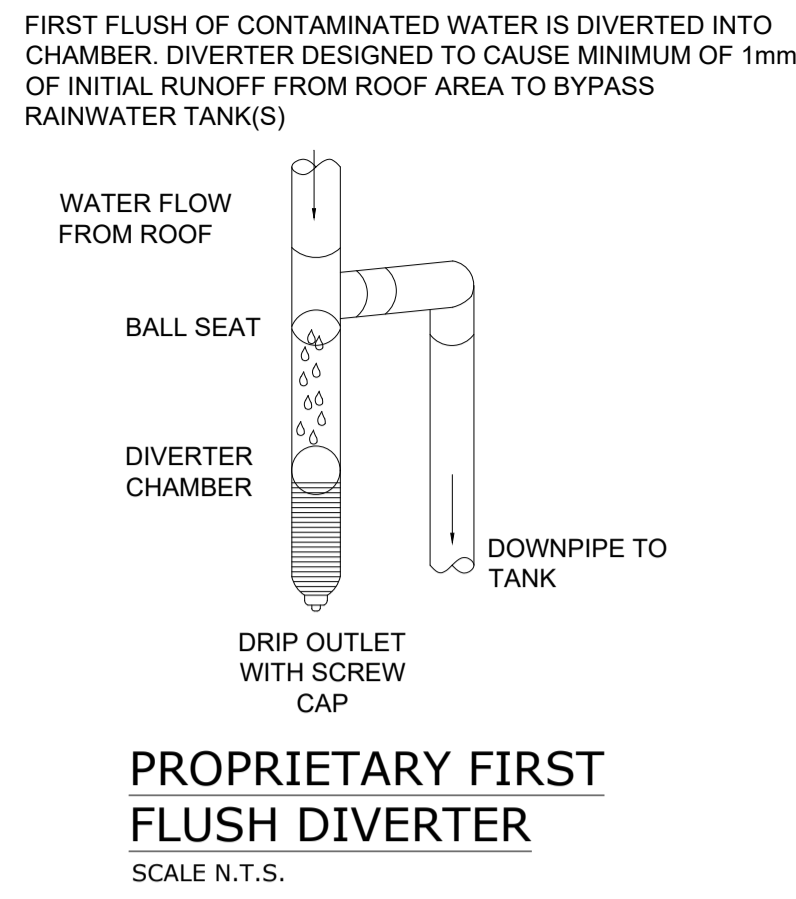
DRAWING TITLE		
FIRST FLOOR AND ROOF DRAINAGE PLAN		
SCALES	DESIGNED	DRAFTED
AS SHOWN	ASK	ASK
DRAWING NO.	APPROVED	REVISION
A21292 - SW03	JM	E



SECTION - RAINWATER TANK EXPLANATORY DIAGRAM
1:5 @ A1



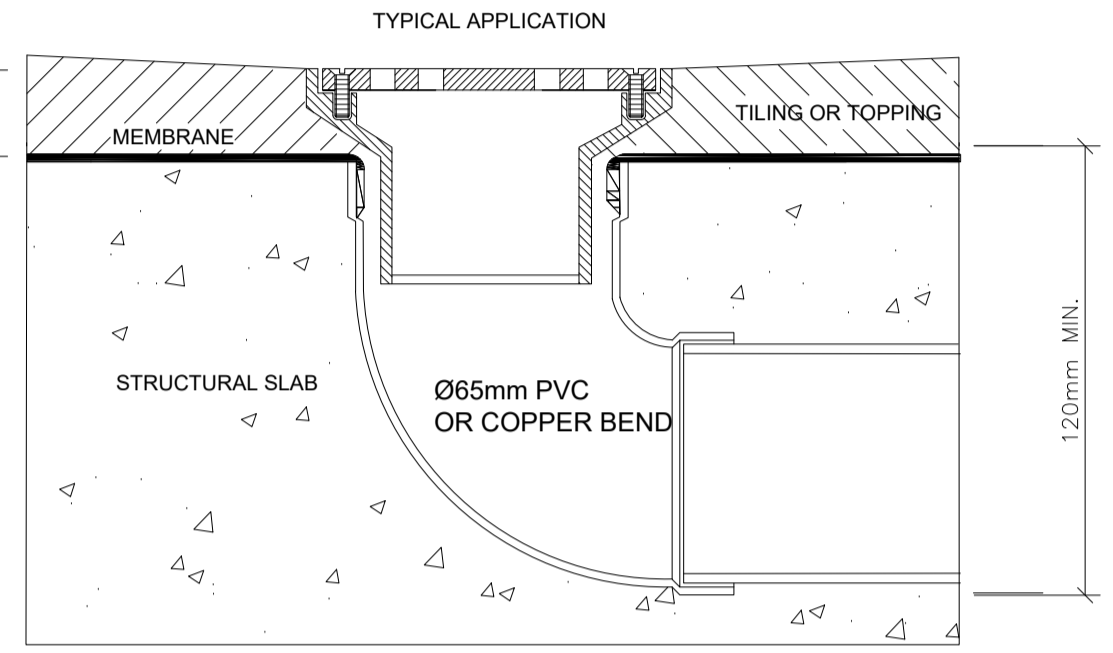
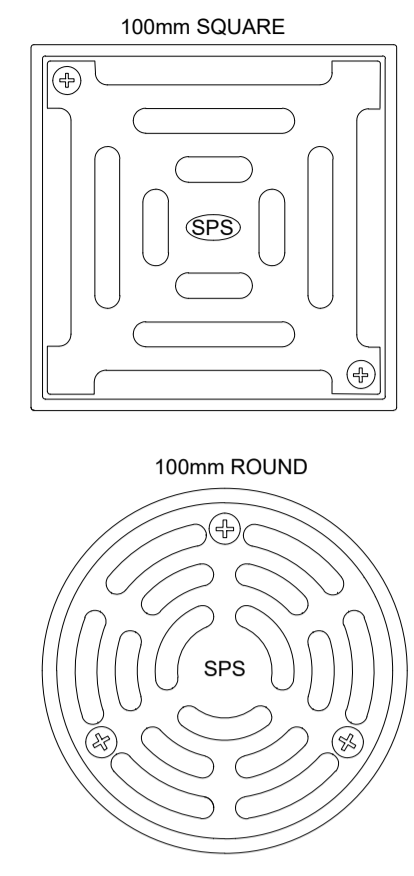
TANK PLAN
NTS



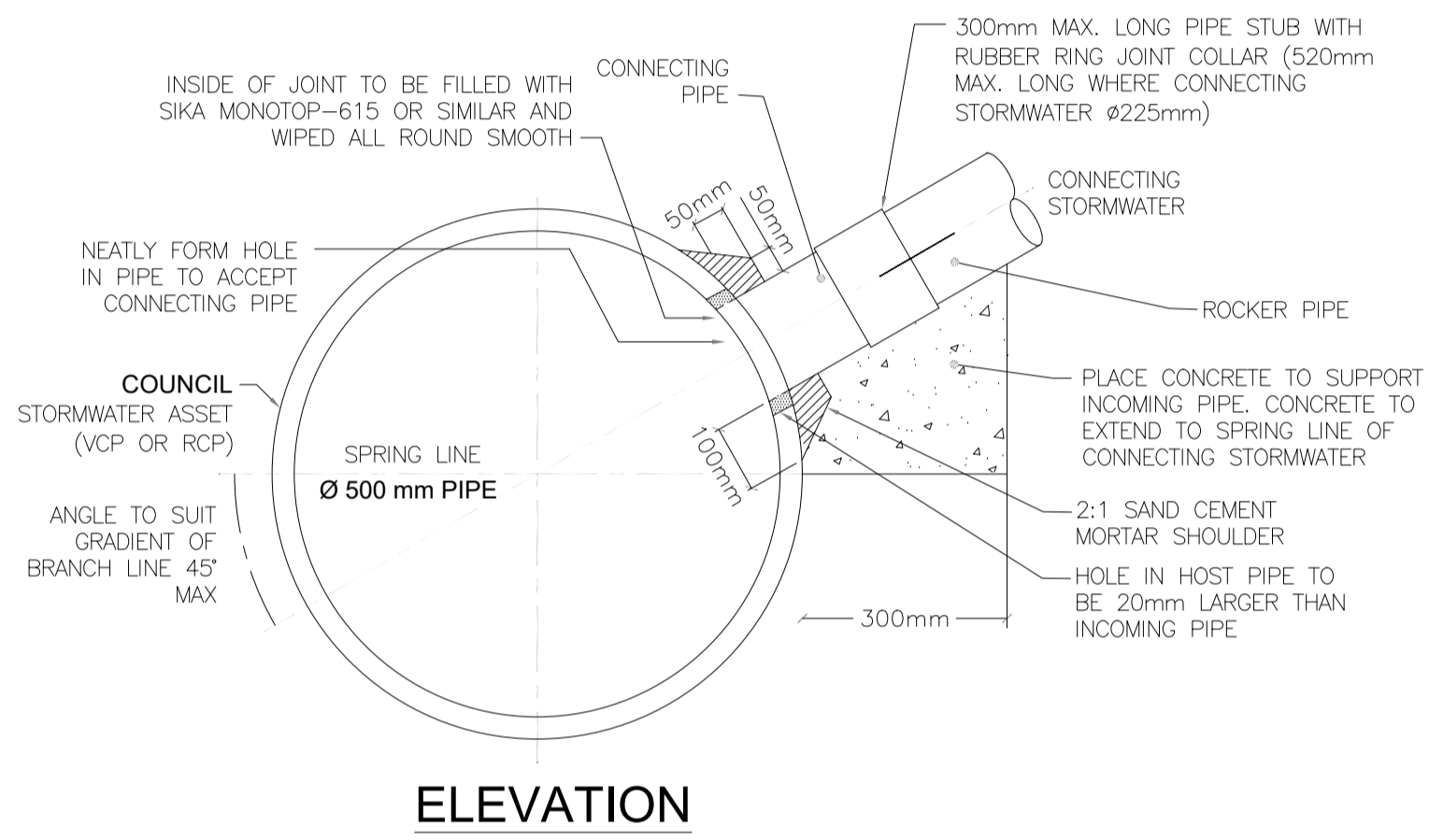
PROPRIETARY FIRST FLUSH DIVERTER
SCALE N.T.S.



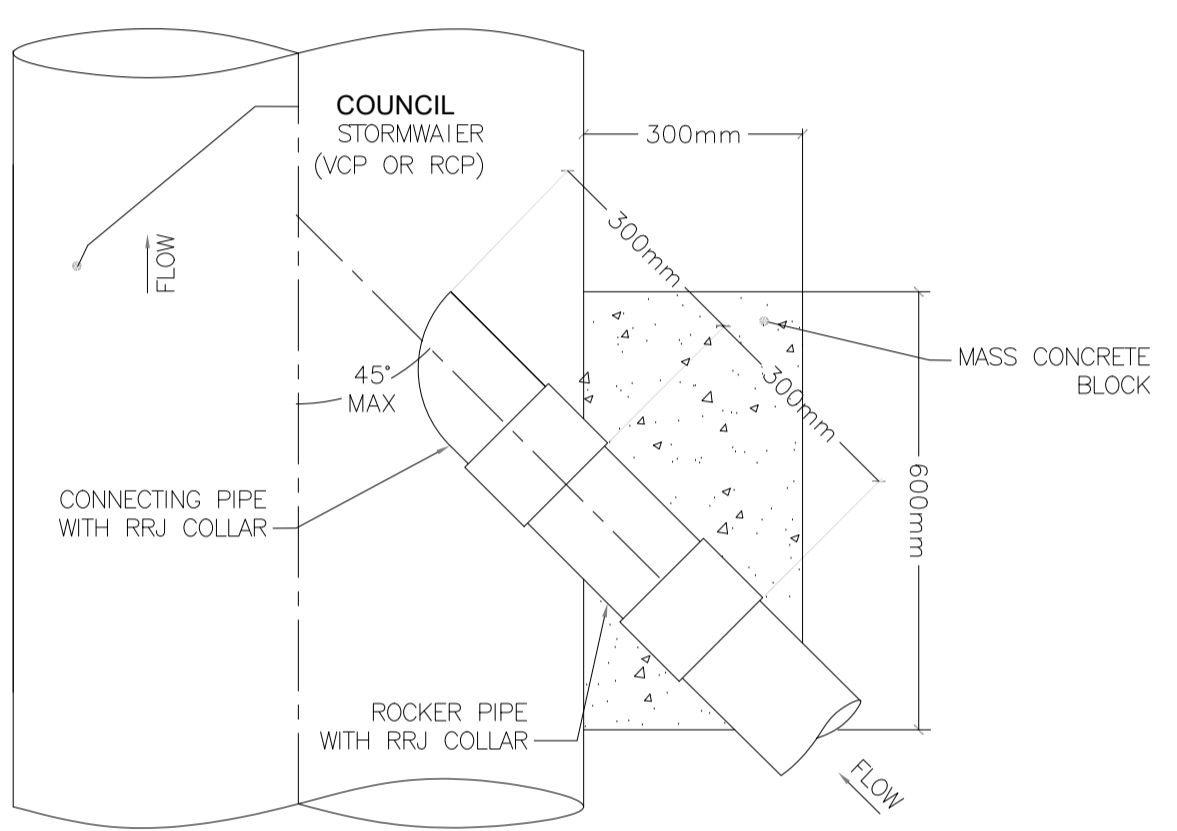
RAINWATER SIGN
NTS



SPS 100x50mm SPECIAL DROP-IN BALCONY DRAIN (BD)
NTS @ A1
SPECIFICATION CODE:
R100S2(ROUND 316 STAINLESS STEEL GRATE)
Q100S2(SQUARE 316 STAINLESS STEEL GRATE)

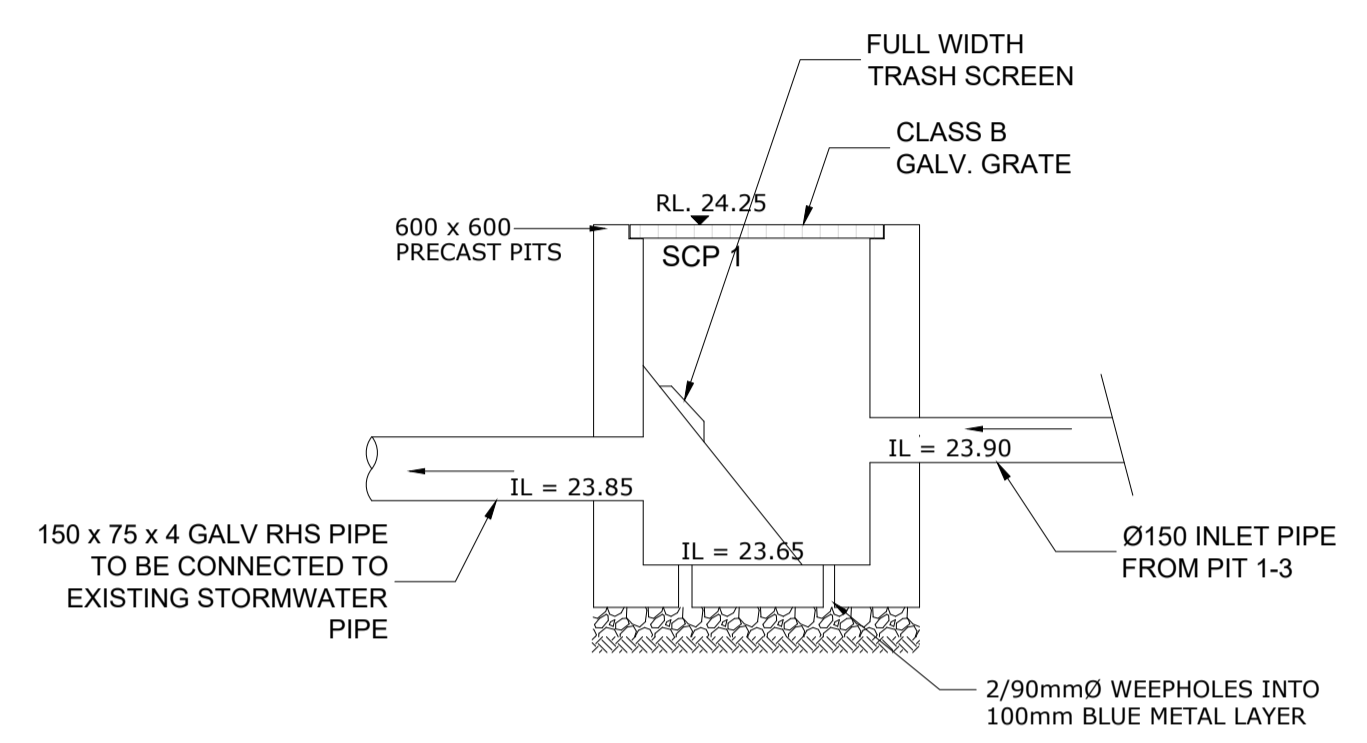


ELEVATION

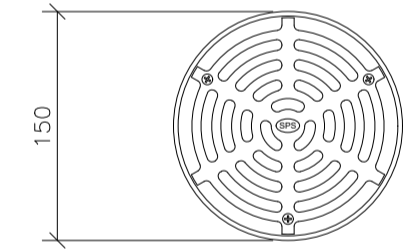


PIPE CONNECTION

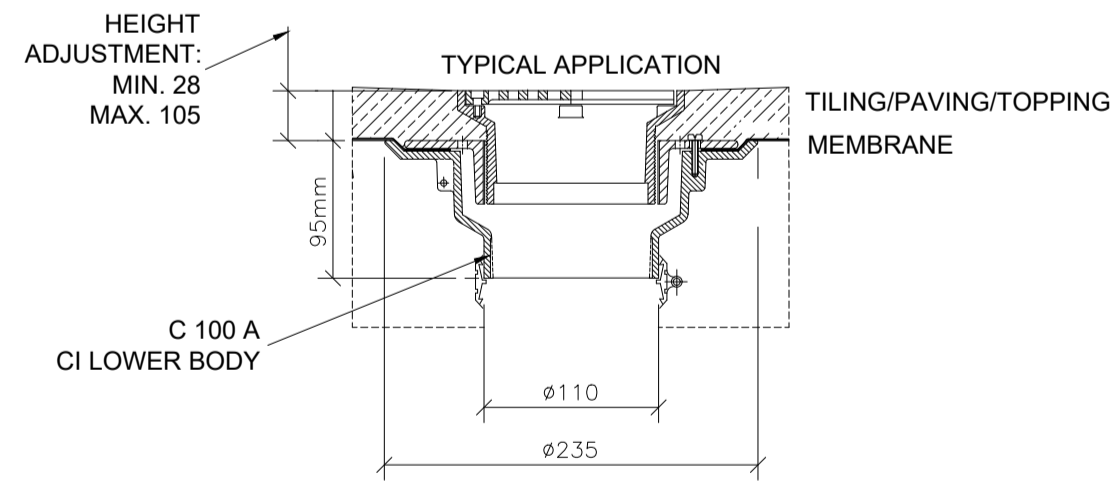
DETAIL TYPICAL TYPE - PIPE CONNECTION JOINT AS PER CITY OF PARRAMATTA COUNCIL REQUIREMENTS
N.T.C



SEDIMENT CONTROL PIT (SCP 1) SECTION
NTS

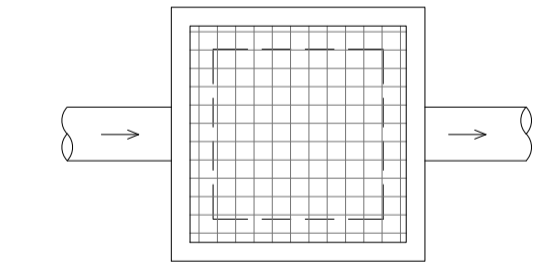


PLAN

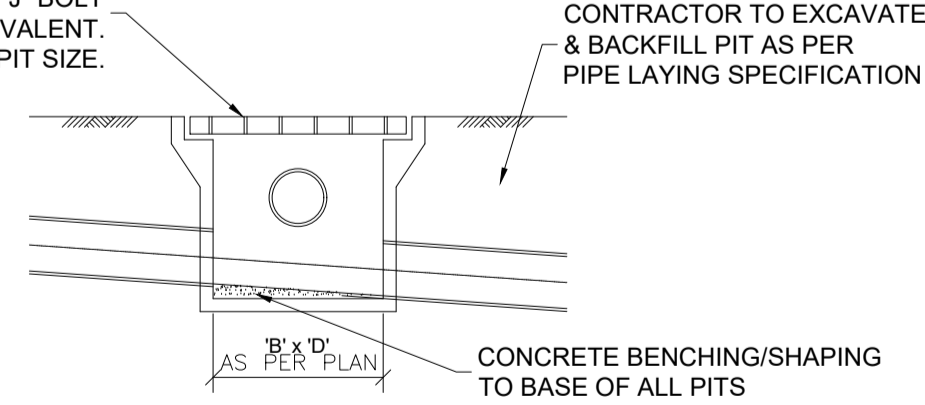


SECTION - SPS TRUFLO Ø150 OR EQUIVALENT FLOOR DRAIN (FD) INLET IN SUSPENDED SLAB

1:5 @ A1
SPECIFICATION CODE:
R150 G/C (BRONZE GRATE, CI LOWER BODY)
R150 N/C (NICKEL - BRONZE GRATE, CI LOWER BODY)
R150 S/C (316 STAINLESS STEEL GRATE, CI LOWER BODY)

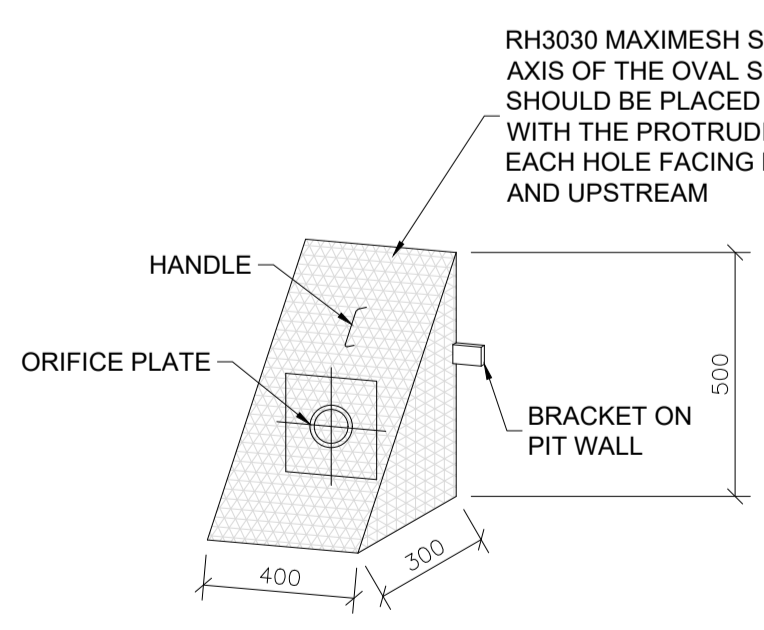


PLAN

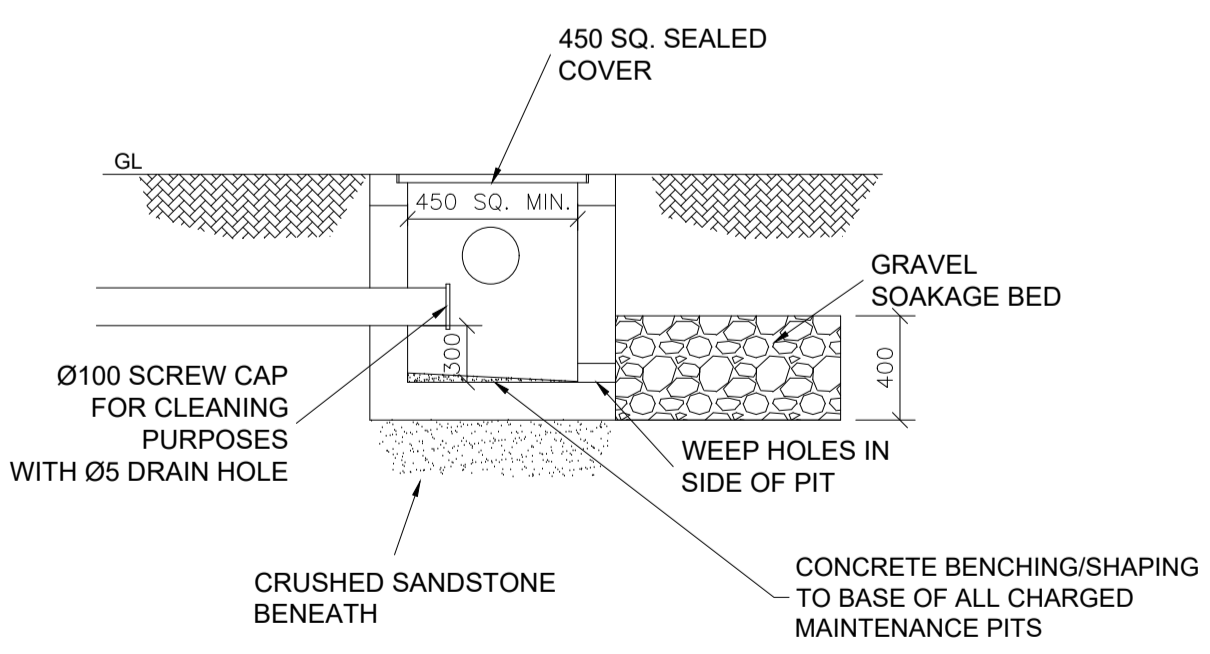


SECTION - TYPICAL SURFACE INLET PIT

1:5 @ A1
TYPICAL FOR ALL PITS IN NON-TRAFFIC AREAS



DETAIL - STANDARD TRASH SCREEN
1:20



DETAIL - MAINTENANCE PIT
1:100



ISSUED FOR DA

REVISION	AMENDMENT	ISSUE DATE
E	ISSUED FOR DA	15-05-2023
D	ISSUED FOR DA	13-03-2023
C	ISSUED FOR DA	28-07-2022
B	ISSUED FOR DA	25-07-2022
A	ISSUED FOR COORDINATION	14-06-2022



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PROJECT

**PROPOSED DEVELOPMENT
36 POTTS STREET,
RYDE**

DRAWING TITLE

STORMWATER SECTIONS & DETAILS

SCALES	DESIGNED	DRAFTED
AS SHOWN	ASK	ASK
DRAWING NO.	APPROVED	REVISION
A21292 - SW04	JM	E