

Item 3
**6 Meriton Street, Gladesville - LDA2021/0172
 Demolition, new 21 room boarding house.**
Report prepared by: Senior Planner

Report approved by: Senior Coordinator - Development Assessment
 Manager - Development Assessment
 Director - City Planning and Environment

**City of Ryde
 Local Planning Panel Report**

DA Number	LDA2021/0172
Site Address & Ward	6 Meriton Street, Gladesville East Ward
Zoning	R4 High Density Residential
Proposal	Demolition of existing structures and construction of a boarding house containing 21 rooms and a manager's room with basement car parking
Property Owner	Meriton Street Holdings P/L
Applicant	Joseph Panetta
Report Author	Greg Samardzic – Senior Town Planner
Lodgement Date	24 May 2021
No. of Submission	Twenty (20) submissions in objection (1st notification period) Five (5) submissions in objection (2nd notification period)
Cost of Works	\$2,378,828.00
Reason for Referral to Local Planning Panel	Contentious Development 2(b) in any other case – is the subject of 10 or more unique submissions by way of objection.

	Departure from development standards 3 - development that contravenes a development standard imposed by an environmental planning instrument by more than 10% or non-numerical development standards. <i>Schedule 1, Part 2 and 3 of Local Planning Panels Direction</i>
Recommendation	Refusal
Attachments	Attachment 1: RDCP Compliance Table Attachment 2 – Architectural plans

1.Executive Summary

The following report is an assessment of Local Development Application LDA2021/0172 for the demolition of existing structures and construction of a three-storey boarding house containing 21 rooms and a manager’s room with basement car parking. This application is reported to the Ryde Local Planning Panel for determination as it is contentious development that is the subject of 10 or more unique submissions by way of objection and results in a departure from a development standard greater than 10%, in accordance with the *Environmental Planning and Assessment Act 1979*, Section 9.1 - Directions by the Minister.

The proposal is non-compliant with Clause 30(1)(h) of SEPP ARH 2009. A minimum of five (5) motorcycle and five (5) bicycle spaces are required. The proposal provides four (4) motorcycle spaces and no bicycle spaces. The proposal results in a 100% breach of the standard. No clause 4.6 written variation has been submitted. The jurisdictional prerequisite has not been met and development consent cannot be granted.

The proposal has been assessed in accordance with the relevant environmental planning instruments and local provisions in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP & A Act). The application is recommended for refusal as it will result in the isolation of the adjoining property to the south (No. 8 Meriton Street) and would provide for insufficient car parking in accordance with State Environmental Planning Policy (SEPP) (Affordable Rental Housing) 2009.

Further, the proposed design of the building would not be compatible or in keeping with the character of the local area provisions contained in Clause 30A of the SEPP due to the narrow width of the development contributing to unsatisfactory streetscape impacts and insufficient building/basement setbacks. The reduced setback also results in inadequate deep soil landscaping and tree retention. The proposal provides for minimal building separation within the subject site and between adjoining developments and would not result in reasonable privacy and solar access levels being maintained.

As a result, the subject site ought to amalgamate with No. 8 Meriton Street to achieve a better planning outcome in this instance.

In accordance with Ryde DCP 2014 - Part 2: Community Participation Plan, the owners of surrounding properties were given notice of the application between 4 June 2021 and 30 June 2021. Twenty (20) submissions were received objecting to the development. Amended plans were lodged on 5 November 2021 and re-notification of the application occurred between 29 November 2021 and 20 December 2021. Five (5) submissions were received during the 2nd notification period.

The submissions raised concerns with the inappropriate nature of the proposed development in the immediate locality in relation to streetscape, overdevelopment, bulk/scale, traffic, car parking, acoustic/visual privacy, solar access, amenity, front setback, landscaping impacts and the proposed development being out of character with the locality. The proposed development would adversely impact on the character of the locality with reduced car parking, building setbacks, inappropriate landscape treatment and by isolating No. 8 Meriton Street.

Approval of the development would prevent the orderly development of the area. The proposed development does not satisfy the relevant R4 High Density Residential zoning objectives to ensure that the existing amenity of residences in the neighbourhood is respected, to avoid the isolation of sites and to ensure that landscaping is maintained or enhanced as a major element in the residential environment. The proposal is an overdevelopment of the subject site. The development application is recommended for refusal for reasons stated above.

2. The Site and Locality



Figure 1 – Aerial photograph of site

The site is legally described as Lot A DP 335909 and is known as No. 6 Meriton Street, Gladesville. The site is located on the south-eastern side of Meriton Street in proximity to the intersection with George Street. The subject site has a total area of 595m². The site is an irregular shaped allotment with a 15.445m frontage to Meriton Street and a 3.5m frontage to Ashburn Lane to the rear in a dog-leg style arrangement. The site has a total depth of 49.4m. The site has a fall from the rear to the front of approximately 1.3m.

The site is currently developed with a single storey brick dwelling with an attached metal pergola and a detached garage structure to the rear (**Figures 2 & 3**). Pedestrian access to the site is available from Meriton Street and vehicular access from Ashburn Lane. The site is located approximately 240m to the south of Victoria Road and 50m to the south of the intersection with Harrison Street. The site contains four established trees to the rear of the existing dwelling.



Figure 2 – View of site from Meriton Street

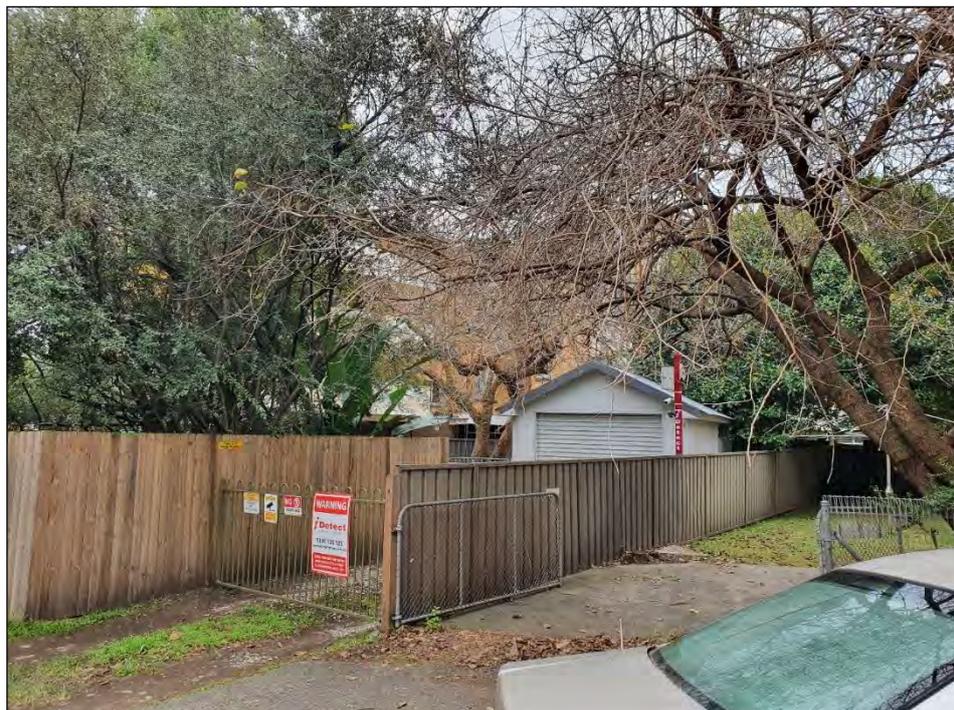


Figure 3 – View of rear of site from Ashburn Lane

The site is adjoined to the north (Nos. 2-4 Meriton Street) by an older-style three storey residential flat building with enclosed undercroft car parking with an extensive paved vehicle maneuvering area within the front setback (**Figure 4**). The site is bounded to the south (No. 8 Meriton Street) by a single storey cottage and detached garage to the rear (**Figure 5**). The cottage is of a similar age to that located on the subject site. On the opposite side of Meriton Street, there is a mix of single detached dwellings mainly single storey in height.

Located to the rear of the site there are multiple older style residential flat buildings typically comprising enclosed undercroft car parking with three storeys of residential units above.



Figure 4 – Adjoining residential flat building to the north



Figure 5 – View of adjoining dwelling to the south

The surrounding area generally contains three and four storey residential flat buildings amongst detached single dwelling houses on individual lots. The south-eastern side of Meriton Street (zoned R4 High Density Residential) predominantly contains residential flat buildings in the form of 1960's and 70's style walk-up apartments (**Figure 6**) whilst the north-western side of the street predominantly contains detached single and double storey dwellings (**Figure 8**). The subject site and the neighbouring property to the south at No, 8 Meriton Street are the last remaining single dwelling houses on this side of the street with the lots and existing dwellings orientated at a 45° angle to the street (**Figure 7**).

Further to the north along Victoria Road, B4 zoned sites have been transitioning from low-level shops to mixed use developments of between 6-10 storeys. Meriton Street is a busy local collector road accommodating traffic between Victoria Road to the north and the waterfront residential areas including headland parks to the south. Boyla Reserve (a local park) is located 30m to the north-east of the site and Glades Bay Park is 350m to the west. Gladesville Public School is located 150m to the north-east of the site.

The area is well serviced by public transport in the form of buses which operate along Victoria Road and Morrison Road between Gladesville, Top Ryde, North Sydney and the Sydney CBD. The closest bus stops are located approximately 250m to the east of the site on Victoria Road. The Gladesville town centre is located to the north-east stretching along either side of Victoria Road. The area has cafes and restaurants, churches, a Coles Supermarket and numerous other essential daily services and businesses.

Further to the north along Victoria Road exists a number of take-away food restaurants, bulky goods and commercial wholesale and retailers including Bunnings.



Figure 6 – View of nearby residential flat buildings to the south of the site at Nos. 10 & 12 Meriton Street



Figure 7 – Character of built form along the south-eastern side of Meriton Street – subject site located in the centre of the image



Figure 8 – Streetscape view of dwellings on the opposite side of Meriton Street

3.The Proposal (as amended)

The application (as amended) seeks consent for the demolition of existing structures and construction of a three storey boarding house development containing 21 boarding rooms and a manager's residence room.



Figure 9 – Proposed photomontage of the proposed development from Meriton Street

A basement area with access off Meriton Street is proposed containing ten (10) car parking spaces. Four (4) motorcycle spaces are proposed to the rear of the site with access off Ashburn Lane. A common area room is proposed on the ground floor at the rear of the building adjacent to a proposed common outdoor space area located within the rear building setback area of the site. The proposed building will accommodate a maximum of 24 boarders. The proposal takes the form of two buildings separated by a central area comprising private open space areas adjacent to the proposed ground floor rooms.

The buildings are proposed to be connected by way of a central walk path comprising a pergola feature. The front setback area contains a vehicle access driveway and a V-shaped pedestrian ramp providing disabled access from street level to the ground floor level. The site plan for the proposal is provided at **Figure 10** below:

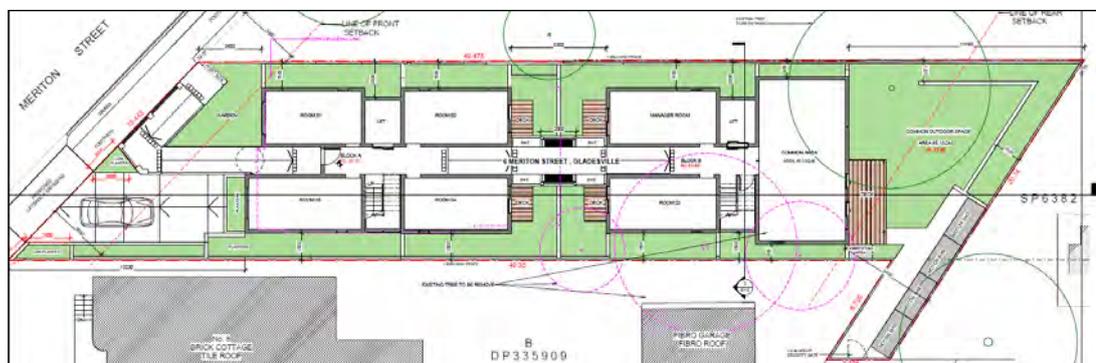


Figure 10 – Proposed site plan

The proposed development is described as follows:

Basement (Figure 11): The basement level is proposed to be constructed at RL30.5 and is proposed to contain 10 car parking spaces (comprising one accessible space), two lift cores and a bin storage area. A one-way access driveway is proposed off Meriton Street.

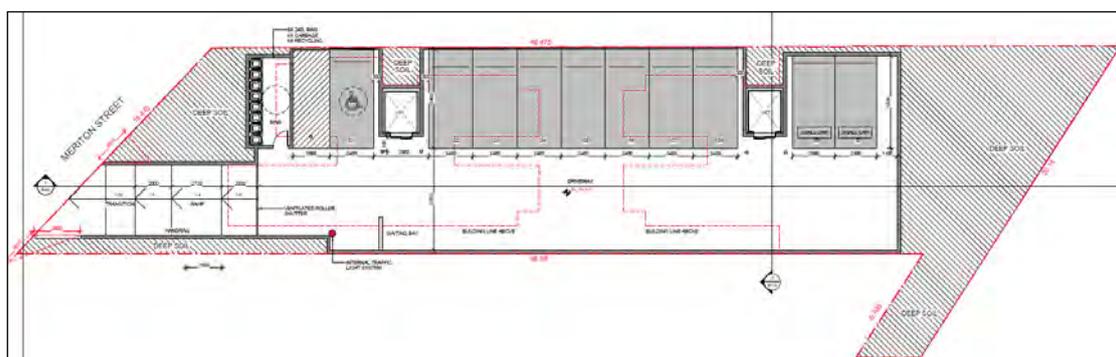


Figure 11 – Proposed basement level plan

Ground Floor (Figure 12): The ground floor is proposed to be constructed at RL33.1 (for the front building) and RL33.6 (for the rear building). The front building contains four boarding rooms and the rear building is proposed to contain one boarding room, the manager's room and a communal room which is 45.3m² in size. The buildings are proposed to be connected by way of an open path comprising a small central pergola.

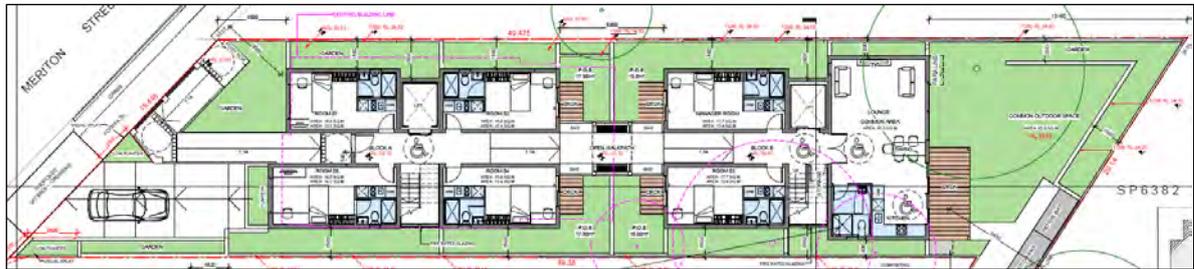


Figure 12 – Proposed ground floor plan

First Floor (Figure 13): The first floor is proposed to be constructed at RL36.34 for the front building and RL36.50 for the rear building. The front building is proposed to contain three single boarding rooms and one double/accessible room. The rear building is proposed to contain four single boarding rooms.



Figure 13 - Proposed first floor plan

Second Floor (Figure 14): The second floor is proposed to be constructed at RL38.90 for the front building and RL39.40 for the rear building. The front building is proposed to contain three single boarding rooms and one double/accessible room. The rear building is proposed to contain four single boarding rooms.

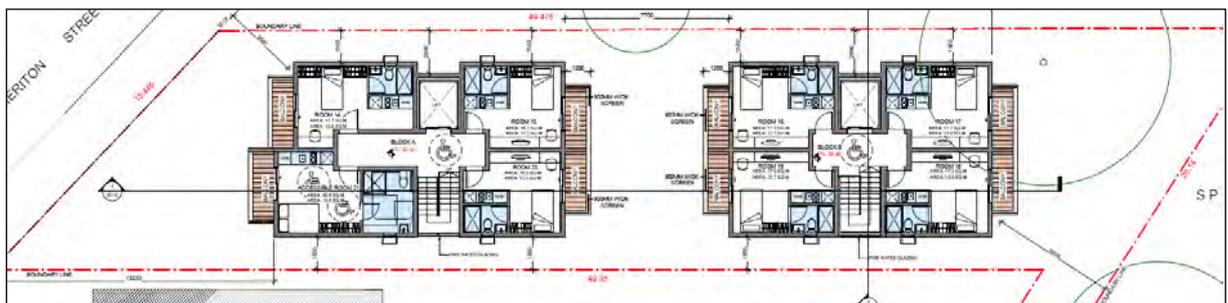


Figure 14 – Proposed level 2 floor plan

Each boarding room is provided with a bathroom and kitchenette containing a sink, a two-burner cooktop, fridge and washing machine.

The buildings are proposed to be of a flat roof design and finished in face bricks with rendered feature elements (**Figures 15 & 16**).

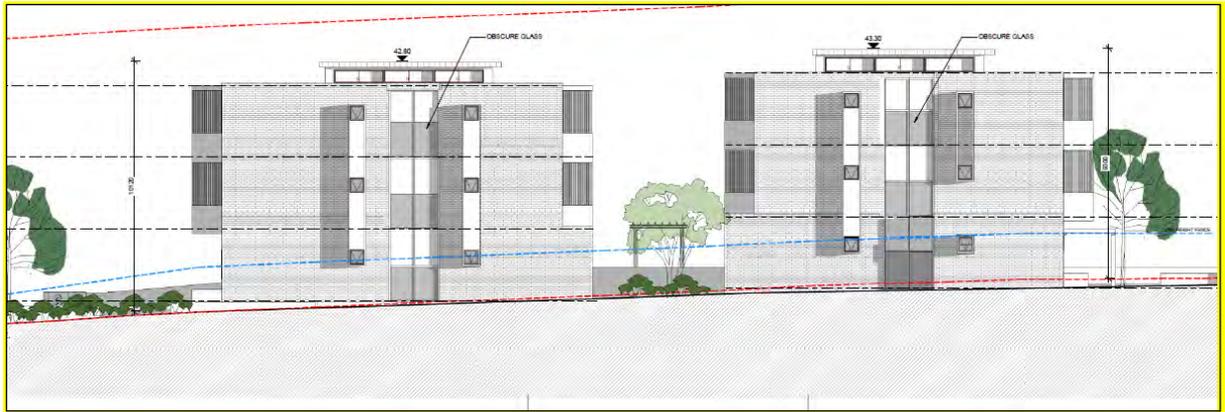


Figure 15 – Proposed south elevation

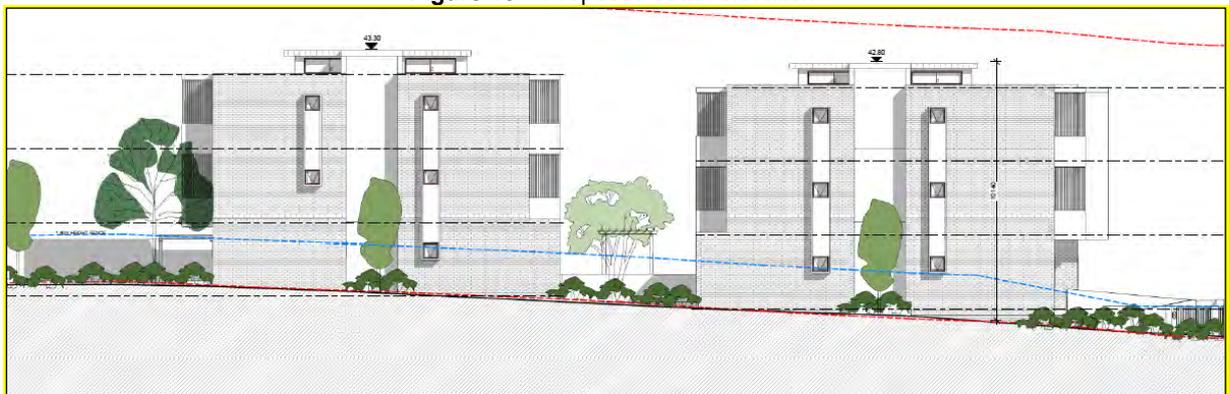


Figure 16 – Proposed north elevation

The size of the boarding rooms ranges between 15.8m² – 20.8m² including facilities such as kitchenettes, toilets, laundry etc. The subject application has been supported with submission of a Plan of Management. Ancillary works are to include new site works including excavation to a maximum depth of 4m, drainage, crossover driveway, fencing and landscaping works (Figure 17). It is proposed to remove seven (7) existing trees located on the subject site with exception of one (1) tree located within the rear setback area. The applicant stated that six bicycle racks are to be provided onsite.



Figure 17 – Proposed landscape plan.

4. Application History

24 May 2021	Local Development Application LDA2021/0172 was lodged with Council.
4 June 2021 to 30 June 2021	The Application was notified to adjoining property owners and occupiers. Twenty (20) unique submissions were received raising raised concerns with the inappropriate nature of the proposed development in the immediate locality in relation to streetscape, overdevelopment, bulk/scale, traffic, car parking, acoustic/visual privacy, amenity, solar access, front setbacks, landscaping impacts and the proposed development being out of character with the locality.
7 July 2021	<p>A letter was sent to the applicant requesting amendments to the proposal to comply with Ryde Development Control Plan 2014 – Part 3.5 – Boarding Houses, requesting an acoustic assessment report and outlining traffic and waste management issues. Specifically, the following matters were raised:</p> <ul style="list-style-type: none"> • Non-compliance with Part 3.5 of RDCP in regard to minimum room sizes • Request for submittal of an acoustic impact assessment • Non-compliance with AS2890.1 regarding vehicle maneuvering • Waste management in terms of space to be provided to meet minimum bin requirements and how collection will be undertaken.
22 July 2021	<p>A meeting with the Ryde Urban Design Review Panel (UDRP) was scheduled for 22 July 2021. However, due to a misunderstanding in relation to the scheduled meeting time, the applicant was not available for the meeting on the day. Therefore, the UDRP conducted a desktop review of the proposal and provided the comments based on the nine design quality principles of SEPP No. 65 – Design Quality of Residential Apartment Development. The issues raised include:</p> <ul style="list-style-type: none"> • Concerns relating to the site width constraints which impacts reasonable side and rear setbacks. The 500mm side setback to the north being unacceptable. The proposal should provide a rear setback which accommodates landscaping. • Encouragement for amalgamation with 8 Meriton Street which would enable better design outcome for a boarding house development. • Unacceptable loss of trees as a result of the extent of basement carpark. The proposal should retain trees to the rear as a minimum. • Concerns about the character impact from the wide basement driveway, disabled ramp and stair access prevents reasonable landscaping within the front of the site. • Insufficient separation between the proposed three building forms to ensure visual and acoustic privacy, landscaping or

	<p>interface with adjoining property to the east. The 7.2m separation between the larger building is unacceptable.</p> <ul style="list-style-type: none"> • The subterranean nature of the rear building which includes compressed floor to ceiling heights resulting in compromised amenity. • Overdevelopment of the site and the proposal needing significant redesign. • Unacceptable impacts upon 8 Meriton Street as a result of the side setback resulting in overshadowing and privacy impacts and lack of landscaping. • Concerns with the rear pavilion which prevents a rear landscaped setback being provided. Modification to this area and reduction in the basement would allow retention of existing trees. • The internal communal room could be relocated to the manager's room position so that it benefits from northerly aspect and direct connection to the rear garden area. • The entire development adopts a flat slab level right through the site. This raises the front building above natural ground and sinks the rear buildings into the site. The individual buildings should relate to natural ground level and step with the site. Relocating the accessible rooms to the front building and providing some COS in the centre of the site would allow stairs to be provided for the rear building. • All planted areas are situated above the raised basement and so can only achieve landscaping with raised planters. This is a poor outcome. • Poor amenity impacts within the development and upon adjoining properties. The amenity concerns relating to poor internal arrangements, access constraints, inadequate side and rear setbacks, lack of landscaping. Proximity of built form impacts solar access. Unacceptable shadow impact to adjoining properties. • Acoustic impacts to Room 07 being positioned over the driveway. The manager's room being located at the rear of the site immediately next to the communal open space. • The arrangement of the communal open space comprises the privacy of both the manager's room and Room 4 with a very narrow landscape planter between the balcony and the COS area and a screen creating the barrier between the narrow balcony area of Room 4 and the bike rack. • The design impacting the ease of access for all residents, particularly disabled residents and compromises the streetscape. The use of raised planters and extensive ramp and stair systems is not characteristic of the street. • The proposal compromises the relationship between the communal room and residents as well as to the COS. Concerns regarding safety due to poor site planning.
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	<ul style="list-style-type: none"> The front facade lacks visual interest and is dominated by painted white balustrades. Reconsideration of the extent of painted masonry due to the long-term maintenance requirements, particularly along the side boundary where access is very constrained.
17 August 2021	<p>A second letter was sent to the applicant outlining the following concerns:</p> <ul style="list-style-type: none"> The isolation of No. 8 Meriton Street and orderly development of land. Development engineering concerns relating to inadequate aisle width within the basement for manoeuvring, parking spaces being non compliant with AS2890.1, traffic conflict at entrance due to width and sight lines. The impact to Tree 11 on the adjoining property and owner's consent being required. Concerns about uncharacteristic landscape setting at the front of the site. The Communal Open Space provided is not directly accessible from the Common Room and is only 16sqm, minimum 20sqm is required. BBQ facilities and a shade structure have not been provided in the Communal Open Space. The only private open space for the Manager is a deck 1.3 x 3.1 metres. The DCP requires 8sqm with a minimum dimension of 2.5m. The width of the garden beds along the side boundaries need to be minimum 1.2m wide to allow for screen planting to provide privacy to the adjoining properties. No garden bed has been provided to the rear boundary with the proposed Communal Room against this boundary. A garden bed a minimum 1.2m wide needs to be provided to the rear boundary. Deep soil zones should be a minimum 7% of the site area and be a minimum 6m wide. More area needs to be provided for deep soil zones and tree planting.
17 September 2021	<p>Applicant submitted preliminary amended plans for Council to review.</p>
20 September 2021	<p>Response provided by Council to the preliminary amended plans advising the following as follows:</p> <ul style="list-style-type: none"> UDRP feedback: The comments provided in this email are provided without the further review of the proposal by Council's Urban Design Review Panel. When the amended plans are formally lodged through the Portal, they will be referred to the UDRP for their review. Amalgamation with No. 8: Council's strong preference for the development of the subject site would be for amalgamation with No. 8. The isolation of No. 8 between residential flat buildings and a boarding house would be a poor outcome and would reduce the

	<p>attractiveness of the future redevelopment of No. 8. In addition, the design of the boarding house would greatly benefit from a greater site area and width.</p> <p>Review of preliminary amended plans:</p> <ul style="list-style-type: none"> • Front setback: The proposal would benefit from a greater front setback which would provide greater opportunity for landscaping within the front setback area and would provide for an improved fit with the surrounding context of the site. • Side setbacks: The amended proposal provides for greater side setbacks which is an improvement, but it would benefit from a greater side setback in the south western corner to provide greater separation to the adjoining dwelling at No. 8 Meriton Street. • Compliance with Ryde DCP 2014 – Part 3.5 – Boarding Houses: The proposed common indoor living room and external clothes drying area do not comply with the DCP requirements based on the amended number of lodgers (being 27 lodgers as amended). • Tree removal/retention: The proposal involves the removal all trees on the site, with exception of one tree to the rear of the site to be retained. Whilst this is an improvement on the original proposal, it is considered that there should be more efforts made for tree retention to the rear of the site. As noted above, the proposal would benefit from additional landscaping within the front setback area. • Parking/driveway: It is not clear how the parking and driveway issues outlined in Part 3 of the letter dated 17 August 2021 have been addressed.
<p>5 November 2021</p>	<p>Amended plans and additional information submitted by the applicant in response to Council’s letters. The additional information comprised a covering letter, a valuation for No. 8 Meriton Street, a letter of offer to the owner of No. 8 Meriton Street, an updated traffic report, landscaping plan and BASIX certificate and amended architectural plans which reduced the proposal from a 23 room to 21 room boarding house. Specifically, the applicant had made the following amendments:</p> <ul style="list-style-type: none"> • Common room better incorporated into the building form rather than in the rear yard area. • Basement reduced to allow for greater deep soil / landscaped areas. • Clothesline and composting areas redesigned. • Motorcycle and bicycle parking spaces relocated on ground floor to reduce basement area. • Greater setback allocated to all boundaries (North, South, East and West).

	<ul style="list-style-type: none"> • Common areas enlarged to comply with Council's DCP. • Buildings stepped to allow better connection with exiting topography. • Parking redesigned as per Traffic Engineers recommendations. • Greater separation between proposed buildings (Block A and Block B). • Reduction in number of lodgers from 27 to 24. • Reduction in number of rooms from 23 to 21. • Total FSR reduced to 0.83:1. • Additional tree planting and overall improved landscape response. • Redevelopment site plan provided showing adjoining development. • Updated Basix. • Traffic and parking report updated including swept paths valuation report to address Council's Development Engineer comments. • Updated landscape plan. • Property valuation. • Letter of offer to purchase property.
29 November 2021 and 20 December 2021	The application was renotified and five (5) unique submissions were received raising similar concerns which were raised under the first notification process.

5.Planning Assessment

5.1 Environmental Planning and Assessment Act

Clause 1.3 of the EP & A Act contains the following Objects:

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.*

The proposal does not achieve Objects (a), (b), (c), (f), (g) and (h). The proposed development does not provide for an appropriate built form which responds to the subject site and to adjoining properties and to the immediate locality. Approval of the development would prevent the orderly development of land. The proposal does not exhibit principles of good design and it would adversely impact upon the amenity on the character of the area. The proposal is inconsistent with relevant Objects of the Act.

Site Isolation

There is a general expectation that site amalgamation will occur for sites to develop to their highest and best use. Where amalgamation is not possible, it is the onus of the applicant to adequately address the potential for "site isolation" so that the remaining site will not be unduly disadvantaged in terms of development potential. This is to include consideration of the principles established by the NSW Land and Environment Court in proceedings of *Melissa Grech vs. Auburn Council [2004] NSWLEC 40* and *Karavellas v Sutherland Shire Council [2004] NSWLEC 251*. It is Council's opinion that the applicant has not adequately addressed this requirement

Prior to the lodgement of this DA, the applicant made no offers to purchase the adjoining property to the south at No. 8 Meriton Street however made a relatively quick offer after lodgement of the DA when Council raised concerns with potential isolation. Council has undertaken a detailed review of the DA documentation including the offer to purchase No. 8 Meriton Street of \$2.4M, the supported valuation of the property and a boarding house development concept plan. This review indicates that the applicant has not undertaken reasonable efforts to contact the owners of No. 8 Meriton Street and to negotiate the purchase of the property. Negotiations between the owners of the properties ought to have commenced prior to the lodgement of the DA.

The DA documentation demonstrates that the subject site and No. 8 Meriton Street are both unduly disadvantaged in terms of development potential. The proposed development and the concept design would not satisfy key development controls including building separation and building setbacks. Both concepts would also result in a poor streetscape outcome due to poor front landscaped treatments would be achieved. These non-compliances indicate that the proposal is an overdevelopment of the site and is likely to result in adverse impacts, in particular with regard to privacy and overshadowing.

It has not been demonstrated that a reasonable offer has been made, and that No. 8 can be redeveloped in an orderly and economic manner as a stand-alone site (in particular given the subject development appears to unreasonably constrain development of the adjoining property due to areas of non-compliance sought). These constraints demonstrate that the separate development of each site does not promote good design and amenity of the built environment. There is opportunity for the amalgamation of the sites to lead to a better planning and design outcome.

The DA documentation does not demonstrate that the purchase of No. 8 and amalgamation of the sites is not feasible. Given the amalgamation of the sites could allow for a reasonable development outcome that more closely reaches the full potential of the development standards (achieving the full extent of FSR permitted on the sites) or a well-designed residential flat building development. Overall, it is not

apparent that the process and requirements of the isolation planning principles relating to site isolation are satisfied.

Consideration of the proposal against the planning principles for site isolation is as follows:

Planning Principles for site isolation	Has the applicant addressed this principle?
<p>Grech: Firstly, where a property will be isolated by a proposed development and that property cannot satisfy the minimum lot requirements then negotiations between the owners of the properties should commence at an early stage and prior to the lodgement of the DA.</p>	<p>No. Whilst there is no minimum lot standard, the applicant obtained a valuation report and made an offer of \$2.4M after DA lodgement. No evidence of extensive negotiations had occurred.</p>
<p>Secondly, and where no satisfactory result is achieved from the negotiations, the development application should include details of the negotiations between the owners of the properties. These details should include offers to the owner of the isolated property. A reasonable offer, for the purposes of determining the development application and addressing the planning implications of an isolated lot, is to be based on at least one recent independent valuation and may include other reasonable expenses likely to be incurred by the owner of the isolated property in the sale of the property.</p>	<p>No. The documentation and information provided that an offer had been made and that a brief 'No' to the offer had been signed by the adjoining owner. The DA submission documents did not include any further negotiation details. The concept scheme for the redevelopment of No. 8 (prepared by the applicant) is not considered to adequately address the planning implications of the isolated lot. The proposed development impinges on the ability of No. 8 to be redeveloped to its highest and best use including as a residential flat building development.</p>
<p>Thirdly, the level of negotiation and any offers made for the isolated site are matters that can be given weight in the consideration of the development application. The amount of weight will depend on the level of negotiation, whether any offers are deemed reasonable or unreasonable, any relevant planning requirements and the provisions of s79C of the Act.</p>	<p>No. The willingness of No. 8 to sell their property is not to be dismissed as it is evident that there is no detailed paper trail provided by the applicant which would indicate that minimal negotiations at occurred. Considerable weight is to be given to this issue in the assessment of this DA.</p>
<p>Cornerstone: Can orderly and economic use and development of the separate site be</p>	<p>No. It has not been demonstrated that No. 8 can be redeveloped in an orderly and economic manner as a stand-alone site (in particular, given the subject</p>

achieved if amalgamation is not feasible?	development features areas of non-compliances which would unreasonably constrain the development of No. 8). Amalgamation of the sites is feasible subject to further negotiations being undertaken.
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The Karavellas Planning Principle

Whilst the applicant has provided a letter of offer of \$2.4m to purchase No. 8 Meriton Street (which has been refused by the owner of No. 8 Meriton Street) supported with a valuation report and a concept development design for a boarding house on No. 8 Meriton Street, the matter of whether the offer was reasonable would need to be further investigated to confirm if the amount was in fact reasonable and it is noted that the concept development plan would reflect the same poor design of the subject development site.

Is No.8 Meriton Street isolated by the subject DA?

Based on *Karavellas*, it is considered that the subject site is isolated as both sites would not achieve a development that would be consistent with the relevant planning controls as discussed throughout this report. An assessment of the potential site isolation of No. 8 Meriton Street has concluded that the concerns and planning control variations proposed could easily be resolved through amalgamation of the subject site with the adjoining property in question for construction of this type of development or the best or highest use possible being a residential flat building development.

Is amalgamation of the sites feasible?

In this case, it does not appear negotiations had commenced before the development application was lodged and only an offer was made after lodgement. It would have been prudent and an expression of 'good faith' to pursue further valuations or negotiations. It is arguable on whether the submitted valuation report is an 'independent' valuation report due to the connection between the applicant and the valuer. It is argued that a 'independent' valuation report ought to be prepared and presented. Therefore, it is considered that amalgamation of the sites is still feasible.

Can orderly and economic use and development of the separate sites be achieved?

Whilst No. 8 Meriton Street could be technically redeveloped as a stand-alone boarding house development, it is considered that any such design would result in an inferior building design which would result in cumulatively adding to the poor planning outcomes being achieved (to be discussed in greater detail throughout this report). It is considered that the amenity of the development possible on the isolated lot would be compromised in the same manner as the subject proposal as it is designed completely in the same manner.

5.2. State Environmental Planning Instruments

5.2.1 State Environmental Planning Policy (Affordable Rental Housing) 2009

The development is subject to Division 3 (Boarding Houses) of SEPP (Affordable Rental Housing) 2009. The site is zoned R4 High Density Residential under the Ryde LEP 2014 and the SEPP is applicable in accordance with Clauses 26 and 27(1). which read as follows:

With respect to 27(1), “boarding house” is defined under the ARH SEPP (and the Ryde LEP 2014) as follows:

“boarding house means a building:

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

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

The proposed development for a boarding house satisfies the above definition. Further, Clause 28 indicates that a boarding house development is permitted with consent.

Clause 29 – Standards that cannot be used to refuse consent

Clause 29 stipulates that a consent authority must not refuse development on certain grounds if the development complies with the standards set out in subclause (1) or (2). Subclause (3) outlines the standards relating to the provision of private kitchen or bathroom facilities. The table below provides an assessment of the proposal against these standards.

Clause 29 Standards which cannot be used to refuse consent	Required	Proposed	Complies
(1)(a) and (c)(i) Floor Space Ratio	Existing maximum FSR for any residential accommodation permitted on the land (Max. 1:1 or 595m ² GFA). If the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an	The proposal has a total GFA of 491.8m ² being a FSR of 0.83:1 as claimed by the applicant.	Yes

Clause 29 Standards which cannot be used to refuse consent	Required	Proposed	Complies
	environmental planning instrument or an interim heritage order or on a State Heritage Register – the existing floor space ratio for any form of residential accommodation permitted on the land plus: (i) 0.5:1 if the existing maximum FSR is 2.5:1 or less (Max. 1.5:1 FSR or 892.5m ² GFA)		
(2)(a) Building Height	Maximum building height under LEP – 11.5m.	The building has a maximum height of 10.64m.	Yes
(2)(b) Landscaped area	Landscape treatment of front setback is compatible with streetscape.	Minimum front setback proposed is 3.5m. The proposed landscaping treatment within the front setback is not considered to be compatible with the relevant streetscape or character of the local area including the existing current landscaped treatment on the subject site. A high quality front landscaped treatment within the front building setback area ought to be provided in this instance.	No
(2)(c) Solar access	One or more communal living room receives at least 3 hours sunlight between 9am and 3pm at mid-winter.	There is a communal living room proposed to the rear of the site which would not receive the minimum 3 hours of sunlight between 9am and 3pm on June 21.	No
(2)(d) Private Open Space	One area of at least 20m ² with minimum dimension	The common outdoor space area is	Yes

Clause 29 Standards which cannot be used to refuse consent	Required	Proposed	Complies
	<p>of 3m is provided for use of lodgers.</p> <p>8m² required for boarding house manager with minimum dimension of 2.5m.</p>	<p>proposed to be 62m² with minimum dimension of 3m throughout.</p> <p>A manager's room is proposed with a POS of 19m² where the majority of this area has a minimum dimension exceeding 2.5m.</p>	<p>Yes</p>
(2)(e) Parking	<p>At least 0.5 parking spaces are provided for each boarding room.</p> <p>A maximum of 1 space is permitted for the on-site manager/ employees.</p>	<p>There are 21 boarding rooms and one manager's residence.</p> <p>This results in a minimum of 11.5 (rounded up to 12) parking spaces being required.</p> <p>There is a total of 10 car parking spaces proposed in the basement.</p>	<p>No</p>
(2)(f) Accommodation size	<p>Single rooms are at least 12m² in the case of a single lodger and 16m² in any other case, in area excluding private kitchen or bathroom facilities.</p>	<p>The minimum size for single boarding room is 12.2m² and 13.6m² for a dual room.</p>	<p>No</p>
(3) Facilities	<p>A boarding house may have a private kitchen or bathroom in each boarding room but is not required</p>	<p>Each room is provided with its own kitchen and bathroom facilities.</p>	<p>Yes</p>

Clause 2(b) Landscape area

The applicant has not adequately demonstrated that the proposed front setbacks are consistent with the adjoining building setbacks where it ought to be based on an average setback between the existing setbacks of Nos 2-4 and 8 Meriton Street. An increased front building setback ought to be provided to increase areas of deep soil plantings to Meriton Street where this outcome could be better achieved if the subject site amalgamated with No. 8 Meriton Street.

Clause 2(c) Solar access

The applicant has not adequately demonstrated compliance as the shadow diagrams did not factor in the existing shadows that would be cast from the adjoining development to the north at Nos. 2-4 Meriton St. It would indicate that the communal living could potentially be in shadow for the whole day on June 21 and would not receive the required 3 hours of solar access.

Clause 2(e) Parking

The proposal results in a shortfall of two (2) spaces. The proposal provides for ten (10) spaces and does not meet the required twelve (12) spaces. The proposed is not supported as the shortfall in car parking spaces is expected to result in contributing to parking overflow onto Meriton Street and the nearby local public road system. The provisions of Clause 29(4) states that a consent authority may consent to development under this Division whether or not the development complies with the standard set out in subclause (1) or (2). Therefore, this non compliance is not deemed a breach of a development standard subject to the provisions of Clause 4.6 variation.

Clause 2(f) Accommodation size

The proposal does not meet the minimum requirement for dual rooms of 16m². The proposal includes a dual room 13.6m² in area associated with (Rooms 13 and 21) The shortfall provided to the dual rooms is not supported as it would contribute to the lack of internal amenity already provided by the proposed development.

Clause 30 – Standards for boarding houses:

Clause 30(1) stipulates that a consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:

Clause 30 (1) Standards for boarding houses	Required	Proposed	Complies
(a) Common room	Minimum one communal living room for 5 or more boarding rooms	There is a common living room of 45.3m ² to the rear of the site.	Yes
(b) Gross Floor Area	No boarding room to have gross floor area exceeding 25m ² excluding private kitchen and bathroom	The maximum boarding room area proposed is 20.8m ²	Yes
(c) Occupancy	No boarding room to be used by more than 2 adult lodgers	No boarding room is proposed to be used by more than two lodgers.	Yes

Clause 30 (1) Standards for boarding houses	Required	Proposed	Complies
(d) Kitchen/Bathroom	Adequate kitchen and bathroom facilities are required for a boarding house for the use of each lodger	Each boarding room is self-contained with individual bathrooms and kitchenettes.	Yes
(e) Manager	If a boarding house accommodates 20 or more lodgers a manager's dwelling shall be provided onsite.	A boarding house manager room is provided.	Yes
(g) Commercial zoning	If the site is primarily zoned for commercial purposes ground floor not to be used for residential purposes	The site is zoned R4 High Density Residential.	N/A
(h) Parking	At least 1 motorcycle and bicycle parking space shall be provided for every 5 boarding rooms – a minimum 5 motorcycle and 5 bicycle spaces required	Four (4) motorcycle spaces are proposed. No bicycle parking spaces are depicted on the plans despite the SEE stating that six (6) bicycle racks would be provided for.	No

Clause 30 (1)(h) Parking

The proposal results in one (1) space shortfall of motorcycle parking and does not nominate bicycle parking on plan. The non-compliance is unacceptable and forms part of the recommendation for refusal. The shortfall in motorcycle spaces will result in an adverse impact on the locality where it is expected to result in parking overflow onto the local street network. Further, the lack of bicycle parking facilities provided on site can discourage people cycling to and from the site, which would result in more vehicular traffic and parking demand on the surrounding public roads.

Clause 30 is a numerical standard. The departure has not been supported by a Clause 4.6 written variation. Without the written variation, the jurisdictional prerequisites have not been met. This forms part of the recommendation for refusal.

Clause 30A – Character of local area

Clause 30A stipulates that a consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area. An assessment of the proposal's compatibility with the character of the area is provided below.

It is considered that the proposed building is not consistent with the desired future character of the area with respect to the proposed built form, building setbacks and landscaping within the front setback area. The surrounding residential area consists of residential apartment buildings with front setbacks which are far greater than the front setback being proposed under the subject application.

The proposed front setback ought to be consistent with the setbacks of the two nearest residential flat building at Nos. 2-4, 10 and 12 Meriton Street as the proposed built form of the proposal is more akin to a residential flat development rather than adopting the more minimal setbacks of the existing detached dwellings on Nos. 6 and 8 Meriton Street. Further, should the recommended amalgamation of Nos. 6 and 8 Meriton occur, a more consistent front setback outcome would likely to be achieved. The front setback of the site currently contains substantial deep soil landscaping.

The proposal has not replicated such a landscaped treatment within its front building setback area with provision of a new driveway and a V-shaped pedestrian ramp on a narrow development site. The development does not incorporate extensive deep soil landscaping within the front setback area and the proposed basement car park does not allow for extensive perimeter deep soil areas along the side boundaries. The levels above ground also contain minimal side setbacks and would not provide for reasonable building separation.

Clause 30A of SEPP (Affordable Rental Housing) 2009 requires the consent authority to consider whether the design of the development is compatible with the character of the local area. The NSW Land and Environment Court has established a planning principle on compatibility in *Project Venture Developments Pty Ltd v Pittwater Council [2005] NSWLEC 181*. The judgement specifies the most apposite meaning of compatibility in an urban design context is *capable of existing together in harmony*. It then goes on to stipulate that *compatibility* is thus different from *sameness*.

The consideration under the planning principle as relevant to the subject proposal includes the following:

- *Where compatibility between a building and its surroundings is desirable, its two major aspects are physical impact and visual impact. In order to test whether a proposal is compatible with its context, two questions should be asked.*
 - *Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*
 - *Is the proposal's appearance in harmony with the buildings around it and the character of the street?*
- *For a new development to be visually compatible with its context, it should contain, or at least respond to, the essential elements that make up the character of the surrounding urban environment. In some areas, planning instruments or urban design studies have already described the urban character. In others (the majority of cases), the character needs to be defined as part of a proposal's assessment. The most important contributor to urban character is the relationship of built form to surrounding space, a relationship*

that is created by **building height, setbacks and landscaping**. In special areas, such as conservation areas, **architectural style and materials** are also contributors to character.

- *Front **setbacks** and the way they are treated are an important element of urban character. Where there is a uniform building line, even small differences can destroy the unity. **Setbacks** from side boundaries determine the rhythm of building and void. While it may not be possible to reproduce the rhythm exactly, new development should strive to reflect it in some way.*
- ***Landscaping** is also an important contributor to urban character. In some areas landscape dominates buildings, in others buildings dominate the landscape. Where canopy trees define the character, new developments must provide opportunities for planting canopy trees.*

The principle established two tests as to whether the proposal is compatible within its context which are addressed as follows:

***Are the proposal's physical impacts on surrounding development acceptable?
The physical impacts include constraints on the development potential of surrounding sites.***

The proposal's physical impacts on surrounding development have been assessed as being inadequate. A merit assessment has been undertaken against the relevant parts of Ryde DCP and to the principles of SEPP 65 applying to residential flat buildings where there are substantial reduced building setbacks involved which is attributed to the small 595sqm size and narrow width of the site. The amenity afforded by the design to adjoining residents would result in adverse privacy, solar and visual impacts which are not considered reasonable which is in part due to the proposed setbacks and size of the development site.

The narrowness of the subject site has resulted in a poor basement design where its nil setback design would likely to cause geotechnical implications on an adjoining property and cause adverse traffic impacts on Meriton Street. The poor basement design would encourage boarders to park on the street instead of using the basement itself which would adversely contribute to the limited on-street car parking available on Meriton Street.

The minimal side setbacks of the proposed development would also adversely impact on an adjoining tree which would cause further loss to existing tree canopy cover. It is considered that the applicant has not paid any regard on what the adverse impacts there would be on surrounding developments and these impacts would not be acceptable in this instance.



Figure 18 – The proposal adopts a similar front setback to the existing front setback of the existing dwelling on the subject site however would be well forward of other RFB development in the immediate vicinity

Is the proposal's appearance in harmony with the buildings around it and the character of the street?

The proposal's appearance has been considered in relation to buildings around it and the character of the relevant streetscape. An assessment has been undertaken against the adjoining building setbacks and the minimal setbacks being proposed would not assist in ensuring that the proposal's appearance would be in harmony with buildings around it and with the character of the street. The existing residential flat buildings currently have substantial front setbacks and the proposal should be more consistent with those setbacks.

The proposal is not considered to meet both the physical impact and harmony test contained within *Project Venture Developments Pty Ltd v Pittwater Council [2005] NSWLEC 181*. A merit assessment has been undertaken and it is considered that the undersized nature of the development site does not achieve a reasonable level of amenity for the immediate locality, nor does it enhance the current residential character of the area and does not contribute positively to the current or future desired streetscapes.

The proposed building ought to achieve a reasonable level of amenity for the development, the adjoining properties and the surrounding area. These concerns are further compounded with the poor visual appearance of the development where it does not provide for visual interest with its excessive painted rendered finish which makes it look akin more to a commercial development rather than match the brick appearance of existing residential flat building in the area

These outcomes clearly have not been achieved with this development as demonstrated by the variations being proposed under the SEPP and it is considered

that the proposed development does not satisfy the requirements of Clause 30A as detailed above. The development is also not supported by the UDRP (which will be discussed in detail in Section 5.2.2 of this report). The application has also not been supported by a Clause 4.6 written variation in respect of the lack of motorcycle parking and bicycle parking.

Clause 52 – No subdivision of boarding houses

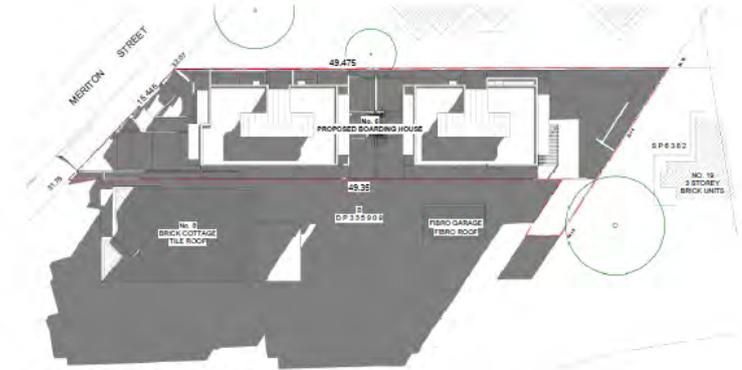
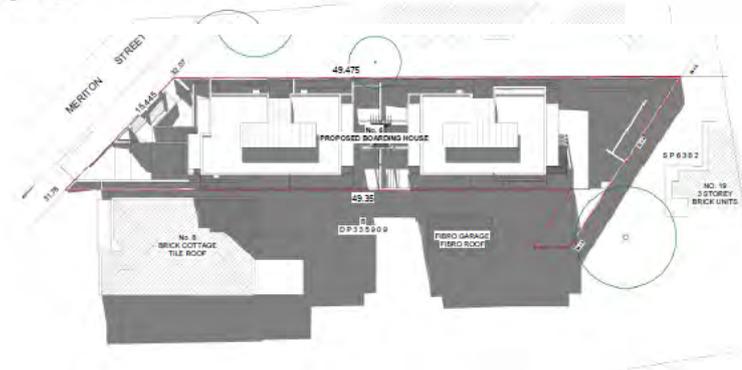
In accordance with Clause 52, consent must not be granted for the strata subdivision or community title subdivision of a boarding house. The proposal does not seek approval for subdivision of the boarding house.

5.2.2 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

Clause 4(1) of SEPP 65 states that unless specified by a LEP, this Policy does not apply to boarding house developments. However, Section 1.6 in Part 3.5 Boarding Houses of Ryde DCP 2014 states that *“Where boarding house development is associated with residential flat building design, the provisions of State Environmental Planning Policy No. 65 - Residential Flat Development (SEPP 65) are also relevant”*. This assessment is useful to assess the design quality of the proposal and achieve an overall better built form and aesthetics of the building within the streetscape.

The application was originally reviewed by the Urban Design Review Panel (UDRP) on 2 July 2021 and a response with amended plans were submitted by the applicant on 5 November 2021. The second UDRP comments made on 19 November 2021 after the amended plans were submitted are discussed below:

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
<p>Context and Neighbourhood Character</p> <p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area’s existing or future character. Well-designed buildings respond to and enhance the qualities and</p>	<p><u>Further Urban Design Review Panel comments on 19 November 2021</u></p> <p>It is noted that the amended plans allow for the retention of one existing tree which is an improvement however the basement car park still occupies the entire site width which compromises any opportunity for the retention of other boundary planting or new deep soil planting (see Figure 10). Given the very tight side setbacks significant landscape along the side boundaries is even more important to manage the proximity and scale of the development (see Figures 10 - 13).</p> <p>The Panel notes that the applicant has not amalgamated the sites and has provided information to Council regarding attempts to purchase the adjacent lot. We leave consideration of the adequacy of that information to Council. However, the applicant has provided an indicative layout in plan form only, of how the adjacent site could develop.</p> <p>The Panel are not persuaded by this layout for a number of reasons. Firstly, it is dependent on another boarding house solution that also offers inadequate side setbacks and separation and side setback landscape plantings. But further such a development is unlikely to be possible or permissible once the final version of the Draft SEPP Housing is finalised given the draft seeks to introduce setback requirements for boarding houses.</p>

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
	<p><u>Council comments</u></p> <p>The proposed development would not achieve a good planning outcome and it is still recommended that the application now be refused partly based on the concerns raised above by the panel. It is still maintained that there would be significant on-site and off-site impacts resulting from the poor design of the development with respect to the front/side setbacks, building separation and treatment of the front setback area.</p>
<p>Built Form and Scale</p> <p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building’s purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p><u>Urban Design Review Panel Comments on 19 November 2021</u></p> <p>The frontage of the site is still dominated by the vehicle access and entry ramp as discussed under the previous principle.</p> <p>The side boundary setbacks have been generally increased to a minimum of 1.5m. This is considered adequate to the north on the basis of the courtyard arrangement between the two forms but only if the width of that courtyard is increased to a minimum of 9m between the balconies.</p> <p>This would be achieved by the adjustment of one of the pods to reduce the floor plan to 3 rooms per floor instead of 4 rooms, orienting one room to have a long façade to either the courtyard or rear boundary.</p> <p>The Panel considers that the southern setback to the buildings should be increased to a minimum of 3m to achieve a reduced visual impact and better solar access to the dwelling and its POS at 8 Meriton St.</p> <div style="text-align: center;">  <p>① SHADOW DIAGRAM JUNE 21ST 9AM. 1:200</p>  <p>④ SHADOW DIAGRAM JUNE 21ST 12NOON. 1:200</p> </div>

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
	<p>③ SHADOW DIAGRAM JUNE 21ST 3PM. 1:200</p> <p>① SHADOW ELEVATION_9AM</p> <p>④ SHADOW ELEVATION_12PM</p> <p>③ SHADOW ELEVATION_3PM</p> <p>Figure 20 – Shadow impacts onto No. 8 Meriton Street</p>

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
	<p>The proposal has been amended to step the building slabs to achieve a better response to the topography. This is an improvement however the Panel encourages the applicant to further lower the front building to reduce the extent of ramp required to enter the building.</p> <p>The Panel notes that the scheme adopts only 2.9m floor to floor heights. This is not sufficient to achieve positive amenity given the small size of the units. Also, the proposal is well below the height plane. The Panel recommends that the floor-to-floor heights are increased to 3.1m to improve amenity.</p> <p><u>Council comments</u></p> <p>The front landscape treatment results in an inferior development product and the proposed setbacks largely remains unresolved. It is recommended that the application be refused on the basis that the amended plans had not satisfied the potential adverse bulk and scale impacts onto No. 8 Meriton Street, onto the immediate character of the area and within the development site itself.</p>
<p>Density</p> <p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p><u>Urban Design Review Panel Comments on 19 November 2021</u></p> <p>Given the issues discussed under other principles, and the privacy, landscape, street address and cross viewing concerns, the Panel considers the proposal to still be an overdevelopment of the site.</p> <p><u>Council comments</u></p> <p>The proposal still represents as an overdevelopment and rooms ought to be reduced with increased building setbacks to ensure there is an appropriate density outcome achieved in this instance.</p>
<p>Sustainability</p> <p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and livability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements</p>	<p><u>Urban Design Review Panel Comments on 19 November 2021</u></p> <p>Specific sustainability measures were not discussed as the applicant did not attend the panel meeting.</p> <p>No further information has been provided to the Panel on this principle.</p> <p><u>Council comments</u></p> <p>The issue of sustainability has been addressed as the proposal would comply with relevant BASIX Certificate, DCP provisions and relevant sections of BCA for Class 3 buildings. The development will be provided with energy and water efficient fixtures in accordance with BASIX and NATHERS.</p> <p>At a minimum this will include:</p> <ul style="list-style-type: none"> • Installation of minimum 4 star taps and shower roses • Minimum 4-star laundry and washing machines.

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
<p>include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<ul style="list-style-type: none"> • Single phase air-conditioning units to be provided to each room and common room. • LED lighting to be installed to all rooms, communal areas. • Rooms to be naturally ventilated and mechanical ventilation systems to be provided to all bathrooms. • Ranges with external exhaust to be provided to all kitchens. <p>However, to address privacy and building separation there are no windows along the side northern boundary and the boarding and common rooms would receive limited solar during the day. All boarding rooms only have one window and would not contain appropriate cross ventilation (see Figure 23 below). This design outcome would not promote the principles of sustainability in this instance and a suitable redesign ought to occur which contains north facing windows to the rooms.</p>
<p>Landscape</p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, coordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical</p>	<p><u>Urban Design Review Panel Comments on 19 November 2021</u></p> <p>The removal of the rear common room building has allowed one tree to be retained. The Panel is concerned that the wide basement is stopping retention of other trees on the site. The central courtyard and side setbacks are all above the basement so no on grade planting in these areas is provided with deep soil. This compromises the ability to buffer the side setback areas with landscape and limits the scale of planting achievable in the central area. The deep soil area in the rear of the site is a positive improvement.</p> <p><u>Council comments</u></p> <p>The proposed landscaping and deep soil areas do not achieve a reasonable outcome on the subject site where it has been traded off to accommodate a large basement area that adopts nil side setbacks. The applicant has not adequately considered the impacts that the development would have on the existing tree canopy cover of the subject site and on adjoining sites with existing trees located the side boundaries. Approval of the subject proposal cannot occur in its current design.</p>

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
establishment and long term management.	
<p>Amenity</p> <p>Good design positively influences internal and external amenity for residents and neighbours.</p> <p>Achieving good amenity contributes to positive living environments and resident well-being.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p><u>Urban Design Review Panel Comments on 19 November 2021</u></p> <p>The ear windows and awkward room arrangements have been amended and the room layouts are now reasonable.</p> <p>There are still issues with the front access arrangement from a streetscape viewpoint.</p> <p>The overshadowing to the adjacent dwelling house is still considerable but would be improved by widening the separation distance in the central courtyard and a greater setback to the south boundary.</p> <p>The side setbacks are still of concern regarding the amenity of No 8 Meriton St.</p> <p>The separation between the two building pods is not considered adequate and should be increased to at least 9m between balconies. The layout only provides 7.7m between the building walls with the balconies intruding into that space.</p> <div data-bbox="715 1093 1345 1697" data-label="Diagram"> </div> <p>Figure 21 – 5.3m internal balcony and 7.7m building separation is proposed</p> <p>Windows and balconies directly align so the overlooking and acoustic privacy issues are considerable. Small privacy screens are now shown but they are manifestly inadequate and just reduce amenity in the rooms.</p> <p>The separation distances need to be increased to at least 9m between the balconies with folding screens provided for further privacy if desired. Even the old AMCORD control considered 9m a minimum.</p> <p>The POS of the managers space is now improved and the privacy issue between rooms and the COS is now resolved.</p> <p>Council comments</p>

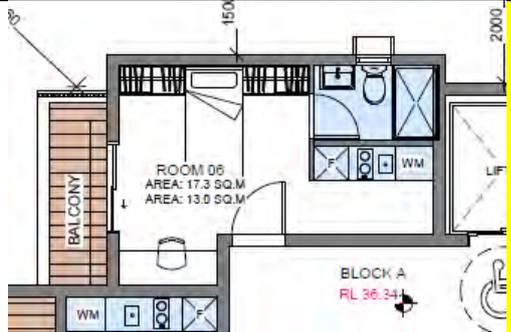
SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
	<p>Overall, the proposal exhibits poor internal and external amenity impacts and the poor design is contributed by the 595sqm development site accommodating a total of 21 boarding room, one manager’s room and a common room with a large basement located on a very narrow block. The extent of works involved is far too excessive for the subject site and outright refusal is recommended.</p>
<p>Safety</p> <p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p><u>Urban Design Review Panel Comments on 19 November 2021</u></p> <p>The proposal is now satisfactory.</p> <p><u>Council comments</u> Agreed</p>
<p>Housing Diversity and Social Interaction</p> <p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities</p>	<p><u>Urban Design Review Panel Comments on 19 November 2021</u></p> <p>No comments provided by the Panel on this principle.</p> <p><u>Council comments</u></p> <p>It is considered that the poor design resulting from an overdeveloped nature of the proposal would not assist in promoting orderly development and the improving the choice of housing or social outcomes for the locality.</p>

SEPP 65 – Design Quality of Residential Flat Buildings	UDRP Comments
for social interaction among residents.	
<p>Aesthetics</p> <p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p><u>Urban Design Review Panel Comments on 19 November 2021</u></p> <p>There is no change to the materials. The Panel would encourage the applicant to reconsider the extent of painted masonry due to the long-term maintenance requirements, particularly along the side boundary where access is very constrained. The front facade lacks visual interest and is dominated by painted white balustrades. The Panel encourages the architect to further develop any east and west elevations of each building to create more visual interest with less reliance on painted finishes. The Panel notes that fundamental site planning issues warrant an altogether alternative design and siting strategy.</p> <p><u>Council comments</u></p> <p>Agreed, the applicant has made no attempt to address the Panels concerns with respect to improving the appearance of the development to ensure it is consistent with the character of the area.</p>

The Panel recommends that the proposal adopts the amendments outlined above in this table. The Panel considers that further redesign is required and that any future proposal should return to the Panel for consideration. Whilst the comments of the panel are largely agreed, it is not recommended that the applicant attempts to again redesign the proposal rather outright refusal ought to occur.

As the boarding house adjoins with residential flat building to the north, the following Apartment Design Guide with regards to the built form is a helpful guideline for consideration and further confirms the unsatisfactory nature of the proposed development as follows:

Apartment Design Guide Requirement	Proposal	Complies
Part 2 Development Controls		
<p>2E Building Depth</p> <p>Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line.</p>	<p>Achieved due to the narrow 15.454m narrow width of the subject development site however the rooms do not have relevant glass to glass arrangements which would affect internal amenity levels with respect to reduced solar access and no cross ventilation.</p>	<p>Whilst the technical depths are achieved in this instance, the proposed depths and design of the rooms do not provide for adequate internal amenity levels for future boarders</p>

	 <p>Figure 23 – no glass line to glass line arrangement to enable for increased solar access and cross-ventilation</p>									
<p>2F Building Separation Minimum separation distances for buildings are: <i>up to 4 storeys should be:</i> -12m between habitable rooms / balconies -9m between habitable / balconies and non-habitable rooms -6m between non-habitable rooms.</p>	<p>The applicant had adopted a complete defensive strategy with provision of no habitable windows to adjoining side boundaries to address or overcome the issue of satisfying the minimum building separation requirement and raised setbacks or bulk/scale concerns. Whilst It is noted that the adjoining residential development to the north is appropriately angled at 45 degrees to assist in reducing direct facing windows facing one another however the applicant could have provided some north facing windows or at least highlight windows to receive solar access and provide for cross ventilation.</p> <p>Further, a minimum 5.3m internal balcony and 7.7m building separation is proposed where the ADG requires a minimum separation of 12m.</p>	<p>No – see the same reasons provided under Section 5.7 and the UDRP comments of this report for further details</p>								
<p>3F Visual Privacy Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1" data-bbox="256 1624 580 1906"> <thead> <tr> <th>Building Height</th> <th>Habitable rooms & balconies</th> </tr> </thead> <tbody> <tr> <td>Up to 12m (4 storeys)</td> <td>6m</td> </tr> <tr> <td>Up to 25m (5-8 storeys)</td> <td>9m</td> </tr> <tr> <td>Over 25m (9+ storeys)</td> <td>12m</td> </tr> </tbody> </table>	Building Height	Habitable rooms & balconies	Up to 12m (4 storeys)	6m	Up to 25m (5-8 storeys)	9m	Over 25m (9+ storeys)	12m	<p>See comments made by the panel and above under building separation</p>	<p>No – see the reasons provided by the UDRP and building separation comments of this report for further details</p>
Building Height	Habitable rooms & balconies									
Up to 12m (4 storeys)	6m									
Up to 25m (5-8 storeys)	9m									
Over 25m (9+ storeys)	12m									
<p>3G Pedestrian Access & Entries Pedestrian access, entries and pathways are accessible and easy to identify.</p>	<p>A V-shaped pedestrian ramp is proposed</p>	<p>No - the long-convoluted ramp that runs along the front boundary is not supported as it contributes to a substantial reduction</p>								

		in the already limited front landscaped area provided for
3H Vehicle Access Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.	A single width driveway is proposed	No - the proposed driveway arrangement would not provide for traffic safety where a double width driveway would suffice and would further encroach into the required front landscaped area already compromised by the V-shaped pedestrian ramp (see figure 21).

Based on the above proposal being in contradiction with the principles of SEPP 65 and the requirements of the ADG, the proposal is unsatisfactory, and refusal is recommended.

5.2.3 Other relevant State Environmental Planning Instruments

Instrument	Proposal	Compliance
State Environmental Planning Policy Resilience and Hazards 2021		
Chapter 4 Remediation of Land		
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.	Pursuant to Clause 4.6(1) consideration has to be given as to whether the land is contaminated. The site has a long and established history of residential use and is not likely to contain any form of contamination. No further soil assessment is deemed to be required given the long-established residential use of the subject site and the adjoining sites.	Yes
State Environmental Planning Policy Biodiversity and Conservation 2021		
Chapter 2 Vegetation in non-rural areas		
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.	The subject site is not identified as containing significant urban bushland on Council's Environmentally Sensitive Areas map. However, no adequate arborist assessment has been made in the vicinity of the trees to be retained either onsite or on adjoining properties. No relevant approvals have not been obtained from the relevant owners in relation to one (1) adjoining Camellia tree (Tree 11) which would be adversely impacted by the proposed development.	No

	The proposal does not achieve in maintaining existing tree cover outcomes and this matter has not been adequately addressed by the applicant.	
Chapter 10 Sydney Harbour Catchment		
This Plan applies to the whole of the Ryde Local Government Area. The aims of the Plan are to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole.	Given the nature of the project and the location of the site, there are no specific controls that directly apply to this proposal. The site is not located on the foreshore or adjacent to the waterway and therefore, with exception of the objective of improved water quality, the objectives of the planning instrument are not applicable to the proposed development. The objective of improved water quality is satisfied through compliance with the provisions of Part 8.2 of DCP 2014.	Yes
State Environmental Planning Policy - BASIX		
The certificate demonstrates compliance with the provisions of the SEPP and is consistent with commitments identified in the application documentation.	<p>The proposed development is identified under the Environmental Planning and Assessment Regulation 2000 as a BASIX Affected Building. Clause 3 of the Environmental Planning and Assessment Regulation 2000 defines a 'BASIX Affected Building' as any building that contains one or more dwellings but does not include a hotel or motel.</p> <p>In a NSW Land & Environment Court (LEC) case <i>SHMH Properties Australia Pty Ltd v City of Sydney Council [2018] NSWLEC 66</i> it was determined that, if rooms in a boarding house are capable of being used as a separate domicile (and therefore meeting the definition of a 'dwelling'), a BASIX certificate for the development will be required to accompany the development application. The proposal seeks consent for a boarding house development and is supported by a BASIX Certificate which provides the development with a satisfactory water and energy target rating of 40 and 45 respectively.</p>	Yes

5.3 Ryde Local Environmental Plan 2014

The following is an assessment of the proposed development against the applicable provisions from the Ryde Local Environmental Plan 2014. The site is zoned R4 High Density Residential under the provisions of the RLEP 2014. The development as a boarding house is permitted within this zoning.

Clause 1.2 Aims of Plan and Clause 2.3 – Zone Objectives

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The objectives for the R4 zone are as follows:

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



Figure 24 – R4 zoning of the subject site

Whilst the proposed development would provide affordable housing or assist in providing for a variety of housing types within the high-density residential environment, its overall poor design is not supported as it would be contrary to the following Clause 1.2 aims of the LEP as follows:

- To provide opportunities for a range of housing types that are consistent with adjoining development and the existing environmental character of the locality.
- To foster the environmental, economic, social and physical development of Ryde so that it develops as an integrated, balanced and sustainable city.
- To preserve and improve the existing character, amenity and environmental quality of the land to which this Plan applies.

The proposal does not provide a built form, a density and a landscaped treatment which would be compatible with the immediate locality where it would present significant adverse impacts to the streetscape and existing amenity of adjoining properties. Therefore, whilst the proposed development may not be contrary to the objectives of the R4 High Density Residential zone, the proposed development would not meet the above aims of the LEP.

Clause	Proposal	Compliance
2.7 Demolition		
The demolition of a building or work may be carried out only with development consent.	Demolition of the existing dwelling is proposed as part of the subject application	Yes
4.3(2) Height of Buildings		
11.5m	10.64m	Yes
4.4(2) Floor Space Ratio		
1:1 (595m ²).	<p>Under Clause 29(2)(a) of SEPP Affordable Rental Housing, for a boarding house development in a zone where residential flat buildings are permitted, a floor space ratio is not to be more than the maximum permissible floor space ratio for residential accommodation on the land (maximum of 1:1 or 595m² GFA permitted under the LEP) and an additional 50% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of the boarding house (maximum of 1.5:1 FSR or 892.5m² GFA permitted under the SEPP).</p> <p>The proposal has a total GFA of 491.8m² being an FSR of 0.83:1 and therefore complies with this development standard.</p>	Yes
4.6 Exceptions to development standards		
<p>(1) The objectives of this clause are as follows—</p> <p>(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,</p> <p>(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</p>	<p>The proposal is non-compliant with Clause 30(1)(h) of SEPP ARH 2009. The standard requires 1 motorcycle and bicycle parking space for every 5 boarding rooms. A minimum of 5 motorcycle 5 bicycle spaces are required.</p> <p>The proposal provides four (4) motorcycle spaces. The proposal provides no bicycle spaces.</p> <p>The proposal results in a 100% breach of the standard. No clause 4.6 written variation has been submitted. The jurisdictional prerequisite has not been met and development consent cannot be granted.</p>	No
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 site is mapped as potentially containing Class 5 acid sulfate soils. However, there is no excavation below RL 1m AHD and no further assessment with regard to acid sulfate soils is required.	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 proposed development includes excavation for one level of basement car park at a maximum depth of 4.4m. The proposal has been reviewed and the proposed nil side boundary setback of the basement is not supported as it is likely to contain adverse structural and tree impacts onto adjoining properties. The plans indicate that the proposed basement walls are only some 150mm thick. Whilst a structural analysis is beyond the scope of this review, it is highly unlikely these will have sufficient structural integrity to support the development as well as the lateral load of neighbouring land. The arrangement also makes no provision for subsurface drainage which, if not installed, can have structural implications for the development itself as well as neighbouring property. It is foreseeable that the development, if approved, would require shoring at least 300mm thickness. Any increase in the wall thickness will impact the operation of vehicular movement within the basement. The applicant should have provided information to verify that the development can be constructed as proposed. The proposal is not supported as it would contain adverse geotechnical impacts.</p>	No
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 inconsistent with the provisions of Clause 6.4(3). The proposed stormwater management system for the site has been assessed and as mentioned above the applicant has not adequately designed the proposed development as the proposed basement has not made proper allowance for the installation of a subsurface drainage system which are required to address the relevant geotechnical implications involved on adjoining properties and on the development structure itself.</p>	No

5.4 Draft Environmental Planning Instruments

Instrument	Proposal	Compliance
State Environmental Planning Policy (Housing) 2021		
<p>On 26 November 2021, SEPP (Housing) 2021 was gazetted. Pursuant to Clause 10(1) this instrument repealed SEPP (Affordable Rental Housing) 2009.</p> <p>Pursuant to Schedule 7(2)(a) states a development application made, but not yet determined, on or before the commencement day the former provisions of a repealed instrument continue to apply. The subject application was lodged on 24 May 2021 and is subject to the provisions of SEPP (Affordable Rental Housing) 2009. The savings provision ceases to apply from 1 July 2022 pursuant to Subclause 3(3) of Schedule 7.</p> <p>The Draft SEPP Housing was exhibited between 31 July 2021 and 29 August 2021.</p>	<p>The application has considered the provisions of the new SEPP. Clause 23 identifies that the proposal remains to be a permissible use as the R4 zoning under the Ryde LEP permits boarding houses. Clause 24 contains non-discretionary development standards. Clause 25 of the SEPP specifies that development consent must not be granted unless the consent authority is satisfied of the matters within this provision. The proposal maintains the same non-compliances as discussed under Part 5.2.1 of this report relating to the applicable SEPP Affordable Rental Housing 2009.</p> <p>The proposal is inconsistent with the following provisions:</p> <ul style="list-style-type: none"> • Clause 24(2)(e) relating to the required 3 hours of solar access • Clause 24(2)(g) introduced a minimum standard for internal communal living area for boarding houses with more than 6 boarding rooms. The proposal would be required to provide 60 m² of communal living area. The development provides for 45.3m² • Clause 24(2)(h) requires 119 m² of communal open space and the development provides 62m² • Clause 25(1)(h) requires double rooms to have an area of 16m². The proposal includes a dual room 	<p>No</p>

	<p>13.6m² in area associated with (Rooms 13 and 21).</p> <ul style="list-style-type: none"> • Clause 25(2)(a) relating to character. • Clause 25(2)(b) relating to setbacks. • Clause 25(2)(c) which requires 3 storey boarding housing to comply with the building separation distances of the ADG. • Clause 25(2)(d) which requires 5 motorcycle spaces with none provided. • Clause 25(2)(e) relating to the require 21 bicycle spaces. The development provides for 6. <p>The proposal is inconsistent with the provisions of SEPP Housing 2021. Given the savings provisions contained within Schedule 7(2)(a) determinative weight is not given to this instrument.</p>	
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5.5 Ryde Development Control Plan 2014

The applicable provisions of Ryde Development Control Plan 2014 (RDGP) are

- Part 2.1 Notification of Development Applications
- Part 3.5 Boarding Houses
- Part 7.1 Energy Smart, Water Wise
- Part 7.2 Waste Minimisation and Management
- Part 8.1 Construction Activities
- Part 8.2 Stormwater and Floodplain Management
- Part 8.3 Driveways
- Part 9.2 Access for People with Disabilities
- Part 9.5 Tree Preservation

With regards to Parts 2.1, 7.1 to 9.2 and 9.5, noting advice received from various technical departments within Council (see referral comments section of this report and other sections of this report) and consideration of these issues already dealt with previously elsewhere in this report, the following assessment addresses Parts 3.5 only.

An assessment of the development against the applicable clauses of Part 3.5 is provided in **Attachment 1**.

The proposal is non-compliant with Part 2.0 Location and Character, Part 2.3(f) Size and scale, and Part 2.3 (g) and (h) Parking and Traffic. The non-compliances are not inconsistent with the provisions of SEPP Affordable Rental Housing discussed under Section 5.2.1 of this report.

Part 3.5 – Boarding Houses

Section 1.3 states that the objectives of Part 3.5 are:

1. *To recognise boarding house accommodation as a component of the City of Ryde's residential housing mix.*
2. *To facilitate the provision of high quality affordable rental housing in the form of boarding houses where permissible in residential and business zones in the City of Ryde.*
3. *To support government policy which facilitates the retention and mitigates the loss of existing affordable rental housing.*
4. *To encourage appropriate design of boarding house development to ensure the impact and operation does not interfere with surrounding land uses and amenity.*
5. *To provide controls for boarding houses that are not within "accessible area" as defined under the SEPP ARH.*
6. *To ensure that boarding houses are designed to be compatible with and enhance the local area character and the desired future character.*
7. *To ensure that any building that has been developed or adopted into a boarding house maintains a satisfactory standard of amenity for both the needs of occupants and neighbours alike.*

The proposal does not satisfactorily demonstrate that the design of the boarding house would provide a high-quality development with good amenity for future occupants with restricted internal amenity of the boarding/manager/common rooms. The proposal does not provide sufficient parking spaces to ensure the operation of the boarding house is viable for future occupants. The proposed development is not considered to be of appropriate design that is consistent with surrounding properties or the desired future character of the local area.

It is not considered that the proposed internal layout, built form and appearance of the development would have a positive contribution to the character of the streetscape and the area. The proposed development has failed to demonstrate compatibility with the desired built form character of the local area. The proposed development has not sufficiently demonstrated good internal amenity for occupants within rooms, insufficient car/ motorcycle/bicycle parking spaces and basement access design which would have additional impacts on traffic volumes, demand for parking and pedestrian/vehicular safety.

The design of the development would have unacceptable impact on the adjoining property to the south with respect to overshadowing, bulk/scale and restriction of outlook for adjoining properties due to the narrow and undersized nature of the subject development site.

5.6 Planning Agreements OR Draft Planning Agreements

The application is not the subject of any planning agreements or draft planning agreements.

5.7 Section 7.11 Development Contributions Plan 2020

The Section 7.11 Development Contributions Plan 2020 commenced on 1 July 2020 and is applicable to the proposal. However, as the application is recommended for refusal a calculation has not been provided.

6. The likely impacts of the development

The proposed development is considered to have an adverse environmental impact for the following reasons:

Impact on Streetscape and Desired Future Character

The proposal is inconsistent with the desired future character of the area in relation to bulk, scale, setbacks, landscaped treatment, deep soil areas, basement arrangement and appearance. The proposal is inconsistent with the desired future character of the area as it would contravene the requirements or principles of SEPP Affordable Rental Housing and SEPP 65. The proposal would contain adverse off-site impacts to existing developments in the area due to its bulk/scale and poor design on a narrow/undersized allotment. The excessive scale of the development has resulted in limited landscaping being provided along the front and side boundaries due to minimal setbacks proposed and would be inconsistent with the character of the street.

Impact on adjoining properties

The design of the proposed boarding house would create overshadowing for the adjoining property at No. 8 Meriton Street to the south and adverse visual impacts to both adjoining side boundary properties. The proposal has attempted to mitigate any overlooking and relevant building separation concerns to adjoining properties by having no windows facing the side boundaries however this would result in poor amenity for future occupants of the boarding house, and will also result in an unsightly and overbearing development when viewed from the adjoining properties.

This is due to the narrow and small size of the lot where the subject site ought to amalgamate with the site to the south at No. 8 Meriton to provide for a boarding house development that minimises its off-site impacts. Furthermore, the proposal has also failed to demonstrate that there would be no significant adverse impacts in relation to the basement design would have on structural integrity of adjoining properties and trees. The applicant had failed to submit an acoustic report to assess the impact of the development would have on surrounding developments.

7. Suitability of the site for the development

The proposed development is not compatible with the scale and character of existing developments in the vicinity of the site and will detract from the desired future

streetscape and character of the area. In particular, the bulk and scale of the development is excessive and out of character with both the existing and desired future character of the area. The development has failed to demonstrate that it is consistent with relevant planning controls including built form, consistency with the character of the local area, impacts on adjoining properties, parking, access, landscaping, deep soil areas and tree retention.

The size of the subject site cannot accommodate the scale of works to meet the needs of the proposed development whilst ensuring that off-site impacts are minimised where possible. The proposal would result in poor amenity for future occupants and surrounding properties where the proposal is an overdevelopment of the subject site. It is recommended that the subject site amalgamates with the adjoining property at No. 8 Meriton to allow for a higher density that would be more compatible with the area and that would achieve reasonable amenity levels for both future boarders and surrounding residents.

The subject site is not a suitable location for this development having regard to the relevant planning controls. The proposed development on the site has not satisfactorily demonstrated compliance with built form and amenity provisions applicable to the development.

8. The Public Interest

Given the above assessment, it is not considered that approval of the application would be in the public interest as the subject site is not suitable for the proposed boarding house.

9. Submissions

The application was notified to adjoining property owners and occupiers between 4 June 2021 and 30 June 2021. Twenty (20) unique submissions were received which raised concerns with the inappropriate nature of the proposed development in the immediate locality in relation to streetscape, overdevelopment, bulk/scale, traffic, car parking, acoustic/visual privacy, amenity, solar access, front setbacks, landscaping impacts and the proposed development being out of character with the locality.

The application was renotified between 29 November and 20 December 2021 due to amended plans and additional information being lodged by the applicant and five (5) unique submissions were received raising similar concerns which were raised under the first notification process.

The submissions received during the first notification raised the following concerns:

Anti-Social Behaviour

Comment: A boarding house development is a permissible form of development to promote the principles of affordable housing. There are no restrictions in place to control who can or cannot reside within the development. The applicant had prepared a suitable Plan of Management that would have ensured that if the boarding house had it been approved that appropriate measures be undertaken to control certain anti-social

behaviour that may have occurred. Such a plan would have required to be strictly enforced as a condition of consent to ensure any on or off-site impacts are controlled and managed.

Further, suitable Safety by Design principles would have been conditioned in any consent granted.

Over-Supply of Units

Comment: There is no evidence to suggest that there is an over-supply of units within the area where again the proposal is a permissible form of development with consent. Each development application needs to be assessed and determined on its merits. Should the application had been approved, an appropriate Section 7.11 Contributions condition would have been imposed to collect relevant contributions to assist in the future upgrade of local infrastructure.

Character of Area and Impacts onto No. 8 Meriton St

- *The residents are concerned about how this development will impact on our day to day life during construction and into the future.*
- *Overshadowing and loss of sunlight*
- *Inadequate front setback of 3350mm*
- *Basement parking*
- *Privacy impacts*

Comment: There are concerns with the proposal in relation to its impacts onto the existing and desired future character of the area including its potential impacts onto No. 8 Meriton Street. As discussed throughout this report, the proposal would contain significant adverse visual and shadow impacts onto the adjoining property in question resulting in reduced amenity for its residents.

In relation to whether the proposal is compatible with the character of the area, it is considered that the proposed front setback are not appropriate in this instance as it would in part contribute to the inappropriate proposed front landscaped treatment within the front building setback area. It is recommended as the boarding house has a built form which is similar to a residential flat building development that it ought to have increased front setbacks to be more consistent with existing front setback of other existing residential flat buildings on Meriton Street.

The best approach to achieve this outcome is for the subject site to amalgamate with the adjoining property at No. 8 Meriton Street due to the undersized nature of the subject development site. An improved streetscape outcome would be achieved with a new appropriately sized residential flat building development that provides for all required all carparking spaces to be provided on-site. This forms part of the recommendation for refusal.

Traffic and Car Parking Impacts

Comment: The submitted plans and the associated traffic report has been assessed and it is agreed that the overall design of the proposed basement is not satisfactory as

submitted. Further, any technical shortfall of car/motorcycle/bicycle parking is not supported on this site although it is noted that one space per boarding room or the provision of visitor spaces are not required for such a development. The inefficient design of the basement on such a narrow allotment that has a single width driveway would further exacerbate the potential traffic impacts currently being experienced on the local street network. The lack of on site parking will also contribute to increased demand for on street parking.

Such a poor design outcome would encourage future boarders or seek instead to park on the street rather than in the basement area. The applicant had not adequately dealt with this and refusal is recommended in this instance.

Communal Areas impacting amenity of adjoining properties

Comment: It is agreed that the overall design of the proposed development would contain significant adverse impacts onto adjoining properties. The applicant had not submitted an acoustic to demonstrate that the proposal would have reasonable acoustic impacts onto adjoining developments although the applicant had amended the design of both the internal/external common areas to minimise its potential impacts. The applicant had incorporated the detached internal common room along the rear boundary with 19 Wharf Rd on the original plans to be now attached to the design of the main building to rear adjacent to the rear outdoor common area which had been increased in size.

Again, the successful implementation of the submitted Plan of Management would have ensured impacts are controlled and managed.

Affordable Rental Housing not actually being provided

Comment: The applicant has not addressed the new affordable rental housing provisions in Chapter 2 of the newly adopted Housing SEPP at addressing housing inequality as the subject Development Application was lodged prior to its commencement. It is noted that these requirements were not previously applicable under SEPP Affordable Rental Housing and due to savings provisions being implemented, the subject application would still be subject to the provisions of the Affordable Housing SEPP where a boarding house by its very nature would promote the principles of affordable housing.

Overdevelopment of the land

Comment: It is agreed that the proposed development represents as an overdevelopment on the subject site where the proposed landscaped/deep soil areas provided for is not supported. The site is undersized to accommodate the scale of the proposed works and it is recommended that units be removed and amalgamation with the adjoining property to the south would ensure that a reasonable built outcome would be achieved that is more consistent with the character and streetscape of Meriton Street. This forms part of the recommendation for refusal.

Structural Impacts from the basement

Comment: The rear built internal common room structure has been removed by the submission of the amended plans. It is agreed that the proposed basement would have adverse structural impacts on adjoining properties and its design is not supported. An amalgamated development site would assist in ensuring that there would be no such impacts where the provision of a basement would be well away from the structural integrity of any adjoining buildings.

Tree Loss

Comment: It is agreed that there would be unnecessary loss of existing tree canopy cover on the subject site and on an adjoining property tree from the proposed scale of the proposed development. Insufficient information has been submitted to determine if the existing rear tree to be retained would not be adversely impacted upon. The applicant has not adequately addressed the issue of tree loss.

Stormwater management

Comment: The proposal and the associated stormwater plans have been assessed and with exception with concerns of potential sub-surface drainage with the design of the proposed basement, there are no other stormwater concerns. The concerns raised above are related to off-site stormwater issues which are not related to the subject proposal.

Effluent/Sewage management

Comment: The subject site is appropriately serviced by Sydney Water and any approval granted would have contained a relevant condition for the applicant to obtain a Section 73 Certificate from Sydney Water to ensure that there would be necessary capacity available to accommodate 23 additional toilets that would have been placed on the site.

Vehicular Access Point

Comment: The applicant had proposed access off Meriton Street and there is no prohibition on such an arrangement although it is considered that the one way driveway arrangement off Meriton Street is not supported due to the narrow width of the development site. It is agreed that the applicant has not provided for reasonable or safe vehicular access for a boarding house development of this scale.

Inconsistencies with the Building Code of Australia

Comment: The applicant has submitted a relevant BCA report and should the application had been approved, relevant conditions would have been imposed to ensure compliance with the BCA and fire safety requirements.

Management of the maximum number of boarders and devaluation of suburb

Comment: An approval that would have been granted would have included a condition of consent to restrict the maximum number of boarders permitted on the site at any one time. Council is unable to restrict on matters raised in the above questions by

residents under SEPP Affordable Housing. It is considered that the proposed form of development does reflect a typical design for such a purpose however concerns remain with the scale of the development on a 595sqm site.

The impact on property values is not a relevant consideration under the Environmental Planning and Assessment Act. Nonetheless, the application is recommended for refusal.

The submissions received during the second notification raised the following concerns:

- *The reduction in two boarding rooms do not address the concerns originally raised by residents in particular in relation to traffic and car parking where it is unreasonable to assume that only 50% of the future residents of this development will have cars.*

Comment: It is agreed that the proposed reduction in two boarding rooms has not addressed the concerns raised with the applicant under the original plans submitted. Refusal is recommended.

10. Referrals

Senior Development Engineer

Background: The initial review of the application presented the following issues relating to the design of vehicle access and parking area;

- *The width of the property is 15.445m across the frontage which gives a width of about 11.2m measured perpendicular from north to south boundaries. With a parking length of 5.4m and associated basement walls on either side, there will not be adequate isle width to achieve satisfactory manoeuvring unless these parking spaces are widened. The parking space 12 as proposed for a small car also requires more than a single turn to enter the space. The parking layout as proposed does not comply with AS 2890.1 and the number of parking spaces as proposed may not be able to achieve.*
- *The access to the development is proposed via a 4.0m wide driveway from Meriton Street. Meriton Street located in proximity to Victoria Road and Morrison Road intersections and would be subject to a considerable volume of through traffic. With no sight distance between a vehicle entering and one departing, there is potential for vehicle conflicts at the entry. To avoid traffic congestion at the entrance, the applicant's proposal to provide convex mirrors at the top and bottom of the driveway is not supported as these are not a recognised traffic device supported by TfNSW, distort sight distances to approaching traffic, are subject to vandalism. The proposed driveway layout is contrary to Section 3.2.2 AS 2890.1 which generally summarises "Reversing movements to public roads shall be prohibited wherever possible." Therefore, the driveway width should be increased to allow for two-way traffic or an internal traffic signal system with an internal waiting bay should be provided.*
- *Vehicle entry requires vehicles to perform a hook turn and is not conducive to efficient vehicle entry.*

The applicant has provided documentation in response to each of these points. This information is considered respectively to the points above,

- *Inadequate basement width – The applicant has provided a swept path analysis utilising the B85 design vehicle which presents spaces 1 to 8 may be accessed by reversing in and an exit in a single movement. Apart from the disabled space (Space No. 1) which requires access to be demonstrated using a B99 vehicle in the DCP, the access to the spaces are compliant with the DCP. The proposed two small car spaces (spaces 9 & 10) are unacceptable. Not only are the spaces are compromised in dimension and do not accommodate a conventional vehicle, the manoeuvring required to access the spaces (5 movements) is excessive and presents greater opportunity for property damage and may discourage drivers from utilising the spaces.*

Whilst not drawn out in the initial review by the original Development Engineer, a review of the plans notes that the proposed basement walls are only some 150mm thick. Whilst a structural analysis is beyond the scope of this review, it is highly unlikely these will have sufficient structural integrity to support the development as well as the lateral load of neighbouring land. The arrangement also makes no provision for subsurface drainage which, if not installed, can have structural implications for the development itself as well as neighbouring property. It is foreseeable that the development, if approved, would require shoring at least 300mm thickness

- *Management of two-way traffic at entry – The applicant has proposed an internal traffic signal system, but this does not accommodate two-way movements at the entry to the site. In the event of there being conflicting traffic flow, vehicles will need to stand on the roadway waiting to access the site. This arrangement is not supported due to the impacts on through traffic, particular in vicinity of the nearby intersection and the imposition on the public domain to accommodate the shortfalls of the development. Whilst the applicant has portrayed this section of Meriton Street as a local road, this is not the case as it functions as a collector road for blocks between Glades Bay and Looking Glass Point. The applicant has also not acknowledged it is contrary to Section 3.2.2 in AS2890.1.*
- *Hook turn entry into site – The consultant has provided a swept path analysis demonstrating viable access into the site utilising a B99 design vehicle. This matter is no longer a concern however the alignment is considered to exacerbate the concern of two-way access at the entry to the site.*

With the modification of the plans, the following matters are noted:

- *The development warrants 12 parking spaces under the requirements of the SEPP yet only provides 10 parking spaces, two of which are designated small parking spaces which drivers of larger vehicles may be unable to utilise. The development is therefore unsatisfactory in terms of parking.*
- *The two small car spaces require a 5-point turn to enter and exit which is not compliant with the DCP Part 8.4 (Driveways). Notwithstanding the disadvantage that only a select proportion of vehicles may fit in the spaces, drivers of such*

vehicles will be discouraged from utilising the spaces due to the difficulty in access. The arrangement also presents greater potential for property damage.

- The shared area adjoining the disabled space is not compliant with AS 2890.6 in terms of minimum internal width (2m proposed - 2.4m required).*
- With 21 rooms proposed, the proposal will warrant 5 bicycle and motorcycle spaces. The reconfiguration provides 4 motorcycle parking spaces accessed from Ashburn Lane (1 space short) however there does not appear to be any provision for bicycle parking spaces.*

Recommendation

For the above reason, the development application should be refused.

City Works

Traffic

Transport Department have reviewed the amended architectural plans prepared by Habitatio Design + Interiors dated 28 September 2021 and the addendum traffic statement prepared by Varga Traffic Planning Pty Ltd, dated 25 October 2021. The following issues have been raised:

- The amended design proposes 10 car parking spaces and four motorcycle parking spaces within the site. The SEPP for Affordable Rental Housing (SEPP 2009) specifies the following minimum off-street parking rates for new boarding house developments within Clause 29(2)(e)(iii) and 30(1)(h):*

29(2)(e)(iii) in the case of development not carried out by or on behalf of a social housing provider—at least 0.5 parking spaces are provided for each boarding room

30(1)(h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.

The subject development proposes a 21-room boarding house including a manager room. Based on the SEPP 2009 parking rates specified above, the subject development is required to provide 12 car parking spaces, five motorcycle parking spaces and five bicycle parking spaces. The proposed on-site parking provision therefore represents a shortfall of two car parking spaces, one motorcycle space and five bicycle parking spaces.

The shortfall in car and motorcycle parking spaces is expected to result in parking overflow onto Meriton Street and nearby local public roads. Further, the lack of bicycle parking facilities provided on site can disincentivise people cycling to and from the site, which would result in more vehicular traffic and parking demand on the surrounding public roads. These are undesirable outcomes for the surrounding area. As such, it is recommended that the car, bicycle and motorcycle parking provision provided on site be compliant with the minimum SEPP requirements to minimise traffic and parking impacts generated by the proposed boarding house development.

- *The shared zone adjoining the disabled parking space needs to be 2.4m to be compliant with Clause 2.2 (b) of AS2890.6-2009. Variation to the AS2890.6-2009 requirement would need to be justified by an accessibility consultant.*

Waste

The amended proposal was consideration satisfactory by Waste subject to recommended conditions.

Landscape Architect

Reference is made to my previous referral dated 11/08/2021 where the following was recommended:

<i>RECOMMENDATION</i>	<i>Response to Assessment Officer</i>
<i>Tree 11 a letter from the owner of the adjoining property will be required giving permission for the work to be implemented</i>	<i>Letter not provided. A condition is included that the letter be provided before CC is approved.</i>
<i>No lawn in front setback. This out of character with the streetscape.</i>	<i>No change, but given pedestrian ramp is required for access to the building a lawn cannot be provided.</i>
<i>The Communal Open Space provided is not directly accessible from the Common Room and is only 16sqm, where a minimum 20sqm is required. BBQ facilities and a shade structure have not been provided in the Communal Open Space.</i>	<i>Common Room relocated and open directly to Communal Open Space of much larger dimensions. Seating provided.</i>
<i>The only private open space for the Manager is a deck 1.3m x 3.1m. The DCP requires 8sqm with a minimum dimension of 2.5m.</i>	<i>The Manger's Room has been relocated and only a small area is available on site.</i>
<i>The width of the garden beds along the side boundaries need to be minimum 1.2m.</i>	<i>Where possible garden beds have been widened at the rear of the property.</i>
<i>No garden bed has been provided to the rear boundary with the proposed Communal Room against this boundary</i>	<i>The Common Room has been relocated and garden beds provided along the rear boundary</i>
<i>Deep Soil Zones generally should be a minimum 7% of the site area and be a minimum 6m wide</i>	<i>Deep Soil Areas have been increased and widened.</i>

Recommendations

There is no objection to the development subject to conditions being imposed.

Planner's comment: Whilst the Landscape Architect has raised no objections subject to conditions however as detailed throughout this report, it is considered that the proposed development in relation to the front landscaped treatment and the setbacks

involved are not supported. It is the awkward and extensive design of the pedestrian path which in part removes the requirement to provide a substantial front landscaped area and this is due to the narrow width of the subject site. The recommended amalgamation with the adjoining property to the south would resolve this issue where a combined development also assist in retaining Tree 11 and providing for additional deep soil areas.

11. Conclusion

The proposed design is unacceptable due to the following and is recommended for refusal.

- Inadequate front setbacks that would be inconsistent with existing setbacks on Meriton Street. Unacceptable landscaped setting along the front and side building setback areas where it would detract from the Meriton Street streetscape. Design is uncharacteristic of the area in relation to setbacks, bulk, scale and appearance of the proposed development.
- The proposed development requires provision of car/motorcycle/bicycle parking that have not been satisfactorily provided on the site. The proposal presents a shortfall in car parking of two car spaces, one motorcycle space and five bicycle spaces which does not satisfy the requirements of SEPP Affordable Rental Housing and Council's Parking DCP.
- The proposed development has failed to provide insufficient internal double room sizes and solar access provision to the internal common room within the boarding house development to ensure the amenity of future occupants is maintained and as required by SEPP Affordable Rental Housing.
- The proposed development has failed to provide for sufficient internal amenity for future boarders within the boarding house development with provision of no windows along the side boundaries to allow for solar access and cross-ventilation to these rooms and as required by SEPP 65. Further, the amenity of future boarders would be impacted by the poor design in relation to minimal internal building separation of boarding rooms affecting visual/acoustic privacy levels and with pedestrian/vehicular access to the proposed basement area.
- Inappropriate impact upon adjoining properties in relation to shadowing, bulk, scale, visual/acoustic privacy, streetscape, amenity, basement and excavation impacts which are exacerbated by the narrow width/size of the subject site and non-compliances with SEPP Affordable Rental Housing, the design principles of SEPP 65 Design Quality Residential Apartment Development, the Apartment Design Guide, Ryde LEP and Boarding House DCP.
- Inappropriate design of the basement and access driveway off Meriton Street in relation to engineering and traffic matters.

- Inadequate information submitted in relation to impact upon trees and acoustic impacts.
- The development represents an overdevelopment on the subject site and the site is not suitable for the proposed scale of the development on a narrow and undersized lot. The design would have adverse built, environmental, social and amenity impacts on the locality and surrounding properties. The development site ought to amalgamate with the adjoining property at No. 8 Meriton Street to ensure boarding house or residential flat building development is built that is more consistent with the existing and desired future character of the area.
- The proposed development does not provide a boarding house that is of high-quality design and will result in unacceptable amenity for lodgers and adjoining properties
- Approval of the proposed development would be contrary to the public interest.
- It is considered that the subject proposal would not satisfy the objects of the Act.

12. Recommendation

That the Ryde Local Planning Panel refuse Development Application LDA2021/0172 for the demolition of existing structures and construction of a three storey boarding house development containing 21 boarding rooms and a manager room for a maximum of 23 boarders and with a basement containing 10 car parking spaces at No. 6 Meriton Street, Gladesville for the following reasons:

1. Pursuant to Clause 1.3 of *Environmental Planning and Assessment Act 1979*, the development does not satisfy Objects (a), (b), (c), (f), (g) and (h) of the Act for the following reasons:
 - The proposed development does not provide for an appropriate built form which responds to the site, to adjoining properties and to the immediate locality. Approval of the development would prevent the orderly development of the land. The proposal does not exhibit principles of good design and it would adversely impact upon the amenity on the character of the area.
 - The Development Application should be refused based on that the proposed development would isolate the adjoining property at No. 8 Meriton Street and the subject development site ought to amalgamate with that adjoining property.
 - The development will result in No 8 Meriton Street being isolated and the applicant has failed to demonstrate that amalgamation is not feasible and that orderly and economic use and development of 8 Meriton Street can be achieved.

2. Pursuant to Section 4.15(1)(a)(i) of *Environmental Planning and Assessment Act 1979*, the development does not comply with the Aims of *State Environmental Planning Policy Biodiversity and Conservation 2021*. An adequate arborist assessment has not been made in the vicinity of the trees to be retained either on site or on adjoining properties. No relevant approvals have not been obtained from the relevant owners in relation to one adjoining Camellia tree which would be adversely impacted by the proposed development. The proposal does not achieve in maintaining existing tree cover outcomes and this matter has not been adequately addressed by the applicant.

3. Pursuant to Section 4.15(1)(a)(i) and (ii) of the *Environmental Planning and Assessment Act 1979*, the development does not comply with the following provisions of the *State Environmental Planning Policy (Affordable Rental Housing) 2009*:
 - *Clause 29(2)(b) – Landscape Area*, the landscape treatment of the front setback is not compatible with the streetscape.
 - *Clause 29(2)(c) – Solar Access*. There is a communal living room proposed to the rear of the site which would not receive the minimum 3 hours of sunlight between 9am and 3pm on June 21.
 - *Clause 29(2)(e) – Parking*, the proposal provides 10 car parking spaces and does not meet the required 12 spaces.
 - *Clause 29(2)(f) – Accommodation Size*. The proposal does not meet the minimum requirement for dual rooms of 16m². The proposal includes a dual room 13.6m² in area associated with (Rooms 13 and 21)
 - *Clause 30(1)(h) – Parking*, four (4) motorcycle and no bicycle spaces are proposed. The proposal does not meet the required five (5) motorcycle and bicycle spaces.
 - *Clause 30A – Character of Local Area*, the proposed built form, proportions of the building, proposed reduced front/side setbacks, landscaped setting, the bulk/scale of works on a narrow 595sqm development site and architectural design would not respond to the existing and desired built form character for the local area.

4. Pursuant to Section 4.15(1)(a)(i) of *Environmental Planning and Assessment Act 1979*, the development does not comply with the development standard of Clause 30(1)(h) parking of *State Environmental Planning Policy (Affordable Rental Housing) 2009*: No written variation request to the standard pursuant to *Clause 4.6 of Ryde Local Environmental Plan 2014* has been submitted by the applicant. As such, the jurisdictional prerequisites have not been met and consent cannot be granted to the proposal.

5. Pursuant to Section 4.15(1)(a)(i) of *Environmental Planning and Assessment Act 1979*, the development does not comply with the following clauses of *Ryde Local Environmental Plan 2014*:
 - *Clause 1.2 Aims of Plans (2)(b), (c) and (g)*. The proposal does not provide a built form, a density and a landscaped treatment which

would be compatible with the immediate locality where it would present significant adverse impacts to the streetscape and existing amenity of adjoining properties.

- The proposal is contrary to the objectives of Clause 6.2(1) Earthworks. The extent of excavation in conjunction with the proposed nil setbacks associated with the basement, is likely to result in adverse structural and tree impacts onto adjoining properties.
- The proposal is contrary to the objectives of Clause 6.4(1) Stormwater Management. The proposed basement has not made proper allowance for the installation of a subsurface drainage system which are required to address the relevant geotechnical implications involved on adjoining properties and on the development structure itself.

6. Pursuant to Section 4.15(1)(a)(iii) of *Environmental Planning and Assessment Act 1979*, the development does not comply with the following provisions of *Ryde Development Control Plan 2014 Part 3.5 – Boarding Houses*:

- Part 3.5 – Boarding Houses specifically:
 - Clause 1.3(2),(4),(6) and (7) – Objectives as the proposal does not satisfactorily demonstrate that the design of the boarding house would provide a high-quality development with good amenity for future occupants with restricted internal amenity of the boarding/manager/common rooms. The proposal does not provide sufficient parking spaces to ensure the operation of the boarding house is viable for future occupants. The proposed development is not considered to be of appropriate design that is consistent with surrounding properties or the desired future character of the local area. The design of the development would have unacceptable impact on the adjoining property to the south with respect to overshadowing, bulk/scale and restriction of outlook for adjoining properties due to the narrow and undersized nature of the subject development site.
 - *Clause 1.6 – Relationship of this Part to other Plans and Policies* in that the proposed development has failed to address the provisions of *State Environmental Planning Policy No. 65 Residential Flat Development*, which are applicable when a boarding house is associated with residential flat building design.

The proposal has not satisfied the following design principles of SEPP 65 in relation to Context and Neighbourhood Character; Built Form and Scale; Density; Sustainability; Landscape; Amenity; Housing Diversity and Social Interaction and Aesthetics.

- The proposal has not satisfied the following Apartment Design Guide of SEPP 65 Building Depth; Building Separation; Visual

Privacy; Pedestrian Access & Entries and Vehicle Access as follows:

- *Clause 2.0 – Location and Character* in that the proposed development is not consistent with the character of the local area for the following reasons:
 - The bulk and scale of the development is not compatible with the surrounding area.
 - Inadequate landscaping/deep soil areas are provided in the front and side setback areas.
 - The proposal does not provide sufficient parking arrangements.
 - The basement design is not satisfactory and would contain adverse off-site impacts.
- *Clause 2.3(f) – Size and Scale* in that the proposal is three storeys in height, which is compatible with other existing residential flat buildings however it would be two storeys higher than the existing adjoining single storey dwelling at No.8 Meriton Street to the south. The proposal results in unacceptable impact on adjoining properties with respect to overshadowing and visual privacy.

The proposal provides for insufficient deep soil areas to the front and side setbacks which would not be commensurate with the scale of a three storey development containing 21 boarding rooms, a manager room, a common room and a large basement within this neighbourhood context.

- *Clause 2.3(g) and (h) – Parking and Traffic* in that the proposal has a shortfall of two car parking spaces in accordance with the requirements of the SEPP (Affordable Rental Housing) 2009. The assessment of the basement plans and associated traffic report has indicated that the design of the basement is not suitable for the subject site and on the surrounding street network.
- *Clause 3.2(a) - Privacy and Amenity* as the main entrance to the boarding house is located at the ground level with a V-shaped pathway and a single width driveway and does not address Meriton Street. The front design of the development is not supported due to the front pedestrian and one-way driveway ramp resulting in an inappropriate front landscaped treatment and adversely affecting pedestrian/ vehicular safety.
- *Clause 3.2(c) - Privacy and Amenity* as the proposal does not suitably mitigate privacy impacts on neighbours due to the bulk/scale and the minimal side setbacks of the development.

- *Clause 3.6(e)(i) – Bedrooms* in that the two dual rooms are undersized which contributes to already compromised internal amenity to be provided for future boarders and no detail is shown on plans that the kitchenettes provide for the required bench space or storage in the form of cupboards or shelves.
- *Clause 3.6(e)(v) – Laundry and Drying Facilities* in that the required amount of outdoor drying facilities has not been adequately addressed by the applicant. Inadequate information has been submitted on whether sufficient space has been allocated to outdoor drying purposes.
- Part 8.3 Driveways specifically:
 - The constrained basement parking area would require vehicles to undertake an excessive degree of manoeuvring to park in the designated spaces. This would discourage drivers from accessing the spaces (compounding the parking shortfall) or increase the possibility of property damage. In particular, the small parking spaces require a five point turn to enter and exit and this is not compliant with the manoeuvring requirements specified in the Ryde Development Control Plan 2014 Part 8.3 - Driveways Section 4.2 control (a) which requires vehicles to enter and exit a designated space in a single three point turn.
 - The same control requires disabled spaces to be accessed similarly by a B99 design vehicle, which has not been demonstrated.
- Part 9.3 Parking controls specifically:
 - The development present concerns regarding the structural integrity and viability of the proposed basement given the plans portray basement walls of only 150mm in thickness. These concerns include:
 - the viability of the development to support adjoining land
 - the support of the development structure itself
 - the proposed basement footprint makes no allowance for installation of a subsurface drainage system which is required to prevent geotechnical implications on adjoining property and the development structure, and
 - the development will likely entail installation of larger structural elements in the basement level which will impose on vehicle manoeuvring.
 - The development is not compliant with AS 2890 in terms of:
 - The vehicle entry lacks any facility to accommodate two-way traffic flow at the entry to the site thereby requiring entering vehicles to stand in the public roadway in the event of opposing vehicle flow. This is contrary to Section 3.2.2 of AS 2890.1 which states in

such instances, “*Reversing movements to public roads shall be prohibited wherever possible.*”

- The dimension of the width of the shared area adjoining the disabled parking space (2m) is less than required by AS 2890.6 (2.4m req).

7. Pursuant to *Section 4.15(1)(b)* of the *Environmental Planning and Assessment Act 1979*, the proposed development will have unacceptable impacts on the streetscape, on the existing/desired future character of the area and on the amenity of adjoining properties due to the narrow 15.445m width and small 595sqm size of the lot. These concerns would be addressed with the subject site amalgamating with the adjoining property to the south at No. 8 Meriton to provide for a boarding house or a small residential flat development that minimises its off-site impacts.
8. Pursuant to *Section 4.15(1)(c)* of the *Environmental Planning and Assessment Act 1979*, the site is unsuitable for the site for the proposed development as the site results in an excessively bulky and out of scale building on a narrow/undersized allotment which will result in poor amenity for future occupants and surrounding properties. The proposed development represents as an overdevelopment and the subject site ought to amalgamate with the site at No. 8 Meriton Street.
9. Pursuant to *Section 4.15(1)(d)* of the *Environmental Planning and Assessment Act 1979*, submissions have been received in accordance with the Act and regulations which have been considered and which have overwhelmingly objected to the development.
10. Pursuant to *Section 4.15(1)(e)* of the *Environmental Planning and Assessment Act 1979*, the development is contrary to the public interest because it fails to achieve the objectives and requirements of the applicable environmental planning instruments.

ATTACHMENTS

- 1** RDCP 2014 Compliance Table
- 2** Architectural Plans - subject to copyright provision

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**Attachment 1 – Part 3.5 Boarding Housing
Ryde Development Control Plan**

Provision	Required	Proposed	Complies
1.6 Relationship of this Part to other Plans and Policies	Where boarding house development is associated with residential flat building design, the provisions of SEPP No. 65 Residential Flat Development (SEPP 65) are also relevant.	An assessment against the provisions of SEPP 65 and the ADG is provided earlier in this report as the proposal is associated with a residential flat building design. The assessment concluded that the proposal does not adequately meet the design provisions of SEPP 65 and will result in poor amenity for occupants.	No – see the same reasons provided under Section 5.2.2 of this report
2.0 Location and Character			
2.1 Design and Local Area Character	<p>The design must demonstrate compatibility with character of local area and address:</p> <ul style="list-style-type: none"> • Existing character (streetscape and visual catchment areas) • Predominant building type • Predominant height • Predominant front setback and landscape treatment • Permissible FSR and site coverage • Predominant pattern of subdivision and spacing of buildings • Predominant parking arrangement • Predominant side setbacks • Predominant rear setback and rear landscaping • 	<p>The proposal is not compatible with the character of the local area for the reasons as follows:</p> <ul style="list-style-type: none"> • The bulk and scale of the development is not compatible with the surrounding area. • Inadequate landscaping/deep soil areas are provided in the front and side setback areas. • The proposal does not provide sufficient parking arrangements. • The basement design is not satisfactory and would contain adverse off-site impacts. 	No – see the same reasons provided under Section 5.2.1 and 5.2.2 of this report
2.3 Development subject to provisions of Part 2 of the ARHSEPP			
2.3(a) Compatible with the Character of the Local Area	All boarding house developments are to be designed to be compatible with the character of the local area	The proposal is not designed to be compatible with the character of the local area for the reasons provided above under Clause 2.1 of this DCP.	No – see the same reasons provided under Section 5.2.1 and 5.2.2 of this report

Provision	Required	Proposed	Complies
2.3(b) Local Area Character Statement	<p>Where external changes, including building and/or construction work, are proposed, a Local Area Character Statement is to be prepared and submitted with the development application. This must demonstrate compatibility of the design of the development with the character of the local area. The statement is to include descriptions of: - the existing character of the local area (comprising streetscape and visual catchment area) in terms of character elements, and - the design responses for the following character elements, as a minimum:</p> <ul style="list-style-type: none"> i. predominant building type, ii. predominant height of buildings, iii. predominant front setback and landscape treatment, iv. permissible floor space ratio (FSR) and site coverage, v. predominant pattern of subdivision and spacing of buildings, vi. predominant parking arrangements on sites within the area (location, structures), vii. predominant side setbacks, and viii. predominant rear alignment of buildings and rear landscaping. 	A brief Local Area Character Statement prepared by the applicant however it is considered that the statement and the proposed development had demonstrated that compatibility had been achieved with respect to building setbacks, streetscape, landscape treatment and bulk and scale with surrounding developments in the locality.	No – see the same reasons provided under Section 5.2.1 and 5.2.2 of this report
2.3(c) Heritage	Within vicinity of heritage item needs to be sympathetic to heritage significance	The site is not located in the immediate vicinity of any heritage items or heritage conservation areas.	Yes

Provision	Required	Proposed	Complies
2.3(f) Size and Scale	<p>The bulk and scale of the development must demonstrate acceptable impacts for the street and adjoining properties relating to:</p> <ul style="list-style-type: none"> • Overshadowing and privacy • Streetscape • Building setbacks • Parking and traffic impact • Landscape requirements • Visual impacts and impact on views • Impact on significant trees • Suitable lot size, shape and topography 	<p>The proposal is three storeys in height, which is compatible with other existing residential flat buildings however it would be two storeys higher than the existing adjoining single storey dwelling at No.8 Meriton Street to the south.</p> <p>The proposal results in unacceptable impact on adjoining properties with respect to overshadowing and visual privacy. The proposal provides for insufficient deep soil areas to the front and side setbacks which would not be commensurate with the scale of a three storey development containing 21 boarding rooms, a manager room, a common room and a large basement within this neighbourhood context.</p>	No – see the same reasons provided under Section 5.2.1 and 5.2.2 of this report
2.3(g) and (h) Parking and Traffic	<p>Parking is not to be located within communal open space or landscape areas.</p> <p>A boarding house with 30 or more rooms is to be supported by a Traffic and parking Impact Assessment report, prepared by a suitably qualified person, addressing as a minimum the following:</p> <ul style="list-style-type: none"> • prevailing traffic conditions • the likely impact of the proposed development on existing traffic flows and the surrounding street system • pedestrian and traffic safety, and • justification of any variation to the parking requirements (if proposed). 	<p>Basement car parking is proposed for 10 vehicles with access provided via a driveway off Meriton Street. The boarding house has under 30 rooms however a traffic and parking assessment has been submitted.</p> <p>The proposal has a shortfall of two car parking spaces in accordance with the requirements of the SEPP (Affordable Rental Housing) 2009.</p>	No – the assessment of the basement plans and associated traffic report has indicated that the design of the basement is not suitable for the subject site and on the surrounding street network
3.0 Other Design Requirements			
3.2 Privacy (Acoustic and Visual) and Amenity			

Provision	Required	Proposed	Complies
3.2 Privacy and Amenity	(a) Main entrance to be located and designed to address street	The main entrance to the boarding house is located at the ground level with a V-shaped pathway and a single width driveway and does not address Meriton Street.	No – the front design of the development is not supported due to the front pedestrian and one-way driveway ramp resulting in an inappropriate front landscaped treatment and adversely affecting pedestrian/ vehicular safety
	(b) Access ways to front entrance located away from windows of boarding rooms for privacy	The front entrance is directly accessed from the footpath on Meriton Street and leads to a lobby area that has sufficient separation from the nearest boarding room on the ground floor.	Yes
	(c) Designed to minimise and mitigate visual and acoustic privacy impacts on neighbours	The design does not suitably mitigate privacy impacts on neighbours due to the bulk/scale and the minimal side setbacks of the development	No – see the same reasons provided under Section 5.2.1 and 5.2.2 of this report
	(d) An acoustic report prepared by a suitably qualified acoustic consultant may be required where there is the potential for noise impacts on occupants and neighbours.	The applicant has not addressed this clause as the requested submission of the required acoustic report has not occurred	No – inadequate information has been submitted
3.3 Accessibility			
3.3 Accessibility	All boarding house developments to be accompanied by accessibility report	The application is accompanied by a BCA report which addresses the relevant access provisions and that it can readily comply with the requirements of the BCA/DDA (Access for People with Disabilities). The design incorporates two lift cores to each building pad	Yes

Provision	Required	Proposed	Complies
		and one accessible space adjacent to one of the lift cores. There are two accessible rooms located within the front building and a pedestrian ramp is provided from Meriton Street to the entrance of the building. There is also a rear pathway leading from the laneway to the rear building. Appropriate disabled access is provided within all areas of the building.	
3.4 Waste Minimisation and Management			
3.4 Waste Minimisation and Management	Required in accordance with Part 7.2 of the RDCP 2014	<p>The development involves the construction of a boarding house, the applicant has submitted a Waste Management Plan (WMP). The WMP has been reviewed and is considered satisfactory.</p> <p>The House Manager will be responsible for moving the bins to kerb side for collection days. The bin storage area is located at the front of the basement. Assessed to be satisfactory by Council's City Works Section.</p>	Yes
3.5 Sustainability and Energy Efficiency			
3.5 Sustainability and Energy Efficiency	BASIX Certificate required	A suitable BASIX Certificate has been submitted.	Yes
3.6 Internal Building Design			
3.6 Internal Building Design (a) - (d)	Must make provision for laundry facilities, managers room, communal food preparation facilities, sanitary facilities and storage areas	The common living room contains laundry facilities, managers room, communal food preparation area, sanitary facilities and storage areas. In addition, each boarding room contains a kitchenette and laundry facilities.	Yes
	Safety to be optimised by providing for overlooking of communal areas, provision of lighting and providing clear	Communal areas are visible from the adjoining RFB to the north which provides for casual surveillance. There is	Yes

Provision	Required	Proposed	Complies
	definition between public and private spaces	a suitable definition between public and private spaces.	
3.6(e)(i) Bedrooms	<ul style="list-style-type: none"> • Not to open directly onto a communal area • Must comply with SEPP (Affordable Rental Housing) 2009 • Minimum 2.1m² required for basin and toilet plus 0.8m² for shower, 1.1m² for laundry which must include a tub and 2m² for a kitchenette • Kitchenettes must have small fridge, cupboards, shelves, microwave and 0.5m² of bench space 	<p>Boarding rooms do not open directly to communal living areas. The boarding rooms comply with the minimum and maximum room size with exception of the two double rooms being proposed.</p> <p>Sufficient area is provided for basins, toilets and showers within each room. Kitchenettes provide for fridges. However, no detail is shown on plans that the kitchenettes provide for bench space or storage in the form of cupboards or shelves.</p>	No – the proposed variation to undersized to dual rooms contributes to the already compromised internal amenity to be provided for future boarders
3.6(e)(ii) Communal Living Room	<ul style="list-style-type: none"> • Locate adjacent to communal open space to minimise impact on neighbours • Minimum size 15m² with a further 15m² provided for each additional 12 persons thereafter. • Openings to be oriented away from adjoining residential properties. 	<p>The communal living room is located to the rear of the site and is suitably located to minimise impact on neighbours.</p> <p>There would be 23 lodgers which would result in 30m² in addition to the 15m², resulting in 45m². The proposed area of communal living room is 45.3m².</p> <p>The opening is suitably oriented away from adjoining residential properties.</p>	Yes
3.6(e)(iii) Communal Kitchen and Dining Areas	<ul style="list-style-type: none"> • To be in accessible location • Area to be minimum 6.5m² or 1.2m² per resident that does not contain a kitchenette and provide one sink and stove top cooker per 6 people • Combined kitchen/dining areas to have minimum 15m² area and 1m² per room = required 36m² 	Given each room contains a kitchenette, a communal kitchen is not required, however, one is proposed in the common living room at 45.3m ²	Yes
3.6(e)(iv) Bathroom	Communal bathrooms must be accessible 24 hours a day	The communal bathroom is capable of being accessible 24 hours per day.	Yes

Provision	Required	Proposed	Complies
3.6(e)(v) Laundry and Drying Facilities	<p>Outside drying areas shall be located in communal open space:</p> <ul style="list-style-type: none"> • 15m² external clothes drying area for every 12 residents in an outdoor area (can be retractable) – required 30m² 	Not adequately addressed by the applicant.	No – inadequate information has been submitted on whether sufficient space has been allocated to outdoor drying purposes
3.6(e)(vi) Management office design	The Manager's (where provided) office is to be in a central, visible location for occupants and visitors.	There is no Manager's office provided. It is integrated into the Manager's room.	Yes
4.2(a) to (d) Management Controls	<p>To be managed by a manager who has overall responsibility including the operation, administration, cleanliness, maintenance and fire safety of the premises.</p> <p>A Plan of Management is to be submitted to address the ongoing management and operational aspects of the boarding house</p>	A Plan of Management (PoM) has been submitted and considered acceptable. The PoM specifies the relevant boarding house rules, measures to mitigate impacts, management and operational aspects and details.	Yes