

Item 2
36 Olive Street, Ryde - LDA2021/0308
Construction of a new two storey dwelling
Report prepared by: Development Assessment Officer

Report approved by: Manager - Development Assessment

Director - City Planning and Environment

**City of Ryde
Local Planning Panel Report**

DA Number	LDA2021/0308
Site Address & Ward	36 Olive Street, Ryde Lot 62 DP 26696 Central Ward
Zoning	R2 Low Density Residential
Proposal (as amended)	Construction of a new two storey dwelling
Property Owner	Hoon Cho & Catherine Sook Min Cho
Applicant	Platinum Solutions
Report Author	Oliver King – Development Assessment Officer
Lodgement Date	8 September 2021
Notification - No. of Submissions	<ul style="list-style-type: none"> • Five (5) submissions received objecting to original plans. • Nine (9) submissions received objecting to amended plans.
Cost of Works	\$950,523.00
Reason for Referral to LPP	Contentious development – is the subject of 10 or more unique submissions by way of objection.

	Schedule 1, Part 2 of Local Planning Panels Direction
Recommendation	Approval
Attachments	Attachment 1: Draft Conditions of Consent Attachment 2: Compliance Table Attachment 3: Amended Architectural Plans

This report considers a development application under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) on land at 36 Olive Street, Ryde, which is legally described as Lot 62 DP 26696.

The subject development application (LDA2021/0308) was lodged on 8 September 2021 and seeks consent for the construction of a new two storey dwelling house.

In accordance with the *Environmental Planning and Assessment Act 1979*, Section 9.1 – Directions by the Minister, this application is reported to the Ryde Local Planning Panel for determination as it constitutes a contentious development. The DA has received fourteen (14) submissions objecting to the development.

The development application was notified and advertised between 9 September 2021 and 30 September 2021 and received five (5) unique submissions. After amended architectural, landscape and overshadowing plans were re-notified to the neighbours between 14 January and 20 February 2022, a further nine (9) submissions were received objecting to the proposal. The concerns raised in the submissions relate to the following items:

- Streetscape (Bulk & Scale).
- Floor Space Ratio (FSR).
- Building Height.
- Height of Floor Level.
- Loss of Views.
- Overshadowing.
- Visual Privacy.
- Acoustic Privacy.
- Side Setbacks.
- Landscaping & Impact on Trees.
- Garage Shed.
- Stormwater Management & On-Site Detention.
- Increased Traffic & Congestion.
- Unauthorised Construction Work.
- Balcony 2 Utility Connection.

The applicant submitted amended plans and documentation on 20 December 2021 in response to Council's request for information. The amended proposal included a revised set of plans showing the correct building footprint of the adjoining neighbours, revisions

to the architectural plans to provide privacy screening, revisions to the landscaping plan to provide a durable side pathway and a response to the aforementioned submissions.

The proposal complies with the relevant provisions of the Ryde Local Environmental Plan (RLEP) 2014.

The proposal is non-compliant with provisions of Ryde Development Control Plan 2014 (DCP) relating to side setbacks and visual privacy. The non-compliances do not result in any adverse impacts and are considered acceptable on merit. The proposal demonstrates it does not result in any significant adverse impacts upon adjoining properties or the streetscape and achieves reasonable amenity for the development and neighbouring properties.

After consideration of the development against Section 4.15 of the EP&A Act and the relevant statutory and policy provisions, the proposal is considered suitable for the site and is in the public interest. Assessment of the application against the relevant planning framework and consideration of various design matters by Council's technical departments has not identified any fundamental issues of concern.

Consequently, this report concludes that this development proposal is sound in terms of design, function and relationship with its neighbours. Having regard to the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act*, it is recommended Development Application No. LDA2021/0308 be granted consent.

2. The Site and Locality



Figure 1 - Aerial photograph of site.

The site is legally described as Lot 62 within DP 26696 and is known as 36 Olive Street, Ryde. The site is rectangular in shape with a frontage of 15.24m to Olive Street. The

site is located in an R2 (low density residential) zoning of the Ryde area and is surrounded by similar low-density residential housing. The site has an area of 809.4m².

The site presently accommodates a single storey dwelling with detached garage and rear yard shed outbuildings, as demonstrated in **Figures 2-5** below.

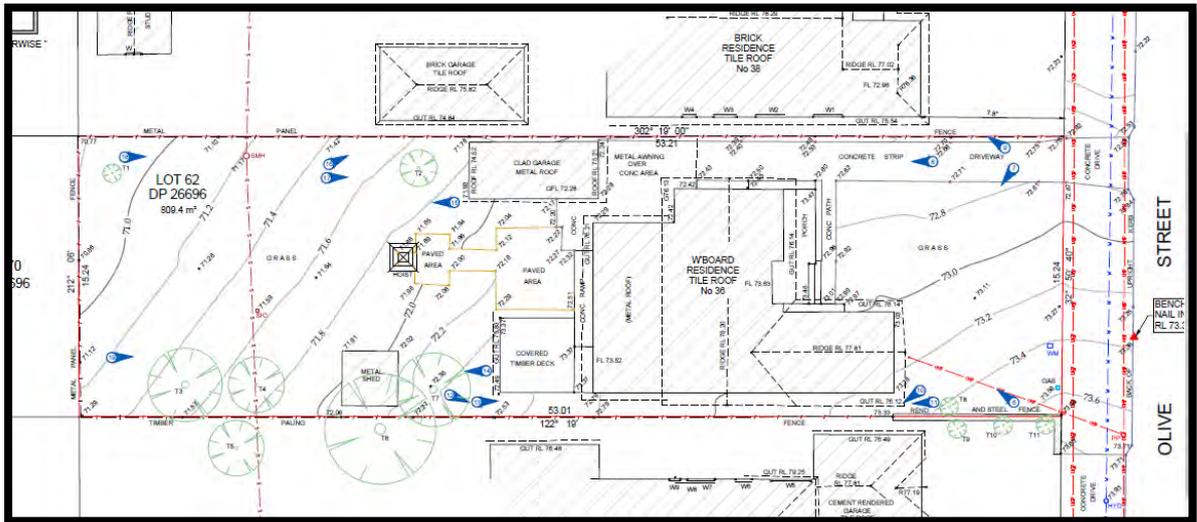


Figure 2 – Survey plan of site.



Figure 3 – No. 36 Olive Street as viewed from Olive Street.



Figure 4 – No. 36 Olive Street as viewed from the rear.



Figure 5 – Rear facing view towards Santa Rosa Park and adjoining properties.

Development in the vicinity of the subject site comprises a mixture of low-density residential development including single-storey and two-storey dwellings. The wider site context is as follows:

North: Low-density residential housing typical of the surrounding R2 zoning.

East: Low-density residential housing typical of the surrounding R2 zoning with the nearby Santa Rosa Park located approximately 107m away from the site.

West: Low-density residential housing typical of the surrounding R2 zoning, with Denistone East Post Office located approximately 230m away from the site.

South: Low-density residential housing typical of the surrounding R2 zoning with the nearby Santa Rosa Park and Shrimpton's Creek.

The site contains eight (8) tree plantings of which seven (7) of the plantings are located in the rear yard.

Figures 6-9 demonstrates the adjoining and surrounding developments.



Figure 6 – Adjoining two-storey dwelling at No. 34 Olive Street.



Figure 7 – Two-storey dwellings at No. 37 Olive St (left), 35 Olive St (middle) and 33 Olive St (right).



Figure 8 – Nearby two-storey dwelling at No. 29 Olive Street.



Figure 9 – Rear adjoining properties at 41 Dorothy St (left) 37 Dorothy St (middle) and 35a Dorothy St (right).

3. The Proposal (as amended)

Development consent is sought for the construction of a new two storey dwelling at 36 Olive Street, Ryde. The proposed works include:

Ground Floor.

- Front patio and entry;
- Double garage;
- Study/guest room with associated ensuite;
- Sitting room;
- Open style living, dining and kitchen area with WIP;
- Outdoor room 1 and 2;
- Ground floor laundry and powder room;
- Ground floor staircase.

First Floor.

- Bedroom 1 with two (2) walk-in-wardrobes and ensuite;
- Three (3) additional bedrooms with three (3) ensuites;
- First floor leisure room;
- Front & rear balconies;
- First floor staircase.

As a part of construction works, the following trees on site are to be removed (as identified in the Arboricultural Impact Assessment (AIA) prepared by Glenyss Laws dated 21/07/2021):

1	<i>Camellia japonica</i> (Japanese Camellia)
2	<i>Gardenia magnifica</i> (Gardenia)
3	<i>Cotoneaster sp.</i> (Cotoneaster)
4	Unidentified

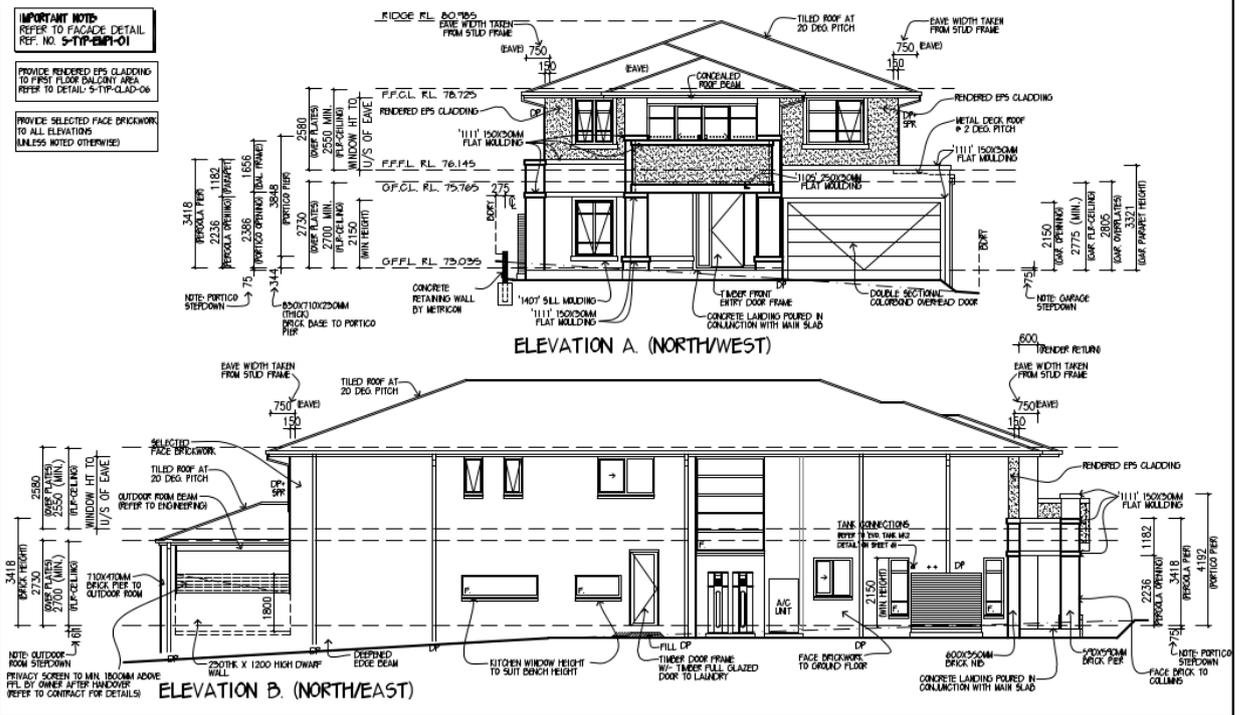


Figure 12 – Proposed front (North-West) and side (North-East) elevations.

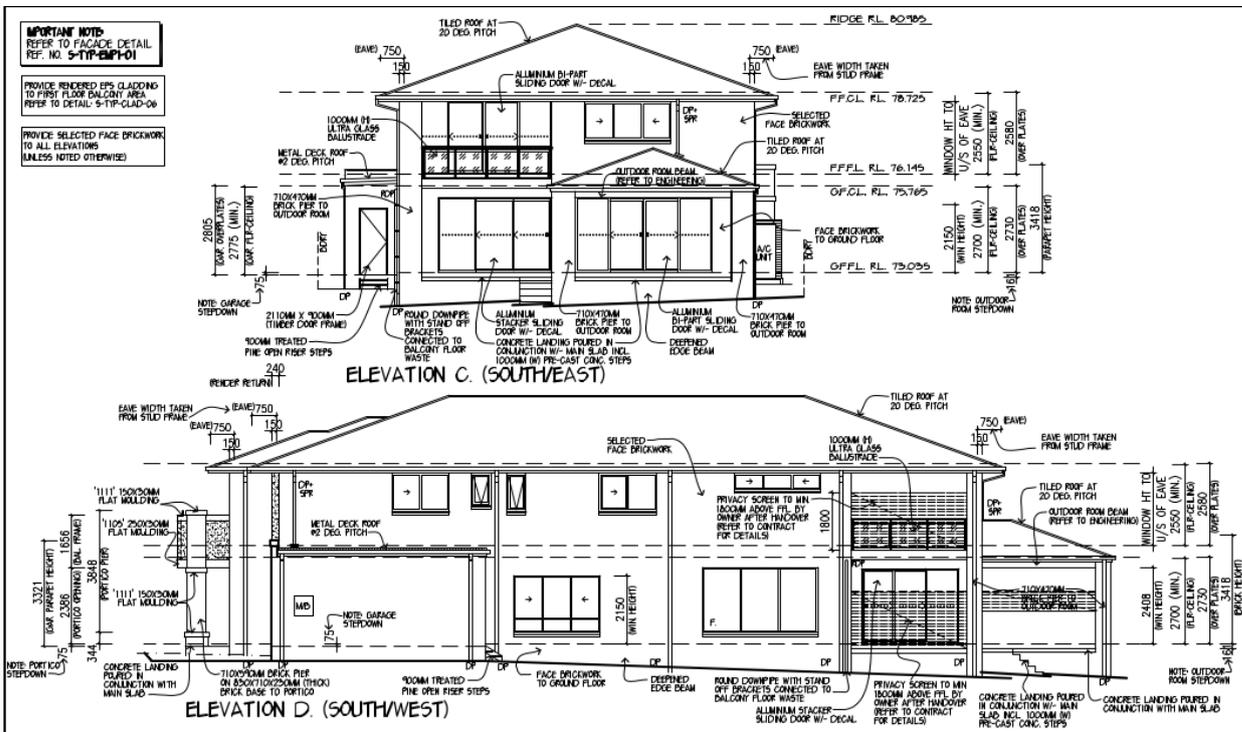


Figure 13 – Proposed rear (South-East) and side (South-west) elevations.

4. History

8 September 2021	Application lodged.
9 – 30 September 2021.	Application notified. Five (5) submissions received.
19 October 2021	<p>A request for information was sent to the applicant requesting the following requests for further details:</p> <ul style="list-style-type: none"> • Updated Survey Plan. <u>Issues raised:</u> An outdated Survey Plan was lodged with the application that did not reflect the current building line and window schedule of the adjoining neighbour at No. 38 Olive Street. • Visual Privacy. <u>Issues raised:</u> Outdoor rooms 1 & 2 on ground floor and balcony 2 on the first floor are elevated above the adjoining ground level and overlooked the private open space of the adjoining dwelling at No. 38 Olive Street. • Physical Connection. <u>Issues raised:</u> No durable access pathway was provided from the front and rear landscaped area. • Response to submissions. <u>Issues raised:</u> Applicant was asked to respond to the five (5) submissions raised in objection to the development.
16 November 2021	Extension of time granted to the applicant to provide amended information until the 30 November 2021.
20 December 2021	<p>The amended documentation included the following changes:</p> <ul style="list-style-type: none"> • Updated Survey Plan. <u>Amendments:</u> New architectural plans showing the correct building structure and window schedule of No. 38 Olive Street was provided. • Visual Privacy. <u>Amendments:</u> 1.8m high privacy screening was provided to outdoor room 1 & 2 and balcony 2. • Physical Connection.

	<p><u>Amendments:</u> A durable pathway in the form of stepping stones and pebbles was provided to both the North & South side corridors.</p> <ul style="list-style-type: none"> • Response to submissions. <p><u>Amendments:</u> Applicant responded to objection letters.</p>
14 January – 10 February 2022	Amended plans re-notified to adjoining neighbours. Nine (9) submissions received objecting to the amended plans, totalling fourteen (14) submissions objecting to the development.
14 January 2022	Second Request for Information sent to applicant requesting amendments to the submitted stormwater design.
11 February 2022	Amended stormwater plans received.

5. Planning Assessment

5.1 Environmental Planning and Assessment Act

Objects of EP&A Act.

Section 1.3 of the EP & A Act contains the following relevant objects:

1.3 Objects of Act

- (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,*
- (g) *to promote good design and amenity of the built environment,*
- (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 achieves the objectives. The proposed development provides for an appropriate built form which is responsive to the site constraints and has been designed in response to the site's topography. The proposal is consistent with relevant Objects of the Act.

5.2 State Environmental Planning Instruments

SECTION 4.15 HEADS OF CONSIDERATION

(a) The provisions of

(i) Any environmental planning instrument:

Instrument	Proposal	Compliance
State Environmental Planning Policy Resilience & Hazards 2021 – Chapter 4 ‘Remediation of Land’		
The provisions of the above SEPP require Council to consider the potential for a site to be contaminated.	The subject site has been historically used for residential purposes. As such, it is unlikely to contain any contamination and further investigation is not warranted in this case.	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.	A BASIX Certificate has been submitted with the application. A standard condition has been included in the Draft Consent requiring compliance with this BASIX certificate.	Yes
State Environmental Planning Policy Biodiversity & Conservation 2021 – Chapter 2 ‘Vegetation in Non-Rural Areas’		
<p>The above SEPP relates to the preservation of trees and vegetation.</p> <p>The objective of the SEPP is to protect the biodiversity values of trees and other vegetation and to preserve the amenity of the area through the preservation of trees and other vegetation.</p>	The proposal has been considered satisfactory by Council’s Landscape Architect and supported by an arborist report and landscape plan. The proposal does not unduly impact upon any existing biodiversity or trees or vegetation on the site.	Yes

State Environmental Planning Policy Biodiversity & Conservation 2021 – Chapter 10 ‘Sydney Harbour Catchment’		
<p>The above SEPP 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.</p>	<p>Given the nature of the project and the location of the site, there are no specific controls that directly apply to this proposal.</p>	<p>Yes</p>

5.3 Ryde Local Environmental Plan 2014

Ryde LEP 2014: Ryde LEP 2014 commenced 12 September 2014 as the new environmental planning instrument applicable to the City of Ryde. Under Ryde LEP 2014, the property is zoned R2 Low Density Residential, and the proposed dwelling is permissible with Council’s consent.

Clause 2.3 Zone Objectives

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

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

The proposal is for the provision of a new residential dwelling which provides for a variety of housing types and provides for the housing needs of the community within a low density residential environment. The second objective is not of relevance to the proposed development. The proposed satisfies the relevant objectives for residential developments.

Other relevant clauses

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

Ryde LEP 2014	Proposal	Compliance
4.3(2) Height		
9.5m	8.985m	Yes
4.4(2) & 4.4A(1) FSR		
0.5:1 (m ²)	Ground floor = 144.4m ² First floor = 208.4m ² Total GFA (minus discount) = 316.8m ² FSR = 0.39:1	Yes

Ryde LEP 2014	Proposal	Compliance
Clause 6.4 Stormwater management		
<p>(1) The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.</p>	<p>The proposal is consistent with the provisions of Clause 6.4(3) in that the proposal has been designed to maximise the use of permeable surfaces allowing for water filtration and avoids adverse impacts of stormwater runoff on adjoining properties and receiving waters.</p> <p>The proposal has been considered acceptable by Council's Senior Development Engineer.</p>	<p>Yes</p>
Clause 6.2 Earthworks		
<p>(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p>	<p>The site is not located within proximity of any cultural or heritage items.</p> <p>The proposal includes excavation to a depth of 550mm associated within and outside the building footprint.</p> <p>The proposed excavation is not considered to result in any adverse detrimental impacts upon environmental functions and processed or neighbouring uses.</p> <p>The redevelopment of the site, given its sloping nature involves appropriate levels of cut and fill which does not adversely impact the amenity of adjoining properties and is considered to be consistent with the provisions of Clause 6.2(3).</p>	<p>Yes</p>

5.4 Draft Environmental Planning Instruments

The site is not affected by any draft environmental planning instruments.

5.5 Ryde Development Control Plan 2014 (RDCP 2014)

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

- Part 3.3: Dwelling Houses and Dual Occupancy (attached);
- Part 7.2: Waste Minimisation and Management;
- Part 8.2: Stormwater & Floodplain Management;
- Part 8.3: Driveways;
- Part 9.3: Parking Controls.

With regard to Parts 7.2, 8.2, 8.3 and 9.2 of the RDCP 2014, noting the advice from various technical departments within Council and the consideration of issues previously in this report, the proposal is considered satisfactory in relation to the controls contained in these Parts.

A full assessment of Part 3.3 of DCP 2014 has been included in Attachment 1. The provisions of DCP 2014 have been considered in this assessment and it is concluded that the proposal is consistent with the aims and objectives of RDCP 2014. Where strict compliance has not been achieved, in accordance with Section 4.15 (3A)(b) flexibility has been sought to allow a reasonable alternative solution that achieves the objects the standard. The development results in two variations to the DCP controls and these matters are discussed below:

1. **Side Setbacks.** Council's DCP 2014: Part 3.3 - Dwelling Houses and Dual Occupancy (attached) – Section 2.9.2 'Side Setbacks' states:
 - *Two storey dwellings are to be located at least 1.5 metres from side boundaries.*

Comment: The side setbacks for the proposed dwelling are as follows:

Side boundary	Ground Floor	First Floor
North eastern side boundary	980mm to 1.58m	1.58m
South western side boundary	900mm to 2.5m	2.5m

The proposal does not comply with the required ground floor setback of 1.5m. **Figure 14** shows the areas that breach the setback requirement.

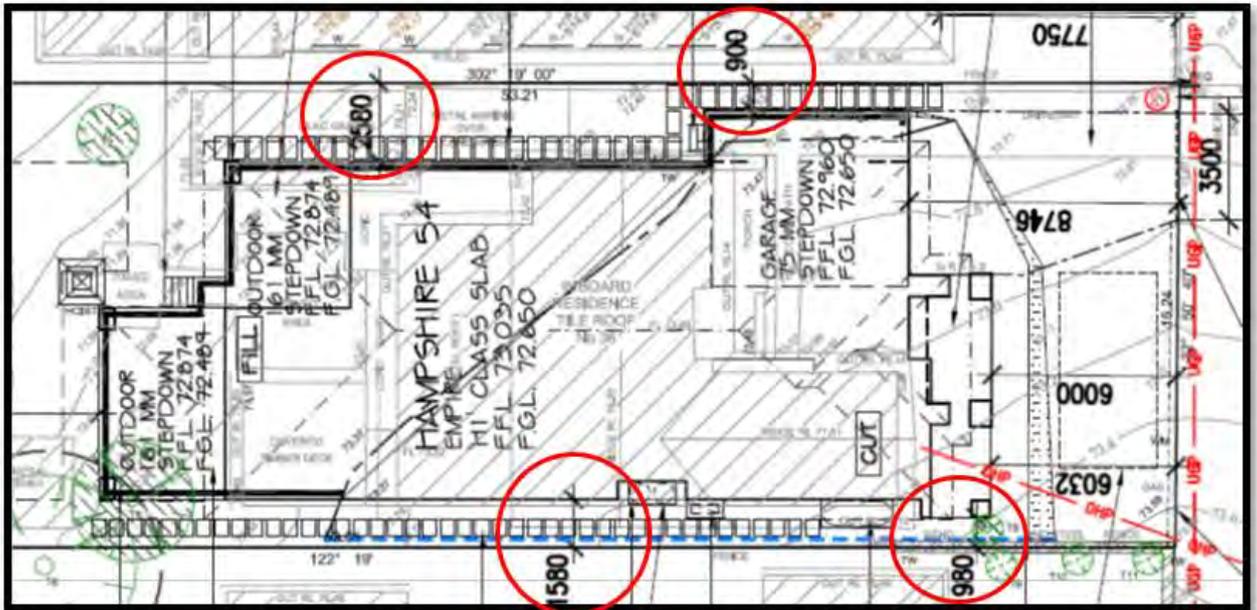


Figure 14 - Plan showing the side setbacks of the proposed dwelling as shown in red circles.

This non-compliance is considered acceptable for the following reasons:

- The first floor is setback a minimum of 1.58m from the side boundary and therefore complies with the above control.
 - The non-compliance on the south western side boundary relates to the garage being setback 900mm from the boundary. The non-compliance occurs for a length of 6m. The rest of the ground floor is setback 2.5m. There are no windows in the garage and this part of the dwelling which breaches the control will not contribute to additional overshadowing.
 - The non-compliance on the north western side boundary relates to the ground floor entry where a column and small section of wall result in a minimum setback of 980mm. The rest of the elevation complies with the 1.5m setback. This part of the dwelling that does not comply, will not result in any loss of privacy or amenity to the adjoining properties.
 - A navigable pathway from the front of the dwelling to the rear private open space is maintained to both North & South side corridors.
 - Council has approved similar variations to many dwelling houses in the City of Ryde so this non-compliance will not create a precedent.
 - The variations in the setback contribute to greater articulation in the front setback. This adds to the visual interest in the streetscape.
2. **Visual Privacy.** Council's DCP 2014: Part 3.3 - Dwelling Houses and Dual Occupancy (attached) – Section 2.14.2 'Visual Privacy' states:
- Side windows offset from adjoining windows.
 - Windows of living, dining, family etc placed so there are no close or direct views to adjoining dwelling or open space.
 - Terraces and balconies are not to overlook neighbour's living areas or private open space.

Comment: The sitting room window and family room window on the South-West elevation are both large in size. As the ground floor in the vicinity of these windows will be elevated above NGL, there is the potential to allow for overlooking to the adjoining dwelling at No. 38 Olive Street. The windows are assessed in detail below:

Sitting Room window. The sitting room window is large in size, is located in a high-use living area and has a finished floor level approximately 600mm above the adjoining NGL. Further to this as the site plan shows, the sitting room will allow for direct sight lines to the adjoining dwellings windows. To protect the visual privacy of the adjoining neighbours at No. 38 Olive Street, the following condition has been placed on the consent:

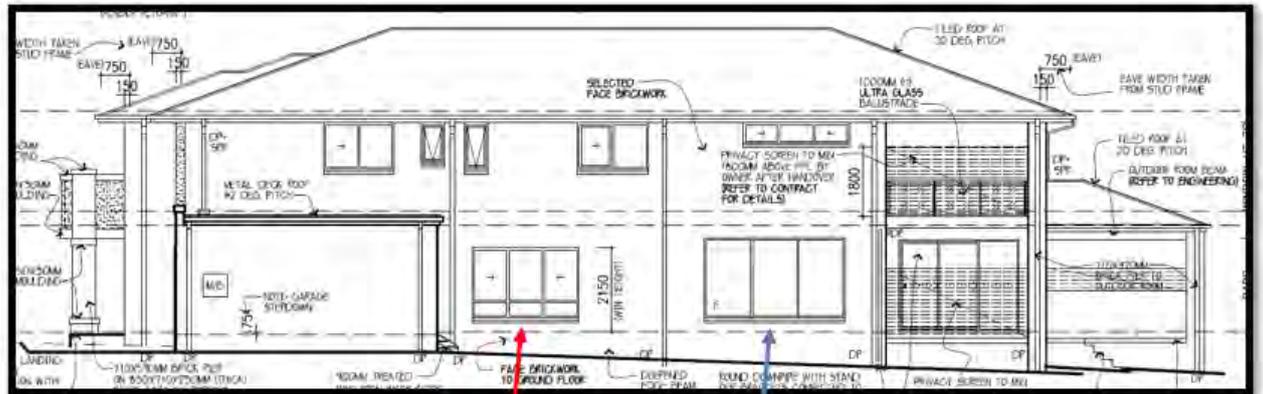
- **Sitting Room window.** To protect the visual privacy of the adjoining dwelling, the sitting room window (as shown on Elevation D/South-West Elevation) is to be amended in one of the following ways:
 - a) Obscure glazed glass is to be used in the entire window;
 - b) The window is to be constructed as a high sill window with a sill height of 1.6m above the finished floor level;
 - c) A privacy screen is to be attached to the window to a height of 1.6m above the finished floor level which will prevent residents from being able to view directly towards 38 Olive Street.

The architectural plans are to be amended prior to the issue of the **Construction Certificate** to demonstrate which option is proposed for this window.

Family Room window. The family room window is large in size, located in a high-use living area and has a finished floor level approximately 700mm above the adjoining NGL. However, despite the above concerns this window is considered acceptable for the following reasons:

- **Figures 15 – 18** show that the living room window will be located adjacent to the high-sill rumpus room window at No. 38 Olive Street, Ryde. As per the amended survey plan provided by the applicant and shown in **Figure 16**, the rumpus room window has a sill height of RL75.56 and top window height of RL76.17. The proposed finished floor level of the family room is RL73.28. An individual standing in the family room will therefore have an approximate sightline 1.6m above the FFL, resulting in an RL of RL74.88. This means that the eye height of an individual standing at this window will be 680mm lower than the sill height of the adjoining rumpus room window at No. 38 Olive Street. As such, there will be minimal overlooking to the adjoining rumpus room window from this location.
- As the below **Figure 16** shows, due to the location of the window, the lines of sight from the proposed family room will not infringe upon the visual privacy of the bedrooms at No. 38 Olive Street.

Please Note: 'F' as denoted on the elevational plans means that the window is fixed.



Sitting room window **Family room window**

Figure 15 – Proposed South-West elevation showing sitting room window (red) and family room window (blue).

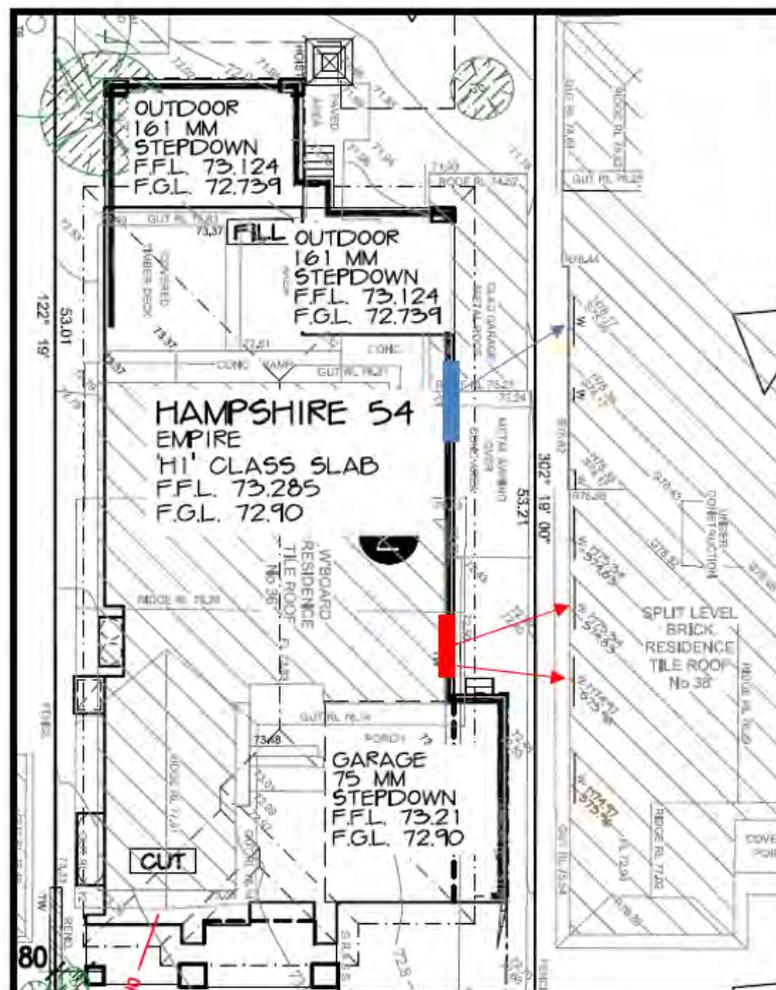


Figure 16 – Proposed site plan and sitting room window (red) and family room window (blue) in relation to adjoining windows at No. 38 Olive Street.



Figure 17 – No. 38 Olive Street windows impacted by elevated sitting room at proposed dwelling.



Figure 18 – No. 38 Olive Street window impacted by elevated family room at proposed dwelling.

5.6 Planning Agreements OR Draft Planning Agreements

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

5.7 City of Ryde Section 7.11 - Development Contributions Plan 2020

This application does not qualify for the City of Ryde Section 7.11 Development Contributions Plan 2020.

5.8 Any matters prescribed by the regulation

Environmental Planning and Assessment Regulation 2000

The Regulation underpins the day-to-day operation of the NSW planning system. The Regulation guides the processes, plans, public consultation, impact assessment and decisions made by local councils, the Department of Planning and Environment and others. Standard conditions are recommended relating to compliance with BCA and AS.

6. The likely impacts of the development

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

7. Suitability of the site for the development

The site is zoned R2 Low-Density Residential use. The proposal is for a two-storey residential dwelling building and associated works. The assessment has demonstrated the proposal is consistent with the statutory requirements and policy controls. The assessment demonstrates the proposal will not result in any significant adverse impacts upon adjoining properties or the streetscape. The proposal is an appropriate development and this has been demonstrated in this report. The proposal is considered to be suitable for the site.

8. The Public Interest

The public interest is best served by the consistent application of the requirements of relevant Environmental Planning Instruments and by Council ensuring that any adverse effects on the surrounding area and the environment is minimised. The proposal has been assessed against the relevant planning instruments and is considered to be acceptable. The proposal does not result in any significant adverse impacts upon adjoining properties or the streetscape. On this basis, the proposal is not considered to raise any issues that would be contrary to the public interest.

9. Public Notification and Submissions

In accordance with Ryde Council's Community Participation Plan, the owners of surrounding properties were given notice of the application. In response, five (5) submissions were received from the adjoining neighbours during the first notification period between 9 – 30 September 2021 and a further nine (9) submissions were received during the second notification between 14 January – 10 February 2022.

Figure 19 below demonstrates the location of the properties where submissions were received during the first and second periods of notification.

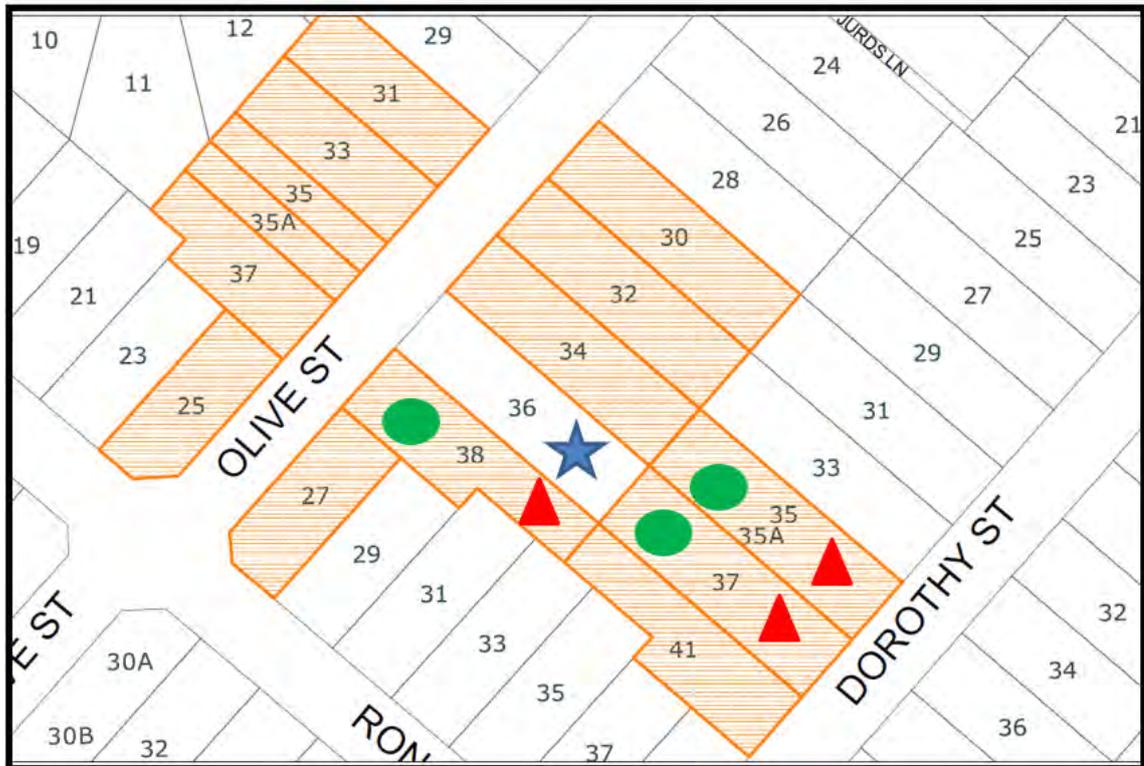


Figure 19 – Map of objectors with the following key: Properties that were notified and re-notified (orange shading), the subject property (blue star), the first notification objectors (green circle) and the second notification objectors (red triangle).

Please Note: Please Note: Three (3) submissions were received from the adjoining neighbour at No. 38 Olive Street during the second notification period, with a further consultant lodging another two (2) unique submissions.

During the second round of submissions two (2) submissions did not provide their address and two (2) submissions from Ronald Avenue did not provide a house number.

The submissions objecting to the development raised the following issues in relation to the development:

(a) Streetscape (Bulk & Scale).

Comment: Concern has been raised by the surrounding objectors in regard to the visual design of the dwelling and the proposal's impact on the Olive Street streetscape and surrounding character of the locality.

The surrounding Olive Street character comprises a mix of single and two-storey residential dwellings as evidenced in the below **Figures 20 - 24**. The proposal's design consists of tiled pitched roofing, rendered EPS cladding and selected face brickwork typical of the existing and desired future character of the low-density residential area.

The proposal incorporates significant articulation and materials in the composition of the facades which serves to break up the visual scale and bulk of the development, visually reducing the apparent building mass.

As such it is considered that the impact to the Olive Street streetscape and character is considered acceptable for the following reasons:

- The proposed maximum building height of 8.985m complies with Council's 9.5m maximum.
- The maximum floor space ratio (FSR) of 0.39:1 complies with Council's 0.5:1 maximum.
- The dwelling is setback 6m from the front boundary (as measured to the front porch) and 8.746m (as measured to the double garage) which complies with Council's controls regarding front setbacks.
- Visual articulation via timber framed windows, building footprint design and façade/design features will lessen the blocky aspect of the dwelling. The design of the dwelling is not dissimilar to other existing two-storey dwellings in the locality. As such the dwelling will not appear as excessively bulky within the Olive Street streetscape.



Figure 20 – Adjoining two-storey dwelling at No. 34 Olive Street.



Figure 21 – Adjacent two-storey dwellings at 37 Olive St (left), 35 Olive St (middle) & 33 Olive St (right).



Figure 22 – Nearby two-storey dwelling at No. 29 Olive Street



Figure 23 – Rear adjoining properties at 41 Dorothy St (left) 37 Dorothy St (middle) & 35a Dorothy St (right)

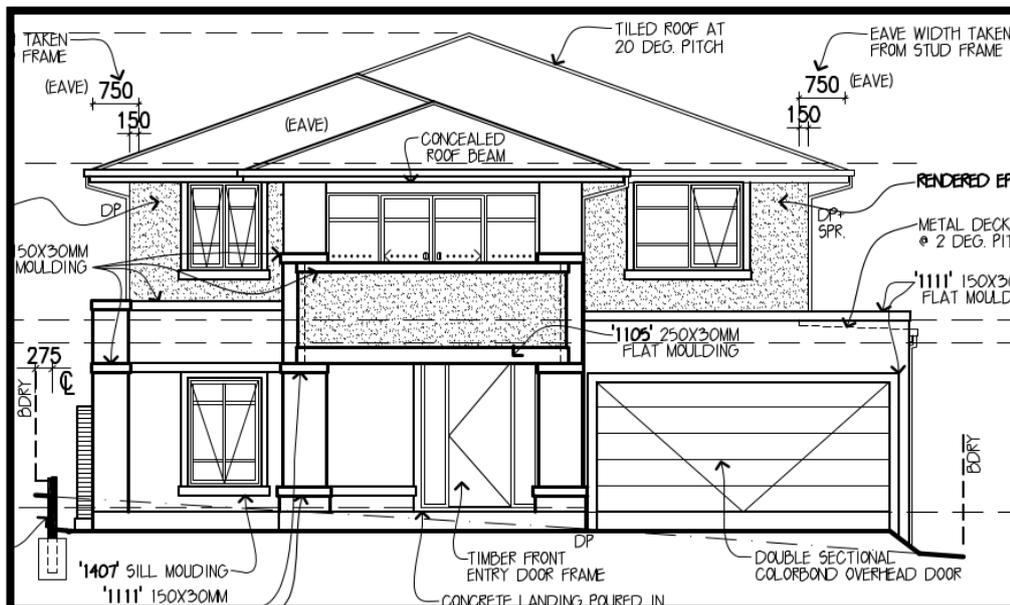


Figure 24 – Proposed dwelling at No. 36 Olive Street as viewed from Olive Street.

(b) Floor Space Ratio (FSR). Concerns were raised from objecting neighbours that the floor space ratio of the development was non-compliant with Council’s controls.

Comment: Council’s DCP 2014: Part 3.3 - Dwelling Houses & Dual Occupancy (attached) – Section 2.7 ‘Floor Space Ratio (FSR) states:

- The floor space ratio must not be greater than 0.5:1 as per the Ryde Local Environmental Plan 2014 Floor Space Ratio Map.

The proposed floor space totals the ground floor (144.4m²) plus the first floor (208.4m²) minus the 36m² credit given for a double garage. This results in a total floor space area of 316.8m². As such, the floor space ratio (316.8m² divided by the site area being 809.4m²) totals 0.39:1 which complies with the above maximum 0.5:1 and is therefore supported.

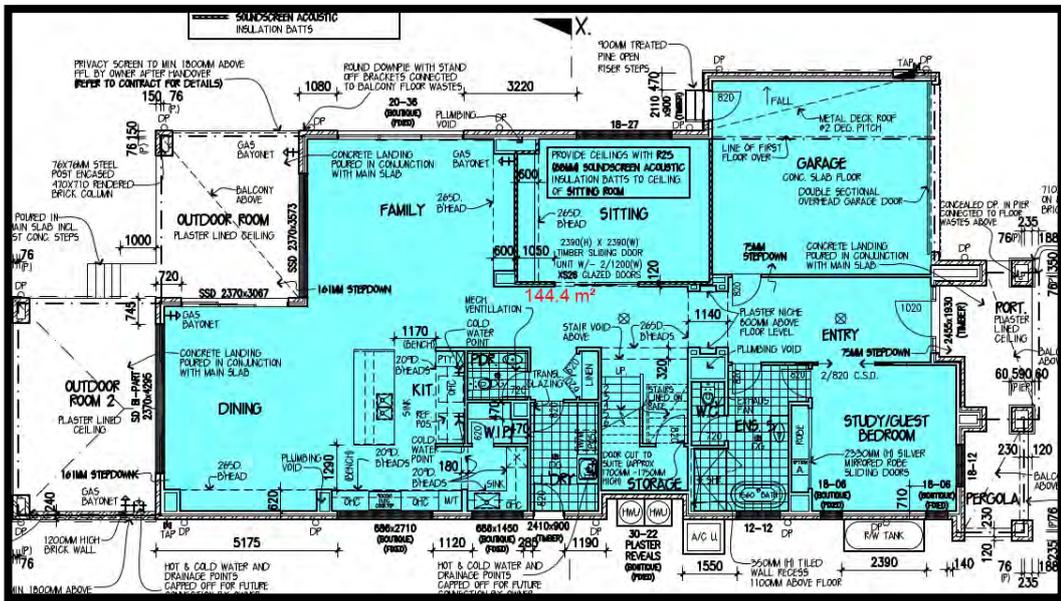


Figure 25 – Ground floor space calculation totalling 144.4m².

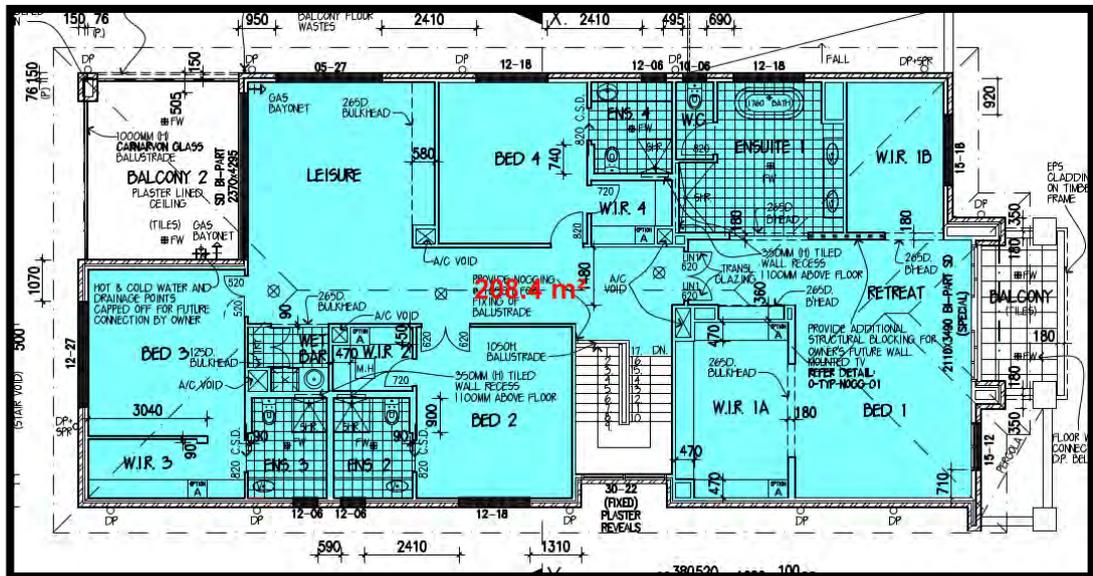


Figure 26 – First floor space calculation totalling 208.4m².

- (c) Building Height.** Concerns were raised from objecting neighbours that the maximum building height of the development was non-compliant with Council's controls.

Comment: Council's DCP 2014: Part 3.3 - Dwelling Houses & Dual Occupancy (attached) – Section 2.8.1 '*Building Height*' states:

- *Maximum building height for dwelling house and dual occupancy (attached) buildings is 9.5m.*

The proposed dwelling has a maximum ridge height RL of RL80.985. The lowest natural ground RL below the proposed dwelling is RL72.00. This will result in a dwelling with a maximum building height of 8.985m which is 515mm below the maximum 9.5m and is therefore supported.

- (d) Height of floor level.** Concerns were raised from objecting neighbours that the height of the floor level above the NGL was significant and would cause various visual privacy and overshadowing concerns.

Comment: Council's DCP 2014: Part 3.3 - Dwelling Houses & Dual Occupancy (attached) – Section 2.6.2 '*Topography & Excavation*' states:

- *Within building footprint: Max cut: 1.2m & Max fill: 900mm;*
- *Outside building footprint: Max cut: 900mm & Max fill: 500mm;*

Concern has been raised by the objecting submitters in regard to the proposed ground floor level (RL73.285) being significantly higher than the adjoining NGL (72.415).

The degree of fill within the building footprint is 870mm which complies with the above 900mm maximum. As such the proposed finished floor level is considered satisfactory for the following reasons:

- The proposal complies with Council's controls regarding maximum fill within the building footprint. No additional external fill is proposed between the dwelling and the adjoining side boundary.
- The proposed floor level is not dissimilar to the existing single-storey dwelling (see below **Figures 27-28**).
- The proposal complies with Council's maximum building height (8.985m) and overshadowing controls as outlined throughout this report.
- The topography of the site slopes naturally towards the Southern boundary shared with No. 38 Olive Street by a maximum difference of 1.21m. As such the proposed design has responded to the constraints of the site by proposing a level slab that whilst elevated, complies with Council's controls and does not significantly excavate to achieve a level ground floor.
- The elevated slab will not result in significant impacts to adjoining visual privacy as the applicant has proposed 1.8m high privacy screens to the outdoor living areas on both the North-East and South-West side elevations and the ground floor family and sitting room windows will be of obscure glazing as outlined in this report.



Figure 27 – Existing finished floor level of single-storey dwelling adjacent to No. 38 Olive Street.



Figure 28 – Existing finished floor level of single-storey dwelling adjacent to No. 38 Olive Street.

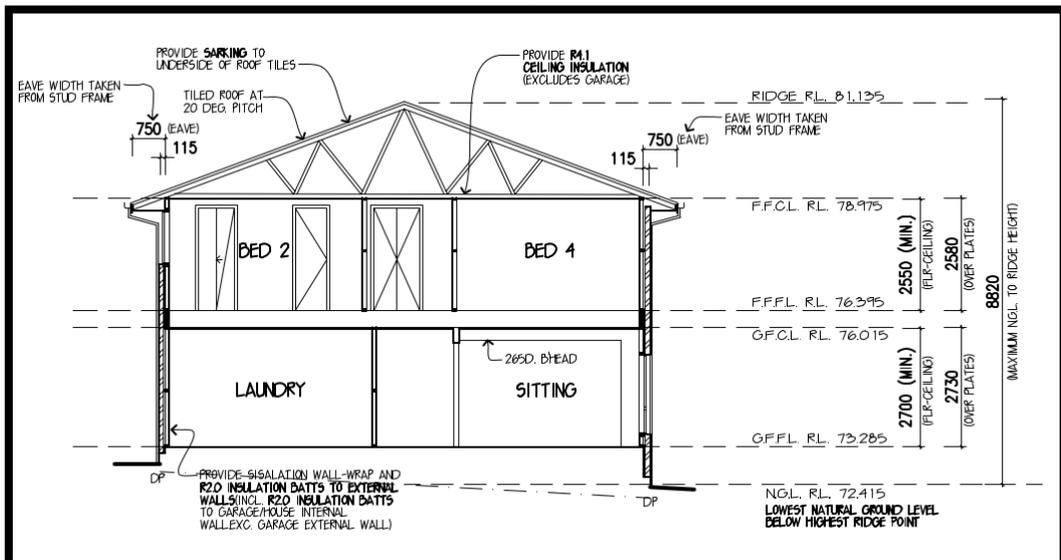


Figure 29 – Sectional plan detailing proposed floor level (RL73.285) and adjoining NGL (RL72.415).

- (e) **Loss of views.** Concerns were raised from objecting neighbours at No. 38 Olive Street and No. 37 Dorothy Street that the development would result in 'devastating' view losses to the nearby Santa Rosa Park.

Comment: Council's DCP 2014: Part 3.3 - Dwelling Houses and Dual Occupancy (attached) – Section 2.14.4 'View Sharing' states:

- *The siting of development is to provide for view sharing.*

The proposal seeks a new two storey dwelling and is located approximately 107m (as measured from the rear boundary) to the nearby Santa Rosa Park. The objecting neighbour's proximity to the site is detailed below **Figure 30**:

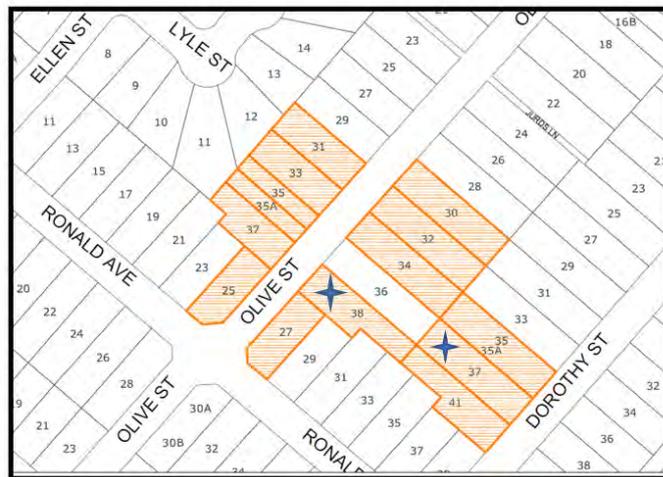


Figure 30 – Properties notified & re-notified of the applicant (as shown by orange shading) and properties that objected to loss of views to Santa Rosa Park (as shown by blue stars).

Please note: One objector noted loss of views as a concern but did not provide an address.

View Loss Analysis.

To determine any loss of view from the objecting neighbour, the principles set out in the leading case of *Tenacity Consulting v Warringah* [2004] NSWLEC 140 have been undertaken in consideration with Council's above controls regarding views. It sets down four steps that should be undertaken to reach a decision whether a view impact is reasonable.

The first step - is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

Comment: There are no iconic views or water views as viewed from the subject or adjoining properties. The partial view to the tree tops of Santa Rosa Park is viewable from the objecting properties at 38 Olive Street and 37 Dorothy Street.



Figure 31 – Santa Rosa park tree tops behind rear dwelling at 37 Dorothy St, viewed from rear yard of 36 Olive St



Figure 32 – Tree tops of Santa Rosa park as viewed from the rear yard of No. 38 Olive Street.

The second step - is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

Comment: The view to Santa Rosa Park is from the rear of No. 36 Olive Street. This property does not directly adjoin the park and instead is separated by the properties at No. 37 and No. 38 Dorothy Street. Given the site positioning and topography, the proposed dwelling works will not obscure any views to Santa Rosa Park from the rear property at No. 37 Dorothy Street, as that property is closer to Santa Rosa Park and faces the park itself.

The dwelling will not extend further into the rear setback than the adjoining dwelling

at No. 38 Olive Street, with a proposed hipped roof to maintain as much existing views as possible. A parapet designed roof would likely allow for more maintained views, however this would raise issues with the general character of the area and not be conducive to the existing dwelling. Due to the sitting and location of the proposed dwelling, whether standing or sitting the existing view of the tree-tops of Santa Rosa Park will not be obscured by the development as viewed from No. 38 Olive Street.

The third step - is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

Comment: The existing views of the tree-tops from No. 37 Dorothy Street & No. 38 Olive Street will mostly be maintained with a qualitative view loss that is considered to be negligible. The impact of the proposal will obscure some views from the adjacent dwellings at No. 33-37 Olive Street due to the increase of dwelling height, but given the natural topography of the area, compliant building height and site distance from Santa Rosa Park, it is not reasonable to alter the proposal to maintain these partial views.

The proposal has been designed with potential view loss as a minor factor and does not seek to massively increase the bulk and scale on the streetscape to a degree that would unreasonably impact the existing views to Santa Rosa Park from the objectors at No. 37 Dorothy Street & No. 38 Olive Street.

The fourth step - is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skillful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

Comment: It is considered that the proposed two-storey dwelling will not cause an unreasonable view-loss impact to the adjoining neighbours at No. 37 Dorothy Street and No. 38 Olive Street. As the development complies with Council's planning controls in regard to maximum building height (8.985m) there is no justification to alter the design based on a compliant dwelling height.

The objectives in Council's DCP 2014 will be achieved by allowing for the reasonable sharing of views with a design that ensures minimal view loss to the adjoining neighbours in respect to the tree tops of Santa Rosa Park.

- (f) **Overshadowing.** Concerns were raised in relation to the proposed dwelling's impact on overshadowing to adjoining properties.

Comment: Council's DCP 2014 – Part 3.3 – Dwelling Houses and Dual Occupancy (attached) - Section 2.14.1 (e) – *Daylight and sunlight access* – states:

For neighbouring properties ensure:

- *Sunlight to at least 50% of the principal area of ground level private open space of adjacent properties is not reduced to less than two hours between 9am and 3pm on June 21; and*
- *Windows to north-facing living areas of neighbouring dwellings receive at least 3 hours of sunlight between 9am and 3pm on 21 June over a portion of their surface, where this can be reasonably maintained given the orientation topography of the subject and neighbouring sites."*

As per the below **Figures 33-36**, the development will result in overshadowing to the north-facing bedroom, ensuite and rumpus window of the adjoining dwelling at No. 38 Olive Street between the hours of 9am and 12pm on June 21 (Winter Solstice). Of these rooms, only the rumpus room can be considered a living area. No overshadowing will occur to the private open space of the adjoining neighbour at No. 38 Olive Street and no overshadowing will occur to any other adjoining or nearby allotments.

By 3pm on June 21 the proposed overshadowing is largely contained to the rear private open space of the subject site at No. 36 Olive Street, with a minority portion of the north-facing bedroom 4 windows overshadowed. The rumpus room window will start to receive solar access from approximately 1pm mid winter. The proposed overshadowing caused by the development is considered satisfactory for the following reasons:

- The development complies with Council's controls for overshadowing to adjoining neighbours POS. The only living room is a rumpus room and that window will receive solar access for at least 2 hours mid winter.
- The subject site is located north of the adjoining site at No. 38 Olive Street and is topographically higher than the adjoining site. As such some element of overshadowing is inevitable.
- The existing dwelling is a single storey structure with a new two-storey development being proposed. Due to the increase in number of storeys some element of additional overshadowing is inevitable from the sites existing state.
- The north-facing windows that are impacted by overshadowing to the adjoining dwelling at No. 38 Olive street are bedroom and bathroom windows, with the high-set rumpus room window receiving full sunlight from 1pm onwards. As such the north-facing living room window is compliant with the above control.

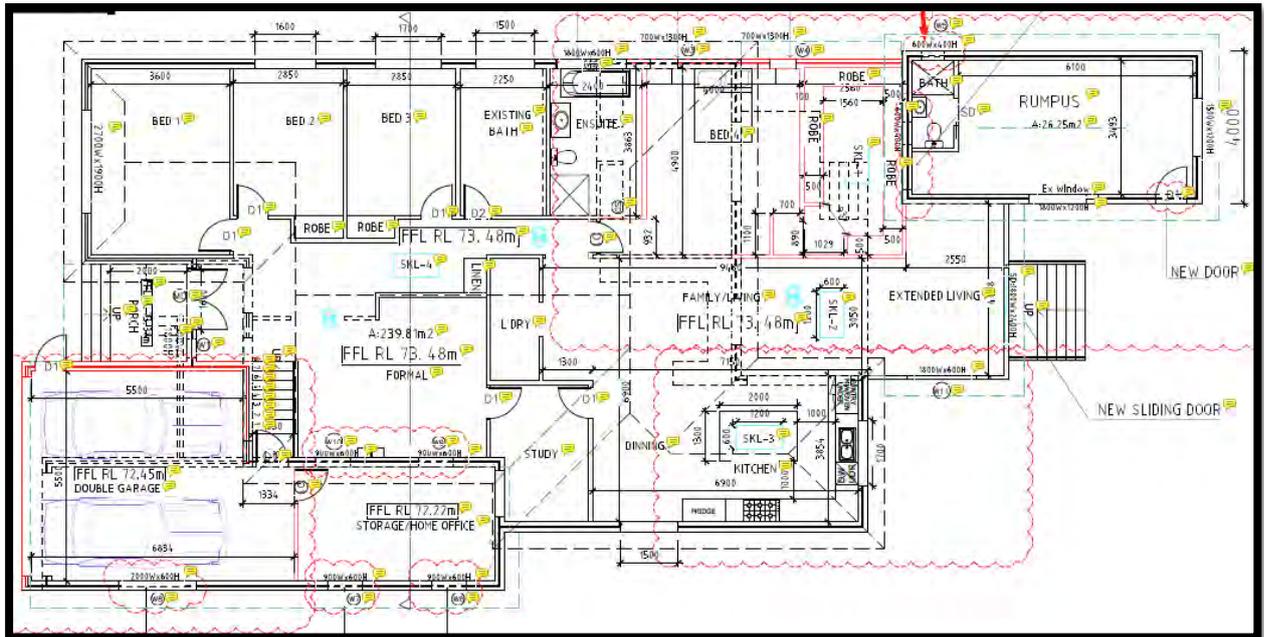


Figure 33 – Ground floor plan of No. 38 Olive Street as approved under LDA2020/0112.



Figure 34 – Bedroom 3 window (left) and bedroom 2 window (right) at No. 38 Olive Street.



Figure 35 – Ensuite Bathroom Bedroom 3 Bedroom 2.



Figure 36 – Rumpus room Rumpus bathroom

Please Note: Unauthorised works have occurred at the adjoining property at No. 38 Olive Street with a Compliance Order (EPA2021/0012) and a Stop Work Order (EPA2021/0013) being issued. The unauthorised works explains the discrepancy between the above approved floor plan and existing window schedule as shown in the overshadowing plans.

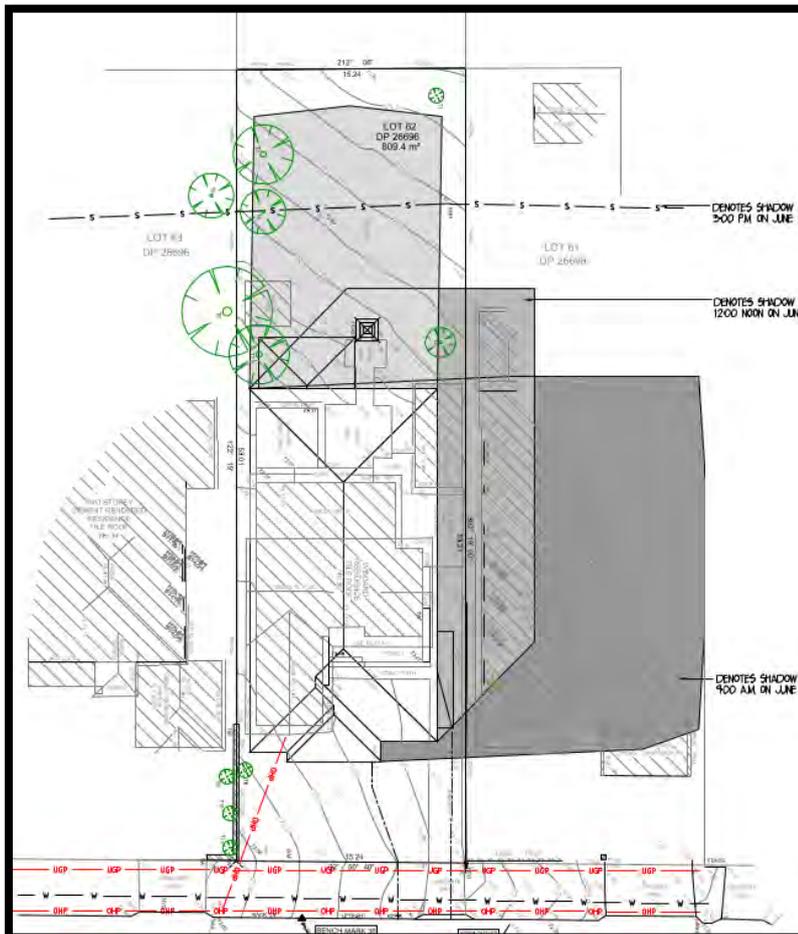


Figure 37 – Plan detailing degree of overshadowing caused by development between 9am and 3pm on June 21.

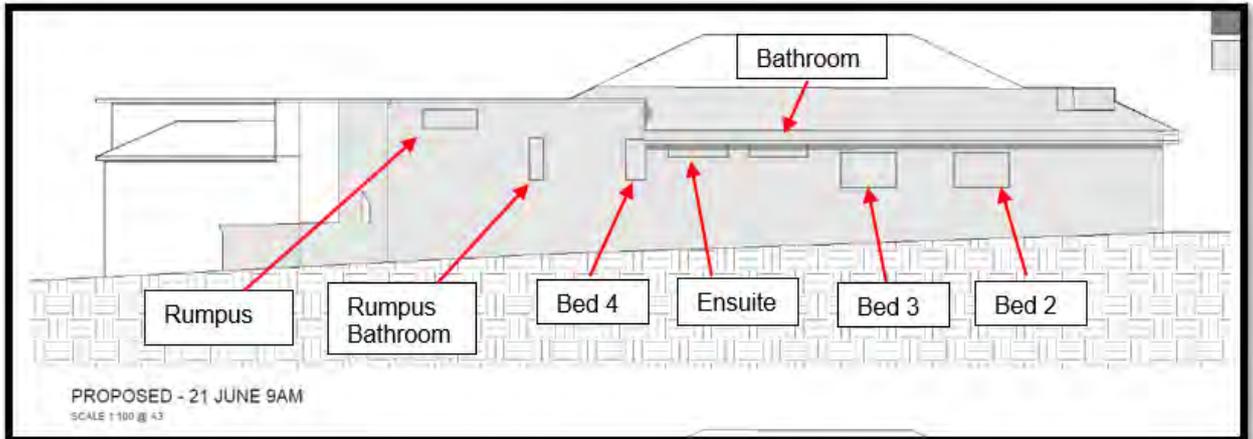


Figure 38 – Elevational plan detailing overshadowing to No. 38 Olive Street at 9am on June 21.

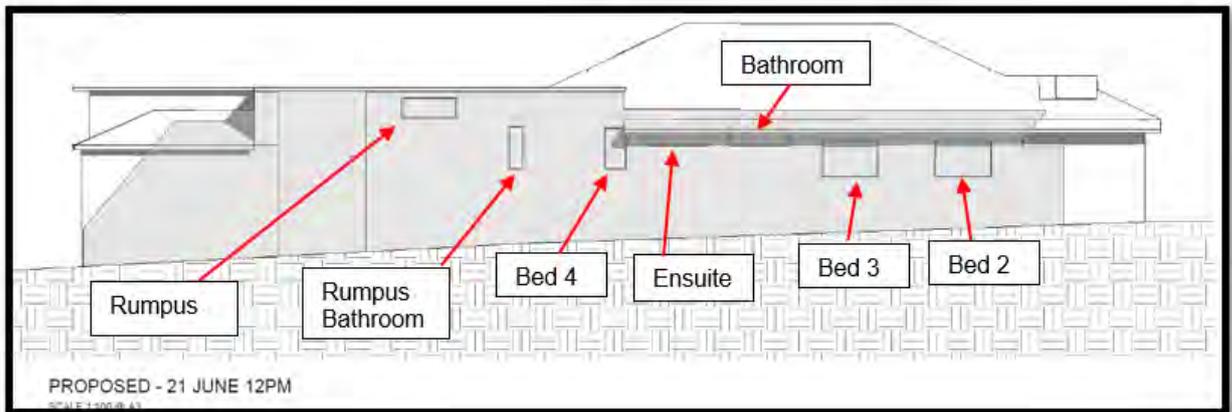


Figure 39 – Elevational plan detailing overshadowing to No. 38 Olive Street at 12pm on June 21.

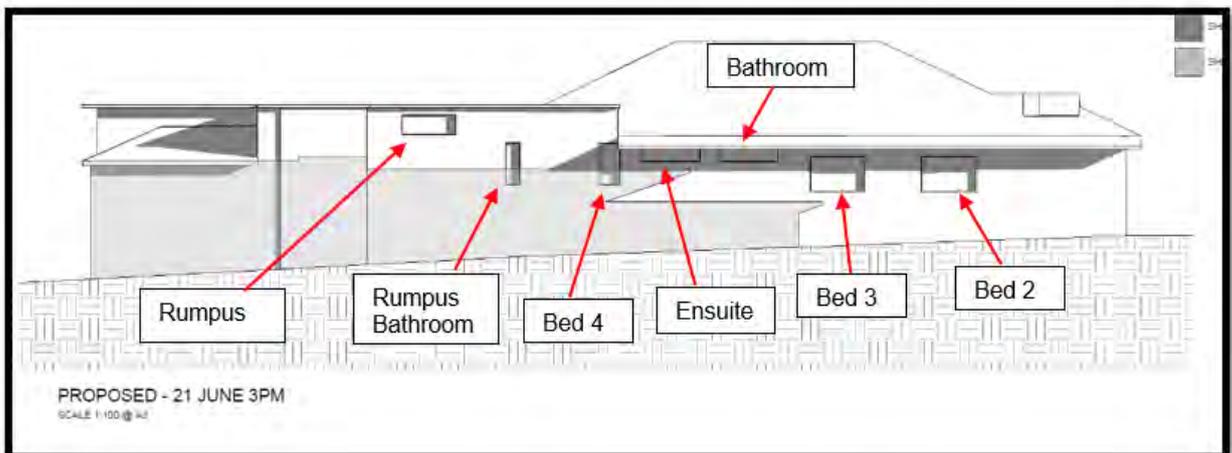


Figure 40 – Elevational plan detailing overshadowing to No. 38 Olive Street at 3pm on June 21.

- (g) **Visual Privacy.** Concern has been raised in relation to the proposed window schedule and the visual privacy impacts as a result of the development.

Comment: Council's DCP 2014: Part 3.3 - Dwelling Houses and Dual Occupancy (attached) – Section 2.14.2 'Visual Privacy' states:

- Side windows offset from adjoining windows.

- *Windows of living, dining, family etc placed so there are no close or direct views to adjoining dwelling or open space.*
- *Terraces and balconies are not to overlook neighbour's living areas or private open space.*

Due to the significant degree of submissions raising visual privacy as a concern as a result of the development, the following is a complete breakdown of all windows and outdoor living areas on both the ground and first floor:

Side Elevation Ground Floor (North-East Side).

Study Room windows. The study/guest bedroom windows are small in size and located on the ground floor. Due to the location of the 1.8m high boundary fence there will be no overlooking to the adjoining living room windows of the dwelling at No. 34 Olive Street from these windows.

Ensuite 5 window. The ensuite 5 window is small in size and located on the ground floor. Due to the location of the 1.8m high boundary fence there will be no overlooking to the adjoining living room windows of the dwelling at No. 34 Olive Street from this ensuite window.

Walk-in-Pantry window. The walk-in-pantry window is small in size and has a low-set window sill and is a low-use area. Due to the location of the 1.8m high boundary fence there will be no overlooking to the adjoining living room windows of the dwelling at No. 34 Olive Street from this ensuite window.

Outdoor Room 2. The external outdoor room 2 is relatively large in size and elevated approximately 1.13m above the adjoining NGL. However, there will be no overlooking to the adjoining private open space of the dwelling at No. 34 Olive Street as the applicant has implemented a 1.8m high privacy screen from the finished floor level of this area.

Side Elevation First Floor (North-East Side).

Staircase window. The staircase window is excessive in size, a high-use area and located adjacent from the living room windows of the adjoining dwelling at No. 34 Olive Street. As a result, the following condition has been placed on the consent:

- **Staircase Window.** The staircase window (as shown on Elevation B/North-East Elevation) is to be fixed and obscurely glazed so as to protect the visual privacy of the adjoining dwelling at No. 34 Olive Street. The architectural plans are to be amended prior to the issue of the **Construction Certificate**.

Bedroom 2 window. The bedroom 2 window is moderate in size and is for a low-use bedroom area. As such it is considered that there will be minimal overlooking impact from this room.

Ensuite 2 window. The ensuite 2 window is small in size. However as the plans do not indicate whether this window is to be obscurely glazed and due to the sensitive

Outdoor Room 1. The external outdoor room 1 is relatively large in size and elevated approximately 1.1m above the adjoining NGL. However, there will be no overlooking to the adjoining private open space of the dwelling at No. 38 Olive Street as the applicant has implemented a 1.8m high privacy screen from the finished floor level of this area.

Side Elevation First Floor (South-West Side).

Ensuite 1 window. The ensuite 1 window is small in size. However as the plans do not indicate whether this window is to be obscurely glazed and due to the sensitive nature of this area, this window has been conditioned to be obscurely glazed on the development consent.

WC window. The WC window is small in size. However as the plans do not indicate whether this window is to be obscurely glazed and due to the sensitive nature of this area, this window has been conditioned to be fixed and obscurely glazed on the development consent.

Ensuite 4 window. The ensuite 4 window is small in size. However as the plans do not indicate whether this window is to be obscurely glazed and due to the sensitive nature of this area, this window has been conditioned to be obscurely glazed on the development consent.

Bedroom 4 window. The bedroom 4 window is moderate in size and is for a low-use bedroom area. As such it is considered that there will be minimal overlooking impact from this room.

Leisure Room window. The leisure room window is a small window with a sill height 1.8m above the finished floor level and will not allow for overlooking to the adjoining living rooms or private open space of the adjacent neighbour at No. 38 Olive Street. As such this window is considered satisfactory.

Balcony 2. The external first floor balcony 2 is relatively large in size and significantly elevated above the adjoining NGL and dwellings. However, there will be no overlooking to the adjoining private open space of the dwelling at No. 38 Olive Street as the applicant has implemented a 1.8m high privacy screen from the finished floor level of this area.

Further to this, the balcony is located 22.05m from the rear boundary which is considered sufficient distance to reasonably obscure views to the rear adjoining neighbours at 37 Dorothy Street.

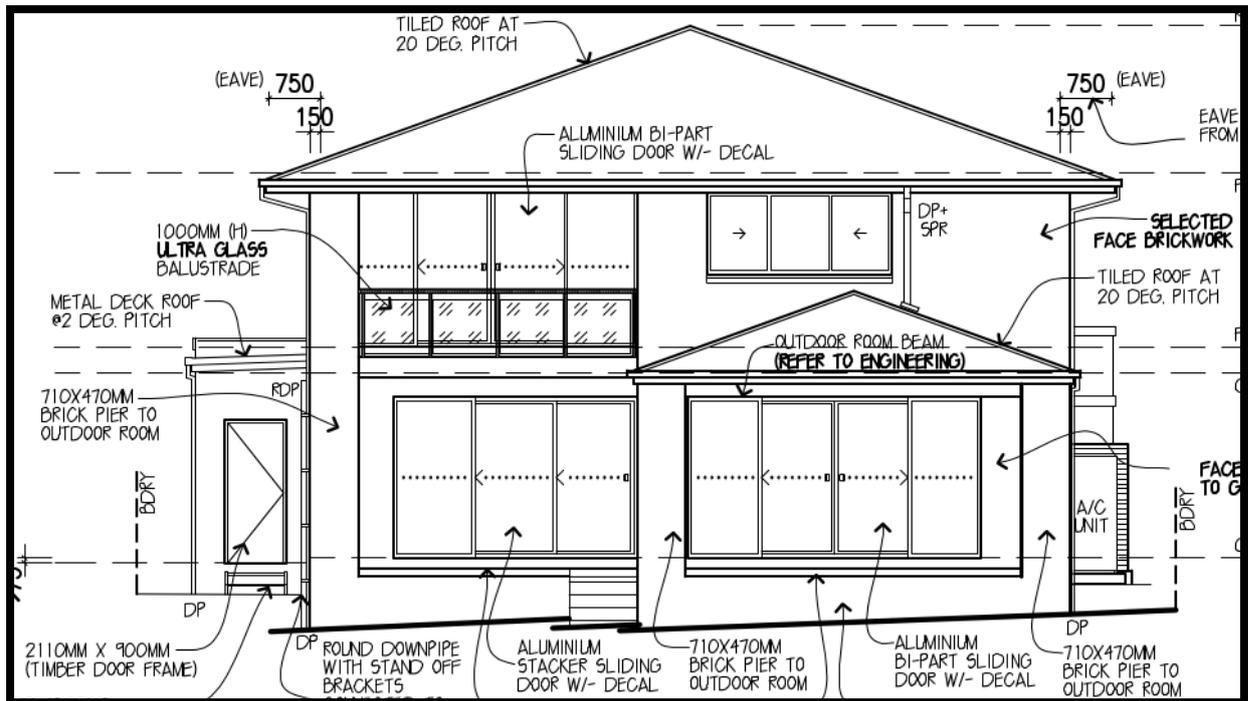


Figure 43 – Proposed Elevation C (South-East elevation) window layout.

(h) **Acoustic Privacy.** Concern has been raised as to the degree of increased acoustic impact as a result of the development.

Comment: Council's DCP 2014: Part 3.3 - Dwelling Houses and Dual Occupancy (attached) – Section 2.14.3 'Acoustic Privacy' states the following objectives for residential dwellings:

- To provide a high level of acoustic privacy.
- To minimise the impacts of noise generating uses such as traffic, air conditioners, pumps and other mechanical equipment.

Comment: Concern has been raised by the objecting submitters as to the degree of noise pollution and intrusion to the acoustic privacy of the adjoining neighbours. Given the proposal is a two-storey dwelling that is sufficiently setback from adjoining properties and has located the living areas in one open shared space, there is no foreseen significant acoustic impacts to the adjoining neighbours caused by the residential use of the dwelling.

To prevent any significant acoustic impacts to the adjoining neighbours at No. 34 Olive Street caused by the nearby AC Unit, the following condition has been placed on the consent:

- **AC Unit.** The location of the Air-Conditioning Unit on the North-East side boundary is to be setback a minimum distance of 450mm from the adjoining boundary.

- (i) **Side Setbacks.** Concern has been raised as to the proposed side setbacks and the impact this may have on adjoining properties in terms of visual privacy and overshadowing.

Comment: Council's DCP 2014: Part 3.3 - Dwelling Houses and Dual Occupancy (attached) – Section 2.9.2 'Side Setbacks' states:

- *Two storey dwellings are to be located at least 1.5 metres from side boundaries.*

The side setbacks for the proposed dwelling are as follows:

Side boundary	Ground Floor	First Floor
North Side boundary	980mm	1.58m
South Side boundary	900mm	2.5m

The proposal does not comply with the required ground floor setback of 1.5m. However, this non-compliance is considered acceptable for the following reasons:

- The first floor aspect is setback 1.58m minimum from the side boundary and therefore complies with the above control.
- The living room windows on the ground floor are setback 1.58m on the North side and 2.58m on the South side and therefore comply with the above control.
- The reduced setbacks do not result in the loss of visual privacy.
- A navigable pathway from the front of the dwelling to the rear private open space is maintained to both North & South side corridors.

- (j) **Landscaping & Impact on Trees.** Concern has been raised as to the proposed landscaping schedule and the impact of the development on tree health and tree removal.

Comment: Council's DCP 2014 Part 3.3: Dwelling Houses & Dual Occupancy (attached) – Section 2.13 'Landscaping' states:

- *The front garden is to have at least 1 tree capable of a minimum mature height of 10 m with a spreading canopy.*
- *Where the backyard does not have a mature tree at least 15 m high, plant a minimum of one large canopy tree in the back yard. The tree is to be capable of a mature height of at least 15 m and is to have a spreading canopy. The tree is to be located in the 8 m x 8 m deep soil area.*
- *Hedge planting on boundaries is to consist of plant species which have a mature height no greater than 2.7 m.*

Council's Landscape Architect commented the following in regard to the proposed landscaping plan:

"The Landscape plan is satisfactory as it has satisfied the following requirements of DCP 2014:

- A physical connection has been provided by way of stairs between the outdoor paved area and the private yard.
- Less than 40% of the front garden will be hard paved
- Trees and shrubs are in scale with the development
- The front garden is to have at least 1 tree capable of a minimum mature height of 10 m with a spreading canopy. (Prickly Paperbark)
- Where the backyard does not have a mature tree at least 15 m high, plant a minimum of one large canopy tree in the back yard. The tree is to be capable of a mature height of at least 15 m and is to have a spreading canopy (Sydney Red Gum).
- Private open space has been provided.
- Locate and design landscaping to increase privacy between neighbouring dwellings
- Provide hedge planting on boundaries which is to consist of plant species which have a mature height no greater than 2.7m
- Compensatory tree planting of 2 trees has been provided for the 0 substantial trees to be removed.”

Further to the above comments, an amended landscape plan was received and notified to neighbours on the 14 January 2022 which detailed a steppingstone pathway between the front and rear setback to allow for navigable use of the site. Council’s Landscape Architect raised no objection to the four (4) proposed trees to be removed as a part of the application and as such the proposal is considered acceptable.

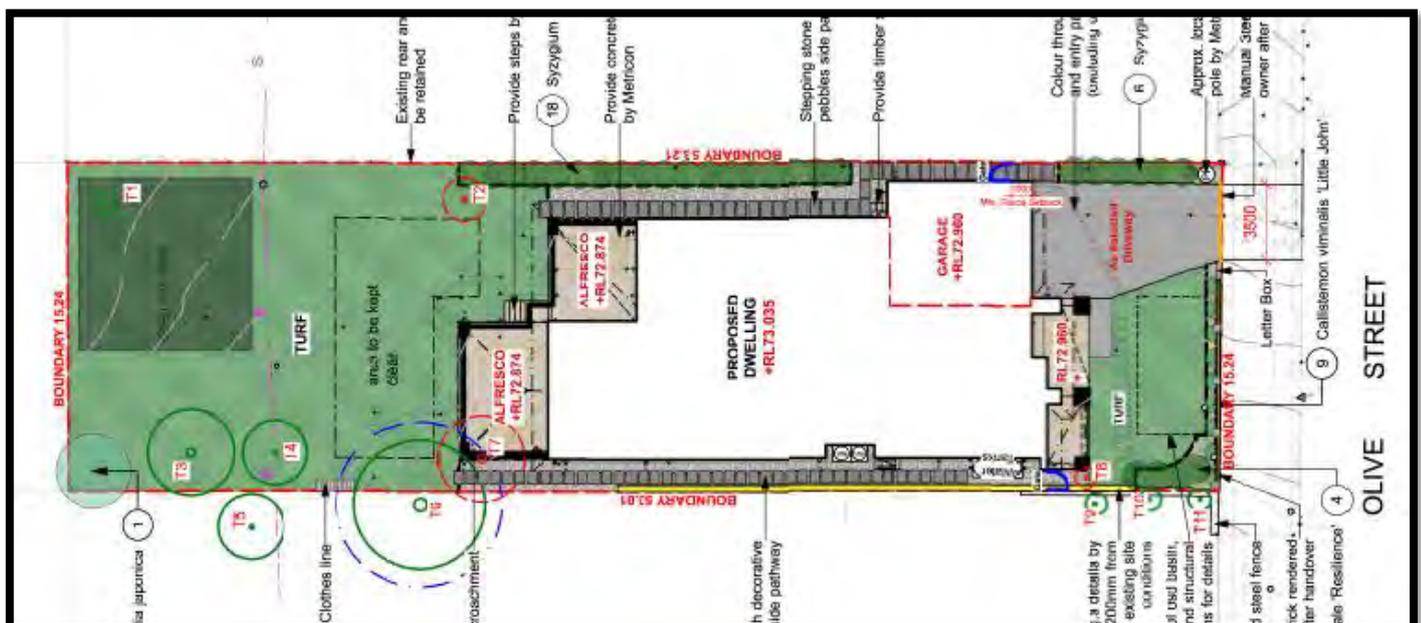


Figure 44 – Proposed landscaping plan with proposed rear yard planting to be re-located away from adjoining boundary.

(k) **Garage Shed.** Question was raised by surrounding objectors as to the future of the existing rear yard metal shed.

Comment: The rear garage shed is to be demolished as confirmed by the applicant in the Objector Response letter dated 30 November 2021.

- (I) **Stormwater Management & On-Site Detention.** Concern was raised by adjoining neighbours as to stormwater runoff and required OSD to prevent stormwater runoff to adjoining properties.

Comment: The proposal seeks a stormwater management plan dispersing the majority of the stormwater roof collection to OSD tanks in the front setback and onto Council’s stormwater system in Olive Street. The proposal furthermore seeks a rear absorption trench to prevent any down-stream runoff to the rear adjoining properties.

Council’s Development Engineer raised no objection to the proposed stormwater management method subject to seventeen (17) conditions that have been included in the draft consent attached with this report.

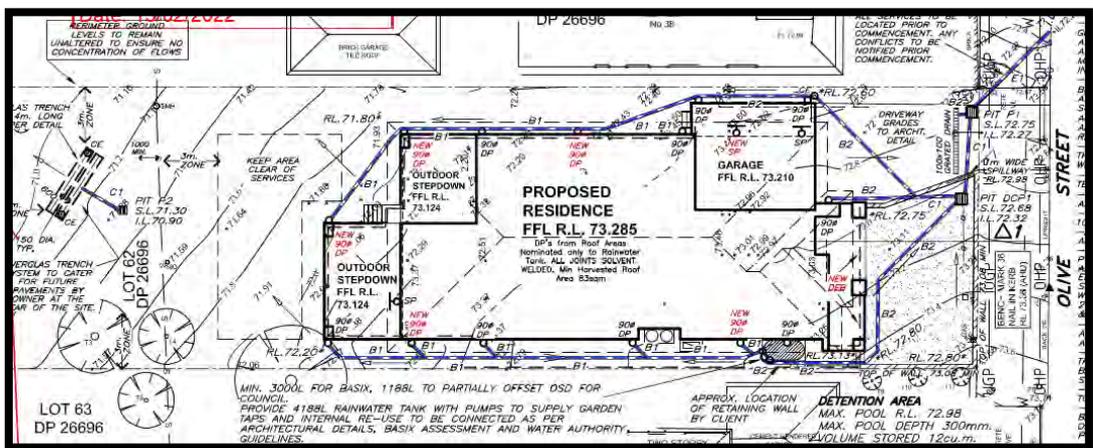


Figure 45 – Proposed stormwater management plan detailing dispersal to Olive Street with rear absorption trench.

In regard to the On-Site Detention, Council’s Development Engineer raised no significant issue with the proposed stormwater method and OSD details as per the following conditions of consent to be complied with prior to the issue of a Construction Certificate:

“Stormwater Management - Onsite Stormwater Detention. In accordance with Council’s community stormwater management policy, an onsite stormwater detention (OSD) system must be implemented in the stormwater management system of the development.

As a minimum, the OSD system must;

- provide site storage requirement (SSR) and permissible site discharge (PSD) design parameters complying with Council’s DCP 2014 Part 8.2 (Stormwater and Floodplain Management).
- incorporate a sump and filter grate (trash rack) at the point of discharge from the OSD system to prevent gross pollutants blocking the system or entering the public drainage service,
- ensure the OSD storage has sufficient access for the purpose of ongoing maintenance of the system, and

- d) *ensure the drainage system discharging to the OSD system is of sufficient capacity to accommodate the 100 year ARI 5 minute storm event.*

Detailed engineering plans and certification demonstrating compliance with this condition & Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) are to be submitted with the application for a Construction Certificate.

Stormwater Management. *Stormwater runoff from the development shall be collected and piped by gravity flow to Olive Street, generally in accordance with the plans by Ibrahim Stormwater Consultants Consulting Civil Engineers, Job No.: M10168-716890, Sheet No.: 1 to 3, Issue No.: 2, Dated 8-2-22, subject to any variations marked in red on the approved plans or noted following:*

- *Absorption trench shall be a minimum of 5m from the boundary.*

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

- *The certification must state that the submitted design (including any associated components such as WSUD measures, pump/ sump, absorption, onsite dispersal, charged system) are in accordance with the requirements of AS 3500.3 (2003) and any further detail or variations to the design are in accordance with the requirements of Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures.*
- *The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent."*

- (m) Increased Traffic & Congestion.** Concern has been raised as to the increased traffic and congestion along Olive Street and the locality as a result of approval of the application

Comment: The application proposes a two-storey dwelling with an attached double garage. The proposal complies with Council's required minimum off-street car parking. Due to the low-scale of the proposal, it is not foreseen that the proposal will result in substantial increased traffic and congestion on Olive Street and is considered satisfactory.

- (n) Unauthorised Construction Work.** The unauthorised construction work raised by the objector at No. 37 Dorothy Street stated that the applicant had constructed a structure on their property

Comment: After investigation into the above concern it was discovered that the objector was mistaken as the work was a Sydney Water sewer pipe connection and unrelated to Council or the subject development application.

- (o) Balcony 2 Utility Connection.** Concern has been raised as to the balcony 2 gas and water tap connection as shown on the first floor plan. The issue relates

to the possible acoustic and visual privacy impacts resulting from utility connections to this area.

Comment: There are no controls outlined in Council's DCP 2014 to prevent gas and water tap connection to a first-floor balcony. The issues raised relating to visual and acoustic privacy have been addressed throughout this report and Council does not anticipate additional impact to the amenity of adjoining neighbours as a result of utility connection to this area.

10. Referrals

Development Engineer – 15 February 2022: Council's Development Engineer has raised no objection to the application subject to 17 conditions of consent.

Landscape Architect – 22 October 2021: Council's Landscape Architect has raised no objection to the application subject to 6 conditions of consent.

11. Conclusion

After consideration of the development against section 4.15 of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the proposal is suitable for the site and is not contrary to the public interest. Therefore, it is recommended that the application be approved for the following reasons:

- The proposal is consistent with the objectives for R2 zoned land.
- The proposal does not result in any significant adverse impacts upon adjoining properties or the streetscape.
- The proposal is not contrary to the public interest.

12. Recommendation

- A. That the Ryde Local Planning Panel, as the consent authority, grant approval consent for LDA2021/0308 for the construction of a new two storey dwelling on land at 36 Olive Street, Ryde subject to the draft conditions contained in Attachment 1.
- B. Those that have made a submission be advised of the decision.

ATTACHMENTS

- 1 Draft Conditions of Consent
- 2 Ryde Development Control Plan 2014 – Table of Compliance
- 3 Architectural Plans - subject to copyright provision

Report Prepared By:

Oliver King
Development Assessment Officer – Town Planner

Report Approved By:

Sandra Bailey
Manager - Development Assessment

Liz Coad
Director - City Planning and Environment

ATTACHMENT – 1
36 Olive Street Ryde – LDA2021/0308

GENERAL

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

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

Document Description	Date	Plan No/Reference
Architectural Plans	27.01.2022	Job No. 716890 Cover Sheet Revision N
	27.01.2022	Job No. 716890 Sheet 1 of 12 Revision N <i>(as amended in red)</i>
	27.01.2022	Job No. 716890 Sheet 2 of 12 Revision N <i>(as amended in red)</i>
	27.01.2022	Job No. 716890 Sheet 3 of 12 Revision N <i>(as amended in red)</i>
	27.01.2022	Job No. 716890 Sheet 4 of 12 Revision N <i>(as amended in red)</i>
	27.01.2022	Job No. 716890 Sheet 5 of 12 Revision N <i>(as amended in red)</i>
	27.01.2022	Job No. 716890 Sheet 6 of 12 Revision N
	27.01.2022	Job No. 716890 Sheet 7 of 12 Revision N
	27.01.2022	Job No. 716890 Sheet 8 of 12 Revision N
	27.01.2022	Job No. 716890 Sheet 9 of 12 Revision N
	27.01.2022	Job No. 716890 Sheet 10 of 12 Revision N
	27.01.2022	Job No. 716890 Sheet 11 of 12 Revision N
Erosion & Sediment Control Plan	27.01.2022	Job No. 716890 Sheet 1a of 12 Revision N
Landscape Plan	25.11.2021	Dwg No. 716890 'DA Landscape Plan' Issue E
Stormwater Management Plans	08.02.2022	Job No. M10168-716890 Sheet 1 of 3 Issue 2
	08.02.2022	Job No. M10168-716890 Sheet 2 of 3 Issue 2
	08.02.2022	Job No. M10168-716890 Sheet 3 of 3 Issue 2
Arborist Report	21.07.2021	Arboricultural Impact Assessment (AIA) prepared by Glenyss Laws

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

- (a) **Sitting Room window.** To protect the visual privacy of the adjoining dwelling, the sitting room window (as shown on Elevation D/South-West Elevation) is to be amended in one of the following ways:
- (i) Obscure glazed glass is to be used in the entire window;
 - (ii) The window is to be constructed as a high sill window with a sill height of 1.6m above the finished floor level;

Conditions of Consent for LDA2021/0308 :-

- (iii) A privacy screen is to be attached to the window to a height of 1.6m above the finished floor level which will prevent residents from being able to view directly towards 38 Olive Street.

(Reason: to protect the visual privacy of future occupants and adjoining neighbours).

- (b) **Ensuite windows.** All first floor ensuite windows (as shown on both Elevation B/North-East Elevation and Elevation D/South-West Elevation) are to be obscurely glazed so as to protect the visual privacy of future occupants and adjoining neighbours.

(Reason: to protect the visual privacy of future occupants and adjoining neighbours).

- (c) **Staircase window.** The staircase window (as shown on Elevation B/North-East Elevation) is to be fixed and obscurely glazed so as to protect the visual privacy of the adjoining dwelling at No. 34 Olive Street. The architectural plans are to be amended accordingly.

(Reason: to protect the visual privacy of the adjoining neighbours).

- (d) **Tree planting – location.** The Camellia Japonica tree is to be planted a minimum of 3m from any property boundary. The landscaping plan is to be amended accordingly.

(Reason: to ensure the root zone of the tree is not affected by future developments on adjacent sites).

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

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

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.

(Reason: Statutory requirement).

3. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 123000, dated 9 August 2021.

(Reason: Statutory requirement).

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

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

Conditions of Consent for LDA2021/0308 :-

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

(Reason: Statutory requirement).

5. **Signage – not approved unless shown on plans.** This consent does not authorise the erection of any signs or advertising structures not indicated on the approved plans. Separate approval must be obtained from Council for any additional signs, unless such signage is “exempt development”.
6. **Site Maintenance.** For the period the site remains vacant of any development the subject of this consent, the site is to be regularly maintained in a tidy manner such that it does not become overgrown with weeds or become a repository for the leaving or dumping of waste.

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

7. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.

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

8. **Hoardings.**
- (a) A hoarding or fence must be erected between the work site and any adjoining public place.
- (b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.

(Reason: To ensure public safety).

9. **Illumination of public place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

(Reason: To ensure public safety).

10. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.

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

11. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.

(Reason: to ensure public safety).

Conditions of Consent for LDA2021/0308 :-

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

(Reason: Access to public utilities).

13. **Roads Act.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 138 of the Roads Act 1993.

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

General Engineering Conditions

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

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

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

(Reason: To ensure public services are maintained.)

16. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities, including repairs of damaged infrastructure as a result of the construction works associated with this development site, shall be undertaken by the Applicant in accordance with Council's standards and specifications, and DCP Part 8.5 (*Public Civil Works*), to the satisfaction of Council.

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

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

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

Conditions of Consent for LDA2021/0308 :-

PRIOR TO CONSTRUCTION CERTIFICATE

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

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

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

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

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

(Reason: Statutory requirement).
19. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate**.

(Reason: Statutory requirement).
20. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: dwelling houses with delivery of bricks or concrete or machine excavation)

(Reason: Statutory requirement).
21. **Infrastructure Restoration and Administration Fee** must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**.

(Reason: Statutory requirement).
22. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Certifying Authority prior to the issuing of the **Construction Certificate**.

(Reason: Statutory requirement).
23. **Sydney Water – Building Plan Approval.** The plans approved as part of the Construction Certificate must also be approved by Sydney Water prior to excavation or

Conditions of Consent for LDA2021/0308 :-

construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Please go to www.sydneywater.com.au/tapin to apply.

(Reason: Statutory requirement).

24. **Privacy Screens.** All privacy screens are to be 1.8m high and is to have:
- i) no individual opening more than 30mm wide, and
 - ii) a total area of all openings that is no more than 30% of the surface area of the screen or barrier.
- Details showing compliance are to be shown on the plans to be submitted with the **Construction Certificate**.

(Reason: To protect the amenity of the adjoining properties).

Engineering Conditions to be Complied with Prior to Construction Certificate

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

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

26. **Stormwater Management.** Stormwater runoff from the development shall be collected and piped by gravity flow to Olive Street, generally in accordance with the plans by Ibrahim Stormwater Consultants Consulting Civil Engineers, Job No.: M10168-716890, Sheet No.: 1 to 3, Issue No.: 2, Dated 8-2-22, subject to any variations marked in red on the approved plans or noted following:

- Absorption trench shall be a minimum of 5m from the boundary.

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

- The certification must state that the submitted design (including any associated components such as WSUD measures, pump/ sump, absorption, onsite dispersal, charged system) are in accordance with the requirements of AS 3500.3 (2003) and any further detail or variations to the design are in accordance with the requirements of Council's DCP 2014 Part 8.2 (*Stormwater and Floodplain Management*) and associated annexures.
- The submitted design is consistent with the approved architectural and landscape plan and any revisions to these plans required by conditions of this consent.

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

27. **Stormwater Management - Onsite Stormwater Detention.** In accordance with Council's community stormwater management policy, an onsite stormwater detention (OSD) system must be implemented in the stormwater management system of the development.

As a minimum, the OSD system must;

Conditions of Consent for LDA2021/0308 :-

- a) provide site storage requirement (SSR) and permissible site discharge (PSD) design parameters complying with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management).
- b) incorporate a sump and filter grate (trash rack) at the point of discharge from the OSD system to prevent gross pollutants blocking the system or entering the public drainage service,
- c) ensure the OSD storage has sufficient access for the purpose of ongoing maintenance of the system, and
- d) ensure the drainage system discharging to the OSD system is of sufficient capacity to accommodate the 100 year ARI 5 minute storm event.

Detailed engineering plans and certification demonstrating compliance with this condition & Council's DCP 2014 Part 8.2 (*Stormwater and Floodplain Management*) are to be submitted with the application for a Construction Certificate.

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

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

Prior to the issue of the Construction Certificate, an application shall be made to Council for approval under Section 138 of the Roads Act, 1993, for the construction of the vehicle footpath and gutter crossover. The application shall include engineering design drawings of the proposed vehicle footpath crossing and gutter crossover. The drawings shall be prepared by a suitably qualified Civil Engineer using the standard B85 vehicle profile. The drawings shall show the proposed vehicle footpath crossing width, alignment, and any elements impacting design such as service pits, underground utilities, power poles, signage and/or trees. In addition, a benchmark (to Australian Height Datum) that will not be impacted by the development works shall be included. All grades and transitions shall comply with Australian Standard AS 2890.1-2004 Offstreet Parking and Council's specifications. The new crossing shall be 3.5 m. wide, without the splays, and shall be constructed at right angle to the alignment of the kerb and gutter, and located no closer than 1m from any power pole and 3m from any street tree unless otherwise approved by Council.

Fees are payable at the time of the application, in accordance with Council's Schedule of Fees and Charges.

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

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

Conditions of Consent for LDA2021/0308 :-

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

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

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

PRIOR TO COMMENCEMENT OF CONSTRUCTION

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

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

(Reason: Statutory requirement).

Conditions of Consent for LDA2021/0308 :-

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

(Reason: Statutory requirement).

32. **Residential building work – provision of information.** Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the PCA has given the Council written notice of the following information:
- (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor; and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act.
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder; and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

(Reason: Statutory requirement).

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

(Reason: Statutory requirement).

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

(Reason: Statutory requirement).

Landscaping Condition to be Complied with Prior to Commencement of Construction

35. **Tree Retention.** As identified in the Arboricultural Impact Assessment (AIA) prepared by Glenyss Laws dated 21/07/2021. The following trees on site or adjoining the site are to be retained and protected:

Conditions of Consent for LDA2021/0308 :-

Tree No.	Species "Common name"	Notes
6	<i>Acer palmatum</i> (Japanese Maple)	In adjoining property. Existing boundary fence is sufficient tree protection.

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

DURING CONSTRUCTION

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

36. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.

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

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

38. **Noise management plan** - Where demolition or construction activities are likely to cause significant noise or vibration (eg. jackhammering ,rock breaking or impact piling) a noise management plan must be prepared by a suitably qualified acoustical consultant and be submitted to the Principal Certifying Authority before the work commences. The plan must be prepared in accordance with the Interim Construction Noise Guideline (DECC, 2009) and include:

- (a) Identification of nearby affected residences or other sensitive receivers.
- (b) An assessment of the expected noise impacts.
- (c) Details of the work practices required to minimise noise impacts.
- (d) Noise monitoring procedures.
- (e) Procedures for notifying nearby affected residents.
- (f) Complaints management procedures.

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

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

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

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

Conditions of Consent for LDA2021/0308 :-

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

41. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
- (a) Fill is allowed under this consent;
 - (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
 - (c) the material is reused only to the extent that fill is allowed by the consent.

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

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

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

43. **Site Facilities**

The following facilities must be provided on the site:

- (a) toilet facilities in accordance with Safework NSW requirements, at a ratio of one toilet per every 20 employees, and
- (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.

(Reason: Statutory requirement).

44. **Site maintenance**

The applicant must ensure that:

- (a) approved sediment and erosion control measures are installed and maintained during the construction period;
- (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
- (c) the site is clear of waste and debris at the completion of the works.

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

45. **Work within public road.** At all times work is being undertaken within a public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in Australian Standard No. AS1742.3-1996 "Traffic Control Devices for Work on Roads".

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

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

(Reason: To ensure no fill is provided in the vicinity of the slab unless prior consent has been given for the fill).

Landscaping Conditions to be Complied with During Construction

Conditions of Consent for LDA2021/0308 :-

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

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

48. **Tree Removal.** As identified in the Arboricultural Impact Assessment (AIA) prepared by Glenyss Laws dated 21/07/2021. The following trees on site are to be removed:

1	<i>Camellia japonica</i> (Japanese Camellia)
2	<i>Gardenia magnifica</i> (Gardenia)
3	<i>Cotoneaster sp.</i> (Cotoneaster)
4	Unidentified

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

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

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

Engineering Conditions to be Complied with During Construction

50. **Stormwater Management - Construction.** The stormwater drainage system on the site must be constructed in accordance with the Construction Certificate version of the Stormwater Management Plan by Ibrahim Stormwater Consultants Consulting Civil Engineers, Job No.: M10168-716890, Sheet No.: 1 to 3, Issue No.: 2, Dated 8-2-22, submitted in compliance to the condition labelled “Stormwater Management.” and the requirements of Council in relation to the connection to the public drainage system.

(Reason: To ensure the works are aligned with the objectives of the City of Ryde 2014 DCP part 8.2).

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

(Reason: To ensure that the excavation works are undertaken appropriately throughout the period of construction.)

PRIOR TO OCCUPATION CERTIFICATE

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

Conditions of Consent for LDA2021/0308 :-

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

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

52. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate.

(Reason: Statutory requirement).

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

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

Engineering Conditions to be Complied with Prior to Occupation Certificate

54. **Stormwater Management - Work-as-Executed Plan.** A Work-as-Executed plan (WAE) of the as constructed Stormwater Management System must be submitted with the application for an Occupation Certificate. The WAE must be prepared and certified (signed and dated) by a Registered Surveyor and is to clearly show the constructed stormwater drainage system (including any onsite detention, pump/ sump, charged/ siphonic and onsite disposal/ absorption system) and finished surface levels which convey stormwater runoff.

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

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

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

56. **Stormwater Management – Positive Covenant(s).** A Positive Covenant must be created on the property title(s) pursuant to the relevant section of the Conveyancing Act (1919), providing for the ongoing maintenance of the onsite detention, charged and onsite absorption components incorporated in the approved Stormwater Management system. This is to ensure that the drainage system will be maintained and operate as approved throughout the life of the development, by the owner of the site(s). The terms of the instrument are to be in accordance with the Council's standard for the relevant systems and are to be to the satisfaction of Council. To assure Council the construction of the stormwater management system has been completed, stormwater Works-As-Executed plans and certification of the system are to be submitted to Council with a completed "*Application Form for Endorsement of Title Encumbrances*" (available from Council's website). The positive covenant must be registered on the title prior to the

Conditions of Consent for LDA2021/0308 :-

release of any Occupation Certificate for development works for which the system(s) serve.

(Reason: This is to ensure that the drainage system will be maintained and operate as approved throughout the life of the development, by the owner of the site(s).)

57. **Engineering Compliance Certificates.** To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, Compliance Certificates must be obtained for the following items and are to be submitted to the Accredited Certifier prior to the release of any Occupation Certificate. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.
- a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and Council's DCP 2014 Part 9.3 (Parking Controls).
 - b) Confirming that the Stormwater Management system (including any constructed ancillary components such as onsite detention) servicing the development complies with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures, and has been constructed to function in accordance with all conditions of this consent relating to the discharge of stormwater from the site.
 - c) Confirming that erosion and sediment control measures were implemented during the course of construction and were in accordance with the manual "*Managing Urban Stormwater: Soils and Construction*" by the NSW Department – Office of Environment and Heritage and Council's DCP 2014 Part 8.1 (Construction Activities).
 - d) Compliance certificate from Council confirming that all external works in the public road reserve and alteration to Council assets located in the property have been completed to Council's satisfaction.

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

58. **On-Site Stormwater Detention System - Marker Plate.** To ensure the constructed On-site detention will not be modified, a marker plate is to be fixed to each on-site detention system constructed on the site. The plate construction, wordings and installation shall be in accordance with Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures. The plate may be purchased from Council's Customer Service Centre at 1 Pope Street – Ryde (Top Ryde City Shopping Centre).

(Reason: To ensure that owners of the site are aware of the location of the onsite detention system and the need to maintain the system over the life of the development.)

OPERATIONAL CONDITIONS

The conditions in this Part of the consent relate to the on-going operation of the development and shall be complied with at all times.

59. **Single dwelling only.** The dwelling is not to be used or adapted for use as two separate domiciles or a boarding house.

Conditions of Consent for LDA2021/0308 :-

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

End of consent.

ATTACHMENT – 2

36 Olive St Ryde – LDA2021/0308

DCP 2014	Proposed	Compliance
Part 3.3 - Dwelling Houses and Dual Occupancy (attached)		
Desired Future Character		
Development is to be consistent with the desired future character of the low density residential areas.	The proposed development is consistent with the desired future character of the low density residential area as detailed further in this table.	Yes
Dwelling Houses		
- To have a landscaped setting which includes significant deep soil areas at front and rear.	Front and rear gardens proposed.	Yes
- Maximum 2 storeys.	Two storeys	Yes
- Dwellings to address street	Dwelling presents to Olive Street	Yes
- Garage/carports not visually prominent features.	Garage not prominent feature as setback in front elevation of building.	Yes
Public Domain Amenity		
Streetscape		
- Front doors and windows are to face the street. Side entries to be clearly apparent.	Front doors and windows face street.	Yes
- Single storey entrance porticos.	Single entrance portico.	Yes
- Articulated street facades.	Articulated street façade.	Yes
Pedestrian & Vehicle Safety		
- Car parking located to accommodate sightlines to footpath & road in accordance with relevant Australian Standard.	Car parking is located to accommodate sightlines to footpath and road in accordance with relevant AS	Yes
Site Configuration		
Deep Soil Areas		
- 35% of site area min.	$DSA = \frac{455.60m^2}{809.4m^2}$ DSA = 56%	Yes

DCP 2014	Proposed	Compliance
<ul style="list-style-type: none"> - Min 8x8m deep soil area in backyard. 	Min 8x8m DSA achieved	Yes
Topography & Excavation		
<p>Within building footprint:</p> <ul style="list-style-type: none"> - Max cut: 1.2m - Max fill: 900mm <p>Outside building footprint:</p> <ul style="list-style-type: none"> - Max cut: 900mm - Max fill: 500mm <ul style="list-style-type: none"> - No fill between side of building and boundary or close to rear boundary - Max ht retaining wall 900mm 	<p>Within BF</p> <p>Max cut: Existing RL = 73.20 Proposed RL = 72.65 Max cut = 550mm</p> <p>Max fill = <900mm (garage)</p> <p>Outside BF</p> <p>Max cut: Existing RL = 73.20 Proposed RL = 72.65 Max cut = 550mm</p> <p>Max fill = Nil</p> <p>No fill between side of building and boundary or close to rear boundary</p> <p>Max height of retaining wall will not exceed 900mm</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Floor Space Ratio		
Ground floor	144.4m ²	Yes
First floor	208.4m ²	Yes
Less 36m ² (double) allowance for parking	36m ²	Yes
Total (Gross Floor Area)	$\frac{316.8m^2}{809.4m^2}$	Yes
FSR (max 0.5:1)	0.39:1	Yes
Height		
<ul style="list-style-type: none"> - 2 storeys maximum 	2 storeys maximum	Yes
<ul style="list-style-type: none"> - 1 storey maximum above attached garage incl semi-basement or at-grade garages. 	1 storey maximum above attached garage	Yes
<p>Wall plate (Ceiling Height)</p> <ul style="list-style-type: none"> - 7.5m max above FGL or - 8m max to top of parapet 	<p>TOW RL: 78.72</p> <p>Lowest point RL: 72.00</p> <p>TOW Height (max)= 6.72m</p>	Yes
9.5m Overall Height	<p>Max of dwelling RL: 80.985</p> <p>Lowest point RL: 72.00</p> <p>Overall Height (max)= 8.985m</p>	Yes

DCP 2014	Proposed	Compliance
Habitable rooms to have 2.4m floor to ceiling height (min).	2.58m min room height.	Yes
Setbacks		
<p>SIDE</p> <p>Two storey dwelling</p> <ul style="list-style-type: none"> - 1500mm to wall 	<p><u>Ground Floor</u> Northern Side: 980mm Southern Side: 900mm</p> <p><u>First Floor</u> Northern Side: 1.58m Southern Side: 2.5m</p>	<p>No (1) No (1)</p> <p>Yes Yes</p>
<p>Front</p> <ul style="list-style-type: none"> - 6m to façade (generally) - Garage setback 1m from the dwelling façade - Wall above is to align with outside face of garage below. - Front setback free of ancillary elements eg RWT, A/C 	<p>6m to front façade</p> <p>Garage setback greater than 1m from dwelling façade</p> <p>Wall above aligns with outside face of garage below</p> <p>Front setback free of ancillary elements</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>Rear</p> <ul style="list-style-type: none"> - 8m to rear of dwelling OR 25% of the length of the site, whichever is greater. 	18.03m to rear setback	Yes
Car Parking & Access		
<p>General</p> <ul style="list-style-type: none"> - Dwelling: 2 spaces max, 1 space min. - Max 6m wide or 50% of frontage, whichever is less. - Behind building façade. 	<p>2 spaces provided</p> <p>Max 5.55m wide</p> <p>Behind building facade</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>Garages</p> <ul style="list-style-type: none"> - Garages setback 1m from façade. - Total width of garage doors visible from public space must not exceed 5.7m and be setback not more than 300mm behind the outside face of the building element immediately above. 	<p>Garage setback greater than 1m from façade</p> <p>Door Width = 4.8m Door Setback = <300mm</p>	<p>Yes</p> <p>Yes Yes</p>

DCP 2014	Proposed	Compliance
- Materials in keeping or complimentary to dwelling.	Materials are in keeping and complimentary to dwelling	Yes
Parking Space Sizes (AS) <ul style="list-style-type: none"> o Double garage: 5.4m wide (min) o Internal length: 5.4m (min) 	Internal measurements: Width = 5.4m Length = 6.71m	Yes Yes
Driveways Extent of driveways minimised	Extent of driveways minimised	Yes
Landscaping		
Trees & Landscaping <ul style="list-style-type: none"> - Major trees retained where practicable - Physical connection to be provided between dwelling and outdoor spaces where the ground floor is elevated above NGL eg. stairs, terraces. - Obstruction-free pathway on one side of dwelling (excl cnr allotments or rear lane access) - Front yard to have at least 1 tree with mature ht of 10m min and a spreading canopy. - Back yard to have at least 1 tree with mature ht of 15m min and a spreading canopy. - Hedging or screen planting on boundary mature plants reaching no more than 2.7m. - OSD generally not to be located in front setback unless under driveway. 	Major trees retained where practicable Physical connection has been provided between dwelling and outdoor spaces where ground level is elevated above NGL Obstruction free pathway has been provided in the form of stepping stones Front yard planting of Melaleuca stypheliodes is considered satisfactory Rear yard planting of Angophora costata is considered satisfactory. Tree is located within 3m of a boundary and will be conditioned to be re-located Hedge planting will not exceed 2.7m OSD not located in front setback	Yes Yes Yes Yes Yes Yes
- Landscaped front garden, with max 40% hard paving	Hard Paving: Less than 40%	Yes
Dwelling Amenity		
Daylight and Sunlight Access		

DCP 2014	Proposed	Compliance
<p><u>Subject Dwelling:</u></p> <ul style="list-style-type: none"> - Subject dwelling north facing windows are to receive at least 3hrs of sunlight to a portion of their surface between 9am and 3pm on June 21. - Private Open space of subject dwelling is to receive at least 2 hours sunlight between 9am and 3pm on June 21. <p><u>Neighbouring properties are to receive:</u></p> <ul style="list-style-type: none"> - 2 hours sunlight to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21. - At least 3 hours sunlight to a portion of the surface of north facing adjoining living area windows between 9am and 3pm on June 21. 	<p>Subject dwelling north facing windows will receive at least 3hrs of sunlight to a portion of their surface between 9am and 3pm on June 21.</p> <p>Private Open space of subject dwelling will receive at least 2 hours sunlight between 9am and 3pm on June 21.</p> <p>Neighbouring properties will receive 2 hours sunlight to at least 50% of adjoining principal ground level open space between 9am and 3pm on June 21.</p> <p>Neighbouring properties will receive at least 3 hours sunlight to a portion of the surface of north facing adjoining living area windows between 9am and 3pm on June 21.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>Visual Privacy</p> <ul style="list-style-type: none"> - Orientate windows of living areas, balconies and outdoor living areas to the front and rear of dwelling. - Windows of living, dining, family etc placed so there are no close or direct views to adjoining dwelling or open space. - Side windows offset from adjoining windows. - Terraces, balconies etc are not to overlook neighbouring dwellings/private open space. 	<p>Family, dining and living rooms are orientated away from adjoining dwellings where practicable. Balconies and outdoor spaces are located to front and rear.</p> <p>Windows of leisure room are large with elevated ground floor and directly adjacent to adjoining dwelling</p> <p>Side windows are offset from adjoining windows where practicable</p> <p>Outdoor room and first floor balconies have 1.8m high privacy screens</p>	<p>Yes</p> <p>No (2)</p> <p>Yes</p> <p>Yes</p>
External Building Elements		
Roof		

DCP 2014	Proposed	Compliance
- Articulated.	Roof is articulated	Yes
- 450mm eaves overhang minimum.	450mm eave overhang achieved	Yes
Part 7.2- Waste Minimisation & Management		
Submission of a Waste Management Plan in accordance with Part 7.2 of DCP 2014.	The applicant has submitted a Waste Management Plan in accordance with Part 7.2 of DCP 2014.	Yes
Part 8.2 - Stormwater Management		
Stormwater & Floodplain Management		
Drainage is to be piped in accordance with Part 8.2 - Stormwater & Floodplain Management.	Drainage is to be piped in accordance with Part 8.2 - Stormwater & Floodplain Management.	Yes
Part 9.5 – Tree Preservation		
<i>1. Where the removal of tree(s) is associated with the redevelopment of a site, or a neighbouring site, the applicant is required to demonstrate that an alternative design(s) is not feasible and retaining the tree(s) is not possible in order to provide adequate clearance between the tree(s) and the proposed building and the driveway.</i>	No major trees will be impacted by the proposed development	Yes

BASIX		
All ticked "DA plans" commitments on the BASIX Certificate are to be shown on plans (list) BASIX Cert 123000 dated 9 August 2021		
• RWT 3000L	Shown on plans	Yes
• Thermal Comfort Commitments – Construction.	Shown on plans	Yes
• TCC – Glazing.	Shown on NATHERS Certificate	Yes
	Shown on plans	Yes

<ul style="list-style-type: none"> • Solar Gas Boosted HWS w/41-45 RECS+ • Natural Lighting <ol style="list-style-type: none"> 1. kitchen 2. bathrooms () 	Shown on plans	Yes
Water Target 40 Energy Target 50 Thermal Comfort: Pass	Water: 44 Energy: 51 Thermal Comfort: Pass	Yes Yes Yes
Correct description of property/proposal on 1 st page of Certificate.	Correct details shown on plans	Yes