

**Item 1**
**31 Pellisier Road, Putney - LDA2022/0372**
**Proposal: Alterations and additions to existing dwelling.**
**Report prepared by:** Assessment Officer – Building Surveyor

**Report approved by:** Executive Manager City Development

**City of Ryde  
Local Planning Panel Report**

<b>DA Number</b>	LDA2022/0372
<b>Site Address &amp; Ward</b>	31 Pellisier Road, Putney East Ward
<b>Zoning</b>	R2 Low Density Residential
<b>Proposal (as amended)</b>	Alterations and additions to existing dwelling.
<b>Property Owner</b>	Kerolos Zaki
<b>Applicant</b>	Mr Ji Aoun Design & Building Group Pty Ltd
<b>Report Author</b>	Jane Tompsett
<b>Lodgement Date</b>	23 November 2022
<b>Notification - No. of Submissions</b>	One (1) submission received (original plans) One (1) submission received (amended plans)
<b>Cost of Works</b>	\$85,000.00
<b>Reason for Referral to LPP</b>	Departure from Development Standard: The proposed development results in a 12.4% departure from the development standard for height of buildings imposed by Clause 4.3 of RLEP 2014.
<b>Recommendation</b>	Approval

<b>Attachments</b>	Attachment 1: Draft Conditions of Consent Attachment 2: DCP Compliance Table Attachment 3: SEPP Compliance Table Attachment 4: Clause 4.6 written variation to Clause 4.3 Height of building Attachment 5: Architectural Plans
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## 1. Executive Summary

The following report is an assessment of Local Development Application LDA2022/0372 for alterations and additions to the existing 2 storey dwelling at 31 Pellisier Road, Putney

This application is reported to the Ryde Local Planning Panel for determination as it proposes a departure from a development standard in excess of 10% in accordance with the *Environmental Planning and Assessment Act 1979*, Section 9.1 - Directions by the Minister.

The subject site contains an existing two storey dwelling, with two attached double garages and swimming pool. The proposal involves alterations and additions to the existing first floor over one of the existing double garages. This creates a third storey portion over the existing lower ground floor gym. The additions include a walk-in robe, study, infinity edge pool, sauna and lift to the ground floor. An acoustically sealed pump room is proposed on the ground floor.

The development contravenes Clause 4.3 of Ryde Local Environmental Plan 2014 (RLEP 2014) which establishes the maximum height development standard of 9.5 metres. The proposal results in a height of 10.680 metres, representing a departure of 1.18m or 12.4% from the standard. The non-compliance occurs as a result of the previous altered existing ground level from the natural form of the site. A review of the most recent approved development application on the site shows the existing dwelling contains excavation associated with the lower ground floor level. The height is calculated in relation to the altered existing ground level and results in the height non-compliance.

The applicant has submitted a clause 4.6 written variation request in respect of the breach to the height control. This submission satisfies the pre-conditions for a consent authority to allow a variation to the standard.

The development proposes a FSR of 0.46:1, which is compliant with Council's control.

The proposal has been assessed in accordance with the relevant environmental planning instruments and local provisions in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP & A Act). The proposal would not result in any unacceptable impacts upon the streetscape or the amenity of surrounding properties. The proposal does not raise any issues that would be contrary to the public interest, and it is considered to be a suitable form of development for the site.

In accordance with DCP 2014 Part 2: Community Participation Plan, the owners of surrounding properties were given notice of the application between 28 November 2022 and 15 December 2022. Two adjoining neighbours were granted an extension of time with submissions due 13 January 2023. One (1) submission was received objecting to the development from SJB Planning on behalf of the adjoining property owner at 31A Pellisier Road.

The submission raised the following concerns:

- Concern is raised regarding view loss, and the existing Covenant to preserve views.
- Concern is raised that the proposal is not compliant with height, FSR, the foreshore building line (FBL) and the development being three storeys.
- Concern was also raised in respect of the height of the coping level of the pool being 4.3m above ground.

Amended plans were received and renotified on 7 July 2023.

On 2 August 2023 a second submission was received from SJB Planning on behalf of the adjoining property owner at 31A Pellisier Road. The issues raised included:

- Concerns raised the area of the land to calculate FSR is to exclude any part of the land on which the proposed development is prohibited, where under the Plan or by any other law. The site is burdened by Rights of Way which would exclude the erection of a dwelling house by the terms of those rights of way. Excluding areas where the development is not permitted, will reduce the site area to approximately 1,348m<sup>2</sup>. Based on this site area the FSR would be 0.52:1 and could not be approved without a Clause 4.6.
- Inappropriate building and landscape design - Non compliance with deep soil area <35% deep soil area
- Boundary setbacks are non-compliant.

The submissions do not raise any significant issue that would result in the development application being refused.

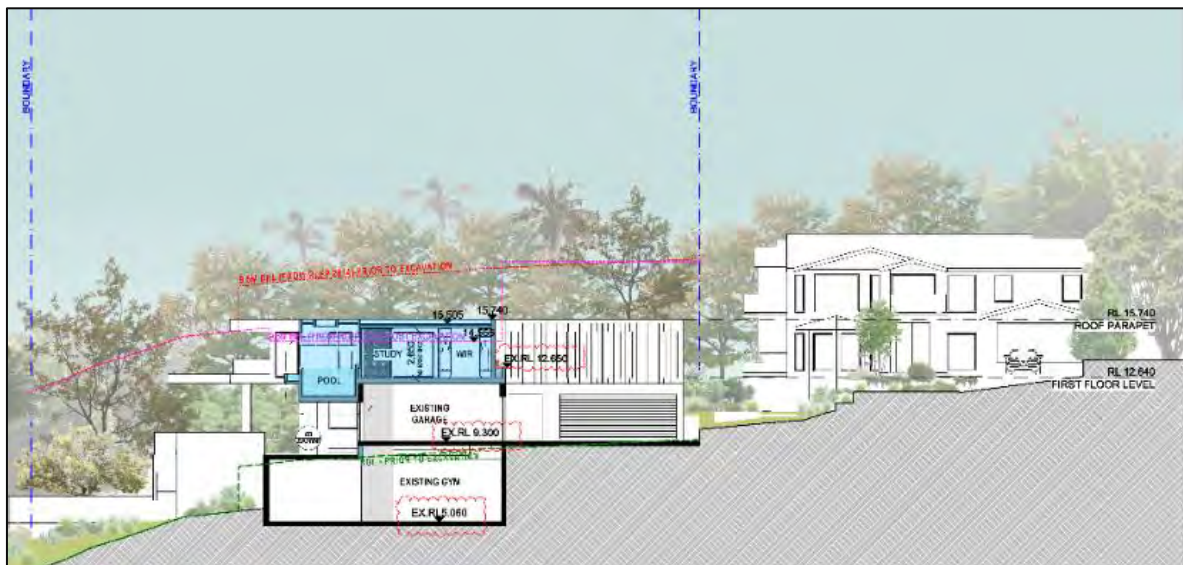
The development application is recommended for approval subject to conditions of consent.

## **2. The Site and Locality**

The site is legally described as Lot 2 DP 1004964 and is known as 31 Pellisier Road, Putney. The site is battle axe in shape with a frontage of 1.345 metres to Pellisier Road. The eastern side boundary is 97.95 (length of the battle-axe handle) metres & western side boundary is 37.82m. The rear boundary width is 35.19 metres. The site has an area of 1572m<sup>2</sup> (including the access handle).

The site is located on the low side of the street, to the west of the intersection with Stanley Street. The site falls from the front to the rear adjacent to corner Parramatta River.

The site presently accommodates a two storey dwelling. Vehicular access is located adjacent to the eastern side boundary to a double garage at the rear of the site. Other site works include paved areas, swimming pool, shed, gym, pathways, retaining walls and an additional double garage and a jetty with a Maritime Lease.



**Figure 1:** Proposed Section A is showing the existing basement Gym below the proposed first floor addition shown Blue. The green dashed line shows the extent of the ground level adjacent the basement.

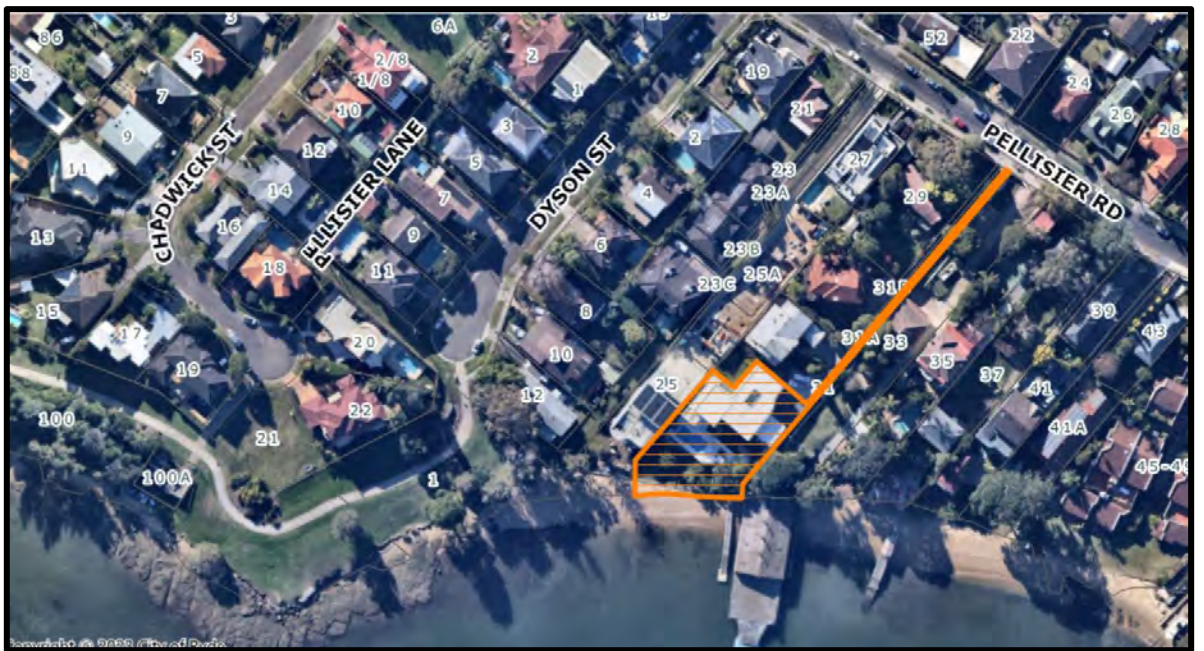
### Adjoining properties

The site is adjoined to the east by, No. 33 Pellisier Road which contains structures associated with Kings School. The site is adjoined to the west by No. 25 Pellisier Road which is a part three storey dwelling. To the north, at 31A and 1B Pellisier Road there are two storey dwellings that share the access handle from Pellisier Road



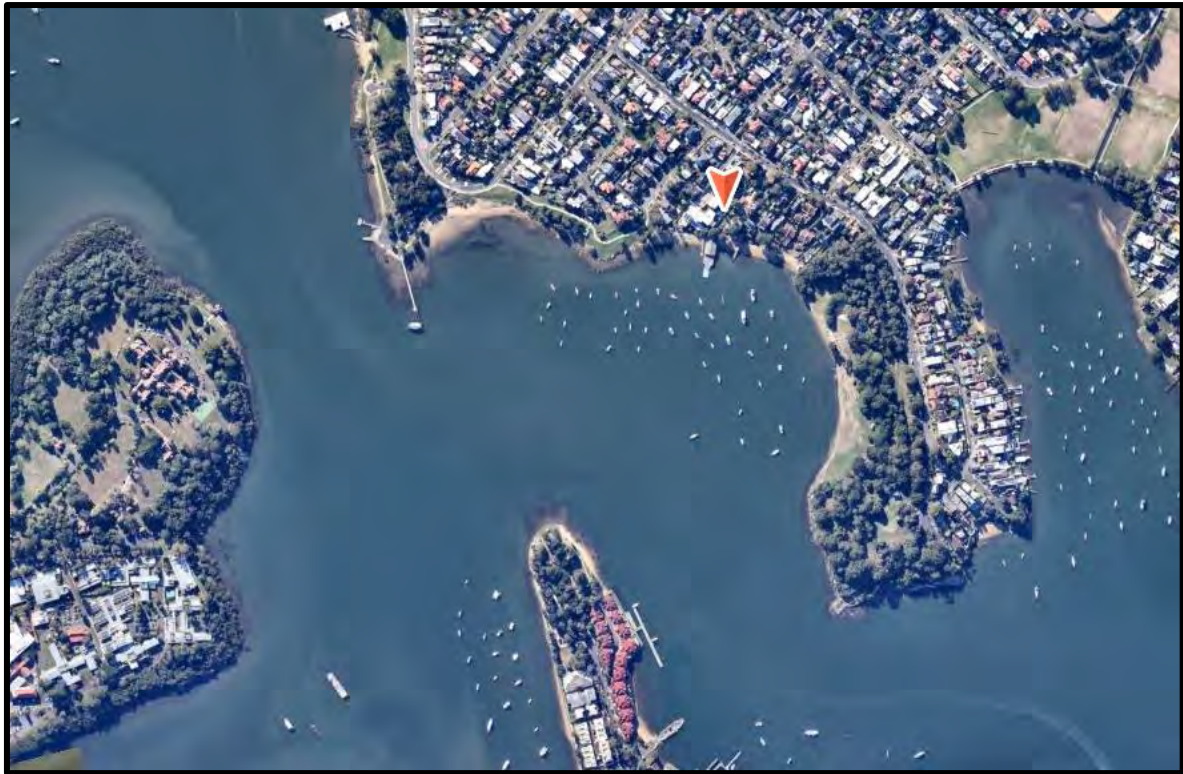


**Figure 2:** Aerial photograph of 31 Pellisier Road, Putney. Red Line Showing the foreshore building line.



**Figure 3:** Aerial photograph of 31 Pellisier Road, Putney.





**Figure 4:** Aerial photograph of 31 Pellisier Road, Putney and Parramatta River

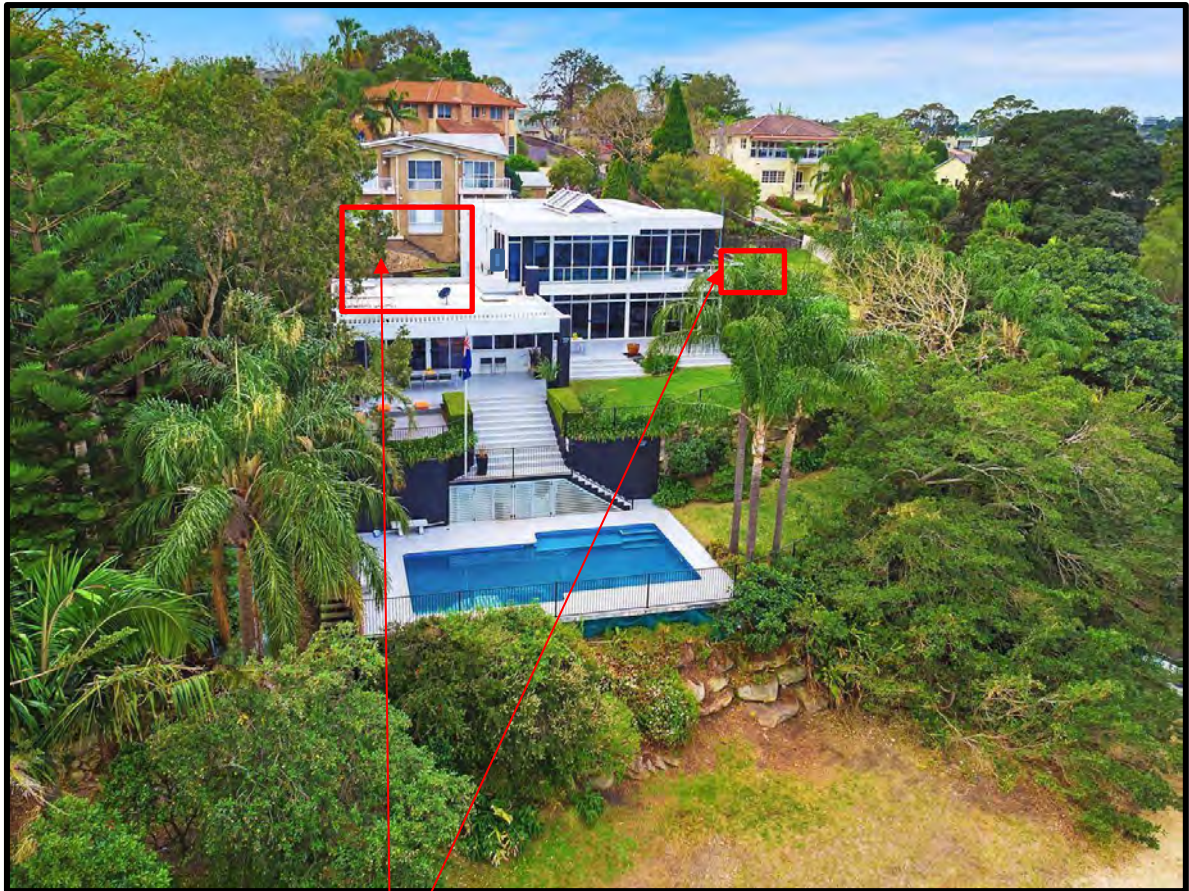


**Figure 5:** The site as viewed from Pellisier Road





**Figure 6:** View towards the end of the driveway to the garage of 31 Pellisier Road.



**Figure 7:** Rear elevation of the existing dwelling and the adjoining neighbour at 31A Pellisier Road in 2018 prior to alterations and additions which included a first floor on the left hand side and a garage on the ground floor on the right hand side.

The general topographical features of the site consist of a slope from the front boundary (RL 9.51) to the rear boundary (RL 2.54) by approximately 6.97 metres.

Development in the locality is primarily for residential and educational purposes. Residential development in the locality is characterised by relatively large, detached dwellings varying diversely in age, scale and architectural style whilst the educational facilities are smaller scaled buildings and a larger boat shed.

Existing surrounding developments to the west and east of the site are similar scale multi-levelled dwelling houses with Parramatta River adjoining the rear boundary.

### 3. The Proposal

The proposal seeks consent for a third floor above the existing two storey lower ground floor gym and garage creating part 3 storey dwelling. The proposed works include:

#### First floor

- A new suspended swimming pool
  - and pool pump located below on the ground level
- Study and a Sauna and a hydraulic glass lift



- A walk in wardrobe from the master bedroom

Figures 8 to 15 below are the floor plans and elevations of the proposed alterations and additions to the first floor.

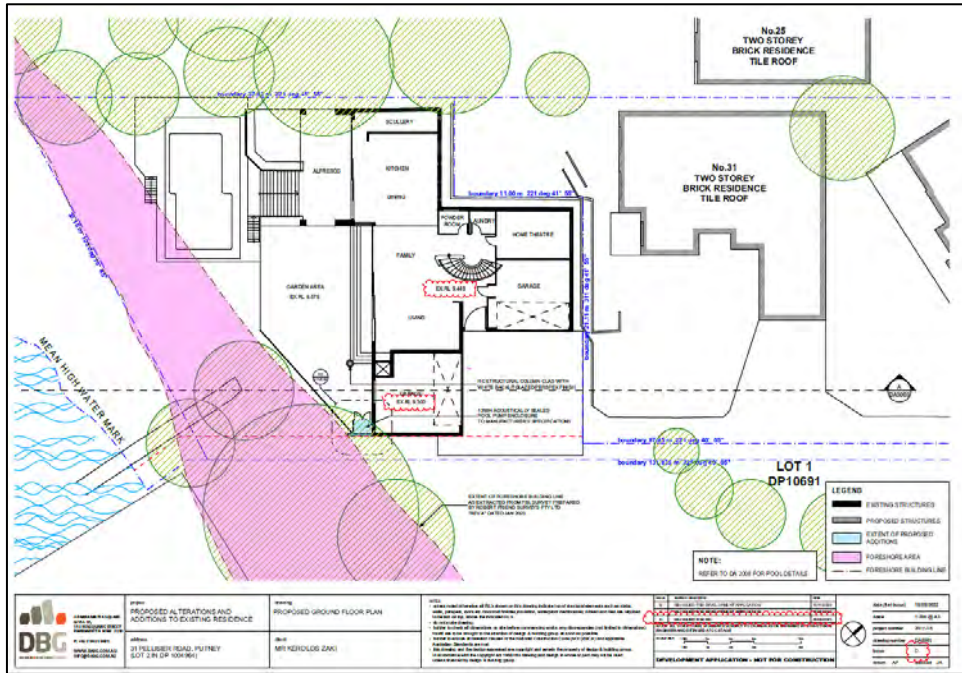


Figure 8: Proposed Ground Floor Plan

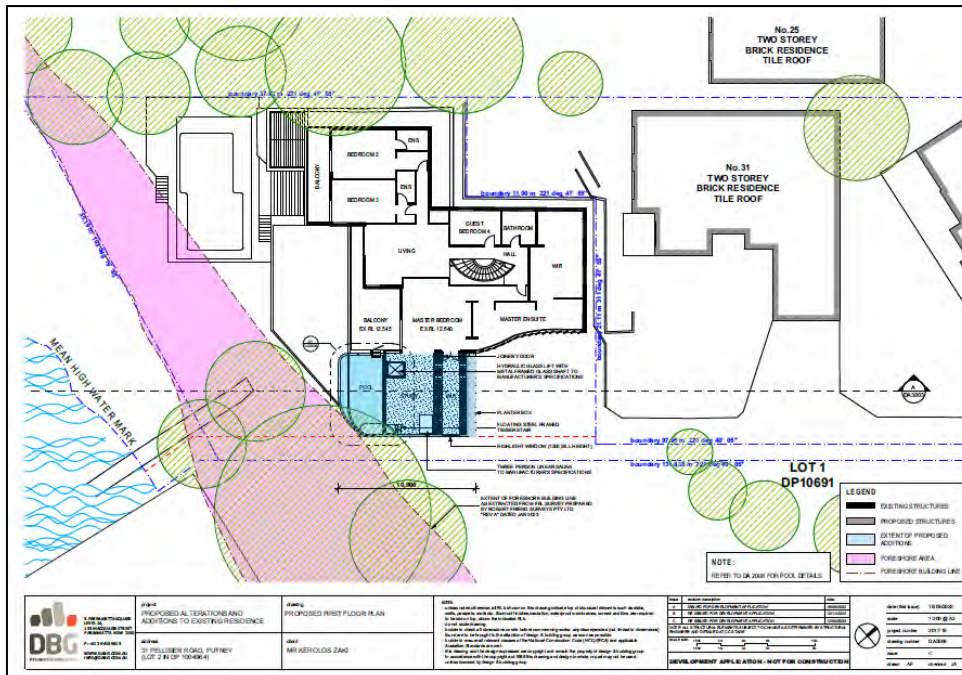


Figure 9: Proposed First Floor Plan



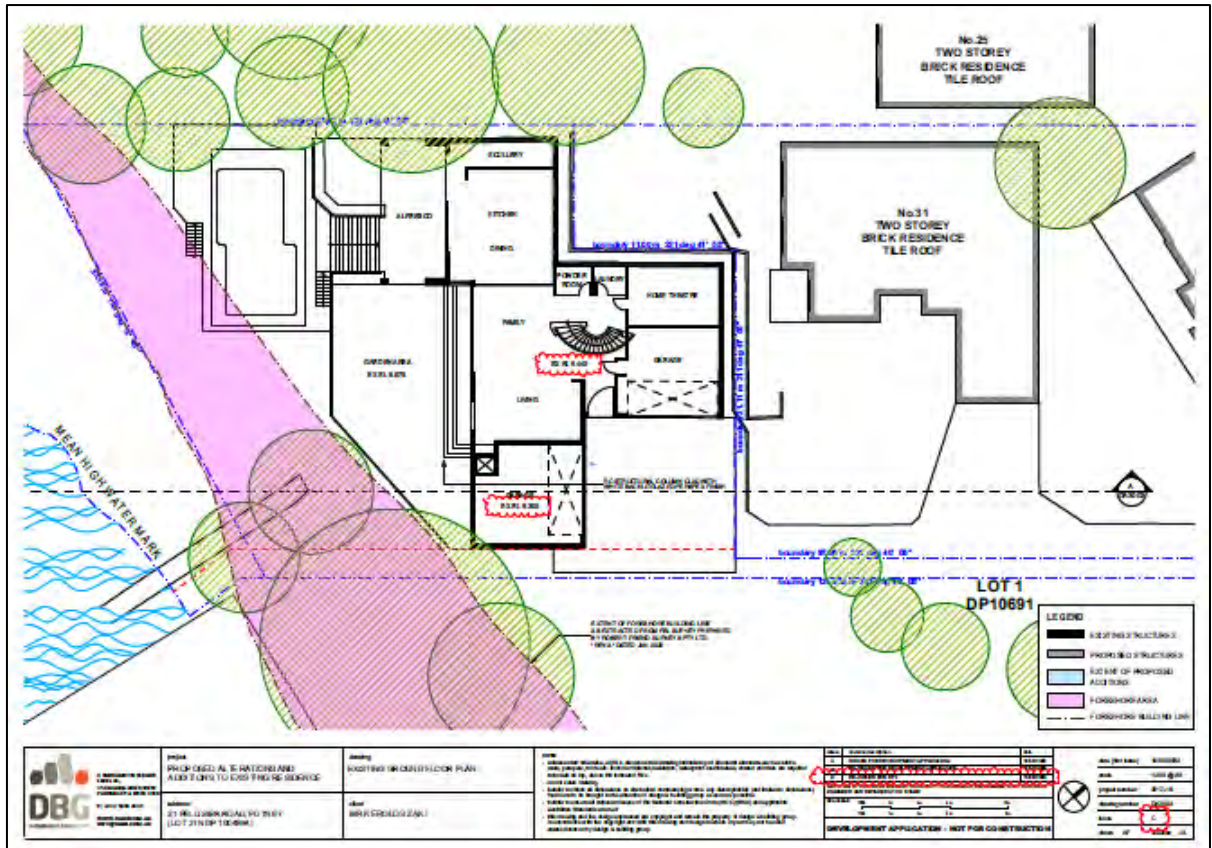


Figure 10: Existing Ground Floor Plan

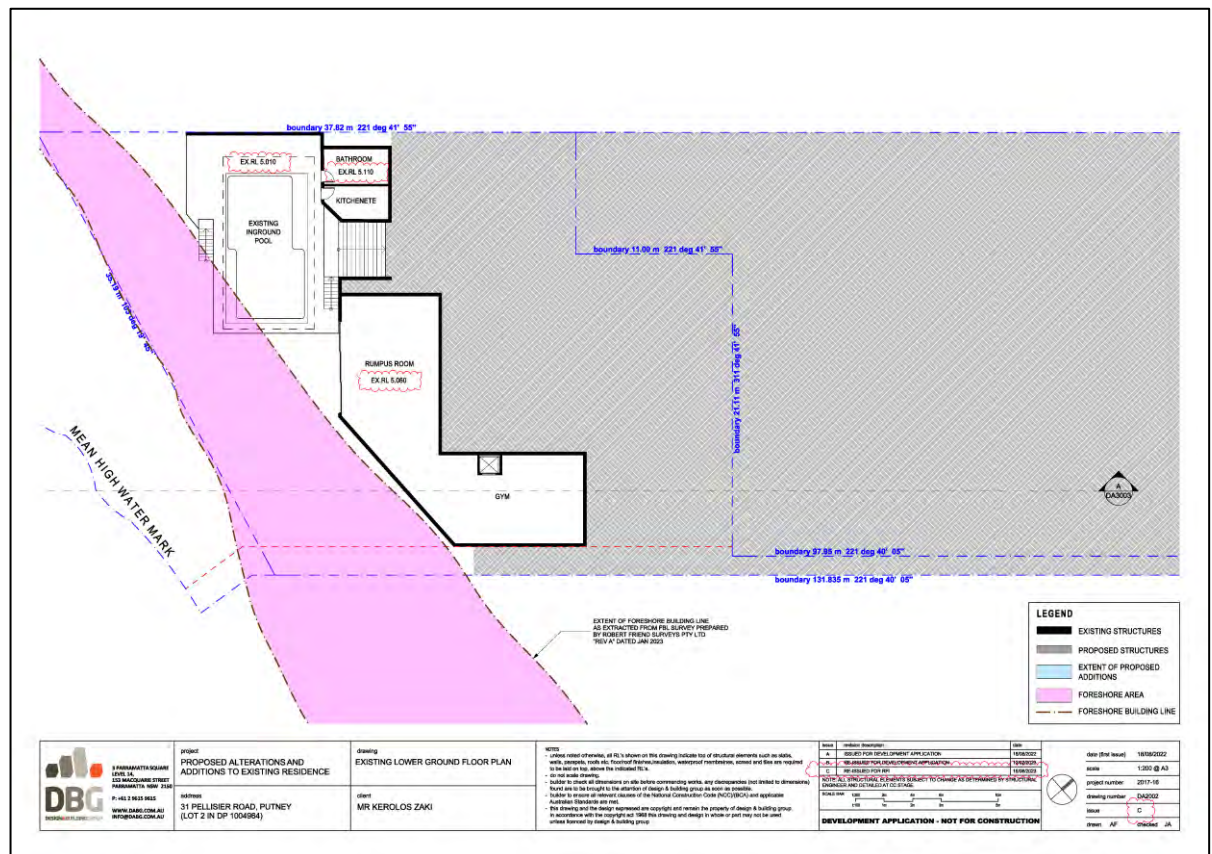


Figure 11: Existing Lower Ground Floor Plan



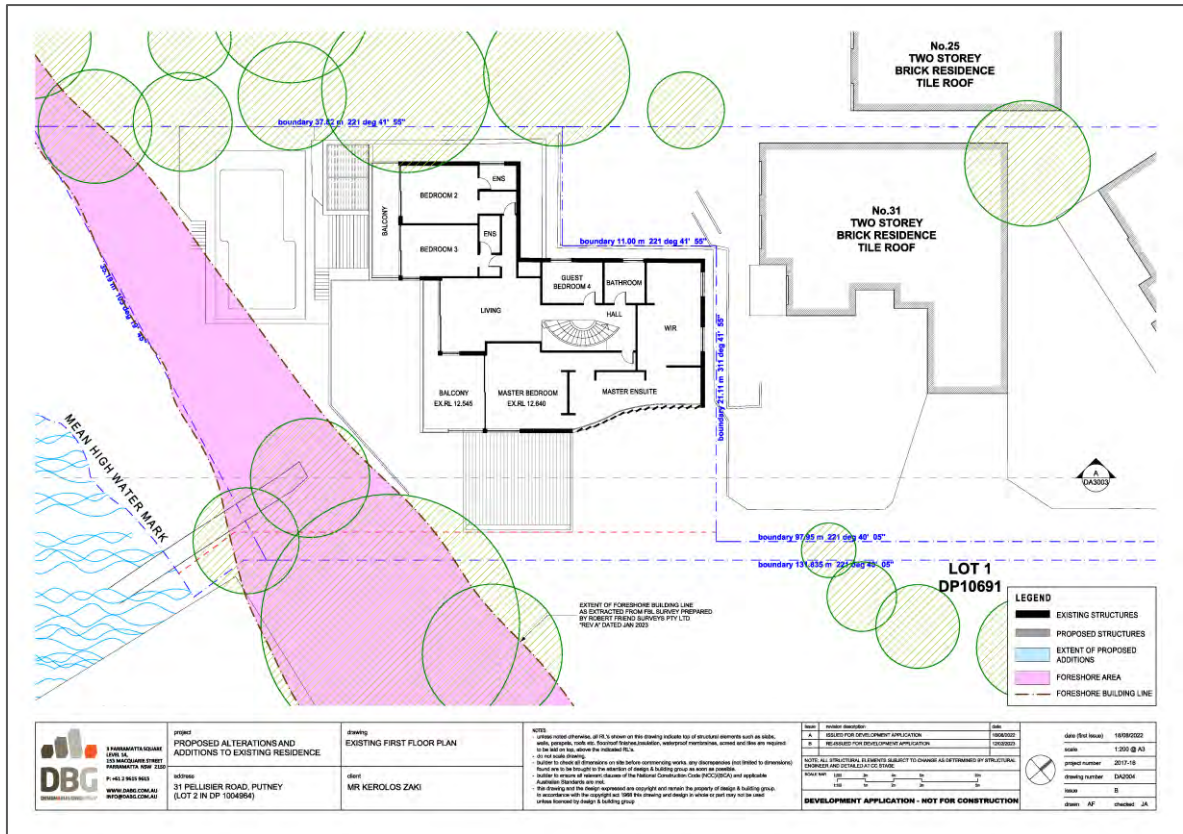


Figure 12: Existing First Floor Plan

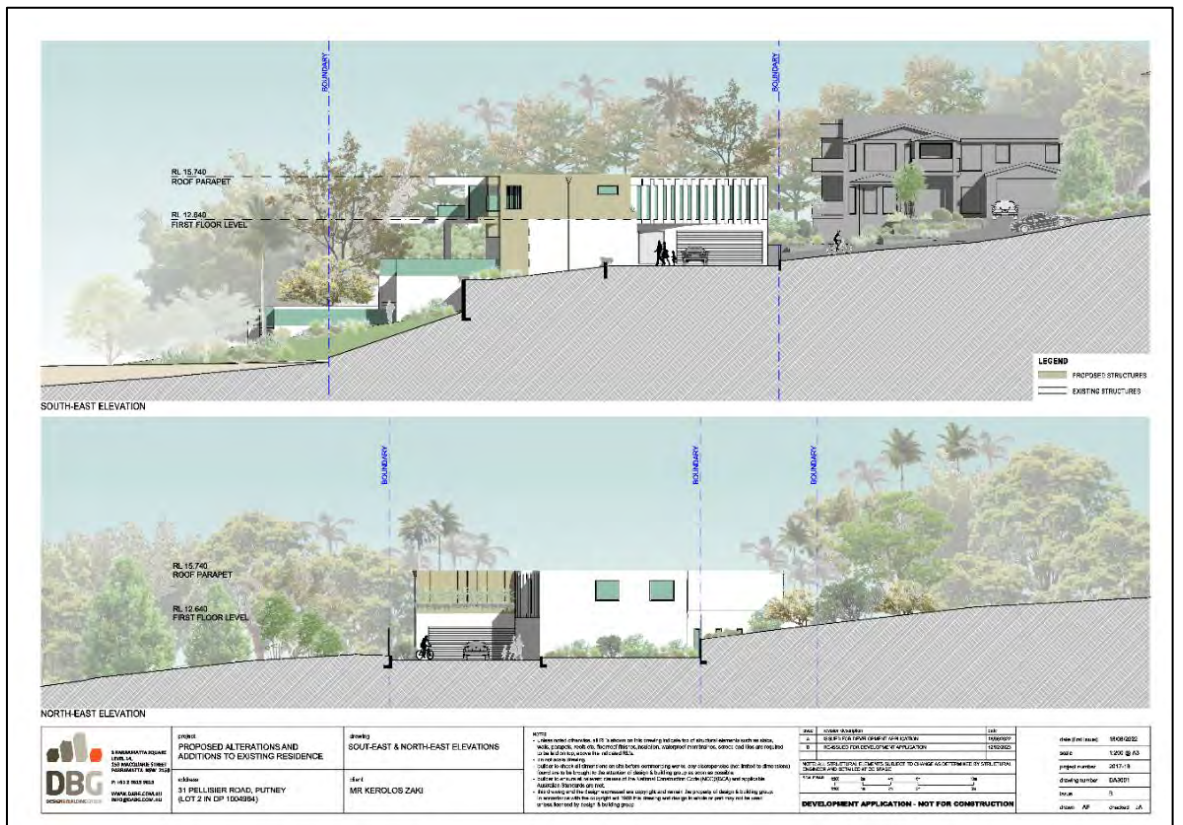


Figure 13: Proposed North East and South East Elevation Plan



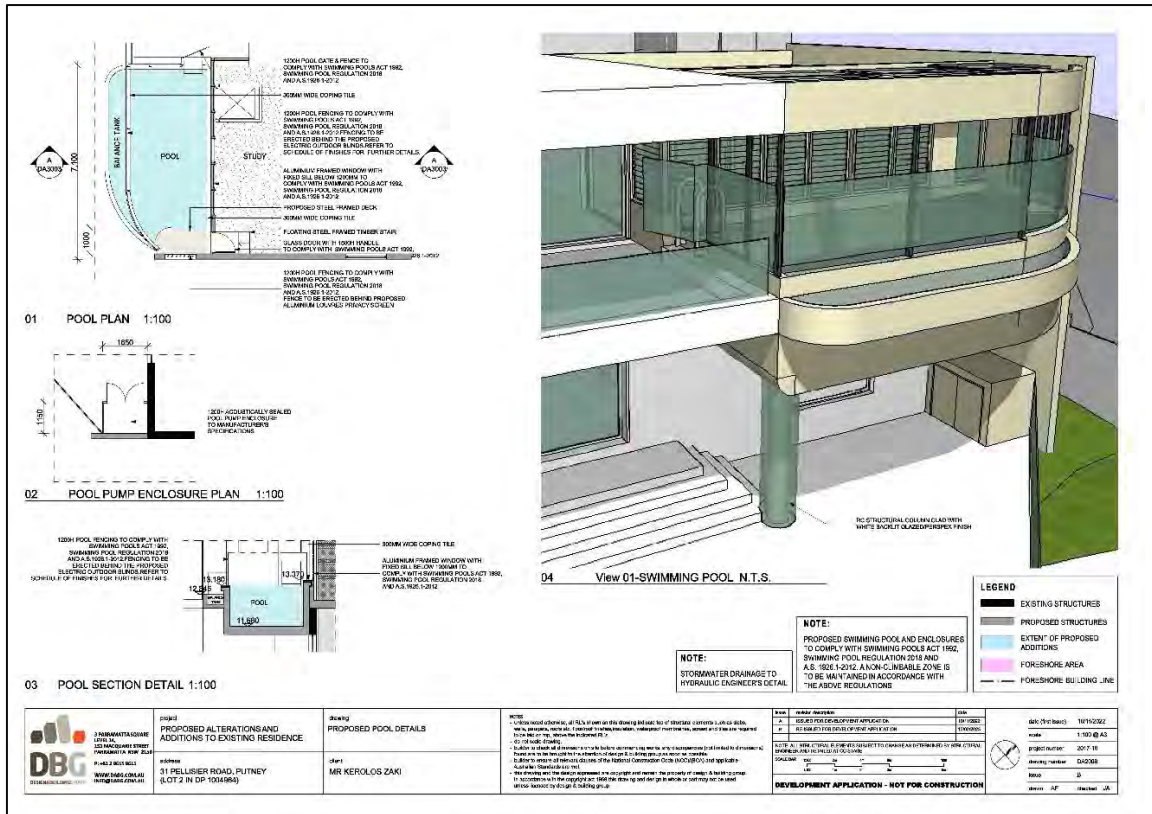


Figure 14: Proposed Swimming Pool

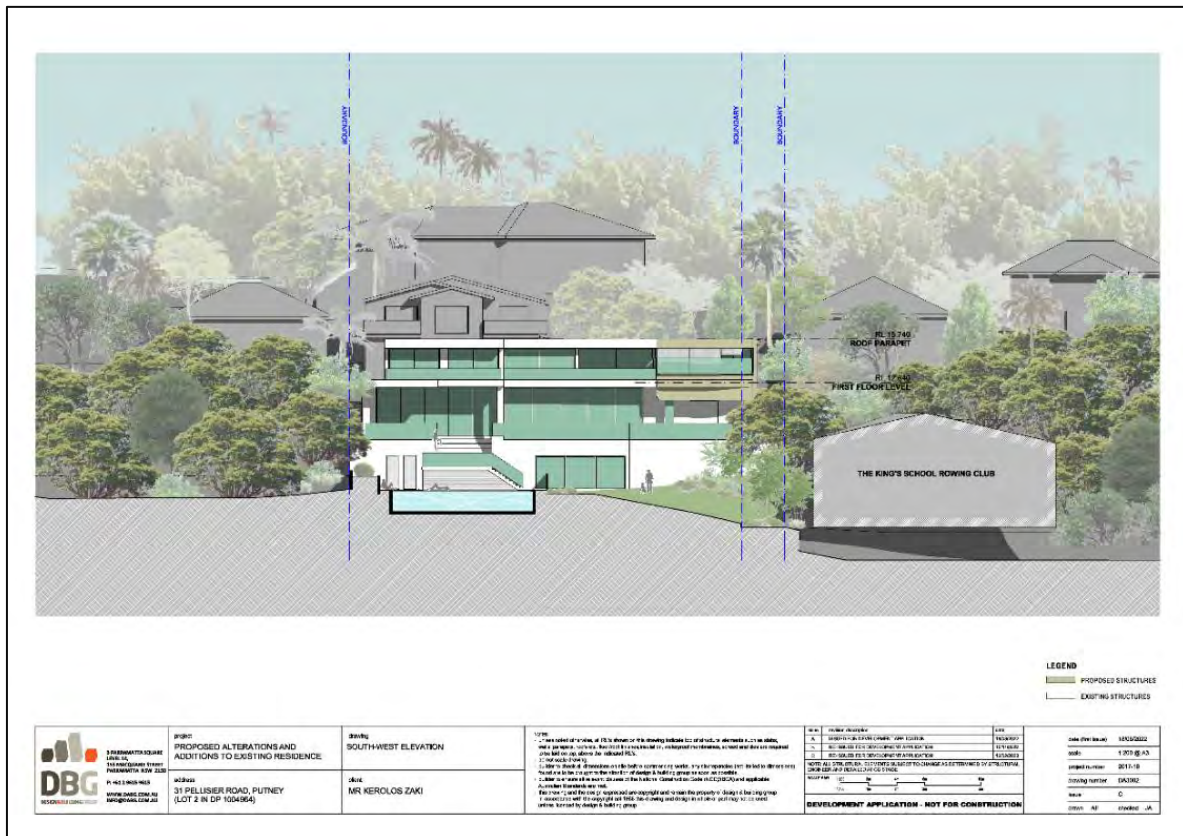


Figure 15: Proposed South West Elevation Plan



#### 4. Background

##### a) HISTORY OF THE SITE

###### **CDP2019/0081**

Alterations and additions to an existing two storey dwelling (Surrendered and reissued on CPD 2019/0197).

###### **CDP2019/0197**

Alterations and additions to existing dwelling. This application was approved on 9 April 2019 and included:

1. Alterations and additions to the existing dwelling including a new garage, conversion of the existing undercroft from a carport to a garage and home theatre, enclosure of the existing court yard to create laundry at ground level.
2. At lower ground floor, new bathroom and kitchenette adjacent to pool and new stairs landscaping. An Occupation Certificate has been issued for this CDC.

###### **LDA2019/0426**

Alteration and additions to dwelling including new lower ground floor, ancillary room adjacent to the pool, conversion of carport to garage, home theatre, new garage and extension of terrace on level 1.

The applicant lodged a deemed refusal appeal to the Land and Environment Court. Following the Section 34 Conciliation Conference, an agreement was reached between the parties. The Court granted consent to the LDA on 29 April 2020.

##### b) History of the Application

11 November 2022	Local Development Application LDA2020/0372 was lodged with Council.
28 November to 15 December 2022	The Application was notified to adjoining property owners. The neighbours requested an extension of time on 15 December 2022. Extension of time for submission granted and due 13 January 2023. One (1) submission was received.
17 January 2023	<p>A request for further information was sent to the Applicant, requesting the applicant to address the neighbour Concerns which were:</p> <ul style="list-style-type: none"> <li>- Amenity impacts - view Loss</li> <li>- Excessive bulk and scale</li> <li>- Building height part 3 storey and insufficient information provided regarding the height.</li> <li>- Gross floor area calculation insufficient information provided.</li> <li>- Clarification of the foreshore building line;</li> </ul>

	<p>- Swimming pool non-compliance with above 0.5m above ground level and screen planting.</p> <p>The FSR is over with LEP Clause 4.5 (4) as the site is burdened by Rights of Way. No clause 4.6 provided for Height. Argument the existing development on the site is at maximum.</p> <p>Updated elevation plans showing the existing ground levels and proposed ground levels.</p>
20 March 2023	A request for further information was sent to the applicant requesting clarification to the Survey levels and the clause 4.6.
6 July 2023	<p>The applicant submitted amended plans and further information involving the following:</p> <ul style="list-style-type: none"> <li>- A Clause 4.6 for the height variation.</li> <li>- Amended architectural plans including a section of the lower ground floor.</li> </ul>
7 July 2023	The application was re-notified to adjoining property owners. One submission was received. – Issues raised still that FSR may still be in breach with the LEP 2014.
14 August 2023	The applicant was requested to amend the Clause 4.6 to ensure the height requirement was based on the survey verifying the gym slab level.
6 September 2023	Amended information submitted in respect of the clause 4.6 for building height.


## 5. Planning Assessment

### 5.1 Environmental Planning and Assessment Act

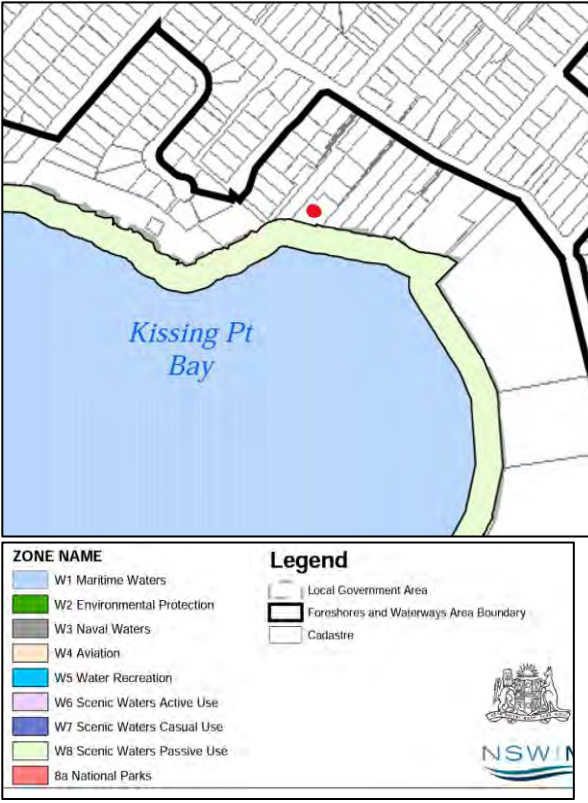
The following planning policies and controls are of relevance to the development:

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

### 5.2 State Environmental Planning Instruments

Instrument	Proposal	Compliance
<b>State Environmental Planning (Policy Resilience and Hazards) 2021</b>		
<b>Chapter 2 Coastal Management</b>		
<p>The aim of this Policy is to promote an integrated and coordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the <i>Coastal Management Act 2016</i> including the management objectives for coastal management areas.</p>	<p>The site is mapped as being within a coastal environment area and coastal use area on the Coastal Management Map as demonstrated in the following figure from the NSW Planning Portal</p>  <p>Consideration has been given to compliance with Clauses 2.12 and 2.13 which apply to the proposal. It is considered that the proposal will not cause an increased risk of coastal hazards on the land or other land. The proposed works do not encroach on the mean high water mark. There is no certified Coastal Management program applicable to the site.</p>	<p>Yes</p>
<b>Chapter 4 Remediation of land</b>		
<p>The object of this Chapter is to provide for a Statewide planning approach to the remediation of contaminated land.</p> <p>The aims are to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.</p>	<p>Pursuant to Clause 4.6(1) considerations, the subject site has been historically used for residential purposes. As such, it is unlikely to contain any contamination and further investigation is not warranted in this case.</p>	<p>Yes</p>
<b>State Environmental Planning Policy BASIX 2004</b>		



<p>ecological value of waters and foreshores,</p> <p>(b) to allow low-lying private water-dependent development close to shore only where it can be demonstrated that the preferences referred to in paragraph (a) are not damaged or impaired in any way, that any proposed structure conforms closely to the shore, that development maximises open and unobstructed waterways and maintains and enhances views to and from waters in this zone,</p> <p>(c) to restrict development for permanent boat storage and private landing facilities in unsuitable locations,</p> <p>(d) to allow water-dependent development only where it can be demonstrated that it meets a demonstrated demand and harmonises with the planned character of the locality,</p> <p>(e) to ensure that the scale and size of development are appropriate to the locality and protect and improve the natural assets and natural and cultural</p>	 <p>The proposal is consistent with the objectives of the W8 Scenic Waters Passive Use zone as the proposal does not impede public access and the proposed works result in an acceptable visual presentation to the waterway consistent with the scale of adjoining development.</p> <p>The proposal does not include any private water dependant development close to the shore or permanent boat storage or private landing.</p> <p>The proposed works are not located within the foreshore which is zoned W8. The development is not water dependant development.</p> <p>The scale and size of the alterations and additions will appear as two storey elements from the water way and is appropriate development</p>	
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<p>scenic quality of the surrounding area, particularly when viewed from waters in this zone or areas of public access.</p>		
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### 5.3 Ryde Local Environmental Plan 2014

The subject site is identified as being within the R2 Low Density Residential zone under the provisions of RLEP 2014. The proposal is for alterations and additions to existing dwelling including for a Part 2/Part 3 storey for a suspended swimming pool, sauna/spa and lift is permissible with development consent.

#### Aims and objectives for the low density residential zones:

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

The proposal is for alterations and additions to existing dwelling including a Part 3 storey for a suspended swimming pool, sauna/spa and lift is permissible with development consent. The dwelling house use is consistent with the objectives in providing a variety of housing types to meet the housing needs of the community within a low density residential environment. The second objective is not of relevance to the proposed development. The proposal satisfies the relevant objectives for residential developments.

#### Clause 4.3 Height of Buildings

The height of buildings map specifies the maximum height of any building on the site must not exceed 9.5m. Building height is defined in this instrument as meaning “the vertical distance between **ground level (existing)** at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like”.

The proposal has a height of 10.680 metres (Roof RL 15.740 – Existing ground level RL5.060.) and does not comply with the development standard. The established ground levels approved under the previous development application is maintained. The non-compliance occurs, as a result of the altered existing ground level from the natural form of the site. A review of Local Development Application No. LDA2022/0372, shows the existing dwelling contains excavation associated with the lower ground floor level. The height is calculated in relation to the altered existing ground level and results in the height non-compliance. The development results in a 12.4% departure from the standard. This is demonstrated in Figure 16.

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



**Figure 16:** Building Height non-compliance shown in pink. The area above 1.180m shows the section of the dwelling which is non-compliant with height as a direct result of the topography with the previous excavation shown in green for the basement area.

### Clause 4.6 Exceptions to development standards

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

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

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

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

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



- Is a development which complies with the development standard unreasonable or unnecessary in the circumstances of the case?

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

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

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

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

The applicant has submitted a written request to vary the height control. The applicant has advised that the written request has been set out in accordance with the relevant principles set out by the court, as follows:

An assessment of the relevant provisions of Clause 4.6 is as follows:

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



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

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

*The objectives of the height of buildings standard are set out in clause 4.3 as follows:*

- (a) to ensure that street frontages of development are in proportion with and in keeping with the character of nearby development,*
- (b) to minimise overshadowing and to ensure that development is generally compatible with or improves the appearance of the area,*
- (c) to encourage a consolidation pattern and sustainable integrated land use and transport development around key public transport infrastructure,*
- (d) to minimise the impact of development on the amenity of surrounding properties,*
- (e) to emphasise road frontages along road corridors.*

*To ensure that street frontages of development are in proportion with and in keeping with the character of nearby development:*

*In relation to objective (a) the non-compliance to the upper level bedroom area located at the rear of the building has no bearing with the proportionality and character of nearby development and particularly so given it is largely a technical breach owing to the prior excavation of this part of the site- and hence the area of non-compliance has no bearing on the consistency of the proposal with objective a) given that when considered against the actual ground levels around the building the new structure is well below the contemplated height limit- this is clearly seen at Figure 21 where the green line shows natural ground prior to the excavation and deviates from the natural ground levels of the site*

*Assessment Officer's Comments:* The existing ground level has been altered from the natural form of the site. The dwelling is not visible from Pelliser Road. The Battle axe handle is 97.95m to the front of 31 Pellisier Road. The first floor alterations and additions are setback 11.7 metres from the frontage where the battle axe handle ends will not visible in the streetscape. The dwelling will appear the same as the same height as is existing form the Parramatta River..

*In relation to objective (b) the overshadowing impacts from this area of non-compliance are limited to areas of the subject site and part of the rear of the adjoining property to the south-east which enjoys good solar access to living areas and open space areas. The development as proposes is compatible with the desired future character of the area having regard to the planning controls and the observed from of development being 2 storeys. The development does improve the appearance of the area (structure on top of garage) and the area of the height breach does not detract from the achievement of objective (b).*

**Assessment Officer's Comments:** The additional overshadowing from the proposal has the potential to impact the adjoining neighbour, No. 33 Pellisier Road. The submitted shadow diagrams show the neighbouring dwelling's private open space area receives adequate solar access from 9am to midday. The north-west and north-east side walls have no additional overshadowing by the proposed first floor addition. The proposal is compliant for daylight and sunlight controls. No. 35 Pellisier Road has a small portion at the very rear of site along the foreshore that is affected by shadow at 3pm and is compliant with Council's control. The proposed development maintains appropriate sunlight access to neighbouring dwellings and neighbouring private open space.

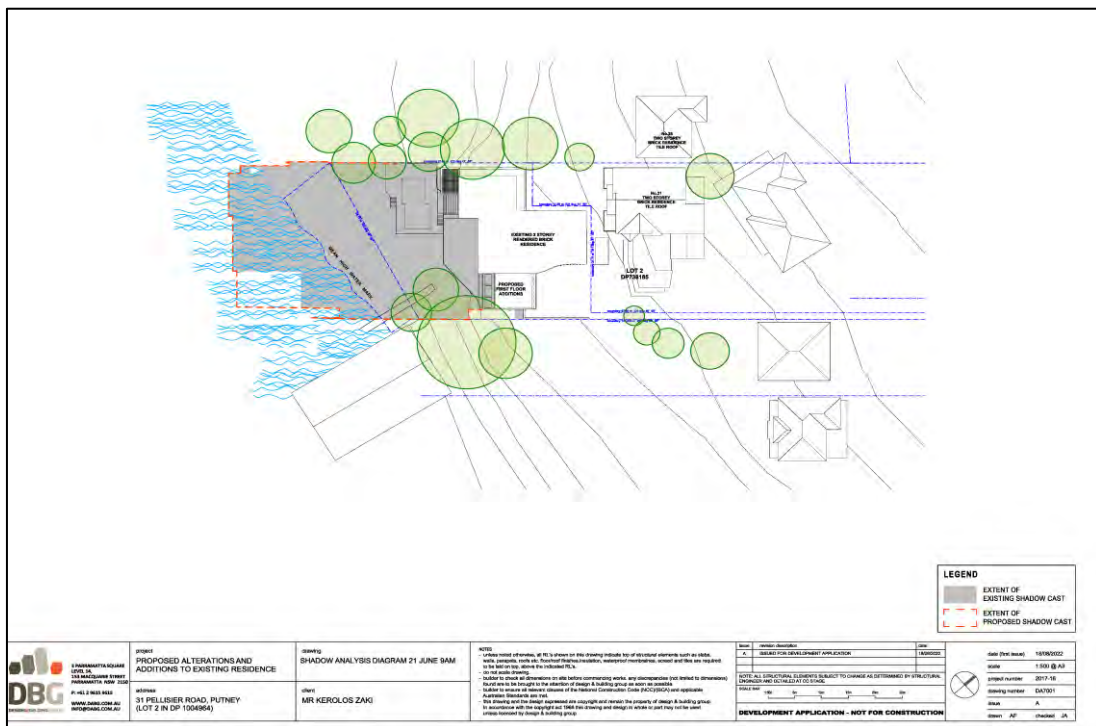


Figure 17: Shadow at 9am



Assessment Officer's Comments: It is agreed this objective is not relevant to the proposal. The site is not located in the vicinity of key public transport infrastructure and the land use is consistent with that of the low density area.

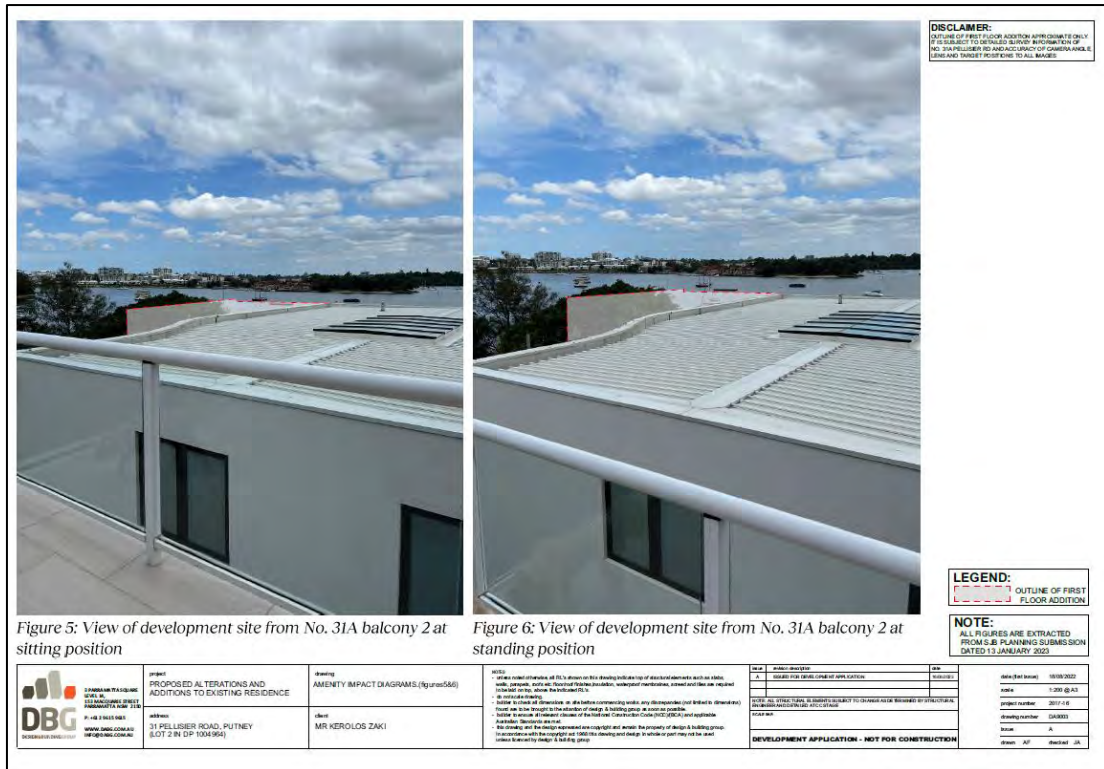
*In relation to objective (d) due to the minor nature of the variation, it will not have any adverse amenity impacts. In this regard it is noted:*

- *The area of departure and will have no adverse impact on the physical bulk, height or scale of the development given the location of the breach and the nature of it relating to an anomaly on the calculation of ground level existing (noting relative to the ground levels in proximity to the building the height is well below the 9.5m). So whilst the area of the breach increases the extent of built form when considered properly in relation to the 'real' ground levels the proposed works are well below the 9.5m height limit.*
- *The variation will not lead to a reduction in solar penetration on site or to adjoining properties nor will it lead to sunlight loss or overshadowing.*
- *The proposed variation will not lead to unacceptable view loss or interrupt views to and from the site noting the modelling prepared shows that there is a small loss of views to an existing tree canopy and a portion of the water line. Critically the breach is purely because of the way in which ground level existing is taken- and if taken relative to the 'real' ground levels of the site pre-development the new built form is 3m below the maximum height limit which does minimise the impact of the development in terms of view loss.*
- *The proposed variation will not lead to a reduction in privacy of neighbouring properties.*
- *The proposed variation will not lead to unacceptable view loss or interrupt views to and from the site noting the modelling prepared shows that there is a small loss of views to an existing tree canopy and a portion of the water line. Critically the breach is purely because of the way in which ground level existing is taken- and if taken relative to the 'real' ground levels of the site pre development the new built form is 3m below the maximum height limit which does minimise the impact of the development in terms of view loss.*
- *The proposed variation will not lead to a reduction in privacy of neighbouring properties.*

Assessment Officer's Comments: The immediate surrounding properties include No. 31A Pellisier Road which is a two storey dwelling. No. 33 & 35 Pellisier Road is owned by The Kings School and has a large Boatshed. Development in the locality is primarily for residential and educational purposes. Residential development in the locality is characterised by relatively large single detached dwellings of diverse architectural styles whilst the educational facilities are smaller scaled buildings on larger lots. The proposal results in a built form and envelope that is consistent with residential development in the streetscape and is appropriate in the local context. The view loss analysis has been done for the adjoining neighbour at 31A Pellisier Road. The proposal will result in a minor reduction of the existing foreshore view as demonstrated below.







**Figure 22:** View loss assessment 5 & 6. The existing Tree canopy at 33 Pellisier Road shaded in grey partially obscured. The white area adjacent the water is the portion of the water view loss.

In considering the impact on views, consideration has been given to the court case *Tenacity Consulting v Warringah [2004] NSWLEC 140*

The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg off 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.

View 3 below shows the water view, the interface with the land in foreground and land interface across the river, including Breakfast Point. All views are taken across the side and rear, a view loss is the tree canopy at 33 Pellisier Road. A small portion of the water view in Parramatta river has been reduced however the interface with the foreshore on the other side of Parramatta River is still retained for View 1, 2, 3 4, 5, 6 as demonstrated in figures 20,21 and 22.





**Figure 23:** View 3 view loss assessment. The existing Tree canopy at 33 Pellisier Road shaded in grey and is the tree canopy. The white area adjacent the water is the portion of the water view loss.

**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.

View 3 is taken from the balcony in a sitting position across the side adjacent to 33 Pellisier Road and towards the front of 31 Pellisier Road.

**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.

The impact in the view loss from all 6 views is considered as minor loss of the water view of Parramatta river.

**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. The proposed impact is considered minor with view loss. With a complying proposal, the question should be asked whether a more skilful 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.

The development contravenes Clause 4.3 of Ryde Local Environmental Plan 2014 (RLEP 2014) which establishes the maximum height of development being 9.5 metres. The proposal results in a height of 10.680 metres, representing a departure of 1.18m =12.4% The loss of view is considered to be minor for this reason, the breach is considered to be reasonable

For the reasons stated above the development will not have any adverse impacts to the amenity of the area.

***Whether there are sufficient environmental planning ground to justify the variations.***

The applicant has provided the following points to demonstrate that there are suitable environmental planning grounds to justify the breach of the height control:

- *The area of non-compliance can be attributed to the [prior excavation of the site within the footprint of the existing building, which distorts the height of buildings development standard plane when compared to the topography of the land. In accordance with the Court's findings in Merman Investments Pty Ltd v Woollahra Municipal Council [2021] NSWLEC 1582 [at 74], this can be properly considered as an environmental planning ground within the meaning of Cl 4.6.*
- *The nature of the encroachment, when considered properly against the 'real' ground level of the site, is negligible and as such will not generate unacceptable adverse impacts to surrounding properties or as viewed from the public domain.*
- *The natural topography of the land is such that when using extrapolated levels on what the 'natural' ground level would be then this area would be much higher than the current basement – and hence when using extrapolated levels the proposal would be fully below the 9.5m height limit. Hence when comparing to surrounding properties the development still sits at a height that is contemplated by the 9.5m height limit – and this height is much lower than the adjoining development that is a full storey above the 9.5m height limit so contextually this means that the height sits comfortably across the site and amenity impacts are minimised.*



- *The variation to the height control does not result in unacceptable overshadowing and privacy impacts to the adjoining residential properties.*
- *The variation to the building height control does not lead to unacceptable view loss noting the adjoining property maintains views towards Breakfast Point and the Parramatta River and the view lost a very minor element of a tree canopy and the water line. This is demonstrated on Drawings DA9001-DA9005. Again when considered relative to the real ground levels on the site the addition is well below the maximum height limit and does limit the impact of the height.*

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

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

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

As detailed in the discussion of whether compliance with the standard is unreasonable or unnecessary, the development is consistent with the objectives of the standard and this has been demonstrated in the submitted variation request. Council is satisfied that the development is consistent with the objectives of the development standard Clause 4.3(1).

The development must also be consistent with the objectives of the zone. In the case of R2 Low Density Residential in RLEP 2014, the objectives of the zone are:

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

The proposal is for alterations and additions to existing part 2/part 3 storey dwelling. The dwelling house use is consistent with the objectives in providing a variety of housing types to meet the housing needs of the community within a low density residential environment. The second objective is not of relevance to the proposed development. The proposal satisfies the relevant objectives for residential developments.

Council is satisfied that the development is consistent with the objectives of the *R2 Low Density Residential* zone.

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

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

Circular PS 08-003 issued on 9 May 2008 informed Council that it may assume the Director-General's concurrence for exceptions to development standards.

**Conclusion**

The applicant has adequately addressed why compliance with the development standard is unreasonable or unnecessary under Clause 4.6(3)(a) of RLEP 2014. It is considered that the non-compliance with the building height can be supported in the circumstance of the case, as there are sufficient environmental planning grounds for contravening the development standard. The proposal is for alterations and additions to an existing dwelling where the established ground levels approved under previous development applications are maintained. The non-compliance occurs as a result of the previous altered existing ground level from the natural form of the site. A review of the most recent approved development application on the site shows the existing dwelling contains excavation associated with the lower ground floor level. The height is calculated in relation to the altered existing ground level and results in the height non-compliance. The variation is limited to a small part of the dwelling. The proposal is consistent with the objectives of the development standard and the R2 Low Density Residential zone.

Accordingly, development consent may be granted to the proposal, despite the contravention of the height of buildings development standard.

- **Clause 4.4 FSR**

Clause 4.4 of the LEP specifies that the floor space ratio for the site is 0.5:1. Clause 4.5 of LEP 2014 provides further details as to how the floor space ratio is calculated. The objectives of the clause are to define floor space ratio as well as setting out the rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to-

- (1) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and
- (2) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building and require community land and public places to be dealt with separately.

The site contains an access handle as well as drainage easement which would result in part of the site not being capable of significant development in respect to the objective of the clause. However, the objective is not an operative provision. As a matter of statutory construction, an objective has no independent operation and does not control development. It is only the operative parts of cl 4.5 that determine whether certain land is excluded. In particular, sub-clauses (4), (6) and (9) are the operative parts of the clause that give effect to the three objectives in cl 4.5(1). It is only if the site is affected by any of those provisions that land has to be excluded from the site area calculation. Sub clauses (4), (6) and (9) states the following:

- (4) *Exclusions from site area. The following land must be excluded from the site area –*
- (a) *Land on which the proposed development is prohibited, whether under this Plan or any other law;*
  - (b) *Community land or a public place (except as provided by subclause (7)).*
- (6) *Only significant development to be included. The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.*
- (9) *Covenants to prevent ‘double dipping’. When development consent is granted to development on a site comprising 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.*

Based on the above provisions, the area of the site that is affected by the right of way and the drainage easement is counted as part of the site area. This conclusion is also supported by two decisions of the Land and Environment Court where it has been argued that an access handle should be excluded from the calculation of "site area" under cl 4.5.

In *Parker Logan Pty Limited v Woollahra Municipal Council* [2015] NSWLEC 1458, O'Neill C held that the whole of the site area, including its access handle should be included in the calculation of site area for the purposes of FSR.

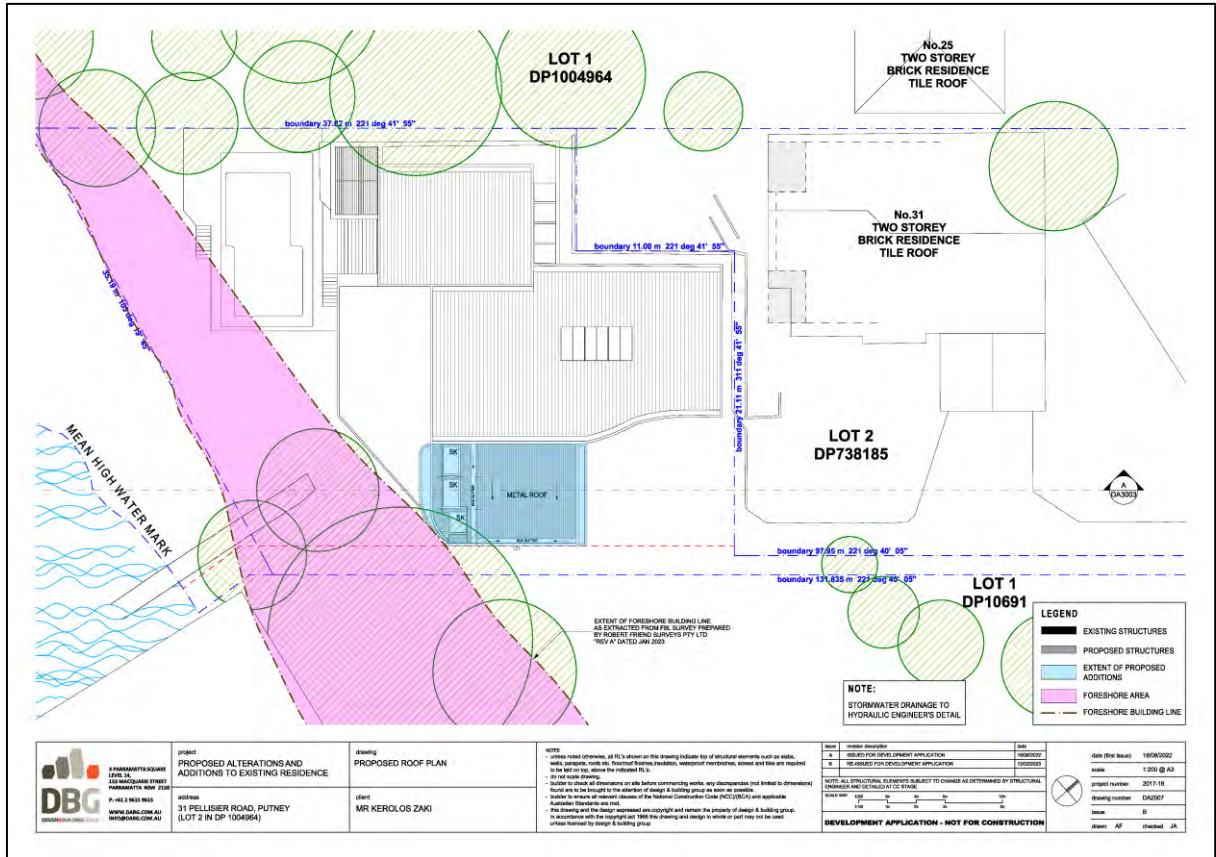
Similarly, in *Redson Group Pty Ltd t/as Progenia v Wollongong City Council* [2018] NSWLEC 1627, Chilcott C held that the area of a right of carriageway should not be excluded from the calculation of site area under cl 4.5. At [37], the Commissioner held that a s 888 restriction was not to be equated with a prohibition on development. This stands to reason. For example, a form of development could be carried out which involved the construction of a building above an archway that permitted vehicles using a right of carriageway to pass under it. Such a development would be perfectly permissible, while also consistent *with the use of the right of carriageway*.

Accordingly, Council has calculated the site area of the lot being 1572m<sup>2</sup> (including the access handle with right of carriage way and drainage easement). The FRS of the development is 0.46:1, which complies with the LEP requirement.

- **Clause 6.5 Limited development on foreshore area**

The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.

The site is subject to the foreshore building line which is shown in **Figure:24** below.



**Figure 24 – Proposal in relation to foreshore building line (red dashed line represents the foreshore building line).**

Clause 6.5(2) states the following:

- (2) *Development consent must not be granted for development on land in the foreshore area except for the following purposes—*
- (a) *the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,*
  - (b) *the erection of a building in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,*
  - (c) *boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).*

The proposed infinity pool at the rear of the additions does not encroach in the foreshore building line.

Other relevant Clauses of RLEP 2014

6.1 Acid Sulfate Soils		
(1) The objective of this clause is to ensure that development	The subject site is mapped as Class 5 Acid Sulfate soil. The extent of works is such that it is not considered to come into contact with or affect	Yes

<p>does not disturb, expose or drain acid sulfate soils and cause environmental damage.</p>	<p>the profile of any area containing actual acid sulphate soils.</p>	
<p><b>6.2 Earthworks</b></p>		
<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>Excavation is proposed for the support pier of the pool. Standard Engineering conditions subject to Engineers details.</p> <p>The proposal is not considered to result in any adverse detrimental impacts upon environmental functions and processed or neighbouring uses.</p> <p>The proposal 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>
<p><b>6.4 Stormwater Management</b></p>		
<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 development permits a direct discharge to Parramatta River via an existing discharge outlet. The proposal has been considered satisfactory by Council's Senior Development Engineer subject to 13 conditions of consent (see <b>Conditions 15, 16, 17, 18, 25, 26, 27, 28, 35, 49, 50, 51</b> and <b>54</b>). The proposal is consistent with the provisions of Clause 6.4(3). The proposal is consistent with objectives of Clause 6.4(1).</p>	<p>Yes</p>

#### 5.4 Draft Environmental Planning Instruments

Nil

#### 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; and
- Part 8.2: Stormwater & Floodplain Management.

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

### **Part 3.3: Dwelling Houses and Dual Occupancy (Attached)**

#### Section 2.1 – Desired Future Character

The objective of Section 2.1 is to ensure that development is consistent with the desired future character of the low density residential areas. Control 2.1(a) requires consistency with the desired future character and Part 2.1 details the fourteen means of achieving consistency with the desired future character.

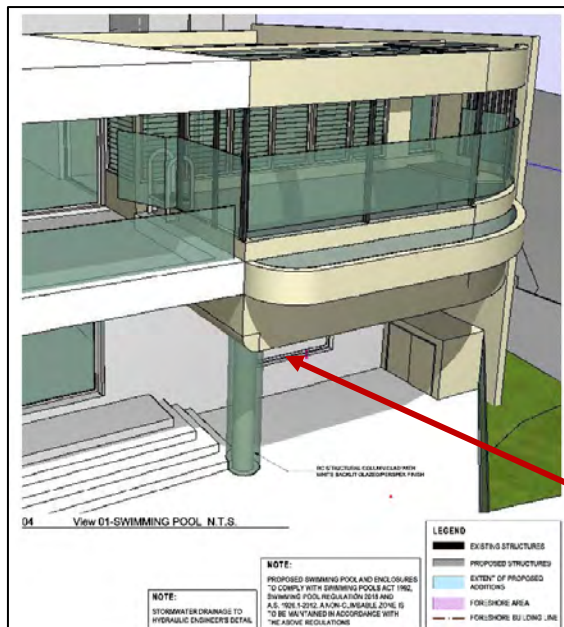
The proposal results in a part 2/part 3 storey building. The third storey component is limited to the rear of the dwelling and is not visible from Pellisier Road. The proposal is considered acceptable given the dwelling appears as a two storey development when viewed from the front and is not visible from the street streetscape and a consistent scale with adjoining development from the water. It is noted the existing dwelling is a 2 storey dwelling with the proposed third storey component limited to the rear of the dwelling as basement and is not visible from the street due to the distance from the street and the sloping topography towards the Parramatta River.

There is small amount of excavation for the pier to support the proposed pillar of the suspended pool, subject to Engineer details. No other additional excavation is required This is not visible from the street or water.

#### *2.2.2 Alterations and Additions to Dwelling Houses*

Control 2.2.2(c) requires that alterations and additions are to meet the controls for dwelling houses set out in section *2.2.1 New Dwelling Houses*. The proposed alterations and additions result in the dwelling being part two/ part three storeys in height, which is inconsistent with Control 2.2.1(b) that states that residential dwellings are to be a maximum of two storeys in height. The proposed three storeys is considered acceptable as discussed above under Section 2.1 – Desired Future Character.





**Figure 25:** Existing Basement Gym is below the ground in this area. When viewed from the rear. The retaining wall is under ground and the external area in the side setback is RL8.270 level.

## 2.8 Height

Control 2.8.1(a) requires that buildings are to be a maximum of 9.5 metres in height.

The issue of the maximum height has already been discussed in detail earlier in the report and is considered acceptable.

## 2.12 Swimming Pools and spas

Control 2.12 requires the finished coping level not to be greater than 500mm above adjacent ground level.

The height of the coping is 4.8m above ground.

The objective of the control is to minimise the impact of swimming pools and spas on neighbours. The elevated swimming pool will maintain privacy for neighbours and occupants. and is considered satisfactory.



**Figure 26:** 3D Aerial view from the South-East

## **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**

## **5.8 Any matters prescribed by the regulation**

## **6. The likely impacts of the development**

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

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

The site is mapped as containing Class 5 acid sulfate soils, being land within 500m of actual acid sulfate soils. The extent of works is such that it is not considered to come into contact with or affect the profile of any area containing actual acid sulphate soils.

Council's maps indicate the site as being at risk of slope instability. There is no excavation proposed with the alterations and additions. And the proposal is considered satisfactory.

The proposal exceeds the height development standard. The submitted Clause 4.6 variation to Clause 4.3 and has met the jurisdiction prerequisites to enable the consent



authority to support the proposed departure from the development standard. The proposal is an appropriate development and this has been demonstrated in this report. The proposal is considered to be suitable for the site.

## **8. The Public Interest**

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

The proposal has been assessed against the relevant planning instruments and is considered to be acceptable. The proposal is non-compliant with Clause 4.3 Height of buildings but has been supported by a satisfactory Clause 4.6 variation request.

The proposal does not result in any unacceptable 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 DCP 2014 Part 2: Community Participation Plan and Procedure, the owners of surrounding properties were given notice of the application between 24 November 2022 and 13 January 2023. One (1) submission were received objecting to the development from the adjoining property at No.31A Pellisier Road.

The amended plans received on 6 July 202 were renotified between 7 July 2023 and the 2 August 2023. One (1) submission was received objecting to the development from the adjoining property at No.31A Pellisier Road.

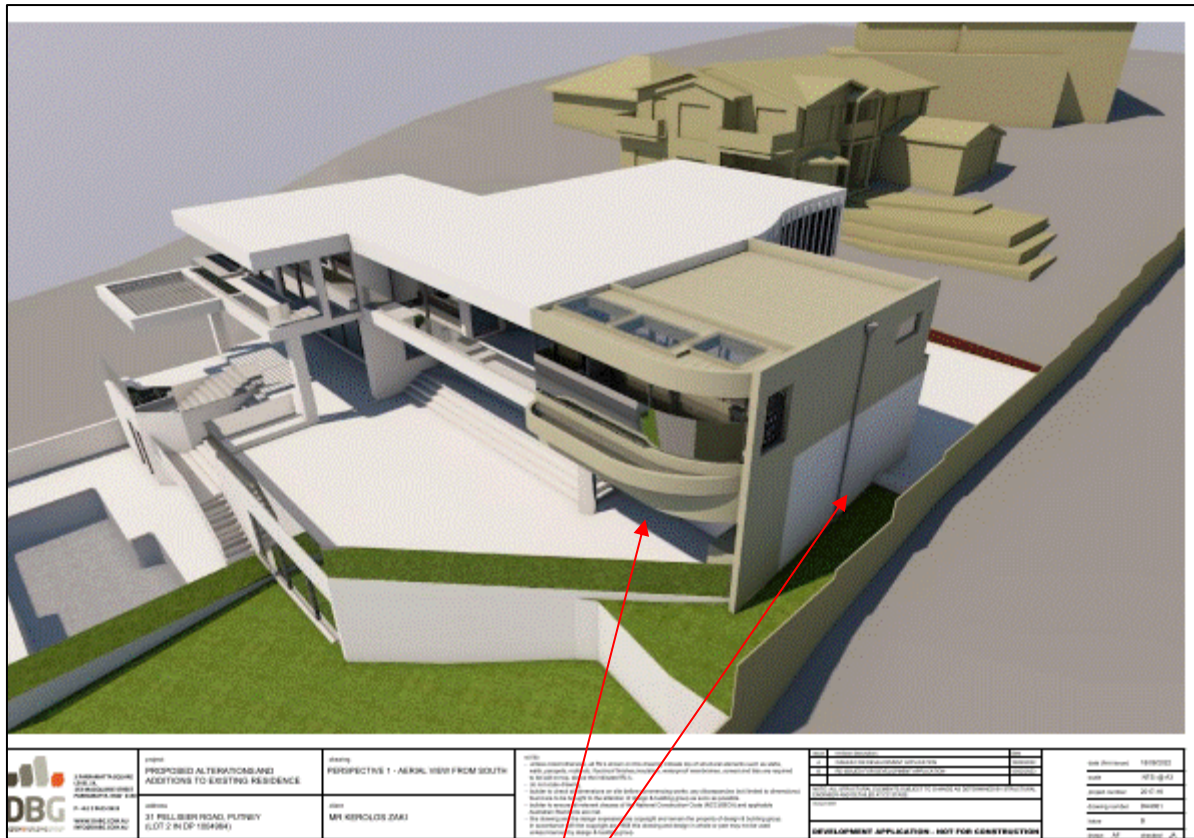
The submissions raised the following concerns:

### **1. Bulk & Scale**

*Concerns are raised, this submission should be read in conjunction with our previous submission of 13 January 2023 a copy of which is attached.*

*A review of the current aerial image shows that from its rear boundary of the site to the foreshore building line the site is occupied by built form and hard surface area. The proposed addition, while not further reducing the site coverage would, if approved, result in the development outcome which our client was concerned would result; that is a two and three level building across the site. The apparent bulk and scale that will result is increased and further exacerbates an already poor outcome.*

Assessment Officer Comment:



**Figure 27– 3D aerial 31 Pellisier Road**

The part three storey section is below the existing ground level shown above. The as constructed dwelling has the existing basement with retaining walls and is terraced down the site. The new first floor addition is above the existing finished ground floor podium level. The addition extends the existing dwelling height above the podium level towards the side boundary in line with the existing 2m side setback. The wall plate height and side setbacks are compliant with Council’s controls. The bulk and scale of the addition is consistent with a two story building when viewed from the front and the rear providing a consistent first floor height across the site. The wall plate height of the building is compliant with Councils DCP

## 2. Impact on views

*The lack of appropriate view impact assessment is particularly important given the reliance upon a clause 4.6 variation to the height of Buildings development standard. As noted above, the application is supported by a Clause 4.6 variation to the Height of Buildings development standard which we will address below.*

### Assessment Officer Comment:

A view loss assessment has been undertaken in accordance with Tenacity Consulting v Warringah [2004] NSWLEC 140 “Principles of view sharing” There is a minor view loss for 31A Pellisier Road across the side/rear boundary of the 31 Pellisier Road in a South Easterly aspect. 31A will still retain substantial water views from all of the views. The proposal is for a floor above the existing ground floor garage.

### 3. *Non compliant floor space ratio*

*The application is also framed as complying with the applicable FSR development standard. We submit that this may be an error and that the 0.5:1 FSR development standard is also breached.*

*The non-compliance arises from the calculation of site area for the purpose of FSR under Ryde LEP at Clause 4.5. The calculation sheet identifies the site as having an area of 1,572m<sup>2</sup>. This may be the site area, by title but is not the site area as determined under Clause 4.5 (4) of the LEP. The site area for FSR calculation excludes any part of the land on which the proposed development is prohibited, whether under the Plan or by any other law.*

#### Assessment Officer Comment:

The submission is concerned that the area of the right of way and drainage easement cannot be included as part of the site area. Clause 4.5 provides details on how site area is calculated. Under this clause, these areas are not excluded from the site area. This has been supported by several recent court cases in respect of this issue. In *Parker Logan Pty Limited v Woollahra Municipal Council* [2015] NSWLEC 1458, O'Neill C held that the whole of the site area, including its access handle should be included in the calculation of site area for the purposes of FSR.

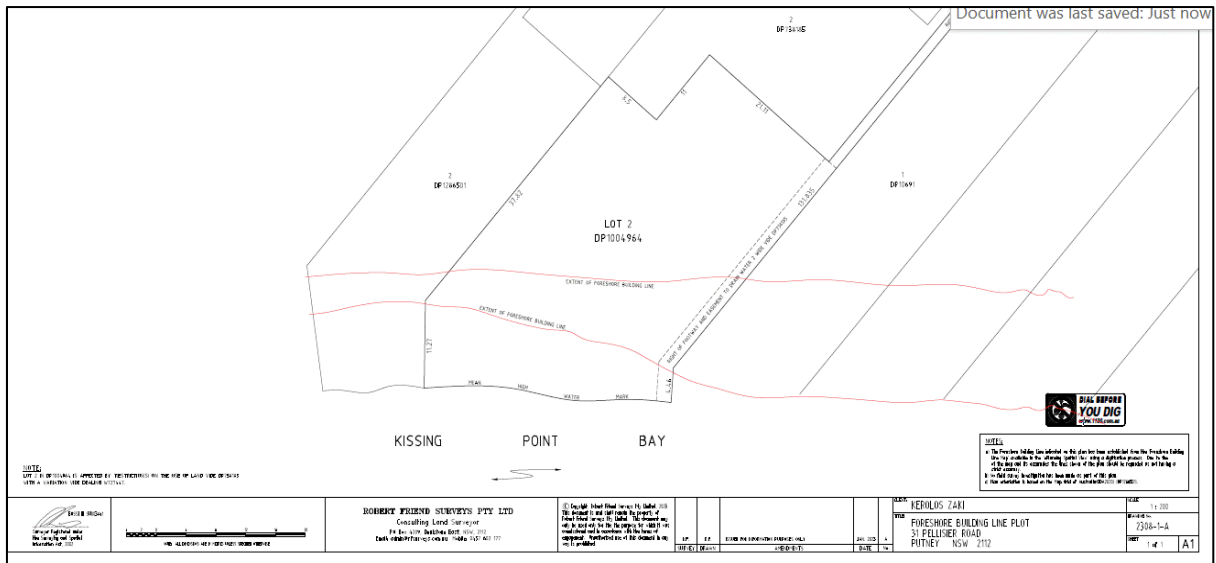
Similarly, in *Redson Group Pty Ltd t/as Progenia v Wollongong City Council* [2018] NSWLEC 1627, Chilcott C held that the area of a right of carriageway should not be excluded from the calculation of site area under cl 4.5.

The proposed development complies with the maximum floor space ratio.

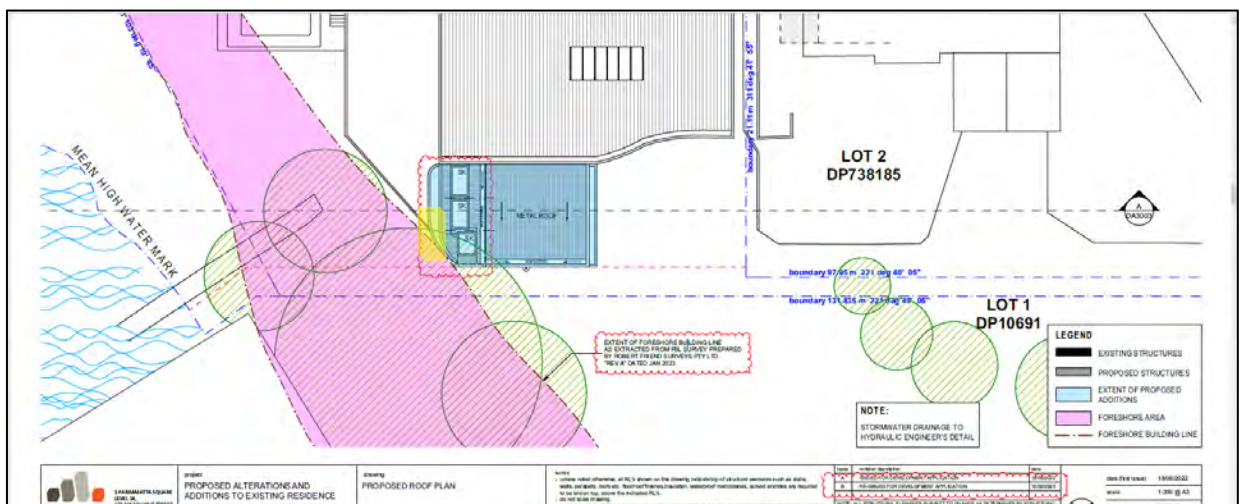
### 4. *Concerns regarding encroachment over the foreshore building line.*

#### Assessment Officer Comment:

The applicant provided an amended survey and plans regarding the foreshore building line. The development complies with the foreshore building line as demonstrated in the following figures.



**Figure 28:** Amended Foreshore Building Line Survey dated 23 January 2023



**Figure 29:** Amended Foreshore Building Line Survey Pool Balance tank reduced to comply as highlighted.

- Concerns raised as to whether the development complies with the required deep soil area and landscaping.

Assessment Officer Comment:

There is no change to the existing deep soil or landscaped area.

- Concerns raised regarding “restriction to user” and “converts “

Assessment Officer Comment:

The development site is burdened by a restriction on use covenant benefiting 31A and 31B Pellisier Road which provides that no building or structure are to be built beyond the restriction line marked on the plan. Clause 1.9A of RLEP 2014 states:

**1.9A Suspension of covenants, agreements and instruments**

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

This clause overrides the covenant in that the covenant has no effect when the development application is being assessed and determined.

7. *Concerns are raised regarding the swimming pool exceeding the coping height and no landscaping being provided around the pool.*

#### Assessment Officer Comment

Clause 2.12 of RDCP Swimming Pools and Spas states:

- Finished coping level must not exceed 500mm above adjacent ground level.
- Screen planting is to extend the length of the swimming pool.

The objective of the controls is to minimise the impact of swimming pools and spas on neighbours. The elevated swimming pool will maintain privacy for neighbours and occupants. Despite the non compliance with both of the controls, the pool is considered satisfactory.

## **10. Referrals**

### **Senior Development Engineer**

*The application was referred to Council's Senior Development Engineer who provided the following comments:*

#### "Stormwater Management

*The proposed stormwater management system for the development discharges to existing stormwater outlet complying with Councils requirements.*

*The development does not require OSD as it is adjoining a waterway.*

*It is unclear if the existing rainwater tank storage can comply with BASIX requirement. A condition of consent regarding stormwater management and stormwater management plan marked in red to reflect this requirement will apply.*

#### Other engineering matters

*The proposed first addition includes a spa/pool. A structural statement/certificate is required prior to the issue of CC to support the proposed structure. This can be dealt with a condition of consent.*

#### Recommendation

*There are no objections to the proposed development with respect to the engineering components, subject to the application of the following conditions being applied to any development consent being issued for the proposed development.*

Conditions of consent have been imposed by Council's Senior Development Engineer (see **Conditions 15, 16, 17, 18, 25, 26, 27, 28, 35, 49, 50, 51** and **54**).

## **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 considered to be suitable for the subject site and is not contrary to the public interest. The reasons for the decision are as follows:

1. The proposal is consistent with the objectives for R2 zoned land.
2. The proposal complies with the statutory provisions set out in the Environmental Planning and Assessment Act 1979.
3. The proposal is considered to be of low impact to adjoining properties and the surrounding environment.
4. The proposal has been supported by a satisfactory Clause 4.6 variation request which demonstrates that compliance with Clause 4.3 Height of Buildings is unreasonable and unnecessary in the circumstances and there are sufficient environmental planning grounds to justify contravening the development standards.
5. The proposal is not contrary to the public interest.
6. The submissions received in response to this DA have been considered and addressed in this report. None of the issues raised warrant the refusal of the subject DA.

## **12. Recommendation**

A. That the Ryde Local Planning Panel accepts that the Clause 4.6 written request to vary the height standard (Clause 4.3 in LEP 2014 has adequately addressed the matters in subclause (4) and would not be contrary to the public interest as it is consistent with the objectives of the development standard in Clause 4.3 (1) and the objectives of the R2 Low Density Residential Zone of Ryde Local Environmental Plan 2014.

B. That the Ryde Local Planning Panel, as the consent authority, grant consent to LDA2022/0372 for alterations and additions to the existing dwelling at 31 Pellisier Road, Putney subject to the draft conditions contained in Attachment 1.

## **ATTACHMENTS**

- 1** Draft Conditions of Consent
- 2** DCP Compliance Table
- 3** SEPP Compliance Table
- 4** Clause 4.6 Written Variation to Clause 4.3 Height of Building.
- 5** Architectural Plans - subject to copyright provision



Report Prepared By:

**Jane Tompsett**  
**Assessment Officer – Building Surveyor**

Report Approved By:

**Sandra Bailey**  
**Executive Manager – City Development**

## ATTACHMENT 1: DRAFT CONSENT



City of Ryde, 1 Pope Street, Ryde  
Locked Bag 2069, North Ryde NSW 1670  
cityofryde@ryde.nsw.gov.au  
Telephone 9952 8222

### ***Development Consent (Draft)***

**Applicant: Ji Aoun**  
**PO Box 2338**  
**NORTH PARRAMATTA NSW 1750**

**Consent No: LDA2022/0372**

**Consent Date: XX October 2023**                      **Valid until: XX October 2028**

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

**Property: 31 Pellisier Road Putney                      Lot 2 DP 1004964**

**Development: Alterations and additions to existing dwelling.**

subject to the conditions 1 to 56 specified in this consent.

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

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

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

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

**Jane Tompsett**  
**Development Assessment Officer – Building Surveyor**

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



## Conditions of Consent for LDA2022/0372:-

### 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	18/08/2022	Drawing Register Project No. 2017-16 Revision E Location Plan Issue A Drawing No. DA1002
	12/02/2023	Site Plan Drawing No. DA2001 Issue B
	16/08/2023	Existing Lower Ground Floor Plan DA2002 Issue C
	16/08/2023	Existing Ground Floor Plan DA2003 Issue C
	12/02/2023	Existing First Floor Plan DA2004 Issue B
	16/08/2023	Proposed Ground Floor Plan DA2005 Issue D
	12/02/2023	Proposed First Floor Plan DA2006 Issue C
	12/02/2023	Proposed Roof plan DA2007 Issue B
	12/02/2023	Proposed Pool Details DA2008 Issue B
	12/02/2023	South East & North East Elevations DA3001 Issue B
	12/02/2023	South West Elevation DA3002 Issue C
	16/08/2023	Section A DA3003 Issue E
	18/08/2022	Schedule of Finishes DA4004 Issue B

## Conditions of Consent for LDA2022/0372:-

	28/07/2023	Basix Commitments DA6001 Issue B Prepared by Design & Building Group
Stormwater Concept Plans	21/09/2022	Job No. 180343, Drawing No. D1, D2, D3, D4, Revision J, Prepared by Quantum Engineers as amended to match the amended architectural plans

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

- (a) **Stormwater Plans.** Amend the stormwater plan to match the amended Architectural Plans

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 A475825\_02 and dated 14 November 2022.

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

(Reason: Statutory requirement).

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

## **Conditions of Consent for LDA2022/0372:-**

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

### **6. Hoardings.**

(a) A hoarding or fence must be erected between the work site and any adjoining public place.

(Reason: To ensure public safety).

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

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

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

(Reason: to ensure public safety).

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

(Reason: Access to public utilities).

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

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

## ***Swimming Pool Conditions***

### **11. Pool filter – noise.** The pool/spa pump/filter must be enclosed in a suitable ventilated acoustic enclosure to ensure the noise emitted therefrom does not exceed 5dB(A) above the background noise level when measured at any affected residence.

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

### **12. Depth markers.** Water depth markers are to be displayed at a prominent position within and at each end of the swimming pool.

(Reason: Safety).

### **Conditions of Consent for LDA2022/0372:-**

13. **Wastewater discharge.** The spa/pool shall be connected to the Sydney Water sewer for discharge of wastewater.

(Reason: To ensure the appropriate discharge of wastewater).

14. **Resuscitation Chart.** A resuscitation chart containing warning "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL" must be provided in the immediate vicinity of the pool area so as to be visible from all areas of the pool.

(Reason: Safety).

### ***Development Engineer General Conditions***

15. **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.)

16. **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.)

17. **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.)

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

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

### **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

## **Conditions of Consent for LDA2022/0372:-**

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.

19. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the **Construction Certificate**.  
  
(Reason: Statutory requirement).
20. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate**.  
  
(Reason: Statutory requirement).
21. **Security deposit.** The Council must be provided with security for the purposes of section 4.17 (6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: dwelling houses with delivery of bricks or concrete or machine excavation)  
  
(Reason: Statutory requirement).
22. **Infrastructure Restoration and Administration Fee.** An 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).
23. **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).
24. **Sydney Water - Building Plan Approval.** The plans approved as part of the Construction Certificate must also be approved by Sydney Water prior to excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by

## **Conditions of Consent for LDA2022/0372:-**

any part of your development. Please go to [www.sydneywater.com.au/tapin](http://www.sydneywater.com.au/tapin) to apply.

(Reason: Statutory requirement).

### ***Development Engineer Prior To Construction Certificate***

25. **Stormwater Management.** To ensure the management of stormwater runoff from the development is undertaken without impact to the subject site, neighbouring properties or receiving drainage system, stormwater runoff from the development shall be collected and piped by gravity flow to the existing site stormwater outlet in accordance with the requirements of Council's DCP 2014 Part 8.2 (Stormwater and Floodplain Management) and associated annexures, and generally in accordance with the approved Stormwater Management by Quantum Engineers, Job Number: 180343, Drawing No.: D1 to D5, Dated 21.09.2022. Accordingly, detailed engineering plans and certification demonstrating compliance with this condition 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)

26. **Stormwater Management – Drain to existing drainage system.** The discharge to the existing stormwater management system must be inspected by a suitably qualified civil engineer or licensed plumber to ensure it is of adequate capacity to accommodate additional stormwater runoff from the development and without adverse impacts to neighbouring properties.

The appointed expert must prepare documentation and plans addressing the following matters which are to be provided with the application for a Construction Certificate;

- a) Detail the proposed drainage system and its point of discharge to the existing stormwater management system,
- b) Deduce the configuration of the existing stormwater management system downstream of the proposed connection and the manner of discharge from the site,
- c) Confirm that, subject to any upgrade to the system as required by part (e) of this condition, the existing stormwater management system is of adequate capacity such to accommodate the additional stormwater runoff from the development,
- d) Nominate the location and configuration of any rainwater tank required by BASIX commitments or nominated on the architectural plan, including the overflow connection to the stormwater management system.
- e) Specify any remedial works to the existing stormwater management system downstream of the proposed connection required in order to;
  - ensure the continued use of the stormwater management service,
  - address any adverse effects to the subject site or downstream property, evident on the lot, and
  - ensure the state of the existing stormwater system crossing the footpath / kerb outlet is in accordance with Council's DCP Part 8.2 (*Stormwater and Floodplain Management*) (where applicable).

## **Conditions of Consent for LDA2022/0372:-**

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

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

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

28. **Structural Certification of Pool and Supporting Structure Design.** Certificate by a suitably qualified structural engineer shall be obtained to confirm the proposed pool and supporting structure design comply with relevant BCA requirements and Australian Standards.

(Reason: to ensure the proposed structure complies with relevant BCA requirements and Australian Standards)

### ***Swimming Pool Conditions***

29. **Pool fencing.** The pool fence is to be erected in accordance with the approved plans and conform with the provisions of the *Swimming Pools Act 1992* and *Swimming Pools Regulation 2018*. Details of compliance are to be reflected on the plans submitted with the **Construction Certificate**.

(Reason: Statutory requirement).



## Conditions of Consent for LDA2022/0372:-

### **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).

- #### **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).

## **Conditions of Consent for LDA2022/0372:-**

### **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).

## ***Development Engineer Prior To Commencement Of Construction***

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

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

## **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 61 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2001*.

(Reason: Statutory requirement).

### **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).

## **Conditions of Consent for LDA2022/0372:-**

38. **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).

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

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

40. **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).

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

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

42. **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).

43. **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).

44. **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).

## **Conditions of Consent for LDA2022/0372:-**

45. **Tree protection – no unauthorised removal.** This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or identified as approved for removal on the stamped plans.

(Reason: To ensure trees are not removed from the site unless there is approval for the work).

46. **Tree protection – during construction.** Trees that are shown on the approved plans as being retained must be protected against damage during construction.

(Reason: To ensure the protection of existing trees on site).

47. **Tree works – Australian Standards.** Any works approved by this consent to trees must be carried out in accordance with all relevant Australian Standards.

(Reason: Statutory requirement).

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

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

## ***Development Engineer During Construction***

49. **Traffic Management.** Traffic management procedures and systems must be implemented during the construction period to ensure a safe environment and minimise impacts to pedestrian and other vehicle traffic. Any traffic management procedures and systems must be in accordance with AS 1742.3 2019 and the DCP 2014 Part 8.1 (*Construction Activities*).

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

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 Quantum Engineers, Job Number: 180343, Drawing No. D1 to D5, Dated 21.09.2022 submitted in compliance to the condition labelled "Stormwater Management" and the requirements of Council in relation to the connection to the public drainage system.

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

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"

## **Conditions of Consent for LDA2022/0372:-**

by the NSW Department – Office of Environment and Heritage, must be practiced at all times throughout the construction.

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

### **PRIOR TO OCCUPATION CERTIFICATE**

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

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

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

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

(Reason: Statutory requirement).

53. **Swimming Pool Register.** Legislation requires all swimming pools to be registered online at:

<http://www.swimmingpoolregister.nsw.gov.au/>.

Documentary evidence confirming that the swimming pool has been registered must be submitted to the Principal Certifying Authority prior to the issuing of any **Occupation Certificate**.

(Reason: Statutory requirement).

### ***Development Engineer Prior To Occupation Certificate***

54. **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 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.



## **Conditions of Consent for LDA2022/0372:-**

- b) 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).
- c) Certification from a suitably qualified structural engineer confirming that the pool and supporting structure have been constructed in accordance with relevant BCA requirement and Australian Standards and that the constructed pool and supporting structure is structurally adequate.

(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.)

## **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.

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

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

56. **Pool fencing.** The pool fence is to be maintained in accordance with the provisions of the *Swimming Pools Act 1992* and *Swimming Pools Regulation 2018*.

(Reason: Statutory requirement).

## **End of Consent**

## Attachment 2: RDCP Compliance Table

### Assessment of a Single Dwelling and Significant Alterations and Additions

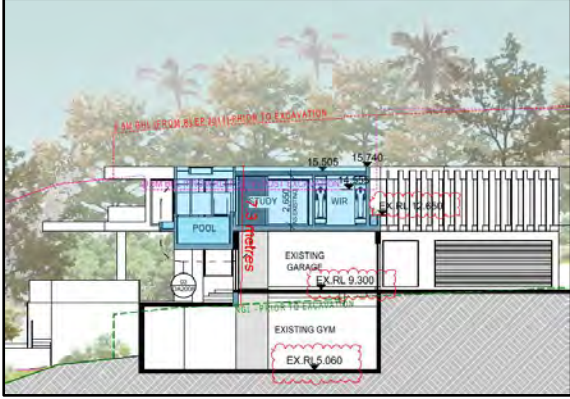
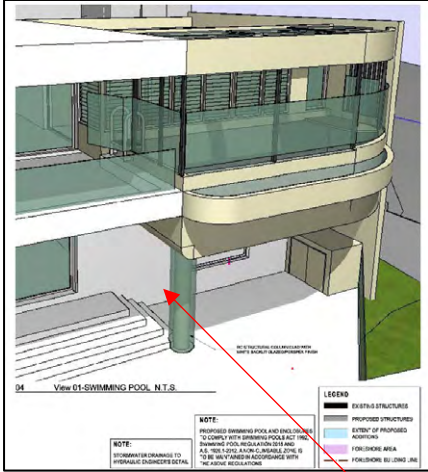

DCP 2014	Proposed	Compliance
<b>Part 3.3 - Dwelling Houses and Dual Occupancy (attached)</b>		
<b>Section 1.0 Introduction</b>		
<b>Section 2.0 General Controls</b>		
<b>2.1 Desired Future Character</b>		
Development is to be consistent with the desired future character of the low density residential areas.	The development is consistent with future character of the locality and the foreshore being: <ul style="list-style-type: none"> <li>• Free Standing,</li> <li>• The garage land other structures are not prominent elements the Streetscape.</li> <li>• Minimal disturbance of the existing topography</li> </ul>	Yes
<b>2.2.1 Dwelling Houses</b>		
(a) Landscape setting which includes significant deep soil areas at the front and rear	Existing unchanged with first floor additions	Yes
(b) Maximum two storeys high	Maximum Part 2/Part 3 storey  <u>Section 2.1 – Desired Future Character</u>  The objective of Section 2.1 is to ensure that development is consistent with the desired future character of the low density residential areas. Control 2.1(a) requires consistency with the desired future character and Part 2.1 details the fourteen means of achieving consistency with the desired future character.  <b>Yes (*)</b> The proposal results in a part 2 Part/Part three storey building. The third storey component is limited to the rear of the dwelling and is not visible from Pellisier Road. The proposal is considered acceptable given the dwelling appears as a two storey development when viewed from the streetscape and is a consistent scale with adjoining development when viewed	<b>Yes (*)</b>

DCP 2014	Proposed	Compliance
	<p>from the water. It is noted the existing dwelling is a 2-storey dwelling with the proposed third storey component limited towards the rear of the dwelling and is not visible from the street. The wall plate height at the side of the alterations and additions are at the ground in the side setback.</p> <p>Only a single storey can be built above garage. Basement car parking is included as a storey if it extends more than 1.2m above ground level. The garage is at basement and will have only 1 storey above basement if it extends more than 1.2m above ground.</p> <p>RDCP permits a basement garage less than 1.2m above ground to have a storey above. The basement Gym is not a habitable level and is compliant as less than 1.2m is above the adjacent ground level and is considered satisfactory.</p>	
<b>2.5 Public Domain Amenity</b>		
<b>2.5.1 Streetscape</b>		
(a) Site design, building setbacks and level changes respect the existing topography	Existing unchanged	N/A
(b) Dwelling design is to enhance the safety and amenity of the streetscape	Battle axe lot	N/A
(c) Carports and garages visible from the public street are to: (i) Be compatible with the building design (ii) Be setback behind the dwelling's front elevation	Existing unchanged	Yes
(d) Driveways and hard stand areas are to be minimised	Existing unchanged	Yes

DCP 2014	Proposed	Compliance
(e) Dwellings, garages and carports are to be orientated to match the prevailing orientation of such buildings in the streetscape	Existing unchanged	Yes
(f) Facades from the public domain are to be well designed.	Yes - Appears as a first floor addition (2 story)	Yes
<b>2.5.2 Public Views and Vistas</b>		
(a) A view corridor is to be provided along at least one side allotment boundary where there is an existing or potential view to the water from the street. Landscaping is not to restrict views. Fence 70% open where height is >900mm.	View corridor is provided in the 2m easement on the side allotment boundary	Yes
(b) Garages/carports and outbuildings are not to be located within view corridor if they obstruct view.	Existing garage setback 2m adjacent to the 2m easement	Yes
<b>2.5.2 Pedestrian &amp; Vehicle Safety</b>		
(a) Car parking located to accommodate sightlines to footpath & road in accordance with relevant Australian Standard.	Existing unchanged	Yes
(b) Fencing that blocks sight lines is to be splayed.	Existing unchanged	Yes
(c) Refer to relevant AS when designed driveways	Existing unchanged	Yes
<b>2.6 Site Configuration</b>		
<b>2.6.1 Deep Soil Areas</b>		
(a) 35% of site area min. Existing DSA unchanged	Existing DSA unchanged Yes	Yes
<b>2.6.2 Topography &amp; Excavation</b>		
(a) Building form and siting relates to the original topography		Yes

DCP 2014	Proposed	Compliance
<p>of the land and of the streetscape.</p> <p>(b) The area under the building footprint may be excavated or filled so long as:</p> <p>(i) the topography of the site requires cut and/or fill in order to reasonably accommodate a dwelling</p> <p>(c) Areas outside the dwelling footprint may be excavation and/or filled so long as:</p>	<p>Appears as a First floor addition from the streetscape</p> <p>Existing excavation from previous approval for basement gym under garage is approximately 3m. No further excavation or fill is proposed with this application</p> <p>No fill proposed</p>	<p>N/A</p> <p>Yes</p> <p>Yes</p>
<b>2.7 Floor Space Ratio (FSR)</b>		
<p>(a) FSR is 0.5:1 in accordance Clause 4.4</p> <p>(b) A floor area of 36m<sup>2</sup> maybe excluded when this area accommodates 2 car space. An area of 18m<sup>2</sup> may be excluded when the area accommodates 1 parking space.</p>	<p>Lower ground floor 118.2m<sup>2</sup> Ground floor 302.63m<sup>2</sup> First floor 305.46m<sup>2</sup> less stair 14.76 = 290.7 m<sup>2</sup></p> <p>Total FSR 711.53m<sup>2</sup></p> <p>0.46:1</p> <p>Existing carparking unchanged</p>	<p>Yes</p> <p>Yes</p>
<b>2.8 Height</b>		
<b>2.8.1 Building height</b>		
<p>- Maximum Height: 9.5m</p>	<p>10.680m (<i>Overall height</i>)</p>	<p><b>No (1)</b></p>
<p><u>Maximum wall plate</u></p> <p>- 8m max to top of parapet</p>	<p>RL15.740 (<i>Overall parapet height</i>)</p> <p>7.3m (<i>measured to adjacent ground level</i>)</p>	<p>Yes</p>

DCP 2014	Proposed	Compliance
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	  <p data-bbox="643 1211 1136 1290">Existing Basement Gym below the ground in this area RL 5.060.</p> 	<p data-bbox="1267 327 1326 360">Yes</p>
--	--	--

<p data-bbox="177 1675 475 1753"><u>Maximum number of storeys:</u></p> <ul data-bbox="245 1760 576 1962" style="list-style-type: none"> <li>- 2 storeys maximum (storey incl basement elevated greater than 1.2m above EGL).</li> </ul>	<p data-bbox="600 1731 1010 1827">Two storey above basement Basement below ground</p>	<p data-bbox="1267 1800 1326 1834">Yes</p>
---	---	--

**2.8.2 Ceiling Height**



<b>DCP 2014</b>	<b>Proposed</b>	<b>Compliance</b>
(a) Habitable rooms to have 2.4m floor to ceiling height (min).	>2.4m minimum room height. Same as existing	Yes
<b>2.9 Setbacks</b>		
<b>2.9.1 Front setbacks</b>		
(a) Dwellings are generally to be set back 6m from street front boundary	Existing unchanged	Yes
(b) Garages and carports, including semi-basement garages and attached garages, set back min 1m from façade	Existing unchanged	Yes
(c) The front setback free of structures. The exception is car parking structures which comply with 2.11.	Existing unchanged	Yes
(d) The outside face of wall built above a garage aligns with the outside face of the garage wall below.	Existing unchanged	Yes
<b>2.9.2 Side Setbacks</b>		
(a) Two storey dwellings setback 1.5m	2m side setback	Yes
(b) The second storey addition to a single storey dwelling are to be set back 1.5m	2m side setback	Yes
<b>2.9.3 Rear Setbacks</b>		
<b>Existing unchanged</b>		
<b>2.11 Car Parking and Access</b>		
<b>2.11.1 Car Parking</b>		
<b>Existing unchanged</b>		
<b>2.12 Swimming Pools and Spas</b>		
(a) Swimming pools, fencing, gates and spas must comply with all relevant Acts.	Conditions of consent	Yes

DCP 2014	Proposed	Compliance
<p>Regulations and Australian Standards.</p> <p>(b) Child resistant barrier.</p> <p>(c) Wall of dwelling may form part of the barrier.</p> <p>(d) Not within front setback.</p> <p>(e) Finished coping level not &gt;500mm above adjacent ground level. Must not adversely impact on privacy of neighbours.</p> <p>(f) Setback 900mm from outside edge of coping, deck or pool surrounding including paving. Further setback to preserve existing screen planting.</p> <p>(g) N/A</p> <p>(h) Min 3m from trunk of trees over 5m in height.</p> <p>(i) Pool pump/filter away from neighbouring dwgs. Acoustically enclosed noise does not exceed 5dB(a) above background at boundary.</p>	<p>Conditions of consent</p> <p>Conditions of consent</p> <p>In the rear yard</p> <p>First floor suspended pool coping is 4.8m</p> <p>2m</p> <p>&gt;3m from tree</p> <p>Details shown on plans</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p><b>No (2)</b></p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p>
<b>2.13 Landscaping</b>		
<p>(a) Major trees to be retained where practical</p> <p>(b) Provide useful outdoor spaces</p>	<p>Existing unchanged</p> <p>Existing unchanged</p>	<p>Yes</p> <p>Yes</p>



DCP 2014	Proposed	Compliance
<p>sunlight between 9am and 3pm on 21 June over a portion of surface, where can be reasonably maintained given orientation and topography.</p>		
<b>2.14.2 Visual Privacy</b>		
<p>(a) Orientate the windows of main living spaces (living room, dining, kitchen, family etc) to the front and rear</p> <p>(b) Orientate terraces, balconies and outdoor living areas to front or rear and not side boundary</p> <p>(c) Terraces and balconies are not to overlook neighbour's living areas and POS</p> <p>(d) Living and kitchen windows, terraces and balconies are not to allow direct view into neighbouring dwelling or POS</p> <p>(e) Side windows are to be offset by sufficient distance to avoid visual connection between dwellings.</p>	<p>No new living area</p> <p>No terrace proposed</p> <p>No balcony proposed</p> <p>Existing unchanged</p> <p>Side window offset</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<b>2.14.3 Acoustic Privacy</b>		
<p>(a) Noise of mechanical equipment not exceed 5dB(A) above background noise measured in or</p>	<p>Conditions of consent</p>	<p>Yes</p>

DCP 2014	Proposed	Compliance
on any premises in vicinity of the item.		
<b>2.14.4 View Sharing</b>		
(a) The siting of development is to provide for view sharing.	The siting of the development provides for view sharing.	Yes
<b>2.14.5 Cross Ventilation</b>		
(a) Designed to optimise access to prevailing breezes and provide for cross ventilation.	Complies with Basix	Yes
<b>2.15 External Building Elements</b>		
<b>2.15.1 Roofs</b>		
(a) Relate roof design to the desired built form by:		
(i) articulating the roof	Match existing dwelling	Yes
(ii) roof is consistent with the architectural character of dwelling	Roof consistent	Yes
(iii) compatible roof form, slope, material and colour to adjacent buildings	Compatible roof form	Yes
(iv) roof height is in proportion to the wall height of the building	Consistent roof height	Yes
(b) The main roof not trafficable terrace.	No trafficable terrace	Yes
<b>Part 7: Environment</b>		
<b>7.1: Energy Smart, Water Wise</b>		
<b>3.0 The information Guide</b>		
<b>3.2 Required information</b>		
(a) Energy efficiency performance report	BASIX Certificate: A475825_02 and dated 14 November 2022 Plans consistent with Certificate	Yes
<b>Part 7.2 Waste Minimisation and Management</b>		
<b>2.3 All developments</b>		

DCP 2014	Proposed	Compliance
(a) Developments must provide space for onsite waste containers	Existing unchanged	Yes
<b>Part 8: Engineering</b>		
<b>Part 8.2 Stormwater and Floodplain Management</b>		
<b>2.0 Stormwater Drainage</b>		
(a) Drainage is to be piped in accordance with Section 2.0 Stormwater Drainage	Conditions of consent provided by Council's Development Engineer.	Yes



## ATTACHMENT 3 – SEPP (BIODIVERSITY AND CONSERVATION) 2021

### CHAPTER 6 WATER CATCHMENTS SYDNEY HARBOUR CATCHMENT COMPLIANCE TABLE

**Zone:**

W8 Scenic Waters - Passive Use.

**Objectives:**

- To give preference to unimpeded public access along the intertidal zone, the visual continuity and significance of the landform and the ecological value of waters and foreshores.
- To restrict development for permanent boat storage and private landing facilities in unsuitable locations.
- To allow water-dependent development only if the development:
  - a) meets a demonstrated demand, and
  - b) is compatible with the planned character of the locality.
- To ensure the scale and size of development are appropriate to the locality.
- To ensure the scale and size of development protect and improve the natural assets and natural and cultural scenic quality of the surrounding area, particularly when viewed from waters in the zone or areas of public access.

**Permitted with Consent:**

Boat building and repair facilities; Boat launching ramps; Boat lifts; Community facilities; Dredging; Naval activities; Private landing steps; Public boardwalks; Public water recreational facilities; Public water transport facilities; Recreational or club facilities; **Skids**; Slipways; Telecommunications facilities.

The following table addresses the applicable clauses within the SEPP:

Clause	Comment	Compliance
<b>Part 6.1 (Division 2) – Controls on Development Generally</b>		
<b>Clause 6.6 – Water Quality and Quantity</b>		
1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following:		
a) whether the development will have a neutral or beneficial effect on the quality of water entering a waterway,	The alterations and additions will have neutral effect on the quality of the water entering a waterway,	Yes
b) whether the development will have an adverse impact on water flow in a natural waterbody,	The proposed alterations and additions over the existing footprint will not have an adverse impact on water flow in in Parramatta River	Yes
c) whether the development will increase the amount of stormwater run-off from a site,	The alterations and additions over the existing footprint will not increase stormwater run-off from the site.	Yes
d) whether the development will incorporate on-site stormwater retention, infiltration or reuse,	The alterations and additions over the existing footprint incorporate rainwater reuse.	Yes

<b>Clause</b>	<b>Comment</b>	<b>Compliance</b>
e) the impact of the development on the level and quality of the water table,	There will be not change to the level and quality of the water table	Yes
f) the cumulative environmental impact of the development on the regulated catchment,	The environmental impact of the development on the regulated catchment neutral,	Yes
g) whether the development makes adequate provision to protect the quality and quantity of ground water.	There is no increase in hardstand to affect the quality and quantity of the ground water	Yes
2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied the development ensures:		
a) the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and	The proposal includes a rainwater - tank reuse and the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and	Yes
b) the impact on water flow in a natural waterbody will be minimised.	The impact on water flow in a natural waterbody will be minimised.	Yes
<b>Clause 6.7 – Aquatic Ecology</b>		
1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following:		
a) whether the development will have a direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation,	The alterations will have a neutral impact on terrestrial, aquatic or migratory animals or vegetation,	Yes
b) whether the development involves the clearing of riparian vegetation and, if so, whether the development will require: (i) a controlled activity approval under the Water Management Act 2000, or (ii) a permit under the Fisheries Management Act 1994,	N/A	N/A
c) whether the development will minimise or avoid: (i) the erosion of land abutting a natural waterbody, or (ii) the sedimentation of a natural waterbody	The development will minimise. (i) the erosion of land abutting a natural waterbody, or (ii) the sedimentation of a natural waterbody	Yes
d) whether the development will have an adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area,	No adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area,	Yes
e) whether the development includes adequate safeguards and rehabilitation measures to protect aquatic ecology,	N/A	N/A
f) if the development site adjoins a natural waterbody—whether additional measures are required	No additional measures are required to ensure a neutral or beneficial effect on the water quality of the waterbody	Yes

Clause	Comment	Compliance
to ensure a neutral or beneficial effect on the water quality of the waterbody.		
2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied of the following:		
a) the direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation will be kept to the minimum necessary for the carrying out of the development,	There is no excavation proposed and sediment control for the first floor construction is imposed	Yes
b) the development will not have a direct, indirect or cumulative adverse impact on aquatic reserves,	The first floor addition will not have a direct, indirect or cumulative adverse impact on aquatic reserves,	Yes
c) if a controlled activity approval under the Water Management Act 2000 or a permit under the Fisheries Management Act 1994 is required in relation to the clearing of riparian vegetation—the approval or permit has been obtained,	N/A	N/A
d) the erosion of land abutting a natural waterbody, or the sedimentation of a natural waterbody will be minimised,	There is no excavation proposed and sediment control for the first floor construction is imposed	Yes
<b>Clause 6.11 – Land within 100m of Natural Waterbody</b>		
1) In deciding whether to grant development consent to development on land within 100m of a natural waterbody in a regulated catchment, the consent authority must consider whether:		
a) the land uses proposed for land abutting the natural waterbody are water-dependent uses, and	The first floor alterations and additions are not a water depended use.	Yes
b) conflicts between land uses are minimised.	The proposal has no conflict with land use R2 Low Density Residential	Yes

# Clause 4.6 Variation

BUILDING HEIGHT

31 PELLISIER ROAD, PUTNEY

25 AUGUST 2023



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## CLAUSE 4.6 DEPARTURE

### BACKGROUND TO THE DEPARTURE

This Clause 4.6 variation has been prepared in support of a development application alterations and additions to a dwelling house at 31 Pellisier Road, Putney.

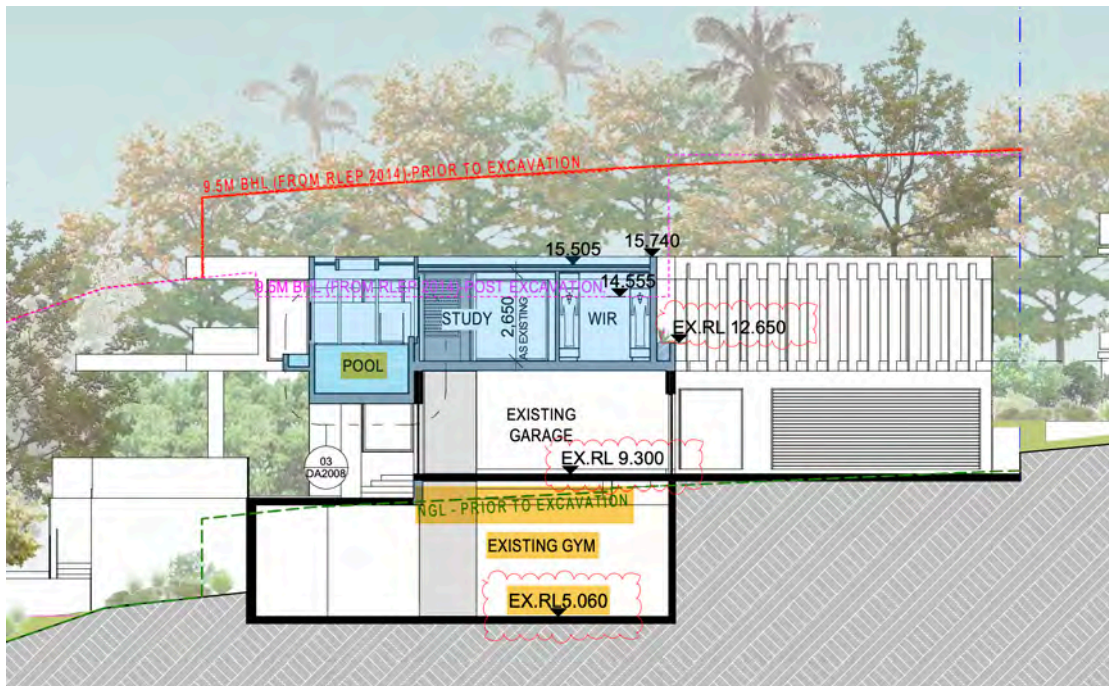
Based on the strict legal definition of 'ground level existing' the proposed development exceeds the maximum permitted height control of 9.5m that applies under the Ryde Local Environmental Plan 2014.

This arises because the site has been developed for the purpose of a dwelling house with associated basement gymnasium. This existing gymnasium is excavated below ground ranging from 3.2m-4m and forms the new 'ground level existing' and the starting point for measurement for the 9.5m building height control.

This makes little practical sense when considering that the gym is within a basement and buried below ground. When taking a more practical approach to the building height control- being the 'natural ground level' (i.e. ground RL pre development of the dwelling) then the additions on top of the garage are well below the 9.5m standard.

This is most clearly understood on Section DA3003 Rev E dated 16 August 2023 (an extract of which is reproduced below).

The extract of the section below shows the extent of departure (pink line) and the building height when considered relative to the pre-development scenario (red line).





The Section:

- Shows a height line relative to the 'new' ground level existing (being FFL of slab of basement gym)
- Shows a height line relative to the 'natural ground level'- being the height relative to the site levels pre development of the dwelling.

When using the two (2) scenarios:

- Ground Level Existing: When using RL 5.06 (FFL of basement gym) the height of the building exceeds the standard of 9.5m by 1.18m or 12.4%
- Natural Ground Level: When using the existing natural ground levels prior to development the building height is 3m below the 9.5m height standard.

The area of non-compliance can be attributed to the prior excavation of the Site within the footprint of the existing building, which distorts the height of buildings development standard plane when compared to the topography of the land.

In accordance with the Court's findings in *Merman Investments Pty Ltd v Woollahra Municipal Council* [2021] NSWLEC 1582 [at 74], this can be properly considered as an environmental planning ground within the meaning of Cl 4.6. Hence a Clause 4.6 variation is required to permit the departure.

## NUMERICAL VARIATION TO THE STANDARD

Clause 4.3 of Ryde Local Environmental Plan 2014 stipulates a maximum building height of 9.5m.

**'building height'** or **'height of building'** is defined in the *Ryde Local Environmental Plan 2014* as:

- (a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or*
- (b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,*

*including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.*

**'ground level (existing)'** means the *existing level of a site at any point.*

The existing ground level in this area is RL 5.06 to the FFL to the basement gym.

The corresponding top of the parapet and roof above these points are RL 15.74 and RL15.4-15.55 respectively. This results in a vertical distance of 10.68m.

The maximum point contravention is 1.18m or 12.4%.

## RELEVANT CASE LAW

There are a number of recent Land and Environment Court cases including *Four 2 Five v Ashfield* and *Micaul Holdings Pty Ltd v Randwick City Council* and *Moskovich v Waverley Council*, as well as *Zhang v Council of the City of Ryde*.

In addition a recent judgement in *Initial Action Pty Ltd v Woollahra Municipal Council (2018) NSWLEC 118* confirmed that it is not necessary for a non-compliant scheme to be a better or neutral outcome and that an absence of impact is a way of demonstrating consistency with the objectives of a development standard. Therefore this must be considered when evaluating the merit of the building height departure.

Further a decision in *Al Maha Pty Ltd v Huajun Investments Pty Ltd [2018] NSWCA 245* has adopted further consideration of this matter which requires that a consent authority must be satisfied that:

- The written request addresses the relevant matters at Clause 4.6 (3) and demonstrates compliance is unreasonable or unnecessary and that there are sufficient environmental planning grounds; and
- The consent authority must consider that there are planning grants to warrant the departure in their own mind and there is an obligation to give reasons in arriving at a decision.

The key tests or requirements arising from the above judgements is that:

- The consent authority be satisfied the proposed development will be in the public interest because it is “*consistent with*” the objectives of the development standard and zone is not a requirement to “*achieve*” those objectives. It is a requirement that the development be compatible with the objectives, rather than having to ‘achieve’ the objectives.
- Establishing that ‘compliance with the standard is unreasonable or unnecessary in the circumstances of the case’ does not always require the applicant to show that the relevant objectives of the standard are achieved by the proposal (Wehbe “test” 1). Other methods are available as per the previous 5 tests applying to SEPP 1, set out in *Wehbe v Pittwater*- including that “*the development standard has been virtually abandoned or destroyed by the Councils own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable*”
- The proposal is required to be in ‘the public interest’.

In relation to the current proposal the keys are:

- Demonstrating that the development remains consistent with the objectives of the maximum building height control and on that basis that compliance is unreasonable or unnecessary;
- Demonstrating consistency with the R2 zoning
- Demonstrating there are sufficient environmental planning grounds to vary the standard; and
- Satisfying the relevant provisions of Clause 4.6.

## ADDRESS OF CLAUSE 4.6 PROVISIONS

Clause 4.6 of the Ryde Local Environmental Plan 2014 provides that development consent may be granted for development even though the development would contravene a development standard. This is provided that the relevant provisions of the clause are addressed, in particular subclause 3-5 which provide:

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

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

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

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

*(a) the consent authority is satisfied that:*

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

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

*(b) the concurrence of the Director-General has been obtained.*

*(5) In deciding whether to grant concurrence, the Director-General must consider:*

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

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

*(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.*

Clause 4.6 does not restrain the consent authority's discretion as to the numerical extent of the departure from the development standard. Each of the relevant provisions of Clause 4.6 are addressed in turn below.



## CLAUSE 4.6(3)(A) - COMPLIANCE UNREASONABLE AND UNNECESSARY

In accordance with the provisions of this clause it is considered that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as the underlying objectives of the control are achieved.

### *Underlying Objectives are Satisfied*

In *Wehbe v Pittwater* it was set out that compliance can be considered unreasonable or unnecessary where:

- (i) *The objectives of the standard are achieved notwithstanding non-compliance with the standard*

It is considered that this approach can be followed in this instance. The objectives of the building height development standard are stated as:

- (1) *The objectives of this clause are as follows:*
  - (a) *to ensure that street frontages of development are in proportion with and in keeping with the character of nearby development,*
  - (b) *to minimise overshadowing and to ensure that development is generally compatible with or improves the appearance of the area,*
  - (c) *to encourage a consolidation pattern and sustainable integrated land use and transport development around key public transport infrastructure,*
  - (d) *to minimise the impact of development on the amenity of surrounding properties*
  - (e) *to emphasis road frontage along road corridors.*

The proposal remains consistent with the objectives based on the following:

- In relation to objective (a) the non-compliance to the upper level bedroom area located at the rear of the building has no bearing with the proportionality and character of nearby development and particularly so given it is largely a technical breach owing to the prior excavation of this part of the site- and hence the area of non-compliance has no bearing on the consistency of the proposal with objective a) given that when considered against the actual ground levels around the building the new structure is well below the contemplated height limit- this is clearly seen at Figure 1 where the pink line significantly dips and deviates from the natural ground levels of the site
- In relation to objective (b) the overshadowing impacts from this area of non-compliance are limited to areas of the subject site and part of the rear of the adjoining property to the south-east which enjoys good solar access to living areas and open space areas. The development as proposes is compatible with the desired future character of the area having regard to the planning controls and the observed form of development being 2 storeys. The development does improve the appearance of the area (structure on top of garage) and the area of the height breach does not detract from the achievement of objective (b).

- In relation to objective (c) this is not relevant to this residential form of development.
- In relation to objective (d) due to the minor nature of the variation, it will not have any adverse amenity impacts. In this regard it is noted:
  - The area of departure and will have no adverse impact on the physical bulk, height or scale of the development given the location of the breach and the nature of it relating to an anomaly on the calculation of ground level existing (noting relative to the ground levels in proximity to the building the height is well below the 9.5m). So whilst the area of the breach increases the extent of built form when considered properly in relation to the 'real' ground levels the proposed works are well below the 9.5m height limit.
  - The variation will not lead to a reduction in solar penetration on site or to adjoining properties nor will it lead to sunlight loss or overshadowing.
  - The proposed variation will not lead to unacceptable view loss or interrupt views to and from the site noting the modelling prepared shows that there is a small loss of views to an existing tree canopy and a portion of the water line. Critically the breach is purely because of the way in which ground level existing is taken- and if taken relative to the 'real' ground levels of the site pre development the new built form is 3m below the maximum height limit which does minimise the impact of the development in terms of view loss.
  - The proposed variation will not lead to a reduction in privacy of neighbouring properties.
- In relation to objective (e) the road frontage of the proposal is retained and the breach to the height control has no bearing on this objective being satisfied.

As outlined above the proposal remains consistent with the underlying objectives of the control and as such compliance is considered unnecessary or unreasonable in the circumstances.

## CLAUSE 4.6(3)(B) - SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS

Pain J held in *Four2Five vs Ashfield Council* [2015] NSWLEC 90 that to satisfy clause 4.6(3)(b), a clause 4.6 variation must do more than demonstrate that the development meets the objectives of the development standard and the zone – it must also demonstrate that there are other environmental planning grounds that justify contravening the development standard, being grounds that are specific to the site. Pursuant to clause 4.6(3)(b) of the LEP, there are sufficient environmental planning grounds to justify the variation to the development standard.

We note that the below points demonstrate suitable environmental planning grounds exist to justify contravening the height development standard:

- The area of non-compliance can be attributed to the prior excavation of the Site within the footprint of the existing building, which distorts the height of buildings development standard plane when compared to the topography of the land. In accordance with the Court's findings in *Merman Investments Pty Ltd v Woollahra Municipal Council* [2021] NSWLEC 1582 [at 74], this can be properly considered as an environmental planning ground within the meaning of Cl 4.6
- The nature of the encroachment, when considered properly against the 'real' ground level of the site, is negligible and as such will not generate unacceptable adverse impacts to surrounding properties or as viewed from the public domain.
- The natural topography of the land is such that when using extrapolated levels on what the 'natural' ground level would be then this area would be much higher than the current basement- and hence when using extrapolated levels the proposal would be fully below the 9.5m height limit. Hence when comparing to surrounding properties the development still sits at a height that is contemplated by the 9.5m height limit- and this height is much lower than the adjoining development that is a full storey above the 9.5m height limit so contextually this means that the height sits comfortably across the site and amenity impacts are minimised.
- The variation to the height control does not result in unacceptable overshadowing and privacy impacts to the adjoining residential properties.
- The variation to the building height control does not lead to unacceptable view loss noting the adjoining property maintains views towards Breakfast Point and the Parramatta River and the view lost a very minor element of a tree canopy and the water line. This is demonstrated on Drawings DA9001-DAD9005. Again when considered relative to the 'real' ground levels on the site the addition is well below the maximum height limit and does limit the impact of the height.

Therefore, the current proposal is a suitable outcome from an environmental planning perspective and demonstrates that there is merit in varying the height control to achieve a better design response on the site noting this area relates to a 'dip' in the natural topography of the land that if strictly complied with would result in a poor outcome through an artificial lowering of part of the building for no planning benefit.

This breach owing to the artificially lowered ground level in the site enables a better design outcome on the site and is consistent with the following Objects of the Environmental Planning and Assessment Act 1979:

- (c) to promote the orderly and economic use and development of land,*
- (g) to promote good design and amenity of the built environment,*

The minor breach to the height standard also does not generate any adverse amenity impacts to adjoining properties with regard to visual privacy or overshadowing given the lot orientation and careful design of the development.

Therefore, the current proposal is a preferred outcome from an environmental planning perspective and demonstrates that there is merit in varying the height control to achieve a better design response on the site which demonstrates sufficient environmental planning grounds to support the departure.

#### **CLAUSE 4.6(4) ZONE OBJECTIVES & THE PUBLIC INTEREST**

In accordance with the provisions of Clause 4.6(4) Council can be satisfied that this written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3).

As addressed the proposed development is in the public interest as it remains consistent with the objectives of the height control.

In addition, the proposal is consistent with the objectives of the R2 zone:

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

Consistency with the objectives is evident as –

- The proposal contributes to the housing needs through a well-designed addition at a density and scale contemplated by the planning controls
- The proposal contributes to a variety of housing typologies- being a large dwelling.

The proposal is consistent with the zone objectives.

It is understood that the concurrence of the Director-General can be assumed in the current circumstances.

**CLAUSE 4.6(5)**

As addressed, it is understood the concurrence of the Director-General may be assumed in this circumstance, however the following points are made in relation to this clause:

- a) The contravention of the height control does not raise any matter of significance for State or regional environmental planning given the nature of the development proposal and consistency of the development with the standard across the entirety of the site area.
- b) There is no public benefit in maintaining the development standard as it relates to the current proposal as the proposal is consistent with the underlying objectives of the control.

Strict compliance with the prescriptive height requirement is unreasonable and unnecessary in the context of the proposal and its unique circumstances. The proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts.

The design response aligns with the intent of the control.



## CONCLUSION

Strict compliance with the prescriptive height requirement is unreasonable and unnecessary in the context of the proposal and its circumstances.

The proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts.

The proposal will not have any adverse effect on the surrounding locality, which will be characterised by residential development of comparable height and character. The proposal promotes the economic use and development of the land consistent with its zone and purpose.

The variation is well founded and demonstrates the relevant matters set out under Clause 4.6 having regard to the provisions of Clause 4.6 and recent case law and taking into account the absence of adverse environmental, social or economic impacts, it is requested that Council and the planning panel support the development proposal.

31 PELLISIER ROAD. PUTNEY. (LOT 2 IN DP 1004964)  
PROPOSED. ALTERATIONS. AND. ADDITIONS.TO. AN. EXISTING. RESIDENCE

DEVELOPMENT APPLICATION (DA)

## PROJECT TEAM

### CLIENT

MR KEROLOS ZAKI  
31 PELLISIER ROAD  
PUTNEY NSW 2112

### ENERGY CONSULTANT

THERMAL PERFORMANCE  
12 LIVORNO GROVE  
GLENWOOD NSW 2768  
P: +61 425 221 211  
E: INFO@THERMALPERFORMANCE  
W: WWW.THERMALPERFORMANCE.COM.AU

### HYDRAULIC ENGINEER

QUANTUM ENGINEERS  
SUITE 1A LEVEL 2 2 ROWE STREET  
EASTWOOD NSW 2122  
P: +61 2 9807 7800  
E: ADMIN@QUANTUMENGINEERS.COM.AU  
W: WWW.QUANTUMENGINEERS.COM.AU

### LAND SURVEYOR

ROBERT FRIEND SURVEYS  
PO BOX 4209  
DENISTONE EAST NSW 2112  
P: +61 457 602 177  
E: ADMIN@RFSURVEYS.COM.AU

### TOWN PLANNER

THINK PLANNERS  
MAYS HILL GATEHOUSE  
PARRAMATTA PARK NSW 2150  
P:+61 2 9687 8899  
E: INFO@THINKPLANNERS.COM.AU  
W: WWW.THINKPLANNERS.COM.AU

## DRAWING REGISTER

DA1000	COVER SHEET
DA1002	LOCATION PLAN
DA1003	SITE ANALYSIS PLAN
DA2001	SITE PLAN
DA2002	EXISTING LOWER GROUND FLOOR PLAN
DA2003	EXISTING GROUND FLOOR PLAN
DA2004	EXISTING FIRST FLOOR PLAN
DA2005	PROPOSED GROUND FLOOR PLAN
DA2006	PROPOSED FIRST FLOOR PLAN
DA2007	PROPOSED ROOF PLAN
DA2008	PROPOSED POOL DETAILS
DA3001	SOUTH-EAST & NORTH-EAST ELEVATIONS
DA3002	SOUTH WEST ELEVATION
DA3003	SECTION A
DA4001	PERSPECTIVE 1 - AERIAL VIEW FROM SOUTH
DA4002	PERSPECTIVE 2 - AERIAL VIEW FROM EAST
DA4003	VIEW SHARING DIAGRAM
DA4004	SCHEDULE OF EXTERNAL FINISHES
DA5001	AREA CALCULATION DIAGRAM- GROSS FLOOR AREA
DA6001	BASIX COMMITMENTS
DA7001	SHADOW ANALYSIS DIAGRAM 21 JUNE 9AM
DA7002	SHADOW ANALYSIS DIAGRAM 21 JUNE 12NOON
DA7003	SHADOW ANALYSIS DIAGRAM 21 JUNE 3PM
DA8001	SUN EYE VIEW DIAGRAM 21 JUNE 9AM
DA8002	SUN EYE VIEW DIAGRAM 21 JUNE 10AM
DA8003	SUN EYE VIEW DIAGRAM 21 JUNE 11AM
DA8004	SUN EYE VIEW DIAGRAM 12NOON
DA8005	SUN EYE VIEW DIAGRAM 21 JUNE 1PM
DA8006	SUN EYE VIEW DIAGRAM 21 JUNE 2PM
DA8007	SUN EYE VIEW DIAGRAM 21 JUNE 3PM
DA9001	AMENITY IMPACT DIAGRAMS.(figures1&2)
DA9002	AMENITY IMPACT DIAGRAMS.(figures3&4)
DA9003	AMENITY IMPACT DIAGRAMS.(figures5&6)
DA9004	AMENITY IMPACT DIAGRAM.(figure7)
DA9005	AMENITY IMPACT DIAGRAM.(figure8)



**DBG**  
DESIGN&BUILDINGGROUP

3 PARRAMATTA SQUARE  
LEVEL 14,  
153 MACQUARIE STREET  
PARRAMATTA NSW 2150

P: +61 2 9615 9615

WWW.DABG.COM.AU  
INFO@DABG.COM.AU



## LOCAL VIEW



## SITE VIEW

## REGIONAL VIEW



Aerial views courtesy of Google Earth

Morrison Bay Park	500m
Putney Park	500m
Kissing Pt Wharf	700m
Putney Public School	1Km

Victoria Road	2.1Km
Ryde Aquatic Centre	2.3Km
Ryde Hospital	5.3Km
North Ryde RSL	6.7Km



project  
**PROPOSED ALTERATIONS AND ADDITIONS TO EXISTING RESIDENCE**

address  
**31 PELLISIER ROAD, PUTNEY (LOT 2 IN DP 1004964)**

drawing  
**LOCATION PLAN**

client  
**MR KEROLOS ZAKI**

NOTES

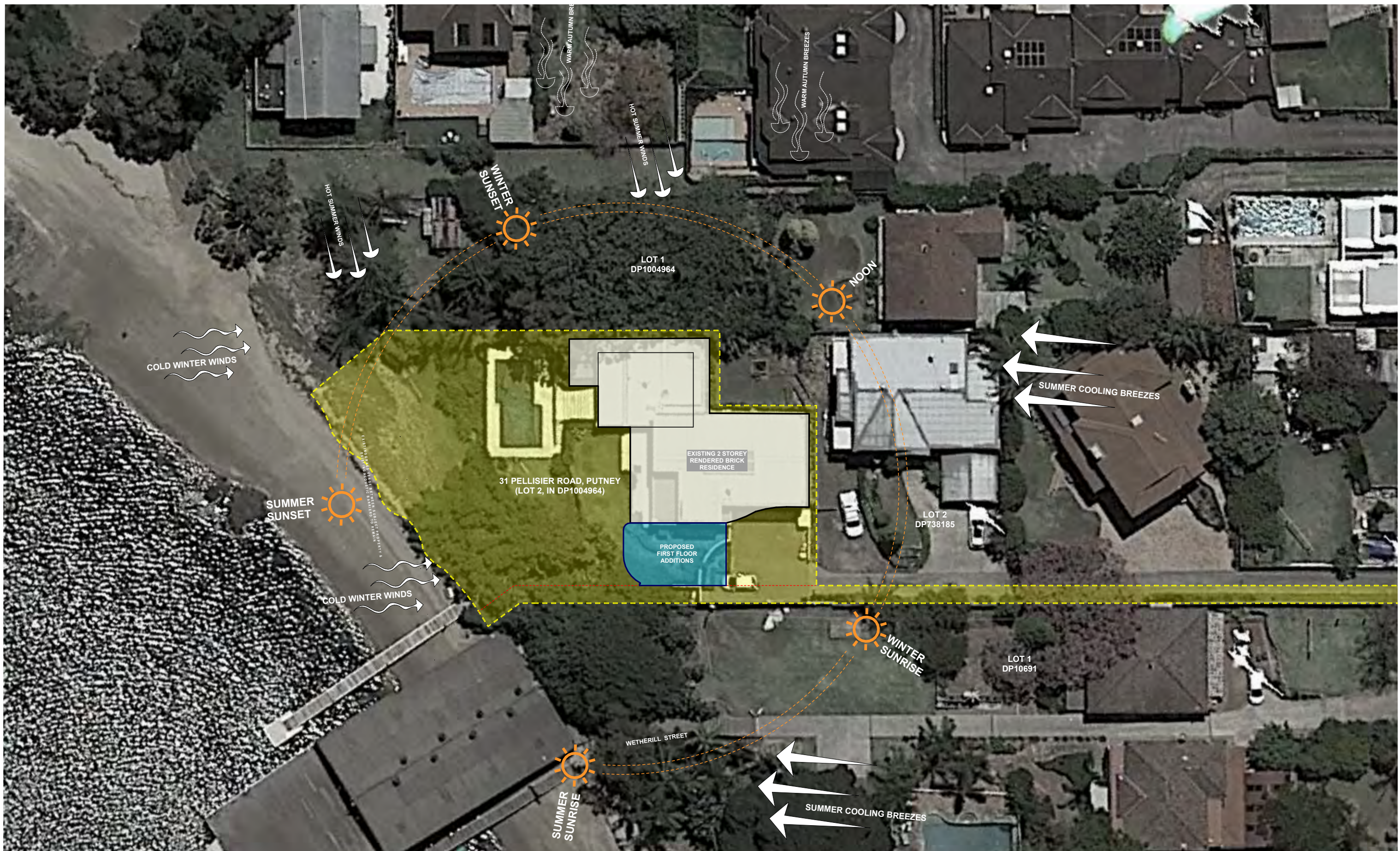
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issue	revision description	date
A	ISSUED FOR DEVELOPMENT APPLICATION	18/08/2022
NOTE: ALL STRUCTURAL ELEMENTS SUBJECT TO CHANGE AS DETERMINED BY STRUCTURAL ENGINEER AND DETAILED AT CC STAGE		
SCALE BAR		
<b>DEVELOPMENT APPLICATION - NOT FOR CONSTRUCTION</b>		



date (first issue)	18/08/2022
scale	NTS @ A3
project number	2017-16
drawing number	DA1002
issue	A
drawn	AF
checked	JA





3 PARRAMATTA SQUARE  
 LEVEL 14,  
 153 MACQUARIE STREET  
 PARRAMATTA NSW 2150  
 P: +61 2 9615 9615  
 WWW.DABG.COM.AU  
 INFO@DABG.COM.AU

project  
**PROPOSED ALTERATIONS AND ADDITIONS TO EXISTING RESIDENCE**

address  
**31 PELLISIER ROAD, PUTNEY (LOT 2 IN DP 1004964)**

drawing  
**SITE ANALYSIS PLAN**

client  
**MR KEROLOS ZAKI**

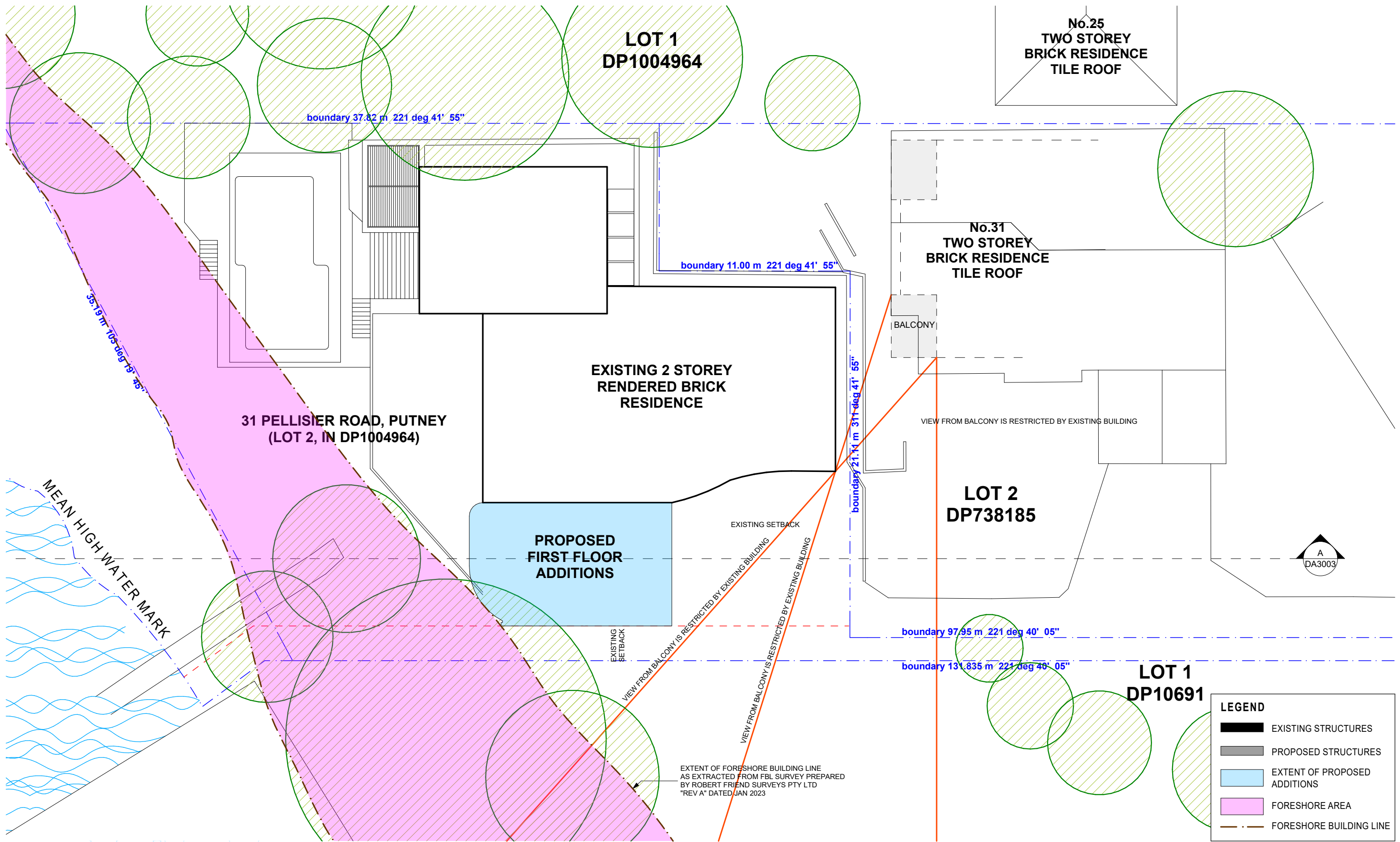
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issue	revision description	date
A	ISSUED FOR DEVELOPMENT APPLICATION	18/08/2022
B	RE-ISSUED FOR DEVELOPMENT APPLICATION	12/02/2023

NOTE: ALL STRUCTURAL ELEMENTS SUBJECT TO CHANGE AS DETERMINED BY STRUCTURAL ENGINEER AND DETAILED AT CC STAGE  
 SCALE BAR  
**DEVELOPMENT APPLICATION - NOT FOR CONSTRUCTION**

date (first issue)	18/08/2022
scale	NTS @ A3
project number	2017-16
drawing number	DA1003
issue	B
drawn	AF
checked	JA





3 PARRAMATTA SQUARE  
 LEVEL 14,  
 153 MACQUARIE STREET  
 PARRAMATTA NSW 2150  
 P: +61 2 9615 9615  
 WWW.DABG.COM.AU  
 INFO@DABG.COM.AU

project  
**PROPOSED ALTERATIONS AND ADDITIONS TO EXISTING RESIDENCE**

address  
 31 PELLISIER ROAD, PUTNEY  
 (LOT 2 IN DP 1004964)

drawing  
 SITE PLAN

client  
 MR KEROLOS ZAKI

NOTES  
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issue	revision description	date
A	ISSUED FOR DEVELOPMENT APPLICATION	18/08/2022
B	RE-ISSUED FOR DEVELOPMENT APPLICATION	12/02/2023

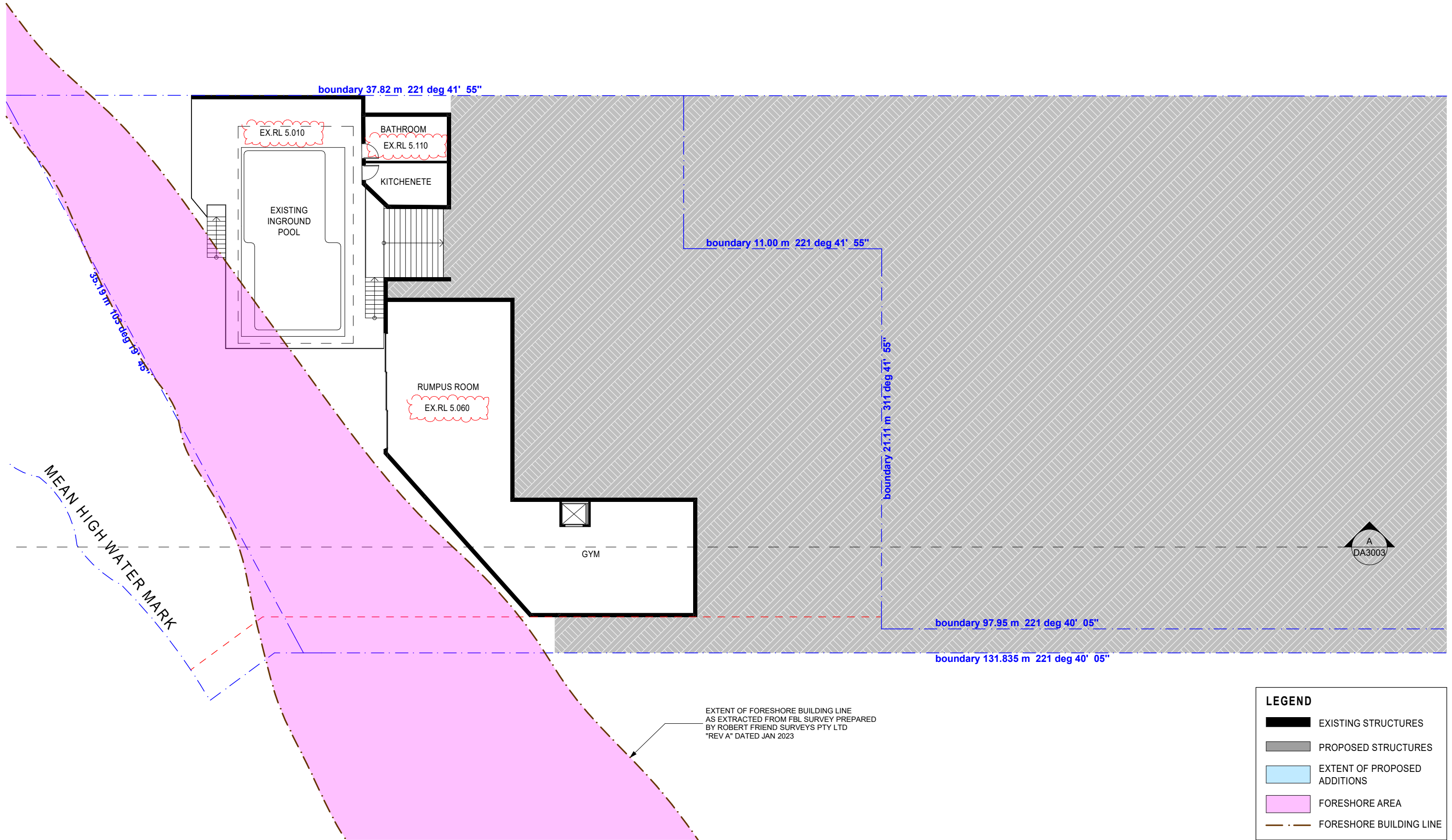
NOTE: ALL STRUCTURAL ELEMENTS SUBJECT TO CHANGE AS DETERMINED BY STRUCTURAL ENGINEER AND DETAILED AT CC STAGE

SCALE BAR  
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 1:100 1m 2m 3m 5m

**DEVELOPMENT APPLICATION - NOT FOR CONSTRUCTION**

date (first issue) 18/08/2022  
 scale 1:200 @ A3  
 project number 2017-16  
 drawing number DA2001  
 issue B  
 drawn AF checked JA





**LEGEND**

- EXISTING STRUCTURES
- PROPOSED STRUCTURES
- EXTENT OF PROPOSED ADDITIONS
- FORESHORE AREA
- FORESHORE BUILDING LINE

**DBG**  
DESIGN & BUILDING GROUP

3 PARRAMATTA SQUARE  
LEVEL 14,  
153 MACQUARIE STREET  
PARRAMATTA NSW 2150

P: +61 2 9615 9615

WWW.DABG.COM.AU  
INFO@DABG.COM.AU

project  
**PROPOSED ALTERATIONS AND  
ADDITIONS TO EXISTING RESIDENCE**

address  
31 PELLISIER ROAD, PUTNEY  
(LOT 2 IN DP 1004964)

drawing  
EXISTING LOWER GROUND FLOOR PLAN

client  
MR KEROLOS ZAKI

**NOTES**

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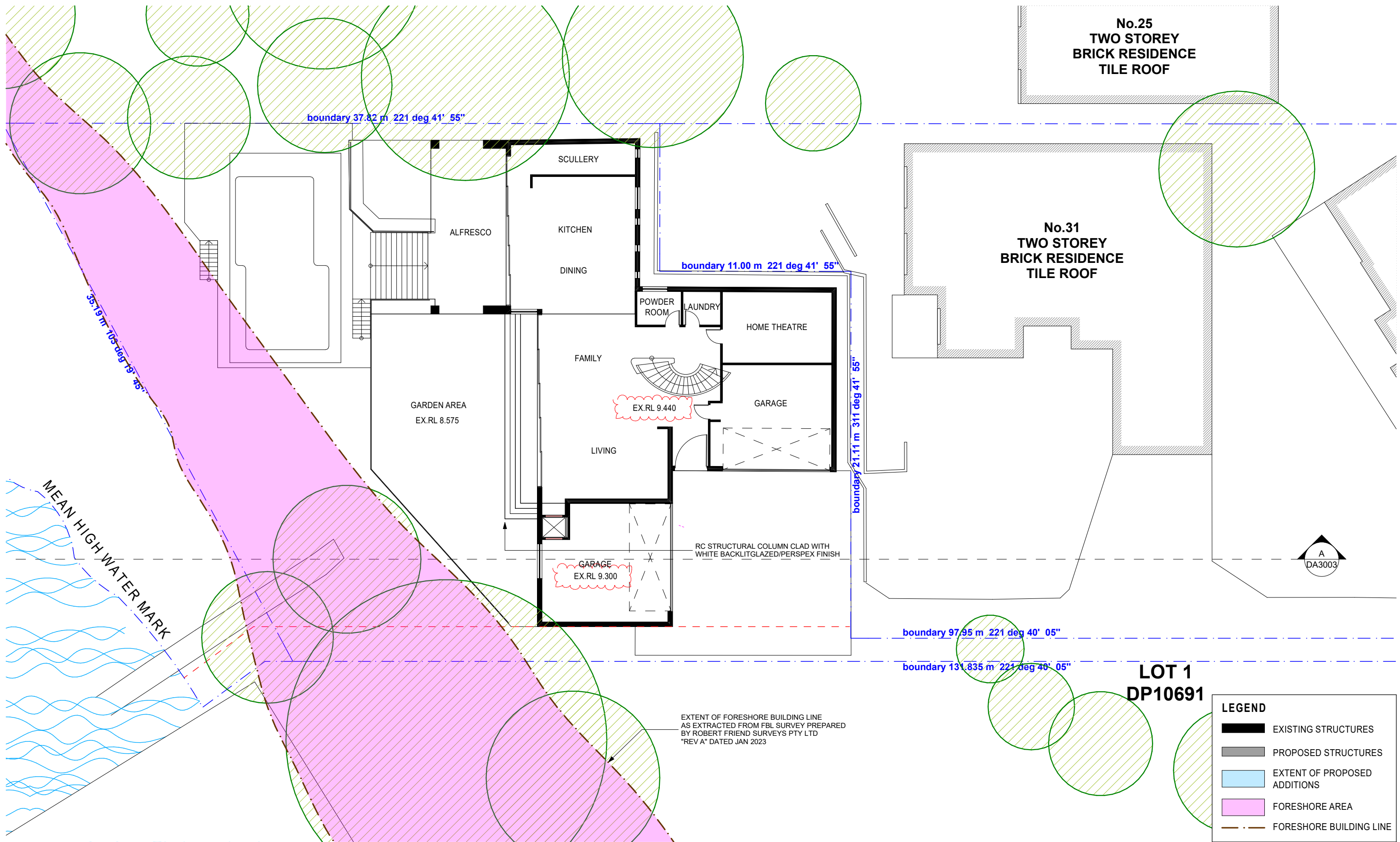
issue	revision description	date
A	ISSUED FOR DEVELOPMENT APPLICATION	18/08/2022
B	RE-ISSUED FOR DEVELOPMENT APPLICATION	12/02/2023
C	RE-ISSUED FOR RFI	16/08/2023

NOTE: ALL STRUCTURAL ELEMENTS SUBJECT TO CHANGE AS DETERMINED BY STRUCTURAL ENGINEER AND DETAILED AT CC STAGE

SCALE BAR  
1:200  
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**DEVELOPMENT APPLICATION - NOT FOR CONSTRUCTION**

date (first issue)	18/08/2022
scale	1:200 @ A3
project number	2017-16
drawing number	DA2002
issue	C
drawn	AF
checked	JA



3 PARRAMATTA SQUARE  
LEVEL 14,  
153 MACQUARIE STREET  
PARRAMATTA NSW 2150

P: +61 2 9615 9615

WWW.DABG.COM.AU  
INFO@DABG.COM.AU

project  
**PROPOSED ALTERATIONS AND ADDITIONS TO EXISTING RESIDENCE**

address  
31 PELLISIER ROAD, PUTNEY  
(LOT 2 IN DP 1004964)

drawing  
EXISTING GROUND FLOOR PLAN

client  
MR KEROLOS ZAKI

**NOTES**

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issue	revision description	date
A	ISSUED FOR DEVELOPMENT APPLICATION	18/08/2022
B	RE-ISSUED FOR DEVELOPMENT APPLICATION	12/02/2023
C	RE-ISSUED FOR RFI	16/08/2023

NOTE: ALL STRUCTURAL ELEMENTS SUBJECT TO CHANGE AS DETERMINED BY STRUCTURAL ENGINEER AND DETAILED AT CC STAGE

SCALE BAR  
1:200  
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**DEVELOPMENT APPLICATION - NOT FOR CONSTRUCTION**

date (first issue) 18/08/2022

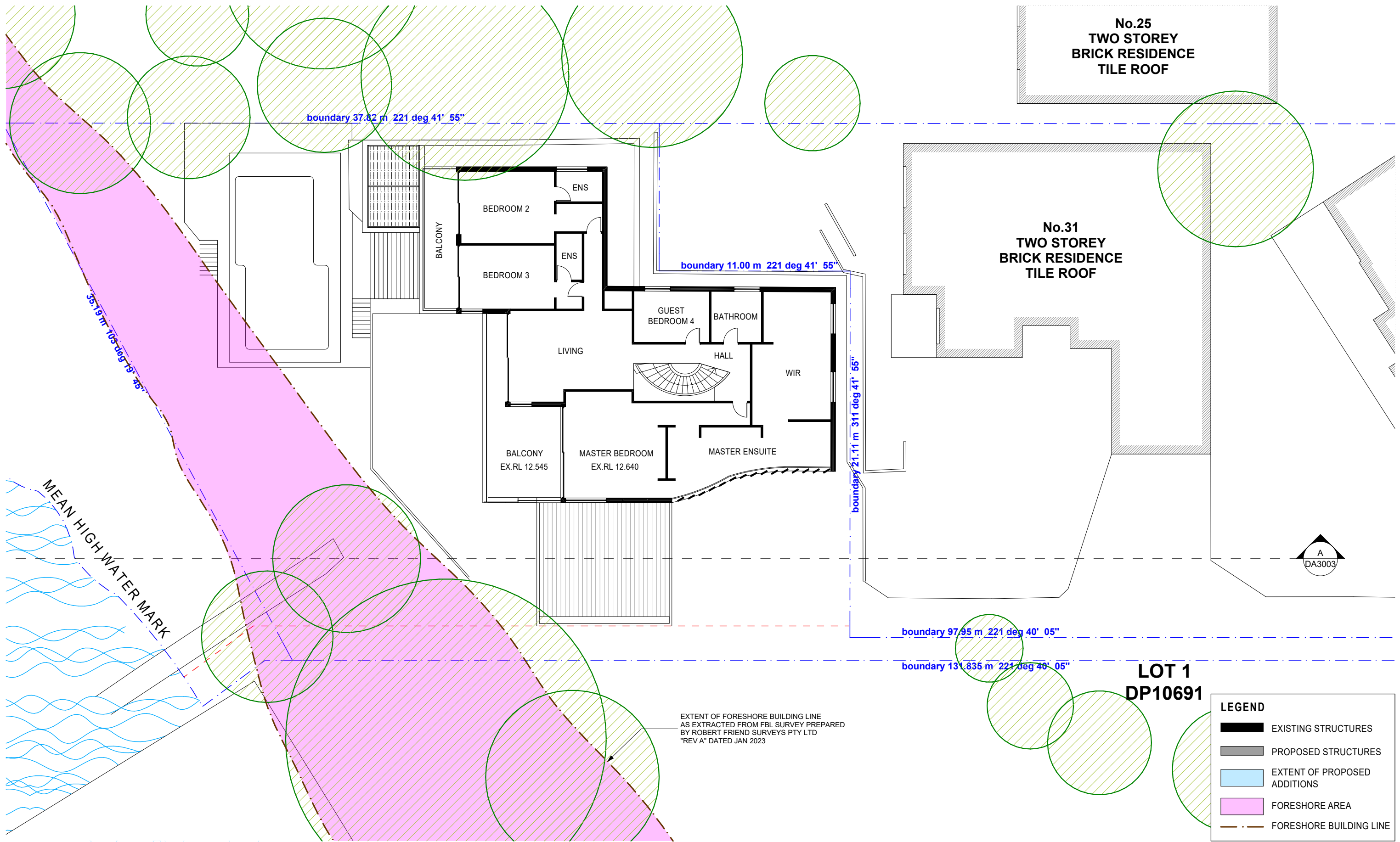
scale 1:200 @ A3

project number 2017-16

drawing number DA2003

issue C

drawn AF checked JA



3 PARRAMATTA SQUARE  
LEVEL 14,  
153 MACQUARIE STREET  
PARRAMATTA NSW 2150

P: +61 2 9615 9615

WWW.DABG.COM.AU  
INFO@DABG.COM.AU

project  
**PROPOSED ALTERATIONS AND ADDITIONS TO EXISTING RESIDENCE**

address  
31 PELLISIER ROAD, PUTNEY  
(LOT 2 IN DP 1004964)

drawing  
EXISTING FIRST FLOOR PLAN

client  
MR KEROLOS ZAKI

**NOTES**

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issue	revision description	date
A	ISSUED FOR DEVELOPMENT APPLICATION	18/08/2022
B	RE-ISSUED FOR DEVELOPMENT APPLICATION	12/02/2023

NOTE: ALL STRUCTURAL ELEMENTS SUBJECT TO CHANGE AS DETERMINED BY STRUCTURAL ENGINEER AND DETAILED AT CC STAGE

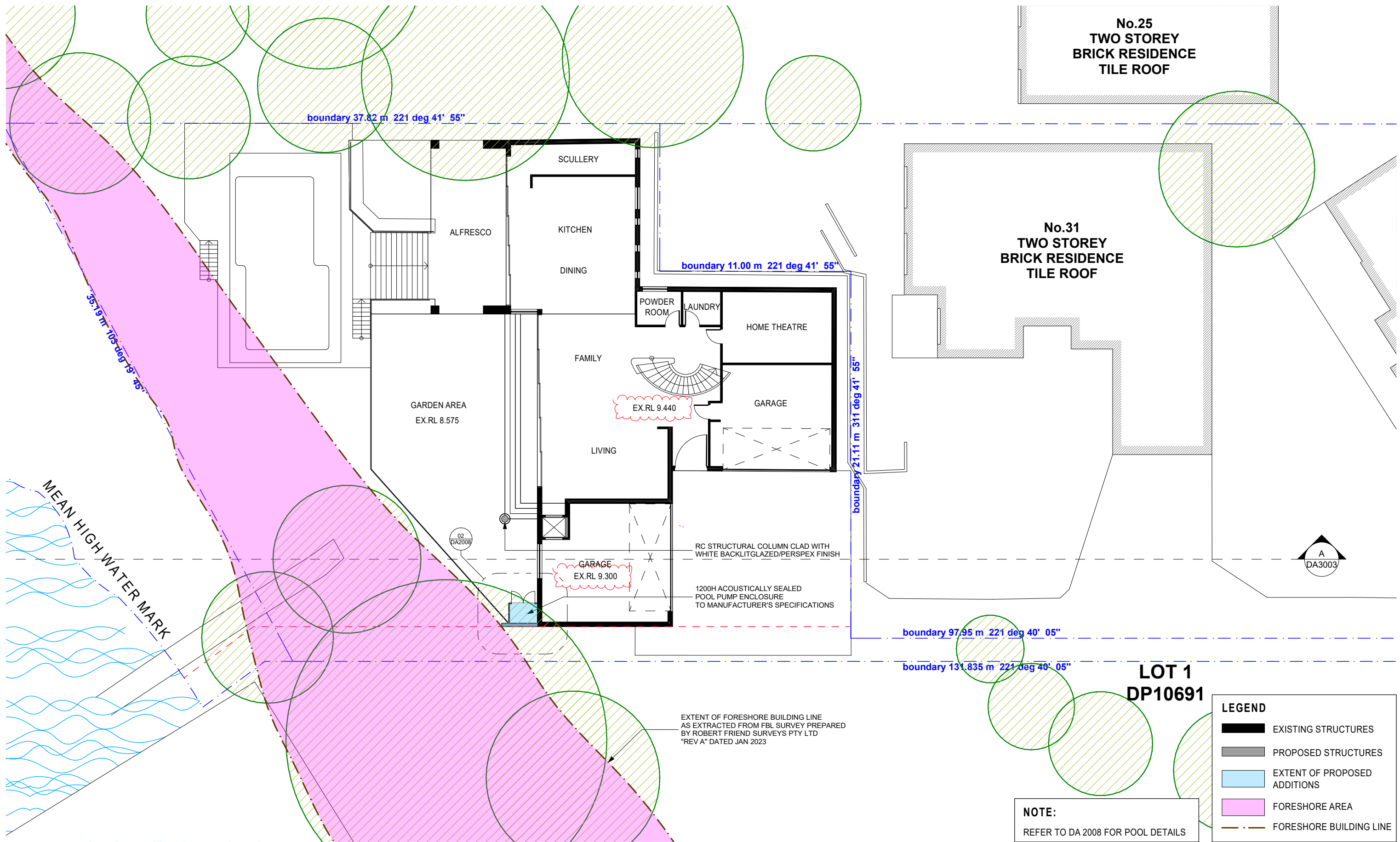
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**DEVELOPMENT APPLICATION - NOT FOR CONSTRUCTION**

date (first issue)	18/08/2022
scale	1:200 @ A3
project number	2017-16
drawing number	DA2004
issue	B
drawn	AF
checked	JA





**DBG**  
DESIGN & BUILDING GROUP

3 PARRAMATTA SQUARE  
LEVEL 14,  
153 MACQUARIE STREET  
PARRAMATTA NSW 2150

P: +61 2 9615 9615  
WWW.DABG.COM.AU  
INFO@DABG.COM.AU

project  
**PROPOSED ALTERATIONS AND ADDITIONS TO EXISTING RESIDENCE**

address  
**31 PELLISIER ROAD, PUTNEY (LOT 2 IN DP 1004964)**

drawing  
**PROPOSED GROUND FLOOR PLAN**

client  
**MR KEROLOS ZAKI**

NOTES

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issue	revision description	date
B	RE-ISSUED FOR DEVELOPMENT APPLICATION	10/11/2022
C	RE-ISSUED FOR DEVELOPMENT APPLICATION	12/02/2023
D	RE-ISSUED FOR RFI	16/08/2023

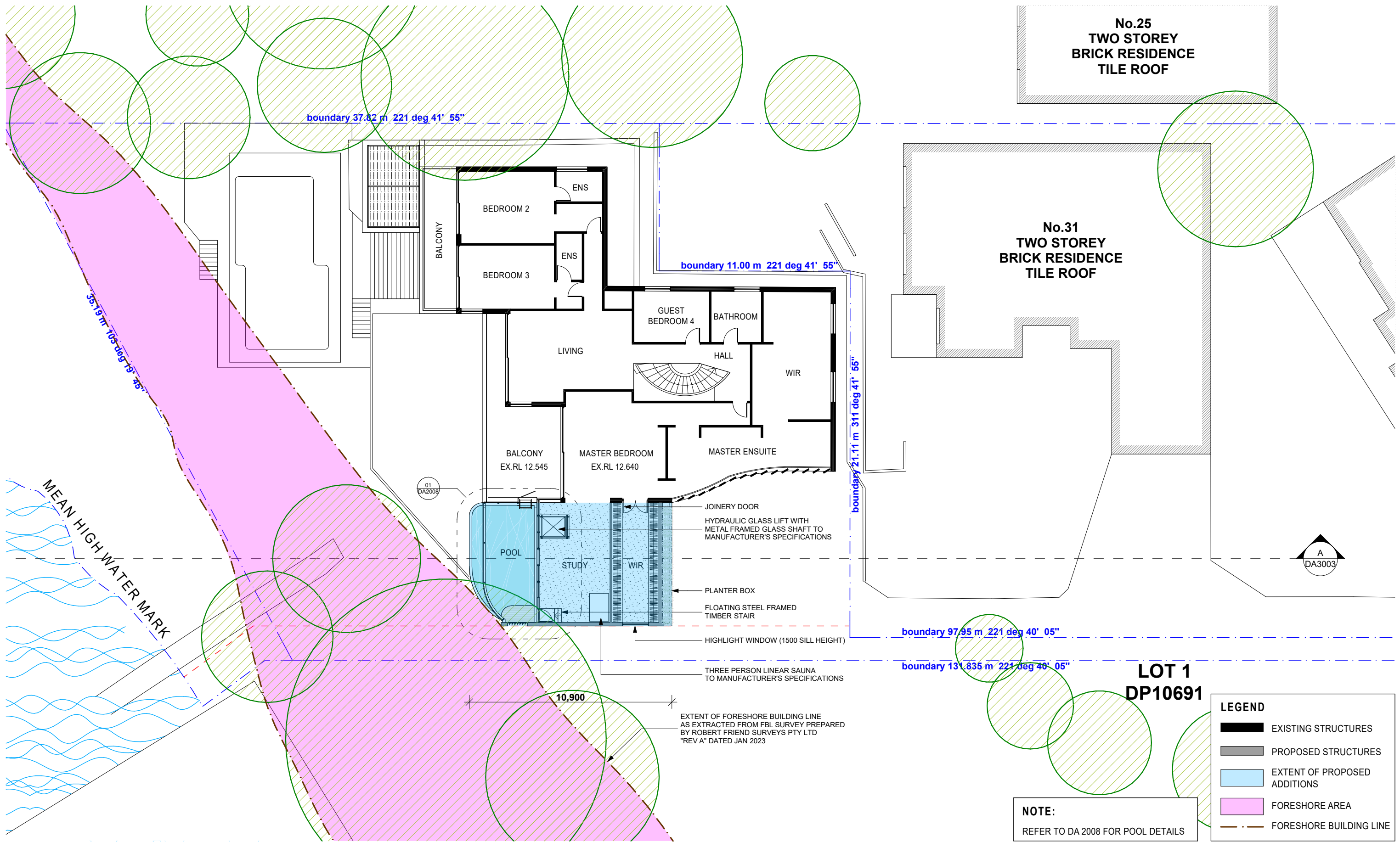
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SCALE BAR  
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**DEVELOPMENT APPLICATION - NOT FOR CONSTRUCTION**

date (first issue)	18/08/2022
scale	1:200 @ A3
project number	2017-16
drawing number	DA2005
issue	D
drawn	AF
checked	JA





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DESIGN & BUILDING GROUP

3 PARRAMATTA SQUARE  
LEVEL 14,  
153 MACQUARIE STREET  
PARRAMATTA NSW 2150

P: +61 2 9615 9615  
WWW.DABG.COM.AU  
INFO@DABG.COM.AU

project  
**PROPOSED ALTERATIONS AND ADDITIONS TO EXISTING RESIDENCE**

address  
**31 PELLISIER ROAD, PUTNEY (LOT 2 IN DP 1004964)**

drawing  
**PROPOSED FIRST FLOOR PLAN**

client  
**MR KEROLOS ZAKI**

**NOTES**

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issue	revision description	date
A	ISSUED FOR DEVELOPMENT APPLICATION	18/08/2022
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C	RE-ISSUED FOR DEVELOPMENT APPLICATION	12/02/2023

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SCALE BAR  
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**DEVELOPMENT APPLICATION - NOT FOR CONSTRUCTION**

date (first issue) 18/08/2022

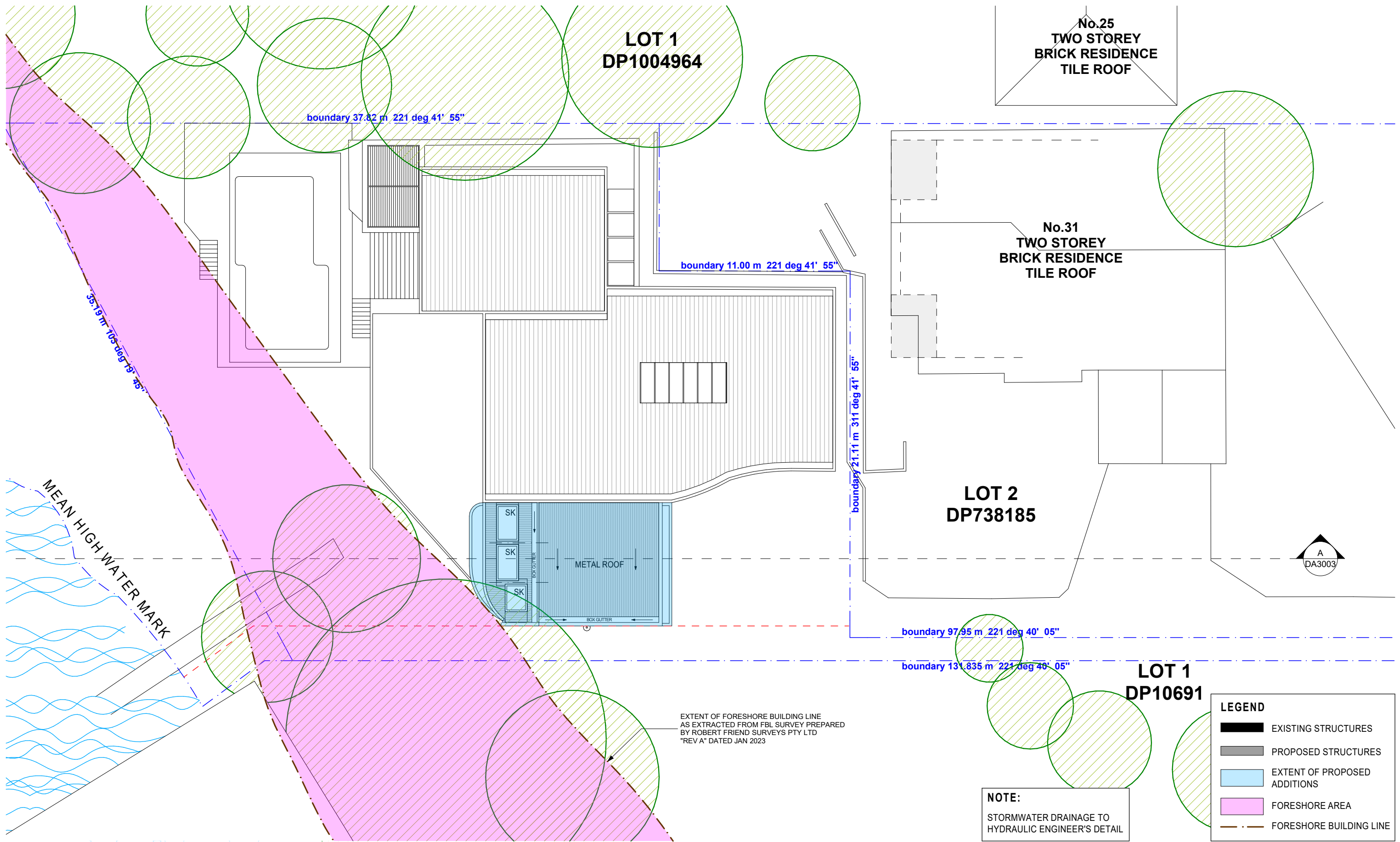
scale 1:200 @ A3

project number 2017-16

drawing number DA2006

issue C

drawn AF checked JA



EXTENT OF FORESHORE BUILDING LINE  
AS EXTRACTED FROM FBL SURVEY PREPARED  
BY ROBERT FRIEND SURVEYS PTY LTD  
"REV A" DATED JAN 2023

**NOTE:**  
STORMWATER DRAINAGE TO  
HYDRAULIC ENGINEER'S DETAIL

LEGEND	
	EXISTING STRUCTURES
	PROPOSED STRUCTURES
	EXTENT OF PROPOSED ADDITIONS
	FORESHORE AREA
	FORESHORE BUILDING LINE

3 PARRAMATTA SQUARE  
LEVEL 14,  
153 MACQUARIE STREET  
PARRAMATTA NSW 2150  
P: +61 2 9615 9615  
WWW.DABG.COM.AU  
INFO@DABG.COM.AU

project  
**PROPOSED ALTERATIONS AND  
ADDITIONS TO EXISTING RESIDENCE**

address  
31 PELLISIER ROAD, PUTNEY  
(LOT 2 IN DP 1004964)

drawing  
**PROPOSED ROOF PLAN**

client  
MR KEROLOS ZAKI

**NOTES**

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issue	revision description	date
A	ISSUED FOR DEVELOPMENT APPLICATION	18/08/2022
B	RE-ISSUED FOR DEVELOPMENT APPLICATION	12/02/2023

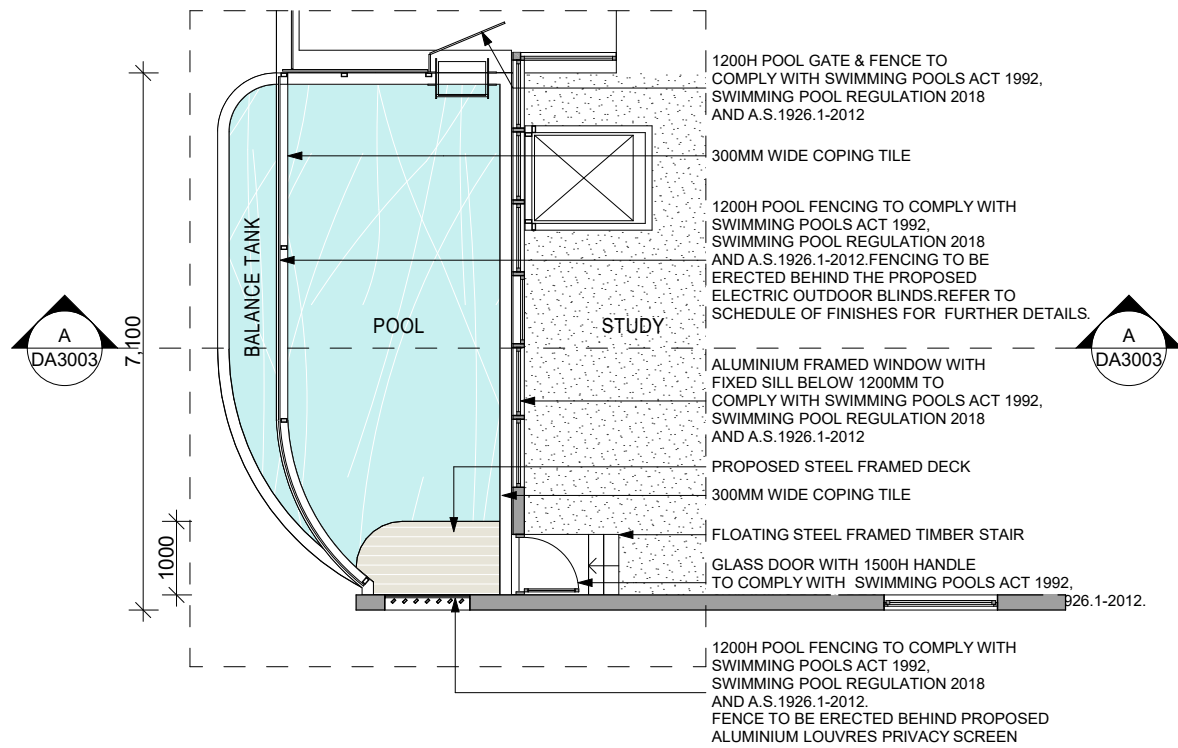
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SCALE BAR  
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1:100 1m 2m 3m 5m

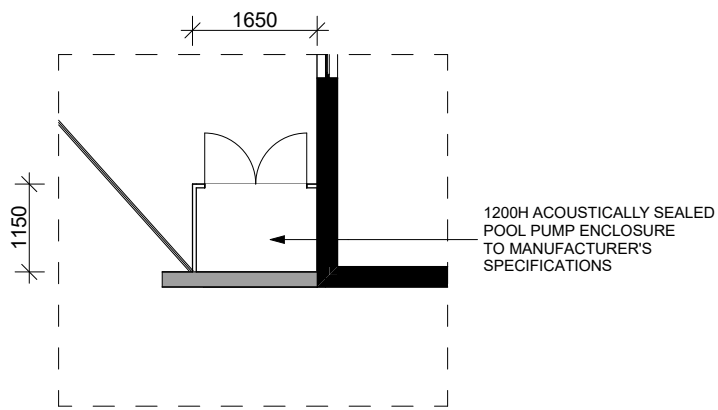
**DEVELOPMENT APPLICATION - NOT FOR CONSTRUCTION**

date (first issue)	18/08/2022
scale	1:200 @ A3
project number	2017-16
drawing number	DA2007
issue	B
drawn	AF
checked	JA

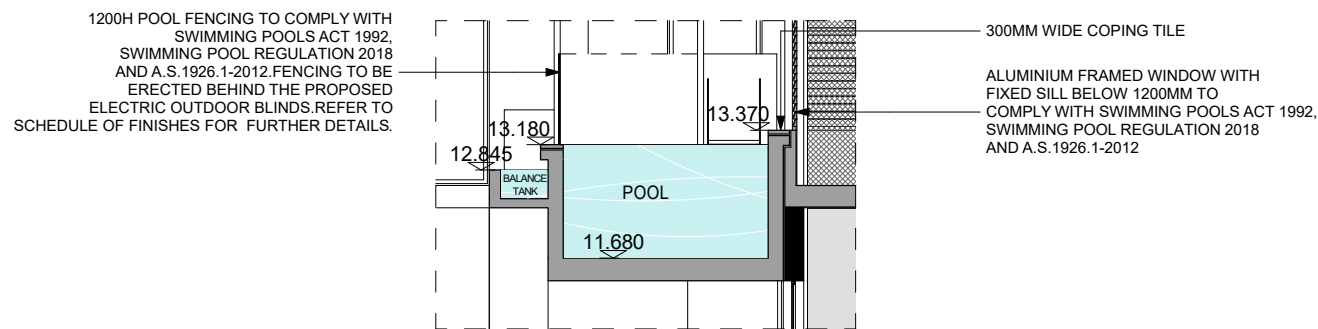




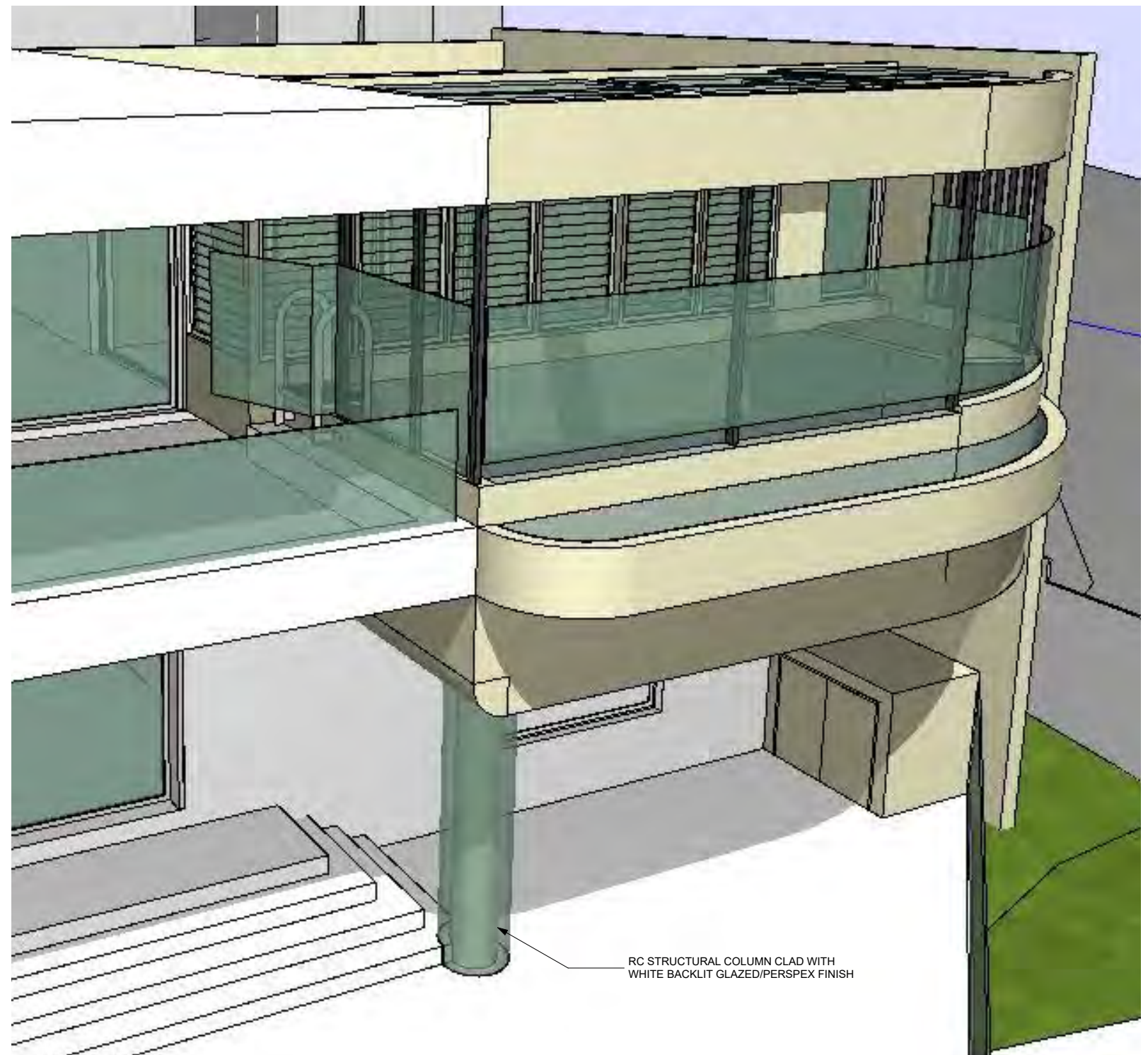
01 POOL PLAN 1:100



02 POOL PUMP ENCLOSURE PLAN 1:100



03 POOL SECTION DETAIL 1:100



04 View 01-SWIMMING POOL N.T.S.

**NOTE:**  
STORMWATER DRAINAGE TO HYDRAULIC ENGINEER'S DETAIL

**NOTE:**  
PROPOSED SWIMMING POOL AND ENCLOSURES TO COMPLY WITH SWIMMING POOLS ACT 1992, SWIMMING POOL REGULATION 2018 AND A.S. 1926.1-2012. A NON-CLIMBABLE ZONE IS TO BE MAINTAINED IN ACCORDANCE WITH THE ABOVE REGULATIONS

LEGEND	
	EXISTING STRUCTURES
	PROPOSED STRUCTURES
	EXTENT OF PROPOSED ADDITIONS
	FORESHORE AREA
	FORESHORE BUILDING LINE

3 PARRAMATTA SQUARE  
LEVEL 14,  
153 MACQUARIE STREET  
PARRAMATTA NSW 2150

P: +61 2 9615 9615

WWW.DABG.COM.AU  
INFO@DABG.COM.AU

project  
**PROPOSED ALTERATIONS AND ADDITIONS TO EXISTING RESIDENCE**

address  
31 PELLISIER ROAD, PUTNEY  
(LOT 2 IN DP 1004964)

drawing  
PROPOSED POOL DETAILS

client  
MR KEROLOS ZAKI

NOTES

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issue	revision description	date
A	ISSUED FOR DEVELOPMENT APPLICATION	10/11/2022
B	RE-ISSUED FOR DEVELOPMENT APPLICATION	12/02/2023

NOTE: ALL STRUCTURAL ELEMENTS SUBJECT TO CHANGE AS DETERMINED BY STRUCTURAL ENGINEER AND DETAILED AT CC STAGE

SCALE BAR

1:200 2m 4m 6m 10m  
1:100 1m 2m 3m 5m

**DEVELOPMENT APPLICATION - NOT FOR CONSTRUCTION**



date (first issue) 10/11/2022

scale 1:100 @ A3

project number 2017-16

drawing number DA2008

issue B

drawn AF checked JA





SOUTH-EAST ELEVATION



NORTH-EAST ELEVATION

3 PARRAMATTA SQUARE  
LEVEL 14,  
153 MACQUARIE STREET  
PARRAMATTA NSW 2150  
P: +61 2 9615 9615  
WWW.DABG.COM.AU  
INFO@DABG.COM.AU

project  
**PROPOSED ALTERATIONS AND ADDITIONS TO EXISTING RESIDENCE**

address  
31 PELLISIER ROAD, PUTNEY  
(LOT 2 IN DP 1004964)

drawing  
SOUT-EAST & NORTH-EAST ELEVATIONS

client  
MR KERLOS ZAKI

NOTES

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issue	revision description	date
A	ISSUED FOR DEVELOPMENT APPLICATION	18/08/2022
B	RE-ISSUED FOR DEVELOPMENT APPLICATION	12/02/2023

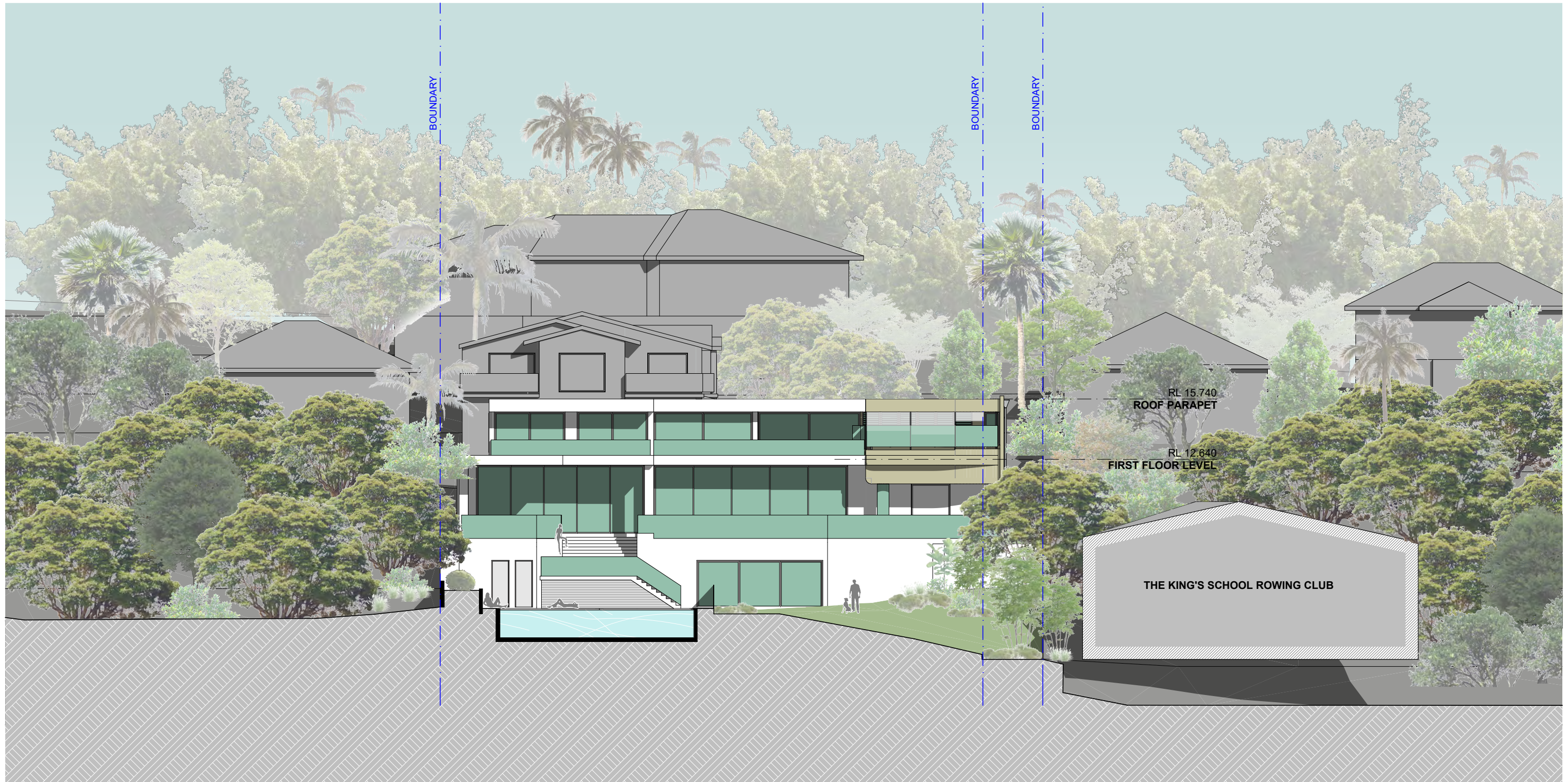
NOTE: ALL STRUCTURAL ELEMENTS SUBJECT TO CHANGE AS DETERMINED BY STRUCTURAL ENGINEER AND DETAILED AT CC STAGE

SCALE BAR  
1:200 2m 4m 6m 10m  
1:100 1m 2m 3m 5m

**DEVELOPMENT APPLICATION - NOT FOR CONSTRUCTION**

date (first issue)	18/08/2022
scale	1:200 @ A3
project number	2017-16
drawing number	DA3001
issue	B
drawn	AF
checked	JA





**LEGEND**

- PROPOSED STRUCTURES
- EXISTING STRUCTURES


**3 PARRAMATTA SQUARE**  
 LEVEL 14,  
 153 MACQUARIE STREET  
 PARRAMATTA NSW 2150  
 P: +61 2 9615 9615  
 WWW.DABG.COM.AU  
 INFO@DABG.COM.AU

project  
**PROPOSED ALTERATIONS AND  
 ADDITIONS TO EXISTING RESIDENCE**

address  
 31 PELLISIER ROAD, PUTNEY  
 (LOT 2 IN DP 1004964)

drawing  
**SOUTH-WEST ELEVATION**

client  
**MR KEROLOS ZAKI**

**NOTES**  
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issue	revision description	date
A	ISSUED FOR DEVELOPMENT APPLICATION	18/08/2022
B	RE-ISSUED FOR DEVELOPMENT APPLICATION	10/11/2022
C	RE-ISSUED FOR DEVELOPMENT APPLICATION	12/02/2023

NOTE: ALL STRUCTURAL ELEMENTS SUBJECT TO CHANGE AS DETERMINED BY STRUCTURAL ENGINEER AND DETAILED AT CC STAGE

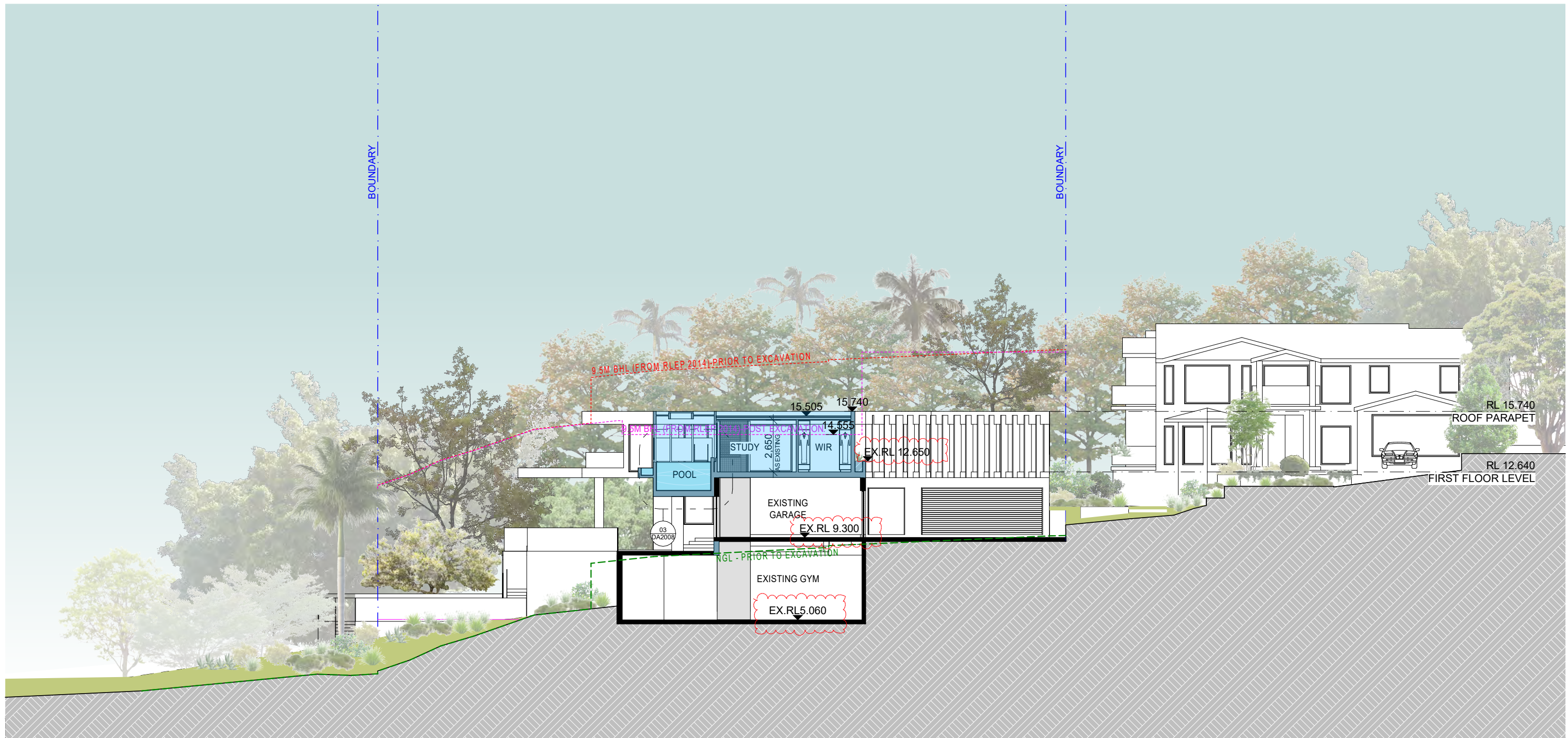
SCALE BAR

1:200	2m	4m	6m	10m
1:100	1m	2m	3m	5m

**DEVELOPMENT APPLICATION - NOT FOR CONSTRUCTION**

date (first issue)	18/08/2022
scale	1:200 @ A3
project number	2017-16
drawing number	DA3002
issue	C
drawn	AF
checked	JA





**NOTE:**  
REFER TO DA 2008 FOR POOL DETAILS

LEGEND	
	EXISTING STRUCTURES
	PROPOSED STRUCTURES
	EXTENT OF PROPOSED ADDITIONS
	FORESHORE AREA
	FORESHORE BUILDING LIN

**DBG**  
DESIGN & BUILDING GROUP

3 PARRAMATTA SQUARE  
LEVEL 14,  
153 MACQUARIE STREET  
PARRAMATTA NSW 2150

P: +61 2 9615 9615  
WWW.DABG.COM.AU  
INFO@DABG.COM.AU

project  
**PROPOSED ALTERATIONS AND ADDITIONS TO EXISTING RESIDENCE**

address  
31 PELLISIER ROAD, PUTNEY  
(LOT 2 IN DP 1004964)

drawing  
SECTION A

client  
MR KEROLOS ZAKI

NOTES

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issue	revision description	date
C	RE-ISSUED FOR DEVELOPMENT APPLICATION	12/02/2023
D	RE-ISSUED FOR DEVELOPMENT APPLICATION	04/07/2023
E	RE-ISSUED FOR RFI	16/08/2023

NOTE: ALL STRUCTURAL ELEMENTS SUBJECT TO CHANGE AS DETERMINED BY STRUCTURAL ENGINEER AND DETAILED AT CC STAGE

SCALE BAR  
1:200 2m 4m 6m 10m  
1:100 1m 2m 3m 5m

**DEVELOPMENT APPLICATION - NOT FOR CONSTRUCTION**

date (first issue) 18/08/2022

scale 1:200 @ A3

project number 2017-16

drawing number DA3003

issue E

drawn AF checked JA




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 LEVEL 14,  
 153 MACQUARIE STREET  
 PARRAMATTA NSW 2150  
 P: +61 2 9615 9615  
 WWW.DABG.COM.AU  
 INFO@DABG.COM.AU

project  
**PROPOSED ALTERATIONS AND ADDITIONS TO EXISTING RESIDENCE**

address  
 31 PELLISIER ROAD, PUTNEY  
 (LOT 2 IN DP 1004964)

drawing  
**PERSPECTIVE 1 - AERIAL VIEW FROM SOUTH**

client  
 MR KEROLOS ZAKI

NOTES  
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A	ISSUED FOR DEVELOPMENT APPLICATION	18/08/2022
B	RE-ISSUED FOR DEVELOPMENT APPLICATION	12/02/2023

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SCALE BAR

**DEVELOPMENT APPLICATION - NOT FOR CONSTRUCTION**

date (first issue)	18/08/2022
scale	NTS @ A3
project number	2017-16
drawing number	DA4001
issue	B
drawn	AF checked JA






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 LEVEL 14,  
 153 MACQUARIE STREET  
 PARRAMATTA NSW 2150  
 P: +61 2 9615 9615  
 WWW.DABG.COM.AU  
 INFO@DABG.COM.AU

project  
**PROPOSED ALTERATIONS AND  
 ADDITIONS TO EXISTING RESIDENCE**

address  
 31 PELLISIER ROAD, PUTNEY  
 (LOT 2 IN DP 1004964)

drawing  
**PERSPECTIVE 2 - AERIAL VIEW FROM EAST**

client  
 MR KERLOS ZAKI

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A	ISSUED FOR DEVELOPMENT APPLICATION	18/08/2022
B	RE-ISSUED FOR DEVELOPMENT APPLICATION	12/02/2023

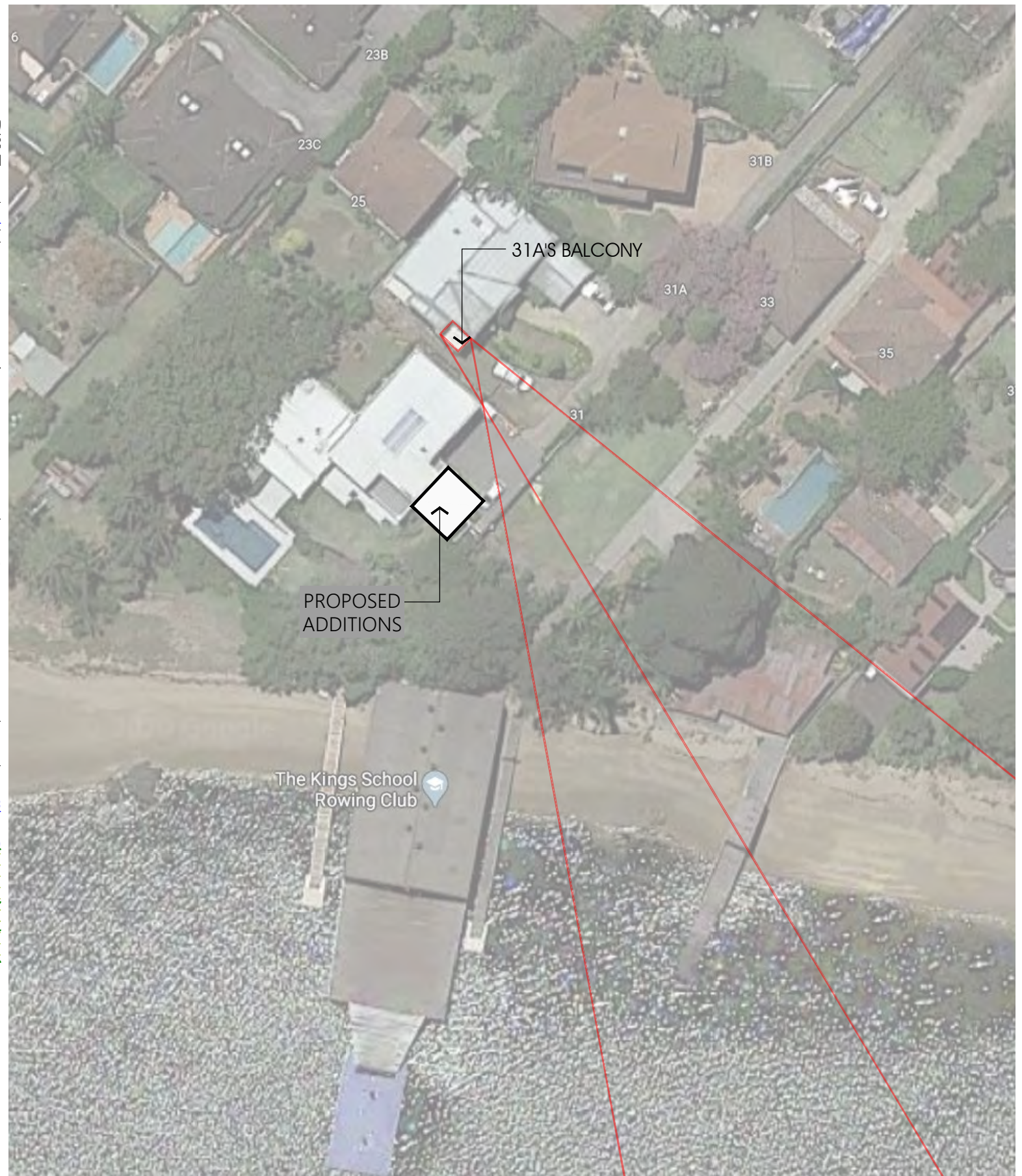
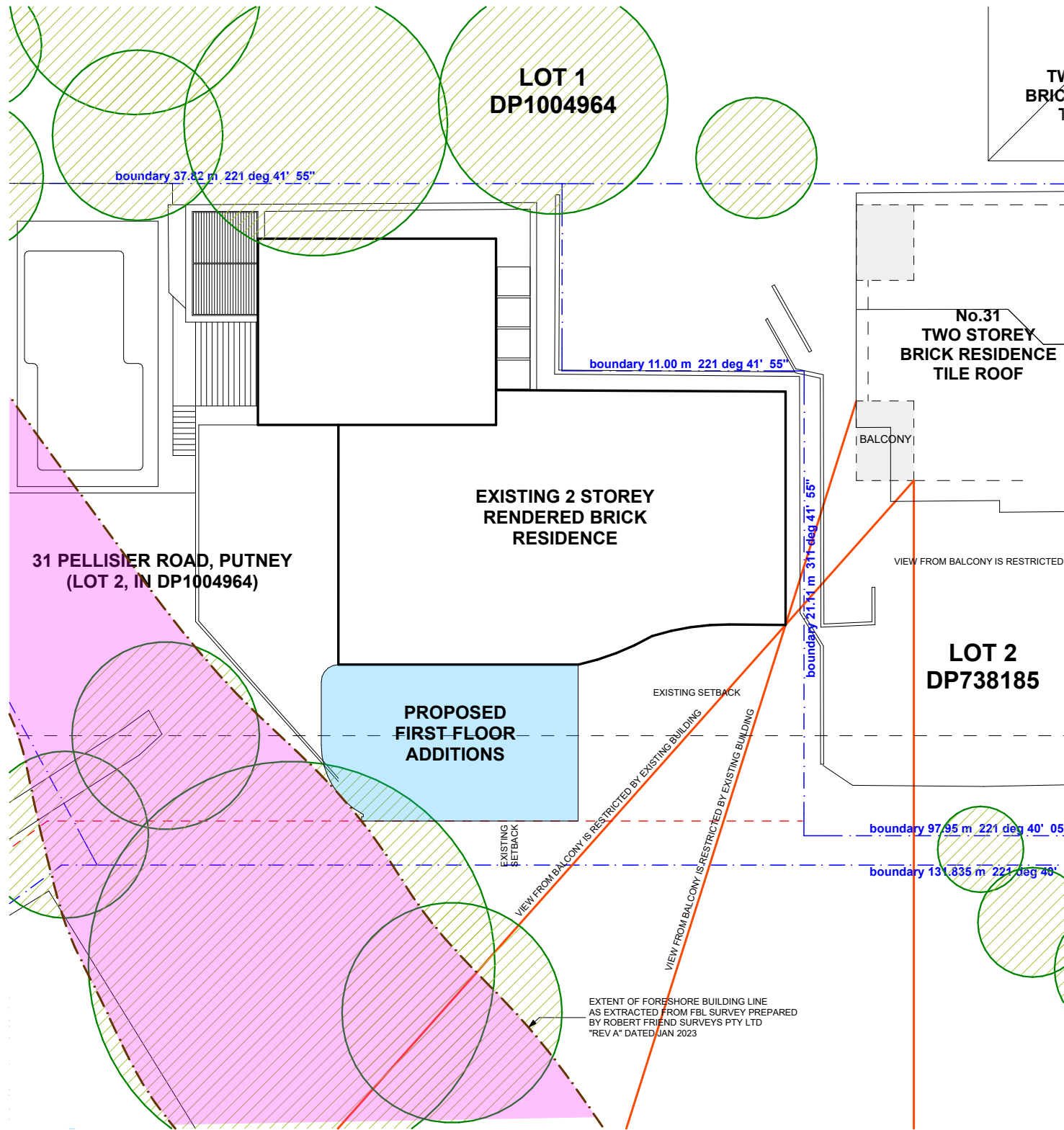
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SCALE BAR

**DEVELOPMENT APPLICATION - NOT FOR CONSTRUCTION**

date (first issue)	18/08/2022
scale	NTS @ A3
project number	2017-16
drawing number	DA4002
issue	B
drawn	AF
checked	JA





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DESIGN & BUILDING GROUP

3 PARRAMATTA SQUARE  
LEVEL 14,  
153 MACQUARIE STREET  
PARRAMATTA NSW 2150

P: +61 2 9615 9615

WWW.DABG.COM.AU  
INFO@DABG.COM.AU

project  
**PROPOSED ALTERATIONS AND ADDITIONS TO EXISTING RESIDENCE**

address  
**31 PELLISIER ROAD, PUTNEY (LOT 2 IN DP 1004964)**

drawing  
**VIEW SHARING DIAGRAM**

client  
**MR KEROLOS ZAKI**

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SCALE BAR

**DEVELOPMENT APPLICATION - NOT FOR CONSTRUCTION**

date (first issue) 18/08/2022

scale NTS @ A3

project number 2017-16

drawing number DA4003

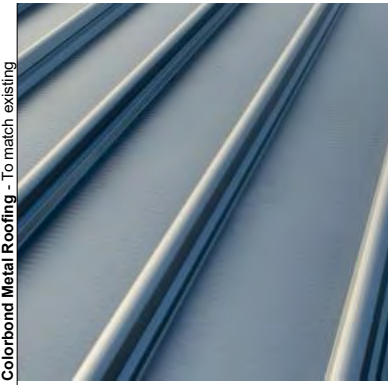
issue B

drawn AF checked JA





Wall Acrylic Render - To match existing



Colorbond Metal Roofing - To match existing



Rainwater Head - Roof vents Australia Custom Riveted Powder Coated Rainhead. To Match Existing



Window Frame - Powder Coated Aluminium. To Match Existing



Wall Acrylic Render - To match existing With Shadowline Grooves - To detail



Pool Balustrade - 1200H Glass Pool Gate & Fencing



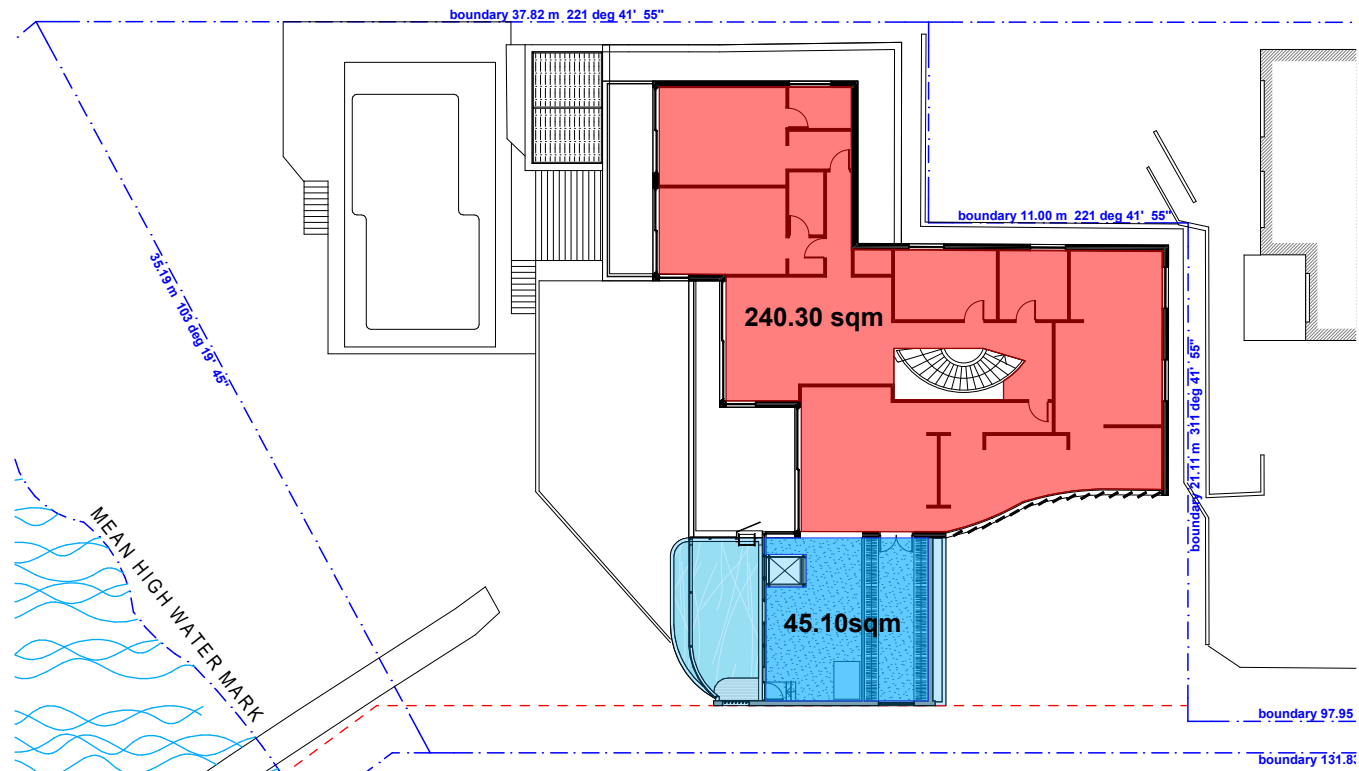
Electric Shade outdoor Window Blind Night Sky Satin. Duralley. 2609128S or similar



Downpipe - Strato Contour Powder Coated. To Match Existing

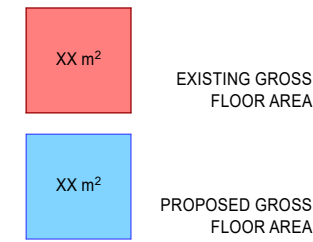


Sandstone Wall - To match existing



FIRST FLOOR GFA

**AREA CALCULATION LEGEND**



**GROSS FLOOR AREA (GFA) CALCULATION**

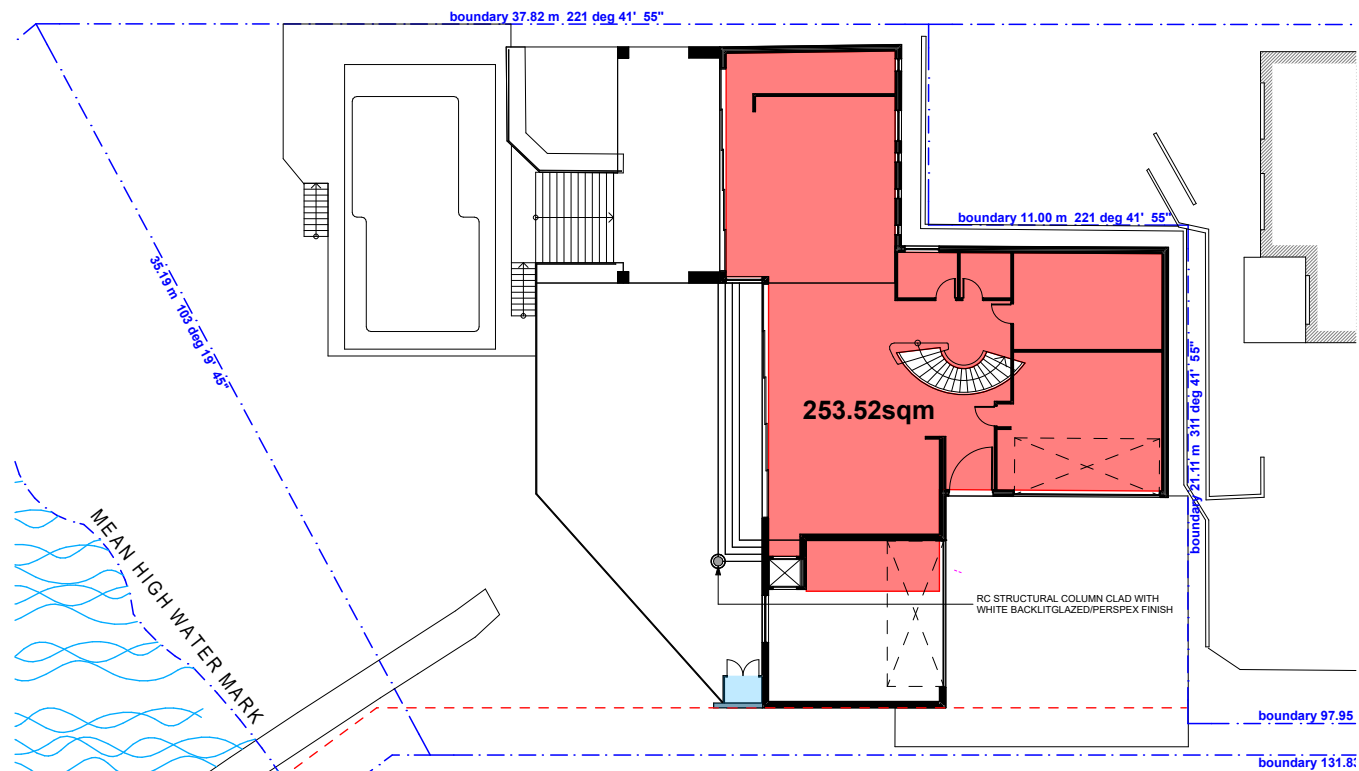
SITE AREA.....	1572.00sqm
LOWER GROUND FLOOR.....	165.30sqm
GROUND FLOOR.....	253.52sqm
FIRST FLOOR.....	240.30sqm
PROPOSED ADDITIONS.....	45.10sqm
PROPOSED GFA.....	704.22sqm
PROPOSED FSR.....	0.45:1

NOTE:  
GROSS FLOOR AREA CALCULATIONS HAVE BEEN PREPARED IN ACCORDANCE WITH THEIR DICTIONARY DEFINITIONS DOCUMENTED IN RYDE LEP 2014. THE DEFINITIONS ARE EXTRACTED BELOW FOR CLARITY.

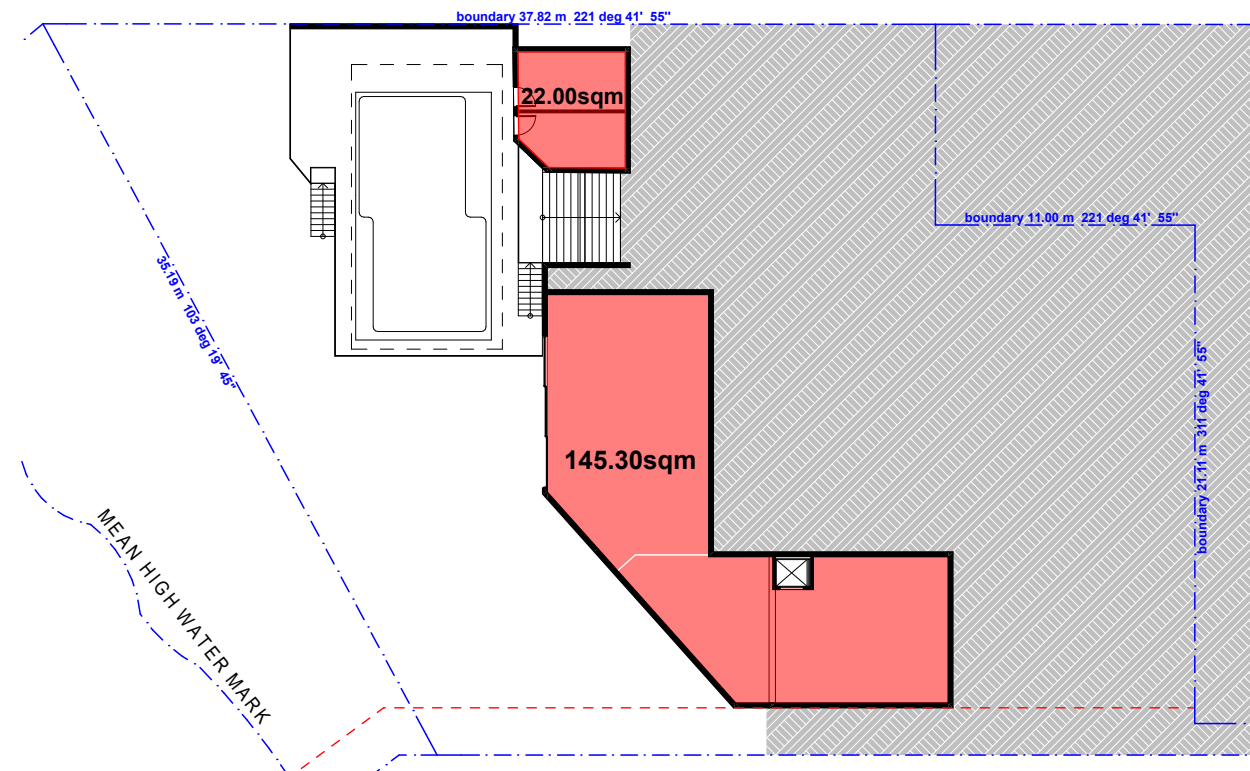
gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes-

- the area of a mezzanine, and
- habitable rooms in a basement or an attic, and
- any shop, auditorium, cinema, and the like, in a basement or attic, but excludes-
- any area for common vertical circulation, such as lifts and stairs, and
- any basement-

- storage, and
- vehicular access, loading areas, garbage and services, and
- plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- car parking to meet any requirements of the consent authority (including access to that car parking), and
- any space used for the loading or unloading of goods (including access to it), and
- terraces and balconies with outer walls less than 1.4 metres high, and
- voids above a floor at the level of a storey or storey above.



GROUND FLOOR GFA



LOWER GROUND FLOOR GFA

3 PARRAMATTA SQUARE  
LEVEL 14,  
153 MACQUARIE STREET  
PARRAMATTA NSW 2150

P: +61 2 9615 9615

WWW.DABG.COM.AU  
INFO@DABG.COM.AU

project  
**PROPOSED ALTERATIONS AND ADDITIONS TO EXISTING RESIDENCE**

address  
31 PELLISIER ROAD, PUTNEY  
(LOT 2 IN DP 1004964)

drawing  
**AREA CALCULATION DIAGRAM - GROSS FLOOR AREA**

client  
MR KEROLOS ZAKI

NOTES

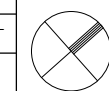
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SCALE BAR

**DEVELOPMENT APPLICATION - NOT FOR CONSTRUCTION**

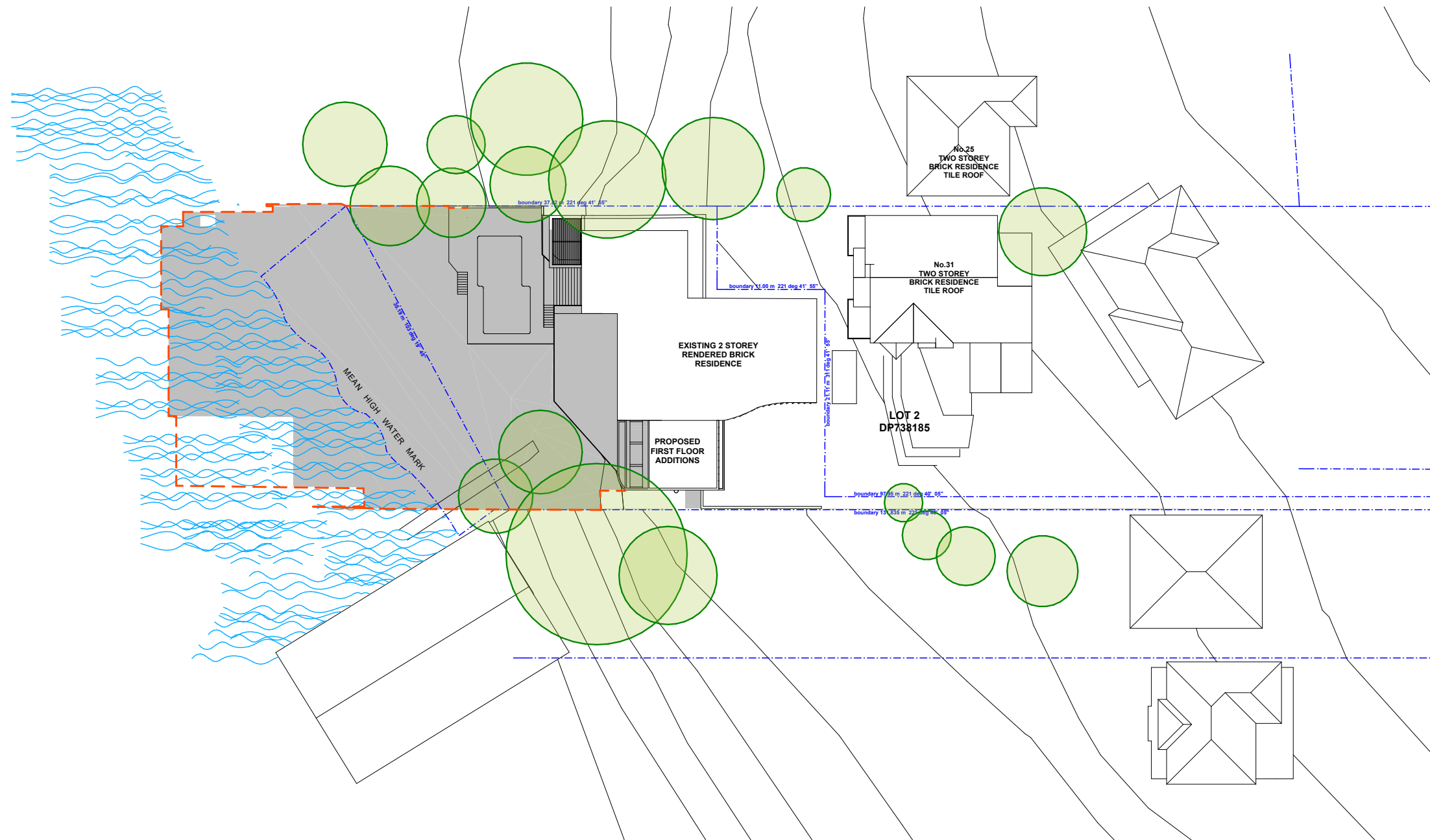


date (first issue)	18/08/2022
scale	NTS @ A3
project number	2017-16
drawing number	DA5001
issue	B
drawn	AF
checked	JA









**LEGEND**

- EXTENT OF EXISTING SHADOW CAST
- EXTENT OF PROPOSED SHADOW CAST

3 PARRAMATTA SQUARE  
LEVEL 14,  
153 MACQUARIE STREET  
PARRAMATTA NSW 2150  
P: +61 2 9615 9615  
WWW.DABG.COM.AU  
INFO@DABG.COM.AU

project  
**PROPOSED ALTERATIONS AND ADDITIONS TO EXISTING RESIDENCE**

address  
31 PELLISSIER ROAD, PUTNEY  
(LOT 2 IN DP 1004964)

drawing  
SHADOW ANALYSIS DIAGRAM 21 JUNE 9AM

client  
MR KEROLOS ZAKI

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issue	revision description	date
A	ISSUED FOR DEVELOPMENT APPLICATION	18/08/2022

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SCALE BAR  
1:500  
5m 10m 15m 20m 20m

**DEVELOPMENT APPLICATION - NOT FOR CONSTRUCTION**

date (first issue) 18/08/2022

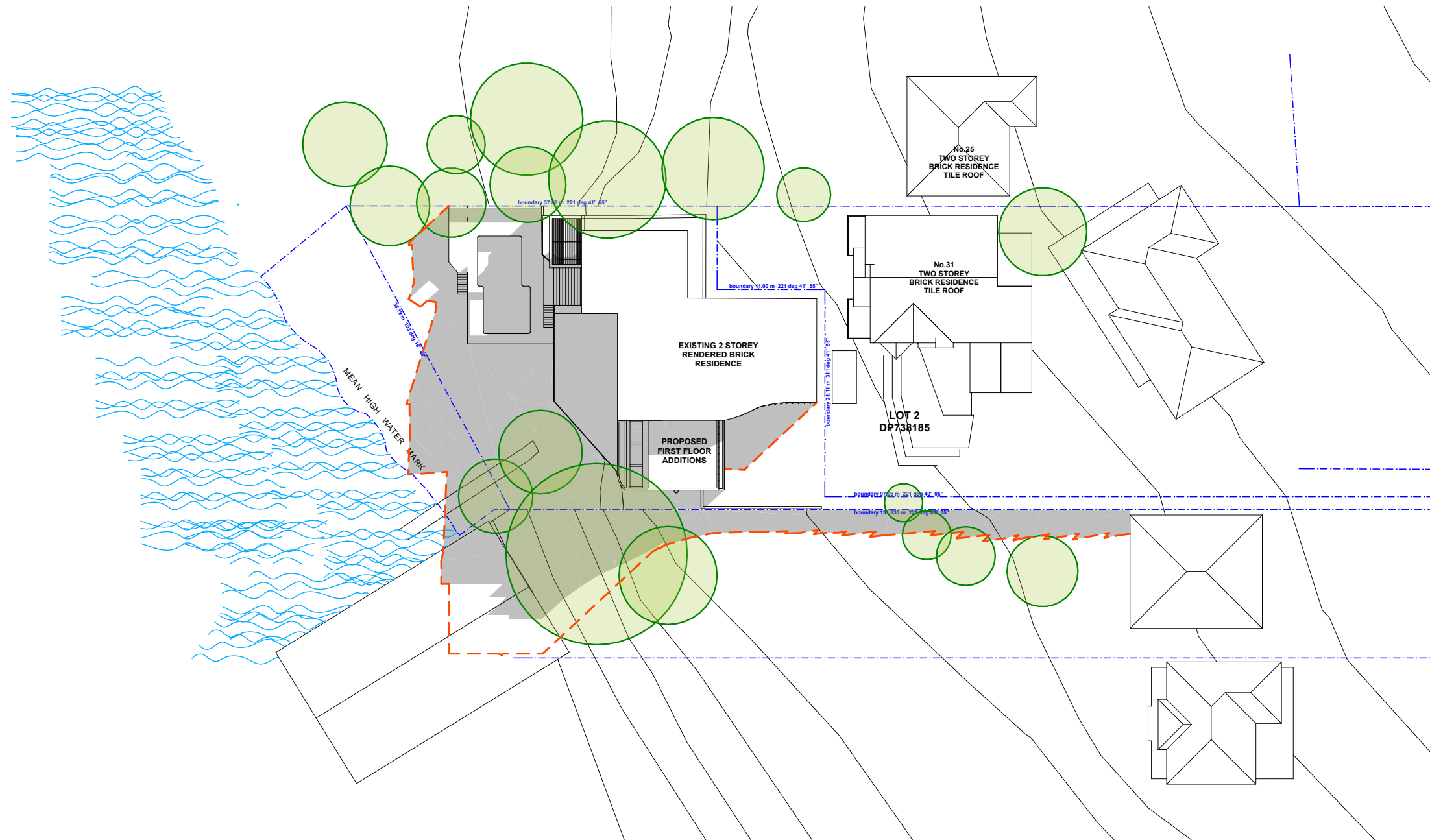
scale 1:500 @ A3

project number 2017-16

drawing number DA7001

issue A

drawn AF checked JA



**LEGEND**

- EXTENT OF EXISTING SHADOW CAST
- EXTENT OF PROPOSED SHADOW CAST

3 PARRAMATTA SQUARE  
LEVEL 14,  
153 MACQUARIE STREET  
PARRAMATTA NSW 2150  
P: +61 2 9615 9615  
WWW.DABG.COM.AU  
INFO@DABG.COM.AU

project  
**PROPOSED ALTERATIONS AND ADDITIONS TO EXISTING RESIDENCE**

address  
31 PELLISIER ROAD, PUTNEY  
(LOT 2 IN DP 1004964)

drawing  
SHADOW ANALYSIS DIAGRAM 21 JUNE 12NOON

client  
MR KEROLOS ZAKI

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SCALE BAR  
1:500  
5m 10m 15m 20m 20m

**DEVELOPMENT APPLICATION - NOT FOR CONSTRUCTION**

date (first issue) 18/08/2022

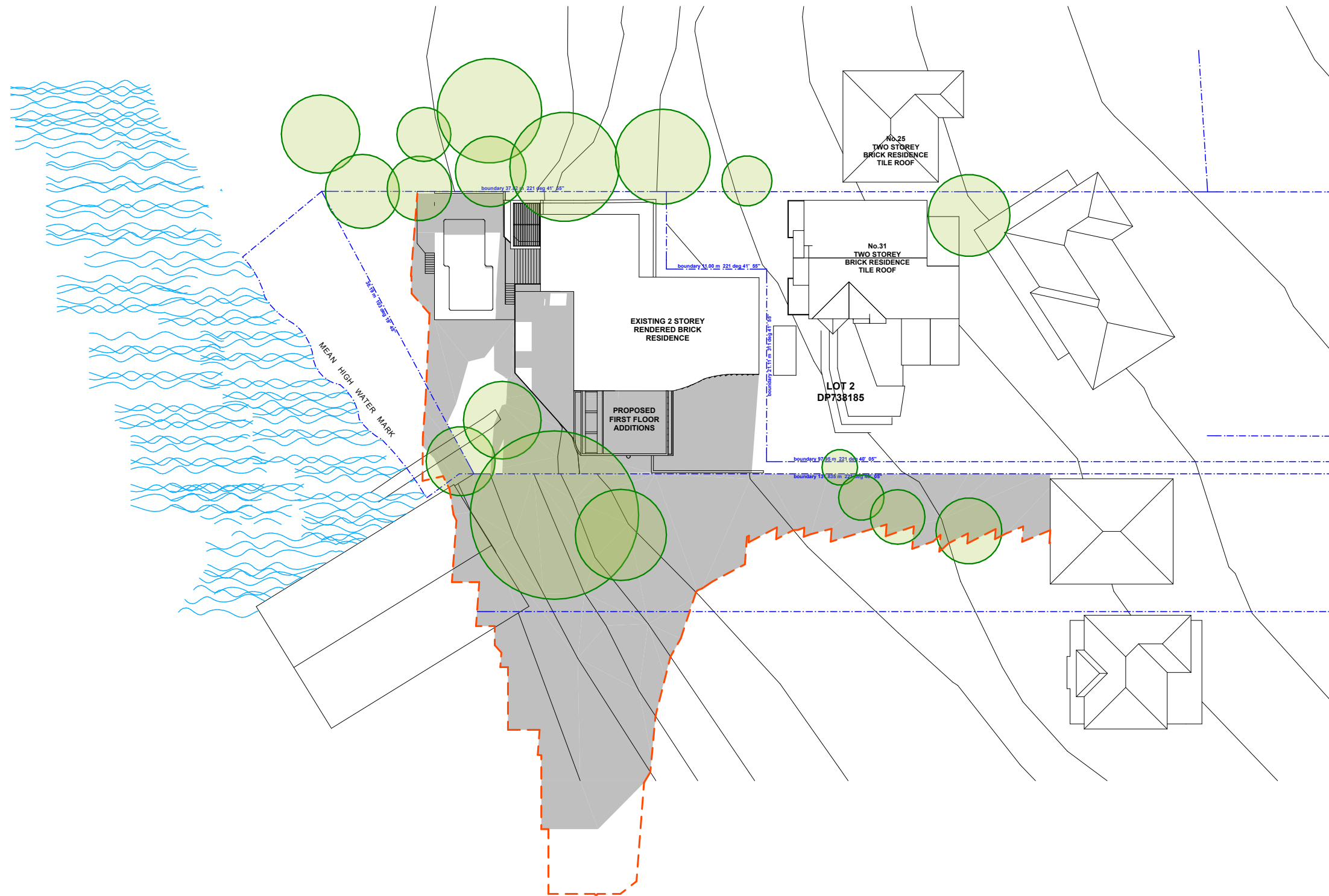
scale 1:500 @ A3

project number 2017-16

drawing number DA7002

issue A

drawn AF checked JA



LEGEND	
	EXTENT OF EXISTING SHADOW CAST
	EXTENT OF PROPOSED SHADOW CAST

3 PARRAMATTA SQUARE  
 LEVEL 14,  
 153 MACQUARIE STREET  
 PARRAMATTA NSW 2150  
 P: +61 2 9615 9615  
 WWW.DABG.COM.AU  
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project  
**PROPOSED ALTERATIONS AND ADDITIONS TO EXISTING RESIDENCE**

address  
 31 PELLISIER ROAD, PUTNEY  
 (LOT 2 IN DP 1004964)

drawing  
 SHADOW ANALYSIS DIAGRAM 21 JUNE 3PM

client  
 MR KEROLOS ZAKI

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SCALE BAR  
 1:500  
 5m 10m 15m 20m 20m

**DEVELOPMENT APPLICATION - NOT FOR CONSTRUCTION**

date (first issue)	18/08/2022
scale	1:500 @ A3
project number	2017-16
drawing number	DA7003
issue	A
drawn	AF
checked	JA




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 LEVEL 14,  
 153 MACQUARIE STREET  
 PARRAMATTA NSW 2150  
 P: +61 2 9615 9615  
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project  
**PROPOSED ALTERATIONS AND  
 ADDITIONS TO EXISTING RESIDENCE**

address  
 31 PELLISIER ROAD, PUTNEY  
 (LOT 2 IN DP 1004964)

drawing  
 SUN EYE VIEW DIAGRAM 21 JUNE 9AM

client  
 MR KEROLOS ZAKI

**NOTES**  
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B	RE-ISSUED FOR DEVELOPMENT APPLICATION	12/02/2023

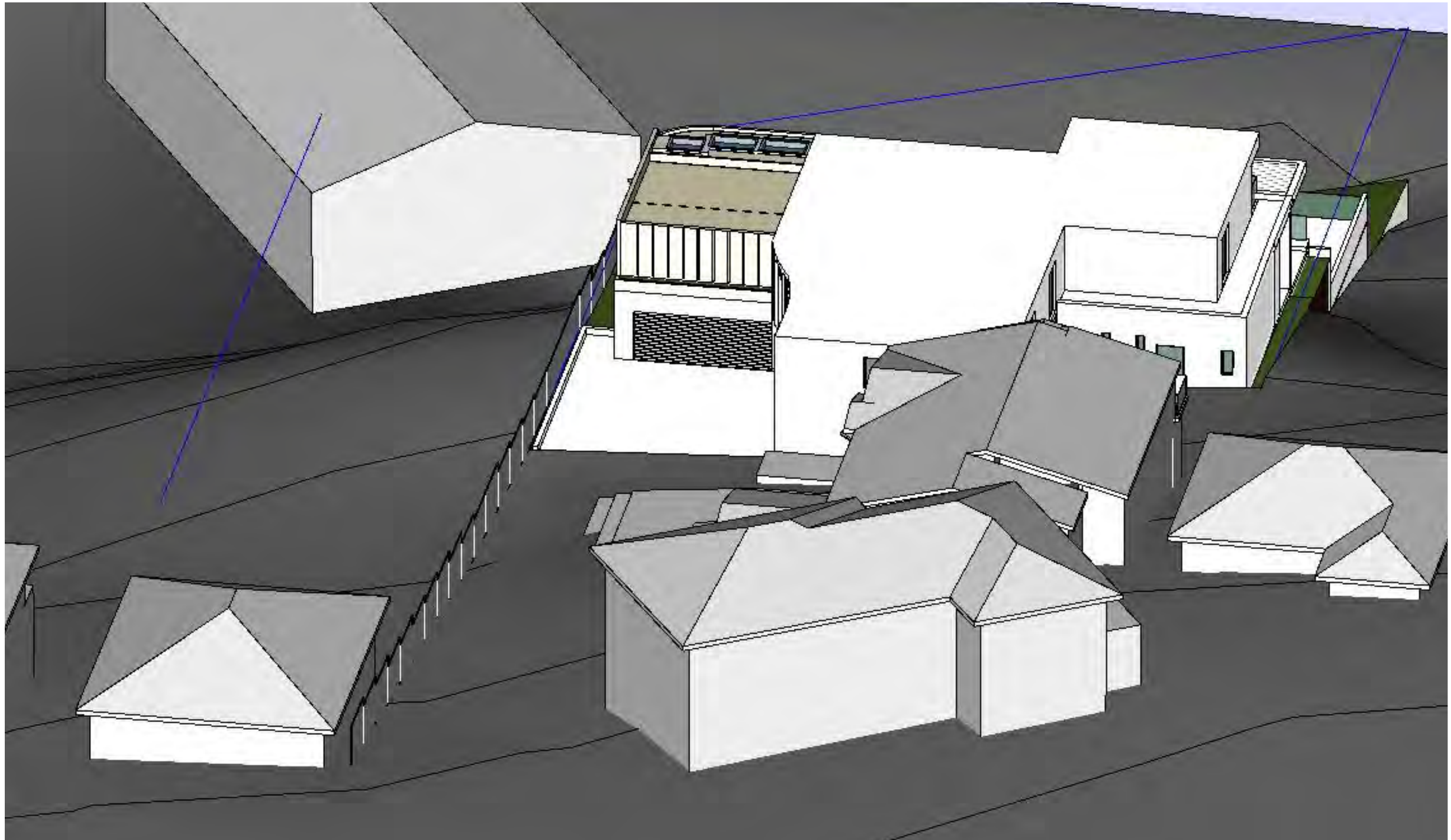
NOTE: ALL STRUCTURAL ELEMENTS SUBJECT TO CHANGE AS DETERMINED BY STRUCTURAL ENGINEER AND DETAILED AT CC STAGE

SCALE BAR

**DEVELOPMENT APPLICATION - NOT FOR CONSTRUCTION**

date (first issue)	18/08/2022
scale	NTS @ A3
project number	2017-16
drawing number	DA8001
issue	B
drawn	AF checked JA






3 PARRAMATTA SQUARE  
 LEVEL 14,  
 153 MACQUARIE STREET  
 PARRAMATTA NSW 2150  
 P: +61 2 9615 9615  
 WWW.DABG.COM.AU  
 INFO@DABG.COM.AU

project  
**PROPOSED ALTERATIONS AND  
 ADDITIONS TO EXISTING RESIDENCE**

address  
 31 PELLISIER ROAD, PUTNEY  
 (LOT 2 IN DP 1004964)

drawing  
 SUN EYE VIEW DIAGRAM 21 JUNE 10AM

client  
 MR KEROLOS ZAKI

NOTES  
 - unless noted otherwise, all RL's shown on this drawing indicate top of structural elements such as slabs, walls, parapets, roofs etc. floor/roof finishes, insulation, waterproof membranes, screed and tiles are required to be laid on top, above the indicated RL's.  
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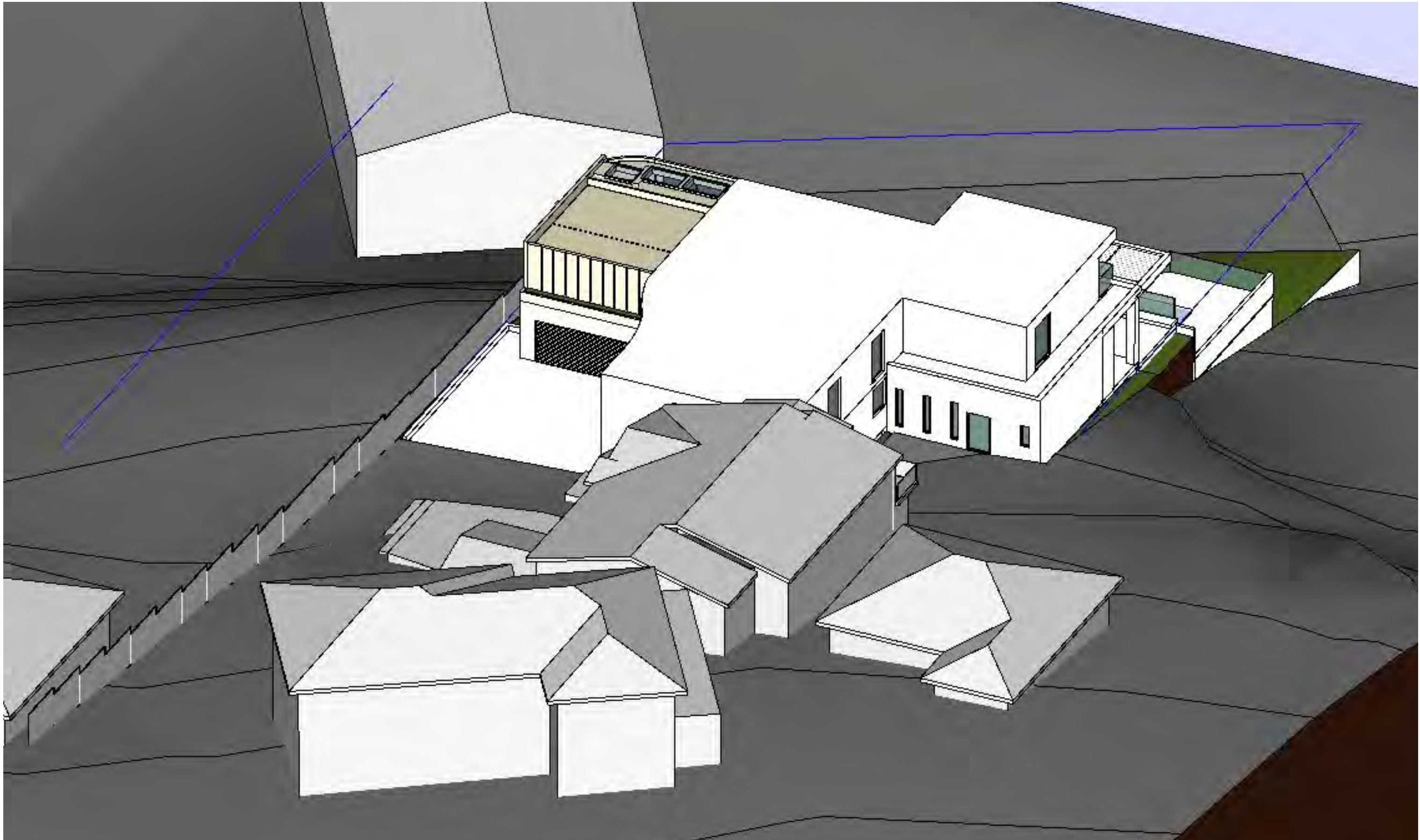
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**DEVELOPMENT APPLICATION - NOT FOR CONSTRUCTION**

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project number	2017-16
drawing number	DA8002
issue	B
drawn	AF
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 LEVEL 14,  
 153 MACQUARIE STREET  
 PARRAMATTA NSW 2150  
 P: +61 2 9615 9615  
 WWW.DABG.COM.AU  
 INFO@DABG.COM.AU

project  
**PROPOSED ALTERATIONS AND  
 ADDITIONS TO EXISTING RESIDENCE**

address  
 31 PELLISIER ROAD, PUTNEY  
 (LOT 2 IN DP 1004964)

drawing  
 SUN EYE VIEW DIAGRAM 21 JUNE 11AM

client  
 MR KEROLOS ZAKI

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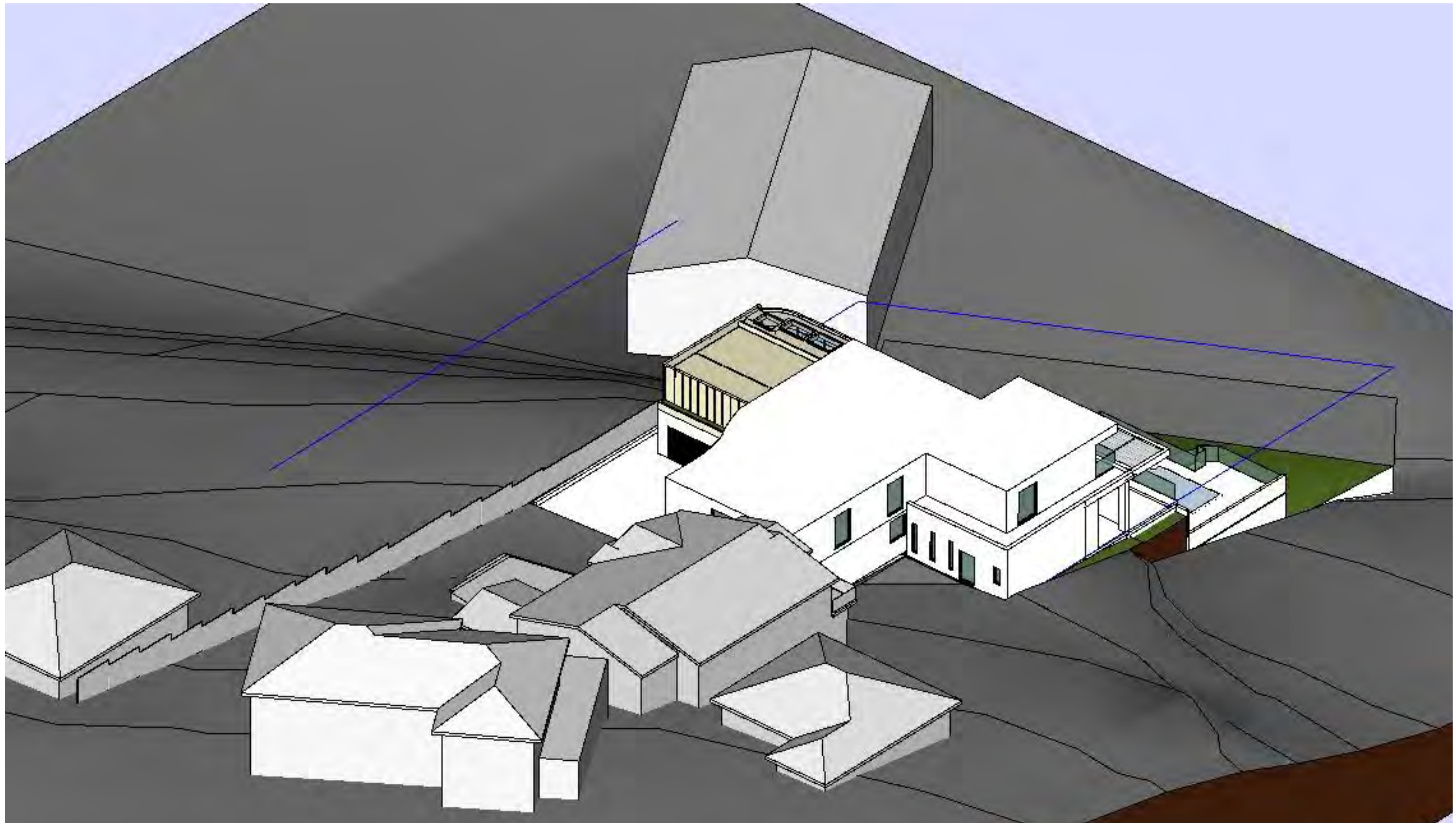
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SCALE BAR

**DEVELOPMENT APPLICATION - NOT FOR CONSTRUCTION**

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project number	2017-16
drawing number	DA8003
issue	B
drawn	AF checked JA






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 153 MACQUARIE STREET  
 PARRAMATTA NSW 2150  
 P: +61 2 9615 9615  
 WWW.DABG.COM.AU  
 INFO@DABG.COM.AU

project  
**PROPOSED ALTERATIONS AND  
 ADDITIONS TO EXISTING RESIDENCE**

address  
 31 PELLISIER ROAD, PUTNEY  
 (LOT 2 IN DP 1004964)

drawing  
 SUN EYE VIEW DIAGRAM 21 JUNE 12NOON

client  
 MR KEROLOS ZAKI

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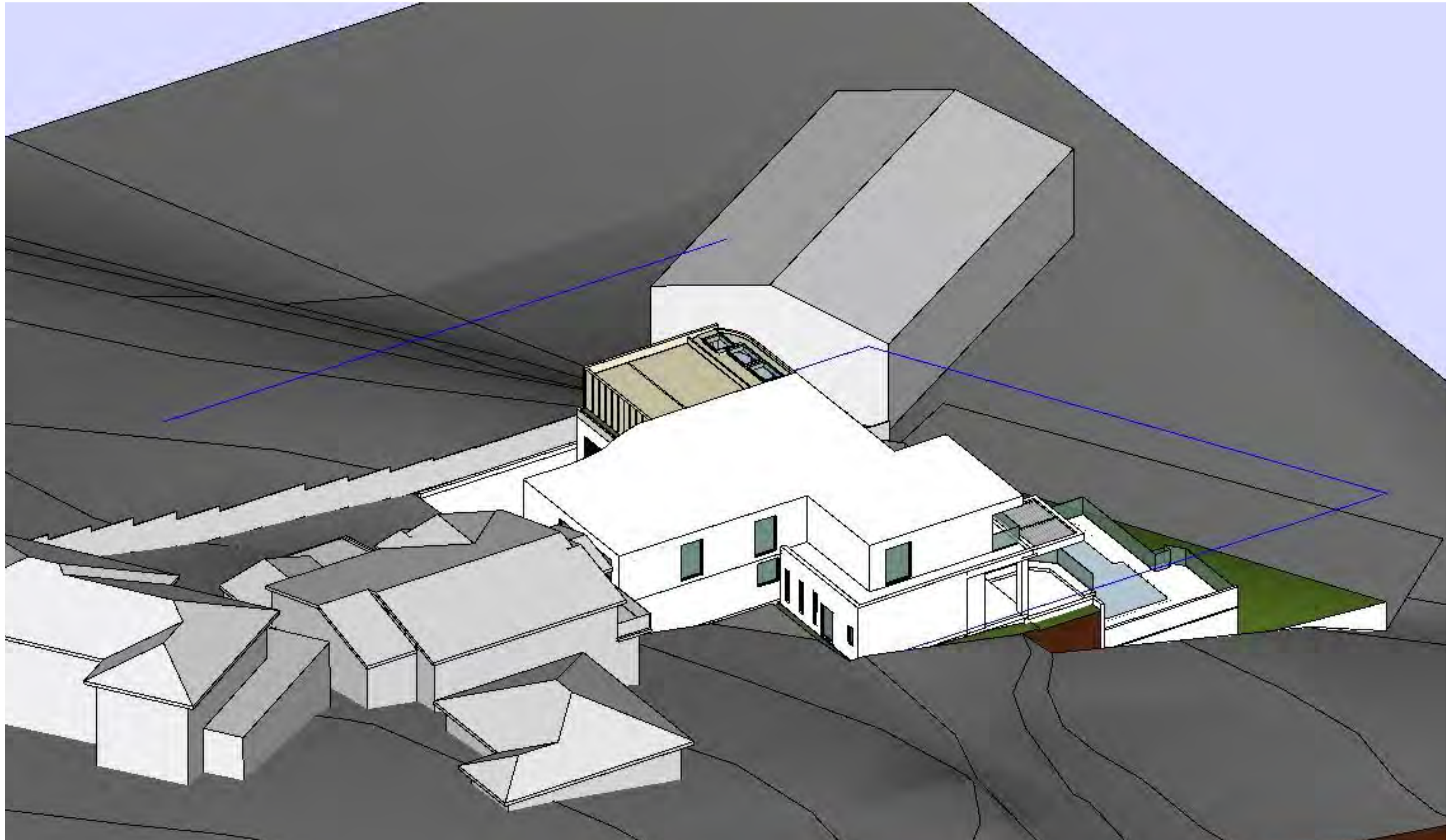
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SCALE BAR

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drawn	AF
checked	JA






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**LEVEL 14,**  
**153 MACQUARIE STREET**  
**PARRAMATTA NSW 2150**  
**P: +61 2 9615 9615**  
**WWW.DABG.COM.AU**  
**INFO@DABG.COM.AU**

project  
**PROPOSED ALTERATIONS AND ADDITIONS TO EXISTING RESIDENCE**

address  
**31 PELLISIER ROAD, PUTNEY**  
**(LOT 2 IN DP 1004964)**

drawing  
**SUN EYE VIEW DIAGRAM 21 JUNE 1PM**

client  
**MR KEROLOS ZAKI**

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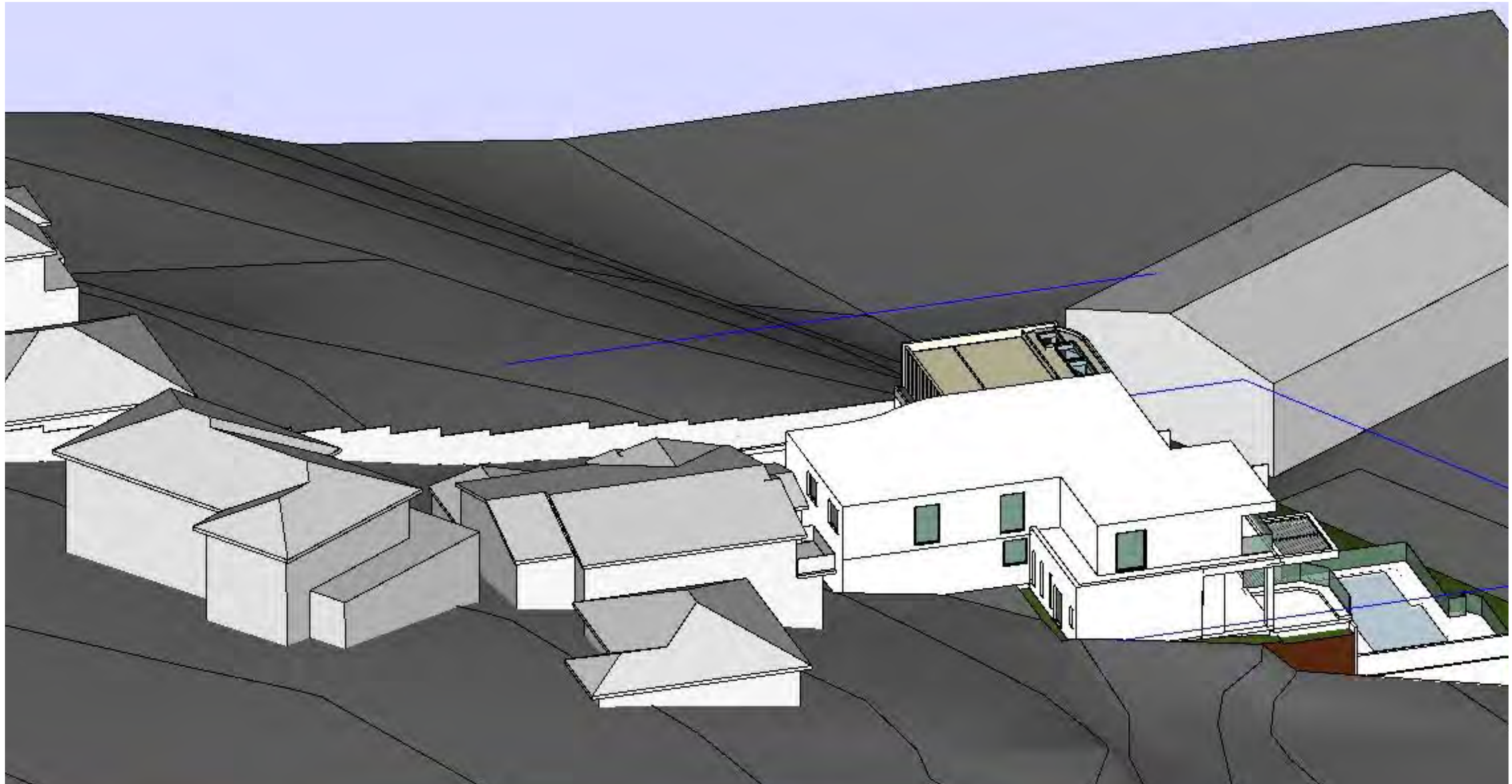
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 LEVEL 14,  
 153 MACQUARIE STREET  
 PARRAMATTA NSW 2150  
 P: +61 2 9615 9615  
 WWW.DABG.COM.AU  
 INFO@DABG.COM.AU

project  
**PROPOSED ALTERATIONS AND ADDITIONS TO EXISTING RESIDENCE**  
 address  
 31 PELLISIER ROAD, PUTNEY  
 (LOT 2 IN DP 1004964)

drawing  
 SUN EYE VIEW DIAGRAM 21 JUNE 2PM  
 client  
 MR KEROLOS ZAKI

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issue	B
drawn	AF
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**LEVEL 14,**  
**153 MACQUARIE STREET**  
**PARRAMATTA NSW 2150**  
**P: +61 2 9615 9615**  
**WWW.DABG.COM.AU**  
**INFO@DABG.COM.AU**

project  
**PROPOSED ALTERATIONS AND ADDITIONS TO EXISTING RESIDENCE**  
 address  
**31 PELLISIER ROAD, PUTNEY**  
**(LOT 2 IN DP 1004964)**

drawing  
**SUN EYE VIEW DIAGRAM 21 JUNE 3PM**  
 client  
**MR KEROLOS ZAKI**

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date (first issue)	18/08/2022
scale	NTS @ A3
project number	2017-16
drawing number	DA8007
issue	B
drawn	AF
checked	JA





Figure 1: View of development site from No. 31A lower living area at sitting position



Figure 2: View of development site from No. 31A lower living area at standing position

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 LENS AND TARGET POSITIONS TO ALL IMAGES

**LEGEND:**  
 OUTLINE OF FIRST FLOOR ADDITION

**NOTE:**  
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 LEVEL 14,  
 153 MACQUARIE STREET  
 PARRAMATTA NSW 2150  
 P: +61 2 9615 9615  
 WWW.DABG.COM.AU  
 INFO@DABG.COM.AU

project  
**PROPOSED ALTERATIONS AND ADDITIONS TO EXISTING RESIDENCE**

address  
 31 PELLISIER ROAD, PUTNEY  
 (LOT 2 IN DP 1004964)

drawing  
 AMENITY IMPACT DIAGRAMS.(figures1&2)

client  
 MR KEROLOS ZAKI

NOTES

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scale	1:200 @ A3
project number	2017-16
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issue	A
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Figure 3: View of development site from No. 31A balcony 1 at sitting position



Figure 4: View of development site from No. 31A balcony 1 at standing position

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 153 MACQUARIE STREET  
 PARRAMATTA NSW 2150  
 P: +61 2 9615 9615  
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 INFO@DABG.COM.AU

project  
**PROPOSED ALTERATIONS AND ADDITIONS TO EXISTING RESIDENCE**

address  
 31 PELLISIER ROAD, PUTNEY  
 (LOT 2 IN DP 1004964)

drawing  
 AMENITY IMPACT DIAGRAMS.(figures3&4)

client  
 MR KEROLOS ZAKI

NOTES

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drawing number	DA9002
issue	A
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**LEGEND:**  
 OUTLINE OF FIRST FLOOR ADDITION

**NOTE:**  
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Figure 5: View of development site from No. 31A balcony 2 at sitting position

Figure 6: View of development site from No. 31A balcony 2 at standing position



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 LEVEL 14,  
 153 MACQUARIE STREET  
 PARRAMATTA NSW 2150  
 P: +61 2 9615 9615  
 WWW.DABG.COM.AU  
 INFO@DABG.COM.AU

project  
**PROPOSED ALTERATIONS AND ADDITIONS TO EXISTING RESIDENCE**  
 address  
 31 PELLISIER ROAD, PUTNEY  
 (LOT 2 IN DP 1004964)

drawing  
 AMENITY IMPACT DIAGRAMS.(figures5&6)  
 client  
 MR KEROLOS ZAKI

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drawing number	DA9003
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Figure 7: View of development site from No. 31A upper living area at standing position

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 LEVEL 14,  
 153 MACQUARIE STREET  
 PARRAMATTA NSW 2150**  
 P: +61 2 9615 9615  
 WWW.DABG.COM.AU  
 INFO@DABG.COM.AU

project  
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 address  
**31 PELLISIER ROAD, PUTNEY  
 (LOT 2 IN DP 1004964)**

drawing  
**AMENITY IMPACT DIAGRAM.(figure7)**  
 client  
**MR KEROLOS ZAKI**

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Figure 8: View of development site from No. 31A balcony 3 at standing position

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# STORMWATER MANAGEMENT PLANS (DA) PROPOSED ALTERATIONS & ADDITIONS Lot 2, 31 PELLISIER ROAD, PUTNEY

## DRAINAGE NOTES

### PIPE SIZE:

THE MINIMUM PIPE SIZE SHALL BE:

- 90mm DIA WHERE THE LINE ONLY RECEIVES ROOFWATER RUNOFF; OR
- 100mm DIA WHERE THE LINE RECEIVES RUNOFF FROM PAVED OR UNPAVED AREAS ON THE PROPERTY

THE MINIMUM PIPE VELOCITY SHOULD BE 0.6 m/s AND A MAXIMUM PIPE VELOCITY OF 6.0 m/s DURING THE DESIGN STORM.

### PIPE GRADE:

THE MINIMUM PIPE GRADE SHALL BE:

- 1.0% FOR PIPES LESS THAN 225mm DIA
- 0.5% FOR ALL LARGER PIPES

PIPES WITH A GRADIENT GREATER THAN 20% WILL REQUIRE ANCHOR BLOCKS AT THE TOP AND BOTTOM OF THE INCLINED SECTION; AND AT INTERVALS NOT EXCEEDING 3.0m

ANCHOR BLOCKS ARE DESIGNED ACCORDING TO *CLAUSE 7.9 OF AS3500.3:2021*

### DEPTH OF COVER FOR PVC PIPES:

MINIMUM PIPE COVER SHALL BE AS FOLLOWS:

LOCATION	MINIMUM COVER
NOT SUBJECT TO VEHICLE LOADING	100mm SINGLE RESIDENTIAL 300mm ALL OTHER DEVELOPMENTS
SUBJECT TO VEHICLE LOADING UNDER A SEALED ROAD	450mm WHERE NOT IN A ROAD 600mm
UNSEALED ROAD	750mm
PAVED DRIVEWAY	100mm PLUS DEPTH OF CONCRETE

SEE AS2032 INSTALLATION OF UPVC PIPES FOR FURTHER INFORMATION.

CONCRETE PIPE COVER SHALL BE IN ACCORDANCE WITH *AS3725-2007 LOADS ON BURIED CONCRETE PIPES*, HOWEVER A MINIMUM COVER OF 450mm WILL APPLY.

WHERE INSUFFICIENT COVER IS PROVIDED, THE PIPE SHALL BE COVERED AT LEAST 50mm THICK OVERLAY AND SHALL THEN BE PAVED WITH AT LEAST:

- 150mm REINFORCED CONCRETE WHERE SUBJECT TO HEAVY VEHICLE TRAFFIC;
- 75mm THICKNESS OF BRICK OR 100mm OF CONCRETE PAVING WHERE SUBJECT TO LIGHT VEHICLE TRAFFIC; OR
- 50mm THICK BRICK OR CONCRETE PAVING WHERE NOT SUBJECT TO VEHICLE TRAFFIC.

### CONNECTIONS TO STORMWATER DRAINS UNDER BUILDINGS:

SHALL BE CARRIED OUT IN ACCORDANCE WITH *SECTION 6.2.8 OF AS3500.3:2021*

### ABOVE GROUND PIPEWORK:

SHALL BE CARRIED OUT IN ACCORDANCE WITH *SECTION 6 OF AS3500.3:2021*

### PIT SIZES AND DESIGN:

DEPTH (mm)	MINIMUM PIT SIZE (mm)
UP TO 450mm	450 x 450
450mm TO 600mm	600 x 600
600mm TO 900mm	600 x 900
900mm TO 1500mm	900 x 900 (WITH STEP IRONS)
1500mm TO 2000mm	1200 x 1200 (WITH STEP IRONS)

ALL PIPES SHOULD BE CUT FLUSH WITH THE WALL OF THE PIT.

PITS GREATER THAN 600mm DEEP SHALL HAVE A MINIMUM ACCESS OPENING OF 600 x 600mm

THE GRATED COVERS OF PITS LARGER THAN 600 x 600mm ARE TO BE HINGED TO PREVENT THE GRATE FROM FALLING INTO THE PIT.

THE BASE OF THE DRAINAGE PITS SHOULD BE AT THE SAME LEVEL AS THE INVERT OF THE OUTLET PIPE. RAINWATER SHOULD NOT BE PERMITTED TO POND WITHIN THE STORMWATER SYSTEM

### TRENCH DRAINS:

CONTINUOUS TRENCH DRAINS ARE TO BE OF WIDTH NOT LESS THAN 150mm AND DEPTH NOT LESS THAN 100mm. THE BARS OF THE GRATING ARE TO BE PARALLEL TO THE DIRECTION OF SURFACE FLOW.

### STEP IRONS:

PITS BETWEEN 1.2m AND 6m ARE TO HAVE STEP IRONS IN ACCORDANCE WITH AS1657. FOR PITS GREATER THAN 6m OTHER MEANS OF ACCESS MUST BE PROVIDED.

### IN-SITU PITS:

IN-SITU PITS ARE TO BE CONSTRUCTED ON A CONCRETE BED OF AT LEAST 150mm THICK. THE WALLS ARE TO BE DESIGNED TO MEET THE MINIMUM REQUIREMENTS OF *CLAUSE 7.5.5.1 OF AS3500.3:2021*. PITS DEEPER THAN 1.8m SHALL BE CONSTRUCTED WITH REINFORCED CONCRETE.

### GRATES:

GRATES ARE TO BE GALVANISED STEEL GRID TYPE. GRATES ARE TO BE OF HEAVY-DUTY TYPE IN AREAS WHERE THEY MAY BE SUBJECT TO VEHICLE LOADING.

## GENERAL NOTES

- FINAL LOCATION OF NEW DOWNPIPES TO BE DETERMINED BY BUILDER/ARCHITECT AT TIME OF CONSTRUCTION.
- THESE DRAWINGS TO BE READ IN CONJUNCTION WITH ARCHITECTS AND OTHER CONSULTANTS DRAWINGS. ANY DISCREPANCIES TO BE REFERRED TO THE ENGINEER BEFORE PROCEEDING WITH WORK.
- ALL MATERIALS AND WORKMANSHIP TO BE IN ACCORDANCE WITH AS/NZS 3500.3:2021 STORMWATER DRAINAGE, BCA AND LOCAL COUNCIL POLICY/CONSENT/REQUIREMENTS.
- ALL DIMENSIONS AND LEVELS TO BE VERIFIED BY BUILDER ON-SITE PRIOR TO COMMENCEMENT OF WORKS. THESE DRAWINGS ARE NOT TO BE SCALED FOR DIMENSIONS NOR TO BE USED FOR SETOUT PURPOSES.
- ALL SURVEY INFORMATION AND PROPOSED BUILDING AND FINISHED SURFACE LEVELS SHOWN IN THESE DRAWINGS ARE BASED ON LEVELS OBTAINED FROM DRAWINGS BY OTHERS. THESE DRAWINGS DEPICT THE DESIGN OF SURFACE STORMWATER RUNOFF DRAINAGE SYSTEMS ONLY AND DO NOT DEPICT ROOF DRAINAGE OR SUBSOIL DRAINAGE SYSTEMS UNLESS NOTED OTHERWISE. THE DESIGN OF ROOF AND SUBSOIL DRAINAGE SYSTEMS IS THE RESPONSIBILITY OF OTHERS.
- ALL STORMWATER DRAINAGE PIPES ARE TO BE uPVC AT MINIMUM 1% GRADE UNLESS NOTED OTHERWISE.
- IT IS THE CONTRACTORS RESPONSIBILITY TO LOCATE AND LEVEL ALL EXISTING SERVICES OR OTHER STRUCTURES WHICH MAY AFFECT/BE AFFECTED BY THIS DESIGN PRIOR TO COMMENCEMENT OF WORKS.
- ALL PITS WITHIN DRIVEWAYS TO BE 150mm THICK CONCRETE OR EQUAL.
- THIS PLAN IS THE PROPERTY OF QUANTUM ENGINEERS AND MAY NOT BE USED OR REPRODUCED WITHOUT WRITTEN PERMISSION FROM QUANTUM ENGINEERS.

## PLAN NOTES

- ROOF DRAINAGE NOTE:** AS 3500 ROOF DRAINAGE REQUIRES EAVES GUTTERS TO BE SIZED FOR 20 YEAR 5 MIN. STORM = 205mm/hr. FOR EAVES GUTTERS, AS 3500.3:2021 THEN HAS THE FOLLOWING REQUIREMENTS:
  - FOR TYPICAL STANDARD QUAD GUTTER WITH  $A_e = 6000\text{mm}^2$  AND GUTTER SLOPE 1:500 AND STEEPER, THIS REQUIRES ONE DOWNPIPE PER  $30\text{m}^2$  ROOF AREA.
  - DOWNPIPES TO BE MINIMUM 90mm DIA. OR 100 x 50mm FOR GUTTERS SLOPE 1:500 AND STEEPER.
  - OVERFLOW METHOD TO FIGURE F.1 OF AS 3500.3:2021 IT IS THE RESPONSIBILITY OF THE PLUMBER AND / OR BUILDER TO COMPLY WITH THIS. THIS DRAWING SHOWS PRELIMINARY LOCATIONS / NUMBERS OF DOWNPIPES ONLY WHICH ARE TO BE VERIFIED BY BUILDER / PLUMBER
- TREE PRESERVATION:** IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO OBTAIN ANY PRIOR APPROVAL REQUIRED FROM COUNCIL WITH RESPECT TO POTENTIAL IMPACT ON TREES FOR ANY WORKS SHOWN ON THIS DRAWING PRIOR TO THE COMMENCEMENT OF THOSE WORKS
- ALL ROOF GUTTERS TO HAVE OVERFLOW PROVISION IN ACCORDANCE WITH AS 3500.3:2021 AND SECTIONS 3.5, 3.7.7 AND APPENDIX G OF AS 3500.3:2021
- THIS DRAWING IS NOT TO BE USED FOR SET-OUT PURPOSES - REFER TO ARCHITECTURAL DRAWINGS
- LOCATION OF SURFACE STORMWATER GRATED INLET PITS MAY BE VARIED OR NEW PITS INSTALLED AT THE CONSTRUCTION STAGE PROVIDED DESIGN INTENT OF THIS DRAWING IS MAINTAINED

		LEGEND		
SURFACE INLET PIT		GRATED TRENCH DRAIN		
SURFACE INLET PIT (WITH ENVIROPOD 200 MICRON)		ABSORPTION TRENCH		
ACCESS GRATE (WITH ENVIROPOD 200 MICRON)		PROPOSED ROOF GUTTER FALL		
ACCESS GRATE (TO HED PIT)		PROPOSED DOWNPIPE SPREADER		
450 SQUARE INTERVAL	450 X 450	STORMWATER PIPE 100mm DIA. MIN. UNO		
GRATE LEVEL = 75.50	SL 75.50	SUBSOIL PIPE		
INVERT LEVEL = RL 75.20	IL 75.20	EXISTING STORMWATER PIPE		
PROPOSED DOWNPIPE 90mm DIA. PVC		INSPECTION RISER		
		RAINWATER HEAD		

**QUANTUM ENGINEERS**  
Suite 1A, Level 2, 2 Rowe Street, EASTWOOD NSW 2122 02 9807 7800  
admin@quantumengineers.com.au  
quantumengineers.com.au

**APPROVED BY**  
ROBERT ELTOBBAGI  
BE(CIVIL) MIEAust CPEng  
NER (1052208) RPEQ (25464)  
APEC Engineer IntPE(Aus)

CLIENT  
CARLOS ZAKI  
ARCHITECT  
DBG DESIGN & BUILDING GROUP

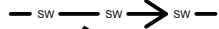


DRAWING TITLE  
DETAILS, NOTES & LEGEND  
PROPOSED ALTERATIONS & ADDITIONS  
Lot 2, 31 PELLISIER ROAD,  
PUTNEY

REVISION	DRAWN	DESCRIPTION	DATE
J	CJ	ISSUED FOR DA	21.09.2022

DESIGNED BY	No. IN SET
JL	7
SCALE - SIZE	REVISION
-	J
JOB NUMBER	DRAWING No.
180343	D1

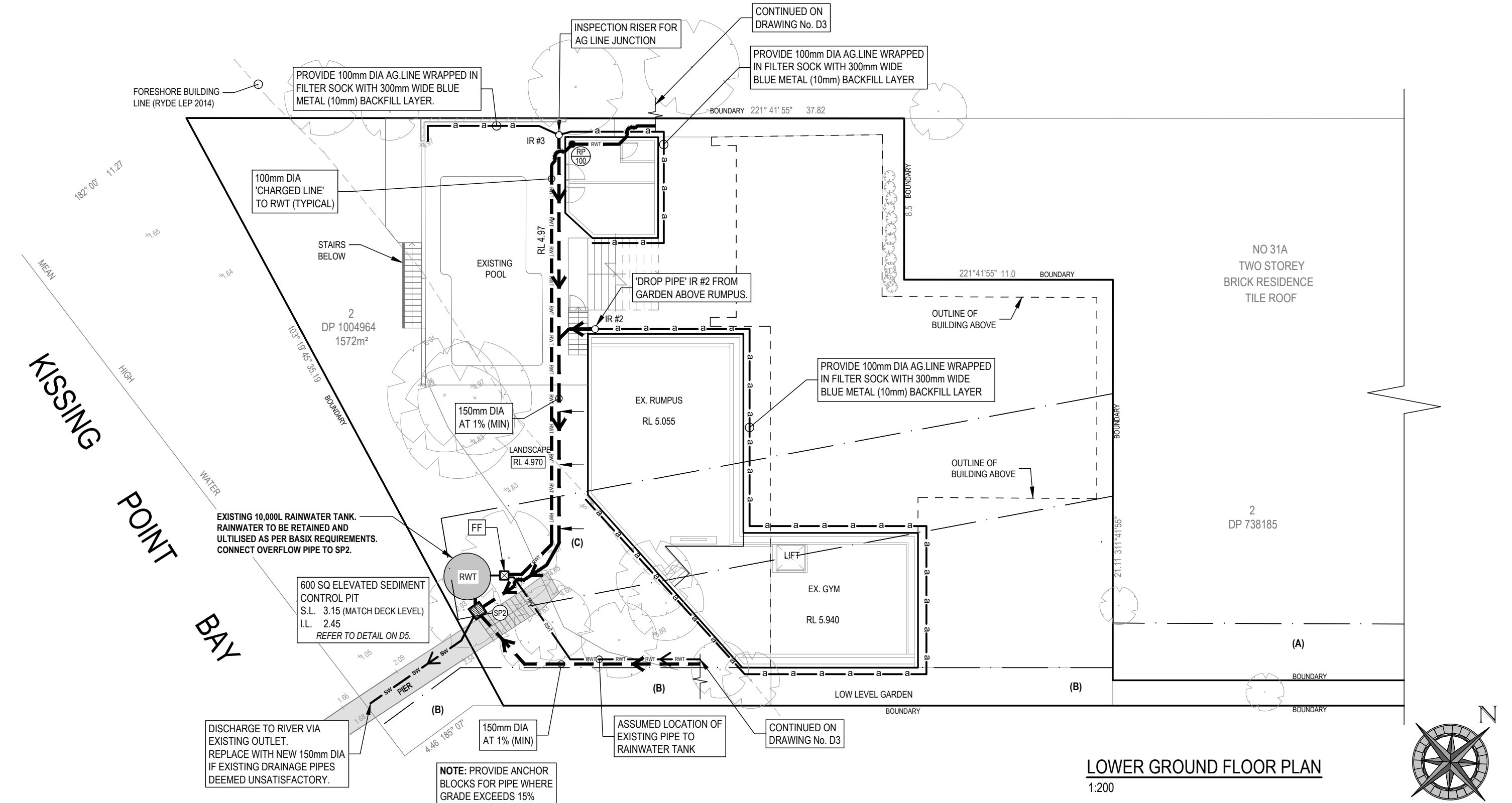


**DRAINAGE PIPE LEGEND**

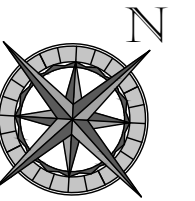
- EXISTING STORMWATER PIPE 
- DRAINAGE PIPES VIA GRAVITY 
- DRAINAGE PIPES TO RAINWATER TANK 

**NOTE: ALL PIPES TO BE 100mm DIA PVC UNO**

- (A) RIGHT OF CARRIAGEWAY AND EASEMENT FOR SERVICES 1.335 WIDE & VARIABLE (DP 738185)
- (B) RIGHT OF FOOTWAY AND EASEMENT TO DRAIN WATER 2.0 WIDE (DP738185)
- (C) 1/272447 RESTRICTION ON THE USE OF LAND. NOT APPLICABLE IN ACCORDANCE WITH RYDE LEP 2014 CLAUSE 1.9A - SUSPENSION OF COVENANTS, AGREEMENTS AND INSTRUMENTS & WRITTEN ADVICE PROVIDED BY HONES LAWYERS DATED 15 DEC 2017.



**LOWER GROUND FLOOR PLAN**  
1:200



**QUANTUM ENGINEERS**  
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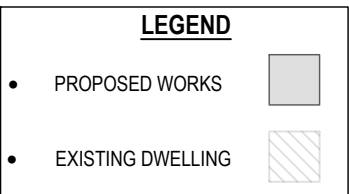
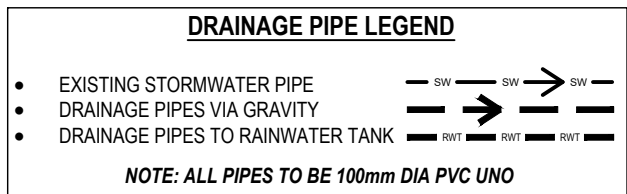
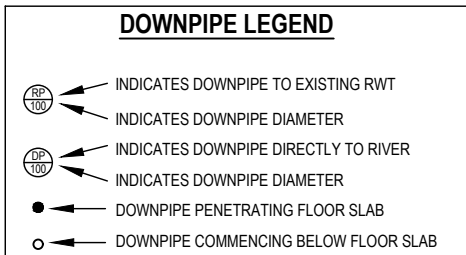
DRAWING TITLE  
**LOWER GROUND FLOOR PLAN**

PROPOSED ALTERATIONS & ADDITIONS  
Lot 2, 31 PELLISIER ROAD,  
PUTNEY

REVISION	DRAWN	DESCRIPTION	DATE
J	CJ	ISSUED FOR DA	21.09.2022

DESIGNED BY	No. IN SET
JL	7
SCALE - SIZE	REVISION
1:200 - A3	J
JOB NUMBER	DRAWING No.
180343	D2





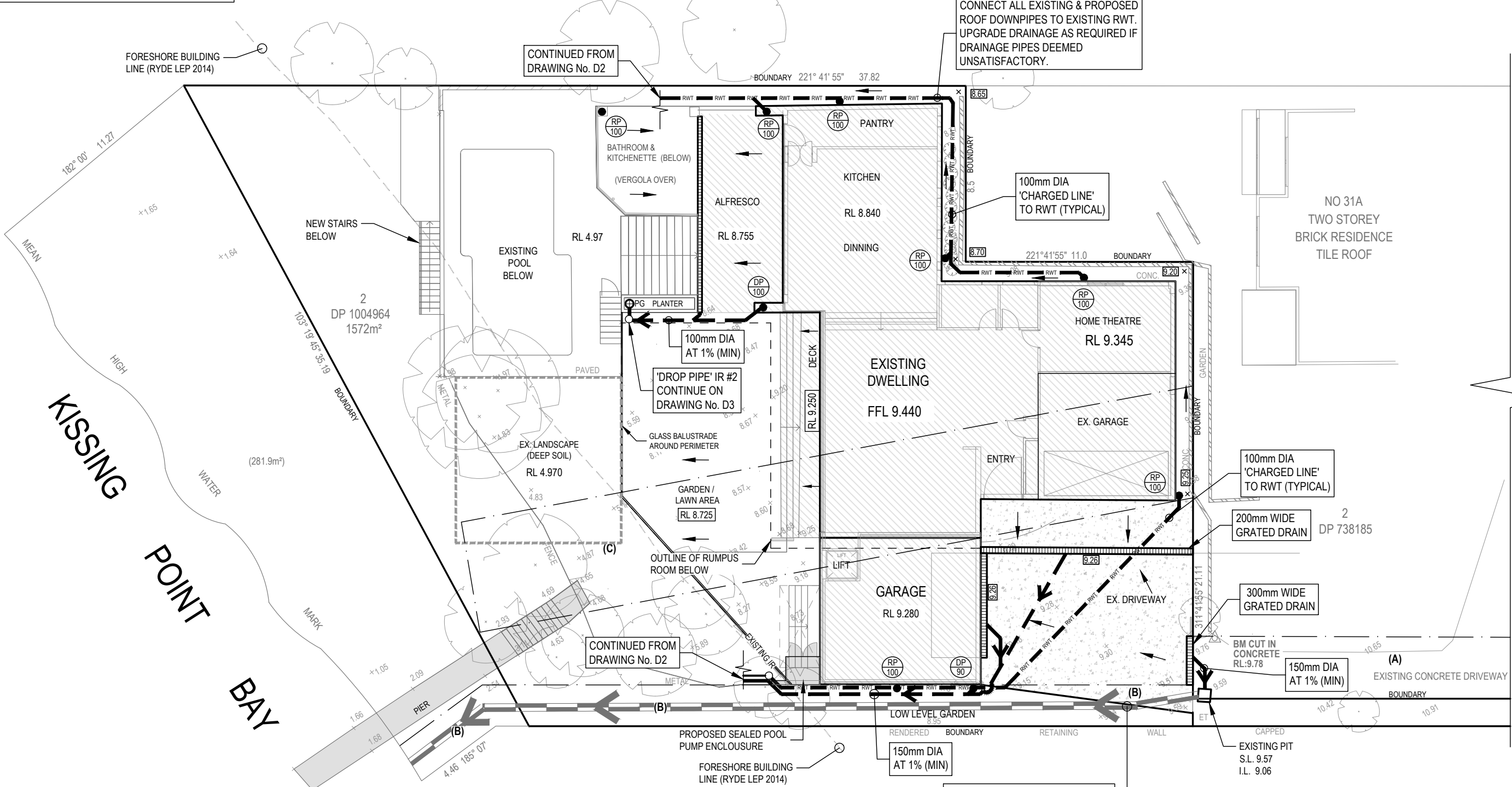
**NOTE: ALL PROPOSED GRATED DRAINS TO BE 100mm WIDE (UNO)**

**OSD WARRANT**

LGA: RYDE COUNCIL  
 RELEVANT CODE: STORMWATER MANAGEMENT TECHNICAL MATERIAL SECTION 3.1.7 - EXEMPTIONS FROM OSD REQUIREMENTS

"THE PROPERTY IS WITHIN THE POSSIBLE EXCLUSION ZONE ALONG THE PARRAMATTA AND LANE COVE RIVER FORESHORE"

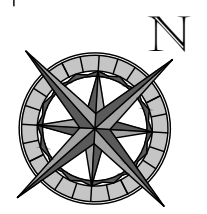
**THEREFORE, NO OSD REQUIRED**



(A) RIGHT OF CARRIAGEWAY AND EASEMENT FOR SERVICES 1.335 WIDE & VARIABLE (DP 738185)  
 (B) RIGHT OF FOOTWAY AND EASEMENT TO DRAIN WATER 2.0 WIDE (DP738185).  
 (C) W727447 RESTRICTION ON THE USE OF LAND. NOT APPLICABLE IN ACCORDANCE WITH RYDE LEP 2014 CLAUSE 1.9A - SUSPENSION OF COVENANTS, AGREEMENTS AND INSTRUMENTS & WRITTEN ADVICE PROVIDED BY HONES LAWYERS DATED 15 DEC 2017.

ASSUMED LOCATION OF EXISTING EASEMENT DRAINAGE SYSTEM TO KISSING POINT BAY. TO BE CONFIRMED ON-SITE.

**GROUND FLOOR PLAN**  
 1:200



**QUANTUM ENGINEERS**  
 Suite 1A, Level 2, 2 Rowe Street, EASTWOOD NSW 2122  
 02 9807 7800  
 admin@quantumengineers.com.au  
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**APPROVED BY**  
 ROBERT ELTOBAGI  
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**CLIENT**  
 CARLOS ZAKI

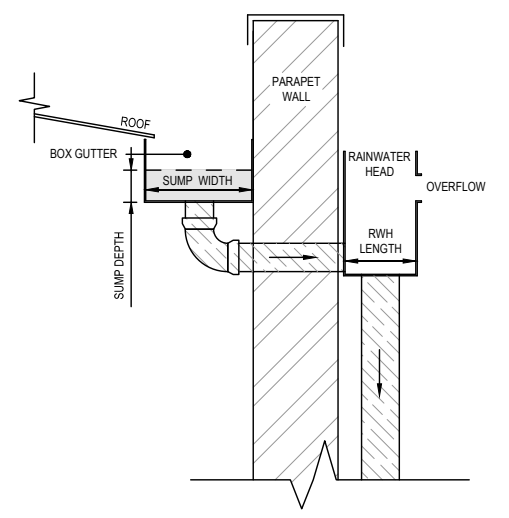
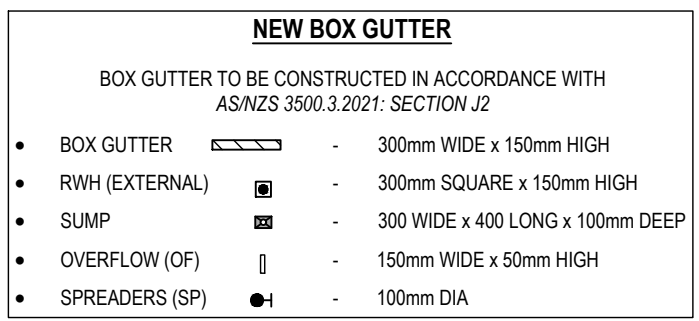
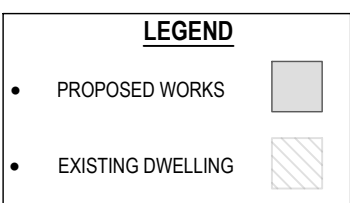
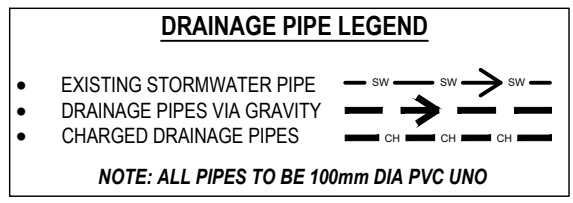
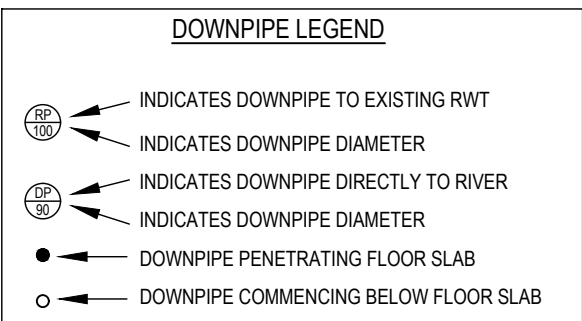
**ARCHITECT**  
 DBG DESIGN & BUILDING GROUP

**DRAWING TITLE**  
 GROUND FLOOR PLAN

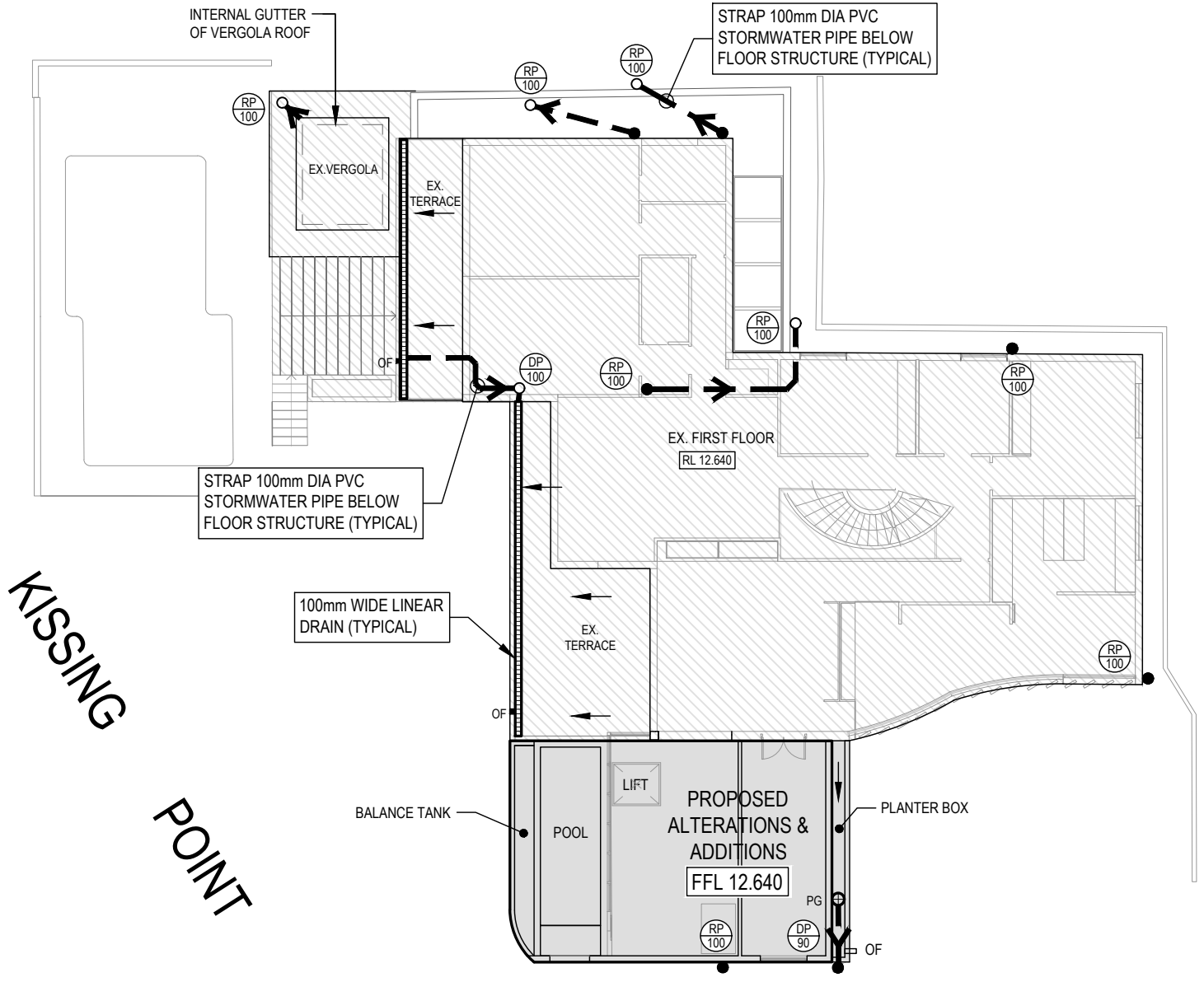
**PROPOSED ALTERATIONS & ADDITIONS**  
 Lot 2, 31 PELLISIER ROAD,  
 PUTNEY

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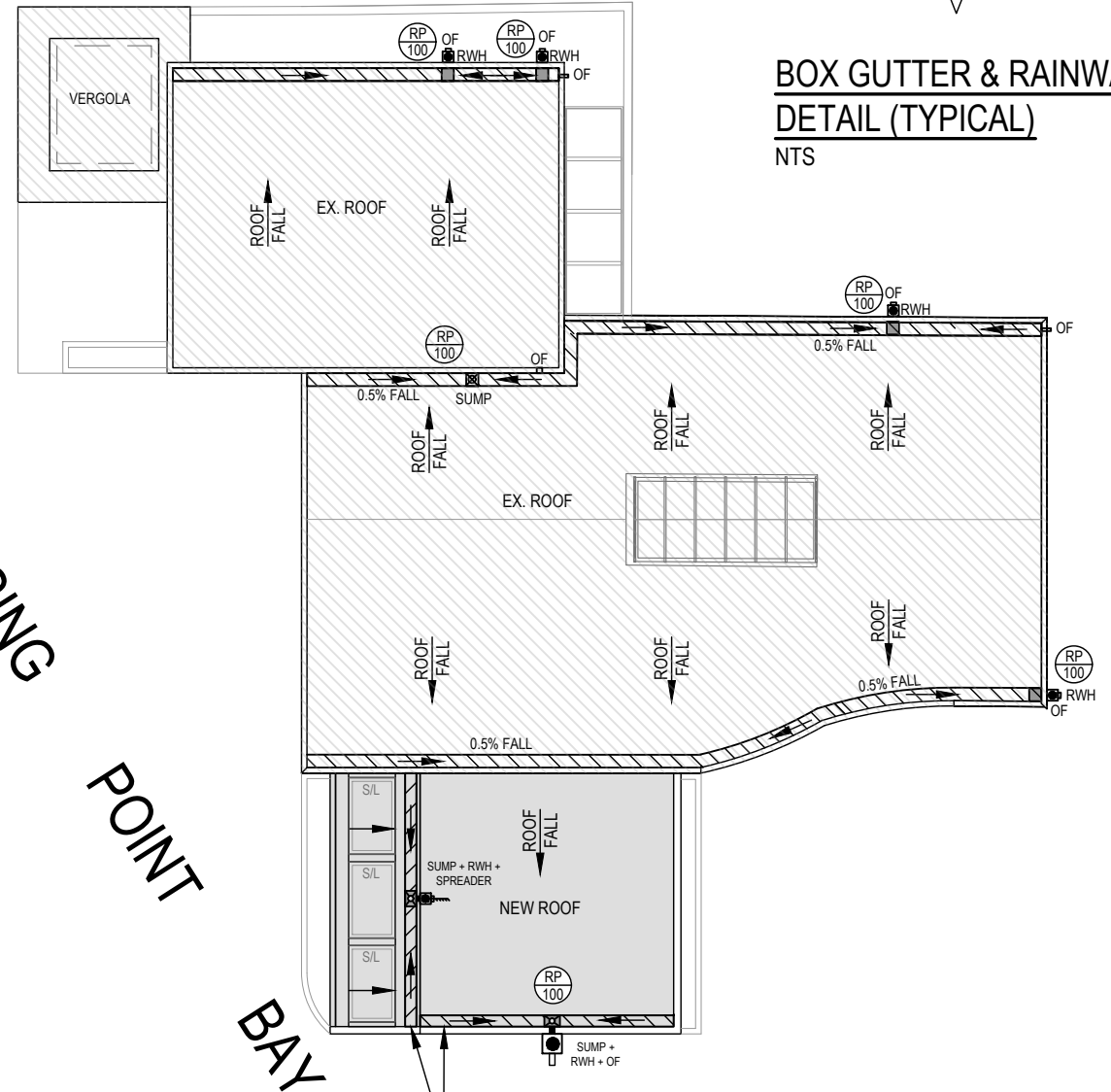
DESIGNED BY	No. IN SET
JL	7
SCALE - SIZE	REVISION
1:200 - A3	J
JOB NUMBER	DRAWING No.
180343	D3



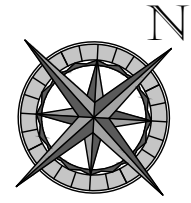
**BOX GUTTER & RAINWATER HEAD  
DETAIL (TYPICAL)**  
NTS



**FIRST FLOOR PLAN**  
1:200



**ROOF PLAN**  
1:200



**QUANTUM ENGINEERS**  
Suite 1A, Level 2, 2 Rowe Street, EASTWOOD NSW 2122  
02 9807 7800  
admin@quantumengineers.com.au  
quantumengineers.com.au

**APPROVED BY**  
ROBERT ELTOBBAGI  
BE(CIVIL) MIEAust CPEng  
NER (1052208) RPEQ (25464)  
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CLIENT  
**CARLOS ZAKI**

ARCHITECT  
DBG DESIGN & BUILDING GROUP

DRAWING TITLE  
**FIRST FLOOR & ROOF PLAN + DETAIL**

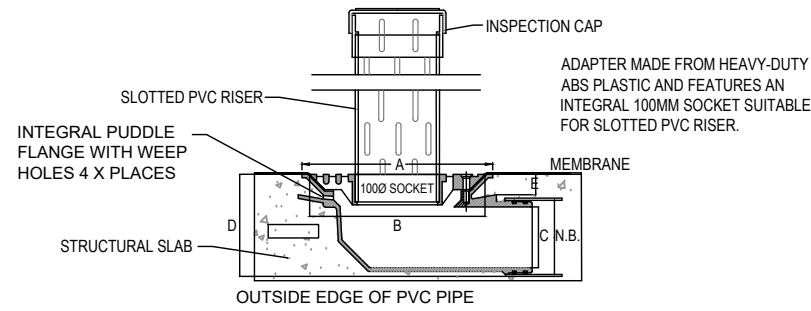
PROPOSED ALTERATIONS & ADDITIONS  
Lot 2, 31 PELLISIER ROAD,  
PUTNEY

REVISION	DRAWN	DESCRIPTION	DATE
J	CJ	ISSUED FOR DA	21.09.2022

DESIGNED BY	No. IN SET
JL	7
SCALE - SIZE	REVISION
AS NOTED - A3	J
JOB NUMBER	DRAWING No.
180343	D4

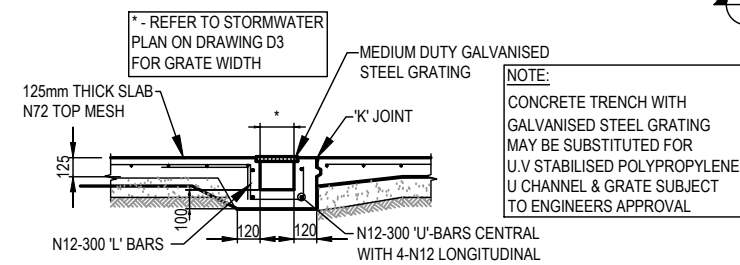
**SPS TRUFLO 80MM & 100MM 90° RWO  
WITH ALL-PURPOSE PLANTER BOX ADAPTER**

SPECIFICATION CODE:  
TIA80/90PB (80MM CI BODY WITH PLANTER BOX INSERT)  
TIA100/90PB (100MM CI BODY WITH PLANTER BOX INSERT)

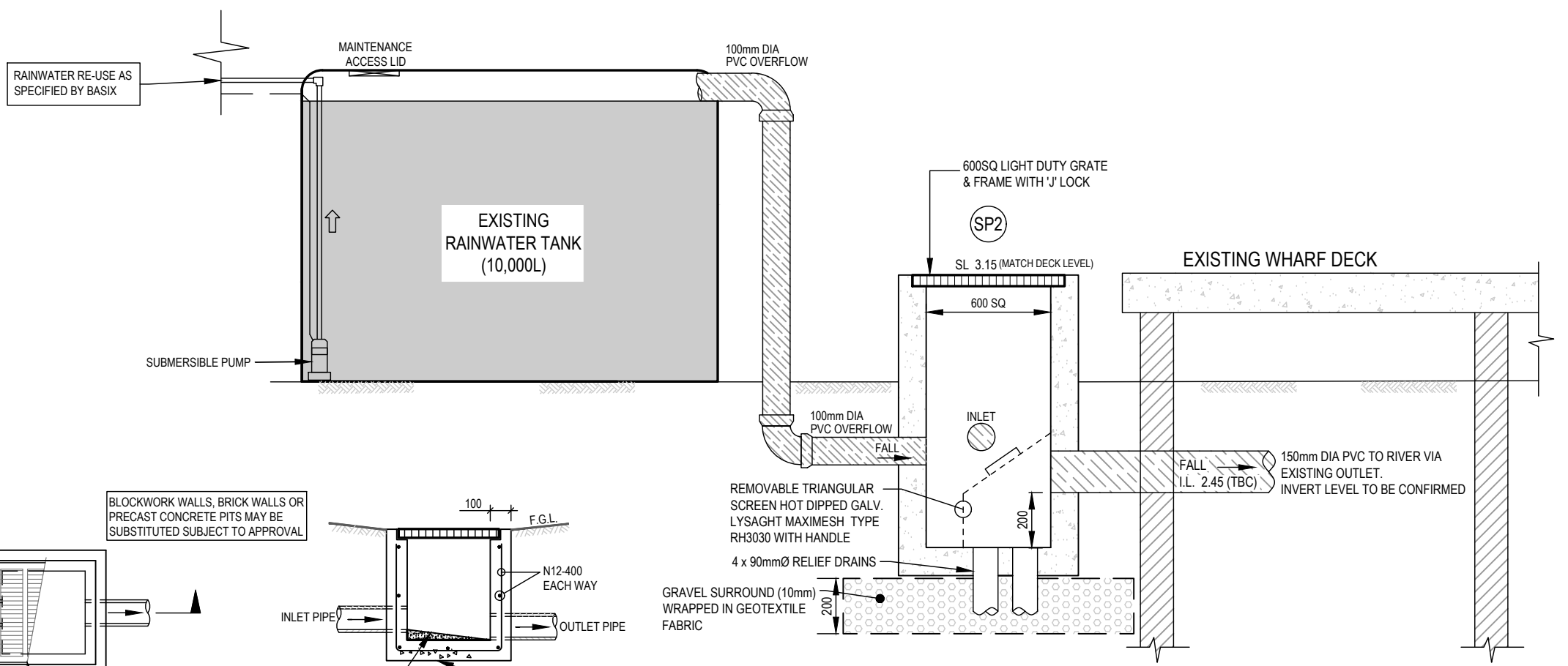


N.B.	A	B	C	D	E	FLOW RATE L/S
80	260	240	62	115	28	N/A
100	260	240	83	140	28	N/A

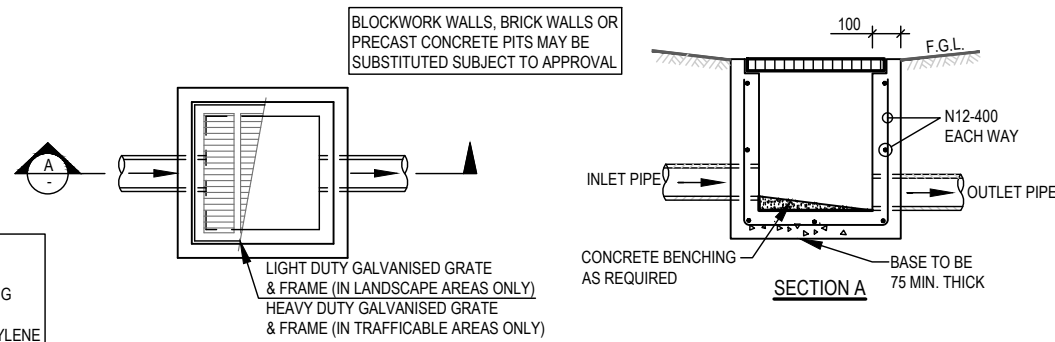
**PLANTER GRATE (SPS) - PG**  
NTS



**GRATED DRAIN**  
NTS

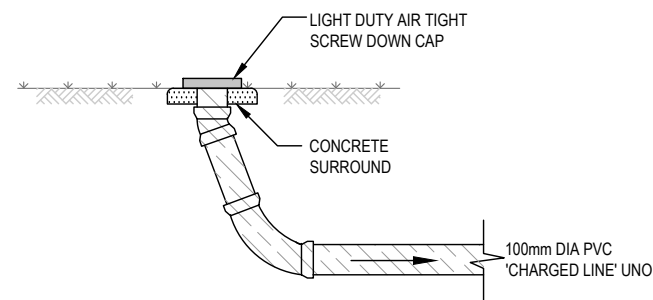


**ELEVATED SEDIMENT CONTROL PIT - SP2**  
NTS

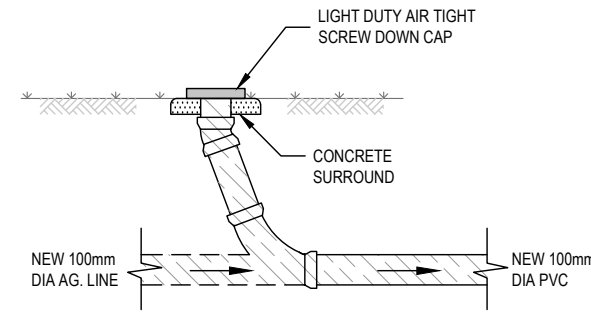


**TYPICAL PIT (SIP)**  
NTS

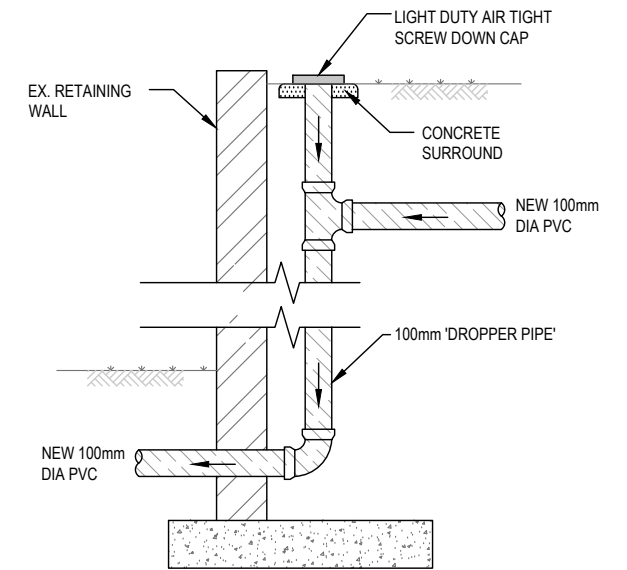
NOTE:  
ALL PROPOSED SITE PITS ARE TO BE CONSTRUCTED IN CONCRETE CAST IN SITU. PLASTIC OR BRICK PITS ARE NOT ACCEPTABLE. HOWEVER, 'COUNCIL MAY CONSIDER PRE-CAST UNITS IF THE UNITS ARE PLACED ON A SOLID BASE OF GRAVEL OR CONCRETE OF 75mm THICK AND BACKFILL UP TO HALF THE DEPTH OF THE PIT SURROUND WITH CONCRETE.



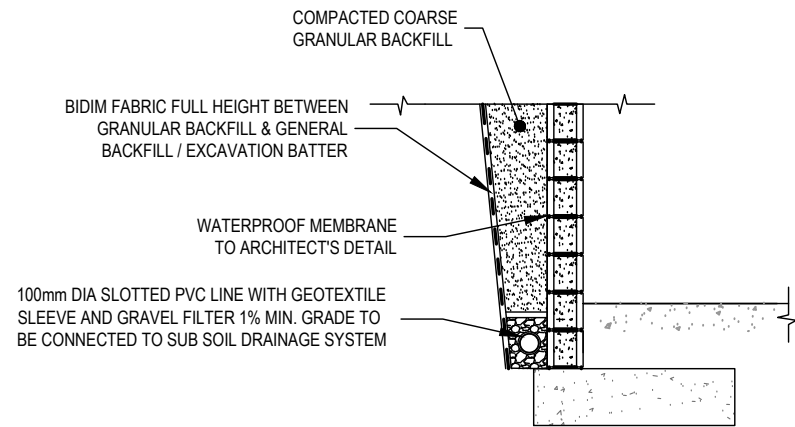
**INSPECTION RISER - IR#1**  
NTS



**AG. LINE INSPECTION RISER - IR#3**  
NTS



**INSPECTION RISER #2 - 'DROP PIPE'**  
NTS



**SUB-SOIL DRAINAGE - RETAINING WALL**  
NTS

**QUANTUM ENGINEERS**  
Suite 1A, Level 2, 2 Rowe Street, EASTWOOD NSW 2122  
02 9807 7800  
admin@quantumengineers.com.au  
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**APPROVED BY**  
ROBERT ELTOBAGI  
BE(CIVIL) MIEAust CPEng  
NER (1052208) RPEQ (25464)  
APEC Engineer IntPE(Aus)

CLIENT  
**CARLOS ZAKI**

ARCHITECT  
DBG DESIGN & BUILDING GROUP

DRAWING TITLE  
**STORMWATER DETAILS**

PROPOSED ALTERATIONS & ADDITIONS  
Lot 2, 31 PELLISIER ROAD,  
PUTNEY

REVISION	DRAWN	DESCRIPTION	DATE
J	CJ	ISSUED FOR DA	21.09.2022

DESIGNED BY	No. IN SET
JL	7
SCALE - SIZE	REVISION
AS NOTED - A3	J
JOB NUMBER	DRAWING No.
180343	D5



**DUST CONTROL:**

• NOTE: DURING EXCAVATION, DEMOLITION AND CONSTRUCTION, ADEQUATE MEASURES SHALL BE TAKEN TO PREVENT DUST FROM AFFECTING THE AMENITY OF THE NEIGHBORHOOD.

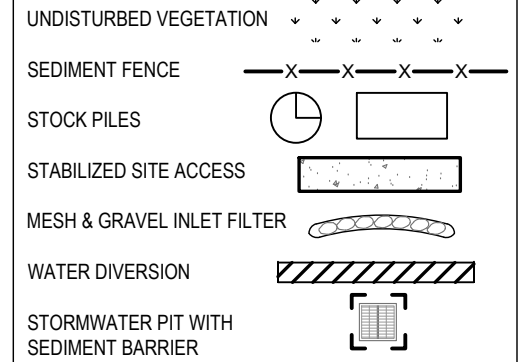
THE FOLLOWING MEASURES MUST BE ADOPTED:

1. PHYSICAL BARRIERS SHALL BE ERECTED AT RIGHT ANGLES TO PREVENT WIND DIRECTION OR SHALL BE PLACED AROUND OR OVER DUST SOURCES TO PREVENT WIND OR ACTIVITY FROM GENERATING DUST.
2. EARTHWORKS AND SCHEDULING ACTIVITIES SHALL BE MANAGED TO COINCIDE WITH THE NEXT STAGE OF DEVELOPMENT TO MINIMISE THE AMOUNT OF TIME THE SITE IS LEFT TO CUT OR EXPOSED.
3. ALL MATERIALS SHALL BE STORED OR STOCKPILED AT THE BEST LOCATIONS.
4. THE GROUND SURFACE SHOULD BE DAMPENED SLIGHTLY TO PREVENT DUST FROM BECOMING AIRBORNE BUT SHOULD NOT BE WET TO THE EXTENT THAT RUN-OFF OCCURS.
5. ALL VEHICLES CARRYING SOIL OR RUBBLE TO OR FROM THE SITE SHALL AT ALL TIMES BE COVERED TO PREVENT THE ESCAPE OF DUST.
6. ALL EQUIPMENT WHEELS SHALL BE WASHED BEFORE EXISTING THE SITE USING MANUAL OR AUTOMATED SPRAYERS AND DRIVE - THROUGH WASHING BAYS.
7. GATES SHALL BE CLOSED BETWEEN VEHICLE MOVEMENTS SHALL BE FITTED WITH SHADE CLOTH.
8. CLEANING OF FOOTPATHS AND ROADWAYS SHALL CARRIED OUT DAILY.
9. ALL BUILDERS REFUSE, SPOIL AND/OR MATERIAL UNSUITABLE FOR USE IN LANDSCAPE AREAS SHALL BE REMOVED FROM SITE ON COMPLETION OF THE BUILDING WORKS.

**NOTES:**

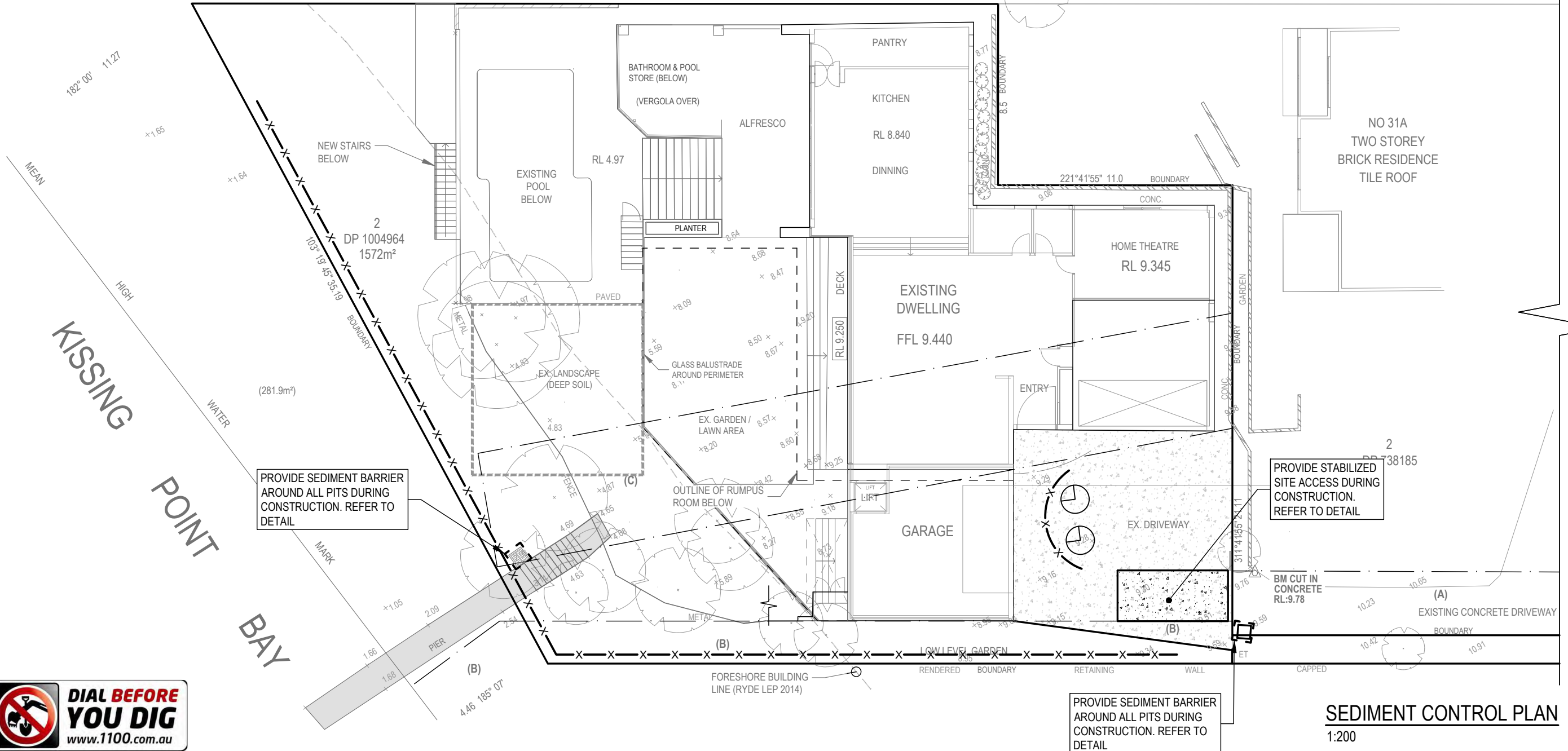
1. ALL EROSION AND SEDIMENT CONTROL MEASURES TO BE INSPECTED AND MAINTAINED DAILY BY SITE MANAGER IN ACCORDANCE WITH COUNCIL REQUIREMENTS.
2. ALL STOCKPILES TO BE CLEAR FROM DRAINS, GUTTERS AND FOOTPATHS.
3. DRAINAGE IS TO BE CONNECTED TO STORMWATER SYSTEM AS SOON AS POSSIBLE.
4. ROADS AND FOOTPATH TO BE SWEEPED DAILY AS REQUIRED BY COUNCIL.
5. IF YOU DO NOT COMPLY WITH COUNCIL REQUIREMENTS & DOCUMENTATION, YOU MAY BE LIABLE TO PROSECUTION FROM GOVERNMENT AUTHORITIES.

**LEGEND:**



FORESHORE BUILDING LINE (RYDE LEP 2014)

BOUNDARY 221° 41' 55" 37.82



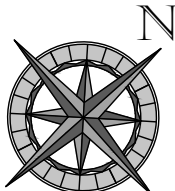
PROVIDE SEDIMENT BARRIER AROUND ALL PITS DURING CONSTRUCTION. REFER TO DETAIL

PROVIDE STABILIZED SITE ACCESS DURING CONSTRUCTION. REFER TO DETAIL

PROVIDE SEDIMENT BARRIER AROUND ALL PITS DURING CONSTRUCTION. REFER TO DETAIL



**SEDIMENT CONTROL PLAN**  
1:200



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Suite 1A, Level 2, 2 Rowe Street, EASTWOOD NSW 2122  
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admin@quantumengineers.com.au  
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**CLIENT**  
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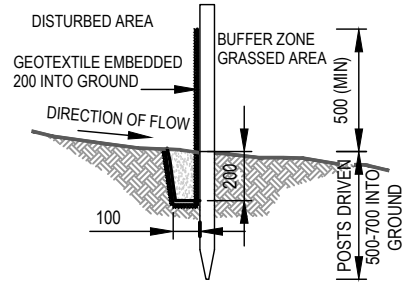
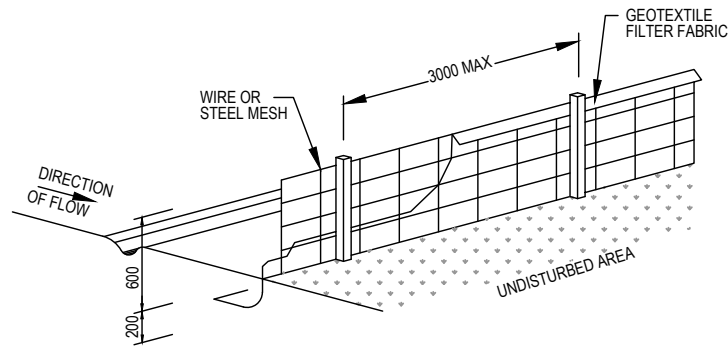
**ARCHITECT**  
DBG DESIGN & BUILDING GROUP

**DRAWING TITLE**  
SEDIMENT CONTROL PLAN

**PROPOSED ALTERATIONS & ADDITIONS**  
Lot 2, 31 PELLISIER ROAD,  
PUTNEY

REVISION	DRAWN	DESCRIPTION	DATE
J	CJ	ISSUED FOR DA	21.09.2022

DESIGNED BY	No. IN SET
JL	7
SCALE - SIZE	REVISION
1:200 - A3	J
JOB NUMBER	DRAWING No.
180343	D6

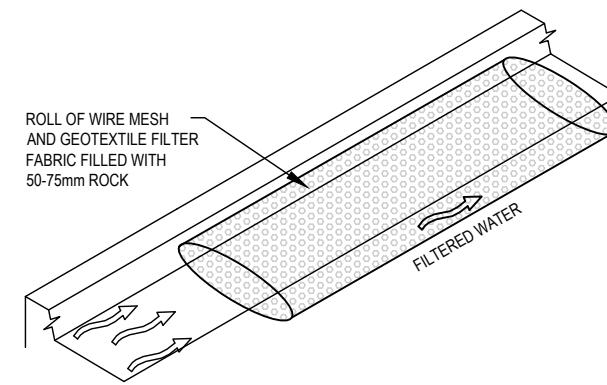


### SEDIMENT FENCE DETAIL

NTS

#### CONSTRUCTION NOTES:

1. CONSTRUCT SEDIMENT FENCES AS CLOSE AS POSSIBLE TO BEING PARALLEL TO THE CONTOURS OF THE SITE, BUT WITH SMALL RETURNS AS SHOWN IN THE DRAWING TO LIMIT THE CATCHMENTS AREA OF ANY ONE SECTION. THE CATCHMENTS AREA SHOULD BE SMALL ENOUGH TO LIMIT WATER FLOW IF CONCENTRATED AT ONE POINT TO 50 LITRES PER SECOND IN THE DESIGN STORM EVENT, USUALLY THE 10 YEAR EVENT.
2. CUT A 150mm DEEP TRENCH ALONG THE UPSLOPE LINE OF THE FENCE FOR THE BOTTOM OF THE FABRIC TO BE ENTRENCHED.
3. DRIVE 1.5m LONG STAR PICKETS INTO GROUND AT 2.5m INTERVALS (MAX) AT THE DOWNSLOPE EDGE OF THE TRENCH. ENSURE ANY STAR PICKETS ARE FITTED WITH SAFETY CAPS.
4. FIX SELF-SUPPORTING GEOTEXTILE TO THE UPSLOPE SIDE OF THE POSTS ENSURING IT GOES TO THE BASE OF THE TRENCH. FIX THE GEOTEXTILE WITH WIRE TIES OR AS RECOMMENDED BY THE MANUFACTURER. ONLY USE GEOTEXTILE SPECIFICALLY PRODUCED FOR SEDIMENT FENCING. THE USE OF SHADE CLOTH FOR THIS PURPOSE IS NOT SATISFACTORY.
5. JOIN SECTIONS OF FABRIC AT A SUPPORT POST WITH 150mm OVERLAP.
6. BACKFILL THE TRENCH OVER THE BASE OF THE FABRIC AND COMPACT IT THOROUGHLY OVER THE GEOTEXTILE.

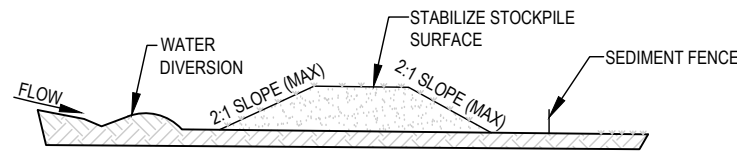


### MESH AND GRAVEL FILTER

NTS

#### CONSTRUCTION NOTES:

1. INSTALL FILTERS TO KERB INLETS ONLY AT SAG POINTS
2. FABRICATE A SLEEVE MADE FROM GEOTEXTILE OR WIRE MESH LONGER THAN THE LENGTH OF THE INLET PIT AND FILL IT WITH 25mm TO 50mm GRAVEL.
3. FORM AN ELLIPTICAL CROSS-SECTION ABOUT 150mm(h) x 400mm(w).
4. PLACE THE FILTER AT THE OPENING LEAVING AT LEAST 100mm SPACE BETWEEN IT AND THE KERB INLET. MAINTAIN THE OPENING WITH SPACER BLOCKS.
5. FORM A SEAL WITH THE KERB TO PREVENT SEDIMENT BYPASSING THE FILTER.
6. SANDBAGS FILLED WITH GRAVEL CAN SUBSTITUTE FOR THE MESH OR GEOTEXTILE PROVIDING THEY ARE PLACED SO THAT THEY FIRMLY ABUT EACH OTHER AND SEDIMENT-LADEN WATERS CANNOT PASS BETWEEN.

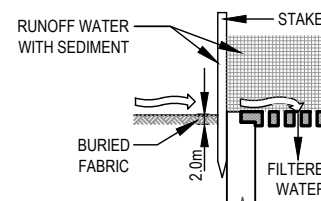


### STOCKPILE

NTS

#### NOTE:

1. PLACE STOCKPILES MORE THAN 2 (PREFERABLY 5) METRES FROM EXISTING VEGETATION, CONCENTRATED WATER FLOW, ROADS AND HAZARD AREAS.
2. CONSTRUCT ON THE CONTOUR AS LOW, FLAT, ELONGATED MOUNDS.
3. WHERE THERE IS SUFFICIENT AREA, TOPSOIL STOCKPILES SHALL BE LESS THAN 2 METRES IN HEIGHT.
4. WHERE THEY ARE TO BE IN PLACE FOR MORE THAN 10 DAYS, STABILIZE FOLLOWING THE APPROVED ESCP OR SWMP TO REDUCE THE C-FACTOR TO LESS THAN 0.10.
5. CONSTRUCT EARTH BANKS (LOW FLOW) ON THE UPSLOPE SIDE TO DIVERT WATER AROUND STOCKPILES AND SEDIMENT FENCES 1 TO 2 METRES ON THE DOWNSLOPE.

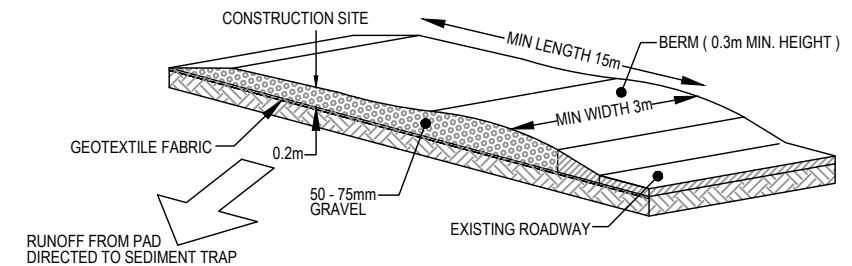


### SEDIMENT BARRIER AROUND PIT

NTS

#### CONSTRUCTION NOTES:

1. FABRICATE A SEDIMENT BARRIER MADE FROM GEOTEXTILE OR STRAW BALES.
2. FOLLOW STRAW FILTER AND SEDIMENT FENCE FOR INSTALLATION PROCEDURES FOR THE STRAW BALES OR GEOTEXTILE. REDUCE THE PICKET SPACING TO 1 METRE CENTRES.
3. IN WATERWAYS, ARTIFICIAL SAG POINTS CAN BE CREATED WITH SANDBAGS OR EARTH BANKS AS SHOWN IN THE DRAWING.
4. DO NOT COVER THE INLET WITH GEOTEXTILE UNLESS THE DESIGN IS ADEQUATE TO ALLOW FOR ALL WATERS TO BYPASS IT.



### STABILIZED SITE ACCESS

NTS

#### CONSTRUCTION NOTES:

1. STRIP THE TOPSOIL, LEVEL THE SITE AND COMPACT THE SUBGRADE
2. COVER THE AREA WITH NEEDLE-PUNCHED GEOTEXTILE
3. CONSTRUCT A 200mm THICK PAD OVER THE GEOTEXTILE USING ROAD BASED OR 30mm AGGREGATE
4. ENSURE THE STRUCTURE IS AT LEAST 15m LONG OR TO BUILD ALIGNMENT AND AT LEAST 3 METRES WIDE.
5. WHERE A SEDIMENT FENCE JOINS ONTO THE STABILIZED ACCESS, CONSTRUCT A HUMP IN THE STABILIZED ACCESS TO DIVERT WATER TO THE SEDIMENT FENCE.



**QUANTUM ENGINEERS**

Suite 1A, Level 2, 2 Rowe Street, EASTWOOD NSW 2122  
02 9807 7800  
admin@quantumengineers.com.au  
quantumengineers.com.au

#### APPROVED BY

ROBERT ELTOBAGI  
BE(CIVIL) MIEAust CPEng  
NER (1052208) RPEQ (25464)  
APEC Engineer IntPE(Aus)

#### CLIENT

CARLOS ZAKI

#### ARCHITECT

DBG DESIGN & BUILDING GROUP

#### DRAWING TITLE

SEDIMENT DETAILS

#### PROPOSED ALTERATIONS & ADDITIONS

Lot 2, 31 PELLISIER ROAD,  
PUTNEY

REVISION	DRAWN	DESCRIPTION	DATE	DESIGNED BY	No. IN SET
J	CJ	ISSUED FOR DA	21.09.2022	JL	7
				<b>SCALE - SIZE</b>	<b>REVISION</b>
				AS NOTED - A3	J
				<b>JOB NUMBER</b>	<b>DRAWING No.</b>
				180343	D7