



# INNER WEST COUNCIL

## DEVELOPMENT ASSESSMENT REPORT

<b>Application No.</b>	10.2019.66.1
<b>Address</b>	29 Kingston Street, Haberfield
<b>Proposal</b>	Alterations and additions to an existing dwelling including rear extension and tree removal
<b>Date of Lodgement</b>	14 May 2019
<b>Applicant</b>	Andrew Burns
<b>Owner</b>	R Lim & L Fong
<b>Number of Submissions</b>	One
<b>Value of works</b>	\$1,078,000.00
<b>Reason for determination at Planning Panel</b>	Clause 4.6 variation exceeds officer delegation
<b>Main Issues</b>	Height, landscaped area and heritage
<b>Recommendation</b>	Approved with Conditions
<b>Attachment A</b>	Recommended conditions of consent
<b>Attachment B</b>	Plans of proposed development
<b>Attachment C</b>	Clause 4.6 Exception to Development Standard



### LOCALITY MAP

Subject Site		Objectors		
Notified Area		Supporters		

Note: Due to scale of map, objector could not be shown.

## 1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to an existing dwelling including rear extension and tree removal at 29 Kingston Street, Haberfield. The application was notified to surrounding properties and one (1) submission was received.

The main issues that have arisen from the application include:

- The variation to the height of buildings development standard;
- The proposal did not meet the minimum landscaped area required; and
- The proposal would entail the loss of the rear gablet of the distinctive gambrel roof form which is of heritage significance to the Haberfield area.

Amended plans were received during the assessment process which appropriately addressed the landscaped area and rear gablet.

The proposal generally complies with the aims and objectives of the Ashfield Local Environmental Plan (ALEP) with the exception that the proposal exceeds the height of buildings development standard by 940mm or 13.4%. A written request under Clause 4.6 of ALEP 2013 has been submitted by the applicant for the variations which is considered well justified and worthy of support.

The development generally complies with the provisions of the Comprehensive Inner West Development Control Plan 2016. It is considered that the proposal will not result in any significant impacts on the streetscape or amenity of adjoining properties.

The potential impacts on the surrounding environment have been considered as part of the assessment process. Any potential impacts from the development are considered to be acceptable.

## 2. Proposal

Approval is sought for alterations and additions to the existing dwelling including:

- Demolition of the rear of the dwelling;
- Extension of the ground floor to the rear of the property;
- Extension of the existing roof form to facilitate an attic conversion;
- Internal reconfiguration of the existing dwelling;
- Addition of a carport;
- Removal of five (5) trees; and
- Associated landscaping works.

## 3. Site Description

The subject site is located on the south eastern side of Kingston Street, between Deakin Avenue and Barton Avenue. The site has a total area of 687.4sqm and is legally described as Lot 232 in Deposited Plan 4354. The site has a frontage to Kingston Street of 15.5 metres.

The site supports a single storey dwelling house. The adjoining properties support single storey dwelling houses. The subject site is located within the Haberfield Heritage Conservation Area.



Image 1: Site Photo

## 4. Background

### 4(a) Site history

The following application outlines the relevant development history of the subject site

Application	Proposal	Decision & Date
10.2003.436.1	Driveway – Construction of side concrete driveway with grass strip in middle	Approved 29/01/2004
10.2018.214.1	Alterations and additions to an existing dwelling house, including the construction of a new in-ground swimming pool.	Withdrawn 13/03/2019

Development Application No.10.2018.214.1 for alterations and additions to an existing dwelling house, including the construction of a new in-ground swimming pool was not supported by Council for the following reasons:

- The Statement of Environmental Effects did not address all relevant parts of ALEP 2013 and CIWDGP 2016 relating to the Haberfield Conservation Area and dwelling houses;
- The Clause 4.6 variation request did not appropriately address the objectives of the development standard and the R2 zone and therefore could not be supported;

- A dormer window, being prohibited in the HCA, was proposed;
- The proposed development did not meet the minimum landscaped area required;
- The proposed roof extension diminished the heritage significance of the existing roof;
- The proposed windows and skylights were not consistent with the proportion and size of the existing windows;
- Insufficient evidence was provided for the reconstruction of the front fence;
- No schedule of materials and finishes was submitted;
- The shadow diagrams submitted were not accurate;
- The location of windows on the adjacent properties had not been provided and as such, an accurate assessment of the visual privacy impact could not be undertaken; and
- The proposed OSD/Absorption system was insufficient.

As a result, the application was withdrawn by the applicant. Prior to the lodgement of Development Application No.10.2019.66.1, a meeting was held between Council staff and the applicant to discuss the above concerns. It is generally considered that the above concerns have been addressed, subject to the amendments undertaken during the assessment of the application.

#### 4(b) Application history

The following table outlines the relevant history of the subject application.

Date	Discussion / Letter / Additional Information
14/05/2019	Application lodged with Council
09/07/2019	Request for additional information sent to applicant (see below)
11/07/2019, 13/08/2019 & 15/08/2019	Additional information submitted to Council

A request for additional information was sent to the applicant on 9 July 2019 which required the following:

- The rear roof extension facilitating the attic space be amended to spring from a lower pitching plate, allowing the existing roof pitches to be maintained, therefore retaining the rear gablet of the distinctive gambrel roof form;
- The skylights on the rear attic addition be amended to be vertical in proportion;
- The skylights above the kitchen and lounge area be shifted downslope so that some roof appears above them, extending to the ridge;
- A Schedule of Materials and Finishes be submitted;
- The integration of the pavilion with the main house be amended to use the same tile cladding upon the pavilion (unglazed Marseilles pattern terracotta tile);
- The eaves of the pavilion roof be amended to be more consistent with the main house (exposed rafter-supported eaves);
- Windows W02 and W03 be amended to be of a scale and detail that is more responsive to the character of the existing house; and
- The proposal be amended to provide 50% landscaped area not including permeable pavers.

Amended plans were submitted to Council on 11 July 2019 which generally satisfied the above requirements. Following further consultation with Council's Heritage Advisor regarding

refinement of the roofing and window details, amended plans were submitted to Council on 13 August 2019 and 15 August 2019.

## 5. Assessment

The following is a summary of the assessment of the application in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

### 5(a) Environmental Planning Instruments

The application has been assessed against the relevant Environmental Planning Instruments listed below:

- *State Environmental Planning Policy No. 55—Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*
- *Ashfield Local Environmental Plan 2013*

The following provides further discussion of the relevant issues:

#### 5(a)(v) *State Environmental Planning Policy No 55—Remediation of Land*

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. CIWDPC 2016 provides controls and guidelines for remediation works. *SEPP 55* requires the consent authority to be satisfied that “the site is, or can be made, suitable for the proposed use” prior to the granting of consent.

The site has not been used in the past for activities which could have potentially contaminated the site. It is considered that the site will not require remediation in accordance with *SEPP 55*.

#### 5(a)(vi) *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*

A BASIX Certificate was submitted with the application and will be referenced in any consent granted.

#### 5(a)(vii) *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*

An assessment has been made of the matters set out in Clause 20 of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. It is considered that the carrying out of the proposed development is generally consistent with the objectives of the Plan and would not have an adverse effect on environmental heritage, the visual environment, the natural environment and open space and recreation facilities.

#### 5(a)(viii) *State Environmental Planning Policy (Vegetation in Non-Rural Areas) (Vegetation SEPP)*

*Vegetation SEPP* concerns the protection/removal of vegetation identified under the SEPP and gives effect to the local tree preservation provisions of Council’s DCP.

The application seeks consent to remove five (5) *Syzygium paniculatum* (Magenta Cherry) from the site. The trees show average to poor condition or are dead. No objection is raised to their removal. The landscape plan submitted with the application provides sufficient replacement planting for the removal of the trees and an appropriate condition of consent regarding the planting of the trees has been imposed.

Overall, the proposal is considered acceptable with regard to the *Vegetation SEPP* and *CIWDCP 2016*.

**5(a)(ix) Ashfield Local Environment Plan 2013 (ALEP 2013)**

The application was assessed against the following relevant clauses of the *Ashfield Local Environmental Plan 2011*:

- Clause 2.3 - Land Use Table and Zone Objectives
- Clause 2.7 - Demolition
- Clause 4.3 - Height of buildings
- Clause 4.4 - Floor space ratio
- Clause 4.6 - Exceptions to development standards
- Clause 5.10 - Heritage Conservation
- Clause 6.5 - Development on land in Haberfield Heritage Conservation Area

(i) Clause 2.3 - Land Use Table and Zone Objectives

The site is zoned R2 – Low Density Residential under the *ALEP 2013*. The *ALEP 2013* defines the development as a dwelling house.

The development is permitted with consent within the land use table. The development is consistent with the objectives of the R2 zone.

The following table provides an assessment of the application against ALEP 2013:

Ashfield Local Environmental Plan 2013 - Summary Compliance Table				
Clause No.	Clause	Standard	Proposed	Compliance
2.2	Zoning	Zone R2 Low Density Residential	Alterations and additions to existing dwelling house.	Yes
4.3	Height of buildings	7.0 metres	7.94 metres	No – Refer to Cl. 4.6 discussion below
4.4	Floor space ratio	0.5:1	0.34:1 (232.9sqm)	Yes
4.6	Exceptions to Development standards	The variation to the HOB standard is discussed below.		
5.10	Heritage Conservation	The site is located within the Haberfield Conservation Area.		
5.10(4)	Effect of proposed development on heritage significance	The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or the area concerned. This subclause applies	The proposed alterations and additions are acceptable in term of heritage impacts. Refer to discussion Section 5(d) of this report.	Yes

		regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).		
5.10(5)	Heritage Assessment	The consent authority may, before granting consent to any development: (a) on land on which a heritage item is located, or (b) on land that is within a heritage conservation area, or (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.	The applicant's Heritage Impact Statement concludes there would be no adverse impact on the heritage conservation area as a result of the proposed alterations and additions. Refer to discussion Section 5(d) of this report.	Yes
6.5	Development on land in Haberfield Heritage Conservation Area	Development consent must not be granted to development for the purposes of a dwelling house on land to which this clause applies unless the consent authority is satisfied that:  If the development involves an existing building:  the gross floor area above the existing ground floor level will not exceed the gross floor area of the existing roof space, and  the gross floor area below the existing ground floor level will not exceed 25% of the gross floor area of the existing ground floor, and  The development will not involve excavation in excess of 3 metres below ground level (existing), and  The development will not involve the installation of dormer or gablet windows, and  at least 50% of the site will be landscaped area.	Gross floor area above existing ground does not exceed existing ground floor. No gross floor area below the existing ground floor level is proposed  No excavation proposed.  Skylights rather than dormer or gablet windows have been proposed to provide light to the attic room  50.1% (344.1sqm)	Yes  Yes  Yes  Yes  Yes

Clause 4.6 Exceptions to Development Standards

As outlined in table above, the proposal results in a breach of the following development standard:

- Clause 4.3 - Height of Buildings

The applicant seeks a variation to the Height of Buildings development standard under Clause 4.3 of ALEP 2013 by 13.4% (940mm).

Clause 4.6 allows Council to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes.

In order to demonstrate whether strict numeric compliance is unreasonable and unnecessary in this instance, the proposed exception to the development standard has been assessed against the provisions of Clause 4.6 of the Ashfield Local Environmental Plan below.

A written request has been submitted to Council by the applicant in accordance with Clause 4.6(3) of the LEP justifying the proposed contravention of the development standard and is summarised as follows:

- The proposal satisfies the objectives of the R2 Zone and Height of Buildings development standard;
- The non-compliant portion of the addition consists of a hip-roof attic extension which is set lower than the existing roof form, enabling the existing roof form to be clearly perceived from the streetscape;
- The proposal retains the predominant single storey appearance and provides clear articulation of the original roof form;
- The proposal does not result in any adverse impact on neighbouring dwellings; and
- The proposed roof form has been designed in accordance with the design guidelines relating to attic extensions in the Haberfield Conservation Area.

The applicant's written rationale adequately demonstrates compliance with the development standard is unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

It is considered the development is in the public interest because it is consistent with the objectives of the R2 – Low Density Residential Zone in accordance with Clause 4.6(4)(a)(ii) of the applicable local environmental plan for the following reasons:

- The development would provide for the housing needs of the community within a low density residential development; and
- The development will enable land uses that provide facilities or services to meet the day to day needs of the residents.

It is considered the development is in the public interest because it is consistent with the objectives of the Height of Buildings development standard, in accordance with Clause 4.6(4)(a)(ii) of the applicable local environmental plan for the following reasons:

- The development complies with the maximum floor space ratio permitted on the site and the variation to the height of the development standard is a result of the height of the existing dwelling and the design guidelines for roof extensions in the Haberfield Conservation Area;
- The development achieves a high quality built form and any reduction in the proposed height may have a detrimental impact on the existing significant heritage features of the property;
- The development maintains satisfactory sky exposure and daylight to the adjacent properties;
- The development provides an appropriate transition in built form; and
- The development maintains satisfactory solar access to the adjacent properties.

The contravention of the development standard does not raise any matter of significance for State and Regional Environmental Planning. The concurrence of the Planning Secretary may be assumed for matters dealt with by the Local Planning Panel.



The proposal thereby accords with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of the applicable local environmental plan. For the reasons outlined above, there are sufficient planning grounds to justify the departure from Height of Buildings and it is recommended the Clause 4.6 exception be granted.

5(c) Development Control Plans

The proposal has been considered against the provisions of the Comprehensive Inner West Development Control Plan 2016.

DCP 2016 – Chapter F: Development Category Guidelines				
Control No.	Control	Standard	Proposed	Compliance
DS8.2	Minimum Landscaped area %	601sqm and over. 35% of site area	50.1% (344.1sqm)	Yes
DS8.3	Maximum site coverage	601sqm and over. 50% of site area	35.7% (245.3sqm)	Yes
DS3.4	Wall height	Maximum external wall height of 6 metres measured from the existing ground level.	3.8 metres	Yes
DS4.3	Setbacks	Side setbacks are determined by compliance with the BCA. Generally, Council requires a minimum side setback of 900mm for houses	1.0m & 3.1m side setbacks for dwelling.  280mm setback for the carport. The proposed carport setback is considered acceptable given it allows for a 2.7m wide driveway and parking space and will not result in any unacceptable visual bulk or solar access impact to the adjoining property.	Yes  Acceptable
DS6.1	Garages and carports	A minimum of one car parking is required per dwelling	1 car parking space	Yes
DS13.1	Solar access	Sunlight to at least 50% (or 35m <sup>2</sup> with minimum dimension 2.5m, whichever is the lesser) of private open space areas of adjoining properties is not to be reduced to less than three (3) hours between 9am and 3pm on 21 June.	Neighbouring dwellings to retain the minimum required 3 hours of solar access	Yes
DS 13.2		Existing solar access is maintained to at least 40% of the glazed areas of any neighbouring north facing primary living area windows for a period of at least three hours between 9am and 3 pm on 21 June.	Proposal generally retains existing solar access for neighbouring dwellings	Yes
DS 13.3		Requires main living areas to be located on the northern side of buildings where possible and subject to streetscape quality considerations.	Development is appropriately designed	Yes
DS 13.4		Requires sun shading devices such as eaves, overhangs or recessed balconies minimise the amount of direct sunlight striking facades.	Proposal incorporates appropriate sun shading devices such as eaves	Yes
DS 11.1	Front gardens	Requires front garden to have an area and dimensions that provide	No change to existing front garden	Yes

		sufficient soil area for ground cover, vegetation and trees.		
DS 11.2	Front gardens	Requires hard paved areas to be minimised, and driveways have a maximum width of 3 metres	No change to existing front garden	Yes
DS 12.1	Rear gardens	Requires rear gardens to have an area and dimension that provide sufficient soil area for ground cover, vegetation and trees.	Rear garden is of a sufficient size to ensure adequate vegetation and solar access	Yes
DS14.1	Visual Privacy	Requires the number of windows to side elevations located above the ground floor to be minimised.	Windows alongside elevation are of an appropriate size and are located a sufficient distance away from windows on the adjoining properties.	Yes
DS19.1	Stormwater Disposal	Stormwater from roofs is discharged by gravity to street gutter system	Conditioned to Engineer's requirements	Yes

<b>DCP 2016 – Chapter E2: Haberfield Conservation Area</b>				
<b>Control No.</b>	<b>Control</b>	<b>Standard</b>	<b>Proposed</b>	<b>Compliance</b>
2.6	Building Form	<p>Alterations to the original main part of a building (other than a non-conforming building), including front and side facades, verandahs and roof forms, are not permitted</p> <p>Extensions shall not conceal, dominate or otherwise compete with the original shape, height, proportion and scale of the existing buildings.</p> <p>The overall length of any extension is to be less than, and secondary to, the original house.</p>	<p>Alterations are limited to the rear portion of the development</p> <p>Proposal has been appropriately designed not to dominate original features</p> <p>Extension secondary to existing house</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
2.9	Roof Forms	<p>Roof extensions are to relate sympathetically and subordinately to the original roof in shape, pitch, proportion and materials.</p> <p>New buildings are to have roofs that reflect the size, mass, shape and pitch of the neighbouring original roofs.</p> <p>Roof extensions are to be considerably lower than the original roof and clearly differentiated between the original and the new section.</p>	<p>The roof extensions relates sympathetically and subordinately to the original roof in shape, pitch, proportion and materials.</p> <p>The roof extension is sufficiently lower than the original roof to clearly differentiate between the original and new section.</p>	Yes
2.12	Sitting, Setbacks and Levels	<p>The established pattern of front and side setbacks should be kept.</p> <p>New residential buildings or extensions should not be built forward of existing front building lines.</p> <p>Where natural land slope allows, sub-floor and basement development is</p>	<p>Development has been designed in accordance with the established street setbacks</p>	Yes

		permitted for use as laundries, storerooms, workrooms or garages.		
2.33	Garages and Carports	New garages and carports are to be located at the back or at the side of the house. Where a garage or carport is at the side of the house it must be at least 1 metre back from the front wall of the house.  Garages and carports are to be free standing.	New carport is located at the side of the property and is greater than 1 metre behind the front wall of the house and is free standing	Yes

It is considered the application complies with the parts as indicated and ultimately achieves the aims and objectives of the Comprehensive Inner West Development Control Plan 2016.

The proposed development is capable of complying with the BCA.

#### 5(d) The Likely Impacts

Section 4.15(1)(b) of the Act requires Council to consider “the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality”.

The assessment of the Development Application demonstrates that the proposal will have no significant detrimental effect relating to the environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

#### Heritage

The property is located within the Haberfield Conservation Area. Concern was raised by Council’s Heritage Advisor regarding the proposed roof form and materials of the rear addition and the proportion and location of the proposed windows and skylights. Amended plans were submitted which appropriately addressed these concerns.

It is considered that the proposed development is sympathetic to and consistent with the heritage significance of the area and will not affect the heritage significance of the property.

#### 5(e) The suitability of the site for the development

Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

#### 5(f) Any submissions

The application was notified in accordance with Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill for a period of 21 days to surrounding properties. A total of one (1) submission was received which raised concern regarding the impact of the proposed roof on the existing gablet, the design of the front fence and the height of an existing window on the north eastern elevation.

Amended plans were received which addressed the height of the proposed roof to maintain the existing gable. The design of the front fence has been referred to Council’s Heritage Advisor who raised no objection. The window on the north eastern elevation which is of a

different height to the surrounding windows and is an existing window that will not be impacted by this proposal.

#### 5(g) The Public Interest

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

The proposal is not contrary to the public interest.

## 6 Referrals

#### 6(a) Internal

The application was referred to the Council's Heritage Advisor and Tree Management Officer and the issues raised in those referrals have been discussed in Section 5 above. In addition, the application was referred to Council's Engineer who raised no objection to the proposed works, subject to the imposition of appropriate conditions.

## 7. Section 7.12 Levy

A Section 7.12 Levy of \$10,780.00 would be required for the development under Ashfield Section 94A Contributions Plan 2014. A condition requiring that levy to be paid is included in the recommendation.

## 8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Ashfield Local Environmental Plan 2013* and Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

The development will not result in any significant impacts on the amenity of the adjoining premises/properties and the streetscape and is considered to be in the public interest.

The application is considered suitable for approval subject to the imposition of appropriate conditions.

## 9. Recommendation

- A. The applicant has made a written request pursuant to Clause 4.6 of the *Ashfield Local Environmental Plan 2013*. After considering the request, and assuming the concurrence of the Secretary, the Panel is satisfied that compliance with the development standard for building height is unnecessary in the circumstances of the case and that there are sufficient environmental grounds to support the variation. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.
- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No.10.2019.66.1

for alterations and additions to an existing dwelling including rear extension and tree removal at 29 Kingston Street, Haberfield subject to the conditions listed in Attachment A below.

## Attachment A – Recommended conditions of consent

### Conditions of Consent

#### Fees

##### **1. Section 7.12 (formerly section 94A) Development Contribution Payments**

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that a monetary contribution to the Inner West Council has been paid, towards the provision of infrastructure, required to address increased demand for local services generated by additional development within the Local Government Area (LGA). This condition is imposed in accordance with Section 7.12 of the Environmental Planning and Assessment Act and in accordance with the relevant current contributions plan:

##### **Former Ashfield LGA:**

*"Ashfield Section 94A Development Contributions Plan 2009 – Amendment No.3";*

Note:

Copies of these contribution plans can be inspected at any of the Inner West Council Service Centres or viewed online at <https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions>

##### Payment amount\*:

\$10,780.00

##### \*Indexing of the Section 7.12 contribution payment:

The contribution amount to be paid to the Council is to be adjusted at the time of the actual payment in accordance with the provisions of the relevant contributions plan. In this regard, you are recommended to make contact with Inner West Council *prior to arranging your payment method* to confirm the correct current payment amount (at the expected time of payment).

##### Payment methods:

The required contribution must be paid either in cash; by unendorsed bank cheque (from an Australian Bank only); via EFTPOS (Debit only); or credit card (to a maximum of \$10,000 - Note: A 1% credit card transaction fee applies to all credit card transactions). It should be noted that personal cheques or bank guarantees cannot be accepted for the payment of these contributions.

##### **2. Long Service Levy**

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid at the prescribed rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more.

##### **3. Security Deposit - Standard**

Prior to the commencement of demolition works or issue of a Construction Certificate, the Certifying Authority must be provided with written evidence that a security deposit and inspection fee has been paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

Security Deposit:	\$8,056.50
Inspection Fee:	\$230.65

Payment will be accepted in the form of cash, bank cheque, EFTPOS/credit card (to a maximum of \$10,000) or bank guarantee. Bank Guarantees must not have an expiry date. The inspection fee is required for the Council to determine the condition of the adjacent road reserve and footpath prior to and on completion of the works being carried out.

Should any of Council's property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council's assets or the environment at risk, or if any road, footpath or drainage works required by this consent are not completed satisfactorily, Council may carry out any works necessary to repair the damage, remove the risk or complete the works. Council may utilise part or all of the security deposit to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.

A request for release of the security may be made to the Council after all construction work has been completed and a final Occupation Certificate issued.

The amount nominated is only current for the financial year in which the consent was issued and is revised each financial year. The amount payable must be consistent with Council's Fees and Charges in force at the date of payment.

**4. Boundary Alignment Levels**

Alignment levels for the site at all pedestrian and vehicular access locations must match the existing back of footpath levels at the boundary.

General Conditions

**5. Documents related to the consent**

The development must be carried out in accordance with plans and documents listed below:

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
1807-DA02-D	Ground Floor Plan, First Floor Plan, Roof Plan	15/08/2019	Andrew Burns Architecture
1807/DA03-D	Sections, Elevations, Driveway Long Section	15/08/2019	Andrew Burns Architecture
Issue A	Schedule of Materials and Finishes	13/08/2019	Andrew Burns Architecture

As amended by the conditions of consent.

**6. Waste Management Plan**

Prior to the commencement of any works (including any demolition works), the Certifying Authority is required to be provided with a Recycling and Waste Management Plan (RWMP) in accordance with the relevant Development Control Plan.

**7. Erosion and Sediment Control**

Prior to the issue of a commencement of any works (including any demolition works), the Certifying Authority must be provided with an erosion and sediment control plan and specification. Sediment control devices must be installed and maintained in proper working order to prevent sediment discharge from the construction site.

**8. Standard Street Tree Protection**

Prior to the commencement of any work, the Certifying Authority must be provided with details of the methods of protection of all street trees adjacent to the site during demolition and construction.

**9. Works Outside the Property Boundary**

This development consent does not authorise works outside the property boundaries on adjoining lands.

**10. Tree Removal**

Approval is given for the following works to be undertaken to trees on the site:

Tree/location	Approved works
<i>Syzygium paniculatum</i> (Magenta Cherry) x 5 Rear Garden	Remove

Removal or pruning of any other tree (that would require consent of Council) on the site is not approved.

**11. Tree Retention**

The trees identified below are to be retained:

Tree/location
<i>Lophostemon confertus</i> (Brush Box) In road street tree
<i>Tristanopsis laurina</i> (Water Gum) Nature strip

Details of the trees to be retained must be included on the Construction Certificate plans

**Prior to any Demolition**

**12. Advising Neighbors Prior to Excavation**

At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

**13. Construction Fencing**

Prior to the commencement of any works (including demolition), the site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property.

**14. Hoardings**

The person acting on this consent must ensure the site is secured with temporary fencing prior to any works commencing.

If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public roads or Council controlled lands to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property.



### Prior to Construction Certificate

#### **15. Structural Certificate for retained elements of the building**

Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with a Structural Certificate prepared by a practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction. The certificate must also include all details of the methodology to be employed in construction phases to achieve the above requirements without result in demolition of elements marked on the approved plans for retention.

#### **16. Sydney Water – Tap In**

Prior to the issue of a Construction Certificate, the Certifying Authority is required to ensure approval has been granted through Sydney Water's online 'Tap In' program to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

*Note: Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 132092.*

#### **17. Concealment of Plumbing and Ductwork**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans detailing the method of concealment of all plumbing and ductwork including stormwater downpipes within the outer walls of the building so they are not visible.

#### **18. Stormwater Drainage System – Minor Developments (OSD is required)**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans incorporating on site stormwater detention and/or on site retention/ re-use facilities (OSR/OSD), certified by a suitably qualified Civil Engineer that the design of the site drainage system complies with the following specific requirements:

- a) The design must be generally in accordance with the stormwater drainage concept plan on Drawing No. SWDA 2.1 (Rev P1 dated 18/04/2019), SWDA 2.2 (Rev P2 dated 26/04/2019), SWDA 2.3 (Rev P1 dated 17/04/2019) & SWDA 2.4 (Rev P2 dated 26/04/2019) prepared by Partridge Hydraulic Services
- b) All stormwater drainage being designed in accordance with the provisions of the Australian Rainfall and Runoff (ARR), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP.
- c) Pipe and channel drainage systems must be designed to cater for the twenty (20) year Average Recurrence Interval (ARI) storm in the case of low and medium residential developments, the twenty (20) year ARI Storm in the case of high-density residential development and commercial and/or industrial developments and the fifty (50) year ARI Storm in the case of heavy industry. In all cases, the major event surface flow paths must be designed to cater for the one hundred (100) year ARI Storm.
- d) Charged or pump-out stormwater drainage systems are not used including for roof drainage.
- e) To provide for adequate site drainage all roof and surface stormwater from the site and any catchment external to the site that presently drains to it, must be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a stormwater drainage system in accordance with the requirements of Council's DCP. Please note any stormwater outlets through sandstone kerbs must be carefully core drilled.
- f) The on-site detention system must be designed for all storm events from the 1 in 5 years to the 1 in 100 year storm event, with discharge to a Council controlled storm

water system limited to pre-development conditions with the maximum allowable discharge to Council's street gutter limited to 25 litres/second (20 years ARI/100years ARI);

- g) Storage for the 1-year ARI storm event must be provided fully below ground;
- h) Details of the Height vs Storage and Height vs Discharge relationships must be submitted;
- i) Details of external catchments currently draining to the site must be included on the plans. Existing natural overland flows from external catchments may not be blocked or diverted, but must be captured and catered for within the proposed site drainage system. Where necessary an inter-allotment drainage system must be incorporated into the design;
- j) Details of the 1 in 100-year ARI overflow route in case of failure/blockage of the drainage system must be provided.

The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system.

- k) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- l) Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site.
- m) All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.
- n) No impact to street tree(s).

**19. Dilapidation Report – Pre-Development - Minor**

Prior to the issue of a Construction Certificate or any demolition, the Certifying Authority must be provided with a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site.

**20. Replacement Planting**

The following trees must be planted:

4 x *Lagerstroemia* "Acoma" sp. (White Crepe Myrtle), 4 x *Lagerstroemia* cultivars, 1 x *Magnolia soulangiana* (Saucer Magnolia), 8 x *Pyrus* 'Chanticleer' (Ornamental Pear), 2 x *Michelia alba* 'Champaca' x 75 litre size trees as per the Landscape Plan, at a minimum of 1.5 m. from any boundary or structure. The trees are to conform to AS 2303—*Tree stock for landscape use*.

If the new plantings and trees are found to be faulty, damaged, dying or dead within twelve (12) months of planting then they must be replaced with the same species. If the trees are found dead before they reach a height where they are protected by Council's Tree Management Controls, they must be replaced with the same species.

**21. Tree Preservation**

To preserve the following tree, no work shall commence until the Protection Zone (in accordance with AS 4970-*Protection of trees on development sites*) is fenced off at the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence shall be maintained intact until the completion of all demolition/building work on site and shall not project beyond the kerb onto the roadway or any adjacent footpath.

Tree/location	Radius in metres
<i>Tristaniopsis laurina</i> (Water Gum) Nature strip	2 metres

The tree protection fencing being constructed of star pickets (located clear of roots) and connected by 4 strands of 2mm wire at 300mm wide spacing to a minimum height of 1.5 metres in height prior to work commencing.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

**22. Tree Preservation – Street Tree**

To preserve the following tree/s no work shall commence nor shall a Construction Certificate be issued (whichever occurs first) until the trunk/s are protected (in accordance with AS4970-*Protection of trees on development sites*) by the placement of appropriate lengths of 50 x 100mm timbers spaced at 150mm centres and secured by wire/hoop strap over suitable protective padding material (i.e. underlay or carpet). The trunk protection shall be maintained intact until the completion of all work on site.

Tree/Location
<i>Lophostemon confertus</i> (Brush Box) In road street tree

Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

**During Demolition and Construction**

**23. Construction Hours – Class 1 and 10**

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work are only permitted between the hours of 7:00am to 5.00pm, Mondays to Saturdays (inclusive) with no works permitted on, Sundays or Public Holidays.

**24. Survey Prior to Footings**

Upon excavation of the footings and before the pouring of the concrete, the Certifying Authority must be provided with a certificate of survey from a registered land surveyor to verify that the structure will not encroach over the allotment boundaries.

**25. Tree Protection**

No activities, storage or disposal of materials taking place beneath the canopy of any tree protected under Council's Tree Management Controls at any time.

No trees on public property (footpaths, roads, reserves etc) are to be removed or damaged during works unless specifically approved in this consent or marked on the approved plans for removal.

Prescribed trees protected by Council's Management Controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent.

**Prior to Occupation Certificate**

**26. Public Domain Works**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with written evidence from Council that the following works on the Road Reserve have been

completed in accordance with the requirements of the approval under Section 138 of the *Roads Act 1993* including:

- a) Light duty concrete vehicle crossing(s) at the vehicular access location(s).
- b) The redundant vehicular crossing to the site must be removed and replaced by kerb and gutter and footpath. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb must also be in stone.
- c) The existing concrete footpath across the frontage of the site must be reconstructed.
- d) Other works subject to the *Roads Act 1993* approval.

All works must be constructed in accordance with Council's standards and specifications and AUS-SPEC#2-"Roadworks Specifications".

**27. No Encroachments**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any encroachments on to Council road or footpath resulting from the building works have been removed, including opening doors, gates and garage doors with the exception of any awnings or balconies approved by Council.

**28. Protect Sandstone Kerb**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any damaged stone kerb has been replaced.

**29. Light Duty Vehicle Crossing**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that a light duty concrete vehicle crossing/s, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" have been constructed at the vehicular access locations.

**30. Stormwater Drainage and Road Works – Certification**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a qualified Civil Engineer with Chartered Engineer of Institution of Engineers Australia (CPEng) or Registered Professional Engineer of Professionals Australia (RPEng) qualifications that:

- a) All works required to be undertaken on public roads must be designed and constructed in accordance with Council's approved plans.
- b) Video inspection (CCTV) in accordance with WSA 05-2013 Conduit Inspection Reporting Code of Australia has been carried out of completed stormwater drainage works that are to revert to Council by an accredited operator.
- c) Full works-as-executed plans in PDF and CAD format (dwg or dxf files), prepared and signed by a Registered Surveyor have been submitted to Council.

**31. Works as Executed – Site Stormwater Drainage System**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a qualified Civil Engineer with Chartered Engineer of Institution of Engineers Australia (CPEng) or Registered Professional Engineer of Professionals Australia (RPEng) qualifications that:

- a) The stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards.
- b) Works-as-executed plans of the stormwater drainage system certified by a Registered Surveyor, to verify that the drainage system has been constructed, OSD/OSR system commissioned and stormwater quality improvement device(s) and any pump(s) installed

in accordance with the approved design and relevant Australian Standards have been submitted to Council. The works-as-executed plan(s) must show the as built details in comparison to those shown on the drainage plans approved with the Construction Certificate. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifier stamped Construction Certificate plans.

### **32. Landscaping Works**

Prior to the issue of any Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including tree planting have been undertaken in accordance with the approved plan(s) and conditions of consent.

### **On-going**

### **33. Replenishment Trees**

The canopy replenishment trees required by this consent are to be maintained in a healthy and vigorous condition until they attain a height of 6 metres whereby they will be protected by Council's Tree Management Controls. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species within 2 months.

## **Advisory notes**

### **Prescribed Conditions**

This consent is subject to the prescribed conditions of consent within clause 98-98E of the *Environmental Planning and Assessment Regulations 2000*.

### **Notification of commencement of works**

At least 7 days before any demolition work commences:

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

### **Storage of Materials on public property**

The placing of any materials on Council's footpath or roadway is prohibited, without the prior consent of Council.

### **Toilet Facilities**

The following facilities must be provided on the site:

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

Facilities must be located so that they will not cause a nuisance.

### **Infrastructure**

The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property. Any adjustment or augmentation of any public utility services

including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be undertaken before occupation of the site.

**Other Approvals may be needed**

Approvals under other acts and regulations may be required to carry out the development. It is the responsibility of property owners to ensure that they comply with all relevant legislation. Council takes no responsibility for informing applicants of any separate approvals required.

**Failure to comply with conditions**

Failure to comply with the relevant provisions of *the Environmental Planning and Assessment Act 1979* and/or the conditions of this consent may result in the serving of penalty notices or legal action.

**Other works**

Works or activities other than those approved by this Development Consent will require the submission of a new Development Application or an application to modify the consent under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

**Obtaining Relevant Certification**

This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, such as (if necessary):

- a) Application for any activity under that Act, including any erection of a hoarding.
- b) Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*.
- c) Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*.
- d) Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed.
- e) Application for Strata Title Subdivision if strata title subdivision of the development is proposed.
- f) Development Application for demolition if demolition is not approved by this consent.
- g) Development Application for subdivision if consent for subdivision is not granted by this consent.

**National Construction Code (Building Code of Australia)**

A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out. All building works approved by this consent must be carried out in accordance with the requirements of the National Construction Code.

**Notification of commencement of works**

Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the PCA (not being the council) 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.

**Dividing Fences Act**

The person acting on this consent must comply with the requirements of the *Dividing Fences Act 1991* in respect to the alterations and additions to the boundary fences.

**Permits from Council under Other Acts**

Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the *Local Government Act 1993* and/or Section 138 of the *Roads Act 1993*. Permits are required for the following activities:

- a) Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application.
- b) A concrete pump across the roadway/footpath
- c) Mobile crane or any standing plant
- d) Skip bins
- e) Scaffolding/Hoardings (fencing on public land)
- f) Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.
- g) Awning or street verandah over footpath
- h) Partial or full road closure
- i) Installation or replacement of private stormwater drain, utility service or water supply

Contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. A lease fee is payable for all occupations.

**Noise**

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.

**Amenity Impacts General**

The use of the premises must not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and Regulations. The use of the premises and the operation of plant and equipment must not give rise to the transmission of a vibration nuisance or damage other premises.

**Lead-based Paint**

Buildings built or painted prior to the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned prior to occupation of the room or building.

**Permits**

Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the *Local Government Act 1993* and/or Section 138 of the *Roads Act 1993*. Permits are required for the following activities:

- a) Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application.

- b) A concrete pump across the roadway/footpath
- c) Mobile crane or any standing plant
- d) Skip Bins
- e) Scaffolding/Hoardings (fencing on public land)
- f) Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.
- g) Awning or street veranda over the footpath
- h) Partial or full road closure
- i) Installation or replacement of private stormwater drain, utility service or water supply

If required contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. Applications for such Permits must be submitted and approved by Council prior to the commencement of the works associated with such activity.

#### **Vehicular Crossings**

The vehicular crossing and/or footpath works are required to be constructed by your contractor. You or your contractor must complete an application for 'Design of Vehicle Crossing and Public Domain Works – Step 1' form and 'Construction of Vehicle Crossing and Public Domain Works – Step 2' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.

You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be at no cost to Council

Any damage caused during construction to Council assets on the road reserve or on Council or Crown land must be repaired at no cost to Council.

Any driveway crossovers or other works within the road reserve must be provided at no cost to Council.

No consent is given or implied for any Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, eaves, awnings, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever

#### **Dial before you dig**

Contact "Dial Prior to You Dig" prior to commencing any building activity on the site.

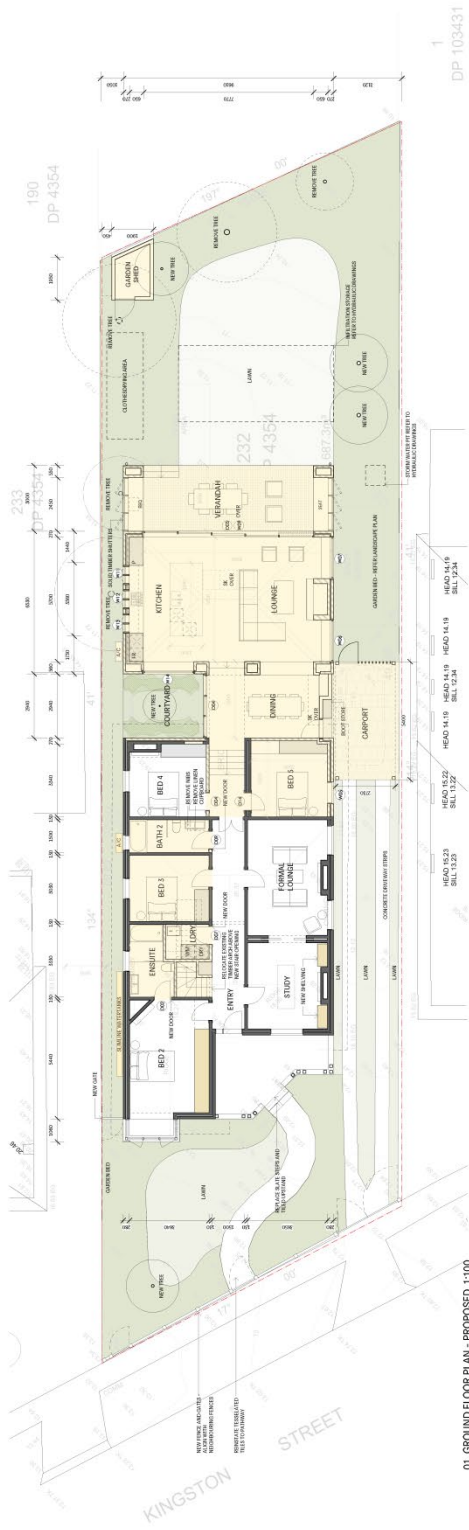
#### **Useful Contacts**

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm <a href="http://www.basix.nsw.gov.au">www.basix.nsw.gov.au</a>
Department of Fair Trading	13 32 20 <a href="http://www.fairtrading.nsw.gov.au">www.fairtrading.nsw.gov.au</a> Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 <a href="http://www.dialprior toyoudig.com.au">www.dialprior toyoudig.com.au</a>
Landcom	9841 8660 To purchase copies of Volume One of "Soils and Construction"

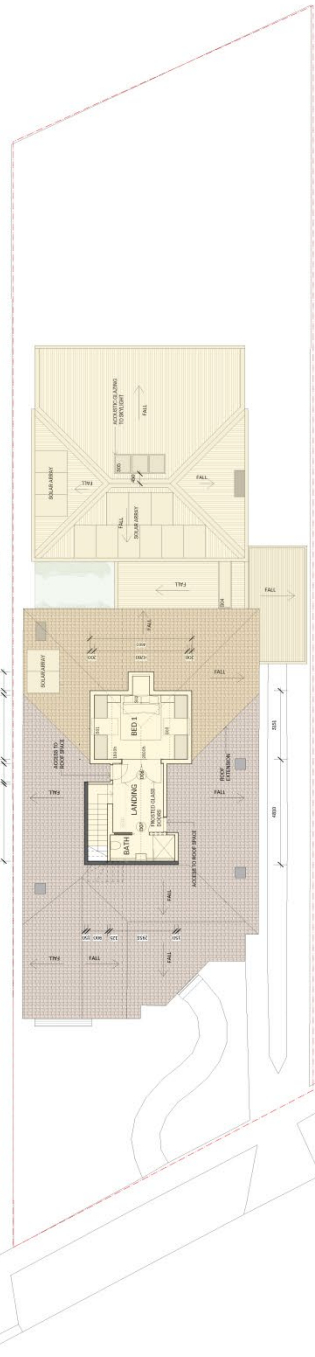


Long Service Payments Corporation	131441 <a href="http://www.lspc.nsw.gov.au">www.lspc.nsw.gov.au</a>
NSW Food Authority	1300 552 406 <a href="http://www.foodnotify.nsw.gov.au">www.foodnotify.nsw.gov.au</a>
NSW Government	<a href="http://www.nsw.gov.au/fibro">www.nsw.gov.au/fibro</a> <a href="http://www.diySAFE.nsw.gov.au">www.diySAFE.nsw.gov.au</a> Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555 <a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a>
Sydney Water	13 20 92 <a href="http://www.sydneypwater.com.au">www.sydneypwater.com.au</a>
Waste Service - SITA Environmental Solutions	1300 651 116 <a href="http://www.wasteservice.nsw.gov.au">www.wasteservice.nsw.gov.au</a>
Water Efficiency Labelling and Standards (WELS)	<a href="http://www.waterrating.gov.au">www.waterrating.gov.au</a>
WorkCover Authority of NSW	13 10 50 <a href="http://www.workcover.nsw.gov.au">www.workcover.nsw.gov.au</a> Enquiries relating to work safety and asbestos removal and disposal.

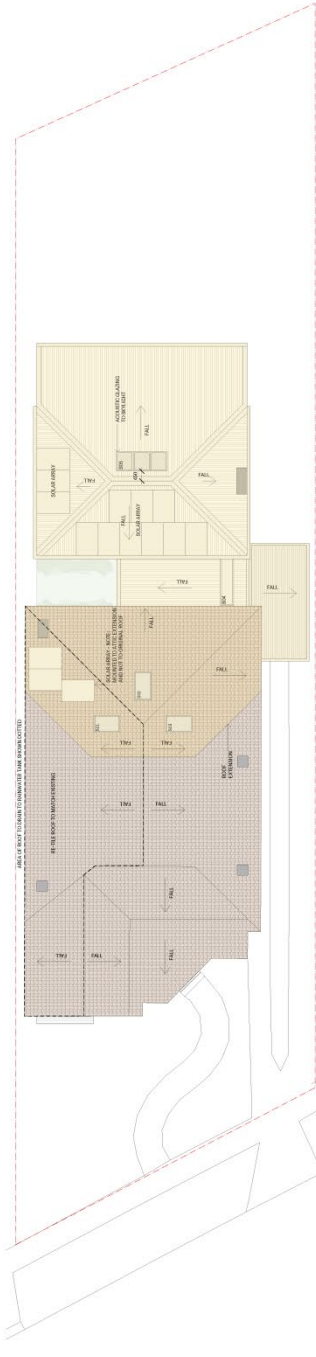




01. GROUND FLOOR PLAN - PROPOSED 1:100



02. FIRST FLOOR PLAN - PROPOSED 1:100






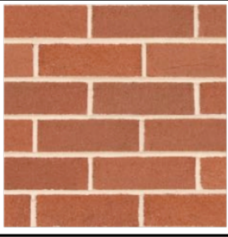

03. ROOF PLAN - PROPOSED 1:100





<b>COMPLIANCE</b>	<b>INTELLECTUAL PROPERTY</b>	<b>LEGISLATION</b>	<b>CLIENT</b>	<b>DATE</b>	<b>SCALE</b>	<b>KEY</b>	<b>REVISIONS</b>	<b>APPROVED</b>	<b>PROJECT</b>
This drawing is the property of Andrew Burns Architecture and is not to be used, copied, or reproduced in any form without the written consent of Andrew Burns Architecture.	Andrew Burns Architecture 29 Kingston Street, Haberfield, NSW 1585 Phone: (02) 9638 1111 Email: info@andrewburns.com.au	Andrew Burns Architecture 29 Kingston Street, Haberfield, NSW 1585	Andrew Burns Architecture 29 Kingston Street, Haberfield, NSW 1585	20180303	1:100	1. EXISTING ROOF 2. PROPOSED ROOF 3. ROOF EXTENSION 4. ROOF VENT 5. CHIMNEY 6. GABLE 7. GABLE END 8. GABLE SIDE 9. GABLE FRONT 10. GABLE REAR 11. GABLE LEFT 12. GABLE RIGHT 13. GABLE FRONT LEFT 14. GABLE FRONT RIGHT 15. GABLE REAR LEFT 16. GABLE REAR RIGHT	1. APPROVED ARCHITECT 2. APPROVED ENGINEER 3. APPROVED PLUMBER 4. APPROVED ELECTRICIAN 5. APPROVED MECHANICAL ENGINEER 6. APPROVED STRUCTURAL ENGINEER 7. APPROVED LANDSCAPE ARCHITECT 8. APPROVED CIVIL ENGINEER 9. APPROVED SURVEYOR 10. APPROVED CONTRACTOR 11. APPROVED PAINTER 12. APPROVED JOINER 13. APPROVED CARPENTER 14. APPROVED GLAZIER 15. APPROVED ROOFER 16. APPROVED LANDSCAPER 17. APPROVED GARDENER 18. APPROVED PLUMBER 19. APPROVED ELECTRICIAN 20. APPROVED MECHANICAL ENGINEER 21. APPROVED STRUCTURAL ENGINEER 22. APPROVED ARCHITECT 23. APPROVED ENGINEER 24. APPROVED PLUMBER 25. APPROVED ELECTRICIAN 26. APPROVED MECHANICAL ENGINEER 27. APPROVED STRUCTURAL ENGINEER 28. APPROVED ARCHITECT 29. APPROVED ENGINEER 30. APPROVED PLUMBER 31. APPROVED ELECTRICIAN 32. APPROVED MECHANICAL ENGINEER 33. APPROVED STRUCTURAL ENGINEER 34. APPROVED ARCHITECT 35. APPROVED ENGINEER 36. APPROVED PLUMBER 37. APPROVED ELECTRICIAN 38. APPROVED MECHANICAL ENGINEER 39. APPROVED STRUCTURAL ENGINEER 40. APPROVED ARCHITECT 41. APPROVED ENGINEER 42. APPROVED PLUMBER 43. APPROVED ELECTRICIAN 44. APPROVED MECHANICAL ENGINEER 45. APPROVED STRUCTURAL ENGINEER 46. APPROVED ARCHITECT 47. APPROVED ENGINEER 48. APPROVED PLUMBER 49. APPROVED ELECTRICIAN 50. APPROVED MECHANICAL ENGINEER 51. APPROVED STRUCTURAL ENGINEER 52. APPROVED ARCHITECT 53. APPROVED ENGINEER 54. APPROVED PLUMBER 55. APPROVED ELECTRICIAN 56. APPROVED MECHANICAL ENGINEER 57. APPROVED STRUCTURAL ENGINEER 58. APPROVED ARCHITECT 59. APPROVED ENGINEER 60. APPROVED PLUMBER 61. APPROVED ELECTRICIAN 62. APPROVED MECHANICAL ENGINEER 63. APPROVED STRUCTURAL ENGINEER 64. APPROVED ARCHITECT 65. APPROVED ENGINEER 66. APPROVED PLUMBER 67. APPROVED ELECTRICIAN 68. APPROVED MECHANICAL ENGINEER 69. APPROVED STRUCTURAL ENGINEER 70. APPROVED ARCHITECT 71. APPROVED ENGINEER 72. APPROVED PLUMBER 73. APPROVED ELECTRICIAN 74. APPROVED MECHANICAL ENGINEER 75. APPROVED STRUCTURAL ENGINEER 76. APPROVED ARCHITECT 77. APPROVED ENGINEER 78. APPROVED PLUMBER 79. APPROVED ELECTRICIAN 80. APPROVED MECHANICAL ENGINEER 81. APPROVED STRUCTURAL ENGINEER 82. APPROVED ARCHITECT 83. APPROVED ENGINEER 84. APPROVED PLUMBER 85. APPROVED ELECTRICIAN 86. APPROVED MECHANICAL ENGINEER 87. APPROVED STRUCTURAL ENGINEER 88. APPROVED ARCHITECT 89. APPROVED ENGINEER 90. APPROVED PLUMBER 91. APPROVED ELECTRICIAN 92. APPROVED MECHANICAL ENGINEER 93. APPROVED STRUCTURAL ENGINEER 94. APPROVED ARCHITECT 95. APPROVED ENGINEER 96. APPROVED PLUMBER 97. APPROVED ELECTRICIAN 98. APPROVED MECHANICAL ENGINEER 99. APPROVED STRUCTURAL ENGINEER 100. APPROVED ARCHITECT	ANDREW BURNS ARCHITECTURE 29 KINGSTON STREET, HABERFIELD	



PROJECT- 29 KINGSTON STREET, HABERFIELD

ISSUE A  
 DATE: 13.08.19

ITEM	LOCATION	DESCRIPTION	IMAGE
EXTERIOR	UPPER LEVEL ADDITION- TO REPLACE EXISTING DETERIORATED ROOF TILES	UNGLAZED MARSIELLES PATTERN TERRACOTTA TILE	
	REAR ADDITION ROOF	CUSTOM-ORB - COLORBOND JASPER	
	CONNECTING ADDITION AND CARPORT	CUSTOM-ORB - COLORBOND JASPER	
	REAR ADDITION WALLS	RED DRY PRESSED FACE BRICKS - TO MATCH EXISTING DWELLING	
	TIMBER DOORS AND WINDOWS	PAINT FINISH - DULUX 'WHISPER WHITE'	

EXTERIOR	EXISTING DWELLING - FEATURE TRIMS (REFER TO ELEVATIONS)	PAINT FINISH - DULUX 'OLIVE LEAF'	
	PAINTED SURFACES (REFER TO ELEVATIONS)	PAINT FINISH - DULUX 'GHOSTING'	
	UPPER LEVEL ADDITION	V-GROOVE LINING PAINT FINISH - DULUX 'WHISPER WHITE'	
	VERANDAH SOFFIT	V-GROOVE LINING PAINT FINISH - DULUX 'WHISPER WHITE'	

Attachment C- Clause 4.6 Exception to Development Standard

A

Andrew Burns Architecture

B

29 Kingston Street, Haberfield – Clause 4.6 Variation

April 2019

This document comprises a Clause 4.6 Variation for the proposed alterations and additions to a dwelling at 29 Kingston St, Haberfield and has been prepared by Andrew Burns, registered Architect NSW#7447.

Description of the Proposed Non-Compliance

Ashfield LEP 2013 imposes a height limit of 7.0m on the subject site.

The existing ridge exceeds this height limit and reaches 8.0m in height. The proposed attic extension contains a similar height non-compliance, reaching a height of 7.9m above natural ground level in the worst case scenario.

An assessment against the relevant clauses of the Ashfield LEP 2013 is as follows:

Item	Objective	Comment
<b>Ashfield LEP</b>		
Zone R2 Low Density Residential	Objectives of Zone - To provide for the housing needs of the community.	SATISFIED: The proposal provides a five bedroom dwelling to accommodate a large family. The utilisation of the attic space accommodates a bedroom, therefore satisfying the accommodation requirements of the family.
	- To enable other land uses that provide facilities or services to meet the day to day needs of residents.	NA: The proposal is for a single dwelling.
Clause 4.3 Height of Buildings	The objectives of this clause are as follows: (a) to achieve high quality built form for all buildings.	SATISFIED: The proposal contains a considered architectural response that incorporates a contemporary hip roof form with skillion verandah. The portion of the proposal that exceeds the height limit consists of a discrete hip roof attic extension, set lower than the existing primary roof form.
	(b) to maintain satisfactory sky exposure and daylight to existing buildings, to the sides and rear of taller buildings and to public areas, including parks, streets and lanes.	SATISFIED: The proposal complies with solar access requirements, ensuring solar access is maintained to the glazing and private open space of adjacent dwellings. Solar access compliance is demonstrated by the shadow studies provided with this submission.  The massing of the proposal does not compromise access to sky enjoyed by adjacent dwellings.
	(c) to provide a transition in built form and land use intensity between different areas having particular regard to the transition between heritage items and other buildings.	SATISFIED: The proposal is located within a solely residential context. The proposal preserves the predominant single storey massing of the context, setting the proposed attic addition lower than the existing primary roof form.  The non-compliant portion of the proposal is a hipped form only. Therefore it does not cause an

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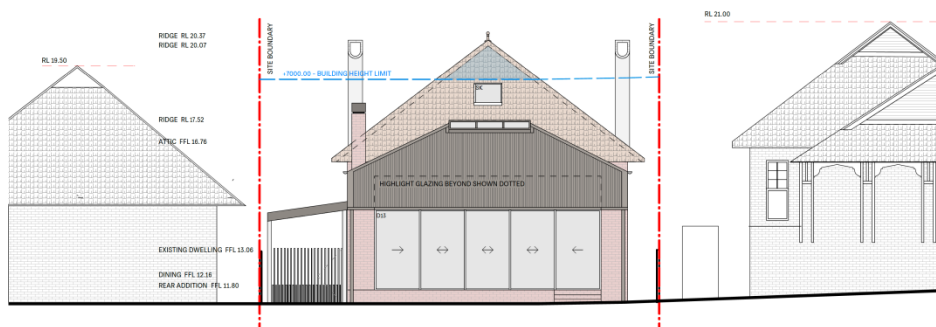
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		<p>abrupt massing volume adjacent to neighbouring dwellings, as the non-compliant portion is confined to the ridge, located close to the centre of the site. This is demonstrated in the diagram below.</p>
	<p>(d) to maintain satisfactory solar access to existing buildings and public areas.</p>	<p><b>SATISFIED:</b> The proposal complies with solar access requirements, ensuring solar access is maintained to the glazing and private open space of adjacent dwellings. Solar access compliance is demonstrated by the shadow studies provided with this submission.</p>



Above: Elevation diagram indicating non-compliant portion of proposal shaded blue – confined to the ridge only.

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**Is Compliance with the development unreasonable or unnecessary in this circumstance?**

Yes. The proposed non-compliance is minor in nature. As outlined in the compliance table above, the proposal satisfies the objectives of the R2 Zone and the Height of Buildings control. The non-compliant portion of the addition consists of a hip-roofed attic extension, designed in accordance with Council design guidelines and in consultation with Council’s heritage architect. The attic extension is set lower than the existing primary roof form, enabling the primary roof form to be clearly perceived within the streetscape and ensuring that that attic extension has minimal presence within the streetscape.

The intention of the height control is to ensure a low rise, single storey streetscape and the preservation of the primary roof forms of existing Haberfield dwellings. The proposal fulfils these objectives. The proposal retains the predominant single storey appearance and provides clear articulation of the original primary roof form and on this basis, strict compliance with the 7m height limit is unnecessary.

**Are there sufficient environmental planning grounds to justify contravening the development standard?**

Yes. The proposed non-compliance has been designed in accordance with Council design guidelines, incorporating a discrete hip roof form, set lower than the existing primary roof form. By observing Council design guidelines, the proposal ensures that streetscape impacts from the attic extension are mitigated, reducing visibility from within the streetscape.

The proposal does not result in any adverse effects on neighbouring dwellings. The proposed height non-compliance does not cause non-compliance with solar access requirements and compliance is demonstrated in

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the shadow diagrams supplied with the application, including elevational shadow diagrams of the adjacent dwelling at No.27 Kingston St. The proposed attic extension does not contain large areas of glazing and contains three skylights, one per plane of the attic addition. Skylights provide natural light and ventilation to the attic extension, whilst preventing occupants from standing immediately adjacent to the glazing and thereby mitigating potential privacy impacts on the neighbouring dwelling.

The proposal has been thoroughly designed in accordance with the guidelines of the Ashfield DCP, in particular Chapter E2 Haberfield Conservation Area, demonstrating that the proposal is in accordance with the broader context of environmental planning controls applicable to the site.

**Conclusion**

The proposal has been carefully considered and provides sympathetic alterations and additions to a heritage dwelling. The proposed non-compliance is minor in nature, consistent with the surrounding pattern of development and does not cause impacts on neighbouring dwellings. On this basis, it is requested that Council grant this non-compliance as submitted.

Signed



Andrew Burns  
Director

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