

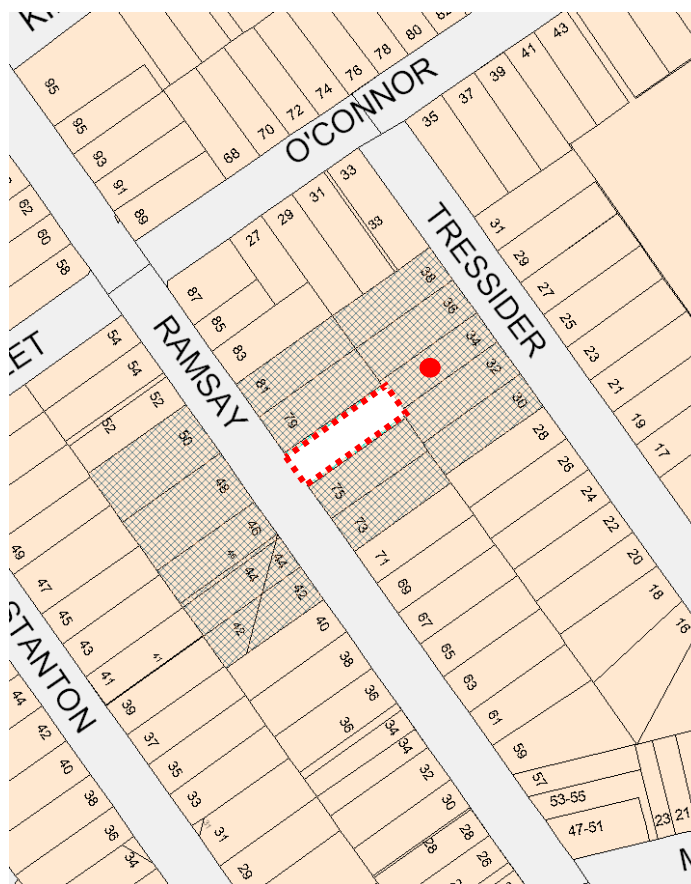


INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

| | |
|---|--|
| Application No. | DA 10.2018.75 |
| Address | 77 Ramsay Street, Haberfield |
| Proposal | Alterations and additions to an existing dwelling |
| Date of Lodgement | 30 April 2018 |
| Applicant | Darren McCoubrie & Ivana Bombardieri |
| Owner | Darren McCoubrie & Ivana Bombardieri |
| Number of Submissions | One (1) |
| Value of works | \$262,500.00 |
| Reason for determination at Planning Panel | Clause 4.6 variation to the maximum building height and minimum landscaped area exceeds 10% |
| Main Issues | Variations to the height of building and landscaped area controls are not supported by an adequate clause 4.6 objection. Shadow diagrams submitted do not provide sufficient information to enable a full assessment of the impacts of the proposal. |
| Recommendation | That the application be refused. |
| Attachment A | Shadow Diagrams and Plans |

Location Plan



Legend

Site



Objections



Neighboring properties notified





Picture 1 Aerial Photo with site identified



Picture 2 Site Photo – Ramsay Street frontage

1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to an existing dwelling at 77 Ramsay Street, Haberfield. The application was notified to surrounding properties and one (1) submission was received.

The proposal does not comply with controls 4.3 and 6.5 of the Ashfield Local Environment Plan 2013, which relate to the height of buildings and development within the Haberfield Conservation Area. Submitted clause 4.6 objections to vary these development standards were reviewed and considered to be unsatisfactory and lacked sufficient justification to permit a variation from the development standards.

On 14 June 2018 Council sent a letter to the applicant outlining a number concerns held with the application, including a lack of detailed shadow diagrams and insufficient clause 4.6 objections. Amended plans/additional information were requested to be submitted within 14 days from the 14 June 2018. As discussed in detail later in this report, Council made numerous requests for the submission of this information, which were never provided.

At the time of writing this report, the applicant has outlined that they are still unable to provide the required information in a reasonable time frame, as such Council has determined to send the application to the Inner West Local Planning Panel for determination based on the information provided with the original lodgment documents.

The supplied documentation is insufficient to enable a detailed assessment of the impacts of the proposal and lacks adequate planning grounds to justify a variation to the development standards for height of buildings and development within the Haberfield Heritage Conservation Area, as outlined under the Ashfield Local Environmental Plan 2013. As such, a full assessment of the proposals impacts on neighbouring amenity cannot be conducted and therefore the application can only be recommended for refusal.

2. Proposal

The application seeks approval for alterations and additions to an existing dwelling house. In particular the proposal seeks consent for the following works:

- Demolition of the rear portion of the existing dwelling
- Construction of a new dining room, kitchen, laundry and veranda
- Construction of a new attic level, incorporating a new master bedroom, retreat, walk-in wardrobe and en-suite

3. Site Description

The subject site is located on the north east side of Ramsay Street, between O'Connor Street and Marion Street. The site consists of one (1) allotment and is generally rectangular in shape with a total area of 696.8m² and is legally described as Lot 326 in DP 5849.

The site has a frontage to Ramsay Street of 15.24 metres and a maximum depth of 45.7 metres.

Currently located upon the site is an existing single storey dwelling house and detached garage. The site is located within the R2 low density residential zone and is surrounded by single storey dwelling houses. The subject site is located within the Haberfield Heritage Conservation area.

4. Background

4(a) Site history

The following application outlines the relevant development history of the subject site and any relevant applications on surrounding properties.

Subject Site

| Application | Proposal | Decision & Date |
|-------------------|----------------------|---------------------|
| 006.1974.9376.001 | Building Application | Approved - 6/6/1974 |

4(b) Application history

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

| Date | Discussion / Letter/ Additional Information |
|------------------|--|
| 30 April 2018 | Application lodged with Council |
| 14 June 2018 | Request for amended plans/additional information sent to applicant. In this request Council outlined that the height of the proposed addition should be reduced, a flood certificate was required to be submitted, Edmonds roof ventilators should be removed and an amended balustrading design more in-line with the HCA should be proposed. |
| 15 July 2018 | Flood Certificate submitted to Council |
| 30 July 2018 | Discussions between the applicant and Council regarding the proposed height of building and impacts to the original ceiling if the building height was lowered. Council agreed to review draft sketches detailing the amended lowered roof design subject to it not affecting the existing ground floor ceiling height. |
| 17 August 2018 | Draft sketches were submitted to Council detailing a reduction to the building height by 150mm. |
| 21 August 2018 | Council provided a response to the draft sketches outlining that in principle they were acceptable and that the following additional information was required to be submitted in order for the proposal to proceed: <ul style="list-style-type: none"> - A full set of amended architectural plans, detailing the proposed roof height reduction - An amended landscape plan detailing the location and extent of on-site landscaping proposed - A comprehensive clause 4.6 objection to the Development Standard for height - A comprehensive clause 4.6 objection to the Development Standard for landscaped area (the site results in less than 50% landscaped area) - Amended Shadow Diagrams clearly detailing proposed shadow to be cast by the development. These plans must be broken down to three separate drawings, detailing shadow at 9am, 12pm and 3pm on the winter solstice - Compliance with any other matters raised in the original correspondence dated 14 June and any later correspondence |
| 5 September 2018 | Council contacted the applicant seeking an update on the status of the request additional information/ amended plans |
| 15 October 2018 | Council contacted the applicant and outlined that the additional information must be submitted by the close of business on the 19 October 2018. |
| 19 October 2018 | Applicant contacted Council and requested an extension of time. |

| | |
|-----------------|--|
| 23 October 2018 | Council informed the applicant that an extension was granted until the 1 November 2018. The applicant was informed that no information would be accepted after this date as the application is to go the November Inner West Local Planning Panel meeting for determination. |
| 30 October 2018 | The applicant contacted Council and requested a further extension to the due date for the additional information. This request was refused and the applicant informed that the proposal would be determined in a November Panel meeting. |

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
- Ashfield Local Environmental Plan 2013

The following provides further discussion of the relevant issues:

5(a)(i) **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. LDCP 2013 provides controls and guidelines for remediation works. SEPP 55 requires that remediation works must be carried out in accordance with a Remediation Action Plan (RAP) as approved by the consent authority and any guidelines enforced under the Contaminated Land Management Act 1997.

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)(ii) **State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

A BASIX Certificate has been submitted with the development application. The BASIX certificate lists measures to satisfy BASIX requirements which have been incorporated in the proposal.

5(a)(iii) **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 environmental, the natural environment and open space and recreation facilities.

5(a)(iv) Ashfield Local Environmental Plan 2013 (ALEP2013)

The application was assessed against the following relevant clauses of the Ashfield Local Environmental Plan 2013:

| Ashfield Local Environmental Plan 2013 Summary Compliance Table | | | | |
|--|---|---|---|---|
| Clause No. | Clause | Standard | Proposed | Compliance |
| 2.2 | Zoning | R2 Low Density Residential | Alterations and additions to an existing dwelling | Yes |
| 4.1 | Minimum subdivision lot size | 500m ² | N/A | |
| 4.3 | Height of buildings | 7m | 7.9m | No – 13% variation from development standard. |
| 4.4 | Floor space ratio | 0.5:1 (348.4m ²) | 0.31:1 (217m ²) | Yes |
| 5.10 | Heritage Conservation | 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 regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6). | The proposed works have been assessed and are likely to impact upon the heritage conservation area in its current form. The proposed incorporation of the Edmonds roof top ventilators and rear balustrading are out of character with the locality. | No |
| 5.10(5) | Heritage assessment | The consent authority may, before granting consent to any development: (a) On land on which 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. | Appropriate documentation regarding heritage management and impacts upon heritage significance have been prepared and submitted as part of this development application. This documentation has been reviewed by Councils heritage advisors who outlined an objection to the proposed balustrading, height and roof ventilators. | No |

| | | | | |
|-----|--|--|--|---|
| 6.5 | Development on land in Haberfield Heritage Conservation Area | <p>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:</p> <p>If the development involves an existing building:</p> <p>the gross floor area above the existing ground floor level will not exceed the gross floor area of the existing roof space, and</p> <p>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</p> <p>The development will not involve excavation in excess of 3 metres below ground level (existing), and</p> <p>The development will not involve the installation of dormer or gablet windows, and</p> <p>at least 50% of the site will be landscaped area. (348.4m²)</p> | <p>Gross floor area of proposed attic will not exceed that of the existing ground floor</p> <p>N/A</p> <p>Less than 3m of cut proposed</p> <p>No dormer or gablet windows proposed</p> <p>39% (273.42m²) – 36m² increase from existing landscaped area</p> | <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No - 21.4% from the development standard</p> |
|-----|--|--|--|---|

Clause 4.6 Exceptions to Development Standards - Clause 4.3 Height of Buildings

The development has a maximum building height of 7.9 meters and thereby exceeds the maximum height of 7.0m of the development standard prescribed under Clause 4.3 of ALEP 2013 and represents a variation of 13%.

Under Clause 4.6 development consent must not be granted for a development that contravenes a development standard unless the consent authority has considered a written request from the applicant that demonstrates:

- Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- There are sufficient environmental planning grounds to justify contravening the development standard.

The consent authority must also be satisfied that 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.

The applicant seeks to vary the maximum height of building standard by a maximum of 0.9m or 13%.

A written request in relation to the contravention to the height development addressing the requirements of Clause 4.6 (Exceptions to Development Standards) of ALEP 2013 was submitted with the application. In summary the applicant's written request justifies the non-compliance on the basis that:

- *To enforce the height limit would deny the proposed attic bedroom which benefits the proposal by: achieving a compressed footprint; preserving original ceilings in the rear rooms of the house; and, resulting in greater space for landscaping in the Haberfield Garden suburb.*
- *The height of the proposed additions is consistent with dwellings in the Haberfield Conservation Area, which have traditional elevated floors and high existing ceilings.*
- *Wall height is 4.8m at the highest point, which is 1.2m less than the maximum allowable under the Comprehensive Inner West DCP 2016 Part 1 DS3.4. Compliance with this development standard is unreasonable and unnecessary as it would deny an otherwise acceptable proposal.*

In this instance the justification provided in the applicant's written request is not considered to be well founded and is not worthy of support. Council has on numerous times asked the applicant to submit a new detailed clause 4.6, however at the time of preparing this report no amended clause 4.6 has been provided.

The submitted objection fails to adequately outline to Council why compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and fails to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard, in particular that the development is consistent with the objectives of the particular standard and zone in which the development is proposed to be carried out.

The provided clause 4.6 and associated justification to the variation to the development standard for height is not considered to be well founded and is not recommended for support. As such the application is recommended for refusal.

Clause 4.6 Exceptions to Development Standards - Clause 6.5 Minimum Landscaped Area

The development has a maximum landscaped area of 39% meters and thereby does not meet the minimum landscaped area of 50% required by the development standard prescribed under Clause 6.5 of ALEP 2013.

Under Clause 4.6 development consent must not be granted for a development that contravenes a development standard unless the consent authority has considered a written request from the applicant that demonstrates that:

- Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- There are sufficient environmental planning grounds to justify contravening the development standard.

The consent authority must also be satisfied that 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.

The applicant seeks to vary the minimum landscaped area development standard by a maximum of 75m² or 21.4%.

A written request in relation to the contravention to the minimum landscaped area development standard addressing the requirements of Clause 4.6 (Exceptions to Development Standards) of ALEP 2013 was submitted with the application. In summary the applicant's written request justifies the non-compliance on the basis that:

- *The proposal seeks to meet the landscape requirement objective by converting all available existing hard space areas into landscaped areas.*
- *The proposal produces an improvement to landscaped area resulting in a net increase of 36.08m².*

In this instance the justification provided in the applicant's written request is not considered to be well founded and is not worthy of support.

The submitted objection fails to adequately outline to Council why compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and failed to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard in particular that the development is consistent with the objectives of the particular standard and zone in which the development is proposed to be carried out.

5(b) Draft Environmental Planning Instruments

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

The NSW government has been working towards developing a new State Environmental Planning Policy (SEPP) for the protection and management of our natural environment. The Explanation of Intended Effect (EIE) for the Environment SEPP was on exhibition from 31 October 2017 until the 31 January 2018. The EIE outlines changes to occur, implementation details, and the intended outcome. It considers the existing SEPPs proposed to be repealed and explains why certain provisions will be transferred directly to the new SEPP, amended and transferred, or repealed due to overlaps with other areas of the NSW planning system.

This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland and Willandra Lakes World Heritage Property. Changes proposed include consolidating the seven existing SEPPs including Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The proposed development would be consistent with the intended requirements within the Draft Environment SEPP.

5(c) Development Control Plans

| DCP 2016 – Chapter F: Development Category Guidelines | | | | |
|--|-----------------------|---|---|----------------------------|
| Control No. | Control | Standard | Proposed | Compliance |
| DS8.3 | Maximum site coverage | 601m ² and over. 50% of site area (348.4m ²) | 32% (218.9m ²) | Yes |
| DS3.4 | Wall height | Maximum external wall height of 6 metres measured from the existing ground level. | 4.6 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 | 1.4m and 2.6m from side boundaries | Yes |
| DS6.1 | Garages and carports | A minimum of one car park is required per dwelling | Existing on-site parking arrangement retained | Yes |
| DS13.1 | Solar access | Sunlight to at least 50% (or 35m ² with minimum dimension 2.5m, | Shadow diagrams submitted fail to detail | Insufficient information – |

| | | | | |
|---------|---------------------|--|--|---------------------------|
| | | 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. | the private open space of neighboring sites. | See assessment below |
| 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 results in a loss of solar access for neighbouring north facing windows | No – See assessment below |
| DS 13.3 | | Requires main living areas to be located on the northern side of buildings where possible and subject to streetscape quality considerations. | Proposed living areas 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. | Appropriate sun shading devices incorporated into the design of the development | Yes |
| DS 11.1 | Front gardens | Requires front garden to have an area and dimensions that provide sufficient soil area for ground cover, vegetation and trees. | Front garden generally retained as existing. Proposed new path maintains acceptable levels of vegetation | Yes |
| DS 11.2 | Front gardens | Requires hard paved areas to be minimised, and driveways have a maximum width of 3 metres | Hard paved areas are minimised, new path is generally within the same location as the existing | 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 to retain sufficient POS and opportunities for deep soil landscaping | Yes |
| DS14.1 | Visual Privacy | Requires the number of windows to side elevations located above the ground floor to be minimised. | Minimal glazing alongside elevations | Yes |
| DS19.1 | Stormwater Disposal | Stormwater from roofs is discharged by gravity to street gutter system | To be conditioned to engineering requirements and recommendations if application is to be approved | Yes |

| DCP 2016 Chapter E2 – Haberfield Conservation Area | | | | |
|---|---------------|--|--|-------------------|
| Clause No. | Clause | Standard | Proposed | Compliance |
| 2.6 | Building Form | 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 Extensions shall not conceal, dominate or otherwise compete with the original shape, height, proportion and scale of the existing buildings. The overall length of any extension is to be less than, and secondary to, the original house. | Proposed extension does not dominate or compete with the original dwelling house | Yes |
| 2.9 | Roof Forms | Roof extensions are to relate sympathetically and subordinately to the original roof in shape, pitch, proportion and materials. | Roof form is sympathetic to the original roof shape | Yes |

| | | | | |
|------|------------------------------|--|--|--|
| | | <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> | | |
| 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 permitted for use as laundries, storerooms, workrooms or garages.</p> | Existing pattern of setbacks is retained | Yes |
| 2.36 | Fences/ Gates | <p>New front fences of timber are encouraged. They should be between 1m to 1.4m in height. The timber should be painted and in an appropriate colour (see Clause 2.37 'Colour Scheme' of this Plan).</p> <p>High brick fences on front alignments are not permitted in Haberfield.</p> | Proposed fence is of timber material and identified to reach a height of 1.2m. | Yes – should the application be approved an appropriate condition will be placed upon the consent. |

The following provides discussion of the relevant issues:

Solar Access

Solar access diagrams submitted by the applicant fail to detail the entirety of the neighbouring site, instead it only shows a partial outline of the neighboring dwelling. Council has undertaken assessment of the provided solar access diagrams and does not consider they provide sufficient information to enable a complete assessment of solar impacts. In order to fully understand the solar access impacts of the development, shadow diagrams detailing the entirety of the neighboring site and all structures upon this site are required. This information was requested on the 21 August 2018. To date the applicant has not submitted amended plans or additional information to satisfy this request.

Shadow diagrams submitted by the applicant detail a loss of solar access to the neighboring 75 Ramsay Street north facing windows, between the hours of 12 noon and 3pm. Analysis of this plan has highlighted that the proposal will result in solar access loss to greater than 40% of the existing north facing windows. The detailed solar access impacts are considered to be significant and likely to impact upon the amenity of neighbouring sites. The proposal in its current form is likely to impact upon the potential for neighboring sites to receive an adequate amount of desirable solar access to main living areas and is against the objectives of the Comprehensive Inner West Development Control Plan and is recommended for refusal.

5(d) The Likely Impacts

The assessment of the Development Application has highlighted that there is insufficient information to enable a detailed assessment and ensure that the proposal will have minimal impacts on the locality and neighboring properties. At this time Council is not convinced that the proposal will not have an impact upon the locality, as such the proposal is recommended for refusal.

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

The site is zoned R2 Low Density Residential. Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, however at this time the applicant has failed to demonstrate that the application will not have adverse impacts on adjoining properties.

5(f) Any submissions

The application was notified in accordance with the Comprehensive Inner West Development Control Plan 2016 for a period of 14 days to surrounding properties. In response one (1) submission was received.

The submissions raised the following concerns which are discussed under the respective headings below:

Issue: *The size of the new roof/ roof form*

Comment: The proposed roof form was reviewed by Councils heritage advisor who outlined no objection subject to amendments regarding the removal of the Edmond ventilators and location of the skylights. The proposed roof form has been assessed and is considered to be sympathetic to the original roof form. The proposed roof addition is subordinate to the original roof and would not be visible from the public domain.

However as detailed within this report the applicant has not provided sufficient information to enable a detailed assessment of the proposal against the controls listed within the LEP and DCP. At this time Council is unable to formulate a comprehensive understanding on the impact of the development to neighboring sites. Numerous attempts to receive additional information from the applicant have at this time not been satisfied, as such Council must recommend that the proposal be refused.

Issue: *The size and positioning of the skylight window in the new roof and resulting privacy impacts*

Comment: The proposed skylight windows relate directly to the new master bedroom and stairs for the proposed attic addition. The proposed master bedroom has been designed to be setback a minimum of 2.6m and 1.4m from the side boundaries and 17.4m from the rear boundary. The skylight windows relate directly to the master bedroom, which is considered to be a low trafficable use. The combination of the proposed setbacks and the proposed use as a master bedroom results in minimal privacy impacts for neighbouring residents and would be considered to be acceptable if the application was to be recommended for approval.

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 contrary to the public interest.

6 Referrals

6(a) Internal

The application was referred to the following internal sections/officers and issues raised in those referrals have been discussed in section 5 above.

- Heritage Officer – Council’s heritage advisor has reviewed the proposal and outlined an objection to the proposed Edmonds roof ventilators, the size of the proposed skylights and the glass or tensioned wire balustrades proposed for the new rear deck. These concerns were presented to the applicant in a letter dated 14 June 2018, where it was requested that amended plans addressing these concerns be submitted. At this time no amended plans addressing these concerns have been provided to Council.
- Development Engineer – Council’s development assessment engineer has outlined no objection to the proposal, subject to suitable conditions of consent.

7. Section 94 Contributions

Section 94 contributions are payable for the proposal.

The carrying out of the proposed development would result in an increased demand for public amenities and public services within the area. A condition requiring that contribution to be paid would be imposed if the application was recommended for approval.

8. Conclusion

The proposal does not comply with the aims, objectives and design parameters contained in Ashfield Local Environmental Plan 2013 and Inner West Comprehensive Development Control Plan 2016. The development will result in any significant impacts on the amenity of adjoining premises and the streetscape. The application is not supported and in view of the circumstances, refusal of the application is recommended.

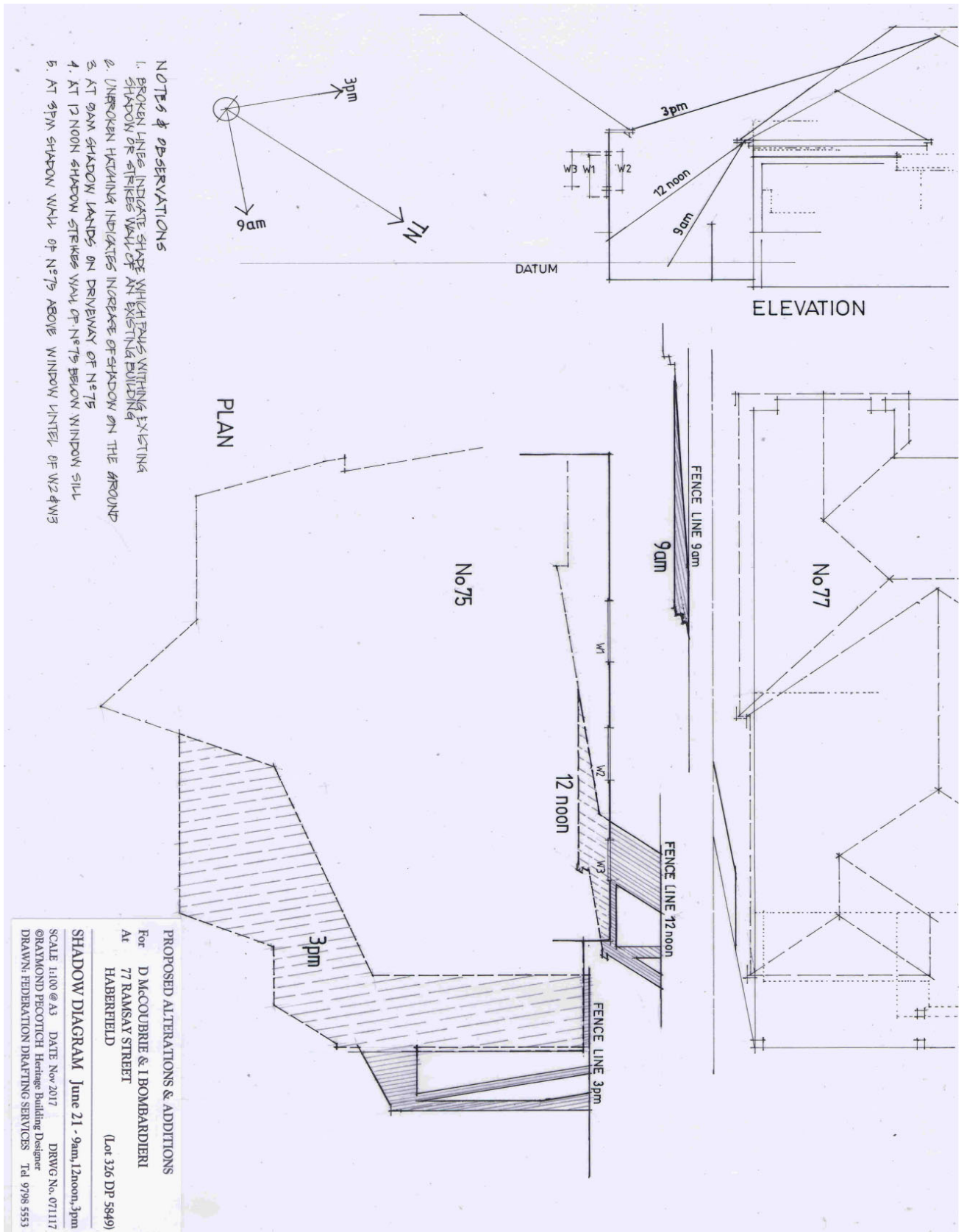
9 Recommendation

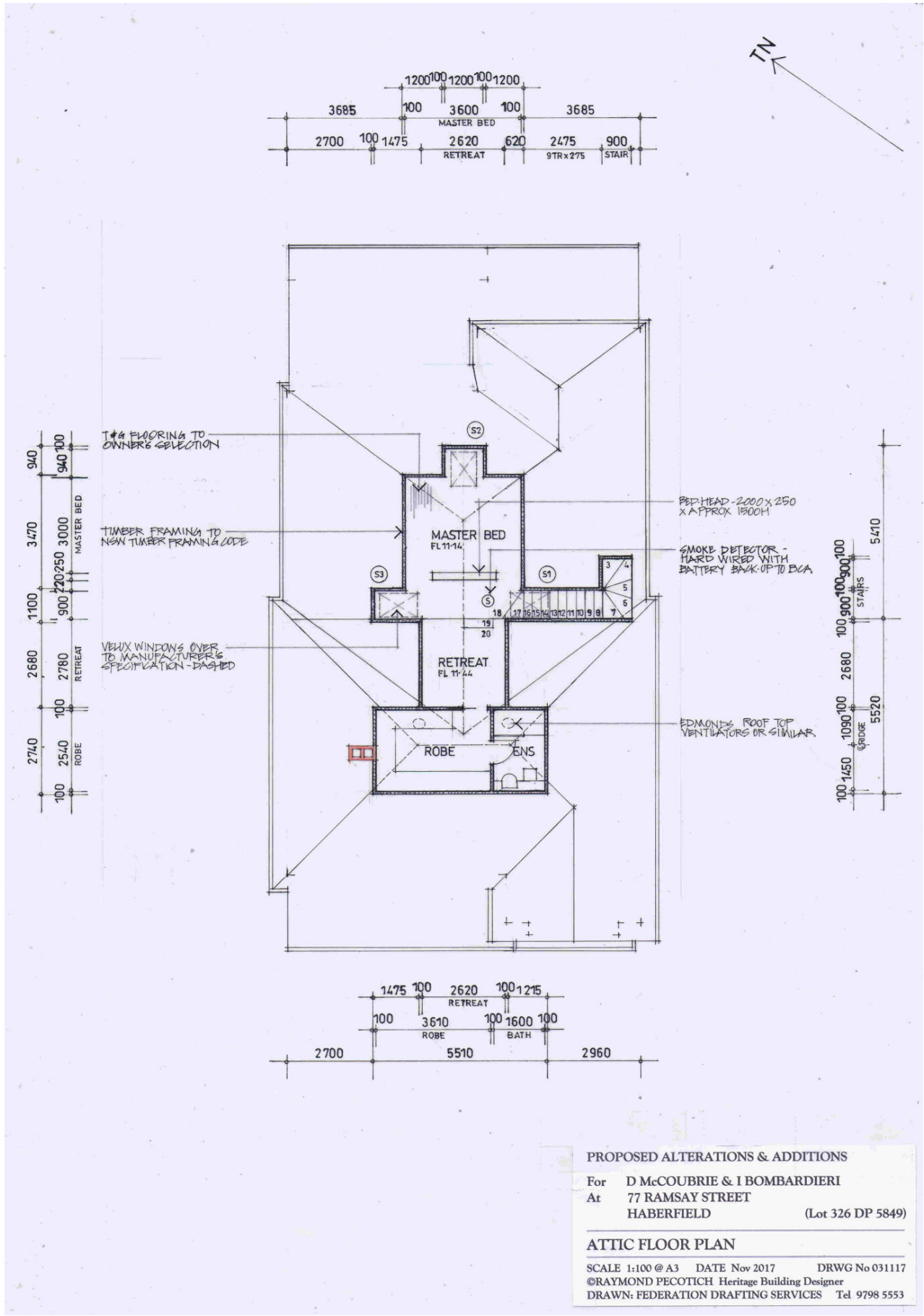
That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, refuse the Development Application No: DA 10.2018.75 for alterations and additions to an existing dwelling at 77 Ramsay Street, Haberfield for the following reasons:

1. Contrary to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not comply with the objectives and controls of Height of Buildings under Clause 4.3 of the *Ashfield Local Environmental Plan 2013*.
2. Contrary to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not comply with the objectives and controls of Development on land in Haberfield Heritage Conservation Area under Clause 6.5 of the *Ashfield Local Environmental Plan 2013*.
3. Contrary to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not comply with the objectives and controls of Exceptions to standards under Clause 4.6 of the *Ashfield Local Environmental Plan 2013*.

4. Contrary to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not comply with the Comprehensive Inner West Development Control Plan 2016, Chapter F-Development Category Guidelines as follows:
 - a. Design Solution 13.1-13.2 – Solar Access – The proposal will result in an unacceptable loss of direct solar access to neighbouring dwellings.
5. Contrary to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, the proposed development would have adverse environmental impacts on both the natural and built environments, and social and economic impacts in the locality.
6. Pursuant to the provisions of Section 4.15(1)(d)(e) of the *Environmental Planning and Assessment Act 1979*, it is considered that the proposal would not be in the public interest.

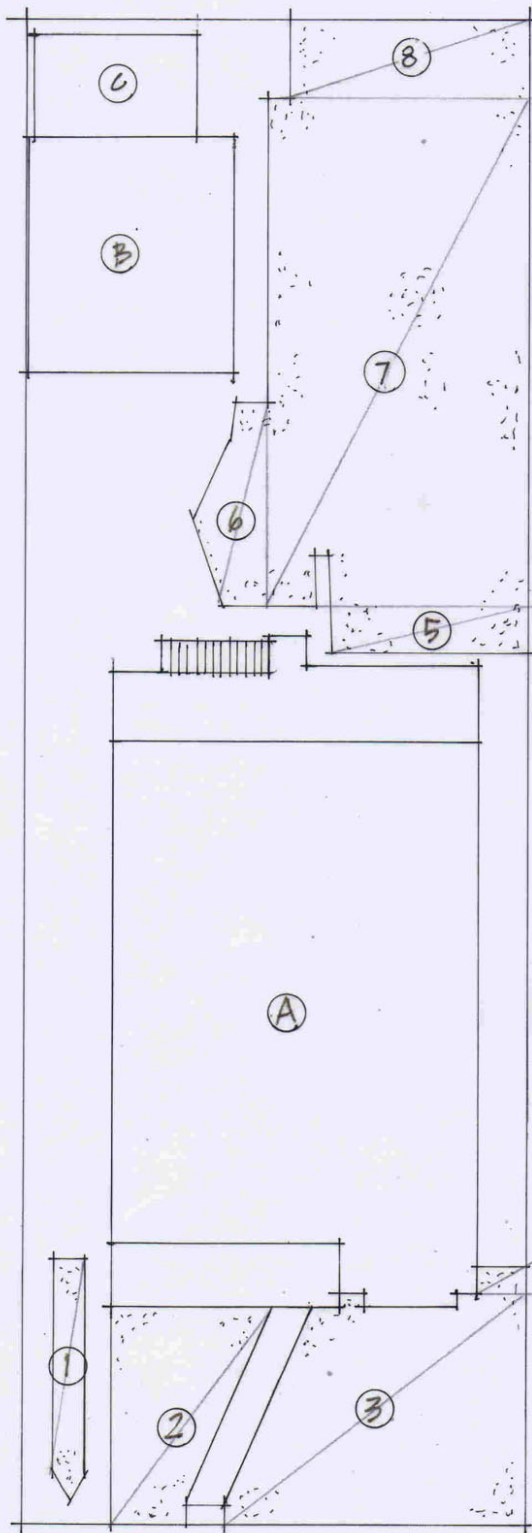
Attachment A – Shadow Diagrams and Plans





PROPOSED ALTERATIONS & ADDITIONS
 For D McCOUBRIE & I BOMBARDIERI
 At 77 RAMSAY STREET
 HABERFIELD (Lot 326 DP 5849)

ATTIC FLOOR PLAN
 SCALE 1:100 @ A3 DATE Nov 2017 DRWG No 031117
 ©RAYMOND PECOTICH Heritage Building Designer
 DRAWN: FEDERATION DRAFTING SERVICES Tel 9798 5553



LANDSCAPING

| | | | |
|--------------|-----------|---|-----------------------------|
| 1. | 0.9 x 6.8 | - | 6.12 |
| 2. | 3.5 x 6.7 | - | 23.45 |
| 3. | 7.7 x 6.7 | - | 51.59 |
| 4. | 1.4 x 1.2 | - | 1.68 |
| 5. | 5.8 x 1.6 | - | 9.28 |
| 6. | 9.4 x 5.9 | - | 55.46 |
| 7. | 7.8 x 9.2 | - | 71.76 |
| 8. | 7.2 x 2.5 | - | 18.00 |
| TOTAL | | | 237.34 m² |

SITE AREA - 695.60 m²
 ∴ LANDSCAPING = 34.10%

FLOOR AREAS

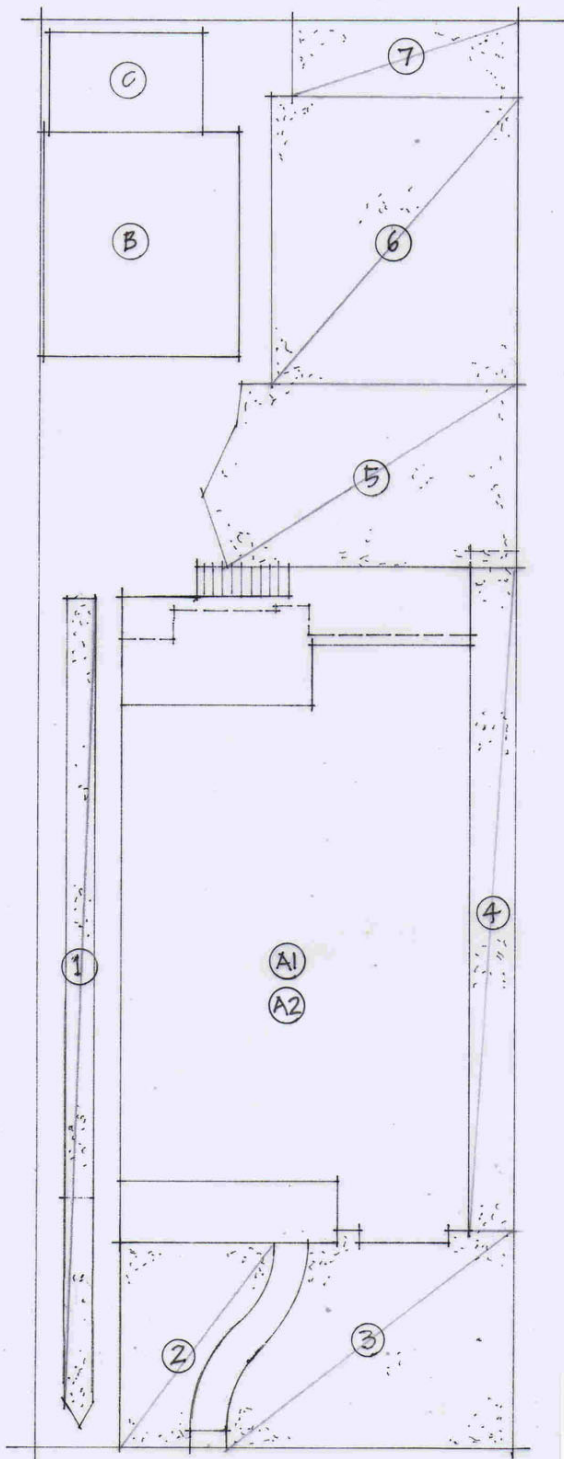
| | | |
|-----------------|---|-----------------------|
| A. DWELLING GFA | - | 163.86 m ² |
| | = | 0.24:1 |
| B. GARAGE | - | 44.80 m ² |
| C. LEAN-TO | - | 15.00 m ² |

PROPOSED ALTERATIONS & ADDITIONS

For D McCoubrie & I Bombardieri
 At 77 Ramsay Street
 Haberfield (Lot 326 DP 5849)

CALCULATION SHEET - Existing

SCALE 1:200 @ A4 DATE Nov 2017 DRWG No. 081117
 ©RAYMOND PECOTICH Heritage Building Designer
 DRAWN: FEDERATION DRAFTING SERVICES Tel 9798 5553



LANDSCAPING

| | | | |
|----------------------|------------|---|-----------------------------|
| 1. | 0.9 x 26.2 | - | 23.58 |
| 2. | 3.5 x 6.7 | - | 23.45 |
| 3. | 7.7 x 6.7 | - | 51.59 |
| 4. | 1.4 x 21.8 | - | 30.52 |
| 5. | 9.4 x 5.8 | - | 54.52 |
| 6. | 7.8 x 9.2 | - | 71.76 |
| 7. | 7.2 x 2.5 | - | 18.00 |
| TOTAL | | - | 273.42 m² |
| SITE AREA | | - | 695.60 m² |
| ∴ LANDSCAPING | | - | 39.31% |

FLOOR AREAS

| | | |
|-------------------|---|-----------------------------|
| A1 DWELLING GF | - | 171.95 m ² |
| A2 DWELLING ATTIC | - | 38.01 |
| | | <u>209.96 m²</u> |
| | | = 0.30:1 |

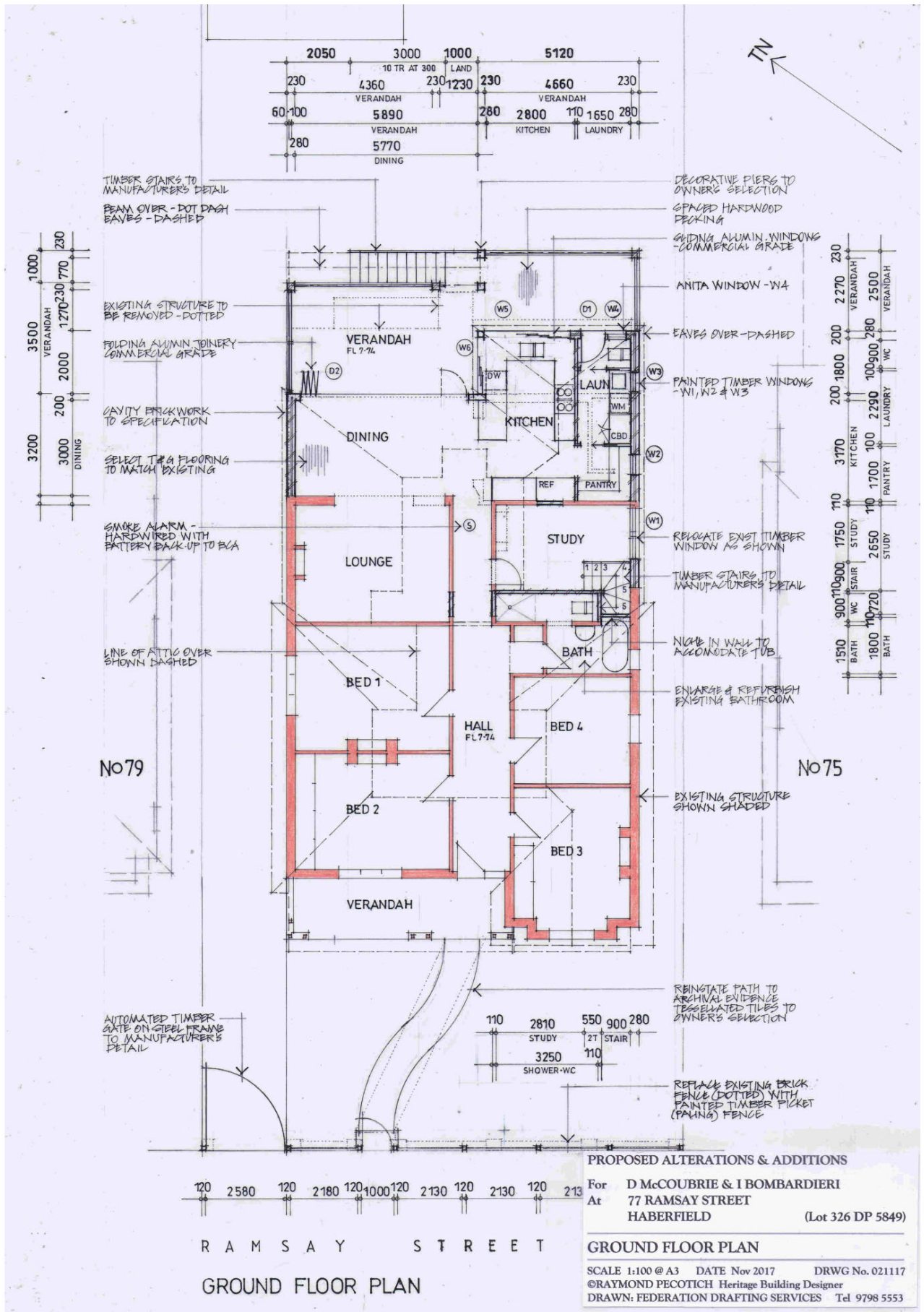
| | |
|------------------|----------------------|
| B GARAGE | 44.80 m ² |
| C LEAN-TO | 15.00 m ² |

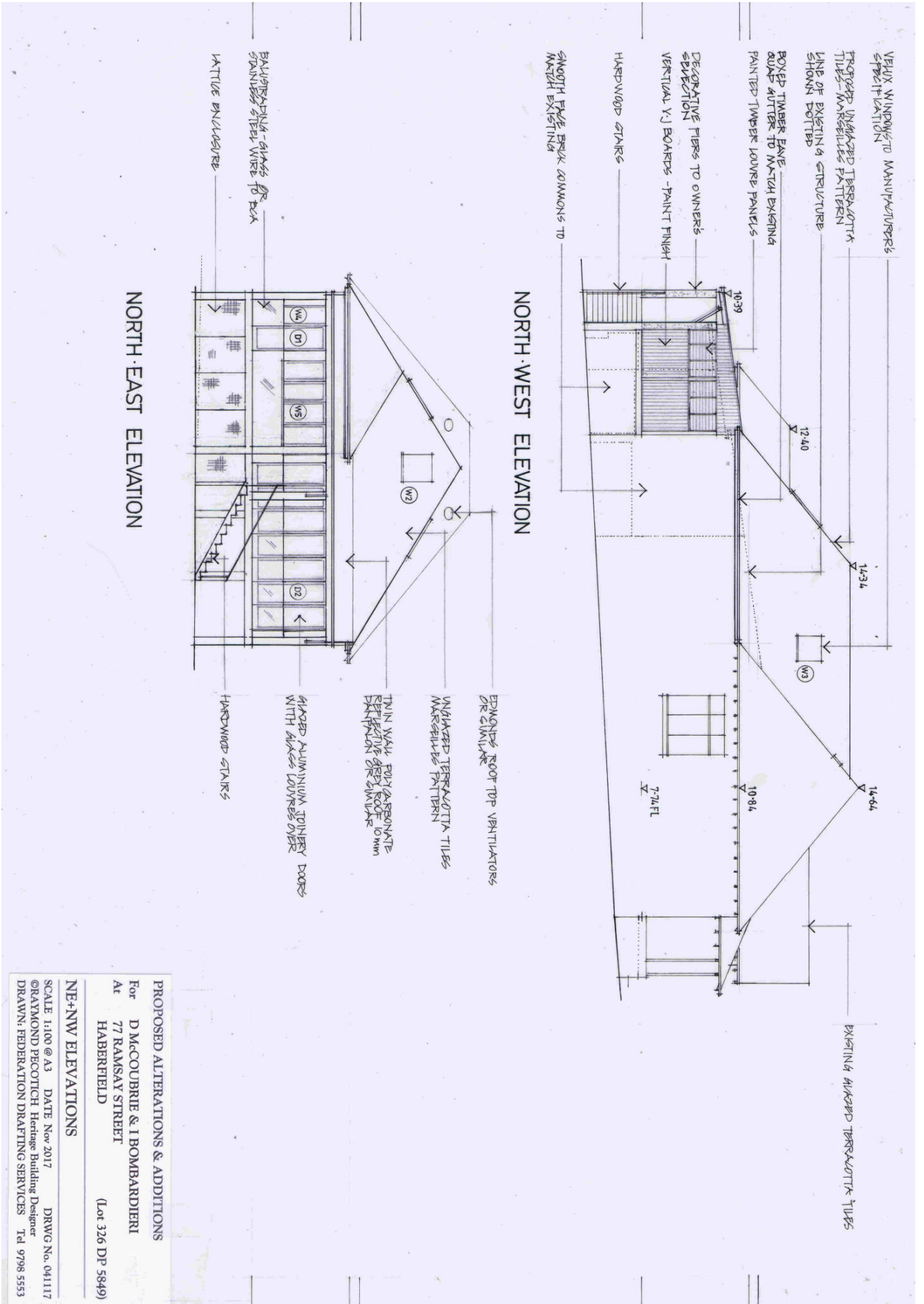
PROPOSED ALTERATIONS & ADDITIONS

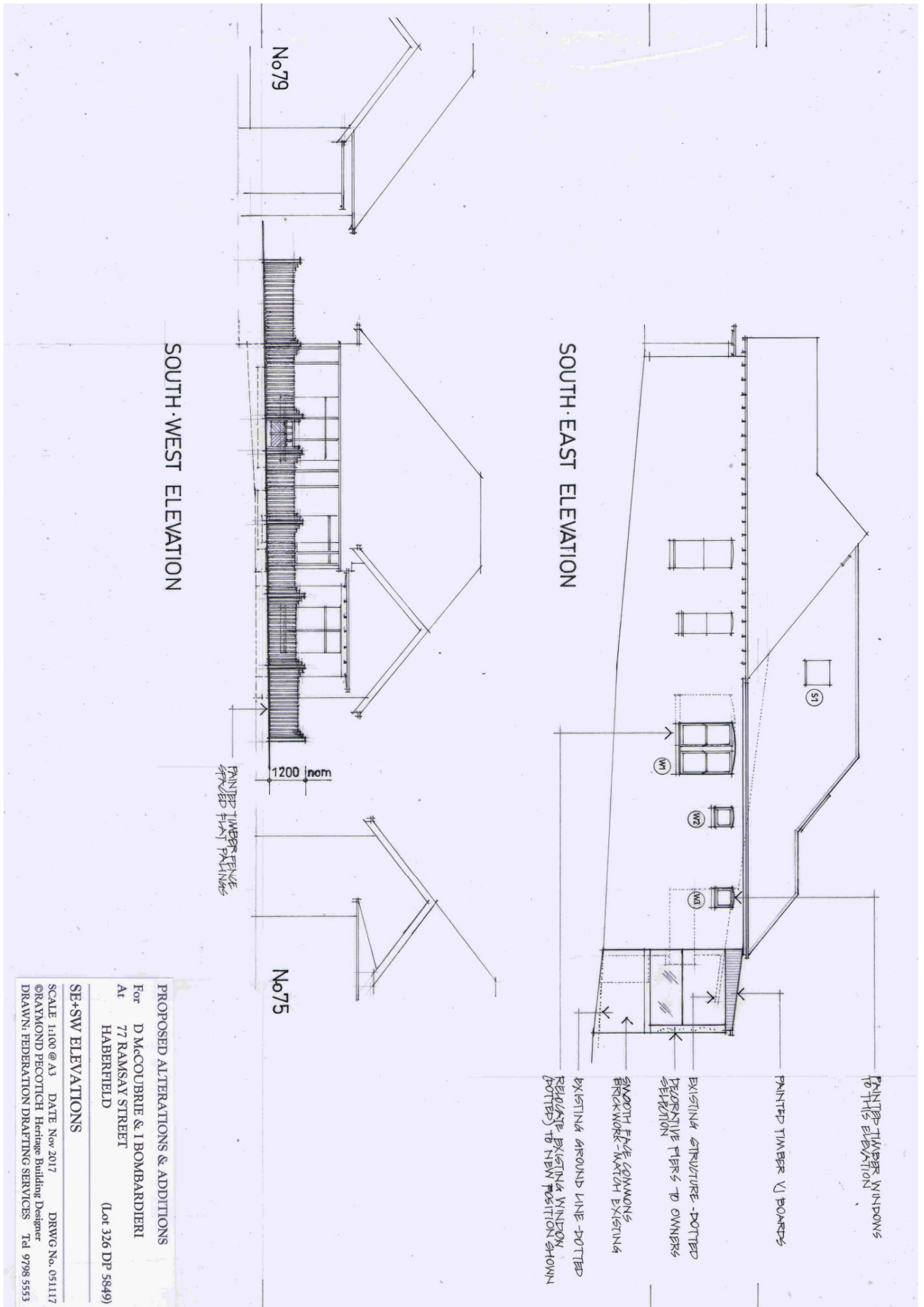
For **D McCOUBRIE & I BOMBARDIERI**
 At **77 RAMSAY STREET**
HABERFIELD (Lot 326 DP 5849)

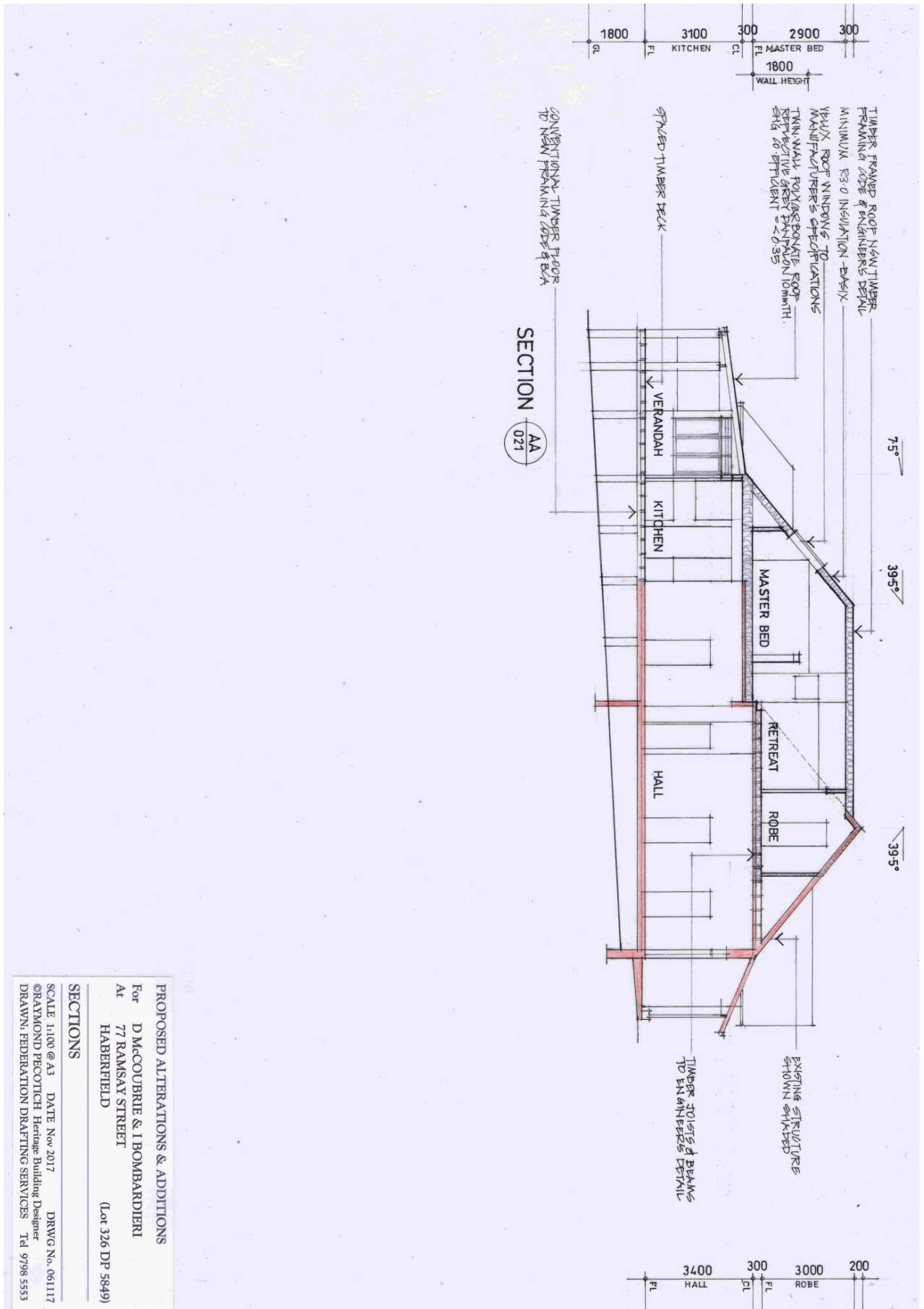
CALCULATION SHEET - Proposed

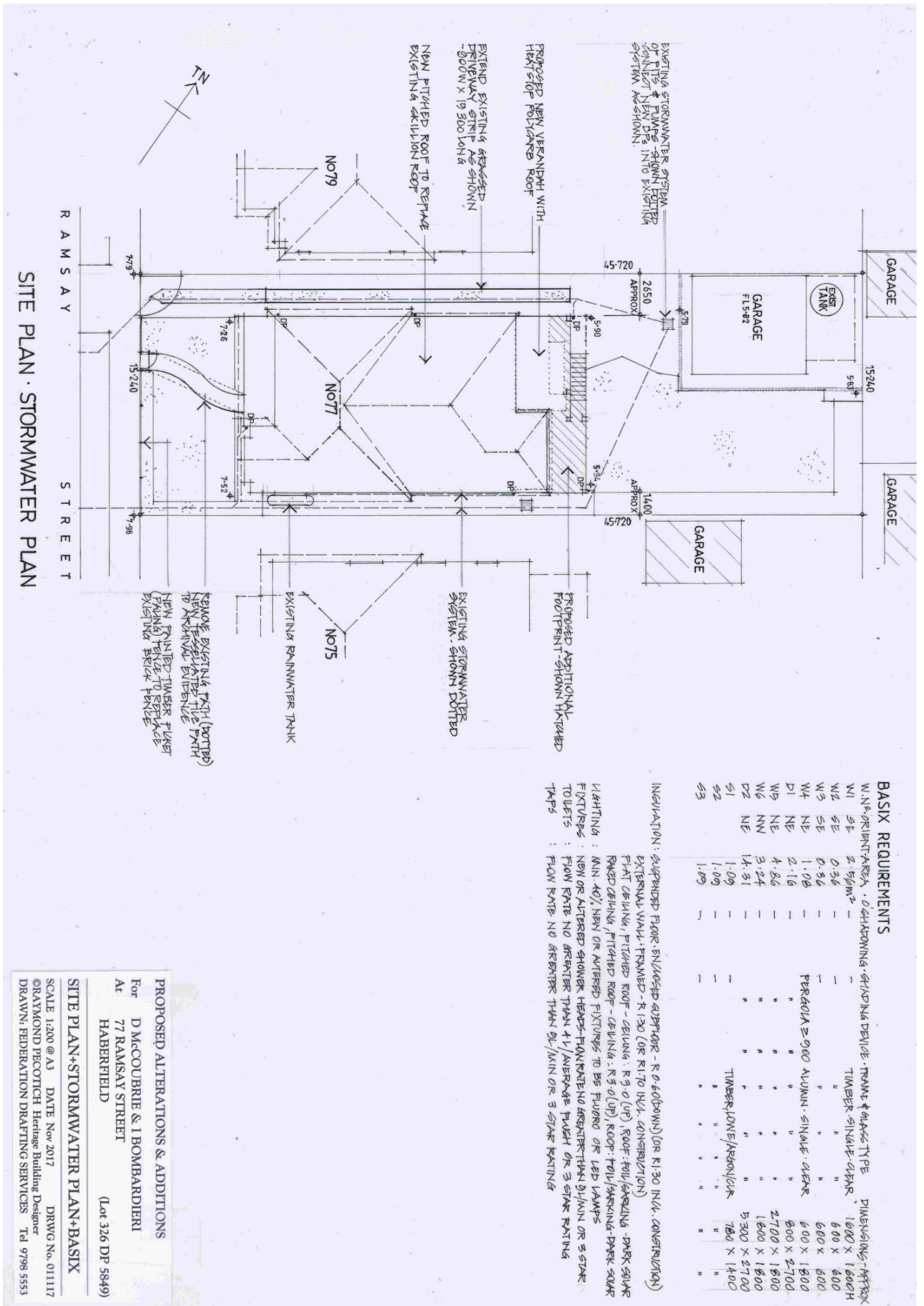
SCALE 1:200 @ A4 DATE Nov 2017 DRWG No. 091117
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 DRAWN: FEDERATION DRAFTING SERVICES Tel 9798 5553











BASIS REQUIREMENTS

| W.N.B. ORIENT AREA | Orientation | SHADING DEVICE | FRAME & GLASS TYPE | DIMENSIONS - APPROX. |
|--------------------|-------------|--------------------|----------------------|----------------------|
| W1 | SE | 2.5/m ² | TIMBER SINGLE GLASS | 1600 X 1600 |
| W2 | SE | 0.36 | " | 600 X 600 |
| W3 | SE | 0.36 | " | 600 X 600 |
| W4 | NE | 1.08 | " | 600 X 600 |
| D1 | NE | 2.16 | " | 600 X 2700 |
| W5 | NE | 4.86 | " | 2700 X 1800 |
| W6 | NW | 3.24 | " | 1800 X 1800 |
| D2 | NE | 14.31 | " | 5300 X 2700 |
| S1 | | 1.09 | TIMBER LONE/ALUMINUM | 780 X 1400 |
| S2 | | 1.09 | " | " |
| S3 | | 1.09 | " | " |

- INSULATION: SUSPENDED FLOOR - ENJOUSTED APPROX - R 0.6 (DOWN) OR R 1.30 INCL. CONSTRUCTION)
- EXTERNAL WALL: FRAMED - R 1.30 (OR R 1.70 INCL. CONSTRUCTION)
- FLAT CEILING, PITCHED ROOF - CEILING: R 3.0 (UP), ROOF: POLYURETHANE - DARK SQUARE RAISED CEILING, PITCHED ROOF - CEILING: R 3.0 (UP), ROOF: POLYURETHANE - DARK SQUARE
- FIXTURES: NEW OR ALTERED SHOWER HEADS - MINIMUM NO GREATER THAN 4/LIN OR 3 STAIR TOILETS: FLOW RATE NO GREATER THAN 4 L/AVERAGE FLOW OR 3 STAIR RATING TAPS: FLOW RATE NO GREATER THAN 4 L/MIN OR 3 STAIR RATING

PROPOSED ALTERATIONS & ADDITIONS

For **D McCOURIE & I BOMBARDIERI**
At **77 RAMSAY STREET**
HABERFIELD (Lot 326 DP 5849)

SITE PLAN + STORMWATER PLAN + BASIS

SCALE: 1:200 @ A3 DATE: Nov 2017 DRAWG No. 011117
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