



INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	10.2019.177.1
Address	3 & 3A Haig Avenue, Summer Hill
Proposal	Subdivide the land into two (2) Torrens title allotments and alterations and additions to the existing dwellings
Date of Lodgement	20 November 2019
Applicant	Mr J Wong
Owner	Mr J Wong
Number of Submissions	Nil
Value of works	\$500,000.00
Reason for determination at Planning Panel	Clause 4.6 variation exceeds 10%
Main Issues	Lot size and heritage
Recommendation	Approved with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Clause 4.6 Exception to Development Standard
Attachment D	HCA statement of significance



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council to subdivide the land into two (2) Torrens title allotments and construct alterations and additions to the existing dwellings at 3 and 3A Haig Avenue, Summer Hill. The application was notified to surrounding properties and no submissions were received.

The main issues that have arisen from the application include:

- The proposed subdivision results in two (2) lots which do not meet the minimum lot size permitted on the site; and
- The heritage impact of the proposed subdivision and first floor addition.

With the exception of the minimum lot size, the proposal generally complies with the aims and objectives of the Ashfield Local Environmental Plan 2013 and Comprehensive Inner West Development Control Plan 2016. A Clause 4.6 exception was submitted to Council to vary the minimum lot size development standard which is considered acceptable.

2. Proposal

Approval is sought to subdivide the existing dual occupancy dwellings into two (2) Torrens title allotments and undertake alterations to the rear of the dwellings include first floor additions.

The application has been assessed as comprising two (2) separate sites comprising a separate dwelling house on each site.

The subdivision would create two (2) lots of the following dimensions:

Site	Area	Frontage
Lot A (3 Haig)	278.67sqm	6.92 metres
Lot B (3A Haig)	236.93sqm	5.88 metres

3. Site Description

The subject site is located on the south western side of Haig Avenue, between Frenchs Lane and the railway line. The site is legally described as Lot 9 in Deposited Plan 10418 having a frontage of 12.8 metres to Haig Avenue, a depth of approximately 40.3 metres and is 515.6sqm in area.

The site supports two (2) single storey semi-detached dwellings. The adjoining properties support single storey dwellings.

The property is located within the Haig Avenue Heritage Conservation Area.

The following trees are located on the site and within the vicinity.

- *Callistemon viminalis* (Weeping Bottlebrush) – Street tree; and
- *Cinnamomum camphora* (Camphor Laurel) – Rear of 3 Haig.



Image 1: 3 Haig Avenue



Image 2: Site

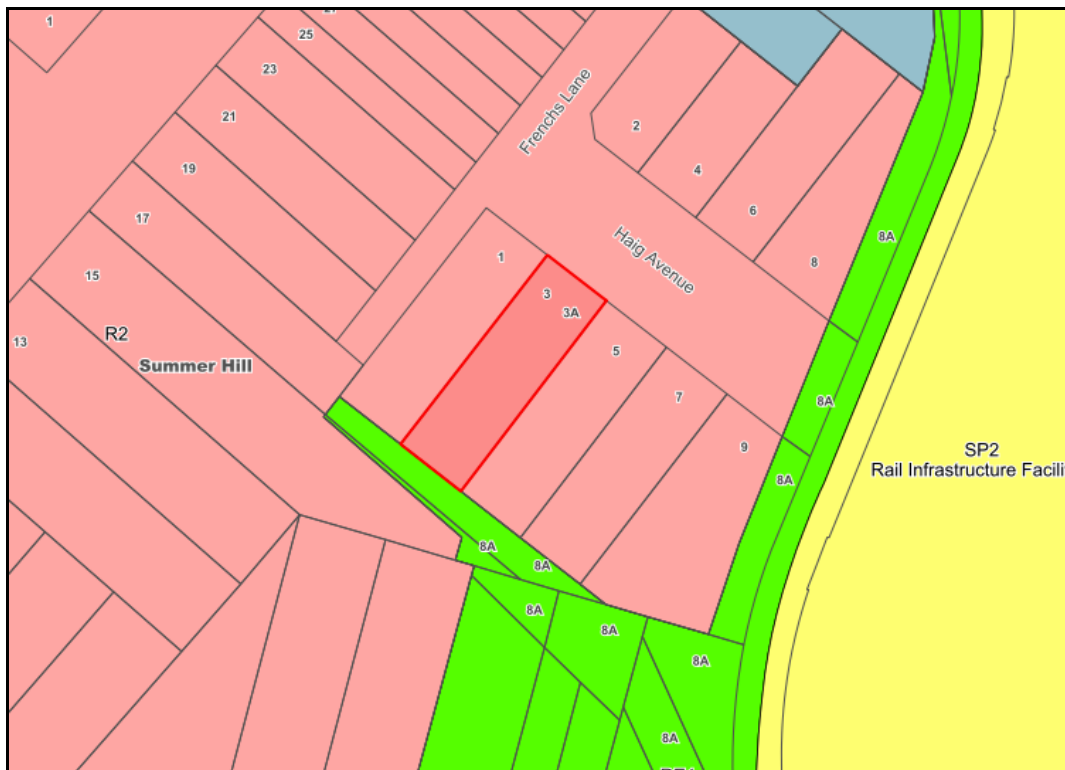


Image 3: Zoning Map

4. Background

4(a) Site history

Pre-Development Application advice was issued for the proposed subdivision on 9 June 2016. The advice raised the following concerns:

- The proposed lots would not satisfy the minimum lot size of 500sqm for the site;
- The proposal would contradict the subdivision pattern of the Haig Avenue Conservation Area;
- The subdivision would result in the loss of uniformity to the contributory building as owners would be able to develop independently in the future;
- The additional parking space required for the additional lot would detrimentally impact the significance of the dwelling; and
- Given the above, the advice recommended that Strata subdivision rather than Torrens title be contemplated on the site.

Further Pre-Development Application advice was issued for the proposed subdivision and first floor addition on 5 June 2019. The advice raised the following concerns:

- The proposed lots would not satisfy the minimum subdivision lot size of 500sqm permitted on the site;
- The proposal would contradict the subdivision pattern of the Haig Avenue Conservation Area;
- The subdivision would result in the loss of uniformity to the contributory building as owners would be able to develop independently in the future;

- The advice recommended that Strata subdivision be pursued to ensure a mutuality of interest in future management and alterations to the dwellings. In addition, the advice recommended that the existing common front yard with no dividing fence be retained;
- The bulk and scale of the first floor addition be reduced to contain a bedroom and ensuite only and reduced in length so as to reduce the degree of intervention into the existing hip roof; and
- The upper roof form be amended to be a traditional, single centrally-pitched roof with internal pitching points no higher than 2.2 metres. Alternatively a separate hipped roof on each of the dwellings sharing a box gutter above the common dividing wall could also be considered.

Subject to appropriate conditions of consent, it is generally considered that the proposal submitted as part of the Development Application has appropriately incorporated the Pre-Development Application advice regarding the built form of the first floor addition.

Further discussion of the impact of the proposed Torrens title subdivision is undertaken in Part 5 of this report.

4(b) Application history

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

Date	Discussion / Letter / Additional Information
24 May 2019	Site inspection undertaken as part of Pre-Development Application
20 November 2019	Application lodged with Council

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 (ALEP 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. The Comprehensive Inner West Development Control Plan 2016 (CIWDGP 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)(ii) 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)(iii) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

An assessment has been made of the matters set out in Division 2 Matters for Consideration 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 relevant matters for consideration 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)(iv) 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 CIWDPC 2016.

There are two (2) trees on the site which are protected under CIWDPC 2016. The application was referred to Council's Tree Management Officer who raised no objection to the works, subject to the imposition of appropriate conditions regarding the protection of the trees.

5(a)(v) Ashfield Local Environmental Plan (ALEP 2013)

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

- Clause 2.3 - Land Use Table and Zone Objectives
- Clause 2.6 - Subdivision
- Clause 2.7 - Demolition
- Clause 4.1 - Minimum subdivision lot size
- Clause 4.3 - Height of buildings
- Clause 4.4 - Floor space ratio
- Clause 4.6 - Exceptions to development standards
- Clause 5.10 - Heritage Conservation

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

The site is zoned R2 – Low Density Residential under the ALEP 2013. Dwelling houses are permissible with Council's consent within the zone and the development, including subdivision is considered acceptable having regard to the objectives of the R2 – Low Density Residential zone.

(ii) Clause 2.6 - Subdivision

Clause 2.6 of ALEP 2013 states that land to which the Plan applies may be subdivided, but only with development consent. The application seeks approval for the subdivision of the land. The issue of subdivision is discussed later in this report.

(iii) Clause 2.7 – Demolition

Clause 2.7 of ALEP 2013 states that the demolition of a building or work may be carried out only with development consent. The application seeks consent for demolition works. Council's standard conditions relating to demolition are included in the recommendation.

(iv) Clause 4.1 – Minimum subdivision lot size

Clause 4.1(3) of ALEP 2013 specifies a minimum lot size of 500sqm for the site. The existing site has a total area of 515.6sqm. The application seeks to subdivide the site into two (2) lots of the following dimensions which do not meet the minimum lot size permitted:

Site	Area	Frontage
Lot A (3 Haig)	278.67sqm	6.92 metres
Lot B (3A Haig)	236.93sqm	5.88 metres

The applicant seeks a variation to the minimum lot size development standard under Clause 4.6 of ALEP 2013 which is discussed below.

(v) Clause 4.3 – Height of buildings

The site is located in an area where the maximum height of buildings is 8.5 metres as indicated on the Height of Buildings map that accompanies ALEP 2013. The dwelling houses have a maximum height of 7.1 metres which complies with the height development standard.

(vi) Clause 4.4 – Floor space ratio

The site is located in an area where the maximum floor space ratio is 0.5:1 as indicated on the Floor Space Ratio map that accompanies ALEP 2013. The following table provides a breakdown of the floor space ratio of the dwelling house on their respective lots:

Proposed Lot	Site Area (sqm)	FSR Proposed	Complies
Lot A	278.67sqm	0.42:1 (117sqm)	Yes
Lot B	236.93sqm	0.49:1 (117sqm)	Yes

(vii) Clause 4.6 – Exceptions to development standards

As outlined in table, the proposal results in a breach of the minimum lot size development standard.

The applicant seeks a variation to the minimum lot size development standard under Clause 4.6 of ALEP 2013 by 44.3% (221.33sqm) for Lot A and by 52.6% (263.07sqm) for Lot B.

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 objectives and provisions of Clause 4.6 of the ALEP below.

A written request has been submitted to Council in accordance with Clause 4.6(4)(a)(i) of the applicable local environmental plan justifying the proposed contravention of the development standard which is summarised as follows:

- The proposal satisfies the objectives of the R2 zone and minimum lot size development standard;
- The existing building and land has been divided internally and externally (rear common dividing fence) for the separate occupation of the dwelling as well as the land;
- The proposed subdivision effectively formalises the division of land on a cadastral pattern, however for all intents and purposes the subdivision has been effected by the separate occupation of the land;
- The division of land on a cadastral plan will not have any unreasonable impact on the significance of the conservation area because the built form exists as separately occupied dwellings. The proposal formalises that arrangement that is perceived to exist from causal observation of the building in the street;
- Whether the land is subdivided under Torrens or Strata title provides no significant advantage in ensuring that the heritage qualities of the pair are maintained because ultimately a proposal to alter one or both dwellings requires Council consent because the land is situated within a conservation area; and
- The standard is considered to more appropriately apply to the subdivision of land that also involves the erection of new dwellings on separate lots rather than existing building that are separately occupied.

The applicant's written rationale adequately demonstrates that 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 ALEP 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 minimum lot size development standard, in accordance with Clause 4.6(4)(a)(ii) of the ALEP for the following reasons:

- Although the subdivision will alter the existing lot size within the conservation area, it will formalise the long standing dual occupancy arrangement on the site and will not materially impact the pattern of development within the area;
- The development does not involve small-lot infill development;
- The development retains the scale and character of the area.

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 the minimum lot size development standard and it is recommended the Clause 4.6 exception be granted.

(viii) Heritage Conservation

The property is located within the Haig Avenue Conservation Area under ALEP 2013. Having regard to the built form of the rear extensions and first floor addition, it is generally considered that the proposed development will not impact the significance of the heritage conservation area, subject to the following which have been included as a condition of consent:

- The original paired timber windows to each living room be retained;
- The colour palette of the new weatherboards be amended to be mid tones; and
- White painted timber joinery be utilised on the front elevation and in all windows to the side elevation visible from the street.

It is considered that the proposed subdivision will not impact on the heritage significance of the property for the following reasons:

- The subdivision will not alter the presentation of the dwelling to the street and prevailing character of development within the conservation area;
- The subdivision formalises the long standing existing dual occupancy arrangement on the site;
- A low height hedge is proposed between the properties at the front, rather than a dividing fence, maintaining the appearance as a single dwelling from the street;
- A condition of consent has been imposed which requires all works be undertaken prior to the issue of a Subdivision Certificate so as to maintain the uniformity of the dwellings;
- Further significant development of the sites will be difficult to achieve whilst also maintaining compliance with Council’s controls, specifically having regard to floor space ratio and heritage conservation; and
- Any new external works will likely require Council approval given the site is within a heritage conservation area which will allow consideration of the uniformity and symmetry of the dwellings to be undertaken prior to approval.

5(b) 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 %	200sqm – 300sqm site area. 25% of site area	Lot A = 41.0% (114.2sqm) Lot B = 27.7%	Yes

			(65.7sqm)	
DS8.3	Maximum site coverage	200sqm – 300sqm site area. 65% of site area	Lot A = 35.6% (99.1sqm) Lot B = 41.8% (99.1sqm)	Yes
DS3.4	Wall height	Maximum external wall height of 6 metres measured from the existing ground level.	5.4 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	No change to the existing side setbacks	Yes
DS6.1	Garages and carports	A minimum of one car parking is required per dwelling	One (1) car parking space at 3 Haig Street (existing). The provision of an additional car parking space at 3A Haig Street would detrimentally impact the heritage significance of the property and is therefore not required.	Acceptable
DS13.1	Solar access	Sunlight to at least 50% (or 35m ² 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.	Neighbouring dwellings to retained the minimum required 3 hours of solar access	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 sufficient soil area for ground cover, vegetation and trees.	No change to existing front gardens	Yes
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 gardens	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 gardens area 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 do not result in any direct sightlines with windows on the adjoining properties. All side facing first floor windows have been appropriately glazed.	Yes
DS19.1	Stormwater Disposal	Stormwater from roofs is discharged by gravity to street gutter system	Conditioned to Engineer's requirements	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

The assessment of the Development Application demonstrates that, subject to the recommended conditions, the proposal will have minimal impact in the locality.

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 Comprehensive Inner West Development Control Plan (DCP) 2016 for a period of 21 days to surrounding properties and no submissions were received.

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 following internal officers and issues raised in those referrals have been discussed in section 5 above:

- Heritage Advisor;
- Tree Management Officer; and
- Engineer.

7. 7.12 Levy

Based on the estimated costs of works of \$500,000.00, a Section 7.12 levy of \$5,000.00 is payable to Council. An appropriate condition of consent has been imposed.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in Ashfield Local Environmental Plan 2013 and Comprehensive Inner West 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 standard is unnecessary in the circumstance 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. 10.2019.177.1 to subdivide the land into two (2) Torrens title allotments and alterations and additions to the existing dwellings at 3 & 3A Haig Avenue, Summer Hill 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:

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

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*:

\$5,000.00

*Indexing of the Section 7.12 contribution payment:

Former Ashfield LGA & Former Marrickville LGA:

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 -

1

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:	\$3,739.00
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.

General Conditions

4. 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
A00	Title Page, General Notes & Schedule of External Finishes	11/11/2019	Justin Long Design
A02	Proposed Ground Floor Plan	11/11/2019	Justin Long Design
A03	Proposed First Floor Plan	11/11/2019	Justin Long Design
A04	Proposed Elevations	11/11/2019	Justin Long Design
A05	Proposed Sections	11/11/2019	Justin Long Design
A06	Proposed Roof & Concept Stormwater Drainage Plan	11/11/2019	Justin Long Design
A07	Proposed Site Analysis & Landscape Plan	11/11/2019	Justin Long Design
A08	Proposed Subdivision Plan	11/11/2019	Justin Long Design

As amended by the conditions of consent.

5. Design Change

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating the following:

- b) The original paired timber windows to each living room are to be retained;
- c) Alteration of the colour palette of the new weatherboards to mid tones including but not limited to dark creams or ochres (in the range of AS 2700 Australian Colour Standard for General Purposes - Colours X21 Pale Ochre to X53 Golden Tan or Greens G43, G53-G55. Timber stains could be used as an alternative to paint as these can offer a degree of protection to the timber; and
- d) White painted timber joinery is to be utilised to the front elevation and in all windows to the side elevation visible from the street.

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. Verification of Levels and Location

Prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, the Principal Certifier must be provided with a survey levels certificate prepared by a Registered Surveyor indicating the level of the slab and the location of the building with respect to the boundaries of the site to AHD.

9. Works Outside the Property Boundary

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

10. Tree Protection

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.

Any public tree within five (5) metres of the development must be protected in accordance with Council’s *Development Fact Sheet—Trees on Development Sites*.

No activities, storage or disposal of materials taking place beneath the canopy of any tree (including trees on neighbouring sites) protected under Council’s Tree Management Controls at any time.

The trees identified below are to be retained and protected in accordance with the conditions of consent.

Tree No	Botanical/Common Name	Location
1	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Street tree
2	<i>Cinnamomum camphora</i> (Camphor Laurel)	Rear No 3

Details of the trees must be included on all Construction Certificate plans and shall be annotated in the following way:

- Green for trees to be retained,
- Red for trees to be removed.

11. Project Arborist

Prior to the commencement of any demolition or construction works within close proximity to protected trees a Project Arborist must be engaged for the duration of the site preparation, demolition, construction and landscaping to supervise works. Details of the Project Arborist must be submitted to the Certifying Authority before work commences.

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.

Prior to Construction Certificate

14. Party Walls

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a Structural Certificate from a practising structural engineer which verifies that the structural integrity of the existing "Party Walls" are adequate to accept the additional loads imposed thereon by the proposal. A copy of the Structural Certificate must be provided to all owners of the party wall/s.

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. 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.

18. Stormwater Drainage System – Minor Developments

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans certified by a suitably qualified Civil Engineer that the design of the site drainage system complies with the following specific requirements;

- a) Separate stormwater drainage systems shall be designed for the proposed subdivision lots.
- b) Comply with Council's Stormwater Drainage Code and Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP.
- c) Stormwater runoff from all roof and paved areas within the property shall be collected in a system of gutters, pits and pipelines and be discharged together with overflow pipelines from any rainwater tank(s) by gravity to the kerb and gutter of a public road.
- d) Charged or pump-out stormwater drainage systems are not permitted including for roof drainage other than to drain downpipes to the rainwater tanks
- e) A minimum 150mm step up shall be provided between all external finished surfaces and adjacent internal floor areas.
- f) The design shall make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design shall include the collection of such waters and discharge to the Council drainage system.

- g) All plumbing within the site shall be carried out in accordance with Australian Standard AS/NZS 3500.3-2015 Plumbing and Drainage – Stormwater Drainage
- h) The stormwater system shall not be influenced by backwater effects or hydraulically controlled by the receiving system.
- i) Plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required.
- j) An inspection opening or stormwater silt arrestor pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- k) All redundant pipelines within footpath area shall be removed and footpath/kerb reinstated.
- l) New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a maximum section height and width of 100mm or sewer grade uPVC pipe with a maximum diameter of 100mm

19. Underground services near trees

Prior to the issue of a Construction Certificate, the Certifying Authority must verify that no proposed underground services are located beneath the canopy of any prescribed tree located on the subject site and adjoining sites (including trees located within the public domain).

20. Paving/Decking Within the Vicinity of Trees

Prior to the issue of the Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating that the pavement works/decking within the specified radius of the trunk(s) of the following tree/s are constructed in a way so as to ensure that existing moisture infiltration and gaseous exchange are maintained or improved. When preparing an area for paving with the specified radius, the soil surface must not be skimmed or excavated. The new surface and subgrade must be established at grade.

Tree No	Botanical/Common Name	Radius in metres
2	<i>Cinnamomum camphora</i> (Camphor Laurel)	5 metres

During Demolition and Construction

21. 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.

22. 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.

23. Tree Protection

To protect the following tree trunk protection must be installed prior to any works commencing in accordance with Council’s Development Fact Sheet—Trees on Development Sites:

Tree No	Botanical/Common Name/Location
1	<i>Callistemon viminalis</i> (Weeping Bottlebrush) Street tree

24. Tree Protection Zone

To protect the following tree/s, no work must commence until its/their Protection Zone is fenced off at the specified radius from the trunk/s to prevent any activities, storage or the disposal of materials within the fenced area in accordance with Council’s *Development Fact Sheet—Trees on Development Sites*. The fence/s (including existing boundary fencing) must be maintained intact until the completion of all demolition/building work on site.

Tree No	Botanical/Common Name	Radius in metres
2	<i>Cinnamomum camphora</i> (Camphor Laurel)	5 m. on 2 sides enclosing tree

25. Inspections by Project Arborist

The trees to be retained must be inspected, monitored and treated by the Project Arborist during and after completion of development works to ensure their long-term survival. Regular inspections and documentation from the Project Arborist to the Certifying Authority are required at the following times or phases of work:

Tree №/ Botanical/Common Name/Location	Time of Inspection	Key stage/ Hold point
2 <i>Cinnamomum camphora</i> (Camphor Laurel) Rear No 3	Prior to commencement of works	<ul style="list-style-type: none"> Inspection and sign off installation of tree protection measures.

Recommendations to ensure the tree/s long term survival must be carried out immediately upon receipt of the report.

26. Canopy and Root Pruning

Canopy and/or root pruning of the following tree/s which is necessary to accommodate the approved building works must be undertaken by, or directly supervised by, the Project Arborist.

Tree №	Botanical/Common Name	Radius in metres
2	<i>Cinnamomum camphora</i> (Camphor Laurel)	5 metres

The person acting on this consent has approval under Council's Tree Management Controls to; prune Tree 2 to achieve a clearance of the structure. Pruning is limited to those branches that will come into direct contact the built structure and where branch diameter (at its point of attachment) does not exceed 40 mm.

27. Limited Root Pruning

No tree roots of 30mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s must be severed or injured in the process of any works during the construction period.

Tree №	Botanical/Common Name	Radius in metres
2	<i>Cinnamomum camphora</i> (Camphor Laurel)	5 metres

If tree roots less than 30mm diameter are required to be severed for the purposes of constructing the approved works, they must be cut cleanly using a sharp and *fit for purpose tool*. The pruning must be undertaken by a practicing Arborist.

[Prior to Occupation Certificate](#)

28. Section 73 Certificate

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a Section 73 Certificate under the *Sydney Water Act 1994*.

29. Dilapidation Report – Post-Development

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with a second Dilapidation Report addressing the public infrastructure identified in approved predevelopment dilapidation report, including a photographic survey and structural condition which was compiled after the completion of works. As the report details public infrastructure, a copy is to be furnished to Council at the same time.

30. Works as Executed – Site Stormwater Drainage System

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

- a) The stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards.
- b) 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 Certifying Authority Stamped Construction Certificate plans.

31. Project Arborist Certification

Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with certification from the project arborist the requirements of the conditions of consent related to tree protection and retention and the role of the project arborist have been complied with.

Prior to Subdivision Certificate

32. Section 73 Certificate

Prior to the issue of a Subdivision Certificate, the Certifying Authority must be provided with the Section 73 Certificate. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

33. Separate Stormwater

Prior to the issue of a Subdivision Certificate, the Certifying Authority must be provided with details, endorsed by a practising stormwater engineer demonstrating separate drainage systems to drain each proposed lot.

34. Works to be Completed

All works as approved by this Development Consent must be completed prior to the issue of a Subdivision Certificate.

On-going**35. Tree Establishment**

The canopy tree/s required by this consent is/are to be maintained in a healthy and vigorous condition until it/they attain a height of 5 metres whereby it/they will be protected by Council's Tree Management Controls. If the tree is found/Any of the trees found faulty, damaged, dying or dead it/they shall be replaced with the same species within 1 month (up to 3 occurrences).

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.

Fire Safety Certificate

The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, must:

- a) Forward a copy of the Final Safety Certificate and the current Fire Safety Schedule to the Commissioner of Fire and Rescue New South Wales and the Council; and
- b) Display a copy of the Final Safety Certificate and Fire Safety Schedule in a prominent position in the building (i.e. adjacent the entry or any fire indicator panel).

Every 12 months after the Final Fire Safety Certificate is issued the owner must obtain an Annual Fire Safety Certificate for each of the Fire Safety Measures listed in the Schedule. The Annual Fire Safety Certificate must be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

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.

Consent of Adjoining property owners

This consent does not authorise the applicant, or the contractor engaged to do the tree works to enter a neighbouring property. Where access to adjacent land is required to carry out approved tree works, Council advises that the owner's consent must be sought. Notification is the responsibility of the person acting on the consent. Should the tree owner/s refuse access to their land, the person acting on the consent must meet the requirements of the *Access To Neighbouring Lands Act 2000* to seek access.

Arborists standards

All tree work must be undertaken by a practicing Arborist. The work must be undertaken in accordance with AS4373—*Pruning of amenity trees* and the Safe Work Australia Code of Practice—*Guide to Managing Risks of Tree Trimming and Removal Work*. Any works in the vicinity of the Low Voltage Overhead Network (including service lines—pole to house connections) must be undertaken by an approved Network Service Provider contractor for the management of vegetation conflicting with such services. Contact the relevant Network Service Provider for further advice in this regard.

Tree Protection Works

All tree protection for the site must be undertaken in accordance with Council's Development Fact Sheet—*Trees on Development Sites* and AS4970—*Protection of trees on development sites*.

Tree Pruning or Removal (including root pruning/mapping)

Removal or pruning of any other tree (that would require consent of Council) on the site is not approved and must be retained and protected in accordance with Council's Development Fact Sheet—*Arborist Reports*.

Asbestos Removal

A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m² of bonded asbestos (or otherwise specified by WorkCover or relevant legislation).

Removal of friable asbestos material must only be undertaken by a contractor that holds a current AS1 Friable Asbestos Removal Licence.

Demolition sites that involve the removal of asbestos must display a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility.

All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2005. All receipts detailing

method and location of disposal must be submitted to Council as evidence of correct disposal.

Insurances

Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands is required to take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.

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

www.basix.nsw.gov.au

Department of Fair Trading 13 32 20

www.fairtrading.nsw.gov.au

Enquiries relating to Owner Builder Permits and Home Warranty Insurance.

Dial Prior to You Dig 1100

www.dialprior toyoudig.com.au

Landcom 9841 8660

To purchase copies of Volume One of "Soils

and Construction"

Long Service Payments 131441
Corporation

www.lspc.nsw.gov.au

NSW Food Authority 1300 552 406

www.foodnotify.nsw.gov.au

NSW Government

www.nsw.gov.au/fibro

www.diySAFE.nsw.gov.au

Information on asbestos and safe work practices.

NSW Office of Environment and Heritage 131 555

www.environment.nsw.gov.au

Sydney Water 13 20 92

www.sydneywater.com.au

Waste Service - SITA 1300 651 116
Environmental Solutions

www.wasteservice.nsw.gov.au

Water Efficiency Labelling and Standards (WELS) www.waterrating.gov.au

WorkCover Authority of NSW 13 10 50

www.workcover.nsw.gov.au

Enquiries relating to work safety and asbestos
removal and disposal.

Attachment B – Plans of Proposed Development

DEVELOPMENT APPLICATION - 11/2019

ARCHITECTURAL DRAWINGS

JUSTIN LONG DESIGN
P.O. BOX 168, BAITON, NSW 1585
E. JLONG@JLDCOM.COM.AU

- A00 GENERAL NOTES & MATERIAL & FINISHES SCHEDULE
A01 EXISTING GROUND FLOOR PLAN
A02 PROPOSED GROUND FLOOR PLAN
A03 PROPOSED FIRST FLOOR PLAN
A04 PROPOSED ELEVATIONS
A05 PROPOSED SECTION

BASIX NOTES

- WINDOWS & DOORS GENERALLY TO HAVE ALUMINIUM FRAME SINGLE CLEAR GLASS (U-VALUE: 7.63, SHGC: 0.75)
... NEW EXTERIOR WALL INSULATION
... NEW EXTERNAL FRAMED WALL INSULATION R1.3
... NEW RAKED CEILING ROOF INSULATION R2.5
... ALL NEW SHOWERHEADS TO BE MIN 3 STAR RATING
... ALL NEW TOILET FLUSH SYSTEMS TO HAVE MIN 3 STAR RATING (HOUSE) AND 6 STAR RATING (STUDIO)
... HWS GAS INSTANTANEOUS
... NEW ARTIFICIAL LIGHTING TO BE PRIMARILY COMPACT FLUORESCENT, OR LED LAMPS.

COMPLIANCE NOTES

STANDARD OF WORK & REGULATIONS
ALL WORK IS TO BE CARRIED OUT IN ACCORDANCE WITH THE FOLLOWING:
- 2016 BUILDING CODE OF AUSTRALIA
- AUSTRALIAN STANDARDS
- CONDITIONS OF SERVICE SUPPLY
... MASONRY CONSTRUCTION
... STRUCTURAL STEEL FRAMING
... SITE MANAGEMENT
... EARTHWORKS & EXCAVATION
... STORMWATER DISPOSAL
... TERMITE PROTECTION

ROOF CLADDING

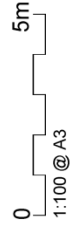
ALL WORK IS TO BE CARRIED OUT IN ACCORDANCE WITH THE FOLLOWING:
- AS 1592.1
- AS 1592.2
- AS 1592.3
- AS 1592.4
- AS 1592.5
- AS 1592.6
- AS 1592.7
- AS 1592.8
- AS 1592.9
- AS 1592.10
- AS 1592.11
- AS 1592.12
- AS 1592.13
- AS 1592.14
- AS 1592.15
- AS 1592.16
- AS 1592.17
- AS 1592.18
- AS 1592.19
- AS 1592.20
- AS 1592.21
- AS 1592.22
- AS 1592.23
- AS 1592.24
- AS 1592.25
- AS 1592.26
- AS 1592.27
- AS 1592.28
- AS 1592.29
- AS 1592.30
- AS 1592.31
- AS 1592.32
- AS 1592.33
- AS 1592.34
- AS 1592.35
- AS 1592.36
- AS 1592.37
- AS 1592.38
- AS 1592.39
- AS 1592.40
- AS 1592.41
- AS 1592.42
- AS 1592.43
- AS 1592.44
- AS 1592.45
- AS 1592.46
- AS 1592.47
- AS 1592.48
- AS 1592.49
- AS 1592.50
- AS 1592.51
- AS 1592.52
- AS 1592.53
- AS 1592.54
- AS 1592.55
- AS 1592.56
- AS 1592.57
- AS 1592.58
- AS 1592.59
- AS 1592.60
- AS 1592.61
- AS 1592.62
- AS 1592.63
- AS 1592.64
- AS 1592.65
- AS 1592.66
- AS 1592.67
- AS 1592.68
- AS 1592.69
- AS 1592.70
- AS 1592.71
- AS 1592.72
- AS 1592.73
- AS 1592.74
- AS 1592.75
- AS 1592.76
- AS 1592.77
- AS 1592.78
- AS 1592.79
- AS 1592.80
- AS 1592.81
- AS 1592.82
- AS 1592.83
- AS 1592.84
- AS 1592.85
- AS 1592.86
- AS 1592.87
- AS 1592.88
- AS 1592.89
- AS 1592.90
- AS 1592.91
- AS 1592.92
- AS 1592.93
- AS 1592.94
- AS 1592.95
- AS 1592.96
- AS 1592.97
- AS 1592.98
- AS 1592.99
- AS 1592.100

SCHEDULE OF EXTERNAL FINISHES

Table with 3 columns: AREA, FINISH, COMMENT, IMAGE. Rows include: NEW MASONRY WALL, NEW TIMBER FRAMED WALL, ROOFING - TILE, GUTTERS, DOWNPIPES, FLASHING, WINDOW & DOOR FRAMES.

GENERAL NOTES

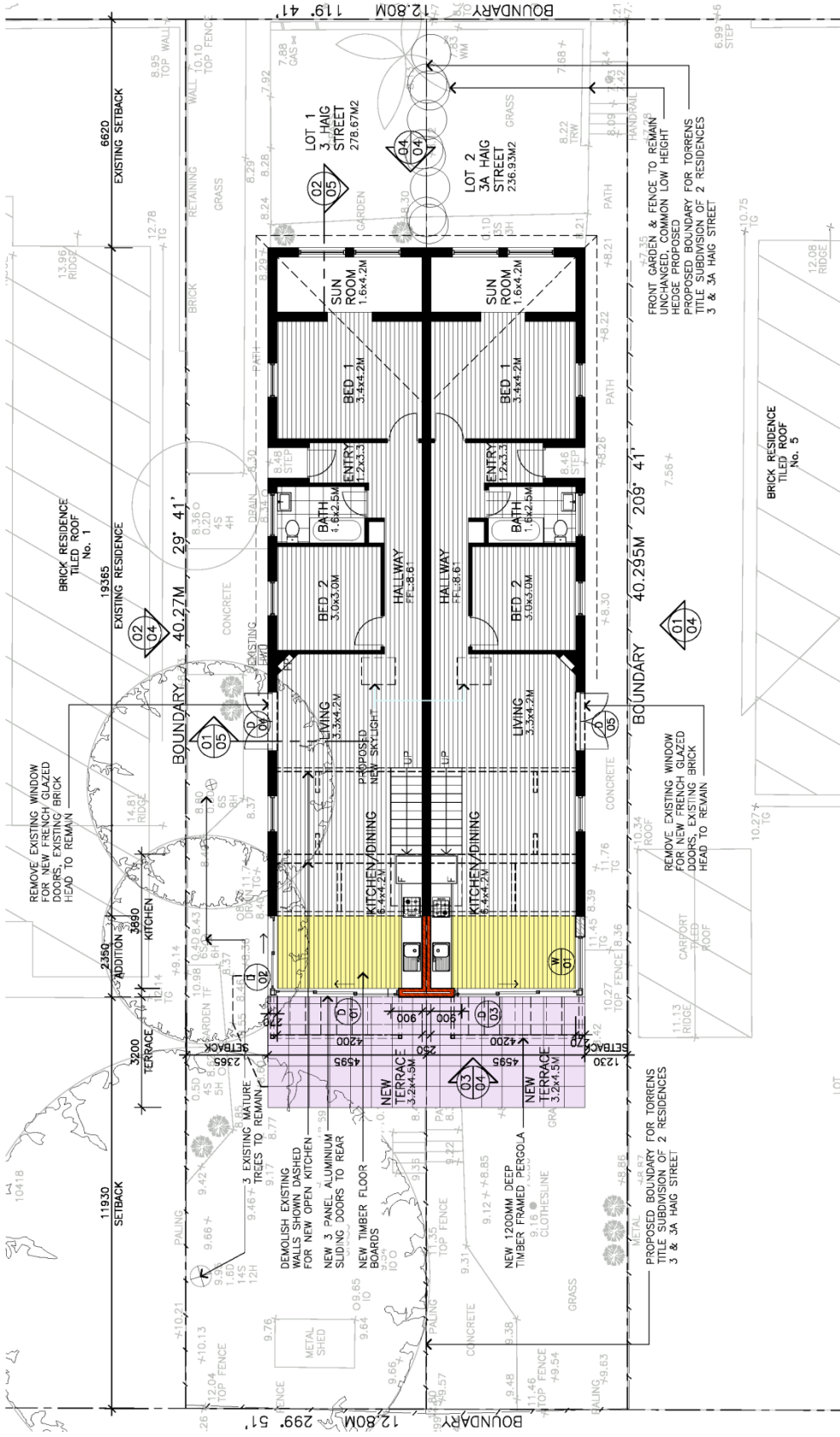
REFER ALL QUERIES & DISCREPANCIES TO THE ARCHITECT. ALL MEASUREMENTS ARE IN MM UNLESS OTHERWISE NOTED.
BUILDING WORK THAT INVOLVES RESIDENTIAL BUILDING WORK (WITHIN THE MEANING AND EXEMPTIONS PROVIDED IN THE HOME BUILDING ACT, 1989) MUST NOT BE CARRIED OUT UNLESS THE PRINCIPAL CERTIFYING AUTHORITY FOR THE DEVELOPMENT TO WHICH THE WORK RELATES HAS GIVEN COUNCIL WRITTEN NOTICE OF THE FOLLOWING:
- IN THE CASE OF WORK FOR WHICH A PRINCIPAL CONTRACTOR IS REQUIRED TO BE APPOINTED - THE NAME AND LICENSE NUMBER OF THE PRINCIPAL CONTRACTOR AND THE NAME OF THE INSURER BY WHICH THE WORK IS INSURED UNDER PART 6 OF THAT ACT.
- WHERE NECESSARY, UNDERPIN THE ADDING PREMISES TO PREVENT ANY SUCH DAMAGE.



Architectural: Justin Long Design www.jldesign.com.au
drawn FS 1:100 date 11/11/19 issue DA - amend
revision: 1 11/11/19
2 12/10/19
3 12/10/19
DA - DA ISSUE
P - PRELIMINARY DA
S - SCHEDULE OF EXTERNAL FINISHES (issue amendment)
date

3 & 3A HAIG AVENUE, SUMMER HILL, NSW
PROPOSED ALTERATIONS AND ADDITIONS TO EXISTING BUILDING
FOR POLLY CHAN
Contractors must verify all dimensions on site prior to starting any work or making any shop drawings. Figured dimensions are to be taken in preference to scale readings. This drawing is copyright and the property of Justin Long Design.

A00



01 GROUND FLOOR PLAN
02 PROPOSED

1:100

5m

BRICK RESIDENCE
TILED ROOF
No. 1

BRICK RESIDENCE
TILED ROOF
No. 5

BRICK RESIDENCE
TILED ROOF
No. 5

BRICK RESIDENCE
TILED ROOF
No. 5

BRICK RESIDENCE
TILED ROOF
No. 5

BRICK RESIDENCE
TILED ROOF
No. 5

Architectural:
Justin Long design
www.jladesign.com.au

drawn	scale	date	issue	amend
FS	1:100	11/11/19	DA	-

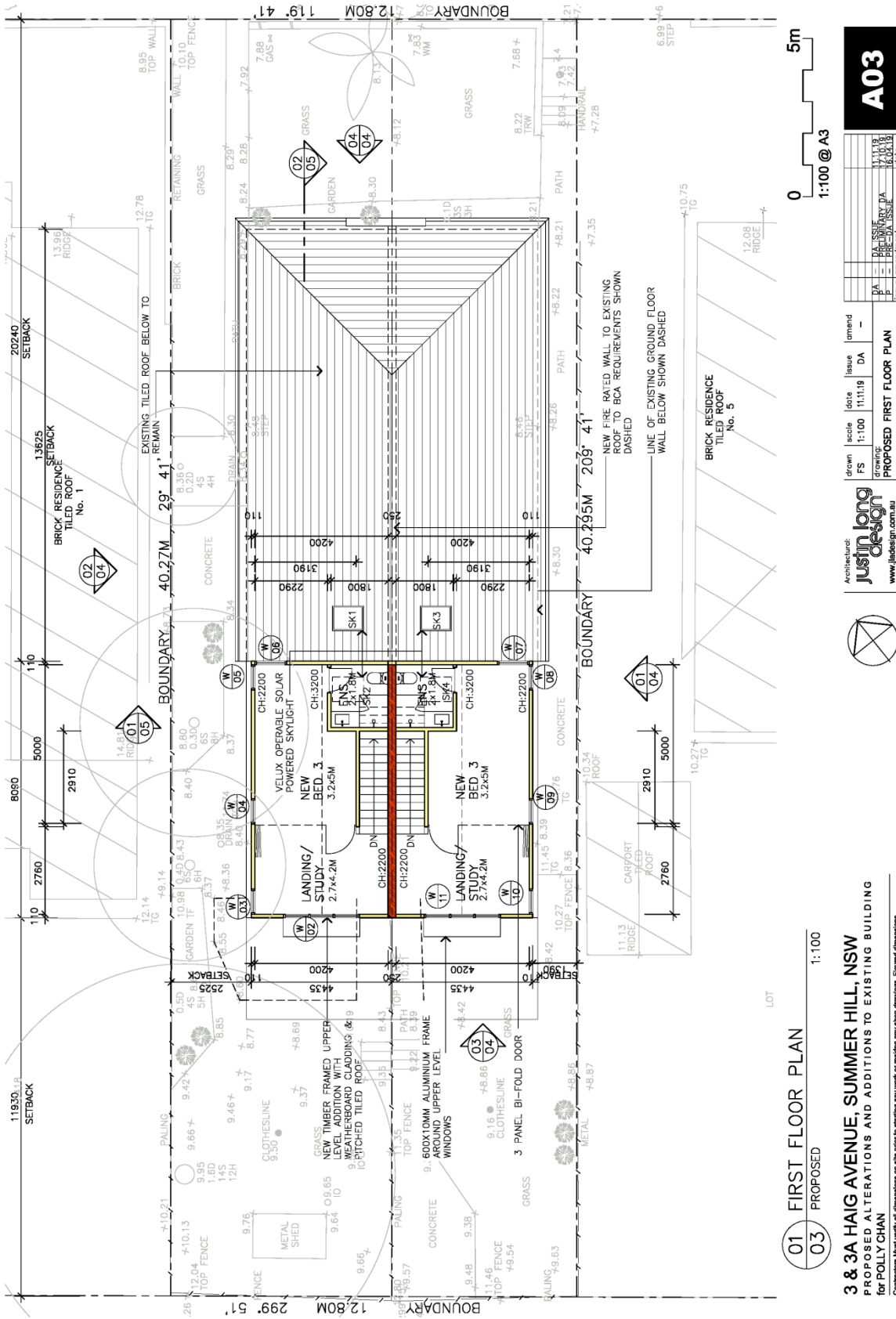
DA - DA SSIE
P - PRELIMINARY DA
F - FINAL ISSUE
ISSUE IMMEDIATELY

A02



3 & 3A HAIG AVENUE, SUMMER HILL, NSW
PROPOSED ALTERATIONS AND ADDITIONS TO EXISTING BUILDING
FOR POLLY CHAN

Contractors Must verify all dimensions on site prior to starting any work or making any shop drawings. Figured dimensions are to be taken in preference to scale readings. This drawing is copyright and the property of Justin Long Design.



drawn	scale	date	issue	amend
FS	1:100	11/11/19	DA	-

Architectural:
Justin Long design
 www.jladesign.com.au

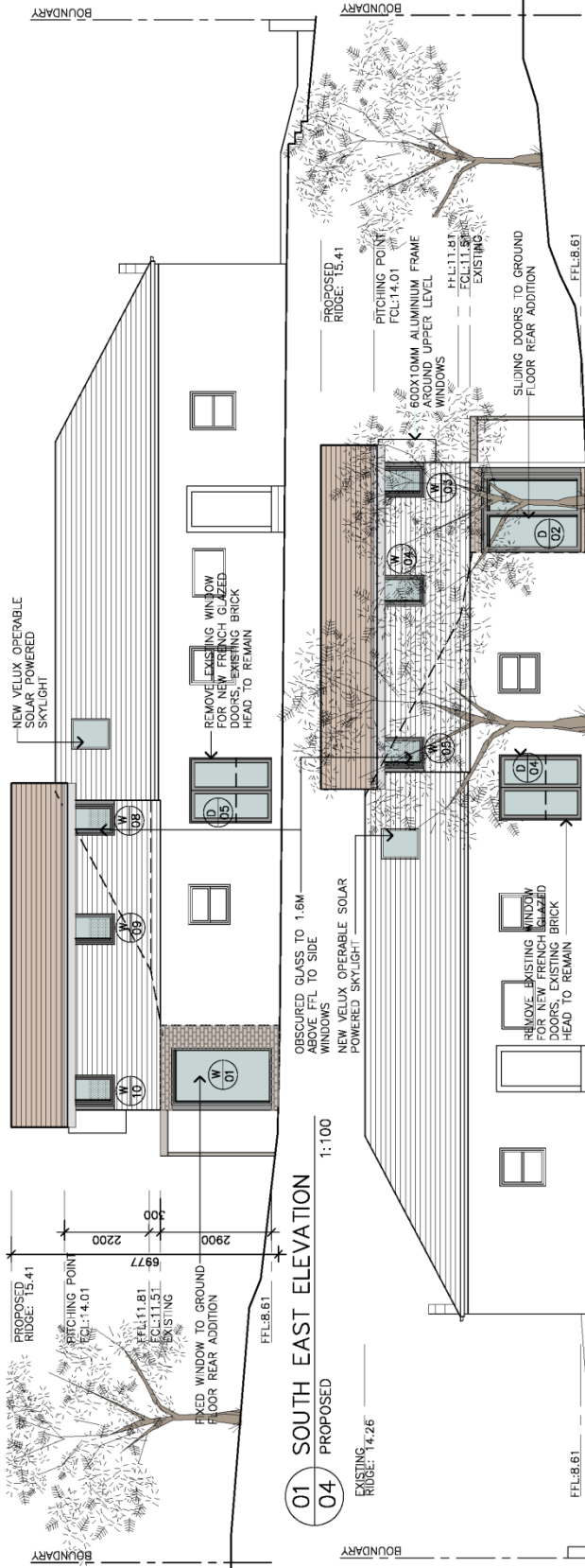


PROPOSED FIRST FLOOR PLAN
 11/11/19
 DA - DA ISSUE
 P - PRELIMINARY DA
 F - FINAL ISSUE
 ISSUE/AMENDMENT

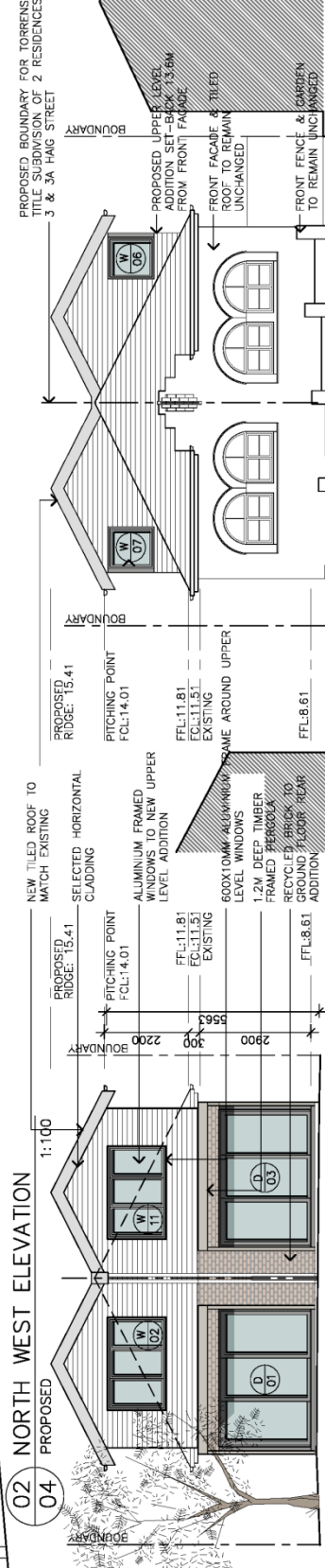
01 FIRST FLOOR PLAN 1:100
03 PROPOSED

3 & 3A HAIG AVENUE, SUMMER HILL, NSW
 PROPOSED ALTERATIONS AND ADDITIONS TO EXISTING BUILDING
 for POLLY CHAN

Dimensions must verify all dimensions on site prior to starting any work or making any shop drawings. Figured dimensions are to be taken in preference to scale readings. This drawing is copyright and the property of Justin Long Design.



01 SOUTH EAST ELEVATION
1:100
04 PROPOSED
EXISTING RIDGE: 14.26



02 NORTH WEST ELEVATION
1:100
04 PROPOSED



03 NORTH EAST ELEVATION
1:100
04 HAIG AVENUE

03 SOUTH WEST ELEVATION
1:100
04 PROPOSED

3 & 3A HAIG AVENUE, SUMMER HILL, NSW
PROPOSED ALTERATIONS AND ADDITIONS TO EXISTING BUILDING
for POLLY CHAN

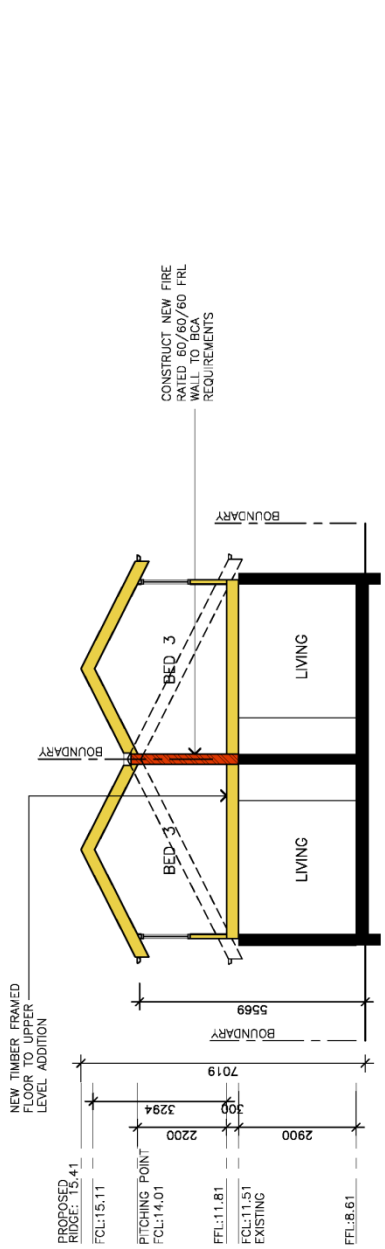
Contractors Must verify all dimensions on site prior to starting any work or making any shop drawings. Figured dimensions are to be taken in preference to scale readings. This drawing is copyright and the property of Justin Long Design.

Architectural:
Justin Long design
www.jladesign.com.au

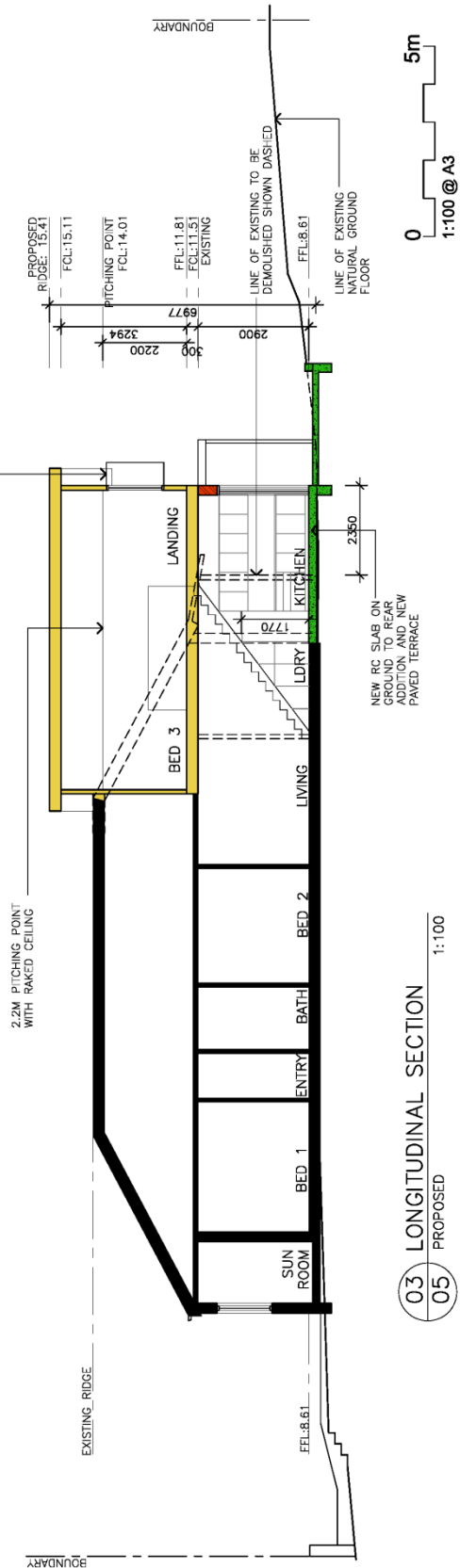
drawn	scale	date	issue	amend
FS	1:100	11/11/19	DA	-

PROJECT: PROPOSED ELEVATIONS
DRAWING NO: 111119
DATE: 11/11/19
PROJECT NAME: 3 & 3A HAIG AVENUE
ISSUE: ISSUE 1

A04



02 CROSS SECTION
05 PROPOSED 1:100



03 LONGITUDINAL SECTION
05 PROPOSED 1:100

3 & 3A HAIG AVENUE, SUMMER HILL, NSW
 PROPOSED ALTERATIONS AND ADDITIONS TO EXISTING BUILDING
 for POLLY CHAN
Contractors Must verify all dimensions on site prior to starting any work or making any shop drawings. Figured dimensions are to be taken in preference to scale readings. This drawing is copyright and the property of Justin Long Design.

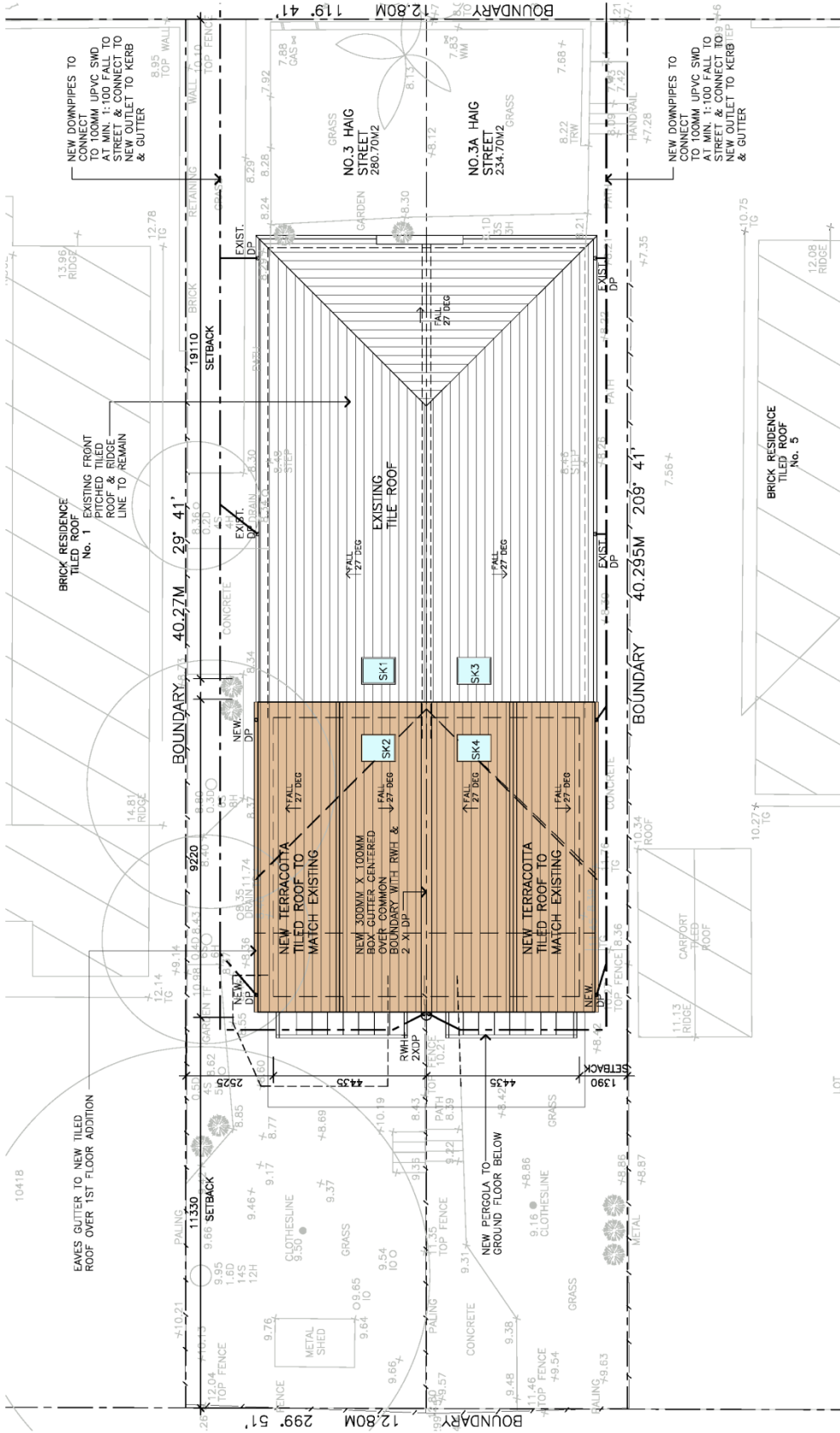
Architectural:
Justin Long design
 www.jladesign.com.au

drawn	scale	date	issue	amend
FS	1:100	11/11/19	DA	-

PROPOSED SECTIONS

DA	DATE	ISSUE
DA	11/11/19	ISSUE
DA	17/01/19	ISSUE
DA	15/01/19	ISSUE
DA	15/01/19	ISSUE

A05



0 5m
1:100 @ A3

01 PROPOSED ROOF & CONCEPT
06 STORMWATER DRAINAGE PLAN 1:100

3 & 3A HAIG AVENUE, SUMMER HILL, NSW
PROPOSED ALTERATIONS AND ADDITIONS TO EXISTING BUILDING
for POLLY CHAN

DA - DA ISSUE	11.11.19
P - PRELIMINARY DA	7.10.19
ISSUE/AMENDMENT	0516

Architectural:
Justin Long design
www.jladesign.com.au

drawn FS 1:100
date 11.11.19
issue DA
amend -
PROPOSED ROOF & CONCEPT STORMWATER DRAINAGE PLAN



10418

12.80M

299.51

12.80M

299.51

12.80M

299.51

12.80M

299.51

SITE ANALYSIS NOTES

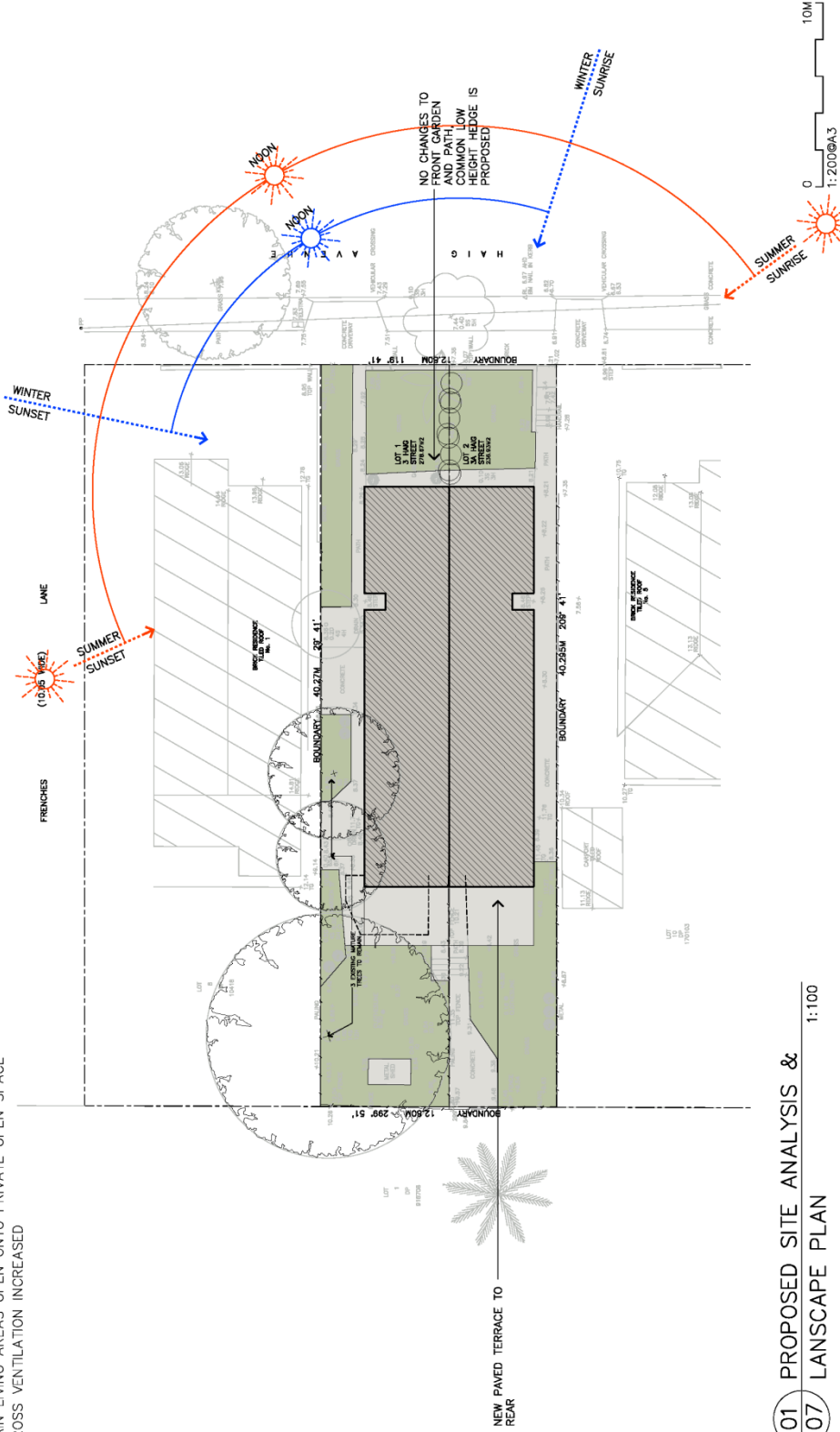
SITE GENTLY SLOPES FROM SE TO NW
 PASSIVE SOLAR PRINCIPLES UTILISED IN BUILDING
 ORIENTATION & ADDITIONAL WINDOW OPENINGS
 MINIMAL PRIVACY / OVERSHADOWING PROBLEMS
 MAIN LIVING AREAS OPEN ONTO PRIVATE OPEN SPACE
 CROSS VENTILATION INCREASED

LOT 1 - N.3 HAIG AVE

SITE AREA 278.67 M²
 SITE COVERAGE 98.75 M²
 PAVED AREA 67.23 M²
 SOFT LANDSCAPING 114.72 M²

LOT 2 - N.3A HAIG AVE

SITE AREA 236.93 M²
 SITE COVERAGE 98.75 M²
 PAVED AREA 69.92 M²
 SOFT LANDSCAPING 66.03 M²



01 PROPOSED SITE ANALYSIS &
 07 LANDSCAPE PLAN

1:100

3 & 3A HAIG AVENUE, SUMMER HILL, NSW
 ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING
 FOR POLLY CHAN

Contractors must verify all dimensions on site prior to starting any work or making any shop drawings.
 Figure dimensions are to be taken in preference to wall heights. This drawing is copyright and the property of Justin Long Design.

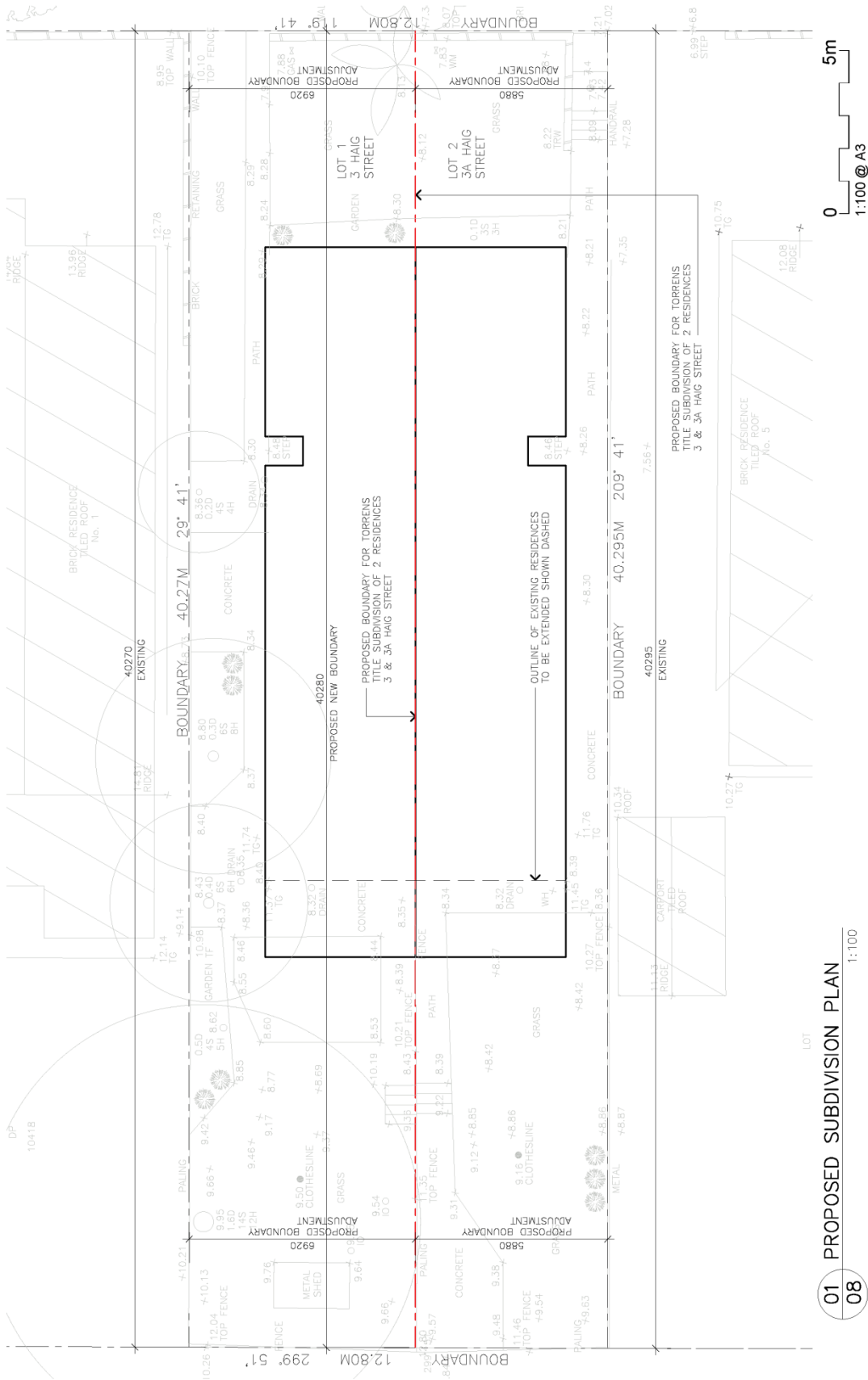


Architectural
JUSTIN LONG
 design
 www.jlodesign.com.au

drawn FS
 scale 1:200
 date 11.11.18
 issue DA
 amend —

DA	DA ISSUE	11.11.18
LABEL		1:200@A3

A07



01 PROPOSED SUBDIVISION PLAN 1:100
08

3 & 3A HAIG AVENUE, SUMMER HILL, NSW

PROPOSED ALTERATIONS AND ADDITIONS TO EXISTING BUILDING
FOR POLLY CHAN

Contractors must verify all dimensions on site prior to starting any work or making any shop drawings. Figured dimensions are to be taken in preference to scale readings. This drawing is copyright and the property of Justin Long Design.



Architecture:
Justin Long design
www.jladesign.com.au

drawn	scale	date	issue	amend
FS	1:100	11.11.19	DA	-

PROPOSED SUBDIVISION PLAN

DA	DA	DA	DA	DA
11.11.19	11.11.19	11.11.19	11.11.19	11.11.19
P	P	P	P	P
11.11.19	11.11.19	11.11.19	11.11.19	11.11.19
11.11.19	11.11.19	11.11.19	11.11.19	11.11.19

A08

Attachment C- Clause 4.6 Exception to Development Standard

3 & 3A Haig Avenue, Summer Hill: Statement of Environmental Effects

- (e) *to maintain an appropriate visual relationship between new development and the existing character of areas that are not undergoing, and are not likely to undergo, a substantial transformation.*

Each lot in the proposed subdivision is subject to a 0.5:1 FSR. The architect has calculated that the proposed gross floor areas will be 116.7m² and 116.7m² for No. 3(Lot 1) & No. 3A (Lot 2) Haig Avenues which is equivalent to a FSRs of 0.42:1 & 0.49:1 respectively and, therefore, the proposal complies with the standard.

Clause 4.6, Exceptions to development standards, states:

- (1) *The objectives of this clause are as follows:*
 - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development, and*
 - (b) *to achieve better planning outcomes for and from development by allowing flexibility in particular circumstances*
- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
 - (a) *compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *there are sufficient environmental planning grounds to justify contravening the development standard [and]*
- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
 - (a) *the consent authority is satisfied that:*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (b) *the concurrence of the Secretary has been obtained.*
- (5) *In deciding whether to grant concurrence, the Secretary must consider:*
 - (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) *the public benefit of maintaining the development standard, and*
 - (c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*

Clause 4.1, Minimum lot size is a development standard that is not subject to any of the specified exclusions from the operation of clause 4.6.

In accordance with the guidelines provided by decisions of the Land and Environment Court and in particular the judgments in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009, *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90, *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248, *Micaul Holdings Pty Ltd v Randwick City Council* [2015]

3 & 3A Haig Avenue, Summer Hill: Statement of Environmental Effects

NSWLEC 1386 and *Moskovich v Waverley Council* [2016] NSWLEC 1015, the submission addresses the requirements of clause 4.6 in turn.

MINIMUM SUBDIVISION LOT SIZE

Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

The judgment in *Wehbe v Pittwater Council* [2007] NSWLEC 827 identified five criteria of establishing under *State Environmental Planning Policy No. 1 – Development Standards* (SEPP 1) that compliance is unreasonable or unnecessary. The subsequent cases referred to above have confirmed that these criteria are equally applicable under the clause 4.6 regime.

1. *The objectives of the development standard are achieved notwithstanding non-compliance with the standard.*

The objectives of the minimum lots size standard are set out in clause 4.1 as follow:

- (a) *to maintain the existing pattern of subdivision within heritage conservation areas in terms of lot size and lot dimensions,*
- (b) *to provide opportunities for infill small lot subdivision in areas close to transport and amenities in a manner that does not adversely impact on the streetscape or amenity of residential areas,*
- (c) *to provide for small lot subdivision in certain areas close to public transport as an alternative to redevelopment for the purpose of multi dwelling housing in order to retain the scale and character of the area,*
- (d) *to ensure that lot sizes allow development to be sited to protect and enhance riparian land.*

As set out below, the proposed development will achieve objective (a) of the standard notwithstanding numerical non-compliance.

maintain existing pattern of subdivision within conservation areas in terms of lot size and lot dimensions: The existing Haig Avenue Haig Avenue conservation area subdivision pattern is characterised by 500m² lots in size. The proposal, however, involves the subdivision of land currently occupied by a pair of separately occupied semi-detached dwellings and it is the only pair in the street, which is otherwise occupied by single detached dwellings and as a result, the subdivision will result in two lots of approximately 250m² which is half the size of lots in Haig Avenue.

The EP & A Act, 1979 defines subdivision in the following manner:

6.2 **Meaning of “subdivision” of land**

(cf previous s 4B)

- (1) *For the purposes of this Act, **subdivision** of land means the division of land into 2 or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition. The division may (but need not) be effected—*
 - (a) *by conveyance, transfer or partition, or*
 - (b) *by any agreement, dealing, plan or instrument rendering different parts of the land available for separate occupation, use or disposition.*

3 & 3A Haig Avenue, Summer Hill: Statement of Environmental Effects

- (2) Without limiting subsection (1), **subdivision** of land includes the procuring of the registration in the office of the Registrar-General of—
- (a) a plan of subdivision within the meaning of section 195 of the [Conveyancing Act 1919](#), or
 - (b) a strata plan or a strata plan of subdivision within the meaning of the [Strata Schemes Development Act 2015](#).

Note.

The definition of **plan of subdivision** in section 195 of the [Conveyancing Act 1919](#) extends to plans of subdivision for lease purposes (within the meaning of section 23H of that Act) and to various kinds of plan under the [Community Land Development Act 1989](#).

The aforementioned definition of subdivision requires 2 pre-conditions to be satisfied. Firstly, the division of land into two or more parts after division that would be obviously adapted for separate occupation, use or disposition and, secondly, procuring of the registration in the office of the Registrar General.

In this instance, the existing building has satisfied the first pre-condition because the existing building and land has been divided internally and externally (rear common dividing fence) for the separate occupation of the dwellings as well as the land. However, the second, the registration of the division with the Registrar General has not been satisfied, but is now the subject of the application.

The proposal effectively formalises the division of land on a cadastral plan, however for all intents and purposes the subdivision has been effected by separate occupation of the land.

The registration of the land for subdivision simply formalises the division of the land that otherwise currently exists from casual observation of the pair of dwellings in the street. In this regard, the proposal *maintains the existing pattern of subdivision within heritage conservation areas in terms of lot size and lot dimensions* notwithstanding the division of the land that will appear on a cadastral plan. The division of the land on a cadastral plan will not have any unreasonable impact on the significance of the conservation area because the built form exists as separately occupied dwellings. The proposal formalises that arrangement that is perceived to exist from casual observation of the building in the street.

Furthermore, the standard is considered to more appropriately apply to subdivision of land that also includes the erection of new dwellings on separate lots rather than existing buildings that are separately occupied.

provide opportunities for infill small lot subdivision in areas close to transport and amenities in a manner that does not adversely impact on the streetscape or amenity of residential areas: It is not known whether this objective applies given its unclear meaning. What is infill small lot subdivision as this is not defined and what and where are the specific or identified "areas" that are close to transport and amenities as these "areas" are not identified on any map with Clause 4.1.

The LEP is accompanied by a map providing smaller lot subdivision, however, this map relates to Clause 4.1A, Exceptions to minimum subdivision lot size for certain residential development rather than Clause 4.1 and is not applicable because the site is located within a

3 & 3A Haig Avenue, Summer Hill: Statement of Environmental Effects

conservation area. Nonetheless, in my opinion, the site is located a short distance outside Area 1 and is relatively close to transport and amenities and it will not adversely impact on the streetscape or amenity of residential areas as confirmed in this statement. The clause however is not considered to be relevant because the proposal is not a form of infill small lot subdivision as it does not involve either a new dwelling or a new lot within an existing group of adjoining lots and dwellings.

provide for small lot subdivision in certain areas close to public transport as an alternative to redevelopment for the purpose of multi dwelling housing in order to retain the scale and character of the area: This objective is not relevant because multi dwelling housing is not permitted in the R2 Low Density Residential zone.

ensure that lot sizes allow development to be sited to protect and enhance riparian land: The proposal has no impact on riparian land and it is not relevant.

2. *The objective is not relevant to the development.*

Objectives (b) & (c) & (d) are not applicable to the proposal.

3. *The objective would be defeated or thwarted if compliance was required.*

This criteria is not applicable to the proposal.

4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard.*

This criteria is not applicable to the proposal.

5. *The zoning of the land is unreasonable or inappropriate.*

This criteria is not applicable to the proposal.

Compliance with the development standard is unreasonable or unnecessary in the circumstances because

- the arguments set out above under 1. show that the proposed development will achieve the relevant objective (a) of the development standard and strict compliance with the development standard is therefore unnecessary and unreasonable

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

The cases referred to above have established that the environmental planning grounds must be particular to the circumstances of the proposed development on its site. The following environmental planning grounds are relevant:

- The existing building comprises a pair of semi-detached dwellings which are currently separately occupied and the formalizing of the division of the land under Torrens title

3 & 3A Haig Avenue, Summer Hill: Statement of Environmental Effects

subdivision will have no impact on their current or future appearance and form from casual observation of them within the street.

- The provision of separate title for each proposed lot either under Torrens or strata title provides the opportunity for home ownership of each property that currently does not exist.
- Whether the land is subdivided either under Torrens or strata title provides no significant advantage in ensuring that the heritage qualities of the pair are maintained because ultimately a proposal to alter one or both dwellings requires council consent because the land is situated in a conservation area.
- Standards of a minimum subdivision lot size are aimed at ensuring an acceptable standard of residential amenity for the future occupants as well as maintaining the character of the immediate locality. Given the fact that existing dwellings have existed for almost 100 years, the existing dwellings are intrinsic to the local character and provide an acceptable standard of residential amenity for the occupants. The proposed subdivision will not result in any detrimental impact to the character and amenity of the dwellings and the contribution they make to the significance of the conservation area.

Will the proposed development be in the public interest because it is consistent with the objectives of the development standard?

This criteria has been adequately addressed earlier in this submission.

Will the proposed development be in the public interest because it is consistent with the objectives of the zone?

In relation to the objectives of the R2 zone:

- *to provide for the housing needs of the community within a low density residential environment*

The proposal will contribute towards meeting the demand for housing in the locality by providing the opportunity for home ownership.

- *to enable other land uses that provide facilities or services to meet the day to day needs of residents*

This objective is not relevant, as the proposal is not for non-residential use.

Concurrence of the Secretary

The concurrence of the Secretary may be assumed by Council. The implications of a development application involving alterations and additions to 2 dwellings and their Torrens title subdivision not complying with a minimum subdivision lot size development standard of the Ashfield LEP 2013 are local in their scope and raise no matters of significance for State or regional environmental planning.

The circumstances of the case should be balanced against the usual presumption of public benefit in maintaining a development standard. The minimum subdivision lot sizes of the

3 & 3A Haig Avenue, Summer Hill: Statement of Environmental Effects

proposed development are justified as set out above. The variation sought will enhance the utility of the existing development without significant adverse impacts on neighbouring amenity or the public domain.

Conclusion

This submission shows that, in the circumstances of the case, compliance with the development standard is unreasonable or unnecessary, that there are sufficient environmental planning grounds to justify contravening the development standard and that the proposed development will be in the public interest because it is consistent with the objectives of the development standard and with those of the R2 Low Density Residential zone.

Clause 5.6, Architectural roof features, provides objectives and a control for architectural roof features. The objectives of the clause are:

- (a) *to allow minor architectural roof features to exceed height limits.*
- (b) *to ensure that any architectural roof feature does not cause an adverse visual impact or adversely affect the amenity of neighbouring properties,*
- (c) *to ensure that architectural roof features are considered in the design of the building and form an integral part of a building's design*

There are no architectural features and this clause is not relevant.

Clause 5.10, Heritage conservation, provides objectives for heritage conservation and matters for consideration. The objectives of the clause are:

- (a) *to conserve the environmental heritage of Ashfield,*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) *to conserve archaeological sites,*
- (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*

The site is located in the Dover Street Conservation Area. Sub-clause requires consent for carrying out work in a conservation area.

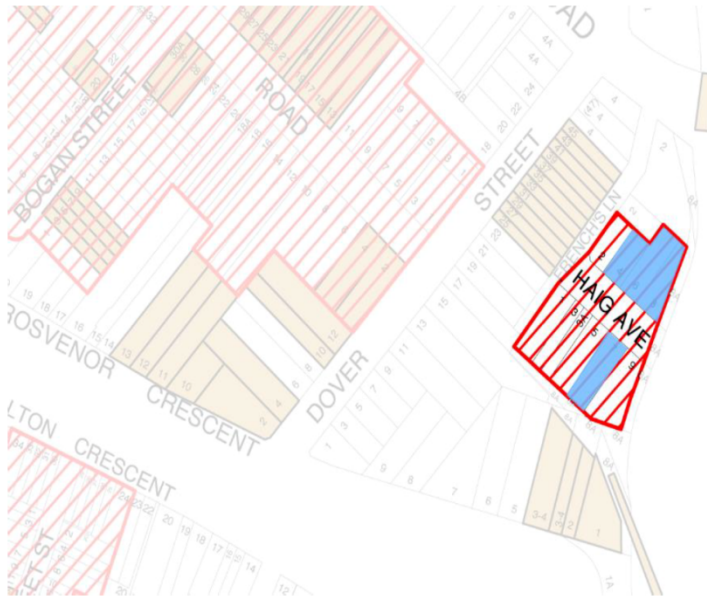
Sub-clause 4 requires Council to consider the impact of a proposal with respect to its impact on the significance of a conservation area and may require a heritage management document. The proposal involves the subdivision of the land into two lots as well as alterations and additions to an existing pair of semi-detached dwellings. The proposal will not adversely impact the significance of the conservation area because the work is limited to the rear of the existing dwellings and the design is compatible with their style.

The proposed subdivision will not have any unreasonable impact on the significance of the conservation area because the existing building is seen as two separate dwellings and their backyards are currently divided by a fence on the proposed boundary and the front yard can be in a manner consistent with the similar semi-detached dwellings in the locality.

Furthermore, the additions to the dwellings have been generally designed in accordance with council advice with low pitching points and a pair of gable ends to match the existing. It

Attachment D- HCA Statement of Significance

C45 Haig Avenue, Summer Hill
Heritage Conservation area



KEY PERIOD OF SIGNIFICANCE: 1919-1930s

**HCA TYPE 2: Single storey residential (i) uniform single period subdivision
Statement of Significance**

The Heritage Conservation Area is of marginal local heritage significance.

The area is of some historical significance as the development of a 1919 re-subdivision.

The area originally comprised 9 allotments within a dead-end street one of which (No. 3-3A Haig Avenue) was purchased later and developed for a pair of 1930s semi-detached residences, and five of these dwellings (indicated in blue on the map above) are substantially altered (through cement rendering, addition of roller shutters, aluminium framed windows, altered roof forms), in a manner unlikely to be reversed. Given the small number of dwellings within this confined streetscape, and the predominance of altered dwellings on the north-eastern side of the street in particular, the aesthetic significance of the area has been substantially degraded. The original pre-1943 brush box street tree plantings have also been largely removed.

Chapter E1 – Heritage Items and Conservation Areas
Part 9 – Heritage Conservation Areas Character Statements and Rankings

Key Character Elements

Subdivision and public domain elements:

- Relatively wide carriageway in Haig Avenue
- Remnant pre-1943 brush box tree near No. 6 Haig Avenue

Elements that contribute to the consistency of the streetscape (visible from the public domain)

- Detached and semi-detached face brick single storey Inter-war California bungalow style housing
- Original details such as:
 - Front verandahs with original detailing
 - Original roof forms with original cladding of unglazed terracotta tiles
 - Gable ends facing the street with original timber shingled, roughcast stucco or imitation half-timbered finishes
 - Face brickwork
 - Original timber-framed windows and timber panelled doors consistent with the period and styles of houses
- Original front fences - timber picket, low brick, brick & timber picket for Inter-war period houses
- Narrow driveways with garages to the rear or carports to the side of houses

NON-CONTRIBUTORY ELEMENTS

- Recent or heavily altered houses with difficult to reverse uncharacteristic alterations (example 6 Haig Avenue, altered roof form, cement rendered)
- Changes to materials: Cement rendering of face brickwork to houses (Nos. 7, 9, 4, 6 and 8 Haig Avenue); modern roof cladding (eg concrete tiles)
- Front verandah alterations
- Modern front fences of unsympathetic design and materials, particularly high solid masonry front fences.



Historical Development

This corner of Summer Hill was part of a 30-acre grant made to Henry Kable in 1804. By about 1822 it had been purchased by James Underwood, who died in 1844. The part of the Underwood Estate now called North Summer Hill was offered for auction by Richardson & Wrench in September 1878. It included the section between Dover Street and Long Cove Creek (where Haig Avenue was later to be located) designated as Section 6.¹

Haig Avenue and its access street, French's Lane, were created by re-subdivision of the rear portions of the deep allotments No 1 to 9 in Dover Street. The arrangement is shown in a subdivision plan prepared for the auction on 1 March 1919 of the sites so created. The drawing shows 12 allotments: lots 4 to 12 addressing Haig Avenue, lots 1 and 2 facing Dover Street at the Parramatta Road end, and lot 3 facing French's Lane, also at Parramatta Road. Lots 1, 2 and 3 eventually became business and industrial sites, while dwellings were built — before World War II — on all nine Haig Avenue lots.

The name Haig Avenue was presumably bestowed as a patriotic gesture honouring Field Marshal Lord Haig, military Commander-in-Chief during the heroic battles on the Western Front, in which Australian troops played an important part that brought about the conclusion of World War I.² On the subdivision plan the access street, off Parramatta Road, is named French Street, honouring Field Marshal Sir John French.³ Haig Avenue is a short, wide cul-de-sac which slopes down to the east from French's Lane to the Long Cove Creek stormwater channel. There is pedestrian access to a walkway alongside the channel.

French's Lane also provides rear access to the houses on the north-east end of Dover Street.

¹ Ashfield Heritage Study 1993, vol 1, pp 32, 63, 148

² Haig called the Villers-Bretonneux counter-offensive by Britons and Australians in April 1918 'an enterprise of great daring': Marjorie Barnard, *A History of Australia* (Angus & Robertson, 1976) p 488

³ Ashfield Heritage Study 1993, vol 1, Appendix G. Copies of Ashfield subdivision plans can be found in Ashfield Council Archives and in the collection of ADHS. This one is No S16/37.





Above: The advertising leaflet which included the plan for the Haig Subdivision put up for auction on 1 March 1919. Haig Avenue is specifically marked '66 ft wide'. Note that French Lane is here called French Street. It also provided rear access to the properties in Dover Street.

Chapter E1 – Heritage Items and Conservation Areas
 Part 9 – Heritage Conservation Areas Character Statements and Rankings

BUILDING RANKING DEFINITIONS

Building ranking No.	Building Ranking Definition
*	Heritage items: Buildings individually listed as heritage items in the LEP
1	Contributory 1: Buildings that clearly reflect the Key period of Significance for the HCA and are key elements of the character of the HCA
2	Contributory 2: Buildings that have been altered but are still identifiable as dating from the Key period of Significance for the HCA. They retain their overall form from the original date of construction and, even though altered, are contributory to the HCA character
3	Neutral: Buildings that are either heavily altered to an extent where the construction period is uncertain, or are from a construction period which falls outside the Key Period of Significance for the HCA, but which reflect the predominant scale and form of other buildings within the HCA, and therefore do not detract from the character of the HCA
4	Detracting: Buildings from a construction period which falls outside the Key Period of Significance for the HCA that have scale or form that is not consistent with the key characteristics of the area

Haig Avenue

Street	Side	No	Rating	Name	Style/Observations
Haig Avenue	S	2	1		Inter-War Arts-&-Crafts/ California Bungalow
Haig Avenue	S	4	2		Inter-War Arts-&-Crafts
Haig Avenue	S	6	3		
Haig Avenue	S	8	2	Amos	Arts-&-Crafts
Haig Avenue	N	9	1		Inter-War Arts-&-Crafts
Haig Avenue	N	7	2		Inter-War Arts-&-Crafts
Haig Avenue	N	5	2		Inter-War Arts-&-Crafts
Haig Avenue	N	3-3A	1		Inter-War Functionalist/ Art Deco
Haig Avenue	N	1	1		Inter-War Arts-&-Crafts/ California Bungalow