





 DEVELOPMENT ASSESSMENT REPORT				
Application No.	MOD/2020/0457			
Address	1 Ramsay Street HABERFIELD NSW 2045			
Proposal	Modification to approved secondary dwelling including window arrangement			
Date of Lodgement	09 December 2020			
Applicant	Nick Chapman			
Owner	Mr Nicholas R Chapman Ms Marcia C Doheny			
Number of Submissions	Nil			
Value of works	\$60,000.00 \$606.80			
Reason for determination at Planning Panel	Conflict of interest criteria			
Main Issues	Nil			
Recommendation	Approval with Conditions			
Attachment A	Recommended modified conditions of consent			
Attachment B	Plans of proposed development			
				
LOCALITY MAP				
Subject Site		Objectors		N 
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for modification to the approved secondary dwelling including window arrangement at 1 Ramsay Street, Haberfield.

The application was notified to surrounding properties and no submissions were received. It is considered that the proposed modification generally complies with the aims and objectives of the *Ashfield Local Environmental Plan (ALEP) 2013*. The development generally complies with the provisions of the Comprehensive Inner West Development Control Plan (CIWDCP) 2016. It is considered that the proposal will not result in any significant impacts on the streetscape or amenity of adjoining properties.

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

2. Proposal

Approval is sought to modify Development Consent No. 10.2017.265.1 for alterations and additions to a dwelling house and the conversion of an existing garage into a secondary dwelling and a single garage. The following amendments are proposed:

- Deletion of the first floor of secondary dwelling and vehicle crossover from Hawthorne Parade;
- Retention of the building form of the existing garage and vehicle crossover from Lord Street;
- Internal reconfiguration of the garage and secondary dwelling; and
- Addition of one (1) bathroom window on the southern elevation and French doors on the western elevation of the existing garage.

3. Site Description

The subject site is located on the western side of Ramsay Street, on the north eastern intersection of Ramsay Street, Sloane Street and Lord Street, Haberfield. The site consists of three street frontages, is generally irregular shaped with a total area of 595.6sqm and is legally described as Lot 1, Section B, DP 1988.

The site has a frontage to Ramsay Street of 12.37 metres and secondary frontages of approximately 43.28 metres to Lord Street and 16.33 metres to Hawthorne Parade.

The site contains a two-storey dwelling house with a single storey garage at the rear of the site. The existing vehicular access is off Lord Street. The surrounding properties generally support single and two-storey dwelling houses.

The site is zoned R2 – Low Density Residential and is located within the Haberfield Heritage Conservation Area.

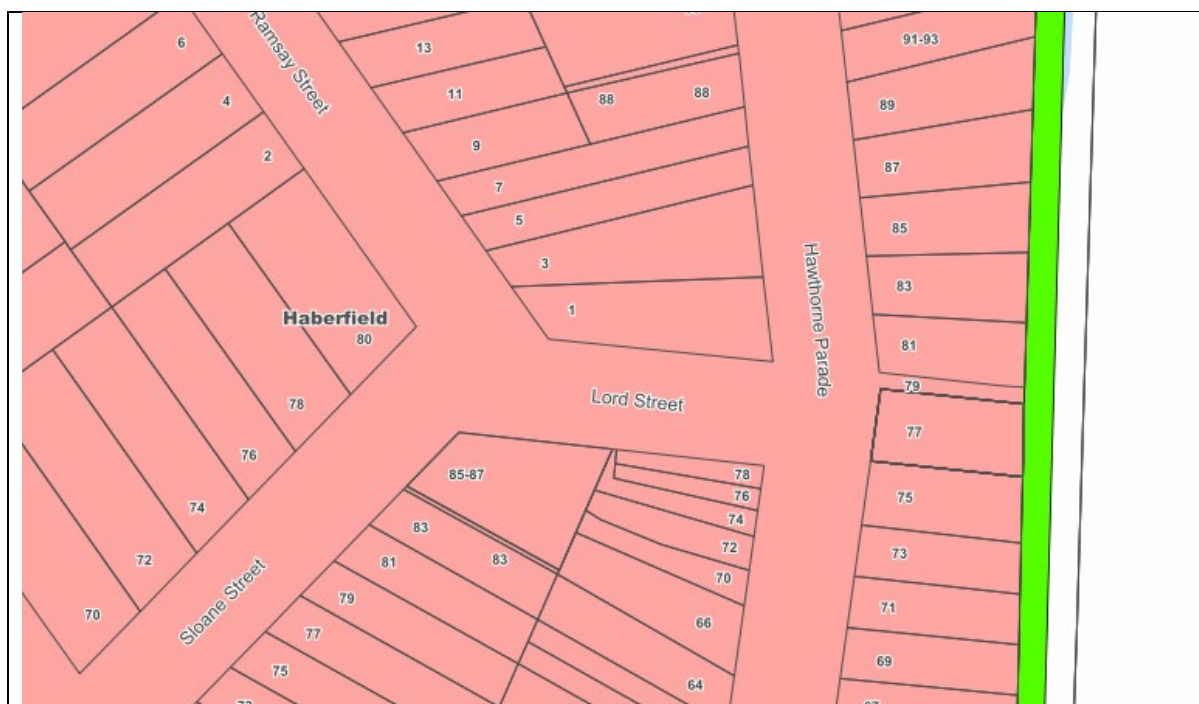


Image 1: Zoning Map

4. Background

4(a) Site history

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

Subject Site

Application	Proposal	Decision & Date
10.2017.265.1	Alterations and additions to a dwelling house and the conversion of an existing garage into a secondary dwelling and a single garage	Approved 04/11/2018
10.2005.196.1	Alteration and additions to dwelling	Approved 20/01/2006
10.2003.365.2	Modification to approved development	Approved 10/08/2005
10.2003.365.1	New deck/patio	Approved 22/03/2004
10.2000.123.1	Demolish timber framed sunroom at rear & extension	Approved 26/06/2000

4(b) Application history

Not applicable

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 4.15 and 4.55 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*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *State Environmental Planning Policy (Affordable Rental Housing) 2009*
- *Ashfield Local Environmental Plan (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. CIWDPC 2016 provides controls and guidelines for remediation works. *SEPP 55* requires the consent authority to be satisfied that “the site is, or can be made, suitable for the proposed use” prior to the granting of consent. The site has not been used in the past for activities which could have potentially contaminated the site. It is considered that the site will not require remediation in accordance with *SEPP 55*.

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

A BASIX Certificate was submitted with the original application and is referenced in the consent.

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 regulates the protection and removal of vegetation identified under the SEPP and gives effect to the local tree preservation provisions of Council’s DCP. The application does not seek to impact any vegetation within the site or on Council land.

5(a)(v) State Environmental Planning Policy (Affordable Rental Housing) 2009

The proposal has been lodged under the provisions of *State Environmental Planning Policy (Affordable Rental Housing) 2009* to provide a secondary dwelling. As such, the provisions of Part 2, Division 2 of the *ARHSEPP* apply and the compliance is measured in the following table:

<p>Development to which Division applies</p>	<p>This Division applies to development, on land to which this Division applies, for the purposes of a secondary dwelling.</p>	<p>The proposed development complies with the provisions of Clause 21 of the <i>SEPP</i></p>	<p>Yes</p>
<p>Development may be carried out with consent</p>	<p>(1) Development to which this Division applies may be carried out with consent.</p> <p>(2) A consent authority must not consent to development to which this Division applies if there is on the land, or if the development would result in there being on the land, any dwelling other than the principal dwelling and the secondary dwelling.</p> <p>(3) A consent authority must not consent to development to which this Division applies unless:</p> <p>(a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under another environmental planning instrument, and</p> <p>(b) the total floor area of the secondary dwelling is no more than 60 square metres or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater floor area.</p> <p>(4) A consent authority must not refuse consent to development to which this Division applies on either of the following grounds:</p> <p>(a) site area if:</p> <p>(i) the secondary dwelling is located within, or is attached to, the principal dwelling, or</p> <p>(ii) the site area is at least 450 Square metres,</p> <p>(b) parking</p>	<p>The proposed development seeks consent for modifications to a secondary dwelling</p> <p>As a result of the development two (2) dwellings will exist on the site, the principle and the secondary dwelling</p> <p>The total gross floor area of the principal and secondary dwelling complies with the maximum FSR allowed under <i>ALEP 2013</i></p> <p>The total floor area of the secondary dwelling is 30sqm</p> <p>The secondary dwelling is separate from the principal dwelling. The site area is 595.6sqm.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

	<p>if no additional parking is to be provided on the site.</p> <p>(5) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (4).</p>	<p>One (1) parking space is to be retained.</p>	
No subdivision	<p>A consent authority must not consent to a development application that would result in any subdivision of a lot on which development for the purposes of a secondary dwelling has been carried out under this Division.</p>	<p>The proposed development does not seek subdivision of any type of the existing allotments</p>	Yes

5(a)(vi) Ashfield Local Environment Plan 2013 (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 2.7 - Demolition
- Clause 4.3 - Height of buildings
- Clause 4.4 - Floor space ratio
- Clause 5.10 - Heritage Conservation
- Clause 6.5 - Development on land in Haberfield Heritage Conservation Area

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

The site is zoned AR2 under the *ALEP 2011*. The *ALEP 2013* defines the development as:

“dwelling house” and “secondary dwelling”

The dwelling house is permitted with consent within the land use table. The secondary dwelling his permissible in accordance with *State Environmental Planning Policy (Affordable Rental Housing) 2009*. The development is consistent with the objectives of the R2 zone.

The following table provides an assessment of the application against the development standards:

Standard	Proposal	Complies
<p>Height of Building Maximum permissible: 7m</p>	3.7m	Yes
<p>Floor Space Ratio Maximum permissible: 0.5:1</p>	0.39:1 or 232sqm	Yes
<p>Effect of Proposed Development on Heritage Significance The consent authority must, before granting consent under this clause in respect of a</p>	The proposed modifications and additions are	Yes

<p>heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or the area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</p>	<p>acceptable in term of heritage impacts. Refer to discussion below.</p>	
<p>Heritage Assessment The consent authority may, before granting consent to any development: (a) on land on which a heritage item is located, or (b) on land that is within a heritage conservation area, or (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p>	<p>The applicant's heritage assessment concludes there would be no adverse impact on the heritage conservation area as a result of the proposed modifications. The application was referred to Council's Heritage Advisor who raised no objection to the proposed modifications.</p>	<p>Yes</p>
<p>Landscaping in Haberfield 50% of site</p>	<p>45.9% or 273sqm</p>	<p>Acceptable, as discussed below</p>

Landscaped Area

The approved development provided 45.9%, being 273sqm, of the site as landscaped area. The proposed modification does not seek to alter the existing approved landscaped area. In order to confirm the approved landscaped area, an additional condition of consent has been imposed requiring an amended landscape plan be submitted which provides at least 273sqm of landscaped area on the site.

5(b) Draft Environmental Planning Instruments

Draft Inner West Local Environmental Plan 2020 (Draft IWLEP 2020)

The Draft IWLEP 2020 was placed on public exhibition commencing on 16 March 2020 and accordingly is a matter for consideration in the assessment of the application under *Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979*.

The amended provisions contained in the Draft IWLEP 2020 are not particularly relevant to the assessment of the proposed modification. Accordingly, the development is considered acceptable having regard to the provisions of the Draft IWLEP 2020.

5(c) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Comprehensive Inner West Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

IWCDCP2016	Compliance
Section 1 – Preliminary	
B – Notification and Advertising	Yes
Section 2 – General Guidelines	
F – Development Category Guidelines	
1 – Dwelling Houses and Dual Occupancy	Yes – see discussion
2 – Secondary Dwellings	Yes – see discussion

Dwelling House			
Control	Standard	Proposed	Compliance
Wall height	Maximum external wall height of 6 m	No change to the existing wall height proposed	Yes
Setbacks	To comply with BCA, generally 900mm	The proposed modifications retain the existing garage setbacks.	Yes
Garages and carports	A minimum of one car parking is required per dwelling	One (1) car parking space retained	Yes
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.	Proposal generally retains existing solar access for neighbouring dwellings	Yes
	Existing solar access is maintained to at least 40% of the glazed areas of any neighbouring north facing primary living area windows for a period of at least three hours between 9am and 3 pm on 21 June.	Proposal generally retains existing solar access for neighbouring dwellings	Yes
	Appropriately located main living areas to maximise solar access with sun shading devices.	Main living areas appropriately located	Yes
Front gardens	Minimised hard paving. 3m max driveway width. Area for vegetation and trees.	Sufficient area provided in the front yard for vegetation and trees.	Yes
Rear gardens	Area for vegetation and trees	Sufficient area provided in the rear yard for vegetation and trees.	Yes
Visual Privacy	Windows to side elevations located above the ground floor to be minimised.	The proposed new doors and window face the rear yard of the site and Lord Street and will not result in any overlooking impacts to the neighbouring dwellings	Yes
Stormwater Disposal	Stormwater from roofs is discharged by gravity to street gutter system	Conditioned to Engineer's requirements	Yes
Laneway Development	The external wall height of a laneway development building shall not exceed 3.6m and a maximum ridge roof height of	No change to the existing wall height of the garage proposed	Yes

	6m.		
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Secondary Dwelling Controls			
Control	Standard	Proposed	Compliance
Floor Area	Maximum floor area is 60sqm	Maximum floor area is 30qm	Yes
	The total gross floor area of the principal dwelling and the secondary dwelling is no more than the maximum FSR allowed under the <i>ALEP 2013</i>	The total gross floor area of the principal dwelling complies with the maximum FSR allowed	Yes
Subdivision	Subdivision of the secondary dwelling is not permitted	No subdivision proposed	Yes
Setbacks	A secondary dwelling is not located forward of the front building line of the principal dwelling	The secondary dwelling is located in the rear yard	Yes
	Minimum side setback is 0.9 metres	The secondary dwelling maintains the existing side setbacks	Yes
	Minimum rear setbacks maintain a useable back garden	The rear setback of the secondary dwelling maintains a useable garden in between it and the principal dwelling	Yes
Landscape Area	Development does not reduce landscaped areas for the property to less than the minimum required for a dwelling house	Sufficient landscaping provided.	Yes

5(e) Section 4.55 Assessment

Under Section 4.55 of the Environmental Planning and Assessment Act, 1979, Council, when considering a request to modify a Determination, must:

- a) be satisfied that the development as modified is substantially the same development as the development for which consent was originally granted;
- b) consult with any relevant authority or approval body;
- c) notify the application in accordance with the regulations;
- d) consider any submissions made; and
- e) take into consideration the matters referred to in Section 4.15 as are of relevance to the development the subject of the application.

The development being modified is substantially the same development as the development for which consent was originally granted. No authorities or bodies were required to be consulted. The application was notified in accordance with the regulations and Council's policy. The relevant matters under Section 4.15 have been addressed within this report.

The proposed modifications involve an overall reduction in the scale of the secondary dwelling with minor amendments to the approved window configuration. As such, it is considered that the modifications will not alter compliance with any relevant parts of the *Ashfield Local Environmental Plan 2013* or Comprehensive Inner West Development Control Plan 2016.

5(f) 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(g) 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(h) Any submissions

The application was notified in accordance with Council's Notification Policy for a period of 28 days to surrounding properties and no submissions were received.

5(i) 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

The application was referred to the following internal officers:

Engineer – No objection raised to the proposed modifications.

Heritage Officer – No objection raised to the heritage impact of the proposed modifications. Some concern was raised regarding ventilation and internal temperature regulation. A BASIX Certificate was submitted with the application indicating that the proposal achieves full compliance with the BASIX requirements. Appropriate conditions are included in the recommendation to ensure the BASIX Certificate commitments are implemented into the development.

7. Section 7.11 Contributions/7.12 Levy

Section 7.11 Contribution will not be altered as a result of the proposed modifications.

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 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 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. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.55 of the *Environmental Planning and Assessment Act 1979*, grant consent to approved Development Application No. MOD/2020/0457 for modification to approved secondary dwelling including window arrangement at 1 Ramsay Street HABERFIELD NSW 2045 subject to the modified conditions listed in Attachment A below.

Attachment A – Recommended modified conditions of consent

Attachment A – Recommended modified conditions of consent

1. Condition A(1) be amended to read:

(1) **Approved plans stamped by Council**

The development must be carried out only in accordance with the plans and specifications set out on drawing numbers prepared by and date stamped by Council and any supporting documentation received with the application, except as amended by the conditions specified hereunder.

Approved Plans:

Drawing No.	Title/Description	Prepared by	Issue/Revision	Date
DA01	Site plan/concept drainage plan	Palfreeman Sweeney Architects	C	June 2018
DA02	Secondary dwelling plans — lower level plan	Palfreeman Sweeney Architects	C	June 2018
DA03	Secondary dwelling elevations — west elevation	Palfreeman Sweeney Architects	C	June 2018
DA04	Secondary dwelling sections	Palfreeman Sweeney Architects	C	June 2018
DA05	Lower level plan (house) & east elevation (house)	Palfreeman Sweeney Architects	B	June 2018
DA06	South elevation (house) (Lord St) & North elevation (house)	Palfreeman Sweeney Architects	B	June 2018
DA07	Ground floor plan	Palfreeman Sweeney Architects	B	June 2018
DA09	Schedule of Materials and Finishes	Palfreeman Sweeney Architects	B	June 2018
L1	Landscaping Plan	Phillips Marler		7/11/2017
L2	Indicative shrubs and ground cover	Phillips Marler		7/11/2017

Supporting Documents:

Title/Document	Prepared by	Issue/Revision	Date
BASIX Certificate 879260S	Palfreeman Sweeney Architects		17 November 2017
Waste Management Plan	Unknown		November 2017

As amended by:

Drawing No.	Title/Description	Prepared by	Issue/Revision	Date
DA01	Site plan/concept drainage plan	Palfreeman Sweeney Architects	D	November 2020
DA02	Lower level plan	Palfreeman Sweeney Architects	D	November 2020
DA03	West elevation Secondary dwelling elevations	Palfreeman Sweeney Architects	D	November 2020
DA04	Secondary dwelling sections	Palfreeman Sweeney Architects	D	November 2020
DA07	Ground floor plan	Palfreeman Sweeney Architects	C	November 2020
879260S_02	BASIX Certificate	Palfreeman Sweeney Architects	-	27/11/2020

In the event of any inconsistency, the conditions of this consent shall prevail.

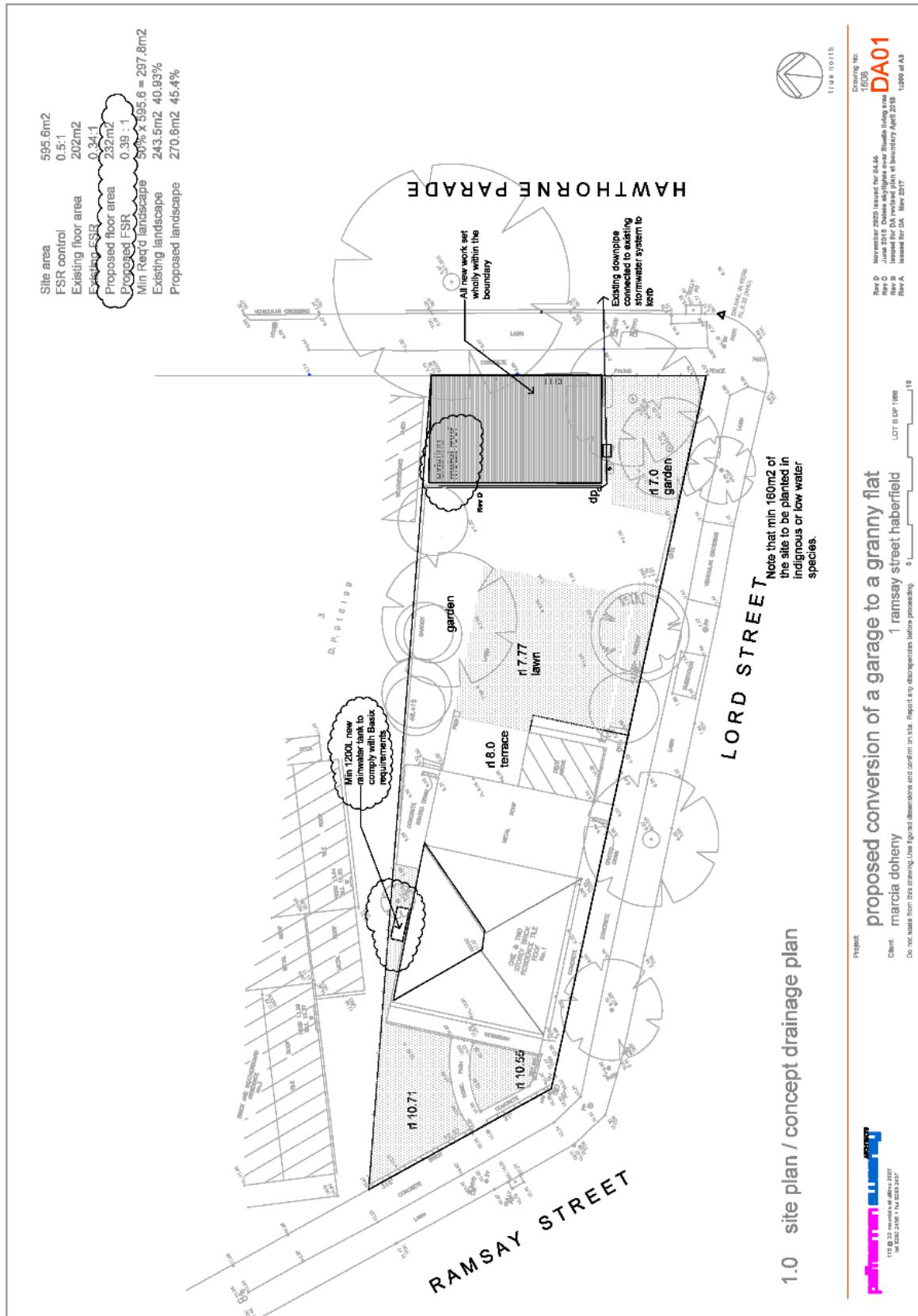
2. Condition C(21)(a) be added which reads:

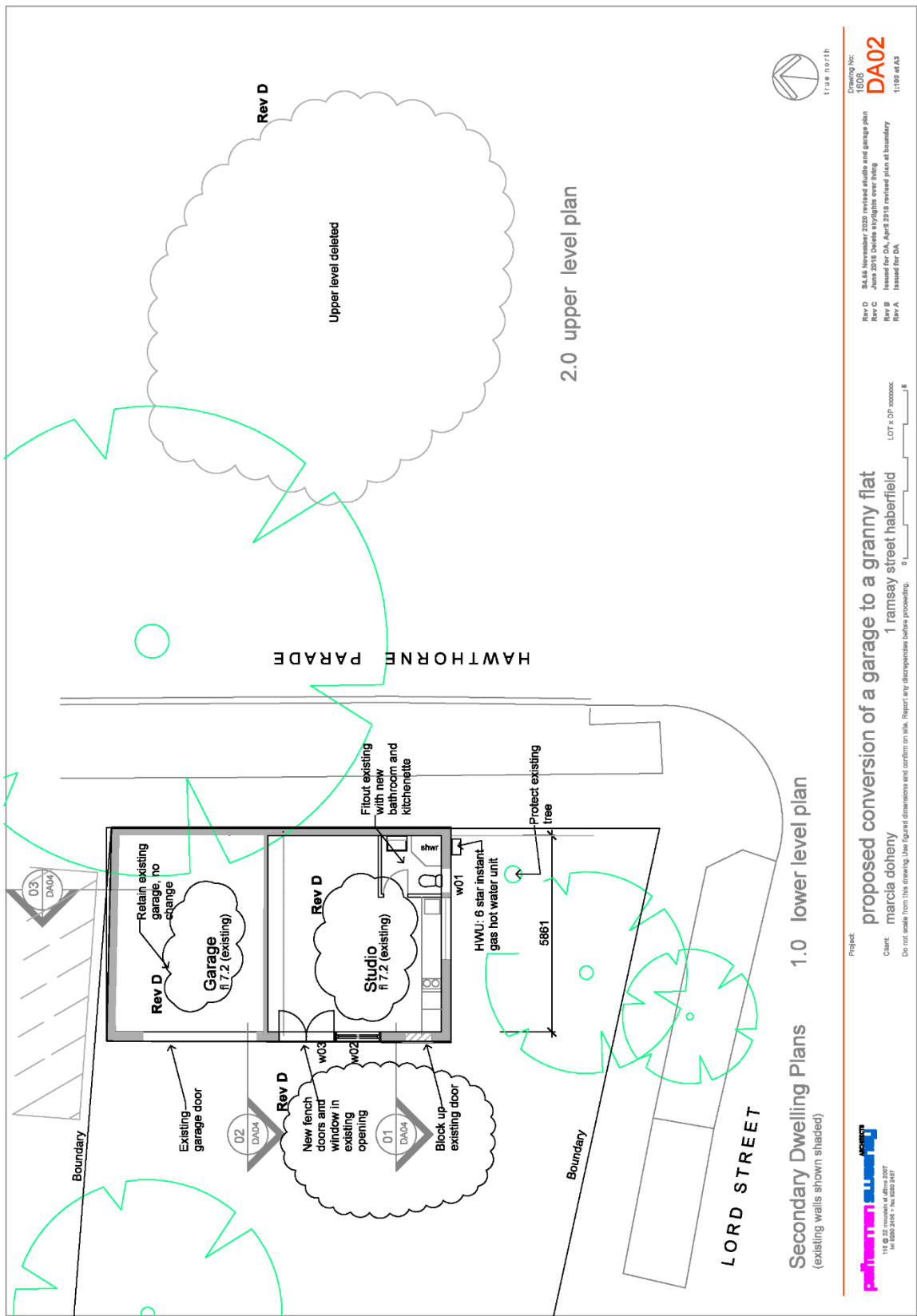
(21)(a) Amended Landscape Plan

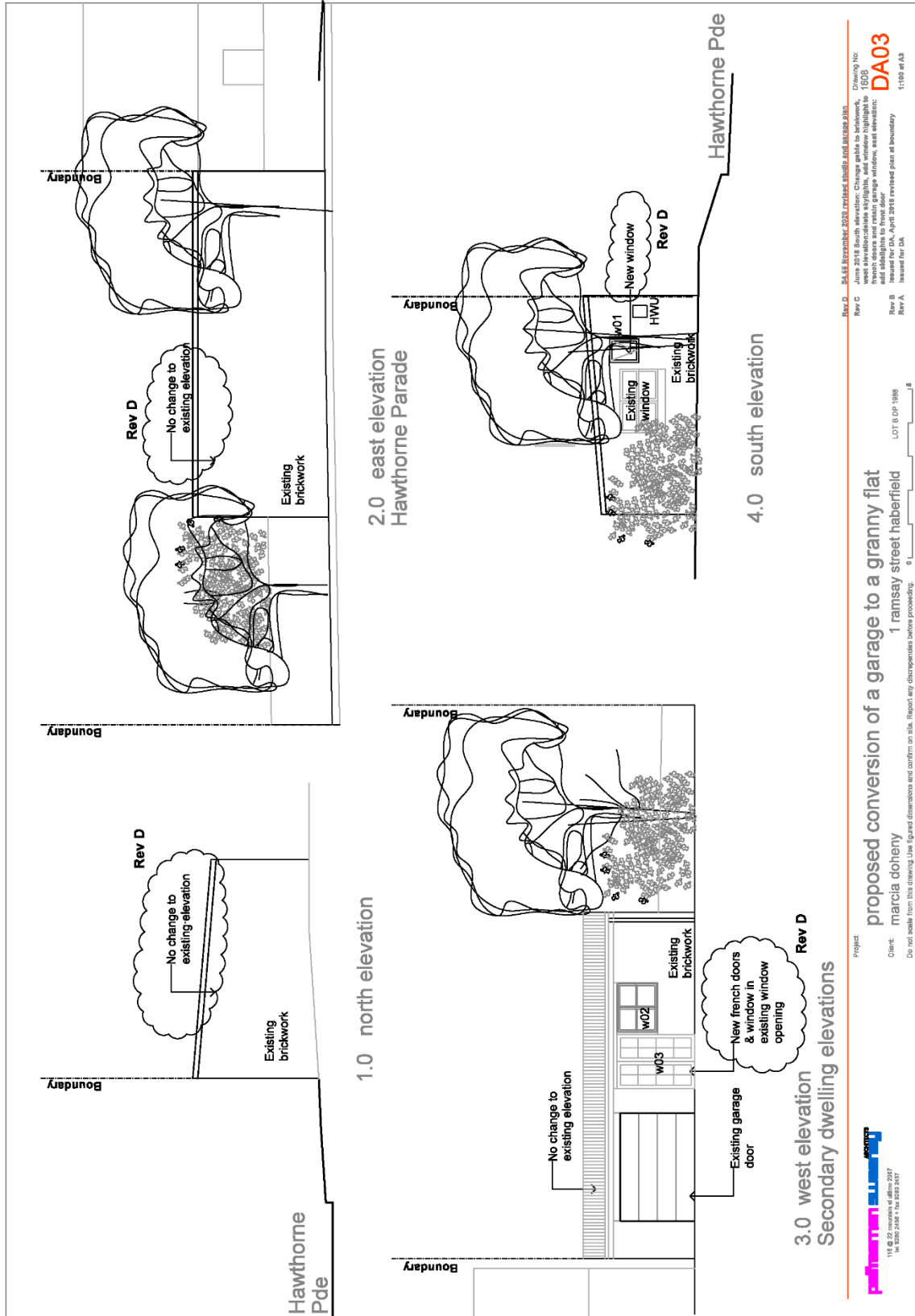
Prior to the issue of a Construction Certificate, the Certifying Authority is to be provided with an amended landscape plan which provides at least 279sqm of landscaped area on the site.

3. Condition G(53) be deleted.
4. Condition H(55) be deleted.

Attachment B – Plans of proposed development







Rev D - 24.08.2020 revised elevations and garage plans
 Rev C - Issue 2019 Revised elevations. Checkpoints to be highlighted. Drawing No: DA03
 Rev B - French doors and main garage window, east elevation. Issued for DA, April 2019 revised plan at boundary. 1:100 at A3
 Rev A - Issued for DA.

Project: **proposed conversion of a garage to a granny flat**
 Client: **marcia doheny**
 1 ramsey street haberfield
 LOT 8 DP 1088
 Do not scale from this drawing. Use figured dimensions and confirm on site. Report any discrepancies below proceeding.

ARCHITECT
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