





 DEVELOPMENT ASSESSMENT REPORT			
Application No.	DA/2021/0433		
Address	27 Junction Road SUMMER HILL NSW 2130		
Proposal	Alterations and additions to an existing dual occupancy including attic addition, rear extension, new pools and strata subdivision		
Date of Lodgement	02 June 2021		
Applicant	Mr Saxon Grujovic		
Owner	Mr Dylan K Gruhovic Mr Saxon P Grujovic Mr Sami Virsunen		
Number of Submissions	Initial: Two (2)		
Value of works	\$355,000.00		
Reason for determination at Planning Panel	FSR and height variation exceeds 10%		
Main Issues	Height, FSR, privacy impacts, impacts to trees and streetscape		
Recommendation	Approved with Conditions		
Attachment A	Recommended conditions of consent		
Attachment B	Plans of proposed development		
Attachment C	Clause 4.6 Exception to Development Standards		
			
LOCALITY MAP			
Subject Site		Objectors	 
Notified Area		Supporters	

1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to an existing dual occupancy including attic addition, rear extension, new pools and strata subdivision at 27 Junction Road Summer Hill.

The application was notified to surrounding properties and 2 submissions were received in response to the initial notification.

The main issues that have arisen from the application include:

- 13% variation to the Height of Buildings Development Standard Clause 4.3 of the ALEP 2013
- 4.7% variation to the Floor Space Ratio Development Standard Clause 4.4 of the ALEP 2013
- Privacy impacts to neighbours at 19 Junction Road
- Impacts to streetscape resulting from proposed alterations to building's façade and roof.
- Impact to a significant tree on neighbouring site, resultant from proposed pools.

The non-compliances are acceptable, subject to design changes and therefore the application is recommended for approval.

2. Proposal

This report is an assessment of the application submitted to Council for alterations and additions to an existing dual occupancy including attic addition, rear extension, new pools and strata subdivision at 27 Junction Road Summer Hill.

The following works are proposed:

- Enclose the verandas facing Junction Road and convert these areas into en-suites
- Alterations to the ground floor unit to create a 3-bedroom unit including:
 - Change the location of the front entry from the western side boundary to the eastern side boundary,
 - Construction of a new 2.4m x 7.4m rear addition to accommodate a new kitchen/family room and
 - Creation of a new bathroom in the location of the current unit entry.
- Alterations and additions to the existing first floor unit to create a 3-bedroom unit including:
 - Demolition of existing internal walls to create a new floor plan,
 - Construction of a new attic space with dormer accommodating an en-suite, wardrobe and master bedroom),
 - Construction of a new 1m x 7.4m rear addition,
 - Construction of a new first floor rear balcony 1.8m x 7.37m and
 - Construction of new internal stairs to access the attic space.
 - Construction of a new first floor balcony to Junction Road accessed from proposed bedroom 2
- Construction of two new plunge pools within the rear yard.

- Construction of a new courtyard within the front setback to Junction Road (for use of ground floor unit occupants).
- Strata Subdivision of the building into 2 allotments
- Alterations and additions to the existing side boundary paths to change existing finished floor levels (fill) by roughly 1m and create new pathways.
- Construction of new dividing fence within rear yard to create two separate private open space areas for each of the proposed units.

3. Site Description

The subject site is located on the northern side of Junction Road, between Moonbie Street and Morris Street. The site consists of one allotment and is generally rectangular in shape with a total area of 248sqm and is legally described as Lot 2 in DP33640.

The site has a frontage to Junction Road of 10.63 metres and a maximum depth of 23.4m metres.

The site supports a two-storey brick and tile dual occupancy development, with a dwelling located on each floor. The adjoining properties support a similar two storey brick and tile two storey dual occupancy and a single storey brick and tile dwelling house.

The subject site is not listed as a heritage item or located within a heritage conservation area, but is opposite a heritage item and heritage conservation area. Located upon the neighbouring site at 25 Junction Road is a significant and large *Corymbia citriodora* (Lemon Scented Gum).

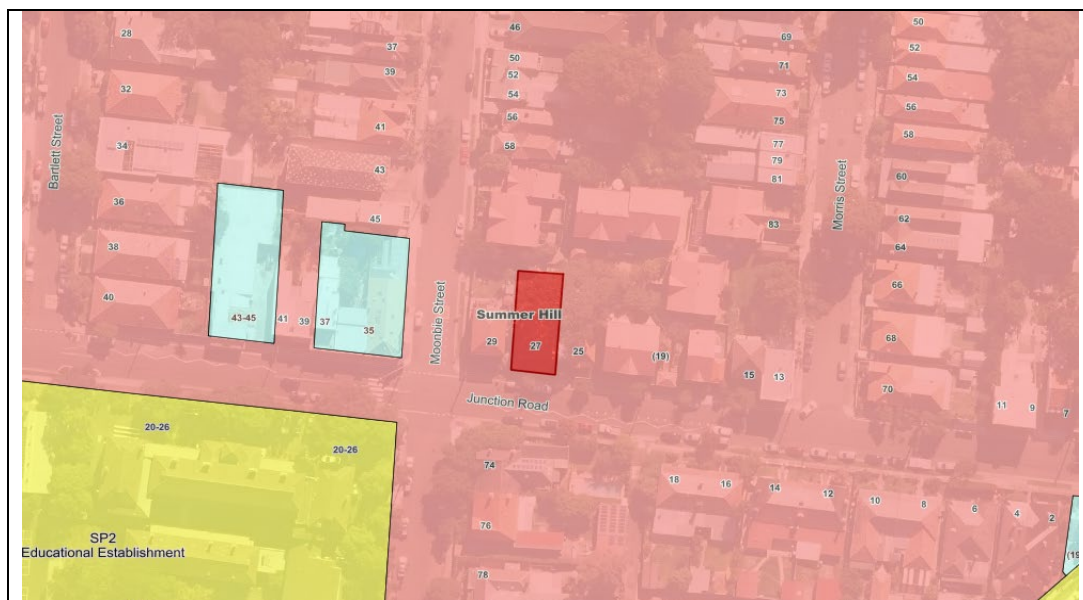


Figure 1 – Zoning Map, subject site identified by red box

4. Background

4(a) Site history

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

Subject Site

Application	Proposal	Decision & Date
PDA/2020/0433	Alterations and additions to a dual occupancy	Advice issued – 27/11/2020
006.1938.8451	Development Application	Approved

4(b) Application history

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

Date	Discussion / Letter / Additional Information
12 July 2021	<p>Council Officers issued a request for additional information and amended plans addressing the following:</p> <ul style="list-style-type: none"> - Amended plans detailing the proposed attic addition not altering the existing roof form on the side or front elevations of the roof. A dormer is permitted to be constructed upon the rear roof plane. - Amended plans detailing additional privacy treatments to the new first floor rear balcony. Including the addition of sliding privacy screens along the rear elevation covering at least 1/3 of the opening. - Submission of an arborist report and root mapping to confirm that the proposed works will not cut or damage any significant roots of the neighbouring trees.
14 August 2021	The applicant provided amended plans / additional information in response to Council's request.

The additional information/ amended plans provided on the 14 August 2021 form the basis for the below assessment.

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*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*

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. IWCDCP 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) *State Environmental Planning Policy (Vegetation in Non-Rural Areas) (Vegetation SEPP)*

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

The application does not seek the removal of vegetation from within the site and on Council land. The application was referred to Council’s Tree Management Officer due to the potential impact on a significant neighbouring gum tree.

Since the time of initial lodgement, the applicant has provided an amended arborist report and root mapping report assessing the impacts of the development on the neighbouring large *Corymbia citriodora* (Lemon Scented Gum). These reports have been reviewed by Council’s Urban Forest Team who outlined that the current application would significantly impact the health and viability of the neighbouring tree. This impact is directly resultant from the rate of root cutting required to construct the proposed swimming pools, as such the proposed pools are not supported and a design change condition requiring their deletion is included in the recommendation.

Overall, the proposal is considered acceptable with regard to the *Vegetation SEPP* and DCP subject to the imposition of conditions requiring the deletion of the swimming pools, these conditions have been included in the recommendation of this report.

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

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

- Clause 1.2 - Aims of Plan
- Clause 2.3 - Land Use Table and Zone Objectives
- Clause 2.6 - Subdivision
- Clause 2.7 - Demolition
- Clause 4.3 - Height of buildings
- Clause 4.4 - Floor space ratio
- Clause 4.5 - Calculation of floor space ratio and site area

- Clause 4.6 - Exceptions to development standards
- Clause 5.10 - Heritage Conservation
- Clause 6.1 - Earthworks

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

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

Dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other but does not include a secondary dwelling.

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

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

Standard	Proposal	non compliance	Complies
Height of Building Maximum permissible: 8.5m	Existing building currently has a height of 9.9m. Proposed works result in a height of 9.6m.	Proposed works: 1.1m or 13%	No
Floor Space Ratio Maximum permissible: 0.7:1 or 174m ²	0.74:1 or 183.5m ²	9.9sqm or 4.7%	No

Clause 4.6 Exceptions to Development Standards

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

- Clause 4.3 - Height of buildings
- Clause 4.4 - Floor space ratio

Clause 4.3 – Height of buildings

The applicant seeks a variation to the height of buildings development standard under Clause 4.3 of the Ashfield Local Environmental Plan 2013 by 13% (1.1 metres).

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 Ashfield Local Environmental Plan 2013 below.

A written request has been submitted to Council in accordance with Clause 4.6(4)(a)(i) of the Ashfield Local Environmental Plan 2013 justifying the proposed contravention of the development standard which is summarised as follows:

- *The current existing roof is already at a 9.9m height limit therefore the building did not comply to current height limits prior to this proposed development application.*
- *It is intended to continue the 9.9m height limit to the new attic window located at the rear of the building, therefore the impact caused by this new dormer is minimal as there is “no change” to the ridge line of the existing building and it is not visible from the street.*
- *The proposed alterations and additions vastly improve the building in terms of livability, sunlight, access to gardens and general living amenities, therefore compliance with this development standard is unreasonable or unnecessary in the circumstances.*
- *We believe that council should support this departure from a current development standard, as this building was constructed approximately 70 years ago and today’s standards for height limits did not exist, the proposed works “do not” increase the buildings height limit and should be supported by Council.*

The applicant’s written rationale adequately demonstrates compliance with the development standard is unreasonable / 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 Ashfield Local Environmental Plan 2013 for the following reasons:

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

The addition of two new 3-bedroom units within Summer Hill promotes and provides a range of housing stock within the locality. The nature of the current proposal as a dual occupancy means that future residents will have access to an expanse of ground floor POS and provides a housing type different from a dwelling house or residential flat building, an option which is likely to be appealing to members of the community. The proposal is considered to meet the housing needs of the community through the provision of a variety of housing types.

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

The current proposal seeks consent for alterations and additions to an existing dual occupancy. These alterations and additions convert the current 2-bedroom units into 3-bedroom units and provide revised open plan floor layouts. These open plan floor layouts have been designed to address current market demands and meet the needs of today’s community. The proposed layouts have been designed to allow for sufficient amenity and space for occupants and ensures a functional housing type readily utilised for day to day living by occupants.

It is considered the development is in the public interest because it is consistent with the objectives of the height of buildings development standard, in accordance with Clause 4.6(4)(a)(ii) of the Ashfield Local Environmental Plan 2013 for the following reasons:

- *To achieve high quality-built form for all buildings*

The current proposal results in a high-quality built form. The proposal largely retains the built form of the existing development and proposes alterations which do not diminish the existing built forms contribution to the streetscape and locality.

- *To maintain satisfactory sky exposure and daylight to existing buildings, to the sides and rear of taller buildings and to public areas, including parks, streets and lanes,*

The proposed alterations and additions result in a minor increase in the extent of overshadowing cast by the subject site. This minor increase does not result in neighbouring sites becoming non-complaint with Council's controls for solar access. The proposal maintains a compliant and sufficient rate of sky exposure and daylight to neighbouring buildings. The proposed rear boundary setbacks of the additions have been reviewed and are considered to be acceptable.

- *To provide a transition in built form and land use intensity between different areas having particular regard to the transition between heritage items and other buildings,*

The proposed height variation is limited to the rear roof plane and is not visible from the primary street frontage to Junction Road. When viewed from Junction Road the proposal will appear as the same height and density as the neighbouring 29 Junction Road, which is also a 2 storey dual occupancy development, constructed at a similar time as the existing building on the subject site. The proposed height variation will not impact the existing streetscape or the transition between the neighbouring heritage items and the subject site.

- *To maintain satisfactory solar access to existing buildings and public areas.*

The proposed alterations and additions result in a minor increase in overshadowing to neighbouring development. This minor increase does not result in neighbouring sites becoming non-complaint with Council's controls for solar access.

The concurrence of the Planning Secretary may be assumed for matters dealt with by the Local Planning Panel.

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

Clause 4.4 – Floor Space Ratio

The applicant seeks a variation to the floor space ratio development standard under Clause 4.4 of the Ashfield Local Environmental Plan 2013 by 4.7% (9.9sqm).

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 Ashfield Local Environmental Plan 2013 below.

A written request has been submitted to Council in accordance with Clause 4.6(4)(a)(i) of the Ashfield Local Environmental Plan 2013 justifying the proposed contravention of the development standard which is summarised as follows:

- *The non-compliance results from the existing built form which sits well within the locality and does not present any unreasonable impacts in terms of bulk or scale.*

- *The non-compliance is minor, being only an increase FSR, equating to 9.93m² in GFA. Which is located within the building structure. The proposal does not result in an unreasonable scale or bulk of built form and will be consistent with streetscape and character of the locality.*
- *The variation to the maximum FSR control does not compromise the amenity of adjoining properties. The existing north, east and south side setbacks are retained as existing and the overall building scale and bulk does not increase unreasonably from that currently existing on site.*

The applicant's written rationale adequately demonstrates compliance with the development standard is unreasonable / 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 Ashfield Local Environmental Plan 2013 for the following reasons:

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

The addition of two new 3-bedroom units within Summer Hill promotes and provides a range of housing stock within the locality. The nature of the current proposal as a dual occupancy means that future residents will have access to an expanse of ground floor POS and provides a housing type different from a dwelling house or residential flat building, an option which is likely to be appealing to members of the community. The proposal is considered to meet the housing needs of the community through the provision of a variety of housing types.

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

The current proposal seeks consent for alterations and additions to an existing dual occupancy. These alterations and additions convert the current 2-bedroom units into 3-bedroom units and provide revised open plan floor layouts. These open plan floor layouts have been designed to address current market demands and meet the needs of today's community. The proposed layouts have been designed to allow for sufficient amenity and space for occupants and ensures a functional housing type readily utilised for day to day living by occupants.

It is considered the development is in the public interest because it is consistent with the objectives of the floor space ratio development standard, in accordance with Clause 4.6(4)(a)(ii) of the Ashfield Local Environmental Plan 2013 for the following reasons:

- *To establish standards for development density and intensity of land use,*

The current proposal results in a density and intensity of land-use which is in-line with that of existing neighbouring residential properties and in-keeping with today's expectations for dual occupancies.

- *To provide consistency in the bulk and scale of new development with existing development,*

The proposals bulk and scale is similar to that of neighbouring sites and has been appropriately designed to not dominate or compete with neighbouring heritage items it is adjacent to.

- *To minimise adverse environmental impacts on heritage conservation areas and heritage items,*

The proposed impacts to the neighbouring heritage conservation area and heritage items have been reviewed in detail by Council's Heritage Advisor. In this instance Council's Heritage Advisor has outlined that the proposed works will not impact the heritage significance of neighbouring items, so long as the built form presentation to the street remains unchanged. The proposal has been amended since initial lodgement and now presents a built form largely unchanged from the existing.

- *To protect the use or enjoyment of adjoining properties and the public domain,*

The proposal's impact with regards to privacy, overshadowing and bulk/scale has all been assessed as part of the current application and is noted to be largely compliant with current controls. In this instance it is considered that the proposed variation results in negligible additional environmental impacts for neighbouring sites, while ensuring reasonable amenity/usability for future occupants. It is considered that a requirement for strict compliance would not result in significant amenity improvements to neighbouring sites.

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 Ashfield Local Environmental Plan 2013. For the reasons outlined above, there are sufficient planning grounds to justify the departure from floor space ratio development standard and it is recommended the Clause 4.6 exception be granted.

Clause 5.10 Heritage Conservation

27 Junction Road Summer Hill is not listed as an individual heritage item, nor is the building located within a Heritage Conservation Area. The building is located opposite a number of locally listed heritage items including the public school, as seen within figure 2 below.

The proposed impacts to the neighbouring heritage conservation area and heritage items have been reviewed in detail by Council's Heritage Advisor. In this instance Council's Heritage Advisor has outlined that the proposed works will not impact the heritage significance of neighbouring items, so long as the built form presentation to the street remains unchanged.

The proposal has been amended since initial lodgement and now presents a built form largely unchanged from the existing. However it is noted that the proposal seeks to change the current tile roof to a colour bond roof. Such a change conflicts with the existing character of the area/streetscape and is not supported. A design change condition requiring the retention of the existing tile roof is included in the recommendation of this report. The imposition of this condition will ensure that the dwelling continues to contribute to the streetscape and does not compete with neighbouring heritage fabric.

The proposal is considered to meet the requirements of clause 5.10 of the ALEP 2013, subject to the above design change condition.



Figure 2 – Location of neighbouring heritage items and conservations areas within the locality. Subject site identified in red.

5(c) 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 prohibit dual occupancy development. Notwithstanding the subject application is not for a new dual occupancy development but for alterations and additions and as such, the development is considered acceptable having regard to the provisions of the Draft IWLEP 2020.

5(d) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Inner West Comprehensive 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	
A – Miscellaneous	
1 - Site and Context Analysis	Yes
2 - Good Design	Yes
4 - Solar Access and Overshadowing	Yes
5 - Landscaping	Yes
8 - Parking	Yes
9 - Subdivision	Yes
11 - Fencing	Yes
15 - Stormwater Management	Yes
F – Development Category Guidelines	
1 – Dwelling Houses and Dual Occupancy	Yes

The following provides discussion of the relevant issues:

Parking

Under the IWCDP2016 the proposal is required to provide at least 2 on site parking spaces for the dwellings. The subject site does not currently incorporate any on-site parking and this arrangement is to be continued under the current application. The nature of the development for alterations and additions means that there is no opportunity to accommodate on-site parking without substantial alterations to the existing building. Such alterations would not be in-keeping with the existing streetscape and result in a front setback dominated by car parking. Such an arrangement is not in keeping with the desired future of the area and would not be supported by Council. A review of the on-street parking arrangements for the locality has highlighted sufficient opportunities for continued reliance for on-street parking and as such the proposed variation is acceptable.

Visual Privacy

As part of the current assessment Council officers have reviewed the potential privacy impacts resulting from the development. This assessment has highlighted minimal privacy impacts from the proposed ground floor with openings designed to be generally located close to existing ground and largely obscured by boundary fencing. No objection is raised to the proposed ground floor openings.

With regards to the proposed first floor additions, the following assessment has been made:

Eastern Elevation

A review of the proposed openings along the eastern elevation has highlighted that the proposed windows are generally maintained within their current location. These windows relate to bedroom 3 and the new living area. Where windows relate to the new living area the extent of glazing has been reduced in order to minimise the potential for direct sightlines. The proposed eastern elevation of the first floor rear balcony has been appropriately treated with privacy screening to obscure sightlines obtained from this elevation. The proposed eastern elevation is acceptable in its current form.

Western Elevation

The proposed western elevation is to incorporate the new entry for the first-floor unit as such a new external staircase to this entry is to be created. The proposed staircase has been designed to incorporate privacy screening along the external edge and ensures that sightlines from future occupants into neighbour's bedrooms and living rooms are obscured. This privacy treatment is expected to ensure sufficient amenity for all occupants/neighbours and is supported. A review of the proposed first floor window has highlighted that it is to act as a splash back for the new kitchen. The design and location of this window is such that direct sightlines into neighbouring dwellings will not be readily available. The proposed western elevation of the first floor rear balcony has been appropriately treated with privacy screening to obscure sightlines obtained from this elevation.

Rear Elevation

Following a preliminary assessment of the proposal, Council officers flagged concerns regarding the visual and acoustic privacy impacts from the new rear first floor balcony with sightlines into neighbouring POS and bedrooms of 19 Junction Road obtainable from this

new structure (see figure 3 below). This space is highly trafficable and likely to become an area of primary living, given its direct access from the living area and northern orientation.

In response to Council's concerns the applicant has amended the rear elevation of this balcony to now include two (2), 1.2m wide privacy screens, extending the full height of the balcony opening. These screens are noted to be located on a movable track and can slide across the balcony opening. This privacy treatment ensures that future occupants can position the screens to avoid direct sightlines, while allowing them to be moved to ensure sufficient amenity to the unit. This treatment combined with the solid balustrade, planter box (at the edge of the balcony) and roughly 16m separation between the proposed balcony and neighbouring units at 19 Junction Road is adequate to ensure sufficient privacy for all neighbours and occupants.

A review of the proposed balcony dimensions has highlighted an inconsistency with the width, with the notation on the balcony saying 7.37x1.5m and the dimension on the edge saying 1.8m. In order to limit the intensity and subsequent potential acoustic impacts from this balcony, a design change condition limiting the trafficable width of the structure to 1.5m is included in the recommendation of this report. This 1.5m trafficable width ensures that occupants have sufficient room to utilise the space as a secondary POS, but that the space cannot host large gatherings. Any such gathering could occur within the ground floor POS or internally to the unit.

With regard to the new dormer window, this opening relates to the master bedroom, which is not a highly trafficable space. The design and placement of this window means that there is sufficient separation to avoid privacy impacts, while its relationship to a bedroom means that future occupants will be seeking their own privacy to the space. This window is the only opening for the master bedroom, as such future restrictions regarding sill heights or glazing treatments are expected to result in unreasonable amenity impacts for occupants. No objections are raised to the proposed dormer window.



Figure 3 – Panorama view of subject sites and neighbours.

Solar Access

The proposal is complaint with clause DS 13.1 which requires solar access to be maintained to at least 50% of private open space areas of adjoining properties for a minimum of 3 hours between 9 am and 3 pm on 21 June. The intention of this control is to ensure that development provides desirable sunlight to primary open space and main living areas of adjoining properties. The current application results in all neighbouring properties obtaining a compliant rate of solar access to their POS.

Wall Height

The proposed new additions result in a 1m variation to the maximum wall height control along the eastern & western elevations, clause DS3.4 of Chapter F within the Inner West Comprehensive Development Control Plan 2016. This control outlines that developments are to have a maximum 6m wall height, as measured from the existing ground. The intention of the control is to ensure that development is in keeping with the scale prevailing in the street and the desired future character of the area. In this instance the proposed variation is resultant from the slope of the land and a requirement for the additions to align with the wall heights of the existing built form. The proposed variation results in a wall height like that of the existing development and similar to that of the neighbouring 29 Junction Road. The proposed variation will not be out of character within the streetscape/locality and is recommended for support. In this instance acceptance of the variation will not give rise to any significant environmental impacts for neighbouring sites and is recommended for support.

Swimming Pools

As discussed above acceptance of the proposed plunge pools would significantly impact the health and viability of the significant gum tree on the neighbouring site. This impact is directly attributed to the to the rate of required root cutting required to construct the pools. The proposed plunge pools are therefore not supported and a condition requiring their deletion is included in the recommended conditions of consent.

Juliet Balcony Facing Junction Road

The current application seeks consent for the construction of a new Juliet style balcony to bedroom 2 of the first-floor unit facing Junction Road. This balcony is to measure 860mm x 1.6m. Council has reviewed this balcony and raises concerns regarding the resulting streetscape impacts. Currently the subject site and the neighbouring site at 29 Junction Road present a similar built form, setbacks and overall consistency within the streetscape (29 Junction Road has in filled the front verandas previously). The addition of the front balcony and subsequent changes to the existing window openings removes this consistency between developments and places the site at odds with the streetscape through the removal of a consistent front setback. This is best illustrated through figures 4 and 5 below which outlines a streetscape analysis provided by the applicant and an example of the current presentation. The proposed balcony to bedroom 2 is therefore not supported and a design change condition requiring its removal is included in the recommended conditions of consent.



Figure 4 – Streetscape Analysis provided by applicant



Figure 5 – Existing Streetscape presentation 29 Junction Road (left), 27 Junction Road (right)

Front Setback Courtyard

As part of the current assessment Council has reviewed the request for the construction of a new courtyard with the front setback accessed from bedroom 1 of the ground floor unit. The addition of this courtyard once again results in a change the existing window opening visible from the streetscape and as seen in figure 4 above places the development at odds with its neighbour. This change is not supported by Council and is recommended to be removed via design change conditions.

With regard to the proposed front courtyard, this element results in unnecessary hard surface paving, significantly reducing opportunities for plantings and vegetation within the front setback which is consistent with the streetscape. Furthermore, the addition of this courtyard space is likely to attract/encourage a desire for a fencing up to 1.8m to ensure privacy and security for occupants of the ground floor unit. Such an outcome would be highly inconsistent with the streetscape and unnecessary in the circumstances of the case given the large expanse of north facing POS available to the unit within the rear yard.

The proposed front courtyard space is located on the southern side of the building and as such offers little in terms of solar access or amenity improvements for occupants. Instead, it

is considered that this space is best served as landscape area consistent with its current use and with other dwellings in the streetscape. A design change condition requiring the deletion of the front courtyard is therefore recommended for the consent.

5(e) 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(f) 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(g) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 14 days to surrounding properties. Two (2) submissions were received in response to the notification, the following concerns were raised:

Issue: Loss of/impact to existing trees

Comment: The application does not seek the removal of vegetation from within the site, on neighbouring sites or on Council land. Since the time of initial lodgement, the applicant has provided an amended arborist report and root mapping report assessing the impacts of the development on the neighbouring large *Corymbia citriodora* (Lemon Scented Gum). These reports have been reviewed by Council's Urban Forest Team who outlined that the application will not significantly impact neighbouring trees, subject to suitable conditions of consent which include the deletion of the proposed plunge pools.

Issue: Privacy Impacts

Comment: See assessment section above as the proposal has been amended since initial lodgement and now incorporates additional privacy treatments at the rear elevation. These treatments combined with roughly 16m of separation, solid balustrade, planter box and a maximum width of 1.5m is sufficient to avoid significant amenity impacts for neighbours.

Issue: Stormwater run off into neighbouring sites

Comment: The current proposal has been reviewed by Council's Development Engineer who has outlined no objection, subject to suitable conditions of consent. These conditions include requirements for the disposal of stormwater. The proposed pools are also recommended for deletion.

5(h) 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.

Subject to the required amendments outlined in this report, the proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

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

- Heritage Advisor – Council’s Heritage Advisor has reviewed the proposal and outlined no objection subject to suitable conditions of consent.
- Development Engineering – Council’s Development Engineer has reviewed the proposal and outlined no objection subject to suitable conditions of consent.
- Urban Forests - Council’s Urban Forests Team has reviewed the proposal and outlined no objection subject to suitable conditions of consent.

7. Section 7.11 Contributions/7.12 Levy

Section 7.12 levies are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$3,550.00 would be required for the development under Ashfield Section 94/94A Contributions Plan 2014. A condition requiring that contribution to be paid is included in the recommendation.

8. Conclusion

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

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

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

9. Recommendation

- A. The applicant has made a written request pursuant to Clauses 4.3 and 4.4 of the *Ashfield Local Environmental Plan 2013*. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the standards is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variations. 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. DA/2021/0433 for alterations and additions to an existing dual occupancy including attic addition,

rear extension and strata subdivision at 27 Junction Road SUMMER HILL subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

DOCUMENTS RELATED TO THE CONSENT

1. 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
Drawing 002 (A)	Ground Floor, First Floor, Attic Floor, Roof Plan	28 July 2021	Luxxe Design Co.
Drawing 003 (A)	Elevations, Section, Streetscape, Fence Elevation	28 July 2021	Luxxe Design Co.
99594 Rev A	Draft Plan of Subdivision Of Lot 2	10/05/2021	Candice Lowe
99594 Rev A	Draft Plan of Subdivision Of Lot 2 - Ground Floor	10/05/2021	Candice Lowe
99594 Rev A	Draft Plan of Subdivision Of Lot 2 - First Floor	10/05/2021	Candice Lowe
99594 Rev A	Draft Plan of Subdivision Of Lot 2 - Attic Floor	10/05/2021	Candice Lowe

As amended by the conditions of consent.

DESIGN CHANGE

2. Design Change

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

- a. The proposed change of the existing tile roof to a colourbond roof is not approved, all notations of a colourbond roof are to be deleted. The roof must remain a tile roof. Replacement of any damaged existing tiles permitted.
- b. The proposed balcony to bedroom 2 of the first floor unit facing Junction Road is not approved and is to be deleted. The existing window opening to bedroom 2 is not to be altered and is to remain in its current form
- c. The courtyard and retaining wall within the front setback to Junction Road accessed from bedroom 1 of the ground floor unit is not approved and is to be deleted. The existing window opening to bedroom 1 is not to be altered and is to remain in its current form
- d. The proposed in-ground swimming pools located within the rear yard are not approved and must be deleted. Both swimming pools must be deleted from any future plans.

FEES

3. Security Deposit - Custom

Prior to the commencement of demolition works or prior to the 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:	\$4,000.00
Inspection Fee:	\$236.70

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

4. 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 1979* and in accordance with *Ashfield Section 94A Development Contributions Plan 2009 – Amendment No.3*.

Note:

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

Payment amount*:

\$3,550.00

*Indexing of the Section 7.12 contribution payment:

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

Payment methods:

The required contribution must be paid either *by BPAY (to a maximum of \$500,000); unendorsed bank cheque (from an Australian Bank only); EFTPOS (Debit only); credit card (Note: A 1% credit card transaction fee applies to all credit card transactions); cash (to a maximum of \$10,000)*. It should be noted that personal cheques or bank guarantees cannot be accepted for the payment of these contributions. Prior to payment contact Council's Planning Team to review charges to current indexed quarter, please allow a minimum of 2 business days for the invoice to be issued before payment can be accepted.

5. 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.

GENERAL CONDITIONS

6. Balcony

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans indicating that all privacy screens identified on the approved plans have a minimum block out density of 75%.

7. Noise Levels and Enclosure of Pool/spa Pumping Units

Noise levels associated with the operation of the pool/spa pumping units must not exceed the background noise level (L90) by more than 5dBA above the ambient background within habitable rooms of adjoining properties. Pool plant and equipment must be enclosed in a sound absorbing enclosure or installed within a building so as not to create an offensive noise as defined under the *Protection of the Environment Operations Act 1997* and *Protection of the Environment Operations (Noise Control) Regulation 2008*.

Domestic pool pumps and filters must not be audible in nearby dwellings between 8:00pm to 7:00am Monday to Saturday and 8:00pm to 8:00am Sundays and Public Holidays.

8. 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.

9. 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.

10. Standard Street Tree Protection

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

11. Works Outside the Property Boundary

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

12. 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 throughout the development:

Tree No.	Botanical/Common Name	Location
1	<i>Leptospermum petersonii</i> (Lemon Scented tea tree)	Junction Road

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

- a. Green for trees to be retained

13. 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

14. Hoardings

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

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

Separate approval is required from the Council under the *Roads Act 1993* to erect a hoarding or temporary fence or awning on public property.

15. 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.

16. 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**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 (OSD is not required)

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. The design must generally be in accordance with the Stormwater Drainage Concept plans prepared by N Koloff & Associates and dated 17 May 2021, as amended to comply with the following;
- b. Stormwater runoff from all roof areas within the property being collected in a system of gutters, pits and pipeline and be discharged, together with overflow pipelines from the 4000 L rainwater tanks, by gravity to Council's inlet systems on the public road;
- c. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP;
- d. Pipe and channel drainage systems must be designed to cater for the twenty (20) year Average Recurrence Interval (ARI) storm event. Major event surface flow paths must be designed to cater for the one hundred (100) year ARI Storm;
- e. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage other than to drain downpipes to the rainwater tanks;
- f. The design plans must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes;
- g. An overland flowpath must be provided within the setback to the side boundary;
- h. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
- i. The design must make provision for the natural flow of stormwater runoff from adjacent properties;
- j. No nuisance or concentration of flows to other properties;
- k. The design 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;
- l. A silt arrestor pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
- m. 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; and
- n. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.

19. 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.

20. 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 13 20 92

21. Construction Methods to Minimise Impact on Trees

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with details certified by a suitably qualified Arborist demonstrating that the footings of the approved rear addition utilise tree sensitive construction techniques (such as isolated pier or pier and beam construction) within the specified radius of the trunk/s of the following tree/s:

Tree No.	Botanical/Common Name	Radius in metres
2	<i>Corymbia citriodora</i> (Lemon Scented Gum) Rear No 25 Junction Road	6 metres

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/s located on the subject site and adjoining sites (including trees located within the public domain).

22. 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>Corymbia citriodora</i> (Lemon Scented Gum) Rear No 25 Junction Road	6 metres

DURING DEMOLITION AND CONSTRUCTION

23. Construction Hours – Class 1 and 10

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

24. Tree Protection

To protect the following tree trunk and branch 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>Leptospermum petersonii</i> (Lemon Scented tea tree) Junction Road

25. Tree Protection Zone

To protect the following tree, no work must commence until its Protection Zone is established to prevent any activities, storage or the disposal of materials in accordance with Council’s *Development Fact Sheet—Trees on Development Sites*. Ground protection and the 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>Corymbia citriodora</i> (Lemon Scented Gum) Rear No 25 Junction Road	Ground protection within 3 metres of boundary.

26. 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 No./ Botanical/ Common Name/ Location	Time of Inspection	Key stage/ Hold point
1. <i>Leptospermum petersonii</i> (Lemon Scented tea tree) Junction Road 2. <i>Corymbia citriodora</i> (Lemon Scented Gum) Rear No 25 Junction Road	Prior to commencement of works	<ul style="list-style-type: none"> Inspection and sign off installation of tree protection measures.

	During Works	<ul style="list-style-type: none"> • Supervise all site preparation and demolition works within the TPZ; • Supervise all excavation, trenching works within the TPZ; • Supervise all tree work.
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Recommendations to ensure the tree/s long term survival must be carried out immediately upon receipt of the report.

27. Excavation Methods to Limit Impacts to Trees

Excavation for the installation of any services within the specified radius of the trunk/s of the following tree/s must utilise the thrust boring method or non-destructive excavation method such as either pneumatic or hydraulic tools only (e.g. *Airspade®* or hydro excavation). Thrust boring being carried out at least 600mm beneath natural ground level to minimise damage to tree/s root system:

Tree No.	Botanical/Common Name	Radius in metres
2	<i>Corymbia citriodora</i> (Lemon Scented Gum)	6 metres

PRIOR TO OCCUPATION CERTIFICATE

28. Protect Sandstone Kerb

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

29. Smoke Alarms - Certification of upgrade to NCC requirements

Prior to the issue of any Occupation Certificate, the Principal Certifier is required to be satisfied the existing building has been upgraded to comply with the provisions of the National Construction Code (Building Code of Australia) in relation to smoke alarm systems.

30. 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 the updated landscape plan showing areas lawn at the rear and the role of the project arborist have been complied with.

PRIOR TO SUBDIVISION CERTIFICATE**31. Strata Subdivision Plan to Show Easements and Right of Ways**

Prior to the release of a Strata Subdivision Plan, the Certifying Authority must be provided with evidence that all instruments under Section 88B of the *Conveyancing Act 1919* used to create easements or right-of-ways are shown.

32. Release of Subdivision Certificate

Prior to the release of a Subdivision Certificate, the Certifying Authority must be provided with a copy of the Final Occupation Certificate.

ON-GOING**33. Tree Establishment**

The tree/s planted as part of this consent is/are to be maintained in a healthy and vigorous condition for 12 months from the issue of an Occupation Certificate. If any of the tree/s is/are found faulty, damaged, dying or dead within 12 months of the issue of an Occupation Certificate it/they must be replaced with the same species within one (1) month (up to 3 occurrences).

ADVISORY NOTES**Permits**

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

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

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

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.

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; or
- 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.

Swimming Pools

Applicants are advised of the following requirements under the *Swimming Pools Act 1992*:

- a. The owner of the premises is required to register the swimming pool on the NSW State Government's Swimming Pool Register. Evidence of registration should be provided to the Certifying Authority.
- b. Access to the pool/spa is restricted by a child resistant barrier in accordance with the regulations prescribed in the. The pool must not be filled with water or be allowed to collect stormwater until the child resistant barrier is installed. The barrier is to conform to the requirements of Australian Standard AS 1926:2012.
- c. A high level overflow pipe has been provided from the back of the skimmer box to the filter backwash line discharging to the sewer. This line must not directly vent the receiving Sydney Water sewer. Evidence from the installer, indicating compliance with this condition must be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

- d. Permanently fixed water depth markers are to be clearly and prominently displayed on the internal surface above the water line at the deep and shallow ends on in-ground pools / spas and on the outside of aboveground pools / spas.
- e. A durable cardiopulmonary resuscitation information poster sign authorised by the Life Saving Association is to be displayed in the pool / spa area in accordance with Clause 10 of the *Swimming Pool Regulation 2008*.
- f. Access to the swimming pool/spa must be restricted by fencing or other measures as required by the *Swimming Pools Act 1992* at all times.

All drainage, including any overland waters associated with the pool/spa, must be pipe-drained via the filter to the nearest sewer system in accordance with the requirements of Council & Sydney Water. No drainage, including overflow from the pool or spa must enter Council's stormwater system.

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; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

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

Noise

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

Amenity Impacts General

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

Lead-based Paint

Buildings built or painted prior to the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving

the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned prior to occupation of the room or building.

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 Corporation	131441 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 Environmental Solutions	1300 651 116 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.

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 Class A 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 2014. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.

Street Numbering

If any new street numbers or change to street numbers (this includes unit and shop numbers) are required, a separate application must be lodged with and approved by Council's GIS Team before being displayed.

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.

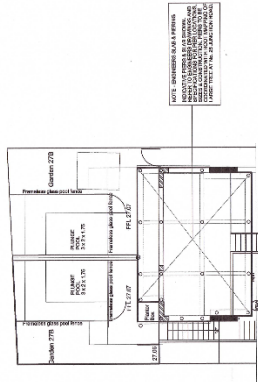
Tree Protection Works

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)

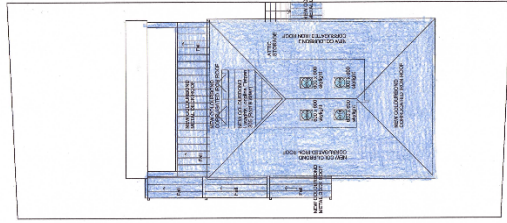
Removal or pruning of any tree (that would require consent of Council) on the site or neighbouring property is not approved and must be retained and protected in accordance with Council's *Development Fact Sheet—Arborist Reports*.

Attachment B – Plans of proposed development LUXXE DESIGN CO.

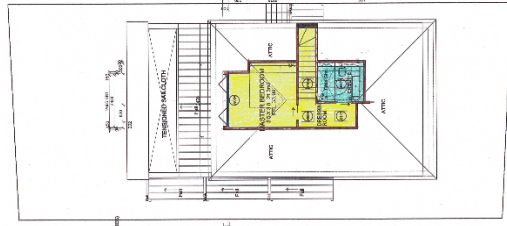


NOTE: EXISTING SLAB IS PERMANENTLY TO BE REMOVED AND REPLACED WITH CONCRETE SLAB ON BEAMS TO ACCOMMODATE THE PROPOSED ROOF STRUCTURE.

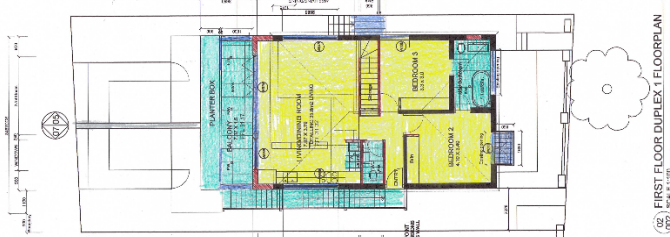
(021) SLAB PIERING (indicative only)
SCALE 1:50



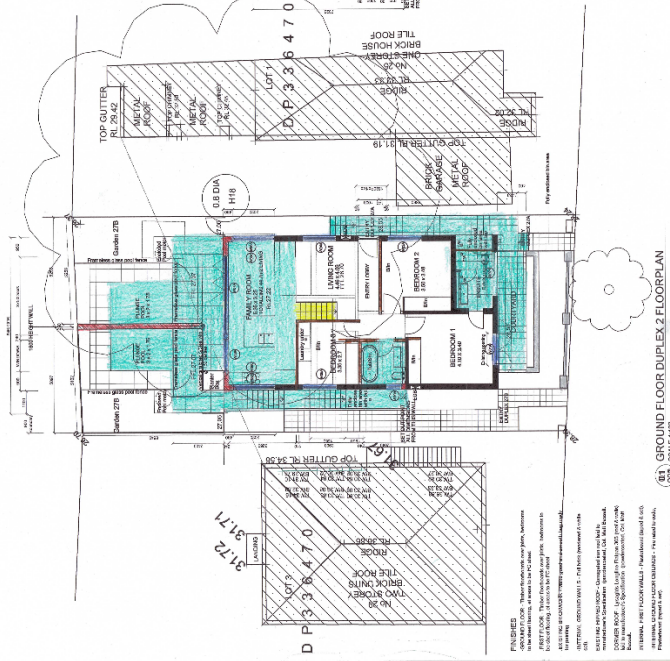
(04) ROOF PLAN
SCALE 1:100



(03) ATTIC FLOOR DUPLEX 1 FLOOR PLAN
SCALE 1:100



(02) FIRST FLOOR DUPLEX 1 FLOOR PLAN
SCALE 1:100



(01) GROUND FLOOR DUPLEX 2 FLOOR PLAN
SCALE 1:100

FINISHES - Refer to the following table for finishes. Where no finish is indicated, refer to the table below for the standard finish for the corresponding material.

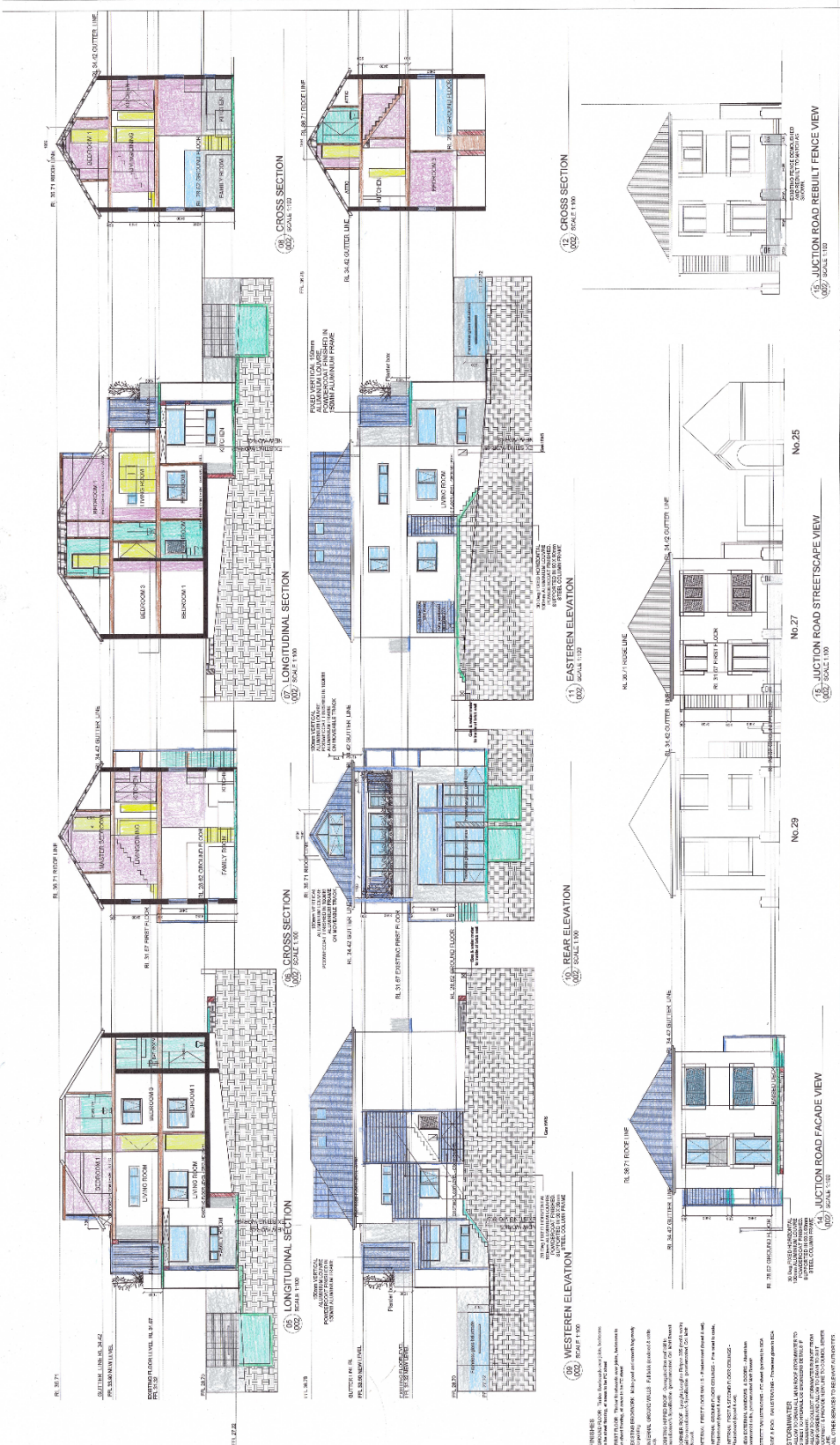
WALLS	RENDER
FLOORS	CONCRETE
CEILING	RENDER
DOORS	6000
WINDOWS	6000
STAIRS	CONCRETE
ROOF	CONCRETE

STRUCTURAL NOTES

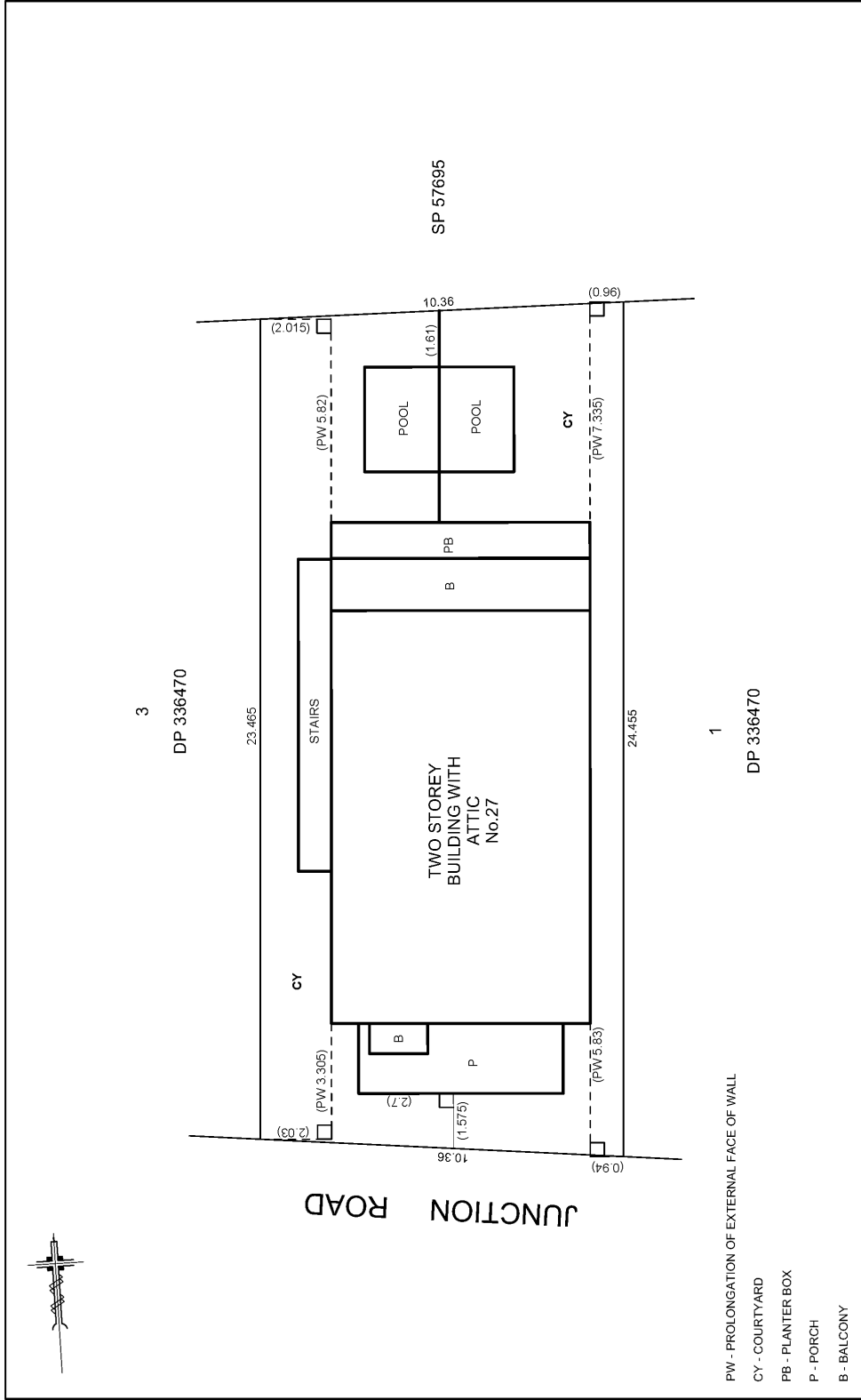
- ALL CONCRETE WORK TO BE DONE BY A LICENSED CONCRETE CONTRACTOR IN ACCORDANCE WITH THE RELEVANT STANDARDS.
- ALL REINFORCEMENT TO BE AS SHOWN AND TO BE INSTALLED IN ACCORDANCE WITH THE RELEVANT STANDARDS.
- ALL WALLS TO BE CONCRETE OR BRICK.
- ALL ROOFS TO BE CONCRETE.
- ALL FLOORS TO BE CONCRETE.
- ALL CEILING TO BE CONCRETE.
- ALL DOORS AND WINDOWS TO BE AS SHOWN.
- ALL STAIRS TO BE CONCRETE.
- ALL ROOF TO BE CONCRETE.

CLIENT:	DATE: 26 MARCH 2021
PROJECT:	SCALE: 1:100
DRAWING:	PROJECT NO: 2021-001
ATTIC FLOOR DUPLEX 1 FLOOR PLAN	PROJECT NO: 2021-001 (A)
ROOF PLAN	PROJECT NO: 2021-001 (B)
CONSTRUCTION NOTES:	DATE: 26 MARCH 2021
CONSTRUCTION NOTES:	SCALE: 1:100
CONSTRUCTION NOTES:	PROJECT NO: 2021-001
CONSTRUCTION NOTES:	PROJECT NO: 2021-001 (A)
CONSTRUCTION NOTES:	PROJECT NO: 2021-001 (B)
CONSTRUCTION NOTES:	PROJECT NO: 2021-001 (C)
CONSTRUCTION NOTES:	PROJECT NO: 2021-001 (D)
CONSTRUCTION NOTES:	PROJECT NO: 2021-001 (E)
CONSTRUCTION NOTES:	PROJECT NO: 2021-001 (F)
CONSTRUCTION NOTES:	PROJECT NO: 2021-001 (G)
CONSTRUCTION NOTES:	PROJECT NO: 2021-001 (H)
CONSTRUCTION NOTES:	PROJECT NO: 2021-001 (I)
CONSTRUCTION NOTES:	PROJECT NO: 2021-001 (J)
CONSTRUCTION NOTES:	PROJECT NO: 2021-001 (K)
CONSTRUCTION NOTES:	PROJECT NO: 2021-001 (L)
CONSTRUCTION NOTES:	PROJECT NO: 2021-001 (M)
CONSTRUCTION NOTES:	PROJECT NO: 2021-001 (N)
CONSTRUCTION NOTES:	PROJECT NO: 2021-001 (O)
CONSTRUCTION NOTES:	PROJECT NO: 2021-001 (P)
CONSTRUCTION NOTES:	PROJECT NO: 2021-001 (Q)
CONSTRUCTION NOTES:	PROJECT NO: 2021-001 (R)
CONSTRUCTION NOTES:	PROJECT NO: 2021-001 (S)
CONSTRUCTION NOTES:	PROJECT NO: 2021-001 (T)
CONSTRUCTION NOTES:	PROJECT NO: 2021-001 (U)
CONSTRUCTION NOTES:	PROJECT NO: 2021-001 (V)
CONSTRUCTION NOTES:	PROJECT NO: 2021-001 (W)
CONSTRUCTION NOTES:	PROJECT NO: 2021-001 (X)
CONSTRUCTION NOTES:	PROJECT NO: 2021-001 (Y)
CONSTRUCTION NOTES:	PROJECT NO: 2021-001 (Z)

LUXXE DESIGN CO.

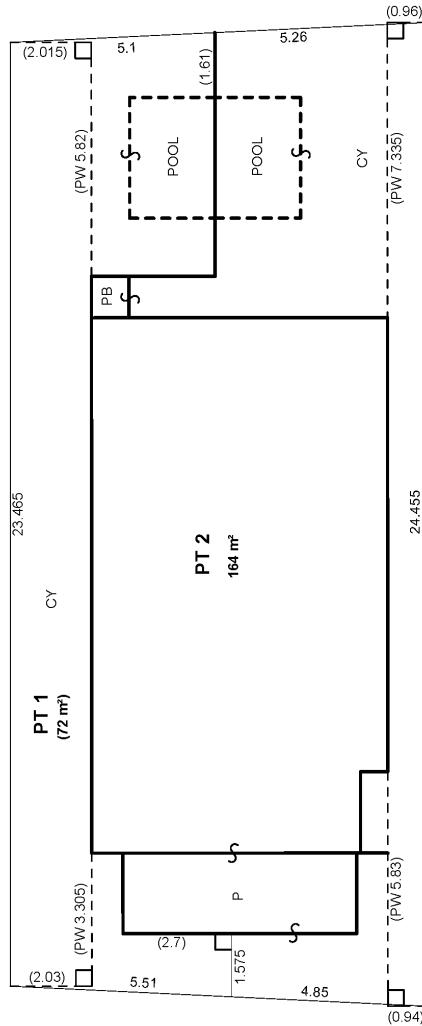
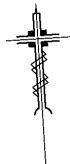


<p>CLIENT: DATE: 26 MAR 2021 SCALE: 1:100 DRAWING NO: 002 (A) PROJECT NO: 27/2020000</p>	<p>CONSTRUCTION NOTES: 1. ALL WORK TO BE ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING ACT 2016. 2. ALL WORK TO BE ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING ACT 2016. 3. ALL WORK TO BE ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING ACT 2016. 4. ALL WORK TO BE ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING ACT 2016. 5. ALL WORK TO BE ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING ACT 2016. 6. ALL WORK TO BE ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING ACT 2016. 7. ALL WORK TO BE ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING ACT 2016. 8. ALL WORK TO BE ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING ACT 2016. 9. ALL WORK TO BE ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING ACT 2016. 10. ALL WORK TO BE ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING ACT 2016.</p>
<p>PROJECT: 27 JUNCTION ROAD SUMMER HILL 238</p>	<p>CONSTRUCTION NOTES: 1. ALL WORK TO BE ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING ACT 2016. 2. ALL WORK TO BE ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING ACT 2016. 3. ALL WORK TO BE ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING ACT 2016. 4. ALL WORK TO BE ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING ACT 2016. 5. ALL WORK TO BE ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING ACT 2016. 6. ALL WORK TO BE ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING ACT 2016. 7. ALL WORK TO BE ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING ACT 2016. 8. ALL WORK TO BE ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING ACT 2016. 9. ALL WORK TO BE ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING ACT 2016. 10. ALL WORK TO BE ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING ACT 2016.</p>
<p>DRAWINGS: 1. SITE PLAN 2. FLOOR PLANS 3. LONGITUDINAL SECTIONS 4. CROSS SECTIONS 5. WESTERN ELEVATION 6. BEAR ELEVATION 7. EASTERN ELEVATION 8. JUNCTION ROAD REBUILT FENCE VIEW 9. JUNCTION ROAD STREETSCAPE VIEW 10. JUNCTION ROAD FACADE VIEW</p>	<p>CONSTRUCTION NOTES: 1. ALL WORK TO BE ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING ACT 2016. 2. ALL WORK TO BE ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING ACT 2016. 3. ALL WORK TO BE ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING ACT 2016. 4. ALL WORK TO BE ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING ACT 2016. 5. ALL WORK TO BE ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING ACT 2016. 6. ALL WORK TO BE ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING ACT 2016. 7. ALL WORK TO BE ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING ACT 2016. 8. ALL WORK TO BE ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING ACT 2016. 9. ALL WORK TO BE ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING ACT 2016. 10. ALL WORK TO BE ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING ACT 2016.</p>
<p>PCB NOX 1481, DOUBLE BAY, 1980 RYMPV, AIR CONDITIONING UNIT</p>	<p>CONSTRUCTION NOTES: 1. ALL WORK TO BE ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING ACT 2016. 2. ALL WORK TO BE ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING ACT 2016. 3. ALL WORK TO BE ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING ACT 2016. 4. ALL WORK TO BE ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING ACT 2016. 5. ALL WORK TO BE ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING ACT 2016. 6. ALL WORK TO BE ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING ACT 2016. 7. ALL WORK TO BE ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING ACT 2016. 8. ALL WORK TO BE ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING ACT 2016. 9. ALL WORK TO BE ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING ACT 2016. 10. ALL WORK TO BE ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NSW BUILDING ACT 2016.</p>



<p>DRAFT ONLY REV (A) 10/05/2021</p>	<p>REGISTERED</p>	<p>L.G.A.: INNER WEST Locality: SUMMER HILL Reduction Ratio: 1:100 Lengths are in metres</p>	<p>DRAFT PLAN OF SUBDIVISION OF LOT 2 IN DP 336470</p>	<p>SURVEYOR Name: Candice Lowe Date: 10/05/2021 Reference: 99594 DRAFT ONLY</p>
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GROUND FLOOR



PW - PROLONGATION OF EXTERNAL FACE OF WALL

CY - COURTYARD - THE STRATUM OF ALL COURTYARDS IS LIMITED TO 5m BELOW AND 10m ABOVE THE UPPER SURFACE OF THE GROUND FLOOR SLAB OF LOT 2 EXCEPT WHERE COVERED WITHIN THIS LIMIT.

PB - PLANTER BOX - THE STRATUM OF THE PLANTER BOX IS LIMITED TO 5m ABOVE THE UPPER SURFACE OF THE CONCRETE BASE OF THE PLANTER BOX EXCEPT WHERE COVERED WITHIN THIS LIMIT.

P - PORCH - THE STRATUM OF THE PORCH IS LIMITED TO 3m ABOVE THE UPPER SURFACE OF THE PORCH EXCEPT WHERE COVERED WITHIN THIS LIMIT.

POOL - THE STRATUM OF THE POOL IS LIMITED TO 5m BELOW AND 10m ABOVE THE UPPER SURFACE OF THE COPING OF THE POOL EXCEPT WHERE COVERED WITHIN THIS LIMIT.

ALL AREAS ARE APPROXIMATE, ONLY FOR THE PURPOSE OF THE STRATA SCHEMES DEVELOPMENT ACT 2013.

SURVEYOR

Name: Candice Lowe

Date: 10/05/2021

Reference: 99584 DRAFT ONLY

L.G.A.: INNER WEST

Locality: SUMMER HILL

Reduction Ratio: 1:100

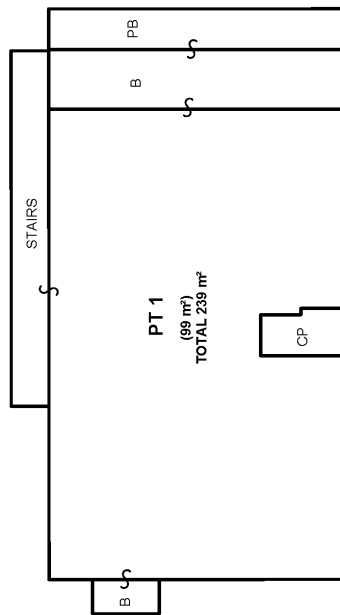
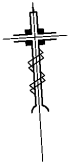
Lengths are in metres

REGISTERED

**DRAFT ONLY
REV (A)
10/05/2021**

**DRAFT PLAN OF SUBDIVISION
OF LOT 2
IN DP 336470**

FIRST FLOOR



PB - PLANTER BOX - THE STRATUM OF THE PLANTER BOX IS LIMITED TO 5m ABOVE THE UPPER SURFACE OF THE CONCRETE BASE OF THE PLANTER BOX EXCEPT WHERE COVERED WITHIN THIS LIMIT.

B - BALCONY - THE STRATUM OF THE BALCONY IS LIMITED TO 3m ABOVE THE UPPER SURFACE OF THE BALCONY EXCEPT WHERE COVERED WITHIN THIS LIMIT.

CP - COMMON PROPERTY

STAIRS - THE STRATUM OF THE STAIRS IS LIMITED TO 20m ABOVE THE UPPER SURFACE OF THE LOWER MOST STAIR EXCEPT WHERE COVERED WITHIN THIS LIMIT.

ALL AREAS ARE APPROXIMATE ONLY FOR THE PURPOSE OF THE STRATA SCHEMES DEVELOPMENT ACT 2015.

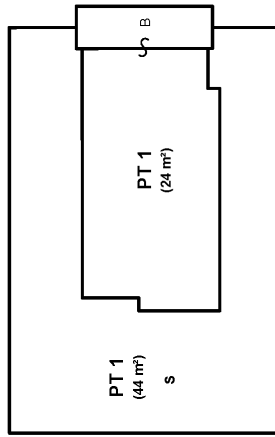
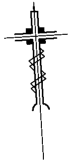
SURVEYOR Name: Candice Lowe Date: 10/05/2021 Reference: 96594 DRAFT ONLY	DRAFT PLAN OF SUBDIVISION OF LOT 2 IN DP 336470	L.G.A.: INNER WEST Locality: SUMMER HILL Reduction Ratio: 1:100 Lengths are in metres	REGISTERED	DRAFT ONLY REV (A) 10/05/2021
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SHEET 4 OF 4 SHEETS

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

PLAN FORM 1 (A3)

ATTIC FLOOR



B - BALCONY - THE STRATUM OF THE BALCONY IS LIMITED TO 3m ABOVE THE UPPER SURFACE OF THE BALCONY EXCEPT WHERE COVERED WITHIN THIS LIMIT.
 S - ATTIC STORAGE AREA

ALL AREAS ARE APPROXIMATE ONLY FOR THE PURPOSE OF THE STRATA SCHEMES DEVELOPMENT ACT 2015.

SURVEYOR Name: Candice Lowe Date: 10/05/2021 Reference: 99594 DRAFT ONLY	<p align="center">DRAFT PLAN OF SUBDIVISION OF LOT 2 IN DP 336470</p>	L.G.A.: INNER WEST Locality: SUMMER HILL Reduction Ratio: 1:100 Lengths are in metres	REGISTERED	<p align="center">DRAFT ONLY REV (A) 10/05/2021</p>
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Attachment C- Clause 4.6 Exception to Development Standards

27a & 27b Junction Rd, SUMMER HILL, 2130
Clause 4.3 Variation - HEIGHT LIMIT
Clause 4.4 Variation - FSR

5th March 2021

Inner West Council Council
Attention: To Whom it May Concern
Re: Development application
27a & 27b Junction Road, Summer Hill, NSW, 2130

Dear Sir / Madam,

We wish to lodge a objection to development standards under clause 4.6 for the following standards

4.3 Variation to development standards for - HEIGHT LIMIT
and
4.4 Variation to development standards for - FLOOR SPACE RATIO
FOR
27a & 27b Junction Road, SUMMER HILL, 2130

Clause 4.6 Variation - Height Limit (Variation)

Clause 4.3 Height of Buildings (8.5m) proposed height limit 9.9m
-Non compliance 15.2%

4.6 Exception to development standards of the LEP outlines that the following key matters are to be considered when assessing developments that vary a development standard: Does the development achieve better outcomes for and from development by allowing

- flexibility in particular circumstances?

Is compliance with the development standard is unreasonable or unnecessary in the

- circumstances of the case?

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

The existing building is an interwar dual duplex comprising a 1 up & 1 down situation, both duplex apartments are totally locked off from use of the rear garden, The current existing roof

Is already at a 9.9m height limit therefore the building did not comply to current height limits prior to this proposed development application.

It is intended to continue the 9.9m height limit to the new attic window located at the rear of the building, therefore the impact caused by this new dormer is minimal as there is **"no change"** to the ridge line of the existing building and it is not visible from the street.

The proposed alterations and additions vastly improve the building in terms of livability, sunlight, access to gardens and general living amenities, therefore compliance with this development standard is unreasonable or unnecessary in the circumstances in regards to this case.

We feel that there are sufficient environmental planning grounds to justify contravening the development standard of an 8.5m height limit as this proposal creates a much better quality of living for it's occupants,

LUXXE DESIGN CO.

PO BOX 1661, DOUBLE BAY, 1360
P: +61 (0) 435554551. E: LUXXEDESIGNCO@GMAIL.COM

27a & 27b Junction Rd, SUMMER HILL, 2130

Clause 4.3 Variation - HEIGHT LIMIT

Clause 4.4 Variation - FSR

We believe that council should support this departure from a current development standard, as this building was constructed approximately 70 years ago and today's standards for height limits did not exist, the proposed works "do not" increase the buildings height limit and should be supported by Council.

Clause 4.4 - Non Compliance to Floor Space Ratio (Variation)

Clause 4.4 - Floor Space Ratio(0.7:1 or 173.63sqm) 0.74:1 (183.53sqm) -

Non compliance 4.77%

Clause 4.4 Variation Floor Space Ratio Under clause 4.6 of State LEP: - "The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map." The Floor Space Ratio Map shows a maximum FSR of 0.7:1 being permissible for the site, equating to a GFA of 173.62m².

The proposed development proposes an FSR of .74:1 or an additional floor area of 9.93m²

4.6 Exception to development standards of the LEP outlines that the following key matters are to be considered when assessing developments that vary a development standard:

Does the development achieve better outcomes for and from development by allowing

- flexibility in particular circumstances?

Is compliance with the development standard is unreasonable or unnecessary in the

- circumstances of the case?

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

Nevertheless, given site constraints this is considered a numerical non-compliance that does not cause unreasonable impacts to on site residential amenity, the ability for the site to be provided with suitable private open space and landscaped areas, or to the scale and bulk of the built form proposed.

The FSR proposed can be accommodated on the site and accordingly a formal request for a variation is submitted under section 4.4 Clause 4.4 of the LEP -

Exceptions to development standards provides the opportunity for Council to vary the controls based on the merits of the application.

It is considered that the current application satisfies the Clause 4.4 criteria in the LEP, and therefore should be supported, as detailed below.

- Clause 4.4

"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".

Comment: The FSR standard is not expressly excluded from variation.

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27a & 27b Junction Rd, SUMMER HILL, 2130**Clause 4.3 Variation - HEIGHT LIMIT****Clause 4.4 Variation - FSR**

- Clause 4.4 (3) "Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

"(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case". Comment: As discussed below, it is unreasonable and unnecessary to require compliance with the FSR control as all key Clause 4.6 requirements are satisfied.

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

The proposed FSR slightly exceeds the maximum FSR for the development by .74:1

It is considered that the application, and in particular the proposed additional FSR, should be supported as:

Proposed Alterations and Additions to an Existing Duplex Dwelling, 27a & 27b Junction Road Summer Hill, 2130

The non-compliance is a numerical non-compliance only: The non-compliance results from the existing built form which sits well within the locality, and does not present any unreasonable impacts in terms of bulk or scale. The proposal is therefore considered a numerical non-compliance only.

The non-compliance is minor: The non-compliance is minor, being only an increase FSR, equating to 9.93m² in GFA.

Which is located within the building structure - The proposal does not result in an unreasonable scale or bulk of built form and will be consistent with streetscape and character of the locality.

As above, the FSR proposed represents a technical non-compliance whereby the proposal sits well within the locality and presents a compatible built form, scale and bulk to other existing dwellings in the area and to the desired building scale as intended by Clause 4.4 FSR controls.

The proposal does not result in an increase in GFA. The proposal is for rear POS extensions and minor changes to roof elements only. The proposal will therefore not increase GFA or FSR from that currently onsite.

The proposed D.A. ensures that the bulk and scale of renovated building is compatible with the context of the locality Alterations and additions only are proposed. Nevertheless, it is noted that the built form proposed does not result in an increase to bulk and scale, and the built form is generally retained in a form that is compatible with other developments along the Junction Rd precinct when viewed from the street.

To control development density and intensity of land use, taking into account:

- (i) The environmental constraints and values of the site, and Proposed FSR is retained as existing and so does not impact on the ability for the environmental

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27a & 27b Junction Rd, SUMMER HILL, 2130**Clause 4.3 Variation - HEIGHT LIMIT****Clause 4.4 Variation - FSR**

- values of the site to be retained (including through retention of Proposed Alterations and Additions to an Existing Duplex Dwelling, 27a & 27b Junction Road
- (ii) The amenity of adjoining land and the public domain, and
 - (iii) The availability of infrastructure to service the site, and
 - (iv) The capacity of the road network to accommodate the vehicular and pedestrian traffic the development will generate, and
 - (v) The desirability of retaining the scenic, visual, and landscape qualities of the area. Existing trees on site.

The proposed departure of FSR is consistent with the objectives of the R2 "Low Density Residential" zone.

The proposal, including FSR variation, is consistent with the objectives in that the proposal will continue to provide low-impact residential development, that the proposal improves overall landscaped area and vegetated character of the site, and that views continue to be suitably shared between the subject site and existing neighbouring developments.

As outlined above, given alterations and additions only are proposed, and given the minor nature of these works, the development will continue to make a positive contribution to the locality. Ensure development is compatible with the scale, character and setting of the adjoining streetscape, natural setting and scenic quality.

As above, the FSR of the development as existing is compatible with the existing scale and residential character of development evident within the locality and does not impact on the landscaped setting of the site. Furthermore, the built form including the variation to the FSR control sits well within Proposed Alterations and Additions to an Existing Duplex Dwelling, 27a & 27b Junction Road Summer Hill, 2130 and is compatible with the area's post war quality (including through view sharing and a high quality design).

The variation to the maximum FSR control does not compromise the amenity of adjoining properties. The existing north, east and south side setbacks are retained as existing and the overall building scale and bulk does not increase unreasonably from that currently existing on site, which currently has no evident detrimental impacts to adjoining properties. The extensions proposed include the addition of the new level to the first floor are suitably set back from adjacent properties, and the resulting built form allows for the provision of landscaped areas to provide privacy to/from adjacent developments and minimise overlooking impacts, and to break up the built form as viewed from adjoining lots. The variation to FSR is under 6%

The proposed minor increase to FSR vastly improve the building in terms of liveability, sunlight, access to gardens and general living amenities, therefore compliance with this development standard is unreasonable or unnecessary in the circumstances in regards to this case.

We feel that there are sufficient environmental planning grounds to justify contravening the development standard "4.4 FSR .7:1 to .74:1", as it as this creates a much better quality of living for its occupants,

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27a & 27b Junction Rd, SUMMER HILL, 2130

Clause 4.3 Variation - HEIGHT LIMIT

Clause 4.4 Variation - FSR

We believe that council should support this minor FSR departure from a current development standard, as this building was constructed approximately 70 years ago and today's standards for FSR did not exist, the proposed works "do not" increase the buildings mass when viewed from the street and should be supported by Council.

Yours sincerely,

P. BALYCK

Paul Balyck

Director

B.A. Des U.T.S.

LUXXE DESIGN CO.

LUXXE DESIGN CO.

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