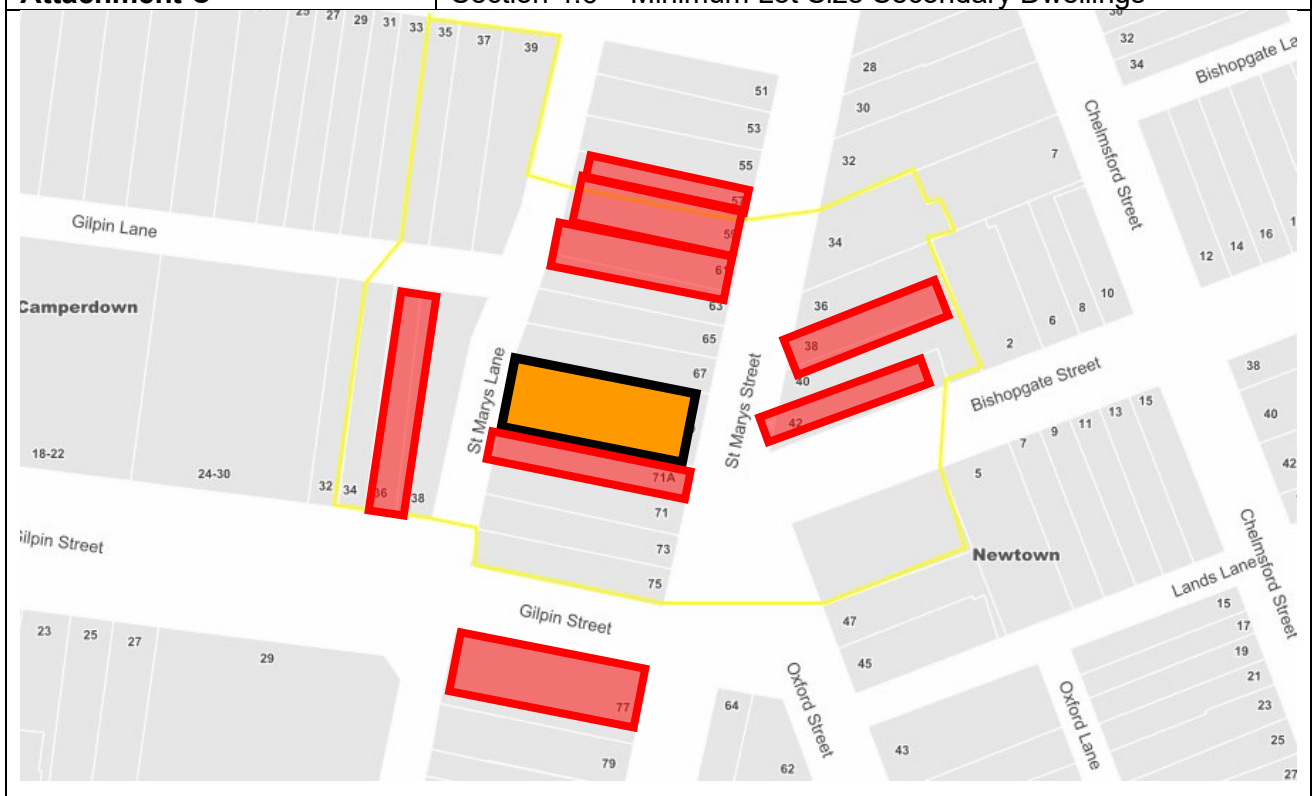






# INNER WEST

## DEVELOPMENT ASSESSMENT REPORT

<b>Application No.</b>	DA/2022/0764
<b>Address</b>	69 St Marys Street NEWTOWN
<b>Proposal</b>	Demolition of existing structures, removal of vegetation, torrens title subdivision and erection of a pair of semi-detached dwellings each with a rear lane detached garage and secondary dwelling.
<b>Date of Lodgement</b>	16 September 2022
<b>Applicant</b>	Mr Adam Tayyar
<b>Owner</b>	Ali Tayyar
<b>Number of Submissions</b>	Initial: 11
<b>Value of works</b>	\$850,000.00
<b>Reason for determination at Planning Panel</b>	Number of submissions
<b>Main Issues</b>	Number of Submissions, Solar Access, Private Open Space
<b>Recommendation</b>	Approved with Conditions
<b>Attachment A</b>	Recommended conditions of consent
<b>Attachment B</b>	Plans of proposed development
<b>Attachment C</b>	Section 4.6 – Minimum Lot Size Secondary Dwellings



### LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

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

## 1. Executive Summary

This report is an assessment of the application submitted to Council for the demolition of existing structures, removal of vegetation, torrens title subdivision and erection of a pair of semi-detached dwellings each with a rear lane detached garage and secondary dwelling at 69 St Marys Street Newtown.

The application was notified to surrounding properties and 11 submissions were received in response to the initial notification.

The main issues that have arisen from the application include:

- The proposal results in the neighbouring private open space (POS) of 71A St Marys Street not obtaining a compliant rate of solar access.
- The proposal results in a variation to the minimum requirements for open space to the dwelling houses and secondary dwellings
- The proposed secondary dwellings are considered to result in substandard accommodation for occupants and result in unacceptable bulk to neighbouring development

The non-compliances can be ameliorated by design changes requiring the deletion of the first floor secondary dwellings, and subject to compliance with this, proposal is acceptable and the application is recommended for approval.

## 2. Proposal

The current application seeks consent for demolition of existing structures, removal of vegetation, torrens title subdivision and erection of a pair of semi-detached dwellings each with a rear lane detached garage and secondary dwelling.

Specifically the development application proposes the following works/uses:

- Removal of two trees and planting of replacement trees in accordance with TREE/2022/0436;
- Demolition of the existing dwelling house;
- Torrens title subdivision to create Lot 1 (northern lot) with an area of 142.157m<sup>2</sup> and Lot 2 (southern lot) with an area of 141.981m<sup>2</sup>;
- Construction of a semi-detached dwelling fronting St Marys Street and detached garage and first floor secondary dwelling at the rear of the site on each lot. The proposed dwellings are to be constructed over three levels. Each of the proposed levels is to accommodate the following:

- Ground Floor – Dining room, kitchen, living, pantry, bathroom and a detached garage able to accommodate 1 parking space.
- First Floor – 2 Bedrooms, bathroom, laundry, en-suite for bedroom 2 and a detached secondary dwelling located above the proposed garage facing St Marys Lane.
- Attic Floor – 1 bedroom with ensuite and terrace looking towards St Marys Street.

### 3. Site Description

The subject site is located on the western side of St Marys Street, between Gilpin Street and Rowley Street. The site consists of 1 allotment and is generally rectangular shaped with a total area of 284sqm.

The site has a frontage to St Marys Street of 12 metres and a secondary frontage of 12.2 metres to St Marys Lane. The site is not affected by easements.

The site supports a single storey brick dwelling. The adjoining properties support single and two storey terrace housing.

The subject site is not listed as a heritage item and is not located within a conservation area.

There are two large trees located at the rear of the site, a Celtis sinensis (Hackberry) and a dead Eucalyptus species. These trees have been approved for removal under permit TREE/2022/0436. The removals were approved as the Hackberry and dead trees are on the Trees Minor Works list in the Tree Management DCP. The Eucalyptus had been poisoned. There are several large drill holes around the base of the trunk.

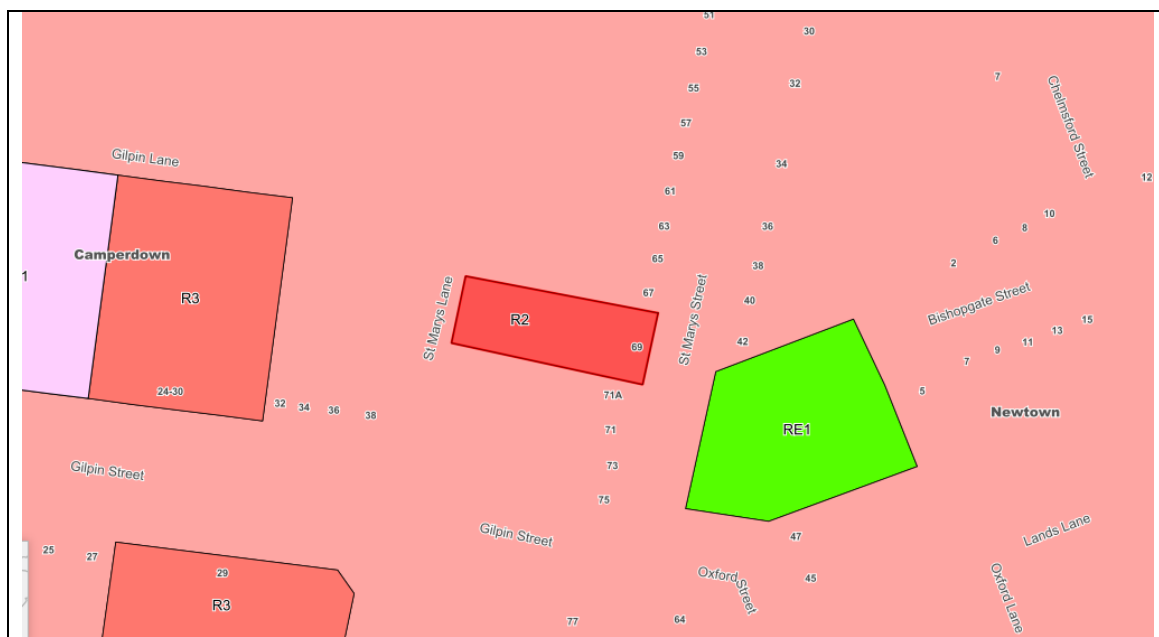


Figure 1: Zoning Map – R2 Low Density Residential Zoning – Site identified by red box

## 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
TREE/2022/0436	Tree Removal Application	Approved - 16/05/2023
PDA/2022/0202	Demolition of an existing dwelling house, removal of trees, erection of a pair of semi-detached dwellings with detached garages and secondary dwellings and Torrens title subdivision	Advice Issued – 19/08/2022

#### Surrounding properties

Not applicable

### 4(b) Application history

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

Date	Discussion / Letter / Additional Information
25 October 2022	<p>Council Officers wrote to the applicant and requested the submission of amended plans addressing the following:</p> <ul style="list-style-type: none"> <li>- Deletion of the proposed third floor terrace</li> <li>- Reduction in ceiling heights of the proposed rear lane secondary dwellings (to improve solar access to neighbours)</li> <li>- Removal of indent relating to door D5 on the ground floor</li> <li>- Amended shadow diagrams showing the location of neighbouring skylights.</li> </ul>
2 November 2022	The applicant provided amended plans addressing the above concerns.

The current report has been based on the additional information provided on the 2 November 2022. The amended plans did not require re-notification in accordance with Council community engagement framework.

## 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 (EPA Act 1979)*.

### 5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*

The following provides further discussion of the relevant issues:

#### 5(a)(i) *State Environmental Planning Policy (Resilience and Hazards) 2021*

##### Chapter 4 Remediation of land

Section 4.16 (1) of the SEPP requires the consent authority not consent to the carrying out of any development on land unless:

*“(a) it has considered whether the land is contaminated, and  
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and  
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.”*

In considering the above, there is no evidence of contamination on the site.

There is also no indication of uses listed in Table 1 of the contaminated land planning guidelines within Council's records. The land will be suitable for the proposed use as there is no indication of contamination.

#### 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 (Biodiversity and Conservation) 2021*

Chapter 2 Vegetation in non-rural areas

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

The application seeks the removal of vegetation from within the site. The application was referred to Council’s Tree Management Officer who outlined that the on-site trees have already been approved for removal.

Overall, the proposal is considered acceptable with regard to the SEPP and DCP subject to the imposition of conditions, which have been included in the recommendation of this report.

5(a)(iv) *State Environmental Planning Policy (Housing) 2021*

Chapter 3 Diverse housing, Part 1 Secondary dwellings

The SEPP provides controls relating to various matters including floor space ratio, site area and parking requirements. The proposal includes a secondary dwelling above the garages at the rear of the site. The development is subject to Chapter 3, Part 1 of the Housing SEPP which allows for secondary dwellings to be carried out with consent.

The main standards relating to secondary dwellings contained in the Housing SEPP are addressed below:

Clause	Standard	Proposed	Compliance
52 (2)(a) – Number of dwellings	No dwellings other than principal and secondary dwelling are permitted	The development proposes a principal dwelling and secondary dwelling only on each site.	Yes
52 (2)(b) – Floor area	156sqm floor area permitted under LEP for site	156sqm (1.1:1) gross floor area proposed	Yes
52 (2)(c) – Total Floor Area	Maximum 60sqm floor area permitted for secondary dwelling	Each secondary dwelling has a floor area of 23.4sqm	Yes
53 (2)(a) – Minimum site area	Minimum site area of 450sqm	The site has an area of 284sqm which doesn’t comply with the minimum site area under the Housing SEPP.	No. See discussion under Clause 4.6 of IWLEP 2022.
53 (2)(b) – Parking	Existing car parking space must be maintained	The site proposes car parking spaces on the site.	Yes

The proposed development is consistent with Chapter 3, Part 1 of the Housing SEPP except for the minimum site area requirements. The development proposes a variation to the minimum site area required by Clause 53(2)(a) of the Housing SEPP under Clause 4.6 of the IWLEP 2022. This matter is discussed in more detail below under Clause 4.6 of IWLEP 2022.

*5(a)(v) Inner West Local Environmental Plan 2022 (IWLEP 2022)*

The application was assessed against the following relevant sections of the *Inner West Local Environmental Plan 2022*:

- Section 1.2 - Aims of Plan
- Section 2.3 - Land Use Table and Zone Objectives
- Section 2.6 – Subdivision
- Section 2.7 – Demolition requires development consent
- Section 4.1 – Minimum subdivision lot size
- Section 4.3 – Height of buildings
- Section 4.4 – Floor space ratio
- Section 4.5 – Calculation of floor space ratio and site area
- Section 6.2 – Earthworks
- Section 6.3 – Stormwater management
- Section 6.8 – Development in areas subject to aircraft noise

Section 2.3 Land Use Table and Zone Objectives

The site is zoned R2 – Low Density Residential under the *IWLEP 2022*. The *IWLEP 2022* defines the development as:

***semi-detached dwelling*** means a dwelling that is on its own lot of land and is attached to only one other dwelling.

and

***secondary dwelling*** means a self-contained dwelling that—

- (a) is established in conjunction with another dwelling (the ***principal dwelling***), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

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

Section 4 Principal Development Standards

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

Standard	Proposal	Non compliance	Complies
<b>Height of Buildings</b> Maximum permissible: 9.5m	9.2m	N/A	Yes
<b>Floor Space Ratio</b> Maximum permissible: 1.1:1 or 156.2sqm	Lot 1: 1.1:1 or 156 sqm	N/A	Yes
	Lot 2: 1.1:1 or 156sqm	N/A	Yes
<b>Miscellaneous Permissible Uses</b> (9) Secondary Dwellings – Maximum 60sqm	Lot 1: 23.4sqm Lot 2: 23.4sqm	N/A N/A	Yes Yes

#### Section 4.6 – Variations to Development Standards

As outlined in table above, the proposal results in a breach of the following development standard: Clause 53(2)(a) – Non-discretionary development standards – the Act, s 4.15 of the Housing SEPP 2021.

The applicant seeks a variation to the non-discretionary development standards development standard (minimum site area) under Clause 53(2)(a) of the Housing SEPP by 68% (308sqm).

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 *Inner West Local Environmental Plan 2022* below.

A written request has been submitted to Council in accordance with Clause 4.6(4)(a)(i) of the *Inner West Local Environmental Plan 2022* in justifying the proposed contravention of the development standard which is summarised as follows:

- *The secondary dwelling is attached to an outbuilding associated with the primary dwelling and fronts a parallel road street frontage.*
- *The addition of a dwelling above a garage outbuilding is a building typology that is common and generally approved by council within the Innerwest LGA.*
- *As shown on the submitted architectural plans, the lot has an adequate site area, shape and dimension(s) that can support a detached primary and secondary dwelling house*
- *Each dwelling achieves superior amenity including natural light and privacy to each room, generous internal dimensions and areas that are suitable for modern living standards, and appropriate level of landscaping and private open space area*



The applicant's written rationale adequately does not demonstrate that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case. In particular there are insufficient environmental planning grounds to justify contravening the development standard, particularly as the proposal results in adverse amenity impacts for adjoining development.

The current application seeks consent for the construction of a secondary dwelling on top of the proposed garages at the rear of the site. As part of the current assessment Council Officers have reviewed these secondary dwellings and raise significant concerns with the visual bulk and solar access impacts to neighbours, the amenity to the secondary dwellings and the resulting streetscape impacts to the laneway.

The proposed secondary dwellings are considered to unreasonably limit solar access opportunities to neighbouring sites and results in 71A St Marys Street receiving 1 hour of solar access. The removal of the proposed secondary dwellings is expected to significantly improve solar access opportunities to the neighbouring 71A St Marys Street in the afternoon and ensure greater compliance with solar access controls. A design change condition requiring deletion of the secondary dwellings is included in the recommendation.

The site is located within an R2 Low Density Residential zone and the objectives of the zone are as follows:

#### Zone Objectives

- *"To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents."*

It is considered the development is not in the public interest because it is not consistent with the objectives of the R2 Low Density Residential zone, in accordance with Clause 4.6(4)(a)(ii) of the *Inner West Local Environmental Plan 2022*.

- The proposed internal spaces of the secondary dwellings are inadequate in size to enable day to day living of occupants with the proposed rooms not of a sufficient size to appropriately furnish.
- The development is not consistent with the zone objectives in that it does not provide for the appropriate spaces for the housing needs of the community and does not maintain the low density character and nature of the area.

The proposed secondary dwellings are not recommended for support and should be deleted. A design change condition requiring deletion of the secondary dwellings is included in the recommendation.

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

The proposal does not accord with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of the *Inner West Local Environmental Plan 2022*. For the reasons outlined

above, there are not sufficient planning grounds to justify the departure from non-discretionary development standards under Clause 53(2)(a) and it is recommended the Clause 4.6 exception not be granted.

Section 6.2 – Earthworks

The proposal involves earthworks to facilitate the carparking and new finished floor levels for the dwellings. Subject to conditions of consent the proposed development will not have a detrimental impact on drainage patterns, soil stability, amenity of adjoining properties or adverse impacts on waterways or riparian land.

Section 6.8 – Development in areas subject to aircraft noise

The subject site is identified as being within a 20-25 ANEF contour. As such the development may be subject to adverse aircraft noise. The applicant has provided as part of the current development application an acoustic report assessing the potential acoustic impacts of aircraft noise and provided recommendations to minimise impacts. No objection is raised to this report subject to suitable conditions of consent. The proposal is compliant with the requirements of clause 6.8 of the IWLEP 2022.

5(d) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Marrickville Development Control Plan 2011.

MDCP 2011 Part of MDCP 2011	Compliance
Part 2.1 – Urban Design	Yes
Part 2.3 – Site and Context Analysis	Yes
Part 2.6 – Acoustic and Visual Privacy	Yes – see discussion
Part 2.7 – Solar Access and Overshadowing	Yes – see discussion
Part 2.10 – Parking	Yes
Part 2.17 – Water Sensitive Urban Design	Yes
Part 2.18 – Landscaping and Open Space	No – see discussion
Part 2.20 – Tree Management	Yes
Part 2.21 – Site Facilities and Waste Management	Yes
Part 2.25 – Stormwater Management	Yes
Part 3 – Subdivision	Yes - see discussion
Part 4.1 – Low Density Residential Development	Yes – see discussion
Part 9 – Strategic Context	Yes

The following provides discussion of the relevant issues:

Part 2.6 Acoustic and Visual Privacy

*Visual Privacy*

Ground floor

The proposed openings on the eastern and western elevations are modestly scaled, adequately offset from nearby neighbouring windows and mostly screened by dividing fences.

As such, these openings are considered to have an acceptable impact on the privacy levels of surrounding and future occupiers and are recommended for support.

#### First Floor & Attic Floor

The proposed openings on the eastern elevation and western elevations of the dwellings have been located to the centre of the site and designed to minimise opportunities for site lines. These windows relate to bedrooms which are low trafficable spaces. It is considered that these openings have been suitably designed to ensure acceptable levels of privacy for occupants and neighbours and do not require further amendment.

#### *Acoustic Privacy*

The proposed development is of a residential nature and is in keeping with the surrounding, low density residential uses located nearby. As such, it is deemed the use of the dwellings for residential purposes will not lend itself to adverse or uncharacterised acoustic impacts on the surrounds.

As discussed previously, an acoustic report was submitted with the application demonstrating the proposal could satisfy the relevant aircraft noise requirements under AS 2021:2015 and a condition requiring compliance with this is included in the recommendation of this report.

#### Secondary Dwellings

The current application seeks consent for the construction of a secondary dwelling on top of the proposed garages. As part of the current assessment Council Officers have reviewed these secondary dwellings and raise significant concerns with the visual bulk and solar access impacts to neighbours, the amenity to the secondary dwellings and the resulting streetscape impacts to the laneway.

The proposed secondary dwellings are considered to unreasonably limit solar access opportunities to neighbouring sites and results in 71A St Marys Street receiving 1 hour of solar access. The removal of the proposed secondary dwellings is expected to significantly improve solar access opportunities to the neighbouring 71A St Marys Street in the afternoon and ensure greater compliance with solar access controls.

Furthermore the proposed internal spaces of the secondary dwellings are considered to be inadequate in size to enable day to day living of occupants with the proposed rooms not of a sufficient size to appropriately furnish as a self contained occupancy.

The proposed secondary dwellings are not recommended for support and should be deleted. A design change condition requiring deletion of the secondary dwellings is included in the recommendation.

### Part 2.7 Solar Access and Overshadowing

The current proposal results in a variation to clause 2.7.3 of the Marrickville DCP 2011, which requires development to maintain direct solar access to windows of principle living areas and principle private open space for a minimum of 2 hours on 21 June. The current proposal results in 1 hour of direct solar access for the principle area of private open space (POS) of the neighbouring 71A St Marys Street.

The proximity and orientation of the neighbouring 71A St Marys Street POS means that any new development upon the subject site is likely to result in a loss of solar access. However the proposed secondary dwellings are considered to unreasonably limit the solar access opportunities for neighbouring sites and are recommended for deletion. Removal of these secondary dwellings is expected to significantly improve solar access for neighbouring sites and ensure a more reasonable provision of solar access.

### 2.18 Landscaping and Open Space

The current proposal results in a variation to clause 2.18.11.1 of Part 2 within the MDCP 2011. This control requires 45sqm of the total site area to be used a POS and a minimum 50% of this space being pervious. The current proposal results in each dwelling having 38sqm of POS, of this 38sqm (70%) is pervious area. The intent of this control is to provide outdoor recreation space to dwellings, minimise hardstand areas and provide practical open space which is an extension of the living room. In this instance the proposed POS is directly and readily accessible from the living rooms of the dwellings and will act as an extension of the living areas. The proposed size of POS is generally consistent with neighbouring development and minimises the extent of hardstand areas. The proposed variation to the POS requirement is considered to be minor and acceptable in this instance given that the proposal continues to meet the intent of the controls and provides sufficient open space opportunities to future occupants.

In addition to the above, Part 2.18 of MDCP 2011 requires that secondary dwellings be provided with a POS with minimum dimensions of 4m. The proposal does not afford for any POS for the secondary dwelling, indicating that the site cannot reasonably accommodate this form of development providing for poor amenity for future occupants. As noted previously this element of the proposal is recommended for deletion.

### Part 3 Subdivision

The application proposes to subdivide the property into two (2) lots. Part 3.2.2 of MDCP 2011 does not contain minimum lot width or area requirements for subdivisions but relies on performance-based controls that aim to ensure that new lots facilitate development that is compatible with the immediate area. The streetscape and immediate locality is generally characterised by a mix of single and two storey dwellings and a number of terrace housing on a mix of narrow lots. The frontages of adjoining properties on St Marys Street predominantly range between 4.8 metres at the lower end of the range up to 11.8 metres at the higher end of the range. The lots range in area from 131.5sqm at the lower end of the range to 438sqm at the higher end of the range.

Number	Site Area	Frontage	Number	Site Area	Frontage
75	151.5sqm	5.5 metres	42	135.7sqm	6.3 metres
73	138.3sqm	4.8 metres	40	154.8sqm	24.1 metres
71	138.2sqm	4.9 metres	38	108.9sqm	25.7 metres
71A	138.3sqm	4.9 metres	36	110.3sqm	23 metres
Proposed Northern Lot (Lot 1)	142.1sqm	5.05 metres	34	184.6sqm	11.8 metres
Proposed Southern Lot (lot 2)	142sqm	5.03 metres	32	277.2sqm	10.2 metres
67	140.4sqm	5.1 metres	30	149.7sqm	6.3 metres
65	132.1sqm	4.6 metres	28	129sqm	5.5 metres
63	131.5sqm	4.8 metres	18	438sqm	37.5 metres
61	125.9sqm	4.9 metres			
59	131.1sqm	5.5metres			
57	124.1sqm	4.5metres			

The table above demonstrates that there are anomalies from the abovementioned predominant subdivision characteristics, having regard to site width and area, namely 18 St Marys Street, however, these characteristics do not represent the predominant cadastral pattern of the street.

The proposed subdivision would result in new lots fronting St Marys Street which are considered to be consistent with the adjoining and prevailing subdivision pattern in this part of the streetscape.

The subdivision of the lots fronting St Marys Street would allow for continuation of the dominant built form of development in the street. Solar access, open space, parking and other amenity impacts of the proposal have been discussed elsewhere in the report and the proposed allotments are considered to allow for built forms which generally comply with Council's requirements with respect to those issues.

Part 4.1 Low Density Residential Development

Part 4.1.6 of the MDCP 2011 includes objectives and controls to ensure the building envelopes of new development are consistent with their context and have acceptable impacts on the amenity of surrounding development.

An assessment of the proposal has been undertaken against these provisions and the following is noted:

*Part 4.1.6.2 Building setbacks:*

*Front setback:*

The front setback of 1.387m is consistent with the dominant setback found along this portion of the northern side of St Mary's Street. The proposal adequately integrates new development with the established setback character of the street and maintains established gardens, trees and vegetation networks.

*Side setbacks:*

As per C10(ii) of this Part of MDCP 2011, side setbacks for allotments with frontages of less than 8m are at the discretion of Council and are ultimately determined on acceptable impacts on the surrounds in terms of visual bulk, solar access and street context. The proposed subdivision results in lots with a 5m frontage and as such section C10(ii) apply.

The proposal provides the following in terms of side setbacks:

- Ground floor and first floor main dwellings: 147mm – 171mm
- Garage: 147mm – 171mm

As part of the current assessment Council Officers have reviewed the proposed setbacks of the principal dwellings and consider them to be acceptable. The proposed setbacks ensure acceptable levels of amenity for future occupants/neighbours and provides a built form which is generally consistent with the current and desired future character of the locality.

Considering the above, it is deemed that the proposal does satisfy C10(ii) and C12(v) of this Part of MDCP 2011.

*Rear setback:*

As per C10(iii) of this Part of MDCP 2011, the proposed rear setback is considered to satisfy the relevant provisions as follows:

- The proposed principal dwellings provide a rear building line significantly more setback than the established building line created by properties 71 and 71A St Mary's Street.
- The building proposed will not create adverse impacts on the amenity of adjoining properties in relation to overshadowing (subject to amendments already described)
- The proposal maintains adequate areas of open space
- The proposal ensures adequate rear separation between buildings for visual and acoustic privacy, solar access and air circulation; and
- The proposal integrates new development with the established setback character of the street and maintains established gardens, trees and vegetation networks.

### *Site Coverage*

The proposed subdivision results each lot having an area of approximately 142 sqm. As such in accordance with the requirements of clause C13 of section 4.1.6.3 of Part 4 within the MDCP 2011 the proposed site coverage is to be determined on merit. The proposed rate of site coverage has been assessed and is considered to result in a similar extent of site coverage as other existing developments within the locality. The proposed rate of site coverage ensures sufficient opportunities for outdoor recreation, deep soil planting and off street car parking.

### 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 (excluding the provision of secondary dwellings), 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, in response 11 submissions were received.

In addition to the above issues, the submissions raised the following concerns which are discussed under the respective headings below:

Issue: The proposed third storey is in-consistent with the streetscape

Comment: Since the time of initial lodgement the proposal has been amended and the third-floor terrace reduced to be setback 3.6m from the front boundary. The increased setback ensures that when viewed from St Mary's Street the proposal presents a two-storey form. This two-storey form is in-keeping with the existing streetscape and desired future character of the area as expressed by the current planning controls.

Issue: Existing dwelling should be heritage protected

Comment: The subject site is not bound by any heritage restrictions. The proposal is also not considered to be a period dwelling and is not subject to the period dwelling controls of the DCP.

Issue: Material Finishes

Comment: It is noted that the material finishes schedule outlines face brick. In this instance face brick is considered to be an acceptable material finish for the proposal.

Issue: Tree Removal/ Replacement Trees

Comment: The proposed tree removal has previously been assessed and approved by Council under a separate application. The proposed replacement plantings have been revised and are not supported and a condition of consent requiring re-placement plantings to be of a native endemic species is included in the recommendation.

Issue: Proposed secondary dwellings are out of character with the laneway

Comment: It is agreed that the proposed secondary dwellings are out of character and result in unacceptable impacts to adjoining development and are recommended to be deleted

Issue: Visual and Acoustic Privacy Impacts

Comment: See assessment section above. The proposal will not give rise to significant acoustic or amenity impacts.

Issue: Overdevelopment of the site

Comment: The proposal is compliant with height, FSR, setback, subdivision and site coverage requirements. The proposal is not considered to be an overdevelopment of the site and is in-line with the desired future character of the area (subject to the deletion of the secondary dwellings).



Issue: Asbestos

Comment: Appropriate conditions of consent regarding construction and management of hazardous materials is included the recommended conditions of consent. Compliance with these requirements is expected to ensure protection for neighbouring residents from any potentially hazardous materials.

Issue: Non-compliance with FSR

Comment: The proposal has been assessed against the definition of gross floor area and FSR. The proposal is compliant with the maximum FSR permitted on the site.

Issue: Proposal is inconsistent with the streetscape

Comment: The proposal has been amended since the time of initial notification and now presents largely as a two-storey built form to the streetscape. The proposal is considered to be in-line with the desired future character of the area in that it is compliant with the maximum height, FSR and setbacks as permitted by the DCP. The proposal is consistent with other recent approvals along St Marys Street.

Issue: Ventilation impacts on front entry

Comment: The proposed side boundary setbacks ensure sufficient opportunities for ventilation to neighbouring sites and are reflective of the existing streetscape.

Issue: Loss of Outlook



Comment: Concerns have been raised regarding a loss of views that would result should the proposal be approved. This view loss has been reviewed (as seen above, photos supplied by objector) and is considered to be an outlook rather than a view. The proposal is not anticipated to have unreasonable impacts on the neighbouring outlook.

Issue: Location of Air Conditioner Condensers

Comment: The proposal now details the location of A/C motors as being on the roof of the secondary dwellings and roof of the first floor adjacent to the attic room. Having regard to the recommended deletion of the secondary dwellings, the proposed remaining location is considered to be appropriate and least likely to have impacts for neighbours.

Issue: No western elevation of main dwelling and no eastern elevation of secondary dwelling

Comment: Since the time of lodgement the applicant has provided amended plans which now include western elevations of the main dwelling and eastern elevations of the secondary dwelling.

Issue: Construction hours

Comment: Appropriate conditions of consent relating to construction hours will be recommended for any consent. These hours are standard for the Inner West LGA and seek to minimise environmental impacts to neighbouring sites.

Issue: Setbacks do not allow maintenance

Comment: The proposed setbacks are in-line with that of the existing streetscape. There is no requirement for the proposal to be further setback to enable maintenance to neighbouring sites.

Issue: Boundary Fencing

Comment: Appropriate conditions regarding construction fencing are recommended to be imposed as part of any consent. With regard to new boundary fencing this is a civil matter covered by the Dividing Fences Act and is to be discussed between neighbours. The proposed height and materials are acceptable to Council.

### 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 compliance with the prescribed amendments 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.

- Development Engineering – No objection raised to the proposal, subject to suitable conditions of consent.
- Resource Recovery – No objection raised to the proposal, subject to suitable conditions of consent.

## 7. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions 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 \$20,000.00 would be required for the development under Marrickville 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 *Inner West Local Environmental Plan 2022* and *Marrickville Development Control Plan 2011*.

Subject to the deletion of the secondary dwellings, the development will not result in significant impacts on the amenity of the adjoining properties and the streetscape and is considered to be in the public interest.

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

## 9. Recommendation

- A. The applicant has made a written request pursuant to Clause 4.6 of the *Inner West Local Environmental Plan 2022*. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is not satisfied that compliance with the site area development standard is unnecessary in the circumstance of the case and that there are insufficient environmental grounds to support the variation. The proposed development will not be in the public interest because the exceedance is inconsistent with the objectives of the zone in which the development is to be carried out. The clause 4.6 objection is not supported.
- 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/2022/0764 for Demolition of existing structures, removal of vegetation, torrens title subdivision and erection of a pair of semi-detached dwellings each with a rear lane detached garage at 69 St Marys Street, NEWTOWN 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:

<b>Plan, Revision and Issue No.</b>	<b>Plan Name</b>	<b>Date Issued</b>	<b>Prepared by</b>
A104 Issue B	Site Plan	1/11/2022	Ram Built Constructions
A105 Issue B	Subdivision Plan	1/11/2022	Ram Built Constructions
A107 Issue B	Ground Floor Plans	1/11/2022	Ram Built Constructions
A108 Issue B	First Floor Plans	1/11/2022	Ram Built Constructions
A109 Issue B	Attic Floor Plan	1/11/2022	Ram Built Constructions
A110 Issue B	Roof Plan	1/11/2022	Ram Built Constructions
A111 Issue B	Elevation	1/11/2022	Ram Built Constructions
A112 Issue B	Elevation	1/11/2022	Ram Built Constructions
A112A Issue B	Elevations	1/11/2022	Ram Built Constructions
A113 Issue B	Section	1/11/2022	Ram Built Constructions
A114 Issue B	Section	1/11/2022	Ram Built Constructions
A121 issue B	Landscape Plan	1/11/2022	Ram Built Constructions
A127 issue B	Materials and Finishes	1/11/2022	Ram Built Constructions

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 landscape plan is to be amended to detail that all new or re-placement tree plantings are of a native and endemic species.
- b. The proposed secondary dwellings located on top of the garages facing the rear laneway are not approved and must be deleted. The proposed garages must be designed to be single storey with a flat roof. The garages are to have an overall maximum height of 2.6m.

**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:	\$26,400.00
Inspection Fee:	\$350.00

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 7.11 (Former Section 94) Contribution**

Prior to the issue of a Construction Certificate works written evidence must be provided to the Certifying Authority that a monetary contribution of \$56,945.94 indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014] ("CP") has been paid to the Council.

The above contribution is the contribution applicable as at 3/11/2022.

The indexation of the contribution rates occurs in the first week of the months of February, May, August and November each year, following the release of data from the Australian Bureau of Statistics.

The contribution payable has been calculated in accordance with the CP and relates to the following public amenities and/or services and in the following amounts:

Public Amenities Type:	Contribution \$
Recreation Facilities	\$17,390.66
Community Facilities	\$1931.14
Traffic Facilities	\$286.04
Plan Administration	\$392.16
<b>TOTAL</b>	<b>\$20,000.00</b>

A copy of the CP can be inspected at any of the Inner West Council Services Centres or viewed online at:

<https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions>

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.**

\*NB A 0.75% credit card transaction fee applies to all credit card transactions.

#### **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. Waste Management Plan**

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

#### **7. Erosion and Sediment Control**

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

#### **8. Standard Street Tree Protection**

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

#### **9. Verification of Levels and Location**

Prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, the Principal Certifier must be provided with a survey levels certificate prepared



by a Registered Surveyor indicating the level of the slab and the location of the building with respect to the boundaries of the site to AHD.

#### **10. Works Outside the Property Boundary**

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

### **PRIOR TO ANY DEMOLITION**

#### **11. Resource Recovery and Waste Management Plan - Demolition and Construction**

Prior to any demolition works, the Certifying Authority must be provided with a Resource Recovery and Waste Management Plan - Demolition and Construction that includes details of materials that will be excavated and their proposed destination or reuse.

#### **12. 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.

#### **13. Dilapidation Report**

Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the adjoining properties to the Certifying Authority's satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.

**14. Advising Neighbours 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.

**15. 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****16. Bin Storage Area - Residential**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a report detailing the ongoing waste generation requirements of the development and demonstrate that the bin storage area is to be provided within the site that will fully accommodate the number of bins required for all waste generated by a development of this type and scale. The number of bins required must be calculated based on a weekly collection of garbage, and a fortnightly collection of recycling.

The area must also include 50% allowance for manoeuvring of bins. The bin storage area is to be located away from habitable rooms, windows, doors and private useable open space, and to minimise potential impacts on neighbours in terms of aesthetics, noise and odour.

The bin storage area is to meet the design requirements detailed in the Marrickville DCP 2011 and must include doorways/entrance points of 1200mm.

**17. Waste Transfer Route**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a plan demonstrating that the path of travel between the bin storage area/bulky waste storage area and the designated waste/recycling collection point is has a minimum 1200mm wall-to-wall clearance, be slip-proof, of a hard surface, be free of obstructions and at no point have a gradient exceeding 1:12.

**18. Each Dwelling is to have Access to a Disposal Point for All Waste Streams**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a plan demonstrating that the disposal point is to be within 30m of the dwelling access (distance covered by lifts excluded).

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

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

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

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

- a. 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 any rainwater tank(s), by gravity to the kerb and gutter of a public road/directly to Council's piped drainage system via the OSD/OSR tanks as necessary;
- b. 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;
- c. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage other than to drain downpipes to the rainwater tank(s);
- d. 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;
- e. The on-site detention system must be designed for all storm events from the 1 in 5 years to the 1 in 100 year storm event, with discharge to a Council controlled storm water system limited to pre-development conditions with the maximum allowable discharge to Council's street gutter limited to 25 litres/second (20 years ARI/100years ARI);
- f. OSD may be reduced or replaced by on site retention (OSR) for rainwater reuse in accordance with the relevant DCP that applies to the land. Where this is pursued, the proposed on-site retention (OSR) tanks must be connected to a pump system for internal reuse for laundry purposes, the flushing of all toilets and for outdoor usage such as irrigation. Surface water must not be drained to rainwater tanks where the collected water is to be used to supply water inside the dwelling, such as for toilet flushing or laundry use;

- g. Pipe and channel drainage systems including gutters must be designed to convey the one hundred (100) year Average Recurrence Interval (ARI) flows from the contributing catchment to the OSD/OSR tanks;
- h. Details of the 100-year ARI overflow route in case of failure/blockage of the drainage system must be provided;
- i. As there is no overland flow/flood path available from the central courtyards to the St Marys Lane frontage, the design of the sag pit and piped drainage system is to meet the following criteria:
  - a. Capture and convey the 100 year Average Recurrence Interval flow from the contributing catchment assuming 80% blockage of the inlet and 50% blockage of the pipe;
  - b. The maximum water level over the sag pit shall not be less than 150mm below the floor level or damp course of the building; and
  - c. The design shall make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands.
- j. A minimum 150mm step up shall be provided between all external finished surfaces and adjacent internal floor areas except where a reduced step is permitted under Section 3.1.2.3 (b) of the Building Code of Australia for Class 1 buildings;
- k. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands;
- l. Details of external catchments currently draining to the site must be included on the plans. Existing natural overland flows from external catchments may not be blocked or diverted, but must be captured and catered for within the proposed site drainage system. Where necessary an inter-allotment drainage system must be incorporated into the design;
- m. No nuisance or concentration of flows to other properties;
- n. 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;
- o. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
- p. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the lot;
- q. 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;
- r. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings;
- s. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated; and
- t. No impact to street tree(s).

### 21. Public Domain Works – Prior to Construction Certificate

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a public domain works design, prepared by a qualified practising Civil Engineer and evidence that the works on the Road Reserve have been approved by Council under Section 138 of the *Roads Act 1993* incorporating the following requirements:

- a. The public domain along all frontages of the site inclusive of footpath paving, kerb, street trees, etc. must be reconstructed and upgraded in accordance with the Street Tree Master plan and the Public Domain Design Guide or scheme;
- b. The construction of light duty vehicular crossings to all vehicular access locations;
- c. New concrete footpath and kerb and gutter along the frontage of the site. The kerb type (concrete or stone) must be consistent with the majority of kerb type at this location as determined by the Council Engineer;
- d. Cross sections are to be provided at the boundary at a minimum distance of every 5m and at all pedestrian and vehicular access locations. Note, the cross fall of the footpath must be set at 2.5%. These sections will set the alignment levels at the boundary; and
- e. Installation of stormwater outlet to the kerb and gutter.

All works must be completed prior to the issue of an Occupation Certificate.

### 22. Alignment Levels – Rear Lane

The internal vehicle hardstand area shall be redesigned such that the level at the boundary shall match the invert level of the adjacent gutter plus 110mm at both sides of the vehicle entry. This will require the internal garage slab or hard stand area to be adjusted locally at the boundary to ensure that it matches the above Alignment Levels. Amended plans shall be submitted to and approved by Council before the issue of the Construction Certificate.

Longitudinal sections along each outer edge of the access and parking facilities, extending to the centreline of the road carriageway must be provided, demonstrating compliance with the above requirements.

### 23. Parking Facilities - Domestic

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans certified by a suitably qualified Civil Engineer demonstrating that the design of the vehicular access and off-street parking facilities must comply with Australian Standard AS/NZS2890.1-2004 Parking Facilities – Off-Street Car Parking and the following specific requirements:

- a. A minimum of 2200mm headroom must be provided throughout the access and parking facilities. Note that the headroom must be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors;

- b. Longitudinal sections along each outer edge of the access and parking facilities, extending to the centreline of the road carriageway must be provided, demonstrating compliance with the above requirements;
- c. A plan of the proposed access and adjacent laneway, drawn at a 1:100 scale, demonstrating that vehicle manoeuvrability for entry and exit to the parking space complies with swept paths from AS/NZS 2890.1:2004. The plan must include any existing on-street parking spaces;
- d. The maximum gradients within the parking module must not exceed 1 in 20 (5%), measured parallel to the angle of parking and 1 in 16 (6.25%), measured in any other direction in accordance with the requirements of Section 2.4.6 of AS/NZS 2890.1-2004; and
- e. The external form and height of the approved structures must not be altered from the approved plans.

#### **24. 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*

#### **25. Acoustic Report – Aircraft Noise**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans detailing the recommendations of an acoustic report prepared by a suitably qualified Acoustic Engineer demonstrating compliance of the development with the relevant provisions of Australian Standard AS 2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction.

#### **26. Fibre-ready Facilities**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with evidence that arrangements have been made for:

- a. The installation of fibre-ready facilities to all individual lots and/or premises the development so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose.
- b. The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises the development demonstrated through an agreement with a carrier.

**DURING DEMOLITION AND CONSTRUCTION****27. Documentation of Demolition and Construction Waste**

All waste dockets from the recycling and/or disposal of any demolition and construction waste generated from the works must be retained on site.

**28. 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.

**29. Survey Prior to Footings**

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

**PRIOR TO OCCUPATION CERTIFICATE****30. Public Domain Works**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with written evidence from Council that the following works on the Road Reserve have been completed in accordance with the requirements of the approval under Section 138 of the *Roads Act 1993* including:

- a. Light duty concrete vehicle crossing at the vehicular access location;
- b. The existing concrete footpath across the frontage of the site must be reconstructed;  
and
- c. Other works subject to the *Roads Act 1993* approval.

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

**31. No Encroachments**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any encroachments on to Council road or footpath resulting from the building works have been

removed, including opening doors, gates and garage doors with the exception of any awnings or balconies approved by Council.

### **32. Protect Sandstone Kerb**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any stone kerb, damaged as a consequence of the work that is the subject of this development consent, has been replaced.

### **33. Works as Executed – Site Stormwater Drainage System**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a suitably qualified Civil Engineer that:

- a. The stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards; and
- b. Works-as-executed plans of the stormwater drainage system certified by a Registered Surveyor, to verify that the drainage system has been constructed, OSD/OSR system commissioned in accordance with the approved design and relevant Australian Standards have been submitted to Council. The works-as-executed plan(s) must show the as built details in comparison to those shown on the drainage plans approved with the Construction Certificate. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifier stamped Construction Certificate plans.

### **34. Operation and Management Plan**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an Operation and Management Plan has been prepared and implemented for the on-site detention and/or on-site retention/re-use facilities. The Plan must set out the following at a minimum:

- a. The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners; and
- b. The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.

### **35. Torrens Title Subdivision to Occur before Occupation**

Prior to the issue of an Occupation Certificate for any dwelling on the site, the certifying authority is to be provided with evidence that the subdivision that forms part of this consent has been registered with the NSW Land Registry Services.



**36. Parking Signoff – Minor Developments**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with certification from a qualified practising Civil Engineer that the vehicle access and off street parking facilities have been constructed in accordance with the approved design and relevant Australian Standards.

**37. Aircraft Noise –Alterations and Additions**

Prior to the issue of any Occupation Certificate, the Principal Certifier must be provided with a report prepared and submitted by an accredited Acoustics Consultant certifying that the final construction meets AS2021-2015 with regard to the noise attenuation measures referred to in the “Before the Issue of a Construction Certificate” Section of this Determination. Such report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development.

Where it is found that internal noise levels are greater than the required dB(A) rating due to faulty workmanship or the like, necessary corrective measures must be carried out and a further certificate being prepared and submitted to the Principal Certifier in accordance with this condition.

**38. Section 73 Certificate**

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

**PRIOR TO SUBDIVISION CERTIFICATE****39. Separate Drainage Systems**

Prior to the issue of a Subdivision Certificate, the Principal Certifier must be provided with a plan detailing that separate drainage systems must be provided to drain each proposed lot.

**40. Civil Engineer Verification**

Prior to the issue of a Subdivision Certificate, the Principal Certifier must be provided with written verification from a suitably experienced Civil Engineer, stating that all stormwater drainage and related work has been and constructed in accordance with the approved plans.

**41. Torrens Title Subdivision**

Prior to the issue of a Subdivision Certificate, the Certifying Authority must verify that the physical works within this consent have been constructed.

**42. 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****43. Bin Storage**

All bins are to be stored within the site. Bins are to be returned to both properties within 12 hours of having been emptied.

**44. Operation and Management Plan**

The Operation and Management Plan for the on-site detention and/or on-site retention/re-use, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.

**ADVISORY NOTES****Notice to Council to deliver Residential Bins**

Council should be notified of bin requirements three weeks prior to the occupation of the building to ensure timely delivery.

Council will place an order for the required bins. Delivery will occur once the applicant has completed a Request for New Service.

**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 Sections 69-86 of the *Environmental Planning and Assessment Regulations 2021*.

#### **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.

**Disability Discrimination Access to Premises Code**

The *Disability Discrimination Act 1992* (Commonwealth) and the *Anti-Discrimination Act 1977* (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.

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

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

**Notification of commencement of works**

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the PCA (not being the council) has given the Council written notice of the following information:

- a. In the case of work for which a principal contractor is required to be appointed:
  - i. The name and licence number of the principal contractor; and
  - ii. The name of the insurer by which the work is insured under Part 6 of that Act.

- b. In the case of work to be done by an owner-builder:
  - i. The name of the owner-builder; and
  - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

#### **Dividing Fences Act**

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

#### **Permits from Council under Other Acts**

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

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

#### **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.

**Construction of Vehicular Crossing**

The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for *Construction of a Vehicular Crossing & Civil Works* form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, prior to commencement of works.

**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 <a href="http://www.basix.nsw.gov.au">www.basix.nsw.gov.au</a>
Department of Fair Trading	13 32 20 <a href="http://www.fairtrading.nsw.gov.au">www.fairtrading.nsw.gov.au</a> Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 <a href="http://www.dialprior toyoudig.com.au">www.dialprior toyoudig.com.au</a>
Landcom	9841 8660

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



**Asbestos Removal**

A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m<sup>2</sup> 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.

Attachment B – Plans of proposed development

DEVELOPMENT APPLICATION

PROJECT: PROPOSED TWO STOREY DUPLEX  
 AT: 69 St Marys St, Newtown, NSW

SHEET SCHEDULE

Sheet Number	Sheet Name
A101	COVER SHEET
A102	BASIS
A103	BASIS
A104	SITE PLAN
A105	ASAP DIAGRAM
A106	ASAP DIAGRAM
A107	GROUND FLOOR PLANS
A108	FIRST FLOOR PLANS
A109	ROOF PLAN
A110	ROOF PLAN
A111	ELEVATIONS
A112	ELEVATIONS
A113	ELEVATIONS
A114	SECTION DOOR & WINDOW SCHEDULE
A115	LANDSCAPE PLAN
A116	LANDSCAPE PLAN
A117	LANDSCAPE PLAN
A118	LANDSCAPE PLAN
A119	LANDSCAPE PLAN
A120	LANDSCAPE PLAN
A121	LANDSCAPE PLAN
A122	LANDSCAPE PLAN
A123	LANDSCAPE PLAN
A124	LANDSCAPE PLAN
A125	LANDSCAPE PLAN
A126	LANDSCAPE PLAN
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A153	LANDSCAPE PLAN
A154	LANDSCAPE PLAN
A155	LANDSCAPE PLAN
A156	LANDSCAPE PLAN
A157	LANDSCAPE PLAN
A158	LANDSCAPE PLAN
A159	LANDSCAPE PLAN
A160	LANDSCAPE PLAN



<p><b>REVISION SCHEDULE</b></p> <p>DATE: 01/11/2022</p> <p>BY: N</p> <p>REASON: CONSULTATION</p>	<p><b>MEMBER</b></p> <p><b>A+</b></p> <p>Australian Institute of Architects</p>	<p><b>RAMBUILT</b></p> <p>Rambuilt Constructions Pty. Ltd.</p>	<p><b>THIS DRAWING IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF JS ARCHITECTS.</b></p>
<p><b>CONSULTANTS:</b></p> <p><b>PM:</b></p> <p><b>NORTH POINT:</b></p> <p>THIS DRAWING IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF JS ARCHITECTS.</p>	<p><b>CLIENT:</b> ALAN &amp; DALIA TAYYAR</p> <p><b>DRAWING TITLE:</b> COVER SHEET</p> <p><b>DATE:</b> 01/11/2022</p> <p><b>PROJECT NUMBER:</b> 097-21/22</p> <p><b>SCALE:</b> @A1</p> <p><b>DRAWING NO.:</b> A101</p> <p><b>DATE:</b> 01/11/2022</p> <p><b>PROJECT NUMBER:</b> 097-21/22</p> <p><b>SCALE:</b> @A1</p> <p><b>DRAWING NO.:</b> A101</p> <p><b>DATE:</b> 01/11/2022</p> <p><b>PROJECT NUMBER:</b> 097-21/22</p> <p><b>SCALE:</b> @A1</p> <p><b>DRAWING NO.:</b> A101</p>	<p><b>PROJECT:</b> PROPOSED TERRACE HOUSING</p> <p><b>CLIENT:</b> JS ARCHITECTS PVT LTD</p> <p>69 St Marys St, Newtown, NSW</p> <p>NSW 1500</p> <p>TEL: 02 9550 1800</p> <p>WWW: JSARCHITECTS.COM.AU</p>	<p><b>JS ARCHITECTS</b></p> <p>ARCHITECTS</p>

Project address	
Project name	69 St Marys Street Newtown
Street address	69 St Marys Street Newtown 2042
Local Government Area	Inner West Council
Plan type and plan number	deposited 1140589
Lot no.	163
Section no.	-
Project types	
No. of residential flat buildings	0
No. of units in residential flat buildings	0
No. of multi-dwelling houses	0
No. of single dwelling houses	2
Site details	
Site area (m <sup>2</sup> )	294.13
Roof area (m <sup>2</sup> )	184
Non-residential floor area (m <sup>2</sup> )	0.0
Residential car spaces	2
Non-residential car spaces	0
Common area landscape	
Common area lawn (m <sup>2</sup> )	0.0
Common area garden (m <sup>2</sup> )	0.0
Area of indigenous or low water risk species (m <sup>2</sup> )	0.0
Assessor details	
Assessor number	101225
Certificate number	JN/VST3/W/F4
Climate zone	56
Calling fire in at least one bedroom	No
Calling fire in at least one living room or other conditioned area	No
Project score	
Water	45
Thermal Comfort	Pass
Energy	50
	Target:40
	Target:50

The tables below describe the dwellings and common areas within the project

Multi-dwelling houses

Dwelling no.	Indigenous species (min area m <sup>2</sup> )	Area of garden & unconditioned floor area (m <sup>2</sup> )	Area of bedroom floor area (m <sup>2</sup> )	Area of bathroom floor area (m <sup>2</sup> )	Area of kitchen floor area (m <sup>2</sup> )	Area of living/dining floor area (m <sup>2</sup> )	Area of laundry floor area (m <sup>2</sup> )	Area of terrace/patio floor area (m <sup>2</sup> )	Area of verandah floor area (m <sup>2</sup> )	Area of other floor area (m <sup>2</sup> )
1	3	136.1	1.8	33.0	9.0	136.1	1.8	33.0	9.0	0.0

1. Commitments for multi-dwelling houses

- (a) Dwellings
  - (i) Water
  - (ii) Energy
  - (iii) Thermal Comfort

2. Commitments for single dwelling houses

3. Commitments for common areas and central systems/facilities for the development (non-building specific)

- (i) Water
- (ii) Energy

Schedule of BASIX commitments

The commitments set out below regulate how the proposed development is to be carried out. It is a condition of any development consent granted, or compelling development certificate issued, for the proposed development, that BASIX commitments be complied with.

1. Commitments for multi-dwelling houses

(a) Dwellings

(i) Water	Show on DA plans	Show on CC/DC plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.			
(b) The applicant must plant indigenous or low-water use species of vegetation throughout the area of and specified for the dwelling in a table below. The area of and species of vegetation to be planted must be contained within the "Area of garden and lawn" for the dwelling specified in the "Description of project" table.	✓	✓	✓
(c) If a rating is specified in the table below for a fixture or appliance to be installed in the dwelling, the applicant must ensure that each such fixture and appliance meets the rating specified for it.		✓	✓
(d) The applicant must install an on-demand hot water recirculation system which regulates all hot water use throughout the dwelling in a table below.		✓	✓
(e) The applicant must comply with the "HV" recirculation or diversion" column of the table below.		✓	✓
(f) The applicant must install a hot water recirculation system to all showers, kitchen sinks and all basins in the dwelling, where indicated for a dwelling in a table below.		✓	✓
(g) A separate diversion tank (or tanks) connected to the hot water diversion systems of at least 100 litres. The applicant must connect the hot water diversion tank to all toilets in the dwelling.		✓	✓
(h) The applicant must not install a private swimming pool or spa for the dwelling, with a volume exceeding that specified for it in the table below.	✓	✓	✓
(i) If specified in the table, the pool or spa (or both) must have a pool cover or shading (or both).		✓	✓
(j) The pool or spa must be located as specified in the table.	✓	✓	✓
(k) The applicant must install, for the dwelling, each alternative water supply system, with the specified size, listed for that dwelling in a table below. The applicant must also install any other alternative water supply system, and to divert overflow as specified. Each system must be connected as specified.	✓	✓	✓

Dwelling no.	Features				Appliances				Individual pool				Individual spa	
	All shower-heads < 4 star > 4 star > 6 star > 6 star	All toilet-flushing systems 4 star > 4 star > 6 star > 6 star	All kitchen taps 4 star > 4 star > 6 star > 6 star	All bathroom taps 4 star > 4 star > 6 star > 6 star	All HW recirculation or diversion	All clothes washers	All dishwashers	All clothes washers	Pool location	Pool cover	Volume (max volume)	Pool shaded	Volume (max volume)	Spa cover
All dwellings	4 star > 4 star > 6 star > 6 star	4 star > 4 star > 6 star > 6 star	4 star > 4 star > 6 star > 6 star	4 star > 4 star > 6 star > 6 star	no	-	-	-	no	no	-	no	-	-
None	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Dwelling no.	Alternative water supply systems		Size		Configuration		Alternative water source		Spa top-up
	Individual water tank (no. tanks)	To collect run-off from at least 1000 sqm of roof area	Tank size (mm)	To collect run-off from at least 1000 sqm of roof area	Landscaping	Laundry diversion	Toilet diversion	Laundry diversion	
All dwellings	1	no	1000	no	To collect run-off from at least 1000 sqm of roof area	no	no	no	no
None	-	-	-	-	-	-	-	-	-

(ii) Energy

- (a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.
- (b) The applicant must install each hot water system specified for the dwelling in the table below, so that the dwelling's hot water is supplied by that system. If the table specifies a central hot water system for the dwelling, then the applicant must connect that central system to the dwelling, so that the dwelling's hot water is supplied by that central system.
- (c) The applicant must install, in each bedroom, kitchen and laundry of the dwelling, the specified hot water system specified for that room in a table below.
- (d) The applicant must install the cooling and heating systems specified for the dwelling under the "Living area" and "Bedroom" areas, headings of the "Cooling and Heating" columns in the table below, in the living area and bedroom of the dwelling. If the table specifies a cooling and heating system for the dwelling, then the applicant must install that system in the dwelling. If the table specifies a cooling and heating system for the dwelling, then the system must provide for daylight zoning between living areas and bedrooms.

MEMBER AUSTRALIAN INSTITUTE OF ARCHITECTS

DATE: 20/11/2022  
 REVISED BY: JN/VST3/W/F4  
 BY: JN/VST3/W/F4

PROJECT NO: 097-21/22  
 DRAWING TITLE: BASIX  
 DRAWING NO: SCALE @ A1  
 SHEET NO: 5042 @ A1

PROJECT: PROPOSED TERRACE HOUSING  
 69 St Marys St, Newtown, NSW

JS ARCHITECTS  
 JS Architects Pty Ltd  
 91-93 St Marys St, Newtown NSW 2042  
 T: 02 9550 1111 F: 02 9550 1112  
 W: www.jsarchitects.com.au

**RAMBUILT**  
 Rambuilt Constructions Pty. Ltd.

**AI+**  
 Member Australian Institute of Architects

(iii) Thermal Comfort

(d) The applicant must show on the plans accompanying the development application for the proposed development, all matters which the Thermal Comfort Protocol requires to be shown on those plans. These plans must bear a stamp of endorsement from the accredited Assessor, to certify that this is the case.

(e) The applicant must show on the plans accompanying the application for a construction certificate (or complying development certificate) the location of the proposed development, the location of the proposed development, and the location of the proposed development, which were used to calculate these specifications.

(f) The applicant must construct the development in accordance with all thermal performance specifications set out in the Assessor Certificate, and in accordance with those aspects of the development application or approval for a complying development.

(g) Where there is an in-slab heating or cooling system, the applicant must:

(aa) Install insulation with an R-value of not less than 1.0 around the vertical edges of the perimeter of the slab, or

(ab) On a suspended floor, install insulation with an R-value of not less than 1.0 underneath the slab and around the vertical edges of the perimeter of the slab.

(h) The applicant must construct the floors and walls of the development in accordance with the specifications listed in the table below.

Thermal loads	
Dwelling no.	Area adjusted heating load (in mJ/m <sup>2</sup> /yr)
1	39.1
All dwellings	37.7

Thermal loads	
Dwelling no.	Area adjusted cooling load (in mJ/m <sup>2</sup> /yr)
1	24.6
All dwellings	21.8

Construction of floors and walls

Dwelling no.	Concrete slab on ground (m <sup>2</sup> )	Structure floor with suspended floor above (m <sup>2</sup> )	Structured floor above garage (m <sup>2</sup> )	Externally finished earth or mudbrick walls
1	78	-	-	23
All dwellings	78	-	-	No

3. Comments for common areas and central systems/facilities for the development (non-building specific)

(b) Common areas and central systems/facilities

(i) Water

(a) If, in carrying out the development, the applicant installs a showerhead, toilet, tap or clothes washer into a common area, then that item must meet the specifications listed for it in the table.

(b) The applicant must install (or ensure that the development is serviced by) the alternative water supply systems specified in the table below. In each case, the system must be used, be configured, and be connected, as specified in the table.

(c) A swimming pool or spa listed in the table must not have a volume (in kL) greater than that specified for the pool or spa in the table.

(d) A pool or spa listed in the table must have a cover or shading specified for the pool or spa in the table.

(e) The applicant must install each fire sprinkler system listed in the table so that the system is configured as specified in the table.

(f) The applicant must ensure that the central cooling system for a cooling tower is configured as specified in the table.

Common area	Showerheads rating	Toilets rating	Taps rating	Clothes washers rating
All common areas	no common facility	no common facility	no common facility	no common laundry facility

(ii) Energy

(a) If, in carrying out the development, the applicant installs a ventilation system to service a common area specified in the table below, then that ventilation system must be of the type specified for that common area, and must meet the efficiency measure specified.

(b) In carrying out the development, the applicant must install, as the primary type of artificial lighting, for each common area specified in the table below, the lighting specified for that common area. This lighting must meet the efficiency measure specified. The applicant must also install a centralised lighting control system or Building Management System (BMS) for the common area, where specified.

(c) The applicant must install the systems and fixtures specified in the 'Central energy systems' column of the table below. In each case, the system or fixture must be of the type, and meet the specifications, listed for it in the table.

(ii) Energy

(e) This commitment applies to each room or area of the dwelling which is referred to in a heading to the 'Artificial lighting' column of the table below (but only to the extent specified for that room or area). The applicant must ensure that the primary type of artificial lighting specified for a particular room or area, then the light fittings in that room or area must only be capable of being used for fluorescent lighting or light emitting diode (LED) lighting.

(f) This commitment applies to each room or area of the dwelling which is referred to in a heading to the 'Natural lighting' column of the table below (but only to the extent specified for that room or area). The applicant must ensure that each such room or area is fitted with a window or skylight.

(g) This commitment applies to the applicant installing a water heating system for the dwelling's pool or spa. The applicant must:

(aa) Install the system specified for the pool in the 'Individual Pool' column of the table below (or alternatively must not install any system for the pool). If specified, the applicant must install a timer, to control the pool's pump; and

(bb) Install the system specified for the spa in the 'Individual Spa' column of the table below (or alternatively must not install any system for the spa). If specified, the applicant must install a timer to control the spa's pump.

(h) The applicant must install in the dwelling:

(aa) the kitchen cook-top and oven specified for that dwelling in the 'Appliances & other efficiency measures' column of the table below;

(bb) the hot water system, for which its rating is specified for that dwelling in the 'Appliances & other efficiency measures' column of the table and ensure that the appliance has that minimum rating; and

(cc) any clothes-drying line specified for the dwelling in the 'Appliances & other efficiency measures' column of the table.

(i) If specified in the table, the applicant must carry out the development so that each refrigerator space in the dwelling is 'well ventilated'.

(j) The applicant must install the electric system specified for the dwelling in the 'Electricity system' heading of the 'Alternative energy' column of the table below, and connect the system to that dwelling's electric system.

Dwelling no.	Cooling		Heating		Kitchen ventilation system		Laundry ventilation system	
	Living areas	Bedroom areas	Living areas	Bedroom areas	Each kitchen	Operation control	Each laundry	Operation control
All dwellings	1 (zone)	1 (zone)	1 (zone)	1 (zone)	Individual fan, ducted to facade or roof	Manual switch on/off to facade or roof	Individual fan, ducted to facade or roof	Manual switch on/off to facade or roof

(i) Natural lighting

Dwelling no.	Each living & dining room	Each kitchen	Each bathroom/toilet	All hallways	No. of bedrooms & bathrooms	Kitchen	Toilets	Other
All dwellings	1 (dedicated)	1 (dedicated)	1 (dedicated)	1 (dedicated)	1	1 (dedicated)	1	1

(i) Artificial lighting

Dwelling no.	Living areas	Bedroom areas	Each living & dining room	Each kitchen	Each bathroom/toilet	All hallways	No. of bedrooms & bathrooms	Kitchen	Toilets	Other
All dwellings	1 (zone)	1 (zone)	1 (dedicated)	1 (dedicated)	1 (dedicated)	1 (dedicated)	1	1 (dedicated)	1	1

(ii) Appliances & other efficiency measures

Dwelling no.	Pool heating system	Spa heating system	Refrigerator	Kitchen cooktop/oven	Washing machine	Dishwasher	Clothes dryer	Clothes washer	Clothes dryer	Indoor or outdoor clothes-drying line	Private clothes-drying line
All dwellings	-	-	1 (zone)	1 (zone)	1 (zone)	1 (zone)	1 (zone)	1 (zone)	1 (zone)	1 (zone)	1 (zone)

Alternative energy

Dwelling no.	Photovoltaic system (min rated electrical output in peak kW)
All dwellings	0.0

(iii) Thermal Comfort

(a) The applicant must attach the certificate referred to under 'Assessor details' on the front page of this BASIX certificate (the 'Assessor Certificate') to the development application and construction certificate application for the proposed development (or, if the applicant is not required to obtain a construction certificate for the proposed development, the applicant must also attach the Assessor Certificate to the application for a final occupation certificate for the proposed development).

(b) The Assessor Certificate must have been issued by an Accredited Assessor in accordance with the Thermal Comfort Protocol.

(c) The details of the proposed development on the Assessor Certificate must be consistent with the details shown in this BASIX Certificate, including the details shown in the 'Thermal Loads' table below.

Dwelling no.	Show on DA plans	Show on CC/CCDC plans & specs	Certifier check
All dwellings	✓	✓	✓

REVISIONS:

NO.	DATE	BY	REASON
1	21/11/2022	DA	ISSUED

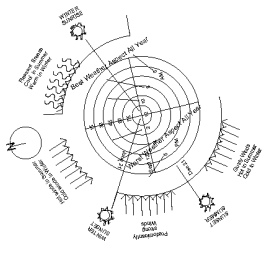
PROJECT: PROPOSED TERRACE HOUSING  
 CLIENT: ALAN & DALIA TAYYAR  
 DRAWING TITLE: BASIX  
 DRAWING NO.: 097-21/22  
 SCALE: @ A1  
 DRAWING DATE: 21/11/2022  
 DRAWING TIME: 11:00 AM  
 DRAWING LOCATION: 80 ST MARYS ST, NEWTOWN, NSW  
 PROJECT NUMBER: A103  
 DRAWING NO.: A103  
 ISSUE: B

Member Australian Institute of Architects

**RAMBUILT**  
 Rambuilt Constructions Pty. Ltd.

JS Architects Pty Ltd  
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 www.jsarchitects.com.au

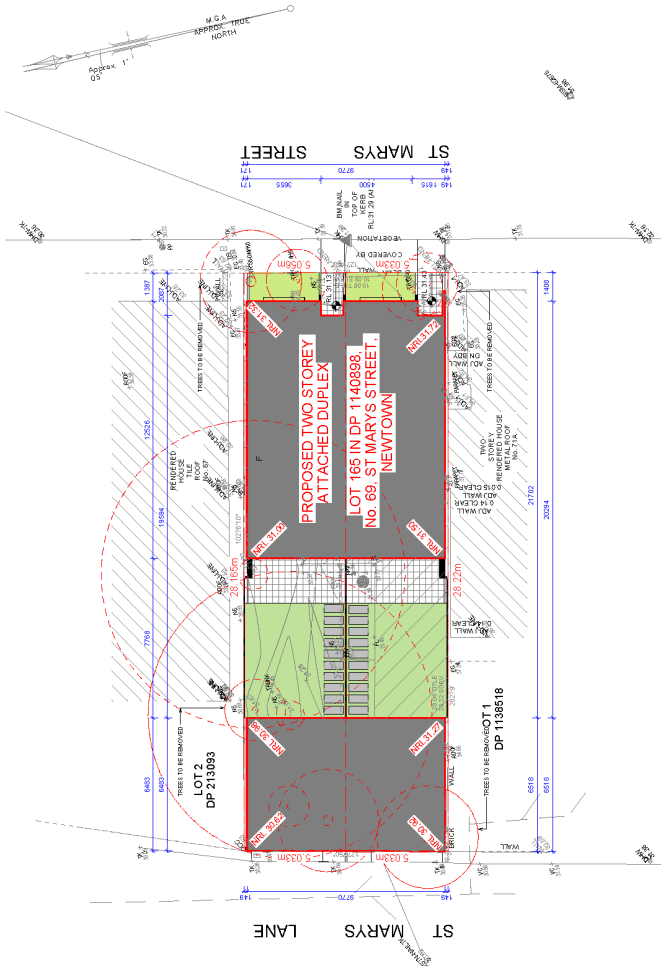
CLIMATIC ANALYSIS



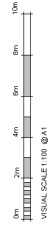
THIS ANALYSIS PLAN IS TO BE READ IN CONJUNCTION WITH THE ARCHITECTURAL DRAWINGS, THE SHADOW DIAGRAM AND THE PHOTOGRAPHS OF THE SURROUNDING STREETScape.

NOTES

1. THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE ARCHITECTURAL DRAWINGS, STRUCTURAL DRAWINGS AND PLANS.
2. PRIOR TO COMMENCEMENT OF WORKS THE CONTRACTOR MUST OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.
3. ANY DAMAGE TO EXISTING SERVICES SHALL BE REPAIRED TO ORIGINAL CONDITION.
4. TRAFFIC MANAGEMENT MEASURES HAVE TO BE IMPLEMENTED DURING CONSTRUCTION TO MAINTAIN ACCESS TO ADJACENT STREETS AND TO MAINTAIN SAFE PEDESTRIAN ACCESS ALONG THE FOOTPATH.
5. ALL PITS LOCATED IN TRAFFICABLE AREAS (IE DRIVEWAYS) TO HAVE MEDIUM DUTY GRATED COVERS SUITABLE FOR TRAFFIC.
6. REFER TO LANDSCAPE ARCHITECT'S DRAWINGS FOR DETAILS AND EXTENT OF ALL LANDSCAPED AREAS.
7. ALL PITS SHALL BE PRE-CAST TO A MINIMUM DEPTH OF 400mm.
8. ALL PITS SHALL BE PRE-CAST TO A MINIMUM DEPTH OF 400mm.
9. ALL PITS SHALL BE PRE-CAST TO A MINIMUM DEPTH OF 400mm.
10. PROVIDE 3 STEP RISES TO ALL PITS GREATER THAN 120mm DEEP.
11. ALL PITS SHALL BE STRIPPED ON SITE TO A MINIMUM DEPTH OF 100mm.
12. TOPSOIL SHALL BE STRIPPED ON SITE TO A MINIMUM DEPTH OF 100mm.
13. ALL PITS SHALL BE REGRADED TO ORIGINAL FINISH LEVELS.
14. THE CONTRACTOR SHALL MAINTAIN DUST CONTROL UNTIL FINAL COMPLETION OF WORKS.



1 SITE PLAN  
1:100



PROJECT: PROPOSED TERRACE HOUSING  
69 St Marys St, Newtown, NSW  
JS Architects Pty Ltd  
111 St Marys St, Newtown, NSW  
02 9550 1111  
www.jsarchitects.com.au

CLIENT: ALAN & DALIA TAYYAR  
DRAWING TITLE: SITE PLAN  
DATE: 01/11/2022  
PROJECT NUMBER: 097-21/22  
ISSUE: B

NORTH POINT: THIS DRAWING IS TO BE USED BY THE CLIENT ONLY. ANY REUSE OR MODIFICATION IS AT THE USER'S RISK.  
CONSULTANTS: RAMBUILT

RAMBUILT  
Rambuilt Constructions Pty. Ltd.

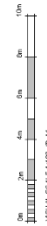
Member Australian Institute of Architects  
Architects

Revision Schedule:  
DATE: 01/11/2022  
ISSUED BY: EDWARD BERTHIN

Version 2, Version Date: 07/11/2022



1 SUBDIVISION PLAN  
1:50



PROJECT  
PROPOSED TERRACE HOUSING  
89 St Marys St, Newtown, NSW

CLIENT  
ALAN & DALIA TAYYAR

DRAWING TITLE  
SUBDIVISION PLAN

DATE  
01-11-2022

PROJECT NUMBER  
097-21/22

ISSUE  
B

SCALE @ A1  
1:50

DRAWING No.  
A105

CONSULTANTS

Rambuilt Constructions Pty. Ltd.

Member  
Australian  
Institute of  
Architects

THIS DRAWING ISSUE  
BY REGISTERED  
SURVEYOR

NORTH POINT

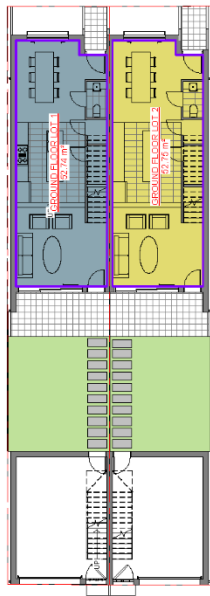
REVISION SCHEDULE

REVISION	DESCRIPTION	DATE
1	ISSUE FOR COMMENT	01-11-2022

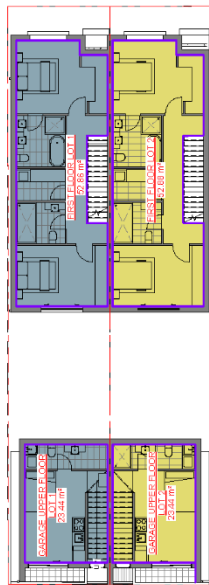
DESIGNED BY: N  
DRAWN BY: N  
CHECKED BY: N  
DATE: 01-11-2022

FOR INFORMATION: THIS DRAWING IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION WITHOUT THE APPROVAL OF THE LOCAL COUNCIL AND THE NSW DEPARTMENT OF PLANNING AND INFRASTRUCTURE.

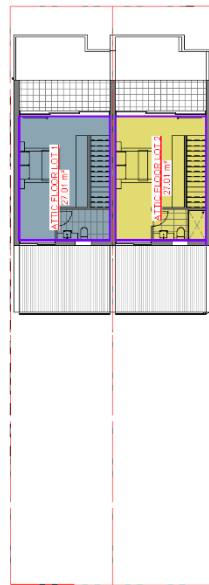
Document Ref: 9095889-1732022  
Version 2, Version Date: 07/11/2022



**1** GROUND FLOOR PLAN  
1:100



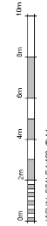
**2** FIRST FLOOR PLAN  
1:100



**3** ATTIC FLOOR PLAN  
1:100

FLOOR SPACE RATIO	
Name	Area
ATTIC FLOOR LOT 2	27.01 m <sup>2</sup>
ATTIC FLOOR LOT 1	27.01 m <sup>2</sup>
FIRST FLOOR LOT 2	52.38 m <sup>2</sup>
FIRST FLOOR LOT 1	52.38 m <sup>2</sup>
GARAGE UPPER FLOOR LOT 2	52.38 m <sup>2</sup>
GARAGE UPPER FLOOR LOT 1	23.44 m <sup>2</sup>
GARAGE LOWER FLOOR LOT 2	52.75 m <sup>2</sup>
GARAGE LOWER FLOOR LOT 1	52.74 m <sup>2</sup>
TOTAL AREA	312.14 m <sup>2</sup>

SITE AREA 284.13m<sup>2</sup>  
 MAXIMUM FLOOR SPACE RATIO = 312.14m<sup>2</sup>  
 MAXIMUM FLOOR SPACE RATIO 1:1.1 = 312.55m<sup>2</sup>



VISUAL SCALE 1:100 @ A1

**JS ARCHITECTS**

PROPOSED TERRACE HOUSING  
 89 St Marks St, Newtown, NSW

JS Architects Pty Ltd  
 89 St Marks St, Newtown, NSW  
 NSW 1500  
 T: 02 9550 1111  
 F: 02 9550 1112  
 W: www.jsarchitects.com.au

CLIENT: ALAN & DALIA TAYYAR  
 DRAWING TITLE: AREA DIAGRAM  
 DATE: 01-11-2022  
 PROJECT NUMBER: 097-21/22  
 SCALE @ A1: 1:100  
 DRAWING NO.: A103  
 ISSUE: B

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 50/51 GURONGA ST, SYDNEY, NSW 1500

**RAMBUILT**  
 Rambuilt Constructions Pty. Ltd.

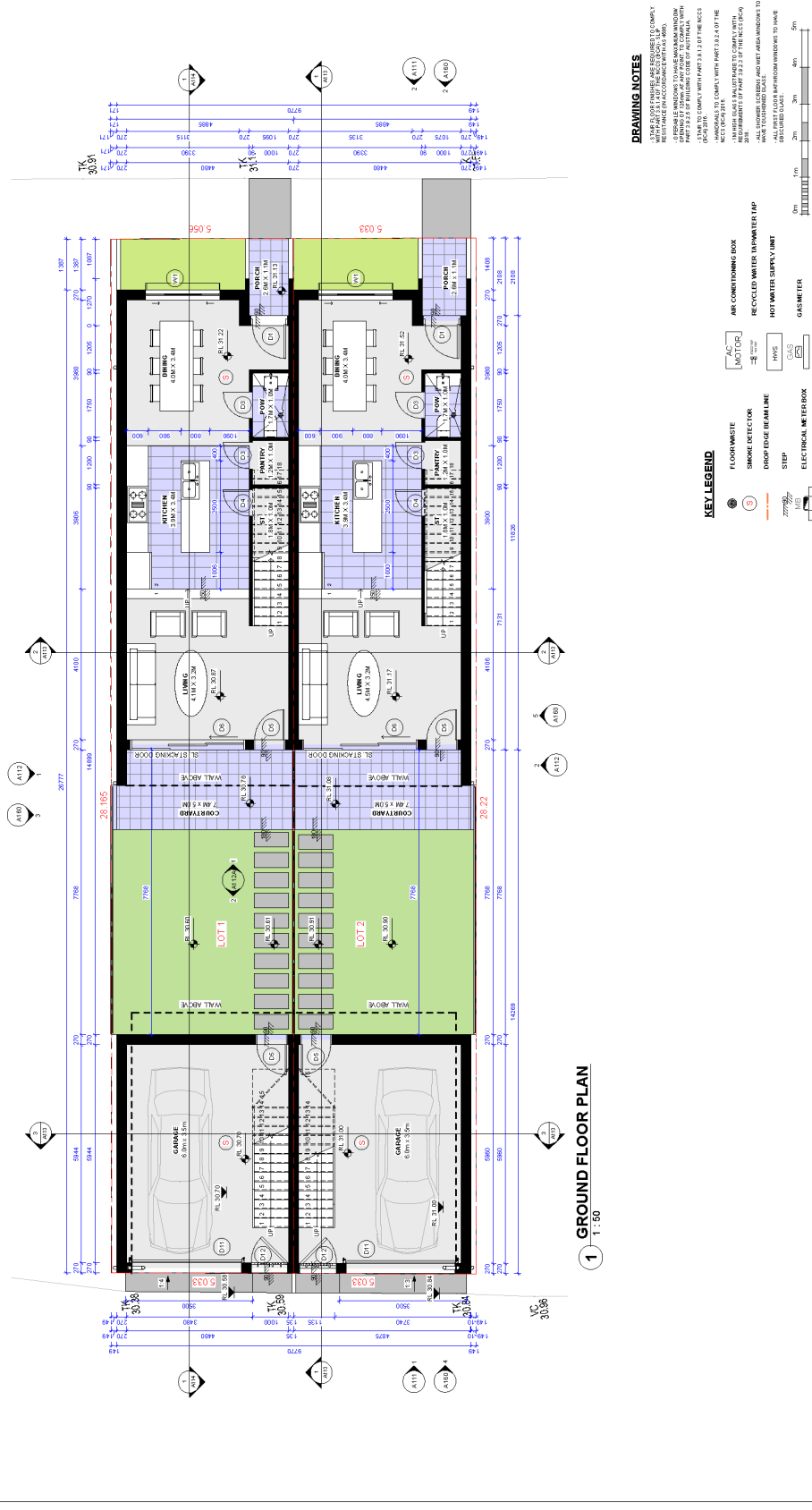
**A+** Member Australian Institute of Architects

REVISION SCHEDULE  
 REVISION NO. DESCRIPTION  
 1. 01-11-2022  
 2. 01-11-2022

DATE: 01-11-2022  
 DRAWN BY: N  
 CHECKED BY: N

100% COMPLETE  
 ALL WORK HAS BEEN CHECKED AND APPROVED FOR CONSTRUCTION  
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 50/51 GURONGA ST, SYDNEY, NSW 1500  
 T: 02 9550 1111  
 F: 02 9550 1112  
 W: www.jsarchitects.com.au

Document Ref: 097-21/22  
 Version 2, Version Date: 07/11/2022

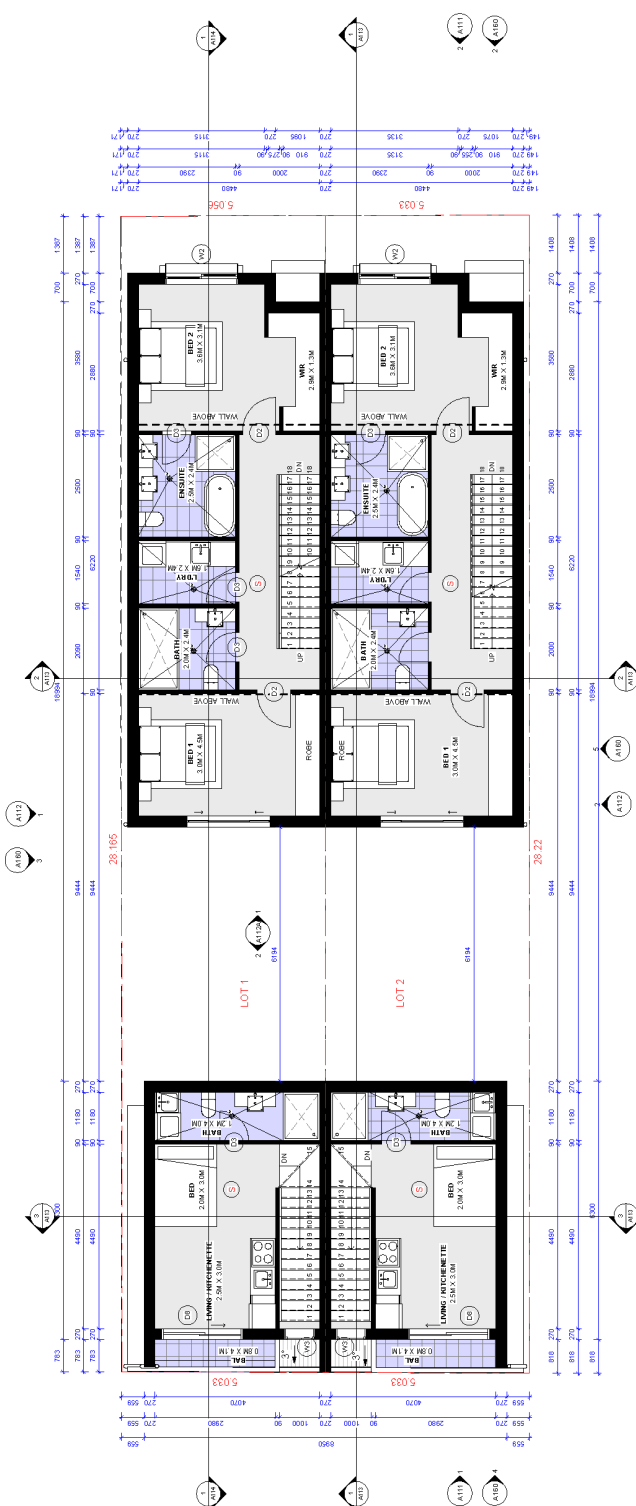


**DRAWING NOTES**

- 1. SAME FLOOR FINISHES ARE REQUIRED TO COMPLY WITH THE REQUIREMENTS OF THE LOCAL DEVELOPMENT INSTRUMENT (L2015/0001) AND THE BUILDING CODE OF AUSTRALIA (BCA).
- 2. FINISHES TO BE SPECIFIED IN THE SCHEDULES TO THE CONTRACT.
- 3. FINISHES TO BE SPECIFIED IN THE SCHEDULES TO THE CONTRACT.
- 4. FINISHES TO BE SPECIFIED IN THE SCHEDULES TO THE CONTRACT.
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- 9. FINISHES TO BE SPECIFIED IN THE SCHEDULES TO THE CONTRACT.
- 10. FINISHES TO BE SPECIFIED IN THE SCHEDULES TO THE CONTRACT.

<p><b>RAMBUILT</b> Rambuilt Constructions Pty. Ltd.</p>		<p><b>At+</b> Member Australian Institute of Architects</p>										
<p>REVISION SCHEDULE</p> <table border="1"> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>DATE</th> </tr> <tr> <td>1</td> <td>ISSUED FOR PERMIT</td> <td>05-11-2022</td> </tr> <tr> <td>2</td> <td>ISSUED FOR PERMIT</td> <td>05-11-2022</td> </tr> </table>	NO.	DESCRIPTION	DATE	1	ISSUED FOR PERMIT	05-11-2022	2	ISSUED FOR PERMIT	05-11-2022	<p>CLIENT</p> <p>ALAN &amp; DALIA TAYYAR</p>	<p>PROJECT</p> <p>PROPOSED TERRACE HOUSING</p> <p>69 St Marys St, Newtown, NSW</p>	<p>DATE</p> <p>05-11-2022</p>
NO.	DESCRIPTION	DATE										
1	ISSUED FOR PERMIT	05-11-2022										
2	ISSUED FOR PERMIT	05-11-2022										
<p>BY</p> <p>DAVID BURNETT</p>	<p>CONSULTANTS</p>	<p>DRAWING TITLE</p> <p>GROUND FLOOR PLANS</p>	<p>SCALE</p> <p>AS SHOWN</p>									
<p>PROJECT NO.</p> <p>097-21/22</p>	<p>PROJECT NO.</p> <p>097-21/22</p>	<p>DRAWING NO.</p> <p>A107</p>	<p>ISSUE</p> <p>B</p>									





1 FIRST FLOOR LEVEL  
1:50

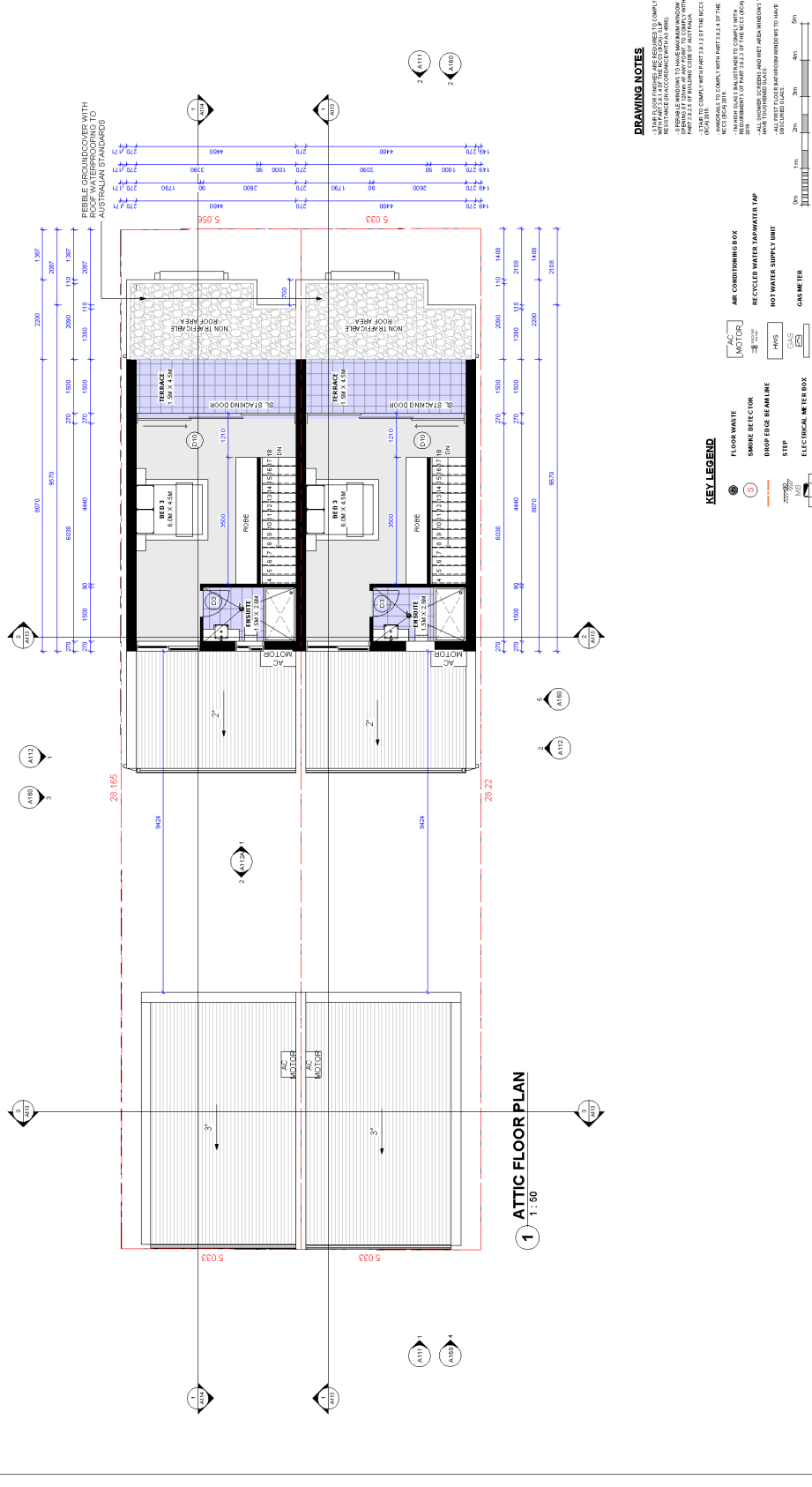
**DRAWING NOTES**

- 1. ALL FLOOR FINISHES ARE REQUIRED TO COMPLY WITH THE CURRENT BUILDING CODE OF AUSTRALIA (BCA).
- 2. ALL WORK IS TO BE COMPLETED IN ACCORDANCE WITH THE CURRENT BUILDING CODE OF AUSTRALIA (BCA).
- 3. ALL WORK IS TO BE COMPLETED IN ACCORDANCE WITH THE CURRENT BUILDING CODE OF AUSTRALIA (BCA).
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- 9. ALL WORK IS TO BE COMPLETED IN ACCORDANCE WITH THE CURRENT BUILDING CODE OF AUSTRALIA (BCA).
- 10. ALL WORK IS TO BE COMPLETED IN ACCORDANCE WITH THE CURRENT BUILDING CODE OF AUSTRALIA (BCA).

**KEY LEGEND**

- FLOOR WASTE
- SMOKE DETECTOR
- DRIP EDGE BEZEL
- STEP
- ELECTRICAL METER BOX
- AIR CONDITIONING BOX
- MOTOR
- WAS
- RECYCLED WATER WAPATER TAP
- REC WATER SUPPLY LIMIT
- HWS
- GAS
- GAS METER

<p><b>CONSULTANTS</b></p> <p><b>RAMBUILT</b> Rambuilt Constructions Pty. Ltd.</p>	<p><b>CLIENT</b></p> <p>ALAN &amp; DALIA TAYYAR</p>	<p><b>PROJECT</b></p> <p>PROPOSED TERRACE HOUSING 69 St Marys St, Newtown, NSW</p>
<p><b>DATE</b></p> <p>09-11-2022</p>	<p><b>DRAWING TITLE</b></p> <p>FIRST FLOOR PLANS</p>	<p><b>ISSUE</b></p> <p>B</p>
<p><b>BY</b></p> <p>EDWARD BERTHIN</p>	<p><b>SCALE</b></p> <p>AS SHOWN</p>	<p><b>DRAWING NO.</b></p> <p>A108</p>
<p><b>PROJECT NUMBER</b></p> <p>097-21/22</p>	<p><b>PROJECT ADDRESS</b></p> <p>69 St Marys St, Newtown, NSW</p>	<p><b>ARCHITECTS</b></p> <p>JS ARCHITECTS</p>

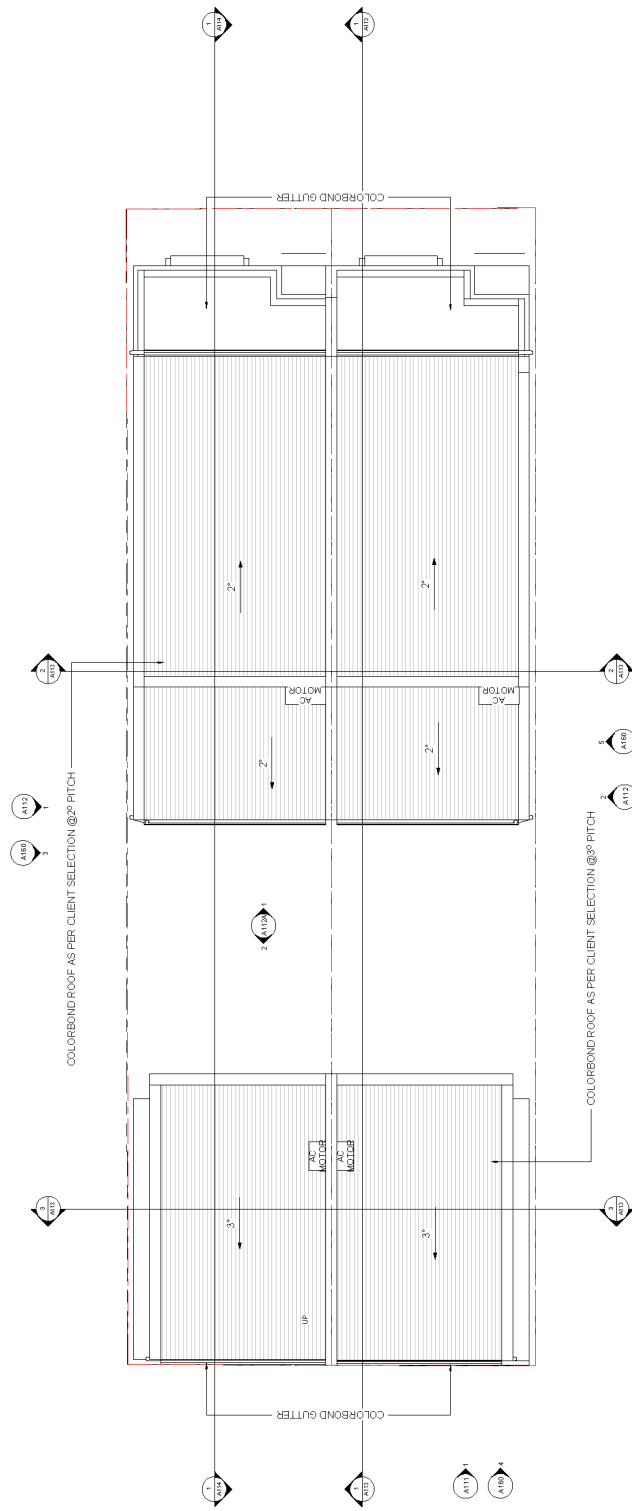


**DRAWING NOTES**

- 1. SAME FLOOR FINISHES ARE REQUIRED TO COMPLY WITH THE BUILDING REGULATIONS (AS/NZS 2031).
- 2. FINISHES TO BE DETERMINED IN ACCORDANCE WITH THE BUILDING REGULATIONS (AS/NZS 2031).
- 3. FINISHES TO BE DETERMINED IN ACCORDANCE WITH THE BUILDING REGULATIONS (AS/NZS 2031).
- 4. FINISHES TO BE DETERMINED IN ACCORDANCE WITH THE BUILDING REGULATIONS (AS/NZS 2031).
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- 6. FINISHES TO BE DETERMINED IN ACCORDANCE WITH THE BUILDING REGULATIONS (AS/NZS 2031).
- 7. FINISHES TO BE DETERMINED IN ACCORDANCE WITH THE BUILDING REGULATIONS (AS/NZS 2031).
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- 9. FINISHES TO BE DETERMINED IN ACCORDANCE WITH THE BUILDING REGULATIONS (AS/NZS 2031).
- 10. FINISHES TO BE DETERMINED IN ACCORDANCE WITH THE BUILDING REGULATIONS (AS/NZS 2031).

- KEY LEGEND**
- FLOOR WASTE
  - SMOKE DETECTOR
  - DROPPED BEAMLINE
  - STEP
  - ELECTRICAL METER BOX
  - AIR CONDITIONING BOX
  - MOTOR
  - RECYCLED WATER TAP WATER TAP
  - HOT WATER SUPPLY UNIT
  - GAS METER

<p><b>PROJECT</b> PROPOSED TERRACE HOUSING 69 St Marys St, Newtown, NSW</p>										
<p><b>CLIENT</b> ALAN &amp; DALIA TAYYAR</p>										
<p><b>DRAWING TITLE</b> ATTIC FLOOR PLAN</p>										
<p><b>DATE</b> 01-11-2022</p>										
<p><b>PROJECT NUMBER</b> 097-21/22</p>										
<p><b>SCALE</b> SCALE 1:50</p>										
<p><b>DRAWING NO.</b> A109</p>										
<p><b>ISSUE</b> B</p>										
<p><b>CONSULTANTS</b> <b>RAMBUILT</b> Rambuilt Constructions Pty. Ltd.</p>										
<p><b>MEMBER AUSTRALIAN INSTITUTE OF ARCHITECTS</b></p>										
<p><b>REVISION SCHEDULE</b></p> <table border="1"> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>DATE</th> </tr> <tr> <td>1</td> <td>ISSUED FOR PERMIT</td> <td>01-11-2022</td> </tr> <tr> <td>2</td> <td>ISSUED FOR PERMIT</td> <td>01-11-2022</td> </tr> </table>		NO.	DESCRIPTION	DATE	1	ISSUED FOR PERMIT	01-11-2022	2	ISSUED FOR PERMIT	01-11-2022
NO.	DESCRIPTION	DATE								
1	ISSUED FOR PERMIT	01-11-2022								
2	ISSUED FOR PERMIT	01-11-2022								



1 ROOF PLAN  
1 : 50

0m 2m 4m 6m 8m 10m  
VISUAL SCALE 600@A1

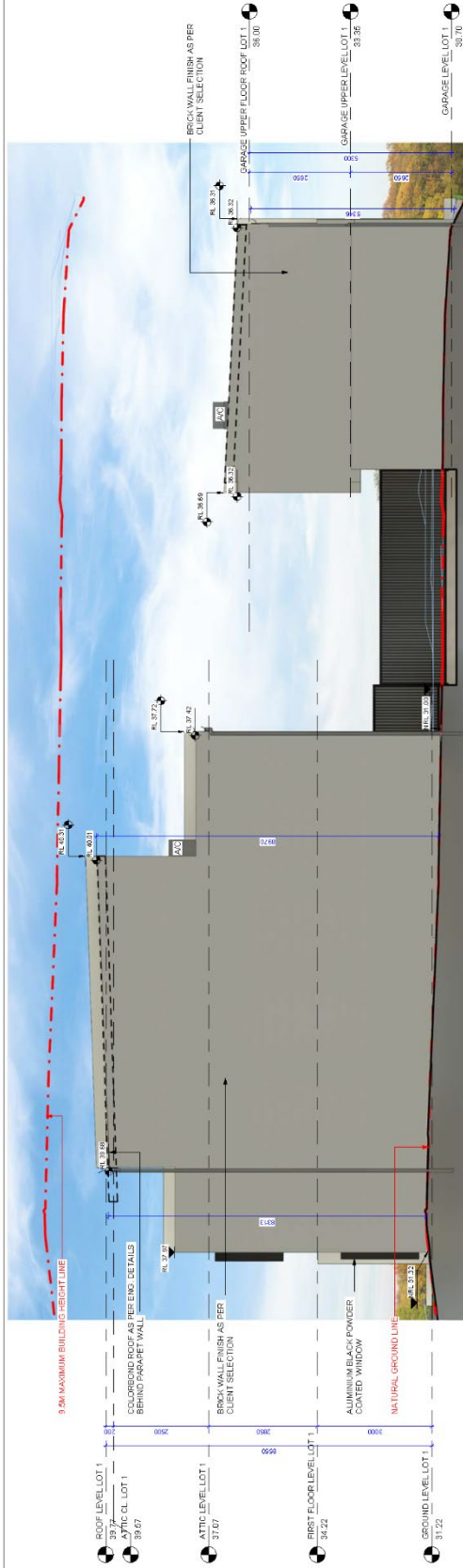
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Version 2, Version Date: 07/11/2022



**69 St Marys St Newtown 3D**  
 The design intention is to eliminate the appearance of the attic from street level. The attic vertical front wall is set back 5.108m from the front boundary. The attic vertical rear wall is setback 16.54m from the rear laneway boundary.

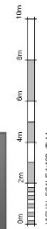
<p>Rambuilt Constructions Pty. Ltd.</p>		<p>Member Australian Institute of Architects</p>										
<p>REVISION SCHEDULE</p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td>1</td> <td>05-11-2022</td> <td>ISSUE FOR PERMIT</td> </tr> <tr> <td>2</td> <td>05-11-2022</td> <td>ISSUE FOR PERMIT</td> </tr> </table>	NO.	DATE	DESCRIPTION	1	05-11-2022	ISSUE FOR PERMIT	2	05-11-2022	ISSUE FOR PERMIT	<p>DATE: 05-11-2022</p> <p>SCALE @ A1: 1:50</p> <p>PROJECT NUMBER: 097-21/22</p> <p>DRAWING NO.: A111</p> <p>ISSUE: B</p>	<p>CONSULTANTS:</p> <p>ALAN &amp; DALIA TAYYAR</p> <p>PROJECT: PROPOSED TERRACE HOUSING</p> <p>CLIENT: JS ARCHITECTS PRTY LTD</p> <p>ADDRESS: 89 ST MARYS ST, NEWTOWN, NSW</p> <p>CONTACT: 02 9550 1234</p> <p>WEBSITE: www.jsarchitects.com.au</p>	<p>THE DRAWING IS MADE BY: ALAN &amp; DALIA TAYYAR</p> <p>DATE: 05-11-2022</p> <p>SCALE @ A1: 1:50</p> <p>PROJECT NUMBER: 097-21/22</p> <p>DRAWING NO.: A111</p> <p>ISSUE: B</p>
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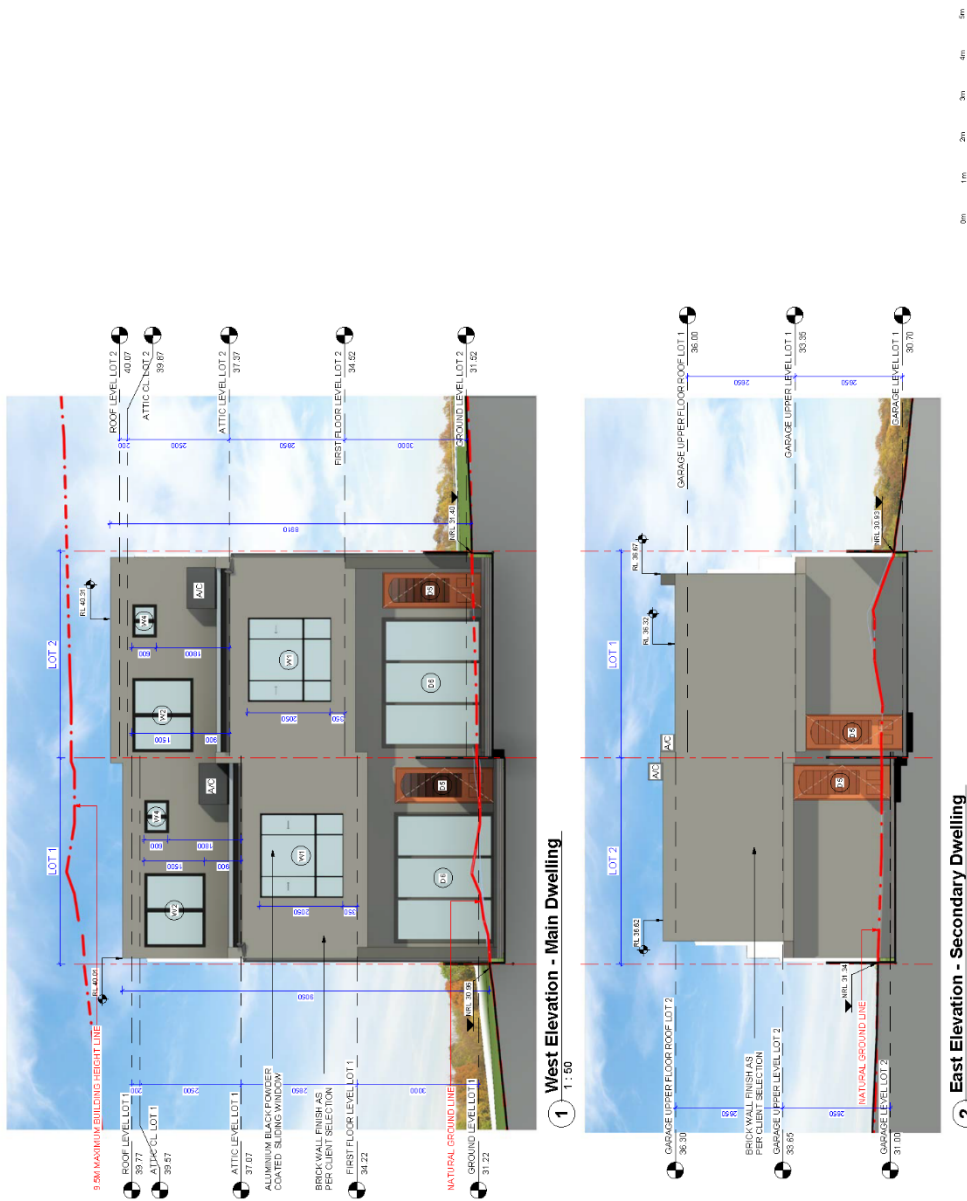
1 North Elevation  
1:50



2 South Elevation  
1:50



 <p><b>RAMBUILT</b> Rambuilt Constructions Pty. Ltd.</p>		 <p>Member Australian Institute of Architects</p>	
<p><b>CONSULTANTS</b></p>		<p><b>CLIENT</b> ALAN &amp; DALIA TAYYAR</p>	
<p><b>PROJECT</b> PROPOSED TERRACE HOUSING 89 St Marys St, Newtown, NSW</p>		<p><b>DATE</b> 11-11-2022</p>	
<p><b>PROJECT NUMBER</b> 097-21/22</p>		<p><b>DRAWING NO.</b> A112</p>	
<p><b>ISSUE</b> B</p>		<p><b>SCALE @ A1</b> 1:50</p>	
<p><b>THE DRAWING IS MADE BY THE CLIENT</b> 5000 (NSW)</p>		<p><b>PROJECT NUMBER</b> 097-21/22</p>	
<p><b>DATE</b> 11-11-2022</p>		<p><b>DRAWING NO.</b> A112</p>	
<p><b>PROJECT</b> PROPOSED TERRACE HOUSING 89 St Marys St, Newtown, NSW</p>		<p><b>CLIENT</b> ALAN &amp; DALIA TAYYAR</p>	
<p><b>ARCHITECT</b> JS ARCHITECTS PTY LTD 10/11-12/13 St Marys St, Newtown, NSW Ph: 02 9550 1111 www.jsarchitects.com.au</p>		<p><b>DATE</b> 11-11-2022</p>	



9.5M MAXIMUM BUILDING HEIGHT LINE

ROOF LEVEL LOT 1 39.77  
ATTIC LEVEL LOT 1 39.87  
ATTIC LEVEL LOT 2 31.37  
FIRST FLOOR LEVEL LOT 1 34.22  
NATURAL GROUND LINE  
GROUND LEVEL LOT 1 31.22

ROOF LEVEL LOT 2 40.07  
ATTIC LEVEL LOT 2 39.87  
ATTIC LEVEL LOT 2 31.37  
FIRST FLOOR LEVEL LOT 2 34.02  
NATURAL GROUND LINE  
GROUND LEVEL LOT 2 31.22

CARAGE UPPER FLOOR ROOF LOT 1 36.30  
BRICK WALL FINISH AS SHOWN  
CARAGE UPPER LEVEL LOT 1 33.66  
NATURAL GROUND LINE  
CARAGE LEVEL LOT 2 31.00

CARAGE UPPER FLOOR ROOF LOT 1 36.00  
CARAGE UPPER LEVEL LOT 1 33.38  
CARAGE LEVEL LOT 1 30.70

REVISION/SCHEDULE	DATE
BY	BY
DESCRIPTION	DESCRIPTION
1	1
2	2
3	3
4	4
5	5
6	6
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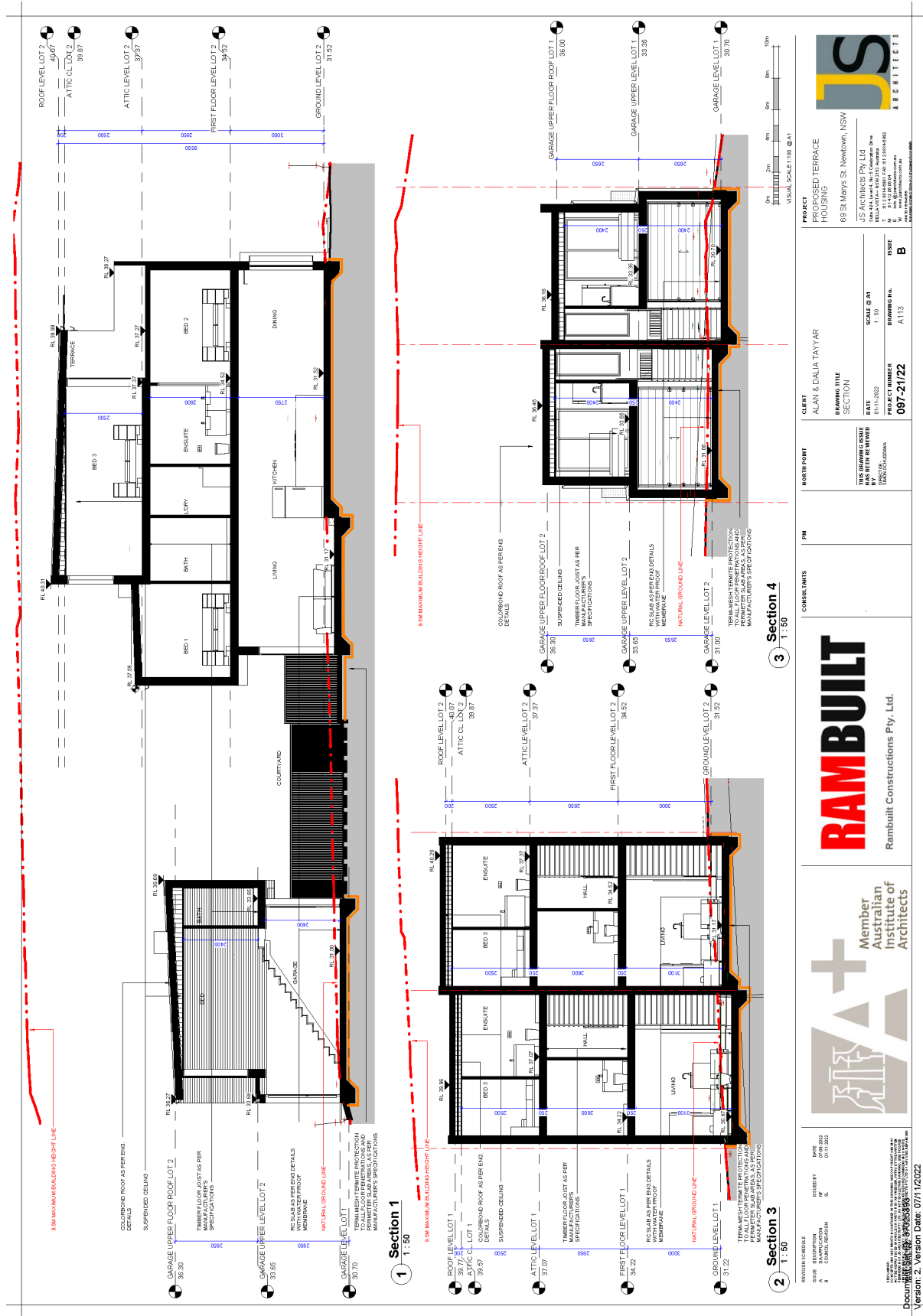
PROJECT	PROPOSED TERRACE HOUSING
CLIENT	ALAN & DALIA TAYYAR
DRAWING TITLE	ELEVATIONS
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DRAWING NO.	A112A
ISSUE	B

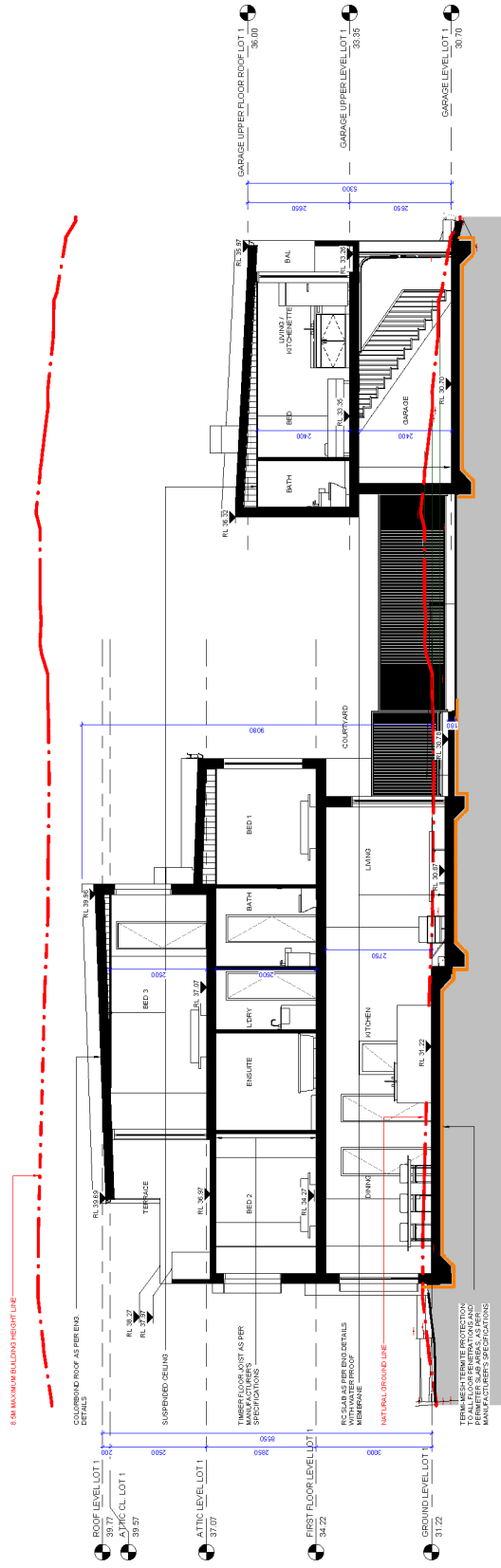
**RAMBUILT**  
Rambuilt Constructions Pty. Ltd.

Member Australian Institute of Architects

**JS ARCHITECTS**  
89 St Marys St. Newtown, NSW  
JS Architects Pty Ltd  
11-11-2022  
097-21/22  
A112A

Version 2, Version Date: 07/11/2022

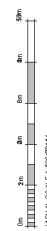




Section 2  
1 : 50

Type Mark	WIDTH	HEIGHT	DESCRIPTION	Count
D1	900	2400	MAIN ENTRY DOOR	2
D2	900	2400	SOLID CORE DOOR	2
D3	1200	2400	SOLID CORE DOOR	14
D4	1200	1800	SOLID CORE DOOR	2
D5	820	2400	SOLID CORE DOOR GLASS INFILL	4
D6	3100	2400	SL. STACKING DOOR	2
D8	2000	2400	SLIDING DOOR	2
D10	4400	2400	SL. STACKING DOOR	2
D11	3000	2400	OFFICE DOOR	2
D12	1000	2400	METAL ENTRY DOOR	2

Type Mark	WIDTH	HEIGHT	SILL HEIGHT	HEAD HEIGHT	DESCRIPTION	Count
W1	1800	1500	500	2500	ALUMINIUM SLIDING WINDOW WITH FIXED BOTTOM	4
W2	1800	1500	500	2500	ALUMINIUM SLIDING WINDOW	4
W3	750	2100	300	2400	ALUMINIUM FIXED WINDOW	2
W4	800	600	1800	2400	ALUMINIUM FIXED WINDOW	2



**RAMBUILT**  
Rambuilt Constructions Pty. Ltd.

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DATE: 09-11-2022  
DRAWING NO: 097-21/22  
SCALE: A114

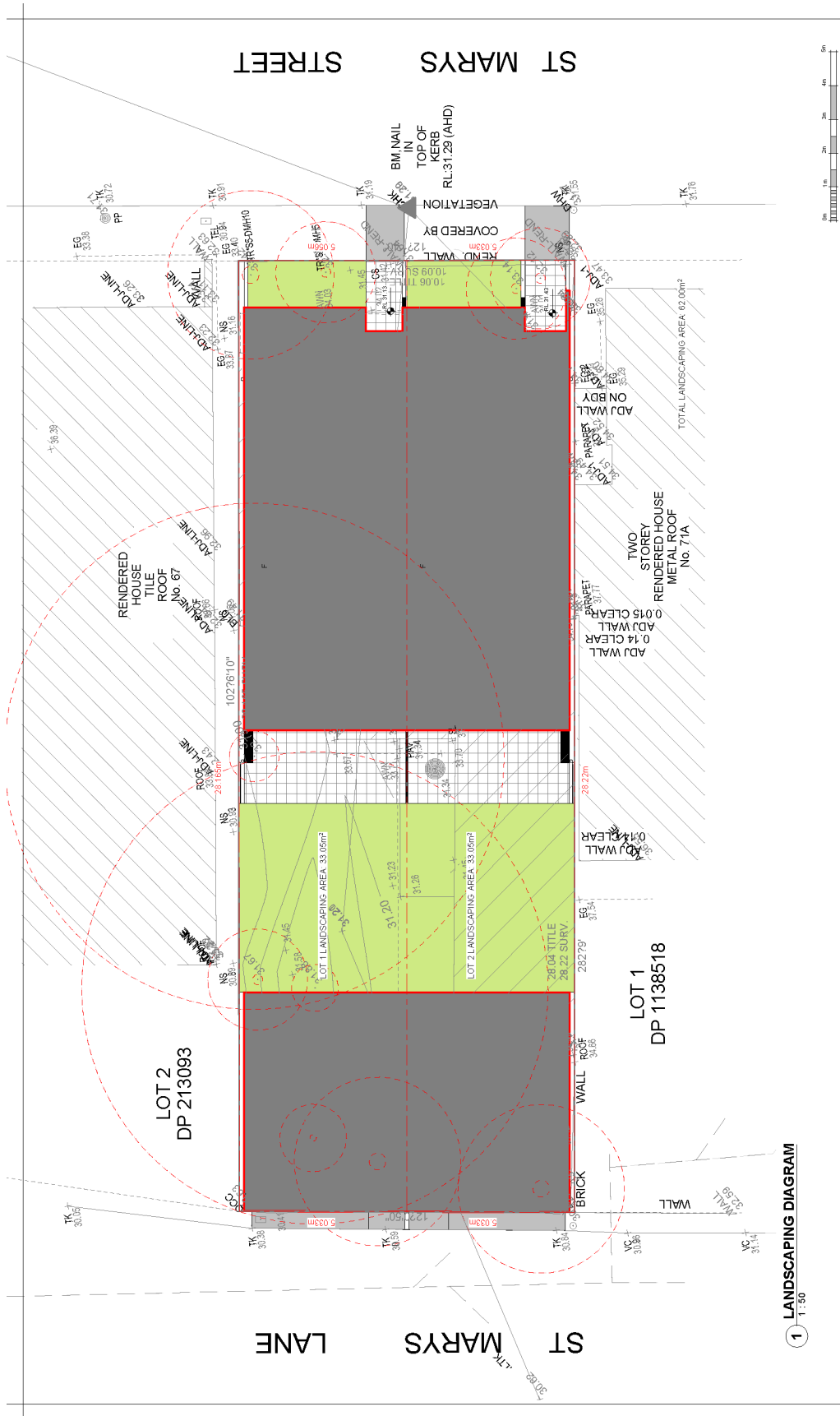
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CLIENT: ALAN & DALIA TAYYAR  
DRAWING TITLE: SECTION/ DOOR & WINDOW SCHEDULE  
SCALE: 1:50  
PROJECT NUMBER: 097-21/22  
DRAWING NO.: A114

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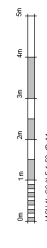
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CLIENT: ALAN & DALIA TAYYAR  
DRAWING TITLE: SECTION/ DOOR & WINDOW SCHEDULE  
SCALE: 1:50  
PROJECT NUMBER: 097-21/22  
DRAWING NO.: A114

ARCHITECTS: JS ARCHITECTS  
PROJECT: PROPOSED TERRACE HOUSING  
CLIENT: ALAN & DALIA TAYYAR  
DRAWING TITLE: SECTION/ DOOR & WINDOW SCHEDULE  
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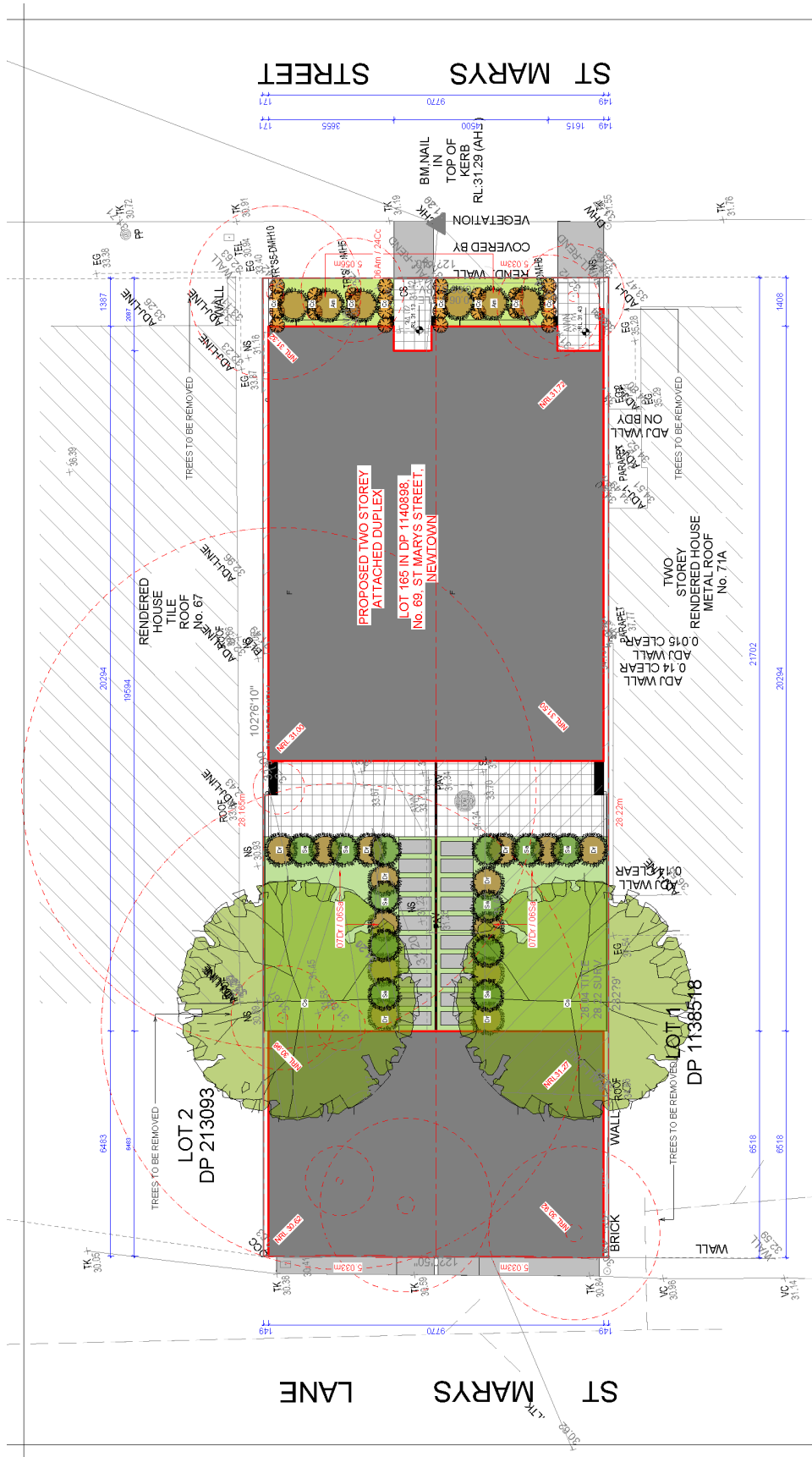




1 LANDSCAPING DIAGRAM  
1:30



<b>RAMBUILT</b> Rambuilt Constructions Pty. Ltd.		<b>JS ARCHITECTS</b> 69 St Marys St, Newtown, NSW JS Architects Pty Ltd 15/11-2022 097-21/22	
REGISTERED ARCHITECT DATE: 01-11-2022 DRAWING NO.: A120 ISSUE: B	CONSULTANTS:	NORTH POINT:	CLIENT: ALAN & DALIA TAYYAR DRAWING TITLE: LANDSCAPING DIAGRAM SCALE: G & A1 DATE: 01-11-2022 PROJECT NUMBER: 097-21/22 ISSUE: B
Member Australian Institute of Architects		THE DRAWING ORIGINATED BY: [Signature] DATE: 01-11-2022 PROJECT NUMBER: 097-21/22	



**1 LANDSCAPING PLAN**  
1:50

DATE: 09/11/2022  
DESIGNED BY: EDWARD BERTHIN  
DRAWN BY: EDWARD BERTHIN

PROJECT: PROPOSED TERRACE HOUSING  
69 St Marys St, Newtown, NSW  
JS Architects Pty Ltd  
11/11/2022  
PROJECT NUMBER: 097-21/22  
DRAWING NO.: A121  
SCALE: 1:50  
SCALE & AT: B

CLIENT: ALAN & DALIA TAYYAR  
DRAWING TITLE: LANDSCAPE PLAN

CONSULTANTS: RAMBUILT  
Rambuilt Constructions Pty. Ltd.

Member Australian Institute of Architects

THE DRAWING ORIGINATOR IS RESPONSIBLE FOR THE CONTENTS OF THIS DRAWING AND FOR THE INFORMATION CONTAINED HEREIN. THE CLIENT ACCEPTS THAT THE DRAWING IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.

Version 2, Version Date: 07/11/2022

### LANDSCAPE LEGEND

- Existing street trees to be protected & retained
- Existing trees to be removed
- Stepping stone paving
- Site boundary
- Design levels
- Existing levels

### LANDSCAPE LEGEND

- Proposed large canopy tree planting (refer to proposed plant schedule)
- Pebbles
- Proposed conc paving
- Proposed turf area
- Mulch area
- Proposed shrub planting with much to base of plant (refer to proposed plant schedule)

Code	Botanical Name	Common Name	Qty	Scheduled Size	Scheduled Height	Mature Spread
<b>SHRUBS</b>						
Am	Acacia Myrtillo	Myrtle Wattle	06	15 litre	0.5-1.0 m	0.5 m
Dr	Dillwynia Relata	Heathy Parrot Pea	14	10 litre	1.0 m	1.0 m
Sa	Solanum Aviculare	Kangaroo Apple	12	10 litre	1.0 - 2.0 m	0.2 m
<b>TREES</b>						
Cs	Celtis Sinenis	Hackberry	2	75 litre	18 m	18 m
<b>GROUND COVER</b>						
Cc	Commelina Cyanea	Scurvy Weed	24	5 litre	0.0 - 0.5 m	

### LANDSCAPE OUTLINE SPECIFICATION:

1. **PROTECTION OF TREES REMAINED ON AND ADJACENT TO SITE**  
 The protection of trees to be retained on and adjacent to the site shall be the responsibility of the contractor. The contractor shall be responsible for the protection of trees to be retained on and adjacent to the site. The contractor shall be responsible for the protection of trees to be retained on and adjacent to the site. The contractor shall be responsible for the protection of trees to be retained on and adjacent to the site.

2. **LANDSCAPE CONSTRUCTION**  
 The contractor shall be responsible for the construction of the landscape. The contractor shall be responsible for the construction of the landscape. The contractor shall be responsible for the construction of the landscape. The contractor shall be responsible for the construction of the landscape.

### LANDSCAPE DETAILS

**15 - 35 litre Tree planting Detail.**  
 Net 1:5 Scale.

**Brick garden edge Detail.**  
 Net 1:5 Scale.

**Ground preparation Planting area using imported topsoil Detail.**  
 Net 1:5 Scale.

**Ground preparation Planting area using imported topsoil Detail.**  
 Net 1:5 Scale.

**Turf using imported topsoil Detail.**  
 Net 1:5 Scale.

**PROPOSED TERRACE HOUSING**

69 St Merys St, Newtown, NSW

JS Architects Pty Ltd

11/11/2022

097-21/22

**CLIENT**  
ALAN & DALIA TAYYAR

**DRAWING TITLE**  
LANDSCAPE DETAILS

**DATE**  
11/11/2022

**PROJECT NUMBER**  
097-21/22

**ISSUE**  
B

**CONSULTANTS**  
MRS DAWSON INSIDE BY DESIGN

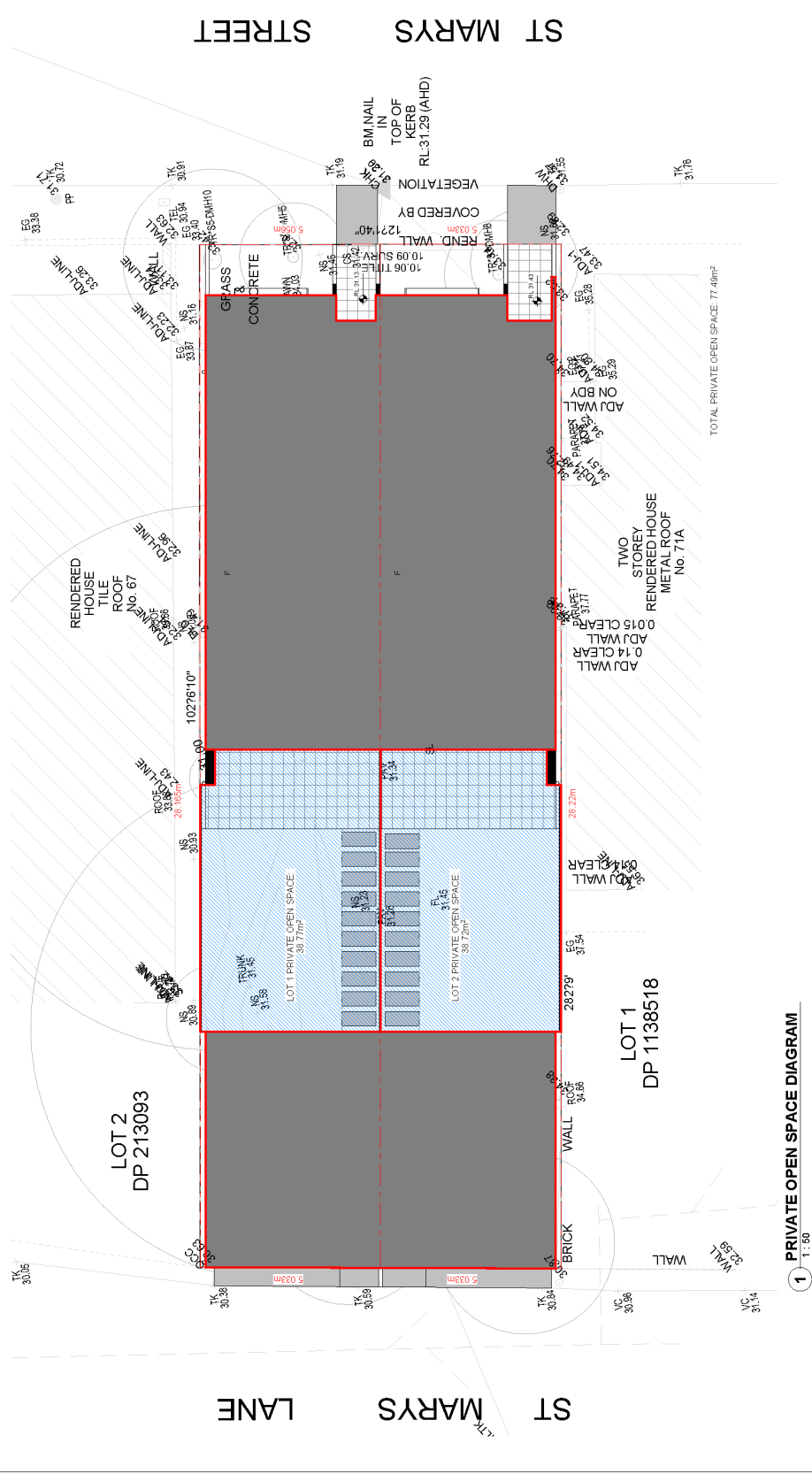
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MRS DAWSON INSIDE BY DESIGN

**Rambuilt**  
Rambuilt Constructions Pty. Ltd.

**Member Australian Institute of Architects**

DATE: 11/11/2022  
 REVISION: 01  
 DRAWN BY: MRS DAWSON INSIDE BY DESIGN  
 CHECKED BY: MRS DAWSON INSIDE BY DESIGN

Document ID: 097-21/22-01  
 Version: 2, Version Date: 07/11/2022

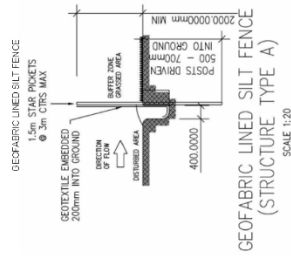


1 PRIVATE OPEN SPACE DIAGRAM  
1:50

0m 1m 2m 3m 4m 5m  
VISUAL SCALE @ 1:50

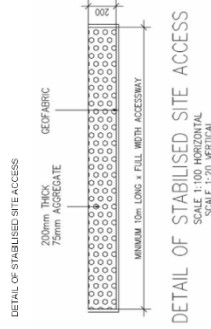
<p>RAMBUILT Rambuilt Constructions Pty. Ltd.</p>	<p>Member Australian Institute of Architects</p>	<p>RAMBUILT Rambuilt Constructions Pty. Ltd.</p>	<p>RAMBUILT Rambuilt Constructions Pty. Ltd.</p>			
<p>DATE: 09-11-2022 DRAWN BY: EDWARD BERTHIN</p>	<p>DATE: 09-11-2022 SCALE: A1 1:50</p>	<p>PROJECT NUMBER: 097-21/22 DRAWING NO.: A123</p>	<p>PROJECT: PROPOSED TERRACE HOUSING 69 St Marys St, Newtown, NSW JS Architects Pty Ltd 18/11-2022 18/11-2022 (REV 1) 13/10/2022 18/11-2022 (REV 2) 13/10/2022 18/11-2022 (REV 3) 13/10/2022 18/11-2022 (REV 4) 13/10/2022 18/11-2022 (REV 5) 13/10/2022 18/11-2022 (REV 6) 13/10/2022 18/11-2022 (REV 7) 13/10/2022 18/11-2022 (REV 8) 13/10/2022 18/11-2022 (REV 9) 13/10/2022 18/11-2022 (REV 10) 13/10/2022 18/11-2022 (REV 11) 13/10/2022 18/11-2022 (REV 12) 13/10/2022 18/11-2022 (REV 13) 13/10/2022 18/11-2022 (REV 14) 13/10/2022 18/11-2022 (REV 15) 13/10/2022 18/11-2022 (REV 16) 13/10/2022 18/11-2022 (REV 17) 13/10/2022 18/11-2022 (REV 18) 13/10/2022 18/11-2022 (REV 19) 13/10/2022 18/11-2022 (REV 20) 13/10/2022 18/11-2022 (REV 21) 13/10/2022 18/11-2022 (REV 22) 13/10/2022 18/11-2022 (REV 23) 13/10/2022 18/11-2022 (REV 24) 13/10/2022 18/11-2022 (REV 25) 13/10/2022 18/11-2022 (REV 26) 13/10/2022 18/11-2022 (REV 27) 13/10/2022 18/11-2022 (REV 28) 13/10/2022 18/11-2022 (REV 29) 13/10/2022 18/11-2022 (REV 30) 13/10/2022 18/11-2022 (REV 31) 13/10/2022 18/11-2022 (REV 32) 13/10/2022 18/11-2022 (REV 33) 13/10/2022 18/11-2022 (REV 34) 13/10/2022 18/11-2022 (REV 35) 13/10/2022 18/11-2022 (REV 36) 13/10/2022 18/11-2022 (REV 37) 13/10/2022 18/11-2022 (REV 38) 13/10/2022 18/11-2022 (REV 39) 13/10/2022 18/11-2022 (REV 40) 13/10/2022 18/11-2022 (REV 41) 13/10/2022 18/11-2022 (REV 42) 13/10/2022 18/11-2022 (REV 43) 13/10/2022 18/11-2022 (REV 44) 13/10/2022 18/11-2022 (REV 45) 13/10/2022 18/11-2022 (REV 46) 13/10/2022 18/11-2022 (REV 47) 13/10/2022 18/11-2022 (REV 48) 13/10/2022 18/11-2022 (REV 49) 13/10/2022 18/11-2022 (REV 50) 13/10/2022 18/11-2022 (REV 51) 13/10/2022 18/11-2022 (REV 52) 13/10/2022 18/11-2022 (REV 53) 13/10/2022 18/11-2022 (REV 54) 13/10/2022 18/11-2022 (REV 55) 13/10/2022 18/11-2022 (REV 56) 13/10/2022 18/11-2022 (REV 57) 13/10/2022 18/11-2022 (REV 58) 13/10/2022 18/11-2022 (REV 59) 13/10/2022 18/11-2022 (REV 60) 13/10/2022 18/11-2022 (REV 61) 13/10/2022 18/11-2022 (REV 62) 13/10/2022 18/11-2022 (REV 63) 13/10/2022 18/11-2022 (REV 64) 13/10/2022 18/11-2022 (REV 65) 13/10/2022 18/11-2022 (REV 66) 13/10/2022 18/11-2022 (REV 67) 13/10/2022 18/11-2022 (REV 68) 13/10/2022 18/11-2022 (REV 69) 13/10/2022 18/11-2022 (REV 70) 13/10/2022 18/11-2022 (REV 71) 13/10/2022 18/11-2022 (REV 72) 13/10/2022 18/11-2022 (REV 73) 13/10/2022 18/11-2022 (REV 74) 13/10/2022 18/11-2022 (REV 75) 13/10/2022 18/11-2022 (REV 76) 13/10/2022 18/11-2022 (REV 77) 13/10/2022 18/11-2022 (REV 78) 13/10/2022 18/11-2022 (REV 79) 13/10/2022 18/11-2022 (REV 80) 13/10/2022 18/11-2022 (REV 81) 13/10/2022 18/11-2022 (REV 82) 13/10/2022 18/11-2022 (REV 83) 13/10/2022 18/11-2022 (REV 84) 13/10/2022 18/11-2022 (REV 85) 13/10/2022 18/11-2022 (REV 86) 13/10/2022 18/11-2022 (REV 87) 13/10/2022 18/11-2022 (REV 88) 13/10/2022 18/11-2022 (REV 89) 13/10/2022 18/11-2022 (REV 90) 13/10/2022 18/11-2022 (REV 91) 13/10/2022 18/11-2022 (REV 92) 13/10/2022 18/11-2022 (REV 93) 13/10/2022 18/11-2022 (REV 94) 13/10/2022 18/11-2022 (REV 95) 13/10/2022 18/11-2022 (REV 96) 13/10/2022 18/11-2022 (REV 97) 13/10/2022 18/11-2022 (REV 98) 13/10/2022 18/11-2022 (REV 99) 13/10/2022 18/11-2022 (REV 100) 13/10/2022</p>	<p>CLIENT: ALAN &amp; DALIA TAYYAR DRAWING TITLE: PRIVATE OPEN SPACE DIAGRAM DATE: 09-11-2022 SCALE: A1 1:50 PROJECT NUMBER: 097-21/22 DRAWING NO.: A123</p>	<p>PROPOSED TERRACE HOUSING 69 St Marys St, Newtown, NSW JS Architects Pty Ltd 18/11-2022 18/11-2022 (REV 1) 13/10/2022 18/11-2022 (REV 2) 13/10/2022 18/11-2022 (REV 3) 13/10/2022 18/11-2022 (REV 4) 13/10/2022 18/11-2022 (REV 5) 13/10/2022 18/11-2022 (REV 6) 13/10/2022 18/11-2022 (REV 7) 13/10/2022 18/11-2022 (REV 8) 13/10/2022 18/11-2022 (REV 9) 13/10/2022 18/11-2022 (REV 10) 13/10/2022 18/11-2022 (REV 11) 13/10/2022 18/11-2022 (REV 12) 13/10/2022 18/11-2022 (REV 13) 13/10/2022 18/11-2022 (REV 14) 13/10/2022 18/11-2022 (REV 15) 13/10/2022 18/11-2022 (REV 16) 13/10/2022 18/11-2022 (REV 17) 13/10/2022 18/11-2022 (REV 18) 13/10/2022 18/11-2022 (REV 19) 13/10/2022 18/11-2022 (REV 20) 13/10/2022 18/11-2022 (REV 21) 13/10/2022 18/11-2022 (REV 22) 13/10/2022 18/11-2022 (REV 23) 13/10/2022 18/11-2022 (REV 24) 13/10/2022 18/11-2022 (REV 25) 13/10/2022 18/11-2022 (REV 26) 13/10/2022 18/11-2022 (REV 27) 13/10/2022 18/11-2022 (REV 28) 13/10/2022 18/11-2022 (REV 29) 13/10/2022 18/11-2022 (REV 30) 13/10/2022 18/11-2022 (REV 31) 13/10/2022 18/11-2022 (REV 32) 13/10/2022 18/11-2022 (REV 33) 13/10/2022 18/11-2022 (REV 34) 13/10/2022 18/11-2022 (REV 35) 13/10/2022 18/11-2022 (REV 36) 13/10/2022 18/11-2022 (REV 37) 13/10/2022 18/11-2022 (REV 38) 13/10/2022 18/11-2022 (REV 39) 13/10/2022 18/11-2022 (REV 40) 13/10/2022 18/11-2022 (REV 41) 13/10/2022 18/11-2022 (REV 42) 13/10/2022 18/11-2022 (REV 43) 13/10/2022 18/11-2022 (REV 44) 13/10/2022 18/11-2022 (REV 45) 13/10/2022 18/11-2022 (REV 46) 13/10/2022 18/11-2022 (REV 47) 13/10/2022 18/11-2022 (REV 48) 13/10/2022 18/11-2022 (REV 49) 13/10/2022 18/11-2022 (REV 50) 13/10/2022 18/11-2022 (REV 51) 13/10/2022 18/11-2022 (REV 52) 13/10/2022 18/11-2022 (REV 53) 13/10/2022 18/11-2022 (REV 54) 13/10/2022 18/11-2022 (REV 55) 13/10/2022 18/11-2022 (REV 56) 13/10/2022 18/11-2022 (REV 57) 13/10/2022 18/11-2022 (REV 58) 13/10/2022 18/11-2022 (REV 59) 13/10/2022 18/11-2022 (REV 60) 13/10/2022 18/11-2022 (REV 61) 13/10/2022 18/11-2022 (REV 62) 13/10/2022 18/11-2022 (REV 63) 13/10/2022 18/11-2022 (REV 64) 13/10/2022 18/11-2022 (REV 65) 13/10/2022 18/11-2022 (REV 66) 13/10/2022 18/11-2022 (REV 67) 13/10/2022 18/11-2022 (REV 68) 13/10/2022 18/11-2022 (REV 69) 13/10/2022 18/11-2022 (REV 70) 13/10/2022 18/11-2022 (REV 71) 13/10/2022 18/11-2022 (REV 72) 13/10/2022 18/11-2022 (REV 73) 13/10/2022 18/11-2022 (REV 74) 13/10/2022 18/11-2022 (REV 75) 13/10/2022 18/11-2022 (REV 76) 13/10/2022 18/11-2022 (REV 77) 13/10/2022 18/11-2022 (REV 78) 13/10/2022 18/11-2022 (REV 79) 13/10/2022 18/11-2022 (REV 80) 13/10/2022 18/11-2022 (REV 81) 13/10/2022 18/11-2022 (REV 82) 13/10/2022 18/11-2022 (REV 83) 13/10/2022 18/11-2022 (REV 84) 13/10/2022 18/11-2022 (REV 85) 13/10/2022 18/11-2022 (REV 86) 13/10/2022 18/11-2022 (REV 87) 13/10/2022 18/11-2022 (REV 88) 13/10/2022 18/11-2022 (REV 89) 13/10/2022 18/11-2022 (REV 90) 13/10/2022 18/11-2022 (REV 91) 13/10/2022 18/11-2022 (REV 92) 13/10/2022 18/11-2022 (REV 93) 13/10/2022 18/11-2022 (REV 94) 13/10/2022 18/11-2022 (REV 95) 13/10/2022 18/11-2022 (REV 96) 13/10/2022 18/11-2022 (REV 97) 13/10/2022 18/11-2022 (REV 98) 13/10/2022 18/11-2022 (REV 99) 13/10/2022 18/11-2022 (REV 100) 13/10/2022</p>	<p>ISSUE: 01 DATE: 09-11-2022 DRAWN BY: EDWARD BERTHIN CHECKED BY: EDWARD BERTHIN DATE: 09-11-2022</p>



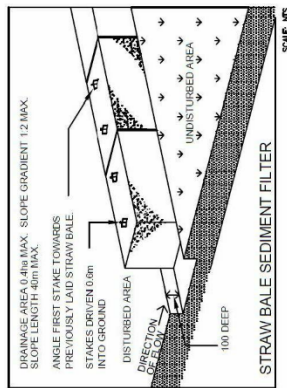


2 GEOFABRIC LINED SILT FENCE (STRUCTURE TYPE A) SCALE 1:20

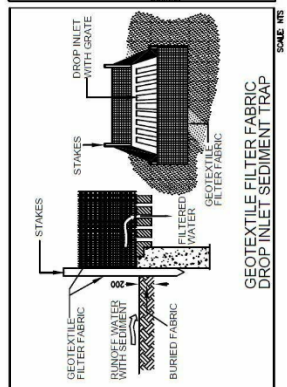
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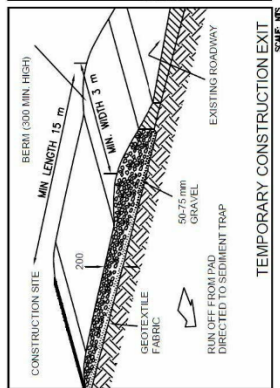
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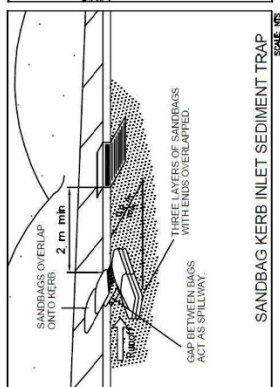
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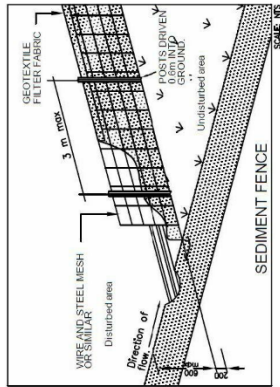
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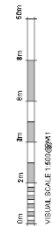


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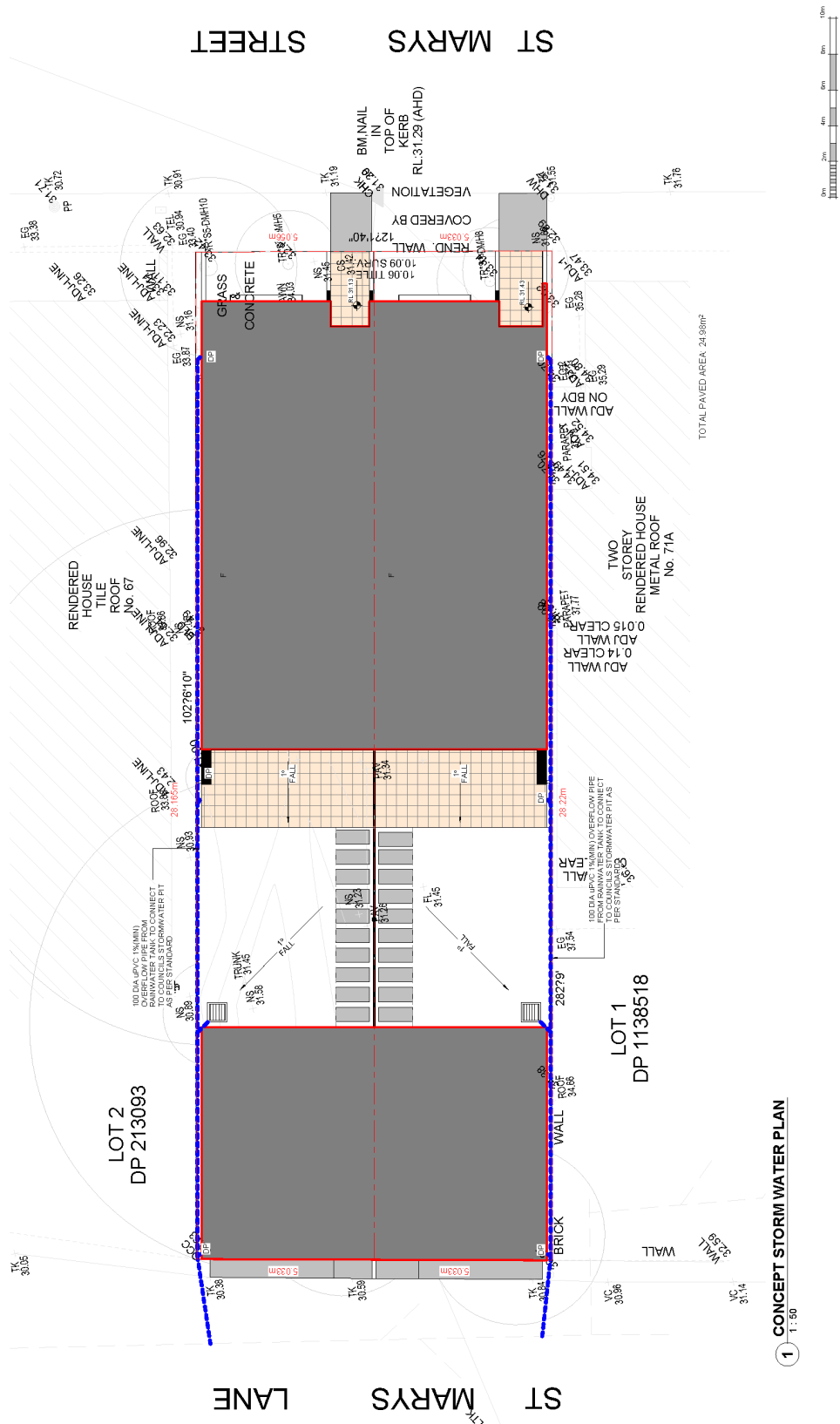


SEDIMENT FENCE SCALE 1:50

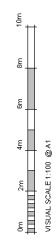
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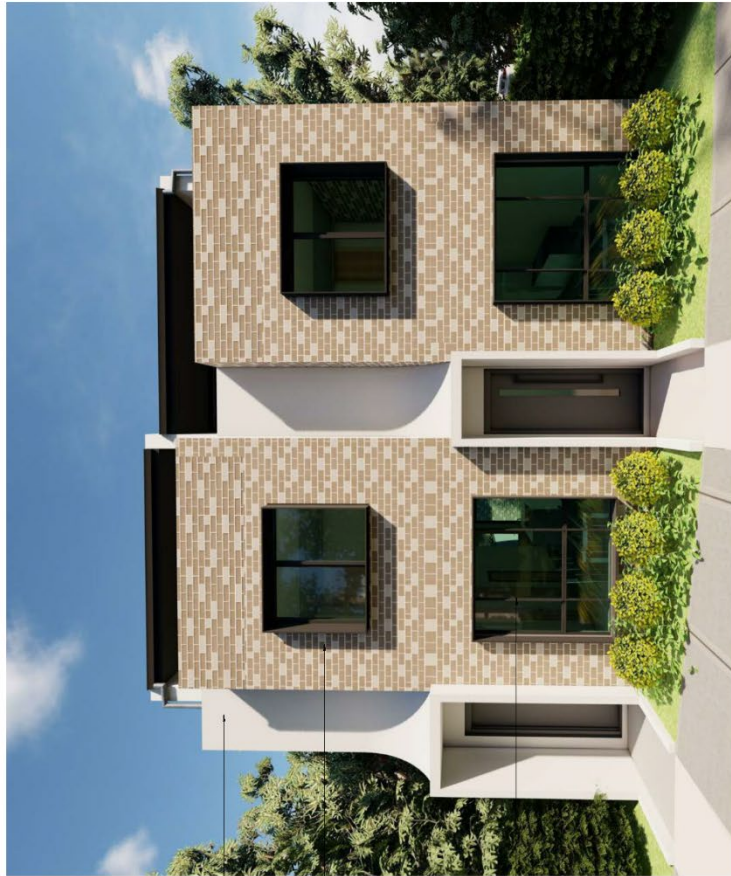
 <b>RAMBUILT</b> Rambuilt Constructions Pty. Ltd.		 Member Australian Institute of Architects	
REVISION SCHEDULE NO. DESCRIPTION DATE 1. ISSUE FOR TENDERS 19/11/2022 2. ISSUE FOR TENDERS 19/11/2022 3. ISSUE FOR TENDERS 19/11/2022		NORTH POINT  THIS DRAWING IS THE PROPERTY OF NORTH POINT GROUP	
CONSULTANTS ALAN & DALIA TAYYAR SEDIMENT CONTROL DETAILS		CLIENT ALAN & DALIA TAYYAR DRAWING TITLE SEDIMENT CONTROL DETAILS	
PROJECT NUMBER 097-21/22		PROJECT PROPOSED TERRACE HOUSING 68 St Marys St, Newtown, NSW JS Architects Pty Ltd 11/11-2022 SCALE: A1 A1: 1:50 (60)	
DRAWING NO. A175		ISSUE B	



1 CONCEPT STORM WATER PLAN  
1:50



 Rambuilt Constructions Pty. Ltd.		 Member Australian Institute of Architects	
REGISTERED ARCHITECT ISSUE DESCRIPTION 6 EDWARD BERTHIN	DATE ISSUED 05-11-2022 BY N	NORTH POINT  THIS DRAWING IS NOT TO BE USED BY ANY OTHER PARTY WITHOUT THE WRITTEN PERMISSION OF THE CONSULTANT	CONSULTANTS PM CONSULTANTS
CLIENT ALAN & DALIA TAYYAR DRAWING TITLE STORMWATER PLAN	PROJECT NUMBER 097-21/22	DRAWING NO. A126	ISSUE B
PROJECT PROPOSED TERRACE HOUSING 69 St Marys St. Newtown, NSW		ARCHITECTS  JS Architects Pty Ltd 69 St Marys St. Newtown NSW 1590 TEL: 02 9550 1000 FAX: 02 9550 1001 WWW.JSARCHITECTS.COM.AU	



A

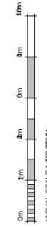
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C

RENDERED WHITE FINISH

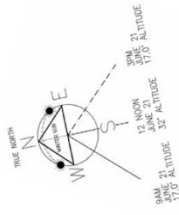
FACE BRICK FINISH AS PER CLIENT SELECTION

BLACK POWDER COATED ALUMINUM WINDOWS



<p><b>MEMBER SCHEDULE</b></p> <p>DATE: 03-11-2022</p> <p>ISSUED BY: N</p> <p>DESIGNED BY: N</p> <p>DRAWN BY: N</p> <p>CHECKED BY: N</p> <p>APPROVED BY: N</p>	<p><b>MEMBER AUSTRALIAN INSTITUTE OF ARCHITECTS</b></p> <p>Member Australian Institute of Architects</p>	<p><b>RAMBUILT</b></p> <p>Rambuilt Constructions Pty. Ltd.</p>	<p><b>CONSULTANTS:</b></p>	<p><b>FM:</b></p>	<p><b>NORTH POINT:</b></p> <p>THIS DRAWING ISSUE IS BY THE CLIENT'S ORDER AND IS NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN PERMISSION OF JS ARCHITECTS.</p>	<p><b>CLIENT:</b> ALAN &amp; DALIA TAYYAR</p> <p><b>DRAWING TITLE:</b> MATERIALS AND FINISHES</p> <p><b>DATE:</b> 03-11-2022</p> <p><b>PROJECT NUMBER:</b> 097-21/22</p> <p><b>SCALE @ A1:</b> 1:50</p> <p><b>DRAWING No.:</b> A127</p> <p><b>ISSUE:</b> B</p>	<p><b>PROJECT:</b> PROPOSED TERRACE HOUSING</p> <p>89 St Marys St, Newtown, NSW</p> <p><b>JS ARCHITECTS PTY LTD</b></p> <p>11/11-12/11 St Marys St, Newtown NSW 1590</p> <p>T: 02 9550 1111</p> <p>F: 02 9550 1112</p> <p>W: www.jsarchitects.com.au</p> <p>NSW ARCHITECTS REGISTRATION NO. 1590</p>
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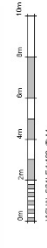




### Sydney Area

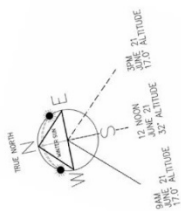
Winter Solstice On June 21st

TIME	ALTITUDE	AZIMUTH
9 AM	17°	42° E OF N
12 NOON	32°	0° NORTH
3 PM	17°	42° W OF N



1 SHADOW DIAGRAM JUNE 21st 9am  
1 : 100

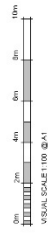
<p><b>RAMBUILT</b> Rambuilt Constructions Pty. Ltd.</p>		<p><b>At</b> Member Australian Institute of Architects</p>	
<p><b>CLIENT</b> ALAN &amp; DALIA TAYYAR</p>	<p><b>DRAWING TITLE</b> SHADOW DIAGRAM - PROPOSED</p>	<p><b>DATE</b> 01-11-2022</p>	<p><b>SCALE @ A1</b> 1:100</p>
<p><b>PROJECT</b> PROPOSED TERRACE HOUSING 89 St Marys St. Newtown, NSW</p>	<p><b>DRAWING NUMBER</b> 097-21/22</p>	<p><b>DRAWING NO.</b> A130</p>	<p><b>ISSUE</b> B</p>
<p><b>CONSULTANTS:</b></p>			
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<p>Document Ref: <b>59053689-121022</b> Version: 2, Version Date: 07/11/2022</p>			



Sydney Area

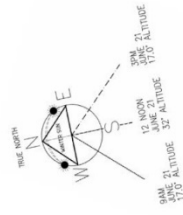
SUN ANGLE INFORMATION  
Winter Solstice On June 21st

TIME	ALTITUDE	AZIMUTH
9 AM	17°	42° E OF N
12 NOON	32°	0° NORTH
3 PM	17°	42° W OF N



1 SHADOW DIAGRAM JUNE 21st 10am  
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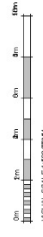
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2	ISSUED FOR PERMIT	01-11-2022								
<p>CLIENT: ALAN &amp; DALIA TAYYAR</p> <p>DRAWING TITLE: SHADOW DIAGRAM - PROPOSED</p>	<p>PROJECT: PROPOSED TERRACE HOUSING</p> <p>89 St Marys St, Newtown, NSW</p> <p>JS Architects Pty Ltd 95-111 St Marys St, Newtown NSW 1500 T: 02 9550 1000 F: 02 9550 1001 W: www.jsarchitects.com.au</p>									
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<p>Member Australian Institute of Architects</p>	<p>JS ARCHITECTS</p>									



Sydney Area

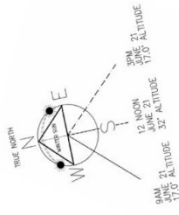
SUN ANGLE INFORMATION  
Winter Solstice On June 21st

TIME	ALTITUDE	AZIMUTH
9 AM	17°	42° E OF N
12 NOON	32°	0° NORTH
3 PM	17°	42° W OF N



1 SHADOW DIAGRAM JUNE 21st 11am  
1 : 100

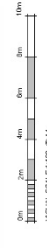
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Sydney Area

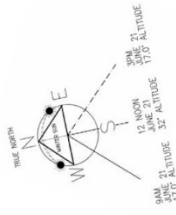
SUN ANGLE INFORMATION  
Winter Solstice On June 21st

TIME	ALTITUDE	AZIMUTH
9 AM	17°	42° E OF N
12 NOON	32°	32° S
3 PM	17°	42° W OF N



1 SHADOW DIAGRAM JUNE 21st 12pm  
1:100

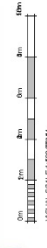
<p><b>RAMBUILT</b> Rambuilt Constructions Pty. Ltd.</p>		<p><b>At</b> Member Australian Institute of Architects</p>	
<p><b>CONSULTANTS:</b></p>		<p><b>CLIENT:</b> ALAN &amp; DALIA TAYYAR</p>	
<p><b>DATE:</b> 01-11-2022</p>		<p><b>DRAWING TITLE:</b> SHADOW DIAGRAM - PROPOSED</p>	
<p><b>SCALE:</b> 1:100</p>		<p><b>SCALE @ A1:</b> 1:100</p>	
<p><b>PROJECT NUMBER:</b> 097-21/22</p>		<p><b>DRAWING NO.:</b> A133</p>	
<p><b>ISSUE:</b> B</p>		<p><b>PROJECT:</b> PROPOSED TERRACE HOUSING 89 St Marys St, Newtown, NSW JS ARCHITECTS PTY LTD 111/111 ST MARYS ST, NEWTOWN NSW 1590 T: 02 9550 1000 W: www.jsarchitects.com.au</p>	



Sydney Area

SUN ANGLE INFORMATION  
Winter Solstice On June 21st

TIME	ALTITUDE	AZIMUTH
9 AM	17°	42° E OF N
12 NOON	32°	0° NORTH
3 PM	17°	42° W OF N



**JS ARCHITECTS**

PROJECT: PROPOSED TERRACE HOUSING  
89 St Marys St, Newtown, NSW  
JS Architects Pty Ltd  
11-11-2022  
097-21/22

CLIENT: ALAN & DALIA TAYYAR  
DRAWING TITLE: SHADOW DIAGRAM - PROPOSED  
DATE: 11-11-2022  
PROJECT NUMBER: 097-21/22  
SCALE: 1:100  
DRAWING NO.: A134  
ISSUE: B

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Rambuilt Constructions Pty. Ltd.

Member Australian Institute of Architects

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REVISIONS:  
DATE: 01-11-2022  
BY: [Signature]  
CHECKED BY: [Signature]

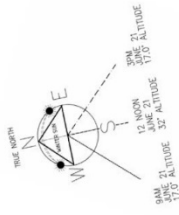
RAMBUILT  
Rambuilt Constructions Pty. Ltd.

Member Australian Institute of Architects

1 SHADOW DIAGRAM JUNE 21st 1pm  
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Version 2, Version Date: 07/11/2022



Sydney Area

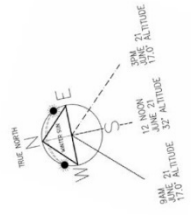
SUN ANGLE INFORMATION  
Winter Solstice On June 21st

TIME	ALTITUDE	AZIMUTH
9 AM	17° S	42° E OF N
12 NOON	32° S	0° NORTH
3 PM	17° S	42° W OF N

1 SHADOW DIAGRAM JUNE 21st 2pm  
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 Rambuilt Constructions Pty. Ltd.	 Member Australian Institute of Architects	CONSULTANTS:  NORTH POINT THIS DRAWING ISSUE DTP: 09/11/2022 BY: [Signature] 5800 (Sydney)	CLIENT: ALAN & DALIA TAYYAR DRAWING TITLE: SHADOW DIAGRAM - PROPOSED DATE: 01-11-2022 PROJECT NUMBER: 097-21/22 SCALE @ A1: 1:100 DRAWING NO.: A135 ISSUE: B	PROJECT: PROPOSED TERRACE HOUSING 89 St Marys St, Newtown, NSW JS Architects Pty Ltd 89 St Marys St, Newtown, NSW PH: 02 9550 4000 M: 04 11 11 8888 W: www.jsarchitects.com.au JS ARCHITECTS ARCHITECTS
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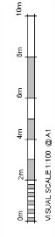
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 BY: [Signature]  
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 Version 2, Version Date: 07/11/2022



### Sydney Area

Winter Solstice On June 21st

TIME	ALTITUDE	AZIMUTH
9 AM	17°	42° E OF N
12 NOON	32°	0° NORTH
3 PM	17°	42° W OF N



**PROJECT**  
PROPOSED TERRACE HOUSING  
89 St Marys St, Newtown, NSW

**CLIENT**  
ALAN & DALIA TAYYAR

**DRAWING TITLE**  
SHADOW DIAGRAM - PROPOSED

**DATE**  
01-11-2022

**SCALE @ A1**  
1:100

**PROJECT NUMBER**  
097-21/22

**DRAWING NO.**  
A136

**ISSUE**  
B

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**RAMBUILT**  
Rambuilt Constructions Pty. Ltd.

**Member Australian Institute of Architects**

**1 SHADOW DIAGRAM JUNE 21st 3pm**  
1:100

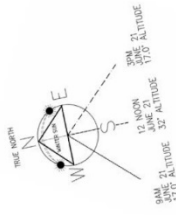
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REVISION	DESCRIPTION	DATE	BY	CHECKED
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**DATE** 01-11-2022  
**ISSUED BY** N  
**CHECKED BY** N

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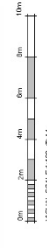
**Version 2, Version Date: 07/11/2022**



### Sydney Area

Winter Solstice On June 21st

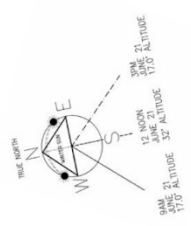
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12 NOON	32°	0° NORTH
3 PM	17°	42° W OF N



1 SHADOW DIAGRAM SEPT. / MARCH 21st 9am  
1:100

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<p><b>CONSULTANTS:</b></p>	<p><b>FM:</b></p>	<p><b>CLIENT:</b> ALAN &amp; DALIA TAYYAR</p>	<p><b>PROJECT:</b> PROPOSED TERRACE HOUSING 89 St Marys St. Newtown, NSW</p>
<p><b>DATE:</b> 01-11-2022</p>	<p><b>SCALE @ A1:</b> 1:100</p>	<p><b>DRAWING TITLE:</b> SHADOW DIAGRAM - PROPOSED</p>	<p><b>DRAWING NO.:</b> A137</p>
<p><b>PROJECT NUMBER:</b> 097-21/22</p>	<p><b>ISSUE:</b> B</p>	<p><b>THIS DRAWING IS THE PROPERTY OF RAMBUILT CONSTRUCTIONS PTY. LTD. AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF RAMBUILT CONSTRUCTIONS PTY. LTD.</b></p>	

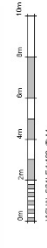




Sydney Area

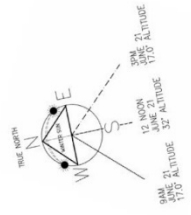
Winter Solstice On June 21st

TIME	ALTITUDE	AZIMUTH
9 AM	17°	42° E OF N
12 NOON	32°	0° NORTH
3 PM	17°	42° W OF N



1 SHADOW DIAGRAM SEPT. / MARCH 21st 10am

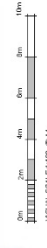
<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>ISSUED FOR PERMIT</td> <td>03-11-2022</td> </tr> <tr> <td>2</td> <td>ISSUED FOR PERMIT</td> <td>03-11-2022</td> </tr> </tbody> </table>	NO.	DESCRIPTION	DATE	1	ISSUED FOR PERMIT	03-11-2022	2	ISSUED FOR PERMIT	03-11-2022	<p>DATE: 03-11-2022</p> <p>BY: [Signature]</p> <p>SCALE: 1:100</p> <p>PROJECT NUMBER: 097-21/22</p> <p>DRAWING NO.: A138</p> <p>ISSUE: B</p>	<p>CLIENT: ALAN &amp; DALIA TAYYAR</p> <p>DRAWING TITLE: SHADOW DIAGRAM - PROPOSED</p> <p>PROJECT: PROPOSED TERRACE HOUSING</p> <p>ADDRESS: 89 St Marys St, Newtown, NSW</p> <p>ARCHITECT: JS ARCHITECTS PTY LTD</p> <p>CONTACT: 02 9550 1234</p> <p>WEBSITE: www.jsarchitects.com.au</p>	<p>CONSULTANTS:</p> <p><b>RAMBUILT</b> Rambuilt Constructions Pty. Ltd.</p> <p>Member Australian Institute of Architects</p>	<p>RAMBUILT</p> <p>Member Australian Institute of Architects</p>	<p>Document ID: 5953589-123456789</p> <p>Version: 2, Version Date: 07/11/2022</p>
NO.	DESCRIPTION	DATE												
1	ISSUED FOR PERMIT	03-11-2022												
2	ISSUED FOR PERMIT	03-11-2022												



Sydney Area

SUN ANGLE INFORMATION  
Winter Solstice On June 21st

TIME	ALTITUDE	AZIMUTH
9 AM	17° S	42° E OF N
12 NOON	32° S	0° NORTH
3 PM	17° S	42° W OF N



**JS ARCHITECTS**

PROJECT: PROPOSED TERRACE HOUSING  
89 St Marys St, Newtown, NSW  
JS Architects Pty Ltd  
11-11-2022  
097-21122

CLIENT: ALAN & DALIA TAYYAR  
DRAWING TITLE: SHADOW DIAGRAM - PROPOSED  
DATE: 11-11-2022  
SCALE @ A1: 1:100  
PROJECT NUMBER: 097-21122  
DRAWING NO.: A139  
ISSUE: B

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SYDNEY, AUSTRALIA

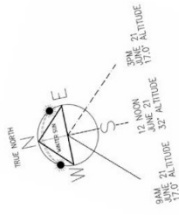
CONSULTANTS:  
RAMBUILT  
Rambuilt Constructions Pty. Ltd.

**RAMBUILT**  
Rambuilt Constructions Pty. Ltd.

**At**  
Member Australian Institute of Architects

1 SHADOW DIAGRAM SEPT. / MARCH 21st 11am  
1:100  
DATE: 03-11-2022  
DRAWN BY: N  
CHECKED BY: N

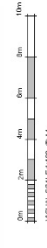
Version 2, Version Date: 07/11/2022



### Sydney Area

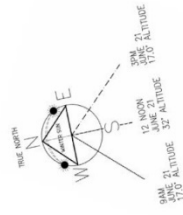
Winter Solstice On June 21st

TIME	ALTITUDE	AZIMUTH
9 AM	17°	42° E OF N
12 NOON	32°	0° NORTH
3 PM	17°	42° W OF N



1 SHADOW DIAGRAM SEPT. / MARCH 21st 12pm  
1:100

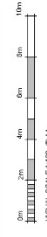
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<p><b>CONSULTANTS:</b></p>	<p><b>FM:</b></p>	<p><b>CLIENT:</b> ALAN &amp; DALIA TAYYAR</p>	<p><b>PROJECT:</b> PROPOSED TERRACE HOUSING 89 St Marys St. Newtown, NSW</p>
<p><b>DATE:</b> 01-11-2022</p>	<p><b>SCALE @ A1:</b> 1:100</p>	<p><b>DRAWING TITLE:</b> SHADOW DIAGRAM - PROPOSED</p>	<p><b>DRAWING NO.:</b> A1-00</p>
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Sydney Area

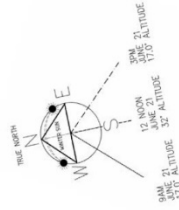
SUN ANGLE INFORMATION  
Winter Solstice On June 21st

TIME	ALTITUDE	AZIMUTH
9 AM	17°	42° E OF N
12 NOON	32°	0° NORTH
3 PM	17°	42° W OF N



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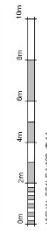
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CONSULTANTS JPM	PROJECT NUMBER 097-21/22	DRAWING No. A141	ISSUE B
REVISIONS NO. DESCRIPTION 1. COMM. REVISION	DATE 01-11-2022	PROJECT INFORMATION 89 St Marys St. Newtown, NSW JS Architects Pty Ltd 8/11-12/12 St Marys St. Newtown NSW 1590 M: 02 9551 8888, F: 02 9551 8882 W: www.jsarchitects.com.au A: 8/11-12/12 St Marys St. Newtown NSW 1590	PROJECT PROPOSED TERRACE HOUSING JS ARCHITECTS



### Sydney Area

SUN ANGLE INFORMATION  
Winter Solstice On June 21st

TIME	ALTITUDE	AZIMUTH
9 AM	17.0°	42° E OF N
12 NOON	32.0°	0° NORTH
3 PM	17.0°	42° W OF N



**JS ARCHITECTS**

PROJECT: PROPOSED TERRACE HOUSING  
89 St Marys St, Newtown, NSW  
JS Architects Pty Ltd  
Sydney New South Wales 2041  
M 02 9550 9388, F 02 9550 9389  
W www.jsarchitects.com.au

CLIENT: ALAN & DALIA TAYYAR  
DRAWING TITLE: SHADOW DIAGRAM - PROPOSED  
DATE: 11-11-2022  
SCALE @ A1: 1:100  
PROJECT NUMBER: 097-21/22  
DRAWING NO.: A142

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DATE: 11-11-2022  
SCALE: 1:100  
PROJECT: 097-21/22  
DRAWING NO.: A142

**RAMBUILT**  
Rambuilt Constructions Pty. Ltd.

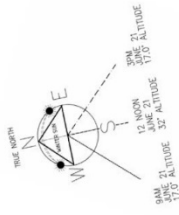
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1: 1:100

REVISION	DATE	BY	BY
1	01-11-2022	N	N

DATE ISSUED: 01-11-2022  
DRAWN: N  
CHECKED: N  
PROJECT: 097-21/22  
DRAWING NO.: A142  
JOB NO.: 097-21/22

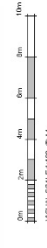
Version 2, Version Date: 07/11/2022



Sydney Area

Winter Solstice On June 21st

TIME	ALTITUDE	AZIMUTH
9 AM	17°	42° E OF N
12 NOON	32°	0° NORTH
3 PM	17°	42° W OF N

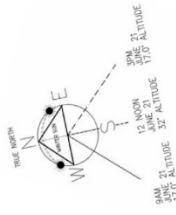


1 SHADOW DIAGRAM SEPT. / MARCH 21st 3pm

<p><b>RAMBUILT</b> Rambuilt Constructions Pty. Ltd.</p>		<p><b>At</b> Member Australian Institute of Architects</p>	
<p><b>CONSULTANTS:</b></p>	<p><b>FM:</b></p>	<p><b>NORTH POINT:</b></p>	<p><b>CLIENT:</b></p>
<p>ALAN &amp; DALIA TAYYAR</p>	<p>ALAN &amp; DALIA TAYYAR</p>	<p>ALAN &amp; DALIA TAYYAR</p>	<p>ALAN &amp; DALIA TAYYAR</p>
<p><b>DRAWING TITLE:</b> SHADOW DIAGRAM - PROPOSED</p>	<p><b>DATE:</b> 01-11-2022</p>	<p><b>SCALE @ A1:</b> 1:100</p>	<p><b>DRAWING NO.:</b> A143</p>
<p><b>PROJECT NUMBER:</b> 097-21/22</p>	<p><b>ISSUE:</b> B</p>	<p><b>PROJECT:</b> PROPOSED TERRACE HOUSING 89 St Marys St. Newtown, NSW JS Architects Pty Ltd 111 St Marys St. Newtown, NSW 02 9550 1234 www.jsarchitects.com.au</p>	



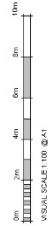
71A backyard has less solar access to the backyard pre development



Sydney Area

SUN ANGLE INFORMATION  
Winter Solstice On June 21st

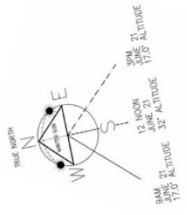
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9 AM	17°	42° E OF N
12 NOON	32°	0° NORTH
3 PM	17°	42° W OF N



1 SHADOW DIAGRAM JUNE 21st 9am PRE  
1 : 100

 Rambuilt Constructions Pty. Ltd.		 Member Australian Institute of Architects	
NORTH POINT  THIS DRAWING ISSUE BY: [Signature] DATE: 01/11/2022	CLIENT ALAN & DALIA TAYYAR DRAWING TITLE SHADOW DIAGRAM - PRE	PROJECT PROPOSED TERRACE HOUSING 89 St Marys St, Newtown, NSW	ARCHITECTS  JS ARCHITECTS 89 St Marys St, Newtown, NSW PH: 02 9550 2000 WWW: www.jsarchitects.com.au
CONSULTANTS:	PROJECT NUMBER 097-21/22	SCALE @ A1 1:100	DRAWING NO. A144
DATE: 01/11/2022		ISSUE B	

Version 2, Version Date: 07/11/2022



Sydney Area

SUN ANGLE INFORMATION  
Winter Solstice On June 21st

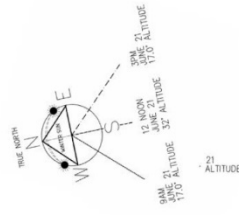
TIME	ALTITUDE	AZIMUTH
9 AM	17°	42° E OF N
12 NOON	32°	0° NORTH
3 PM	17°	42° W OF N



1 SHADOW DIAGRAM JUNE 21st 10am PRE  
1:100

<p>REVISION SCHEDULE</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>01-11-2022</td> <td>ISSUED FOR PERMIT</td> </tr> <tr> <td>2</td> <td>01-11-2022</td> <td>ISSUED FOR PERMIT</td> </tr> </tbody> </table>	NO.	DATE	DESCRIPTION	1	01-11-2022	ISSUED FOR PERMIT	2	01-11-2022	ISSUED FOR PERMIT	<p>DATE: 01-11-2022</p> <p>SCALE: @ A1 1:100</p> <p>PROJECT NUMBER: 097-21/22</p> <p>DRAWING NO.: A145</p> <p>ISSUE: B</p>	<p>CLIENT: ALAN &amp; DALIA TAYYAR</p> <p>DRAWING TITLE: SHADOW DIAGRAM - PRE</p>	<p>PROJECT: PROPOSED TERRACE HOUSING</p> <p>89 St Marys St, Newtown, NSW</p> <p>JS Architects Pty Ltd 111 St Marys St, Newtown, NSW 1500 Tel: 02 9550 1234 www.jsarchitects.com.au</p>
NO.	DATE	DESCRIPTION										
1	01-11-2022	ISSUED FOR PERMIT										
2	01-11-2022	ISSUED FOR PERMIT										
<p>CONSULTANTS:</p>	<p>RAMBUILT Rambuilt Constructions Pty. Ltd.</p>	<p>Member Australian Institute of Architects</p>	<p>JS ARCHITECTS</p>									

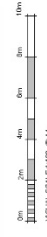




Sydney Area

SUN ANGLE INFORMATION  
Winter Solstice On June 21st

TIME	ALTITUDE	AZIMUTH
9 AM	37°	42° E OF N
12 NOON	51°	0° NORTH
3 PM	37°	42° W OF N

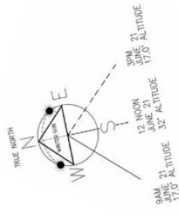


1 SHADOW DIAGRAM JUNE 21st 11am PRE  
1 : 100

<p>REVISIONS/SCALE</p> <p>DATE 05-11-2022</p> <p>BY EMMAL BERKIN</p>	<p>CLIENT</p> <p>ALAN &amp; DALIA TAYYAR</p>	<p>CONSULTANTS</p> <p><b>RAMBUILT</b> Rambuilt Constructions Pty. Ltd.</p>	<p>MEMBER</p> <p>Australian Institute of Architects</p>
<p>PROJECT</p> <p>PROPOSED TERRACE HOUSING</p> <p>89 St Marys St, Newtown, NSW</p>	<p>DRAWING TITLE</p> <p>SHADOW DIAGRAM - PRE</p>	<p>DATE</p> <p>05-11-2022</p>	<p>SCALE @ A1</p> <p>1 : 100</p>
<p>PROJECT NUMBER</p> <p>097-21/22</p>	<p>DRAWING NO.</p> <p>A146</p>	<p>ISSUE</p> <p>B</p>	<p>THIS DRAWING IS THE PROPERTY OF RAMBUILT CONSTRUCTIONS PTY. LTD. ANY REPRODUCTION WITHOUT PERMISSION IS STRICTLY FORBIDDEN.</p>



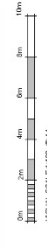
Document Ref: 097-21/22-001  
Version 2, Version Date: 07/11/2022



### Sydney Area

Winter Solstice On June 21st

TIME	ALTITUDE	AZIMUTH
9 AM	17°	42° E OF N
12 NOON	32°	0° NORTH
3 PM	17°	42° W OF N

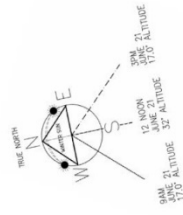


1 SHADOW DIAGRAM JUNE 21st 12pm PRE  
1:100

<p><b>RAMBUILT</b> Rambuilt Constructions Pty. Ltd.</p>		<p><b>At</b> Member Australian Institute of Architects</p>	
<p><b>CONSULTANTS:</b></p>	<p><b>FM:</b></p>	<p><b>NORTH POINT:</b></p>	<p><b>CLIENT:</b></p>
<p>ALAN &amp; DALIA TAYYAR</p>	<p>ALAN &amp; DALIA TAYYAR</p>	<p>PROPOSED TERRACE HOUSING</p>	<p>89 St Marys St. Newtown, NSW</p>
<p>DATE: 01-11-2022</p>	<p>PROJECT NUMBER: 097-21/22</p>	<p>SCALE @ A1: 1:100</p>	<p>ISSUE: B</p>
<p>REVISION SCHEDULE</p>	<p>DATE ISSUED</p>	<p>BY</p>	<p>FOR</p>
<p>1. INITIAL DESIGN</p>	<p>01-11-2022</p>	<p>ALAN</p>	<p>ALAN</p>
<p>2. PRELIMINARY DESIGN</p>	<p>01-11-2022</p>	<p>ALAN</p>	<p>ALAN</p>
<p>3. PRELIMINARY DESIGN</p>	<p>01-11-2022</p>	<p>ALAN</p>	<p>ALAN</p>

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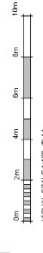


Sydney Area

SUN ANGLE INFORMATION

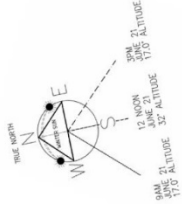
Winter Solstice On June 21st

TIME	ALTITUDE	AZIMUTH
9 AM	17°	42° E OF N
12 NOON	32°	0° NORTH
3 PM	17°	42° W OF N



1 SHADOW DIAGRAM JUNE 21st 1pm PRE

<p><b>RAMBUILT</b> Rambuilt Constructions Pty. Ltd.</p>	<p><b>At</b> Member Australian Institute of Architects</p>	<p><b>CONSULTANTS:</b></p>	<p><b>PM:</b></p>	<p><b>NORTH POINT:</b></p>	<p><b>CLIENT:</b></p>	<p><b>PROJECT:</b></p>
<p>DATE: 01-11-2022 DRAWN BY: [Name] SCALE: 1:100 DRAWING NO.: A143</p>	<p>DATE: 01-11-2022 DRAWING TITLE: SHADOW DIAGRAM - PRE PROJECT NUMBER: 097-21/22 ISSUE: B</p>	<p>ALAN &amp; DALIA TAYYAR SHADOW DIAGRAM - PRE</p>	<p>89 St Marys St, Newtown, NSW JS Architects Pty Ltd 111 St Marys St, Newtown, NSW 02 9550 1111 www.jsarchitects.com.au</p>	<p>PROPOSED TERRACE HOUSING</p>	<p>89 St Marys St, Newtown, NSW</p>	<p>PROPOSED TERRACE HOUSING</p>



### Sydney Area

SUN ANGLE INFORMATION		
Winter Solstice On June 21st		
TIME	ALTITUDE	AZIMUTH
9 AM	17°	42° E OF N
12 NOON	32°	0° NORTH
3 PM	17°	42° W OF N

1 SHADOW DIAGRAM JUNE 21st 2pm PRE  
1:100

**JS ARCHITECTS**

PROPOSED TERRACE HOUSING

89 St Marys St, Newtown, NSW

JS Architects Pty Ltd  
 89 St Marys St, Newtown NSW 1500  
 M: 02 9550 8888, F: 02 9550 8882  
 W: www.jsarchitects.com.au

CLIENT: ALAN & DALIA TAYYAR

DRAWING TITLE: SHADOW DIAGRAM - PRE

DATE: 01-11-2022

PROJECT NUMBER: 097-21/22

SCALE @ A1: 1:100

DRAWING NO.: A149

ISSUE: B

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**At**  
Member Australian Institute of Architects

REVISION SCHEDULE

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	01-11-2022
2	FOR COMMENTS	01-11-2022

DATE: 01-11-2022

DRAWN BY: [Name]

CHECKED BY: [Name]

PROJECT NO: 097-21/22

SCALE: 1:100

ISSUE: B

Version 2, Version Date: 07/11/2022



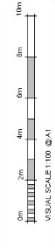
1 SHADOW DIAGRAM JUNE 21st 3pm PRE

Sydney Area

SUN ANGLE INFORMATION

Winter Solstice On June 21st

TIME	ALTITUDE	AZIMUTH
9 AM	17°	42° E OF N
12 NOON	32°	0° NORTH
3 PM	17°	42° W OF N



**JS ARCHITECTS**

PROPOSED TERRACE HOUSING

89 St Marys St, Newtown, NSW

JS Architects Pty Ltd  
 89 St Marys St, Newtown, NSW  
 02 9550 1234  
 www.jsarchitects.com.au

CLIENT: ALAN & DALIA TAYYAR

DRAWING TITLE: SHADOW DIAGRAM - PRE

DATE: 01-11-2022

PROJECT NUMBER: 097-21/22

SCALE @ A1: 1:100

DRAWING NO.: A150

ISSUE: B

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REVISION SCHEDULE

NO.	REVISION	DATE	BY
1	ISSUED FOR PERMIT	01-11-2022	N

DATE: 01-11-2022

BY: N

Version 2, Version Date: 07/11/2022

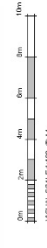


1 SHADOW DIAGRAM SEPT. / MARCH 21st 9am PRE

Sydney Area

SUN ANGLE INFORMATION  
Winter Solstice On June 21st

TIME	ALTITUDE	AZIMUTH
9 AM	17°	42° E OF N
12 NOON	32°	0° NORTH
3 PM	17°	42° W OF N



**JS ARCHITECTS**

PROPOSED TERRACE HOUSING  
89 St Marys St. Newtown, NSW  
JS Architects Pty Ltd  
11-11-2022  
097-21122

CLIENT: ALAN & DALIA TAYYAR  
DRAWING TITLE: SHADOW DIAGRAM - PRE  
DATE: 11-11-2022  
PROJECT NUMBER: 097-21122  
SCALE @ A1: 1:100  
DRAWING NO.: A151  
ISSUE: B

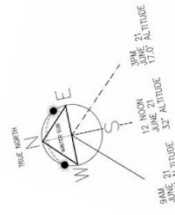
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REVISION SCHEDULE  
DATE: 01-11-2022  
BY: N  
FOR: N

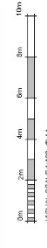
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Version 2, Version Date: 07/11/2022



Sydney Area

SUN ANGLE INFORMATION  
Winter Solstice On June 21st

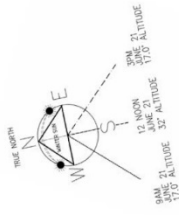
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9 AM	17°	42° E OF N
12 NOON	32°	0° NORTH
3 PM	17°	42° W OF N



1 SHADOW DIAGRAM SEPT. / MARCH 21st 10am PRE

<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>ISSUED FOR PERMIT</td> <td>03-11-2022</td> </tr> <tr> <td>2</td> <td>COMM. REVIEW</td> <td>N</td> </tr> </tbody> </table>	NO.	DESCRIPTION	DATE	1	ISSUED FOR PERMIT	03-11-2022	2	COMM. REVIEW	N	<p>DATE: 03-11-2022</p> <p>SCALE @ A1: 1:100</p> <p>PROJECT NUMBER: 097-21/22</p> <p>DRAWING NO.: A152</p> <p>ISSUE: B</p>
NO.	DESCRIPTION	DATE								
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2	COMM. REVIEW	N								
<p>CLIENT: ALAN &amp; DALIA TAYYAR</p> <p>DRAWING TITLE: SHADOW DIAGRAM - PRE</p>	<p>PROJECT: PROPOSED TERRACE HOUSING</p> <p>89 St Marys St, Newtown, NSW</p> <p>JS Architects Pty Ltd 124-126 St Marys St, Newtown, NSW Ph: 02 9550 1234 www.jsarchitects.com.au</p>									
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<p>Member Australian Institute of Architects</p>	<p>JS ARCHITECTS</p>									

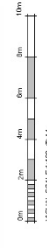
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Version 2, Version Date: 07/11/2022



Sydney Area

SUN ANGLE INFORMATION  
Winter Solstice On June 21st

TIME	ALTITUDE	AZIMUTH
9 AM	37°	42° E OF N
12 NOON	51°	0° NORTH
3 PM	37°	42° W OF N



1 SHADOW DIAGRAM SEPT. / MARCH 21st 11am PRE  
1 : 100

**JS ARCHITECTS**

PROJECT: PROPOSED TERRACE HOUSING  
89 St Marys St. Newtown, NSW  
JS Architects Pty Ltd  
111 St Marys St. Newtown NSW 1500  
T: 02 9550 1111 F: 02 9550 1112  
W: www.jsarchitects.com.au

CLIENT: ALAN & DALIA TAYYAR  
DRAWING TITLE: SHADOW DIAGRAM - PRE  
DATE: 01-11-2022  
PROJECT NUMBER: 097-21/22  
SCALE @ A1: 1:100  
DRAWING NO.: A153  
ISSUE: B

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Rambuilt Constructions Pty. Ltd.

**A+**  
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REVISION SCHEDULE  
REVISION NO. DESCRIPTION  
1. 01-11-2022  
2. 01-11-2022

DATE ISSUED: 01-11-2022  
DRAWN BY: N  
CHECKED BY: N

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Document Ref: 097-21/22-0153  
Version 2, Version Date: 07/11/2022



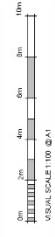


1 SHADOW DIAGRAM SEPT. / MARCH 21st 12pm PRE

Sydney Area

SUN ANGLE INFORMATION  
Winter Solstice On June 21st

TIME	ALTITUDE	AZIMUTH
9 AM	17°	42° E OF N
12 NOON	32°	0° NORTH
3 PM	17°	42° W OF N



**JS ARCHITECTS**

PROPOSED TERRACE HOUSING  
89 St Marys St. Newtown, NSW  
JS Architects Pty Ltd  
11-11-2022  
097-21122

CLIENT: ALAN & DALIA TAYYAR  
DRAWING TITLE: SHADOW DIAGRAM - PRE  
DATE: 11-11-2022  
PROJECT NUMBER: 097-21122  
SCALE @ A1: 1:100  
DRAWING NO.: A154  
ISSUE: B

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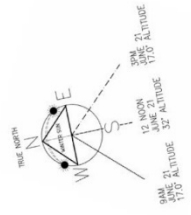
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RAMBUILT  
Rambuilt Constructions Pty. Ltd.

REVISIONS  
DATE: 01-11-2022  
BY: N  
FOR: ECHOAL REVIEW

Version 2, Version Date: 07/11/2022



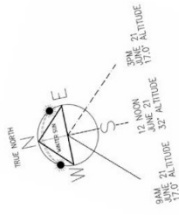
Sydney Area

SUN ANGLE INFORMATION  
Winter Solstice On June 21st

TIME	ALTITUDE	AZIMUTH
9 AM	17°	42° E OF N
12 NOON	32°	0° NORTH
3 PM	17°	42° W OF N

1 SHADOW DIAGRAM SEPT. / MARCH 21st 1pm PRE  
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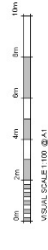
<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>DATE</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>ISSUED FOR PERMIT</td> <td>01-11-2022</td> <td>ALAN &amp; DALIA TAYYAR</td> </tr> </tbody> </table>	NO.	DESCRIPTION	DATE	BY	1	ISSUED FOR PERMIT	01-11-2022	ALAN & DALIA TAYYAR	<p>DATE: 01-11-2022</p> <p>SCALE @ A1: 1:100</p> <p>PROJECT NUMBER: 097-21/22</p> <p>DRAWING NO.: A155</p> <p>ISSUE: B</p>	<p>CLIENT: ALAN &amp; DALIA TAYYAR</p> <p>DRAWING TITLE: SHADOW DIAGRAM - PRE</p>	<p>PROJECT: PROPOSED TERRACE HOUSING</p> <p>89 St Marys St, Newtown, NSW</p> <p>JS Architects Pty Ltd</p> <p>11/11/2022</p> <p>11/11/2022</p> <p>11/11/2022</p>	<p>CONSULTANTS:</p> <p><b>RAMBUILT</b> Rambuilt Constructions Pty. Ltd.</p>	<p>Member Australian Institute of Architects</p> <p><b>A+</b></p>	<p>Document Control: 50053889</p> <p>Version: 2, Version Date: 07/11/2022</p>
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### Sydney Area

Winter Solstice On June 21st

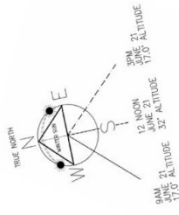
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3 PM	17°	42° W OF N



1 SHADOW DIAGRAM SEPT. / MARCH 21st 2pm PRE  
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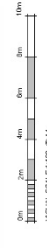
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CLIENT ALAN & DALIA TAYYAR	DRAWING TITLE SHADOW DIAGRAM - PRE	DATE 01-11-2022	SCALE @ A1 1 : 100
NORTH POINT 	CONSULTANTS JS ARCHITECTS	PROJECT NUMBER 097-21/22	DRAWING NO. A156
THIS DRAWING IS THE PROPERTY OF JS ARCHITECTS AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF JS ARCHITECTS.		ISSUE B	PROJECT PROPOSED TERRACE HOUSING 89 St Marys St. Newtown, NSW JS ARCHITECTS PTY LTD 89 ST MARYS ST NEWTOWN NSW 1590 PH: 02 9550 1000 WWW.JSARCHITECTS.COM.AU

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### Sydney Area

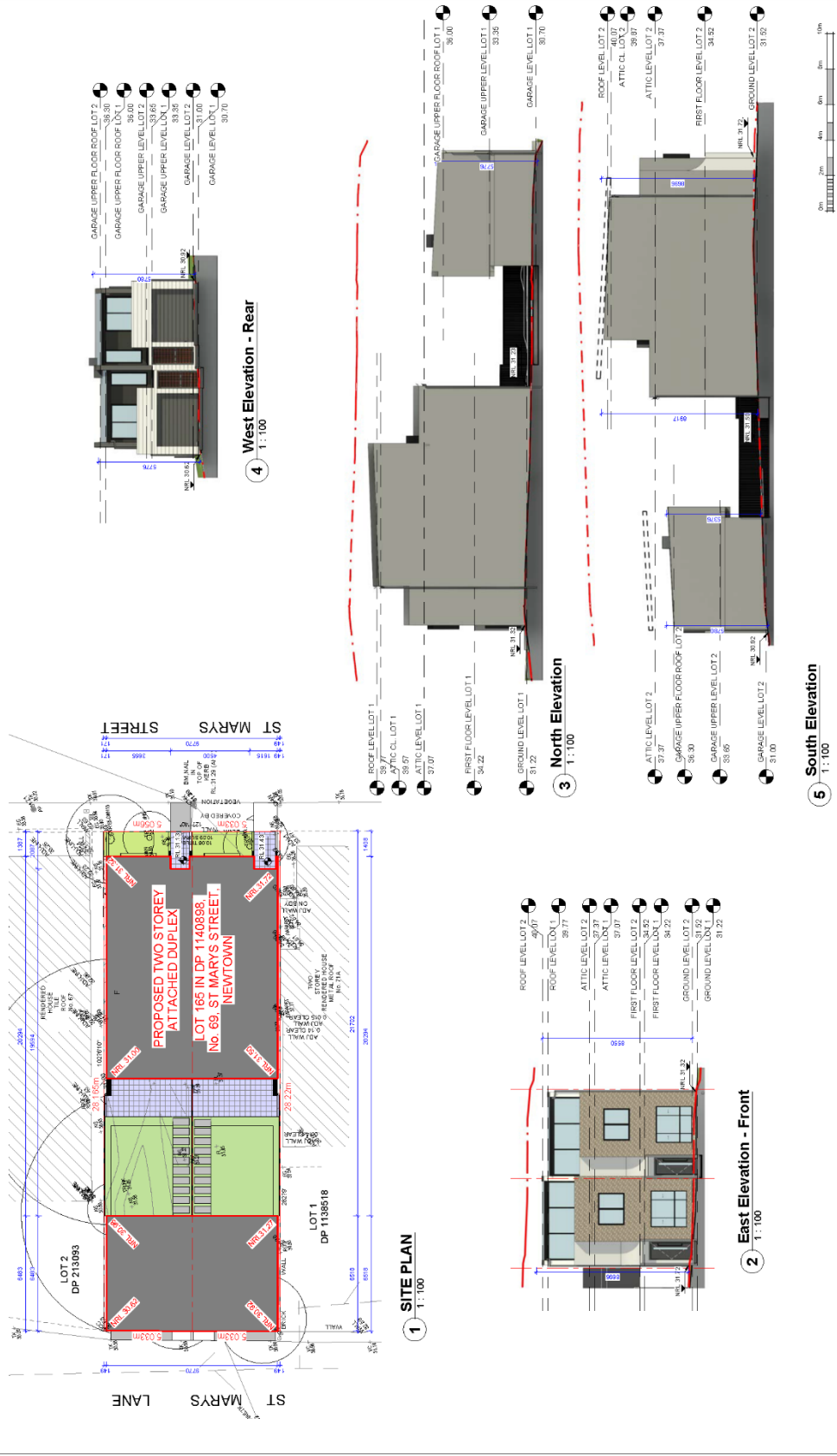
SUN ANGLE INFORMATION	
Winter Solstice On June 21st	
TIME	ALTITUDE
9 AM	17°
12 NOON	32°
3 PM	17°



1 SHADOW DIAGRAM SEPT. / MARCH 21st 3pm PRE

<p>THIS DRAWING IS FOR THE USE OF THE CLIENT ONLY. IT IS NOT TO BE REPRODUCED OR DISTRIBUTED WITHOUT THE WRITTEN PERMISSION OF RAMBUILT.</p>	<p>CLIENT: ALAN &amp; DALIA TAYYAR</p> <p>DRAWING TITLE: SHADOW DIAGRAM - PRE</p> <p>DATE: 01-11-2022</p> <p>PROJECT NUMBER: 097-21/22</p> <p>SCALE @ A1: 1:100</p> <p>DRAWING NO.: A157</p> <p>ISSUE: B</p>
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REVISION SCHEDULE  
 REVISION NO. DESCRIPTION DATE  
 1 INITIAL DESIGN 01-11-2022  
 2 COMM. REVIEW

DATE ISSUED: 01-11-2022  
 DRAWING NO.: 097-21/22  
 SHEET NO.: A160  
 PROJECT NO.: 097-21/22  
 DRAWING TITLE: NOTIFICATION PLAN  
 CLIENT: ALAN & DALIA TAYYAR  
 PROJECT: PROPOSED TERRACE HOUSING  
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Version 2, Version Date: 07/11/2022  
 Document Ref: 097-21/22-0160

## Attachment C- Section 4.6 Exception to Development Standards

Rambuilt Planning Solutions

21/11/2022

### Clause 4.6 – Variation Request

#### 69 St Marys St Newtown 2042

##### 1. Introduction

This Variation Statement has been in support of a development application for the redevelopment of 69 St Marys Street, Newtown, and seeks to vary clause 5.3(2)(a) of State Environmental Planning Policy (Housing) 2021.

This Statement has been prepared in accordance with clause 4.6 – Exceptions to Development Standards of the Inner West LEP 2022, and the NSW Department of Planning and Infrastructure (DP&I)

“Varying development standards: A Guide”, August 2011.

##### 2. Development Standard to be Varied

The development standard to be varied is clause 5.3(2)(a) of State Environmental Planning Policy (Housing) 2021 relating to minimum site area.

##### 53 Non-discretionary development standards—the Act, s 4.15

- (1) The object of this section is to identify development standards for particular matters relating to development for the purposes of a secondary dwelling that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.
- (2) The following are non-discretionary development standards in relation to the carrying out of development to which this Part applies—
  - (a) for a detached secondary dwelling—a minimum site area of 450m<sup>2</sup>,
  - (b) the number of parking spaces provided on the site is the same as the number of parking spaces provided on the site immediately before the development is carried out.

##### 3. Proposed Development

Demolition of an existing dwelling house, removal of trees, erection of a pair of semi-detached dwellings with detached garages and secondary dwellings and Torrens title subdivision.

##### 4. Principles of Exceptions to Development Standards

Clause 4.6 provides a nexus to enable the flexibility of development standards where it is demonstrated that the proposed variation to a development standard may, in some circumstances, achieve the underlying purpose of the standard as much as one which complies. If the development is not only consistent with the underlying purpose of the standard, but also with the broader planning objectives for the locality, strict compliance with the standard can be deemed to be unreasonable and unnecessary and Council could approve an exception.

It is noted that the NSW Department of Planning and Infrastructure (DP&I) provides guidance on how to prepare clause 4.6 variations in the form of “Varying development standards: A Guide August

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2011". This written request to vary the standard is based on the DP&I guide, in particular Appendix 3 which provides a template for and "Application Form to vary a development standard".

The following has been prepared in accordance with this Guide:

**4.1. What is the name of the environmental planning instrument that applies to the land?**

- Inner West Local Environmental Plan 2022
- State Environmental Planning Policy (Housing) 2021

**4.2. What is the zoning of the land?**

The site is zoned R2 Low Density Residential under Marrickville Local Environmental Plan 2011

**4.3. What are the Objectives of the zone?**

The Objectives of the R2 Low Density Residential are:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

**4.4. What is the development standard being varied?**

The development standard being varied is the minimum site area for a detached secondary dwelling.

**4.5. Under what Clause is the development standard listed in the environmental planning instrument?**

The development standard is listed under clause 5.3(2)(a) of State Environmental Planning Policy (Housing) 2021.

**4.6. What are the Objectives of the development standard?**

clause 5.3(1) of State Environmental Planning Policy (Housing) 2021.

- (1) The object of this section is to identify development standards for particular matters relating to development for the purposes of a secondary dwelling that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.

**4.7. What is the numeric value of the development standard in the environmental planning instrument?**

The numeric value of the development standard is 450m<sup>2</sup>

**4.8. What is the proposed numeric value of the development standard in your development application?**

The maximum numeric value proposed is 284.138m<sup>2</sup>

**4.9. What is the percentage variation (between your proposal and the environmental planning instrument)?**

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The percentage variation is 37%

#### 5. Proper application of Clause 4.6

Clause 4.6 of Inner West LEP 2022 provides:

1) The objectives of this clause are as follows:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

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

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

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

4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Secretary has been obtained.

5) In deciding whether to grant concurrence, the Secretary must consider:

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

6) - 8) ...

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Clause 4.6 has five requirements as follows:

1. There must be a written request from the applicant that seeks to justify the contravention of the standard (clause 4.6(3)).
2. That written request must seek to justify contravention of the standard by demonstrating that:
  - Compliance with the development standard is unreasonable or unnecessary in particular circumstances of the case (clause 4.6(3)(a)); and
  - That there are sufficient environmental planning grounds to justify contravening the development standard (clause 4.6(3)(b)).
3. The consent authority must consider the written request.
4. The consent authority must be satisfied that:
  - The written request as adequately addressed the matters that are required to be demonstrated, i.e. compliance is unreasonable and unnecessary and sufficient environmental planning grounds (clause 4.6(4)(a)(i)).
  - The development is in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out grounds (clause 4.6(4)(a)(ii)).
5. Concurrence to the variation must have been obtained from the Director-General grounds (clause 4.6(4)(b)).

It should be noted that steps 1 and 2 are matters for the applicant. Steps 3 and 4 are matters for the consent authority. Step 5 is a matter for the Director-General, however in this case the Director-General has issued a blanket concurrence to variations to development standards where the variation is made pursuant to an environmental planning instrument which contains clause 4.6 in the form contained in the standard template or in similar terms.

Assistance on the approach to justifying a development standard variation is found in certain defining decisions of the NSW Land and Environment Court, in particular the judgements for:

- *Wehbe v Pittwater Council* [2007] NSWLEC 827
- *Four2FivePtyLtd v Ashfield Council* [2015] NSWLEC 1009
- *Micaul Holdings Pty Limited v Randwick City Council* [2015] NSWLEC 1386
- *Moskovich v Waverley Council* [2016] NSWLEC 1015
- *Zhang and anor v Council of the City of Ryde* [2016] NSWLEC 1179.

#### 6. Assessment of the Proposed Variation under Clause 4.6

This Variation Request has been prepared against the following relevant Steps in reference to clause 4.6:

- Step 1 – The written request

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- Step 2 – Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and there are sufficient environmental planning grounds to justify contravening the development standard (clause 4.6(3))

- Step 3 – The proposed development will be in the public interest because it is consistent with the objectives of the development standard and objectives for development within the zone (clause 4.6(4))

#### STEP 1

##### 6.1. Step 1 – The written Request

This document constitutes the written request to the application which seeks to justify contravention of the standard.

#### STEP 2

##### 6.2. Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case (clause 4.6(3)(a));

The judgment in *Wehbe v Pittwater Council* [2007] NSWLEC 827 identified five ways that could be applied to establish whether compliance is unreasonable or unnecessary. These are discussed below:

1. Compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.

The standard relates to a minimum site area for a detached secondary dwelling.

The secondary dwelling is attached to an outbuilding associated with the primary dwelling and fronts a parallel road street frontage.

The addition of a dwelling above a garage outbuilding is a building typology that is common and generally approved by council within the Innerwest LGA.

As shown on the submitted architectural plans, the lot has an adequate site area, shape and dimension(s) that can support a detached primary and secondary dwelling house.

Each dwelling achieves superior amenity including natural light and privacy to each room, generous internal dimensions and areas that are suitable for modern living standards, and appropriate level of landscaping and private open space area, and includes:

- bedrooms of adequate internal dimensions and space to accommodate a double bed, side tables and generous wardrobe space.
- Bathrooms to service the intended occupancy capacity of each dwelling.
- Unobstructed open plan living, dining and kitchen of adequate internal dimensions, shape and space to accommodate a kitchen, table and lounge, with direct access to a private open space area.
- A covered private open space area adequate in size to accommodate a table, outdoor cooking facilities and a clothesline.

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- Laundry, outdoor drying facilities, and site facilities.

As further shown in the submitted Statement of Environmental Effects, the resulting development on each lot complies the following Council development controls:

- Floor Space Ratio development standard.
- Building height development standard
- Solar access control.
- Loft structures over garages control (see below table)

4.1.7.5 Loft Structures over Garages	Comments
<b>Controls</b>	
<b>C31</b> Loft structures over garages at the rear of a site may be acceptable subject to:	
i. Compliance with overall height, FSR, landscaping and parking requirements of this DCP and MLEP 2011;	The proposed development is compliant with the maximum permitted height and FSR as discussed in Section 4.1.5.2 and Section 4.1.5.3.
ii. There being minimal adverse impact on amenity of the subject property, neighbouring properties and the public domain;	As discussed in Section 4.3.3, the proposed development results in minimal amenity impacts to neighbouring dwellings.
iii. The bulk and scale of the overall structure not being dominant compared with other rear lane structures or the houses in the locality; and	The proposed detached garages and loft secondary dwellings are consistent with other rear lane structures, with particular reference to the secondary dwelling opposite the site on St Marys Lane at 38 Gilpin Street, approved under DA/2020/0931.
iv. The structure not adversely affecting the character of the street or laneway	The proposed detached garages and loft secondary dwellings improve the character of St Marys Lane by providing improved casual surveillance of the street and through complimentary materials and finishes.

Overall, the lot size and proposed development is deemed adequate to accommodate development that is consistent with the zoning of the site and consistent with the relevant development controls. Compliance with the development standard is unreasonable or unnecessary as objectives of the development standard are achieved.

2. The underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.

This contention is not applicable to the proposal.

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3. The underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable.

This contention is not applicable to the proposal.

4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.

This contention is not applicable to the proposal.

5. "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary.

This contention is not applicable to the proposal.

**6.3. Is there sufficient environmental planning grounds to justify contravening the development standard (clause 4.6(3)(b)).**

Yes. In the circumstances of the case, there are sufficient planning grounds to justify contravening the development standard being:

- A secondary dwelling development is a permissible use under the R2 Zoning. This will provide additional housing opportunities that are compatible with the streetscape and the capacity of existing infrastructure and utilities. The proposal is therefore consistent with the relevant objectives in the R2 Zone.
- The site is a parallel lot with two street frontages. The site area and dimension is capable of accommodating a dwelling fronting each street frontage. Each dwelling will have direct street frontage
- The construction of the secondary dwelling does not result in any physical changes to the primary dwelling. The quantum of private open space, solar access, site facilities and internal room layout configuration to the primary dwelling will remain unchanged.
- The built form of the secondary dwelling is appropriate to the surrounding urban built form. The site provides visual cohesiveness and uniformity that is consistent.
- The design of the secondary dwelling has superior internal amenity with more than 3 hours of direct solar access, natural cross ventilation, natural daylight to the kitchen and bathroom, and a dual private open space area.
- The secondary dwelling includes habitable windows and a balcony orientated towards the street providing casual surveillance onto the public domain, and this is an improvement in comparison to the existing conditions of the site. It provides casual surveillance and activation of the St Marys Lane streetscape.
- The proposal maintains adequate amenity of the occupants between the primary and secondary dwelling in regards to building separation, privacy and solar access.
- The proposal does not result in any privacy impacts upon adjoining properties.

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- The proposal retains sufficient solar access to the adjoining properties in accordance with Council's controls.

- As demonstrated in the submitted Statement of Environmental Effects, the compliance of the resulting development with Council's built form controls ensures the proposal does not result in any unreasonable amenity impacts upon adjoining properties. For the reasons set out above, the proposal will achieve a better planning outcome than a compliant development of the site.

#### STEP 3

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

An assessment against these objectives is provided in Section 6.2.

Even though the proposal results in a non-compliance with the development standard, as demonstrated above, the proposal is considered consistent with the objectives of the development standard, and is in the public interest.

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

The Objectives of the R2 Low Density Residential are:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The proposal is consistent with the zone objectives for the following reasons:

- In regard to dot point 1, the proposed secondary dwelling provides additional housing choice and supply for the local community within a low density residential environment consistent with this objective.
- Dot point 2 is not applicable to the proposal.

#### **7. Conclusion**

It is requested that council supports the proposed variation to clause 5.3(2)(a) of State Environmental Planning Policy (Housing) 2021 for the following reasons:

1. Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.
2. There are sufficient environmental planning grounds to justify contravening the development standard.
3. The proposed development is the logical provision of built form across the site, the streetscape and surrounding locality.
4. No unreasonable environmental impacts are introduced as a result of the proposal.
5. There is no public benefit in maintaining strict compliance with the standards.

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6. The proposed development is in the public interest.

7. Overall, the construction of a secondary dwelling provides a positive contribution to the character of St Marys Lane, whilst maintaining adequate amenity between the primary and secondary dwelling. Given the above justification provided above this Clause 4.6 Variation is well founded and should be favourably considered by Council.

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