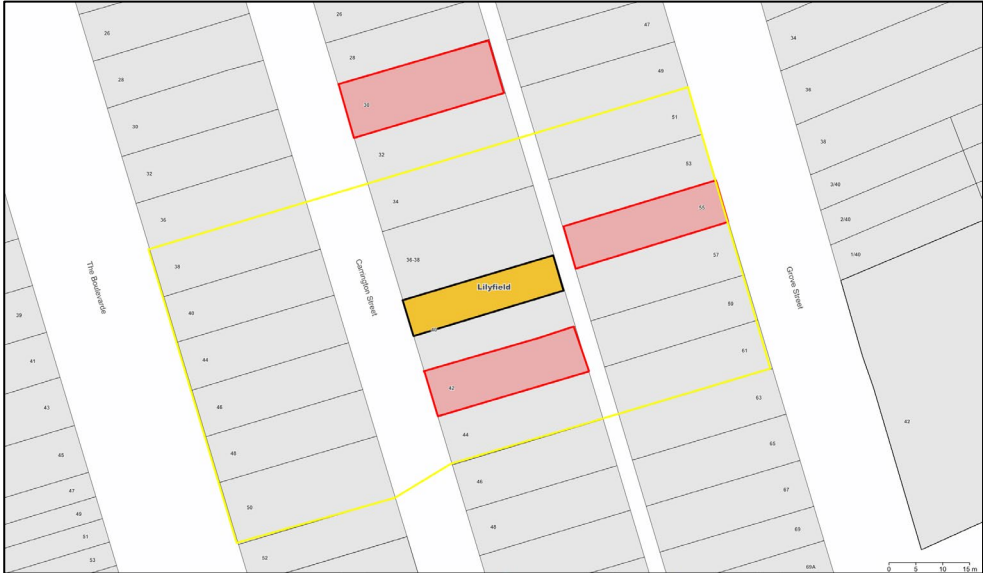




	
DEVELOPMENT ASSESSMENT REPORT	
<b>Application No.</b>	DA/2023/0699
<b>Address</b>	40 Carrington Street Lilyfield
<b>Proposal</b>	Convert car hard stand space at rear to garage, with roof terrace over.
<b>Date of Lodgement</b>	27 August 2023
<b>Applicant</b>	DEV ELEMENTS Pty Ltd
<b>Owner</b>	DEV ELEMENTS Pty Ltd
<b>Number of Submissions</b>	3
<b>Value of works</b>	\$64,000.00
<b>Reason for determination at Planning Panel</b>	Section 4.6 variation exceeds 10%
<b>Main Issues</b>	FSR variation, site coverage variation, visual privacy, submissions
<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 Exception to Development Standards (FSR)
<b>Attachment D</b>	Section 4.6 Exception to Development Standards (Site Coverage)
<b>Attachment E</b>	Copy of CDCP/2023/0052
<b>Attachment F</b>	Copy of CDCP/2023/0161



LOCALITY MAP	
<b>Subject Site</b> 	<b>Objectors</b> 
<b>Notified Area</b> 	<b>Supporters</b> 

## 1. Executive Summary

This report is an assessment of the application submitted to Council for conversion of the car hard stand parking space at the rear of No. 40 Carrington Street, Lilyfield, to a garage with a roof terrace over. The site is currently under construction in accordance with a CDC application for construction of a new attached dwelling with hardstand parking to the rear (as per CDCP/2023/0052, as amended by CDC/2023/0161). There are no changes proposed to the approved dwelling.

The application was notified to surrounding properties and 3 submissions were received in response to the initial notification.

The main issues that have arisen from the application include:

- Visual privacy impacts from proposed roof terrace above proposed garaging;
- FSR breach arising from proposed garaging;
- Site Coverage breach;
- Vehicle access requirements;
- Submissions from neighbouring properties, many of which were made in relation to potential visual privacy impacts.

The applicant submitted amended plans on the 26 September 2023, with a reduction in roof terrace size through providing a non-trafficable planter at the northern side boundary to Nos. 36-38 Carrington Street. This assessment is on the basis of these amended plans.

Despite proposed development standard variations, the design is considered acceptable, subject to recommended changes in relation to the terrace design. This will mitigate potential amenity impacts to neighbours and therefore the application is recommended for approval.

## 2. Proposal

The proposal seeks to provide a garage, in place of the previously approved hardstand parking at the rear of the two storey semi-detached dwelling house at No. 40 Carrington Street, which is currently under construction. Those works are in accordance with CDCP/2023/0052, as amended by CDCP/2023/0161.

The proposal also seeks approval for provision of a roof terrace above the garage, which serves as an extension of the approved private open space adjacent.

The design has been amended post-lodgement, to provide a non-trafficable raised planter box and privacy screen at the northern side of the proposed terrace. This is to mitigate sightlines between the proposed terrace and the rear private open space of Nos. 36-38 Carrington Street.

## 3. Site Description

The subject site is located on the eastern side of Carrington Street, between Joseph Street and Balmain Road. The site is a rectangular shaped allotment with a total area of 202.6sqm and is legally described as Lot 88 in DP 1286970.

The site has a frontage to Carrington Street of 6.825 metres and a secondary frontage to the unnamed laneway to the rear of approximately 6.9 metres.



The site is currently under construction, for a two-storey semi-detached dwelling house comprising three bedrooms. The adjoining properties support one and two storey dwellings

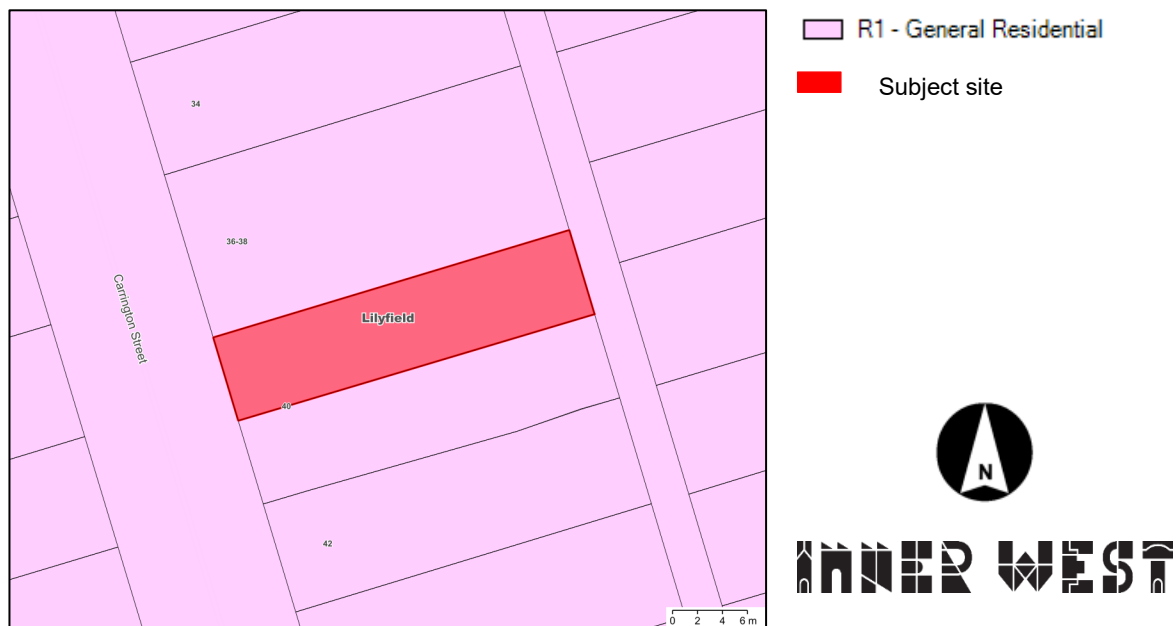


Figure 2: IWLEP 2022 zoning map

## 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. It is noted that the subject site and the adjoining lot (being No. 40A Carrington Street) are being developed concurrently.

#### Subject Site

Application	Proposal	Decision & Date
CDCP/2023/0161	Demolition of existing structures, construction of new attached dwelling with swimming pool (amended)	Issued 21/06/2023
CDCP/2023/0052	Construction of new attached dwelling with swimming pool and hard stand parking in rear.	Issued 09/03/2023
SC/2022/0061	Subdivision Certificate	Approved 05/12/2022
MOD/2022/0273	Section 4.55(1) modification of Development Consent DA/2022/0477, to delete engineering conditions imposed in error.	Approved 16/08/2022
DA/2022/0477	Demolition of existing structures and tree removal to facilitate subdivision into two Torrens title lots.	Approved 21/07/2022

## Surrounding properties

No. 40A Carrington Street		
Application	Proposal	Decision & Date
CDCP/2023/0162	Demolition of existing structures, construction of new attached dwelling with swimming pool (amended)	Issued 21/06/2023
CDCP/2023/0139	Demolition of existing structures, construction of new attached dwelling with swimming pool (amended)	Issued 26/05/2023
CDCP/2023/0043	Construction of new attached dwelling with swimming pool and hard stand parking in rear.	Issued 03/03/2023
SC/2022/0061	Subdivision Certificate	Approved 05/12/2022
MOD/2022/0273	Section 4.55(1) modification of Development Consent DA/2022/0477, to delete engineering conditions imposed in error.	Approved 16/08/2022
DA/2022/0477	Demolition of existing structures and tree removal to facilitate subdivision into two Torrens title lots.	Approved 21/07/2022

## 4(b) Application history

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

Date	Discussion / Letter / Additional Information
27/08/2023	Application lodged.
26/09/2023	Council assessment planner completed site inspection.
26/09/2023	Applicant submitted amended plans, with an additional side setback for the proposed roof terrace.

## 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 (Biodiversity and Conservation) 2021*
- *Inner West Local Environmental Plan (IWLEP) 2022*

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 (Biodiversity and Conservation) 2021**

**Chapter 6 Water Catchments**

The subject site is located within the Sydney Harbour Catchment. Section 6.6 under Part 6.2 of the SEPP provides matters for consideration which apply to the subject development proposal. The proposal is acceptable in relation to these matters.

**5(a)(iii) 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 4.3C – Landscaped areas for residential accommodation in Zone R1
- Section 4.4 – Floor space ratio
- Section 4.5 – Calculation of floor space ratio and site area
- Section 4.6 – Exceptions to development standards
- Section 6.1 – Acid sulfate soils
- 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 R1 General Residential under the *IWLEP 2022*. The proposal seeks consent for alterations and additions to an approved semi-detached dwelling house, to convert the approved hardstand parking space to an enclosed garage with roof terrace above.

The development is permitted with consent within the land use table. The development is consistent with the objectives of the R1 zone as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide residential development that maintains the character of built and natural features in the surrounding area.*

The proposal will continue to provide a semi-detached dwelling, which will provide for the housing needs of the community, while providing for a variety of housing types and densities within the zone. The proposal will support on-site parking for residents.

Subject to recommended design change conditions in relation to the terrace design, the proposal reasonably maintains the built and natural character of the surrounding area.

#### Section 4 Principal Development Standards

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

<b>Standard</b>	<b>Proposal</b>	<b>Non-compliance</b>	<b>Complies</b>
<b>Floor Space Ratio</b> Maximum permissible: 0.8:1 or 162.08sqm	0.91:1 or 185.4sqm	23.32sqm or 14%	No
<b>Landscape Area</b> Minimum permissible: 15% or 30.39sqm	17.9% or 36.4sqm	N/A	Yes
<b>Site Coverage</b> Maximum permissible: 60% or 121.56sqm	66.8% or 135.4sqm	13.84sqm or 11%	No

#### Section 4.6 Exceptions to Development Standards

As outlined in table above, the proposal results in a breach of the Floor Space Ratio (FSR) and Site Coverage development standards. The applicant seeks variation to Section 4.3C Site Coverage of the *IWLEP 2022* by 11% (13.84sqm) and Section 4.4 FSR of the *IWLEP 2022* by 14% (23.32sqm).

Each variation is addressed below.

#### **Section 4.3C Site Coverage**

Section 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 Section 4.6 of the *IWLEP 2022* below.

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

- *The proposal retains suitable Landscaped Areas for tree planting and private open space, to be used and enjoyed by the residents.*
- *The proposed development will remain compatible with the surrounding development and the desired future character of the neighbourhood in relation to building bulk, form and scale as viewed from the street - the footprint and bulk, scale and appearance of the building will not alter.*

- *The proposal does not result in any undue adverse amenity impacts to the surrounding properties.*
- *The contravention of the development standard does not raise any matter of significance for State and Regional Environmental Planning.*
- *The modest nature of the proposed built form ensures that the additional site coverage is not responsible for any adverse view impacts.*
- *The proposal complies with the objectives of the development standard and the R1 General Residential Zone, indicated in the assessment.*
- *The proposal presents as a form that is suitable in the surrounding context noting the varied densities and rhythm of built forms in the street.*
- *The proposal maintains the current landscape configuration approved under the CDC application. The addition of a roof will not affect landscaping onsite.*

The applicant's written rationale adequately demonstrates compliance with the development standard is unreasonable and unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

It is considered that the proposed increase and resultant variation to site coverage is technical in nature and will not result in the reduction of landscaped areas. The proposed garage is in place of an approved hardstand parking area, which is to be enclosed.

It is considered the development is in the public interest because it is consistent with the objectives of the LR1, in accordance with Section 4.6(4)(a)(ii) of the *IWLEP 2022* for the following reasons:

**Objective:** *To provide for the housing needs of the community.*

**Response:** The proposal will retain the approved dwelling house as per CDCP/2023/0161, therefore the proposal will continue to provide for the housing needs of the community.

**Objective:** *To provide for a variety of housing types and densities.*

**Response:** The proposal will continue to provide a three bedroom dwelling, with the provision of additional private open space in the form of terrace above the proposed garage. The site will continue to provide for a variety of housing types within the neighbourhood.

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

**Response:** The proposal seeks to enclose the approved parking space, which will continue to support resident parking and provide facilities to meet the day to day needs of residents.

**Objective:** *To provide residential development that maintains the character of built and natural features in the surrounding area.*

**Response:** The proposal will retain the existing residential use, which is consistent with surrounding residential uses as within the R1 General Residential zone. The proposed garage and terrace will maintain the character of built features within the area, while also maintaining existing landscaping which contribute to the natural features of the area.

It is considered the development is in the public interest because it is consistent with the objectives of the Site Coverage development standard, in accordance with Section 4.6(4)(a)(ii) of the *IWLEP 2022* for the following reasons:

**Objective (a):** *To provide landscaped areas for substantial tree planting and for the use and enjoyment of residents.*

**Response:** The proposal will not alter landscaped areas approved under the previous CDC application, with soft landscaping located within the front setback to Carrington Street and within the rear private open space between the dwelling and proposed garaging.

**Objective (b):** *To maintain and encourage a landscaped corridor between adjoining properties.*

**Response:** The proposal will maintain a landscaped corridor between adjoining properties, within the front setback and rear private open space. The proposed roof terrace includes landscaping in the form of a planter at the northern side setback.

**Objective (c):** *To ensure that development promotes the desired character of the neighbourhood.*

**Response:** The proposed works to enclose the approved hardstand parking space with a garage structure and terrace above adequately promotes the desired future character of the neighbourhood. The proposal will maintain a similar interface with the rear laneway, as vehicular access, which is not dissimilar to existing development fronting the laneway.

**Objective (d):** *To encourage ecologically sustainable development.*

**Response:** The proposal will encourage ecologically sustainable development through retaining sufficient on-site landscaping and private open space, irrespective of the proposed variation to site coverage.

**Objective (e):** *To control site density.*

**Response:** The proposal will maintain an acceptable site density.

**Objective (f):** *To provide for landscaped areas and private open space.*

**Response:** The proposal will provide additional private open space, in the form of a terrace above the proposed garage. This will form an extension of the previously approved private open space adjacent. As indicated, the proposal will not reduce on-site landscaped area, with additional landscaping proposed at the northern side of the roof terrace in the form of a planter.

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

The proposal thereby accords with the objective in Section 4.6(1)(b) and requirements of Section 4.6(3)(b) of the *IWLEP 2022*. For the reasons outlined above, there are sufficient planning grounds to justify the departure from Site Coverage and it is recommended the Section 4.6 exception be granted.

#### **Section 4.4 FSR**

Section 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 Section 4.6 of the *IWLEP 2022* below.

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

- *The car space hard stand area is enclosed on four sides with walls of a minimum height of 2.5m (south and east) and 3.5m (North). Compared to a traditional carport beside a house that when enclosed would create additional bulk and form and change the streetscape, this change has no effect to either the public domain or adjoining properties as demonstrated in the architectural plans including shadow diagrams.*
- *The carefully considered design setbacks the terrace from both the side boundaries and rear boundary along the lane. The result of which reduces any perceived bulk and form.*
- *The setback of the terrace also reduces any potential for overshadowing or overlooking notwithstanding existing high walls, fences and privacy screens.*
- *Shadow diagrams show there are no adverse impacts to adjoining properties and their private open space.*
- *The proposal is consistent with the objectives of the development standard and the objectives of the zone.*
- *The proposal is compatible with the existing development of the street and is in accordance with the Leichhardt Development Control Plan 2013.*
- *The modest nature of the proposed built form ensures that the additional FSR is not responsible for any adverse view impacts.*
- *There are no adverse environmental factors that would determine that the proposal, including the additional FSR is an over-development of the site.*
- *The proposal is well articulated to its street facing facades and maintains an appropriate visual relationship with its streetscapes.*
- *Views from adjoining public domain areas are distinct in nature and not regarded as iconic. The proposal is unlikely to adversely impact upon views enjoyed from within the adjoining public domain.*
- *Given the proposed FSR allows for two storey house with three bedrooms, guest/study and open plan living dining, there is no evidence to suggest that the intensity of development is beyond that which can be accommodated on the site.*
- *Notwithstanding the numeric departure, the lack of external impacts and consistency with the scale of the built form in the surrounding area confirms that the intensity of development is appropriate for the site and conforms with other developments along the street.*
- *The proposed roof terrace is neatly integrated with the character and presentation of the lane whilst representing an improved attractive appearance of the dwelling in the streetscape and as it appears to surrounding properties.*

The applicant's written rationale adequately demonstrates compliance with the development standard is unreasonable and unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

It is considered the development is in the public interest because it is consistent with the objectives of the R1 zone, in accordance with Section 4.6(4)(a)(ii) of the *IWLEP*, as follows:

**Objective:** *To provide for the housing needs of the community.*

**Response:** The proposal will maintain the approved three bedroom dwelling use of the site, which will continue to provide for the housing needs of the community.



**Objective:** *To provide for a variety of housing types and densities.*

**Response:** The proposal will continue to provide a three bedroom dwelling, with the provision of additional private open space in the form of terrace above the proposed garage. The site will continue to provide for a variety of housing types within the neighbourhood.

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

**Response:** The proposal seeks to enclose the approved parking space, which results in the additional floor space. The proposed garaging will support resident parking.

**Objective:** *To provide residential development that maintains the character of built and natural features in the surrounding area.*

**Response:** The proposal will retain the existing residential use, which is consistent with surrounding residential uses as within the R1 General Residential zone. The resultant built form will maintain the character of built and natural features of the area.

It is considered the development is in the public interest because it is consistent with the objectives of the FSR development standard, in accordance with Section 4.6(4)(a)(ii) of the IWLEP 2022 for the following reasons:

**Objective (a):** *To establish a maximum floor space ratio to enable appropriate development density.*

**Response:** Despite the proposed FSR increase resulting from enclosure of the hardstand parking areas, the proposal will maintain an appropriate development density.

**Objective (b):** *To ensure development density reflects its locality.*

**Response:** The proposal is of a development density which is reflective of the locality. Enclosure of the previously approved hardstand parking spaces for the purposes of a garage with terrace above will not limit consistency within the locality.

**Objective (c):** *To provide an appropriate transition between development of different densities.*

**Response:** The subject site and surrounding properties are zoned R1 General Residential, with a similar development density.

**Objective (d):** *To minimise adverse impacts on local amenity.*

**Response:** The design, as amended, has generally minimised adverse impacts on local amenity (namely visual privacy), through reducing the trafficable extent of the terrace and providing a privacy screen at the northern side. To further minimise adverse amenity impacts arising from the proposal, a design change condition is recommended to provide a non-trafficable planter with a depth of 1m at the eastern rear extent of the terrace, to increase separation with properties to the opposite side of the rear laneway.

**Objective (e):** *To increase the tree canopy and to protect the use and enjoyment of private properties and the public domain.*

**Response:** The proposal will not alter soft landscaped areas approved under CDCP/2023/0052, which includes sufficient space for tree planting within the front setback to Carrington Street. The proposal will improve the functionality of the private open space on the subject site, with an extension to the existing private open space in the form of the roof terrace. As amended and subject to design change conditions in relation to the terrace design, the proposal will protect the use and enjoyment of private open space for surrounding properties.

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

The proposal thereby accords with the objective in Section 4.6(1)(b) and requirements of Section 4.6(3)(b) of the *IWLEP 2022*. For the reasons outlined above, there are sufficient planning grounds to justify the departure from FSR and it is recommended the Section 4.6 exception be granted.

### 5(b) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Leichhardt Development Control Plan 2013.

<b>LDCP2013</b>	<b>Compliance</b>
<b>Part A: Introductions</b>	
Section 3 – Notification of Applications	Yes
<b>Part B: Connections</b>	
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	Yes
B3.1 Social Impact Assessment	N/A
B3.2 Events and Activities in the Public Domain (Special Events)	N/A
<b>Part C</b>	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	N/A
C1.3 Alterations and additions	Yes
C1.4 Heritage Conservation Areas and Heritage Items	N/A
C1.5 Corner Sites	N/A
C1.6 Subdivision	N/A
C1.7 Site Facilities	Yes
C1.8 Contamination	N/A
C1.9 Safety by Design	Yes
C1.10 Equity of Access and Mobility	Yes
C1.11 Parking	Yes
C1.12 Landscaping	Yes
C1.13 Open Space Design Within the Public Domain	N/A
C1.14 Tree Management	Yes
C1.15 Signs and Outdoor Advertising	N/A
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	N/A
C1.17 Minor Architectural Details	N/A
C1.18 Laneways	Yes
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	N/A
C1.20 Foreshore Land	N/A
C1.21 Green Roofs and Green Living Walls	N/A

<b>Part C: Place – Section 2 Urban Character</b>	
C2.2.4.2 Nanny Goat Hill Distinctive Neighbourhood	No – see discussion
C2.2.4.2(b) Western Residential Sub Area	
C2.2.4.2(c) Nanny Goat Hill Laneways Sub Area	
<b>Part C: Place – Section 3 – Residential Provisions</b>	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	Yes
C3.3 Elevation and Materials	Yes
C3.4 Dormer Windows	N/A
C3.5 Front Gardens and Dwelling Entries	N/A
C3.6 Fences	N/A
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes
C3.9 Solar Access	Yes
C3.10 Views	Yes
C3.11 Visual Privacy	Yes, subject to conditions – see discussion
C3.12 Acoustic Privacy	Yes
C3.13 Conversion of Existing Non-Residential Buildings	N/A
C3.14 Adaptable Housing	N/A
<b>Part C: Place – Section 4 – Non-Residential Provisions</b>	N/A
<b>Part D: Energy</b>	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes
D2.4 Non-Residential Development	N/A
D2.5 Mixed Use Development	N/A
<b>Part E: Water</b>	
Section 1 – Sustainable Water and Risk Management	
E1.1 Approvals Process and Reports Required With Development Applications	Yes
E1.1.1 Water Management Statement	N/A
E1.1.2 Integrated Water Cycle Plan	N/A
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.1.4 Flood Risk Management Report	N/A
E1.1.5 Foreshore Risk Management Report	N/A
E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	Yes
E1.2.3 On-Site Detention of Stormwater	N/A
E1.2.4 Stormwater Treatment	N/A
E1.2.5 Water Disposal	N/A
E1.2.6 Building in the vicinity of a Public Drainage System	N/A
E1.2.7 Wastewater Management	N/A
E1.3 Hazard Management	N/A
E1.3.1 Flood Risk Management	N/A
E1.3.2 Foreshore Risk Management	N/A

<b>Part F: Food</b>	N/A
<b>Part G: Site Specific Controls</b>	N/A

The following provides discussion of the relevant issues:

#### Nanny Goat Hill Laneways Sub Area Controls

The subject site is located within the Nanny Goat Hill Laneways Sub Area and Western Residential Sector, as within the Nanny Goat Hill Distinctive Neighbourhood pursuant to Section C2.2.4.2 of the LDCP. This part of the DCP contains controls relating to the desired future character, with Control C3 under Section C2.2.4.2(c) stating:

*C3 No garaging should be constructed in narrow lanes in the Western Residential Sector*

The proposal seeks to provide a garage, in place of the previously approved hardstand parking space (as under CDCP/2023/0052), which is contrary to Control C3. Notwithstanding this, the DCP states:

*Garages should only be permitted where it can be shown that adequate manoeuvring area is available and they should only cater for a maximum of one vehicle.*

The applicant has submitted swept path diagrams as part of the architectural plans, which demonstrate adequate manoeuvring space for a B85 vehicle to access the garage. In addition, the proposed garage is capable of supporting one vehicle when considering required manoeuvring area.

It is noted that there are several other properties which have existing vehicular access to the rear unnamed laneway, including No. 53 Grove Street.

The proposed garaging to the rear laneway is acceptable, on the basis of adequate manoeuvring space, the provision of a single space and existing nearby structures.

Council's Development Engineer has recommended conditions in relation to the garage design and relative boundary levels and are included in Attachment A. It is noted that although the internal length dimension of the garage is less than 6m (being 5.75m), this is a function of retaining sufficient deep soil landscaping between the garage and main dwelling. Council's Development Engineer has considered this departure acceptable in the circumstances of this case.

#### Visual Privacy

Section C3.11 of the LDCP contains provisions in relation to visual privacy and applies to the proposed development. The proposal seeks to provide a terrace to the roof of the rear garage, which forms part of the private open space for occupants. Control C4 applies and states:

*Roof terraces will be considered where they do not result in adverse privacy impacts to surrounding properties. This will largely depend on the:*

- a. design of the terrace;*
- b. the existing privacy of the surrounding residential properties;*
- c. pre-existing pattern of development in the vicinity; and*
- d. the overlooking opportunities from the roof terrace.*

The proposed roof terrace design has been amended, to provide a setback of 1 metre from the northern side, with a planter separating the trafficable areas from the side boundary (see *Figures 3 and 4*). The applicant has also proposed a privacy screen to a height of 1.75m above

the terrace FFL. The terrace has been located above the garage to provide an extension of useable private open space approved under the previous CDC application.

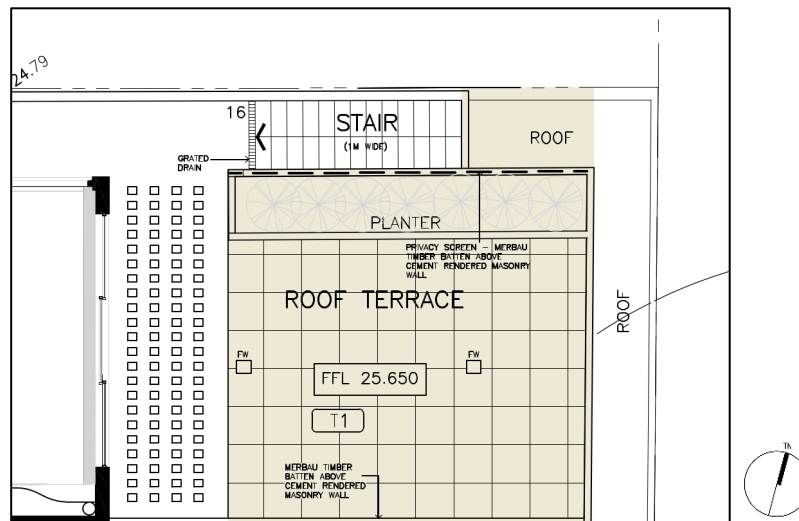


Figure 3: Amended roof terrace design, with planter and privacy screen

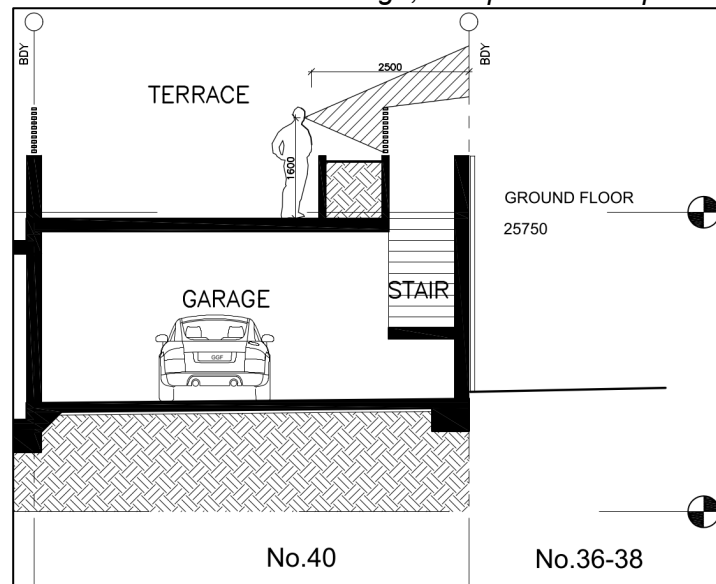


Figure 4: Cross-section through proposed terrace, with privacy screen and planter

Subject to the retention of boundary fencing, there are no existing sightlines available between the rear private open space of the subject site and of Nos. 36-38 Carrington Street.

The neighbouring property at Nos. 36-38 Carrington Street does not have a roof terrace, nor does No. 42 Carrington Street.

As indicated above, the design has been amended to mitigate potential overlooking opportunities from the roof terrace to the rear private open space of Nos. 36-38 Carrington Street. Subject to the proposed raised planter bed which physically separates trafficable terrace areas and the proposed privacy screen, there are no visual privacy impacts arising from the proposed roof terrace to that property.

As a result of the sloping topography and width of the laneway, sightlines from the terrace may impact properties to the east of the site (including Nos. 55 and 57 Grove Street). A condition is recommended to provide a non-trafficable planter with a depth of 1 metre at the eastern rear extent of the roof terrace, to mitigate sightlines to properties on the opposite side of the rear laneway.

Subject to the imposition of recommended design change conditions, the proposed roof terrace design is considered acceptable.

#### 5(c) 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(d) The suitability of the site for the development

Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

#### 5(e) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 14 days to surrounding properties. 3 submissions were received in response to the initial notification.

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

- |                 |  |
|-----------------|--|
| <u>Issue:</u>   | Visual privacy impacts from the proposed terrace.  |
| <u>Comment:</u> | Visual privacy has been addressed at Section 5(b) of this report. It is noted that the proposed design has been amended, to provide a privacy screen at the northern side boundary and reduce the trafficable depth of the terrace. A condition is recommended to provide a non-trafficable planter at the eastern rear extent of the roof terrace, to mitigate sightlines to properties on the opposite side of the rear laneway. |
| <u>Issue:</u>   | View loss arising from the garage/terrace  |
| <u>Comment:</u> | The proposed terraces will not result in the loss of any views, with only glimpses of the sky affected.  |
| <u>Issue:</u>   | Non-compliance with development standards (FSR/Site Coverage).   |
| <u>Comment:</u> | The proposed variations to development standards have been considered at Section 5(a)(iii) of this report.   |
| <u>Issue:</u>   | No precedent for roof terrace in the area.   |
| <u>Comment:</u> | The proposed roof terrace design has been considered at Section 5(b) of this report.   |
| <u>Issue:</u>   | BCA/NCC non-compliances.   |
| <u>Comment:</u> | There are no non-compliances with the NCC/BCA apparent, though a complete assessment of those provisions has not been carried out at this stage. Notwithstanding this, a condition of consent is recommended to ensure the development is in accordance with the NCC/BCA.  |

Issue: Flooding/water damage risk to No. 42.  
Comment: The proposed stormwater management has been considered acceptable by Council's development engineer. There is no flooding/water damage risk to No. 42 Carrington Street apparent from the proposed development.

Issue: Safety concerns accessing the roof of No. 42 Carrington Street.  
Comment: The subject site is separated from the roof of No. 42 Carrington Street by No. 40A Carrington Street. Notwithstanding this, there is no access apparent to the roof of that property which presents a safety concern.

#### 5(f) 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 recommended design change conditions, the proposal is not contrary to the public interest.

## 6 Referrals

The application was referred to the following internal section and matters raised in that referral have been discussed in section 5 above.

- Development Engineering

## 7. Section 7.11 Contribution/ Section 7.12 Levy

Section 7.11 contributions/Section 7.12 levies are not payable for the proposal.

## 8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and *Leichhardt Development Control Plan 2013*.

Subject to amendment to the terrace design by way of condition, the development will not result in any significant impacts on the amenity of the adjoining premises/properties and the streetscape and is considered to be in the public interest.

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



## 9. Recommendation

- A. The applicant has made a written request to vary Section 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 satisfied that compliance with the Site Coverage and Floor Space Ratio development standards is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variation. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standards and of the zone in which the development is to be carried out.
- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2023/0699 for conversion of the car hard stand space at rear to garage, with roof terrace over, at 40 Carrington Street Lilyfield, subject to the conditions listed in Attachment A below.

## Attachment A – Recommended conditions of consent

### CONDITIONS OF CONSENT

#### DOCUMENTS RELATED TO THE CONSENT

##### 1. Documents related to the consent

The development must be carried out in accordance with plans and documents listed below:

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
A01 Rev 3	Site Analysis Plan	Aug 2022	Derek Raithby Architecture
A02 Rev 3	Garage Level Plan	Aug 2022	Derek Raithby Architecture
A03 Rev 4	Terrace Level Plan	Sep 2022	Derek Raithby Architecture
A04 Rev 3	Elevations	Aug 2022	Derek Raithby Architecture
A05 Rev 3	Sections	Aug 2022	Derek Raithby Architecture
A09 Rev 2	Cross Section	Nov 2023	Derek Raithby Architecture
DA-SW100 Rev 1	Cover Sheet	22/08/2023	JCO Consultants Pty Ltd
DA-SW101 Rev 1	General Notes and Specifications	22/08/2023	JCO Consultants Pty Ltd
DA-SW200 Rev 1	Stormwater Drainage Design - Terrace Level Plan & Details	22/08/2023	JCO Consultants Pty Ltd
DA-SW600 Rev 1	Erosion and Sediment Control Plan & Details	22/08/2023	JCO Consultants Pty Ltd

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. A non-trafficable planter is to be provided along the entire eastern elevation of the proposed roof terrace, to ensure residential amenity is protected. This is to have a minimum depth of 1m from the rear of the terrace.

**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.

<b>Security Deposit:</b>	<b>\$2,996.00</b>
<b>Inspection Fee:</b>	<b>\$374.50</b>

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.

#### **GENERAL CONDITIONS**

##### **4. 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.

##### **5. 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.

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

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

##### **7. Boundary Alignment Levels**

Alignment levels for the site at all pedestrian and vehicular access locations must match the existing back of footpath levels at the boundary.

##### **8. Stormwater Drainage System – Simple**

Stormwater runoff from proposed new or altered roof areas may be discharged to the existing site drainage system. In addition, suitable subsoil drainage shall be provided for all new retaining walls in accordance with AS4678.

Any existing component of the stormwater system that is to be retained, must be checked and certified by a Licensed Plumber or qualified practising Civil Engineer to be in good condition and operating satisfactorily.

If any component of the existing system is not in good condition and /or not operating satisfactorily and/or impacted by the works, the drainage system must be upgraded to discharge by gravity to the kerb and gutter of a public road.

**PRIOR TO ANY DEMOLITION****9. 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.

**10. 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.

**11. 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.

**PRIOR TO CONSTRUCTION CERTIFICATE****12. 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.

**13. 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 who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng)

or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) 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 construction of light duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site;
- b. Installation of a stormwater outlet to the kerb and gutter.

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

#### 14. 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:

1. The internal vehicle hardstand area must be redesigned such that the level at the boundary must 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-issued alignment levels;
2. The garage slab or driveway must rise within the property to be 170mm above the adjacent road gutter level and higher than the street kerb and footpath across the full width of the vehicle crossing. The longitudinal profile across the width of the vehicle crossing must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004;
3. 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;
4. 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;
5. The garage/carport/parking space must have minimum clear internal dimensions of 5700 mm x 3000 mm (length x width) and a door opening width of 4200 mm at the street frontage. The dimensions must be exclusive of obstructions such as walls, doors and columns, except where they do not encroach inside the design envelope specified in Section 5.2 of AS/NZS 2890.1-2004;
6. The set back of the garage door opening from the rear boundary to accommodate a transition between the parking space and the boundary must be determined with the use of swept paths for the B85 vehicle. Amended plans must be submitted detailing the set back and details of the swept path for entry and exit. A plan of the proposed access and adjacent laneway, drawn at a 1:100 scale must be submitted,

demonstrating that vehicle manoeuvrability for entry and exit to the parking space complies with swept paths from AS/NZS 2890.1:2004; and

7. The external form and height of the approved structures must not be altered from the approved plans.

### **DURING DEMOLITION AND CONSTRUCTION**

#### **15. 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.

#### **16. 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**

#### **17. 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(s) at the vehicular access location(s); and
- b. 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”.

#### **18. 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.



**19. Light Duty Vehicle Crossing**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that a light duty concrete vehicle crossing(s), in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" have been constructed at the vehicular access locations.

**20. 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.

**ON-GOING****21. Bin Storage**

All bins are to be stored within the site.

**ADVISORY NOTES****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.

#### **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.

**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.

#### 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.

#### 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 - SITA Environmental Solutions	1300 651 116 <a href="http://www.wasteservice.nsw.gov.au">www.wasteservice.nsw.gov.au</a>
Water Efficiency Labelling and Standards (VELS)	<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.

#### 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.

#### Public Domain and Vehicular Crossings

The vehicular crossing and/or footpath works are required to be constructed by your contractor. You or your contractor must complete an application for *Design of Vehicle Crossing and Public Domain Works – Step 1* form and *Construction of Vehicle Crossing and Public*



*Domain Works* – Step 2 form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.

You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. 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 at no cost to Council

Any damage caused during construction to Council assets on the road reserve or on Council or Crown land must be repaired at no cost to Council.

Any driveway crossovers or other works within the road reserve must be provided at no cost to Council.

No consent is given or implied for any Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, eaves, awnings, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever, including when open.

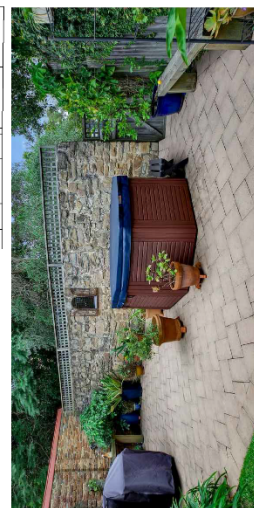
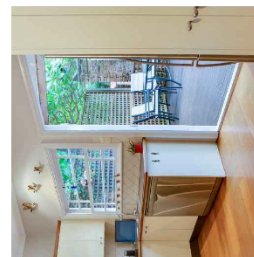
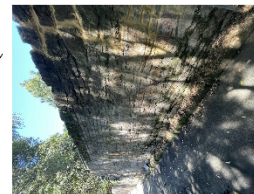
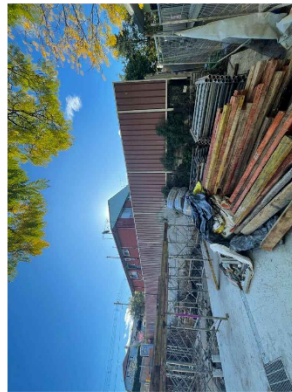
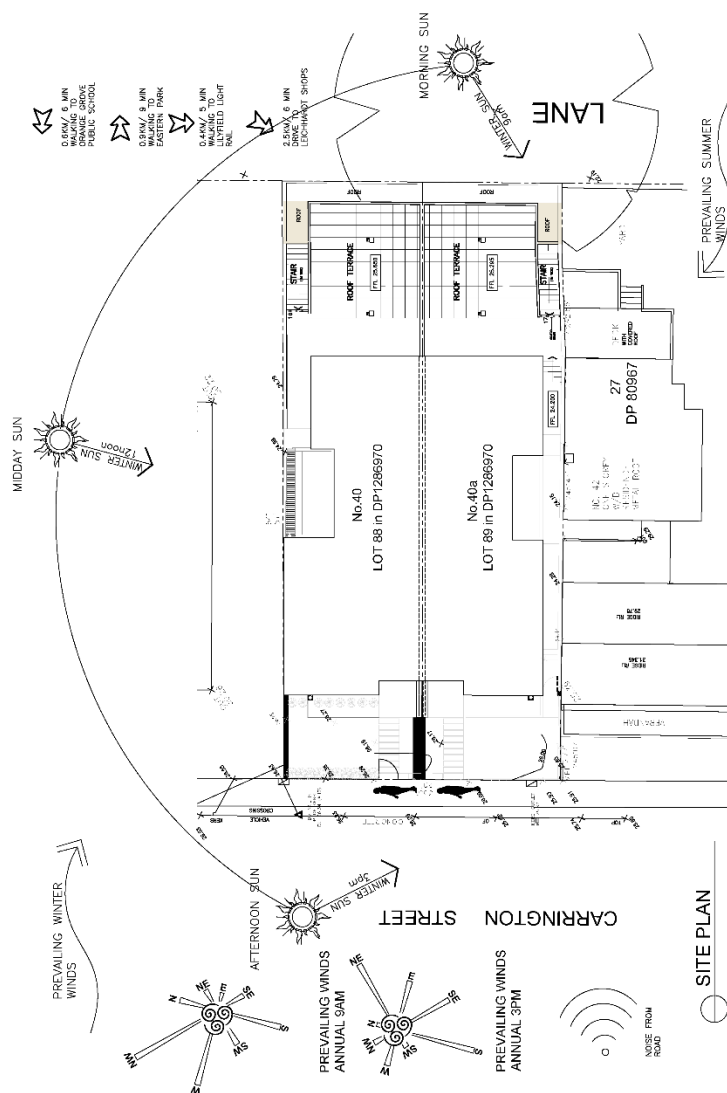
# Attachment B – Plans of proposed development

## DEVELOPMENT APPLICATION 40 & 40a CARRINGTON STREET LILYFIELD



### ARCHITECTURAL DRAWINGS

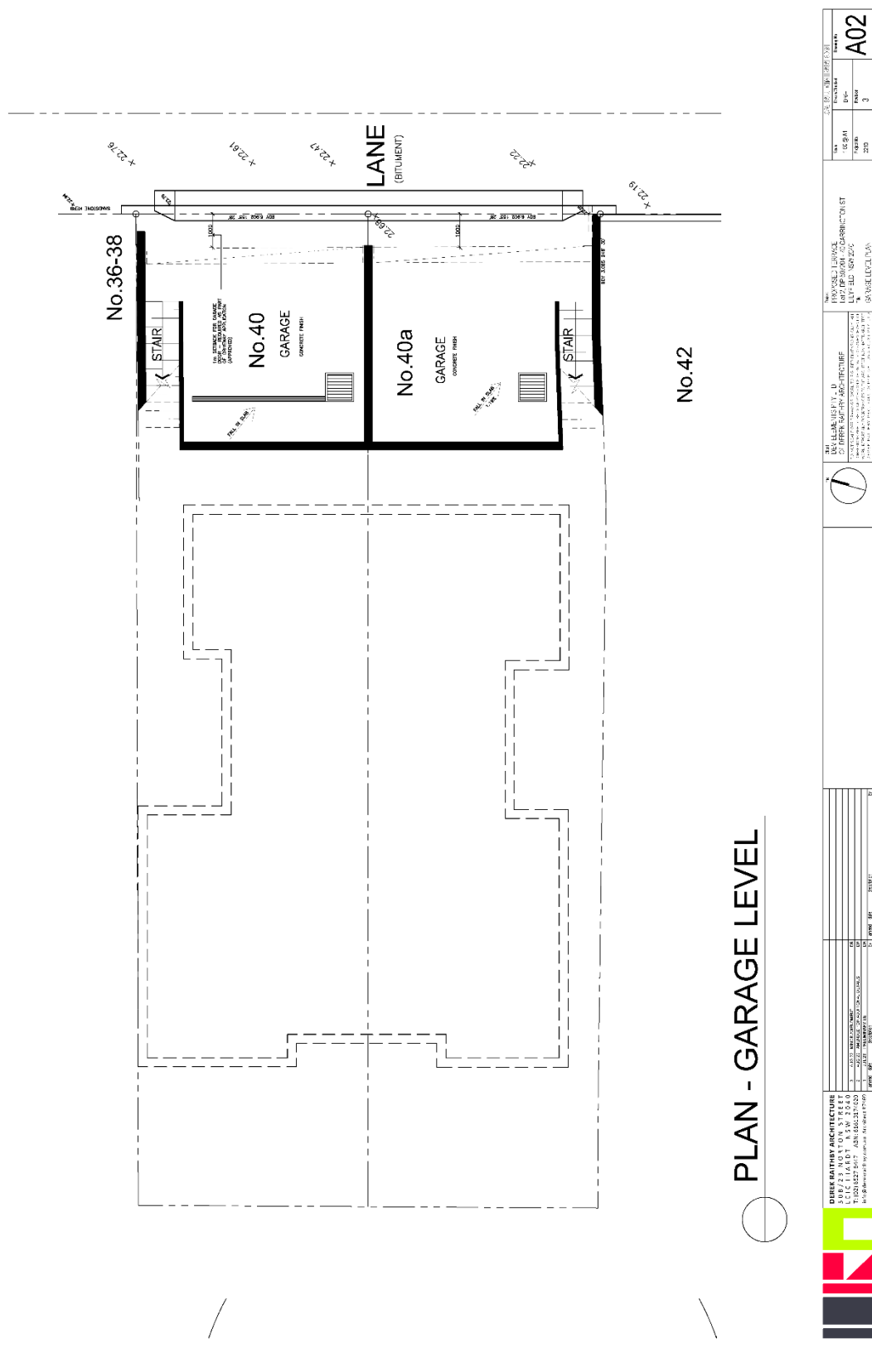
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2210	DA - 00	COVER SHEET	NYS @ A1	3	AUG 2023
	DA - 01	SITE ANALYSIS PLAN	1:100 @ A1	3	AUG 2023
	DA - 02	GARAGE LEVEL PLAN	1:50 @ A1	3	AUG 2023
	DA - 03	TERRACE LEVEL PLAN	1:50 @ A1	3	AUG 2023
	DA - 04	FLOOR PLANS	1:50 @ A1	3	AUG 2023
	DA - 05	SECTIONS	1:50 @ A1	3	AUG 2023
	DA - 06	CALCULATION - FSR	1:100 @ A1	3	AUG 2023
	DA - 07	CALCULATION - LANDSCAPING	1:100 @ A1	3	AUG 2023
	DA - 08	SHADOW DIAGRAMS	1:100 @ A1	3	AUG 2023

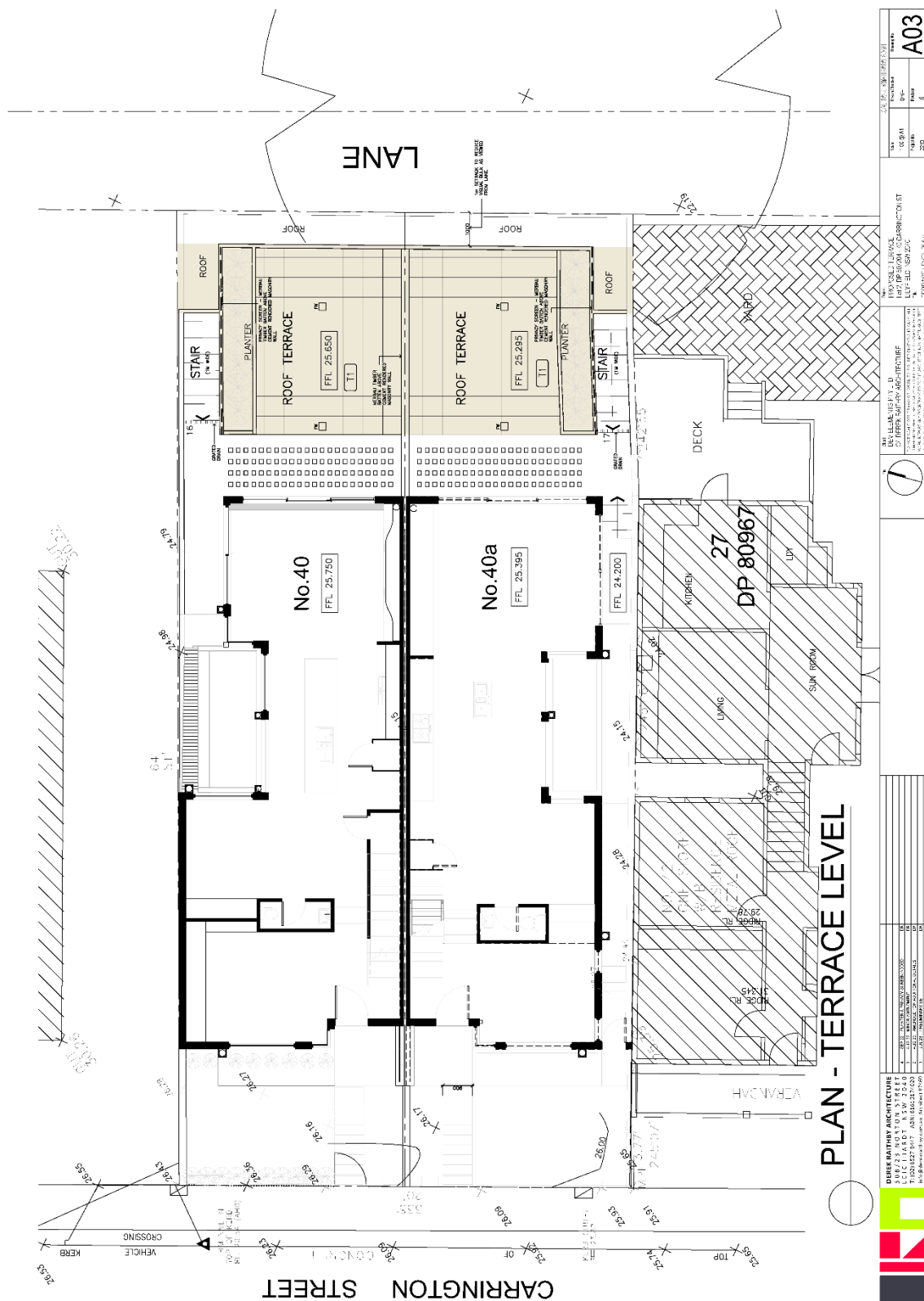


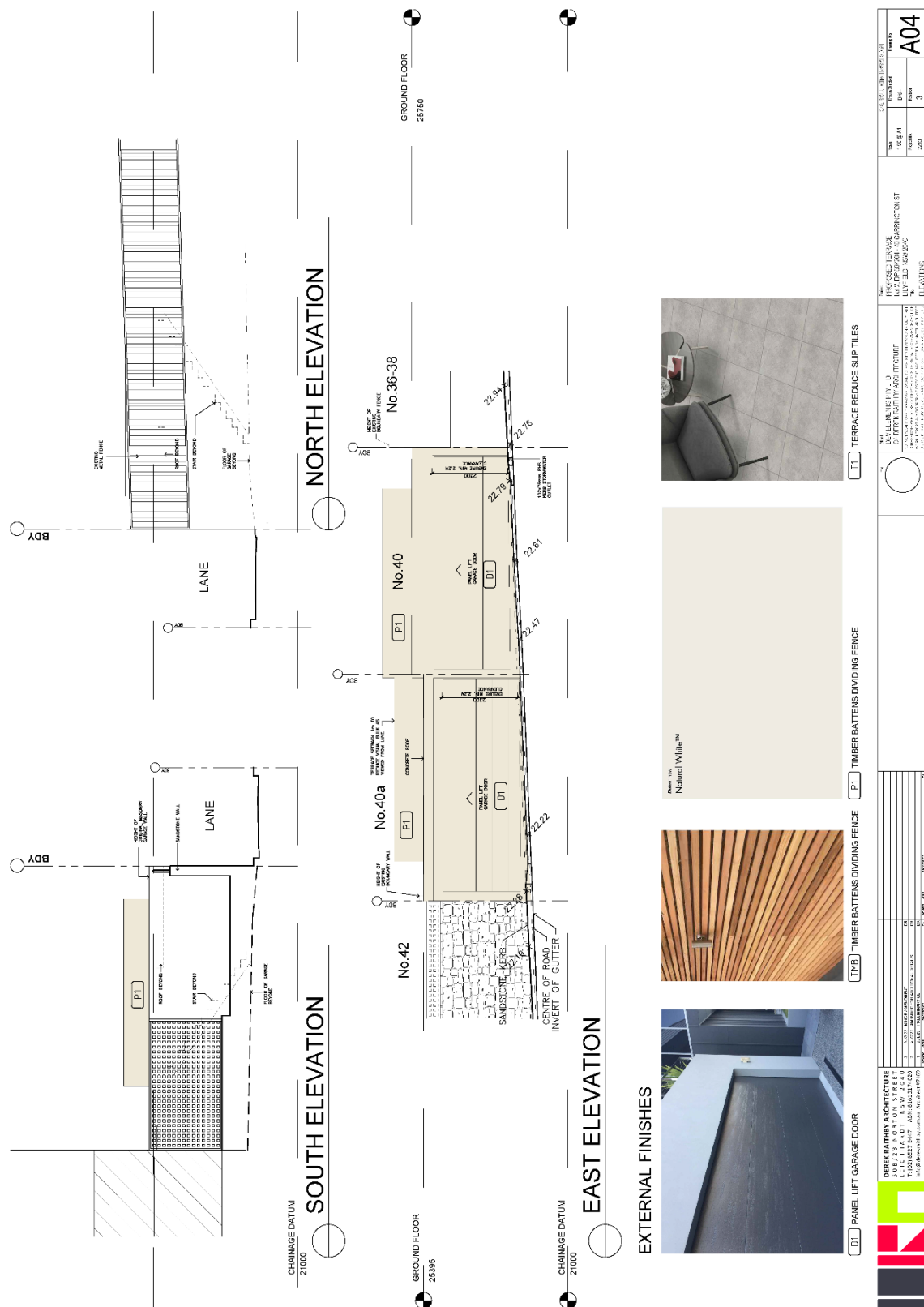
HOUSE NO.42 REAR PRIVATE OPEN SPACE SOURCED FROM AVAILABLE REAL ESTATE PHOTOGRAPHS

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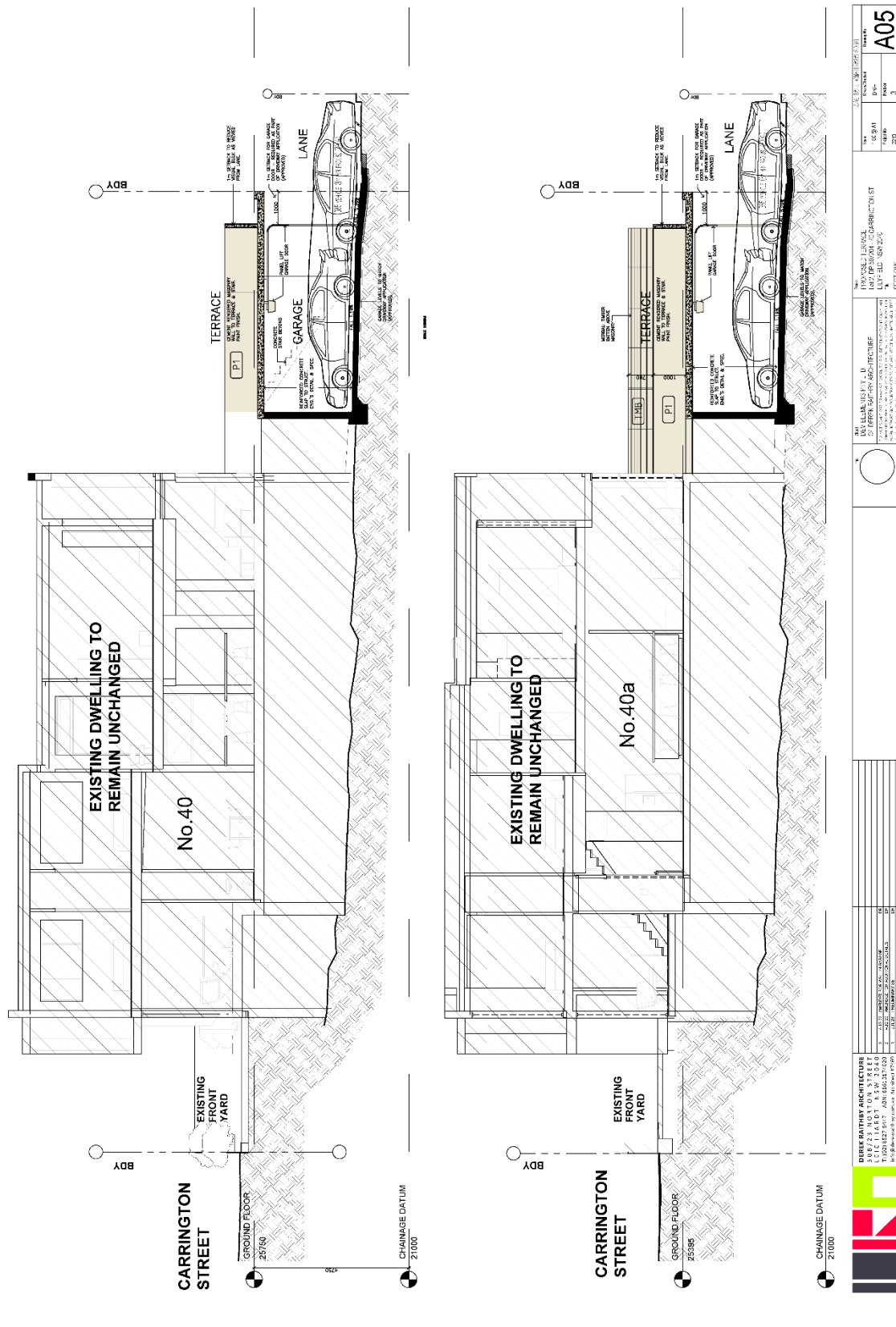
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**INNER WEST LOCAL ENVIRONMENTAL PLAN 2022**  
LAND ZONING R1 - GENERAL RESIDENTIAL

### 4.3C LANDSCAPED AREAS FOR RESIDENTIAL ACCOMMODATION IN ZONE R1

- (1) THE OBJECTIVES OF THIS CLAUSE ARE AS FOLLOWS:
  - (a) TO PROVIDE LANDSCAPED AREAS FOR SUBSTANTIAL TREE PLANTING AND TO MAINTAIN AND ENCOURAGE A LANDSCAPED CORRIDOR BETWEEN THE USE AND ENJOYMENT OF RESIDENTS.
  - (b) TO MAINTAIN AND ENCOURAGE A LANDSCAPED CORRIDOR BETWEEN ADJOINING PROPERTIES.
  - (c) TO ENSURE THAT DEVELOPMENT PROMOTES THE DESIRED CHARACTER OF THE NEIGHBOURHOOD.
  - (d) TO ENCOURAGE ECOLOGICALLY SUSTAINABLE DEVELOPMENT.
  - (e) TO CONTROL SITE DENSITY.
  - (f) TO PROVIDE FOR LANDSCAPED AREAS AND PRIVATE OPEN SPACE.

- (2) THIS CLAUSE APPLIES TO DEVELOPMENT FOR THE PURPOSES OF RESIDENTIAL ACCOMMODATION ON LAND IN ZONE R1 GENERAL RESIDENTIAL AND IDENTIFIED AS "AREA 1" ON THE KEY SITES MAP







- (3) DEVELOPMENT CONSENT MUST NOT BE GRANTED TO DEVELOPMENT TO WHICH THIS CLAUSE APPLIES UNLESS—
  - (a) THE DEVELOPMENT WILL RESULT IN A LANDSCAPED AREA COMPRISING AT LEAST—
    - (i) IF THE LOT SIZE IS 235M<sup>2</sup> OR LESS—15% OF THE SITE AREA, OR
    - (ii) OTHERWISE—20% OF THE SITE AREA, AND
    - (iii) THE SITE COVERAGE DOES NOT EXCEED 60% OF THE SITE AREA.

LANDSCAPED AREA MEANS A PART OF A SITE USED FOR GROWING PLANTS, GRASSES AND

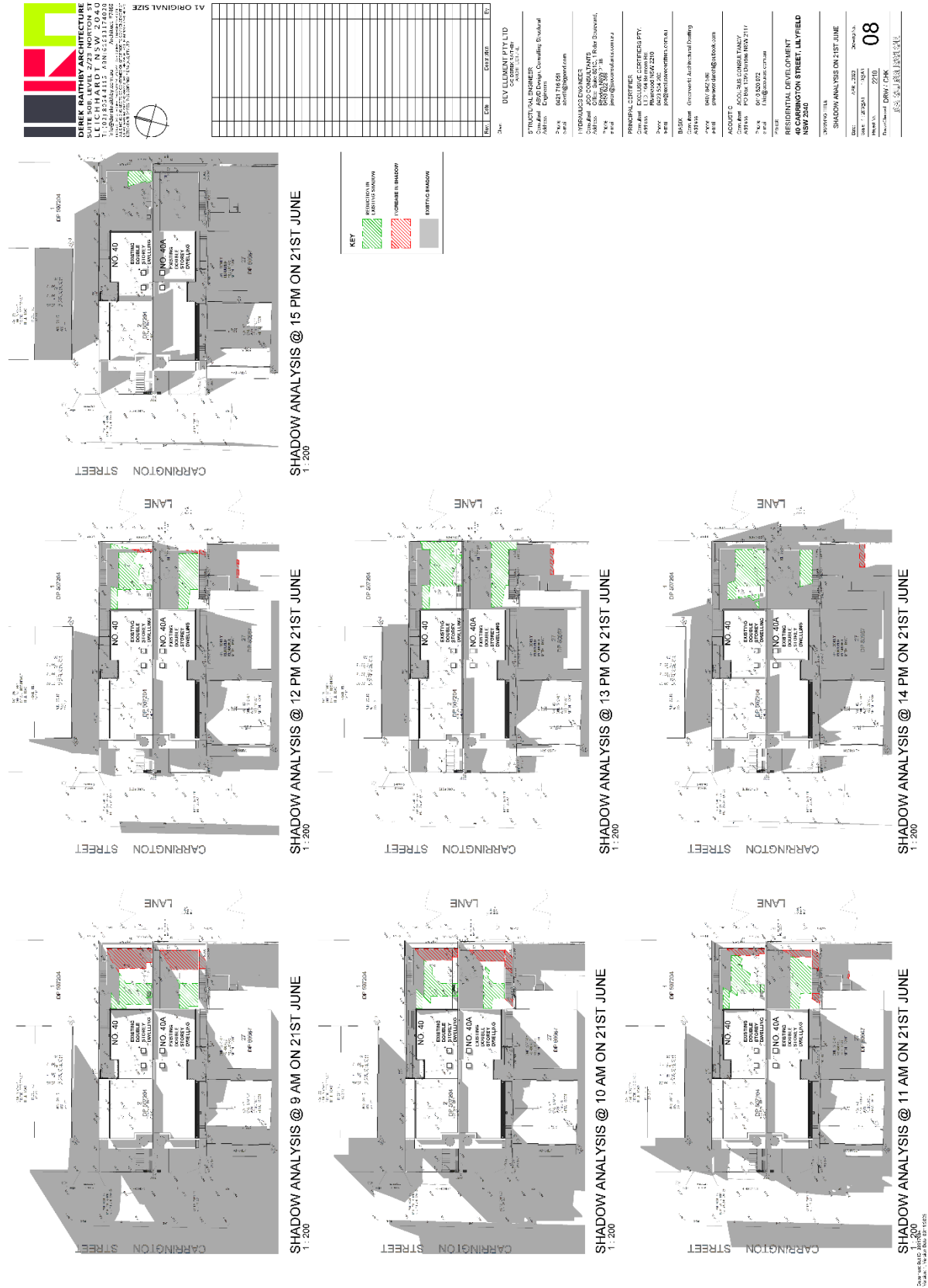
SITE COVERAGE MEANS THE PROPORTION OF A SITE AREA COVERED BY BUILDINGS AND OTHER STRUCTURES. THE FOLLOWING ARE NOT INCLUDED FOR THE PURPOSE OF CALCULATING SITE COVERAGE:  
 (a) ANY BASEMENT;  
 (b) ANY PART OF AN MINING THAT IS OUTSIDE THE OUTER WALLS OF A BUILDING AND THAT ADJACES THE STREET FRONTAGE OR OTHER SITE BOUNDARY;  
 (c) ANY UNPROTECTED EXPOSED ROOF, PORCHES AND THE LIKE.

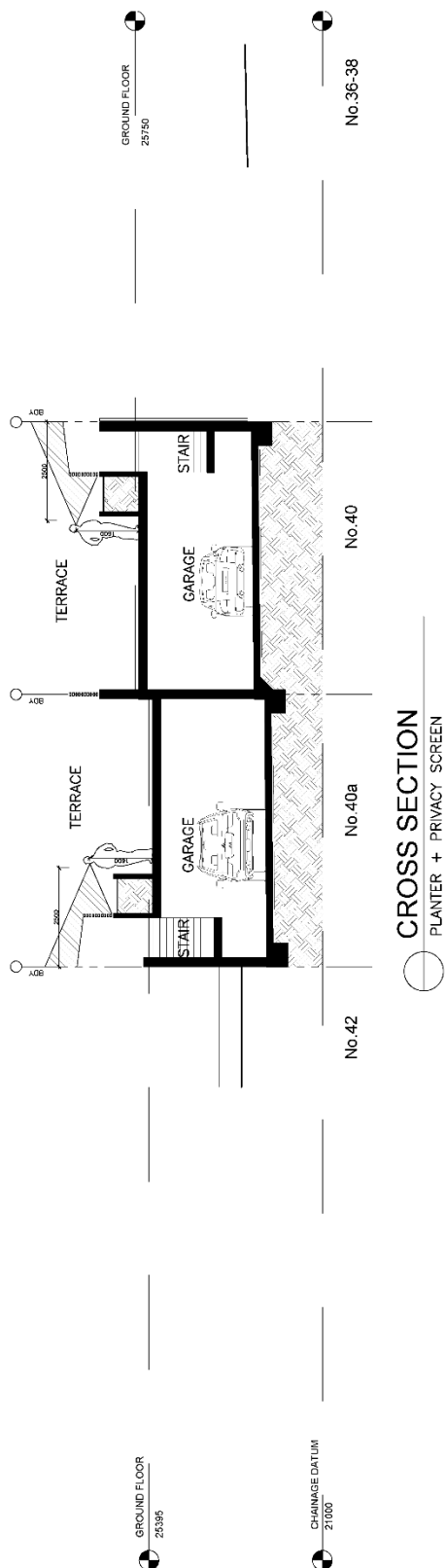


## CALCULATIONS - LANDSCAPE & SITE COVERAGE

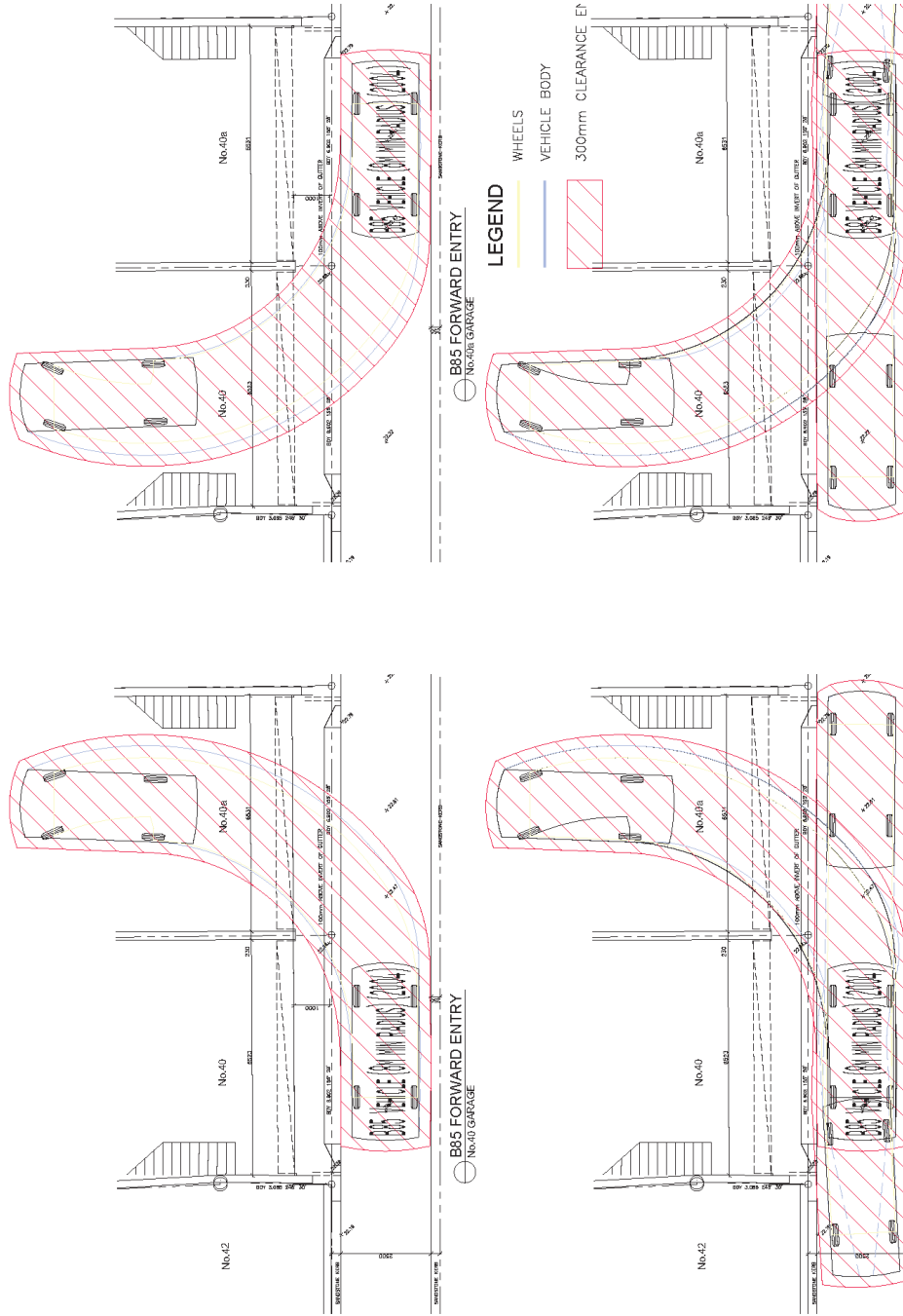
	<p>SITE COVERAGE CALCULATION</p> <p><b>HOUSE No.40</b></p> <p>SITE AREA</p> <p>SITE COVERAGE REQUIREMENT</p> <p>PROPOSED AREA</p>	<p>= 203.4m<sup>2</sup></p> <p>= 60% OR 122.0m<sup>2</sup></p> <p>= 64% OR 130.2m<sup>2</sup></p>
	<p>LANDSCAPING AREA CALCULATION</p> <p><b>HOUSE No.40</b></p> <p>SITE AREA</p> <p>LANDSCAPE REQUIREMENT</p> <p>PROPOSED AREA</p>	<p>= 203.4m<sup>2</sup></p> <p>= 15% OR 30.5m<sup>2</sup></p> <p>= 17.7% OR 36.0m<sup>2</sup></p>
	<p>SITE COVERAGE CALCULATION</p> <p><b>HOUSE No.40A</b></p> <p>SITE AREA</p> <p>SITE COVERAGE REQUIREMENT</p> <p>PROPOSED AREA</p>	<p>= 203.4m<sup>2</sup></p> <p>= 60% OR 122.0m<sup>2</sup></p> <p>= 64% OR 130.2m<sup>2</sup></p>
	<p>LANDSCAPING AREA CALCULATION</p> <p><b>HOUSE No.40A</b></p> <p>SITE AREA</p> <p>LANDSCAPE REQUIREMENT</p> <p>PROPOSED AREA</p>	<p>= 203.4m<sup>2</sup></p> <p>= 15% OR 30.5m<sup>2</sup></p> <p>= 16.3% OR 33.7m<sup>2</sup></p>

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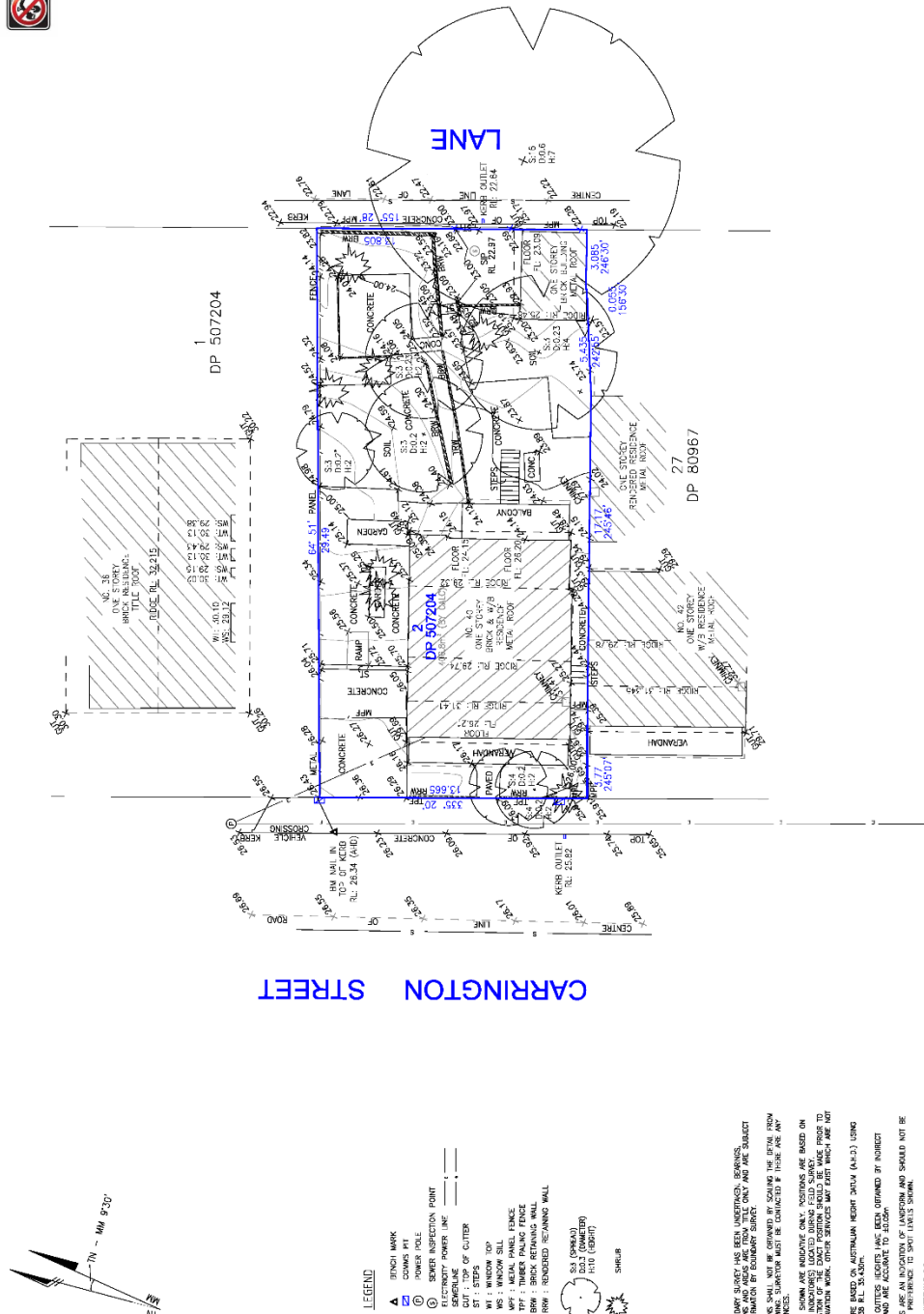


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[illegible][illegible]

## Attachment C- Section 4.6 Exception to Development Standards (FSR)



### Clause 4.6 Written Request to Vary a Development Standard

RESIDENTIAL DEVELOPMENT

AT 40 CARRINGTON STREET LILYFIELD

FOR

DEV ELEMENTS PTY LTD

AUGUST 2023

Suite 50B 23 Norton St  
Leichhardt N.S.W. 2040

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Document Set ID: 38314277  
Version: 1, Version Date: 08/11/2023

## Clause 4.6 Written Request to Vary a Development Standard

Inner West Local Environmental Plan 2022

<b>Applicant's name</b>	DEV ELEMENTS PTY LTD
<b>Site address</b>	40 CARRINGTON STREET LILYFIELD
<b>Proposal</b>	Concrete roof and terrace over car space hard stand.
<b>Environmental Planning Instrument</b>	Inner West Local Environmental Plan 2022
<b>Development standard to be varied</b>	<p>Clause 4.4 – Floor space ratio</p> <p>The relevant subclause states:</p> <p>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the <a href="#">Floor Space Ratio Map</a>.</p> <p>The <a href="#">Floor Space Ratio Map</a> identifies a floor maximum permissible area of 0.5:1. It also shows the area edged in pink. Under clause (2B) provides a maximum of 0.8:1.</p>

Below is the written request relating to the proposed variation to Clause 4.4 of IWLEP 2022 in accordance with the provisions of clause 4.6 of IWLEP 2022.

### Details of development standard sought to be varied

Clause 4.4 (2B) of Inner West Local Environmental Plan 2022 (IWLEP 2022) prescribes the maximum floor space ratio (FSR) for residential accommodation on land identified on the Floor Space Ratio Map edged in pink as 0.8:1.

### Clause 4.6 Exceptions to Development Standards – Inner West Local Environmental Plan 2022

Clause 4.6 of IWLEP 2022 is the mechanism by which a consent authority is able to grant consent to a development despite non-compliance with a prescribed development standard. The objectives of Clause 4.6 are as follows:

- (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.

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- (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 Planning Secretary has been obtained.
- (5) In deciding whether to grant concurrence, the Planning 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 Planning Secretary before granting concurrence.
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—
  - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
  - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following—
  - (a) a development standard for complying development,
  - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#) applies or for the land on which such a building is situated,
  - (c) clause 5.4,
  - (caa) clause 5.5,
  - (ca) clause 6.27(4),
  - (cb) clause 6.28,
  - (cc) clause 6.29,
  - (cd) clause 6.31.

### Court Principles and Guidance around Application of 4.6 Exceptions



A number of court cases have assisted to guide expectations and facilitate appropriate application for and justification of the variations sought. Significant cases are cited below and will be drawn upon to assist with this application:

In *Wehbe V Pittwater Council (2007) NSW LEC 827*, Preston CJ set out the following 5 different ways in which an objection (variation) may be well founded:

1. *The objectives of the standard are achieved notwithstanding non-compliance with the standard;*
2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
3. *The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
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;*
5. *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard that would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

In 2018, in the case *Initial Action Pty Ltd v Woollahra Municipal Council* (CJ Preston) it was established that Commissioner Smithson had misinterpreted and misapplied cl 4.6 of the Woollahra LEP 2014. In this case, the commissioner herself considered whether compliance was unreasonable or unnecessary rather than determining whether the written request had adequately addressed the matter. In summary the court found that:

*The applicant bears the onus to demonstrate that the matters in cl 4.6(3)(a) and (b) have been adequately addressed in the applicant's written request in order to enable the consent authority, or the Court on appeal, to form the requisite opinion of satisfaction.*

Further, the Commissioner (Smithson) had required that to be considered unreasonable or unnecessary, the non compliance with the standard needed to have a neutral or beneficial effect relative to a development that complied with the standard. CJ Preston said:

*'Clause 4.6 does not directly or indirectly establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development.... Compliance with the height development standard might be unreasonable or unnecessary if the non-compliant development achieves this objective of minimising view loss or visual intrusion.*

With reference to sufficient environmental planning grounds CJ Preston further held:

*Clause 4.6 does not directly or indirectly establish this test. The requirement ...is that there are sufficient environmental planning grounds to justify contravening the development standard, not*

*that the development that contravenes the development standard have a better environmental planning outcome than a development that complies with the development standard.'*

### Development Standard to be Varied – Floor Space Ratio

This clause 4.6 variation request relates to a departure from a numerical standard set out under clause 4.4 (2B) of the IWLEP 2022 Floor Space Ratio in relation to the specified floor space ratio of 0.8:1.

This development standard relates to the density of the development, clause 4.4 of the IWLEP 2022 falls within a scope of a "development standard" as defined under section 4 of the Environmental Planning and Assessment Act 1979 (NSW) (EP&A Act)

Clause 4.4 of the IWLEP 2022 contains the following objectives which apply to the proposal:

(1) The objectives of this clause are as follows—

- (a) to establish a maximum floor space ratio to enable appropriate development density,
- (b) to ensure development density reflects its locality,
- (c) to provide an appropriate transition between development of different densities,
- (d) to minimise adverse impacts on local amenity,
- (e) to increase the tree canopy and to protect the use and enjoyment of private properties and the public domain.

#### Floor Space Summary

Under clause 4.4 (2B) the site has a prescribed maximum floor space ratio of 0.8:1.

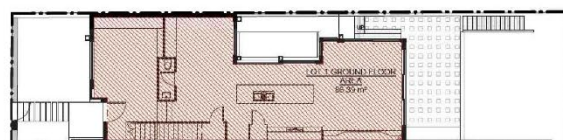
The proposed development results in the following;

- The site Area is 203.4m<sup>2</sup>
- The maximum floor space permitted is 162.72m<sup>2</sup>
- The floor area shown in the complying development application was 151.2m<sup>2</sup>
- The floor area of the garage parking level is 36.0m<sup>2</sup>
- The combined floor area of House and garage is 187.2m<sup>2</sup> or 0.92:1.
- The total floor area proposed is thus 24.48m<sup>2</sup> over the floor space ratio standard which equates to 15% variation to the standard.

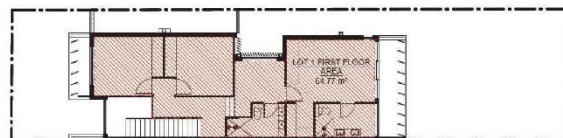
Due to the nature of the subject land falling from Carrington Street down to the lane at the rear, the walls on either side of the car space hard stand are much higher than that which is typical (1.8m fence) the effect of the walls on either side and garage door to the lane in essence provides an enclosed space for the parking.



Figure 1 photographs of side boundaries to car space hard stand area.



LOT 1 GROUND FLOOR  
1:100



LOT 1 FIRST FLOOR  
1:100

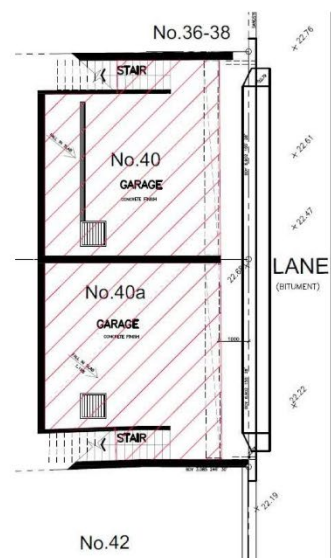


Figure 2 Diagram sourced from drawing A06 for calculation for gross floor area (GFA)

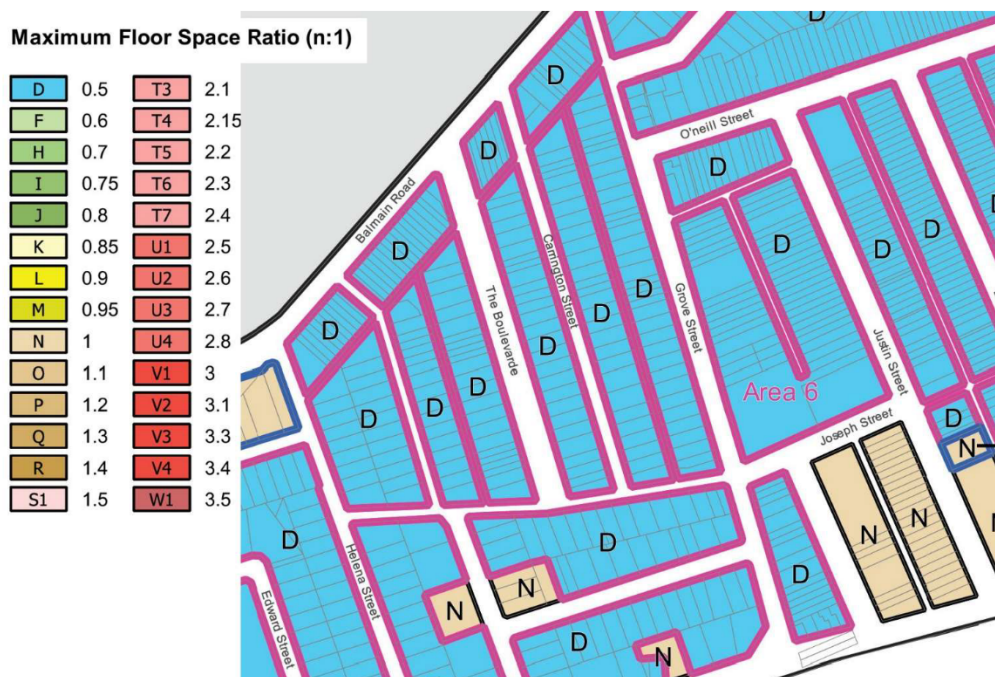


Figure 13 Inner West Local Environmental Plan 2022 Floor Space Ratio Map.

### Assessment of the Provisions of Clause 4.6 Exceptions to development standards

Clause 4.6 of the IWLEP 2022 allows for flexibility to be applied to development standards where objectives can be obtained notwithstanding the variation. The mechanics of the clause, the objectives of the floor space ratio standard and a response are all outlined below; however, the main opportunities and justifications for the floor space ratio variation are presented here:

- The car space hard stand area is enclosed on four sides with walls of a minimum height of 2.5m (south and east) and 3.5m (North). Compared to a traditional carport beside a house that when enclosed would create additional bulk and form and change the streetscape, this change has no effect to either the public domain or adjoining properties as demonstrated in the architectural plans including shadow diagrams.
- The carefully considered design setbacks the terrace from both the side boundaries and rear boundary along the lane. The result of which reduces any perceived bulk and form.
- The setback of the terrace also reduces any potential for overshadowing or overlooking notwithstanding existing high walls, fences and privacy screens.

- Shadow diagrams show there are no adverse impacts to adjoining properties and their private open space.
- The proposal does not raise any matters of State or regional environmental planning significance.
- The proposal is consistent with the objectives of the development standard and the objectives of the zone.
- The proposal is compatible with the existing development of the street and is in accordance with the Leichhardt Development Control Plan 2013.
- The modest nature of the proposed built form ensures that the additional FSR is not responsible for any adverse view impacts.
- There are no adverse environmental factors that would determine that the proposal, including the additional FSR is an over-development of the site.
- The proposal is well articulated to its street facing facades and maintains an appropriate visual relationship with its streetscapes.
- Views from adjoining public domain areas are distinct in nature and not regarded as iconic. The proposal is unlikely to adversely impact upon views enjoyed from within the adjoining public domain.

The locality contains a variety of FSR requirements and densities, and the proposed variation would not appear to be an over development of the site noting the surrounding context. The increase to floor space to this site would not significantly increase the overall bulk and scale of the building within the site context.

The site and the surrounding area can support the increased floor space ratio, as the proposal maintains compliance with the relevant building envelope controls including building storeys, setbacks, and height of buildings.

### Clause 4.6.3 (a)(b) - Unreasonable or Unnecessary / Environmental Planning Grounds

Commentary provided below to address the requirements of this clause.

**Table 1** Request to vary development standard 4.4 Floor Space Ratio

Objective	Comment
(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and	The proposal complies with the objectives of the development standard and the R1 General residential, indicated in the assessment. Furthermore, compliance with the development standard is unreasonable and unnecessary as it is in the public interest, given it is consistent with the objectives for the development within the zone.
(b) that there are sufficient environmental	There are no significant adverse environmental impacts.

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planning grounds to justify contravening the development standard.	
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#### 4.6.4 (i) (ii) - Achieving Consistency with the Objectives of the Standards

##### 4.6 Exceptions to development standards

(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.

In terms of Clause 4.6 (4)(a)(i) this submission is the written request that address the matters contained required to be considered in subclause (3).

**Table 2** Clause 4.6(4) ii assessment

Consistency with the objectives of the R1 General Residential Zone	
Objectives	Assessment
<ul style="list-style-type: none"> <li>To provide for the housing needs of the community.</li> <li>To provide for a variety of housing types and densities.</li> <li>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> <li>To provide residential development that maintains the character of built and natural features in the surrounding area.</li> </ul>	<ul style="list-style-type: none"> <li>The proposal is considered to satisfy the zone objective of providing for the housing needs of the community through the supply of new residential accommodation within a low-density residential environment with improved amenity and sustainability, without unreasonable environmental impacts.</li> <li>The proposal presents as a form that is suitable in the surrounding context noting the varied densities and rhythm of built forms in the street.</li> </ul>
4.4 Floor space ratio The objectives of this clause are as follows	Assessment
(a) to establish standards for the maximum development density and intensity of land use,	<p>The area which is the subject of the variation is currently enclosed by walls greater than 2.5-4m in height along all sides. Provision of a roof over this area will not adversely impact adjoining properties nor change the streetscape.</p> <p>The car stand area was approved in a complying</p>

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	<p>development application.</p> <p>A strict interpretation of the standard would require this area to be counted as floor area considering the NIL requirement for car parking onsite.</p> <p>Using the calculation contained in the complying development application for Houe No.40 which stated a floor area of 151.2m<sup>2</sup> the addition of the garage area of 36m<sup>2</sup> would bring the total area to 187.2m<sup>2</sup> or 0.92:1 which is a variation to the development standard of 24.48m<sup>2</sup> or 15%</p> <p>This objective is considered a strategic objective to stipulate a development standard for FSR that applies to the site and the immediate locality, as shown on the FSR map. The objective also seeks to establish a maximum intensity of land use. Given the proposed FSR allows for two storey house with three bedrooms, guest/study and open plan living dining, there is no evidence to suggest that the intensity of development is beyond that which can be accommodated on the site.</p> <p>Notwithstanding the numeric departure, the lack of external impacts and consistency with the scale of the built form in the surrounding area confirms that the intensity of development is appropriate for the site and conforms with other developments along the street.</p> <p>Accordingly, it is reasonable to apply flexibility.</p>
(b) to ensure buildings are compatible with the bulk and scale of the existing and desired future character of the locality,	<p>The proposed roof terrace is neatly integrated with the character and presentation of the lane whilst representing an improved attractive appearance of the dwelling in the streetscape and as it appears to surrounding properties.</p> <p>The proposed terrace and garage have been suitably articulated to minimise the visual bulk of the proposal. The proposed built form has been designed to be highly articulated, with the provision of indentation and recesses, lightweight architectural elements. The proposed modern style architectural design results in a building capable of providing visual interest whilst contributing to breaking down the scale of the built form on the subject site.</p> <p>The proposal is commensurate in bulk and scale when taken in context of the lane .</p>
(c) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,	<p>The proposed works and the associated FSR have been designed and sited to ensure adequate visual and acoustic privacy between the subject dwellings and the adjoining properties. The proposal has considered the location of the works on the site, the internal layout and the building materials used.</p>

	<p>The proposed works will have appropriate setbacks, thereby providing adequate separation from the adjoining properties.</p> <p>The setback of the terrace together with privacy screens ensures that there are no adverse or unreasonable visual or acoustic privacy impacts to neighbouring properties. As demonstrated on the accompanying shadow diagrams, the subject site and adjoining properties will continue to receive more than 2 hours of solar access between 9am and 3pm on 21 June, thereby complying with the DCP provisions for solar access to neighbouring properties.</p> <p>Furthermore, the modest nature of the proposed built form ensures that the additional FSR is not responsible for any adverse view impacts. There are no adverse environmental factors that would determine that the proposal, including the additional FSR is an over-development of the site.</p>
(d) to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing or likely to undergo a substantial transformation,	<p>The extent and siting of the built form of the dwellings are also consistent with or compatible with emerging developments.</p> <p>The proposal is well articulated to its street facing facades and maintains an appropriate visual relationship with its streetscapes.</p>
(e) to ensure buildings do not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks and community facilities.	<p>The proposed FSR deviation does not preclude the proposal to achieve a built form and associated landscape consistent with the streetscape character of Anniversary Street and the DCP controls.</p> <p>The proposed high-quality landscape design within the front setback integrates and enhances the landscaping environmental significance of the streetscape whilst softening the appearance of the development. The proposed landscaping will enhance the aesthetics of the neighbourhood. The proposal provides 17.7% of the site to be a deep soil zone, which complies with the DCP controls.</p> <p>Therefore, the additional FSR is not related to an overbearing height, bulk, or scale that dominates the site and adversely impacts the streetscape, skyline, or landscape when viewed from adjoining roads and public domain, as demonstrated on the photomontage below.</p> <p>Views from adjoining public domain areas are distinct in nature and not regarded as iconic. The proposal is unlikely to adversely impact upon views enjoyed from within the adjoining public domain.</p>



## Clause 4.6(5) Considerations

### 4.6 Exceptions to development standards

(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.

The matters for consideration in clause 4.6(5) have been addressed in Table 2

**Table 2** Clause 4.5(5) assessment

Matters of Consideration	Comment
(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and	The proposed FSR variation allows for the orderly and economical use of land as envisaged by the Environmental Planning and Assessment Act, 1979.
(b) the public benefit of maintaining the development standard, and	There is no public benefit in maintaining the standard. The proposal maintains amenity including privacy, overshadowing and views, which the additional floor space does not impact. The relaxation of this standard will not result in an adverse impact upon development in the immediate locality and it has been demonstrated that relaxing the standard is appropriate in the site circumstances presented by this application.
(c) any other matters required to be taken into consideration by the Secretary before granting concurrence.	There are not considered, to be any additional matters to consider beyond those discussed above.

## Conclusion

The proposed application remains consistent with the objects of Part 1.3 and requirements of Part 4 of The Act. The proposed use is permissible with consent and uses the subject site to its full potential. The proposal will create a development that:

- Will not result in disharmony within the existing streetscape.
- Does not impact the natural environment.
- Does not impact views or privacy.
- Supports the needs of the area for residential accommodation
- Promotes the orderly and economic use and development of the land. Promotes good design and

amenity of the built environment.

The proposal responds to the character and nature of the streetscape and the proposed non-compliance with the floor space ratio requirement would not result in any significant adverse impacts, as the additional floor space will not impact neighbouring amenity or privacy. Further, the proposed variation meets the objectives of the standard or the zone and therefore, strict compliance with the floor space ratio standard is considered unreasonable and unnecessary in this case.

## Attachment D- Section 4.6 Exception to Development Standards (Site Coverage)



### Clause 4.6 Written Request to Vary a Development Standard

RESIDENTIAL DEVELOPMENT

AT 40 CARRINGTON STREET LILYFIELD

FOR

DEV ELEMENTS PTY LTD

AUGUST 2023

Suite 50B 23 Norton St  
Leichhardt N.S.W. 2040

info@derekraithby.com.au  
www.derekraithby.com.au

A B N : 61 613 174 020  
Architect NSW ARBN 7469

t: (02) 8527 8447

Document Set ID: 38314276  
Version: 1, Version Date: 08/11/2023

## Clause 4.6 Written Request to Vary a Development Standard

Inner West Local Environmental Plan 2022

<b>Applicant's name</b>	DEV ELEMENTS PTY LTD
<b>Site address</b>	40 CARRINGTON STREET LILYFIELD
<b>Proposal</b>	Concrete roof and terrace over car space hard stand.
<b>Environmental Planning Instrument</b>	Inner West Local Environmental Plan 2022
<b>Development standard to be varied</b>	<p>Clause 4.3C –Landscaped areas for residential accommodation in Zone R1</p> <p>The relevant subclause states:</p> <p>(3) Development consent must not be granted to development to which this clause applies unless—</p> <p>(b) the site coverage does not exceed 60% of the site area.</p>

Below is the written request relating to the proposed variation to Clause 4.3C (3)(b) of IWLEP 2022 in accordance with the provisions of clause 4.6 of IWLEP 2022.

### Details of development standard sought to be varied

Clause 4.3C (3)(b) of Inner West Local Environmental Plan 2022 (IWLEP 2022) prescribes the maximum site coverage for residential accommodation in Zone R1 as 60% of the site area.

### Clause 4.6 Exceptions to Development Standards – Inner West Local Environmental Plan 2022

Clause 4.6 of IWLEP 2022 is the mechanism by which a consent authority is able to grant consent to a development despite non-compliance with a prescribed development standard. The objectives of Clause 4.6 are as follows:

- (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—

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- (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 Planning Secretary has been obtained.
- (5) In deciding whether to grant concurrence, the Planning 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 Planning Secretary before granting concurrence.
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—
  - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
  - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following—
  - (a) a development standard for complying development,
  - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#) applies or for the land on which such a building is situated,
  - (c) clause 5.4,
  - (caa) clause 5.5,
  - (ca) clause 6.27(4),
  - (cb) clause 6.28,
  - (cc) clause 6.29,
  - (cd) clause 6.31.

### Court Principles and Guidance around Application of 4.6 Exceptions

A number of court cases have assisted to guide expectations and facilitate appropriate application for and justification of the variations sought. Significant cases are cited below and will be drawn upon to assist with this application:

In *Wehbe V Pittwater Council (2007) NSW LEC 827*, Preston CJ set out the following 5 different ways in which an objection (variation) may be well founded:

1. *The objectives of the standard are achieved notwithstanding non-compliance with the standard;*
2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
3. *The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
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;*
5. *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard that would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

In 2018, in the case *Initial Action Pty Ltd v Woollahra Municipal Council* (CJ Preston) it was established that Commissioner Smithson had misinterpreted and misapplied cl 4.6 of the Woollahra LEP 2014. In this case, the commissioner herself considered whether compliance was unreasonable or unnecessary rather than determining whether the written request had adequately addressed the matter. In summary the court found that:

*The applicant bears the onus to demonstrate that the matters in cl 4.6(3)(a) and (b) have been adequately addressed in the applicant's written request in order to enable the consent authority, or the Court on appeal, to form the requisite opinion of satisfaction.*

Further, the Commissioner (Smithson) had required that to be considered unreasonable or unnecessary, the non compliance with the standard needed to have a neutral or beneficial effect relative to a development that complied with the standard. CJ Preston said:

*'Clause 4.6 does not directly or indirectly establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development.... Compliance with the height development standard might be unreasonable or unnecessary if the non-compliant development achieves this objective of minimising view loss or visual intrusion.*

With reference to sufficient environmental planning grounds CJ Preston further held:

*Clause 4.6 does not directly or indirectly establish this test. The requirement ...is that there are sufficient environmental planning grounds to justify contravening the development standard, not that the development that contravenes the development standard have a better environmental planning outcome than a development that complies with the development standard.'*

**Development Standard to be Varied – Landscaped areas for residential accommodation in Zone R1**

This clause 4.6 variation request relates to a departure from a numerical standard set out under clause 4.3C (3)(b) of the IWLEP 2022 landscape areas in relation to the specified site coverage of 60% of the site.

This development standard relates to the density of the development, clause 4.3C (3)(b) of the IWLEP 2022 falls within a scope of a “development standard” as defined under section 4 of the Environmental Planning and Assessment Act 1979 (NSW) (EP&A Act)

Clause 4.3C of the IWLEP 2022 contains the following objectives which apply to the proposal:

(1) The objectives of this clause are as follows—

- (a) to provide landscaped areas for substantial tree planting and for the use and enjoyment of residents,
- (b) to maintain and encourage a landscaped corridor between adjoining properties,
- (c) to ensure that development promotes the desired character of the neighbourhood,
- (d) to encourage ecologically sustainable development,
- (e) to control site density,
- (f) to provide for landscaped areas and private open space.

**Site Coverage Summary**

Under clause 4.3C(3)(c) the site has a prescribed maximum site coverage of 60% of the site area.

The proposed development results in the following;

- The site Area is 203.4m<sup>2</sup>
- The maximum site coverage is 122.04m<sup>2</sup>
- Proposed area is 130.00 m<sup>2</sup> or 64%
- The proposed site coverage is thus 7.96m<sup>2</sup> over the site coverage standard which equates to 6.5% variation to the standard.



### CALCULATIONS - LANDSCAPE & SITE COVERAGE

SITE COVERAGE CALCULATION		LANDSCAPING AREA CALCULATION	
<b>HOUSE No.40</b>	SITE AREA = 203.4m <sup>2</sup> SITE COVERAGE REQUIREMENT = 60% OR 122.0m <sup>2</sup> PROPOSED AREA = 64% OR 130.0m <sup>2</sup>	<b>HOUSE No.40</b>	SITE AREA = 203.4m <sup>2</sup> LANDSCAPE REQUIREMENT = 15% OR 30.5m <sup>2</sup> PROPOSED AREA = 17.7% OR 36.0m <sup>2</sup>
<b>HOUSE No.40A</b>	SITE AREA = 203.4m <sup>2</sup> LANDSCAPE REQUIREMENT = 60% OR 122.0m <sup>2</sup> PROPOSED AREA = 62% OR 126.0m <sup>2</sup>	<b>HOUSE No.40A</b>	SITE AREA = 203.4m <sup>2</sup> LANDSCAPE REQUIREMENT = 15% OR 30.5m <sup>2</sup> PROPOSED AREA = 16.5% OR 33.7m <sup>2</sup>

Figure 1 extract from calculation shown on drawing number A07.



### Assessment of the Provisions of Clause 4.6 Exceptions to development standards

Clause 4.6 of the IWLEP 2022 allows for flexibility to be applied to development standards where objectives can be obtained notwithstanding the variation. The mechanics of the clause, the objectives of the landscape standard and a response are all outlined below; however, the main opportunities and justifications for the landscape variation are presented here:

- The proposal retains suitable Landscaped Areas for tree planting and private open space, to be used and enjoyed by the residents.
- The proposed development will remain compatible with the surrounding development and the desired future character of the neighbourhood in relation to building bulk, form and scale as viewed from the street - the footprint and bulk, scale and appearance of the building will not alter.
- The proposal does not result in any undue adverse amenity impacts to the surrounding properties.
- The contravention of the development standard does not raise any matter of significance for State and Regional Environmental Planning.
- The modest nature of the proposed built form ensures that the additional site coverage is not responsible for any adverse view impacts.

The locality contains a variety of FSR requirements and densities, and the proposed variation would not appear to be an over development of the site noting the surrounding context. The increase to floor space to this site would not significantly increase the overall bulk and scale of the building within the site context.

The site and the surrounding area can support the increased floor space ratio, as the proposal maintains compliance with the relevant building envelope controls including building storeys, setbacks, and height of buildings.

### Clause 4.6.3 (a)(b) - Unreasonable or Unnecessary / Environmental Planning Grounds

Commentary provided below to address the requirements of this clause.

**Table 1** Request to vary development standard 4.3C (3)(b) Site Coverage

Objective	Comment
(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and	The proposal complies with the objectives of the development standard and the R1 General Residential Zone, indicated in the assessment. Furthermore, compliance with the development standard is unreasonable and unnecessary as it is in the public interest, given it is consistent with the objectives for the development within the zone.

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(b) that there are sufficient environmental planning grounds to justify contravening the development standard.	There are no significant adverse environmental impacts.
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#### 4.6.4 (i) (ii) - Achieving Consistency with the Objectives of the Standards

##### 4.6 Exceptions to development standards

(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.

In terms of Clause 4.6 (4)(a)(i) this submission is the written request that address the matters contained required to be considered in subclause (3).

**Table 2** Clause 4.6(4) ii assessment

Consistency with the objectives of the R1 General Residential Zone	
Objectives	Assessment
<ul style="list-style-type: none"> <li>To provide for the housing needs of the community.</li> <li>To provide for a variety of housing types and densities.</li> <li>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> <li>To provide residential development that maintains the character of built and natural features in the surrounding area.</li> </ul>	<ul style="list-style-type: none"> <li>The proposal is considered to satisfy the zone objective of providing for the housing needs of the community through the supply of new residential accommodation within a low-density residential environment with improved amenity and sustainability, without unreasonable environmental impacts.</li> <li>The proposal presents as a form that is suitable in the surrounding context noting the varied densities and rhythm of built forms in the street.</li> </ul>
<b>4.3C Landscaped areas for residential accommodation in Zone R1</b> <i>The objectives of this clause are as follows</i>	<b>Assessment</b>
(a) to provide landscaped areas for substantial tree planting and for the use and enjoyment of residents,	<ul style="list-style-type: none"> <li>The proposal retains suitable Landscaped Areas for tree planting and private open space, to be used and enjoyed by the residents.</li> </ul>

(b) to maintain and encourage a landscaped corridor between adjoining properties,	<ul style="list-style-type: none"> <li>The proposal maintains the current landscape configuration approved under the CDC application. The addition of a roof will not affect landscaping onsite.</li> </ul>
(c) to ensure that development promotes the desired character of the neighbourhood,	<ul style="list-style-type: none"> <li>The proposal does not result in any undue adverse amenity impacts to the surrounding properties.</li> </ul>
(d) to encourage ecologically sustainable development,	<ul style="list-style-type: none"> <li>The proposal maintains the original built form and landscape features with minimal impact from the change for a roof and terrace.</li> </ul>
(e) to control site density,	<ul style="list-style-type: none"> <li>The proposed development will remain compatible with the surrounding development and the desired future character of the neighbourhood in relation to building bulk, form and scale as viewed from the street - the footprint and bulk, scale and appearance of the building will not alter</li> </ul>
(f) to provide for landscaped areas and private open space.	The proposal retains landscaping onsite while improving private open space for the residents.

### Clause 4.6(5) Considerations

#### 4.6 Exceptions to development standards

(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.

The matters for consideration in clause 4.6(5) have been addressed in Table 2

**Table 2** Clause 4.5(5) assessment

Matters of Consideration	Comment
(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and	The proposed site coverage variation allows for the orderly and economical use of land as envisaged by the Environmental Planning and Assessment Act, 1979.
(b) the public benefit of maintaining the development standard, and	<p>There is no public benefit in maintaining the standard.</p> <p>The proposal maintains amenity including privacy, overshadowing and views, which the additional site coverage does not impact.</p> <p>The relaxation of this standard will not result in an adverse impact upon development in the immediate locality and it has been demonstrated that relaxing the standard is appropriate in the site circumstances presented by this application.</p>

(c) any other matters required to be taken into consideration by the Secretary before granting concurrence.	There are not considered, to be any additional matters to consider beyond those discussed above.
---	--

### Conclusion

The proposed application remains consistent with the objects of Part 1.3 and requirements of Part 4 of The Act. The proposed use is permissible with consent and uses the subject site to its full potential. The proposal will create a development that:

- Will not result in disharmony within the existing streetscape.
- Does not impact the natural environment.
- Does not impact views or privacy.
- Supports the needs of the area for residential accommodation.
- Promotes the orderly and economic use and development of the land. Promotes good design and amenity of the built environment.

The proposal responds to the character and nature of the streetscape and the proposed non-compliance with the site coverage requirement would not result in any significant adverse impacts, as the additional site coverage will not impact neighbouring amenity or privacy. Further, the proposed variation meets the objectives of the standard or the zone and therefore, strict compliance with the landscape standard is considered unreasonable and unnecessary in this case.

## Attachment E- Copy of CDCP/2023/0052



164 Belmore Rd,  
Riverwood NSW 2210  
(p): 02 8519 4655  
info@exclusivecertifiers.com.au

Our reference: 1423

02 March 2023

The General Manager  
Inner West Council  
PO Box 14  
Petersham NSW 2049

Dear Sir/Madam,

**Re:** 40 Carrington Street, Lilyfield NSW 2040

**Complying Development Certificate No.** 1423/01

**Planning Instrument Decision Made Under:** SEPP( Exempt and complying Development codes)  
2008 - Part 3 Housing Code

Exclusive Certifiers and Building Consultants Pty Ltd has issued a Complying Development Certificate under Part 4 of the *Environmental Planning and Assessment Act 1979* for the above premises.

Please find enclosed the following documentation:

- Complying Development Certificate No. 1423/01
- Copy of the application for the Complying Development Certificate.
- CDC Conditions of consent
- Documentation used to determine the application for the Complying Development Certificate as detailed in Schedule 1 of the Certificate.

Please note that the Notice of Intention to commence building work & Notice of intention to appoint a Principal Certifying Authority has been withheld until the following documents/ appointments, and payments have been made;

- Payment of Council Development Contributions
- Payment of council Damage bonds/ deposits
- Home warranty Insurance has been paid (where a builder has been appointed)

The client has been advised that no work is to commence until this has been provided to council & the PCA. Therefore, at this stage we are not the Principal Certifying Authority for this job.

Should you need to discuss any issues, please do not hesitate to contact the Registered Building Surveyor Yousuf (Joe) Awada..

Yours sincerely,

Yousuf (Joe) Awada  
Registered Certifier  
Exclusive Certifiers and Building Consultants Pty Ltd



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Riverwood NSW 2210  
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**COMPLYING DEVELOPMENT CERTIFICATE 1423/01****PROJECT REFERENCE 1423**

Issued under Part 4, Division 4.5 of the Environmental Planning and Assessment Act 1979

**APPLICANT DETAILS**

<b>Applicant:</b>	Charbel Elias
<b>Address:</b>	12 Auburn rd. Berala NSW 2141
<b>Phone:</b>	0431 814 097

**OWNER DETAILS**

<b>Owner</b>	Dev Elements
--------------	--------------

**COMPLYING DEVELOPMENT CERTIFICATE DETAILS**

<b>NSW Planning Portal Ref Number:</b>	139526
<b>Local Government Area:</b>	Inner West Council
<b>Relevant Environmental Planning Instrument</b>	(SEPP) Exempt and Complying Development Codes 2008
<b>Relevant Part of Code</b>	Part 3 - Housing Code
<b>Date of Determination:</b>	28/02/2023
<b>Date of Lapse:</b>	28/02/2028

**PROPOSAL**

<b>Address of Development:</b>	40 Carrington Street, Lilyfield NSW 2040
<b>Lot/DP:</b>	88 in DP1286970
<b>Land Use Zone:</b>	R2
<b>BCA Classification/s:</b>	1a, 10b
<b>Description of Building Works:</b>	Construction of new attached dwelling with swimming pool and hard stand in rear
<b>Value of Construction (incl. GST):</b>	\$550,000.00
<b>Attachments</b>	Schedule 1: Approved Plans and Specifications and Supporting Documentation Relied Upon
<b>Conditions:</b>	Conditions under the Environmental Planning and Assessment Regulation 2021 and State Environmental Planning Policy (Exempt and Complying Development) Codes 2008
<b>Critical stage inspections:</b>	See attached Notice

**REGISTERED CERTIFIER**

<b>Registered Certifier:</b>	Yousuf (Joe) Awada
<b>Registration No:</b>	BDC2250
<b>Registration Body:</b>	Department of Fair Trading NSW

*I, Yousuf (Joe) Awada, certify that the development is complying development and (if carried out as specified in the certificate) will comply with all development standards applicable to the development and with such other requirements prescribed by this regulation concerning the issue of the certificate.*

<b>Dated:</b>	28/02/2023
---------------	------------

Yousuf (Joe) Awada

N.B. Prior to the commencement of work section 6.6 of the Environment Planning and Assessment Act 1979 must be satisfied.

(note - this information has been taken directly from, and as accepted by, the NSW Government Planning Portal CDC application)



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Riverwood NSW 2210  
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### **SCHEDULE 1: APPROVED PLANS AND SPECIFICATIONS/ SUPPORTING DOCUMENTATION RELIED UPON**

#### 1. Endorsed Architectural Plans

Prepared by	Document	Drawing number	Revision	Date
Derek Raithby Architecture	Cover sheet	00	7	01/02/2023
Derek Raithby Architecture	Site analysis Plan	01	11	11/01/2023
Derek Raithby Architecture	Floor plans	02	11	06/02/2023
Derek Raithby Architecture	Elevations	03	9	02/01/2023
Derek Raithby Architecture	Sections	04	11	02/01/2023
Derek Raithby Architecture	GFA	05	3	02/01/2023
Derek Raithby Architecture	Landscape calculation	06	4	02/01/2023
Derek Raithby Architecture	Window & Door schedule	07	4	02/01/2023
Derek Raithby Architecture	Material & Finishes schedule	12	2	02/01/2023

#### 2. Structural Plans

Prepared by	Document	Drawing number	Revision	Date
ABVD Design	Cover sheet	S0.00	1	02/02/2023
ABVD Design	Standard notes	S1.01	1	02/02/2023
ABVD Design	Garage floor & footing plan & sections	S2.01	1	02/02/2023
ABVD Design	Ground Floor plan & sections	S3.01	1	02/02/2023
ABVD Design	First floor plan	S4.01	1	02/02/2023
ABVD Design	First floor Sections	S4.02	1	02/02/2023
ABVD Design	Roof framing plan	S5.01	1	02/02/2023

#### 3. Engineering Plans

Prepared by	Document	Drawing number	Revision	Date
JCO Consultants	Cover sheet	CDC-SW100	4	24/02/2023
JCO Consultants	General Notes and specifications	CDC-SW101	4	24/02/2023
JCO Consultants	Stormwater drainage design - Hardstand level	CDC-SW200	4	24/02/2023



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JCO Consultants	Stormwater drainage design - Ground floor level	CDC-SW201	4	24/02/2023
JCO Consultants	Stormwater drainage design - Level 1 plan	CDC-SW202	4	24/02/2023
JCO Consultants	Stormwater drainage design - Roof plan	CDC-SW203	4	24/02/2023
JCO Consultants	Stormwater drainage design - Details sheet	CDC-SW300	4	24/02/2023
JCO Consultants	Erosion And sediment control Plan & details	CDC-SW600	4	24/02/2023

4. Landscape Plans  
Not applicable.

5. Other Documentation Relied Upon

Prepared by	Document	Drawing number	Revision	Date
NSW LRS	Certificate of title			31/01/2023
JCO Consultants	Stormwater design certificate			25/02/2023
Greenworld Architectural Drafting	BASIX certificate	1362385S		26/01/2023
Olsen Infrastructure	Sydney water building plan approval	1585525		08/02/2023
ABVD Design	Structural design certificate			09/02/2023
Long Service corporation	Long service levy	L0000106315		09/02/2023
Greenworld architectural drafting	NatHERS	0008371270		26/01/2023
Shichao Niu	Waste management plan			10/06/2022
DEV Element	Dilapidation report			08/08/2022
Inner west Council	Public domain works approval	ENR1/2023/0007		23/02/2023
MBA NSW	Residential building Spec			





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(e): info@exclusivecertifiers.com.au

**NOTICE TO APPLICANT OF MANDATORY CRITICAL STAGE INSPECTIONS**

Made under Part 7 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 - Section 58

**APPLICANT DETAILS**

<b>Name of the person having benefit of the Development Consent:</b>	Charbel Elias
<b>Address:</b>	12 Auburn RD Berala NSW 2141
<b>Phone:</b>	043181097

**COMPLYING DEVELOPMENT CONSENTS**

<b>Consent Authority / Local Government Area:</b>	Inner West Council
<b>Decision Made Under:</b>	(SEPP) Exempt and Complying Development Codes 2008 - Part 3 Housing Code
<b>CDC Number:</b>	1423/01

**PROPOSAL**

<b>Address of Development:</b>	40 Carrington Street, Lilyfield NSW 2040
<b>Scope of Building Works Covered by this Notice:</b>	Construction of new attached dwelling with swimming pool and hard stand in rear

**CERTIFICATION DETAILS**

<b>Certifying Authority:</b>	Yousuf (Joe) Awada
<b>Registration Number:</b>	Department of Fair Trading NSW BDC2250

I, **Yousuf (Joe) Awada** of **Exclusive Certifiers and Building Consultants Pty Ltd**, located at 164 Belmore Rd, Riverwood NSW 2210, acting as the principal certifier, hereby give notice in accordance with Section 58 of the Part 7 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 to the person having the benefit of the development consent that the mandatory critical stage inspections identified in Schedule 1 & Schedule 2 are to be carried out in respect of the building work.

The applicant, being the person having benefit of the development consent, is required under Sections 58 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 to notify the principal contractor (if not an owner-builder) of the applicable mandatory critical stage inspections specified under this notice.

To allow a principal certifying authority or another certifying authority time to carry out mandatory critical stage inspections, the principal contractor for the building site, or the owner builder, must notify the principal certifying authority at least 48 hours before building work is commenced at the site if a mandatory critical stage inspection is required before the commencement of the work in accordance with Sections 58 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Failure to request a mandatory critical stage inspection will prohibit the principal certifying authority under Sections 58 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 to issue an occupation certificate.

Dated: 28/02/2023

Yousuf (Joe) Awada  
Registered Certifier



164 Belmore Rd  
Riverwood NSW 2210  
(p): 02 8519 4655  
(e): info@exclusivecertifiers.com.au

#### SCHEDULE 1: MANDATORY CRITICAL STAGE INSPECTIONS

No.	Critical Stage Inspection	Inspector
1.	After excavation for and prior to placement of any footings	Certifying Authority
2.	Prior to pouring any in-situ reinforced concrete building element	Certifying Authority
3.	Prior to covering of the framework for any floor, wall, roof, or other building element	Certifying Authority
4.	Prior to covering waterproofing in any wet areas	Certifying Authority
5.	Prior to covering any stormwater drainage connections	Certifying Authority
6.	After the building work has been completed & prior to any Occupation Certificate being issued in relation to the building	Principal Certifier
7.	As soon as practicable after the barrier (if one is required under the Swimming Pools Act 1992 ) has been erected	Certifying Authority



**Application for a Complying Development Certificate**  
Reference number: CDC-139526

**Applicant contact details**

Title	Mr
First given name	Charbel
Other given name/s	
Family name	Elias
Contact number	0431814097
Email	charbel@projectbuildgroup.com.au
Address	12 AUBURN ROAD BERALA 2141
Application on behalf of a company, business or body corporate	Yes
ABN	24648035983
ACN	648035983
Name	PROJECT BUILD GROUP PTY LTD
Trading name	

**Owner/s of the development site**

Owner/s of the development site	A company, business, government entity or other similar body owns the development site
Owner #	1
Company, business or body corporate name	Dev Element
ABN / ACN	90 658 634

**Payer details**

Payer Type	Company
Company Name	PROJECT BUILD GROUP PTY LTD
ABN	24 648 035 983
ACN	648 035 983
Trading Name	
Billing Address	12 AUBURN ROAD BERALA 2141
Email ID	charbel@projectbuildgroup.com.au
Title	
First given name	
Other given name/s	
Family name	
Contact number	
Email	
Billing address	

**Developer details**

Name	DEV ELEMENTS PTY LTD
ABN	90 658 634 309
ACN	658 634 309
Trading Name	
Address	
Email	charbel@projectbuildgroup.com.au

**Development details**

Development application type	Complying development certificate application
On what date was the development application to be modified determined	
Application number of the consent to be modified	
Description of the proposed modification	
Was the CDC applied for via the NSW planning portal?	

Please provide portal application number (CDC)	
Street address	40 carrington street lilyfield
Lot / Section Number / Plan	
Local government area	INNER WEST
Proposed type of development	Dwelling house
Description of development	2 storey dwelling with swimming pool
Estimated cost of work / development (including GST)	550000
What is the lot type of subject lot?	Standard lot
Do you have one or more BASIX certificates?	No
BASIX Certificate Number	
<b>10.7 Certificate</b>	
Have you already obtained a 10.7 certificate?	Yes
Was the 10.7 certificate applied for via the NSW Planning Portal?	No
Please provide portal reference number	
Please enter 10.7 certificate number related to this application	PCT/2023/0123
Would you like to start a Planning Certificate 10.7 application?	
<b>Section 68 of the Local Government Act</b>	
Is approval under s68 of the Local Government Act 1993 required?	No
Have you already applied for approval under s68 of the Local Government Act?	
Was the s68 applied for via the NSW Planning Portal?	
Please provide portal reference number	
Please enter s68 reference number related to this application	
Would you like to apply for approval under s68 of the Local Government Act?	

**Registered practitioner details****Nominated certifying organisation**

The applicant has selected the following certifying organisation to assess this application.

Company name	EXCLUSIVE CERTIFIERS AND BUILDING CONSULTANTS PTY. LTD.
Trading name	
ABN	37603307366
ACN	
Address	164 Belmore Rd Riverwood NSW 2210

**Application documents**

The applicant has included the following documents to support their application.

Document type	Document file name
Architectural Plans	2210_ELIAS_40 CARRINGTON ST_CERTIFIER'S AMENDMENTS_LOT 1 (88)
CDC Application Form	CDC Application Form_1675487922.pdf
Section 10.7 Planning Certificate (formerly Section 149)	PCT-2023-0123 - Planning Certificate 10.7 (2)(5) (LEP 2022) - 40 Carrington
Site Plan	Site Plan - Lot 1
Specifications	ONE AAC PANEL PARTY WALL DESIGN GUIDE SEPTEMBER 2019 (Final)
Stormwater Management Plans	20220216-Stormwater Drainage Design - Lot 1 [03]
Structural Plans	Structural Drawings - Lot 1 - 40

**Applicant declarations**

I declare that all the information in the application and accompanying documents is true and correct to the best of my knowledge.	Yes
I understand that the application and the accompanying information will be provided to the appropriate consent authority for the purposes of the assessment and determination of this application, and may be provided to other State agencies.	Yes
I understand that if incomplete, the consent authority may request more information, which will result in delays to the application.	Yes

The information and materials provided may be used for notification and advertising purposes, and may be made available to the public for inspection.	Yes
I acknowledge that copies of this application and supporting documentation may be provided to interested persons in accordance with the Government Information (Public Access) 2009 (NSW) (GIPA Act).	Yes
I have read and agree to the collection and use of my personal information as outlined in the Privacy Notice.	Yes
I agree to the appropriately delegated assessment officers attending the site for the purpose of inspection.	Yes

**Application Acceptance**

Lodgement Date	9/02/23
Certifier CDC reference number	CDC-1423



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## Environmental Planning and Assessment Regulation 2021

Part 6 ▶ Division 5

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### Division 5 Conditions of complying development certificates

#### 146 Compliance with Building Code of Australia and insurance requirements under [Home Building Act 1989](#)

- (1) A complying development certificate for development that involves building work must be issued subject to the following conditions—
  - (a) the work must be carried out in accordance with the requirements of the *Building Code of Australia*,
  - (b) for residential building work that requires a contract of insurance under the [Home Building Act 1989](#)—a contract of insurance must be in force before the building work authorised to be carried out by the certificate commences.
- (2) A complying development certificate for a temporary structure that is used as an entertainment venue must be issued subject to a condition that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the *Building Code of Australia*.
- (3) This section does not limit the other conditions to which a complying development certificate may be subject.
- (4) This section does not apply—
  - (a) to the extent to which an exemption from a provision of the *Building Code of Australia* or a fire safety standard is in force under the [Environmental Planning and Assessment \(Development Certification and Fire Safety\) Regulation 2021](#), or
  - (b) to the erection of a temporary building, other than a temporary structure to which subsection (2) applies.
- (5) In this section, a reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the date on which the application for the relevant complying development certificate is made.

#### 147 Fire safety systems in class 2–9 buildings

- (1) A complying development certificate for building work involving the installation, extension or modification of a relevant fire safety system in a class 2, 3, 4, 5, 6, 7, 8 or 9 building must be issued subject to a condition that the building work must not commence unless—
  - (a) plans have been submitted to the principal certifier that show—
    - (i) for building work involving the installation of the relevant fire safety system—the layout, extent and location of key components of the relevant fire safety system, or
    - (ii) for building work involving the extension or modification of the relevant fire safety

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system—the layout, extent and location of the new or modified components of the relevant fire safety system, and

- (b) specifications have been submitted to the principal certifier that—
    - (i) describe the basis for the design, installation and construction of the relevant fire safety system, and
    - (ii) identify the provisions of the *Building Code of Australia* on which the design of the system is based, and
  - (c) the plans and specifications—
    - (i) have been certified by a compliance certificate as complying with the relevant provisions of the *Building Code of Australia*, or
    - (ii) have been endorsed by an accredited practitioner (fire safety) as complying with the relevant provisions of the *Building Code of Australia*, and
  - (d) if the plans and specifications were submitted before the complying development certificate was issued—the plans and specifications are endorsed by a certifier with a statement that the certifier is satisfied they correctly identify the relevant performance requirements and deemed-to-satisfy provisions, and
  - (e) if the plans and specifications were not submitted before the complying development certificate was issued—the plans and specifications are endorsed by the principal certifier with a statement that the principal certifier is satisfied they correctly identify the relevant performance requirements and deemed-to-satisfy provisions.
- (2) Subsection (1)(c)(ii) does not apply to the extent of an exemption under the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.
- (3) In this section—
- relevant fire safety system*** means the following—
- (a) a hydraulic fire safety system,
  - (b) a fire detection and alarm system,
  - (c) a mechanical ducted smoke control system.

**148 Notice to neighbours of commencement of work**

- (1) This section applies to a complying development certificate for development involving—
  - (a) the erection of a new building, or
  - (b) an addition to an existing building, or
  - (c) the demolition of a building.
- (2) This section applies only if the development will be carried out on a lot that has a boundary within 20 metres of the boundary of another lot on which a dwelling is located.

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- (3) A complying development certificate must be issued subject to a condition that the person having the benefit of the certificate must give each neighbour written notice of the person's intention to commence the work authorised by the certificate—
  - (a) for development on relevant land—at least 7 days before commencing work, or
  - (b) otherwise—at least 2 days before commencing work.
- (4) In this section—  
*neighbour* and *relevant land* have the same meaning as in section 134.

#### 149 Erection of signs

- (1) This section applies to a complying development certificate for development involving building work, subdivision work or demolition work.
- (2) A complying development certificate must be issued subject to a condition that the requirements of subsections (3) and (4) must be complied with.
- (3) A sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—
  - (a) showing the name, address and telephone number of the principal certifier for the work, and
  - (b) showing the name of the principal contractor, if any, for building work and a telephone number on which the principal contractor may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the work site is prohibited.
- (4) The sign must be—
  - (a) maintained while the building work, subdivision work or demolition work is being carried out, and
  - (b) removed when the work is completed.
- (5) This section does not apply in relation to—
  - (a) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
  - (b) Crown building work certified to comply with the *Building Code of Australia*, under the Act, Part 6.

#### 150 Notification of [Home Building Act 1989](#) requirements

- (1) This section applies to a complying development certificate if—
  - (a) the development involves residential building work, and
  - (b) the principal certifier is not the council.
- (2) A complying development certificate must be issued subject to a condition that the work is carried out in accordance with the requirements of this section.

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- (3) Residential building work must not be carried out unless the principal certifier has given the council written notice of the following—
  - (a) for work that requires a principal contractor to be appointed—
    - (i) the name and licence number of the principal contractor, and
    - (ii) the name of the insurer of the work under the *Home Building Act 1989*, Part 6,
  - (b) for work to be carried out 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 the *Home Building Act 1989*—the number of the owner-builder permit.
- (4) If the information notified under subsection (3) is no longer correct, further work must not be carried out unless the principal certifier has given the council written notice of the updated information.
- (5) This section does not apply in relation to Crown building work certified to comply with the *Building Code of Australia* under the Act, Part 6.

#### 151 Fulfilment of BASIX commitments

A complying development certificate for the following development must be issued subject to a condition that each commitment listed in a relevant BASIX certificate must be fulfilled—

- (a) BASIX development,
- (b) BASIX optional development, if the application for the complying development certificate was accompanied by a BASIX certificate.

#### 152 Development involving asbestos material

- (1) A complying development certificate for development that involves building work or demolition work must be issued subject to the following conditions—
  - (a) prescribed asbestos removal work must be undertaken by a person who conducts a business of asbestos removal work in accordance with the *Work Health and Safety Regulation 2017*, clause 458 (a *licensed person*),
  - (b) the person having the benefit of the complying development certificate must give the principal certifier a copy of a signed contract with a licensed person before development under the complying development certificate commences,
  - (c) the contract must indicate whether asbestos will be removed, and if so, must specify the landfill site, which may lawfully receive asbestos, to which the asbestos will be delivered,
  - (d) if the contract indicates that asbestos will be removed to a specified landfill site—the person having the benefit of the complying development certificate must give the principal certifier a copy of a receipt from the operator of the landfill site stating that all the asbestos referred to in the contract has been received by the operator.

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(2) In this section—

**asbestos removal work** has the same meaning as in the *Work Health and Safety Regulation 2017*.

**friable asbestos** has the same meaning as in the *Work Health and Safety Regulation 2017*.

**non-friable asbestos** has the same meaning as in the *Work Health and Safety Regulation 2017*.

**prescribed asbestos removal work** means asbestos removal work that involves the removal of—

- (a) non-friable asbestos from an area of more than 10 square metres, or
- (b) friable asbestos.

**Note 1**— The effect of subsection (1)(a) is that the development will be a workplace to which the *Work Health and Safety Regulation 2017* applies while asbestos removal work is being undertaken.

**Note 2**— Information on the removal and disposal of asbestos to landfill sites licensed to accept asbestos is available from the Environment Protection Authority.

### 153 Shoring and adequacy of adjoining property

- (1) This section applies to a complying development certificate for development that involves excavation that extends below the level of the base of the footings of a building, structure or work, including a structure or work in a road or rail corridor, on adjoining land.
- (2) The complying development certificate must be issued subject to a condition that the person having the benefit of the certificate must, at the person's own expense—
  - (a) protect and support the building, structure or work from possible damage from the excavation, and
  - (b) if necessary, underpin the building, structure or work to prevent damage from the excavation.
- (3) This section does not apply if—
  - (a) the person having the benefit of the complying development certificate owns the adjoining land, or
  - (b) the owner of the adjoining land has given written consent to the condition not applying.

### 154 Traffic generating development

If an application for a complying development certificate is required to be accompanied by a certificate of the relevant roads authority under section 128, the complying development certificate must be issued subject to a condition that any requirements specified in the certificate of the relevant roads authority must be complied with.

### 155 Development on contaminated land

If an application for a complying development certificate is required to be accompanied by a statement referred to in section 129(3), the complying development certificate must be issued subject to a condition that the requirements specified in the statement must be complied with.

**156 Development contributions**

- (1) This section applies if a council's contributions plan provides for the payment of a monetary section 7.11 contribution or a section 7.12 levy in relation to development for a particular purpose (a *relevant purpose*), whether or not the development is classed as complying development under the contributions plan.
- (2) A complying development certificate that authorises development for a relevant purpose must be issued subject to the following conditions—
  - (a) the condition required by the Act, section 4.28(9) requiring payment of a monetary section 7.11 contribution or a section 7.12 levy,
  - (b) the contribution or levy must be paid before the work authorised by the certificate commences.
- (3) This section applies despite a provision to the contrary in the council's contributions plan.
- (4) In this section—

*section 7.11 contribution* means the dedication of land, the payment of a monetary contribution or the provision of a material public benefit, as referred to in the Act, section 7.11.

*section 7.12 levy* means the payment of a levy, as referred to in the Act, section 7.12.

**157 Payment of security**

- (1) This section applies to a complying development certificate authorising the carrying out of development if—
  - (a) the development involves the demolition of a work or building, the erection of a new building or an addition to an existing building, and
  - (b) the estimated cost of the development, as specified in the application for the certificate, is \$25,000 or more, and
  - (c) the development will be carried out on land adjacent to a public road, and
  - (d) at the time the application for the certificate is made, the council for the area in which the development will be carried out has specified, on its website, an amount of security that must be paid in relation to development—
    - (i) of the same type or description, or
    - (ii) carried out in the same circumstances, or
    - (iii) carried out on land of the same size or description.
- (2) A complying development certificate must be issued subject to a condition that the amount of security referred to in subsection (1)(d) will be given, in accordance with this section, to the council before the building work or subdivision work authorised by the certificate commences.
- (3) The applicant may give the security to the council by—

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- (a) a deposit with the council, or
- (b) a guarantee satisfactory to the council.
- (4) The council may use the security to meet the cost of making good damage caused to council property as a consequence of doing a thing, or not doing a thing, authorised or required by the complying development certificate, including the cost of an inspection to determine if damage has been caused.
- (5) The balance of the security remaining after meeting the costs referred to in subsection (4) must be refunded to, or at the direction of, the person who gave the security.

**158 Principal certifier to be satisfied that preconditions met before commencement of work**

- (1) This section applies to a complying development certificate that involves building work or subdivision work.
- (2) The complying development certificate must be issued subject to the condition that the principal certifier for the building work or subdivision work, and over which the principal certifier has control, must be satisfied that any preconditions in relation to the work that are required to be met before the work commences have been met before the work commences.



## State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

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### Schedule 6

#### Schedule 6 Conditions applying to complying development certificates under certain complying development codes

(Clauses 3.34, 3A.39, 3C.37 and 3D.65)

**Note 1.** Complying development under the Housing Code, the Rural Housing Code, the Greenfield Housing Code and the Inland Code must comply with the requirements of the Act, the *Environmental Planning and Assessment Regulation 2000* and the conditions listed in this Schedule.

**Note 2.** Division 2A of Part 7 of the *Environmental Planning and Assessment Regulation 2000* specifies conditions to which certain complying development certificates are subject.

**Note 3.** In addition to the requirements specified for development under this Policy, adjoining owners' property rights, applicable common law and other legislative requirements for approvals, licences, permits and authorities still apply.

**Note 4.** If the development is in the proximity of infrastructure (including water, stormwater or sewer mains, electricity power lines and telecommunications facilities), the relevant infrastructure authority should be contacted before commencing the development.

**Note 5.** Under section 4.29 of the *Environmental Planning and Assessment Act 1979*, a complying development certificate lapses 5 years after the date endorsed on the certificate, unless the development has physically commenced on the land during that period.

#### Part 1 Conditions applying before works commence

##### 1 Protection of adjoining areas

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works—

- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- (b) could cause damage to adjoining lands by falling objects, or
- (c) involve the enclosure of a public place or part of a public place.

##### 2 Toilet facilities

- (1) Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.
- (2) Each toilet must—
  - (a) be a standard flushing toilet connected to a public sewer, or
  - (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
  - (c) be a temporary chemical closet approved under the *Local Government Act 1993*.

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### 3 Garbage receptacle

- (1) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.
- (2) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.

### 4 Adjoining wall dilapidation report

- (1) If a wall on a lot is to be built to a boundary and there is a wall (the *adjoining wall*) on the lot adjoining that boundary that is less than 0.9m from that boundary, the person having the benefit of the complying development certificate must obtain a dilapidation report on the adjoining wall.
- (2) If the person preparing the report is denied access to the adjoining lot for the purpose of inspecting the adjoining wall, the report may be prepared from an external inspection of the adjoining wall.

### 5 Run-off and erosion controls

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by—

- (a) diverting uncontaminated run-off around cleared or disturbed areas, and
- (b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
- (c) preventing the tracking of sediment by vehicles onto roads, and
- (d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

### 6 Tree protection measures

- (1) This clause applies to each protected tree and any other tree that is to be retained on a lot.
- (2) The trunk of each of the following trees must be provided with a tree guard that is comprised of hardwood timber panels each having a minimum length of 2m, minimum width of 75mm and minimum thickness of 25mm and secured, but not permanently fixed or nailed, to the tree and spaced a maximum of 80mm apart—
  - (a) each tree that is within 6m of a dwelling house or any ancillary development that is to be constructed, and
  - (b) each protected tree that is within 10m of a dwelling house or any ancillary development that is to be constructed.
- (3) Each protected tree that is within 6m of a dwelling house, outbuilding or swimming pool must have a fence or barrier that is erected—
  - (a) around its tree protection zone as defined by section 3.2 of AS 4970—2009, *Protection of trees on development sites*, and

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- (b) in accordance with section 4 of that standard.
- (4) The person having the benefit of the complying development certificate must ensure that—
  - (a) the activities listed in section 4.2 of that standard do not occur within the tree protection zone of any tree on the lot or any tree on an adjoining lot, and
  - (b) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained on the lot during the construction, is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.
- (5) The tree protection measures specified in this clause must—
  - (a) be in place before work commences on the lot, and
  - (b) be maintained in good condition during the construction period, and
  - (c) remain in place for the duration of the construction works.

**Note.** A separate permit or development consent may be required if the branches or roots of a protected tree on the lot or on an adjoining lot are required to be pruned or removed.

## Part 2 Conditions applying during the works

**Note.** The *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Noise Control) Regulation 2008* contain provisions relating to noise.

### 7 Hours for construction

Construction may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday.

### 8 Compliance with plans

Works must be carried out in accordance with the plans and specifications to which the complying development certificate relates.

### 9 Maintenance of site

- (1) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- (2) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- (3) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- (4) During construction—
  - (a) all vehicles entering or leaving the site must have their loads covered, and
  - (b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 [NSW]

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avoid tracking these materials onto public roads.

- (5) At the completion of the works, the work site must be left clear of waste and debris.

#### **10 Earthworks, retaining walls and structural support**

- (1) Any earthworks (including any structural support or other related structure for the purposes of the development)—
- (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
  - (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
  - (c) that is fill brought to the site—must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997*, and
  - (d) that is excavated soil to be removed from the site—must be disposed of in accordance with any requirements under the *Protection of the Environment Operations (Waste) Regulation 2005*.
- (2) Any excavation must be carried out in accordance with *Excavation Work: Code of Practice* (ISBN 978-0-642-785442), published in July 2012 by Safe Work Australia.

#### **11 Drainage connections**

- (1) If the work is the erection of, or an alteration or addition to, a dwelling house, the roof stormwater drainage system must be installed and connected to the drainage system before the roof is installed.
- (2) Any approval that is required for connection to the drainage system under the *Local Government Act 1993* must be held before the connection is carried out.

#### **11A Swimming pool safety**

If the work involves the construction of a swimming pool, a child-resistant barrier that complies with the requirements of the *Building Code of Australia* and AS 1926.1—2012, *Swimming pool safety, Part 1: Safety barriers for swimming pools* must be erected around that work during the construction.

#### **11B Contamination discovered during works**

- (1) If during works on the land comprising the lot, the land is found to be contaminated, within the meaning of the *Contaminated Land Management Act 1997*—
- (a) all works must stop immediately, and
  - (b) the Environment Protection Authority and the council must be notified of the contamination.
- (2) Land is found to be contaminated for the purposes of this clause if the person having the benefit of the complying development certificate or the principal certifying authority knows or should reasonably suspect the land is contaminated.

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**Note.** Depending on the nature and level of the contamination, remediation of the land may be required before further work can continue.

#### **12 Archaeology discovered during works**

If any object having interest due to its age or association with the past is uncovered during the course of the work—

- (a) all work must stop immediately in that area, and
- (b) the Office of Environment and Heritage must be advised of the discovery.

**Note.** Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the *Heritage Act 1997* may be required before further the work can continue.

#### **13 Aboriginal objects discovered during works**

If an Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work—

- (a) all excavation or disturbance of the area must stop immediately, and
- (b) the person making the discovery must advise the Chief Executive (within the meaning of the *National Parks and Wildlife Act 1974*) of the discovery in accordance with section 89A of that Act.

**Note.** If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the *National Parks and Wildlife Act 1974*.

### **Part 3 Conditions applying before the issue of an occupation certificate**

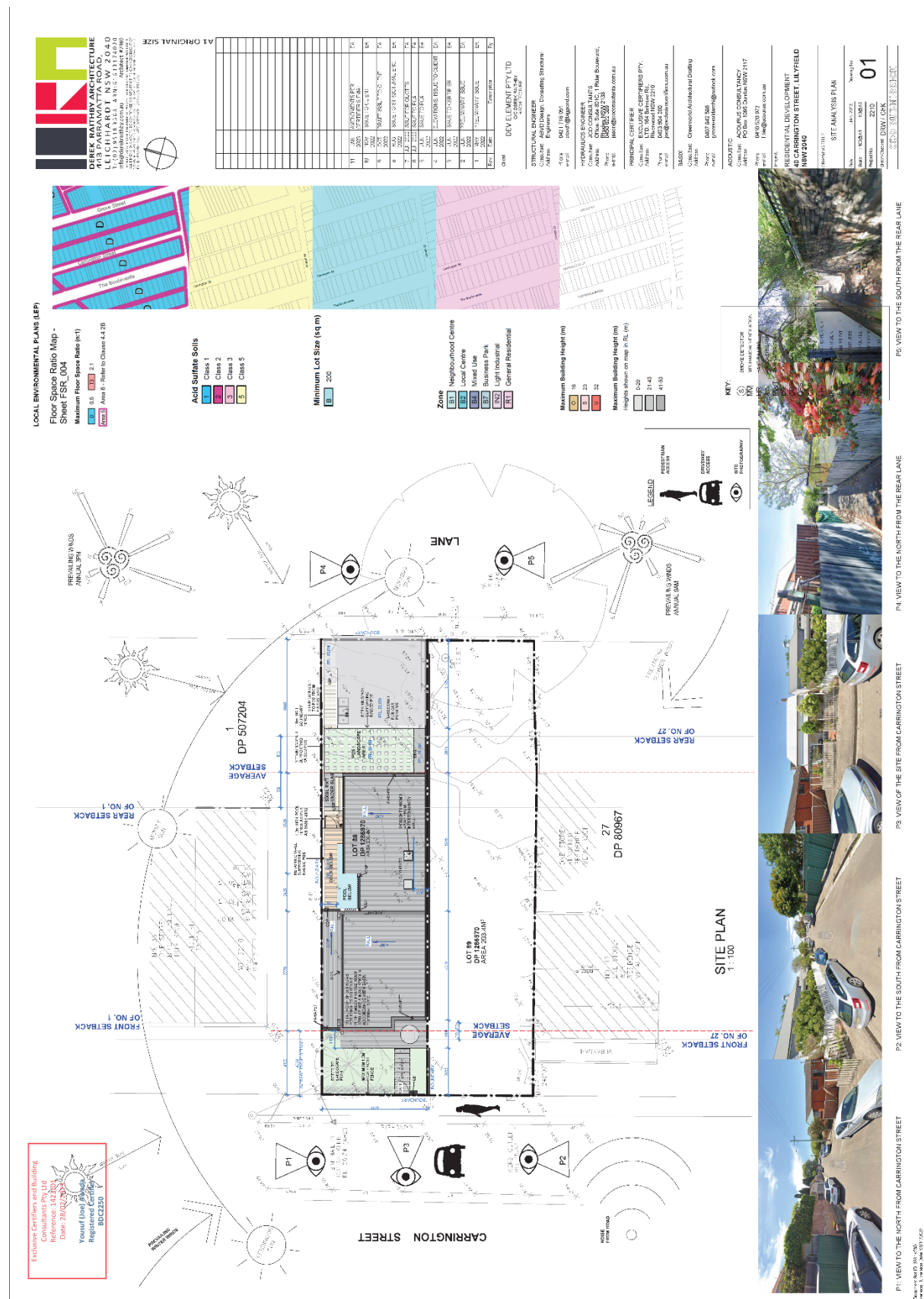
#### **14 Vehicular access**

If the work involves the construction of a vehicular access point, the access point must be completed before the occupation certificate for the work on the site is obtained.

#### **15 Utility services**

If the work requires alteration to, or the relocation of, utility services on, or adjacent to, the lot on which the work is carried out, the work is not complete until all such works are carried out.







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PAGE 371

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esign

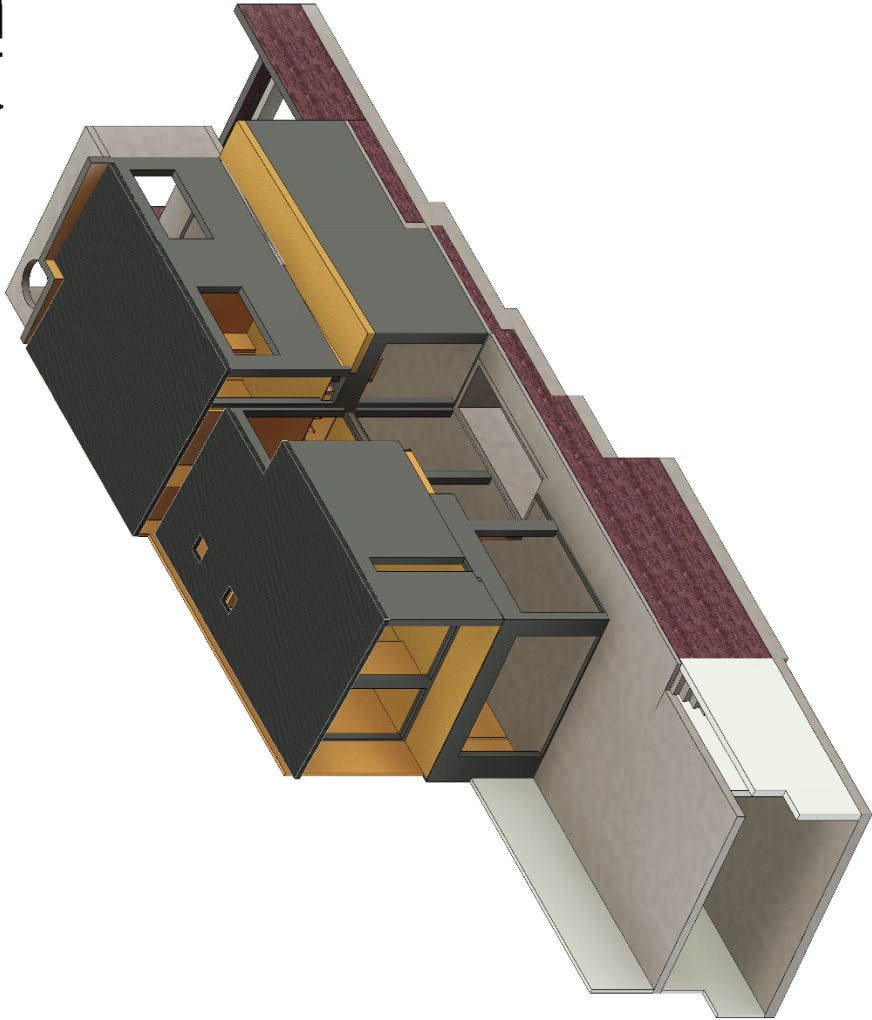
Consulting Structural &  
Civil Engineers

40 CARRINGTON RD - LOT 1

40 CARRINGTON STREET, LILYFIELD

NSW 2040

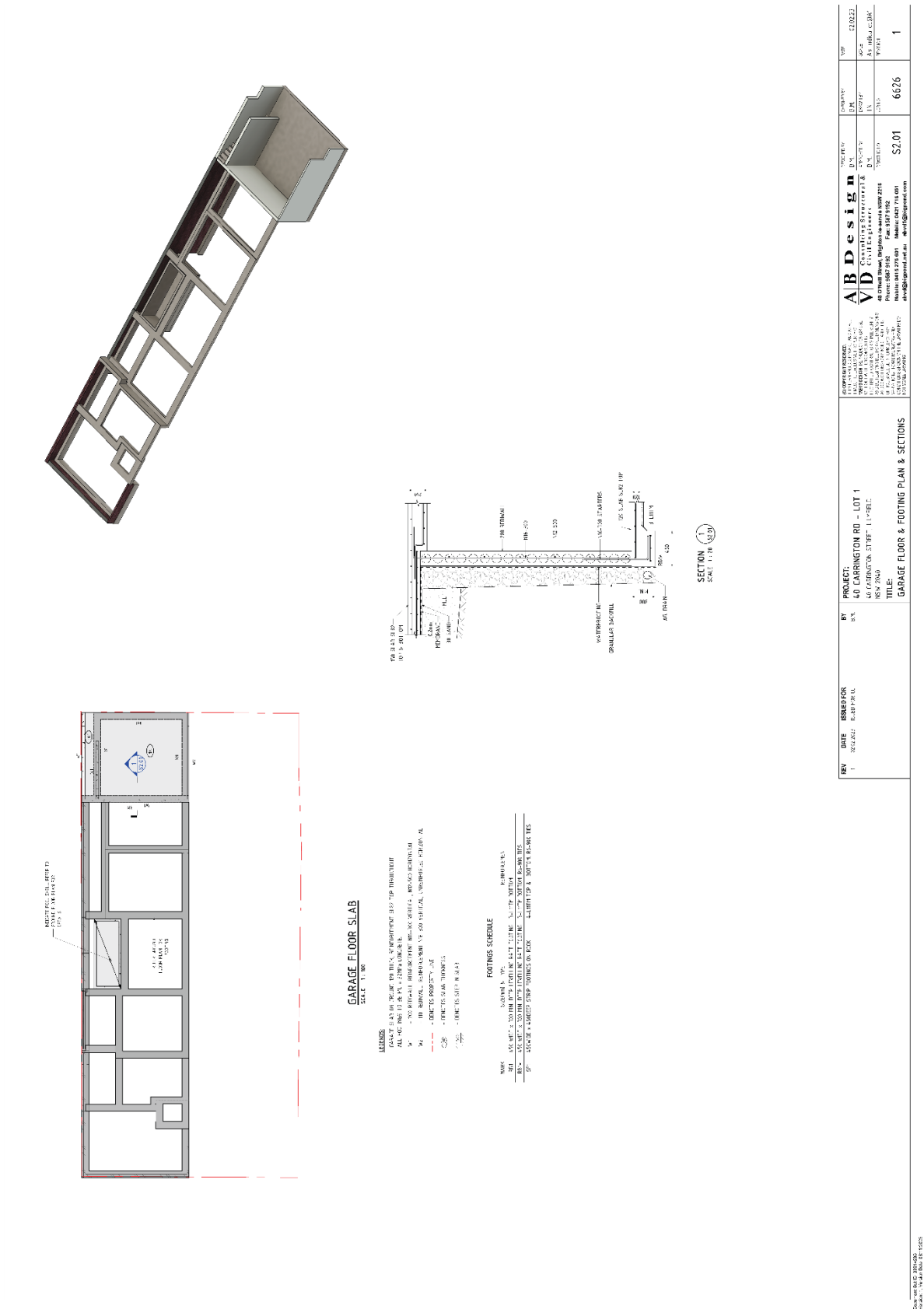
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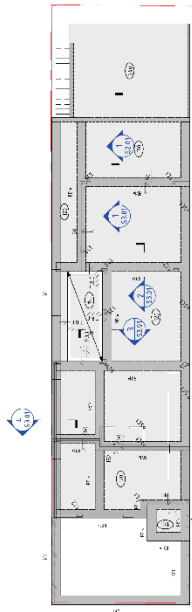
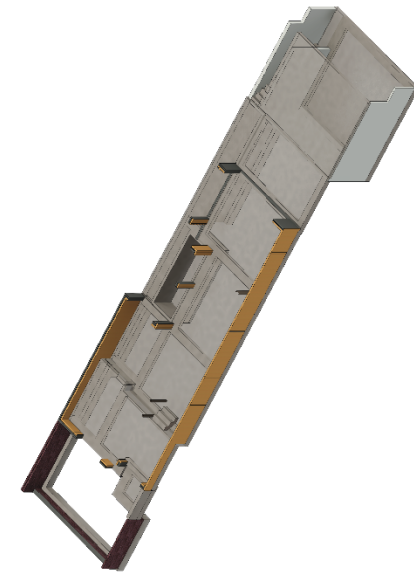


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Document Set ID: 36314280  
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**GROUND FLOOR SLAB**  
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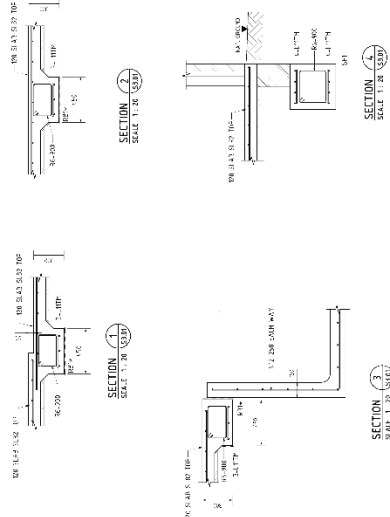
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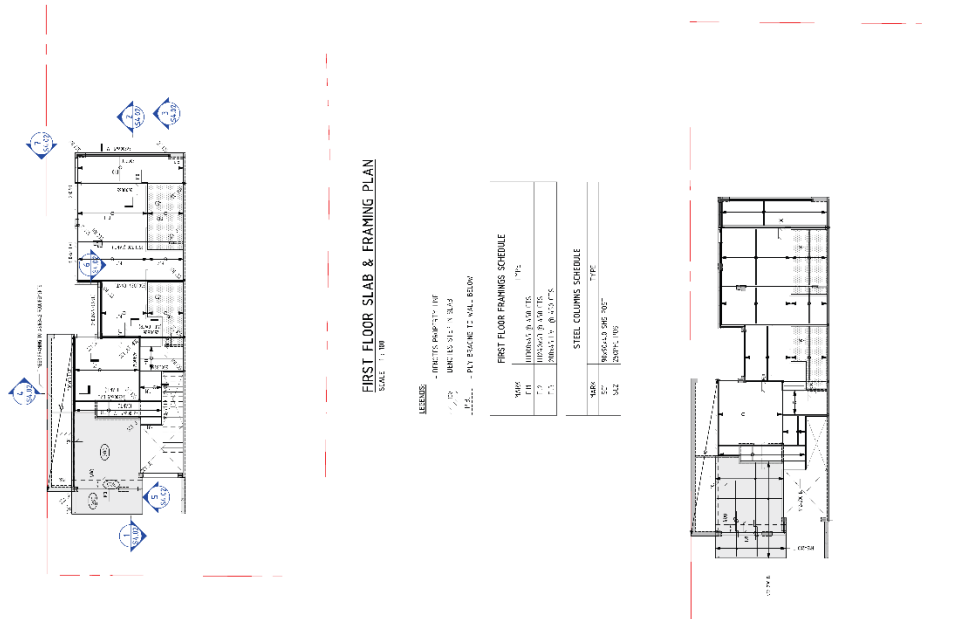
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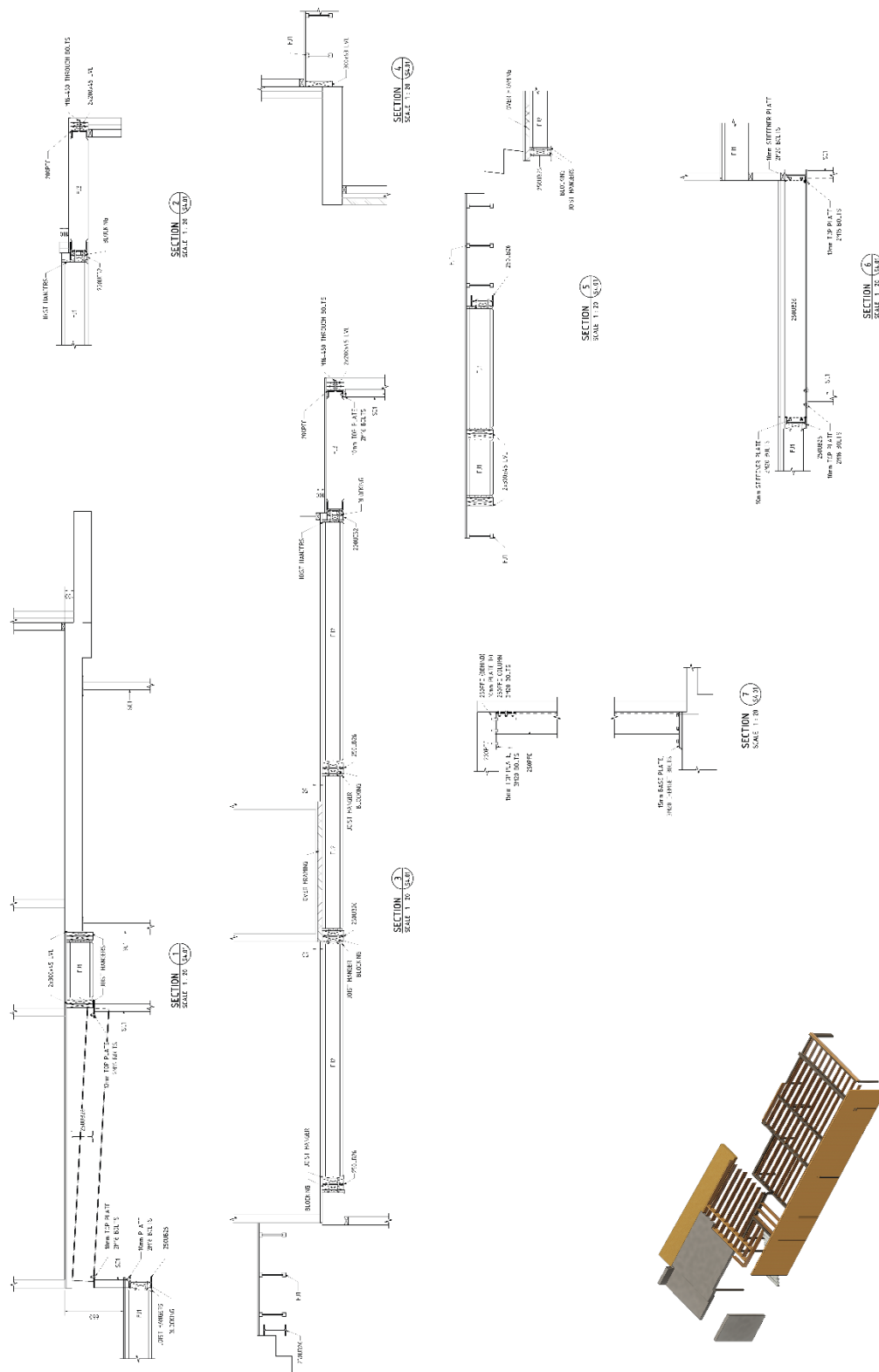
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CONTACT: 330.459.3333  
 Website: www.delo.com

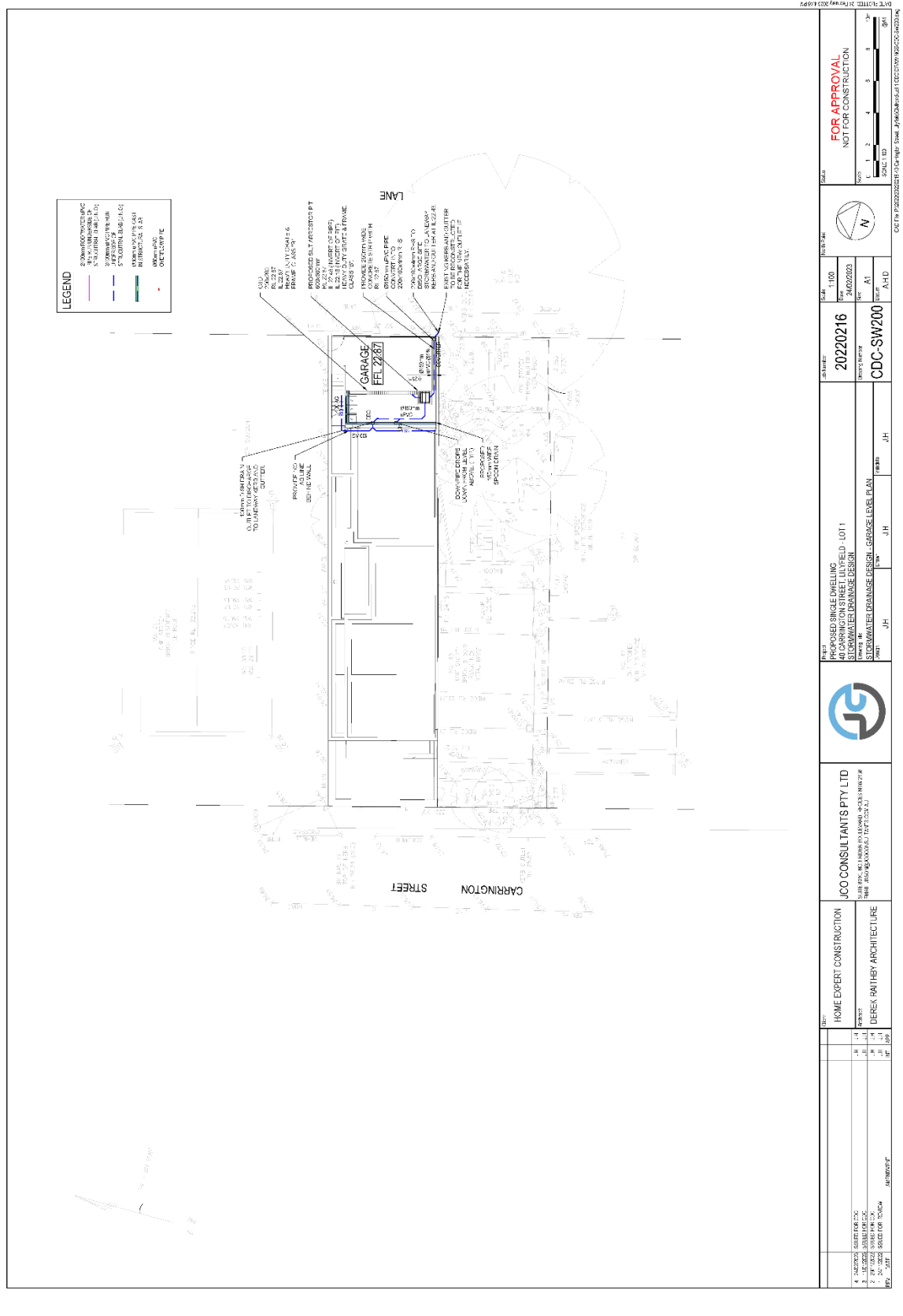


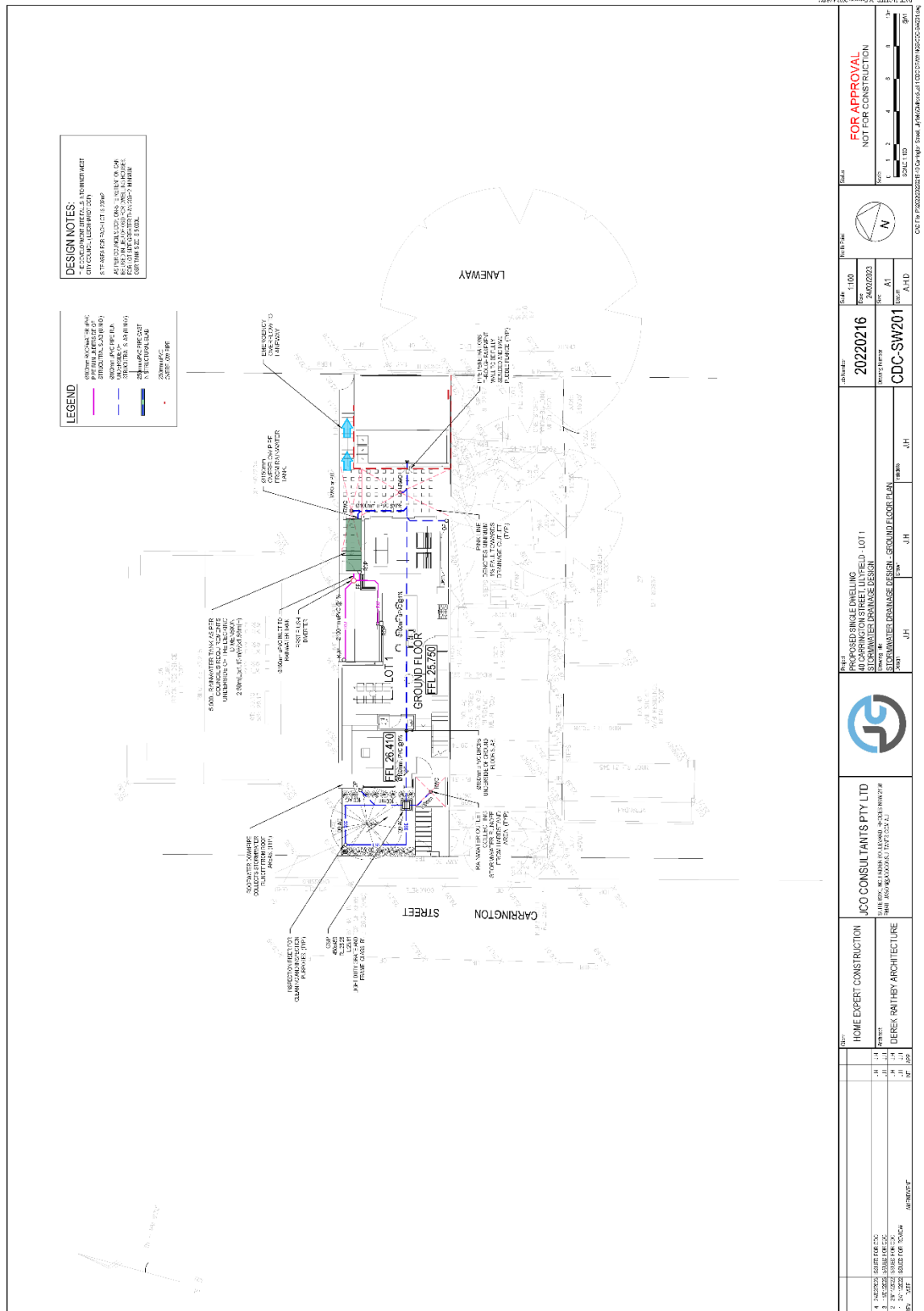




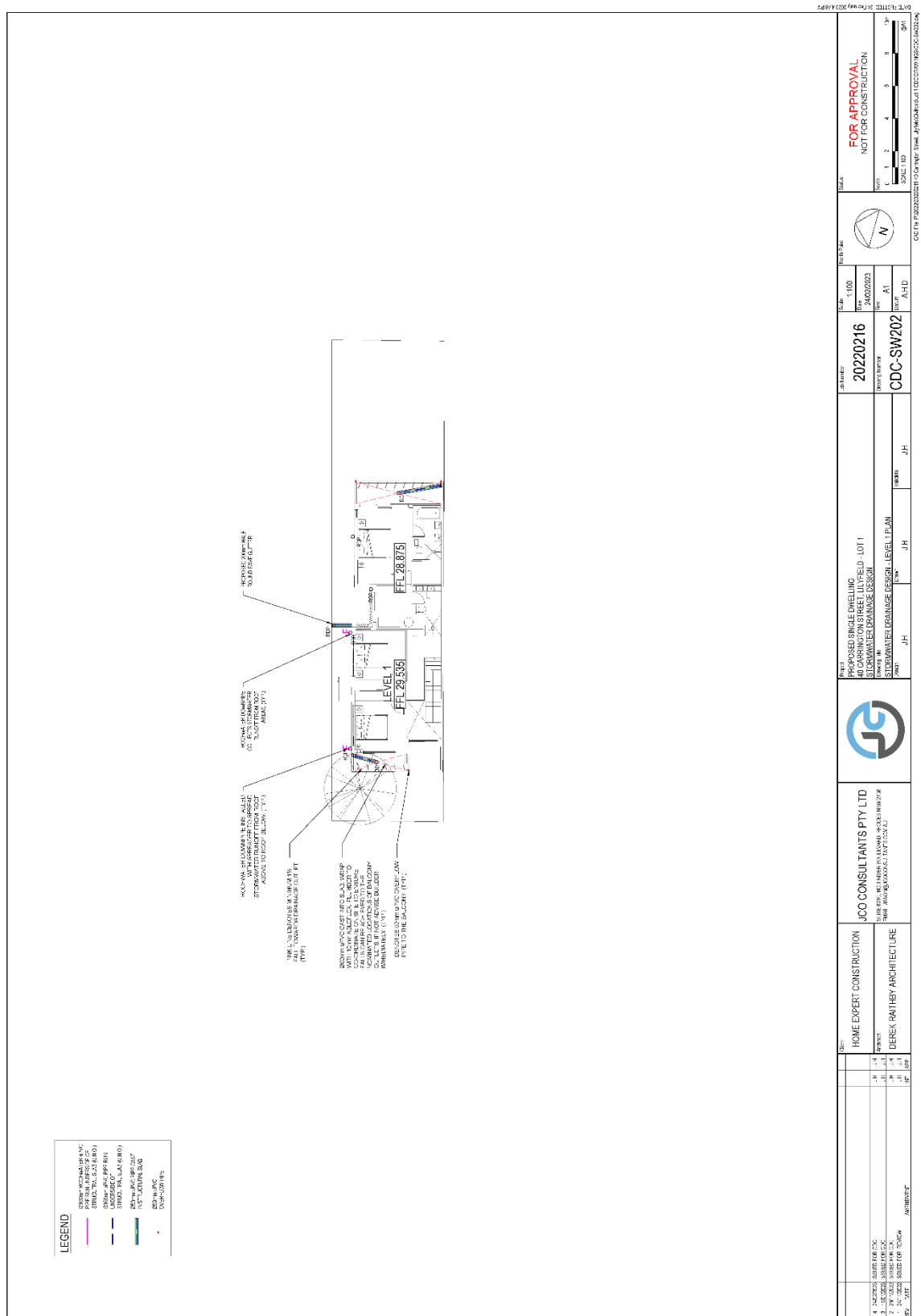
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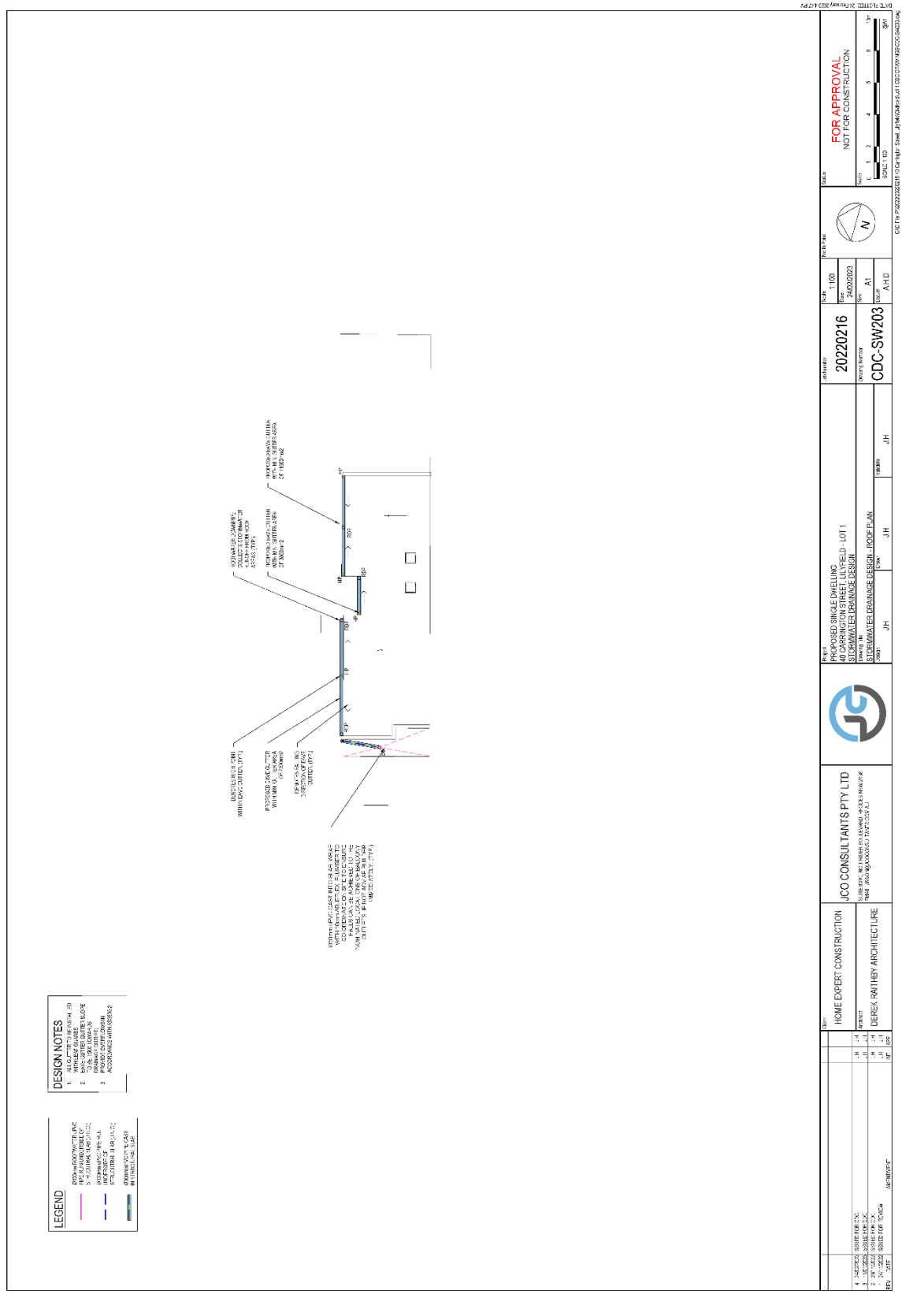
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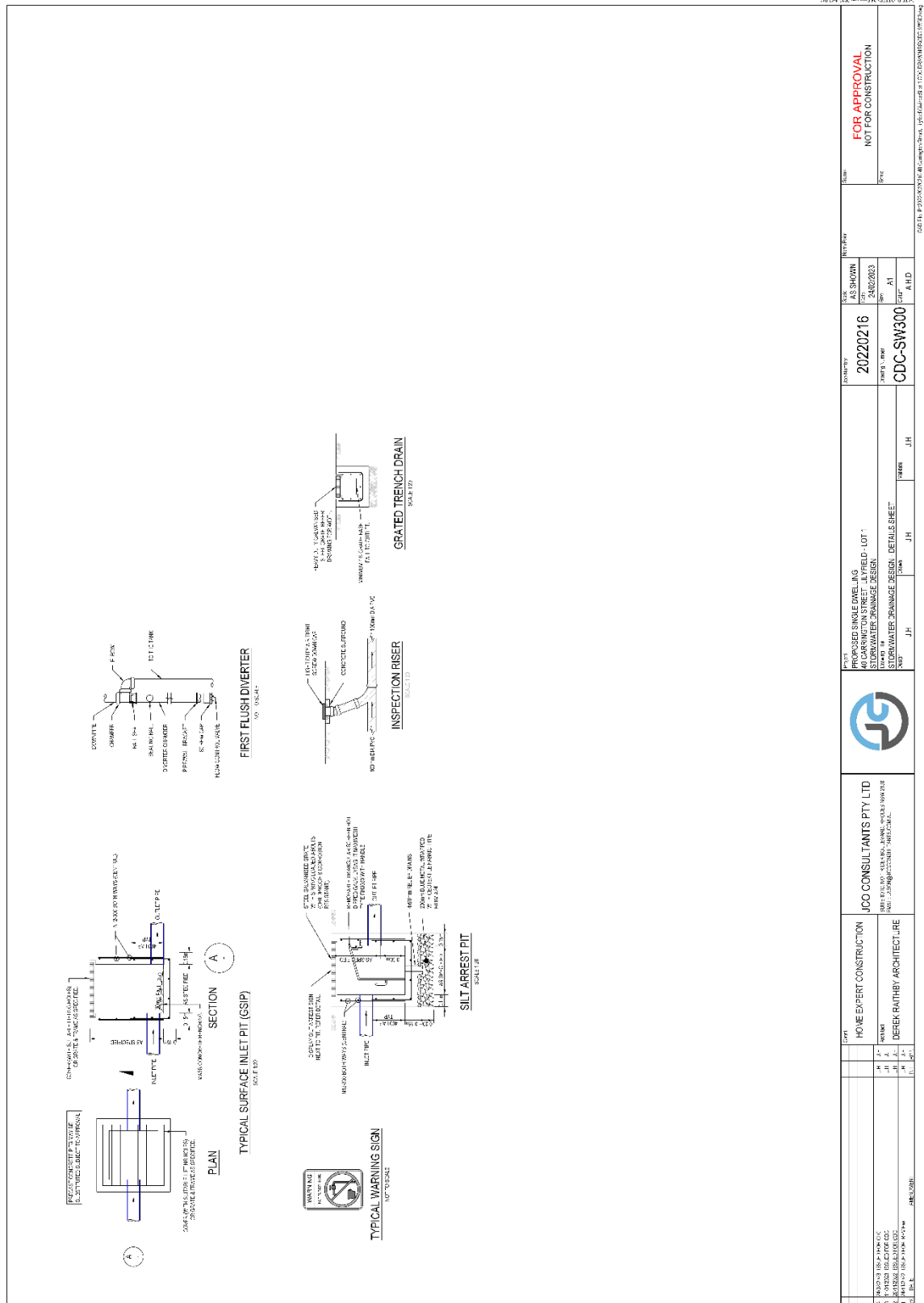




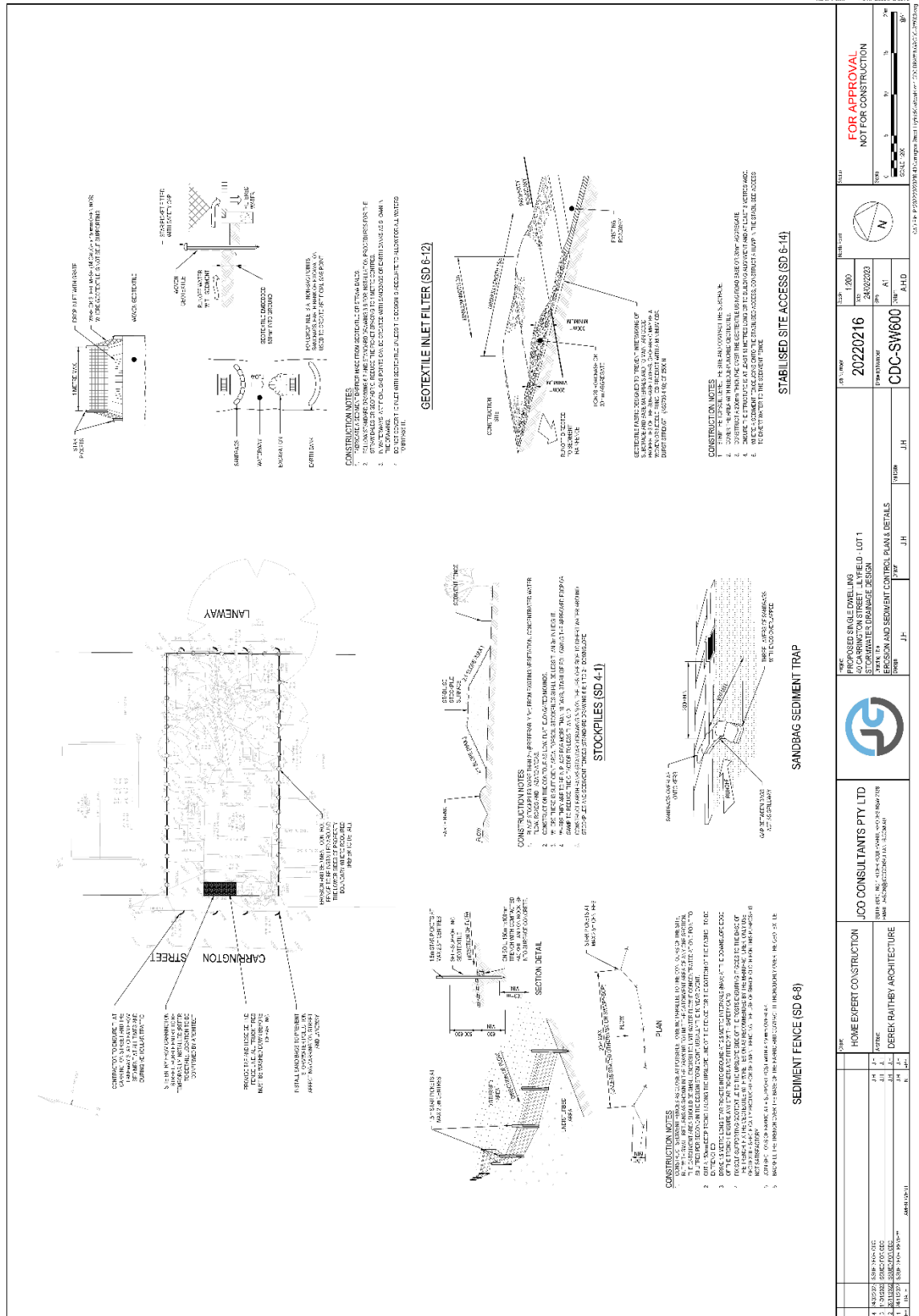


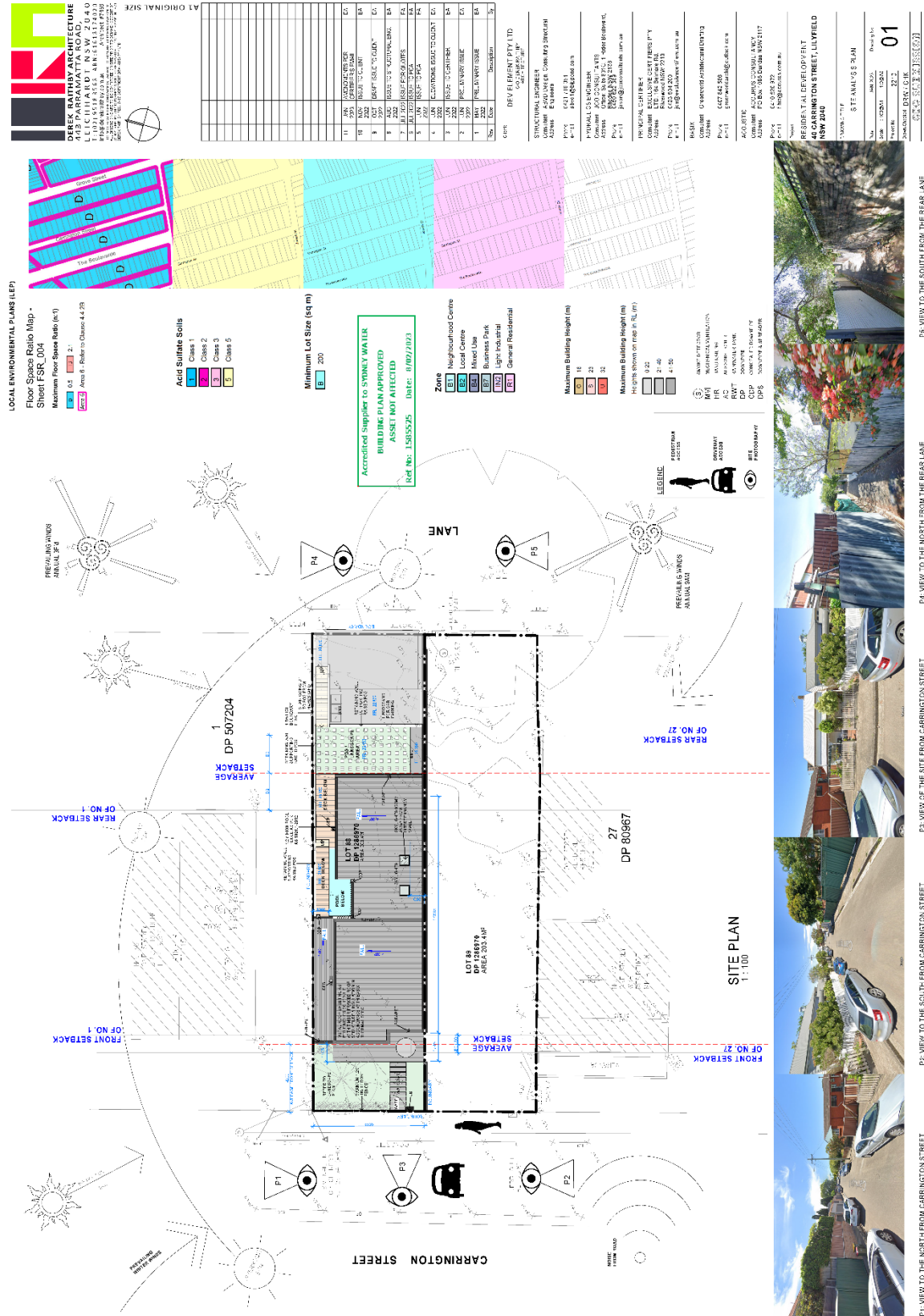








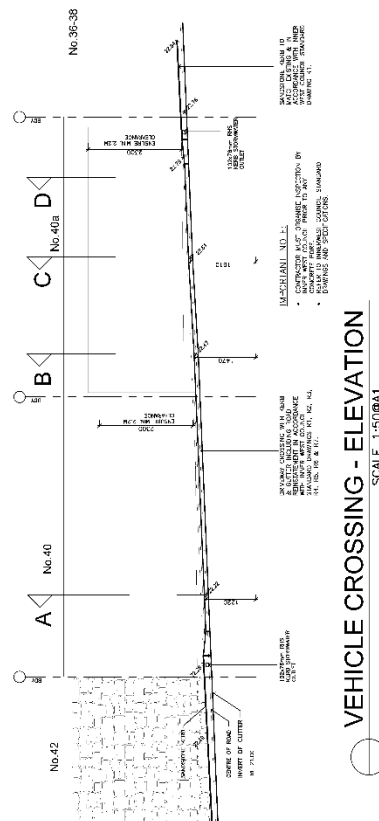
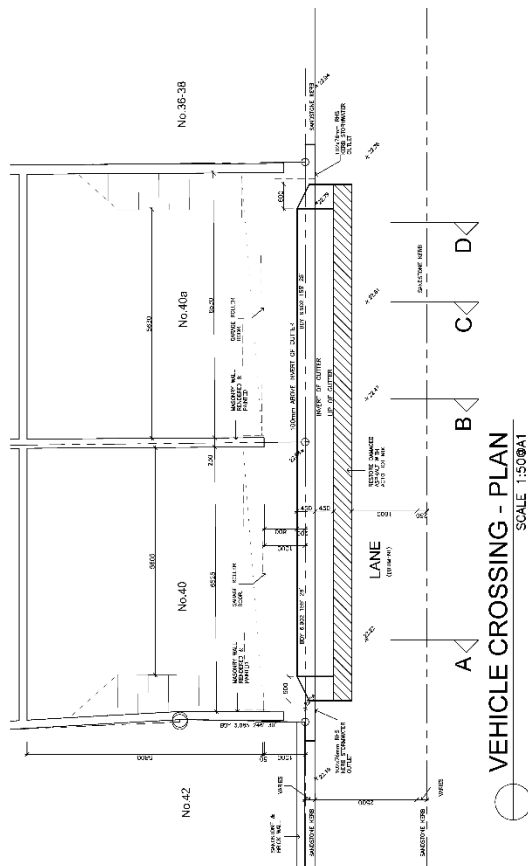












**DEREK BATHBY ARCHITECTURE**  
1 EICHENHAY RD, SYDNEY NSW 1585  
T: 02 9254 0315 M: 080 080 211 6200  
www.derekbathby.com.au

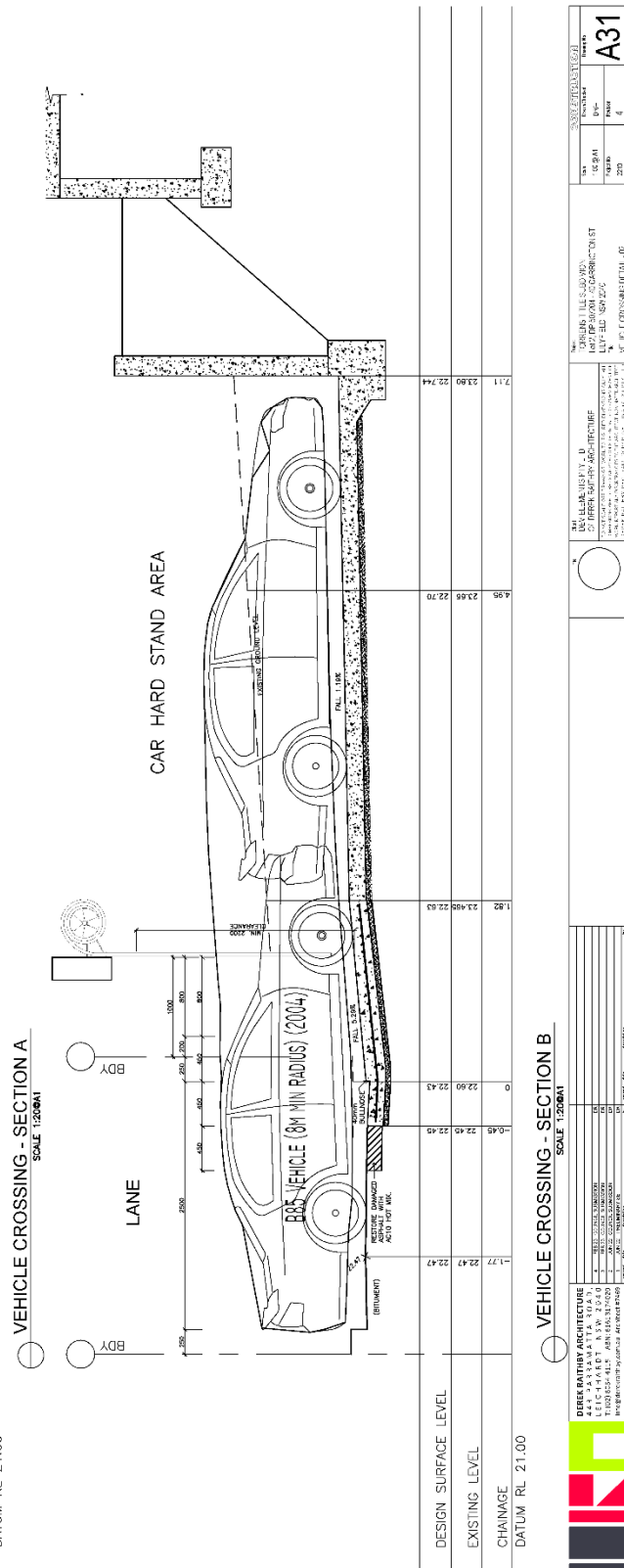
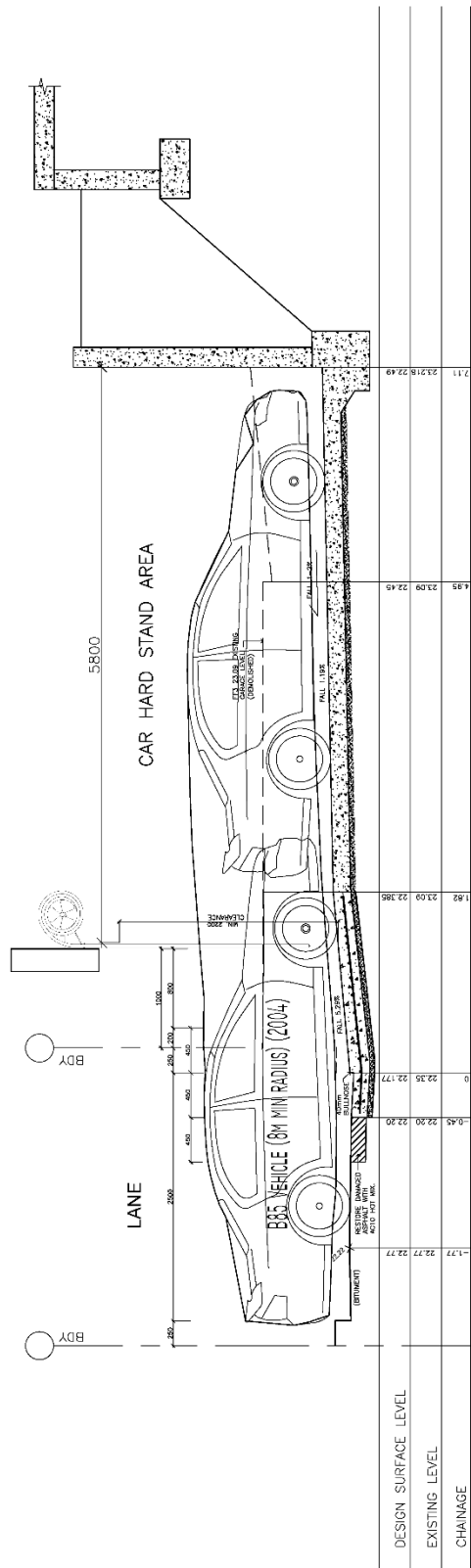
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www.derekbathby.com.au

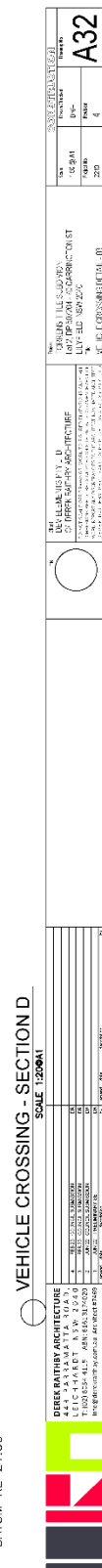
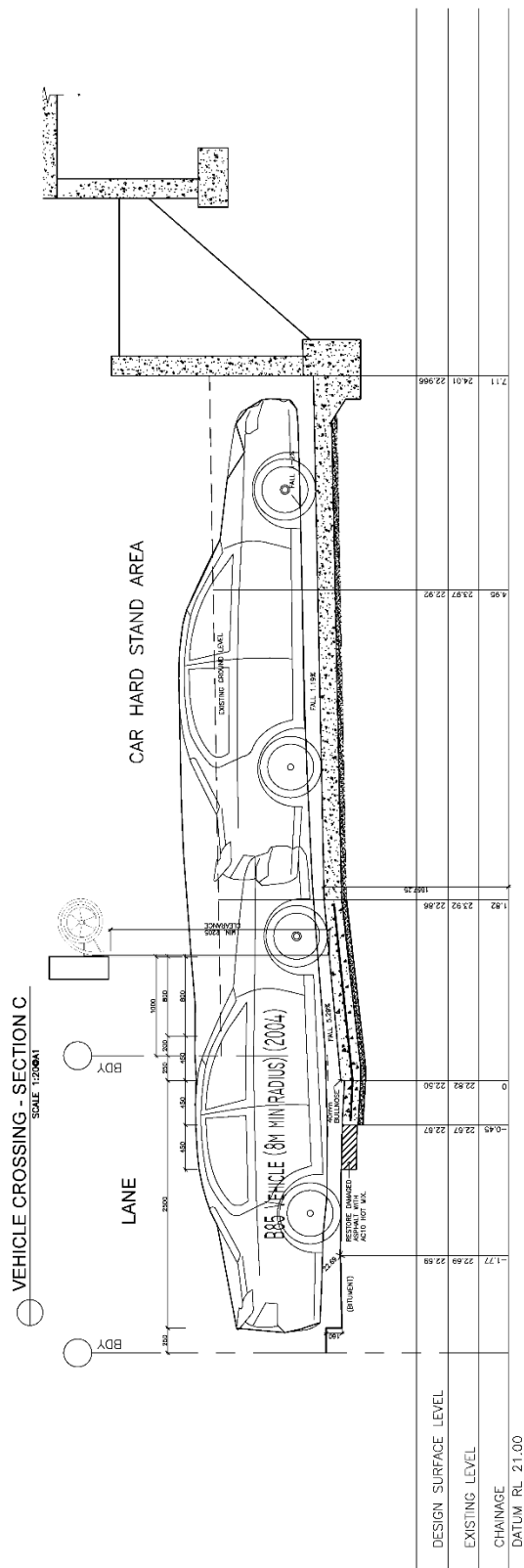
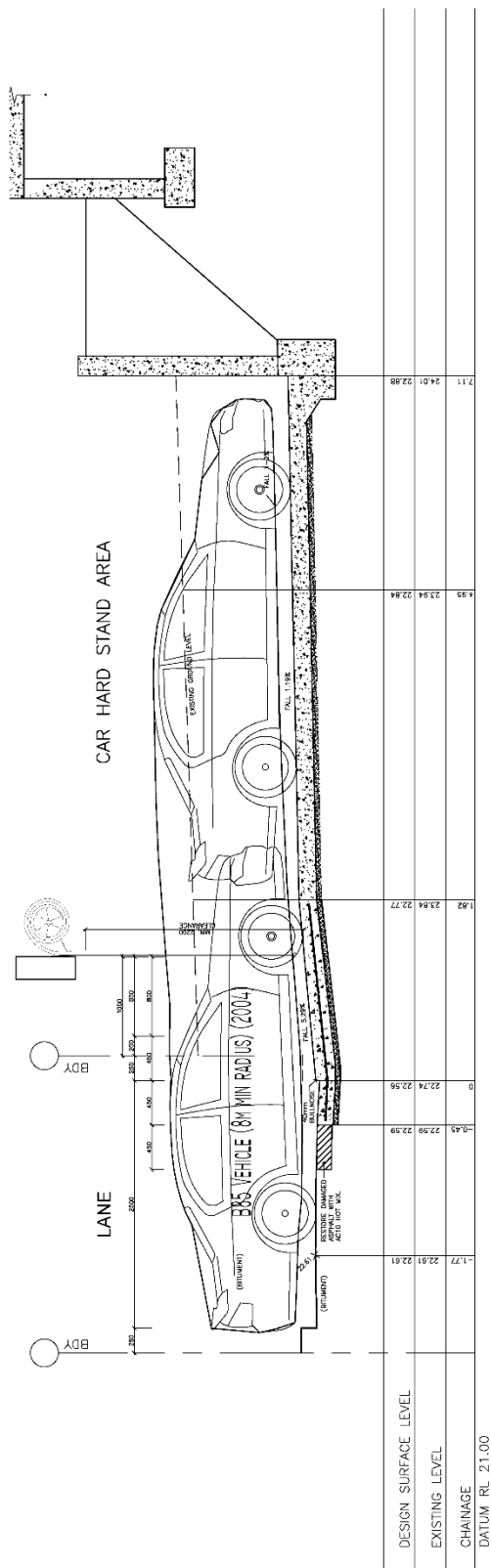
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www.derekbathby.com.au

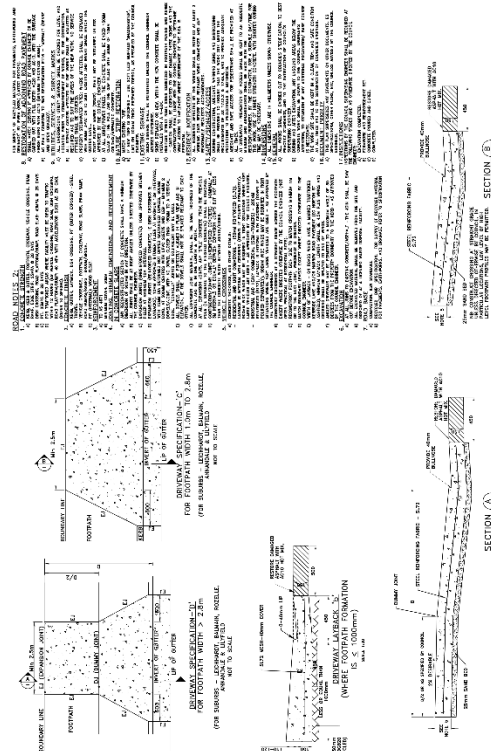
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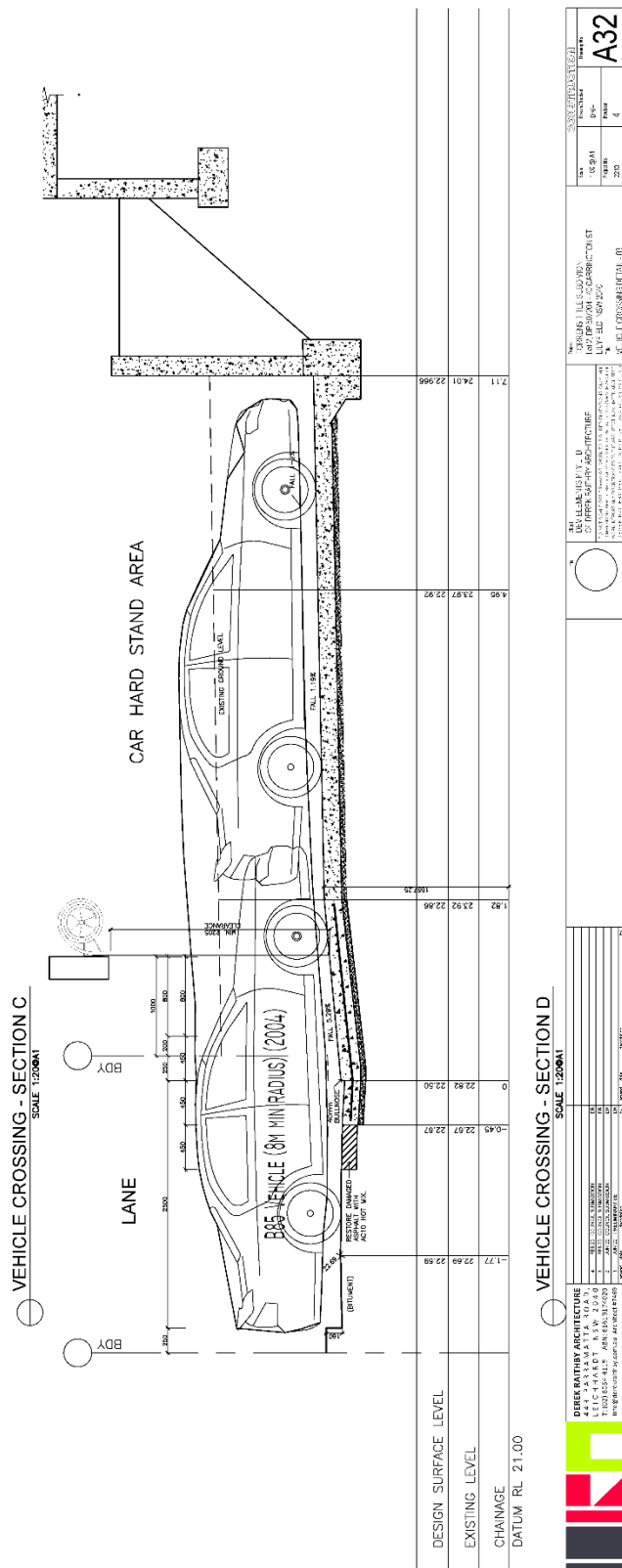
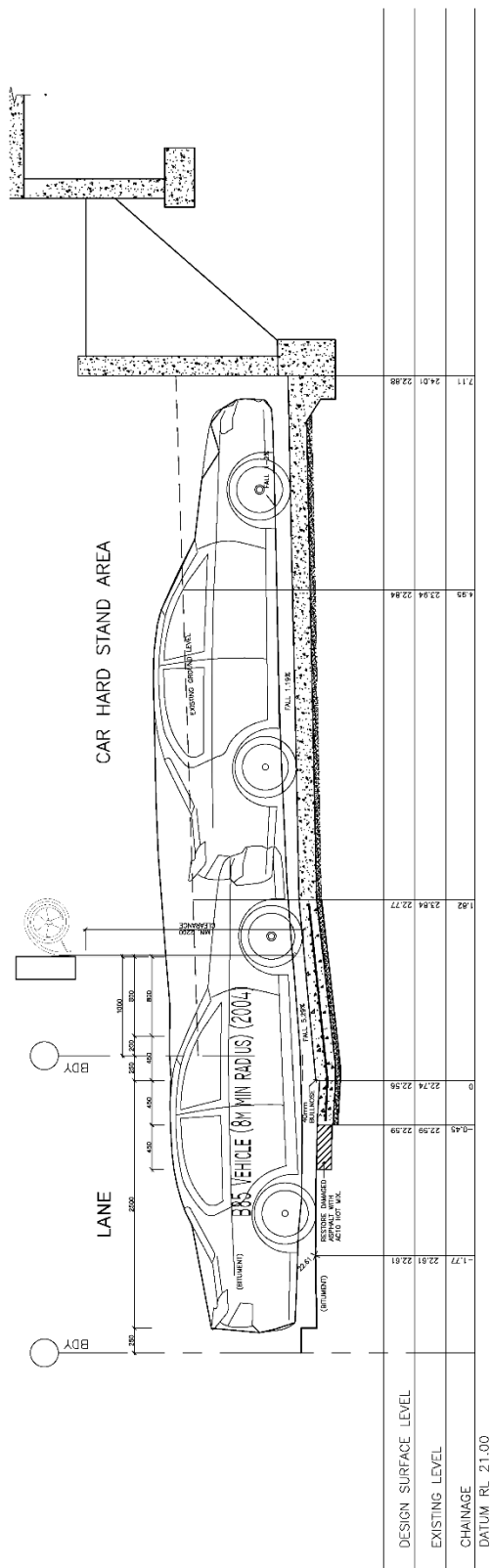


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## Attachment F- Copy of CDCP/2023/0161



164 Belmore Rd,  
Riverwood NSW 2210  
(p): 02 8519 4655  
info@exclusivecertifiers.com.au

Our reference: 1423

06 June 2023

The General Manager  
Inner West Council  
PO Box 14  
Petersham NSW 2049

Dear Sir/Madam,

**Re:** 40 Carrington Street, Lilyfield NSW 2040

**Complying Development Certificate No.** 1423/01, 1423/02 – Amended/modified

**Planning Instrument Decision Made Under:** SEPP (Exempt and Complying Development Codes)  
2008 - Part 3 General Housing Code

Yousuf (Joe) Awada has issued a Complying Development Certificate under Part 4 of the  
*Environmental Planning and Assessment Act 1979* for the above premises.

Please find enclosed the following documentation:

- Complying Development Certificate No. 1423/01, 1423/02
- Copy of the application for the Complying Development Certificate.
- CDC Conditions of consent
- Documentation used to determine the application for the Complying Development Certificate as detailed in Schedule 1 of the Certificate.

Should you need to discuss any issues, please do not hesitate to contact the Registered Building  
Surveyor Yousuf (Joe) Awada.

Yours sincerely,

Yousuf (Joe) Awada  
Registered Certifier  
Exclusive Certifiers and Building Consultants Pty Ltd





164 Belmore Rd,  
Riverwood NSW 2210  
(p): 02 8519 4655  
(e): info@exclusivecertifiers.com.au

**COMPLYING DEVELOPMENT CERTIFICATE 1423/01, 1423/02 – Amended/Modified  
PROJECT REFERENCE 1423**

Issued under Part 4, Division 4.5 of the Environmental Planning and Assessment Act 1979

**APPLICANT DETAILS**

<b>Applicant:</b>	Elias Charbel
<b>Address:</b>	40 Carrington Street, Lilyfield NSW 2040
<b>Phone:</b>	0431 814 097

**OWNER DETAILS**

<b>Owner</b>	Project build group
--------------	---------------------

**COMPLYING DEVELOPMENT CERTIFICATE DETAILS**

<b>NSW Planning Portal Ref Number:</b>	CDC-157317
<b>Local Government Area:</b>	Inner West Council
<b>Relevant Environmental Planning Instrument</b>	SEPP (Exempt and Complying Development Codes) 2008
<b>Relevant Part of Code</b>	Part 3 General Housing Code
<b>Date of Determination:</b>	06/06/2023
<b>Date of Lapse:</b>	28/02/2028

**PROPOSAL**

<b>Address of Development:</b>	40 Carrington Street, Lilyfield NSW 2040
<b>Lot/Section/DP:</b>	88/-/DP1286970
<b>Land Use Zone:</b>	R2
<b>BCA Classification/s:</b>	1a, 10b
<b>Description of Building Works:</b>	Demolition of existing structures, construction of new attached dwelling with swimming pool – Amended/modified
<b>Value of Construction (incl. GST):</b>	\$550,000.00
<b>Attachments</b>	Schedule 1: Approved Plans and Specifications and Supporting Documentation Relied Upon
<b>Conditions:</b>	Conditions under the Environmental Planning and Assessment Regulation 2021 and State Environmental Planning Policy (Exempt and Complying Development) Codes 2008
<b>Critical stage inspections:</b>	See attached Notice

**REGISTERED CERTIFIER**

<b>Registered Certifier:</b>	Yousuf (Joe) Awada
<b>Registration No:</b>	BDC2250
<b>Registration Body:</b>	Department of Fair Trading NSW

*I, Yousuf (Joe) Awada, certify that the development is complying development and (if carried out as specified in the certificate) will comply with all development standards applicable to the development and with such other requirements prescribed by this regulation concerning the issue of the certificate.*

<b>Dated:</b>	06/06/2023
---------------	------------

Yousuf (Joe) Awada

N.B. Prior to the commencement of work section 6.6 of the Environment Planning and Assessment Act 1979 must be satisfied.

(note - this information has been taken directly from, and as accepted by, the NSW Government Planning Portal CDC application)



164 Belmore Rd,  
Riverwood NSW 2210  
(p): 02 8519 4655  
(e): info@exclusivecertifiers.com.au

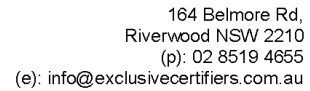
#### **SCHEDULE 1: APPROVED PLANS AND SPECIFICATIONS/ SUPPORTING DOCUMENTATION RELIED UPON**

##### 1. Endorsed Architectural Plans

Prepared by	Document	Drawing number	Revision	Date
Derek Raithby Architecture	Cover Sheet	00	7	01/05/2023
Derek Raithby Architecture	Site Analysis Plan	01	12	01/05/2023
Derek Raithby Architecture	Slab Layout	13	2	01/05/2023
Derek Raithby Architecture	Floor Plans	02	6	01/02/2023
Derek Raithby Architecture	Elevations	03	10	01/05/2023
Derek Raithby Architecture	Sections	04	12	01/05/2023
Derek Raithby Architecture	GFA	05	4	01/05/2023
Derek Raithby Architecture	Landscape Calculation	06	5	01/05/2023

##### 2. Structural Plans

Prepared by	Document	Drawing number	Revision	Date
ABVD Design	Cover Sheet	S0.00	4	28/02/2023
ABVD Design	Standard Notes	S1.01	4	28/02/2023
ABVD Design	Garage Floor & Footing Plan & Sections	S2.01	7	12/05/2023
ABVD Design	Footing Sections	S2.02	6	12/05/2023
ABVD Design	Ground Floor Plan & Sections	S3.01	6	12/05/2023
ABVD Design	Ground Floor Sections	S3.02	1	28/02/2023
ABVD Design	Ground Floor Reinforcement Plan	S3.03	4	12/05/2023
ABVD Design	First Floor Plan	S4.01	4	28/02/2023
ABVD Design	First Floor Sections	S4.02	3	28/02/2023
ABVD Design	First Floor Sections	S4.03	4	28/02/2023
ABVD Design	First Floor Reinforcement Plan	S4.04	1	28/02/2023
ABVD Design	Roof Framing Plan	S5.01	4	28/02/2023



Prepared by	Document	Drawing number	Revision	Date
JCO Consultants Pty Ltd	Cover Sheet	CDC-SW100	5	10/05/2023
JCO Consultants Pty Ltd	General Notes and Specifications	CDC-SW101	5	10/05/2023
JCO Consultants Pty Ltd	Stormwater Drainage Design - Garage Level Plan	CDC-SW200	5	10/05/2023
JCO Consultants Pty Ltd	Stormwater Drainage Design - Ground Floor Plan	CDC-SW201	5	10/05/2023
JCO Consultants Pty Ltd	Stormwater Drainage Design - Level 1 Plan	CDC-SW202	5	10/05/2023
JCO Consultants Pty Ltd	Stormwater Drainage Design - Roof Plan	CDC-SW203	5	10/05/2023
JCO Consultants Pty Ltd	Stormwater Drainage Design - Details Sheet	CDC-SW300	5	10/05/2023
JCO Consultants Pty Ltd	Erosion and Sediment Control Plan & Details	CDC-SW600	5	10/05/2023

Prepared by	Document	Drawing number	Revision	Date
Greenworld Architectural Drafting	BASIX Certificate	1362385S		26/01/2023



164 Belmore Rd  
Riverwood NSW 2210  
(p): 02 8519 4655  
(e): info@exclusivecertifiers.com.au

**NOTICE TO APPLICANT OF MANDATORY CRITICAL STAGE INSPECTIONS**

Made under Part 7 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 - Section 58

**APPLICANT DETAILS**

Name of the person having benefit of the Development Consent:	Elias Charbel
Address:	40 Carrington Street, Lilyfield NSW 2040
Phone:	

**COMPLYING DEVELOPMENT CONSENTS**

Consent Authority / Local Government Area:	Inner West Council
Decision Made Under:	SEPP (Exempt and Complying Development Codes) 2008 – Part 3 General Housing Code
CDC Number:	1423/01, 1423/02 – Amended/modified

**PROPOSAL**

Address of Development:	40 Carrington Street, Lilyfield NSW 2040
Scope of Building Works Covered by this Notice:	Demolition of existing structures, construction of new attached dwelling with swimming pool – Amended/modified

**CERTIFICATION DETAILS**

Certifying Authority:	Yousuf (Joe) Awada
Registration Number:	Department of Fair Trading NSW BDC2250

I, **Yousuf (Joe) Awada** of **Exclusive Certifiers and Building Consultants Pty Ltd**, located at 164 Belmore Rd, Riverwood NSW 2210, acting as the principal certifier, hereby give notice in accordance with Section 58 of the Part 7 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 to the person having the benefit of the development consent that the mandatory critical stage inspections identified in Schedule 1 & Schedule 2 are to be carried out in respect of the building work.

The applicant, being the person having benefit of the development consent, is required under Sections 58 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 to notify the principal contractor (if not an owner-builder) of the applicable mandatory critical stage inspections specified under this notice.

To allow a principal certifying authority or another certifying authority time to carry out mandatory critical stage inspections, the principal contractor for the building site, or the owner builder, must notify the principal certifying authority at least 48 hours before building work is commenced at the site if a mandatory critical stage inspection is required before the commencement of the work in accordance with Sections 58 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Failure to request a mandatory critical stage inspection will prohibit the principal certifying authority under Sections 58 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 to issue an occupation certificate.

Dated: 06/06/2023

Yousuf (Joe) Awada  
Registered Certifier



164 Belmore Rd  
Riverwood NSW 2210  
(p): 02 8519 4655  
(e): info@exclusivecertifiers.com.au

**SCHEDULE 1: MANDATORY CRITICAL STAGE INSPECTIONS**

No.	Critical Stage Inspection	Inspector
1.	After excavation for and prior to placement of any footings	Certifying Authority
2.	Prior to pouring any in-situ reinforced concrete building element	Certifying Authority
3.	Prior to covering of the framework for any floor, wall, roof, or other building element	Certifying Authority
4.	Prior to covering waterproofing in any wet areas	Certifying Authority
5.	Prior to covering any stormwater drainage connections	Certifying Authority
6.	As soon as practicable after the barrier (if one is required under the Swimming Pools Act 1992 ) has been erected	Certifying Authority
7.	After the building work has been completed & prior to any Occupation Certificate being issued in relation to the building	Principal Certifier



## Environmental Planning and Assessment Regulation 2021

Part 6 ▶ Division 5

### Division 5 Conditions of complying development certificates

#### 146 Compliance with Building Code of Australia and insurance requirements under [Home Building Act 1989](#)

- (1) A complying development certificate for development that involves building work must be issued subject to the following conditions—
  - (a) the work must be carried out in accordance with the requirements of the *Building Code of Australia*,
  - (b) for residential building work that requires a contract of insurance under the [Home Building Act 1989](#)—a contract of insurance must be in force before the building work authorised to be carried out by the certificate commences.
- (2) A complying development certificate for a temporary structure that is used as an entertainment venue must be issued subject to a condition that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the *Building Code of Australia*.
- (3) This section does not limit the other conditions to which a complying development certificate may be subject.
- (4) This section does not apply—
  - (a) to the extent to which an exemption from a provision of the *Building Code of Australia* or a fire safety standard is in force under the [Environmental Planning and Assessment \(Development Certification and Fire Safety\) Regulation 2021](#), or
  - (b) to the erection of a temporary building, other than a temporary structure to which subsection (2) applies.
- (5) In this section, a reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the date on which the application for the relevant complying development certificate is made.

#### 147 Fire safety systems in class 2–9 buildings

- (1) A complying development certificate for building work involving the installation, extension or modification of a relevant fire safety system in a class 2, 3, 4, 5, 6, 7, 8 or 9 building must be issued subject to a condition that the building work must not commence unless—
  - (a) plans have been submitted to the principal certifier that show—
    - (i) for building work involving the installation of the relevant fire safety system—the layout, extent and location of key components of the relevant fire safety system, or
    - (ii) for building work involving the extension or modification of the relevant fire safety

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system—the layout, extent and location of the new or modified components of the relevant fire safety system, and

- (b) specifications have been submitted to the principal certifier that—
    - (i) describe the basis for the design, installation and construction of the relevant fire safety system, and
    - (ii) identify the provisions of the *Building Code of Australia* on which the design of the system is based, and
  - (c) the plans and specifications—
    - (i) have been certified by a compliance certificate as complying with the relevant provisions of the *Building Code of Australia*, or
    - (ii) have been endorsed by an accredited practitioner (fire safety) as complying with the relevant provisions of the *Building Code of Australia*, and
  - (d) if the plans and specifications were submitted before the complying development certificate was issued—the plans and specifications are endorsed by a certifier with a statement that the certifier is satisfied they correctly identify the relevant performance requirements and deemed-to-satisfy provisions, and
  - (e) if the plans and specifications were not submitted before the complying development certificate was issued—the plans and specifications are endorsed by the principal certifier with a statement that the principal certifier is satisfied they correctly identify the relevant performance requirements and deemed-to-satisfy provisions.
- (2) Subsection (1)(c)(ii) does not apply to the extent of an exemption under the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.
- (3) In this section—
- relevant fire safety system** means the following—
- (a) a hydraulic fire safety system,
  - (b) a fire detection and alarm system,
  - (c) a mechanical ducted smoke control system.

**148 Notice to neighbours of commencement of work**

- (1) This section applies to a complying development certificate for development involving—
  - (a) the erection of a new building, or
  - (b) an addition to an existing building, or
  - (c) the demolition of a building.
- (2) This section applies only if the development will be carried out on a lot that has a boundary within 20 metres of the boundary of another lot on which a dwelling is located.

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- (3) A complying development certificate must be issued subject to a condition that the person having the benefit of the certificate must give each neighbour written notice of the person's intention to commence the work authorised by the certificate—
  - (a) for development on relevant land—at least 7 days before commencing work, or
  - (b) otherwise—at least 2 days before commencing work.
- (4) In this section—  
*neighbour* and *relevant land* have the same meaning as in section 134.

#### 149 Erection of signs

- (1) This section applies to a complying development certificate for development involving building work, subdivision work or demolition work.
- (2) A complying development certificate must be issued subject to a condition that the requirements of subsections (3) and (4) must be complied with.
- (3) A sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—
  - (a) showing the name, address and telephone number of the principal certifier for the work, and
  - (b) showing the name of the principal contractor, if any, for building work and a telephone number on which the principal contractor may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the work site is prohibited.
- (4) The sign must be—
  - (a) maintained while the building work, subdivision work or demolition work is being carried out, and
  - (b) removed when the work is completed.
- (5) This section does not apply in relation to—
  - (a) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
  - (b) Crown building work certified to comply with the *Building Code of Australia*, under the Act, Part 6.

#### 150 Notification of [Home Building Act 1989](#) requirements

- (1) This section applies to a complying development certificate if—
  - (a) the development involves residential building work, and
  - (b) the principal certifier is not the council.
- (2) A complying development certificate must be issued subject to a condition that the work is carried out in accordance with the requirements of this section.

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- (3) Residential building work must not be carried out unless the principal certifier has given the council written notice of the following—
  - (a) for work that requires a principal contractor to be appointed—
    - (i) the name and licence number of the principal contractor, and
    - (ii) the name of the insurer of the work under the *Home Building Act 1989*, Part 6,
  - (b) for work to be carried out 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 the *Home Building Act 1989*—the number of the owner-builder permit.
- (4) If the information notified under subsection (3) is no longer correct, further work must not be carried out unless the principal certifier has given the council written notice of the updated information.
- (5) This section does not apply in relation to Crown building work certified to comply with the *Building Code of Australia* under the Act, Part 6.

#### 151 Fulfilment of BASIX commitments

A complying development certificate for the following development must be issued subject to a condition that each commitment listed in a relevant BASIX certificate must be fulfilled—

- (a) BASIX development,
- (b) BASIX optional development, if the application for the complying development certificate was accompanied by a BASIX certificate.

#### 152 Development involving asbestos material

- (1) A complying development certificate for development that involves building work or demolition work must be issued subject to the following conditions—
  - (a) prescribed asbestos removal work must be undertaken by a person who conducts a business of asbestos removal work in accordance with the *Work Health and Safety Regulation 2017*, clause 458 (a *licensed person*),
  - (b) the person having the benefit of the complying development certificate must give the principal certifier a copy of a signed contract with a licensed person before development under the complying development certificate commences,
  - (c) the contract must indicate whether asbestos will be removed, and if so, must specify the landfill site, which may lawfully receive asbestos, to which the asbestos will be delivered,
  - (d) if the contract indicates that asbestos will be removed to a specified landfill site—the person having the benefit of the complying development certificate must give the principal certifier a copy of a receipt from the operator of the landfill site stating that all the asbestos referred to in the contract has been received by the operator.

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(2) In this section—

**asbestos removal work** has the same meaning as in the *Work Health and Safety Regulation 2017*.

**friable asbestos** has the same meaning as in the *Work Health and Safety Regulation 2017*.

**non-friable asbestos** has the same meaning as in the *Work Health and Safety Regulation 2017*.

**prescribed asbestos removal work** means asbestos removal work that involves the removal of—

- (a) non-friable asbestos from an area of more than 10 square metres, or
- (b) friable asbestos.

**Note 1**— The effect of subsection (1)(a) is that the development will be a workplace to which the *Work Health and Safety Regulation 2017* applies while asbestos removal work is being undertaken.

**Note 2**— Information on the removal and disposal of asbestos to landfill sites licensed to accept asbestos is available from the Environment Protection Authority.

### 153 Shoring and adequacy of adjoining property

- (1) This section applies to a complying development certificate for development that involves excavation that extends below the level of the base of the footings of a building, structure or work, including a structure or work in a road or rail corridor, on adjoining land.
- (2) The complying development certificate must be issued subject to a condition that the person having the benefit of the certificate must, at the person's own expense—
  - (a) protect and support the building, structure or work from possible damage from the excavation, and
  - (b) if necessary, underpin the building, structure or work to prevent damage from the excavation.
- (3) This section does not apply if—
  - (a) the person having the benefit of the complying development certificate owns the adjoining land, or
  - (b) the owner of the adjoining land has given written consent to the condition not applying.

### 154 Traffic generating development

If an application for a complying development certificate is required to be accompanied by a certificate of the relevant roads authority under section 128, the complying development certificate must be issued subject to a condition that any requirements specified in the certificate of the relevant roads authority must be complied with.

### 155 Development on contaminated land

If an application for a complying development certificate is required to be accompanied by a statement referred to in section 129(3), the complying development certificate must be issued subject to a condition that the requirements specified in the statement must be complied with.

**156 Development contributions**

- (1) This section applies if a council's contributions plan provides for the payment of a monetary section 7.11 contribution or a section 7.12 levy in relation to development for a particular purpose (a *relevant purpose*), whether or not the development is classed as complying development under the contributions plan.
- (2) A complying development certificate that authorises development for a relevant purpose must be issued subject to the following conditions—
  - (a) the condition required by the Act, section 4.28(9) requiring payment of a monetary section 7.11 contribution or a section 7.12 levy,
  - (b) the contribution or levy must be paid before the work authorised by the certificate commences.
- (3) This section applies despite a provision to the contrary in the council's contributions plan.
- (4) In this section—

*section 7.11 contribution* means the dedication of land, the payment of a monetary contribution or the provision of a material public benefit, as referred to in the Act, section 7.11.

*section 7.12 levy* means the payment of a levy, as referred to in the Act, section 7.12.

**157 Payment of security**

- (1) This section applies to a complying development certificate authorising the carrying out of development if—
  - (a) the development involves the demolition of a work or building, the erection of a new building or an addition to an existing building, and
  - (b) the estimated cost of the development, as specified in the application for the certificate, is \$25,000 or more, and
  - (c) the development will be carried out on land adjacent to a public road, and
  - (d) at the time the application for the certificate is made, the council for the area in which the development will be carried out has specified, on its website, an amount of security that must be paid in relation to development—
    - (i) of the same type or description, or
    - (ii) carried out in the same circumstances, or
    - (iii) carried out on land of the same size or description.
- (2) A complying development certificate must be issued subject to a condition that the amount of security referred to in subsection (1)(d) will be given, in accordance with this section, to the council before the building work or subdivision work authorised by the certificate commences.
- (3) The applicant may give the security to the council by—

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- (a) a deposit with the council, or
- (b) a guarantee satisfactory to the council.
- (4) The council may use the security to meet the cost of making good damage caused to council property as a consequence of doing a thing, or not doing a thing, authorised or required by the complying development certificate, including the cost of an inspection to determine if damage has been caused.
- (5) The balance of the security remaining after meeting the costs referred to in subsection (4) must be refunded to, or at the direction of, the person who gave the security.

**158 Principal certifier to be satisfied that preconditions met before commencement of work**

- (1) This section applies to a complying development certificate that involves building work or subdivision work.
- (2) The complying development certificate must be issued subject to the condition that the principal certifier for the building work or subdivision work, and over which the principal certifier has control, must be satisfied that any preconditions in relation to the work that are required to be met before the work commences have been met before the work commences.



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## State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

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### Schedule 6

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#### Schedule 6 Conditions applying to complying development certificates under certain complying development codes

(Clauses 3.34, 3A.39, 3C.37 and 3D.65)

**Note 1.** Complying development under the Housing Code, the Rural Housing Code, the Greenfield Housing Code and the Inland Code must comply with the requirements of the Act, the *Environmental Planning and Assessment Regulation 2000* and the conditions listed in this Schedule.

**Note 2.** Division 2A of Part 7 of the *Environmental Planning and Assessment Regulation 2000* specifies conditions to which certain complying development certificates are subject.

**Note 3.** In addition to the requirements specified for development under this Policy, adjoining owners' property rights, applicable common law and other legislative requirements for approvals, licences, permits and authorities still apply.

**Note 4.** If the development is in the proximity of infrastructure (including water, stormwater or sewer mains, electricity power lines and telecommunications facilities), the relevant infrastructure authority should be contacted before commencing the development.

**Note 5.** Under section 4.29 of the *Environmental Planning and Assessment Act 1979*, a complying development certificate lapses 5 years after the date endorsed on the certificate, unless the development has physically commenced on the land during that period.

#### Part 1 Conditions applying before works commence

##### 1 Protection of adjoining areas

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works—

- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- (b) could cause damage to adjoining lands by falling objects, or
- (c) involve the enclosure of a public place or part of a public place.

##### 2 Toilet facilities

- (1) Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.
- (2) Each toilet must—
  - (a) be a standard flushing toilet connected to a public sewer, or
  - (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
  - (c) be a temporary chemical closet approved under the *Local Government Act 1993*.

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State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 [NSW]

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### 3 Garbage receptacle

- (1) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.
- (2) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.

### 4 Adjoining wall dilapidation report

- (1) If a wall on a lot is to be built to a boundary and there is a wall (the *adjoining wall*) on the lot adjoining that boundary that is less than 0.9m from that boundary, the person having the benefit of the complying development certificate must obtain a dilapidation report on the adjoining wall.
- (2) If the person preparing the report is denied access to the adjoining lot for the purpose of inspecting the adjoining wall, the report may be prepared from an external inspection of the adjoining wall.

### 5 Run-off and erosion controls

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by—

- (a) diverting uncontaminated run-off around cleared or disturbed areas, and
- (b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
- (c) preventing the tracking of sediment by vehicles onto roads, and
- (d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

### 6 Tree protection measures

- (1) This clause applies to each protected tree and any other tree that is to be retained on a lot.
- (2) The trunk of each of the following trees must be provided with a tree guard that is comprised of hardwood timber panels each having a minimum length of 2m, minimum width of 75mm and minimum thickness of 25mm and secured, but not permanently fixed or nailed, to the tree and spaced a maximum of 80mm apart—
  - (a) each tree that is within 6m of a dwelling house or any ancillary development that is to be constructed, and
  - (b) each protected tree that is within 10m of a dwelling house or any ancillary development that is to be constructed.
- (3) Each protected tree that is within 6m of a dwelling house, outbuilding or swimming pool must have a fence or barrier that is erected—
  - (a) around its tree protection zone as defined by section 3.2 of AS 4970—2009, *Protection of trees on development sites*, and

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State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 [NSW]

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- (b) in accordance with section 4 of that standard.
- (4) The person having the benefit of the complying development certificate must ensure that—
  - (a) the activities listed in section 4.2 of that standard do not occur within the tree protection zone of any tree on the lot or any tree on an adjoining lot, and
  - (b) any temporary access to, or location of scaffolding within the tree protection zone of a protected tree or any other tree to be retained on the lot during the construction, is undertaken using the protection measures specified in sections 4.5.3 and 4.5.6 of that standard.
- (5) The tree protection measures specified in this clause must—
  - (a) be in place before work commences on the lot, and
  - (b) be maintained in good condition during the construction period, and
  - (c) remain in place for the duration of the construction works.

**Note.** A separate permit or development consent may be required if the branches or roots of a protected tree on the lot or on an adjoining lot are required to be pruned or removed.

## Part 2 Conditions applying during the works

**Note.** The *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Noise Control) Regulation 2008* contain provisions relating to noise.

### 7 Hours for construction

Construction may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday.

### 8 Compliance with plans

Works must be carried out in accordance with the plans and specifications to which the complying development certificate relates.

### 9 Maintenance of site

- (1) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- (2) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- (3) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- (4) During construction—
  - (a) all vehicles entering or leaving the site must have their loads covered, and
  - (b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to

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State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 [NSW]

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avoid tracking these materials onto public roads.

- (5) At the completion of the works, the work site must be left clear of waste and debris.

#### **10 Earthworks, retaining walls and structural support**

- (1) Any earthworks (including any structural support or other related structure for the purposes of the development)—
- (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
  - (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
  - (c) that is fill brought to the site—must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997*, and
  - (d) that is excavated soil to be removed from the site—must be disposed of in accordance with any requirements under the *Protection of the Environment Operations (Waste) Regulation 2005*.
- (2) Any excavation must be carried out in accordance with *Excavation Work: Code of Practice* (ISBN 978-0-642-785442), published in July 2012 by Safe Work Australia.

#### **11 Drainage connections**

- (1) If the work is the erection of, or an alteration or addition to, a dwelling house, the roof stormwater drainage system must be installed and connected to the drainage system before the roof is installed.
- (2) Any approval that is required for connection to the drainage system under the *Local Government Act 1993* must be held before the connection is carried out.

#### **11A Swimming pool safety**

If the work involves the construction of a swimming pool, a child-resistant barrier that complies with the requirements of the *Building Code of Australia* and AS 1926.1—2012, *Swimming pool safety, Part 1: Safety barriers for swimming pools* must be erected around that work during the construction.

#### **11B Contamination discovered during works**

- (1) If during works on the land comprising the lot, the land is found to be contaminated, within the meaning of the *Contaminated Land Management Act 1997*—
- (a) all works must stop immediately, and
  - (b) the Environment Protection Authority and the council must be notified of the contamination.
- (2) Land is found to be contaminated for the purposes of this clause if the person having the benefit of the complying development certificate or the principal certifying authority knows or should reasonably suspect the land is contaminated.

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State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 [NSW]

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**Note.** Depending on the nature and level of the contamination, remediation of the land may be required before further work can continue.

#### 12 Archaeology discovered during works

If any object having interest due to its age or association with the past is uncovered during the course of the work—

- (a) all work must stop immediately in that area, and
- (b) the Office of Environment and Heritage must be advised of the discovery.

**Note.** Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the *Heritage Act 1997* may be required before further the work can continue.

#### 13 Aboriginal objects discovered during works

If an Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work—

- (a) all excavation or disturbance of the area must stop immediately, and
- (b) the person making the discovery must advise the Chief Executive (within the meaning of the *National Parks and Wildlife Act 1974*) of the discovery in accordance with section 89A of that Act.

**Note.** If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the *National Parks and Wildlife Act 1974*.

### Part 3 Conditions applying before the issue of an occupation certificate

#### 14 Vehicular access

If the work involves the construction of a vehicular access point, the access point must be completed before the occupation certificate for the work on the site is obtained.

#### 15 Utility services

If the work requires alteration to, or the relocation of, utility services on, or adjacent to, the lot on which the work is carried out, the work is not complete until all such works are carried out.





**Architectural Drawings:**

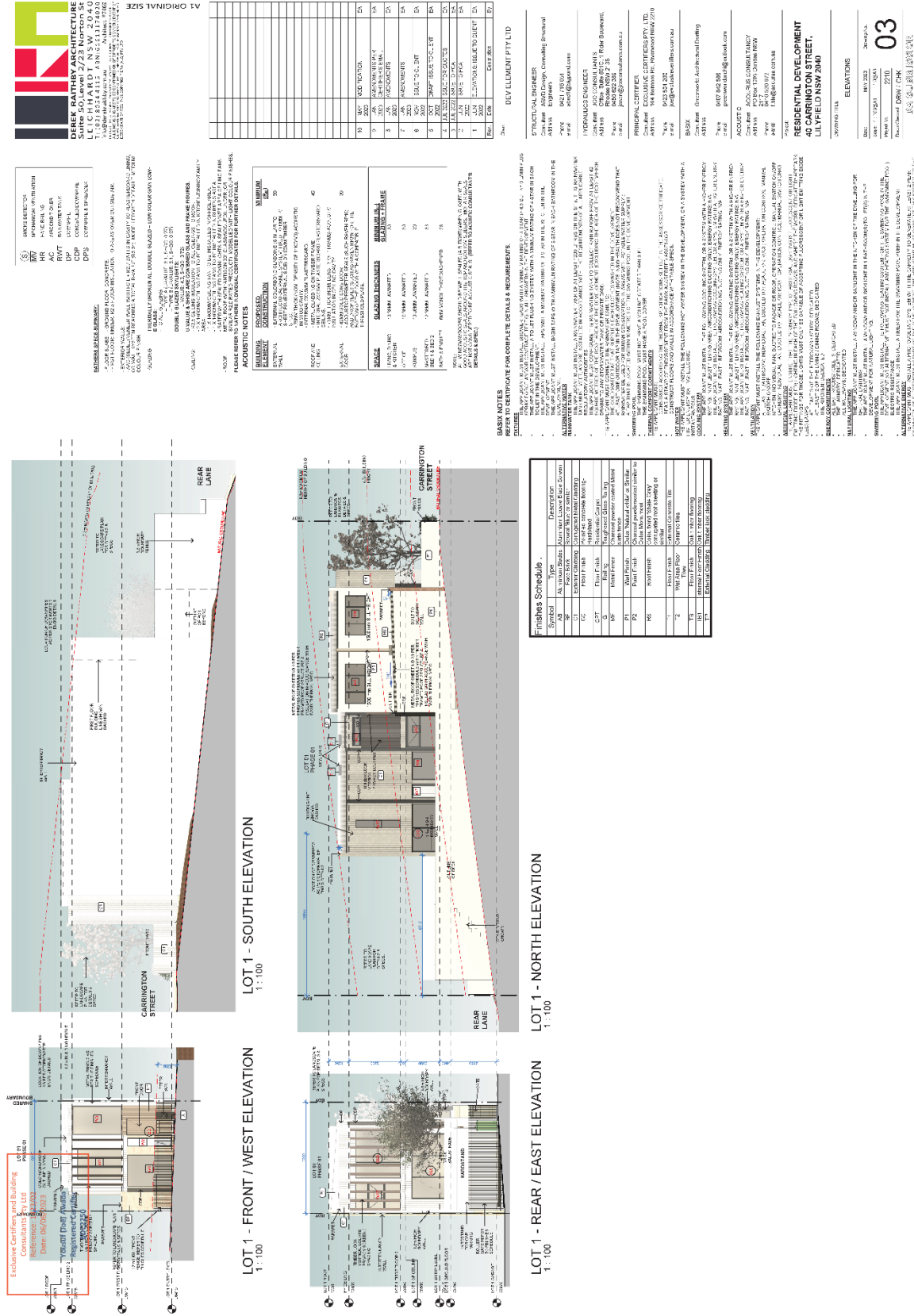
- FLOOR PLAN 1:100:** Shows the layout of the building on the site, including Lot 01, Lot 02, and Lot 03. The plan includes dimensions, room labels, and area calculations.
- Section 04 1:100:** A cross-section of the building showing the internal structure, including the roof, walls, and foundation.
- Section 02 1:100:** Another cross-section of the building, showing a different internal structure.
- Section 3 1:100:** A section showing the building's profile and foundation details.

**Signatures and Stamps:**


- Architect:** Derek Bathay, Bathay Architecture, 1/102 Bathurst Street, Sydney NSW 2000. Phone: 02 9550 1234. Email: derek@bathay.com.au.
- Engineer:** David J. Smith, David J. Smith Engineering, 1/102 Bathurst Street, Sydney NSW 2000. Phone: 02 9550 1234. Email: david@djse.com.au.




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**DEREK BATHORY ARCHITECTURE**  
 Suite 10, Level 2/21 Norton St  
 Sydney NSW 2000  
 Tel: 02 9354 4125 Fax: 02 9354 4028  
 Email: info@derekbathory.com.au



**RESIDENTIAL DEVELOPMENT  
 PERMIT APPLICATION SHEET,  
 LVL FLD NSW 2000**

**05**

**DATE**

**KEY ELEMENT P.V. 1.0**

**05**

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[illegible]

The image displays two architectural floor plans for Lot 1, oriented vertically. The top plan is the 'LOT 1 GROUND FLOOR' with a scale of 1:100. It shows a large rectangular area with a red hatched pattern, containing a central staircase and several smaller rooms. A north arrow is located in the upper right corner. The bottom plan is the 'LOT 1 FIRST FLOOR' with a scale of 1:100. It shows a similar layout with a red hatched pattern, featuring a central staircase and various rooms. A north arrow is also present in the upper right corner. Both plans are enclosed in a dashed rectangular border.



[illegible]

ABDesign

Consulting Structural & Civil Engineers

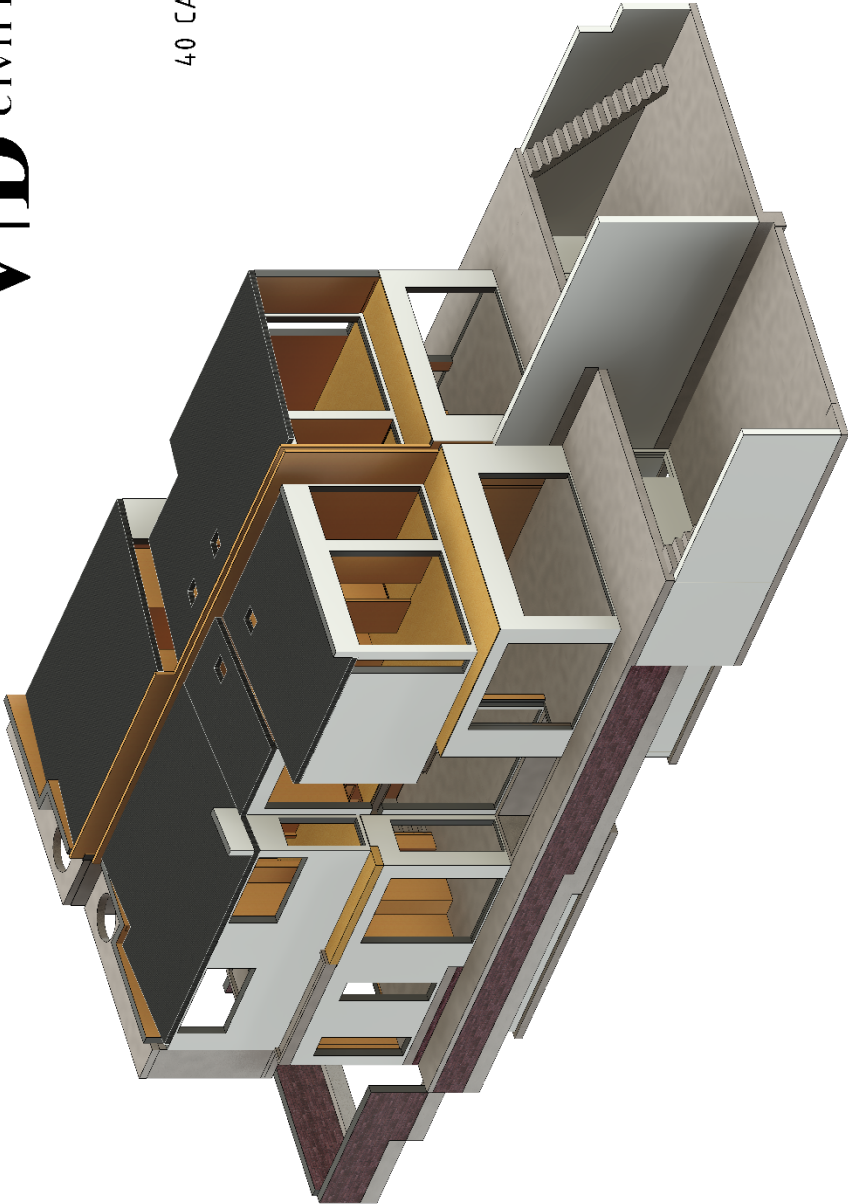
DUAL OCCUPANCY

40 CARRINGTON STREET, LILYFIELD

NSW 2040

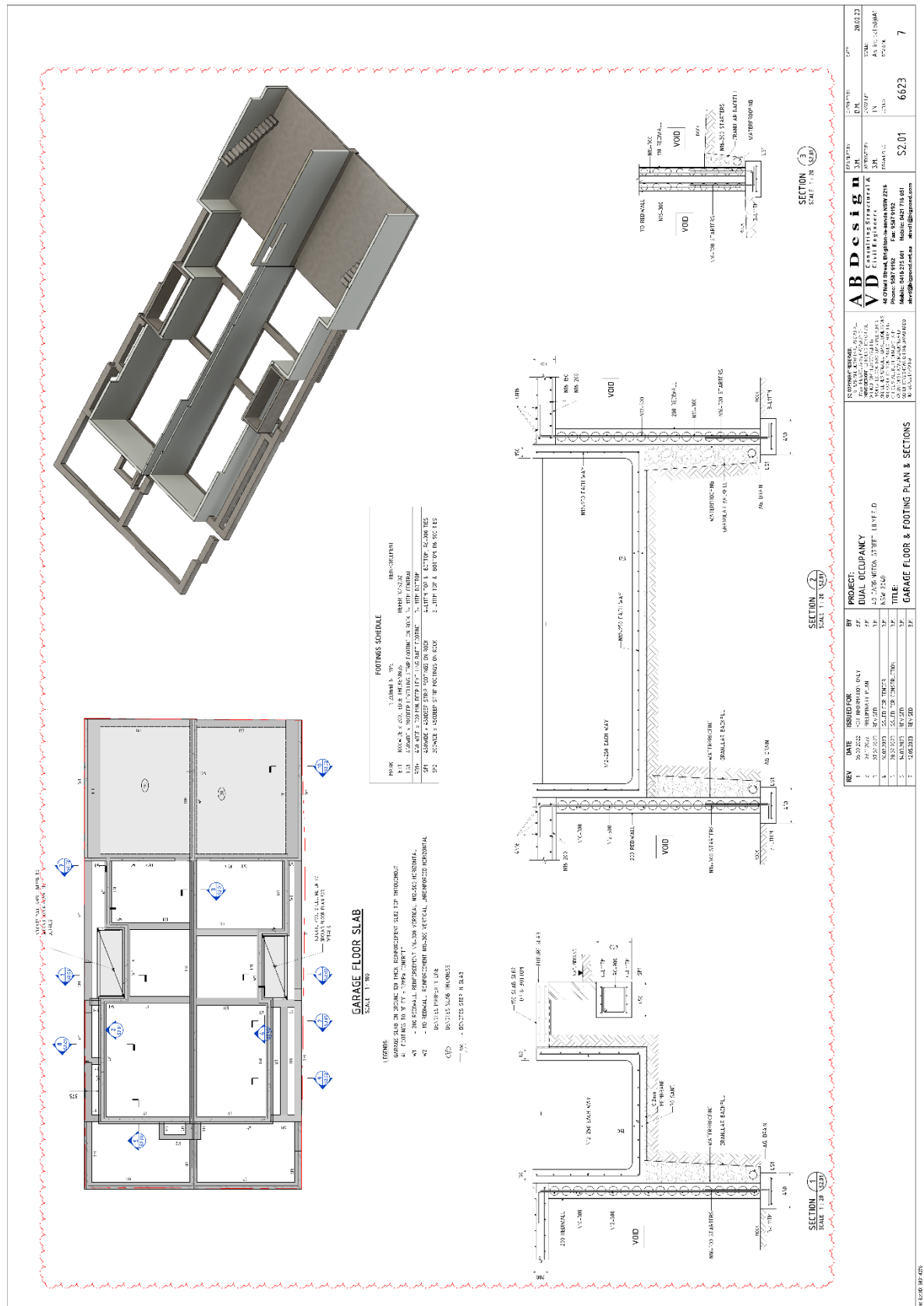
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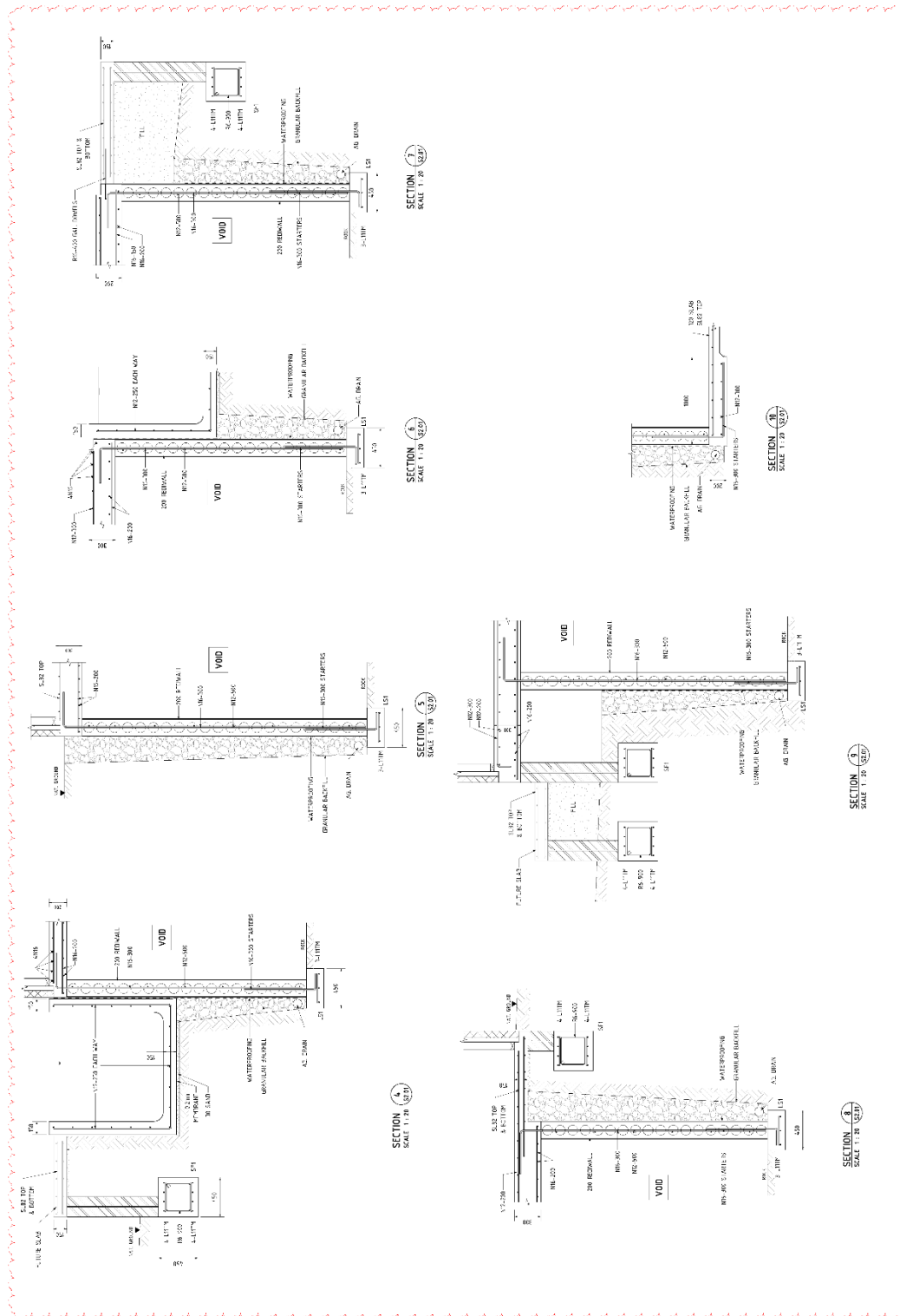
BUILDING CONSENT / CONSTRUCTION



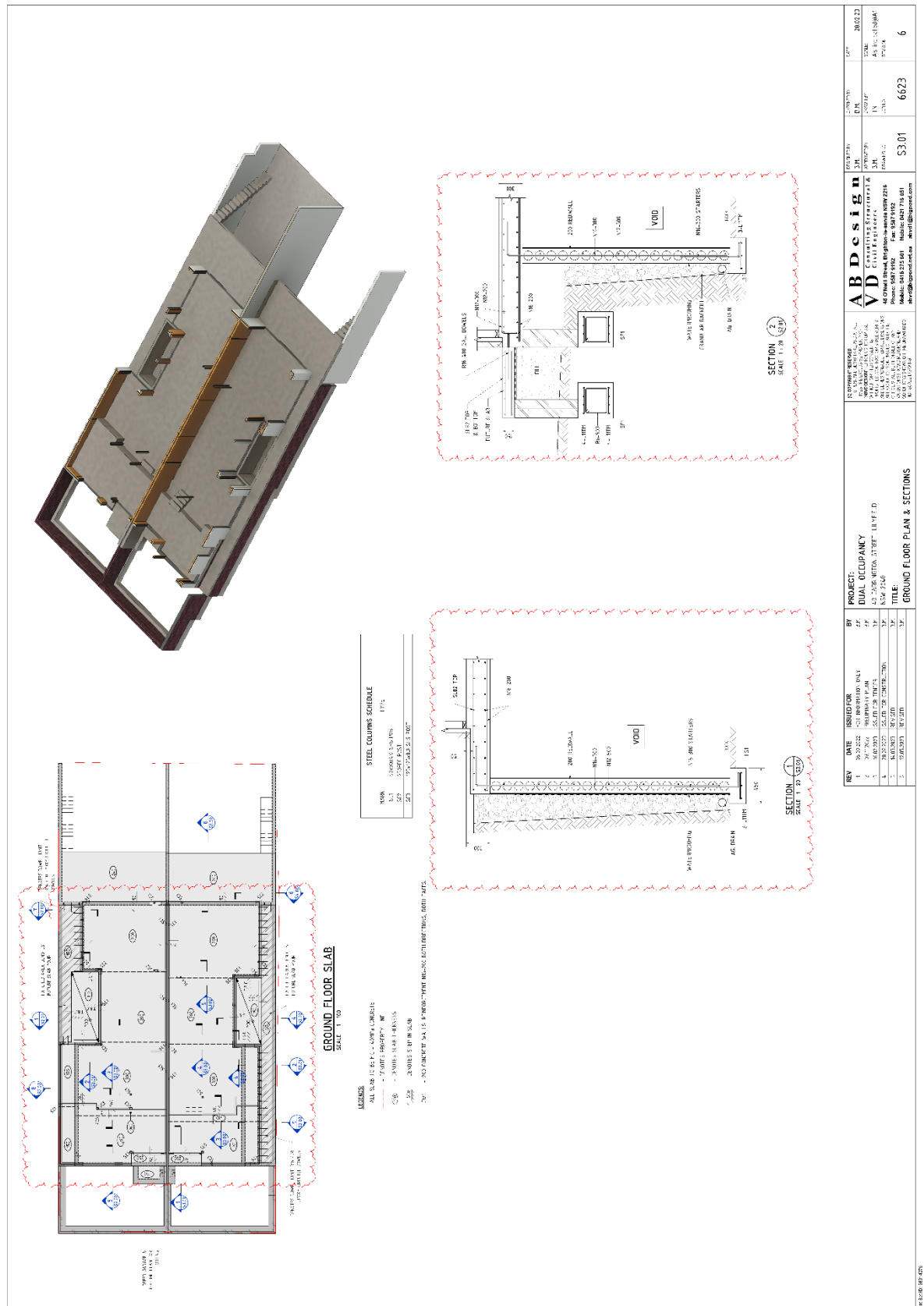
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Draw. No.	Sheet Name	Scale	Rev.	Issue Date
3330	GENERAL NOTES	1:1	1	24/02/2024
3331	FOUNDATION PLAN	1:1	1	24/02/2024
3332	FLOOR PLAN	1:1	1	24/02/2024
3333	SECTION 1-1	1:1	1	24/02/2024
3334	SECTION 2-2	1:1	1	24/02/2024
3335	SECTION 3-3	1:1	1	24/02/2024
3336	SECTION 4-4	1:1	1	24/02/2024
3337	SECTION 5-5	1:1	1	24/02/2024
3338	SECTION 6-6	1:1	1	24/02/2024
3339	SECTION 7-7	1:1	1	24/02/2024
3340	SECTION 8-8	1:1	1	24/02/2024
3341	SECTION 9-9	1:1	1	24/02/2024
3342	SECTION 10-10	1:1	1	24/02/2024
3343	SECTION 11-11	1:1	1	24/02/2024
3344	SECTION 12-12	1:1	1	24/02/2024
3345	SECTION 13-13	1:1	1	24/02/2024
3346	SECTION 14-14	1:1	1	24/02/2024
3347	SECTION 15-15	1:1	1	24/02/2024
3348	SECTION 16-16	1:1	1	24/02/2024
3349	SECTION 17-17	1:1	1	24/02/2024
3350	SECTION 18-18	1:1	1	24/02/2024
3351	SECTION 19-19	1:1	1	24/02/2024
3352	SECTION 20-20	1:1	1	24/02/2024
3353	SECTION 21-21	1:1	1	24/02/2024
3354	SECTION 22-22	1:1	1	24/02/2024
3355	SECTION 23-23	1:1	1	24/02/2024
3356	SECTION 24-24	1:1	1	24/02/2024
3357	SECTION 25-25	1:1	1	24/02/2024
3358	SECTION 26-26	1:1	1	24/02/2024
3359	SECTION 27-27	1:1	1	24/02/2024
3360	SECTION 28-28	1:1	1	24/02/2024
3361	SECTION 29-29	1:1	1	24/02/2024
3362	SECTION 30-30	1:1	1	24/02/2024
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3414	SECTION 82-82	1:1	1	24/02/2024
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3416	SECTION 84-84	1:1	1	24/02/2024
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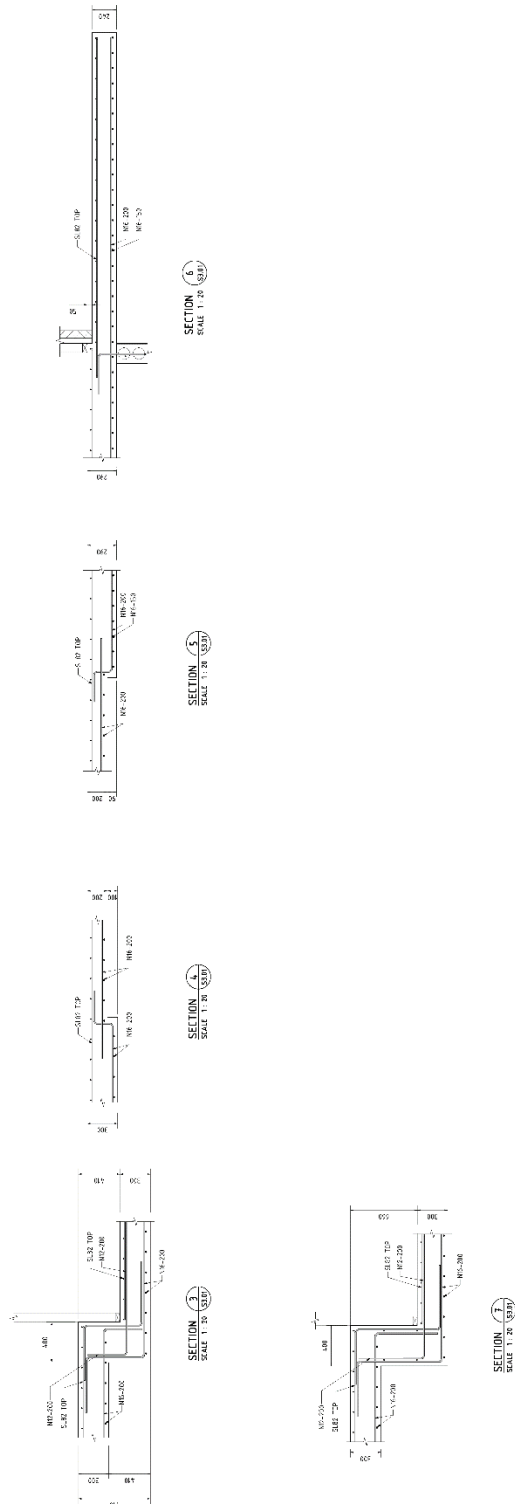
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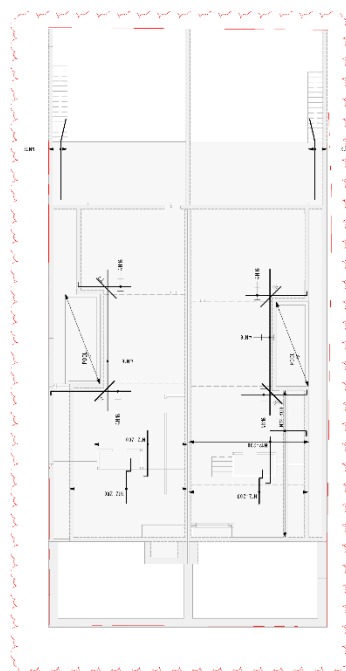
<b>AB Design</b> Architectural & Engineering 40 Chalmers Street, Sydney NSW 2006 Phone: +61 2 9211 1111 Email: info@abdesign.com.au		DRAWING NO: 6623 DATE: 28.03.23 SCALE: 1:20
PROJECT: DUAL OCCUPANCY NO. 14 WING ON STREET, L1, P1111 SITE: 200/1 SUBMITTAL: 1	SHEET NO: 6 TOTAL SHEETS: 6	6623 52.02
FOUNDATION SECTIONS		





REV	DATE	REASON FOR	BY	PROJECT:	DATE
1	20/02/23	ISSUED FOR CONSTRUCTION	RS	DUAL OCCUPANCY 40 ANTERION STREET, LUTHER NEWCASTLE TITLE GROUND FLOOR SECTIONS	20/02/23
<b>AB Design</b> <b>VD</b> CONSULTING ENGINEERS 40 ANTERION STREET, LUTHER NEWCASTLE NSW 1590 PHONE: 0815 225 661 MOBILE: 0427 716 061 EMAIL: info@abdesign.com.au WEBSITE: www.abdesign.com.au					DRAWING NO: 6623 SHEET NO: 1 SCALE: 1:25 DATE: 20/02/23

Document No: 22/02/23  
Version: 001/001/001/002

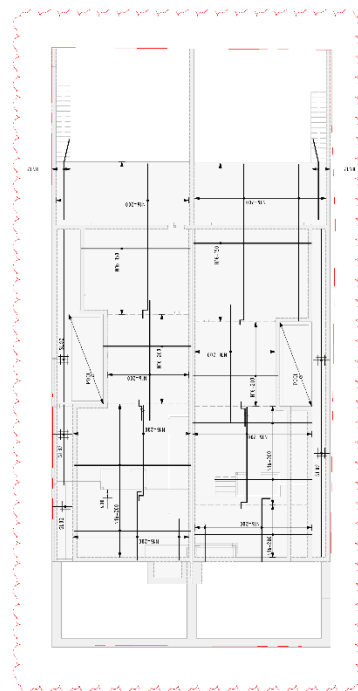


**GROUND FLOOR TOP REINFORCEMENT PLAN**

SCALE 1 : 100

TOP REINFORCEMENT S.92 TOP MESH THROUGHOUT + EXTRA BARS AS SHOWN.

TOP REINFORCEMENT S.92 TCP MESH T-RO  
T3 2N12 TCP TRIMMERS (x16.00 LONG)



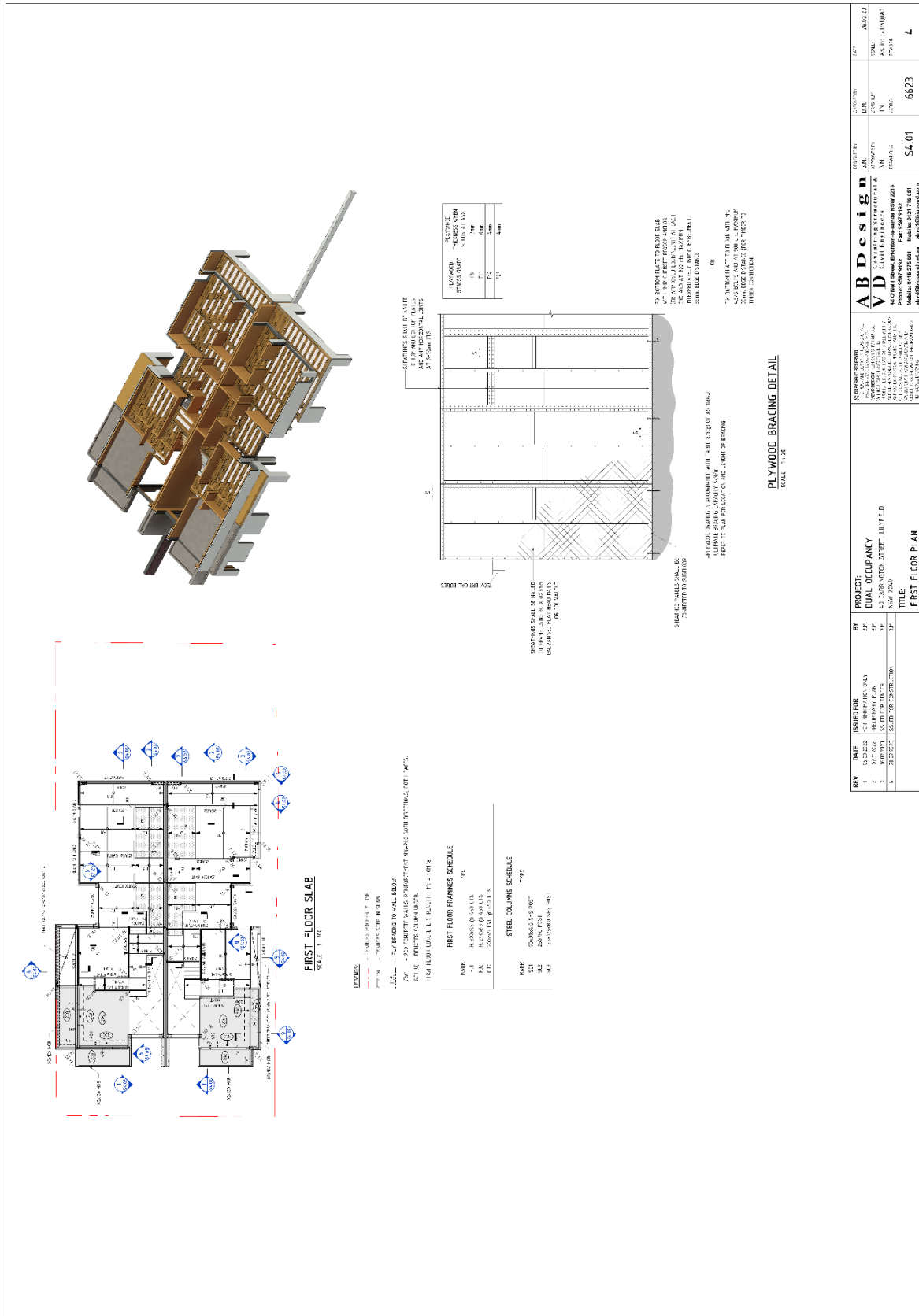
GROUND FLOOR BOTTOM REINFORCEMENT PLAN

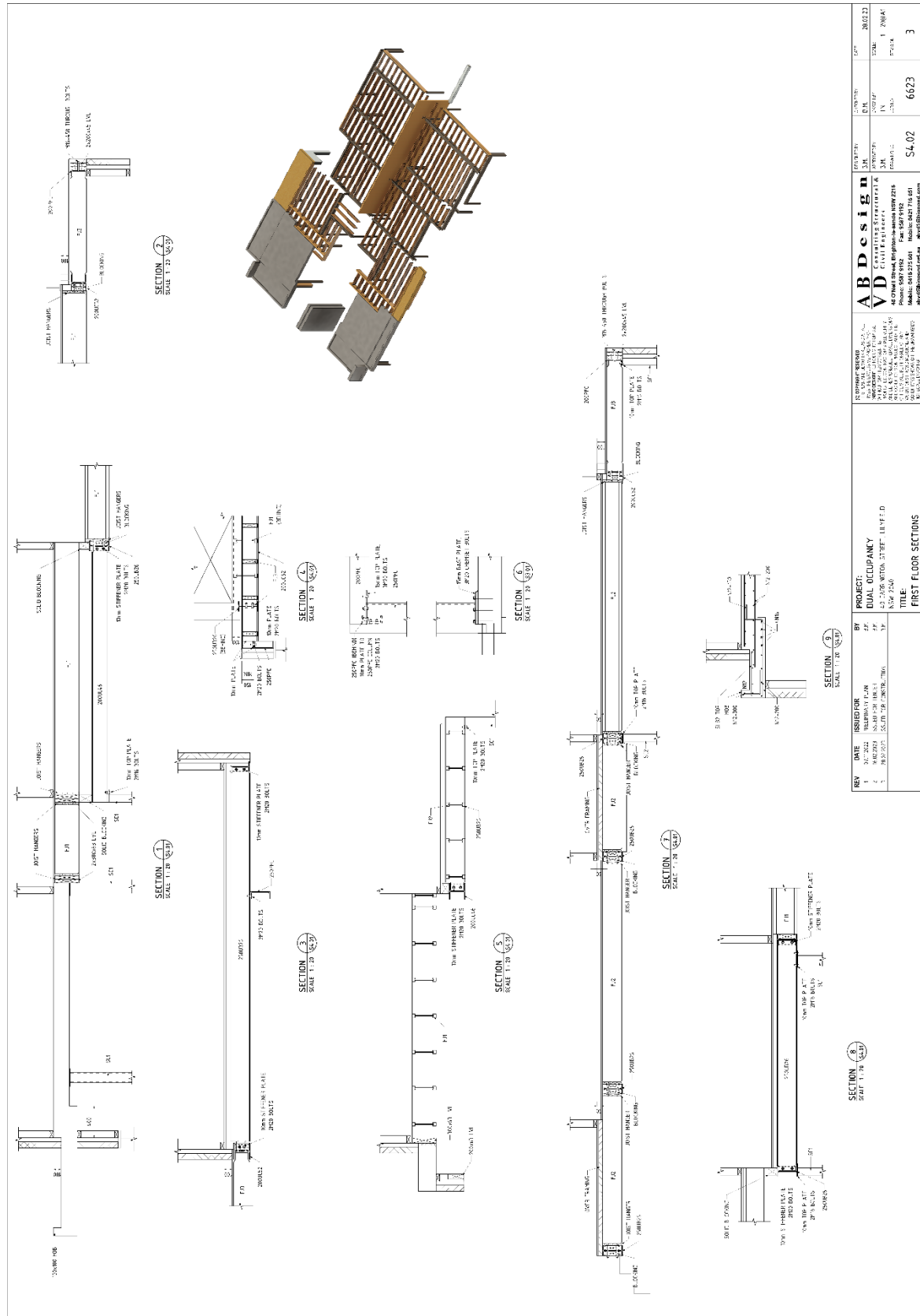
GROUND FI  
SCALE 1 : 100

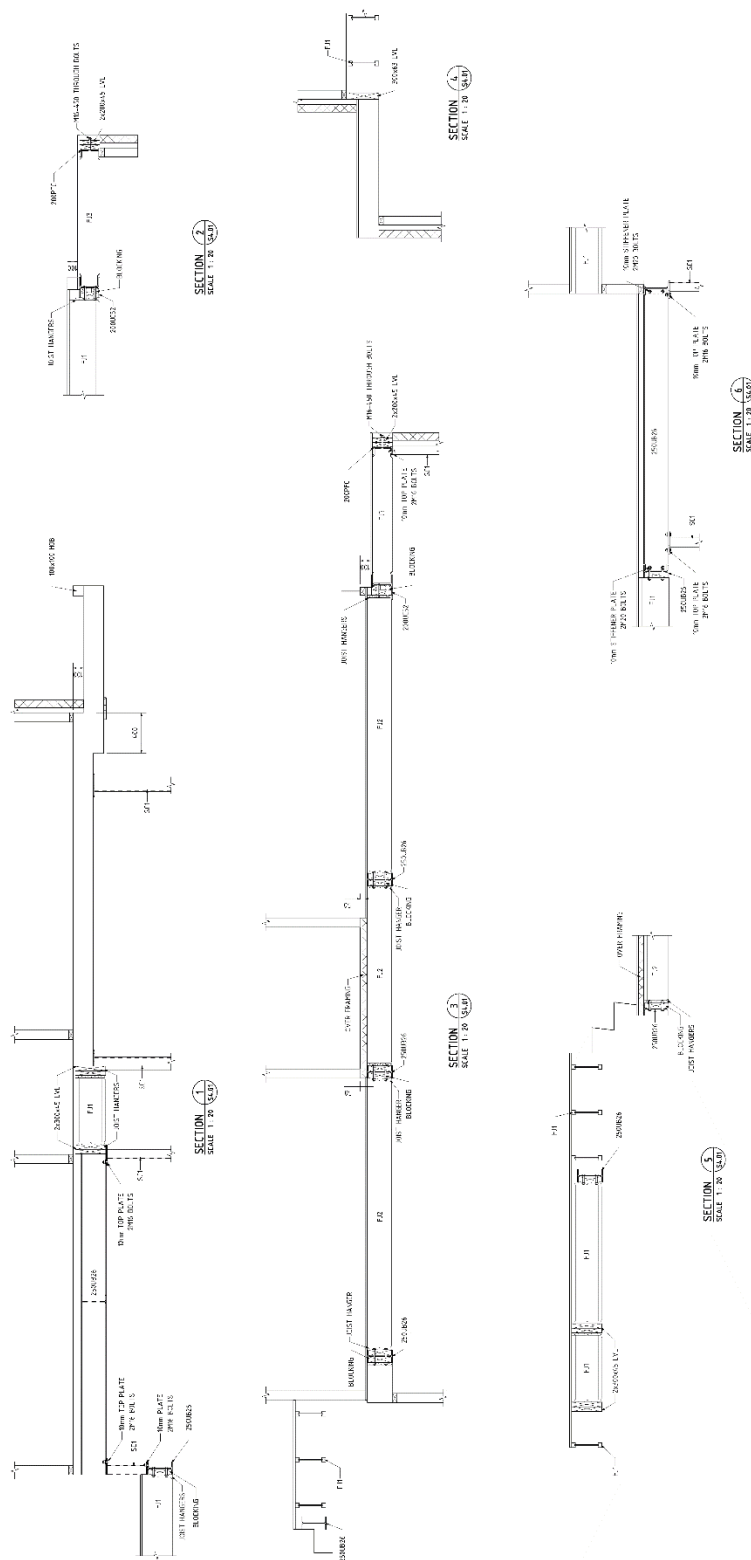
HILL OM REIN+REIN N12-220 BUIP WAYS, UND ON JLA

[illegible]



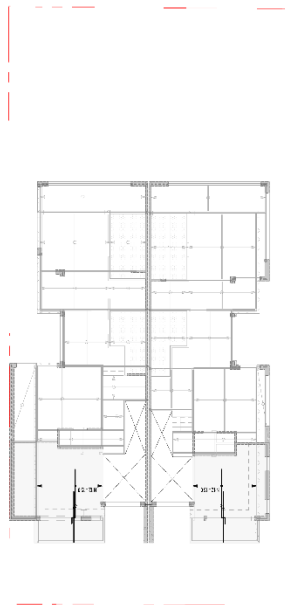






REV	DATE	REASON FOR	BY	PROJECT	DESCRIPTION	DATE
1	2/25/2022	FOR REVISIONS, ADD (1)	D.N.	QUAL OCCUPANCY	AB Design CONSULTING ENGINEERS & ARCHITECTS 48 CHINA STREET, #10-01/02/03/04/05/06/07/08/09/10/11/12/13/14/15/16/17/18/19/20/21/22/23/24/25/26/27/28/29/30/31/32/33/34/35/36/37/38/39/40/41/42/43/44/45/46/47/48/49/50/51/52/53/54/55/56/57/58/59/60/61/62/63/64/65/66/67/68/69/70/71/72/73/74/75/76/77/78/79/80/81/82/83/84/85/86/87/88/89/90/91/92/93/94/95/96/97/98/99/100/101/102/103/104/105/106/107/108/109/110/111/112/113/114/115/116/117/118/119/120/121/122/123/124/125/126/127/128/129/130/131/132/133/134/135/136/137/138/139/140/141/142/143/144/145/146/147/148/149/150/151/152/153/154/155/156/157/158/159/160/161/162/163/164/165/166/167/168/169/170/171/172/173/174/175/176/177/178/179/180/181/182/183/184/185/186/187/188/189/190/191/192/193/194/195/196/197/198/199/200/201/202/203/204/205/206/207/208/209/210/211/212/213/214/215/216/217/218/219/220/221/222/223/224/225/226/227/228/229/230/231/232/233/234/235/236/237/238/239/240/241/242/243/244/245/246/247/248/249/250/251/252/253/254/255/256/257/258/259/260/261/262/263/264/265/266/267/268/269/270/271/272/273/274/275/276/277/278/279/280/281/282/283/284/285/286/287/288/289/290/291/292/293/294/295/296/297/298/299/300/301/302/303/304/305/306/307/308/309/310/311/312/313/314/315/316/317/318/319/320/321/322/323/324/325/326/327/328/329/330/331/332/333/334/335/336/337/338/339/340/341/342/343/344/345/346/347/348/349/350/351/352/353/354/355/356/357/358/359/360/361/362/363/364/365/366/367/368/369/370/371/372/373/374/375/376/377/378/379/380/381/382/383/384/385/386/387/388/389/390/391/392/393/394/395/396/397/398/399/400/401/402/403/404/405/406/407/408/409/410/411/412/413/414/415/416/417/418/419/420/421/422/423/424/425/426/427/428/429/430/431/432/433/434/435/436/437/438/439/440/441/442/443/444/445/446/447/448/449/450/451/452/453/454/455/456/457/458/459/460/461/462/463/464/465/466/467/468/469/470/471/472/473/474/475/476/477/478/479/480/481/482/483/484/485/486/487/488/489/490/491/492/493/494/495/496/497/498/499/500/501/502/503/504/505/506/507/508/509/510/511/512/513/514/515/516/517/518/519/520/521/522/523/524/525/526/527/528/529/530/531/532/533/534/535/536/537/538/539/540/541/542/543/544/545/546/547/548/549/550/551/552/553/554/555/556/557/558/559/560/561/562/563/564/565/566/567/568/569/570/571/572/573/574/575/576/577/578/579/580/581/582/583/584/585/586/587/588/589/590/591/592/593/594/595/596/597/598/599/600/601/602/603/604/605/606/607/608/609/610/611/612/613/614/615/616/617/618/619/620/621/622/623/624/625/626/627/628/629/630/631/632/633/634/635/636/637/638/639/640/641/642/643/644/645/646/647/648/649/650/651/652/653/654/655/656/657/658/659/660/661/662/663/664/665/666/667/668/669/670/671/672/673/674/675/676/677/678/679/680/681/682/683/684/685/686/687/688/689/690/691/692/693/694/695/696/697/698/699/700/701/702/703/704/705/706/707/708/709/710/711/712/713/714/715/716/717/718/719/720/721/722/723/724/725/726/727/728/729/730/731/732/733/734/735/736/737/738/739/740/741/742/743/744/745/746/747/748/749/750/751/752/753/754/755/756/757/758/759/760/761/762/763/764/765/766/767/768/769/770/771/772/773/774/775/776/777/778/779/780/781/782/783/784/785/786/787/788/789/790/791/792/793/794/795/796/797/798/799/800/801/802/803/804/805/806/807/808/809/810/811/812/813/814/815/816/817/818/819/820/821/822/823/824/825/826/827/828/829/830/831/832/833/834/835/836/837/838/839/840/841/842/843/844/845/846/847/848/849/850/851/852/853/854/855/856/857/858/859/860/861/862/863/864/865/866/867/868/869/870/871/872/873/874/875/876/877/878/879/880/881/882/883/884/885/886/887/888/889/890/891/892/893/894/895/896/897/898/899/900/901/902/903/904/905/906/907/908/909/910/911/912/913/914/915/916/917/918/919/920/921/922/923/924/925/926/927/928/929/930/931/932/933/934/935/936/937/938/939/940/941/942/943/944/945/946/947/948/949/950/951/952/953/954/955/956/957/958/959/960/961/962/963/964/965/966/967/968/969/970/971/972/973/974/975/976/977/978/979/980/981/982/983/984/985/986/987/988/989/990/991/992/993/994/995/996/997/998/999/1000/1001/1002/1003/1004/1005/1006/1	

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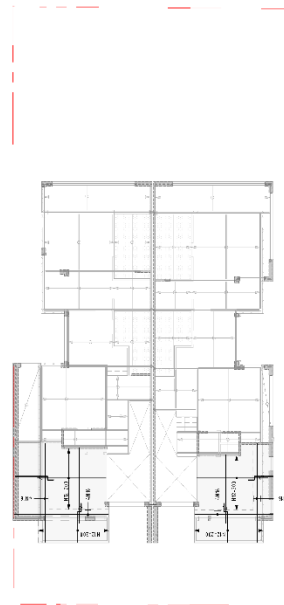


**FIRST FLOOR TOP REINFORCEMENT PLAN**

**FIRST FLOOR**  
**SCALE 1 : 100**

TOP REINFORCEMENT SLE2 YES/ THROUGH OUT - EXTRA BARS AS NOTED

TOP REINFORCEMENT SLE2 MESI THROUGH IE  
TR - 2N'2 TOP TRIMMERS (X'400 LONG)

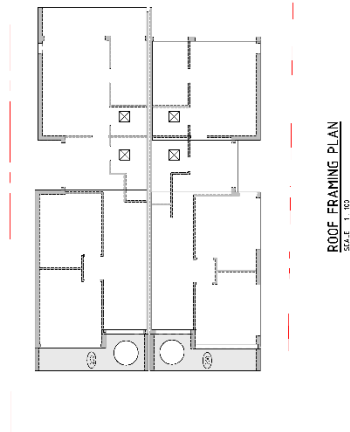
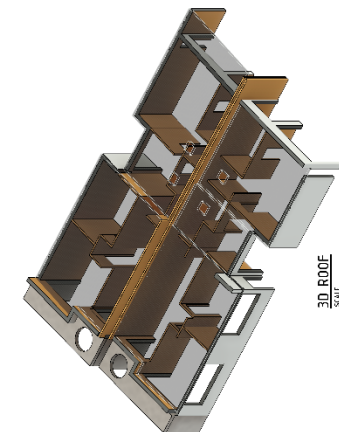


**FIRST FLOOR BOTTOM REINFORCEMENT PLAN**

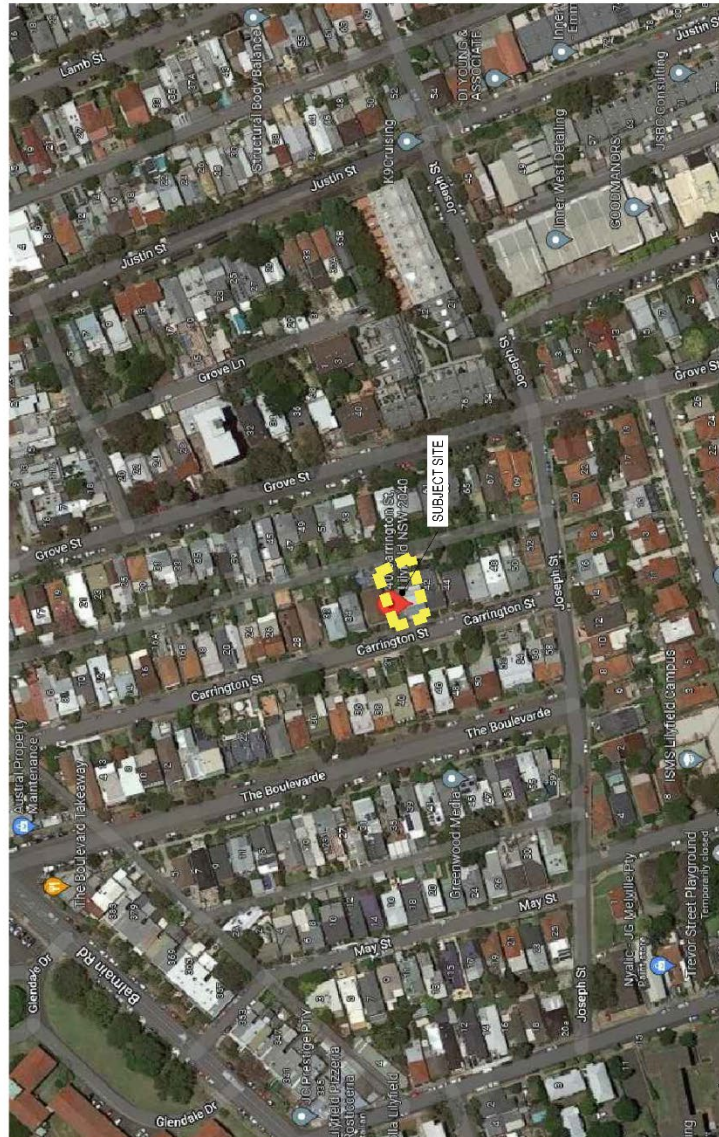
**FIRST FLOOR**

BOTTOM REINFORCEMENT N°2-200 30TH WAYS. L.M.C. ON PLAN

[illegible]

[illegible]

PROPOSED SINGLE DWELLING  
40 CARRINGTON STREET, LILYFIELD - LOT 1  
STORMWATER DRAINAGE DESIGN

[illegible]

DATE OF ISSUE	15/05/2022	DATE OF EXPIRY	15/05/2023
PROJECT NAME	HOME EXPERT CONSTRUCTION		
CLIENT NAME	JCO CONSULTANTS PTY LTD		
CLIENT ADDRESS	SUITE 101, 101/102, 103/104, 105/106, 107/108, 109/110, 111/112, 113/114, 115/116, 117/118, 119/120, 121/122, 123/124, 125/126, 127/128, 129/130, 131/132, 133/134, 135/136, 137/138, 139/140, 141/142, 143/144, 145/146, 147/148, 149/150, 151/152, 153/154, 155/156, 157/158, 159/160, 161/162, 163/164, 165/166, 167/168, 169/170, 171/172, 173/174, 175/176, 177/178, 179/180, 181/182, 183/184, 185/186, 187/188, 189/190, 191/192, 193/194, 195/196, 197/198, 199/200, 201/202, 203/204, 205/206, 207/208, 209/210, 211/212, 213/214, 215/216, 217/218, 219/220, 221/222, 223/224, 225/226, 227/228, 229/230, 231/232, 233/234, 235/236, 237/238, 239/240, 241/242, 243/244, 245/246, 247/248, 249/250, 251/252, 253/254, 255/256, 257/258, 259/260, 261/262, 263/264, 265/266, 267/268, 269/270, 271/272, 273/274, 275/276, 277/278, 279/280, 281/282, 283/284, 285/286, 287/288, 289/290, 291/292, 293/294, 295/296, 297/298, 299/300, 301/302, 303/304, 305/306, 307/308, 309/310, 311/312, 313/314, 315/316, 317/318, 319/320, 321/322, 323/324, 325/326, 327/328, 329/330, 331/332, 333/334, 335/336, 337/338, 339/340, 341/342, 343/344, 345/346, 347/348, 349/350, 351/352, 353/354, 355/356, 357/358, 359/360, 361/362, 363/364, 365/366, 367/368, 369/370, 371/372, 373/374, 375/376, 377/378, 379/380, 381/382, 383/384, 385/386, 387/388, 389/390, 391/392, 393/394, 395/396, 397/398, 399/400, 401/402, 403/404, 405/406, 407/408, 409/410, 411/412, 413/414, 415/416, 417/418, 419/420, 421/422, 423/424, 425/426, 427/428, 429/430, 431/432, 433/434, 435/436, 437/438, 439/440, 441/442, 443/444, 445/446, 447/448, 449/450, 451/452, 453/454, 455/456, 457/458, 459/460, 461/462, 463/464, 465/466, 467/468, 469/470, 471/472, 473/474, 475/476, 477/478, 479/480, 481/482, 483/484, 485/486, 487/488, 489/490, 491/492, 493/494, 495/496, 497/498, 499/500, 501/502, 503/504, 505/506, 507/508, 509/510, 511/512, 513/514, 515/516, 517/518, 519/520, 521/522, 523/524, 525/526, 527/528, 529/530, 531/532, 533/534, 535/536, 537/538, 539/540, 541/542, 543/544, 545/546, 547/548, 549/550, 551/552, 553/554, 555/556, 557/558, 559/560, 561/562, 563/564, 565/566, 567/568, 569/570, 571/572, 573/574, 575/576, 577/578, 579/580, 581/582, 583/584, 585/586, 587/588, 589/590, 591/592, 593/594, 595/596, 597/598, 599/600, 601/602, 603/604, 605/606, 607/608, 609/610, 611/612, 613/614, 615/616, 617/618, 619/620, 621/622, 623/624, 625/626, 627/628, 629/630, 631/632, 633/634, 635/636, 637/638, 639/640, 641/642, 643/644, 645/646, 647/648, 649/650, 651/652, 653/654, 655/656, 657/658, 659/660, 661/662, 663/664, 665/666, 667/668, 669/670, 671/672, 673/674, 675/676, 677/678, 679/680, 681/682, 683/684, 685/686, 687/688, 689/690, 691/692, 693/694, 695/696, 697/698, 699/700, 701/702, 703/704, 705/706, 707/708, 709/710, 711/712, 713/714, 715/716, 717/718, 719/720, 721/722, 723/724, 725/726, 727/728, 729/730, 731/732, 733/734, 735/736, 737/738, 739/740, 741/742, 743/744, 745/746, 747/748, 749/750, 751/752, 753/754, 755/756, 757/758, 759/760, 761/762, 763/764, 765/766, 767/768, 769/770, 771/772, 773/774, 775/776, 777/778, 779/780, 781/782, 783/784, 785/786, 787/788, 789/790, 791/792, 793/794, 795/796, 797/798, 799/800, 801/802, 803/804, 805/806, 807/808, 809/810, 811/812, 813/814, 815/816, 817/818, 819/820, 821/822, 823/824, 825/826, 827/828, 829/830, 831/832, 833/834, 835/836, 837/838, 839/840, 841/842, 843/844, 845/846, 847/848, 849/850, 851/852, 853/854, 855/856, 857/858, 859/860, 861/862, 863/864, 865/866, 867/868, 869/870, 871/872, 873/874, 875/876, 877/878, 879/880, 881/882, 883/884, 885/886, 887/888, 889/890, 891/892, 893/894, 895/896, 897/898, 899/900, 901/902, 903/904, 905/906, 907/908, 909/910, 911/912, 913/914, 915/916, 917/918, 919/920, 921/922, 923/924, 925/926, 927/928, 929/930, 931/932, 933/934, 935/936, 937/938, 939/940, 941/942, 943/944, 945/946, 947/948, 949/950, 951/952, 953/954, 955/956, 957/958, 959/960, 961/962, 963/964, 965/966, 967/968, 969/970, 971/972, 973/974, 975/976, 977/9		



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