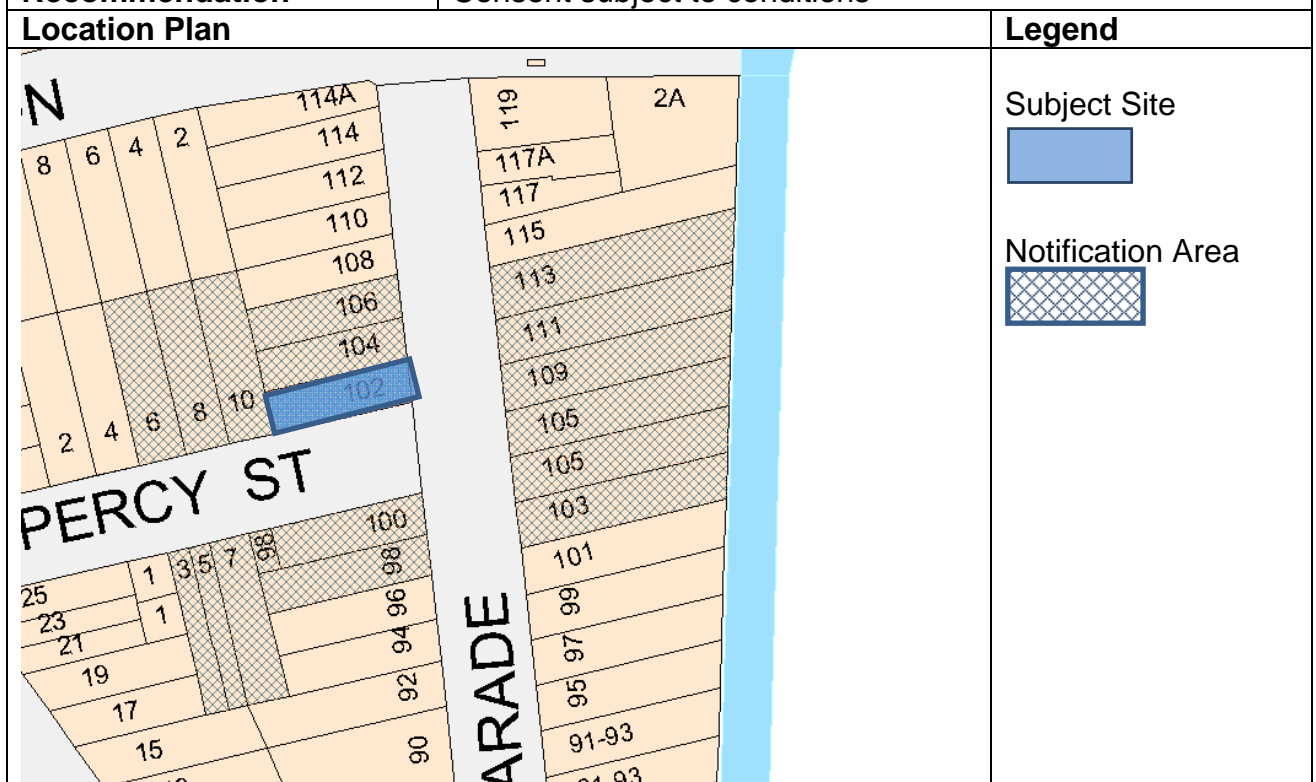




INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	10.2018.37.1
Address	102 Hawthorne Parade, Haberfield
Proposal	Alterations and additions to the existing dwelling house, including: <ul style="list-style-type: none"> • Reconfiguration of the rear of the ground floor to combine the kitchen, dining and lounge into an open plan living; • Minor internal reconfiguration of the ground floor; • First floor involves replacement of the existing balcony into study and ensuite; • Demolition of existing garage and replacement with an open carport and entertainment area; • New swimming pool with decking; and • New picketed fence on southern elevation for privacy.
Date of Lodgement	7 March 2018
Applicant	Raymond Panetta Architects
Owner	Julia Nevill & Renee Francis
Number of Submissions	None
Value of works	\$350,000.00
Reason for determination at Planning Panel	Clause 4.6 variation exceeds officer delegation
Main Issues	Non-compliance with FSR development standard, landscaping, setback, visual privacy
Recommendation	Consent subject to conditions



1. Executive Summary

This report is an assessment of the development application (DA) submitted to Council for alterations and additions to the existing dwelling house at No.102 Hawthorne Parade, Haberfield. The application was notified to surrounding properties and no submissions received.

The main issue that has arisen from the application is the non-compliance with the Floor Space Ratio (FSR) development standard under Ashfield Local Environmental Plan 2013 (ALEP 2013). The proposal represents an appropriate built form for the site and would not result in any unreasonable amenity impacts to the adjoining properties.

The non-compliance with the FSR development standard has been adequately justified in the applicant's written request in accordance with Clause 4.6 Exceptions to Development Standards and therefore the application is recommended for approval.

2. Proposal

The proposal is for alterations and additions to the existing dwelling house involving:

- Reconfiguration of and addition to the rear of the ground floor to combine the kitchen, dining and lounge into an open plan living;
- Minor internal reconfiguration of the ground floor;
- First floor involves replacement of the existing balcony into study and ensuite;
- Demolition of existing garage and replacement with an open carport and entertainment area;
- New swimming pool with decking; and
- New picketed fence on the southern elevation for privacy.

3. Site Description

The site is located on the corner of western side of Hawthorne Parade and northern side of Percy Street, between Lord Street to the south and Marion Street to the north. The site consists of one allotment and is generally rectangular in shape with a total area of 285m² and is legally described as Lot 22 Section C, DP 1988. The site has a frontage to Hawthorne Parade of 4.6 metres and the secondary boundary adjoins Percy Street.

The site contains a two storey dwelling house and a detached double garage.

The locality consists of a mix of one and two storey dwelling houses.

The property is located within the Haberfield Heritage Conservation Area (HCA) under ALEP 2013.

4. Background

4(a) Site history

The table below outlines the relevant development history of the subject site:

Application	Proposal	Decision & Date
BA 1970/78	Alterations & additions to dwelling and new double garage	Approved - 17/11/1970
DA 2017/155	Alterations & additions to the dwelling	Withdrawn – 16/10/2017

4(b) Application history

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

Date	Discussion / Letter/ Additional Information
8/03/2018	The subject development application was lodged.
10/04/2018	The public notification for the application ended.
14/06/2018	Council requested for additional information and clarification with respect to colours and materials of the proposed development.
15/06/2018	Council received additional information with respect to colours and materials proposed.

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 (as amended).

5(a) Environmental Planning Instruments

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

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Ashfield Local Environment Plan 2013

5(a)(v) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

An assessment has been made of the matters set out in Clause 20 of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. It is considered that the carrying out of the proposed development is generally consistent with the objectives of the Plan and would not have an adverse effect on environmental heritage, the visual environmental, the natural environment and open space and recreation facilities.

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

A BASIX Certificate was submitted with the application, which indicates that the proposal meets the required reduction targets. An appropriate condition of consent will be imposed to ensure future compliance with these targets.

5(a)(vii) Ashfield Local Environment Plan 2013 (ALEP 2013)

Ashfield Local Environmental Plan 2013 - Summary Compliance Table				
Clause No.	Clause	Standard	Proposed	Compliance
2.2	Zoning	Zone R2 Low Density Residential	Alterations and additions to the existing dwelling house.	Yes
4.3	Height of buildings	6m	Existing – no change	Yes
4.4	Floor space ratio	0.5:1 (142.5m ²)	0.69:1 (195.9m ²)	No - Refer to Cl. 4.6 discussion below.
4.6	Exceptions to Development standards	The variation to the FSR development standard is discussed below.		
5.10	Heritage Conservation	The site is located within the Haberfield Heritage Conservation Area.		
5.10(4)	Effect of proposed development on heritage significance	The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or the area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).	The proposed alteration and additions are acceptable in term of heritage impacts. Refer to discussion Section 5(d) of this report.	Yes
5.10(5)	Heritage Assessment	The consent authority may, before granting consent to any development: (a) on land on which a heritage item is located, or (b) on land that is within a heritage conservation area, or (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.	The applicant's Heritage Impact Statement concludes there would be no adverse impact on the heritage conservation area as a result of the proposed alterations and additions. Refer to discussion Section 5(d) of this report.	Yes
6.5(3)(a)(i)	Development on land in Haberfield Heritage Conservation Area	If the development involves the addition of gross floor area above the ground floor of a dwelling house the additional gross floor area is contained entirely within the roof space	N/A – existing two storey dwelling	N/A

		of the dwelling house.		
6.5(3)(a)(ii)	Development on land in Haberfield Heritage Conservation Area	If the development involves the additional gross floor area below the ground floor of the dwelling house – the additional gross floor area does not exceed 25 percent of the gross floor area of the dwelling house and does not require significant excavation.	N/A	N/A
6.5(3)(c)	Development on land in Haberfield Heritage Conservation Area	The development does not involve the installation of dormer or gablet windows.	No dormer or gablet windows proposed.	N/A
6.5(3)(d)	Development on land in Haberfield Heritage Conservation Area	A minimum of 50% of the site is available for landscaping.	Currently the site has 18.2% landscaped area. The proposal would increase it to 23.8%.	No - Refer to Cl. 4.6 discussion below.

Clause 4.6 Exceptions to Development Standards

As outlined in table above, the proposal results in a breach of the following development standard under Clause 4.4 of Ashfield LEP 2013.

The proposed development will have a gross floor area (GFA) of 195.9 m², which equates to an FSR of 0.69:1 and represents a variation of 37.5% above the maximum allowable FSR of 0.5:1 as outlined in the table below.

Development Standard	Proposal	Extent of variation	Compliance
Clause 4.4 - Floor Space Ratio Required: 0.5:1 (maximum) 142.5m ² gross floor area (GFA)	0.69:1 195.9m ² GFA	37.5% (53.4m ²) Increase by 16.8m ²	No

Clause 4.6(2) specifies that Development consent may be granted for development even though the development would contravene a development standard.

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 be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument.*
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.*

The application is accompanied by a written request in accordance with Clause 4.6 Exceptions to Development Standards under Ashfield LEP 2013. In summary, the applicant’s written request justifies the non-compliance on the basis that the proposal:

- The existing Floor Space Ratio (0.63:1 / 179.1m²) of the dwelling house is over the allowable development standard.
 - The proposed development improves the amenity of the dwelling house;
 - maintains the amenity of adjoining properties with respect to solar access, privacy, bulk and scale;
 - The form, bulk and scale is compatible with the adjoining properties.
 - Does not result in any adverse bulk and scale within the streetscape.
- (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.*

Officer's Comment: The applicant has addressed the matters required under Clause 4.6 Exceptions to Development Standards, and it is considered to be well founded in this instance. The proposal would not result in a detrimental impact on the public interest and can satisfy the objectives of the development standards and Low Density Residential zoning as demonstrated below:

- The existing dwelling house already exceeds the floor space ratio.
- The proposal would not result in any unreasonable amenity impacts to the adjoining properties in terms of overshadowing, privacy and visual bulk.
- The proposal is generally consistent with the objectives of the FSR development standard under ALEP 2013.
- The overall bulk and scale is generally compatible with the built form context.
- The proposed alterations and additions are appropriate for the site and maintain the low density residential character of the locality.
- The non-compliance is acceptable as the proposed development would provide better amenity to the existing dwelling.
- The proposed development is primarily within the existing building footprint.
- The proposed development would not create a precedence given the existing unique situation.

Clause 6.5 Development on land in Haberfield Heritage Conservation Area

As demonstrated in the table above, the proposed development does not comply with Clause 6.5 (3)(d) with respect to the minimum 50% of the site available for landscaping.

Clause 4.6(2) specifies that Development consent may be granted for development even though the development would contravene a development standard.

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 be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument.*
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.*

The application is accompanied by a written request in accordance with Clause 4.6 Exceptions to Development Standards under Ashfield LEP 2013. In summary, the applicant's written request justifies the non-compliance on the basis that the proposal:

- The proposal is consistent with objectives of Clause 6.5 of LEP 2013 relating to an landscaped area of 50% as the development proposal, with a landscaped area of 27% (increased from existing landscaped area of 18%), is sympathetic to the surrounding area
- In designing a development that compares to the neighbouring properties, the quality of the site and the immediate surroundings is considered acceptable to meet the objectives of the LEP.
- The existing landscaped area of surrounding buildings is below the required 50% and the proposal is keeping with the area.
- The proposal carefully considers all aspects of the LEP and DCP and the design solution will fit comfortably within its surroundings.
- The proposal does not involve the removal of trees and is suitable for the use and enjoyment of residents. Site density and building footprint are acceptable.
- The proposal has been designed to preserve the character of the surrounding area.
- Amenity to the site will not be compromised.
- With a minimum required landscaped area of 50%, the proposal has a non-compliance of 65.4 sqm, however this is considered satisfactory as the landscaped area has been increased from the existing situation.

(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.

Officer's Comment: The applicant has addressed the matters required under Clause 4.6 Exceptions to Development Standards, and it is considered to be well founded in this instance. The proposal would not result in a detrimental impact on the public interest and can satisfy the objectives of the development standards and Low Density Residential zoning as demonstrated below:

- The non-compliance is an existing situation as the site only has 18.2% landscaping. The proposed development is not increasing the breach but would actually result in greater landscaped area of 23.8% (67.7m²), which provides better outcome than the pre-development situation.
- It is considered that the proposed landscaping is sufficient for the use of the site and it would be unreasonable for the applicant to comply with the 50% landscaped area provision.
- The numerical non-compliance with the landscaped area does not form adverse amenity impacts to the surrounding development as the proposed development

generally complies with the provisions of the ALEP 2013 and Comprehensive Inner West Development Control Plan 2016 including building height, private open space, solar access, visual privacy and heritage.

- The proposed alterations and additions are appropriate for the site and maintain the low density residential character of the locality.
- The non-compliance is acceptable as the proposed development would provide better amenity to the existing dwelling.
- The proposed development is primarily within the existing building footprint.
- The proposed development would not create a precedence given the existing unique situation.

Accordingly, the proposed development is considered acceptable.

5(b) Draft Environmental Planning Instruments

Draft Environment SEPP

The NSW government has been working towards developing a new State Environmental Planning Policy (SEPP) for the protection and management of our natural environment. The Explanation of Intended Effect (EIE) for the Environment SEPP was on exhibition from 31 October 2017 until the 31 January 2018. The EIE outlines changes to occur, implementation details, and the intended outcome. It considers the existing SEPPs proposed to be repealed and explains why certain provisions will be transferred directly to the new SEPP, amended and transferred, or repealed due to overlaps with other areas of the NSW planning system.

This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland and Willandra Lakes World Heritage Property. Changes proposed include consolidating the seven existing SEPPs including Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The proposed development would be consistent with the intended requirements within the Draft Environment SEPP.

5(c) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Inner West Comprehensive Development Control Plan 2016 as follows:-

Chapter F Development Category Guidelines – Part 1 – Dwelling Houses and Dual Occupancy

Reference	Control	Standard	Proposed	Compliance
DS3.4	Wall height	Maximum external wall height of 6 metres measured from the existing ground level.	6m	Yes
DS4.3	Setbacks	Side setbacks are determined by compliance with the BCA. Generally, Council requires a minimum side setback of 900mm for houses	<i>Ground Floor</i> - 900mm <i>First Floor</i> - 900 mm Carport – Nil setback on the western and southern boundary.	Yes No – acceptable, refer to the discussion below.
DS6.1	Garages and carports	A minimum of one carparking is required per dwelling	The subject site provides one car parking on the site.	Yes
DS9.1	Principal private open space	Principal private open space is: <ul style="list-style-type: none"> • directly accessible from and at the same level as ground living area 	The rear private open space will have an area of 50m ² and a minimum dimension of 3.5m.	Yes

		<ul style="list-style-type: none"> has a minimum area of 20 m² has a minimum dimension of 3.5 m has an appropriate level of solar access, natural ventilation and privacy 		
DS 11.1	Front gardens	Requires front garden to have an area and dimensions that provide sufficient soil area for ground cover, vegetation and trees.	The existing front garden will be retained.	Yes
DS 11.2	Front gardens	Requires hard paved areas to be minimised, and driveways have a maximum width of 3 metres	The existing path will be modified to provide soft landscaping.	Yes
DS 12.1	Rear gardens	Requires rear gardens to have an area and dimension that provide sufficient soil area for ground cover, vegetation and trees.	The rear garden provides sufficient soil area for ground cover, vegetation and trees.	Yes
DS13.1-13.2	Solar access	Sunlight to at least 50% (or 35m ² with minimum dimension 2.5m, whichever is the lesser) of private open space areas of adjoining properties is not to be reduced to less than three (3) hours between 9am and 3pm on 21 June.	The proposal would not result in any unreasonable shadow impacts to the adjoining properties.	Yes
S 13.3		Existing solar access is maintained to at least 40% of the glazed areas of any neighbouring north facing primary living area windows for a period of at least three hours between 9am and 3 pm on 21 June.	Existing solar access is maintained to the neighbouring north facing primary living area windows.	
DS 13.4		Requires main living areas to be located on the northern side of buildings where possible and subject to streetscape quality considerations.	The site has a north-south orientation and the ground floor living areas will receive direct northern sunlight.	Yes
		Requires sun shading devices such as eaves, overhangs or recessed balconies minimise the amount of direct sunlight striking facades.	A BASIX Certificate has been submitted with the application and these requirements have been included in the plans as required by the BASIX certificate.	Yes
DS14.1	Visual privacy	Requires the number of windows to side elevations located above the ground floor to be minimised.	The proposed first floor addition contains two windows along the northern side elevation including one study and one stairwell window facing the adjoining property at 104 Hawthorne Parade.	Yes – acceptable, refer to the discussion below.

It is considered the application complies with the parts as indicated and ultimately achieves the aims and objectives of the Comprehensive Inner West Development Control Plan 2016.

Setbacks

The proposed carport structure has a nil setback on the southern and western boundaries, and does not comply with the 450mm side setback and 1metre front setback requirements. Notwithstanding, the proposed carport is a replacement of an existing garage structure which has an existing nil side and front setbacks. The proposed carport would also have a roller door similar to an existing one on the garage. It is considered that the non-compliance

with the setback would not have detrimental impact on the amenity of the surrounding properties or the streetscape. The proposed carport meets the objectives of the CIWDCP and is considered acceptable.

Visual Privacy

The proposed first floor addition contains two windows along the northern side elevation including one off a study and one off a stairwell. These windows would face the adjoining property at No.104 Hawthorne Parade. Notwithstanding, the windows would only overlook on to the roof of No. 104 Hawthorne Parade. It is considered that the proposed windows on the northern elevation are positioned in a way that they would not be in direct line with windows on adjoining property.

The proposed first floor addition also contains two windows along the western elevation off a study and an ensuite. The proposed windows would have vertical steel screen and would be over 9 metres from direct view of the adjoining properties. Given that these windows would have a privacy screen and a reasonable distance to the adjoining properties, it is considered that there would not be any adverse impact with respect to visual privacy on the adjoining properties.

The proposal is acceptable in terms of visual privacy to the adjoining properties. Accordingly, the proposal meets the objectives of the privacy element and is considered acceptable.

Fence

The existing brick fence along the southern side boundary, towards the rear boundary is approximately 1.8 metres in height. The proposed picketed fence behind the brick fence would be approximately between 2 metres and 2.5 metres in height. The proposed picketed fence is open style and would provide extra privacy to the private open space in the rear yard. Given the slope of the site and the location of the private open space, the proposed boundary fence is considered acceptable.

5(d) The Likely Impacts

Section 4.15(1)(b) of the Act requires Council to consider *“the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality”*.

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

Heritage/Streetscape

The site is located within Haberfield Heritage Conservation Area under ALEP 2013. The existing dwelling is a two storey dwelling house.

The applicant’s Heritage Impact Statement (HIS) submitted with the DA concludes that there would be no adverse impact on the heritage conservation area as the proposed addition is within the original dwelling to minimise its visual impact within the streetscape.

Prior to formal lodgement of the development application with Council, the applicant met with Council’s Heritage Advisor who raised concerns with the size and location of the proposed addition and its adverse impact on the existing dwelling within the streetscape. The applicant subsequently amended the design to address the concerns.

The proposed addition is entirely within the original roof form and is visually subservient within the primary streetscape. The proposal involves retention of the main façade features and incorporates complementary colours and materials. Council’s Heritage Advisor

considers the proposed alterations and additions to be acceptable in terms of the significance of the HCA.

The proposed development is therefore appropriate for the site in terms of heritage and streetscape impacts.

Stormwater Management

The development proposes to connect to existing stormwater system by gravity to the street gutter system. Council’s engineering assessment considers the drainage system is satisfactory, subject to recommended conditions.

5(e) The suitability of the site for the development

The site is zoned R2 Low Density Residential. The paucity of environmental impacts demonstrates the site is suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

5(f) Any submissions

The application was notified for a period of 14 days to surrounding properties from 13 March 2018 to 10 April 2018. No submissions were received.

5(g) The Public Interest

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed.

The public interest is an overarching requirement, which includes the consideration of the matters discussed in this report. Implicit to the public interest is the achievement of future built outcomes adequately responding to and respecting the future desired outcomes expressed in environmental planning instruments and development control plans.

The application is considered to have satisfactorily addressed Council’s and relevant agencies’ criteria and would provide a development outcome that, on balance, would result in a positive impact for the community. Accordingly, it is considered that the approval of the proposed development would be in the public interest.

The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

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

Internal Referrals		
Officer	Comment	Support
Heritage Officer	The proposed alterations and additions are acceptable.	Yes

6(b) External

Not Applicable

7. Section 7.12 Levy

A Section 7.12 Levy of \$3500.00 would be required for the development under Ashfield Section 94A Contributions Plan 2014. A condition requiring that levy to be paid is included in the recommendation.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in Ashfield Local Environmental Plan 2013 and Comprehensive Inner West Development Control Plan 2016.

The development will not result in any unreasonable impacts on the amenity of adjoining premises and the streetscape.

The non-compliance with the FSR development standard has been adequately justified in the applicant's written request in accordance with Clause 4.6 Exceptions to Development Standards.

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

9. Recommendation

- A. That the variation to Clause 4.4 Floor Space Ratio & Clause 6.5 Development on land in Haberfield Heritage Conservation Area of Ashfield Local Environmental Plan 2013 be supported under the provisions of Clause 4.6 exceptions to development standards.
- B. That the Panel, as the consent authority pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No: 2018/37 for alterations and additions to the existing dwelling house at No.102 Hawthorne Parade, Haberfield subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS

DA 2018.37.1

102 Hawthorne Parade HABERFIELD 2045

Description of Work as it is to appear on the determination:
Alterations and additions to a dwelling house.**A General Conditions****(1) Approved plans stamped by Council**

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

Approved Plans:

Drawing No.	Title/Description	Prepared by	Issue/Revision	Date
DA02	Site Plan	Raymond Panetta Architect	B	6/03/2018
DA11	Floor Plans – Proposed	Raymond Panetta Architect	B	6/03/2018
DA12	Floor Plans – Proposed	Raymond Panetta Architect	C	15/06/2018
DA13	Proposed roof & Concept Stormwater Drainage Plan	Raymond Panetta Architect	B	6/03/2018
DA14	Elevations – Proposed	Raymond Panetta Architect	C	15/06/2018
DA15	Elevations – Proposed	Raymond Panetta Architect	B	6/03/2018
DA16	Sections – Proposed	Raymond Panetta Architect	B	6/03/2018
DA17	Sections – proposed	Raymond Panetta Architect	C	15/06/2018
DA18	Landscape Plan	Raymond Panetta Architect	B	6/03/2018

DA26	Materials and Finishes	Raymond Panetta Architect	B	6/03/2018
DA29	Soil and Water Management	Raymond Panetta Architect	B	6/03/2018
DA30	Swimming Pool Details	Raymond Panetta Architect	B	6/03/2018

Supporting Documents:

Title/Document	Prepared by	Issue/Revision	Date
BASIX Certificate A288605_02	Raymond Panetta	02	8/09/2017
Waste Management Plan	Raymond Panetta Architects	-	7/09/2017

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

(2) Compliance with BCA

All architectural drawings, specifications and related documentation shall comply with the Building Code of Australia (BCA). All work must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

B Design Changes

C Conditions that must be satisfied prior to issuing/releasing a Construction Certificate

(1) Waste Management Plan

Prior to the issue of a Construction Certificate, the applicant shall prepare and submit a Waste Management Plan in accordance with the provisions of Inner West Comprehensive Development Control Plan - Planning For Less Waste and the Waste Planning Guide for Development Applications (Planning for Less Waste, prepared by the Regional Waste Boards), including:

- a) Estimations of quantities and type of materials to be reused, recycled or left over for removal from site;
- b) Identification on a plan of on site material storage areas during construction, waste storage, recycling and composting areas;
- c) Details of construction materials and methods to be used to minimise the production of waste in the completion of the new building work.
- d) How waste is to be treated on the site.
- e) How any residual non-reusable and non-recyclable waste is to be disposed of and including details of the approved waste disposal outlets where disposal will take place.

(2) Erosion & sedimentation control-management plan

Prior to issue of a construction certificate the applicant shall prepare an erosion and sedimentation control plan in accordance with Part 4 of the guidelines titled “*Pollution Control Manual for Urban Stormwater*”, as recommended by the Environmental Protection Authority.

Any stormwater runoff collected from the site must be treated in accordance with the Guidelines, before discharge off the site to comply with the *Protection of the Environment Operations Act 1997* or other subsequent Acts.

Where sedimentation control basins are provided discharge shall be to the requirements of the Environmental Protection Authority.

Applicants are further advised to refer to the following publications for additional information:

- i. “*Sedimentation and Erosion Control*” - Department of Conservation and Land Management.
- ii. “*Soil and Water Management for Urban Development*” - Department of Housing.

The plan must be submitted with the application for a construction certificate.

Further information may be obtained from:

Environment Protection Officer
 Environment Protection Authority
 Inner Sydney Region
 Locked Bag 1502
 BANKSTOWN NSW 2200

(3) Security Deposit

Prior to the commencement of demolition works or a Construction Certificate being issued for works approved by this development consent (whichever occurs first), a security deposit and inspection fee must be paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

Security Deposit (FOOT)	\$7,860.00
Inspection fee (FOOTI)	\$225.00

Payment will be accepted in the form of cash, bank cheque, EFTPOS/credit card (to a maximum of \$10,000) or bank guarantee. Bank Guarantees must not have an expiry date.

The inspection fee is required for Council to determine the condition of the adjacent road reserve and footpath prior to and on completion of the works being carried out.

Should any of Council’s property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council’s assets or the environment at risk, or if any road, footpath or drainage works required by this consent are not completed satisfactorily, Council may carry out any works necessary to repair the damage, remove the risk or complete the works. Council may utilise part or all of the security deposit to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.

A request for release of the security may be made to the Council after all construction work has been completed and a final Occupation Certificate issued.

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

Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

(4) Long service levy

Compliance with Section 109F of the *Environmental Planning and Assessment Act 1979* – payment of the long service levy under Section 34 of the *Building and Construction Industry Long Service Payments Acts 1986* – is required. All building of \$25,000.00 and over are subject to the payment of a Long Service Levy fee. A copy of the receipt for the payment of the Long Service Levy shall be provided to the Principal Certifying Authority (PCA) prior to the issue of a Construction Certificate. Payments can be made at Long Service Payments Corporation offices or most Councils.

(5) Home Building Compensation Fund Warranty

Compliance with Part 6 of *Home Building Act 1989* is required. A copy of either the Builders Home Warranty Insurance OR a copy of the Owner-Builder Permit shall be submitted to Council.

(6) Services and infrastructure adjustment/relocation

The applicant shall meet the full cost for Telstra, Sydney Water, Energy Australia, AGL Electricity/AGL Retail Energy or alternative service/energy providers to adjust/relocate their services/infrastructure as required. The applicant shall make the necessary arrangements with the relevant service authority or relevant retail energy company.

(For information on the location of services contact the “Dial before you Dig” service on 1100.)

Documentary evidence from the utility authorities/retail energy company confirming that all of their requirements have been satisfied shall be submitted to Council with the Construction Certificate.

(7) Footpath/laneway – photographs to be submitted

Prior to the release of the Construction Certificate, the applicant shall lodge with Council photographs of the roadway, footpath and/or laneway at the property indicating the state of the relevant pavements. At the completion of construction, again at the expense of the applicant, a new set of photographs is to be taken to determine the extent, if any, of any damage which has occurred to the relevant pavements. If any damage has occurred, the applicant shall meet the full cost to repair or reconstruct these damaged areas to Council's relevant standard. Failure to do this will result in the applicant being held accountable for the cost of all repair works in the area near / at the site.

(8) Footpath, kerb and gutter protection

The applicant is to take all precautions to ensure footpaths and roads are kept in a safe condition and to prevent damage to Council's property.

Pedestrian access across this footpath must be maintained in good order at all times during work. Any damage caused will be made good by Council at Council's restoration rates, at the applicant's expense.

(9) Section 94A Contribution

Pursuant to Section 80A(1) of the *Environmental Planning and Assessment Act 1979* and Ashfield Council's Section 94A Development Contributions Plan 2009 a contribution of \$3,500.00 shall be paid to Ashfield Council.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of Ashfield Council's Section 94A Development Contributions Plan 2009.

(10) Payment of any Additional Fees

If the estimated cost of works for the construction certificate application exceeds the estimate supplied with the development application, an additional fee, any contributions and bonds based on the revised estimate must be paid to Council prior to release of the Construction Certificate.

(11) Permits

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

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

Contact Council's Road Access team to ensure the correct Permit applications are made for the various activities.

Applications for such Permits shall be submitted and approved by Council prior to the commencement of the works associated with such activity or issue of the Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

(12) Public Liability Insurance

Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands shall 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.

(13) Dilapidation

The person acting on this consent shall submit to the Principal Certifying Authority a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site before the issue of a Construction Certificate.

D Conditions that must be complied with before work commences

(1) Notice of Commencement – Notification of Works

Work must not commence until the Principal Certifying Authority or the person having the benefit of the development consent has given Notification in Writing to Council no later than two days before the building work commences.

(2) Requirement for a Construction Certificate

In accordance with the provisions of Section 81A of the *Environmental Planning and Assessment Act 1979* the erection of a building and/or construction works must not commence until:

- a) detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
 - i. Council; or
 - ii. an accredited certifier; and
- b) a principal certifying authority (PCA) has been appointed and the Council has been notified in writing of the appointment, and
- c) at least two days notice, in writing, has been given to Council of the intention to commence work.

The documentation required under this condition shall show that the proposal complies with all development consent conditions and the *Building Code of Australia*.

Note: If the principal certifying authority is the Council, the appointment will be subject to the payment of a fee for the service to cover the cost of undertaking building work and / or civil engineering inspections.

WARNING: Failure to obtain a Construction Certificate prior to the commencement of any building work is a serious breach of Section 81A(2) of the *Environmental Planning & Assessment Act 1979*. It is a criminal offence that attracts substantial penalties and may also result in action in the Land and Environment Court and orders for demolition.

(3) Inspections required by Principal Certifying Authority

Inspections shall be carried out at different stages of construction by Council or an accredited certifier. If Council is selected as the Principal Certifying Authority (PCA) the inspection fees must be paid for in advance which will be calculated at the rate applicable at the time of payment.

(4) Sanitary facilities - demolition/construction sites

Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

(5) Site Controls

Sediment and erosion controls must be in place before work is commenced on the site. The control strategies must be consistent with the technical requirements set out in the Sydney Coastal Councils' *Stormwater Pollution Control Code for Local Government*.

Material from the site is not to be tracked onto the road by vehicles entering or leaving the site. At the end of each working day any dust/dirt or other sediment shall be swept off the road and contained on the site and not washed down any stormwater pit or gutter.

A sediment and erosion control plan must be prepared and identify appropriate measures for bunding and siltation fencing. Any such erosion and sedimentation controls shall also include the protection of stormwater inlets or gutter systems within the immediate vicinity of the site.

The sediment and erosion control measures are to be inspected daily and defects or system failures are to be repaired as soon as they are detected.

(6) Building location - check survey certificate

To ensure that the location of the building satisfies the provision of the approval, a check survey certificate shall be submitted to the Principal Certifying Authority either prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, indicating the: -

- a) location of the building with respect to the boundaries of the site;
- b) level of the floor in relation to the levels on the site (all levels are to be shown relative to Australian Height Datum);
- c) site coverage of the buildings on the site.

(7) Site fencing/security

The site must be appropriately secured and fenced to the satisfaction of Council during demolition, excavation and construction work to ensure there are no unacceptable impacts on the amenity of adjoining properties. Permits for hoardings and or scaffolding on Council land must be obtained and clearly displayed on site.

(9) Protection of public places - erection or demolition of building

- If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient or involves the enclosure of a public place; a hoarding or fence must be erected between the work site and the public place.
- If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

- The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- Any such hoarding, fence or awning is to be erected prior to works commencing and only with Council approval in accordance with SafeWork NSW requirements. The temporary structures are to be removed when the work has been completed.

(10) Demolition work plan

Prior to demolition, the applicant shall submit a Work Plan prepared in accordance with AS 2601 by a person with suitable expertise and experience to the Principal Certifying Authority. The Work Plan shall identify any hazardous materials, the method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.

(11) Asbestos sheeting removal - EPA/SafeWork NSW

Asbestos removal is to be carried prior to principal works commencing in accordance with Environmental Protection Authority and SafeWork NSW requirements. Proper procedures shall be employed in the handling and removal of asbestos and products containing asbestos so as to minimise the risk to personnel and the escape of asbestos particles in the atmosphere. Work is only to be carried out with the prior consent of the SafeWork NSW.

Note: There are substantial penalties for non-compliance with the above requirements.

(12) Asbestos and/or lead removal certification

The existing structures/land on the site potentially contain asbestos and/or lead. Following removal of any asbestos/lead located on site a clearance must be provided to the Principal Certifying Authority certifying that no such asbestos/lead remains on site from a suitably qualified person.

A copy of the clearance Certificate must be forwarded to Council before any other demolition work is commenced.

(13) Garbage skips on Council land - Council approval

Bulk refuse bins or garbage skips shall not be placed on grass verge, footpath or roadway without Council permission. Application forms and details of applicable fees are available from Council's Customer Service on telephone 9392 5000.

(14) Sydney Water approval

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site: www.sydneywater.com.au, see Your Business then Building & Developing then Building & Renovating or telephone Sydney Water 13 20 92.

(15) Tree Protection

All trees and shrubs identified for retention on the approved drawings are to be suitably protected in accordance with *Australian Standard AS4970 – Protection of Trees on Development Sites* prior to the commencement of any works (including any demolition and excavation) and maintained for the duration of the works.

E Conditions that must be complied with during construction or demolition**(1) Plans to be available on site**

The Council stamped approved plans, Development Consent and Construction Certificate shall be held on site to be produced unobliterated to Council's officer at any time when required.

(2) Building construction - check survey

A check survey is to be submitted to the Principal Certifying Authority for perusal at an early stage of construction indicating excavated levels, boundary distances, site coverage and building alignment to ensure compliance with the approved plans.

(3) Storage of building materials

Building materials and spoil are to be located wholly on site and not placed in a position that may result in materials being washed onto the roadway or into the stormwater system.

(4) House Stormwater Disposal

The stormwater disposal from the proposed development shall be connected to the existing house stormwater system via a 100mm dia UPVC pipe. No 'charged' lines are permitted. The existing house stormwater system shall be tested by a qualified plumber to ensure it functions satisfactory in discharging water. If it does not, the system shall be repaired/replaced to operate satisfactorily.

(5) Signs to be erected on building and demolition sites

- a) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - i. stating that unauthorised entry to the work site is prohibited; and
 - ii. showing the name and address of the contractor for the building work and the person in charge of the work site and a telephone number at which the person may be contacted outside working hours; and
 - iii. showing the name, address and telephone number of the Principal Certifying Authority appointed for the building works.
- b) Any-sign shall be maintained and not removed until work has been finished.

(6) Waste Management Plan – compliance

- a) All requirements of the approved Waste Management Plan must be implemented during the demolition and/or excavation and construction period of the development. Adequate measures need to be in place to ensure the ongoing waste management of the site.
- b) Keep receipts of where waste will be taken to be treated or disposed. The receipts must be presented to the Principal Certifying Authority prior to issue of the occupation certificate.

(7) Demolition/excavation/construction - hours of work

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work shall only be permitted during the following hours:

- a) 7:00 am to 6:00 pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
- b) 8:00 am to 1:00 pm on Saturdays with no demolition works occurring during this time; and
- c) at no time on Sundays or public holidays.

Works may be undertaken outside these hours where they do not create any nuisance to neighbouring properties in terms of dust, noise, vibration etc and do not entail the use of power tools, hammers etc. This may include but is not limited to painting.

In the case that a standing plant or special permit is obtained from Council for works in association with this development, the works which are the subject of the permit may be carried out outside these hours.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, to prevent risk to life or environmental harm.

Activities generating noise levels greater than 75dB(A) such as rock breaking, rock hammering, sheet piling and pile driving shall be limited to:

- 8:00 am to 12:00 pm, Monday to Saturday; and
2:00 pm to 5:00 pm Monday to Friday.

The Proponent shall not undertake such activities for more than three continuous hours and shall provide a minimum of one 2 hour respite period between any two periods of such works.

“Continuous” means any period during which there is less than an uninterrupted 60 minute respite period between temporarily halting and recommencing any of that intrusively noisy work.

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

(8) Demolition/excavation/construction - noise - Protection of the Environment Operations Act 1997

Noise arising from demolition/excavation/construction works shall be controlled in accordance with the requirements of *Protection of the Environment Operations Act 1997* and guidelines currently contained in the *NSW EPA Environmental Noise Control Manual*.

(9) Demolition requirements/standards

Demolition is to be carried out in accordance with the following:

- a) Australian Standard 2601 and any requirements of the SafeWork NSW.
- b) The Waste Management Plan submitted with the Development Application.
- c) The property is to be secured to prohibit unauthorised entry.

- d) All precautions are to be exercised in the handling, removal and disposal of all asbestos materials. Licensed contractors and the disposal of asbestos is to be carried out in accordance with the requirements of the SafeWork NSW.
- e) All other materials and debris is to be removed from the site and disposed of to approved outlets.
- f) Any demolition on the site is to be conducted in strict accordance with, but not limited to, sections 1.5, 1.6, 1.7, 3.1 and 3.9 of the AS 2601 - 1991, demolition of structures. The following measures must be undertaken for hazardous dust control:
 - g) Prior to demolition, the applicant shall submit a Work Plan prepared in accordance with AS 2601 by a person with suitable expertise and experience to the Principal Certifying Authority. The Work Plan shall identify any hazardous materials, the method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
 - h) Hazardous dust must not be allowed to escape from the site or contaminate the immediate environment. The use of fine mesh dust proof screens, wet-lead safe work practices, or other measures is required.
 - i) All contractors and employees directly involved in the removal of hazardous dusts and substances shall wear protective equipment conforming to AS 1716 Respiratory Protective Devices and shall adopt work practices in accordance with WorkSafe Requirements (in particular the WorkSafe standard for the *Control of Inorganic Lead At Work* (NOHSC: 1012, 1994) and AS 2641, 1998).
 - j) Any existing accumulations of dust (eg; ceiling voids and wall cavities must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter and disposed of appropriately.
 - k) All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Unclean water from the suppressant spray is not be allowed to enter the street gutter and stormwater systems.
 - l) Demolition is not to be performed during high winds that may cause dust to spread beyond the site boundaries without adequate containment.
 - m) All lead contaminated material is to be disposed of in accordance with the NSW Environment Protection Authorities requirements.
 - n) Construction and demolition waste, particularly timber, bricks and tiles, concrete and other materials need not be disposed of- they can be recycled and resold if segregated properly from any hazardous waste contamination.
 - o) Following demolition activities, soil must be tested by a person with suitable expertise to ensure the soil lead levels are below acceptable health criteria for residential areas. Full certification is to be provided for approval by the Principal Certifying Authority.

(10) Materials and colour schemes

Materials of construction are to be as specified in the schedule of finishes submitted with the development application and on the approved plans, except where amended by the conditions.

(11) Road and footpath – safety and access requirements

The contractor is to take all precautions to ensure footpaths and roads are kept in a safe condition and to prevent damage to Council's property.

Heavy vehicles entering and leaving the site must only cross the footpath where it is adequately timbered and strapped. Pedestrian access across this footpath must be maintained in good order at all times during the work. Any damage caused must be made good by Council at Council's restoration rates, at the applicant's or builder's expense.

(12) Road opening permit – Council controlled lands

A road opening permit shall be obtained for all works carried out in public or Council controlled lands. Contact Council's Engineering Services for details.

This road opening permit covers the direct costs involved in the repair/replacement of works where the public or Council controlled lands are specifically damaged/saw cut etc for the construction of services, stormwater pipes, kerb works, bitumen works, footpath works etc. It is *separate* from a Damage Deposit as listed elsewhere in these Conditions of Consent.

(13) Surface run-off

Allowance shall be made for surface run-off from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other properties.

(14) BASIX Requirements

The new works shall be constructed in accordance with, and comply with the undertakings given on the *BASIX (Building Sustainability Index) Certificate* as obtained from the Department of Planning and Environment. For more information visit www.basix.nsw.gov.au.

F Conditions that must be complied with prior to installation of services

Nil

G Conditions that must be complied with before the building is occupied**(1) Approval to use/occupy building**

The building or any part thereof must not be used or occupied until an Occupation Certificate has been obtained from the Principal Certifying Authority.

Note: If Council is chosen as the Principal Certifying Authority a fee is applicable prior to the release of the Construction Certificate.

(2) Landscape works

Prior to the issue of any Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including tree planting, have been undertaken in accordance with the approved plan(s) and conditions of consent. A copy of an active Landscape

management plan/contract for the maintenance of the landscaping for a period of not less than two years after the installation is to be provided prior to the issue of the Occupation Certificate.

H **Conditions that are ongoing requirements of development consents**

(1) Landscaping

Landscaped area shall be in accordance with the amended Drawing No. DA18, Landscape Plan prepared by Raymond Panetta Architect dated 6/03/2018.

(2) Private Power Poles

Private power poles are not to be erected on the subject site without Council's Consent.

I **Advisory Notes**

(1) Works and requirements of other authorities

- Sydney Water may require the construction of additional works and/or the payment of additional fees. Other Sydney Water approvals may also be necessary prior to the commencement of construction work. You should therefore confer with Sydney Water concerning all plumbing works, including connections to mains, installation or alteration of systems, and construction over or near existing water and sewerage services.
- Contact Sydney Water, Rockdale (Urban Development Section) regarding the water and sewerage services to this development.
- Australia Post has requirements for the positioning and dimensions of mail boxes in new commercial and residential developments. A brochure is available from your nearest Australia Post Office.
- Energy Australia/AGL Electricity/AGL Retail Energy or other alternative service/energy providers have requirements for the provision of connections.
- Energy Australia has a requirement for the approval of any encroachments including awnings, signs, etc over a public roadway or footway. The Engineer Mains Overhead Eastern Area should be contacted on 9663 9408 to ascertain what action, if any, is necessary.
- Telstra has requirements concerning access to services that it provides.

(2) Modifications to your consent - prior approval required

Works or activities other than those authorised by the approval including changes to building configuration or use will require the submission and approval of an application to modify the consent under Section 96 of the *Environmental Planning & Assessment Act 1979*. You are advised to contact Council immediately if you wish to alter your approved plans or if you cannot comply with other requirements of your consent to confirm whether a Section 96 modification is required.

Warning: There are substantial penalties prescribed under the *Environmental Planning and Assessment Act 1979* for breaches involving unauthorised works or activities.

(3) Occupational health and safety

All site works must comply with the occupational health and safety requirements of the SafeWork NSW.

(4) Tree preservation

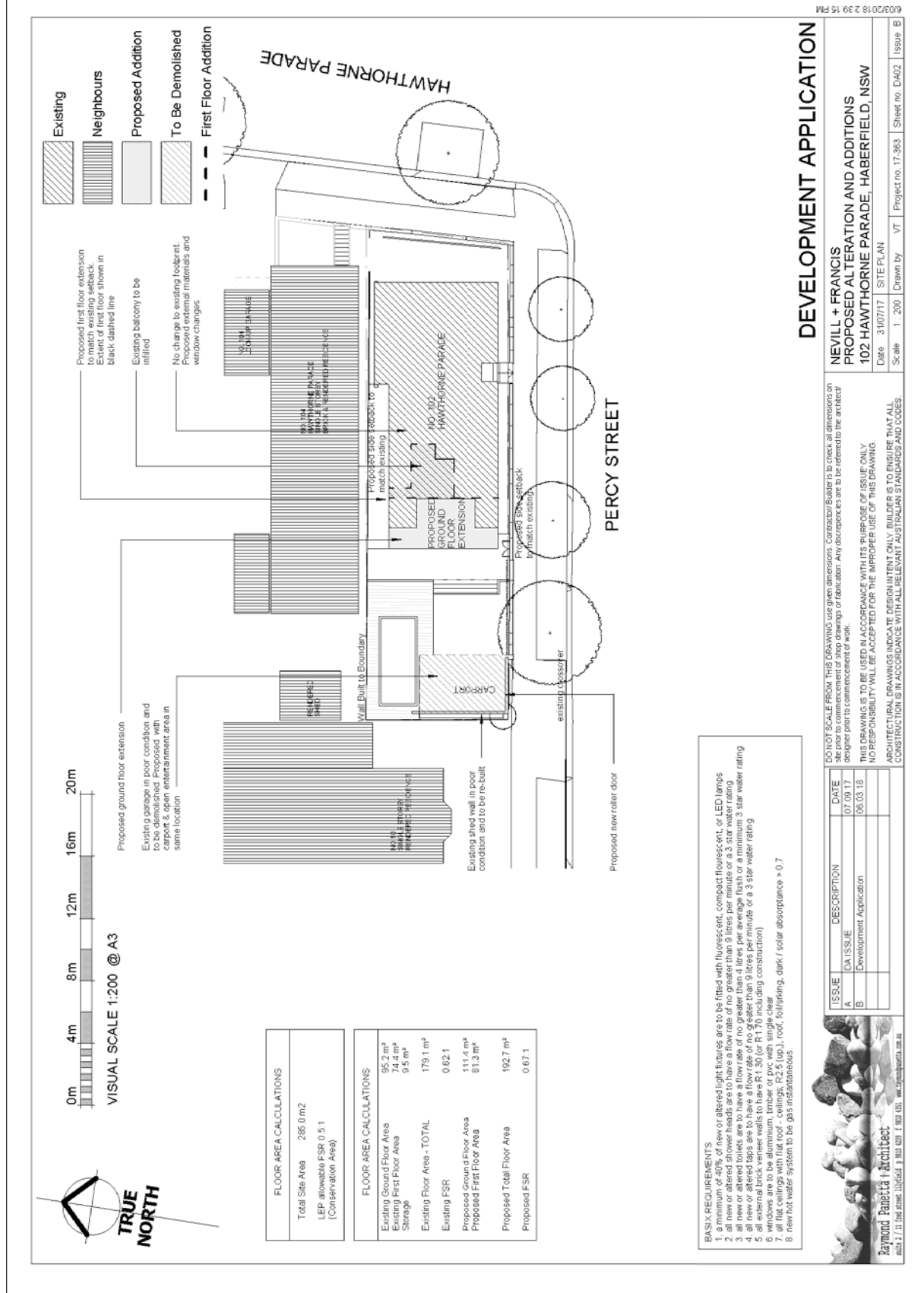
Where tree removal or work has not been approved by this Development Consent, the developer is notified that a general Tree Preservation Order applies to all trees (with the exception of certain species) in the Municipality of Ashfield with a height greater than five (5) metres. This order prohibits the ringbarking, cutting down, topping, lopping*, pruning, transplanting, injuring or wilful destruction of such trees except with the prior approval of the Council. Written consent from Council for such tree works must be in the form of a "Tree Preservation Order Permit for Pruning or Removal of Protected Trees" to be obtained from Council.

- * Lopping may be carried out without consent only to maintain a minimum clearance of 500mm from power lines, pruning to remove dead wood/branches and minor pruning of branches overhanging buildings to a height of 2 metres only with the agreement of the owner of the tree. Contact Council's One Stop Shop - telephone 9716 1800, for details of the Tree Preservation Order.

(5) Relocation of stormwater drainage

Council is not responsible for the cost of relocating Council's stormwater drainage pipes through the subject property.

Attachment B – Plans of proposed development



DEVELOPMENT APPLICATION

NEVILL + FRANCIS
 PROPOSED ALTERATION AND ADDITIONS
 102 HAWTHORNE PARADE, HABERFIELD, NSW
 Date 31/07/17 SITE PLAN
 Scale 1:200 Drawn by VT Project no. 17-363 Sheet no. DA02 Issue B

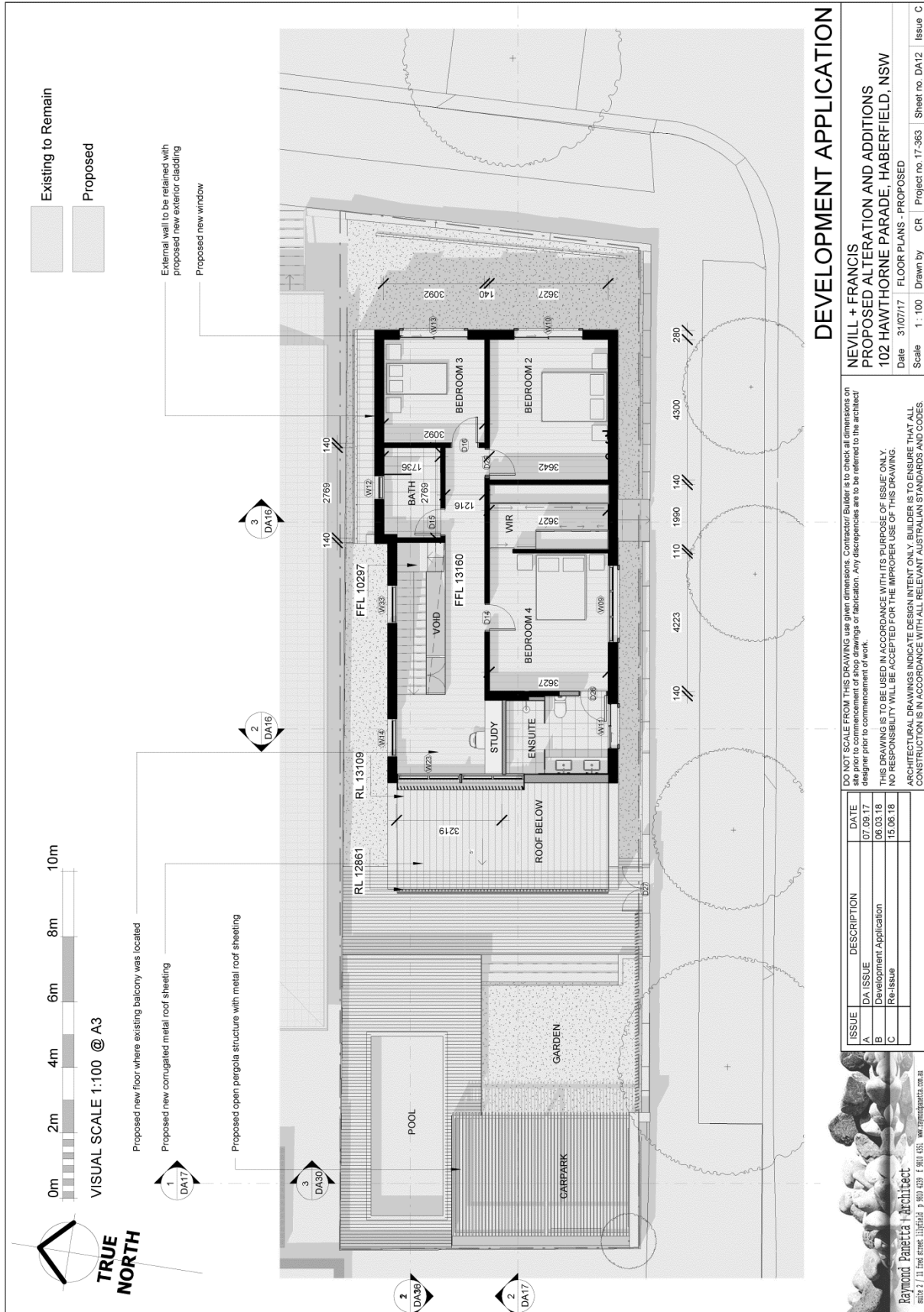
DO NOT SCALE FROM THIS DRAWING use given dimensions. Contractor/Builder is to check all dimensions on site prior to commencement of work. Any discrepancy is to be referred to the architect.
 THESE DRAWINGS ARE TO BE USED IN ACCORDANCE WITH THE PROVISIONS OF THE ACT ONLY.
 NO RESPONSIBILITY WILL BE ACCEPTED FOR THE IMPROPER USE OF THIS DRAWING.
 ARCHITECTURAL DRAWINGS INDICATE DESIGN INTENT ONLY. BUILDER IS TO ENSURE THAT ALL CONSTRUCTION IS IN ACCORDANCE WITH ALL RELEVANT AUSTRALIAN STANDARDS AND CODES.

ISSUE	DESCRIPTION	DATE
A	DA ISSUE	07/09/17
B	Development Application	06/03/18

Raymond Panerella Architect
 11/11 The Arcade, Haberfield, NSW 1590. Tel: 02 9550 2222. www.raymondpanerella.com.au

- BASIC REQUIREMENTS**
- minimum of 40% of new or altered light fixtures are to be fitted with fluorescent, compact fluorescent, or LED lamps
 - all new or altered light fixtures are to have a flow rate of no greater than 9 litres per average flush or a minimum 3 star water rating
 - all new or altered taps are to have a flow rate of no greater than 9 litres per minute or a 3 star water rating
 - all external brick veneer walls to have R1.30 (or R1.70 including construction)
 - all windows are to be aluminium, timber or PVC with single clear
 - all flat ceilings with flat roof - ceilings, T2.5 (up), roof, hollowing, dark / solar absorbance > 0.7
 - new hot water system to be gas instantaneous

FLOOR AREA CALCULATIONS	
Total Site Area	285.0 m ²
LEP allowable FSR 0.51 (Conservation Area)	
FLOOR AREA CALCULATIONS	
Existing Ground Floor Area	95.2 m ²
Existing First Floor Area	74.4 m ²
Storage	9.5 m ²
Existing Floor Area - TOTAL	179.1 m ²
Existing FSR	0.621
Proposed Ground Floor Area	111.4 m ²
Proposed First Floor Area	81.3 m ²
Proposed Total Floor Area	192.7 m ²
Proposed FSR	0.671



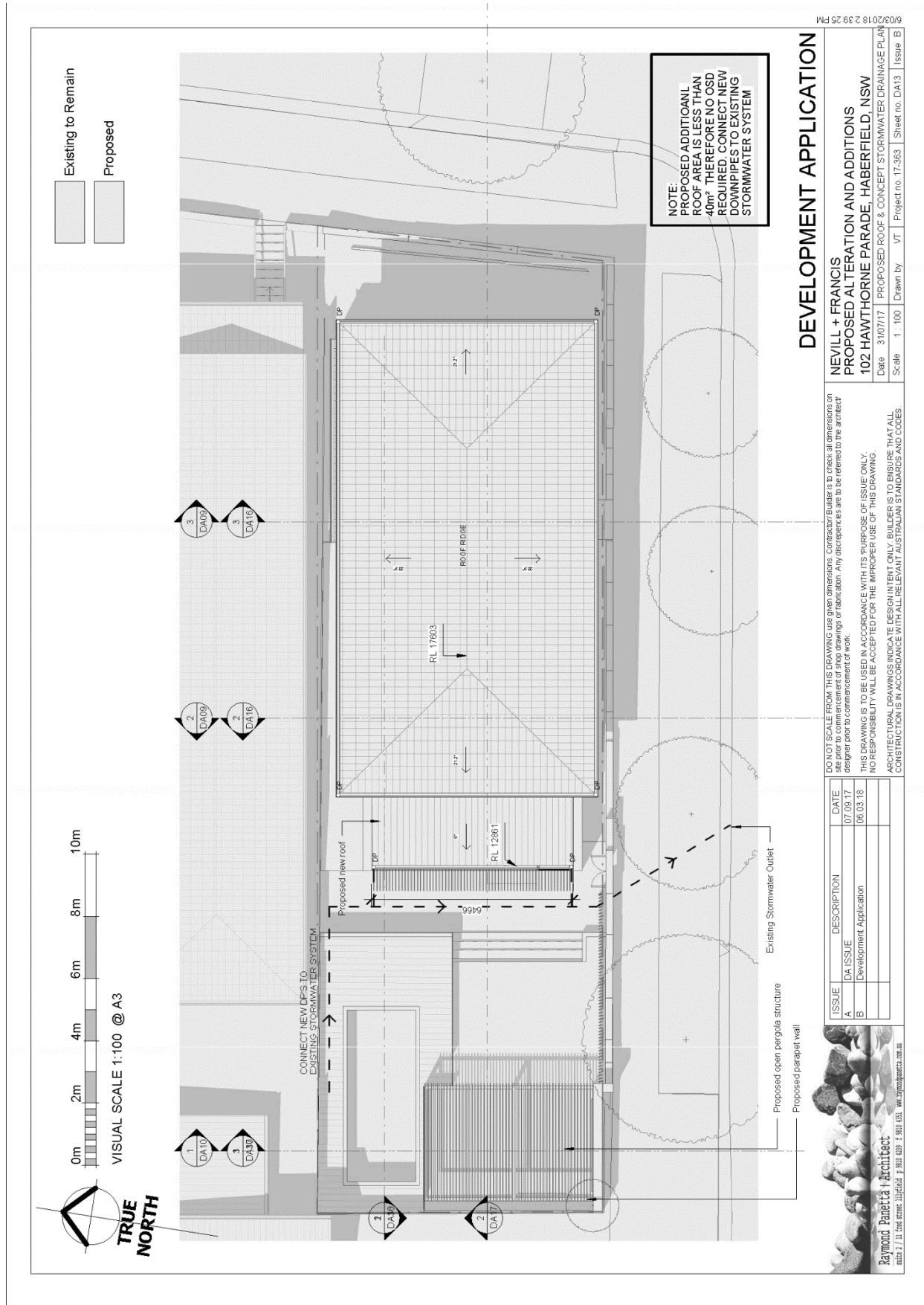
DEVELOPMENT APPLICATION

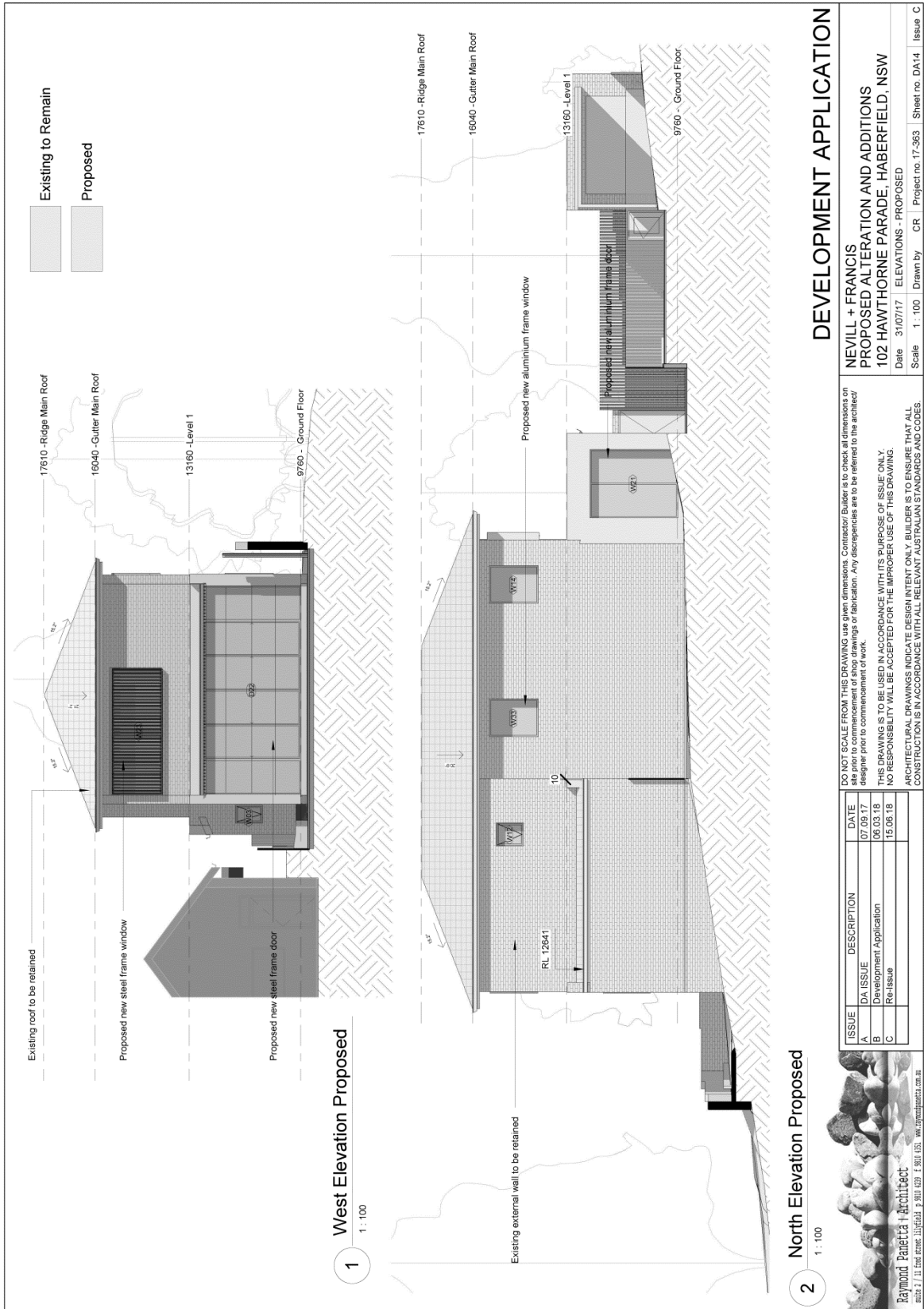
NEVILL + FRANCIS
PROPOSED ALTERATION AND ADDITIONS
102 HAWTHORNE PARADE, HABERFIELD, NSW
 Date 31/07/17 FLOOR PLANS - PROPOSED
 Scale 1 : 100 Drawn by CR Project no. 17-363 Sheet no. DA12 Issue C

DO NOT SCALE FROM THIS DRAWING use given dimensions. Contractor/Builder is to check all dimensions on site prior to commencement of shop drawings or fabrication. Any discrepancies are to be referred to the architect/designer prior to commencement of work.
 THIS DRAWING IS TO BE USED IN ACCORDANCE WITH ITS PURPOSE OF ISSUE ONLY.
 NO RESPONSIBILITY WILL BE ACCEPTED FOR THE IMPROPER USE OF THIS DRAWING.
 ARCHITECTURAL DRAWINGS INDICATE DESIGN INTENT ONLY. BUILDER IS TO ENSURE THAT ALL CONSTRUCTION IS IN ACCORDANCE WITH ALL RELEVANT AUSTRALIAN STANDARDS AND CODES.

ISSUE	DESCRIPTION	DATE
A	DA ISSUE	07.09.17
B	Development Application	08.03.18
C	Re-issue	15.06.18

Raymond Panetta | Architect
 suite 7 / 11. Ross Street, Haberfield, NSW 1585 | www.raymondpanetta.com.au





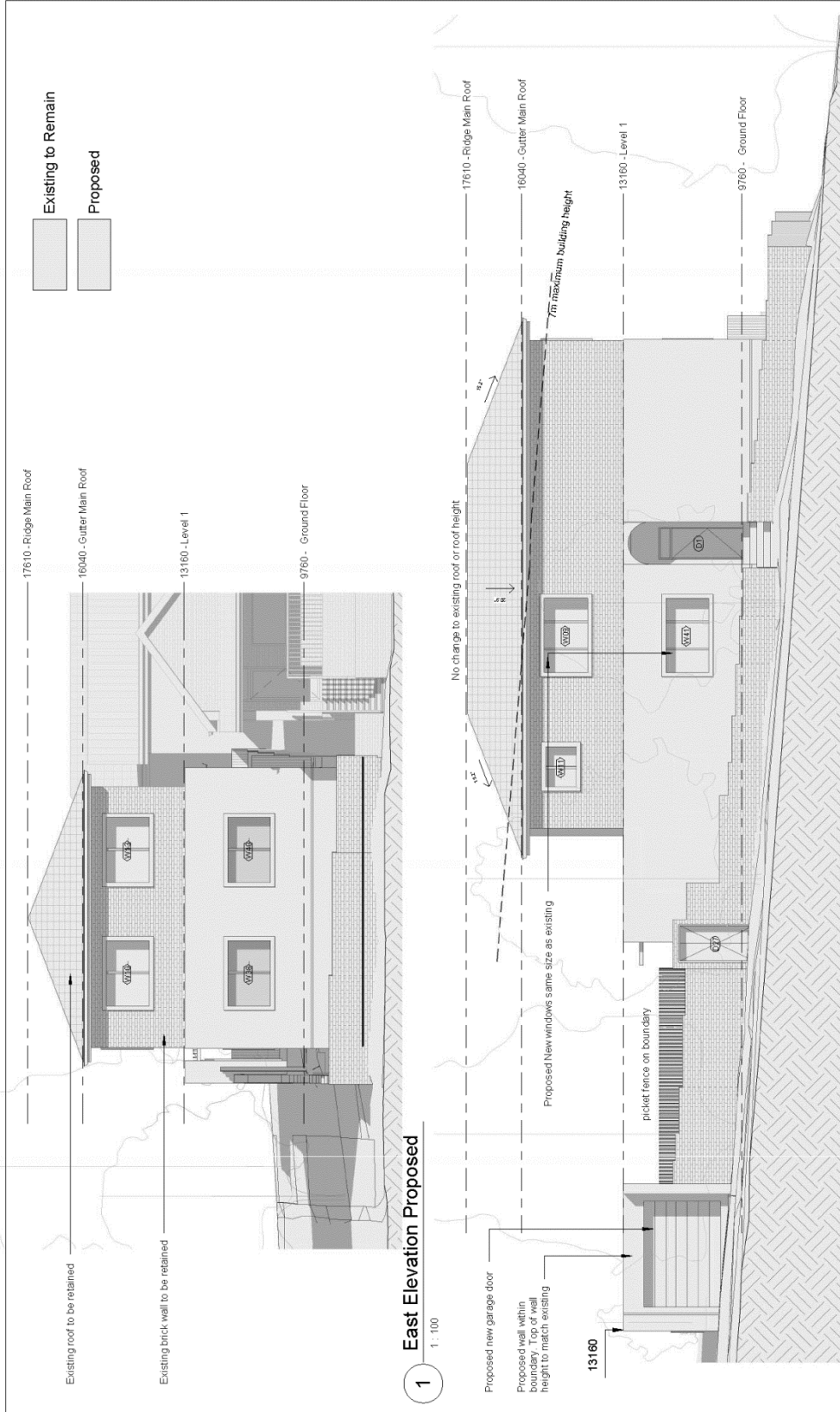
DEVELOPMENT APPLICATION

NEVILL + FRANCIS
PROPOSED ALTERATION AND ADDITIONS
102 HAWTHORNE PARADE, HABERFIELD, NSW
 Date 31/07/17 ELEVATIONS - PROPOSED
 Scale 1 : 100 Drawn by CR Project no. 17-583 Sheet no. DA14 Issue C

DO NOT SCALE FROM THIS DRAWING. Use given dimensions. Contractor/Builder to check all dimensions on site prior to commencement of shop drawings or fabrication. Any discrepancies are to be referred to the architect/designer prior to commencement of work.
 THIS DRAWING IS TO BE USED IN ACCORDANCE WITH ITS PURPOSE OF ISSUE ONLY.
 NO RESPONSIBILITY WILL BE ACCEPTED FOR THE IMPROPER USE OF THIS DRAWING.
 ARCHITECTURAL DRAWINGS INDICATE DESIGN INTENT ONLY. BUILDER IS TO ENSURE THAT ALL CONSTRUCTION IS IN ACCORDANCE WITH ALL RELEVANT AUSTRALIAN STANDARDS AND CODES.

ISSUE	DESCRIPTION	DATE
A	DA ISSUE	07.09.17
B	Development Application	06.03.18
C	Re-Issue	15.06.18

Raymond Paletta + Architect
 units 2 / 11, Lime Street, Lilyfield, p 8011 4337, f 8011 4335, www.raymondpaletta.com.au



DEVELOPMENT APPLICATION

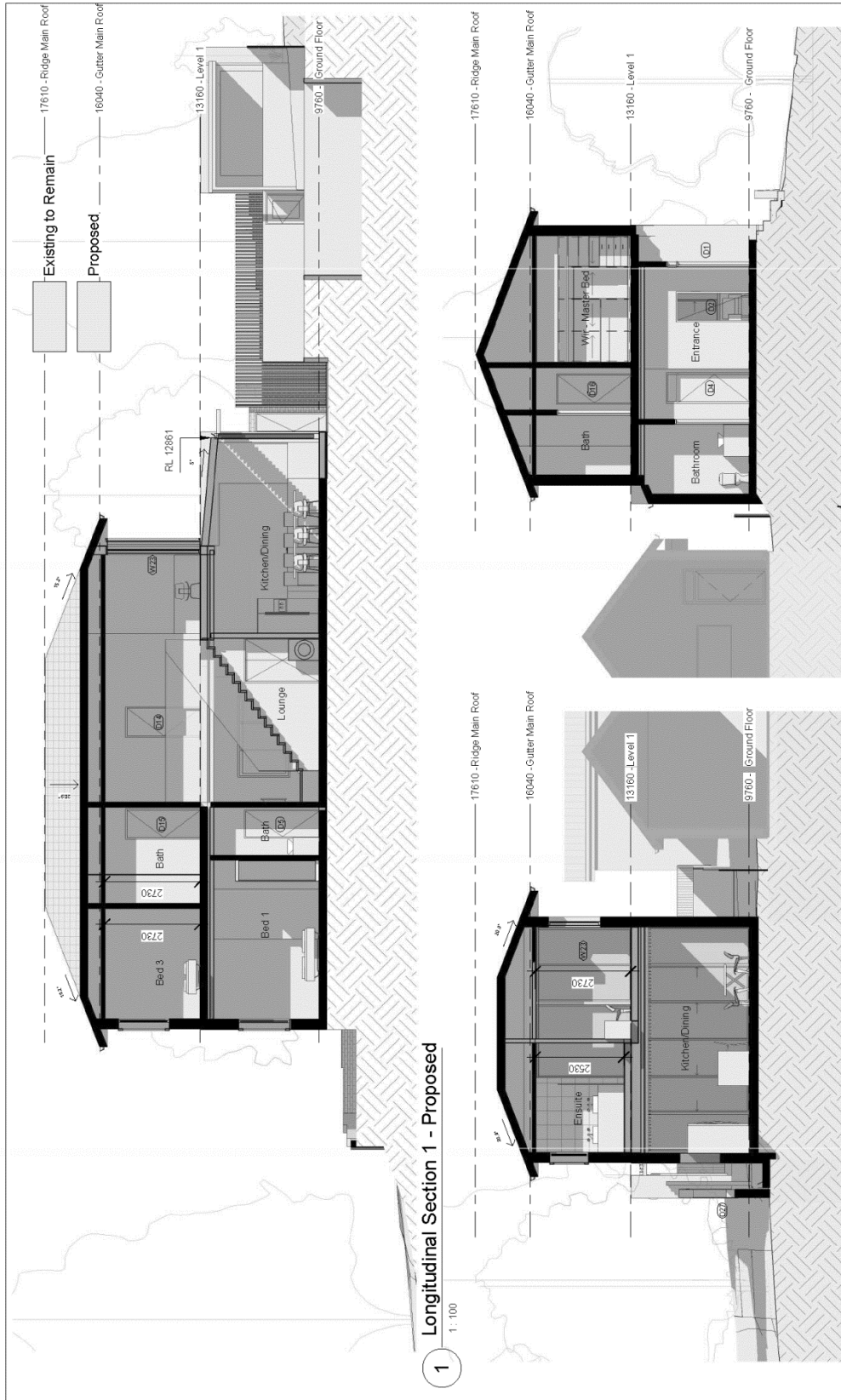
NEVILL + FRANCIS
PROPOSED ALTERATION AND ADDITIONS
102 HAWTHORNE PARADE, HABERFIELD, NSW

Date 31/07/17 ELEVATIONS - PROPOSED
Scale 1: 100 Drawn by VT Project no 17-363 Sheet no DA15 Issue B

DO NOT SCALE FROM THIS DRAWING. USE ONLY DIMENSIONS. Corrector/Builder is to check all dimensions on site prior to commencement of shop drawings or fabrication. Any discrepancies are to be referred to the architect.
THIS DRAWING IS TO BE USED IN ACCORDANCE WITH ITS PURPOSE ONLY. NO RESPONSIBILITY WILL BE ACCEPTED FOR THE IMPROPER USE OF THIS DRAWING.
ARCHITECTURAL DRAWINGS INDICATE DESIGN INTENT ONLY. BUILDER IS TO ENSURE THAT ALL CONSTRUCTION IS IN ACCORDANCE WITH ALL RELEVANT AUSTRALIAN STANDARDS AND CODES.

ISSUE	DESCRIPTION	DATE
A	DA ISSUE	07/09/17
B	Development Application	06/03/18

Raymond Panetta Architect
Suite 7 / 11, Ford Avenue, Haberfield, NSW 1500
Phone: 02 9550 4833
www.raymondpanetta.com.au



1 Longitudinal Section 1 - Proposed
1: 100

2 Cross Section 1 - Proposed
1: 100

3 Cross Section 2 - Proposed
1: 100

DEVELOPMENT APPLICATION

NEVILL + FRANCIS
PROPOSED ALTERATION AND ADDITIONS
102 HAWTHORNE PARADE, HABERFIELD, NSW
Date: 31/07/17 SECTIONS - PROPOSED
Scale: 1: 100 Drawn by: VT Project no: 17-363 Sheet no: DA16 Issue: B

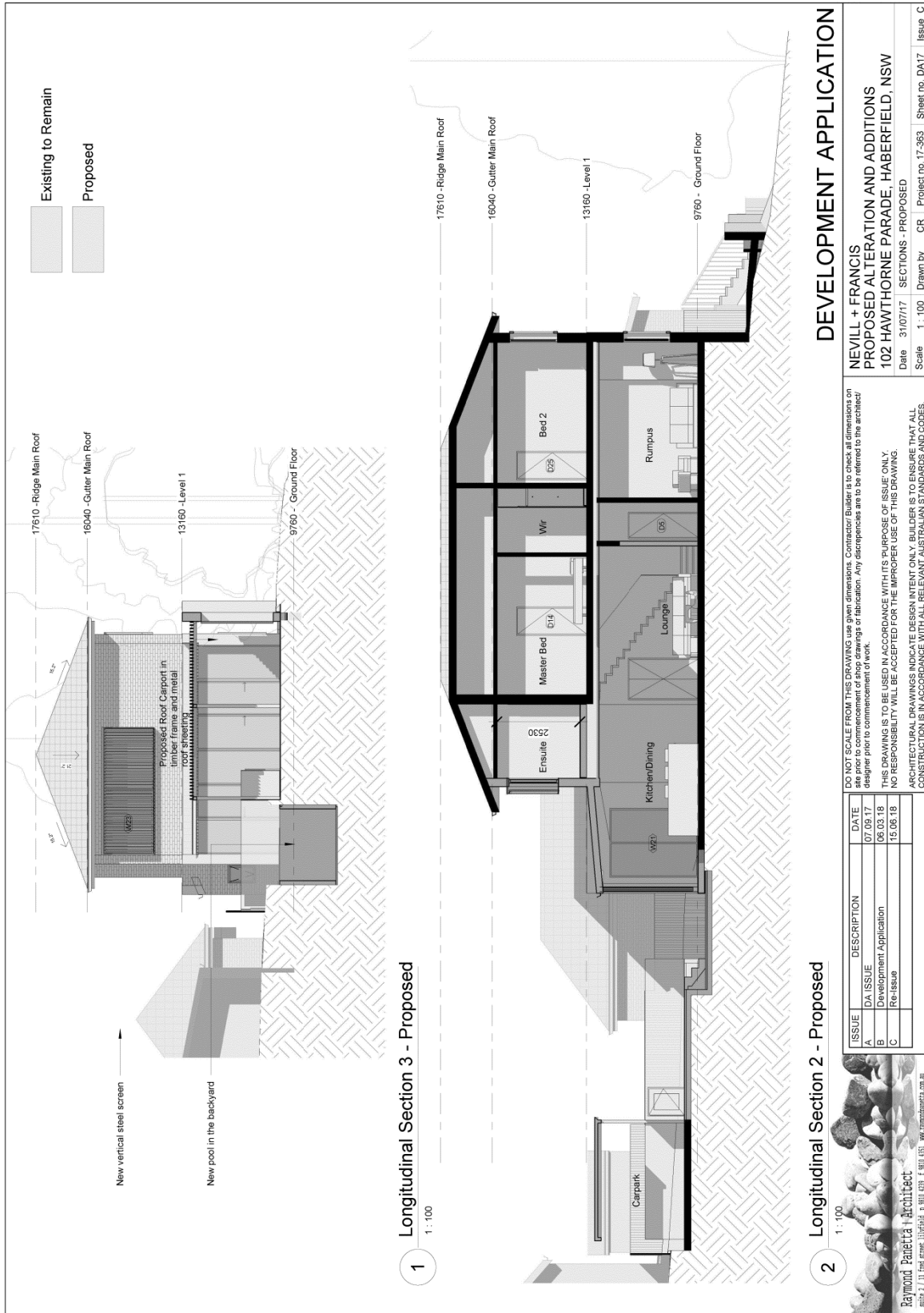
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ISSUE	DESCRIPTION	DATE
A <td>Development Application <td>07.09.17</td> </td>	Development Application <td>07.09.17</td>	07.09.17
B <td></td> <td>06.03.18</td>		06.03.18



Raymond Parfetta Architect
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6/30/2018 2:39:30 PM



1 Longitudinal Section 3 - Proposed
1 : 100

2 Longitudinal Section 2 - Proposed
1 : 100

DEVELOPMENT APPLICATION

NEVILL + FRANCIS
 PROPOSED ALTERATION AND ADDITIONS
 102 HAWTHORNE PARADE, HABERFIELD, NSW
 Date 31/07/17 SECTIONS - PROPOSED
 Scale 1 : 100 Drawn by CR Project no. 17-363 Sheet no. DA17 Issue C

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ISSUE	DESCRIPTION	DATE
A	DA ISSUE	07.09.17
B	Development Application	06.03.18
C	Re-issue	15.06.18



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15/06/2018 2:11:55 PM

LANDSCAPE NOTES

All landscaped area to have only indigenous or low water use species of vegetation

TURF
Excavate / grade all areas to be turfed to 120mm below required finished levels. Do not excavate within 1500mm of the trunk of any existing tree to be retained. Ensure that all surface water runoff is directed towards inlet pits, kerbs etc... and away from buildings. Ensure that no ponding will occur. Rip the subgrade to 150mm. Install 100mm depth of imported topsoil. Just prior to spreading the turf, spread "Shirley's No. 17 lawn fertilizer" over the topsoil at the recommended rate. Lay "Kikuyu" turf rolls closely butted. Fill and small gaps with topsoil. Water thoroughly.

PLANTING AREAS
Ensure that the mass planting areas have been excavated to 300mm below finished levels. Rip to a further depth of 150mm. Supply and install 300mm soil mix. Soil mix to comprise of one part approved compost to three parts topsoil. Topsoil shall be either imported topsoil or stockpiled site topsoil (if suitable ie. No clay). Install 75mm depth of selected mulch.

MAINTENANCE
All landscaped works are to be maintained for a period of three months from the date of practical completion. This includes all watering, weeding, spraying and re-mulching necessary to achieve vigorous growth. Any defects which arise during this period are to be rectified immediately. Any plants or areas to turf which fail during this period are to be replaced at no additional cost.

DEVELOPMENT APPLICATION

NEVILL + FRANCIS
PROPOSED ALTERATION AND ADDITIONS
102 HAWTHORNE PARADE, HABERFIELD, NSW

Date - 31/07/17 | LANDSCAPE PLAN
Scale 1 : 200 | Drawn by VT | Project no. 17-383 | Sheet no. DA18 | Issue B

1
Landscape Calculation Plan - Proposed
1 : 200

2
Landscape Calculation Plan - Existing
1 : 200

Visual Scale 1:200 @ A3

0m 4m 8m 12m 16m 20m

Existing Site Coverage

139.7 m² (49%)

Proposed Site Coverage

125.5 m² (44%)

Existing Landscape Area

52m² (18.2%)

Proposed Rear Landscape Area

35.4 m²

Proposed Front Landscape Area

41.77 m²

Total Proposed Landscape Area

77.1 m² (27%)

Total Site Area

285.0 m²

Min. Landscape Area (Haberfield Conservation Area LEP)

50% (142.5 m²)

Max. Site Coverage (Haberfield Conservation Area LEP)

50% (142.5m²)

Private Open Space

24m² (min. Dimension 3.5m)

DO NOT SCALE FROM THIS DRAWING USE GIVEN DIMENSIONS. Contractor/BUILDER IS TO CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT OF SHOP DRAWINGS OR FABRICATION. Any discrepancies are to be referred to the architect/designer prior to commencement of work.

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ISSUE	DATE	DESCRIPTION
A	07/09/17	DA ISSUE
B	06/03/18	Development Application

Raymond Panella | Architect
Suite 7 / 11 The Green | Sydney | NSW 1585 | www.raymondpanella.com.au

The following will be adopted in the proposed development.

1. The notes below are to be read in conjunction with drawing number AD1.
2. All erosion & sediment measures to be maintained and inspected daily by owner / appointed supervisor.
3. Existing rear garden & front garden is to be used as storage for building materials and waste. Storage areas are surrounded by sedimentation fencing or similar controls.
4. All construction and waste materials to be at manageable levels.
5. All stockpiles to be clear from drains gutters and footpaths.
6. Drains to be protected by rolled wire mesh & geotextile fabric filled with gravel.
7. Drains to be reconnected to existing stormwater.
8. Road / Footpaths to be swept clean daily.
9. Access into construction site will be via the primary frontage road.
10. Caution signs will be placed ahead of any vehicle required during works to safely alert pedestrians and vehicles.
11. Site supervisor to assist any vehicle required during works to safely alert passengers and vehicles.
12. No obstacles, tools or building materials will be placed or left on the street / laneway / footpath.
13. All works to be carried out within allotment boundaries.
14. If required, separate approval will be sought and obtained from council where it is proposed to erect hoarding or temporary fencing on council land, otherwise the site will be secured within the allotment boundaries to prevent access by public.
15. A proposed method of support will be prepared by a structural engineer, where necessary, for excavation adjacent to adjoining properties, or the road reserve.

DETAIL - Erosion and Sediment Control fence

1:20

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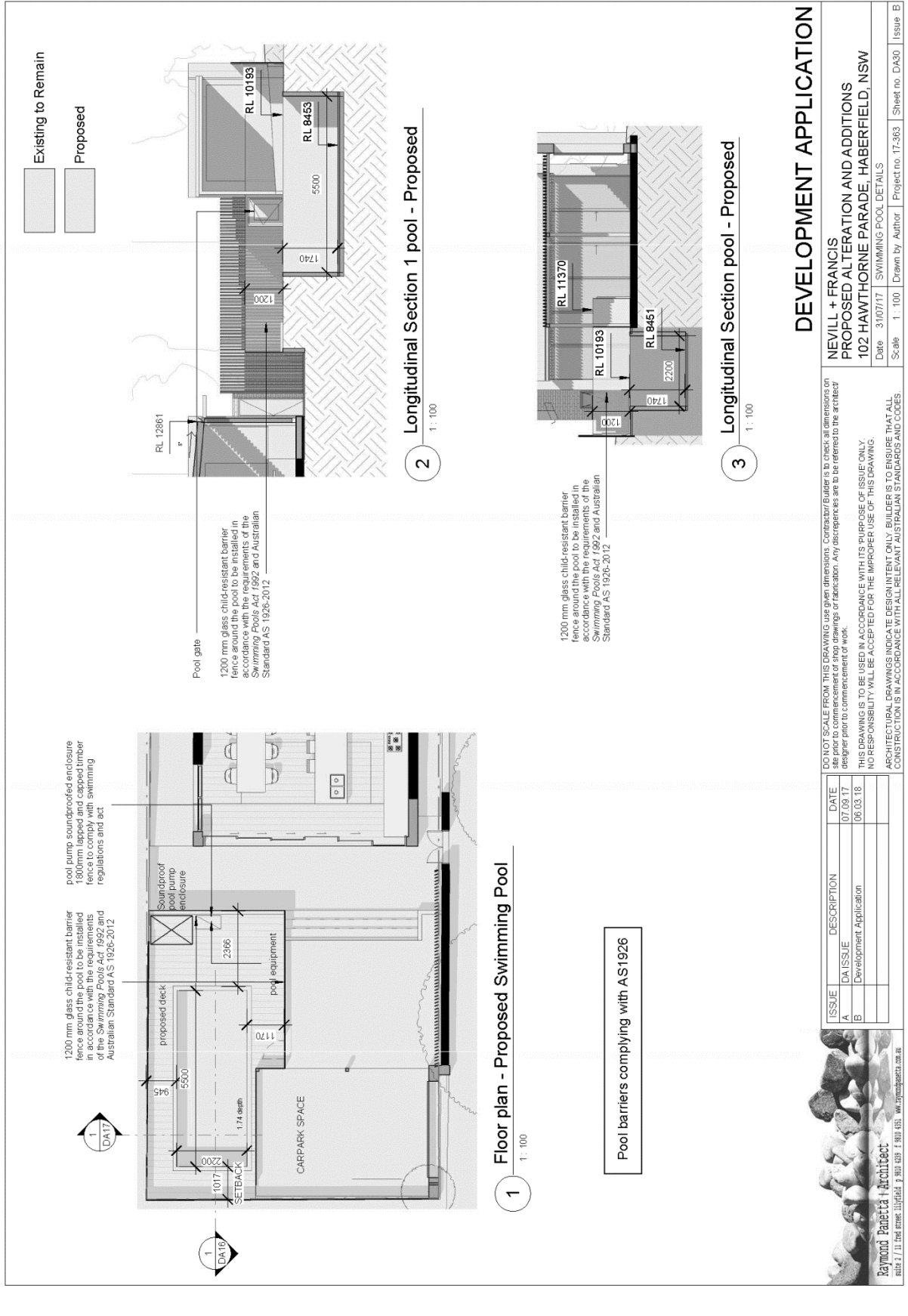
Erosion and Sediment Control Fence

1:200

DEVELOPMENT APPLICATION

NEVILL + FRANCIS
 PROPOSED ALTERATION AND ADDITIONS
 102 HAWTHORNE PARADE, HABERFIELD, NSW

Date: 3/07/17 SOIL AND WATER MANAGEMENT
 Scale: indicated Drawn by: VT Project no: 17-363 Sheet no: DA29 Issue: B



Attachment C – Clause 4.6 – Exceptions to Development Standards



DEVELOPMENT APPLICATION EXCEPTION TO DEVELOPMENT STANDARDS

Pursuant to clause 4.6 of Ashfield Local Environmental Plan
2013 – Floor Space Ratio – Clause 4.4 of LEP 2013

for

**102 HAWTHORNE PDE,
HABERFIELD**

Prepared For

**INNER WEST
COUNCIL**
(Development Application)

Prepared by

Raymond Panetta Architect
ARAIA BA(Arch)BArchitecture(Hons) Reg. No.7466

**Proposed development:**

Proposed alterations and additions to existing residence.

We wish to lodge an objection to the following development standard for the reasons indicated:

- **Floor Space Ratio – Clause 4.4 of LEP 2013**

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

- (a) to establish standards for development density and intensity of land use,
- (b) to provide consistency in the bulk and scale of new development with existing development,
- (c) to minimise adverse environmental impacts on heritage conservation areas and heritage items,
- (d) to protect the use or enjoyment of adjoining properties and the public domain,
- (e) to maintain an appropriate visual relationship between new development and the existing character of areas that are not undergoing, and are not likely to undergo, a substantial transformation.

Where an applicant wishes to vary a development standard, the application must be accompanied by a well founded, written objection which demonstrates:

- (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

What are the environmental planning grounds that justify contravening the development standard?

The existing FSR is over the allowable development standard. This proposal has made a reduction in the FSR.

In designing a development that compares to the neighbouring buildings, the quality of the site, and the immediate surroundings is improved.

The proposal carefully considers all aspects of the LEP & DCP and the design solution will fit comfortably within its surroundings.

The FSR area is compatible with the adjoining properties.

The proposal will have acceptable impacts on the streetscape.

The form, bulk & scale are considered satisfactory.

The proposal has been designed to preserve the character of the surrounding area.

Amenity impacts on neighbours in terms of solar access, privacy, bulk & scale are minimal & considered satisfactory.

Amenity to the site will not be compromised.



Why is compliance with the standard unreasonable or unnecessary? What are the special circumstances in this case

Compliance with the standard is unreasonable as the surrounding area has an average FSR of over 0.5:1.

The proposed FSR is in keeping with the surrounding area.

It is unreasonable to comply with the standard as the existing building is currently over the allowable FSR. The proposal has already made reductions to minimise floor area.

Is the proposal consistent with the objectives of the relevant development standard? Is the proposal consistent with the objectives of the relevant zone?

The proposal is consistent with objectives of Clause 4.4 of LEP 2013 relating to an FSR of 0.5:1 as the development proposal, with an FSR of 0.67:1, is sympathetic to the surrounding area as well as addressing the following:

- (a) to ensure that residential accommodation:
 - (i) is compatible with the desired future character of the area in relation to building bulk, form and scale, and
 - (ii) provides a suitable balance between landscaped areas and the built form, and
 - (iii) minimises the impact of the bulk and scale of buildings,

FSR has been calculated based on architectural DA drawings.

Site Area – 285sqm

Existing Floor Area – 179.1 sqm

Increase in floor area - 13.6 sqm

Total Floor Area – 192.7 sqm

Proposed FSR – 0.67:1

With an allowable FSR of 0.5:1, the proposal has a non-compliance of 50 sqm, however this is considered satisfactory as the existing building is currently over the allowable development standard.



DEVELOPMENT APPLICATION EXCEPTION TO DEVELOPMENT STANDARDS

**Pursuant to clause 4.6 of Ashfield Local Environmental Plan
2013 – Landscaping – Clause 4.3 of LEP 2013**

for

**102 HAWTHORNE PDE,
HABERFIELD**

Prepared For

**INNER WEST
COUNCIL
(Development Application)**

Prepared by

Raymond Panetta Architect
ARAIA BA(Arch)BArchitecture(Hons) Reg. No.7466



Proposed development:

Proposed alterations and additions to existing residence.

We wish to lodge an objection to the following development standard for the reasons indicated:

- **Landscape – Clause 6.5 of LEP 2013**

Development on land in Haberfield Heritage Conservation Area

- (1) The objective of this clause is to maintain the single storey appearance of dwellings in the Haberfield Heritage Conservation Area.
- (2) This clause applies to land identified as "C42" on the Heritage Map.
- (3) Development consent must not be granted to development for the purpose of a dwelling house on land to which this clause applies unless the consent authority is satisfied that:
 - (a) if the development involves an existing building:
 - (i) the gross floor area above the existing ground floor level will not exceed the gross floor area of the existing roof space, and
 - (ii) the gross floor area below the existing ground floor level will not exceed 25% of the gross floor area of the existing ground floor, and
 - (b) the development will not involve excavation in excess of 3 metres below ground level (existing), and
 - (c) the development will not involve the installation of dormer or gablet windows, and
 - (d) *at least 50% of the site will be landscaped area.*

The purpose of the above standards are:

- (a) to provide landscaped areas that are suitable 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 future character of the neighbourhood,
- (d) to encourage ecologically sustainable development by maximising the retention and absorption of surface drainage water on site and by minimising obstruction to the underground flow of water,
- (e) to control site density,
- (f) to limit building footprints to ensure that adequate provision is made for landscaped areas and private open space.

Where an applicant wishes to vary a development standard, the application must be accompanied by a well founded, written objection which demonstrates:

- (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



What are the environmental planning grounds that justify contravening the development standard?

The landscaped area is below the minimum of 50%, and the proposal is comparable to the neighbouring sites. The proposed landscaped area has been significantly increased as a part of this proposal.

In designing a development that compares to the neighbouring properties, the quality of the site, and the immediate surroundings is considered acceptable to meet the objectives of the LEP.

The existing landscaped area of surrounding buildings is below the required 50% & the proposal is in keeping with the area.

In designing a development that compares to the neighbouring buildings, the quality of the site, and the immediate surroundings is improved.

The proposal carefully considers all aspects of the LEP & DCP and the design solution will fit comfortably within its surroundings.

The proposal does not involve the removal of trees and is suitable for the use and enjoyment of residents. Site density and building footprint are acceptable.

The landscaped area is compatible with the adjoining properties.

The proposal has been designed to preserve the character of the surrounding area.

Amenity to the site will not be compromised.

Why is compliance with the standard unreasonable or unnecessary? What are the special circumstances in this case

Compliance with the standard is unreasonable as the surrounding area has landscaped areas smaller than the minimum 50%.

The proposed landscaped area is in keeping with the surrounding area.

It is unreasonable to comply with the standard as this would require increasing the proposal to a landscaped area greater than the average in the area.

Is the proposal consistent with the objectives of the relevant development standard? Is the proposal consistent with the objectives of the relevant zone?

The proposal is consistent with objectives of Clause 6.5 of LEP 2013 relating to an landscaped area of 50% as the development proposal, with a landscaped area of 27% (increased from existing landscaped area of 18%), is sympathetic to the surrounding area as well as addressing the following:

- (a) to provide landscaped areas that are suitable 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 future character of the neighbourhood,



Landscape has been calculated based on architectural DA drawings.

Site Area – 285.0sqm

Existing Landscaped Area – 52.0sqm

Proposed Landscaped Area – 77.1 sqm

Net change in Landscaped Area – 25.1 sqm increase

Proposed Landscaped Area % – 27%

With a minimum required Landscaped area of 50%, the proposal has a non compliance of 65.4 sqm, however this is considered satisfactory as the landscaped area has been increased from the existing situation.