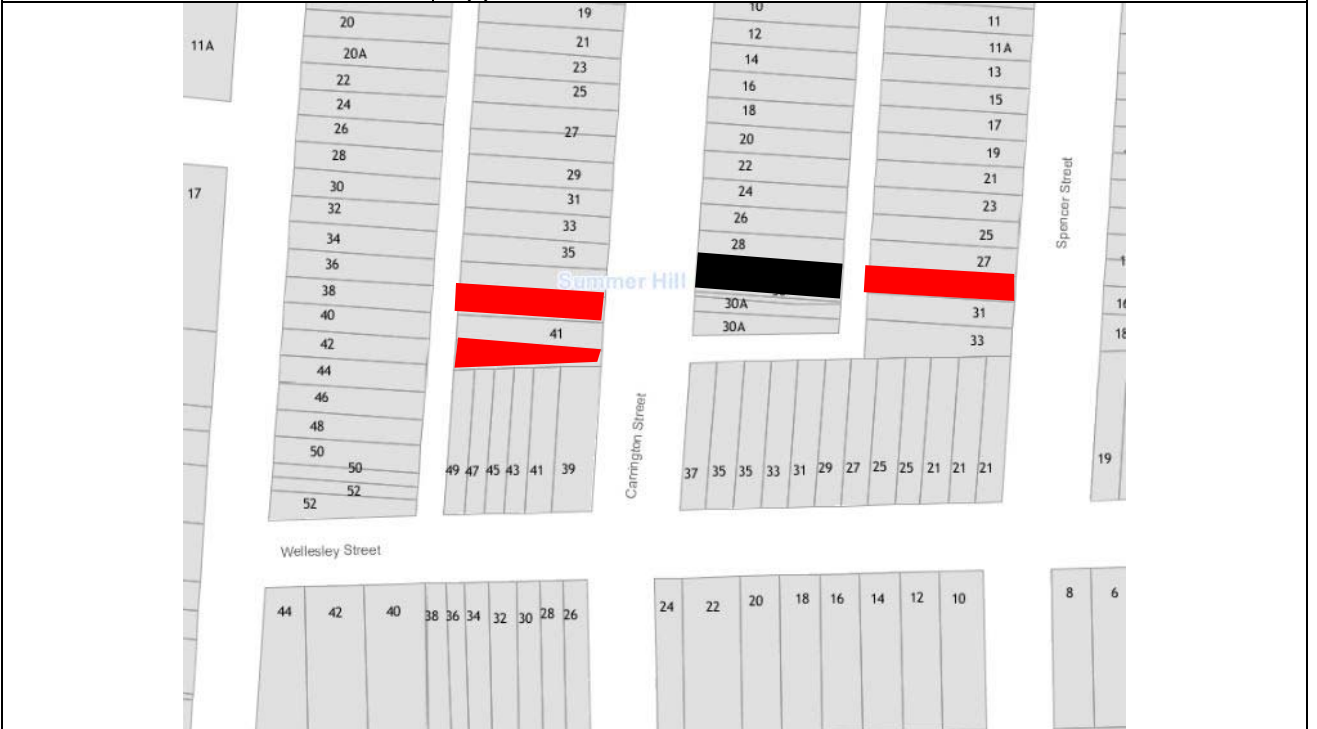






INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	10.2017.220.1
Address	«Primary_Location»30 Carrington Street, Summer Hill
Proposal	Alterations and additions to dwelling including a first floor addition
Date of Lodgement	10/11/2017
Applicant	Place Studio
Owner	Mrs N. George
Number of Submissions	3
Value of works	\$348,000.00
Reason for determination at Planning Panel	Clause 4.6 variation exceeds officer delegation
Main Issue	FSR
Recommendation	Approval



Subject Site:		Objectors:	
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Site Photo

1. Executive Summary

This report concerns an application for alterations and additions to the existing dwelling including a first floor addition. The application was notified in accordance with Council's Notification Policy and 3 submissions were received.

During the assessment process the proposal was amended to address concerns raised by Council officers regarding the design of the first floor addition and excessive floor space ratio. The amended proposal was not required to be re-notified.

The proposal generally complies with the aims and objectives of the Ashfield Local Environmental Plan 2013 (ALEP 2013) with the exception that the proposal exceeds the maximum floor space ratio development standard by 32.8sqm or 23%. A written request under Clause 4.6 of ALEP 2013 has been submitted by the application for the variation and is considered well founded and worthy of support.

The development generally complies with the provisions of the Comprehensive Inner West Development Control Plan 2016. It is considered that the proposal will not result in any significant impacts on the streetscape or amenity of adjoining properties.

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

2. Proposal

Approval is sought for alterations and additions to an existing dwelling including a first floor addition. All works proposed are contained within the existing building footprint with the exception of the first floor addition which involves a minor modification to the roof form of the rear dormer. The works include the following:

- Modifications to the internal configuration of the ground floor;
- Modifications to the existing attic and dormer area to create a habitable space including a bedroom and bathroom;
- Modifications to the eastern (rear) elevation including a new timber panelled door and adjustable external louvres; and
- Two (2) new skylight windows on the southern roof plane.

3. Site Description

The subject site is located on the eastern side of Carrington Street, between Smith Lane and Wellesley Street. The site consists of 1 allotment with an area of 284.6m² and is legally described as Lot 1 DP 948413.

The site has a frontage to Carrington Street of 8.5 metres and a secondary frontage of approximate 8.3 meters to Carrington Street Lane.

The site supports a single storey residential dwelling. The adjoining properties support single storey residential dwellings.

The subject site is listed as a heritage item and is located within the Quarantine Ground Conservation Area.

There are no significant trees located on the site or within the vicinity.

4. Background

4(a) Site history

Previous building and development applications submitted to Council for the subject site include:

NO.	DATE	PROPOSAL	DECISION
6.1994.229.1	25/10/1994	Alteration and new garage/carport	Approved
6.1966.6010	20/10/1966	Renew windows	Approved

4(b) Application history

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

Date	Discussion / Letter/ Additional Information
10 November 2017	Application submitted to Council.
30 February 2018	Meeting held with applicant and Council officers to discuss concerns regarding building form and floor space ratio.
13 April 2018	Amended plans and supporting documentation submitted to Council for assessment.
1 June 2018	Request for additional information sent to applicant regarding roof form of first floor.
15 June 2018	Amended plans and supporting documentation submitted to Council for assessment.

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979.

5(a) Environmental Planning Instruments

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

A BASIX Certificate was submitted with the application indicating that the proposal achieves full compliance with the BASIX requirements. Appropriate conditions are included in the recommendation to ensure the BASIX Certificate commitments are implemented into the redevelopment.

5(a)(ii) Ashfield Local Environmental Plan (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	8.5m	6.5m	Yes
4.4	Floor space ratio	0.5:1 (142.3m ²)	0.615:1 (175.1m 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 a heritage item and located within the Quarantine Ground 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 alterations 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	The applicant's Heritage Impact Statement concludes there would be no adverse impact on the heritage conservation area as a result of the	Yes

		<p>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p>	<p>proposed alterations and additions. Refer to discussion Section 5(d) of this report.</p>	
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Clause 4.6 – Exceptions to Development Standards

Under Clause 4.6 of the ALEP 2013, the consent authority may consider a variation, where that variation would achieve a better outcome.

The development exceeds the maximum floor space ratio development standard prescribed under Clause 4.4 of ALEP 2013. A written request in relation to the contravention of the floor space ratio development standard in accordance with Clause 4.6 of ALEP 2013 was submitted with the application.

A maximum floor space ration of 0.5:1 applies to the site under Clause 4.4 of ALEP 2013. The proposed development has a floor space ratio of 0.615 which results in a variation of 32.8sqm or 23%.

Clause 4.6(3) of the ALEP 2013 states the following:

“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 applicant has provided a written request that seeks to justify the proposed contravention of the floor space ratio development standard on the following grounds:

- The proposed development is consistent with the ALEP 2013 objectives for floor space ratio;
- The proposed development complies with the maximum building height control. The scale of the building is therefore appropriate notwithstanding the proposed variation to the floor space ratio development standard;
- The development reflects the desired built form character of the locality;
- The development would not alter the perceptible bulk and scale of the proposal from the street or rear lane as there are no alterations to the existing built form; and
- The first floor addition largely utilises existing roof/attic space with minimal changes to the rear roof form.

Clause 4.6(4) of the ALEP 2013 states the following:

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

- (a) *the consent authority is satisfied that:*
- (iii) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3)*
 - (iv) *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."*

The proposal is consistent with the objectives of the development standard in that:

- The proposed floor space ratio would be within the maximum building height required under the ALEP 2013;
- The proposed development provides comparable bulk and scale to the existing development and surrounding development;
- The proposed development would not have impact on the environmental amenity and enjoyment of the adjoining properties with respect to privacy and solar access;
- The proposed development would protect the use and enjoyment of the adjoining properties and the public domain;
- The proposed development would not have adverse impacts on the adjoining heritage properties; and
- The proposed development would maintain the visual relationship between the proposal and the existing character of the area.

The site is Zoned R2 – Low Density Residential under ALEP 2013 wherein development for the purpose of residential dwellings is permissible with consent. The proposal is generally consistent with the objectives of the R2 Zone in that:

- The proposed development would provide for the housing needs of the community within a low density residential development; and
- The proposed development will enable other land uses that provide facilities or services to meet the day to day needs of residents.

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

Council may assume the concurrence of the Director-General under the Planning Circular PS 18-003 issued in February 2018.

In conclusion, the applicant's written request to justify the contravention of the Floor Space Ratio development standard is considered to be well founded in that the applicant has satisfactorily demonstrated that compliance with the standard is unnecessary or unreasonable in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

5(b) Draft Environmental Planning Instruments

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

Draft Environment State Environmental Planning Policy (SEPP)

The Draft Environment SEPP was placed on public exhibition from 31 October 2017 to 31 January. The Department of Planning and Environment is currently collating the submissions that were received during the exhibition period.

The proposed development involves minor alterations and additions to an existing dwelling house and as such the Draft Environment SEPP is not relevant to the assessment of the application.

5(c) Development Control Plans

The proposal has been considered against the provisions of the Comprehensive Inner West Development Control Plan 2016.

DCP 2016 – Chapter F: Development Category Guidelines				
Control No.	Control	Standard	Proposed	Compliance
DS8.2	Minimum Landscaped area %	201sqm – 300sqm. 25% of site area	27.5% (78.3sqm)	Yes
DS8.3	Maximum site coverage	201 – 300sqm. 65% of site area	62.2% (177.2sqm)	Yes
DS3.4	Wall height	Maximum external wall height of 6 metres measured from the existing ground level.	4.8 metres	Yes
DS4.3	Setbacks	Side setbacks are determined by compliance with the BCA. Generally, Council requires a minimum side setback of 900mm for houses	900mm & 670mm side setbacks for dwelling. (existing) Nil setback for the garage (existing)	Yes Yes
DS6.1	Garages and carports	A minimum of one car parking is required per dwelling	2 car parking spaces (existing)	Yes
DS13.1	Solar access	Sunlight to at least 50% (or 35m ² with minimum dimension 2.5m, whichever is the lesser) of private open space areas of adjoining properties is not to be reduced to less than three (3) hours between 9am and 3pm on 21 June.	Proposal generally retains existing solar access for neighbouring dwellings	Yes
DS 13.2		Existing solar access is maintained to at least 40% of the glazed areas of any neighbouring north facing primary living area windows for a period of at least three hours between 9am and 3 pm on 21 June.	Proposal generally retains existing solar access for neighbouring dwellings	Yes
DS 13.3		Requires main living areas to be located on the northern side of buildings where possible and subject to streetscape quality considerations.	Development is appropriately designed	Yes
DS 13.4		Requires sun shading devices such as eaves, overhangs or recessed balconies minimise the amount of direct sunlight striking facades.	Proposal incorporates appropriate sun shading devices such as eaves	Yes
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.	No change to existing front garden	Yes
DS 11.2	Front gardens	Requires hard paved areas to be minimised, and driveways have a maximum width of 3 metres	No change to existing front garden	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.	Rear garden is of a sufficient size to ensure adequate vegetation and solar access	Yes

DS14.1	Visual Privacy	Requires the number of windows to side elevations located above the ground floor to be minimised.	Windows alongside elevation are of an appropriate size and do not create direct sight lines with any windows on adjoining properties.	Yes
DS19.1	Stormwater Disposal	Stormwater from roofs is discharged by gravity to street gutter system	Conditioned to engineers requirements	Yes

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.

The proposed development is capable of complying with the BCA.

It is conserved that the proposal will have no significant detrimental effect relating to the environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

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

The subject site is listed as a heritage item and is located within the Quarantine Ground Conservation Area. Concern was raised by Council’s Heritage Advisor regarding the interface between the existing dwelling house and proposed first floor addition. Amended plans were submitted by the applicant which provided an appropriate roof form.

Appropriate documentation regarding heritage management and impacts upon heritage significance have been prepared and submitted as part of this development application. This documentation has been reviewed by Council’s Heritage Advisor who provided no objection to the amended proposal.

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

The site is zoned R2 – Low Density Residential. 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(f) Any submissions

The application was notified for a period of 14 days to surrounding properties. A total of 3 submissions were received.

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

Issue: Visual Privacy

Comment: Concern was raised in two of the submissions regarding a loss of visual privacy as a result of the first floor addition. The two objectors to the development are located at No.43 Carrington Street and No.29 Spencer Street. No.43 Carrington Street is located opposite the subject site and is separated by Carrington Street. The development proposes no new west facing windows and as such will have no overlooking impact on No.43 Carrington Street. Similarly, No.29 Spencer Street is located opposite the rear of the subject site and is separated by Carrington Street Lane. An eastern facing triangular glass window is proposed on the first floor, however any overlooking views will be obscured by the proposed external louvres and existing garages in the rear lane. As such, the development is considered acceptable having regard to visual privacy.

Issue: Damage to neighbouring properties

Comment: Concern was raised in a submission regarding damage to No.43 Carrington Street as a result of the development. No.43 Carrington Street is located opposite the subject site and is separated by Carrington Street. Given this separation, it is unlikely that the proposed works would cause any damage to the neighbouring property. Standard conditions are recommended to minimise impacts of the proposed construction.

Issue: Heritage

Comment: Concern was raised in a submission regarding the heritage impact of introducing a first floor addition within a predominately single storey streetscape. The first floor addition will not be visible from the street and will maintain the appearance of a single storey dwelling. As such, the first floor addition is considered acceptable.

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 officers and issues raised in those referrals have been discussed in section 5 above.

Internal Referrals		
Officer	Comment	Support
Heritage Officer	Acceptable.	Yes
Development Engineer	Acceptable subject to conditions.	Yes

Building Surveyor	Acceptable subject to conditions	Yes
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6(b) External

Not Applicable

7. Section 7.12 Levy

A Section 7.12 Levy of \$3,480.00 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 significant impacts on the amenity of adjoining premises and the streetscape. 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 of Marrickville 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: 10.2017.220.1 for alterations and additions to dwelling including first floor addition at No.30 Carrington Street, Summer Hill subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS

DA 2017.220.1

30 Carrington Street SUMMER HILL 2130

Description of Work as it is to appear on the determination:

Alterations and additions to dwelling including first floor addition

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

No.	Issue	Title	Prepared by	Council Date Stamp
200	4	Ground Floor Plan	Place Studio	15/06/2018
201	4	First Floor Plan	Place Studio	15/06/2018
202	4	Roof Plan	Place Studio	15/06/2018
400	4	West Elevation	Place Studio	15/06/2018
401	4	South Elevation	Place Studio	15/06/2018
402	4	East Elevation	Place Studio	15/06/2018
403	4	Rear Lane Elevation	Place Studio	15/06/2018
404	4	North Elevation	Place Studio	15/06/2018

and any supporting documentation received with the application, except as amended by the conditions specified hereunder.

(2) Compliance with BCA

All works are to comply with the Building Code of Australia and relevant Australian Standard requirements.

B Design Changes**(1) Amendments required to approved plans**

Prior to the issue of a Construction Certificate, amended plans must be submitted to and approved by Council with a front fence height of 1.2 metres (maximum 1.4 metres).

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:

- (a) "*Sedimentation and Erosion Control*" - Department of Conservation and Land Management.
- (b) "*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) Permits – General

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.

(4) Dilapidation – minor

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.

(5) Alignment Levels

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

Note: This may require the internal site levels to be adjusted locally at the boundary to ensure that they match the above alignment levels. Failure to comply with this condition will result in vehicular access being denied.

(6) Damage deposit/footpath, road, kerb and gutter

A Damage Deposit of \$4,840 is to be submitted prior to the release of the Construction Certificate covering repair and/or replacement of adjoining footpath, road shoulder, road pavement, kerbing and guttering both outside the subject site and the surrounding area. This is to be paid to Council and may be refunded subject to satisfactory completion of construction or demolition.

This Damage Deposit covers unforeseen damage to the above property by construction vehicles, skip bins, construction methods etc. Note: Should repair works or maintenance be required on Council land, a Road Opening Permit must be obtained before those works take place.

Bank Guarantees are accepted in lieu of any Council security deposit/bond subject to the following:

It must be an original with no end date and issued in favour of Council, details of the proponent's address shall be included.

A charge equal to the value multiplied by the current "overdue rates interest charge" be levied, per month or part thereof, with a minimum charge of three months is to be paid upon lodgement.

Any remaining charge is to be calculated at the prevailing "overdue rates interest rate" for each month or part thereof beyond the original three months that the Bank Guarantee was held, and paid prior to its release.

Any costs incurred in the acceptance, administration or release of such Bank Guarantees be on-charged to the entity claiming the release of such Bank Guarantee, and that these amounts be paid prior to its release.

At the time of lodgement, Council will seek verification of the Bank Guarantee. Please provide contact details for the branch (phone number and officer) to assist with verification of the bona fides of the Bank Guarantee.

Until all items above are completed, no documents or usage sought from Council by the party lodging the Bank Guarantee can be issued. Please allow a minimum of 2 business days for this process.

(7) 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.

(8) 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.

(9) Section 7.12 Contributions

A Section 7.12 Contribution fee of \$3,480.00 is to be paid in accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979*.

(10) 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.

(11) Home Building Act 1989 Insurance

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.

(12) Energy Efficiency

The development must be designed and constructed to maximise energy efficiency, including wall and ceiling insulation and energy efficient appliances/hot water/cooling systems. Contact the Sustainable Energy Development Authority, telephone 9291 5260 for general design and construction information relating to energy efficiency. Documentation detailing the energy efficiency features of the development is to be shown on the plans to be provided with the Construction Certificate

(13) 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.

(14) Footpath, kerb and gutter protection

The applicant shall 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 shall 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.

(15) Erosion, dust, topsoil and sediment control

Temporary measures shall be provided during construction eg. bunding, shade cloth to prevent dust leaving the site, sandbags around Council/private stormwater pits etc. in order to prevent sediment, dust, topsoil and polluted waters discharging from the site. Plans showing such measures shall be submitted and approved by Council/certifier prior to the release of the Construction Certificate.

(16) 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.

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) 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: -

- (i) location of the building with respect to the boundaries of the site;
- (ii) level of the floor in relation to the levels on the site (all levels are to be shown relative to Australian Height Datum);

- (iii) site coverage of the buildings on the site.

(5) 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.

(6) 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.

(7) Support for neighbouring buildings and notice to adjoining owners

- (1) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - (a) must preserve and protect the building from damage, and
 - (b) if necessary, must underpin and support the building in an approved manner, and
 - (c) must 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.
- (2) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

Notes:

- (i) Details of underpinning works, prepared and certified by a practicing structural engineer shall be submitted to and approved by the Principal Certifying Authority prior to the commencement of any works.
- (ii) allotment of land includes a public road and any other public place.

(8) 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.

(9) 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.

(10) 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.

(11) Structural engineer's certificate - superimposed loads

A practising structural engineer's certificate shall be submitted to the Principal Certifying Authority with the Construction Certificate application certifying that the existing dwelling is structurally capable of supporting the superimposed loads of the new roof additions prior to release of the Construction Certificate

(12) Roof trusses - structural engineer certification

Details of roof trusses to be submitted to the Principal Certifying Authority and approval obtained prior to erection - for this purpose structural engineer certified truss plans will suffice and computation data is not required.

(13) Structural Engineering Details

Structural engineer's details prepared and certified by a practising structural engineer for all reinforced concrete and structural members is to be submitted to the Principal Certifying Authority for approval.

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) Locate structures within boundaries

The proposed structure(s) to be erected must stand wholly within the boundaries of the allotment.

(3) Spoil and building materials on road and footpath

All building materials shall be stored wholly within the property boundaries and shall not be placed on the footpath, grass verge or roadway without prior written approval of Council.

Bulk refuse bins shall not be placed on the grass verge, footpath or roadway without Council permission. Application forms and details of applicable fees are available from Council's One Stop Shop telephone 9716 1800.

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

- (1) 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:
 - (a) stating that unauthorised entry to the work site is prohibited; and
 - (b) 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
 - (c) showing the name, address and telephone number of the Principal Certifying Authority appointed for the building works.
- (2) Any-sign shall be maintained and not removed until work has been finished.

(5) 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.

(6) 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 SafeWork Requirements (in particular the SafeWork 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.

(7) 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 hereunder.

(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) 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.

(10) Roof guttering and drainage system/disposal of stormwater

The roof shall be provided with a complete guttering and drainage system. Roofwater shall be disposed of by approved drainage lines discharging into the street gutter.

(11) 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.

(12) Termite treatment

Treatment for the protection of the building from subterranean termites shall be carried out in accordance with AS 3660.1:2000 'Protection of Buildings from Subterranean Termites'.

On completion of the installation of the barrier the Principal Certifying Authority shall be furnished with a certificate from the person responsible, stating that the barrier complies with AS 3660.1.

A durable notice shall be permanently fixed to the building in a prominent location, such as the meter box or the like indicating:

- the method of protection;
- the date of installation;
- where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
- the need to maintain and inspect the system on a regular basis.

Due to the present limited effective life of soil chemical treatments, Council does not permit hand spraying as a stand alone method of termite protection. It is recommended that any soil chemical treatment should embrace a reticulation system.

(13) Waterproofing materials/installation – BCA/Australian Standards

Approved products that are impervious to water shall only be used as a substrate or as a lining and as a finish to floors and walls of wet areas (i.e. bathroom/shower room, WC compartment and laundry). Floors and cubicles shall be properly graded and drained to approved outlets.

The wet areas in the building shall be impervious to water as required by Part 3.8.1 of the Building Code of Australia (BCA). The junction between the floor and wall and the construction of the bath shower recess, basin, sink or the like shall be in accordance with the BCA & AS 3740:2004 'Waterproofing of wet areas within residential buildings'.

On completion of the waterproofing of the wet areas, the Principal Certifying Authority shall be furnished with a certificate from the person responsible. This is to state that the materials are suitable for the situation and that the application and/or installation has been carried out in accordance with the manufacturer's instructions, the BCA and AS 3740.

(14) Safety Glazing - BCA

Safety glazing complying with B1 of the Building Code of Australia (BCA) is to be used in every glazed door or panel that is capable of being mistaken for a doorway or unimpeded path of travel. The glazing must comply with AS 1288:2006 'Glass in Buildings – Selection and Installation'.

Framed panels or doors enclosing or partially enclosing a shower or bath shall be glazed with "A" or "B" grade safety glazing material in accordance with AS 1288 and Part 3.6.4 of the BCA.

(15) Fire Detection/Alarm System installation and certification

Smoke alarms must be installed in dwellings in accordance with Clause 3.7.2.3 of the Building Code of Australia (BCA) and AS 3786 on or near the ceiling in -

- (a) any storey containing bedrooms -
 - between each area containing bedrooms and the remainder of the dwelling, including any hallway associated with the bedrooms
- (b) any storey not containing bedrooms.

Smoke alarms must be connected to the consumer mains power and have a stand-by power supply.

The licensed Electrical Contractor shall on completion of the installation of the smoke alarm system, submit to the Principal Certifying Authority a certificate certifying compliance with AS 3000 and AS 3786:1993.

(16) 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 on 9 November 2017 from the Department Planning and Environment. For more information visit www.basix.nsw.gov.au.

(17) 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.

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) Compliance with submitted ridge height

A survey report is to be submitted upon completion of the works and prior to occupation verifying compliance with the approved ridge height details.

(2) 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.

(3) Street Number

A street number appropriately designed to complement the character of the must be displayed in a position clearly visible from the street, in numbers having a height of not less than 75 mm. The number must be in place before the premises can be occupied.

(4) Public Domain works

All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development shall be completed before the issue of an Occupation Certificate. Works shall be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".

H Conditions that are ongoing requirements of development consents**(1) Single dwelling use only**

Dwelling shall be used as a single domicile only and shall not be adapted or occupied in two or more parts as a residential flat building.

I Advisory Notes**(1) 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 4.55 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 4.55 modification is required.

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

(2) Occupational health and safety

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

(3) Tree preservation

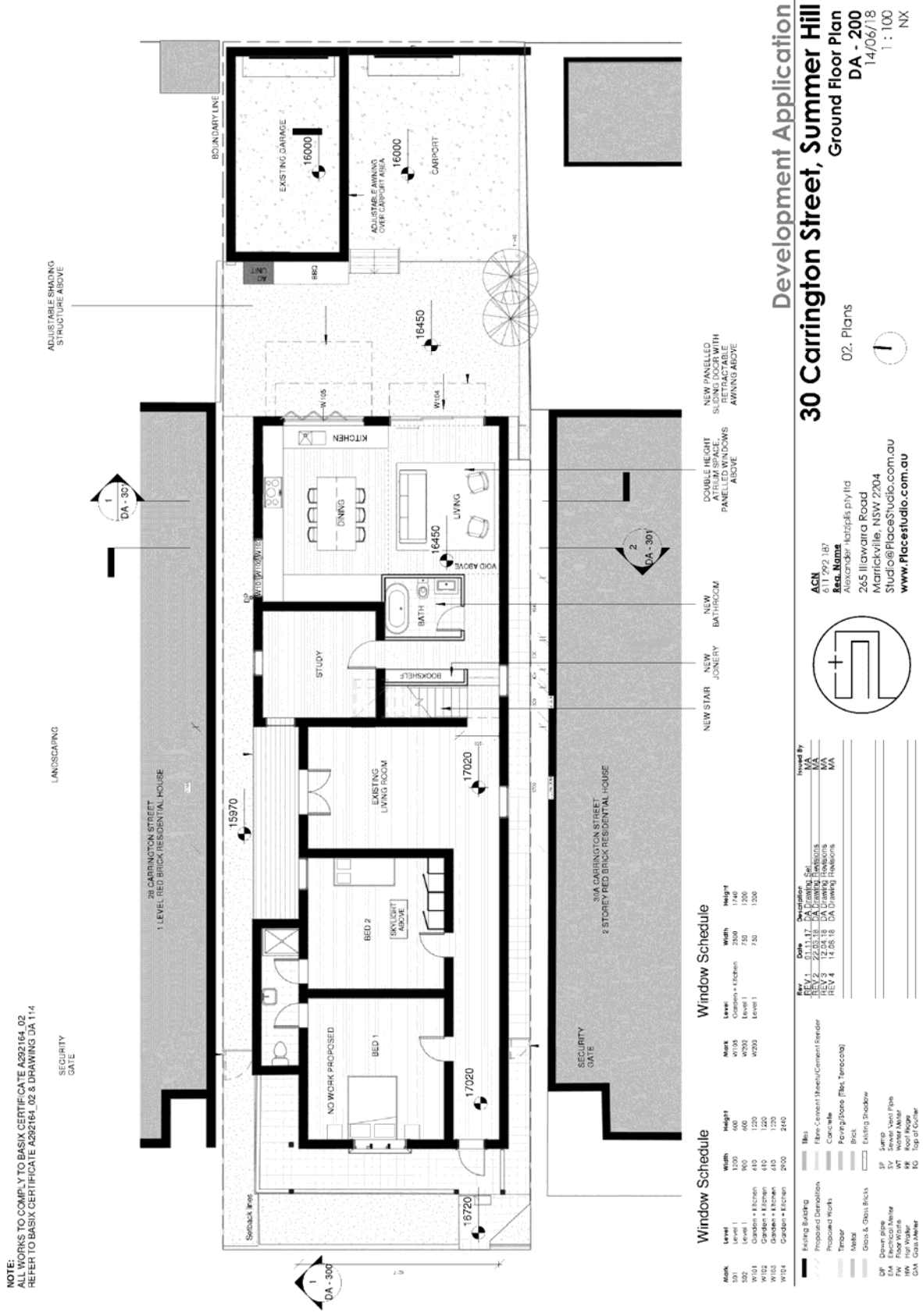
Where tree removal or work has not been approved by this Development Consent, the developer is notified that a general Tree Preservation Order applies to all trees (with the exception of certain species) in the Municipality of Ashfield with a height greater than five (5) metres. This order prohibits 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.

(4) 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



NOTE:
ALL WORKS TO COMPLY TO BASIX CERTIFICATE A292164_02
REFER TO BASIX CERTIFICATE A292161_02 & DRAWING DA 1-14

Window Schedule

Mark	Level	Height	Mark	Level	Height
W101	Level 1	1000	W105	Level 1	1740
W102	Garden + Elevation	600	W202	Level 1	750
W103	Garden + Elevation	1120	W203	Level 1	1300
W104	Garden + Elevation	1120			
W105	Garden + Elevation	1120			
W106	Garden + Elevation	2500			

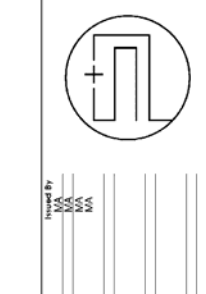
Window Schedule

Mark	Level	Height	Mark	Level	Height
W101	Level 1	1000	W105	Level 1	1740
W102	Garden + Elevation	600	W202	Level 1	750
W103	Garden + Elevation	1120	W203	Level 1	1300
W104	Garden + Elevation	1120			
W105	Garden + Elevation	1120			
W106	Garden + Elevation	2500			

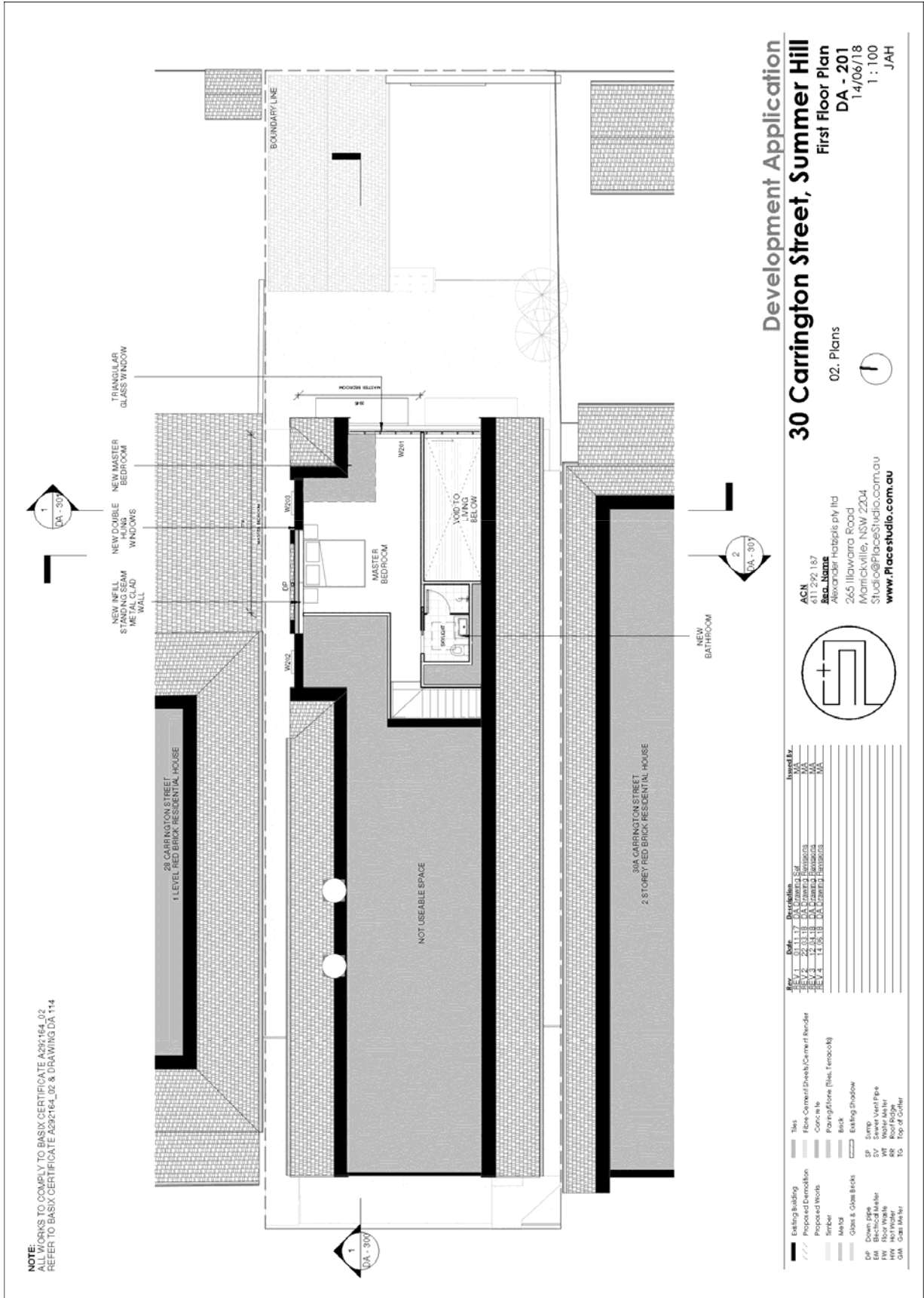
Development Application
 30 Carrington Street, Summer Hill
 Ground Floor Plan
 DA - 200
 14/06/18
 1 : 100
 NX

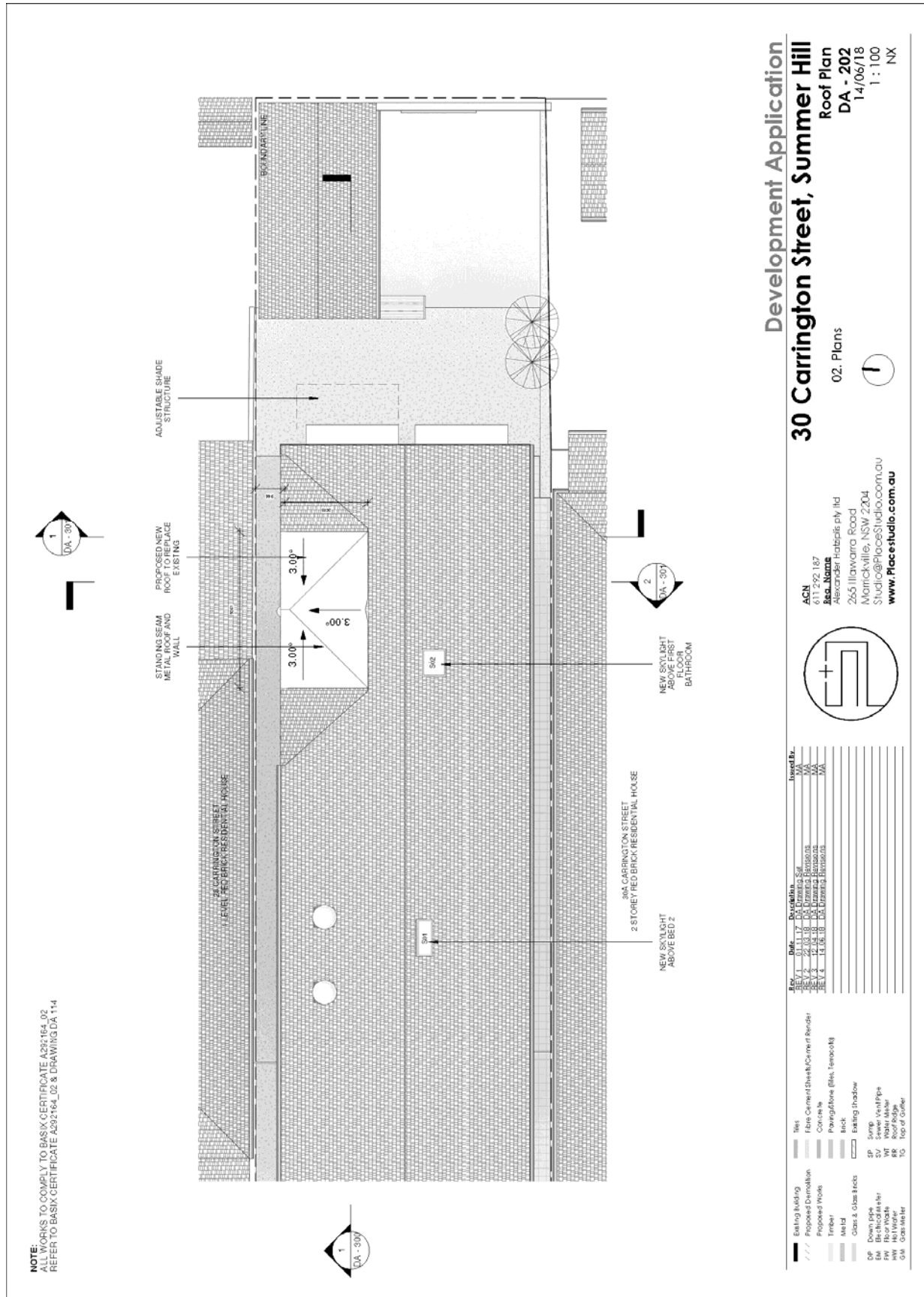
02. Plans
 1

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 Australia
 Architects
 Architecture
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 Marrickville, NSW 2204
 Studio@PlaceStudio.com.au
 www.PlaceStudio.com.au

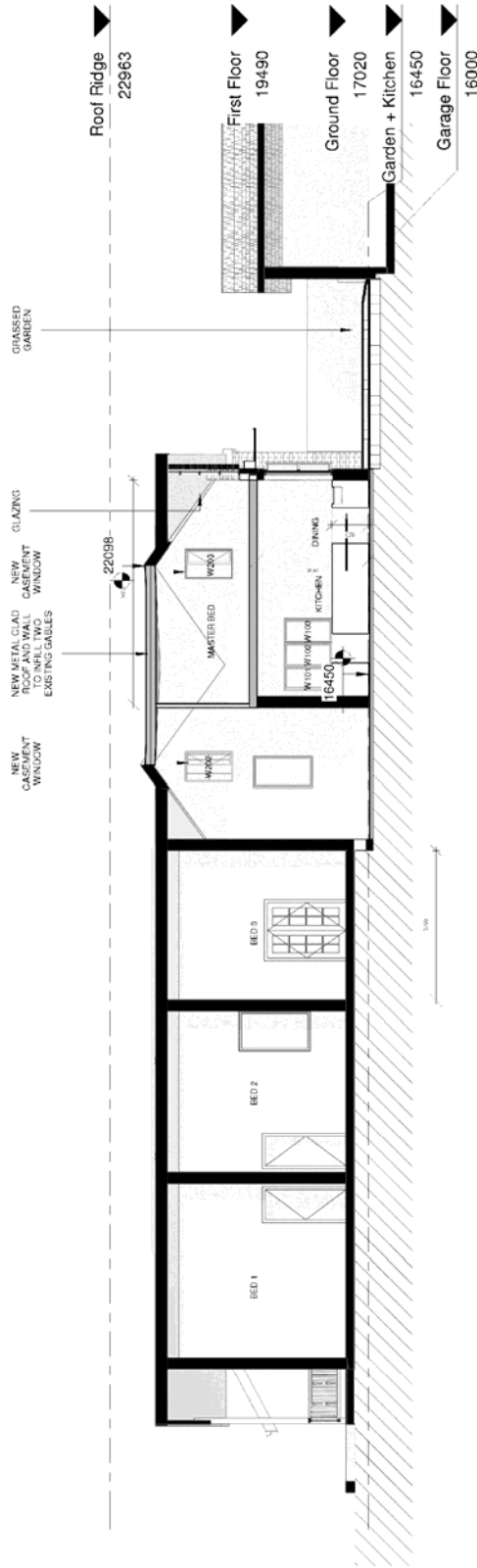


Rev	Date	Description	Issued By
REV.1	01.11.17	DA Drawing Set	MA
REV.2	22.03.18	DA Drawing Revisions	MA
REV.3	14.05.18	DA Drawing Revisions	MA
REV.4	14.05.18	DA Drawing Revisions	MA





NOTE:
 ALL WORKS TO COMPLY TO BASIX CERTIFICATE A282164_02
 REFER TO BASIX CERTIFICATE A282164_02 & DRAWING DA 114



Development Application
30 Carrington Street, Summer Hill
 Section AA
 DA - 300
 14/06/18
 JAH

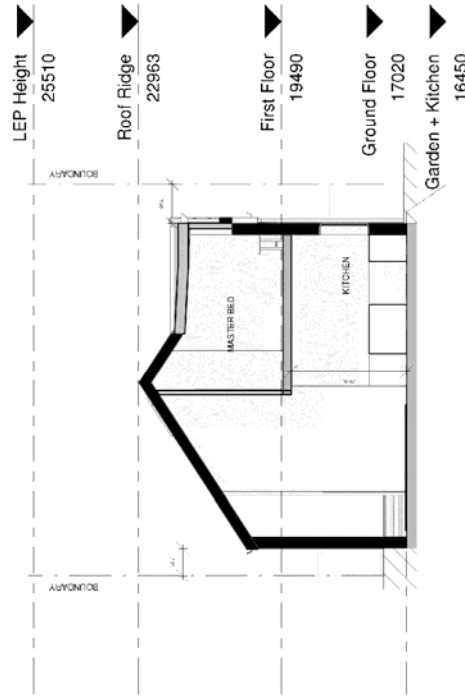


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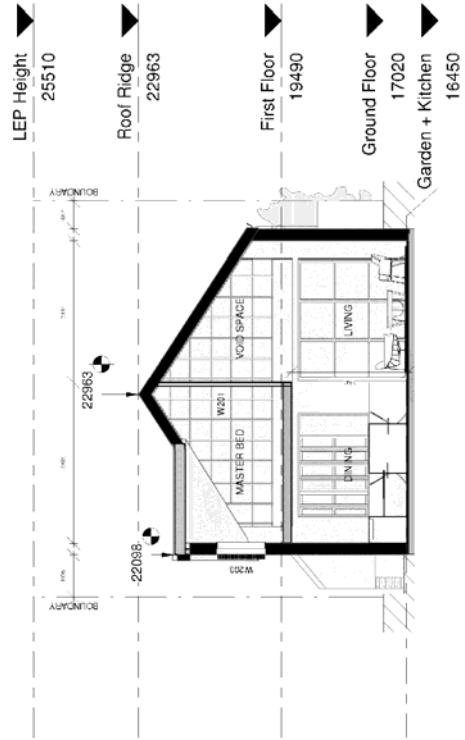
Rev	Date	Description	Issued By
REV 1	22.03.18	EA Drawing	MA
REV 2	22.03.18	EA Drawing	MA
REV 3	12.04.18	EA Drawing	MA
REV 4	14.05.18	EA Drawing	MA

Symbol	Description
Existing Building	Existing Building
Proposed Construction	Proposed Construction
Proposed Footings	Proposed Footings
Troncar	Troncar
Grass & Other Plants	Grass & Other Plants
Electricity	Electricity
Water	Water
Gas	Gas
Other	Other

NOTE:
ALL WORKS TO COMPLY TO BASIX CERTIFICATE A292164_02
REFER TO BASIX CERTIFICATE A292161_02 & DRAWING DA 114



2 Section CC
1 : 100

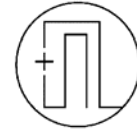


1 Section BB
1 : 100

Development Application

30 Carrington Street, Summer Hill
Sections BB + CC

DA - 301
14/06/18
1 : 100
JAH

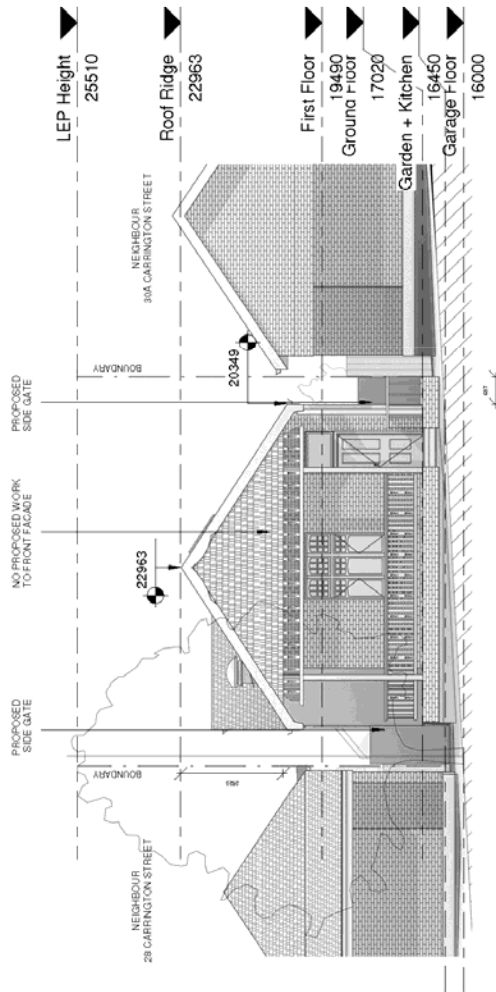


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Rev	Date	Description	Issued By
REV 1	01.11.17	DA Drawing Set	MA
REV 2	02.02.18	DA Drawing Revisions	MA
REV 3	12.04.18	DA Drawing Revisions	MA
REV 4	14.05.18	DA Drawing Revisions	MA

Symbol	Description
Existing Building	Existing Building
Proposed Demolition	Proposed Demolition
Proposed Works	Proposed Works
Timber	Timber
Mortar	Mortar
Grass & Open Space	Grass & Open Space
Down slope	Down slope
Flow Water	Flow Water
Flow Waste	Flow Waste
Roof Ridge	Roof Ridge
Top of Gutter	Top of Gutter
Rebar	Rebar
Concrete	Concrete
Formwork	Formwork
Brick	Brick
Existing Shadow	Existing Shadow
SP	Structural Panel
WT	Water
WK	Water
GW	Groundwater

NOTE:
 ALL WORKS TO COMPLY TO BASIX CERTIFICATE A287164_02
 REFER TO BASIX CERTIFICATE A287164_02 & DRAWING DA.114



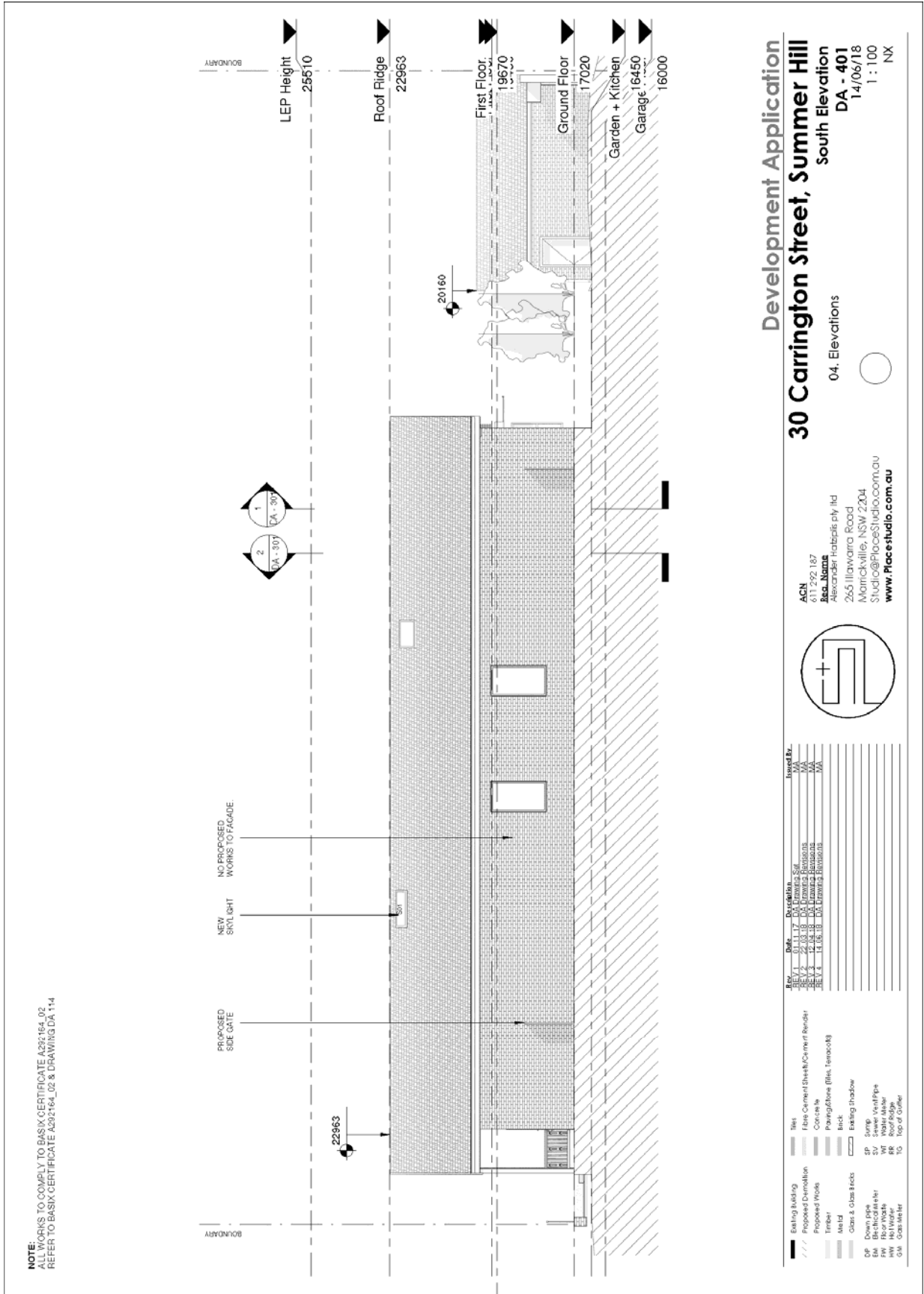
Development Application
30 Carrington Street, Summer Hill
 West Elevation
 DA - 400
 14/06/18
 1 : 100
 JAH

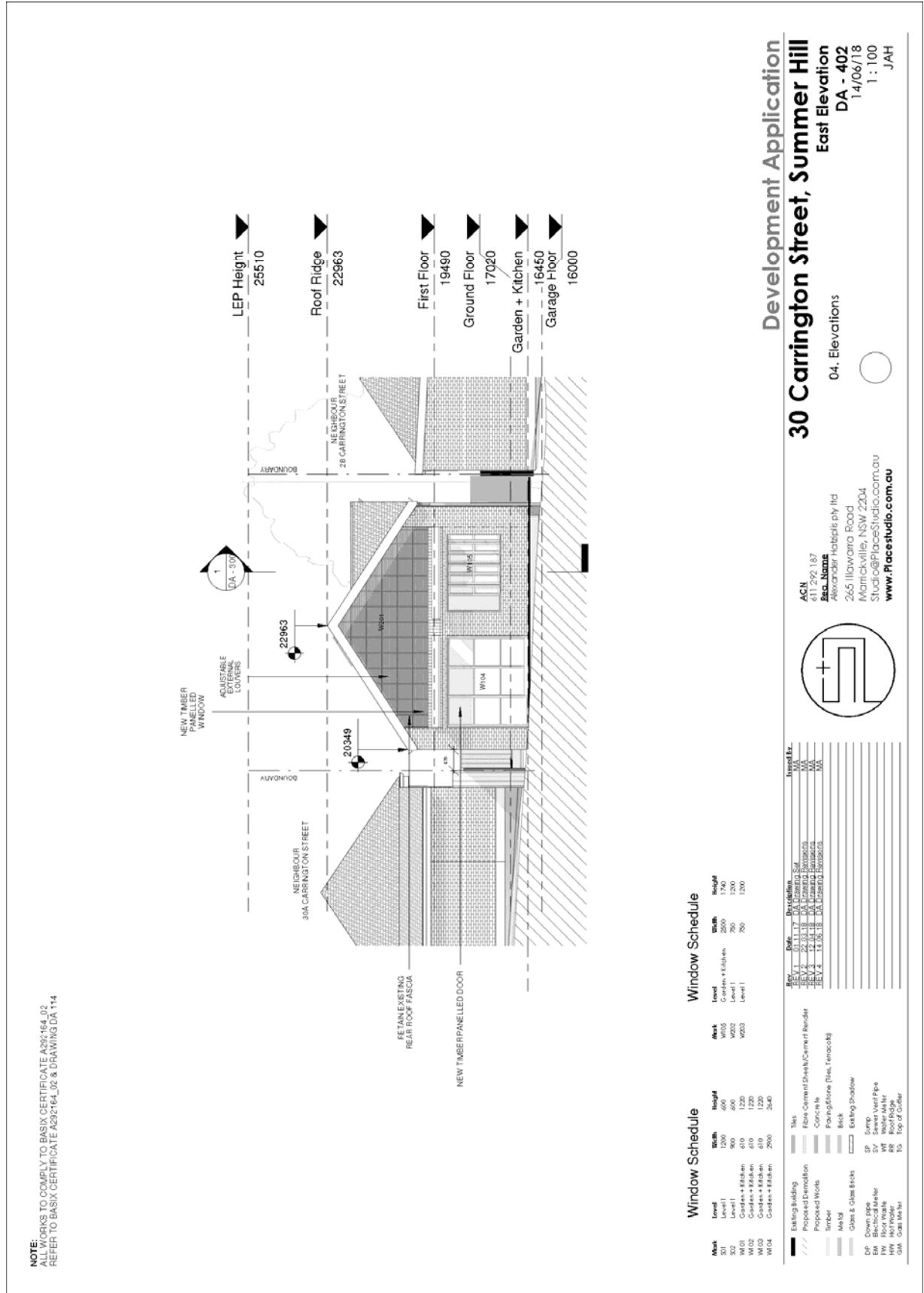


Rev	DATE	DESCRIPTION	Issued By
REV. 1	01.11.17	DA Document Set	MA
REV. 2	12.04.18	DA Document Set	MA
REV. 3	12.04.18	DA Document Set	MA
REV. 4	14.06.18	DA Document Set	MA

- Existing Building
- Proposed Demolition
- Proposed Walls
- Timber
- Metal
- Glass & Glass Insets
- Down pipe
- Water Heater
- Floor Waste
- Hot Water
- Gas Meter
- Brick
- Brick Cement Slab/Cement Render
- Concrete
- Paving/Stone (ies, Terrace)
- Black
- Painting/Shadow
- SP
- VP
- WP
- Water Meter
- RP
- Roof Ridge
- TC
- Top of Gutter

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NOTE:
ALL WORKS TO COMPLY TO BASIX CERTIFICATE A287164_02
REFER TO BASIX CERTIFICATE A287164_02 & DRAWING DA 114

Window Schedule

Mark	Level	Width	Height
W01	Level 1	1200	600
W02	Chimney + Kitchen	610	1220
W03	Chimney + Kitchen	610	1220
W04	Chimney + Kitchen	2900	2540

Mark	Level	Width	Height
W05	Garden + Kitchen	2000	1740
W06	Level 1	700	1200

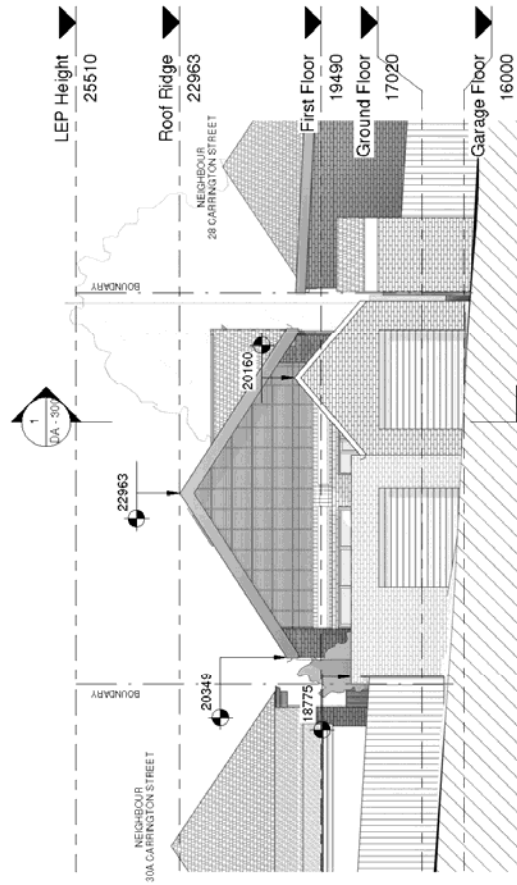
Rev	Date	Description
REV 1	21.11.18	DA Carrington St
REV 2	12.04.18	DA Carrington St
REV 3	12.04.18	DA Carrington St
REV 4	14.08.18	DA Carrington St

Development Application
30 Carrington Street, Summer Hill
East Elevation
DA - 402
14/06/18
1 : 100
JAH

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NOTE:
ALL WORKS TO COMPLY TO BASIX CERTIFICATE A232764_L02
REFER TO BASIX CERTIFICATE A232764_L02 & DRAWING DA 114



Development Application

30 Carrington Street, Summer Hill

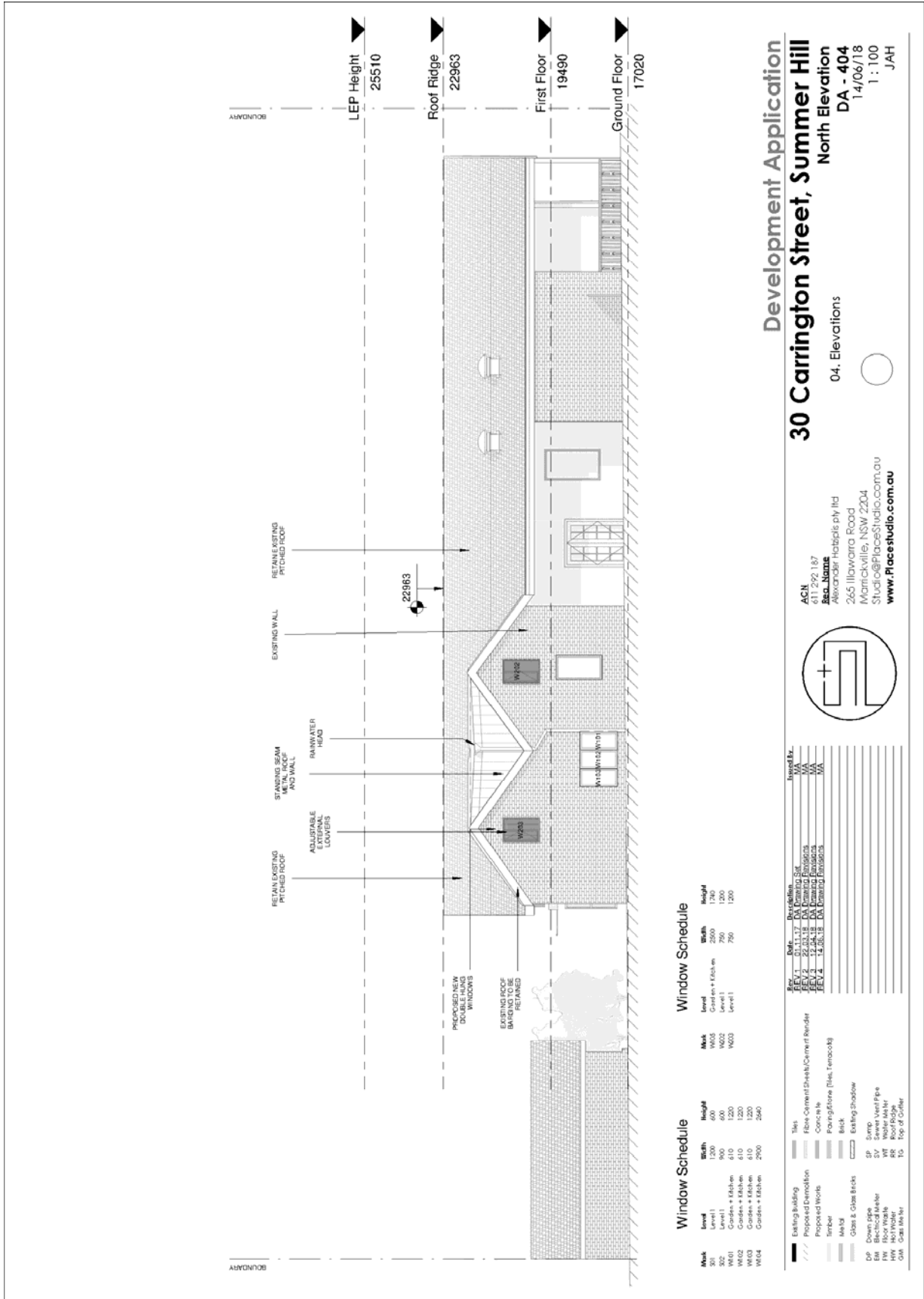
Rear Lane Elevation
DA - 403
14/06/18
1 : 100
JAH



Rev.	Date	Description	Issued By
REV. 1	01.11.17	Issue for Council	MA
REV. 2	22.03.18	DA L2/REV03 - BRICKS/ROOF	MA
REV. 3	14.05.18	DA L2/REV04 - BRICKS/ROOF	MA
REV. 4	14.05.18	DA L2/REV05 - BRICKS/ROOF	MA

- Existing Building
- Proposed Demolition
- Proposed Works
- Timber
- Metal
- Clay & Glass Bricks
- Down pipe
- Electrical Meter
- Roofing
- HW Hot Water
- GM Gas Meter
- Mis
- Ribs Cement Bricks/Cement Render
- Concrete
- Paint/Glaze (Blue, Terracotta)
- Brick
- Existing Window
- SP Strap
- SV Sewer Vent Pipe
- Roofing
- RR Roof Ridge
- To Top of Gutter

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Window Schedule

Mark	Level	Width	Height	Mark	Level	Width	Height
W01	Level 1	1200	600	W02	Garden + Elevation	2500	1200
W02	Garden + Elevation	610	1200	W03	Level 1	750	1200
W03	Garden + Elevation	610	1200				
W04	Garden + Elevation	2500	2000				

Rev	Date	Description
REV 1	21.11.18	DA Creation
REV 2	14.08.18	DA Creation
REV 3	14.08.18	DA Creation
REV 4	14.08.18	DA Creation

Symbol	Description
Existing building	Existing building
Proposed demolition	Proposed demolition
Proposed works	Proposed works
Mark	Mark
Other & Other Marks	Other & Other Marks
Down pipe	Down pipe
Roof water	Roof water
Roof ridge	Roof ridge
Top of corner	Top of corner

Development Application
30 Carrington Street, Summer Hill
 North Elevation
 DA - 404
 14/06/18
 1 : 100
 JAH



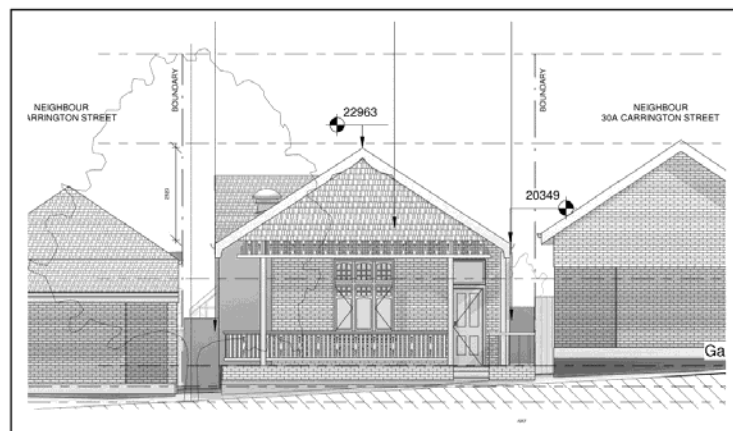
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04. Elevations

Attachment C – Clause 4.6 – Exceptions to Development Standards

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 4/167 William Street, Darlinghurst, NSW 2010 Ph: +61 2 8937 2453 email: a_pcn@bigpond.net.au
 T O W N P L A N N I N G ■ H E R I T A G E
 ABN 38 116 266 882

**Request to Contravene a Development Standard
 Under Clause 4.6 of Ashfield LEP 2013:
 Clause 4.4: Floor Space Ratio**



Project:

**Alterations and additions to
Existing Dwelling House**

at

**30 Carrington Street,
Summer Hill NSW**

Client: Place Studio

Date: 18 April 2018

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Cl. 4.6 Request to Contravene Development Standard: 4.4 Floor Space Ratio
30 Carrington Street, Summer Hill NSW:
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1. Introduction

This request to contravene a development standard in respect of height of buildings under Clause 4.4 of Ashfield LEP 2013 is submitted to accompany a development application for alterations and additions to an existing dwelling house at 30 Carrington Street, Summer Hill NSW.

2. The Development Standard

(i) The applicable planning instrument which specifies the development standard:

Ashfield Local Environmental Plan 2013 (ALEP 2013)

(ii) The number of the relevant clause:

Clause 4.4 – Floor Space Ratio.

3. The nature of Development Standard sought to be varied and details of variation:

The development standard to which this request for contravention relates is Clause 4.4(2) of ALEP 2013 – Floor space ratio, which specifies that:

The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

The floor space ratio map nominates a maximum floor space ratio for the subject site of 0.5:1.

The existing development on the site contravenes the development standard as follows:

- Site Area: 284.6m²
- Existing GFA: 151.6m²
- Existing FSR: 0.533:1
- Existing contravention: 0.03:1 (9.3m²)

The application proposes the following:

- Construct a first floor addition partially within the existing roof space.

The proposed development would contravene the development standard as follows:

- Site Area: 284.6m²
- Proposed GFA: 175.1m²
- Proposed FSR: 0.615:1
- Proposed contravention: 0.115:1 (32.8m²)
- Proposed increase in existing contravention: 0.083:1 (23.5m²)

The proposal increases an existing contravention and fails to strictly comply with the development standard and, as such, must be enabled by means of a written request under clause 4.6.

The contravention is illustrated in the diagram below:

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Figure 1: First Floor Plan: Illustration of proposed additional non-compliant floor area (yellow)

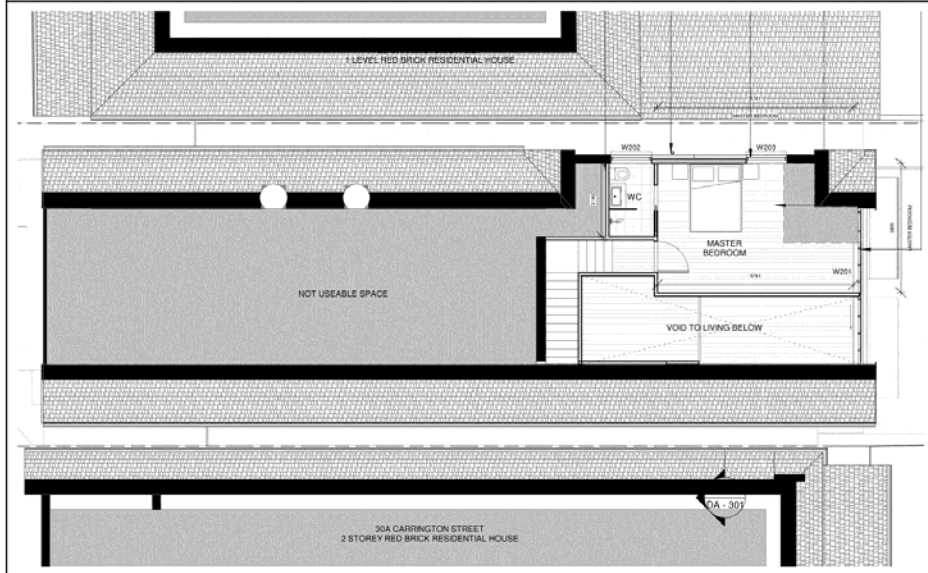
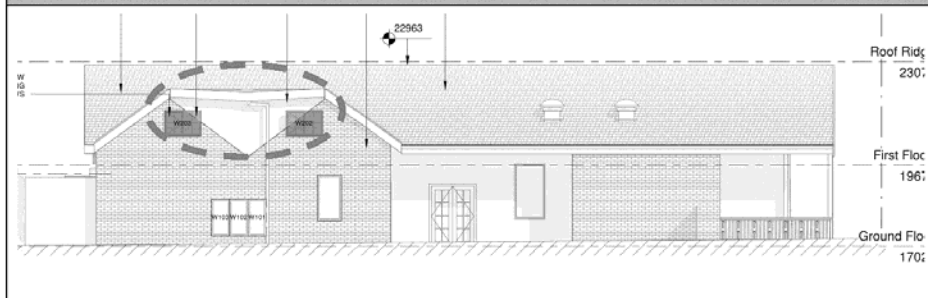


Figure 2: North Elevation: Illustration of proposed non-compliance (circled)



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Figure 3: Front Elevation – no change visible

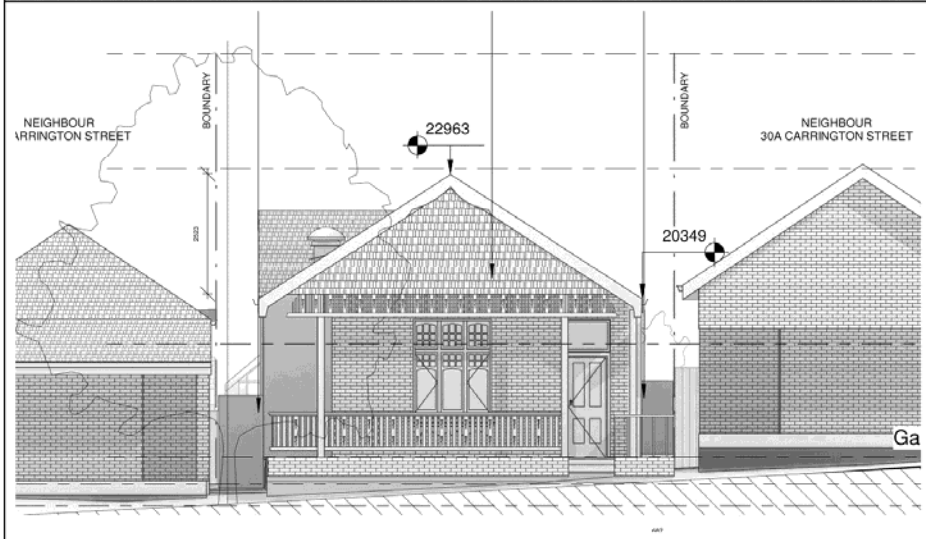
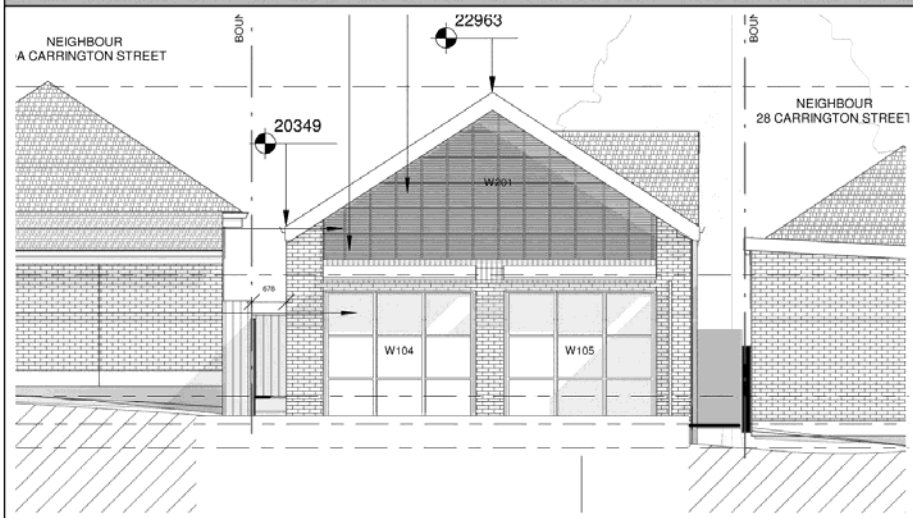


Figure 4: Rear Elevation – no change visible



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4. Provisions of Clause 4.6

a) Objectives of clause 4.6

Clause 4.6 seeks to provide appropriate flexibility to the application of development standards in order to achieve better planning outcomes both for the development and from the development. The objectives of Clause 4.6 are as follows:

Cl. 4.6(1) Objectives of Clause		
Clause No.	Control	Justification
(1)(a)	to provide an appropriate degree of flexibility in applying certain development standards to particular development	The proposal contravenes the standard which sets a maximum building height. It seeks to utilise this clause to provide appropriate flexibility in application of the standard to permit approval.
(1)(b)	to achieve better outcomes for and from development by allowing flexibility in particular circumstances	The proposal will achieve better outcomes: <ul style="list-style-type: none"> • For the development: The contravention would permit: <ul style="list-style-type: none"> • The utilisation of the existing roof space to provide improved internal amenity and space standards. • From the development: The contravention would result in: <ul style="list-style-type: none"> • The more efficient utilisation of existing land, infrastructure and built fabric.

b) Justification of Contravention of Development Standard

Under the provisions of clause 4.6(3) – Exceptions to development standards of ALEP 2013, the consent authority must consider a written request from the applicant that seeks to justify the contravention of the development standard. This justification is summarised in the table below:

Cl. 4.6(3) Justification of Contravention		
Clause No.	Control	Justification
4.6(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:	This written request addresses this clause.
4.6(3)(a)	That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and	Compliance with the development standard is unnecessary given that: <ul style="list-style-type: none"> • The objectives of the development standard are met (see below); and • The objectives of the zone are met, notwithstanding the non-compliance.
4.6(3)(b)	That there are sufficient environmental planning grounds to justify contravening the development standard.	Contravention of the development standard results in a more satisfactory environmental planning outcome: <ul style="list-style-type: none"> • It results in the more efficient utilisation of existing land, infrastructure and built fabric.

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c) Objectives of the Zone & Development Standard

Under the provisions of clause 4.6(4) – Exceptions to development standards of ALEP 2013, the consent authority must be satisfied that contraventions of development standards are consistent with the objectives of both the development standard itself and the zone in which the development is proposed. This assessment is summarised in the table below:

Cl. 4.6(4): Justification of contravention against development standard and zone objectives		
Clause No.	Objectives	Justification
4.4(1)	Floor space ratio	
(a)	to establish standards for development density and intensity of land use,	The development standard establishes a standard for the density and intensity of use on the land.
(b)	to provide consistency in the bulk and scale of new development with existing development,	<p>A. The proposal would not alter the perceptible bulk and scale of the proposal from the street or the rear lane where there would be no alteration to the existing visible built form (Figs. 3 & 4). The only external change would be the infill between the ridges of two existing small north facing gables towards the rear of the eastern elevation (Fig. 2). This would only be visible from the side of the adjacent property at 28 Carrington Street and would not alter the overall scale of the existing building. It is noted that the proposed alteration to the roof could be undertaken to facilitate better roof drainage and would only breach the development standard by virtue of the location of habitable space within it. The proposal would therefore be consistent in scale with the existing development on the site.</p> <p>B. The proposal is located in the vicinity of several sites which appear to have an equal or larger floor space ratio than that of the subject site:</p> <ul style="list-style-type: none"> a. 20 Carrington Street b. 22 Carrington Street c. 24 Carrington Street d. 26 Carrington Street <p>All these properties are two storey attached dwellings which appear to have a larger bulk and scale than the existing development on the subject site. The proposal would not result in a development which is less consistent with the bulk and scale of this existing development.</p>
(c)	to minimise adverse environmental impacts on heritage conservation areas and heritage items,	As discussed in (a) above, the proposal would not alter the appearance of the existing building from the street, the rear lane or the conservation area generally (Figs 3 & 4). Further, it would not create adverse privacy impacts or additional overshadowing.
(d)	to protect the use or enjoyment of adjoining properties and the public domain,	The proposal would not impact upon the use or amenity of adjoin properties (from only one of which it is barely visible) nor the public domain (from which it is not visible at all).
(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.	The proposal would not be visible from either the public realm or the majority of adjacent properties and would consequently not alter the existing visual relationship between the site and the existing character of the surrounding area.
2.3	Zone R2 – Low density residential	

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	To provide for the housing needs of the community within a low density residential environment.	The proposal provides greater residential amenity for a detached dwelling house which is consistent with the site coverage and floor area characteristic of a low density residential environment.
	To enable other land uses that provide facilities or services to meet the day to day needs of residents.	The use of the site as a dwelling house satisfies the day to day needs of the residents.

5. The Five Part Test

In *Wehbe v Pittwater Council* [2007] NSWLEC 827, Preston CJ established five potential tests for determining whether a development standard could be considered to be unreasonable or unnecessary. These are examined below:

The Five Part Test: (in accordance with Preston CJ in <i>Wehbe v Pittwater Council</i> [2007] NSW LEC 827)		
Part	Test	Discussion
1.	The objectives of the standard are achieved notwithstanding non-compliance with the standard.	The objectives of the development standard are achieved. See discussion under 3(c) above.
2.	The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary.	The objectives of the standard are relevant to the proposal and an assessment of compliance is provided above. It is considered that the objectives of the standard have been met and therefore strict compliance is unnecessary.
3.	The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.	The underlying object of the development would not be thwarted if compliance were required.
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	There is no evidence to suggest that the development standard has been abandoned.
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 would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.	Not applicable. The zoning of the land is considered appropriate.

6. Conclusion

This Clause 4.6 contravention request to clause 4.4 – Floor space ratio of Ashfield LEP 2013 should be supported on the basis that strict application of the development standard is unnecessary given that:

- a) The development meets the stated objectives of clause 4.4, specifically:
 - 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,*

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- 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.*
- b) The development meets the zone objectives of the R2 zone, specifically:
 - *To provide for the housing needs of the community within a low density residential environment.*
 - *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- c) There are sufficient environmental planning grounds to justify contravening the development standard, specifically:
 - It results in the more efficient utilisation of existing land, infrastructure and built fabric.

For the reasons set out above, the development may be granted consent notwithstanding the contravention of the development standard in respect of floor space ratio in clause 4.4 of ALEP 2013.