



INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	10.2018.1.1
Address	17 Victoria Square, Ashfield
Proposal	Construction of a bedroom, balcony and fireplace on the first floor level of a two storey dwelling house
Date of lodgement	4 January 2018
Applicant	Mr J Hallion
Owner	Mr J Hallion
Number of submissions	Nil
Value of works	\$150,000
Reason for determination at Planning Panel	Clause 4.6 variation for maximum height of building
Main Issues	<ul style="list-style-type: none"> Height of building privacy
Recommendation	Consent subject to conditions

Location Plan	Legend
	Site
	Objections Nil

1. Executive Summary

This report concerns an application for alterations and additions to an existing dwelling house.

The proposal generally complies with aims, objectives and design parameters contained in Ashfield Local Environment Plan 2013 (ALEP 2013) with the exception of a variation to the maximum height of building development standard. The applicant submitted a written request under Clause 4.6 exception to the development standard as part of the subject development application. The Clause 4.6 written request is considered to be well founded and worthy of support.

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

2. Proposal

The application seeks approval to construct a bedroom, balcony and fireplace on the first floor level of a two storey dwelling house.

3. Site Description

The site is located on the western side of Victoria Square, bounded by Prospect Road to the east and Victoria Street to the west. The site area is approximately 720.78 square metres. An existing two storey dwelling house, a detached garage and swimming pool is located on the site. Surrounding development comprises mainly of one and two storey dwelling houses.

4. Background

Development History

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

NO.	DATE	PROPOSAL	DECISION
DA 1997.158	16/9/1997	Alterations and additions to dwelling house	Approved
DA1995.152	29/6/1995	Brick Fence at rear of property	Approved
BA 1978/82	29/3/1978	Swimming pool	Approved

5. Assessment

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

5(a) Environmental Planning Instruments

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

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;
- Ashfield Local Environmental Plan 2013; and
- Comprehensive Inner West Development Control Plan 2016.

The following sections provide further discussion of the relevant issues:

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 development.

5(a)(ii) 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 any adverse effect on environmental heritage, the visual environment, the natural environment and open space and recreation facilities.

5(a)(iii) Ashfield Local Environmental Plan (ALEP) 2013

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

Ashfield Local Environmental Plan 2013 - Compliance Table				
Clause No.	Clause	Standard	Proposed	Compliance
2.2	Zoning	Zone R2 Low Density Residential	Alterations and additions including a dwelling house	Yes
4.1	Minimum subdivision lot size	500sqm	720.78sqm No subdivision proposed	Yes
4.3	Height of buildings	8.5m	10m	No. See clause 4.6 exception to development standard below
4.4	Floor space ratio	0.5:1 (360.39sqm)	0.45:1 (321sqm GFA)	Yes
5.10	Heritage Conservation	located in the Victoria Square Conservation Area and is a heritage item		
5.10(4)	Effect on heritage significance	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.	Satisfactory assessment by Council's Heritage Advisor subject to condition.	Yes

The following provides further discussion of the relevant issues:

(i) Land Use Table and Zone Objectives (Clause 2.2)

The property is zoned R2 – Low Density Residential under the provisions of ALEP 2013. Dwelling houses are permissible with Council's consent under the zoning provisions applying to the land.

The development is acceptable having regard to the objectives of the R2 - Low Density Residential zone.

(ii) Height (Clause 4.3)

A maximum building height of 8.5 metres applies to the sites as indicated on the Height of Buildings Map that accompanies ALEP 2013. The development has a maximum building height of 10 metres and thereby varies from the height development standard.

A written request, in relation to the development's variation from the height development standard in accordance with Clause 4.6 (Exception to Development Standards) of ALEP 2013, was submitted with the application. The submission is discussed below under the heading "Exceptions to Development Standards (Clause 4.6)".

(iii) Exceptions to Development Standards (Clause 4.6)

The development has a maximum building height of 10 metres and thereby exceeds the maximum height of building development standard prescribed under Clause 4.3 of ALEP 2013.

Under Clause 4.6 development consent must not be granted for a development that contravenes a development standard unless the consent authority has considered a written request from the applicant that demonstrates that:

- Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- There are sufficient environmental planning grounds to justify contravening the development standard.

The consent authority must also be satisfied that 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 applicant seeks to vary the maximum height of building standard by 1.5m or 17.6%.

A written request in relation to the contravention to the height development standard in accordance with Clause 4.6 (Exceptions to Development Standards) of ALEP 2013 was submitted with the application. In summary the applicant's written request justifies the non-compliance on the basis that:

- *The proposal seeks to provide a similar roofscape to complement the existing ridge and gutter height to blend the new additions with the old and existing.*
- *The new ridge height is below the main ridge height and the new roof will not be seen from the street.*
- *There are no overshadowing impacts caused by the new addition as it is located to the north-west corner of the existing house and is separated from No. 19 Victoria Street by the existing similar roof form to the south west corner of the existing house.*
- *The proposal seeks to match and complement the roof pitch of the existing adjacent pitched roof of approximately 35 degrees for a visually coherent composition and roofscape.*
- *The proposal is compatible with the surrounding environment in terms of bulk, scale and preserves the character of the heritage item and surrounding conservation area.*

The justification provided in the applicant's written request is considered well founded and worthy of support. Considering the above justification, strict compliance with the development standard is considered unreasonable and unnecessary given the circumstances of the site. The proposed development is considered to be consistent with both the objectives of the zone and the objectives of the development standard.

The contravention of the development standard does not raise any matter of significance for State and Regional environmental planning, and there is no public benefit in maintaining strict compliance with the standard.

(iv) Heritage

The site is located in the Victoria Square Heritage Conservation Area and is listed as a heritage item under Schedule 5 of ALEP 2013.

The application was referred to Council's Heritage Officer who provided the following comments regarding the proposal:

"The existing house is two storey dwelling to which a small rear alteration was made some decades ago, in which the northwest corner became an open deck at first floor, above an enclosed room at ground floor.

It is proposed now to provide an enclosed room in replacement of the open deck. A small strut supported balcony of this room and facing the rear western exposure is also proposed. The new room will be covered by a slate clad hipped roof form similar to the existing rear facing hipped form, with a valley gutter between the two. The rear plane of the hip will extend down over the small new balcony.

Having regard to the form and detail of the proposal, as well as its materials, in my opinion no adverse heritage impact will arise from the proposed works. No substantive increase in footprint arises, and the proposed fire places will use gas fuel and the flues will be concealed within a proposed new external chimney breast and chimney."

The proposed development is considered reasonable having regard to the requirements of clause 5.10 of ALEP 2013.

5(b) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of the Comprehensive Inner West Development Control Plan (DCP) 2016:

Chapter F Part 1 Low Density Residential			
Control	Required	Proposed	Complies
Landscaping	35% of the site (252.27sqm)	No change to the existing	N/A
Private Open Space	20sqm with minimum dimension of 3.5m at ground level	There is more than 100sqm and minimum width of 10m	Yes
Maximum wall height	6m maximum	7m	Given the property is on a sloping site with traditional

			elevated floor the height of 7m is considered acceptable.
Aesthetics	Sympathetic to the context of the site	Two storey addition to dwelling house	Yes
Tree Preservation	Retain significant trees	No significant trees affected	Yes
Site coverage	50% maximum (360.39sqm)	34.48% (248.5sqm)	Yes
Solar access	40% of north facing living area windows and private open space for three hours on 21 June.	No increase in shadowing of north facing windows and minimal impact to rear yard of property to the south, north and west	Yes

Context

DS1.1 requires building form, proportion, façade materials, textures and colours to be sympathetic with development in the street.

The proposed development is to the rear of the dwelling house and will not be visible from the street. Notwithstanding the proposed built form complements the form of the existing and adjoining dwelling houses.

DS1.2 - Extensions to the upper parts of a dwelling house are to respect the scale and aesthetics of its context, be visually appropriate to the scale of the existing house and are sympathetic or complementary in architectural style to the existing dwelling house

The proposed development is 500mm lower than the ridge of the existing dwelling house and it is considered that the form is consistent with the form of the existing dwelling house.

DS 3.1 In the R2 Low Density Residential zone, development has the appearance of a single, detached dwelling

The proposed development maintains the appearance of existing building as a single dwelling house.

DS3.3 Requires maximum building height to comply with the Ashfield LEP 2013

The maximum allowed height is 8.5m. The height of the proposed addition is 10.0m. A clause 4.6 written request has been submitted for the variation which is considered to be well founded and worthy of support.

DS3.4 Requires the maximum external wall height to be 6 metres measured from the existing ground level.

The proposed wall height is 7 metres which is 1 metre over the maximum allowed.

The existing dwelling house has a traditional elevated floor above ground level. The land is also a sloping site. The site constraints make compliance difficult and the height has minimal impact on the streetscape due to the addition being located at the rear of the dwelling house. For the reasons outlined above the proposed height is considered acceptable.

DS3.6 Requires the maximum roof pitch (slope) not to exceed the predominant roof pitch of existing dwelling houses in the street.

The roof over the proposed extension has the same pitch as the existing roof at the rear of the dwelling house and does not exceed the predominant roof pitch of the existing dwelling houses in the street.

DS3.7 Requires building width has a traditional domestic scale and adequate separation from boundaries.

Generally complies. The first floor addition is at the rear of the existing dwelling and is consistent with the existing form of the dwelling house. The building is setback 1.8m from the northern (closest) boundary.

DS3.8 Building length provides adequate open space and landscaping while maintaining solar access

The building length is generally consistent with properties in the area and provides adequate open space and landscaping. Solar access will be maintained in accordance with the Comprehensive Inner West DCP 2016 requirements.

Building setbacks

DS4.3 States that side setbacks are determined by compliance with the BCA. Generally, Council requires a minimum side setback of 900mm for houses and 450mm for outbuildings

The building is setback 1.8m from the closest (northern) boundary. The proposal complies with the BCA.

Solar access

DS 13.1 Requires sunlight to at least 50% (or 35m² 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 maintains solar access to adjoining properties in accordance with the above requirements.

DS 13.2 Requires 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.

The addition is on the northern side of the dwelling house as such will not result in any overshadowing of adjoining properties. Solar access will be maintained in accordance with the Comprehensive Inner West DCP requirements.

Visual Privacy

DS14.1 Requires the number of windows to side elevations located above the ground floor to be minimised.

There are no windows on the northern wall which is the closest to the side boundary. Windows are in the western wall which faces the rear yard of the property. A privacy screen is proposed on the northern and southern sides of the rear first floor balcony.

Chapter E1 Heritage Items and Conservation Areas

- ***Retain features of Heritage Items***
The development is at the rear of the dwelling house and generally retains the features of the heritage item.
- ***New work is consistent with setbacks massing form and scale of Heritage Item***
The new work is consistent with the scale and form of the existing dwelling house.
- ***Retain Fabric***
The fabric of the dwelling house will generally be retained.
- ***Alterations and additions should be located away from the Heritage Item***
The addition is at the rear of the dwelling house and is to replace an existing balcony with a bedroom and smaller balcony. The proposal generally complies with the development control.
- ***Retain form of the existing building***
The form of the existing dwelling house is retained.

Chapter E1 Part 1.8 Development in the vicinity of Heritage Items

The property is one of 4 heritage items located in Victoria Square. The proposed development is at the rear of the property with a lower height as such will have minimal impact on the streetscape and other heritage Items in the vicinity.

The proposed roof material will be slate to match the existing and the face bricks will be selected to match the existing. External finishes and materials are considered to be consistent with the existing external materials and generally comply.

5(c) The Likely Impacts

The assessment of the Development Application demonstrates that, subject to the recommended conditions, the proposal will not result in significant or unreasonable impacts in the locality.

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

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

5(f) Any submissions

The proposal was notified between 22 January 2018 and 13 February 2018 under Chapter B of the Comprehensive Inner West DCP2016. 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 development is consistent with the aims, and design parameters contained in Ashfield Local Environmental Plan 2013 and the Comprehensive Inner West Development Control Plan (DCP) 2016 and other relevant Environmental Planning Instruments. As discussed

throughout this report, the development will not result in any significant impacts on the amenity of adjoining premises and the streetscape and thus the development is considered to be in the public interest.

6. Referrals

Internal referrals	
Heritage Advisor	Council's Heritage Advisor raised no objection to the proposed development.
Council's Engineers	No objection subject to condition.
Council's Building Surveyor	No objection subject to condition.

7. Section 7.12 Levy

A Section 7.12 Levy is applicable as the value of the work exceeds \$100,000. A condition requiring that levy to be paid before the issue of any construction certificate 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 (ALEP 2011). The proposal is generally consistent with the Comprehensive Inner West Development Control Plan 2011. The development will not result in any significant impacts on the amenity of adjoining premises and the streetscape. The application is suitable for approval subject to the imposition of appropriate conditions.

9. Recommendation

- A. The variation to Clause 4.3 (maximum height of building) of the 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. 2018.001.1 for alterations and additions to a dwelling house including a new bedroom, balcony and fireplace on the first floor level of a two storey dwelling house at 17 Victoria Square, Ashfield, subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

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

No.	Title	Prepared by	Amendment Date
DA .01	Site Plan	Steven Rous and Associates	18/02/2018
DA .02	Demolition Plan	Steven Rous and Associates	18/02/2018
DA .03A	Elevations	Steven Rous and Associates	18/02/2018
DA .04A	Elevations	Steven Rous and Associates	18/02/2018
DA .05A	Sections	Steven Rous and Associates	18/02/2018

B Design Changes

Nil

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

(1) Section 7.12 Contribution

Pursuant to Section 4.17 of the *Environmental Planning and Assessment Act 1979* and Ashfield Council's Section 94A Development Contributions Plan 2009 a contribution of **\$750** 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.

The contribution is to be paid prior to the issue of the construction certificate and copies of receipts(s) confirming that the contribution has been fully paid are to be provided to the Principal Certifying Authority (PCA).

(2) 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.

(3) 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.

(4) 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)	\$2,230.00
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.

(5) 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.

(6) 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

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.

(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 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.

(6) 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.

(7) 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.

(8) 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.

(9) 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.

E Conditions that must be complied with during construction or demolition**(1) 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 3 January 2018 from the Department of Infrastructure, Planning and Natural Resources. For more information visit www.basix.nsw.gov.au.

(2) 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.

(3) Locate structures within boundaries

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

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

Demolition, excavation and construction work, including loading and unloading of materials and machinery, shall be restricted to between the hours of 7.00 am to 6.00 pm, Monday to Friday and from 7:00 am to 1.00 pm on Saturday. Work is prohibited on Sundays, and on public holidays.

(5) 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.

(6) Rainwater items - design

Quad or "D" shaped gutters only are to be used.

(7) Matching materials - repairs to fabric

Matching materials are to be used in repairing the fabric of external surfaces.

(8) Structural engineer's certificate

A structural engineer's certificate shall be submitted to the Principal Certifying Authority stating is structurally adequate and supported in accordance with the relevant SAA codes.

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.

(1) 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 to the street gutter. If it does not, the system shall be repaired/replaced to operate satisfactorily (as the property falls to the rear – if necessary, to obtain a gravity fall to the street gutter, attached to the side of the house).

(2) Privacy screen on the rear balcony

The privacy screens on the rear balcony must have a minimum block-out density of 75%.

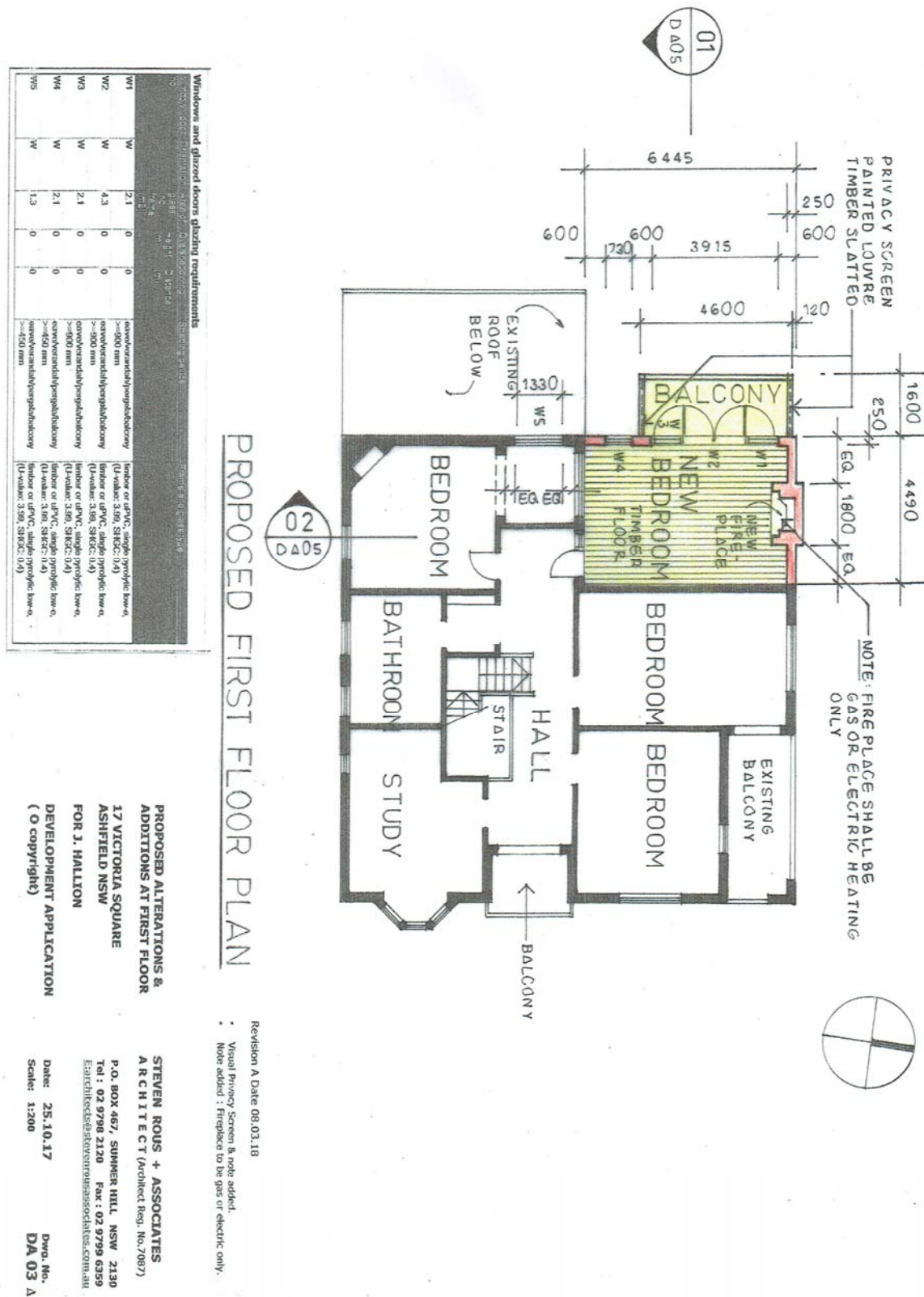
H Conditions that are ongoing requirements of development consents**(1) Fire Place**

The fire place shall not use any solid fuel such as timber or coal as fuel. Gas or electricity shall only be used.

I Advisory Notes

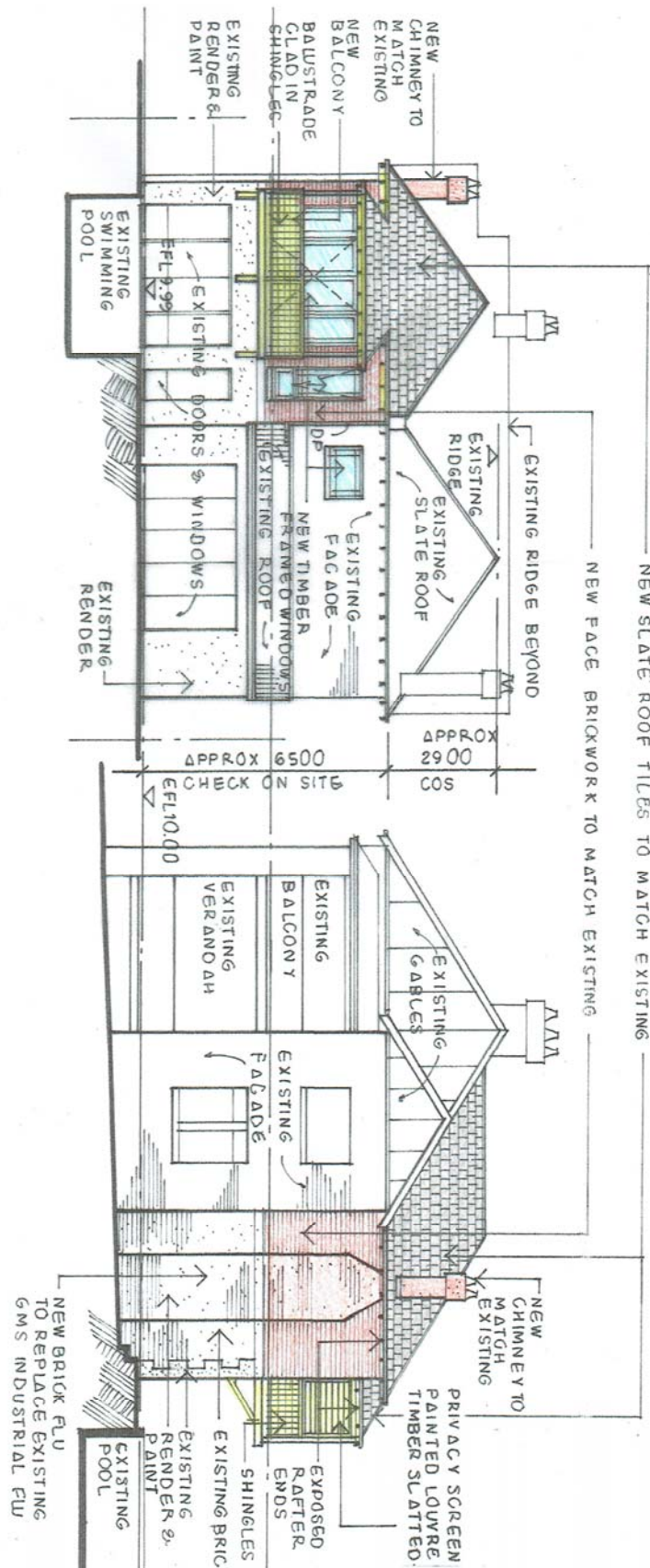
nil

Attachment B – Architectural Plans



WEST FACADE ELEVATION

NORTH ELEVATION

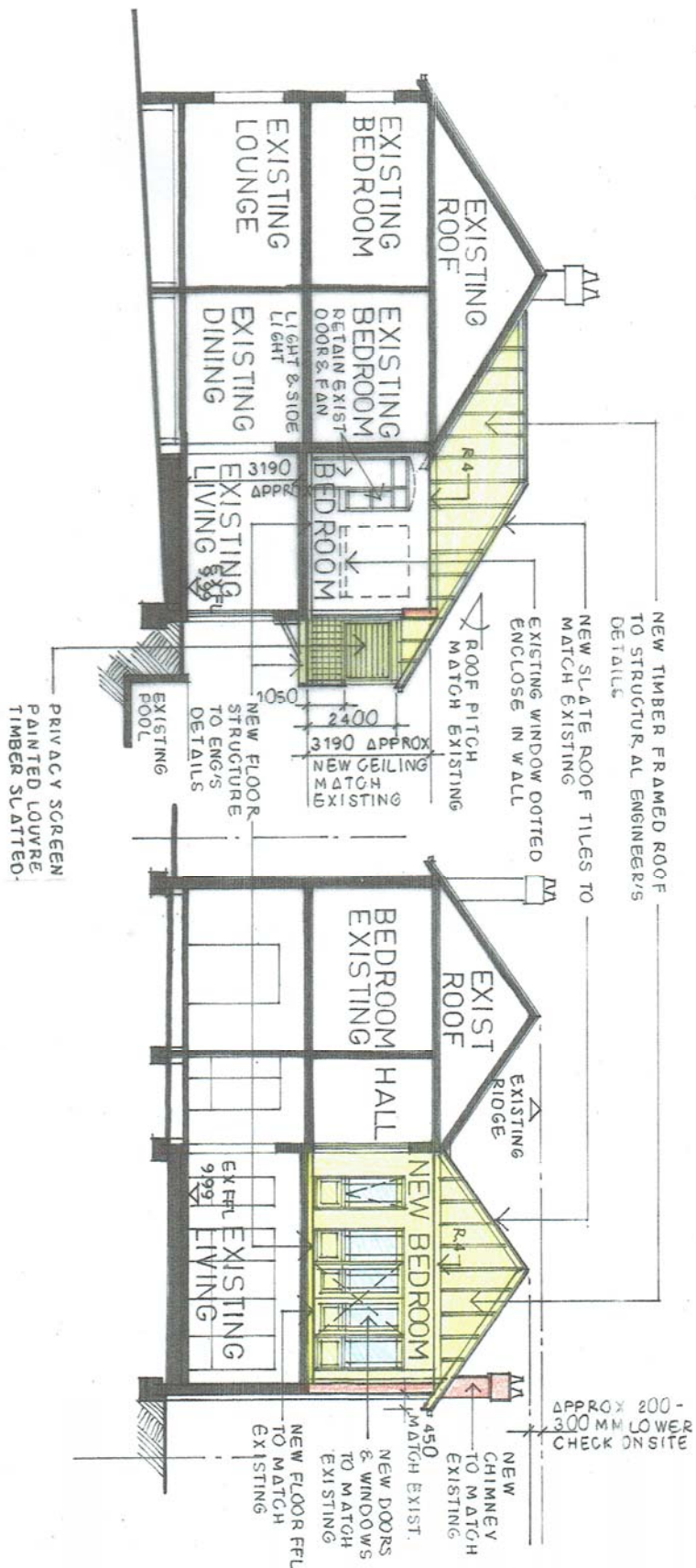


Revision A Date 08.03.18
Visual Privacy Screen & note added

PROPOSED ALTERATIONS &
ADDITIONS AT FIRST FLOOR
17 VICTORIA SQUARE
ASHFIELD NSW
FOR J. HALLION
DEVELOPMENT APPLICATION
(© copyright)

STEVEN ROUS + ASSOCIATES
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E:ARCHITECT@STEVENROUSARCHITECTS.COM.AU
Date: 25.10.17
Scale: 1:200
Dwg. No.
DA 04 A

SECTION 01



SECTION 02

Insulation requirements

The applicant must construct the new or altered construction (floor(s), walls, and ceiling(s)) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m², b) insulation specified is not required for parts of altered construction where insulation already exists.

Part of building	Insulation	Minimum R-value
Floor above existing dwelling or building	rigid	R1.16 (or R1.70 including construction)
external wall, brick veneer	rigid	collings R0.45 (up), roof, full backed blanket (100 mm)
external wall, cavity brick	rigid	collings R0.45 (up), roof, full backed blanket (100 mm)
flat ceiling, pitched roof	rigid	collings R0.45 (up), roof, full backed blanket (100 mm)

PROPOSED ALTERATIONS & ADDITIONS AT FIRST FLOOR

17 VICTORIA SQUARE
ASHFIELD NSW
FOR J. HALLION

DEVELOPMENT APPLICATION
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STEVEN ROUS + ASSOCIATES
ARCHITECT (Architect Reg. No. 7007)

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Date: 25.10.17
Scale: 1:200
Dwg. No. DA 05 A

Revision A Date 08.03.18
Visual Privacy Screen & note added.

Attachment C – Clause 4.6 Exception to Development Standard

steven rous + associates
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12th March, 2018

Inner West Council
7 - 15 Wetherill Street,
Leichhardt, NSW 2040

Attention : Mr William Daskalopoulos

**Re: Development Application No 2018.1
Alterations & Additions at 17 Victoria Square, Ashfield**

Dear William,

Reference is made to Council's letter dated 27th February, 2018 (received by mail on the 1st March, 2018). We respond as follows:-

1. Please refer to enclosed outline in relation to Council's Clause 4.6 Exception to the development standard in relation to maximum allowed height.
2. Schedule of Specific External Finishes to match / compliment existing finishes is as follows:-

Schedule of External Finishes

- External Face Brickwork: Bowral Brown to match existing.
- Slate Roof Tiles : "Welsh" Slate to match existing.
- External Quad Guttering & Downpipes : Colorbond "Monument" to match existing.
- External timber framed windows & doors : -
 - > Sash : Paint finish Dulux "Kahlua Milk" to match existing.
 - > Frames : Paint finish Dulux "Walhalla" to match existing
- External exposed timber rafters:- Paint finish Dulux "Kahlua Milk" white to match existing.
- External exposed timber framed covered balcony:-
 - > Timber posts:- Paint finish Dulux "Walhalla" to match existing windows & doors.
 - > Timber louvre privacy screen:- Paint finish Dulux "Kahlua Milk" to match existing eaves & exposed rafters.
 - > Roof Slate Roof Tiles : Welsh Slate to match existing.
 - > New external Quad Guttering & Downpipes:- Colorbond "Monument" to match existing.
- 3. Privacy screens have been added, refer attached amended drawing No.s DA 04 & DA 05 Revision A.
- 4. The fire place shall be gas or electric heating only. Note added to drawing No. DA 03 Revision A.

Yours Sincerely,


STEVEN ROUS

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INNER WEST COUNCIL

DEVELOPMENT APPLICATIONS EXCEPTIONS TO DEVELOPMENT STANDARDS PURSUANT TO CLAUSE 4.6 OF LEICHHARDT LOCAL ENVIRONMENTAL PLAN 2013

DEVELOPMENT APPLICATION DETAILS:

Address:	17 VICTORIA SQUARE, ASHFIELD
Proposed Development:	ALTERATIONS & ADDITIONS
I wish to lodge a request to vary the following development standard for the reasons indicated:	

WHAT IS THE STANDARD SOUGHT TO BE VARIED?

- ☐ Floor Space Ratio – Clause 4.4 or 4.4A of LEP 2013
- ☐ Landscaped Area – Clause 4.3A(3)(a) of LEP 2013
- ☐ Site Coverage – Clause 4.3A(3)(b) of LEP 2013
- ☐ Subdivision Allotment size – Clause 4.1 of LEP 2013
- ☐ Foreshore Building Area – Clause 6.5 of LEP 2013
- ☐ Diverse Housing – Clause 6.13 of LEP 2013

The purpose of the above standards is to ensure that the proposed works are compatible with the surrounding environment in terms of bulk, scale, amenity, streetscape, setting, transport and preserving the character of the building and surrounding conservation area and heritage items

Where an applicant wishes to vary a development standard, the application must be accompanied by a well-founded, written request which 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
- b. that there are sufficient environmental planning grounds to justify contravening the development standard.

OTHER:-

REFERENCE TO COUNCIL'S LETTER DATED 27TH FEBRUARY 2018 IN RELATION TO ITEM 1 OF LETTER: "THE HEIGHT OF THE BUILDING EXCEEDS THE MAXIMUM ALLOWED HEIGHT OF 8.5M AS SUCH YOU WILL NEED TO LODGE A CLAUSE 4.6 EXCEPTION TO THE DEVELOPMENT STANDARD UNDER CLAUSE 4.3(2) OF ASHFIELD LEP 2013."

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

THE EXISTING HEIGHT TO RIDGE LEVEL OF EXISTING REAR PITCHED ROOF IS APPROX 9.5 M. THE PROPOSAL SEEKS TO PROVIDE A SIMILAR ROOFSCAPE TO COMPLIMENT THE EXISTING RIDGE & T/O GUTTER HEIGHT TO BLEND THE NEW ADDITIONS WITH OLD & EXISTING. THE NEW RIDGE HEIGHT IS BELOW THE MAIN RIDGE HEIGHT & THE NEW ROOF WILL NOT BE SEEN FROM THE STREET. THERE ARE NO OVERSHADOWING IMPACTS BY THE NEW ADDITION AS IT IS LOCATED TO THE NORTH WEST CORNER OF THE EXISTING HOUSE & IS SEPARATED FROM NO. 19 VICTORIA SQUARE BY THE EXISTING SIMILAR

Why is compliance with the standard unreasonable or unnecessary?

What are the special circumstances in this case?

(To answer consider whether a development that complies is unnecessary or unreasonable)

CONT. ROOF FORM TO THE SOUTH WEST CORNER OF THE EXISTING HOUSE. NO. 15A VICTORIA SQUARE IS SITUATED TO THE NORTH SIDE OF NO 17 VICTORIA SQUARE & THEREFORE THERE ARE NO OVERSHADOWING IMPACTS BY THE PROPOSAL. THE PROPOSAL SEEKS TO MATCH & COMPLIMENT THE EXISTING ROOF PITCH OF THE EXISTING ADJACENT PITCHED ROOF OF APPROX 35° ROOF PITCH FOR A VISUALLY COHERENT COMPOSITION & ROOFSCAPE. THE PROPOSAL IS COMPATIBLE WITH THE SURROUNDING ENVIRONMENT IN TERMS OF BULK, SCALE & PRESERVES THE CHARACTER OF THE HERITAGE ITEM AND SURROUNDING CONSERVATION AREA.

Is the proposed development consistent with the objectives of the particular standard?

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

FOR REASONS OUTLINED ABOVE, COMPLIANCE WITH THE DEVELOPMENT STANDARD UNDER CLAUSE 4.3(2) OF ASHFIELD LEP 2013 IS UNREASONABLE & UNNECESSARY.

NOTES