



INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	10.2016.44.1
Address	33 Smith Street, SUMMER HILL
Proposal	Demolition of existing dwellings and construction of a part 2/3 storey infill affordable housing development under SEPP (Affordable Rental Housing) 2009 comprising 17 dwellings over basement car parking for 11 cars
Date of Lodgement	1 March 2016
Applicant	Habitation Design
Owner	Drummoyne Building Service Pty Ltd
Number of Submissions	40 submissions and 1 petition of 111 signatures
Value of works	\$3,681,938
Reason for determination at Planning Panel	Exceeds officer delegation
Main Issues	<ul style="list-style-type: none"> • Privacy • Stormwater
Recommendation	Deferred commencement consent

Location Plan	Legend
	Site
	Objections

1. Executive Summary

This report is an assessment of the application submitted to Council for demolition of existing dwellings and construction of a part 2/3 storey infill affordable housing development under SEPP (Affordable Rental Housing) 2009 comprising 17 dwellings over basement car parking for 11 cars at 33 Smith Street, Summer Hill.

This application was referred to the Council Meeting on Tuesday, 27 September for determination with a recommendation for deferred commencement consent. Following representations at the meeting from various objectors from properties in the vicinity of the development, the administrator determined that:

The matter be deferred to allow Council staff to give further consideration to the interface and stormwater issues affecting this development.

The applicant submitted amended plans on 11 October 2016 to address these issues as follows:

- **Interface (privacy):**
The applicant has provided a cross sectional analysis of the sight lines between the upper level rear facing balconies and the residential properties to the rear. They have also increased the height of the balustrade to 1.2m and changed it to a solid material to block sight lines from a seated position within the top floor units.
- **Stormwater:**
The applicant has provided a spoon drain around the perimeter of the site to collect any water which may flow onto the site as overland flow from adjacent properties.
- **Additional modifications:**
The applicant has also modified the plans to address some of the recommended deferred commencement conditions in the previous report to Council.

2. Assessment

- **Interface (privacy):**
Concern has been expressed regarding privacy impacts from the rear facing balconies specifically upon the rear of Nos. 20 and 22 Carlton Crescent. Examination of the locality plan reveals that No. 20 extends across the entire rear boundary of the subject site. Half of it consists entirely of a garage built to the boundary and covering the rear 11m of the site while the other half consists of driveway, also covering the rear 11m of that site. The driveway and garage elements of No. 20 are not sensitive to privacy intrusion and the impact on these is considered negligible.

A cross sectional analysis consisting of a long section through the proposal and the sites to the rear has also been prepared by the applicant. It demonstrates that because the lower level units are located at or below the level of No. 20's garage wall, only the top level units would be capable of any overlooking. Although these units could have a clear line of sight to the rear garden and the rear windows of this property, they are respectively 14m and 31m from the viewing point – this is considered well in excess of the 9m separation which is commonly accepted as a reasonable separation for privacy purposes.

To minimise the impact, however, the applicant has modified the proposal to include a solid balustrade on the upper most balconies to a height of 1.2m. This would preclude any overlooking from anyone seated on the balcony and would also limit overlooking from anyone standing inside. Although a full view to those standing adjacent the balustrade would still be available, given the separation distances along with the rear boundary tree planting required by the proposed conditions of consent, it is considered that the resultant privacy impacts would be satisfactory.

It is noted, however, that these upper level balconies are open at the sides and may afford views into the adjacent site properties. A condition will be included in any consent requiring full height walls on either side of these.

- **Stormwater:**

Concern has been expressed regarding flow of stormwater from the site onto the adjacent property at 27-29 Smith Street, in particular the units to the rear of the site. Given that the proposal involves the lowering of the natural ground level across the rear of the site, the result would be that stormwater from surrounding properties is more likely to run into the site (and its upgraded stormwater system) and thence to the street rather than onto adjacent properties.

Nevertheless, in response to the issue the applicant has amended the stormwater design to provide a spoon drain around the perimeter of the site at the rear and sides to collect any water which may flow onto the site as overland flow from adjacent properties and then drain it to Smith Street. The amended design has been reviewed by Council's engineer and is considered satisfactory (subject to conditions of consent).

- **Additional modifications:**

The applicant has also modified the plans to address some of the recommended deferred commencement conditions in the previous report to Council. Where these conditions have been addressed by the amended documentation, they have been deleted as necessary.

3. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in Ashfield Local Environmental Plan 2013 and Ashfield Interim Development Assessment Policy 2013. The development will not result in any significant impacts on the amenity of adjoining premises and the streetscape. The application is considered suitable for the issue of a deferred commencement consent subject to the imposition of appropriate terms and conditions.

4. Recommendation

That Council as the consent authority pursuant to Clause 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) grant deferred commencement consent to Development Application No. 10.2015.197.1 for demolition of existing dwellings and construction of a part 2/3 storey infill affordable housing under SEPP (Affordable Rental Housing) 2009 comprising 17 dwellings over basement car parking on Lot 1, DP 120491, known as 33 Smith Street, Summer Hill, subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent**AMENDED CONDITIONS****DA 10.2016.44.1**

33 Smith Street SUMMER HILL 2130

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

Demolition of existing dwellings and construction of a part 2/3 storey infill affordable housing development under SEPP (Affordable Rental Housing) 2009 comprising 17 dwellings over basement car parking for 11 cars.

PART A**Deferred Commencement conditions to be satisfied prior to activation of consent:**

This consent shall not operate until such time as the following additional/revised information is provided to the satisfaction of Council:

- (1) This site shall discharge stormwater directly into a drainage system under the control of Sydney Water located directly in front of the site in Smith Street. The applicant is required to submit written approval from Sydney Water to Council that it has no objection to the proposed method of discharge.
- (2) A plan and long section of the proposed Council pipe to be laid in Smith Street so as to join the site's stormwater into Sydney Water's existing pipe network. This section shall show pipe & pit levels, pipe grade, pipe depth and pipe changes.
- (3) A stormwater Concept plan, including any supporting documentation indicating the required Stormwater storage volume and all pit and pipe levels to obtain gravity fall to Sydney Water's pipe system located in Smith Street. Storages shall not be located in overland flow paths which convey catchment flows through the site, and the depth and location of all services required to be relocated due to the connection into Sydney Water's pipe system shall be indicated on a plan.
- (4) The internal fence approximately 1m in front of the building in the communal open space in the front set back area is to be deleted and the area kept as a single open landscaped area.
- (5) Allocation of a realistic area compliant with the BCA for booster valve and other fire equipment location.
- (6) Provision of a plan showing allocation of private and communal open space which allocates all external area including side setback areas (except balconies and rear courtyards) to communal use.

This information is required to be provided and approved by Council within 12 months of the date of the approval. Failure to satisfy the above requirements by the specified date will result in lapse of consent.

The correspondence issued by Council, once the above conditions are satisfied, and any associated documents submitted to satisfy the deferred commencement condition are to form part of this consent.

Providing the above matters are satisfied by Council by the specified date, general conditions of consent are:

PART B**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 in the table below and stamped as approved by Council, and in any supporting documentation received with the application, except as amended by the conditions specified hereunder.

No.	Revision	Title	Prepared by	Amendment Date
A101	D	Cover page	Habitation	30.08.2016
A104	D	Site Plan	Habitation	30.08.2016
A105	D	Basement Floor Plan	Habitation	30.08.2016
A106	D	Ground Floor Plan	Habitation	30.08.2016
A107	D	First Floor Plan	Habitation	30.08.2016
A108	D	Second Floor Plan	Habitation	30.08.2016
A109	D	Roof Plan	Habitation	30.08.2016
A110	D	Elevations	Habitation	30.08.2016
A111	D	Elevations & Section	Habitation	30.08.2016
A120	D	Schedule of Finishes	Habitation	30.08.2016
H1	TBA	Stormwater - Basement	Rosycivil Pty Ltd	TBA
H2	TBA	Stormwater – Ground Floor	Rosycivil Pty Ltd	TBA
H3	TBA	Stormwater – Level 1	Rosycivil Pty Ltd	TBA
H4	TBA	Stormwater – Level 2	Rosycivil Pty Ltd	TBA
H5	TBA	Stormwater - Roof	Rosycivil Pty Ltd	TBA
H6	TBA	Stormwater - Details	Rosycivil Pty Ltd	TBA

Note: The architectural plans take precedence in respect of the built form. Should there be any inconsistency between the built form shown on the architectural and the engineering or landscape plans, the architectural plans take precedence.

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.

B Design Changes

Nil.

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

(1) Construction and Site Management Plan

Prior to the issue of a Construction Certificate the applicant shall submit to Council or the accredited certifier a construction and site management plan that clearly sets out the following:

- (a) what actions and works are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like,
- (b) the proposed method of loading and unloading excavation machines, building materials, formwork and the erection of any part of the structure within the site,
- (c) the proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period,
- (d) how it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways,
- (e) the proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a chartered Civil Engineer or an accredited certifier.

Where it is proposed to:

- pump concrete from within a public road reserve or laneway, or
- stand a mobile crane within the public road reserve or laneway, or
- use part of Council's road/footpath area,
- pump stormwater from the site to Council's stormwater drains, or
- store waste and recycling containers, skip, bins, and/or building materials on part of Council's footpath or roadway,

An Activity Application for a construction zone, a pumping permit, an approval to stand a mobile crane or an application to pump water into a public road, together with the necessary fee shall be submitted to Council and approval obtained before a Construction Certificate is issued.

Note: A separate application to Council must be made for the enclosure of a public place (hoarding).

(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) 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.

(4) Long service levy

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

(5) Sydney Water - Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the “Your Business” section of the web site www.sydneywater.com.au then follow the “e-Developer” icon or telephone Sydney Water 13 20 92 for assistance.

Following application, a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the release of an occupation or subdivision certificate.

(6) Landscaping plan

- (a) Submission of a *Detailed Landscape Plan* at scale 1:100 or 1:200 (prepared by a landscape architect, landscape designer or other suitably qualified person who is eligible for membership of the Australian Institute of Landscape Architecture or the Australian Institute of Landscape Designers and Managers) to the Principal Certifying Authority. The plan should be consistent with the approved development plans including any approved *Landscape Concept Plan* and include -

- (b) **Site information** – show existing structures, fencing, neighbouring buildings, existing trees and rock outcrops, man-made structures.
- (c) **Landscape Design** – proposed landscaping, surface levels, external/internal dimensions, retaining walls, driveways/pathways, screen planting, pools and features, lawn areas, soil depth on suspended concrete slabs etc.
- (d) **Planting Schedules** – detail common/ botanic names and quantities.

Note: Ashfield Council encourages the use of indigenous native plants where appropriate.

- (e) **Maintenance/Embellishment Strategy** - to ensure plants are successfully established and maintained- show construction work exclusion areas, irrigation details, staking, topsoil, mulch etc.
- (f) Landscaping details are to be provided for approval with the Construction Certificate. All site works and landscaping is to be carried out in accordance with the approved plans prior to completion of work and/or occupation of the premises.

The following trees are to be shown on the landscape plan:

- Centre of soft soil front setback area: 1 canopy tree capable of reaching at least 8m in height.
- Deep soil area to west of BBQ/Pergola area: 2 deciduous canopy trees capable of reaching at least 8m in height (offset 2m from side boundary).
- Rear boundary: 6 deciduous canopy trees evenly spaced along the rear boundary capable of reaching at least 7m in height.

All trees are to be a minimum height of 2m at planting.

(7) Section 94 Development Contributions

In accordance with Section 80A(1) of the *Environmental Planning and Assessment Act 1979* and the Ashfield Council Development Contributions Plan, the following monetary contributions shall be paid to Council Prior to issue of a Construction Certificate to cater for the increased demand for community infrastructure resulting from the development:

Community Infrastructure Type	Contribution
Local Roads	\$4,992.40
Local Public Transport Facilities	\$7,652.09
Local Car Parking Facilities	\$0.00
Local Open Space and Recreation Facilities	\$123,170.05
Local Community Facilities	\$6,485.49
Plan Preparation and Administration	\$6,114.09
TOTAL	\$148,414.12

If the contributions are not paid within the financial quarter that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Ashfield Development Contributions Plan and the amount payable will be calculated on the basis of the contribution rates applicable at the time of payment in the following manner:

$$\$C_C = \frac{\$C_P \times CPI_C}{CPI_P}$$

Where:

$\$C_C$ is the amount of the contribution for the current financial quarter

$\$C_P$ is the amount of the original contribution as set out in this development consent

CPI_C is the Consumer Price Index (Sydney – All Groups) for the current financial quarter as published by the ABS.

CPI_P is the Consumer Price Index for the financial quarter at the time of the original consent.

Prior to payment of the above contributions, the applicant is advised to contact Council's Planning Division on 9716 1800. Payment may be made by cash, money order or bank cheque.

Council's Development Contributions Plan may be viewed at www.ashfield.nsw.gov.au or a copy may be inspected at Council's Administration Centre.

(8) Surveillance

A surveillance system, for the building, open space and basement car park is to be designed by a professionally recognised security firm, which include the following:

- o a closed circuit television (surveillance cameras);
- o the Manager's office having the relevant control panels; and
- o Tapes/digital data 'on disc' to be properly stored and retained on site for a minimum of twenty-one (21) days for the availability of Council or NSW Police.

Details to be shown on the construction certificate and provided to Ashfield Police prior to occupation.

(9) Access and services for people with a disability – flats/mixed development

Detailed plans drawn to the scale of 1:50 shall be submitted detailing compliance with the requirements of AS4299 and AS 1428 Part 1 and the provisions of Ashfield Development Control Plan for Access and Mobility prior to the issue of a Construction Certificate, showing a minimum of 2 adaptable and accessible units within the development and details of complying levels, ramp slopes, door widths, circulation spaces within the development.

(10) SEPP 65 – Design Verification

Prior to release of the Construction Certificate design verification is required to be submitted from the original designer to confirm the development is in accordance with the approved plans and details and continues to satisfy the design quality principles in State Environmental Planning Policy No – 65 Design Quality of Residential Flat Building Development.

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

A Damage Deposit of \$20,000 is to be submitted prior to any of the following:

- commencement of works or
- demolition or
- excavation upon the site or
- the release of the **Construction Certificate**

whichever may come first, 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.

The return of the Damage Deposit shall not be refunded until all conditions of Consent have been completed and the Occupation Certificate has been released.

(12) Footpath/laneway- photographs to be submitted

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

(13) Design and construction of car parking area

The car park layout is to be designed and constructed in accordance with Australian Standards AS 2890.1 2004 "Off Street Car Parking" as well as AS2890.6 -2009 Parking Facilities - Off-street parking for people with disabilities.

This shall include but not be limited to the following design aspects being included prior to the release of the Construction Certificate:

- (1) Appropriate traffic signal treatment supplemented with mirrors and signage/line marking shall be implemented to guide vehicles to view and give-way to pedestrians when exiting the driveway.
- (2) The driveway entre/exit at Council's footpath is to be kept visually clear of vegetation and walls are to be splayed to view pedestrians in accordance to "Minimum Sight Lines for Pedestrian Safety" AS2890.1:2004 Section 3.2.4.
- (3) All vehicles must enter and exit the site in a forward direction.

(14) Services adjustment or relocation

The applicant shall meet the full cost for Telstra, Sydney Electricity, Sydney Water or Natural Gas Company to adjust/relocate their services as required. The applicant shall make the necessary arrangements with the service authority. (For information on the location of these services contact the "Dial before you Dig" service on 1100.)

Documentary evidence from the public utility authorities confirming that all of their requirements have been satisfied shall be submitted to Council with the Construction Certificate under Section 68 of the Local Government Act, 1993, for construction of the development

(15) Direct discharge into Sydney Water pipe network needs approval of Sydney Water

As it is proposed to discharge stormwater directly into a drainage system under the control of Sydney Water, Documentary evidence from Sydney Water confirming that it has no objection to the proposed method of discharge and that all their requirements have been satisfied shall be submitted to Council.

(16) Connection to Council's street drainage

Details of the proposed street drainage line in Smith Street shall be prepared by a suitably qualified professional civil engineer in accordance with Council's Stormwater Management Code, and submitted and approved by Council prior to the release of the Construction Certificate.

Details to be submitted shall include a long section of the proposed Council pipe line to be constructed in Smith Street showing the pipe invert levels proposed pipe cover and the location of any obstacles lane (i.e. gas, water, sewer, electricity, Telstra, etc).

The depth and location of all services within the area affected by the new 375mm stormwater pipeline to be laid in Smith Street (i.e. gas, water, sewer, electricity, Telstra, etc) shall be confirmed by the applicant on site prior to the release of the Construction Certificate.

(17) Pumpout system specifications

A pumpout system may be permitted to discharge small volumes of stormwater from the basement car parking area. Full details of the pump size, capacity, performance curves, friction losses etc from the manufacturers specifications must be submitted with the stormwater drainage calculations demonstrating that the pump will function in accordance with the manufacturer's specifications for the required volume of stormwater at the subject total head. Minimum pump capacity allowable is for a 5 minute 1 in 20 ARI storm.

The drainage sump storage area for the pump shall be a bunded area able to cater for a 1 hour 1 in 20 ARI storm to minimise flooding in the event of a power blackout during a storm.

A dual pumpout arrangement will be necessary, these pumps will be required to be connected in parallel and alternate automatically, with each pump being capable of emptying the holding tank or holding area at the permissible site discharge rate. (All pumps must be Class 1 Zone 2, if the pumps are located within a building (i.e. in the basement).

The stormwater volumes discharged from the pumpouts are to be included in the permissible amount of stormwater discharged from the site as stated in other relevant conditions.

(18) Stormwater disposal-calculations

- (a) Calculations and details of the proposed method of stormwater disposal shall be prepared by a suitably qualified professional civil engineer in accordance with **Council's Stormwater Management Code** and submitted to, and approved by, Council or Certifier prior to the release of the Construction Certificate.

The Construction Certificate plan to be submitted to Council must consist of the following items:

Separate catchment areas within the site draining to each collection point or surface pit classified into the following categories:

- (i) Roof areas.
 - (ii) Paved areas.
 - (iii) Grassed areas.
 - (iv) Garden areas.
 - (v) The percentages of Pre-development and Post-development impervious areas
- (b) At each pit and or bend, a level of pipe is to be shown (the minimum grade for pipes is 1%).
- (c) All flowpaths both internal and external, which pass through or around the proposed development site, are to be shown on the Construction Certificate plan
- (d) Calculations and details are to be provided to Council showing that provisions have been made to ensure runoff from all storms up to the 100 year ARI, which cannot be conveyed within the piped drainage system (including pits and including overflows from roof gutters) is safely conveyed within formal or informal overland flow paths to the detention storage facility. Where it is not practicable to provide paths for overland flows the piped drainage system should be sized to accept runoff up to and including the 100-year ARI.
- (e) The depth and location of all services within the area affected by the development including the new 375mm stormwater pipeline to be laid in Cecil Street (i.e. gas, water, sewer, electricity, Telstra, etc) shall be confirmed by the applicant on site.
- (f) All garbage and waste areas must drain to the sewer and not the stormwater system.

(19) Stormwater detention storage facility

- (a) On-site Stormwater Detention storage shall be provided in conjunction with the stormwater disposal. This storage shall be designed in accordance with Council's Stormwater Management Code. Details of the storage shall be submitted to and approved by Council or Certifier prior to the release of the Construction Certificate.

(b) Prior to the release of the Construction Certificate, a maintenance schedule is to be prepared which clearly outlines the routine maintenance necessary to keep the OSD system working, this information is to be included in the Positive Covenant required for this development. Some of the issues that will need to be addressed are:

- where the storage and silt arrestor pits are located
- which parts of the system need to be accessed for cleaning and how access is obtained
- description of any equipment needed (such as keys and lifting devices) and where they can be obtained
- the location of screens and how they can be removed for cleaning
- who should do the maintenance (i.e. commercial cleaning company)
- how often should it be done

The abovementioned maintenance schedule is to be submitted to and approved by Ashfield Municipal Council prior to the release of the Occupation 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) Site Controls

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

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

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

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

(5) 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.

(6) Crane permit

Should the applicant need to use a crane during the course of building, it will be necessary to first obtain a "Crane Permit" from Council's One Stop Shop. A fee is payable for the permit. The approval of other authorities (eg Police Department, RTA) may be required for the use of a crane.

(7) Site fencing/security

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

(8) 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.

(9) 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.

(10) 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.

(11) Dilapidation Reports

A Dilapidation Report on the current structural condition of the existing buildings at 39 and 29 Smith Street must be prepared by a practicing structural engineer. The Dilapidation Report must be completed and submitted to the owner of the subject property and to Council prior to the commencement of any demolition, excavation or construction works. At the completion of the works, a second Dilapidation Report recording the structural condition must be prepared. That Report must be submitted to the owners of the subject properties and to Council.

(12) 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.

(13) Public liability insurance – Works on Council/public lands

The applicant or any contractors carrying out works on public or Council controlled lands shall have public liability insurance cover to the value of \$10 million and shall provide proof of such cover prior to carrying out the works.

(14) Traffic Management Plan

A Demolition and Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hour of operation, access arrangements and traffic control will be submitted to Council, for approval, prior to the commencement of any works on site.

All vehicles associated with development- construction activity (which includes demolition, excavation and construction) shall be accommodated on-site.

(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 to Council and approved prior to the release of the Construction Certificate.

E Conditions that must be complied with during construction or demolition**(1) Building materials and equipment - storage/placement on footpath/roadway – Council approval**

All building materials and equipment 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.

(2) 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.

(3) 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.

(4) Demolition requirements/standards

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

- (a) Australian Standard 2601 and any requirements of the Workcover Authority.
- (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 Work Cover Authority.
- (e) All other materials and debris is to be removed from the site and disposed of to approved outlets.
- (f) Any demolition on the site is to be conducted in strict accordance with, but not limited to, sections 1.5, 1.6, 1.7, 3.1 and 3.9 of the AS 2601 - 1991, demolition of structures. The following measures must be undertaken for hazardous dust control:
- (g) Prior to demolition, the applicant shall submit a Work Plan prepared in accordance with AS 2601 by a person with suitable expertise and experience to the Principal Certifying Authority. The Work Plan shall identify any hazardous materials, the method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- (h) Hazardous dust must not be allowed to escape from the site or contaminate the immediate environment. The use of fine mesh dust proof screens, wet-lead safe work practices, or other measures is required.
- (i) All contractors and employees directly involved in the removal of hazardous dusts and substances shall wear protective equipment conforming to AS 1716 Respiratory Protective Devices and shall adopt work practices in accordance with WorkSafe Requirements (in particular the WorkSafe standard for the *Control of Inorganic Lead At Work* (NOHSC: 1012, 1994) and AS 2641, 1998).
- (j) Any existing accumulations of dust (eg; ceiling voids and wall cavities must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter and disposed of appropriately.
- (k) All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Unclean water from the suppressant spray is not be allowed to enter the street gutter and stormwater systems.

- (l) Demolition is not to be performed during high winds that may cause dust to spread beyond the site boundaries without adequate containment.
- (m) All lead contaminated material is to be disposed of in accordance with the NSW Environment Protection Authorities requirements.
- (n) Construction and demolition waste, particularly timber, bricks and tiles, concrete and other materials need not be disposed of- they can be recycled and resold if segregated properly from any hazardous waste contamination.
- (o) Following demolition activities, soil must be tested by a person with suitable expertise to ensure the soil lead levels are below acceptable health criteria for residential areas. Full certification is to be provided for approval by the Principal Certifying Authority.

(5) 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.

(6) 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.

(7) 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 Insert date of BASIX from the Department of Infrastructure, Planning and Natural Resources. For more information visit www.basix.nsw.gov.au .

(8) Storage of building materials

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

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

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

(10) Dust control

Adequate measures are to be implemented, including, for example, water spraying/mesh barriers, to prevent dust from causing any nuisance.

(11) Retention/repair of doors/windows

Original doors and windows are to be retained and repaired. Where necessary, authentic reconstruction is encouraged.

(12) Grills/metal screens prohibited

Modern-style security grilles, roll-up metal screens, metal window awnings, and non-characteristic shade treatments are not permitted.

(13) Privacy of Balconies to Units 16 and 17

The east and western side balustrades of the balconies to units 16 and 17 are to be raised to a height of 1.8m and constructed in a solid masonry material.

(14) Entry control – safety

At the entry to the resident basement car park, the following shall be provided:

- a security gate/shutter or door; and
- an intercom system between visitors and residents to enter and exit from the car park.

(15) Exhaust fumes from car park

Any exhaust ventilation from the carpark is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1. Details demonstrating compliance are to be provided with the Construction Certificate.

(16) No external service ducts

Service ducts shall be provided within the building to keep external walls free of plumbing or any other utility installations. Such service ducts are to be concealed from view from the street. Details demonstrating compliance are to be provided in the Construction Certificate.

(17) Ausgrid Requirements

Ausgrid shall be consulted and its requirements be met in the construction of the development. Details to be provided.

(18) Building location - check survey certificate

To ensure that the height of the building complies with ALEP 2013 and satisfies the provision of the approval, a check survey certificate shall be submitted to Council prior to the pouring of the ground floor slab including:-

- (i) The RL and height of the top most level ensuring that no GFA is located above Xm at any point; and
- (ii) The overall height of the building does not exceed Xm at any point

(19) Noise transmission - stair shaft - BCA

The walls of the stair shaft to have a Sound Transmission Class of not less than 45 and to be constructed in accordance with the relevant provisions of Part F5 of the *Building Code of Australia*.

(20) Noise transmission - dividing walls - BCA

The walls dividing bathrooms, laundries and kitchens in one flat from habitable rooms in an adjoining flat having a Sound Transmission Class of not less than 50 and being constructed in accordance with the provisions of Part F5 of the *Building Code of Australia*.

(21) Noise transmission - soil/waste pipes - BCA

Soil and waste pipes, including those that pass through a floor shall be separated from the rooms of any flat immediately adjacent thereto by construction having a Sound Transmission Class in accordance with Part F5 of the *Building Code of Australia*.

(22) Footpath, kerb and gutter reconstruction

The public footpath, verge, and kerb and gutter outside the site shall be completely reconstructed to the requirements of Council's Works & Infrastructure Department at the applicant's expense. This work shall be carried out prior to the release of the Occupation Certificate.

(23) 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

(24) Vehicle access driveways

A new vehicular access driveway shall be constructed in accordance with Council's standard drawing and specifications. The driveway shall be located a minimum of 1.0m clear of any existing stormwater pits, lintels or poles and 2m clear of any trees within the road reserve. The driveway shall also be located a minimum of 0.5m clear of any utility service opening such as Telstra, Sydney Electricity, Sydney Water or Natural Gas Company.

This work shall be carried out prior to the release of the Occupation Certificate.

(25) Road opening permit- Council controlled lands

A "road use-opening permit" shall be obtained for all works carried out in public or Council controlled lands. Contact Council's Works and Infrastructure Department for details.

(26) Traffic control on public roads

Where works are undertaken on public roads, adequate traffic control in accordance with AS 1742.3 1996 "Traffic Control Devices for work on Roads", particularly regarding traffic movement controllers, advance warning signs and directions to motorists, shall be provided. Where such measures are not satisfactorily provided to this Australian Standard, Council may provide such and recover the costs from any bonds held.

(27) Engineering staff to inspect roadworks/drainage

An inspection by Council's staff will be required for (kerb/gutter/crossing etc) at the following stages:

- (i) After excavation.
- (ii) After the erection of formwork and the placement of reinforcement and prior to pouring of concrete.
- (iii) After placement of road base course.
- (iv) After pipes have been laid and prior to backfilling.
- (v) On completion of works.

A minimum of 24 hours notice is required to be given to Council to obtain an inspection. Work is not to proceed until the works or activity covered by the inspection is approved.

(28) Finished ground surface levels at property boundary

Finished ground surface levels shall match existing levels at the property boundary.

(29) Spoil and building materials on road and footpath

Spoil and building materials shall not be placed or stored within any public roadway or footpath.

(30) Stormwater runoff-collection/discharge

Stormwater runoff from all roof and paved surfaces shall be collected and discharged by means of a gravity pipe system to the nearest appropriate drainage line (to be determined by Council) at a maximum Permissible Site Discharge (PSD) where the Pre-development discharge equals the Post-development discharge of a 1:100 ARI event.

NOTE: If approval is given from Sydney Water to discharge stormwater directly into its drainage system, the above Council stormwater discharge rate from the site will not be enforced. However Sydney Water may require a stormwater discharge rate which may increase the proposed on-site detention storage for this development.

(31) Connection to Council's street drainage

The connection to Sydney Water's street drainage system shall be constructed at the applicant's expense. It shall consist of a pipeline across to the street kerb with the pipeline then continuing under the carriageway to Sydney Water's pipeline.

The pipes shall be 375 mm diameter reinforced concrete spigot and socket with rubber ring joints. A pit shall be constructed at the property boundary and at the kerb line.

Any adjustment required will be at the applicant's expense. The relevant authority's written consent for any adjustments or works affecting their services shall be obtained prior to works commencing.

Prior to works commencing a Council "Road Opening Permit" must be obtained.

(32) Stormwater runoff

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

(14) Materials and colours

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. In particular, the colours and finishes shall be as follows (or equivalent):

Building Element	Material	Manufacturer	Colour
External walls below AHD 13.9 (ie podium, walls lining basement driveway in front setback area)	Dry pressed face brick	Bowral or similar	The following colours are acceptable: <ul style="list-style-type: none"> • Gertrudis brown; • Bowral blue; • Brahman granite
Front fence (base and piers)	Dry pressed face brick	Bowral or similar	The following colours are acceptable: <ul style="list-style-type: none"> • Gertrudis brown; • Bowral blue; • Brahman granite
Front fence (timber section)	Timber pickets with no capping at least 70mm in width with at least 20mm spacing between	N/A	As per approved schedule of finishes
Paving	Pavers	N/A	To match the brickwork noted above.
Driveway	As selected by applicant	N/A	To match the brickwork noted above.
Garage Door	Panel lift or similar with no patterning or decoration.	N/A	To match the brickwork noted above.

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

Nil

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

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

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

(2) Landscaping completion

All site works and landscaping are to be carried out in accordance with the approved landscaping plans prior to the issue of the occupation 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 200 mm. The number must be in place before the premises can be occupied.

(4) Boundary fencing replacement

The existing boundary fencing along the side and rear boundaries is to be replaced with fencing at the applicant's/owner's cost to a minimum height of 1.8m consisting of treated pine in lapped and capped construction. Fencing between the building and the street alignment shall match the height of similar adjacent fences.

(5) Surveillance

A surveillance system, for the building, open space, site link and basement car park is to be designed by a professionally recognised security firm, which include the following:

- a closed circuit television (surveillance cameras);
- A room having the relevant control panels; and
- Digital data 'on disc' or similar to be properly stored and retained on site for a minimum of twenty-one (21) days for the availability of Council or NSW Police.

Details to be shown on the construction certificate and provided to Ashfield Police prior to occupation.

(6) Engineering conditions to be satisfied prior to the issue of occupation certificate

Prior to the release of the Occupation Certificate when the on-site building works are completed there are three (3) conditions that must be satisfied.

They are:

(a) Work-As-Executed Plans

A "Work-as-Executed" plan prepared and signed by a registered surveyor is to be submitted to Council's Engineering Department at the completion of the works showing the location of the detention basin with finished surface levels, contours at 0.2 metre intervals and volume of storage available. Also the outlet pipe from the detention basin to its connection to Council's drainage system, is to be shown together with the following information:

- location
- pipe diameter
- gradient
- pipe material i.e. PVC or EW etc
- orifice size
- trash screen at orifice
- all buildings (including floor levels) and finished ground and pavement surface levels

(b) *Engineer's Certificate*

A qualified practising Civil Engineer shall certify on the completion of drainage works in respect of:

- the soundness of the storage structure;
- the capacity of the detention storage;
- the emergency overflow system being in place;
- the works being constructed in accordance with the Council approved plans; and
- the freeboard from maximum water surface level to the finished floor and garage levels are at or above the minimum required in Council's Stormwater Code.

(c) *Restriction-As-To-User*

A "Restriction-as-to-User" is to be placed on the title of the subject property to indicate the location and dimensions of the detention area. This is to ensure that works, which could affect the function of the stormwater detention system, shall not be carried out without the prior consent in writing of the Council.

Such restrictions shall not be released, varied or modified without the consent of the Council.

(7) Positive Covenant-stormwater detention/surface flow paths-occupation certificate

A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property detailing the

- (a) surface flow path
- (b) finished pavement and ground levels
- (c) prevent the erection of any structures or fencing
- (d) on-site stormwater detention system

The wording in the Instrument shall be submitted to and approved by Ashfield Municipal Council prior to lodgement at the Land Titles Office and prior to the release of the Occupation Certificate. The Instrument shall be registered prior to the completion of development.

(8) Affordable housing Restriction

Before the date of the issue of the occupation certificate, a restriction is to be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the [Conveyancing Act 1919](#), that will ensure that:

For 10 years from the date of the issue of the occupation certificate:

- (i) Units 1, 2, 3, 7, 8 & 9 must be used for the purposes of affordable housing, and
- (ii) those units are to be managed by a registered community housing provider.

(9) Tree Planting

The following trees are to be shown on the landscape plan:

- Centre of soft soil front setback area: 1 canopy tree capable of reaching at least 8m in height.

- Deep soil area to west of BBQ/Pergola area: 2 deciduous canopy trees capable of reaching at least 8m in height (offset 2m from side boundary).
- Rear boundary: 6 deciduous canopy trees evenly spaced along the rear boundary capable of reaching at least 7m in height.

All trees are to be a minimum height of 2m at planting.

H Conditions that are ongoing requirements of development consents

(1) Garbage bin storage/placement for collection

All garbage/recycling bins are to be kept in the garbage bin storage area in the main block. Bins are only to be placed in the designated pick up area on the day of garbage collection and are to be returned to the storage area immediately after collection. This requirement is to be incorporated into any future Strata Title of the property.

(2) Landscape Maintenance

The landscaping approved as part of this application is to be maintained to the satisfaction of Council.

(3) Design of vehicular visibility splays

Visibility splays at the junction of the driveway with the front boundary must be kept clear of fences, walls or screening shrubs to ensure visibility is maintained to pedestrians on the footpath.

I Advisory Notes

(1) Other approvals

This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, including:

- an application for an Occupation Certificate under Section 109(C)(2) of the *Environmental Planning and Assessment Act 1979*.
Note: An application for an Occupation Certificate may be lodged with Council if the applicant has nominated Council as the Principal Certifying Authority.
- an Application for a Subdivision Certificate under Section 109(C)(1)(d) of the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed.
- an Application for Strata Title Subdivision under the *Strata Schemes (Freehold Development) Act 1973*, if strata title subdivision of the development is proposed.
- a development application for demolition approval under the *Environmental Planning and Assessment Act 1979* if consent for demolition is not granted by this consent.

(2) Works and requirements of other authorities

- Sydney Water may require the construction of additional works and/or the payment of additional fees. Other Sydney Water approvals may also be necessary prior to the commencement of construction work. You should therefore confer with Sydney Water concerning all plumbing works, including connections to mains, installation or alteration of systems, and construction over or near existing water and sewerage services.

- Contact Sydney Water, Rockdale (Urban Development Section) regarding the water and sewerage services to this development.
- Australia Post has requirements for the positioning and dimensions of mail boxes in new commercial and residential developments. A brochure is available from your nearest Australia Post Office.
- Energy Australia/AGL Electricity/AGL Retail Energy or other alternative service/energy providers have requirements for the provision of connections.
- Energy Australia has a requirement for the approval of any encroachments including awnings, signs, etc over a public roadway or footway. The Engineer Mains Overhead Eastern Area should be contacted on 9663 9408 to ascertain what action, if any, is necessary.
- Telstra has requirements concerning access to services that it provides.

(3) Application for a Construction Certificate

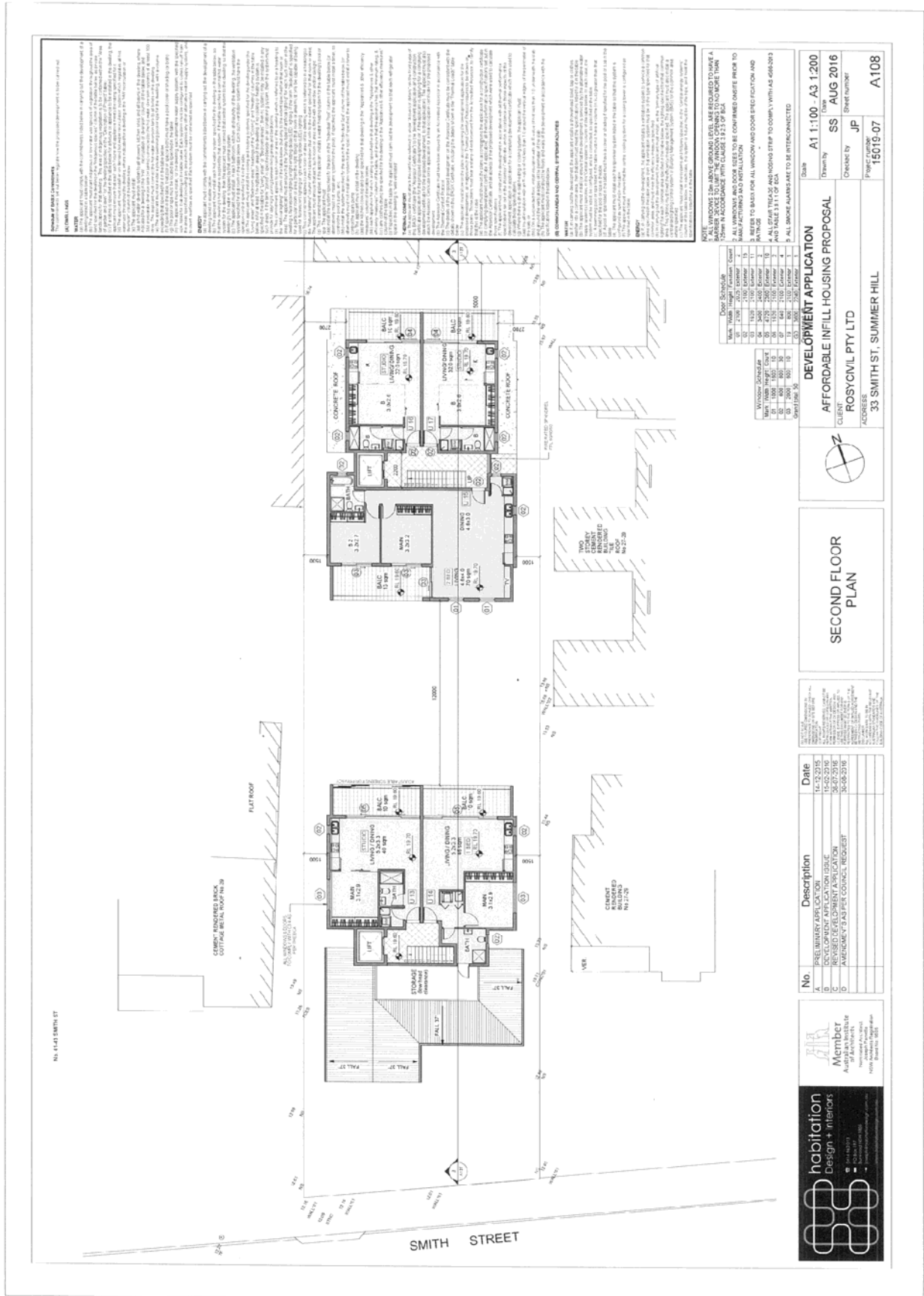
The required application for a Construction Certificate may be lodged with Council. Alternatively, you may apply to an accredited private certifier for a Construction Certificate.

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 also a criminal offence which attracts substantial penalties and may also result action in the Land and Environment Court and orders for demolition.

(4) Modifications to your consent - prior approval required

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

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



NOTES:

1. ALL WINDOWS AND DOOR THRESHOLDS TO BE COMPLETED PRIOR TO COMMENCEMENT OF INTERIOR FINISHES.
2. ALL WINDOWS AND DOOR THRESHOLDS TO BE COMPLETED PRIOR TO COMMENCEMENT OF INTERIOR FINISHES.
3. REFER TO BASIS FOR ALL WINDOW AND DOOR SCHEDULES AND FINISHES.
4. ALL CEILING TRUSSES AND JOISTS TO BE COMPLETED PRIOR TO COMMENCEMENT OF INTERIOR FINISHES.
5. ALL BRICKWORK TO BE INTERLOCKED.

GENERAL COMMENTS:

1. THE ARCHITECT HAS ASSUMED THAT ALL SERVICES ARE TO BE PROVIDED BY THE CLIENT. THE ARCHITECT HAS NOT BEEN ADVISED OF ANY SERVICES TO BE PROVIDED BY THE CLIENT. THE ARCHITECT HAS NOT BEEN ADVISED OF ANY SERVICES TO BE PROVIDED BY THE CLIENT.

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DEVELOPMENT APPLICATION

AFFORDABLE INFILL HOUSING PROPOSAL

CLIENT: ROSYCNVIL PTY LTD

ADDRESS: 33 SMITH ST, SUMMER HILL

DATE: A1 1:00 - A3 1:200

ISSUE: SS AUG 2016

PROJECT NUMBER: 15C19-07

SHEET NUMBER: A108

NO.	DESCRIPTION	DATE
A	PRELIMINARY APPLICATION	14-12-2015
B	REVISED DEVELOPMENT APPLICATION	30-07-2016
C	REVISED DEVELOPMENT APPLICATION	30-07-2016
D	AMENDMENT 3 AS PER COUNCIL REQUEST	30-08-2016

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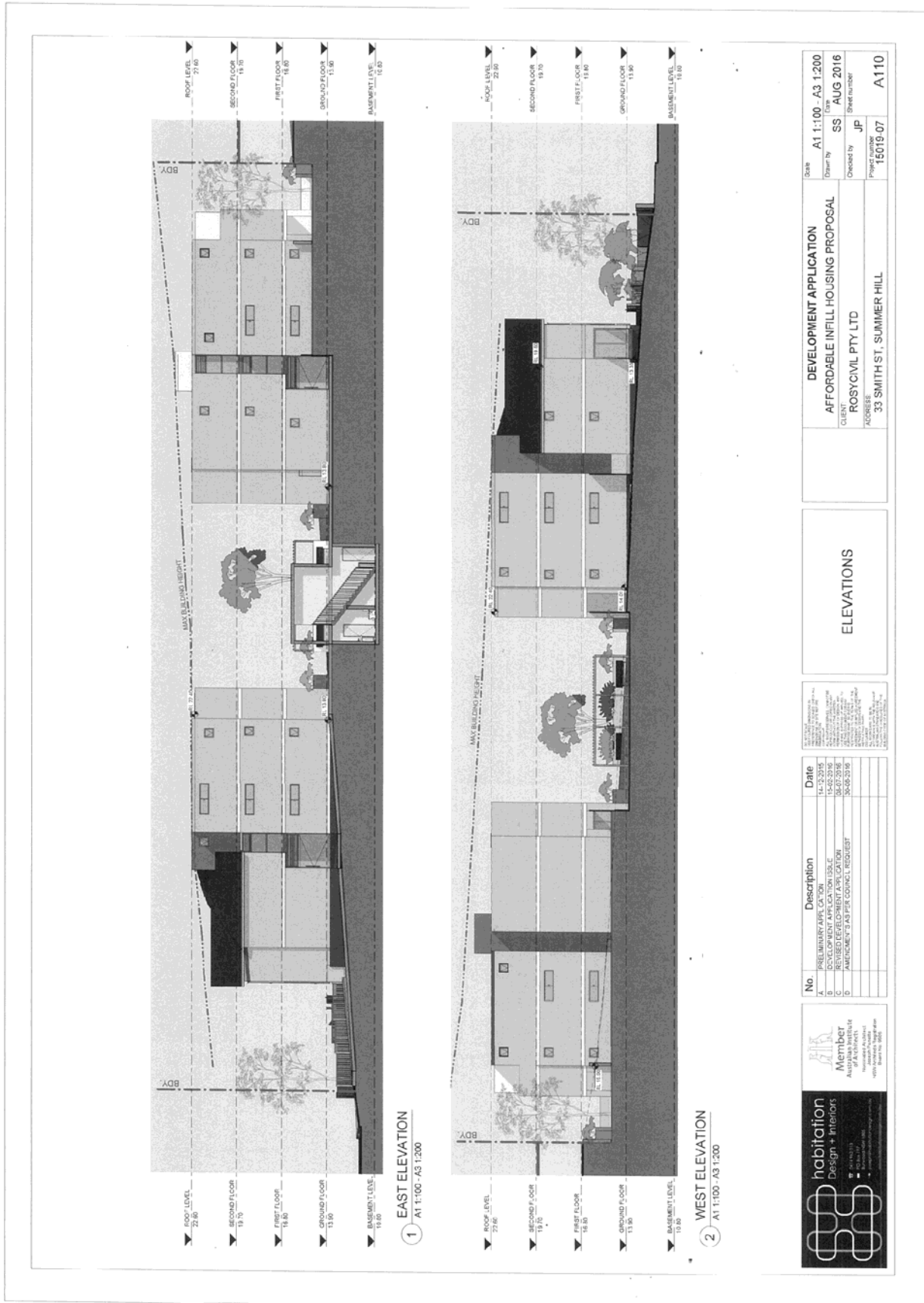
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A	PRELIMINARY APPLICATION	14-12-2015
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C	REVISED DEVELOPMENT APPLICATION	30-07-2016
D	AMENDMENT 3 AS PER COUNCIL REQUEST	30-08-2016

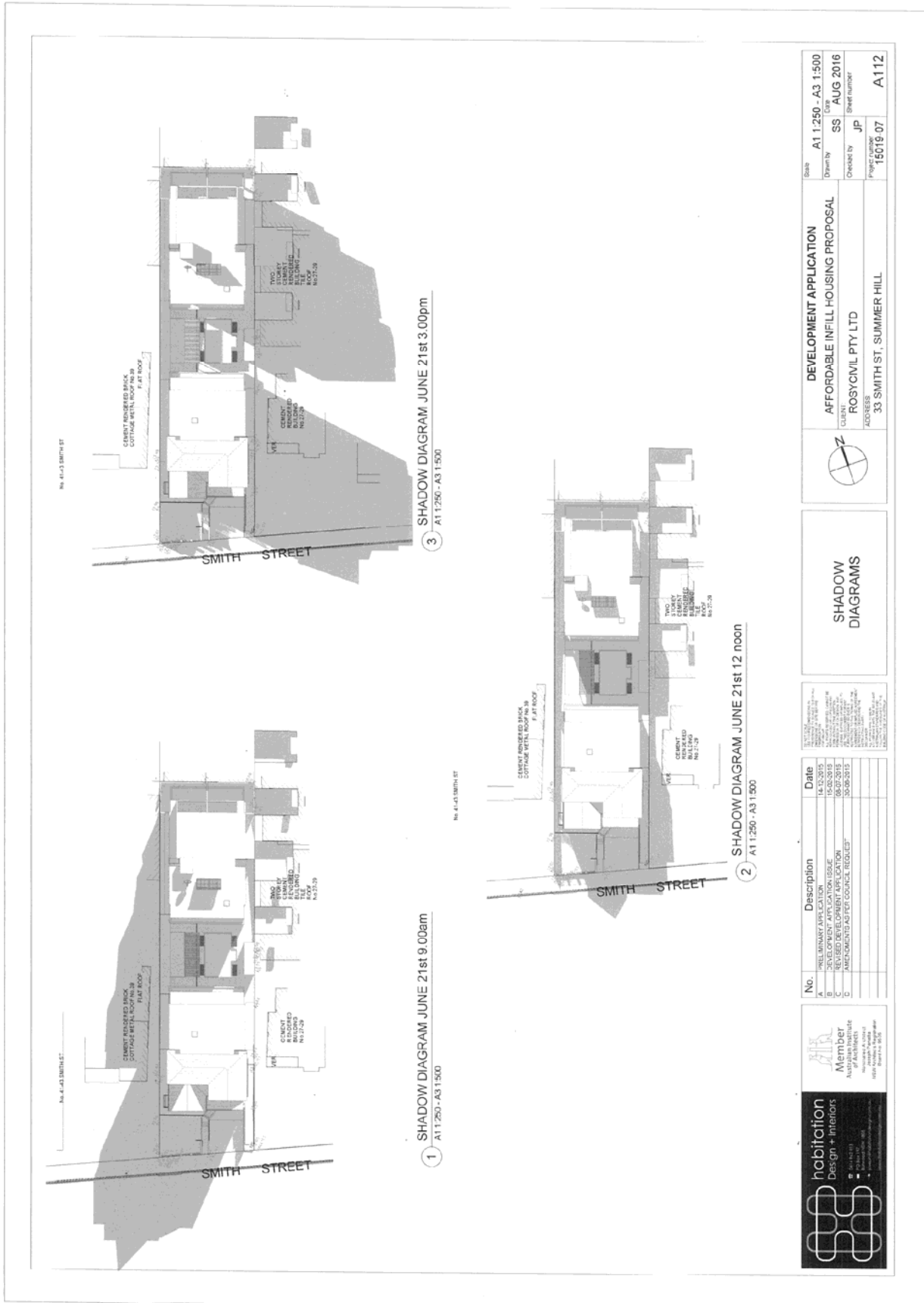
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Member of the Institute of Architects of New South Wales

1000 Bourke St, Sydney NSW 2000

02 9550 1000





No. 41-13 SMITH ST

No. 41-13 SMITH ST

1 SHADOW DIAGRAM JUNE 21st 9.00am
A1 1:250 - A3 1:500

2 SHADOW DIAGRAM JUNE 21st 12 noon
A1 1:250 - A3 1:500

3 SHADOW DIAGRAM JUNE 21st 3.00pm
A1 1:250 - A3 1:500

DEVELOPMENT APPLICATION
AFFORDABLE INFILL HOUSING PROPOSAL

SHADOW DIAGRAMS

Client: ROSYCVIL PTY LTD
Address: 33 SMITH ST, SUMMER HILL

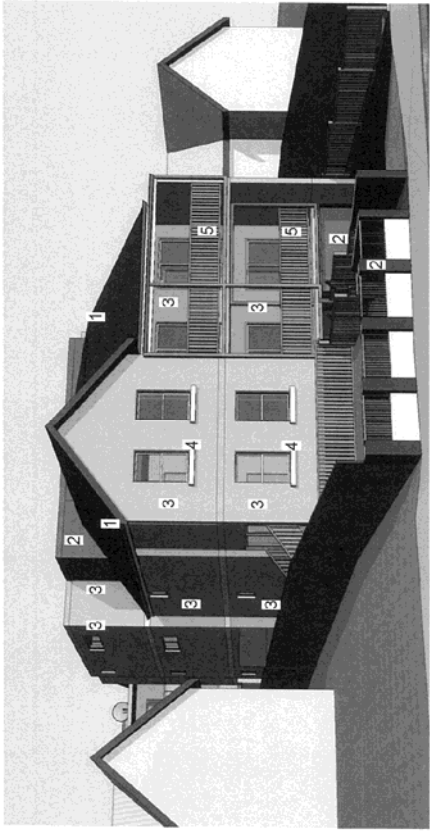
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Drawn by: SS
Checked by: JP
Project No: 15019 07
Date: AUG 2016
Sheet number: A112

No.	Description	Date
A	PRELIMINARY APPLICATION	15-02-2015
B	DEVELOPMENT APPLICATION ISSUE	08-07-2015
C	REVISED DEVELOPMENT APPLICATION	20-08-2015
D	AMENDMENTS TO PRELIMINARY APPLICATION	

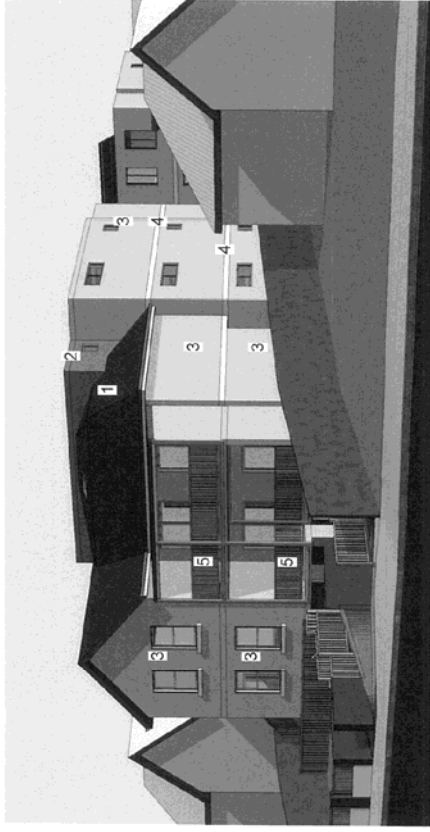
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Member
AUSTRALIAN INSTITUTE
OF ARCHITECTS

15019 07



① 3D View 1



② 3D View 2

1 METAL ROOF SHEETING/WINDOW+ DOOR FRAMES
COLOURBOND IRONSTONE

2 MASONRY WALLS AND GARAGE DOOR
TO BE PAINTED
DULUX "DESIRE"

3 MASONRY WALLS TO BE PAINTED
DULUX "NEW NEUTRAL"


4 CONCRETE SLABTO BE PAINTED
DULUX "LEXICON"

5 SCREENINGS
WESTERN RED CEDAR OR
SIMILAR


6 BALUSTRADING
FRAMED FROSTED GLASS

SCHEDULE OF FINISHES

No.	Description	Date
A	PRELIMINARY APPLICATION	14-12-2015
B	REVISION	14-12-2015
C	REVISED DEVELOPMENT APPLICATION	26-2-2016
D	AMENDMENT AS PER COUNCIL REQUEST	30-08-2016



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10/11-11/11



Member
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DEVELOPMENT APPLICATION		Scale
CLIENT	ROSY/CIVIL PTY LTD	Drawn By TAJMC
ADDRESS	33 SMITH ST, SUMMER HILL	Checked By JP
		Project Number 15019-07
		Sheet Number A120

Attachment C – Previous Report



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Item No: C0916 Item 2
 Subject: DEVELOPMENT APPLICATION - 33 SMITH STREET, SUMMER HILL
 File Ref: 16/4718/106737.16
 Prepared By: Philip North - Specialist Planner, Ashfield
 Authorised By: Phil Sarin - Director, Planning and Environment

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SUMMARY

This proposal is for the demolition of existing dwellings and construction of a part 2/3 storey infill affordable housing development comprising 17 dwellings under SEPP (Affordable Rental Housing) 2009. The proposed development complies with the applicable development standards and controls. The site planning focusses the dwellings towards a central internal courtyard or to the street and successfully avoids overlooking of adjacent properties. The street presentation has been designed to respond to the traditional built form prevailing in the locality and nearby conservation areas and heritage items.

A large rooftop terrace, which is proposed on the rear building, is likely to result in overlooking of adjacent properties and is not considered appropriate. Given that the proposal provides adequate communal open space, it is not required and a condition of consent has been recommended which requires its deletion.

There remain some technical stormwater drainage issues which can be resolved by way of deferred commencement conditions.

RECOMMENDATION

THAT the development be granted deferred commencement consent.

Overview of Report

1.0 Description of Proposal

Pursuant to Clause 78A(1) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks Council's consent for demolition of existing dwellings and construction of a part 2/3 storey infill affordable housing development under SEPP (Affordable Rental Housing) 2009 comprising 17 dwellings over basement car parking for 11 cars.

2.0 Application Details

Applicant	:	Habitation Design
Owner	:	Drummoyne Building Service Pty Ltd
Value of work	:	\$3,681,938
Lot/DP	:	Lot 1, DP 120491
Date lodged	:	01/03/2016
Building classification	:	2
Application Type	:	Local
Construction Certificate	:	No

3.0 Site and Surrounding Development

The subject site is located on the northern side of Smith Street in Summer Hill between Fleet Street to the west and Chapman Street to the east. The site area is approximately 918 square metres. The site is occupied by three dwellings. Surrounding development comprises low and medium density residential. Refer to Attachment 1 for a locality map.



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The site consists of the following lot:

Street Address	Lot No.	Deposited Plan	Title System	Site Area
33 Smith Street, Summer Hill	1	120491	Torrens	918m ²

4.0 Development History

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

No.	Determination Date	Proposal	Determination
10.2010.003.1	04.10.2010	Multi-unit housing	Refused
06.1978.455.1	29.11.1978	Carport	Approved
06.1963.4551	16.07.1963	Conversion to 3 flats	Approved

The following table shows the background to the current application:

Application Milestones		
Date	Event	File no
02.03.2015	Pre-lodgement Application lodged	9.2015.06
19.03.2015	Pre-lodgement meeting held at Council	9.2015.06
06.05.2015	Pre-lodgement Letter sent to applicant raising following issues: <ul style="list-style-type: none"> The proposed zero wall to boundary setback is not considered compatible with development in the area. The front building line is not consistent with the building lines of the adjoining properties. The facade and design generally does not satisfy SEPP 65 or the character test as such Council's officers cannot support its approval in its current form. The proposed development does not provide for a mix of apartment sizes as required by clause 4.11 of Part C5 of IDAP. It is noted that the proposed building extends up close to the boundaries. This will cause extensive overshadowing to properties in the vicinity in Smith Street in particular. The building should be setback off the boundary to improve solar access and to allow access for future maintenance of the building. The building setbacks should be consistent with the prevailing building setbacks in the area. The proposed development must maintain privacy to adjoining properties. In this regard upper floor balconies should be sited to minimise direct overlooking of adjoining and nearby properties. Communal open space shall be provided exclusive of any drying or service areas. The communal area should be adapted for active and passive recreation and may include children's play areas, barbeque areas and the like. Communal open space can be on the roof and/ or and ground level. The Communal open space area shall be a single open space of at least 10m x12m and increased by 5m2 for each unit in excess of 6. 	9.2015.06



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	<ul style="list-style-type: none"> • The development is for a multi-unit building with basement car parking containing 33 single bedroom units which has a parking requirement of 33 resident spaces plus 7 visitor spaces and a car wash bay, i.e. a total of 41 spaces. The proposed development provides 14 car parking spaces which is only a third of the requirement. Given the high on-street parking demand in the vicinity of this site the level of undersupply is considered unacceptable. • The submitted plans show no visitor spaces. This is considered unacceptable. Visitor spaces should be in an area which is, or can be, accessed by non-residents. • The interim development assessment policy requires that car parking for people with disabilities be supplied at a rate of 5 spaces per 100. For a parking requirement of 41 spaces 2 of those spaces would need to be allocated for disabled use. Those spaces should conform with the requirements of AS2890.6. The current proposal is deficient in that none of the parking spaces are shown for disabled use. • Bicycle parking should be provided at a rate of 1 per 10 flats for residents plus 1 per 10 flats for visitors i.e. 7 bicycle parking spaces. The preliminary plans show 4 bicycle storage areas within the basement carpark. It is unclear how many bicycles may be stored in each area and this should be clarified in the DA submission. Bicycle parking for visitors should be in an area which is, or can be, accessed by non-residents. • No Motorcycle parking spaces have been shown on the submitted plans for a parking requirement of 41 spaces an additional 2 motorcycle parking spaces are required. • The submitted plans are deficient in terms of resident, visitor, disabled, motorcycle and possibly bicycle parking. It is considered that the parking supply is not acceptable however if such a significant undersupply of parking is to be pursued a Traffic and Parking Assessment Report should be submitted with the development application to justify why Council should consider approval • The submitted plans should show removal of the redundant vehicle crossing and reinstatement of kerb and gutter, footpath and nature strip. • The alternative option for the driveway location showing the driveway at the western edge of the property is less preferable to the submitted plan. The driveway in the alternative proposal is sited closer to the intersection with Spencer St and egress from the site would be partially impeded by a traffic island on approach to the intersection. • Please note that the proposal if submitted in its current form is unlikely to be supported by Council Staff and it is suggested that a further meeting be arranged to discuss an amended proposal. 	
22.06.2015	Pre-lodgement Application lodged	9.2015.25
23.07.2015	Pre-lodgement meeting held at Council	9.2015.25
20.08.2015	Letter sent to applicant raising following issues: <ul style="list-style-type: none"> • The proposed zero wall to boundary setback is not considered compatible with the pattern of development in the area. The front building line is not consistent with the building lines of the adjoining properties. The facade and design generally does 	9.2015.25

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	<p>not satisfy SEPP 65 or the character test under SEPP (ARH) 2009 and as such Council's officers will not support the proposal in its current form.</p> <ul style="list-style-type: none"> • Compliance with SEPP(ARH) a minimum of 12 car spaces comprising of 4 for the studio apartments, 3 for the 1 bedroom apartments and 5 for the 2 bedroom apartments. The plans show only 10 car spaces therefore the proposal fails to comply. • The one bedroom units are less than 50m² as such do not comply with the minimum required dwelling size. • The height of building map under the ALEP 2013 allows a maximum height of 9m. The proposal does not comply. Any proposal must comply as Council officers will not support any variation. • It is noted that the proposed building extends up close to the boundaries. This will cause extensive overshadowing to properties in the vicinity on Smith Street in particular. • The building should be setback off the boundary to improve solar access and to allow access for future maintenance of the building. The building setbacks including the front setback should be consistent with the prevailing building setbacks in the area. • The proposed development must maintain privacy to adjoining properties. In this regard upper floor balconies, open stairs and lobby areas should be screened or sited to minimise direct overlooking of adjoining and nearby properties. • Communal open space shall be provided exclusive of any drying or service areas. The communal area should be adapted for active and passive recreation and may include children's play areas, barbeque areas and the like. Communal open space can be on the roof and/ or and ground level subject to maintaining an adequate level of privacy to any adjoining property. The Communal open space area shall be a single open space of at least 10m x12m and increased by 5m² for each unit in excess of 6. • The secondary exit stair from the basement has not been drawn correctly, and that there appears to be no thought given with regards to mechanical ventilation, in terms of exhaust risers and hydraulics to the premises. • Please note that the proposal if submitted in its current form is unlikely to be supported by Council Staff and it is suggested that a further meeting be arranged to discuss an amended proposal. 	
14.12.2015	Provisional Development Application lodged	17.2015.372
07.01.2016	<p>Letter sent to applicant raising following issues:</p> <ul style="list-style-type: none"> • The proposal fails to comply with the minimum 12m separation distance between habitable rooms/balconies. The proposal should be amended to comply. • The proposal fails to comply with Part C1 with respect to universal accessible design and in particular the failure to provide accessible bathrooms to all units. • Concern is raised regarding privacy impacts from the communal roof terrace. This could be address by way of wider / higher planters, screening devices or a combination of these. Amended details are to be submitted. 	17.2015.372



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	<ul style="list-style-type: none"> The application will be reviewed by Council's Heritage Advisor on 11 January 2016, any comments received will be sent separately. A direct connection into Sydney Water pipe network is required. Sydney water approval will need to be obtained for both the pipe connection and the OSD storage volume. The proposed communal open spaces should be functional and provide for greater range of recreation activities in accordance with the requirements of the Apartment Design Guide. 	
12.01.2016	<p>Letter sent to applicant raising following issues:</p> <ul style="list-style-type: none"> The character of the front fencing is split between masonry piers with infill and what appears to be metal framed glass panelled balustrade. The glass panelled fences should be replaced with a more sympathetic design and this should ideally be coordinated with the front masonry / infill frontage fence. The proposed fences should be carefully coordinated with the balustrade to the front upper and lower verandahs, which should not be framed glass. It is suggested that the fencing and balustrades be designed around a timber or steel design using plain verticals and understated posts. The fenestration is shown traditionally proportioned as openings, but the windows themselves, particularly under the gable, should resemble traditionally proportioned sash windows instead of the tall awkwardly proportioned casement windows shown. The front hipped roof with gable, resembling a traditional Victorian house format, is awkwardly linked to the rear flat roof block via a sloping skillion which is shown landing at the main cross ridge of the house. This is very unusual and ruins the attempt to make the new front element look like a house. It should be revised so that the connection is located behind and below the main transverse ridge and not clumsily visible. 	17.2015.372
01.03.2016	Development Application lodged	10.2016.044.1
13.04.2016	<p>Letter sent to applicant advising of the following issues with application:</p> <ul style="list-style-type: none"> The separation distance between the north and south blocks of the proposal is not in accordance with the recommendations of the Apartment Design Guide. The rooftop terrace on the rear building is likely to result in adverse acoustic privacy impacts. The eastern side setback and pedestrian access is excessively narrow. 	10.2016.044.1
14.07.2016	Amended plans received addressing the majority of issues raised.	10.2016.044.1

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5.0 Zoning/Permissibility/Heritage

The site is zoned R3 medium density residential under the provisions of Ashfield LEP 2013 and is adjacent to a heritage item and a heritage conservation area.

The proposed works are permissible with Council consent.

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6.0 Section 79C Assessment

The following is an assessment of the application with regard to the heads of consideration under the provisions of Section 79C of the Environmental Planning and Assessment Act.

6.1 The provisions of any Environmental Planning Instrument

6.1.1 Local Environmental Plans

Ashfield Local Environmental Plan 2013

Ashfield Local Environmental Plan 2013 (ALEP 2013) was gazetted on 23 December 2013 and applies to the proposal. The following table summarises the compliance of the application with ALEP 2013.

Ashfield Local Environmental Plan 2013 Summary Compliance Table				
Clause No.	Clause	Standard	Proposed	Complies
2.3	Zone objectives and land use table	Zone R3 Medium density residential	Residential flat building	Yes
4.1	Minimum subdivision lot size	N/A	No change	N/A
4.3	Height of buildings	9m	9m	Yes
4.4	Floor space ratio	0.7:1 plus a 50% bonus by virtue of SEPP (Affordable Rental Housing) for provision of affordable rental housing: Max. Permitted: 1.03:1	0.988:1	Yes
5.10	Heritage Conservation	Located adjacent: <ul style="list-style-type: none"> • Conservation Area C-44 • Conservation Area C-51 • Heritage Item I-620 (39 Smith Street) 		
5.10(5)	Heritage assessment	The consent authority may, before granting consent to any development: (a) on land on which a heritage item is located, or (b) on land that is within a heritage conservation area, or (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.	Heritage management document has been submitted. Assessed as satisfactory by Council's Heritage Advisor.	Yes

As demonstrated in the above table, the proposal complies fully with Ashfield LEP 2013.



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6.1.2 Regional Environmental Plans

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

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

6.1.3 State Environmental Planning Policies

State Environmental Planning Policy No. 55 - Remediation of land

Given the long and continuous history of residential use, it is not considered likely that the site is contaminated.

State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development

The proposed development is also a residential flat building as defined by the SEPP in that it comprises 3 or more storeys and contains 4 or more dwellings. The proposal is therefore subject to the provisions of the SEPP. The proposal is accompanied by a suitable Design Verification Statement as required by The Regulations.

State Environmental Planning Policy No. 65: Design Quality of Residential Flat Development			
Clause	Standard	Proposed	Complies
28	Determination of Development Applications		
28(1)	After receipt of a development application for consent to carry out development to which this Policy applies (other than State significant development) and before it determines the application, the consent authority is to refer the application to the relevant design review panel (if any) for advice concerning the design quality of the development.	The application has been referred to Council's SEPP 65 review officer for comment.	Yes
28(2)	In determining a development application for consent to carry out development to which this Policy applies, a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration): (a) the advice (if any) obtained from the design review panel, and (b) the design quality of the development when evaluated in accordance with the design quality principles, and (c) the Apartment Design Guide.		Yes

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28(2)(b)	The design quality principles		
1.	<p>Principle 1: Context and neighbourhood character</p> <p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p> <p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p>The proposal responds appropriately to the context and neighbourhood character:</p> <ul style="list-style-type: none"> The form of the front building is designed to respond to the traditional streetscape and nearby heritage items and conservation areas with a traditional massing and roof form. 	Yes
2.	<p>Principle 2: Built form and scale</p> <p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>The scale is generally appropriate for the context:</p> <ul style="list-style-type: none"> It presents two storeys to the street consistent with surrounding development; It rises to three storeys at the rear in accordance with the nominated height limits for the locality. 	Yes
3.	<p>Principle 3: Density</p> <p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population.</p>	<p>The density at 0.988:1 is consistent with the FSR nominated for the site by SEPP (Affordable Rental Housing) 2009.</p>	Yes



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	Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.		
4.	<p>Principle 4: Sustainability</p> <p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	The proposal has been accompanied by a BASIX certificate demonstrating compliance with fundamental sustainability requirements.	Yes
5.	<p>Principle 5: Landscape</p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<p>The landscaping of the site is satisfactory and provides:</p> <ul style="list-style-type: none"> • An adequately sized communal open space area and courtyard in the centre of the site; • A landscaped front setback area consistent with the streetscape character; 	Yes

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6.	<p>Principle 6: Amenity</p> <p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well-being.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p>The proposal provides:</p> <ul style="list-style-type: none"> • adequate communal open space for residents. • Well laid out and functional internal planning; • Adequate levels of privacy and solar access, subject to removal of the roof terrace. 	Yes
7.	<p>Principle 7: Safety</p> <p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>Safety and security is adequate due to good passive surveillance of both the street and internal circulation spaces.</p>	Yes
8.	<p>Principle 8: Housing diversity and social interaction</p> <p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p>The proposal provides a suitable mix of one and two bedroom units as well as studio units.</p>	Yes



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9.	Principle 9: Aesthetics Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures. The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.	The aesthetic resolution is satisfactory in the context of the site.		Yes
28(2)(c)	Apartment Design Guide			
Part 3	Siting the development			
3B	Orientation	On merit.	Orientation to the street is appropriate in the context.	Yes
3C	Public domain interface	On merit.	Appropriate in the context	Yes
3D-1	Communal open space	Communal open space: min. 25% site area: 230m ²	230m ² 25%	Yes
		Solar access to communal open space	Adequate solar access to communal open space.	Yes
3D-3	Communal open space is designed to maximize safety	Safety	Excellent passive surveillance.	Yes
3E-1	Deep soil zones	7% min dimension 3m: 64m ²	198m ² 22%	Yes
3F1	Building Separation (up to four storeys)	12 metres between habitable rooms/balconies and side boundaries	12m	Yes
3F-2	Privacy		Communal open spaces adequately separated from private open spaces and windows.	Yes
3J-1	Car parking • 800m of railway or light rail station; or • In or within 400m of B3/B4 land	SEPP (Affordable rental housing) 2009 prevails: • 11 spaces	11 spaces	Yes

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Part 4		Designing the Building		
4A-1(1)	Solar & daylight access	70% of living rooms and private open spaces: min. 2 hours solar access between 9am and 3pm in mid-winter.	12/17=71%	Yes
4A-1(3)	Solar & daylight access	No direct sunlight at the above time: max. 15%	0%	Yes
4B-3(1)	Natural ventilation	Natural cross ventilation: min. 60% of apartments	100%	Yes
4B-3(2)	Natural ventilation	Maximum depth of cross through apartments: 18m glass to glass	Do not exceed 18m	Yes
4C-1	Ceiling heights	<ul style="list-style-type: none"> • Habitable rooms: 2.7m • Non-habitable: 2.4m • 2 storey: 2.4m 2nd storey • Attics: 1.8m at edge of room with 30 deg slope • Commercial: 3.3m ground and first floor. 	Complies.	Yes
4D-1(1)	Apartment size and layout	Minimum internal areas: <ul style="list-style-type: none"> • Studio: 35m² • 1 bed: 50m² • 2 bed: 70m² • 3 bed: 90m² 	Complies.	Yes
4D-1(2)	Apartment size and layout	All habitable rooms to have window in external wall min. 10% floor area.	Complies.	Yes
4D-2	Apartment size and layout	Max. Habitable room depth: 8m	Complies.	Yes
4D-3(1)	Apartment size and layout	Min areas: <ul style="list-style-type: none"> • Master bedroom: 10m² • Other bedrooms: 9m² 	Complies.	Yes
4D-3(2)	Apartment size and layout	Min. Bedroom dimension (excl. Robe): 3m	Second bedrooms have min. dimension of 2.7 but comply with the minimum area.	Satisfactory



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4D-3(3)	Apartment size and layout	Min. Living room dimension: • 1 Bed Unit: 3.6m • 2 Bed Unit: 4.0m	All apartments comply.	Yes
4E-1(1)	Private open space & balconies	Min. Balcony size/depth: • Studio: 4m ² / • 1 Bed: 8m ² /2m • 2 Bed: 10m ² /2m • 3 Bed: 12m ² /2.4m	All apartments comply.	Yes
4E-1(2)	Private open space & balconies	Min. Courtyard size/depth: • 15m ² /3m	All apartments comply.	Yes
4F-1(1)	Common circulation spaces	Max. apartments off a single core: 8	3	Yes
4F-1(2)	Common circulation spaces	Max. apartments sharing single lift: 40 (10 storeys and over)	9	Yes
4G-1(1)	Storage	Minimum storage: • Studio: 4m ³ • 1 Bed: 6m ³ • 2 Bed: 8m ³ • 3 Bed: 10m ³ 50% to be in apartment (not bedroom/kitchen)	Adequate total storage in units and basement combined.	Yes
4H-1	Acoustic privacy	Noise transfer is minimised through the siting of buildings and building layout.	Suitable site planning adopted.	Yes
4H-2	Acoustic privacy	Noise impacts are mitigated within apartments through layout and acoustic treatments.	Suitable layout adopted.	Yes
4J-1	Noise and pollution	In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.	Not a hostile acoustic environment.	N/A
4J-2	Noise and pollution	Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.	Not a hostile acoustic environment.	N/A

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4K-1	Apartment mix	A range of apartment types and sizes is provided to cater for different household types now and into the future.	Apartments range in size from studio to two bedroom.	Yes
4L-1	Ground floor apartments	Street frontage activity is maximised.	The ground floor front apartment suitably addresses the street with an active frontage.	Yes
4L-2	Ground floor apartments	Private courtyards elevated above the street by 1m-1.5m	The front ground floor apartment is suitably configured with an elevated terrace.	Yes
4M-1	Facades	Building facades provide visual interest and respect character of local area.	The building facade is appropriate to the character of the locality.	Yes
4M-1	Facades	Building functions are expressed on the facade.	The facade is appropriately designed.	Yes
4N-1	Roof design	Roof treatments are integrated into the building design and positively respond to the street.	The roof treatment of the front building is appropriate to the context.	Yes
4N-2	Roof design	Opportunities to use roof space for residential accommodation and open space are maximised.	The rear roof space is proposed as a component of the communal open space.	Yes
4N-3	Roof design	Roof design incorporates sustainability features.	Roof design incorporates solar panels and garden area.	Yes
4O	Landscape design		Landscape design is appropriate for the development.	Yes
4P-1	Planting on structures	<p>Min. Soil depths:</p> <ul style="list-style-type: none"> • 12-18m trees: 1.2m deep & 10m x 10m • 8-12m trees: 1.0m deep & 6m x 6m • 6-8m trees: 0.8m deep & 3.5m x 3.5m • Shrubs: 0.5m – 0.6m deep • Ground cover: 0.3m – 0.45m deep • Turf: 0.2m deep 	Appropriate soil depths are provided for planter boxes.	Yes



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4Q-1	Universal design	20% of apartments to achieve Livable Housing Guidelines silver level design features.	All units are accessible. Conditions will be applied to ensure compliance at detail design stage.	Yes
4Q-2	Universal design	Adaptable housing in accordance with Council policy.	All units are accessible. Conditions will be applied to ensure compliance at detail design stage.	Yes
4R-1	Adaptive reuse	New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.	No reuse proposed.	N/A
4S-2	Mixed use	Residential uses of the building are integrated within the development, and safety and amenity is maximised for residents.	No mixed use proposed.	N/A
4T-1	Awnings and signage	Awnings are well located and complement and integrate with the building design.	No awnings or signage proposed.	N/A
4T-2	Awnings and signage	Signage responds to the context and desired streetscape character.	No awnings or signage proposed.	N/A
4U	Energy efficiency		Application has been submitted with a BASIX certificate which is considered to satisfy this section.	Yes
4V	Water management		Application has been submitted with a BASIX certificate which is considered to satisfy this section.	Yes
4W	Waste management		Waste management appropriate for the building type.	Yes

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4X-3	Building maintenance	Material selection reduces ongoing maintenance costs.	Building materials consist of rendered and painted masonry which is generally appropriate for the context. However, it is considered that dark coloured face brick would be a more durable material for high exposure areas such as the front fence, walls below ground floor level and the driveway ramp walls. Condition recommended.	Condition
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As identified in the above table, the proposal satisfies the provisions of the SEPP.

State Environmental Planning Policy (Affordable Rental Housing) 2009

The proposal has been lodged under the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 to provide in-fill affordable housing. As such, the provisions of Division 1 of the SEPP apply and the compliance is measured in the following table:

State Environmental Planning Policy (Affordable Rental Housing) 2009 Part 2: New Affordable Rental Housing Summary Compliance Table			
Division 1: In-fill affordable housing			
Clause No.	Standard	Proposed	Complies
10	Development to which Division applies		
10(1)	This Division applies to development for the purposes of dual occupancies, multi dwelling housing or residential flat buildings if:	Residential flat building.	Yes
10(1)(a)	the development concerned is permitted with consent under another environmental planning instrument, and	Permitted in the zone.	Yes
10(1)(b)	the development is on land that does not contain a heritage item that is identified in an environmental planning instrument, or an interim heritage order or on the State Heritage Register under the <i>Heritage Act 1977</i> .	Land does not contain a heritage item.	Yes
10(2)	Despite sub-clause (1), this Division does not apply to development on land in the Sydney	The land is located in an accessible area.	Yes



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	region unless all or part of the development is within an accessible area.		
10(3)	Despite sub-clause (1), this Division does not apply to development on land that is not in the Sydney region unless all or part of the development is within 400 metres walking distance of land within Zone B2 Local Centre or Zone B4 Mixed Use, or within a land use zone that is equivalent to any of those zones.	Located in the Sydney Region.	N/A
13	Floor space ratios		
13(1)	This clause applies to development to which this Division applies if the percentage of the gross floor area of the development that is to be used for the purposes of affordable housing is at least 20 per cent.	32.5% of the gross floor area is proposed to be affordable housing.	Applies
13(2)	The maximum floor space ratio for the development to which this clause applies is the existing maximum floor space ratio for any form of residential accommodation permitted on the land on which the development is to occur, plus:	N/A	N/A
13(2)(a)	The maximum floor space ratio for the development to which this clause applies is the existing maximum floor space ratio for any form of residential accommodation permitted on the land on which the development is to occur, plus: (a) if the existing maximum floor space ratio is 2.5:1 or less: (i) 0.5:1—if the percentage of the gross floor area of the development that is used for affordable housing is 50 per cent or higher, or (ii) Y:1—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50 per cent, where: AH is the percentage of the gross floor area of the development that is used for affordable housing. $Y = AH \div 100$ or	LEP FSR: 0.7:1 Bonus: 0.33:1 Total Permissible FSR: 1.03:1 Proposed FSR: 0.988:1	Yes

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13(2)(b)	<p>if the existing maximum floor space ratio is greater than 2.5:1:</p> <p>(i) 20 per cent of the existing maximum floor space ratio—if the percentage of the gross floor area of the development that is used for affordable housing is 50 per cent or higher, or</p> <p>(ii) Z per cent of the existing maximum floor space ratio—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50 per cent,</p> <p>where:</p> <p>AH is the percentage of the gross floor area of the development that is used for affordable housing.</p> <p>Z = $AH \div 2.5$</p>	Not applicable.	N/A
13(3)	In this clause, gross floor area does not include any car parking (including any area used for car parking).	Noted.	Noted.
14	Standards that cannot be used to refuse consent		
14(1)	Site and solar access requirements		
14(1)(b)	<p>site area</p> <p>if the site area on which it is proposed to carry out the development is at least 450 square metres,</p>	Site area: 918m ²	Yes
14(1)(c)(i)	<p>landscaped area</p> <p>if:</p> <p>(i) in the case of a development application made by a social housing provider—at least 35 square metres of landscaped area per dwelling is provided, or</p>	N/A	N/A
14(1)(c)(ii)	<p>in any other case—at least 30 per cent of the site area is to be landscaped,</p> <p>Required: 275m²</p>	<p>261m²</p> <p>28%</p> <p>The deficiency can be made up by minor changes to the landscape plan which can be addressed by way of a condition.</p>	Condition
14(1)(d)	<p>deep soil zones</p> <p>if, in relation to that part of the site area (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed:</p>		



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14(1)(d)(i)	there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15 per cent of the site area (the deep soil zone), and Required: 138m²	202m ² 22%	Yes
14(1)(d)(ii)	each area forming part of the deep soil zone has a minimum dimension of 3 metres, and	Some portions of the deep soil zones are 1.5m in width, however, they comprise a minority and do not impact on overall compliance.	Satisfactory
14(1)(d)(iii)	if practicable, at least two-thirds of the deep soil zone is located at the rear of the site area, Required: 92m²	151m ²	Yes
14(1)(e)	solar access if living rooms and private open spaces for a minimum of 70 per cent of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.	70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.	Yes
14(2)	General A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:		
14(2)(a)	parking if:		
14(2)(a)(i)	in the case of a development application made by a social housing provider for development on land in an accessible area—at least 0.4 parking spaces are provided for each dwelling containing 1 bedroom, at least 0.5 parking spaces are provided for each dwelling containing 2 bedrooms and at least 1 parking space is provided for each dwelling containing 3 or more bedrooms, or	N/A	N/A
14(2)(a)(ii)	in any other case—at least 0.5 parking spaces are provided for each dwelling containing 1 bedroom, at least 1 parking space is provided for each dwelling containing 2 bedrooms and at least 1.5 parking spaces are provided for each dwelling containing 3 or more bedrooms,	Minimum of 11 Spaces required. 11 spaces provided (incl. 2 accessible)	Yes
14(2)(b)	dwelling size if each dwelling has a gross floor area of at least:		

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14(2)(b)(i)	35 square metres in the case of a bedsitter or studio, or	Complies.	Yes
14(2)(b)(ii)	50 square metres in the case of a dwelling having 1 bedroom, or	Complies.	Yes
14(2)(b)(iii)	70 square metres in the case of a dwelling having 2 bedrooms, or	Complies.	Yes
14(2)(b)(iv)	95 square metres in the case of a dwelling having 3 or more bedrooms	N/A	N/A
14(3)	A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in sub-clause (1) or (2).		
15	Design requirements		
15(1)	A consent authority must not consent to development to which this Division applies unless it has taken into consideration the provisions of the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i> published by the Department of Infrastructure, Planning and Natural Resources in March 2004, to the extent that those provisions are consistent with this Policy.		N/A
15(2)	This clause does not apply to development for the purposes of a residential flat building if <i>State Environmental Planning Policy No 65—Design Quality of Residential Flat Development</i> applies to the development.	SEPP 65 applies therefore cl. 15(1) is not applicable.	Noted
16	Continued application of SEPP 65		
16	Nothing in this Policy affects the application of <i>State Environmental Planning Policy No 65—Design Quality of Residential Flat Development</i> to any development to which this Division applies	SEPP 65 applies and the proposal has been assessed in accordance with the Policy.	Noted
16A	Character of local area		
	A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.	The proposal is considered compatible with the character of the local area, in particular in respect of the traditional built form of the front building facing the street.	Yes
17	Must be used for affordable housing for 10 years		
17(1)	A consent authority must not consent to development to which this Division applies unless conditions are imposed by the consent authority to the effect that:		



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17(1)(a)	for 10 years from the date of the issue of the occupation certificate:	If approved, suitable conditions will be applied.	Condition
17(1)(a)(i)	the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and	If approved, suitable conditions will be applied.	Condition
17(1)(a)(ii)	all accommodation that is used for affordable housing will be managed by a registered community housing provider, and	If approved, suitable conditions will be applied.	Condition
17(1)(b)	a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the <u>Conveyancing Act 1919</u> that will ensure that the requirements of paragraph (a) are met.	If approved, suitable conditions will be applied.	Condition
17(2)	Sub-clause (1) does not apply to development on land owned by the Land and Housing Corporation or to a development application made by, or on behalf of, a public authority.	N/A	N/A
18	Subdivision		
	Land on which development has been carried out under this Division may be subdivided with the consent of the consent authority.	Subdivision is not proposed.	N/A

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As demonstrated in the above table above table, the proposed development satisfies the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009.

6.2 The provisions of any Draft Environmental Planning Instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority.

No draft environmental planning instruments apply to the site.

6.3 The provisions of any Development Control Plan.

The Ashfield Interim Development Assessment Policy IDAP 2013 applies to the site. Please see Section 7.8 below.

6.4 Any matters prescribed by the regulations that apply to the land to which the development application relates.

These matters have been considered as part of the assessment of the development application.



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6.5 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality.

These matters have been considered as part of the assessment of the development application. It is considered that the proposed development will not have any significant impacts upon the adjacent properties in respect of privacy or overshadowing, subject to deletion of the roof terrace.

6.6 The suitability of the site for the development

These matters have been considered as part of the assessment of the development application. There are no natural hazards or other site constraints that are likely to have a significant adverse impact upon the proposed development.

6.7 Any submissions made in accordance with this Act or the regulations

The proposal was notified to all adjoining and nearby affected property owners and occupants and Councillors from 8 March 2016 until 29 March 2016. Notification was checked during site inspection and was acceptable.

Summary of submissions

Forty submissions including one petition of 111 signatures (**Attachment 3**) were received during the notification of the development application.

Submissions	
1.	Petition of 111 signatures. Head petitioner: J. Balgi & H. Foo Address withheld on request
2.	C. & D. Ally - Summer Hill NSW 2130
3.	L. Alvis - Summer Hill NSW 2130
4.	J. Balgi & H. Foo Address withheld on request (3 letters)
5.	L. Alvis - Summer Hill NSW 2130
6.	C. & D. Ally - Summer Hill NSW 2130
7.	M. Barr & S. Blakeman - Summer Hill NSW 2130
8.	M. Bresic - Summer Hill NSW 2130
9.	M. Chochula & L. Drozak - Summer Hill NSW 2130
10.	T. Chrisafis - Summer Hill NSW 2130
11.	R. Dabb - Summer Hill NSW 2130
12.	L. Findlay
13.	M. Geason - Summer Hill NSW 2130
14.	H. Gidding - Summer Hill NSW 2130
15.	P. Goodhew & L. McKendry - Summer Hill NSW 2130
16.	B. Gray - Summer Hill NSW 2130
17.	Y.Q. Han & A.L. Xu - Summer Hill, NSW 2130
18.	Jo Haylen MP for: • J. Balgi & H. Foo Marrickville NSW 2204
19.	Jo Haylen MP for: • R. Dabb Marrickville NSW 2204



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20.	Jo Haylen MP for: • T. Moulton Marrickville NSW 2204
21.	Jo Haylen MP for: • C. & D. Ally • M. Barr & S. Blakeman • H. Gidding • Y. Han & A. Xu • S. Loy-Wilson & M. Sriravindrarajah • K. May Marrickville NSW 2204
22.	C. Herscovitch - Summer Hill NSW 2130
23.	E. Hing - Summer Hill NSW 2130
24.	B. Hopkinson - Summer Hill NSW 2130
25.	D. & L. Horrigan - Summer Hill NSW 2130
26.	H. Hu & P. Yu - Summer Hill NSW 2130
27.	J. Humphrey
28.	M. Lean - Summer Hill NSW 2130
29.	S. Loy-Wilson & M. Sriravindrarajah - Summer Hill NSW 2130
30.	"Victoria Gardens" - Summer Hill NSW 2130
31.	K. May - Summer Hill NSW 2130
32.	M. Mendez, A, D, P. & R. Svoronos - Summer Hill NSW 2130
33.	T. Moulton - Summer Hill NSW 2130
34.	J. O'Connor - Summer Hill NSW 2130
35.	E. Sodergeren - Summer Hill NSW 2130
36.	Anonymous
37.	C. Stoney - Summer Hill NSW 2130
38.	Unified Lawyers - Marrickville NSW 2204
39.	Y. Yao - Summer Hill NSW 2130
40.	Anonymous

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Submission Issue	Assessing Officer's Comment
Excessive scale.	The scale is less than that permitted under the SEPP (Affordable Rental Housing) and, as such, is acceptable. It is noted that the scale has been reduced during the assessment process.
Inadequate size of communal open space.	The communal open space has been increased in size to comply.
Inadequate front setback.	The front setback, though less than that of the immediately adjacent properties, is significantly greater than the predominant setback in the street. It is noted that the controls require that the proposal "be consistent with the predominant setback of the buildings in the street" – not consistent with the immediately adjacent dwellings.

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Not compatible with heritage character.	The proposal presents a very traditional two storey built form to the street and utilises a traditional material palette to relate appropriately to the context of historical buildings in the streetscape.
Rooftop terrace will create adverse visual and acoustic privacy impacts.	The rooftop terrace will be deleted by way of condition of consent.
Adverse traffic impacts.	Council's traffic engineer has reviewed the proposal and not raised objection on the basis of traffic generation.
Inadequate parking and consequent impacts on on-street parking.	The proposal provides parking consistent with the requirements of the SEPP (Affordable Rental Housing). It is not open to Council to refuse the application on this basis.
Unacceptable overshadowing.	The extent of overshadowing is fully compliant with Council's controls.
The scale will be disproportionate in the streetscape.	The front of the development has been designed to present as two storeys to the street with the larger and taller three storey elements concealed at the rear.
It is unreasonable that this development permits significantly greater FSR than the nearby heritage conservation area and other adjacent sites.	It should be noted that the additional FSR on this site is permitted by way of the State Government planning policy SEPP (Affordable Rental Housing) which overrides the floor space controls contained in Council's local environmental plan.
Inadequate landscaped area.	The proposal has been amended to provide a compliant amount of landscaped area. In addition, conditions will be applied to require additional canopy tree planting.
Privacy impacts of rear balconies on 8 Fleet Street.	Rear facing balconies do not look directly into 8 Fleet Street and have been provided with full height walls on their sides to minimise sideways views. This will be augmented by requirements for canopy tree planting along the rear boundary by condition of consent to further protect privacy.
Noise during construction.	Conditions will be applied to ensure that construction noise is within acceptable limits.
Dust during construction.	Conditions will be applied to ensure that construction dust is within acceptable limits.
Stormwater runoff.	Conditions will be applied to ensure that stormwater runoff is compliant with Council's standards.
Privacy impacts of internal balconies.	These balconies face inwards into the development and are fully screened on their sides. They would have only very acute angled views (rather than direct) into any adjacent properties. This is considered acceptable in a medium density context.
Unsuitable unit mix.	The mix of units is consistent with the applicable planning controls.



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Excessive height.	The proposal is consistent with the applicable height limits of Council's planning controls.
"In-fill affordable housing" is a misleading definition as not all of the dwellings are affordable.	"In-fill affordable housing" is the correct land use definition under SEPP (Affordable Rental Housing).
Side setbacks inadequate.	The side setbacks of 1.5m are consistent with the setback pattern in the streetscape as well as applicable controls.

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6.8 The public interest

Matters of the public interest have been taken into consideration in the assessment of the application.

The proposal is subject to the provisions of Ashfield Interim Development Assessment Policy 2013. A summary compliance table follows below:

Ashfield Interim Development Assessment Policy 2013 Part C1: Access, Adaptability and Mobility Summary Compliance Table (Design Checklist 2)				
No.	Standard	Required	Proposed	Complies
Part C1 Access, Adaptability and Mobility				
2.3(iii)	Universal Accessible Design	Residential flat building or shop top housing, 3 storeys or higher with lifts, which may or may not be part of a mixed development, must have all their apartments complying with universal accessible design principles as required by Design Checklist 2.	Residential flat building.	Noted
2.4	Adaptable Housing	10%	11%	Yes
2.5	Variations to Universal Accessible Design Requirements	Site conditions	No variations proposed under this clause.	N/A
7.2	Universal Accessible Design	Residential flat buildings higher than 3 storeys with ground level commercial and lifts, shall be "accessible" as required in the Building Code of Australia and in addition have a universal accessible	All apartments are accessible.	Yes

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		design for the interior design of the dwellings that meets the requirements of Section 7.		
7.3	Construction	In order to achieve an "implementation principle", that considers design issues at Development Application stage in sufficient detail to ensure that at construction certificate stage and during construction compliance is achieved	Adequate detail provided.	Yes
7.4	Access from street to dwelling entry	Access from the street into the lift lobby area, to lifts and to apartments entries requires: (a) A continuous path of accessible travel from the street to lift lobbies. (b) Lift shafts sizes minimum required to take a lift which is large enough to accommodate a person in a wheelchair. (c) The lift lobby shall have a minimum clear finished circulation width of 1500mm, and which takes into account wall finishes and building tolerances. (d) An intercom at the visitor parking level and external ground level entry point.	All dimensions are consistent with these requirements.	Yes
7.5	Interior dwelling design	The interior elements of all apartments shall be adequately sized to allow wheelchair circulation.	No apartments (except the adaptable unit) are adequately sized to allow wheelchair access in respect of: • Corridor widths • Bathrooms • Kitchens and • Laundries This can be addressed by way of condition of consent.	Condition



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7.6	Access to private balcony	(a) Balcony dimensions shall accommodate a person in a wheelchair being able to turn on the balcony including allowing an area for a small table and have a minimum internal width of 2.0m and minimum length of 3m.	All private balcony areas are accessible.	Yes
7.7	Access to car parking	Access to and from the car parking area for people with a disability by lift.	Lift access with waiting area outside lift provided.	Yes
7.8	Access to communal garden space	Where there is communal open space on the site, it must be accessible from all dwellings required to have a universal accessible design, and by all visitors to the site.	All communal open space is accessible.	Yes
7.9	Access to Ground Level Commercial areas and circulation within Commercial Levels	Access must be compliant with the BCA.	No commercial area proposed.	N/A

**Ashfield Interim Development Assessment Policy 2013
Part C5: Multi-unit Development in Residential Flat Zones
Summary Compliance Table**

Clause No.	Standard	Required	Proposed	Complies
3	Preferred Development			
3.2	Ashfield's Housing Character	Developments must meet the following criteria: a) the defining characteristics of the site, its streetscape, community, and neighbourhood locality are understood; b) the proposed architectural style is suitable for the site; c) the proposed development has the potential to contribute to Ashfield's housing heritage.	The form and character of the proposal is satisfactory and consistent with the character of surrounding buildings.	Yes

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3.5(a)	Building Appearance and Neighbourhood Character	Buildings at the front must be orientated to the principal street frontage, and dwellings adjacent to a public street must address the street by having a front door or living room or kitchen windows facing the street;	The character of the proposal is consistent with the streetscape.	Yes
3.5(b)		The building generally conforms with the building line on adjoining land and in the immediate locality;	The front setback of 6.7m is greater than those prevailing in the street, in particular: <ul style="list-style-type: none"> • 25 Smith St (<5m) • 41 Smith St (<5m) • 45 Smith St (<5m) • 47 Smith St (<5m) • 49 Smith St (<5m) and: <ul style="list-style-type: none"> • The majority of properties on the opposite side of Smith Street which are less than 4m. 	Yes
3.5(c)		Building facades are to have: <ul style="list-style-type: none"> • a clearly defined base-middle-top; • well-balanced vertical and horizontal proportions; • modulation, including breaking up large horizontal facades into smaller articulated sections, which are also compositionally integrated with the whole building; • architectural features which give human scale at street level, such as entry porches, pergolas and fences. 	The building is well articulated.	Yes
3.5(d)		Building design, roof form, detailing and materials visible from public areas and adjoining properties should not be in strong	The finishes and materials are generally sympathetic to the character of the locality. The roof tiles, however,	Condition proposed to use terracotta tiles



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		visual contrast with any positive and characteristic features of neighbouring properties. Generally the materials and finishes of the building to be similar to the traditional finishes predominating in Ashfield. Buildings to usually be in bichromatic (two colour) face brick with gabled/hipped terra cotta tiled pitched roof forms with no reflective materials that may cause glare.	appear to be of a charcoal colour and it is considered that unglazed terracotta would be a more appropriate material in the context.	
3.5(e)		Building design enables individual dwellings to be identified from public streets.	Not applicable due to the configuration of the site.	N/A
3.5(f)		Carports and garages to be compatible with the building design and not dominate the street frontage.	All parking located in basement garage.	N/A
3.5(g)		Entries to underground parking not to be visible from the street front.	The basement ramp is well camouflaged from the street due to its use of dark, recessive materials. Conditions recommended to reinforce this approach.	Yes & Condition
3.6	Fences and walls			
3.6(a)		Front fences and walls to be compatible with the streetscape.	The proposed front fence would be more appropriate if constructed from dark face brick with larger openings between timber panels. A condition has been recommended.	Yes & Condition
3.6(b)		Front fences and walls to be no more than 1.2m high if solid and forward of the building line. Height may be increased to 1.8m if the fence has openings which make it not less than 50% transparent;	Front fence is of a suitable height.	Yes

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4		Housing Density		
4.3	Floor Space Ratios	0.7:1 (1.03:1 by virtue of the SEPP Affordable Rental Housing)	0.988:1	Yes
4.10	Subdivision	Strata subdivision size will be considered on its merits	Strata subdivision not proposed in this application.	N/A
4.11	Maximum dwelling size	Maximum gross floor area of a dwelling should not exceed 125m ² . Smaller apartments are encouraged.	No dwellings exceed this size.	Yes
5		Siting, Building Height and Solar Access		
5.4	Front Setback	To be consistent with the predominant setback of the buildings in the street.	The front setback of 6.7m is greater than those prevailing in the street, in particular: <ul style="list-style-type: none"> • 25 Smith St (<5m) • 41 Smith St (<5m) • 45 Smith St (<5m) • 47 Smith St (<5m) • 49 Smith St (<5m) and: The majority of properties on the opposite side of Smith Street which are less than 4m.	Yes
5.6	Orientation and Siting	Side and rear setbacks to be determined by amenity and urban design. Development should not significantly affect adjoining property or resident amenity by: <ol style="list-style-type: none"> a) increased overshadowing, b) reduction in the level of privacy, c) obstruction of views, d) reduction in levels of daylight and ventilation. 	Generally satisfactory in the local context. Side setbacks are consistent with those of adjacent properties and consistent with the streetscape. Privacy issues are addressed by way of avoidance of side facing balconies and use of highlight windows on side elevations.	Yes
5.8		Rear setbacks to allow adequate provision of green space between adjoining properties.	Generally consistent with surrounding properties.	Yes
5.9	Building Height	9m as per height for R3 Medium Density Residential Zones,	9m	Yes



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		Code M in Ashfield LEP 2013.		
5.9(a)		3 storeys maximum height	3 storeys	Yes
5.9(b)		Maximum roof pitch of 30 degrees may contain a 4th attic storey,	No fourth storey proposed.	N/A
5.11		Height of the first floor no to exceed 3.4m.	Less than 3.4m for all but the front units where they are 4m at street frontage due to natural fall of land towards street.	Satisfactory
5.12		Additional 4 th storey in roof space permitted subject to: a) consistent with any conservation area listing; b) space wholly contained within a roof not exceeding 30° (excepting dormer windows); no lower than 22d and roof ridge does not exceed the maximum building height. c) sunlight, privacy, views and ventilation protected; and d) compliant with LEP height limit.	No fourth storey proposed.	N/A
5.13		No increased wall heights or larger than average dormer windows permitted to achieve the additional level permitted under cl. 5.12.	N/A	N/A
5.15	Solar Access	80% of units to have at least one living room window with a northerly aspect	71% This is considered reasonable given the context of the site. A greater percentage would be unachievable. In addition, it is compliant with SEPP 65.	Satisfactory
5.16		<i>Maximum</i> amount of overshadowing:		
5.16(a)		Sunlight to at least 50% (or 35m ² with minimum	No principal areas of private open space on	Yes

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		dimension 2.5m, whichever is the lesser area) of the principal private area of ground level private open space of adjacent properties not to be reduced to less than three (3) hours between 9am and 3pm on 21 June. Where existing overshadowing by buildings and fences is greater than this, sunlight is not further reduced by more than 20% at any one time.	adjacent properties would be overshadowed unacceptably by the development.	
5.16(b)		Private courtyards within a development to receive 3 hours of sunlight over 50% of area, between 9am and 3pm on 21 June.	Adequate solar access to courtyards.	Yes
5.16(c)		Existing solar access should be maintained to at least 40% of the glazed areas of any neighbouring north facing living room/dining room windows, for at least 3 hours between 9am and 3pm in mid-winter (on 21 June). If existing solar access is already less than this standard, it should not be further reduced by more than 20% at any time.	No impact upon north facing living room windows of buildings to the south.	Yes
5.16(d)		North facing windows within a new development should achieve the same standard of solar access.	All north facing windows would receive solar access consistent with these requirements.	Yes
6	Privacy, Views and Outlook			
6.3	Visual privacy	Visual privacy is required to meet the following standards, both within developments as well as across boundaries:		
6.3(a)		Ground level direct facing windows to be a minimum of 9 metres apart or, where screening devices or planting is used, 6	Windows which look into each other within the development are at least 12m apart and separated by the proposed landscaping	Yes



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		metres apart. Direct facing includes an arc of 45° on either side of a window. If screening is used, the view of the area overlooked must be restricted within 9 metres and beyond an angle of 45° from the plane of the wall containing the opening, measured from a height of 1.7m above floor level.	in the central communal open space.	
6.3(b)		As an alternative to 6.3 (a), windows to have minimum sill heights of 1.7m above floor level, or have fixed obscure glazing in any part of the window below 1.7m above floor level.	All side facing windows are highlight windows.	Yes
6.3(c)		Balconies, terraces and decks to be placed a minimum 12 metres away from any facing window or other balcony.	Min 12m separation across internal courtyard.	Yes
6.3(d)		Windows and balconies not to overlook adjoining areas of private open space. An outlook from windows, balconies, stairs, landings, terraces and decks or other private, communal or public areas within a development to be obscured or screened where a direct view is available into adjoining areas of private open space.	Windows and balconies either look into the internal courtyard area or to the front or rear. There are no side facing windows or balconies. The rooftop terrace on the rear building, however, is not considered appropriate (nor necessary) due to privacy concerns of adjacent properties and is recommended for deletion.	Yes & Condition
6.3(e)		No screening is required where: <ul style="list-style-type: none"> • windows are in bathrooms, toilets, laundries, storage rooms or other non-habitable rooms and they have translucent glazing or sill heights of at 	These measures are not necessary.	Yes

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		<p>least 1.7m;</p> <ul style="list-style-type: none"> windows are in habitable rooms and they have sill heights of 1.7m or more above floor level or translucent glazing to any part of a window less than 1.7m above floor level. 		
6.4		these standards must be achieved within developments, as well as across boundaries.	Privacy is adequate across boundaries.	Yes
6.5	Acoustic Privacy	The level of acoustic privacy is required to meet the following standards, both within developments as well as across boundaries:		
6.5(a)		bedroom windows are to be at least 3 metres from shared streets, driveways and parking areas of other dwellings.	Complies.	Yes
6.5(b)		bedrooms of one dwelling are not to share walls with living rooms or garages of adjacent dwellings.	Complies.	Yes
6.8	Views and outlook	Distant views available from neighbouring properties should be maintained where possible, in keeping with principles of view sharing.	Complies.	Yes
6.9		High walls in close proximity to neighbours' windows or open space should be reasonably set back, <i>irrespective</i> of shadowing or privacy impacts.	Setbacks are appropriate and consistent with those on the streetscape.	Yes
6.10		All dwellings should have an open outlook to an area of landscaping or open space not compromised by privacy measures.	All dwellings look into the street, the central courtyard or onto the rear landscaped area.	Yes
8	Open Space and Landscaping			
8.6	Private and Communal Open	Each dwelling to have a private outdoor area	All dwellings have adequately sized	Yes



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	Space	which: a) does not encroach upon the front setback; b) is directly related to a main living area; c) is private and protected from overlooking; d) meets solar access standards; e) minimises overlooking of neighbours; f) accommodates various uses; g) is accessible by someone with a disability.	balcony areas.	
8.7		If at ground level, • Minimum area: 35m ² • Minimum width 3m:	37m ²	Yes
8.8	Balcony Size	If no private outdoor area at ground level, to be provided by a balcony or deck, with a minimum area of 10m ² , and a minimum dimension of 2m.	All balconies are at least 10m ² in area.	Yes
8.9	Communal Open Space	Communal open space exclusive of any drying or service areas to include a single open area with minimum dimensions of 10 metres by 12 metres. If more than 6 units, the area to be increased by 5m ² per unit. Area should be adapted for active and passive recreation and may include children's play areas, barbeque areas and the like. Required: 175m ²	12m x 15.24m 182m ²	Yes
8.10	Landscaping Standards	Minimum landscaped area: 35% of the site area. To be at finished ground level with a minimum width of 2 metres.	35%	Yes
8.11	Tree Preservation	A Tree Preservation Order covers all trees	No significant tree removal proposed.	Yes

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		over 5 metres in height with a trunk girth of 350mm at ground level, (excluding Leyland Cypress Pine, Privet, Oleander, Umbrella trees, Cotoneaster, Rubber trees, Citrus and Mulberry trees.		
8.13		Retain sufficient curtilage around existing trees to ensure their retention.	No significant tree removal proposed.	N/A
8.14		Avoid removal or significant modification of any existing street tree along the frontage of the site.	No significant tree removal proposed.	N/A
9	Safety and Security			
9.2	Security	Buildings adjacent to public or communal streets or open space to have at least one habitable room window with an outlook to that area.	All buildings overlook all communal circulation areas.	Yes
9.3		Visitors should be visible without the need to open the front door.	Complies.	Yes
9.4		Shared entries to serve a maximum of eight dwellings and be lockable.	Shared entries serve no more than 6 dwellings.	Yes
10	Design for Climate			
10.1	Energy Conservation	BASIX Certificate must be provided.	BASIX Certificate has been provided.	Yes
10.2 – 10.7	Water Conservation	BASIX Certificate must be provided.	BASIX Certificate has been provided.	Yes
10.8	Air movement	Harness breezes and provide fresh air indoors	All units have excellent cross ventilation.	Yes
10.11	Services, lighting and appliances	Dwelling design should encourage energy efficiency.	BASIX Certificate has been provided.	Yes
10.16	Noise on rail/traffic routes	Where road or rail noise is an issue, buildings to be sited to: · minimise the infiltration of noise into the buildings and the lot;	The development is well separated from the road and rail line and as such should experience minimal road or rail noise.	Yes



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		<ul style="list-style-type: none"> · provide an acoustic barrier for private and communal open space; · reduces reflection of noise on to other buildings; · ensure affected windows are acoustically treated from road or rail noise. 		
11	Stormwater Drainage			
11.1	Objectives	<ul style="list-style-type: none"> a) to provide safety for the public in major storm events, and protect property from damage by flooding; b) to ensure adequate stormwater detention and run-off controls are provided for site drainage; c) to improve urban amenity through maintenance of natural drainage lines; d) to protect & maintain existing infrastructure of the LGA. 	Some minor issues have been identified by Council's engineer which can be addressed by way of deferred commencement conditions of consent.	Condition has been applied.
12	Site Facilities			
12.8	Storage	Must be adequately screened from frontage.	All storage is well concealed in basement.	Yes
12.9	Mailboxes	To be located close to each ground-floor dwelling entry or close to the major pedestrian entrance to the site.	Mailbox location has not been nominated.	Condition has been applied.
12.10	Clothes drying	Communal clothes drying facilities to be easily accessible to all residents and screened from streets and communal recreational areas.	Location of clothes drying facilities has not been nominated.	Condition has been applied.
12.11		External clothes-drying area shall to be provided at the rate of 1.5 square metres per unit.	Location of clothes drying facilities has not been nominated.	Condition has been applied.
12.12	Television aerials	Only one television reception device per strata title development screened from public view.	Not nominated but can be conditioned.	Condition has been applied.

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Ashfield Interim Development Assessment Policy 2013 Part C12: Public Notification Summary Compliance Table				
No.	Standard	Required	Proposed	Complies
Section 2	Notification Process		The application was notified in accordance with this part.	Yes

Ashfield Interim Development Assessment Policy 2013 PartD1: Planning for Less Waste Summary Compliance Table				
No.	Standard	Required	Proposed	Complies
	Bin Numbers	Residential (9 dwellings): <ul style="list-style-type: none"> 1 x 240L garbage bin/2 dwellings=9 bins 1 x 240L recycling bin/9 dwellings=5 bins TOTAL: 18 bins 	Residential: <ul style="list-style-type: none"> 12 x 240L garbage bins 12 x 240L recycling bins TOTAL: 24 bins	Yes
	Bin Presentation		Adequate kerb space to present 5 waste bins along the kerb.	Yes

It is considered the application generally complies with the parts as indicated and achieves the aims and objectives of the AIDAP 2013. Of concern, however, is the rooftop terrace of the rear building; this is not considered appropriate or necessary and will be deleted by way of condition. Some other minor detailed matters may also be addressed by way of appropriate conditions of consent.

7.0 Referrals

Referrals		
Referral	Comments	Support
Building Surveyor	Supported subject to conditions.	Yes
Traffic Engineer	Supported subject to deferred commencement conditions.	Yes
Drainage Engineer	Supported subject to deferred commencement conditions.	Yes
Heritage Advisor	Supported.	Yes
Environmental Health Officer	Supported subject to conditions.	Yes
Tree Officer	Supported subject to conditions.	Yes
Waste Management	Supported subject to conditions.	Yes



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8.0 Building Code of Australia (BCA)

A Construction Certificate will be required to be applied for by condition of consent.

FINANCIAL IMPLICATIONS

Nil.

OTHER STAFF COMMENTS

See 7.0

PUBLIC CONSULTATION

See 6.7

CONCLUSION

The application has been assessed in accordance with the provisions of the Environmental Planning and Assessment Act, 1979 as amended with all matters specified under Section 79C (1) Clauses (a) to (e) having been taken into consideration.

As noted previously, the proposal generally complies with the applicable development standards and controls and subject to some recommended modifications, is an acceptable form of infill development for the subject land. The proposal is therefore recommended for deferred commencement consent.

ATTACHMENTS

1. [↓](#) Locality Map
2. [↓](#) Plans of Proposal
3. [↓](#) Submissions
4. [↓](#) Conditions

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