



DEVELOPMENT ASSESSMENT REPORT

<b>Application No.</b>	D/2019/389
<b>Address</b>	22 Carrington Street, LILYFIELD NSW 2040
<b>Proposal</b>	Alterations and additions to existing dwelling-house, new rear deck, rear pergola and associated landscaping works.
<b>Date of Lodgement</b>	8 October 2019
<b>Applicant</b>	Mr D D L Caroly
<b>Owner</b>	Mr D D L Caroly
<b>Number of Submissions</b>	Nil
<b>Value of works</b>	\$220,000.00
<b>Reason for determination at Planning Panel</b>	Floor Space Ratio variation exceeds officer delegations
<b>Main Issues</b>	Floor Space Ratio variation exceeds 10% Site Coverage variation exceeds 10%
<b>Recommendation</b>	Approval with Conditions
<b>Attachment A</b>	Recommended conditions of consent
<b>Attachment B</b>	Plans of proposed development
<b>Attachment C</b>	Clause 4.6 Exception to Development Standards



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

## 1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to the existing residence with associated internal and external works with a new first floor addition at 22 Carrington Street, Lilyfield. The application was notified to surrounding properties and no submissions received.

The main issues that have arisen from the application include:

- Site Coverage variation exceeds 10%
- Floor Space Ratio variation exceeds 10%

The non-compliance is acceptable given that the proposed increase in FSR and Site Coverage will have no adverse amenity impacts to the adjoining properties or impacts on the public domain, and therefore the, application is recommended for approval.

## 2. Proposal

The application seeks consent for alterations and additions to an existing dwelling. The following works are proposed:

### Lower Ground Floor

- New bathroom with associated internal works to the kitchen and dining area;
- Additional floor area to the south eastern end of the dining area;
- Associated rear courtyard and landscape works;
- Rear elevation deck with a rainwater tank below;
- Timber pergola above the elevated deck area;
- New timber stairs under the pergola leading to rear lane;
- New timber gate to replace existing rear lane access.

### Ground Floor

- New stairs leading up to proposed first floor level;
- New void area between ground and first floor level;
- Additional floor area to the proposed lounge area.

### Proposed First Floor

- New bathroom and bedroom.

### 3. Site Description

The subject site is located on the eastern side of Carrington Street which backs onto an unnamed rear lane. The site consists of 1 allotment, which is rectangular with a total area of 157.7sqm and legally described as Lot 1 in D.P 1091430. The site has a frontage to Carrington Street of 5.335 metres and to the unnamed rear lane.

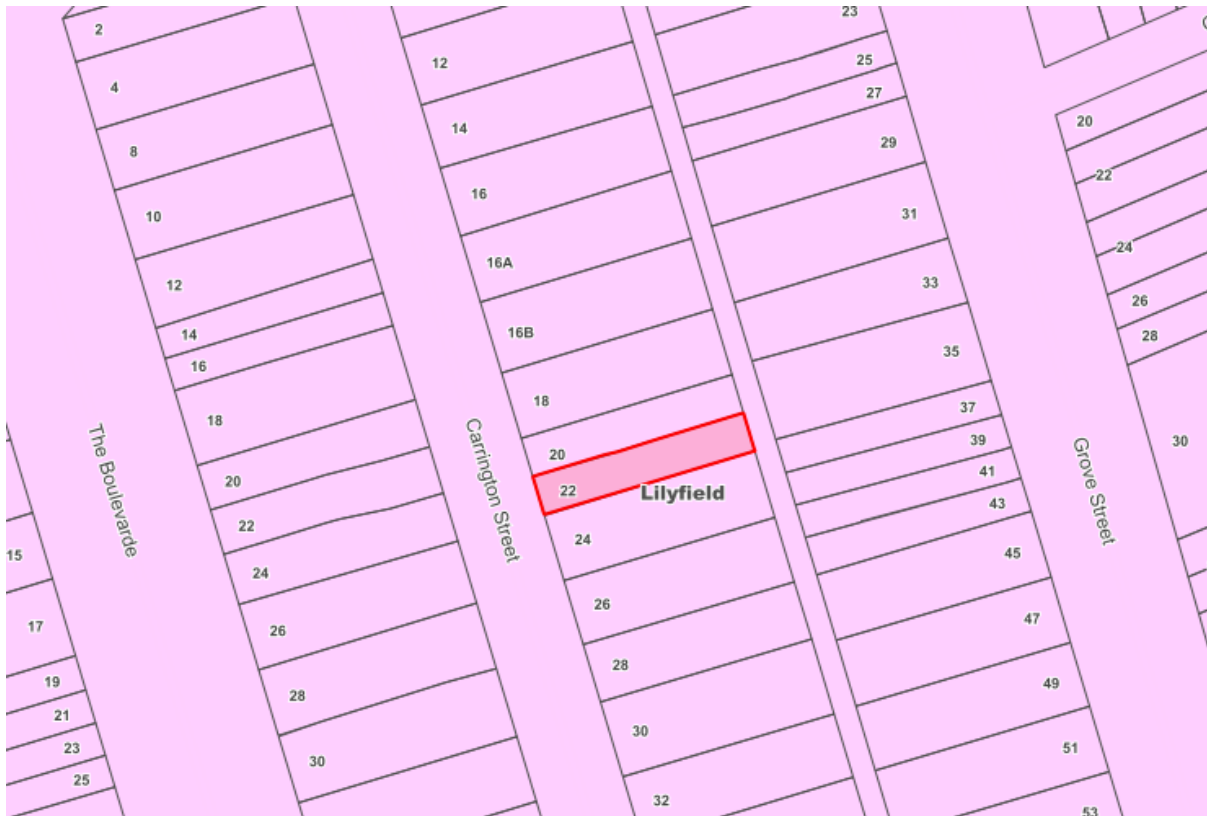


Figure A: Zoning Map





*Figure B: Aerial View Photo*

The site supports a house which presents to the street as single storey, but includes a rear lower ground floor level. The adjoining property to the north at No. 20 Carrington Street supports a two storey building, whilst the property to the south at No. 24 Carrington Street supports a single storey building with a lower ground floor level to the rear, in the same fashion as the subject site.

The property is not located within a conservation area and is not identified as a flood prone lot.



*Figure 1: Views of Nos. 20, 22 & 24 Carrington Street from the rear lane facing towards the west.*



*Figure 2: View of the subject site from Carrington Street.*

#### **4. Background**



## 4(a) Site history

The following application outlines the relevant development history of the subject site and any relevant applications on surrounding properties.

**Subject Site**

<b>Application</b>	<b>Proposal</b>	<b>Decision &amp; Date</b>
M/2003/161	Modification to development consent D/1998/415 for alterations and additions to an existing dwelling. Modification to amend internal floor layout and for external changes to a window.	Approved – 16.9.2003
M/1999/156	Modification to existing consent part deletion of condition 4 to allow for 1st floor balcony proposal, also involves minor internal and external changes	Approved – 11.4.2000
D/1998/415	Alterations and additions to existing dwelling including new kitchen/dining area with deck on first floor at rear and new living room and study on ground floor.	Approved – 12.5.1999

**Surrounding properties**

Application	Proposal	Decision & Date
M/2017/124 – 20 Carrington Street	Build an in-ground pool in rear yard.	Approved – 24.8.2017
D/2015/516 – 20 Carrington Street	Basement, ground and first floor alterations and additions to existing dwelling and associated works	Approved – 8.12.2015
PREDA/2015/9 – 20 Carrington Street	Demolition of the rear and rebuild 2 storey extension	Advice letter issued – 10.4.2015

**4(b) Application history**

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

Date	Discussion / Letter / Additional Information
22.11.2019	Council wrote to the applicant requesting amended and additional information to address the planning issues raised.
4.12.2019	Council had a short meeting with the applicants providing clarification and potential design amendments to address the issues raised in the Request for further information letter.
18.12.2019	Applicants have submitted to Council amended plans and additional information.

**5. Assessment**

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

**5(a) Environmental Planning Instruments**

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

- *State Environmental Planning Policy No. 55—Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *Leichhardt Local Environmental Plan 2013*

The following provides further discussion of the relevant issues:

**5(a)(i) State Environmental Planning Policy No 55—Remediation of Land**

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land LDCP 2013 provides controls and guidelines for remediation works. *SEPP 55* requires the consent authority to be satisfied that “the site is, or can be made, suitable for the proposed use” prior to the granting of consent.

The site has not been used in the past for activities which could have potentially contaminated the site. It is considered that the site will not require remediation in accordance with *SEPP 55*.

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

A BASIX Certificate was submitted with the application and will be referenced in any consent granted.

**5(a)(iii) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

An assessment has been made of the matters set out in Division 2 Matters for Consideration of the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*. It is considered that the carrying out of the proposed development not contrary to the aims of the plan.

**5(a)(iv) Leichhardt Local Environment Plan 2013 (LLEP 2013)**

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

- Clause 1.2 - Aims of the Plan
- Clause 2.3 - Zone objectives and Land Use Table
- Clause 2.7 - Demolition
- Clause 4.3A - Landscaped areas for residential accommodation in Zone R1
- Clause 4.4 – Floor Space Ratio
- Clause 4.5 - Calculation of floor space ratio and site area
- Clause 4.6 - Exceptions to development standards
- Clause 5.3 – Development near zone boundaries
- Clause 6.1 - Acid Sulfate Soils
- Clause 6.2 - Earthworks
- Clause 6.4 - Stormwater Management
- Clause 6.8 - Development in Areas Subject to Aircraft Noise

(ix) Clause 2.3 - Land Use Table and Zone Objectives

The site is zoned R1 – General Residential under the LLEP 2013. The application proposes internal and external alterations and additions to the existing residence, which is permitted with consent within the R1 – General Residential zone. The objectives of the zone are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To improve opportunities to work from home.*
- *To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.*
- *To provide landscaped areas for the use and enjoyment of existing and future residents.*



- To ensure that subdivision creates lots of regular shapes that are complementary to, and compatible with, the character, style, orientation and pattern of the surrounding area.
- To protect and enhance the amenity of existing and future residents and the neighbourhood.

The proposed development is considered to be consistent with the above objectives and will have minimal adverse impact on the surrounding streetscape, character or amenity of the area.

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

Standard	Proposal	non compliance	Complies
<b>Floor Space Ratio</b> Maximum permissible: 0.8:1 or 126.16 sqm	1.0:1 or 158.3 sqm	32.14sqm or 25.48%	No
<b>Landscape Area</b> Minimum permissible: 15% or 23.65sqm	18.33% or 28.9sqm	Complies	Yes
<b>Site Coverage</b> Maximum permissible: 60% or 94.62sqm	67.22% or 106sqm	11.38 sqm or 12.03%	No

Clause 4.6 Exceptions to Development Standards

As outlined in table above, the proposal results in a breach of the following development standards:

- Clause 4.3A (3)(b) – Site Coverage for residential accommodation in Zone R1
- Clause 4.4 – Floor Space Ratio

**Clause 4.3A (3)(b) – Site Coverage for residential accommodation in Zone R1**

The applicant seeks a variation to the existing Site Coverage Area from 82sqm (52%) to 106sqm (67.22%) which does not comply with the Site Coverage development standard under Clause 4.3A of the LLEP 2013.

A written request has been submitted to Council in accordance with Clause 4.6(3) of the LLEP 2013 justifying the existing/proposed contravention of the Site Coverage development standard which is summarised as follows:

- Privacy impacts are minimised by the use of privacy screens.
- Overshadowing impacts are acceptable when considering the orientation (long axis east-west) when measure against the possible development opportunities on the adjoining sites.
- The exceedance is less than 10%.
- The exceedance occurs only at the ground level by raising a deck – as a result the impact is minimal to none.

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

The relevant objectives of the R1 – General Residential zone are outlined in the section above.

The objectives of the Site Coverage development standard, as set out in the LLEP 2013, are outlined below:

- a) *to provide landscaped areas that are suitable for substantial tree planting and for the use and enjoyment of residents,*
- b) *to maintain and encourage a landscaped corridor between adjoining properties,*
- c) *to ensure that development promotes the desired future character of the neighbourhood,*
- d) *to encourage ecologically sustainable development by maximising the retention and absorption of surface drainage water on site and by minimising obstruction to the underground flow of water,*
- e) *to control site density,*
- f) *to limit building footprints to ensure that adequate provision is made for landscaped areas and private open space.*

It is considered the development is in the public interest because it is not inconsistent with the relevant objectives of the R1 – General Residential zone and the objectives of the Site Coverage development standard, in accordance with Clause 4.6(4)(a)(ii) of the LLEP 2013 for the following reasons:

- If a condition is imposed as recommended (to lower the rear deck to the rear natural ground level), the proposal will essentially comply with the site coverage development standard and the site will still provide suitable landscaped areas for tree planting to be used and enjoyed by the residents;
- The proposed development is compatible with surrounding development and the desired future character of the neighbourhood in relation to building bulk, form and scale as viewed from the rear lane and the rear yards of the adjoining properties;
- The proposal as conditioned does not result in any significant unacceptable adverse amenity impacts to the surrounding properties.

The site coverage variation does not contravene any objectives for the zone and for that reason the proposed variation is acceptable.

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

The proposal thereby accords with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of the LLEP 2013. For the reasons outlined above, there are sufficient planning grounds to justify the departure from the Site Coverage development standard and it is recommended the Clause 4.6 exception be granted.

**Clause 4.4 – Floor Space Ratio**

The applicant seeks a variation to the existing FSR from 128.34sqm (0.81:1) to 158.3sqm (1.0:1) which does not comply with the FSR development standard under Clause 4.4 of the LLEP 2013.

A written request has been submitted to Council in accordance with Clause 4.6(3) of the LLEP 2013 justifying the proposed contravention of the FSR development standard which is summarised as follows:

- The proposal is consistent in height, bulk, scale and density with recent alterations and additions on the adjoining properties at number 18 & 20 Carrington Street.
- The proposal complies with the LEP controls for the desired future character of the neighbourhood. The primary impact from the proposal is some overshadowing to the southern neighbouring dwelling. The impact may be acceptable in the circumstances, as the property (24 Carrington Street) can develop to a similar scale in future.
- The proposal does not impact on the views to or from any adjoining property.
- The proposal does not change the amenity of the surrounding public area.
- The first floor addition is similar to the additions at number 18 & 20 Carrington Street.

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

It is considered the development is in the public interest because it is consistent with the objectives of the R1 – General Residential zone and the objectives of the FSR development standard, in accordance with Clause 4.6(4)(a)(ii) of the LLEP 2013 for the following reasons:

- The proposed development is compatible with the desired future character of the area in relation to building bulk, form and scale and provides a suitable balance between landscaped areas and the built form;
- Ridge, gutter heights and roof forms are equivalent in size and character to predominant building forms in the locality. The proposal provides adequate outdoor areas of both hard and soft landscaping;
- The proposal provides work-from-home opportunities and is compatible with the surrounding buildings and provides landscaped areas for residents to enjoy, improving the amenity of the subject site with acceptable impacts on the adjoining properties;

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

The proposal thereby accords with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of the LLEP 2013. For the reasons outlined above, there are sufficient planning grounds to justify the departure from the FSR development standard and it is recommended that the Clause 4.6 exception be granted.

**Clause 6.8 - Development in areas subject to aircraft noise**



The subject site is located within an ANEF 20-25 Contour. As such, standard acoustic conditions are recommended to be imposed in any consent granted.

### 5(b) Draft Environmental Planning Instruments

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

- Draft SEPP Environment
- Draft Inner West Local Environmental Plan 2020 (*Draft IWLEP 2020*)

#### 5(b)(i) *Draft SEPP Environment*

The NSW government has been working towards developing a new State Environmental Planning Policy (SEPP) for the protection and management of the natural environment. The Explanation of Intended Effect (EIE) for the Environment SEPP was on exhibition from 31 October 2017 until 31 January 2018. This consolidated SEPP proposes to provide a single set of planning provisions for catchments, waterways, bushland and protected areas. Changes proposed include consolidating seven existing SEPPs including Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The proposal is consistent with the provisions of the draft Environment SEPP.

#### 5(b)(ii) *Draft Inner west Local Environmental Plan 2020*

The Draft IWLEP 2020 was placed on public exhibition commencing on 16 March 2020 and accordingly is a matter for consideration in the assessment of the application under *Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979*.

The amended provisions contained in the Draft IWLEP 2020 are not relevant to the assessment of the application. Accordingly, the development is considered acceptable having regard to the provisions of the Draft IWLEP 2020.

### 5(c) Development Control Plans

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

<b>LDCP2013</b>	<b>Compliance</b>
<b>Part A: Introductions</b>	
Section 3 – Notification of Applications	Yes
<b>Part B: Connections</b>	
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	N/A
B3.1 Social Impact Assessment	N/A
B3.2 Events and Activities in the Public Domain (Special Events)	N/A
<b>Part C</b>	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes

C1.3 Alterations and additions	Yes
C1.4 Heritage Conservation Areas and Heritage Items	N/A
C1.5 Corner Sites	N/A
C1.6 Subdivision	N/A
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.9 Safety by Design	N/A
C1.10 Equity of Access and Mobility	N/A
C1.11 Parking	N/A
C1.12 Landscaping	Yes
C1.13 Open Space Design Within the Public Domain	N/A
C1.14 Tree Management	N/A
C1.15 Signs and Outdoor Advertising	N/A
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	N/A
C1.17 Minor Architectural Details	N/A
C1.18 Laneways	N/A
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	N/A
C1.20 Foreshore Land	N/A
C1.21 Green Roofs and Green Living Walls	N/A
<b>Part C: Place – Section 2 Urban Character</b>	
C2.2.4.2 Nanny Goat Hill, Lilyfield	Yes
<b>Part C: Place – Section 3 – Residential Provisions</b>	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	Yes– see discussion
C3.3 Elevation and Materials	Yes
C3.4 Dormer Windows	N/A
C3.5 Front Gardens and Dwelling Entries	N/A
C3.6 Fences	N/A
C3.7 Environmental Performance	N/A
C3.8 Private Open Space	Yes
C3.9 Solar Access	Yes
C3.10 Views	N/A
C3.11 Visual Privacy	Yes
C3.12 Acoustic Privacy	Yes
C3.13 Conversion of Existing Non-Residential Buildings	N/A
C3.14 Adaptable Housing	N/A
<b>Part C: Place – Section 4 – Non-Residential Provisions</b>	N/A
<b>Part D: Energy</b>	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	Yes
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes
D2.4 Non-Residential Development	No
D2.5 Mixed Use Development	No
<b>Part E: Water</b>	

Section 1 – Sustainable Water and Risk Management	N/A
E1.1 Approvals Process and Reports Required With Development Applications	N/A
E1.1.1 Water Management Statement	Yes
E1.1.2 Integrated Water Cycle Plan	N/A
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.1.4 Flood Risk Management Report	N/A
E1.1.5 Foreshore Risk Management Report	N/A
E1.2 Water Management	Yes
E1.2.1 Water Conservation	N/A
E1.2.2 Managing Stormwater within the Site	Yes
E1.2.3 On-Site Detention of Stormwater	N/A
E1.2.4 Stormwater Treatment	Yes
E1.2.5 Water Disposal	Yes
E1.2.6 Building in the vicinity of a Public Drainage System	N/A
E1.2.7 Wastewater Management	N/A
E1.3 Hazard Management	N/A
E1.3.1 Flood Risk Management	N/A
E1.3.2 Foreshore Risk Management	N/A
<b>Part F: Food</b>	N/A
<b>Part G: Site Specific Controls</b>	N/A

The following provides discussion of the relevant issues:

C3.2 Site Layout and Building Design

Siting / Building Location Zone

The proposed additional floor area to the rear lower ground and ground floor levels will comply with the Building Location Zone control as it does not extend beyond the existing rear alignment(s).

The proposed rear first floor addition will be in line with the existing rear first floor building alignment of the adjacent property at No. 20 Carrington Street.

As a result, the proposal will establish a new rear first floor building alignment when compared to the immediate adjoining properties as shown in the table below. The orange line as shown below indicates the existing lower ground and ground rear BLZ of the subject and adjoining properties, the blue line indicating existing first floor BLZ and the green line indicating proposed rear first floor BLZ.



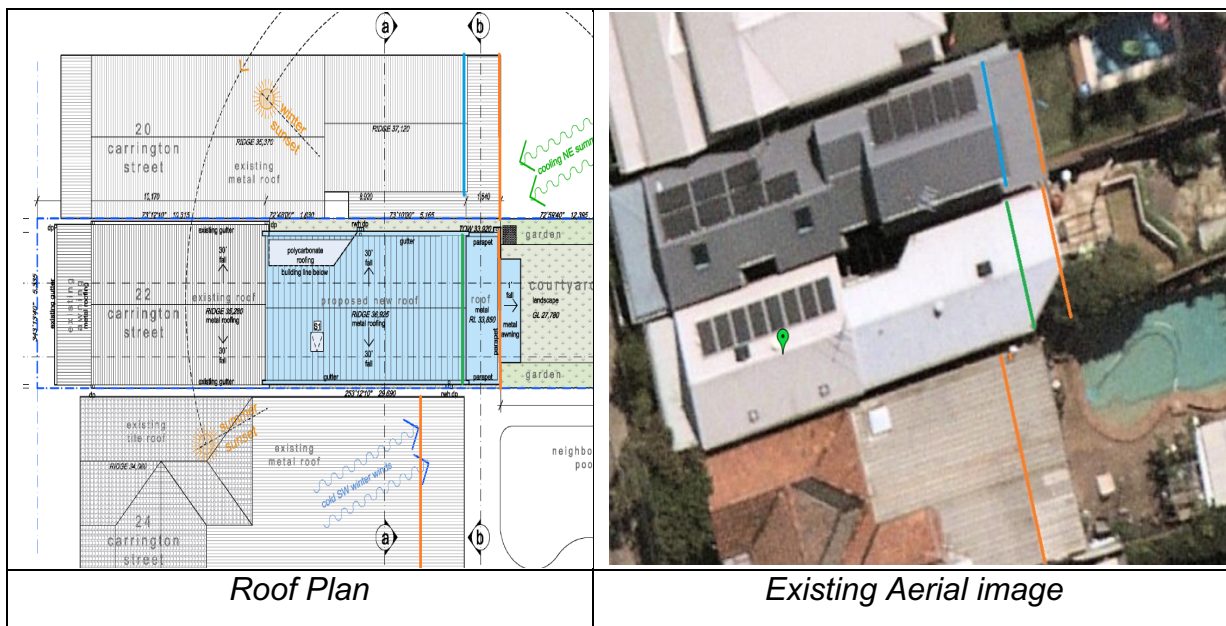


Image 1. Proposed rear ground and first floor additions BLZ compared to adjoining properties.

As mentioned above, the proposed BLZ variation to the first floor addition to the rear as conditioned is acceptable for the following reasons:

- The proposal will have minimal adverse amenity impacts to the surrounding properties in relation to sunlight, privacy and view loss concerns.
- The proposal as conditioned will be compatible with the existing streetscape, desired future character and scale when compared to the surrounding developments.
- The proposal will also provide adequate private open space, outdoor recreation area and will comply (subject to the recommended conditions) with the maximum site coverage development standard.

Side Boundary Setback

The rear ground floor extension to the southern end will breach the side setback control, however the extension to square off the existing ground floor level on the south eastern end will maintain the existing wall height on the southern end and is considered acceptable.

In addition, the rear first floor addition will breach the side setback control to both side boundaries (northern and southern). The following tables outline the proposal’s compliance or otherwise with the side setback controls as applicable:

Rear Ground Floor Extension

Elevation	Wall height (m)	Required Setback (m)	Proposed Setback (m)	Complies (Y / N)
South (Adjacent to No. 24 Carrington Road)	Approximately 6 – 6.3	1.8~2.02	0	No

Rear First Floor Addition

Elevation	Wall height (m)	Required Setback (m)	Proposed Setback (m)	Complies (Y / N)
North (Adjacent to No. 20 Carrington Road)	Approximately 7.7	2.5	0.58~0.22	No
South (Adjacent to No. 24 Carrington Road)	Approximately 6.8-7.8	2.3-2.8	0.1	No

Pursuant to Clause C3.2 of the LDCP2013, where a proposal seeks a variation of the side setback control graph, various tests need to be met. These tests are assessed below:

- The development is consistent with relevant Building Typology Statements as outlined within Appendix B – Building Typologies of the LDCP2013 and complies with streetscape and desired future character controls.

Comment: As discussed above, the proposal satisfies this test.

- The pattern of development is not adversely compromised.

Comment: As discussed above, the proposal does not compromise the existing pattern of development of the area and satisfies this test.

- The bulk and scale of the development has been minimised and is acceptable.

Comment: The proposed first floor addition provides a low 2.4 wall height with a raked ceiling which is considered to be of an acceptable bulk and scale when compared to the existing surrounding developments.

- The proposal is acceptable with respect to applicable amenity controls e.g. solar access, privacy and access to views.

Comment: As mentioned in this Report, the proposal will have minimal to no adverse amenity impacts to the surrounding properties in terms of solar access, privacy and access to views.

- The proposal does not unduly obstruct adjoining properties for maintenance purposes.

Comment: The proposed additions will not obstruct access to adjoining properties for maintenance purposes.

In light of the above, the proposal is considered to be satisfactory with respect to the intent and objectives of the side setback controls prescribed in this Clause.

C3.9 – Solar Access

The subject and adjoining properties are orientated east-west, thus the following solar access controls apply:

Neighbouring Living Room Glazing

- C12 Where the surrounding allotments are orientated east/west, *main living room* glazing must maintain a minimum of two hours solar access between 9am and 3pm during the winter solstice.
- C15 - Where surrounding *dwelling*s currently receive less than the required amount of solar access to the *main living room* between 9am and 3pm during the winter solstice, no further reduction of solar access is permitted.

Neighbouring Private Open Space

- C18 - Where surrounding *dwelling*s have east/west facing private open space, ensure solar access is retained for two and a half hours between 9am and 3pm to 50% of the total area (adjacent to living room) during the winter solstice.
- C19 - Where surrounding *dwelling*s currently receive less than the required amount of solar access to their *private open space* between 9am and 3pm during the winter solstice, no further reduction of solar access is permitted.

Largely due to orientation and siting, the proposal does not result in any additional overshadowing to the private open space or main living room glazing of the adjoining properties. The proposal as amended will result in no adverse overshadowing impacts to the rear yard of No. 24 Carrington Street. Hourly Shadow diagrams between 9:00am and 3:00pm mid-winter were lodged with the Development Application, demonstrating compliance with the above-mentioned solar access controls.

C3.11 Visual Privacy

The following controls are applicable:

**C1** *Sight lines available within 9m and 45 degrees between the living room or private open space of a dwelling and the living room window or private open space of an adjoining dwelling are screened or obscured unless direct views are restricted or separated by a street or laneway.*

- offsetting of opposing windows so that they do not directly face one another;*
- offset windows from directly facing adjoining balconies and private open space of adjoining dwellings;*
- screening of opposing windows, balconies and private open space with fixed louvered screens, window hoods, shutters;*
- reduced window areas, subject to compliance with the Building Code of Australia;*
- window sills at or above 1.6m above the finished floor level;*
- use of fixed, obscure glass, subject to adequate ventilation complying with the Building Code of Australia;*
- consistent orientation of buildings;*
- using floor level in design to minimise direct views; and*
- erection of screens and fencing to limit sightlines including dividing fences, privacy screens, projecting blade screens.*

**C10** *Living areas are to be provided at ground floor level to minimise opportunities for overlooking of surrounding residential properties.*

Due to the steep fall of the land from the street towards the rear, the existing dwelling contains an internal living area which is already somewhat elevated from natural ground



level, thus the proposed configuration is considered acceptable. The glazing to the lounge room is located in excess of 9m from the rear adjoining property's private open space.

The amended proposal is considered acceptable with regard to privacy and overlooking impacts to the adjoining properties as privacy screens are proposed to the northern and southern ends of the glazing.

#### 5(d) The Likely Impacts

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

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

The site is zoned R1 General Residential. Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

#### 5(f) Any submissions

The application was notified in accordance with Leichhardt Development Control Plan 2013 for a period of 14 days to surrounding properties. No submissions were received.

#### 5(g) The Public Interest

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

The proposal is not contrary to the public interest.

## 6 Referrals

#### 6(a) Internal

The application was not referred to any internal sections/officers.

#### 6(b) External

The application was not required to be referred to any external bodies.

## 7. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions are not payable for the proposal.

## 8. Conclusion

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

The development will not result in any significant impacts on the amenity of the adjoining properties and the streetscape and is considered to be in the public interest.

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

## 9. Recommendation

- A. The applicant has made written requests pursuant to Clause 4.6 of the *Leichhardt Local Environmental Plan 2013* to vary Clause 4.3A (3)(b) Site Coverage and Clause 4.4 Floor Space Ratio of the *Leichhardt Local Environmental Plan 2013*. After considering the requests, and assuming the concurrence of the Secretary, the Panel is satisfied that compliance with the standards is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variations. The proposed development will be in the public interest because the variations are not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.
- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. D/2019/389 for alterations and additions to existing dwelling-house, new rear deck, rear pergola and associated landscaping works at 22 Carrington Street, Lilyfield, subject to the conditions listed in Attachment A below.

## Attachment A – Recommended conditions of consent

### Conditions of Consent

#### Fees

##### 1. Long Service Levy

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid at the prescribed rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more.

##### 2. Security Deposit - Standard

Prior to the commencement of demolition works or issue of a Construction Certificate, the Certifying Authority must be provided with written evidence that a security deposit and inspection fee has been paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

Security Deposit:	\$2,152.50
Inspection Fee:	\$230.65

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

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

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

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

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

#### General Conditions

##### 3. Documents related to the consent

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
DA/01 V1.2	Proposed site plan / roof plan	Dec 2019	Mcdesign Architects

DA/02 V1.2	Lower ground floor plan	Dec 2019	Mcdesign Architects
DA/03 V1.2	Ground floor plan	Dec 2019	Mcdesign Architects
DA/04 V1.2	First floor plan	Dec 2019	Mcdesign Architects
DA/05 V1.2	Section a & b	Dec 2019	Mcdesign Architects
DA/06 V1.2	Section c & d	Dec 2019	Mcdesign Architects
DA/07 V1.2	North & East Elevation	Dec 2019	Mcdesign Architects
DA/08 V1.2	West & South Elevation	Dec 2019	Mcdesign Architects
A332046	BASIX Certificate	23 August 2013	Mcdesign Architects
DAMS V1.0	Material Schedule	November 2018	Mcdesign Architects

As amended by the conditions of consent.

#### 4. Waste Management Plan

Prior to the commencement of any works (including any demolition works), the Certifying Authority is required to be provided with a Recycling and Waste Management Plan (RWMP) in accordance with the relevant Development Control Plan.

#### 5. Erosion and Sediment Control

Prior to the issue of a commencement of any works (including any demolition works), the Certifying Authority must be provided with an erosion and sediment control plan and specification. Sediment control devices must be installed and maintained in proper working order to prevent sediment discharge from the construction site.

#### 6. Works Outside the Property Boundary

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

### Prior to any Demolition

#### 7. Dilapidation Report

Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the adjoining properties to the Certifying Authority's satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letters that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.

#### 8. Advising Neighbors Prior to Excavation

At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

#### 9. Construction Fencing

Prior to the commencement of any works (including demolition), the site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property.

### Prior to Construction Certificate

#### **10. Structural Certificate for retained elements of the building**

Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with a Structural Certificate prepared by a practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction. The certificate must also include all details of the methodology to be employed in construction phases to achieve the above requirements without result in demolition of elements marked on the approved plans for retention.

#### **11. Sydney Water – Tap In**

Prior to the issue of a Construction Certificate, the Certifying Authority is required to ensure approval has been granted through Sydney Water's online 'Tap In' program 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.

*Note: Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 132092.*

#### **12. Acoustic Report – Aircraft Noise**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans detailing the recommendations of an acoustic report prepared by a suitably qualified Acoustic Engineer demonstrating compliance of the development with the relevant provisions of Australian Standard AS 2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction.

#### **13. Concealment of Plumbing and Ductwork**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans detailing the method of concealment of all plumbing and ductwork including stormwater downpipes within the outer walls of the building so they are not visible.

### During Demolition and Construction

#### **14. Construction Hours – Class 1 and 10**

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work are only permitted between the hours of 7:00am to 5:00pm, Mondays to Saturdays (inclusive) with no works permitted on, Sundays or Public Holidays.

#### **15. Stormwater Drainage System**

Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines discharged by gravity to the kerb and gutter of a public road.

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

If any component of the existing system is not in good condition and /or not operating satisfactorily and/or impacted by the works and/or legal rights for drainage do not exist, the drainage system must be upgraded to discharge legally by gravity to the kerb and gutter of a public road. Minor roof or paved areas that cannot reasonably be drained by gravity to a public



road may be disposed on site subject to ensure no concentration of flows or nuisance to other properties.

#### **16. Survey Prior to Footings**

Upon excavation of the footings and before the pouring of the concrete, the Certifying Authority must be provided with a certificate of survey from a registered land surveyor to verify that the structure will not encroach over the allotment boundaries.

#### **Prior to Occupation Certificate**

#### **17. Aircraft Noise –Alterations and Additions**

Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), the Principal Certifier must be provided with a report from a suitably qualified person demonstrating that each of the commitments listed in Aircraft Noise Assessment Report required by this consent has been satisfied.

Where it is found that internal noise levels are greater than the required dB(A) rating due to faulty workmanship or the like, necessary corrective measures must be carried out and a further certificate being prepared and submitted to the Principal Certifier in accordance with this condition.

#### **Advisory notes**

##### **Prescribed Conditions**

This consent is subject to the prescribed conditions of consent within clause 98-98E of the *Environmental Planning and Assessment Regulations 2000*.

##### **Notification of commencement of works**

At least 7 days before any demolition work commences:

- a) the Council must be notified of the following particulars:
  - i. the name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
  - ii. the date the work is due to commence and the expected completion date; and
- b) a written notice must be placed in the letter box of each directly adjoining property identified advising of the date the work is due to commence.

##### **Storage of Materials on public property**

The placing of any materials on Council's footpath or roadway is prohibited, without the prior consent of Council.

##### **Toilet Facilities**

The following facilities must be provided on the site:

- a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
- b) a garbage receptacle for food scraps and papers, with a tight fitting lid.

Facilities must be located so that they will not cause a nuisance.

**Infrastructure**

The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be undertaken before occupation of the site.

**Other Approvals may be needed**

Approvals under other acts and regulations may be required to carry out the development. It is the responsibility of property owners to ensure that they comply with all relevant legislation. Council takes no responsibility for informing applicants of any separate approvals required.

**Consent of Adjoining property owners**

This consent does not authorise the applicant, or the contractor engaged to do the tree works to enter a neighbouring property. Where access to adjacent land is required to carry out approved tree works, Council advises that the owner's consent must be sought. Notification is the responsibility of the person acting on the consent. Should the tree owner/s refuse access to their land, the person acting on the consent must meet the requirements of the Access To Neighbouring Lands Act 2000 to seek access.

**Arborists standards**

All tree work must be undertaken by a practicing Arborist. The work must be undertaken in accordance with AS4373—Pruning of amenity trees and the Safe Work Australia Code of Practice—Guide to Managing Risks of Tree Trimming and Removal Work. Any works in the vicinity of the Low Voltage Overhead Network (including service lines—pole to house connections) must be undertaken by an approved Network Service Provider contractor for the management of vegetation conflicting with such services. Contact the relevant Network Service Provider for further advice in this regard.

**Tree Protection Works**

All tree protection for the site must be undertaken in accordance with Council's Development Fact Sheet—Trees on Development Sites and AS4970—Protection of trees on development sites.

**Tree Pruning or Removal**

Removal or pruning of any other tree (that would require consent of Council) on the site is not approved and must be retained and protected in accordance with Council's Development Fact Sheet—Trees on Development Sites.

**Failure to comply with conditions**

Failure to comply with the relevant provisions of *the Environmental Planning and Assessment Act 1979* and/or the conditions of this consent may result in the serving of penalty notices or legal action.

**Other works**

Works or activities other than those approved by this Development Consent will require the submission of a new Development Application or an application to modify the consent under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

**Obtaining Relevant Certification**

This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, such as (if necessary):

- a) Application for any activity under that Act, including any erection of a hoarding.
- b) Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*.
- c) Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*.
- d) Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed.
- e) Application for Strata Title Subdivision if strata title subdivision of the development is proposed.
- f) Development Application for demolition if demolition is not approved by this consent.
- g) Development Application for subdivision if consent for subdivision is not granted by this consent.

**Chartered/Registered Engineer**

An engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng).

**Public Domain and Vehicular Crossings**

The vehicular crossing and/or public domain works are required to be constructed by your contractor. You or your contractor must complete an application for 'Design of Vehicle Crossing and Public Domain Works – Step 1' form and/or 'Construction of Vehicle Crossing and Public Domain Works – Step 2' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.

You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be at no cost to Council

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

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

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

**National Construction Code (Building Code of Australia)**

A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out. All building works approved by this consent must be carried out in accordance with the requirements of the National Construction Code.

**Insurances**

Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands is required to take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the

works. The Policy must be valid for the entire period that the works are being undertaken on public property.

#### **Notification of commencement of works**

Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the PCA (not being the council) has given the Council written notice of the following information:

- a) in the case of work for which a principal contractor is required to be appointed:
  - i.the name and licence number of the principal contractor, and
  - ii.the name of the insurer by which the work is insured under Part 6 of that Act,
- b) in the case of work to be done by an owner-builder:
  - i.the name of the owner-builder, and
  - ii.if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

#### **Dividing Fences Act**

The person acting on this consent must comply with the requirements of the *Dividing Fences Act 1991* in respect to the alterations and additions to the boundary fences.

#### **Permits from Council under Other Acts**

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

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

Contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. A lease fee is payable for all occupations.

#### **Noise**

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

#### **Amenity Impacts General**

The use of the premises must not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and Regulations. The use of the premises

and the operation of plant and equipment must not give rise to the transmission of a vibration nuisance or damage other premises.

#### **Construction of Vehicular Crossing**

The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for 'Construction of a Vehicular Crossing & Civil Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, prior to commencement of works.

#### **Lead-based Paint**

Buildings built or painted prior to the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned prior to occupation of the room or building.

#### **Asbestos Removal**

A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m<sup>2</sup> of bonded asbestos (or otherwise specified by WorkCover or relevant legislation).

Removal of friable asbestos material must only be undertaken by a contractor that holds a current AS1 Friable Asbestos Removal Licence.

Demolition sites that involve the removal of asbestos must display a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility.

All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2005. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.

#### **Dial before you dig**

Contact "Dial Prior to You Dig" prior to commencing any building activity on the site.

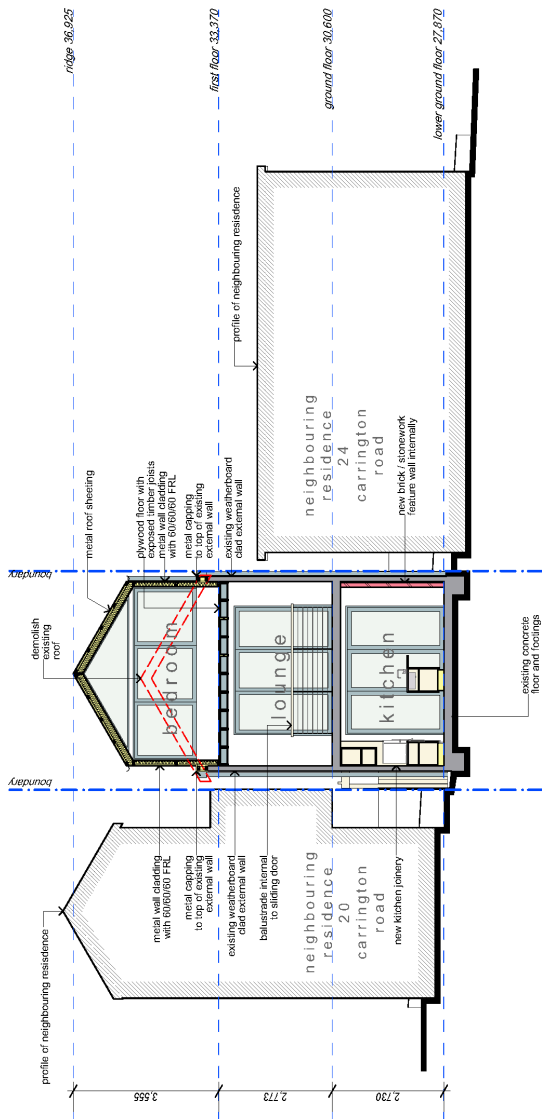
#### **Useful Contacts**

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm <a href="http://www.basix.nsw.gov.au">www.basix.nsw.gov.au</a>
Department of Fair Trading	13 32 20 <a href="http://www.fairtrading.nsw.gov.au">www.fairtrading.nsw.gov.au</a> Enquiries relating to Owner Builder Permits and Home Warranty Insurance.

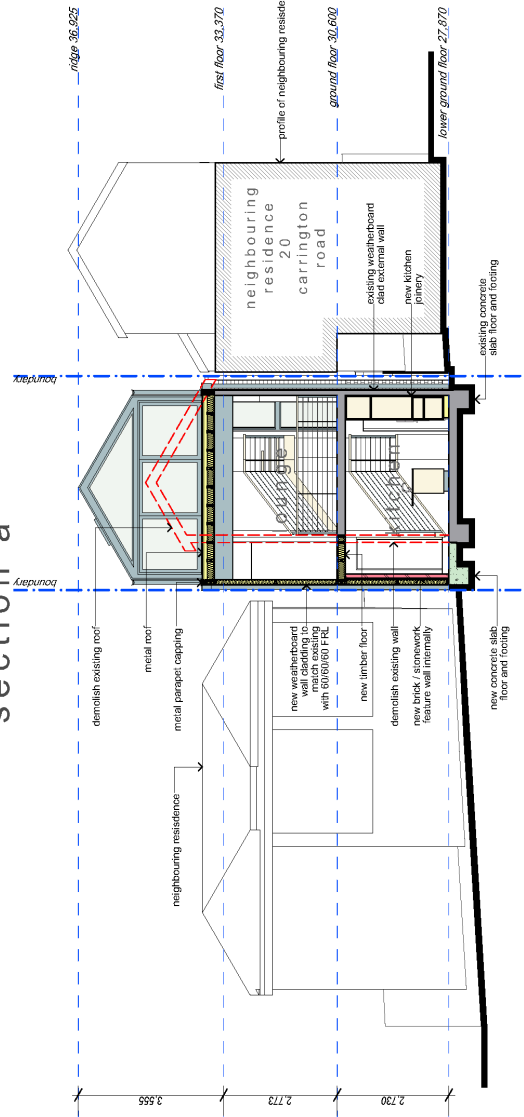


Dial Prior to You Dig	1100 <a href="http://www.dialprior.toyoudig.com.au">www.dialprior.toyoudig.com.au</a>
Landcom	9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Corporation	Payments 131441 <a href="http://www.lspc.nsw.gov.au">www.lspc.nsw.gov.au</a>
NSW Food Authority	1300 552 406 <a href="http://www.foodnotify.nsw.gov.au">www.foodnotify.nsw.gov.au</a>
NSW Government	<a href="http://www.nsw.gov.au/fibro">www.nsw.gov.au/fibro</a> <a href="http://www.diySAFE.nsw.gov.au">www.diySAFE.nsw.gov.au</a> Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555 <a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a>
Sydney Water	13 20 92 <a href="http://www.sydneywater.com.au">www.sydneywater.com.au</a>
Waste Service - Environmental Solutions	SITA 1300 651 116 <a href="http://www.wasteservice.nsw.gov.au">www.wasteservice.nsw.gov.au</a>
Water Efficiency Labelling and Standards (WELS)	<a href="http://www.waterrating.gov.au">www.waterrating.gov.au</a>
SafeWork NSW	13 10 50 <a href="mailto:contact@safework.nsw.gov.au">contact@safework.nsw.gov.au</a> Enquiries relating to work safety and asbestos removal and disposal.

Attachment B – Plans of proposed development



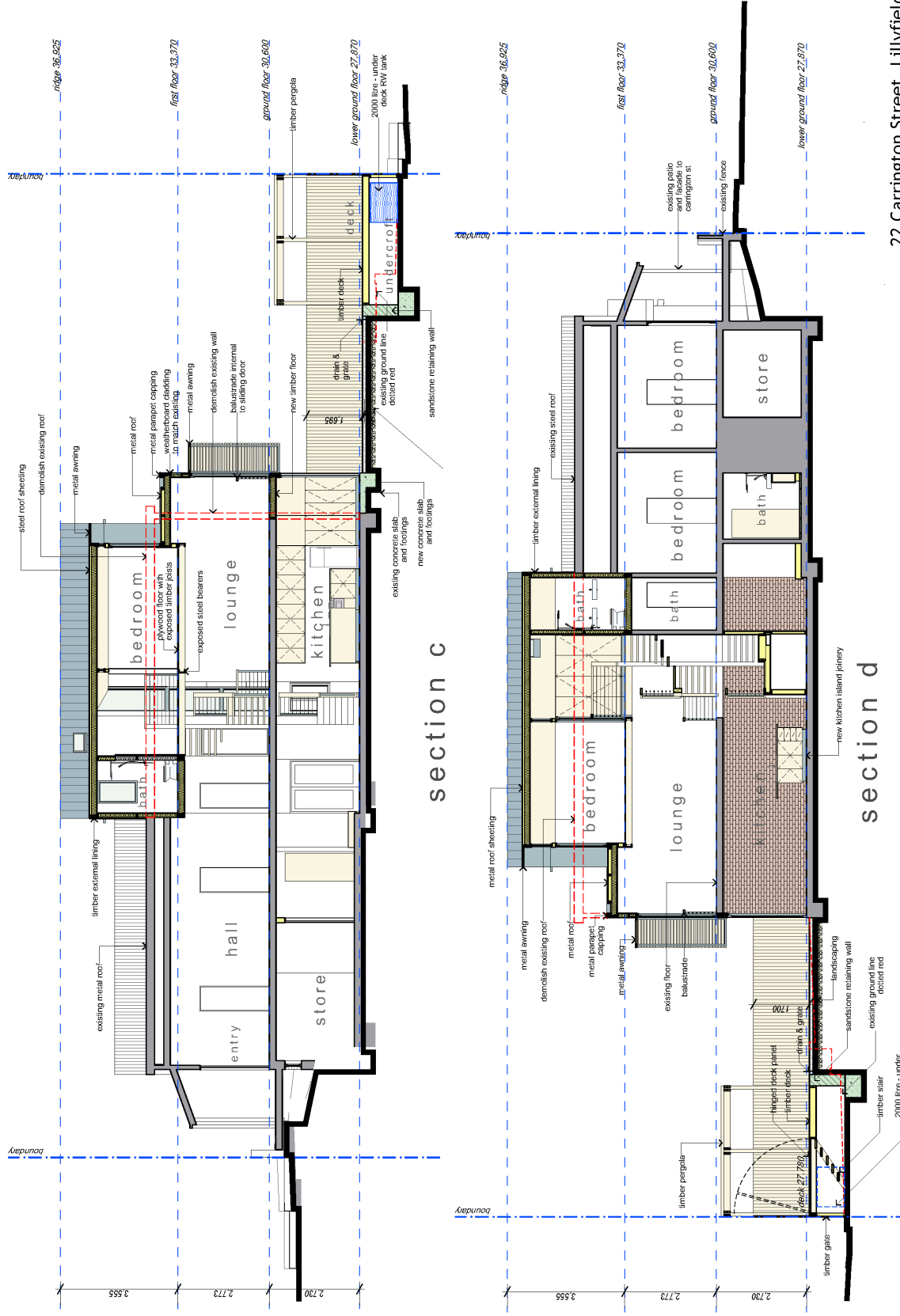
section a



section b

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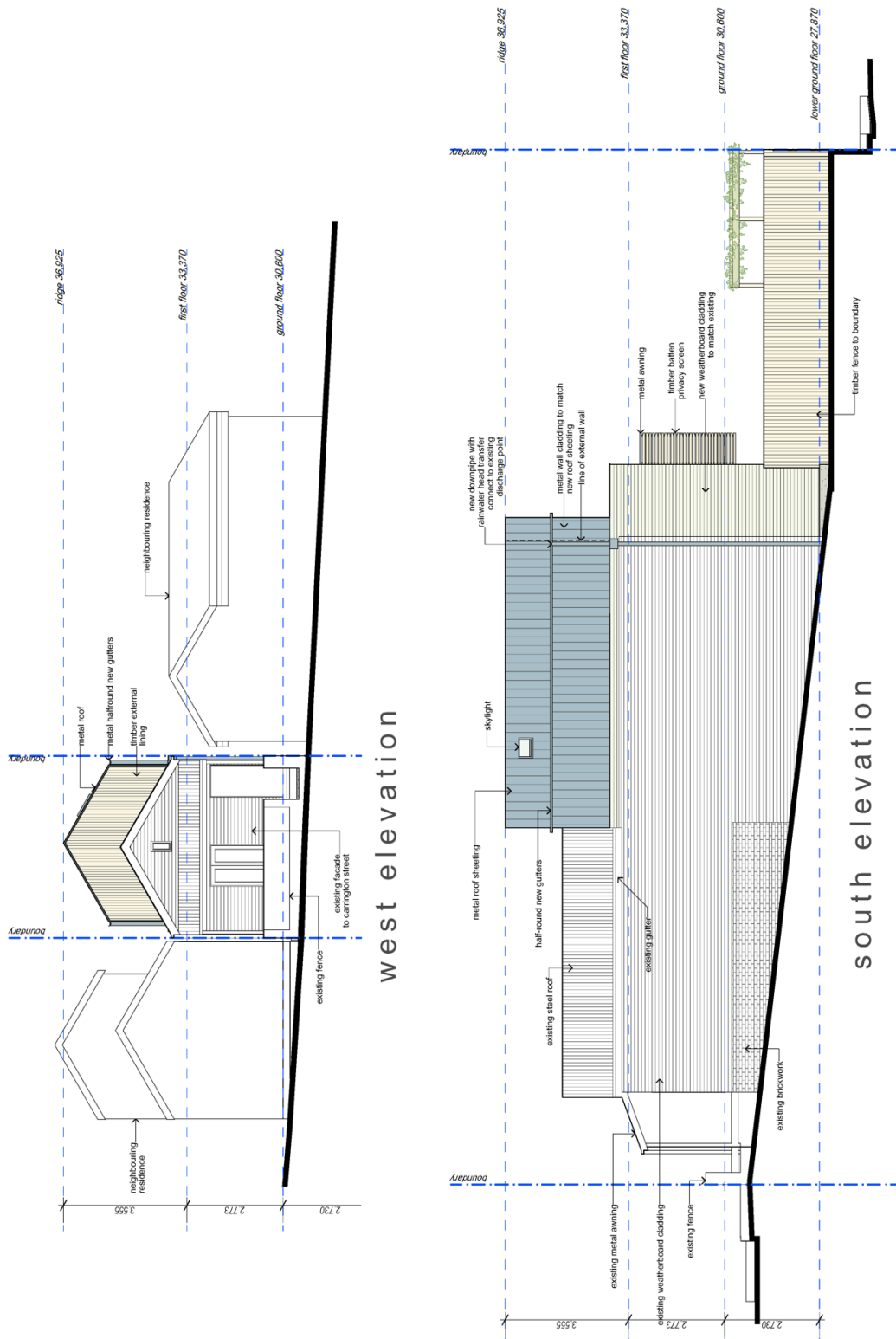
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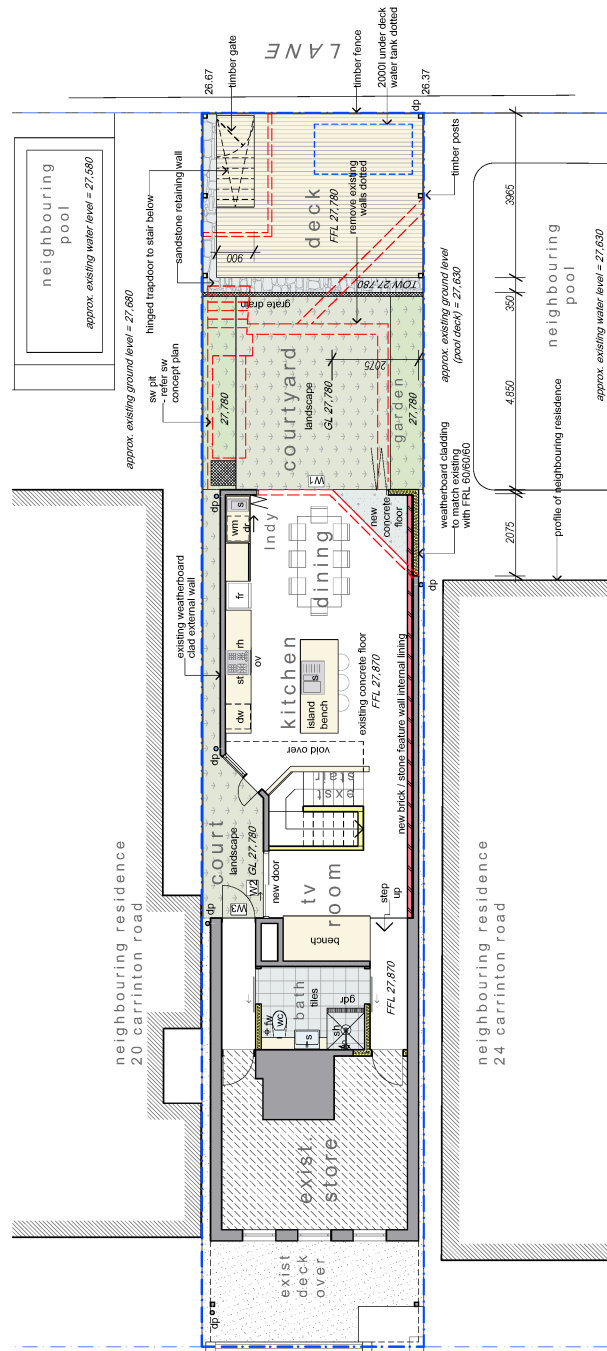
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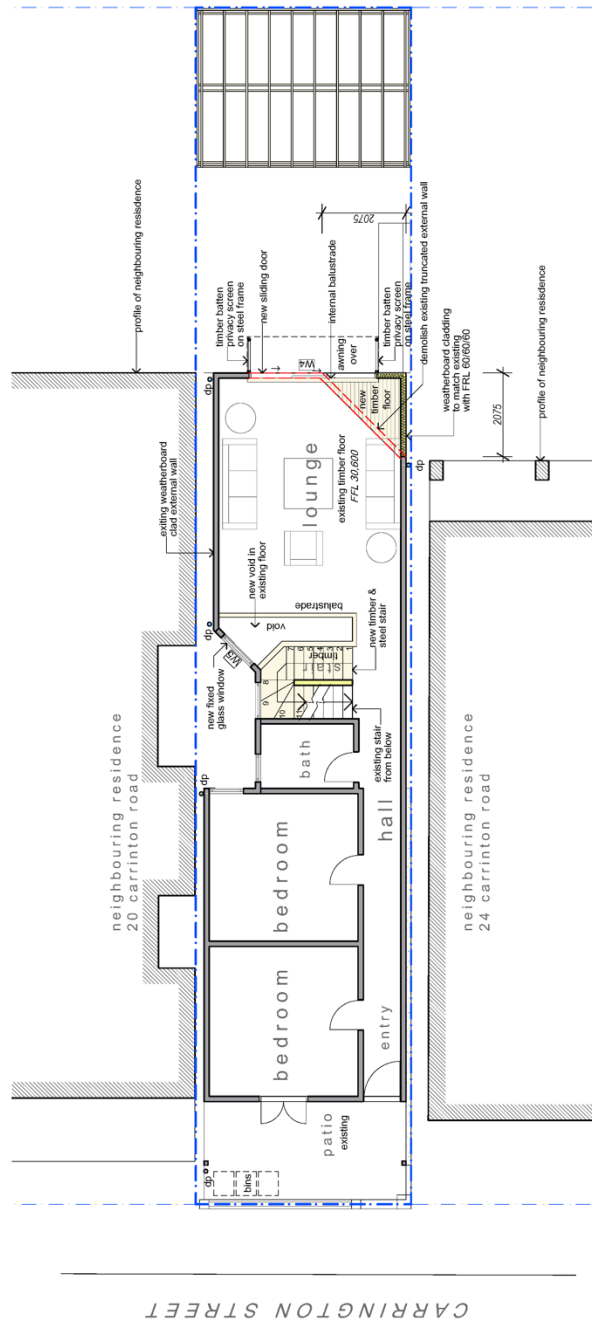


lower ground floor plan

22 Carrington Street, Lilyfield

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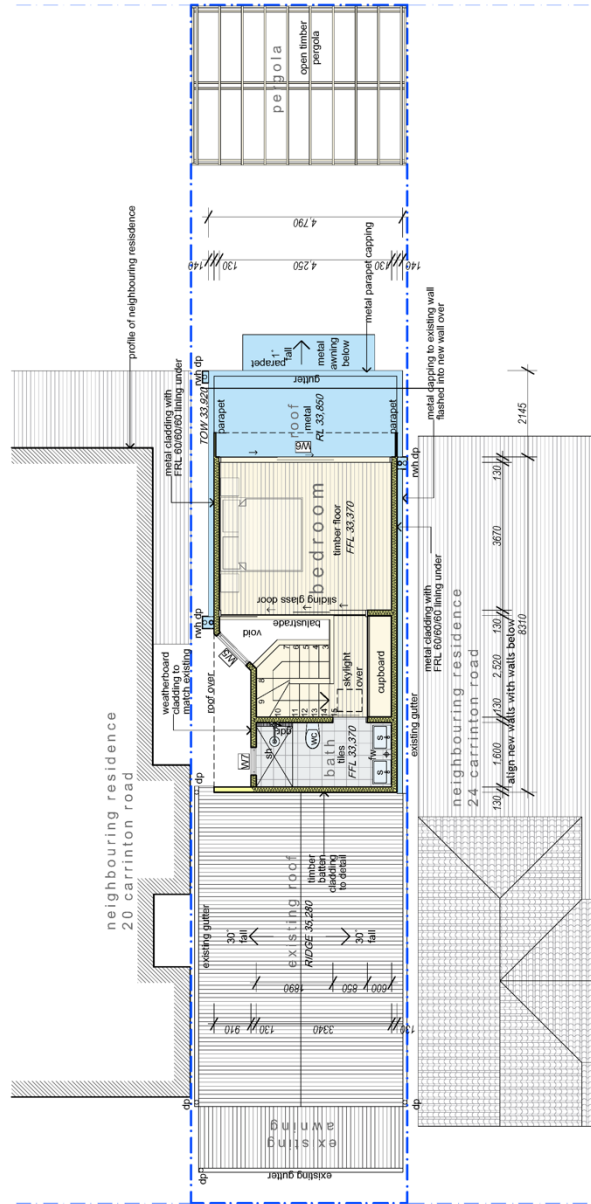


ground floor plan



north  
 22 Carrington Street, Lillyfield

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first floor plan



north

22 Carrington Street, Lillyfield

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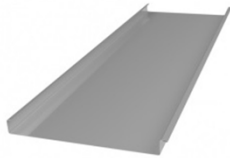


fibre cement wall cladding  
(weatherboard look)  
to match existing

Painted light grey



permeable landscaped surfaces

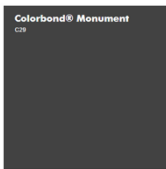


roof and wall cladding  
- new 1st floor addition

lysaght "imperial"  
standing seam



- new first floor addition



colorbond "monument"

metal roofing  
metal walling  
flashings  
cappings  
downpipes  
gutters  
rainwater goods  
metal awnings

gutter style  
- half round



cement render



gable end  
- rear lane doors

natural timber

light grey



window & doors - aluminum frames  
powdercoat white



external timber work  
- privacy screens

natural timber



external steel work  
privacy screen frames

natural steel grey  
micaceous iron oxide



pergola - natural timber

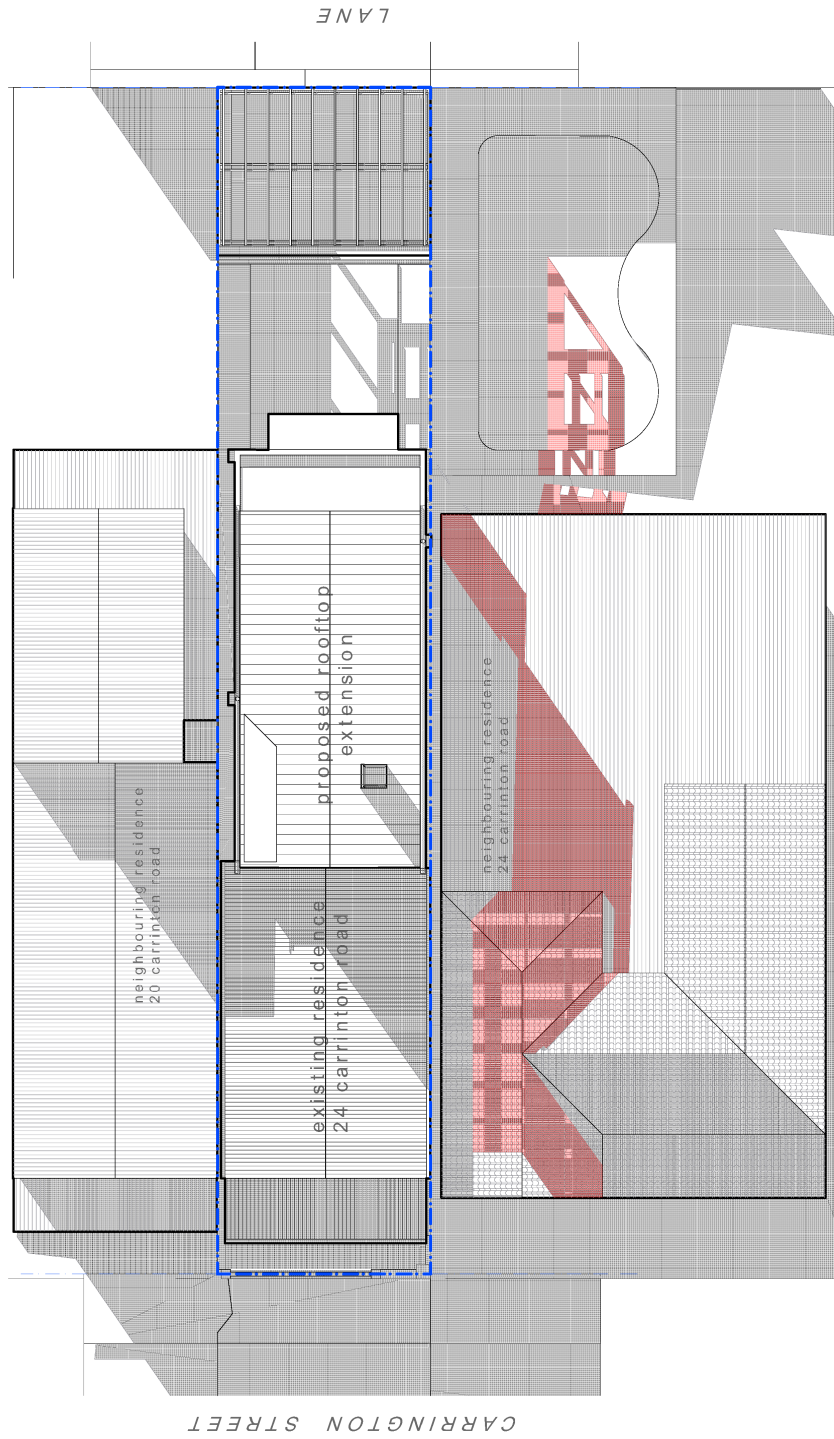
material schedule

November 2018 - scale: NTS - job No. 847 - dwg No. DA/MS-V1.0

22 Carrington Street, Lilyfield

Alterations & Additions

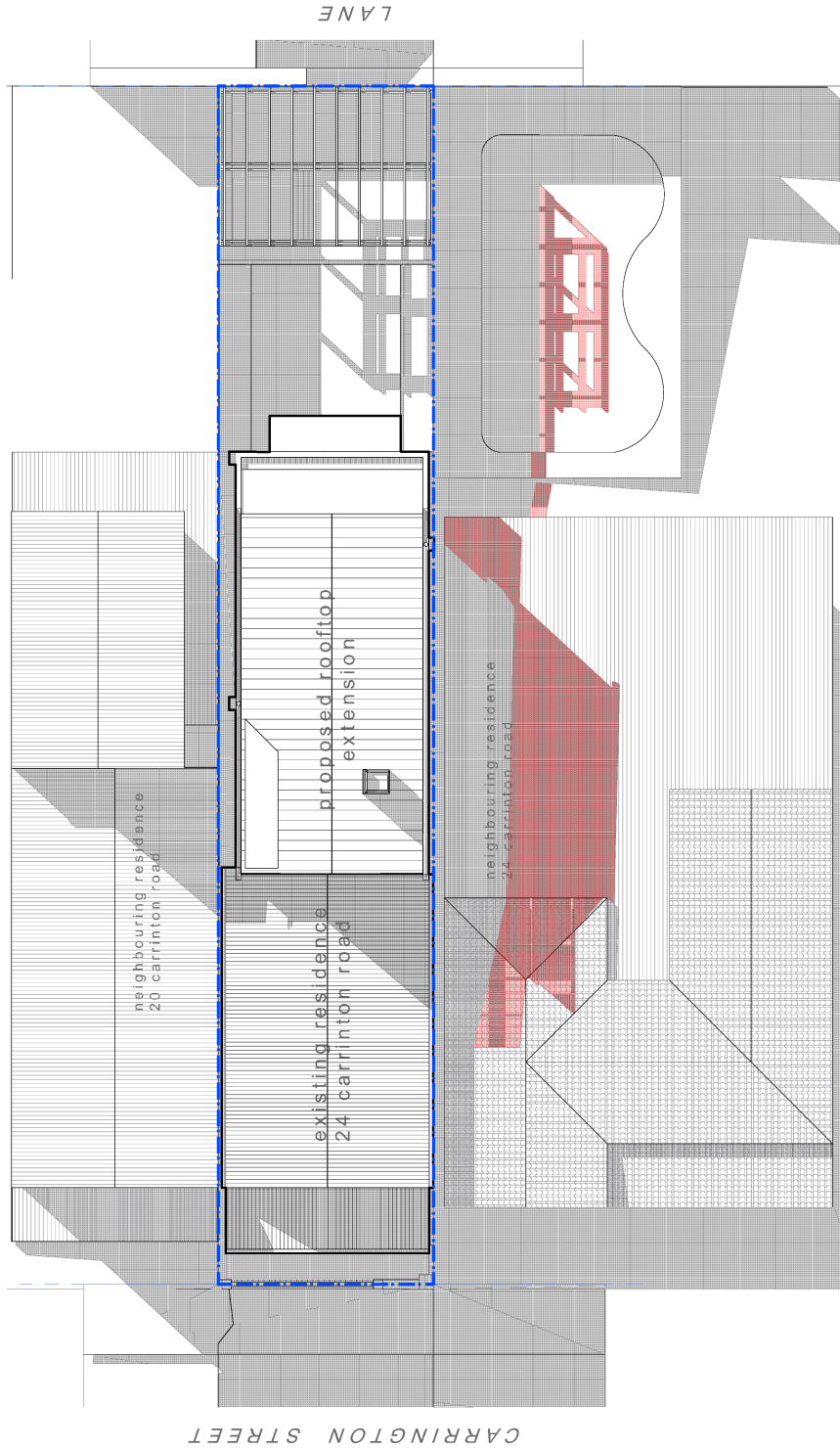
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shadow plan diagram 21 june 9am

22 Carrington Street, Lillyfield

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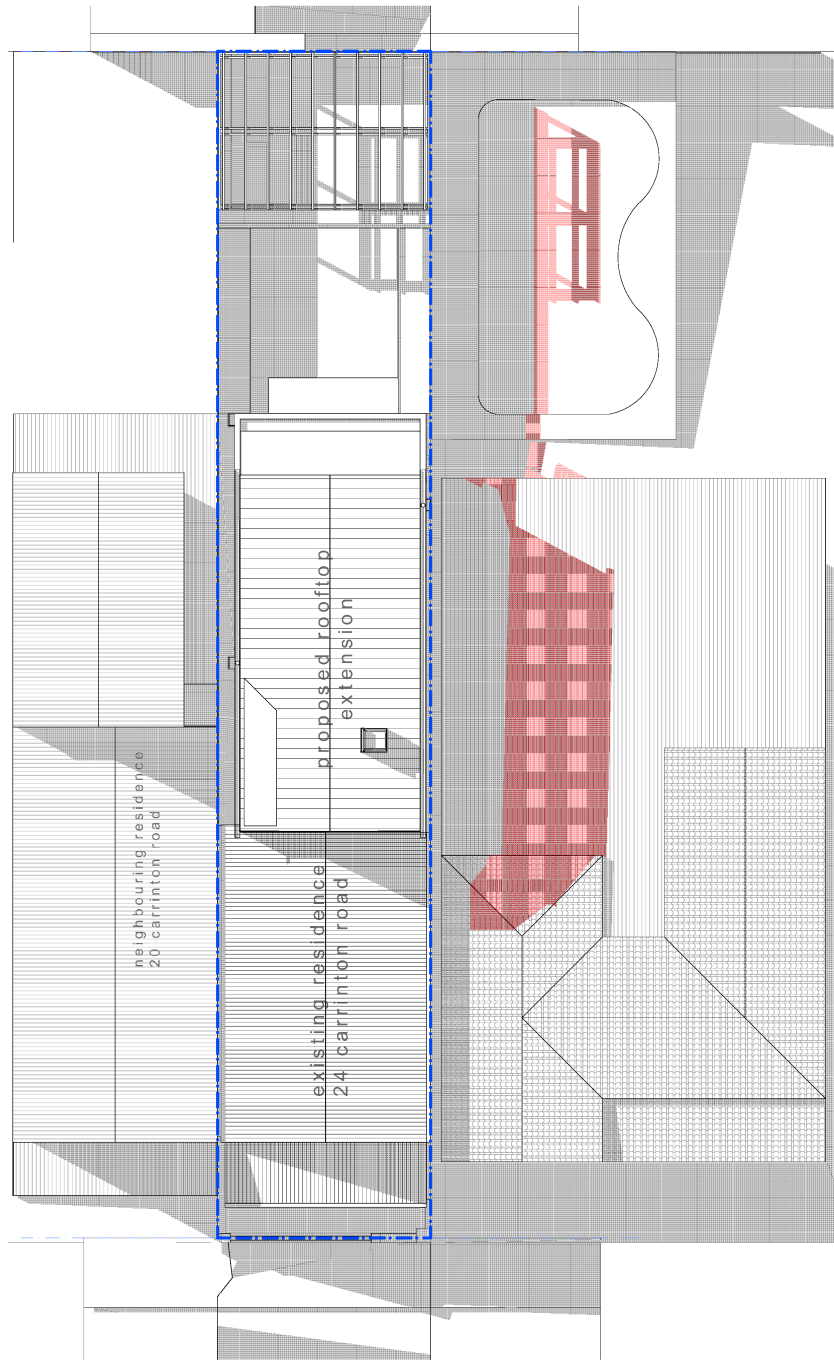


shadow plan diagram 21 june 10am

north  
22 Carrington Street, Lillyfield

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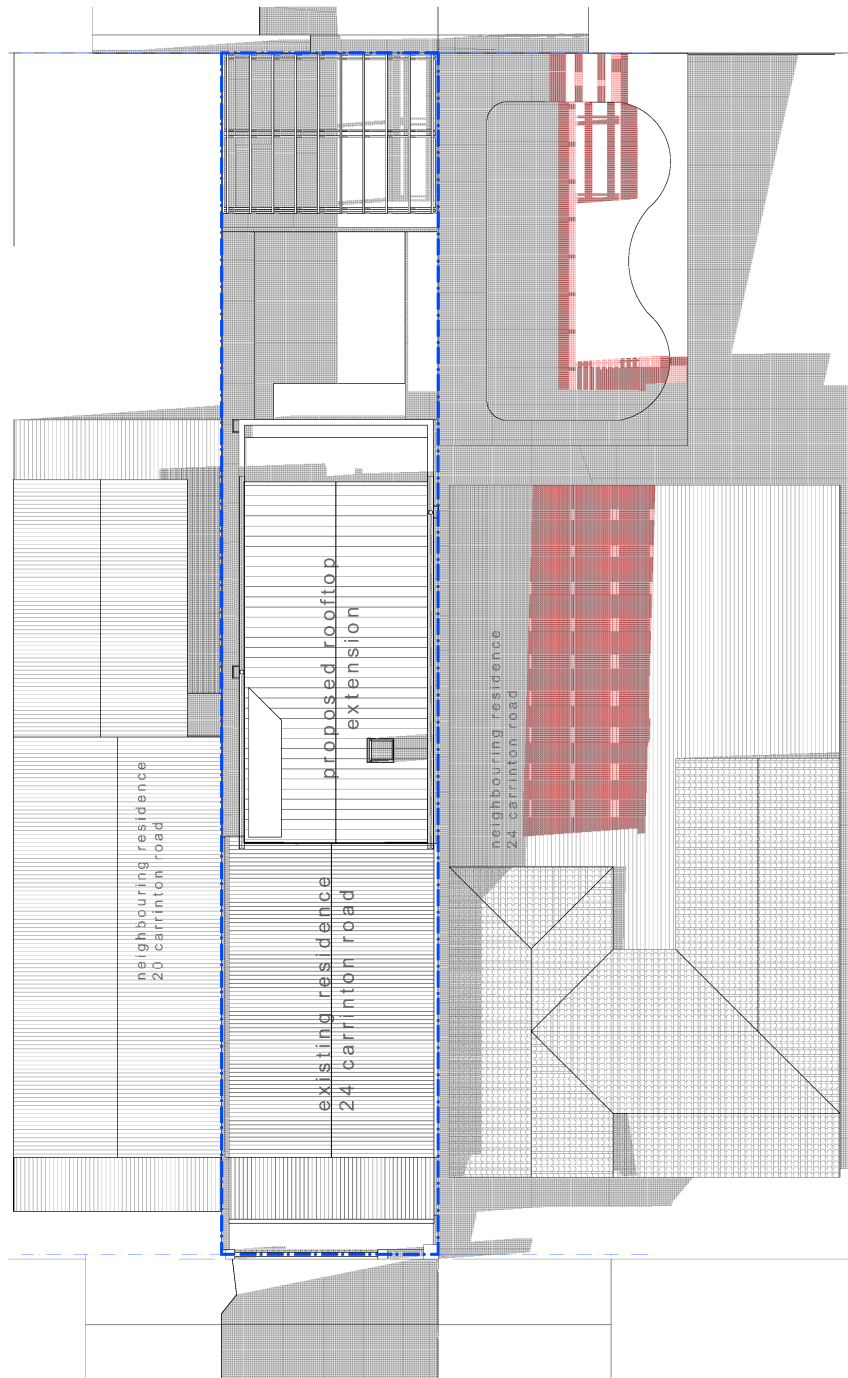


shadow plan diagram 21 june 11am

22 Carrington Street, Lillyfield

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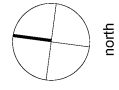
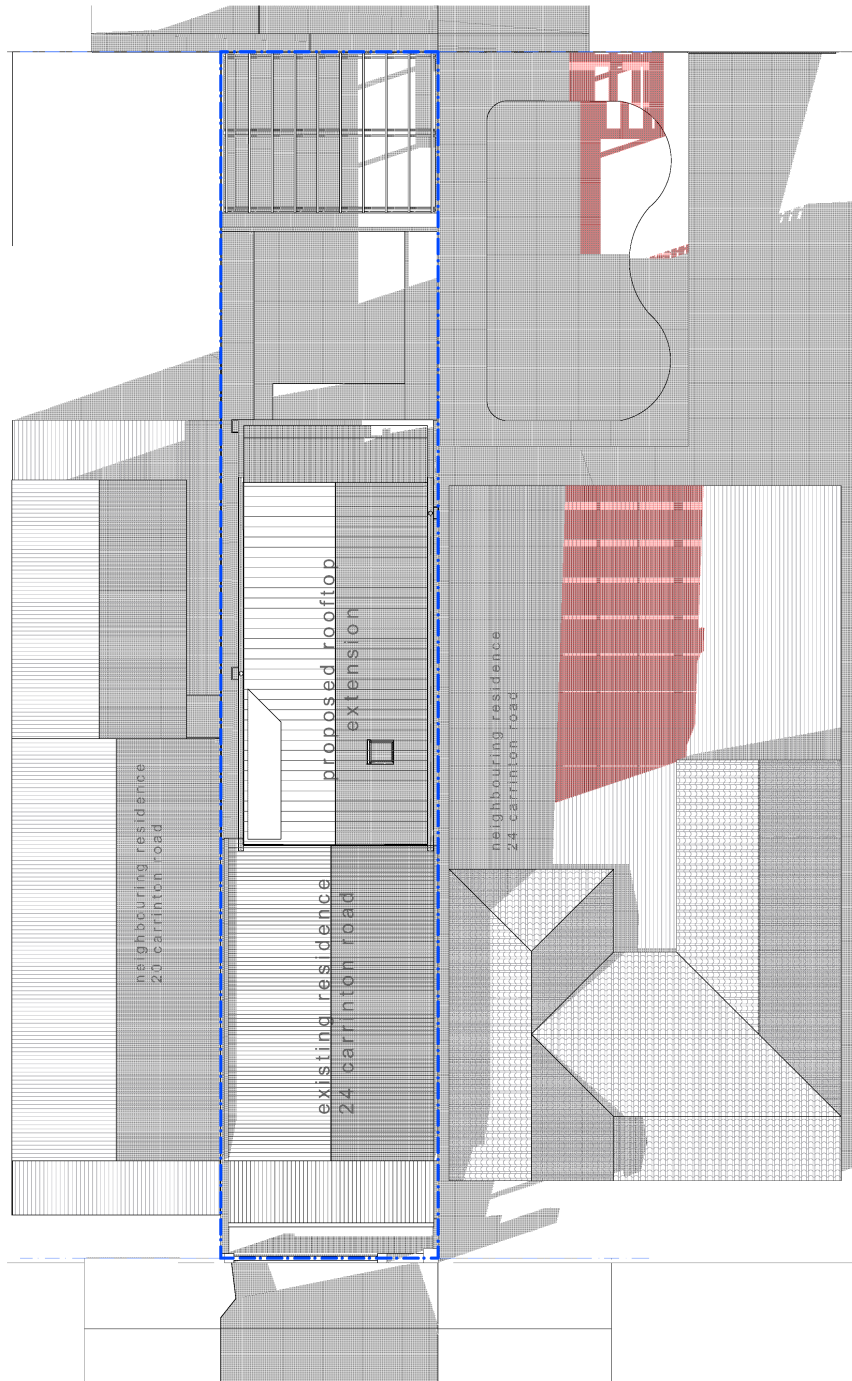


shadow plan diagram 21 june 1pm

north

22 Carrington Street, Lillyfield

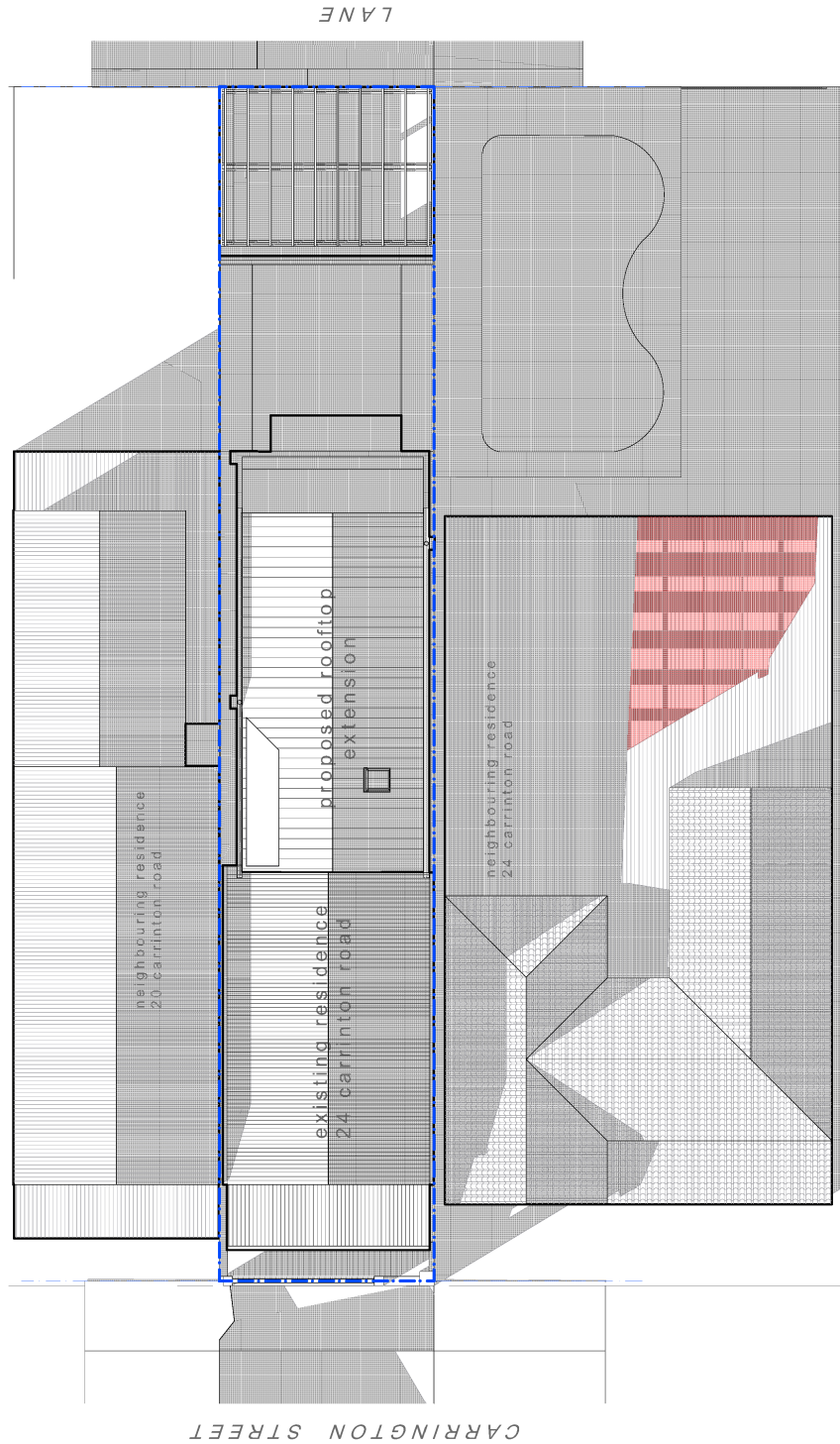
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shadow plan diagram 21 june 2pm

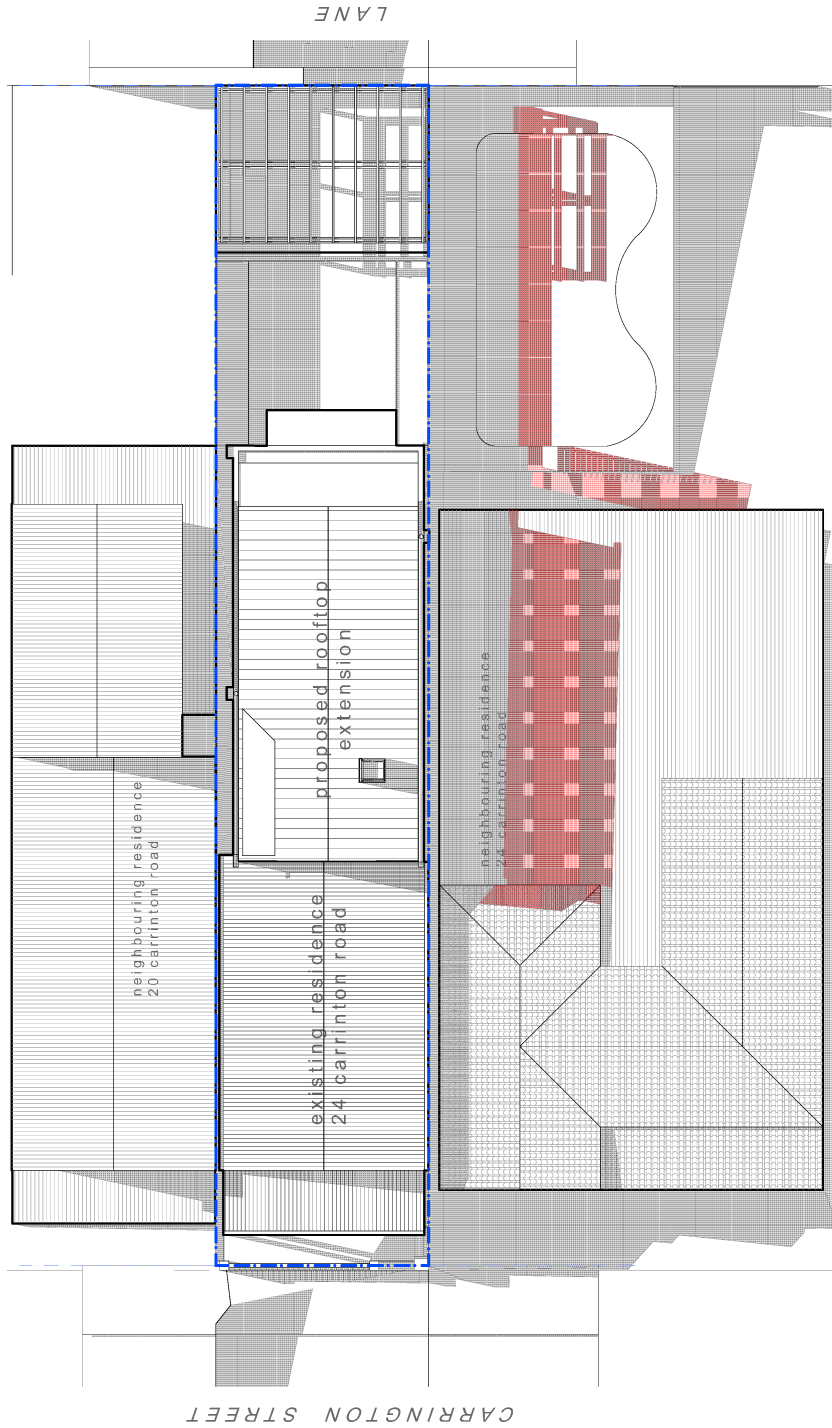
22 Carrington Street, Lillyfield

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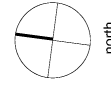


shadow plan diagram 21 june 3pm

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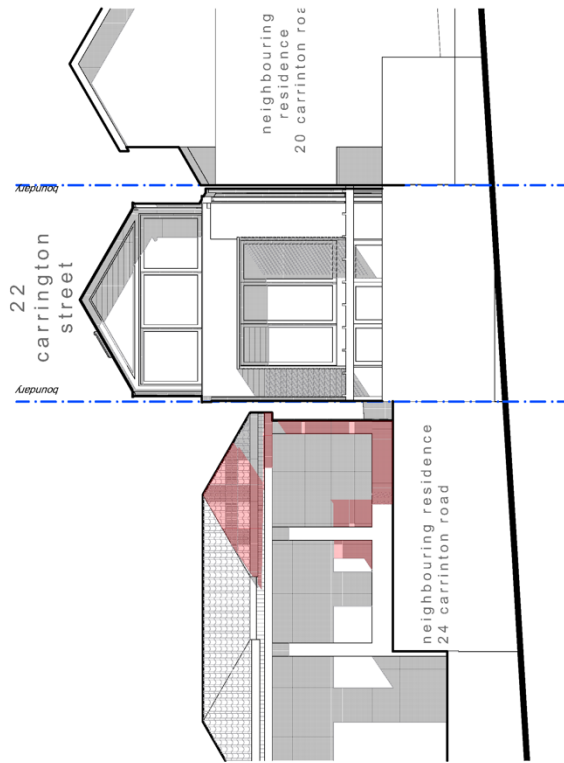


shadow plan diagram 21 june 12pm

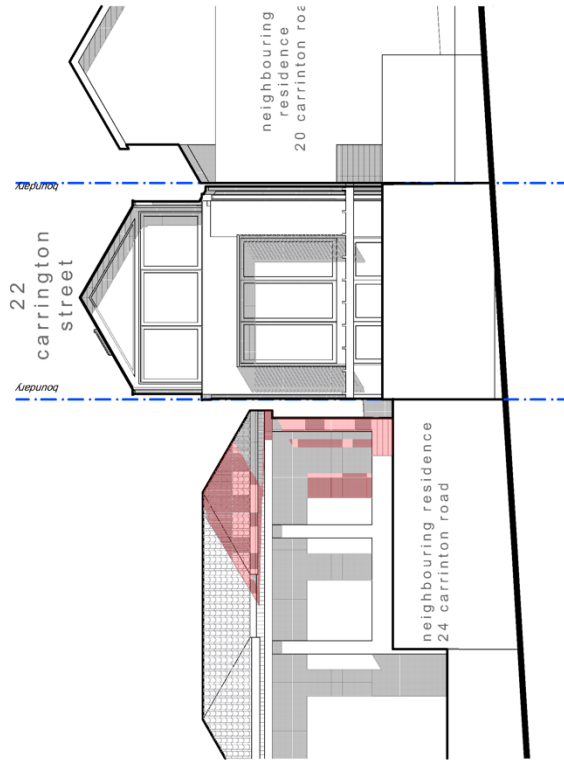


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shadow diagram west elevation  
- 21 june 10 am

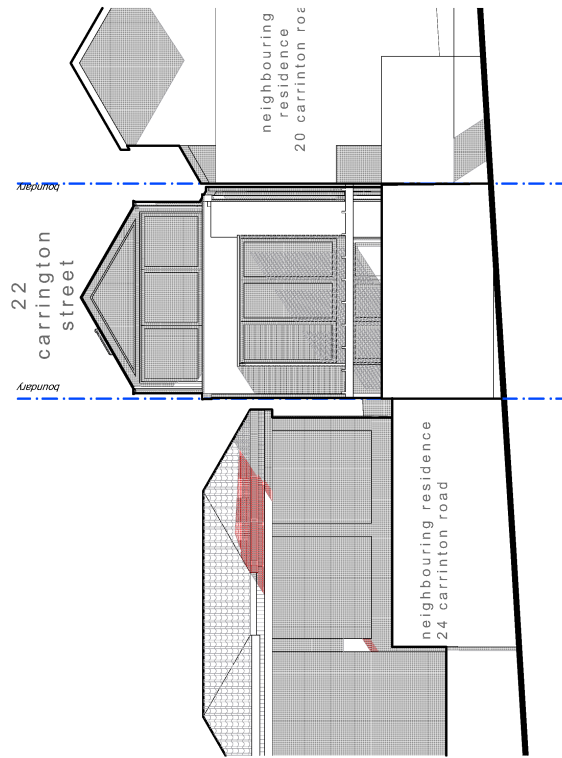


shadow diagram west elevation  
- 21 june 9 am

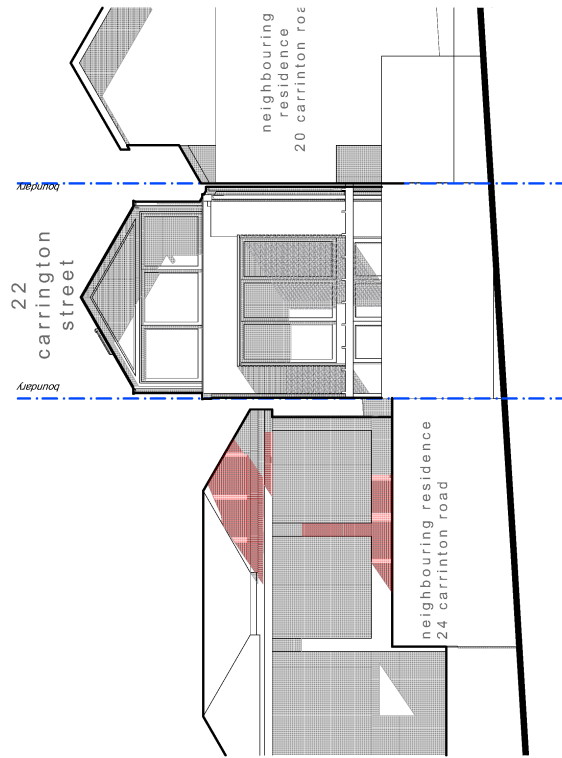
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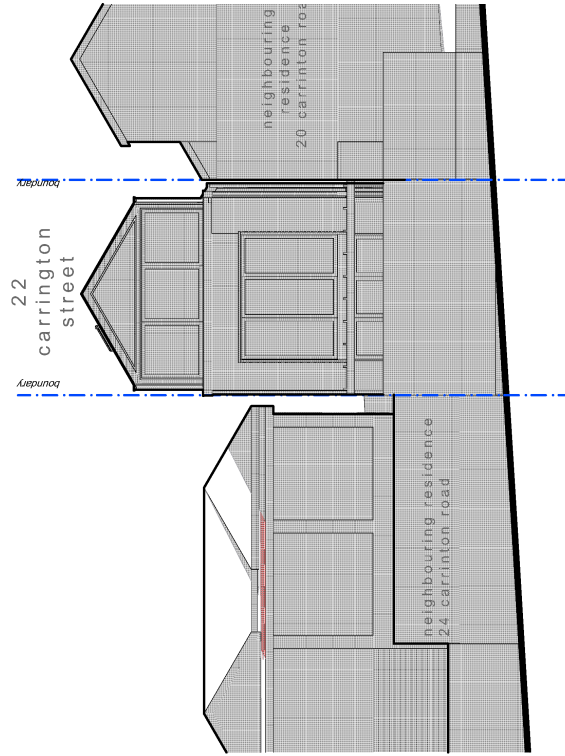
shadow diagram west elevation  
- 21 june 12 pm



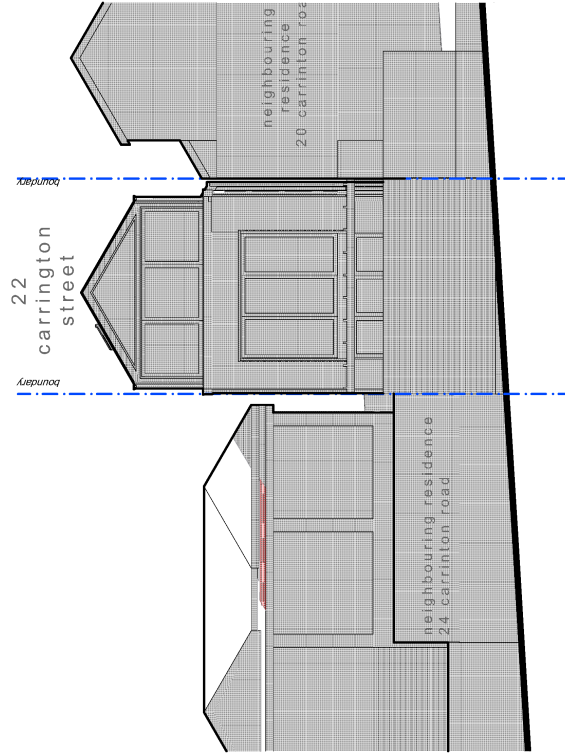
shadow diagram west elevation  
- 21 june 11 am

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shadow diagram west elevation  
- 21 june 2 pm

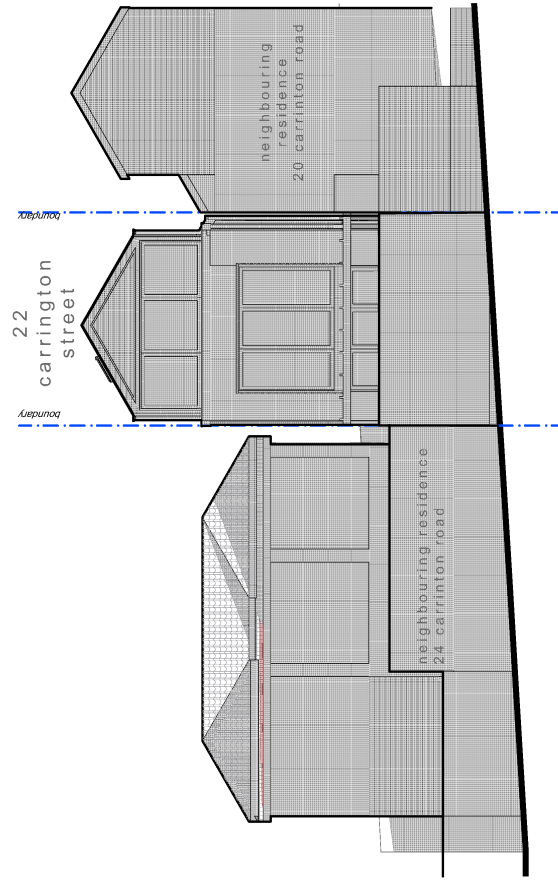


shadow diagram west elevation  
- 21 june 1 pm

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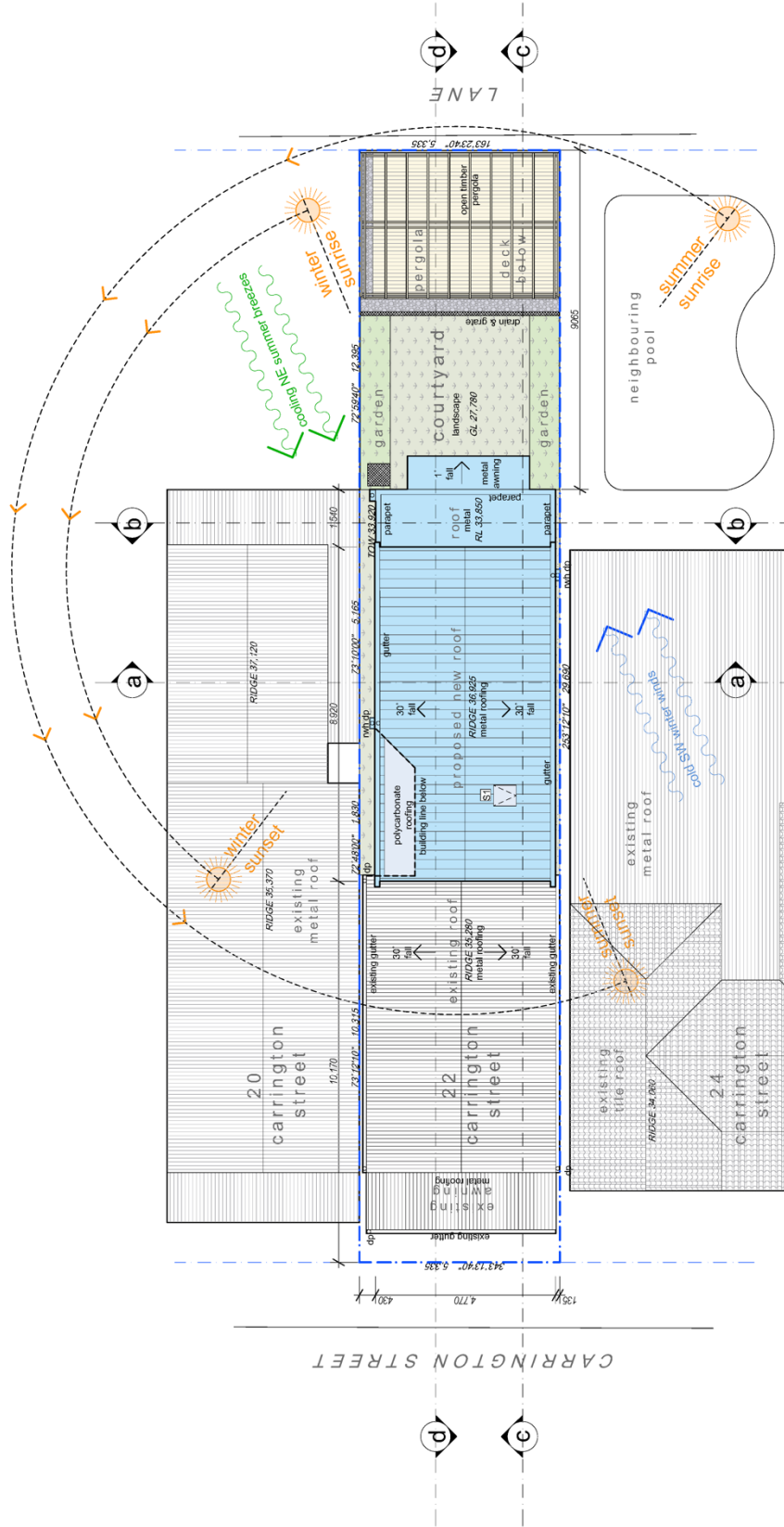




shadow diagram west elevation 21 june 3pm

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proposed site plan / roof plan

basix notes

- min 40% of new lights to be compact fluorescent or LED
- new shower heads, toilets, taps to have min 3 star water rating
- new external framed wall insulation min R1.3
- new raked ceiling, min insulation R 0.74 plus 100mm foil backed blanket
- new roofing material to have dark solar absorbance
- new roofing material to have solar reflectance index value 6.44 or less
- all skylights to have U value 6.21 or less

planning

- zoning - R1 general residential
- site area - 157.7m<sup>2</sup>
- lower ground floor FA - (existing) 53.2m<sup>2</sup>
- lower ground floor FA - (proposed) 54.9m<sup>2</sup>
- ground floor FA - (existing) 17.6m<sup>2</sup>
- ground floor FA - (proposed) 17.6m<sup>2</sup>
- first floor FA - (proposed) 26.1m<sup>2</sup>
- existing FSR - 0.82 : 1
- proposed FSR - 0.99 : 1
- existing roof area - 93.6m<sup>2</sup>
- proposed roof area - 102.3 + 13.4 (shed) = 115.7m<sup>2</sup>
- max building height - 9.0m

notes

- check all dimensions on site
- connect all services to existing
- refer to Basix certificate
- refer to Statement of Environmental Effects
- refer to Survey Plan by Benchmark Surveys
- refer to Stormwater concept plan by Rise consulting engineers

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Attachment C- Clause 4.6 Exception to Development Standards



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

**DEVELOPMENT APPLICATION DETAILS:**

<b>Address:</b>	22 Carrington Street, Lilyfield, NSW 2040
<b>Proposed Development:</b>	Alterations and additons to a detached dwelling including a new outbuilding
I wish to lodge a request to vary the following development standard for the reasons indicated:	

<b>WHAT IS THE STANDARD SOUGHT TO BE VARIED?</b>	
<input checked="" type="checkbox"/>	<b>Floor Space Ratio</b> – Clause 4.4 or 4.4A of LEP 2013
<input type="checkbox"/>	<b>Landscaped Area</b> – Clause 4.3A(3)(a) of LEP 2013
<input type="checkbox"/>	<b>Site Coverage</b> – Clause 4.3A(3)(b) of LEP 2013
<input type="checkbox"/>	<b>Subdivision Allotment size</b> – Clause 4.1 of LEP 2013
<input type="checkbox"/>	<b>Foreshore Building Area</b> – Clause 6.5 of LEP 2013
<input type="checkbox"/>	<b>Diverse Housing</b> – Clause 6.13 of LEP 2013
<p>The purpose of the above standards is to ensure that the proposed works are compatible with the surrounding environment in terms of bulk, scale, amenity, streetscape, setting, transport and preserving the character of the building and surrounding conservation area and heritage items</p> <p>Where an applicant wishes to vary a development standard, the application must be accompanied by a well-founded, written request which seeks to justify the contravention of the development standard by demonstrating:</p> <p>a. that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case</p> <p>b. that there are sufficient environmental planning grounds to justify contravening the development standard.</p>	

<b>What are the environmental planning grounds that justify contravening the development standard?</b>
The proposal is consistent in height, bulk, scale, and density with recent alterations and additions on the adjoining properties at numbers 18 & 20 Carrington Street.
The proposal complies with the LEP controls for the desired future character of the neighbourhood. The primary impact from the proposal is some overshadowing to the southern neighbouring dwelling. The impact may be acceptable in the circumstances, as the property (24 Carrington St.) can develop to a similar scale in the future.
The proposal does not impact on the views to or from any adjoining property.
The proposal does not change the amenity of the surrounding public area.
<b>Why is compliance with the standard unreasonable or unnecessary? What are the special circumstances in this case? (To answer consider whether a development that complies is unnecessary or unreasonable)</b>
Some of the additional floor space has been added to the lower ground floor and does not have any environmental impacts as it is virtually underground. The proposed 1st floor addition creates additional floor area of 26.1 sqm or 16.5 %, which has measurable environmental impact . This additional area increases the FSR from 0.73 to 0.91:1 which is in-excess of the standard.
Mitigating circumstances in this case are:
The 1st floor addition is similar to the additions at numbers 18 & 20 Carrington St.
Adequate private open space and landscaped areas have been provided.
The topography of the site, creates areas of floor space which has no impacts.
The proposed building envelope is appropriate to the context.
The setbacks are comparable to surrounding developments.
A compliant development would reduce the new upper floor to only 14 sqm without reducing the impact as the rear building line determines the extent of overshadowing on the adjoining rear gardens
<b>Is the proposed development consistent with the objectives of the particular standard? Is the proposal consistent with the objectives of the relevant zone?</b>
The proposal is compatible with the desired future character of the area in relation to building bulk, form and scale and provides a suitable balance between landscaped areas and the built form.
Ridge, gutter heights and roof forms are equivalent in size & character to predominant building forms in the locality. The proposal provides adequate outdoor areas of both hard and soft landscaping.
The proposal provides work from home opportunities and is compatible with the surrounding buildings and provides landscaped areas for residents to enjoy, improving the amenity of the subject site with acceptable impacts on the adjoining properties.



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

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<input type="checkbox"/>	<b>Landscaped Area</b> – Clause 4.3A(3)(a) of LEP 2013
<input checked="" type="checkbox"/>	<b>Site Coverage</b> – Clause 4.3A(3)(b) of LEP 2013
<input type="checkbox"/>	<b>Subdivision Allotment size</b> – Clause 4.1 of LEP 2013
<input type="checkbox"/>	<b>Foreshore Building Area</b> – Clause 6.5 of LEP 2013
<input type="checkbox"/>	<b>Diverse Housing</b> – Clause 6.13 of LEP 2013
The purpose of the above standards is to ensure that the proposed works are compatible with the surrounding environment in terms of bulk, scale, amenity, streetscape, setting, transport and preserving the character of the building and surrounding conservation area and heritage items	
Where an applicant wishes to vary a development standard, the application must be accompanied by a well-founded, written request which seeks to justify the contravention of the development standard by demonstrating:	
<ul style="list-style-type: none"> <li>a. that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case</li> <li>b. that there are sufficient environmental planning grounds to justify contravening the development standard.</li> </ul>	

<p><b>What are the environmental planning grounds that justify contravening the development standard?</b></p> <p>Privacy impacts are minimised by the use of privacy screens.                  Overshading impacts are acceptable when considering the orientation (long axis east-west) when measured against the possible development opportunities on the adjoining sites.                  The exceedance is less than 10%.</p> <p>The exceedance occurs only at ground level by raising a deck - as a result the impact is minimal to none</p>
<p><b>Why is compliance with the standard unreasonable or unnecessary?                  What are the special circumstances in this case?                  (To answer consider whether a development that complies is unnecessary or unreasonable)</b></p> <p>The proposal exceeds the site coverage standard by 7%. The addition of an deck 1m above level, at the rear is included in the area of site coverage, but does however provide a hard surfaced outdoor area suitable for the enjoyment of the residents and, is part of the landscaped area of the proposal. The difference in elevation between the street and the rear lane combined with the traditional building patters of dwelling at the front and shed at the back make this arrangement possible.                  A complying development might include a 2 level outdoor area which would be less functional</p> <p>The building footprint is similar to recent alterations and additions at both 18 &amp; 20 Carrington Street.</p>
<p><b>Is the proposed development consistent with the objectives of the particular standard?                  Is the proposal consistent with the objectives of the relevant zone?</b></p> <p>The proposal provides landscaped areas that are suitable for tree planting and for the use and enjoyment of the residents. A landscaped corridor between adjoining properties is maintained and the proposal follows already established building patters.</p> <p>The proposal increases both the landscaped and permeable areas on the site and encourages the absorption of surface waters.                  The proposal maintains a landscaped corridor between adjoining properties and is comparable in density and use to surrounding development.</p> <p>The proposal is consistent with the objectives of the zoning and is compatible with, the character, style, orientation and development patterns of the surrounding area. The typology of dwelling with outbuilding both improves opportunities to work from home and provides landscaped areas for the use and enjoyment of existing and future residents.</p>