



 DEVELOPMENT ASSESSMENT REPORT	
<b>Application No.</b>	DA/2020/0787
<b>Address</b>	143 Park Avenue ASHFIELD NSW 2131
<b>Proposal</b>	Demolition of rear portion of dwelling and construction of a new two storey rear addition and landscaping works.
<b>Date of Lodgement</b>	29 September 2020
<b>Applicant</b>	Mr Tony McLain
<b>Owner</b>	Mr David S McLain Ms Sally J McLain
<b>Number of Submissions</b>	1
<b>Value of works</b>	\$264,000.00
<b>Reason for determination at Planning Panel</b>	Clause 4.6 variation exceeds 10%
<b>Main Issues</b>	Variation to FSR is over 10% Setbacks
<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		

### 4. Executive Summary

This report is an assessment of the application submitted to Council for demolition of the rear portion of dwelling and construction of a new two storey rear addition and landscaping works at 143 Park Avenue, Ashfield. The application was notified to surrounding properties and 1 submission was received.

The main issues that have arisen from the application include:

- 44% variation to clause 4.4 – Floor Space Ratio under the ALEP 2013
- Variation to the minimum required 900mm side boundary setbacks

The non-compliances are acceptable given the merits of the proposal and constraints of the site and therefore the application is recommended for approval.

### 2. Proposal

The current application seeks consent for the demolition of the rear portion of the existing dwelling house (retaining the original heritage significant cottage at the front) and construction of a new two storey rear addition, with landscape works in the rear yard. The proposed ground floor addition is to accommodate a new laundry, bathroom, kitchen and family room. The proposed first floor addition is to accommodate two bedrooms and a bathroom.

### 3. Site Description

The subject site is located on the northern side of Park Avenue, between Milton Street and Shepard Street. The site consists of 1 allotment and is generally rectangular with a total area of 149.5 sqm. The site has a frontage to Park Avenue of 4.42 metres and a secondary frontage of 4.4 metres to Park Lane.

The site supports a single storey brick and tile dwelling house. The adjoining properties support dwelling houses of a similar style and construction, however several incorporate two storey additions similar to that proposed by the current application.

The subject property is located within a conservation area and is identified as a contributory item to the conservation area.

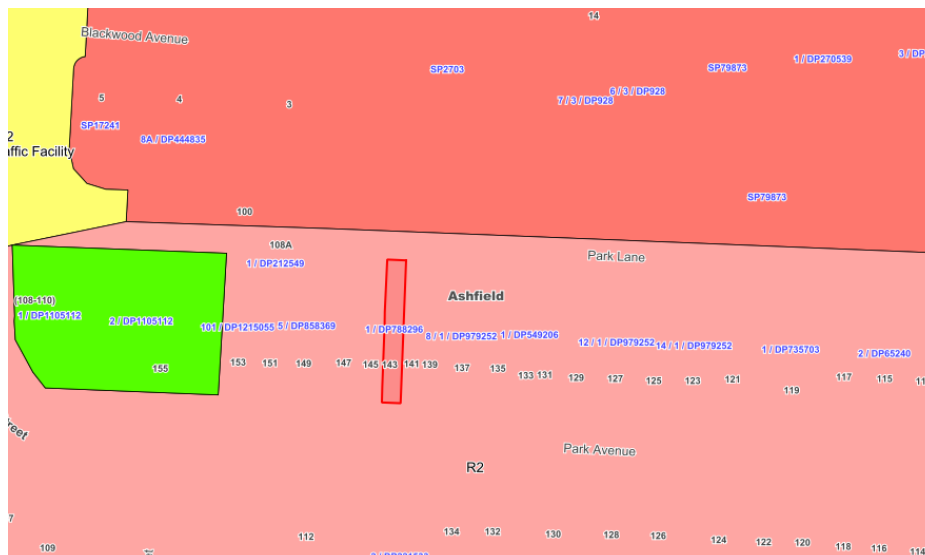


Figure 1 – Zoning Map

## 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

Application	Proposal	Decision & Date
PDA/2020/0051	Alterations and additions to a dwelling house	Advice issued – 3 April 2020

#### Surrounding properties

##### 145 Park Avenue, Ashfield (next door to subject site)

Application	Proposal	Decision & Date
10.2017.157	Alterations and additions to a dwelling house	8 May 2017 – Approved IWLPP

### 4(b) Application history

Not applicable.

## 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*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*
- *Ashfield Local Environmental Plan 2013*

The following provides further discussion of the relevant issues:

#### 5(a)(xi) *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. Inner West Comprehensive DCP 2016 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.

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

5(a)(xii) *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)(xiii) *State Environmental Planning Policy (Vegetation in Non-Rural Areas) (Vegetation SEPP)*

*Vegetation SEPP* concerns the protection/removal of vegetation identified under the SEPP and gives effect to the local tree preservation provisions of Council's DCP.

The application does not seek the removal of vegetation from within the site and on Council land. Overall, the proposal is considered acceptable with regard to the *Vegetation SEPP* and DCP subject to the imposition of conditions.

5(a)(xiv) *Ashfield Local Environment Plan 2013 (ALEP 2013)*

The application was assessed against the following relevant clauses of the *Ashfield Local Environmental Plan 2011*:

- Clause 1.2 - Aims of Plan
- Clause 2.3 - Land Use Table and Zone Objectives
- Clause 2.7 - Demolition
- Clause 4.3 - Height of buildings
- 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 5.10 - Heritage Conservation
- Clause 6.1 – Earthworks

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

The site is zoned R2 – Low Density Residential under the *ALEP 2011*. The *ALEP 2013* defines the development as:

***dwelling house***... a building containing only one dwelling.

The development is permitted with consent within the zone. The development is consistent with the objectives of the R2 zone.

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

Standard	Proposal	non compliance	Complies
<b>Height of Building</b> Maximum permissible: 8.5m	5.7m	N/A	Yes
<b>Floor Space Ratio</b> Maximum permissible: 0.5:1 or 74.7m <sup>2</sup>	0.72:1 or 107.2m <sup>2</sup>	32.5 sqm or 44%	No

#### Clause 4.6 Exceptions to Development Standards

As outlined in table above, the proposal results in a breach of the following development standard/s:

- Clause 4.4 - Floor Space Ratio

The applicant seeks a variation to the Floor Space Ratio development standard under Clause 4.4 of the Ashfield Local Environmental Plan 2013 ('ALEP') by 44% (32.5 sqm).

Clause 4.6 allows Council to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes.

In order to demonstrate whether strict numeric compliance is unreasonable or unnecessary in this instance, the proposed exception to the development standard has been assessed against the objectives and provisions of Clause 4.6 of the ALEP below.

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

- *The scheme proposes a restrained and sympathetic addition that matches the addition recently approved by Council for the adjoining semi at No. 145 Park Avenue.*
- *It will allow the dwelling to be upgraded to achieve the expectations of contemporary living. The original ground floor fabric in the front section will be retained.*
- *The streetscape presentation of the property is not compromised. The new work cannot be seen from Park Avenue. This scheme is consistent with the desired future character of the neighbourhood.*
- *The existing landscaped area in the front of the dwelling remains unaltered. The new landscaped area at the rear of the dwelling will provide a desirable outlook from the new indoor living areas and improve general amenity.*
- *The only environmental impact on neighbours is the additional overshadowing of the side windows to 141 Park Avenue. While strict compliance with the solar access guidelines are not achieved for the property at No 141 we point out that the windows to the lounge and sitting areas are not overshadowed by the proposal with the exception of the rear door to the front lounge which has some reduction of direct light in the afternoon. This lounge has an alternate source of daylight in the front window. Direct sunlight to the secondary bedroom is reduced below the guidelines but we*

*point out that a bedroom is not of the same significance as a lounge where daylight is concerned as it is primarily occupied during the evening.*

- *The scheme complies with the landscaped area controls.*
- *The main argument for an approval is that the scheme mirrors the rear what has been recently approved by Council for the adjoining semi at No145. From a design point of view the best solution is for both renovations to match each other and continue the symmetry established at the front through to the rear of both dwellings.*

The applicant's written rationale adequately demonstrates compliance with the development standard is unnecessary 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 R2 zone, in accordance with Clause 4.6(4)(a)(ii) of the ALEP for the following reasons:

- A. The proposal provides for further expansion and modernisation of an existing dwelling house to meet contemporary needs of the community. The proposals design provides an improved use of space and results in the creation of a four-bedroom house specifically designed to meet the needs of occupants.
- B. The proposal has been designed to meet the day to day needs of occupants.

It is considered the development is in the public interest because it is consistent with the objectives of the FSR development standard, in accordance with Clause 4.6(4)(a)(ii) of the ALEP for the following reasons:

1. The proposal's density and intensity is similar to that of the immediately adjoining property at 145 Park Avenue and in line with that of a modern dwelling house.
2. The proposal's bulk and scale is consistent with that of the emerging character in the streetscape and reflective of the neighbouring property at 145 Park Avenue
3. The proposal's impact to the heritage conservation area has been reviewed by Council's heritage advisor who outlined that the development will have minimal impact on heritage significance of the existing dwelling and unlikely to be registerable from Park Avenue.
4. The proposal maintains an appropriate and acceptable degree of amenity and privacy for neighbouring dwellings.

The concurrence of the Planning Secretary 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 ALEP. For the reasons outlined above, there are sufficient planning grounds to justify the departure from floor space ratio development standard and it is recommended the Clause 4.6 exception be granted.

*Clause 5.10 – Impact to Heritage Conservation Area*

The subject site is located within the Park Avenue Heritage Conservation Area and is of contributory value to the area. The area is of historical significance for its distinctive 1882 subdivision pattern with east-west oriented Park Avenue and laneways to the north (Park Lane) and south (Palace Lane), representative of a typical late 19th century planned subdivision. In this instance the applicant was not required to provide a heritage impact statement as no works to the original significant cottage are proposed.

Pre-da heritage advice, regarding a 1m setback for the first-floor addition from the heritage cottage, has been complied with by the applicant. In this instance Council's heritage advisor has outlined no objection to the proposal, stating that it is compliant with the requirements of clause 5.10 and will not impact the heritage conservation area. Council's heritage advisor has not outlined any requirement for heritage conditions to be imposed on the consent.

### 5(c) Draft Inner West Local Environmental Plan 2020 (Draft IWLEP 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 particularly relevant to the assessment of the application. Accordingly, the development is considered acceptable having regard to the provisions of the Draft IWLEP 2020.

### 5(d) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

IWCDCP2016	Compliance
<b>Section 1 – Preliminary</b>	
B – Notification and Advertising	Yes
<b>Section 2 – General Guidelines</b>	
E1 – Heritage items and Conservation Areas (excluding Haberfield)	
1 – General Controls	Yes
3 – Heritage Conservation Areas (HCAs)	Yes
4 – Building Types and Building Elements within HCAs	Yes
8 - Demolition	Yes
<b>F – Development Category Guidelines</b>	
1 – Dwelling Houses and Dual Occupancy	No – see discussion

The following provides discussion of the relevant issues:

#### Setbacks

The development seeks consent for a 110mm ground floor setback along the eastern boundary and nil boundary setbacks for the ground floor and first floor along the western boundary. These side boundary setbacks are a variation from clause DS4.3 which requires development to have a minimum side boundary setback of 900mm for houses. The intention of this control is to ensure that development is consistent with the prevailing street, reduce bulk and scale, provide visual and acoustic privacy and provide adequate solar access.

A review of the proposed western boundary has highlighted that the neighbouring development at 145 Park Avenue has already constructed a first floor and ground floor on a nil boundary setback along their eastern boundary (subject sites western boundary). The

proposal has been carefully designed to align with the dimensions of the neighbouring site and proposes a built form which is an almost exact mirror of 145 Park Avenue. This mirror design ensures that there is no additional environmental impact from the nil western boundary setback, providing an appropriate degree of solar access, acoustic privacy and visual privacy for 145 Park Avenue.

The development's first floor eastern side boundary has been appropriately designed to be compliant with the 900mm setback requirement. However, the proposed ground floor is proposed to be setback only 110mm from the side boundary. This is again a mirror reflection of built form approved/ constructed at 145 Park Avenue.

The proposed ground floor eastern boundary has been designed to be a maximum height of 3m and extends for a maximum length of 8m. Elements of the proposal which result in the variation have been appropriately designed to not encroach into the neighbouring POS and finish in line with the existing rear setbacks of existing dwelling houses. The single storey nature of the design ensures that impacts of bulk and scale are minimised, allowing opportunities for outlook over the addition. The applicant has demonstrated the proposed single storey addition maintains compliance with solar access requirements for neighbouring private open space.

In this instance, the small and constrained nature of the site would suggest that insistence on strict compliance with side setback controls is less reasonable and would reduce the viability and functionality of the dwelling. The applicant has demonstrated that the proposed setbacks will not unreasonably impact amenity of neighbouring sites. The proposed rear addition setback variations are therefore recommended for support.

#### *Solar Access*

The proposal results in a variation to clause DS 13.1 which requires solar access to be maintained to at least 40% of any primary living areas for a period of at least 3 hours. The intention of this control is to ensure that development provides or maintains desirable levels of sunlight to main living areas.

The applicant has provided elevational shadow diagrams which demonstrate that the neighbouring development at 141 Park Avenue already does not receive the required 3 hours solar access to the ground floor western windows and that the proposed addition results in a minor further reduction of solar access to this part of the building.

In this instance, given the orientation of the lots resulting from the time of original subdivision, it is generally not possible to retain a complaint rate of solar access to all neighbouring west-facing, ground floor windows. As demonstrated by the applicant the current single storey dwelling already results in a variation to the required solar access. In order to maintain the current rate of solar access the subject site would have to be limited to a single storey. This is considered to be an unreasonable restriction in the circumstances of the case. The neighbouring development at 141 Park Avenue maintains a compliant rate of solar access to the POS and north facing windows and is therefore considered to receive a reasonable and complaint rate of solar access to satisfy the intention of the control. The development has been designed to maximise solar access for neighbours as much as reasonably possible and is therefore recommended for support.

#### *Visual Privacy*

The proposed addition is expected to result in minimal loss of privacy to neighbouring sites. In this instance the proposed ground floor has been designed to be close to existing ground level and ensures that any ground floor openings will be largely screened by existing boundary fencing. The proposed rear deck has been assessed and is noted to be only



150mm above existing ground level. The design, location and height of this proposed deck all combine to ensure minimal privacy impacts for neighbouring sites. In this instance it is considered that any privacy impacts resultant from the ground floor will be adequately mitigated by boundary fencing and no further design changes or conditions are required.

Analysis of the proposed first floor has highlighted windows along the eastern elevation. A review of the proposed floor plans has highlighted that these windows relate to stairs, bathroom and bedrooms. Each of these spaces are considered to be low traffic or transitional spaces and in particular, not primary living or entertaining areas. Due to the constraints of the site a requirement for privacy treatments is likely to significantly and unreasonably impact the amenity of the proposed spaces for occupants. A site inspection has highlighted minimal opportunities for overlooking, except for onto the roof of neighbouring sites. Privacy impacts from the first floor eastern elevation windows are therefore considered to be minimal (although as an alternative to high sill levels, the panel may wish to impose a condition which requires translucent glazing to the lower portions of these windows if it forms a different view. This measure would improve privacy to the neighbouring property without significantly affecting the amenity of the internal parts of the proposed dwelling).

The proposed first floor rear window relates to the proposed master bedroom and is of a size and scale like that of the existing windows at 145 Park Avenue. This window is anticipated to obtain a view corridor into the POS of the subject site. Minimal privacy impacts are anticipated to result from this window, as such it is recommended for support and approval.

The proposed development includes non-compliances in relation to the side setback and solar access controls contained within the Comprehensive Inner West Development Control Plan 2016. It is considered the application ultimately achieves the aims and objectives for these parts notwithstanding the numerical non-compliances and is recommended for support.

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

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

#### 5(g) Any submissions

The application was notified in accordance with Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill for a period of 14 days to surrounding properties. In response to this notification 1 submissions was received.

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

<u>Issue:</u>	Request for development not to rely on party walls
<u>Comment:</u>	A condition requiring the development not to rely on a party wall for support is recommended for the consent.

- Issue: No works proposed to original cottage  
Comment: Council is unable to require restoration works to the existing cottage. A recommendation for the restoration of the cottage was made to the applicant at pre-da stage, however this can not be imposed as a requirement, unless works to the cottage are proposed.
- Issue: Upgrade of party wall to comply with fire separation requirements  
Comment: Appropriate conditions requiring the premises to be upgraded and comply with relevant BCA and fire separation requirements is recommended for the consent.
- Issue: Request for dilapidation report  
Comment: A condition requiring the carrying out of a dilapidation report on neighbouring properties is included in the recommended consent.
- Issue: Survey to ensure no encroachment  
Comment: Appropriate conditions regarding surveying to ensure no encroachment onto neighbouring lands are included in the recommended consent.
- Issue: Privacy Impacts from deck  
Comment: The proposed rear deck has been assessed and is noted to be only 150mm above existing ground level. The design, location and height of this proposed deck all combine to ensure minimal privacy impacts for neighbouring sites. In this instance it is considered that any privacy impacts resultant from the ground floor will be adequately mitigated by boundary fencing and no further design changes or conditions are required.
- Issue: Fire separation for structures less than 900mm from boundary  
Comment: Appropriate conditions requiring the premises to be upgraded and comply with relevant BCA requirements is included in the recommended consent.
- Issue: Overshadowing from pergola  
Comment: Overshadowing impacts from the proposed pergola are expected to be minimal and will not result in a non-complaint rate of solar access for neighbouring sites. The proposed pergola is compliant with Council requirements and is supported.
- Issue: Vegetation planting  
Comment: No objection is raised to the type of vegetation to be planted along the side boundaries. Planting is generally exempt from Council restrictions and can be undertaken without development consent.
- Issue: Relocation of boundary fence  
Comment: The relocation or replacement of boundary fencing is a private matter between neighbours and is covered by the Dividing Fences legislation. Council does not become involved in matters regarding boundary fencing.

#### 5(h) 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 considered to be contrary to the public interest.

## 6 Referrals

### 6(a) Internal

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

- Development Engineering – The proposal has been reviewed by Council's Development Engineer who expressed no objection to the proposal, subject to the imposition of appropriate conditions of consent.
- Heritage Advisor - In this instance Council's heritage advisor has outlined no objection to the proposal, stating that it is compliant with the requirements of clause 5.10 and will not impact the heritage conservation area. Council's heritage advisor has not outlined any requirement for heritage conditions to be imposed on the consent.

## 7. Development Contributions

Section 7.12 levies are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$2,640.00 would be required for the development under Ashfield Section 94/94A Contributions Plan 2014. A condition requiring that contribution to be paid is included in the recommendation.

## 8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Ashfield Local Environmental Plan 2013* and Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

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 a written request pursuant to Clause 4.6 to vary Clause 4.4 – Floor Space Ratio of the *Ashfield Local Environmental Plan 2013*. After considering the request, and assuming the concurrence of the Secretary, the Panel is satisfied that compliance with the standard is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variation. The proposed development will be in the public interest because the exceedance is 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. DA/2020/0787 for Demolition of rear and construction of a new two storey rear addition and

landscaping works. at 143 Park Avenue, Ashfield subject to the conditions listed in  
Attachment A below.

**Attachment A – Recommended conditions of consent**

**CONDITIONS OF CONSENT**

**DOCUMENTS RELATED TO THE CONSENT**

**1. Documents related to the consent**

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

<b>Plan, Revision and Issue No.</b>	<b>Plan Name</b>	<b>Date Issued</b>	<b>Prepared by</b>
2810. DA. 01 A	Site Plan	11/9/2020	Tony McLain Architect
2810. DA. 03 A	Proposed Plans	11/9/2020	Tony McLain Architect
2810. DA. 04 A	Side Elevations	11/9/2020	Tony McLain Architect
2810. DA. 05 A	Elevations	11/9/2020	Tony McLain Architect
2810. DA. 06 A	Sections	11/9/2020	Tony McLain Architect
2810. DA. 07 A	Roof Plan	11/9/2020	Tony McLain Architect
2810. DA. 13 A	Schedule of Finishes	11/9/2020	Tony McLain Architect

As amended by the conditions of consent.

**FEES**

**2. Security Deposit - Custom**

Prior to the commencement of demolition works or prior to the 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.

<b>Security Deposit:</b>	\$2,209.00
<b>Inspection Fee:</b>	\$236.70

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 initial 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.

**3. Section 7.12 (formerly section 94A) Development Contribution Payments**

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that a monetary contribution to the Inner West Council has been paid, towards the provision of infrastructure, required to address increased demand for local services generated by additional development within the Local Government Area (LGA). This condition is imposed in accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979* and in accordance with *Ashfield Section 94A Development Contributions Plan 2009 – Amendment No.3*.

Note:

Copies of these contribution plans can be inspected at any of the Inner West Council Service Centres or viewed online at <https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions>

Payment amount\*:

\$2,640.00

\*Indexing of the Section 7.12 contribution payment:

The contribution amount to be paid to the Council is to be adjusted at the time of the actual payment in accordance with the provisions of the relevant contributions plan. In this regard, you are recommended to make contact with Inner West Council *prior to arranging your payment method* to confirm the correct current payment amount (at the expected time of payment).

Payment methods:

The required contribution must be paid either in cash; by unendorsed bank cheque (from an Australian Bank only); via EFTPOS (Debit only); or credit card (to a maximum of \$10,000 - Note: A 1% credit card transaction fee applies to all credit card transactions). It should be noted that personal cheques or bank guarantees cannot be accepted for the payment of these contributions. **The contribution must be paid either in cash, by unendorsed bank cheque (from an Australian Bank only), via EFTPOS (Debit only) or credit card\*. Prior to payment contact Council's Planning Team to review charges to current indexed quarter, please allow a minimum of 2 business days for the invoice to be issued before payment can be accepted.**

**4. 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.

**GENERAL CONDITIONS**

**5. Boundary Alignment Levels**

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

**6. 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.

**7. 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.

**8. Standard Street Tree Protection**

Prior to the commencement of any work, the Certifying Authority must be provided with details of the methods of protection of all street trees adjacent to the site during demolition and construction.

**9. Works Outside the Property Boundary**

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

**PRIOR TO ANY DEMOLITION****10. Hoardings**

The person acting on this consent must ensure the site is secured with temporary fencing prior to any works commencing.

If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public roads or Council controlled lands to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property.

Separate approval is required from the Council under the *Roads Act 1993* to erect a hoarding or temporary fence or awning on public property.

**11. 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 property/ies 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 letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.



**12. 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.

**13. 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****14. Dilapidation Report – Pre-Development – Minor**

Prior to the issue of a Construction Certificate or any demolition, the Certifying Authority must be provided with a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site.

**15. Stormwater Drainage System – Minor Developments (OSD is not required)**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans certified by a suitably qualified Civil Engineer that the design of the site drainage system complies with the following specific requirements:

- a. Stormwater runoff from all roof areas within the property being collected in a system of gutters, pits and pipeline and be discharged, together with overflow pipelines from any rainwater tank, by gravity to the kerb and gutter of a public road;
- b. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP;
- c. Pipe and channel drainage systems must be designed to cater for the twenty (20) year Average Recurrence Interval (ARI) storm. Major event surface flow paths must be designed to cater for the one hundred (100) year ARI Storm;
- d. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage other than to drain downpipes to the rainwater tank;
- e. The design plans must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes;
- f. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;

- g. A minimum 150mm step up shall be provided between all external finished surfaces and adjacent internal floor areas;
- h. The design must make provision for the natural flow of stormwater runoff from adjacent properties;
- i. No nuisance or concentration of flows to other properties;
- j. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
- k. The design plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required;
- l. Silt arrestor pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
- m. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;
- n. New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a maximum section height and width of 100mm or sewer grade uPVC pipe with a maximum diameter of 100mm;
- o. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings; and
- p. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.

#### **16. Party Walls**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with Architectural Plans accompanied by a Structural Certificate which verifies that the architectural plans do not rely on the Party Wall for lateral or vertical support and that additions are independently supported. A copy of the Certificate & plans must be provided to all owners of the party wall/s.

#### **17. 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.

**18. 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 13 20 92*

**DURING DEMOLITION AND CONSTRUCTION****19. 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.

**20. 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****21. No Encroachments**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any encroachments on to Council road or footpath resulting from the building works have been removed, including opening doors, gates and garage doors with the exception of any awnings or balconies approved by Council.

**22. Protect Sandstone Kerb**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any damaged stone kerb has been replaced.

**ADVISORY NOTES****Permits**

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 veranda over the footpath;
- h. Partial or full road closure; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

If required contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. Applications for such Permits must be submitted and approved by Council prior to the commencement of the works associated with such activity.

**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.

**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.

**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; or
- g. Development Application for subdivision if consent for subdivision is not granted by this consent.

**Disability Discrimination Access to Premises Code**

The *Disability Discrimination Act 1992* (Commonwealth) and the *Anti-Discrimination Act 1977* (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.

**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.

**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; and
- 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.

**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.

**Dial before you dig**

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

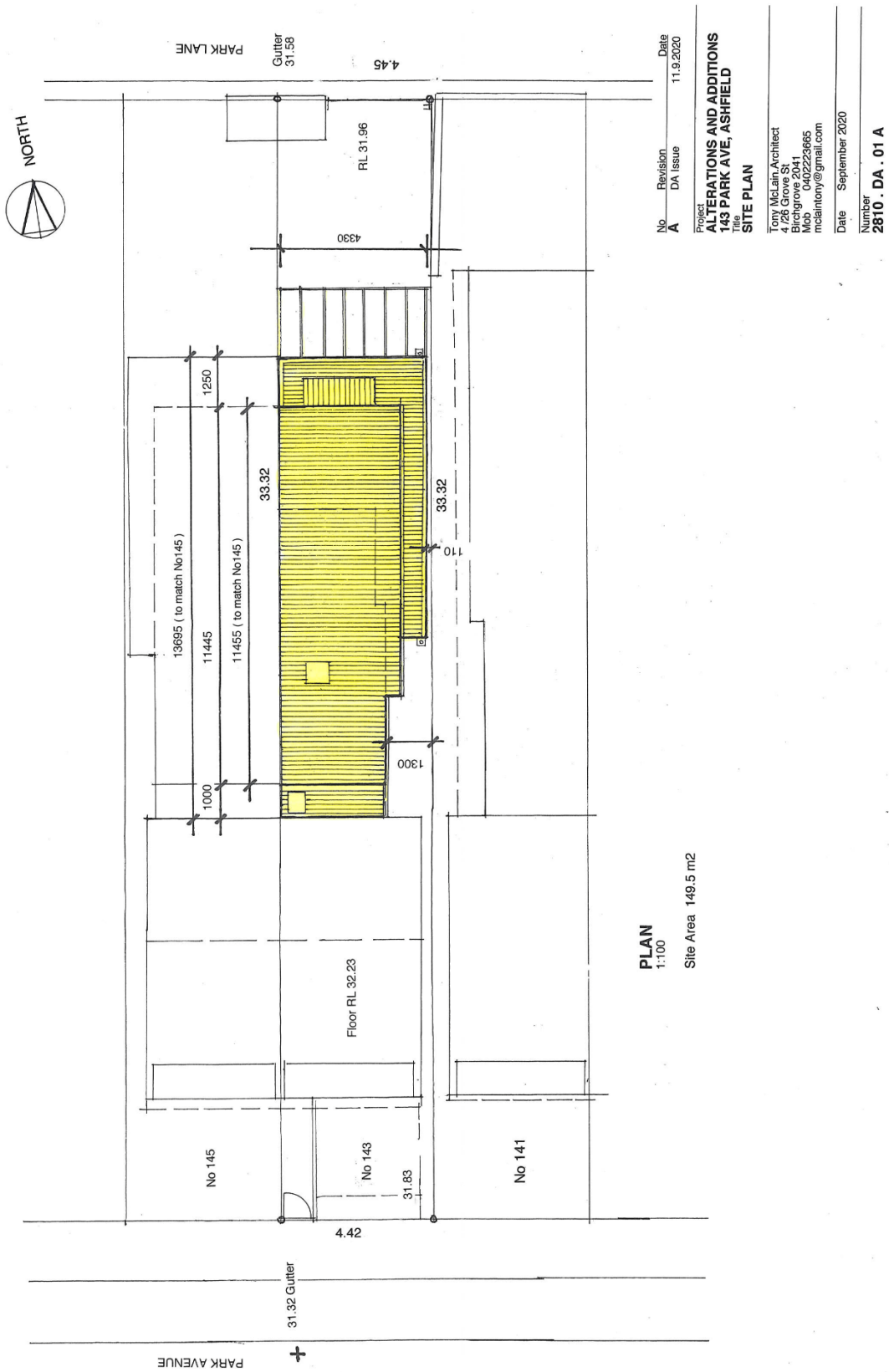
**Useful Contacts**

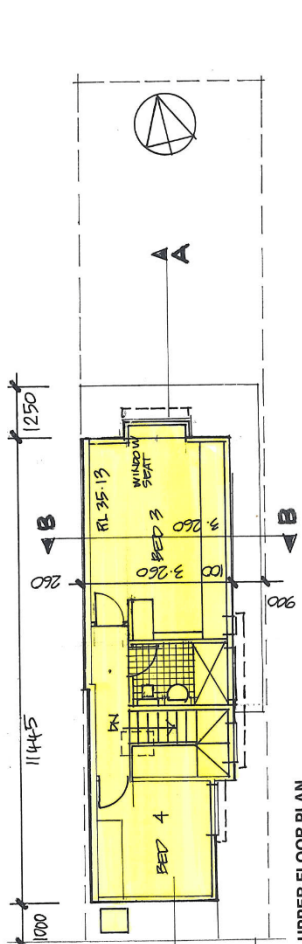
BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm <a href="http://www.basix.nsw.gov.au">www.basix.nsw.gov.au</a>
Department of Fair Trading	13 32 20 <a href="http://www.fairtrading.nsw.gov.au">www.fairtrading.nsw.gov.au</a> Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
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>
NSW Office of Environment and Heritage		131 555	Information on asbestos and safe work practices. <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>
WorkCover Authority of NSW		13 10 50	<a href="http://www.workcover.nsw.gov.au">www.workcover.nsw.gov.au</a> Enquiries relating to work safety and asbestos removal and disposal.

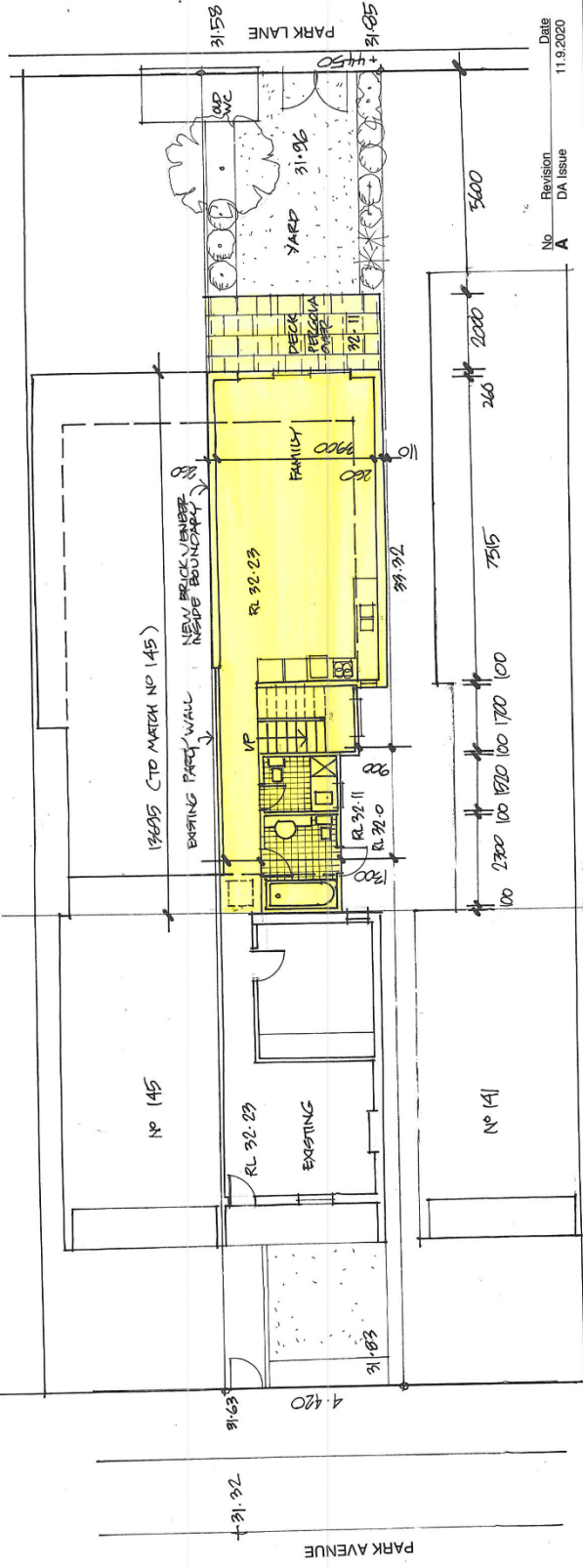
Attachment B – Plans of proposed development





UPPER FLOOR PLAN  
1:100

**BASIX NOTES**  
 All Showerheads, WCs, Kitchen and bathroom taps to be 3 star rated or better.  
 40% of new or altered lights to be 100% energy efficient LED.  
 External walls to be minimum R 3.0 insulation (minimum R1.5 insulation (100 mm foil-backed blanket)).  
 Ceiling insulation R0.58 (up).  
 Roof, Medium solar absorbance, single pyrolytic low-e (max U-value 5.77, SHGC: 0.47).  
 Windows to be standard aluminium, low-E internal argon fill, clear external ( or U-value 2.5, SHGC: 0.466).  
 Skylights to be to timber, low-E internal argon fill, clear external ( or U-value 2.5, SHGC: 0.466).  
 See Certificate A 3900004



FLOOR PLAN  
1:100

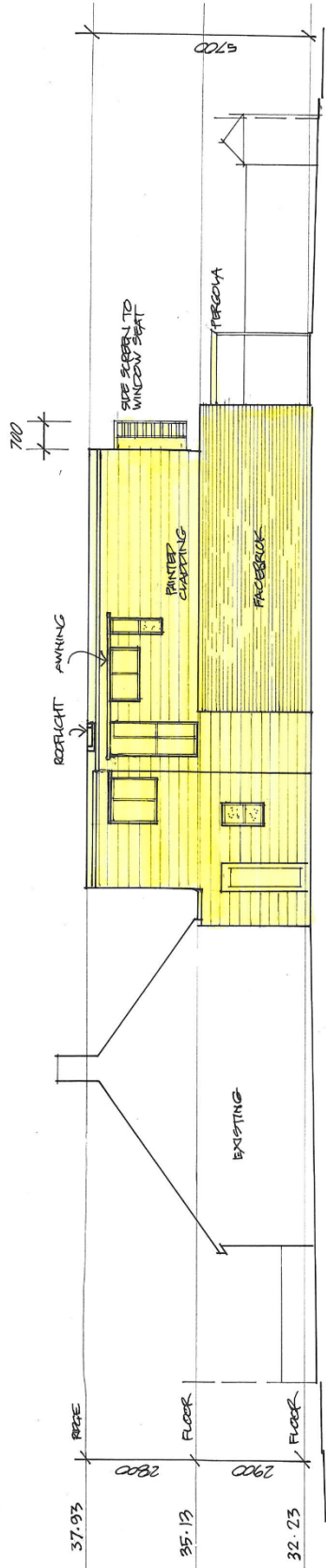
SITE AREA 1495.5 m<sup>2</sup>  
 PROPOSED FSR (107.7 m<sup>2</sup>) 0.72:1 (Max allowable under LEP 0.5:1)  
 LANDSCAPED AREA 25.04 m<sup>2</sup>  
 SITE COVER (86.4 m<sup>2</sup>) 57.8 %

No	Revision	Date
A	DA Issue	11.9.2020

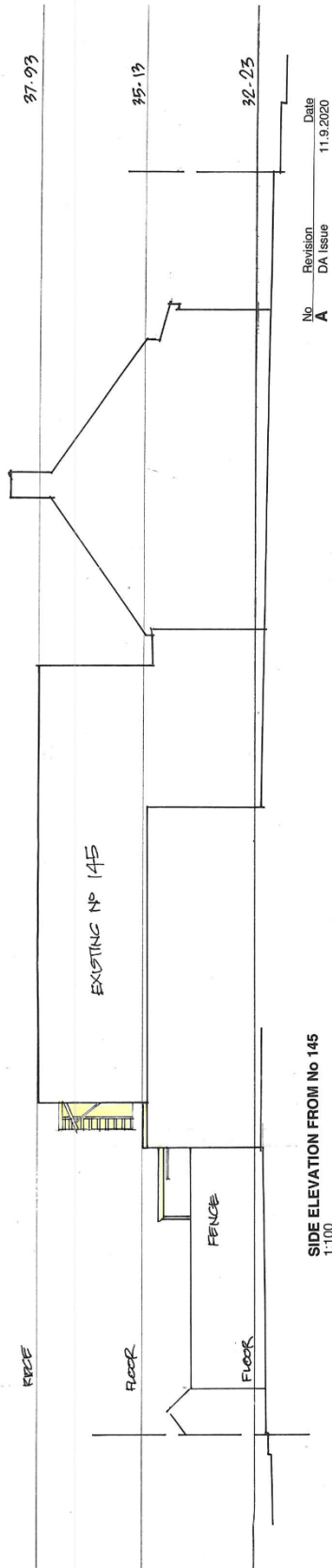
Project  
**ALTERATIONS AND ADDITIONS**  
**143 PARK AVE, ASHFIELD**  
 Title  
**PROPOSED PLANS**

Tony McLain Architect  
 143 Park Ave  
 Bichgrove 2041  
 Mob 0402223665  
 mcclainTony@gmail.com

Date September 2020  
 Number  
**2810 . DA . 03 A**



SIDE ELEVATION FROM No 141  
1:100



SIDE ELEVATION FROM No 145  
1:100

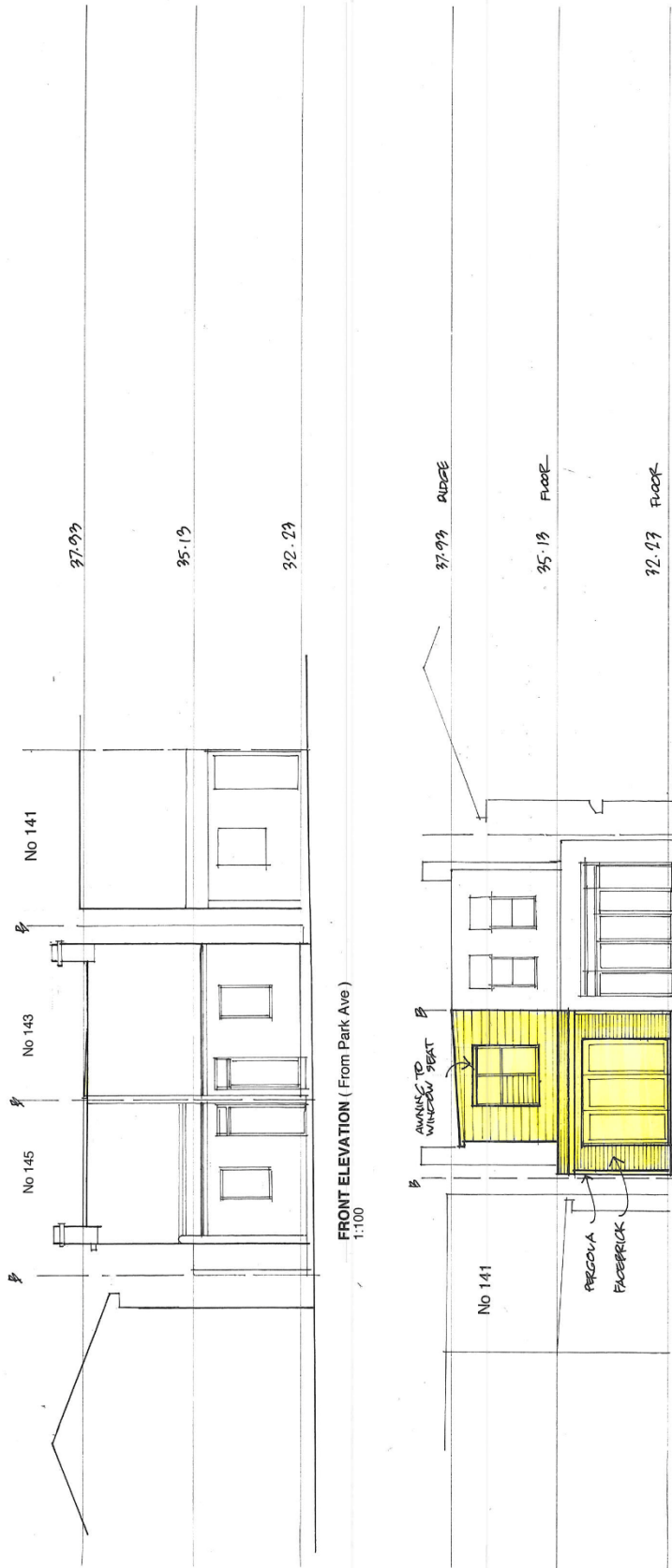
No	Revision	Date
A	DA Issue	11.9.2020

Project  
**ALTERATIONS AND ADDITIONS**  
143 PARK AVE, ASHFIELD  
Title  
**SIDE ELEVATIONS**

Tony McLain, Architect  
4/26 Grove St  
Birchgrove 2041  
Mob: 0402223665  
mclain.tony@gmail.com

Date: September 2020

Number  
**2810 . DA . 04 A**



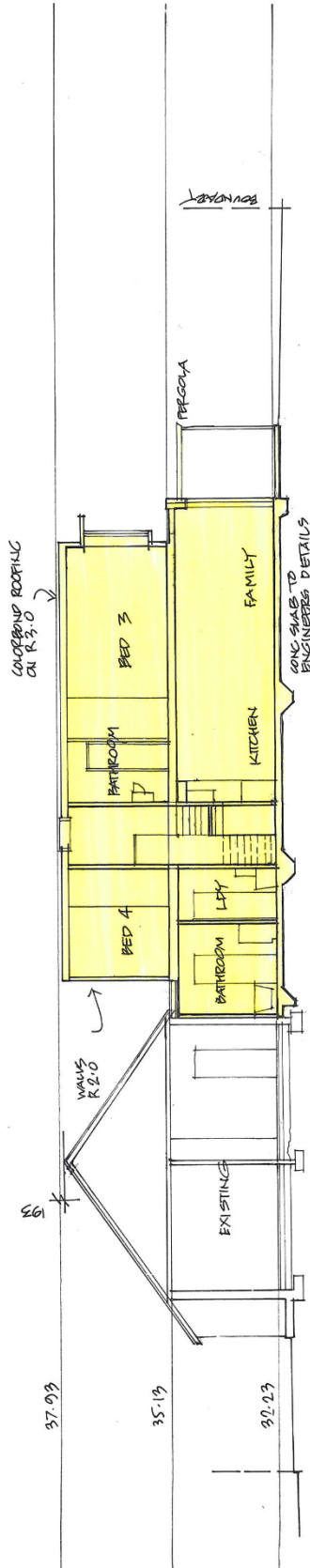
No. Revision Date  
A DA Issue 11.9.2020

Project  
ALTERATIONS AND ADDITIONS  
143 PARK AVE, ASHFIELD  
Title  
ELEVATIONS

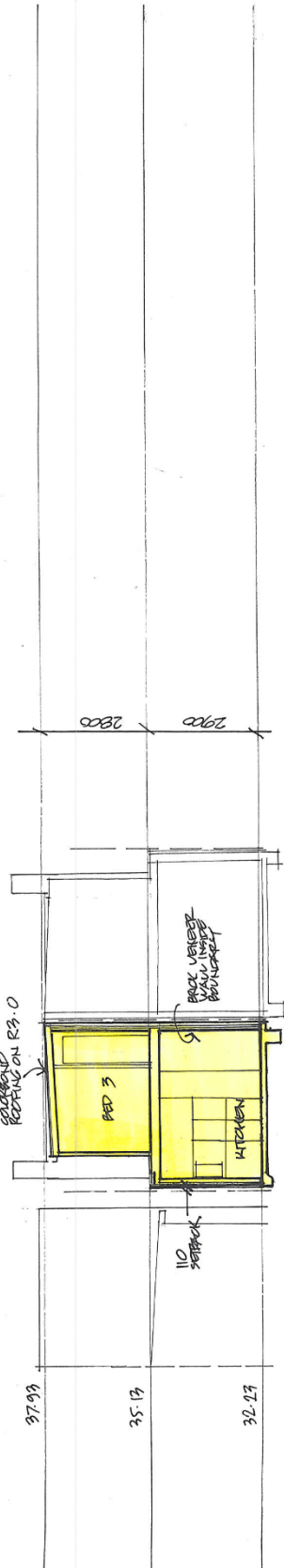
Tony McLain, Architect  
4/26 Grove St  
McLain Architects  
042223665  
mclain.tony@gmail.com

Date September 2020

Number  
2810 . DA . 05 A



SECTION A-A  
1:100



SECTION B-B  
1:100

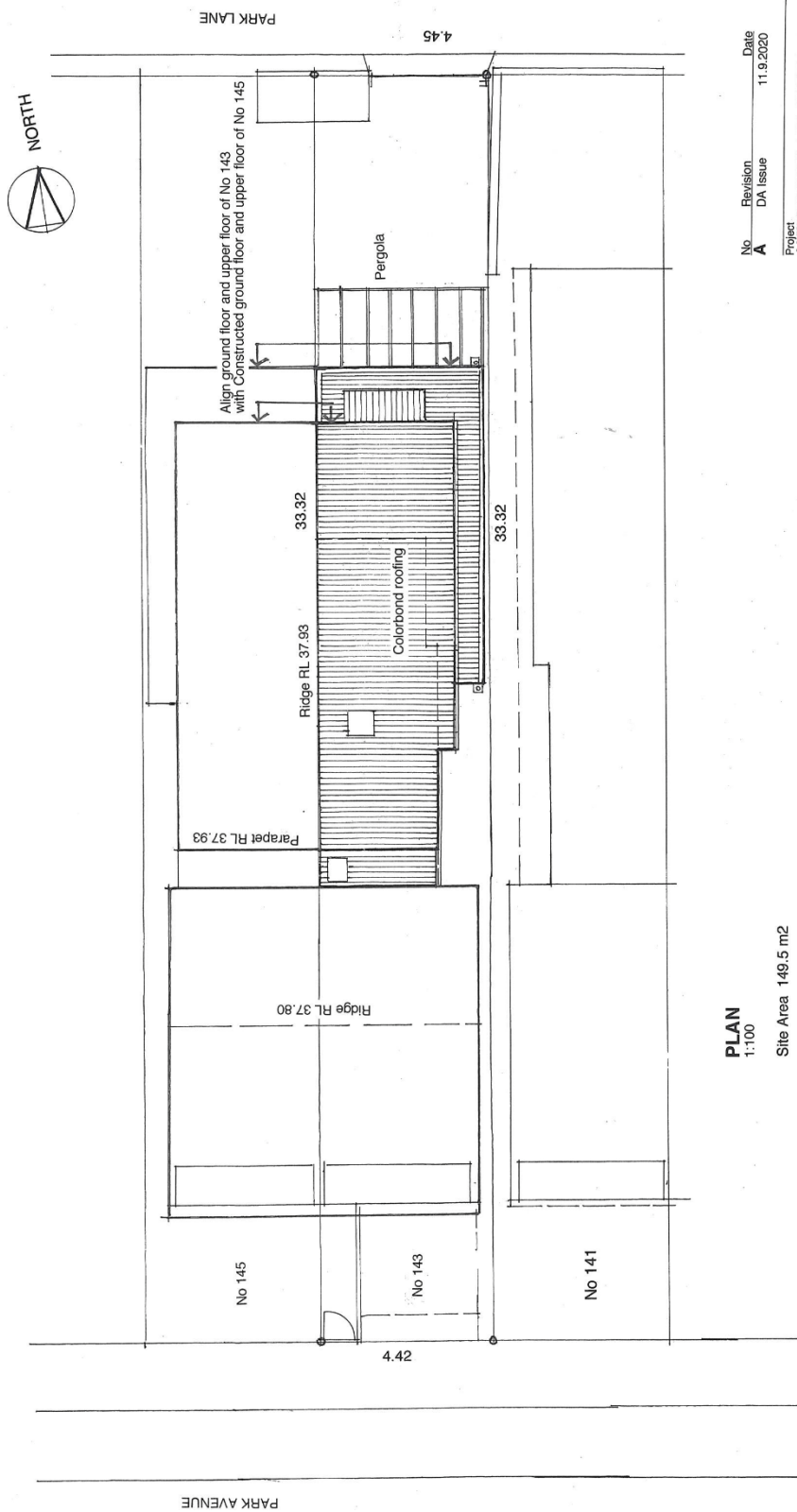
No	Revision	Date
A	DA Issue	11.9.2020

Project  
**ALTERATIONS AND ADDITIONS**  
**143 PARK AVE, ASHFIELD**  
the  
**SECTIONS**

Tony McLain Architect  
4 726 Grove St  
Birchgrove 2041  
Mob 0402223665  
mclain.tony@gmail.com

Date September 2020

Number  
**2810 . DA . 06 A**



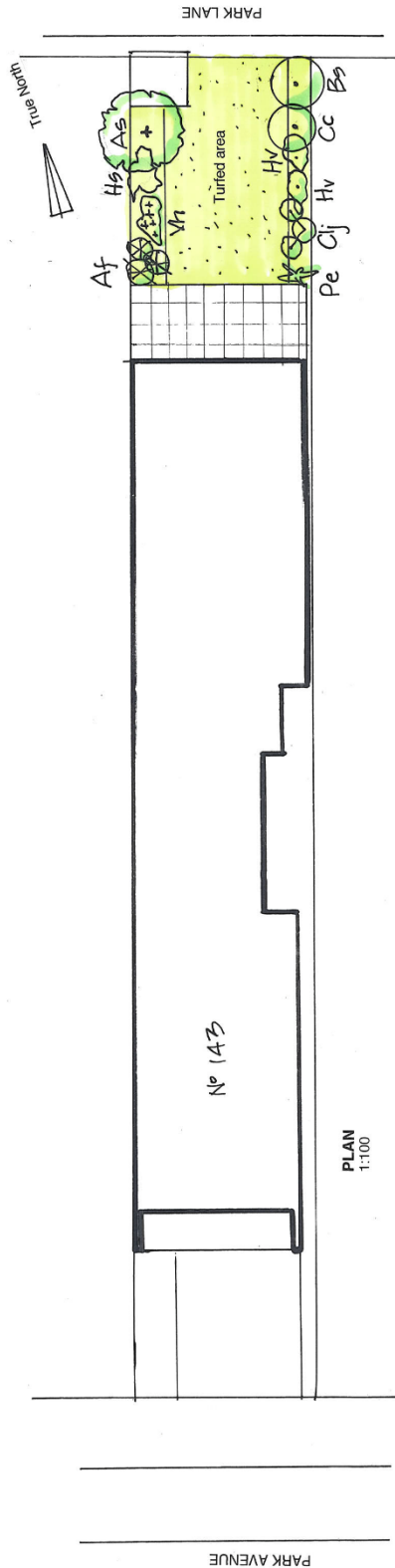
PLAN 1:100  
Site Area 149.5 m2

No	Revision	Date
A	DA Issue	11.9.2020

Project: **ALTERATIONS AND ADDITIONS**  
 Title: **143 PARK AVE, ASHFIELD**  
 Title: **ROOF PLAN**

Tony McLain, Architect  
 4 / 28 Grove St  
 Birchgrove 2041  
 Mob: 0402228685  
 mcclain.tony@gmail.com

Date: September 2020  
 Number: **2810 . DA . 07 A**



PLAN  
1:100

SYMBOL	BOTANIC NAME	COMMON NAME	QTY.	MATURE HT.	CONTAINER
As	Acmena smithii var minor	Dwarf Lilly Pilly	1	7m	45litre
Af	Antrozanthos flexivus	Kangaroo Paw	3	1m	200mm
Bs	Banksia spinulosa	Hairpin Banksia	1	1.5m	200mm
Cc	Callistemon citrinus	Red Bottlebrush	1	2m	300mm
Cj	Callistemon "Little John" Dwarf	Red Bottlebrush	2	1m	200mm
Pe	Passiflora edulis	Passionfruit	1	150mm	150mm
Hs	Hibbertia scandens	Twining Guinea flower	1	150mm	150mm
Vh	Viola hederacea	Native Violet	5	150mm	150mm
Hv	Hardenbergia violacea	Sarsparilla vine	2	150mm	150mm

**NOTES**

The builder is responsible for subgrade excavation and preparation to allow for topsoil and mulch depths.  
 Topsoil mix supply from Australian Native Landscapes.  
 All planting beds shall be mulched to a depth of 75mm with 15mm grade horticultural pine bark.  
 All trees and large shrub plantings shall be staked.  
 All trees and shrubs shall be well grown, of typical form, not root banded and free of disease and pests.  
 The landscape contractor is to maintain the works for 12 months after practical completion. This includes watering, weeding, replacement of failed plants, replacement of mulch to maintain specified depth and rectification of surface subsidence in garden beds.

No	Revision	Date
A	DA Issue	11.9.2020

Project  
**ALTERATIONS AND ADDITIONS**  
**143 PARK AVE, ASHFIELD**  
 Title  
**LANDSCAPE CONCEPT PLAN**

Tony McLain, Architect  
 4/65 Grove St  
 Birchgrove NSW 2041  
 Mob 04102223665  
 mcmlain.tony@gmail.com

Date September 2020

Number  
**2810 . DA . 16 A**



SCHEDULE OF FINISHES

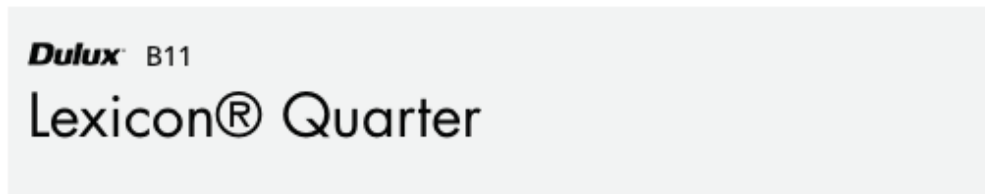


Roof and down pipes      Colorbond    DUNE

Face Bricks                  NSW Bricks HALO



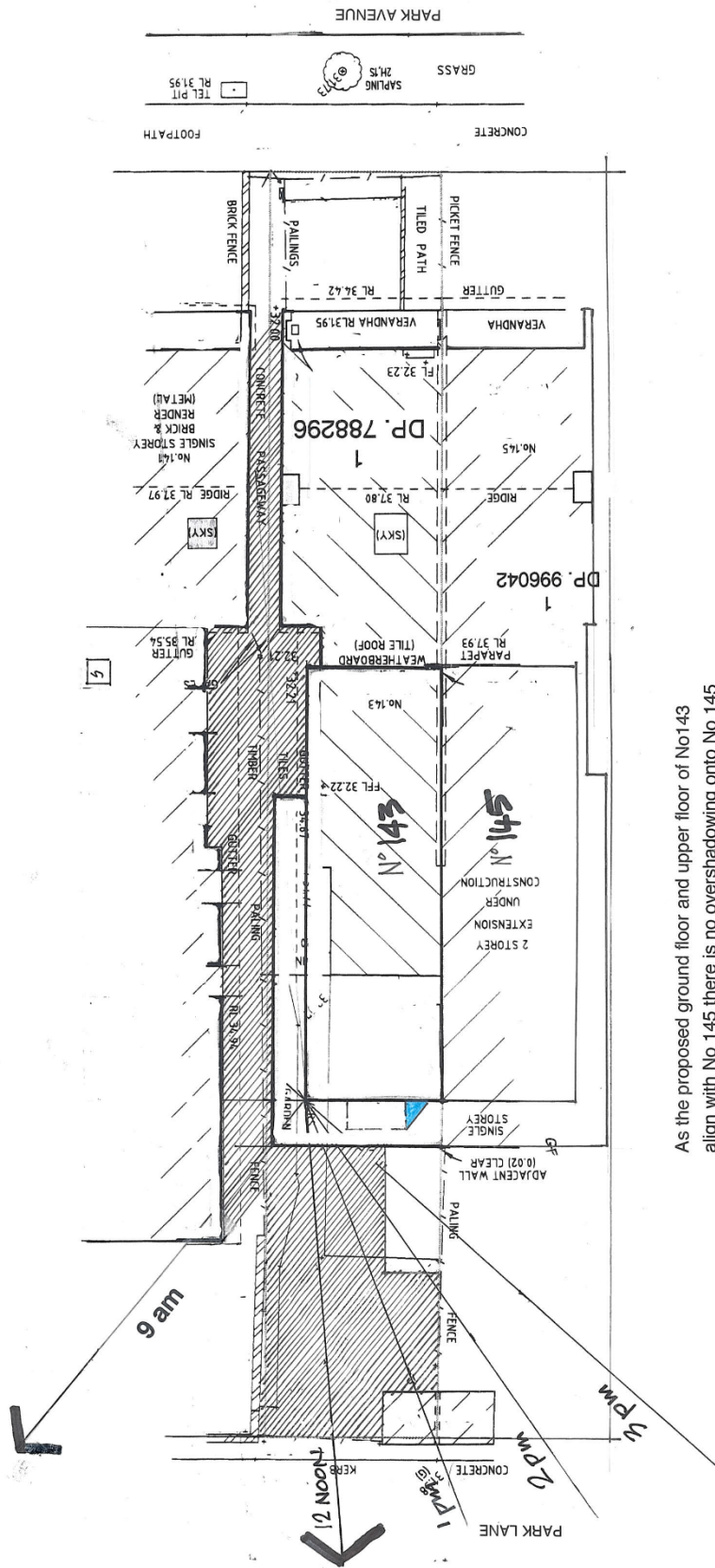
Powdercoat aluminium windows Dulux LEXICON



Pergola and window side screens    Cabots ELM GROVE



143 PARK AVENUE  
ASHFIELD  
2810 . DA.13A



As the proposed ground floor and upper floor of No143 align with No 145 there is no overshadowing onto No 145

No Revision Date  
 A DA Issue 11.9.2020

Existing Shadow hatched  
 New Shadow coloured

Project  
**ALTERATIONS AND ADDITIONS**  
**143 PARK AVE, ASHFIELD**  
 SHADOW DIAGRAMS 9am June 21

Tony McLain Architect  
 4/28 Grove St  
 Birchgrove 2041  
 Mob 0402223665  
 mcmlain@icloud.com

Date September 2020

Number  
**2810 . DA . 09 A**









## Attachment C- Clause 4.6 Exception to Development Standards

Tony Mclain  
4/26 Grove St , Birchgrove  
NSW 2041  
mclaintony@gmail.com

Tel 98108631  
0412366155

The General Manager  
Inner West Council  
7-15 Wetherill Street  
Leichhardt  
NSW 2041

11<sup>th</sup> September , 2020

re 143 Park Avenue , Ashfield  
Part 4.6 Submission - FLOOR SPACE RATIO

Dear Sir,

We lodge a Part 4.6 Submission concerning the plans currently before Council (No 2810 Issue A)  
It addresses Floor Space Ratio.

### PART 4.6 SUBMISSION

#### 1.0 Introduction

Clause 4.6 of the LEP allows for a contravention of a development standard with the approval of the consent authority.

1. The subject site is 143 Park Avenue , Ashfield. It is one half of a semi-detached building and is located within a general conservation area.
2. The development application seeks approval for a new ground floor area at the rear with an upper floor.
3. The LEP permits a maximum FSR of 0.5 :1.

Calculations are -

SITE AREA	149.5 m2
PROPOSED FSR (107.7 m2)	0.72:1 ( Max allowable under LEP 0.5 :1 )
LANDSCAPED AREA	25.04 m2
SITE COVER ( 86.4 m2 )	57.8 %

Compliance is not achieved for the Floor Space Ratio standard.

4. Clause 4.6 allows for the contravention of a development standard with the approval of the consent authority.
5. The objectives of Clause 4.6 are -
  - (a) *To provide an appropriate degree of flexibility in applying certain development standards to particular development: and*
  - (b) *To achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

1/3

6. Subclause 3 requires the consent authority to consider a written request from the applicant that demonstrates:
- (a) *That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case: and*
  - (b) *That there are sufficient environmental planning grounds to justify Contravening the development standard.*
7. Subclause 4 requires that the consent authority be satisfied that:
- (a) *The applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
  - (b) *The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.*

## 2.0 Variation Report

The proposal does not satisfy the LEP controls for the following reasons which should be considered by Council.

- (a) The scheme proposes a restrained and sympathetic addition that matches the addition recently approved by Council for the adjoining semi at No143 Park Avenue.
- (b) It will allow the dwelling to be upgraded to achieve the expectations of contemporary living. The original ground floor fabric in the front section will be retained.
- (c) The streetscape presentation of the property is not compromised .The new work cannot be seen from Park Avenue. This scheme is consistent with the desired future character of the neighbourhood.
- (d) The existing landscaped area in the front of the dwelling remains unaltered. The new landscaped area at the rear of the dwelling will provide a desirable outlook from the new indoor living areas and improve general amenity.
- (e) The only environmental impact on neighbours is the additional overshadowing of the side windows to 141.

While strict compliance with the solar access guidelines are not achieved for the property at No141 we point out that the windows to the lounge and sitting areas are not overshadowed by the proposal with the exception of the rear door to the front lounge which has some reduction of direct light in the afternoon. This lounge has an alternate source of daylight in the front window.

Direct sunlight to the secondary bedroom is reduced below the guidelines but we point out that a bedroom is not of the same significance as a lounge where daylight is concerned as it is primarily occupied during the evening.

- (f) The scheme complies with the Landscaped area controls .
- (g) The main argument for an approval is that the scheme mirrors at the rear what has been recently approved by Council for the adjoining semi at No145. From a design point of view the best solution is for both renovations to match each other and continue the symmetry established at the front through to the rear of both dwellings.



**3.0 Conclusion**

For the above reasons we consider that the scheme as proposed is reasonable in the context of the site and its neighbours. Environmental impacts are not significant for neighbours. The scheme maintains the integrity of the Conservation Area and enables a dwelling to be upgraded to present standards.

*Tony McLain*

Tony McLain  
Architect  
4291