




 DEVELOPMENT ASSESSMENT REPORT				
<b>Application No.</b>	DA/2021/1284			
<b>Address</b>	33 Wellesley Street SUMMER HILL NSW 2130			
<b>Proposal</b>	Alterations and additions to an existing dwelling including construction of new lower ground floor addition, ground floor extension, hardstand parking space and front fence.			
<b>Date of Lodgement</b>	17 December 2021			
<b>Applicant</b>	Hebden Architects			
<b>Owner</b>	Ms Georgina L Camp			
<b>Number of Submissions</b>	One (1)			
<b>Value of works</b>	\$742,500.00			
<b>Reason for determination at Planning Panel</b>	Clause 4.6 variation exceeds 10%			
<b>Main Issues</b>	Variation to FSR, privacy			
<b>Recommendation</b>	Approved 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			
<b>Attachment D</b>	Statement of Heritage Significance			
				
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 an existing dwelling including construction of new lower ground floor addition, ground floor extension, hardstand parking space and front fence at 33 Wellesley Street SUMMER HILL NSW 2130.

The application was notified to surrounding properties and 1 submission was received in response to the initial notification.

The main issues that have arisen from the application include:

- 48% or 49sqm variation to clause 4.4 – Floor Space Ratio of the ALEP 2013.
- Variation to minimum 900mm setback requirement
- Visual Privacy

The non-compliances are acceptable given the circumstances of the case and therefore the application is recommended for approval.

## 2. Proposal

The current application seeks consent for alterations and additions to an existing dwelling including construction of new lower ground floor addition, ground floor extension, hardstand parking space and front fence.

In particular the proposal seeks to demolish the rear of the existing dwelling and construct a new lower ground floor addition containing the kitchen dining and living areas. Beyond the living area on the lower ground floor a new pergola is proposed to be constructed. The proposal also seeks to construct a new ground floor level (above lower ground floor) which contain a new study, en-suite and bedroom. The overall length of the new addition generally remains the same as the existing on-site dwelling and simply accommodates a new lower ground floor area.

With regards to the front façade of the existing dwelling the current application proposes to construct a new front fence (timber posts), new awning roof, new path and introduce landscaped area to the front setback. These works are considered to restore the original heritage significance of the building and contribute positively to the streetscape.

## 3. Site Description

The subject site is located on the northern side of Wellesley Street, between Carrington Street and Spencer Street. The site consists of 1 allotment and is generally rectangular shaped with a total area of 202sqm and is legally described as 33 Wellesley Street SUMMER HILL NSW 2130.

The site has a frontage to Wellesley Street of 6.12 metres and a maximum length of 33.5m. The site has a rear frontage to Carrington Lane and enjoys vehicular access from this frontage.

The site supports a single storey brick and tile dwelling house. The adjoining properties support similar single and two storey brick and tile dwelling houses, believed to have been constructed within a similar timeframe.

The property is a contributory building located within the Quarantine Ground Conservation Area (C51).

The site has two small trees/shrubs located within the rear garden, these trees are non-prescribed and due to their size and location can be removed. No neighbouring trees will be impacted by the proposal.



Figure 1: Zoning Map – R2 Low Density Residential, site identified in red

#### 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/2021/0158	Pre DA – Alterations and additions to a dwelling house	Advice Issued – 2/05/2021

##### 4(b) Application history

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

Date	Discussion / Letter / Additional Information
1 February 2022	Council Officers contacted the applicant and requested the submission of a revised/ more comprehensive clause 4.6 objection to FSR.
10 February 2022	Applicant submitted a revised clause 4.6 objection to FSR.

The revised clause 4.6 objection forms the basis for the current assessment.

## 5. Assessment

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

### 5(a) Environmental Planning Instruments

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*

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. IWC DCP 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)(i) *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)(ii) *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 seeks the removal of vegetation from within the site. The application was referred to Council’s Tree Management Officer whose comments are summarised as follows:

- *The site has two small trees/shrubs located within the rear garden, these trees are non-prescribed and due to their size and location can be removed. No neighbouring trees will be impacted by the proposal.*

Overall, the proposal is considered acceptable with regard to the *Vegetation SEPP* and DCP subject to the imposition of conditions, which have been included in the recommendation of this report.

#### 5(a)(iii) *Ashfield Local Environment Plan 2013 (ALEP 2013)*

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

- 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

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

The site is zoned R2 under the *ALEP 2013*. The *ALEP 2013* defines the development as:

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

The development is permitted with consent within the land use table. 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	7.6m	N/A	Yes
<b>Floor Space Ratio</b> Maximum permissible: 0.5:1 or 101.15m <sup>2</sup>	0.74:1 or 150.2m <sup>2</sup>	49sqm or 48%	Yes

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* by 48% or 49sqm.

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 and 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 *Ashfield Local Environmental Plan 2013* below.

A written request has been submitted to Council in accordance with Clause 4.6(4)(a)(i) of the *Ashfield Local Environmental Plan 2013* justifying the proposed contravention of the development standard which is summarised as follows:

- *The proposal maintains the existing built form and takes advantage of the slope of the site to use the undercroft area for additional accommodation*

- *The increase in density is contained within the existing built form.*
- *The design is complimentary to the character of the existing house. The heritage character will be preserved by reusing as many bricks as possible and providing a traditional corrugated steel roof with timber fascia boards and traditional quad gutter to match the existing building fabric.*
- *The additions will not impact on the amenity of the adjoining properties.*
- *The visual relationship between the proposed dwelling and nearby houses will remain as per the existing situation.*

The applicant's written rational 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 – Low Density Residential zone, in accordance with Clause 4.6(4)(a)(ii) of the *Ashfield Local Environmental Plan 2013* for the following reasons:

- The current proposal has been appropriately designed to meet the day to day needs of residents, within a low-density environment. The proposal has been designed to ensure minimal impact to the heritage conservation area and provides a design which is readily reversible/adaptable to meet various needs of occupant's over time, while not requiring further demolition to heritage fabric.
- The design of the current addition creates a 3-bedroom dwelling with new/modern living areas which will readily meet the day to day and long term needs of today's community.

It is considered the development is in the public interest because it is consistent with the objectives of the Floor Space Ratio development standard, in accordance with Clause 4.6(4)(a)(ii) of the *Ashfield Local Environmental Plan 2013* for the following reasons:

- The current proposal results in a density and intensity of land-use which is in-line with that of existing neighbouring residential properties and in-keeping with today's expectations for dwelling houses/family homes.
- The proposals bulk and scale is similar to that of the current built form and neighbouring sites which also accommodate a lower ground floor and has been appropriately designed to not dominate or compete with the heritage significant elements it is attached to.
- The proposed impacts to the heritage conservation area have been reviewed in detail by Council's Heritage Advisor who outlined no objection to the proposal, subject to suitable conditions of consent. In this instance Council's Heritage Advisor has outlined that the proposed works will not impact the heritage significance of the existing dwelling or HCA, but will instead restore and adapt the building to ensure its continued use, protection and contribution to the locality in the future.
- The proposal's impact with regards to privacy, overshadowing and bulk/scale has all been assessed as part of the current application and is noted to be largely compliant with current controls. In this instance it is considered that the proposed variation results in negligible additional environmental impacts for neighbouring sites and that the overall development has been appropriately designed to minimise impacts to

neighbouring sites while ensuring reasonable amenity/usability for future occupants. It is considered that a requirement for strict compliance would not result in significant amenity improvements to neighbouring sites.

- The current proposal has been designed to ensure that neighbouring properties and the public domain retain and maintain acceptable levels of amenity and opportunities for enjoyment. As mentioned above in this instance a requirement of strict compliance is unlikely to significantly improve neighbouring amenity.
- The current proposal has been appropriately designed to provide a balance between the HCA and the modern needs of residents. Acceptance of the current proposal is expected to ensure a development which is in-keeping with the current and future visual character of the area.

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

The proposal thereby accords with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of the *Ashfield Local Environmental Plan 2013*. For the reasons outlined above, there are sufficient planning grounds to justify the departure from Floor Space Ratio and it is recommended the Clause 4.6 exception be granted.

#### Clause 5.10 - Heritage Conservation

The property is located within a heritage conservation area under the ALEP 2013 known as the Quarantine Station HCA (C51). As part of the current assessment the proposal has been reviewed by Council's Heritage Advisor and assessed under the requirements of clause 5.10 of the ALEP 2013. This assessment has concluded that the proposed works are generally acceptable from a heritage perspective, subject to conditions of consent. These conditions relate to the proposed material finishes. The proposal is considered to comply with the requirements of clause 5.10 of the ALEP 2013.

#### Clause 6.1 - Earthworks

The current proposal seeks consent for roughly 1.2m of excavation to accommodate the proposed new lower ground floor level. This excavation has been reviewed by Council and is considered to be acceptable. The proposed earthworks will not disrupt drainage patterns, impacts amenity of neighbouring sites or impact the heritage significance of the area, subject to suitable conditions of consent. The proposal is considered to meet the requirements of clause 6.1 of the ALEP 2013.

#### 5(b) Draft Environmental Planning Instruments

There are no relevant Draft Environmental Planning Instruments.

#### 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 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>	
<b>A – Miscellaneous</b>	
1 - Site and Context Analysis	Yes
2 - Good Design	Yes
5 - Landscaping	Yes
8 - Parking	Yes
11 - Fencing	Yes
15 - Stormwater Management	Yes
<b>C – Sustainability</b>	
1 – Building Sustainability	Yes
2 – Water Sensitive Urban Design	Yes
3 – Waste and Recycling Design & Management Standards	Yes
4 – Tree Preservation and Management	Yes
<b>E1 – Heritage items and Conservation Areas (excluding Haberfield)</b>	
1 – General Controls	Yes
3 – Heritage Conservation Areas (HCAs)	Yes
8 - Demolition	Yes
9 – Heritage Conservation Areas, Character Statements and Rankings	Yes
<b>F – Development Category Guidelines</b>	
1 – Dwelling Houses and Dual Occupancy	No – see discussion

The following provides discussion of the relevant issues:

Visual Privacy

As part of the current assessment Council officers have reviewed the potential privacy impacts resulting from the development. This assessment has highlighted minimal privacy impacts from the proposed lower ground floor with openings designed to be generally located close to existing ground and largely obscured by boundary fencing. No objection is raised to the proposed ground floor openings.

With regards to the proposed first floor addition, the following assessment of windows based off elevation has been made:

*Western Elevation*

The proposal seeks consent for the construction of windows W09, W10, W11 and W12 to the ground floor western elevation. A review of these windows has highlighted that they relate directly to a stair well, study, bathroom and bedroom 1. These windows have been designed to be in roughly the same location as existing windows to be demolished, but in a higher location. Windows W09, W11 and W12 are each proposed to incorporate privacy treatments such as fixed glass or privacy screens. As seen on the proposed floor plans these windows have been designed to avoid privacy impacts by being off set from neighbouring windows. In this instance windows W09 to W11 are acceptable as proposed. With regards to window W12 this window may have capacity to view into the neighbouring



POS and as such a condition requiring the privacy screening to be 75% block out density and angled in a manner to avoid sight lines is recommended for the consent.

#### *Eastern Elevation*

The proposal seeks consent for the construction of windows W16, W15 and W14 to the ground floor eastern elevation. A review of these windows has highlighted that they relate directly to a bathroom, a corridor and bedroom 1. Windows W16 and W15 have been identified as being frosted fixed glass or glass blocks, as such no additional privacy treatments are recommended, and the windows supported in their current form. With regards to window W14 this window may again have capacity to view into the neighbouring POS and as such a condition requiring the privacy screening to be 75% block out density and angled in a manner to avoid sight lines is recommended for the consent.

#### *Northern Elevation (Rear)*

The northern elevation is proposed to accommodate window W13 relating to bedroom 1. This window is setback 9m from the rear boundary and roughly 15m from the neighbouring site on the opposite side of Carrington Lane. This separation and the nature of the proposed space as a bedroom (low trafficable room) is sufficient to ensure reasonable privacy and amenity for all occupants and neighbours.

#### Overshadowing

The proposal is considered to be compliant with clause DS 13.1 which requires solar access to be maintained to at least 50% of private open space areas of adjoining properties for a minimum of 3 hours between 9 am and 3 pm on 21 June. Due to the orientation of the site, resulting from the time of subdivision, a large portion of the overshadowing cast by the development falls to Wellesley Street or the subject sites own POS. Some minor additional shadows may be cast from the new gabled end roof of the rear addition, however any impacts are expected to be minor and limited to the morning. The proposal is considered to be acceptable with regards to solar access and overshadowing.

#### Setbacks

The development seeks consent for a 170mm side boundary setback along the eastern boundary of the site and a 600mm setback along the western boundary. These side boundary setbacks replace and align with the existing walls to be demolished and original walls of the front portion of the dwelling which is to be retained. The proposed 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. The proposed walls replace an existing structure and does not result in an unreasonable bulk or scale given it replicates an existing situation. Council raises no objection to the construction of these walls, subject to appropriate conditions of consent.

#### Landscaped Area

The current application results in a variation to clause D8.1 of Chapter F within the IWCDP 2016. This clause calls for sites 201-300sqm to have a landscaped area of 25%. The subject site results in a landscaped area of 17.3%. The intention of this clause is to soften the visual impact of built form, provide adequate POS and provide opportunities for plantings. The current proposal is considered to provide sufficient opportunities for POS and landscaping both within the new landscaped area (in the front setback) and existing landscaped area within the rear setback. The proposed rate of landscaping ensures that the site meets the day to day needs of occupants. No objection is raised to the proposed rate of landscaping.

### 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 the Community Engagement Framework for a period of 14 days to surrounding properties. One (1) submission was received in response to the initial notification.

In addition to the above issues, the submissions raised the following concerns which are discussed under the respective headings below:

Issue: Privacy Impacts

Comment: See assessment section above for assessment on privacy impacts.

Issue: Acoustic Impacts

Comment: The proposal maintains its current use as a dwelling house. Any acoustic impacts are expected to be in-line with that of a dwelling house and will not unreasonably impact neighbouring amenity. New primary living areas are located to the rear and below fence line assisting to minimise acoustic impacts.

Issue: Overshadowing

Comment: See assessment section above for assessment on overshadowing impacts.

Issue: Damage to neighbours from construction and impacts from construction.

Comment: Appropriate conditions regarding management of construction noise and protection of neighbouring properties is recommended for the consent. These conditions will ensure protection of neighbouring dwellings and protection of neighbouring sites. These conditions will also require the storage of materials on-site unless a permit permitting public land occupation is provided.

### 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 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 – No objection to the proposal, subject to suitable conditions of consent.
- Heritage - No objection to the proposal, subject to suitable conditions of consent.
- Urban Forests - No objection to the proposal, subject to suitable conditions of consent.

## 7. Section 7.11 Contributions/7.12 Levy

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 \$7,425 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 premises/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 4.4 Floor Space Ratio of the *Ashfield Local Environmental Plan 2013*. After considering the request, and assuming the concurrence of the Secretary has been given, 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. **CW**
- 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/2021/1284 for Alterations and additions to an existing dwelling including construction of new lower ground floor addition, ground floor extension, hardstand parking space and front fence. at 33 Wellesley Street, Summer Hill 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>
DA01A	Site/Roof Plan	November 2021	Hebden Architects
DA02A	Ground Floor Plan	November 2021	Hebden Architects
DA03A	Lower Ground Floor Plan	November 2021	Hebden Architects
DA04A	East & West Elevations	November 2021	Hebden Architects
DA05A	North & South Elevations	November 2021	Hebden Architects
DA06A	Sections	November 2021	Hebden Architects
LP01	Landscape Plan	23/11/2021	EZI Grow

As amended by the conditions of consent.

**DESIGN CHANGE**

**2. Design Change**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating the following:

- a. The proposed charcoal grey and black material finishes is not supported and must be amended to a more suitable colour scheme that reflects the typical colour palette of the era and be suitable for substantially intact housing stock within the Quarantine Ground HCA.

**FEES**

**3. 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>	\$4000.00
<b>Inspection Fee:</b>	\$241.50

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.

#### 4. 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\*:

\$7,425.00

\*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 *by BPAY (to a maximum of \$500,000); unendorsed bank cheque (from an Australian Bank only); EFTPOS (Debit only); credit card (Note: A 1% credit card transaction fee applies to all credit card transactions; cash (to a maximum of \$10,000)*. It should be noted that personal cheques or bank guarantees cannot be accepted for the payment of these contributions. 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.

#### 5. 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

#### 6. Boundary Alignment Levels

Alignment levels for the site at vehicular access location must match the existing back of kerb and gutter and layback levels at the boundary.

#### 7. Tree Protection

No trees on public property (footpaths, roads, reserves etc.) are to be removed or damaged during works unless specifically approved in this consent or marked on the approved plans for removal.

Prescribed trees protected by Council's Management Controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent.

Any public tree within five (5) metres of the development must be protected in accordance with Council's *Development Fact Sheet—Trees on Development Sites*.

No activities, storage or disposal of materials taking place beneath the canopy of any tree (including trees on neighbouring sites) protected under Council's Tree Management Controls at any time.

#### 8. Bay Window to bedroom 1

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans indicating the erection of a privacy screen on windows W14 and W12 on the east and west elevations of the additions relating to the bay window of bedroom 1. These screens must have a minimum block out density of 75% and a height of 1.6 metres above the finished floor level of the ground floor.

**9. 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.

**10. 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.

**11. 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.

**12. Works Outside the Property Boundary**

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

**PRIOR TO ANY DEMOLITION****13. 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.



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

**15. Advising Neighbours 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.

**16. 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****17. 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, kerb and gutter, layback and roadway (Carrington Lane and Wellesley Street) adjacent to the site.

**18. 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. The design must generally be in accordance with the Stormwater Drainage Concept plan on Drawing No. 070921 (2 sheets) prepared by Stormwater Engineers Pty Ltd and dated Nov 2021, as amended to comply with the following;

- b. 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;
- c. 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;
- d. Pipe and channel drainage systems must be designed to cater for the twenty (20) year Average Recurrence Interval (ARI) storm event. Major event surface flow paths must be designed to cater for the one hundred (100) year ARI Storm;
- e. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage other than to drain downpipes to the rainwater tank;
- f. 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;
- g. An overland flowpath must be provided within the setback to the side boundary. The rear courtyard must be graded so that bypass flows from the site drainage system are directed to the overland flowpath.
- h. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
- i. A minimum 150mm step up shall be provided between all external finished surfaces and adjacent internal floor areas except where a reduced step is permitted under Section 3.1.2.3(b) of the Building Code of Australia for Class 1 buildings;
- j. The design must make provision for the natural flow of stormwater runoff from adjacent properties;
- k. No nuisance or concentration of flows to other properties;
- l. 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;
- m. An silt arrestor pit must be installed inside the property, adjacent to the boundary, for the stormwater outlet;
- n. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;
- o. 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;
- p. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings; and
- q. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.

**19. 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.

**20. 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****21. 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.

**PRIOR TO OCCUPATION CERTIFICATE****22. 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 any opening doors and garage door.

**23. Protect Sandstone Kerb**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any stone kerb, damaged as a consequence of the work that is the subject of this development consent, has been replaced.

#### 24. Certification of Tree Planting

Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with evidence certified by a person holding a minimum qualification of AQF3 Certificate of Horticulture or Arboriculture that:

One (1) x 75 litre size tree has been planted in a suitable location within the property at a minimum of 2 metres from the building and allowing for future tree growth. The tree is to conform to AS2303—*Tree stock for landscape use*.

If the replacement trees are found to be faulty, damaged, dying or dead within twelve (12) months of planting then they must be replaced with the same species (up to 3 occurrences). If the trees are found dead before they reach a height where they are protected by Council's Tree Management Controls, they must be replaced with the same species.

#### ON-GOING

#### 25. Tree Establishment

The tree/s planted as part of this consent is/are to be maintained in a healthy and vigorous condition for 12 months from the issue of an Occupation Certificate. If any of the tree/s is/are found faulty, damaged, dying or dead within 12 months of the issue of an Occupation Certificate it/they must be replaced with the same species within one (1) month (up to 3 occurrences).

#### 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.

#### **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 (including root pruning/mapping)**

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—Arborist Reports*.

**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.

#### **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.

**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>
WorkCover Authority of NSW	13 10 50	<a href="http://www.workcover.nsw.gov.au">www.workcover.nsw.gov.au</a>

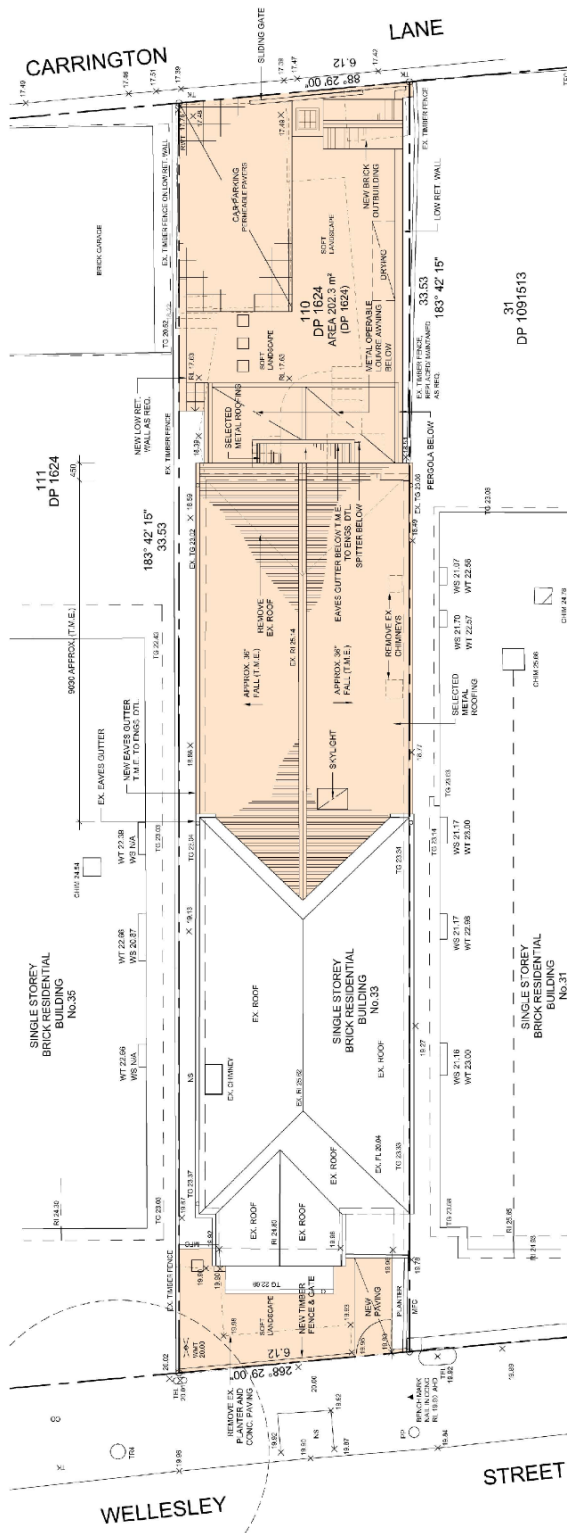
Enquiries relating to work safety and asbestos removal and disposal.

**Street Numbering**

If any new street numbers or change to street numbers (this includes unit and shop numbers) are required, a separate application must be lodged with and approved by Council's GIS Team before being displayed.

**REASONS FOR REFUSAL**

Attachment B – Plans of proposed development



**WINDOW SCHEDULE:**

NO.	LOCATION	GLAZED PANEL TYPE	GLAZED PANEL DIMENSIONS (mm) (W x H)	SILL HEIGHT (mm)	REMARKS
WV1	Lvt Glz Fr - Kitchen	Awning	900 x 1000	1200	
WV2	Lvt Glz Fr - Drip	Awning	900 x 1000	1100	
WV3	Lvt Glz Fr - Living	Fixed	900 x 1000	1100	
WV4	Sliding Door	Sliding Door	3000 x 2200	-	
WV5	Sliding Door	Sliding Door	3000 x 2200	-	
WV6	Lvt Glz Fr - Kitchen	Fixed	900 x 1000	1100	FRF, Framer / Glass Blocks
WV7	Lvt Glz Fr - Kitchen	Fixed	400 x 1000	1100	FRF, Framer / Glass Blocks
WV8	Lvt Glz Fr - Stairs	Fixed	700 x 1000	900	
WV9	Lvt Glz Fr - Stairs	Awning	700 x 1000	900	
WV10	Lvt Glz Fr - Stairs	Fixed	450 x 1100	900	
WV11	Lvt Glz Fr - Ensuite	Fixed	600 x 400	700	
WV12	Lvt Glz Fr - Bath 1	Sliding Fixed Sliding	550 (1000) 500 x 400	700	
WV13	Lvt Glz Fr - Bath 1	Fixed	900 x 400	700	
WV14	Lvt Glz Fr - Bath 1	Fixed	700 x 1000	900	FRF, Framer / Glass Blocks
WV15	Lvt Glz Fr - Bath 1	Fixed	250 x 1000	900	FRF, Framer / Glass Blocks
WV16	Lvt Glz Fr - Bath 1	Fixed	250 x 1000	900	FRF, Framer / Glass Blocks

WINDOWS DIMENSIONS INDICATED ABOVE ARE THE DIMENSIONS OF STRUCTURE OPENING.

**CALCULATIONS**

- Zone R2 (Low Density Residential)
- The area of the site is 202.3 m<sup>2</sup>
- Existing gross floor area (GFA) is 99.35 m<sup>2</sup>
- Proposed GFA is 148.14 m<sup>2</sup>
- Allowable FSR is 0.5:1. Total FSR is 0.73:1 approx.
- Existing Landscaped Area is 45.03m<sup>2</sup> (22.70%). Proposed Landscaped Area is 58.69m<sup>2</sup> (29.02%).
- Proposed Site Coverage is 107.48 m<sup>2</sup> (53.12%)
- Proposed Private Open Space is 33.26 m<sup>2</sup>

**EXTENT OF ADDITIONAL WORKS PROPOSED**

ISSUE DATE: NOV 21  
 NOTES: DA SUBMISSION

**Project address:**  
 33 Wellesley Street, Summer Hill  
**Street address:**  
 33 Wellesley Street, Summer Hill 2130  
**Local Government Area:**  
 Inner West Council  
**Lot number:**  
 110  
**Section number:**  
 -  
**Project type:**  
 Separate dwelling house  
**Dwelling type:**  
 Single detached house  
**Site type:**  
 Urban  
**Site description:**  
 The site is a residential lot located at the intersection of Wellesley Street and Carrington Lane, Summer Hill, NSW. The site is currently occupied by a single detached house. The proposed development consists of a new single storey brick residential building with a total floor area of 148.14 m<sup>2</sup>. The site is bounded by Wellesley Street to the north, Carrington Lane to the east, and a rear boundary to the south. The site is zoned R2 (Low Density Residential). The proposed development is consistent with the zoning requirements. The site is currently occupied by a single detached house. The proposed development consists of a new single storey brick residential building with a total floor area of 148.14 m<sup>2</sup>. The site is bounded by Wellesley Street to the north, Carrington Lane to the east, and a rear boundary to the south. The site is zoned R2 (Low Density Residential). The proposed development is consistent with the zoning requirements.

**Certificate Prepared by:** James Hebdon, Accredited Valuer (No. 10426 of 2014)  
 Name / Company Name: AS/NZS - Office: 02 9554 8908  
 Date of preparation: 20/11/2021

**Project description:**  
 This certificate confirms that the proposed development will meet the NSW Government's net zero emissions target by 2050. The proposed development is a single storey brick residential building with a total floor area of 148.14 m<sup>2</sup>. The building is designed to be energy efficient and will meet the NSW Government's net zero emissions target by 2050. The proposed development is a single storey brick residential building with a total floor area of 148.14 m<sup>2</sup>. The building is designed to be energy efficient and will meet the NSW Government's net zero emissions target by 2050.

**Project description:**  
 This certificate confirms that the proposed development will meet the NSW Government's net zero emissions target by 2050. The proposed development is a single storey brick residential building with a total floor area of 148.14 m<sup>2</sup>. The building is designed to be energy efficient and will meet the NSW Government's net zero emissions target by 2050. The proposed development is a single storey brick residential building with a total floor area of 148.14 m<sup>2</sup>. The building is designed to be energy efficient and will meet the NSW Government's net zero emissions target by 2050.

**DA 01A**

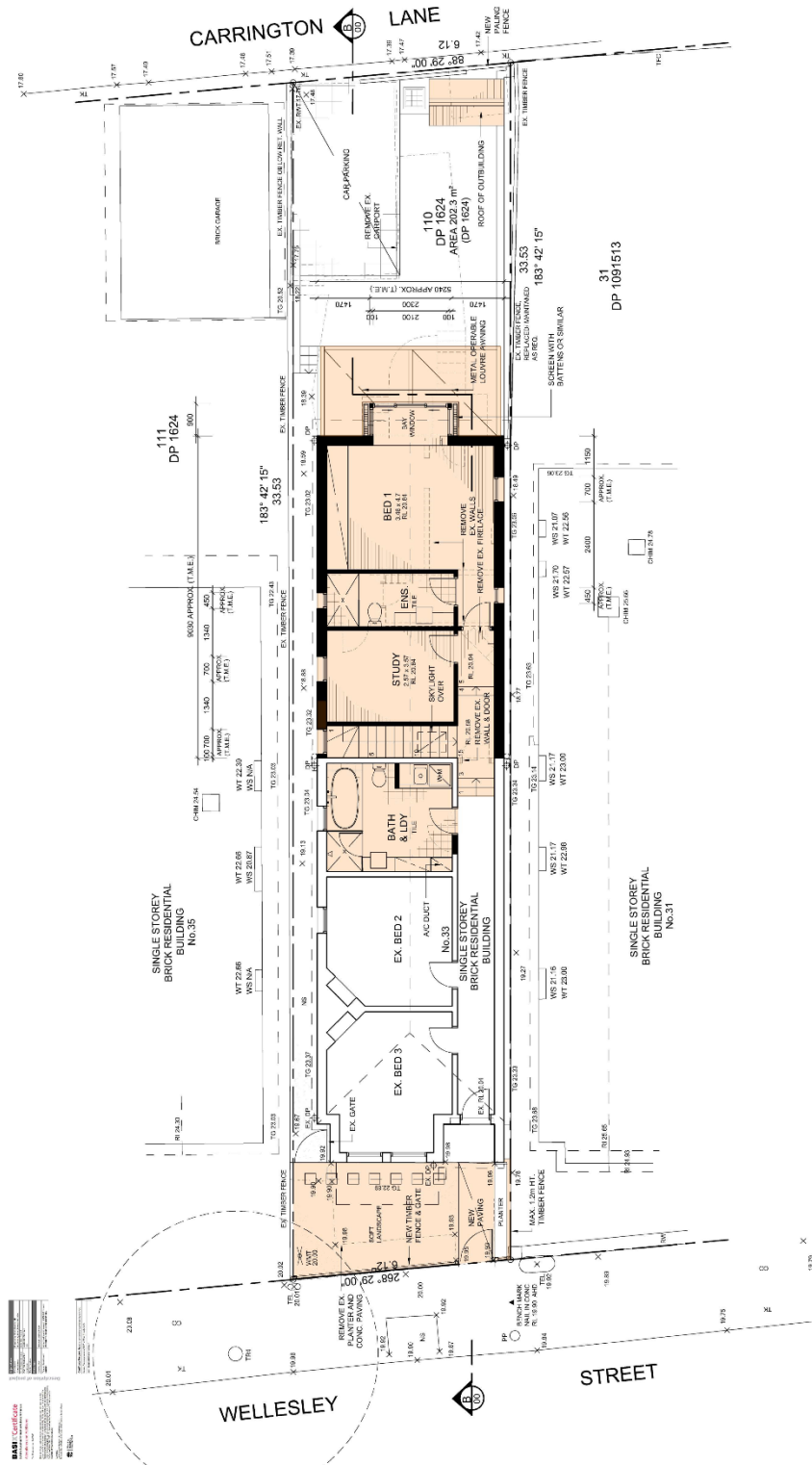
**SITE / ROOF PLAN**

**Proposed Alterations & Additions to 33 Wellesley St, Summer Hill For G. Camp & M Riddle**

**SCALE:** 1 : 100 @ A3  
**DATE:** NOV 2021  
**DRAWN BY:** SC

**Hebdon Architects**  
 www.hebdonarchitects.com.au

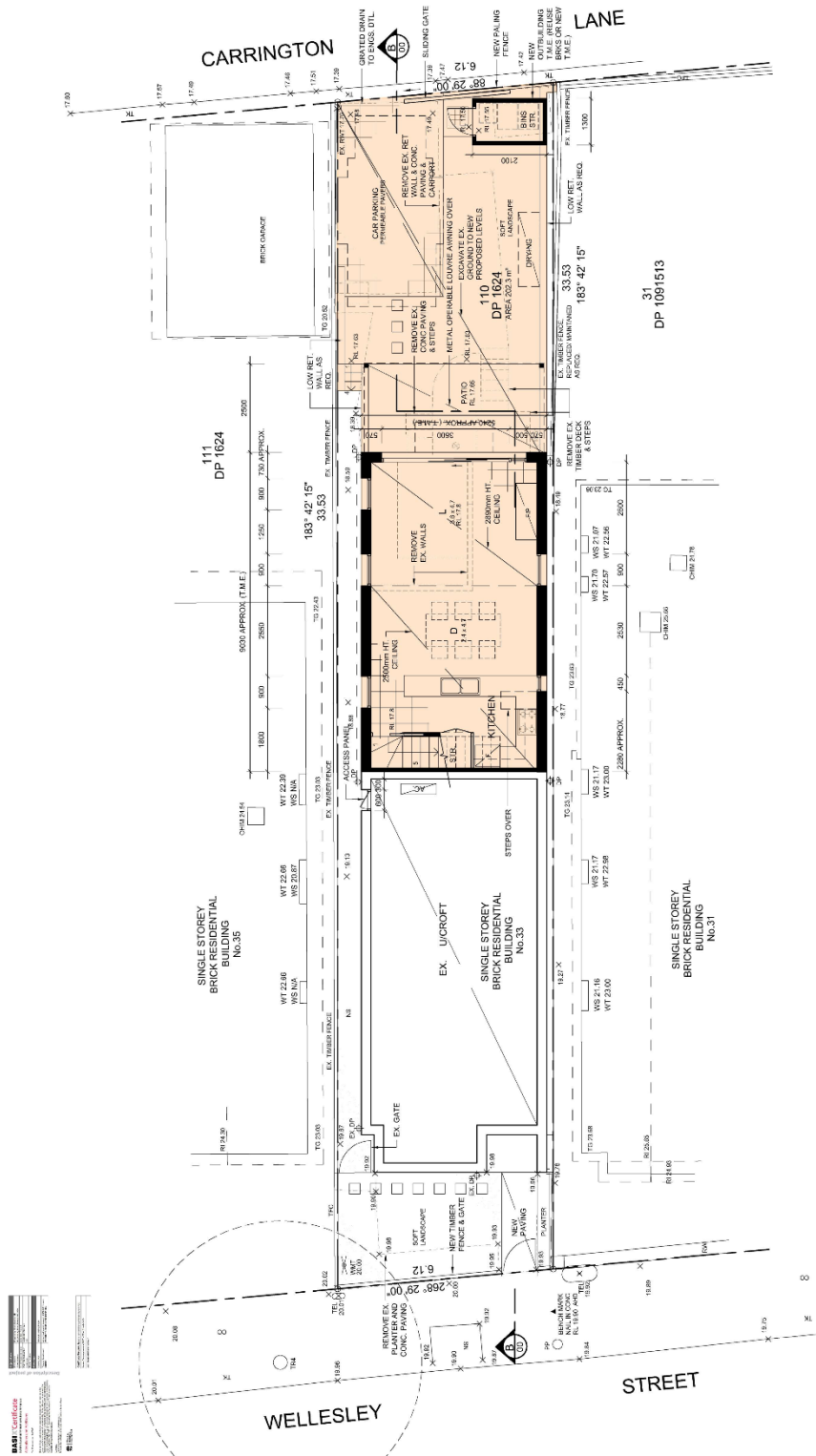
**S11/39 Grosvenor Cres, Summer Hill NSW 2030**  
 Tel (02) 9799 5252  
 Mobile 0431 734 120  
 NSW AHS No: 7261




EXTENT OF ADDITIONAL WORKS PROPOSED ■		ISSUE DATE   NOTES A   NOV 21   DA SUBMISSION	
		PROPOSED ALTERATIONS & ADDITIONS TO 33 WELLESLEY ST, SUMMER HILL FOR G. CAMP & M RIDDLE	
SCALE   1 : 100 @ A3		DATE   NOV 2021	
DRAWN BY   SC		DA 02 A	

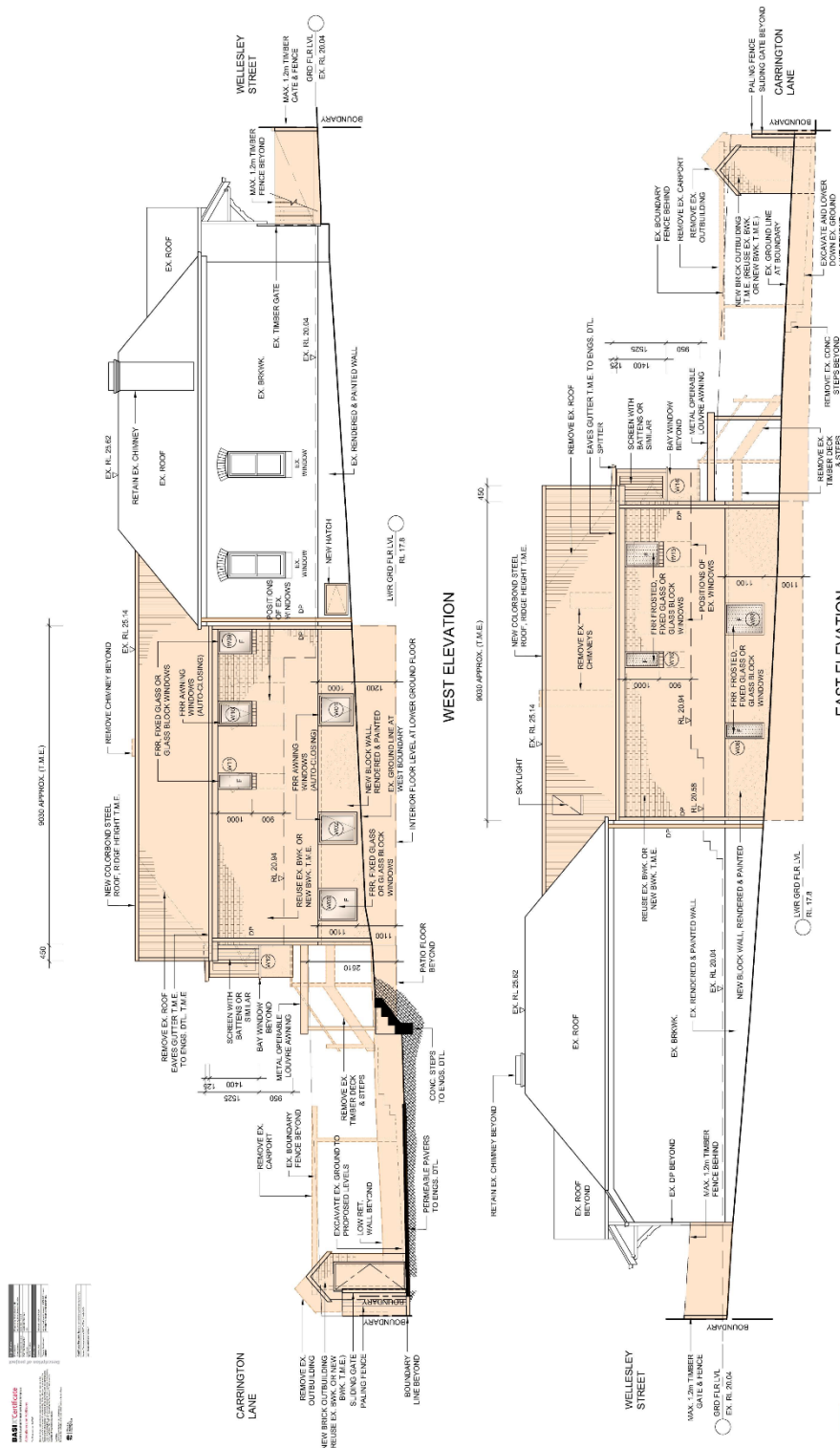
S17/39 Grosvenor Cres,  
 Summer Hill NSW 2030  
 Tel (02) 9799 5252  
 Mobile 0431 734 120  
 NSW ARB No 7201  
**Hebden Architects**  
 www.hebdenarchitects.com.au





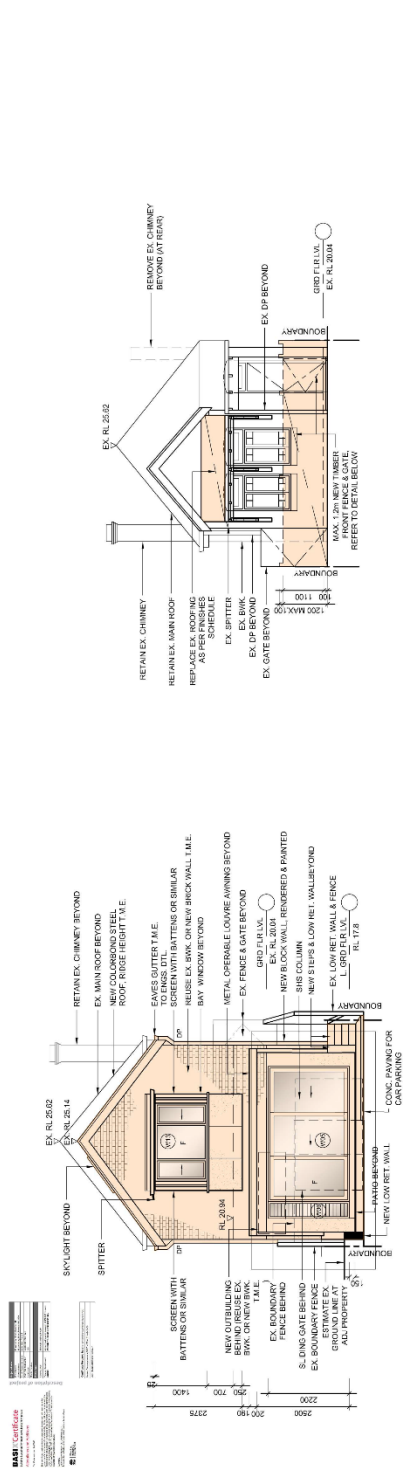
EXTENT OF ADDITIONAL WORKS PROPOSED

<p>ISSUE DATE   NOTES</p> <p>A   NOV 21   DA SUBMISSION</p>	 <p>S17/39 Grosvenor Cres. Summer Hill NSW 2030 Tel (02) 9799 5252 Mobile 0431 734 120 NSW AFB No 7201 www.hebdenarchitects.com.au</p>	<p>Proposed Alterations &amp; Additions to 33 Wellesley St, Summer Hill For G. Camp &amp; M Riddle</p>		<p>LOWER GROUND FLOOR PLAN</p>		<p>DA 03 A</p>
		<p>SCALE   1 : 100 @ A3</p>	<p>DATE   NOV 2021</p>	<p>DRAWN BY   SC</p>		



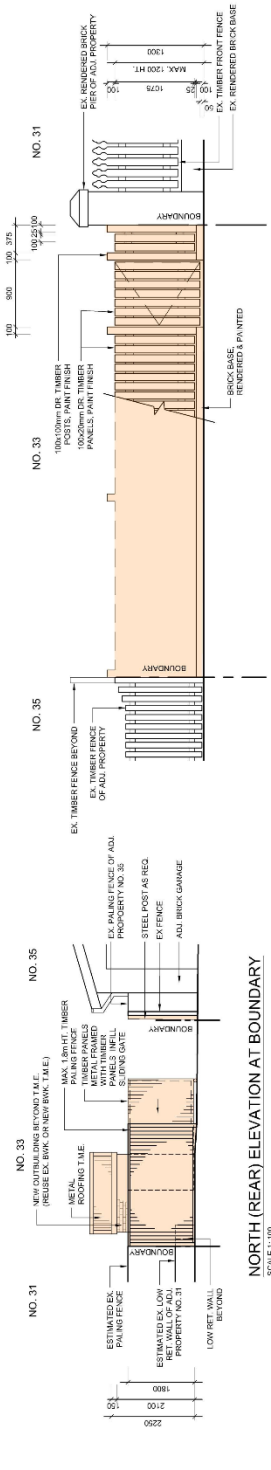
EXTENT OF ADDITIONAL WORKS PROPOSED

<p><b>ISSUE DATE   NOTES</b></p> <p>A NOV 21   DA SUBMISSION</p>	<p><b>Proposed Alterations &amp; Additions to 33 Wellesley St, Summer Hill For G. Camp &amp; M Riddle</b></p>		<p><b>EAST &amp; WEST ELEVATIONS</b></p>		<p>DA 04 A</p>
	<p>S17/39 Grosvenor Cres, Summer Hill NSW 2030 Tel (02) 9789 5252 Mobile 0431 734 120 NEW AFB NO 7201 <b>Hebden Architects</b> www.hebdenarchitects.com.au</p>		<p>SCALE</p> <p>1 : 100 @ A3</p>	<p>DATE</p> <p>NOV 2021</p>	<p>DRAWN BY</p> <p>SC</p>



SOUTH (STREET) ELEVATION

NORTH (REAR) ELEVATION




FRONT FENCE DETAIL

SCALE 1:100

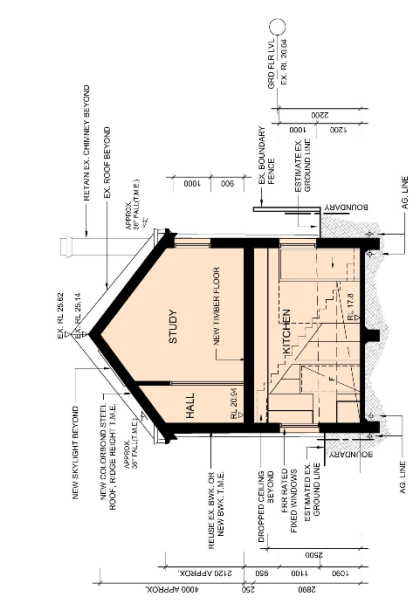
EXTENT OF ADDITIONAL WORKS PROPOSED

<p>ISSUE DATE</p> <p>A NOV 21 DA SUBMISSION</p>	<p>Proposed Alterations &amp; Additions to 33 Wellesley St, Summer Hill For G. Camp &amp; M Riddle</p>		<p>NORTH &amp; SOUTH ELEVATIONS</p>		<p>DA 05 A</p>
	<p>S17/39 Grosvenor Cres, Summer Hill NSW 2030 Tel (02) 9799 5252 Mobile 0431 734 120 NSW AFB NO 7701 www.hebdenarchitects.com.au</p>		<p>SCALE</p> <p>1 : 100 @ A3</p>	<p>DATE</p> <p>NOV 2021</p>	<p>DRAWN BY</p> <p>SC</p>

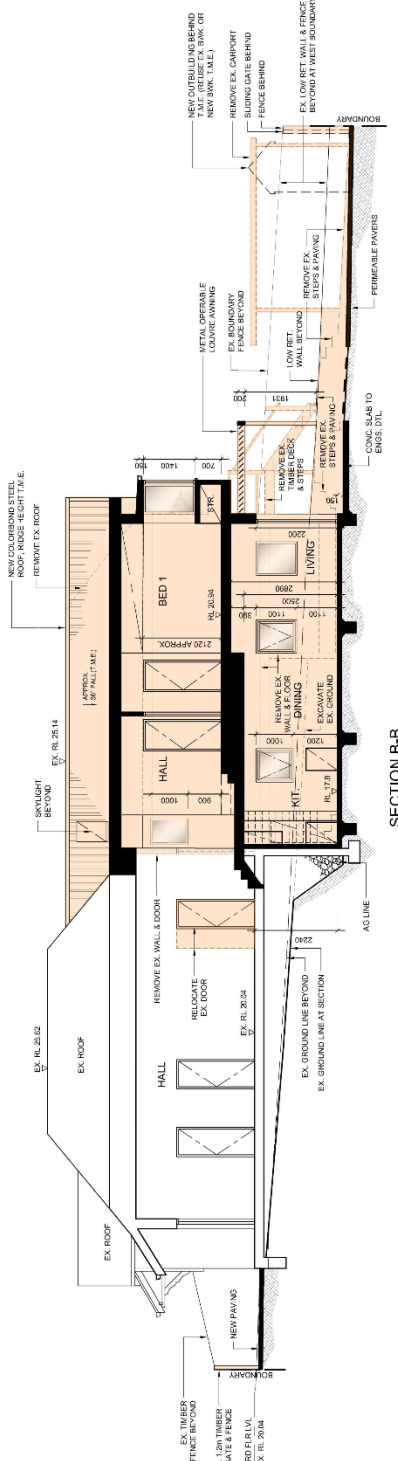


	
<b>Form # 6853</b> Project Name: <b>33 Wellesey Street, Summer Hill</b> Project Address: <b>33 Wellesey Street, Summer Hill</b> BASIX Certification Number: <b>AD0049</b>	Alternatives Energy Efficiency Consulting E: info@aecnce.com.au P: 02 939 319 204
This Project Specification is to be used in conjunction with the BASIX Certification Number AD0049.	
Type: <b>Material</b> Material: <b>Brick Veneer</b> R-Value: <b>1.3</b> U-Value: <b>0.7</b>	External Wall Specifications: Detail: As per drawings As per drawings
Type: <b>Roof</b> Material: <b>Asph/Fibre</b> R-Value: <b>0.5</b> U-Value: <b>2.0</b>	Roof Specifications: Detail: As per drawings As per drawings
Type: <b>Window</b> Material: <b>Aluminium</b> R-Value: <b>0.3</b> U-Value: <b>5.7</b>	Window Specifications: Detail: As per drawings As per drawings
Type: <b>Door</b> Material: <b>Timber</b> R-Value: <b>0.3</b> U-Value: <b>5.7</b>	Door Specifications: Detail: As per drawings As per drawings
Type: <b>Pool</b> Material: <b>Concrete</b> R-Value: <b>0.3</b> U-Value: <b>5.7</b>	Pool Specifications: Detail: As per drawings As per drawings
Type: <b>Other</b> Material: <b>Other</b> R-Value: <b>0.3</b> U-Value: <b>5.7</b>	Other Specifications: Detail: As per drawings As per drawings
<b>NOTES:</b> 1. ALL DOWNLIGHTS TO BE: <b>LED</b> 2. ALL DOWNLIGHTS TO BE: <b>LED</b> 3. ALL DOWNLIGHTS TO BE: <b>LED</b> 4. ALL DOWNLIGHTS TO BE: <b>LED</b> 5. ALL DOWNLIGHTS TO BE: <b>LED</b> 6. ALL DOWNLIGHTS TO BE: <b>LED</b> 7. ALL DOWNLIGHTS TO BE: <b>LED</b> 8. ALL DOWNLIGHTS TO BE: <b>LED</b> 9. ALL DOWNLIGHTS TO BE: <b>LED</b> 10. ALL DOWNLIGHTS TO BE: <b>LED</b>	

Type: <b>Material</b> Material: <b>Brick Veneer</b> R-Value: <b>1.3</b> U-Value: <b>0.7</b>	External Wall Specifications: Detail: As per drawings As per drawings
Type: <b>Roof</b> Material: <b>Asph/Fibre</b> R-Value: <b>0.5</b> U-Value: <b>2.0</b>	Roof Specifications: Detail: As per drawings As per drawings
Type: <b>Window</b> Material: <b>Aluminium</b> R-Value: <b>0.3</b> U-Value: <b>5.7</b>	Window Specifications: Detail: As per drawings As per drawings
Type: <b>Door</b> Material: <b>Timber</b> R-Value: <b>0.3</b> U-Value: <b>5.7</b>	Door Specifications: Detail: As per drawings As per drawings
Type: <b>Pool</b> Material: <b>Concrete</b> R-Value: <b>0.3</b> U-Value: <b>5.7</b>	Pool Specifications: Detail: As per drawings As per drawings
Type: <b>Other</b> Material: <b>Other</b> R-Value: <b>0.3</b> U-Value: <b>5.7</b>	Other Specifications: Detail: As per drawings As per drawings




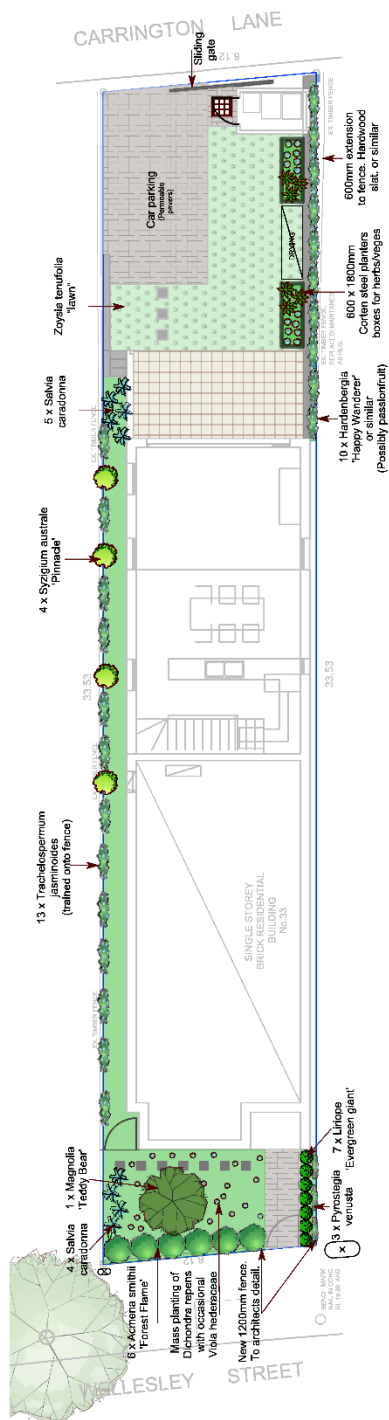
SECTION A-A



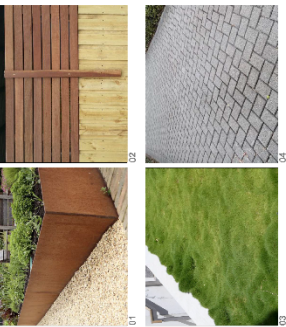
SECTION B-B

EXTENT OF ADDITIONAL WORKS PROPOSED

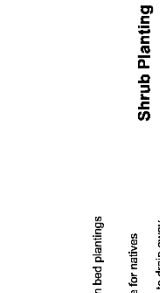
ISSUE DATE: <b>NOV 21</b> NOTES: <b>DA SUBMISSION</b>	SCALE: <b>1 : 100 @ A3</b>			DATE: <b>NOV 2021</b>	DRAWN BY: <b>SC</b>
	<b>SECTIONS</b>				
<b>DA 06A</b>					
Proposed Alterations & Additions to 33 Wellesey St, Summer Hill For G. Camp & M Ridde					
					
S17/39 Grosvenor, Cres, Summer Hill NSW 2030 Tel (02) 9789 5252 Mobile 0431 734 120 NSW AFB No 7201 www.hebdenarchitects.com.au					



Common Name	Quantity	Pot Size	Mature Height
Teddy Bear	1	75 L	6 m
Lilly Pilly - Forest Flame	6	300mm	1.5 m
Happy Wanderer	50	5cm	n/a
Evergreen giant	7	200mm	0.05 m
Orange trumpet flower	3	200mm	n/a
Caradonna	8	200mm	1.5 m
Star Jasmine	4	300mm	3.0 m
Native violet	13	140mm	0.05 m
Zoyaia	15	140mm	0.05 m
	20m <sup>2</sup>	n/a	n/a



Botanical Name	Common Name
Magnolia 'Teddy Bear'	Teddy Bear
Acmena smithii 'HedgeMASTER'	Lilly Pilly - Forest Flame
Dichondra repens	Happy Wanderer
Hardenbergia violacea	Evergreen giant
Lilopa 'Evergreen giant'	Orange trumpet flower
Pyrostegia venusta	Caradonna
Salvia caradonna	Caradonna
Syzygium australe 'Pinnacle'	Star Jasmine
Trachelospermum jasminoides	Native violet
Viola hederifolia	Native violet
Zoyaia tenuifolia	Zoyaia



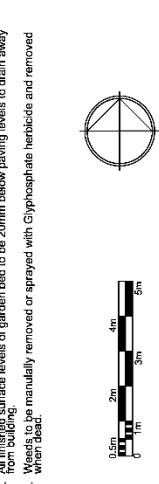
- Planting Notes**
- Planting of shrubs as needed to repair builders damage or thicken garden bed plantings
  - All plants to be watered in at time of planting.
  - All plants to have slow release fertiliser added at time of planting, suitable for natives and exotics.
  - All finished surface levels of garden bed to be 20mm below paving levels to drain away from building.
  - Weeds to be manually removed or sprayed with Glyphosphate herbicide and removed when dead.



DATE	REVISION	PROJECT #
30/01/2024	01	EZ89
30/01/2024	02	LP01

33 Wellesley Street, Summer Hill  
Georgina Camp & Malcolm Riddle  
Landscape Plan

Edgewood Landscapes and Trees  
10 Walker Road, Ingleton NSW 2101  
0402 248 910  
www.edgewood.com.au  
skur@edgewood.com.au



## Attachment C- Clause 4.6 Exception to Development Standards

### Burrell Threlfo Pagan Pty Ltd TOWN PLANNING CONSULTANTS

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 phone: 9818 8333 e-mail: bruce@btpplan.com.au  
 ABN 55 078 022 447

8 February 2022

### CLAUSE 4.6 SUBMISSION (ASHFIELD LEP 2013) – 33 WELLESLEY STREET SUMMER HILL

#### Exception to development standard (floor space ratio)

The proposal does not comply with the development standard for floor space ratio

#### Compliance table for development standards (Ashfield LEP 2013)

Site area = 202.3m<sup>2</sup>

	Required	Existing	Proposed	Compliance
GFA		99.35m <sup>2</sup>	150.23m <sup>2</sup>	
FSR	0.5:1	0.49:1	0.74:1	No

The proposal will replace the existing single storey rear wing with a 2 storey rear wing located within the footprint of the existing rear wing. The new storey will be located in the existing undercroft space under the existing rear ground floor. The ridge line of the new wing will be the same as the ridge line of the existing rear wing. The gutter line of the new wing will be the same as the gutter line of the existing rear wing.

A new habitable level in this location will connect directly to the private open space in the rear yard. The new living area will face north. The new works do not increase the site cover. The new works do not compromise the character of the existing house, as explained in the SEE prepared Andrew Hebden.

The increased floor area will not cast additional shadow on the adjoining properties. The side window treatments do not provide opportunities for overlooking of the adjoining properties.

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Burrell Threlfo Pagan Pty Ltd  
 Town Planning Consultants

**Criteria**

Clause 4.6 allows consent to be granted for development that would contravene a development standard if

- the applicant has made a written request seeking to justify the contravention and
- the consent authority is satisfied that the written request has adequately addressed the matters required to be addressed by subclause (3); that is
  - (3)(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 and*
- the consent authority is satisfied that
  - (4)(a)(i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
  - (4)(a)(ii) *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, and*
- the concurrence of the Director-General has been obtained

In accordance with the guidelines provided by decisions of the Land and Environment Court and in particular the judgments in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009, *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90, *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248, *Micaul Holdings Pty Ltd v Randwick City Council* [2015] NSWLEC 1386 and *Moskovich v Waverley Council* [2016] NSWLEC 1015, the submission in this Statement addresses the requirements of clause 4.6 in turn.

**Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?**

The judgment in *Wehbe v Pittwater Council* [2007] NSWLEC 827 identified five ways of establishing under *State Environmental Planning Policy No. 1 – Development Standards* (SEPP 1) that compliance is unreasonable or unnecessary. The subsequent cases referred to above have confirmed that these ways are equally applicable under the clause 4.6 regime. The 5 matters to consider are whether:

1. *The objectives of the development standard are achieved notwithstanding non-compliance with the standard.*
2. *The objective is not relevant to the development.*
3. *The objective would be defeated or thwarted if compliance was required.*
4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard.*
5. *The zoning of the land is unreasonable or inappropriate.*

These 5 matters are discussed below.

1. The objectives of the development standard are achieved notwithstanding non-compliance with the standard.

**Objectives for the development standard for floor space ratio**

The objectives in clause 4.4 of Ashfield LEP 2013 for floor space ratio are:

- (1) *The objectives of this clause are as follows:*
- (a) *to establish standards for development density and intensity of land use,*
  - (b) *to provide consistency in the bulk and scale of new development with existing development,*
  - (c) *to minimise adverse environmental impacts on heritage conservation areas and heritage items,*
  - (d) *to protect the use or enjoyment of adjoining properties and the public domain,*
  - (e) *to maintain an appropriate visual relationship between new development and the existing character of areas that are not undergoing, and are not likely to undergo, a substantial transformation.*

These objectives are achieved despite the non-compliance with the numerical control because:

- (a) to establish standards for development density and intensity of land use.

The increase in density is contained within the existing built form.

- (b) to provide consistency in the bulk and scale of new development with existing development.

The proposal maintains the existing built form and takes advantage of the slope of the site to use the undercroft area for additional accommodation

- (c) to minimise adverse environmental impacts on heritage conservation areas and heritage items.

The design is complimentary to the character of the existing house. The heritage character will be preserved by reusing as many bricks as possible and providing a traditional corrugated steel roof with timber fascia boards and traditional quad gutter to match the existing building fabric.

- (d) to protect the use or enjoyment of adjoining properties and the public domain.

The additional floor area will not cast additional shadow on the adjoining properties. The side window treatments do not provide opportunities for overlooking of the adjoining properties.

The additional floor area will not have a presentation to Wellesley Street.

- (e) to maintain an appropriate visual relationship between new development and the existing character of areas that are not undergoing, and are not likely to undergo, a substantial transformation.

The replacement of the rear wing with additional gross floor area within the existing built form will not cause substantial change and could not be described as “new” development

In these circumstances, compliance with the FSR development standard would be unreasonable and unnecessary.

2. The objective is not relevant to the development.

This contention is not relied upon.

3. The objective would be defeated or thwarted if compliance was required.

This contention is not relied upon.

4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard.

This contention is not relied upon.

5. The zoning of the land is unreasonable or inappropriate.

This contention is not relied upon.

**Are there sufficient environmental planning grounds to justify contravening the development standard?**

The cases referred to above have established that the environmental planning grounds must be particular to the circumstances of the proposed development on its site. The following environmental planning grounds are relevant:

- The design is complimentary to the character of the existing house by reusing existing brickwork as much as possible and providing a traditional corrugated steel roof with timber fascia boards and traditional quad gutter to match the existing building fabric.
- There are no adverse consequences from converting the undercroft space to residential accommodation.
- The additions will not impact on the amenity of the adjoining properties.
- The visual relationship between the proposed dwelling and nearby houses will remain as per the existing situation.

**Will the proposed development be in the public interest because it is consistent with the objectives of the development standard?**

Any proposed development that achieves the objectives of a development standard must also be consistent with the objectives of the standard, as the threshold for consistency is lower than that for achievement. The discussion above in response to clause 4.4 has demonstrated that the proposed development will achieve the relevant objectives of the standard; therefore it will also be consistent with those objectives.

**Will the proposed development be in the public interest because it is consistent with the objectives of the zone?**

The objectives for development within the R2 zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposal is consistent with the first objective for the zone because it will provide a suitable form of residential accommodation in a building that has heritage significance and should be retained. The works will retain the form and scale of the existing house.

Concurrence of the Director-General

The concurrence of the Director-General may be assumed by Council.

Council must also consider:

- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning*
- (b) *the public benefit of maintaining the development standard*

Any matter of significance for State or regional environmental planning

There are no matters of significance for State or regional environmental planning

Public interest

The proposal is considered to be neutral in terms of the public interest.

Yours Faithfully

Bruce Threlfo

## Attachment D – Statement of Heritage Significance

### C51 Quarantine Ground, Summer Hill Heritage Conservation Area



**KEY PERIOD OF SIGNIFICANCE: 1885 to 1930s**

**HCA TYPE 3: Mixed Residential  
Statement of Significance**

The Quarantine Ground, Summer Hill, Heritage Conservation Area is of *local* heritage significance.

The area is of *historical* significance as an area used for sheep quarantine purposes and initially subdivided for housing in 1885, and as area where the Victorian period subdivision pattern was later altered to accommodate the emerging trend for larger allotments and development of detached housing the Federation and Inter-war periods.

The area is of *aesthetic* significance for its mix of Victorian, Federation and Inter-war period housing reflecting its history of subdivision and re-subdivision from 1885 into the inter-war period. The pre-1943 street tree plantings in Spencer and Carrington Streets enhance the aesthetic significance of the area.

Chapter E1 – Heritage Items and Conservation Areas  
Part 9 – Heritage Conservation Areas Character Statements and Rankings



## Key Character Elements

Subdivision and public domain elements:

- Pre-1943 street tree planting of Brush box within carriageway in Spencer Street and Carrington Street
- Subdivision pattern of generally narrow long allotments with rear laneways (except for area east side of Spencer Street to Edward Street). Some outhouses and early outbuildings remain off the rear laneways.
- Relatively wide carriageways in Smith Street, Edward Street, Spencer Street, Carrington Street, Nowranie Street
- Narrower street width in Wellesley Street and Edward Street
- Narrow grass verges (except in Wellesley Street, Edward Street and sections of Smith Street)

Elements that contribute to the consistency of the streetscape (visible from the public domain)

- Narrow-fronted detached and semi-detached face brick single storey housing Federation Queen Anne style and Inter-war California bungalow styles
- Single storey narrow fronted detached, semi-detached and terrace Victorian housing
- 2-storey terrace and semi-detached Victorian Filigree style terraces
- All houses will small setbacks from the streets allowing for small front gardens
- Inter-war period residential flat buildings (example No. 6, 32 Nowranie Street, 52 Smith St)
- Former retail buildings (56, 102 Smith Street, 18 Spencer St) or halls (No. 60 Smith St)
- Original details such as:
  - Front verandahs with original detailing
  - Original roof forms with original cladding of slate or unglazed terracotta tiles and original chimneys
  - Gable ends facing the street with original timber shingled, roughcast stucco or imitation half-timbered finishes (Federation, Inter-war period)
  - Face brickwork (Federation, Inter-war periods) or stuccoed brickwork (Victorian period)
  - Original timber-framed windows and timber panelled doors consistent with the periods and styles of houses
- Original front fences - timber picket, low brick, brick & timber picket for Federation and Inter-war period houses; timber picket or cast iron palisade for Victorian period houses
- Vehicle access off rear laneways.



### NON-CONTRIBUTORY ELEMENTS

- Later infill buildings (No. 5A, 17 Wellesley St)
- Carports in front gardens (5A Wellesley St)
- Loss of original detailing (example 13 Edward Street, 10, 10A Nowranie Street)
- Uncharacteristic first floor additions to single storey houses which are visible from the street (examples)
- Changes to materials: Cement rendering of face brickwork to Federation period houses; modern roof cladding (eg concrete tiles) and loss of chimneys
- Front verandah or balcony enclosures (example No. 42 Nowranie St)
- Modern front fences of unsympathetic design and materials, particularly high solid masonry front fences.
- Later industrial buildings (example 94-98 Smith St)

### Historical Development

This area was part of the land granted to Joseph Foveaux in 1794 and later incorporated into Robert Campbell's Canterbury Park Estate. After Robert Campbell's death his heir Sophia Campbell leased all the land to the NSW Government as a quarantine station for sheep in the early 1880s. Ashfield Council minutes of 1883 to 1885 record a number of attempts by the Council to convince the Government to acquire the Quarantine Ground as a recreation reserve, but in 1885 it was subdivided into 183 x 20 foot wide allotments and sold. It was developed for housing and for some shops between 1885 and 1930.

In 1885 most of Sydney's population lived in terrace housing, and the twenty foot frontage, a common terrace size, with long narrow rear laneways, suggest that was intended here. This translation of inner city housing to the suburbs did not continue however, for while there is one terrace of six two-storey dwellings, and a number of terraces of single storey dwellings, the majority of the buildings within the area are free standing on long narrow allotments.

By the early years of the 20th century a number of houses in Spencer and Edward Streets were being built over two allotments resulting in double fronted houses with garden space to all sides, and two houses in Wellesley Street were built over three allotments.

