

INNER WEST

DEVELOPMENT ASSESSMENT REPORT

Application No.	DA/2023/0251
Address	41 Salisbury Road STANMORE
Proposal	Alterations and additions to an existing semi-detached dwelling
Date of Lodgement	12 April 2023
Applicant	SKL Planning Pty Ltd
Owner	Mr Marcello Totaro
Number of Submissions	11 submissions of objection
Value of works	\$364,120.00
Reason for determination at Planning Panel	Number of submissions
Main Issues	<ul style="list-style-type: none"> • Heritage Conservation • View loss • Solar Access and Overshadowing • Matters raised in submissions
Recommendation	Approved with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Shadow Diagrams



LOCALITY MAP	
Subject Site	
Notified Area	
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Note: Due to scale of map, not all objectors could be shown.

1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to an existing semi-detached dwelling at No. 41 Salisbury Road Stanmore.

The application was notified to surrounding properties and 11 submissions were received in response to the notification of the proposal.

The main issues that have arisen from the application include:

- Heritage Conservation
- Solar Access and Overshadowing
- View loss
- Matters raised in submissions

Despite the issues noted above, it is considered that the proposed development generally complies with the aims, objectives, and design parameters contained in the relevant State Environmental Planning Policies, *Inner West Local Environmental Plan 2022*, and the Marrickville Development Control Plan 2011, subject to the imposition of conditions included in the recommendation.

The potential impacts to the surrounding environment have been considered as part of the assessment process. Any potential impacts from the development, given the context of the site and the desired future character of the precinct, are considered acceptable.

Having regard to the above, subject to the imposition of appropriate terms and conditions, the application is considered suitable for approval.

2. Proposal

The proposal seeks consent for ground floor alterations and the construction of a first-floor addition to an existing semi-detached dwelling. Specifically, the proposal involves the following works:

- Minor reconfigurations to the existing ground floor plan to allow for stair access to the proposed first-floor addition; and
- The first floor to consist of two (2) bedrooms, one (1) bathroom and a linen closet.

3. Site Description

The subject site is located on the south-eastern side of Salisbury Road, between Durham Street and Percival Road. The site consists of one (1) allotment and is generally rectangular shaped with a total area of area 215.5sqm.

The site has a frontage to Salisbury Road of 5.71m and a secondary frontage of approximate 5.715m to Stanmore Lane.

The site contains a single storey dwelling, two (2) sheds and a ground floor rear pergola. The surrounding streetscape consists of mainly single storey dwelling houses with outbuildings (garages) that front Stanmore Lane. However, the subject site directly adjoins No. 39 Salisbury Road which consists of a first-floor addition and a two-storey outbuilding and surrounding properties, such as Nos. 23 and 55 Salisbury Road, also contain a first-floor addition similar to the proposal.

The subject site is not listed as a Heritage Item; however, it is located within the Annandale Farm Heritage Conservation Area (HCA) (C87 in Schedule 5 of the *IWLEP 2022*). Furthermore, no trees are located on the subject site or on neighbouring sites other than street trees which will not be impacted by the proposal.

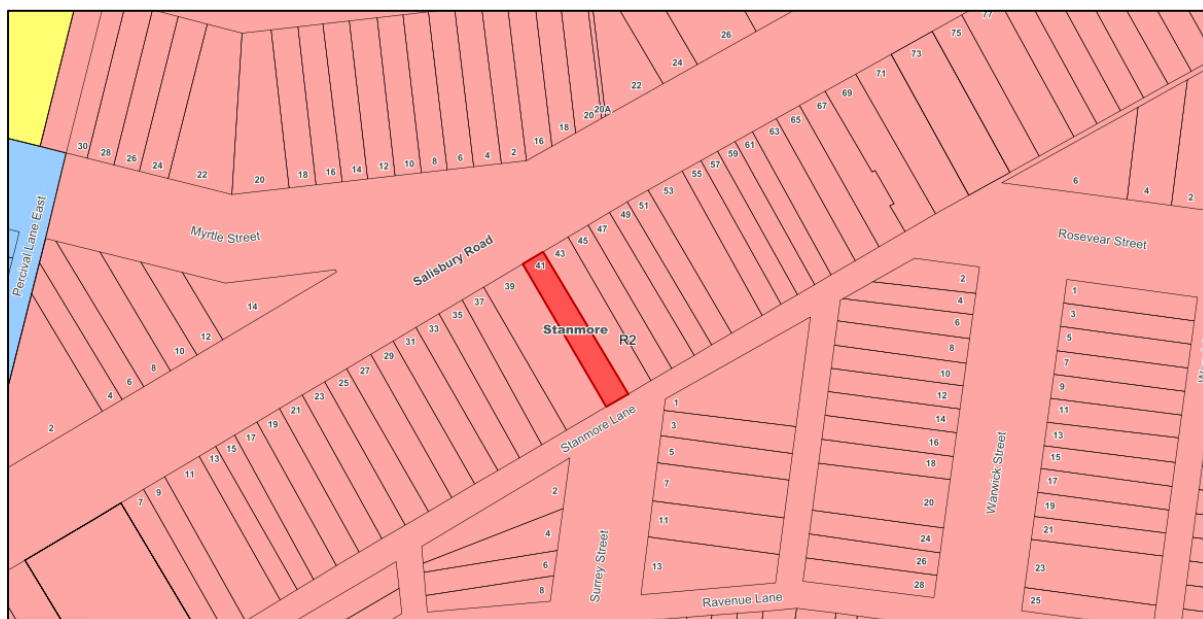


Figure 1 – Zoning Map (subject site in red)

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

No development application history applicable to this site.

Surrounding properties

No. 39 Salisbury Road, Stanmore

Application	Proposal	Decision & Date
DA201300184	To demolish part of the premises and carry out ground and first floor alterations and additions to a dwelling house and carry out alterations to the existing two storey building at the rear of the site for uses as a garage; loft and attached BBQ area.	Approved, 14/06/2013
DA201300184.01	Application under Section 96 to modify Determination No. 201300184 dated 14 June 2013 to rearrange the internal layout of first floor addition to the dwelling house including a new first floor rear facing balcony and modification to window openings and carry out works to rear outbuilding including reconstruction of stairs providing access to the first floor and installation of kitchen and	Approved, 15/08/2013

	bathroom to create home office/entertainment room.	
DA201300184.02	Application under Section 96 of the Environmental Planning and Assessment Act to modify Modified Determination No. 201300184 dated 15 August 2013 to alter the internal layout of bedroom 1; install a high-level window on the north eastern elevation to serve the stairwell; install a high level window on the south western elevation to serve the walk in robe; and alter the roof over the ground floor bathroom/laundry.	Approved, 19/02/2014
DA201600136	To install an in-ground swimming pool in the rear yard.	Approved, 26/04/2016
DA201600282	To construct a first-floor balcony serving the loft at the rear of the site.	Refused, 26/08/2016

4(b) Application history

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

Date	Discussion / Letter / Additional Information
12/04/2023	Application lodged.
03/05/2023 to 17/05/2023	Application notified.
19/05/2023	<p>Council issued a Request for Further Information (RFI) letter which requested the following information and design changes:</p> <ul style="list-style-type: none"> • Retain the chimney in the existing roof form; • Redesign the first-floor addition so that it sits behind the chimney; • Reduce the first-floor floor-to-ceiling height to a maximum of 2.4m so that the addition sits below the existing ridge line of the main roof; • Reduce the height of the floor slab between the ground floor ceiling and first storey floor from 630mm to 300mm; • Pitch the skillion roof addition at 5 degrees with a return to the southwest elevation; • The first-floor balcony must be a traditional form with a separate skillion roof sitting 300mm below the eave and gutter of the roof form above; • Redesign the hood over W7 as a traditional awning pitched at 40 degrees; • The balustrade to the first-floor balcony addition is to be an iron or timber balustrade with vertical pickets; • All new windows are to be vertically proportioned and made using traditional (timber) materials; • A pre-coloured traditional corrugated steel shall be used for the roofing and gutters, finished in a colour equivalent to Colorbond colours "Windspray" or "Wallaby"; • Cladding is to be finished in a light, earthy tone; • The two skylights on the front plane of the primary roof form are to be removed and the roof is to be restored to its original form;

	<ul style="list-style-type: none"> • Updated shadow diagrams which reflect accurate information such as: <ul style="list-style-type: none"> ○ The existing shadows cast from No. 39 Salisbury Road are to accurately reflect the existing dwelling’s skillion profiled roof; ○ The shadow diagrams are to be taken from 21 June instead of 22 June; and ○ Elevational shadow diagrams are to be provided • The first-floor windows (W3, W4, W5 and W6) on the south-western elevation (facing No. 39 Salisbury Road) are to consist of one of more visual privacy measures as listed under C3(v) of Part 2.6 of the MDCP 2011; • The proposed first-floor balcony is to consist of visual privacy screening to the north-eastern and south-western elevations of the balcony to mitigate any overlooking impacts into neighbouring private open space; • The first-floor rear setback is to be increased so that it is in line with No. 39 Salisbury Road’s rear building line; and • View loss assessment.
<p>26/06/2023</p>	<p>The applicant amended the proposal in the following manner and submitted the following additional information as requested by Council in the Request for Further Information Letter:</p> <ul style="list-style-type: none"> • The first-floor rear setback has been increased by 2.1m; • The first-floor balcony has been removed and replaced with a Juliet balcony; • The existing chimney has been retained; • The first-floor addition has been redesigned to sit behind the chimney; • The height of the additions has been reduced by 440mm; • A sloping roof form that slopes down to the south-western elevation has been adopted; • W7 has been deleted and replaced with two windows (W4 and W5) with an associated awning; • W1, W3, W4 and W5 are now vertically proportioned; • An amended materials and finishes schedule was submitted; • The remaining windows on the south-western elevation consist of obscure glazing; • View loss assessment; and • Updated shadow diagrams. <p>In accordance with Council’s Community Engagement Strategy, as the amended plans are considered to have a reduced impact to those originally notified, they were not required to be notified. The amended plans are the subject of this assessment report.</p>

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 (EPA Act 1979)*.

5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*

The following provides further discussion of the relevant issues:

5(a)(i) State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of land

Section 4.16 (1) of the SEPP requires the consent authority not consent to the carrying out of any development on land unless:

*“(a) it has considered whether the land is contaminated, and
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.”*

In considering the above, there is no evidence of contamination on the site.

There is also no indication of uses listed in Table 1 of the contaminated land planning guidelines within Council's records. The land will be suitable for the proposed use as there is no indication of contamination.

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

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

5(a)(iii) State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 10 Sydney Harbour Catchment

The site is not located within the foreshores and waterways area, a Strategic Foreshore site or listed as an item of environmental heritage under the SEPP and as such only the aims of the plan are applicable. The proposal is consistent with these aims.

5(a)(iv) Inner West Local Environmental Plan 2022 (IWLEP 2022)

The application was assessed against the following relevant sections of the *Inner West Local Environmental Plan 2022*:

- Section 1.2 - Aims of Plan
- Section 2.3 - Land Use Table and Zone Objectives
- Section 2.7 – Demolition requires development consent
- Section 4.3 – Height of buildings
- Section 4.4 – Floor space ratio
- Section 4.5 – Calculation of floor space ratio and site area
- Section 5.10 – Heritage conservation
- Section 6.3 – Stormwater management
- Section 6.8 – Development in areas subject to aircraft noise

Section 1.2 – Aims of Plan

The design of the proposal is considered to be of a high standard and has a satisfactory impact on the private and public domain and thus satisfies the applicable aims of the plan contained under Section 1.2 of the *IWLEP 2022*.

Section 2.3 – Land Use Table and Zone Objectives

The site is zoned R2 – Low Density Residential under the *IWLEP 2022*. The *IWLEP 2022* defines the development as:

Semi-detached dwelling means a dwelling that is on its own lot of land and is attached to only one other dwelling.

The development is permitted with consent within the land use table. The development is consistent with the relevant objectives of the R2 – Low Density Residential zone as follows:

- The proposal provides for the housing needs of the community within a low-density residential environment; and
- Subject to conditions, the proposal provides residential development that maintains the character of built and natural features in the surrounding area.

Section 2.7 – Demolition requires Development Consent

The proposal satisfies the provisions contained under Section 2.7 of the *IWLEP 2022* as follows:

- Demolition works are proposed, which are permissible with consent; and
- Standard conditions are recommended to manage impacts which may arise during demolition.

Section 4 – Principal Development Standards

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

Development Standard	Proposed	Compliance
Height of Building Maximum permissible: 9.5	6.8m	Yes
Floor Space Ratio Maximum permissible: 0.9:1 or 193.95sqm	0.64:1 or 137.9sqm	Yes

Section 5.10 – Heritage Conservation

The subject property at No. 41 Salisbury Road, Stanmore is a contributory dwelling located within the Annandale Farm Heritage Conservation Area (HCA) (C87 in Schedule 5 of the *IWLEP 2022*). As discussed further within this report under Part 8 of the MDCP 2011, the amended proposal mostly responds to the significance of the HCA and complies with the heritage conservation provisions within this Part. Notwithstanding, Council received various submissions which raised concerns about the compatibility of the bulk and scale of the proposed additions with the Heritage Conservation Area.

The application was referred to Council's Heritage Specialist both on initial lodgement and after amended plans were received. The following comments are provided with regard to the design of the proposal in the HCA:

- The overall height of the first-floor addition has been reduced from RL 27,800 to RL 27,360, with a change in the pitch to accommodate a reduction in bulk. This is an improvement on the original scheme; however, it should be noted that the proposal is still higher than the existing ridgeline of the original dwelling, which goes against C19 under Part 8.3.2.4 and C21 under Part 8.3.2.5 of the DCP. The applicant noted site constraints which restricted a further reduction in the ground floor ceiling to finish floor height. The floor-to-ceiling height of the addition has also already been significantly reduced and a further reduction is likely to reduce the overall amenity of the rooms. Given the extended setback of the addition behind the original chimney, the addition will have a reduced visibility from the public domain and is therefore acceptable in this instance;
- The proposed colours and materials are generally appropriate and complimentary to the traditional colour scheme of the wider HCA. However, it is proposed that all new windows are to be finished in aluminium 'pearl white'. In line with the previous advice issued as part of the Request for Further Information letter, that all windows are to be made using traditional (timber) materials. W2 is to be vertically proportioned;
- The amended plans show an additional window within the northwest elevation. The addition of the window is to accommodate ventilation as a result of the reduced floor-to-ceiling height. Both windows are vertically proportioned traditional sash windows, finished with a timber frame. This is acceptable and will complement the existing fenestration pattern of the ground floor;
- The awning proposed over W5 and W4 is to be pitched at 40 degrees to compliment a traditional awning pitch. If this is not possible, the awning is to be deleted; and
- An aluminium sliding door is proposed to the rear. The proposed balcony has been deleted from the proposal. A small balustrade is proposed across to the opening panel door. The balustrade on the southwest elevation is to be an iron or timber balustrade with vertical pickets.

In light of the above, the following design changes have been imposed as a condition of consent to ensure consistency of the proposed development with the style of the existing dwelling and the HCA;

- The two skylights on the front plane of the primary roof form are to be removed and the roof is to be restored to its original form;
- All new windows are to be made using traditional (timber) materials;
- W2 is to be vertically proportioned;
- The awning proposed over W5 and W4 is to be pitched at 40 degrees to compliment a traditional awning pitch. If this is not possible, the awning is to be deleted; and
- The balustrade on the southwest elevation is to be an iron or timber balustrade with vertical pickets.

Subject to compliance with conditions, the development preserves the environmental heritage of the Inner West and satisfies the provisions of Clause 5.10 of *IWLEP 2022* and Part 8 of the MDCP 2011.

Section 6.3 – Stormwater Management

The proposal is satisfactory with respect to the provisions of this Section of the *IWLEP 2022* and subject to standard conditions would not result in any significant run off to adjoining properties or the environment.

Section 6.8 – Development in Areas subject to Aircraft Noise

The site is located within the ANEF 20-25 contour. An acoustic report was submitted as part of this application. The proposal is capable of satisfying this section as follows:

- A condition has been included in the development consent to ensure that the proposal will meet the relevant requirements of Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021:2015, thereby ensuring the proposal’s compliance with the relevant provisions of section 6.8 *IWLEP 2022*.

5(d) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of the Marrickville Development Control Plan 2011 (MDCP 2011).

MDCP 2011 Part of MDCP 2011	Compliance
Part 2.1 – Urban Design	Yes
Part 2.3 – Site and Context Analysis	Yes
Part 2.6 – Acoustic and Visual Privacy	Yes – see discussion
Part 2.7 – Solar Access and Overshadowing	No – see discussion
Part 2.9 – Community Safety	Yes
Part 2.10 – Parking	No – see discussion
Part 2.16 – Energy Efficiency	Yes
Part 2.18 – Landscaping and Open Space	No, acceptable on merit – see discussion
Part 2.21 – Site Facilities and Waste Management	Yes
Part 2.25 – Stormwater Management	Yes
Part 4.1 – Low Density Residential Development	No – see discussion
Part 8 – Heritage	Yes – see discussion
Part 9 – Strategic Context	Yes – see discussion

The following provides discussion of the relevant issues:

Part 2.6 – Acoustic and Visual Privacy

The proposal has been assessed against the requirements of Part 2.6 of the MDCP 2011 and submissions which raised concerns about visual privacy to surrounding properties have been considered. The proposal is acceptable for the following reasons:

- As discussed earlier in this report, the subject site is located within the 20-25 ANEF corridor. As such, a condition has been imposed to ensure that the proposed alterations and additions are compliant with the relevant provisions of AS 2021:2015 in order to mitigate aircraft noise implications;
- The proposed openings on the first floor of the north-western elevation (W4 and W5) overlook Salisbury Road and are positioned on the front of the dwelling to mitigate any overlooking impacts into adjoining properties and to satisfy C3(iii) of this Part of the MDCP 2011;
- The proposal also seeks to add two openings on the first floor of the south-western elevation (W2 and W3). Although the openings are positioned along the side elevation of the dwelling and face No. 39 Salisbury Road, the windows service the stairwell and the bathroom which are non-habitable areas and thus, there will be reduced levels of people traffic within these areas of the dwelling, resulting in minimised overlooking impacts. Further, the amended architectural plans indicate that the windows in question will consist of obscure glazing to mitigate any visual privacy impacts and satisfy C3(v)(a) of this Part of the MDCP 2011; and
- The proposed opening on the first floor of the south-eastern elevation (W1) accommodates two (2) 2.1m high windows and associated sliding door to service the Juliet balcony. The opening in question services a bedroom and will be solely utilised for light and ventilation purposes and is located at the rear of the dwelling; thus, satisfying C3(iii) of this Part of the MDCP 2011.
- The Juliet balcony will not allow for the space to be used as an extension to the existing private open space, meaning that its location off a bedroom would reduce opportunities for overlooking into neighbouring private open space and acoustic privacy impacts. The proposed Juliet balcony is of reduced size and scale in comparison to the directly adjoining property – No. 39 Salisbury Road (refer to Figure 2) and therefore, will have reduced impacts compared to existing development within the immediate vicinity of the site.
- W1 and the associated Juliet balcony will have minimal visual and acoustic privacy impacts on adjoining properties and thus satisfies the relevant controls and objectives contained under Part 2.18 of the MDCP 2011.

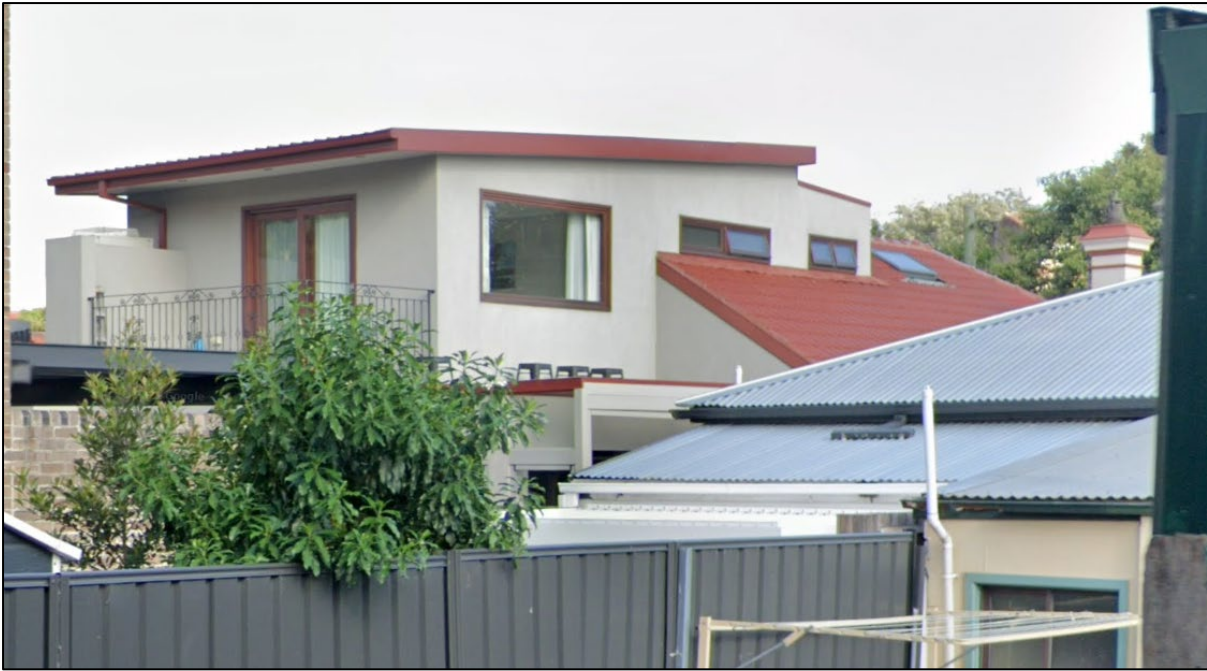


Figure 2 - Image of No. 39 Salisbury Road's first floor rear facing balcony and associated glazing (Source: Google Street View).

Overall, the amended architectural plans ensure that the visual and acoustic privacy of neighbouring properties and occupants of the site is protected. Therefore, the application is recommended for approval.

Part 2.7 – Solar Access and Overshadowing

The revised shadow diagrams submitted with the application indicate that the proposed additions will have no further impact on solar access obtained from the subject site and No. 43 Salisbury Road's main living room glazing. Further, both the subject site and the neighbouring property – No. 43 Salisbury Road receive a minimum 2 hours solar access to 50% of their private open space; thus, satisfying C2(i) and C8(ii) of Part 2.7 of the MDCP 2011.

However, the adjoining property – No. 39 Salisbury Road, currently receives less than 50% solar access to their private open space and main living room glazing from 9am to 3pm during the winter solstice and is further reduced as a result of this proposal. The shadow diagrams submitted with the application demonstrate that No. 39 Salisbury Road private open space is vulnerable to additional overshadowing from 9am to 1pm during mid-winter and their main living room glazing is susceptible to minor additional overshadowing at 10am on June 21.

Where a development proposal results in a decrease in sunlight available on 21 June resulting in less than two hours of solar access for the subject site and adjoining property, the proposal may be considered on its merit with regard to the criteria of points a to d in Control 2 contained in Part 2.7 of MDCP 2011. The planning principle regarding access to sunlight as developed in the case law *Benevolent Society v Waverley Council* [2010] NSWLEC 1082 is also used as a tool to interpret the following control.

C2(ii) of Part 2.7.3 of MDCP 2011 states:

If the development proposal results in a further decrease in sunlight available on 21 June, Council will consider:

- a. *The development potential of the site;*

The development potential of the site prescribed by the development standards under the *IWLEP 2022* is a maximum 9.5 metre height limit and 0.9:1 Floor Space Ratio. In addition, the subject site is zoned R2 Low Density Residential under *IWLEP 2022*, which permits mainly low-density residential development.

The following is noted with respect to this matter:

- As discussed earlier in this report, the proposal readily complies with both development standards, which therefore is a reasonable development and does not achieve the maximum height and Floor Space Ratio controls in order to ensure the scale of the development minimises impacts on neighbouring development and the subject site;
 - The proposal retains the dwelling house use, which is a form of low density, residential development permissible within the site's R2 Low Density Residential zone under *IWLEP 2022*;
 - In response to the Request for Further Information letter issued, the amended plans have substantially reduced the initial bulk and scale of the development by increasing the rear setback by 2.1m, deleting the first floor rear balcony and the height of the additions have been reduced by 440mm. Considering the above changes, the proposal has been amended so that it is of reasonable bulk and scale when viewed from neighbouring private open space and will aim to protect the acoustic and visual privacy of adjoining properties;
 - The proposed first-floor rear building line is well setback in comparison to similar first floor additions along Salisbury Road, including No. 23 Salisbury Road. Therefore, the proposed additions are appropriate and have been kept to a minimum in order to reduce overshadowing implications on the subject site and neighbouring properties; and
 - The proposed first-floor additions will be adjacent to No. 43 Salisbury Road's ground floor roof area and will also be adjacent to No. 39 Salisbury Road's first floor addition and portion of their first-floor balcony. Thus, the additions will not protrude past the built form / building footprint of both neighbouring properties resulting in minimal visual bulk and scale implications when viewed from adjoining properties private open spaces. Based on the above, it is considered the development is within its development potential and is of an appropriate bulk and scale.
- b. The particular circumstances of the neighbouring site(s), for example, the proximity of any residential accommodation to the boundary, the resultant proximity of windows to the boundary, and whether this makes compliance difficult;*

The following is noted with respect to this matter:

- The site's orientation and existing built form are significant constraints for the neighbouring and subject site's private open space and main living room glazing to obtain natural solar access. The site has a southeast-northwest orientation resulting in southwestern adjoining private open space and rear facing glazing to be naturally vulnerable to reduced solar access;
- The subject site is substantially narrower in comparison to No. 39 Salisbury Road and efforts have been made to maintain the side setback along the southwestern elevation of the dwelling to minimise the proposal's visual bulk and scale. Therefore, any additions on the subject site make compliance or near compliance more difficult due to the existing built form, lot size and site orientation;
- The built forms located on the neighbouring site - No. 39 Salisbury Road (two-storey outbuilding and two (2) pergola areas) restricts the development potential of the subject site as No. 39 Salisbury Road's self-shadows makes compliance with solar access and overshadowing controls challenging; and

- The neighbouring property – No. 39 Salisbury Road will still receive solar access as a result of this proposal to portions of their private open space and main living room glazing at various times of the day during mid-winter.
- c. Any exceptional circumstances of the subject site such as heritage, built form or topography; and*

The following is noted with respect to this matter:

- The subject site is located in a Heritage Conservation Area and the associated controls and objectives as stipulated under Part 8 – Heritage of the MDCP 2011 and Section 5.10 of the *IWLEP 2022* seek to maintain the existing roof form and elements (chimney) that were constructed during the period of significance of the conservation area. It is considered that the proposal has achieved this objective by retaining the chimney and setting back the additions from the original front roof form so that the original roof form can be read from the primary streetscape (Salisbury Road). Therefore, the additions could not be pushed further forward as heritage preservation is a crucial element of this proposal which ultimately makes compliance with solar access controls challenging.
- d. Whether the sunlight available in March to September is significantly reduced, such that it impacts upon the functioning of principal living areas and the principal areas of open space. To ensure compliance with this control, separate shadow diagrams for the March/September period must be submitted.*

Shadow diagrams in plan form for the equinox were submitted to demonstrate the development's impact during this time. Based on an assessment of these diagrams, the following is evident:

- The submitted March / September 21 shadow diagrams show that the adjoining property at No. 39 Salisbury Road will only experience additional overshadowing from 11am to 12pm during the equinox. Therefore, the neighbouring site will achieve more than 50% solar access to their private open space for a minimum of 2 hours which is a satisfactory outcome; and
- The submitted March / September 21 shadow diagrams indicate that no additional shadows will be cast to No. 39 Salisbury Road's main living room glazing as a result of this proposal which is a satisfactory outcome.

In assessment of the above and solar access principles, it is considered that the impacts are reasonable, and that the proposal satisfies the objectives of Part 2.7 of MDCP 2011.

Part 2.10 – Parking

According to C1 of Part 2.10 of the MDCP 2011, all dwelling houses are required a minimum of one (1) parking space. The subject site currently consists of no off-street parking and the proposal seeks to maintain this situation on-site. Although there is a non-compliance with C1 of this Part of the MDCP 2011, the proposal does not seek to alter the existing situation, as such the proposal is acceptable in this regard.

Part 2.18 – Landscaping and Open Space

The following controls apply under Part 2.18 of the MDCP 2011:

C11 Landscaped area

The entire front setback must be of a pervious landscape with the exception of driveways and pathways.

C12 Private open space

- i. The greater of 45m² or 20% of the total site area with no dimension being less than 3 metres, must be private open space.*
- ii. A minimum 50% of private open space must be pervious.*

With regard to the above, the following is noted:

- Currently, the entire front setback consists of non-pervious areas and the proposal does not seek to alter this situation;
- The lot size of the subject site is 215.5sqm. As such, private open space of, at least, 45sqm is required. The proposed area of private open space exceeds 45sqm in size; and
- Less than 50% of the subject site's private open space is pervious landscaping and thus varies C12(ii) of this Part of the MDCP 2011. The variation is supported in this instance as this is an existing situation and the proposal does not seek to alter the existing private open space and associated landscaped areas. As such, the proposal is acceptable as the landscaping and open spaces provided will be substantially the same as existing and there will be no further amenity impacts beyond existing as a result of this shortfall.

Part 4.1 – Low Density Residential Development

Part 4.1.4: Good Urban Design Practice

The amended proposal is considered to be consistent with Part 4.1.4 of the MDCP 2011 in that:

- The scale of the use is appropriate for the site;
- The entrance to the site is clearly visible from the street and footpath;
- The proposed first floor additions are of a height and scale that will have minimal visibility from the primary streetscape and will make a positive contribution to the streetscape character of the locality; and
- The design of the first-floor additions are appropriate in bulk and scale and in terms of maintaining internal privacy and mitigating the chance of adverse acoustic and visual privacy impacts to neighbouring properties.

Part 4.1.5: Streetscape and Design

The amended proposal satisfies the relevant objectives and controls contained under Part 4.1.5 of the MDCP 2011 as follows:

- The development complements the uniformity and visual cohesiveness of the bulk, scale and height of the existing streetscape;
- The proposal is a contemporary design that complements and embellishes the character of the area; and
- The dwelling house addresses the principal street frontage and is orientated to complement the existing pattern of development found in the street.

Part 4.1.6: Built Form and Character

The following is noted with regard to the controls and objectives contained under Part 4.1.6 of the MDCP 2011:

Setbacks & Site Coverage

- As discussed earlier in this report, the proposal complies with Floor Space Ratio and Height of Building development standards;
- The proposal seeks to maintain the nil setback along the north-eastern elevation of the dwelling on the first floor. The proposed nil setback is acceptable as it is consistent with the existing ground floor side setback and the additions are adjacent to No. 43 Salisbury Road’s ground floor roof area. Therefore, the proposed side setback will have minimal bulk and scale impacts when viewed from neighbouring private open space;
- The first-floor side setback along the south-western elevation of the dwelling is between 1.2m to 1.8m. It is considered that the proposed side setback provides sufficient separation from the property boundary shared with No. 39 Salisbury Road and thus will have an acceptable impact on adjoining properties in terms of overshadowing, visual bulk and privacy;
- As discussed under *Section 5.10 – Heritage Conservation* and *Part 8 – Heritage* of this report, the proposed first-floor front setback is satisfactory, considering that the front building line is well setback from the front original roof form and existing chimney in order to retain the historic character of the contributory dwelling;
- The proposed first floor rear setback is approximately 14.5m. A review of previous approvals along the streetscape and the supported rear first floor setbacks are illustrated in a table below:

Address	Application No.	First Floor Rear Setback
No. 23 Salisbury Road	DA201800166	13.6m
No. 39 Salisbury Road	DA201300184	Approximately 15.6m
No. 53 Salisbury Road	DA/2022/0962	16.1m

Considering the above, the proposed first floor rear setback falls within the scope of first floor rear setbacks as established by Nos. 23, 39 and 53 Salisbury Road and therefore is consistent with the pattern of development along the streetscape. Further, as part of the Request for Further Information letter, the amended plans received have increased the first-floor rear setback by 2.1m which is a substantial reduction. Additionally, the properties mentioned above all consist of two-storey outbuildings and thus consist of substantially more built form and site coverage and associated bulk and scale on-site in comparison to the subject site which consists of no outbuildings other than minor shed structures that do not contribute to overshadowing of neighbouring private open space or visual bulk and scale.

Given the above, it is considered that the proposed first floor rear setback is appropriate considering that it is consistent with the pattern of development, will have reduced amenity impacts on adjoining properties in comparison to the initial proposal and would be consistent with approvals along the street. The setback satisfies the objectives of this Part in that visual and acoustic privacy, solar access and air circulation is maintained; and

- The proposal does not seek to alter the existing site coverage on-site in order to minimise visual bulk and scale implications on the subject site and neighbouring properties.

View Loss

A submission was received from No. 39 Salisbury Road regarding concerns of view loss of the Sydney skyline and Centrepoint Tower when viewed from their first-floor balcony and associated office window.

Council has considered the relevant steps in the assessment of reasonable view sharing. The images below indicate the existing views available from No. 39 Salisbury Road's first floor office window and associated balcony. The proposed first floor additions will extend past this window to be in line with No. 39 Salisbury Road's first floor roof form, meaning part of the balcony will be adjacent to the first-floor addition (refer to Figures 3 & 6) for reference of the location of No. 39 Salisbury Road's window and balcony in question). The images below were provided by the owner of No. 39 Salisbury Road and the applicant. The plans are those approved by Council for No.39 Salisbury Road.



Figure 3 - Image taken from the applicant from No. 41 Salisbury Road's rear yard of No. 39 Salisbury Road's first floor balcony and associated office window (refer to blue annotations for reference).



Figure 4 – Zoomed in image of the view of the Sydney Skyline and the Centrepoint Tower when viewed from No. 39 Salisbury Road's first floor balcony.

Council considers the Tenacity Planning Principle (Tenacity Consulting v Warringah Council [2004] NSWLEC 140) steps in its assessment of reasonable view sharing:

- a. *“What views will be affected? In this Plan, a reference to views is a reference to water views and views of significant landmarks (e.g. Sydney Harbour, Sydney Harbour Bridge, ANZAC Bridge and the City skyline including features such as Centre Point Tower). Such views are more highly valued than district views or views without significant landmarks.*
- b. *How are the views obtained and assessed? Views from private dwellings considered in development assessment are those available horizontally to an observer standing 1m from a window or balcony edge (less if the balcony is 1m or less in depth).*
- c. *Where is the view enjoyed from? Views enjoyed from the main living room and entertainment areas are highly valued. Generally it is difficult to protect views from across side boundaries. It is also generally difficult to protect views from other areas within a residential building particularly if views are also available from the main living room and entertainment areas in the building concerned. Public views are highly valued and will be assessed with the observer standing at an appropriate point in a public place.*
- d. *Is the proposal reasonable? A proposal that complies with all development standards (e.g. building height, floor space ratio) and planning controls (e.g. building setbacks, roof pitch etc) is more reasonable than one that breaches them.”*

The Land and Environment Court accepts that the attribution to the values of views is subjective and has published planning principles to help established a more structured approach in assessing the impact of development in terms of view loss.

The first step requires the assessment of views which the proposal will affect and establishes a value system for assessing different kinds of views. It suggests that:

- Water views are valued more highly than land views.
- Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons.
- Whole views are valued more highly than partial views (e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured).

As shown in the images above, the existing views from No. 39 Salisbury Road include views of the sky as well as distant views of the Sydney skyline and the Centrepoint Tower. The views are obtained directly across multiple side boundaries which sit just above No. 41 Salisbury Road's existing roof form that span from the middle to the rear of the subject site's roof form. Refer to Figures 3 & 6 for the exact location of the office and associated balcony in which the view can be obtained from No. 39 Salisbury Road.

The views of the Sydney skyline and the Centrepoint Tower are iconic views according to the Tenacity planning principle. The view in question is a partial view of the Sydney city skyline and a whole view of the Centrepoint Tower. Considering that the views are mostly whole views, the view corridor in question is considered to be significant.

The views of the Sydney skyline and the Centrepoint Tower from the office window would be lost as a result of the proposal and partial views obtained from the balcony will be maintained.

The second step is to consider how reasonable it is to expect to retain the views by **considering from what part of the property the views are obtained and how**. It acknowledges the following:

- Protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries.
- Views enjoyed from a standing or sitting position is also relevant as many people who have a view from sitting position consider that they have lost the view if they have to stand up to see it. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

The views of the Sydney skyline and the Centrepont Tower from No. 39 Salisbury Road's first-floor office window and associated first floor balcony are enjoyed across the north-eastern (side) boundary across multiple properties in a standing position. Given the views are obtained across multiple adjoining properties, any view corridors, even if considered highly valued, would be difficult to protect.

The third step is to assess the extent of the impact and should consider that the impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). Whilst the impact may be assessed quantitatively it is more useful to assess the view loss qualitatively as:

- Negligible
- Minor
- Moderate
- Severe
- Devastating

As outlined above, the views in question are not obtained from the main living room or entertainment areas of the dwelling. Rather the views are obtained from the first-floor office space and the associated balcony. As such, the loss of the views in question is therefore assessed as moderate given that the location of where the view is obtained is not the primary living areas of the neighbouring site such as the living room, kitchen and / or dining room.

The fourth and final step is to assess the reasonableness of the proposal that is causing the impact and the following factors should be considered:

- A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable.
- With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable"

As discussed throughout this report, the amended plans received as part of the Request for Further Information letter reduced the height of the additions by 440mm, increased the first-floor rear setback by 2.1m and deleted the first-floor balcony. Further, the additions are well below the maximum 9.5m Height of Building and 0.9:1 Floor Space Ratio Development Standards as stipulated under the *IWLEP* 2022. Additionally, the proposed side setbacks along the south-western elevation (1.2m to 1.8m) is considered to be a generous and appropriate side setback given that the width of the site is only 5.71m. As discussed

previously, Salisbury Road consists of a varied first floor rear building line; however, it is considered that the applicant has responded to this varied pattern appropriately by proposing a rear setback that falls between Nos. 23 and 53 Salisbury Road’s established first floor rear setbacks. Overall, it is considered that the development is well within the development potential of the site and the amended location, height and size of the proposal is considered reasonable as it will ensure compliance with relevant heritage and streetscape controls and will not result in any undue adverse bulk and scale and amenity impacts on adjoining sites.

Therefore, it is considered that the view in question is not impacted by way of an unreasonable design. However, the loss of the views in question is a direct result of the way in which the views are obtained (across multiple side boundaries and from a non-primary living area). Overall, it is considered that the amended proposal is acceptable with regard to the view loss planning principle and MDCP 2011.

Part 8 – Heritage

As discussed under *Section 5.10 – Heritage Conservation*, Council’s Heritage Specialist has assessed the proposal against the applicable objectives and controls under Part 8 of the MDCP 2011 and found that subject to conditions, the proposed alterations and additions do not detract from the existing contributory dwelling within the HCA. Notwithstanding, a summary of the assessment against Part 8 of the MDCP 2011 is undertaken below in light of the submissions received.

Control	Assessment	Compliance
Part 8.2.8 – Annandale Farm HCA (HCA 6)	<ul style="list-style-type: none"> The development maintains the existing building and elements on the site which were constructed during the period of significance of the HCA. 	Yes
Part 8.3.2.1 – Public domain elements	<ul style="list-style-type: none"> Standard conditions are recommended to protect the sandstone kerb whilst undertaking construction works; thus, the development as proposed and as conditioned will satisfy the relevant controls and objectives contained within this Part of the MDCP 2011. 	Yes, as conditioned
Part 8.3.2.3 – Building setbacks	<ul style="list-style-type: none"> The development maintains existing building front and side setbacks; The proposed first-floor rear and side building setbacks are generally consistent with new developments along Salisbury Road; and The proposed first-floor front setback is supported as it is sufficiently located behind the front roof form in order to minimise the addition’s visibility from the primary streetscape. 	Yes
Part 8.3.2.4 – Building heights	<ul style="list-style-type: none"> As discussed under <i>Section 5.10 – Heritage Conservation</i> of this report, the proposed height of the first-floor addition is acceptable given that it is well setback from the original roof form and associated chimney; therefore, having minimal visibility from the primary streetscape. 	Yes
Part 8.3.2.5 – Building form	<ul style="list-style-type: none"> The proposed first-floor additions to the dwelling have minimal visibility from the primary streetscape and are of a form that is consistent with the existing dwelling and new developments along Salisbury Road in order to not overwhelm the existing contributory building. 	Yes

Part 8.3.2.6 – Roof form	<ul style="list-style-type: none"> The development maintains the original roof form to the front elevation and for the length of the main roof to the side elevations; The development maintains the existing chimney; The proposed colours, materials and finishes to the first-floor roof form are suitable to the existing dwelling and conservation area; and A condition has been imposed as part of this consent granted to remove the existing skylights from the original roof form and the roof is to be restored to its original outlook. 	Yes, as conditioned
Part 8.3.2.7 – Building facades	<ul style="list-style-type: none"> The façade of the dwelling is unchanged by the development and is retained. 	Yes
Part 8.3.2.8 – Verandahs and porches	<ul style="list-style-type: none"> The porch of the dwelling is unchanged by the development and is retained. 	Yes
Part 8.3.2.9 – Windows and doors	<ul style="list-style-type: none"> The development maintains original front doors and windows in their original position; Most new windows to the rear of the property have limited visibility and are of proportions appropriate to the conservation area and existing dwelling; and A condition has been imposed as part of this consent granted to ensure that W2 is to be vertically proportioned and that the awning proposed over W5 and W4 is to be pitched at 40 degrees and if this is not possible, the awning is to be deleted. 	Yes, as conditioned
Part 8.3.2.10 – Façade materials	<ul style="list-style-type: none"> The original materials to the front portion of the dwelling are maintained; The new additions to the rear exhibit materials that are compatible with the HCA; and A condition has been imposed as part of this consent granted to ensure that all windows are to be made using traditional (timber) materials and the balustrade on the southwestern elevation is to be an iron or timber balustrade with vertical pickets to ensure that the additions are consistent with the character of the existing dwelling. 	Yes, as conditioned
Part 8.3.2.11 - Security	<ul style="list-style-type: none"> The proposal does not seek to alter the existing security bars to the front façade of the existing dwelling. 	Yes
Part 8.3.2.12 – Fences	<ul style="list-style-type: none"> The existing original front fencing is proposed to be repaired. 	Yes

Council is satisfied that the development is consistent with the following objectives in this Part:

- O3 *To provide guidelines for alterations and additions which complement and do not detract from the heritage significance of individually listed heritage items, HCAs and period buildings*
- O5 *To encourage new development which complements existing heritage items and heritage conservation areas in a modern context*

The proposed alterations and additions are acceptable with regard to the heritage controls and objectives contained under Part 8 of the MDCP 2011. Accordingly, the application is recommended for approval.

Part 9 – Strategic Context

Subject to recommended conditions, the proposal is consistent with the relevant Stanmore North (Precinct 3) desired future character statements as follows:

- Subject to restoration works, the proposal preserves and protects the existing contributory dwelling, and the additions are sympathetic to the existing built form;
- Given that the additions are substantially set back from the front of the site, the additions will have minimal visibility from the primary streetscape and therefore will retain the single storey streetscape;
- The addition is of an appropriate bulk and scale that respects the adjoining semi-detached dwelling – No. 43 Salisbury Road;
- The proposal will retain the low-density residential use of the site; and
- Subject to conditions imposed by Council's Heritage Specialist, the additions are considered to respect the values of the Annandale Farm Heritage Conservation Area.

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. 11 submissions were received in response to the initial notification.

The following issues raised in the submissions have been discussed in this report:

- Heritage preservation – Refer to *Section 5.10 - Heritage Conservation* under Part 5(a)(iii) and *Part 8 - Heritage* of Part 5(d) of this report
- Visual bulk and scale and overdevelopment – Refer to *Part 4.1.6 – Built Form and Character* under Part 5(d) of this report
- View loss – Refer to *Part 4.1.6 – Built Form and Character* under Part 5(d) of this report
- Visual privacy – Refer to *Part 2.6 – Acoustic and Visual Privacy* under Part 5(d) of this report
- Solar access and overshadowing – Refer to *Part 2.7 – Solar Access and Overshadowing* under Part 5(d) of this report
- Desired future character of the area – Refer to *Part 9 – Strategic Context* under Part 5(d) of this report
- Non-compliance with the Aims of the Plan – Refer to *Section – 1.2 Aims of the Plan* under Part 5(a)(iii) of this report
- Non-compliance with zoning objectives – Refer to *Section 2.3 – Land Use Table and Zone Objectives* under Part 5(a)(iii) of this report

- Non-compliance with Floor Space Ratio objectives – Refer to *Section 4 – Principal Development Standards* under Part 5(a)(iii) of this report

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

Issue: Eradication of the existing dwelling's historic character
Comment: Council's Heritage Specialist reviewed the initial proposal and provided recommended design changes in order to preserve the character of the existing contributory dwelling. The amended plans submitted were reviewed by the Council's Heritage Specialist who raised no objections subject to conditions to ensure that the additions are sympathetic to the existing dwelling.

Issue: Visual bulk and scale when viewed from the streetscape
Comment: The amended plans received as part of the Request for Further Information Letter reduced the height of the additions by 440mm, and the additions have been redesigned to sit behind the chimney which aids in reducing the additions bulk and visibility when viewed from the primary streetscape. Further, the additions are well set back behind the front original roof form to minimise the proposal's visibility and visual bulk and scale when viewed from Salisbury Road. Together, the amended proposal allows for the additions to be compatible with the attached semi-detached dwelling and is considered to be an appropriate addition to an everchanging Inner West.

Issue: Removal of historic building elements
Comment: The amended plans received in response to the Request for Further Information letter retain the existing chimney which is a satisfactory outcome. Further, a condition will be imposed as part of this consent granted to delete the skylights to the original front roof form and restore the roof as it was in order to preserve the historical character of the existing dwelling.

Issue: Visual bulk and scale when viewed from neighbouring private open space
Comment: As discussed throughout this report, the amended proposal has substantially reduced the initially proposed bulk and scale by increasing the rear setback by 2.1m, reducing the height of the additions by 440mm and deleting the first-floor balcony. The abovementioned changes result in the additions to be in line with No. 39 Salisbury Road's first floor footprint and part of their first-floor balcony and therefore the visual bulk and scale when viewed from neighbouring private open space has substantially improved from the initial proposal.

Issue: View loss from No. 39 Salisbury Road's first floor balcony and office space
Comment: The views in question include the Sydney skyline and Centrepoint Tower which will be lost as a result of this proposal. The views in question are obtained over multiple side boundaries which is difficult to protect, and they are obtained from non-primary living areas. Given that the development is proposed to be well within the development potential of the site and that efforts have been made to reduce the proposal's bulk and scale, the view loss in question is considered reasonable in this instance.

Issue: Visual privacy impacts upon No. 39 Salisbury Road
Comment: The amended plans deleted the initially proposed first floor balcony and side facing windows (W3 and W4) and thus visual privacy to No. 39 Salisbury Road has been substantially improved from the initial proposal. The amended plans consist of a Juliet balcony instead of the first-floor balcony and associated glazing on the rear elevation. It is considered that the proposed change is

appropriate as this opening is for light and ventilation purposes and services a low-use room that will allow for minimal overlooking opportunities. Further, the windows that remain as part of the revised proposal service the staircase and bathroom (low trafficable areas) and are glazed in order to protect the visual privacy of the adjoining property at No. 39 Salisbury Road.

Issue: Disruption of view corridors to the historic stable building at No. 39 Salisbury Road

Comment: View corridors to and from No. 39 Salisbury Road's outbuilding (stable building) has been retained as part of the amended proposal by increasing the side setback on the front portion of the first floor along the southwestern elevation by 711mm.

Issue: Enclosure of No. 39 Salisbury Road's alfresco area by the first-floor addition

Comment: One of No. 39 Salisbury Road's alfresco areas is located along the side elevation of the dwelling. Therefore, any outlooks to the sky from this alfresco area is difficult to protect and would substantially and unreasonably restrict development on the subject site. However, the BBQ / alfresco area located at the rear of No. 39 Salisbury Road will not be enclosed as part of this subject application which is a satisfactory outcome.

Issue: Solar access and overshadowing of No. 39 Salisbury Road's pool and private open space

Comment: Concerns were raised with regard to the low use of No. 39 Salisbury Road's swimming pool if it was mostly overshadowed by the proposed first floor addition. Given that pools are largely utilised during the summertime, the submitted equinox shadow diagrams indicate that a minimum of 50% solar access is obtained to No. 39 Salisbury Road's private open space for a minimum of 2 hours which is satisfactory in accordance with the controls and objectives contained under Part 2.7 of the MDCP 2011.

Moreover, concerns were raised regarding the proposed overshadowing to No. 39 Salisbury Road's private open space due to the poor design of the development. As previously mentioned, the height, bulk and scale of the first-floor addition has been substantially reduced, therefore, resulting in a reduction of shadows cast from the initial proposal and the development has been designed well within its development potential for the site.

Issue: Additions are not compatible with the desired future character of the area

Comment: Considering that the additions have been reduced in bulk and scale, the additions have been amended to be sympathetic to the existing dwelling and conditions have been imposed as part of this consent granted to restore the existing contributory building it is considered that the proposal satisfies the desired future character of the 9.3 Stanmore North precinct under Part 9 of the MDCP 2011.

Further, as discussed under *Section 5.10 – Heritage Conservation* under Part 5(a)(iii) of this report, it is considered that the single storey streetscape has been retained as part of the amended proposal due to the sufficiently set back first floor addition from the front original roof form.

Issue: Not compatible with surrounding development in the area

Comment: Recommendations were provided to adopt a first-floor design similar to Nos. 11, 11A and 55 Salisbury Road as the additions are not visible from the primary streetscape. The additions adopted by the abovementioned sites consist of an

addition from the rear roof plane of the existing contributory dwelling to utilise the existing attic space as a habitable area. The proposal does not seek to utilise the existing attic space but rather provide a first-floor addition that protects the existing front original roof form and chimney. Further, the abovementioned sites consist of outbuildings that front Stanmore Lane unlike the subject site, meaning that the proposal is of reduced development and bulk and scale in comparison to surrounding development within the immediate vicinity of the site.

Issue: Lack of elevational shadow diagrams

Comment: Elevational shadow diagrams were provided as part of the Request for Further Information letter submission. The plans indicate that the proposed development will not cast additional overshadowing to No. 39 Salisbury Road's side facing glazing which is a satisfactory outcome.

Issue: Streetscape impacts upon the Annandale Farm Heritage Conservation Area

Comment: The Council's Heritage Specialist supported the amended proposal, subject to conditions that aim to restore the existing roof form and ensure that the additions are sympathetic to the existing period dwelling. Further, the additions are sufficiently set behind the chimney and front original roof form in order to mitigate the additions visibility from the primary streetscape. Therefore, it is considered that the development will be compatible with surrounding first floor additions within the locality and are of an appropriate bulk and scale that will not detract the significance and character of the attached semi-detached dwelling (No. 43 Salisbury Road).

Moreover, although the additions are higher than the existing ridge line, the proposed height of the additions is supported given that a further reduction in height is likely to reduce the overall amenity of the rooms. Overall, given the extended setback of the addition behind the original chimney, the addition will have a reduced visibility from the public domain and is therefore acceptable in this instance.

Issue: Overdevelopment of the site

Comment: The proposal is well within the development potential of the site, meaning that the proposal is compliant with Height of Building, Floor Space Ratio and site coverage controls and does not achieve the maximum height and Floor Space Ratio controls in order to ensure the scale of the development minimises impacts on neighbouring development and the subject site.

Issue: Non-compliance with Section 1.2 Aims of Plan under the *IWLEP 2022*

Comment: The amended proposal, subject to conditions, aims to retain the environmental and cultural heritage of the site and the visual bulk and scale of the development has been substantially reduced in order to maintain the character of the area as established by similar first floor additions located along the streetscape and to minimise adverse amenity impacts on adjoining properties. Therefore, it is considered that the development will have acceptable social, economic, and environmental impacts on the local character of the Inner West.

Issue: Non-compliance with R2 zoning objectives

Comment: The proposal maintains the low-density residential dwelling use of the site and is considered that the character of the locality will be maintained as a result of the development.

Issue: Non-compliance with Floor Space Ratio objectives
Comment: The proposal is compliant with the Floor Space Ratio Development Standard and the proposal has been amended to be compatible with similar first floor additions located along Salisbury Road and to maintain the single storey streetscape when viewed from Salisbury Road by positioning a portion of the addition's rearward of the chimney.

Issue: Non-compliance with the objectives contained under *Section 5.10 – Heritage Conservation* of the *IWLEP 2022*
Comment: The amended proposal has retained the significant building elements as part of the contributory dwelling and conditions have been imposed as part of this consent granted to restore the existing dwelling and to ensure the additions are sympathetic to the existing dwelling and character of the Annandale Farm Heritage Conservation Area.

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 Engineer
- Heritage

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 **\$3,641.00** would be required for the development under the Inner West Local Infrastructure Contributions Plan 2023. A condition requiring that contribution to be paid is included in the recommendation.

8. Conclusion

The proposal subject to compliance with the recommended conditions, generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and the *Marrickville Development Control Plan 2011*.

The development consisting of a first floor addition will not result in any significant impacts on the amenity of the adjoining premise, the heritage conservation area and the streetscape and is considered to be reasonable in the context of the site and is in the public interest.

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

9. Recommendation

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/2023/0251 for alterations and additions to an existing semi-detached dwelling at No. 41 Salisbury Road STANMORE 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:

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
Unknown	Materials and Finishes Schedule	Unknown	Extendahome
A488698_02	BASIX Certificate	13/06/2023	Extendahome Constructions
Ref: 93171-C1	Structural Adequacy Certificate	21/03/2023	Kneebone & Beretta Consulting Pty Ltd
A3-2, Edition No. C-4	Site Plan	22/06/2023	Extendahome
A3-3, Edition No. C-4	Ground Floor Plan	22/06/2023	Extendahome
A3-4, Edition No. C-4	First Floor Plan	22/06/2023	Extendahome
A3-6, Edition No. C-4	NW & SE Elevations	22/06/2023	Extendahome
A3-7, Edition No. C-4	NE & SW Elevations	22/06/2023	Extendahome
A3-8, Edition No. C-4	Section A-A, & Section B-B	22/06/2023	Extendahome
A3-14, Edition No. C-4	Landscape Plan	22/06/2023	Extendahome
A3-15, Edition No. C-4	Stormwater Layout	22/06/2023	Extendahome
20230188.1/0603A/R0/SJ	Aircraft Noise Intrusion Assessment	06/03/2023	Acoustic Logic

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 two skylights on the front plane of the primary roof form are to be removed and the roof is to be restored to its original outlook;
- b. All new windows are to be made using traditional (timber) materials;
- c. W2 is to be vertically proportioned;
- d. The awning proposed over W5 and W4 is to be pitched at 40 degrees to compliment a traditional awning pitch. If this is not possible, the awning is to be deleted; and
- e. The balustrade on the southwest elevation is to be an iron or timber balustrade with vertical pickets.

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.

Security Deposit:	\$5,992.00
Inspection Fee:	\$374.50

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. 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 0.25% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$250,000 or more.

5. Section 7.12 Development Contribution Payments

In accordance with section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Inner West Local Infrastructure Contribution Plan 2023 (the Plan), a monetary contribution of **\$3,641.00** shall be paid to Council for the purposes of the provision, extension or augmentation of local infrastructure identified in the Plan.

At the time of payment, the monetary contribution payable will be adjusted for inflation in accordance with indexation provisions in the Plan in the following manner:

$$C_{\text{payment}} = C_{\text{consent}} \times (CPI_{\text{payment}} \div CPI_{\text{consent}})$$

Where:

- C_{payment} = is the contribution at time of payment
- C_{consent} = is the contribution at the time of consent, as shown above
- CPI_{consent} = is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being [insert CPI value] for the [insert latest quarter and year].
- CPI_{payment} = is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment

Note: The contribution payable will not be less than the contribution specified in this condition.

The monetary contributions must be paid to Council (i) if the development is for subdivision – prior to the issue of the subdivision certificate, or (ii) if the development is for building work – prior to the issue of the first construction certificate, or (iii) if the development involves both

subdivision and building work – prior to issue of the subdivision certificate or first construction certificate, whichever occurs first, or (iv) if the development does not require a construction certificate or subdivision certificate – prior to the works commencing.

It is the professional responsibility of the principal certifying authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

Council's Plan may be viewed at www.innerwest.nsw.gov.au or during normal business hours at any of Council's customer service centres.

Please contact any of Council's customer service centres on 9592 5000 or council@innerwest.nsw.gov.au to request an invoice confirming the indexed contribution amount payable. Please allow a minimum of 2 business days for the invoice to be issued.

Once the invoice is obtained, payment can be made via (i) BPAY (preferred), (ii) credit card / debit card (AMEX, Mastercard and Visa only; log on to www.innerwest.nsw.gov.au/invoice; please note that a fee of 0.75 per cent applies to credit cards), (iii) in person (at any of Council's customer service centres), or (iv) by mail (make cheque payable to 'Inner West Council' with a copy of your remittance to PO Box 14 Petersham NSW 2049).

The invoice will be valid for 3 months. If the contribution is not paid by this time, please contact Council's customer service centres to obtain an updated invoice. The contribution amount will be adjusted to reflect the latest value of the Consumer Price Index (All Groups Index) for Sydney.

GENERAL CONDITIONS

6. 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.

7. 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.

8. 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.

9. 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.

10. Works Outside the Property Boundary

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

PRIOR TO ANY DEMOLITION**11. 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.

12. 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.

13. 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.

14. 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

15. 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.

16. 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(s), 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 in the case of low and medium residential developments, the twenty (20) year ARI Storm in the case of high-density residential development and commercial and/or industrial developments and the fifty (50) year ARI Storm in the case of heavy industry. In all cases, the 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(s);
- e. To provide for adequate site drainage all roof and surface stormwater from the site and any catchment external to the site that presently drains to it, must be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a stormwater drainage system in accordance with the

requirements of Council's DCP. Please note any stormwater outlets through sandstone kerbs must be carefully core drilled;

- 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 southern/western side boundary between the rear of the dwelling and the Salisbury Road frontage. The rear courtyard must be graded so that bypass flows from the site drainage system are directed to the overland flowpath.
- h. A minimum 150mm step up shall be provided between all external finished surfaces and adjacent internal floor areas;
- i. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands;
- j. No nuisance or concentration of flows to other properties;
- k. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
- 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 inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
- 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;
- q. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated;
- r. No impact to street tree(s);

17. Changes to Levels

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

- a. A 150mm step down must be provided between the finished floor level of the internal room and the finished surface level of the external area.

18. 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.

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

21. Acoustic Report – Aircraft Noise

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

DURING DEMOLITION AND CONSTRUCTION**22. 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.

23. 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**24. 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.

25. 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.

26. Aircraft Noise –Alterations and Additions

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

ON-GOING**27. Bin Storage**

All bins are to be stored within the site.

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 Sections 69-86 of the *Environmental Planning and Assessment Regulations 2021*.

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.

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*.

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 www.basix.nsw.gov.au
Department of Fair Trading	13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 www.dialprior toyoudig.com.au

Landcom	9841 8660	To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	131441	www.lspc.nsw.gov.au
NSW Food Authority	1300 552 406	www.foodnotify.nsw.gov.au
NSW Government		www.nsw.gov.au/fibro www.diysafe.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555	www.environment.nsw.gov.au
Sydney Water	13 20 92	www.sydneywater.com.au
Waste Service - SITA Environmental Solutions	1300 651 116	www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)		www.waterrating.gov.au
WorkCover Authority of NSW	13 10 50	www.workcover.nsw.gov.au Enquiries relating to work safety and asbestos removal and disposal.

Asbestos Removal

A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m² of bonded asbestos (or otherwise specified by WorkCover or relevant legislation).

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

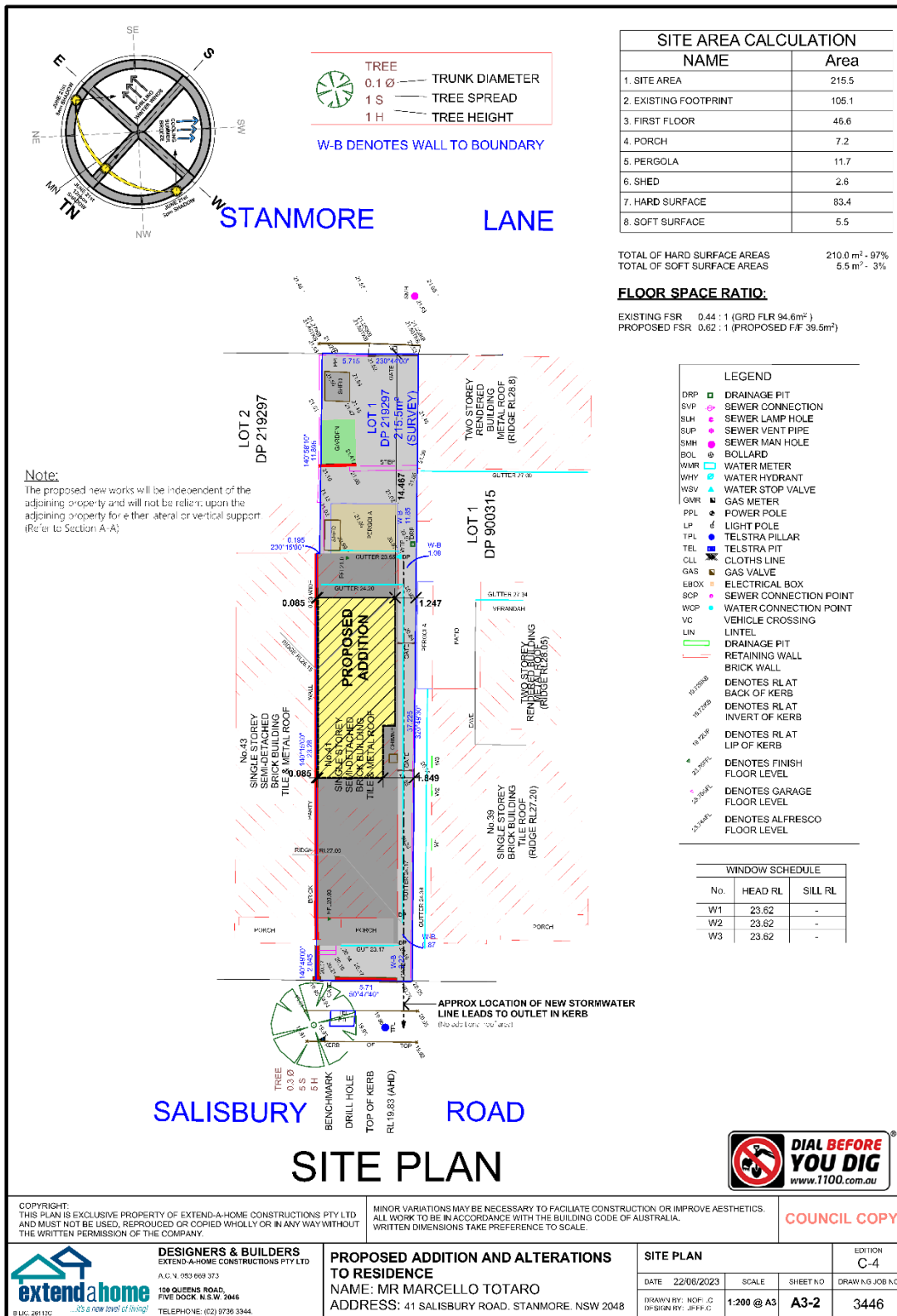
Demolition sites that involve the removal of asbestos must display a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers.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

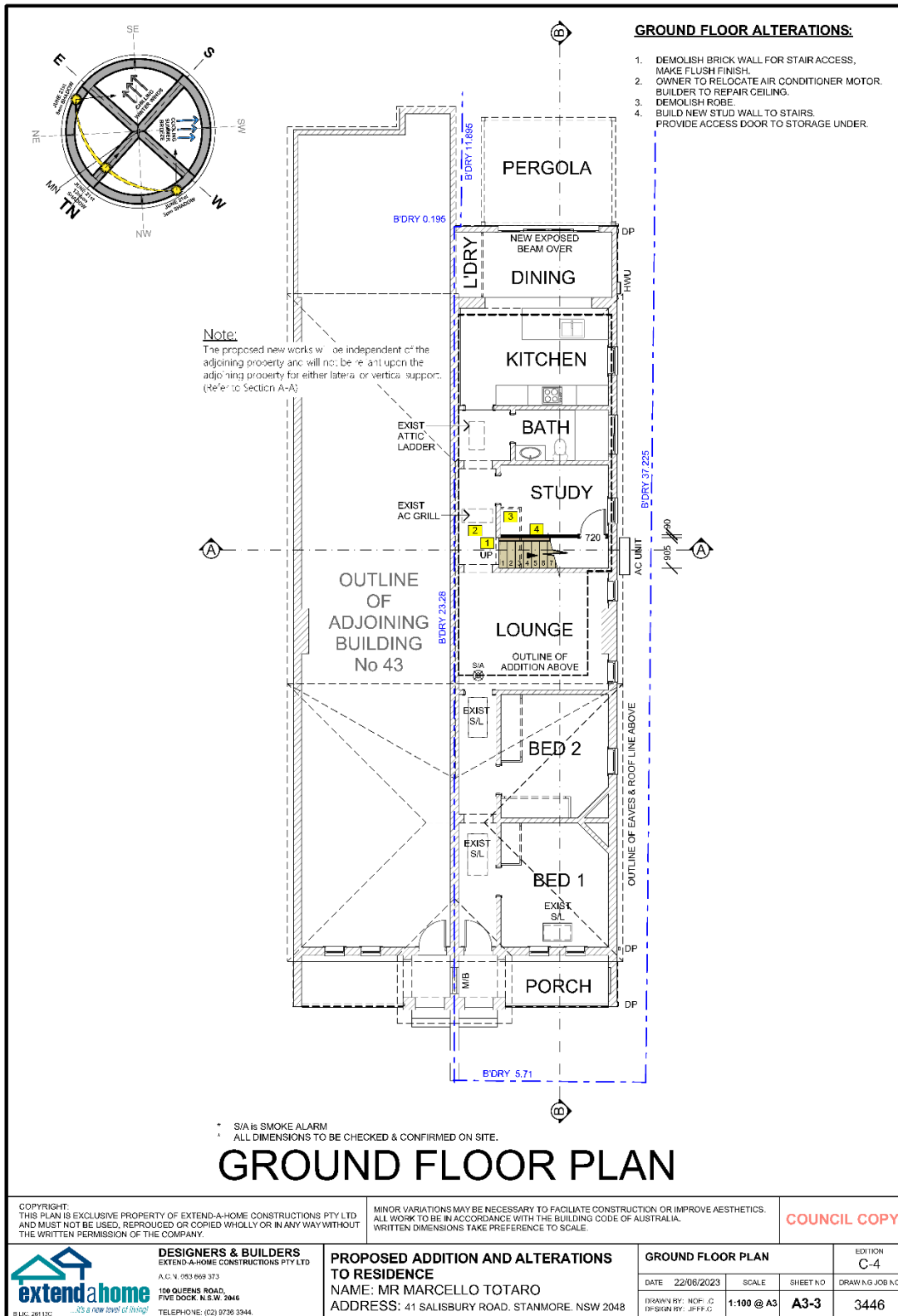
All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2014. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.

Street Numbering

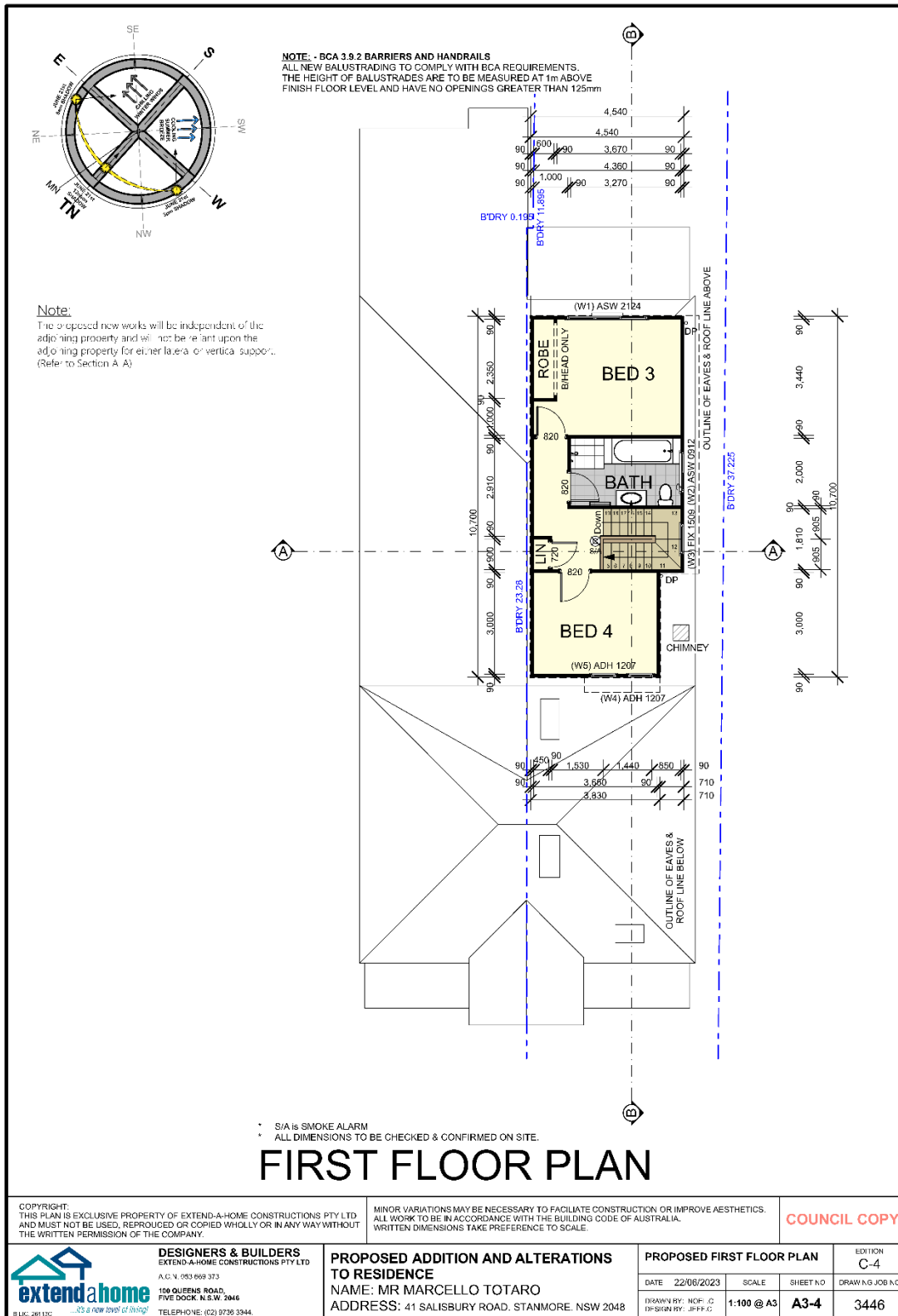
If there are any changes to the number of occupancies including any additional occupancies created, a street numbering application must be lodged and approved by Council's GIS team before any street number is displayed. Link to [Street Numbering Application](#)

Attachment B – Plans of proposed development

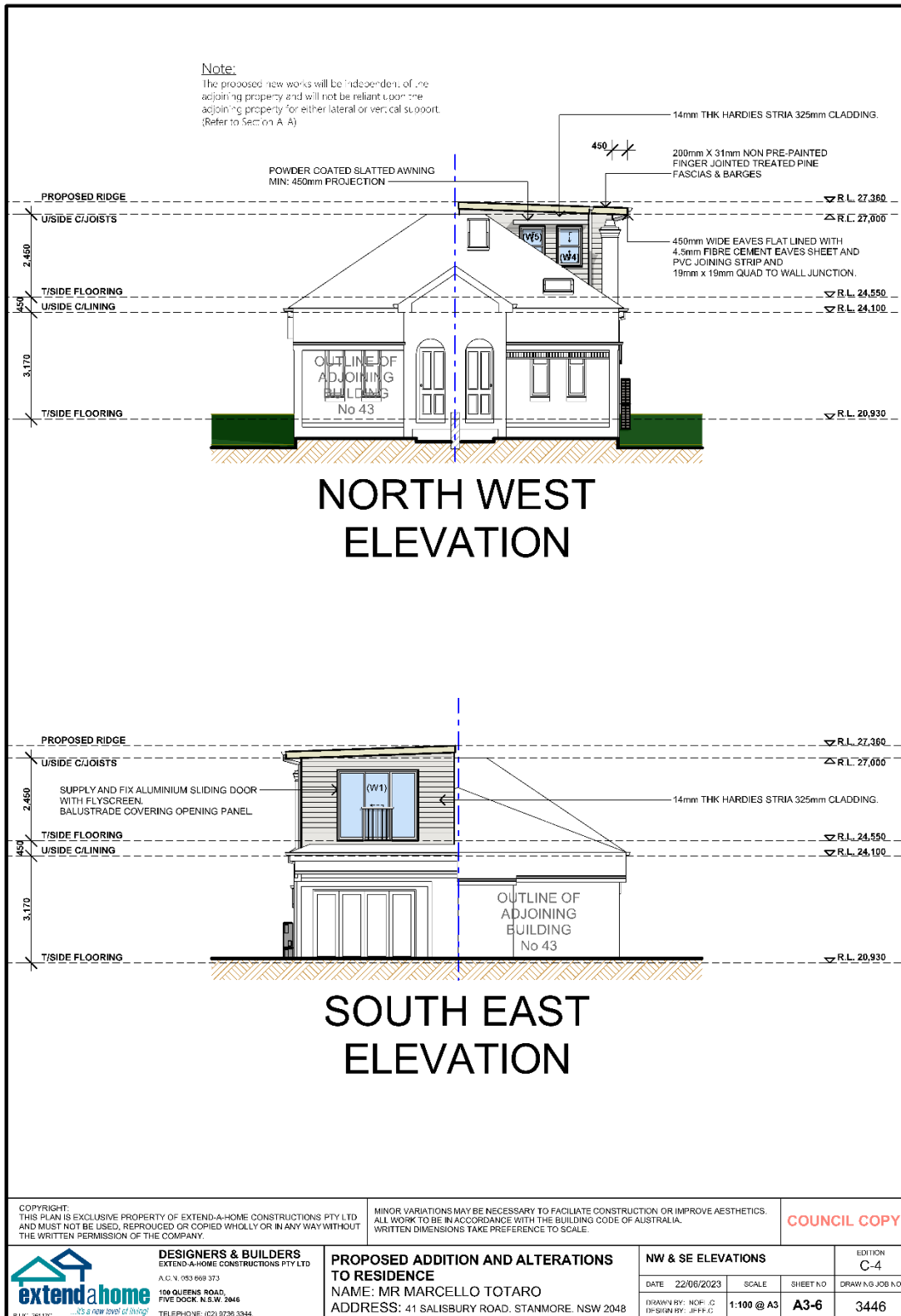




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 Version: 1, Version Date: 11/07/2023



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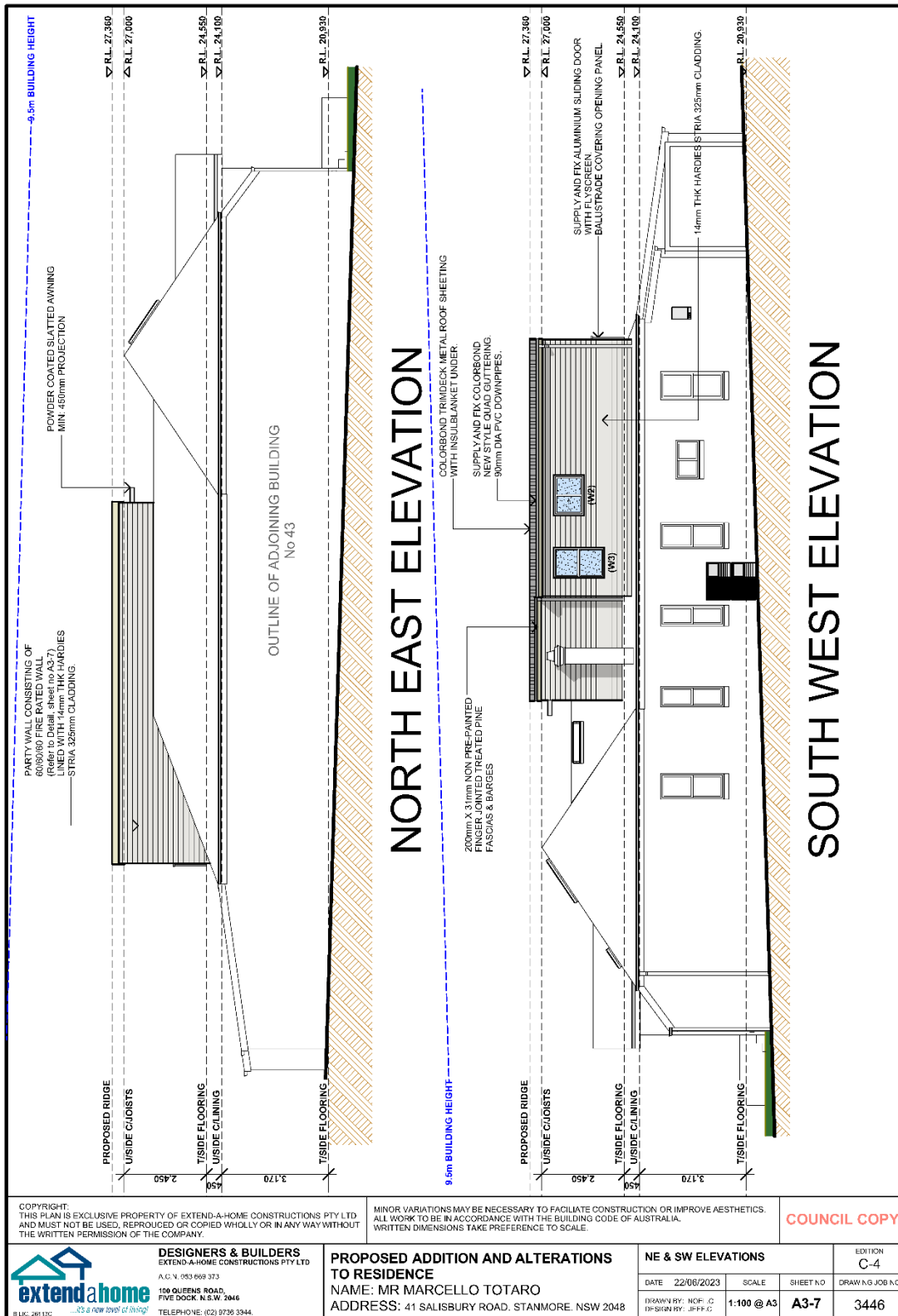


DESIGNERS & BUILDERS
EXTEND-A-HOME CONSTRUCTIONS PTY LTD
A.C.N. 983 869 373
100 QUEENS ROAD,
FIVE DOCK, N.S.W. 2046
TELEPHONE: (02) 9730 3344

PROPOSED ADDITION AND ALTERATIONS TO RESIDENCE
NAME: MR MARCELLO TOTARO
ADDRESS: 41 SALISBURY ROAD, STANMORE, NSW 2048

NW & SE ELEVATIONS
DATE: 22/06/2023
SCALE: 1:100 @ A3
DRAWN BY: NCF-C
DESIGN BY: JPF-C

EDITION	C-4
DRAWING JOB NO	3446



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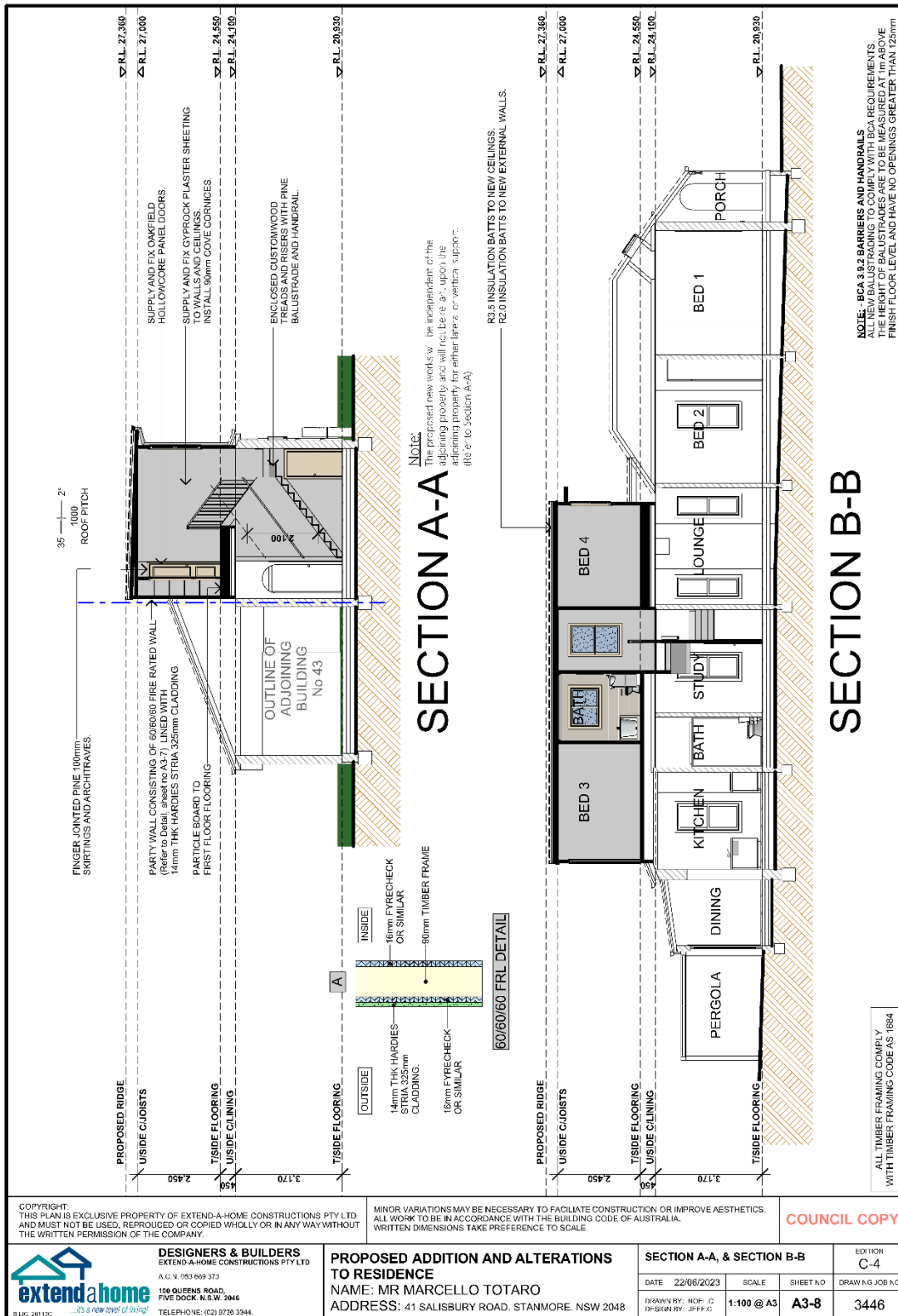


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FIVE DOCK, N.S.W. 2046
TELEPHONE: (02) 9730 3344

**PROPOSED ADDITION AND ALTERATIONS
TO RESIDENCE**
NAME: MR MARCELLO TOTARO
ADDRESS: 41 SALISBURY ROAD, STANMORE, NSW 2048

NE & SW ELEVATIONS
DATE: 22/06/2023
SCALE: 1:100 @ A3
DRAWN BY: NDF-C
DESIGN BY: JF-P-C

EDITION: C-4
DRAWING JOB NO: 3446



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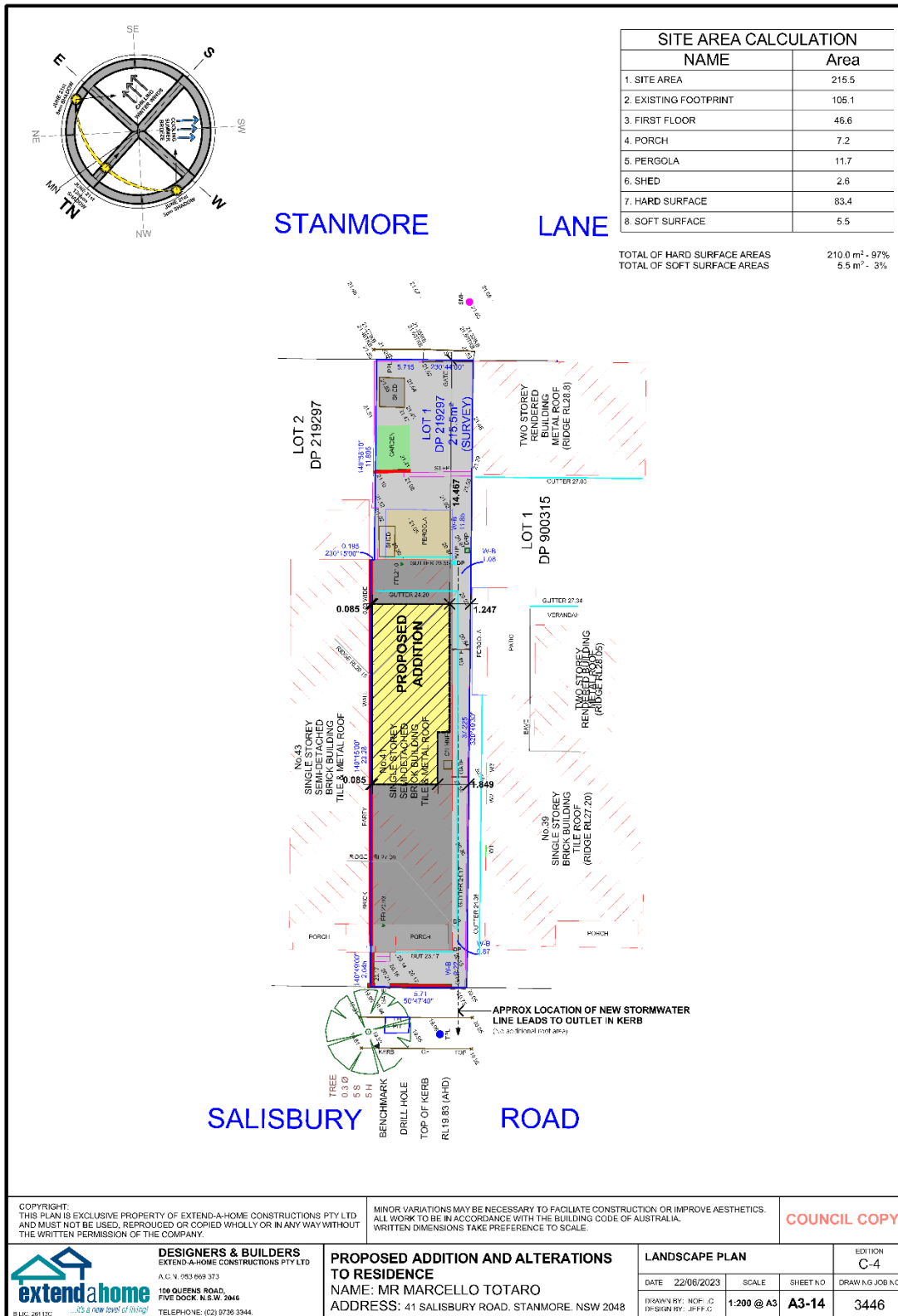
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extend a home
...it's a new way of living!

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EXTEND-A-HOME CONSTRUCTIONS PTY LTD
A.C.N. 983 869 373
100 QUEENS ROAD,
FIVE DOCK, N.S.W. 2046
TELEPHONE: (02) 9730 3344

**PROPOSED ADDITION AND ALTERATIONS
TO RESIDENCE**
NAME: MR MARCELLO TOTARO
ADDRESS: 41 SALISBURY ROAD, STANMORE, NSW 2048

SECTION A-A, & SECTION B-B		EDITION	
DATE: 22/06/2023	SCALE:	C-4	
DRAWN BY: NCF-C	1:100 @ A3	SHEET N.O:	DRAWING JOB N.O
DESIGN BY: JEFF-C		A3-8	3446



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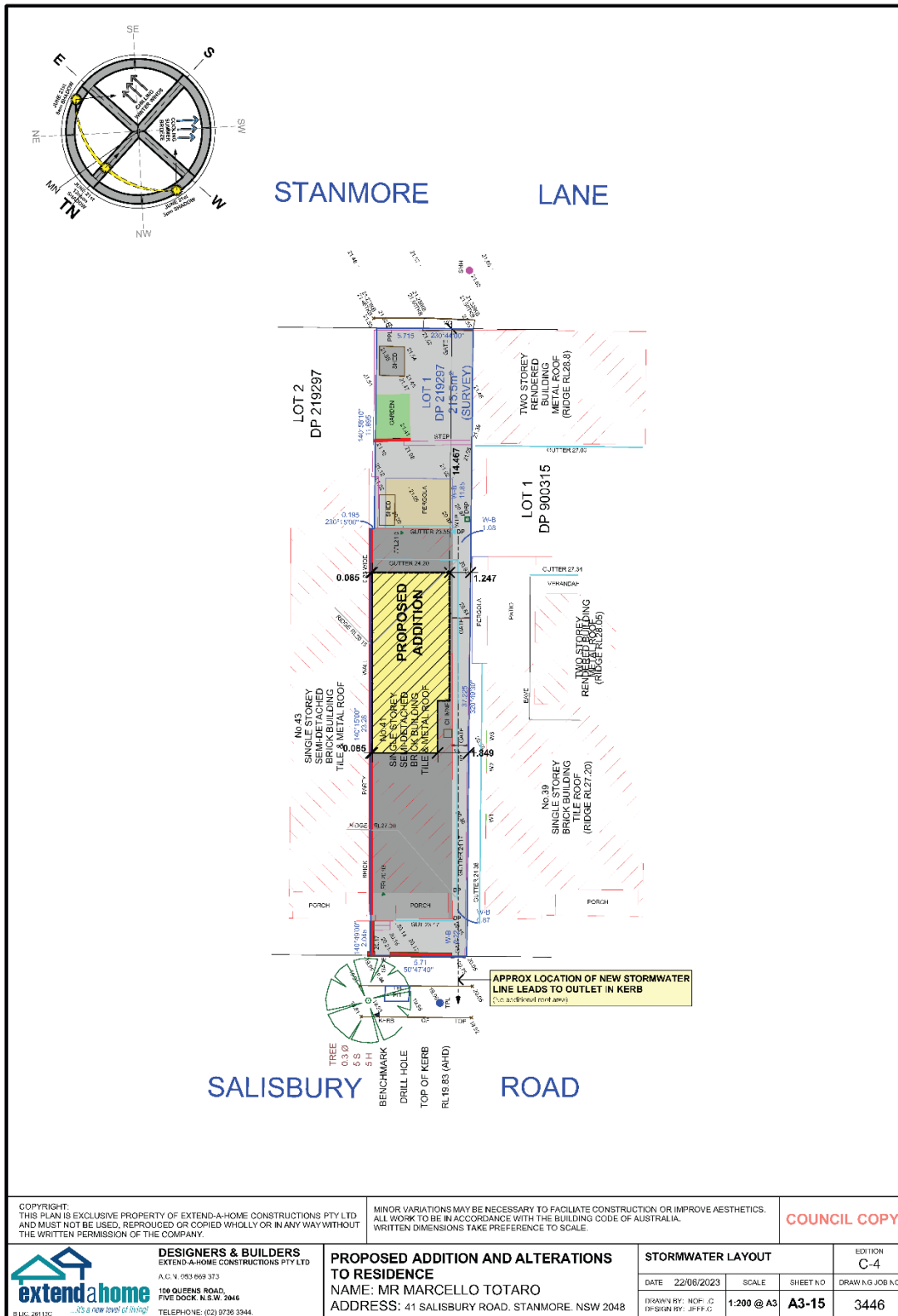


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100 QUEENS ROAD,
FIVE DOCK, N.S.W. 2046
TELEPHONE: (02) 9730 3344

PROPOSED ADDITION AND ALTERATIONS TO RESIDENCE
NAME: MR MARCELLO TOTARO
ADDRESS: 41 SALISBURY ROAD, STANMORE, NSW 2048

LANDSCAPE PLAN		
DATE	22/06/2023	SCALE
DRAWN BY:	NDF - C	SHEET N.O.
DESIGN BY:	JF-FC	A3-14
	1:200 @ A3	3446

EDITION
C-4
DRAWING JOB N.O.
3446



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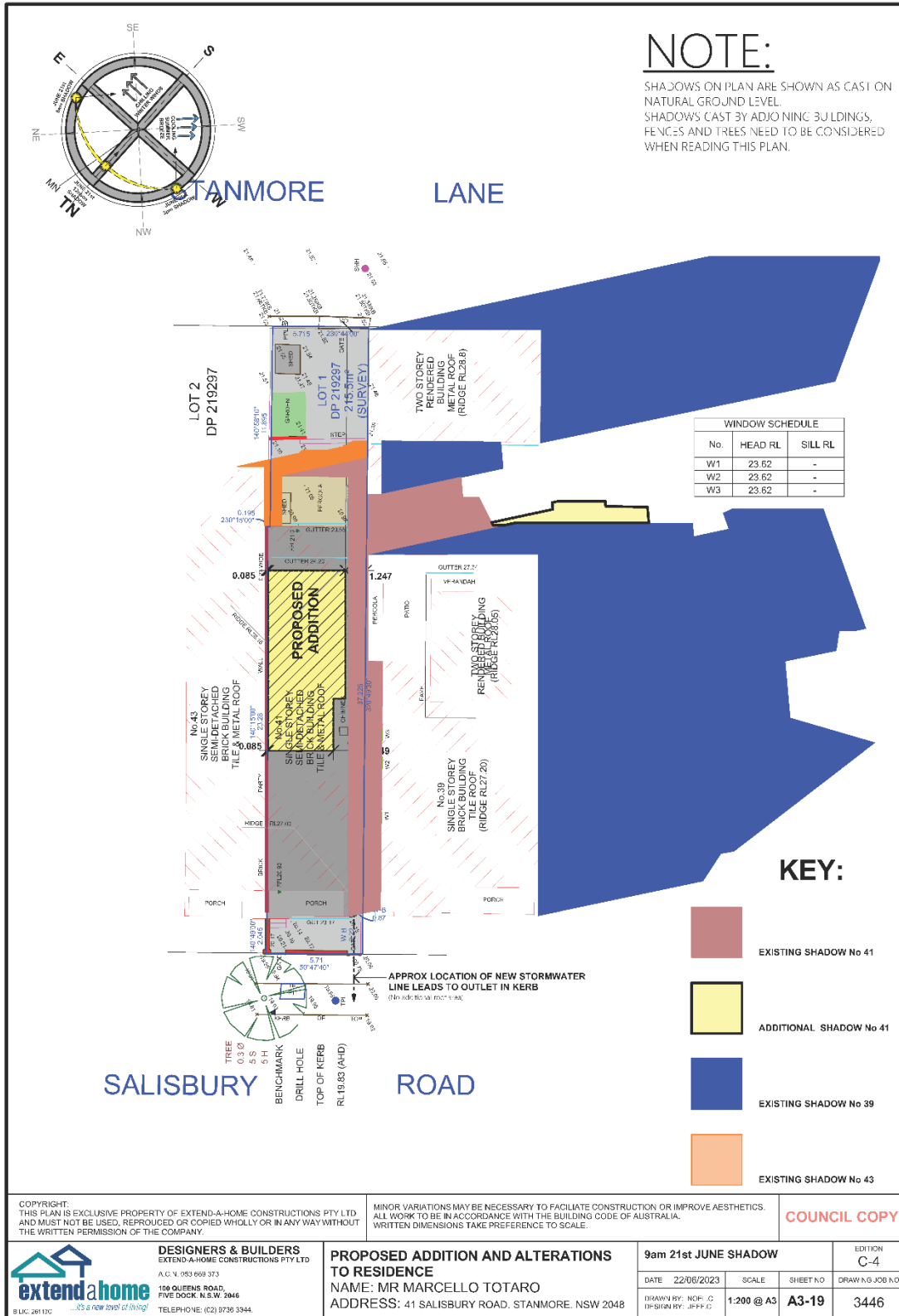
PROPOSED ADDITION AND ALTERATIONS TO RESIDENCE
 NAME: MR MARCELLO TOTARO
 ADDRESS: 41 SALISBURY ROAD, STANMORE, NSW 2048

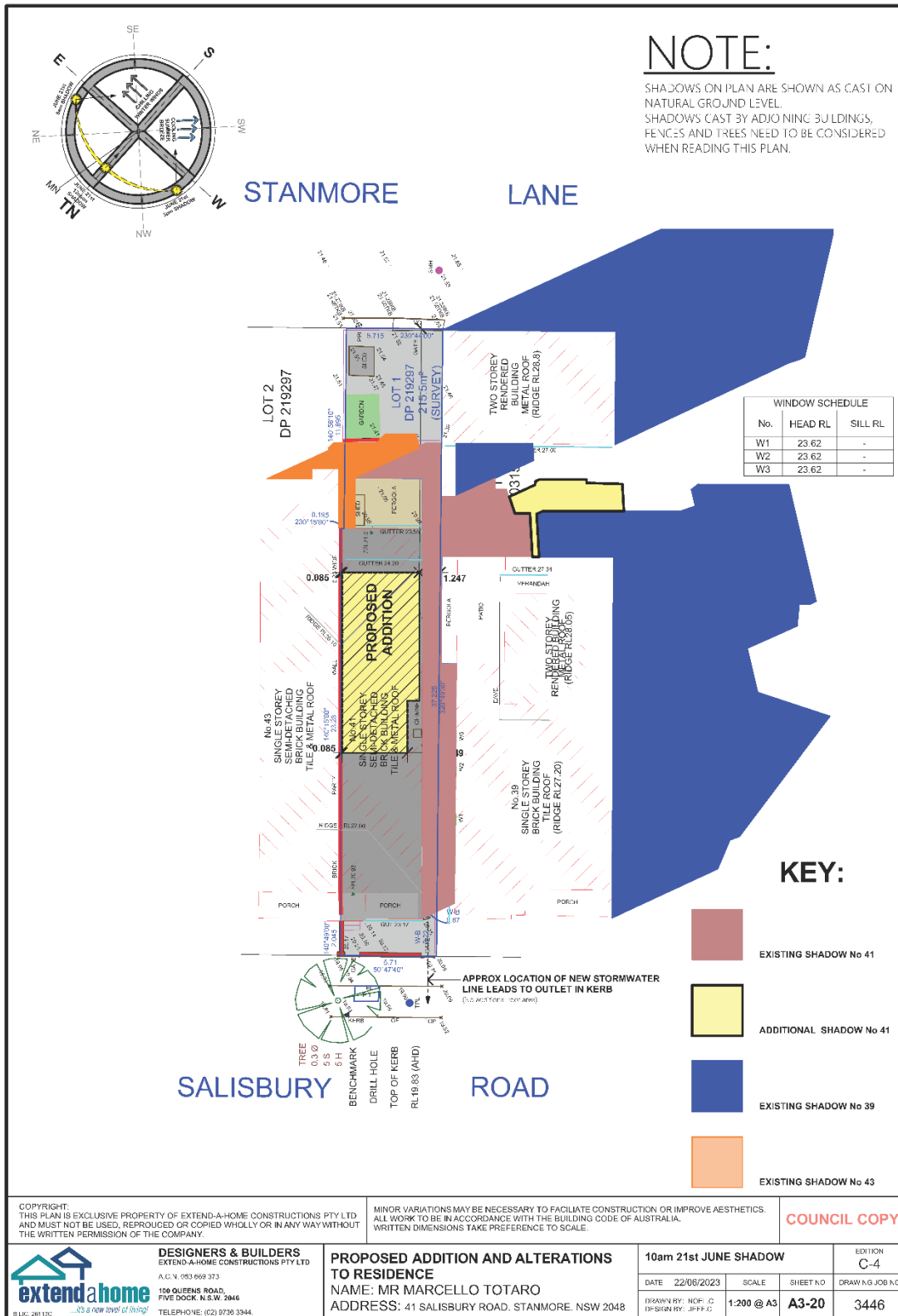
STORMWATER LAYOUT			
DATE	22/06/2023	SCALE	SHEET N.O.
DRAWN BY:	NCF - C	1:200 @ A3	A3-15
DESIGN BY:	JF-FC		

EDITION
C-4
DRAWING JOB N.O.
3446

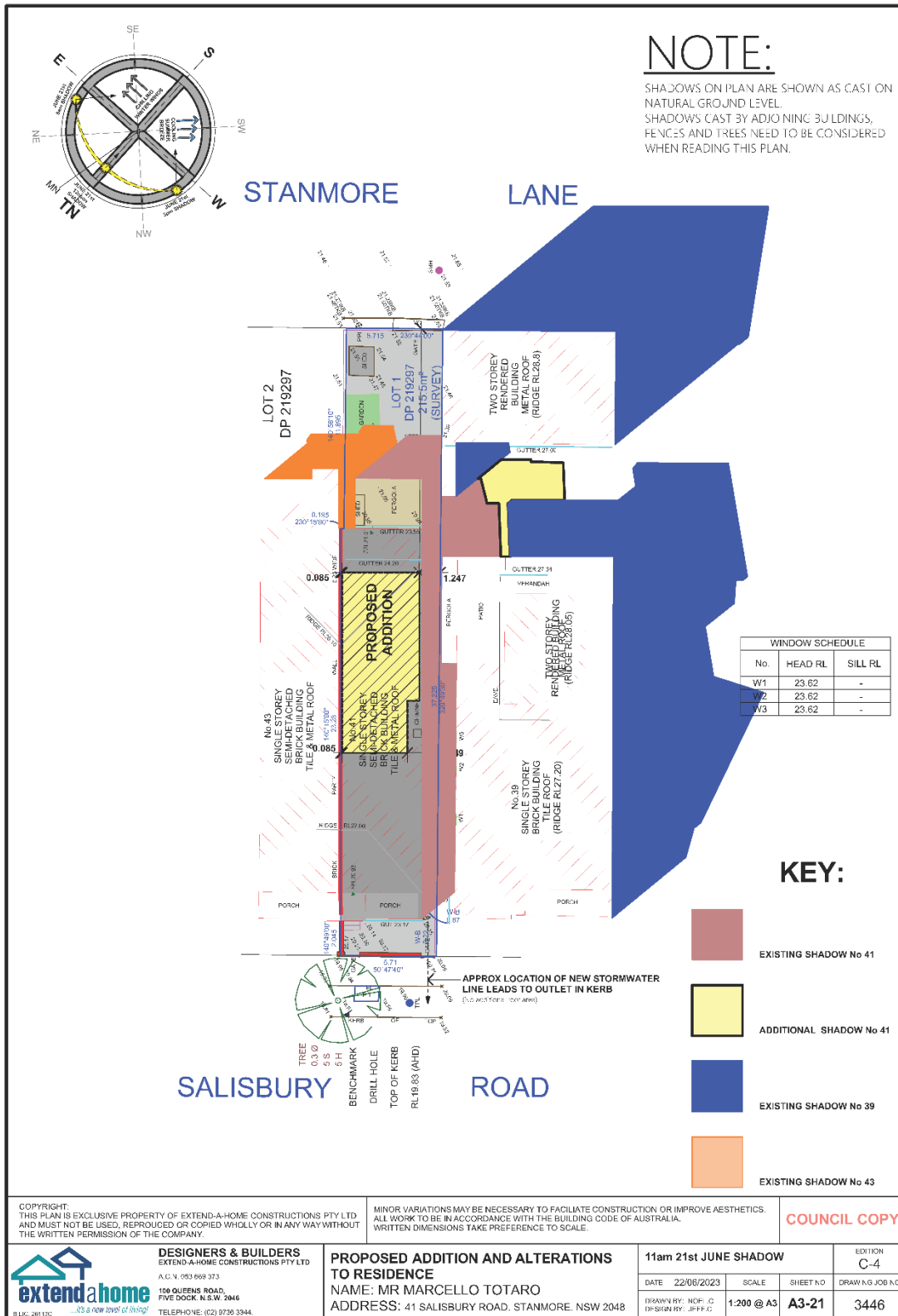
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 Version: 1, Version Date: 11/07/2023

Attachment C – Shadow Diagrams

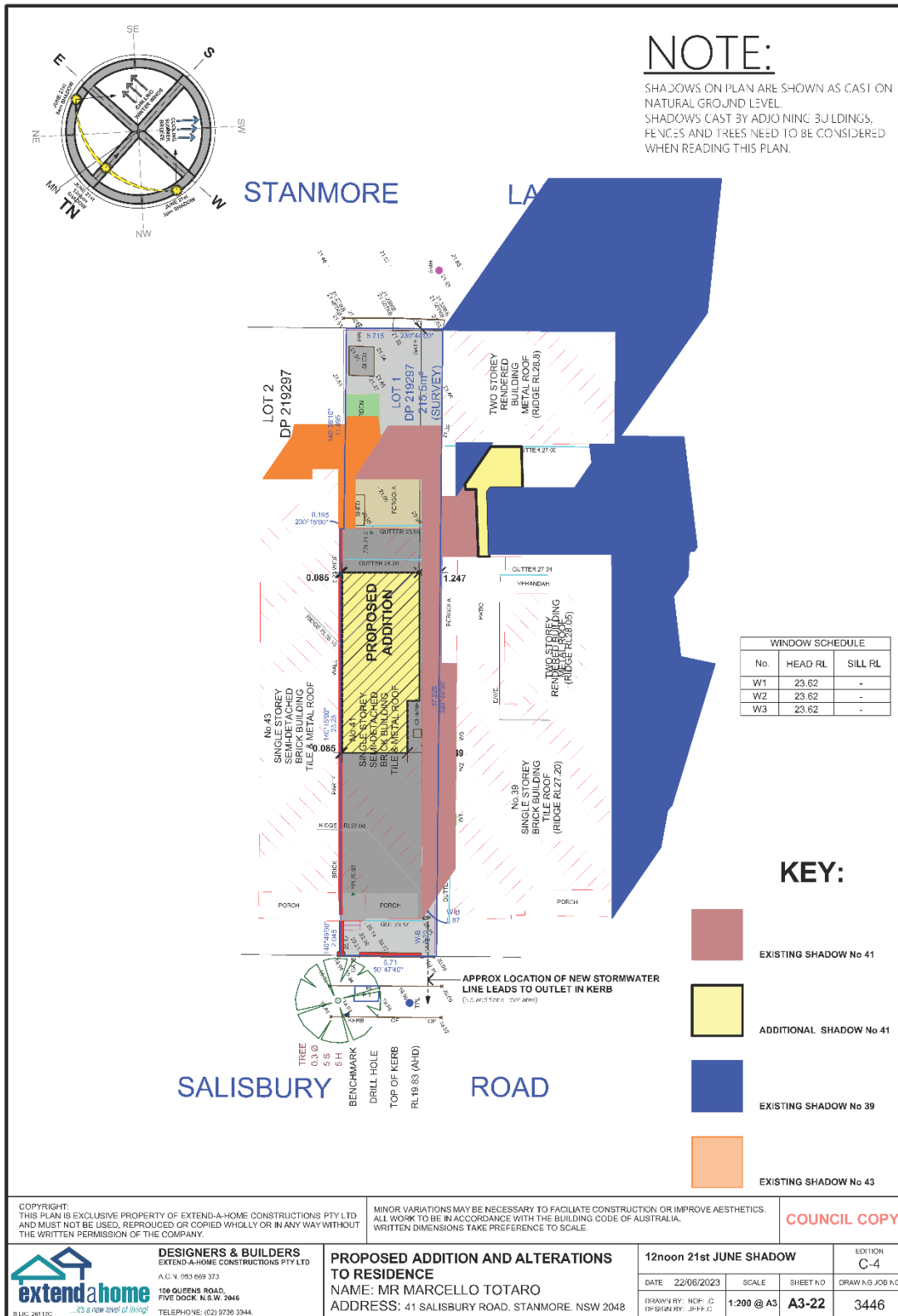




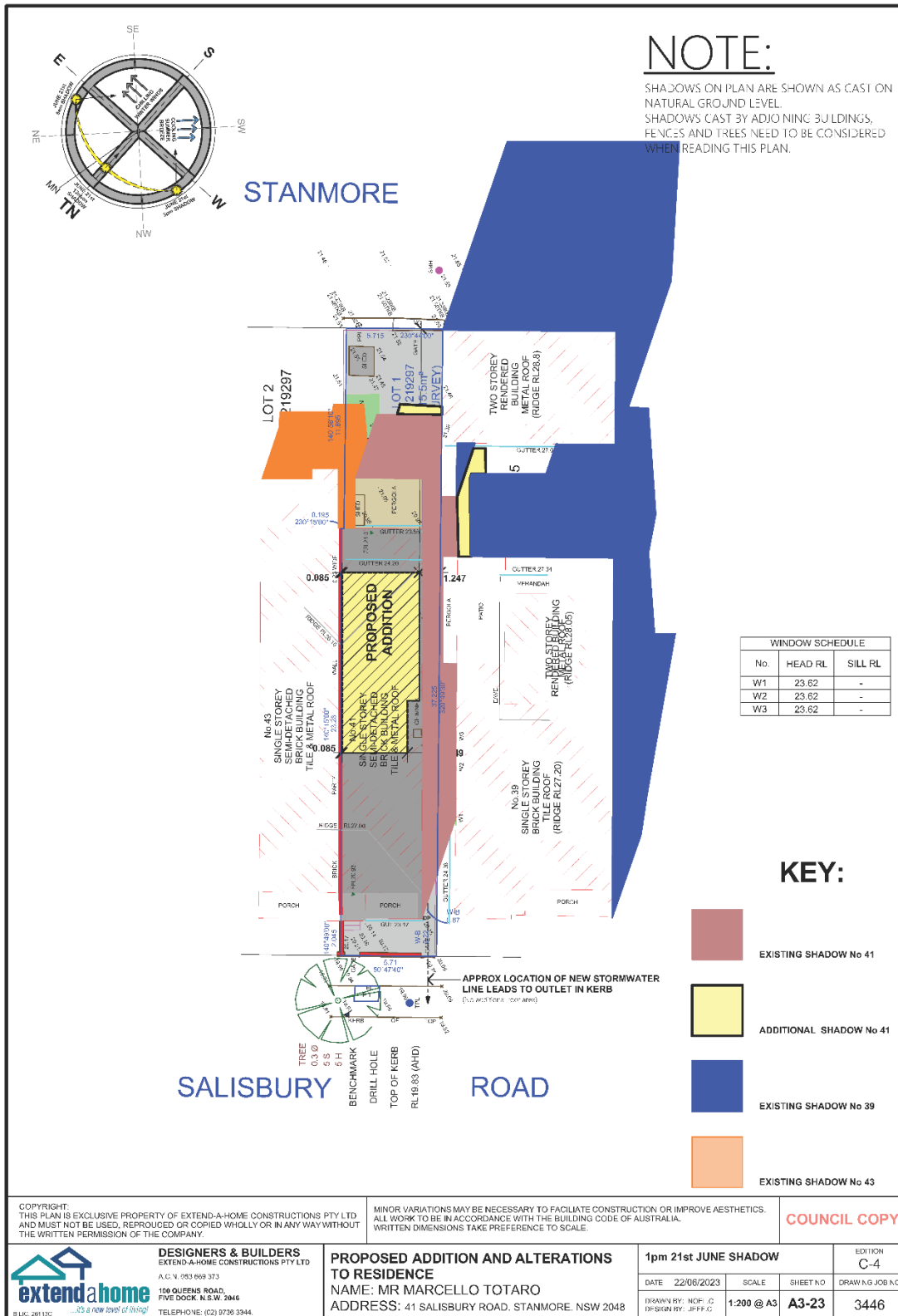
Document Set ID: 37900844
Version: 1, Version Date: 17/07/2023



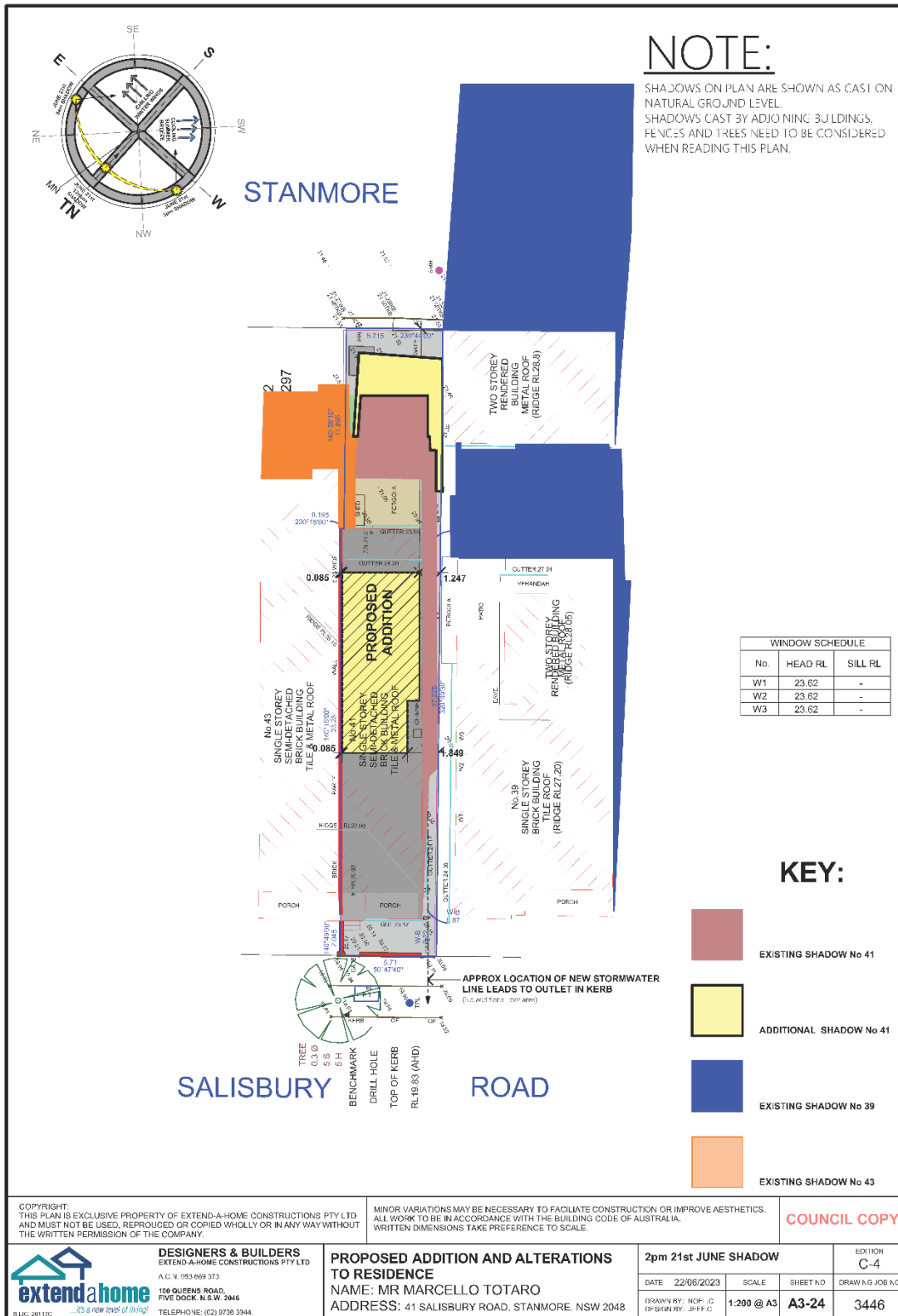
Document Set ID: 37900844
Version: 1, Version Date: 17/07/2023



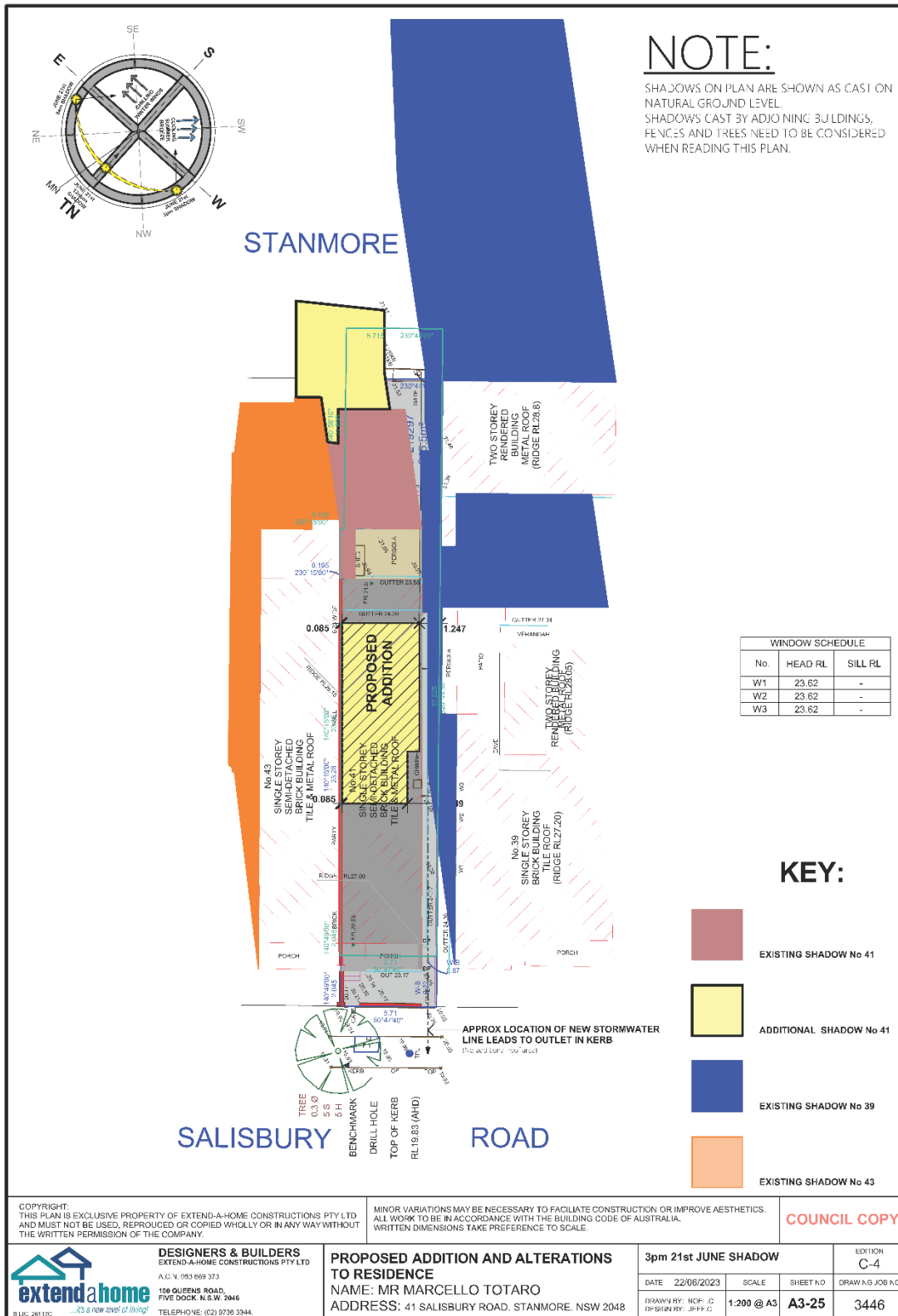
Document Set ID: 37900844
Version: 1, Version Date: 17/07/2023



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Version: 1, Version Date: 17/07/2023



Document Set ID: 37900844
Version: 1, Version Date: 17/07/2023



Document Set ID: 37900844
Version: 1, Version Date: 17/07/2023

ADDITIONAL SHADOW ELEVATION 21st JUNE 9am

EXISTING SHADOW ELEVATION 21st JUNE 9am

ADDITIONAL SHADOW ELEVATION 21st JUNE 10am

EXISTING SHADOW ELEVATION 21st JUNE 10am

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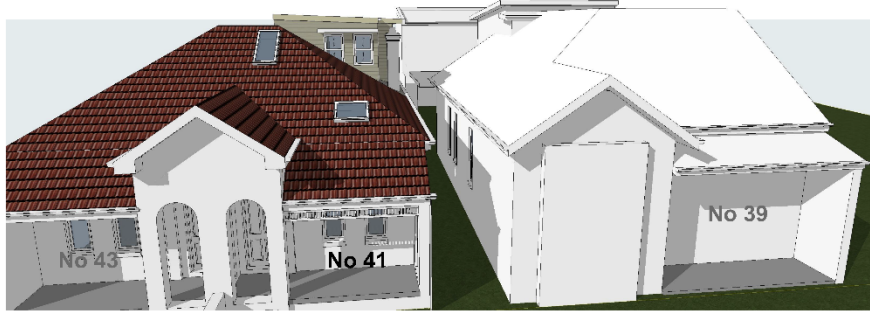
DESIGNERS & BUILDERS
EXTEND-A-HOME CONSTRUCTIONS PTY LTD
A.C.N. 1953 8695 373
100 QUEENS ROAD,
FIVE DOCK, N.S.W. 2046
TELEPHONE: (02) 9730 3344

**PROPOSED ADDITION AND ALTERATIONS
TO RESIDENCE**
NAME: MR MARCELLO TOTARO
ADDRESS: 41 SALISBURY ROAD, STANMORE, NSW 2048

9am-10am 21st JUNE ELEVATIONS		EDITION	
DATE	22/06/2023	SCALE	SHEET N.O
DRAWN BY:	NCF-C	DESIGN BY:	JF-PF-C
SCALED TO FIT @ A3	A3-26	DRAWING JOB N.O	3446

COUNCIL COPY

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Version: 1, Version Date: 17/07/2023



ADDITIONAL SHADOW ELEVATION 21st JUNE 11am



EXISTING SHADOW ELEVATION 21st JUNE 11am



ADDITIONAL SHADOW ELEVATION 21st JUNE 12pm



EXISTING SHADOW ELEVATION 21st JUNE 12pm

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FIVE DOCK, N.S.W. 2046
TELEPHONE: (02) 9730 3344

PROPOSED ADDITION AND ALTERATIONS TO RESIDENCE
NAME: MR MARCELLO TOTARO
ADDRESS: 41 SALISBURY ROAD, STANMORE, NSW 2048

11am-12pm 21st JUNE ELEVATIONS

EDITION
C-4

DATE 22/06/2023
DRAWN BY: NCF-C
DESIGN BY: JPF-C

SCALE
SCALED TO FIT @ A3

SHEET N.O
A3-27

DRAWING JOB N.O
3446

ADDITIONAL SHADOW ELEVATION 21st JUNE 1pm

EXISTING SHADOW ELEVATION 21st JUNE 1pm

ADDITIONAL SHADOW ELEVATION 21st JUNE 2pm

EXISTING SHADOW ELEVATION 21st JUNE 2pm

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100 QUEENS ROAD,
FIVE DOCK, N.S.W. 2046
TELEPHONE: (02) 9730 3344

**PROPOSED ADDITION AND ALTERATIONS
TO RESIDENCE**
NAME: MR MARCELLO TOTARO
ADDRESS: 41 SALISBURY ROAD, STANMORE, NSW 2048

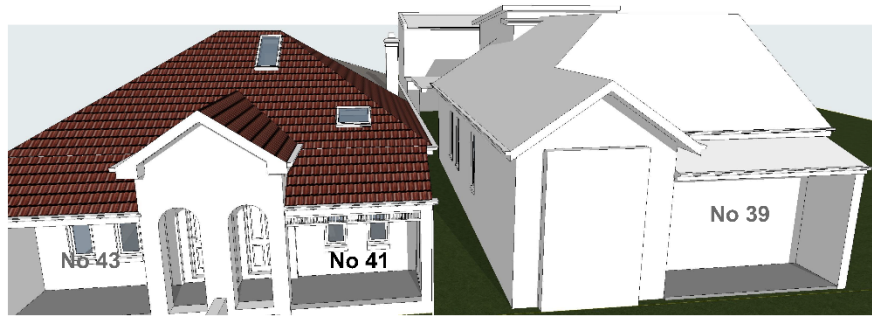
1pm-2pm 21st JUNE ELEVATIONS		EDITION	
DATE	22/06/2023	SCALE	SHEET N.O
DRAWN BY: NCF-C	DESIGN BY: JFF-C	SCALED TO FIT @ A3	A3-28
			DRAWING JOB N.O
			3446

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Version: 1, Version Date: 17/07/2023



ADDITIONAL SHADOW ELEVATION 21st JUNE 3pm



EXISTING SHADOW ELEVATION 21st JUNE 3pm

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100 OLIVERS ROAD,
FIVE DOCK, N.S.W. 2046
TELEPHONE: (02) 9730 3344

PROPOSED ADDITION AND ALTERATIONS TO RESIDENCE
NAME: MR MARCELLO TOTARO
ADDRESS: 41 SALISBURY ROAD, STANMORE, NSW 2048

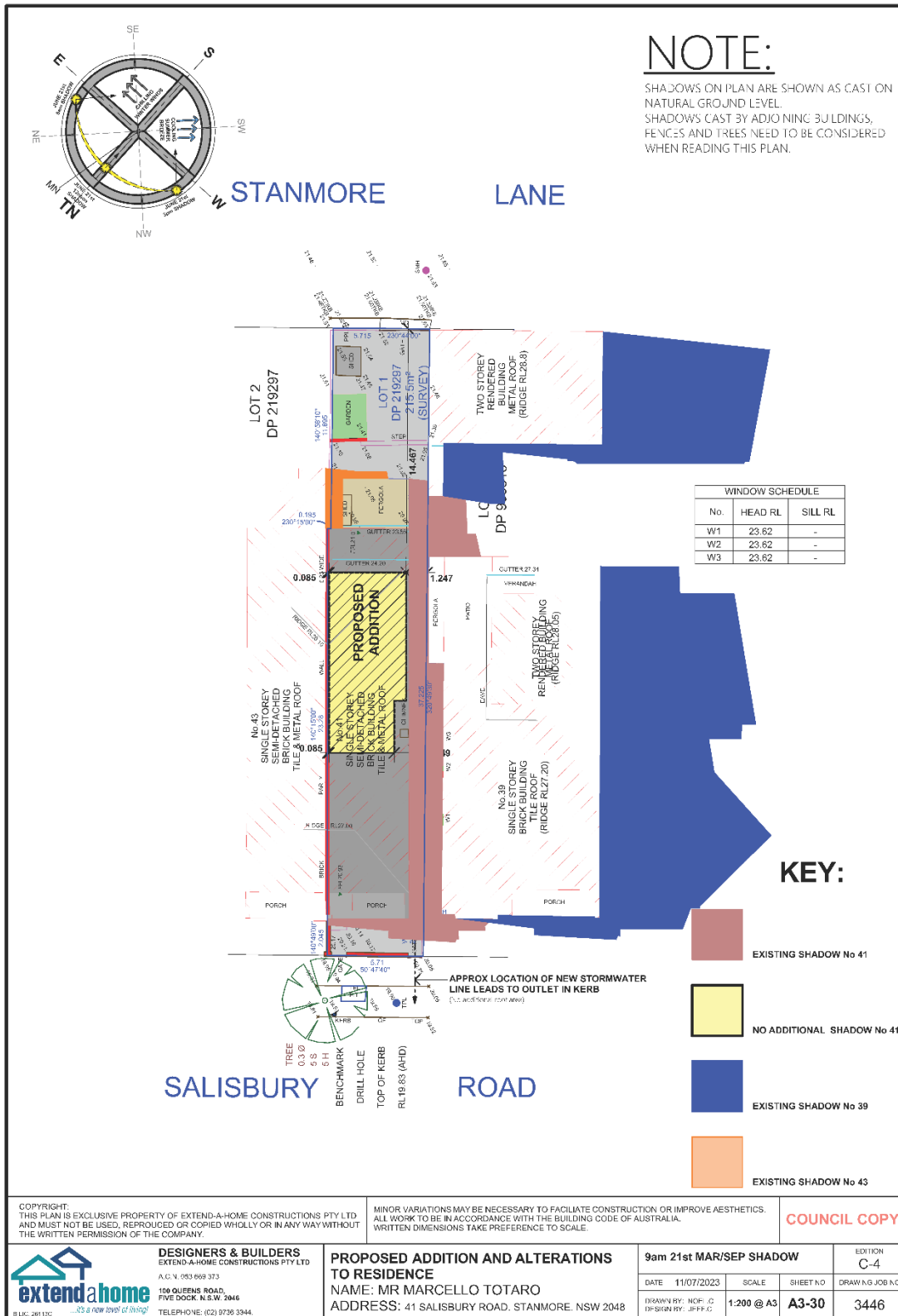
3pm 21st JUNE ELEVATIONS

DATE	22/06/2023
DRAWN BY:	NDF-C
DESIGN BY:	JF-F-C

SCALE	
SCALED TO FIT @ A3	

SHEET N.O	A3-29
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EDITION	C-4
DRAWING JOB N.O	3446

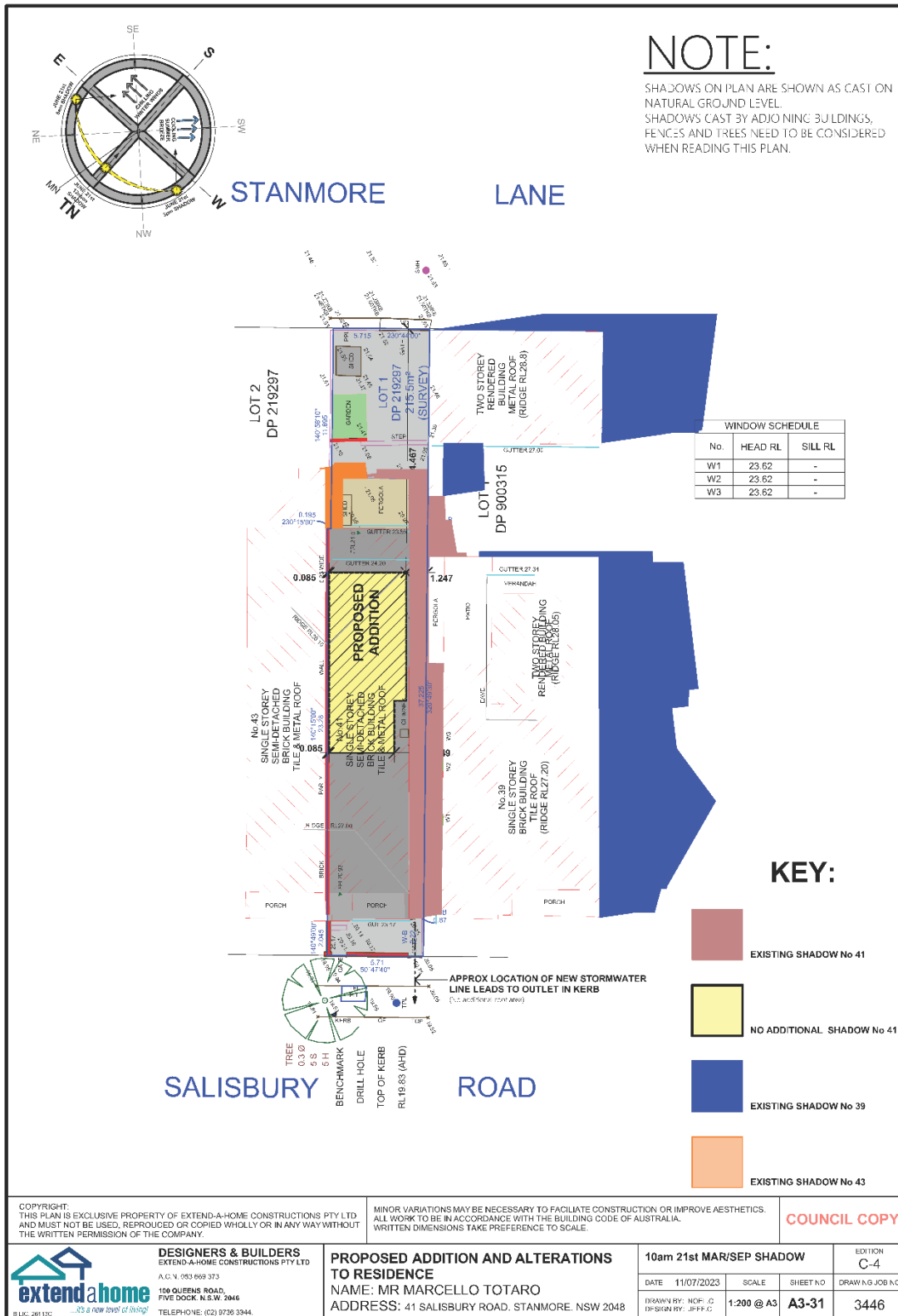


NOTE:
 SHADOWS ON PLAN ARE SHOWN AS CAST ON NATURAL GROUND LEVEL.
 SHADOWS CAST BY ADJOINING BUILDINGS, FENCES AND TREES NEED TO BE CONSIDERED WHEN READING THIS PLAN.

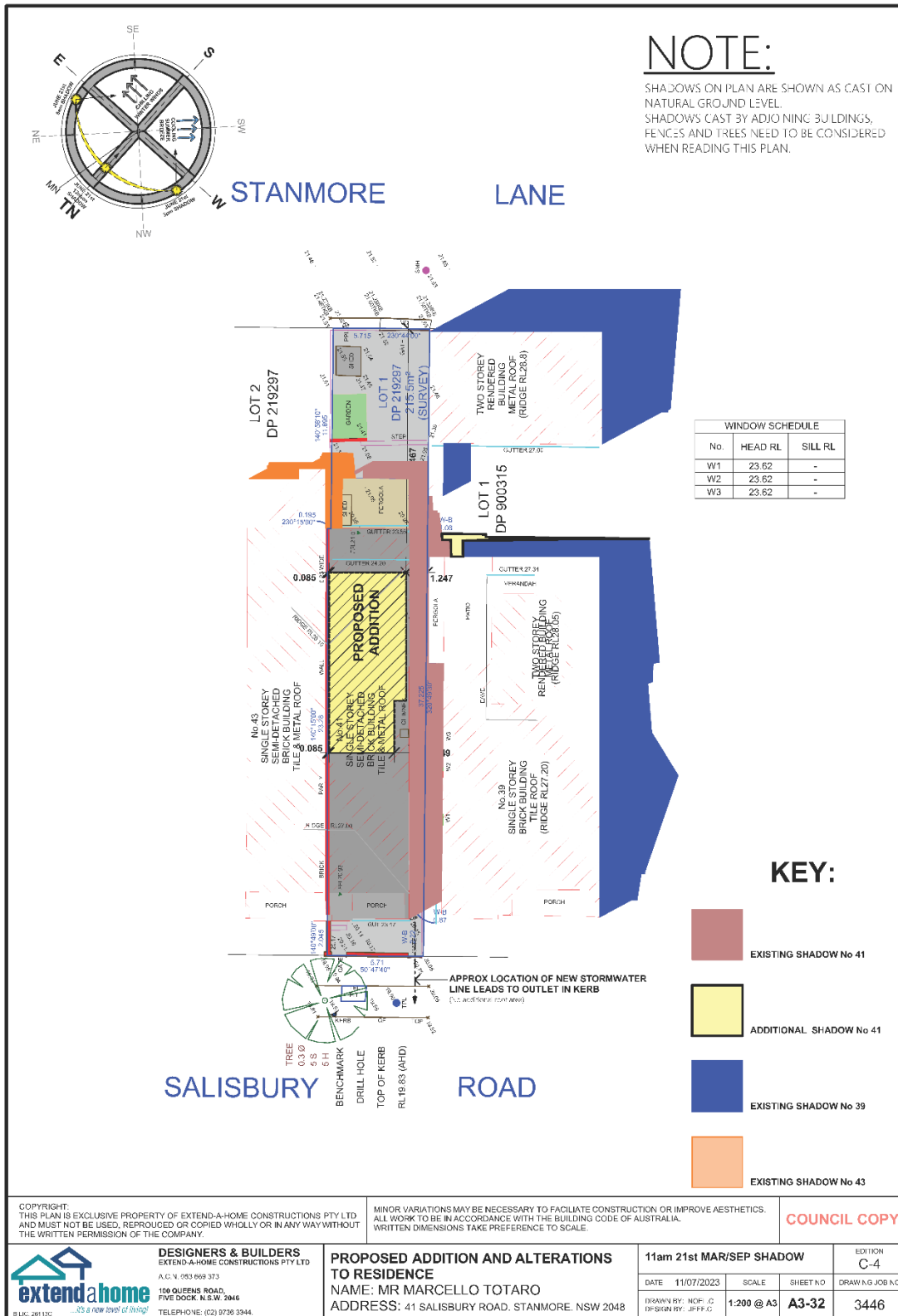
WINDOW SCHEDULE		
No.	HEAD RL	SILL RL
W1	23.62	-
W2	23.62	-
W3	23.62	-

- KEY:**
- EXISTING SHADOW No 41
 - NO ADDITIONAL SHADOW No 41
 - EXISTING SHADOW No 39
 - EXISTING SHADOW No 43

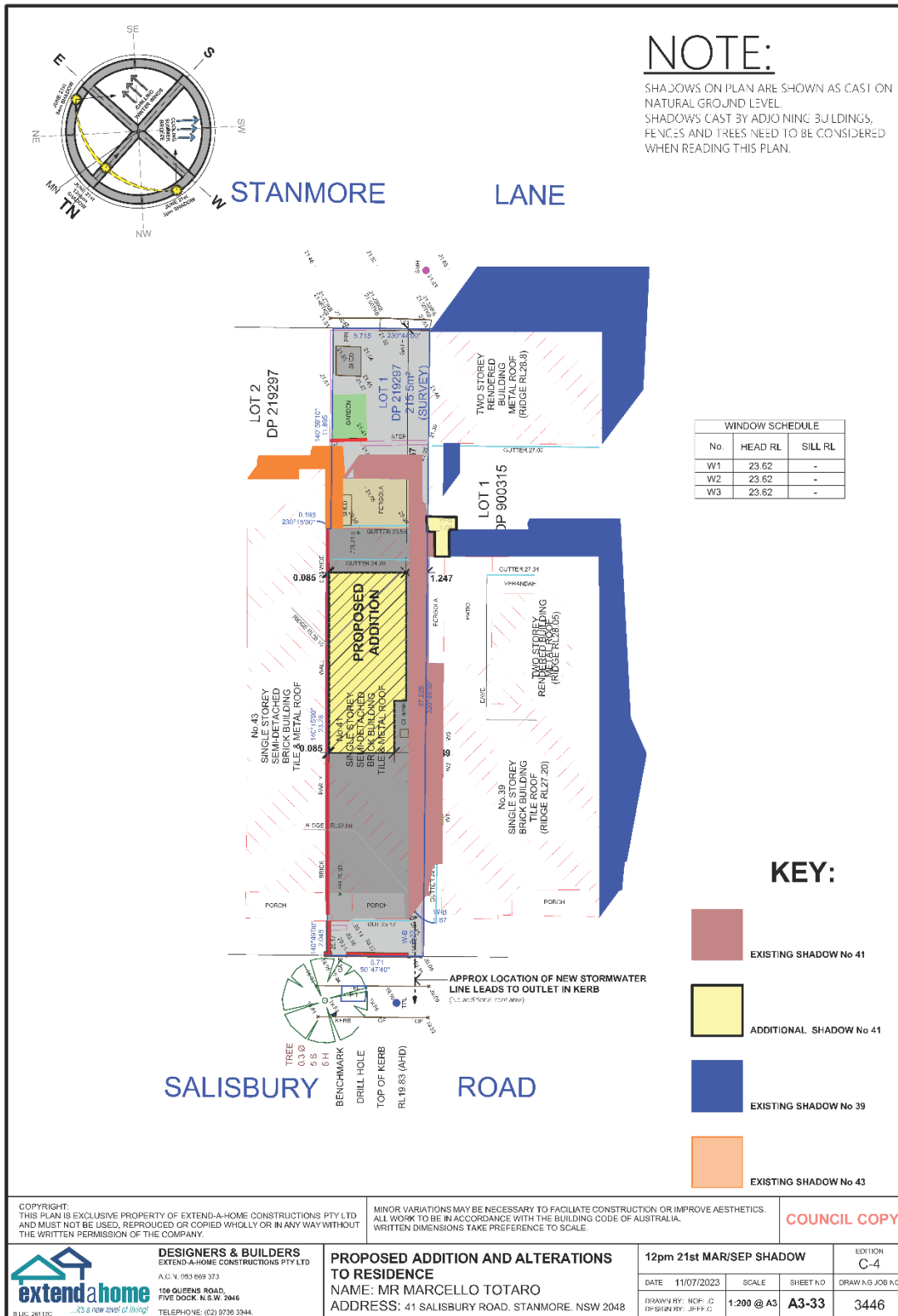
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DATE	11/07/2023	SCALE	SHEET N.O	EDITION														
DRAWN BY:	NDF - C	1:200 @ A3	A3-30	C-4														
DESIGN BY:	JH-F-C			3446														



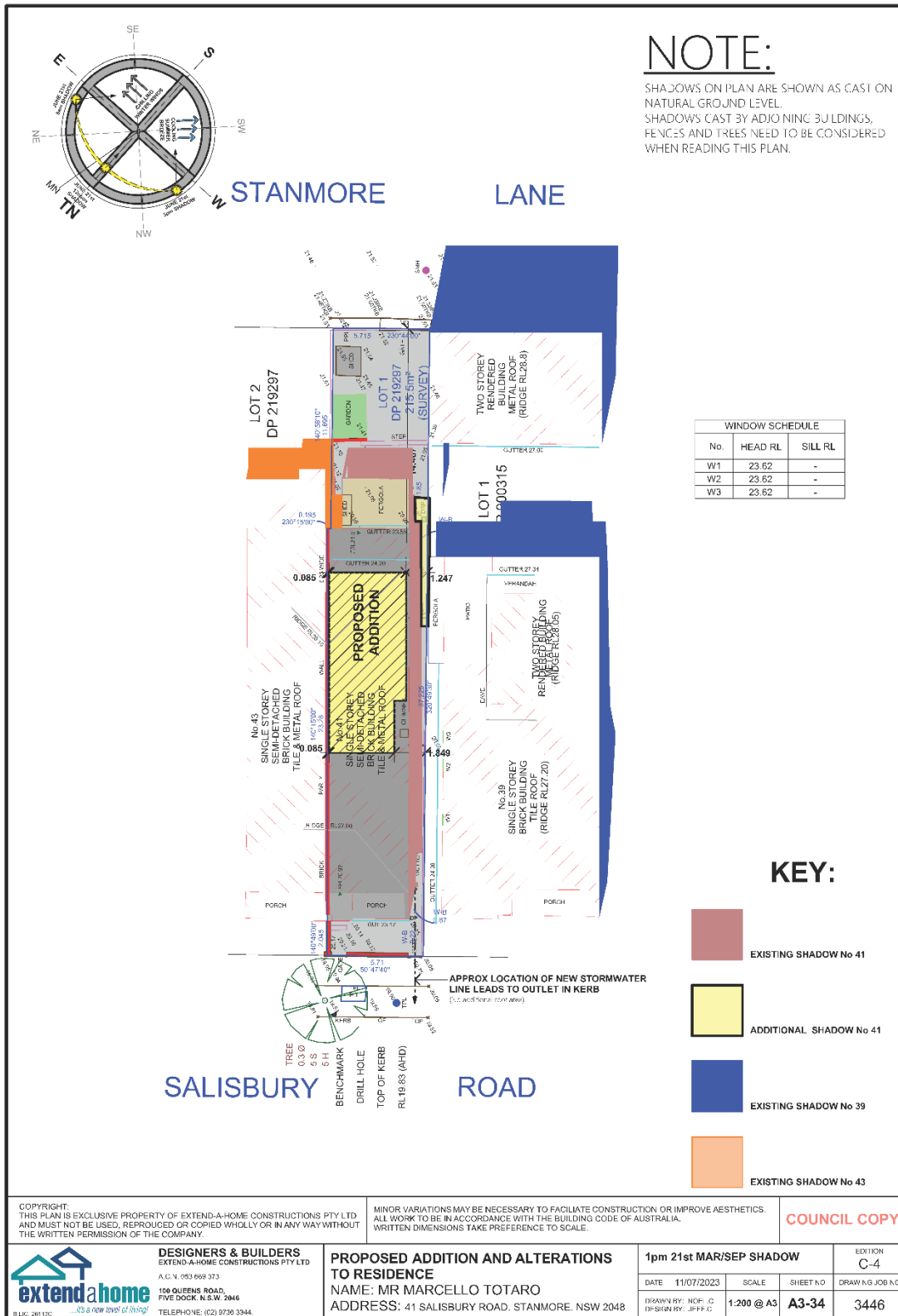
Document Set ID: 37900844
Version: 1, Version Date: 17/07/2023



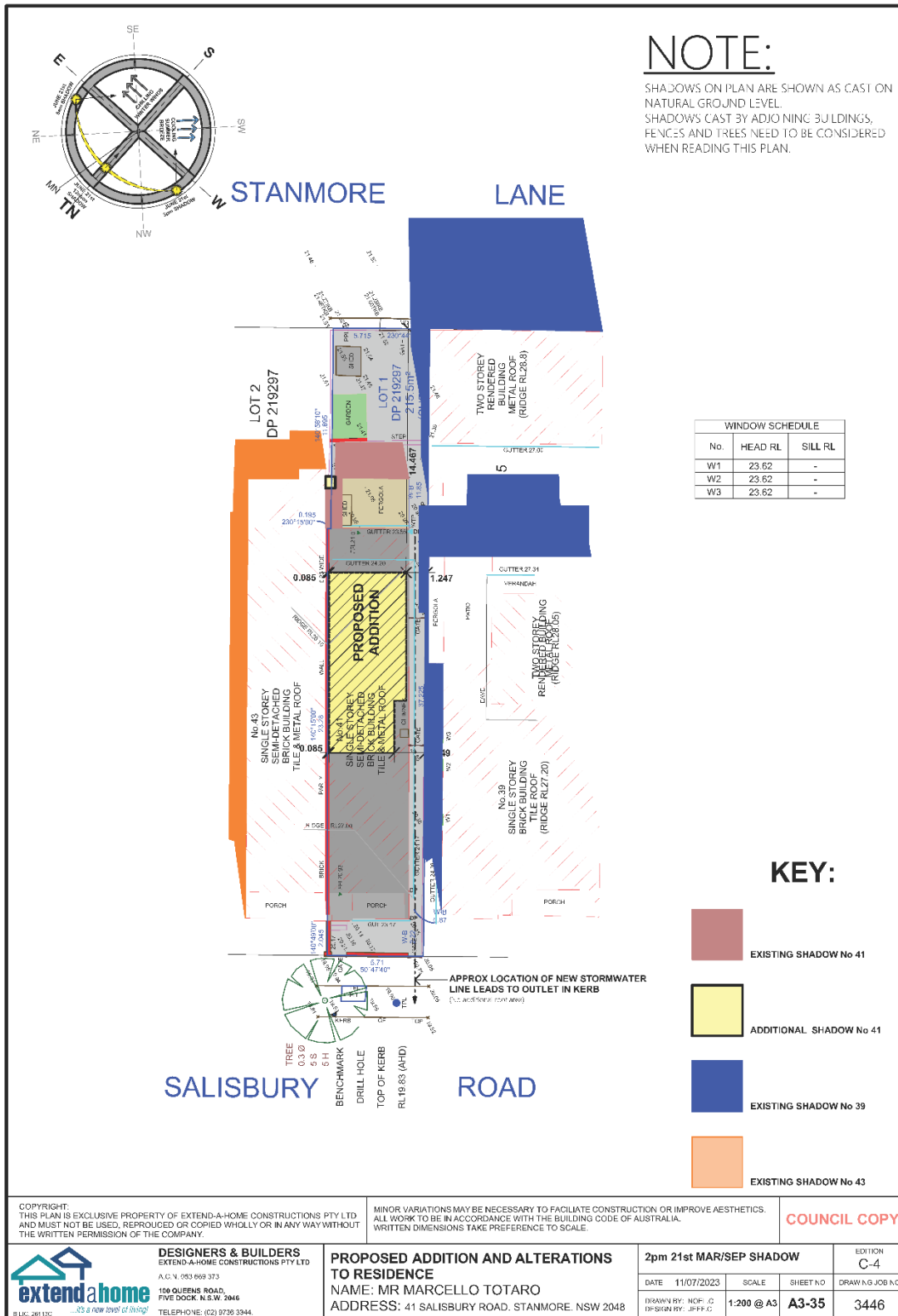
Document Set ID: 37900844
Version: 1, Version Date: 17/07/2023



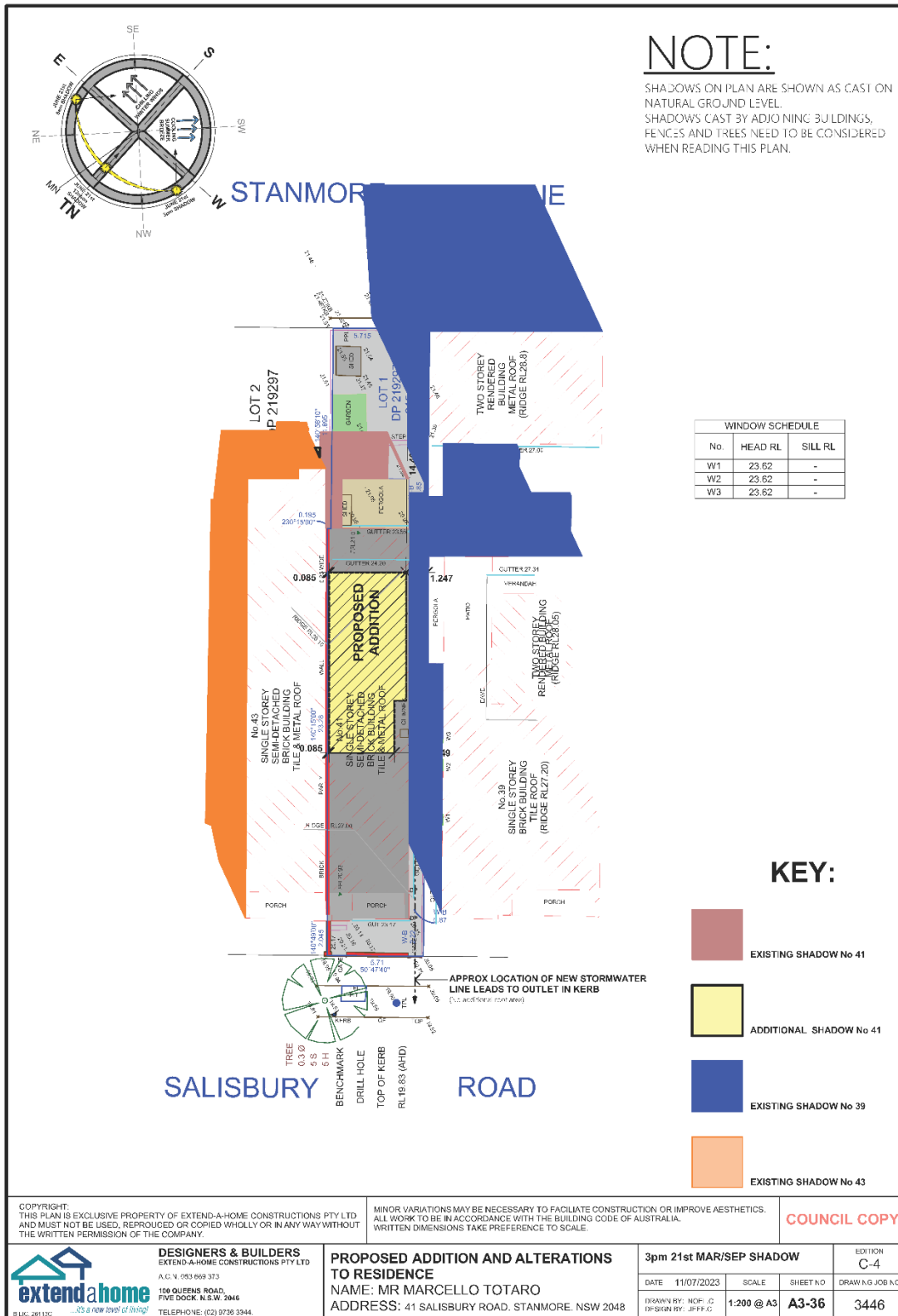
Document Set ID: 37900844
Version: 1, Version Date: 17/07/2023



Document Set ID: 37900844
Version: 1, Version Date: 17/07/2023



Document Set ID: 37900844
Version: 1, Version Date: 17/07/2023



ADDITIONAL SHADOW ELEVATION 21st MAR/SEP 9am

EXISTING SHADOW ELEVATION 21st MAR/SEP 9am

ADDITIONAL SHADOW ELEVATION 21st MAR/SEP 10am

EXISTING SHADOW ELEVATION 21st MAR/SEP 10am

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		<p>DATE 14/07/2023</p>	<p>SCALE</p>	<p>SHEET N.O</p>	<p>DRAWING JOB N.O</p>
		<p>DRAWN BY: NDF-C DESIGN BY: JFF-C</p>	<p>SCALED TO FIT @ A3</p>	<p>A3-37</p>	<p>3446</p>

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Version: 1, Version Date: 17/07/2023

ADDITIONAL SHADOW ELEVATION 21st MAR/SEP 11am

EXISTING SHADOW ELEVATION 21st MAR/SEP 11am

ADDITIONAL SHADOW ELEVATION 21st MAR/SEP 12pm

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		DATE 14/07/2023	SCALE	SHEET N.O	DRAWING JOB N.O
		DRAWN BY: NDF-C DESIGN BY: JFF-C	SCALED TO FIT @ A3	A3-38	3446

Document Set ID: 37900844
Version: 1, Version Date: 17/07/2023

ADDITIONAL SHADOW ELEVATION 21st MAR/SEP 1pm

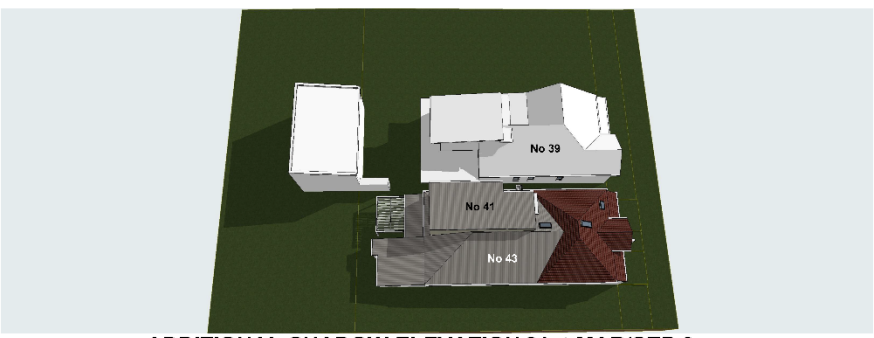
EXISTING SHADOW ELEVATION 21st MAR/SEP 1pm

ADDITIONAL SHADOW ELEVATION 21st MAR/SEP 2pm

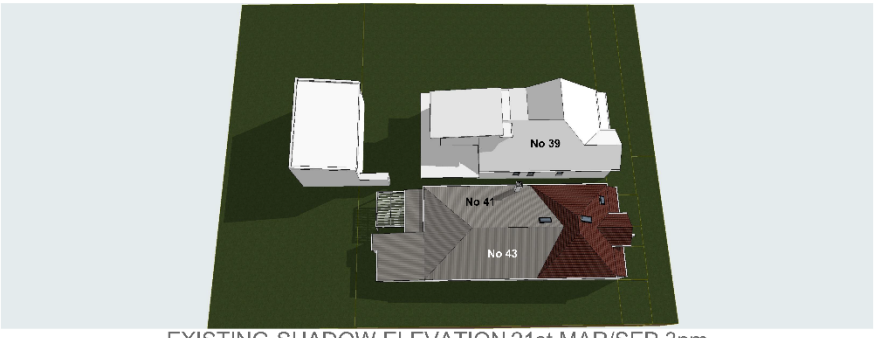
EXISTING SHADOW ELEVATION 21st MAR/SEP 2pm

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<p>DESIGNERS & BUILDERS EXTEND-A-HOME CONSTRUCTIONS PTY LTD A.C.N. 983 869 373 100 QUEENS ROAD, FIVE DOCK, N.S.W. 2046 TELEPHONE: (02) 9730 3344</p>	<p>PROPOSED ADDITION AND ALTERATIONS TO RESIDENCE NAME: MR MARCELLO TOTARO ADDRESS: 41 SALISBURY ROAD, STANMORE, NSW 2048</p>		<p>1pm-2pm 21st MAR/SEP ELEV</p>		<p>EDITION C-6</p>
			<p>DATE 14/07/2023</p>	<p>SCALE</p>	<p>SHEET N.O</p>
		<p>DRAWN BY: NDF-C DESIGN BY: JFF-C</p>	<p>SCALED TO FIT @ A3</p>	<p>A3-39</p>	<p>3446</p>


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ADDITIONAL SHADOW ELEVATION 21st MAR/SEP 3pm



EXISTING SHADOW ELEVATION 21st MAR/SEP 3pm

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3pm 21st MAR/SEP ELEV				EDITION																		
DATE	14/07/2023	SCALE	SHEET N.O	C-6																		
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SCALED TO FIT @ A3	A3-40	3446																				

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