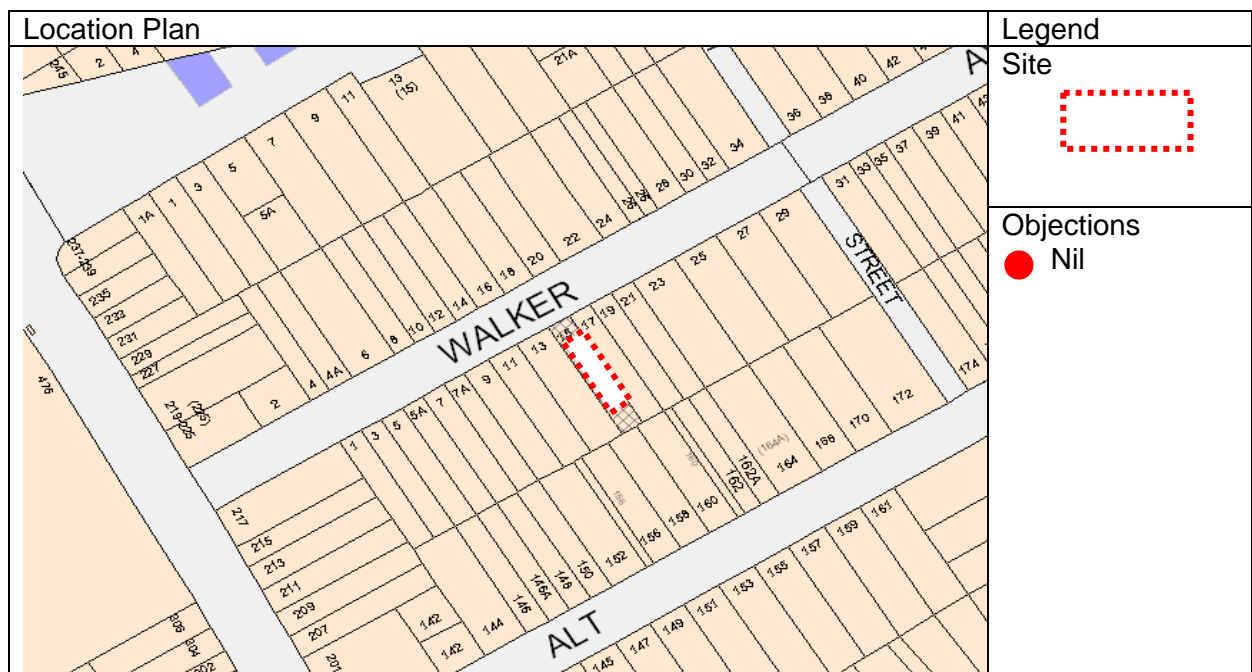




DEVELOPMENT ASSESSMENT REPORT	
Application No.	10.2017.105.1
Address	15 Walker Avenue Haberfield
Proposal	Section 82A review for:- <ul style="list-style-type: none"> • Alterations and additions including a lateral extension to a dwelling house • New carport
Date of lodgement	8 November 2017
Applicant	Mr C R Filmer
Owner	Mr C L Hutchings & Mrs S Dickinson
Number of submissions	Nil
Value of works	\$ 370,000
Reason for determination at Planning Panel	A request has been made under Section 82A of the Environmental Planning and Assessment Act 1979 and there is no substantial change in recommendation of the matter subject to review.
Main Issues	<ul style="list-style-type: none"> • Lateral extension • Impact on streetscape
Recommendation	Refusal



1.0 Executive Summary

Council has received a request to review a determination under Section 82A of the Environmental Planning and Assessment Act, 1979, of Development Application No. 2017.105.1 for the development proposed in the description of the proposal in part 2.0 of the report below.

Under the provisions of Section 82A of the Environmental Planning and Assessment Act, 1979, an applicant may request Council review a determination of an application. Any request for a review must be made and completed within six months from the date of the notice of determination. The development application was refused on 17 October 2017 and as such the Section 82A application is made within the 6 month time period.

2.0 Proposal

Section 82A Review application seeks consent for the following alterations and additions and associated works to the existing dwelling house at 15 Walker Avenue Haberfield:

- A lateral extension containing a workshop, laundry and sitting room
- Demolition of existing laundry and bathroom
- Internal fit out involving living, kitchen and dining room
- Extension to rear of dwelling house including a new living room, dining room and kitchen
- Conversion of a bedroom into a bathroom
- New wardrobes to two bedrooms
- New carport on the side of the dwelling house

3.0 Site Description

The subject site is located on the southern side of Walker Avenue, bounded by Parramatta Road to the west and Ramsay Street to the east. The site area is approximately 477.1m². An existing single storey semi-detached dwelling house and detached outbuilding are located on the site. Surrounding development comprises mainly single storey dwelling houses.

4.0 Background

Development History

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

NO.	DATE	PROPOSAL	DECISION
10.2017.105.1	17/10/2017	Alterations and additions to dwelling including lateral extension and carport	Refused
10.2014.114.1	14/5/2014	Alterations to dwelling to include a side gate	Approved
10.2013.38.1	11/3/2013	Construction of a front and dividing fence	Approved
10.2011.233.1	16/11/2011	Construction of an inter-tenancy wall within the front verandah	Approved
10.2007.227.1	4/12/2007	Subdivision of the existing semi-detached dwellings at 15 and 17 Walker Ave	Approved

5.0 Assessment

Zoning/Permissibility/Heritage

- The site is zoned R2 Low Density Residential under the provisions of Ashfield LEP 2013.
- The property is located within the Haberfield Conservation Area.
- The property is not a heritage item.
- The property is not located within the vicinity of heritage items.

The proposed works are permissible with Council consent.

SECTION 82(A) REVIEW

(4) The council may review the determination if:

(a) It has notified the request for review in accordance with:

- (i) the regulations, if the regulations so require, or***
- (ii) a development control plan, if the council has made a development control plan that requires the notification or advertising of requests for the review of its determinations, and***

- Officer Comment: The application was notified in accordance with Comprehensive Inner West DCP 2016, from 15 November 2017 to 1 December 2017.

(b) it has considered any submissions made concerning the request for review within any period prescribed by the regulations or provided by the development control plan, as the case may be, and

- Officer Comment: No submissions were received during the notification period.

(c) in the event that the applicant has made amendments to the development described in the original application, the consent authority is satisfied that the development, as amended, is substantially the same development as the development described in the original application.

- Officer's Comments:

The applicant has made amendments to the development described in the original application by relocating the carport 1.0m behind the front building line of the dwelling house and, as such, it is satisfied that the development for the Section 82A review is substantially the same as that of the original application which was refused.

4(A) As a consequence of its review, the council may confirm or change the determination.

Officer Comment:

It is recommended that the original determination be upheld.

(5) (Repealed)

(6) If the council reviews the determination, the review must be made by:

- (a) if the determination was made by a delegate of the council—the council or another delegate of the council who is not subordinate to the delegate who made the determination, or*
(b) if the determination was made by the council—the council.

- Officer Comment:

The original determination was made by a delegate of Council.
All S82A Review applications where there is no substantial change in the recommendation of the matter subject to review is required to be determined by the Inner West Planning Panel. Given that there is no substantial change in recommendation with respect to this matter for the reasons discussed in this report, the application has been forwarded to the Panel for review.

(7) – (9) (Repealed)

(10) If on a review the council grants development consent, or varies the conditions of a development consent, the council is entitled, with the consent of the applicant and without prejudice to costs, to have an appeal made under section 97 in respect of its determination withdrawn at any time prior to the determination of that appeal.

- Officer Comment:

No appeal has been lodged to date.

(11) (Repealed)

(12) This section does not apply where a regional panel exercises a council's functions as the consent authority.

- Officer Comment:

S82A Review applies as the application was determined by Council.

SECTION 82A REVIEW ASSESSMENT

The development application was refused for the following reasons below in italics. The applicant's response to the reasons for refusal is summarised below followed by Officer's comments to each reason: See Attachment No. 3 for applicant's submission.

Refusal reason No. 1.

- 1. The proposed development does not comply with Ashfield Local Environmental Plan 2013, as follows:***
 - a. cl. 5.10(4) The proposed lateral extension is inconsistent with the Haberfield Heritage Conservation Area as it fails to conserve the environmental heritage of Haberfield in that the lateral extension poorly relates to the garden suburb character.***

Applicant's Response:

Heritage 21 Consultants report submitted which supports the lateral extension.

Officer Comment:

The Heritage 21 report states that the lateral extension has garage type doors to the workshop as such gives the lateral extension the appearance of a garage at the rear of the dwelling house.

Council's Heritage Advisor has reviewed the proposal and maintains his concerns and objection to the lateral extension.

Refusal reason No. 2

2. **The proposed development does not comply with the Comprehensive Inner West Development Control Plan 2016, Chapter E2- Haberfield Heritage Conservation Area as follows:**
- a. **Clause 2.3 (b) – Site Coverage** - the proposal will create a site coverage in the form of a lateral extension that is not consistent within the streetscape.
 - b. **Clause 2.6 (e) – Building Form** - the lateral extension, will produce an undesirable precedent inconsistent with the Haberfield Garden Suburb Character.
 - c. **Clause 2.33 (c) – Carport location** – The carport has not been setback one metre behind the building line of the dwelling wall and will create an undesirable precedent.

Applicant's Response:

The proposal complies as the pattern of the side driveway and workshop with traditional garage doors. The advice of Heritage 21 Consultants is consistent with this approach. See Attachment 1 and 4 for applicant's submission and applicants Heritage Consultants Report.

Officer Comment:

Clause 2.3 (b) Chapter E2- Haberfield Heritage Conservation Area reads as follows:
Any new development (new building or extension to an existing building) shall produce site coverage similar in pattern and size to the site coverage established by the original development of the suburb.

The lateral extension is inconsistent with the pattern of development as established by original development in the Haberfield Conservation Area.

Clause 2.6 (e) Chapter E2 reads as follows:

Extensions are permitted only to the rear. In certain circumstances (where there is inadequate rear land) modest side extensions may be allowed where this does not alter or overwhelm the original front façade or the presentation of the house from the street.

There is about 15 metres of rear yard space remaining at the rear of the proposed development. It is considered that there is adequate space at the rear of the dwelling for the scope of works sought in the lateral extension.

Clause 2.33 (c) Chapter E2 reads as follows:

Where a garage or carport is at the side of the house it must be at least 1 metre back from the front wall of the house.

The carport location has been amended on the plans to be 1 metre behind the building line of the dwelling house, and as such it now complies with the development control.

Refusal reason No. 3

The lateral extension will compromise the amenity to the living room area as there is no

direct access to natural light and ventilation.

Applicant's response

There are two openable skylights in the room. Rear glazed doors 5m wide 2/3rd openable and the property is on the southern side of the party wall. Light and ventilation complies with the Building Code of Australia.

Officer Comment:

Given that there are two openable skylights and large glazed doors to the rear wall of the living room, it is considered that adequate light and ventilation will be provided to this space.

Refusal reason No. 4

The consent of all adjoining owner/s at 17 Walker Avenue Haberfield to rely upon the party wall for vertical and lateral support has not been provided.

Officer Comment:

The written consent of the adjoining owners of 17 Walker Avenue Haberfield has now been received.

Refusal reason No. 5

The proposal is not in the public interest.

Officer's Comment:

It is considered that the approval of the proposed development, and in particular, the lateral extension is not in the public interest as it is inconsistent with the established pattern of development in the Haberfield Conservation Area and will have a negative impact on the streetscape.

6.0 Section 79C Assessment

The following is an assessment of the application with regard to the heads of consideration under the provisions of Section 79C of the EP&A Act.

6.1 The provisions of any Environmental Planning Instrument

6.1.1 Local Environmental Plans

Ashfield Local Environmental Plan 2013

Ashfield Local Environmental Plan 2013 Summary Compliance Table				
Clause No.	Clause	Standard	Proposed	Compliance
2.2	Zoning	Zone R2 Low Density Residential	Alterations and additions to the existing semi-detached dwelling and a new carport	Yes
4.1	Minimum subdivision	500m2	477.1sqm (existing site area)	N/A

	lot size			
4.3	Height of buildings	7m	5m	Yes
4.4	Floor space ratio	0.5:1	0.32:1	Yes
5.10	Heritage Conservation	Located in: • Haberfield Conservation Area C42		
5.10(4)	Effect of proposed development on heritage significance	The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or the area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).	Council's heritage advisor raised concern with the extent of the lateral extension and has suggested that the lateral extension be more of an attached bay to the living room, rather than the workshop and independent room proposed.	No
5.10(5)	Heritage Assessment	The consent authority may, before granting consent to any development: (a) on land on which a heritage item is located, or (b) on land that is within a heritage conservation area, or (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.	A Heritage Impact Statement was submitted with the application. However, Council's heritage advisor does not support the lateral extension.	Not supported
6.5(3)	Development in the Haberfield Heritage Conservation Area	Development consent must not be granted to development for the purposes of a dwelling house on land to which this clause applies unless the consent authority is satisfied that:	Development Consent is sought for the proposed works.	Yes
6.5(3)(a)		If the development involves an existing building: (i) the gross floor area above the existing ground floor level will not exceed the gross floor area of the existing roof space, and (ii) the gross floor area below the existing ground	No alterations sought within an attic area or below the existing ground level as part of this application.	N/A

		floor level will not exceed 25% of the gross floor area of the existing ground floor, and		
6.5(3)(b)		The development will not involve excavation in excess of 3 metres below ground level (existing), and	No excavation of this nature proposed.	N/A
6.5(3)(c)		The development will not involve the installation of dormer or gable windows and	No dormer or gable windows are proposed.	Yes
6.5(3)(d)		At least 50% of the site will be landscaped area.	51.6%	Yes

It is considered that the proposal does not comply with some of the provisions of the Ashfield LEP 2013 as outlined in the compliance table above.

6.1.2 Regional Environmental Plans

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

It is considered that the carrying out of the proposed development is generally consistent with the objectives of the Plan and would not have any adverse effect on environmental heritage, the visual environment, the natural environment and open space and recreation facilities.

6.1.3 State Environmental Planning Policies

State Environmental Planning Policy No. 1 – Development Standards

Not applicable.

State Environmental Planning Policy No. 55 – Remediation of land

Remediation of the site is not required prior to the carrying out of the proposed development given that the property has a history of residential use.

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

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (“BASIX”) applies to the proposed works. BASIX Certificate No. A275217 Date of Issue 15 May 2017 was submitted with the development application.

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

Not applicable.

6.3 The provisions of any Development Control Plan.

The proposal has been considered against the provisions of the Comprehensive Inner West Development Control Plan 2016 (IWDPC 2016):

CHAPTER A PART 7	ACCESS AND MOBILITY	Not applicable to single dwelling houses and dual occupancy development.
PART 8	PARKING	This Part requires one space per dwelling (preferably two). The subject site will provide a minimum of one car space behind the front building line.
CHAPTER B	NOTIFICATION AND ADVERTISING	The proposal was notified in accordance with Councils Notification and Advertising DCP. Refer to Part 7.7 of this report.
CHAPTER E2	HABERFIELD HERITAGE CONSERVATION AREA	Refer to Comments below
CHAPTER F PART 1	DWELLING HOUSES AND DUAL OCCUPANCY	Refer to comments below

Chapter E2 Haberfield Heritage Conservation Area:

Pattern of Development

2.3 Controls

b) Any new development (new building or extension to an existing building) shall produce site coverage similar in pattern and size to the site coverage established by the original development of the suburb.

Officer's Comment:

The western side lateral extension is located in a driveway and will block vehicular access to the rear of the property. This is inconsistent with the adjoining attached dwelling house at 17 Walker Avenue Haberfield which has a side driveway on the eastern side which leads to a garage at the rear of the property. The use of side driveways for lateral extensions is inconsistent with the pattern of the established original site coverage in the suburb.

Building Form

2.6 Controls

e) Extensions are permitted only to the rear. In certain circumstances (where there is inadequate rear land) modest side extensions may be allowed where this does not alter or overwhelm the original front façade or the presentation of the house from the street.

Officer Comment:

The proposal seeks a lateral extension, which will produce an undesirable precedent and is inconsistent with the Haberfield Garden Suburb Character. The subject site has sufficient rear yard to accommodate a modest addition to the rear of the existing dwelling house. Council's heritage advisor has raised concern with the extent of the lateral extension and it containing separate rooms.

Windows and Doors

2.24 Controls

- a) *Original doors and windows are to be kept, maintained and repaired when necessary. Where necessary authentic reconstruction is encouraged.*
- b) *Original leadlight and coloured glass panes are to be kept and restored, matched or reconstructed where necessary.*
- c) *The size and style of new doors and windows should reflect the relative importance of the room to which they belong.*
- d) *New doors and windows are to reflect the proportion, location, size, sill heights, header treatment, materials, detailing and glazing pattern of the original doors and windows on the house to which they belong.*
- e) *If no indication of original treatment is available, new doors or windows should be vertical and be kept simple.*

Officer Comment:

The proposal incorporates vertically proportioned windows and doors in accordance with this part.

Garage and Carports

2.33 Controls

- c) *Where a garage or carport is at the side of the house it must be at least 1 metre back from the front wall of the house.*

Officers Comment:

The proposal incorporates a new carport which is located 1 metre behind the front building line of the dwelling house. The proposed location complies with the development control.

Chapter F Development Category Guidelines - Part1 –Dwelling Houses and Dual Occupancy

		Standard	Proposed	Compliance
DS3.4	Wall height	Maximum external wall height of 6 metres measured from the existing ground level.	Approximately 4m	Yes
DS4.3	Setbacks	Side setbacks are determined by compliance with the BCA. Generally, Council requires a minimum side setback of 900mm for houses	Ground Floor – 903mm western side Eastern side Nil setback	Yes No .However there is no change to the existing. The dwelling house is a semi-detached

				dwelling and the eastern wall is on the boundary as is existing.
DS6.1	Garages and carports	A minimum of one car parking space is required per dwelling	The proposed carport complies.	Yes
DS13.1-13.2	Solar access	Sunlight to at least 50% (or 35m ² with minimum dimension 2.5m, whichever is the lesser) of private open space areas of adjoining properties is not to be reduced to less than three (3) hours between 9am and 3pm on 21 June. Existing solar access is maintained to at least 40% of the glazed areas of any neighbouring north facing primary living area windows for a period of at least three hours between 9am and 3 pm on 21 June.	Minimal impact on adjoining properties	Yes

The proposed development seeks to continue a small portion of the rear ground floor and verandah within 900mm to the boundary. The semi-detached dwelling shares a party wall with 17 Walker Avenue to the east as such the eastern wall is located within 900mm of the boundary. Setting the eastern wall 900mm off the side boundary will not achieve a desirable outcome.

The applicant has provided all the adjoining owner’s consent for the use of the party wall for lateral and vertical support of the proposed development.

Building setbacks

DS4.3 Side setbacks are determined by compliance with the BCA. Generally, Council requires a minimum side setback of 900mm for houses and a minimum side setback of 450mm for outbuildings including garages and sheds.

The proposed lateral extension is proposed to be set 903mm off the western side boundary which complies with the BCA requirements, however its location is not consistent with the original established pattern of development within the area. The eastern wall is a party wall and has no setback from the boundary.

Front gardens

DS 11.1 requires front garden to have an area and dimensions that provide sufficient soil area for ground cover, vegetation and trees.

The proposed works are located to the side and rear of the premises.

DS 11.2 requires hard paved areas to be minimised, and driveways have a maximum width of 3 metres

The proposal does not seek to increase the hard paved areas on the site and no alterations are sought to the existing driveway width.

DS 11.3 requires front gardens for sites that have a maximum gradient fall of 500mm across the site are level and do not contain any driveways which are excavated to access basement garages.

Not applicable.

Rear gardens

DS 11.3 requires rear gardens to have an area and dimension that provide sufficient soil area for ground cover, vegetation and trees.

The rear garden has a sufficient soil area which is turfed and has vegetation.

Solar access

DS 13.1 requires sunlight to at least 50% (or 35m² with minimum dimension 2.5m, whichever is the lesser) of private open space areas of adjoining properties is not to be reduced to less than three (3) hours between 9am and 3pm on 21 June.

It is not expected that the proposal will have an adverse shadowing impact on adjoining neighbours and all solar requirements shall be met.

DS 13.2 requires existing solar access is maintained to at least 40% of the glazed areas of any neighbouring north facing primary living area windows for a period of at least three hours between 9am and 3 pm on 21 June.

The proposed development is not expected to have an adverse solar impact on any neighbouring north facing primary living area windows.

DS 13.3 requires main living areas to be located on the northern side of buildings where possible and subject to streetscape quality considerations.

The proposed dining/living room do not have a northerly aspect given the orientation of the site.

DS 13.4 requires sun shading devices such as eaves, overhangs or recessed balconies minimise the amount of direct sunlight striking facades.

A BASIX Certificate has been submitted with the application and these have been incorporated on the plans as required by the BASIX certificate.

Visual Privacy

DS14.1 requires the number of windows to side elevations located above the ground floor to be minimised.

The proposed rear addition and alfresco is not considered to impact the privacy of the adjoining neighbours, there are no windows above the ground level with the exception of the skylights which will not impact the privacy of the adjoining neighbours.

DS14.2 requires windows on side elevation to be

- **located a sufficient distance away from windows on adjoining development**
- **are positioned to not be in a direct line with windows on adjoining development**
- **have a reduced size**
- **include privacy devices such as fixed external screens, raised sill heights or opaque glazing**

The proposal incorporates one new window along the western side of the rear addition. Given the single storey nature of the proposal, it is not considered to adversely impact the privacy of the adjoining neighbour.

The proposal also seeks to make modifications to the three existing openings along the western wall to the main dwelling house. The existing boundary fence will maintain privacy.

DS14.3 open space ground levels should match as closely as practicable neighbouring ground levels.

There will be no change to the existing open space ground levels.

It is considered the application does not comply the aims and objectives of the Comprehensive IWDCP 2016.

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

These matters have been considered in the assessment of this application.

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

These matters have been considered as part of the assessment of the development application. It is considered that the proposed development will have an adverse impact upon the locality and will create an undesirable precedent within the streetscape.

6.6 The suitability of the site for the development

These matters have been considered as part of the assessment of the development application. There are no natural hazards or other site constraints that are likely to have a significant adverse impact upon the proposed development. The proposed development is not considered suitable in the context of the locality.

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

The proposal was notified to all adjoining and nearby affected property owners and occupants from 15 November 2017 until 1 December 2017.

6.7.1 Summary of submissions

No submissions were received during the notification of the development application.

6.7.2 Mediation

Mediation was not required for this application.

6.8 The public interest

The matters of the public interest have been taken into consideration of this application. The proposal is not considered to meet the objectives of the Ashfield Local Environmental Plan 2013 and Comprehensive Inner West Development Control Plan 2016 and the proposal would have a detrimental impact on the significance of the area and therefore does not warrant Council approval.

7.0 Referrals

7.1 Internal

Heritage Advisor – Council’s heritage advisor has advised that the lateral extension remains unsupportable on streetscape / heritage grounds for reasons previously identified.

Building: No objections raised, subject to conditions.

Engineering: No objections raised, subject to conditions.

7.2 External

Not applicable.

8.0 Other Relevant Matters

Section 94A Contribution Plan

Based on the estimated value-of-works of \$370,000.00 a Section 94A Contribution fee of \$3,700.00 would be payable to Council should the application be approved.

Stormwater Pipes

Council’s stormwater map does not indicate that the subject property is burdened by any Council or Sydney Water stormwater pipes.

9.0 Building Code of Australia (BCA)

A Construction Certificate will be required to be applied for by condition of consent should the application be approved.

Financial Implications

Nil.

Other Staff Comments

See Section 7.1 of this report.

Public Consultation

See Section 6.7 of this report.

10.0 Conclusion

The application has been assessed in accordance with the provisions of the Environmental Planning and Assessment Act, 1979 as amended with all matters specified under Section S82A have been taken into consideration. The proposal is considered to be unacceptable and is therefore recommended that Inner West Planning Panel not support the proposed development.

11.0 Attachments

Attachment No. 1 – Conditions of Consent should the application be approved

Attachment No. 2 - Plans

12.0 Recommendation

That Council as the consent authority pursuant to section 82A of the Environmental Planning & Assessment Act 1979 confirm the original determination of refusal of the proposed development for the following reasons:

1. **The proposed development does not comply with Ashfield Local Environmental Plan 2013, as follows:**

Clause 5.10(4) The proposed lateral extension is inconsistent with the Haberfield Heritage Conservation Area as it fails to conserve the environmental heritage of Haberfield in that the lateral extension poorly relates to the garden suburb character.

2. **The proposed development does not comply with the Comprehensive Inner West Development Control Plan 2016, Chapter E2- Haberfield Heritage Conservation Area as follows:**

Clause 2.3 (b) – Site Coverage - the proposal will create a site coverage in the form of a lateral extension that is not consistent within the streetscape.

Clause 2.6 (e) – Building Form - the lateral extension, will produce an undesirable precedent and is inconsistent with the Haberfield Garden Suburb Character.

3. **The proposal is not in the public interest.**

Attachment A – Conditions of consent in the circumstance the application is approved

CONDITIONS

DA 2017.105.1
15 Walker Avenue HABERFIELD 2045

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

Alterations and additions and associated works to the existing dwelling house at 15 Walker Avenue Haberfield including:

- A lateral extension containing a workshop, laundry and sitting room
- Demolition of existing laundry and bathroom
- Internal fit out involving living, kitchen and dining room
- Extension to rear of dwelling house including a new living room, dining room and kitchen
- Conversion of a bedroom into a bathroom
- New wardrobes to two bedrooms
- New carport on the side of the dwelling house

A General Conditions

(1) Approved plans stamped by Council

The development must be carried out only in accordance with the plans and specifications set out on drawing numbers date stamped by Council and any supporting documentation received with the application, except as amended by the conditions specified hereunder.

No.	Title	Prepared by	Amendment Date
DA1.1.0 C	Site Plan, roof plan and Basix notes	Filmer Architects P/L	6/11/2017
DA1.1.1 B	Ground Floor Plan	Filmer Architects P/L	6/11/2017
DA1.2.1 B	Elevations	Filmer Architects P/L	6/11/2017
DA1.2.2 A	Elevations and Section	Filmer Architects P/L	6/11/2017
DA1.4.1 B	FSR and Landscape Plan	Filmer Architects P/L	6/11/2017
DA1.4.2 B	Water Collection Area	Filmer Architects P/L	6/11/2017
DA1.5.1 B	Stormwater Concept Plan	Filmer Architects P/L	6/11/2017

B Design Changes

nil

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

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

A Damage Deposit of \$7,600 is to be submitted prior to the release of the Construction Certificate covering repair and/or replacement of adjoining footpath, road shoulder, road pavement, kerbing and guttering both outside the subject site and the surrounding area. This is to be paid to Council and may be refunded subject to satisfactory completion of construction or demolition.

This Damage Deposit covers unforeseen damage to the above property by construction vehicles, skip bins, construction methods etc. Note: Should repair works or maintenance be required on Council land, a Road Opening Permit must be obtained before those works take place.

Bank Guarantees are accepted in lieu of any Council security deposit/bond subject to the following:

It must be an original with no end date and issued in favour of Council, details of the proponent's address shall be included.

A charge equal to the value multiplied by the current "overdue rates interest charge" be levied, per month or part thereof, with a minimum charge of three months is to be paid upon lodgement.

Any remaining charge is to be calculated at the prevailing "overdue rates interest rate" for each month or part thereof beyond the original three months that the Bank Guarantee was held, and paid prior to its release.

Any costs incurred in the acceptance, administration or release of such Bank Guarantees be on-charged to the entity claiming the release of such Bank Guarantee, and that these amounts be paid prior to its release.

At the time of lodgement, Council will seek verification of the Bank Guarantee. Please provide contact details for the branch (phone number and officer) to assist with verification of the bona fides of the Bank Guarantee.

Until all items above are completed, no documents or usage sought from Council by the party lodging the Bank Guarantee can be issued. Please allow a minimum of 2 business days for this process.

(2) Footpath/laneway – photographs to be submitted

Prior to the release of the Construction Certificate, the applicant shall lodge with Council photographs of the roadway, footpath and/or laneway at the property indicating the state of the relevant pavements. At the completion of construction, again at the expense of the applicant, a new set of photographs is to be taken to determine the extent, if any, of any damage which has occurred to the relevant pavements. If any damage has occurred, the applicant shall meet the full cost to repair or reconstruct these damaged areas to Council's relevant standard.

(3) Erosion & sedimentation control-management plan

Prior to issue of a construction certificate the applicant shall prepare an erosion and sedimentation control plan in accordance with Part 4 of the guidelines titled "*Pollution Control Manual for Urban Stormwater*", as recommended by the Environmental Protection Authority.

Any stormwater runoff collected from the site must be treated in accordance with the Guidelines, before discharge off the site to comply with the *Protection of the Environment Operations Act 1997* or other subsequent Acts.

Where sedimentation control basins are provided discharge shall be to the requirements of the Environmental Protection Authority.

Applicants are further advised to refer to the following publications for additional information:

- (a) "*Sedimentation and Erosion Control*" - Department of Conservation and Land Management.
- (b) "*Soil and Water Management for Urban Development*" - Department of Housing.

The plan must be submitted with the application for a construction certificate.

Further information may be obtained from:

Environment Protection Officer
Environment Protection Authority

Inner Sydney Region
Locked Bag 1502
BANKSTOWN NSW 2200

(4) Home Building Act 1989 Insurance

Compliance with Part 6 of *Home Building Act 1989* is required. A copy of either the Builders Home Warranty Insurance OR a copy of the Owner-Builder Permit shall be submitted to Council.

(5) Section 94A Contribution

Pursuant to Section 80A(1) of the *Environmental Planning and Assessment Act 1979* and Ashfield Council's Section 94A Development Contributions Plan 2009 a contribution of **\$3,700** shall be paid to Ashfield Council.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of Ashfield Council's Section 94A Development Contributions Plan 2009.

The contribution is to be paid prior to the issue of the construction certificate and copies of receipts(s) confirming that the contribution has been fully paid are to be provided to the Principal Certifying Authority (PCA).

(6) Payment of any Additional Fees

If the estimated cost of works for the construction certificate application exceeds the estimate supplied with the development application, an additional fee, any contributions and bonds based on the revised estimate must be paid to Council prior to release of the Construction Certificate

D Conditions that must be complied with before work commences

(1) Notice of Commencement – Notification of Works

Work must not commence until the Principal Certifying Authority or the person having the benefit of the development consent has given Notification in Writing to Council no later than two days before the building work commences.

(2) Requirement for a Construction Certificate

In accordance with the provisions of Section 81A of the *Environmental Planning and Assessment Act 1979* the erection of a building and/or construction works must not commence until:

- (a) detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
 - (i) Council; or
 - (ii) an accredited certifier; and
- (b) a principal certifying authority (PCA) has been appointed and the Council has been notified in writing of the appointment, and
- (c) at least two days notice, in writing, has been given to Council of the intention to commence work.

The documentation required under this condition shall show that the proposal complies with all development consent conditions and the *Building Code of Australia*.

Note: If the principal certifying authority is the Council, the appointment will be subject to the payment of a fee for the service to cover the cost of undertaking building work and / or civil engineering inspections.

WARNING: Failure to obtain a Construction Certificate prior to the commencement of any building work is a serious breach of Section 81A(2) of the *Environmental Planning & Assessment Act 1979*. It is a criminal offence that attracts substantial penalties and may also result in action in the Land and Environment Court and orders for demolition.

(3) Sanitary facilities - demolition/construction sites

Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

(4) Inspections required by Principal Certifying Authority

Inspections shall be carried out at different stages of construction by Council or an accredited certifier. If Council is selected as the Principal Certifying Authority (PCA) the inspection fees must be paid for in advance which will be calculated at the rate applicable at the time of payment.

(5) Sydney Water approval

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site: www.sydneywater.com.au, see Your Business then Building & Developing then Building & Renovating or telephone Sydney Water 13 20 92.

(6) Structural Engineering Details

Structural engineer's details prepared and certified by a practising structural engineer for all reinforced concrete and structural members is to be submitted to the Principal Certifying Authority for approval.

(7) Site fencing/security

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

(8) Building location - check survey certificate

To ensure that the location of the building satisfies the provision of the approval, a check survey certificate shall be submitted to the Principal Certifying Authority either prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, indicating the: -

- (i) location of the building with respect to the boundaries of the site;
- (ii) level of the floor in relation to the levels on the site (all levels are to be shown relative to Australian Height Datum);
- (iii) site coverage of the buildings on the site.

(9) Dilapidation Reports

A Dilapidation Report on the current structural condition of the existing buildings at 17 Walker Avenue Haberfield must be prepared by a practicing structural engineer. The Dilapidation Report must be completed and submitted to the owner of the subject property and to Council prior to the commencement of any demolition, excavation or construction works. At the completion of the works, a second Dilapidation Report recording the structural condition must be prepared. That Report must be submitted to the owner of the subject property and to Council.

(10) Support for neighbouring buildings and notice to adjoining owners

- (1) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - (a) must preserve and protect the building from damage, and
 - (b) if necessary, must underpin and support the building in an approved manner, and
 - (c) must at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (2) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

Notes:

- (i) Details of underpinning works, prepared and certified by a practicing structural engineer shall be submitted to and approved by the Principal Certifying Authority prior to the commencement of any works.
- (ii) allotment of land includes a public road and any other public place.

(11) Site Controls

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

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

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

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

E Conditions that must be complied with during construction or demolition

- (1) Road opening permit – Council controlled lands

A road opening permit shall be obtained for all works carried out in public or Council controlled lands. Contact Council's Engineering Services for details.

This road opening permit covers the direct costs involved in the repair/replacement of works where the public or Council controlled lands are specifically damaged/saw cut etc for the construction of services, stormwater pipes, kerb works, bitumen works, footpath works etc. It is *separate* from a Damage Deposit as listed elsewhere in these Conditions of Consent.

(2) Building materials and equipment - storage/placement on footpath/roadway - Council approval

All building materials and equipment shall be stored wholly within the property boundaries and shall not be placed on the footpath, grass verge or roadway without prior written approval of Council.

Bulk refuse bins shall not be placed on the grass verge, footpath or roadway without Council permission. Application forms and details of applicable fees are available from Council's One Stop Shop telephone 9716 1800.

(3) Roof guttering and drainage system/disposal of stormwater

The roof shall be provided with a complete guttering and drainage system. Roofwater shall be disposed of by approved drainage lines discharging into the street gutter.

(4) Materials and colour schemes

Materials of construction are to be as specified in the schedule of finishes submitted with the development application and on the approved plans, except where amended by the conditions hereunder.

(5) Rainwater items - design

Quad or "D" shaped gutters and only are to be used.

(6) Skylight design

In-plane skylights in clear glazing, close-fitting to the roof and of a rectangular and vertical shape are to be installed.

(7) Matching materials - repairs to fabric

Matching materials are to be used in repairing the fabric of external surfaces.

(8) Site vehicles - mud/debris

You are to ensure that ALL vehicles leaving the site are free of mud and debris. Loads are to be fully covered and vehicles/wheels washed down to ensure that no nuisance occurs.

(9) Demolition/excavation/construction - hours of work

Demolition, excavation and construction work, including loading and unloading of materials and machinery, shall be restricted to between the hours of 7.00 am to 6.00 pm, Monday to Friday and from 7:00 am to 1.00 pm on Saturday. Work is prohibited on Sundays, and on public holidays.

(10) Signs to be erected on building and demolition sites

(1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- (a) stating that unauthorised entry to the work site is prohibited; and

- (b) showing the name and address of the contractor for the building work and the person in charge of the work site and a telephone number at which the person may be contacted outside working hours; and
 - (c) showing the name, address and telephone number of the Principal Certifying Authority appointed for the building works.
- (2) Any-sign shall be maintained and not removed until work has been finished.

(11) Termite treatment

Treatment for the protection of the building from subterranean termites shall be carried out in accordance with AS 3660.1:2000 'Protection of Buildings from Subterranean Termites'.

On completion of the installation of the barrier the Principal Certifying Authority shall be furnished with a certificate from the person responsible, stating that the barrier complies with AS 3660.1.

A durable notice shall be permanently fixed to the building in a prominent location, such as the meter box or the like indicating:

- the method of protection;
- the date of installation;
- where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
- the need to maintain and inspect the system on a regular basis.

Due to the present limited effective life of soil chemical treatments, Council does not permit hand spraying as a stand alone method of termite protection. It is recommended that any soil chemical treatment should embrace a reticulation system.

(12) Waterproofing materials/installation – BCA/Australian Standards

Approved products that are impervious to water shall only be used as a substrate or as a lining and as a finish to floors and walls of wet areas (i.e. bathroom/shower room, WC compartment and laundry). Floors and cubicles shall be properly graded and drained to approved outlets.

The wet areas in the building shall be impervious to water as required by Part 3.8.1 of the Building Code of Australia (BCA). The junction between the floor and wall and the construction of the bath shower recess, basin, sink or the like shall be in accordance with the BCA & AS 3740:2004 'Waterproofing of wet areas within residential buildings'.

On completion of the waterproofing of the wet areas, the Principal Certifying Authority shall be furnished with a certificate from the person responsible. This is to state that the materials are suitable for the situation and that the application and/or installation has been carried out in accordance with the manufacturer's instructions, the BCA and AS 3740.

(13) Safety Glazing - BCA

Safety glazing complying with B1 of the Building Code of Australia (BCA) is to be used in every glazed door or panel that is capable of being mistaken for a doorway or unimpeded path of travel. The glazing must comply with AS 1288:2006 'Glass in Buildings – Selection and Installation'.

Framed panels or doors enclosing or partially enclosing a shower or bath shall be glazed with "A" or "B" grade safety glazing material in accordance with AS 1288 and Part 3.6.4 of the BCA.

(14) Fire Detection/Alarm System installation and certification

Smoke alarms must be installed in dwellings in accordance with Clause 3.7.2.3 of the Building Code of Australia (BCA) and AS 3786 on or near the ceiling in -

- (a) any storey containing bedrooms -
 - between each area containing bedrooms and the remainder of the dwelling, including any hallway associated with the bedrooms
- (b) any storey not containing bedrooms.

Smoke alarms must be connected to the consumer mains power and have a stand-by power supply.

The licensed Electrical Contractor shall on completion of the installation of the smoke alarm system, submit to the Principal Certifying Authority a certificate certifying compliance with AS 3000 and AS 3786:1993.

(15) BASIX Requirements

The new works shall be constructed in accordance with, and comply with the undertakings given on the BASIX (Building Sustainability Index) Certificate as obtained from the Department of Infrastructure, Planning and Natural Resources. For more information visit www.basix.nsw.gov.au.

(16) Trees to be protected - Ashfield Tree Preservation and Landscape Policy

Trees to be preserved are to be protected in accordance with Part 5 of Ashfield Council's Tree Preservation and Landscape Policy.

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

nil

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

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

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

H* Conditions that are ongoing requirements of development consents*(1) Landscaping to be maintained**

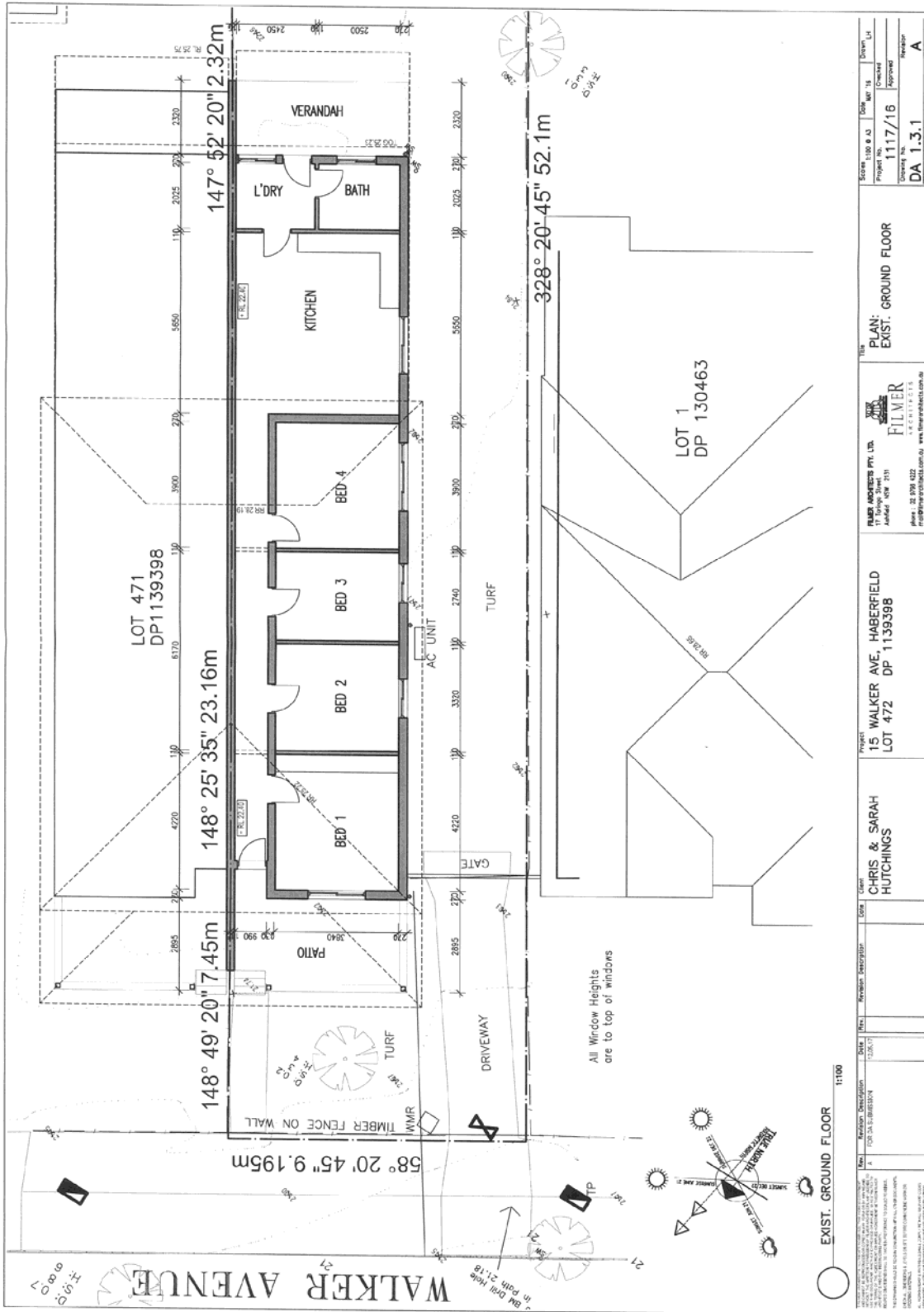
Landscaping as shown on the approved plans shall be maintained.

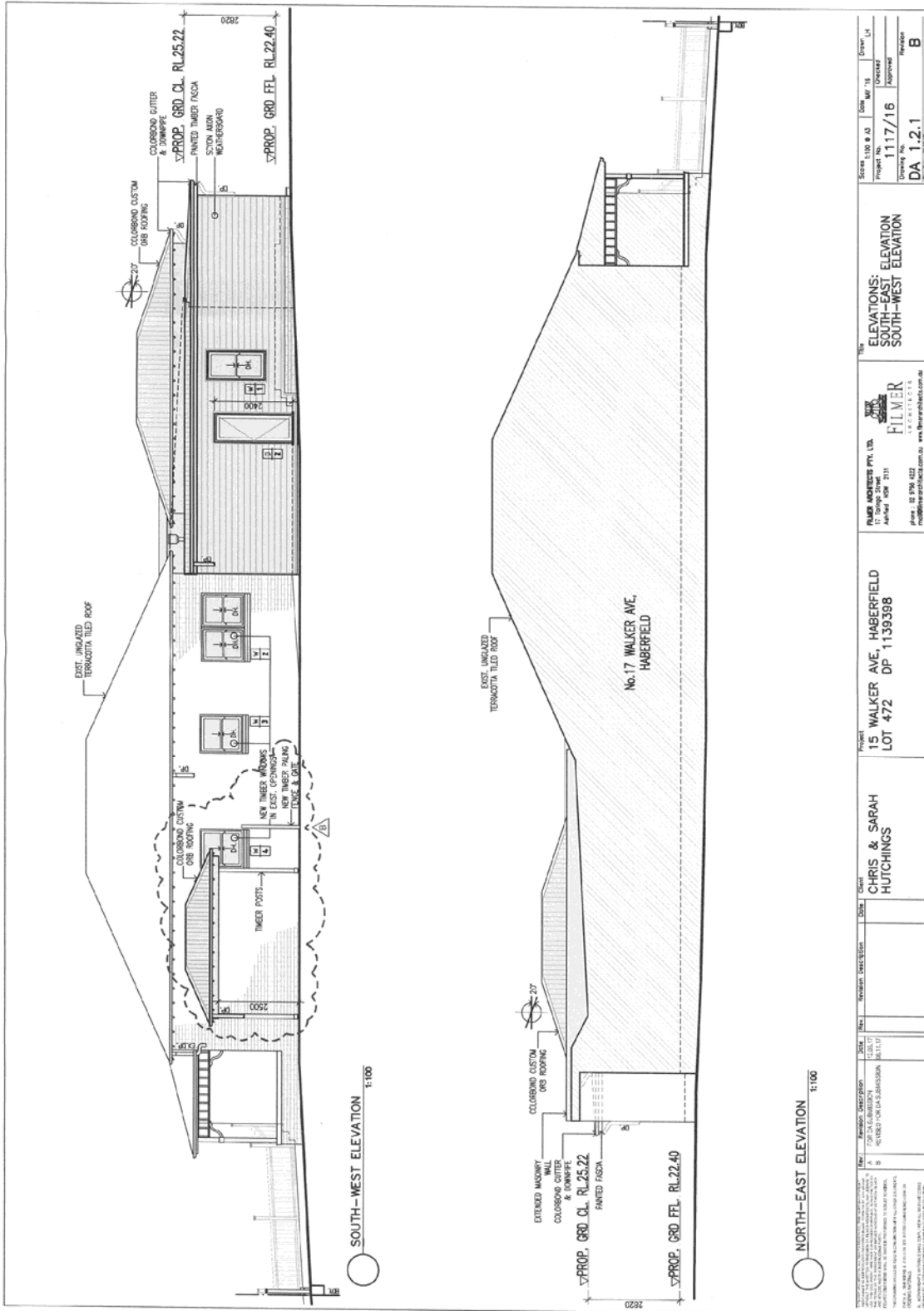
(2) Power Pole

No power pole is to be constructed on the property without the prior written approval of Council

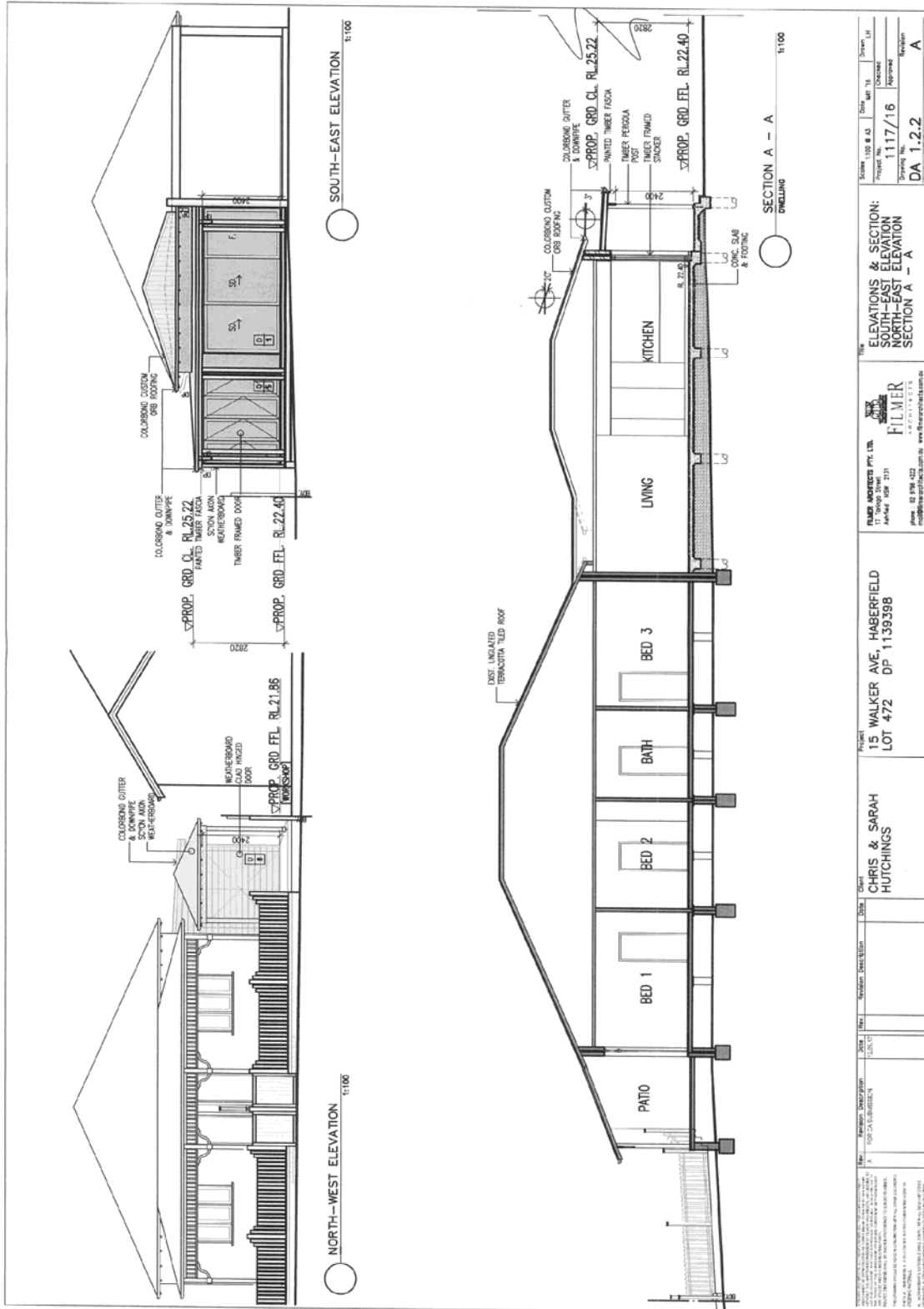
***I* Advisory Notes**

Dial 1100 before you dig for the location of underground services.

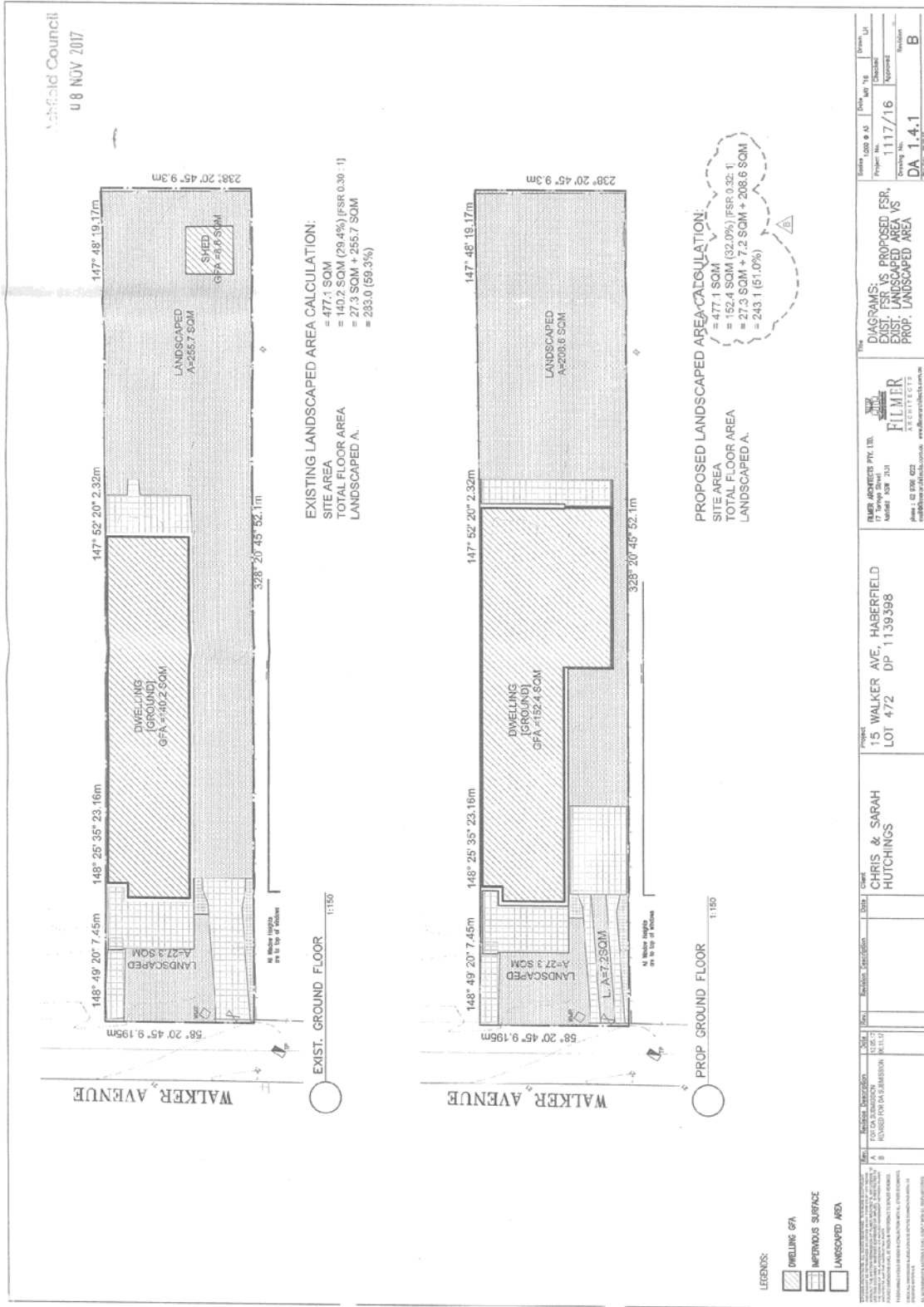




<p>PROJECT 15 WALKER AVE, HABERFIELD LOT 472 DP 1139398</p>	<p>CLIENT CHRIS & SARAH HUTCHINGS</p>	<p>DATE 11/17/16</p>	<p>SCALE 1:100</p>	<p>DATE 11/17/16</p>	<p>DATE 11/17/16</p>	<p>DATE 11/17/16</p>	<p>DATE 11/17/16</p>	<p>DATE 11/17/16</p>	<p>DATE 11/17/16</p>	<p>DATE 11/17/16</p>	<p>DATE 11/17/16</p>
<p>THE ELEVATIONS: SOUTH-WEST ELEVATION SOUTH-WEST ELEVATION</p>											
<p>PLUM ARCHITECTS PTY LTD 17, Dering Street Auburn NSW 2133 Phone: 02 959 1022 www.plumarchitects.com.au</p>											
<p>FILMER 11/17/16</p>											
<p>DA 1.2.1 Rev. No. 10817</p>											



<small> ARCHITECTURE 15 WALKER AVE, HABERFIELD NSW 1505 PH: 02 9346 4222 info@filmerarchitects.com.au </small>	<small> PROJECT 15 WALKER AVE, HABERFIELD LOT 472 DP 1139398 </small>	<small> CLIENT CHRIS & SARAH HUTCHINGS </small>	<small> DATE 11/17/16 </small>	<small> DRAWN BY DA 1.2.2 </small>	<small> CHECKED BY DA 1.2.2 </small>	<small> SCALE 1:100 </small>	<small> SHEET NO. A </small>	<small> TITLE ELEVATIONS & SECTION: SOUTH-EAST ELEVATION NORTH-EAST ELEVATION SECTION A - A </small>	<small> SCALE 1:100 </small>	<small> DATE 11/17/16 </small>	<small> DRAWN BY DA 1.2.2 </small>	<small> CHECKED BY DA 1.2.2 </small>	<small> SHEET NO. A </small>
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Haberfield Council
 08 NOV 2017

Site No.	1117/16	Scale	1:150	Date	11/17/16	Drawn by	DA 1.4.1	Checked by	B
Project No.	15 WALKER AVE, HABERFIELD LOT 472 DP 1139398	Client	CHRIS & SARAH HUTCHINGS	Architect	FILMER ARCHITECTS	Project	15 WALKER AVE, HABERFIELD LOT 472 DP 1139398	Architect	FILMER ARCHITECTS
Site Name	15 WALKER AVE, HABERFIELD LOT 472 DP 1139398	Client	CHRIS & SARAH HUTCHINGS	Architect	FILMER ARCHITECTS	Project	15 WALKER AVE, HABERFIELD LOT 472 DP 1139398	Architect	FILMER ARCHITECTS
Site Address	15 WALKER AVE, HABERFIELD LOT 472 DP 1139398	Client	CHRIS & SARAH HUTCHINGS	Architect	FILMER ARCHITECTS	Project	15 WALKER AVE, HABERFIELD LOT 472 DP 1139398	Architect	FILMER ARCHITECTS
Site Description	15 WALKER AVE, HABERFIELD LOT 472 DP 1139398	Client	CHRIS & SARAH HUTCHINGS	Architect	FILMER ARCHITECTS	Project	15 WALKER AVE, HABERFIELD LOT 472 DP 1139398	Architect	FILMER ARCHITECTS
Site Area	477.1 SQM	Client	CHRIS & SARAH HUTCHINGS	Architect	FILMER ARCHITECTS	Project	15 WALKER AVE, HABERFIELD LOT 472 DP 1139398	Architect	FILMER ARCHITECTS
Site Zoning	15 WALKER AVE, HABERFIELD LOT 472 DP 1139398	Client	CHRIS & SARAH HUTCHINGS	Architect	FILMER ARCHITECTS	Project	15 WALKER AVE, HABERFIELD LOT 472 DP 1139398	Architect	FILMER ARCHITECTS
Site Use	15 WALKER AVE, HABERFIELD LOT 472 DP 1139398	Client	CHRIS & SARAH HUTCHINGS	Architect	FILMER ARCHITECTS	Project	15 WALKER AVE, HABERFIELD LOT 472 DP 1139398	Architect	FILMER ARCHITECTS
Site Status	15 WALKER AVE, HABERFIELD LOT 472 DP 1139398	Client	CHRIS & SARAH HUTCHINGS	Architect	FILMER ARCHITECTS	Project	15 WALKER AVE, HABERFIELD LOT 472 DP 1139398	Architect	FILMER ARCHITECTS
Site Notes	15 WALKER AVE, HABERFIELD LOT 472 DP 1139398	Client	CHRIS & SARAH HUTCHINGS	Architect	FILMER ARCHITECTS	Project	15 WALKER AVE, HABERFIELD LOT 472 DP 1139398	Architect	FILMER ARCHITECTS

