

12 September 2018

At 5.00 pm



Local Planning Panel

Sydney 2030 Green Global Connected

Agenda

- 1. Disclosures of Interest**
- 2. Confirmation of Minutes**
- 3. Development Application: 344 Crown Street, Surry Hills**
- 4. Development Application: 34 Charles Street, Forest Lodge**

Guidelines for Speakers at Local Planning Panels



As part of our democratic process, the City invites members of the community to speak directly to Members of the Local Planning Panel (LPP) about items on a meeting agenda.

To enable the LPP to hear a wide range of views and concerns within the limited time available, we encourage people interested in speaking at meetings to:

1. Register to speak by calling Council's Secretariat on 9265 9190 before 12.00 noon on the day of the meeting.
2. Check the recommendation in the agenda report before speaking, as it may address your concerns so that you just need to indicate your support for the recommendation.
3. Note that there is a three minute time limit for each speaker and prepare your presentation to cover your major points within that time.
4. Avoid repeating what previous speakers have said and focus on issues and information that the LPP may not already know.
5. If there is a large number of people interested in the same item as you, try to nominate three representatives to speak on your behalf and to indicate how many people they are representing.
6. Before speaking, turn on the microphone by pressing the button next to it and speak clearly so that everyone in the Council Chamber can hear.
7. Be prepared to quickly return to the microphone and respond briefly to any questions from LPP members, after all speakers on an item have made their presentations.

At the start of each LPP meeting, the Chair may re-order agenda items so that those items with speakers can be dealt with first.

LPP reports are on line at www.cityofsydney.nsw.gov.au, with printed copies available at Sydney Town Hall immediately prior to the meeting. Council staff are also available prior to the meeting to assist.

Item 1.

Disclosures of Interest

Pursuant to the provisions of Clause 15 of Schedule 4B of the Environmental Planning and Assessment Act 1979, Members of the Local Planning Panel are required to disclose pecuniary interests in any matter on the agenda for this meeting of the Local Planning Panel.

Members are also required to disclose any non-pecuniary interests in any matter on the agenda for this meeting of the Local Planning Panel in accordance with the relevant clauses of the Code of Conduct for Local Planning Panel Members – February 2018.

In both cases, the nature of the interest must be disclosed.

Item 2.

Confirmation of Minutes

Minutes of the following meeting of the Local Planning Panel, which have been endorsed by the Chair, are submitted for noting:

Meeting of 29 August 2018

Item 3.**Development Application: 344 Crown Street, Surry Hills**

File No.: D/2018/340

Summary

Date of Submission:	9 April 2018
Applicant:	Mark Tedeschi
Architect:	Beyond Architechniques
Developer:	Mark Tedeschi
Owner:	Mark Tedeschi
Cost of Works:	\$0
Zoning:	B4 Mixed Use

Proposal Summary: The proposed development includes the change of use of a residential dwelling to a boarding house. The existing building includes six bedrooms across three levels, four of which have ensuites, a common toilet and shower upper level courtyard, and a communal living, dining and kitchen area. The building is currently being used as an unauthorised boarding house with this application seeking to regularise the use.

The development will provide no motorbike spaces, less than the minimum one space required by SEPP (Affordable Rental Housing) 2009. A request to vary the standard has been made pursuant to Clause 4.6 of the Sydney Local Environmental Plan 2012. The variation to the standard is in the public interest and is supported.

The application is referred to the Local Planning Panel for determination as the proposed development seeks to vary the motorbike parking development standard under the ARH SEPP by more than 10%.

The development complies with the height of buildings and floor space ratio development standards prescribed under Sydney Local Environmental Plan 2012.

Proposal Summary:
(continued)

Despite a number of non-compliances with the ARH SEPP and the Sydney Development Control Plan 2012 in regards to minimum room size, solar access and private open space requirements, the amenity of the boarding house is acceptable with consideration to the constraints of the site, subject to restrictions on the number of lodgers per room and submission of an expanded and improved Plan of Management.

The application is recommended for approval, subject to the imposition of deferred commencement conditions requiring the submission of an updated Plan of Management and amended plans correcting inconsistencies and reflecting the changes conditioned by this application.

Summary Recommendation: The development application is recommended for deferred commencement approval.

Development Controls:

- (i) State Environmental Planning Policy (Affordable Rental Housing) 2009
- (ii) State Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP)
- (iii) Sydney Local Environmental Plan 2012 (Gazetted 14 December 2012, as amended)
- (iv) Sydney Development Control Plan 2012 (in force on 14 December 2012, as amended)
- (v) City of Sydney Development Contributions Plan 2015

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Clause 4.6 Variation Request

Recommendation

It is resolved that:

- (A) the Local Planning Panel approves the variation sought to Clause 30(1)(h) of State Environmental Planning Policy (Affordable Rental Housing) 2009 in accordance with Clause 4.6 of Sydney Local Environmental Plan 2012 in this instance; and
- (B) pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2018/340, subject to the conditions set out in Attachment A to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The proposed development is consistent with the objectives of the B4 Mixed Use zone.
- (B) The proposed development is consistent with the relevant objectives and controls outlined in State Environmental Planning Policy (Affordable Rental Housing) 2009, Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.
- (C) The exception to Clause 30(1)(h) regarding the minimum motorbike parking standard in State Environmental Planning Policy (Affordable Rental Housing) 2009 is approved as the Panel is satisfied that the matters required to be demonstrated by Clause 4.6 of the Plan have been adequately addressed, and the request to vary the standard would be in the public interest as it is consistent with the objectives of that particular standard with regard to the site's proximity to public transport, services, employment, education, and leisure facilities.
- (D) The proposed development provides affordable housing on the site without adversely impacting the character of the Bourke Street North Conservation Area (C59).

Background

The Site and Surrounding Development

1. A site visit was carried out by City staff on 13 April 2018.
2. The site is rectangular, with area of approximately 78sqm. It has a primary street frontage to Crown Street. The site is located between Campbell Street to the north and Crown Street Public School to the south. A three storey Victorian Filigree terrace house is contained within the site, occupying the full site area, presenting as two storeys to Crown Street. The site falls 3.2m to the west (front) with the ground floor being located at ground level at the front, and the first floor being located at ground level to the rear of the site.
3. An unauthorised boarding house has been operating in the building for an unknown period.
4. Surrounding land uses are residential and commercial. A terrace with a similar form adjoins the site to the north. A three storey mixed-use building with retail uses adjoins the site to the south. A contemporary two storey commercial building and a large licensed premises known as The Winery is located opposite Crown Street.
5. The site is not a heritage item but is located within the Bourke Street North Conservation Area (C59).
6. Photos of the site and surrounds are provided below:



Figure 1: Aerial image of subject site and surrounding area



Figure 2: Site viewed from Crown Street



Figure 3: Communal living and dining area



Figure 4: The second floor courtyard

Proposal

7. The application seeks consent for the change of use to a boarding house comprising:
 - (a) Ground Floor:
 - (i) Bedroom with ensuite.
 - (b) First Floor:
 - (i) Two bedrooms, each with ensuite; and
 - (ii) Communal living, dining and kitchen area.
 - (c) Second Floor:
 - (i) Three bedrooms, one with ensuite;
 - (ii) Communal WC and shower; and
 - (iii) Rear drying courtyard.
8. No physical works are proposed.

History Relevant to the Development Application

9. On 3 October 2000, D/2000/815 was approved for alterations and additions to the rear of the dwelling. The existing bedroom configuration was approved under this application.

Economic/Social/Environmental Impacts

10. The application has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:
 - (a) Environmental Planning Instruments and DCPs.

State Environmental Planning Policy (Affordable Rental Housing) 2009

11. The SEPP aims to provide a consistent planning regime for the provision of affordable rental housing and to facilitate the delivery of new affordable rental housing by providing incentives by way of identifying non-discretionary development standards.
12. Under Clause 29, compliance with any of the following standards must not be used to refuse consent.

Clause 29 – Standards that cannot be used to refuse a boarding house		
Standard	Complies	Comment
1(c)(i) – The maximum permitted FSR is 2:1 + 0.5:1	Yes	The site permits an FSR of 2:1 + 0.5:1. The building has a gross floor area of 165.3sqm, resulting in an FSR of 2.1:1
2(a) Building height, if the development complies with the maximum permitted building height	Yes	The site permits a 12m height limit. The existing building is 10m in height.
2(b) Landscaped area, if the landscape treatment to the front setback area is compatible with the streetscape	Yes	The site contains no landscaped area as the existing building it is built to all four boundaries. This is consistent with the immediate site context.
2(c) Solar access, where the development provides 3 hours of solar access to one living area from 9am to 3pm during midwinter	No, but acceptable.	The living, dining and kitchen area at the rear of the building does not have access to direct sunlight in mid winter. The area receives ambient light through the void to the upper level courtyard.
2(d) Private open space (i) One area of 20sqm with a minimum dimension of 3 metres is provided for residents (ii) One area of 8sqm with a minimum dimension of 2.5sqm for the manager's unit	No, but acceptable.	The building includes an enclosed courtyard on the second floor level, with a void to the communal living area below. The enclosed courtyard acts as a laundry and clothes drying area with an area of 8.79sqm and a dimension of 1.7m, which is below the minimum requirements. A manager's unit is not required as less than 20 lodgers are proposed. See discussion under heading Issues.
2(e) Parking, if (i) 0.2 parking spaces provided for each boarding house room for sites in an accessible area (iii) not more than 1 parking space for staff residing on the site	Acceptable	Due to the site constraints, the building is unable to accommodate any motorcycle or bicycle parking spaces. The applicant has submitted a request to vary the motorcycle parking standard outlined in the ARH SEPP pursuant to Clause 4.6 of the LEP.

Clause 29 – Standards that cannot be used to refuse a boarding house		
Standard	Complies	Comment
2(f) Accommodation size (i) Minimum 12sqm for single lodger rooms (excluding any area used as a private kitchen/ bathroom)	No.	The application proposes the following room sizes: Bedroom 1 - 14.89sqm Bedroom 2 - 17.35sqm Bedroom 3 - 9.64sqm Bedroom 4 - 16.66sqm Bedroom 5 - 12.18sqm Bedroom 6 - 7.77sqm Bedrooms 3 and 6 do not comply with the minimum requirements. See discussion under heading Issues.

13. Clause 30 states that a consent authority must not grant development consent to which Division 3 applies unless it is satisfied of each of the following:

Clause 30 – Standards for boarding house		
Standard	Complies	Comment
1(a) At least one communal living room is to be provided	Yes	Communal facilities are provided at the first floor level.
1(b) No boarding room is to have a gross floor area (excluding private kitchen or bathroom facilities) of more than 25m ²	Yes	The boarding rooms are less than 25sqm.
1(c) No boarding room to be occupied by more than 2 adult lodgers	Capable	The boarding rooms are proposed to accommodate two adult lodgers each. Only bedrooms 2 and 4 provide the minimum 16sqm required for two adult lodgers. Refer to the discussion under the heading Issues.

Clause 30 – Standards for boarding house		
Standard	Complies	Comment
1(d) Adequate bathroom and kitchen facilities available for use of each lodger	Yes	Four of the six boarding rooms include an ensuite. A communal WC and shower exists on the second floor. Communal kitchen facilities are provided on the first floor level.
(1e) A boarding room or on-site dwelling to be provided for a boarding house manager if boarding house has a capacity of 20 or more lodgers	N/A	The boarding house will have fewer than 20 lodgers.
1(g) If the boarding house is zoned primarily for commercial purposes, no part of the ground floor that fronts a street will be used for residential purposes except where permitted under an EPI.	Yes	The site is zoned B4 Mixed Use zone, which permits residential uses. The building contains boarding rooms only.
1(h) At least 1 bicycle and 1 motorcycle parking space to be provided for every 5 rooms.	No	<p>The development is required to provide a minimum of two bike parking spaces and two motorbike parking spaces.</p> <p>The development provides zero motorbike and zero bike parking spaces and therefore contravenes the minimum standard by 100%.</p> <p>A variation to the standard is proposed and is acceptable in the circumstances. Further discussion is provided under the Issues heading.</p>

Clause 30A – Character of the local area

14. Clause 30A states that a consent authority must not consent to development consent for a boarding house unless it has taken into consideration whether the design of the development is compatible with the character of the local area.
15. The proposal does not involve any physical works and as such does not alter the existing appearance of the site. The site is located within a mixed use area.
16. The use is compatible with the character of the surrounding area. As such the application is consistent with clause 30A of the SEPP.

Sydney LEP 2012

17. The site is located within the B4 Mixed Use zone. The proposed use is defined as boarding house and is permissible.
18. The relevant matters to be considered under Sydney Local Environmental Plan 2012 for the proposed development are outlined below.

Compliance Tables

Development Control	Compliance	Comment
4.3 Height of Buildings	Yes	A maximum height of 12m is permitted. The building has a height of 10m.
4.4 Floor Space Ratio	Yes	A maximum FSR of 2:1 is permitted under the LEP. The ARH SEPP permits an additional 0.5:1. The building has an FSR of 2.1:1.
4.6 Exceptions to Development Standards	Yes	The applicant has submitted a written request seeking an exception to the development standard regarding motorcycle parking under the ARH SEPP. The exception is considered acceptable in this circumstance. Further discussion is contained under the heading Issues.
5.10 Heritage conservation	Yes	The site is identified as a contributory building within the Bourke Street North Conservation Area (C59). The proposal does not include any physical works. The change of use will not impact on the heritage significance of the conservation area.

Sydney DCP 2012

19. The relevant matters to be considered under Sydney Development Control Plan 2012 for the proposed development are outlined below.

2. Locality Statements – Surry Hills North

The subject site is located in the Surry Hills North locality. The proposed development is considered to be in keeping with the unique character of the area. The use will not adversely impact the amenity of the neighbouring properties subject to conditions of consent and submission of an improved Plan of Management.

3. General Provisions	Compliance	Comment
3.9 Heritage	Yes	<p>The site is identified as a contributory building within the Bourke Street North Conservation Area (C59).</p> <p>The proposal does not include any physical works. The change of use will not impact on the heritage significance of the conservation area.</p>
3.11 Transport and Parking	No	<p>As the existing building occupies the entire site, there is not sufficient space for the provision of bike and motorbike parking. The applicant has made a request to vary the standard outlined in the ARH SEPP.</p> <p>See discussion under heading Issues.</p>

4.4.1 Boarding Houses	Compliance	Comment
4.4.1.1 Subdivision	Yes	Subdivision is not proposed.
4.4.1.2 Bedrooms	No	<p>The proposal aims to accommodate two lodgers in each of the six bedrooms for a total of 12 lodgers.</p> <p>The DCP requires bedroom sizes to be a minimum of 12sqm for single occupants and 16sqm for double occupants.</p> <p>Bedrooms 1, 3, 5 and 6 do not comply with the minimum bedroom size for double occupants.</p> <p>See discussion under heading Issues.</p>

4.4.1 Boarding Houses	Compliance	Comment
4.4.1.3 Communal kitchen areas	No	A communal kitchen is provided at first floor level. Based on eight lodgers residing in the boarding house, the DCP requires a kitchen with an area of 9.6sqm. The kitchen does not comply with the minimum requirements with an area of 6.04sqm. The non-compliance is considered acceptable as it has a good layout and includes sufficient bench and storage space. The kitchen includes one sink and one cooktop, which satisfies DCP requirements. The kitchen features a large double sized fridge and freezer, which satisfies DCP requirements.
4.4.1.4 Communal living areas and open space	Yes	The DCP requires indoor communal living areas to have a minimum area of 12.5sqm. The building includes an open plan living and dining area with an area of 24.24sqm. The living area receives ambient light through a void to the upper level courtyard.
4.4.1.5 Bathroom, laundry and drying facilities	Yes	Four of the six boarding rooms include an ensuite. A communal WC and shower exists on the second floor. The building includes laundry facilities under a covered area of the courtyard on the upper level.
4.4.1.6 Amenity, safety and privacy	Yes	The building provides an acceptable level of visual privacy for its occupants. A Plan of Management has been submitted which restricts the use of the upper level courtyard to between 7.00am and 8.00pm Monday to Sunday to ensure neighbourhood amenity is maintained.
4.4.1.7 Plan of Management	No	A Plan of Management has been submitted with the application which has been assessed as inadequate. See discussion under heading Issues.

Issues

Clause 4.6 Variation

20. Clause 30(1)(h) of the State Environmental Planning Policy (Affordable Rental Housing) 2009 requires the provision of one bicycle space and one motorbike space for every five boarding rooms. The development includes six boarding rooms and as such one bicycle space and one motorbike space is required.
21. The application seeks an exception to the standard such that no bicycle or motorcycle parking will be provided on the site. A written request addressing the provisions of Clause 4.6 of the Sydney LEP 2012 accompanies this application. Clause 4.6 allows the consent authority to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes. The consent authority may grant the exception as the Director-General's concurrence can be assumed where Clause 4.6 is adopted as per Department of Planning Circular PS 08-003 dated 9 May 2008.
22. The following justification has been provided regarding why compliance with the development standard is unreasonable or unnecessary:
 - (a) The proposal provides for the conversion of the existing dwelling to a boarding house. The ground floor level of the existing building is elevated approximately 2m above the street level and is accessed by a narrow stair and verandah at the front of the site.
 - (b) The building comprises a three storey terrace building which is sited up to the common side boundaries of the site.
 - (c) It is not physically possible to provide any onsite parking for bicycles and motorcycles.
 - (d) The subject site is located on Crown Street, near the corner of Oxford Street, and there are many opportunities for the residents from the proposed boarding house to access shopping and services within walking distance of the premises or by way of public transport.
 - (e) There are a number of private companies that provide affordable bicycle hire within the City of Sydney locality.
23. The site is zoned B4 Mixed Use. The development provides affordable residential accommodation in a location that is well serviced by public transport and compatible with surrounding land uses. As such, the development is consistent with the objectives of the zone which include:
 - (a) To provide a mixture of compatible land uses.
 - (b) To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
 - (c) To ensure uses support the viability of centres.

24. Due to the fact that the existing building occupies the entire site, and is accessible only from Crown Street via a stepped entrance, compliance with the standard would require significant alterations to the building to enable access for bicycles and motorbikes. Such alterations are considered likely to result in detrimental impacts on the character and appearance of the site, and as such detrimentally impact on the contributory nature of the building and the conservation area, contrary to the provisions of Sections 1.2(2)(k) and 5.10 of the Sydney LEP 2012.
25. In order to accommodate bicycle and motorbike parking within the site, a substantial reduction in the area of communal space, or a reduction in the number of boarding rooms would be required. This would result in reduced amenity for occupants and would be contrary to the aims of the ARH SEPP to provide affordable rental housing.
26. The site is located within Category A of the Land Use and Transport Integration map, the highest category identified in the Sydney LEP 2012 with regard to the site's accessibility to services and transport infrastructure. The site is located in close proximity to public transport, including 600m from both Central and Museum Railway Stations, and buses. The site is also located close to restaurants, supermarkets and community facilities. The site is located within close proximity to cycling and pedestrian infrastructure with connections to the surrounding locality and the CBD.
27. Compliance with the motorbike parking standard at Clause 30(1)(h) of the ARH SEPP is therefore unreasonable and unnecessary in the circumstances of the subject application. Sufficient environmental planning grounds exist regarding the accessibility of alternative public transport modes and the site's proximity to services, employment, educational and leisure facilities to justify an exception to the standard. The proposed development is compatible with the objectives of the zone, and the lack of motorbike parking does not conflict with the aims of the ARH SEPP. The exception to the standard is therefore in the public interest and is acceptable.

Internal Amenity

28. The application seeks consent to accommodate two lodgers in each room, with a total of 12 lodgers. Clause 29 of the ARH SEPP requires boarding rooms to be a minimum 12sqm in size for singles and 16sqm in size for doubles. Bedrooms 1, 3, 5 and 6 fail to meet the minimum requirements for doubles, with areas of 14.89sqm, 9.64sqm, 12.18sqm and 7.77sqm respectively.
29. Bedroom 1 is considered adequate in accommodating two lodgers given the non-compliance is minor.
30. Bedrooms 3 and 5 are not considered to be of an adequate size to comfortably accommodate two lodgers. A condition of consent is recommended restricting these rooms to a maximum of one lodger only.
31. Bedroom 6 is significantly undersized at only 7.77sqm and will result in poor internal amenity for a potential lodger. It is considered appropriate to restrict the use of this room to provide either storage or a manager's office, given the lack of communal open space provided, and the limited amenity of the communal indoor spaces, as detailed below. An appropriate condition of consent is recommended for Bedroom 6 to be amended to provide storage or a manager's office.
32. A condition of consent has also been recommended to require a revised Plan of Management and amended plans detailing the changes required above.

33. Clause 29 of the ARH SEPP requires boarding houses to provide up to 20sqm of private open space. The existing building footprint covers the entire site with no deep soil or outdoor areas. The building includes an 8.79sqm courtyard on the second floor level, which is fully enclosed on all sides, and covered by a roof, and acts as the laundry and drying area.
34. The application incorrectly describes the communal space at the rear of the first floor as a courtyard. As the area is fully enclosed with the exception of the void, it functions as a communal living area rather than private open space.
35. The communal living, dining and kitchen area located on the first floor, at the rear of the building, contains no external windows. As such, the site does not receive direct solar access to the communal living rooms, however, they do receive ambient light and ventilation through a void to the upper level courtyard.
36. The non-compliances with the solar access and private open space requirements are due to the building footprint occupying the full extent of the site. Strict compliance with the controls would require substantial alterations to the existing building, and given the orientation of the site and dense urban character of the locality, 3 hours of direct sunlight to living room windows may not be achievable.

Deferred Commencement

37. It is recommended that the consent will not operate until an updated Plan of Management is submitted addressing inconsistencies between the submitted Plan of Management and the submitted drawings. An updated Plan of Management will be required that provides the name and contact details of the on-site manager; an outline of the house rules; capacity of each room (as conditioned under this application); waste collection area; and details on cleaning arrangements.
38. The consent will not operate until revised plans are submitted detailing the location of the desk, chairs, bar fridge and microwaves within the bedrooms; accurate description of the first floor and second floor courtyard given they are internal; Bedroom 6 to be identified as a manager's office; and the maximum number of lodgers per room (as conditioned by this application).

Other Impacts of the Development

39. The proposed development is capable of complying with the BCA.
40. It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

Suitability of the site for the Development

41. The proposal is of a nature in keeping with the overall function of the site. The premises are in a commercial/residential surrounding and amongst similar uses to that proposed.

Internal Referrals

42. The application was discussed with other sections of Council and the following issues were raised.

43. At the request of the City's Building Services Unit the applicant has provided a Building Code of Australia (BCA) Compliance Report, a Compliance Report that Access and Facilities for Persons with Disabilities, and a Final Fire Safety Certificate. The applicant will be required to upgrade the building pursuant to Clause 93 of the Environmental Planning and Assessment Regulation 2000 to address structural provisions, fire separation, smoke alarms, facilities, light and ventilation.
44. The City's Environmental Health Unit raised concerns with cleanliness and vermin control. The residents will be required to maintain cleanliness at all times as a condition of consent.
45. The City's Heritage and Urban Design Specialists raised no objection to the proposed development.

External Referrals

Notification, Advertising and Delegation

46. In accordance with Schedule 1 the Sydney DCP 2012, the proposed development is required to be notified. The application was notified for a period of 21 days between 10 April 2018 and 2 May 2018. No submissions were received.
47. It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

S7.11 Contribution

48. The development is subject of a S7.11 contribution under the provisions of the City of Sydney Development Contributions Plan 2015.
49. The monetary contribution is based on the loss of one residential accommodation type 1 (three or more bedroom dwelling) and gain of one residential accommodation type 2 (boarding house) with five bedrooms at a rate of one resident per room. The following is required to be paid and will go towards the cost of public amenities:

(a) Open Space	\$18,749.00
(b) Community Facilities	\$9,178.79
(c) Traffic and Transport	\$588.00
(d) Stormwater Drainage	\$0.00
Total	\$28,515.79

Relevant Legislation

- 50. Environmental Planning and Assessment Act 1979.
- 51. Heritage Act 1977.

Conclusion

- 52. The application proposes to regularise the use of a six bedroom boarding house.
- 53. The applicant has submitted a request to vary Clause 30(1)(h) of the SEPP (Affordable Rental Housing) 2009 "the maximum motorbike parking standard" from the minimum one required, to zero, representing a 100% departure from the standard. The variation to the standard is acceptable as the site is located within an accessible area proximate to public transport, services, employment, education and leisure facilities.
- 54. The amenity of the boarding house is generally considered to be reasonable with regard to the constraints of the site and will not adversely impact on the amenity of the neighbouring properties, subject to restricting the number of lodgers per room and providing an adequate Plan of Management.
- 55. The provision of affordable housing is a positive contribution to the City. The development is therefore in the public interest and recommended for approval, subject to the imposition of a revised Plan of Management and amended plans correcting inconsistencies and reflecting the changes conditioned by this application.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

Zeb McInnes, Planner

Attachment A

Recommended Conditions of Consent
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SCHEDULE 1 – DEFERRED COMMENCEMENT CONDITIONS (CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

The following deferred commencement conditions must be satisfied prior to the consent becoming operative:

PART A – DEFERRED COMMENCEMENT CONDITIONS

(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

The consent is not to operate until the following conditions are satisfied, within **24 months** of the date of this determination:

(1) AMENDED PLANS

Amended plans are required to delete reference to Bedroom 6 (to be amended to provide either a Manager’s office and/or storage) and detailing the maximum number of lodgers per room (as conditioned by this application), the location of the waste storage area, and including fixtures such desks, chairs and bar fridges within the bedrooms.

(2) PLAN OF MANAGEMENT

An updated Plan of Management must be submitted and approved, and must contain the name and contact details of the on-site manager; the house rules which will ensure safety and amenity of occupants and neighbours; the maximum capacity of each room (as conditioned under this application); waste management; and cleaning arrangements.

(3) CONTRIBUTION TOWARDS PUBLIC AMENITIES – CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2015 – EAST PRECINCT

Council has identified the development will increase demand for public amenities and facilities. Pursuant to Section 7.11 of the Environmental Planning and Assessment Act, 1979 (as amended), and the City of Sydney Development Contributions Plan 2015 the following monetary contributions are required towards the cost of public amenities.

<u>Contribution Category</u>	<u>Amount</u>
Open Space	\$18,749.00
Community Facilities	\$9,178.79
Traffic and Transport	\$588.00
Stormwater Drainage	\$0.00
Total	\$28,515.79

The City of Sydney will index the above contribution for inflation at the time of payment using the following formula.

Cpayment = Cconsent x (CPIpayment ÷ CPIconsent)

Where:

Cpayment = Is the contribution at time of payment;

Cconsent = Is the contribution at the time of consent, as shown above;

CPIpayment = Is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment; and

CPI1consent = Is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being – 114.0 for the June 2018 quarter.

The contribution must be paid prior to the activation of the consent in relation to this development.

Please contact Council's Planning Administration staff at planningsystemsadmin@cityofsydney.nsw.gov.au to request a letter confirming the indexed contribution amount payable.

Once the letter confirming the indexed contribution is obtained, payment may be made at any of the City's Neighbourhood Service Centres or the One Stop Shop at Town Hall House. Acceptable payment methods are EFTPOS (debit card only), cash or a bank cheque made payable to the City of Sydney. Personal or company cheques will not be accepted.

(4) BCA COMPLIANCE - CHANGE OF USE/CLASSIFICATION (NO BUILDING WORK PROPOSED)

(a) Pursuant to Clause 93 of the Environmental Planning and Assessment Regulation 2000, the whole building must comply with the Category 1 fire safety provisions and structural adequacy provisions as required by Clause 143 of the Regulations. Documentation detailing compliance with the provisions as prescribed below must be submitted and approved by Council's Area Planning Manager through Part 1.0 of the National Construction Code Volume Two:

- (i) Structural provisions - Part B1;
- (ii) Fire Separation – Part 3.7.1;
- (iii) Smoke alarms and lighting to assist evacuation – Part 3.7.2;
- (iv) Facilities – Part 3.7.1;
- (v) Light – Part 3.8.4;
- (vi) Ventilation – Part 3.8.5;

(b) The measures listed in the following Fire Safety Schedule must be provided in the building in accordance with Clauses 93 and 168 of the Environmental Planning and Assessment Regulation 2000.

Note: The obligation under the above condition to comply with the Category 1 fire safety provisions * may require building work to be carried out even though none is proposed or required in this consent. A Construction Certificate must therefore be obtained prior to work commencing for any building work required to be undertaken.

* *Category 1 fire safety provisions* are the following provisions of the *Building Code of Australia*, namely, EP1.3, EP1.4, EP1.6, EP2.1, EP2.2 and EP3.2 in Volume One of the Code and P2.3.2 in Volume Two of the Code.

- (A) Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within 24 months of the date of determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to section 4.53(6) of the Environmental Planning and Assessment Act 1979.
- (B) The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied.
- (C) Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in Part B Conditions of Consent (Once the Consent is Operation) of the subject report.

PART B – CONDITIONS OF CONSENT

SCHEDULE 1

(5) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2018/340 dated 27 July 2018 and the following drawings prepared by Ciolino Constructions:

Drawing Number	Drawing Name	Date
1 of 3	Site Plan	27 July 2018
2 of 3	Floor Plans	27 July 2018
3 of 3	Elevation, Section and Roof Plan	27 July 2018

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

(6) NO CONSENT FOR PHYSICAL WORKS

No consent is granted or implied for any physical works, with the exception of BCA upgrade works required by Condition 15.

(7) USE OF UPPER LEVEL COURTYARD

The use of the upper level courtyard is restricted to between 7.00am and 8.00pm Monday to Sunday.

(8) RESTRICTION ON BOARDING HOUSE

The building must be used as a boarding house only. The minimum length of stay for lodgers is 3 months.

(9) LIMIT OF RESIDENTS

There shall be no more than 8 residents residing in the premises at any given time. The following restriction on maximum lodgers per bedroom applies:

- Bedroom 1 (Ground floor) – 2 lodgers
- Bedroom 2 (First floor – front) – 2 lodgers
- Bedroom 3 (First floor – middle – 1 lodger
- Bedroom 4 (Second floor – front) – 2 lodgers
- Bedroom 5 (Second floor – middle) – 1 lodger
- Bedroom 6 (Second floor – rear) – 0 lodgers

Bedroom 6 shall be used as a manager's office and/or store room.

(10) RESTRICTION ON STRATA SUBDIVISION

In accordance with the provisions of Clause 52 of the State Environmental Planning Policy (Affordable Rental Housing) 2009 and the Sydney Development Control Plan 2012, the boarding house cannot be strata subdivided.

(11) ACCOMMODATION - REGISTRATION AND CARETAKER

Prior to the issuing of an Occupation Certificate, Council's Health and Building Unit must be advised in writing of the business name, address, owner or company name, 24 hour contact details for the site manager, and the number of occupants approved for the premises. A caretaker/manager must be contactable 24 hours a day.

(12) BOARDING HOUSE - USE AND OPERATION

The use and operation of the premises must comply with the requirements of Schedule 2 (Standards for Places of Shared Accommodation) of the Local

Government (General) Regulation, 2005 under the Local Government Act 1993, the Public Health Act, 2010, the Boarding Houses Act 2012 and regulations thereunder and the *Sydney Development Control Plan 2012 – 4.4.1*.

(13) PLAN OF MANAGEMENT

The use must always be operated / managed in accordance with the Plan of Management that has been approved by Council. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

(14) CLEANLINESS

Cleanliness shall be maintained at all times to reduce the likelihood of vermin in and around the premises.

(15) ASBESTOS REMOVAL WORKS

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Safework NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal Licence which ever applies.
- (b) Five days prior to the commencement of licensed asbestos removal, Safework NSW must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification must identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All work must be carried out in accordance with the *Work Health and Safety Regulation 2011* and the NSW Government and Work Cover document entitled *How to manage and control asbestos in the work place: Code of Practice (Safework NSW) December 2011* and the *City of Sydney Managing Asbestos Policy dated 21 October 2013 and associated guidelines*.
- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal must be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs must be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs must be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The

signs must be in accordance with AS 1319 -1994 *Safety Signs for the Occupational Environment* for size, illumination, location and maintenance.

- (f) Asbestos waste must only be transported and disposed of at an EPA licensed waste facility.
- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (h) No asbestos laden skips or bins are to be left in any public place without the written approval of Council.
- (l) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

- (i) contact person for the site;
- (ii) telephone and facsimile numbers and email address; and
- (i) site activities and time frames.

(16) HOURS OF WORK AND NOISE – OUTSIDE CBD

The hours of construction and work on the development must be as follows:

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Unit, prior to works proceeding

The *City of Sydney Code of Practice for Construction Hours/Noise 1992* allows extended working hours subject to the approval of an application in accordance with the Code and under Section 96 of the *Environmental Planning and Assessment Act 1979*.

(17) HAZARDOUS AND INDUSTRIAL WASTE

Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the NSW Work Cover Authority pursuant to the provisions of the following:

- (a) *Protection of the Environment Operations Act 1997*
- (b) *Protection of the Environment Operations (Waste) Regulation 2005*
- (c) *Waste Avoidance and Resource Recovery Act 2001*
- (d) *Work Health and Safety Act 2011*
- (e) *Work Health and Safety Regulation 2011.*

(18) OCCUPATION CERTIFICATE TO BE SUBMITTED

An Occupation Certificate must be obtained from the Principal Certifier and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

(19) FIRE SAFETY CERTIFICATE TO BE SUBMITTED

A Fire Safety Certificate must be submitted to the Principal Certifier for all the items listed in the Fire Safety Schedule prior to an Occupation Certificate being issued.

(20) ANNUAL FIRE SAFETY STATEMENT FORM

An annual Fire Safety Statement must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which the initial Interim/Final Safety Certificate is issued or the use commencing, whichever is earlier.

SCHEDULE 2

PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2000* apply:

Clause 98 Compliance with *Building Code of Australia* and insurance requirements under the *Home Building Act 1989*

Clause 98A Erection of signs

Clause 98B Notification of *Home Building Act 1989* requirements

Clause 98C Conditions relating to entertainment venues

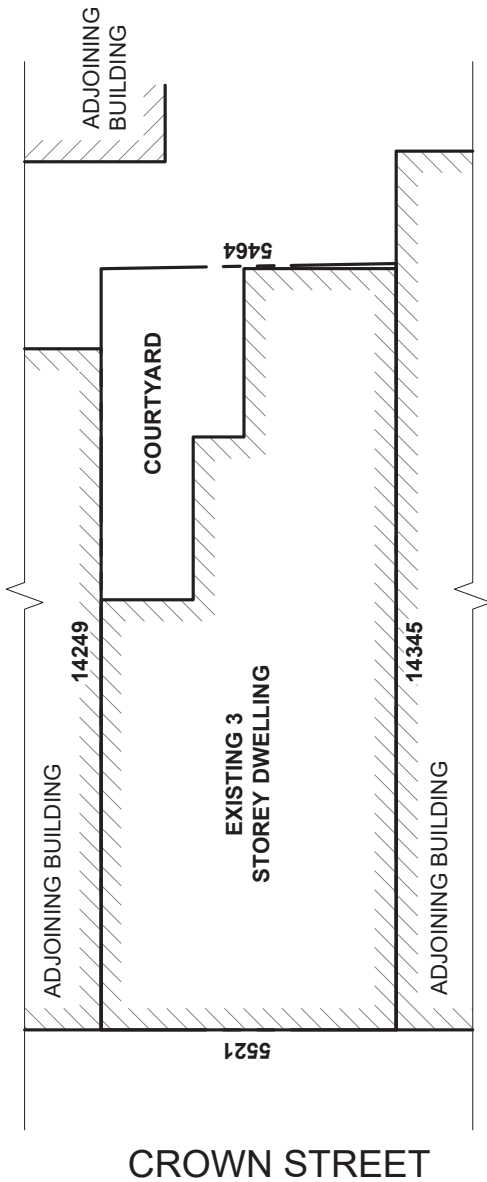
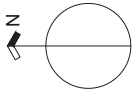
Clause 98D Conditions relating to maximum capacity signage

Clause 98E Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 8A of the *Environmental Planning and Assessment Regulation 2000*. This can be accessed at: <http://www.legislation.nsw.gov.au>

Attachment B

Selected Drawings



Site plan / Site analysis

C A L C U L A T I O N S

TOTAL SITE AREA (14.34 x 5.5)	78.87 m ²
GROUND FLOOR AREA	26.2 m ²
FIRST FLOOR AREA	52.65 m ²
SECOND FLOOR AREA	57.2 m ²
TOTAL	136.05 m ²
SITE / FLOOR RATIO	1 : 1.73

N O T E S

1. STORMWATER CONNECTED TO EXISTING DRAINAGE SYSTEM
2. ALL TIMBER CONFORM WITH LIGHT TIMBER FRAME CODE

THESE PLANS AND ALL DETAILS SHOWN ON PLAN ARE FOR INFORMATION ONLY. THEY DO NOT SCALE OFF DRAWINGS. NO ALLOWANCE HAS BEEN MADE FOR SHRINKAGE OR SETTLEMENT. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED. THESE PLANS DO NOT PERMIT TO START CONSTRUCTION WITHOUT THE APPOINTMENT OF A REGISTERED ARCHITECT. THE RESPONSIBILITY OF THE BUILDER, OWNER, BUILDING TRADING CONTRACTORS TO OBTAIN NECESSARY APPROVALS AND PERMITS FOR THIS DESIGN AND PRINT IS THE RESPONSIBILITY OF THE BUILDER, OWNER AND NOT THE ARCHITECT OR DRAFTER. THESE PLANS ARE NOT TO BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF THE COMPANY.

STAR DRAFTING SERVICE
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 ABN: 58923243432

FOR: MR M TOFLER 27 July 2018
FOR: 344 CROWN STREET SURRY HILLS 2010

JOB NO: 1002/17
 SCALE: 1:100
 SHEET: 1 OF 3
 ISSUE:

No	ISSUE	DATE	DRAWN	DATE	ISSUE	DATE	DRAWN	DATE

Attachment C

Clause 4.6 Variation Request

REQUEST FOR EXEMPTION
CLAUSE 4.6
EXCEPTIONS TO DEVELOPMENT STANDARDS OF CLAUSE
30(h) of STATE ENVIRONMENTAL PLANNING POLICY
(AFFORDABLE RENTAL HOUSING) 2009

APPLICANT: Coastplan Consulting
PROPOSAL: Change of Use from Dwelling to Boarding House
PROPERTY: 344 Crown Street, Surry Hills
RELEVANT DEVELOPMENT STANDARD: Clause 30(h) - Carparking Spaces for Bicycle and Motorcycle

Introduction

This submission is a request for exemption to the development standard contained in Clause 30(h) of the SEPP (Affordable Rental Housing) 2009 which requires 1 parking space for a bicycle and 1 space for a motorcycle for every 5 boarding rooms. This submission seeks approval for a variation to the Development Standard as it applies to the proposed use of the building as a boarding house.

The Development Standard to which the request relates

Clause 30(h) of SEPP (Affordable Rental Housing) 2009 requires at least 1 parking space will be provided for bicycle and 1 will be provided for a motorcycle, for every 5 boarding rooms.

The Objectives of the Development Standard

There are no objectives listed in the SEPP relating to the provisions of this clause which requires bicycle and motorcycle parking. It appears that the purpose of this clause is to provide suitable parking for alternative forms of transport in an accessible area.

The Nature of the Departure from the Development Standard

The proposed boarding house will contain 6 boarding rooms which will require 2 spaces for a bicycle and 2 spaces for a motorcycle. It is not proposed to provide any spaces for either bicycle or motorcycle on site.

Aims of Clause 4.6

- (1) The objectives of this clause are as follows:
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
 - (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Secretary has been obtained.
- (5) In deciding whether to grant concurrence, the Secretary must consider:
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.

Why Compliance with the Development Standard is Unreasonable or Unnecessary in the Circumstances of the Case

Compliance with the parking requirements for bicycles and motorcycles is unreasonable or unnecessary in the circumstances of the case for the following reasons:

- The proposal provides for the conversion of the existing dwelling to a boarding house. The ground floor level of the existing building is elevated approximately 2m above the street level and is accessed by a narrow stair and verandah at the front of the site.
- The building comprises a 3 storey terrace building which is sited up to the common side boundaries of the site which prevents any access to the rear yard other than through the building.
- It is not physically possible to provide any onsite parking for bicycles and motorcycles.
- The subject site is located in Crown Street, near the corner of Oxford Street and there are many opportunities for the residents from the proposed boarding house to access shopping and services within walking distance of the premises or by way of public transport.
- There are a number of private companies that provide affordable bicycle hire within the City of Sydney limits.

Given the above, it is considered that it is unreasonable and unnecessary for the standard to be strictly applied in this instance.

The Environmental Planning Grounds which Justify Contravening the Development Standards in Clause 30(h) of SEPP (Affordable Rental Housing) 2009

Sufficient environmental planning grounds exist to justify departure from the development standard on this occasion in that:

- There is not sufficient room on the site to provide bicycle and motorcycle parking due to the nature of the existing development.
- There is sufficient means of transport available in the locality to cater for the needs of the limited number of people that will be accommodated in the building.

The Public Interest, Consistency within the aims of SEPP (Affordable Rental Housing) 2009

The proposed development is consistent with the aims of SEPP (Affordable Rental Housing) 2009 and the relevant provisions of the SEPP that have been varied.

Conclusion

The proposed development is consistent with the objectives of SEPP (Affordable Rental Housing) 2009 in providing an appropriate degree of flexibility in the application of certain development standards to a particular development.

A review of this proposal in accordance with the requirements of SEPP (Affordable Rental Housing) 2009 indicates that in this instance:

1. Strict compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;
2. There are sufficient environmental planning grounds to justify contravening the development standard;
3. The proposed development will be in the public interest; and
4. Departure from the standards on this occasion will achieve a better outcome for and from the proposed development, will not raise any matter of significance for State or Regional environmental planning and no particular public benefit will be served by maintaining the standard.

Therefore, the justification for departure from the development standard in SEPP (Affordable Rental Housing) 2009 is worthy of support.



Tony Tuxworth

Grad Dip Urban and Regional Planning, MPIA

Item 4.**Development Application: 34 Charles Street, Forest Lodge**

File No: D/2018/734

Summary**Date of Submission:** 3 July 2018**Applicant:** Jeff Karskens Designer**Architect:** Jeff Karskens Designer**Developer:** Ms Amanda Allen and Mr Adrian McKeown**Owner:** Ms Amanda Allen and Mr Adrian McKeown**Cost of Works:** \$207,763.17**Zoning:** R1 General Residential. Attached dwellings are permissible with consent.**Proposal Summary:** Alterations to the existing two storey attached terrace dwelling including a two storey rear addition.

The application is referred to the Local Planning Panel for determination as the landowner to which development consent is sought is a member of council staff who is principally involved in the exercise of council's functions under the Environmental Planning and Assessment Act 1979.

The application has been independently assessed in accordance with Council's Practice Note for the external assessment of development applications where the applicant/landowner is a member of council staff. The independent assessment is listed as Attachment A recommending approval subject to conditions of consent (Attachment B).

The application was notified for a period of 14 days from 11 July to 26 July 2018. In response to the notification period no submissions were received.

Summary Recommendation: The development application is recommended for approval, subject to conditions.

- Attachments:**
- A. Independent Assessment Report prepared by External Planning Consultant.
 - B. Recommended Conditions of Consent
 - C. Selected Drawings

Recommendation

It is resolved that consent be granted to Development Application No. D/2018/734, subject to the conditions set out in Attachment B to the subject report, in accordance with the Independent Assessment Report prepared by Helena Miller (Consulting Planner, MG Planning Pty Ltd), shown at Attachment A to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The proposal is consistent with the development standard and zone objectives of the Sydney Local Environmental Plan 2012 in that it presents a compliant building height, bulk and scale of development; and
- (B) The proposal is acceptable with respect to the objectives and controls contained within the Sydney Development Control Plan 2012 in that it presents a development that does not detract from the contributory nature of the original building within the heritage conservation area and the rear addition does not present unreasonable residential amenity impacts on surrounding land uses.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

Rene Hayes, Senior Planner

Attachment A

**Independent Assessment Report
Prepared by External Planning Consultant**

Development Application: 34 Charles Street, Forest Lodge**File No: D/2018/734****Summary**

Date of Submission:	3 July 2018
Applicant:	Jeff Karskens Designer
Architect:	Jeff Karskens Designer
Developer:	Ms Amanda Allen and Mr Adrian McKeown
Owner:	Ms Amanda Allen and Mr Adrian McKeown
Cost of Works:	\$207,763.17
Zoning:	R1 General Residential. Attached dwellings are permissible with consent.
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The application was notified for a period of 14 days from 11 July to 26 July 2018. In response to the notification period, no submissions were received.

Summary Recommendation: The development application is recommended for approval, subject to conditions.

Development Controls:

- (i) Sydney Local Environmental Plan 2012 (Gazetted 14 December 2012, as amended)
- (ii) Sydney Development Control Plan 2012 (in force on 14 December 2012, as amended)
- (iii) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

- Attachments:**
- B. Recommended Conditions of Consent
 - C. Selected Drawings

Recommendation

It is resolved that consent be granted to Development Application No. D/2018/734, subject to the conditions set out in Attachment B to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The proposal is consistent with the development standard and zone objectives of the Sydney Local Environmental Plan 2012 in that it presents a compliant building height, bulk and scale of development.
- (B) The proposal is acceptable with respect to the objectives and controls contained within the Sydney Development Control Plan 2012 in that it presents a development that does not detract from the contributory nature of the original building within the heritage conservation area and the rear addition does not present unreasonable residential amenity impacts on surrounding land uses.

Background

The Site and Surrounding Development

1. A site visit was carried out on 14 August 2018.
2. The site has a legal description of Lot C DP 447197 and is commonly known as 34 Charles Street, Forest Lodge.
3. The site is rectangular, with area of approximately 113.8sqm. The site has a 3.85m street frontage to Charles Street and a length of 29.55m. The site is relatively flat with a slope of 0.5m towards Charles Street. The site has a primary street frontage to Charles Street with a right of way easement along the rear boundary 0.99m wide. The proposal does not seek consent for any works in close proximity to the easement. The site is located close to the intersection of Charles Street and Ross Street. A two storey attached terrace house is contained within the site. There are no significant trees located on site or within the Council reserve immediately adjoining the site boundary.
4. Surrounding land uses are residential and education establishments (Forest Lodge Public School). The site is contained within a row of two storey terraces. Terraces on the opposite side of the street are predominately single storey with a three storey residential flat building further to the west along Charles Street. Forest Lodge Public School and associated educational buildings immediately adjoin the site's southern boundary and is located further to the east towards the intersection of Charles and Ross Streets.
5. The site is not a heritage item but is located within the Hereford and Forest Lodge Heritage Conservation Area (C33). The site immediately adjoins heritage item (I633) being the Former house "Briarbank" including interiors to the south and heritage item (I632) including Forest Lodge Public School buildings and interiors, fencing and grounds further to the east located within the Forest Lodge Public School grounds.
6. Photos of the site and surrounds are provided below at Figures 1 to 5, inclusive.



Figure 1: Aerial image of subject site and surrounding area



Figure 2: Site viewed from Charles Street



Figure 3: Looking west along Charles Street



Figure 4: Looking east along Charles Street



Figure 5: Viewed from carpark adjoining to the rear

Proposal

7. The application seeks consent for alterations and additions to the existing two storey attached terrace. The proposal consists of demolition of the rear portion of the existing dwelling and construction of a new two storey addition, as follows:

(a) *Ground Floor*

Demolition of rear portion of existing dwelling and construction of a new rear extension of an additional 3.4 metre depth from existing (3.5 metre including the overhanging roof), constructed to both side boundaries. Modifications will be made to the internal doorways and windows of the existing kitchen and dining rooms to allow access to/from the new construction.

The rear extension will accommodate a family room, kitchen and bathroom/laundry.

A bifold door (2.4 metre high and 2.2 metre wide) and adjacent window is to be installed to the south elevation, providing access to the rear yard.

Construction materials are fibre cement cladding, colorbond steel roof and flashing, and aluminium windows and doors.

Landscaping works to the rear yard include recycled brick steps, paving and garden beds.

(b) *First Floor*

Demolition of south facing wall of existing dwelling and construction of a new rear extension of an additional 4.4 metre depth from existing.

New bedroom and bathroom to be constructed, with a bay window to be installed to the bedroom to the rear facing south elevation and a recessed window to the east elevation. The bathroom will use the existing window to the east elevation.

The breezeway (minimum width 900mm) to the eastern boundary is maintained and a glazed roof installed.

Two new windows (with projecting window frames / privacy screens) to be installed to the east and south elevations, with existing window on eastern elevation retained for the bathroom.

Construction materials are colorbond steel cladding, roof and flashing, with metal framed windows.

8. The application seeks to extend the common boundary wall to the rear along the shared boundary with 32 Charles Street. Owner's consent has been obtained from the neighbour to extend the party wall.
9. The proposal will result in an increase in gross floor area from 83sqm to 116sqm (additional 33sqm).
10. Plans of the proposed development are provided below at Figures 6 to 9, inclusive and a full set of plans is provided at Attachment B.

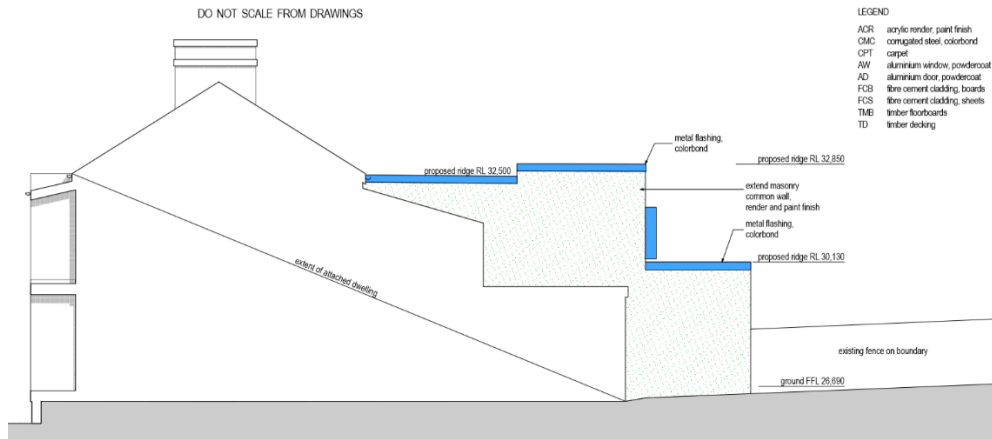


Figure 6: Proposed development - west elevation

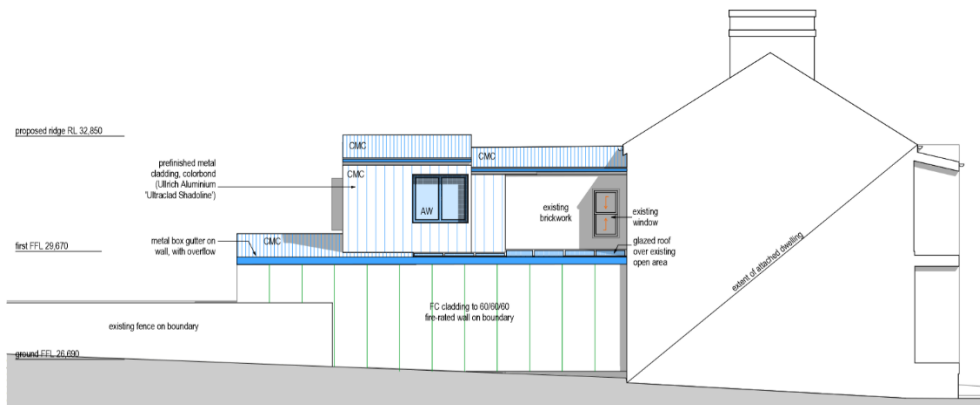


Figure 7: Proposed development - east elevation

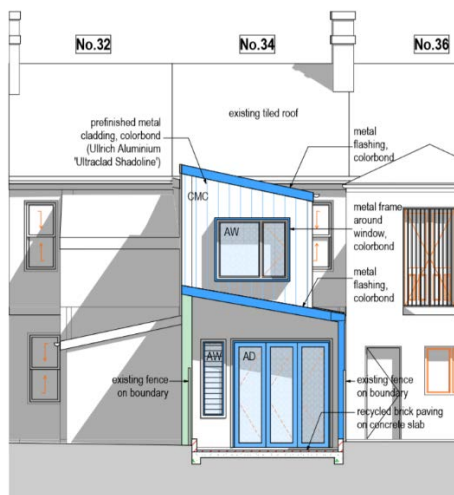


Figure 8: Proposed development - south elevation

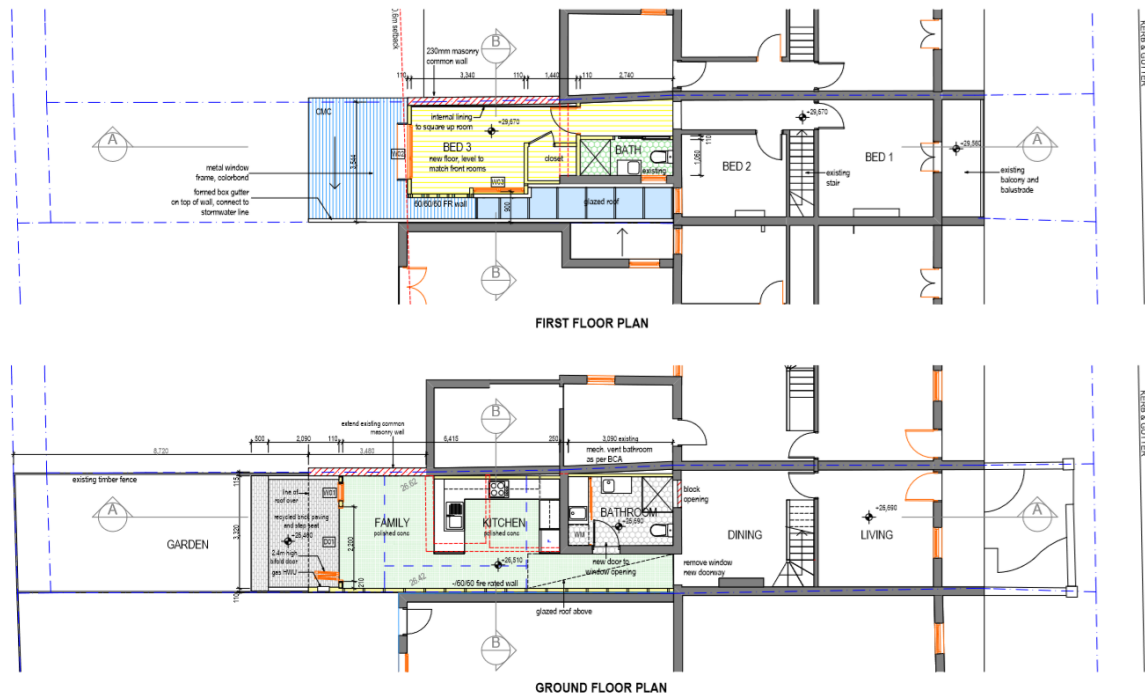


Figure 9: Proposed development - floor plans

History Relevant to the Development Application

11. There are no previous development applications that are relevant to the application.

Economic/Social/Environmental Impacts

12. The application has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:
- Environmental Planning Instruments and DCPs;
 - Likely impacts of the development;
 - Suitability of the site for the development;
 - Any submissions made; and
 - The public interest.

State Environmental Planning Policy No 55—Remediation of Land

13. The aim of SEPP 55 is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed. The likelihood of encountering contaminated land on the subject site is considered to be low given the nature of the works with limited soil disturbance and that the site appears to have been continuously used for residential purposes.

14. On this basis, the site is considered suitable in its present state for the proposed residential development and no further investigations of contamination are considered necessary. Routine investigations for asbestos material are to be undertaken as part of the demolition and construction process and any found materials are to be disposed of in accordance with the relevant WorkCover and EPA guidelines.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP)

15. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP.
16. The Sydney Harbour Catchment Planning Principles must be considered in the carrying out of development within the catchment. The key relevant principles include:
 - (a) protect and improve hydrological, ecological and geomorphologic processes;
 - (b) consider cumulative impacts of development within the catchment;
 - (c) improve water quality of urban runoff and reduce quantity and frequency of urban run-off; and
 - (d) protect and rehabilitate riparian corridors and remnant vegetation.
17. The site is within the Sydney Harbour Catchment and eventually drains into the Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development. The development is consistent with the controls contained with the deemed SEPP.

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

18. The BASIX Certificate has been submitted with the development application.
19. The BASIX certificate lists measures to satisfy BASIX requirements which have been incorporated in the proposal. A condition is recommended ensuring the measures detailed in the BASIX certificate are implemented.

Sydney LEP 2012

20. The site is located within the R1 General Residential zone. The proposed use is defined as an attached dwelling and is permissible.
21. The relevant matters to be considered under Sydney Local Environmental Plan 2012 for the proposed development are outlined below.

Compliance Tables

Development Control	Compliance	Comment
4.3 Height of Buildings	Yes	A maximum height of 9m is permitted. A height of 6.2m is proposed.
4.4 Floor Space Ratio	Yes	A maximum FSR of 1.25:1 is permitted. An FSR of 0.9:1 is proposed.
5.9 Preservation of trees or vegetation	Yes	The proposal is acceptable in terms of tree preservation as the proposal will have no impact on any trees.
5.10 Heritage conservation	Yes	The subject site is located within a heritage conservation area and adjacent to local heritage items to the south and east. The proposal has been reviewed by Council's Heritage Specialist and is generally considered acceptable given the context, and is able to achieve the objective of conserving the significance of the conservation area.

Part 6 Local Provisions - Height and Floor Space	Compliance	Comment
Division 4 Design excellence	Yes	The proposal exhibits design excellence and will complement the existing form of buildings within the heritage conservation area and will further contribute to its character.

Part 7 Local Provisions - General	Compliance	Comment
Division 1 Car parking ancillary to other development	Yes	A maximum of 2 car parking spaces are permitted. No car parking spaces are proposed.
7.14 Acid Sulphate Soils	Yes	The site is identified as containing class 5 Acid Sulphate Soil. The proposal will require only minor soil disturbance and would not require consent for the works under the clause.

Sydney DCP 2012

22. The relevant matters to be considered under Sydney Development Control Plan 2012 for the proposed development are outlined below.

2. Locality Statements – Forest Lodge

The subject site is located in Forest Lodge. The proposed alterations and additions to the attached terrace house are considered to be in keeping with the unique character of the area as a small scale residential area characterised by a fine grain 'single house' scale.

3. General Provisions	Compliance	Comment
3.2 Defining the Public Domain	Yes	The proposal maintains the existing street address, providing a direct line of sight to the entry of the building and providing passive surveillance to the street.
3.6 Ecologically Sustainable Development	Yes	The proposal will not have unacceptable impacts on the environment and satisfies BASIX requirements.
3.7 Water and Flood Management	Yes	The site is not identified as being on flood prone land.
3.9 Heritage	Yes	The existing building is located within a Heritage Conservation Area and immediately adjoins local heritage items (Forest Lodge Public School and the Former house "Briarbank"). The proposed works are located to the rear only and sit well below the ridgeline of the existing dwelling. The rear building line is consistent with other terraces in the row.
3.14 Waste	Yes	A condition has been recommended for the proposed development to comply with the relevant provisions of the City of Sydney Code for Waste Minimisation in New Developments 2005.

4. Development Types 4.1 Single dwellings, terraces and dual occupancies	Compliance	Comment
4.1.1 Building height	Yes	A maximum of two storeys is permitted. The proposed development is two storeys in height.
4.1.2 Building setbacks	Yes	The front setback to Charles Street remains unchanged. The rear setback aligns with the predominant rear building line within the terrace group, in particular it has approximately the same rear setback as recent approvals at 26 and 28 Charles Street (D/2016/591 and RD/2016/1704/A respectively). Refer to Figure 10.
4.1.3 Residential amenity	Yes	The proposed development will have acceptable residential amenity. The proposal allows for solar access to the subject site and adjacent dwellings in accordance with the solar access provisions of the DCP. The site is less than 150sqm in size and is not required to provide a minimum amount of deep soil planting. The proposed development allows for 31.5sqm of primary private open space at ground level meeting the minimum requirement of 16sqm and minimum dimension of 3m, and is directly accessible from the living area. Visual privacy is acceptable given that there are no windows to the west elevation and minimal windows to the east with projecting window frames / privacy screens to be installed.

4. Development Types 4.1 Single dwellings, terraces and dual occupancies	Compliance	Comment
4.1.4 Alterations and additions	Yes	The proposed rear addition does not project beyond the predominant rear building alignment in the terrace group, and in particular it does not extend further than recent approvals at 26 and 28 Charles Street (D/2016/591 and RD/2016/1704/A respectively). Refer to Figure 10. The proposal is of an appropriate scale and appearance in relation to the existing building and the row of terraces. The profile and form of the original building remains discernible.
4.1.9 Car parking	Yes	No car parking currently provided on site. The proposal does not seek to create any parking as part of the proposal.

Existing first floor rear building alignment



Figure 10: Existing first floor rear building alignment including approved first floor rear additions at No. 26 and 28, proposed first floor addition shown in blue

Other Impacts of the Development

23. The proposed development is capable of complying with the BCA.
24. It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

Suitability of the Site for the Development

25. The proposal is of a nature in keeping with the overall function of the site. The premises are in a residential surrounding and amongst similar uses to that proposed.

Internal Referrals

26. The conditions of other sections of Council have been included in the proposed conditions.
27. The application was discussed with the Heritage and Urban Design Specialists; Building Services Unit and Surveyors who advised that the proposal is acceptable subject to the recommended conditions.

External Referrals**Notification, Advertising and Delegation (No Submissions Received)**

28. In accordance with Schedule 1 of the Sydney DCP 2012, the proposed development is required to be notified. As such the application was notified for a period of 14 days between 11 July 2018 and 26 August 2018. No submissions were received.

Public Interest

29. It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

S7.11 Contribution

30. The development is exempt from the provisions of the City of Sydney Development Contributions Plan 2015 as the development is for the alterations and additions to an existing dwelling.

Relevant Legislation

31. The Environmental Planning and Assessment Act 1979.

Conclusion

32. The proposed development is consistent with the development standards and zone objectives of the Sydney Local Environmental Plan 2012 in that it presents a compliant building height, bulk and scale of development.
33. The proposal is acceptable with respect to the objectives and controls contained within the Sydney Development Control Plan 2012 in that it presents a development that does not detract from the contributory nature of the original building within the heritage conservation area and the rear addition does not present unreasonable residential amenity impacts on surrounding land uses;
34. Accordingly, the proposal is recommended for development consent subject to the draft conditions listed in Attachment B.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

Report prepared by: Helena Miller, Independent Planner, MG Planning Pty Ltd

Attachment B

Recommended Conditions of Consent

CONDITIONS OF CONSENT

SCHEDULE 1A

APPROVED DEVELOPMENT/DESIGN MODIFICATIONS/COVENANTS AND CONTRIBUTIONS/USE AND OPERATION

Note: Some conditions in Schedule 1A are to be satisfied prior to issue of any interim for final Construction Certificate and some are to be satisfied prior to issue of any Occupation Certificate, where indicated.

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2018/734 dated 3 July 2018 and the following drawings:

Drawing Number	Architect	Date
A.01	Jeff Karskens Designer	26.06.2018
A.02	Jeff Karskens Designer	26.06.2018
A.3.02	Jeff Karskens Designer	26.06.2018
A.3.03	Jeff Karskens Designer	26.06.2018
A.3.05	Jeff Karskens Designer	26.06.2018
A.4.01	Jeff Karskens Designer	26.06.2018
A.4.03	Jeff Karskens Designer	26.06.2018
A.4.04	Jeff Karskens Designer	26.06.2018
A.5.01	Jeff Karskens Designer	26.06.2018
A.5.02	Jeff Karskens Designer	26.06.2018
A.5.03	Jeff Karskens Designer	26.06.2018
A	Jeff Karskens Designer	26.06.2018

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the drawings will prevail.

(2) DELIMITATION PLAN

- a) Prior to the issue of any approval for demolition or Construction Certificate, the initial boundary definition survey work necessary for the preparation of a delimitation plan redefining the boundaries of the subject site shall be carried out by a surveyor registered under the Surveying and Spatial Information Act, 2002. The registered surveyor shall provide a letter to the Principal Certifier, certifying that the initial survey work and calculations to define the subject boundaries has been completed, prior to the issue of the Construction Certificate, and provide the redefined boundaries in both hard copy and digital CAD format to the project architect.
- b) Prior to the issue of any Construction Certificate, the project architect shall incorporate the redefined boundaries into the architectural plans, and ensure the position of the building is spatially correct in relation to the redefined site boundaries, incorporating the modifications required in the design modification condition below. The project architect shall provide a letter to the Principal Certifier prior to the issue of the Construction Certificate, certifying that the requirements of this condition have been complied with.
- c) Prior to the issue of any Interim or Final Occupation Certificate, the delimitation plan shall be completed and lodged with the Office of NSW Land Registry Services, showing the new components of the building and creating any easements as necessary. The extension to the party wall at the rear, and all new components to the existing party walls shall be noted on the delimitation plan as party walls, in order to exercise the provisions of Section 88BB of the *Conveyancing Act 1919* and create the required reciprocal Easements for Support. Evidence of lodgement of the delimitation plan shall be supplied to the Principal Certifier prior to the issue of any Interim or Final Occupation Certificate. It should be noted that the delimitation plan will remove the limitation from the title upon registration of the plan.

(3) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) The plans must incorporate the redefined boundaries referred to in condition (1) above.
- (b) The project architect shall amend the architectural plans to correctly show the width of the existing 0.115 wide party walls at the correct scale along the southern boundary, so to provide the correct information for the structural engineer providing certification.
- (c) The proposed new internal walls within the bathroom and kitchen areas shall be of masonry construction, and shown abutting the existing single brick 0.115 metre wide party walls to properly support the proposed new double brick wall above.

The survey plan and modifications are to be incorporated into the Construction Certificate.

SCHEDULE 1B

PRIOR TO CONSTRUCTION CERTIFICATE/COMMENCEMENT OF WORK/HEALTH AND BUILDING

(4) BASIX CERTIFICATE – DETAILS TO BE LODGED WITH A CC

A copy of the required completed BASIX certificate accepted as part of this Development Consent with respect to the proposed residential building works, must be lodged with an application for a construction certificate and the items nominated as part of the subject BASIX certificate must be specified on the plans submitted with the construction certificate application. – See Note.

IMPORTANT NOTE:

Any requirement detailed in the accompanying BASIX Certificate, MUST be included as a specific notation or inclusion on any future Construction Certificate plans and specification in accordance with Part 3 of Schedule 1 of the EP&A Regulation, 2000.

(5) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

All proposed work must comply with the *Building Code of Australia* (BCA).

(6) FLASHINGS TO BOUNDARY WALLS

A flashing must be provided to prevent water entering between the proposed and existing external boundary walls of the adjoining properties.

Note: Attachments or connections to party walls may require the consent of the adjoining property owner/s.

(7) STRUCTURAL CERTIFICATION FOR EXISTING BUILDING – ALTERATIONS AND ADDITIONS

A qualified practising certified structural engineer must provide structural certification to Council (where Council is the Principal Certifier) verifying that the existing structure can adequately support the proposed new loads and the structural design complies with the Structural Provisions of Part B1 (Vol 1) and Part 2.1 (Vol 2) of the *Building Code of Australia* prior to a Construction Certificate being issued. The proposed additional loads and/or alterations must not cause a decrease in the existing structural performance of the building including its performance under earthquake actions (AS1170.4).

(8) STRUCTURAL CERTIFICATION FOR PARTY WALLS

Prior to a Construction Certificate being issued, a certificate from a qualified practising structural engineer in accordance with Clause A2.2(a)(iii) of the *Building Code of Australia* must be submitted to the satisfaction of Council (where Council is the Principal Certifier). The Certificate must verify the structural integrity of the existing 'Party Wall(s)' as consequence of the additional loads imposed thereon by the proposal.

(9) DILAPIDATION REPORT – MINOR

Subject to the receipt of permission of the affected landowner, dilapidation report/s of adjoining buildings are to be prepared by an appropriately qualified practising structural engineer and submitted for the approval of the Principal Certifier:

- (a) prior to the commencement of demolition/excavation works; and
- (b) on completion of construction demolition/excavation works.

(10) EROSION AND SEDIMENT CONTROL - LESS THAN 250SQM

Where less than 250 square metres are being disturbed, no formal plan is required however, the site is to be provided with sediment control measures and these must be implemented so that sediment, including soil, excavated material, building material or other materials cannot fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways.

(11) PUBLIC DOMAIN DAMAGE DEPOSIT

A Public Domain Damage Deposit calculated on the basis of 3.85 lineal metres of concrete site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.

The guarantee must be lodged with Council prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier.

The Bank Guarantee will be retained in full until the final Occupation Certificate has been issued and any rectification works to the footway and Public Domain are completed to Council's satisfaction. On satisfying the above requirements 90% of the total securities will be released, with the remaining 10% to be retained for the duration of the 12 months Defect Liability Period.

(12) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN

Prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction.

The recording must include clear images of the building facade adjoining the footpath, the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street.

The form of the recording is to be as follows:-

- (a) A PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;

- (b) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;
- (c) Each image is to be numbered and cross referenced to a site location plan;
- (d) A summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record;
- (e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must immediately be made safe and functional by the applicant. Damage must be fully rectified by the applicant in accordance with the City's standards prior to a Certificate of Completion being issued for Public Domain Works or before an Occupation Certificate is issued for the development, whichever is earlier.

(13) PRESERVATION OF SURVEY MARKS

All works in City streets must ensure the preservation of existing permanent survey marks (a brass bolt, or a lead plug holding a brass tack, covered by a cast iron box). At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Project Manager Survey / Design Services to arrange for the recovery of the mark.

Prior to the issue of a Construction Certificate, a survey plan, clearly showing the location of all permanent survey marks fronting the site and within 5 metres on each side of the frontages must be submitted to Council.

At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Senior Surveyor to arrange for the recovery of the mark.

A fee must be paid to the Council for the replacement of any permanent survey mark removed or damaged in accordance with the City's Schedule of Fees and Charges (Reinstatement of Survey Box).

(14) PROTECTION OF STONE KERBS

- (a) The existing stone kerbs on the Charles Street frontage of the site are to be retained and properly protected during excavation and construction works.

- (b) To avoid damage to stone kerbs during excavation and construction works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (i.e. those that are in good condition as agreed by Council officers) must be re-installed in accordance with the City of Sydney's standard details and specifications after the construction works have been completed.
Note: A temporary concrete kerb will need to be constructed to retain the footpath until the stone kerbs can be reinstalled. The removed stone kerbs are to be reinstalled prior to the issue of an Occupation Certificate.
Note: all costs associated with the works are to be at no cost to the Council.
- (c) Damaged kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council officers.
- (d) Where new crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.
- (e) All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers. All unused stone kerbs are to be salvaged and returned to the City's store.
- (f) Council approval is required before kerbs are removed.
- (g) Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.

(15) PROTECTION OF SURVEY INFRASTRUCTURE

Prior to the commencement of any work on site, a statement prepared by a Surveyor registered under the *Surveying Act 2002* must be submitted to Council verifying that a survey has been carried out in accordance with the Surveyor General's Direction No. 11 – Reservation of Survey Infrastructure. Any Permanent Marks proposed to be or have been destroyed must be replaced, and a "Plan of Survey Information" must be lodged at the Land and Property Management Authority.

Reason: To ensure that the survey control infrastructure and cadastral framework are preserved for the public benefit and in accordance with the *Surveying Act 2002*.

(16) STORMWATER AND DRAINAGE - MINOR DEVELOPMENT

- (a) The drainage system is to be constructed in accordance with the City's standard requirements as detailed in the City of Sydney's Stormwater Drainage Manual, as amended from time to time.

The development is to be designed so that the flow of pollutants from the site due to stormwater is reduced.

(17) ASBESTOS REMOVAL WORKS

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Safework NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal Licence which ever applies.

A copy of the relevant licence shall be made available to any authorised Council officer on request within 24 hours.

- (b) All work must be carried out in accordance with the *Work Health and Safety Regulation 2011* and the NSW Government and Work Cover document entitled *How to manage and control asbestos in the work place: Code of Practice (Safework NSW) December 2011* and the *City of Sydney Managing Asbestos Policy dated 21 October 2013 and associated guidelines*.

(18) WASTE AND RECYCLING MANAGEMENT - MINOR

The proposal must comply with the relevant provisions of Council's *Policy for Waste Minimisation in New Developments 2005* which requires facilities to minimise and manage waste and recycling generated by the proposal.

(19) SYDNEY WATER CERTIFICATE (TAP-IN)

- (a) The approved plans must be submitted to Sydney Water's "Tap-in" online service 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. Sydney Water's "Tap-in" online service is available at www.sydneywater.com.au, (see Plumbing, Building & Development and then Sydney Water "Tap-in").
- (b) The Consent Authority or a Principal Certifier must ensure that Sydney Water has appropriately stamped the plans before the commencement of work.

(20) WORKS REQUIRING USE OF A PUBLIC PLACE

Where construction/building works require the use of a public place including a road or footpath, approval under Section 138 of the *Roads Act 1993* is to be obtained from Council prior to the commencement of work. Details of any barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

SCHEDULE 1C DURING CONSTRUCTION/PRIOR TO OCCUPATION/COMPLETION

(21) BASIX

All commitments listed in each relevant BASIX Certificate for the development must be fulfilled prior to an Occupation Certificate being issued.

(22) HOURS OF WORK AND NOISE – OUTSIDE CBD

The hours of construction and work on the development must be as follows:

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.
- (c) Notwithstanding the above, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a permit being issued by Council under Section 68 of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Unit, prior to works proceeding

The *City of Sydney Code of Practice for Construction Hours/Noise 1992* allows extended working hours subject to the approval of an application in accordance with the Code and under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

(23) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

A site notice is to be prominently displayed at the boundary to each frontage of the site for the purposes of informing the public of appropriate project details and relevant approvals. The notice(s) is to satisfy all of the following requirements:

- (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;
- (c) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;

- (d) The approved hours of work, the Principal Certifier including contact address and certification details, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint, and the estimated date of completion of the project are to be displayed on the site notice;
- (e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is also to state that unauthorised entry to the site is not permitted.
- (f) All notices and signs must be displayed in locations as specified in the City's Guidelines for Hoardings and Scaffolding.

(24) ENCROACHMENTS – NEIGHBOURING PROPERTIES

No portion of the proposed structure shall encroach onto the adjoining properties.

(25) ENCROACHMENTS – PUBLIC WAY

No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

(26) SURVEY

All footings, walls and floor slabs adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report, prepared by a Registered Surveyor, must be submitted to the Principal Certifier indicating the position of external walls in relation to the boundaries of the allotment. Any encroachments by the subject building over adjoining boundaries or roads must be removed prior to continuation of building construction work.

(27) SURVEY CERTIFICATE AT COMPLETION

A Survey Certificate prepared by a Registered Surveyor must be submitted at the completion of the building work certifying the location of the building in relation to the boundaries of the allotment.

(28) OCCUPATION CERTIFICATE TO BE SUBMITTED

An Occupation Certificate must be obtained from the Principal Certifier and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

(29) NO OBSTRUCTION OF PUBLIC WAY

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

(30) USE OF MOBILE CRANES

The following requirements apply:

- (a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (b) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (c) The use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of approved hours of construction can occur, subject to a permit being issued by Council under Section 68 of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993.

SCHEDULE 2

PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2000* apply:

Clause 98 Compliance with *Building Code of Australia* and insurance requirements under the *Home Building Act 1989*

Clause 98A Erection of signs

Clause 98B Notification of *Home Building Act 1989* requirements

Clause 98C Conditions relating to entertainment venues

Clause 98D Conditions relating to maximum capacity signage

Clause 98E Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 8A of the *Environmental Planning and Assessment Regulation 2000*. This can be accessed at: <http://www.legislation.nsw.gov.au>

Attachment C

Selected Drawings

PROPOSED ADDITIONS AND ALTERATIONS TO 34 CHARLES ST, FOREST LODGE DEVELOPMENT APPLICATION

BASIS COMMITMENTS; FITTINGS AND FIXTURES

Hot water	The applicant must install the following hot water system in the development, gas instantaneous.
Lighting	The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.
Fixtures	The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating. The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating. The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating.

BASIS COMMITMENTS; CONSTRUCTION

Construction	Additional insulation required (R-value)	Other specifications
concrete slab on ground floor.	nil	
floor above existing dwelling or building.	nil	
external wall framed (weatherboard, fibre, metal clad)	R1.30 (or R1.70 including construction)	
external wall cavity brick	nil	
raked ceiling, pitched/skillion roof: framed	ceiling: R0.50 (up), roof: full barked blanket (75 mm)	light (solar absorptance < 0.475)

BASIS COMMITMENTS; GLAZING

Window / door no.	Orientation	Area of glass frame (m ²)	Overshading Height (m)	Distance (m)	Shading device	Frames and glass type
D1	S	5.3	0	0	eave/verandah/bergola/balcony >=900 mm	improved aluminium, single toned, (U-value: 6.39, SHGC: 0.86)
W1	S	0.85	0	0	eave/verandah/bergola/balcony >=900 mm	improved aluminium, single toned, (U-value: 6.39, SHGC: 0.86)
W2	S	2	0	0	eave/verandah/bergola/balcony >=450 mm	improved aluminium, single toned, (U-value: 6.39, SHGC: 0.86)
W3	E	1.95	2	0.9	eave/verandah/bergola/balcony	improved aluminium, single toned,

Glazed roof glazing requirements

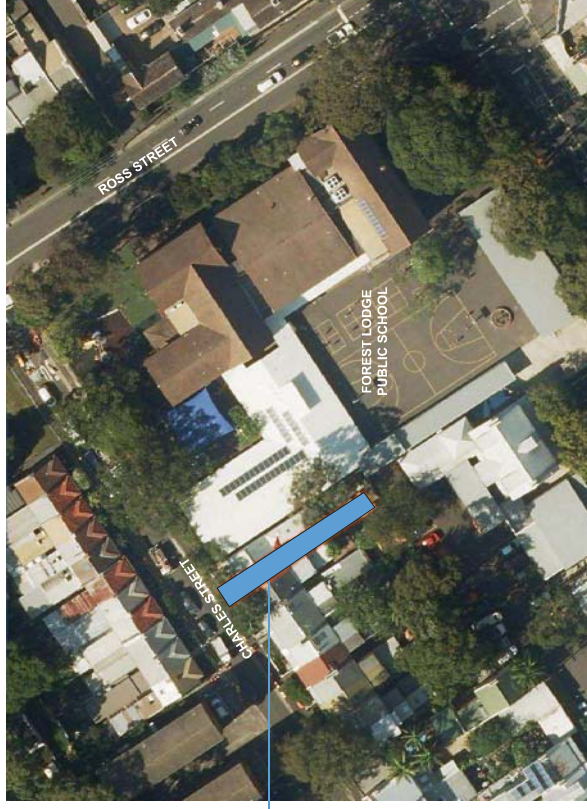
Glazed roof number	Area of glazing (m ²)	Shading device	Glass type
G1	4	no shading	timber or uPVC, single pyrolytic low-e, (U-value: 3.99, SHGC: 0.4)

DRAWING LIST

A.01	COVERSHEET, DRAWING LIST
A.02	SITE ANALYSIS
A.03.1	GROUND FLOOR PLAN
A.03.2	FIRST FLOOR PLAN
A.03.3	ROOF PLAN, SITE PLAN
A.03.4	AREA CALCULATIONS
A.03.5	SITE MANAGEMENT PLAN
A.04.1	NORTH AND WEST ELEVATIONS
A.04.2	SOUTH AND WEST ELEVATIONS
A.04.3	SECTIONS
A.04.4	EXTERNAL FINISHES SCHEDULE
A.05.1	SOLAR ACCESS DIAGRAM, JUNE 21, 9AM, 10AM, 11AM
A.05.2	SOLAR ACCESS DIAGRAM, JUNE 21, 12PM, 1PM, 2PM
A.05.3	SOLAR ACCESS DIAGRAM, JUNE 21, 3PM



INDICATIVE REAR VIEW



SUBJECT SITE:
34 CHARLES ST,
FOREST LODGE



LOCATION PLAN (NTS)

JK
JEFF KARSSENS DESIGNER
studio 9, level 2, 151 Foreaux St, Surry Hills
jeff@karskens.com.au
m. 0435 557 957

project
34 Charles Street
Forest Lodge
Lot C DP 447197

client
McKeown

COVERSHEET, DRAWING LIST,
LOCATION PLAN

project status
Development Application

drawn JK
date 26.06.2018
scale 1:100
drawing Number A 01
revision -

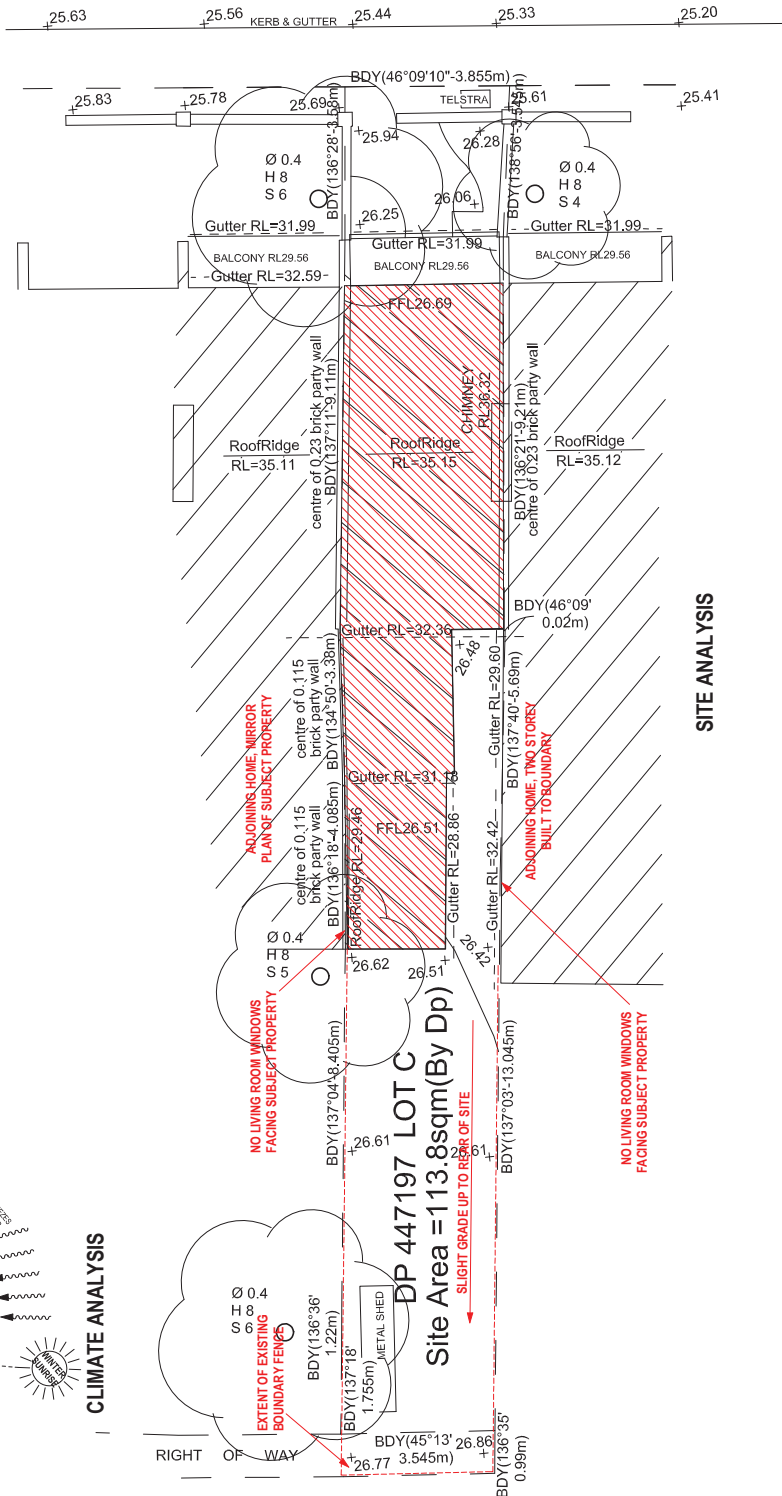
SUBJECT PROPERTY IS ONE OF A SERIES OF VICTORIAN ERA TERRACE HOMES, ALL IN NEAR ORIGINAL CONDITION POSSESSING HIGH HISTORIC HERITAGE VALUE OF FOREST LODGE.

ORNATE BALUSTRADES, TIMBER DOUBLE HUNG WINDOWS, MULTIPANE FRONT DOOR AND OPEN BALCONY ARE ALL ORIGINAL OF QUALITY REPRODUCTION.

NO WORK TO FACADE, CHIMNEY OR PRIMARY ROOF PROPOSED

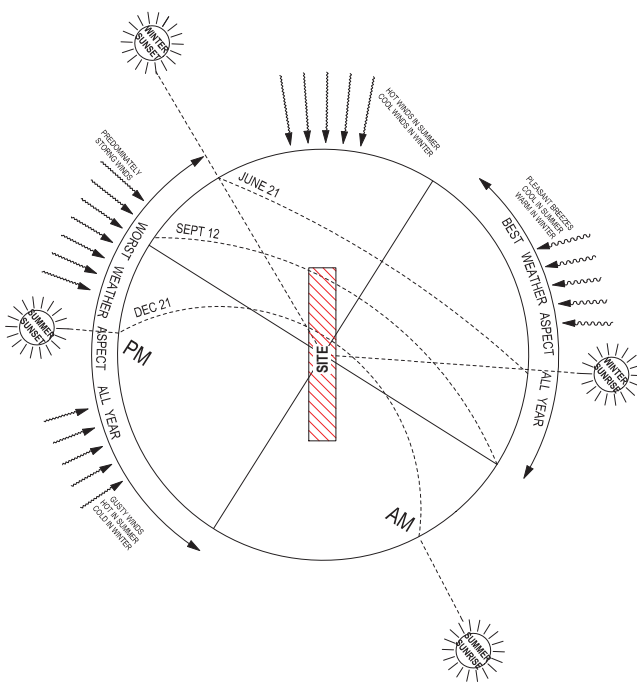


STREETSCAPE ANALYSIS



CHARLES

STREET



CLIMATE ANALYSIS

project status: Development Application
 client: McKeown
 project: 34 Charles Street Forest Lodge Lot C DP 447197
 drawing title: SITE ANALYSIS
 date: 26.06.2018
 drawing Number: A 02
 scale: 1:100
 revision: -

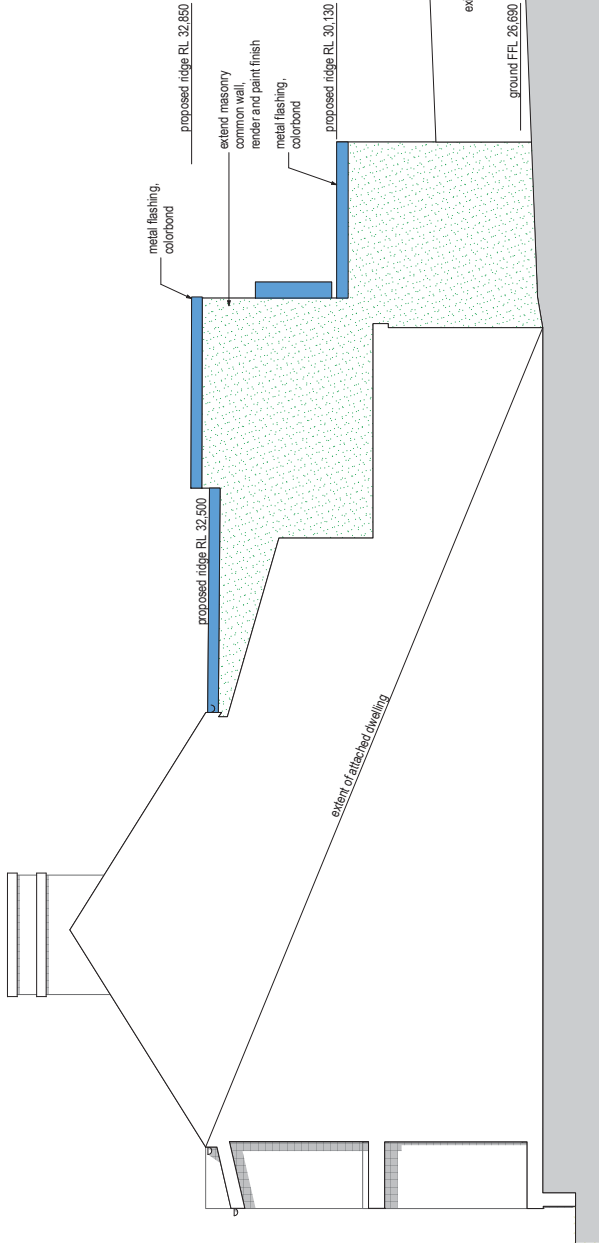
JK
 JEFF KARSSENS DESIGNER
 studio 9, level 2, 151 Foveaux St, Surry Hills
 jeff@karskens.com.au
 m.0465 957 957

DATE: 26.06.2018
 REVISION: -

DO NOT SCALE FROM DRAWINGS

LEGEND

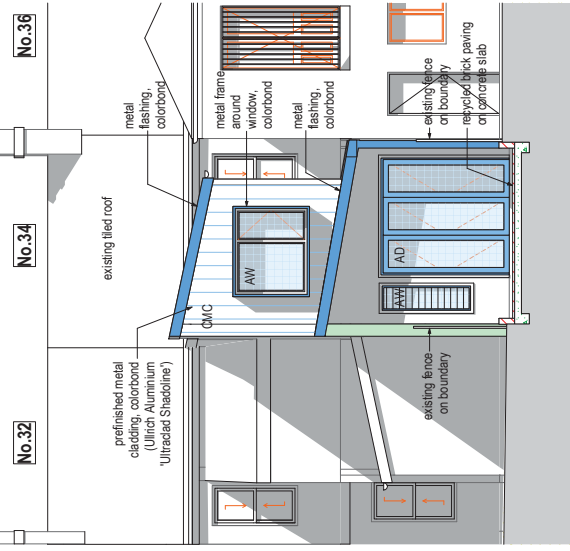
- ACR acrylic render, paint finish
- CMC corrugated steel, colorbond
- CPT carpet
- AW aluminum window, powdercoat
- AD aluminum door, powdercoat
- FCB fibre cement cladding, boards
- FCS fibre cement cladding, sheets
- TMB timber floorboards
- TD timber decking



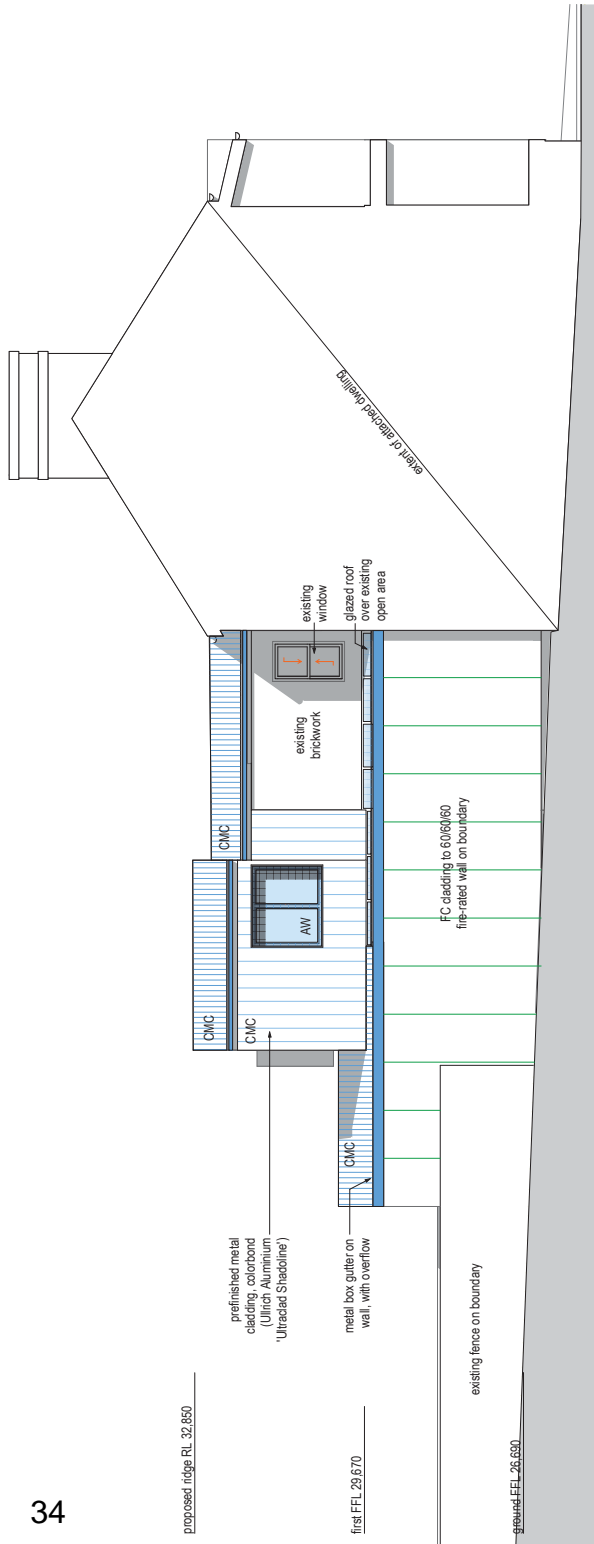
WEST ELEVATION

NORTH (CHARLES STREET) ELEVATION

no work proposed, no proposed work visible



SOUTH ELEVATION



WEST ELEVATION

<p>client McKeown</p> <p>drawing title NORTH AND WEST ELEVATIONS</p>	<p>project 34 Charles Street Forest Lodge Lot C DP 447197</p>	<p>project status Development Application</p>	
		<p>drawn JK</p>	<p>date 26.06.2018</p>
<p>JEFF KARSSENS DESIGNER studio 9, level 2, 151 Foreaux St, Surry Hills jef@karskens.com.au m. 0438 557 957</p>		<p>scale 1:100</p>	<p>drawing Number A 4.01</p>
<p>0 1 2 4 6m</p>		<p>date 26.06.2018</p>	<p>revision -</p>

roof cladding, wall cladding,
flashings, gutters and downpipes:
Colorbond® Surfistm1® matt



A

door frames, window frames,
window surround:
Powdercoat® Chiarcoal® matt



B

render and painted walls:
Dulux® WeatherShield® Wayward Grey



C



exterior paving and step seat:
recycled brick



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project
34 Charles Street
Forest Lodge
Lot C DP 447197

client
McKeown
drawing title
EXTERNAL FINISHES SCHEDULE

project status
Development Application
drawn JK
date 26.06.2018
scale 1:100
drawing Number A 4.04
revision -

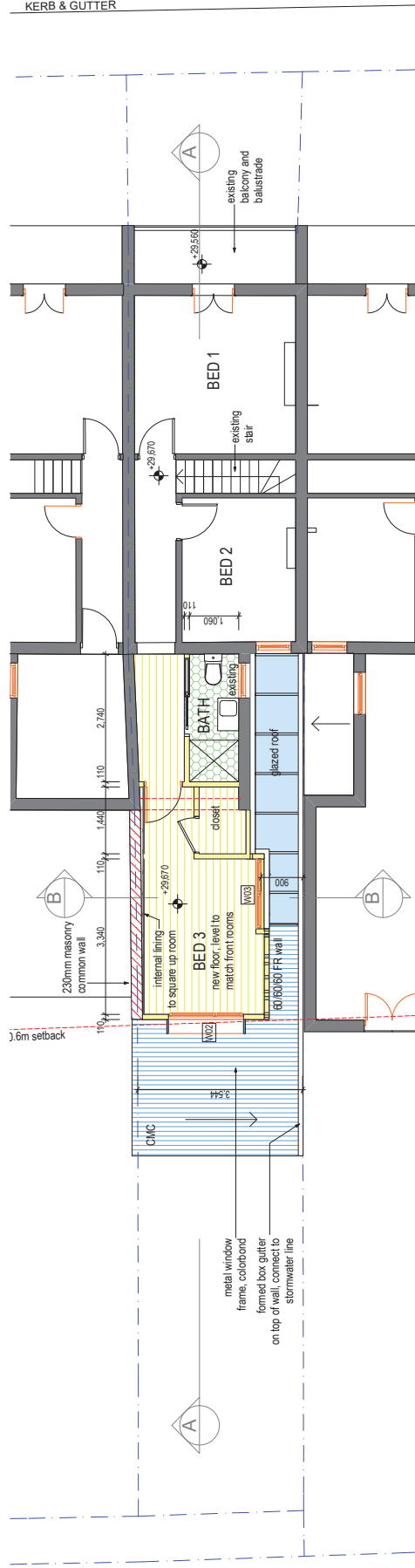


26.06.2018
date

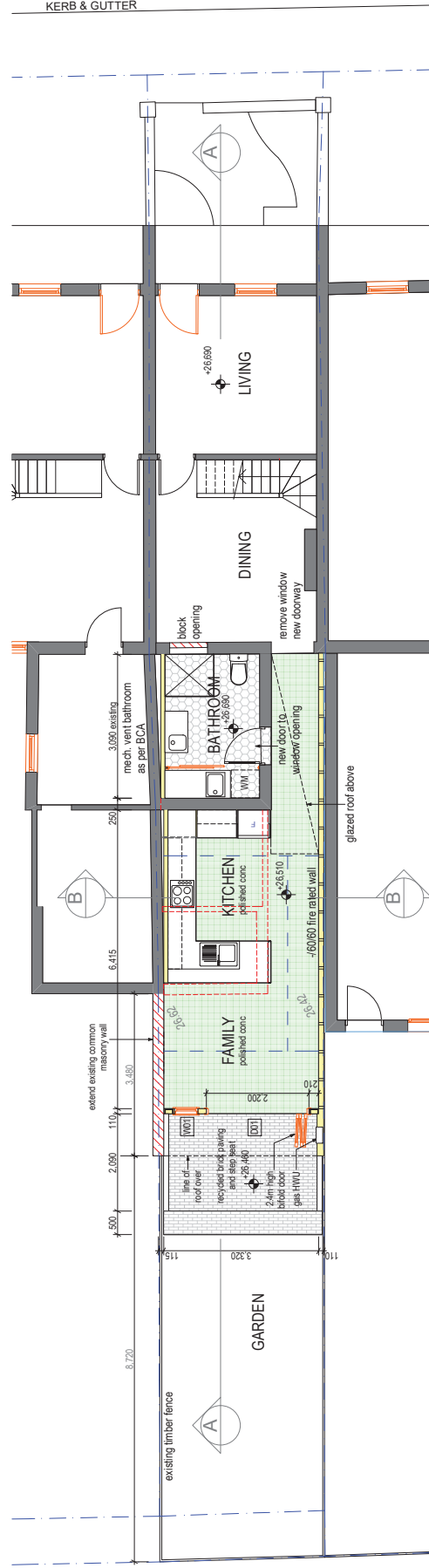
26.06.2018
revision

DO NOT SCALE FROM DRAWINGS

- LEGEND
- ACR acrylic render, paint finish
 - CMC corrugated steel, colorbond
 - CPT carpet
 - AW aluminium window, powdercoat
 - AD aluminium door, powdercoat
 - FCS fibre cement cladding, boards
 - TMB timber floorboards
 - TD timber decking



FIRST FLOOR PLAN



GROUND FLOOR PLAN

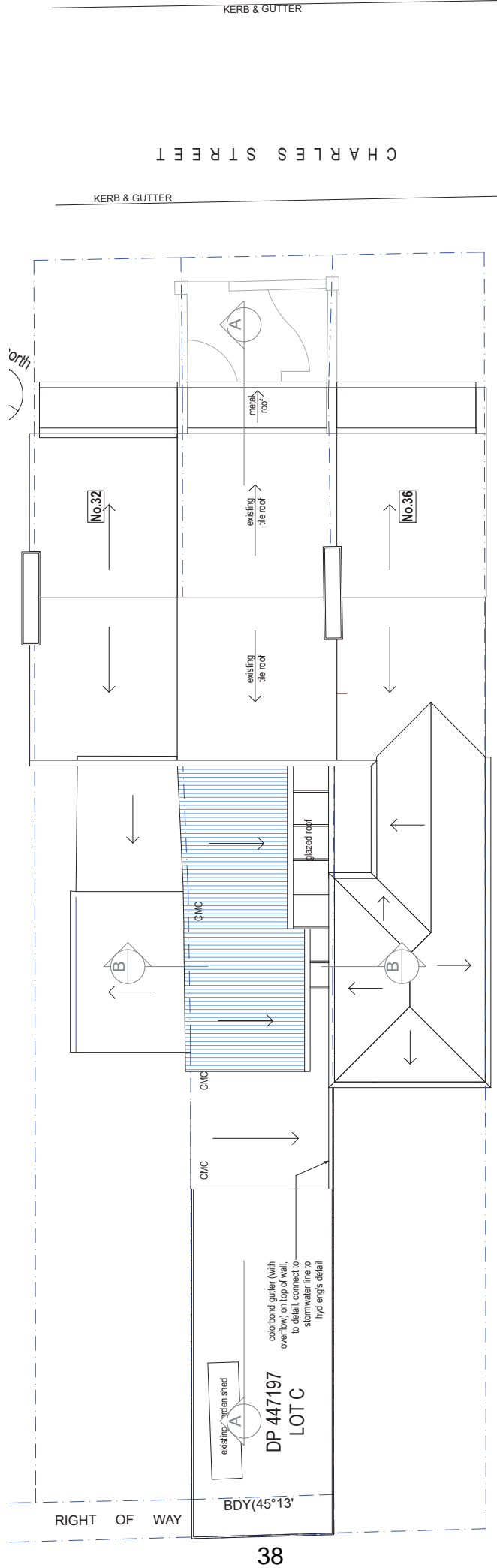
 <p>JEFF KARSKENS DESIGNER studio 9, level 2, 151 Foreaux St, Surry Hills jeff@jksdesigner.com.au m. 0435 557 957</p>	<p>client McKeown drawing title FLOOR PLANS</p>	<p>project status Development Application</p>
	<p>34 Charles Street Forest Lodge Lot C DP 447197</p>	<p>drawn JK</p>
<p>revision 1</p>	<p>scale 1:100</p>	<p>drawing Number A 3.02</p>



DO NOT SCALE FROM DRAWINGS

LEGEND

- ACR acrylic render, paint finish
- CMC corrugated steel, colorbond
- CPT carpet
- AW aluminium window, powdercoat
- AD aluminium door, powdercoat
- FCS fibre cement cladding, boards
- TMB timber floorboards
- TD timber decking



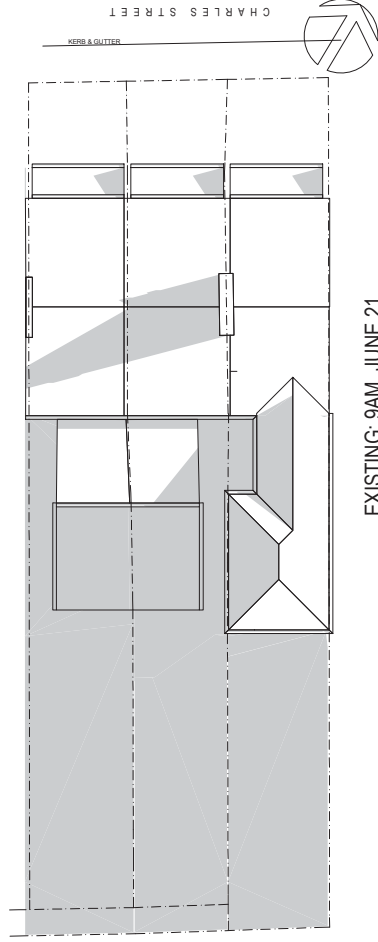
project 34 Charles Street Forest Lodge Lot C DP 447197	client McKeown drawing title ROOF AND SITE PLAN	project status Development Application	date 26.06.2018	drawing Number A 3.03	revision -
		drawn JK	scale 1:100		

0 1 2 4 6m

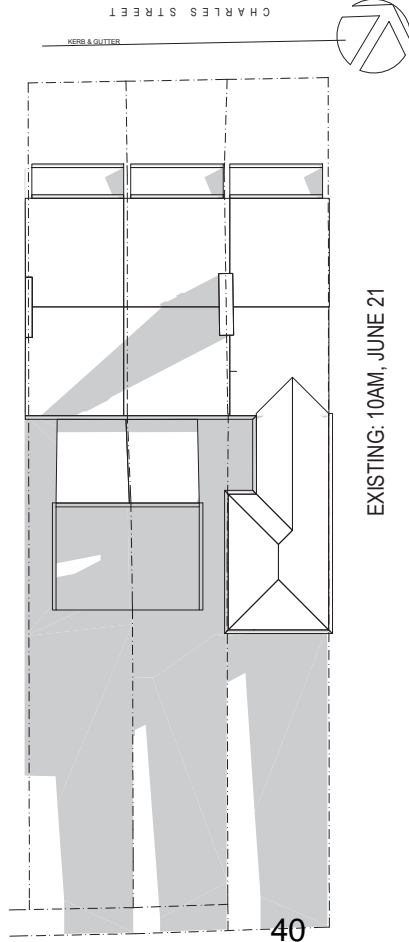
26.06.2018
date

REVISION

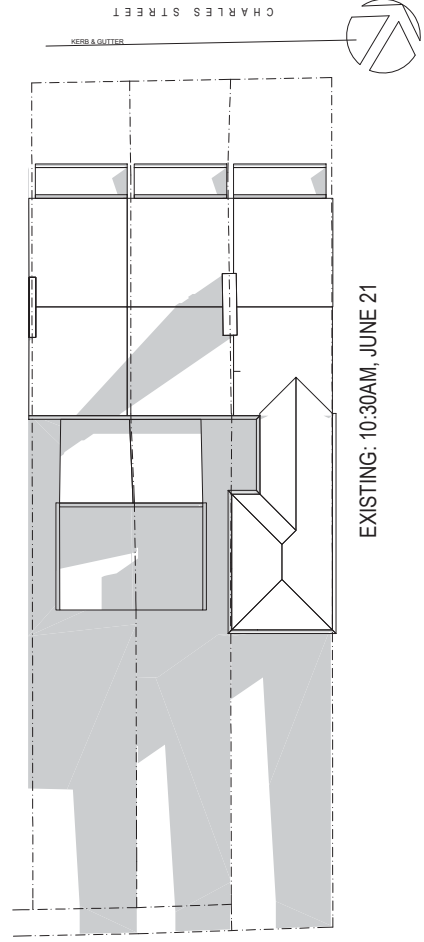
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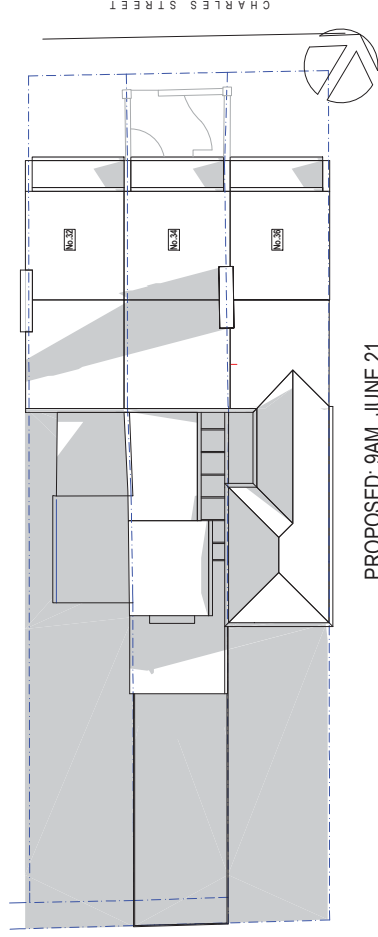
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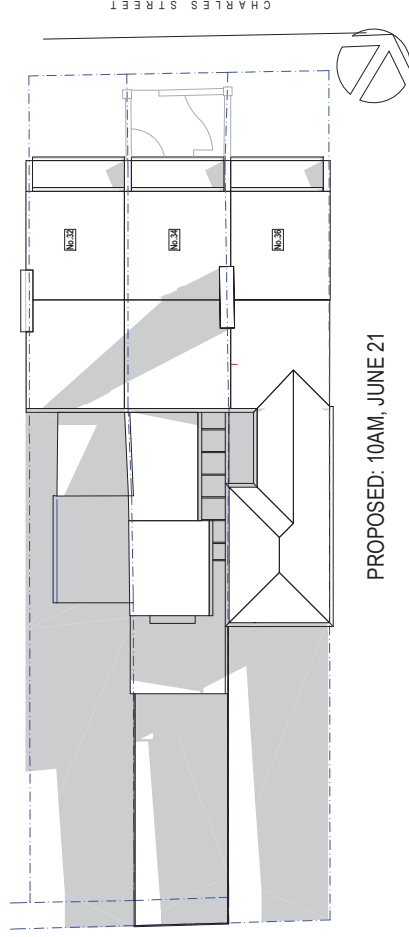
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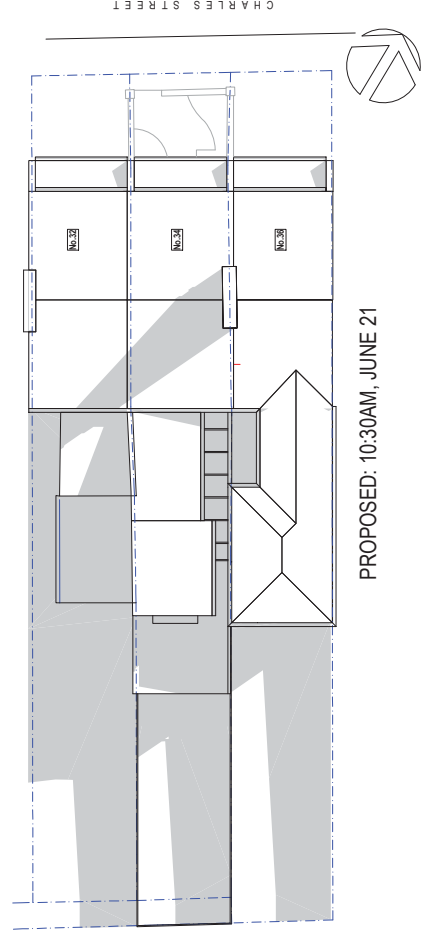
EXISTING: 10:30AM, JUNE 21



PROPOSED: 9AM, JUNE 21



PROPOSED: 10AM, JUNE 21



PROPOSED: 10:30AM, JUNE 21



26.06.2018
date

reVISION



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project
34 Charles Street
Forest Lodge
Lot C DP 447197

client
McKeown

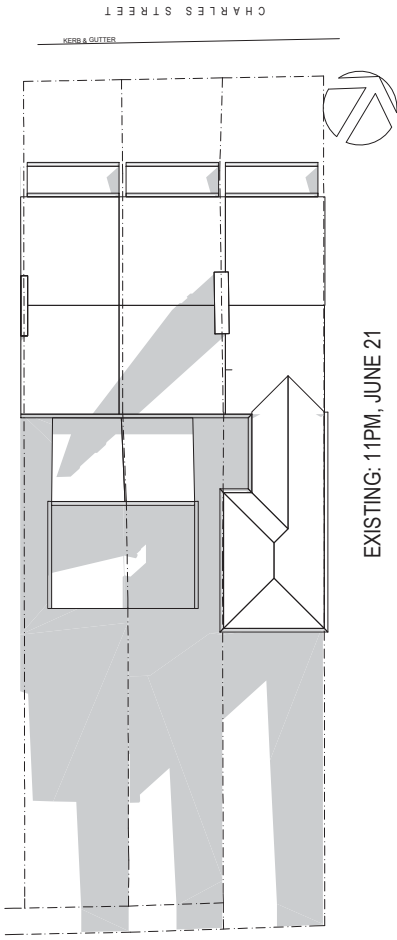
drawing title
SOLAR ACCESS DIAGRAMS
June 21, 9am, 10am, 10:30am

drawn JK
scale 1:200

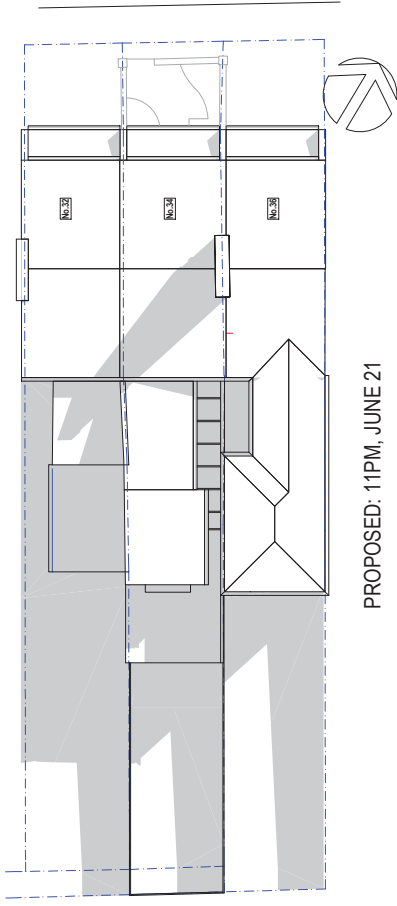
project status
Development Application

date 26.06.2018
drawing Number A 5.01
revision

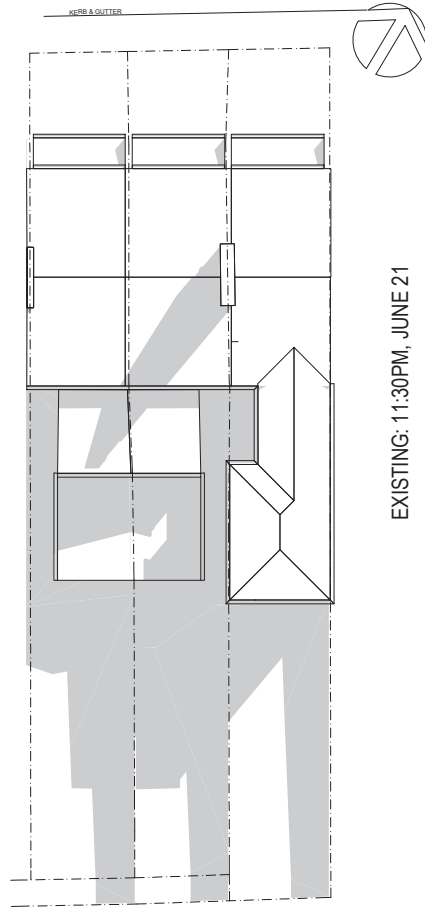
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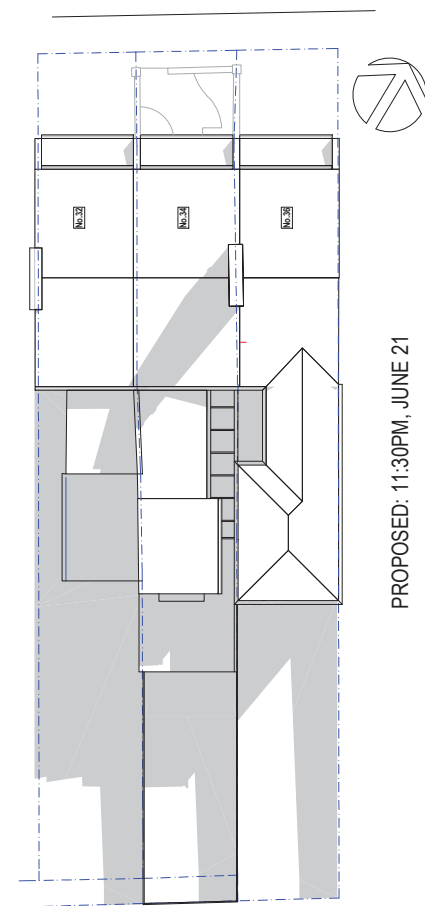
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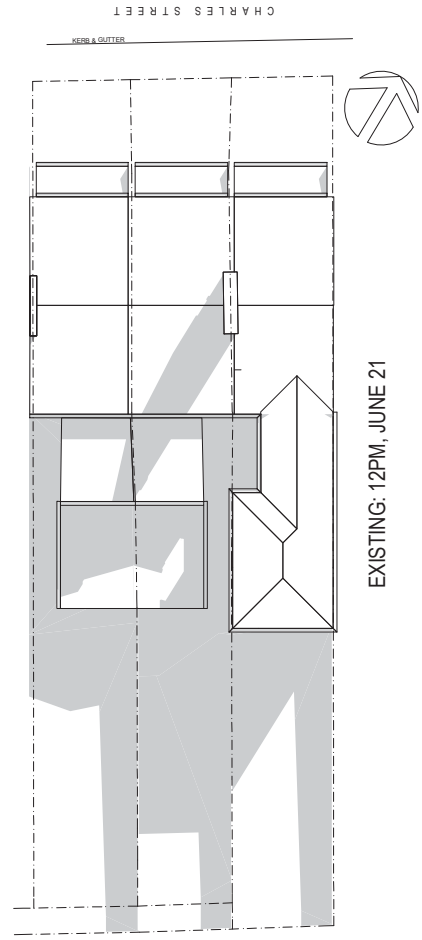
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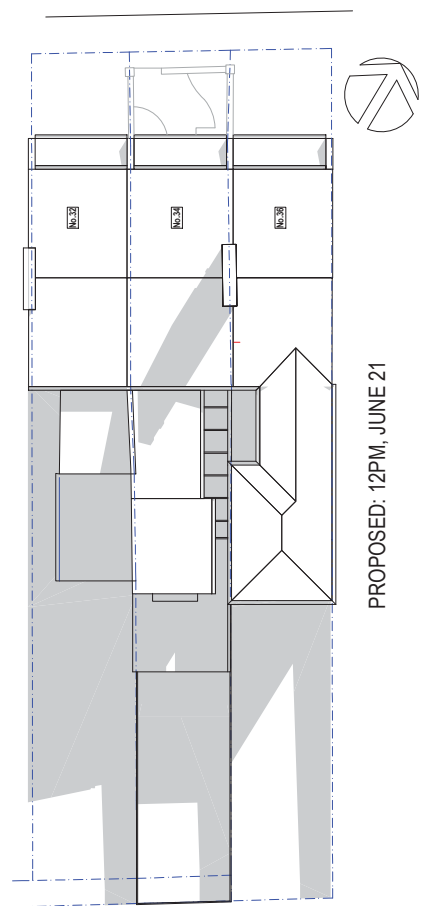
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PROPOSED: 11:30PM, JUNE 21



EXISTING: 12PM, JUNE 21

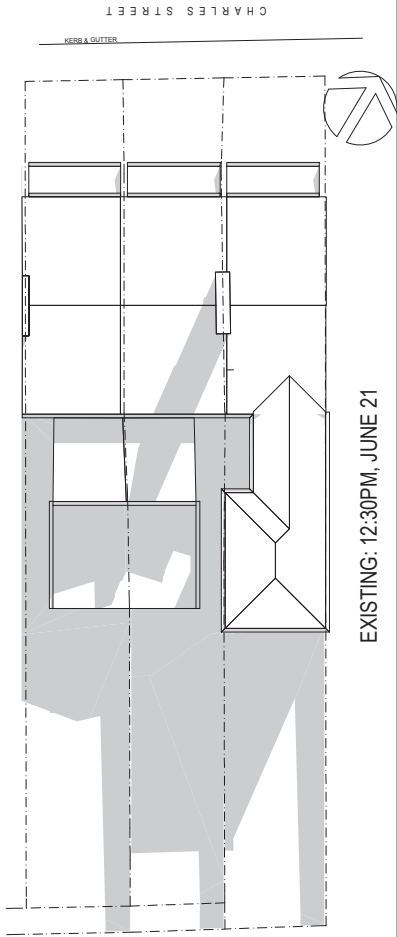


PROPOSED: 12PM, JUNE 21

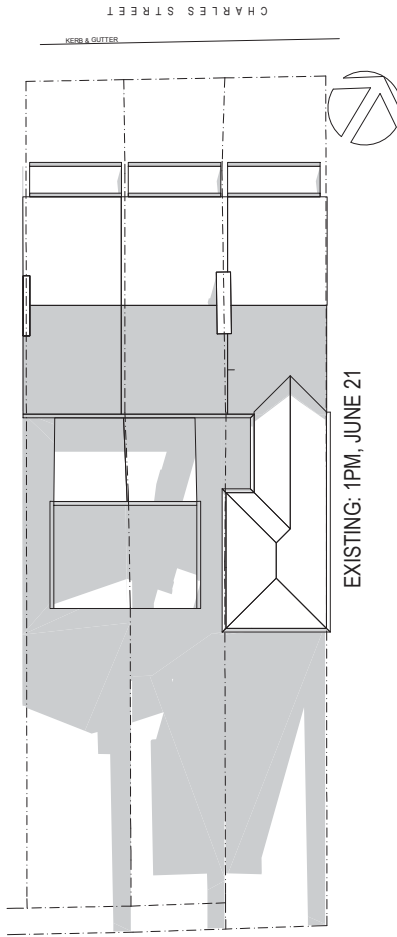
<p>26.06.2018 date</p> <p>REVISION</p>	<p>JEFF KARSKENS DESIGNER studio 9, level 2, 151 Foreaux St, Surry Hills jef@karskensdesigner.com.au m. 0435 557 957</p> <p>JK</p> <p>project 34 Charles Street Forest Lodge Lot C DP 447197</p>	<p>client McKeown</p> <p>drawing title SOLAR ACCESS DIAGRAMS June 21, 9am, 10am, 11am</p>	<p>project status Development Application</p> <p>drawn JK</p> <p>date 26.06.2018</p> <p>scale 1:200</p> <p>drawing Number A 5.02</p> <p>revision -</p>
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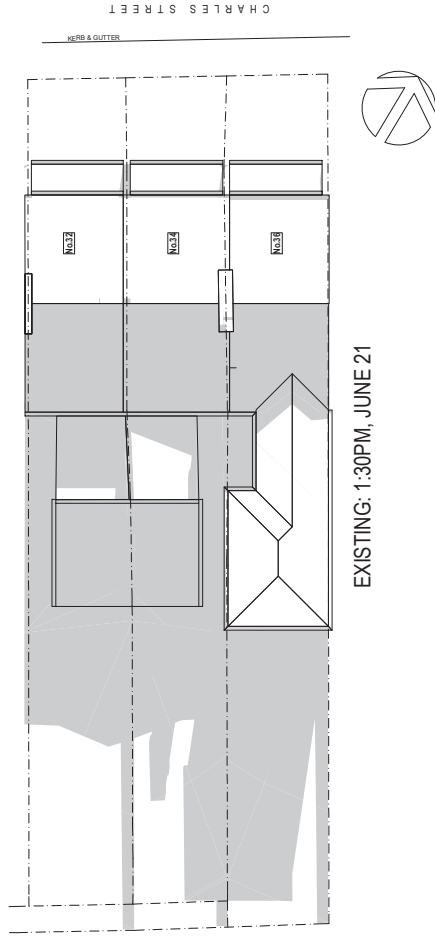
DO NOT SCALE FROM DRAWINGS



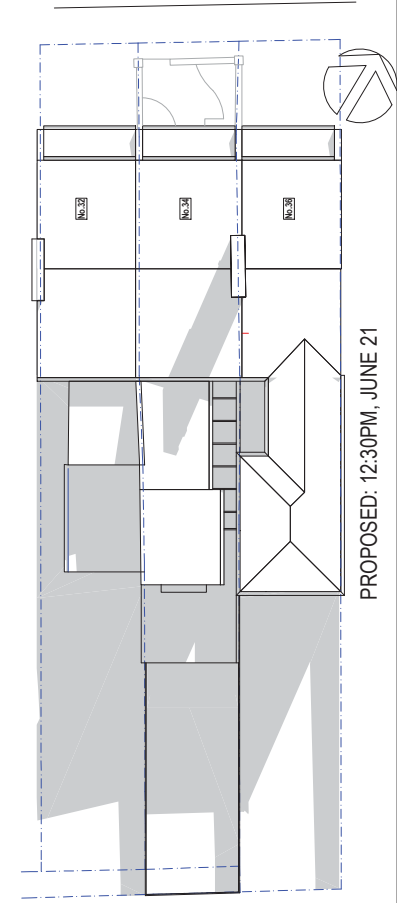
EXISTING: 12:30PM, JUNE 21



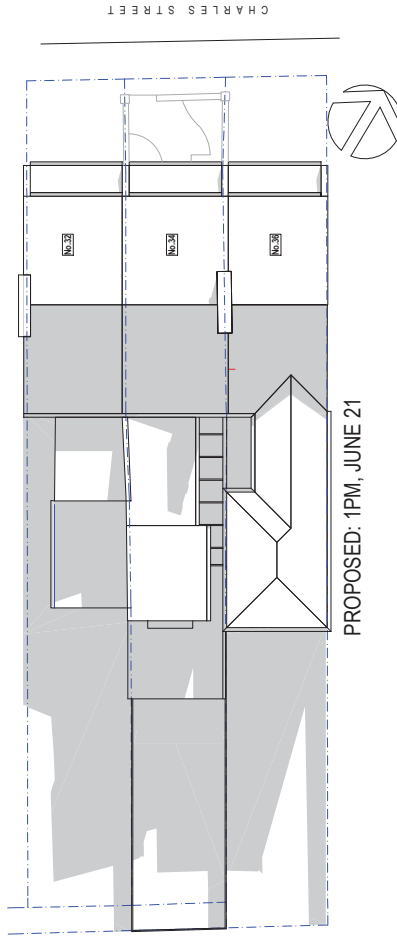
EXISTING: 1PM, JUNE 21



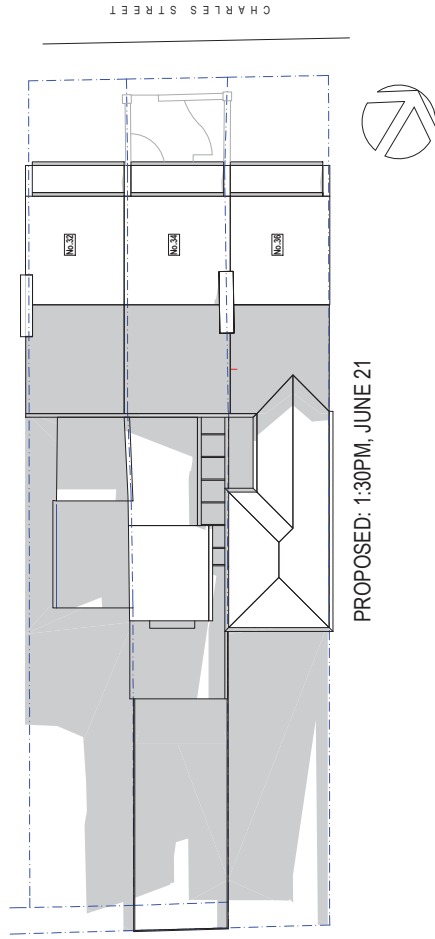
EXISTING: 1:30PM, JUNE 21



PROPOSED: 12:30PM, JUNE 21



PROPOSED: 1PM, JUNE 21



PROPOSED: 1:30PM, JUNE 21



DATE	REVISION
26.06.2018	JK

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project
 34 Charles Street
 Forest Lodge
 Lot C DP 447197

client
 McKeown

drawing title
SOLAR ACCESS DIAGRAMS
 June 21, 12:30, 1pm, 1:30pm

project status
 Development Application

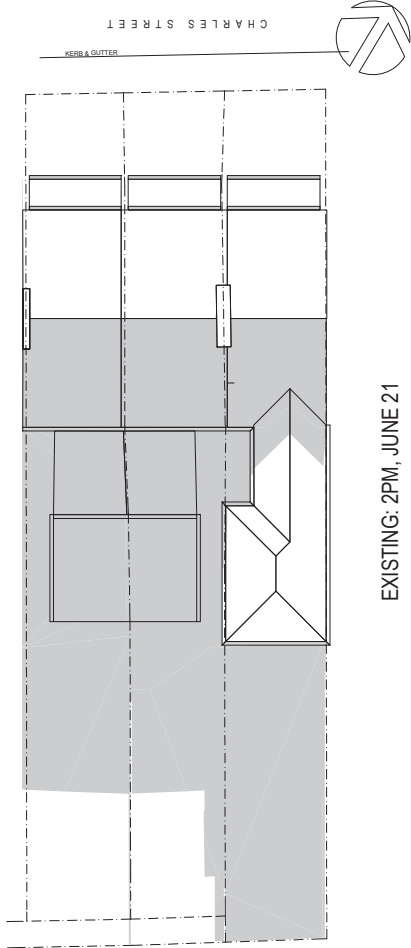
drawn
 JK

date
 26.06.2018

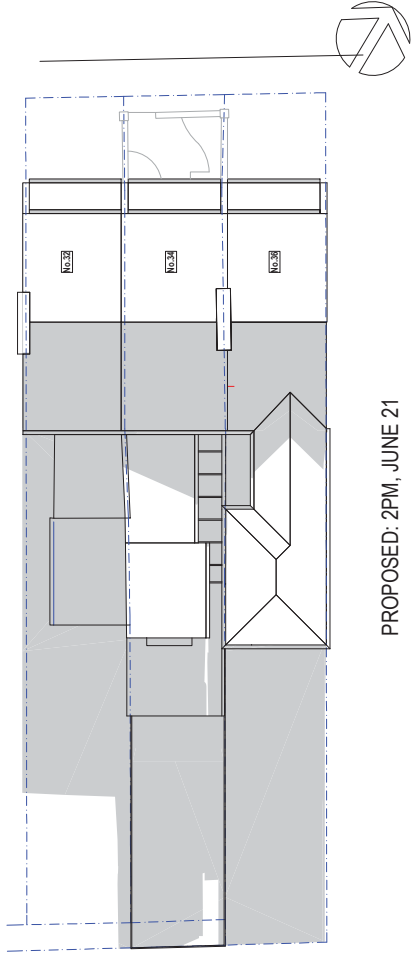
scale
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drawing Number
 A 5.03

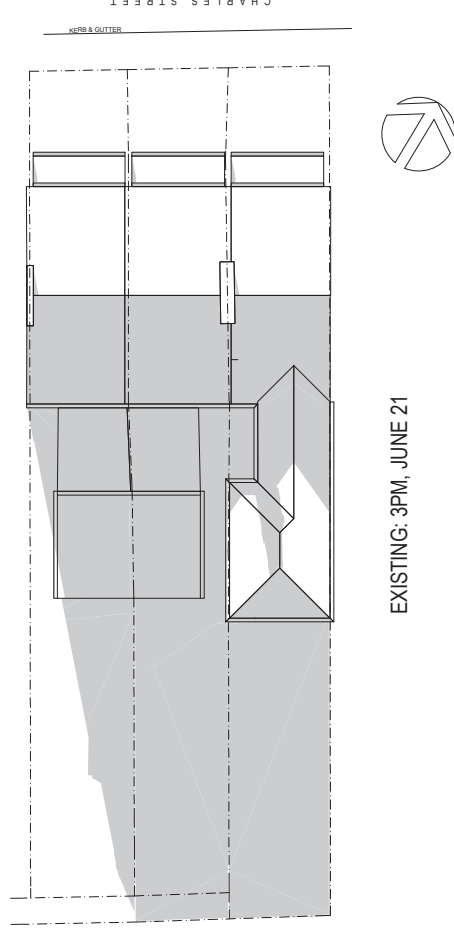
revision
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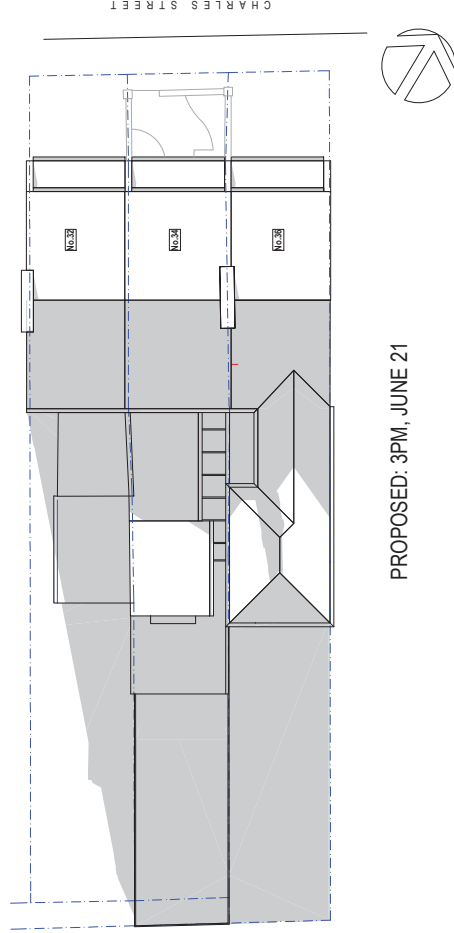
EXISTING: 2PM, JUNE 21



PROPOSED: 2PM, JUNE 21



EXISTING: 3PM, JUNE 21



PROPOSED: 3PM, JUNE 21



26.06.2018	date
1	revision

JK
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 jeff@jksdesigner.com.au
 m. 0435 557 957

project
 34 Charles Street
 Forest Lodge
 Lot C DP 447197

client
 McKeown
 drawing title
 SOLAR ACCESS DIAGRAMS
 June 21, 2pm, 3pm

project status
 Development Application
 drawn JK
 date 26.06.2018
 scale 1:200
 drawing Number A
 revision -