

Item 5.**Development Application: 12 Toxteth Road, Glebe - D/2019/1242**

File No.: D/2019/1242

Summary**Date of Submission:** 5 November 2019**Applicant:** Maira Zugman**Architect/Designer:** Cadence & Co Design**Owner:** Paul Rathborne**Cost of Works:** \$368,500**Zoning:** R1 - General Residential**Proposal Summary:** The subject application proposes alterations and additions to existing dwelling including rear garage and studio width increase, re-configuration of garage windows and doors, swimming pool relocation, minor internal alterations, new basement store with laundry and solar panels.

The subject application is an amending development application to consent granted for D/2018/681/A.

In accordance with Schedule 1 of the Sydney DCP 2012, the proposed development was notified for a period of 14 days between 12 November 2019 and 26 November 2019. A total of 58 properties were notified and 27 submissions were received (26 objections and 1 non-objection).

As the application is the subject of in excess of 25 unique submissions by way of objection the application is considered to be a 'contentious development' and is required to be assessed by Local Planning Panel.

The majority of objections received relate to the excavation of the proposed basement and the associated impact that it may have upon the groundwater and the potential damage the excavation may have upon neighbouring property.

In response to these concerns the applicant provided a more extensive geotechnical report confirming that the groundwater inflow will not likely be encountered during the proposed excavation of the basement addition.

The design achieves a high standard of architectural design, with materials and detailing that is appropriate to the existing building and does not negatively affect the surrounding conservation area.

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

Development Controls:

- (i) Environmental Planning and Assessment Act 1979
- (ii) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- (iii) State Environmental Planning Policy No. 55 - Remediation of Land
- (iv) State Environmental Planning Policy (Infrastructure) 2007
- (v) Sydney Local Environmental Plan 2012
- (vi) Sydney Development Control Plan 2012
- (vii) City of Sydney Development Contributions Plan 2015

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. D/2018/681/A - Notice of Development - Approved alterations and additions
- D. D/2018/861/A - Stamped Plans - Approved alterations and additions

Recommendation

It is resolved that consent be granted to Development Application No. D/2019/1242 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 alterations and additions are considered acceptable as the works are permissible within the R1 General Residential zone.
- (B) Subject to the recommended conditions, the proposed alterations to development application D/2018/681 including rear garage and studio width increase, re-configuration of garage windows and doors, swimming pool relocation, minor internal alterations and installation of solar panels are not considered to detract from the amenity of nearby residences.
- (C) The applicant's accompanying Structural Certificate (prepared by Northern Beaches Consulting Engineers Pty Ltd) and updated Geotechnical Report (prepared by White Geotechnical Group) certify that the proposed excavation works will not adversely affect the structural adequacy of the neighbouring buildings as well as the rear lane, nor will the excavation penetrate the water table. In turn, the proposed basement addition and associated excavation is considered acceptable subject to the imposition of relevant conditions in order to minimise potential environmental impacts to neighbouring property and the public domain.
- (D) The proposed development is suitable to its setting and satisfies the relevant provisions of the Sydney LEP 2012, Sydney DCP 2012 and relevant SEPPs.
- (E) Subject to the recommended conditions the proposed development will not detract from the amenity of nearby residences.

Background

The Site and Surrounding Development

1. A site visit was carried out by staff on 10 September 2019.
2. The site has a legal description of Lot 12 DP 1109898, and is known as 12 Toxteth Road, Glebe. The site is rectangular in shape with area of approximately 473sqm. It is located on the southern side of Toxteth Road and has a primary street frontage to Toxteth Road and a secondary street frontage to Church Lane. The site is located south west of the intersection of Toxteth Road and Glebe Point Road. A single storey house is contained within the site.
3. Surrounding land uses are predominately residential. Adjoining the site to the immediate east and west are single storey dwellings of similar style and configuration. To the north of the site on the other side of Toxteth Road are single storey detached dwellings and to the south of the site on the other side of Church Lane, is the rear yards of a row of two storey terraces dwellings that front Boyce Street.
4. The site is not a heritage item, however, is located within the Toxteth Conservation Area (CA34). The existing building is identified as a contributory building.
5. Photos of the site and surrounds are provided below:

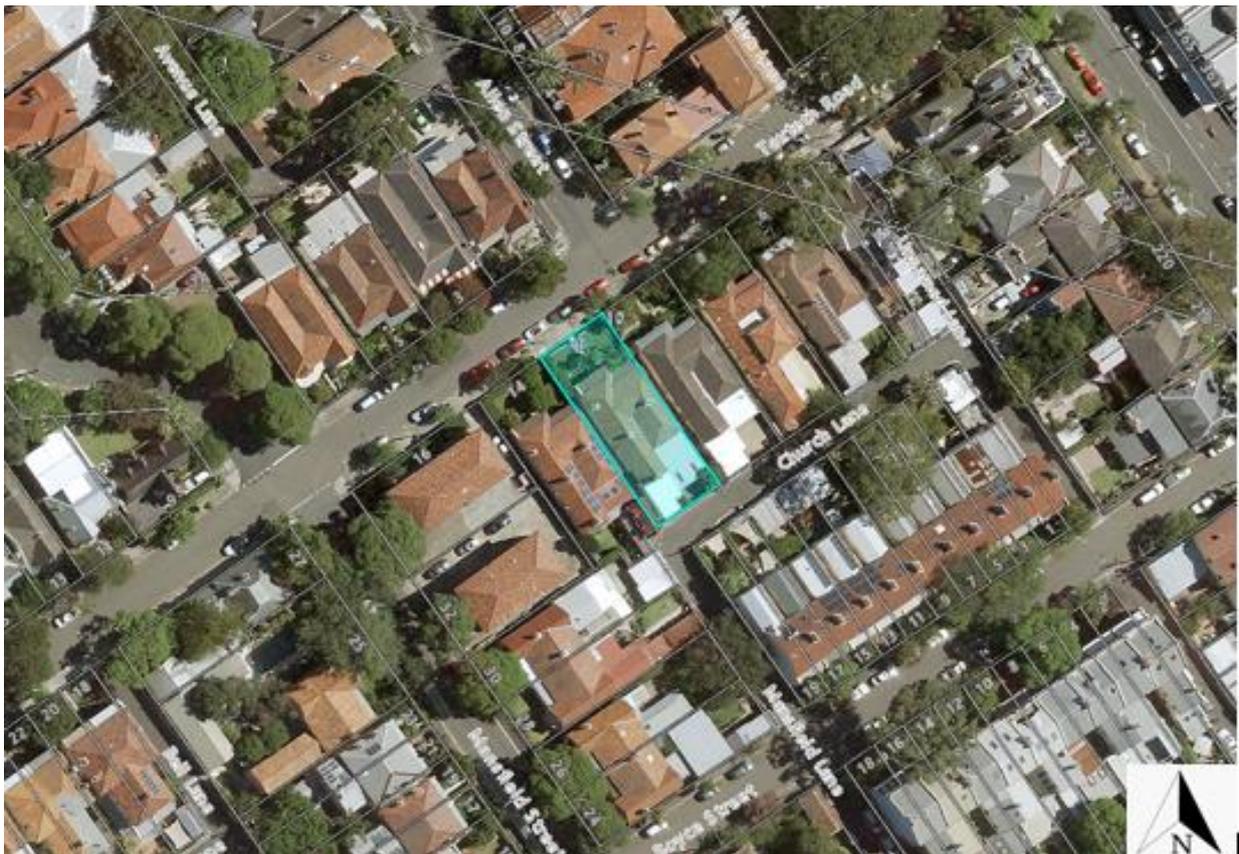


Figure 1: Aerial image of subject site and surrounding area



Figure 2: Site viewed from Toxteth Road



Figure 3: Rear of site viewed from Church Lane



Figure 4: Rear of site and neighbouring laneway development at 14 Toxteth Road



Figure 5: Rear of site and laneway development looking west (highlighted in red)



Figure 6: View of the existing rear open space



Figure 7: View of the existing rear of the dwelling

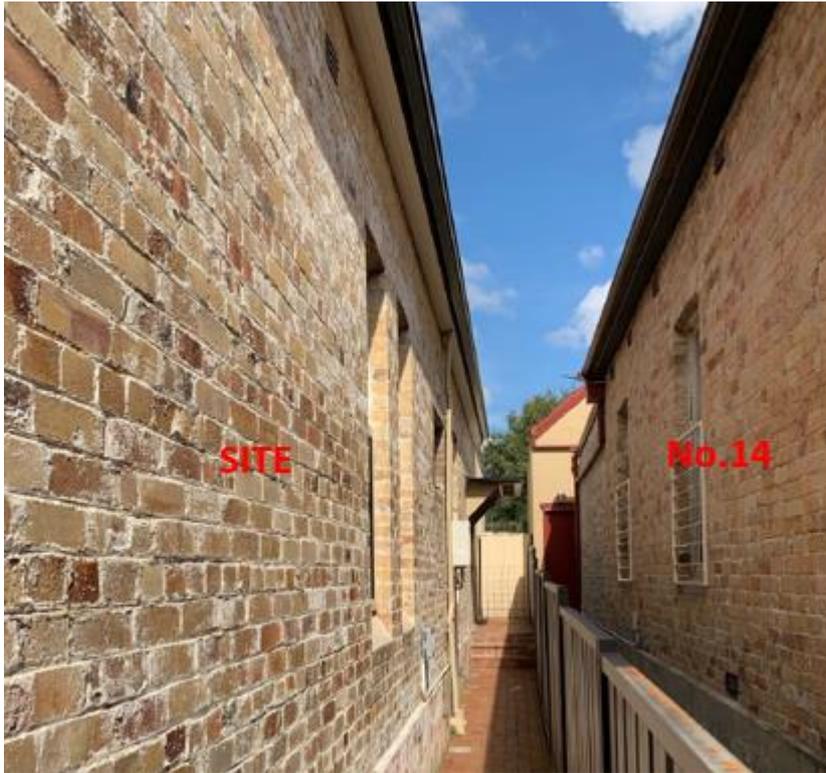


Figure 8: View of the side passage between the subject site and No. 14 Toxteth Road

History Relevant to the Development Application

- 6. Development Application D/2018/681 was approved 21 June 2018, and granted consent to alterations and additions to the existing dwelling including demolition of ground floor rear additions, construction of ground floor rear addition and garage with studio above; and installation of swimming pool to rear.
- 7. Elevation drawings of the approved plans are provided below:

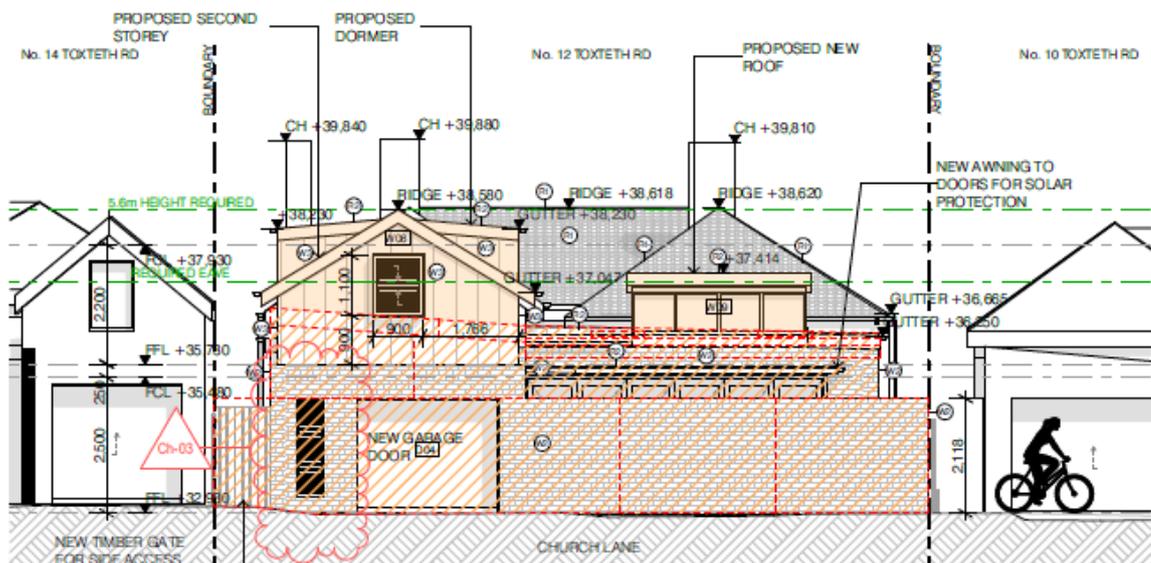


Figure 9: Approved D/2018/681 South-East Elevation (Rear of Site)



Figure 10: Approved D/2018/681 North-West Elevation (Front of Site)

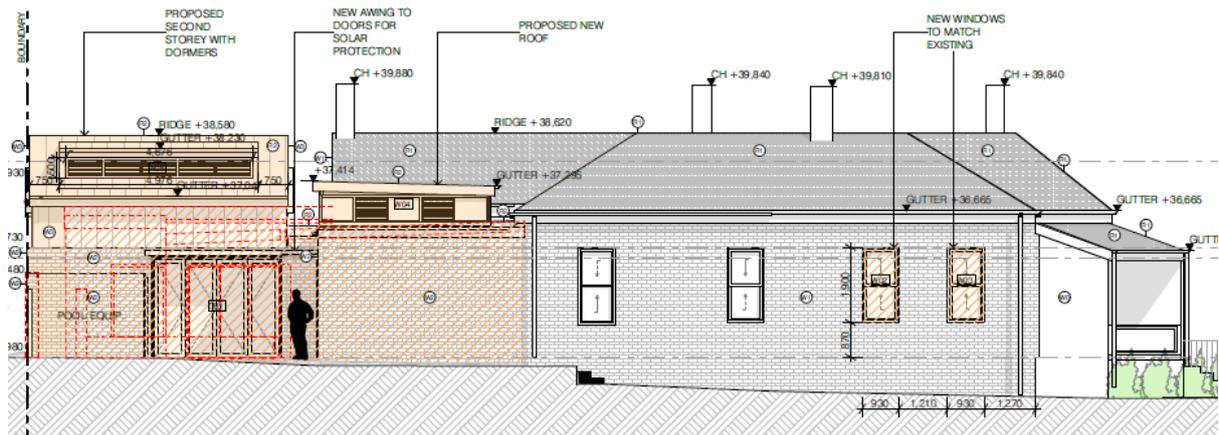


Figure 11: Approved D/2018/681 West Elevation

8. Section 4.55 modification D/2018/681/A was approved on 17 May 2019 and granted consent for the reconfiguration to windows, re-configuration of pool and pool fence, relocation of pool equipment, rainwater tank and shed, re-configuration of kitchen pop-up roof and windows and provision of a new awning and pergola structure.
9. Section 4.55 modification D/2018/681/B was lodged on 15 August 2019 and was withdrawn on 8 November 2019. This application sought consent for identical works to those proposed in the current subject development application, however, could not be considered as a modification to the original development application as the resulting development, principally as a result of the inclusion of a new basement, would not satisfy the requirement of being substantially the same as the original consent.

Proposal

10. The subject development application seeks consent for alterations and additions to the existing dwelling house on the site. The application seeks to amend works already approved under Development Application D/2018/681, but not yet carried out, in the following manner:
- Construction of a new basement level for storage with laundry and bathroom. The basement is proposed to have a window into the swimming pool wall and have natural light from skylights located in the ground floor open space courtyard;
 - Increase the width of the approved garage and first floor studio by 360mm to the east;
 - Reconfiguration of the studio to alter the location of the stair and to provide a new bathroom;
 - Reconfiguration of the location of the approved window and door to the garage on the south west elevation;
 - Extension in width of the opening of the approved garage door on the south east elevation to Church Lane from 2.6m to 3.5m in width. Deletion of approved window from this elevation and provision of a new aluminium entry gate to the lane;
 - Repositioning of the swimming pool from approved location;
 - Minor modification to the approved roof form between the existing dwelling and approved additions to accommodate the reconfigured stair location;
 - Installation of new roof top solar panels; and
 - Installation of new air conditioner condenser unit alongside passageway on south-western boundary.

11. Plans of the proposed development, as amended, are provided below:

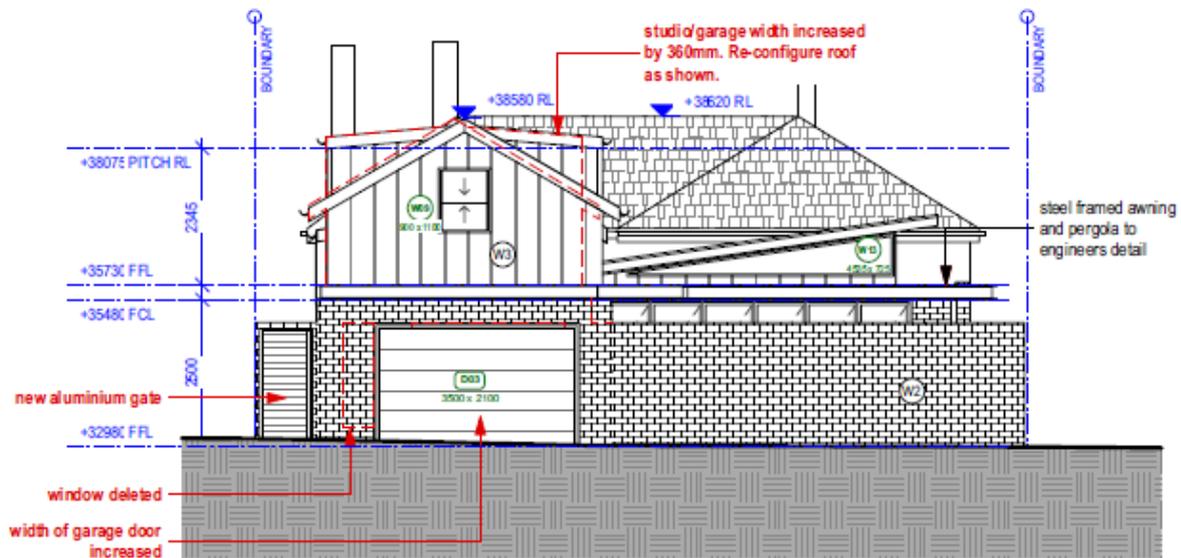


Figure 12: Proposed South East Elevation

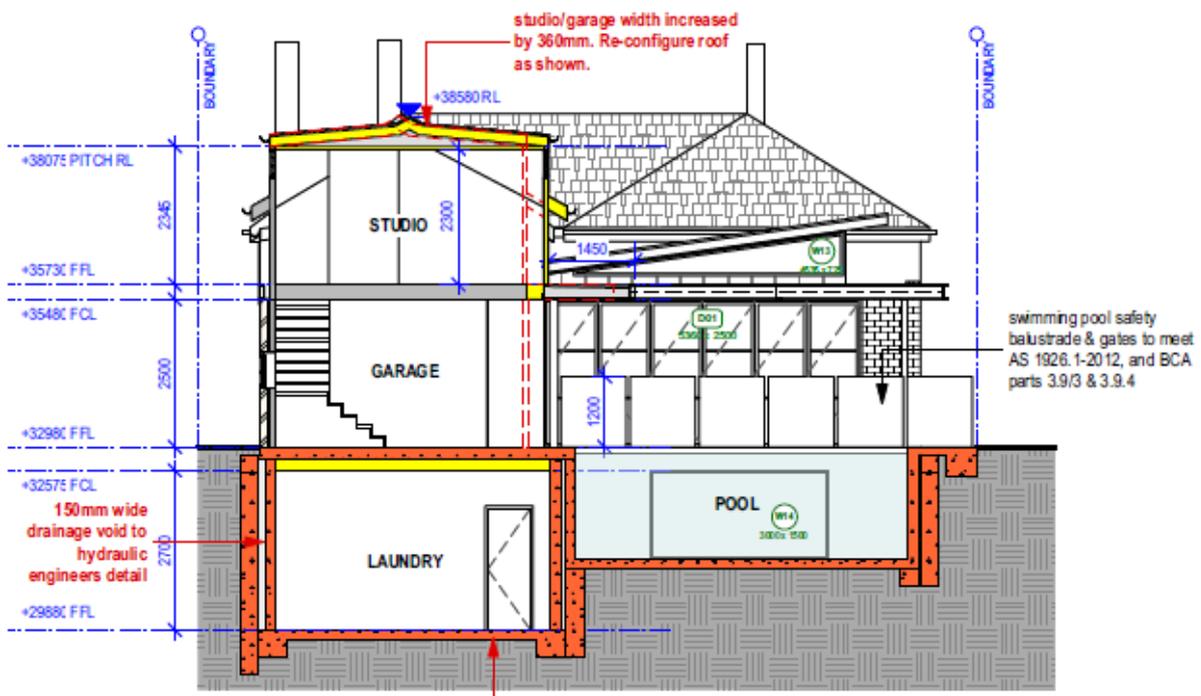


Figure 13: Proposed South East Section

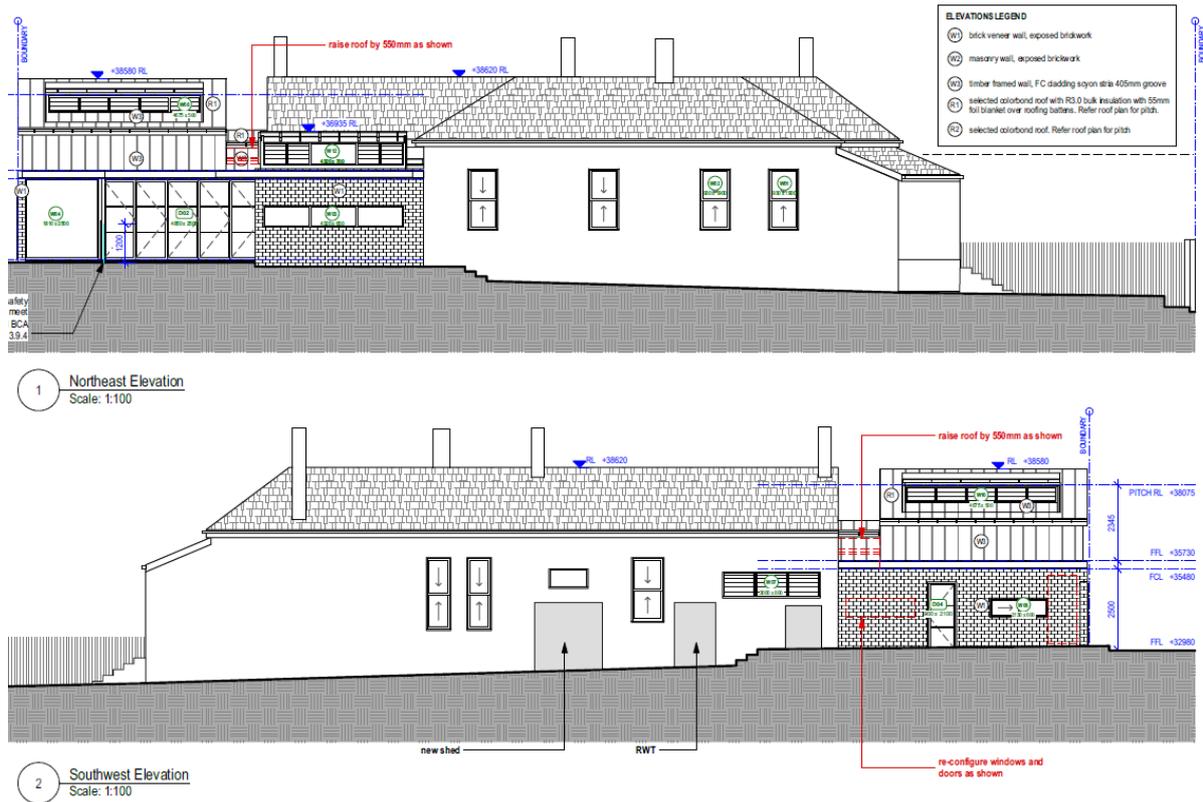


Figure 14: Proposed South East and South West Elevation

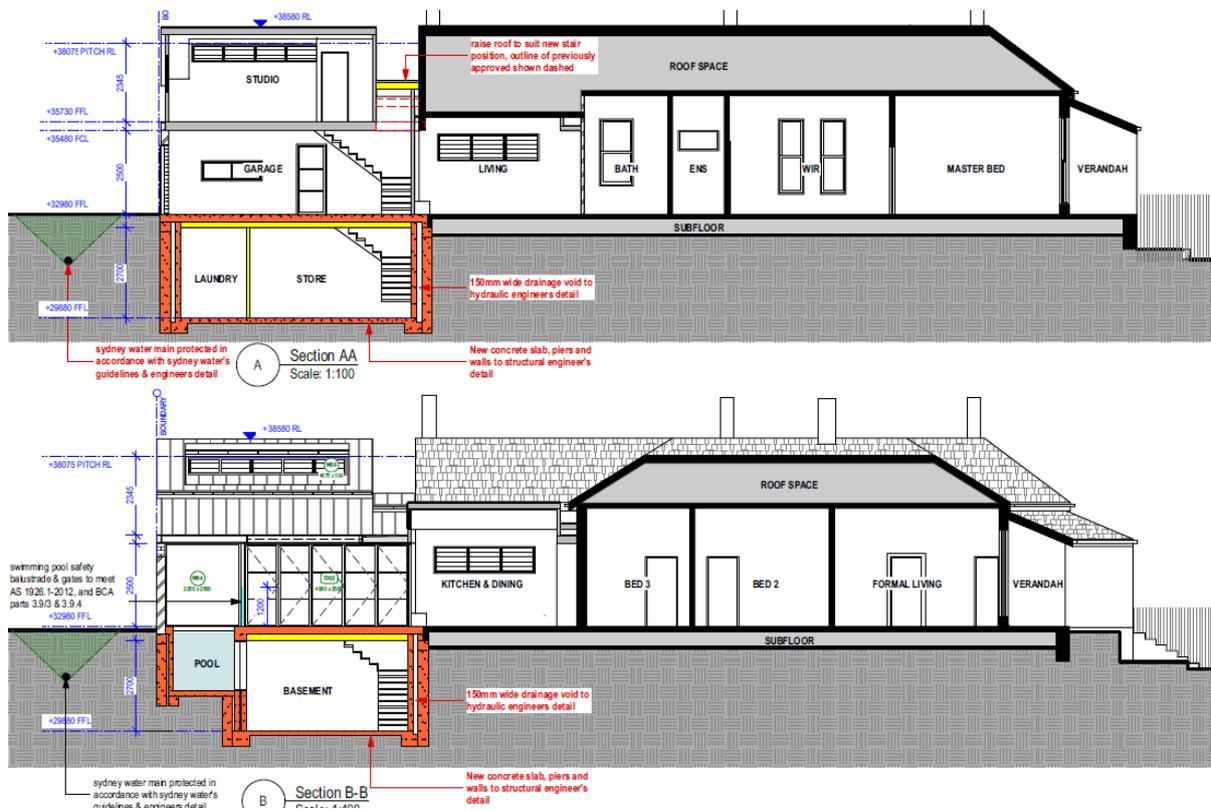


Figure 15: Proposed South East and South West Section

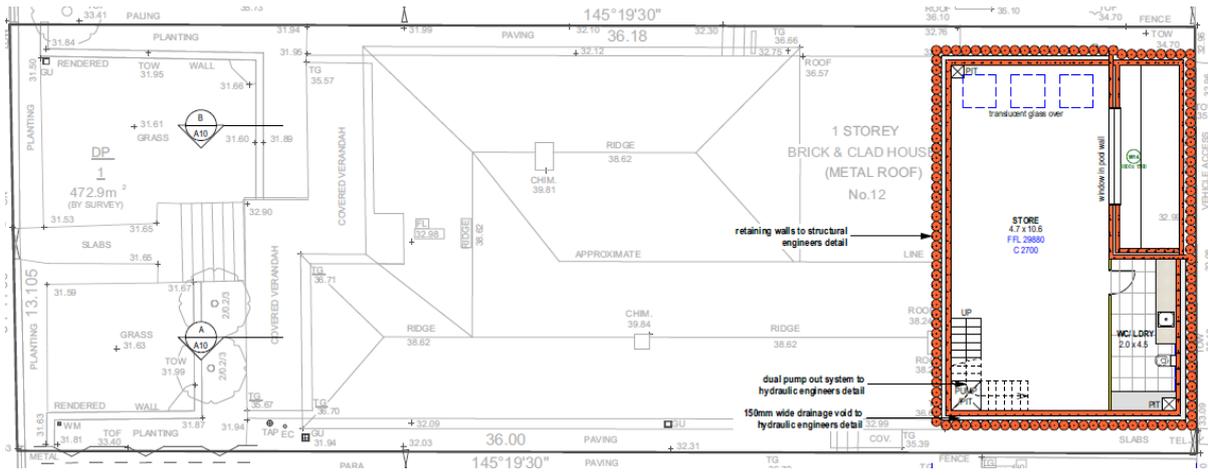


Figure 16: Proposed Basement Plan

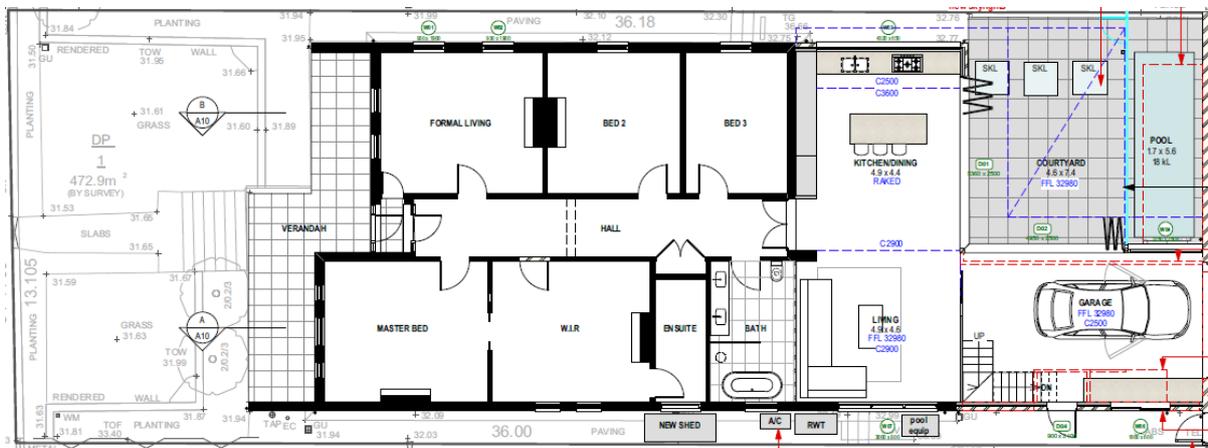


Figure 17: Proposed Ground Floor Plan

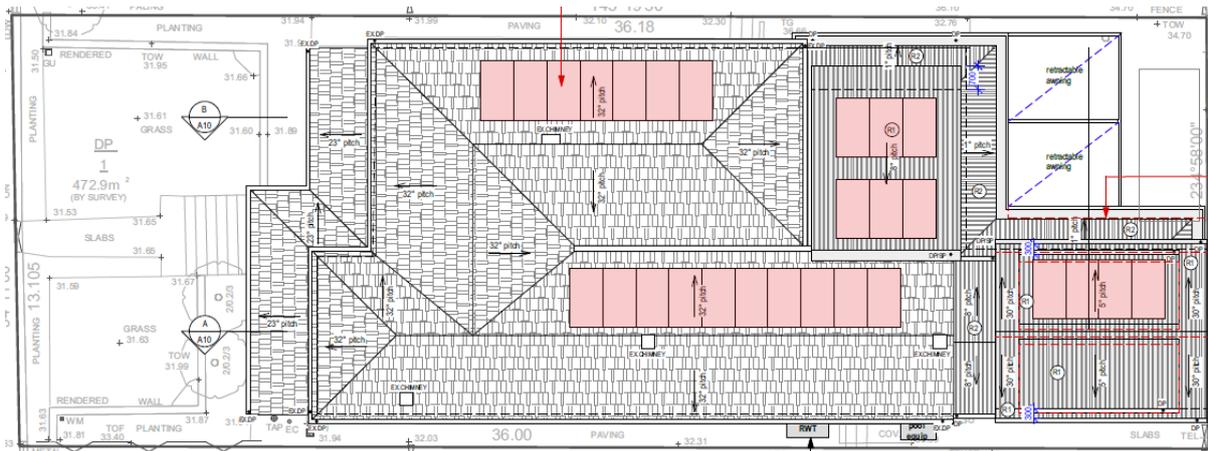


Figure 18: Proposed Roof Plan

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.

Environmental Planning and Assessment Act 1979

13. Clarification was requested from the applicant on 16 December 2019 on whether the depth of excavation proposed for the new basement level would penetrate the water table and require dewatering of the site. Clarification was requested in order to determine whether the application was to be assessed as an Integrated Development Application under Section 4.46 of the Environmental Planning and Assessment Act 1979, requiring separate approval from the Water NSW under the Water Management Act 2000.
14. In correspondence dated 20 December 2019, the applicant submitted an updated Geotechnical Report to detail that the excavation and construction of the basement would not penetrate the water table or require dewatering of the site. As such, the subject application is not Integrated Development. Refer to further discussion on the geotechnical assessment in the issues section of this report.

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

15. A BASIX Certificate was submitted with the development application.
16. 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.

State Environmental Planning Policy No. 55 - Remediation of Land

17. 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 subject site has been used for residential purposes since its initial construction, and the proposal does not change the pre-existing residential use of the subject site. As such, it is considered that the site is suitable for the proposed development without the need for further investigation.

State Environmental Planning Policy (Infrastructure) 2007

18. The provisions of State Environment Planning Policy (Infrastructure) 2007 ('ISEPP') have been considered in the assessment of the development application.

Clause 86 - Excavation in, above, below or adjacent to rail corridors

19. The proposal involves the penetration of ground to a depth of at least 2m below ground level in proximity to a light rail corridor. However, the proposed works occur approximately 55m from the light rail corridor and as such is not required to be referred to Transport for NSW under the ISEPP as the works do not fall within 25m (measured horizontally) of a rail corridor.

Sydney Local Environmental Plan 2012

20. The site is located within the R1 General Residential zone. The proposal is defined as alterations and additions to an existing use of the site as a dwelling house, which 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 | <p>A maximum height of 6m is permitted.</p> <p>The height of the new works proposed under this application is 5.6m, which complies with the development standard.</p> |
| 4.4 Floor Space Ratio | Yes | <p>A maximum FSR of 0.7:1 is permitted.</p> <p>The site currently has an approved FSR of 0.38:1 (GFA 182m²) under Development Application D/2018/681.</p> <p>In this instance, whilst the applicant has nominated the use of the basement as "store", it is considered that the basement has been designed to have natural light and is capable of being used as a habitable room. The SLEP 2012 includes habitable room in basements as gross floor area. As such, for the purposes of this assessment, the basement area has been included as gross floor area.</p> <p>The proposed development results in the creation of a further 60.9sqm of gross floor area. As a result, the site would have a FSR of 0.51:1 (GFA 240.1m²).</p> |
| 5.10 Heritage conservation | Yes | <p>The site is identified as a contributory item in the Toxteth Conservation Area.</p> <p>Council's Heritage Specialist has reviewed the proposal and raises no objection to the proposed alterations and additions.</p> <p>In terms of the impact on the heritage significance of the conservation area the development as now proposed will not be significantly different to that approved.</p> |

| Part 6 Local Provisions - Height and Floor Space | Compliance | Comment |
|--|------------|--|
| 6.21 Design excellence | Yes | <p>The proposed alterations to approved development consent D/2018/681/A are considered to satisfy the requirements of this provision in that the modified design continues to achieve a high standard of architectural design, with materials and detailing appropriate to both the existing dwelling, laneway development within the area, and the conservation area.</p> <p>The proposed basement and laundry are subterranean and will not be visible from the streetscape, the works are not considered to impact the significant heritage fabric of the Toxteth locality.</p> <p>It is recommended that conditions be imposed requiring a Dilapidation Report and an Erosion and Sediment Control Plan be submitted and approved prior to excavation to mitigate against any potential environmental impacts incurred by excavation of the basement.</p> |

| Part 7 Local Provisions - General | Compliance | Comment |
|--|------------|---|
| Division 1 Car parking ancillary to other development 7.4 Dwelling houses, attached dwellings and semi-detached dwellings | Yes | <p>A maximum of two car parking spaces is permitted.</p> <p>One car parking space has been approved under Development Application D/2018/681. The proposed application does not alter the approved car parking provision on the site.</p> |
| 7.14 Acid Sulphate Soils | Yes | <p>The site is identified as containing class 5 Acid Sulfate Soil.</p> <p>The site is not located within 500 metres of adjacent Class 1, 2, 3 or 4 land and the water table will not be lowered as part of the excavation of the site. No further investigations are required in relation to Acid Sulfate Soils management plans.</p> |

| Part 7 Local Provisions - General | Compliance | Comment |
|--|-------------------|--|
| 7.15 Flood planning | Yes | The site is not identified as being flood prone flood prone. |

Sydney Development Control Plan 2012

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

2. Locality Statements – Toxteth

The subject site is located in the Toxteth locality. The proposed further alterations and additions to the existing dwelling are considered to be in keeping with the unique character of the area and design principles in that it responds to the subject and surrounding contributory buildings and the wider conservation area. The proposed basement and laundry are subterranean and will not visible from the Toxteth Street or Church Lane streetscape, the works are not considered to impact the significant heritage fabric of the Toxteth locality.

| 3. General Provisions | Compliance | Comment |
|---|-------------------|--|
| 3.2 Defining the Public Domain 3.2.2 Addressing the street and public domain | Yes | The scope of works under this application that are visible from the public domain are minimal, and will not adversely impact on the appearance of the public domain beyond the development already approved. |
| 3.6 Ecologically Sustainable Development | Yes | The proposal satisfies BASIX and environmental requirements. |
| 3.7 Water and Flood Management | Yes | The site is not identified as being on flood prone land. |

| 3. General Provisions | Compliance | Comment |
|--|------------|--|
| 3.9 Heritage | Yes | <p>The existing building is a contributory building located within a heritage conservation area.</p> <p>The proposed amendments primarily relate to the rear additions approved under Development Application D/2018/681. The minor expansion in the width of the garage/studio fronting the lane remains consistent with other built form within the laneway context. There is no objection to the fenestration changes and internal layout changes on heritage grounds.</p> |
| 3.9.13 Excavation in the vicinity of heritage items and in heritage conversation areas | Yes | <p>The proposed excavation to the rear of the site is not located beneath the existing contributory building, but rather the new elements (swimming pool and garage/studio) approved under Development Application D/2018/681. These works have not yet commenced construction. The proposed siting of the excavation is not located under common walls or boundary walls and is not located near the front facade of the dwelling.</p> <p>The application has been accompanied by a Structural Certificate and Geotechnical Report to demonstrate that the excavation is able to occur on site without adversely impacting on the existing dwelling on site or on immediately adjacent dwellings.</p> <p>No objection has been raised by the City's Heritage Specialist to the addition of the basement, subject to the imposition of conditions.</p> |
| 3.11 Transport and Parking | | <p>Minor modifications are proposed to the garage layout and the width of the opening to the garage. No objection is raised to these works, and the garage is considered to remain accessible for vehicles manoeuvring from Church Lane.</p> |

| 3. General Provisions | Compliance | Comment |
|-----------------------|------------|--|
| 3.14 Waste | Yes | A condition has been recommended for the proposed development to comply with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development. |

| 4. Development Types 4.1 Single dwellings, terraces and dual occupancies | Compliance | Comment |
|---|------------|--|
| 4.1.1 Building height | Yes | <p>A maximum of one storey is permitted.</p> <p>The approved development is one storey with an attic studio to the rear lane. The proposed modifications to the dwelling do not alter the building height in storeys.</p> |
| 4.1.2 Building setbacks | Yes | <p>The proposed modifications do not alter the approved front, rear or side setbacks of the dwelling.</p> <p>The proposal does seek to extend the width of the garage and studio towards the east, into the approved private open space of the dwelling.</p> <p>The proposed new basement is built to the rear boundary of the site (to the lane) and is setback 615mm from the eastern side boundary and 715mm from the western side boundary of the site. As these works are below ground, they do not alter the established development pattern of the built form.</p> <p>In order to minimise the potential impact of the excavation a condition of consent has been recommended that there is to be no encroachment of the neighbouring properties nor the public way, this includes any temporary or permanent ground anchors.</p> |

| 4. Development Types 4.1 Single dwellings, terraces and dual occupancies | Compliance | Comment |
|---|------------|--|
| 4.1.3 Residential amenity | Yes | <p>4.1.3.1 Solar Access</p> <p>The proposed 360mm width increase of the approved garage and first floor studio will create a minor additional increase in shadowing to the roof of the garage at neighbouring 14 Toxteth Road. The additional shadow will not cast further shadow over the neighbouring private open space and as such is considered acceptable.</p> |
| | | <p>4.1.3.2 Solar Collectors</p> <p>The proposed photovoltaic panelling to the rear roof extension and first floor roofing is considered acceptable.</p> <p>It is conditioned the photovoltaic panels must be fitted flush to the roof slope and not intrude the ridge lines or damage the flashings.</p> |
| | | <p>4.1.3.5 Private Open Space</p> <p>The approved proposal D/2018/681 provides 50.5sqm of private open space to the rear with a minimum dimension of 6.8m.</p> <p>The proposed 360mm width increase of the the garage and first floor studio will create a minor reduction of approximately 2sqm of the private open space provided. Notwithstanding this, the rear courtyard will still maintain 48.5sqm of private open space, which is in excess of the DCP requirements.</p> |

| 4. Development Types 4.1 Single dwellings, terraces and dual occupancies | Compliance | Comment |
|---|------------|--|
| | | <p>4.1.3.6 Visual Privacy</p> <p>The proposal includes the reconfiguration of the window and door on the ground floor of the southwest elevation servicing the garage. These openings are sufficiently screened by existing boundary treatment and are considered acceptable.</p> <p>The deletion of the window fronting the the rear lane is considered acceptable as it is in keeping with the existing Church Lane streetscape which predominantly features garage doors with no windows fronting the lane.</p> <p>A full window and louvre schedule has been provided and is supported.</p> <p>The proposal includes the siting of an air conditioning condenser unit along the side southwest boundary of the site. Mechanical equipment including a 'pump pit' is proposed to be located in the northwest corner of the basement.</p> <p>A standard condition is included in the recommendation regarding the emission of noise associated with the use of the dwelling including the cumulative operation of any mechanical plant and equipment, and air conditioning shall comply with the relevant Australian Standards.</p> <p>Subject to compliance with the recommended conditions, the proposed air conditioning unit and mechanical equipment will have an acceptable level of amenity to the neighbouring units and properties.</p> |

| 4. Development Types 4.1 Single dwellings, terraces and dual occupancies | Compliance | Comment |
|---|------------|---|
| 4.1.4 Alterations and additions 4.1.4.3 Wing additions 4.1.4.5 Basement additions | Yes | <p>The proposal includes alterations to a replacement ground floor addition to the rear. The alterations will not result in an increase in the total height of the existing dwelling and is considered to be of an appropriate scale and appearance with minimal impact on the scale and character of the existing building, streetscape and heritage conservation area.</p> <p>The proposed development seeks consent for a basement addition. Structural certification has been provided to confirm that the excavation can occur without adversely impacting on the subject dwelling or neighbouring dwellings. Appropriate conditions in relation to the excavation are recommended for imposition.</p> |
| 4.1.6 Secondary and laneway dwellings | Yes | <p>Development Application D/2018/681 approved a new garage and studio above fronting onto Church Lane.</p> <p>The proposal includes a 360mm extension in the approved width towards the eastern boundary of the garage and studio, which is assessed as acceptable.</p> <p>The proposed works under this application do not alter the height or height in storeys of this laneway structure.</p> |
| 4.1.9 Car parking | Yes | <p>The proposal includes the extension in width of the opening of the approved garage door on the south eastern elevation to Church Lane from 2.6m to 3.5m in width. The 0.8m extension is considered acceptable as it reflects size and scale of garage doors fronting Church Lane.</p> |

Issues

Basement Addition

23. The proposal seeks consent for the excavation of the rear portion of the site to a depth of approximately 3.6m below existing ground level and construction of a new basement addition with storeroom and laundry/bathroom. The addition is approximately 60sqm of floor space. A section drawing of proposed basement is provided below:

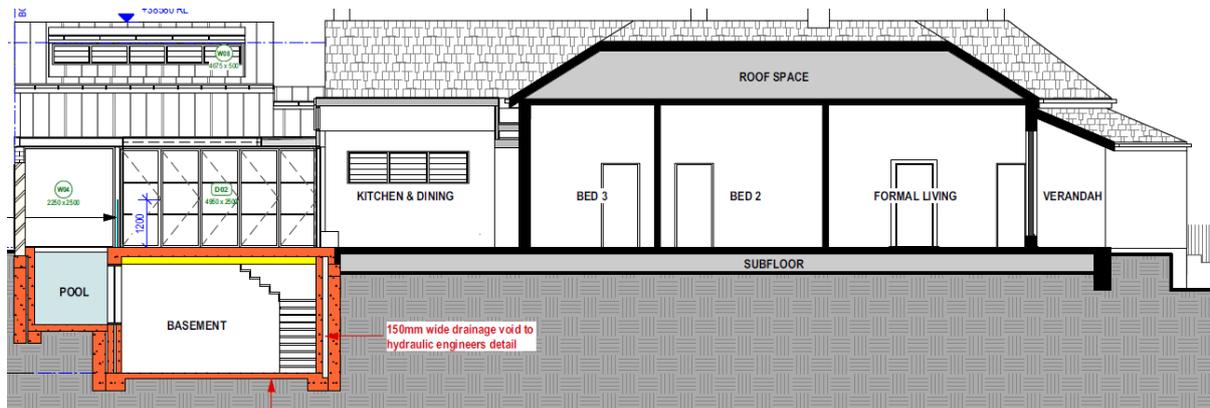


Figure 19: Proposed Basement Section

24. As detailed in the DCP compliance table (Sections 3.9.13 and 4.1.4.5), where excavation is proposed the application must be accompanied by a Structural Report to confirm that the proposed excavation can occur without adversely impacting on the building or adjacent properties.
25. The applicant has submitted both a Structural Certificate, prepared by 'Northern Beaches Consulting Engineers Pty Ltd' and a Geotechnical report, prepared by 'White Geotechnical Group', detailing the proposed impact of the works and the processes involved in conducting the excavation.
26. It was noted in the preliminary review of the geotechnical investigation that the on-site testing for the water table had been to a depth of approximately 1.8 metres, and the proposed development is seeking to excavate to a depth of approximately 3.6 metres.
27. Clarification was requested from the applicant on 16 December 2019 on whether the depth of excavation proposed for the new basement level would penetrate the water table and require dewatering of the site.
28. Subsequently, the applicant sought additional testing and submitted an updated geotechnical investigation for groundwater assessment, prepared by 'Crozier Geotechnical Consultants' on 20 December 2019. The investigation concluded that;

'The borehole was drilled to 4.0m depth and groundwater was not encountered during drilling. Following the completion of drilling the borehole was left open for approximately 30 minutes prior to backfilling. Groundwater was not encountered during the drilling or within the open borehole.'

'Based on the groundwater conditions encountered during the drilling it is not considered that groundwater inflow will be encountered during excavation.'

29. Based on the updated investigation submission, it is considered that the proposed development will not penetrate or displace the water table, requiring dewatering of the site.
30. As the proposal is seeking consent for significant excavation of the site, it in addition to the submission of the technical reports, consideration has been given to the appropriateness of the siting of the basement and how the existing dwelling on site and neighbouring properties can be protected and neighbouring amenity be protected during construction. The proposal is considered to be satisfactory in this instance as:
 - (a) The proposed basement is setback from both side boundaries (setback 615mm from the eastern side boundary and 715mm from the western side boundary of the site) and from the existing dwelling on the site, so as to not undermine the structural integrity of these buildings.
 - (b) The proposed excavation is not proposed under any common walls, boundary walls or on an adjoining property. The setback from the boundaries will allow any ground anchors and the like to not encroach on any adjacent property. A condition exists on the development consent D/2018/681/A and is proposed for imposition in the draft notice of determination for the subject application that there is no encroachments on adjoining properties or the public way.
 - (c) It is recommended that conditions of consent be imposed requiring dilapidation reports be prepared for both adjacent dwellings (No. 10 and No. 14), further structural certification to be submitted at Construction Certificate stage, a Construction Management Plan be prepared, that neighbours be notified prior to the commencement of excavation works on site and a condition on the use of high noise emission appliances.

Amending Development Application

31. The subject application has been submitted as an 'amending' Development Application. The application seeks consent for additions to, and minor changes to some parts of the built form approved under Development Application D/2018/681.
32. A condition is recommended for imposition on the subject application to make it clear that this application relates to the base consent of D/2018/681, and only approves additions and minor alterations, and should be read in conjunction with the base consent.

Other Impacts of the Development

33. The proposed development is capable of complying with the BCA.
34. 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

35. 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

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

External Referrals

Notification, Advertising and Delegation (Submission(s) Received)

38. In accordance with Schedule 1 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 12 November 2019 and 26 November 2019. As a result of this notification a total of 58 properties were notified and there were 27 submission(s) received.
39. The submissions raised the following matters:
 - (a) Issue: The mechanical equipment including a 'pump pit' in the northwest corner of the basement, the a/c unit and pool equipment located on the ground of the southwest passageway will further magnify the noise impact to the neighbouring residence.

Response: As detailed in the report, a condition is recommended for imposition regarding the emission of noise associated with the use of the dwelling including the cumulative operation of any mechanical plant and equipment, and air conditioning shall comply with the relevant Australian Standards.

Subject to compliance with the recommended conditions, the proposed air conditioning unit and mechanical equipment will have an acceptable level of amenity to the neighbouring units and properties.
 - (b) Issue: The proposed excavation will threaten the structural integrity and damage neighbouring properties and interrupt the water table.

Response: Refer to detailed discussion in the body of the report and conditions of consent recommended to protect the structural integrity of neighbouring properties.
 - (c) Issue: The cost of works \$368,500 does not appear to be accurate.

Response: The applicant has submitted a signed valuation of works estimate. It should be noted that the subject application is separate from the original consent D/2018/681 and as such the costs of the subject application do not include the cost of the original development.
 - (d) Issue: During construction the rear lane will be blocked, interrupt traffic flow and inconvenience surrounding residents.

Response: A Condition of Consent has been recommended requiring a construction traffic management plan to be submitted and approved by Council prior to a construction certificate being issued to mitigate against such issues.

- (e) Issue: The basement should be considered as habitable space.

Response: Noted. Refer to further discussion in the body of this report.

Public Interest

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

S7.11 Contribution

41. The development is not subject to a S7.11 development contribution as it is for alterations and additions to an existing dwelling house which is a type of development listed in Table 2 of the City of Sydney Development Contributions Plan 2015 and is excluded from the need to pay a contribution. A contribution is therefore not payable.

Relevant Legislation

42. Environmental Planning and Assessment Act 1979.

Conclusion

43. The subject application proposes the construction of a new basement area beneath approved additions to the dwelling at 12 Toxteth Road, Glebe. The proposal also seeks to modify the approved alterations and additions to the dwelling house that were granted consent under Development Application D/2018/681. The proposal could not be considered as a Section 4.55 modification as the inclusion of the basement was not deemed to be substantially the same development, and as such, must be considered as a separate DA.
44. Additional information was requested from the applicant during the assessment of the application in relation to the location of the water table on site and provision of a supplementary geotechnical investigation. This documentation was submitted on 20 December 2019.
45. The applicant's submitted Structural Certificate (prepared by Northern Beaches Consulting Engineers Pty Ltd) and updated Geotechnical Report (prepared by White Geotechnical Group) certify that the proposed excavation works will not adversely affect the structural adequacy of the neighbouring buildings at No.10 and No.14 and the rear lane, nor will the excavation penetrate the water table. In turn the proposed basement and associated excavation is considered acceptable subject to the imposition of relevant conditions in order to minimise potential environmental impacts to neighbouring property and the public domain.

46. Subject to the recommended conditions, the proposed alterations to development application D/2018/681 including rear garage and studio width increase, re-configuration of garage windows and doors, swimming pool relocation, minor internal alterations and installation of solar panels are not considered to detract from the amenity of nearby residences.
47. The proposed development is suitable to its setting and satisfies the relevant provisions of the Sydney LEP 2012, Sydney DCP 2012 and relevant SEPP's.
48. The subject DA is recommended for approval, subject to conditions.

ANDREW THOMAS

Acting Director City Planning, Development and Transport

James Cooper, Planner