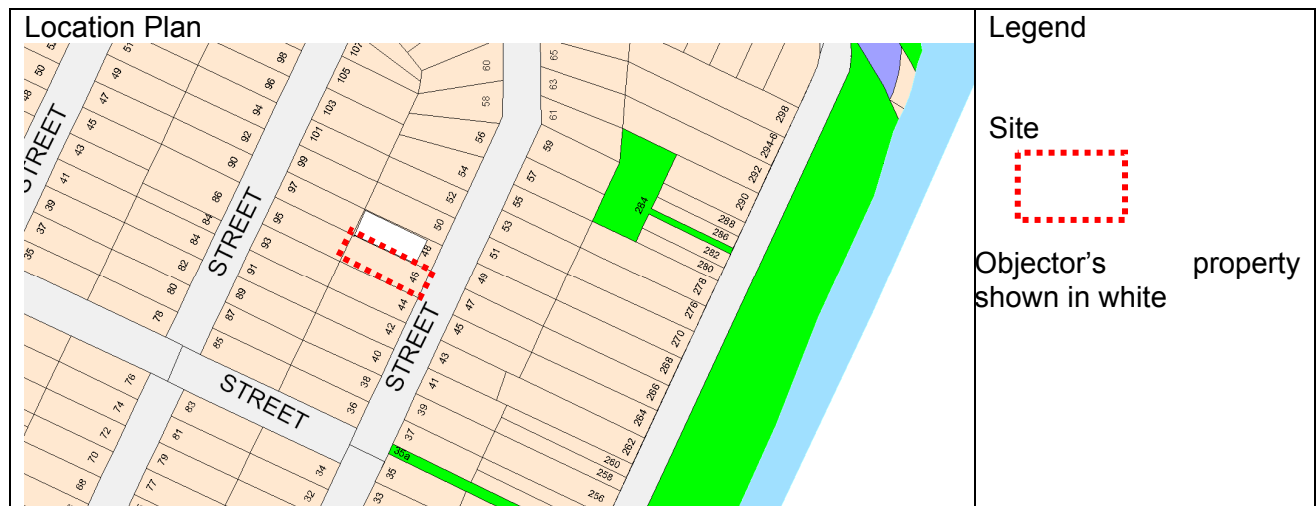




# INNER WEST COUNCIL

## DEVELOPMENT ASSESSMENT REPORT

<b>Application No.</b>	10.2018.206
<b>Address</b>	46 Tillock Street Haberfield
<b>Proposal</b>	Alterations and additions to a dwelling house
<b>Date of Lodgement</b>	27 November 2018
<b>Applicant</b>	Filmer Architects
<b>Owner</b>	Mr K J Morris & Ms M D Maria
<b>Number of Submissions</b>	1
<b>Value of works</b>	\$785,000
<b>Reason for determination at Planning Panel</b>	Clause 4.6 variation exceeds officer delegation
<b>Main Issues</b>	Size of the basement level and height of the front fence
<b>Recommendation</b>	Approval
<b>Attachment A</b>	Recommended conditions of consent
<b>Attachment B</b>	Plans of proposed development
<b>Attachment C</b>	Heritage Advisors Report





Photograph of the property

## 1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to a dwelling house at 46 Tillock Street Haberfield. The application was notified to surrounding properties and one submission was received from the adjoining property to the north.

The main issues that have arisen from the application include:

- The size of the basement
- The height of the front fence

The non-compliance with the basement development standard is considered acceptable given the basement level is not visible from the street and the dwelling house maintains a single storey appearance.

The front fence is currently acting as a retaining wall and as the fence is mainly less than 1.4m in height the fence height is considered acceptable.

Therefore the application is recommended for approval.

## 2. Proposal

Alterations and additions to a single storey dwelling house including a double carport, basement level and demolition of a detached garage

### 3. Site Description

The subject site is located on the western side of Tillock Street, bounded by Learmonth Street to the south and Crescent Street to the north. The site is rectangular in shape with a frontage of 15.24 m and an area of approximately 696.8 square metres. The property has a legal description as LOT: 24 SEC: 7 DP: 7508.

An existing single storey dwelling house and detached brick garage is located on the site.

Surrounding land uses are predominantly single dwelling houses.

The subject site is not listed as a heritage item. The property is located within the Haberfield Heritage Conservation Area (HHCA) and is not identified as a flood prone lot.

### 4. Background

#### 4(a) Site history

The following application outlines the relevant development history of the subject site and any relevant applications on surrounding properties.

Application	Proposal	Decision & Date
BA 6/1960/3164	Not specified	Approved 7 June 1960
BA 6/1958/2495	Not specified	Approved 22 July 1958

#### Surrounding properties

No relevant applications.

#### 4(b) Application history

The plans were amended as requested by Council's Heritage Advisor by converting a proposed garage into a carport, reducing the floor to ceiling height of the addition from 3.0m to 2.7m and changing the window proportions on the northern side of the proposed dwelling addition. Council's Heritage Advisor is now generally satisfied with the proposed development.

### 5. Assessment

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

#### 5(a) Environmental Planning Instruments

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

- State Environmental Planning Policy (State and Regional Development) 2011
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The following provides further discussion of the relevant issues:

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

A BASIX Certificate has been submitted as required for the development.

**5(a)(ii) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

An assessment has been made of the matters set out in Clause 20 of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. It is considered that the carrying out of the proposed development is generally consistent with the objectives of the Plan and would not have an adverse effect on environmental heritage, the visual environmental, the natural environment and open space and recreation facilities given the nature of the work.

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

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

- Clause 2.3 – Land Use Table and Zone Objectives

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

Standard	Proposal	% of non compliance	Compliances
Minimum subdivision lot size 500m <sup>2</sup>	696.8m <sup>2</sup> existing	No subdivision proposed	N/A
Floor Space Ratio Required: [0.7:1]	0.32:1(225m <sup>2</sup> GFA)	N/A	Yes
At least 50% of the site will be landscaped area.	50% of the site landscaped (348.7m <sup>2</sup> )	N/A	Yes
The gross floor area below the existing ground floor level will not exceed 25% of the gross floor area of the existing ground floor, and	Basement level gross floor area is 44.4m <sup>2</sup> = 43.8% of the existing ground floor level	75.49%	No See Clause 4.6 Exception to the development standard below
The development will not involve excavation in excess of 3 metres below ground level (existing)	1.7m excavation	N/A	Yes
Height of Building 7.0m	5.7m	N/A	Yes

As indicated by the above table, the proposal generally complies with the provisions of Ashfield LEP 2013 with the exception of Clause 6.5(3)(a)(ii) . A variation under Clause 4.6 is discussed below.

The following provides further discussion of the relevant issues:

(xii) Land Use Table and Zone Objectives (Clause 2.2)

The property is zoned R2 – Low Density Residential under the provisions of ALEP 2013. Dwelling houses are permissible with Council's consent under the zoning provisions applying to the land.

The zone objectives are:

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

Given the low density residential development on the site it is considered that the proposed development meets the zone objectives.

The development is acceptable having regard to the objectives of the R2 - Low Density Residential zone.

(xiii) Clause 6.5(3)(a) (ii) of ALEP2013

The maximum allowed floor area under the existing ground floor level as stipulated in Clause 6.5(3)(a) (ii) of ALEP2013 is 25% of the existing ground floor area, which in this case is 25.3m<sup>2</sup>. The proposed development is seeking a basement floor area of 44.4m<sup>2</sup> which is 43.8% of the existing ground floor area or a 75.49% variation from the development standard.

Basement Area Calculation			
Existing Ground Floor Area	Maximum allowed Basement Area	Proposed Basement Area	Percentage over the allowed maximum basement area
101.2m <sup>2</sup>	25% of existing ground floor area=25.3m <sup>2</sup>	44.4m <sup>2</sup> = 43.8% of existing ground floor area	75.49%= 19.1m <sup>2</sup>

Clause 4.6 Exceptions to Development Standards

(iii) Under Clause 4.6 development consent must not be granted for a development that contravenes a development standard unless the consent authority has considered a written request from the applicant that demonstrates that:

- Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- There are sufficient environmental planning grounds to justify contravening the development standard.

The consent authority must also be satisfied that 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.

A written request in relation to the contravention to the development standard in accordance with Clause 4.6 (Exceptions to Development Standards) of ALEP 2013 was submitted with the application. In summary the applicant's written request justifies the non-compliance on the basis that:

- *The proposed basement is not under the existing ground floor level.*
- *The proposed basement is created by the step up in level of the pavilion which follows the slope of the land.*
- *There is no evidence from the street or public space that the basement exists.*
- *Gravity drainage is available for the basement.*
- *There is no detrimental impact on the neighbours due to the basement*

The justification provided in the applicant's written request is considered well founded and worthy of support. Considering the above justification, strict compliance with the development standard is considered unreasonable and unnecessary given the circumstances of the site.

The objective of the subject control is to maintain the single storey appearance of dwelling houses in the Haberfield Heritage Conservation Area.

The development provides an appropriate single storey appearance. The proposal has been appropriately designed to minimise any adverse environmental impacts on the locality and the Haberfield Heritage Conservation Area.

The development ensures minimal impact to the amenity of the public domain or adjoining properties, analysis of the provided architectural plans has highlighted that the development minimises window openings along the side elevations. Analysis of the provided shadow diagrams highlights that the proposal ensures compliance with Councils controls for solar access to neighbouring sites.

The development presents a building form and scale that is generally compliant with the controls of the Ashfield Local Environmental Plan 2013 and is considered to represent the desired future character.

The proposed variation has been assessed and is considered to meet the objectives of the subject control and the R2 Low Density zone. The proposed 75.49% variation to the subject development standard is recommended for support .

It is considered that the proposal complies with the provisions of the Ashfield LEP 2013.

The following provides further discussion of the relevant issues:

### 5(b) Draft Environmental Planning Instruments

There are no relevant Draft Environmental Planning Instruments.

### 5(c) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of the Comprehensive Inner West Development Control Plan 2016.

DCP 2016 – Chapter F: Development Category Guidelines				
Control No.	Control	Standard	Proposed	Compliance
DS3.4	Wall height	Maximum external wall height of 6 metres measured from the existing ground level.	3.9 metres	Yes
DS4.3	Setbacks	Side setbacks are determined by compliance with the BCA. Generally, Council requires a minimum side setback of 900mm for houses	2.12 m & 0 m northern and southern side setbacks for dwelling house and carport respectively. The dwelling house is setback more than 900mm from the closest boundary. A condition will be imposed for the carport roof to be setback 500mm from boundary	Yes subject to condition for carport roof to be setback 500mm from boundary
DS6.1	Garages and carports	A minimum of one car parking is required per dwelling	Double carport proposed	Yes
DS 9.1	Private open Space	20m2 with minimum 3.5m	180m2 and 12m minimum width	Yes
DS7.1		<p>The maximum height of rear and a side boundary fence which does not extend forward of the predominant building line is 1.8m</p> <p><b>Note:</b> a maximum of 600 mm of lattice screening may be placed above 1.8m with the written agreement of all adjacent property owners</p> <p>The maximum height of a front and side fence forward of the front building line is 1.2m</p>	<p>The proposed front fence is forward of the building line of the dwelling house. The fence has a height of between 1.35m to 1.9m to the top of the fence columns.</p>	<p>No. But given that the proposed fence height is almost identical as the existing and on a sloping site with the fence acting as a retaining wall the fence height of 1.35m to 1.9m is considered acceptable</p>
DS 7.2		New or replacement front fences and gates must be appropriate to the architecture of both the house and the streetscape.	New front fence and timber gate is appropriate to the architecture of both the house and the streetscape.	Yes
DS 7.3		Driveway gates or pathways gates do not swing across council's footpath or driveway	No driveway gates proposed.	Yes condition imposed

DS 8.2	Minimum Landscaped area %	696.8m <sup>2</sup> site area. 35% landscaping required.	348.7m <sup>2</sup> = 50%	Yes
DS 8.3	Maximum site coverage	696.8m <sup>2</sup> site area. 50% of site area (348.4m <sup>2</sup> )	248m <sup>2</sup> = 35.59%	Yes
DS 11.1	Front gardens	Requires front garden to have an area and dimensions that provide sufficient soil area for ground cover, vegetation and trees.	No change to existing front garden	Yes
DS 11.2	Front gardens	Requires hard paved areas to be minimised, and driveways have a maximum width of 3 metres	No change to existing front garden	Yes
DS 12.1	Rear gardens	Requires rear gardens to have an area and dimension that provide sufficient soil area for ground cover, vegetation and trees.	Rear garden is of a sufficient size to ensure adequate vegetation and solar access	Yes
DS13.1	Solar access	Sunlight to at least 50% (or 35m <sup>2</sup> with minimum dimension 2.5m, whichever is the lesser) of private open space areas of adjoining properties is not to be reduced to less than three (3) hours between 9am and 3pm on 21 June.  Existing solar access is maintained to at least 40% of the glazed areas of any neighbouring north facing primary living area windows for a period of at least three hours between 9am and 3 pm on 21 June.  Requires main living areas to be located on the northern side of buildings where possible and subject to streetscape quality considerations.  Requires sun shading devices such as eaves, overhangs or recessed balconies minimise the amount of direct sunlight striking facades.	Neighbouring dwellings to retain the minimum required 3 hours of solar access	Yes
DS 13.2			Proposal generally retains existing solar access for neighbouring dwellings	Yes
DS 13.3				
DS 13.4			Development is appropriately designed	Yes
			Proposal incorporates appropriate sun shading devices such as eaves	Yes
DS14.1	Visual Privacy	Requires the number of windows to side elevations located above the ground floor to be minimised.	No windows above the ground floor	N/A
DS19.1	Stormwater	Stormwater from roofs is	Conditioned to	Yes



	Disposal	discharged by gravity to street gutter system	engineers requirements	
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DCP 2016 Chapter E2 – Haberfield Conservation Area				
Clause No.	Clause	Standard	Proposed	Compliance
2.3(a)	Pattern of Development	Subdivision of existing allotments would be detrimental to the heritage significance of the Garden Suburb and is not acceptable.	No subdivision is proposed.	N/A
2.6	Building Form	<p>Alterations to the original main part of a building (other than a non-conforming building), including front and side facades, verandahs and roof forms, are not permitted</p> <p>Extensions shall not conceal, dominate or otherwise compete with the original shape, height, proportion and scale of the existing buildings.</p> <p>The overall length of any extension is to be less than, and secondary to, the original house.</p>	<p>Alterations are limited to the rear portion of the dwelling house.</p> <p>Proposal has been appropriately designed not to dominate original features of the existing dwelling house.</p> <p>Extension is secondary to existing house.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
2.9	Roof Forms	<p>Roof extensions are to relate sympathetically and subordinately to the original roof in shape, pitch, proportion and materials.</p> <p>New buildings are to have roofs that reflect the size, mass, shape and pitch of the neighbouring original roofs.</p> <p>Roof extensions are to be considerably lower than the original roof and clearly differentiated between the original and the new section.</p>	<p>The proposed roof extension as amended has been assessed by Councils' Heritage Advisor who outlined no objection to the development.</p> <p>The roof addition is considerably lower than the existing ridgeline.</p>	Yes
2.12	Sitting, Setbacks and Levels	<p>The established pattern of front and side setbacks should be kept.</p> <p>New residential buildings or extensions should not be built forward of existing front building lines.</p> <p>Where natural land slope allows, sub-floor and basement development is permitted for use as laundries, storerooms, workrooms or garages.</p>	The development has been designed in accordance with the established building setbacks in the street.	Yes

2.15(d)	Walls	In repairing the fabric of external walls, matching materials shall be used.	All additions are proposed to be clad in face brickwork to be consistent with the character of the area.	Yes
2.21(c)	Joinery	Timber detailing on extensions and alterations shall respect the existing detailing but avoid excessive copying and over embellishment.	The timber detailing on all new work is proposed to be simple and plain so as not to compete with the original.	Yes
2.24(d)	Windows and Doors	New doors and windows are to reflect the proportion, location, size, sill heights, header treatment, materials, detailing and glazing pattern of the original doors and windows on the house to which they belong.	All proposed doors and windows are proposed to be vertical in proportion.	Yes
2.36(e)		The floor plan for new outbuildings shall be simple, not complex.	The floor plan for the proposed carport comprises a simple rectangle	Yes
2.36(f)		The roof form of new outbuildings shall be simple and practical in scale. The pitch shall be lower than the roof pitch of the house and shall use skillion, hip or gable forms.	The roof of the proposed carport comprises a simple skillion roof.	Yes
2.36(g)		Construction materials shall be brick, weatherboard or fibro with cover battens. Roofs shall be of terra cotta Marseilles tiles or Yes	All proposed additions are clad in face brick.	Yes
2.39(e)	Colour Schemes	New buildings should use colours that harmonise with the traditional colour schemes.	The proposed additions are to be finished in colours compatible with the character of the conservation area.	Yes
2.42 Controls	Front fences	<p>a) Original front fences and gates are to be kept and repaired.</p> <p>b) Reconstruction of lost fences to their early design and detail is encouraged. It needs to be based on documentary evidence (photographs, descriptions). Demolition should only be permitted where accurate reconstruction is to occur immediately.</p>	<p>The existing fence is of masonry construction and is acting as a retaining wall.</p> <p>The proposed new front fence is of masonry construction</p>	<p>N/A</p> <p>Generally complies</p> <p>Yes</p>

	<p>c) New front fences which are not reconstructions of an earlier fence should be simple in design and decoration and fit in with the design of traditional fences in Haberfield.</p> <p>d) New front fences of timber are encouraged. They should be between 1m to 1.4m in height. The timber should be painted and in an appropriate colour (see Clause 2.37 'Colour Scheme' of this Plan).</p> <p>f) Materials and designs inappropriate to the age of the house or to the character of Haberfield Conservation Area will not be considered.</p> <p>g) Brick dividing fences are not permitted unless there are overriding environmental, safety or fire separation reasons for such use.</p> <p>e) High brick fences on front alignments are not permitted in Haberfield.</p>	<p>The proposed front fence is simple in design</p> <p>The fence is masonry with a timber gate. The height ranges from 1.35m to 1.9m in height to the top of the columns however most of the fence is less than 1.4m in height. The land is sloping down from the south to the north.</p> <p>The fence is acting as a retaining wall</p>	<p>N/A</p> <p>N/A</p>
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### 5(d) The Likely Impacts

The assessment of the Development Application demonstrates that, subject to the recommended conditions, the proposal will have minimal impact in the locality.

### 5(e) The suitability of the site for the development

The site is located within the R2 Low Density Residential. The proposal is defined as alterations and additions to a dwelling house which is permissible with consent within the zone.

The site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

### 5(f) Any submissions

The application was notified in accordance with the Comprehensive Inner West DCP 2016 for a period of 14 days to surrounding properties. One submission was received.

Submissions		
Issue	Officer Comments	Support
Dilapidation Report	The objector has requested a dilapidation report be prepared prior to commencement of work	Yes – A condition is included
One of the plans shows a swimming pool which is not	The plans have been amended to delete the plan showing the swimming pool.	Yes

shown on the other plans		
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5(g) The Public Interest

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed.

The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

The application was referred to the following internal sections/officers and issues raised in those referrals have been discussed in section 5 above.

Internal Referrals		
Officer	Comments	Support
Engineer	No objection subject to conditions	Yes
Heritage Advisor	No objection subject to conditions.	Yes
Tree Management Officer	No objection subject to conditions	Yes

6(b) External

Nil

7. Section 7.12 Contributions

Section 7.12 contributions are applicable given the value of work is \$785,000.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in Ashfield Local Environmental Plan 2013 and the Comprehensive Inner West Development Control Plan 2016.

The development will not result in any significant impacts on the amenity of adjoining premises and the streetscape. The application is considered suitable for approval subject to the imposition of appropriate conditions.

## 9. Recommendation

That the Clause 4.6 exception to the development standard under Clause 6.5(3)(a) (ii) of Ashfield Local Environment Plan 2013 is well founded and that compliance with the development standard is considered to be unreasonable and unnecessary in this case.

That the Inner West Local Planning Panel exercising the functions of the Council, as the consent authority pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No.2018.206.1 for alterations and additions to a dwelling house, construction of a double carport, front fence and demolition of a garage subject to conditions.

## Attachment A – Recommended conditions of consent

### CONDITIONS

#### DA 2018.206.1

46 Tillock Street HABERFIELD 2045

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

Alterations and additions to an existing dwelling house, construction of a front fence, a double carport and demolition of garage.

#### **A** General Conditions

##### (1) Approved plans stamped by Council

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

No.	Title	Prepared by	Amendment Date
DA 1.0.0 B	Site Analysis Plan	Filmer Architects	30/1/2019
DA 1.0.1 A	Existing Floor Plan	Filmer Architects	June 18
DA 1.1.1 B	Ground Floor Plan	Filmer Architects	30/1/2019
DA 1.1.2 B	Lower Ground floor Plan	Filmer Architects	30/1/2019
DA 1.2.1 C	North and South Elevations	Filmer Architects	13/2/2019
DA 1.2.2 B	East and West Elevations	Filmer Architects	30/1/2019
DA 1.2.3 B	Sections A-A , B-B	Filmer Architects	30/1/2019
DA 2.1.1 B	FSR and Landscape Calculation Plan	Filmer Architects	30/1/2019
DA 2.1.2 B	Water Collection Plan	Filmer Architects	30/1/2019
DA 3.1.1 B	Stormwater Concept Plan	Filmer Architects	30/1/2019

##### (2) The trees identified below are to be retained

Tree/location
<i>Lagerstroemia indica</i> (Crepe Myrtle) Rear
<i>Triadica sebifera</i> (Chinese Tallow) Side

Details of the trees to be retained must be included on the Construction Certificate plans.

##### (3) Carport Roof

The carport roof is to be at least 500mm from the southern boundary

##### (4) Fence Gate

The front gate shall open inwards

#### **B** Design Changes

Nil

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

##### (1) Home Building Act 1989 Insurance

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

##### (2) Long service levy

Compliance with Section 109F of the Environmental Planning and Assessment Act 1979 – payment of the long service levy under Section 34 of the Building and Construction Industry Long Service Payments Acts 1986 – is required. All building of \$25,000.00 and over are subject to the payment of a Long Service Levy fee. A copy of the receipt for the payment of the Long Service Levy shall be provided to the Principal Certifying Authority (PCA) prior to the issue of a Construction Certificate. Payments can be made at Long Service Payments Corporation offices or most Councils.

**(3) Security Deposit**

Prior to the commencement of demolition works or a Construction Certificate being issued for works approved by this development consent (whichever occurs first), a security deposit and inspection fee must be paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

Security Deposit (FOOT)	\$4,452.00
Inspection fee (FOOTI)	\$230.65

Payment will be accepted in the form of cash, bank cheque, EFTPOS/credit card (to a maximum of \$10,000) or bank guarantee. Bank Guarantees must not have an expiry date.

The inspection fee is required for Council to determine the condition of the adjacent road reserve and footpath prior to and on completion of the works being carried out.

Should any of Council's property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council's assets or the environment at risk, or if any road, footpath or drainage works required by this consent are not completed satisfactorily, Council may carry out any works necessary to repair the damage, remove the risk or complete the works. Council may utilise part or all of the security deposit to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.

A request for release of the security may be made to the Council after all construction work has been completed and a final Occupation Certificate issued.

The amount nominated is only current for the financial year in which the consent was issued and is revised each financial year. The amount payable must be consistent with Council's Fees and Charges in force at the date of payment.

Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

**(4) Dilapidation – minor**

The person acting on this consent shall submit to the Principal Certifying Authority a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site before the issue of a Construction Certificate.

**(5) Payment of any Additional Fees**

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

**(6) Permits - General**

Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent shall obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993. Permits are required for the following activities:

- a) Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application.
- b) A concrete pump across the roadway/footpath
- c) Mobile crane or any standing plant
- d) Skip bins
- e) Scaffolding/Hoardings (fencing on public land)
- f) Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.
- g) Awning or street verandah over footpath
- h) Partial or full road closure
- i) Installation or replacement of private stormwater drain, utility service or water supply

Contact Council's Road Access team to ensure the correct Permit applications are made for the various activities.

Applications for such Permits shall be submitted and approved by Council prior to the commencement of the works associated with such activity or issue of the Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

**(7) Public Liability Insurance**

Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands shall take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.

**(8) Section 94A Contribution**

Pursuant to Section 80A(1) of the *Environmental Planning and Assessment Act 1979* and Ashfield Council's Section 94A Development Contributions Plan 2009 a contribution of **\$7,850** shall be paid to Ashfield Council.

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

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

**(9) Landscape Plan**

A landscape plan prepared by a qualified Landscape Architect or Landscape Consultant must be provided prior to the issue of a Construction Certificate. The plan must include:

- a) Location of all proposed and existing planting delineating existing trees to be retained, removed or transplanted.
- b) A detailed planting schedule including species by botanical and common names, quantities, pot sizes and estimated size at maturity.
- c) At least 85% of the plantings must be native species from the Sydney locale.
- d) Three canopy trees and one street tree each capable of achieving a mature height of at least seven (7) metres are to be planted.
- e) Details of earthworks including mounding, retaining walls, and planter boxes (consistent with the approved architectural plans).
- f) A landscape maintenance strategy for the owner / occupier to administer over a twelve (12) month establishment period.
- i) Details of drainage and watering systems.

Details demonstrating compliance are to be shown on the plans submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

**(10) Tree Planting**

The following tree species must be planted, at no cost to Council, in the nature strip in front of the property along Tillock Street. The tree used must be a minimum twenty-five (25) litre container size at the time of planting.

Tree/species	Quantity	Location
<i>Cupaniopsis anacardioides</i> (Tuckeroo)	1	Nature strip



Details of the species and planting locations must be included on the landscape and /or site plan prior to the issue of a Construction Certificate. Such plans must also contain details as to the location of power poles and overhead power lines, manholes, vehicular crossings, footpaths, subterranean services and the like.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

**(11) Tree Protection**

Before the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that no proposed underground services (i.e. water, sewerage, drainage, gas or other service) unless previously approved by conditions of consent, are located beneath the canopy of any tree protected under State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017, located on the subject allotment and adjoining allotments.

A plan detailing the routes of these services and trees protected under the State Environmental Planning Policy shall be prepared. Details demonstrating compliance are to be shown on the plans submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

**(12) Tree Protection**

The footings of the proposed rear addition will be isolated pier or pier and beam construction within the specified radius of the trunk(s) of the following tree.

Schedule	
Tree/location	Radius in metres
<i>Triadica sebifera</i> (Chinese Tallow) Side	3 metres

The piers shall be located such that no roots of a diameter greater than 30mm will be severed or injured during the construction period. The beam(s) shall be of reinforced concrete or galvanised steel sections and placed in positions with the base of the beam being a minimum of 50mm above existing soil levels.

Structural details of the pier or pier and beam construction shall be submitted to the Principal Certifying Authority satisfying the above requirements prior to the release of a Construction Certificate.

**D Conditions that must be complied with before work commences**

**(1) Notice of Commencement – Notification of Works**

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

**(2) Requirement for a Construction Certificate**

In accordance with the provisions of Section 6.7 of the *Environmental Planning and Assessment Act 1979* the erection of a building and/or construction works must not commence until:

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

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

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

**WARNING:** Failure to obtain a Construction Certificate prior to the commencement of any building work is a serious breach of Section 6.7 of the *Environmental Planning & Assessment Act 1979*. It is a criminal offence that attracts substantial penalties and may also result in action in the Land and Environment Court and orders for demolition.

**(3) Inspections required by Principal Certifying Authority**

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

**(4) Site Controls**

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

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

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

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

**(5) Site fencing/security**

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

**(6) Sydney Water approval - Building Plan Approval**

The approved plans must be submitted to the Sydney Water [Tap in™](#) online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

*The Sydney Water [Tap in™](#) online self-service replaces our Quick Check Agents as of 30 November 2015.*

The [Tap in™](#) service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's [Tap in™](#) online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

**(7) Sanitary facilities - demolition/construction sites**

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

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

**(8) Structural Engineering Details**

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

**(9) Tree Protection**

To preserve the following tree/s and avoid soil compaction, no work shall commence nor shall a Construction Certificate be issued (whichever occurs first) until temporary measures to avoid soil compaction (e.g. rumble boards or similar as specified in Section 4.5.3 of AS4970—*Protection of trees on development sites*) beneath the canopy of the following tree/s is/are installed:

Tree/Location
<i>Triadica sebifera</i> (Chinese Tallow) Side

Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

**(10) Tree Protection**

To preserve the following tree/s, no work shall commence until a Protection Zone (in accordance with AS4970-*Protection of trees on development sites*) is fenced off across the width of the rear garden, 2 metres on the eastern side of the *Lagerstroemia indica* (Crepe Myrtle) trunk. The fence shall be maintained intact until the completion of all demolition/building work on site.

Tree/location
<i>Jacaranda mimosifolia</i> ( <i>Jacaranda</i> ) Rear 95 Kingston Street
<i>Lagerstroemia indica</i> (Crepe Myrtle) Rear – 2 metres from trunk.

A minimum 1.8m high barrier (Chain wire mesh panels, plywood or wooden paling fence panels: refer to AS4687-*Temporary fencing and hoardings* for fencing requirements) shall be erected to enclose the rear garden  
Shade cloth or similar should be attached to reduce the transport of dust, other particulate matter and liquids into the protected area. Fence posts and supports should have a diameter greater than 20mm and be located clear of roots. The barrier shall be constructed so as to prevent pedestrian and machinery entry into the protection zone.

**(11) Tree Protection**

To preserve the following tree, no work shall commence until the area beneath the canopy excluding that area of the proposed building shall be fenced off for the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence shall be maintained intact until the completion of all demolition/building work on site:

Tree/location	Radius in metres
<i>Triadica sebifera</i> (Chinese Tallow) Side	2 metres

The tree protection fencing being constructed of star pickets (located clear of roots) and connected by 4 strands of 2mm wire at 300mm wide spacing to a minimum height of 1.5 metres in height prior to work commencing.

Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

**(12) Tree Protection**

Prior to works commencing or release of a Construction Certificate (whichever occurs first), tree protection signage is to be attached to each tree protection zone, displayed in a prominent position and the sign repeated at 10 metre intervals or closer where the fence changes direction. Each sign shall

contain in a clearly legible form (lettering should comply with AS 1319-*Safety signs for the occupational environment*), the following information:

- a) Tree protection zone;
  - b) This fence has been installed to prevent damage to the trees and their growing environment both above and below ground and access is restricted;
  - c) Any encroachment not previously approved within the tree protection zone shall be the subject to advice from the Project Arborist in report form and must include the following:
    - Proof shall be provided that no other alternative is available;
    - On completion, the Project Arborist's report shall be submitted to the Principal Certifying Authority for further consultation with Council;
  - d) The name, address and telephone number of the builder and Project Arborist.
- Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

### **(13) Dilapidation Reports**

A Dilapidation Report on the current structural condition of the existing buildings at 48 Tillock Street Haberfield must be prepared by a practicing structural engineer. The Dilapidation Report must be completed and submitted to the owner of the subject property and to Council prior to the commencement of any demolition, excavation or construction works. At the completion of the works, a second Dilapidation Report recording the structural condition must be prepared. That Report must be submitted to the owner of the subject property and to Council.

### **E Conditions that must be complied with during construction or demolition**

#### **(1) Building materials and equipment - storage/placement on footpath/roadway - Council approval**

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

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

#### **(2) Signs to be erected on building and demolition sites**

- (1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - (a) stating that unauthorised entry to the work site is prohibited; and
  - (b) showing the name and address of the contractor for the building work and the person in charge of the work site and a telephone number at which the person may be contacted outside working hours; and
  - (c) showing the name, address and telephone number of the Principal Certifying Authority appointed for the building works.
- (2) Any-sign shall be maintained and not removed until work has been finished.

#### **(3) Demolition/excavation/construction - hours of work**

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work shall only be permitted during the following hours:

- a) 7:00 am to 6:00 pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
- b) 8:00 am to 1:00 pm on Saturdays with no demolition works occurring during this time; and
- c) at no time on Sundays or public holidays.

Works may be undertaken outside these hours where they do not create any nuisance to neighbouring properties in terms of dust, noise, vibration etc and do not entail the use of power tools, hammers etc. This may include but is not limited to painting.

In the case that a standing plant or special permit is obtained from Council for works in association with this development, the works which are the subject of the permit may be carried out outside these hours.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, to prevent risk to life or environmental harm.

Activities generating noise levels greater than 75dB(A) such as rock breaking, rock hammering, sheet piling and pile driving shall be limited to:

8:00 am to 12:00 pm, Monday to Saturday; and  
2:00 pm to 5:00 pm Monday to Friday.

The Proponent shall not undertake such activities for more than three continuous hours and shall provide a minimum of one 2 hour respite period between any two periods of such works.

"Continuous" means any period during which there is less than an uninterrupted 60 minute respite period between temporarily halting and recommencing any of that intrusively noisy work.

Noise arising from the works must be controlled in accordance with the requirements of the Protection of the Environment Operations Act 1997 and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.

**(4) Demolition requirements/standards**

Demolition work is to be carried out in accordance with the following:

- (a) Australian Standard 2601 and any requirements of the Safe Work NSW.
- (b) The Waste Management Plan submitted with the Development Application.
- (c) The property is to be secured to prohibit unauthorised entry.
- (d) All precautions are to be exercised in the handling, removal and disposal of all asbestos materials. Licensed contractors and the disposal of asbestos is to be carried out in accordance with the requirements of the Safe Work NSW.
- (e) All other materials and debris is to be removed from the site and disposed of to approved outlets.
- (f) Any demolition on the site is to be conducted in strict accordance with, but not limited to, sections 1.5, 1.6, 1.7, 3.1 and 3.9 of the AS 2601 - 1991, demolition of structures. The following measures must be undertaken for hazardous dust control:
  - (g) Prior to demolition, the applicant shall submit a Work Plan prepared in accordance with AS 2601 by a person with suitable expertise and experience to the Principal Certifying Authority. The Work Plan shall identify any hazardous materials, the method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- (h) Hazardous dust must not be allowed to escape from the site or contaminate the immediate environment. The use of fine mesh dust proof screens, wet-lead safe work practices, or other measures is required.
- (i) All contractors and employees directly involved in the removal of hazardous dusts and substances shall wear protective equipment conforming to AS 1716 Respiratory Protective Devices and shall adopt work practices in accordance with WorkSafe Requirements (in particular the WorkSafe standard for the *Control of Inorganic Lead At Work* (NOHSC: 1012, 1994) and AS 2641, 1998).
- (j) Any existing accumulations of dust (eg; ceiling voids and wall cavities must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter and disposed of appropriately.

- (k) All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Unclean water from the suppressant spray is not be allowed to enter the street gutter and stormwater systems.
- (l) Demolition is not to be performed during high winds that may cause dust to spread beyond the site boundaries without adequate containment.
- (m) All lead contaminated material is to be disposed of in accordance with the NSW Environment Protection Authorities requirements.
- (n) Construction and demolition waste, particularly timber, bricks and tiles, concrete and other materials need not be disposed of- they can be recycled and resold if segregated properly from any hazardous waste contamination.

**(5) Termite treatment**

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

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

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

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

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

**(6) Tree Protection**

No mechanical excavation being undertaken within the specified radius of the trunk(s) of the following tree(s) until root pruning by hand along the perimeter line of such works is completed:

Schedule	
Tree/location	Radius in metres
<i>Triadica sebifera</i> (Chinese Tallow) Side	2 metres

Details demonstrating compliance with the requirements of this condition are to be submitted by the Project Arborist undertaking the works to the satisfaction of the Principal Certifying Authority.

**(7) Waterproofing materials/installation – BCA/Australian Standards**

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

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

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

**(8) Safety Glazing - BCA**

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

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

**(9) Fire Detection/Alarm System installation and certification**

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

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

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

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

**(10) BASIX Requirements**

The new works shall be constructed in accordance with, and comply with the undertakings given on the BASIX (Building Sustainability Index) Certificate No. A334354-02 as obtained from the Department of Infrastructure, Planning and Natural Resources. For more information visit [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au).

**(11) Materials and colour schemes**

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

**(12) Rainwater items - design**

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

**(13) Road opening permit – Council controlled lands**

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

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

**(14) Footpath, kerb and gutter protection**

The applicant is to take all precautions to ensure footpaths and roads are kept in a safe condition and to prevent damage to Council's property.

Pedestrian access across this footpath must be maintained in good order at all times during work. Any damage caused will be made good by Council at Council's restoration rates, at the applicant's expense.

**(15) Survey certificate**

All building work shall be wholly on the subject property and in accordance with the approved plans. A survey certificate must be submitted to verify this.

**(16) Tree Protection**

If tree roots are required to be severed for the purposes of constructing the approved works, they shall be cut cleanly using a sharp and *fit for purpose tool*. The pruning shall be undertaken by a minimum Level 3 (AQF 3) qualified Arborist.

Details demonstrating compliance with the requirements of this condition are to be submitted by the Project Arborist undertaking the works to the satisfaction of the Principal Certifying Authority.

**(17) Tree Protection**

Canopy and/or root pruning of the following tree(s) which is necessary to accommodate the approved building works shall be undertaken by, or directly supervised a suitably qualified professional who has as a minimum, Level 5 (Diploma) certification in Arboriculture under the Australian Qualification Framework (AQF).

Schedule	
Tree/location	Approved works
<i>Triadica sebifera</i> (Chinese Tallow) Side	Root pruning

The person acting on this consent has approval under Council's Tree Management Controls to; prune the roots where diameters do not exceed 40 mm. All pruning shall be carried out to sections 5, 6 and 7.3.3 of the Australian Standard AS4373—*Pruning of amenity trees*.

**(18) Tree Protection**

No tree roots of 40mm or greater in diameter located within the specified radius of the trunk(s) of the following, tree(s) shall be severed or injured in the process of any works during the construction period.

Schedule	
Tree/location	Radius in metres
<i>Triadica sebifera</i> (Chinese Tallow) Side	2 metres

**(19) Tree Protection**

No activities, storage or disposal of materials taking place beneath the canopy of any tree protected under Council's Tree Management Controls at any time.

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

nil

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

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

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

**(2) Site Stormwater**

The submitted Stormwater Plan DA 3.1.1B, dated 30 January 2019, is satisfactory, provided that all the pipes and pits flow by gravity to the street gutter, ie none of the system is pressurised.

**(3) House Number**

A House Number that is clearly visible to motorists and a minimum lettering height of 100mm, shall be displayed.



**(4) Landscaping completion**

All site works and landscaping are to be carried out in accordance with the approved landscaping plans prior to the issue of the occupation certificate.

**(5) Public Domain works**

All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development shall be completed before the issue of an Occupation Certificate. Works shall be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".

**(6) Tree Planting**

The planting of street trees (within the nature strip) required by this consent shall be carried out prior to the release of an Occupation Certificate. The planting must be in accordance with the approved plan and

- a) The tree pits must be inspected by Council's Tree Management Officer before and after planting.
- b) The street trees must be maintained for a minimum period of 12 months commencing on the planting date. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning and fertilising and pest and disease control.
- c) At the completion of the 12 month maintenance period written approval must be obtained from Council's Tree Management Officer that the trees are healthy.
- d) If the street tree requires replacement due to maintenance deficiencies during the 12 month maintenance period, the 12 month maintenance period will commence again from the date of the planting of the replacement tree.

**(7) Landscaping works**

Prior to the issue of any Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including the removal of all noxious weed species and planting of canopy trees, have been undertaken in accordance with the approved landscape plan and/or conditions of Development Consent

**H Conditions that are ongoing requirements of development consents****(1) Landscaping shown on plans**

The landscaping as shown on the approved plans shall be capable of growing plants and must be maintained. Gravel is not to be used as landscaping.

**(2) Power Pole**

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

**(3) Tree Maintenance**

The canopy replenishment trees required by this consent are to be maintained in a healthy and vigorous condition until they attain a height of 6 metres whereby they will be protected by Council's Tree Management Controls. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species within 2 months.

**I Advisory Notes****(1) Modifications to your consent - prior approval required**

Works or activities other than those authorised by the approval including changes to building configuration or use will require the submission and approval of an application to modify the consent under Section 96 of the *Environmental Planning & Assessment Act 1979*. You are advised to contact Council immediately if you wish to alter your approved plans or if you cannot comply with other requirements of your consent to confirm whether a Section 96 modification is required.

**Warning:** There are substantial penalties prescribed under the *Environmental Planning and Assessment Act 1979* for breaches involving unauthorised works or activities.

**(2) Occupational health and safety**

All site works must comply with the occupational health and safety requirements of the NSW Safe Work Authority.

**(3) Tree preservation**

Where tree removal or work has not been approved by this Development Consent, the developer is notified that a general Tree Preservation Order applies to all trees (with the exception of certain species) in the Municipality of Ashfield with a height greater than five (5) metres. This order prohibits the ringbarking, cutting down, topping, lopping\*, pruning, transplanting, injuring or wilful destruction of such trees except with the prior approval of the Council. Written consent from Council for such tree works must be in the form of a "Tree Preservation Order Permit for Pruning or Removal of Protected Trees" to be obtained from Council.

\* Lopping may be carried out without consent only to maintain a minimum clearance of 500mm from power lines, pruning to remove dead wood/branches and minor pruning of branches overhanging buildings to a height of 2 metres only with the agreement of the owner of the tree. Contact Council's One Stop Shop - telephone 9716 1800, for details of the Tree Preservation Order.

**Reason for the imposition of conditions**

Unrestricted consent would be likely to cause injury:

- a) to the amenity of the neighbourhood
- b) to the heritage significance of the area
- c) to the heritage significance of the property
- d) to the amenity of the neighbourhood due to the emission of noise
- e) to the amenity of the neighbourhood due to the creation of a traffic hazard

and further, would not be in the public interest.

**Compliance with Building Code of Australia**

- (1) All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).
- (2) This clause does not apply to the extent to which an exemption is in force under clause 187 or 188 of the Environmental Planning and Assessment Regulation 2000, subject to the terms of any condition or requirement referred to in clause 187 or 188.

**NOTES**

- (i) This approval does not relieve an applicant of the obligation to obtain any other approval required under Section 68 of the Local Government Act, 1993 and Ordinances or Section 4.12 of the Environmental Planning & Assessment Act, 1979 or any other Act or Regulation.
- (ii) Further approval(s) – see above, may be required in addition to this development consent. Plans and specifications submitted for building works must comply with the Building Code of Australia, any relevant condition of development consent and/or other code or requirement of Council at the time of approval.

Ask Council if you are unsure of what procedures you need to follow.

**SECTIONS 8.2, 8.7 AND 4.53 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979**

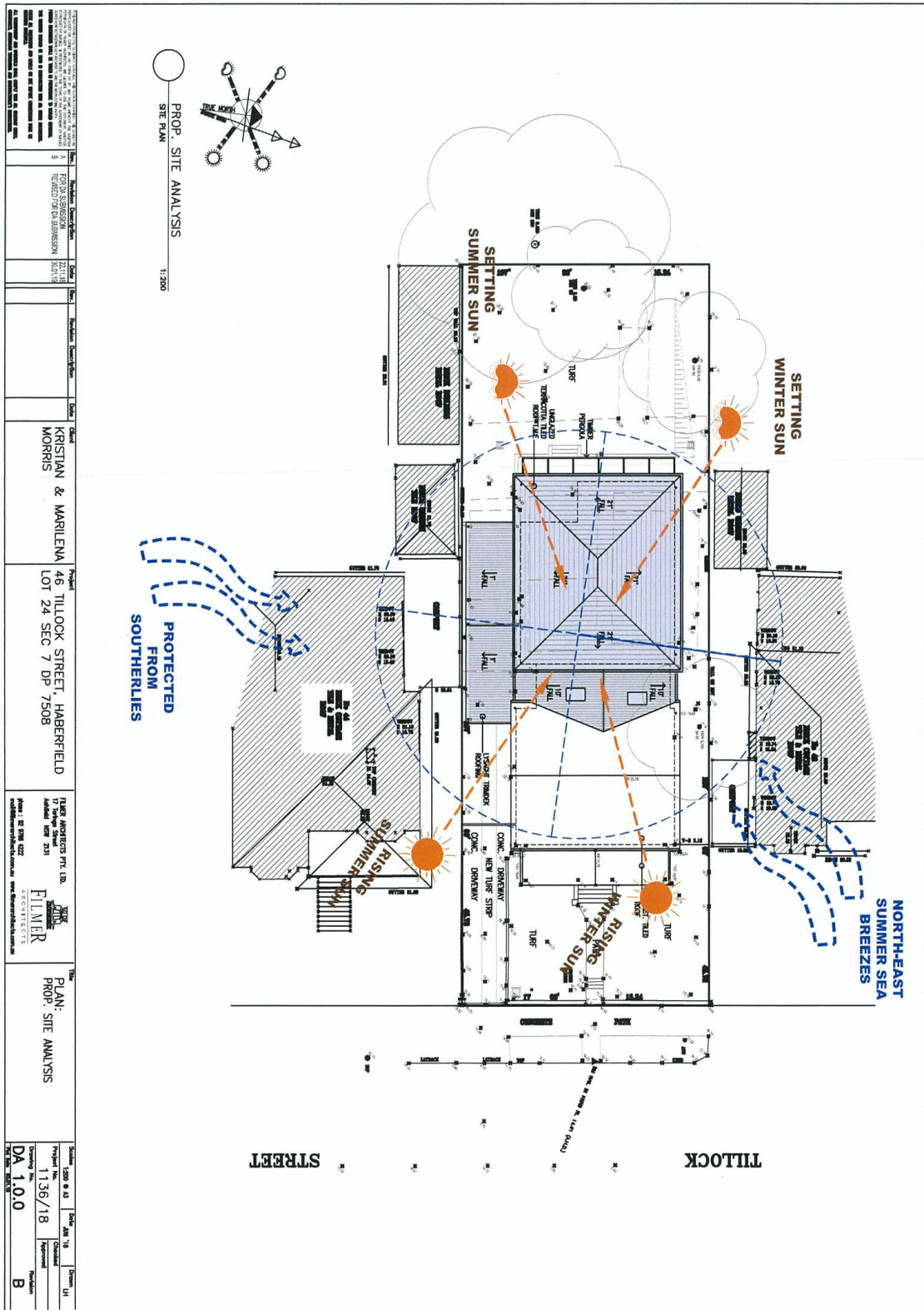
You are advised that:

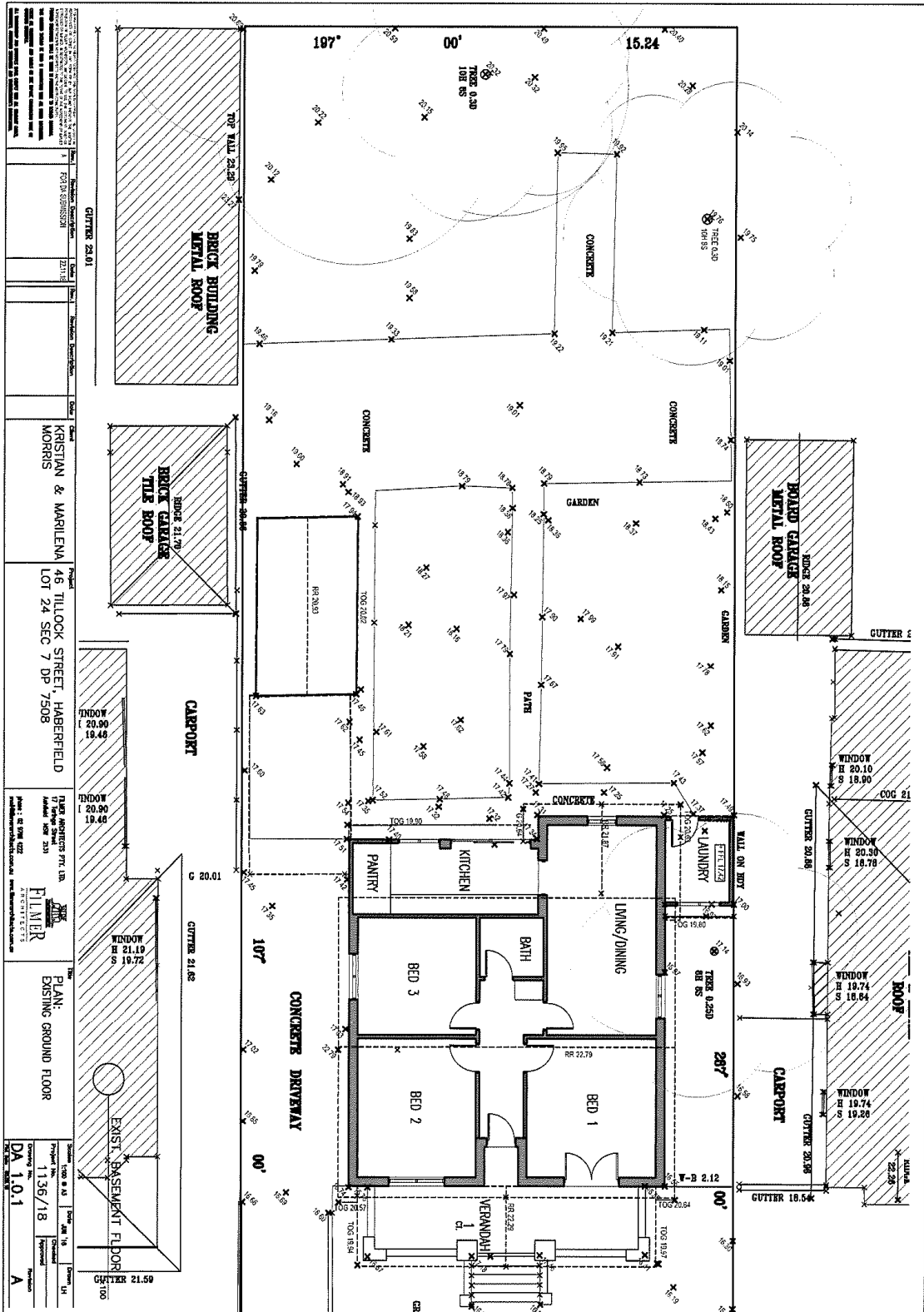
- Under the provisions of Section 8.2 of the Environmental Planning and Assessment Act, 1979, an applicant may request Council to review a determination of the applicant's development application, other than an application for designated development. Any request for a review must be made within six (6) months of the date on which the applicant received notice, given in

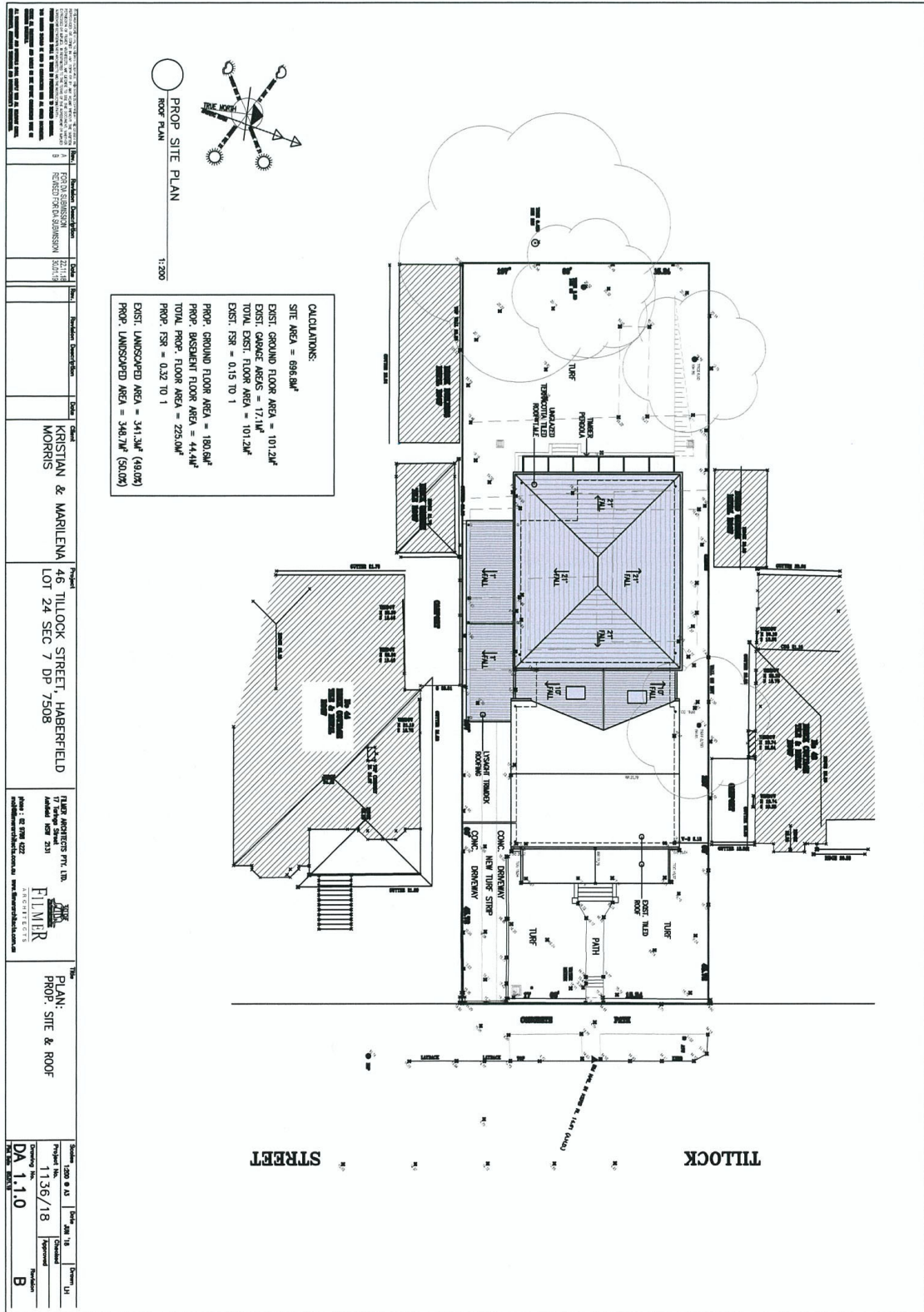
accordance with the regulations, of the determination of the application and be accompanied by the fee prescribed in Section 257 of the Regulations.

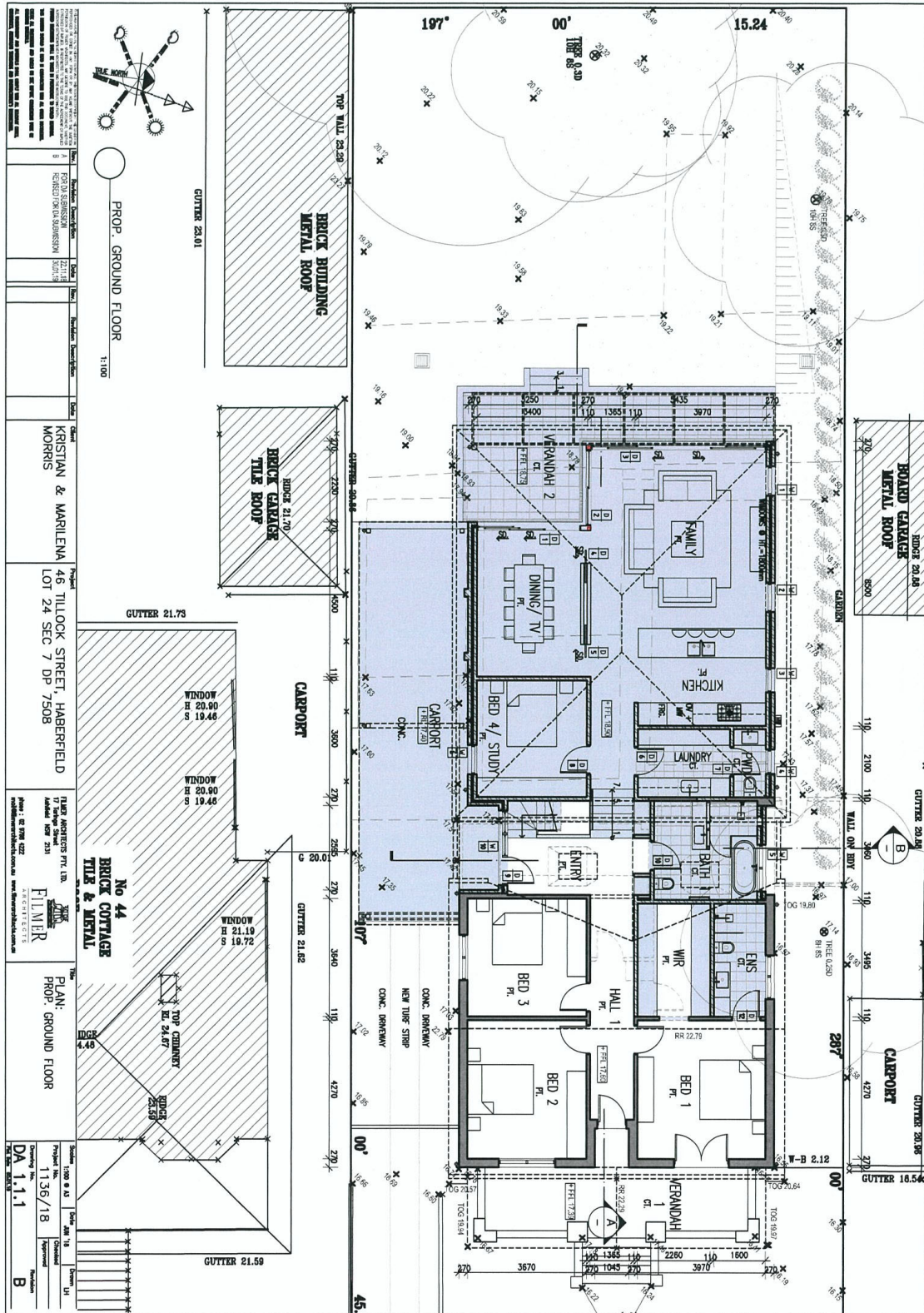
- If you are dissatisfied with this decision, Section 8.7 of the Environmental Planning and Assessment Act, 1979, gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.
  
- Under the provisions of Section 4.53 of the Environmental Planning and Assessment Act, 1979, unless the development, which is the subject of this consent, is commenced within five (5) years from the date of determination, the consent will lapse.

Attachment B – Plans of proposed development









**NOTES REGARDING BASIX CERTIFICATE REQUIREMENTS:**

THE PROJECT COMPLIES WITH ALL BASIX REQUIREMENTS FOR SUBMITTAL.  
 A FULL DESCRIPTION OF THE PROJECT CAN BE VIEWED ON BASIX COMPANION SW, AVAILABLE AT  
 (FOR 46 TILLOCK STREET, HABERFIELD 2040)

**HOT WATER:**

THE HOT WATER SYSTEM MUST BE REGULATED AND MONITORED.

**EXTERIORS:**

NEW OR ALTERED SURFACES MUST HAVE A FLOW RATE NO GREATER THAN 4 LITRES PER SQUARE METRE OF A 50MM WATER MAINS  
 NEW OR ALTERED WALLS MUST HAVE A FLOW RATE NO GREATER THAN 4 LITRES PER SQUARE METRE OF A MINIMUM 300MM  
 NEW OR ALTERED ROOFS MUST HAVE A FLOW RATE NO GREATER THAN 9 LITRES PER SQUARE METRE OF A MINIMUM 300MM

**LIGHTING TYPE:**

A MINIMUM OF ONE OF NEW OR ALTERED LIGHT FIXTURES MUST BE FITTED WITH FLUORESCENT, COMPACT FLUORESCENT, OR  
 LIGHT-EMITTING DIODE (LED) LAMPS.

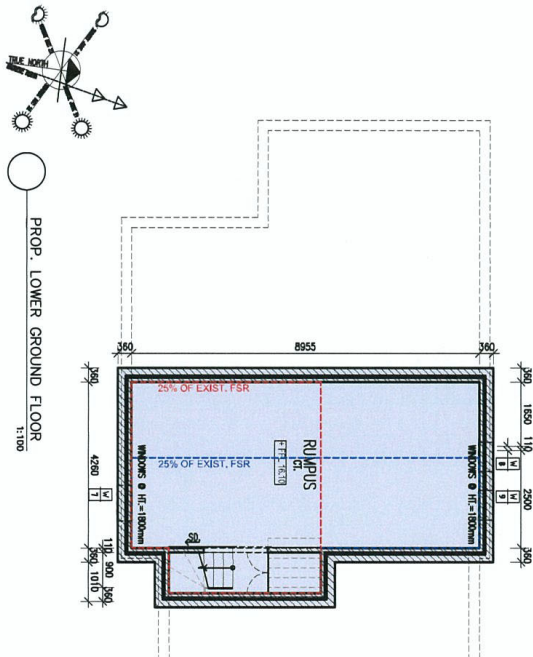
**THERMAL WORKS:**

ALL WINDOWS TO BE USED IN THE PROJECT MUST BE FRAMEWORK FINISHED WITH AN ALUMINIUM FRAME, OR STATE EQUIVALENT  
 FINISHES, OR FINISHED FRAME.

**THERMAL COMMENTS: - FLOOR, WALLS AND CEILING/ROOF**

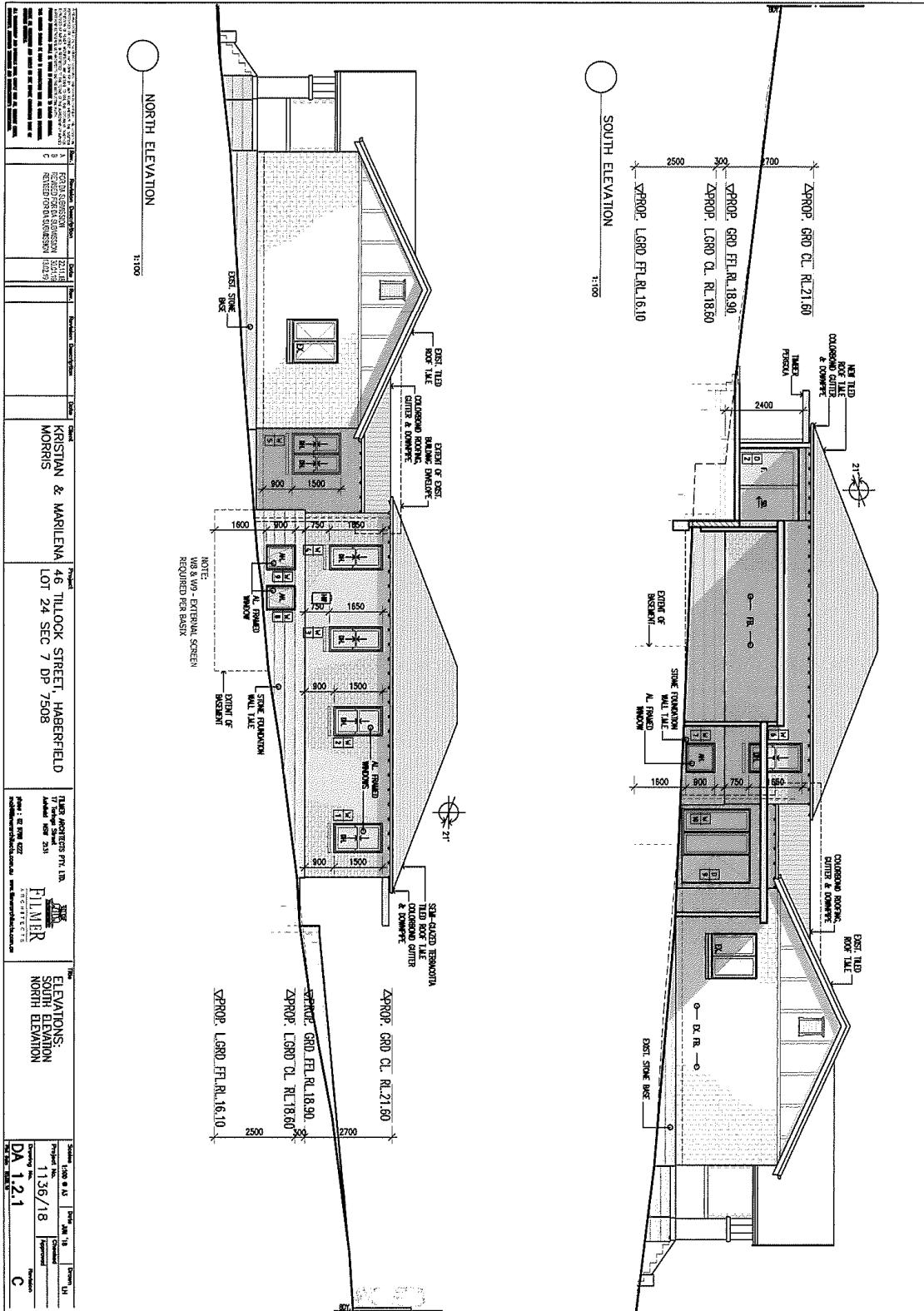
THE FLOOR(S), WALLS AND CEILING/ROOF OF THE BUILDING MUST BE CONSTRUCTED IN ACCORDANCE WITH THE SPECIFICATIONS LISTED IN THE TABLE BELOW.

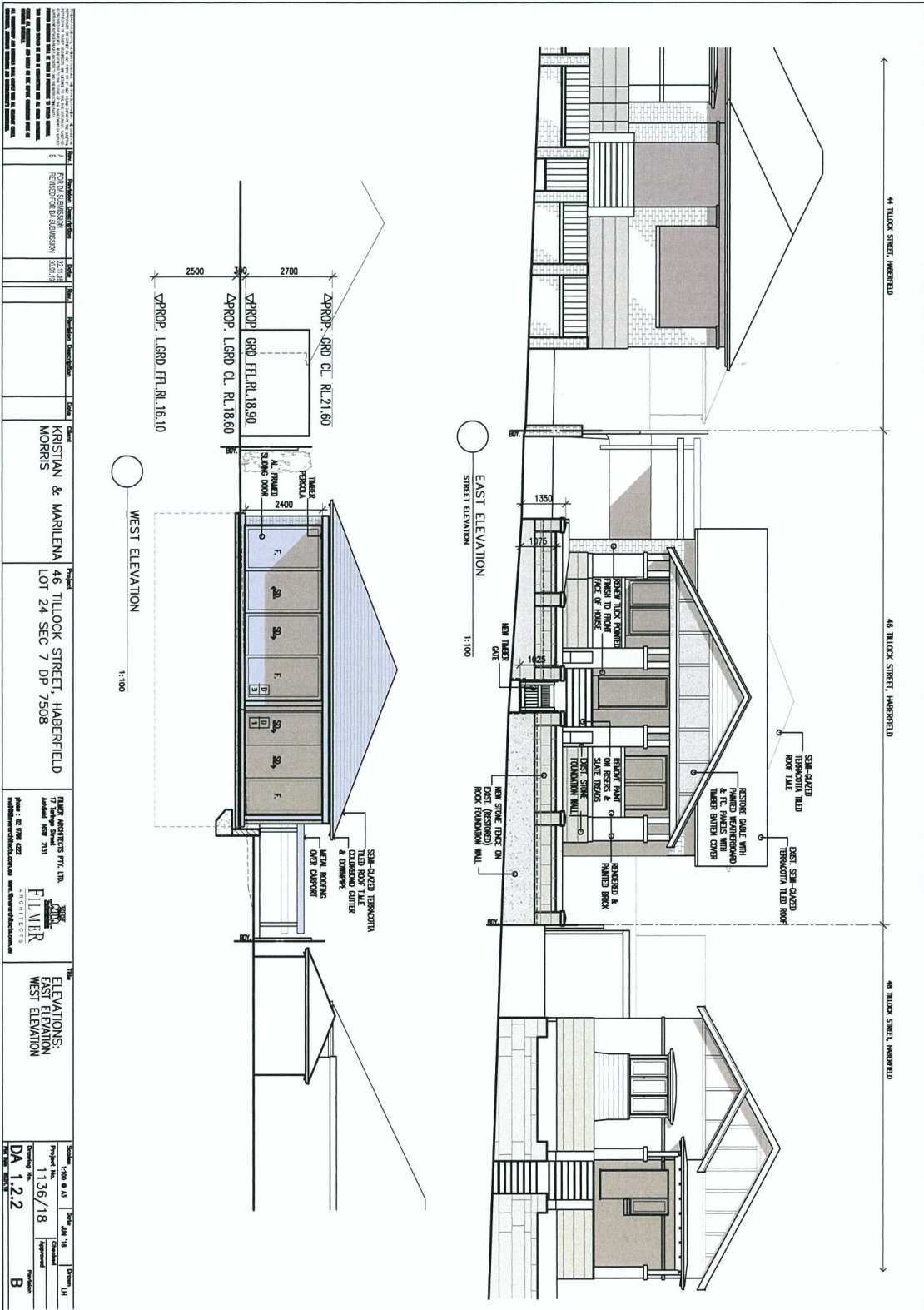
CONSTRUCTION	ADDITIONAL RESOLUTION REQUIRED (R-VALUE)	U-VALUE
CONCRETE SLAB ON GRADE FLOOR	Nil	Nil
SUSPENDED FLOOR WITH INSULATED STRUCTURE FINISHED (R.V.)	Nil	Nil
CONCRETE WALL, LIGHT FRAME	Nil	1.5
CONCRETE WALL, CONCRETE BLOCK/FLYBRICK	R1.18 (OR R1.20 INCLUDING CONSTRUCTION)	1.5
FLAT CEILING, FINISHED ROOF	CEILING SLAB (R9) ROOF (R2.0/CEILING)	Nil

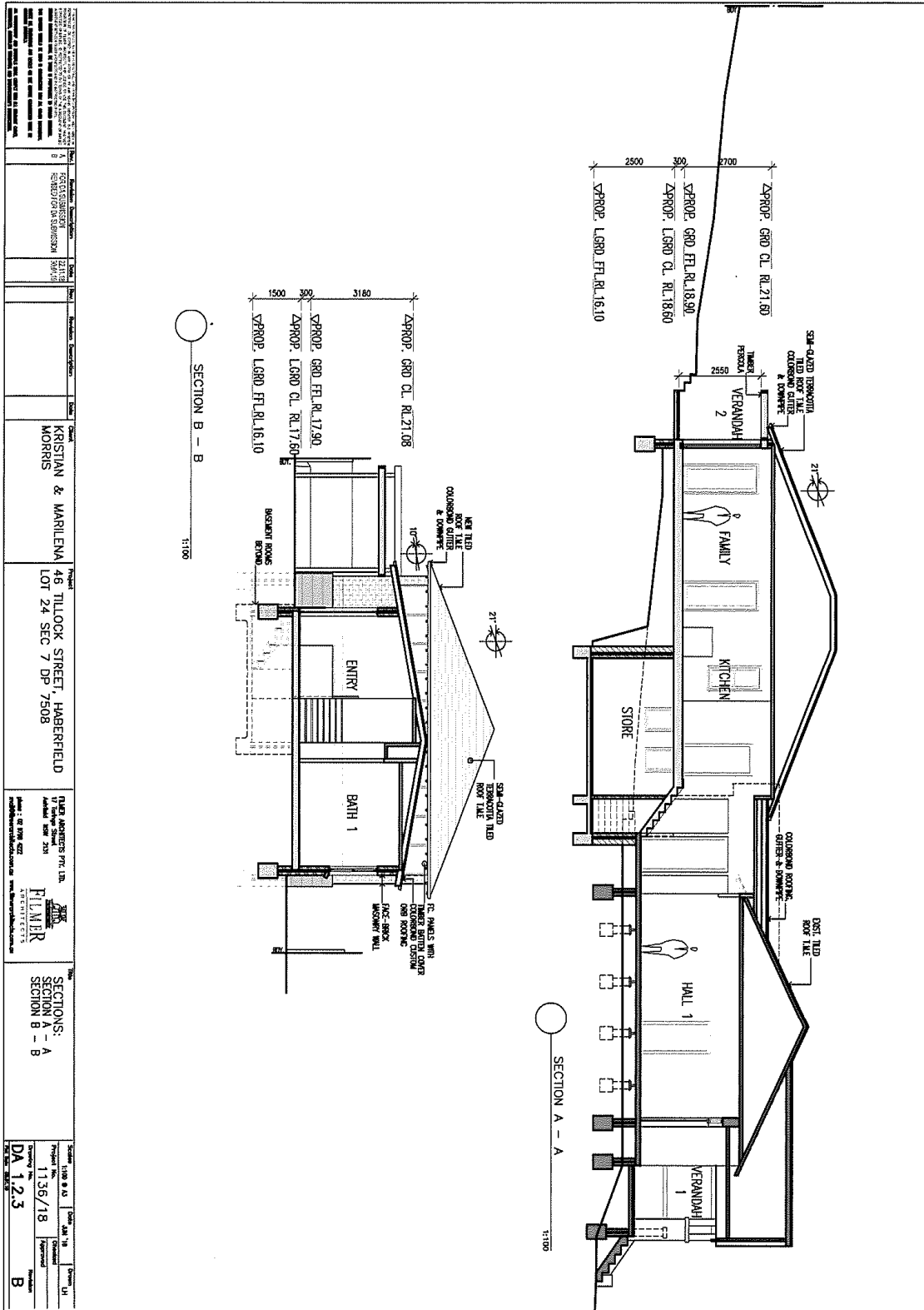


<p>PROJECT INFORMATION</p> <p>PROJECT NAME: 46 TILLOCK STREET, HABERFIELD</p> <p>CLIENT: KRISTIAN &amp; MARILENA MORRIS</p> <p>DATE: 11/36/18</p>	<p>DESIGNER INFORMATION</p> <p>DESIGNER: FLINER</p> <p>ADDRESS: 17 Sydney Street, Haberfield NSW 2161</p> <p>PHONE: 02 9551 4222</p> <p>WEBSITE: www.fliner.com.au</p>	<p>SCALE: 1:100 @ A3</p> <p>DATE: 11/36/18</p> <p>PROJECT NO: 1136/18</p> <p>DATE: 11/36/18</p>	<p>REVISIONS</p> <p>NO. DESCRIPTION</p> <p>1. B</p>
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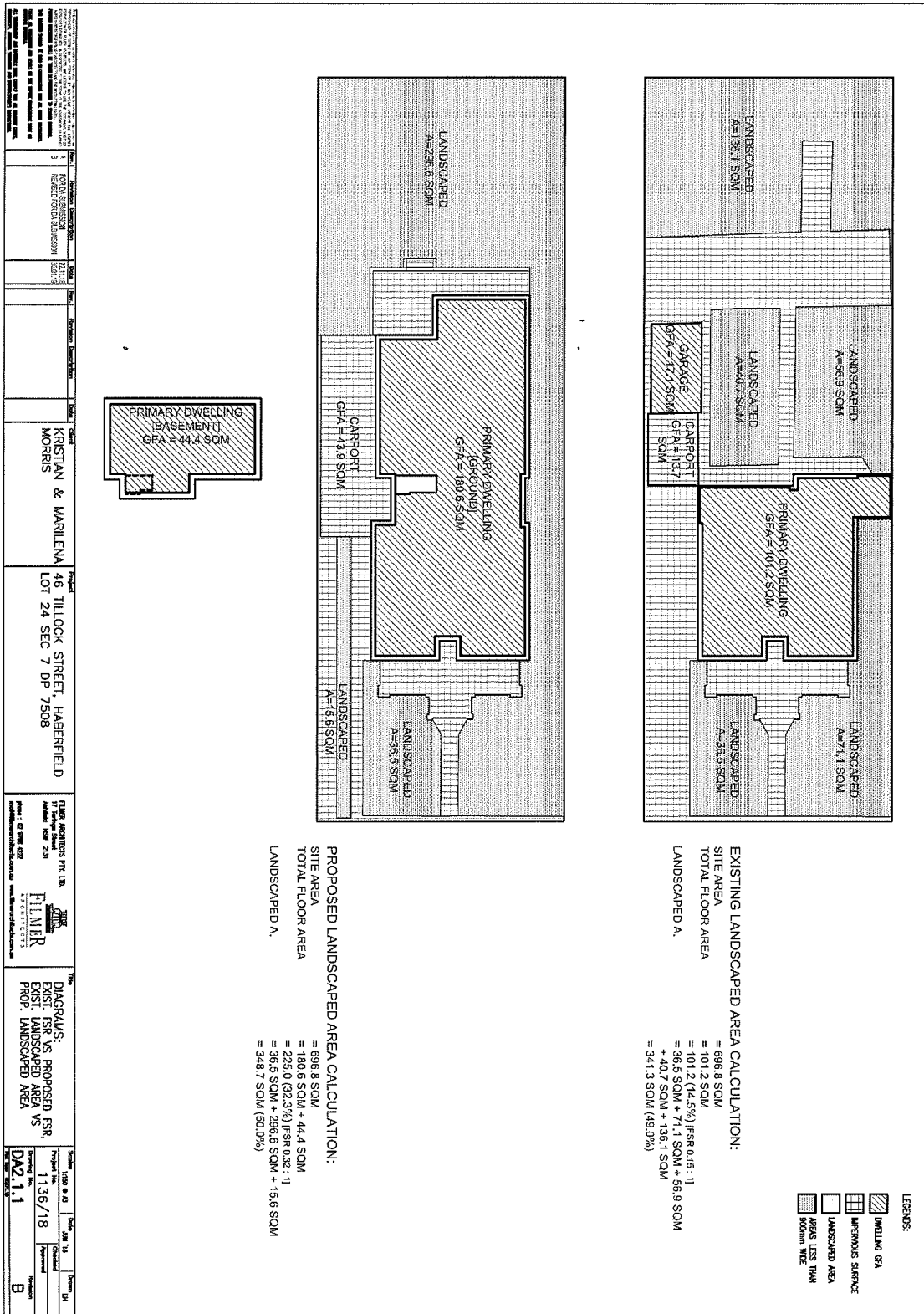


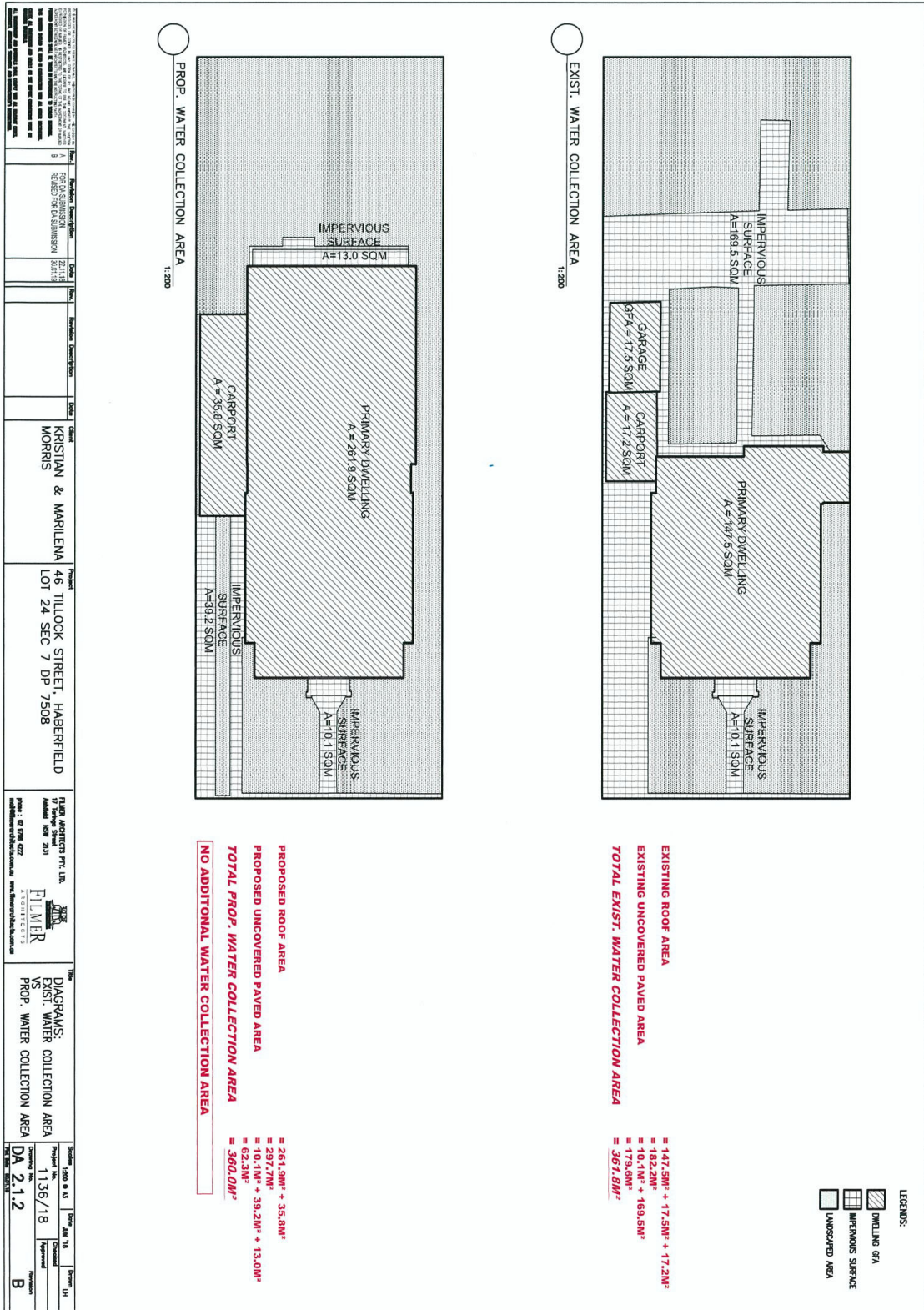


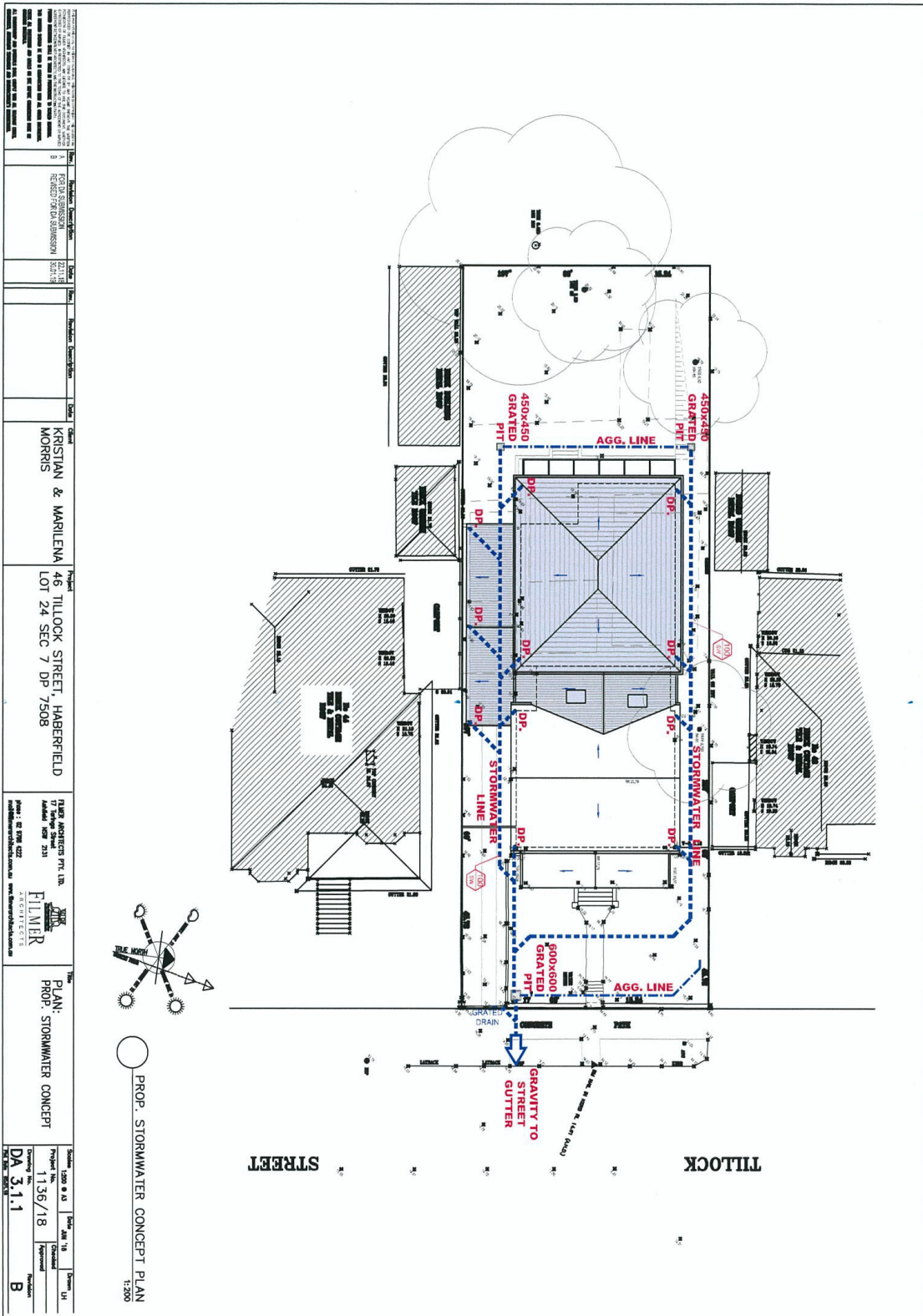




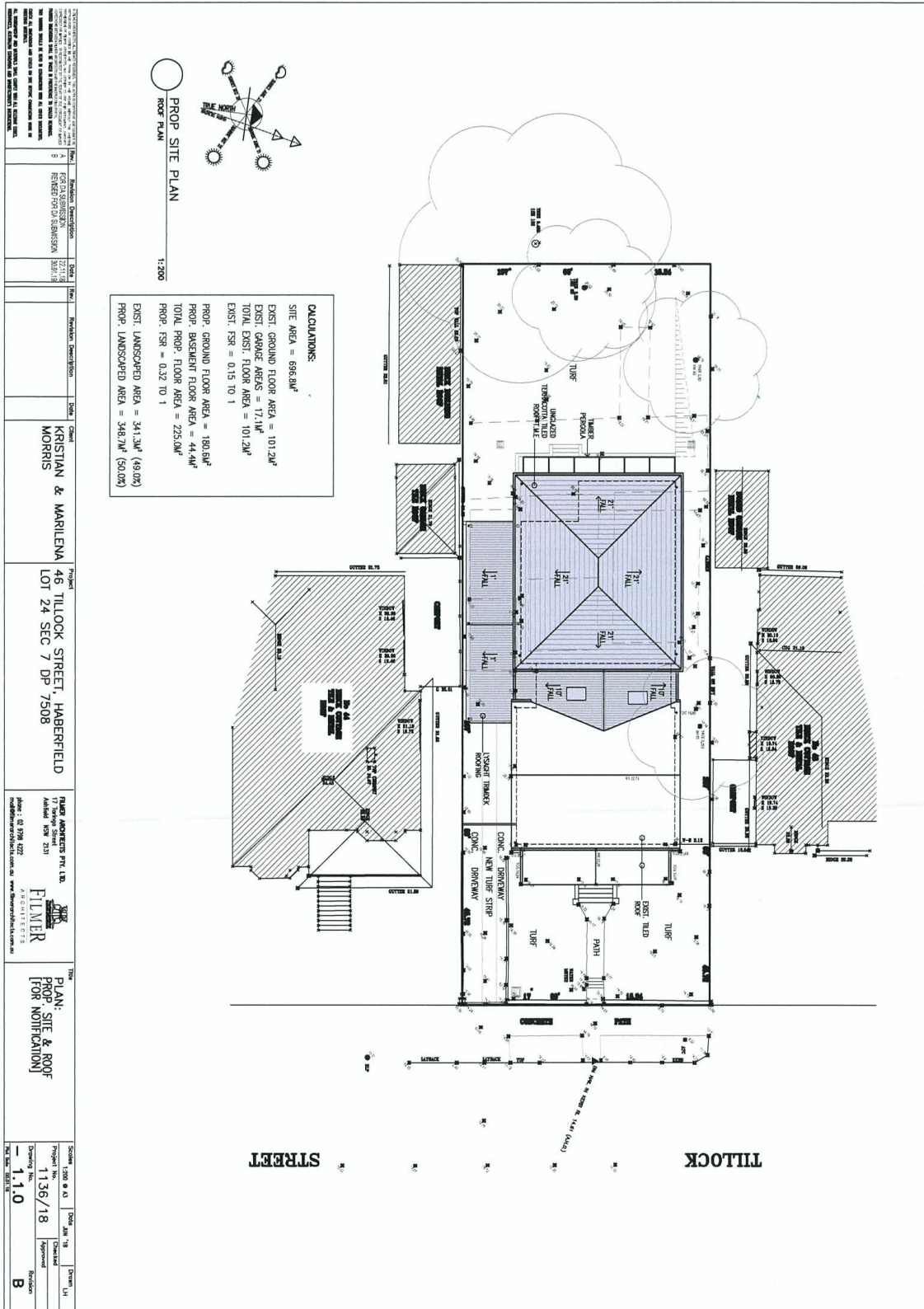
<p>DA 1123</p> <p>11/36/18</p> <p>11/36/18</p> <p>DA 1123</p>	<p>11/36/18</p> <p>11/36/18</p> <p>11/36/18</p> <p>11/36/18</p>	<p>11/36/18</p> <p>11/36/18</p> <p>11/36/18</p> <p>11/36/18</p>	<p>11/36/18</p> <p>11/36/18</p> <p>11/36/18</p> <p>11/36/18</p>	<p>11/36/18</p> <p>11/36/18</p> <p>11/36/18</p> <p>11/36/18</p>	<p>11/36/18</p> <p>11/36/18</p> <p>11/36/18</p> <p>11/36/18</p>	<p>11/36/18</p> <p>11/36/18</p> <p>11/36/18</p> <p>11/36/18</p>	<p>11/36/18</p> <p>11/36/18</p> <p>11/36/18</p> <p>11/36/18</p>	<p>11/36/18</p> <p>11/36/18</p> <p>11/36/18</p> <p>11/36/18</p>	<p>11/36/18</p> <p>11/36/18</p> <p>11/36/18</p> <p>11/36/18</p>	<p>11/36/18</p> <p>11/36/18</p> <p>11/36/18</p> <p>11/36/18</p>	<p>11/36/18</p> <p>11/36/18</p> <p>11/36/18</p> <p>11/36/18</p>
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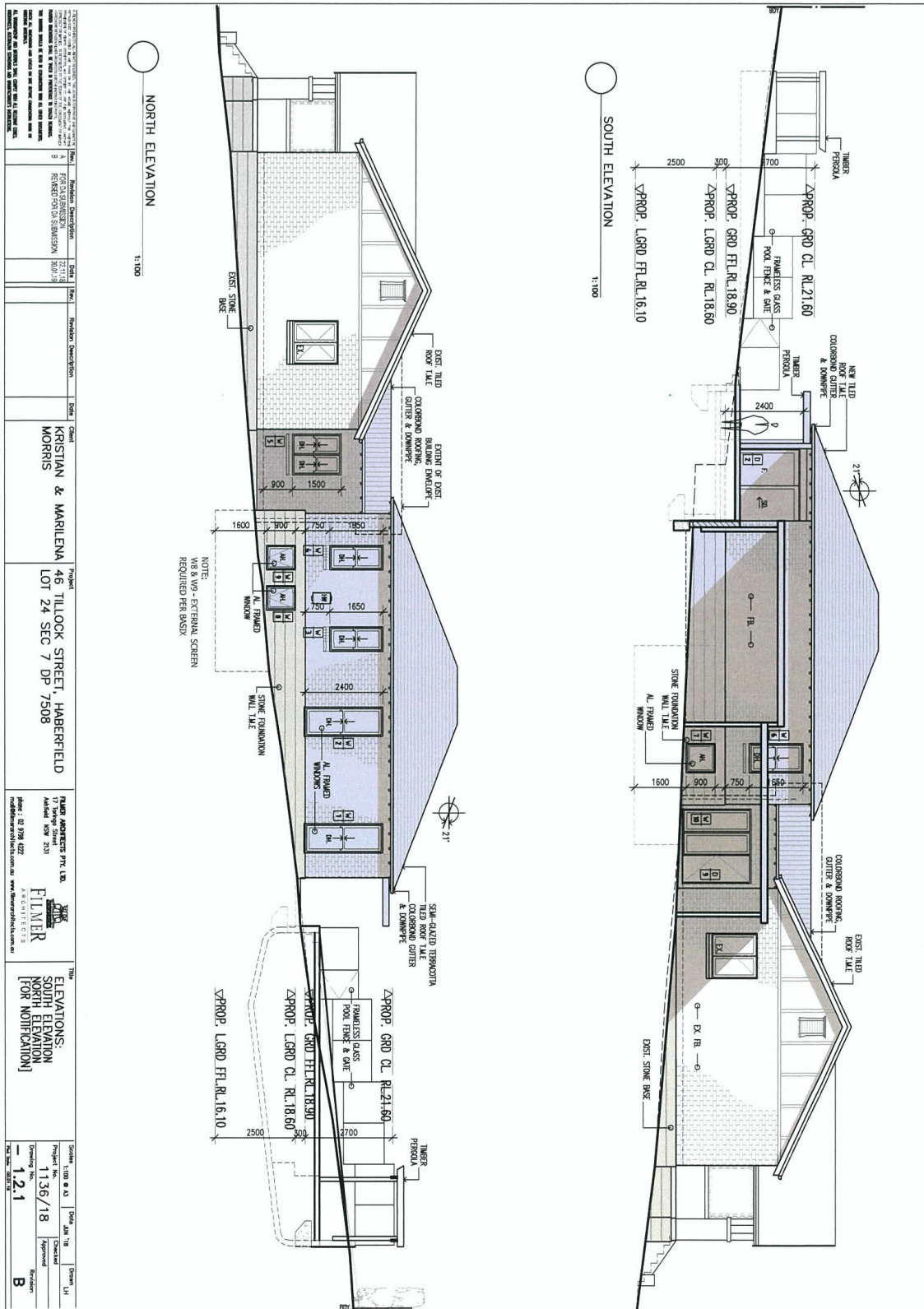




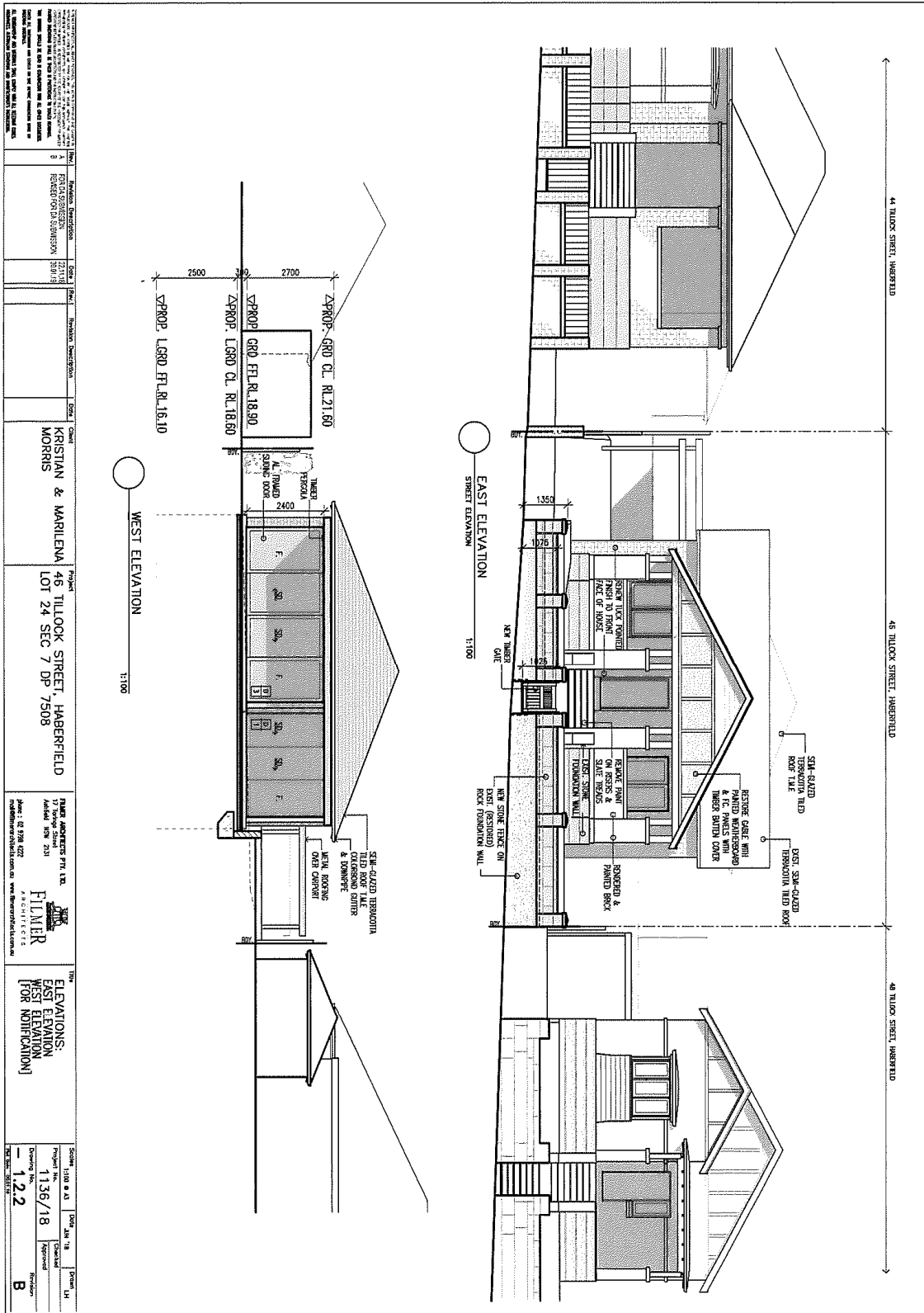


<p>PROJECT INFORMATION</p> <p>Project Name: KRISTIAN &amp; MARILENA MORRIS</p> <p>Project Address: 46 TILLOCK STREET, HABERFIELD LOT 24 SEC 7 DP 7508</p> <p>Client: KRISTIAN &amp; MARILENA MORRIS</p>	<p>DESIGNER INFORMATION</p> <p>Company: FLINER</p> <p>Address: 17 Devon Street, Haberfield NSW 2131</p> <p>Phone: 02 959 4222</p>	<p>DATE</p> <p>19/05/2018</p>	<p>SCALE</p> <p>1:200</p>	<p>PROJECT NO.</p> <p>1136/18</p>	<p>DATE</p> <p>19/05/2018</p>
<p>APPROVALS</p> <p>Author: [Signature]</p> <p>Check: [Signature]</p> <p>Drawn: [Signature]</p>	<p>APPROVALS</p> <p>Client: [Signature]</p> <p>Designer: [Signature]</p>	<p>DATE</p> <p>19/05/2018</p>	<p>SCALE</p> <p>1:200</p>	<p>PROJECT NO.</p> <p>1136/18</p>	<p>DATE</p> <p>19/05/2018</p>
<p>REVISIONS</p> <p>1. Initial Design</p>	<p>REVISIONS</p> <p>1. Initial Design</p>	<p>DATE</p> <p>19/05/2018</p>	<p>SCALE</p> <p>1:200</p>	<p>PROJECT NO.</p> <p>1136/18</p>	<p>DATE</p> <p>19/05/2018</p>









## Attachment C – Heritage Advisors Report

STATEMENT OF ENVIRONMENTAL EFFECTS

### 5.1.3 Exception to Development Standards (CI 4.6)

The objectives of Clause 4.6 are:

- (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.

In this instance the Ashfield LEP 2013 Clause 6.5 (3)(a)ii states;  
*The gross floor area below the existing ground floor level will not exceed 25% of the gross floor area of the existing ground floor, and*

In this proposal the basement room exceeds the standard. The current development on the site has a ground floor area of 101.2sqm. The proposed basement has a floor area of 44.4sqm or 43% of the current ground floor. The development standard referred to is unreasonable or unnecessary in the particular circumstances of this project for the following reasons:

- (a) The proposed basement room is not located under the *existing* ground floor but is located under a proposed pavilion so it is questionable if this clause applies to the proposal.
- (b) The proposed basement room is partly formed by the step up in level of the pavilion. The site is sloping and results in an elevated floor line as the building steps down the site.
- (c) While there are small windows located in the foundation walls there is no outward evidence from the street or public places that indicates a basement exists.
- (d) Gravity drainage is available from the basement level to the street gutter. No pumps are required.
- (e) The size of the basement is irrelevant as it has no detrimental environmental impact on the site, the neighbours or the neighbourhood.

### DCP Compliance Table

Control	Proposed	Complies?
DS3.1 to 3.8 Scale	The scale of the dwelling to the neighbourhood has not changed	YES
DS4.1 to 4.6 Building Setbacks	The front, side and rear setbacks comply. The garage on the boundary replaces the existing structure	YES
DS8.1 to 8.4	Landscape area & site coverage	YES
DS9.1	Principal private open space	YES
DS10.1	Deep soil planting	YES
DS13.1 to 13.4 Solar access	The proposal complies	YES
DS14.1 to 14.3	Visual privacy	YES
DS19.1	Stormwater disposal, concept plan included	YES

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