



INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	10.2018.187.1
Address	31 Crescent Street, Haberfield
Proposal	Alterations and additions to a dwelling house including roof extension to facilitate an attic level, rear extension including balcony, landscaping and internal changes
Date of Lodgement	7 November 2018
Applicant	Filmer Architects Pty Ltd co Colin Filmer
Owner	Mr C P & Mrs J L Vincent
Number of Submissions	1
Value of works	\$768,000.00
Reason for determination at Planning Panel	Clause 4.6 variations exceeds officer delegation
Main Issues	Height, gross floor area below existing ground floor and heritage
Recommendation	Approval
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Clause 4.6 Exception to Development Standards



LOCALITY MAP

Subject Site		Objectors		
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to a dwelling house including a roof extension to facilitate an attic level, rear extension including balcony, landscaping and internal changes at 31 Crescent Street, Haberfield. The application was notified to surrounding properties and one (1) submission was received.

The main issues that have arisen from the application include:

- The variation to the height of buildings development standard;
- The variation to the gross floor area below the existing ground floor area development standard; and
- Heritage.

The proposal generally complies with the aims and objectives of the Ashfield Local Environmental Plan 2013 (ALEP 2013) with the exception that the proposal exceeds the height of buildings development standard by 1.6 metres or 22.8% and the gross floor area below the existing ground floor level development standard by 82.2sqm or 166%. A written request under Clause 4.6 of ALEP 2013 has been submitted by the applicant for the variations which is considered well founded and worthy of support.

The development generally complies with the provisions of the Comprehensive Inner West Development Control Plan 2016. It is considered that the proposal will not result in any significant impacts on the streetscape or amenity of adjoining properties.

The potential impacts to the surrounding environment have been considered as part of the assessment process. Any potential impacts from the development are considered to be acceptable given the context of the site.

2. Proposal

Approval is sought for alterations and additions to the existing dwelling house including:

- Extension of the roof form to facilitate an attic level bedroom and bathroom;
- Extension of the ground and basement levels towards the rear of the site including a new ground floor balcony;
- Addition of three (3) skylights towards the rear of the roof;
- Additions of an open timber pergola in the rear yard;
- Landscaping works; and
- Internal configuration of the dwelling house.

3. Site Description

The subject site is located on the northern side of Crescent Street, between Boomerang Street and Kingston Street, Haberfield. The site has a total area of 913.5sqm and is legally described as Lot 1 Sec 3 DP 5908. The site has a frontage to Crescent Street of 23.87 metres and a secondary frontage of approximately 55.04 metres to Boomerang Street.

The site supports a two storey residential dwelling. The adjoining properties generally support single and two storey residential dwellings. The subject site is located within the Haberfield Heritage Conservation Area. There are no significant trees located on the site.



Image 1: View of the site from Crescent Street



Image 2: View of the site from Boomerang Street

4. Background

4(a) Site history

The following table outlines the relevant development history of the subject site:

Application	Proposal	Decision & Date
10.1998.653.1	Painting exterior of the house	Approved 18/01/1999
6.1971.8198.1	Irregular shaped garage	Approved 19/10/1971

4(b) Application history

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

Date	Discussion / Letter/ Additional Information
16/05/2018	Pre-Development Application (PDA No.9.2018.18) meeting held for the proposal which raised concerns having regard to heritage, solar access, privacy and non-compliance with development standards.
07/10/2018	Application lodged with Council
05/12/2018	Site inspection completed
04/02/2019	Request for additional information sent to applicant (refer to discussion below)
19/02/2019	Amended plans submitted to Council

A request for additional information was sent to the applicant on 4 February 2019 which required the following:

- The elevational shadow diagrams submitted with the application did not accurately demonstrate the existing and proposed overshadowing impact on 29 Crescent Street. In order for the variation to the height of buildings development standard to be considered, amended shadow diagrams were required to be submitted which demonstrated that the proposed development maintains satisfactory solar access to the adjoining property;
- The proposed form of the roof extension be amended to be a gambrel hip roof that does not extend over the rear balcony, which should retain a skillion lean-to roof. The gambrel-end of the roof should be clad with half-timber panels that match the existing gambrel;
- The two (2) skylights proposed on the south-eastern elevation be reduced in size and skylight SK3 be reduced to be a singular windows'
- The proposed roofed shade structures in the rear yard be reduced in scale and extent, un-roofed and setback from the side boundary.

Amended plans were submitted to Council on 19 February 2018 which adequately addressed all matters raised above.

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 No 55—Remediation of Land
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Ashfield Local Environmental Plan 2013

The following provides further discussion of the relevant issues:

5(a)(iv) State Environmental Planning Policy No 55—Remediation of Land-

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. CIWDCP 2016 provides controls and guidelines for remediation works. SEPP 55 requires the consent authority to be satisfied that the site is, or can be made, suitable for the proposed use prior to the granting of development consent..

The site has not been used in the past for activities which could have potentially contaminated the site. It is considered that the site will not require remediation in accordance with SEPP 55.

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

A BASIX Certificate was submitted with the application indicating that the proposal achieves full compliance with the BASIX requirements. Appropriate conditions are included in the recommendation to ensure the BASIX Certificate commitments are implemented into the redevelopment.

5(a)(vi) 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.

5(a)(vii) Ashfield Local Environment Plan 2013 (ALEP 2013)

Ashfield Local Environmental Plan 2013 - Summary Compliance Table				
Clause No.	Clause	Standard	Proposed	Compliance
2.2	Zoning	Zone R2 Low Density Residential	Alterations and additions to the existing dwelling house.	Yes

4.3	Height of buildings	7.0 metres	8.6 metres	No – Refer to Cl. 4.6 discussion below
4.4	Floor space ratio	0.5:1	0.41:1 (378.4sqm)	Yes
4.6	Exceptions to Development standards	The variation to the HOB and gross floor area below the existing ground floor level development standard is discussed below.		
5.10	Heritage Conservation	The site is located within the Haberfield Conservation Area.		
5.10(4)	Effect of proposed development on heritage significance	The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or the area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).	The proposed alterations and additions are acceptable in term of heritage impacts. Refer to discussion Section 5(d) of this report.	Yes
5.10(5)	Heritage Assessment	The consent authority may, before granting consent to any development: (a) on land on which a heritage item is located, or (b) on land that is within a heritage conservation area, or (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.	The applicant's Heritage Impact Statement concludes there would be no adverse impact on the heritage conservation area as a result of the proposed alterations and additions. Refer to discussion Section 5(d) of this report.	Yes
6.5	Development on land in Haberfield Heritage Conservation Area	Development consent must not be granted to development for the purposes of a dwelling house on land to which this clause applies unless the consent authority is satisfied that: If the development involves an existing building: the gross floor area above the existing ground floor level will not exceed the gross floor area of the existing roof space, and the gross floor area below the existing ground floor level will not exceed 25% of the gross floor area of the existing ground floor,	Gross floor area above existing ground does not exceed existing ground floor. The gross floor area below the existing ground floor area is 66.5% of the gross floor	Yes No – Refer to Cl.4.6 discussion below

		and The development will not involve excavation in excess of 3 metres below ground level (existing), and The development will not involve the installation of dormer or gablet windows, and at least 50% of the site will be landscaped area. (310m ²)	area of the existing ground floor No excavation proposed. Skylights rather than dormer or gablet windows have been proposed to provide light to the attic room The site currently results in 37.5% (342.8sqm) landscaped area. Under this development application on-site landscaping will increase to 42.2% (382.5sqm), a 40.3sqm increase of landscaped area. The proposal has adequately demonstrated a net improvement to the total on site landscaped area. In this instance Council is satisfied that the objectives of the Clause have been met.	Yes Yes Acceptable. The proposal results in a net increase to landscaped area.
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Clause 4.6 – Exceptions to Development Standards

Under Clause 4.6 of the ALEP 2013, the consent authority may consider a variation to a development standard, where that variation would achieve a better outcome.

The development exceeds the height of buildings development standard prescribed under Clause 4.3 of ALEP 2013 and the gross floor area below the existing ground floor level under Clause 6.5(3)(a)(ii) of ALEP 2013. A written request in relation to the contravention to the development standards in accordance with Clause 4.6 of ALEP 2013 was submitted with the application.

A maximum building height of 7.0m applies to the site under Clause 4.3 of ALEP 2013. The proposed development has a maximum building height of 8.6 metres which results in a variation of 1.6 metres of 22.8%.

In accordance with Clause 6.5(3)(a)(ii) of ALEP 2013 the gross floor area below the existing ground floor level is not to exceed 25% of the gross floor area of the existing ground floor. The proposed gross floor area below the existing ground floor level is 133.1sqm or 66.5% of the existing ground floor level which results in a variation of 82.2sqm of 166%.

Clause 4.6(3) of the ALEP 2013 states the following:

“Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.”*

The applicant has provided a written request that seeks to justify the proposed contravention of the height of buildings development standard on the following grounds:

- The proposal seeks to extend the existing roof height only with no increase in height proposed;
- The proposed length of the non-compliance is 3 metres, is similar in height to the adjacent property and will not impact the solar access of the adjacent property; and
- The proposal satisfies the objectives of Clause 4.3 in that the impacts on the neighbouring properties are minimised.

The applicant has provided a written request that seeks to justify the proposed contravention of the gross floor area below the existing ground floor level development standard on the following grounds:

- The proposed development results in an increase to the gross floor area of the lower ground floor of 28.3sqm and is not visible from outside of the building;
- The existing sandstone foundations have not been altered and minimal slots have been constructed for ventilation;
- The existing glazed doors to the courtyard will be relocated only 1 metre towards the rear and this will be obscured due to the height of the rear yard courtyard above the road; and
- The objectives of Clause 6.5(3)(a)(ii) are satisfied in that the development maintains a single storey appearance and will enhance garden setting of the property.

Clause 4.6(4) of the ALEP 2013 states the following:

“Development consent must not be granted for a development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

- (i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3)*
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.”*

The proposal is consistent with the objectives of the height of building development standard in that:

- The development complies with the maximum floor space ratio permitted on the site and the variation to the height of the development standard is a result of a continuation of the existing building height;
- The development achieves a high quality built form and any reduction in the proposed height may have a detrimental impact on the existing significant heritage features of the property
- The development maintains satisfactory sky exposure and daylight to the adjacent properties;

- The development provides an appropriate transition in built form; and
- The development maintains satisfactory solar access to the adjacent properties.

The proposal is consistent with the objectives of the gross floor area below the existing ground floor level development standard in that:

- The proposed addition to the lower ground floor level is 28.3sqm in floor area only; and
- The proposal maintains the single storey appearance of the dwelling in the Haberfield Conservation Area given no lower ground floor windows are visible from the street.

The site is Zoned R2 – Low Density Residential under ALEP 2013 wherein development for the purpose of residential dwellings is permissible with consent. The proposal is generally consistent with the objectives of the R2 Zone in that:

- The development would provide for the housing needs of the community within a low density residential development; and
- The proposed development will enable other land uses that provide facilities or services to meet the day to day needs of resident.

“(b) the concurrence of the Secretary has been obtained.”

Council may assume the concurrence of the Director-General under the Planning Circular PS 18-003 issued in February 2018.

In conclusion, the applicant’s written request to justify the contravention of the height of buildings and gross floor area below the existing ground floor level development standards is considered to be well founded in that the applicant has satisfactorily demonstrated that compliance with the standard is unnecessary or unreasonable in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standards.

5(b) Draft Environmental Planning Instruments

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

Draft Environment State Environmental Planning Policy (SEPP)

The NSW government has been working towards developing a new State Environmental Planning Policy (SEPP) for the protection and management of our natural environment. The Explanation of Intended Effect (EIE) for the Environment SEPP was on exhibition from 31 October 2017 until the 31 January 2018. The EIE outlines changes to occur, implementation details, and the intended outcome. It considers the existing SEPPs proposed to be repealed and explains why certain provisions will be transferred directly to the new SEPP, amended and transferred, or repealed due to overlaps with other areas of the NSW planning system.

This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland and Willandra Lakes World Heritage Property. Changes proposed include consolidating the seven existing SEPPs including Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The proposed development would be consistent with the intended requirements within the Draft Environment SEPP.

5(c) Development Control Plans

The proposal has been considered against the provisions of the Comprehensive Inner West Development Control Plan 2016.

DCP 2016 – Chapter F: Development Category Guidelines				
Control No.	Control	Standard	Proposed	Compliance
DS8.2	Minimum Landscaped area %	601sqm and over. 35% of site area	42.4% (382.5sqm)	Yes
DS8.3	Maximum site coverage	601sqm and over. 50% of site area	27.2% (243.8sqm)	Yes
DS3.4	Wall height	Maximum external wall height of 6 metres measured from the existing ground level.	4.9m	Yes
DS4.3	Setbacks	Side setbacks are determined by compliance with the BCA. Generally, Council requires a minimum side setback of 900mm for houses	900mm eastern and 2500mm western side setbacks	Yes
DS6.1	Garages and carports	A minimum of one car parking is required per dwelling	2 car parking space	Yes
DS13.1	Solar access	Sunlight to at least 50% (or 35m ² with minimum dimension 2.5m, whichever is the lesser) of private open space areas of adjoining properties is not to be reduced to less than three (3) hours between 9am and 3pm on 21 June. Existing solar access is maintained to at least 40% of the glazed areas of any neighbouring north facing primary living area windows for a period of at least three hours between 9am and 3 pm on 21 June. 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 solar access	Yes
DS 13.2			Existing solar access to north facing primary living area windows maintained	Yes
DS 13.3			Development is appropriately designed	Yes
DS 13.4			Proposal incorporates appropriate sun shading devices such as eaves	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
DS14.1	Visual Privacy	Requires the number of windows to side elevations located above the ground floor to be minimised.	One (1) high level kitchen window and one (1) small bathroom is proposed on the eastern elevation that will not result in any direct overlooking impacts to	Yes

			the adjacent property. A privacy screen has been proposed along the eastern edge of the ground floor balcony to mitigate any overlooking impact.	
DS19.1	Stormwater Disposal	Stormwater from roofs is discharged by gravity to street gutter system	Conditioned to Engineer's requirements	Yes

It is considered the application complies with the parts as indicated and ultimately achieves the aims and objectives of the Comprehensive Inner West Development Control Plan 2016.

The proposed development is capable of complying with the BCA.

It is considered that the proposal will have no significant detrimental effect relating to the environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed

5(d) The Likely Impacts

Section 4.15(1)(b) of the Act requires Council to consider *“the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality”*.

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

Heritage

The property is located within the Haberfield Conservation Area. Concern was raised by Council’s Heritage Advisor who requested the following:

- The proposed form of the roof extension be amended to be a gambrel hip roof that does not extend over the rear balcony, which should retain a skillion lean-to roof. The gambrel-end of the roof should be clad with half-timber panels that match the existing gambrel;
- The two (2) skylights proposed on the south-eastern elevation be reduced in size and skylight SK3 be reduced to be a singular windows’
- The proposed roofed shade structures in the rear yard be reduced in scale and extent, un-roofed and setback from the side boundary.

Amended plans were submitted by the applicant which appropriately addressed all concerns raised by the Heritage Advisor by modifying the proposed roof form to be a gambrel hip roof with half-timber panels and does not extend over the balcony, reducing the size of skylights SK1 and SK2, modifying skylight Sk3 to be a singular window and un-roofing the shade structure and reducing it in scale and extent.

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

The site is zoned R2 – Low Density Residential. Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

5(f) Any submissions

The application was notified in accordance with the Comprehensive Inner West Development Control Plan 2016 for a period of 14 days to surrounding properties. A total of one (1) submission was received. The submissions raised the following concerns which are discussed under the respective headings below:

Issue: Solar Access

Comment: The submission received raised concern regarding a loss of direct solar access to windows serving primary living areas. The elevational shadow diagrams submitted with the application demonstrate the adjacent property will continue to receive the same amount of direct solar access to all windows as a result of the development.

Issue: Privacy

Comment: The submission received raised concern regarding a loss of visual privacy as a result of the proposed skylights. Given the location and orientation of the skylights there will be no direct overlooking impacts to the adjacent property.

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 public interest is an overarching requirement, which includes the consideration of the matters discussed in this report. Implicit to the public interest is the achievement of future built outcomes adequately responding to and respecting the future desired outcomes expressed in environmental planning instruments and development control plans.

The application is considered to have satisfactorily addressed Council's and relevant agencies' criteria and would provide a development outcome that, on balance, would result in a positive impact for the community. Accordingly, it is considered that the approval of the proposed development would be in the public interest.

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.

Heritage Officer – The application was referred to Council's Heritage Advisor who initially raised concern regarding the roof form, skylights and shade structure in the rear yard. Amended plans have been received which appropriately addressed these concerns

Development Engineer – The application was referred to Council's Engineer who raised no objection to the application, subject to the imposition of appropriate conditions.

6(b) External

Not applicable

7. Section 7.11 Contributions

A Section 7.12 Levy of \$7,680.00 would be required for the development under Ashfield Section 94A Contributions Plan 2014. A condition requiring that levy to be paid is included in the recommendation.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in Ashfield Local Environmental Plan 2013 and 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

- A. The applicant has made a written request pursuant to Clause 4.6 of the Ashfield Local Environmental Plan 2013 in support of the contravention of the development standard for Clause 4.3 and Clause 6.5(3)(a)(ii). After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the standards is unnecessary in the circumstance of the case and that there are sufficient environmental grounds, the proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.
- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No.10.2018.187.1 for alterations and additions to a dwelling house including roof extension to facilitate an attic level, rear extension including balcony, landscaping and internal changes at 31 Crescent Street, Haberfield subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS

DA 2018.187.1
31 Crescent Street HABERFIELD 2045

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

Alterations and additions to a dwelling house including roof extension to facilitate an attic level, rear extension including balcony, landscaping and internal changes

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

No.	Issue	Title	Prepared by	Council Date Stamp
DA1.10	C	Prop. Roof + Site	Filmer Architects Pty Ltd	14/02/2019
DA1.1.1	C	Prop. Loft Floor	Filmer Architects Pty Ltd	14/02/2019
DA1.2.1	C	Prop. Ground Floor	Filmer Architects Pty Ltd	14/02/2019
DA1.3.1	C	Prop. Lower Ground Floor	Filmer Architects Pty Ltd	14/02/2019
DA1.5.1	C	Prop. Stormwater Concept	Filmer Architects Pty Ltd	14/02/2019
DA2.1.1	C	South-East Elevation North-West Elevation	Filmer Architects Pty Ltd	14/02/2019
DA2.1.2	C	North-West Elevation South-West Elevation South-East Elevation	Filmer Architects Pty Ltd	14/02/2019
DA2.1.3	C	North-East Elevation Section A-A Section B-B	Filmer Architects Pty Ltd	14/02/2019

and any supporting documentation received with the application, except as amended by the conditions specified hereunder.

(2) Compliance with BCA

All works are to comply with the Building Code of Australia and relevant Australian Standard requirements.

B Design Changes

(1) Amendments required to approved plans

Nil

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

(1) Waste Management Plan

Prior to the issue of a Construction Certificate, the applicant shall prepare and submit a Waste Management Plan in accordance with the provisions of Inner West Comprehensive Development Control Plan - Planning For Less Waste and the Waste Planning Guide for

Development Applications (Planning for Less Waste, prepared by the Regional Waste Boards), including:

- (a) Estimations of quantities and type of materials to be reused, recycled or left over for removal from site;
- (b) Identification on a plan of on site material storage areas during construction, waste storage, recycling and composting areas;
- (c) Details of construction materials and methods to be used to minimise the production of waste in the completion of the new building work.
- (d) How waste is to be treated on the site.
- (e) How any residual non-reusable and non-recyclable waste is to be disposed of and including details of the approved waste disposal outlets where disposal will take place.

(2) Erosion & sedimentation control-management plan

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

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

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

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

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

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

Further information may be obtained from:

Environment Protection Officer
Environment Protection Authority
Inner Sydney Region
Locked Bag 1502
BANKSTOWN NSW 2200

(3) 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.

(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) Alignment Levels

Alignment levels for the site at all pedestrian and vehicular access locations shall match the existing back of footpath levels at the boundary

Note: This may require the internal site levels to be adjusted locally at the boundary to ensure that they match the above alignment levels. Failure to comply with this condition will result in vehicular access being denied.

(6) 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)	\$8,032.00
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.

(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) 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.

(9) Section 7.12 Contributions

A Section 7.12 Contribution fee of \$7,680.00 is to be paid in accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979*.

(10) Services and infrastructure adjustment/relocation

The applicant shall meet the full cost for Telstra, Sydney Water, Energy Australia, AGL Electricity/AGL Retail Energy or alternative service/energy providers to adjust/relocate their services/infrastructure as required. The applicant shall make the necessary arrangements with the relevant service authority or relevant retail energy company.

(For information on the location of services contact the "Dial before you Dig" service on 1100.)

Documentary evidence from the utility authorities/retail energy company confirming that all of their requirements have been satisfied shall be submitted to Council with the Construction Certificate.

(11) 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.

(12) Energy Efficiency

The development must be designed and constructed to maximise energy efficiency, including wall and ceiling insulation and energy efficient appliances/hot water/cooling systems. Contact the Sustainable Energy Development Authority, telephone 9291 5260 for general design and construction information relating to energy efficiency. Documentation detailing the energy efficiency features of the development is to be shown on the plans to be provided with the Construction Certificate

(13) Footpath/laneway – photographs to be submitted

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

(14) Footpath, kerb and gutter protection

The applicant shall 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 shall 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) Erosion, dust, topsoil and sediment control

Temporary measures shall be provided during construction eg. bunding, shade cloth to prevent dust leaving the site, sandbags around Council/private stormwater pits etc. in order to prevent sediment, dust, topsoil and polluted waters discharging from the site. Plans showing such measures shall be submitted and approved by Council/certifier prior to the release of the Construction Certificate.

(16) Payment of any Additional Fees

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

D Conditions that must be complied with before work commences**(1) Notice of Commencement – Notification of Works**

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

(2) Requirement for a Construction Certificate

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

- (a) detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
 - (i) Council; or
 - (ii) an accredited certifier; and
- (b) a principal certifying authority (PCA) has been appointed and the Council has been notified in writing of the appointment, and

- (c) at least two days notice, in writing, has been given to Council of the intention to commence work.

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

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

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

(3) 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) Building location - check survey certificate

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

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

(5) 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.

(6) 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.

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

- (1) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - (a) must preserve and protect the building from damage, and

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

Notes:

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

(8) Demolition work plan

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.

(9) Asbestos sheeting removal - EPA/SafeWork NSW

Asbestos removal is to be carried prior to principal works commencing in accordance with Environmental Protection Authority and SafeWork NSW requirements. Proper procedures shall be employed in the handling and removal of asbestos and products containing asbestos so as to minimise the risk to personnel and the escape of asbestos particles in the atmosphere. Work is only to be carried out with the prior consent of the SafeWork NSW.

Note: There are substantial penalties for non-compliance with the above requirements.

(10) Asbestos and/or lead removal certification

The existing structures/land on the site potentially contain asbestos and/or lead. Following removal of any asbestos/lead located on site a clearance must be provided to the Principal Certifying Authority certifying that no such asbestos/lead remains on site from a suitably qualified person.

A copy of the clearance Certificate must be forwarded to Council before any other demolition work is commenced.

(11) Structural engineer's certificate - superimposed loads

A practicing structural engineer's certificate to be submitted to the Principal Certifying Authority with the Construction Certificate application certifying that the existing dwelling is structurally capable of supporting the superimposed loads of the addition prior to commencement of any building work.

(12) Roof trusses - structural engineer certification

Details of roof trusses to be submitted to the Principal Certifying Authority and approval obtained prior to erection - for this purpose structural engineer certified truss plans will suffice and computation data is not required.

(13) 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.

E Conditions that must be complied with during construction or demolition**(1) Plans to be available on site**

The Council stamped approved plans, Development Consent and Construction Certificate shall be held on site to be produced unobliterated to Council's officer at any time when required.

(2) Locate structures within boundaries

The proposed structure(s) to be erected must stand wholly within the boundaries of the allotment.

(3) Spoil and building materials on road and footpath

All building materials 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.

(4) 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.

(5) 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.

(6) Demolition requirements/standards

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

- (a) Australian Standard 2601 and any requirements of the SafeWork 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 SafeWork 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 SafeWork Requirements (in particular the SafeWork 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.
- (o) Following demolition activities, soil must be tested by a person with suitable expertise to ensure the soil lead levels are below acceptable health criteria for residential areas. Full certification is to be provided for approval by the Principal Certifying Authority.

(7) 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.

(8) 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.

(9) 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.

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

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

(11) Surface run-off

Allowance shall be made for surface run-off from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other properties.

(12) 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.

(13) 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.

(14) 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.

(15) 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.

(16) BASIX Requirements

The new works shall be constructed in accordance with, and comply with the undertakings given on the BASIX (Building Sustainability Index) Certificate as obtained on 6 November 2018 from the Department Planning and Environment. For more information visit www.basix.nsw.gov.au.

(17) Site Stormwater

The stormwater disposal from the proposed development shall be connected to the street gutter, in accordance with the submitted Stormwater Plans DA 1.5.1B, dated 14/02/2019. No 'charged' lines are permitted. Where the existing site stormwater system is utilised, it shall be tested by a qualified plumber to ensure it functions satisfactory and if necessary, work carried out to ensure its functionality.

***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) Compliance with submitted ridge height

A survey report to be submitted upon completion of the works and prior to occupation verifying compliance with the approved ridge height details.

(2) 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.

(3) Street Number

A street number appropriately designed to complement the character of the must be displayed in a position clearly visible from the street, in numbers having a height of not less than 100mm. The number must be in place before the premises can be occupied.

(4) 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".

H Conditions that are ongoing requirements of development consents**(1) Single dwelling use only**

Dwelling shall be used as a single domicile only and shall not be adapted or occupied in two or more parts as a residential flat building.

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 4.55 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 4.55 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 SafeWork NSW.

(3) Tree preservation

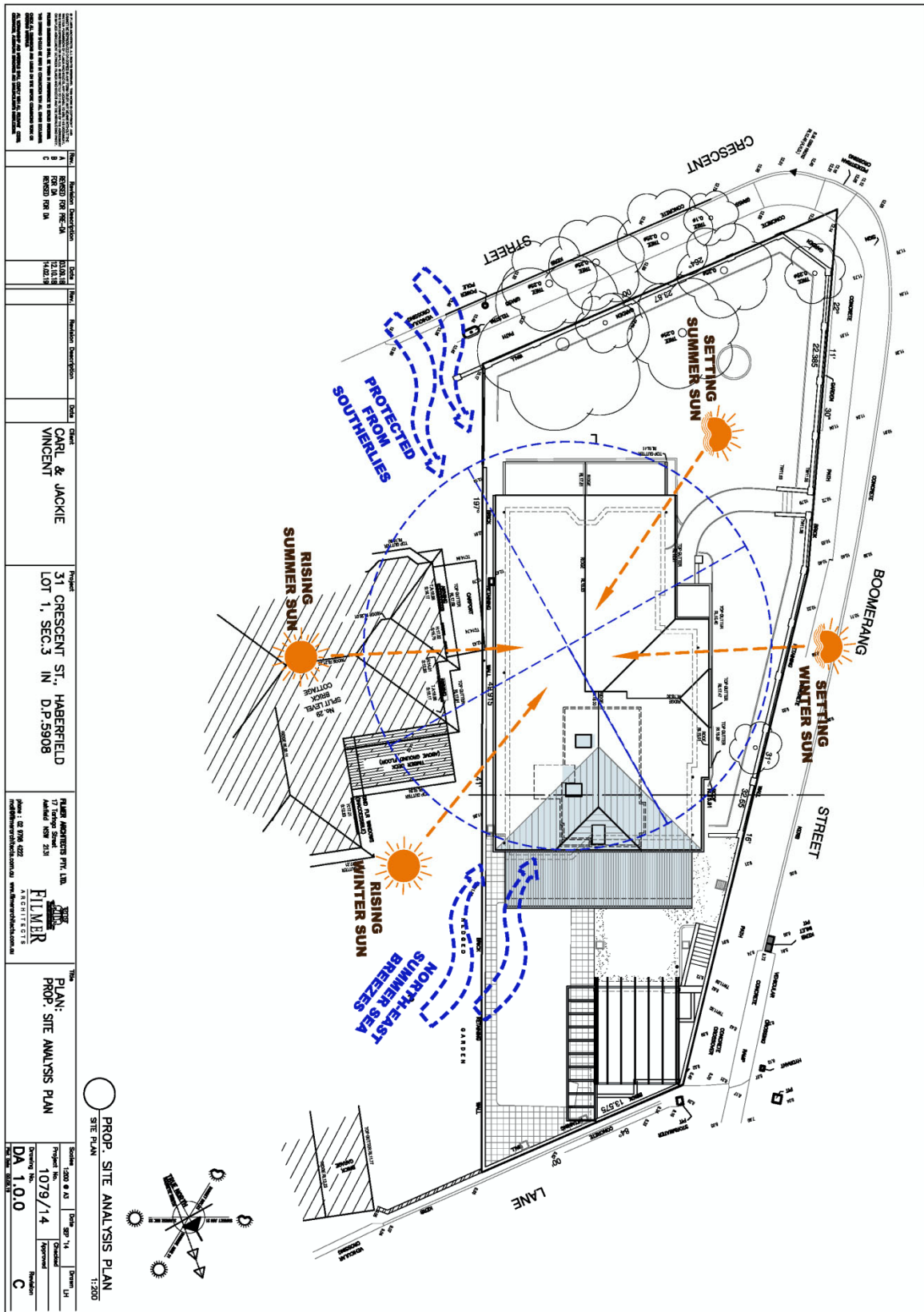
Where tree removal or work has not been approved by this Development Consent, the developer is notified that a general Tree Preservation Order applies to all trees (with the exception of certain species) in the Municipality of Ashfield with a height greater than five (5) metres. This order prohibits 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.

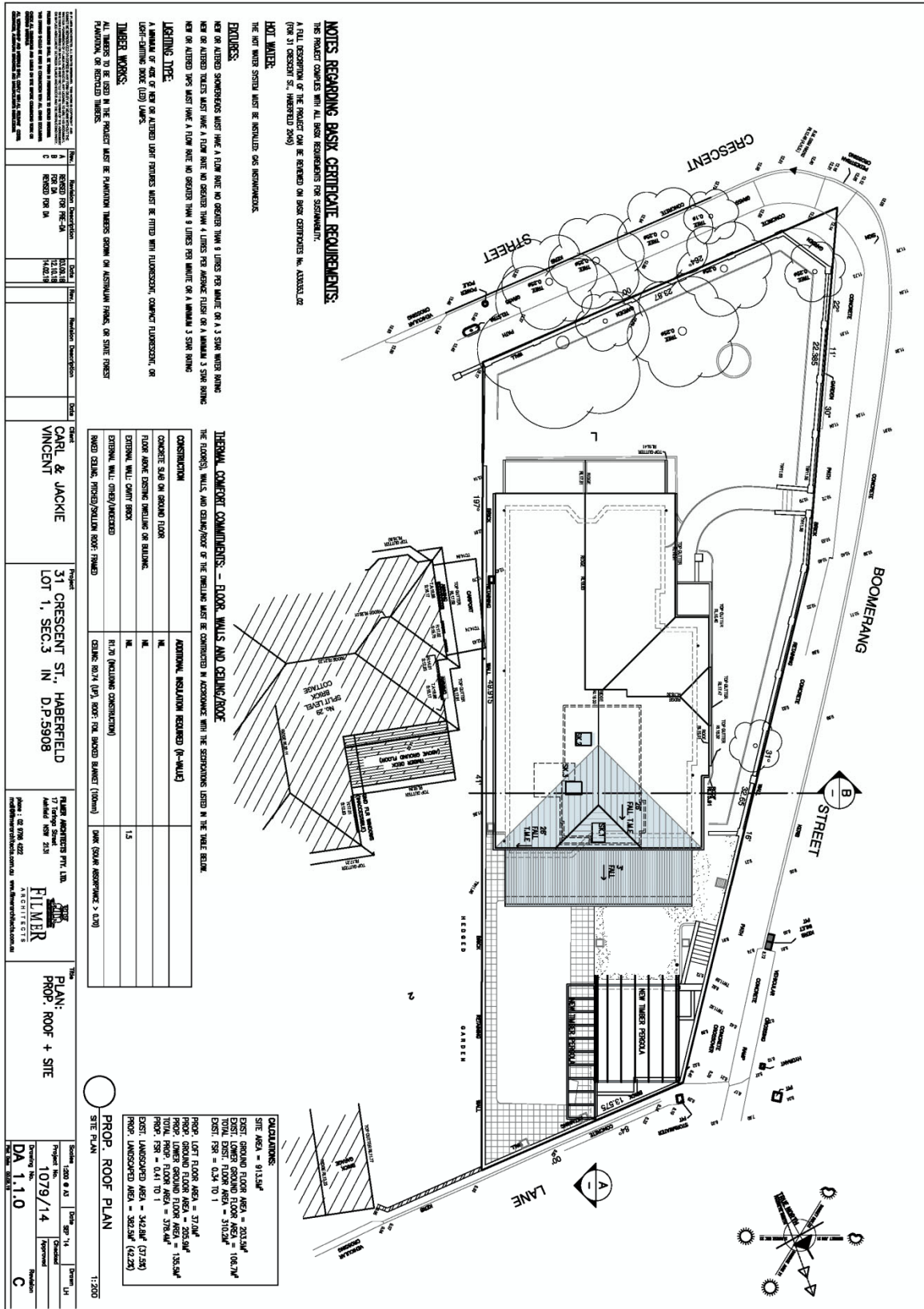
(4) Relocation of stormwater drainage

Council is not responsible for the cost of relocating Council's stormwater drainage pipes through the subject property.

Attachment B – Plans of proposed development



<p>PROJ. TITLE: 31 CRESCENT ST HABERFIELD</p> <p>PROJ. NO.: 1079/14</p> <p>PROJ. DATE: 14/02/18</p> <p>PROJ. SCALE: 1:200</p> <p>PROJ. SHEET: 1 OF 1</p>		<p>CLIENT: CARL & JACKIE VINCENT</p>		<p>PROJECT: LOT 1, SEC. 3 IN D.P. 5908</p>		<p>PLANNING CONSULTANT: FILMER 17 TONGUE STREET ANNANDALE NSW 2153 PHONE: 02 9706 4222 WWW.FILMERARCHITECTURE.COM.AU</p>		<p>PLAN: PROP. SITE ANALYSIS PLAN</p>		<p>SCALE: 1:200</p> <p>DATE: 30/01/18</p> <p>PROJECT NO.: 1079/14</p> <p>DATE: 14/02/18</p> <p>SCALE: 1:200</p> <p>PROJECT SHEET: 1 OF 1</p>	
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NOTES REGARDING BASIC CERTIFICATE REQUIREMENTS:

THIS PROJECT COMPLIES WITH ALL BASIC REQUIREMENTS FOR SUBMITTAL.
 A FULL DESCRIPTION OF THE PROJECT CAN BE VIEWED ON BUSH CONTRACTORS INC. ACCESS 02 (08/21/2023) AT: www.bushcontractors.com.au
HOT WATER:
 THE HOT WATER SYSTEM MUST BE INSTALLED AND MAINTAINED.
EXHAUSTS:
 NEW OR ALTERED SPONGERS MUST HAVE A FLOW RATE NO GREATER THAN 3 LITRES PER MINUTE OR A 3.5mm WATER WING NEW OR ALTERED TOILETS MUST HAVE A FLOW RATE NO GREATER THAN 4 LITRES PER MINUTE FITTED ON A MINIMUM 3.5mm WATER WING OR ALTERED TAPS MUST HAVE A FLOW RATE NO GREATER THAN 3 LITRES PER MINUTE OR A MINIMUM 3.5mm WATER WING.
LANDING TYPE:
 A MINIMUM OF ONE OF NEW OR ALTERED LIGHT ROOFERS MUST BE FITTED WITH FIBROGLASS, COMBACT FIBROGLASS, OR LIGHT-DUTY WOOD (LTD) LAMBS.
TIMBER WORKS:
 ALL TIMBERS TO BE USED IN THE PROJECT MUST BE PLANTATION TIMBERS GROWN ON AUSTRALIAN FARMS, OR STATE FOREST PLANTATIONS, OR RECYCLED TIMBERS.

THERMAL COMMENTS - FLOOR, WALLS AND CEILING/ROOF

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

CONSTRUCTION	ADDITIONAL INSULATION REQUIRED (R-VALUE)
CONCRETE SLAB ON GRAUND FLOOR	NIL
FLOOR ABOVE EXISTING INSULATION OR BALANCE	NIL
EXTERNAL WALL, CHIMNEY BRICK	NIL
EXTERNAL WALL, CHIMNEY BRICK	NIL
RIBBON CEILING, RIBBON/SALVIA ROOF: FINISHED	1.5
CEILING, RIBBON (UP) ROOF: POLYURETHANE BLANKET (100mm) DARK COLOUR ABSORBANCE > 0.20	1.5

PROP. ROOF PLAN

1:200

CALCULATIONS:

SITE AREA = 913.5M ²
EXIST. GROUND FLOOR AREA = 203.5M ²
EXIST. LOWER GROUND FLOOR AREA = 108.7M ²
EXIST. TOTAL AREA = 312.2M ²
EXIST. FSR = 0.34 (10/1)
PROP. GROUND FLOOR AREA = 37.0M ²
PROP. LOWER GROUND FLOOR AREA = 28.5M ²
PROP. TOTAL AREA = 65.5M ²
PROP. FSR = 0.41 (10/1)
EXIST. LANDSCAPED AREA = 342.8M ² (7.2%)
PROP. LANDSCAPED AREA = 382.9M ² (42.2%)

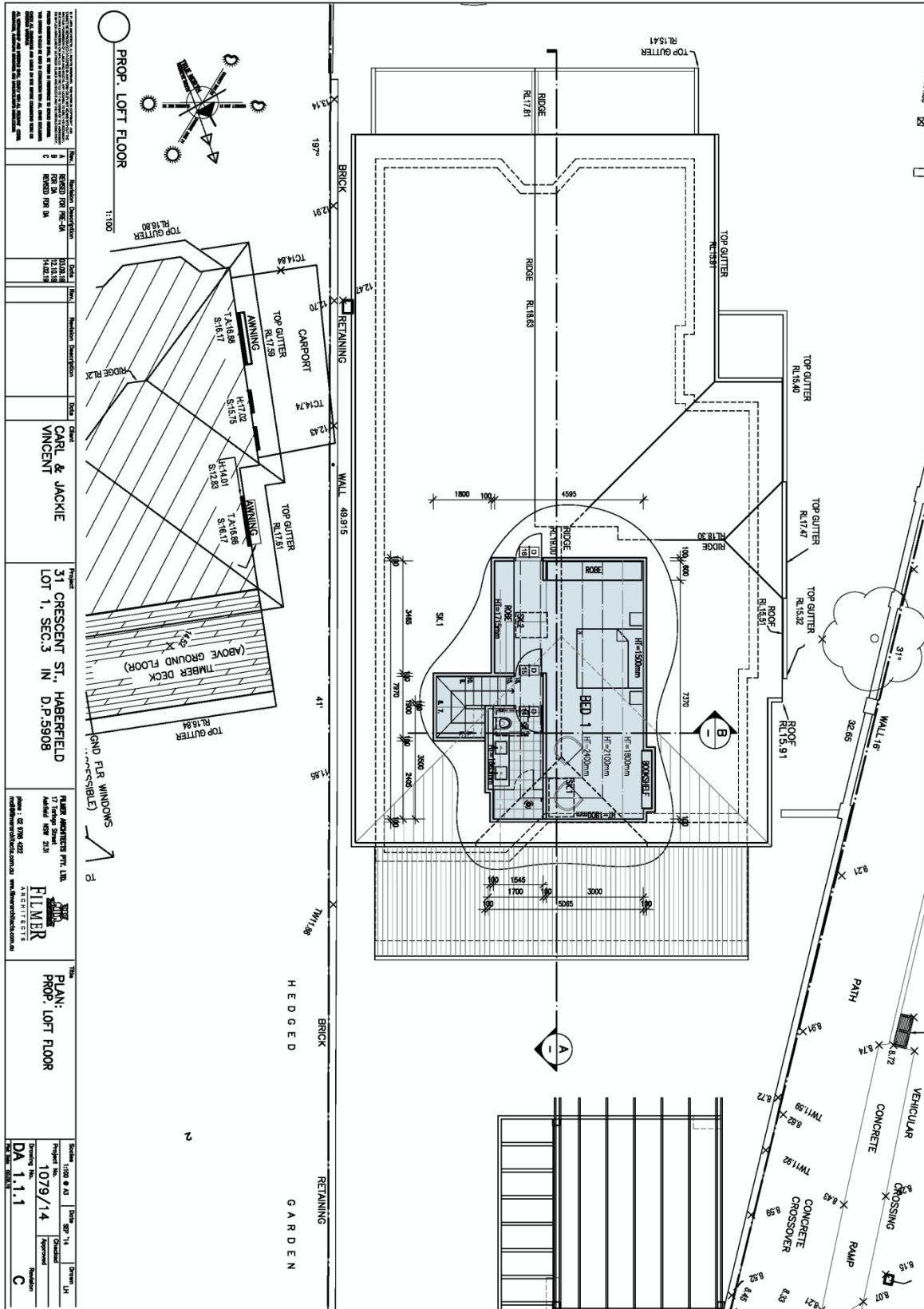
NO.	REVISION DESCRIPTION	DATE	REVISION DESCRIPTION	DATE
1	ISSUED FOR PERMITS	12/11/23		
2	REVISED FOR PERMITS	14/02/24		
3	REVISED FOR PERMITS			

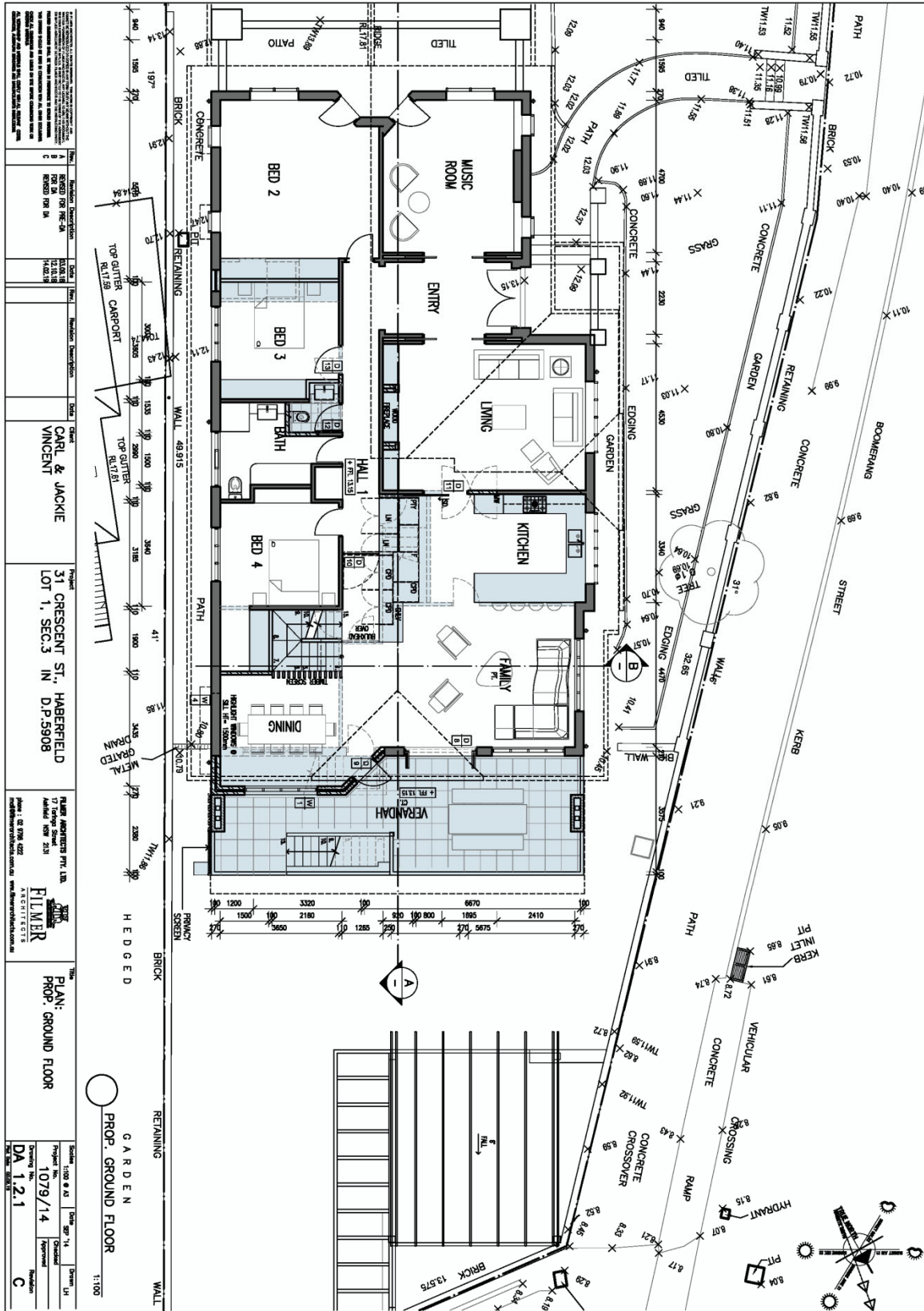
PROJECT: CARL & JACKIE VINCENT
 31 CRESCENT ST, HABERFIELD LOT 1, SEC.3 IN D.P.5908

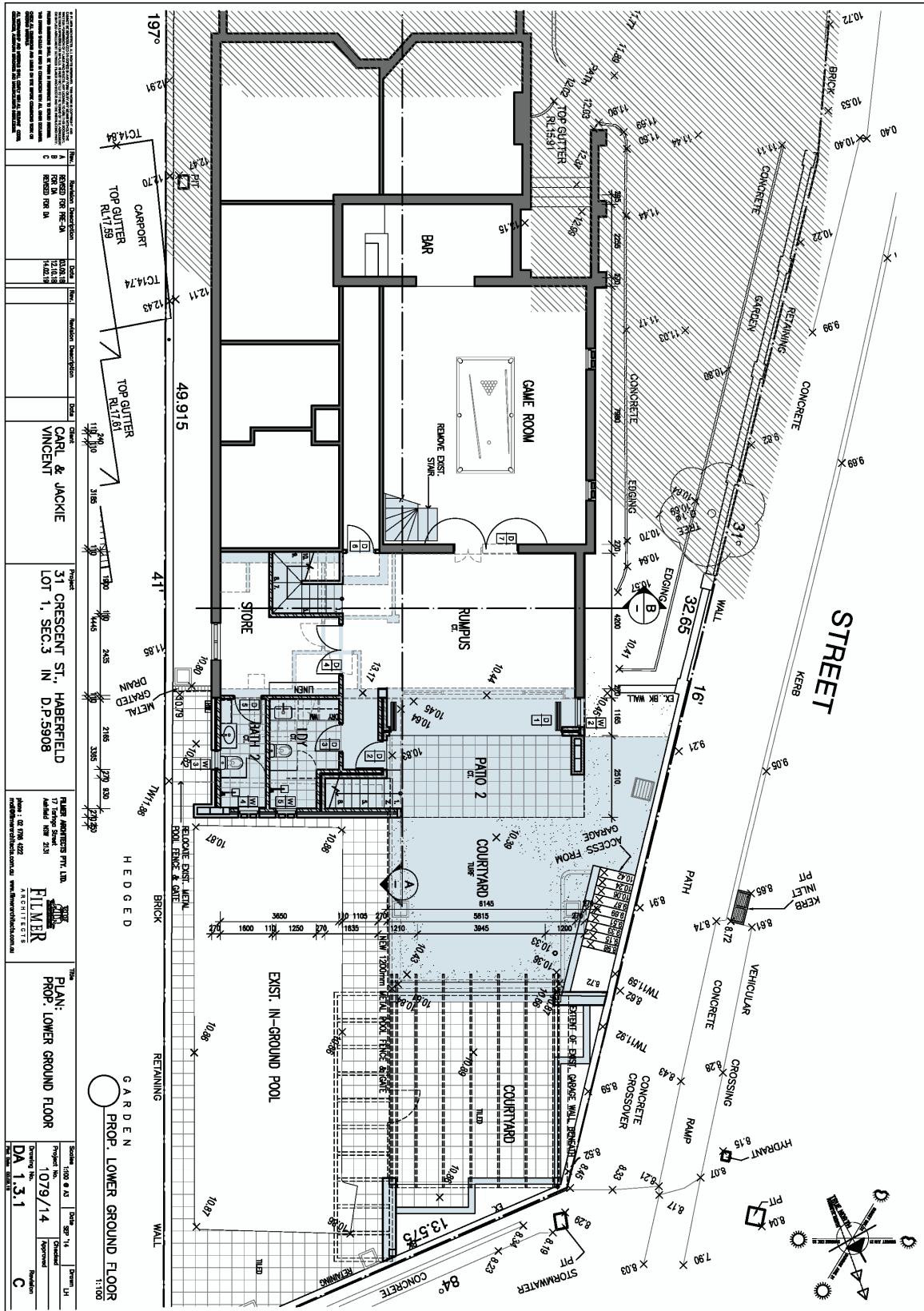
CLIENT: FILMER
 17 Topping Street, Haberfield NSW 2131
 Phone: 02 9798 4222
 Email: info@filmer.com.au
 Website: www.filmer.com.au

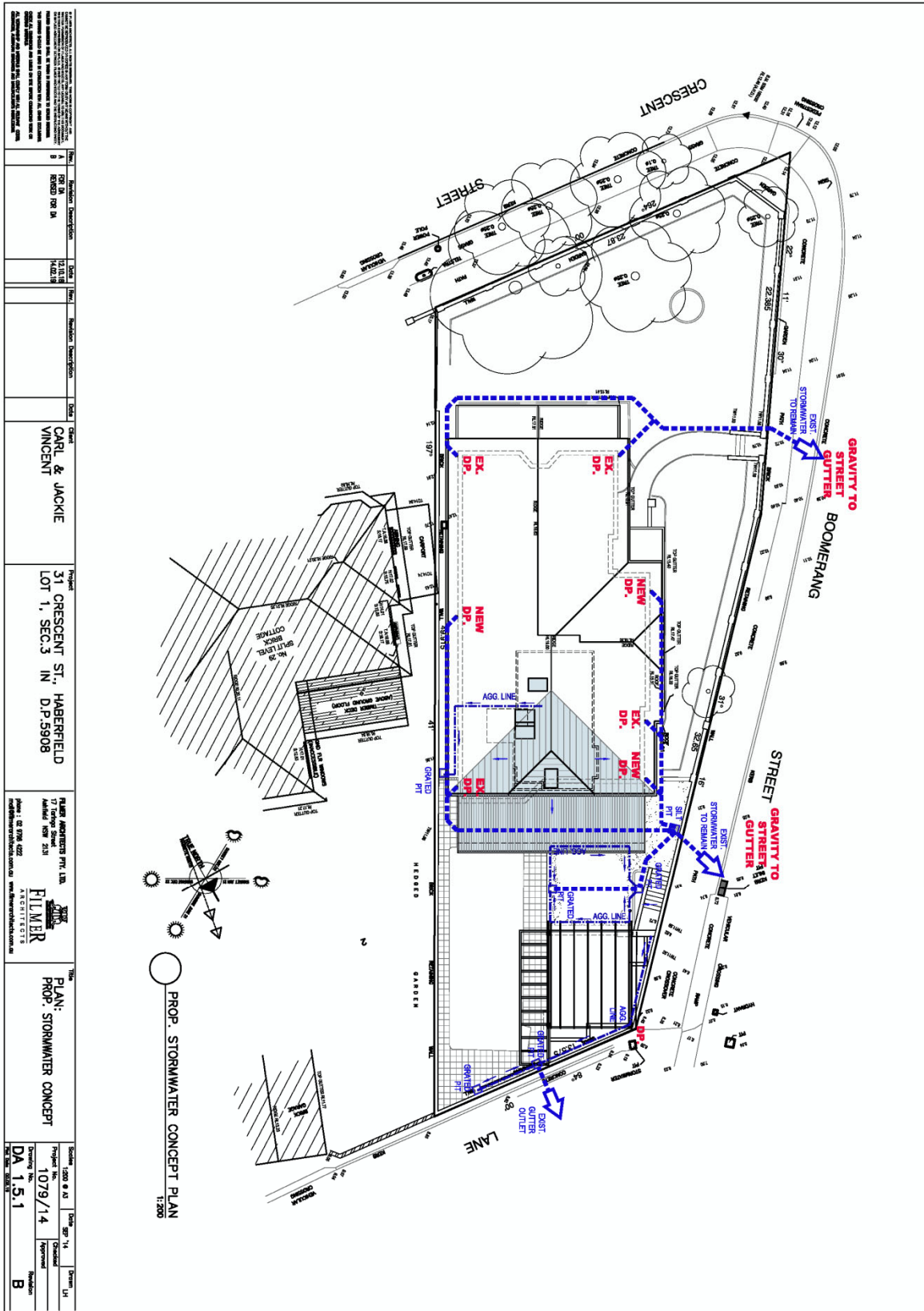
DESIGNER: PLAN: PROP. ROOF + SITE

DATE: 10/9/14
 SCALE: DA 1:1.0

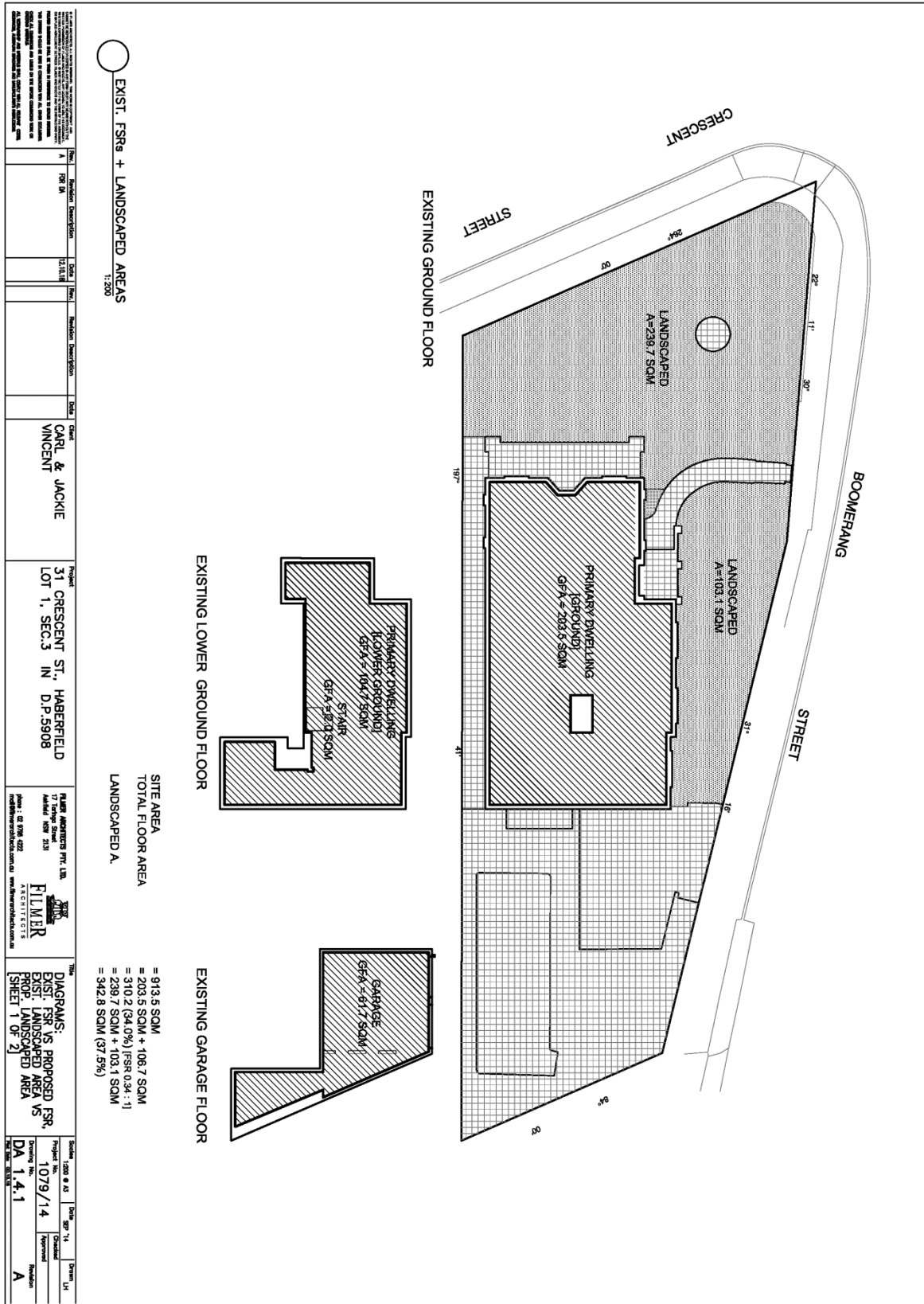


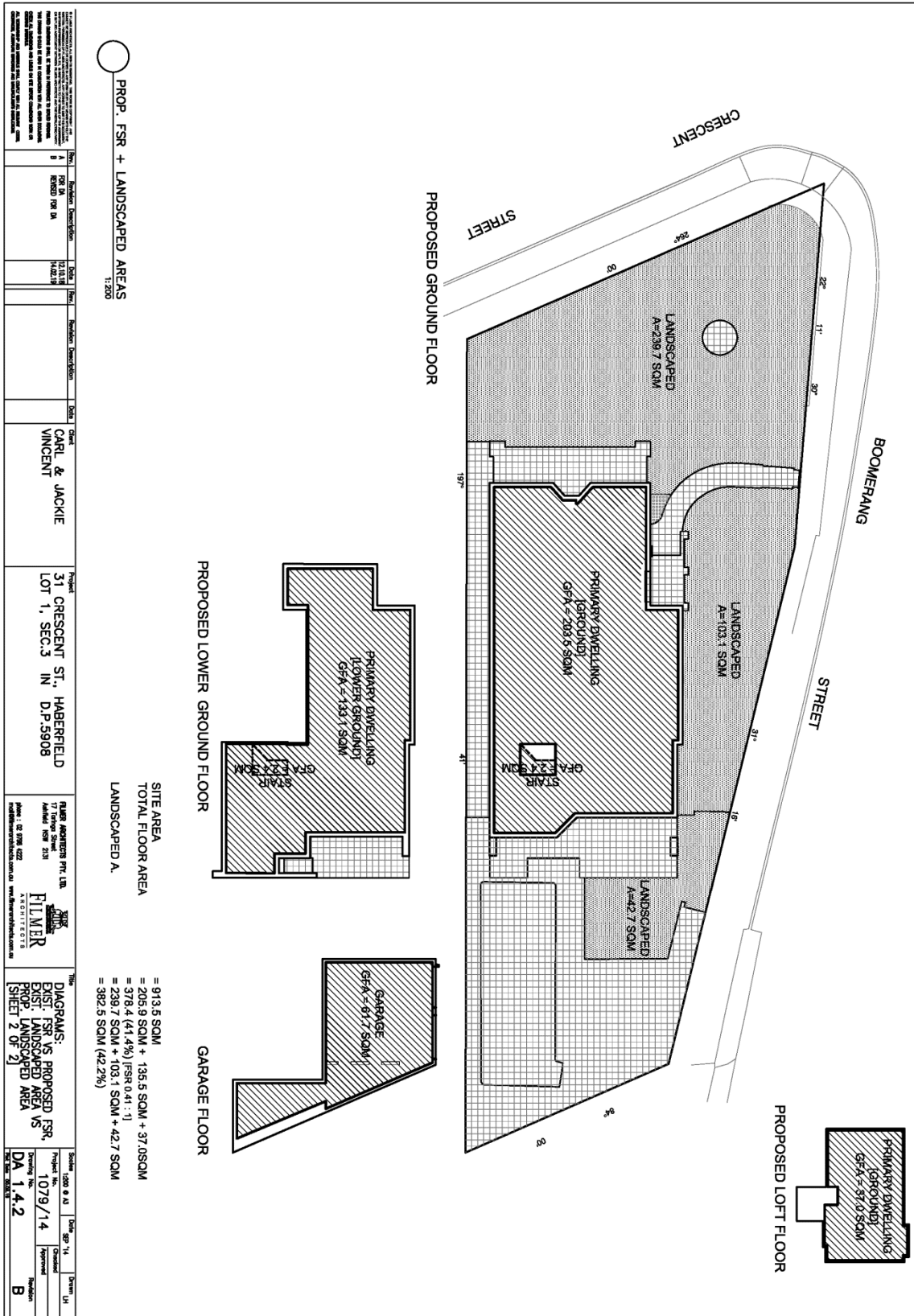


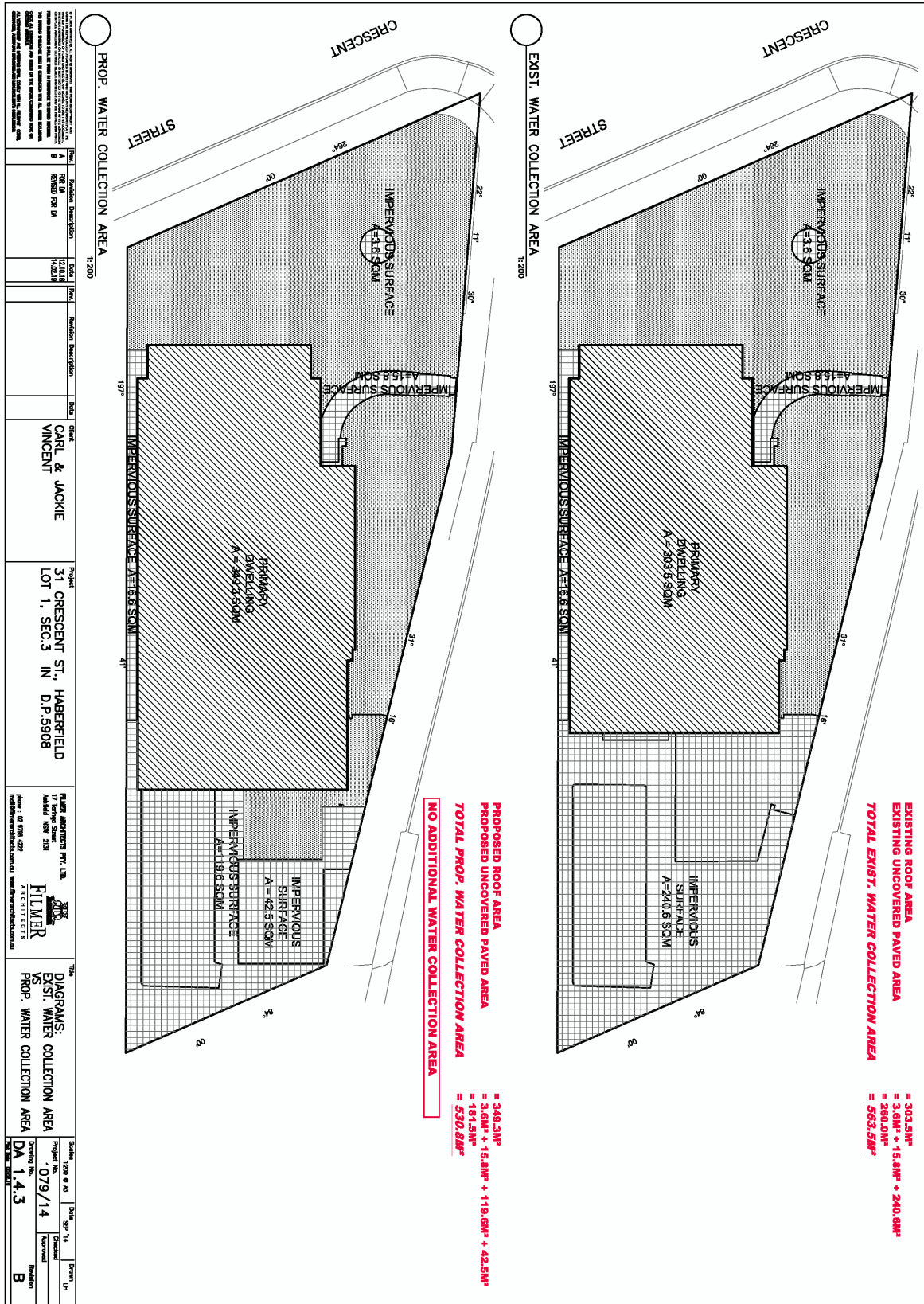


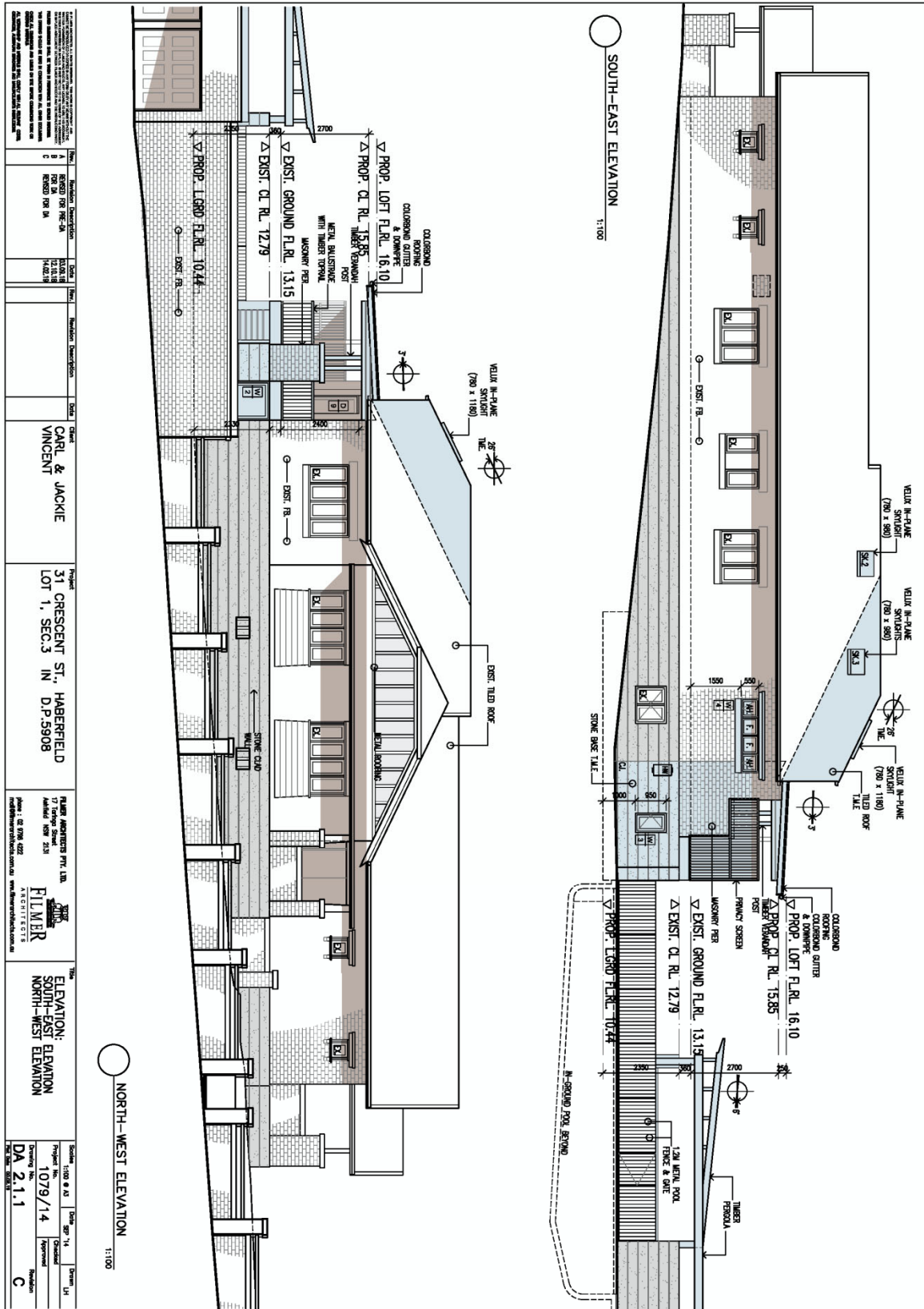


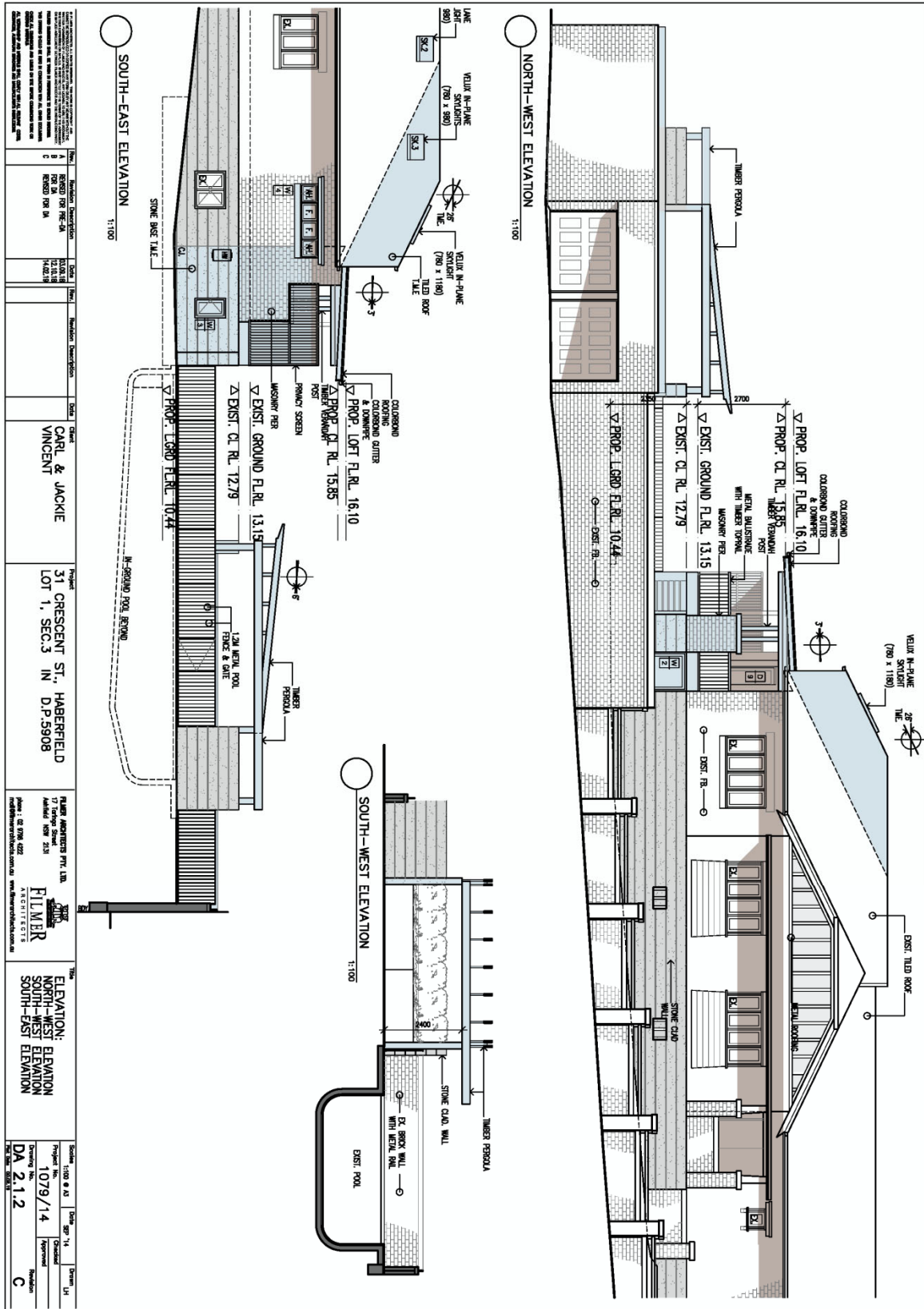
<p>NO. 1000 & A2 Drawing No. 1079/14 Date: 11/14 Scale: 1:200 Project No. DA 1.5.1 Revision: B</p>	<p>DATE: 11/14 REVISION: B</p>	<p>PROJECT: 31 CRESCENT ST, HABERFIELD LOT 1, SEC.3 IN D.P.5908</p>	<p>CLIENT: CARL & JACKIE VINCENT</p>	<p>DESIGNER: FILMER 17 Topping Street Ashfield NSW 2131 Phone: 02 9798 0222 Email: info@filmer.com.au www.filmer.com.au</p>	<p>PLAN: PROP. STORMWATER CONCEPT</p>
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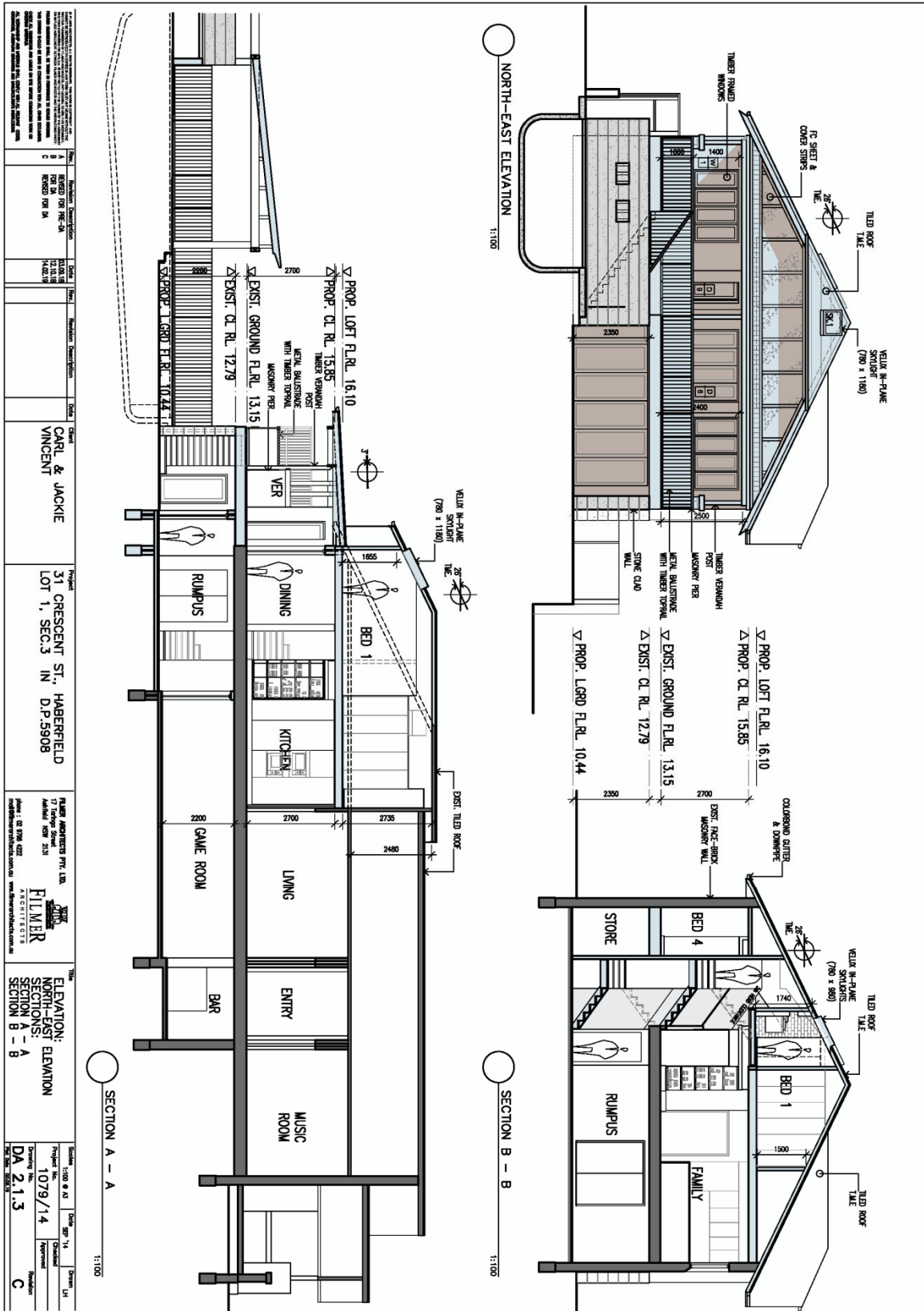












NO.	REVISIONS	DATE	BY	REASON
A	ISSUED FOR PERMITS	12.10.18		
B	REVISED PER DA	14.02.19		
C	REVISED PER DA			

PROJECT	CARL & JACKIE VINCENT
ADDRESS	37 CRESCENT ST., HABERFIELD
SECTION	SECTION A - A
SECTION	SECTION B - B

ARCHITECT	FLIMMER
ADDRESS	17 Telford Street, Haberfield NSW 2131
PHONE	02 9398 0232
EMAIL	flimmer@flimmer.com.au

DATE	10/9/14
PROJECT NO.	1079/14
DA	2.1.3

WINTER 21ST JUN
(EXISTING)

9:00AM

12:00PM

3:00PM

No. 28 ELEVATION

WINTER 21ST JUN
(PROPOSED)

9:00AM

12:00PM

3:00PM

No. 28 ELEVATION

WINTER 21ST JUN
(PROPOSED)

9:00AM

12:00PM

3:00PM

No. 28 ELEVATION

CLIENT CARL & JACKIE VINCENT	PROJECT 31 CRESCENT ST., HABERFIELD LOT 1, SEC. 3 IN D.P. 5908	PLANNER SHADOW DIAGRAM PLANS WINTER 21 JUNE	DATE 10/9/14
ARCHITECT FILMER ARCHITECTS PTY LTD 1154 GARDNER ROAD HOBART TAS 7005 PH: 03 9492 222 WWW.FILMERARCHITECTS.COM.AU	DATE 10/9/14	SCALE 1:50 @ A3	REVISED SEP 14
		DESIGNED BY DA SHDW01	APPROVED LH
		DATE 10/9/14	REVISION A

Attachment C- Clause 4.6 Exception to Development Standards

STATEMENT OF ENVIRONMENTAL EFFECTS

The diagrams on Drawing DA1.4.3A indicate there is no increase in the water collection area. All of the stormwater systems shall connect direct to the street gutter.

4.5 WASTE MANAGEMENT

The proposal has endeavoured to comply with council's preferred solutions as outlined in Council's code.

During construction, rubble and off-cut waste will be disposed of into a suitable skip located on the site. The skip will not impede / interfere with the traffic flow.

All waste material from the demolition and construction stages of the development (including brick, timber, concrete, plasterboard, roofing tiles and sheet steel) will be disposed of by an approved contractor (as listed in the "Construction & Demolition Recycling Directory"). Where possible, material will be recycled and used in the construction of the proposed development.

4.6 NOISE AND SAFETY

During construction of the works, attempts will be made to provide against undue nuisance to adjoining properties from dust and noise.

The works will be constructed in accordance with the Occupation Health and Safety Act 2000, the Regulation 2001 and relevant Codes of Practice.

5 ASSESSMENT UNDER THE DEVELOPMENT CONTROL AND ENVIRONMENTAL PLANNING ACT 1979

THE FOLLOWING CODES APPLY

Environmental Planning Instruments

Local Environmental Plans

1. Ashfield LEP 2013

Development control plans

2. Inner West Comprehensive Control Plan 2016

5.1.1 ALEP Zoning

R2 Low Density Residential

Complies

5.1.2 ALEP 4.3 Height

Height permissible:

7m

Proposed:

8.5m

Does not comply

5.1.3 Exception to Development Standards (Cl 4.6)

The objectives of Clause 4.3 are:

(a) to achieve high quality built form for all buildings,

(b) to maintain satisfactory sky exposure and daylight to existing buildings, to the sides and rear of taller buildings and to public areas, including parks, streets and lanes.

4

(c) to provide a transition in built form and land use intensity between different areas having particular regard to the transition between heritage items and other buildings,

(d) to maintain satisfactory solar access to existing buildings and public areas.

In this instance the Ashfield LEP 2013 Clause 4.3 states; *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.* In this case all of the residential areas of Haberfield have a maximum height of 7m.

In this proposal the existing tile roof of the dwelling has a ridge line at the rear of the dwelling which is 7.8m above the assumed ground level and exceeds the height limit by 0.8m. The proposed roof will be 8.2m above the assumed ground level and exceed the height limit by 1.2m. We say the development standard referred to is unreasonable or unnecessary in the particular circumstances of this project for the following reasons:

(a) The existing dwelling is approx. 90 years old. The controls current at the time of construction allowed the existing ridge height. The current roof exceeds the control but does not impact on the adjoining neighbour whose property is of a similar height.

(b) It is proposed to increase the length of the existing ridge by 3m. The transgression is limited to this section of roof 3m in length running north-east and south-west on the centre line of the building. This portion of the roof has no impact on the eastern neighbour as that neighbour enjoys similar floor heights. A study of shadow diagrams for June 21st (attached) indicates no impact from the proposed addition.

(c) The objectives of Clause 4.3 listed in (a) to (d) above are maintained in this case. The intent of the clause is to minimize impacts on neighbouring properties and this has been achieved due to the width of the site, the aspect of the properties and the similarities in height.

5.1.4 ALEP 4.4(2) Floor Space Ratio

Dwelling Floor Space Ratio (FSR) permissible:	0.5 : 1
Site area	913.5m ²
Total proposed floor area	379.7m ²
FSR of proposed development	0.42:1

Complies

5.1.5 ALEP 6.5(3)(a)(i)

.....the gross floor area above the existing ground floor level will not exceed the gross floor area of the existing roof space,

Area under existing roof space	203.5sqm
Proposed floor area in loft	38.3sqm

Complies

5.1.6 ALEP 6.5(3)(a)(ii)

....the gross floor area below the existing ground floor level will not exceed 25% of the gross floor area of the existing ground floor,

Area of existing ground floor	203.5sqm
Proposed lower ground floor area (65%)	133.1sqm

Does not comply

5.1.7 Exception to Development Standards (Cl 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,

In this proposal the lower ground floor area will increase from 51% to 65% of the existing ground floor and exceed the standard of 25%. The development standard referred to is unreasonable or unnecessary in the particular circumstances of this project for the following reasons:

(a) The existing development on the site has a lower ground floor area of 104.7sqm or a ratio of 51% of the ground floor area. The proposed lower ground floor area will be increased to 133sqm or a ratio of 65% of the ground floor area. The additional floor area is not visible from outside of the building.

(b) The current lower ground floor has been developed in the foundation area of the building. The existing sandstone foundations have remained in place and minimal slots have been constructed in the sandstone for ventilation. This sandstone foundation wall will remain in place with no new openings on the Boomerang St side. The existing glazed doors to the rear courtyard will be replaced and relocated 1m into the courtyard. This opening will be obscured due to the height of the rear courtyard above the road which is the nearest viewing point.

(c) The objective of this Clause 6.5(3)(d) is listed as ".... is to maintain the single storey appearance of dwellings in the Haberfield Heritage Conservation Area." The intent of the clause is to maintain the attributes of the garden suburb which are, in part, single dwellings on individual sites separated by areas of landscaped open space. In this case the intent of the clause will be satisfied as the existing foundation walls will be retained and the extent of the open space around the

dwelling enhanced. The lower ground floor areas are not visible to the public as they do not have windows facing Boomerang St.

5.1.8 ALEP 6.5(3)(b)

...the development will not involve excavation in excess of 3 metres below ground level (existing),

Complies

5.1.9 ALEP 6.5(c)

...the development will not involve the installation of dormer or gabled windows,

Complies

5.1.10 ALEP 6.5(d)

...at least 50% of the site will be landscaped area.

Site area	913.5m ²
Existing landscape area	342.8m ² (37.5%)
Proposed landscape area	382.5m ² (42.2%)

Does not comply

5.1.11 Exception to Development Standards (Cl 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)(d) states;

At least 50% of the site will be landscaped area.

In this proposal the landscape area will increase to 42.2% but less than the 50% required by the standard. The development standard referred to is unreasonable or unnecessary in the particular circumstances of this project for the following reasons:

(d) The existing development on the site has a soft landscape ratio of 37.5%.

Working from this low base this application has raised the figure to 42.2%.

(e) The proposed layout of the site includes the removal of tiled areas in the rear courtyard and it's replacement with turf. The site and the suburb will be better for the change. Given the location of the swimming pool in the rear courtyard there is no further scope to lift the landscape ratio.

(f) The objective of this Clause 6.5(3)(d) is listed as "*... is to maintain the single storey appearance of dwellings in the Haberfield Heritage Conservation Area.*" The intent of the clause is to maintain the attributes of the garden suburb which are, in part, single dwellings on individual sites separated by areas of landscaped open space. In this case the intent of the clause will be satisfied as the extent of