

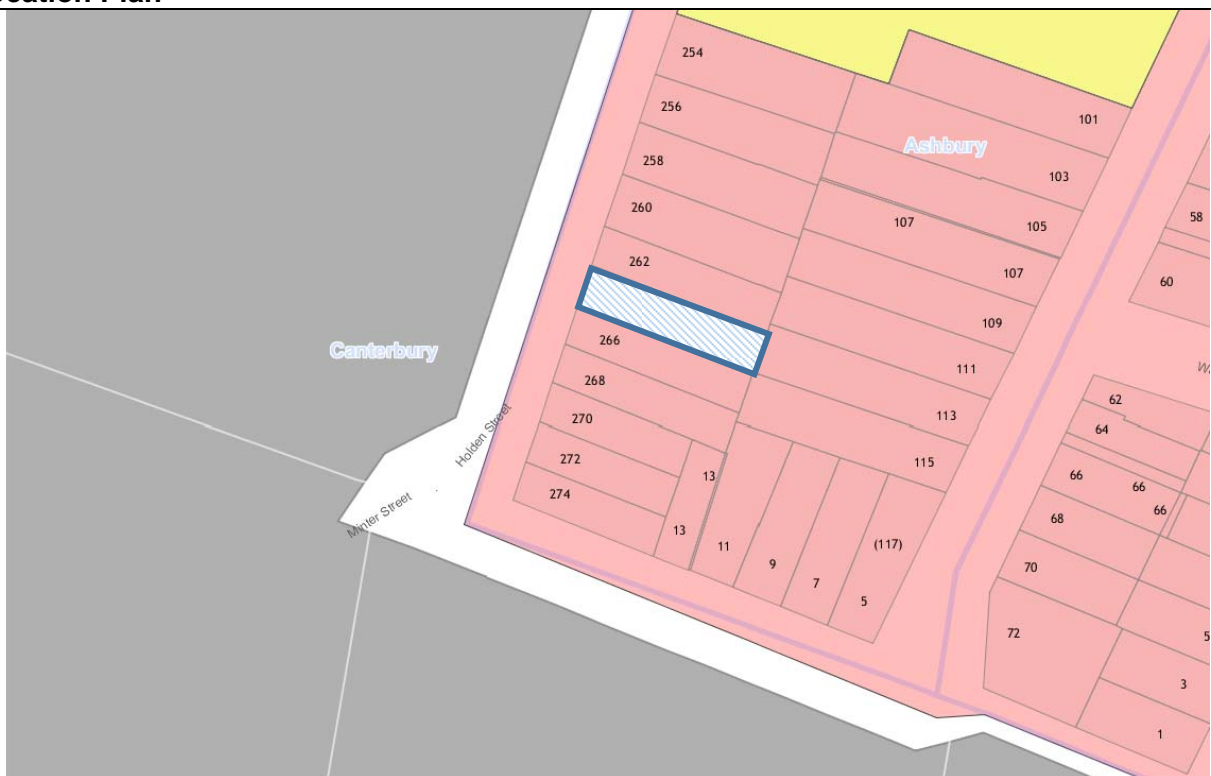


INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	DA 2018/32
Address	264 Holden Street, Ashbury
Proposal	Partial demolition of a heritage item and construction of a single storey rear addition, cabana and swimming pool.
Date of Lodgement	1 March 2018
Applicant	Raymond Sader
Owner	Raymond Sader
Number of Submissions	One (1)
Value of works	\$515,000
Reason for determination at Planning Panel	Partial demolition of Heritage Item.
Main Issues	Tree preservation
Recommendation	Approval

Location Plan



 Subject site. Not letter of support from outside of LGA



Site viewed from Holden Street.

1. Executive Summary

This report is an assessment of the development application (DA) submitted to Council for the partial demolition of a heritage item and construction of a single storey rear addition, cabana and swimming pool. The application was notified to surrounding properties for a period of 21 days and one (1) letter of support was received.

The main issue that has arisen from the assessment of the application is the proximity of the proposed pool cabana to a significant tree on the neighbouring property which could be detrimental to the trees health.

Council's Tree Specialist has recommended a condition of consent that the existing soil levels are retained within the tree's dripline and that the footings of the proposed cabana be isolated pier, or pier and beam construction in order to ensure the health of the neighbouring tree is maintained.

2. Proposal

The proposal involves;

- Demolition of the rear fibro clad sunroom extension of the heritage listed dwelling.
- A single storey rear addition with an attached rear patio and awning. The addition includes a combined kitchen/living/dining room, a laundry and a bathroom.
- A detached ‘pool cabana’ in the rear yard.
- An in-ground pool and associated decking and fence.
- Landscaping
- Internal changes.

3. Site Description

The site is rectangular in shape with an area of approximately 478.9sqm. It has a primary street frontage to Holden Street of approximately 10.3m.

Currently the site is occupied by a single storey detached dwelling house with an attached metal carport at the front and a detached fibro shed in the rear yard. The site is adjoined by single storey detached dwelling houses on either side.

The eastern (subject) side of this part of Holden Street is largely characterised by single storey detached dwelling houses. Directly opposite the subject site on the western side of Holden Street is Blick Oval.

The site is identified as containing a heritage item (I4) known as ‘Houses’, which also includes the neighbouring dwellings at Nos. 262, 266, 268 and 270 Holden Street. The site is not located in a heritage conservation area.

The following trees are located in the rear setback of the site:

- Four (4) x Kentia Palms, one (1) x Jacaranda and one (1) x Cotoneaster.

The following trees are located adjacent to the site:

- One (1) x Atlantic Cedar at No. 266 Holden Street to the south, one (1) x Persimmon at No. 113 Hardy Street to the east and one (1) x Honey Myrtle on the street verge to the west.

4. Background

4(a) Site history

Subject property

Application	Proposal	Decision & Date
PDA 2017/117	A pre-DA for alterations and additions to the existing dwelling, new swimming pool and a new pool cabana was lodged with Council.	6 July 2017

	The main concerns raised by Council at the time were the removal of the existing rear hipped roof, the connection between the addition and original building and the roof form of the addition.	
--	---	--

Surrounding properties

Application	Proposal	Decision & Date
DA 2012/74	Consent was granted to rebuild and enlarge the attached laundry at the rear, a new front fence and other minor changes to the neighbouring dwelling at No. 262 Holden Street.	22 May 2012

4(b) Application history

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

Date	Discussion / Letter / Additional Information
29 June 2018	<p>A request for amendments and further information was sent to the applicant outlining a number of issues which can be summarised as follows:</p> <ol style="list-style-type: none"> 1. The proposed cabana and pool would affect the health of the significant tree on the neighbouring site at No. 266 Holden Street and are not supported in the proposed location. 2. The rear addition needs to be redesigned to make it contextually fit better with the heritage item. 3. The cabana is to be reduced in height.
7 July 2018	<p>In response to Council's request dated 29 June, further discussions were held with the applicant, Council's heritage specialist and planners and the following amended request was provided:</p> <ol style="list-style-type: none"> 1. The rear addition is to have lower gutter height(s) not exceeding that of the lower gutter level of the existing rear hipped roof and the southern-facing clerestory windows be deleted. 2. The ridgeline of the rear addition popup roof is not to exceed the ridge height of the existing rear hipped roof. 3. The proposal is to respect the existing rear setbacks of the neighbouring buildings. 4. The pool is to be relocated to the northern side of the site.
9 July 2018	The applicant provided amended plans in response to Council's request which addressed some but not all of the issues raised.

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

The following provides further discussion of the relevant issues:

5(a)(i) 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. Comprehensive Inner West Development Control Plan 2016 provides controls and guidelines for remediation works. SEPP 55 requires that remediation works must be carried out in accordance with a Remediation Action Plan (RAP) as approved by the consent authority and any guidelines enforced under the Contaminated Land Management Act 1997.

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

A BASIX Certificate was submitted with the application. Subject to the recommended conditions of consent the requirements of the SEPP can be met.

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

The application was assessed against the following relevant clauses of the Ashfield Local Environmental Plan 2013 (the LEP).

The property is zoned R2 – Low Density Residential under the provisions of the LEP. The proposed use as a dwelling house is permissible in the zone.

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

Ashfield Local Environmental Plan 2013				
Summary Compliance Table				
Clause No.	Clause	Standard	Proposed	Compliance
2.2	Zoning	B2 – Local Centre	The use is defined as dwelling which is permissible in the zone.	Yes
4.3	Height of buildings	8.5m	5.2m	Yes
4.4	Floor space ratio	0.7:1	0.39:1	Yes
5.10	Heritage Conservation	The site is identified as an item of local heritage significance (Item No. 4) known as 'Houses', which also includes the neighbouring dwellings at Nos. 262, 266, 268 and 270 Holden Street.		
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 proposal has been reviewed by Council's Heritage Advisors who outlined no objection to the proposal. The proposed works have been appropriately designed as to not impact upon the heritage significance of the building.	Yes
5.10(5)	Heritage assessment	The consent authority may, before granting consent to any development: (a) On land on which 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.	Appropriate documentation regarding heritage management and impacts upon heritage significance have been prepared and submitted as part of this development application. This documentation has been reviewed by Council's Heritage Advisors who outlined no objection to the proposal, subject to suitable conditions of consent.	Yes

5(b) Draft Environmental Planning Instruments

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

DCP 2016 – Chapter E1: Heritage Items and Conservations Areas				
Control No.	Control	Standard	Proposed	Compliance
C1	External form and setting	Retain features (including landscape features) that contribute to the significance of the item.	Significant features of the heritage item retained.	Yes
C2		Remove unsympathetic elements and reconstruct significant elements where possible or appropriate.	The proposal removes the fibro clad rear sunroom which is not an original part of the dwelling.	Yes
C3		New work is to be consistent with the setback, massing, form and scale of the heritage item.	The works are consistent with the massing and form of the existing building	Yes
C4		Retain significant fabric, features or parts of the heritage item that represent key periods of the item.	The works retain the significant features and parts of the item. New works are largely confined to behind the item.	Yes
C5		Alterations and additions are to be generally located away from original and intact areas of the heritage item.	The addition is located at the rear of the item in	Yes
C6		Maintain the integrity of the building form (including the roof form and	The works maintain integrity of the building	Yes

		profile) so that the original building is retained and can be clearly discerned, particularly when viewed from the public domain.	form, with minimal changes to the existing form.	
C1	Interior elements of heritage items	Minimise change to significant internal room configurations, layouts and finishes of heritage items.	Minimal change to significant room configurations and layout.	Yes
C2		Generally retain original significant building entrances and associated hallways.	No change to the original building entrances and hallways.	Yes
C7		Allow for reversibility of internal changes to significant areas where possible.	Proposed modifications allow for reversibility.	Yes

DCP 2016 – Chapter F: Development Category Guidelines				
Control No.	Control	Standard	Proposed	Compliance
DS1.1	Building style and form	Building style and form, proportion, façade composition of solid and void, materials, textures and colours are sympathetic with development prevailing in the street.	The building style, form, proportion and materials are consistent with existing building and prevailing character in the street.	Yes
DS2.1	Heritage	Development of a heritage item or within a heritage conservation area identified in the Ashfield LEP 2013 is consistent with, Part E – Heritage of this DCP.	See discussion in the table above.	Yes
DS3.3	Building height	Appears as 2 storeys	The proposal is single storey in height.	Yes
DS3.4	Wall height	Maximum external wall height of 6 metres measured from the existing ground level.	3.7 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.	The proposal maintains the existing 1.2m side setback to the southern boundary and the existing 480mm side setback to the northern boundary. See discussion under the heading Issues.	No (considered acceptable)
DS8.2	Minimum Landscaped area %	401-500sqm. 32% of site area.	31%. See discussion under the heading Issues.	No (considered acceptable)
DS8.3	Maximum site coverage	401-500sqm. 55% of site area.	46%	Yes
DS9.1	Private open	Principal private open space is:	The proposal provides 27.5sqm (with a	Yes

	space	<ul style="list-style-type: none"> - directly accessible from and at the same level as ground floor living area - has a minimum area of 20 m² - has a minimum dimension of 3.5 - has an appropriate level of solar access, natural ventilation and privacy 	<p>minimum dimension of 3.6m) of private open space which is identified as the 'patio' adjoining the rear of the proposed addition.</p> <p>The patio is east facing with an awning and will therefore receive limited solar access. The patio immediately adjoins the rear yard which can function as an extension of the private open space. The rear yard will receive ample solar access all year round which is further discussed below in this table.</p>	
DS 10.1	Deep soil planting	All landscaped area is required to be capable of deep soil planting.	All landscaped area is required to be capable of deep soil planting.	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.	As discussed above in this table, the rear garden is considered to have sufficient landscape area.	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.	The private open space of the property to the south (No. 266 Holden Street) is below an existing awning and to the south of an external laundry. As such the private open space is currently completely self-shadowed by existing structures during the winter solstice. The supplied solar access plans demonstrate that the proposal will not affect solar access during the winter solstice.	Yes
DS 13.2		Existing solar access is maintained to at least 40% of the glazed areas of any neighbouring north facing primary living area windows for a period of at least three hours between 9am and 3 pm on 21 June.	The supplied solar access diagrams demonstrate that the proposal will not reduce solar impact to the north facing windows of the neighbouring property (No. 266 Holden Street) between 9.00am – 3.00pm during the winter solstice in accordance with this part of the plan.	Yes

DS 13.3		Requires main living areas to be located on the northern side of buildings where possible and subject to streetscape quality considerations.	The combined kitchen/dining/living area is north and east facing.	Yes
DS 13.4		Requires sun shading devices such as eaves, overhangs or recessed balconies minimise the amount of direct sunlight striking facades.	The proposal includes a large awning on the rear elevation.	Yes
DS14.2	Visual Privacy	Where they are provided, windows on side elevations are: <ul style="list-style-type: none"> - located a sufficient distance away from windows on adjoining development - are positioned to not be in a direct line with windows on adjoining development - have a reduced size - include privacy devices such as fixed external screens, raised sill heights or opaque glazing 	The proposed rear addition contains ground floor high-level windows on the southern (side) elevation. The rear addition also includes three (3) on the northern elevation all of which are located significantly lower than the northern (side) elevation boundary fence. Although the cabana has a ground floor level 770mm above that of the existing dwelling, the existing ~2m high southern (side) boundary fence will prevent any significant overlooking of the neighbouring properties from its west facing window. Adequate screening would still be provided if the side boundary fence was in the future replaced with a typical 1.8m high boundary fence.	Yes
DS 14.3		Open space ground levels should match as closely as practicable neighbouring ground levels	The proposal reduces the existing height of the rear yard in places.	Yes
DS 15.1	Trees	Significant trees that make a contribution to the landscape character, amenity or environmental performance of the site are retained	See discussion under the heading Issues.	No
DS 16.1	Ecologically sustainable development	Development complies with the Building Sustainability Index (BASIX).	The proposal is capable of complying with the BASIX requirements.	Yes
DS19.1	Stormwater Disposal	Stormwater from roofs is discharged by gravity to street gutter system	The supplied concept stormwater management plan was reviewed by Council's Engineers and no objections were raised.	Yes

DS 20.1	Swimming pools	The requirements for swimming pool construction and various safety requirements are contained in the Swimming Pools Act.	The proposed pool is wholly located below the immediate finished ground level.	Yes
DS 20.2		Finished ground level areas around swimming pools shall not be raised as a result of sloping sites. In exceptional circumstances some increase in natural ground level may be considered where adequate screening devices are proposed.	The ground level surrounding the is not proposed to be raised.	Yes
DS 20.3		Pool pumps shall be either of a type that do not exceed 5dBA above average ambient noise levels, or provided within an acoustic enclosure.	A condition of consent is recommended to ensure that all pool pumps be located within an acoustic enclosure and that it not exceed 5dBA above average ambient noise levels.	

Issues

Rear setback

The proposed rear addition extends 7.6m beyond the existing rear building line. The subject group (Nos. 262-270) has an established predominant rear building line with the exception of the two neighbouring dwellings at Nos. 262 and 266 which have building elements (external laundries) that extend beyond. The proposal aligns with the rear building line of the external laundry at No. 266.

It is noted that the proposal has a floor space ratio of 0.39:1, significantly below the maximum allowable floor space ratio of 0.7:1 for the site. It has also been noted that the proposal has a site coverage approximately 10% below that which is allowed.

The subject dwelling is part of a heritage item group and as such there is limited development potential at the front of the site. It is considered preferable that any rear addition does not extend above the ridge height of the rear hipped roof of the principal dwelling (RL 40) so as to minimise the impact on the heritage item and neighbouring amenity.

Given the substantial depth of the lots (approximately 46.5m), it is considered that there is scope for development to extend into the existing rear setback. It is also considered that the proposal will set a suitable precedent for future development within the subject heritage group.

Trees

The revised proposal includes a detached ‘pool cabana’ in the south-eastern corner of the rear yard. Immediately adjacent on the neighbouring property (No. 266 Holden Street) is a significant Cedrus Atlantica (Atlantic Cedar) tree.

On 7 July 2018, on the advice of Council’s Tree Specialist, Council planners requested that the pool and ‘pool cabana’ be relocated from the south-western to the north-western corner of the rear yard to ensure that they were not located within the Tree Protection Zone (TPZ)

of the neighbouring Atlantic Cedar. The applicant subsequently provided amended drawings which relocated the pool but not the cabana. The applicant claims, as was stated in the supplied Arboricultural Impact Assessment, that because the neighbouring tree is at a slightly lower level than the subject site, it is unlikely there would be any roots on the subject site. Council's Tree Specialist did not agree with this conclusion, particularly as no root investigations were conducted to confirm the conclusion.

In response, it is recommended that the cabana remain in its proposed location with the existing soil levels retained within the tree's dripline (5 metres from the southern side boundary) and that the footings of the proposed cabana be isolated pier, or pier and beam construction within 8 metres radius of the trunk. A condition of consent to this effect has been recommended. The condition will also specify that the cabana's ridge height (RL 40.63) and external wall height are not to be increased and that the roof form and roof pitch are not to be changed as a result of the amendments.

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 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 for a period of 21 days to surrounding properties. One (1) letter of support was received from a resident outside of the LGA.

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
- Trees
- Engineering

6(b) External

Not applicable.

7. Section 7.11 and 7.12 Contributions

The proposal is not subject to a Section 7.11 contribution.

A Section 7.12 contribution of \$5,150 is payable based on an estimated cost of works of \$515,000.

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. That the Panel, as the consent authority pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No. 2018/32 for partial demolition of a heritage item and construction of a single storey rear addition, cabana and swimming pool at No. 264 Holden Street, Ashbury subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS

DA 2018.32.1
264 Holden Street ASHBURY 2193

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

Partial demolition of a heritage item and construction of a single storey rear addition, cabana and swimming pool.

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

Approved Plans:

Drawing No.	Title/Description	Prepared by	Issue/Revision	Date
DA01	Site Plan	Jose Serrano	A	9 July 2018
DA02	Partial Ground Floor Plan & West Elevation	Jose Serrano	A	9 July 2018
DA03	Ground Floor Plan	Jose Serrano	A	9 July 2018
DA04	Roof Plan	Jose Serrano	A	9 July 2018
DA05	Partial North & South Elevations – Sheet 1	Jose Serrano	A	9 July 2018
DA06	Partial North & South Elevations – Sheet 2	Jose Serrano	A	9 July 2018
DA07	Elevations – Sheet 3	Jose Serrano	A	9 July 2018
DA08	Section A-A	Jose Serrano	A	9 July 2018
DA09	Concept Landscape Plan	Jose Serrano	A	9 July 2018
DA10	Schedule of Materials & Finishes	Jose Serrano	-	May 2017

In the event of any inconsistency, the conditions of this consent shall prevail.

(2) Compliance with BCA

All architectural drawings, specifications and related documentation shall comply with the Building Code of Australia (BCA). All work must be carried out in accordance with the requirements of the Building Code of Australia (BCA).

(3) Tree Removal

a) Approval is given for the following works to be undertaken to trees on the site:

Tree/location		Approved works
Howea forsteriana (Kentia Palm) x 3	Rear	Remove
Jacaranda mimosifolia (Jacaranda)	Rear	Remove
Cotoneaster sp. (Cotoneaster)	Rear	Remove

Howea forsteriana (Kentia Palm)	Rear	Remove
---------------------------------	------	--------

Removal or pruning of any other tree (that would require consent of Council) on the site is not approved.

b) The tree identified below is to be retained:

Tree/location
Melaleuca sp. (Honey Myrtle) Street Tree No 266 Holden Street

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

(4) Project Arborist

- a) A Project Arborist shall be engaged before work commences for the duration of the site preparation, demolition, construction and landscaping.
- b) Project Arborist - for the purpose of these conditions a Project Arborist is a suitably qualified professional shall have as a minimum, Level 5 (Diploma) certification in Arboriculture under the Australian Qualification Framework (AQF) and who does not remove or prune trees in the Inner West local government area.
- c) The contact details of the Project Arborist shall be advised to council before work commences and maintained up to date for the duration of the works. If a new Project Arborist is appointed details of the new Project Arborist shall be notified to council within 7 days.

(5) 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.

B Design Changes

(6) Cabana

- a) The existing soil levels on the subject site are to be retained within the dripline of the Cedrus Atlantica (Atlantic Cedar) tree on the neighbouring property at No. 266 Holden Street (5 metres from the southern side boundary).
- b) The footings of the proposed Cabana will be isolated pier or pier and beam construction within the specified radius of the trunk(s) of the following tree(s).

Schedule	
Tree/location	Radius in metres
Cedrus atlantica (Atlantic Cedar) Rear 266 Holden Street.	8 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.

- c) 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) The cabana's ridge height (RL 40.63) and external wall height (as shown on the approved drawings) are not to be increased and that the roof form and roof pitch

are not to be changed as a result of the amendments.

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

(7) 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 onsite 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.

(8) 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:

- i. "*Sedimentation and Erosion Control*" - Department of Conservation and Land Management.
- ii. "*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

(9) 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.

(10) Home Building Compensation Fund Warranty

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.

(11) 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.

(12) 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. Failure to do this will result in the applicant being held accountable for the cost of all repair works in the area near / at the site.

(13) 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.

(14) Section 7.12 Contribution

Pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979* and Ashfield Council's Section 94A Development Contributions Plan 2009 a contribution of \$5,150.00 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.

(15) 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.

(16) Permits

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.

(17) 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.

(18) Dilapidation

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.

(19) Replacement Trees

The following trees must be planted:

A minimum of 2 x 75 litre size additional tree, which will attain a minimum mature height of 10 metres, shall be planted in a more suitable location within the property at a minimum of 1.5m from any boundary or structure. The tree is to conform to AS2303—Tree stock for landscape use.

Details of the species and planting locations of the replacement plants must be included on the landscape plan and site plan prior to the issue of a Construction Certificate.

If the replacement trees are found to be faulty, damaged, dying or dead within twelve (12) months of planting then they must be replaced with the same species. If the trees are found dead before they reach a height where they are protected by Council's Tree Management Controls, they must be replaced with the same species.

(20) Preservation of Trees

To preserve the following tree/s, no work shall commence until the area beneath their canopy excluding that area of the proposed cabana and swimming pool 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/s shall be maintained intact until the completion of all demolition/building work on site:

Tree/location		Radius in metres
Cedrus atlantica (Atlantic Cedar) 266 Holden Street.	Rear	8 metres

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 around the perimeter of the stated Protection Zone as measured from the base of the tree (or where practical). 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 vehicular entry into the protection zone. The barrier shall not project beyond the kerb onto the roadway or any adjacent footpath.

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 by the Project Arborist to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

(21) Tree Inspection

Upon installation of the required tree protection measures, an inspection of the site by the Principal Certifying Authority is required to verify that tree protection measures comply with all relevant conditions.

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.

(22) Tree Protection Zone

Prior to works commencing or release of a Construction Certificate (whichever occurs first) and throughout construction, the area of the tree protection zone being mulched to a depth of 100mm with composted organic material being 75% Eucalyptus leaf litter and 25% wood.

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 by the Project Arborist to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

(23) Trunk/branch Protection

To preserve the following tree/s no work shall commence nor shall a Construction Certificate be issued (whichever occurs first) until the trunk/s/branches are protected (in accordance with

AS4970-Protection of trees on development sites) by the placement of 2 metres lengths of 50 x 100mm timbers spaced at 150mm centers and secured by wire/hoop strap over suitable protective padding material (i.e. underlay or carpet). The trunk/branch protection shall be maintained intact until the completion of all work on site.

Tree/Location
Melaleuca sp. (Honey Myrtle) street tree No 266 Holden Street

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 by the Project Arborist to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

(24) Underground Services and Trees

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.

(25) 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)	\$7,860.00
Inspection fee (FOOTI)	\$225.00

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.

(26) BASIX Certificate – Details to be Lodged with a CC

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

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

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

(27) 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.

(28) 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.

(29) Pool pumps

All pool pumps be located within an acoustic enclosure and that it not exceed 5dBA above average ambient noise levels.

D Conditions that must be complied with before work commences

(30) 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.

(31) 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.

(32) 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.

(33) 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.

(34) 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: -

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

(35) 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.

(36) 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.

(37) 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.

(38) 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.

(39) Garbage skips on Council land - Council approval

Bulk refuse bins or garbage skips shall not be placed on grass verge, footpath or roadway without Council permission. Application forms and details of applicable fees are available from Council's Customer Service on telephone 9392 5000.

(40) Sydney Water approval

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

(41) Tree Protection

All trees and shrubs identified for retention on the approved drawings are to be suitably protected in accordance with *Australian Standard AS4970 – Protection of Trees on Development Sites* prior to the commencement of any works (including any demolition and excavation) and maintained for the duration of the works.

E Conditions that must be complied with during construction or demolition**(42) 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.

(43) Building construction - check survey

A check survey is to be submitted to the Principal Certifying Authority for perusal at an early stage of construction indicating excavated levels, boundary distances, site coverage and building alignment to ensure compliance with the approved plans.

(44) Storage of building materials

Building materials and spoil are to be located wholly on site and not placed in a position that may result in materials being washed onto the roadway or into the stormwater system.

(45) House Stormwater Disposal

The stormwater disposal from the proposed development shall be connected to the existing house stormwater system via a 100mm dia UPVC pipe. No 'charged' lines are permitted. The existing house stormwater system shall be tested by a qualified plumber to ensure it functions satisfactory in discharging water. If it does not, the system shall be repaired/replaced to operate satisfactorily.

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

- a) 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:
 - i. stating that unauthorised entry to the work site is prohibited; and
 - ii. 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
 - iii. showing the name, address and telephone number of the Principal Certifying Authority appointed for the building works.
- b) Any-sign shall be maintained and not removed until work has been finished.

(47) Waste Management Plan – compliance

- b) All requirements of the approved Waste Management Plan must be implemented during the demolition and/or excavation and construction period of the development. Adequate measures need to be in place to ensure the ongoing waste management of the site.
- c) Keep receipts of where waste will be taken to be treated or disposed. The receipts must be presented to the Principal Certifying Authority prior to issue of the occupation certificate.

(48) 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.

(49) Demolition/excavation/construction - noise - Protection of the Environment Operations Act 1997

Noise arising from demolition/excavation/construction works shall be controlled in accordance with the requirements of *Protection of the Environment Operations Act 1997* and guidelines currently contained in the *NSW EPA Environmental Noise Control Manual*.

(50) 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 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.
 - 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.

(51) Road and footpath – safety and access requirements

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

Heavy vehicles entering and leaving the site must only cross the footpath where it is adequately timbered and strapped. Pedestrian access across this footpath must be maintained in good order at all times during the work. Any damage caused must be made good by Council at Council's restoration rates, at the applicant's or builder's expense.

(52) 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.

(53) 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.

(54) Root 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.

(55) Tree Monitoring

The trees to be retained shall be inspected, monitored and treated by Project Arborist during and after completion of development works to ensure their long term survival. Regular inspections and documentation from the Project Arborist to the Principal Certifying Authority are required at the following times or phases of work:

Schedule	
Tree/location	Time of Inspection
Cedrus atlantica (Atlantic Cedar) Rear 266 Holden Street.	<ul style="list-style-type: none"> • Directly following installation of protective fencing and organic mulch • During excavation within the Tree Protection Zone, • At any time fencing is required to be altered, • At project completion to verify that protection measures have been undertaken.
Melaleuca sp. (Honey Myrtle) Street Tree.	

Recommendations to ensure the tree/s long term survival must be carried out immediately upon receipt of the report.

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.

(56) Trees and Excavation

All excavation within the specified radius of the trunk(s) of the following tree(s) being hand dug:

Schedule	
Tree/location	Radius in metres
Cedrus atlantica (Atlantic Cedar) Rear 266 Holden Street.	8 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.

(57) Material Storage Near Trees

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.

(58) Street Trees

No trees on public property (footpaths, roads, reserves etc) are to be removed or damaged during works unless specifically approved in this consent or marked on the approved plans for removal.

Prescribed trees protected by Council's Management Controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent.

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**

(59) 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.

(60) Landscape works

Prior to the issue of any Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including tree planting, have been undertaken in accordance with the approved plan(s) and conditions of consent. A copy of an active Landscape management plan/contract for the maintenance of the landscaping for a period of not less than two years after the installation is to be provided prior to the issue of the Occupation Certificate.

(61) 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**

(62) Landscaping

Landscaped area shall be in accordance with the amended Drawing No. DA09, Concept Landscape Plan prepared by Joe Serrano dated 9 July 2018.

(63) Private Power Poles

Private power poles are not to be erected on the subject site without Council's Consent.

(64) 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.

(65) Pool pumps

All pool pumps must not exceed 5dBA above average ambient noise levels.

/ Advisory Notes**(66) Works and requirements of other authorities**

- Sydney Water may require the construction of additional works and/or the payment of additional fees. Other Sydney Water approvals may also be necessary prior to the commencement of construction work. You should therefore confer with Sydney Water concerning all plumbing works, including connections to mains, installation or alteration of systems, and construction over or near existing water and sewerage services.
- Contact Sydney Water, Rockdale (Urban Development Section) regarding the water and sewerage services to this development.
- Energy Australia/AGL Electricity/AGL Retail Energy or other alternative service/energy providers have requirements for the provision of connections.
- Telstra has requirements concerning access to services that it provides.

(67) 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 7.11 modification is required.

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

(68) Occupational health and safety

All site works must comply with the occupational health and safety requirements of the SafeWork NSW.

(69) Tree preservation

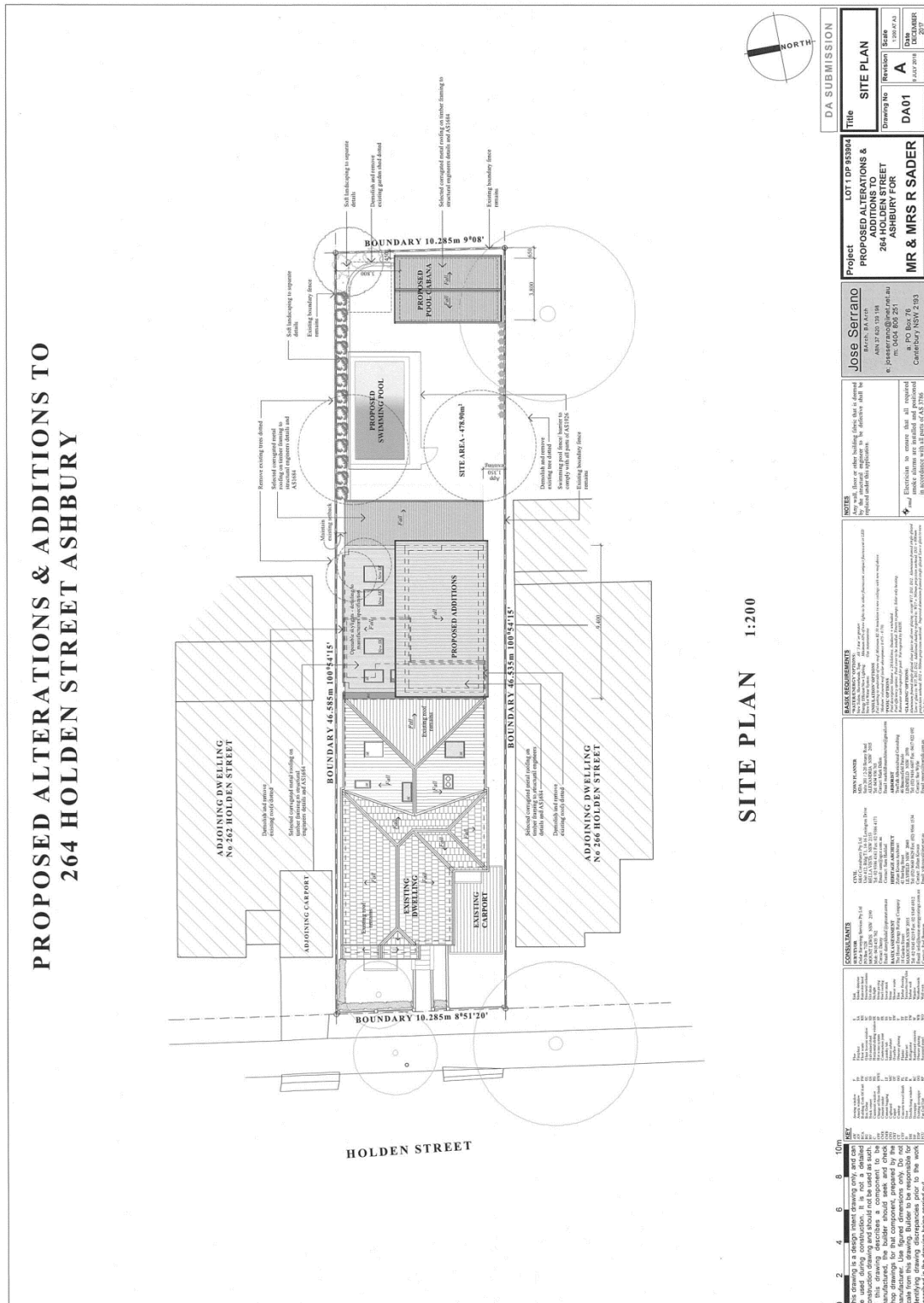
Where tree removal or work has not been approved by this Development Consent, the developer is notified that a general Tree Preservation Order applies to all trees (with the exception of certain species) in the Municipality of Ashfield with a height greater than five (5) metres. This order prohibits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

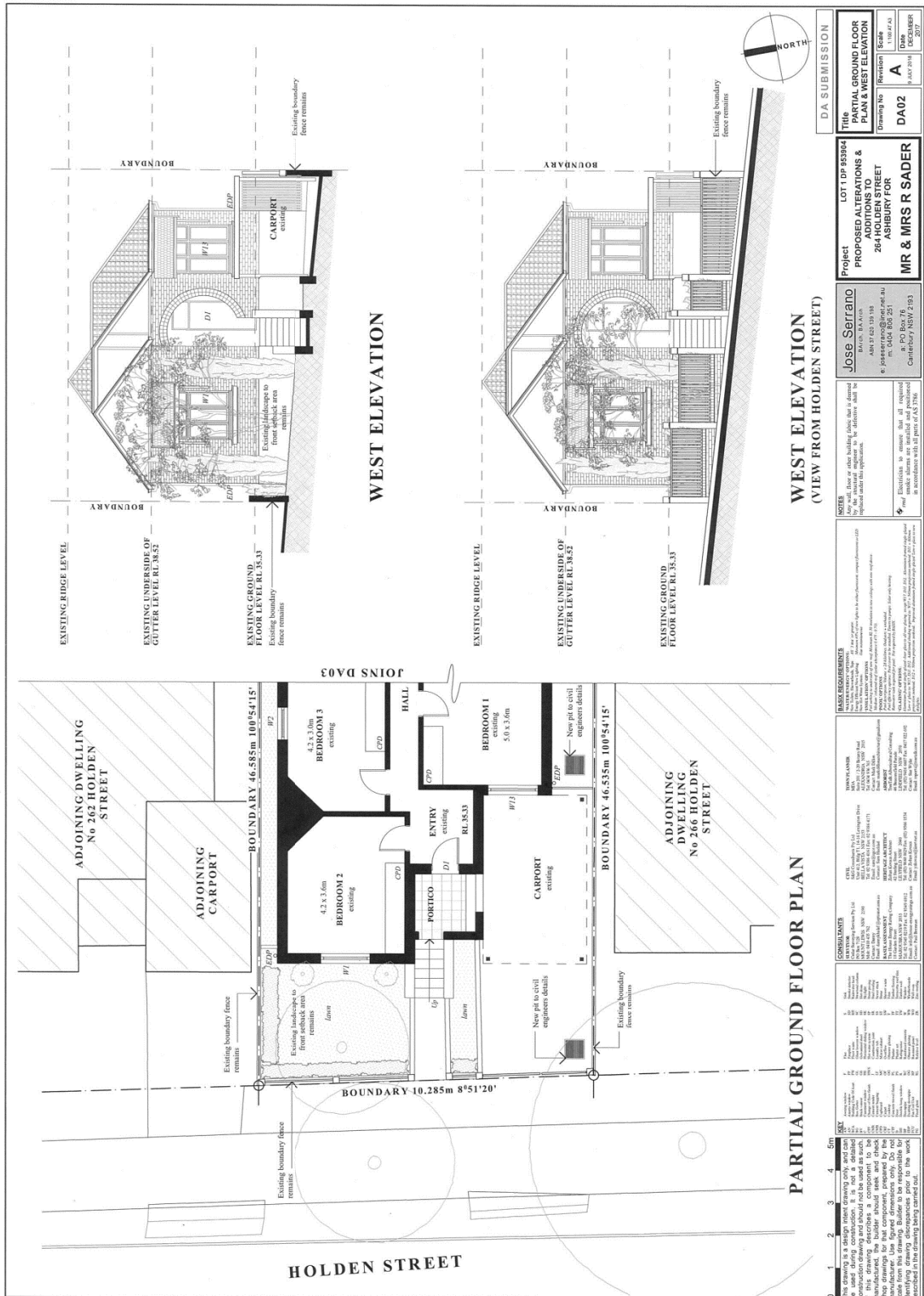
- * Lopping may be carried out without consent only to maintain a minimum clearance of 500mm from power lines, pruning to remove dead wood/branches and minor pruning of branches overhanging buildings to a height of 2 metres only with the agreement of the owner of the tree. Contact Council's One Stop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

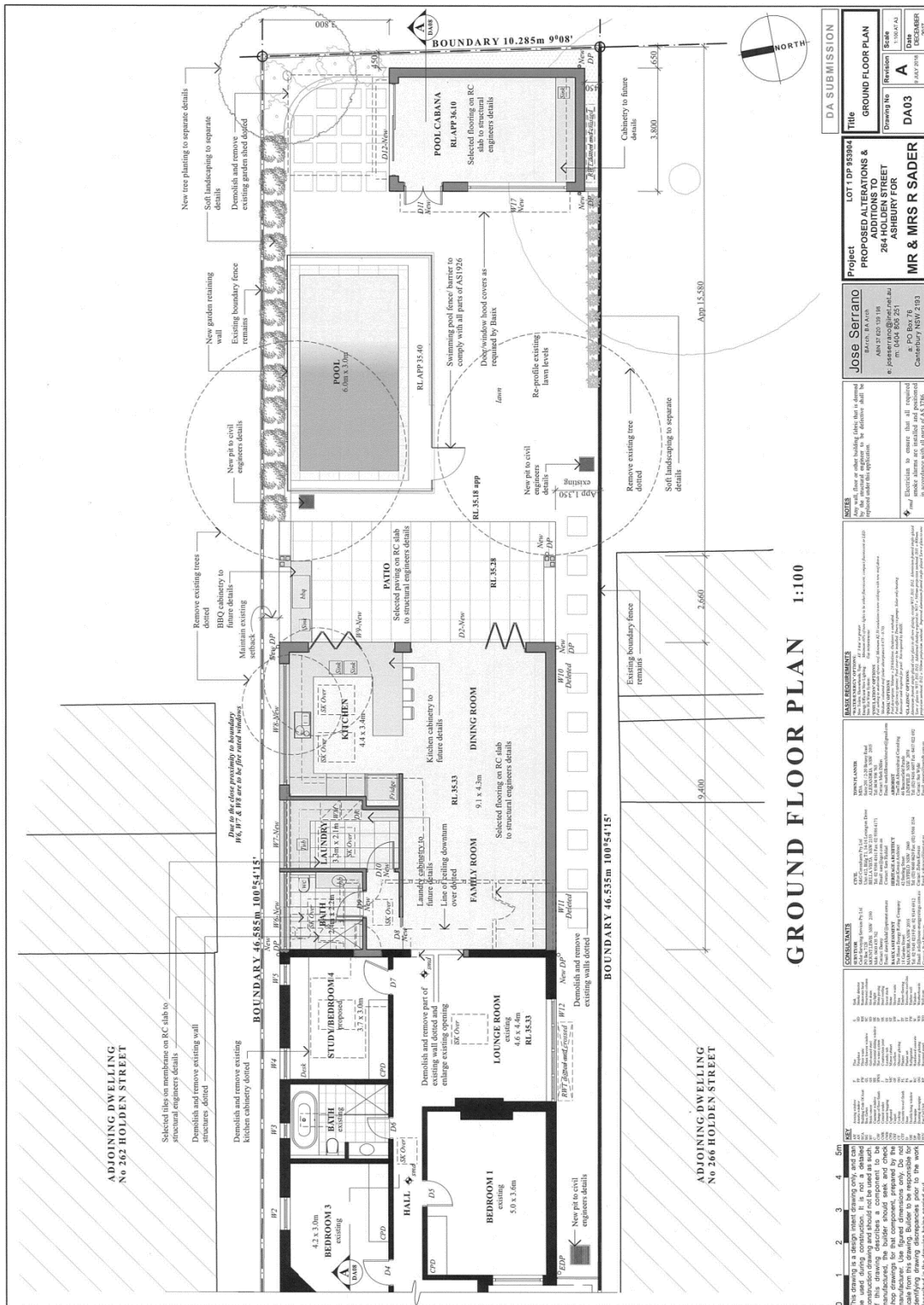
(70) Relocation of stormwater drainage

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

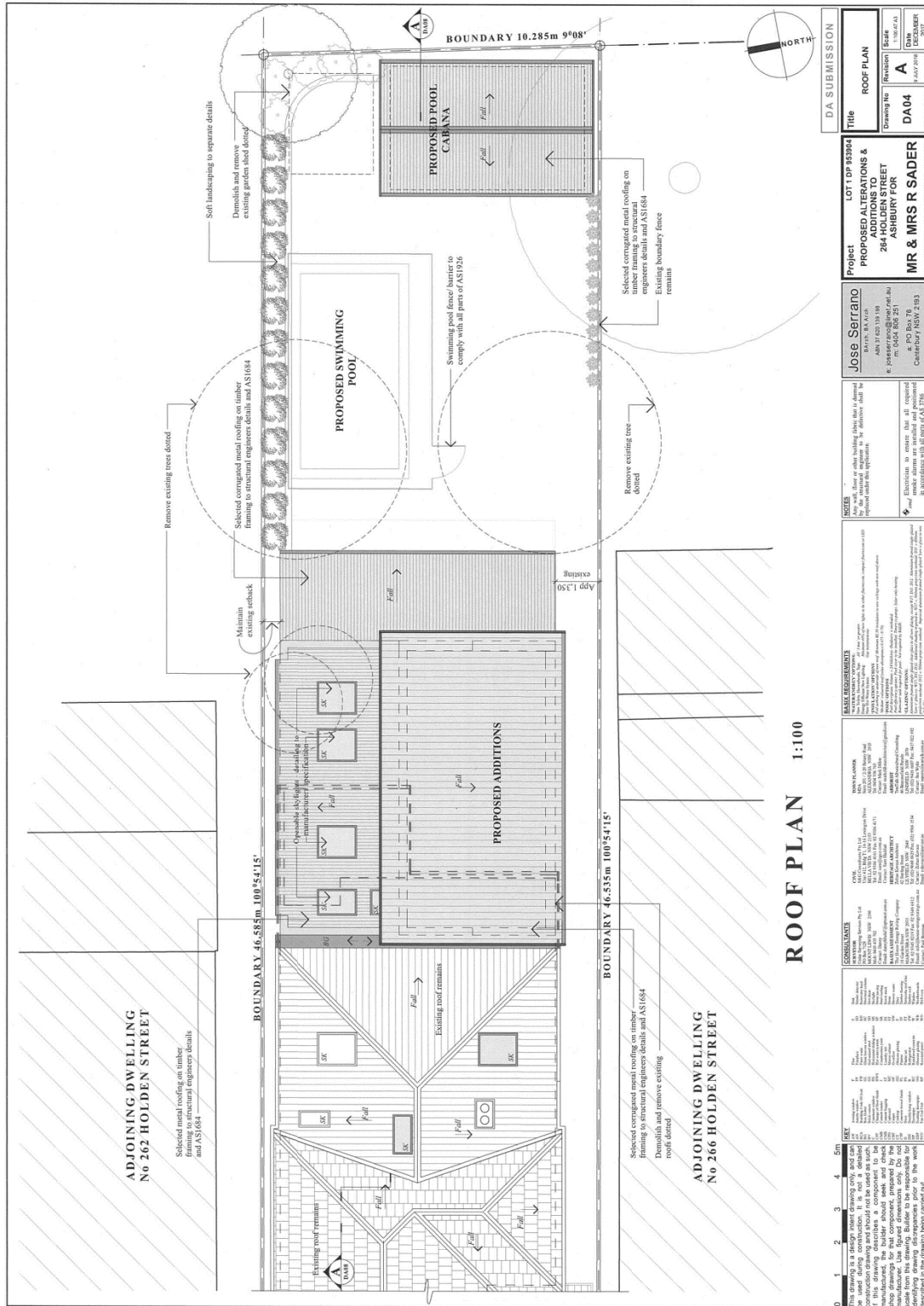
Attachment B – Plans of proposed development

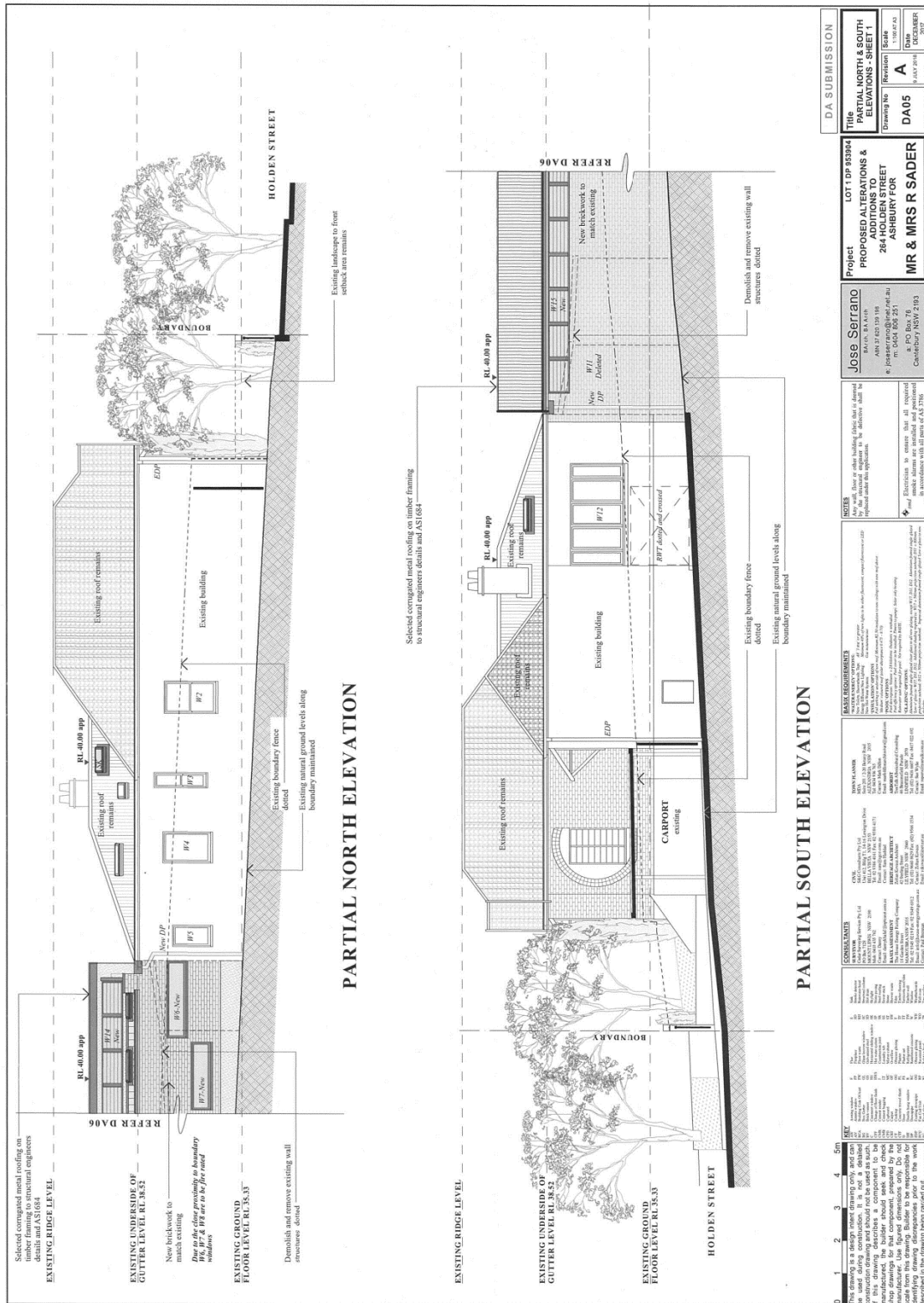






DA SUBMISSION	
Title	GROUND FLOOR PLAN
Project	LOT 1 DP 833804 PROPOSED ALTERATIONS & ADDITIONS TO 264 HOLDEN STREET ASHBURY FOR MR & MRS R SADER
Drawing No	DA03
Scale	1:100 (A3)
Date	13/06/23
Author	JOSE SERRANO
Checker	JOSE SERRANO
Designer	JOSE SERRANO
Project Manager	JOSE SERRANO
Client	MR & MRS R SADER
Address	264 HOLDEN STREET ASHBURY NSW 2113
Notes	<p>Any wall, door or other building element that is shown to be removed in this drawing shall be removed unless otherwise specified.</p> <p>Discretion is granted to the Council in all required instances in accordance with all parts of A.S. 1700.</p>
Comments	<p>1. The drawing is a design intent. It is not to be used for construction without the approval of the Council.</p> <p>2. The drawing is a design intent. It is not to be used for construction without the approval of the Council.</p> <p>3. The drawing is a design intent. It is not to be used for construction without the approval of the Council.</p> <p>4. The drawing is a design intent. It is not to be used for construction without the approval of the Council.</p>
Scale	1:100
Author	JOSE SERRANO
Checker	JOSE SERRANO
Designer	JOSE SERRANO
Project Manager	JOSE SERRANO
Client	MR & MRS R SADER
Address	264 HOLDEN STREET ASHBURY NSW 2113





DA SUBMISSION	
Title	PARTIAL NORTH & SOUTH ELEVATIONS - SHEET 1
Project	LOT 1 DP #53904 PROPOSED ALTERATIONS & ADDITIONS TO 264 HOLDEN STREET AUBURN PON
Client	MR & MRS R SADER
Drawing No.	DA05
Revision	A
Date	17/08/2017
Scale	AS SHOWN
Author	JOSSE SERRANO
Check	JOSSE SERRANO
Drawn	JOSSE SERRANO
Scale	AS SHOWN
Date	17/08/2017

Project LOT 1 DP #53904 PROPOSED ALTERATIONS & ADDITIONS TO 264 HOLDEN STREET AUBURN PON

Client MR & MRS R SADER

Author JOSSE SERRANO

Check JOSSE SERRANO

Drawn JOSSE SERRANO

Scale AS SHOWN

Date 17/08/2017

NOTES:

1. The drawing is a working drawing and is not to be used during construction. It is not a detailed drawing and is not intended to be used for the construction of a component to be manufactured. The contractor should seek and check manufacturer's literature for dimensions only. Do not identify dimensions in the drawing. Do not identify dimensions in the drawing. Do not identify dimensions in the drawing.

2. The drawing is a working drawing and is not to be used during construction. It is not a detailed drawing and is not intended to be used for the construction of a component to be manufactured. The contractor should seek and check manufacturer's literature for dimensions only. Do not identify dimensions in the drawing. Do not identify dimensions in the drawing. Do not identify dimensions in the drawing.

BASEL REQUIREMENTS:

1. The drawing is a working drawing and is not to be used during construction. It is not a detailed drawing and is not intended to be used for the construction of a component to be manufactured. The contractor should seek and check manufacturer's literature for dimensions only. Do not identify dimensions in the drawing. Do not identify dimensions in the drawing. Do not identify dimensions in the drawing.

2. The drawing is a working drawing and is not to be used during construction. It is not a detailed drawing and is not intended to be used for the construction of a component to be manufactured. The contractor should seek and check manufacturer's literature for dimensions only. Do not identify dimensions in the drawing. Do not identify dimensions in the drawing. Do not identify dimensions in the drawing.

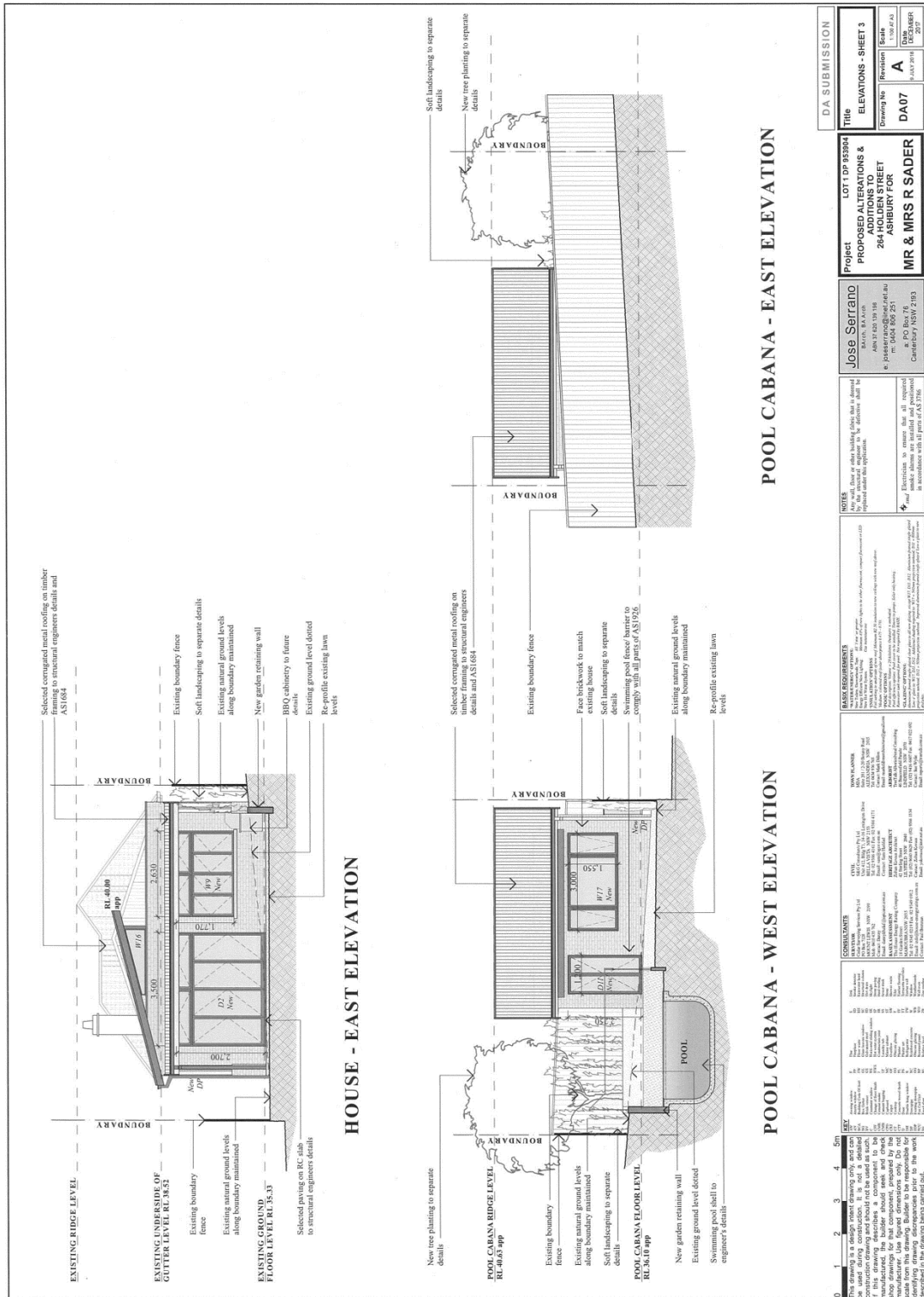
CONSOLIDATED:

1. The drawing is a working drawing and is not to be used during construction. It is not a detailed drawing and is not intended to be used for the construction of a component to be manufactured. The contractor should seek and check manufacturer's literature for dimensions only. Do not identify dimensions in the drawing. Do not identify dimensions in the drawing. Do not identify dimensions in the drawing.

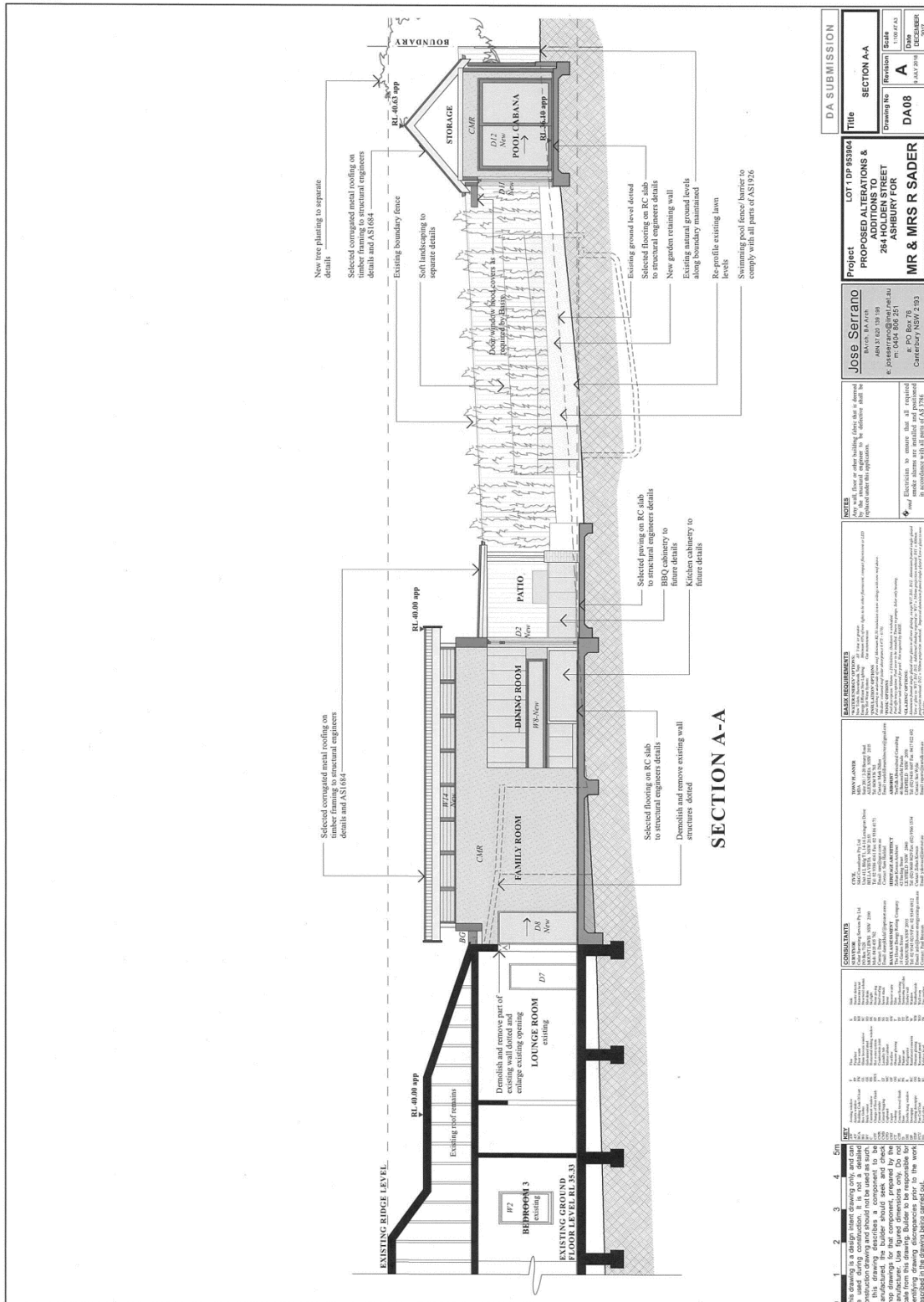
2. The drawing is a working drawing and is not to be used during construction. It is not a detailed drawing and is not intended to be used for the construction of a component to be manufactured. The contractor should seek and check manufacturer's literature for dimensions only. Do not identify dimensions in the drawing. Do not identify dimensions in the drawing. Do not identify dimensions in the drawing.

KEY:

The drawing is a working drawing and is not to be used during construction. It is not a detailed drawing and is not intended to be used for the construction of a component to be manufactured. The contractor should seek and check manufacturer's literature for dimensions only. Do not identify dimensions in the drawing. Do not identify dimensions in the drawing. Do not identify dimensions in the drawing.



<p>NOTES</p> <p>1. All wall, floor or other building details that are detailed in this drawing are to be constructed in accordance with the applicable Australian Standard (AS) or other relevant code of practice.</p> <p>2. All structures to be constructed in accordance with all relevant Australian Standards (AS) and in accordance with all parts of AS 1700.</p>	
<p>MARK REQUIREMENTS</p> <p>1. All materials to be used in the construction of the building shall be of the quality and grade specified in this drawing and shall be in accordance with the applicable Australian Standard (AS) or other relevant code of practice.</p> <p>2. All materials to be used in the construction of the building shall be in accordance with the applicable Australian Standard (AS) or other relevant code of practice.</p>	
<p>CONSULTANTS</p> <p>Architect: MR & MRS R SADER Structural Engineer: AS1084 Landscape Architect: AS1084 Civil Engineer: AS1084 Electrical Engineer: AS1084 Mechanical Engineer: AS1084 Fire Engineer: AS1084 Planning Consultant: AS1084 Surveyor: AS1084 Quantity Surveyor: AS1084 Town Planner: AS1084 Environmental Engineer: AS1084 Traffic Engineer: AS1084 Acoustic Engineer: AS1084 Geotechnical Engineer: AS1084 Environmental Scientist: AS1084 Heritage Consultant: AS1084 Arborist: AS1084 Ecologist: AS1084 Hydrologist: AS1084 Meteorologist: AS1084 Oceanographer: AS1084 Paleontologist: AS1084 Pedologist: AS1084 Plant Ecologist: AS1084 Population Ecologist: AS1084 System Ecologist: AS1084 Wildlife Ecologist: AS1084 Zoologist: AS1084</p>	
<p>DA SUBMISSION</p> <p>Title: ELEVATIONS - SHEET 3 Drawing No: DA07 Project: LOT 1 DP 833804 PROPOSED ALTERATIONS & ADDITIONS TO 264 HOLDEN STREET ASHBURY FOR MR & MRS R SADER</p>	



DA SUBMISSION	
Title	SECTION AA
Project	LOT 1 DP 833844 PROPOSED ALTERATIONS & ADDITIONS TO 264 HOLDEN STREET ASHBURY FOR MR & MRS R SADER
Drawing No	DA08
Revision	A
Scale	1:100 A3
Date	16 JUL 2019

JOSE GERANO
 ARCHITECT
 10/100 BROADWAY
 SYDNEY NSW 2009
 P 02 9550 2211
 F 02 9550 2212
 E jose@josegerano.com.au
 www.josegerano.com.au

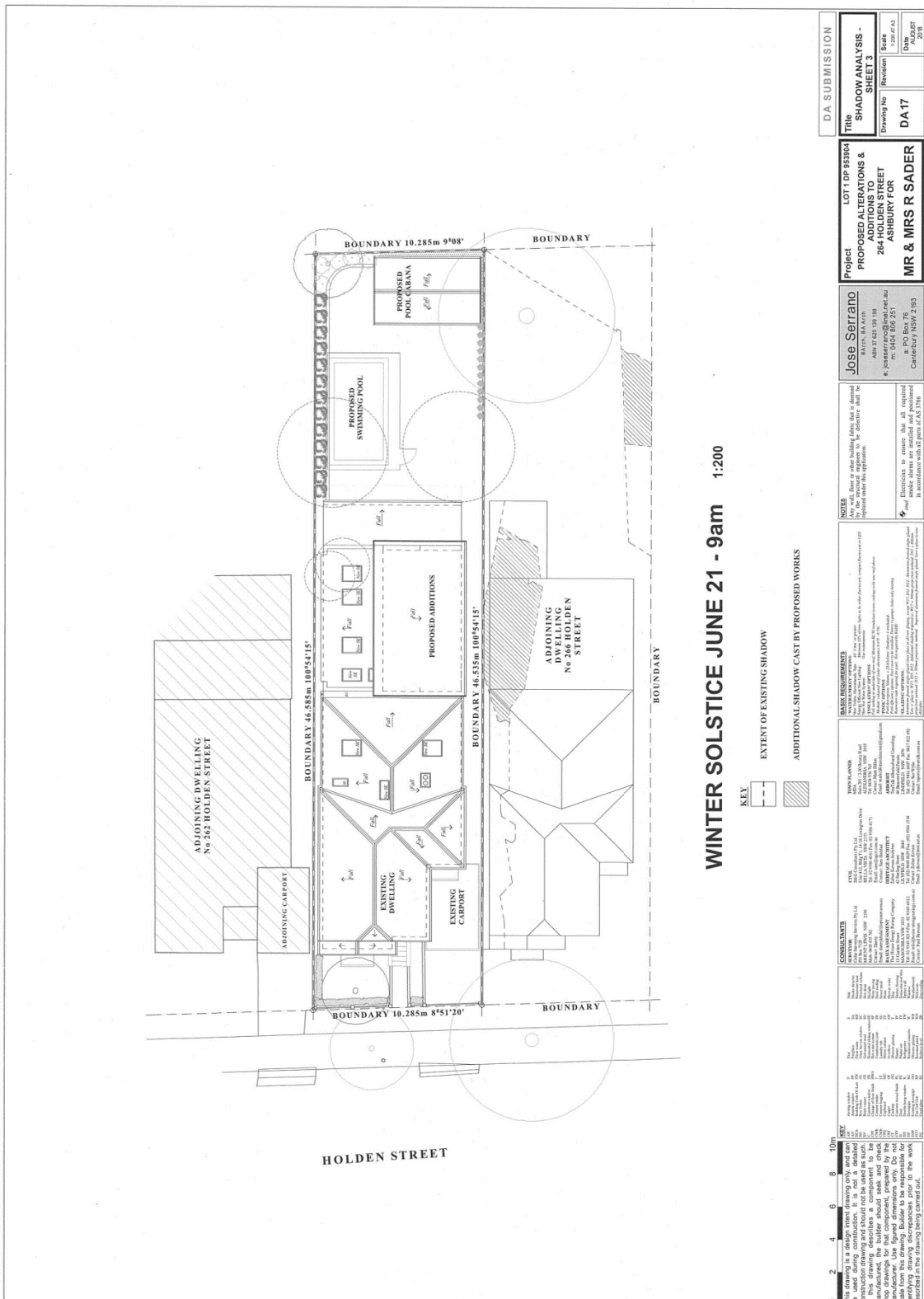
NOTES
 1. All work to be done in accordance with the approved plans and specifications.
 2. The contractor is responsible for obtaining all necessary permits and approvals.
 3. All work to be done in accordance with the approved plans and specifications.
 4. The contractor is responsible for obtaining all necessary permits and approvals.

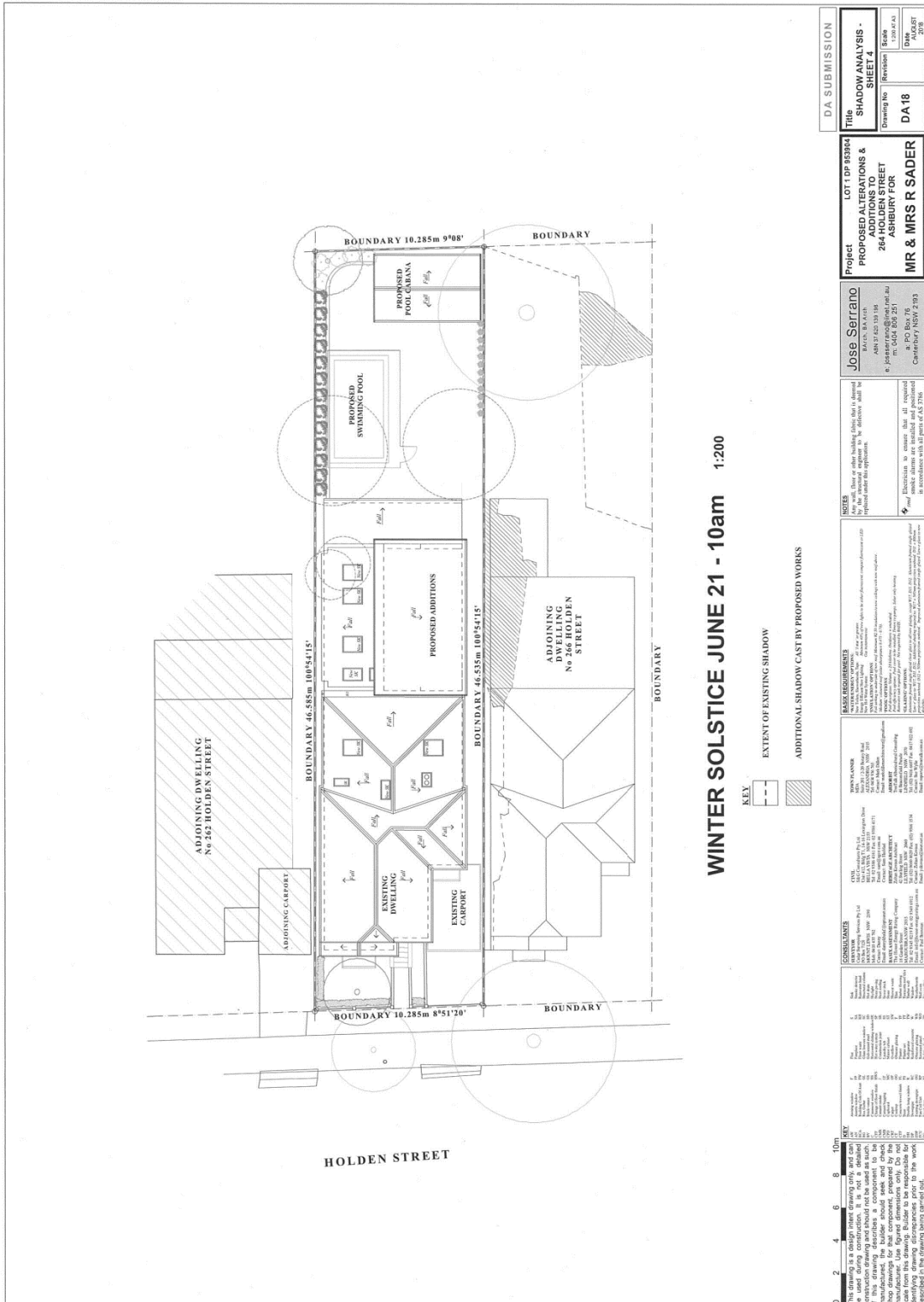
BASE REQUIREMENTS
 1. All work to be done in accordance with the approved plans and specifications.
 2. The contractor is responsible for obtaining all necessary permits and approvals.
 3. All work to be done in accordance with the approved plans and specifications.
 4. The contractor is responsible for obtaining all necessary permits and approvals.

CONSULTANTS
 1. Structural Engineer: [Name]
 2. Civil Engineer: [Name]
 3. Landscape Architect: [Name]
 4. Swimming Pool Engineer: [Name]

KEY
 1. Existing structure
 2. New structure
 3. Demolition
 4. Retaining wall
 5. Boundary fence
 6. Soft landscaping
 7. Existing ground level
 8. Proposed ground level

GENERAL NOTES
 1. All work to be done in accordance with the approved plans and specifications.
 2. The contractor is responsible for obtaining all necessary permits and approvals.
 3. All work to be done in accordance with the approved plans and specifications.
 4. The contractor is responsible for obtaining all necessary permits and approvals.





DA SUBMISSION

THIS SHADOW ANALYSIS SHEET 4

Drawing No: DA 18

Revision: []

DATE: 2018

Project
 LOT DP 452904
 PROPOSED ALTERATIONS & ADDITIONS TO 264 HOLDEN STREET ASHBURT FOR MR & MRS R SADER

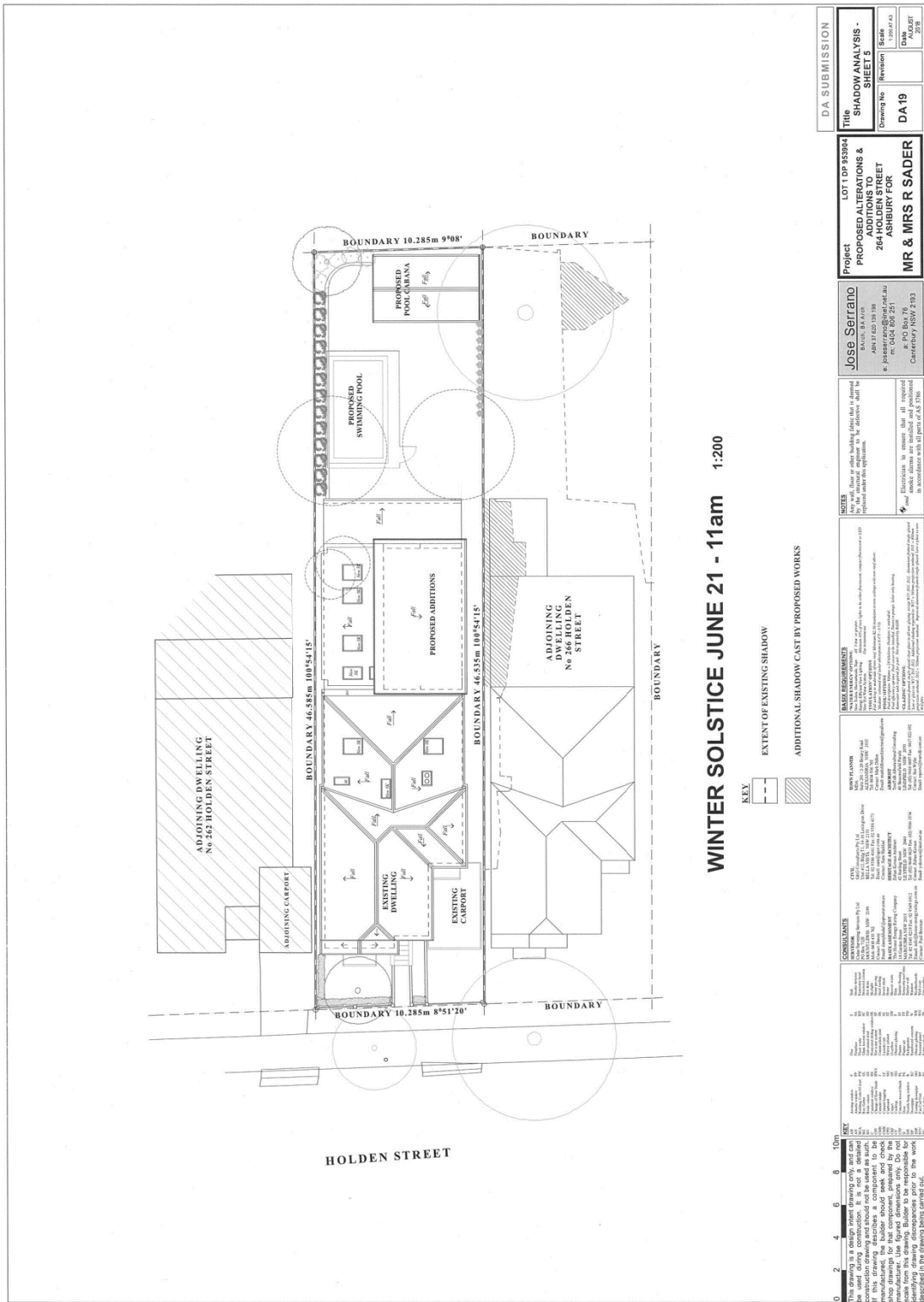
Jose Serrano
 450 FIVE STAR BLVD
 WILLOWBUSH NSW 1585
 P: 0424 806 251
 E: jserrano@del.net.au
 C: 0424 806 251

NOTES
 1. This drawing is to be used in conjunction with the DA application. It is not to be used for any other purpose without the written consent of the architect.
 2. The architect is not responsible for any errors or omissions in this drawing or for any consequences arising therefrom.
 3. The architect is not responsible for any damage to property or persons arising from the use of this drawing.

MARK REQUIREMENTS
 1. All work to be done in accordance with the DA application.
 2. All work to be done in accordance with the DA application.

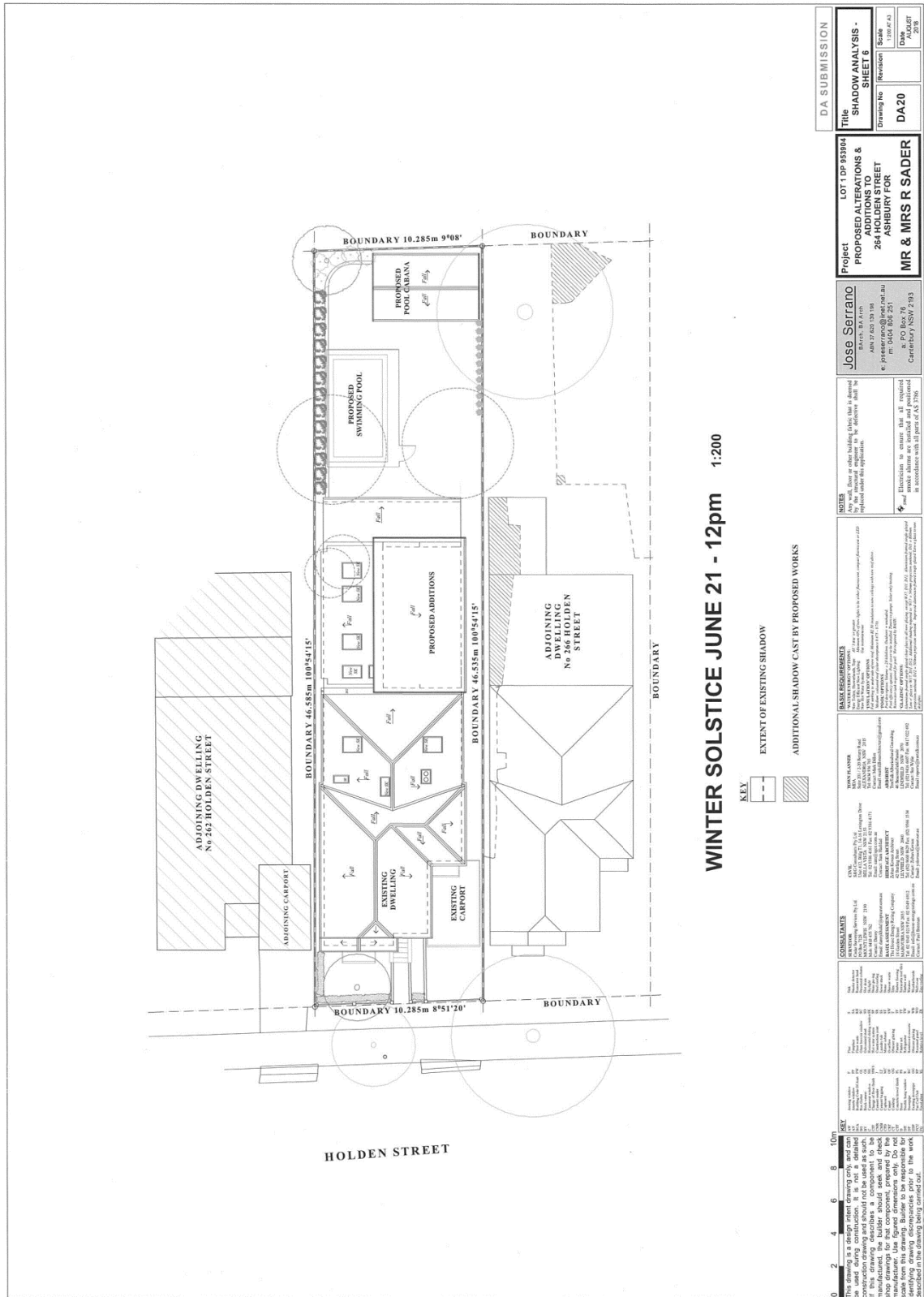
CONSULTANTS
 CIVIL ENGINEER: []
 STRUCTURAL ENGINEER: []
 ELECTRICAL ENGINEER: []
 MECHANICAL ENGINEER: []
 PLUMBING ENGINEER: []
 AIR CONDITIONING ENGINEER: []
 LANDSCAPE ARCHITECT: []
 CONCRETE FINISHES: []
 PAINT FINISHES: []
 ROOF FINISHES: []
 FLOOR FINISHES: []
 WALL FINISHES: []
 CEILING FINISHES: []
 GLASS FINISHES: []
 METAL FINISHES: []
 STONE FINISHES: []
 TILE FINISHES: []
 CARPET FINISHES: []
 WOOD FINISHES: []
 PLASTER FINISHES: []
 GYPSUM BOARD FINISHES: []
 CONCRETE FINISHES: []
 BRICK FINISHES: []
 BLOCK FINISHES: []
 SANDLIME FINISHES: []
 CLAY FINISHES: []
 TERRAZZO FINISHES: []
 MARBLE FINISHES: []
 GRANITE FINISHES: []
 SLATE FINISHES: []
 SCHIST FINISHES: []
 GNEISS FINISHES: []
 QUARTZITE FINISHES: []
 METAMORPHIC FINISHES: []
 Igneous FINISHES: []
 Sedimentary FINISHES: []
 Metamorphic FINISHES: []
 Igneous FINISHES: []

KEY
 --- EXTENT OF EXISTING SHADOW
 [Hatched] ADDITIONAL SHADOW CAST BY PROPOSED WORKS



WINTER SOLSTICE JUNE 21 - 11am 1:200

<p>DA SUBMISSION</p> <p>Title: LOT 1 DP 953944 - SHADOW ANALYSIS - SHEET 5</p> <p>Drawing No: DA19</p> <p>Revision: 1.000/0.0</p> <p>DATE: 2018</p>	
<p>Project</p> <p>LOT 1 DP 953944 PROPOSED ALTERATIONS & SHEET 5 264 HOLDEN STREET ASHBURY FOR MR & MRS R SADER</p>	
<p>Jose Serrano ARCHT. B.A. ARCH 4/12/12 02/12/18 4/12/18 02/12/18 m. 0424 062 251 at PO Box 76 Canterbury NSW 2193</p>	
<p>NOTES</p> <p>1. Any wall, floor or other building fabric that is damaged by water will be replaced with like material.</p> <p>2. Repaired under this application.</p> <p>3. All materials to match that of original in accordance with all parts of AS 3786.</p>	
<p>STATE REQUIREMENTS</p> <p>1. The applicant must ensure that the proposed works do not result in a building that is unsafe or a building that is a fire hazard.</p> <p>2. The applicant must ensure that the proposed works do not result in a building that is a fire hazard.</p> <p>3. The applicant must ensure that the proposed works do not result in a building that is a fire hazard.</p>	
<p>GENERAL NOTES</p> <p>1. The drawing is a design and construction drawing only and is not to be used as a contract document.</p> <p>2. The drawing is a design and construction drawing only and is not to be used as a contract document.</p> <p>3. The drawing is a design and construction drawing only and is not to be used as a contract document.</p>	



DA SUBMISSION

Project LOT 1 DP 923004
PROPOSED ALTERATIONS & ADDITIONS TO
 264 HOLDEN STREET
 ASHBURY FOR
MR & MRS R SADER

DA20

Scale 1:200 (P.A.)
Revision
DWG
 2018

Client MR & MRS R SADER
Address 264 HOLDEN STREET, ASHBURY NSW 2170
Phone 0404 806 251
Email josep@josep.com.au
Website www.josep.com.au

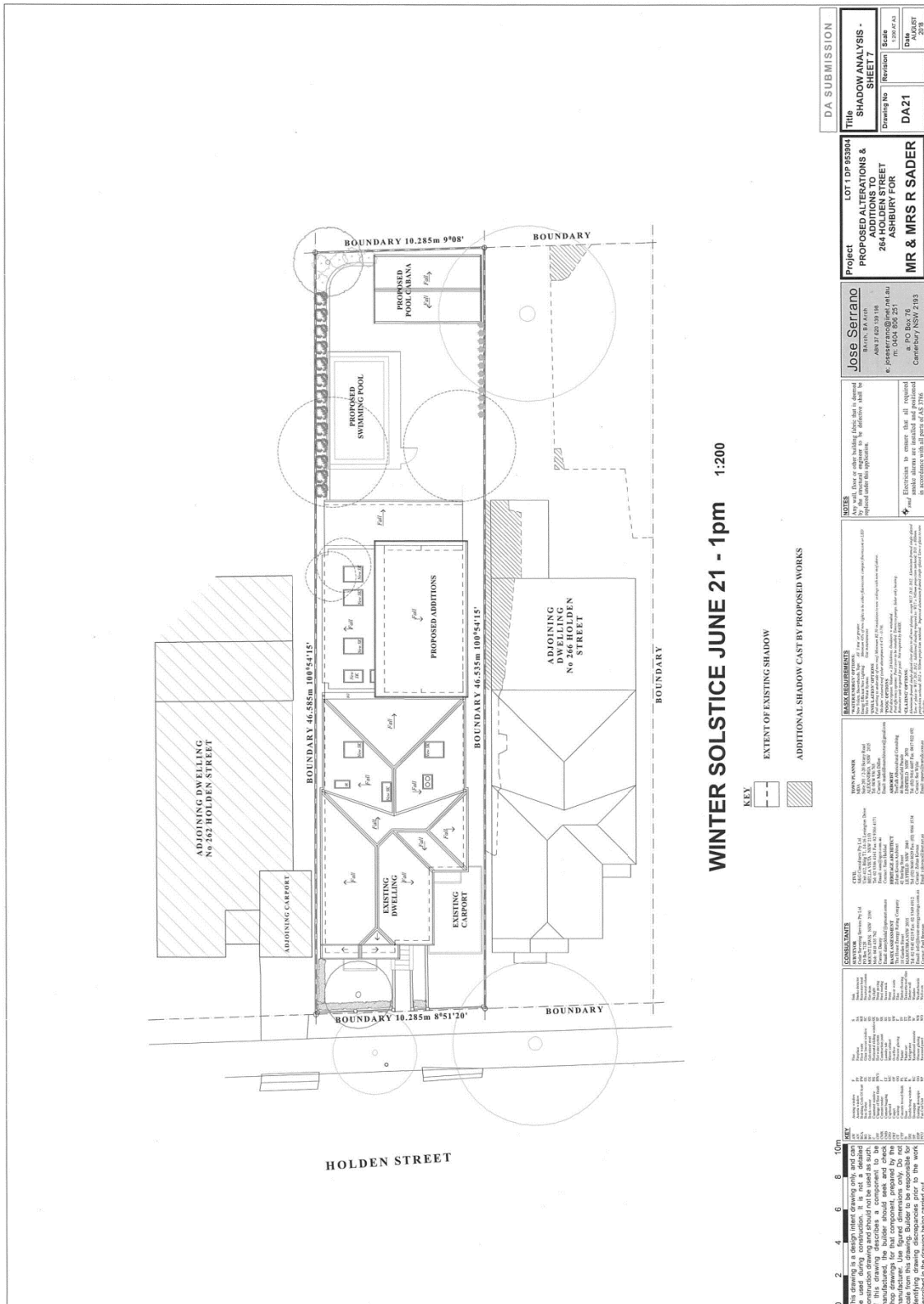
Architect JOSEP SERRANO
 1/111 WILSON STREET, SYDNEY NSW 2000
 P.O. BOX 76, CANTERBURY NSW 2193
 Phone: 02 9550 1234
 Email: josep@josep.com.au
 Website: www.josep.com.au

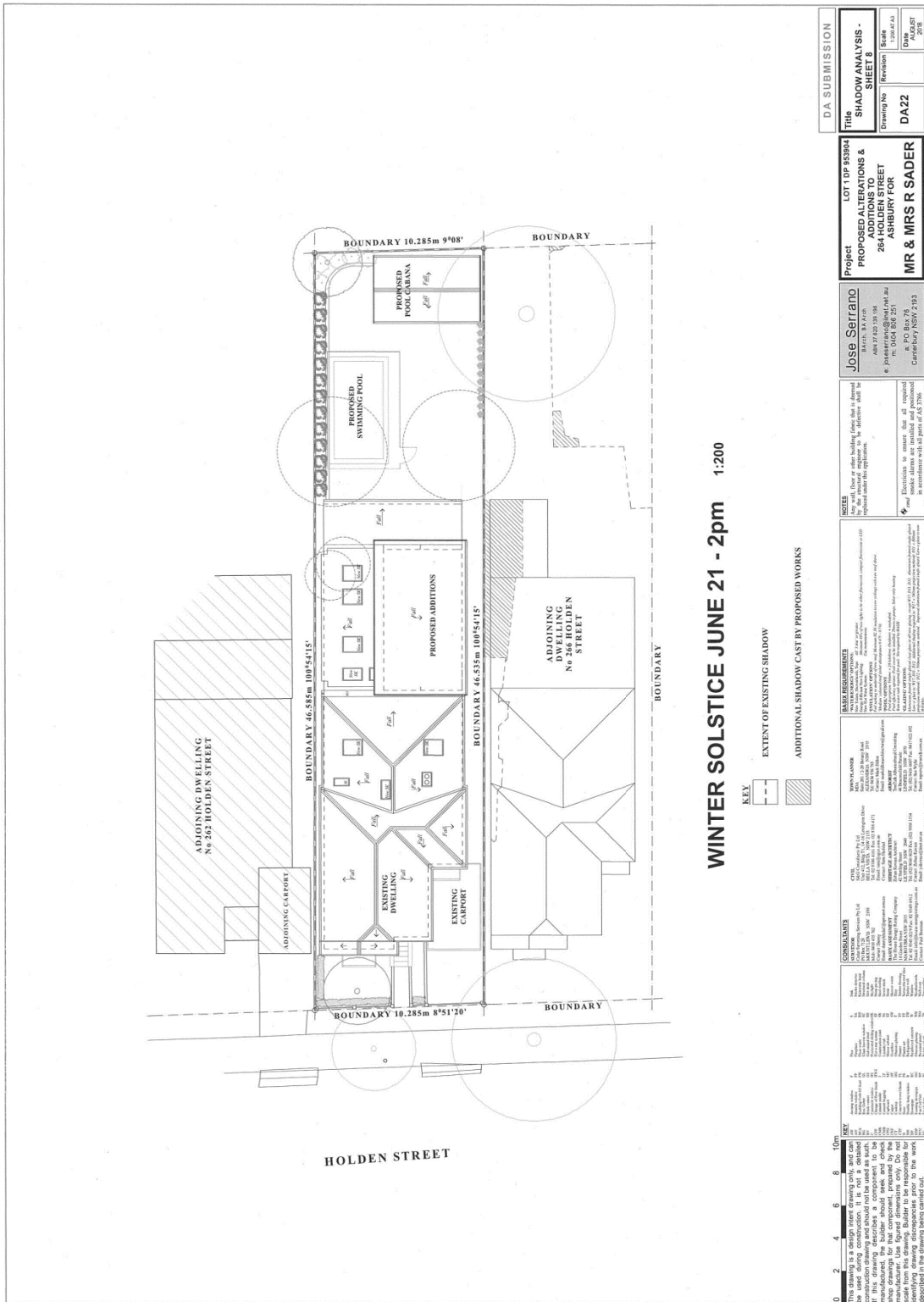
NOTES
 1. All dimensions are in metres unless otherwise stated.
 2. The architect is not responsible for the accuracy of the information provided by the client.
 3. The architect is not responsible for the accuracy of the information provided by the client.
 4. The architect is not responsible for the accuracy of the information provided by the client.

MARK REQUIREMENTS
 1. All dimensions are in metres unless otherwise stated.
 2. The architect is not responsible for the accuracy of the information provided by the client.
 3. The architect is not responsible for the accuracy of the information provided by the client.
 4. The architect is not responsible for the accuracy of the information provided by the client.

CONSULTANTS
 1. All dimensions are in metres unless otherwise stated.
 2. The architect is not responsible for the accuracy of the information provided by the client.
 3. The architect is not responsible for the accuracy of the information provided by the client.
 4. The architect is not responsible for the accuracy of the information provided by the client.

KEY
 --- EXTENT OF EXISTING SHADOW
 [Hatched] ADDITIONAL SHADOW CAST BY PROPOSED WORKS





DA SUBMISSION
Title SHADOW ANALYSIS - SHEET 0
 Drawing No. Revision 1:200 (1:200) (1:200) (1:200) (1:200)
DA22

Project LOT 1 DP 953904
 PROPOSED ALTERATIONS & SHEDS
 264 HOLDEN STREET
 ASHBURY FOR
MR & MRS R SADER

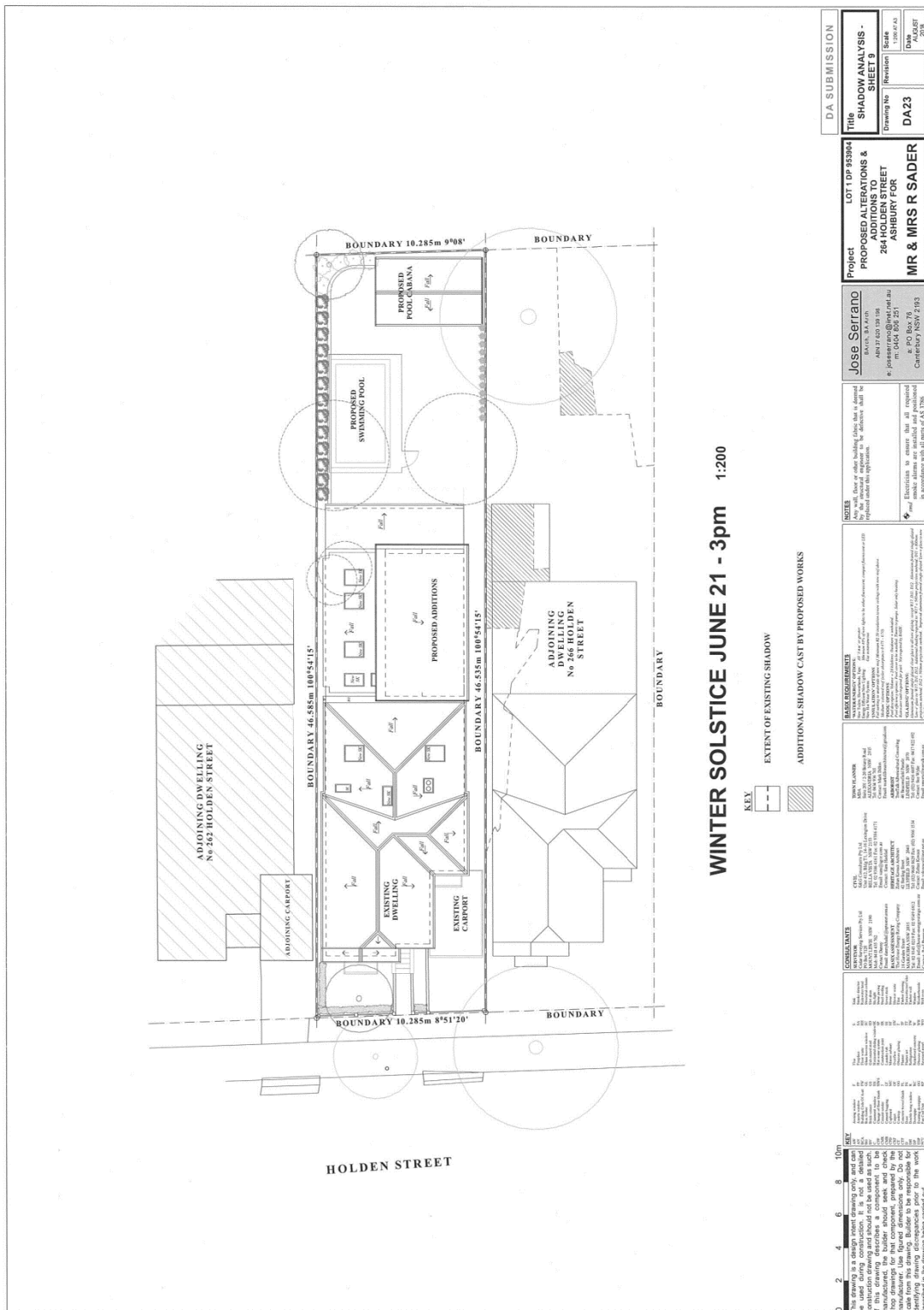
Jose Serrano
 ARCHITECT
 15/157 FIDELITY DRIVE
 4/ JOHNSON ROAD
 a. PO Box 78
 CANTERBURY NSW 2133

NOTES
 1. Any wall, door or other building element that is shown in this drawing shall be assumed to be in place unless otherwise indicated.
 2. The architect is not responsible for the accuracy of the data provided in this drawing.
 3. The architect is not responsible for the accuracy of the data provided in this drawing.

GENERAL NOTES
 1. The drawing is a design intent drawing only and shall not be used for construction purposes.
 2. The drawing is a design intent drawing only and shall not be used for construction purposes.
 3. The drawing is a design intent drawing only and shall not be used for construction purposes.

CONSULTANTS
 CIVIL ENGINEER: [Name]
 STRUCTURAL ENGINEER: [Name]
 ELECTRICAL ENGINEER: [Name]
 MECHANICAL ENGINEER: [Name]
 PLUMBING ENGINEER: [Name]
 LANDSCAPE ARCHITECT: [Name]
 CONCRETE DESIGNER: [Name]
 SOIL MECHANICS ENGINEER: [Name]
 GEOTECHNICAL ENGINEER: [Name]
 ENVIRONMENTAL ENGINEER: [Name]
 ARCHITECT: [Name]

DISCLAIMER
 This drawing is a design intent drawing only and shall not be used for construction purposes. The architect is not responsible for the accuracy of the data provided in this drawing. The architect is not responsible for the accuracy of the data provided in this drawing.



<p>DA SUBMISSION</p> <p>The SHADOW ANALYSIS - SHEET 9</p> <p>Drawing No: DA23 Revision: 1 Scale: A3 Date: 10/2018</p>	<p>Project</p> <p>LOT 1 DP 938944 PROPOSED ALTERATIONS & ADDITIONS TO 264 HOLDEN STREET ASHBURY FOR MR & MRS R SADER</p>	<p>Designer</p> <p>JOSE SERRANO ARCHITECT 1/100 WILSON STREET CARBURY NSW 2133 P: 02 9611 1111 E: j.serrano@josejose.com.au</p>	<p>NOTES</p> <p>1. This drawing is a design intent drawing only and shall not be used for construction. It is not a detailed drawing and shall not be used for construction. It is not a detailed drawing and shall not be used for construction.</p> <p>2. If this drawing describes a component to be manufactured, the manufacturer shall be responsible for providing the manufacturer with the necessary information to ensure that the component is manufactured to the required standards.</p> <p>3. The client is responsible for ensuring that all required approvals are obtained and for providing the necessary information to the relevant authorities.</p>	<p>MARK REQUIREMENTS</p> <p>1. All dimensions shall be in millimetres unless otherwise stated.</p> <p>2. All dimensions shall be rounded to the nearest millimetre.</p> <p>3. All dimensions shall be given to three decimal places.</p> <p>4. All dimensions shall be given to two decimal places.</p>
---	--	---	---	--