







INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	10.2018.121.1
Address	156 Smith Street SUMMER HILL
Proposal	Alterations and additions to an existing dwelling including the construction of a studio and pool
Date of Lodgement	2 August 2028
Applicant	Mr J P North
Owner	Mr J P North & Mrs M N North
Number of Submissions	2
Value of works	\$380,000.00
Reason for determination at Planning Panel	Heritage Item
Main Issues	Heritage/Design Landscaped Area Visual Privacy Overshadowing Stormwater
Recommendation	Approval
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Statement of Heritage Significance



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to an existing dwelling including the construction of a studio and pool at 156 Smith Street, Summer Hill. The application was notified to surrounding properties and two (2) submissions were received.

The main issues that arose during the assessment of the application include:

- The development proposed partial demolition of a heritage item under Ashfield Local Environmental Plan 2013, namely Item No.632;
- The proposed rear addition and garage/studio did not appropriately respond to the existing and surrounding heritage items;
- The proposed development provided insufficient landscaped area in accordance with the Comprehensive Inner West Development Control Plan 2016;
- The landscape plan submitted did not adequately address tree canopy replenishment and replacement;
- The proposed studio resulted in unacceptable overlooking to the rear private open space of the adjoining properties;
- The shadow diagrams submitted with the application provided insufficient information, including shadows cast by neighbouring structures and fences; and
- The Stormwater Concept Plan submitted with the application did not satisfy the requirements of Council's Stormwater Code.

Amended plans were received during the assessment process which adequately addressed the above concerns. The proposal generally complies with the aims and objectives of Ashfield Local Environmental Plan 2013 and Comprehensive Inner West Development Control Plan 2016. The application is suitable for approval subject to conditions.

2. Proposal

Approval is sought to demolish part of the premises and carry out ground floor additions to the dwelling house, install a pool in the rear yard, construct a studio/garage at the rear of the site and associated landscaping works.

3. Site Description

The subject site is located on the southern side of Smith Street, between Moonbie Street and Henson Street. The site has a total area of 613.2sqm and is legally described as Lot 1 DP 126493.

The site has a frontage to Smith Street of 10 metres and a secondary frontage of approximately 10 metres to Short Street. The site supports a three storey residential dwelling. The adjoining properties support two storey residential dwellings.

The subject site is listed as a heritage item. A number of trees on the site will be impacted by the proposed development, with five (5) trees to be removed.



Image 1: View of the Site from Smith Street



Image 2: View of the Site from Short Street

4. Background

4(a) Site history

The following application outlines the relevant development history of the subject site.

Subject Site

Application	Proposal	Decision & Date
10.2002.19.2	Removal of central post form proposed fence	Approved – 19 August 2002
10.2002.79.1	New front brick and metal infill fence demolition of existing fence and removal of four trees. Construction of a new front brick and metal infill fence	Approved – 30 April 2018
6.1994.251.1	Addition of a pergola	Approved – 24 April 1995
6.1988.363.1	Alterations to dwelling	Approved – 28 September 1988

4(b) Application history

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

Date	Discussion / Letter/ Additional Information
2 August 2018	Subject application lodged with Council
24 September 2018	A request for additional information sent to the applicant which required the following: <ul style="list-style-type: none"> • Floor plans of the entire dwelling be submitted; • The landscaped area be increased to 35%; • The landscape plan be amended to include three (3) replacement trees; • The rear addition and garage/studio be amended to better respond to the character of the heritage significance of the existing dwelling and context of the area; • Greater consideration be given to the visual privacy impact of the north facing internal studio balcony; • The shadow diagrams be amended to include shadows cast by all existing neighbouring structures; and • The Stormwater Concept Plan be amended to include an On-Site Detention System.
11 October 2018	Meeting held between Assessment Officer, Heritage Advisor, applicant and owner to discuss the above concerns.
17 October 2018	Meeting minutes sent to the applicant.
31 October 2018	Amended plans submitted to Council

12 November 2018	<p>A second request for additional information was sent to the applicant which required the following:</p> <ul style="list-style-type: none"> • A proposed replacement tree be amended to be a canopy tree with a minimum mature height of seven (7) metres; • Minor design amendments to the studio/garage including the slope of the dormer roofs, size of the privacy screen and the curtain separator between the garage and rear private open space; • Minor amendments to the Stormwater Concept Plan; and • The addition of privacy screens to all first floor north facing windows on the studio/garage.
21 November 2018	<p>Amended plans submitted to Council which adequately addressed all concerns raised in the additional information letters.</p>

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)(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. 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.

The site has not been used in the past for activities which could have potentially contaminated the site and will not require remediation in accordance with SEPP 55. The site is therefore considered suitable for the proposed use.

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

A BASIX Certificate was submitted with the application, which indicates that the proposal can meet the required reduction targets. An appropriate condition of consent has been recommended to ensure future compliance with these targets.

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 inconsistent 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 relevant clauses of the Ashfield Local Environmental Plan 2011

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

Standard	Proposal	Compliance
Floor Space Ratio Permissible: 0.7:1 (429.24sqm)	0.65:1 (400.9sqm)	Yes
Height of Building Permissible: 8.5m	4.6m (rear addition) 5.9m (studio/garage)	Yes

The following provides further discussion of the relevant issues:

Land Use Table and Zone Objectives

The property is zoned R2 – Low Density Residential under the provisions of ALEP 2013. The proposal is defined as alterations and additions to an existing dwelling which permissible with consent in the zone.

The proposed studio at the rear of the site includes a kitchen and bathroom. Given no application has been made under State Environmental Planning Policy (Affordable Housing) 2007 to the use the space as a secondary dwelling, a condition has been imposed which requires the kitchen to be deleted.

The development is permissible with Council's consent under the zoning provisions applying to the land. The development is considered acceptable having regard to the objectives of the R2 – Low Density Residential zone.

Heritage:

The subject site is identified as being part of a heritage item under the provisions of ALEP 2013, namely Item No.632 known as 'Houses'. Concern was raised by Council officers with the initial design impacting on the heritage significance of the site. Amended plans were submitted at the request of Council which modified the form, shape, detail and fenestration of the extension to appropriately relate to the existing dwelling. In addition, the form, bulk and details of the studio/garage were modified to better respond to the character of the existing dwelling and adjoining dwellings.

The modifications made to the design of the development to appropriately respond to the heritage significance of the site and adjoining dwellings included:

- The rear addition being amended to be a hip roof form, with an extension to the rear plane as a skillion verandah;
- The upper form of the studio/garage being amended to resemble a brick, gable-ended building from the side elevation;
- The rear lane elevation of the garage being amended to have more sympathetically proportioned garage doors with single car openings;
- The dormer windows of the studio being amended to be simple, flat roof form that align with the garage doors;
- The bulk and scale of the studio being reduced; and
- The materials and finishes of the garage/studio being amended to be corrugated steeling roofing and brick walls.

The amended design of the proposed development is considered to be appropriately designed as not to impact upon the heritage significance of the building in accordance with Clause 5.10(4) of ALEP 2013.

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 and considered acceptable given the context of the listed item on the subject site and adjoining properties in accordance with Clause 5.10(5) of the ALEP 2013.

5(b) Draft Environmental Planning Instruments

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

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 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	35% (214.6sqm)	Yes
DS8.3	Maximum site coverage	601sqm and over. 50% of site area	43.7% (268sqm)	Yes
DS3.4	Wall height	Maximum external wall height of 6 metres measured from the existing ground level.	5.3 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	930mm and 1270mm side setbacks for dwelling. Nil setback for the studio/garage (existing)	Yes Acceptable
DS6.1	Garages and carports	A minimum of one car parking is required per dwelling	3 car garage proposed	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.	Neighbouring dwellings to retain the minimum required 3 hours of solar access	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.	Proposal generally retains existing solar access for neighbouring dwellings	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.	Development is appropriately designed	Yes
DS 13.4		Requires sun shading devices such as eaves, overhangs or recessed balconies minimise the amount of	Proposal incorporates appropriate sun shading devices such as eaves	Yes

		direct sunlight striking facades.		
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.	Front garden has an area and dimensions that provide sufficient soil area.	Yes
DS 11.2	Front gardens	Requires hard paved areas to be minimised, and driveways have a maximum width of 3 metres	Hard paved areas in the front garden are minimised.	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.	Windows alongside elevation are of an appropriate size and do not result in any direct sightlines on the adjoining properties. North facing windows on the studio have been appropriately screened to reduce any overlooking impact into the adjoining dwellings. Concern has been raised regarding the privacy impact of the pool located on the eastern property boundary. As such an appropriate condition has been imposed which requires a vegetation buffer to be included between the pool and eastern property boundary.	Acceptable
DS19.1	Stormwater Disposal	Stormwater from roofs is discharged by gravity to street gutter system	Conditioned to Engineer's requirements	Yes

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 in accordance with the Comprehensive Inner West Development Control Plan 2016 for a period of 14 days to surrounding properties. A total of two (2) submissions were received.

The submissions raised the following concerns which are discussed under the respective headings below:

Issue: Overshadowing

Comment: Concern was raised in the submissions regarding overshadowing to the rear courtyard of No.1A Moonbie Street, Summer Hill. The shadow diagrams submitted with the application demonstrate the rear private open space of No.1A Moonbie Street will continue to receive a minimum of three (3) hours of direct solar access to 50% of the area between 9am and 3pm on 21 June. As such, the application is considered acceptable having regard to solar access and overshadowing.

Issue: Construction noise and parking

Comment: Concern was raised in a submission regarding excessive construction noise and loss of parking during the construction period. Council's standard conditions regarding construction hours and noise have been imposed in the consent. It would be considered onerous to restrict parking in the area during the construction period and as such no further action is required.

5(g) The Public Interest

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

The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

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

- **Heritage Officer** – Council's Heritage Advisor raised a number of objections to the application as originally submitted. Amended plans have submitted which adequately addressed such concerns.
- **Development Engineer** – Council's Development Engineer raised a number of objections to the proposed Stormwater Concept Plan. Amended plans have been submitted which adequately addressed such concerns and comply with Council's Stormwater Code, subject to the imposition of appropriate conditions.
- **Tree Management** – Council's Tree Management Officer raised objections to the proposed landscape plan which did not include adequate canopy replenishment. An amended landscape plan was received which included the replacement planting of three (3) trees. Council's Tree Management Officer raised no objection to the amended plans

and the removal of five (5) trees on the site, subject to the imposition of appropriate conditions.

7. Section 7.12 Contributions

Based on the estimated value of works of \$380,000.00 a Section 7.12 Contribution fee of \$3,800.00 is payable to Council.

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

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.10.2018.121.1 for alterations and additions to an existing dwelling including the construction of a studio and pool at 156 Smith Street, Summer Hill NSW subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS

DA 2018.121.1
156 Smith Street SUMMER HILL 2130

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

Alterations and additions to an existing dwelling including the construction of a studio and 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

No.	Issue	Title	Prepared by	Council Date Stamp
CD-02	I	Site Plan	Mai Designs Pty Ltd	21/11/2018
CD-04	I	Ground Floor Plan	Mai Designs Pty Ltd	21/11/2018
CD-05	I	First Floor Plan	Mai Designs Pty Ltd	21/11/2018
CD-06	I	Roof Plan	Mai Designs Pty Ltd	21/11/2018
CD-07	I	Studio Elevations	Mai Designs Pty Ltd	21/11/2018
CD-08	I	Studio Sections	Mai Designs Pty Ltd	21/11/2018
CD-09	I	Extension Section & Elevation	Mai Designs Pty Ltd	21/11/2018
CD-10	I	Alteration Plan	Mai Designs Pty Ltd	21/11/2018
CD-11	I	Landscape Calculation Plan	Mai Designs Pty Ltd	21/11/2018
CD-12	I	Streetscape Elevation	Mai Designs Pty Ltd	21/11/2018
CD-20	I	Windows & Doors Schedule	Mai Designs Pty Ltd	21/11/2018
-	5	Landscaping & Planting Guidelines	STRIDE Landscape Design	20/11/2018
SW03	C	Roof Drainage Plan	Waterman Australia	19/11/2018
SW04	C	Details	Waterman Australia	19/11/2018

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.

(3) Project Arborist

A Project Arborist shall be engaged before work commences for the duration of the site preparation, demolition, construction and landscaping.

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.

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.

(4) Tree Works

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

Tree/location	Approved works
<i>Persea Americana</i> (Avocado) Rear	Remove
<i>Cordyline australis</i> (Cordyline) Rear	Remove
<i>Viburnum odoratissimum</i> "Awabuki" (Awabuki viburnum)	Remove
<i>Howea forsteriana</i> (Kentia Palm)	Remove
<i>Murraya paniculata</i> (Sweet Jessamine)	Remove
<i>Camellia sasanqua</i> (Camellia) Rear 154 Smith Street NOTE No works may be undertaken across the property boundary without consent from the owner of the adjoining property.	Reduction Prune

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

(5) Tree Retention

The trees identified below are to be retained:

Tree/location
<i>Radermachera sinica</i> (China Doll tree) Rear
<i>Leptospermum petersonii</i> (Lemon Scented tea tree) Rear

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

B Design Changes

(6) Amendments required to approved plans

Amended plans must be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate which:

- Provide a 500mm setback between eastern property boundary and pool which contains substantial vegetation including shrubs that can achieve a height at maturity of 3 metres; and
- Delete the kitchen in the proposed studio.

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 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.
- (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 Environment 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

(9) 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.

(10) 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.

(11) 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.

(12) Security Deposit

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

Security Deposit (FOOT)	\$4,400.00
Inspection fee (FOOT)	\$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.

(13) 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.

(14) 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.

(15) Section 7.12 Contributions

A Section 7.12 Contribution fee of \$3,800.00 is to be paid in accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979*.

(16) 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.

(17) 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.

(18) 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

(19) 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.

(20) 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.

(21) 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.

(22) 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.

(23) Landscape Plan

A landscape plan must be provided prior to the issue of a Construction Certificate. The plan must include:

- a) Location of all proposed and existing planting delineating existing trees to be retained, removed or transplanted.
- b) Details of earthworks including mounding, retaining walls (consistent with the approved architectural plans), and planter boxes.
- d) Details of drainage and watering systems
- e) The location of three (3) new trees which shall be located a minimum of 1 metre from the dividing boundary fences and 1.5 metres from any building.

The planting stock size shall be at least 45 litres.

The planting stock shall comply with the Australian Standard *Tree Stock for Landscape Use* AS 2303-2015.

The new trees shall be planted by a qualified horticulturist or arborist with a minimum qualification of Certificate 3.

Each replacement tree shall be maintained in a healthy and vigorous condition until it attains a height of 6 metres, from which time it is protected by Council's Development Control Plan (DCP).

If the trees die or need to be removed before that time they shall be replaced with a similar tree in accordance with these conditions at the expense of the applicant.

If the replacement trees are found to be faulty, damaged, dying or dead within twelve (12) months of planting they must be replaced with the same species.

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.

(24) Underground Services

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) Tree Pruning

The following tree can be pruned:

Schedule	Location
Tree/species	
Camellia sasanqua (Camellia)	Rear 154 Smith Street

To prevent damage of overhanging limbs reduction pruning of the above tree is subject to all pruning works being undertaken by a minimum Level 3 (AQF 3) qualified Arborist and in accordance with Australian Standard 4373—Pruning of amenity trees. Details must be provided prior to the issue of the Construction Certificate. Written consent from the owner of the tree in the neighbouring property for pruning to be undertaken shall be submitted to council before work commences.

(26) Tree Protection

To preserve the following tree/s, no work shall commence until their Protection Zone (in accordance with AS4970-Protection of trees on development sites) is fenced off at the specified radius from the trunk/s 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
Rademachera sinica (China Doll tree) Rear	3 metres
Leptospermum petersonii (Lemon Scented tea tree) Rear	3 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.

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.

(27) Tree Protection Signage

Prior to works commencing or release of a Construction Certificate (whichever occurs first), tree protection signage is to be attached to each tree protection zone, displayed in a prominent position and the sign repeated at 10 metre intervals or closer where the fence changes direction. Each sign shall contain in a clearly legible form (lettering should comply with AS 1319-*Safety signs for the occupational environment*), the following information:

- a) Tree protection zone;
- b) This fence has been installed to prevent damage to the trees and their growing environment both above and below ground and access is restricted;
- c) Any encroachment not previously approved within the tree protection zone shall be the subject to advice from the Project Arborist in report form and must include the following:
 - Proof shall be provided that no other alternative is available;
 - On completion, the Project Arborist's report shall be submitted to the Principal Certifying Authority for further consultation with Council;
- d) The name, address and telephone number of the builder and Project Arborist.

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

D Conditions that must be complied with before work commences

(28) 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.

(29) 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.

(30) 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.

(31) 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.

(32) 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.

(33) 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.

(34) 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.

(35) 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.

(36) 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.

(37) 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.

(38) 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.

(39) 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.

(40) 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.

(41) Pool Safety – Safety Barrier

The general pool area shall be completely enclosed with a child safety barrier in accordance with the requirements of the *Swimming Pools Act 1992*, and incorporating the *Australian Standard, AS 1926.1- 2012*. Details shall be submitted with the Construction Certificate for approval prior to the release of the Certificate.

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) Locate structures within boundaries

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

(44) 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.

(45) 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.

(46) 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.

(47) 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.

(48) 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.

(49) 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.

(50) 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.

(51) 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.

(52) 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.

(53) 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.

(54) 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.

(55) 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.

(56) 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.

(57) 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 29 June 2018 from the Department Planning and Environment. For more information visit www.basix.nsw.gov.au.

(58) Tree Roots

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

(59) Tree Retention

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
<i>Radermachera sinica</i> (China Doll tree) Rear	<ul style="list-style-type: none"> • Directly following installation of protective fencing. • During pool excavation within the Tree Protection Zones if roots greater than 30mm in diameter are encountered,
<i>Leptospermum petersonii</i> (Lemon Scented tea tree) Rear	<ul style="list-style-type: none"> • At any time fencing is required to be altered,

<p><i>Syagrus romanzoffianum</i> (Cocos Palm) Rear 154 Smith St.</p>	<ul style="list-style-type: none"> At project completion to verify that protection measures have been undertaken.
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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.

(60) Prior notice - pool inspections - PCA

Forty eight (48) hours notice must be given to the Principal Certifying Authority to permit the inspections of:-

- (i) The steelwork when in position and before concrete is placed.
- (ii) The swimming pool safety fence and the provision of the resuscitation poster prior to filling of the pool with water.
- (iii) The foundation before the swimming pool is installed.
- (iv) Reinforcing for the coping.
- (v) The swimming pool when completed.

(61) Pools - water depth markers - display

Permanently fixed water depth markers are to be clearly and prominently displayed on the internal surface above the water line at the deep and shallow ends of in-ground swimming pools and on the outside of aboveground swimming pools.

(62) Pool gates - self-locking

Gates shall be fitted with self-locking/latching device that will automatically operate on the closing of the gate and prevent the gate from being re-opened without manually releasing the mechanism.

(63) Pool latching device - Australian Standards

The latching device shall be located and shielded in accordance with Australian Standard Specification (AS 1926) for Fences and Gates for swimming pools.

(64) Pool gates - automatic closing device

Gates shall be fitted with an automatic closing device that will shut the gate and operate the latching mechanism from any position, even with the striker resting on the latching mechanism.

Gates shall be mounted so that they swing only in a direction away from the pool.

(65) Pool pump

The pool pump and any pump equipment it to be located behind the rear boundary alignment of the original contributory building and located within a noise attenuating enclosure so as to reduce the possibility of creating a noise nuisance to the adjoining residents.

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***(66) 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.

(67) 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.

(68) 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 75 mm. The number must be in place before the premises can be occupied.

(69) 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".

(70) Landscaping Works

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

H *Conditions that are ongoing requirements of development consents***(71) 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. The studio at the rear of the site shall not be adapted or occupied as a secondary dwelling.

I *Advisory Notes***(72) 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.

(73) Occupational health and safety

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

(74) 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.

(75) Relocation of stormwater drainage

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

(76) Canopy Replenishment

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.

(77) Pool resuscitation poster display

A CPR Information Resuscitation poster authorised by the Life Saving Association is to be displayed within the pool area. Such poster is obtainable from Council for a prescribed fee.

Attachment B – Plans of proposed development



ISSUE FOR RE-SUBMISSION

THE FIRST FLOOR PLAN

CD-05	REVISION	DATE	BY	CHK	APP
1	ISSUE FOR RE-SUBMISSION	15/01/2024

DATE	DESCRIPTION	BY	CHK	APP
15/01/2024	ISSUE FOR RE-SUBMISSION



ADDITIONS & ALTERATIONS

1500-1500
1500-1500
1500-1500



- LEGEND**
- EXISTING DWELLING TO BE RETAINED AND LEFT UNTOUCHED
 - ADDITIONS
 - ALTERATIONS

HOUSE EXTENSION EXTERNAL WALLS (270mm) : DOUBLE BRICK TO MATCH EXISTING

GARAGE /CARPORT EXTERNAL WALLS (210mm) : BRICK VENEER/TIMBER STUD/PLASTERBOARD

FIRST FLOOR PLAN

PROPOSED FLOOR TO SPACE RATIO CALCULATION

ALLOWABLE RATIO 0.7 : 1 (629.24M²)

PROPOSED GROUND FLOOR WITH DETACHED : 458.9M²

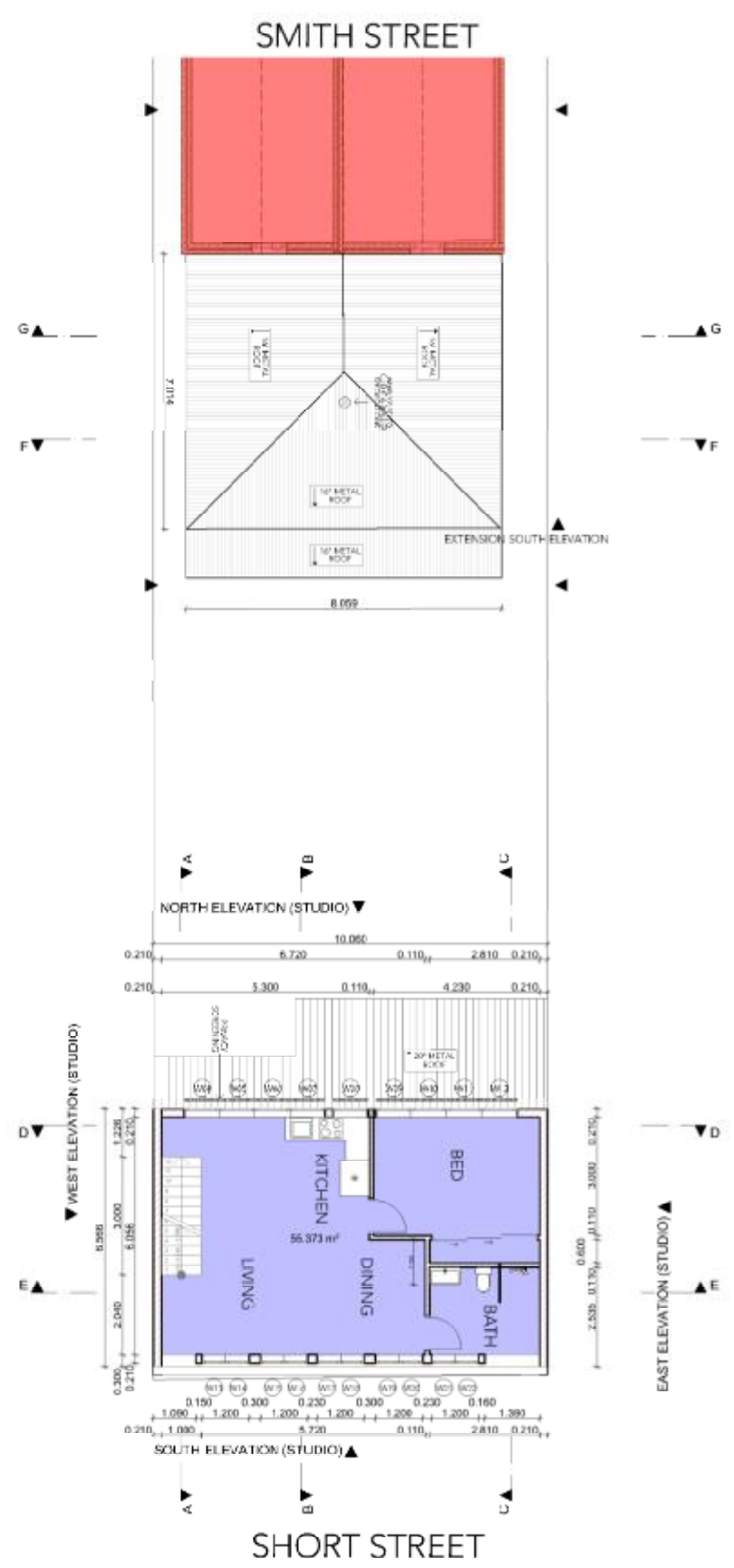
EXISTING FIRST FLOOR (88.42M²)

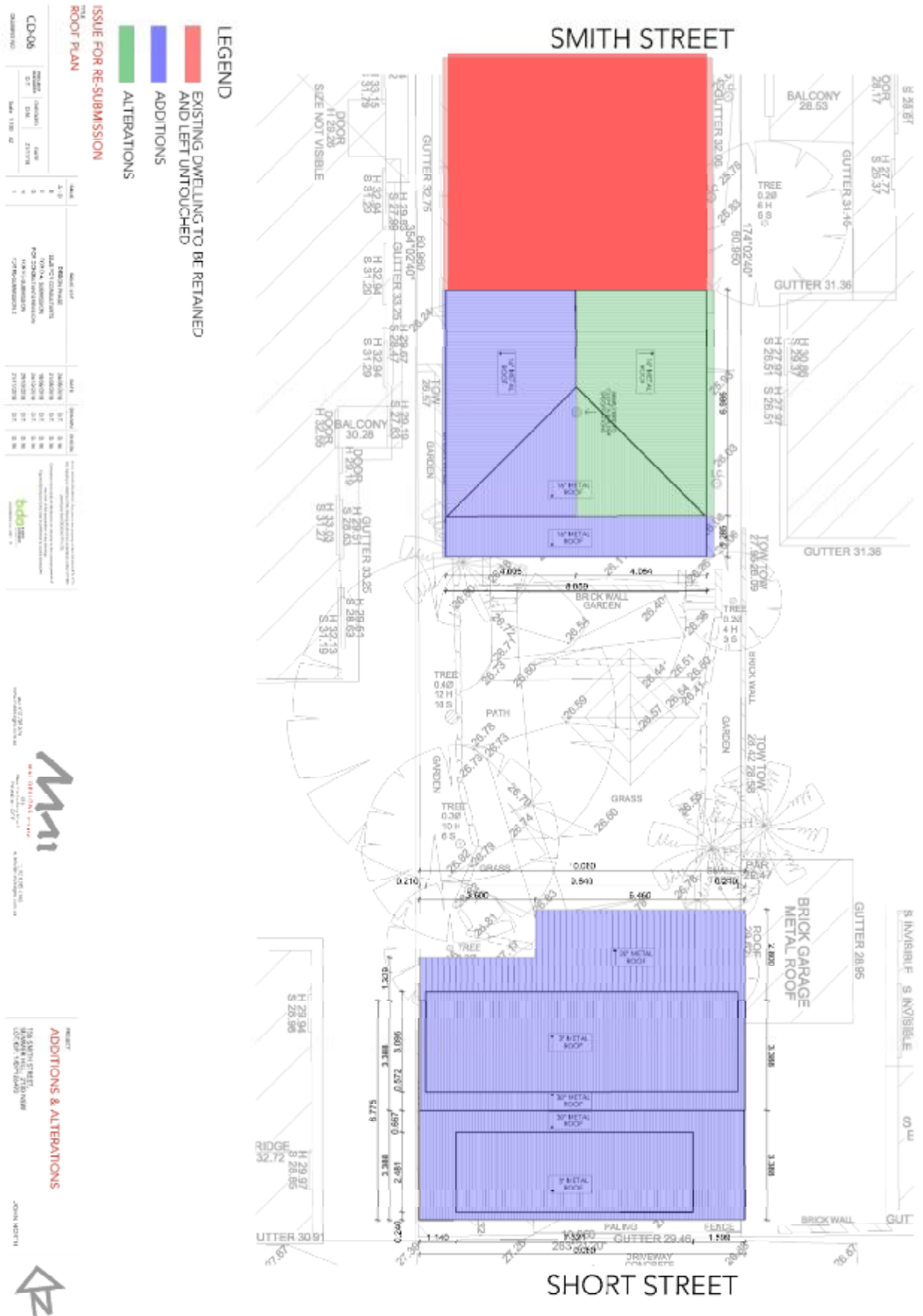
EXISTING ATTIC : 21.119M²

PROPOSED SWIMMING POOL SHOWER + CAR SPACE : 24.47M²

PROPOSED ATTIC STUDIO : 55.373M²

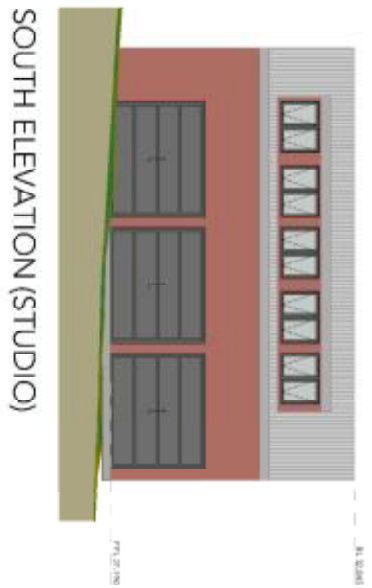
TOTAL FLOOR TO SPACE RATIO 0.61 : 1 (530.37M²)







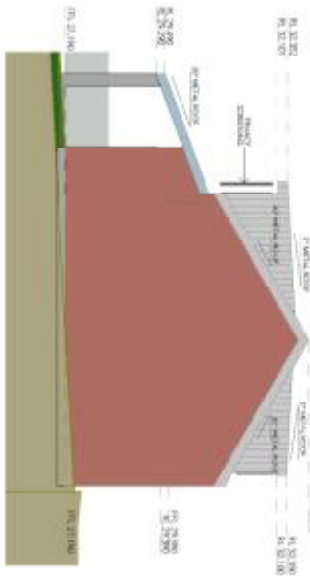
NORTH ELEVATION (STUDIO)



SOUTH ELEVATION (STUDIO)

- MATERIALS**
- WALLS: BRICK FACE
 - ROOF: CORRUGATED IRON ROOF (LIGHT GREY)
 - GARAGE DOOR: DARK GREY COLOUR
 - WINDOW FRAME: DARK GREY
 - COVERED AREA: CORRUGATED IRON ROOF (LIGHT BLUE)

WEST ELEVATION (STUDIO)



EAST ELEVATION (STUDIO)



NOTE: STUDIO IS A COMPLETE ADDITION TO 156 SMITH STREET, SUMMER HILL. THE EXISTING GARAGE AND CARPORT TO BE MADE GOOD AND STRUCTURE TO BE ADDED TO SUPPORT STUDIO ABOVE

ISSUE FOR RE-SUBMISSION

THE STUDIO ELEVATIONS

CD-07	DATE	BY	FOR	SCALE	STATUS
1	15/01/2024	CD	CD	1:100	ISSUE FOR RE-SUBMISSION
2	15/01/2024	CD	CD	1:100	ISSUE FOR RE-SUBMISSION
3	15/01/2024	CD	CD	1:100	ISSUE FOR RE-SUBMISSION
4	15/01/2024	CD	CD	1:100	ISSUE FOR RE-SUBMISSION
5	15/01/2024	CD	CD	1:100	ISSUE FOR RE-SUBMISSION

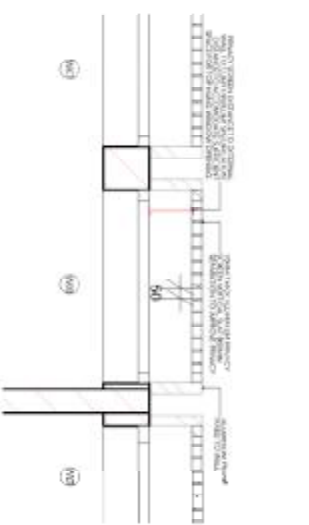
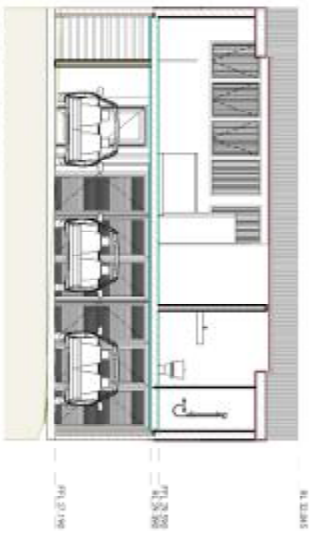
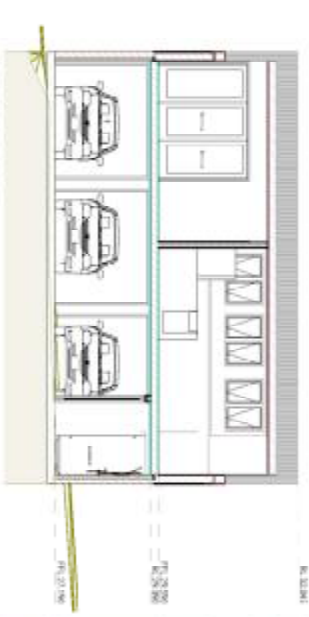
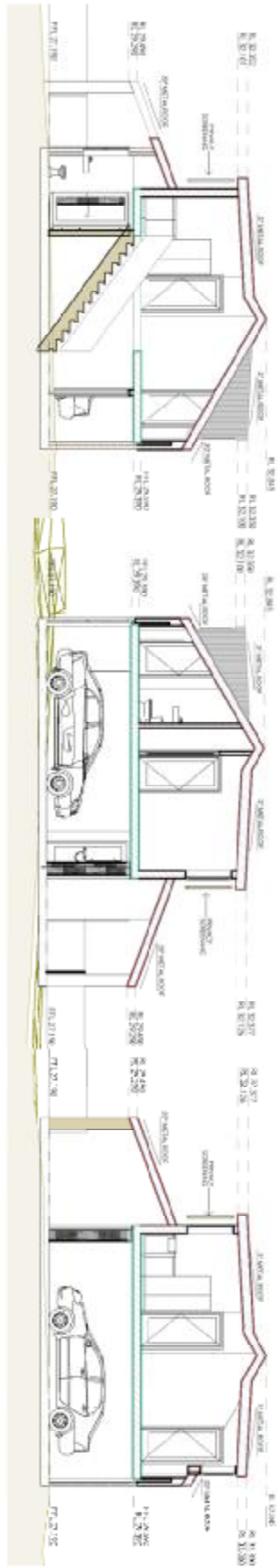


ADDITIONS & ALTERATIONS

156 SMITH STREET
SUMMER HILL NSW 1585

CD-07 (15/01/2024)

CD-07 (15/01/2024)



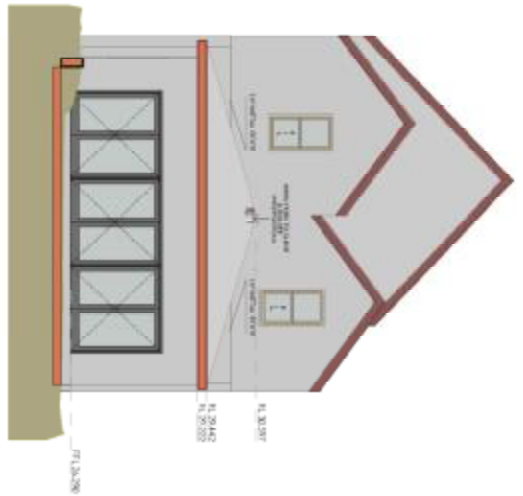
DETAILED PRIVACY SCREEN SECTION NTS

ISSUE FOR RE-SUBMISSION
THE STUDIO SECTIONS

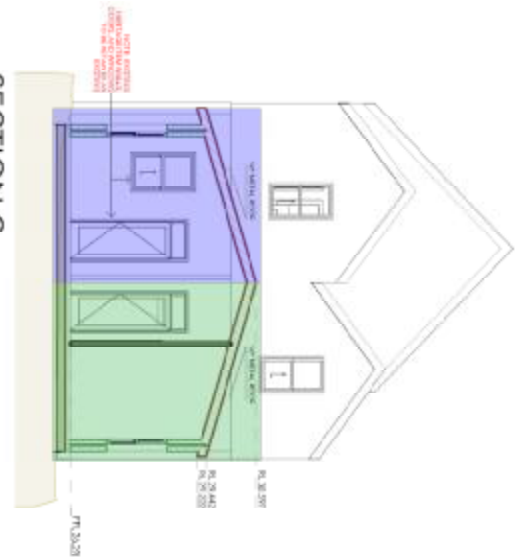
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05	12/02/2024	ISSUE FOR RE-SUBMISSION	CD	CD
06	19/02/2024	ISSUE FOR RE-SUBMISSION	CD	CD
07	26/02/2024	ISSUE FOR RE-SUBMISSION	CD	CD
08	05/03/2024	ISSUE FOR RE-SUBMISSION	CD	CD
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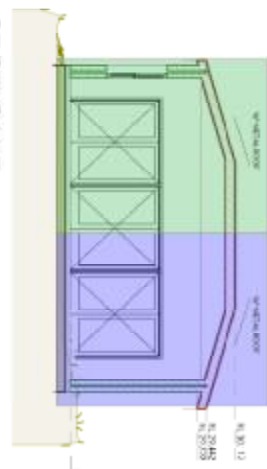
ADDITIONS & ALTERATIONS
100 SOUTH STREET, NEWCASTLE
LIFE ON THE EDGE



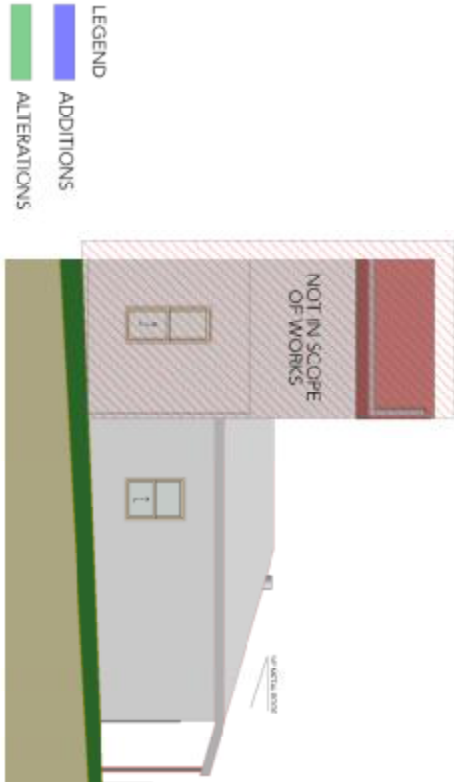
EXTENSION SOUTH ELEVATION



SECTION G



SECTION F



EXTENSION WEST ELEVATION



EXTENSION EAST ELEVATION

MATERIALS
 WALLS: BEIGE TO MATCH EXISTING (CLOSE AS POSSIBLE)
 ROOF: RED TERRACOTTA TILES
 WINDOW FRAME: DARK COLOUR

ISSUE FOR RE-SUBMISSION
THE EXTENSION SECTION AND ELEVATION

LEGEND
 ADDITIONS
 ALTERATIONS

CD-09	ISSUE	DATE	BY	CHKD BY	SCALE	STATUS
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2	ISSUE FOR RE-SUBMISSION	11/01/2024	ARCHITECT	ARCHITECT	1:100	ISSUE
3	ISSUE FOR RE-SUBMISSION	11/01/2024	ARCHITECT	ARCHITECT	1:100	ISSUE
4	ISSUE FOR RE-SUBMISSION	11/01/2024	ARCHITECT	ARCHITECT	1:100	ISSUE
5	ISSUE FOR RE-SUBMISSION	11/01/2024	ARCHITECT	ARCHITECT	1:100	ISSUE
6	ISSUE FOR RE-SUBMISSION	11/01/2024	ARCHITECT	ARCHITECT	1:100	ISSUE
7	ISSUE FOR RE-SUBMISSION	11/01/2024	ARCHITECT	ARCHITECT	1:100	ISSUE

PROJECT
 110 SOUTH STREET
 COOTHAM, NSW
 1517-1521-1523

ARCHITECT
 MARI ARCHITECTURE
 110 SOUTH STREET
 COOTHAM, NSW
 1517-1521-1523

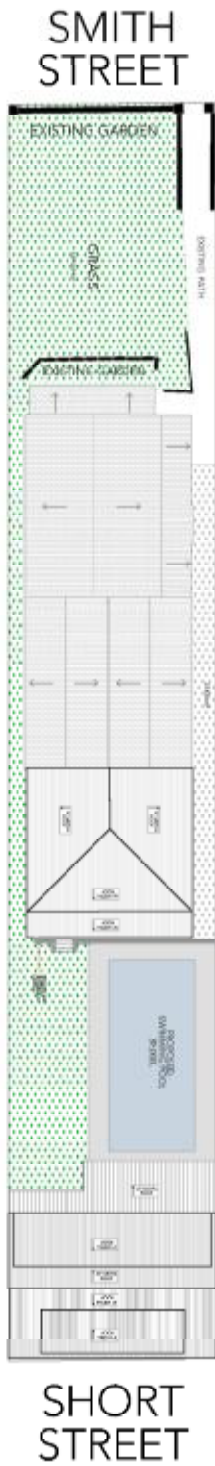
ISSUE FOR RE-SUBMISSION



PROJECT
 110 SOUTH STREET
 COOTHAM, NSW
 1517-1521-1523

ARCHITECT
 MARI ARCHITECTURE
 110 SOUTH STREET
 COOTHAM, NSW
 1517-1521-1523

ISSUE FOR RE-SUBMISSION



LANDSCAPE CALCULATION PLAN
1:200

LEGEND

- RETAINING WALLS
- LANDSCAPING

FRONT + WEST SIDE + REAR LANDSCAPE AREA: 187,201 m²
 EAST SIDE LANDSCAPE AREA: 27,430 m²
 TOTAL LANDSCAPE AREA: 214,631 m²
 SITE AREA: 613,200 m²

LANDSCAPED AREA: 35% (214,631 m²)
 SITE COVERAGE: 43.7% (268,57 m²)

ISSUE FOR RE SUBMISSION
 THE LANDSCAPE CALCULATION PLAN
 CD-11
 2018

NO.	DATE	DESCRIPTION
1	10/10/18	ISSUE FOR RE SUBMISSION
2	10/10/18	ISSUE FOR RE SUBMISSION
3	10/10/18	ISSUE FOR RE SUBMISSION
4	10/10/18	ISSUE FOR RE SUBMISSION
5	10/10/18	ISSUE FOR RE SUBMISSION



ADDITIONS & ALTERATIONS
 THE BURNING STREET
 10/10/18





ISSUE FOR RE-SUBMISSION
THE
STREETSCAPE ELEVATION

DATE	REVISION	DESCRIPTION
1	1	ISSUE FOR RE-SUBMISSION
2	2	REVISIONS
3	3	REVISIONS
4	4	REVISIONS
5	5	REVISIONS
6	6	REVISIONS
7	7	REVISIONS

bdo

M&I

ADDITIONS & ALTERATIONS

158 SMITH STREET
 156 SMITH STREET
 1A MOONBIE STREET

J.P. HANCOCK

ISSUE FOR RE-SUBMISSION
THE WINDOWS AND DOORS SCHEDULE

NO.	DESCRIPTION	QTY	UNIT	EST. PRICE	REMARKS
1	GLAZING	1	m ²	150	
2	GLAZING	1	m ²	150	
3	GLAZING	1	m ²	150	
4	GLAZING	1	m ²	150	
5	GLAZING	1	m ²	150	



ADDITIONS & ALTERATIONS


WINDOWS SCHEDULE

OPENING NUMBER	DIMENSION (W X H)	ORIENTATION	GLAZING AREA (m ²)	TYPE	SILL HEIGHT (mm)
W01	800 x 1200	NORTH	0.96m ²	DOUBLE HUNG	900
W02	1020 x 1400	WEST	1.4m ²	DOUBLE HUNG	800
W03	1020 x 1400	EAST	1.4m ²	DOUBLE HUNG	800
W04	900 x 1200	NORTH	1.08m ²	TOP HUNG	1200
W05	900 x 1200	NORTH	1.08m ²	TOP HUNG	1200
W06	900 x 1200	NORTH	1.08m ²	TOP HUNG	1200
W07	900 x 1200	NORTH	1.08m ²	FIXED	1200
W08	900 x 1200	NORTH	1.08m ²	FIXED	1200
W09	900 x 1200	NORTH	1.08m ²	TOP HUNG	1200
W10	900 x 1200	NORTH	1.08m ²	TOP HUNG	1200
W11	900 x 1200	NORTH	1.08m ²	TOP HUNG	1200
W12	900 x 1200	NORTH	1.08m ²	TOP HUNG	1200
W13	600 x 900	SCOUT-I	0.54m ²	TOP HUNG	1500
W14	600 x 900	SCOUT-I	0.54m ²	TOP HUNG	1500
W15	600 x 900	SCOUT-I	0.54m ²	TOP HUNG	1500
W16	600 x 900	SCOUT-I	0.54m ²	TOP HUNG	1500
W17	600 x 900	SCOUT-I	0.54m ²	TOP HUNG	1500
W18	600 x 900	SCOUT-I	0.54m ²	TOP HUNG	1500
W19	600 x 900	SCOUT-I	0.54m ²	TOP HUNG	1500
W20	600 x 900	SCOUT-I	0.54m ²	TOP HUNG	1500
W21	600 x 900	SCOUT-I	0.54m ²	TOP HUNG	1500
W22	600 x 900	SCOUT-I	0.54m ²	TOP HUNG	1500

DOORS SCHEDULE

OPENING NUMBER	DIMENSION (W X H)	ORIENTATION	GLAZING AREA (m ²)	TYPE
D01	2700 X 2200	SOUTH	0m ²	ROLLER GARAGE
D02	2700 X 2200	SOUTH	0m ²	ROLLER GARAGE
D03	2700 X 2200	SOUTH	0m ²	ROLLER GARAGE
D04	900 X 2100	NORTH	1.89m ²	HINGE/SWING
D05	2000 X 2100	SOUTH	4.2m ²	DOUBLE SWING
D06	2000 X 2100	SOUTH	4.2m ²	DOUBLE SWING
D07	2000 X 2100	SOUTH	4.2m ²	DOUBLE SWING

Attachment C – Statement of Heritage Significance

ASHFIELD HERITAGE STUDY		1991-1992
NAME Group of Two Houses		REFERENCE NO. 254
OTHER NAMES No. 154: AIRDALE; No. 156: KYAMBA		REAL PROPERTY DESCRIPTION
LOCALITY / SUBURB Summer Hill	POSTCODE 2130	ZONING 2(a)
STREET ADDRESS 154 and 156 Smith Street		OWNER (154) Williams TA; Williams C. (156) Rowe J; O'Donnell LM.
MAP REFERENCE		BOUNDARY / IDENTIFICATION The property boundaries
PHYSICAL CHARACTERISTICS/HISTORICAL NOTES - SEE OVER		
CATEGORY	SUB CATEGORY	
EVALUATION OF SIGNIFICANCE		
Historic: Rare <input type="checkbox"/>	Associative <input type="checkbox"/>	Representative <input checked="" type="checkbox"/>
Aesthetic: Rare <input checked="" type="checkbox"/>	Associative <input type="checkbox"/>	Representative <input type="checkbox"/>
Social: Rare <input type="checkbox"/>	Associative <input type="checkbox"/>	Representative <input checked="" type="checkbox"/>
Scientific: Rare <input type="checkbox"/>	Associative <input type="checkbox"/>	Representative <input type="checkbox"/>
Other: Rare <input type="checkbox"/>	Associative <input type="checkbox"/>	Representative <input type="checkbox"/>
STATEMENT OF SIGNIFICANCE		
<p>* An unusual adjoining pair of houses one of which has been enlarged to form a substantial corner building. Together they provide much architectural and townscape interest.</p> <p>* Two of very few three storey houses in Ashfield.</p>		
		
PHOTOGRAPHS		DATE OF SURVEY
BandW ROLL 91-052-13	NEG NO. 303	1/6/92
COLOUR SLIDES ROLL	FRAME NO.	SURVEYOR
STUDY TEAM: Richard Mackay, Robert Irving, Chris Pratten, Jill Sheppard, Stephen Harris		RI/CHP

GODDEN MACKAY PTY LTD 56 Waterloo Street, Surry Hills 2010 (02) 319 4811

ASHFIELD HERITAGE STUDY

<p>HERITAGE LISTINGS</p> <ul style="list-style-type: none"> <input type="checkbox"/> Register of the National Estate (AHC) - Registered <input type="checkbox"/> Register of the National Estate (AHC) - Interim <input type="checkbox"/> Register of National Trust (NSW) <input type="checkbox"/> Within National Trust Conservation Area <input type="checkbox"/> Register of Significant Twentieth Century Architecture (RAIA) <input type="checkbox"/> Department of Public Works Heritage and Conservation Register <input type="checkbox"/> Heritage Council Register - Permanent Conservation Order <input type="checkbox"/> Heritage Council Register - Interim Conservation Order <input type="checkbox"/> Heritage Council Register - Section 130 Order <input type="checkbox"/> Heritage Council Register - Nomination <input type="checkbox"/> NSW Government Department Heritage Register (S170 Heritage Act) <input type="checkbox"/> Institution of Engineers (NSW) Heritage Register <input type="checkbox"/> Regional Environmental Plan Heritage Schedule <input type="checkbox"/> Local Environmental Plan Heritage Schedule <input type="checkbox"/> Other 	<p>PERIOD</p> <p>Pre - 1800 <input type="checkbox"/></p> <p>1800 - 1825 <input type="checkbox"/></p> <p>1825 - 1850 <input type="checkbox"/></p> <p>1851 - 1875 <input type="checkbox"/></p> <p>1875 - 1900 <input checked="" type="checkbox"/></p> <p>1901 - 1925 <input checked="" type="checkbox"/></p> <p>1926 - 1950 <input type="checkbox"/></p> <p>1951 - 1975 <input type="checkbox"/></p> <p>Post - 1975 <input type="checkbox"/></p>	<p style="text-align: center;">1991-1992</p> <p>REFERENCE NO. 254</p> <p>DATE OF CONSTRUCTION: 1883, with later modifications</p> <p>ARCHITECT/DESIGNER: 1889 allocations: Conrad and Bell, Sydney.</p> <p>BUILDER: Not known</p> <p>HISTORICAL THEMES:</p> <p>State Themes: A place to live. Emergence of building styles.</p> <p>Local Themes: Subdivision and consolidation.</p>
<p>HISTORICAL NOTES</p> <p>These houses occupy land which was originally part of the Canterbury Estate. No. 154, at the Moonbie Street corner, was purchased by Samuel Harris, chemist and druggist, in the early 1860s and by 1863 the house had been erected. In 1884 Harris sold it to Dr David Collingwood, who set up a medical centre there. Sands' Directories list as many as four doctors in occupation in the early 1900s. The house on no. 156 was erected for John McDonald, also by 1883. McDonald was still in residence in 1913, the house being named 'Kyamba'.</p>		
<p>INFORMATION SOURCES:</p> <p>Written: Land Title records. Sands' Directories. Reel Books. Research by N. Peck. Sydney Morning Herald, 3 August, 1888.</p> <p>Oral:</p> <p>Graphic:</p>		
<p>PHYSICAL CHARACTERISTICS:</p> <p>Materials: Brick/stucco walls. Terra cotta and concrete tile roofs. Timber joinery and verandah decoration.</p> <p>Exterior: Two and three storey houses having some identical features and some distinctive differences.</p> <p>Interior: Not inspected.</p> <p>Style: Federation Arts-&Crafts/Free Classical.</p>		
<p>DESCRIPTION:</p> <p>Each of these two houses has a street facing gable incorporating in its roof space a third storey, lit by a high gable window. Across the front is a two storey timber verandah with some Art Nouveau decoration and a low pitched hip skillion roof. In the case of No. 156, the gable form, with a fretwork barge, comprises virtually the whole of the house facade. A rear extension is two storeys high. No. 154, on a wider allotment at the Moonbie Street corner, has a gabled element almost identical to that of No. 156. However, to its east, and fronting Moonbie Street, there is a substantial abutting building which, to judge by its architectural treatment, was built earlier than both of the gabled blocks just described. The abutting gable has a central chimney, flanked by windows. Facing Moonbie Street the building is classically adorned, the main element being a prominent arched entrance doorway with prominent keystone and ornamentation incorporating a string course and pediment with an acroterion. There is a side bay, faceted and with pedimented windows. A further wing extends along Moonbie Street. The fence incorporates hedging. Gardens have many difference trees.</p>		
<p>MODIFICATION:</p> <p>No. 154 has no chimneys.</p> <p>Original slate roofs replaced by tiles.</p> <p>The front verandahs were evidently modified around the turn of the century.</p>		

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