



DEVELOPMENT ASSESSMENT REPORT

Application No.	10.2018.139
Address	38 Dalhousie Street, Haberfield
Proposal	Alterations and additions to an existing dwelling, including the construction of a new garage and swimming pool.
Date of Lodgement	31 July 2018
Applicant	Amy & John Raneri c/o Sago Design
Owner	John Raneri
Number of Submissions	Nil.
Value of works	\$1,524,188.38
Reason for determination at Planning Panel	Proposal seeks consent for the partial demolition of a local heritage item
Main Issues	Impact upon the heritage item, impact upon existing on-site trees
Recommendation	Conditional Approval
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development

Location Plan	Legend
	Site
	Objections (nil)
	Neighbouring properties notified highlighted by red box



Picture 1 Aerial Photo with site identified



Picture 2 Site Photo - 38 Dalhousie Street

1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to an existing dwelling at 38 Dalhousie Street Haberfield. The application was notified to surrounding properties and no submissions received.

The main issues that have arisen from the application include:

- The proposed new rear addition is likely to impact upon the heritage significance of the existing heritage item and dominate the original dwelling. Council has recommended a number of deferred commencement conditions to ensure that any proposed structure does not dominate and that the new addition is sympathetic to the heritage item.
- The proposal is likely to impact upon the health of tree 15, which has been identified as a significant and healthy Jacaranda tree. Council has previously requested that the applicant provided a root mapping investigation report to determine if the proposal will impact upon the root system of this tree. The applicant has outlined to Council that this information will not be provided prior to determination and requested that it be included as a condition of development consent. The requested root mapping investigation is recommended to be a deferred commencement condition.

The proposal is considered to be generally acceptable and is recommended for approval, subject to a deferred commencement conditions being fulfilled.

2. Proposal

The application seeks approval for alterations and additions to an existing heritage item, including the construction of a new garage and in-ground swimming pool.

In particular the proposal seeks consent for the following works:

- Demolition of an existing rear addition to make room for the new proposed addition.
- Internal and external modifications to the existing heritage item, including alterations to the existing bathroom to create an en-suite for proposed bedroom 4, modifications to the existing windows along the southern elevation and creation of a new attic space which incorporates two lounge areas, a desk and bathroom.
- Construction of a new rear addition, incorporating a laundry, pantry, living room, kitchen, dining room, informal dining room and a second attic space with a desk and storage space
- Construction of a 10.5m long in-ground swimming pool, with 3.1m long spa on the southern end and pool deck on the northern end. The proposed pool is to be enclosed by the new addition.
- Construction of a new outdoor dining space to the north of the proposed addition
- Construction of a new single car garage, with a carport situated in-front of the garage.

3. Site Description

The subject site is located on the eastern side of Dalhousie Street, between Denman Avenue and Parramatta Road. The site consists of two allotments and is generally rectangular in shape with a total combined area of 1278.5 m². The site is legally described as Lot 178 DP 4774 and Lot 179 DP 933822.

The site has a frontage to Dalhousie Street of 29.7 metres and a maximum length of 44.6m.

Currently located upon the site is an existing single storey dwelling house, which is identified as an item of local heritage significance, two significant Jacaranda trees and a detached metal shed.

The site is identified as heritage item no. 435 in the Ashfield Local Environmental Plan 2013. A review of the NSW Heritage Register has outlined that the house was owned in 1908 by Mrs Hannah Buckingham, of Petersham. It was she who commissioned its erection; its first occupant, George Richard, was recorded in Sands Directory in 1909, when it was called "Glenalva". In 1913 Mrs Buckingham's daughter, Mrs Edith Richards, inherited the property. She owned it until 1926, when it was sold to Charles Winkworth, piano importer, Mr Winkworth was recorded as still owning the property in 1961.

The NSW heritage register has outlined that the dwelling house is significant due to its handsome, large nature which is an exemplar of the Queen Anne style of architecture in an ample garden setting. The heritage listed dwelling is identified as having the following important physical attributes:

This ample house is a single-storeyed structure of tuckpointed face brickwork, with a hip and gable slate roof that has terra cotta hips, crenellated ridges and ridge terminals. The main roof form has louvred gablet ventilators and shingle infills. The tall brick chimneys have rendered caps, terra cotta pots and roughcast panels. There is a handsome wide arch, with label course, over the main front window. There are two verandahs, with encaustic tiled floors, turned baluster friezes and timber posts.

The spacious garden includes dense mature planting and several trees. There is a driveway of concrete strips. The front fence is brick with curved bays and wrought iron panels, and an iron front gate gives access to a curved tiled path leading to the side entrance verandah.

Currently located upon adjoining properties is single storey dwelling houses contributing to the Haberfield Heritage Conservation Area.

4. Background

4(a) Site history

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

Subject Site

Application	Proposal	Decision
006.1949.277	Building Application	Approved
006.1950.425	Building Application	Approved
006.1950.525	Building Application	Approved
006.1972.8329	Building Application	Approved
006.1991.321	Alterations to a dwelling	Approved
005.1993.219	Reinstate a semicircular window	Approved

006.1993.338	Alteration to a house	Approved
006.1995.321	Alteration to bathroom in existing dwelling	Approved
005.1996.177	Demolish existing Kitchen, laundry, breakfast room and rebuild	Approved
006.1996.255	Alterations and additions to a dwelling	Approved
006.1997.38	Alterations and additions to a dwelling	Approved
005.1997.28	Construction of a new rear opening and addition of a deck and pergola	Approved
010.1998.509	Replacement of acorn picket fence and reinstatement of balustrade and fenestration on verandas	Approved
010.2018.139	Alterations and additions to an existing dwelling, including construction of a swimming pool	Current application

4(b) Application history

On 31 July 2018, the current development application was lodged with Council.

On 6 November 2018 upon receiving input from all relevant referral bodies, Council wrote to the applicant and requested the submission of amended plans/ additional information. This included:

- Submission of a tree root mapping report for the existing Jacaranda tree located towards the rear boundary, so that Council could be satisfied that the proposed works will not impact upon the health of the existing significant tree.
- Submission of an amended landscape plan detailing the planting of replacement trees to offset trees proposed to be removed to accommodate the proposed works.
- Submission of amended plans detailing the following design changes to ensure the development does not impact upon the significance of the existing heritage item:
 - The projecting blade walls must be deleted
 - The windows to the pavilion should be re-designed to be based on the form of those to the existing house – ie. vertically proportioned openings within a brick wall
 - The proposed new triple light window to the side elevation of the existing house must be deleted and replaced with a more traditionally proportioned window
 - The roof over the pool must be re-designed to be a skillion roof
 - The roof for the proposed addition must be changed to slate to match the house, this is instead of the proposed metal standing seam
- Upon receipt of this request for additional information the applicant contacted Council and outlined a strong objection to the required changes. During this conversation the

applicant requested that Council condition a tree protection zone around the tree which Council is concerned about (this option is not supported by Council staff and is discussed later in this assessment report). The applicant has stated to Council that they will not be undertaking the required modifications outlined within the additional information letter and requested that the application be presented to the Inner West Local Planning Panel for their determination. The application is hence recommended for deferred commencement, so that the outstanding matters raised within the additional information letter may be adequately addressed.

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 79C 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 (ALEP 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. The Inner West Comprehensive 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 has been submitted with the development application. The BASIX certificate lists measures to satisfy BASIX requirements which have been incorporated in the proposal.

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 environment, 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 2011:

- Clause 2.3 – Land Use Table and Zone Objectives

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	R2 Low Density Residential	Alterations and additions to an existing dwelling	Yes
4.1	Minimum subdivision lot size	500m ²	N/A	N/A
4.3	Height of buildings	7m	New addition results in a height of 6.9m	Yes
4.4	Floor space ratio	0.5:1 (639.2m ²)	0.27:1 (328.3m ²)	Yes
5.10	Heritage Conservation	Haberfield Conservation Area and Item of Local Heritage – ID 435		
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 in its current form is expected to have a detrimental effect on the significance of the existing heritage item.	No – See assessment below

5.10(5)	Heritage assessment	<p>The consent authority may, before granting consent to any development:</p> <p>(a) On land on which heritage item is located, or</p> <p>(b) On land that is within a heritage conservation area, or</p> <p>(c) On land that is within the vicinity of land referred to in paragraph (a) or (b),</p> <p>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.</p>	The proposal is accompanied by a heritage impact statement. This has been reviewed and is considered acceptable, subject to compliance with the design changes required by the deferred commencement conditions.	Yes
6.5	Development on land in Haberfield Heritage Conservation Area	<p>Development consent must not be granted to development for the purposes of a dwelling house on land to which this clause applies unless the consent authority is satisfied that:</p> <p>If the development involves an existing building:</p> <p>the gross floor area above the existing ground floor level will not exceed the gross floor area of the existing roof space, and</p> <p>the gross floor area below the existing ground floor level will not exceed 25% of the gross floor area of the existing ground floor, and</p> <p>The development will not involve excavation in excess of 3 metres below ground level (existing), and</p> <p>The development will not involve the installation of dormer or gablet windows, and</p> <p>at least 50% of the site will be landscaped area. (639.2m²)</p>	<p>Proposed floor area in new attic spaces does not exceed the current floor space</p> <p>N/A</p> <p>Proposed excavation will not exceed 3m below ground level</p> <p>Development does not propose the installation of gablet windows</p> <p>50% (640m²) of the site is identified as being landscaped area</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

The following provides further discussion of the relevant issues:

(v) Clause 2.3 - Land Use Table and Zone Objectives

The property is zoned R2 – Low Density Residential under the provisions of ALEP 2013. Alterations and additions to a dwelling is permissible with Council's consent under the zoning provisions applying to the land.

(ii) Clause 5.10(4) Heritage Significance

In this instance Council's Heritage Advisor has reviewed the proposal and raised concerns over elements of the proposed additions and the likelihood of the current design to unsympathetically impact upon the heritage significance of the heritage item.

Council's Heritage Adviser has outlined that the site is one of Haberfield's larger domestic properties, set within a complementary garden facilitated by the constructing owner's purchase of two separately titled lots which still comprise the property today.

The grandeur and stature of the house, as the residence of a prominent Sydney merchant family, speaks of the emerging importance of Haberfield as a prestige suburb in its early years, and also reflects the importance of Dalhousie Street as the main north-south axis within the suburb, on which its churches and one school are found. The presentation of this fine house to the street is one of the most impressive and favoured in the suburb, enhanced by the design of the house and its retained integrity, with slate roof and array of chimneys.

In this instance the scale and bulk of the proposed additions are seen to be problematic. While the existing rear addition (proposed to be demolished) is subservient and defers to the main house, with a typical skillion roof form, the new proposal continues the pavilion format and seeks a substantial amount of extra accommodation.

The following areas are considered to be of a concern and likely to impact upon the significance of the existing heritage item:

- The pavilion roof is large and with the pitches proposed, will look unusual in juxtaposition with the house and its orderly forms and pitches (for Haberfield) ; In part this scale comes from the extent of the hip form which carries across the indoor pool and provides for a loft area above its main facilities . It is recommended that this roof form be adjusted by reducing the hip's extent by using a skillion or flat area above the pool.
- The use of the standing seam roofing over the proposed large addition is problematic, as the material – essentially new to the HCA – while it has some resonance with the rolled, battened and covered flat roofs employed traditionally in Haberfield usually on dead flat roofs, it is arguably more applicable on attached lean-to roofs and verandas and not as entire cladding for discreet and in this case, substantial new roof forms ; even reduced in scale as suggested above, the proposed pavilion is of such a size relative to the house proper, that its use of an atypical material would be significantly out of context with the heritage item and heritage conservation area. While corrugated iron is used on subsidiary roofs in Haberfield, this pavilion is an important substantial form and must employ the same roofing material as the main roof – slate.
- The development proposes to replace an existing window in the south elevation, serving what is to be a new bathroom (its bath recess), with a larger triple sash window (salvaged) which is inappropriate in proportion and detail and in such a location, and in the suite of fenestration within this house; in a heritage item this is an inappropriate suggestion. Any new window design must be in context with the existing heritage item.

- In the proposed pavilion design, an extremely unusual and atypical wall and opening pattern is proposed, combined with unusual blade or buttress forms which emphasize the division of the pavilion into bays, but are otherwise all different and engaged with other elements and features beyond the house wall lines; the design themes within the door and window elements themselves are unrelated to the house proper and do not display any strong, organising rigour such as that which is apparent in the house.
- The proposed garage continues the materials and fenestration issues of the pavilion extension, and the design includes a flat metal deck roofed carport in front of the single car space garage.

In order to ensure that these concerns are appropriately addressed, Council has recommended that the proposal be approved, subject to a deferred commencement. This will ensure that Council's Heritage Advisor is able to review amended plans prior to the consent becoming operational and ensure that the development will have minimal impact upon the heritage significance of the heritage item or heritage conservation area.

5(b) Draft Environmental Planning Instruments

Draft Environment SEPP (Environmental)

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 Inner West Comprehensive Development Control Plan 2016.

DCP 2016 – Chapter F: Development Category Guidelines				
Control No.	Control	Standard	Proposed	Compliance
DS8.2	Minimum Landscaped area %	601m ² – and over - 35% of site area	Proposal results in 50% of the site area being landscaped	Yes
DS8.3	Maximum site coverage	601m ² – and over - 50% of site area	24% (312.2m ²)	Yes
DS3.4	Wall height	Maximum external wall height of 6 metres measured from the existing ground level.	Maximum wall height of 3.6m	Yes
DS4.3	Setbacks	Side setbacks are determined by	Proposed addition is	Yes

		compliance with the BCA. Generally, Council requires a minimum side setback of 900mm for houses	setback a minimum of 1.1m from side and rear boundaries. The proposed garage and carport is setback a minimum of 900mm from side and rear boundaries	Yes
DS6.1	Garages and carports	A minimum of one car parking is required per dwelling	Minimum of two on-site parking spaces are 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.	Proposed private open space to achieve a minimum of 50% 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.	Existing solar access to neighbouring north facing primary living areas and windows is retained	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.	Living areas of the proposal have been appropriately designed to be orientated to northern elevation	Yes
DS 13.4		Requires sun shading devices such as eaves, overhangs or recessed balconies minimise the amount of direct sunlight striking facades.	Appropriate sun shading devices such as eaves have been incorporated into the design	Yes
DS 11.1	Front gardens	Requires front garden to have an area and dimensions that provide sufficient soil area for ground cover, vegetation and trees.	Front garden to have an area and dimension that provides sufficient soil area and vegetation	Yes
DS 11.2	Front gardens	Requires hard paved areas to be minimised, and driveways have a maximum width of 3 metres	Hard surface areas within the front setback 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 has an area and size sufficient for the provision of soil vegetation and trees	Yes
DS14.1	Visual Privacy	Requires the number of windows to side elevations located above the	Windows have been appropriately designed to	Yes

		ground floor to be minimised.	avoid direct sightlines and protect visual privacy	
DS19.1	Stormwater Disposal	Stormwater from roofs is discharged by gravity to street gutter system	Conditioned to engineering requirements	Yes

DCP 2016 Chapter E2 – Haberfield Conservation Area

Clause No.	Clause	Standard	Proposed	Compliance
2.6	Building Form	<p>Alterations to the original main part of a building (other than a non-conforming building), including front and side facades, verandahs and roof forms, are not permitted</p> <p>Extensions shall not conceal, dominate or otherwise compete with the original shape, height, proportion and scale of the existing buildings.</p> <p>The overall length of any extension is to be less than, and secondary to, the original house.</p>	<p>Proposed alterations are limited to the rear portion and sections of the dwelling that are non-contributing to the heritage significance</p> <p>Proposed extension does not compete with the original shape or proportion of the existing building</p> <p>The proposed addition will be secondary to the addition once recommended conditions are complied with</p>	<p>Yes</p> <p>Yes</p> <p>Yes - Conditioned</p>
2.9	Roof Forms	<p>Roof extensions are to relate sympathetically and subordinately to the original roof in shape, pitch, proportion and materials.</p> <p>New buildings are to have roofs that reflect the size, mass, shape and pitch of the neighbouring original roofs.</p> <p>Roof extensions are to be considerably lower than the original roof and clearly differentiated between the original and the new section.</p>	<p>Proposed roof form is not sympathetic to the original shape and pitch</p> <p>New roof reflects the size and shape if the original.</p> <p>Roof extension is considerably lower than the original</p>	<p>No – Deferred commencement conditions to address this concern,</p> <p>Yes</p> <p>Yes</p>
2.12	Sitting, Setbacks and levels	<p>The established pattern of front and side setbacks should be kept.</p> <p>New residential buildings or extensions should not be built forward of existing front building lines.</p> <p>Where natural land slope allows, sub-floor and basement development is permitted for use as laundries, storerooms, workrooms or garages.</p>	<p>Established pattern of front and side setbacks retained</p> <p>New extension is not forward of the building line</p> <p>N/A</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p>
2.15	Walls	The original shape and materials of the front and side walls shall not be altered.	<p>Original portions of the heritage item to remain</p> <p>Conditioned</p>	<p>Yes</p> <p>Yes</p>

		Unpainted surfaces shall not be painted.		
2.18	Chimneys	Chimneys cannot be demolished, unless they are structurally unsound and only when followed by immediate reconstruction in the original design. All chimneys are to be retained internally and externally. Where necessary chimneys should be repaired even if the fireplace is no longer in use. Reconstruction of original chimneys is encouraged.	Existing chimneys to be retained and protected under the proposal	Yes
2.24	Windows/ Doors	New doors and windows are to reflect the proportion, location, size, sill heights, header treatment, materials, detailing and glazing pattern of the original doors and windows on the house to which they belong.	New windows are not sympathetic see assessment section above titled heritage significance	No – See assessment section above
2.33	Garages and Carports	New garages and carports are to be located at the back or at the side of the house. Where a garage or carport is at the side of the house it must be at least 1 metre back from the front wall of the house. Garages and carports are to be free standing.	New garage has been designed to be located at the rear of the site and well beyond the minimum required 1m setback Garage and carport are to be free standing	Yes Yes
2.36	Fences/ Gates	New front fences of timber are encouraged. They should be between 1m to 1.4m in height. The timber should be painted and in an appropriate colour (see Clause 2.37 'Colour Scheme' of this Plan).	New front fence to be a maximum height of 1.2m	Yes

The following provides discussion of the relevant issues:

Tree Removal

Council's Tree Management Officer has reviewed the proposal and the Arboricultural Impact Assessment (AIA) prepared by Australis Tree Management dated 31/05/2018 and outlined that 10 *small* on-site trees are to be impacted by the proposal and recommended for removal or replacement. In this instance Council raises no objection to the removal of the 10 small trees that have been shown to be in average to poor condition and have low retention value, subject to an appropriate condition requiring four replacement trees to be planted on-site.

Tree Protection

The development seeks consent for new works to take place within a close proximity to tree 15 a significant and healthy Jacaranda tree (as identified by the Arboricultural Impact Assessment (AIA) prepared by Australis Tree Management dated 31/05/2018). Council's Tree Management Officer has reviewed these proposed works and notes that the arboricultural report has miss-calculated the extent of the proposed encroachment.

In this instance the extent of the proposed encroachment into the Tree Protection Zone (TPZ) for tree 15 has been calculated at 35 - 40% encroachment into two sides. This is expected adversely impact upon the health and stability of the tree.

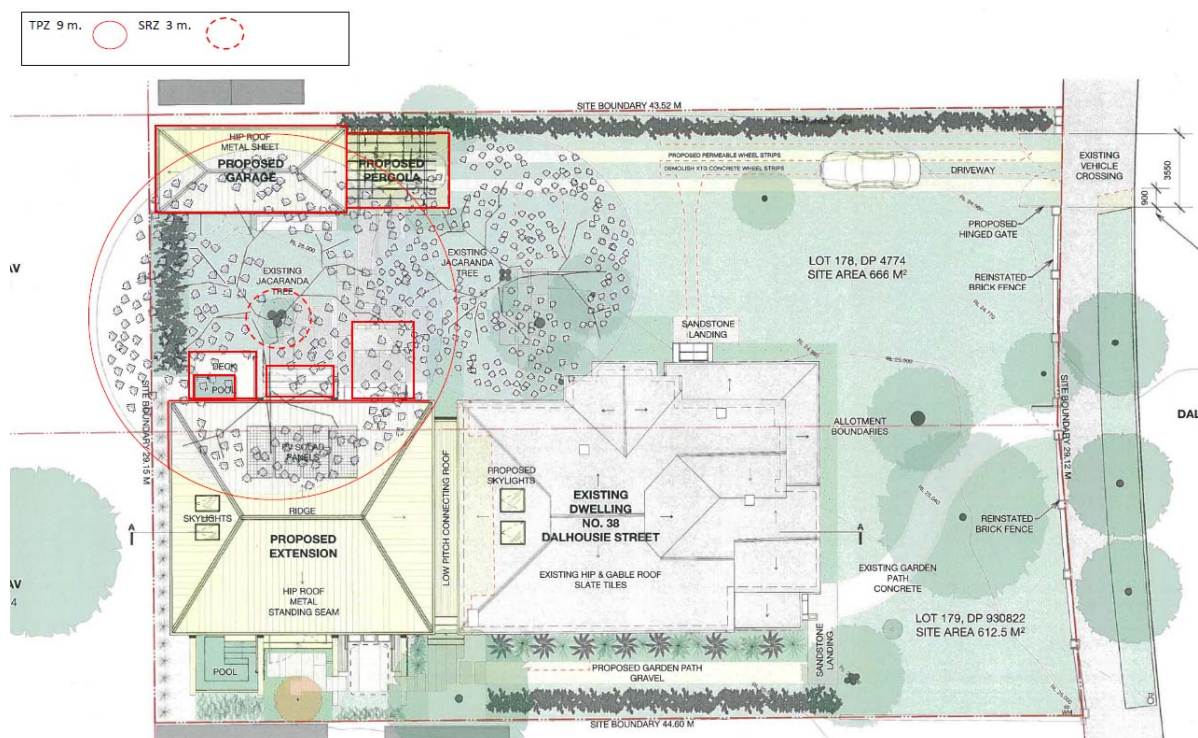
At this time the applicant has not provided sufficient information to determine if the proposed works will destabilise or kill tree 15. Council has previously asked for the preparation and submission of a root map investigation report for this tree, to determine the exact location of its roots. However as outlined above the applicant has expressed strong objections to the

requested heritage amendments / further tree information and has outlined that they will not provide the requested information. Instead the applicant has asked for the application to proceed to the Inner West Local Planning Panel for a determination.

During discussions about the submission of additional information Council explored the option of a condition requiring the proposal to not encroach into the TPZ of tree 15. Council's Tree Management Officer has reviewed this idea and provided a diagram mapping out what a TPZ for tree 15 may look like, this is detailed below in picture 3.

As seen in picture 3 below strict compliance with the TPZ would mean a significant re-design of the proposal and is beyond the scope of a condition. Council has therefore determined to recommend the proposal for a deferred commencement, subject to the applicant undertaking a root mapping investigation report and detailing to Council construction techniques that will not impact upon the structural stability of the tree and ensure its long term health and survival.

Compliance with this condition is expected to yield sufficient information to both the applicant and Council prior to any on-site works commencing that construction will not damage any essential roots.



Picture 3 – Tree Protection Zone of Tree 15 outlined by Red Circle

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 Inner West Comprehensive Development Control Plan 2016 for a period of 21 days to surrounding properties. As a result of the notification process no submissions were received.

5(g) The Public Interest

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

The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

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

- Heritage Officer – Council's Heritage Advisor has outlined an objection to the proposed addition and the likelihood of the development to impact upon the heritage significance of the building. In this instance Council's Heritage Advisor has outline that the concerns would be resolved through compliance with the recommended deferred commencement conditions.
- Development Engineer – Council's Development Assessment Engineer has reviewed the proposal and raised no objections, subject to suitable conditions of consent. These conditions have been recommended for the consent.
- Tree Management Officer – Council's Tree Management Officer has reviewed the proposal and raises no objection to the removal of the 10 small on site trees proposed to be removed, subject to compliance with a condition requiring replacement trees to be planted. Council's Tree Management Officer has also expressed concerns over the likelihood of the development significantly impacting the health of tree 15, but has outlined that a deferred commencement condition requiring root mapping and outlining of construction techniques to ensure the works do not impact the roots of this tree would be satisfactory.

7. Section 94 Contributions

Section 94 contributions are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$15,241.88 is required to be

paid for the development under Ashfield Section 94A Contributions Plan 2014. A condition requiring that contribution to be paid is included in the recommendation.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in Ashfield Local Environmental Plan 2013 and Inner West Comprehensive 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 the issue of a deferred commencement consent subject to the imposition of appropriate terms and conditions.

9. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority pursuant to 4.15 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No: 10.2018.139 for alterations and additions to an existing dwelling at 38 Dalhousie Street subject to the conditions listed in Attachment A below.

Attachment A - Recommended conditions of consent

CONDITIONS

DA 2018.139.1

38 Dalhousie Street HABERFIELD 2045

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

Alterations and additions to an existing dwelling

PART A – Deferred Commencement Conditions

Conditions to be satisfied prior to consent operating

- (a) The consent is not to operate until the following conditions are satisfied, within 24 months of the date of this determination;

(1) Amendments required to approved plans

- i. To assess the impact of the proposal on the health and structure of the following tree, non-destructive root mapping, undertaken or directly supervised by a suitably qualified professional who holds as a minimum, Level 5 (Diploma) certification in Arboriculture under the Australian Qualification Framework (AQF), is required.

Root excavation lines are to be address the site conditions and proposed swimming pool, building extension, garage and pergola within the Tree Protection Zone of 9 metres.

Schedule
Tree/location
Tree 15 <i>Jacaranda mimosifolia</i> (Jacaranda) Rear

A root mapping report outlining findings from the excavations must be prepared in accordance with Clause 3.3.3 of AS 4970 – 2009 *Protection of Trees on Development Sites* and Council's Development Fact Sheets for Root Mapping Reports.

The Root Mapping Reports once completed must be submitted to Council, along with information regarding construction techniques to be utilised to ensure minimal impact to the tree. This information is then to be assessed by Council's Tree Management Officer, who will provide approval for the proposed construction methods within the Tree Protection Zone of 9 metres.

- ii. Amended Plans detailing compliance with the following design changes must be submitted to Council:
- The projecting blade walls of the new addition must be deleted
 - The windows to the pavilion must be re-designed to be based on the form of those to the existing house – ie. vertically proportioned openings within a brick wall
 - The proposed new triple light window to the side elevation of the existing house must be deleted and replaced with a more traditionally proportioned window
 - The roof over the pool must be re-designed to be a skillion roof
 - The roof for the proposed addition must be changed to slate to match the house, this is instead of the proposed metal standing seam
- (b) Evidence that will sufficiently enable Council to be satisfied as to these matters identified in the above deferred commencement conditions, must be submitted to and approved by Council within 24 months of the date of this deferred commencement consent, failing which this deferred commencement will lapse pursuant to section 4.53 of the Environmental Planning and Assessment Act 1979.
- (c) The consent will not operate until such time that the Council notified the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied; and

- (d) Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the following conditions of consent and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions.

PART B

A General Conditions

(1) Approved Plans/ Documents

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
DA 01	Proposed Demolition Plan	SAGO Design	A	15/6/2018
DA 02	Proposed Demolition Plan	SAGO Design	A	15/6/2018
DA 03	Proposed Demolition Plan	SAGO Design	A	15/6/2018
DA 06	Proposed site Plan	SAGO Design	A	15/6/2018
DA 07	Proposed Roof Plan	SAGO Design	A	15/6/2018
DA 08	Proposed Ground Floor Plan	SAGO Design	A	15/6/2018
DA 09	Proposed Rear Garden Plan	SAGO Design	A	15/6/2018
DA 10	Proposed First Floor Plan	SAGO Design	A	15/6/2018
DA 11	Elevations – East and West	SAGO Design	A	15/6/2018
DA 12	Elevations – North	SAGO Design	A	15/6/2018
DA 13	Elevations – South	SAGO Design	A	15/6/2018
DA 14	Proposed Section A	SAGO Design	A	15/6/2018
LS01	Landscape Master Plan	Melissa Wilson Landscape Architects	C	20/12/2017
LS02	Landscape – Front Garden	Melissa Wilson Landscape Architects	C	20/12/2017
LS03	Landscape – Rear Garden	Melissa Wilson Landscape Architects	C	20/12/2017
H –DA-01	Stormwater Drainage	Itm Design	A	10/4/2018

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) BASIX Certificate

A copy of the required completed BASIX certificate with respect to the proposed residential building works as per the approved drawings in Condition A1 of this consent, 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.

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

(4) 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.

(5) Trees Approved to be Removed

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

Tree/location	Approved works
10. <i>Fraxinus griffithii</i> (Evergreen Alder) Eastern side	Remove
11. <i>Fraxinus griffithii</i> (Evergreen Alder) Eastern side	Remove
12. <i>Yucca elephantipes</i> (Yucca) Rear	Remove
13. <i>Yucca elephantipes</i> (Yucca) Rear	Remove
16. <i>Leptospermum petersonii</i> (Lemon Scented Tea tree) Rear corner	Remove
17. <i>Leptospermum petersonii</i> (Lemon Scented Tea tree) Rear corner	Remove
18. <i>Camellia sasanqua</i> (Camellia) Rear	Remove
22. <i>Tibouchina</i> "Alstonville" (<i>Tibouchina</i>) Rear/side	Remove
23. <i>Michelia figo</i> (Part Wine Magnolia) Rear/side	Remove
25. <i>Olea europaea</i> (African Olive) Rear	Remove

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

(6) Trees to be Retained

The trees identified below are to be retained:

Tree/location
1. <i>Alnus jorullensis</i> (Evergreen Alder) Street tree
2. <i>Alnus jorullensis</i> (Evergreen Alder) Street tree
3. <i>Alnus jorullensis</i> (Evergreen Alder) Street tree
4. <i>Camellia sasanqua</i> (Camellia) Front
5. <i>Nerium oleander</i> (Oleander) Front
6. <i>Phoenix canariensis</i> (Canary Island Date Palm) Front
7. <i>Livistona australis</i> (Cabbage Palm) Front
8. <i>Nerium oleander</i> (Oleander) Front
9. <i>Lagerstroemia indica</i> (Crepe Myrtle) Side/east
15. <i>Jacaranda mimosifolia</i> (Jacaranda) Rear
19. <i>Jacaranda mimosifolia</i> (Jacaranda) Rear/side
20. <i>Livistona australis</i> (Cabbage Palm) Rear/side
21. <i>Plumeria acutifolia</i> (Frangipani) Rear/side
26. <i>Strelitzia nicholii</i> (Giant Bird of Paradise) Front

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

The neighbouring trees identified below are to be protected:

Tree/location
14. <i>Grevillea robusta</i> (Silky Oak) Rear 19 Rogers Avenue
24. <i>Araucaria heterophylla</i> (Norfolk Island Pine) Front 24 Dalhousie.

(7) Replacement Plantings

The following trees must be planted:

A minimum of 4 x 75 litre size native trees, which will attain a minimum mature height of 6 metres, shall be planted in a suitable location within the property at a minimum of 1.5m from any boundary or structure. The trees are to conform to AS2303—*Tree stock for landscape use*.

Details of the species and planting locations must be included on the landscape plan prepared by Melissa Wilson, 20/12/2017, and site plan prior to the issue of a Construction Certificate.

If the 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.

B Design Changes

Nil.

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

(1) 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.

(2) 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.

(3) 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.

(4) Security Deposit

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

Security Deposit (FOOT)	\$8,507.00
Inspection fee (FOOTI)	\$230.65

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

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

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

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

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

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

(5) 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.

(6) 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 Council Comprehensive Development Control Plan 2016 - 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.

(7) Erosion & sedimentation control-management plan

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

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

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

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

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

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

Further information may be obtained from:

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

(8) Long service levy

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

(9) 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.

(10) Section 7.12 Contributions

A Section 7.12 Contribution fee of \$15,241.88 is to be paid in accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979*.

(10) 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

(11) 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.

(12) Updated Landscape Plan

The landscape plan prepared by Melissa Wilson, 20/12/2017, must be updated to include:

- a) Location of four native canopy trees each capable of achieving a mature height of at least six (6) metres.

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.

(13) Paving within Trunk Radius

Paving works within the specified radius of the trunk(s) of the following tree(s) will be of a type and construction to ensure that existing water infiltration and gaseous exchange to the tree(s) root system is maintained.

Schedule	
Tree/location	Radius in metres
Tree 9 <i>Lagstroemia indica</i> (Crepe Myrtle) side	3 metres
Tree 15 <i>Jacaranda mimosifolia</i> (Jacaranda) rear	8 metres
Tree 19 <i>Jacaranda mimosifolia</i> (Jacaranda) rear	6 metres

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.

(14) New 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.

(15) Structures In the Tree Protection Zones

The footings of the proposed garage, carport, dining room with stairway and pool deck will be isolated pier or pier and beam construction within the specified radius of the trunk of the following tree.

Schedule	
Tree/location	Radius in metres
Tree 15 <i>Jacaranda mimosifolia</i> (Jacaranda) rear	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.

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

D Conditions that must be complied with before work commences

(1) 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.

(2) 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.

(3) 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.

(4) Site Controls

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

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

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

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

(5) Tree Preservation Measures 1

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

Tree/Location	
Tree 15 <i>Jacaranda mimosifolia</i> (Jacaranda) rear	8 metres
Tree 19 <i>Jacaranda mimosifolia</i> (Jacaranda) rear	6 metres

To avoid soil compaction the existing driveway is to remain in place until construction works are completed and landscaping works begin.

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.

(6) Tree Protection Measures 2

To preserve the following tree/s, no work shall commence until the area beneath their canopy excluding that area of the proposed building extension 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
Tree 9 <i>Lagerstroemia indica</i> (Crepe Myrtle) side	3 metres
Tree 15 <i>Jacaranda mimosifolia</i> (Jacaranda) rear	6 metres
Tree 19 <i>Jacaranda mimosifolia</i> (Jacaranda) rear	6 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.

(7) Tree Protection Measures 3

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.

(8) Tree Protection Measures 4

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.

(9) Tree Protection Measures 5

To preserve the following tree/s no work shall commence nor shall a Construction Certificate be issued (whichever occurs first) until the trunk/s/ are protected (in accordance with AS4970-*Protection of trees on development sites*) by the placement of 1 – 1.5 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 protection shall be maintained intact until the completion of all works on site.

Tree/Location
Tree 1, T2, T3. <i>Alnus jorullensis</i> (Evergreen Alder) Street trees
Tree 20 <i>Livistona Australia</i> (Cabbage Palm) Rear/side

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

(10) 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.

(11) Boundary identification prior to construction

The boundary shall be identified by survey prior to the pouring of any footings and concrete slabs.

(12) Protection of public places - erection or demolition of building

- If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient or involves the enclosure of a public place; a hoarding or fence must be erected between the work site and the public place.
- If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- Any such hoarding, fence or awning is to be erected prior to works commencing and only with Council approval in accordance with Workcover requirements. The temporary structures are to be removed when the work has been completed.

(13) 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.

(14) Asbestos sheeting removal - EPA/Workcover Authority

Asbestos removal is to be carried prior to principal works commencing in accordance with Environmental Protection Authority and Workcover Authority 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 Work Cover Authority.

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

(15) 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.

(16) 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.

(17) 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.

(18) Slabs/footings - standards

To ensure compliance with the provision of Section B of the *Building Code of Australia*, all reinforced concrete to footings and slabs shall comply with all relevant provisions of AS 2870.1-1996 "Residential Slabs and Footings Construction" or, alternatively structural engineers details of all structural elements shall be submitted to the Principal Certifying Authority with the Construction Certificate.

(19) Structural engineer's details

To ensure compliance with the provision of Section B of the *Building Code of Australia* structural engineer's details of all structural elements shall be submitted to the Principal Certifying Authority prior to commencement of work, including:

- (i) pier and beam footings;
- (ii) reinforced concrete slabs;
- (iii) stairs, including patio steps;
- (iv) retaining walls
- (v) all structural timber including floors, walls and roof; and
- (vi) all structural steel.

(20) 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.

(21) Paint removal – approval required

External paintwork shall not be removed from any building on the site without written approval first having been obtained from the Principal Certifying Authority.

The following details are required:

- * Certification from an independent testing laboratory of the lead content of the paint to be removed;
- * Name and address of the person who will be carrying out the work;
- * Details of the method of removing the paint; and,
- * method of containing and disposing of the paint residue.

Removal of lead based external paintwork shall be strictly in accordance with the requirements of the Environment Protection Authority of NSW.

(22) 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.

(23) Timber Details

Details of timber beam sizes, floor joists layouts and packing details are to be submitted to the Principal Certifying Authority for consideration prior to commencement of work.

(24) Timber – National Timber Framing Code

All timber used in construction shall comply with the *National Timber Framing Code AS 1684 – 1992* details are to be submitted to the Principal Certifying Authority for consideration prior to commencement of work.

E Conditions that must be complied with during construction or demolition

(1) Plans to be available on site

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

(2) 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.

(3) Locate structures within boundaries

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

(4) 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.

(5) Roof water, surface and subsoil drainage

Roofwater, surface and subsoil drainage shall be piped to the street gutter or to an easement – absorption pits are not acceptable and are not approved.

(6) 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.

(7) Waste Management Plan – compliance

- (a) 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.
- (b) 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.

(8) Lead Removal - Renovation and Refurbishment

Any paint containing lead on residential and commercial buildings is to be managed in accordance with the Australian Standard AS 4361.2, Guideline to Lead Paint Management Part 2: Residential and Commercial Buildings without causing any contamination to the environment.

Removal of lead paint and protective coatings, using methods such as abrasive blasting, from larger buildings and industrial infrastructure where higher lead protective coatings continued to be used is to be done in accordance with AS 4361.1 Guide for Lead Paint Management in Industrial Applications 1995.

The following measures must be undertaken when removing lead:

- (a) For outside works lay plastic sheeting under and around the work area to contain debris; close windows and doors. For indoor works, seal the work area off from the rest of the building and outside by covering floors, doors and windows with plastic and tape; remove soft furnishings, curtains, carpets and other household items or cover them with plastic.
- (b) Removal methods that distribute paint dust or flakes into the surrounding environment must not be used unless adequate protection and containment measures are taken such as wet-sanding and wet-scraping. All paint debris including dust and flakes must be collected and safely disposed of in a sealed container. No paint dust or flakes should be allowed to pollute the interior or exterior environment.
- (c) A high- efficiency particulate air (HEPA) vacuum cleaner is to be used to collect particles.
- (d) All workers shall wear an approved (AS1716) respirator fitted with P1 (dust) or P2 (dust & fumes) filters, and coveralls to prevent exposure to lead dust and fumes. Protective clothing (long sleeves and pants) that does not catch dust or flakes in pockets or cuffs (or disposable overalls and plastic boots) are to be worn.
- (e) The manufacturer's instructions are to be strictly adhered to if solvent or caustic chemical strippers are being used.
- (f) Following removal, the entire area is to be wet washed with a detergent, such as liquid soap and rinse with clean water. Where children will reoccupy the premises, consideration should be given to having a clearance test to ensure lead paint and dust has been thoroughly removed.
- (g) All lead-contaminated material is to be disposed of in accordance with the NSW Environment Protection Authorities requirements.

(9) Construction hours

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.

(10) 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*.

(11) Demolition requirements/standards

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

- (a) Australian Standard 2601 and any requirements of the Workcover Authority.
- (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 Work Cover Authority.
- (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.

(12) 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.

(13) 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.

(14) Redundant vehicle crossings – removal and replacement

All redundant vehicular crossings shall be removed and replaced with concrete footpath, sandstone kerb and concrete gutter at no cost to Council at the applicant's expense.

(15) Vehicle access driveways

A vehicular access driveway shall be constructed

- i) for each dwelling;
- ii) with a limit of one driveway per dwelling

and in accordance with Council's standard drawing and specifications. Driveways shall be located a minimum of 1.0m clear of any existing stormwater pits, lintels or poles and 2m clear of any trees within the road reserve.

(16) 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.

(17) 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.

(18) 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.

(19) Balustrade design requirements

Balustrades shall be constructed in accordance with the following requirements:

- (i) The height is not less than 865mm above the nosings of the stair treads or the floor of a ramp.
- (ii) The height is not less than:
 - (a) 1m above the floor of any access path, balcony, landing or the like; or
 - (b) 865mm above the floor of a landing to a stair or ramp where the balustrade is provided along the inside edge of the landing and does not exceed a length of 500mm.
 - (c) Any opening does not permit a 125mm sphere to pass through it and for stairs the space is tested above the nosings.

(20) 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, WVC 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.

(21) 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.

(22) 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.

(23) Mechanical Excavation

No mechanical excavation being undertaken within the specified radius of the trunk(s) of the following tree(s) until root pruning by hand to a depth of 1 metre along the perimeter line of such works is completed:

Schedule	
Tree/location	Radius in metres
Tree 15 <i>Jacaranda mimosifolia</i> (Jacaranda) rear	6 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.

(24) Tree Root Severing

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.

(25) Tree Monitoring and Inspecting

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	Time of Inspection
1.2.3. <i>Alnus jorullensis</i> (Evergreen Alder) Street trees	<ul style="list-style-type: none"> • Directly following installation of protective fencing, • During excavation within the <i>Tree Protection Zone</i>, • At any time fencing is required to be altered, • At project completion to verify that protection measures have been undertaken.
4. <i>Camellia sasanqua</i> (Camellia)	
5. <i>Nerium oleander</i> (Oleander)	
6. <i>Phoenix canariensis</i> (Canary Island Date Palm)	
7. <i>Livistona australis</i> (Cabbage Palm)	
8. <i>Nerium oleander</i> (Oleander)	
9. <i>Lagerstroemia indica</i> (Crepe Myrtle)	
15. <i>Jacaranda mimosifolia</i> (Jacaranda)	
19. <i>Jacaranda mimosifolia</i> (Jacaranda)	
20. <i>Livistona australis</i> (Cabbage Palm)	
21. <i>Plumeria acutifolia</i> (Frangipani)	
26. <i>Strelitzia nicholii</i> (Giant Bird of Paradise)	

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

Project Arborist - for the purpose of this condition a suitably qualified professional shall have as a minimum, Level 5 (Diploma) certification in Arboriculture under the Australian Qualification Framework (AQF).

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.

(26) Canopy/ Root Pruning

Canopy and/or root pruning of the following tree(s) which is necessary to accommodate the approved building works shall be undertaken by, or directly supervised by, the project Arborist – for the purpose

of this condition a suitably qualified professional shall have as a minimum, Level 5 (Diploma) certification in Arboriculture under the Australian Qualification Framework (AQF).

Schedule	
Tree/location	Approved works
15. <i>Jacaranda mimosifolia</i> (Jacaranda) Rear	Prune

The person acting on this consent has approval under Council's Tree Management Controls to; reduction prune Tree 15 to achieve a clearance of the structure. Pruning is limited to those branches that will come into direct contact the built structure and where branch diameter (at its point of attachment) does not exceed 40 mm. All pruning shall be carried out to sections 5, 6 and 7.3.3 of the Australian Standard AS4373—*Pruning of amenity trees*.

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.

(27) Limit To Tree Root Severing

No tree roots of 30mm or greater in diameter located within the specified radius of the trunk(s) of the following, tree(s) shall be severed or injured in the process of any works during the construction period.

Schedule	
Tree/location	Radius in metres
15. <i>Jacaranda mimosifolia</i> (Jacaranda)	6 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.

(28) Hand Excavation

All excavation within the specified radius of the trunk(s) of the following tree(s) being hand dug to a depth of 1 metre under supervision of the project arborist and then by mechanical means as agreed by the Project Arborist:

Schedule	
Tree/location	Radius in metres
15. <i>Jacaranda mimosifolia</i> (Jacaranda)	6 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.

(29) 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.

(30) Trees On Public Property

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**(1) Compliance with submitted ridge height**

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

(2) Approval to use/occupy building

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

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

(3) Street Number

A street number appropriately designed to complement the character of the must be displayed in a position clearly visible from the street, in numbers having a height of not less than 75 mm. The number must be in place before the premises can be occupied.

(4) Public Domain works

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

(5) Stormwater Systems (OSD)**(a). Work-As-Executed Plans**

A "Work-as-Executed" plan prepared and signed by a registered surveyor is to be submitted to Council's Engineering Department at the completion of the works showing the location of the detention basin with finished surface levels, contours at 0.2 metre intervals and volume of storage available. Also the outlet pipe from the detention basin to its connection to Council's drainage system, is to be shown together with the following information:

- location
- pipe diameter
- gradient
- pipe material i.e. PVC or EW etc
- orifice size
- trash screen at orifice
- all buildings (including floor levels) and finished ground and pavement surface levels

(b) Engineer's Certificate

A qualified practising Civil Engineer shall certify on the completion of drainage works in respect of:

- the soundness of the storage structure;
- the capacity of the detention storage;
- the emergency overflow system being in place;
- the works being constructed in accordance with the Council approved plans; and
- the freeboard from maximum water surface level to the finished floor and garage levels are at or above the minimum required in Council's Stormwater Code.
- basement car park pumps are class one zone two.

(c) Restriction-As-To-User

A "Restriction-as-to-User" is to be placed on the title of the subject property to indicate the location and dimensions of the detention area. This is to ensure that works, which

could affect the function of the stormwater detention system, shall not be carried out without the prior consent in writing of the Council.

Such restrictions shall not be released, varied or modified without the consent of the Council.

(6) House Number

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

(7) Positive Covenant (OSD)

A Positive Covenant under Section 88E of the Conveyancing Act shall be created on the title of the property detailing the

- (a) surface flow path
- (b) finished pavement and ground levels
- (c) prevent the erection of any structures or fencing
- (d) on-site stormwater detention system

The wording in the Instrument shall be submitted to and approved by Council prior to lodgement at the Land Titles Office and prior to the release of the Occupation Certificate. The Instrument shall be registered prior to the completion of development.

(8) Landscape Works

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

H Conditions that are ongoing requirements of development consents

(1) 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.

(2) Replacement Trees

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

I Advisory Notes

(1) 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.
- Australia Post has requirements for the positioning and dimensions of mail boxes in new commercial and residential developments. A brochure is available from your nearest Australia Post Office.

- Energy Australia/AGL Electricity/AGL Retail Energy or other alternative service/energy providers have requirements for the provision of connections.
- Energy Australia has a requirement for the approval of any encroachments including awnings, signs, etc over a public roadway or footway. The Engineer Mains Overhead Eastern Area should be contacted on 9663 9408 to ascertain what action, if any, is necessary.
- Telstra has requirements concerning access to services that it provides.

(2) Modifications to your consent - prior approval required

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

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

(3) Occupational health and safety

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

(4) 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 Inner West Council area 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 Customer Service Centre - telephone 9392 5000, for details of the Tree Preservation Order.

(5) Relocation of stormwater drainage

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

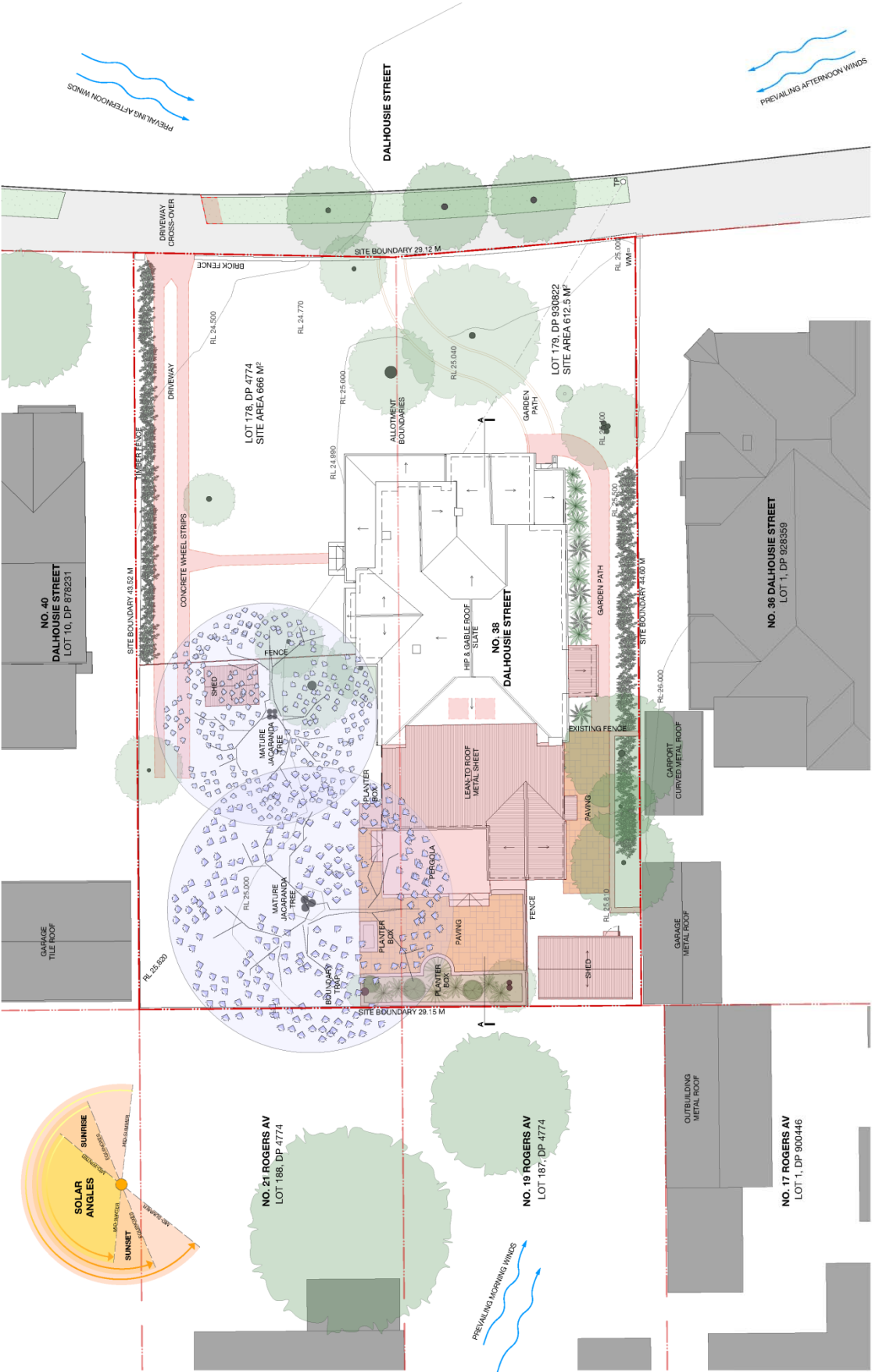
Attachment B - Plans of proposed development

DEVELOPMENT APPLICATION ARCHITECTURAL DRAWINGS

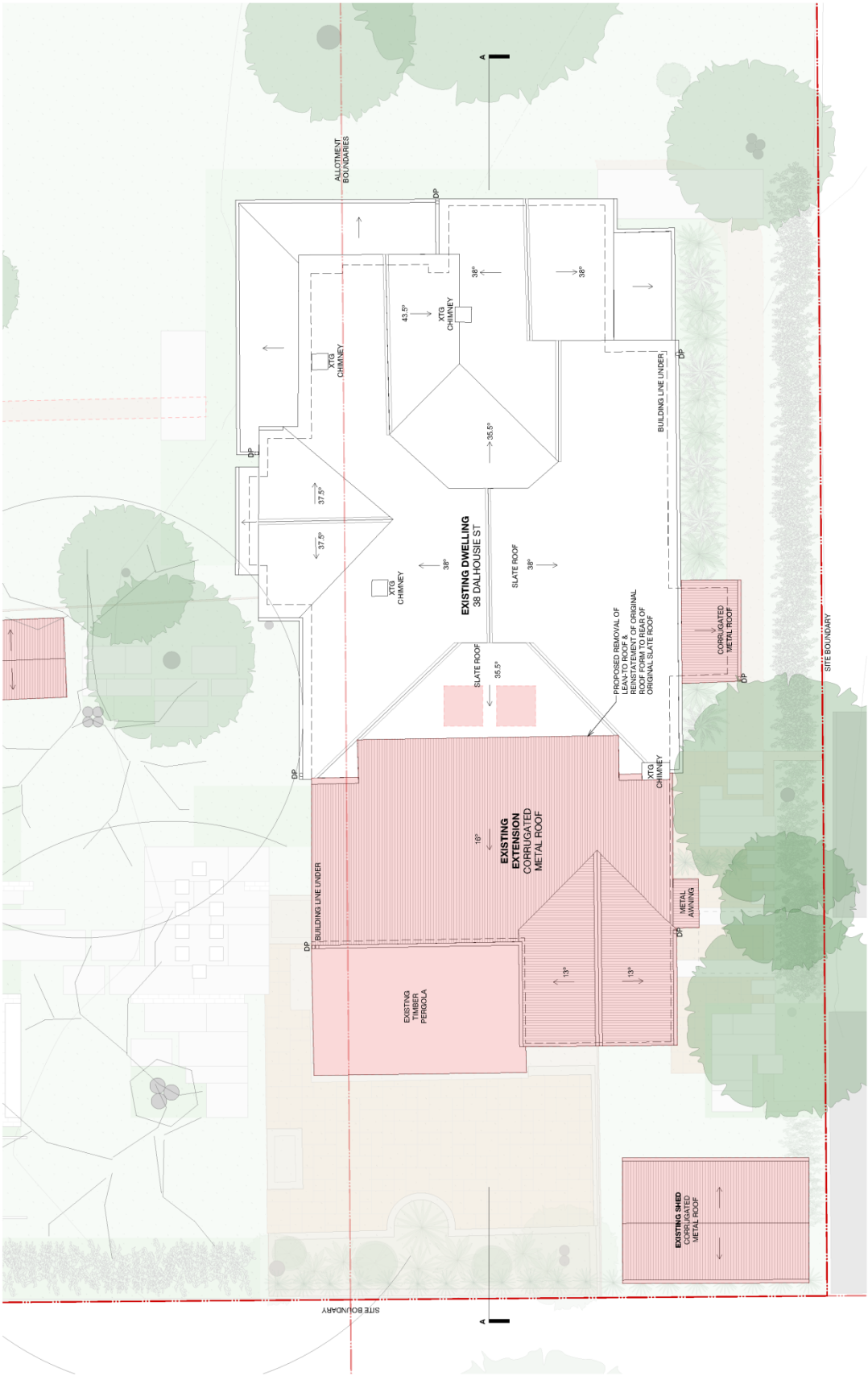
ALTERATIONS & ADDITIONS TO

338 DALHOUSIE STREET, HABERFIELD, NSW

DRAWING REGISTER			SCALES		BASIS REQUIREMENTS A301733 02			PHOTO OF EXISTING DWELLING NORTH EAST VANTAGE POINT		
DA 00	COVER PAGE	NTS	DA 01	EXISTING SITE ANALYSIS & PROPOSED DEMOLITION PLAN	1:200 @ A3	<div><div>RAINWATER TANK</div><ul style="list-style-type: none">• INSTALL RAINWATER TANK OF AT LEAST 1388L ON SITE.• THE RAINWATER TANK MUST COLLECT RAINWATER RUNOFF FROM AT LEAST 138M2 OF ROOF AREA• RAINWATER TANK TAP TO BE LOCATED WITHIN 10M OF THE EDGE OF THE POOL.<div>OUTDOOR SWIMMING POOL</div><ul style="list-style-type: none">• POOL MUST BE OUTDOORS• POOL MUST HAVE A CAPACITY GREATER THAN 53 KILOMETRES• POOL MUST HAVE A POOL COVER• POOL MUST BE SHADED• POOL PUMP TIMER FOR SWIMMING POOL MUST BE INSTALLED• INSTALL ELECTRIC HEAT PUMP SYSTEM.<div>FIXTURES & SYSTEMS</div><ul style="list-style-type: none">• HOT WATER: NEW GAS INSTANTANEOUS HOT WATER SYSTEM• LIGHTING: ALL NEW LIGHTS TO BE 40% LED OR COMPACT FLOURESCENT• FIXTURES:<ul style="list-style-type: none">- NEW TOILETS TO HAVE A FLOW RATE OF NO GREATER THAN 9L/MIN OR 3 STAR RATING- NEW TOILETS TO HAVE A FLOW RATE NO GREATER THAN 4L/FLUSH OR 3 STAR RATING.- NEW TAPS TO HAVE A FLOW RATE NO GREATER THAN 9L/MIN OR MIN 3 STAR RATING.<div>INSULATION REQUIREMENTS (MINIMUM SPECIFICATION ONLY)</div><ul style="list-style-type: none">• SUSPENDED FLOOR WITH ENCLOSED SUBFLOOR: CONCRETE AND IN-FLOOR HEATING SYSTEM: R0 70 (DOWN) UNDER + SLAB EDGE (OR R1.3 INCL. CONST.)• FLOOR ABOVE EXISTING DWELLING OR BUILDING: NIL.• EXTERNAL WALL: CAVITY BRICK: NIL• EXTERNAL FRAMED WALLS WITH WEATHERBOARD CLADDING: R1.30 (OR R1.70 INC CONST.)• RAKED CEILING, PITCHED ROOF: FRAMED: CEILING: R2.24 (UP), ROOF: FOIL BACKED BLANKET (55 MM), COLOUR DARK (SOLAR ABSORPTANCE 0.70)<div>WINDOW & DOOR GLAZING REQUIREMENTS MINIMUM SPECIFICATION ONLY)</div><ul style="list-style-type: none">• W01: STANDARD ALUMINIUM, SINGLE CLEAR, (OR U-VALUE: 7.63, SHGC: 0.75), 900MM EAVE• W02: STANDARD ALUMINIUM, SINGLE CLEAR, (OR U-VALUE: 7.63, SHGC: 0.75), 900MM EAVE• W03: STANDARD ALUMINIUM, SINGLE PYROLYTIC LOW-E, (OR U-VALUE: 5.7, SHGC: 0.47), 450MM EAVE• W04: STANDARD ALUMINIUM, SINGLE PYROLYTIC LOW-E, (OR U-VALUE: 5.7, SHGC: 0.47), 450MM EAVE• W05: STANDARD ALUMINIUM, SINGLE CLEAR, (OR U-VALUE: 7.63, SHGC: 0.75), FIXED EXTERNAL SCREEN• W06: TIMBER, SINGLE CLEAR, (OR U-VALUE: 5.7, SHGC: 0.66), 450MM EAVE• W07: TIMBER, SINGLE CLEAR, (OR U-VALUE: 5.7, SHGC: 0.66), 450MM EAVE• W08: STANDARD ALUMINIUM, SINGLE CLEAR, (OR U-VALUE: 7.63, SHGC: 0.75), 450MM EAVE• W09: STANDARD ALUMINIUM, SINGLE CLEAR, (OR U-VALUE: 7.63, SHGC: 0.75), 450MM EAVE• W10: STANDARD ALUMINIUM, SINGLE CLEAR, (OR U-VALUE: 7.63, SHGC: 0.75), 450MM EAVE• SK01: ALUMINIUM, MOULDED PLASTIC SINGLE CLEAR, (OR U-VALUE: 6.21, SHGC: 0.808) EXTERNAL BLIND• SK02: ALUMINIUM, MOULDED PLASTIC SINGLE CLEAR, (OR U-VALUE: 6.21, SHGC: 0.808) EXTERNAL BLIND</div>				
DA 01	EXISTING ROOF PLAN & PROPOSED DEMOLITION PLAN	1:100 @ A3	DA 02	EXISTING GROUND FLOOR PLAN & PROPOSED DEMOLITION PLAN	1:100 @ A3					
DA 03	EXISTING ELEVATION & PROPOSED DEMOLITION EAST & WEST	1:100 @ A3	DA 04	EXISTING ELEVATION & PROPOSED DEMOLITION NORTH & SOUTH	1:100 @ A3					
DA 05	PROPOSED SITE PLAN	1:200 @ A3	DA 06	PROPOSED ROOF PLAN	1:100 @ A3					
DA 08	PROPOSED GROUND FLOOR PLAN	1:100 @ A3	DA 09	PROPOSED REAR GARDEN PLAN	1:100 @ A3					
DA 10	PROPOSED FIRST FLOOR PLAN	1:100 @ A3	DA 11	PROPOSED ELEVATIONS: EAST & WEST	1:100 @ A3					
DA 12	PROPOSED ELEVATIONS: NORTH	1:100 @ A3	DA 13	PROPOSED ELEVATIONS: SOUTH	1:100 @ A3					
DA 14	PROPOSED SECTION A	1:100 @ A3	DA 15	PROPOSED PERSPECTIVES	NTS					
DA 16	PROPOSED PERSPECTIVES	NTS	DA 17	EXISTING & PROPOSED SHADOW STUDIES 9AM MID WINTER	NTS					
DA 18	EXISTING & PROPOSED SHADOW STUDIES 12PM MID WINTER	NTS	DA 19	EXISTING & PROPOSED SHADOW STUDIES 3PM MID WINTER	NTS					
DA 20	PROPOSED MATERIALS & FINISHES	NTS	DA 21	PLANNING CALCULATIONS	1:300 @ A3					




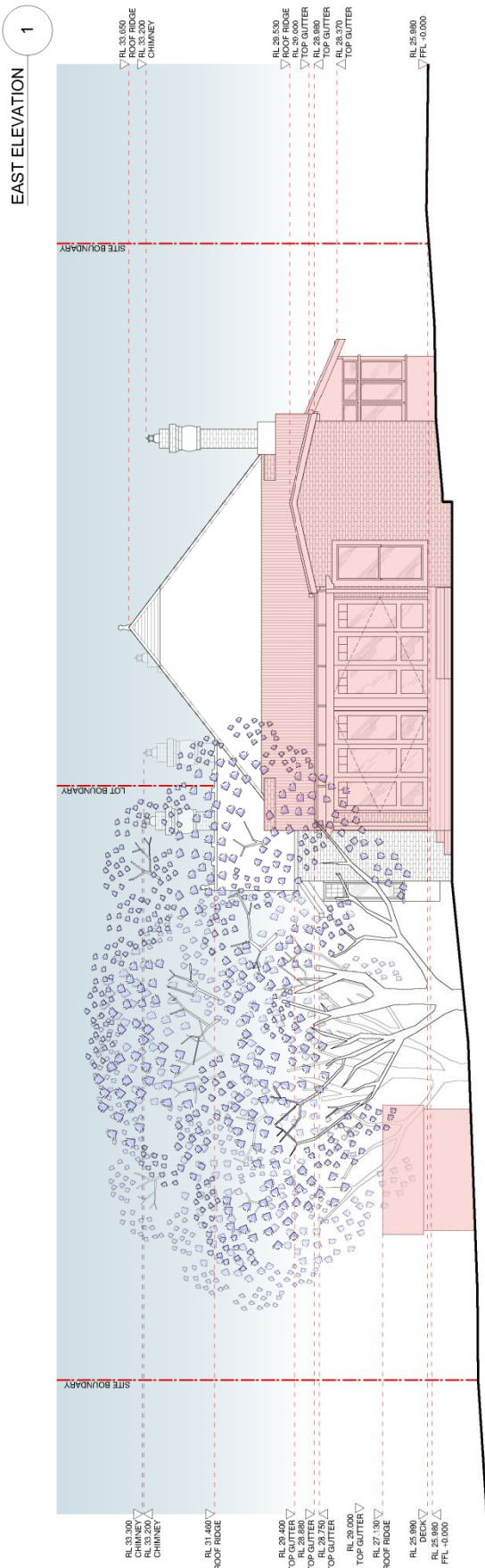
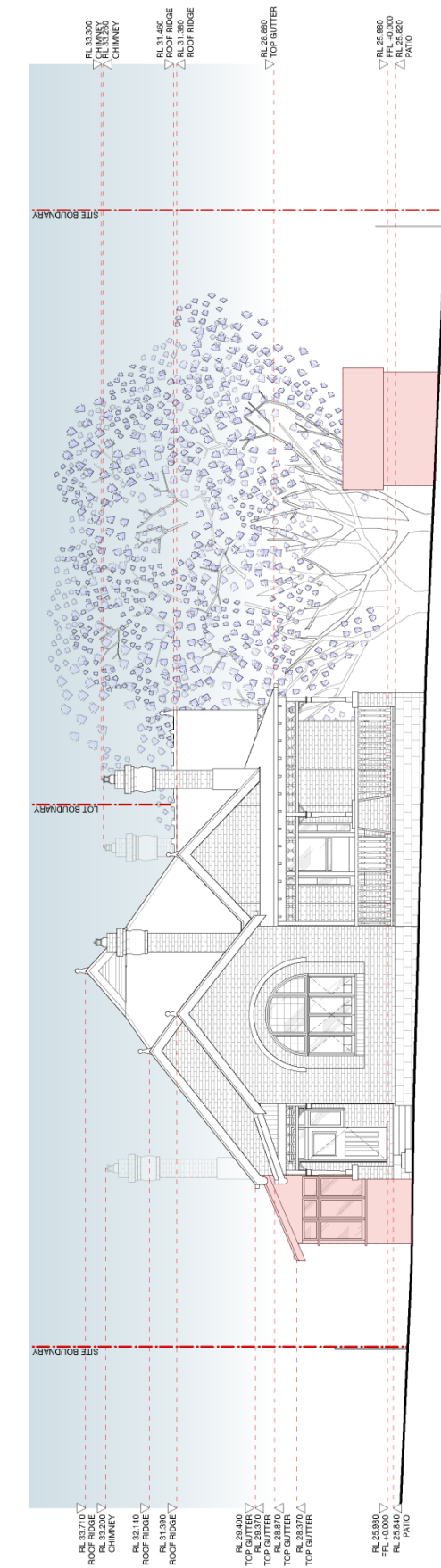
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	PROJECT				PROJECT
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	36 DALHOUSE STREET, HAREFIELD, NSW				36 DALHOUSE STREET, HAREFIELD, NSW
	REVISION		DATE	REVISION	1200
	15/06/18		A		1333



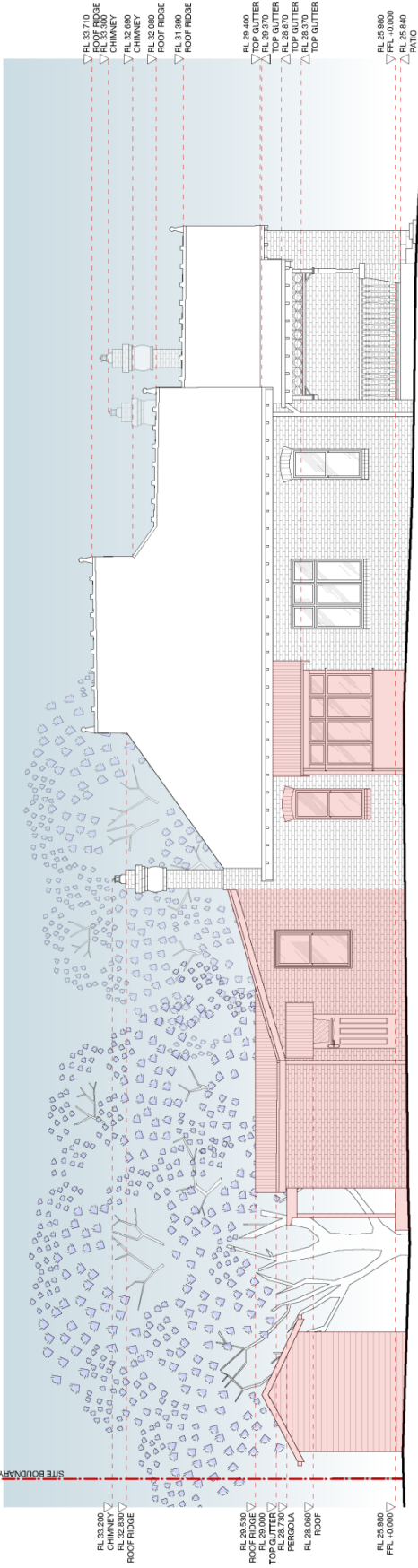
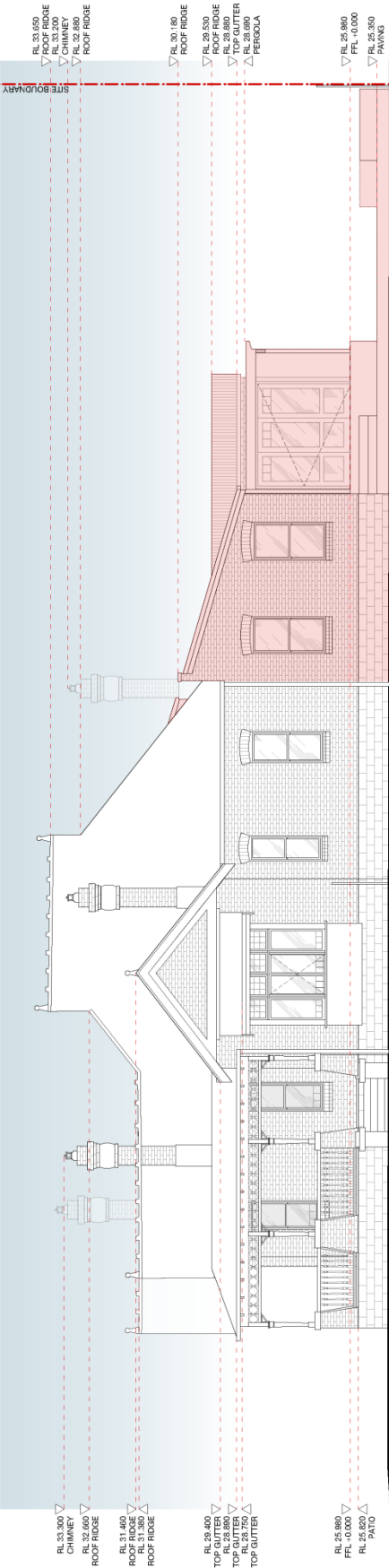
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		DATE	ISSUE	REVISION	EXISTING ROOF PLAN & PROPOSED DEMOLITION PLAN		
		15/06/18	DEVELOPMENT APPLICATION	A	PROJECT		
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						SITE	
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						1:333	
						1:100	
						DA	
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						A	



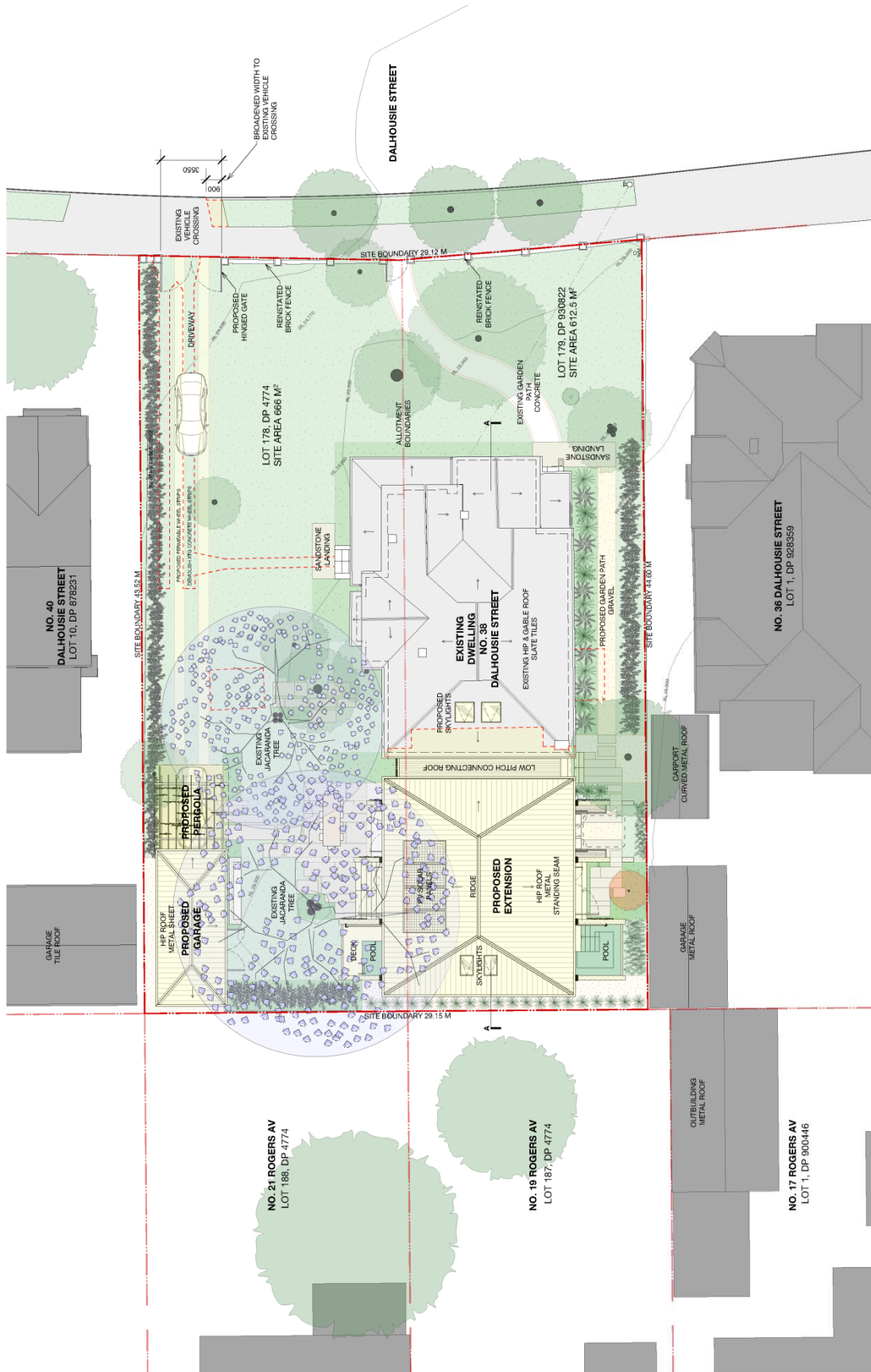
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	15/06/19					DATE
	A					REVISION
DEVELOPMENT APPLICATION		ISSUE				




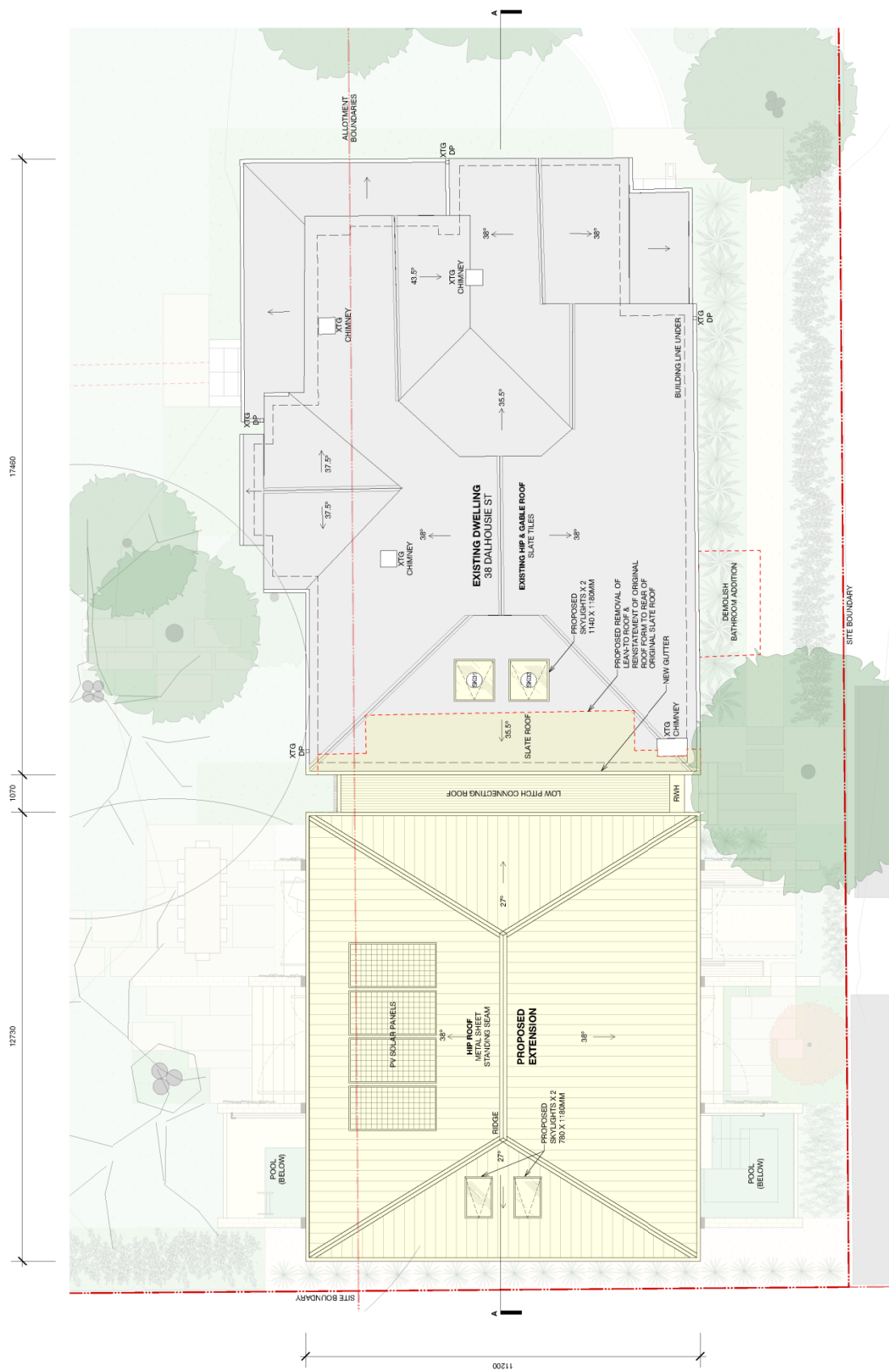
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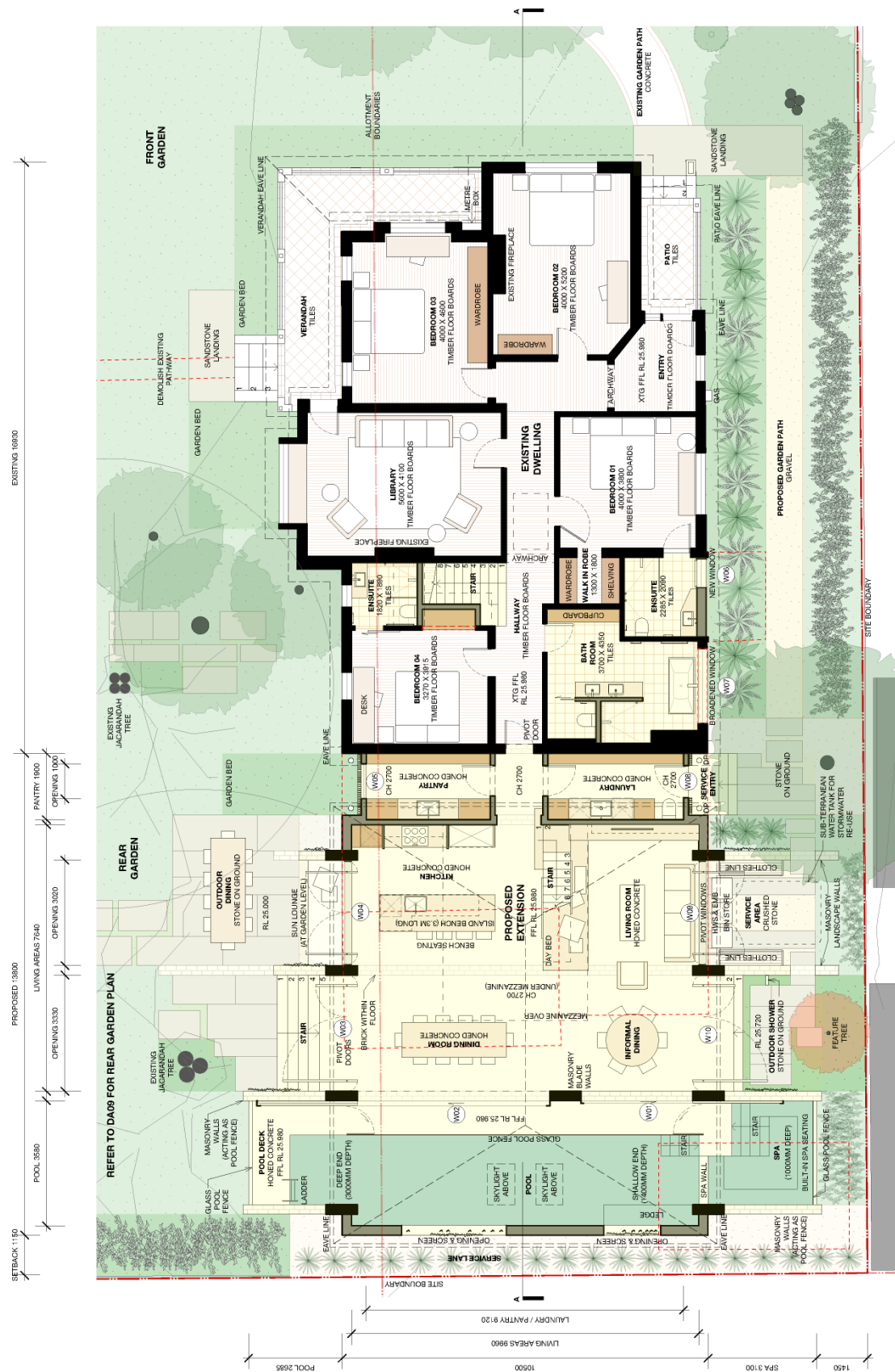
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						05
						A
						05



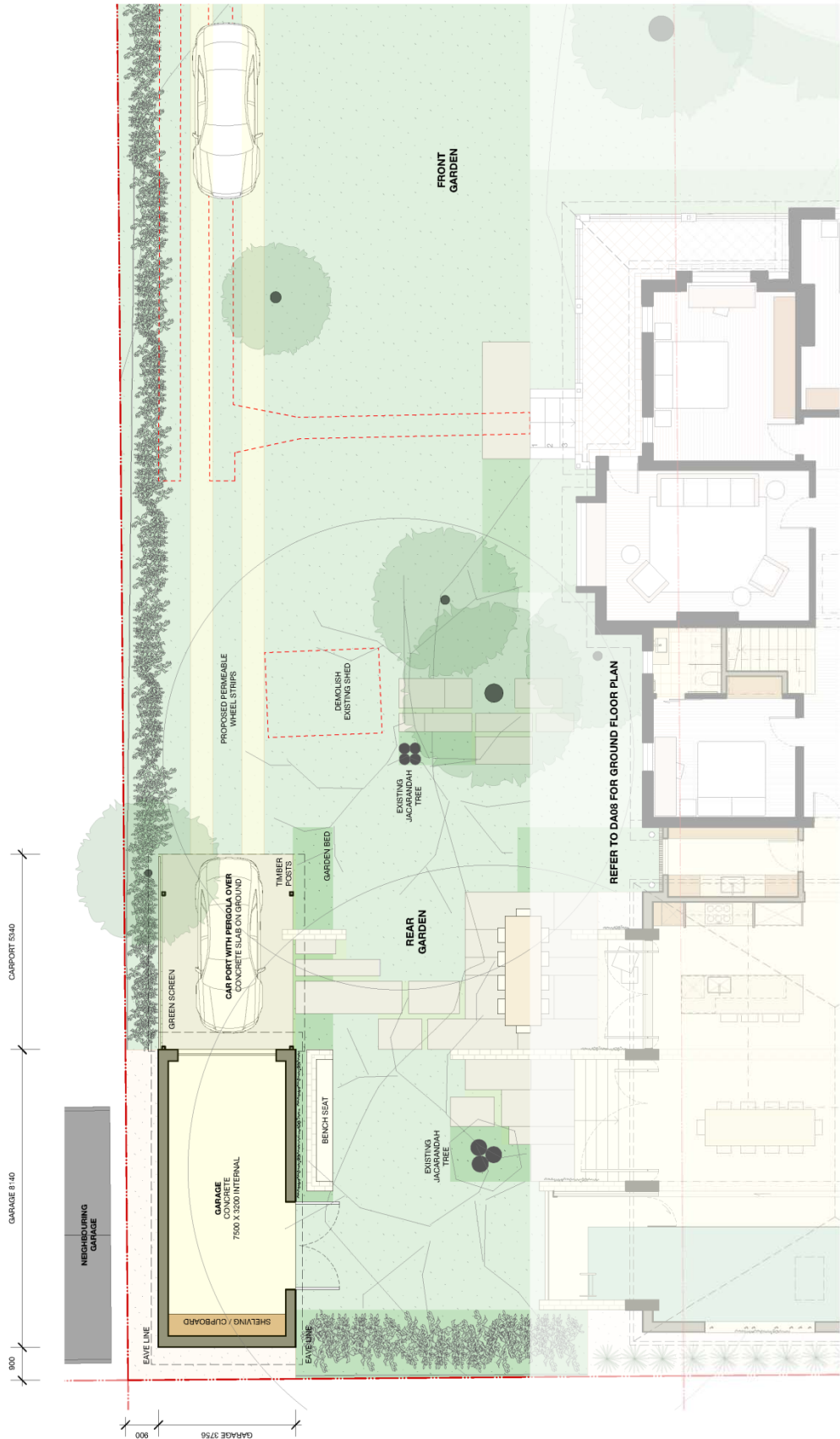
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		ISSUE		DATE		REVISION	
		DEVELOPMENT APPLICATION		15/06/18		A	




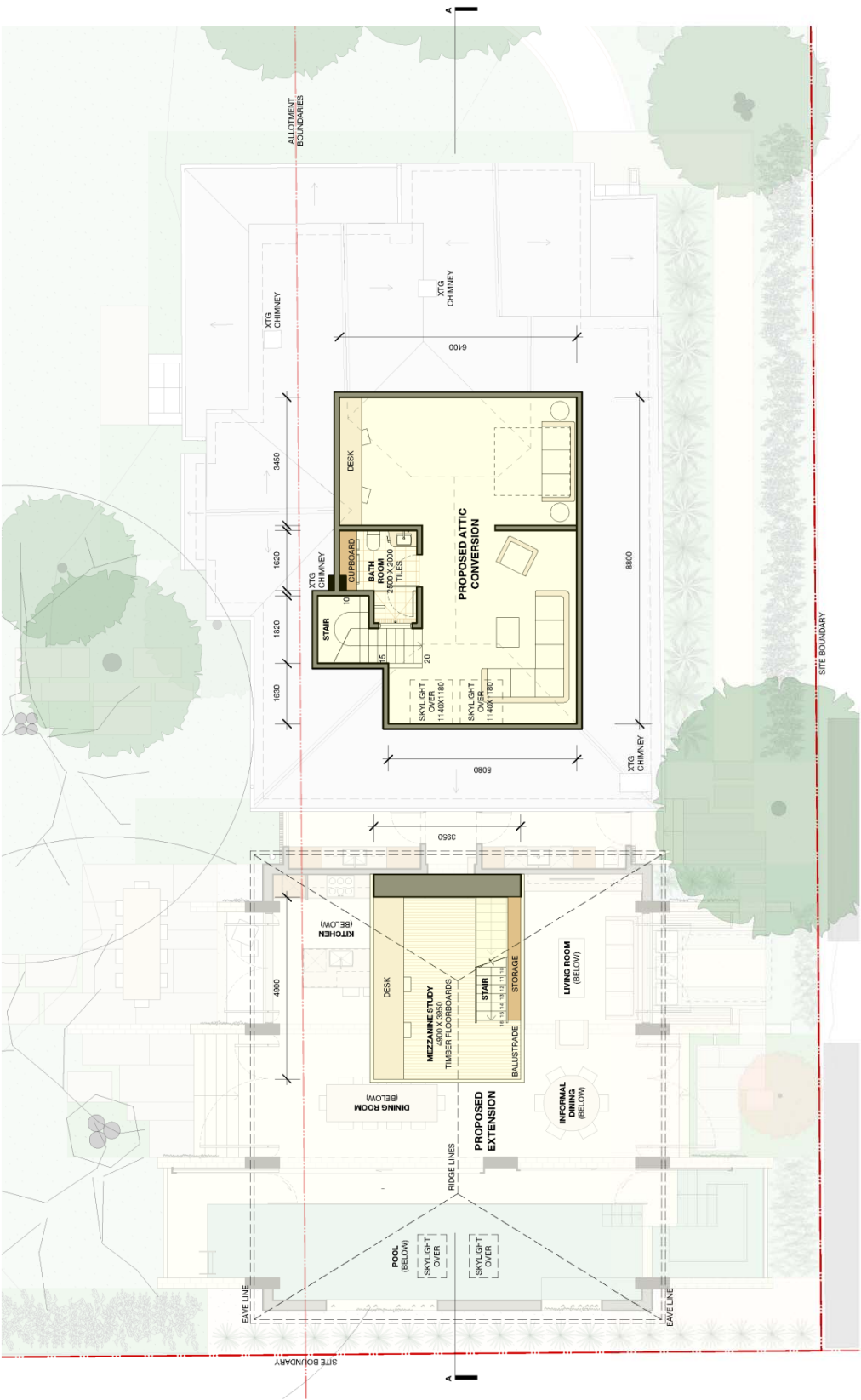
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REVISION		DATE	ISSUE	REVISION	
A		15/06/18	DEVELOPMENT APPLICATION	A	



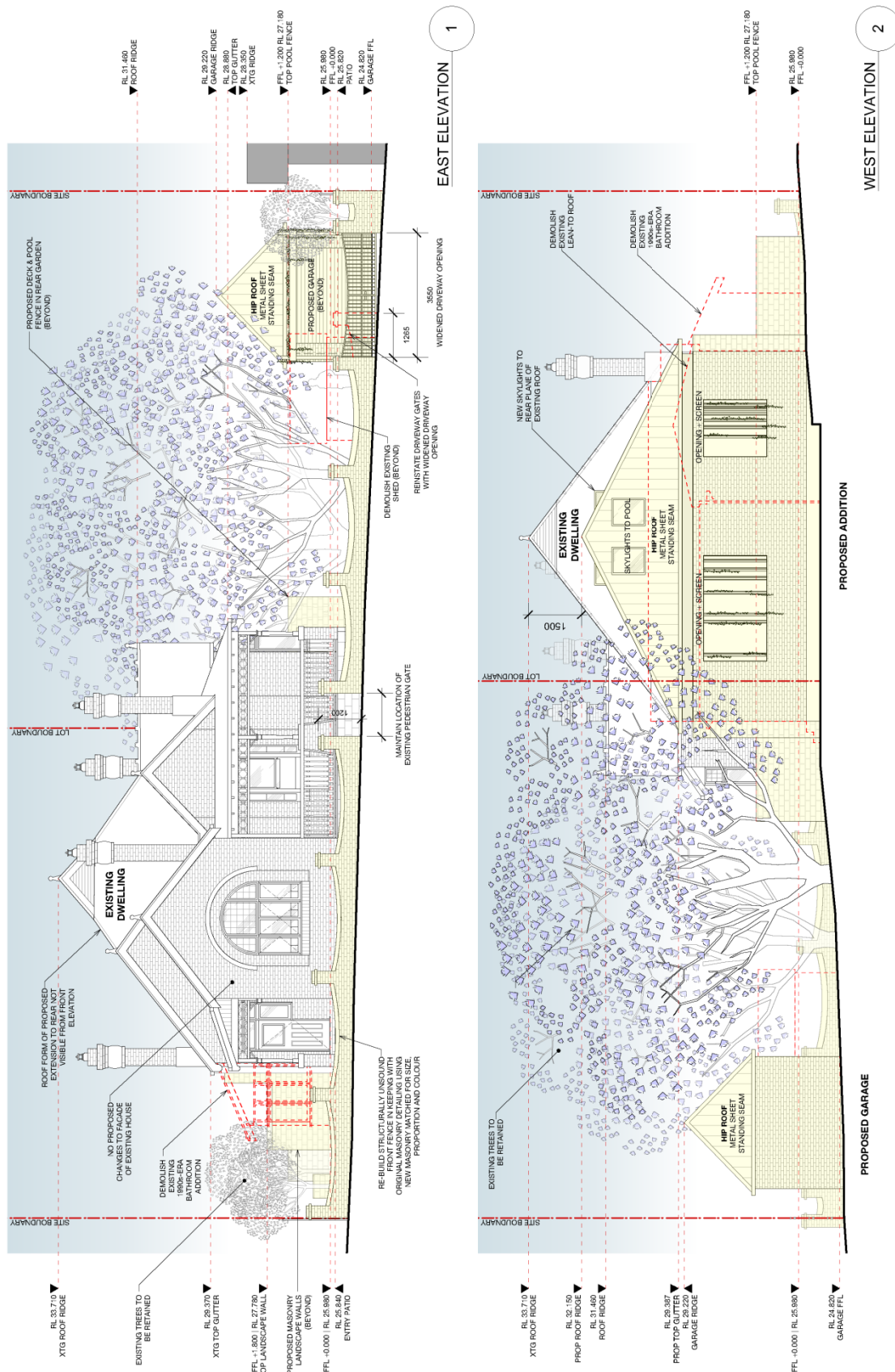
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					PROJECT SITE
					38 DALHOUSIE STREET, HAWERFIELD, NSW
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					DA 08



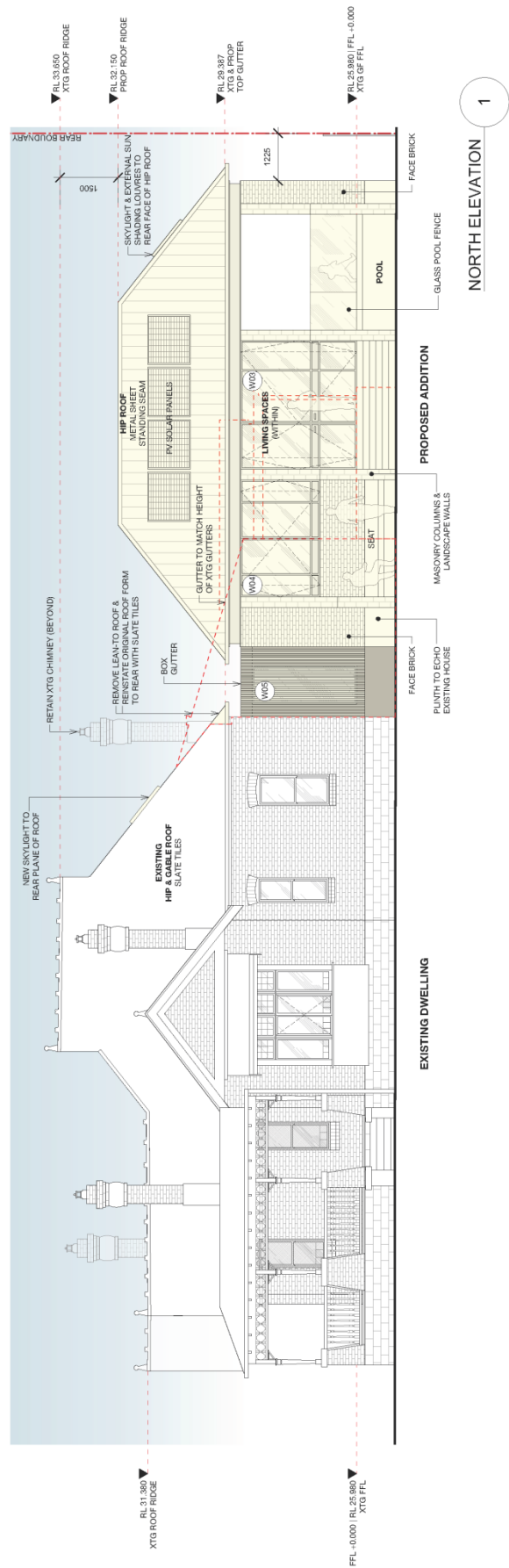
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		TITLE				
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					15/06/18	A
				PROJECT		
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				SITE		
				1533		
				SCALE @ A3		
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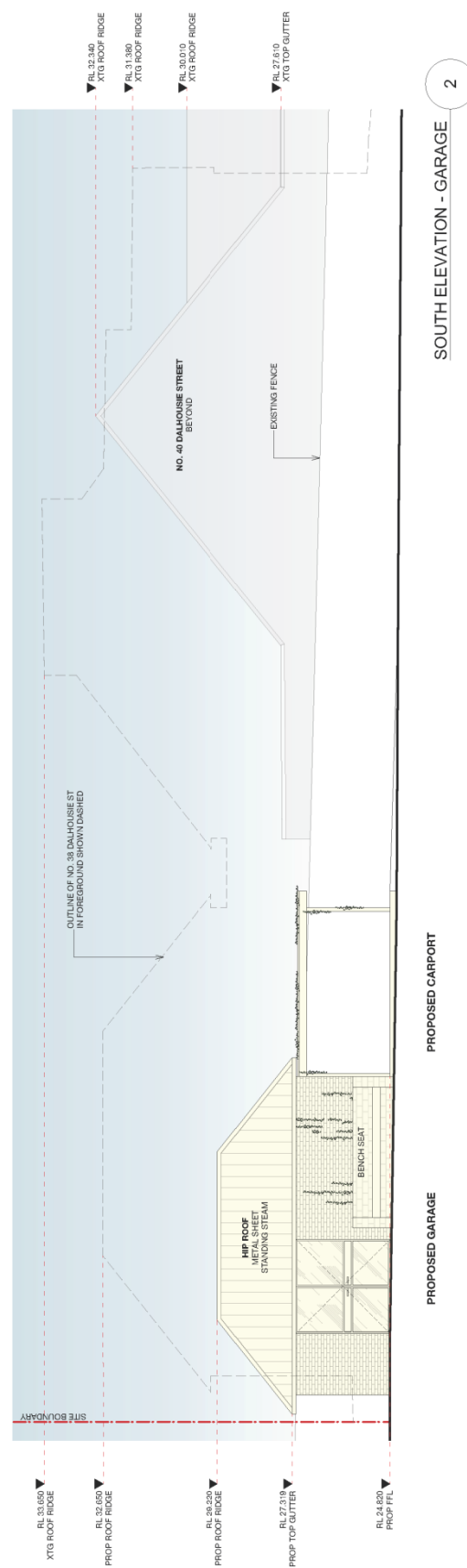
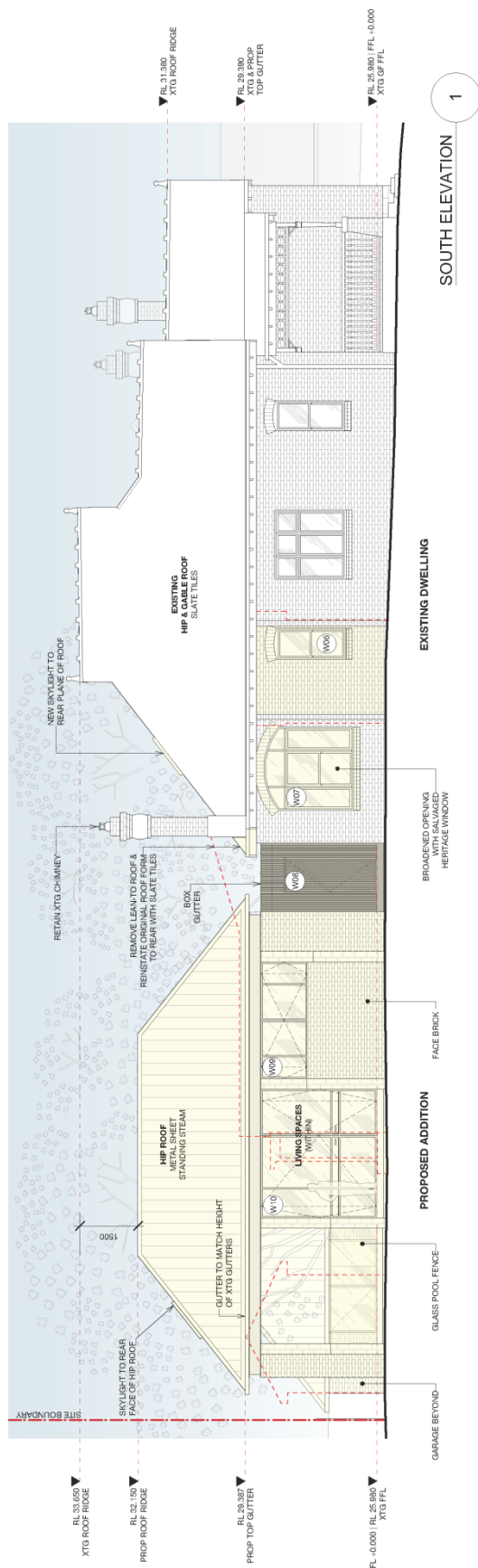
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	APPLICATION						PROJECT																
	15/09/18						SCALE @ A3																
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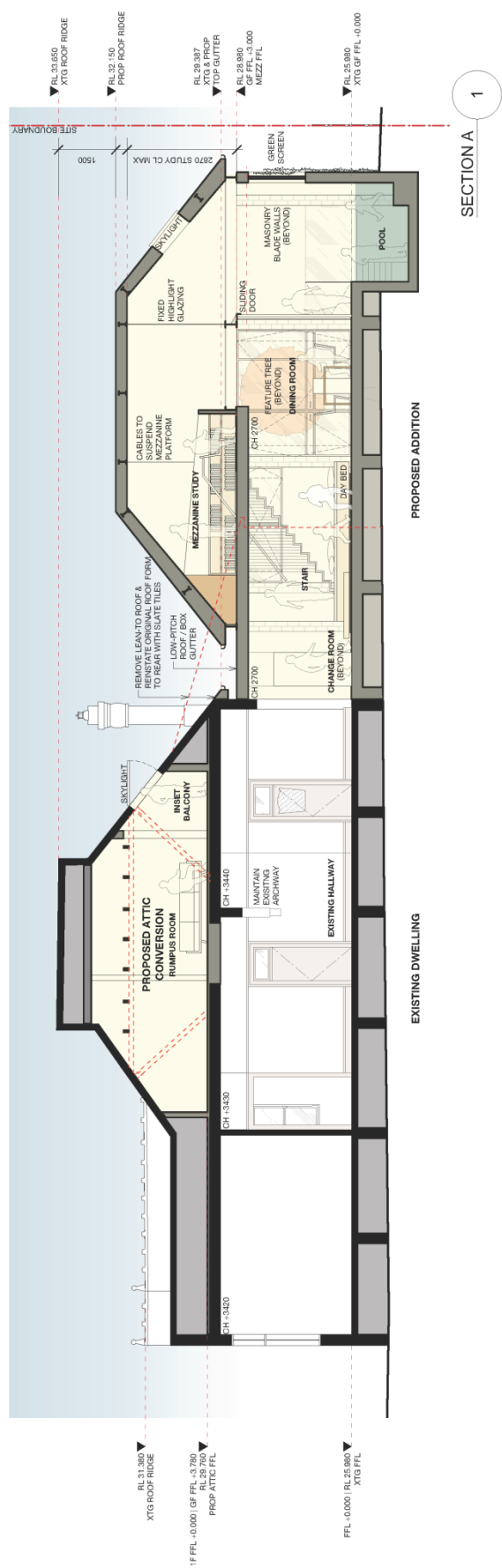


				TITLE PROPOSED ELEVATIONS - EAST & WEST		DA 11 A
				REVISION A		
				ISSUE DEVELOPMENT APPLICATION	DATE 15/06/16	
			SITE 38 DALHOUSIE STREET, HAREFIELD, NSW		PROJECT SCALE @ A3 1:500	



SAGO DESIGN				ISSUE	DATE	REVISION	TITLE	
				DEVELOPMENT APPLICATION			A	PROPOSED ELEVATIONS - NORTH
				38 DALHOUSIE STREET, HAREFIELD, NSW				
				SCALE @ A3				
				1:100				
				A				

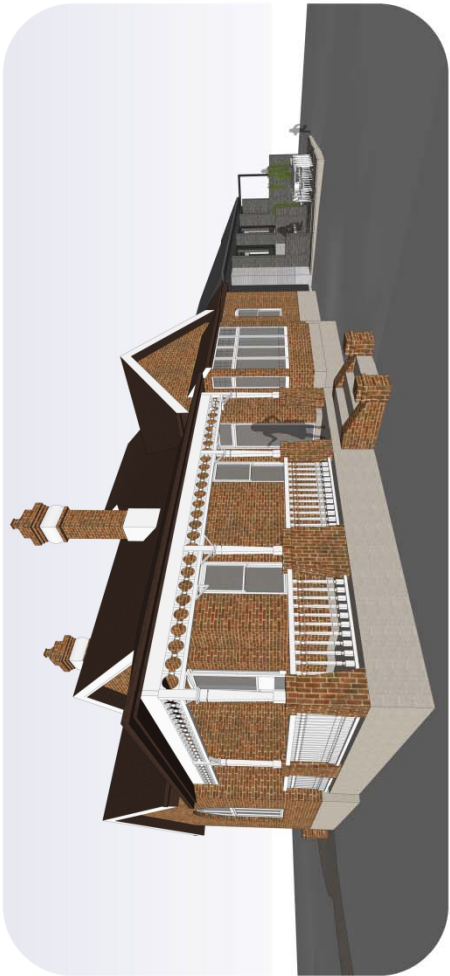




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	PROPOSED SECTION A				A	
	PROJECT				SCALE @ A3	
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1:100						
REVISION				A		
DATE				15/06/18		
ISSUE						
DEVELOPMENT APPLICATION						



NORTH-WEST VANTAGE - STREETSCAPE ELEVATION

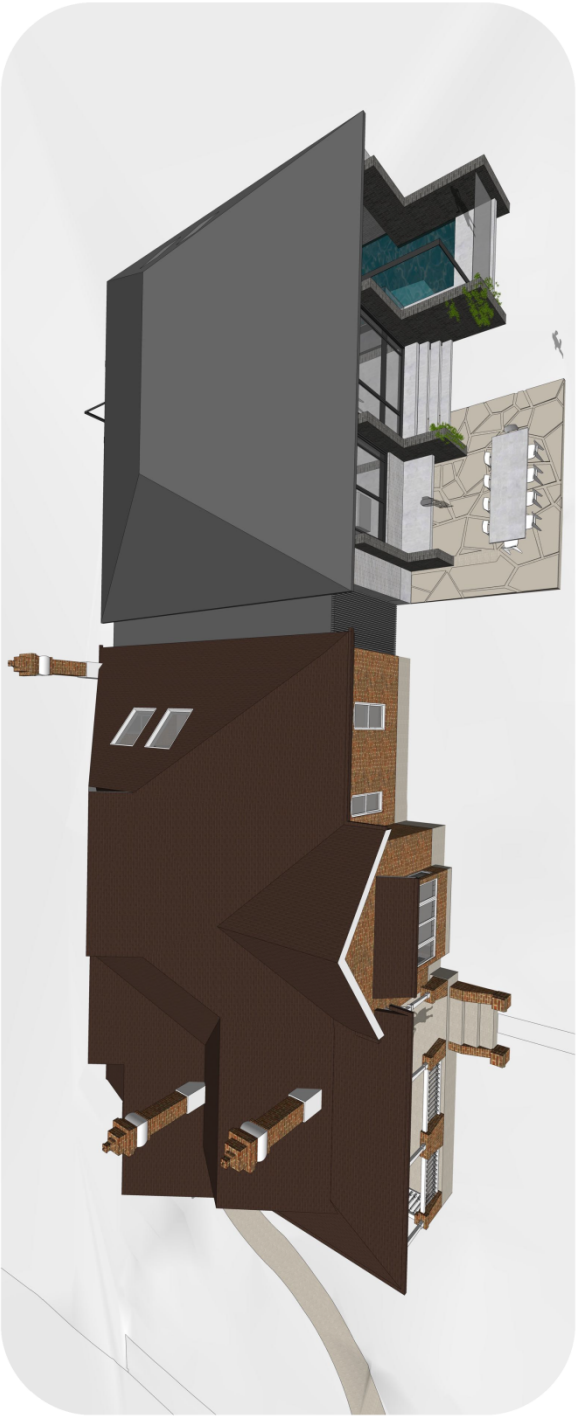


WEST VANTAGE

SAGO DESIGN					DA 15		
					A		
			PROPOSED PERSPECTIVES		TITLE		
			PROJECT 1530		SCALE @ A3 NTS		
						SITE	
						30 DALHOUSIE STREET, HABERFIELD, NSW	
		REVISION					
		DATE 15/09/18		A			
		ISSUE					
		DEVELOPMENT APPLICATION					



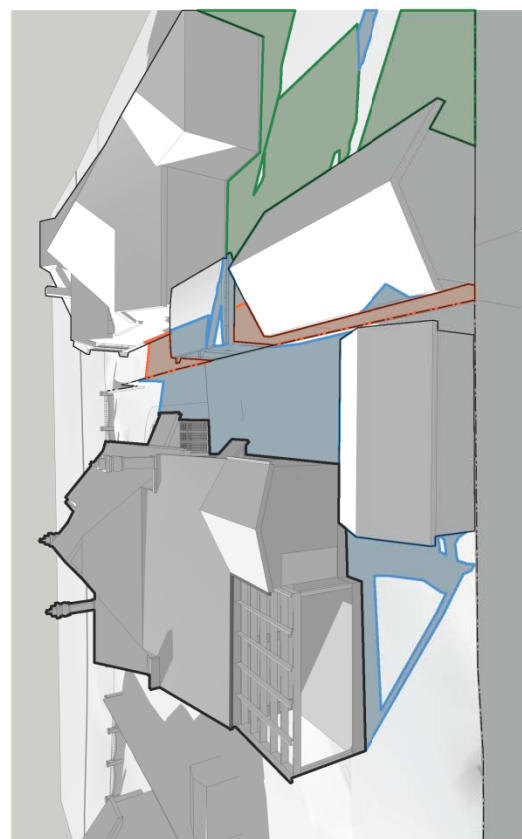
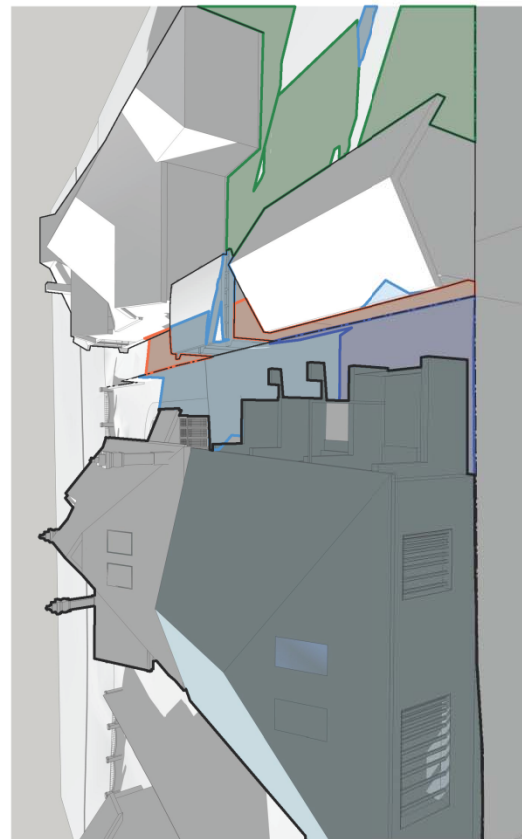
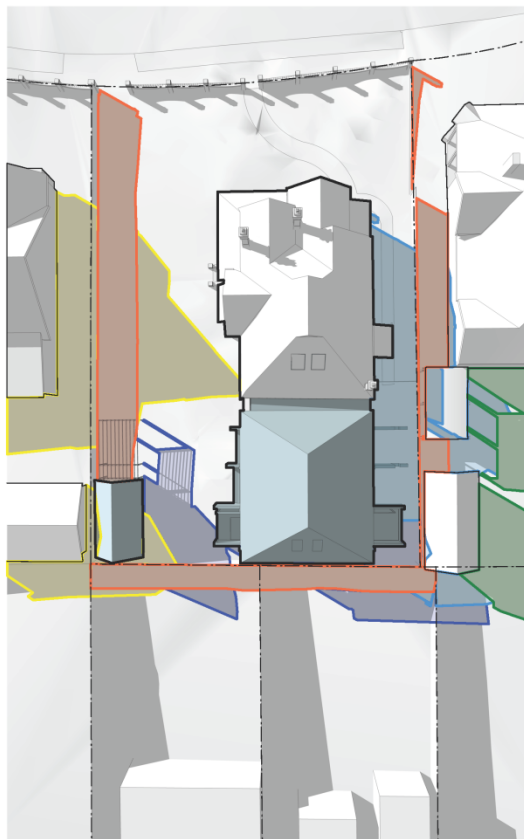
SOUTH VANTAGE









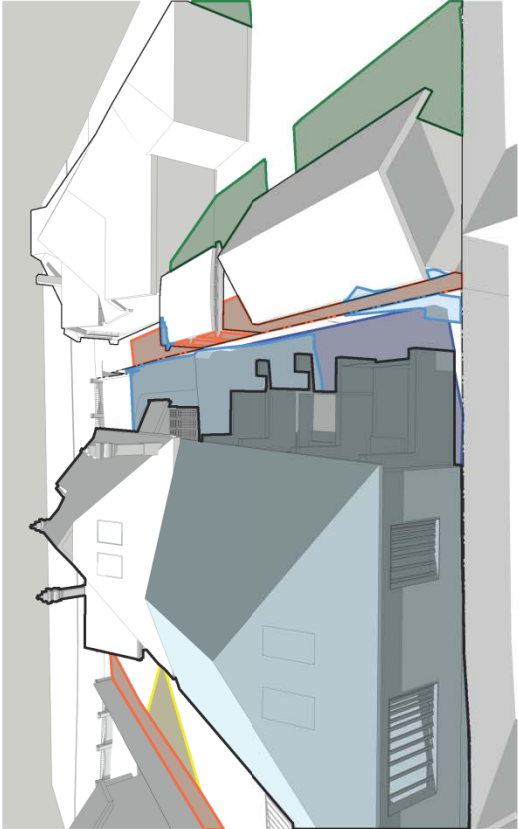
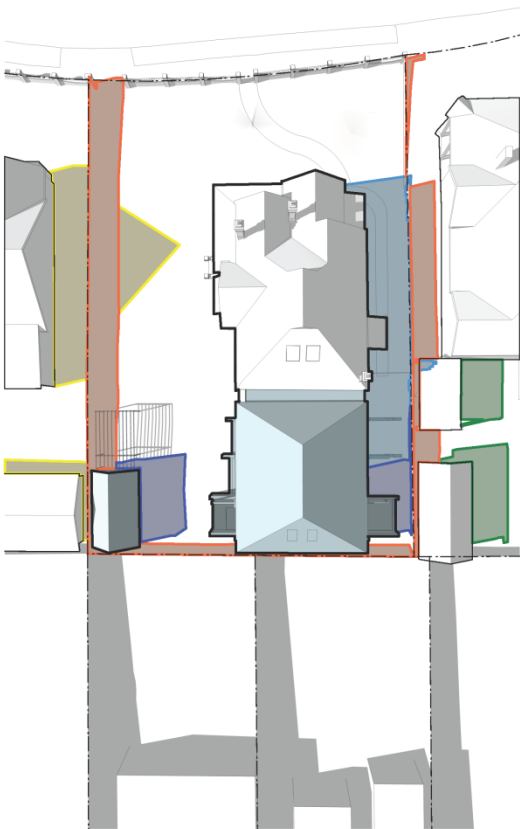
BIRDS EYE VIEW

SAGO
DESIGN

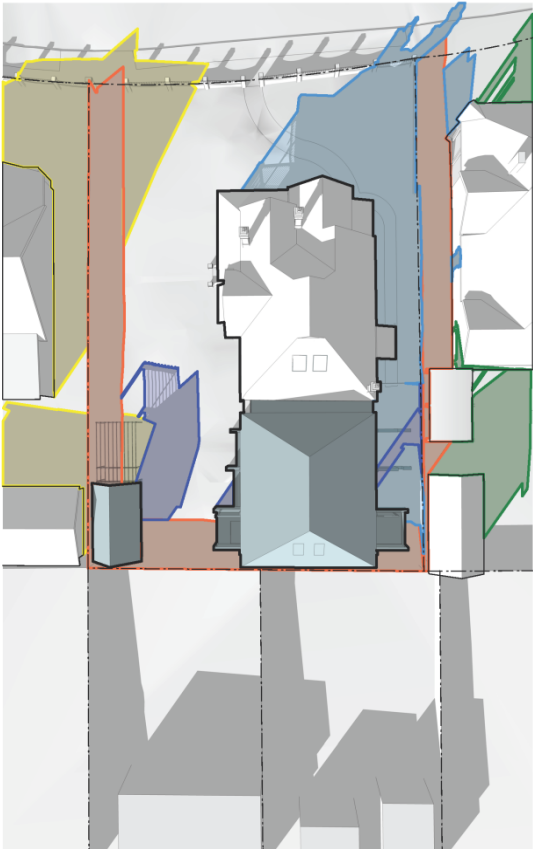
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				SITE		PROJECT	
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				36 DALHOUSIE STREET, HABERFIELD, NSW		1533	
				DEVELOPMENT APPLICATION		DATE	
						15/06/18	
						REVISION	
						A	



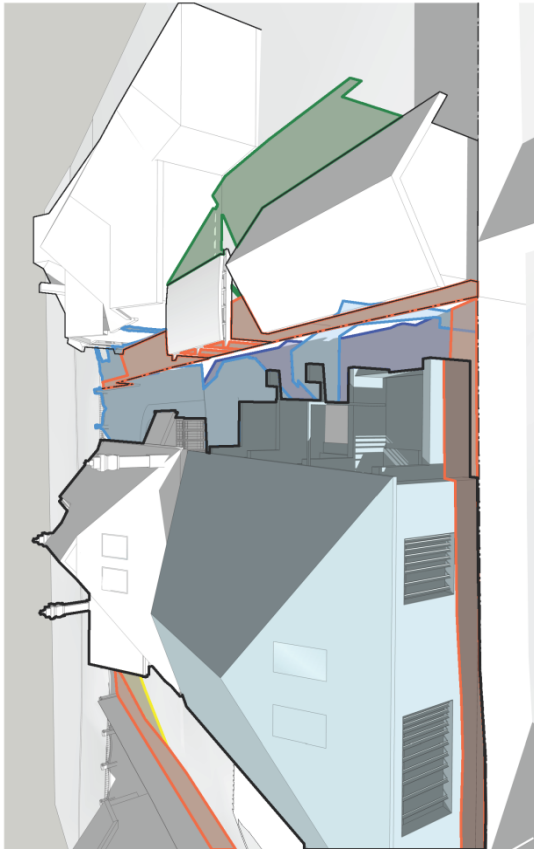
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EXISTING FENCES			PROPOSED SHADOWS		ISSUE				PROJECT SCALE 1:300
								SITE SCALE 1:300	
								38 DALHOUSIE STREET, HARBESFIELD NSW	
								DA 17	



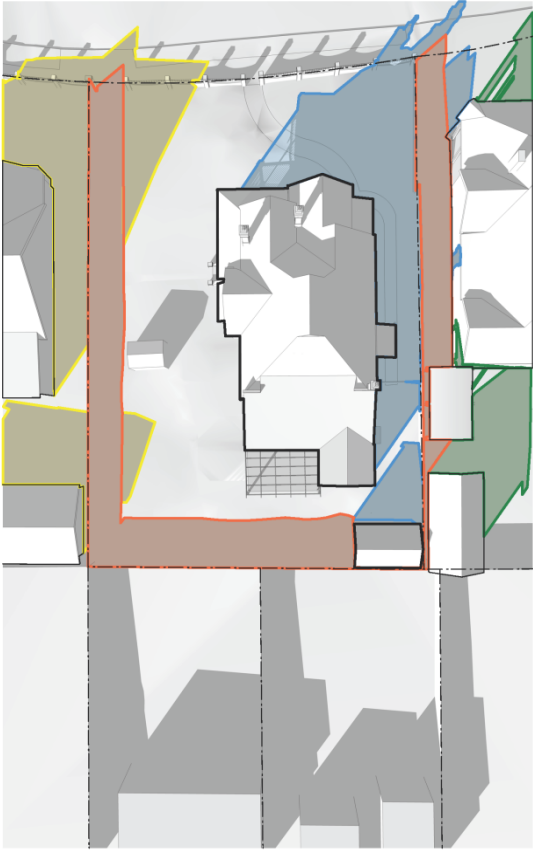
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TITLE		EXISTING & PROPOSED SHADOW STUDIES 12PM MID WINTER		A	
DATE		18/09/18		REVISION	
ISSUE		DEVELOPMENT APPLICATION		A	
PROJECT		38 DALHOUSE STREET, HABERFIELD, NSW		SCALE @ A3	
SITE		1533		NTS	



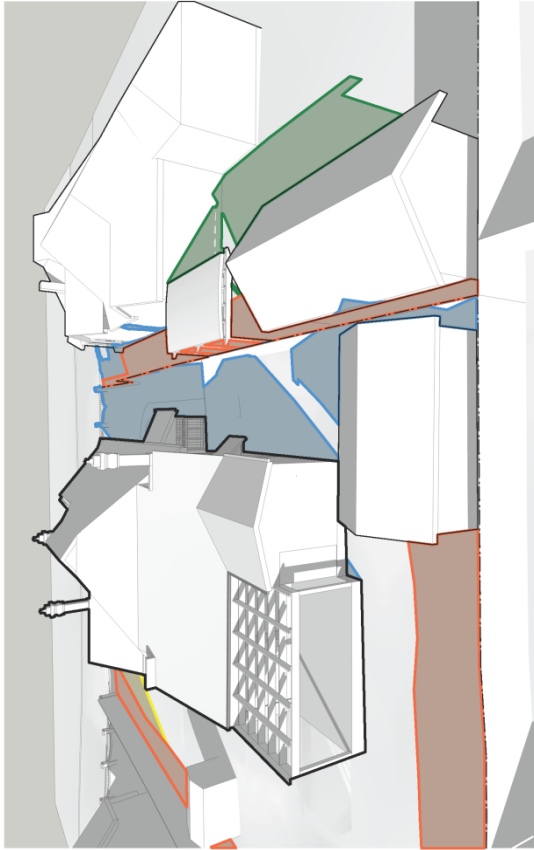
2 3PM PROPOSED PLAN
MID WINTER



4 3PM PROPOSED PERSPECTIVE
MID WINTER

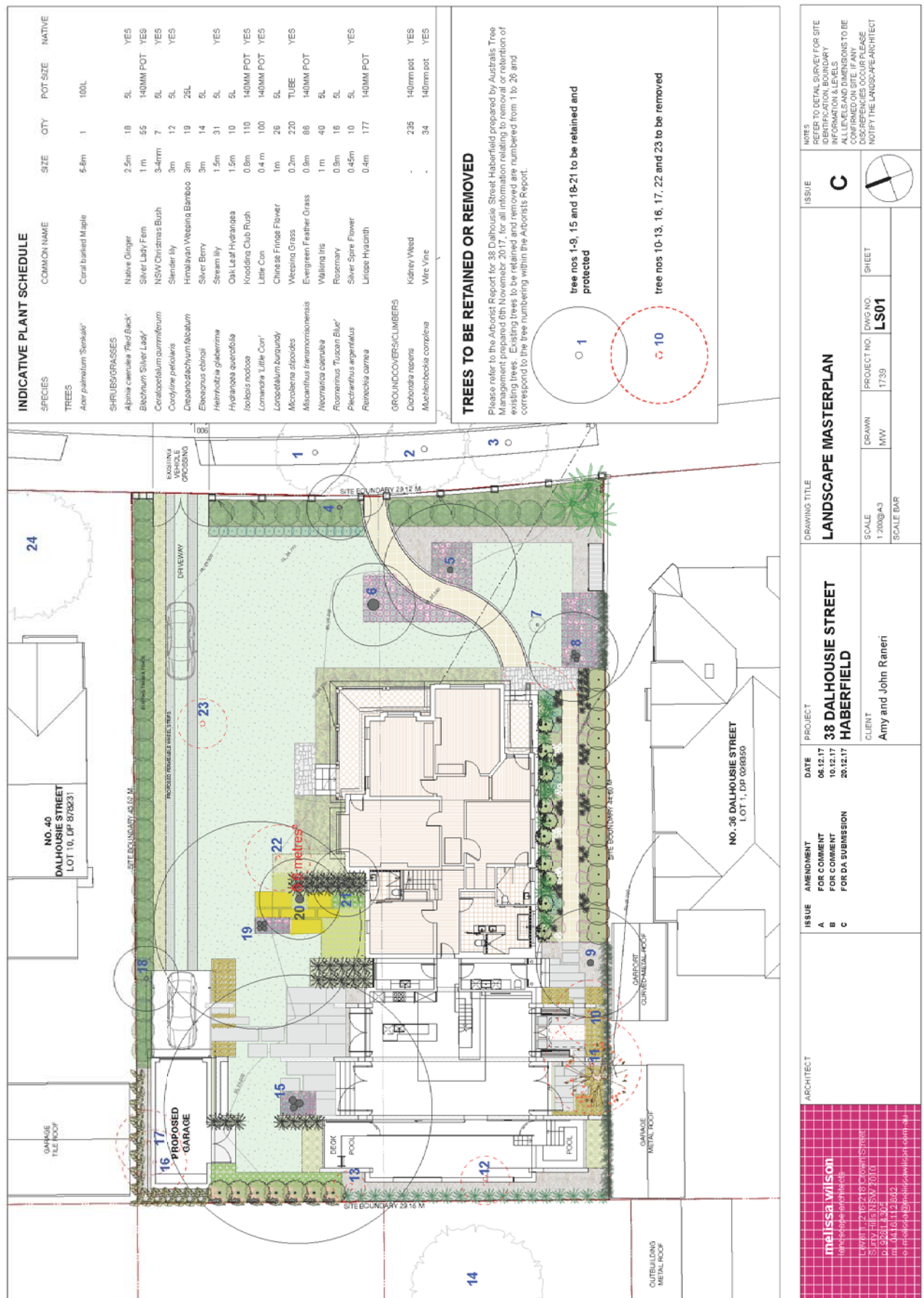


1 3PM EXISTING PLAN
MID WINTER

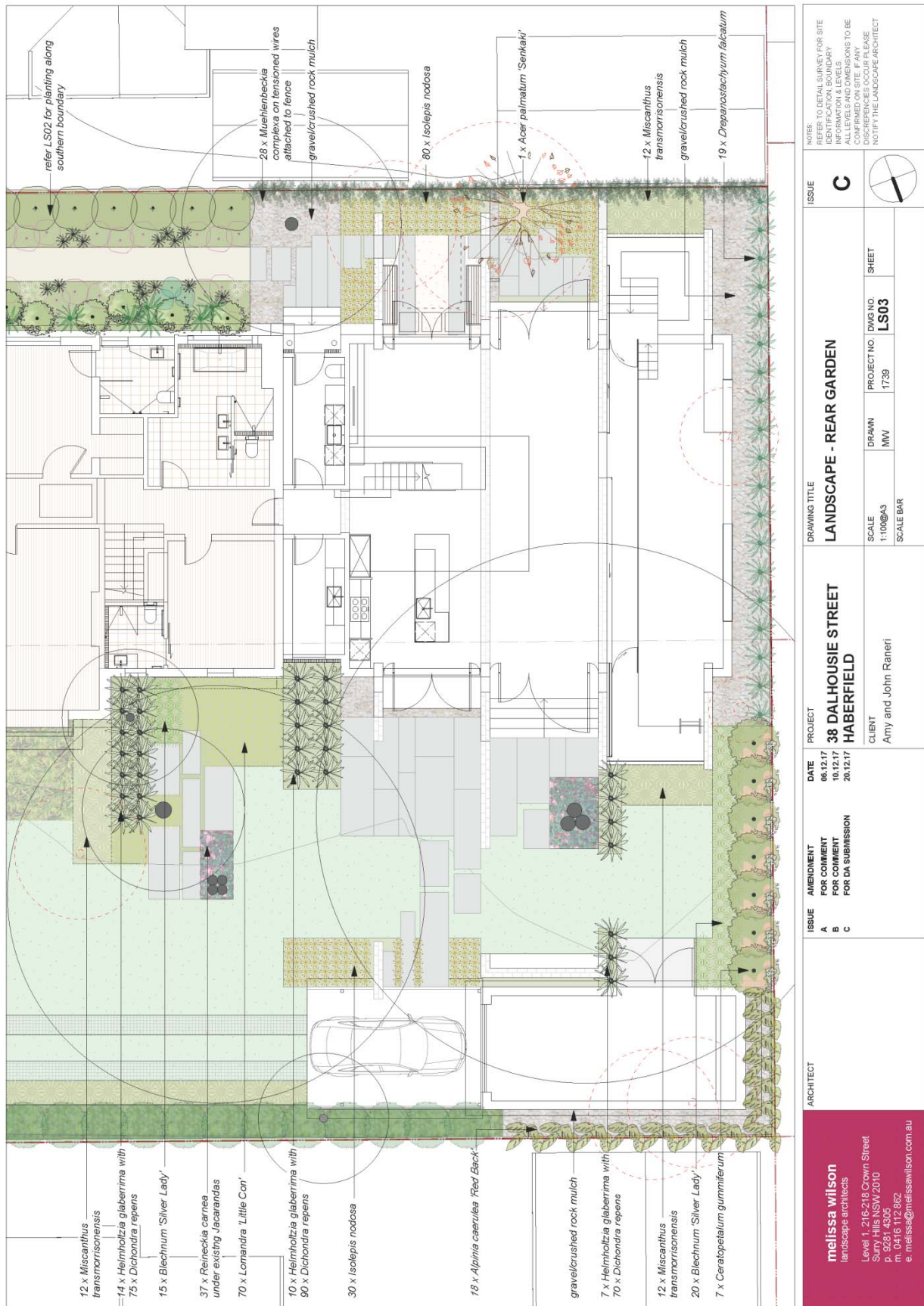


3 3PM EXISTING PERSPECTIVE
MID WINTER

SAGO DESIGN				DA 19				A			
EXISTING & PROPOSED SHADOW STUDIES 3PM MID WINTER				A				EXISTING & PROPOSED SHADOW STUDIES 3PM MID WINTER			
EXISTING FENCES				EXISTING FENCES				EXISTING FENCES			
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- CERTIFICATE 3 PAGE OF THE PROPOSED DEVELOPMENT.

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