


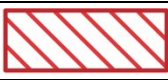


# INNER WEST

## DEVELOPMENT ASSESSMENT REPORT

<b>Application No.</b>	DA/2020/0273
<b>Address</b>	37 Spencer Street SUMMER HILL NSW 2130
<b>Proposal</b>	Removal of street tree and construction of driveway
<b>Date of Lodgement</b>	20 April 2020
<b>Applicant</b>	Mr Zouhair Barakat
<b>Owner</b>	Ms Lynda Barakat
<b>Number of Submissions</b>	13
<b>Value of works</b>	\$10,000.00
<b>Reason for determination at Planning Panel</b>	Number of submissions
<b>Main Issues</b>	Tree management, parking & landscaped area.
<b>Recommendation</b>	Refusal
<b>Attachment A</b>	Reasons for refusal
<b>Attachment B</b>	Plans of proposed development
<b>Attachment C</b>	Draft conditions in the circumstance the application is approved



**LOCALITY MAP**

Subject Site		Objectors		↑ N
Notified Area		Supporters		

Note: Due to scale of map, not all objectors could be shown.

## 1. Executive Summary

This report is an assessment of the application submitted to Council for removal of a street tree and construction of a driveway at 37 Spencer Street, Summer Hill. The application was notified to surrounding properties and 13 submissions were received in response to the notification.

The main issues that have arisen from the application include:

- The proposed location of the replacement tree is in front of a power pole that supports several service wires that would impede the canopy of a new tree;
- The proposed parking space is forward of the building line and would result in a poor outcome for the streetscape;
- The proposed driveway and replacement planting would result in the loss of on-street parking; and
- The proposed parking space would reduce the amount of landscaped area on the site and within the front garden to less than the minimum required area.

Given the above non-compliances the application is not supported and refusal is recommended.

## 2. Proposal

Approval is sought to remove a street tree and construct a vehicle crossover with an associated hard stand car parking space in front of the dwelling house.

## 3. Site Description

The subject site is located on the western side of Spencer Street, between Wellesley Street and Old Canterbury Road. The site has a total area of 233.5 sqm and is legally described as Lot 1 in Deposited Plan 130755. The site has a frontage to Spencer Street of 6.27 metres.

A two (2) storey dwelling house is currently being constructed on the site. The adjoining properties support single and two storey dwelling houses.

The subject site is not listed as a heritage item or located within a conservation area. One (1) *Lophostemon confertus* (Brush Box) is located directly in front of the site.



Image 1: Land zoning map (ALEP 2013)

#### 4. Background

##### 4(a) Site history

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

Application	Proposal	Decision & Date
16.2019.66.1	Demolition of the existing structures and construction of a new dwelling house and swimming pool.	Approved (Private Certifier) 26 November 2019

##### 4(b) Application history

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

Date	Discussion / Letter / Additional Information
20 April 2020	Application lodged with Council
25 May 2020	Site inspection undertaken
25 May 2020	Withdrawal request issued to applicant (detailed below)
3 May 2020	Response to withdrawal request submitted to Council (detailed below)

A request to withdraw the application was sent to the applicant on 25 May 2020 which outlined the following reasons as to why the applicant could not be supported:

- The proposed location of the replacement tree is in front of a power pole that supports several service wires that would impede the canopy of a new tree;
- The proposed parking space is forward of the building line and would result in a poor outcome for the streetscape;
- The proposed driveway and replacement planting would result in the loss of on-street parking;
- The proposed parking space would reduce the amount of landscaped area on the site and within the front garden to less than the minimum required area;

- The Statement of Environmental Effects submitted with the application indicates that the front room of the dwelling is to be converted to a garage, however no such works are demonstrated on the plans; and
- No details of the existing on-street parking facilities have been provided.

The applicant provided a response to the withdrawal request which included justification for the non-compliances and provided details of the proposed on-street parking facilities. The justification submitted is not considered to be satisfactory.

## 5. Assessment

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

### 5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy No. 55—Remediation of Land*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *Ashfield Local Environmental Plan 2013*

The following provides further discussion of the relevant issues:

#### 5(a)(i) *State Environmental Planning Policy No 55—Remediation of Land*

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

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

#### 5(a)(ii) *State Environmental Planning Policy (Vegetation in Non-Rural Areas) (Vegetation SEPP)*

*Vegetation SEPP* concerns the protection/removal of vegetation identified under the *SEPP* and gives effect to the local tree preservation provisions of Council’s DCP.

The application seeks the removal of vegetation on Council land. The application was referred to Council’s Tree Management Officer who objected to the removal of the tree as the removal of a public asset for off-street parking is generally not supported and raised particular concern in this instance for the inability of a replacement tree to be planted in a suitable location given the proximity to the power pole. The Tree Management Officer advised that if the tree were required to be removed at any future time due to poor health or poor structural condition, it would be replaced in the same location as the existing tree.

Overall, the proposal is not considered acceptable with regard to the *Vegetation SEPP* and Chapter C of the Comprehensive Inner West Development Control Plan 2013.

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

An assessment has been made of the matters set out in Division 2 Matters for Consideration of the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*. It is considered that the carrying out of the proposed development is generally consistent with the relevant matters for consideration of the Plan.

#### 5(a)(iv) *Ashfield Local Environmental Plan (ALEP) 2013*

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

- Clause 2.3 - Land Use Table and Zone Objectives
- Clause 4.3 - Height of buildings
- Clause 4.4 - Floor space ratio
- Clause 5.10 - Heritage Conservation

##### (i) Clause 2.3 - Land Use Table and Zone Objectives

The site is zoned R2 – Low Density Residential under the *ALEP 2013*. The proposed alterations and additions to the approved dwelling housed are permissible with consent within the zone.

##### (ii) Clause 4.3 – Height of Buildings

The site is located in an area where the maximum height of the building is 8.5 metres as indicated on the Height of Buildings Map that accompanies *ALEP 2013*. No change to the approved building height is proposed as part of this development.

##### (iii) Clause 4.4 – Floor Space Ratio

The site is located in an area where maximum floor space ratio permitted is 0.7:1 as indicated on the Floor Space Ratio Map that accompanies *ALEP 2013*. No change to the existing gross floor area is proposed as part of this development.

##### (iv) Clause 5.10 – Heritage Conservation

The subject site is not listed as a heritage item or located within a conservation area or within close proximity to a heritage item.

#### 5(b) Draft Environmental Planning Instruments

There are no relevant Draft Environmental Planning Instruments.

#### 5(c) Draft Inner West Local Environmental Plan 2020 (Draft IWLEP 2020)

The Draft IWLEP 2020 was placed on public exhibition commencing on 16 March 2020 and accordingly is a matter for consideration in the assessment of the application under Section 4.15(1)(a)(ii) of the *Environmental Planning and Assessment Act 1979*.

The amended provisions contained in the Draft IWLEP 2020 are not relevant to the assessment of the application. Accordingly, the development is considered acceptable having regard to the provisions of the Draft IWLEP 2020.

## 5(d) 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 (CIWDCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

<b>IWDCP2016</b>	<b>Compliance</b>
<b>Section 2 – General Guidelines</b>	
C – Sustainability	
4- Tree Management	No – see discussion
6 – Tree Replacement and New Tree Planting	No – see discussion
<b>F – Development Category Guidelines</b>	
1 – Dwelling Houses and Dual Occupancy	No – see discussion

The following provides discussion of the relevant issues:

**Chapter C “Miscellaneous” Part 4 – Tree Management**

Section 5.2 of Chapter C, Part 4 of CIWDCP 2016 provides assessment criteria when considering an application to remove a tree including distance, danger, property damage, condition of the tree, health of the tree, significance to streetscape, termites, potential future damage and extenuating circumstances. Removal of a street tree for the purpose of off-street parking is generally not considered a sufficient justification and the applicant has not sufficiently demonstrated any other reason for removal.

As such, the development is not considered acceptable having regard to Section 5.2 of Chapter C, Part 4 of CIWDCP 2016

**Chapter C “Miscellaneous” Part 6 – Tree Replacement and New Tree Planting**

Chapter C, Part 6 of CIWDCP 2016 requires Council to determine the appropriateness of proposed plantings based on consideration of the species, size, location on the site, proximity to surrounding structures and site constraints. It is considered that there are no locations appropriate for a replacement tree adjacent to the site given the proximity of the power poles and wires which will impede the future growth of the tree.

As such, the development is not considered acceptable having regard to DS1.1 of Chapter C, Part 6 of CIWDCP 2016.

**Chapter F “Development Category Guidelines” Part 1 – Dwelling Houses and Dual Occupancy**

DS6.4 of Chapter F, Part 1 of CIWDCP 2016 requires car spaces between the front boundary and forward building line only where a sufficient amount of front landscape garden area is provided. As a result of the parking space, 41.2sqm, being 17.6% of the site, will be landscaped area. DS8.1 of Chapter F, Part 1 of CIWDCP 2016 requires 25% of the site be landscaped area. The pervious pavers below the parking space are not included in the landscaped area as they are not capable of deep soil planting. In addition, DS6.7 of Chapter F, Part 1 of CIWDCP 2016 does not permit the removal of existing streets to enable a driveway to a dwelling house.

The application seeks to vary the above controls by relying on a precedent of parking forward of the building line in the surrounding area. All parking spaces and driveways in the surrounding area are associated with a parking structure behind the forward building line in accordance with Council’s controls. As such, it is considered that there is no precedent in the

street for car spaces forward of the building line. It is considered that the proposed parking space will have a detrimental impact on the surrounding streetscape.

As such, the development is not considered acceptable having regard to Chapter F, Part 1 of CIWDCP 2016.

#### 5(e) The Likely Impacts

The assessment of the Development Application demonstrates that the proposal will have an adverse impact on the locality in the following way:

- The proposed location of the replacement tree is in front of a power pole that supports several service wires that would impede the canopy of a new tree;
- The proposed parking space is forward of the building line and would result in a poor outcome for the streetscape; and
- The proposed parking space would reduce the amount of landscaped area on the site and within the front garden to less than the minimum required area.

In addition, concern is raised that the driveway and required replacement planting would result in the loss of on-street parking, however insufficient information regarding the existing on-street parking facilities has been submitted to enable an accurate assessment.

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

It is considered that the proposal will have an adverse impact on the adjoining properties and therefore it is considered that the site is unsuitable to accommodate the proposed development.

#### 5(g) Any submissions

The application was notified in accordance with Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill for a period of 14 days to surrounding properties. 13 submissions were received in response to the notification.

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

Issue: Tree Management

Comment: Concern was raised in a number of submissions regarding the removal of the street tree and the likely impacts of a replacement tree. The concerns raised regarding the loss and replacement of the street tree are considered to be substantiated.

Issue: Parking

Comment: Concern was raised in a number of submissions regarding the impact of the proposed driveway and off-street parking space, including the loss of on-street parking, impact of the parking space on the streetscape and removal of the front fence. The concerns raised regarding the impact of the parking space are considered to be substantiated.

Issue: Landscaping

Comment: Concern was raised in a number of submissions regarding the loss of landscaped area on the site, particularly having regard to landscaped area required by the Comply Development Certificate for the dwelling house. The concerns raised regarding the loss of landscaped area is considered to be substantiated, however, compliance with the approved landscaped area may be altered as part of a development consent.

### 5(h) 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.

In view of the substantiated objections to the proposal, the development is contrary to the public interest.

## 6 Referrals

### 6(a) Internal

The application was referred to Council's Tree Management Officer and the issues raised in the referral have been discussed in Section 5 above. In addition, the application was referred to Council's Engineer who requested further information regarding the existing on-street parking facilities.

### 6(b) External

None required.

## 7. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions/7.12 levies are not payable for the proposal.

## 8. Conclusion

The proposal does not comply with the aims, objectives and design parameters contained in *Ashfield Local Environmental Plan 2013* and Inner West Comprehensive Development Control Plan (DCP) 2016.

The development would result in significant impacts on the amenity of the streetscape and the natural environment and is not considered to be in the public interest.

The application is considered unsupportable and in view of the circumstances, refusal of the application is recommended.

## 9. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to S4.16 of the *Environmental Planning and Assessment Act 1979*, refuse Development Application No. DA/2020/0273 for Removal of street tree and construction of driveway at 37 Spencer Street SUMMER HILL NSW 2130 for the following reasons:
  1. Removal of the street tree for the purpose of off-street parking and the proposed replacement planting is not considered acceptable and does not comply with State *Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* and Chapter C, Part 4 & 6 and Chapter F, Part 1 of the Comprehensive Inner West Development Plan 2016.
  2. Construction of a driveway and hard stand parking space between the front boundary and forward building line will result in an unacceptable impact to the streetscape and



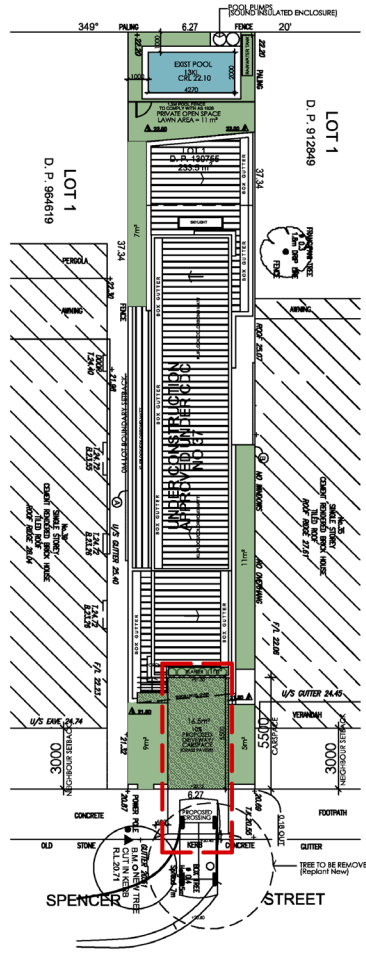
loss of landscaped area and do not comply with Chapter F, Part 1 of the Comprehensive Inner West Development Control Plan 2016.

3. Incomplete and insufficient information was submitted relating to the existing on-street parking facilities to enable a proper assessment of the likely impacts of the development in accordance with Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*.
4. It is considered that the proposal will have an adverse impact on the adjoining properties and therefore it is considered that the site is unsuitable to accommodate the proposed development pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*.
5. In view of the substantiated objections to the proposal, the development is not in the Public Interest pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*.

## Attachment A – Reasons for refusal

1. Removal of the street tree for the purpose of off-street parking and the proposed replacement planting are not considered acceptable and do not comply with *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* and Chapter C, Part 4 & 6 and Chapter F, Part 1 of the Comprehensive Inner West Development Plan 2016.
2. Construction of a driveway and hard stand parking space between the front boundary and forward building line will result in an unacceptable impact to the streetscape and loss of landscaped area and do not comply with Chapter F, Part 1 of the Comprehensive Inner West Development Control Plan 2016.
3. Incomplete and insufficient information was submitted relating to the existing on-street parking facilities to enable a proper assessment of the likely impacts of the development in accordance with Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*.
4. It is considered that the proposal will have an adverse impact on the adjoining properties and therefore it is considered that the site is unsuitable to accommodate the proposed development pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*.
5. In view of the substantiated objections to the proposal, the development is not in the Public Interest pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*.

# Attachment B – Plans of proposed development



CALCULATIONS:	
Site area:	233.50 sq.m
total SITE COVERAGE:	50.10%
total Car spaces:	117 sq.m 16.50 sq.m
soft landscaping:	60.50 sq.m 25.90% of site area

Scale: A3

date: 15th April, 2020

37 Spencer Road, SUMMER HILL  
 ph: 0200 995 310  
 email: info@mcubed.com.au  
 www: www.mcubed.com.au

**Mounzer Mortada**  
 NOMINATED ARCHITECT 10077

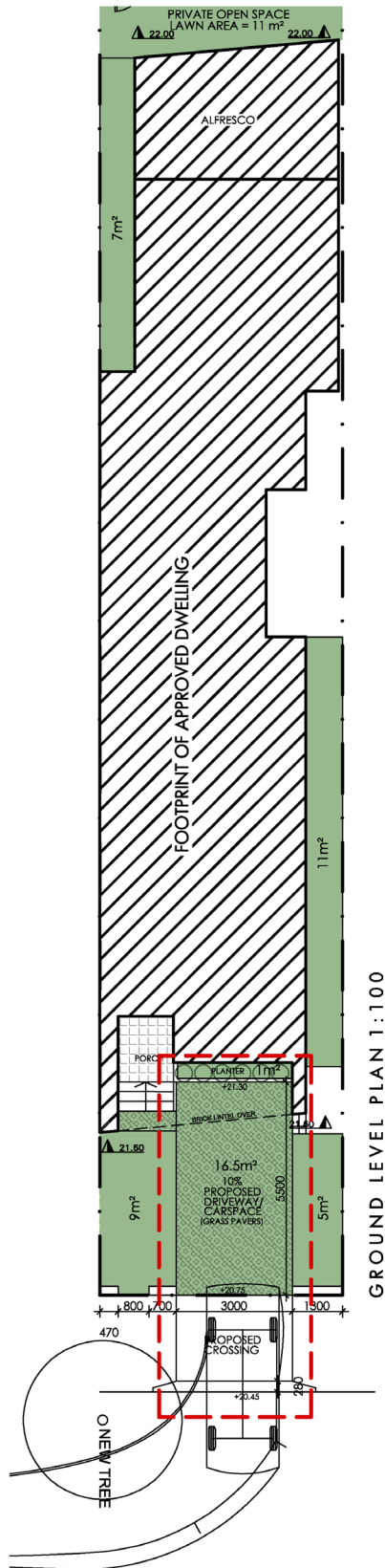
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SITE PLAN 1:200



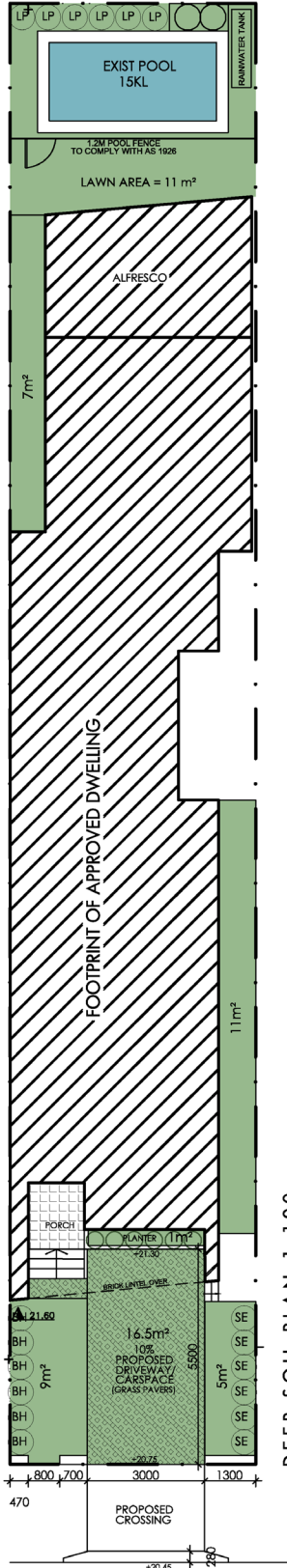
GROUND LEVEL PLAN 1:100

37 Spencer Road, SUMMER HILL  
 Scale: A3  
 date: 15th April, 2020  
 Mounzer Architects 1997  
 NOMINATED ARCHITECT 1997  
 P: 0800 0923 10  
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**M CUBED ARCHITECTS**



DEEP SOIL PLAN 1:100  
LANDSCAPE PLAN 1:200

**FERTILIZER**  
 FERTILIZERS SHALL BE APPLIED TO PLANTING AREAS AT THE RATE OF 30 LITRE PER 1000 LITRE PLANT TUNF AREAS. ALLOW 30 LITRES PER 100 LITRE PLANT TUNF AREAS. FERTILIZER SHALL BE APPLIED IN ACCORDANCE WITH THE MANUFACTURERS INSTRUCTIONS.

**STAKES AND TIES**  
 DURABLE HARDWOOD, STRAIGHT, SIZE SHALL BE 50x50x180 WITH TIES SPACED APPROXIMATELY 200MM APART. DRIVE STAKES 600MM INTO THE GROUND ON THE EXISTING GRADE. TIES SHALL BE 50MM REBAR. TIEING POSTS IN A FIGURE OF THE EIGHT PATTERN.

**PLANT ESTABLISHMENT PERIOD**  
 FROM THE DATE OF PRACTICAL COMPLETION, THERE SHALL BE A PERIOD OF 26 WEEKS FOR THE ESTABLISHMENT OF PLANTING. THE PLANTING SHALL BE MAINTAINED IN A NEAT AND TIDY CONDITION. STAKES AND TIES SHALL BE MAINTAINED IN A HEALTHY CONDITION. A CONSTANT WATER REGIME SHALL BE MAINTAINED TO ENSURE HEALTHY GROWTH OF ALL PLANT MATERIAL.

**IRRIGATION**  
 ALL PLANTING AREAS TO BE SUPPLIED WITH A FULLY AUTOMATIC IRRIGATION SYSTEM. SHRUB RISERS AND POPUPS ON PICO LATERALS. THE IRRIGATION SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH THE IRRIGATION SYSTEM SUPPLY AUTHORITY AND RELEVANT AUSTRALIAN STANDARDS. IRRIGATION HEADS SHALL BE EDGED TO MATCH THE SURFACE GRADE. IRRIGATION HEADS SHALL BE INSTALLED IN ACCORDANCE WITH THE IRRIGATION SYSTEM SUPPLY AUTHORITY. THROUGH AN APPROVED REDUCED PRESSURE ZONE DEVICE INSTALLED TO THE WATER BOARD REGULATIONS.

PARTICULAR ATTENTION SHOULD BE PAID BY THE CONTRACTOR TO ENSURE THAT ALL IRRIGATION SYSTEMS ARE INSTALLED IN ACCORDANCE WITH THE IRRIGATION SYSTEM SUPPLY AUTHORITY AND RELEVANT AUSTRALIAN STANDARDS. IRRIGATION HEADS SHALL BE INSTALLED IN ACCORDANCE WITH THE IRRIGATION SYSTEM SUPPLY AUTHORITY. MANUALLY TRIMMED TO SUIT AREA OF COVERAGE AND MINIMIZE OVERSPRAY.

**SPECIFICATION NOTES**

**SITE PREPARATION / SOIL WORKS**  
 ALL EXISTING TREES MARKED FOR RETENTION SHALL BE PROTECTED FOR THE LIFE OF THE PROJECT. ALL EXISTING TREES SHALL BE PROTECTED FROM ALL PERMANENT WEEDS SUCH AS DALLIS, ORNAM WEED AND THE LIKE. NO REGRADING IS TO BE CARRIED OUT WITHIN THE DRIP LINE OF THE TREES TO BE RETAINED. WHERE EXCAVATION IS NECESSARY, THE HAND METHODS TO WOOD SHALL BE USED TO REMOVE THE EXISTING WEEDS. ALL EXISTING WEEDS TO BE REMOVED CLEANLY WITH A SAW AND DO NOT SEAL THE WOUND.

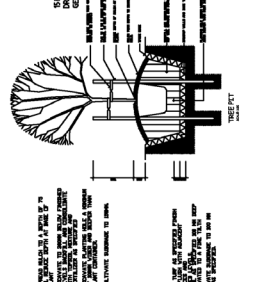
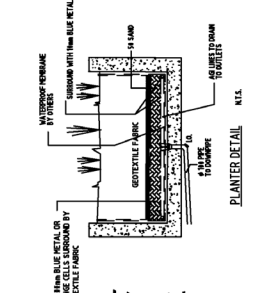
**SOIL WORKS**  
 ALL EXISTING WEEDS TO BE REMOVED TO A DEPTH OF 200MM. SUPPLY AND INSTALL TO A DEPTH OF 100MM THE FOLLOWING SOILS:

- SOIL DEPTH 150MM
- TURF 100MM
- PLANTING 100MM
- BLACK LOAM 60%
- RED SAND 40%
- ORGANIC LAYER (MIN 50mm)
- CULTIVATE A 50mm LAYER OF ORGANIC
- ADDITIONAL COMPOST 100mm OF SOIL MIX
- TREATED HARDWOOD SAWDUST 30%
- COMPOSTED MANURE 30%

TREE PLANTING AREAS TO BE MOUNTED 300MM ABOVE THE EXISTING GROUND LINE TO IMPROVE DRAINAGE FROM PLANTING HOLES. TREE HOLES TO BE EXCAVATED TO A DEPTH OF 100MM BELOW THE FINISHED GROUND SURFACE. TREE HOLES TO BE SPECIFIED ABOVE.

**ON SLAB PLANTERS**  
 DRAINAGE SURROUNDING OF PLANTERS LAY DRAINAGE LAYER WHICH SHALL INCLUDE:  
 \* FILTER FABRIC EQUIVALENT TO C15 PERMANENT TO  
 \* WASHED RIVER SAND LAYER 50MM IN DEPTH.

**PLANT MATERIALS**  
 ALL PLANT MATERIALS TO BE SUPPLIED TO THE SITE AS FULLY GROWN PLANTS. PLANTS TO BE SUPPLIED IN ACCORDANCE WITH THE IRRIGATION SYSTEM SUPPLY AUTHORITY AND RELEVANT AUSTRALIAN STANDARDS. PLANTS TO BE SUPPLIED IN ACCORDANCE WITH THE IRRIGATION SYSTEM SUPPLY AUTHORITY AND RELEVANT AUSTRALIAN STANDARDS. PLANTS TO BE SUPPLIED IN ACCORDANCE WITH THE IRRIGATION SYSTEM SUPPLY AUTHORITY AND RELEVANT AUSTRALIAN STANDARDS.

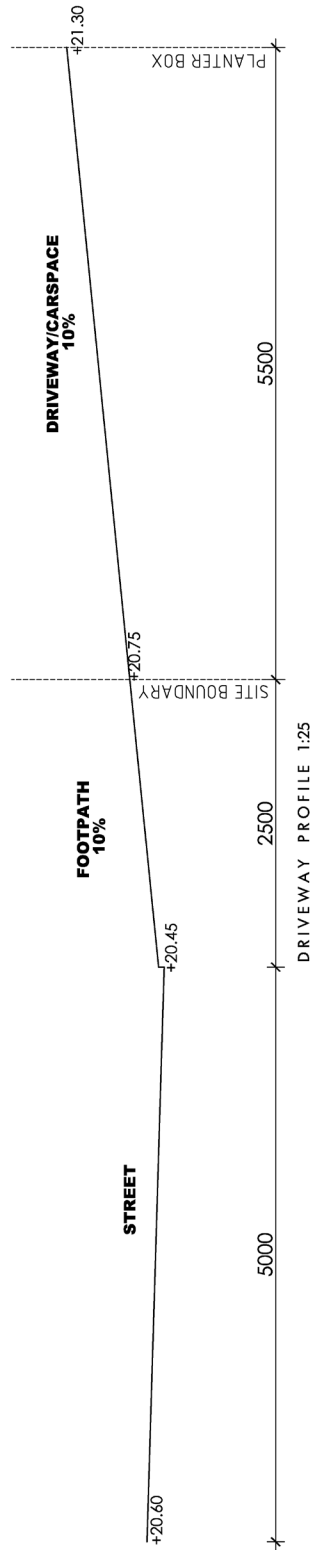


code	plant name	pot size	size at maturity	qty
GA	Cardiantes	200mm	clipped to 2.0m	0
BH	box hedges	200mm	clipped to 0.8m	12
NZ/WM	Native tree	200mm	1.5m	0
NT	Melaleuca thymicola (Thyme Honey Myrtle)	200mm	1.5m	0
SE	Bremophila nivea (Silly Bremophila)	200mm	1.5m	10

**LEGEND:**  
 GA Cardiantes  
 BH box hedges  
 NZ/WM Native tree  
 NT Melaleuca thymicola (Thyme Honey Myrtle)  
 SE Bremophila nivea (Silly Bremophila)

37 Spencer Road, SUMMER HILL  
 Mounzer Mortada  
 Scale: A3  
 date: 15th April, 2020

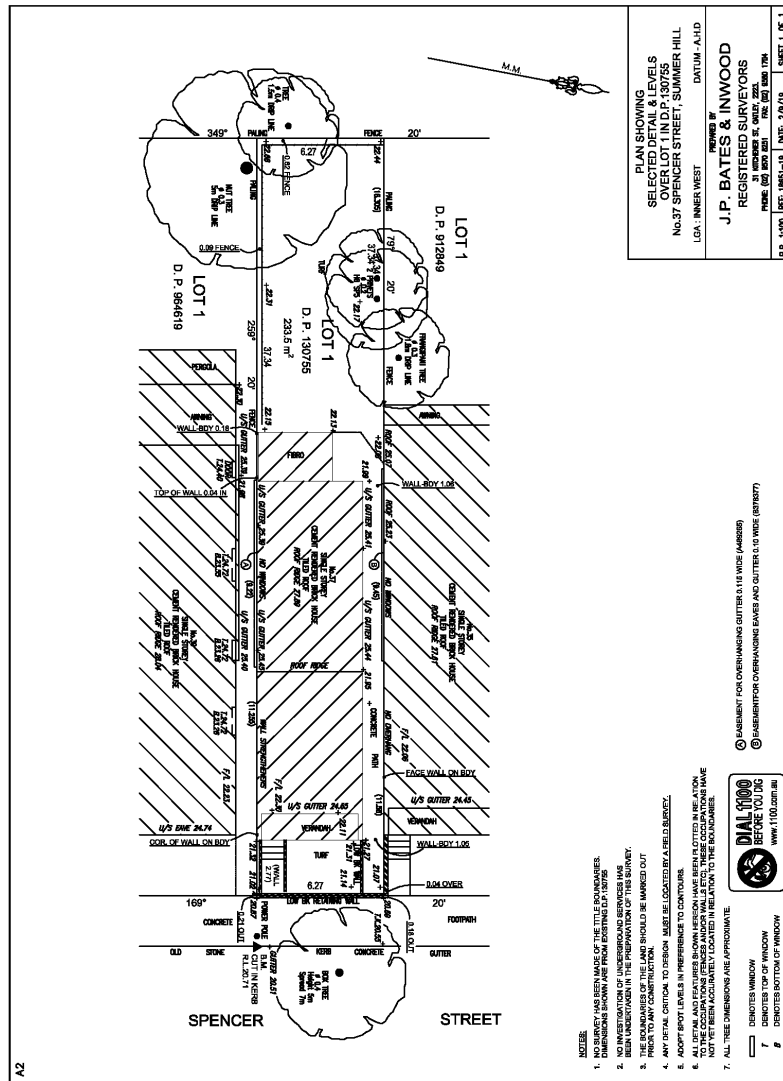
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37 Spencer Road, SUVA, FIJI  
 MOUNZER MORTADO  
 4 of 4  
 Scale: 1:50, April, 2020  
 Date: 15th April, 2020



1. THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE SPECIFICATIONS, TECHNICAL DRAWINGS AND THE SPECIAL CONDITIONS OF CONTRACT.

2. PRIOR TO COMMENCEMENT OF WORKS THE CONTRACTOR SHALL SATISFY HIMSELF OF THE CORRECT LOCATION OF EXISTING SERVICES WHETHER INDICATED OR NOT ON THE PLANS. ANY DAMAGE TO EXISTING SERVICES SHALL BE RECTIFIED AT THE CONTRACTOR'S EXPENSE.

3. TRAFFIC MANAGEMENT MEASURES HAVE TO BE IMPLEMENTED AND MAINTAINED DURING CONSTRUCTION, ALL IN ACCORDANCE WITH COMEAL'S REQUIREMENTS. THE CONTRACTOR SHALL MAINTAIN SAFE PESTRIAN ACCESS ALONG THE FOOTPATH.

4. THE CONTRACTOR SHALL EFFECT TEMPORARY DRAINAGE MEASURES TO MAINTAIN THE EXISTING GRADE LEVELS.

5. REFER TO ARCHITECT'S DRAWINGS FOR ALL DETAILS, ELEVATIONS, GRADING ETC. OF DRIVEWAYS, CONCRETE AND PAVED AREAS, AND RETAINING WALL TYPES AND LOCATIONS.

6. REFER TO LANDSCAPE ARCHITECT'S DRAWINGS FOR DETAILS AND EXTENT OF ALL LANDSCAPED AREAS.

7. ALL PITS SHALL BE PRE-CAST WITH 100MM GRADE (MIN). 8. SW4 PITS CAN BE PRE-CAST SIZED AS FOLLOWS:  
60mm SOL UP TO 100mm DEEP  
150mm SOL UP TO 400mm DEEP  
200mm SOL UP TO 1000mm DEEP

9. ALL PITS LOCATED IN TRAFFICABLE AREAS, (IE. DRIVEWAYS) MUST BE REINFORCED WITH 100MM CONCRETE FOR ALL PITS DEEPER THAN 100MM.

10. PROVIDE STEP BORDS TO ALL PITS GREATER THAN 1.2M DEEP.

11. THE CONTRACTOR SHALL IMPLEMENT ALL SOIL EROSION AND SEDIMENT CONTROL MEASURES PRIOR TO COMMENCEMENT OF WORKS.

12. ALL AREAS TO BE EXPOSED OR STOCKPILED OUTSIDE HAZARDOUS AREAS SUCH AS BRANBLE LINES THIS TOPSOIL IS TO BE RESPAREAD LATER ON AREAS TO BE REVEGETATED.

13. THE CONTRACTOR SHALL REGULARLY MAINTAIN ALL SEDIMENT AND EROSION CONTROL DEVICES AND REMOVE ACCUMULATED SILT FROM SUCH DEVICES. ALL SILT REMOVED SHALL BE DEPOSITED OFF SITE TO BE REVEGETATED AS SOON AS POSSIBLE.

14. ALL MAINTENANCE AREAS SHALL BE AT LEAST 1.2M WIDE. ALL DISTURBED AREAS ARE REVEGETATED AND FURTHER AS MAY BE DIRECTED BY THE SUPERINTENDENT OR COUNCIL.

15. THE CONTRACTOR SHALL MAINTAIN DUST CONTROL UNTIL FINAL COMPLETION OF WORKS.

**STORMWATER PLAN**

ALL DP TO BE 100MM UPVC  
NOTE: NET INCREASED IMPERVIOUS AREA IS LESS THAN 40M<sup>2</sup>. NO NEED OSD TANK

1:100@A1

NOTE: WATER IS NOT RECOMMENDED FOR HUMAN CONSUMPTION.  
2.A. SIGN STATING NOT FOR DRINKING WATER TO BE PLACED TO THE TANK AND ON TOP EXTERIOR

NOTE: RAINPUMP INSTALLED FOR THE RAINWATER TANKS IS TO BE NO LOUDER THAN SUBSIDIARY LEVELS

RAINWATER TANK EXPLANATORY DIAGRAM (NOT TO SCALE)

ROOF OUTLET/RAINHEAD DETAIL N15

1. THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE SPECIFICATIONS, TECHNICAL DRAWINGS AND THE SPECIAL CONDITIONS OF CONTRACT.

2. PRIOR TO COMMENCEMENT OF WORKS THE CONTRACTOR SHALL SATISFY HIMSELF OF THE CORRECT LOCATION OF EXISTING SERVICES WHETHER INDICATED OR NOT ON THE PLANS. ANY DAMAGE TO EXISTING SERVICES SHALL BE RECTIFIED AT THE CONTRACTOR'S EXPENSE.

3. TRAFFIC MANAGEMENT MEASURES HAVE TO BE IMPLEMENTED AND MAINTAINED DURING CONSTRUCTION, ALL IN ACCORDANCE WITH COMEAL'S REQUIREMENTS. THE CONTRACTOR SHALL MAINTAIN SAFE PESTRIAN ACCESS ALONG THE FOOTPATH.

4. THE CONTRACTOR SHALL EFFECT TEMPORARY DRAINAGE MEASURES TO MAINTAIN THE EXISTING GRADE LEVELS.

5. REFER TO ARCHITECT'S DRAWINGS FOR ALL DETAILS, ELEVATIONS, GRADING ETC. OF DRIVEWAYS, CONCRETE AND PAVED AREAS, AND RETAINING WALL TYPES AND LOCATIONS.

6. REFER TO LANDSCAPE ARCHITECT'S DRAWINGS FOR DETAILS AND EXTENT OF ALL LANDSCAPED AREAS.

7. ALL PITS SHALL BE PRE-CAST WITH 100MM GRADE (MIN). 8. SW4 PITS CAN BE PRE-CAST SIZED AS FOLLOWS:  
60mm SOL UP TO 100mm DEEP  
150mm SOL UP TO 400mm DEEP  
200mm SOL UP TO 1000mm DEEP

9. ALL PITS LOCATED IN TRAFFICABLE AREAS, (IE. DRIVEWAYS) MUST BE REINFORCED WITH 100MM CONCRETE FOR ALL PITS DEEPER THAN 100MM.

10. PROVIDE STEP BORDS TO ALL PITS GREATER THAN 1.2M DEEP.

11. THE CONTRACTOR SHALL IMPLEMENT ALL SOIL EROSION AND SEDIMENT CONTROL MEASURES PRIOR TO COMMENCEMENT OF WORKS.

12. ALL AREAS TO BE EXPOSED OR STOCKPILED OUTSIDE HAZARDOUS AREAS SUCH AS BRANBLE LINES THIS TOPSOIL IS TO BE RESPAREAD LATER ON AREAS TO BE REVEGETATED.

13. THE CONTRACTOR SHALL REGULARLY MAINTAIN ALL SEDIMENT AND EROSION CONTROL DEVICES AND REMOVE ACCUMULATED SILT FROM SUCH DEVICES. ALL SILT REMOVED SHALL BE DEPOSITED OFF SITE TO BE REVEGETATED AS SOON AS POSSIBLE.

14. ALL MAINTENANCE AREAS SHALL BE AT LEAST 1.2M WIDE. ALL DISTURBED AREAS ARE REVEGETATED AND FURTHER AS MAY BE DIRECTED BY THE SUPERINTENDENT OR COUNCIL.

15. THE CONTRACTOR SHALL MAINTAIN DUST CONTROL UNTIL FINAL COMPLETION OF WORKS.

2. 03/11/2019 ISSUED FOR CDC APPROVAL IZ

1. 06/10/2019 ISSUED FOR CDC APPROVAL IZ

ISSUE DATE REVISION & AMENDMENT DRAWN

DATE: 06/10/2019 JOB No: 2019656 SET OF: 1

DRAWN BY: JZ

DESIGNED: C.Z.(BE, MIEAUST 3978680) SCALE: 1:100 SHEET No: 1

1:20



## Attachment C - Draft conditions in the circumstance the application is approved

### CONDITIONS OF CONSENT

#### FEES

##### 1. Security Deposit - Standard

Prior to the commencement of demolition works or issue of a Construction Certificate, the Certifying Authority must be provided with written evidence that a security deposit and inspection fee has been 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.

<b>Security Deposit:</b>	\$2,152.50
<b>Inspection Fee:</b>	\$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 the 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.

**GENERAL CONDITIONS**

**2. Documents related to the consent**

The development must be carried out in accordance with plans and documents listed below:

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
Page 1 - 4 (inclusive)	Architectural Plans	15/04/2020	M Cubed Architects

As amended by the conditions of consent.

**3. Waste Management Plan**

Prior to the commencement of any works (including any demolition works), the Certifying Authority is required to be provided with a Recycling and Waste Management Plan (RWMP) in accordance with the relevant Development Control Plan.

**4. Erosion and Sediment Control**

Prior to the issue of a commencement of any works (including any demolition works), the Certifying Authority must be provided with an erosion and sediment control plan and specification. Sediment control devices must be installed and maintained in proper working order to prevent sediment discharge from the construction site.

**5. Works Outside the Property Boundary**

This development consent does not authorise works outside the property boundaries on adjoining lands.

**6. Works to Trees**

Approval is given for the following works to be undertaken to trees after issuing of a Construction Certificate:

Tree/location	Approved works
1 x <i>Lophostemon confertus</i> (Brush Box)	Removal

removal of any street tree approved by Council must include complete stump removal (to a minimum depth of 400mm) and the temporary reinstatement of levels so that no trip or fall hazards exist until permanent reinstatement of the roadway occurs. These works must be completed immediately following the tree's' removal.

#### **7. Replacement Tree Planting**

Prior to the removal of the street tree and in lieu of planting a replacement street tree (no appropriate location in front of the site) the Certifying Authority must be provided with written evidence that the fee for supply and planting of a street tree in a suitable location has been paid to Council to ensure that the removed canopy is replaced.

The fee is to be paid in accordance with the Inner West Council Fees and Charges for Tree Installation (plant new tree). The amount payable must be consistent with Council's Fees and Charges in force at the date of payment.

### **PRIOR TO ANY DEMOLITION**

#### **8. Advising Neighbors Prior to Excavation**

At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

#### **9. Construction Fencing**

Prior to the commencement of any works (including demolition), the site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property.

### **PRIOR TO CONSTRUCTION CERTIFICATE**

#### **10. Sydney Water – Tap In**

Prior to the issue of a Construction Certificate, the Certifying Authority is required to ensure approval has been granted through Sydney Water's online 'Tap In' program 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.

*Note: Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 13 20 92*

### **DURING DEMOLITION AND CONSTRUCTION**

#### **11. Construction Hours – Class 1 and 10**

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work are only permitted between the hours of 7:00am to 5.00pm, Mondays to Saturdays (inclusive) with no works permitted on, Sundays or Public Holidays.

#### **12. Stormwater Drainage System**

Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines discharged by gravity to the kerb and gutter of a public road.

Any existing component of the stormwater system that is to be retained, including any absorption trench or rubble pit drainage system, must be checked and certified by a Licensed Plumber or qualified practising Civil Engineer to be in good condition and operating satisfactorily.

If any component of the existing system is not in good condition and /or not operating satisfactorily and/or impacted by the works and/or legal rights for drainage do not exist, the drainage system must be upgraded to discharge legally by gravity to the kerb and gutter of a public road. Minor roof or paved areas that cannot reasonably be drained by gravity to a public road may be disposed on site subject to ensure no concentration of flows or nuisance to other properties.

#### **13. Survey Prior to Footings**

Upon excavation of the footings and before the pouring of the concrete, the Certifying Authority must be provided with a certificate of survey from a registered land surveyor to verify that the structure will not encroach over the allotment boundaries.

### **ADVISORY NOTES**

#### **Prescribed Conditions**

This consent is subject to the prescribed conditions of consent within clause 98-98E of the *Environmental Planning and Assessment Regulations 2000*.

#### **Notification of commencement of works**

At least 7 days before any demolition work commences:

- a. the Council must be notified of the following particulars:
  - i. the name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
  - ii. the date the work is due to commence and the expected completion date; and
- b. a written notice must be placed in the letter box of each directly adjoining property identified advising of the date the work is due to commence.

**Storage of Materials on public property**

The placing of any materials on Council's footpath or roadway is prohibited, without the prior consent of Council.

**Toilet Facilities**

The following facilities must be provided on the site:

- a. Toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees; and
- b. A garbage receptacle for food scraps and papers, with a tight fitting lid.

Facilities must be located so that they will not cause a nuisance.

**Infrastructure**

The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be undertaken before occupation of the site.

**Other Approvals may be needed**

Approvals under other acts and regulations may be required to carry out the development. It is the responsibility of property owners to ensure that they comply with all relevant legislation. Council takes no responsibility for informing applicants of any separate approvals required.

**Failure to comply with conditions**

Failure to comply with the relevant provisions of *the Environmental Planning and Assessment Act 1979* and/or the conditions of this consent may result in the serving of penalty notices or legal action.

**Other works**

Works or activities other than those approved by this Development Consent will require the submission of a new Development Application or an application to modify the consent under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

**Obtaining Relevant Certification**

This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, such as (if necessary):

- a. Application for any activity under that Act, including any erection of a hoarding;
- b. Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*;
- c. Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*;
- d. Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed;
- e. Application for Strata Title Subdivision if strata title subdivision of the development is proposed;
- f. Development Application for demolition if demolition is not approved by this consent; or
- g. Development Application for subdivision if consent for subdivision is not granted by this consent.

**Disability Discrimination Access to Premises Code**

The *Disability Discrimination Act 1992* (Commonwealth) and the *Anti-Discrimination Act 1977* (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.

**National Construction Code (Building Code of Australia)**

A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out. All building works approved by this consent must be carried out in accordance with the requirements of the National Construction Code.

**Notification of commencement of works**

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the PCA (not being the council) has given the Council written notice of the following information:

- a. In the case of work for which a principal contractor is required to be appointed:
  - i. The name and licence number of the principal contractor; and
  - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
- b. In the case of work to be done by an owner-builder:
  - i. The name of the owner-builder; and
  - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

**Dividing Fences Act**

The person acting on this consent must comply with the requirements of the *Dividing Fences Act 1991* in respect to the alterations and additions to the boundary fences.

**Permits from Council under Other Acts**

Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must 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; and
- 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. A lease fee is payable for all occupations.

**Noise**

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.

**Amenity Impacts General**

The use of the premises must not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and Regulations. The use of the premises and the operation of plant and equipment must not give rise to the transmission of a vibration nuisance or damage other premises.

**Construction of Vehicular Crossing**

The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for *Construction of a Vehicular Crossing & Civil Works* form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, prior to commencement of works.

**Dial before you dig**

Contact "Dial Prior to You Dig" prior to commencing any building activity on the site.

**Useful Contacts**

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm <a href="http://www.basix.nsw.gov.au">www.basix.nsw.gov.au</a>
Department of Fair Trading	13 32 20 <a href="http://www.fairtrading.nsw.gov.au">www.fairtrading.nsw.gov.au</a>
Dial Prior to You Dig	Enquiries relating to Owner Builder Permits and Home Warranty Insurance. 1100 <a href="http://www.dialprior toyoudig.com.au">www.dialprior toyoudig.com.au</a>
Landcom	9841 8660



			To purchase copies of Volume One of "Soils and Construction"
Long Service Corporation	Payments	131441	<a href="http://www.lspc.nsw.gov.au">www.lspc.nsw.gov.au</a>
NSW Food Authority		1300 552 406	<a href="http://www.foodnotify.nsw.gov.au">www.foodnotify.nsw.gov.au</a>
NSW Government			<a href="http://www.nsw.gov.au/fibro">www.nsw.gov.au/fibro</a> <a href="http://www.diysafe.nsw.gov.au">www.diysafe.nsw.gov.au</a>
			Information on asbestos and safe work practices.
NSW Office of Environment and Heritage		131 555	<a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a>
Sydney Water		13 20 92	<a href="http://www.sydneywater.com.au">www.sydneywater.com.au</a>
Waste Service - Environmental Solutions	SITA	1300 651 116	<a href="http://www.wasteservice.nsw.gov.au">www.wasteservice.nsw.gov.au</a>
Water Efficiency Labelling and Standards (WELS)			<a href="http://www.waterrating.gov.au">www.waterrating.gov.au</a>
WorkCover Authority of NSW		13 10 50	<a href="http://www.workcover.nsw.gov.au">www.workcover.nsw.gov.au</a>
			Enquiries relating to work safety and asbestos removal and disposal.

**Street Numbering**

If any new street numbers or change to street numbers (this includes unit and shop numbers) are required, a separate application must be lodged with and approved by Council's GIS Team before being displayed.

**Arborists Standards**

All tree work must be undertaken by a practicing Arborist. The work must be undertaken in accordance with AS4373—*Pruning of amenity trees* and the Safe Work Australia Code of Practice—*Guide to Managing Risks of Tree Trimming and Removal Work*. Any works in the vicinity of the Low Voltage Overhead Network (including service lines—pole to house connections) must be undertaken by an approved Network Service Provider contractor for the management of vegetation conflicting with such services. Contact the relevant Network Service Provider for further advice in this regard.

