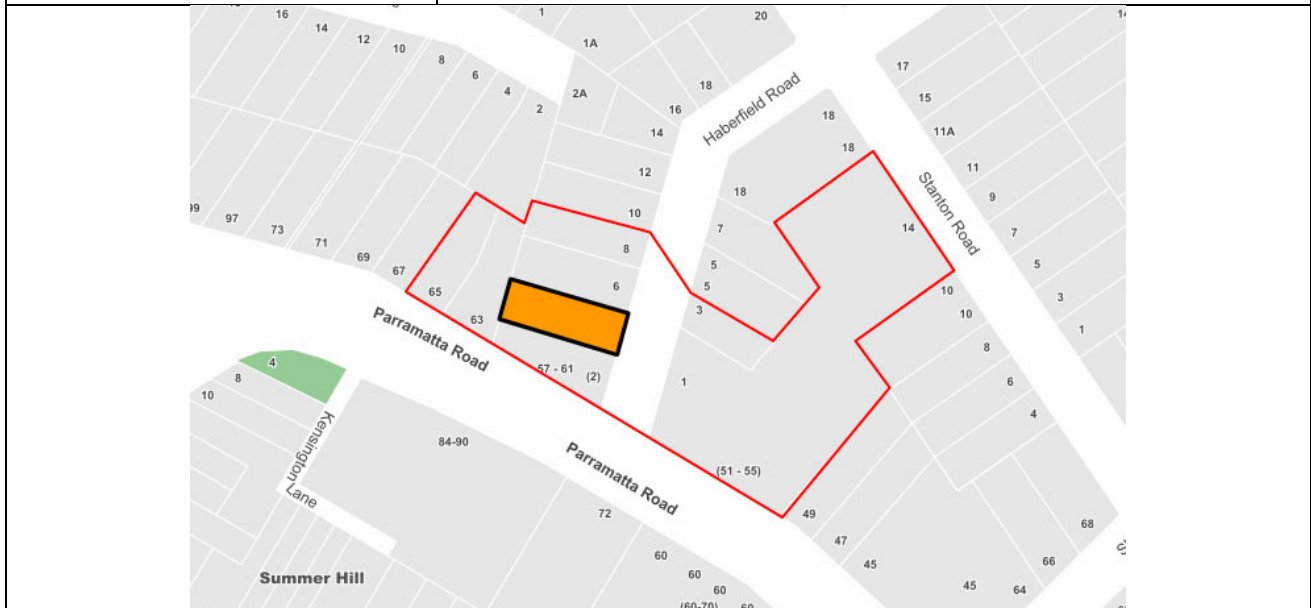




DEVELOPMENT ASSESSMENT REPORT

|   |  |
|---|--|
| <b>Application No.</b>                            | DA/2021/0245   |
| <b>Address</b>                                    | 4 Haberfield Road HABERFIELD NSW 2045                |
| <b>Proposal</b>                                   | Demolition and construction of a secondary dwelling. |
| <b>Date of Lodgement</b>                          | 1 April 2021   |
| <b>Applicant</b>                                  | Mr Abraham Nemco Design Pty Ltd                      |
| <b>Owner</b>                                      | Mr Paul AP Caruana<br>Mrs Sonia C Merlino            |
| <b>Number of Submissions</b>                      | One  |
| <b>Value of works</b>                             | \$120,000.00   |
| <b>Reason for determination at Planning Panel</b> | Clause 4.6 variation exceeds 10%                     |
| <b>Main Issues</b>                                | Impact on Heritage Conservation Area<br>Landscaping  |
| <b>Recommendation</b>                             | Refusal  |
| <b>Attachment A</b>                               | Plans of proposed development                        |
| <b>Attachment B</b>                               | Draft Conditions in event of approval                |



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 demolition and construction of a secondary dwelling at 4 Haberfield Road HABERFIELD NSW 2045. The application was notified to surrounding properties and 1 submission was received in response to the initial notification.

The main issues that have arisen from the application include:

- Impact on Heritage Conservation Area; and
- Landscaping and site coverage.

The application fails to demonstrate the site is suitable for the proposed development. The application is unsupportable and in view of the circumstances refusal of the application is recommended.

## 2. Proposal

The application proposes to demolish a portion of the existing house, including outbuildings and proposes to construct a two-bedroom secondary dwelling in the rear yard of 4 Haberfield Road, Haberfield.

## 3. Site Description

The subject site is located on the western side of Haberfield Road, close to the intersection of Haberfield Road and Parramatta Road. The site consists of one allotment and is rectangular in shape with a total area of 689.3sqm and is legally described as Lot B DP 320843 and Lot 6 DP 926492.

The site has a frontage to Haberfield Road of 14.935 metres. The site supports a single storey dwelling house on the site with associated garage and carport. The adjoining properties support single dwelling houses and a vehicle sales premises. The property is located within the Haberfield Heritage conservation Area.



**Subject Site**

| Application  | Proposal          | Decision & Date         |
|--|-------------------|-------------------------|
| Complying Development Certificate<br><br>16.2012.9.1 | Swimming Pool/Spa | Approved 3 January 2012 |

**4(b) Application history**

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

| Date                      | Discussion / Letter / Additional Information  |
|---------------------------|---|
| 1 April 2021              | Application lodged.   |
| 13 April to 27 April 2021 | Application notified.   |
| 20 May 2021               | Request for additional information sent to applicant. The following was requested: <ul style="list-style-type: none"> <li>• Increase to landscaping;</li> <li>• Amendment to design of secondary dwelling to be compatible with the HCA; and</li> <li>• Additional documentation including current survey, existing floor plans, demolition plan and proposed floor plans and elevations of the existing dwelling on the site.</li> </ul> |

**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 (Affordable Rental Housing) 2009*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*

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 DCP 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 (Affordable Rental Housing) 2009*

The site has an area of 689.3sqm which complies with the minimum site area requirements for a detached secondary dwelling under Clause 22 (4)(a)(ii) of the Affordable Rental Housing SEPP. The secondary dwelling has a gross floor area of 60sqm therefore the secondary dwelling complies with the provisions of Clause 22(3)(a) of the Affordable Rental Housing SEPP relating to maximum floor area.

Given the above, the proposal is considered acceptable with regard to *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

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

A BASIX Certificate was submitted with the application and will be referenced in any consent granted.

*5(b) Ashfield Local Environmental Plan 2013 (ALEP 2013)*

The application was assessed against the following relevant clauses of the *Ashfield Local Environmental Plan 2011*:

- Clause 1.2 - Aims of Plan
- Clause 2.3 - Land Use Table and Zone Objectives
- Clause 2.7 - Demolition
- Clause 4.3 - Height of buildings
- Clause 4.4 - Floor space ratio
- Clause 4.5 - Calculation of floor space ratio and site area
- Clause 4.6 - Exceptions to development standards
- Clause 5.10 - Heritage Conservation
- Clause 6.5 - Development on land in Haberfield Heritage Conservation Area

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

The site is zoned R2 – Low Density Residential under the *ALEP 2011*. The *ALEP 2013* defines the development as:

***secondary dwelling means a self-contained dwelling that—***

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and*
- (b) is on the same lot of land as the principal dwelling, and*
- (c) is located within, or is attached to, or is separate from, the principal dwelling.*

The development is not permitted with consent within the land use table. Notwithstanding, the development is being applied for under the State Environmental Planning Policy (Affordable Rental Housing) 2009 which permits secondary dwellings within the R2 Low Density Residential zone and as such the development is permissible with consent.

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

| Standard   | Proposal    | Complies  |
|--|-------------|-----------|
| <b>Height of Building</b><br>Maximum permissible: 7m                 | 4.18 metres | Yes       |
| <b>Floor Space Ratio</b><br>Maximum permissible: 1.5:1 or 1033.95sqm | See below   | See below |

| Standard  | Proposed  | Compliance |
|---|---|------------|
| Must maintain a single storey appearance  | Retains single storey appearance                          | Yes        |
| Gross floor area above existing ground floor will not exceed the gross floor area of the existing roof space                    | No attic roof space proposed                              | N/A        |
| Gross floor area below the existing ground floor level will not exceed 25% of the gross floor area of the existing ground floor | No basement level proposed                                | N/A        |
| No excavation greater than 3m below existing ground level   | Minor excavations for footings of extension only proposed | Yes        |
| No dormers or gables  | No dormers or gables proposed                             | Yes        |

|                              |   |                           |
|------------------------------|---|---------------------------|
| 50% of site to be landscaped | 153.6sqm or 22.3% of site to be landscaped. Variation of 55% (191.05sqm). | No – see discussion below |
|------------------------------|---|---------------------------|

(i) Clause 4.4 – Floor Space Ratio

Clause 4.4 of *ALEP 2013* prescribes that the Floor Space Ratio (FSR) for the site is 1.5:1 or 1033.95sqm. A review of the site has been undertaken and the survey and architectural plans submitted with the application have incorrectly identified existing structures on the site. In addition, existing and proposed floor plans of the existing dwelling have not been submitted and it appears there may be partial demolition of the existing dwelling. Therefore, the gross floor area of the development could not be calculated as the plans do not accurately show existing and proposed structures on the site.

(ii) Clause 5.10 – Heritage Conservation

The subject site is identified as being within the Haberfield Heritage Conservation Area (HCA) under *ALEP 2013* and as such is subject to Clause 5.10 of *ALEP 2013* and Chapter E2 of CIWDPCP 2016.

In accordance with Part 2.38 of Chapter E2 of CIWDPCP 2016 the use of traditional colour schemes enhance the presentation of the house and assist in maintaining the significant characteristics of the HCA. The architectural details of the proposed secondary dwelling do not reflect the detailing and materials of the main dwelling on the site as aluminium doors and concrete roof tiles are proposed rather than timber joinery and terracotta roof tiles which is inconsistent with 2.39 of Chapter E2 of CIWDPCP 2016.

Given the above, the development has not been designed to retain the significant elements of the HCA and is inconsistent with Clause 5.10(4) of *ALEP 2013* and Chapter E2 of CIWDPCP 2016.

(iii) Clause 6.5(3)(d) - Landscaped area

A minimum landscaped area of 50% of the site [344.65sqm] applies under Clause 6.5(d) of the *ALEP 2013*. The application proposes 153.6sqm or 22% to be landscaped and proposes a reduction to the existing landscaped area result in a variation of 55% (191.05sqm).

Clause 4.6 allows Council to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes. A written request has not been submitted to Council in accordance with Clause 4.6(4)(a)(i) of *ALEP 2013* to justify the proposed contravention of the development standard. Therefore, the development has adequately failed to demonstrate that the proposed variation to the development standard is acceptable in accordance with Clause 4.6 of *ALEP 2013*.

The minimum landscaped area control for the Haberfield Conservation area was introduced to ensure that developments maintain a single storey appearance and retain the original garden suburb attributes as per the objectives of Clause 6.5 of *ALEP 2013*.

While the proposal maintains a single storey dwelling appearance the proposal fails to provide landscaping that reflects the garden suburb attributes and site coverage of surrounding sites in Haberfield HCA. The proposed development is not considered to be consistent with the objectives of Clause 6.5 and has failed to demonstrate variation is acceptable in accordance with Clause 4.6 of *ALEP 2013*.

#### 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 Draft LEP Amendment contains provisions for amendments to Clause 1.2 - Aims of the Plan and Clause 5.10 – Heritage Conservation and the application was assessed against the following relevant clauses of the Draft IWLEP 2020:

(i) Clause 1.2 – Aims of Plan

The proposal is inconsistent with the relevant aims of the plan, in particular Clause 2(j) as the application has not included adequate information to demonstrate that it will not have an adverse impact on environmental heritage.

(ii) Clause 5.10 Heritage Conservation

The application has not provided adequate information to demonstrate it satisfies the objectives 1(a) and 1(b) of Clause 5.10 of the Draft IWLEP 2020 as the proposal has not been appropriately designed to minimise impacts to the heritage significance of the building for reasons discussed throughout this report.

#### 5(d) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Comprehensive Inner West Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill (CIWDCP 2016).



| CIWDCP 2016   | Compliance          |
|---|---------------------|
| <b>Section 2 – General Guidelines</b>                     |                     |
| A – Miscellaneous   |                     |
| 1 - Site and Context Analysis                             | Yes                 |
| 8 - Parking   | Yes                 |
| 15 - Stormwater Management                                | Yes                 |
| E2 – Haberfield Heritage Conservation Area                |                     |
| 2 – Detailed Planning measures for Residential properties | No – see discussion |
| F – Development Category Guidelines                       |                     |
| 2 – Secondary Dwellings                                   | No – see discussion |

### Landscaping and Pattern of Development

The proposed development includes constructing a secondary dwelling in the rear yard of the subject site resulting in an increase to the site coverage and a decrease to the landscaping on the site. Maintaining a consistent pattern of development ensures the garden suburb characteristics of Haberfield are retained as detailed within Chapter E2, Part 2.3 of CIWDCP 2016. The proposal is inconsistent with Part 2.3(b) as it results in a site coverage that is inconsistent with surrounding dwellings in Haberfield HCA as the rear of the site will be occupied by a secondary dwelling, garage and swimming pool with limited soft landscaping provided. In addition, the proposal involves increasing the amount of hard paving on the site and is inconsistent with 2.45(c) of chapter E2 of CIWDCP 2016 as it results in excessive secondary outbuildings and minimises the garden setting of the Haberfield HCA.

Therefore, the development does not maintain the characteristics of the HCA that contribute to its significance and is inconsistent with the relevant controls contained in Part 2, Chapter E2 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 for the reasons discussed throughout this report.

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

It is considered that the proposal will have an adverse impact on the locality 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 the Community Engagement Framework for a period of 14 days to surrounding properties. 1 submission was received in response to the initial notification.

The following issues raised in submissions have been discussed in this report:

- Landscaping.

In addition to the above issues, the submissions raised the following concerns which are discussed under the respective headings below:

Issue: Parking

Comment: The site accommodates two car parking spaces on the site which complies with the requirements of CIWDCP 2016.

Issue: Overdevelopment

Comment: Secondary dwellings are permitted on the site and as such concerns are not raised with the proposed use. However, the development is of a scale that does not retain adequate landscaping and as such the site is not suitable for the proposed development as discussed throughout this report.

### 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.

The proposal is contrary to the public interest.

### 5(i) Inadequate Information

As discussed throughout this report the application, inadequate information and documentation has been submitted with the application to enable a thorough assessment of the proposal. Specifically, the following has not been included with the application:

- The survey submitted is inaccurate as there are existing structures on the site that aren't shown on the survey. In addition, the architectural plans are inaccurate as they do not correctly depict existing structures and the demolition proposed.
- The following plans have not been submitted to enable an assessment of the gross floor area of the development and alterations to the existing dwelling on the site:
  - Existing floor plans to clarify the demolition proposed.
  - Proposed floor plan of the existing dwelling on the site as it appears partial demolition is proposed.
  - Proposed elevations of the existing dwelling on the site as it appears partial demolition is proposed.

As such, the application as submitted lacks information in order to undertake a full and proper assessment of some aspects of the application in accordance with the Environmental Planning & Assessment Act 1979.

## 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
- Development Engineering

### 6(b) External

The application was not referred to any external bodies.

## 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 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

The development would result in significant impacts on the surrounding locality and heritage conservation area 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

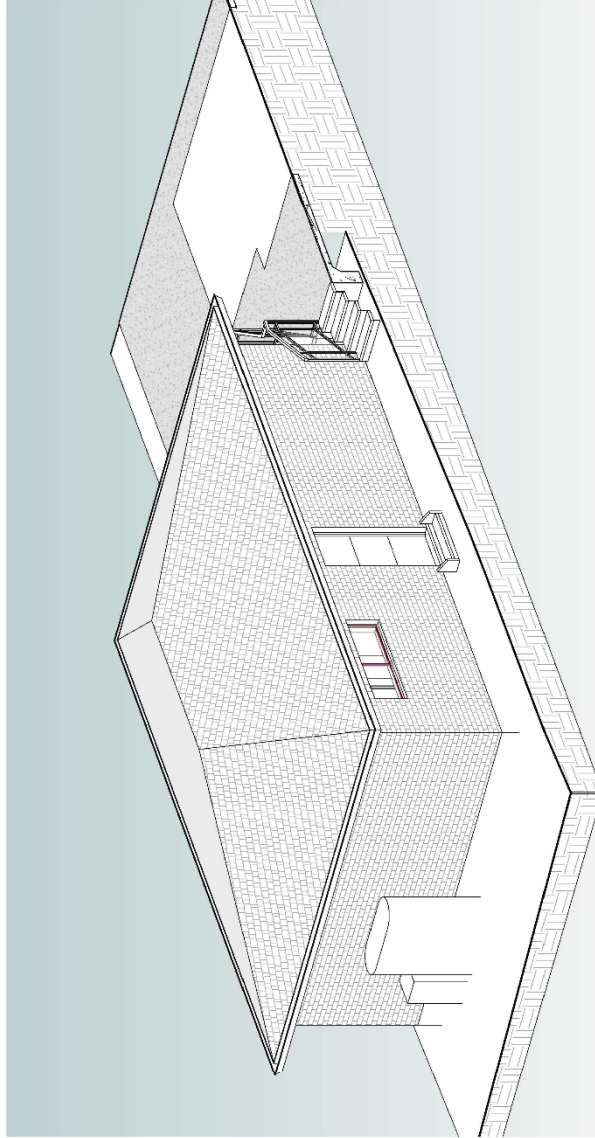
That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, refuse Development Application No. DA/2021/0245 for demolition and construction of a secondary dwelling at 4 Haberfield Road HABERFIELD NSW 2045 for the following reasons.

1. The proposal is inconsistent with Clause 1.2 of *Ashfield Local Environmental Plan 2013* as the proposal will result in adverse effects on the environmental heritage of Haberfield.
2. The proposal is inconsistent with Clause 5.10 of *Ashfield Local Environmental Plan 2013* as the proposal will result in adverse effects on the Haberfield Heritage Conservation Area.
3. The proposal does not comply with the landscaped area development standard within Clause 6.5(3)(d) of *Ashfield Local Environmental Plan 2013* as the proposal does not result in at least 50% of the site being landscaped area.

4. No application pursuant to Clause 4.6 of *Ashfield Local Environmental Plan 2013* to vary the landscape area development standard within Clause 6.5(3)(d) of *Ashfield Local Environmental Plan 2013* was included with the application.
5. The proposed development is inconsistent with Part 2.3 and 2.45 of Chapter E2 of the Comprehensive Inner West Development Control Plan 2016 as the proposal does not maintain a similar pattern of development and garden elements with the surrounding locality.
6. The proposed development is inconsistent with Part 2.39 of Chapter E2 of the Comprehensive Inner West Development Control Plan 2016 as the proposal does not include traditional colour schemes and materials to the proposed structure.
7. The application has failed to adequately demonstrate that the site is suitable for the development in relation to section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*.
8. The application as submitted has not provided adequate information in order to undertake a full and proper assessment of the application in accordance with the *Environmental Planning & Assessment Act 1979*.

Attachment A – Plans of proposed development

**PROPOSED SECONDARY DWELLING AT  
4 HABERFIELD ROAD, HABERFIELD  
LOT 6 DP 926492 & LOT B DP 320843**



| DRAWING LIST |   |
|--------------|---|
| Sheet Number | Sheet Name  |
| A00          | COVER SHEET   |
| A01.01       | DEMOLITION PLAN   |
| A01.02       | SITE PLAN, SITE ANALYSIS PLAN & ROOF PLAN                 |
| A01.03       | WASTE MANAGEMENT PLAN AND SEDIMENT & EROSION CONTROL PLAN |
| A01.04       | LANDSCAPING PLAN  |
| A01.05       | SITE CALCULATIONS   |
| A02          | PROPOSED FLOOR PLAN                                       |
| A03          | ELEVATIONS & SECTION                                      |
| A04          | 3D MODEL  |
| A05          | SCHEDULE OF COLOURS & FINISHES                            |
| A06          | BASIX REQUIREMENTS  |
| A07          | NOTIFICATION PLANS  |

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**Blue Gum  
Grannyflats**

11/11/2019  
11/11/2019  
11/11/2019  
11/11/2019

REV: DATE | DESCRIPTION

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11/11/2019

**PROPOSED SECONDARY DWELLING  
LOT 6 DP 926492 & LOT B DP 320843  
FOR BLUE GUM GRANNY FLAT**

COVER SHEET

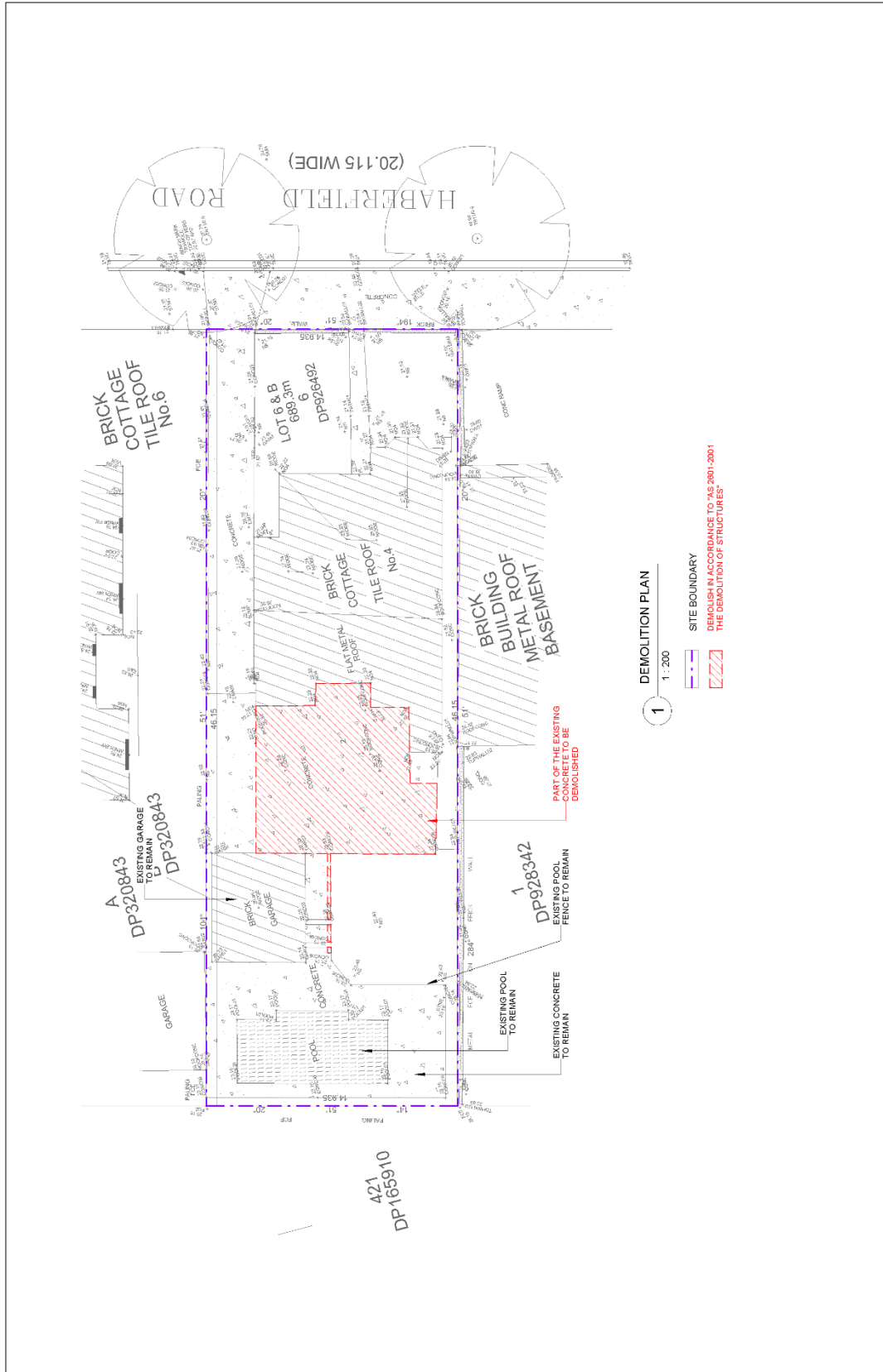
DATE: 19.02.2021  
DRAWN BY: A.S. SHAW  
CHECKED BY: A.S. SHAW

PROJECT NO: 21092  
JOB NO: 21092

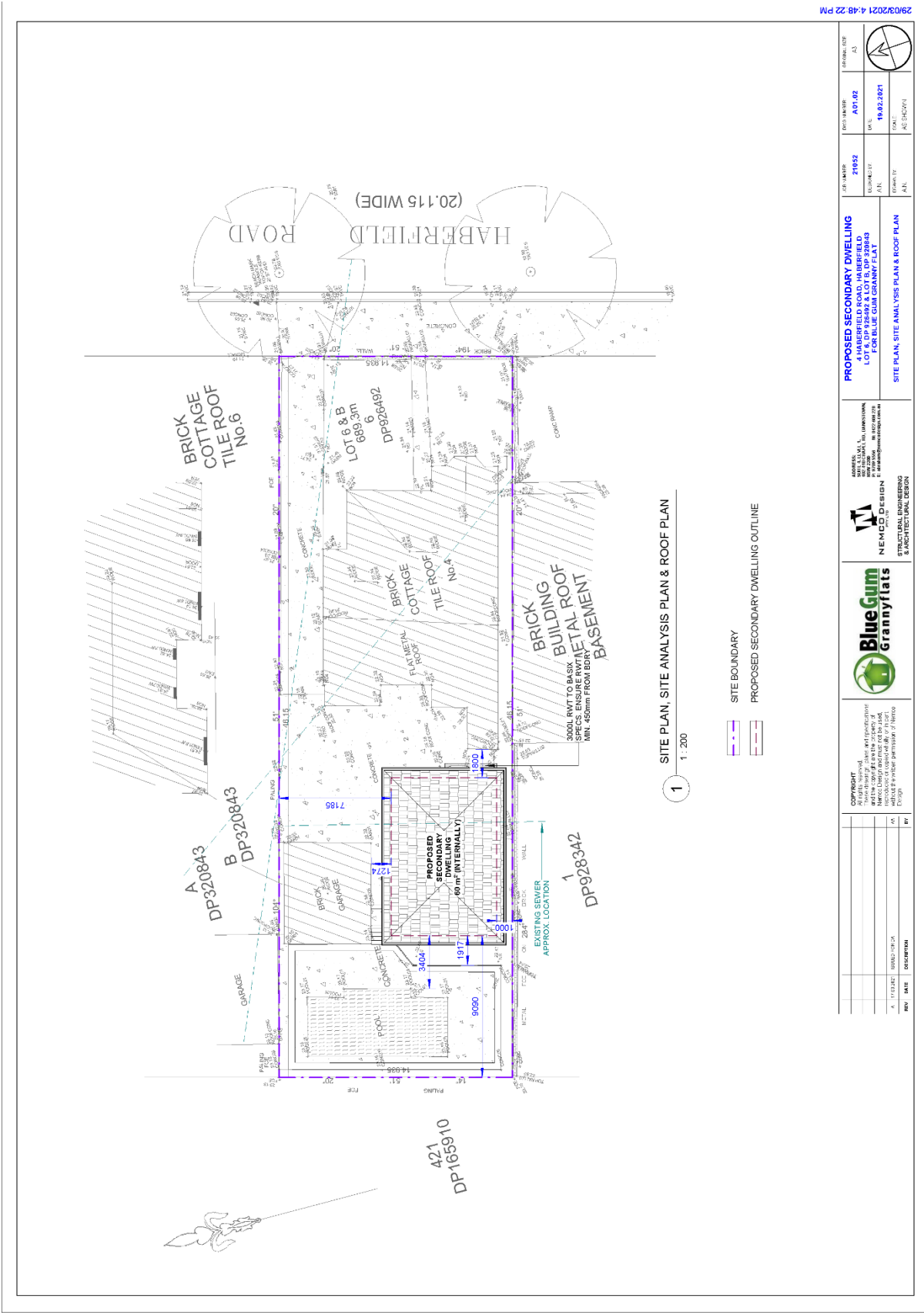
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|--|--|---|--|---|
| <p><b>PROPOSED SECONDARY DWELLING</b><br/>                 1 LOT 16 &amp; B, 689.3m, DP926492<br/>                 FOR BLUE GUM GRANNY FLAT</p>  |  | <p>DATE: 19.02.2021<br/>                 DRAWN BY: M. SHERWIN</p>                                     | <p>PROJECT NO: 21052<br/>                 CLIENT: M. SHERWIN</p> | <p>DATE: 19.02.2021<br/>                 DRAWN BY: M. SHERWIN</p> |
| <p>ADDRESS: 16 HARBURFIELD ROAD, WILSONS PROMENADE, NEWCASTLE<br/>                 PROJECT NO: 21052</p>   |  | <p><b>BlueGum grannyflats</b></p>   |  |   |
| <p><b>BlueGum grannyflats</b></p>  |  | <p><b>NEWCASTLE REGION</b><br/>                 STRUCTURAL ENGINEERING &amp; ARCHITECTURAL DESIGN</p> |  |   |
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1 SITE PLAN, SITE ANALYSIS PLAN & ROOF PLAN  
1:200

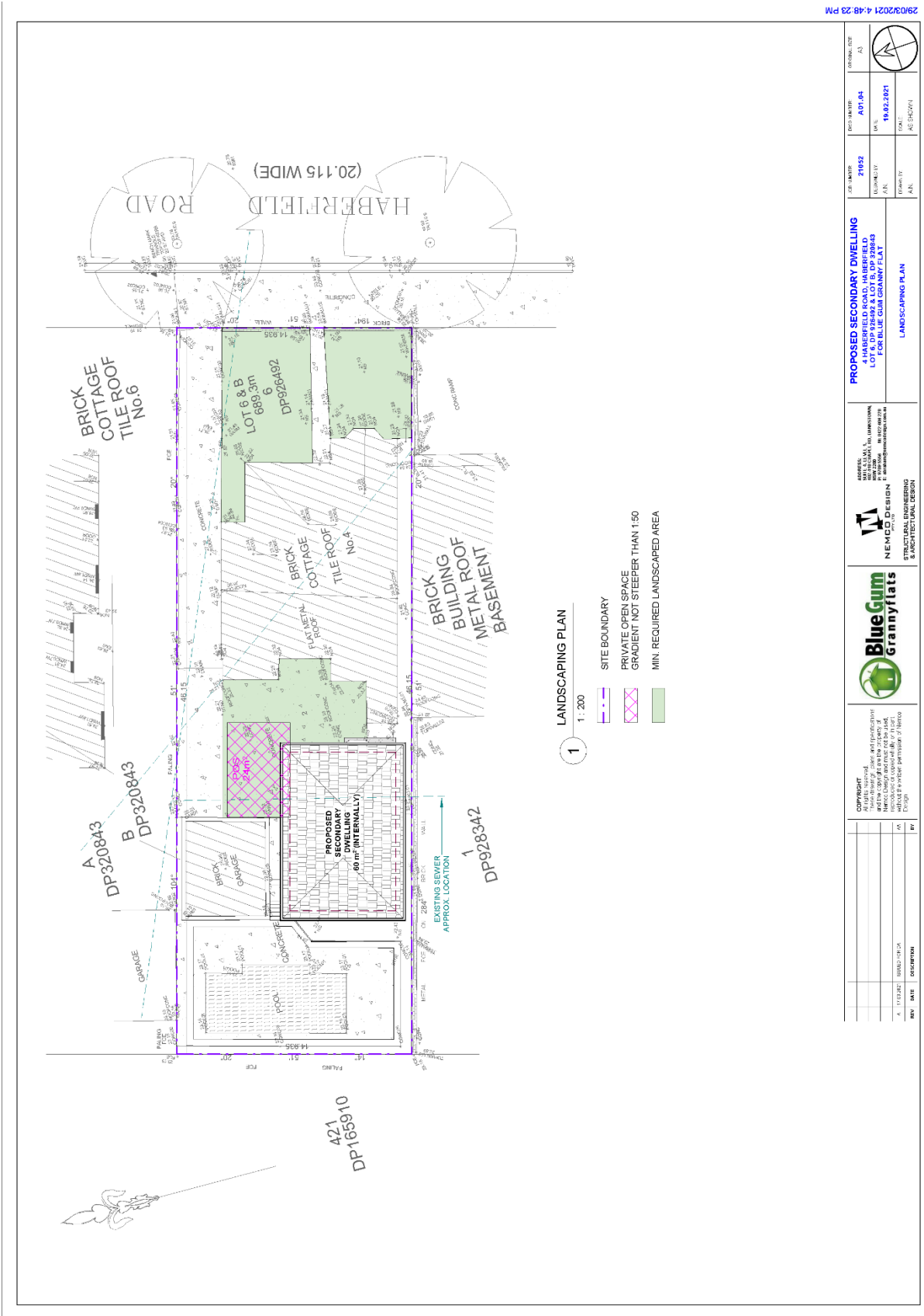
SITE BOUNDARY  
 PROPOSED SECONDARY DWELLING OUTLINE

|  |  |  |                           |                                 |                                   |                         |  |
|--|--|--|---------------------------|---------------------------------|-----------------------------------|-------------------------|--|
|  |  |  |                           |                                 |                                   |                         |  |
| <p><b>BlueGum</b><br/>Grannyflats</p>  |  | <p><b>PROPOSED SECONDARY DWELLING</b><br/>FOR BLUE GUM GRANNY FLAT<br/>LOT 6 DP 920492</p> | <p>2019 MAP<br/>21952</p> | <p>2019 VALUE<br/>\$407,482</p> | <p>2019 RATE<br/>\$9,882,2001</p> | <p>2019 ZONE<br/>R4</p> |  |
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| <p><b>ADDRESS:</b><br/>14895 HERRING ST, HERRING NSW 1503</p>  |  |  |                           |                                 |                                   |                         |  |
| <p><b>DATE:</b> 19/02/2021</p>   |  |  |                           |                                 |                                   |                         |  |
| <p><b>SCALE:</b> AS SHOWN</p>  |  |  |                           |                                 |                                   |                         |  |
| <p><b>PROJECT:</b> PROPOSED SECONDARY DWELLING FOR BLUE GUM GRANNY FLAT</p>  |  |  |                           |                                 |                                   |                         |  |
| <p><b>DESIGNER:</b> BLUE GUM GRANNYFLATS</p>   |  |  |                           |                                 |                                   |                         |  |
| <p><b>DATE:</b> 19/02/2021</p>   |  |  |                           |                                 |                                   |                         |  |
| <p><b>PROJECT NO.:</b> 14895 HERRING ST</p>  |  |  |                           |                                 |                                   |                         |  |
| <p><b>PROJECT NAME:</b> PROPOSED SECONDARY DWELLING FOR BLUE GUM GRANNY FLAT</p>   |  |  |                           |                                 |                                   |                         |  |

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LANDSCAPING PLAN  
1 : 200

- · — · — · — · — · SITE BOUNDARY
- ▨ PRIVATE OPEN SPACE
- ▨ GRADIENT NOT STEEPER THAN 1:50
- ▨ MIN. REQUIRED LANDSCAPED AREA

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|              |             |      |            |
|--------------|-------------|------|------------|
| PROJECT NAME | DP926492    | DATE | 19/02/2021 |
| PROJECT NO.  | 4017/04     | DATE | 19/02/2021 |
| PROJECT TYPE | RESIDENTIAL | DATE | 19/02/2021 |
| PROJECT NO.  | 4017/04     | DATE | 19/02/2021 |

|                             |                  |
|-----------------------------|------------------|
| PROPOSED SECONDARY DWELLING | LANDSCAPING PLAN |
| LOT 6 & B, DP926492         |                  |
| FOR BLUE GUM GRANNY FLAT    |                  |

ADDRESS: 100 HAWKSWOOD ST, HAWKSWOOD, NSW 1503  
 PROJECT NO: DP926492  
 PROJECT NAME: PROPOSED SECONDARY DWELLING FOR BLUE GUM GRANNY FLAT

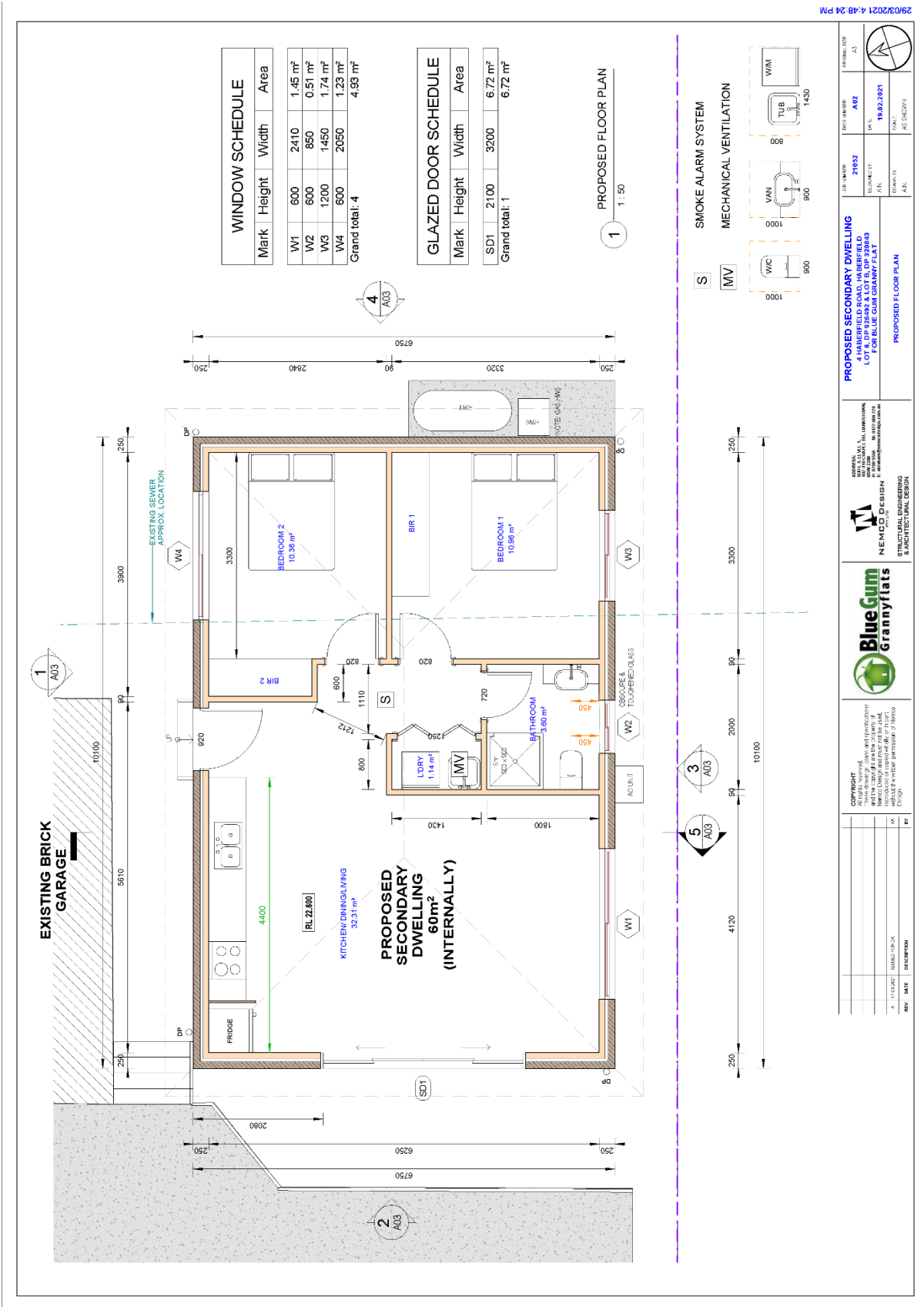
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1 SCHEDULE OF COLOURS & FINISHES

01. BRICK WALL

02. ALUMINIUM WINDOWS & DOORS

03. CONCRETE TILE ROOF

04. FASCIA & GUTTER

**PROPOSED SECONDARY DWELLING**  
 TYPE DP 95/24 & LOT DP 95/2403  
 FOR BLUE GUM GRANNY FLAT

**SCHEDULE OF COLOURS & FINISHES**

|  |  |  |   |   |  |  |
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|--|--|--|---|---|--|--|

**BASIX Certificate**  
Single Dwelling

Project Summary:  
Home address: 4 HILFIELD ROAD, HILFIELD NSW 1511  
Project name: PROPOSED SECONDARY DWELLING FOR BLUE GUM GRANNY FLAT

Project type: Single Dwelling  
Project status: Approved  
Project start date: 15/03/2021

Project owner: NEMIC DESIGN PTY LTD  
Project engineer: NEMIC DESIGN PTY LTD

Project location: 4 HILFIELD ROAD, HILFIELD NSW 1511

Project description: The project is a proposed secondary dwelling for a granny flat. The dwelling will be constructed on the same lot as the existing dwelling. The dwelling will be a single storey building with a maximum height of 3.5m. The dwelling will be constructed in accordance with the BASIX requirements for a single dwelling. The dwelling will be constructed in accordance with the BASIX requirements for a single dwelling.

Project location: 4 HILFIELD ROAD, HILFIELD NSW 1511

Project description: The project is a proposed secondary dwelling for a granny flat. The dwelling will be constructed on the same lot as the existing dwelling. The dwelling will be a single storey building with a maximum height of 3.5m. The dwelling will be constructed in accordance with the BASIX requirements for a single dwelling. The dwelling will be constructed in accordance with the BASIX requirements for a single dwelling.

**Schedule of BASIX commitments**

| Item | Commitment         | Priority | Due Date   | Completion Status |
|------|--------------------|----------|------------|-------------------|
| 1    | Water              | High     | 15/03/2021 | Completed         |
| 2    | Energy             | High     | 15/03/2021 | Completed         |
| 3    | Thermal Comfort    | High     | 15/03/2021 | Completed         |
| 4    | Indoor Air Quality | High     | 15/03/2021 | Completed         |
| 5    | Greenhouse Gas     | High     | 15/03/2021 | Completed         |
| 6    | Stormwater         | High     | 15/03/2021 | Completed         |
| 7    | Soil               | High     | 15/03/2021 | Completed         |
| 8    | Vegetation         | High     | 15/03/2021 | Completed         |
| 9    | Waste              | High     | 15/03/2021 | Completed         |
| 10   | Water              | High     | 15/03/2021 | Completed         |
| 11   | Energy             | High     | 15/03/2021 | Completed         |
| 12   | Thermal Comfort    | High     | 15/03/2021 | Completed         |
| 13   | Indoor Air Quality | High     | 15/03/2021 | Completed         |
| 14   | Greenhouse Gas     | High     | 15/03/2021 | Completed         |
| 15   | Stormwater         | High     | 15/03/2021 | Completed         |
| 16   | Soil               | High     | 15/03/2021 | Completed         |
| 17   | Vegetation         | High     | 15/03/2021 | Completed         |
| 18   | Waste              | High     | 15/03/2021 | Completed         |

**Description of project**

Project name: PROPOSED SECONDARY DWELLING FOR BLUE GUM GRANNY FLAT

Project location: 4 HILFIELD ROAD, HILFIELD NSW 1511

Project description: The project is a proposed secondary dwelling for a granny flat. The dwelling will be constructed on the same lot as the existing dwelling. The dwelling will be a single storey building with a maximum height of 3.5m. The dwelling will be constructed in accordance with the BASIX requirements for a single dwelling. The dwelling will be constructed in accordance with the BASIX requirements for a single dwelling.

**Thermal Comfort Commitments**

Thermal Comfort Commitments: The project is a proposed secondary dwelling for a granny flat. The dwelling will be constructed on the same lot as the existing dwelling. The dwelling will be a single storey building with a maximum height of 3.5m. The dwelling will be constructed in accordance with the BASIX requirements for a single dwelling. The dwelling will be constructed in accordance with the BASIX requirements for a single dwelling.

**Energy Commitments**

Energy Commitments: The project is a proposed secondary dwelling for a granny flat. The dwelling will be constructed on the same lot as the existing dwelling. The dwelling will be a single storey building with a maximum height of 3.5m. The dwelling will be constructed in accordance with the BASIX requirements for a single dwelling. The dwelling will be constructed in accordance with the BASIX requirements for a single dwelling.

**Water Commitments**

Water Commitments: The project is a proposed secondary dwelling for a granny flat. The dwelling will be constructed on the same lot as the existing dwelling. The dwelling will be a single storey building with a maximum height of 3.5m. The dwelling will be constructed in accordance with the BASIX requirements for a single dwelling. The dwelling will be constructed in accordance with the BASIX requirements for a single dwelling.

**Greenhouse Gas Commitments**

Greenhouse Gas Commitments: The project is a proposed secondary dwelling for a granny flat. The dwelling will be constructed on the same lot as the existing dwelling. The dwelling will be a single storey building with a maximum height of 3.5m. The dwelling will be constructed in accordance with the BASIX requirements for a single dwelling. The dwelling will be constructed in accordance with the BASIX requirements for a single dwelling.

**Stormwater Commitments**

Stormwater Commitments: The project is a proposed secondary dwelling for a granny flat. The dwelling will be constructed on the same lot as the existing dwelling. The dwelling will be a single storey building with a maximum height of 3.5m. The dwelling will be constructed in accordance with the BASIX requirements for a single dwelling. The dwelling will be constructed in accordance with the BASIX requirements for a single dwelling.

**Soil Commitments**

Soil Commitments: The project is a proposed secondary dwelling for a granny flat. The dwelling will be constructed on the same lot as the existing dwelling. The dwelling will be a single storey building with a maximum height of 3.5m. The dwelling will be constructed in accordance with the BASIX requirements for a single dwelling. The dwelling will be constructed in accordance with the BASIX requirements for a single dwelling.

**Vegetation Commitments**

Vegetation Commitments: The project is a proposed secondary dwelling for a granny flat. The dwelling will be constructed on the same lot as the existing dwelling. The dwelling will be a single storey building with a maximum height of 3.5m. The dwelling will be constructed in accordance with the BASIX requirements for a single dwelling. The dwelling will be constructed in accordance with the BASIX requirements for a single dwelling.

**Waste Commitments**

Waste Commitments: The project is a proposed secondary dwelling for a granny flat. The dwelling will be constructed on the same lot as the existing dwelling. The dwelling will be a single storey building with a maximum height of 3.5m. The dwelling will be constructed in accordance with the BASIX requirements for a single dwelling. The dwelling will be constructed in accordance with the BASIX requirements for a single dwelling.

**Other Commitments**

Other Commitments: The project is a proposed secondary dwelling for a granny flat. The dwelling will be constructed on the same lot as the existing dwelling. The dwelling will be a single storey building with a maximum height of 3.5m. The dwelling will be constructed in accordance with the BASIX requirements for a single dwelling. The dwelling will be constructed in accordance with the BASIX requirements for a single dwelling.

**Attachment B – Draft Conditions in event of approval**

**CONDITIONS OF CONSENT**

**DOCUMENTS RELATED TO THE CONSENT**

**1. 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           |
|------------------------------|---|---------------|-----------------------|
| A01.01 A                     | Demolition Plan   | 17 March 2021 | Blue Gum Granny Flats |
| A01.02 A                     | Site Plan, Site Analysis Plan & Roof Plan                   | 17 March 2021 | Blue Gum Granny Flats |
| A01.03 A                     | Waste Management Plan and Sediment and Erosion Control Plan | 17 March 2021 | Blue Gum Granny Flats |
| A01.04 A                     | Landscaping Plan  | 17 March 2021 | Blue Gum Granny Flats |
| A02 A                        | Proposed Floor Plan   | 17 March 2021 | Blue Gum Granny Flats |
| A03 A                        | Elevations & Section  | 17 March 2021 | Blue Gum Granny Flats |
| A05 A                        | Schedule of Colours and Finishes                            | 17 March 2021 | Blue Gum Granny Flats |

As amended by the conditions of consent.



**FEES**

**2. Security Deposit - Custom**

Prior to the commencement of demolition works or prior to the 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> | \$2,209.00 |
| <b>Inspection Fee:</b>   | \$236.70   |

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 initial 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.

**3. Section 7.11 (Former Section 94) Contribution**

Prior to the issue of a Construction Certificate works written evidence must be provided to the Certifying Authority that a monetary contribution of \$9295.29 indexed in accordance with Ashfield Development Contributions Plan ("CP") has been paid to the Council.

The above contribution is the contribution applicable as at 16 June 2021.

**\*NB** Contribution rates under Ashfield Development Contributions Plan are indexed quarterly (for the method of indexation refer to Section 2.6 of the Plan).

The indexation of the contribution rates occurs in the first week of the months of February, May, August and November each year, following the release of data from the Australian Bureau of Statistics

The contribution payable has been calculated in accordance with the CP and relates to the following public amenities and/or services and in the following amounts:

| Community Infrastructure Type:      | Contribution \$ |
|-------------------------------------|-----------------|
| Local Roads                         | 362.83          |
| Local Public Transport Facilities   | 476.58          |
| Local Open Space and Recreation     | 7671.16         |
| Local Community Facilities          | 403.92          |
| Plan Preparation and Administration | 380.79          |
| <b>TOTAL</b>                        | <b>9295.29</b>  |

A copy of the CP can be inspected at any of the Inner West Council Services Centres or viewed online at:

<https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions>

Payment methods:

The required contribution must be paid either **by BPAY (to a maximum of \$500,000); unendorsed bank cheque (from an Australian Bank only); EFTPOS (Debit only); credit card (Note: A 1% credit card transaction fee applies to all credit card transactions; cash (to a maximum of \$10,000).** It should be noted that personal cheques or bank guarantees cannot be accepted for the payment of these contributions. **Prior to payment contact Council's Planning Team to review charges to current indexed quarter, please allow a minimum of 2 business days for the invoice to be issued before payment can be accepted.**

**\*NB** A 0.75% credit card transaction fee applies to all credit card transactions.

#### **4. Long Service Levy**

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid at the prescribed rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more.

### **GENERAL CONDITIONS**

#### **5. 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.

#### **6. 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.

#### **7. Works Outside the Property Boundary**

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

### **PRIOR TO ANY DEMOLITION**

#### **8. Hoardings**

The person acting on this consent must ensure the site is secured with temporary fencing prior to any works commencing.

If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public roads or Council controlled lands to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property.

Separate approval is required from the Council under the *Roads Act 1993* to erect a hoarding or temporary fence or awning on public property.

#### **9. 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.

#### **10. 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**

#### **11. Dilapidation Report – Pre-Development – Minor**

Prior to the issue of a Construction Certificate or any demolition, the Certifying Authority must be provided with a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site.

#### **12. Stormwater Drainage System – Minor Developments (OSD is not required)**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans certified by a suitably qualified Civil Engineer that the design of the site drainage system complies with the following specific requirements:

- a. The design must generally be in accordance with the Stormwater Drainage Concept plan on Drawing Nos. C00 to C02 prepared by Nemco Design and dated 25 March 2021, as amended to comply with the following;
- b. Stormwater runoff from all roof areas within the property being collected in a system of gutters, pits and pipeline and be discharged, together with overflow pipelines from the rainwater tank, by gravity to the kerb and gutter of a public road;
- c. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP;
- d. Pipe and channel drainage systems must be designed to cater for the twenty (20) year Average Recurrence Interval (ARI) storm event. Major event surface flow paths must be designed to cater for the one hundred (100) year ARI Storm;

- e. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage other than to drain downpipes to the rainwater tank;
- f. In accordance with with the Council's DCP 2011 requirements (C5, Section 2.25.3.3), the rainwater tank size shall be increased to 5000 L;
- g. The design plans must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes;
- h. An overland flowpath must be provided within the setback to the side boundary;
- i. A minimum 150mm step up shall be provided between all external finished surfaces and adjacent internal floor areas;
- j. The design must make provision for the natural flow of stormwater runoff from adjacent properties;
- k. No nuisance or concentration of flows to other properties;
- l. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
- m. The design plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required;
- n. A silt arrestor pit must be installed inside the property, adjacent to the boundary, for the stormwater outlet;
- o. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;
- p. New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a maximum section height and width of 100mm or sewer grade uPVC pipe with a maximum diameter of 100mm;
- q. Any new stormwater outlet through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings; and
- r. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated

### **13. 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**

**14. 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.

**15. 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.

**PRIOR TO OCCUPATION CERTIFICATE****16. Protect Sandstone Kerb**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any damaged stone kerb has been replaced.

**ADVISORY NOTES****Permits**

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 veranda over the footpath;
- h. Partial or full road closure; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

If required contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. Applications for such Permits must be submitted and approved by Council prior to the commencement of the works associated with such activity.

#### **Insurances**

Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands is required to 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.

#### **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.

**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.

**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<br><a href="http://www.basix.nsw.gov.au">www.basix.nsw.gov.au</a>  |
| Department of Fair Trading | 13 32 20<br><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.<br>1100<br><a href="http://www.dialprior toyoudig.com.au">www.dialprior toyoudig.com.au</a> |
| Landcom                    | 9841 8660<br>To purchase copies of Volume One of "Soils and Construction"  |
| Long Service Corporation   | Payments 131441<br><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><br><a href="http://www.diysafe.nsw.gov.au">www.diysafe.nsw.gov.au</a><br>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 - SITA Environmental Solutions    | 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><br>Enquiries relating to work safety and asbestos removal and disposal.   |

**REASONS FOR REFUSAL**

1. The proposal is inconsistent with Clause 1.2 of *Ashfield Local Environmental Plan 2013* as the proposal will result in adverse effects on the environmental heritage of Haberfield.
2. The proposal is inconsistent with Clause 5.10 of *Ashfield Local Environmental Plan 2013* as the proposal will result in adverse effects on the Haberfield Heritage Conservation Area.

3. The development is inconsistent with Clause 4.6 of *Ashfield Local Environmental Plan 2013* as the application has failed to provide a written request to justify the contravention of the landscaping development standard.
4. The proposed development is inconsistent with Part 2.3 and 2.45 of Chapter E2 of the Comprehensive Inner West Development Control Plan 2016 as the proposal does not maintain a similar pattern of development and garden elements with the surrounding locality.
5. The proposed development is inconsistent with Part 2.39 of Chapter E2 of the Comprehensive Inner West Development Control Plan 2016 as the proposal does not include traditional colour schemes and materials to the proposed structure.
6. The proposal is inconsistent with Clause 6.5(3)(d) of *Ashfield Local Environmental Plan 2013* as the proposal does not result in at least 50% of the site being landscaped area.
7. The application has failed to adequately demonstrate that the site is suitable for the development in relation to section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*.
8. The application as submitted has not provided adequate information in order to undertake a full and proper assessment of the application in accordance with the *Environmental Planning & Assessment Act 1979*.