





 DEVELOPMENT ASSESSMENT REPORT			
<b>Application No.</b>	DA/2021/0530		
<b>Address</b>	32 Albert Parade ASHFIELD NSW 2131		
<b>Proposal</b>	Demolition of existing structures, torrens title subdivision and construction of two double storey dwellings		
<b>Date of Lodgement</b>	24 June 2021		
<b>Applicant</b>	Urban Link Pty Ltd		
<b>Owner</b>	Topwei Three Pty Ltd		
<b>Number of Submissions</b>	Initial: 13		
<b>Value of works</b>	\$1,712,516.00		
<b>Reason for determination at Planning Panel</b>	Number of submissions		
<b>Main Issues</b>	Privacy, tree removal & impacts to streetscape		
<b>Recommendation</b>	Approved with Conditions		
<b>Attachment A</b>	Recommended conditions of consent		
<b>Attachment B</b>	Plans of proposed development		
			
LOCALITY MAP			
Subject Site		Objectors	 
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 of existing structures, torrens title subdivison and construction of two double storey dwellings at 32 Albert Parade ASHFIELD .

The application was notified to surrounding properties and 13 submissions were received in response to the initial notification.

The main issues that have arisen from the application include:

- Privacy impacts to neighbouring sites
- Impacts to streetscape and neighbouring heritage items
- Proposed tree removal

The non-compliances are acceptable given the merits of the case and therefore the application is recommended for approval.

## 2. Proposal

The current application seeks consent for the following works:

- Demolition of all existing on-site structures
- Removal of 12 on-site trees
- Torrens Title of the existing allotment into two new allotments known as Lot 1 (630sqm in area) and Lot 2 (549sqm in area, excluding access way).
- Construction of a new two storey dwelling house on each of the proposed lots. The proposed dwellings are to each accommodate the following:
  - Two-car garage
  - Living room, kitchen, dining, laundry, bathroom, butler's pantry, rumpus room and guest room on the ground floor. The proposed guest rooms are proposed to have their own bathrooms.
  - 4-bedrooms on the first floor. Each of the bedrooms on the first floor are to accommodate their own en-suite with bedroom 1 also accessing its own balcony.

## 3. Site Description

The subject site is located on the western side of Albert Parade, between Frederick Street and Alt Street. The site consists of 1 allotment and is generally rectangular shaped with a total area of 1,233sqm and is legally described as 32 Albert Parade Ashfield.

The site has a frontage to Albert Parade of 3.5 metres and a maximum depth of 40.35m. The site is not currently affected by easements.

The site currently supports a single storey brick and tile dwelling house, with a detached garage and outbuilding. The adjoining properties support single and two storey dwelling houses, while the larger locality is characterised by dwelling houses and residential flat buildings.

The property is not located within a heritage conservation area (HCA), but does back onto a HCA known as Eccles Estate (C02). The central reserve in Albert Parade and the sections of street surrounding the reserve is listed as a local heritage item. Surrounding the subject site are several individual dwellings listed as heritage items.

Currently located upon the site are numerous trees, some are significant and worthy of retention while others are not considered to be significant.

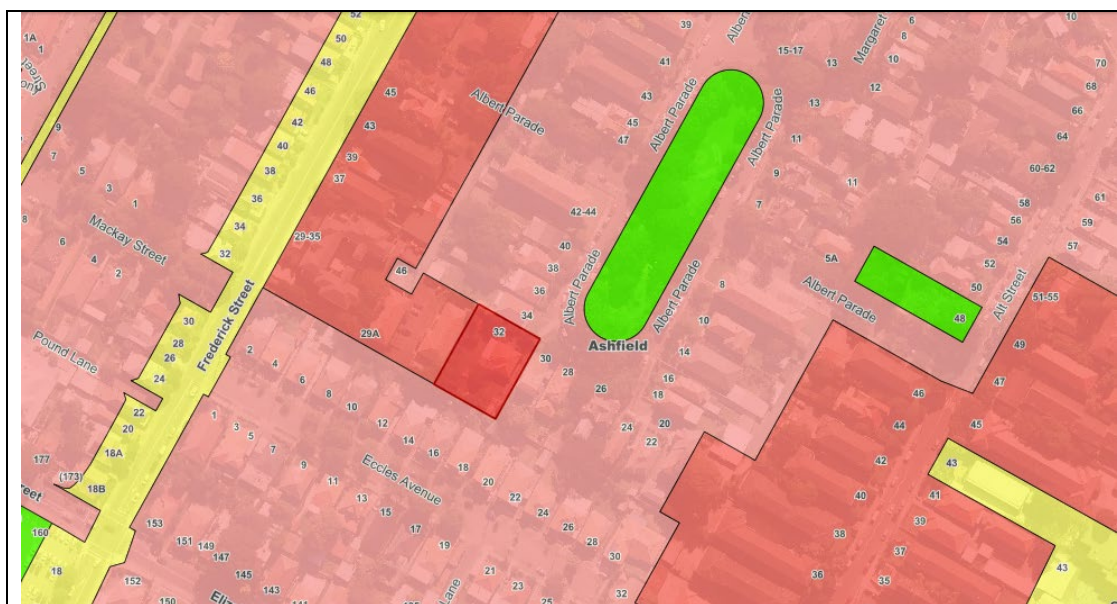


Figure 1 – Zoning map, site identified by red box

## 4. Background

### 4(a) Site history

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

#### Subject Site

Application	Proposal	Decision & Date
10.2018.203	Demolition of existing structures and construction of a two-storey boarding house with 42 single rooms (including managers room) and basement parking for 23 vehicles.	Appealed to Land and Environment Court- appeal dismissed – 22/07/2020
PDA/2021/0046	Pre-DA – Demolition of existing structures, Torrens title subdivision and construction of two dwelling houses	Advice Issued

#### 4(b) Application history

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

Date	Discussion / Letter / Additional Information
21 July 2021	Council Officers contacted the applicant and requested the submission of amended plans/additional information addressing the following: <ul style="list-style-type: none"> <li>- Submission of a revised photomontage or elevations outlining the proposals context within the Albert Parade context to enable a full assessment on the potential heritage impacts.</li> <li>- Amended plans detailing the finished floor levels on all elevations.</li> <li>- Amended plans detailing a privacy screen to the southern elevation of the alfresco to the dwelling within Lot 1 to ensure privacy for all neighbours.</li> <li>- Amended shadow diagrams detailing shadows cast in hourly intervals</li> <li>- Amended stormwater plans and additional information outlining that it is not possible to obtain an easement over downstream property owners.</li> <li>- Amended plans detailing a parking scheme compliant with the Australian Standards and enabling forward entry/exit for all cars once on site.</li> <li>- Submission of an arborist report identifying and assessing the significance of all on site trees to be removed or impacted by the current proposal.</li> </ul>
13 August 2021	Amended plans were submitted to Council.
23 August 2021	Amended stormwater plans and arborist report were submitted to Council.

The current assessment report has been based off the additional information submitted by the applicant on the 13 & 23 August 2021.

## 5. Assessment

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

### 5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy No. 55—Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*

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. IWCDP 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 having regard to the provisions of *SEPP 55*.

**5(a)(ii) 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(a)(iii) 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 from within the site. The application was referred to Council’s Tree Management Officer whose comments are summarised as follows:

- The Arboricultural Impact Assessment prepared by TALC, prepared 26th August 2021, has identified 31 site trees and 4 neighbouring trees within 5 metres of the proposal.
- Only 7 of the site trees are prescribed trees, the remainder are non-prescribed because of their height or species type. The small site trees are stunted or show poor condition due to neglect and poor maintenance methods. Neighbouring trees are not impacted by the driveway or storm water proposal.
- No objection is raised to the proposed tree removal, subject to suitable conditions of consent. The proposed landscape plan outlines sufficient replacement plantings to compensate for the trees to be removed.

Overall, the proposal is considered acceptable with regard to the *Vegetation SEPP* and DCP subject to the imposition of conditions, which have been included in the recommendation of this report.

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

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

- Clause 1.2 - Aims of Plan
- Clause 2.3 - Land Use Table and Zone Objectives
- Clause 2.6 - Subdivision
- Clause 2.7 - Demolition
- Clause 4.1 - Minimum subdivision lot size
- Clause 4.3 - Height of buildings
- Clause 4.4 - Floor space ratio
- Clause 4.5 - Calculation of floor space ratio and site area
- Clause 5.10 - Heritage Conservation
- Clause 6.1 - Earthworks

(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 Torrens Title subdivision and construction of two dwelling houses. A dwelling house is defined as:

*dwelling houses* means a building containing only one dwelling.

The development is permitted with consent within the land use table. The development is consistent with the objectives of the R2 – Low Density Residential zone.

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

Standard	Proposal	non compliance	Complies
<b>Minimum subdivision lot size</b> Minimum lot size: 500m <sup>2</sup>	Lot 1: 630m <sup>2</sup> Lot 2: 549m <sup>2</sup>	N/A	Yes
<b>Height of Building</b> Maximum permissible: 8.5m	Lot 1: 8.5m Lot 2: 8.5m	N/A	Yes
<b>Floor Space Ratio</b> Maximum permissible: Lot 1: 0.7:1 or 441m <sup>2</sup> Lot 2: 0.7:1 or 384m <sup>2</sup>	Lot 1: 0.52:1 or 325m <sup>2</sup>  Lot 2: 0.58:1 or 317m <sup>2</sup>	N/A	Yes

Clause 4.1 – Minimum Subdivision Lot Size

In accordance with the requirements of clause 4.1(4A) of the *ALEP 2013* for the purpose of calculating the size of a battle-axe block (such as this one) the area of the access handle has been excluded from the site area of lot 2.

Clause 5.10 – Heritage Conservation

The property is not located within a heritage conservation area but is adjacent to the Eccles Estate (C02) HCA and several local heritage items, as seen within figure 2 below. The central reserve in Albert Parade and the sections of street surrounding the reserve are listed as a local heritage items under the *ALEP 2013*.



Figure 2 – Location of neighbouring HCA and local heritage items. Subject site identified by red box.

As part of the current assessment Council’s Heritage Advisor has reviewed the proposal including the proposed demolition of the existing dwelling and impacts to the streetscape/neighbouring heritage items. The existing building and its contribution to the streetscape can be seen below within figure 3. The current residence on the site is identified as a typical interwar style of residence found throughout the LGA. An initial review of the proposal by Council’s Heritage Advisor found that insufficient information on the developments context within the streetscape was provided to enable an assessment of the heritage impacts. These concerns were put to the applicant who provided figure 4 (below) in response.

The provided additional information has been reviewed by Council’s Heritage Advisor who outlined that the proposal would not significantly impact the setting or views of neighbouring heritage items and that the proposal is acceptable subject to suitable conditions of consent. Overall the proposal is considered to satisfy the requirements of clause 5.10 of the ALEP 2013.



Figure 3 – Existing dwelling and context in streetscape



Figure 4 – Proposed dwellings and context in streetscape

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 (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

IWCDCP2016	Compliance
<b>Section 1 – Preliminary</b>	
B – Notification and Advertising	Yes
<b>Section 2 – General Guidelines</b>	
A – Miscellaneous	
1 - Site and Context Analysis	Yes
2 - Good Design	Yes
5 - Landscaping	Yes
9 - Subdivision	No – see discussion
15 - Stormwater Management	Yes
E1 – Heritage items and Conservation Areas (excluding Haberfield)	
1 – General Controls	Yes
F – Development Category Guidelines	
1 – Dwelling Houses and Dual Occupancy	Yes

The following provides discussion of the relevant issues:



### Subdivision

The current proposal results in a variation to clause DS5.2 of Chapter A – Miscellaneous, which states that battle-axe lots are not to be created. The current proposal results in lot 1 forming a battle axe block and is a variation to clause DS5.2. A review of the objectives for this control has highlighted that the intent of this clause is to ensure that proposals do not result in overbearing development for neighbouring properties in terms of closeness, scale or bulk.

Council has undertaken a merit assessment of the proposed variation/subdivision pattern and analysed impacts likely to result to neighbouring properties. The proposed dwelling for lot 1 has been designed to be setback at least 5.4m from the eastern boundary, 3.4m from the western boundary and 3.5m from the southern boundary on the ground floor. On the first floor the proposal has been designed to be setback 6.9m from the eastern boundary, 6.9m from the western boundary and 4.4m from the southern boundary. The proposed setbacks combined with the proposed dwellings design ensures that the proposed internal (battle axe) dwelling to Lot 1 is sufficiently setback from the boundaries of the site and from neighbouring POS to ensure that there is minimal impacts of bulk/scale or overbearing built form. The proposed size and scale of the dwelling to lot 1 is similar to that of neighbouring two storey dwelling houses and less than the neighbouring residential flat building at 29A Frederick Street. The developments proposed bulk/scale will not be out of character within the locality and will be appropriately mitigated through the setbacks outlined above. The proposed variation is therefore considered to be acceptable given the merits of the case.

### Solar Access

The proposal is compliant with clause DS 13.1 which requires solar access to be maintained to at least 50% of private open space areas of adjoining properties for a minimum of 3 hours between 9 am and 3 pm on 21 June. The intention of this control is to ensure that development provides a sufficient sunlight to primary open space and main living areas of adjoining properties. The current application results in all neighbouring properties obtaining a compliant rate of solar access to their POS.

As part of the current application the applicant has submitted hourly shadow diagrams for the winter solstice (21 June). These shadow diagrams confirm that the proposal will not result in a loss of solar access for any of the neighbouring units at 29A Frederick Street. In this instance the property most impacted by the developments overshadowing is 16 Eccles Avenue. This property will still retain solar access to existing windows between 9am to 3pm on the 21 June but will lose solar access to the majority of the POS between 9am and 11am. However, from 11am to 3pm solar access is returned to more than 50% of the POS, resulting in 4 hours solar access to more than 50% of the POS. This level of solar access is well above the minimum requirements of the DCP and as such the proposal is compliant with the solar access provisions.

### Privacy

Council has reviewed the potential privacy impacts resulting from the proposed development. This assessment has considered the location of neighbouring windows outlined within figure 5 and 6 below.



Figure 5 – Subject sites rear yard, looking towards 30 Albert Parade

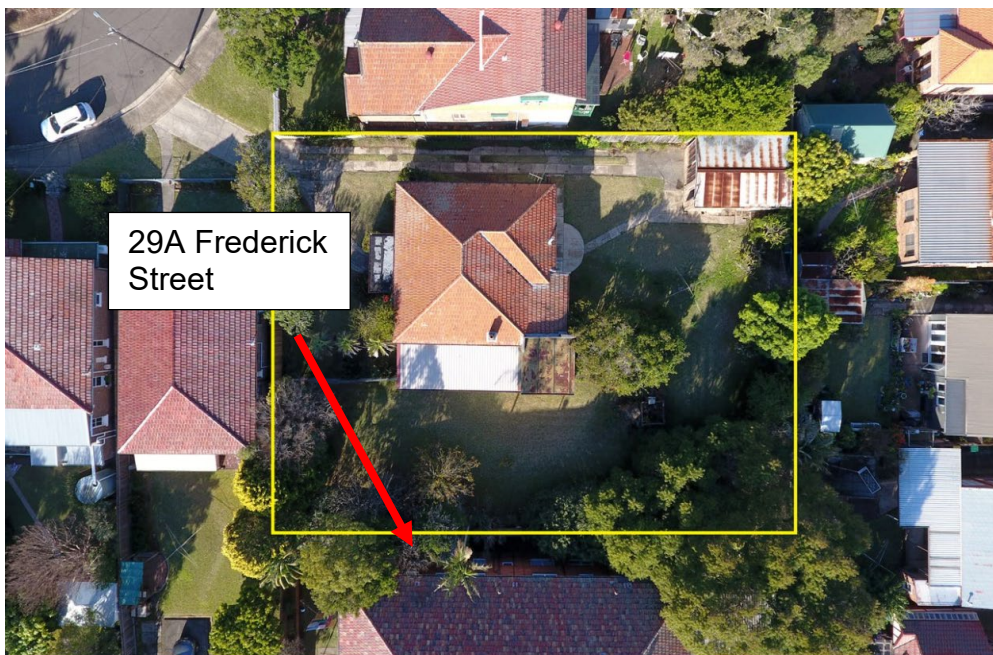


Figure 6 – Aerial Photo of subject site, site boundaries outlined in yellow. The following assessment with regard to privacy has been made:

*Lot 1*

- *Eastern Elevation*

A review of the proposed ground floor eastern elevation has highlighted that the finished floor level relating to the rumpus room is situated roughly 550mm above the existing ground level at the south east corner. This element of the building is setback 5.4m from the boundary however the proposed finished floor level means that boundary fencing would extend only 1.25m higher than the finished floor level. This could result in direct sightlines from the rumpus room over side boundary fencing into neighbouring POS. The proposed rumpus room acts as a secondary living space and is a highly trafficable room. As such the

allowance of direct sightlines into neighbouring POS is not supportable and would have significant amenity impacts. In order to mitigate this issue a design change condition requiring eastern elevation windows to the rumpus room to be of a highlight nature with a minimum sill height of 1.6m (measured from finished floor level) is recommended for the consent. This amendment ensures no direct sightlines to the neighbouring property, while providing sufficient opportunities for light and ventilation to the rumpus room.

With regard to windows and openings on the first floor of the eastern elevation, the proposal seeks to incorporate a window opening to bedroom 1, a balcony accessed only by bedroom 1 and windows relating to bedroom 2. The proposed window to bedroom 1 has been designed to incorporate a sill height of 1.2m and is setback 6.9m from the eastern boundary. The use to which this window relates to (a bedroom) is a low trafficable space, however concerns are raised that direct sightlines into neighbouring POS will be achievable, as such a design change condition requiring this window to have a minimum 1.6m sill height is recommended for the consent.

The proposed balcony accessed from bedroom 1 on the eastern elevation has been setback 9m from the eastern boundary of the site. This balcony has dimensions of 3.2m x 2.8m and a total area of 8.9m<sup>2</sup>. The proposed size of the balcony is considered to be excessively large and likely to result in amenity impacts for neighbours. In order to mitigate these impact a design change condition limiting the trafficable space of the balcony to 1.5m x 2.8m is recommended for the consent. Such a space will allow for occupants of bedroom 1 to utilise the space without resulting in amenity impacts, adopting of this condition pushes the trafficable space of the balcony to a setback of 11m from the eastern boundary.

The proposed windows to bedroom 2 are setback 10.9m from the boundary with a 1m window sill height. The use to which this window relates to (a bedroom) is a low trafficable space. The combination of a 10.9m setback and use as a bedroom ensure minimal privacy impacts for neighbouring POS.

- *Western Elevation*

A review of the western elevation has confirmed that the proposed ground floor openings have been designed to be situated close to existing ground level and will be screened by boundary fencing. As such no changes are recommended. Regarding the first floor glazing, this has been kept to a minimum and relates to bathrooms and wardrobes. These areas are low trafficable spaces which future occupants will desire to maintain their own privacy. No changes are recommended for these openings.

- *Southern Elevation*

A review of the proposed ground floor southern elevation has highlighted that the finished floor level of the rumpus room is situated roughly 900mm above the existing ground level. This element of the building is setback 3.3m from the southern boundary however the proposed finished floor level means that boundary fencing would extend only 900mm higher than the finished floor level and not screen any of the windows. This results in direct sightlines from the rumpus room over the side boundary fencing into neighbouring POS. This is not supportable. A design change condition requiring the southern elevation windows to the rumpus room to be of a highlight nature with a minimum sill height of 1.6m (measured from finished floor level) is recommended for the consent. Given that these windows are south facing it is expected that the proposed change will have minimal impact to occupant amenity.

With regard to the proposed window relating to the guest bedroom on the southern elevation of the ground floor, the finished floor level is 1.1m higher than the existing ground level. This

finished floor level results in boundary fencing that would extend only 900mm higher than the finished floor level and not screen any of the window. To ensure reduced opportunities for sightlines it is recommended that this window be amended to be a minimum sill height of 1.4m (measured from finished floor level). This amendment will reduce opportunities for sightlines, while allowing amenity for occupants.

The final ground floor window on the southern elevation (adjacent the alfresco) relates to the dining area. This area has been designed to be situated close to the existing ground level and results in the windowsill being 2.2m above the proposed finished floor level of the living area, as such no sightlines will be obtainable.

Assessment of the proposed alfresco area has highlighted that the southern boundary of the space is to be 300-600mm above the existing ground floor. This space is to be setback 3.5m from the southern boundary. This finished floor level means that boundary fencing would extend only 1.2m higher than the finished floor level and not obscure site-lines of future occupants. As result this alfresco area (if left untreated) would obtain direct sightlines into the POS and living areas of 14,16 and 18 Eccles Ave. Such an outcome is not supportable and a condition requiring the installation of a privacy screen, 1.8m high (measured from the finished floor level of the alfresco), with a minimum block out density of 75% for the length of the southern elevation is recommended for the consent.

With regard to the first-floor windows along the southern elevation these windows relate to bedrooms 1 and 2, wardrobes and bathrooms. These windows have a minimum sill height of 1.2m and are setback roughly 4.4m from the boundary. The uses these windows relate to are low trafficable spaces, however the proximity and location to the rear boundary of the site means that direct sightlines into multiple neighbouring POS will be achievable. In order to avoid direct sightlines a design change condition requiring these windows to have a minimum 1.6m sill height is recommended for the consent. In order to ensure amenity for bedroom 4 a design change condition requiring the installation of at least one skylight within the roof is recommended for the consent.

#### *Lot 2*

##### *- Eastern Elevation*

The proposed ground floor has been designed to be situated close to existing ground level, as such windows on the eastern elevation ground floor will be screened by fencing and will not result in sightlines to neighbouring properties.

With regard to windows and openings on the first floor of the eastern elevation, the proposal seeks to incorporate a window opening to bedroom 1, a balcony accessed only by bedroom 2 and windows relating to bedroom 2.

The proposed balcony accessed from bedroom 2 on the eastern elevation has been setback 9m from the eastern boundary of the site. This balcony has dimensions of 3.2m x 2.8m and a total area of 8m<sup>2</sup>. The proposed size of the balcony is considered to be excessively large and likely to result in amenity impacts for neighbours. In order to mitigate these issues a design change condition limiting the trafficable space of the balcony to 1.5m x 2.8m is recommended for the consent. Such a space will allow for occupants of bedroom 2 to utilise the space without resulting in amenity impacts for neighbours.

The proposed windows to bedrooms 1 and 2 are setback 10.9m from the boundary with a 1m windowsill height. The use to which these windows relate to (bedrooms) are low traffic spaces. The combination of a 10.9m setback, 1m windowsill height and use as bedrooms

combine to ensure minimal privacy impacts for neighbouring sites. No change to the proposed windows is recommended.

- *Western Elevation*

A review of the western elevation has confirmed that the proposed ground floor openings have been designed to be situated close to existing ground level and will be screened by boundary fencing. As such no changes are recommended. With regard to the first floor glazing within this location has been kept to a minimum and relates to bathrooms and wardrobes. These areas are low traffic spaces which future occupants will desire to maintain their own privacy. No changes are recommended for these openings.

- *Northern Elevation*

A review of the northern elevation has confirmed that the proposed ground floor openings have been designed to be situated close to existing ground level and will be screened by boundary fencing. As such no changes are recommended. With regard to the first-floor glazing, room uses are restricted to bedrooms and bathrooms. These windows have been designed with a 1.2m sill height and relate to low trafficable spaces. A review of the provided site analysis has confirmed that the outlook achieved from these windows will be largely over neighbouring roof tops and not into POS. The proposed windows are acceptable in their current form and are recommended for support.

#### Wall Height

The proposed new dwellings each result in a 700mm technical breach to the maximum wall height control along the southern elevations. Clause DS3.4 of Chapter F within the Inner West Comprehensive Development Control Plan 2016 outlines that developments are to have a maximum 6m wall height, as measured from the existing ground. The intention of the control is to ensure that development is in keeping with the scale prevailing in the street and the desired future character of the area. A review of the current proposal has highlighted that the developments incorporate a maximum wall height of 6.7m when measured from the existing ground. The proposed variation is directly resultant from the slope of the site and is isolated to a minor portion of the built form on the southern elevations. In this instance the proposed variation is acceptable as the wall height has been articulated and visually broken by a 1m increased setback where the proposal reaches the first floor. The proposal also employs a change in building materials from face brick to paint, where the development reaches the first floor. The combination of all these factors ensures that the proposed 700mm variation will not be registerable from neighbouring properties and that the proposal is consistent with the desired future character of the streetscape.

#### 5(e) The Likely Impacts

The assessment of the Development Application demonstrates that, subject to the recommended conditions, the proposal will have minimal impact in the locality.

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

Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

## 5(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. As a result of this notification 13 submissions were received in response.

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

Issue: The proposed dwellings could be operated as a boarding house, due to the number of bathrooms and second kitchen space in the butlers pantry.

Comment: The current application is for Torrens Title subdivision and construction of two dwelling houses. Council must assess the requested use and cannot assume that illegal uses will take place. Regardless the proposed layout and design of the proposed dwellings lends itself to use as dwelling houses and not a boarding house.

Issue: The proposal will have a negative impact on the streetscape.

Comment: The proposed impact to streetscape and neighbouring heritage items has been assessed within the assessment section of this report. The proposal is not expected to negatively impact the existing streetscape and reflects the desired future character of the locality.

Issue: The rear building is too close to the southern boundary/proposed setbacks are not sufficient.

Comment: The proposed setbacks have been assessed within the assessment section of the report under the heading subdivision. The proposed setbacks are sufficient to offset significant impacts of bulk/scale and are recommended for support. The proposed setbacks ensure sufficient outlook and amenity for neighbouring sites.

Issue: The proposal does not follow the existing pattern of subdivision.

Comment: The development proposes a front setback to lot 2 which aligns with neighbouring sites and continues the existing setbacks established by existing dwellings when viewed from Albert Parade. With regard to the proposed creation of battle-axe block this variation has been assessed in the assessment section of the report.

Issue: The proposal will impact neighbours amenity through loss of sunlight, privacy and outlook.

Comment: See assessment section above, an assessment on the resulting privacy impacts and overshadowing has been undertaken. The proposed setbacks ensure sufficient opportunities for retention of outlook from neighbouring sites.

Issue: Objection to the extent of tree removal proposed.

Comment: The proposed tree removal and the proposal to provide compensatory planting has been reviewed by Council's Urban Forest Team who outlined no objections to the proposal, subject to suitable conditions of consent.

Issue: Impacts on neighbours amenity during construction.

Comment: Appropriate conditions regarding hours of operation, construction management and amenity have been recommended for the consent. Compliance with these conditions will ensure adequate amenity for neighbouring sites during construction.

Issue: Impact to property prices resulting from development.

Comment: Impact to property prices is not a matter of consideration in the assessment of development applications under the Environmental Planning and Assessment Act 1979. Council is unable to consider the impact on land value.

Issue: Insufficient notification time to review plans and write a submission.

Comment: The application was notified in accordance with Council's notification policy for a period of 14 days. The undertaken notification provided sufficient opportunity for review and comment on the proposal.

Issue: In-sufficient parking rate / increased parking demands on locality.

Comment: The proposed dwelling provided two on-site parking spaces to each dwelling. This rate of parking is in-line with the DCP requirements which calls for 1 space (preferably two spaces) per dwelling house.

Issue: No geotechnical report submitted.

Comment: The proposal incorporates minimal excavation, as such a requirement for a geotechnical report is unnecessary in the circumstances. Appropriate conditions regarding protection of neighbouring sites are recommended for the consent.

Issue: In-sufficient landscaped area private open space for each dwelling

Comment: The proposed dwellings are compliant with Council's requirements for landscaped area, site coverage and private open space as outlined by the DCP. The proposal is considered to provide sufficient on-site landscaping and private open space.

Issue: Ingress and egress from the property

Comment: The proposal has been amended since initial lodgement and now provides sufficient space to enable forward entry and exit from each of the proposed on-site parking spaces. Traffic generation from four on-site spaces across two dwellings is expected to be minimal and sufficient to ensure pedestrian safety.

Issue: Stormwater disposal

Comment: The proposal has been reviewed by Council's Development Engineer who outlined that the provided stormwater management plan is sufficient and compliant with the requirements of the DCP, subject to suitable conditions of consent nor is objection is raised to the proposed method of stormwater disposa..

Issue: No acoustic report provided.

Comment: The current application is for Torrens Title subdivision and construction of two dwelling houses. Acoustic impacts will be in-line with that of a dwelling house, the requirement for an acoustic report is unnecessary, particularly as the site is not impacted by rail/aircraft noise.

Issue: No arborist report accompanying the application

Comment: Council Officers contacted the applicant and outlined a request for the submission of an arborist report. The applicant has since provided an arborist report which has been reviewed by Councils Urban Forest Team who outlined no objection to the proposal, subject to the imposition of conditions.

### 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.

Subject to the specified amendments, the proposal is not contrary to the public interest.

## 6 Referrals

### 6(a) Internal

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

- Development Engineering – No objection subject to suitable conditions of consent.
- Heritage Advisor - No objection subject to suitable conditions of consent.
- Urban Forests - No objection subject to suitable conditions of consent.

## 7. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$20,000.00 would be required for the development under Ashfield Section 94/94A Contributions Plan 2014. This contribution has been calculated based on the creation of two new lots, with a credit for 1 existing lot. A condition requiring that contribution to be paid is included in the recommendation.

## 8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Ashfield Local Environmental Plan 2013* and Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.



The development will not result in any significant impacts on the amenity of the adjoining premises/properties and the streetscape and is considered to be in the public interest.

The application is considered suitable for approval subject to the imposition of appropriate conditions.

## **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*, grant consent to Development Application No. DA/2021/0530 for the demolition of existing structures, Torrens Title subdivision and construction of two double storey dwellings at 32 Albert Parade ASHFIELD subject to the conditions listed in Attachment A below.

## Attachment A – Recommended conditions of consent

### 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
DA003 Rev B	Subdivision Plan	21/08/2021	Urban Link
DA1001 Rev B	Site Location & Analysis	21/08/2021	Urban Link
DA1002 Rev B	Site Plan	21/08/2021	Urban Link
DA2002 Rev B	Ground Floor Plan	21/08/2021	Urban Link
DA2003 Rev B	First Floor Plan	21/08/2021	Urban Link
DA2004 Rev B	Roof Plan	21/08/2021	Urban Link
DA4001 Rev B	Elevations Lot 1	21/08/2021	Urban Link
DA4101 Rev B	Elevations Lot 2	21/08/2021	Urban Link
DA5001 Rev B	Section A/B	21/08/2021	Urban Link
DA6001 Rev B	Finishes Schedule	21/08/2021	Urban Link
DA6002 Rev B	Demolition Plan	21/08/2021	Urban Link
L/01	Proposed Landscape Plan	17/06/2021	ATC - A Total Concept Landscape Architects

As amended by the conditions of consent.

#### DESIGN CHANGE

##### 2. Design Change

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating the following:

- a. The eastern elevation windows relating to the rumpus room of the lot 1 dwelling must be amended to be of a highlight nature with a minimum sill height of 1.6m measured from finished floor level of the rumpus room.
- b. The southern elevation windows relating to the rumpus room of the lot 1 dwelling must be amended to be of a highlight nature with a minimum sill height of 1.6m measured from finished floor level of the rumpus room.
- c. The southern elevation window relating to the guest bedroom on the ground floor of the lot 1 dwelling must be amended to have a minimum sill height of 1.4m measured from the finished floor level of the guest bedroom.

- d. The trafficable space of the first floor balconies accessed from bedroom 1 (of the lot 1 dwelling) and bedroom 2 (of the lot 2 dwelling) on the eastern elevations must be amended to be a maximum of 1.5m (deep) x 2.4m (wide).
- e. The first floor eastern elevation window relating to bedroom 1 of the proposed lot 1 dwelling must be amended to be of a highlight nature with a minimum sill height of 1.6m measured from finished floor level of the bedroom room.
- f. The first floor southern elevation windows relating of the proposed lot 1 dwelling must all be amended to be of a highlight nature with a minimum sill height of 1.6m measured from finished floor level of the first floor.
- g. Bedroom 4 of the lot 1 dwelling is to have at least one skylight installed within the roof plane, to provide light and amenity.
- h. A privacy screen with a minimum height of 1.8m high (measured from the finished floor level of the alfresco) and with a minimum block out density of 75% must be constructed along the length of the southern elevation of the alfresco area to the lot 1 dwelling.

**FEES**

**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 \$20,000 indexed in accordance with Ashfield Development Contributions Plan/ Developer Contributions Plan No.1 – Open Space and Recreation; 'Developer Contributions Plan No.2 – Community Facilities and Services (2005); Contributions Plan 2014 ("CP") has been paid to the Council.

The above contribution is the contribution applicable as at 20 August 2021.

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	\$710.34
Local Public Transport Facilities	\$1,029.18
Local Public Car Parking	-
Local Open Space and Recreation	\$16,565.89
Local Community Facilities	\$872.27
Plan Preparation and Administration	\$822.32
<b>TOTAL</b>	<b>\$20,000.00</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.

**5. 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.

Security Deposit:	\$8,432.00
Inspection Fee:	\$241.50

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.

**GENERAL CONDITIONS**

**6. 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.

**7. 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.

**8. Standard Street Tree Protection**

Prior to the commencement of any work, the Certifying Authority must be provided with details of the methods of protection of all street trees adjacent to the site during demolition and construction.

**9. Verification of Levels and Location**

Prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, the Principal Certifier must be provided with a survey levels certificate prepared by a Registered Surveyor indicating the level of the slab and the location of the building with respect to the boundaries of the site to AHD.

**10. Works Outside the Property Boundary**

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

**11. Private Power Poles**

Private power poles are not to be erected on the subject site without Council's Consent. Power to each of the proposed dwellings is to be provided underground.

**12. Salvage Strategy**

Prior to the issue of a Construction Certificate a Salvage Strategy is to be prepared and submitted that identifies the materials from the existing dwelling such as joinery, bricks and roofing tiles that are to be salvaged for eventual reuse in repairing other buildings of this style and era. The materials identified in the Salvage Strategy are to be made available to licensed second hand building materials dealers in order to reduce the extent of construction waste. The waste management strategy is to be updated to provide for architectural salvage.

**13. Building materials that were salvaged.**

Prior to the issue of an Occupation Certificate a report is to be submitted that identifies the extent of building materials that were salvaged.

**14. Tree Protection**

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

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

Any public tree within five (5) metres of the development must be protected in accordance with Council's *Development Fact Sheet—Trees on Development Sites*.

No activities, storage or disposal of materials taking place beneath the canopy of any tree (including trees on neighbouring sites) protected under Council's Tree Management Controls at any time.

The trees identified below are to be retained and protected in accordance with the conditions of consent throughout the development. Tree numbers correspond with the Arboricultural Impact Assessment prepared by TALC Tree Consultants.

Tree No.	Botanical/Common Name	Location
10	<i>Chamaecyparis obtusa</i> (Hinoki Cypress)	Front
11	<i>Howea forsteriana</i> (Kentia Palm) Front	Front
13	<i>Magnolia X soulangeana</i> (Saucer Magnolia)	Side
15	<i>Michelia figo</i> (Port Wine Magnolia)	Side
16	<i>Archontophoenix alexandrae</i> (Alexander Palm)	Side
20	<i>Jacaranda mimosifolia</i> (Jacaranda)	Rear

Details of the trees must be included on all Construction Certificate plans and shall be annotated in the following way:

- a. Green for trees to be retained;
- b. Red for trees to be removed.

**15. Project Arborist**

Prior to the commencement of any demolition or construction works within close proximity to protected trees a Project Arborist must be engaged for the duration of the site preparation, demolition, construction and landscaping to supervise works. Details of the Project Arborist must be submitted to the Certifying Authority before work commences.

**16. Works to Trees**

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

Tree/location	Approved works
<i>Tibouchina lepidota</i> 'Alstonville' Front	Remove
<i>Tibouchina lepidota</i> 'Alstonville' Front	Remove
<i>Lagerstroemia indica</i> (Crepe Myrtle) Front	Remove
<i>Chamaecyparis obtusa</i> (Hinoki Cypress) Front	Remove
<i>Cupressus sempervirens</i> (Mediterranean Cypress) Rear	Remove
<i>Cupressus sempervirens</i> (Mediterranean Cypress) Rear	Remove
<i>Syzygium australe</i> (Lilly Pilly) Rear	Remove

Removal or pruning of any other tree (that would require consent of Council) on the site is not approved and shall be retained and protected in accordance with Council's *Development Fact Sheet—Trees on Development Sites*.

**PRIOR TO ANY DEMOLITION**

**17. 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.

**18. 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.

**19. 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.

**20. Construction Traffic Management Plan**

Prior to any demolition, the Certifying Authority, must be provided with a detailed Construction Traffic Management Plan (CTMP) to cater for construction prepared by a person with RMS accreditation to prepare a work zone traffic management plan. Details must include haulage routes, estimated number of vehicle movements, truck parking areas, work zones, crane usage, etc., related to demolition/construction activities. A work zone approval must be obtained.

**PRIOR TO CONSTRUCTION CERTIFICATE****21. 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*

**22. Fibre-ready Facilities**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with evidence that arrangements have been made for:

- a. The installation of fibre-ready facilities to all individual lots and/or premises the development so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose.
- b. The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises the development demonstrated through an agreement with a carrier.

**23. Paving/Decking Within the Vicinity of Trees**

Prior to the issue of the Construction Certificate, the Certifying Authority must be satisfied that the pavement works within the specified radius of the trunk(s) of the following tree/s are constructed in a way so as to ensure that existing moisture infiltration and gaseous exchange are maintained or improved. When preparing an area for paving with the specified radius, the soil surface must not be skimmed or excavated. The new surface and subgrade must be established at grade.

Tree No.	Botanical/Common Name	Radius in Metres
6	<i>Jacaranda mimosifolia</i> (Jacaranda)	6 metres

**24. 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.

**25. Stormwater Drainage System – Minor Developments (OSD is required)**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans incorporating on site stormwater re-use facilities (OSR), 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 be generally in accordance with the stormwater drainage concept plans on Drawing Nos. 100 to 301 prepared by CSEG Civil Stormwater and dated 20 August 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 2 x 10,000 L rainwater tanks, to the kerb and gutter of a public road; Minor paved areas of the property that cannot reasonably be drained by gravity to the street shall be drained to the absorption systems being certified by a suitably qualified and experienced practising Civil and/or Geotechnical Engineer;
- 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. The design plans must detail the proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes;
- e. The proposed on-site retention (OSR) tanks must be connected to a pump system for flushing of all toilets and for outdoor usage such as irrigation;
- f. Pipe and channel drainage systems including gutters must be designed to convey the one hundred (100) year Average Recurrence Interval (ARI) flows from the contributing catchment to the OSR tanks;
- g. Details of the 100-year ARI overflow route in case of failure/blockage of the drainage system must be provided;
- 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. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for the stormwater outlet;



- n. 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;
- o. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings; and
- p. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.

**DURING DEMOLITION AND CONSTRUCTION**

**26. 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.

**27. 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.

**28. Tree Protection Zone**

To protect the following tree/s, no work must commence until its/their Protection Zone is fenced off at the specified radius from the trunk/s to prevent any activities, storage or the disposal of materials within the fenced area in accordance with the Tree Protection Plan prepared by TALC Tree Consultants, 26th August 2021 and Council's *Development Fact Sheet—Trees on Development Sites*. The fence/s (including existing boundary fencing) must be maintained intact until the completion of all demolition/building work on site.

Tree No.	Botanical/Common Name	Location
10	<i>Chamaecyparis obtusa</i> (Hinoki Cypress)	Front
11	<i>Howea forsteriana</i> (Kentia Palm) Front	Front
13	<i>Magnolia X soulangeana</i> (Saucer Magnolia)	Side
15	<i>Michelia figo</i> (Port Wine Magnolia)	Side
16	<i>Archontophoenix alexandrae</i> (Alexander Palm)	Side
20	<i>Jacaranda mimosifolia</i> (Jacaranda)	Rear
32	<i>Mangifera indica</i> (Mango)	Rear No 18 Eccles Avenue
33	<i>Macadamia integrifolia</i> (Macadamia Nut tree)	Rear No 30 Albert Parade

Details of the trees must be included on all Construction Certificate plans and shall be annotated in the following way:

- a. Green for trees to be retained;
- b. Red for trees to be removed.

**29. Inspections by Project Arborist**

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

Tree No./ Botanical/ Common Name/ Location	Time of Inspection	Key stage/ Hold point
10. <i>Chamaecyparis obtusa</i> (Hinoki Cypress) Front	Prior to commencement of works	<ul style="list-style-type: none"> <li>• Inspection and sign off installation of tree protection measures.</li> </ul>
11. <i>Howea forsteriana</i> (Kentia Palm) Front		
13. <i>Magnolia X soulangeana</i> (Saucer Magnolia) Side	and	<ul style="list-style-type: none"> <li>• In accordance with the Tree Protection Plan prepared by TALC Tree Consultants, 26th August 2021 and section 4 of AS4970—<i>Protection of trees on development sites.</i></li> </ul>
15. <i>Michelia figo</i> (Port Wine Magnolia) Side		
16. <i>Archontophoenix alexandrae</i> (Alexander Palm) Side		
20. <i>Jacaranda mimosifolia</i> (Jacaranda) Rear		
32. <i>Mangifera indica</i> (Mango) Rear No 18 Eccles Avenue		
33. <i>Macadamia integrifolia</i> (Macadamia Nut tree) Rear No 30 Albert Parade		

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

**PRIOR TO OCCUPATION CERTIFICATE**

**30. Section 73 Certificate**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a Section 73 Certificate under the *Sydney Water Act 1994*.

**31. Torrens Title Subdivision to Occur before Occupation**

Prior to the issue of an Occupation Certificate for any dwelling on the site, the certifying authority is to be provided with evidence that the subdivision that forms part of this consent has been registered with the NSW Land Registry Services.

**32. Project Arborist Certification**

Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with certification from the project arborist the requirements of the conditions of consent related to the landscape plan and the role of the project arborist have been complied with.

All site trees must be planted in suitable locations within the property at a minimum of 1.5 metres from any boundary and 2 metres from any building and allowing for future tree growth. The tree stock is to conform to AS2303—*Tree stock for landscape use*.

**33. Protect Sandstone Kerb**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any stone kerb, damaged as a consequence of the work that is the subject of this development consent, has been replaced.

**34. Works as Executed – Site Stormwater Drainage System**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a suitably qualified Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that:

- a. The stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards; and

- b. Works-as-executed plans of the stormwater drainage system certified by a Registered Surveyor, to verify that the drainage system has been constructed and OSR and absorption trench systems commissioned in accordance with the approved design and relevant Australian Standards. The works-as-executed plans must show the as built details in comparison to those shown on the drainage plans approved with the Construction Certificate. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifier stamped Construction Certificate plans.

### **35. Operation and Management Plan**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an Operation and Management Plan has been prepared and implemented for the on-site retention re-use facilities and absorption trench systems. The Plan must set out the following at a minimum:

- a. The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners; and
- b. The proposed method of management of the facility, including procedures, safety protection systems ,emergency response plan in the event of mechanical failure, etc.

### **36. Easements, Restrictions on the Use of Land and Positive Covenants**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with evidence that Easements, Restrictions on the Use of Land and Positive Covenants under Section 88B or 88E, whichever is relevant to the subject development, of the *Conveyancing Act 1919*, has been created on the title of the property detailing the following :

- a. Easement for drainage of water;
- b. Right of carriage way;
- c. Restrictions on the Use of Land related to rainwater tanks and absorption trench systems;
- d. Positive Covenant related to on-site stormwater retention (RWT) system; and
- e. Positive Covenant related to absorption trench systems.

The wording in the Instrument must be in accordance with Councils Standard wording.

## **PRIOR TO SUBDIVISION CERTIFICATE**

### **37. Separate Stormwater**

Prior to the issue of a Subdivision Certificate, the Certifying Authority must be provided with details, endorsed by a practising stormwater engineer demonstrating separate drainage systems to drain each proposed lot.

### **38. Torrens Title Subdivision**

Prior to the issue of a Subdivision Certificate, the Certifying Authority must verify that the physical works within this consent have been constructed.

### **39. Subdivision Plan to Show Easements and Right of Ways**

Prior to the release of a Subdivision Plan/certificate, the Certifying Authority must be provided with evidence that all instruments under Section 88B of the *Conveyancing Act 1919* used to create easements or right-of-ways are shown.

### **40. Separate Drainage Systems**

Prior to the issue of a Subdivision Certificate, the Principal Certifier must be provided with a plan detailing that separate drainage systems must be provided to drain each proposed lot.

**41. Subdivision Plan Amendment**

Prior to the issue of a Subdivision Certificate, the Principal Certifier must verify that:

- a. Proof of registration of the easement and a written statement signed by the Registered Surveyor that the as-built pipeline is totally within the proposed easement.

**42. Civil Engineer Verification**

Prior to the issue of a Subdivision Certificate, the Principal Certifier must be provided with written verification from a suitably experienced / Chartered/Registered Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng), stating that all stormwater drainage and related work has been and constructed in accordance with the approved plans.

**ON-GOING****43. Tree Establishment**

The tree/s planted as part of this consent is/are to be maintained in a healthy and vigorous condition for 12 months from the issue of an Occupation Certificate. If any of the tree/s is/are found faulty, damaged, dying or dead within 12 months of the issue of an Occupation Certificate it/they must be replaced with the same species within one (1) month (up to 3 occurrences).

**44. Operation and Management Plan**

The Operation and Management Plan for the on-site reuse facilities (RWT) and absorption trench systems, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.

**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.

**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.

**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.

**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> Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	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 Payments Corporation	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 - 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> Enquiries relating to work safety and asbestos removal and disposal.

#### Asbestos Removal

A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m<sup>2</sup> of bonded asbestos (or otherwise specified by WorkCover or relevant legislation).

Removal of friable asbestos material must only be undertaken by a contractor that holds a current Class A Friable Asbestos Removal Licence.

Demolition sites that involve the removal of asbestos must display a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility.

All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2014. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct 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.

#### **Consent of Adjoining property owners**

This consent does not authorise the applicant, or the contractor engaged to do the tree works to enter a neighbouring property. Where access to adjacent land is required to carry out approved tree works, Council advises that the owner's consent must be sought. Notification is the responsibility of the person acting on the consent. Should the tree owner/s refuse access to their land, the person acting on the consent must meet the requirements of the *Access To Neighbouring Lands Act 2000* to seek access.

#### **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.

#### **Tree Protection Works**

All tree protection for the site must be undertaken in accordance with Council's *Development Fact Sheet—Trees on Development Sites* and AS4970—*Protection of trees on development sites*.

#### **Tree Pruning or Removal (including root pruning/mapping)**

Removal or pruning of any other tree (that would require consent of Council) on the site is not approved and must be retained and protected in accordance with Council's *Development Fact Sheet—Arborist Reports*.

#### **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.

#### **Easement and Covenant Process**

The following documents must be submitted to Council as part of the Easement and Covenant process and requirements, for the site reuse facilities (OSR) and absorption trench systems:

a. **Work-As-Executed Plans**

A "Work-as-Executed" plan prepared and signed by a Registered Surveyor must be submitted to the Council's Development Assessment Engineer at the completion of the works showing the location of the rainwater tanks and absorption trench systems with finished levels and volumes. Also, the outlet pipe from the control pit to its connection to the Council's drainage system must be shown together with the following information: location; pipe diameter; gradient; pipe material, i.e. PVC or RCP etc.; pits sizes; trash screen; emergency overflow dimensions and RL; all buildings (including floor levels) and finished ground and pavement surface levels.

b. **Engineer's Certificate**

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

- c. The soundness of the storage structure;
- d. The capacity of the rainwater tanks;
- e. The emergency overflow system being in place;
- f. The works being constructed in accordance with the Development Application Consent and Council's Stormwater Management DCP/Code;
- g. OSR pumps and absorption trench systems have been installed and commissioned.

c. **Restriction-As-To-User**

A "Restriction-as-to-User" must be placed on the title of the subject property to indicate the location and dimensions of the rainwater tanks and absorption systems. This is to ensure that works, which could affect the function of the rainwater tanks and absorption systems, must not be carried out without the prior consent in writing of the Council.

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

A typical document is available from Council's Development Assessment Engineer.

d. **A Maintenance Schedule.**

#### **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.





AMENDED

**A. SLATE CONCRETE ROOF TILES**  
OR SIMILAR

**B. DULYBOND ANTIQUE**  
WHITE OR SIMILAR

**C. 600x CONCRETE WITH POLYURETHANE ANTIQUE WHITE OR SIMILAR**

**D. BLACK ALUMINUM WINDOW OR SIMILAR**

**E. QUON WITH DULUX BENCKER ANTIQUE WHITE OR SIMILAR**

**F. 600x1200x100mm BROWN BRICK**

**G. STENCILED CONCRETE STONE COBBLE STAMP**

1. ARCHITECT: ARCHITECTURE  
2. ENGINEER: STRUCTURAL ENGINEERING  
3. LANDSCAPE ARCHITECT: LANDSCAPE ARCHITECTURE  
4. CIVIL ENGINEER: CIVIL ENGINEERING  
5. ELECTRICAL ENGINEER: ELECTRICAL ENGINEERING  
6. MECHANICAL ENGINEER: MECHANICAL ENGINEERING  
7. PLUMBING ENGINEER: PLUMBING ENGINEERING  
8. FIRE ENGINEER: FIRE ENGINEERING  
9. ENVIRONMENTAL ENGINEER: ENVIRONMENTAL ENGINEERING  
10. OTHER PROFESSIONALS: OTHER PROFESSIONALS

**URBAN LINK**

**CONSTRUCTION AND ERECTION OF**  
**INTERNAL FINISHES**  
**FINISHES SCHEDULE**

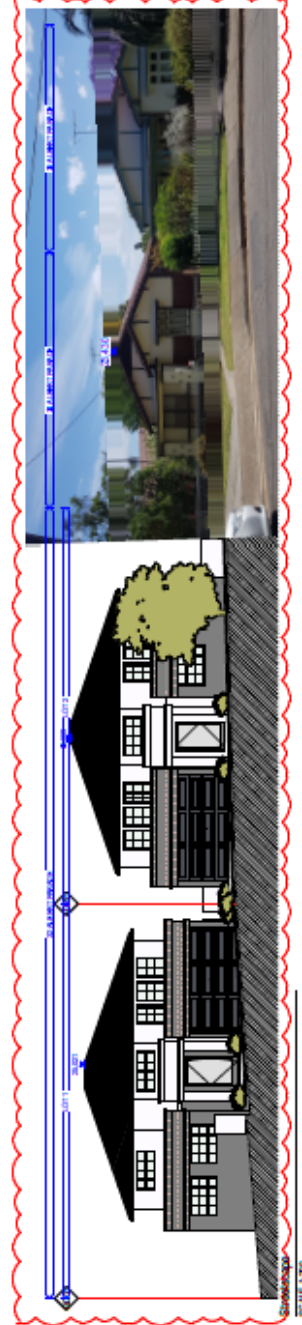
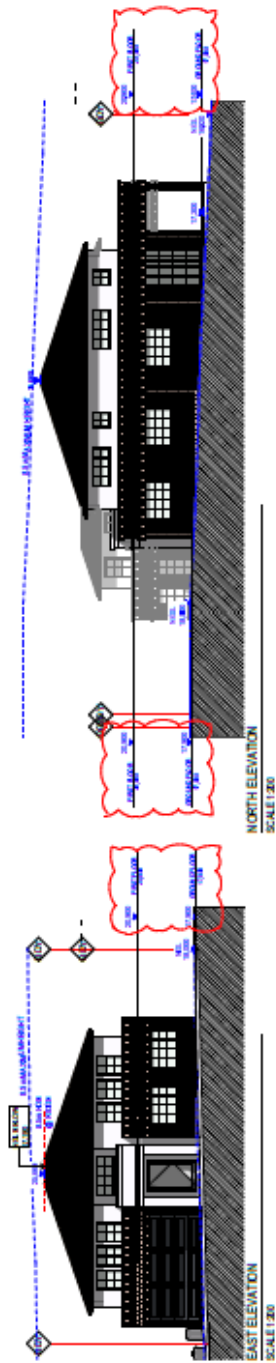
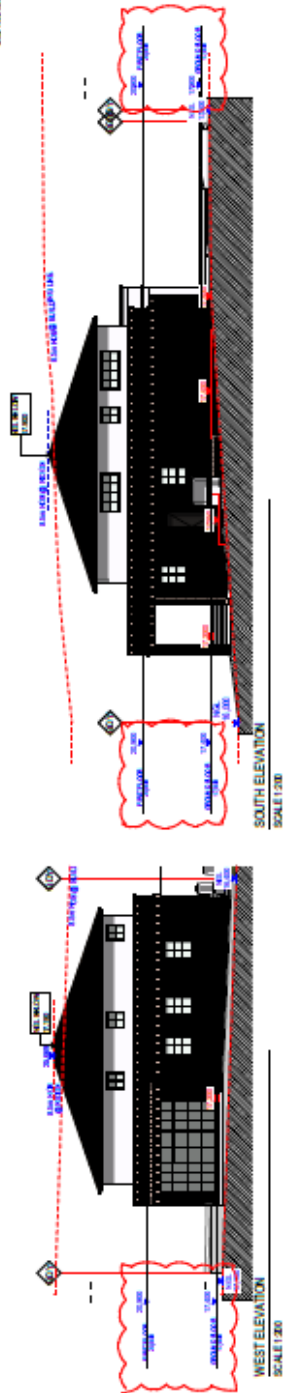
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**DEVELOPMENT APPLICATION**



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LOT 2



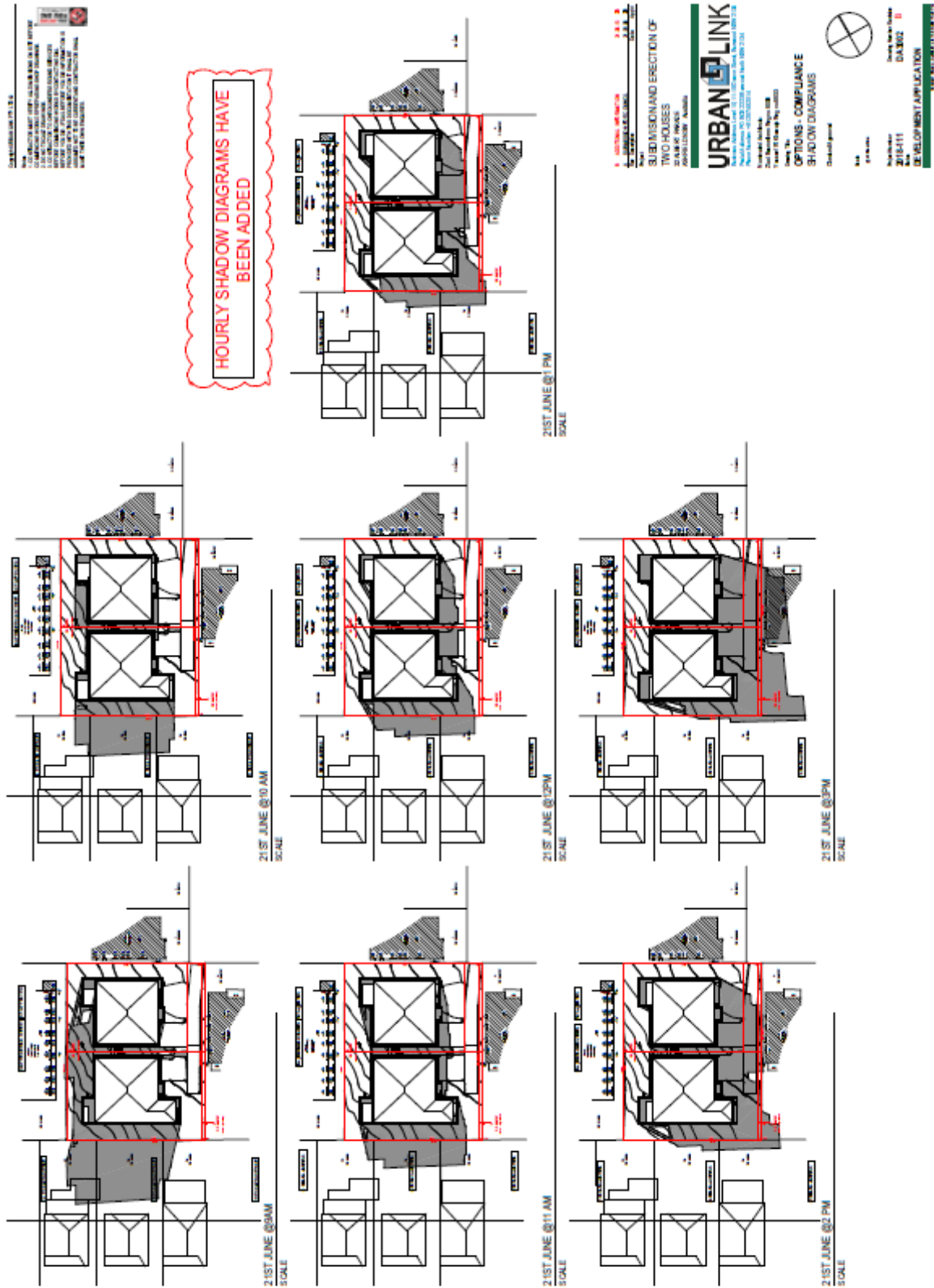
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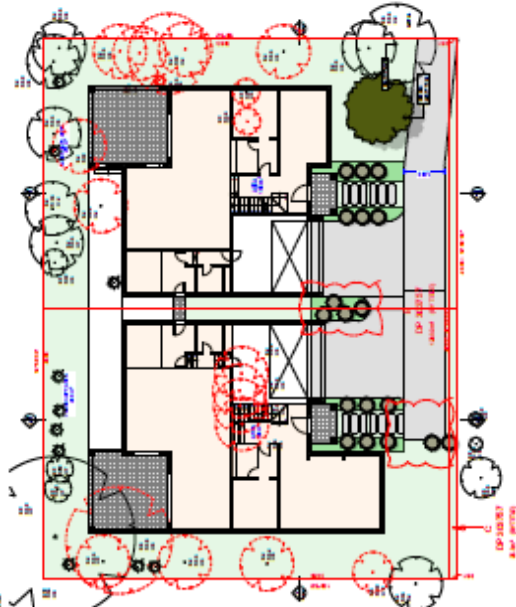
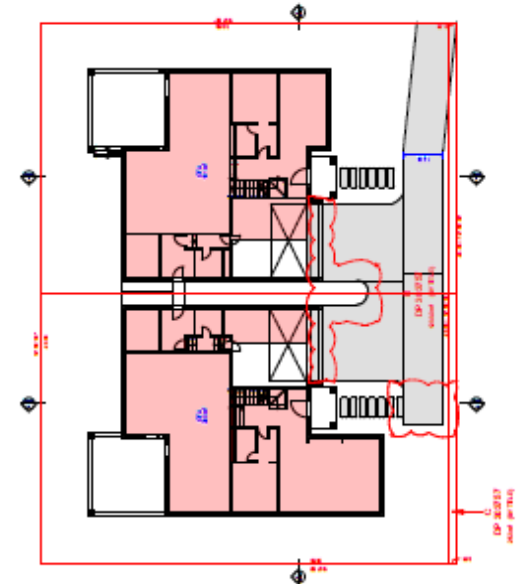
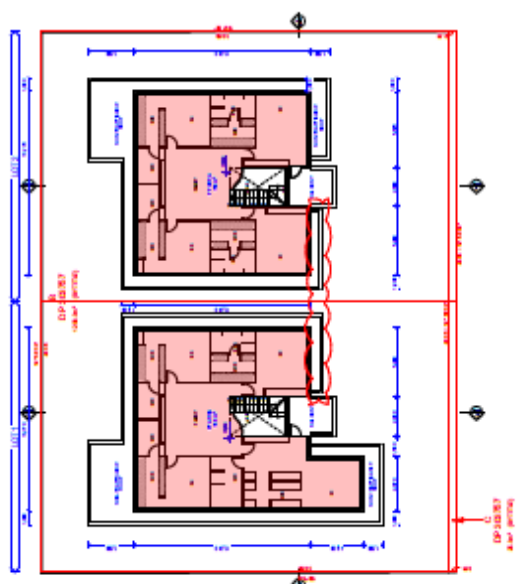
FOR THE  
 SUBMISSION AND ERECTION OF  
 TRADING HOURS  
 SIGNAGE FOR  
 ELEVATIONS LOT 2  
 ELEVATIONS LOT 2  
 DEVELOPMENT APPLICATION

DATE: 20/11/11  
 DRAWING NO: DA-801  
 SCALE: 1:20  
 SHEET NO: 5  
 TOTAL SHEETS: 5





1. THE DEVELOPER MUST OBTAIN A DEVELOPMENT APPLICATION FROM THE LOCAL PLANNING AUTHORITY (LPA) FOR THE PROPOSED DEVELOPMENT.  
 2. THE LPA WILL CONSIDER THE DEVELOPMENT APPLICATION AND MAY REQUIRE THE DEVELOPER TO PROVIDE ADDITIONAL INFORMATION OR EVIDENCE.  
 3. THE LPA WILL MAKE A DECISION ON THE DEVELOPMENT APPLICATION AND MAY GRANT THE APPLICATION WITH OR WITHOUT CONDITIONS.  
 4. THE DEVELOPER MUST OBTAIN A DEVELOPMENT APPLICATION FROM THE LPA FOR THE PROPOSED DEVELOPMENT.  
 5. THE LPA WILL CONSIDER THE DEVELOPMENT APPLICATION AND MAY REQUIRE THE DEVELOPER TO PROVIDE ADDITIONAL INFORMATION OR EVIDENCE.  
 6. THE LPA WILL MAKE A DECISION ON THE DEVELOPMENT APPLICATION AND MAY GRANT THE APPLICATION WITH OR WITHOUT CONDITIONS.



**URBAN LINK**  
 SUBMISSION AND ERECTION OF  
 TWO HOUSES  
 2/18-411  
 DEVELOPMENT APPLICATION

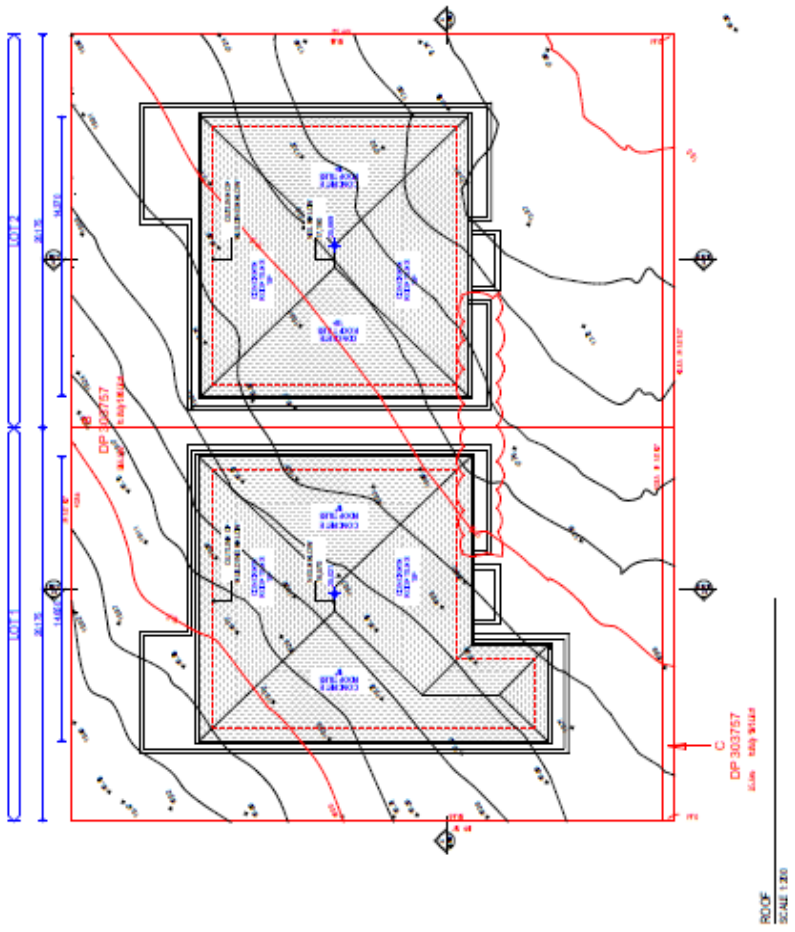
URBAN LINK  
 1/100  
 2/18-411  
 DEVELOPMENT APPLICATION

NO.	DESCRIPTION	DATE	BY	FOR
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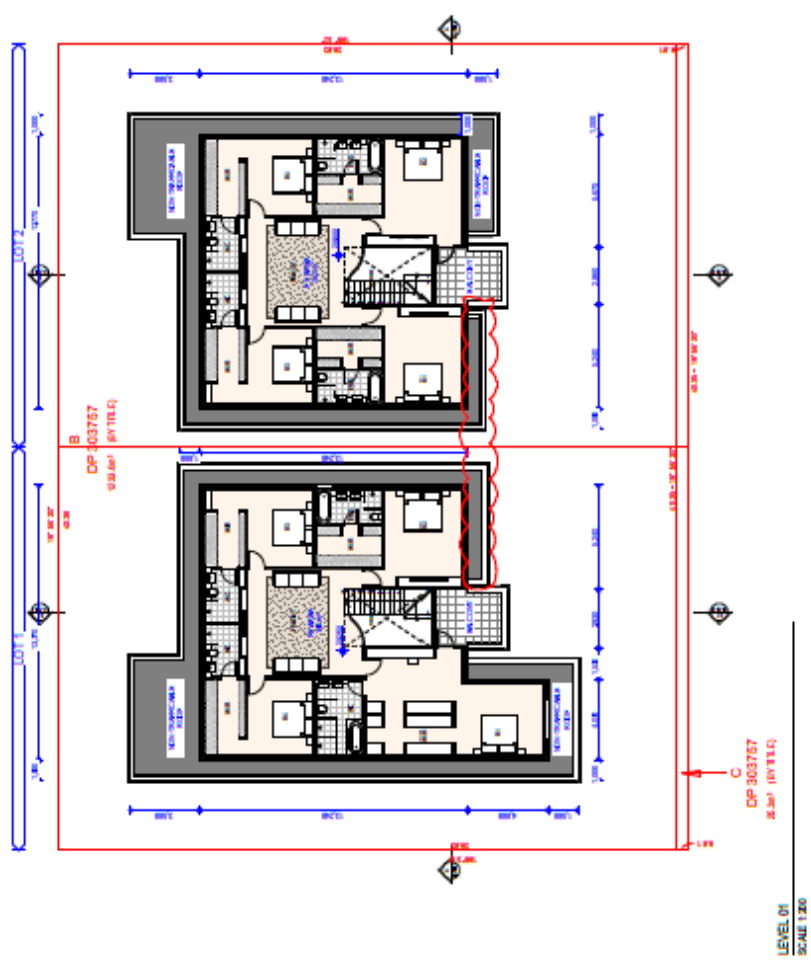
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ROOF PLAN  
Development Application  
2/18/411  
DALZIEL



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**URBAN LINK**  
 SUBMISSION AND ERECTION OF  
 TWO HOUSES  
 218-219  
 FLOOR PLANS  
 FIRST FLOOR  
 Checked and  
 1:200  
 218-219  
 DEVELOPMENT APPLICATION





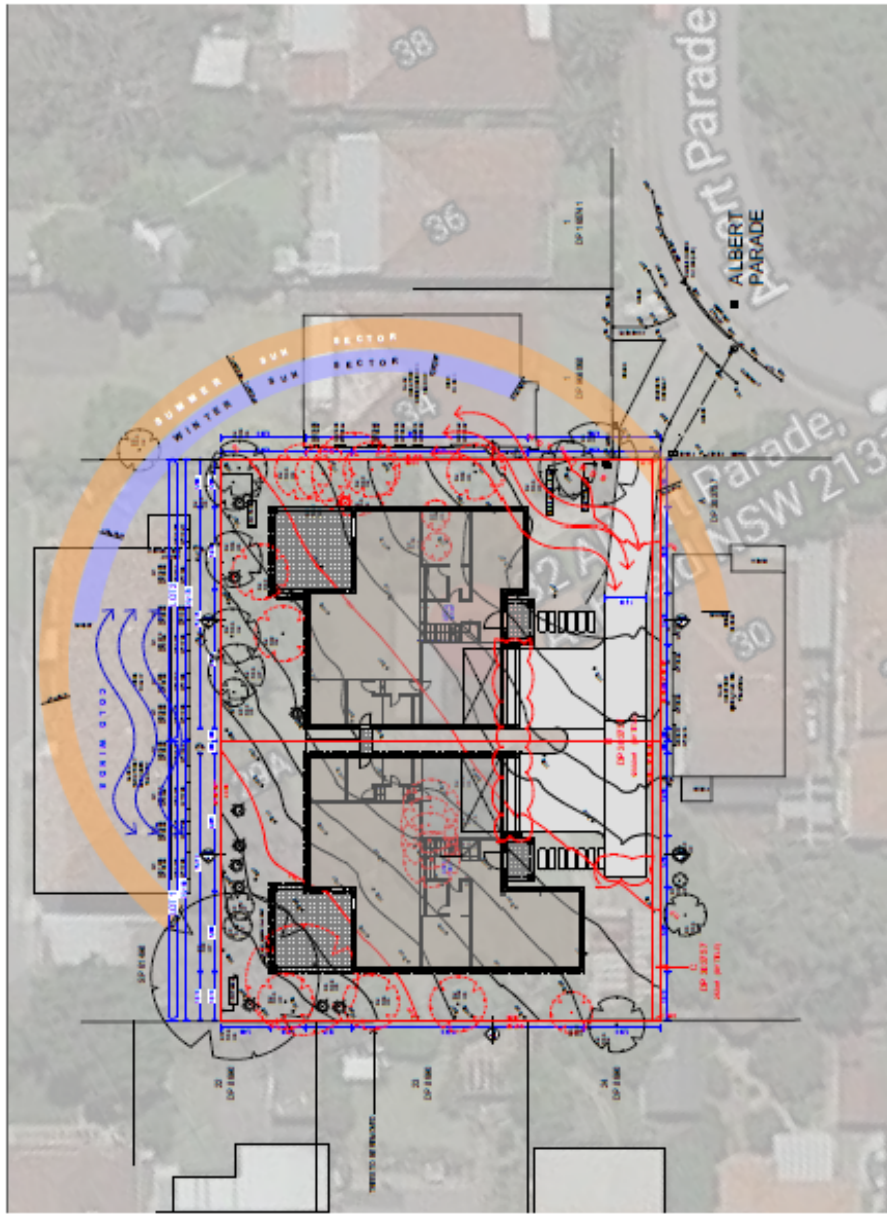


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SITE ANALYSIS  
SCALE 1:500





