





 DEVELOPMENT ASSESSMENT REPORT	
Application No.	MOD/2021/0556
Address	17 Crescent Street HABERFIELD NSW 2045
Proposal	Section 4.55 Modification to DA/2021/0358 - Including changes to approved floor plans/windows and extension of basement
Date of Lodgement	22 December 2021
Applicant	Mr Stamati Perry
Owner	Mr Stamati Perry Mrs Maria G Perry
Number of Submissions	Initial: 3
Value of works	\$850,000.00
Reason for determination at Planning Panel	Clause 4.6 variation further exceeds 10% of maximum floor area under ground floor level allowed by clause 6.5(3)(a)(ii) of ALEP 2013 (from that of the approved development)
Main Issues	Floor area under ground floor level, heritage, privacy
Recommendation	Approved with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Current modified determination



LOCALITY MAP

Subject Site		Objectors 3		↑ N
Notified Area		Supporters		Nil

1. Executive Summary

This report is an assessment of an application to modify a consent submitted to Council under Section 4.55(2) of the Environmental Planning and Assessment Act 1979 to modify DA/2021/0358 dated 9 November 2021 so as to carry out changes to approved floor plans/windows at 17 Crescent Street HABERFIELD.

The application was notified to surrounding properties and 3 submissions were received in response to the initial notification.

The main issue that has arisen from the application includes:

- The lower ground floor level exceeds 25% of the existing ground floor area

The non-compliance is acceptable given the land is on a sloping site and the dwelling house has a single storey scale when viewed from the street and therefore the application is recommended for approval.

2. Proposal

Dwelling house changes:

- New hallway between bedrooms on the lower ground floor level of the dwelling house addition
- New storeroom on the lower ground floor level
- Renovate facade, re-construct roof with new (to match original), including new front verandah roof, new timber post supports to verandah, new fascia boards, new skylight, new chimney stack, new front gable linings and new terracotta roof tiles, new quad gutters and downpipes.
- Instal roof tiles to balcony roof
- Enlarge size of lower ground floor level bathroom.
- Replace three existing east facing windows with new windows of the same size
- Relocate western bathroom window 300mm north and reduce size to 1200 high and 600mm wide

Garage changes:

- Add shower and WC to storeroom over the garage

3. Site Description

The subject site is located on the northern side of Crescent Street, between Boomerang and Kingston Street. The site consists of one allotment and is generally rectangular shaped with a total area of 696.7sqm.

The site has a frontage to Crescent Street of 15.24 metres. The site is not affected by any easements.

The site supports a single storey dwelling house. The adjoining properties support single storey dwelling houses and detached outbuildings

The property is located within Haberfield Heritage Conservation Area.

The following trees are located on the site and within the vicinity.

- eight trees adjacent to the western boundary, two trees adjacent to the eastern boundary of the subject site and two street trees.



Zoning Map

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
PDA/2021/0021	PDA for alterations and additions to dwelling house and construction of a detached garage	Advice issued on 22/2/2021
PDA/2021/0100	PDA for a pavilion style addition to the rear of the existing house and construction of a detached garage	Advice issued on 20/4/2021
DA/2021/0358	Pavilion style addition to the rear of the existing house and construction of a detached garage	Approved
MOD/2021/0526	Section 4.55(1) to amend conditions	Approved 02/02/2022
MOD/2022/0021	Reconstruct roof replace roof gutters, new windows to replace existing	Withdrawn

4(b) Application history

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

Date	Discussion / Letter / Additional Information
11/01/2022 – 27/01/2022	Notification
1/02/2022	Site inspection
8/03/2022	Further information letter sent requiring deletion of the swimming pool and reducing the rear skylights to only 1.
5 /05/2022	Further information received deleting the swimming pool and reducing the number of skylights in the rear hip roof from 3 to 1.

The following is a summary of the assessment of the application in accordance with Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

Section 4.55(2)

Section 4.55(2) of the *EPA Act 1979* allows a consent authority to modify a development consent granted by it, if:

- “(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval

proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and

- (c) *it has notified the application in accordance with—*
- (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.”*

In considering the above:

- The essence of the development as modified is substantially the same as the original consent.
- Does not require concurrence.
- The submissions have been considered.

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 (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*

The following provides further discussion of the relevant issues:

5(a)(i) *State Environmental Planning Policy (Resilience and Hazards) 2021*

Chapter 4 Remediation of land

Section 4.16 (1) of the SEPP requires the consent authority not consent to the carrying out of any development on land unless:

- “(a) it has considered whether the land is contaminated, and*
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.”

In considering the above, there is no evidence of contamination on the site.

A search of Council’s records in relation to the site has not indicated that the site is one that is specified in Section 4.6 (4)(c).

A search of Councils records does not indicate any knowledge of uses listed within Table 1 of the contaminated land planning guidelines. It would have been unlawful to carry out development of a type listed in within Table 1 of the contaminated land planning guidelines for the period in which there is no knowledge.

The application involves does not involve category 1 remediation under *SEPP (Resilience and Hazards) 2021*.

5(a)(ii) Ashfield Local Environment Plan 2013 (ALEP 2013)

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

- 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 6.1 - Earthworks
- 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 under the *ALEP 2013*. The *ALEP 2013* defines the development as:

- *Dwelling house means a building containing a single dwelling.*

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

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

Standard	Proposal	non compliance	Complies
Height of Building Maximum permissible: 7m	No change	N/A	N/A
Floor Space Ratio Maximum permissible: 0.5:1 or 348.35m ²	0.44 :1 or 308 m ²	N/A	Yes

Landscaping in Haberfield 50% of site	352 m2 = 50.5%	N/A	Yes
The gross floor area below the existing ground floor level: Not to exceed 25% of the gross floor area of the existing ground floor	97sqm of floor area below the existing ground floor level	68.25sqm= 237% variation	No See clause 4.6 exception

Clause 5.10 – Heritage Conservation

The current proposal has been reviewed by Councils Heritage Advisor against the provisions of clause 5.10 of the ALEP 2013 and is compliant.

Clause 5.10(4)

Clause 5.10(4) outlines that the consent authority must, before granting consent in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This clause was introduced to conserve the environmental heritage of Ashfield and to conserve heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.

The subject site is located in the Haberfield Heritage Conservation Area under the ALEP 2013. In this instance the proposal conserves the significance of the heritage conservation area and results in a development that is sympathetic to the fabric, settings and streetscape of the Heritage Conservation Area.

Council's Heritage Advisor has reviewed a Heritage Impact Statement submitted with the application and is satisfied with the development as amended to delete three skylights proposed in the rear hip of the addition.

Clause 6.5 - Development on land in Haberfield Heritage Conservation Area

The proposal results in a breach of the following development standard: clause 6.5(3)(a)(ii) of ALEP 2013.

- (1) The objective of this clause is to maintain the single storey appearance of dwellings in the Haberfield Heritage Conservation Area.
- (2) This clause applies to land identified as "C42" on the Heritage Map.
- (3) Development consent must not be granted to development for the purpose of a dwelling house on land to which this clause applies unless the consent authority is satisfied that—
 - (a) if the development involves an existing building
 - (ii) the gross floor area below the existing ground floor level will not exceed 25% of the gross floor area of the existing ground floor

The applicant seeks a variation to the development standard under Clause 6.5(3)(a)(ii) of the Ashfield local environmental plan by 237% (68.25sqm) variation. The original application was approved with a 144.6% (43.75sqm) variation.

Clause 4.6 allows Council to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes. As this

application is for a modification, and not a new development application, the provisions of Clause 4.6 do not strictly apply in the circumstances, however have been used as a guide for determining the appropriateness of the additional breach.

In order to demonstrate whether strict numeric compliance is unreasonable and unnecessary in this instance, the proposed exception to the development standard has been assessed against the objectives and provisions of Clause 4.6 of the ALEP 2013.

A written request has been submitted to Council justifying the proposed contravention of the development standard which is summarised as follows:

- There is no change to the approved building bulk, form and scale.
- The additional GFA is entirely within the existing building footprint.
- There is no adverse impact on the streetscape of Crescent Street.
- There are no significant impacts from the bulk and scale of the proposed dwelling on neighbouring properties.
- The additional accommodation at the lower level cannot be viewed from any public place in Crescent Street or Dobroyd Lane.
- The location of floor area in excess of the 25% standard at the lower level achieves a better planning outcome.

The applicant's written rationale adequately demonstrates compliance with the development standard is unreasonable / unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

It is considered the development is in the public interest because it is consistent with the objectives of the R2 zone and of the Development Standard for the development of land in Haberfield Heritage Conservation Area and in accordance with Clause 4.6(4)(a)(ii) of the ALEP 2013 for the following reasons:

- The objective of this development standard is to maintain the single storey appearance of dwellings in the Haberfield Heritage Conservation Area, and the proposal maintains this
- The accommodation maintains a low density scale as demonstrated by compliance with the height and FSR standards.
- Additions at the lower ground floor level are not visible from the public domain and thereby protect the character and integrity of the HCA/streetscape.

For the reasons outlined above, there are sufficient planning grounds to justify the departure from the development standard.

5(b) Draft Environmental Planning Instruments

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

Draft Environmental Planning Instruments	Compliance
Draft Inner West Local Environmental Plan 2020 (Draft IWLEP 2020)	Yes

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.

The development is considered acceptable having regard to the provisions of the Draft IWLEP 2020.

5(c) Development Control Plans

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

IWCDCP2016	Compliance
Section 1 – Preliminary	
B – Notification and Advertising	Yes
Section 2 – General Guidelines	
A – Miscellaneous	
1 - Site and Context Analysis	Yes
2 - Good Design	Yes
4 - Solar Access and Overshadowing	Yes
5 - Landscaping	Yes
11 - Fencing	Yes
14 - Contaminated Land	Yes
15 - Stormwater Management	Yes
B – Public Domain	
C – Sustainability	
1 – Building Sustainability	Yes
2 – Water Sensitive Urban Design	Yes
3 – Waste and Recycling Design & Management Standards	Yes
4 – Tree Preservation and Management	Yes
E2 – Haberfield Heritage Conservation Area	
1 – Preliminary	Yes
2 – Detailed Planning measures for Residential properties	Yes
F – Development Category Guidelines	
1 – Dwelling Houses and Dual Occupancy	Yes

The proposed modifications

Dwelling house:

- New hallway between bedrooms on the lower ground floor level of the dwelling house addition

Comment:

This will improve access to bedrooms by widening the lower ground floor level to match upper ground floor level. There will be minimal impact on the amenity of the adjoining properties

- New storeroom on the lower ground floor level

Comment:

This is under the existing dwelling and has no impact on adjoining properties.

- Renovate facade, re-construct roof with new (to match original), including new front verandah roof, new timber post supports to verandah, new fascia boards, new skylight, new chimney stack, new front gable linings and new terracotta roof tiles, new quad gutters and downpipes.

Comment:

This work will restore the facade of the dwelling which had gable cladding removed without the prior approval of Council. New windows of same size to replace old. The proposed change is of minimal environmental impact and will restore the facade to match its original state. As noted the application was referred to Council's Heritage Specialist who has advised the restoration works are acceptable.

- Install roof tiles to balcony roof

Comment:

The balcony roof did not have roof tiles and it is now proposed to have roof tiles to match the tiles of the dwelling. This will have minimal environmental impact

- Enlarge size of lower ground floor level bathroom.

Comment:

Increase in size of the lower-level bathroom by extending further south to the underside of the existing dwelling by approximately 1 metre. The proposed change is of minimal environmental impact having regard to the side setbacks conforming with DCP requirements

- Replace existing windows with new of same size as existing

Comment: The proposed change is of minimal environmental impact

- Relocate existing western bathroom window 300mm north and reduce size to 1200 high and 600mm wide

Comment: The proposed change is of minimal environmental impact

Garage:

- Add a shower and WC in storeroom over the garage

Comment: The proposed change is within the building as such is of minimal environmental impact

The following provides discussion of the relevant issues:

Privacy:

The application included a swimming pool which raised privacy concerns from neighbours. The swimming pool has subsequently been deleted from the plans and the area is to remain soft landscaping which ensures that privacy will be maintained.

It is considered that the proposed modification will otherwise have minimal impact on the amenity of the adjoining and nearby properties.

5(d) The Likely Impacts

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

5(e) The suitability of the site for the development

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

5(f) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 14 days to surrounding properties.

Three (3) submissions were received in response to the initial notification.

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

- Privacy implications from the new swimming pool – see Part 5(d) of this report.
- There were also concerns raised about loss of privacy from the terrace over the garage. This terrace has already been approved with the original application and as such there is no further loss of privacy.

5(g) The Public Interest

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

The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

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

Heritage Advisor - No objection raised

Development Engineering - No objection raised

Urban Forest - No objection raised

6(b) External

Nil

7. Section 7.12 Levy

No additional Section 7.12 levies are payable for the proposal.

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 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 s4.55 of the *Environmental Planning and Assessment Act 1979*, to approve Modification Application No. MOD/2021/0556 to carry out changes to approved floor plans/windows at 17 Crescent Street, Haberfield subject to the conditions listed in Attachment A below:

Attachment A – Recommended conditions of consent

1. Documents related to the consent

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

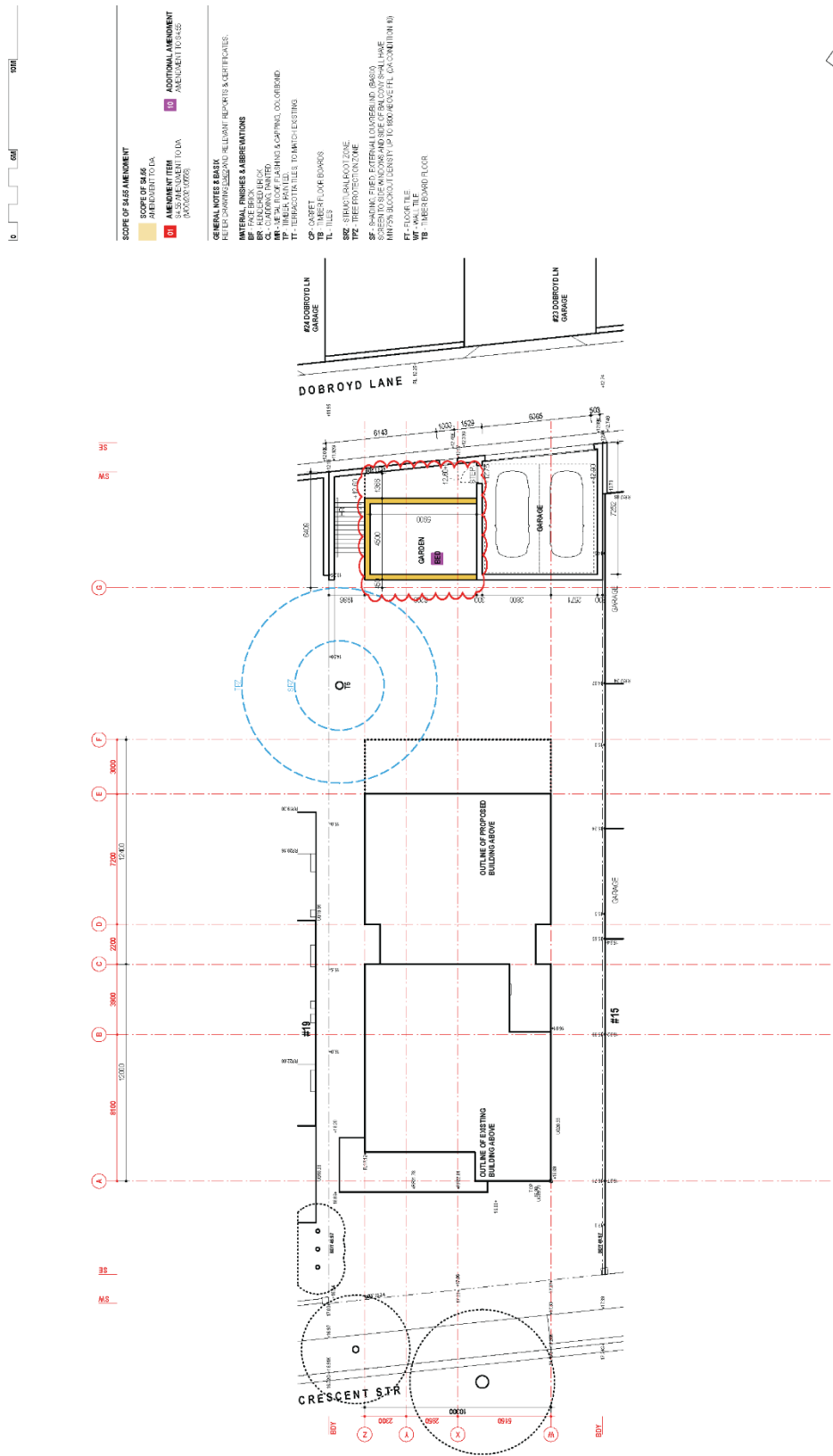
Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
DA 73	View comparison Dobroyd lane	2/8/2021	Rob Design Office
DA80 Rev C F(S4.55)	Landscape General Arrangement	2/8/2021 29/04/22	Rob Design Office RDO Architect
DA 70 Rev C F(S4.55)	Area Summary	2/8/2021 29/04/22	Rob Design Office RDO Architect
DA71 Rev C F(S4.55)	Area Summary	2/8/2021 29/04/22	Rob Design Office RDO Architect
DA30 Rev C F(S4.55)	Elevation North (Street) and South Laneway	2/8/2021 29/04/22	Rob Design Office RDO Architect
DA31 Rev C F(S4.55)	Elevation east and cross section	2/8/2021 29/04/22	Rob Design Office RDO Architect
DA32 Rev C F(S4.55)	Elevation West & Finishes Matrix	2/8/2021 29/04/22	Rob Design Office RDO Architect
DA20 Rev C F(S4.55)	Plan laneway level	2/8/2021 29/04/22	Rob Design Office RDO Architect
DA21 Rev C F (S4.55)	Plan Garden Level	2/8/2021 29/04/22	Rob Design Office RDO Architect
DA22 Rev C F(S4.55)	Plan Main Level	2/8/2021 29/04/22	Rob Design office RDO Architect
DA 23 Rev C F(S4.55)	Plan Roof	2/8/2021 29/04/22	Rob Design Office RDO Architect

<i>DA10 Rev A</i>	<i>Key Materials</i>	<i>29/4/2021</i>	<i>Rob Design Office</i> <i>RDO Architect</i>
<i>DA21 Rev Prelim</i>	<i>Plan Garden Level</i>	<i>9/11/2021</i>	<i>Rob Design Office</i> <i>RDO Architect</i>
<i>DA22 Rev Prelim</i>	<i>Plan Main Level</i>	<i>9/11/2021</i>	<i>Rob Design Office</i> <i>RDO Architect</i>
<i>Sheet 1.01 Issue A</i>	<i>Front Elevation</i>	<i>27/04/2022</i>	<i>Arch Plan design studio</i>
<i>Sheet 1.02 Issue A</i>	<i>Proposed West Elevation</i>	<i>27/04/2022</i>	<i>Arch Plan design studio</i>
<i>Sheet 1.03 Issue A</i>	<i>Proposed East Elevation</i>	<i>27/04/2022</i>	<i>Arch Plan design studio</i>
<i>Sheet 1.04 Issue A</i>	<i>Proposed 1:20 Detail</i>	<i>27/04/2022</i>	<i>Arch Plan design studio</i>

(Amended by MOD/2021/0556 – 28 June 2022)

As amended by the conditions of consent.

Attachment B – Plans of proposed development



SCOPE OF S445 AMENDMENT
 S445 AMENDMENT
 S445 AMENDMENT
 S445 AMENDMENT

GENERAL NOTES & ABBREVIATIONS
 ALL DIMENSIONS UNLESS OTHERWISE SPECIFIED.
 ALL DIMENSIONS UNLESS OTHERWISE SPECIFIED.

- BR BRICKWORK
- CR CONCRETE
- DR DRAINAGE
- FR FLOORING
- GL GARDEN LEVEL
- GR GRASS
- HT HATCH
- IT IMPROVED TO MATCH EXISTING
- LP LANTERN PILLAR
- TL TILING
- TR TRIM
- WV WALL TILE
- WB WOOD BOARD
- WT WALL TILE
- TB TYPED BOARD FLOOR

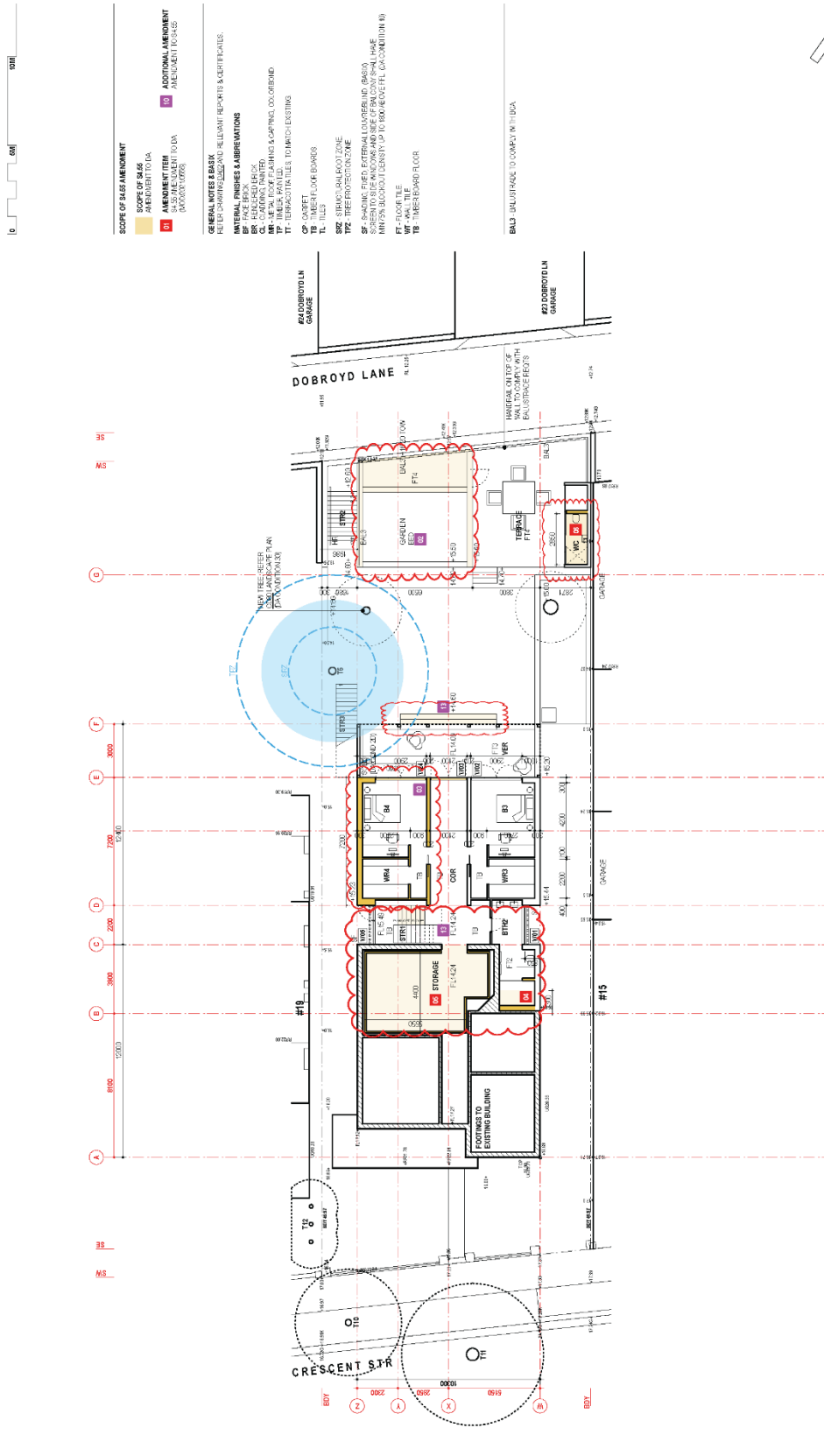
Job 031 HAB
Issue 29.04.22
Scale 1:200 @ A3
DA20
F (\$4.55)

Project CRESCENT HOUSE
Address 17 CRESCENT STREET, HABERFIELD
Dwg Title PLAN - LANEWAY LEVEL

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 Version: 1, Version Date: 03/05/2022



- SCOPE OF S455 ABATEMENT**
- ASBESTOS
 - LEAD
 - MOISTURE
 - PELLETS
 - PERMITS
 - REPAIRS
 - RENOVATION
 - TESTING
 - WORK
- SCOPE OF S455 ABATEMENT**
- ASBESTOS
 - LEAD
 - MOISTURE
 - PELLETS
 - PERMITS
 - REPAIRS
 - RENOVATION
 - TESTING
 - WORK
- GENERAL NOTES & ABBREVIATIONS**
- ALL DIMENSIONS UNLESS OTHERWISE SPECIFIED.
- MATERIAL FINISHES & ABBREVIATIONS**
- BR - BRICKWORK
 - CR - CONCRETE
 - DR - DRY WALL
 - FR - FLOORING
 - GL - GLASS
 - GR - GRANITE
 - HT - HANGING TRUSS
 - IP - INSULATION
 - IS - IRON
 - IT - INTERIOR TRUSS
 - LT - LIGHT
 - MT - METAL
 - NT - NAIL
 - OT - OTHER
 - PT - PLASTER
 - RT - ROOF TRUSS
 - ST - STRUCTURAL STEEL
 - TT - TYPICAL TRUSS
 - UT - UNDER TRUSS
 - VT - VENT
 - WT - WALL TIE
 - XT - EXTERIOR TRUSS
 - YT - YIELD
 - ZT - ZONE TRUSS
- GENERAL NOTES & ABBREVIATIONS**
- ALL DIMENSIONS UNLESS OTHERWISE SPECIFIED.
 - BR - BRICKWORK
 - CR - CONCRETE
 - DR - DRY WALL
 - FR - FLOORING
 - GL - GLASS
 - GR - GRANITE
 - HT - HANGING TRUSS
 - IP - INSULATION
 - IS - IRON
 - IT - INTERIOR TRUSS
 - LT - LIGHT
 - MT - METAL
 - NT - NAIL
 - OT - OTHER
 - PT - PLASTER
 - RT - ROOF TRUSS
 - ST - STRUCTURAL STEEL
 - TT - TYPICAL TRUSS
 - UT - UNDER TRUSS
 - VT - VENT
 - WT - WALL TIE
 - XT - EXTERIOR TRUSS
 - YT - YIELD
 - ZT - ZONE TRUSS



Job: 031 HAB
 Issue: 29.04.22
 Scale: 1:200 @ A3
 rev. F (\$4.55)

Project: CRESCENT HOUSE
 Address: 17 CRESCENT STREET, HABERFIELD
 Draw Title: PLAN - GARDEN LEVEL

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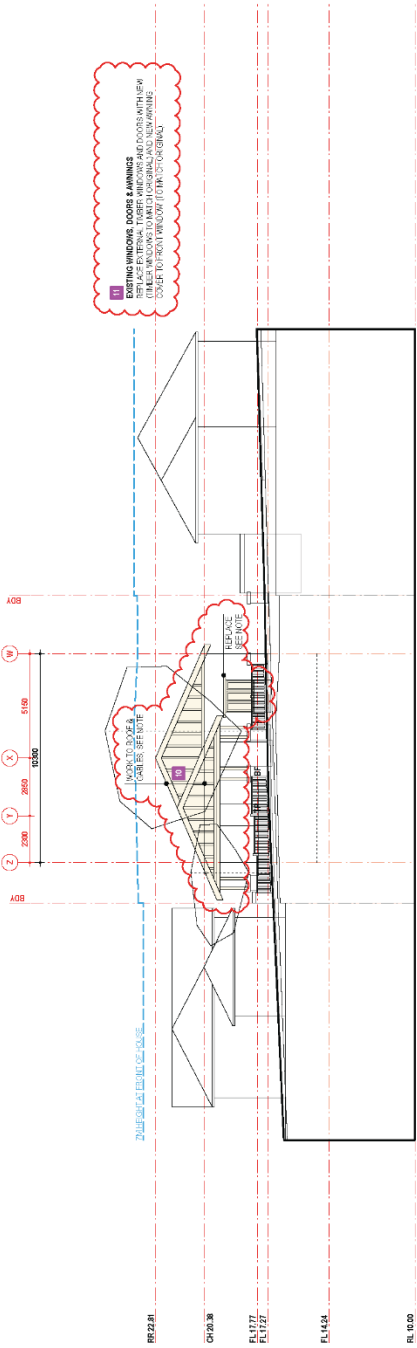
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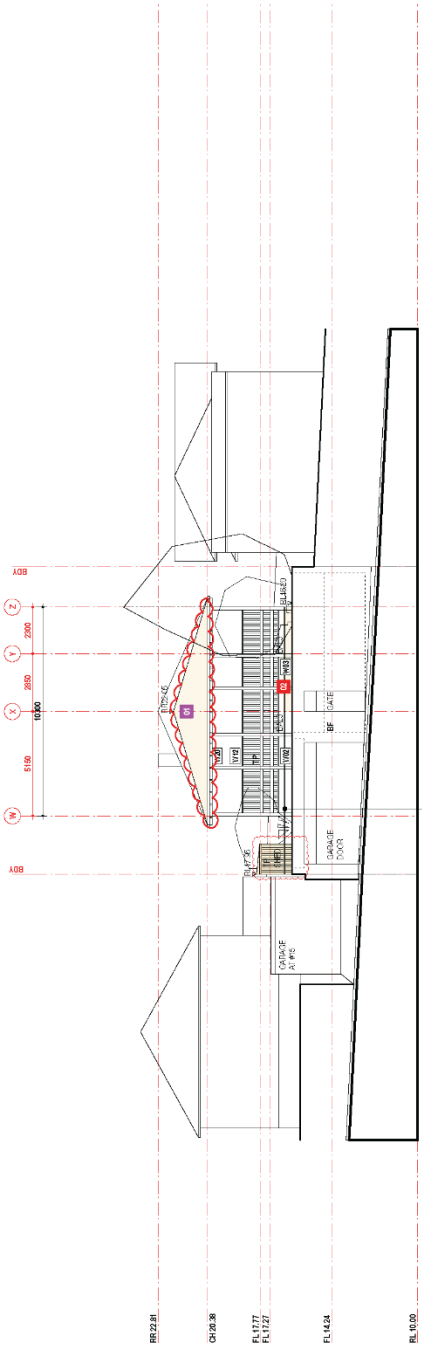
GENERAL NOTES & BASIC
 REFER CHAIRING & ALL RELEVANT REPORTS & CERTIFICATES

MATERIAL FINISHES & ABBREVIATIONS
 BR - BRICKWORK
 BT - BRICK TILING
 CR - CONCRETE
 GR - GRANITE
 IR - IRON
 LF - LAMINATE FLOOR FINISHING & CARPETING, COORDINATE
 TP - TIMBER PANELS
 FT - FERRUGINOUS TILE, TO MATCH EXISTING
 CR - CONCRETE
 TB - TILES
 TL - TILES
 SF - SANDING FINISH EXTERNAL OVERLAND (BASSI)
 TPZ - TREE PROTECTION ZONE
 FT - FLOOR TILE
 WT - WALL TILE
 TB - TIMBER BOARD FLOOR

EXISTING WINDOWS, DOORS & AWNINGS
 TO BE REPAIRED TO ORIGINAL CONDITION
 UNLESS INDICATED OTHERWISE
 (SCALE TO MATCH WINDOW TO MATCH EXISTING)



CRESCENT STREET ELEVATION (SOUTH)



DOBROYD LANE ELEVATION (NORTH)

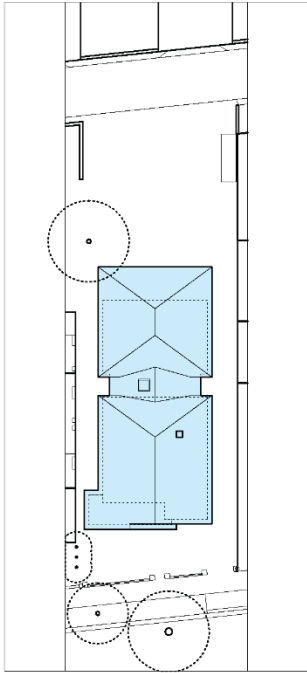
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 Issue 29 04 22
 Scale 1:200 @ A3
 Rev F (\$4.55)

Project CRESCENT HOUSE
 Address 17 CRESCENT STREET, HABERFIELD
 Drawing Title ELEVATION - NORTH (STREET) & SOUTH (LANEWAY)

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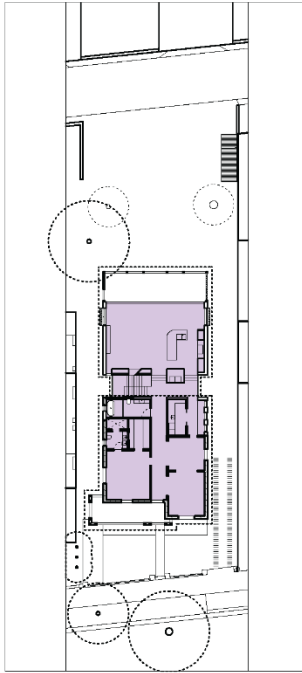
SITE AREA 1867.32SQM



ROOF LEVEL

FLOOR AREA	INCLUDED	COMPLIANCE
ATTC	0.00	20%
LOWER	87.00	20%
LAUNDRY GARAGE	20.00	20%
TOTAL	107.00	20%
	200 SQM	COMPLES
	644.11SQM	35.11% MAX

LANDSCAPE		
FRONT	80	20%
REAR	100	20%
TOTAL	180	20%
	908.50SQM	35.24% MAX
	80%	20% MAX



MAIN LEVEL

Job	031 HAB	DA70
Issue	29.04.22	
Scale	1:400 @ A3	1 Rev F (\$4.55)

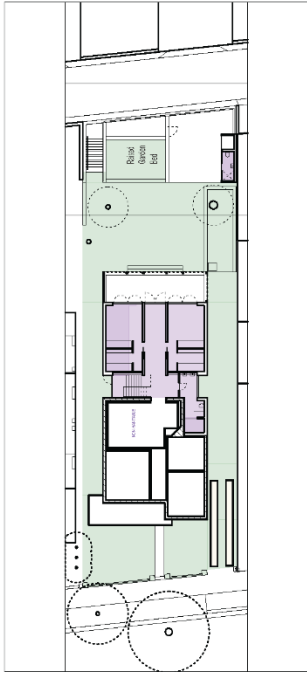
Project	CRESCENT HOUSE
Address	17 CRESCENT STREET, HABERFIELD
Draw Title	AREA SUMMARY

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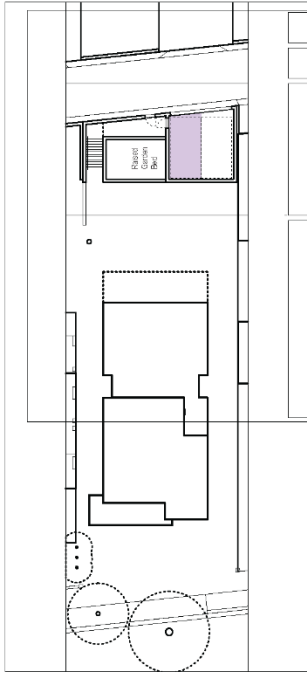
rdo ■
 rdo architect
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 Haberfield NSW 2162
 Ph: 61 65 95 6530
 www.rdo-arch.com.au

Document Set ID: 36271814
 Version: 1, Version Date: 05/05/2022

SITE AREA		897.7 SQM	
FLOOR AREA			
ATTIC	6.00	INCLUDED	COVERED
LOFT	27.00		
LANDING GARAGE	20.00		
TOTAL	53.00		
		300 SQM	COVERABLE
		644.7 SQM	GS TRUNK
LANDSCAPE			
FRONT	80.00		
REAR	100.00		
TOTAL	180.00		
		548.7 SQM	54% PLANT
		82% SQM	50% PLANT



GARDEN LEVEL



LANEWAY LEVEL

Job	031 HAB	DA71
Issue	29.04.22	
Scale	1:400 @ A3	LEV. F (\$4.55)

Project	CRESCENT HOUSE
Address	17 CRESCENT STREET, HABERFIELD
Eng Title	AREA SUMMARY

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Document Set ID: 36271814
 Version: 1, Version Date: 05/05/2022

Attachment C – Current Modified Determination



NOTICE OF DETERMINATION - APPROVAL

Issued under Section S4.55 of the Environmental Planning and Assessment Act 1979

Development Application No.	DA/2021/0358
Applicant	Mr Stamati Perry
Land to be developed	17 Crescent Street HABERFIELD NSW 2045
Approved development	Alterations and additions to an existing dwelling including rear pavilion, and rear garage with roof deck.
Cost of development	
Determination	This S4.55(1) modification application was determined by Delegation to Staff and was granted consent subject to the conditions attached.
Other Approvals	Before commencing <i>building work</i> or <i>subdivision work</i> , a relevant Construction Certificate must be obtained from Council or an Accredited Certifier. Council must be appointed the Principal Certifier for any <i>subdivision work</i> under the Act.
Date of Development Consent:	09 November 2021
Date of Modification of Consent:	02 February 2022
Modification Number:	MOD/2021/0526

Inner West Council
innerwest.nsw.gov.au
02 9392 5000

council@innerwest.nsw.gov.au
PO Box 14, Petersham NSW 2049

Document Set ID: 35817350
Version: 1, Version Date: 03/02/2022

Reasons for conditions

To protect the environmental amenity of the area and the public interest.

Right of appeal

If you are dissatisfied with this decision, Section 8.9 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court in accordance with the timeframes set out in [Section 8.10](#) of the *Environmental Planning and Assessment Act 1979*. In addition to the above, third party appeal rights are set out in the *Environmental Planning and Assessment Act 1979* and may be applicable.

Section 8.2 of the *Environmental Planning and Assessment Act 1979* provides that the applicant may request the Council to review the determination. Section 8.2 does not apply to complying development, designated development, a determination made by Council under Section 4.2 in respect of Crown applications, or a decision that is already subject to a Section 8.2 review.

For further information please contact **William Daskalopoulos** on **02 9392 5981** or william.daskalopoulos@innerwest.nsw.gov.au.



Conor Wilson
Acting Team Leader – Development Assessment

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
DA 73	View comparison Dobroyd lane	2/8/2021	Rob Design Office
DA80 Rev C	Landscape General Arrangement	2/8/2021	Rob Design Office
DA 70 Rev C	Area Summary	2/8/2021	Rob Design Office
DA71 Rev C	Area Summary	2/8/2021	Rob Design Office
DA30 Rev C	Elevation North (Street) and South Laneway	2/8/2021	Rob Design Office
DA31 Rev C	Elevation east and cross section	2/8/2021	Rob Design Office
DA32 Rev C	Elevation West	2/8/2021	Rob Design Office
DA20 Rev C	Plan laneway level	2/8/2021	Rob Design Office
DA21 Rev C	Plan Garden Level	2/8/2021	Rob Design Office
DA22 Rev C	Plan Main Level	2/8/2021	Rob Design Office
DA 23 Rev C	Plan Roof	2/8/2021	Rob Design Office
DA 10 Rev A	Key Materials	29/4/2021	Rob Design Office
DA21 Rev Prelim	Plan Garden Level	9/11/2021	Rob Design Office
DA22 Rev Prelim	Plan Main Level	9/11/2021	Rob Design Office

As amended by the conditions of consent.

(Amended by MOD/2021/0526 – 2 February 2022)

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 retention of the existing series of windows to the side elevation (eastern elevation).~~
- ~~b. A reduction in the scale of the link so that the roof of the link sits below the eaves line of the main portion of the residence.~~
- ~~c. Alteration to W11 so that the window consists of a bank of three openable windows, without fixed panes below.~~
- d. The privacy screen on the western elevation side shall be replaced with a solid wall as per the following plans –

DA21 Rev Prelim		Plan Garden Level	9/11/2021	Rob Design Office
DA22 Rev Prelim		Plan Main Level	9/11/2021	Rob Design Office

The wall is to be constructed at both ground and balcony levels.

(Amended by MOD/2021/0526 – 2 February 2022)

FEES

3. 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:	\$4,000.00
Inspection Fee:	\$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.

4. Section 7.12 (formerly section 94A) Development Contribution Payments

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that a monetary contribution to the Inner West Council has been paid, towards the provision of infrastructure, required to address increased demand for local services generated by additional development within the Local Government Area (LGA). This condition is imposed in accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979* and in accordance with *Ashfield Section 94A Development Contributions Plan 2009 – Amendment No.3*.

Note:

Copies of these contribution plans can be inspected at any of the Inner West Council Service Centres or viewed online at <https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions>

Payment amount*:

\$8,500

*Indexing of the Section 7.12 contribution payment:

The contribution amount to be paid to the Council is to be adjusted at the time of the actual payment in accordance with the provisions of the relevant contributions plan. In this regard, you are recommended to make contact with Inner West Council *prior to arranging your payment method* to confirm the correct current payment amount (at the expected time of payment).

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.

5. 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

6. Boundary Alignment Levels

Alignment levels for the site at all pedestrian and vehicular access locations must match the existing back of footpath levels at the boundary.

7. 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 (note: Tree 3, below numbered as Tree 5 in the Arboricultural Impact Assessment Report prepared by Bellevue Tree Consultants, dated 8/04/2021).

Tree No.	Botanical/Common Name	Location
1	<i>Lophostemon confertus</i> (Brush Box)	Crescent Street, in road.
2	<i>Lagerstroemia indica</i> (Crepe Myrtle)	Crescent Street verge
3	<i>Glochidion ferdinandi</i> (Cheese Tree)	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;
- c. Blue for trees to be pruned; and
- d. Yellow for trees to be transplanted.

8. 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.

9. Works to Trees

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

Tree/location	Approved works
<i>Glochidion ferdinandi</i> (Cheese Tree) Rear	Remove
<i>Castanospermum australe</i> (Blackbean) 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*.

10. Balcony and Windows

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans indicating the erection of a privacy screen on the eastern and western sides of the rear balcony and screens shown on windows having a minimum block out density of 75% and a height of 1.8metres above the finished floor level of the balcony.

11. 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.

12. 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.

13. Works Outside the Property Boundary

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

PRIOR TO ANY DEMOLITION**14. 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.

15. 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.

16. 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**17. 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.

18. 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 Stormwater Drainage Concept plan on Drawing Nos H01 to H06 prepared by Abel & Brown Pty Ltd and dated May 2021 shall be revised using the latest architectural plans dated 2 August 2021 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 5000 L 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. 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;
- g. An overland flowpath must be provided within the setback to the side boundary;
- h. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
- 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 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;

m. A silt arrestor pit must be installed inside the property, adjacent to the boundary, for the stormwater outlet;

n. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;

o. 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;

p. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings; and

q. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.

19. Public Domain Works – Prior to Construction Certificate

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a public domain works design, prepared by a qualified practising 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) and evidence that the works on the Road Reserve have been approved by Council under Section 138 of the *Roads Act 1993* incorporating the following requirements:

a. The construction of light duty vehicular crossing ~~and removal of redundant vehicular crossing from Crescent Street~~ to the site;

b. New concrete footpath and kerb and gutter along the frontage of the site (Dobroyd Lane) ~~and in front of the redundant vehicle crossing at Crescent Street~~. The kerb type (concrete or stone) must be consistent with the majority of kerb type at this location as determine by the Council Engineer;

c. Cross sections are to be provided at the boundary at a minimum distance of every 5m and at all pedestrian and vehicular access locations. Note, the cross fall of the footpath must be set at 2.5%. These sections will set the alignment levels at the boundary; and

d. Installation of a stormwater outlet to the kerb and gutter.

All works must be completed prior to the issue of an Occupation Certificate.

(Amended by MOD/2021/0526 – 2 February 2022)

20. Structural Certificate for retained elements of the building

Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with a Structural Certificate prepared by a practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed

additional, or altered structural loads during all stages of construction. The certificate must also include all details of the methodology to be employed in construction phases to achieve the above requirements without result in demolition of elements marked on the approved plans for retention.

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

DURING DEMOLITION AND CONSTRUCTION

22. Tree Protection

To protect the following tree/s, trunk protection must be installed prior to any works commencing in accordance with Council’s *Development Fact Sheet—Trees on Development Sites*:

Tree No.	Botanical/Common Name/Location
1	<i>Lophostemon confertus</i> (Brush Box) In Road Crescent Street
2	<i>Lagerstroemia indica</i> (Crepe Myrtle) Crescent Street

23. 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 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	Radius in metres
3	<i>Glochidion ferdinandi</i> (Cheese Tree)	4 metres on 3 sides

24. 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
1. <i>Lophostemon confertus</i> (Brush Box) 2. <i>Lagerstroemia indica</i> (Crepe Myrtle) 3. <i>Glochidion ferdinandi</i> (Cheese Tree)	Prior to commencement of works	<ul style="list-style-type: none"> • Inspection and sign off installation of tree protection measures.

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

25. 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.

26. 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

27. Public Domain Works

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with written evidence from Council that the following works on the Road Reserve have been completed in accordance with the requirements of the approval under Section 138 of the *Roads Act 1993* including:

- a. Light duty concrete vehicle crossing at the vehicular access location;
- ~~b. The redundant vehicular crossing from Crescent Street to the site must be removed and replaced by kerb and gutter and footpath. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb must also be in stone;~~
- c. The existing concrete footpath across the frontage of the site (Dobroyd Lane) ~~and in front of the redundant vehicle crossing at Crescent Street~~ must be reconstructed; and
- d. Other works subject to the *Roads Act 1993* approval.

All works must be constructed in accordance with Council's standards and specifications and AUS-SPEC#2-"Roadworks Specifications".

(Amended by MOD/2021/0526 – 2 February 2022)

28. No Encroachments

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any encroachments on to Council road or footpath resulting from the building works have been removed, including opening doors, gates and garage doors with the exception of any awnings or balconies approved by Council.

29. Protect Sandstone Kerb

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

30. 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 amended landscape plan and the role of the project arborist have been complied with.

An additional canopy tree is to be added to the landscape plan prepared by rdo. dated 29/04/2021. The 45 litre size tree, is to attain a minimum mature height of seven (7) metres, and a canopy spread of 5 - 7 metres, planted within the property at a minimum of 2 metres from the building and garage and 1.5 m. The tree stock is to conform to AS2303—*Tree stock for landscape use*. Trees listed as exempt species from Council's Tree Management Controls, palms, fruit trees and species recognised to have a short life span will not be accepted as suitable replacements.

If the replacement trees are found to be faulty, damaged, dying or dead within twelve (12) months of planting then they must be replaced with the same species (up to 3 occurrences). If the trees are found dead before they reach a height where they are protected by Council's Tree Management Controls, they must be replaced with the same species.

ON-GOING

31. 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).

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.

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*.

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.
- c.

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.
- h.

Disability Discrimination Access to Premises Code

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

National Construction Code (Building Code of Australia)

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

Notification of commencement of works

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

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

- ii.If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

Dividing Fences Act

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

Permits from Council under Other Acts

Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the *Local Government Act 1993* and/or Section 138 of the *Roads Act 1993*. Permits are required for the following activities:

- a. Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application;
- b. A concrete pump across the roadway/footpath;
- c. Mobile crane or any standing plant;
- d. Skip bins;
- e. Scaffolding/Hoardings (fencing on public land);
- f. Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.;
- g. Awning or street verandah over footpath;
- h. Partial or full road closure; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

Contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. A lease fee is payable for all occupations.

Noise

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.

Amenity Impacts General

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

premises and the operation of plant and equipment must not give rise to the transmission of a vibration nuisance or damage other premises.

Construction of Vehicular Crossing

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

Lead-based Paint

Buildings built or painted prior to the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned prior to occupation of the room or building.

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 www.basix.nsw.gov.au
Department of Fair Trading	13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 www.dialprior toyoudig.com.au
Landcom	9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Corporation	Payments 131441 www.lspc.nsw.gov.au
NSW Food Authority	1300 552 406 www.foodnotify.nsw.gov.au
NSW Government	www.nsw.gov.au/fibro

www.diy-safe.nsw.gov.au
Information on asbestos and safe work practices.

NSW Office of Environment and Heritage
Sydney Water
131 555
www.environment.nsw.gov.au
13 20 92
www.sydneywater.com.au

Waste Service - Environmental Solutions
SITA
1300 651 116
www.wasteservice.nsw.gov.au

Water Efficiency Labelling and Standards (WELS)
WorkCover Authority of NSW
www.waterrating.gov.au
13 10 50
www.workcover.nsw.gov.au
Enquiries relating to work safety and asbestos removal and disposal.

Street Numbering

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