




	
DEVELOPMENT ASSESSMENT REPORT	
Application No.	REV/2022/0030
Address	7 King Street ASHFIELD NSW 2131
Proposal	S8.2 Review of Determination No.DA/2022/0362, dated 19 August 2022, to delete condition 2a relating to an increase in the required front setback of the carport
Date of Lodgement	25 October 2022
Applicant	Ms Helen L Randall
Owner	Ms Helen L Randall
Number of Submissions	Initial: 0
Value of works	\$35,000.00
Reason for determination at Planning Panel	Review with no substantial change to the original decision
Main Issues	Heritage Impact
Recommendation	Refusal
Attachment A	Reasons for refusal
Attachment B	Plans of proposed development
Attachment C	Statement of Heritage Significance
Attachment D	Determination DA/2022/0362
	
LOCALITY MAP	
Subject Site 	Objectors 
Notified Area 	Supporters 

1. Executive Summary

This report is an assessment of the application submitted to Council pursuant to S8.2 of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979) for a review of Determination No.DA/2022/0362, dated 19 August 2022, to delete condition 2a relating to an increase in the required front setback of the carport at 7 King Street ASHFIELD.

The application was notified to surrounding properties and no submissions were received in response to the initial notification.

The main issues that have arisen from the application include:

- Adverse impact to Heritage Item and Conservation Area
- Variation to Control C2 of Part 4.3 Chapter E1 of the DCP
- Alternative options for covered parking without heritage impact

Heritage impacts render the proposal unsupportable, and refusal is recommended. As such, the proposal to delete the condition is not supported.

2. Proposal

This application seeks to the review Condition 2a of Determination No.DA/2022/0362 dated 19 August 2022, under Section 8.2 of the EP and A Act 1979. Condition 2a requires the carport to be setback 1 metre behind the front building alignment.

Condition 2 of Determination DA/2022/0362 is reproduced below:

2. **Design Change**

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

- Front setback of the carport to be 1 metre from the main dwelling's front building line.*
- Metal roofing materials to be similar to Colorbond "Windspray" or "Wallaby".*

3. Site Description

The subject site is located on the eastern side of King Street, between Norton Street and Arthur Street. The site consists of one allotment and is generally rectangular in shape with a total area of 1,171sqm and is legally described as 7 King Street Ashfield. The site has a frontage to King Street of 24.385 metres, and a depth of approximately 48 metres.

The site supports a two-storey dwelling house and a detached garage at the rear of the subject site. The adjoining properties support low density residential uses.

The property is identified as a Heritage Item of Local Significance and located within the Hampden Street and King Street, Ashfield, Heritage Conservation Area.

4. Background

4(a) Site history

Determination No.DA/2022/0362 dated 19 August 2022 approved an application to construct a new carport, subject to conditions of consent.

4(b) Application history

Not applicable

5. S8.2 Review

The application was lodged under Section 8.2 of the *Environmental Planning and Assessment Act 1979*.

Requirement	Proposal
8.2 Determinations and decisions subject to review	
<p>(1) The following determinations or decisions of a consent authority under Part 4 are subject to review under this Division—</p> <ul style="list-style-type: none"> (a) the determination of an application for development consent by a council, by a local planning panel, by a Sydney district or regional planning panel or by any person acting as delegate of the Minister (other than the Independent Planning Commission or the Planning Secretary), (b) the determination of an application for the modification of a development consent by a council, by a local planning panel, by a Sydney district or regional planning panel or by any person acting as delegate of the Minister (other than the Independent Planning Commission or the Planning Secretary), (c) the decision of a council to reject and not determine an application for development consent. 	<p>The subject application relates to the review of a condition of consent determined under staff delegation.</p>
<p>(2) However, a determination or decision in connection with an application relating to the following is not subject to review under this Division—</p> <ul style="list-style-type: none"> (a) a complying development certificate, (b) designated development, (c) Crown development (referred to in Division 4.6). 	<p>The subject application does not relate to any of the applications noted in Clause 2.</p>

(3) A determination or decision reviewed under this Division is not subject to further review under this Division.	Noted.
8.3 Application for and conduct of review	
(1) An applicant for development consent may request a consent authority to review a determination or decision made by the consent authority. The consent authority is to review the determination or decision if duly requested to do so under this Division.	Noted.
(2) A determination or decision cannot be reviewed under this Division— (a) after the period within which any appeal may be made to the Court has expired if no appeal was made, or (b) after the Court has disposed of an appeal against the determination or decision.	The original application was determined on 19 August 2022. Pursuant to Section 8.10(1)(b)(i) of the <i>Environmental Planning and Assessment Act 1979</i> , an appeal may be made to the Court 6 months after the date of determination. The subject application was lodged on 25 October 2022 and has been reported for determination prior to the expiry of the appeal period (19 February 2023).
(3) In requesting a review, the applicant may amend the proposed development the subject of the original application for development consent or for modification of development consent. The consent authority may review the matter having regard to the amended development, but only if it is satisfied that it is substantially the same development.	No amendments have been made to the proposed development.
(4) The review of a determination or decision made by a delegate of a council is to be conducted- (a) by the council (unless the determination or decision may be made only by a local planning panel or delegate of the council), or (b) by another delegate of the council who is not subordinate to the delegate who made the determination or decision.	NA
(5) The review of a determination or decision made by a local planning panel is also to be conducted by the panel.	NA
(6) The review of a determination or decision made by a council is to be conducted by the council and not by a delegate of the council.	NA.
(7) The review of a determination or decision made by a Sydney district or regional planning panel is also to be conducted by the panel.	NA.

(8) The review of a determination or decision made by the Independent Planning Commission is also to be conducted by the Commission.	NA.
(9) The review of a determination or decision made by a delegate of the Minister (other than the Independent Planning Commission) is to be conducted by the Independent Planning Commission or by another delegate of the Minister who is not subordinate to the delegate who made the determination or decision.	NA.

6. 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 (EPA Act 1979)*.

6(a) Environmental Planning Instruments

The application was assessed against the following relevant sections of the *Inner West Local Environmental Plan 2022*:

- Section 1.2 - Aims of Plan
- Section 2.3 - Land Use Table and Zone Objectives
- Section 4.3 – Height of buildings
- Section 4.4 – Floor space ratio
- Section 5.10 – Heritage conservation

Section 1.2 Aims of the Plan

Deletion of condition 2a is considered inconsistent with the following aims of the *IWLEP 2022*:

- (b) *to conserve and maintain the natural, built and cultural heritage of Inner West,*
- (i) *to prevent adverse social, economic and environmental impacts on the local character of Inner West,*

Having regard to the above the deletion of the condition would result in a carport which aligns with the front building line of the dwelling, this is contrary to the heritage provisions and character of the prevailing conservation area and would diminish the significance of the heritage item. Consequently, the proposal to delete condition 2a is unsupportable.

Section 2.3 Land Use Table and Zone Objectives

The site is zoned R2 Low Density Residential under the *IWLEP 2022*. The *IWLEP 2022* defines the development as:

“dwelling house means a building containing only one dwelling”

The development is permitted with consent within the land use table. The development is not consistent with the objectives of the R2 zone as it fails to provide residential development that maintains the character of the built features in the surrounding area.

Section 4 Principal Development Standards

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

Standard	Proposal	Non compliance	Complies
Height of Buildings Maximum permissible: 8.5m	4.0m	N/A	Yes
Floor Space Ratio Maximum permissible: 0.5:1sqm	As existing	Nil	N/A

Section 5.10 – Heritage Conservation

The subject site 7-9 King Street is listed within the *IWLEP 2022* as a Heritage Item of Local Significance (I235) and located within the Hampden Street and King Street Heritage Conservation Area (C8). Under sub-clause 5.10, Council is required to ensure that the development would not adversely affect the heritage significance of the heritage item.

Council's Heritage Specialist has reviewed the proposal and does not support the proposed location of the carport given it is considered to adversely impact the heritage item.

The Building Ranking Definitions contained in C6 of the Inner West Comprehensive Development Control Plan (DCP) 2016 identifies the existing building style as 'Queen Anne'. It is noted that Heritage Survey by Godden Mackay Pty Ltd, dated 19/3/92, Reference No. 152 in Ashfield Heritage Study 1991-1992 as 152, states that the building (formerly known as "Burnside") is "*A fine house which, being of Queen Anne style two storeys high, is believed to be unique in the Municipality*".

Part 4.3 [Driveways, Garages and Carports] of Chapter E1 of the DCP identifies the development controls. The controls are designed to retain heritage values and visual values of heritage conservation areas, with vehicular access and parking structures being allowable only where heritage values are not adversely affected. Control C2 states:

C2 Locate garages and carports at the rear of the house. If this is not possible and side access is available locate garages or carports at least 1 metre behind the predominant building line.

The purpose of this control is to ensure that heritage significance of the conservation area is given due consideration, and to enhance the character and heritage significance of the HCA by ensuring parking structures are not dominant elements of the streetscape or building. Therefore, a key design component must be that the carport is recessive, does not dominate the existing building and the HCA setting and is designed to 'fit in' to the overall setting of the HCA.

It is considered that the location of the carport at the building façade would dominate the building and result in a carport that is not recessive in the streetscape. A carport in this location is not an original element of the heritage item or HCA and as such would not be in keeping with the development controls and would adversely impact the heritage values of the heritage item and HCA.

Given the above, the development is not consistent with Objective O1 or O3 within Part 4.3 of Chapter E1 of the DCP and is not supported. As such, the imposition of condition 2a of the consent is to achieve compliance with the relevant controls and objectives is considered acceptable.

6(b) 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	
8 - Parking	Yes
E1 – Heritage items and Conservation Areas (excluding Haberfield)	
3 – Heritage Conservation Areas (HCAs)	No – see discussion under Clause 5.10 of LEP
9 – Heritage Conservation Areas, Character Statements and Rankings	No – see discussion under Clause 5.10 of LEP
F – Development Category Guidelines	
1 – Dwelling Houses and Dual Occupancy	Yes

6(c) Other Matters

The applicant's Statement of Heritage Impact contends that the proposal will have a very moderate impact on the heritage integrity of "Burnside". The SEE also concludes that:

- *What we find is a house that has had moderate additions over time.*
- *The proposed carport will have no physical impact on the Heritage item "Burnside".*
- *From the King Street elevation, the style indicators that remain will be left untouched.*
- *This application is for minor construction work in comparison to the existing house*
- *The owners love Burnside and despite its design faults, (a twenty first century household living in a nineteenth century style of home), enjoy living in the house.*
- *The proposed carport is designed to make life a little more comfortable. Plugging a car into a charging station is no fun in pouring rain.*
- *We ask the heritage planner to swiftly appraise the structure and encourage the zeal of the owners with a quick resolution to this Development Application*

Notwithstanding the above contentions, locating the carport at the front building line is undesirable and unnecessary. A parking structure aligned with the front setback was not part of the original building form, and there are other ways to supplement the quality of living circumstance without impacting upon the original built form.

The applicant's written contentions as to why compliance with Condition 2a. is unreasonable are reproduced below with assessment comments:

Contention	Assessment comment
Setting the carport back 1m would block light and ventilation provided by a window	Building solutions could be used such as clear polycarbonate roof sheeting to the section of the roof in the proximity of the windows, or the carport could be located further to the rear in accordance with the DCP (as identified by Council's Heritage Specialist).
Council has not considered the cost and inconvenience of relocating existing infrastructure	This is not a matter for consideration under s4.15 of the Environmental Planning and Assessment Act, 1979, notwithstanding the prescribed condition does not require the relocation of infrastructure.
Environmental amenity is adversely impacted by the destruction/waste involved in removing existing fencing	Fencing is not required to be removed as a result of Condition 2a. Waste management can be addressed as part of acting on the development consent.
Public amenity will not be noticeably improved by increasing the setback	The matter of public amenity, is in this instance, related to a suitable outcome for the HCA. As such, compliance with the setback control to ensure a good outcome for the HCA is considered to enhance public amenity
Other period dwellings within HCA have similar carports on or close to the front boundary and in all cases forward of the Building line, making the 1m setback requirements more onerous than that applied to other properties within the HCA.	A survey of the entire street found parking structures located at the front building alignment at No. 12 (opposite), 31, 33, 35. None of these structures are associated with a Queen Anne dwelling house, and all have been constructed before the development current controls. It is also noted that this property is a heritage item and has a high level of heritage protection.

6(d) The Likely Impacts

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

- Adverse impact on 7-9 King Street, a Heritage Item of Local Significance (I235).
- Adverse impact on the Hampden Street and King Street Heritage Conservation Area (C8).

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

The site is unsuitable to accommodate the proposed development due to the heritage affectation of the site. However, this could be overcome by setting back the carport by 1 metre and required by Condition 2a of the original determination.

6(f) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 14 days to surrounding properties. No submissions were received in response to the initial notification.

6(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 preventing any adverse effects on 7-9 King Street, a Heritage Item of Local Significance (I235), and the Hampden Street and King Street Heritage Conservation Area (C8).

The proposal to align the carport with the front setback of the Queen Anne style building which is of considerable heritage significance and contributory to the HCA is contrary to the public interest.

7 Referrals

The application was referred to Council's Heritage Specialist and issues raised in such referral has been discussed in section 5 above.

8. Conclusion

The proposal fails to comply with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

The development would result in significant impacts on the amenity of the Heritage Item (I235) and Conservation Area (C8) and is not considered to be in the public interest.

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

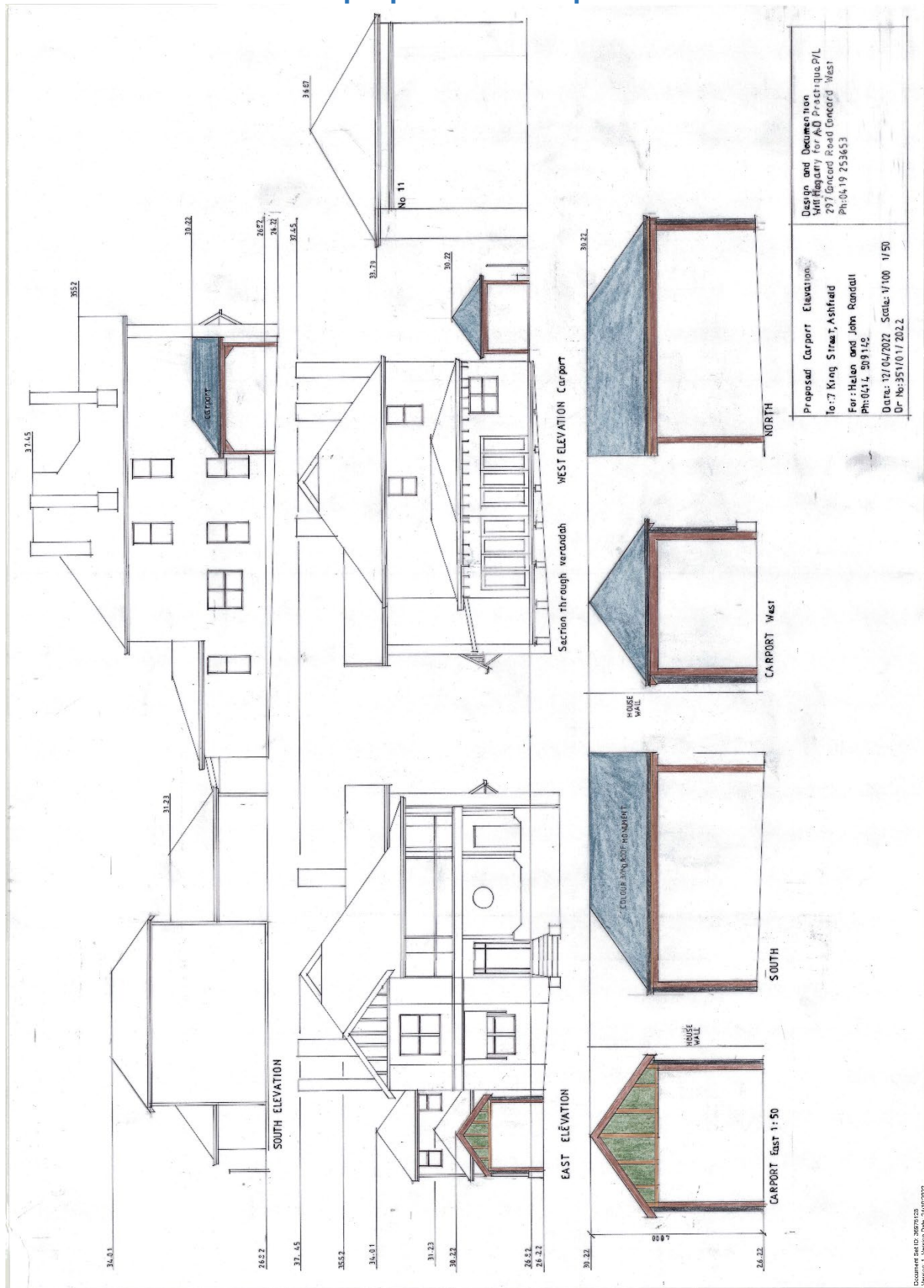
9. Recommendation

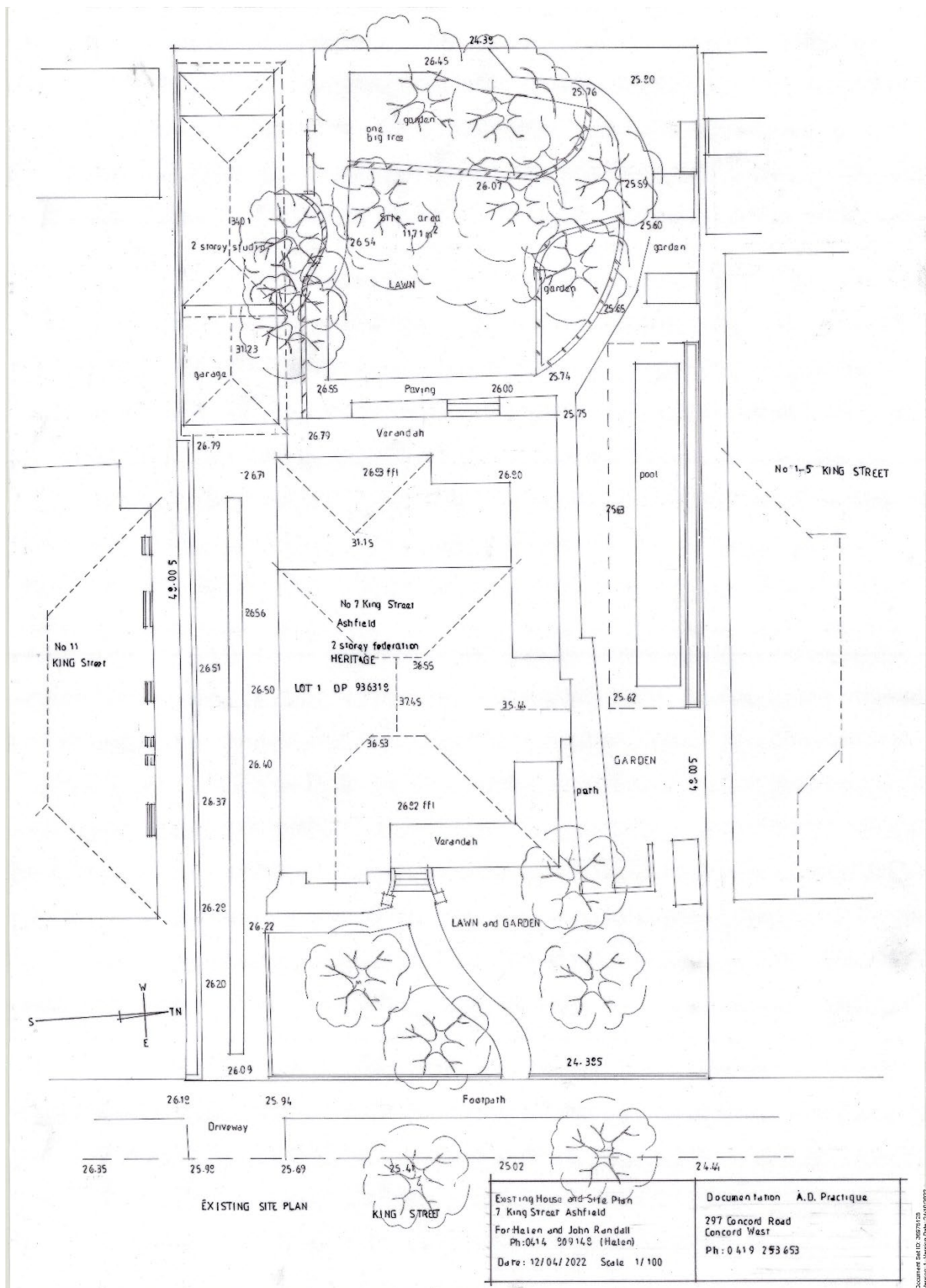
- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, refuse Development Application No. REV/2022/0030 for a review of Determination No.DA/2022/0362 dated 19 August 2022, to delete condition 2a relating to an increase in the required front setback of the carport at 7 King Street. Ashfield for the following reasons in Attachment A.

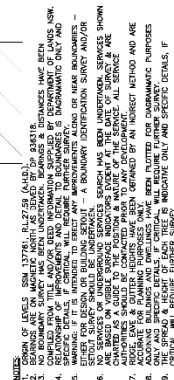
Attachment A – Reasons for Refusal

1. The proposed development does not comply with the objectives of Clause 5.10 of the Inner West Local Environmental Plan 2022 in that the lack of a setback of the proposed carport to the facade of the building does not preserve the environmental heritage of the Inner West, resulting in an adverse impact to local Heritage Item I235 and the Hampden Street and King Street Heritage Conservation Area (C8).
2. The proposal does not comply with control C2 within Chapter E1, Part 4.3 of the Inner West Comprehensive Development Control Plan 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill (IWDCP 2016) in that the carport is not setback from the building facade by 1 metre and is inconsistent with objectives O1 and O3 of Chapter E1, Part 4.3 of the IWDCP 2016.

Attachment B – Plans of proposed development





[illegible]

Attachment C – Statement of Heritage Significance

Item Details									
Name									
House									
SHR/LEP/S170									
House									
Address									
7-9 King Street ASHFIELD NSW 2131									
Local Govt Area									
Inner West									
Local Aboriginal Land Council									
Unknown									
Item Type									
Built									
Group/Collection									
Residential buildings (private)									
Category									
House									
All Addresses									
Addresses									
Records Retrieved: 1									
Street No	Street Name	Suburb/Town/Postcode	Local Govt. Area	LALC	Parish	County	Electorate	Address Type	
7-9	King Street	ASHFIELD/NSW/2131	Inner West	Unknown			Unknown	Primary Address	
Owners									
Document Set ID: 37283933									
Version: 1, Version Date: 16/01/2023									

Organisation	Stakeholder Category	Date Ownership Updated
No Results Found		

Records Retrieved: 0

Description		
Designer	Builder/Maker	
Physical Description		Updated
Physical Condition		Updated
Modifications And Dates		
Further Comments		
Current Use		
Former Use		
Listings		

Listings

					Records Retrieved: 2	
Heritage Listing	Listing Title	Listing Number	Gazette Date	Gazette Number	Gazette Page	
Local Environmental Plan	Ashfield Local Environmental Plan 2013	168	12/23/2013 12:00:00 AM			
Heritage study						

Procedures/Exemptions

Records Retrieved: 0					
Section of Act	Description	Title	Comments	Action Date	Outcome
No Results Found					

History

Historical Notes or Provenance		Updated	
Historic Themes		Records Retrieved: 0	
National Theme	State Theme	Local Theme	
No Results Found			

Recommended Management

Management Summary	
--------------------	--

Management				Records Retrieved: 0
Management Category	Management Name	Date Updated		
No Results Found				

Report/Study

Heritage Studies					Records Retrieved: 0
Report/Study Name	Report/Study Code	Report/Study Type	Report/Study Year	Organisation	Author
No Results Found					

Reference & Internet Links

References				Records Retrieved: 0
Type	Author	Year	Title	Link
No Results Found				

Data Source

The information for this entry comes from the following source:

Data Source	Record Owner	Heritage Item ID
Local Government	Inner West Council	1020521

Every effort has been made to ensure that information contained in the State Heritage Inventory is correct. If you find any errors or omissions please send your comments to heritagemailbox@environment.nsw.gov.au

All information and pictures on this page are the copyright of the Heritage Division or respective copyright owners's.

Document Set ID: 37283933
Version: 1, Version Date: 16/01/2023

Item Details



Name
Hampden Street and King Street Conservation Area
SHR/LEP/S170
Hampden Street and King Street Conservation Area
Address
Hampden Street ASHFIELD NSW 2131
Local Govt Area
Inner West
Local Aboriginal Land Council
Unknown

Item Type
Conservation Area
Group/Collection
Urban Area
Category
Subdivision - designed

All Addresses

Addresses										Records Retrieved: 2		
Street No	Street Name	Suburb/Town/Postcode	Local Govt. Area	LALC	Parish	County	Electorate	Address Type				
	King Street	ASHFIELD/NSW/2131	Inner West	Unknown			Unknown	Alternate Address				
	Hampden Street	ASHFIELD/NSW/2131	Inner West	Unknown			Unknown	Primary Address				

Boundary Description
Shown by red hatching and labelled "C8"

Significance
Document Set ID: 37283936
Version: 1, Version Date: 16/01/2023

Statement Of Significance The Hampden Street and King Street Heritage Conservation Area is of local heritage significance. It is of historical significance as an area subdivided in 1876 and re-subdivided in 1914 with a high level of consistency in its built form. The area is of aesthetic significance for its wide, tree lined streets with grass verges and residential development that predominantly reflects architectural styles from 1876 to the 1940s. The streetscapes demonstrate a variety of styles including, Victorian Filigree style single storey cottages, one 2-storey Victorian Italianate style villa, one 2-storey Federation Queen Anne style villa, detached single storey Federation Queen Anne and Inter-war California Bungalow style houses, semi-detached Federation Queen Anne style single storey pairs of houses, and 2-storey/brick Inter-war Art Deco style residential flat buildings.			
Owners			
Organisation	Stakeholder Category	Date Ownership Updated	Records Retrieved: 0
No Results Found			
Description			
Designer	Builder/Maker		
Physical Description		Updated	
Physical Condition		Updated	
Modifications And Dates			
Further Comments Document Set ID: 37283936 Version: 1, Version Date: 16/01/2023			

Current Use

Former Use

Listings

Listings				Records Retrieved: 2	
Heritage Listing	Listing Title	Listing Number	Gazette Date	Gazette Number	Gazette Page
Local Environmental Plan	Ashfield Local Environmental Plan 2013	C6	12/23/2013 12:00:00 AM		
Heritage study					

Procedures/Exemptions

Section of Act			Records Retrieved: 0	
Description	Title	Comments	Action Date	Outcome
No Results Found				

History

Historical Notes or Provenance

Updated

Historic Themes			Records Retrieved: 0
National Theme	State Theme	Local Theme	
No Results Found			

Recommended Management

Management Summary

Management			Records Retrieved: 0
Management Category	Management Name	Date Updated	
No Results Found			

Report/Study

Heritage Studies					Records Retrieved: 0
Report/Study Name	Report/Study Code	Report/Study Type	Report/Study Year	Organisation	Author
No Results Found					

Reference & Internet Links

References

Records Retrieved: 2

Type	Author	Year	Title	Link
Written	Inner West Council		2016 Comprehensive DCP (2016) - Heritage Conservation Area Character Statements	https://www.innerwest.nsw.gov.au/development-works/planning-controls/dcps/ashfield-dcp-2016/ashfield-dcp-2016
Written	Inner West Council		2016 Comprehensive DCP (2016) - Heritage Conservation Area Character Statements	https://www.innerwest.nsw.gov.au/development-works/planning-controls/dcps/ashfield-dcp-2016/ashfield-dcp-2016

Data Source

The information for this entry comes from the following source:

Data Source	Record Owner	Heritage Item ID
Local Government	Inner West Council	1020471

Every effort has been made to ensure that information contained in the State Heritage Inventory is correct. If you find any errors or omissions please send your comments to heritagemailbox@environment.nsw.gov.au

All information and pictures on this page are the copyright of the Heritage Division or respective copyright owners.

Attachment D – Determination DA/2022/0362 dated 19 August 2022



NOTICE OF DETERMINATION - APPROVAL

Issued under Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979

Development Application No.	DA/2022/0362
Applicant	Ms Helen L Randall
Land to be developed	7 King Street ASHFIELD NSW 2131
Approved development	New Carport
Cost of development	\$35,000.00
Determination	The 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.
Determination date	19 August 2022
Consent is to operate from	19 August 2022
Consent will lapse on	19 August 2027

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

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

Document Set ID: 37283934
Version: 1, Version Date: 16/01/2023

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 8.7 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 **Max Tran** on **02 9392 5784** or **max.tran@innerwest.nsw.gov.au**.



Ruba Osman
Acting Manager – 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
	Proposed Carport and Site Plan	12/04/2022	AD Practique
	Stormwater Concept Plan		
	Proposed Carport Elevation	12/04/2022	AD Practique

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. Front setback of the carport to be 1 metre from the main dwelling's front building line.
- b. Metal roofing materials to be similar to Colorbond "Windspray" or "Wallaby".

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:	\$2254.00
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.

4. Long Service Levy

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

GENERAL CONDITIONS**5. Stormwater Drainage System – Simple**

Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, down pipe, pits and pipelines discharged by gravity to the kerb and gutter of a public road. Stormwater runoff from proposed new or altered roof areas may be discharged to the existing site drainage system.

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

If any component of the existing system is not in good condition and /or not operating satisfactorily and/or impacted by the works, the drainage system must be upgraded to discharge by gravity to the kerb and gutter of a public road.

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. 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.

8. Works Outside the Property Boundary

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

PRIOR TO ANY DEMOLITION**9. Hoardings**

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

10. Advising Neighbours 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.

11. 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**12. 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.

13. Sydney Water – Tap In

Prior to the issue of a Construction Certificate, the Certifying Authority is required to ensure approval has been granted through Sydney Water's online 'Tap In' program to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

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

DURING DEMOLITION AND CONSTRUCTION**14. Construction Hours – Class 1 and 10**

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work are only permitted between the hours of 7:00am to 5:00pm, Mondays to Saturdays (inclusive) with no works permitted on, Sundays or Public Holidays.

PRIOR TO OCCUPATION CERTIFICATE**15. 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.

ADVISORY NOTES**Permits**

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

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

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

Insurances

Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands is required to take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.

Prescribed Conditions

This consent is subject to the prescribed conditions of consent within clause 98-98E of the *Environmental Planning and Assessment Regulations 2021*.

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.

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*.

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.diysafe.nsw.gov.au
			Information on asbestos and safe work practices.
NSW Office of Environment and Heritage		131 555	
			www.environment.nsw.gov.au
Sydney Water		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)			www.waterrating.gov.au



WorkCover Authority of NSW

13 10 50

www.workcover.nsw.gov.au

Enquiries relating to work safety and asbestos removal and disposal.