DEV	ELOPMENT ASSESSMENT REPORT
Application No.	DA/2022/0779
Address	2 Goodsir Street ROZELLE
Proposal	Demolition of existing dwelling, construction of a new two storey
	dwelling, pool, removal of five trees and landscaping
Date of Lodgement	29 September 2022
Applicant	Mr Mark McFarlane
Owner	Mr Mark D McFarlane and Mrs Ashleigh R McFarlane
Number of Submissions	Initial: 17
	Renotification: 15
Value of works	\$742,252.00
Reason for determination at Planning Panel	Number of submissions
Main Issues	Bulk and scale; Solar access; Parking and
	• Demolition of entire dwelling (Not substantially the same
	development as original application as lodged sought
	alterations and additions)
Recommendation	Refusal
Attachment A	Reasons for refusal
Attachment B	Plans of proposed development
Attachment C	Statement of Heritage Significance
Attachment D	Draft conditions in the event the application is approved.
Subject Site	Objectors N
Notified Area	Supporters
Note: Due to scale of map, not all c	bjectors could be shown.

# 1. Executive Summary

This report is an assessment of the application submitted to Council for demolition of an existing dwelling and construction of a new two storey dwelling, pool, landscaping, tree removal and off street parking at 2 Goodsir Street Rozelle.

The proposal originally proposed alterations and additions to the existing dwelling including partial demolition of the dwelling and entire roof. The proposal has been amended in an effort to address Council's issues raised in a Request for Information and subsequently, now seeks to demolish the entire dwelling and construct a new dwelling. The amended plans and supporting documentation are the subject of this assessment.

The application was notified on the 19 October 2022 to surrounding properties and seventeen (17) submissions were received in response to the initial notification.

The amended application was re-notified on the 4<sup>th</sup> May 2023 and fifteen (15) submissions were received.

The main issues that have arisen from the revised application include:

- Solar access.
- Bulk and scale
- Parking
- Demolition (Not substantially the same)

The submission from the applicant in response to Council request for further information (RFI) on 17 April 2023 amended the development in addition changed the demolition for the existing dwelling from partial to full resulting in the application not being substantially the same, alterations and additions to new dwelling, and therefore Council is of the opinion that the development should be subject to a new development application.

The non-compliances (listed above) are considered unacceptable due to amenity impacts to neighbouring properties and therefore the application is recommended for refusal.

# 2. Proposal

The proposal seeks consent for the demolition of the existing single storey dwelling and construction of a new two storey dwelling with pool, landscaping, tree removal and off-street parking. The works are detailed as follows:

- Demolition of the existing single storey dwelling
- Ground floor Living, kitchen, dining, laundry and powder room
- First Floor three bedrooms, bathroom and ensuite
- Landscaping including alfresco area and swimming pool
- Off-street parking within the access handle of the battle-axe allotment
- The proposal includes the removal of 4 x *Elaeocarpus reticulatus* (Trees 1-4, Blueberry Ash) and 1 x Y*ucca aloifolia* (Tree 5, Spanish Bayonet).

# 3. Site Description

The subject site is located on the northern side of Goodsir Street. The site consists of a battleaxe allotment with service handle and vehicular access from Goodsir Street with a total area of 283.23 sqm inclusive of the access handle and is legally described as Lot 5 in DP204208. The site is zoned R1 – General Residential, pursuant to the *Inner West Local Environmental Plan 2022* (IWLEP 2022).

The site supports a single storey dwelling house that is not visible from the street due to being sited on a battle-axe allotment, behind a row of two storey semi-detached and attached terraces (4-10 Goodsir Street). The surrounding properties support a mix of single and two storey dwellings including a row of like two-storey terraces adjoining to the east and a warehouse building adjoining the site to the west.

There are five trees located on the site all of which are proposed to be removed.

A sewerage easement traverses across the east-west of the site towards the southern boundary.

The subject site is within The Valley Heritage Conservation Area. The site is not identified as flood prone however is in vicinity to land identified as flood prone to the north east. The site adjoins land which was previously identified as potentially contaminated, located to the north-east.







Figure 4 – Streetscape frontage of access handle (dwelling is located to rear of a battle axe allotment and not readily visible from street)

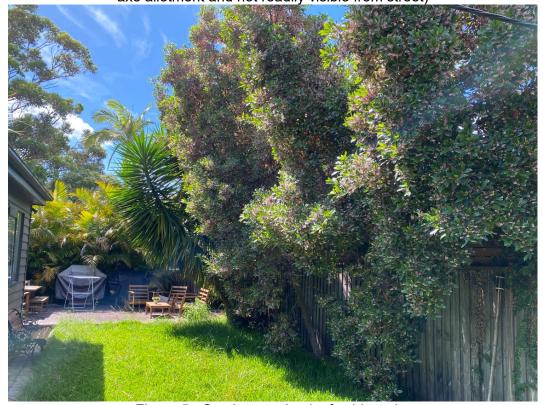


Figure 5 - Southern setback of subject site

# 4. Background

# 4(a) Site history

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

## Subject site:

Application	Proposal	Decision & Date
D/2014/305	Demolition of an existing dwelling & construction of two storey dwelling with basement plus parking a Goodsir Street boundary with carport and garage door	Withdrawn – 20/08/2014
DA/1325/1968	Construct new dwelling	Approved – 25/06/1968
DA/2934/1966	Erect 6 lock - up garages	Approved - 04/10/1966

# 4(b) Application history

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

Date	Discussion / Letter / Additional Information
05/12/2022	<ul> <li>Request for Information sent to the applicant outlining a number of fundamental concerns including: <ul> <li>excessive overshadowing to neighbouring properties</li> <li>bulk and scale and visual privacy impacts arising from second storey, non-compliant carparking</li> <li>visual privacy from loss of trees which afford screening</li> <li>Clause 4.6 to justify landscaped area development standard</li> <li>materials and finishes schedule</li> <li>plan which details elements and extent of dwelling to be retained, consent associated with works to an apparent ROW.</li> </ul> </li> </ul>
07/02/2023	Amended plans received from applicant reducing the height and setbacks from the original design and removal of car port, however, required considerable re-design, including further reduction in built form to satisfy the objectives and controls of the Leichhardt Development Control Plan 2013. The applicant confirmed that no easement/ROW burdens nor benefits the subject property.
16/02/2023	Meeting held between Council and applicant to discuss outstanding concerns with the proposal.
17/04/2023	Additional information and amended plans provided by the applicant, now seeking to demolish the building and construct a new two storey dwelling. The extensive nature of the changes of which warrants re- notification. The proposal as amended has not adequately addressed bulk and scale and overshadowing impacts to neighbouring properties.
04/05/2023	Renotification of amended proposal.

# 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 (*EPA 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 (Transport and Infrastructure) 2021
- 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."

The subject site is located adjacent to properties that have been previously identified as contaminated; 46 Evans Street and 1 Henry Street.

1 Henry Street - An existing double storey dwelling on the allotment was constructed under D/2007/444 which approved the following: *Remediation of site, demolition of existing cottage and construction of double storey dwelling with a car space in front of setback area.* 

46 Evans Street - Has been redeveloped into two residential dwellings under D/2006/466 which approved the following: *Demolition of existing structures and construction two dwellings with basement carparking and removal of one street tree. The proposal also includes the remediation of the site.* 

Both sites have been remediated as part of their development. The two sites are located to the north of the subject site and are located generally downhill from 2 Goodsir Street. Council considers that the site therefore would not be contaminated and is suitable for development.

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

There is also no indication of uses listed in Table 1 of the contaminated land planning guidelines within Council's records. The land will be suitable for the proposed use as there is no indication of contamination.

# 5(a)(ii) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A revised BASIX Certificate reflecting the amended proposal was submitted with the application.

#### Chapter 2 Vegetation in non-rural areas

The protection/removal of vegetation identified under the SEPP and gives effect to the local tree preservation provisions of Council's DCP.

The proposal includes the removal of 4 x *Elaeocarpus reticulatus* (Trees 1-4, Blueberry Ash) and 1 x *Yucca aloifolia* (Tree 5, Spanish Bayonet).

The above-mentioned vegetation is subject to the Arboricultural Impact Assessment (AIA) report prepared by Urban Arbor and dated 28 June 2022.

Council's Tree Officer has reviewed the proposal and provides the following comments:

Whilst the four (4) Blueberry Ash (Trees 1-4) provide good screening for both the subject site and the adjacent properties, when assessed individually they are of a 'low' landscape value and potentially not subject to the Tree Management DCP due to dimensions.

The AIA notes that trees 1-3 are 5m in height however they are estimated to be closer to 6m. These trees are in good health however only in fair condition, with trees 2 and 3 having phototrophic leans towards the dwelling. Provided the canopies can be replaced within the site, trees 1- 5 are not considered (individually) such that they should be a constraint to development.

*Tree 5 is in good health however has a significant phototrophic lean towards the dwelling. Yuccas do not have a woody stem and are generally not considered 'trees'.* 

The Landscape Plans prepared by Contour Landscape Architecture (Rev E, 5/9/22) requires amendment and therefore perhaps should not be stamped. The Ficus lyrata (Fiddle Leafed Fig) is the only tree included in the planting however it is not appropriate for the location in which it is shown. The plant schedule indicates that this tree will grow 6 m tall and 1.5 metres wide, however the mature dimensions are generally approx 12m x 10m minimum. Whilst it is acknowledged that the location will constrain the size it is likely that the tree will be far too dense and large for the small courtyard and is likely to be proposed for removal on that basis in the future.

The Landscape Plan must include a minimum of two (2) replacement canopy trees, appropriately located where they can attain mature dimensions. The south eastern section of the proposed alfresco area may need to be reduced away from the side boundary by a couple of metres to provide an appropriate location for one (1) of the required trees.

Conditions have been provided achieving the above, however the proposal is recommended for refusal for reasons outlined elsewhere in the report.

## Chapter 10 Sydney Harbour Catchment

The site is not located within the foreshores and waterways area, a Strategic Foreshore site or listed as an item of environmental heritage under the SEPP and as such only the aims of the plan are applicable. The proposal is consistent with these aims.

# 5(a)(iv) Inner West Local Environmental Plan 2022 (IWLEP 2022)

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 2.7 Demolition requires development consent
- Section 4.3C Landscaped areas for residential accommodation in Zone R1
- Section 4.4 Floor space ratio
- Section 4.5 Calculation of floor space ratio and site area
- Section 4.6 Exceptions to development standards
- Section 5.10 Heritage conservation
- Section 6.1 Acid sulfate soils
- Section 6.2 Earthworks
- Section 6.3 Stormwater management
- Section 6.4 Terrestrial biodiversity

#### Section 1.2 – Aims of Plan

The proposal does not meet aims 1.2 (h)(i) of the IWLEP 2022 where it will result in adverse impacts to neighbouring properties as discussed in detailed further in the report (namely overshadowing and bulk and scale).

Subsequently, the proposal does not protect nor enhance the amenity, vitality and viability of the neighbourhood for existing and future residents. It also does not comply with, nor has demonstrated compliance with the following provisions of Section 1.2(2) of the *Inner West Local Environmental Plan 2022:* 

- *h)* to prevent adverse social, economic and environmental impacts on the local character of Inner West
- *i) to prevent adverse social, economic and environmental impacts, including cumulative impacts*

#### Section 2.3 Land Use Table and Zone Objectives

The site is zoned R1 under the IWLEP 2022. The IWLEP 2013 defines the proposed development as a:

**'Dwelling House' -** means a building containing only one dwelling.

A 'Dwelling House' is permissible with consent in the zone.

Notwithstanding, the development is not consistent with the objectives of the R1 zone where it does not protect and enhance the amenity of existing and future residents and the neighbourhood (namely overshadowing and bulk and scale). The objective is extracted as follows:

• To provide residential development that maintains the character of built and natural features in the surrounding area.

As the propsoal does not meet the zone objectives, the application cannot be supported and is reccommended for refusal.

#### Section 4 Principal Development Standards

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

Standard	Proposal	Complies
Floor Space Ratio		
Maximum permissible: 0.8:1 or 250.38 sqm	0.53:1 or 147.32 sqm	Yes
Landscape Area		
Minimum permissible: 20% or 55sqm	30% or 86.12sqm	Yes
Site Coverage		
Maximum permissible: 60% or 166.92 sqm	38% or 107.64sqm	Yes

## Section 5.10 - Heritage Conservation

The site is located in The Valley Heritage Conservation Area (HCA). The building is not considered to be contributory.

Generally, the proposal to substantially replace the existing dwelling with a two-storey dwelling is acceptable on heritage grounds as the current building dates from the 1960s. The proposal is acceptable from a heritage perspective subject to conditions relating to materials and finishes. Notwithstanding, the proposal is recommended for refusal for reasons outlined elsewhere in the report.

# 5(c) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of the Leichhardt Development Control Plan 2013.

LDCP2013	Compliance
Part A: Introductions	
Section 3 – Notification of Applications	Yes
Part B: Connections	
B1.1 Connections – Objectives	Yes
Part C	
C1.0 General Provisions	No – see discussion
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes
C1.3 Alterations and additions	N/A
C1.4 Heritage Conservation Areas and Heritage Items	Yes - subject to conditions
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.9 Safety by Design	Yes
C1.11 Parking	No – see discussion below
C1.12 Landscaping	Yes - subject to conditions
C1.14 Tree Management	Yes - subject to conditions
C1.17 Minor Architectural Details	N/A
C1.18 Laneways	N/A
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes	N/A
and Rock Walls	
C1.21 Green Roofs and Green Living Walls	Yes

Part C: Place – Section 2 Urban Character	
C2.2.5.1 The Valley Distinctive Neighbourhood	Yes
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	No – see discussion
C3.2 Site Layout and Building Design	No – see discussion
C3.3 Elevation and Materials	Yes – subject to conditions
C3.5 Front Gardens and Dwelling Entries	No – see discussion
C3.6 Fences	Yes
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes
C3.9 Solar Access	No – see discussion
C3.10 Views	Yes
C3.11 Visual Privacy	Yes - see discussion
C3.12 Acoustic Privacy	Yes - subject to conditions
Part C: Place – Section 4 – Non-Residential Provisions	N/A
Part D: Energy	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes
D2.4 Non-Residential Development	N/A
D2.5 Mixed Use Development	N/A
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Part E: Water	
Section 1 – Sustainable Water and Risk Management	Vee
E1.1 Approvals Process and Reports Required with	Yes
Development Applications	No.
E1.1.1 Water Management Statement	Yes
E1.1.2 Integrated Water Cycle Plan	Yes
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.1.4 Flood Risk Management Report	N/A
E1.1.5 Foreshore Risk Management Report	N/A
E1.2 Water Management	Yes
E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	Yes
E1.2.3 On-Site Detention of Stormwater	Yes
E1.2.4 Stormwater Treatment	Yes
E1.2.5 Water Disposal	Yes
E1.2.6 Building in the vicinity of a Public Drainage System	Yes
E1.2.7 Wastewater Management	Yes
E1.3 Hazard Management	N/A
E1.3.1 Flood Risk Management	N/A
E1.3.2 Foreshore Risk Management	N/A
Part F: Food	N/A

The following provides discussion of the relevant issues:

#### C1.0 General Provisions and C3.1 Residential General Provisions

As discussed elsewhere in this report, the siting and scale of the proposed new dwelling is considered to result in adverse overshadowing and bulk and scale impacts. The proposed development has not been appropriately designed with respect to the site context, scale, built form and density. Specifically, the proposal is inconsistent with objectives O3, O4 and O6 pertaining to C1.0 and objective O7 pertaining to C3.1.

#### C1.11 Parking and C3.5 Front Gardens and Dwelling Entries

The proposed open off-street parking space within the access handle is not supported as it obstructs the safe and functional pedestrian entry to the dwelling due to the width being only approximately 2.7metres. Accordingly, the proposed off-street car parking does not meet the objectives of Part C1.11 (Objectives O2, O6, O10, O12) and C3.5 (Objective O1(a)) of the DCP.

Ideally, any future off-street parking proposed on the site is to be located beyond the access handle and include an area for turning so vehicles can enter and exit in a forward direction. It is noted that the original consent for the existing house showed parking in the main body of the lot and not in the access handle (although this was nominated as an intended right of way in that documentation). The R.O.W does not appear to have ever been registered.

## C3.2 Site Layout and Building Design

Building Location Zone (BLZ)

The proposal seeks to bring forward and extend the front building line from what is existing on the site, whilst providing a new first floor where the current development is single storey.

The Building Location Zone (BLZ) is the part of the subject site where it can be reasonably expected that a building can be located. The BLZ is determined by having regard to the main building on the adjacent properties.

The proposal entails the provision of a new two storey dwelling on a battle-axe allotment, therefore there is no comparable BLZ pertaining to the proposed development.

Where a development has a front or rear setback that is clearly uncharacteristic of the general pattern of development within the street, Council may exercise some flexibility in consideration of a proposed BLZ in the context of the overarching objectives and following parameters pursuant to control C6 of C3.2:

a) amenity to adjacent properties (i.e. sunlight, privacy, views) is protected and compliance with the solar access controls of this Development Control Plan is achieved.

<u>Comment</u>: the proposed development will result in unacceptable bulk and scale and overshadowing impacts to the southern adjoining properties private open space (no's 4-10 Goodsir Street) as result of the location, siting and design of the first floor addition. It is noted that the ground floor footprint is capable of being revisited and that there exists ample opportunity to locate one of the bedrooms and bathrooms on the ground floor and thus bring about a substantial reduction in the extent of the first floor, which may go some way towards addressing the amenity impacts on neighbours.

*b)* the proposed development will be compatible with the existing streetscape, desired future character and scale of surrounding development;

<u>Comment</u>: the proposed development will not be readily visible from the public domain and is generally of a scale (two storeys) that is commensurate to surrounding developments. Notwithstanding, unreasonable amenity impacts result from the overall height and siting of the first floor addition, thus the proposal in its current form cannot be supported.

c) the proposal is compatible in terms of size, dimensions privacy and solar access of private open space, outdoor recreation and landscaping;

<u>Comment:</u> the proposed development complies with the minimum landscaped area, site coverage and private open space provisions as required by the IWLEP 2022 and Leichhardt Development Control Plan 2023. The reconfigured private open space to the north of the dwelling ensures compliant solar access is provided to this space.

d) retention of existing significant vegetation and opportunities for new significant vegetation is maximised; and

<u>Comment:</u> although the proposed development does not retain the existing vegetation on the site, this vegetation is not considered to be of high retention value and loss can be appropriately addressed through replacement canopy tree planting, by way of condition.

e) the height of the development has been kept to a minimum to minimise visual bulk and scale, as viewed from adjoining properties, in particular when viewed from the private open space of adjoining properties.

<u>Comment:</u> The overall height of the development has not been kept to a minimum to address amenity impacts to neighbouring properties. The proposed first floor ceiling height of 2.7m, coupled with the footprint of the first floor component, results in adverse bulk and scale and overshadowing impacts to the southern neighbouring properties.

In consideration of the above the proposed development in its current form is not acceptable in terms of BLZ where the accumulative impacts of the proposed first floor scale, siting and orientation have detrimental impacts on solar access and bulk and scale.

Subsequently, the objectives and requirements of this Part have not been met. The overall height of the development combined with insufficient setbacks of the first floor requires a redesign to address unacceptable overshadowing and bulk and scale impacts to the southern neighbouring properties.

## Side Setbacks

The proposal alters the ground floor side setbacks established be the existing dwelling house whilst providing a new first floor addition.

The proposal has an overall maximum side building wall height of 5.9m to the eastern and western elevations, with varied ground and first floor side setbacks which are consistent with the side setback controls provided in C7 of this part as outlined below:

Elevation	Wall height (m)	Required setback (m)	Proposed setbacks (mm)	Complies
Eastern Elevation	5.9m (max)	1.9m	900mm -1.47m (GF) 1.85m – 2.34m (FF)	Yes
Western Elevation	5.9m (max)	1.9m	1.4-1.8(GF) 2.89m – 3.265m (FF)	Yes

## C3.9 Solar Access

Hourly Solar Access Diagrams have been submitted in both plan and elevation at hourly intervals for the proposal depicting shadows cast between 9am and 3pm mid-winter (worst case scenario).

The subject dwelling and western neighbouring residential dwelling provide an east-west orientation, with private open space (POS) areas orientated to the north and east respectively. Neighbouring properties to the east and south provide a north-south orientation, with POS orientated towards the north. The following controls apply:

## New Dwellings

The following controls apply to solar access for new dwellings:

- New residential dwellings are to obtain a minimum of three (3) hours of direct sunlight to the main living room between 9am and 3pm during the winter solstice.
- Private open space is to receive a minimum three hours of direct sunlight over 50% of the required private open space between 9am and 3pm at the winter solstice.

The solar access diagrams demonstrate that the proposed reconfigured POS to the north of the site will receive below the required solar access between 12pm and 3pm mid-winter. It is noted that this is largely attributed to site constraints being a battle axe allotment and requiring the bulk of the development to be sited to the north to minimise overshadowing impacts to southern neighbouring properties:

Proposed POS	18.25	%
22 June 9am	0	0
22 June 10am	0	0
22 June 11am	7.62	35
22 June 12pm	11.43	52
22 June 1pm	8.85	42
22 June 2pm	8	42
22 June 3pm	0	0

## Solar access to POS of subject property

A further reduction in the overall built form may serve to improve solar access provisions internal and external for future occupants of the subject property, whilst minimising impacts to neighbouring properties.

## Neighbouring properties

The following controls apply for retaining solar access to neighbouring properties:

- Where the surrounding allotments are orientated north/south, and the dwelling has north facing glazing serving the main living room, ensure a minimum of three hours solar access is maintained between 9am and 3pm during the winter solstice.
- Where surrounding dwellings currently receive less than the required amount of solar access to the main living room between 9am and 3pm during the winter solstice, no further reduction of solar access is permitted.
- Where surrounding dwellings have north facing private open space, ensure solar access is retained for three hours between 9am and 3pm to 50% of the total area during the winter solstice.
- Where surrounding dwellings currently receive less than the required amount of solar access to their private open space between 9am and 3pm during the winter solstice, no further reduction of solar access is permitted.

## Private Open Space

Approximate existing POS provisions for 4-10 Goodsir Street (southern adjoining properties) and required minimum area (sqm) of solar access prescribed by the controls is provided as follows:

- Nos 4 and 6 Goodsir accommodates approx. 25sqm of north facing POS, thus requiring a minimum of <u>12.5sqm of solar access for three hours at midwinter</u>
- Nos 8 and 10 Goodsir accommodates approx. 26sqm of north facing POS, thus requiring a <u>minimum of 13sqm of solar access for three hours at mid-winter.</u>

The solar access diagrams illustrate that there will be overshadowing impacts to the southern adjoining properties north facing POS at mid-winter, below compliance with the minimum requirements prescribed by the controls, it is noted that the applicant has demonstrated their

calculations on the minimum 16sqm POS which is not how solar access is calculated under Clause C3.9 of the LDCP2013, summarised as follows:

	Solar access	s to POS (sqm)		
Time (mid-winter)	4 Goodsir	6 Goodsir	8 Goodsir	10 Goodsir
9am	2.32	2.67	2.88	0
10am	9.25	9.49	10.77	5.12
11am	14.76	15.16	16.88	16.58
12pm	13.96	14.40	15.47	16.74
1pm	10.30	10.74	11.09	12.2
2pm	10.25	10.70	11.29	12.2
3pm	0	0	0	0
Compliance	No	No	No	No

#### Proposed

	Solar access	s to POS (sqm)		
Time (mid-winter)	4 Goodsir	6 Goodsir	8 Goodsir	10 Goodsir
9am	0	0	1.93	0
10am	4.26	1.74	4.87	5
11am	12.91	8.86	9.37	13.76
12pm	13.40	13.51	9.81	10.94
1pm	9.23	10.37	8	8.05
2pm	9.23	10.38	8	8.08
3pm	0	0	0	0
Compliance	Νο	No	No	No

As outlined above, none of the southern adjoining dwellings (Nos 4-10 Goodsir Street) receive the minimum of three hours solar access to 50% of their respective north facing private open space currently and as a result of the proposed development. The overshadowing impacts are a result of the siting and scale of the new dwelling. As the proposal seeks demolition and construction of a new dwelling on the site, there is no impediment for compliance with the minimum solar access requirements to neighbouring properties. Although it is acknowledged that the applicant has made a number of changes to the originally proposed design in an effort to reduce amenity impacts to neighbouring properties, it is considered that a more considered and appropriate redesign, as initially discussed with the applicant at their request to meet, which reduces the overall height and footprint of the dwelling, especially the first floor component, could further reduce the overshadowing impacts to these southern neighbouring properties, whilst accommodating a suitable and high amenity outcome for future occupants of the subject site.

As the proposed development does not achieve the objectives or numerical requirements of this Part, the proposal is not supported and recommended for refusal.

## North facing living room glazing

The solar access diagrams provided in elevation illustrate that the revised design of the dwelling will have minimal impact to the north facing living room glazing to the southern neighbouring properties at mid-winter, with exception of a small portion of the ground floor living room glazing to No. 4 Goodsir Street at 9am. Notwithstanding, this glazing will remain unimpacted by the proposed development between 10am and 3pm thus complies with the requirements of the control in this regard.

## C3.11 Visual Privacy

The controls of this Part require that sight lines available within 9m and 45 degrees between the living room or private open space of a dwelling and the living room window or private open space of an adjoining dwelling are screened or obscured.

The proposed dwelling complies with the visual privacy requirements of this Part, summarised as follows:

- The living room glazing and POS areas of the new dwelling is located at ground floor level, thus sightlines to neighbouring properties internal and external living areas will largely be obscured by existing 1.8m boundary fencing.
- Bedroom glazing to the first floor western elevation is provided with fixed upturned louvres to mitigate any overlooking impacts to neighbouring properties and will be sufficiently setback to neighbouring glazing, minimising overlooking impacts.
- Glazing originally proposed to the southern first floor elevation has been removed, eliminating any overlooking impacts to the southern adjoining properties.
- Glazing to the first-floor northern elevation are proposed as highlight windows and do not provide opportunity for overlooking to the northern neighbouring properties.
- Bedroom glazing to the east elevation is fixed with obscured glazing and will effectively obscure overlooking to the eastern neighbouring properties POS.

With consideration of the above, it is considered that the proposed development will not have any adverse overlooking impacts to neighbouring properties.

## 5(e) The Likely Impacts

The assessment of the Development Application demonstrates that the proposal will have an adverse amenity impact on the locality as detailed in this assessment report.

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

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

# 5(g) Any submissions

The application was notified between the 19 October 2022 to the 2 November 2022 in accordance with the Community Engagement Framework for a period of 14 days to surrounding properties and a further 14 days between the 10 May 2023 and 9 June 2023 notifying the amended proposal.

- Seventeen (17) submissions were received in response to the initial notification.
- Fifteen (15) submissions were received in response to renotification of the application.

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

- Bulk and scale Discussed in Part 5(c), C3.2 Site Layout and Building Design
- Visual Privacy Discussed in Part 5(c), C3.11 Visual Privacy
- Overshadowing Discussed in Part 5(c), C3.9 Solar Access
- Tree Removal Discussed in Part 5(a)(ii)
- Contamination Discussed in Part 5(a)(i)
- Impact on Heritage Discussed in Part 5(a)(iv), C5.10 Heritage Conservation
- Setbacks Discussed in Part 5(c), C3.2 Site Layout and Building Design

- Building Location Zone Discussed in Part 5(c), C3.2 Site Layout and Building Design
- Bulk and scale Discussed in Part 5(c), C3.2 Site Layout and Building Design
- Impact on streetscape Discussed in Part 5(a)(iv), C5.10 Heritage Conservation and Part 5(c) C1.4 Heritage Conservation Areas and Heritage Items.

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

#### <u>Issue</u>: Noise

<u>Comment</u>: The proposal retains the existing use of the site for residential purposes. All living areas are located on the ground floor and orientated adjacent to respective outdoor living areas of neighbouring properties with no elevated external living spaces. The proposed pool, located along the southern boundary, is adjacent to the POS of the neighbouring properties of 4-6 Goodsir Street. In the event of an approval, pool equipment would be conditioned to be located away from noise sensitive areas of the neighbouring properties with adequate acoustic housing incorporated.

#### Issue: Impact on land values

<u>Comment</u>: Impact of proposed development on the value of land is not a consideration under Section 4.15 of the EP&A Act. Notwithstanding, the proposal is recommended for refusal on other grounds.

#### Issue: Stormwater management

<u>Comment</u>: Councils' Stormwater Engineers has reviewed the application inclusive of the Stormwater Management Plan and concludes that adequate stormwater management provisions have been adopted for the proposal, subject to conditions. Notwithstanding, the proposal is recommended for refusal on other grounds.

#### Issue: Non-compliant and unsafe car parking in battle axe access handle

<u>Comment</u>: The proposed parking structure has been deleted from the proposal. Notwithstanding, Council's Engineer has reviewed the revised application and the proposed uncovered off-street parking space is not supported as it causes obstruction to pedestrian access to the site, and vehicular and pedestrian access to the site in emergency situations. Furthermore, the design of the access handle does not enable a vehicle to enter and exit the site in a forward motion, creating a safety hazard for pedestrians and road users.

#### Issue: View loss

<u>Comment</u>: The development will not result in the loss of any significant views. Notwithstanding, the proposal is recommended for refusal on other grounds.

#### Issue: Benefits of ROW

<u>Comment:</u> No evidence has been provided which suggests that the existing access handle to the battle-axe allotment (subject site) legally benefits other properties. A search of NSW Land Registry records confirms that there is no evidence of a ROW that benefits Lots 1,2 and 4 (4-10 Goodsir Street Rozelle). The search also confirms that the subject site is not burdened by any right of way or easement.

#### Issue: Energy Efficiency

<u>Comment:</u> A current revised BASIX certificate has been provided which demonstrates that the new dwelling will achieve adequate energy efficiency provisions.

## 5(h) The Public Interest

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

The proposal will significantly impact the amenity of neighbouring properties, thus is 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.

- a. Heritage Supported on heritage grounds for the reasons outlined under Section 5(a)(iv), Clause 5.10 Heritage Conservation, subject to condition relating to materials and finishes
- b. Engineer Acceptable subject to conditions indluding removal of of-street parking from within the access handle
- c. Urban Forest Acceptable subject to conditions requiring replacement canopy tree planting on a suitable location within the site as outlined under Section 5(a)(ii).

## 6(b) External

The application was not required to be referred to external bodies.

# 7. Section 7.11 Contributions/7.12 Levy

In the event of an approval Section 7.12 contributions are payable for the proposal.

The carrying out of the proposed development would result in an increased demand for public amenities and public services within the area. A condition requiring that contribution to be paid should be imposed on any consent granted.

# 8. Conclusion

The proposal generally inconsistent with the aims, objectives and design parameters contained in the Inner *West Local Environmental Plan 2022* and Leichhardt Development Control Plan 2013.

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

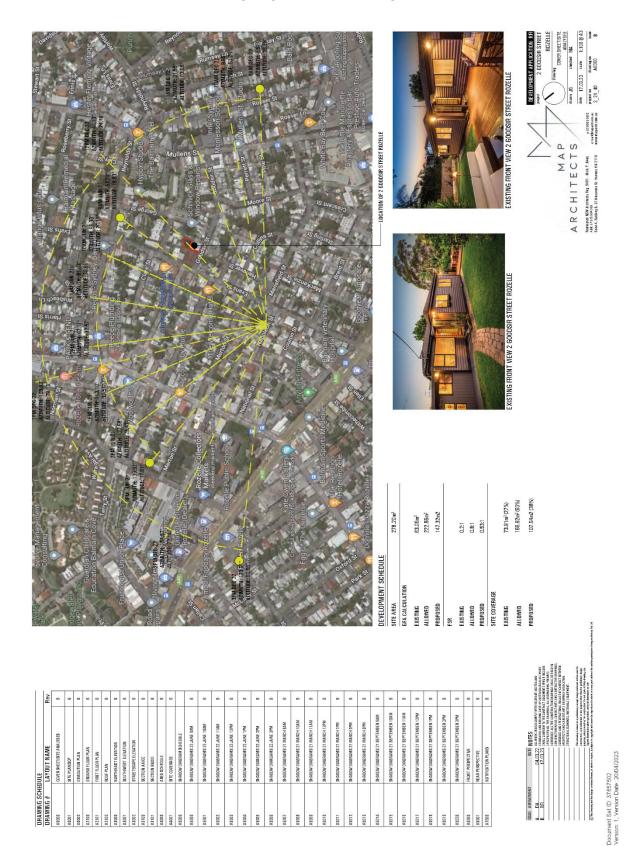
The application is considered unsupportable and in view of the circumstances, refusal of the application is recommended.

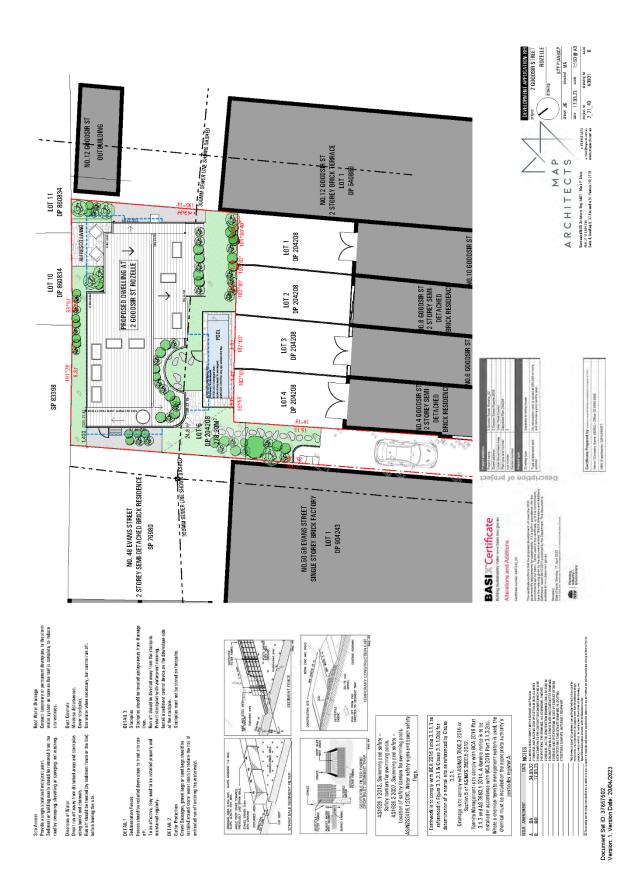
# 9. Recommendation

A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, refuse Development Application No. DA/2022/0779 for demolition of existing structures and construction of a two storey dwelling, landscaping and pool at 2 Goodsir Street Rozelle for reasons outlined in Attachment A.

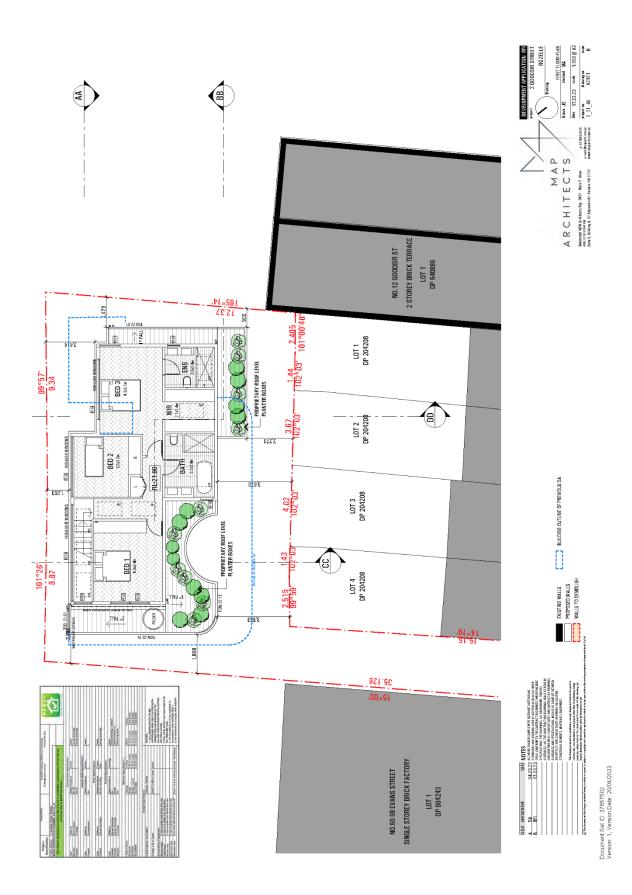
# Attachment A – Reasons for Refusal

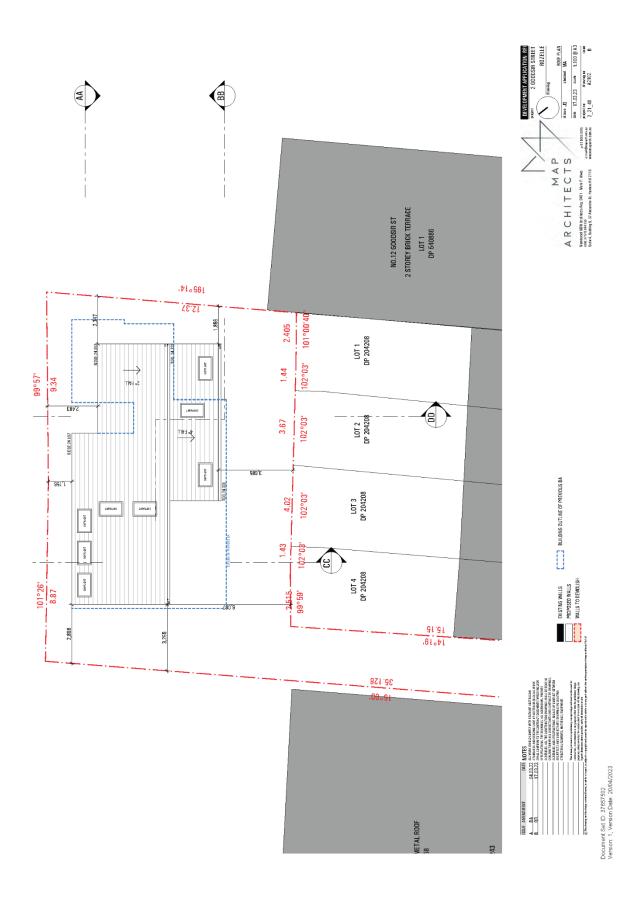
- 1. The proposed development is inconsistent with and has not demonstrated compliance with the *Inner West Local Environmental Plan 2022*, pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, including:
  - a) Clause 1.2(i)(j) Aims of Plan
  - b) Clause 2.1- Zone objectives and Land use table
- 2. The proposed development is inconsistent with the Leichhardt Development Control Plan 2013, pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, including:
  - a) Part C1.0 General Provisions
  - b) Part C1.11 Parking
  - c) Part C3.1 Residential General Provisions
  - d) Part C3.2 Site Layout and Building Design
  - e) Part C3.9 Solar Access
- 3. The proposed development will result in adverse impacts on the built environment in the locality pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979.*
- 4. The proposal has not demonstrated that the site is suitable for the development pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act* 1979.
- 5. The proposal has not demonstrated it is in the public interest pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment At 1979.*

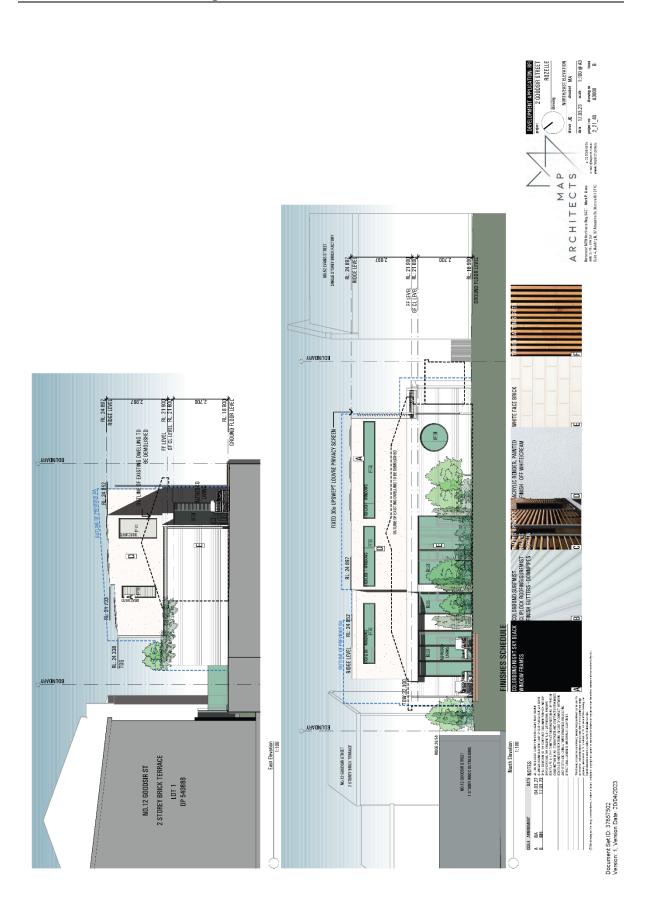


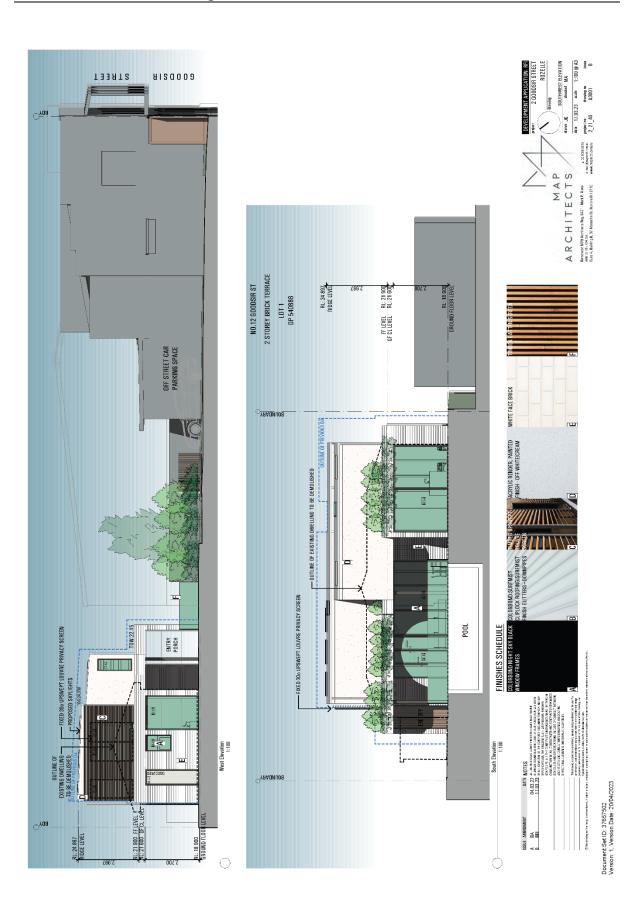




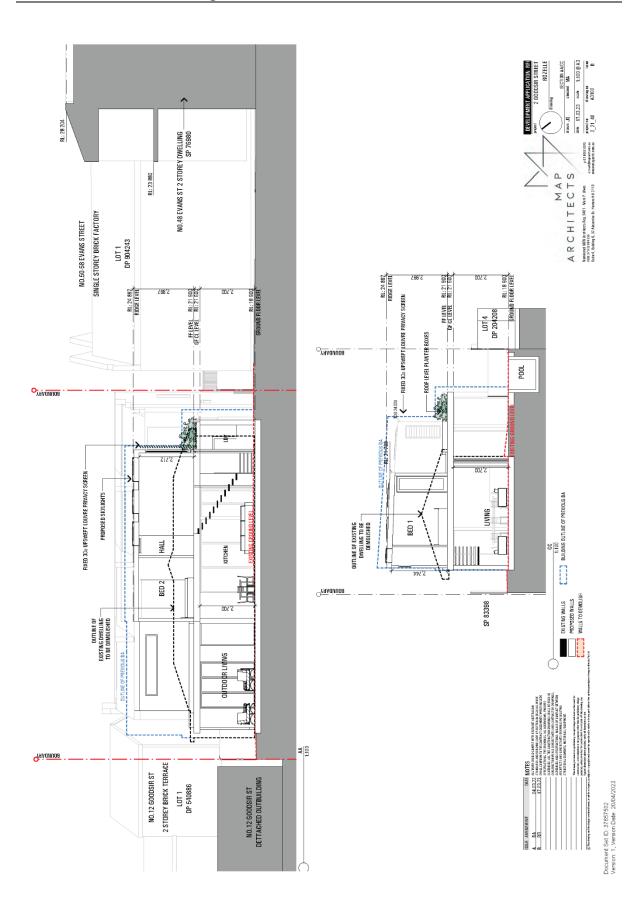


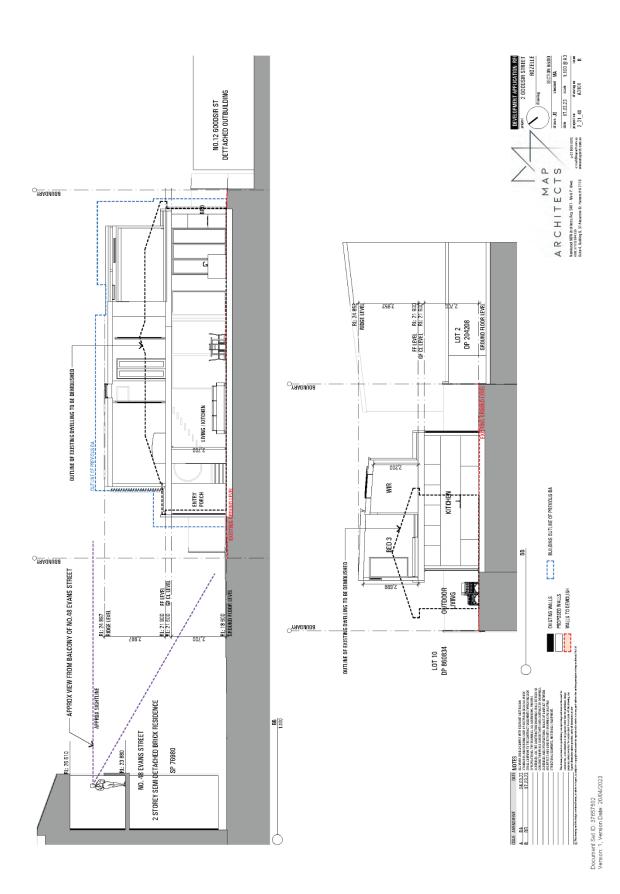
















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	22 JUNE 11AM	12.91m <sup>2</sup>
	22 JUNE 12PM	13.40m2
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	22 JUNE 3PM	$0m^2$
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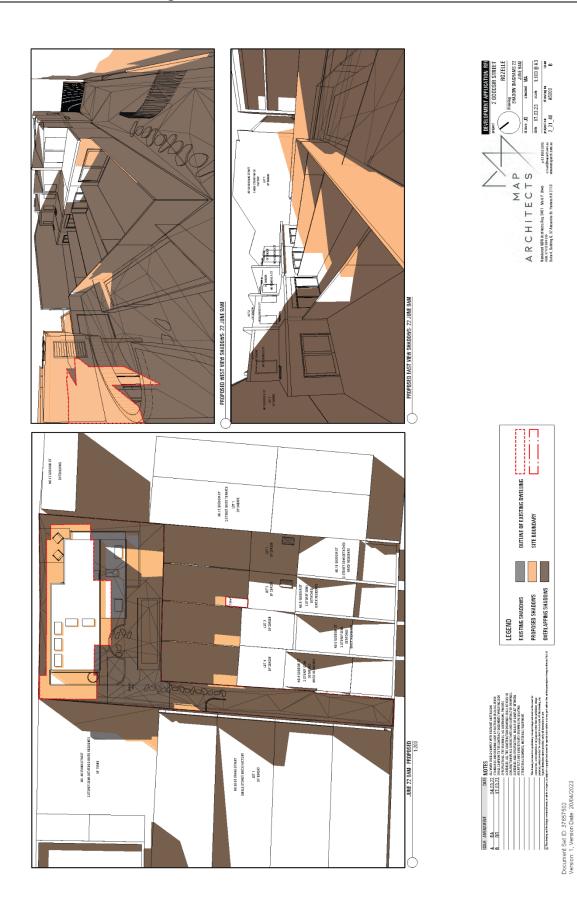
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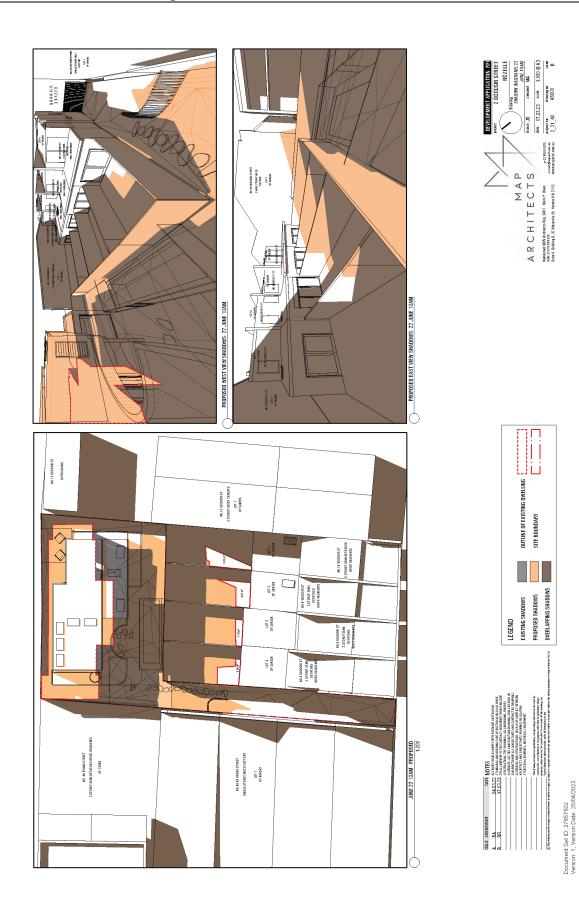
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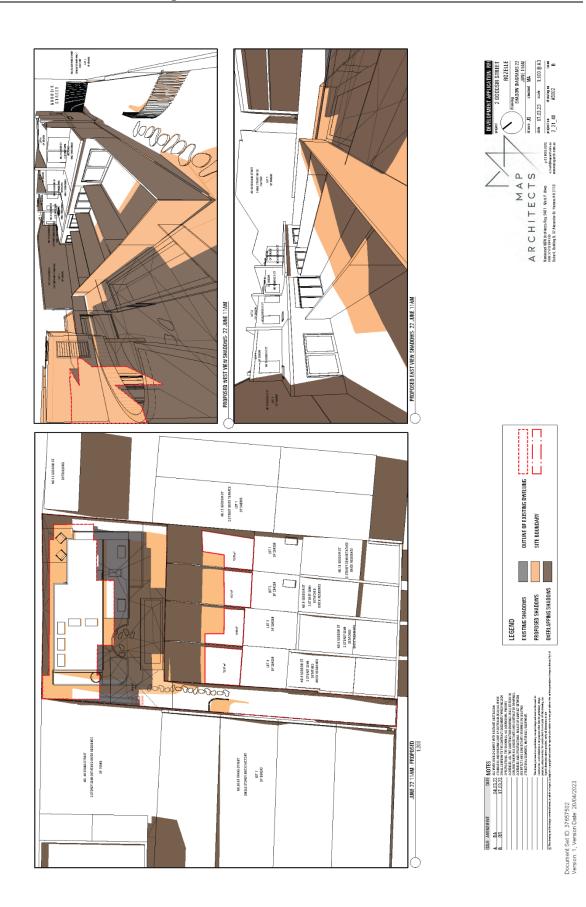
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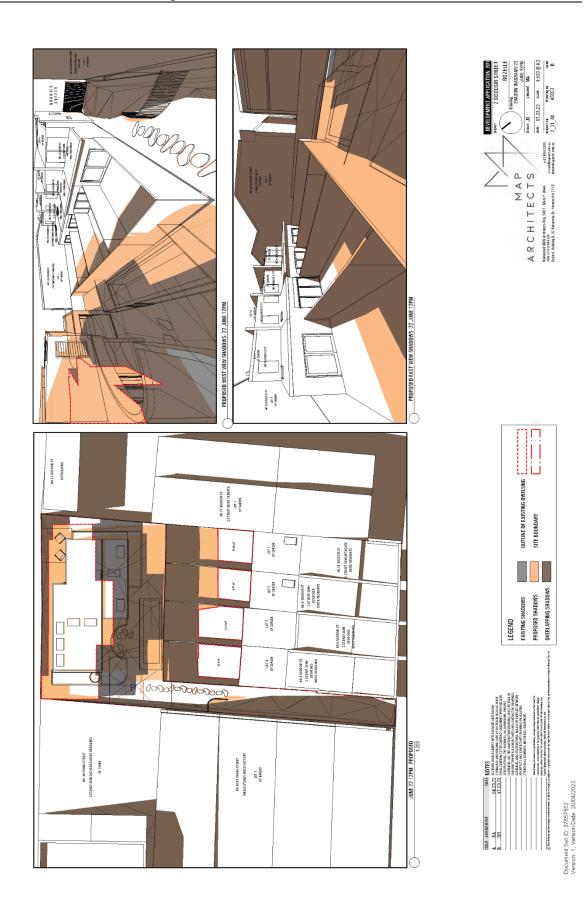
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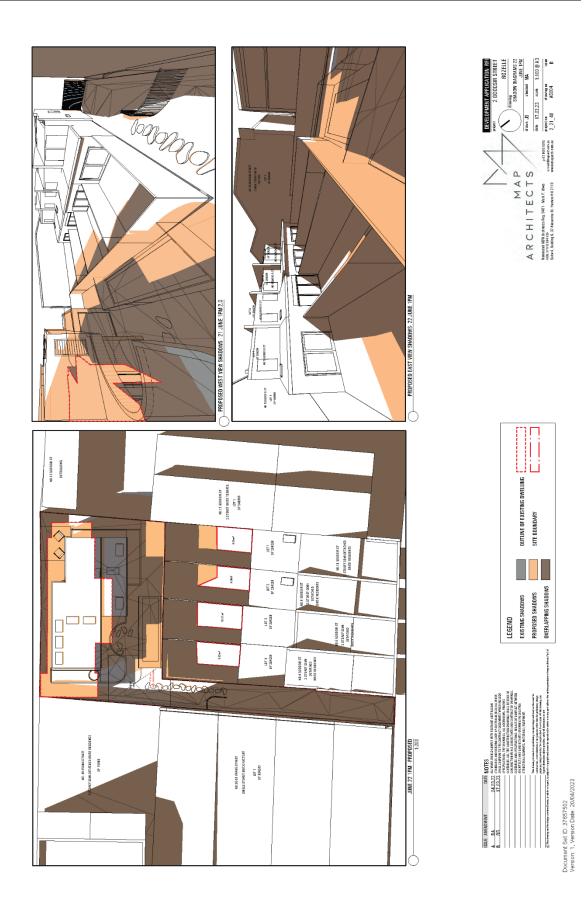
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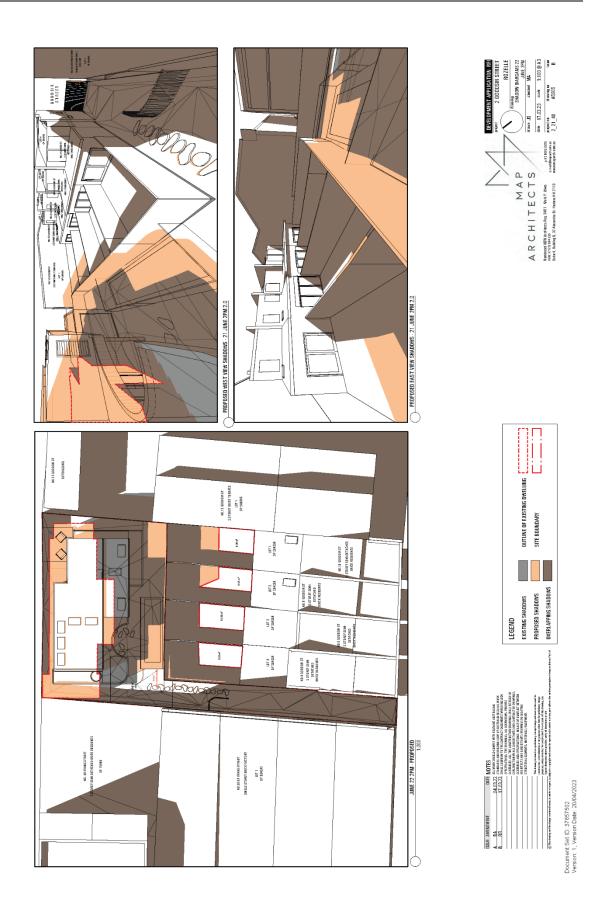


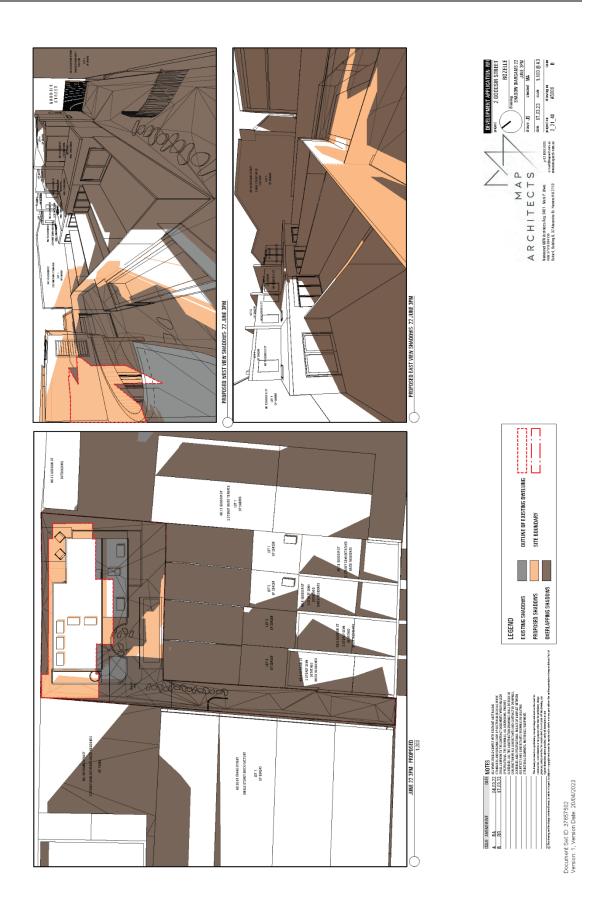


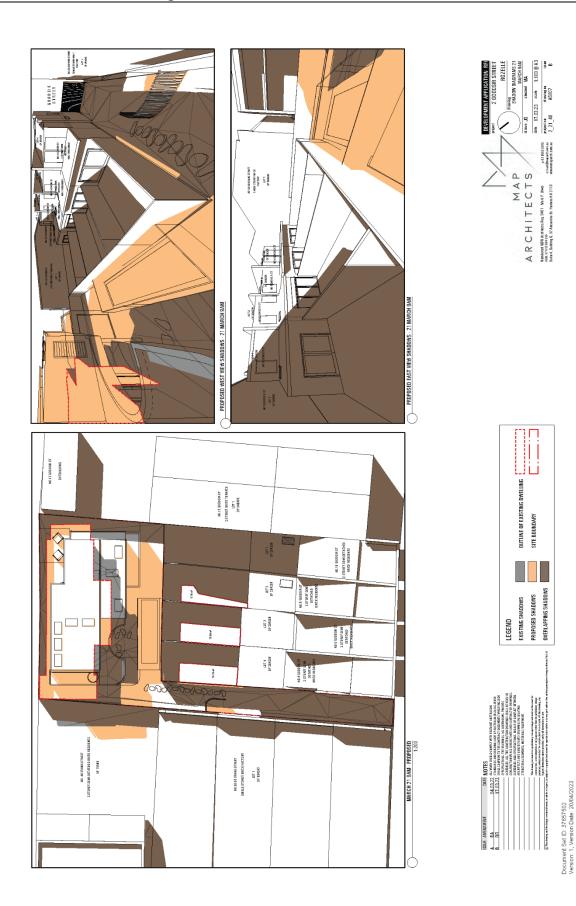


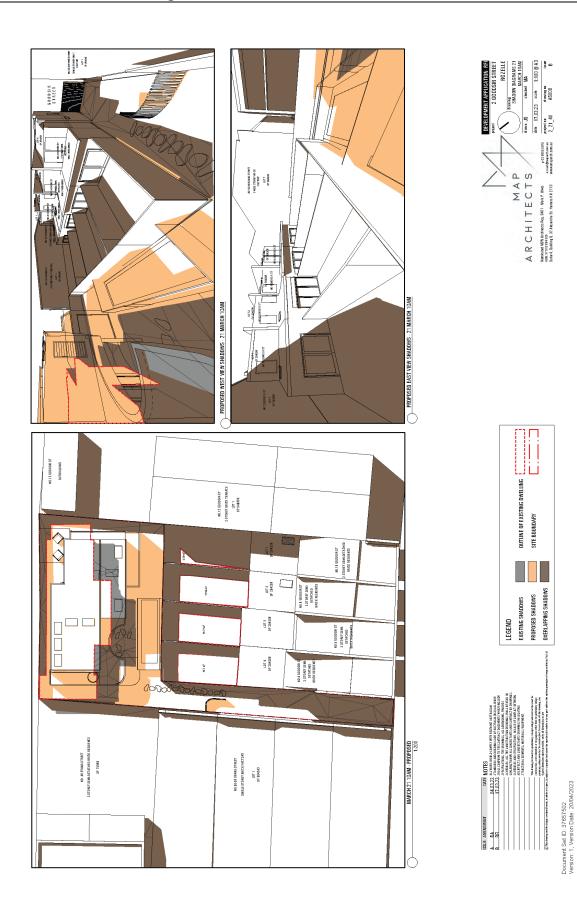


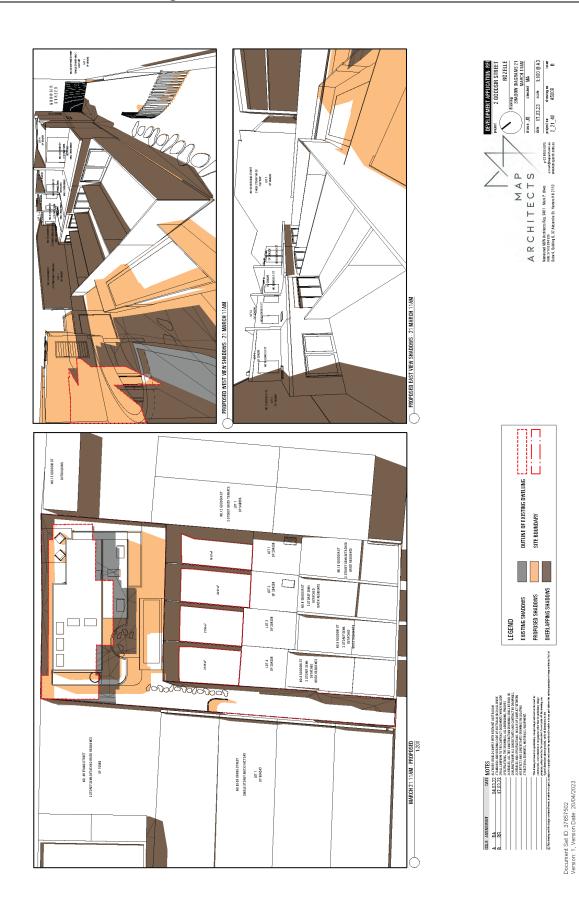


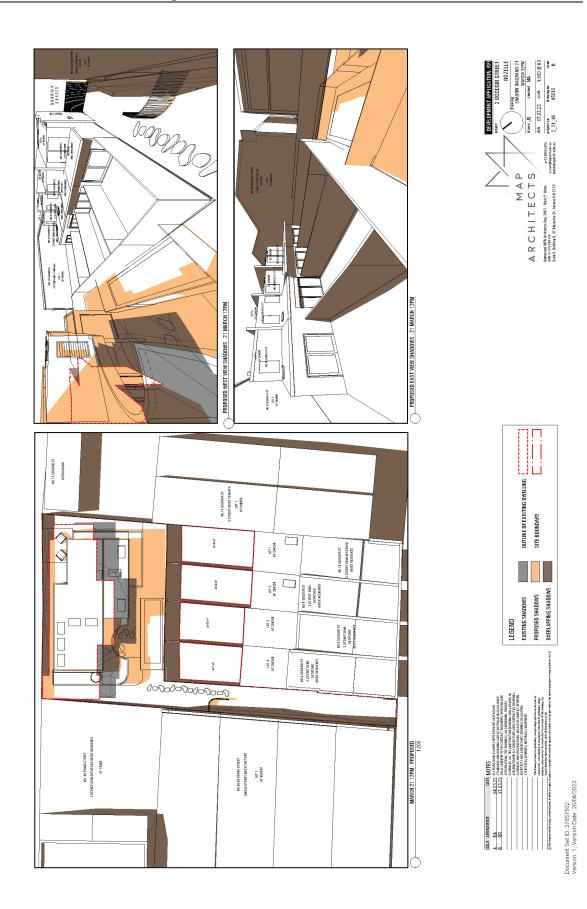


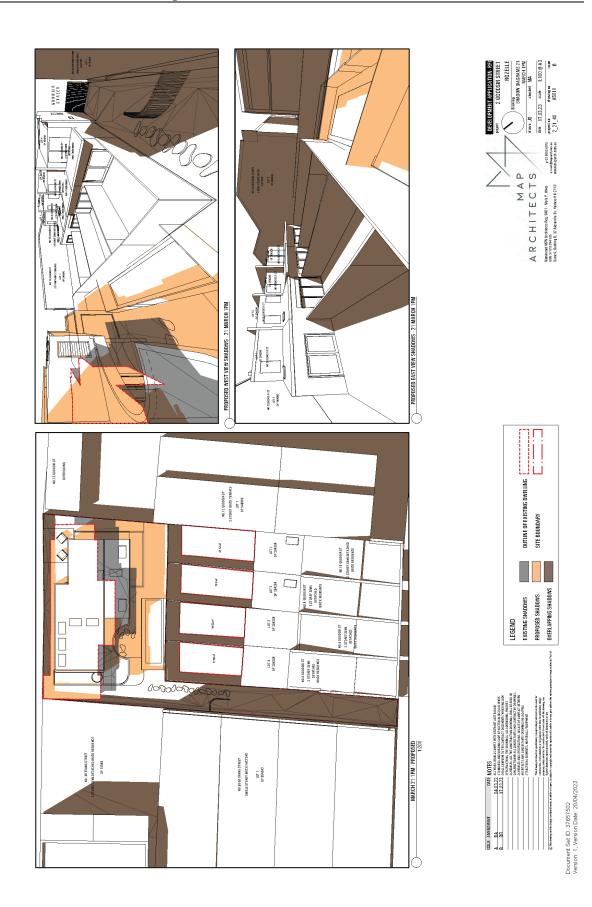


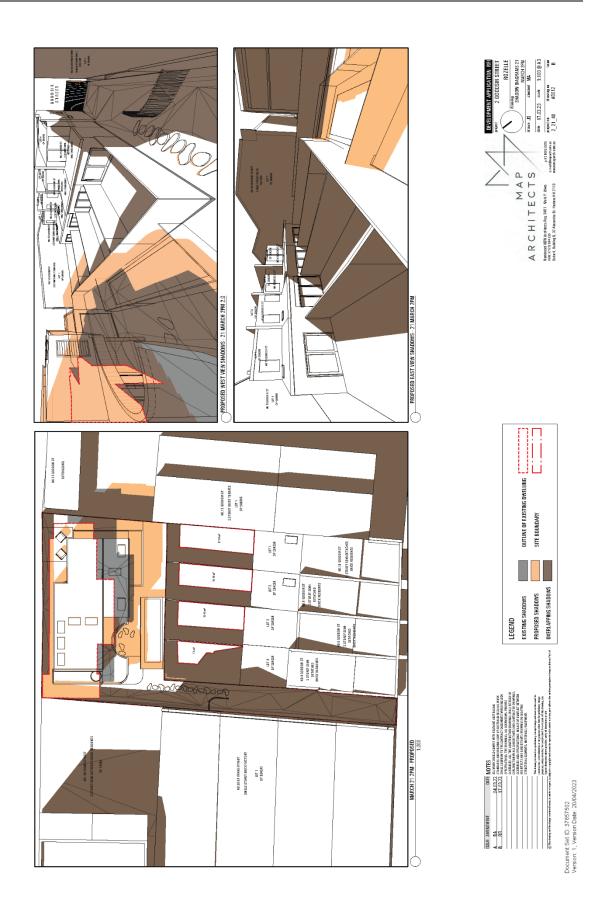


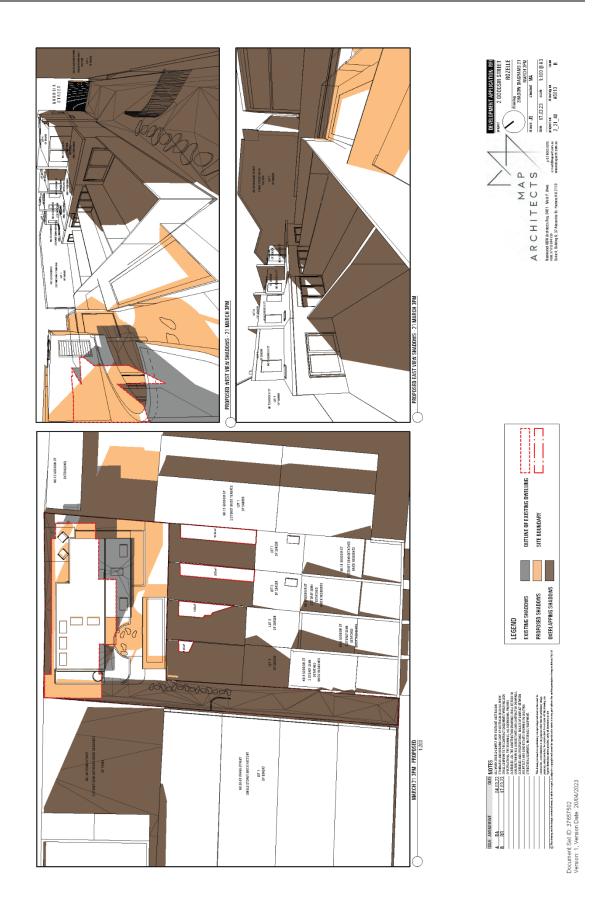


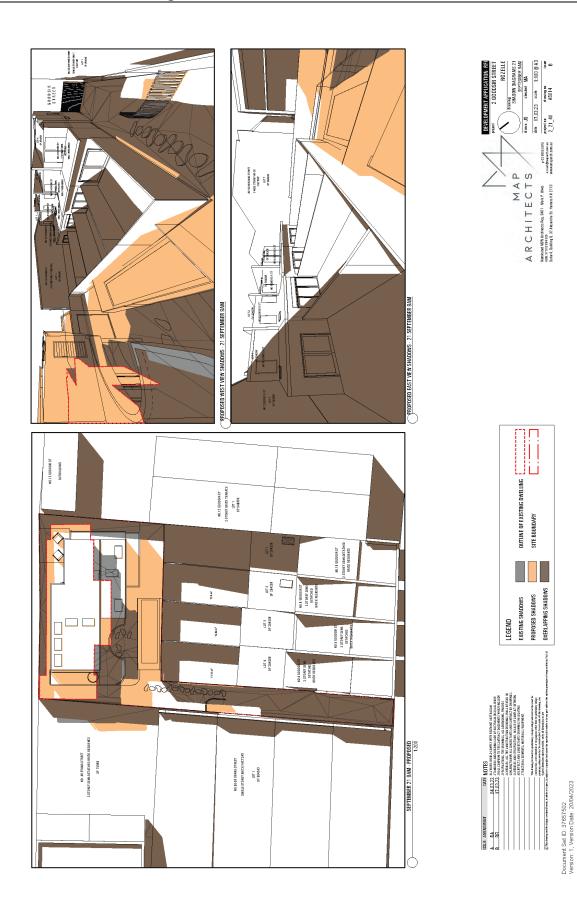


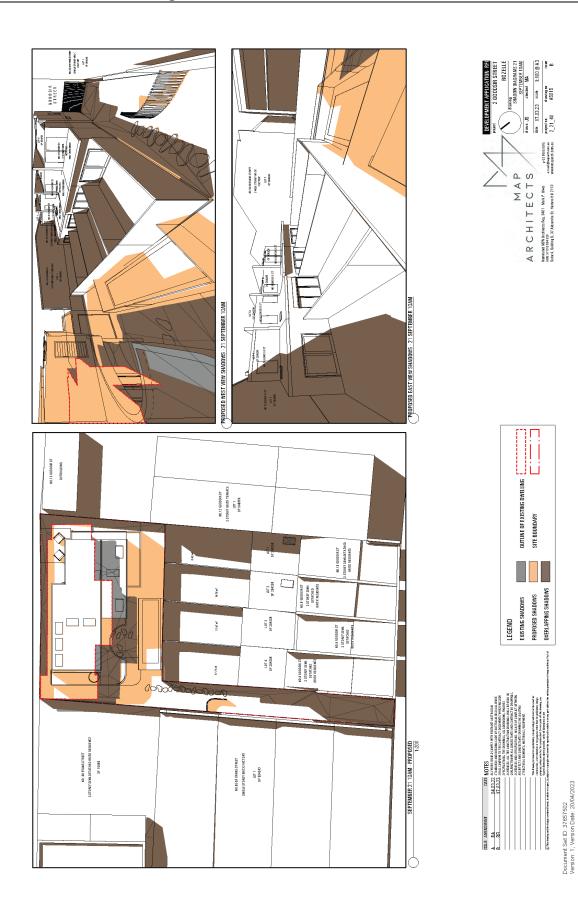


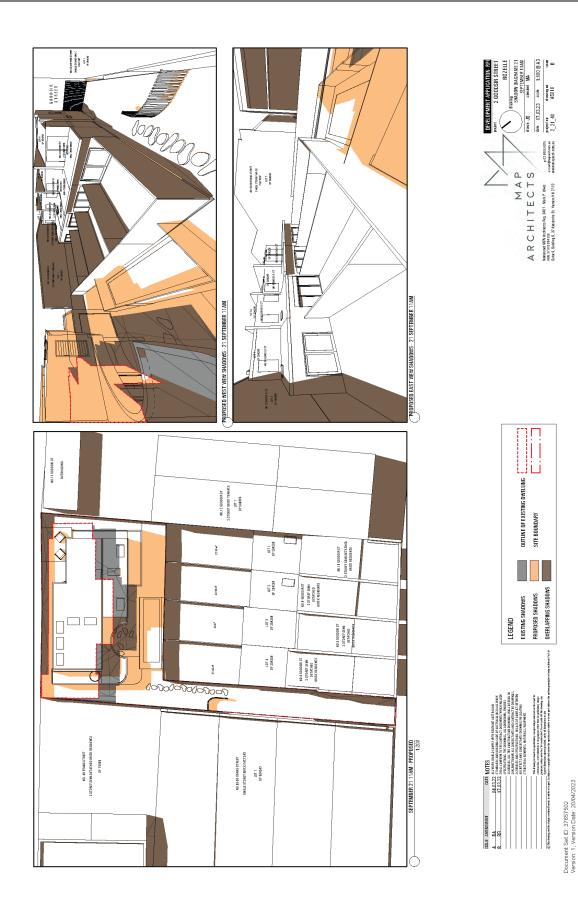


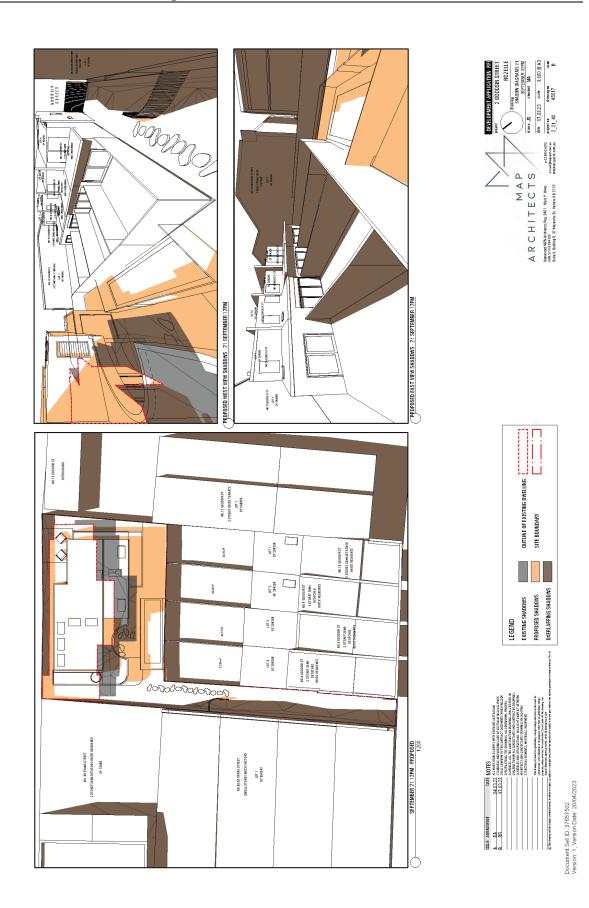


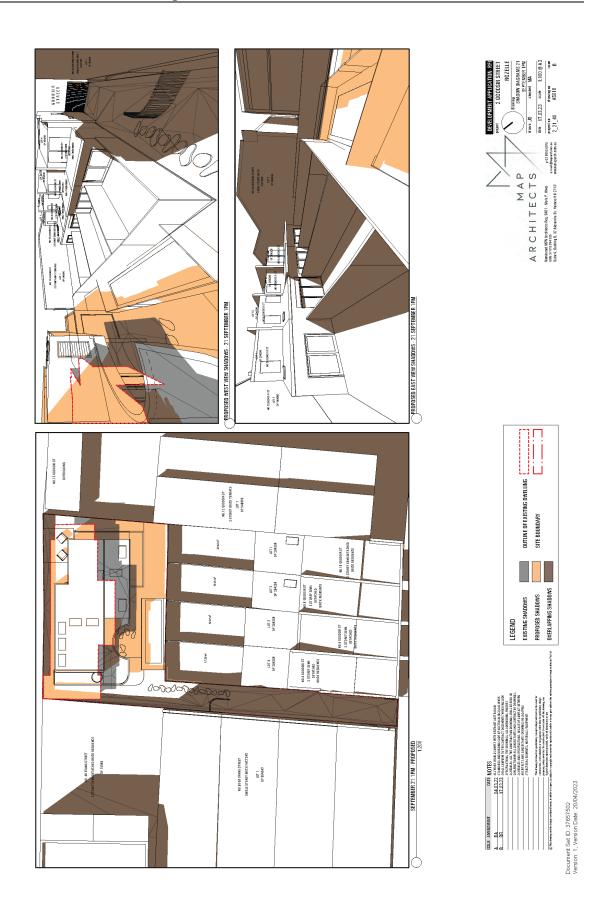


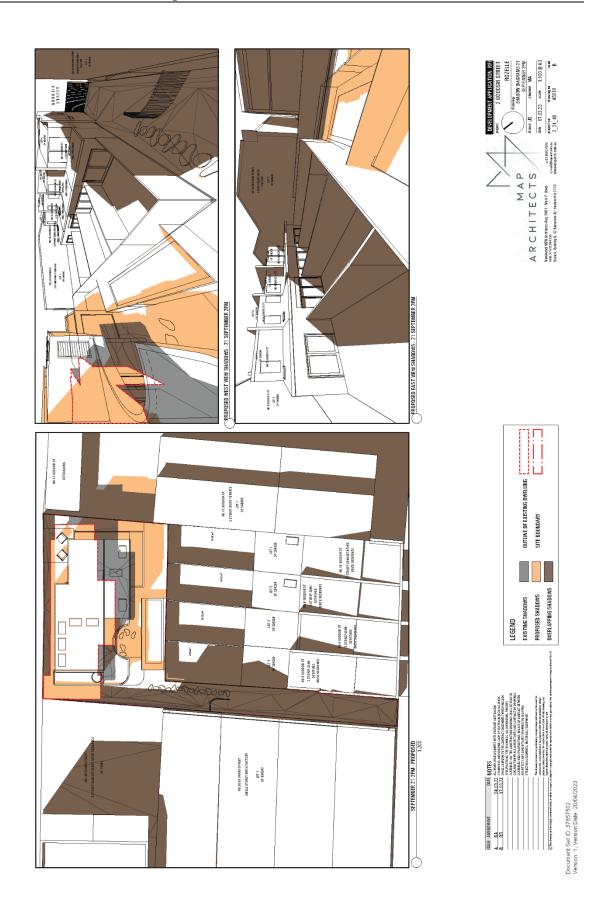


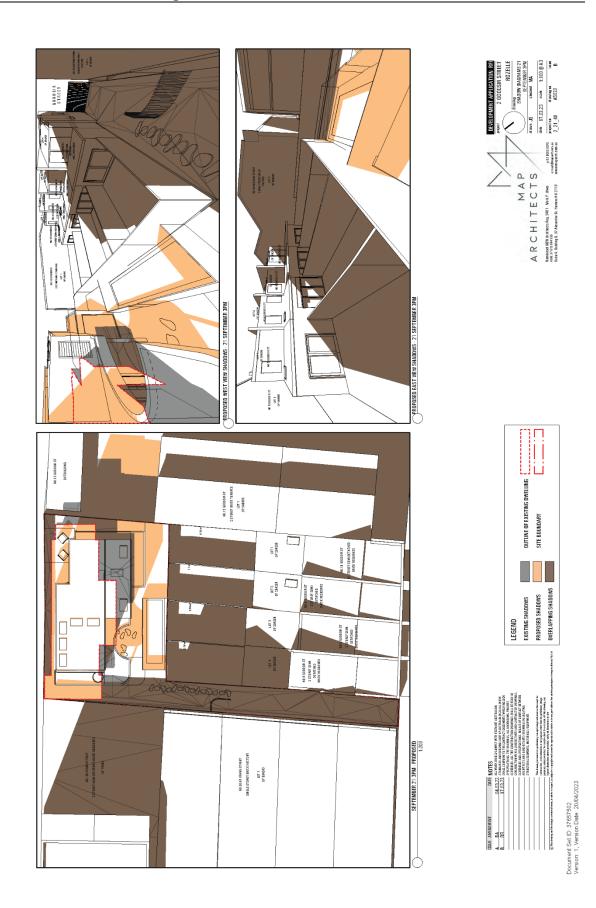


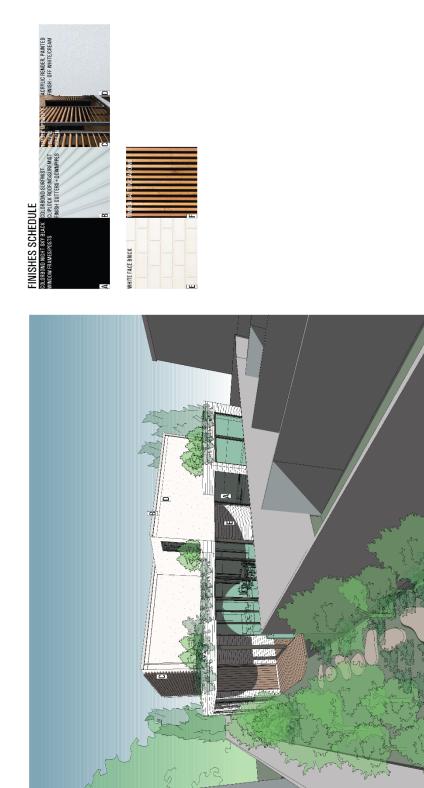






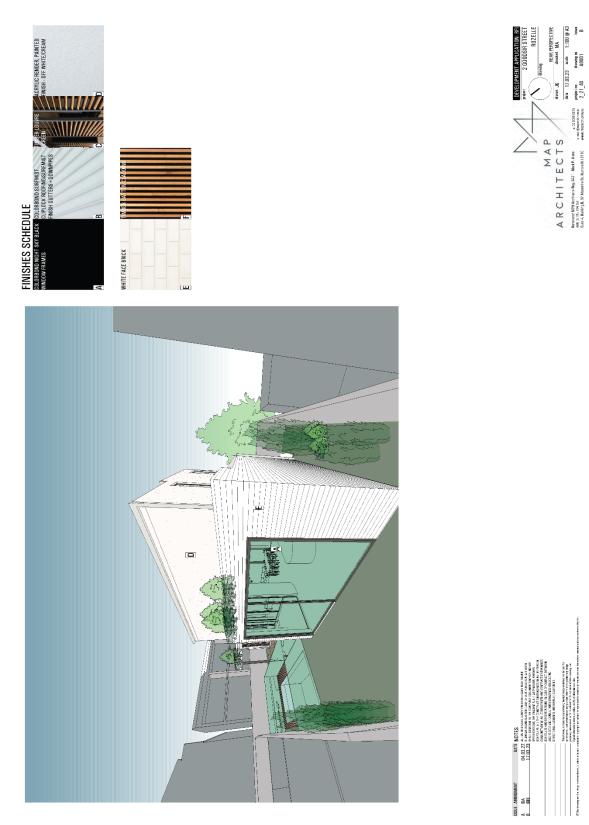






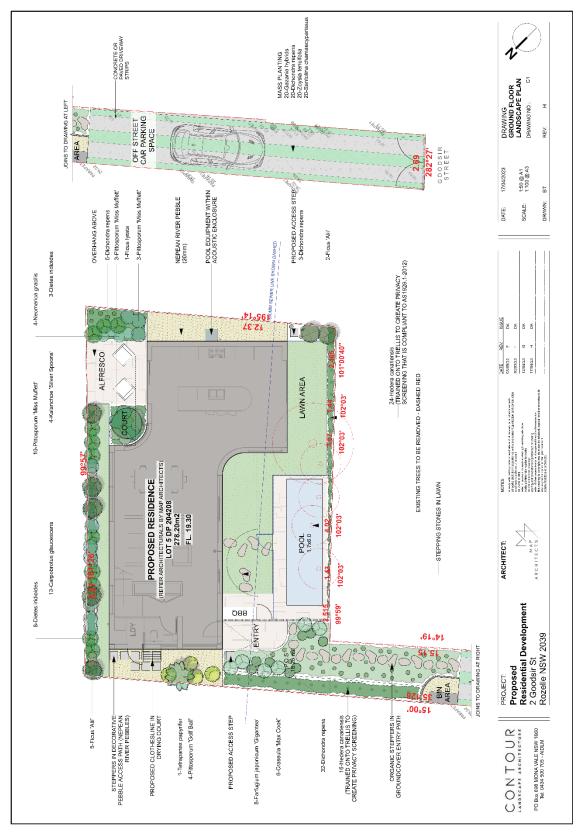




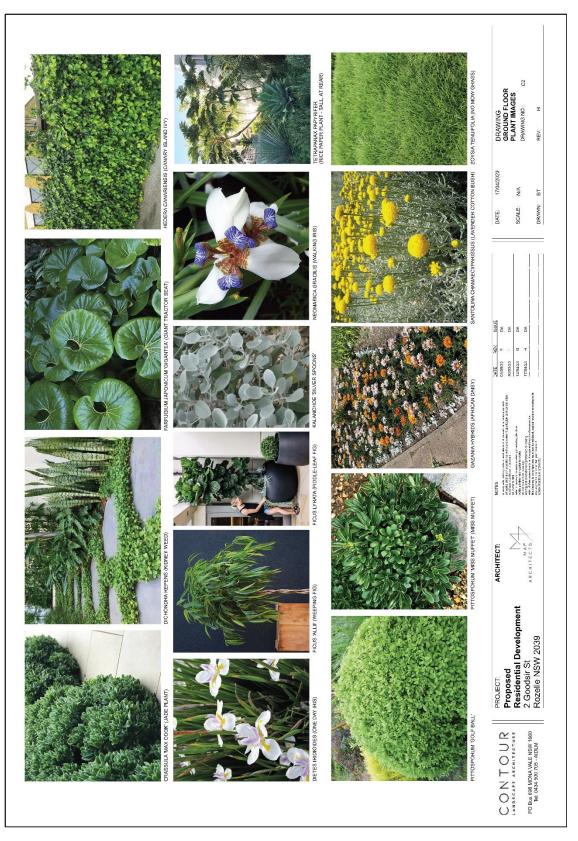






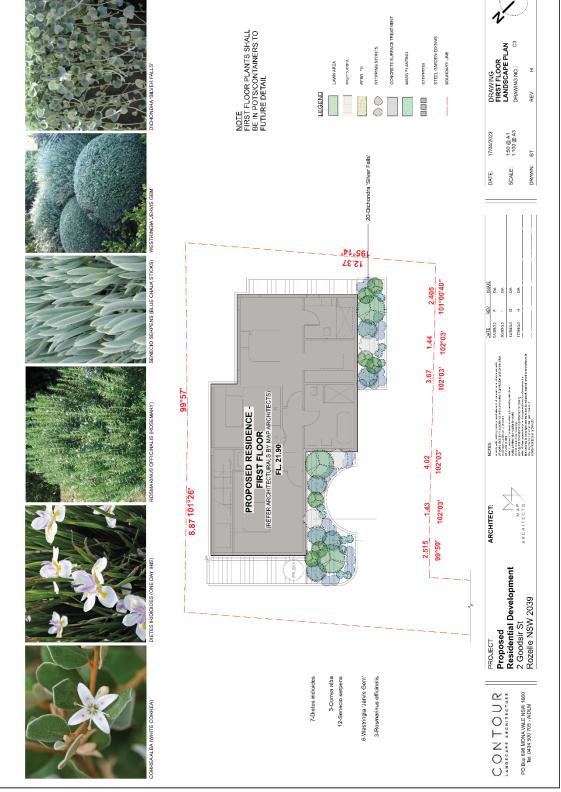


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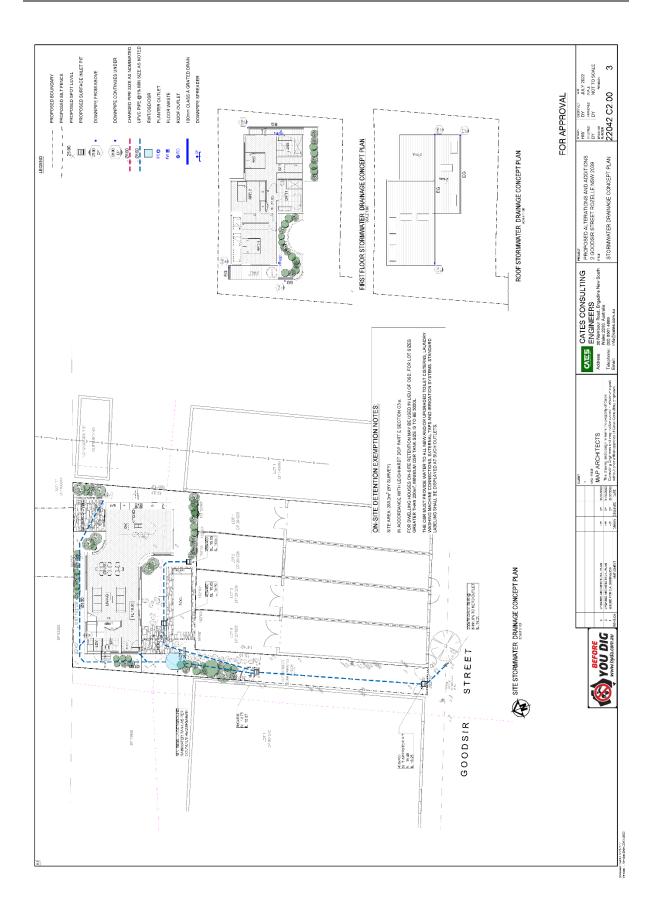
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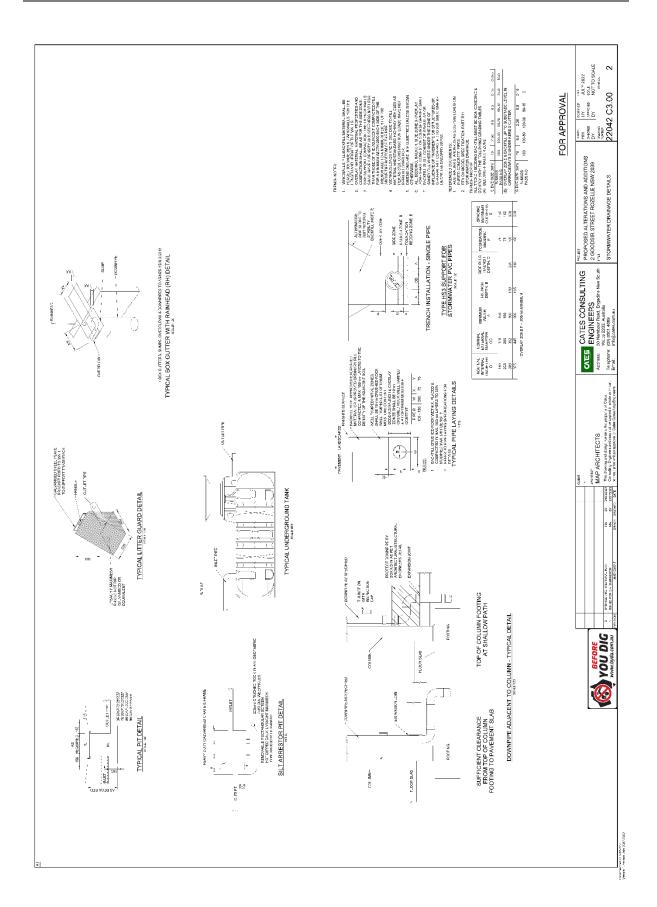
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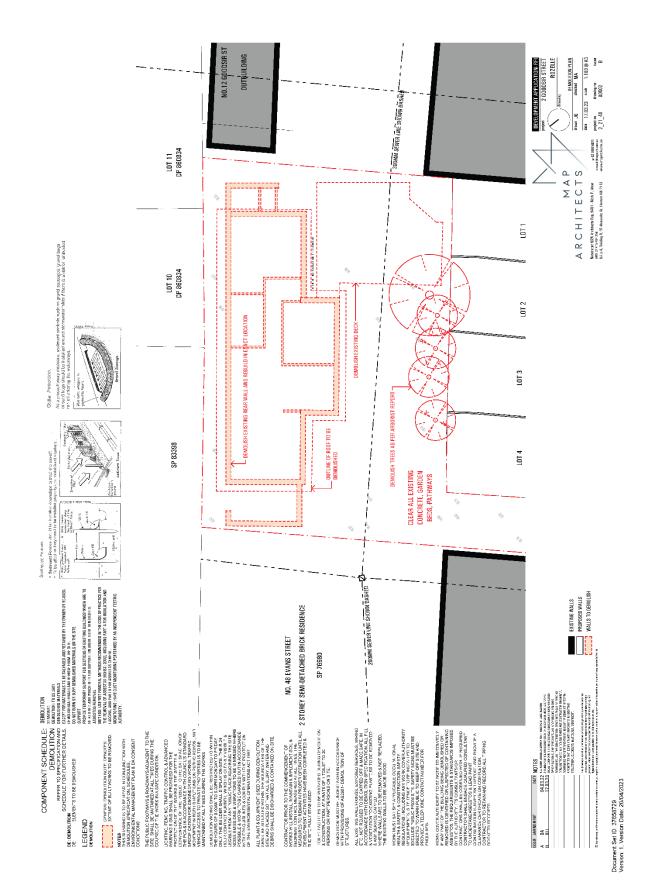
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## Attachment C – Statement of Heritage Significance



Email: enquiry@edwardsheritage.com.au Web: edwardsheritage.com.au

Our reference: EHC2022/0178 Your Reference: DA/2022/0779

17 April 2023

The General Manager Inner West Council PO Box 14 PETERSHAM NSW 2049

### Dear Sir / Madam.

Addendum to Heritage Impact Statement for 'Demolition of parts of existing dwelling and entire existing roof. Alts and ads to dwelling - proposing 1st floor addition, external pool, ground floor extension and landscaping' at 2 Goodsir Street, Rozelle.

Edwards Heritage Consultants Pty Ltd (EHC) has been engaged by Ms Ashleigh McFarlane to prepare an Addendum to a previous Heritage Impact Statement (EHC, August 2022) for the revised proposal from the demolition of the existing dwelling followed by the construction of a two-storey dwelling and associated landscaping works at 2 Goodsir Street, Rozelle ('the site').

Correspondence was received from Council dated 5 December 2022, requesting changes to the proposal as originally submitted. Following discussions with the project team and Council, the proposal has been revised to address the design and heritage issues raised by Council.

#### 1. Description of the development proposal

This addendum to the Heritage Impact Statement provides an impact assessment for the revised proposal as shown on the plans and drawings referenced in Table 1 below:

TABLE 1 – Plans and drawings referenced				
Drawing No:	Revision:	Title:	Dated:	Prepared By:
A0000	В	Cover Sheet / Site Analysis	17.03.2023	Map Architects
A0001		Site Plan / SCP		
A0002		Demolition Plan		
A2000		Ground Slab Setout		
A2001		First Floor Slab Setout		
A2100		Ground Floor Plan		
A2101		First Floor Plan		
A2102		Roof Plan		
A2200		Ground Floor RCP		
A3000		North / East Elevation		
A3001		South / West Elevation		
A3002		Streetscape Elevation		
A3100		Section AA / CC		
A3101		Section BB / DD		
A4000		Area Schedule		

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A4001	Site Coverage
A5000	Shadow Diagram Schedule
A5000	Shadow Diagrams 22 June 9am
A5001	Shadow Diagrams 22 June 10am
A5002	Shadow Diagrams 22 June 11am
A5003	Shadow Diagrams 22 June 12pm
A5004	Shadow Diagrams 22 June 1pm
A5005	Shadow Diagrams 22 June 2pm
A5006	Shadow Diagrams 22 June 3pm
A5007	Shadow Diagrams 21 March 9am
A5008	Shadow Diagrams 21 March 10am
A5009	Shadow Diagrams 21 March 11am
A5010	Shadow Diagrams 21 March 12pm
A5011	Shadow Diagrams 21 March 1pm
A5012	Shadow Diagrams 21 March 2pm
A5013	Shadow Diagrams 21 March 3pm
A5014	Shadow Diagrams 21 September 9am
A5015	Shadow Diagrams 21 September 10am
A5016	Shadow Diagrams 21 September 11am
A5017	Shadow Diagrams 21 September 12pm
A5018	Shadow Diagrams 21 September 1pm
A5019	Shadow Diagrams 21 September 2pm
A5020	Shadow Diagrams 21 September 3pm
A6000	Front Perspective
A6001	Rear Perspective

The revised proposal seeks the consent of the Inner West Council for the demolition of the existing dwelling, followed by the construction of a two-storey detached dwelling and associated landscaping works including the installation of an inground pool.

Demolition of the existing dwelling is the preferred option of the current owners, who seek to construct a new two-storey dwelling on the property, to accommodate a larger habitable floor area and contemporary living standard. It is the owner's preference to demolish instead of retaining the existing dwelling owing to the land constraints and size.

To achieve this, the proposal will involve demolition of the existing dwelling in its entirety. Following the demolition, the proposal will then involve the construction of a two-storey detached dwelling of masonry construction, with a skillion roof form clad in corrugated metal sheeting.

Other auxiliary works involved in this proposal includes the construction of a carport, a pool, and removal of 5 trees.



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### 2. Heritage impact assessment

The revised proposal remains substantially the same development to that which was initially submitted to Council, whereby the proposal still incorporates the demolition of the existing dwelling followed by the construction of a new two-storey dwelling on the site.

### Demolition

The site is situated within *The Valley* Heritage *Conservation Area*, which is significant due to the illustration of the nature of Sydney's early suburbs and Leichhardt's suburban growth between 1871 and 1891, with later pockets of infill up until the end of the 1930s.

The dwelling at 2 Goodsir Street, Rozelle was built in the late 20<sup>th</sup> century, attributed to the typical weatherboard housing stock of the period, having been constructed c.1960-1970.

Options for retention of the existing building have not been considered as part of this proposal. It is understood that it is the owner's preference to demolish the dwelling and ancillary structures and to redevelop the property with a more contemporary two-storey detached dwelling.

Individually, the dwelling does not evidence significant development or societal activity or document a significant historical phase within the locality and its historical value beyond documenting the late 20th century housing forms in the locality, is low. In this regard, the existing dwelling is considered of little architectural interest and value and demolition is supported on the basis that it will not result in the loss of a significant nor contributory built form within the Heritage Conservation Area.

The existing dwelling is attributed to the typical weatherboard housing stock of the late 20th century period which is not defined by any particular architectural form. Due to the contemporary construction date of the dwelling, being a later phase of development within the conservation area, there are no significant elements of the building that would warrant salvage or retention.

### New Development Adjacent to a Heritage Item

The site is situated within the vicinity of a number of heritage items, and is situated within *The Valley Heritage Conservation Area*. There are a number of built forms which share a relationship with the subject site through spatial proximity, although having a minimal direct visual relationship owing to the battle-axe allotment of the subject site and the various intervening built forms.

Consequently, the proposed redevelopment of the site will not result in any visual or physical impacts on the heritage items within the vicinity of the site, nor to the overall cohesiveness of the streetscape within the HCA. Any potential visual or physical risks are mitigated as the development is contained to the lot boundaries.

The revised proposal involves the construction of a detached two-storey dwelling house, which will have an overall rectangular shaped footprint. The proposed built form has been positioned in a similar location as the existing dwelling on the site. The new layout has reduced the overall scale, comprising of three (3) bedrooms instead of four (4), with an open plan living, dining and kitchen to the ground floor. The reduction in the floorplan has also resulted in a reduction in the overall height and bulk of the new dwelling. Whilst the dwelling will have a larger footprint than the current dwelling, and will extend vertically, the generous setback within the site, combined with the battle-axe allotment assists in mitigating the perceived visual bulk of the new development.

The proposed development will not impede or alter on the neighbouring property boundaries and will retain a clear setback from all boundaries to ensure any adverse impacts are minimised. Owing to the placement of the dwelling upon a battle-axe allotment, the dwelling will continue to have an insignificant visual relationship with Goodsir Street. The deep frontage to Goodsir Street and the proposed timber panel fence

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Addendum to HIS – 2 Goodsir Street, Rozelle

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will allow the development to sit silently behind the row of terraces fronting the street. By maintaining the existing view from Goodsir Street, the context and setting of the conservation area are protected.

Whilst the development proposes a two-storey replacement, the height of the new dwelling will sit below the parapet height of the fronting terraces, ensuring the new build will not be visible from the street. The bulk of the building is pulled away from the streetscape and the neighbouring terraces via a roof form ascending to the north creating an aesthetic appeal to the design and assisting in creating a visual break between the new development and the existing adjoining terraces. The adjacent terraces will not be dwarfed by the proposed development and owing to generous setbacks the dwelling will not impede on any significant viewpoints of the area, nor distort the original development pattern.

To further assist with minimising the potential visual impacts the formerly proposed carport in the driveway has been removed and instead will remain an open hard stand carparking space. By retaining the driveway in its current form, there will be no built form relating to the site, that will be visible from the street.

The proposed development, whist contemporary in design and overall architectural expression, will utilise clean rectangular lines and simple colours that harmonise with the wider conservation area. The dwelling will adopt a contemporary, modern form, being constructed of face brick and clad in timber battens. Whilst it is acknowledged that the colour palette does not adopt earth tones, as the dwelling is not visible from the street the colour palette is largely inconsequential to the broader heritage area. The proposed colour palette does will not impact the ability to read and appreciate the contributory built forms that have a direct relationship to Goodsir Street and it will not be visually intrusive to the streetscape. The contrasting colour scheme will not be dissimilar from other examples within the street and will be softened with the use of timber battens, landscape screening, and modulation of the overall form to avoid planar walls.

Though there is evidence of a dwelling having been constructed on the site prior to the existing dwelling, owing to the extensive ground disturbance from construction works since then, the archaeological potential of the site is low.

The proposal includes new landscape works and the construction of an in-ground swimming pool. The landscape works will also involve the removal of five (5) trees. These trees are not considered to be of heritage significance, as archival research of the site does not reveal any significant plantings when the site was first established.

The landscaping works have been developed to assist in reducing the visual bulk of the site by incorporating grassed open spaces and a variety of landscape plantings. The landscape works provide continuity in the depth and dimensions of the landscaped front gardens and allows for a sense of building separation.

Overall, the proposed development is sympathetic to the conservation area and poses no adverse impacts to the overall character and cohesiveness of the immediate streetscape.

### 3. Recommendations and mitigation measures

Overall, the proposal will not result in any material affectation to significant heritage fabric and will sit silently at the end of the battle-axe allotment behind the existing terrace houses. The proposed two-storey dwelling will not be visible from the street, having no direct visual and physical impacts on the wider conservation area.

Subject to the recommendations below, the proposed two-storey dwelling and construction of an inground pool at 2 Goodsir Street, Rozelle, is considered to have an acceptable heritage impact.

Recommendation:	Recommended Management / Mitigation Measures:
1: Archaeology	Should any substantial intact archaeological deposits whether artefacts, relics or occupation deposits be discovered or uncovered, excavation and / or disturbance of the site is to immediately cease and the Consent Authority and Heritage NSW notified.

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Additional archaeological assessment may be required prior to works continuing in the affected area/s based on the nature of the discovery.

Should you have any further questions on this matter, please do not hesitate to contact the undersigned at our office.

Yours faithfully,

EDWARDS HERITAGE CONSULTANTS PTY LTD

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Bethany Robinson B.A, M.Mus&Herit Heritage Consultant

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# Attachment D - Draft conditions in the event the application is approved

## 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
A0000 Rev B	Cover Sheet / Site Analysis	17.03.2023	MAP Architects
A0001 Rev B	Site Plan/SCP	17.03.2023	MAP Architects
A0002 Rev B	Demolition Plan	17.03.2023	MAP Architects
A2100 Rev B	Ground Floor Plan	17.03.2023	MAP Architects
A2101 Rev B	First Floor Plan	17.03.2023	MAP Architects
A2102 Rev B	Roof Plan	17.03.2023	MAP Architects
A3000 Rev B	North/East elevation	17.03.2023	MAP Architects
A3001 Rev B	South/West Elevation	17.03.2023	MAP Architects
A3002 Rev B	Streetscape Elevation	17.03.2023	MAP Architects
A3100 Rev B	Section AA/CC	17.03.2023	MAP Architects
A3101 Rev B	Section BB/DD	17.03.2023	MAP Architects
A4000 Rev B	Area Schedule	17.03.2023	MAP Architects
A4001 Rev B	Site Coverage	17.03.2023	MAP Architects
22042 C1.00 Rev 1	General Notes and Locality Plan	20.07.2022	Cates Consulting Engineers

22042 C2.00	Stormwater Drainage	29.03.2023	Cates Consulting
Rev 3	Concept Plan		Engineers
22042 C3.00	Stormwater Drainage	29.03.2023	Cates Consulting
Rev 2	Details		Engineers
Cert No.	BASIX Certificate	17.04.2023	AENEC
A467232_02			
EHC2022/0178	Addendum to HIS	17.04.2023	Edwards Heritage
			Consultants
C1 Rev H	Ground Floor Landscape	17.04.2023	Contour Landscape
	Plan		Architect
C2 Rev H	Ground Floor Plant	17.04.2023	Contour Landscape
	Images		Architect
C3 Rev H	First Floor Landscape	17.04.2023	Contour Landscape
	Plan		Architect
C4 Rev H	Planting Schedule &	17.04.2023	Contour Landscape
	Landscape Details		Architect
C5 Rev H	Landscape	17.04.2023	Contour Landscape
	Specifications		Architect
230405-2	Arboricultural Impact	05.04.2023	Urban Arbor
Goodsir St-AIA	Assessment Report		
Rev 1			
EHC2022/0178	Heritage Impact	25.08.2022	Edwards Heritage
Rev C	Statement		Consultants

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 landscape plans demonstrating the following:

A detailed tree planting plan, with mature canopies drawn to scale, by an AQF5 consultant Arborist or Landscape Designer, must be submitted to and approved by Council. The plan must include:

- 1. Location of proposed structures on the site including, but not limited to: existing and proposed trees, paved areas and planted areas;
- 2. Location, numbers, type and supply of trees, with reference to AS2303:2018—*Tree stock for landscape use.* The trees must be in 75 litre containers at planting;

- 3. A minimum of two (2) new canopy trees must be included in the design. The trees species must attain a minimum mature height of six (6) metres and/or a minimum mature canopy spread of three (3) metres. Trees listed as exempt species from Council's Tree Management Controls, Palms, fruit trees and species recognised to have a short life span are not acceptable in satisfaction of this condition;
- 4. New trees must be planted in natural ground. It must be demonstrated that there is sufficient soil volume to allow maturity to be achieved (refer to Council's *Development Fact Sheet—Trees on Development Sites* for further information). Planter boxes will not be accepted for tree planting. The area of the alfresco paving may need to be reduced to provide a larger planting area on the eastern side boundary for one (1) of the planting locations;
- New trees must be appropriately located away from existing buildings and structures to allow maturity to be achieved without restriction. Trees must be located at a minimum setback of 900mm from any boundary and 1.2m metres from any dwelling wall;
- 6. Details of planting specification.

The Landscape Plans prepared by Contour Landscape Architects (Rev H) and dated 17/04/23 must be amended in accordance with the listed requirements.

If either of the trees are found dead or dying prior to reaching dimensions where they are subject to Council's Tree Management DCP they must be replaced in accordance with this condition.

## 3. Design Change

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

- First floor setback to the south elevation to be increased an addition 1000mm with R.L 24.338 for its entire length (Nominated setback to Drawing A2101 Issue B 17/03/2023 from 3670mm to 4670mm)
- B. Ground floor setback to the south elevation (Kitchen) to be increased an additional 500mm with R.L 22.15 for its entire length. (Nominated setback to Drawing A2101 Issue B 17/03/2023 from 2273mm to 2773mm)
- c. Deletion of off-street car parking from within the access handle
- d. Deletion of proposed timber batten gate forward of access handle

# FEES

## 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 0.25% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$250,000 or more.

#### 5. Section 7.12 Development Contribution Payments

In accordance with section 7.12 of the *Environmental Planning and Assessment Act 1979* and the Inner West Local Infrastructure Contribution Plan 2023 (the Plan), a monetary contribution of **\$7,422.50** shall be paid to Council for the purposes of the provision, extension or augmentation of local infrastructure identified in the Plan.

At the time of payment, the monetary contribution payable will be adjusted for inflation in accordance with indexation provisions in the Plan in the following manner:

Cpayment = Cconsent x (CPIpayment ÷ CPIconsent)

Where:

- Cpayment = is the contribution at time of payment
- Consent = is the contribution at the time of consent, as shown above
- CPIconsent = is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being [insert CPI value] for the [insert latest quarter and year].
- CPIpayment = is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment

Note: The contribution payable will not be less than the contribution specified in this condition.

The monetary contributions must be paid to Council (i) if the development is for subdivision – prior to the issue of the subdivision certificate, or (ii) if the development is for building work – prior to the issue of the first construction certificate, or (iii) if the development involves both subdivision and building work – prior to issue of the subdivision certificate or first construction certificate, whichever occurs first, or (iv) if the development does not require a construction certificate or subdivision certificate – prior to the works commencing.

#### It is the professional responsibility of the principal certifying authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

Council's Plan may be viewed at www.innerwest.nsw.gov.au or during normal business hours at any of Council's customer service centres.

Please contact any of Council's customer service centres on 9592 5000 or council@innerwest.nsw.gov.au to request an invoice confirming the indexed contribution amount payable. Please allow a minimum of 2 business days for the invoice to be issued.

Once the invoice is obtained, payment can be made via (i) BPAY (preferred), (ii) credit card / debit card (AMEX, Mastercard and Visa only; log on to www.innerwest.nsw.gov.au/invoice; please note that a fee of 0.75 per cent applies to credit cards), (iii) in person (at any of Council's customer service centres), or (iv) by mail (make cheque payable to 'Inner West Council' with a copy of your remittance to PO Box 14 Petersham NSW 2049).

The invoice will be valid for 3 months. If the contribution is not paid by this time, please contact Council's customer service centres to obtain an updated invoice. The contribution amount will be adjusted to reflect the latest value of the Consumer Price Index (All Groups Index) for Sydney.

## 6. 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: \$5,600.00 Inspection Fee: \$350.00

Payment will be accepted in the form of cash, bank cheque, EFTPOS/credit card (to a maximum of \$10,000) or bank guarantee. Bank Guarantees must not have an expiry date.

The inspection fee is required for the Council to determine the condition of the adjacent road reserve and footpath prior to and on completion of the works being carried out.

Should any of Council's property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council's assets or the environment at risk, or if any road, footpath or drainage works required by this consent are not completed satisfactorily, Council may carry out any works necessary to repair the damage, remove the risk or complete the works. Council may utilise part or all of the security deposit to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.

A request for release of the security may be made to the Council after all construction work has been completed and a final Occupation Certificate issued.

The amount nominated is only current for the financial year in which the initial consent was issued and is revised each financial year. The amount payable must be consistent with Council's Fees and Charges in force at the date of payment.

# **GENERAL CONDITIONS**

## 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.

# 8. Works to Trees

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

Tree/location	Approved works
Trees 1-4 / <i>Elaeocarpus reticulatus</i> (Blueberry Ash), Tree 5 / Yucca aloifolia (Spanish Bayonet)	

Note - The Arboricultural Impact Assessment report prepared by Urban Arbor and dated 28 June 2022 indicates the tree numbers and locations.

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*.

## 9. 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.

#### 10. Noise Levels and Enclosure of Pool/spa Pumping Units

Noise levels associated with the operation of the pool/spa pumping units must not exceed the background noise level (L90) by more than 5dBA above the ambient background within habitable rooms of adjoining properties. Pool plant and equipment must be enclosed in a sound absorbing enclosure or installed within a building so as not to create an offensive noise as defined under the *Protection of the Environment Operations Act 1997* and *Protection of the Environment Operations (Noise Control) Regulation 2008.* 

Domestic pool pumps and filters must not be audible in nearby dwellings between 8:00pm to 7:00am Monday to Saturday and 8:00pm to 8:00am Sundays and Public Holidays.

#### 11. 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.

#### 12. 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.

## 13. Works Outside the Property Boundary

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

## 14. Heritage Conservation Area

Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with

 A revised palette of materials that does not include black joinery or white acrylic render. The revised palette should include earth tones and reflect the palette of materials traditionally utilised within this HCA such as masonry or weatherboard.

## 15. 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.

# PRIOR TO ANY DEMOLITION

#### 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.

## 17. 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.

#### 18. Dilapidation Report

Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the adjoining properties to the Certifying Authority's satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.

## 19. Hoardings

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

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

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

## PRIOR TO CONSTRUCTION CERTIFICATE

#### 20. 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

#### 21. 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 No. 22042 C2.00 (revision (2) prepared by CATES CONSULTING ENGINEERS and dated 1 August 2022, must be amended to comply with the following:
- b. Stormwater runoff from all roof areas within the property being collected in a system of gutters, pits and pipeline and be discharged, together with overflow pipelines from any rainwater tank(s), by gravity to the kerb and gutter of a public road;
- 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 in the case of low and medium residential developments, the twenty (20) year ARI Storm in the case of high-density residential development and commercial and/or industrial developments and the fifty (50) year ARI Storm in the case of heavy industry. In all cases, the 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;
- f. To provide for adequate site drainage all roof and surface stormwater from the site and any catchment external to the site that presently drains to it, must be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a stormwater drainage system in accordance with the

requirements of Council's DCP. Please note any stormwater outlets through sandstone kerbs must be carefully core drilled;

- g. The design plans must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes;
- h. The overflow from the underground rainwater tank must be connected by gravity to the kerb and gutter of a public road. Drainage pipes must be laid at a minimum grade of 1%. Only roof water is permitted to be connected to rainwater tank.
- i. An overland flow path must be provided within the internal driveway between the rear of the dwelling and the Goodsir Street frontage. The rear courtyard must be graded so that bypass flows from the site drainage system are directed to the overland flow path.
- j. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system
- k. A minimum 150 mm step up shall be provided between all external finished surfaces and adjacent internal floor areas;
- I. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands;
- m. No nuisance or concentration of flows to other properties;
- n. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
- 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;
- An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
- Q. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;
- r. 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 4.0 mm and a maximum section height and width of 100 mm or sewer grade uPVC pipe with a maximum diameter of 100 mm;
- s. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings;
- t. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated;
- u. No impact to street tree(s);
- v. Stormwater drainage must be located such that any waters leaving the pool must drain to pervious areas prior to potentially draining to the site stormwater drainage system.

## 22. 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.

## **DURING DEMOLITION AND CONSTRUCTION**

# 23. Tree Protection

To protect the following tree, trunk protection must be installed prior to any works commencing in accordance with the approved *Tree Protection Plan* and/or with Council's *Development Fact Sheet—Trees on Development Sites*:

Tree No.	Botanical/Common Name/Location	
-	Callistemon viminalis (Weeping Bottlebrush) - street tree outside 4 Goodsir	

### 24. 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.

## 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.

## PRIOR TO OCCUPATION CERTIFICATE

## 26. Certification of Tree Planting

Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with evidence certified by a person holding a minimum qualification of AQF5 Diploma of Landscape Design or Arboriculture that:

A minimum of two (2) canopy trees have been planted in accordance with the approved Tree Planting Plan.

If the trees are found dead or dying before they reach dimensions where they are protected by Council's Tree Management Controls, they must be replaced in accordance with this condition.

# 27. 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.

#### 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.

## ON-GOING

### 29. Bin Storage

All bins are to be stored within the site.

# **ADVISORY NOTES**

#### Street Numbering

If there are any changes to the number of occupancies including any additional occupancies created, a street numbering application must be lodged and approved by Council's GIS team before any street number is displayed. Link to <u>Street Numbering Application</u>

## 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 Payments	131441
Corporation	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 - SITA Environmental Solutions	1300 651 116
	www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)	www.waterrating.gov.au

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WorkCover Authority of NSW

13 10 50

www.workcover.nsw.gov.au

Enquiries relating to work safety and asbestos removal and disposal.

### Dial before you dig

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

### 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.

### 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.

#### Noise

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997.* 

## 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:

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- 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.

# Swimming Pools

Applicants are advised of the following requirements under the Swimming Pools Act 1992:

- a. The owner of the premises is required to register the swimming pool on the NSW State Government's Swimming Pool Register. Evidence of registration should be provided to the Certifying Authority.
- b. Access to the pool/spa is restricted by a child resistant barrier in accordance with the regulations prescribed in the. The pool must not be filled with water or be allowed to collect stormwater until the child resistant barrier is installed. The barrier is to conform to the requirements of Australian Standard AS 1926:2012.
- c. A high level overflow pipe has been provided from the back of the skimmer box to the filter backwash line discharging to the sewer. This line must not directly vent the receiving Sydney Water sewer. Evidence from the installer, indicating compliance with this condition must be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.
- d. Permanently fixed water depth markers are to be clearly and prominently displayed on the internal surface above the water line at the deep and shallow ends on in-ground pools / spas and on the outside of aboveground pools / spas.
- e. A durable cardiopulmonary resuscitation information poster sign authorised by the Life Saving Association is to be displayed in the pool / spa area in accordance with Clause 10 of the *Swimming Pool Regulation 2008*.
- f. Access to the swimming pool/spa must be restricted by fencing or other measures as required by the *Swimming Pools Act 1992* at all times.

All drainage, including any overland waters associated with the pool/spa, must be pipe-drained via the filter to the nearest sewer system in accordance with the requirements of Council &

Sydney Water. No drainage, including overflow from the pool or spa must enter Council's stormwater system.

## **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.

## 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.

## 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.

### **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.

## 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.* 

#### 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 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.

## 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.

## 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.

## 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.

### 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.

### **Prescribed Conditions**

This consent is subject to the prescribed conditions of consent within Sections 69-86 of the *Environmental Planning and Assessment Regulations 2021.* 

#### 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.

#### 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.