DEVELOPMENT ASSESSMENT REPORT			
Application No.			
Address	19 Northwood Street CAMPERDOWN		
Proposal	Section 8.2 application to review consent conditions of		
FTOPOSAL	Determination DA/2022/1075 dated 15 May 2023 for ground		
	and first floor alterations and additions to a dwelling house		
Date of Lodgement	31 August 2023		
Applicant	Milestone (AUST) Pty Limited		
Owner	Mr Michael JR Dompedro		
Owner	Ms Gabrielle E Stokes		
Number of Submissions	2		
Value of works	\$619,455.00		
Reason for determination at	No substantial change to original determination of conditions		
Planning Panel	seeking review		
Main Issues	Inadequate owner's consent for demolition over		
maill 133463	•		
	boundary		
	Inadequate first floor front setback		
	 Impact to period building and streetscape 		
Recommendation	Approved with Conditions		
Attachment A	Recommended amendments to conditions of consent		
Attachment B	Plans of proposed development		
Attachment C	Consent of DA/2022/1075		
Attachment D	Plans approved under DA/2022/1075		
Camperdown Same and The Camperdown Same and Same and The Camperdown Same and Same and Sa			
LOCALITY MAP Given the scale of the map, not all submitters could be demonstrated.			
Subject Site	Objectors N		
Notified Area	Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council under Section 8.2 of the *Enviromental Planning and Assessment Act 1979* to review consent conditions of Determination DA/2022/1075 dated 15 May 2023 for ground and first floor alterations and additions to a dwelling house at 19 Northwood Street Camperdown.

The application was notified to surrounding properties and 2 submissions in support of the application were received in response to the initial notification.

The main issues that have arisen from the application include:

- Inadequate owner's consent for demolition over the boundary,
- Inadequate first floor front setback, impacting period building and streetscape, and
- Inadequate response to desired future character.

Whilst the amended roof form proposed in this Review resolves the outstanding solar access concerns from the original determination, it is considered that the front setback of the first floor addition is excessively bulky and results in a poor streetscape outcome, compromises the symmetry of the pair of semi detached dwellings and overwhelms the appearance of the original period building.

Given the above, subject to the imposition of appropriate conditions which includes the requirement to maintain a 9 metre setback for the first floor addition, the application is considered suitable for approval.

2. Proposal

The application seeks a Section 8.2 Review of Condition 2(a) and 2(c) imposed on DA/2022/1075, approved on 15 May 2023 for alterations and additions to a semi-detached dwelling including construction of a ground floor extension and first floor addition. Condition 2 is reproduced as follows:

2. Design Change

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

- a. A front setback of minimum 9m from the front boundary be provided to the first floor.
- b. A rear setback of minimum 7m from the rear boundary be provided to the first floor.
- c. Reduction in the maximum height of the development by 200mm, to a maximum RL of 30.030
- d. Replacement of the front elevation windows on the ground floor must be to timber framed windows.

It is noted that the current proposal has been amended to comply with conditions 2(b) and 2(d).

Specifically, the proposal involves the following works:

• Substantial demolition of the existing ground floor, including Bed 02, living, kitchen and sunroom areas;

- Demolition of the front verandah, roof and chimney;
- Demolition of the front façade window serving Bed 01;
- Demolition of the existing carport and concrete area at the rear;
- Construction of new living, kitchen and dining area, laundry, bathroom and internal courtyard on the ground floor;
- Construction of a new first floor with three bedrooms, two bathrooms and a study nook;
- Construction of new front verandah;
- Construction of new landscaped area and carparking space at the rear, including permeable paving, planter boxes and bin storage;
- Construction of new kerb crossing at the rear; and
- Associated planting.

3. Site Description

The subject site is located on the western side of Northwood Street, between Salisbury Road and Federation Road. The site consists of one allotment and is generally rectangular shaped with a total area of 178.2sqm and is legally described as Lot 1 in DP 106884.

The site has a frontage of 6.44m to Northwood Street. The site is affected by a number of easements including a 16.94m metre timber party wall shared with no. 21 Northwood Street, Camperdown.

The site supports a single storey, semi-detached dwelling, with rear access from Northwood Lane. The adjoining properties support single and two-storey dwelling houses. A four-storey residential flat building is located opposite the site.



Figure1: Zoning Map (subject site outlined in blue)



Figure 2: Photo of the subject site

4. Background

4(a) Site history

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

Subject Site

Application	Proposal	Decision & Date
DA/2022/1075	Alterations and additions to a semi-detached dwelling including construction of a ground floor extension and first floor addition	Approved – 15/05/2023

Surrounding properties

Application	Proposal	Decision & Date
DA/2021/0707 13-15 Northwood Street	Demolition of existing structures and construction of a two-storey dwelling and basement storage.	Approved – 16/05/2022
DA/2021/0068 7 Northwood Street	Demolition of part of an existing commercial building and construction of a three-storey dwelling house	Approved – 30/07/2021
DA201600160 35 Northwood Street	To demolish part of the premises and carry out ground and first floor alterations and additions to a dwelling house	Approved – 05/09/2016
DA200800602 27 Northwood Street	To demolish part of the premises and carry out ground and first floor alterations and additions to a dwelling house and to provide a double vehicle crossing and roller door and boundary wall at the rear and a timber picket front fence	Approved – 19/03/2009
DA200700562 9-11 Northwood Street	to demolish the existing warehouse building, subdivide the land into two (2) allotments and erect a two part three storey dwelling house on each allotment with associated swimming pool	Approved – 27/02/2008
DA200100604 31-33 Northwood Street	to demolish part rear of premises erect 1st floor additions to existing dwelling house on 33 and erect a detached garage with attic at the rear, erect a two storey dwelling house on the property 31 with a detached garage with attic at the rear.	Approved – 30/01/2002

4(b) Application history

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

Date	Discussion / Letter / Additional Information
Date 11/10/2023	 Discussion / Letter / Additional Information Council had a meeting with the applicant via Microsoft Teams to discuss the following issues: Neighbouring owner's consent from no. 21 Northwood Street is required for the partial demolition of the shared party wall; Neighbouring owner's consent from no. 17 Northwood Street is required for the proposed demolition over the boundary (the carport and the side passage gate); The proposed first-floor front setback and streetscape character, noting the proposed setback is inconsistent with Part 4.1.11 of the MDCP 2011;
	• The rear shading structure and potential additional overshadowing not demonstrated on the shadow diagrams;

	The legation of the tree proposed at the rear to be relevated to the		
	• The location of the tree proposed at the rear to be relocated to the		
	internal courtyard.		
16/10/2023	The applicant provided the following information:		
	Amended plans detailing:		
	 Relocation of the proposed tree to the internal courtyard; 		
	 Retention of the existing party wall, and a new internal wall to 		
	be constructed adjacent to the party wall, accompanied by an		
	adequate structural engineer's certificate and drawings;		
	\circ Deletion of the proposed shading structure, noting that the		
	proposed frame is to remain;		
	 Partial retention of the side passage gate so neighbouring 		
	consent no longer required; and		
	 Retention of the originally proposed front setback. 		
13/10/2023 – 16/10/2023	Council and the applicant had several phone calls and email correspondence regarding the additional information, and specifically the proposed demolition of the carport at the rear which encroaches onto no. 17 Northwood Street. While it is noted that the encroachment is of the roof and gutter overhang of the carport only, this is still classified as an encroachment. Consent of no. 17 Northwood Street for the demolition of the encroaching carport was not received. The applicant provided information detailing that the carport could be removed via a Complying Development Certificate.		
	As such, a design change condition has been recommended requiring the carport is retained as part of this development. Given the retention of the carport, it is considered that the proposed frame at the rear must be deleted as well given the two structures may conflict.		

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) Section 8.2 Reviews

Require	ement	Proposal
8.2 Det	erminations and decisions subject to re	view
(1) The a co	e following determinations or decisions of onsent authority under Part 4 are subject eview under this Division— the determination of an application for development consent by a council, by a local planning panel, by a Sydney district or regional planning panel or by any person acting as delegate of the Minister (other than the Independent Planning	The subject application relates to the review of a determination of an application for development consent by Council.
(b)	the modification of a development consent by a council, by a local planning panel, by a Sydney district or regional planning panel or by any person acting as delegate of the Minister (other than the Independent Planning Commission or the Planning Secretary),	
(c)	the decision of a council to reject and not determine an application for development consent.	

 (2) However, a determination or decision in connection with an application relating to the following is not subject to review under this Division— (a) a complying development certificate, (b) designated development, (c) Crown development (referred to in Division 4.6). 	The subject application does not relate to any of the applications noted in Clause 2.
(3) A determination or decision reviewed under this Division is not subject to further review under this Division.	Noted.
8.3 Application for and conduct of review	
(1) An applicant for development consent may request a consent authority to review a determination or decision made by the consent authority. The consent authority is to review the determination or decision if duly requested to do so under this Division.	Noted.
 (2) A determination or decision cannot be reviewed under this Division— (a) after the period within which any appeal may be made to the Court has expired if no appeal was made, or (b) after the Court has disposed of an appeal against the determination or decision 	The original application was determined on 15 May 2023. Pursuant to Section 8.10(1)(b)(i) of the <i>Environmental Planning and Assessment Act 1979,</i> an appeal may be made to the Court 6 months after the date of determination. The subject application was lodged on 31 August 2023 and has been reported to the Inner West Local Planning Panel for determination prior to the expiry of the appeal period (15 November 2023).
(3) In requesting a review, the applicant may amend the proposed development the subject of the original application for development consent or for modification of development consent. The consent authority may review the matter having regard to the amended development, but only if it is satisfied that it is substantially the same development.	The development remains substantially the same as that proposed in the original DA.
 (4) The review of a determination or decision made by a delegate of a council is to be conducted- (a) by the council (unless the determination or decision may be made only by a local planning panel or delegate of the council), or (b) by another delegate of the council who is not subordinate to the delegate who made the determination or decision. 	The original DA was determined under Council Officer delegation. The current application is to be determined by the Local Planning Panel.
(5) The review of a determination or decision made by a local planning panel is also to be conducted by the panel.	The application is to go before the Local Planning Panel for determination.
(6) The review of a determination or decision made by a council is to be conducted by the council and not by a delegate of the council.	N/A
(7) The review of a determination or decision made by a Sydney district or regional planning panel is also to be conducted by the panel.	N/A
(8) The review of a determination or decision made by the Independent Planning Commission is also to be conducted by the Commission.	N/A

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

5(b) Environmental Planning Instruments

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

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

The following provides further discussion of the relevant issues:

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

Chapter 4 Remediation of land

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

"(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose."

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

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(b)(ii) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

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

5(b)(iii) State Environmental Planning Policy (Biodiversity and Conservation) 2021

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(b)(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 4.3 Height of buildings
- Section 4.4 Floor space ratio
- Section 4.5 Calculation of floor space ratio and site area
- Section 6.2 Earthworks
- Section 6.3 Stormwater management
- Section 6.4 Terrestrial biodiversity
- Section 6.8 Development in areas subject to aircraft noise

Section 1.2 Aims of Plan

The proposal, subject to recommended design change conditions, is consistent with the relevant aims of the plan as follows:

- The proposal is considered to conserve and maintain the natural, built and cultural heritage of Inner West;
- The proposal provides housing for, and enhances the amenity of, residents in the Inner West;
- The proposal promotes a high standard of design; and
- The proposal will not result in adverse social, economic or environmental impacts.

Section 2.3 Land Use Table and Zone Objectives

The subject site is zoned R2 Low Density Residential under the *IWLEP 2022*. The application proposes alterations and additions to an existing semi-detached dwelling house, which is defined as a dwelling that is on its own lot of land and is attached to only one other dwelling.

It is considered that the proposal, subject to recommended conditions, is consistent with the relevant objectives of the zone.

Section 2.7 – Demolition requires development consent

The proposal satisfies this section as demolition works are proposed which are permissible with consent.

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: 1:1 or 178.2sqm	148.3sqm or 0.83:1	Yes	
Building Height Maximum permissible: 9.5m	7.3m	Yes	

Section 4.5 – Calculation of floor space ratio and site area

The site area and floor space ratio for the proposal has been calculated in accordance with the section.

Section 6.2 – Earthworks

The proposed earthworks are unlikely to have a detrimental impact on environmental functions and processes, existing drainage patterns, or soil stability.

Section 6.3 – Stormwater management

The development maximises the use of permeable surfaces, and subject to standard conditions would not result in any significant runoff to adjoining properties or the environment.

5(c) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Marrickville Development Control Plan 2011.

MDCP 2011 Part of MDCP 2011	Compliance
Part 2.1 – Urban Design	No – see discussion
Part 2.3 – Site and Context Analysis	Yes
Part 2.6 – Acoustic and Visual Privacy	Yes – see discussion
Part 2.7 – Solar Access and Overshadowing	Yes – see discussion
Part 2.9 – Community Safety	Yes
Part 2.10 – Parking	Yes – see discussion
Part 2.11 – Fencing	Yes – see discussion
Part 2.18 – Landscaping and Open Space	Yes – see discussion
Part 2.20 – Tree Management	Yes – see discussion
Part 2.21 – Site Facilities and Waste Management	Yes
Part 2.25 – Stormwater Management	Yes
Part 4.1 – Low Density Residential Development	No – see discussion
Part 9 – Strategic Context	No – see discussion

The following provides discussion of the relevant issues:

Part 2.1 – Urban Design

The development, given the proposed front setback of the first floor is not considered to be consistent with Principle 9 of this part. As a result of the proposed first floor front setback, the development does not preserve or enhance the character of the area and streetscape as it adversely impacts the period building on the site and adversely impacts the symmetry and appearance of the pair of the semi-detached dwellings. As such, and given the issues outlined further below, it is recommended that the previously imposed design change condition 2a of the original determination be retained to maintain the first floor front setback of 9 metres.

Part 2.6 Acoustic and Visual Privacy

Ground floor

There will be no visual privacy impacts from the ground floor windows and doors to the side as there are no neighbouring windows along this elevation. Ground floor windows to the rear will be adequately screened by boundary fencing.

First floor

The windows proposed on the first floor along the boundary shared with no. 17 Northwood are unlikely to result in visual privacy impacts as they overlook the roof on the adjoining site. The rear facing windows on the first floor face into the site and serve low traffic rooms (i.e., a bath and bedroom) and as such are unlikely to result in visual privacy impacts to neighbouring sites.

Part 2.7 Solar access and overshadowing

With regard to a further loss of solar access to no. 21 Northwood Street where there is already less than 2 hours received during June 21, the following is noted from DA/2022/1075:

- The generally east-west orientation of the subject and surrounding sites, along with the narrow allotment widths and density of existing development within the locality contribute to existing solar access non-compliance.
- The area of POS impacted by the proposed development is relatively small and partially covered by an existing pergola structure. It is noted that the POS is currently overshadowed by the existing boundary fences.
- The proposed development generally retains the existing solar access to the area of POS at No. 21 between 12:00pm and 2:00pm on June 21.
- The skylight to the principal living room is centrally positioned and located close to the boundary adjoining the subject site and as compliance with the control is difficult and would be prone to overshadowing by a first floor addition at No. 19.
- The principal living area is serviced by large French doors facing the southern side boundary and as such some ambient light will be maintained to the room.

The proposed additional overshadowing as part of DA/2022/1075, where the proposed addition had a flat roof, was generally acceptable, subject to the increase in front and rear setbacks and lowering of the overall height, which was conditioned.

3D shadow diagrams for June 21 and March/September 21 were submitted as part of REV/2023/0018. Given the altered roof form proposed, there will be some reduction to overshadowing of the private open space between 10am and 11am. However, there will be

some minor additional overshadowing to the private open space of no. 21 Northwood at 12pm and 1pm, and additional overshadowing to the rear-facing French-doors at 2pm.

The diagrams for March/September 21 demonstrate that the proposed development will not significantly reduce the solar access to the neighbouring private open space but will result in some reduced overshadowing between 9am and 11am.

Given the above, the proposed overshadowing impact is considered acceptable, given the site orientation (east-west), and proposed reduction in overshadowing impact as a result of the amended design. It is noted that given the overshadowing impact is considered satisfactory and the deletion of design change condition 2(c) in DA/2022/1075 is acceptable in this instance.

Part 2.10 Parking

The application proposes one car parking space at the rear of the site, with access from Northwood Lane. As discussed elsewhere in this report, the existing carport that is proposed to be demolished, encroaches onto the adjoining site. Owner's consent from the property owners of the adjoining site for the demolition of this carport was not provided and, as such, consent for the demolition cannot be granted. However, the existing carport can be retained and utilised for the proposed on-site parking. Subject to conditions ensuring compliance with the relevant Australian Standards, the car parking space will comply with this part and a condition is included in the recommendation requiring the retention of the carport.

Part 2.11 Fencing

The application proposes to demolish the existing unsympathetic front fence and construct a 1m - 1.3m timber paling fence. The proposed front fence is acceptable, as it will be consistent with the immediate neighbour (no. 21 Northwood Street), the fencing style found along the street, and is compatible with the character of the period dwelling.

The application also seeks a new, 2.7m masonry boundary fence at the rear of the site, accommodating a new roller door and pedestrian access to Northwood Lane. Control C21 requires rear fences to not exceed 1.8 metres, thus, the proposed rear fence is not compliant. However, the proposed non-compliance is considered acceptable, as the fence is sympathetic and complementary to the period dwelling, and the contemporary alterations and additions. In addition, the new fence does not detract from the lanescape.

As such, the proposal is considered to satisfy the following objectives of this part:

- O3 The proposed rear fence is sympathetic the period building and complements the visual character of the lanescape.
- O5 The proposed fence is unobtrusive and does not distract from the building or streetscape.
- O7 The proposed rear fence provides privacy and amenity to the subject site, without impacting on pedestrian safety.

Part 2.18 Landscaping and Open Space

Control 12 of this part requires an area of 45sqm with no dimension being less than 3 metres to be retained as private open space (POS).

The architectural plans submitted identify two (2) areas of private open space – the primary area at the rear (23.5sqm) and the central courtyard (9sqm), totalling 32.5sqm. Both areas will contain pervious paving, with the rear of the site also containing 4.26sqm of deep soil

landscaping. It is noted that the area at the rear also supports an off-street car parking space. Given the above, the proposal results in a non-compliance with C12.

The non-compliance is considered acceptable in this instance, given the proposal provides sufficient pervious area, outdoor recreation space, and receives adequate solar access during June 21. As such, the proposal is considered to satisfy the following relevant objectives of this part as follows:

- O1 The proposed landscaping within the private open space complements the building and is consistent with other development in the area;
- O3 The dwelling is provided with an adequate area of private open space for outdoor recreation;
- O4 The proposal includes sufficient pervious areas to facilitate rainwater infiltration;
- O7 The private open space acts as an extension of the living area and receives adequate sunlight.

In addition, the private open space provides sufficient space for tree canopy planting and associated landscaping and the existing space accommodates a parking space.

Part 2.20 Tree Management

The proposal, as amended, does not seek any changes to existing tree canopy planting previously approved. As such, the conditions imposed on the original consent by Council's Urban Forest officer should be maintained.

Part 4.1 Low Density Residential

Part 4.1.6.2 Building setbacks

Front setbacks

Control C10(i) is repeated as follows:

- C10 Attached dwellings, dwelling houses and semi-detached dwellings a. Front setback must be:
 - a. Consistent with the setback of adjoining development or the dominant setback found along the street; and
 - b. On corner lots where there is a consistent secondary boundary setback to buildings on opposite street corners, reflected in the design of any proposal.

It is noted that the proposed roof form, amended in response to the design change conditions imposed in DA/2022/1075, positively responds to the character of the existing dwelling and surrounding character. Moreover, it is noted that there is a mixed front setback character found along Northwood Street.

The following is reproduced from the assessment report of DA/2022/1075:

In considering the proposed variation, it is noted that Northwood Street is characterised by several pairs of single storey semi-detached period dwellings, many of which accommodate a contemporary first floor addition whilst maintaining consistency with the pattern of development and the predominant character of the streetscape... ...the proposal seeks a front setback at the first floor which measures approximately 7.4m and 5.5m to the rear. As such, the proposed setbacks to the first floor addition do not integrate with the established setback character of the street which are generally around 9.1m to the front boundary and between 6-7.3m to the rear.

The proposal seeks a 6.35m front setback. While it is acknowledged that the front setback may be moderately consistent with other first floors along Northwood Street, as discussed elsewhere in this report, many of these approvals for alterations and additions to dwellings were sought prior to current planning controls, or are additions to existing warehouse type structures. Furthermore, the proposed setback is inconsistent with the controls within Part 4.1.11 of the MDCP 2011, as discussed elsewhere in this report.

Given the above, design change condition 2(a) is recommended to be retained.

Side setbacks

The lot width is less than 8m, and as such, the side setbacks are considered on merit, in accordance with the requirements within the MDCP 2011.

The application generally maintains existing side setbacks along the ground floor, with a nil side setback along the southern boundary, and a nil side setback proposed along the northern boundary, with 900mm and 1.5m setback articulation to accommodate a side passageway and internal courtyard along this elevation. Moreover, the application proposes a nil side setback along both elevations on the first floor, with Bed 02 and Bed 03 to be set 900mm from the northern boundary.

The proposed side setbacks are considered satisfactory, as the proposal has an acceptable impact on neighbouring properties with regard to visual and acoustic privacy, solar access and visual bulk.

Rear setbacks

The proposal seeks to maintain the existing ground floor rear setback. The proposed setback is considered acceptable as it will not create undue amenity impacts to the immediate neighbours, and provides adequate private open space, as discussed elsewhere in this report.

The application proposes to satisfy the design change condition imposed (Condition 2(b)); hence the proposed first floor rear setback is acceptable, as the addition is consistent with neighbouring developments and the established setback found along the street.

Part 4.1.6.3 Site coverage

As the lot size is less than 300sqm, the total site coverage is a merit assessment. The proposed site coverage is considered to be acceptable, as the proposal maintains adequate outdoor recreation space and areas for landscaping. In addition, the proposed site coverage is consistent with surrounding developments and the character of neighbouring dwellings.

Part 4.1.10 Residential period buildings

The following objectives and controls are relevant to this proposal:

O21 To retain or reinstate the front garden (and side garden where part of the front garden) of period buildings, including elements such as fences, gates, paths, carriageway, walls and plant beds.

- O22 To retain or reinstate the facade and main external body of the period building visible from the street, including proportions, materials, details and elements (such as front verandahs or barge boards), roof forms, materials, setbacks and number of storeys, chimneys and scale.
- C58 Demolition of existing significant period features at the front will not be permitted.
- C60 Alterations and additions at the rear and the sides and above the roof line, other than reconstruction of elements removed from the period building and garden, must be subordinate to the main body of the period building when viewed from the street
- C62 Additions and alterations to one of a pair of semi-detached dwellings must not compromise the symmetry, massing and/or proportions of the pair.
- C65 Alterations and additions to period housing must positively relate to the prevailing roof forms found in the locality and consider the design guidelines for the relevant period building. For existing housing, the materials used to cover the roof should complement the original cladding and terracotta tiles, and slate or corrugated iron should be used where appropriate.

The proposed front setback compromises the symmetry and massing of the pair of semidetached dwellings, demolishes and does not retain significant period features at the front (chimney and roof form visible from the street). While it is acknowledged that the amended roof design relates better to the dwelling and streetscape to what was previously approved, it is considered that the overall bulk and scale of the proposed addition should be set further back to maintain the existing streetscape appearance by reducing the prominence of the first floor addition, particularly given the proposed 'pop out' seen from the eastern elevation (Figure 6). It is noted that while the street contains a number of large trees, the proposed development will be highly visible from the streetscape, as demonstrated below:



Figure 3: View facing no. 21 Northwood Street



Figure 4: Elevation provided by applicant (facing no. 21 Northwood St)



Figure 5: View facing no. 17 Northwood Street



Figure 6: Front façade elevation submitted by applicant

It is also acknowledged that, while not demonstrated clearly on the architectural plans, the proposal seeks to remove and replace the existing roof and verandah and replace the existing cladding within the front façade of the site.

In considering the above, the following is noted from DA/2022/1075:

...it is noted that similar semi-detached period buildings along Northwood Street have undergone similar development and incursions to the main roof form forward of the original ridge. Therefore, the proposed incursion can be considered to the period building, however, to ensure that the first floor is subordinate to the main body of the period building and the aforementioned matters regarding building form and scale, a condition of consent is included with the recommendation to increase the front setback at the first floor to coincide with a reduction to the proposed incursion.

Furthermore, while it is acknowledged that the applicant seeks a design which meets the requirements of owners of the site, it is considered that there is scope within the constraints of the site for a more refined design of the ground and first floor which could accommodate the required front setback (9m), and a four-bedroom development that is being sought. This may require the deletion of the internal courtyard and study area. However given the limited timeframe of the review period, this has been unable to be explored as part of this review process.

Given the bulk and scale of the first floor addition, combined with the minimal front setback, the proposed development in this regard is still considered unacceptable with the proposal failing to ensure the first floor addition is subordinate to the original dwelling and further highlights the disparity in the symmetry in the pair of dwellings.

Given the above, it is considered that the design change condition 2a requiring the front setback to be 9m is retained.

Subject to maintaining the design change condition regarding the front setback, the proposal will satisfy the following objective and controls of this part:

- O22 The proposal retains the main external body and significant features of the period, including roof forms, chimney and setbacks.
- C60 Alterations and additions at the rear and the sides and above the roof line, other than reconstruction of elements removed from the period building and garden, must be subordinate to the main body of the period building when viewed from the street
- C62 Additions and alterations to one of a pair of semi-detached dwellings must not compromise the symmetry, massing and/or proportions of the pair.

Part 9 Strategic Context

The site is located within Precinct 4 – Newtown North and Camperdown. The proposal, as lodged and outlined above, is not considered to preserve the period building on the site. However, subject to the retention of the design change condition requiring a 9-metre front setback for the first floor imposed on the DA consent, the proposal can preserve the identified period dwelling on the site and will satisfy the desired future character of this precinct.

5(d) Other Matters

The security deposit, as detailed in Attachment A, is required to be amended to reflect the amount payable as per the current financial year. This amendment is administrative only and has been updated for clarity, as the amount payable is revised each financial year. The amount payable must be consistent with Council's Fees and Charges in force at the date of payment.

Condition 26a, as detailed in Attachment A, is a standard condition of consent that has been added to this consent to ensure all footings are wholly within the property boundaries.

5(e) The Likely Impacts

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

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

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

5(g) Any submissions

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

Two (2) submissions in support of the application were received in response to the initial notification.

5(h) The Public Interest

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

Subject to compliance with the prescribed amendments to the first-floor setback, the proposal is not contrary to the public interest.

6 **Referrals**

6(a) Internal

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

- Urban Forest

7. Section 7.11 Contributions

While a 7.12 levy of **\$6,194.55** under the Marrickville Section 94/94A Contributions Plan 2014 was imposed under the approved DA, the Inner West Local Infrastructure Contributions Plan 2023 (IWLICP 2023) commenced on 20 February 2023. Section 3.2 of the (IWLICP 2023) contains the following Commencement and transitional arrangements:

This plan commenced on 20 February 2023. It applies to development applications or applications for a complying development certificate made on or after the date this plan commenced.

It does not apply to development applications or applications for a complying development certificate submitted before the date this plan commenced. Instead, such applications will be determined against the relevant contribution plan that applied at the date of lodgement **until 30 June 2023**, after that time this Plan prevails.

All applications to modify a consent under section 4.55 of the EP&A Act will be determined against the same contribution plan that was applied to the original consent until 30 June 2023, after that time this Plan prevails.

The DA was determined, subject to the review, was determined on 15 May 2023 and, hence, the Marrickville Section 94/94A Contributions Plan 2014 applied. Given that the subject 8.2 application will be determined after 30 June 2023, the Inner West Local Infrastructure Contributions Plan 2023 would apply.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of **\$12,371.00** would be required for the development under the Inner West Local Infrastructure Contributions Plan 2023. A revised condition requiring that contribution to be paid is included in the recommendation.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and Marrickville Development Control Plan 2011.

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

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

9. Recommendation

That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s8.2 of the *Environmental Planning and Assessment Act 1979*, grant consent to Application No. REV/2023/0018 to review consent conditions of Determination DA/2022/1075 dated 15 May 2023 for ground and first floor alterations and additions to a dwelling house at 19 Northwood Street, Camperdown and a new Determination be issued with conditions 1, 2, 3, and 4 of the original Determination being amended and condition 26a added in the following manner:

Attachment A – Recommended amendments to conditions of consent

A. <u>Modify the following Conditions to read as follows:</u>

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
DA1.01 B	Site & Roof Plan	28.03.2023	Goodwin Scarfone Belgiorno Nettis
DA1.01 D		12.10.2023	
DA1.03 B	Plans - Proposed Ground Floor	28.03.2023 -	Goodwin Scarfone Belgiorno Nettis
DA1.03 D		12.10.2023	
DA1.04 B	Plans - Proposed First Floor	28.03.2023 -	Goodwin Scarfone Belgiorno Nettis
DA1.04 D		12.10.2023	
DA1.05 B	Landscape Plan	28.03.2023	Goodwin Scarfone Belgiorno Nettis
DA1.05 D		12.10.2023	
DA2.01 B	Elevations - Sheet 1	28.03.2023	Goodwin Scarfone Belgiorno Nettis
DA2.01 D		12.10.2023	
DA2.02 B	Elevations - Sheet 2	28.03.2023	Goodwin Scarfone Belgiorno Nettis
DA2.02 D		12.10.2023	
DA2.03 B	Elevations - Sheet 3	28.03.2023	Goodwin Scarfone Belgiorno Nettis
DA2.03 D		12.10.2023	
DA2.04 B	Sections	28.03.2023 -	Goodwin Scarfone Belgiorno Nettis
DA2.04 D		12.10.2023	
DA3.01 A	External Finishes Schedule	29.11.2022	Goodwin Scarfone Belgiorno Nettis
DA3.01 D		12.10.2023	
A470474	BASIX Certificate	20.09.2022	GSBN Studio
A470474_03		25.08.2023	

Not stated	Structural Statement	12.10.2023	SDA Structures

(Amended - REV/2023/0018 - 14/11/2023)

2. Design Change

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

- a. A front setback of minimum 9m from the front boundary be provided to the first floor.
- b. A rear setback of minimum 7m from the rear boundary be provided to the first floor.
- c. Reduction in the maximum height of the development by 200mm, to a maximum RL of 30.030
- d. Replacement of the front elevation windows on the ground floor must be to timber framed windows.
- e. The existing carport is to be retained.

(Amended - REV/2023/0018 - 14/11/2023)

3. Security Deposit – Custom

Prior to the commencement of demolition works or prior to the issue of a Construction Certificate, the Certifying Authority must be provided with written evidence that a security deposit and inspection fee has been paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

Security	\$5,600.00
Deposit:	\$5,992.00
Inspection Fee:	\$350.00
	\$374.50

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

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

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

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

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

(Amended - REV/2023/0018 - 14/11/2023)

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

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that a monetary contribution to the Inner West Council has been paid, towards the provision of infrastructure, required to address increased demand for local services generated by additional development within the Local Government Area (LGA). This condition is imposed in accordance with Section 7.12 of the Environmental Planning and Assessment Act 1979 and in accordance with Marrickville Section 94/94A Contributions Plan 2014.

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

Payment amount*:

\$6,194.55

*Indexing of the Section 7.12 contribution payment:

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

Payment methods:

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

4. Section 7.11 Contribution

In accordance with section 7.11 of the Environmental Planning and Assessment Act 1979 and the Inner West Local Infrastructure Contribution Plan 2023 (the Plan), the following monetary contributions shall be paid to Council to cater for the increased demand for local infrastructure resulting from the development:

Contribution Category	Amount
Open Space & Recreation	\$8,845.00
Community Facilities	\$1,639.00
Transport	\$1,163.00
Plan Administration	\$114.00
Drainage	\$610.00
TOTAL	\$12,371.00

At the time of payment, the contributions 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

Cconsent = 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 at council@innerwest.nsw.gov.au or 9392 5000 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 may 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.

(Amended - REV/2023/0018 - 14/11/2023)

B. Add the following Condition to read as follows:

26a. 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.

(Added - REV/2023/0018 - 14/11/2023)



Attachment B – Plans of proposed development



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Inner West Local Planning Panel

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Attachment C – Consent of DA/2022/1075



NOTICE OF DETERMINATION - APPROVAL

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

cia Hamdorf Northwood Street CAMPERDOWN NSW 50 rerations and additions to a semi-detached relling including construction of a ground floor tension, first floor addition.
50 erations and additions to a semi-detached /elling including construction of a ground floor
velling including construction of a ground floor
19,455.00
e application was determined by Delegation to aff and was granted consent subject to the nditions attached.
fore commencing <i>building work</i> or <i>subdivision</i> <i>ork</i> , a relevant Construction Certificate must be tained from Council or an Accredited Certifier. buncil must be appointed the Principal Certifier any <i>subdivision work</i> under the Act.
May 2023
May 2023
May 2028

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

Right of appeal

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

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

If you are dissatisfied with this decision, Section 8.7 of the *Environmental Planning* and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court in accordance with the timeframes set out in <u>Section 8.10</u> of the *Environmental Planning and Assessment Act 1979*. In addition to the above, third party appeal rights are set out in the *Environmental Planning and Assessment Act 1979* and may be applicable.

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

For further information please contact **Angela Berryman** on **(02) 9392 5979** or **angela.berryman@innerwest.nsw.gov.au**.

Kaitlin Ziene

Kaitlin Zieme Team Leader Development Assessment

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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
DA1.01 B	Site & Roof Plan	28.03.2023	Goodwin Scarfone Belgiorno Nettis
DA1.03 B	Plans - Proposed Ground Floor	28.03.2023	Goodwin Scarfone Belgiorno Nettis
DA1.04 B	Plans - Proposed First Floor	28.03.2023	Goodwin Scarfone Belgiorno Nettis
DA1.05 B	Landscape Plan	28.03.2023	Goodwin Scarfone Belgiorno Nettis
DA2.01 B	Elevations - Sheet 1	28.03.2023	Goodwin Scarfone Belgiorno Nettis
DA2.02 B	Elevations - Sheet 2	28.03.2023	Goodwin Scarfone Belgiorno Nettis
DA2.03 B	Elevations - Sheet 3	28.03.2023	Goodwin Scarfone Belgiorno Nettis
DA2.04 B	Sections	28.03.2023	Goodwin Scarfone Belgiorno Nettis
DA3.01 A	External Finishes Schedule	29.11.2022	Goodwin Scarfone Belgiorno Nettis
A470474	BASIX Certificate	20.09.2022	GSBN Studio

As amended by the conditions of consent.

Document Set ID: 37736938 Version: 1, Version Date: 19/05/2023

DESIGN CHANGE

2. Design Change

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

- a. A front setback of minimum 9m from the front boundary be provided to the first floor.
- b. A rear setback of minimum 7m from the rear boundary be provided to the first floor.
- c. Reduction in the maximum height of the development by 200mm, to a maximum RL of 30.030
- d. Replacement of the front elevation windows on the ground floor must be to timber framed windows.

FEES

3. Security Deposit - Custom

Prior to the commencement of demolition works or prior to the issue of a Construction Certificate, the Certifying Authority must be provided with written evidence that a security deposit and inspection fee has been paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

Security Deposit: \$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.

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

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that a monetary contribution to the Inner West Council has been paid, towards the provision of infrastructure, required to address increased demand for local services generated by additional development within the Local Government Area (LGA). This condition is imposed in accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979* and in accordance with *Marrickville Section 94/94A Contributions Plan 2014*.

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

Payment amount*:

\$6,194.55

*Indexing of the Section 7.12 contribution payment:

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

Payment methods:

The required contribution must be paid either by BPAY (to a maximum of \$500,000); unendorsed bank cheque (from an Australian Bank only); EFTPOS (Debit only); credit card (Note: A 1% credit card transaction fee applies to all credit card transactions; cash (to a maximum of \$10,000). It should be noted that personal cheques or bank guarantees

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cannot be accepted for the payment of these contributions. Prior to payment contact Council's Planning Team to review charges to current indexed quarter, please allow a minimum of 2 business days for the invoice to be issued before payment can be accepted.

5. Long Service Levy

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid at the prescribed rate of 0.25% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$250,000 or more.

GENERAL CONDITIONS

6. Boundary Alignment Levels

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

7. 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.

8. 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.

9. Works Outside the Property Boundary

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

10. Tree Protection

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

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

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

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

The trees identified below are to be retained and protected in accordance with the conditions of consent or approved Tree Protection Plan throughout the development (note: tree numbers must correspond with approved Tree Protection Plan if conditioned) :

Tree No.	Botanical/Common Name	Location
1	<i>Ficus macrocarpa var. hillii</i> (Hills Weeping Fig)	Council land to front of site
2	<i>Ficus macrocarpa var. hillii</i> (Hills Weeping Fig)	Council land to front of site
3	Acer palmatum (Japanese Maple)	rear of 21 Northwood St.

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

- a. Green for trees to be retained;
- b. Red for trees to be removed;
- c. Blue for trees to be pruned; and
- d. Yellow for trees to be transplanted.

NOTE: Reference should be made to the Arboricultural Impact Assessment Report prepared by Axiom Arbor Tree Services dated March 2023 for tree numbering and locations.

11. Project Arborist

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

PRIOR TO ANY DEMOLITION

12. 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.

13. 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 property (21 Northwood Street) 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.

14. 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.



15. Construction Fencing

Prior to the commencement of any works (including demolition), the site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property.

PRIOR TO CONSTRUCTION CERTIFICATE

16. 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.

17. 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. 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;
- b. 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;
- c. 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;
- d. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage other than to drain downpipes to the rainwater tank(s);
- e. 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;
- f. The design plans must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes;

- g. An overland flowpath must be provided within the setback to the northern side boundary between the rear of the dwelling and the North Street frontage. The rear courtyard must be graded so that bypass flows from the site drainage system are directed to the overland flowpath.
- The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
- i. A minimum 150 mm step up shall be provided between all external finished surfaces and adjacent internal floor areas;
- j. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands;
- k. No nuisance or concentration of flows to other properties;
- The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
- m. The design plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required;
- n. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
- Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;
- p. New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 mm and a maximum section height and width of 100 mm or sewer grade uPVC pipe with a maximum diameter of 100 mm;
- q. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings;
- r. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated;
- s. No impact to street tree(s);

18. Changes to Levels

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

a. A 150 mm step down must be provided between the finished floor level of the internal room and the finished surface level of the external area.

19. Parking Facilities - Domestic

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans certified by a suitably qualified Civil Engineer demonstrating that the design of the

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vehicular access and off-street parking facilities must comply with Australian Standard AS/NZS2890.1-2004 Parking Facilities – Off-Street Car Parking and the following specific requirements:

- a. The internal vehicle hardstand area must be redesigned such that the level at the boundary must match the invert level of the adjacent gutter plus 110 mm at both sides of the vehicle entry. This will require the internal garage slab or hard stand area to be adjusted locally at the boundary to ensure that it matches the above-issued alignment levels;
- b. The garage slab or driveway must rise within the property to be 170 mm above the adjacent road gutter level and higher than the street kerb and footpath across the full width of the vehicle crossing. The longitudinal profile across the width of the vehicle crossing must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004:
- c. A minimum of 2200 mm headroom must be provided throughout the access and parking facilities. Note that the headroom must be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors;
- Longitudinal sections along each outer edge of the access and parking facilities, extending to the centreline of the road carriageway must be provided, demonstrating compliance with the above requirements;
- e. The garage/carport/parking space must have minimum clear internal dimensions of 5700 mm x 3000 mm (length x width) and a door opening width of 3000 mm. The dimensions must be exclusive of obstructions such as walls, doors and columns, except where they do not encroach inside the design envelope specified in Section 5.2 of AS/NZS 2890.1-2004;
- f. Where the drop adjacent to the end of the parking module(s) exceeds 600mm, structural barriers must be provided. Where the drop is between 150-600mm, wheel stops must be provided. These physical controls must be installed in accordance with the requirements of Section 2.4.5 of AS/NZS2890.1-2004. The design of structural barriers must be certified by a suitably qualified Civil Engineer with Chartered Engineer of Institution of Engineers Australia (CPEng) or Registered Professional Engineer of Professionals Australia (RPEng) qualifications;
- g. A plan of the proposed access and adjacent laneway, drawn at a 1:100 scale, demonstrating that vehicle manoeuvrability for entry and exit to the parking space complies with swept paths from AS/NZS 2890.1:2004. The plan must include any existing on-street parking spaces;
- h. The maximum gradients within the parking module must not exceed 1 in 20 (5%), measured parallel to the angle of parking and 1 in 16 (6.25%), measured in any other direction in accordance with the requirements of Section 2.4.6 of AS/NZS 2890.1-2004; and
- i. The external form and height of the approved structures must not be altered from the approved plans.

20. Party Walls

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with Architectural Plans accompanied by a Structural Certificate which verifies that the architectural plans do not rely on the Party Wall for lateral or vertical support and that additions are independently supported. A copy of the Certificate & plans must be provided to all owners of the party wall/s.

21. Structural Certificate for retained elements of the building

Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with a Structural Certificate prepared by a practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction. The certificate must also include all details of the methodology to be employed in construction phases to achieve the above requirements without result in demolition of elements marked on the approved plans for retention.

22. 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

23. Construction Methods to Minimise Impact on Trees

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with details certified by a suitably qualified Arborist demonstrating that the footings of the approved planter, utilise tree sensitive construction techniques (such as isolated pier or pier and beam construction) within the specified radius of the trunk/s of the following tree/s:

Tree No.	Botanical/Common Name	Radius in metres
3	Acer palmatum (Japanese Maple)	2.4

Prior to the issue of a Construction Certificate, the Certifying Authority must verify that no proposed underground services are located beneath the canopy of any prescribed tree/s located on the subject site and adjoining sites (including trees located within the public domain).

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DURING DEMOLITION AND CONSTRUCTION

24. 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.

25. Canopy and Root Pruning

Canopy and/or root pruning of the following tree/s which is necessary to accommodate the approved building works must be undertaken by, or directly supervised by, the Project Arborist.

_	Tree No.	Botanical/Common Name	Radius in metres
	1	Ficus macrocarpa var. hillii (Hills Weeping Fig)	11.28
	2	Ficus macrocarpa var. hillii (Hills Weeping Fig)	12.96

The person acting on this consent has approval under Council's Tree Management Controls to; prune the canopy to achieve a clearance of the structure. Pruning is limited to those branches that will come into direct contact the built structure and where branch diameter (at its point of attachment) does not exceed 40 mm.

26. Inspections by Project Arborist

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

Tree No./ Botanical/ Common Name/ Location	Time of Inspection	Key point	stage/ Ho	bld
Tree 1 <i>Ficus macrocarpa var. hillii</i> (Hills Weeping Fig) - front of site on Council land Tree 2 <i>Ficus macrocarpa var. hillii</i> (Hills Weeping Fig) - front of site on Council land Tree 3 <i>Acer palmatum</i> (Japanese Maple) - rear of 21 Northwood Street	Prior to commencement of works	•	Inspection and sign off installation tree protection measures.	



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

PRIOR TO OCCUPATION CERTIFICATE

27. Public Domain Works

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

- a. Light/Heavy duty concrete vehicle crossing(s) at the vehicular access location(s);
- b. The redundant vehicular crossing to the site must be removed and replaced by kerb and gutter and footpath. Where the kerb in the vicinity of the redundant crossing is

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predominately stone (as determined by Council's Engineer) the replacement kerb must also be in stone;

- c. The existing concrete footpath across the frontage of the site must be reconstructed; and
- d. Other works subject to the Roads Act 1993 approval.

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

28. No Encroachments

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

29. Protect Sandstone Kerb

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

30. Light Duty Vehicle Crossing

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that a light duty concrete vehicle crossing(s), in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" have been constructed at the vehicular access locations.

31. Parking Signoff – Minor Developments

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with certification from a qualified practising Civil Engineer that the vehicle access and off street parking facilities have been constructed in accordance with the approved design and relevant Australian Standards.

32. 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 AQF3 Certificate of Horticulture or Arboriculture that:
A minimum of 1 x 75litre size additional tree, which will attain a minimum mature height of six (6) metres, must be planted in a more suitable location within the property at a minimum of 1.5 metres from any boundary or structure and allowing for future tree growth. The tree is to conform to AS2303—*Tree stock for landscape use*. Trees listed as exempt species from Council's Tree Management Controls, and species recognised to have a short life span will not be accepted as suitable replacements.

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

33. Project Arborist Certification

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

ON-GOING

34. Bin Storage

All bins are to be stored within the site.

35. Tree Establishment

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

ADVISORY NOTES

Permits

Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Permits from Council in

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Document Set ID: 3773**6938** Version: 1, Version Date: 1**9/**05/2023 accordance with Section 68 (Approvals) of the *Local Government Act 1993* and/or Section 138 of the *Roads Act 1993*. Permits are required for the following activities:

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

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

Insurances

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

Prescribed Conditions

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

Notification of commencement of works

At least 7 days before any demolition work commences:

a. The Council must be notified of the following particulars:

- i. the name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
- ii. the date the work is due to commence and the expected completion date; and

b. A written notice must be placed in the letter box of each directly adjoining property identified advising of the date the work is due to commence.

Storage of Materials on public property

The placing of any materials on Council's footpath or roadway is prohibited, without the prior consent of Council.

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.

Other Approvals may be needed

Approvals under other acts and regulations may be required to carry out the development. It is the responsibility of property owners to ensure that they comply with all relevant legislation. Council takes no responsibility for informing applicants of any separate approvals required.

Failure to comply with conditions

Failure to comply with the relevant provisions of *the Environmental Planning and Assessment Act 1979* and/or the conditions of this consent may result in the serving of penalty notices or legal action.

Other works

Works or activities other than those approved by this Development Consent will require the submission of a new Development Application or an application to modify the consent under Section 4.55 of the *Environmental Planning and Assessment Act* 1979.

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Obtaining Relevant Certification

This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, such as (if necessary):

- a. Application for any activity under that Act, including any erection of a hoarding;
- b. Application for a Construction Certificate under the *Environmental Planning and* Assessment Act 1979;
- c. Application for an Occupation Certificate under the *Environmental Planning and* Assessment Act 1979;
- d. Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed;
- e. Application for Strata Title Subdivision if strata title subdivision of the development is proposed;
- f. Development Application for demolition if demolition is not approved by this consent; or
- g. Development Application for subdivision if consent for subdivision is not granted by this consent.

National Construction Code (Building Code of Australia)

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

Notification of commencement of works

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

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

Dividing Fences Act

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

Permits from Council under Other Acts

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

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

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

Noise

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

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.

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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 Corporation	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

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Waste Service - SITA Environmental Solutions	1300 651 116
	www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)	www.waterrating.gov.au
WorkCover Authority of NSW	13 10 50
	www.workcover.nsw.gov.au
	Enquiries relating to work safety and asbestos removal and disposal.

Consent of Adjoining property owners

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

Arborists standards

All tree work must be undertaken by a practicing Arborist. The work must be undertaken in accordance with AS4373—*Pruning of amenity trees* and the Safe Work Australia Code of Practice—*Guide to Managing Risks of Tree Trimming and Removal Work*. Any works in the vicinity of the Low Voltage Overhead Network (including service lines—pole to house connections) must be undertaken by an approved Network Service Provider contractor for the management of vegetation conflicting with such services. Contact the relevant Network Service Provider for further advice in this regard.

Tree Protection Works

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

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