



 DEVELOPMENT ASSESSMENT REPORT	
Application No.	DA/2023/0747
Address	18-22 Dalmar Street Croydon
Proposal	Alterations and additions to residential development, including two storey rear addition to existing residential flat building and basement parking.
Date of Lodgement	22 September 2023
Applicant	Manor House Design Australia Pty Ltd
Owner	M & S Holding Group Pty Ltd
Number of Submissions	Initial: 8 Subsequent: 4
Value of works	\$903,700.00
Reason for determination at Planning Panel	Number of submissions
Main Issues	Existing Use Rights Number of submissions
Recommendation	Approved with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
	
LOCALITY MAP	
Subject Site 	Objectors 
Notified Area 	

1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions, including a two storey rear addition to an existing residential flat building and basement parking at Nos. 18-22 Dalmar Street, Croydon NSW 2132.

The application was notified to surrounding properties and 8 submissions were received in response to the initial notification. The application was amended during assessment and was subsequently renotified, receiving 4 unique submissions.

The main issues that have arisen from the application include:

- The application relies upon existing use rights, as the residential flat building use of the site is prohibited in the R2 Low Density Residential zone.
- Submissions from nearby residents regarding the proposed development.

The applicant has demonstrated the subject site benefits from existing use rights. This is further discussed at Section 5 of this report. On this basis, the application is recommended for approval.

2. Proposal

Specifically, the proposal seeks development consent for the following works:

- Demolition of the existing laundry structure within the rear setback of the subject site.
- Excavation for basement parking, capable of supporting five car spaces and two motorcycle spaces. The basement level is also to include a bin storage room, storage cages, services and a rainwater tank. Vehicle access is provided by a ramp from the existing driveway and pedestrian access via common stairs.
- Externally, a pedestrian ramp is proposed adjacent to the existing building entry to the rear addition.
- A two storey addition is proposed at the rear of the site, comprising three units (Units 5-7).
- Units 5 and 6 are proposed to have one bedroom each, with a bathroom, laundry, open plan living areas and entry courtyard. Unit 6 also has a study as part of the living areas. Each unit has private open space including a drying courtyard towards rear boundary.
- Unit 7 is proposed to comprise two bedrooms, an ensuite and bathroom, open plan living areas, laundry and a balcony with pergola above.
- External stairs with a flat metal roof above provide access to Unit 7, which is at the First Floor of the rear addition. A privacy screen is proposed at the eastern side of the stairs landing.

Within the existing building, a laundry is proposed to each unit, adjacent to the respective kitchens. Further changes include bricking up existing window penetrations at the southern rear façade of Units 1 and 3; and providing glazed doors to replace existing windows at the western side façade of Units 1 and 2. An external privacy screen is proposed to the living/dining room window from Unit 1, for privacy within the development.

3. Site Description

The subject site is located on the southern side of Dalmar Street, between Burns and Scotts Streets. The site is legally described as Lot 3 in Section 3 in DP 4501. The site area is approximately 663.9sqm with a primary frontage to Dalmar Street.

The site has a frontage to Dalmar Street of 16.68 metres. Surrounding lot depths vary as a result of the slanted subdivision pattern to Dalmar Street.

An existing two storey residential flat building comprising four (two bedroom) units is located on the site. At the rear of the site is a hard paved area used for resident parking and a laundry outbuilding. Surrounding land uses are predominately one and two storey dwelling houses, with the neighbouring property at No. 16 Dalmar Street comprising a two storey residential flat building of a similar scale to the subject site.

The subject property is not listed as a heritage item, nor is it located within a conservation area. Pursuant to the *Inner West Local Environmental Plan 2022*, the subject site is zoned R2 Low Density Residential (see Figure 1).

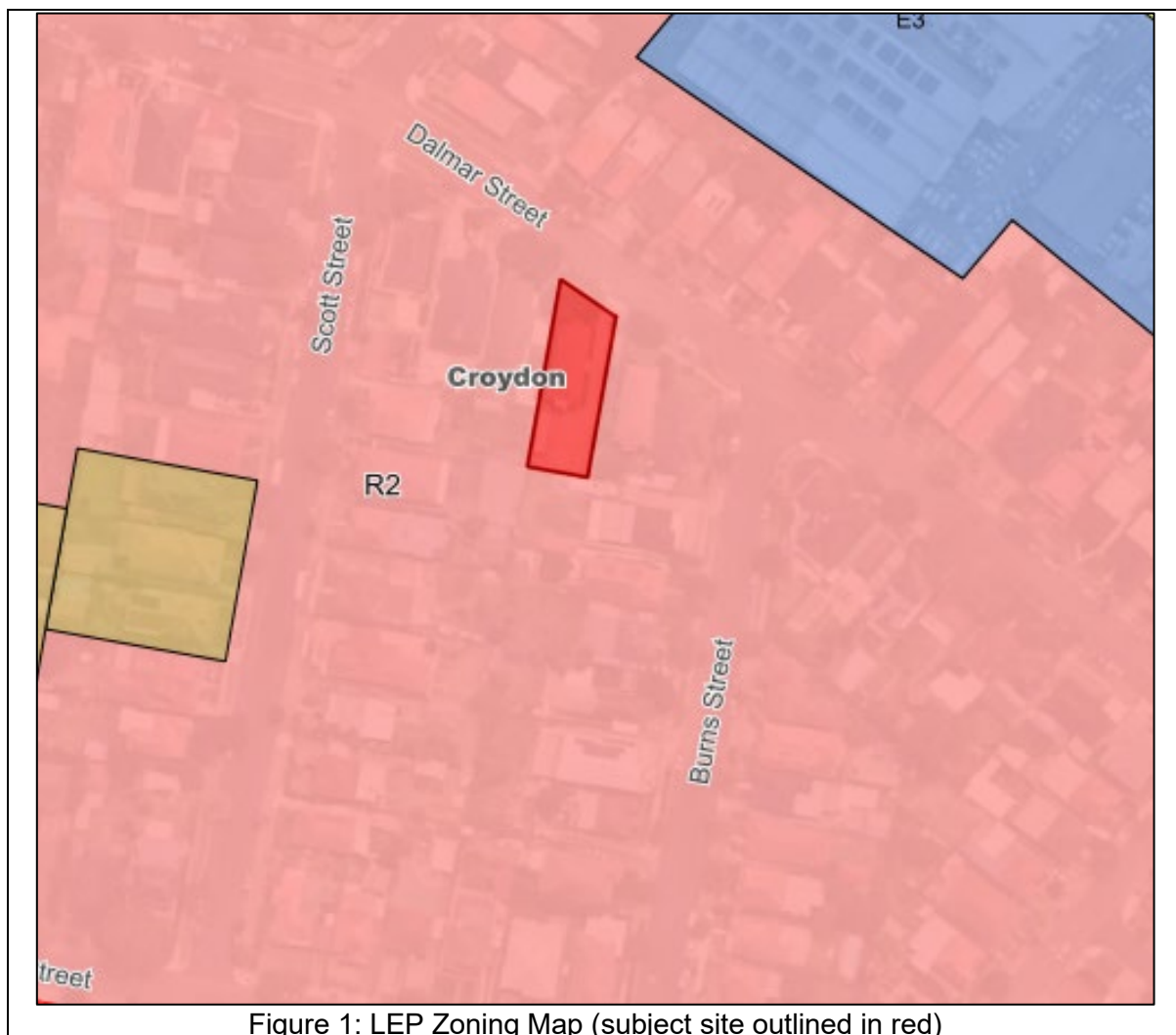


Figure 1: LEP Zoning Map (subject site outlined in red)

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
6.1937.0128.001	Construction of a block of four residential flats	17/02/1937 Approved
6.1951.718.1	Construction of a garage	08/08/1951 Approved
6.1993.128.1	New brick laundry	24/05/1993 Approved
10.2000.169.1	Enclosure of openings in front and rear of flat building.	27/09/2000 Withdrawn
10.2011.129.1	Unauthorised concrete paving of driveway and parking area at rear of site.	18/07/2011 Approved
DA/2015/138	Alterations and additions to residential flat building, including new carport, landscaping and associated works.	26/08/2015 Approved
DA/2022/0309	Part demolition of existing buildings, construction of a three storey residential flat building at the rear of existing building.	30/03/2023 Withdrawn
PDA/2023/0109	Two storey rear addition to existing residential flat building including three additional apartments and basement car park.	11/07/2023 Advice issued

4(b) Application history

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

Date	Discussion / Letter / Additional Information
11/07/2023	Pre-DA advice was issued to the applicant in relation to the proposed development. Some minor updates have been adopted in response to the advice in the subject application, namely to the parking facilities.
14/11/2023	Application was discussed at Council's Architectural Excellence Design Review Panel (AEDRP) meeting.
24/11/2023	Amended plans and supporting documentation were received in response to the AEDRP advice. The amendments were to internal unit layouts, including additional windows and amended the roof form above the stairs accessing the rear units. Renotification (between 20 December 2023 and 1 February 2024) was required in accordance with Council's Community Engagement Strategy. The amended plans and supporting documentation are the subject of this report.

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:

- *Environmental Planning and Assessment Act 1979* (EPA Act 1979)
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy No. 65—Design Quality of Residential Apartment Development*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *Inner West Local Environmental Plan (IWLEP) 2022*

The following provides further discussion of the relevant issues:

5(a)(i) *Environmental Planning and Assessment Act 1979* (EPA Act 1979)

Section 4.67 of the EP&A Act 1979 "Regulations respecting existing use" provides that the regulations may make provision for matters with respect to existing uses and those provisions (incorporated provisions) are taken to be incorporated in every environmental planning instrument. An environmental planning Instrument (EPI) can contain provisions *extending, expanding or supplementing* the incorporated provisions but to the extent that the environmental planning instrument derogates from the incorporated provisions, it has no force or effect.

The judgements of *Fodor Investments v Hornsby Shire Council* [2005] NSWLEC 71 and *Stromness Pty Limited v Woollahra Municipal Council* [2006] NSWLEC 587 found that while it is acceptable to consider the relevant EPIs as they apply to the surrounding area of the development site, failure to comply with standards in an environmental planning instrument cannot be a consideration in the assessment of the application based on existing use rights.

Notwithstanding the above, to undertake a thorough assessment of the proposal, this report provides an assessment of the proposed development against the controls which would typically apply to residential flat buildings in a general residential zone. This will further ensure that the proposed addition to the existing residential flat building is designed to relate with other residential flat buildings within the R2 – Low Density Residential zone (such as the existing building on the site and the neighbouring property No. 16 Dalmar Street).

The application has been assessed and the following provides a summary of the relevant EPIs.

5(a)(ii) *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(a)(iii) *State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development*

SEPP 65 does not apply to the subject development, given Section 4 under Part 1 states:

(b) the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and

The proposed addition is two storeys in height, therefore SEPP 65 does not apply.

5(a)(iv) *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*

Section 4.2 Saving and transitional provisions within the Sustainable Buildings SEPP states:

(1) This policy does not apply to the following—

- (a) a development application submitted on the NSW planning portal but not finally determined before 1 October 2023,*
- (c) a development application for BASIX development or BASIX optional development submitted on the NSW planning portal on or after 1 October 2023, if the BASIX certificate that accompanies the development application was issued before 1 October 2023,*
- (e) an application for modification of a development consent under the Act, section 4.55 or 4.56 submitted on the NSW planning portal but not finally determined before 1 October 2023,*
- (f) an application for modification of a development consent under the Act, section 4.55 or 4.56 submitted on the NSW planning portal on or after 1 October 2023, if the development application for the development consent was submitted on the NSW planning portal before 1 October 2023.*

In this regard, the provisions of the repealed *SEPP (Building Sustainability Index: BASIX) 2004* remain applicable to this application.

The applicant has included a BASIX Certificate as part of the lodgment of the application (lodged within 3 months of the date of the lodgment of this application) in compliance with the *EPA Regulation 2021*.

5(a)(v) State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 6 Water Catchments

The subject site is located within the Sydney Harbour Catchment. Section 6.6 under Part 6.2 of the SEPP provides matters for consideration which apply to the subject development proposal. The proposal is acceptable in relation to these matters.

5(a)(vi) 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 5.3 – Development near zone boundaries
- Section 5.21 – Flood planning
- Section 6.1 – Acid sulfate soils
- Section 6.2 – Earthworks
- Section 6.3 – Stormwater management

Section 2.3 Land Use Table and Zone Objectives

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

Residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing.

The proposal seeks approval for alterations and addition to the existing residential flat building, which is a prohibited use within the R2 zone. As established in *Fodor Investments v Hornsby Shire Council* [2005] NSWLEC 71, “zone objectives... do not apply to the assessment of applications on sites with existing use rights”. The applicant relies upon existing use rights as a lawfully commenced use which has not been abandoned. This is detailed below.

Environmental Planning and Assessment Act 1979

Division 4.11 of the Act contains provisions that provide a framework for the definition of an ‘existing use’ and provides further limitation and regulation for the continuance and development of existing uses.

Definition of 'existing use'

Section 4.65 of the Act defines an 'existing use'. An existing use is defined under the Act as:

- (a) *the use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for this Division, have the effect of prohibiting that use, and*
- (b) *the use of a building, work or land—*
 - (i) *for which development consent was granted before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use, and*
 - (ii) *that has been carried out, within one year after the date on which that provision commenced, in accordance with the terms of the consent and to such an extent as to ensure (apart from that provision) that the development consent would not lapse.*

Continuance of and limitations on existing use

If the 'existing use' is a use for a lawful planning purpose immediately before the coming into force of an Environmental Planning Instrument (EPI) which has the effect of prohibiting that use, then that existing use is permitted to continue under the provisions of Section 4.66 of the Act.

'Existing use rights' is the right to continue a use regardless of whether that use is now prohibited under Council's planning controls. However, these rights can be lost if the use is abandoned for a continuous period of 12 months after the introduction of the prohibition.

For the purposes of understanding the applicant's claim to establishing existing use rights over the site, a chronology of relevant development approvals for the site has been detailed below. This information forms the basis for the argument about whether the site benefits from existing use rights.

- Building Application No. 6.1937.8031 granted approval to the erection of a block of four residential units on the subject site.
- Building Application No. 6.1951.718.1 granted approval for construction of a garage on the site.
- Development Application No. 6.1993.128.1 granted approval for a brick laundry on the site.
- DA No. 2015/138 was granted in 2015 for alterations and additions to the existing residential flat building on the site. This consent acknowledged the existing use rights.

As has been demonstrated within the supplementary documentation submitted with the application, Council's records relating to the subject site identify the building has been historically used in statutory planning terms as a 'residential flat building' and no other uses of the site are known.

A search of Council records and inspection of the site further supports the applicants claim that the building located at Nos. 18-22 Dalmar Street was purpose built as a residential flat building. This has been confirmed through visual observation of the fabric remaining and historically through Council's records.

The site's latest approval is from 2015 for alterations and additions to a residential flat building, and a review of aerial imagery illustrates that the subject site appears unchanged from 2015 to the present day. Further review of historical imagery of the site would also corroborate this position. As the use has been carried on since the time of construction without being abandoned, Section 4.65 of the Act is satisfied.

Furthermore, given that there are no records of the building ceasing being a residential flat building for a continuous period of 12 months, the existing use is not considered abandoned. Accordingly, Section 4.66(3) of the Act is satisfied.

Having regard to all the information received from the applicant, the history of the site, aerial imagery analysis and council records, the conclusion is that the subject site has the benefit of existing use rights.

With regard to Section 4.67 of the Act, *the rebuilding and enlargement or expansion or intensification* of an existing use is permitted to an existing use as described under the Regulations detailed below.

Environmental Planning and Assessment Regulation 2021

Part 7 of the *Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)* is relevant to the development as it sets out the matters for consideration for the consent requirements for enlarging, expanding or intensifying an existing use.

Section 163 of the *EP&A Regulation 2021* reinforces the capacity to expand an existing use on a site which has existing use rights under subsections 1(a) and 1(b). The proposed development seeks consent to provide an addition (or expand) a building for use as a residential flat building and is carried out on the land on which the existing residential flat building was erected which is in accordance with these requirements.

The proposal results in an increase in floor area and therefore an expansion of the existing use. It is therefore considered that the proposal results in enlargement, expansion, or intensification of the existing use. The enlargement, expansion or intensification relates to the existing use being carried out only on the land to which the use applies and Section 164 of the *EP&A Regulation 2021* is therefore satisfied.

The proposed works are for expanding the existing use as a residential flat building. The works relate to the existing use being carried out only on the land to which the use applies and Section 166 of the *EP&A Regulation 2021* is therefore satisfied

Land and Environment Court Planning Principle – Existing use rights and merit assessment

In NSW Land and Environment Court (NSWLEC) proceedings *Fodor Investments v Hornsby Shire Council*, a planning principle for the assessment of existing use rights was established. The ‘Redevelopment – existing use rights and merit assessment’ Planning Principle developed as a result of that judgment is used hereunder to assess the merits of the development, specifically paragraph 17 which is reproduced below:

“17 Four questions usually arise in the assessment of existing use rights developments, namely:”

- **How do the bulk and scale (as expressed by height, floor space ratio and setbacks) of the proposal relate to what is permissible on surrounding sites?**

Height: The site and surrounding land subject to a building height limit of 8.5m as identified on the Height of Buildings Map under the *IWLEP*. The proposed addition will result in a maximum building height of 7m above existing ground, which complies with the height development standard. Though the surrounding area has a sloping topography, the proposed two storey height with maximum RL of 23.35 AHD will sit somewhat lower than the existing and retained maximum ridge of the subject site (RL 25.35 AHD) and No. 16 Dalmar Street (RL 24.06 AHD). Considering the surrounding context generally consists of a mix of one and two storey built

form, the proposed two storey height is an appropriate response to the height of development on surrounding sites.

Floor Space Ratio (FSR): The site is afforded an FSR of 0.7:1 in accordance with Clause 4.4 of the *IWLEP*. The proposed development results in an FSR of 0.66:1, which complies with the development standard. The expansion of the existing use will maintain a compliant overall floor space ratio.

Setbacks: The proposed addition is set behind the existing building on the site, with an acceptable front setback. There are no side and rear setback provisions specified within the Comprehensive Inner West Development Control Plan (CIWDCP) 2013, with a merit assessment applying to establish appropriate setbacks. The submitted design has set the building between 1.1m and 2m from the western side, 2m from the eastern side and 3m from the rear boundary.

As a result of the proposed building setbacks, the proposal will not have an adverse impact on adjoining properties having regard to solar access, visual privacy, bulk and scale. Further, the proposed building setbacks have been designed to accommodate private open space (courtyards), communal open space (including drying areas) and landscaped area for the enjoyment of the dwelling's occupants. In this regard, the proposed building setbacks are consistent with the objectives for building setbacks contained within the CIWDCP 2013.

- **What is the relevance of the building in which the existing use takes place?**

The subject site currently supports a double storey brick residential flat building, comprising four two-bedroom residential units. The scale and form of the existing building is considered to contribute to the desired future character of the area. The proposed infill development has been designed to relate to the scale of the two storey building on the site and on No. 16 Dalmar Street. The proposal does not involve a change of use. The site would maintain the existing non-conforming use as a 'residential flat building'.

- **What are the impacts of the development on adjoining land?**

The proposed development has no adverse impacts on adjoining land. The proposal is consistent with the relevant provisions of CIWDCP relating to visual privacy, overshadowing, visual bulk and general amenity, as discussed within this report.

- **What is the internal amenity?**

The development incorporates suitably sized internal spaces and facilities and will receive adequate solar access and natural ventilation which is considered to provide acceptable internal amenity for the use as a residential flat building.

An assessment of the proposal against the four (4) planning principles established by the NSWLEC in relation to existing use rights demonstrates the proposal is unlikely to have any unreasonable impacts upon the adjoining properties or the streetscape.

Section 4 Principal Development Standards

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

Standard	Proposal	Non compliance	Complies
Height of Buildings Maximum permissible: 8.5m	7m	N/A	Yes
Floor Space Ratio Maximum permissible: 0.7:1 or 464.73sqm	0.66:1 or 442.8sqm	N/A	Yes

5(b) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of the Comprehensive Inner West Development Control Plan (CIWDCP) 2013.

CIWDCP2016	Compliance
Section 1 – Preliminary	
B – Notification and Advertising	Yes
Section 2 – General Guidelines	
A – Miscellaneous	
2 - Good Design	Yes
5 - Landscaping	Yes
6 - Safety by Design	Yes
7 - Access and Mobility	Yes
8 - Parking	On Merit – see discussion
11 - Fencing	Yes
15 - Stormwater Management	Yes
C – Sustainability	
1 – Building Sustainability	Yes
4 – Tree Preservation and Management	Yes
F – Development Category Guidelines	
5 – Residential Flat Buildings	Yes – see discussion

The following provides discussion of the relevant issues:

Parking

Chapter F Part 5 of the CIWDCP contains parking provisions which apply to residential flat buildings within the R3 Medium Density Zone, with a parking requirement of 1 space per dwelling. As the proposed development benefits from existing use rights as a residential flat building within the R2 Low Density Residential zone, there is no rate strictly applicable to the proposed development. Notwithstanding this, the nearest most applicable rate of 1 space per dwelling is applied, with a requirement for a total of 7 spaces.

The subject site currently includes sufficient space for 4 parking spaces, at the rear paved area which is constrained by the laundry structures. The proposed development includes 5 car parking spaces, within the proposed basement. Considering the above, the proposal will result in a gross shortfall of 2 spaces.

The applicant has submitted a Traffic and Parking Assessment prepared by Terraffix Pty Ltd, which considers the shortfall acceptable due to the relatively small scale of the development, site constraints and proximity to multiple bus routes that reduce the potential for car ownership. The report has also indicated that the proposed provision of 5 spaces will satisfy the demand for residents that will potentially drive to work, estimated to be 4 residents. In relation to the

traffic implications of the proposed development, the additional traffic generated by the proposal has been forecast as relatively minor (2 additional vehicle trips per hour).

In the instance of a variation, a series of matters are considered under Chapter A Part 8 of the CIWDCP. In this regard, the proposed shortfall of 1-2 parking spaces is not considered to result in a discernible impact on traffic and parking conditions in the locality, due to the minor scale of the development. Alternative transport facilities have been provided, with motorcycle spaces and bicycle storage including in the basement, while public transport modes are available in the vicinity of the site. The proposed design is considered to have maximised the potential areas for on-site parking.

In considering the above, despite the shortfall of parking, the proposed variation to parking is acceptable in this case.

Residential Flat Buildings

Chapter F Part 5 of the CIWDCP relates to residential flat buildings and applies to the proposal. The proposed development complies with the following key building envelope design solutions within this part:

- Maximum storey height
- Sufficient lot size
- Maximum FSR, as per *IWLEP*
- Front setback

Rear and side setbacks are established on merit, with the performance criteria being to:

- Minimise adverse impacts on neighbouring properties; and
- Achieve compatibility in terms of urban character.

The proposed rear setback of 3m at the ground floor will include landscaped private courtyards for the use of Units 5 and 6, as per Design Solution 8.4. The first floor level above has been inset a further 1.5m (total setback of 4.5m), which will minimise the overall bulk and scale of the addition, particularly as perceived from the property to the rear at No. 2 Burns Street.

The ground floor has incorporated side setbacks of between 1.1m and 2m are proposed at the western side boundary and 2m at the eastern side boundary. Setbacks of 3m at each side are proposed at the first floor above.

The proposed setbacks will not cause significant adverse amenity impacts on adjoining properties, in accordance with Design Solution 8.1, as follows:

- Overshadowing impacts from the proposed addition have been minimised through limiting internal floor to ceiling heights (2.7m) providing a low pitched roof form which slopes downwards toward the rear of the site. Due to the site orientation, any addition towards the rear of the site would result in an increase in shadowing to No. 2 Burns Street and No. 16 Dalmar Street, at the winter solstice. On balance, despite increases in shadowing to the private open space and garage roof of No. 2 Burns Street between 9am and 3pm, the extent of impact is not such that the majority of solar access will be retained to the primary open space (noting solar access is largely unencumbered between 10am and 2pm at solstice to this area). Similarly, a relatively minor increase to the private open space of No. 16 Dalmar Street is not unreasonable considering the otherwise retained compliant extent of solar access.

- Visual privacy for adjoining properties (particularly No. 16 Dalmar Street, No. 2 Burns Street and No. 13 Scott Street) will be retained through a variety of design measures. This includes privacy screens to balconies and windows and utilisation of high sill windows, mitigating potential sightlines across side and rear boundaries.
- The proposal will not contribute to the obstruction of views, particularly due to existing built form on the subject site and the neighbouring property to the east.

The proposed side and rear setbacks are therefore in accordance with Performance Criteria 8.

5(c) 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(d) 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(e) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 21 days to surrounding properties between 11 October to 1 November 2023. 8 submissions were received in response to the initial notification.

The design was amended in response to the recommendations provided by Council's Architectural Excellence Panel and was subsequently renotified between 20 December 2023 to 1 February 2024. A further 4 unique submissions were received.

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

- The application of existing use rights for the proposed addition – see Section 5A
- Sufficient parking spaces – see Section 5D

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

Issue: There is inadequate information to determine what is proposed.

Comment: The applicant has lodged sufficient documentation to demonstrate the proposed development, in accordance with Council's lodgement guidelines and the requirements of the *EP and A Regulations*. A condition will be included in the recommendation, for the preparation of dilapidation reports prior to the commencement of works. In addition, the applicant has submitted a construction methodology statement addressing potential concerns regarding the basement excavation.

Issue: The proposed addition departs from existing architectural style and lacks architectural merit.

Comment: The architectural merit of the addition has been considered by Council's Urban Design advisor and Architectural Excellence Design Review Panel and the proposed addition is an acceptable addition within the context.

<u>Issue:</u>	The application is contrary to the public interest.
<u>Comment:</u>	On balance, the proposed development is not contrary to the public interest and is generally consistent with the planning controls.
<u>Issue:</u>	Privacy impacts from the proposed apartments overlooking neighbouring windows and backyard.
<u>Comment:</u>	Potential privacy impacts from the proposed addition have been mitigated through a mixture of design measures. These include privacy screens to the sides of balconies, offsetting windows from neighbouring windows, providing raised sill heights (highlight windows) and privacy screens to windows as necessary.
<u>Issue:</u>	Detail regarding retaining structure at southern extent of site.
<u>Comment:</u>	A retaining wall at the rear boundary to No. 2 Burns Street has been indicated on the proposed plans (see sheet No. DA-401).
<u>Issue:</u>	Insufficient space to access car parking spaces.
<u>Comment:</u>	The applicant has submitted swept path diagrams, demonstrating sufficient internal clearance for a B85 vehicle to access each space. Council's engineers have raised no objection to the parking layout.
<u>Issue:</u>	Insufficient open space.
<u>Comment:</u>	The submitted design includes sufficient outdoor private open space for the existing and proposed units. Units 5 and 6 have dedicated courtyards at the rear of the units, of between 32sqm and 33sqm, while a common open space has been provided towards the western extent of the site. It is noted that the proposed open spaces are an improvement on the existing spaces, considering the existing rear paved area is not suitable to be used for open space for residents as it is not separated from the parking/driveway area.
<u>Issue:</u>	Increased waste.
<u>Comment:</u>	Sufficient waste storage space has been nominated within the proposed basement. This will provide an acceptable waste management solution.

5(f) The Public Interest

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

The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

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

- Development Engineers
- Urban Design
- Urban Forest

The application was also considered by the Inner West Architectural Excellence Panel.

7. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$67,540.00 would be required for the development under the Inner West Local Infrastructure Contributions Plan 2023. A condition requiring that contribution to be paid is included in the recommendation.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill. Although the proposal is for a prohibited use in the R2 zone, the applicant has established existing use rights in relation to the residential flat building use, in accordance with Section 4.11 of the *EP and A Act 1979*.

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

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

9. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2023/0747 for alterations and additions to residential development, including two storey rear addition to existing residential flat building and basement parking at 18-22 Dalmar Street, CROYDON subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

DOCUMENTS RELATED TO THE CONSENT

1. Documents related to the consent

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
DA-100 Rev E	Site Plan	24/11/2023	Manor House Design
DA-200 Rev E	Basement Floor Plan	24/11/2023	Manor House Design
DA-201 Rev E	Ground Floor Plan	24/11/2023	Manor House Design
DA-202 Rev E	First Floor Plan	24/11/2023	Manor House Design
DA-204 Rev E	Roof Plan	24/11/2023	Manor House Design
DA-301 Rev E	Elevations 1	24/11/2023	Manor House Design
DA-302 Rev E	Elevations 2	24/11/2023	Manor House Design
DA-401 Rev E	Sections 1	24/11/2023	Manor House Design
DA-420 Rev E	Driveway Section	24/11/2023	Manor House Design
DA-701 Rev C	Materials & Finishes Schedule	28/07/2023	Manor House Design
Report GG11159.001	Geotechnical Investigation	23/08/2023	Green Geotechnics
Cert No. 1283842M_03	BASIX Certificate	30/11/2023	Energi Thermal Assessors Pty Ltd

As amended by the conditions of consent.

FEES**2. 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:	30,000
Inspection Fee:	\$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.

3. 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.

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	\$48,291.00
Community Facilities	\$8,950.00
Transport	\$6,349.00
Plan Administration	\$620.00
Drainage	\$3,329.00
TOTAL	\$67,540.00

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:

$$C_{\text{payment}} = C_{\text{consent}} \times (CPI_{\text{payment}} \div CPI_{\text{consent}})$$

Where:

C_{payment} = is the contribution at time of payment

C_{consent} = is the contribution at the time of consent, as shown above

CPI_{consent} = is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being 136.4 (CPI value) for the December 2023 quarter.

CPI_{payment} = 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.

GENERAL CONDITIONS

5. 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
-	<i>Cedrus deodara</i> (Deodar Cedar)	Front

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;

6. Residential Flat Buildings – Hot Water Systems

Where units or dwellings are provided with separate individual hot water systems, these must be located so they are not visible from the street.

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. 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.

10. Verification of Levels and Location

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

11. Works Outside the Property Boundary

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

12. Car Parking

The development must provide and maintain within the site:

- a. 5 car parking spaces must be paved and line marked;
- b. 2 off-street motorcycle parking spaces must be provided, paved, line marked and maintained at all times

PRIOR TO ANY DEMOLITION**13. 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.

14. 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 (Nos. 16 and 24 Dalmar Street, No. 2 Burns Street, No. 13 Scott 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.

15. 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.

16. Construction Fencing

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

PRIOR TO CONSTRUCTION CERTIFICATE**17. Dilapidation Report – Pre-Development – Minor**

Prior to the issue of a Construction Certificate or any demolition, the Certifying Authority must be provided with a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site.

18. Stormwater Drainage System – Minor Developments (OSD is 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:

The design must be generally in accordance with the stormwater drainage concept plan on Drawing Nos. D1 to D6 prepared by NY Civil Engineering and dated 7 August 2023, as amended to comply with the following;

- 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 pipeline from 5000 L rainwater tank, by gravity to the Council's piped drainage system;
- 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. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage other than to drain downpipes to the rainwater tank;
- d. 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;
- e. Details of the 100-year ARI overflow route in case of failure/blockage of the drainage system must be provided;
- f. Existing overland flow paths must be maintained within the setback to the side boundaries between the rear of the dwelling and the street frontage. The rear courtyard must be graded so that bypass flows from the site drainage system are directed to the overland flowpath;
- g. A minimum 150mm step up shall be provided between all external finished surfaces and adjacent internal floor areas except where a reduced step is permitted under Section 3.1.2.3 (b) of the Building Code of Australia for Class 1 buildings;

- h. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands;
- i. No nuisance or concentration of flows to other properties;
- j. 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;
- k. A silt arrestor pit must be installed inside the property, adjacent to the boundary, for the stormwater outlet; and
- l. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.

19. Public Domain Works – Prior to Construction Certificate

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a public domain works design, prepared by a qualified practising Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) and evidence that the works on the Road Reserve have been approved by Council under Section 138 of the *Roads Act 1993* incorporating the following requirement:

The existing Council drainage system must be extended by an appropriately sized pipeline (minimum 375mm diameter) to the frontage of the site, where a kerb inlet pit (minimum 2.4 litre) must be installed. The pipeline must be designed to have the capacity to convey flows that would be collected at that section of street as generated by a 20 year Average Recurrence Interval storm event. Pipes must be Class 4 Steel Reinforced Concrete Pipe and Pits must be cast in-situ. Plans, longsections and details must be provided including location of utility services. Connection of the private drainage system to Council's piped drainage system must be at a stormwater drainage pit at a level 300mm above the invert of the outgoing pipe.

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

20. Structural Certificate for retained elements of the building

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

21. Sydney Water – Tap In

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

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

22. Fibre-ready Facilities

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

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

DURING DEMOLITION AND CONSTRUCTION**23. Tree Protection Zone**

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

Tree No.	Botanical/Common Name	Radius in metres
-	<i>Cedrus deodara</i> (Deodar Cedar) / Front	Fence must be installed along the western side of the driveway from the front boundary to the front north eastern corner of the existing unit 2.

24. Construction Hours – Class 2-9

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work must only be permitted during the following hours:

- 7:00am to 6:00pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
- 8:00am to 1:00pm on Saturdays with no demolition works occurring during this time; and
- at no time on Sundays or public holidays.

Works may be undertaken outside these hours where they do not create any nuisance to neighbouring properties in terms of dust, noise, vibration etc. and do not entail the use of power tools, hammers etc. This may include but is not limited to painting.

In the case that a standing plant or special out of hours permit is obtained from Council for works in association with this development, the works which are the subject of the permit may be carried out outside these hours.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, to prevent risk to life or environmental harm.

Activities generating noise levels greater than 75dB(A) such as rock breaking, rock hammering, sheet piling and pile driving must be limited to:

- 8:00am to 12:00pm, Monday to Saturday; and
- 2:00pm to 5:00pm Monday to Friday.

The person acting on this consent must not undertake such activities for more than three continuous hours and must provide a minimum of one 2 hour respite period between any two periods of such works.

"Continuous" means any period during which there is less than an uninterrupted 60 minute respite period between temporarily halting and recommencing any of that intrusively noisy work.

25. Survey Prior to Footings

Upon excavation of the footings and before the pouring of the concrete, the Certifying Authority must be provided with a certificate of survey from a registered land surveyor to verify that the structure will not encroach over the allotment boundaries.

PRIOR TO OCCUPATION CERTIFICATE

26. 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. Construction of 375 mm, Class 4 Reinforced Concrete Pipeline along the street gutter line;
- b. If the existing driveway crossing is damaged, it must be reconstructed;
- c. If the existing foot path is damaged, it 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".

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. Works as Executed – Site Stormwater Drainage System

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a suitably qualified Civil Engineer who holds current Chartered Engineer

qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that:

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

29. Basement/Retaining Wall Signoff

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with certification from a suitably experienced structural and geotechnical engineer, who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng), that the basement and driveway has been constructed in accordance with the development consent and relevant Australian Standards and that the basement is fully tanked construction such that pump-out of subsurface flows is not required.

30. 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 Certificate of Horticulture or Arboriculture that:

A minimum of 2 x 75 litre size additional trees, which will attain a minimum mature height of eight (8) metres and a minimum canopy spread of four (4) metres must have been planted in a suitable locations within the property at a minimum of 1.5 metres from any boundary or structure and allowing for future tree growth. The trees are to conform to AS2303—*Tree stock for landscape use*. Trees listed as exempt species from Council's Tree Management Controls, palms and species recognised to have a short life span will not be accepted as suitable replacements.

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.

31. Smoke Alarms - Certification of upgrade to NCC requirements

Prior to the issue of any Occupation Certificate, the Principal Certifier is required to be satisfied the existing building has been upgraded to comply with the provisions of the National Construction Code (Building Code of Australia) in relation to smoke alarm systems.

ON-GOING**32. Bin Storage**

All bins are to be stored within the site.

ADVISORY NOTES**Permits**

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

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

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

Insurances

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

Prescribed Conditions

This consent is subject to the prescribed conditions of consent within 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.

Toilet Facilities

The following facilities must be provided on the site:

- a. Toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees; and
- b. A garbage receptacle for food scraps and papers, with a tight fitting lid.

Facilities must be located so that they will not cause a nuisance.

Infrastructure

The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be undertaken before occupation of the site.

Other Approvals may be needed

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

Failure to comply with conditions

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

Other works

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

Obtaining Relevant Certification

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

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

- g. Development Application for subdivision if consent for subdivision is not granted by this consent.

National Construction Code (Building Code of Australia)

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

Notification of commencement of works

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

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

Dividing Fences Act

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

Permits from Council under Other Acts

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

- a. Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application;
- b. A concrete pump across the roadway/footpath;
- c. Mobile crane or any standing plant;
- d. Skip bins;
- e. Scaffolding/Hoardings (fencing on public land);

- f. Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.;
- g. Awning or street verandah over footpath;
- h. Partial or full road closure; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

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

Noise

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

Amenity Impacts General

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

Dial before you dig

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

Useful Contacts

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au
Department of Fair Trading	13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 www.dialprior toyoudig.com.au

Landcom	9841 8660	To purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	131441	www.lspc.nsw.gov.au
NSW Food Authority	1300 552 406	www.foodnotify.nsw.gov.au
NSW Government		www.nsw.gov.au/fibro www.diysafe.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555	www.environment.nsw.gov.au
Sydney Water	13 20 92	www.sydneywater.com.au
Waste Service - 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.

Asbestos Removal

A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m² of bonded asbestos (or otherwise specified by WorkCover or relevant legislation).

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

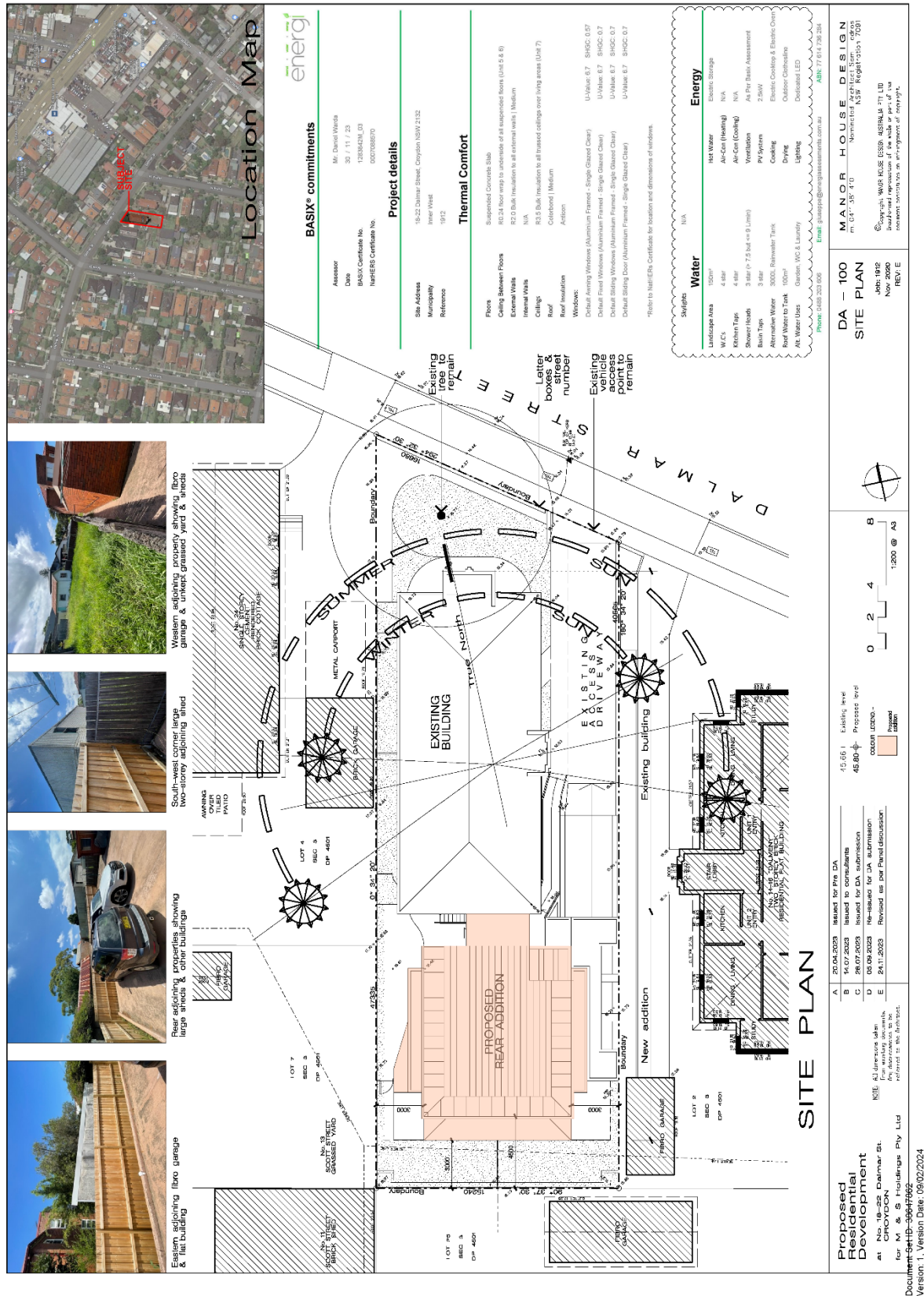
Demolition sites that involve the removal of asbestos must display a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers.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

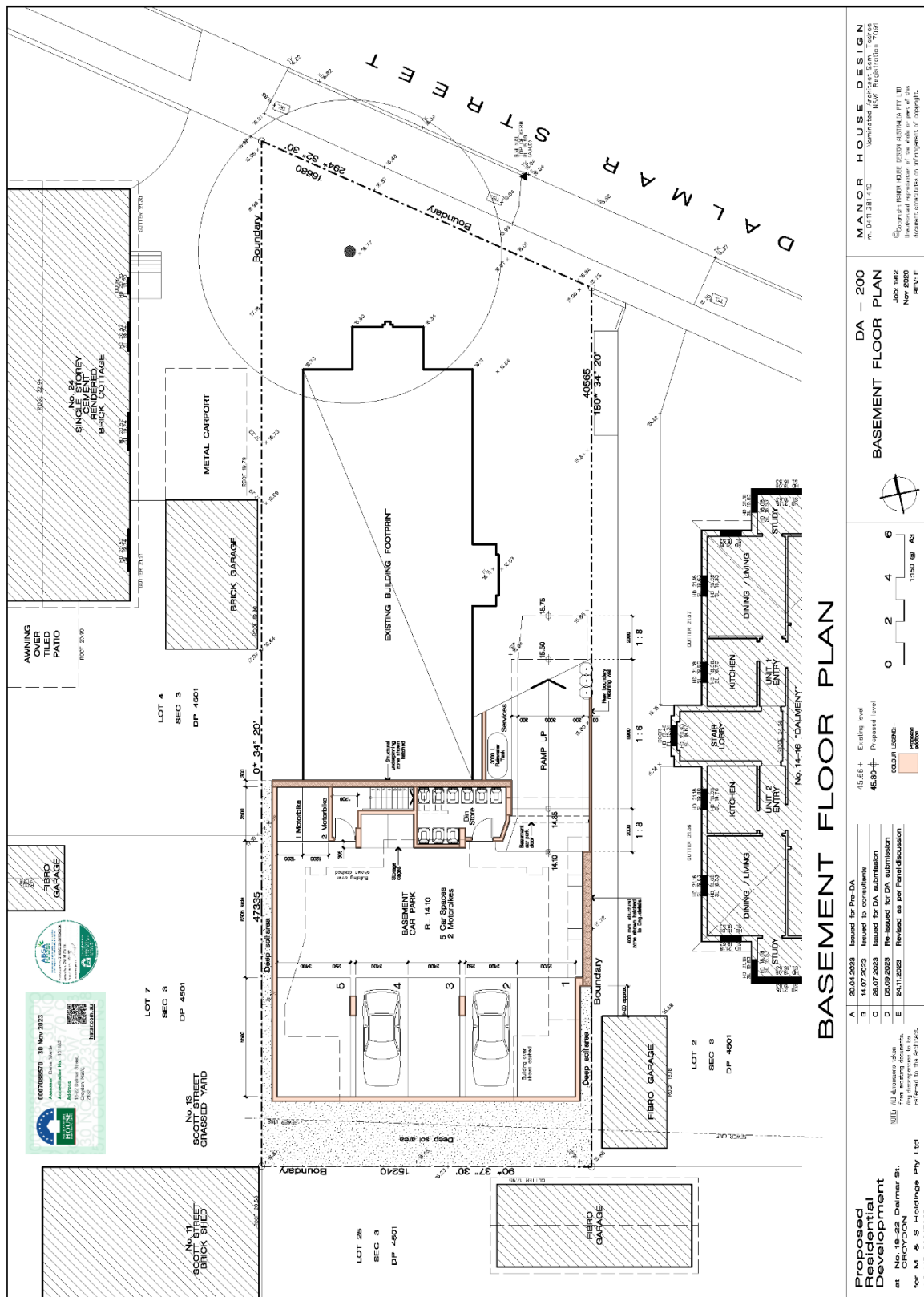
All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2014. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.

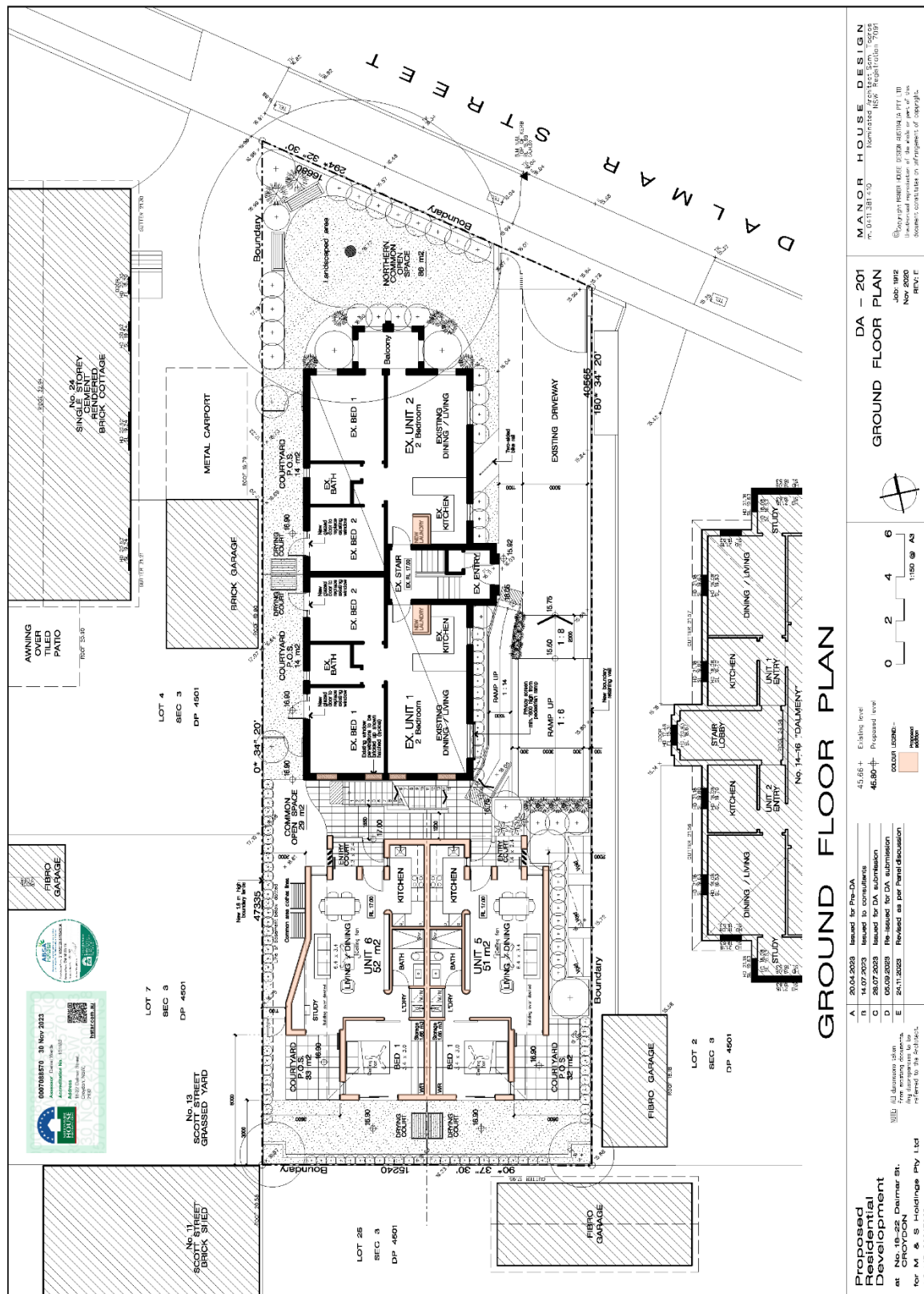
Street Numbering

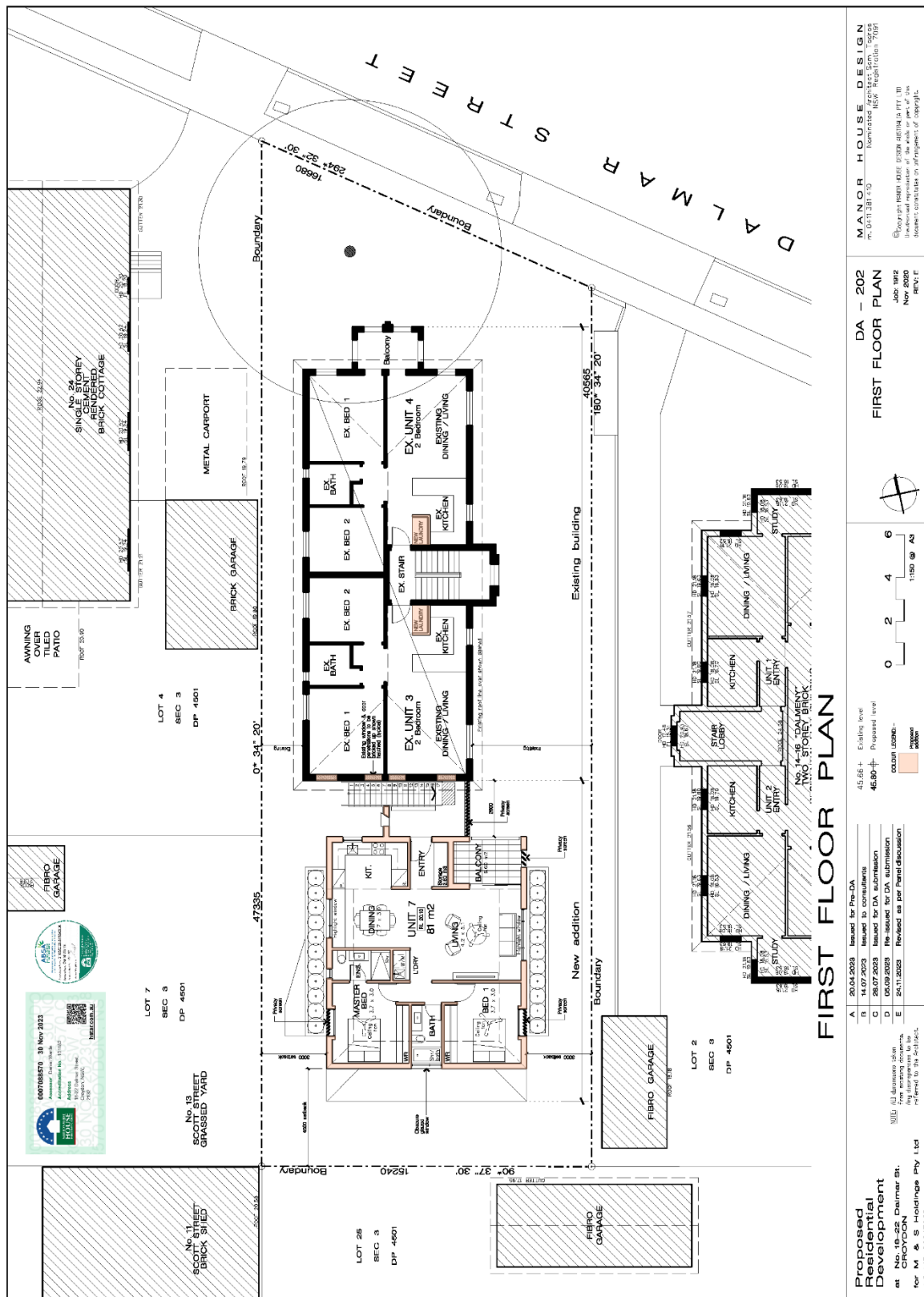
If there are any changes to the number of occupancies including any additional occupancies created, a street numbering application must be lodged and approved by Council's GIS team before any street number is displayed. Link to [Street Numbering Application](#)

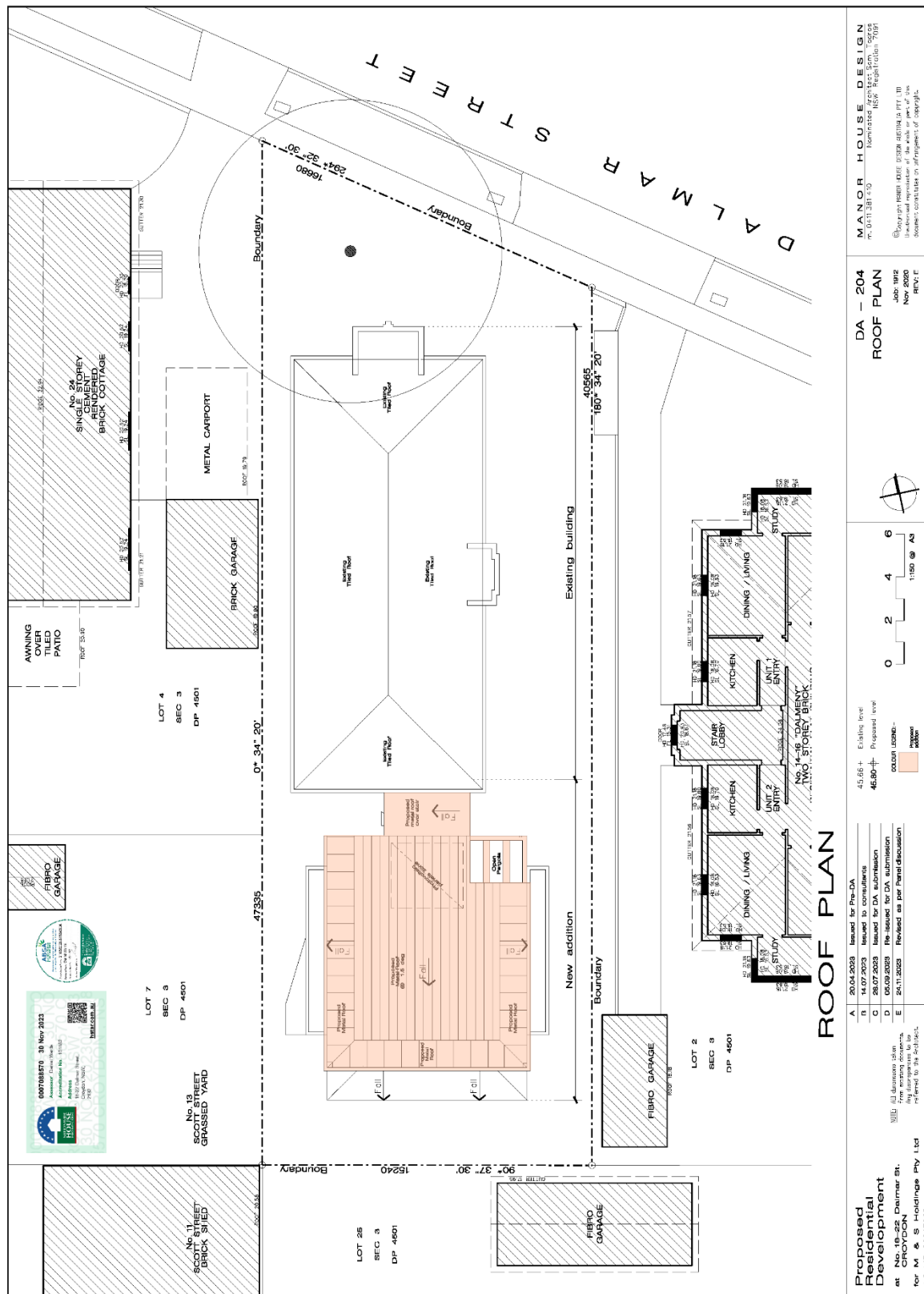
Attachment B – Plans of proposed development



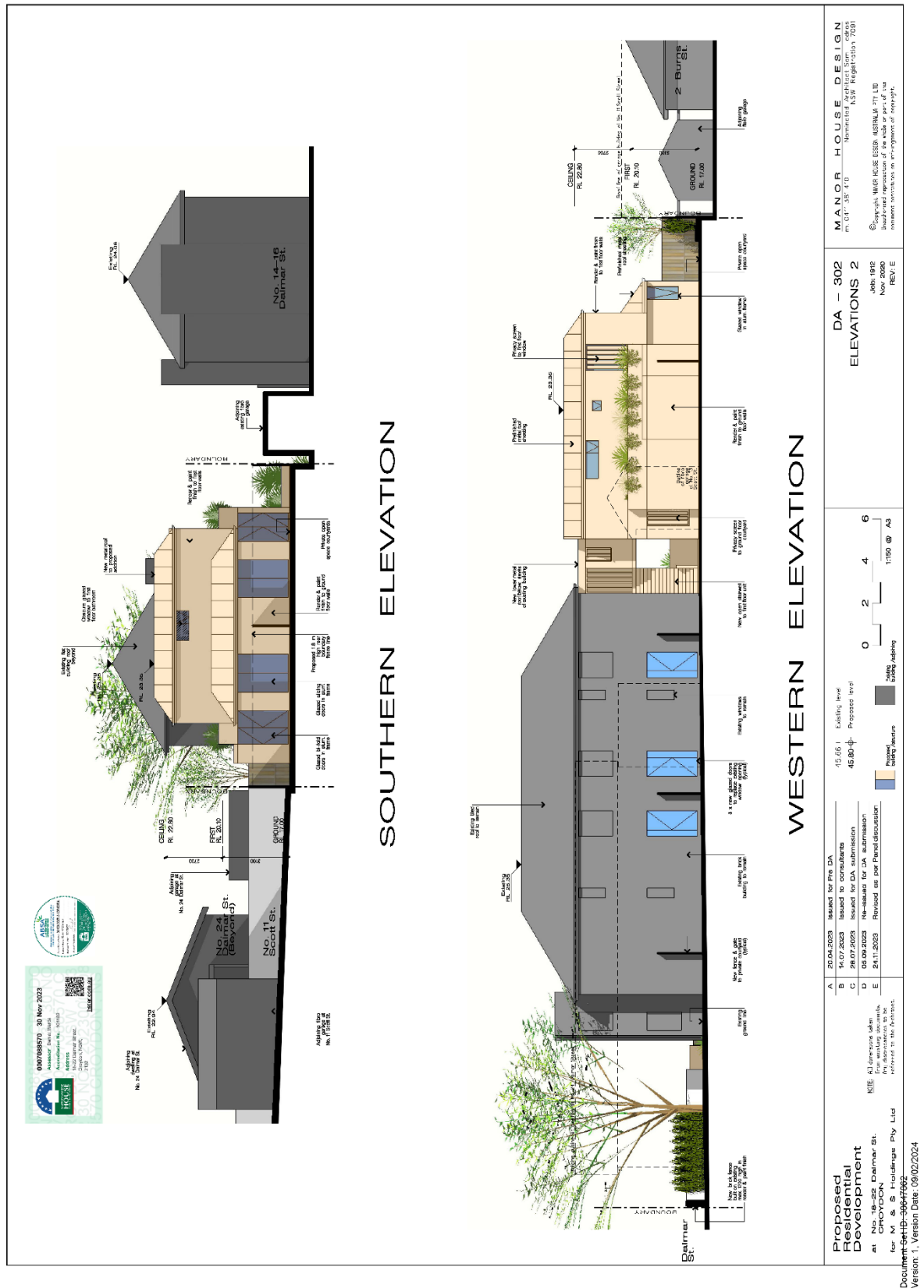


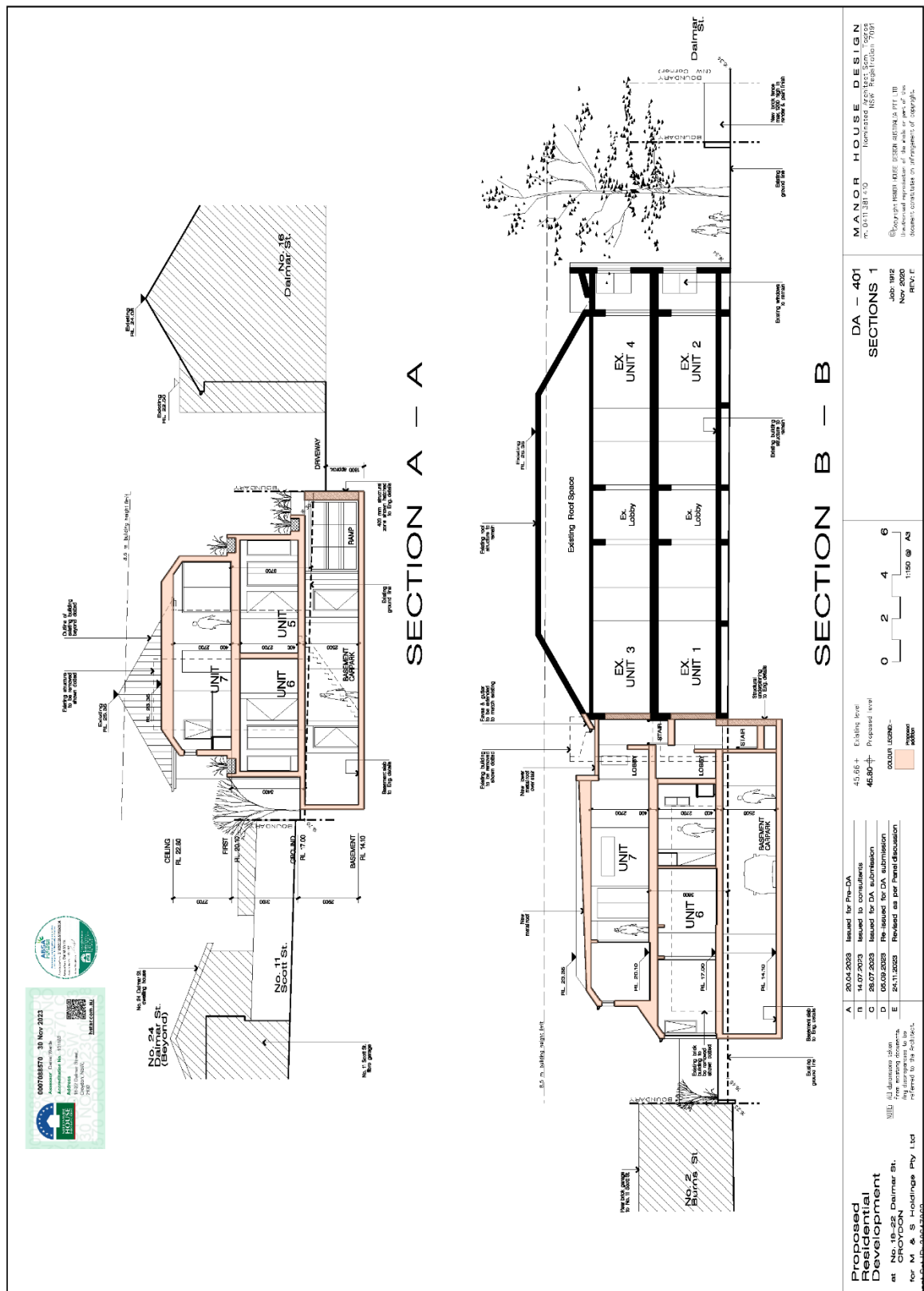


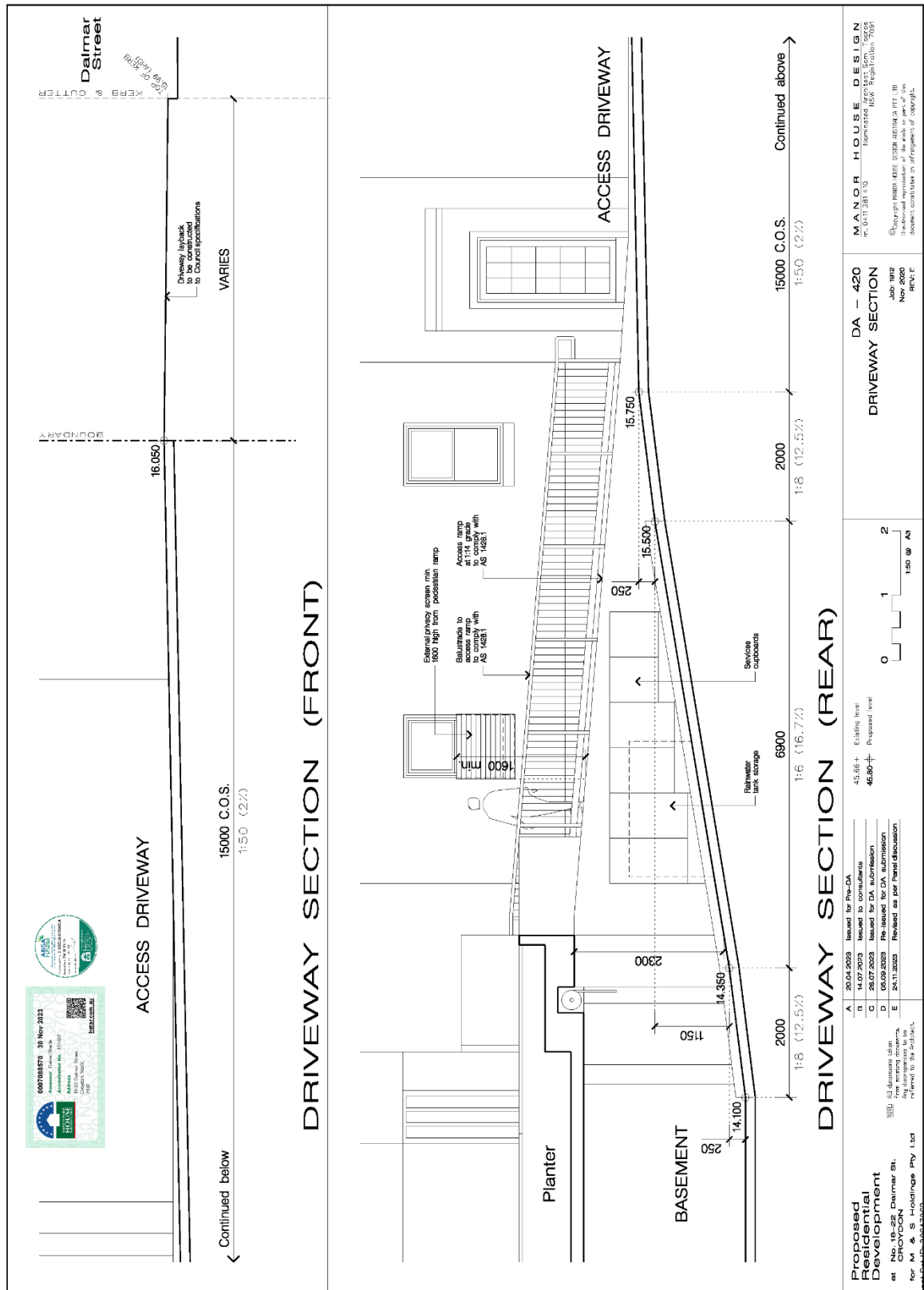


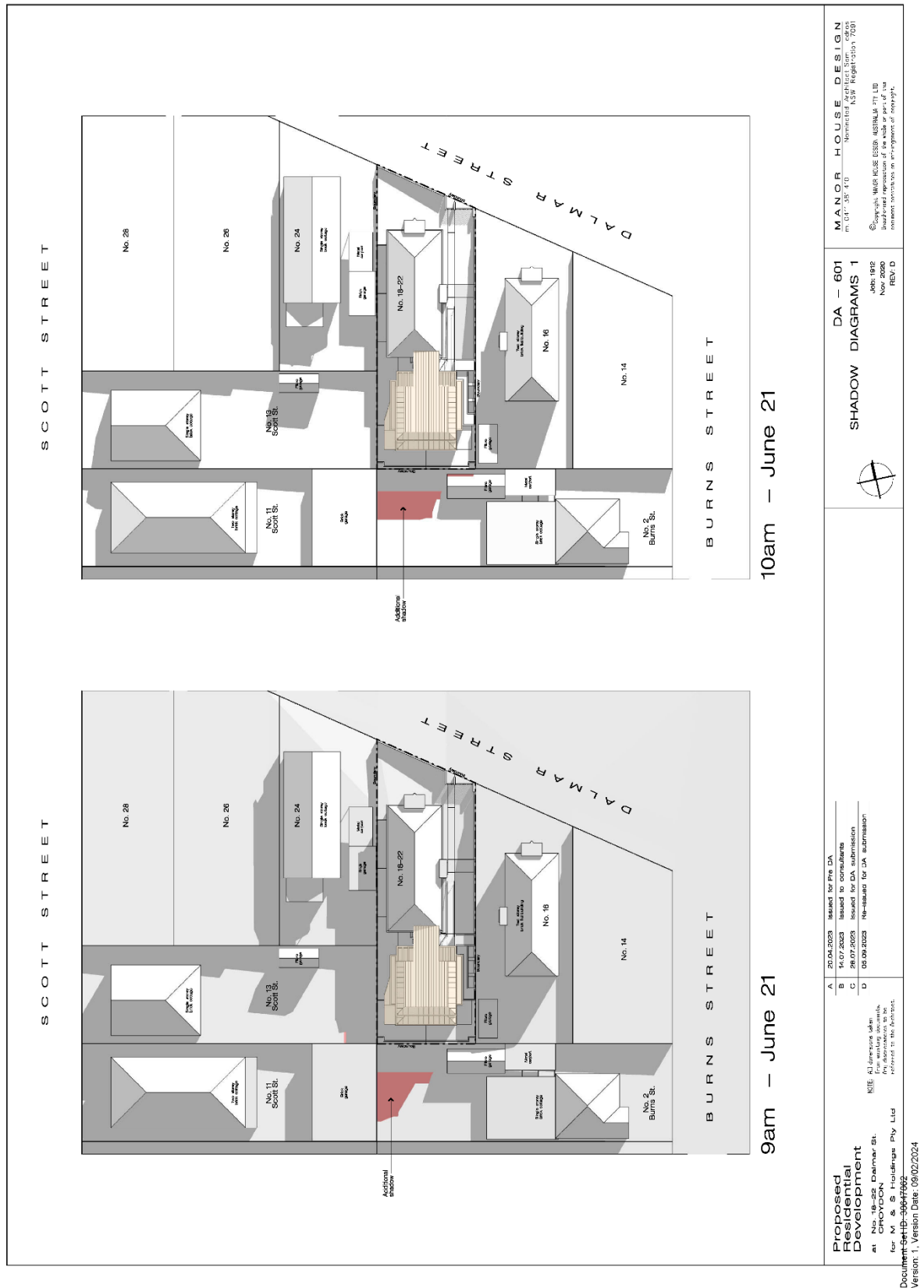


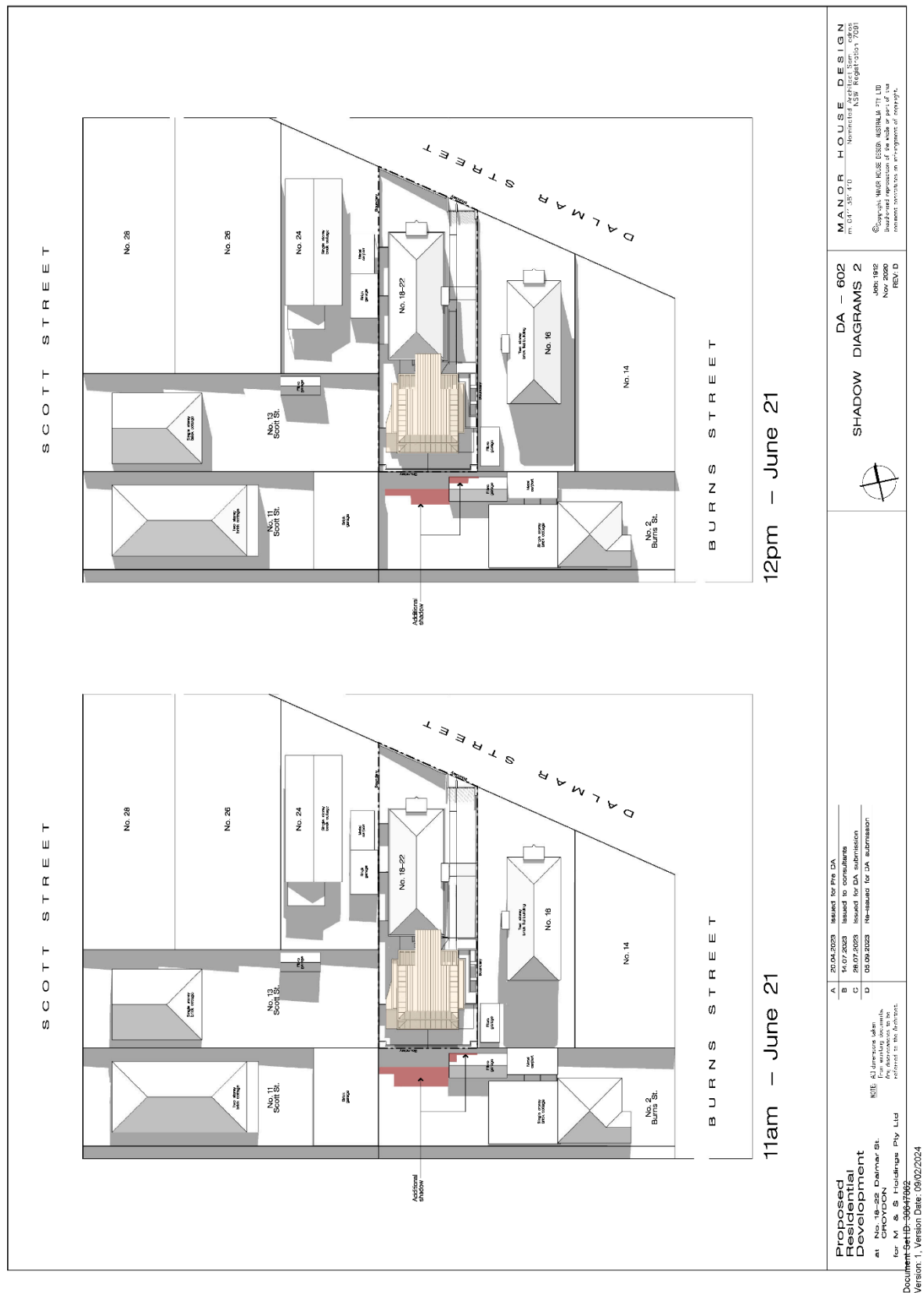




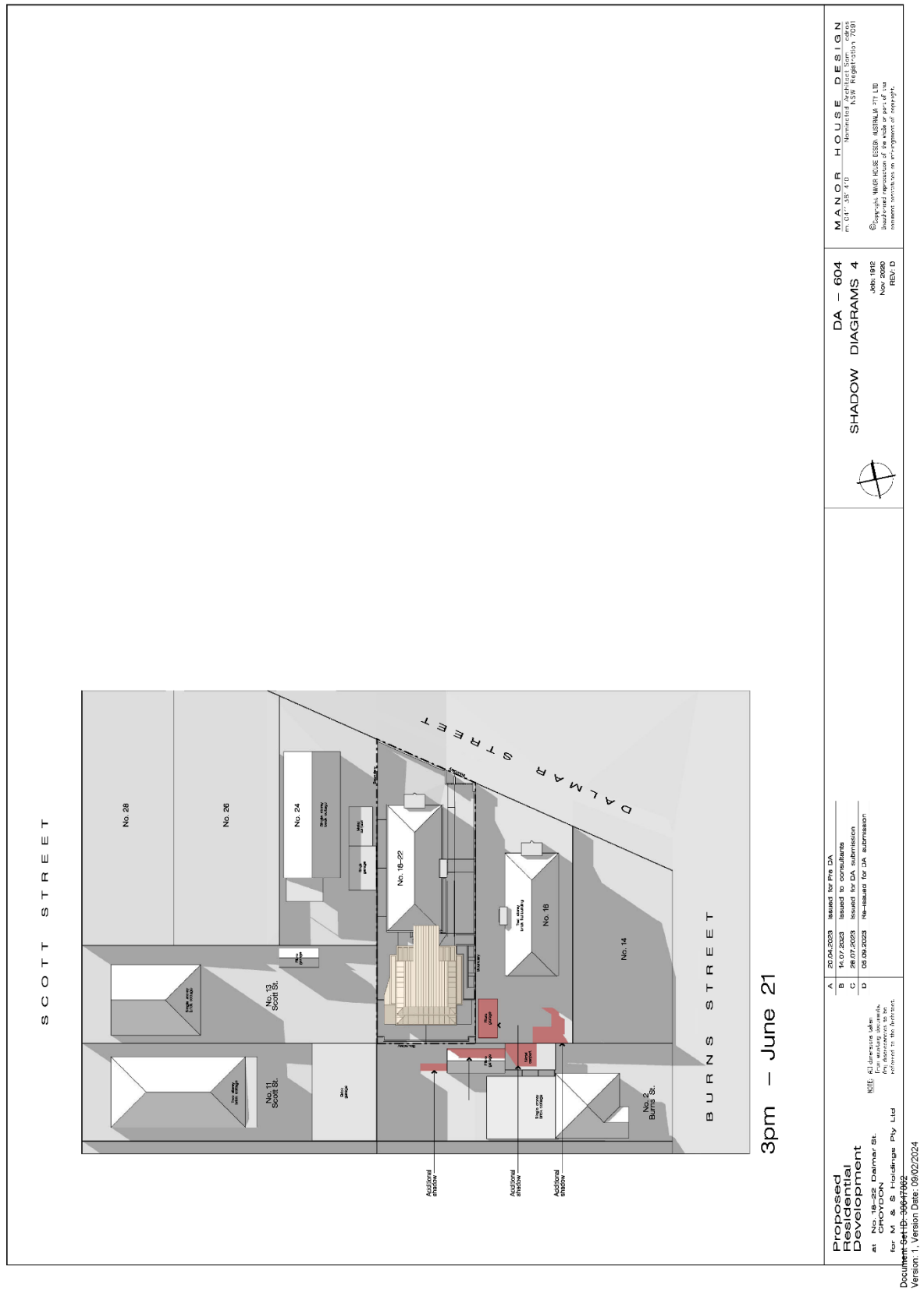


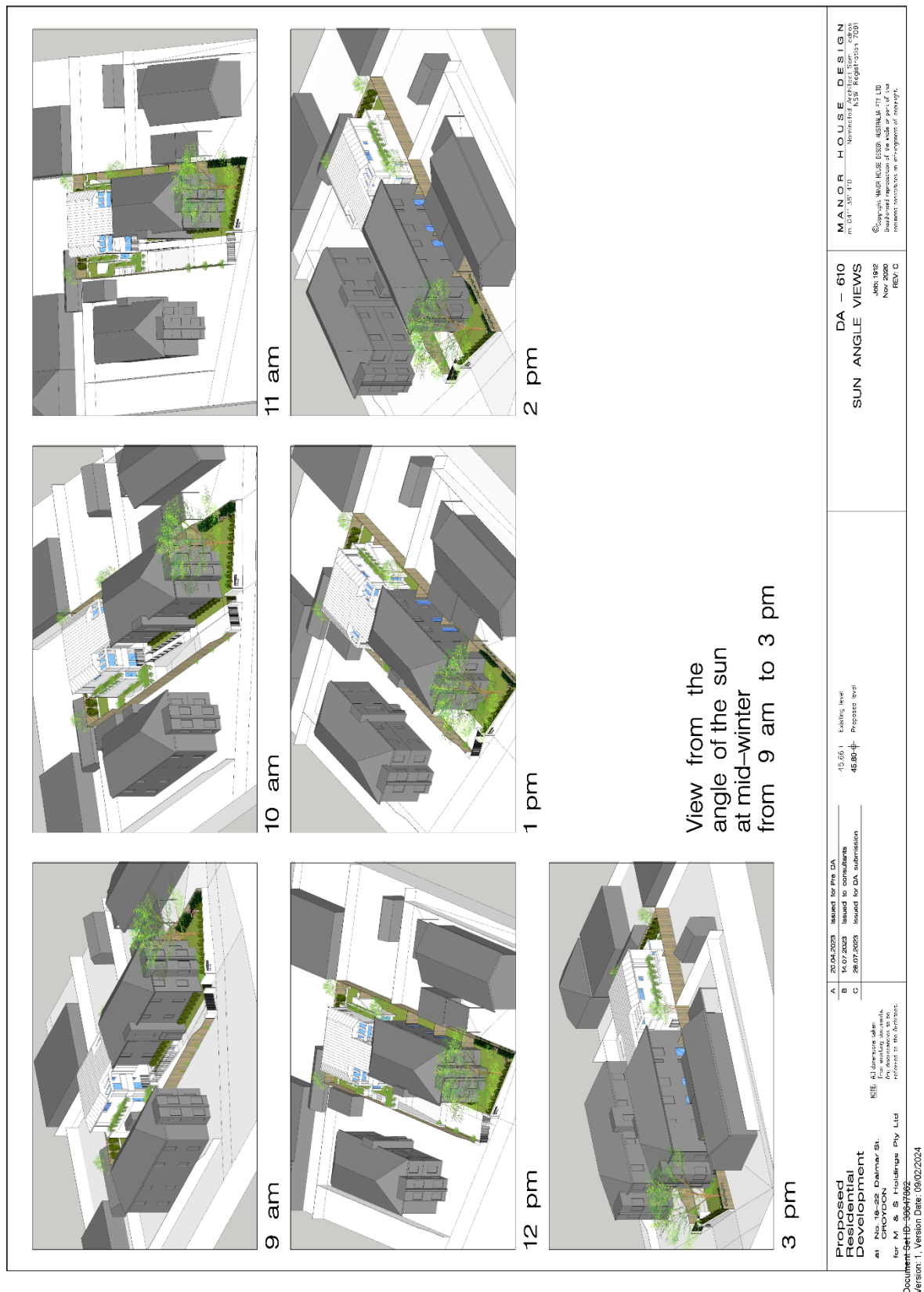






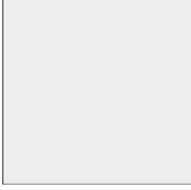
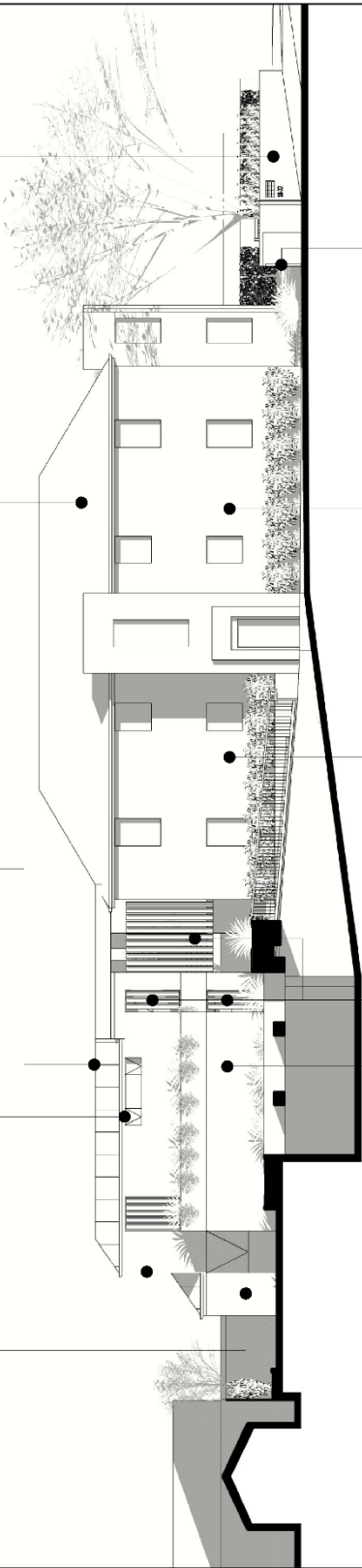














<p>PRIMARY EXTERNAL WALLS – Painted cement render Dulux 'Lexicon Half'</p> 	<p>WINDOW & DOOR FRAMES – Powdercoat aluminium Colorbond 'Monument'</p> 	<p>METAL ROOF CLADDING – Lyssaght Longline 305 Colorbond 'Monument'</p> 	<p>EXISTING ROOF TILES – Original red terracotta to remain</p> 	<p>MASONRY FRONT FENCE – Painted cement render Dulux 'Lexicon Half'</p> 		<p>SECONDARY EXTERNAL WALLS – Painted cement render Dulux 'Limed White Quater'</p> 	<p>VERTICAL SLAT SCREENS – Prefinished aluminium Colorbond 'Monument'</p> 	<p>EXISTING FACE BRICK WALLS – Original red brick to remain</p> 	<p>METAL FENCE GATES & LETTER BOX – Painted vertical metal slats 'Gun-Metal Grey'</p> 
<p>MANOR HOUSE DESIGN m.d.a. - 301 410 Mortimer Road, Sydney, NSW Postcode 2000</p> <p>© Copyright MANOR HOUSE DESIGN 2019 & 2020 Unauthorized reproduction of the whole or part of the document constitutes an infringement of copyright.</p>						<p>DA - 701 MATERIALS & FINISHES SCHEDULE Jan 1912 Nov 2020 REV. C</p>	<p>PROPOSED Residential Development at No. 18-22 Darnley St. CROYDON for M & S Holdings Pty Ltd</p> <p><small>NOTE: All drawings shall be submitted to the Council for approval in the form of a Development Application.</small></p>	<p>20/04/2023 Issued for Pre-DA 14/07/2023 Issued to consultants 28/07/2023 Issued for DA submission</p> <p>15.651 Existing level 45.80 Proposed level</p>	

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