



DEVELOPMENT ASSESSMENT PANEL REPORT

Application No.	DA/2024/0231
Address	11A Stanton Road HABERFIELD
Proposal	Alterations and additions to dwelling house including partial demolition and construction of a rear extension, deck, pool, workshop and hardstand car space, and tree removal.
Date of Lodgement	28 March 2024
Applicant	Melocco and Moore Architects Pty Ltd
Owner	Katharine A O'Dowd Michael V O'Dowd
Number of Submissions	Initial: 0
Cost of works	\$2,048,973.00
Reason for determination at Planning Panel	Section 4.6 variation exceeds 10%
Main Issues	Section 4.6 variation, tree removal
Recommendation	Approved with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Section 4.6 Exception to Development Standards
Attachment D	Heritage Impact Statement
Attachment E	Arboricultural Impact Assessment



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to a dwelling house, including partial demolition and construction of a rear extension, deck, pool, workshop and car space, and tree removal at 11A Stanton Road Haberfield.

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

The main issues that have arisen from the application include:

- Variation to Section 6.20(3)(d) landscaped area development standard in the *Inner west Local Environmental Plan 2022 (IWLEP)*;
- Miscellaneous departures from the heritage provisions in Chapter E2 of the *Inner West Comprehensive Development Control Plan 2016 (IWCDCP)* primarily associated with the proposed extent of the building footprint and resulting scale of the addition; and
- The extent of tree removal proposed.

The non-compliances are acceptable given the following:

- The proposed extent of the building footprint and associated departure from the landscaped area development standard is primarily associated with the spaces and internal circulation within the building, being designed to incorporate the access and mobility requirements of one of the property owners who uses a wheelchair. It is considered that the proposal has been thoughtfully designed to address accessibility throughout the building and in the external spaces of the site while balancing the heritage provisions pertaining to the Haberfield Heritage Conservation Area;
- A Section 4.6 variation request has been submitted to vary the landscaped area development standard which is considered worthy of support;
- The amended plans submitted during the assessment process, addressed initial concerns, regarding the scale of the rear addition and the miscellaneous departures from the heritage controls for Haberfield in Chapter E2 of the DCP; and
- The proposed tree removal is generally acceptable and is discussed in detail in this report.

Given the above, the application is recommended for approval.

2. Proposal

The proposal involves the following works:

- Demolition of the rear portion of the existing dwelling;
- Demolition of the existing carport, rear shed, front fence and miscellaneous paving;
- Tree removal of ten (10) trees;
- Façade restoration works and new front fence;
- New front path and ramp to front door;
- Replacement tiling to the existing roof and maintenance to existing roof vents;
- Minor internal reconfiguration of the retained portion of the dwelling to incorporate;
 - Two (2) bedrooms;
 - Family room;
 - Study/home office/guest bedroom; and
 - An attic room in existing roof space with pull down ladder;
- Construction of a new addition to the rear incorporating:
 - Internal access ramp to lower level;
 - Bathroom
 - Bedroom with ensuite;
 - Laundry;
 - Kitchen;
 - Dining/Living area
- Construction of an external ramp and a deck with privacy screen;
- Construction of a new workshop;
- Construction of a new pool and associated fencing; and
- Miscellaneous external works including paving, tree planting, tree transplanting and landscaping.

3. Site Description

The subject site is located on the eastern side of Stanton Road, between Haberfield Road and Sloane Street, Haberfield. The site consists of one allotment and is rectangular shaped with a total area of 695.5sqm and is legally described as Lot 34 in DP 4125.

The site has a frontage of 15.24 metres to Stanton Road and is 45.72 metres deep.

The site supports a single storey brick cottage, carport and shed. The adjoining properties generally support single storey dwelling houses. Uniting Annesley, a residential Aged Care facility, has one frontage located on the opposite side of Stanton Road and that site extends to the west with frontages to Haberfield Road and Parramatta Road. The built form of Uniting Annesley generally presents to Stanton Road as single storey, with a driveway accessing a basement carpark located diagonally opposite the subject site.

The subject property is located within the Haberfield Heritage Conservation Area.

The following trees are located within the rear yard or southern setback of the subject site:

- Tree 1 - *Howea forestiana* (Kentia Palm)
- Tree 2 - *Cyathea spp.* (Tree Fern)
- Tree 3 - *Camellia japonica* (Camellia)
- Tree 4 - *Howea forestiana* (Kentia Palm)
- Tree 5 - *Cyathea spp.* (Tree Fern)
- Tree 6 - *Ginkgo biloba* (Ginkgo)
- Tree 7 - *Ailanthus altissima* (Tree of Heaven)
- Tree 8 - *Camellia japonica* (Camellia)
- Tree 9 - *Howea forestiana* (Kentia Palm)
- Tree 10 - *Howea forestiana* (Kentia Palm)
- Tree 11 - *Nerium oleander* (Oleander)
- Tree 12 - *Callistemon viminalis* (Bottle Brush)
- Tree 13 - *Jacaranda mimosifolia* (Jacaranda)

The following trees are located within the front yard of the subject site:

- Tree 14 – *Unknown species*
- Tree 15 - *Cupressus spp.* (Cypress)
- Tree 16 - *Pittosporum undulatum* (Pittosporum)
- Tree 17 - *Banksia serrata* (Banksia)

The following trees are located adjacent to the site:

- Tree 18 – *Acer spp.* (Maple) Located in front yard of 11 Stanton Road
- Tree 19 - *Lophostemon confertus* (Brushbox) Street Tree

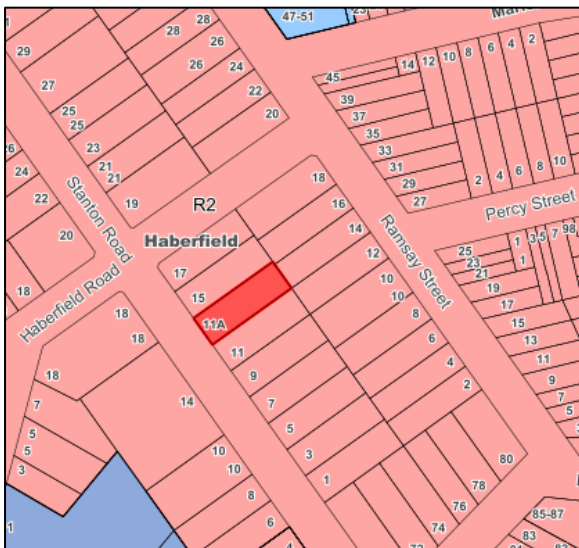


Figure 1: Zoning Map of the subject site (R2 – Low Density Residential highlighted red).

Figure 2: Aerial Image of the subject site shown shaded green



Figure 3: Photo of Subject site



Figure 4: Photo of the rear yard subject site (looking east)

4. Background

Site history

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

Subject Site

Application	Proposal	Decision & Date
PDA/2023/0197	Pre-Development Application - Alterations and additions to dwelling house including partial demolition, rear extension, carport/shed and pool.	Issued 8 November 2023

Related Applications - Surrounding properties

Application	Proposal	Decision & Date
DA/2022/0041 11 Stanton Road Haberfield	Alterations and additions to an existing dwelling including construction of a new underground storage area, new deck and new roof over the deck area.	Approved 5/4/2022
MOD/2022/0396 11 Stanton Road Haberfield	Modification of approved alterations and additions to change cellar materials and form.	Approved 5/12/2022

DA/2022/1166 14 Ramsay Street Haberfield	Alterations and additions to an existing dwelling including rear addition and external works	Approved 20/4/2023
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Application history

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

Date	Discussion / Letter / Additional Information
8/11/2023	<p>As indicated above, a Pre-Development Application meeting was held, and advice subsequently issued for the proposed development on the subject site. The advice noted that:</p> <p><i>"It is acknowledged that careful consideration had been given to the design of the proposed additions to meet the special requirements of the owner. The access requirements and associated dimensions necessary for circulation and ramping between levels add a layer of complexity when responding to the specific controls for development within the Haberfield Conservation Area. Council appreciates the opportunity to engage in the PDA process and facilitate in achieving a design response that responds to the particular brief of the owners and meets the aims and objectives of the DCP."</i></p> <p>As indicated in the meeting and letter, Council was generally supportive of the proposal and aimed to facilitate a smooth assessment process for the future application, however matters were identified in the PDA process that needed further refinement.</p>
28/03/2024	The subject application was lodged.
10/04/2024 to 24/4/2024	Application notified.
2/05/2024 and 3/05/2024	<p>In phone calls with the applicant, matters were discussed regarding amendments and clarification required to address primarily heritage concerns. The key items included the following:</p> <ul style="list-style-type: none"> Notwithstanding Council's general support of the proposed reduction of landscaped area on the site, the plans did not show a realistic extent of paving on the site to facilitate accessible access in the garden. In particular, paths were not shown to the workshop, to the pool or between the hardstand car space and the front pathway. Plans were to be updated to include the required pathways and the corresponding landscaped area; The wall height and associated bulk to the eastern end of the proposed addition had increased from the plans associated with the

	<p>Pre-Development Advice. Council advised that, given the various concessions to the IWDCP and IWLEP controls to enable a larger footprint so that the special access requirements of the owner could be met, it was important for the bulk and scale of the addition to be minimised so that any heritage or amenity impacts associated with the extended footprint were minimised. In particular, the new addition needed to be secondary in scale and appearance to the main original building as required by the controls;</p> <ul style="list-style-type: none">• In the Pre-Development Advice, Council had advised that a minimum 10.2m setback to the rear boundary would be acceptable to enable the required footprint, however the submitted plans proposed a 9.8m setback. The plans were to be amended to show a minimum 10.2m setback to the rear boundary;• Given the extent of tree removal proposed, it was recommended that Tree T3 be retained by reducing the deck size. In response, it is noted that the applicant outlined that the deck was the only private open space capable of solar access at the same level as the house and reducing the deck size would reduce amenity given the owner's access requirements. This rationale was accepted by Council, and it was agreed that the proposed tree removal of T3 could be supported;• The workshop height to be further reduced to minimise bulk and scale impacts to neighbouring properties given the proposed floor level of the workshop being raised above natural ground level;• The proposed windows to the gablet to be removed from the plans as gablet style windows are prohibited under the IWLEP and furthermore, the proposed works would occur over the maximum height limit. It was advised that maintenance works to the vents would be acceptable;• The 4.6 request to be updated to reference the correct legislation, correct minor errors and incorporate any design changes in the calculation of landscaped area;• As outlined in the Pre-Development Advice, the plans were to be updated to clarify the ground level and fence height at the rear boundary to ensure that any likely impacts on the neighbouring property at 14 Ramsay Street, Haberfield could be understood;• Minor amendments to the materials and finishes schedule to incorporate a custom orb profile for the new roof rather than standing seam; and• Clarification regarding whether an alternate driveway crossover design was proposed (as indicated in discussions prior to lodgement) to address issues with vehicle and wheelchair access. While a new crossover was not shown on plans, Council suggested that the recommended conditions could allow for scope to undertake vehicle crossover replacement if required.
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10/05/2024	<p>Preliminary Revised Drawings issued for review and the key amendments included the following.</p> <ul style="list-style-type: none"> • A more realistic amount of external paving was included in the garden, to facilitate accessible access into and around the residence. • The roof form of the proposed addition was lowered to reduce bulk and scale and the flat roof connecting link was simplified; • The majority of the highlight windows under the new hipped roof form were deleted; • The rear setback was amended to be 10.2m. <p>The following new elements were noted on the amended plans that created new heritage matters:</p> <ul style="list-style-type: none"> • Additional paving (in excess of the requested pathways to facilitate accessible access) was shown, further reducing the landscaped area. The new elements included additional wheel strips beyond the proposed hardstand car space and a large area of paving was added to the pool area, replacing previously proposed landscaped area; and • Solar Panels were shown on the northern slope of the original roof and in email discussions with applicant it was agreed they be removed in future plans.
15/05/2024	<p>Phone call with applicant and follow up email confirming items discussed, which included:</p> <ul style="list-style-type: none"> • Landscaped Area to be increased by a) providing additional landscaping to the area currently shown as paved to the west of the swimming pool and b) deleting the additional wheel strips beyond the hardstand; • Fenestration to the living room window on the eastern side to be vertically proportioned; and • Clarification of miscellaneous items on plans.
17/05/2024	<p>Draft Amended Plans emailed for review before formal submission. Generally, the amended set addressed matters raised by Council.</p> <ul style="list-style-type: none"> • It was noted that an additional amendment to the drawing set included the revised design and layout of the ensuite to suit the access needs of the owner. The internal changes resulted in an alternate design for the bathroom window as shown on the southeast elevation. Given the proposed window was in the original side wall, Council expressed initial concern that the high-level window strip window was not vertically proportioned as required by the controls. It was suggested that a vertically proportioned window could be utilised (potentially in the existing opening) without compromising the internal access requirements. The applicant provided further rationale for the high, strip window and it was agreed that it could be supported if it was divided into three equal bays, meaning each panel would be vertically proportioned.

17/05/2024 and 20/05/2024	<p>Amended plans and revised 4.6 request were formally submitted.</p> <p>The amended plans and additional information generally addressed all issues raised in discussions and emails with the applicant.</p> <p>Renotification was not required in accordance with Council's Community Engagement Strategy.</p> <p>The amended plans and supporting documentation are the subject of this assessment report.</p>
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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 (EP & A Act 1979)*.

A. Environmental Planning Instruments

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

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

The following provides further discussion of the relevant issues:

State Environmental Planning Policies (SEPPs)

SEPP (Resilience and Hazards) 2021

Chapter 4 Remediation of land

Section 4.6(1) of the *Resilience and Hazards 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.

SEPP (Sustainable Buildings) 2022

The applicant has included a BASIX Certificate as part of the lodgment of the application in compliance with the *EP and A Regulation 2021*.

SEPP (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in non-rural areas

The *Biodiversity and Conservation SEPP* requires consideration for the protection and/or removal of vegetation and gives effect to the local tree preservation provisions of Chapter C Part 4 of the CIWDPC 2016.

A review of the plans and documentation revealed nineteen (19) trees within and adjacent to the site that would be impacted by the proposal. This included ten (10) trees proposed for removal, four (4) trees proposed for transplanting and the remaining five (5) trees to be retained and protected.

The tree numbering used below is consistent with the Arboricultural Impact Assessment prepared by NSW trees dated 19 March 2024.

Tree Removal

The application seeks the removal of the following trees from within the subject site:

- Tree 2 - *Cyathea spp.* (Tree Fern)
- Tree 3 - *Camellia japonica* (Camellia)
- Tree 5 - *Cyathea spp.* (Tree Fern)
- Tree 11 - *Nerium oleander* (Oleander)
- Tree 12 - *Callistemon viminalis* (Bottle Brush)
- Tree 13 - *Jacaranda mimosifolia* (Jacaranda)
- Tree 14 – *Unknown species*
- Tree 15 - *Cupressus spp.* (Cypress)
- Tree 16 - *Pittosporum undulatum* (Pittosporum)
- Tree 17 - *Banksia serrata* (Banksia)

An assessment of the proposal against the abovementioned provisions has identified the following:

Proposed Tree Removal – Low Retention Value Trees

The plans and/ or arborist report indicate trees 1, 11, 12, 13 and 14 are proposed for removal and the following is noted:

- These trees have all been rated as having low landscape significance and low retention value for various reasons including underperforming in health, being suppressed by more dominate trees or found to be providing minimal amenity value to the immediate area;
- These trees are supported for removal subject to replacement planting being undertaken. As such tree planting conditions have been included in the recommendation; and
- It is noted that the Landscape Plan and Architectural Plans show Tree 1 to be transplanted. The Arborist report has noted this tree for removal. The recommended conditions allow for flexibility with regard to Tree 1, which may be removed or transplanted if preferred.

Proposed Tree Removal – Medium Retention Value Trees

The plans indicate trees 3, 15, 16 and 17 are proposed for removal due to impacts from the proposed development. These trees have been rated as having medium landscape significance and medium retention value.

- Tree 3 is a *Camellia japonica* (Camellia) located in the rear yard. This tree is proposed for removal due to its proximity to the proposed deck area. Initial concern was raised with the removal of this tree as it was considered that a design change, incorporating a reduction in the width of the deck, would allow for retention of this tree. Concession has been made regarding the removal of T3 given the applicant's rationale that the deck is the only private open space capable of solar access at the same level as the house and reducing the deck size would reduce amenity given the owner's access requirements;
- Tree 15 is identified as *Cupressus* spp. (Cypress) is located in the front yard and is considered to be of medium landscape significance and provides a positive contribution to the amenity of the area. The tree is proposed for removal to allow for new landscape upgrades. This is not considered to be an acceptable reason to remove an otherwise healthy tree. The applicant has indicated that the retention of this tree will not allow for transplanting of palms tree from the rear yard to the same location and that the proposed transplanting and tree planting on the site will have a positive urban forest outcome. Notwithstanding, the tree removal is not supported from an urban forest viewpoint and the following is noted:
 - The proposed removal of the Cypress will result in the loss of approximately 52m² canopy cover;

- The proposed relocation of the palms to the front yard as a replacement of tree 15 will not compensate for the loss of canopy, as palms naturally provide minimal canopy cover; and
- There are numerous locations within the site, such as along the southern boundary or the front yard for the palms to be transplanted without requiring additional tree removal or changes to the design;
- Trees 16 and 17 have been identified as a *Pittosporum undulatum* (Pittosporum) and *Banksia serrata* (Banksia) located along the front boundary line. The trees are proposed for removal to allow for construction of a new front masonry fence. Initial concern was raised with the loss of these medium valued trees, with the preference for the existing iron fence be retained. However, in consideration of the positive heritage outcome of the proposed replacement fence, a concession has been made for the removal of these trees.

Proposed Tree Retention

The plans indicate trees 6, 7, 8 will be retained and Trees 18 and 19 are located adjacent to the site. The following is noted:

- These trees will be the subject of works within the Tree Protection Zones;
- It is expected that all five (5) trees will remain viable into the future, provided the works are undertaken using suitable tree sensitive construction methods and tree protection measures; and
- As discussed above, Tree 15 (proposed to be removed) must also be retained.

As such, conditions have been included in the recommendation regarding the Tree Protection Plan (TPP) for the site so that tree protection measures, as detailed in the TPP, are implemented and monitored during construction and certified in writing by a Project Arborist.

Proposed Tree Transplanting

The proposed transplanting of trees 4, 9 and 10 is supported. These trees have been identified as species that are generally successful and able to be readily transplanted without affecting their health. The following is noted with regard to Trees 1 and 2:

- As discussed above, the Landscape Plan and Architectural Plans show Tree 1 to be transplanted. The Arborist report has noted this tree for removal. The recommended conditions allow for flexibility with regard to Tree 1 which may be removed or transplanted if preferred.
- As indicated above, the removal of Tree 2 (as shown on the architectural and landscape plans) is supported. The arborist report indicates that this tree is to be transplanted and as such, the recommended conditions allow for flexibility with regard to Tree 2 which may be removed or transplanted if preferred.

Overall, the proposal is considered acceptable with regard to the *Biodiversity and Conservation SEPP* and Chapter C Part 4 of the CIWDGP 2016 subject to the imposition of conditions, which have been included in the recommendation of this report.

Inner West Local Environmental Plan 2022

The application was assessed against the following relevant sections of the *Inner West Local Environmental Plan 2022 (IWLEP 2022)*.

Part 1 – Preliminary

Section	Proposed	Compliance
Section 1.2 Aims of Plan	<p>The proposal satisfies the section as follows:</p> <ul style="list-style-type: none"> The proposal conserves and maintains the natural, built and cultural heritage of Inner West, The proposal encourages diversity in housing to meet the needs of, and enhance amenity for, Inner West residents. 	Yes

Part 2 – Permitted or prohibited development

Section	Proposed	Compliance
Section 2.3 Zone objectives and Land Use Table	<ul style="list-style-type: none"> The application proposes alterations and additions to a dwelling house. <i>Dwelling house means a building containing only one dwelling.</i> <i>Dwelling houses</i> are permissible with consent in the R2 zone. The proposal is consistent with the relevant objectives of the zone, as it will assist to provide for the housing needs of the community within a low density residential environment. 	Yes
Section 2.7 Demolition requires development consent	<p>The proposal satisfies the section as follows:</p> <ul style="list-style-type: none"> Demolition works are proposed, which are permissible with consent; and Standard conditions are recommended to manage impacts which may arise during demolition. 	Yes, subject to conditions

Part 4 – Principal development standards

Control	Proposed		Compliance
Section 4.3 Height of building	Maximum	7m	Yes
	Proposed	<p>6m for the proposed addition.</p> <p>It is noted that no change is proposed to the overall height however maintenance works are proposed to the existing roof form which occur over the maximum building height.</p> <p>The works involve the replacement of existing roof tiles and maintenance of the</p>	

Control	Proposed		Compliance
		louvres to the side vent on the southern elevation.	
	Variation	NA	
Section 4.4 Floor space ratio	Maximum	0.5:1 or 347.75sqm	Yes
	Proposed	0.36:1 or 253.4sqm	
	Variation	NA	
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.		Yes
Section 4.6 Exceptions to development standards	The applicant has submitted a variation request in accordance with Section 4.6 to vary the Section 6.20(3)(d) landscaped area development standard in Section 6.20(3)(d) of the IWLEP 2022.		See discussion below

Section 4.6 – Exceptions to Development Standards

Section 6.20(3)(d) Landscaped Area development standard

The Development Standard requires that:

- (3) *Development consent must not be granted to development for the purposes of dwelling houses on land to which this clause applies unless the consent authority is satisfied that—*
- (a) *if the development involves an existing dwelling, or alterations or additions to an existing building—*
- (d) *at least 50% of the site will be landscaped area.*

For the subject site, a maximum development of 347.75sqm applies under the *IWLEP 2022*. The application proposes 291.5sqm and results in a landscaped area of 41.91%.

The applicant seeks a variation to the above mentioned under section 4.6 of the *IWLEP 2022* by **56.25sqm** or **16.175%**. Section 4.6 allows Council to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes.

In order to demonstrate whether strict numeric compliance is unreasonable and unnecessary in this instance, the proposed exception to the development standard has been assessed against the objectives and provisions of Section 4.6 of the *IWLEP 2022* below. A written request has been submitted to Council in accordance with Section 4.6(3) of the *IWLEP 2022* justifying the proposed contravention of the development standard which is summarised as follows:

- *Compliance with the development standard would be unreasonable and unnecessary in the circumstances of this development;*

- *There are sufficient environmental planning grounds to justify the requested contravention;*
- *The development achieves and is consistent with the objectives of the development standard and the objectives of the R2 Low Density Residential Zone;*
- *The proposed development is in the public interest and there is no public benefit in maintaining the standard; and*
- *The contravention does not raise any matter of State or Regional Significance.*

Whether compliance with the development standard is unreasonable or unnecessary

In *Wehbe* at [42] – [51], Preston CJ summarises the common ways in which compliance with the development standard may be demonstrated as unreasonable or unnecessary. This is repeated in *Initial Action* at [16]. In the Applicant's written request, the first method described in *Initial Action* at [17] is used, which is that the objectives of the 6.20(3)(d) Landscaped Area development standard are achieved notwithstanding the numeric non-compliance.

The objective of Section 6.20(3)(d) is:

- (1) The objective of this clause is to maintain the single storey appearance of dwellings in the Haberfield Heritage Conservation Area*

The written request states:

The works are considered to be consistent with the objective for this clause because:

- *The proposal will maintain the single storey appearance of the site. Moreover, the appearance of the front of the site is improved with the restorative works to the facade, the new sympathetic front fence and new and increased landscaping;*
- *Landscaping to the front setback is increased as a result of the reduction in the hardstand and the pathways;*
- *The reduction in landscaped area occurs to the rear of the site in order to provide for the owner's specific access requirements. However, these built works and landscaped areas are not visible from the public domain and have no bearing on the appearance of the site as viewed from the public domain;*
- *The building works are single level, and the single storey appearance of the site is maintained;*
- *The proposal achieves a better response to the objectives of the subject R2 Low Density Residential Zone in that it provides a higher level of amenity for occupants (especially considering the specific owner's needs) and significantly improves the appearance of the site.*

As demonstrated by the applicant's submission, it is considered that the proposal achieves the objectives of the Section 6.20(3)(d) Landscaped Area development standard, compliance is considered unreasonable and unnecessary in this instance. It is agreed that the proposal maintains the single storey appearance as per the objective.

Whether there are sufficient environmental planning grounds to justify contravening the development standard

Pursuant to Section 4.6(3)(b), the Applicant advances five environmental planning grounds to justify contravening the Section 6.20(3)(d) development standard. Each will be dealt with in turn:

Environmental Planning Ground 1 – *The proposal is consistent with the objectives of the R2 Low Density Residential Zone as well as Clause 6.20 and 4.6 of the Inner West LEP 2022, despite the numerical non-compliance.*

This environmental planning ground is accepted because it is considered that the proposal is consistent with the objectives of the development standard, the objectives of the zone and objectives of Section 4.6.

Environmental Planning Ground 2 - *The development is in the public interest because it is consistent with the objectives of the particular standard and is consistent with the objectives of the R2 Low Density Residential zone because of significant improvements to the amenity on the site.*

This environmental planning ground is accepted because it is considered that the proposal is in the public interest because it is consistent with the objectives of the development standard and is consistent with the objectives of the zone.

Environmental Planning Ground 3 – *The appearance of the site from the public domain will be enhanced.*

The written submission states:

The appearance of the site from the public domain will have enhanced landscaping with additional landscaping being provided to the front setback. The reduction in landscaping occurs to the rear, largely as a result of specific owner requirements.

This environmental planning ground is accepted because the appearance of the site from the public domain will be generally improved as a result of the proposal, including the associated landscape treatment of the front yard.

Environmental Planning Ground 4 - *The proposal does not result in any unreasonable environmental impacts.*

The written submission states:

The reduction in landscaping does not have any environmental impacts to any neighbour or any view of the site. Works are single level and therefore neighbours' outlook, privacy and overshadowing are not unreasonably or materially impacted. Contextually the resultant form is entirely reasonable and will not appear out of place.

This environmental planning ground is accepted because there are considered to be no significant adverse amenity impacts as a result of the variation to the development standard.

Environmental Planning Ground 5 - *The proposal would not compromise the character or nature of the area sought by the local environmental planning framework.*

This environmental planning ground is accepted because the proposal generally complies with the relevant controls within the IWLEP 2022 and the IWCDCP 2016 and as such, maintains the character of the Haberfield Conservation Area.

Cumulatively the grounds are considered sufficient to justify contravening the development standard.

Whether the proposed development meets the objectives of the development standard, and of the zone

The objectives of the R2 – Low Density Residential zone under the *IWLEP 2022* are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide residential development that maintains the character of built and natural features in the surrounding area.*

Council accepts the Applicant's submission in the written request that the relevant objectives of the *R2 – Low Density Residential* zone are met as the proposal is consistent with the objectives.

As indicated above, Council is also satisfied that the development meets the objectives of the Section 6.20(3)(d) development standard. As the proposal is consistent with both the objectives of the zone and the standard, it is considered in the public interest.

For the reasons outlined above, it is recommended the section 4.6 exception be granted.

Part 5 – Miscellaneous provisions

Section	Compliance	Compliance
Section 5.10 Heritage conservation	<p>The subject site is a contributory building within the Haberfield Heritage Conservation Area (HCA).</p> <p>The subject dwelling is an earlier, simply detailed, detached Late Victorian/Edwardian- period Federation-style cottage typical of Haberfield. It has sustained some changes including an attached side carport, painting of the side brickwork wall, changes</p>	Yes

Section	Compliance	Compliance
	<p>to the front verandah and fenestration, and modest rear alterations.</p> <p>The following is noted from a heritage viewpoint with regards to the proposed works:</p> <ul style="list-style-type: none"> • Extensive heritage comments were provided in the Pre-development Application advice, which were generally incorporated into the originally submitted plans of the subject application. Remaining heritage matters have been generally addressed in the amended plans submitted within the assessment process; • The overall strategy of a linked, pavilion addition is an appropriate response within the Haberfield Heritage conservation area; • The amended plans generally addressed initial heritage concern regarding the scale of the pavilion, particularly its height at the rear; • The proposal is supported as a strategic and desirable improvement of the subject cottage; and • The special access requirements of the owner-applicant, which individualise the project, are generally compatible with a responsible adaptation that will support the house into the future. <p>The development has been designed to respond to the significance of the conservation area and preserve contributory elements and fabric of the existing building</p> <p>Given the above the proposal preserves the environmental heritage of the Inner West.</p>	

Part 6 – Additional local provisions

Section	Proposed	Compliance
Section 6.1 Acid sulfate soils	<ul style="list-style-type: none"> • The site is identified as containing Class 5 acid sulfate soils. The proposal is considered to adequately satisfy this section as the application does not propose any works that would result in any significant adverse impacts to the watertable. 	Yes
Section 6.2 Earthworks	<ul style="list-style-type: none"> • The proposed earthworks are unlikely to have a detrimental impact on environmental functions and processes, existing drainage patterns, or soil stability. 	Yes
Section 6.3	<ul style="list-style-type: none"> • The development maximises the use of permeable surfaces, includes on site retention as an 	Yes, subject to conditions

Section	Proposed	Compliance
Stormwater Management	alternative supply and subject to standard conditions would not result in any significant runoff to adjoining properties or the environment.	
Section 6.20 Development on land in Haberfield Heritage Conservation Area	<p>The subject site is located within the Haberfield HCA. The proposal achieves the provisions of this section as follows:</p> <ul style="list-style-type: none"> • The proposal maintains a single storey appearance; • The proposal does not involve development above the existing ground floor that exceeds the development contained within the existing roof space. It is noted that an attic level is proposed but it is contained within the existing roof space; • The proposal does not involve development below the existing ground floor; • The proposal does not involve excavation in excess of 3m below existing ground level; • The proposal does not involve the installation of dormers or gable windows; and • Contrary to 6.20(3)(d), the proposal does not maintain at least 50% of the site as landscaped area as follows: <ul style="list-style-type: none"> ○ The application proposes 41.91% (291.5sqm) landscaped area; and ○ It is noted that special consideration has been given to the landscaped area requirement on the subject site, given the applicant has established in their Section 4.6 request that the proposed works result in no adverse impact to adjoining development and is generally consistent with the objectives of the zone and standard. 	No, refer to discussion under 4.6 for variation to the Section 6.20(3)(d) landscaped area development standard.

B. Development Control Plans

Summary

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

IWCDCP2016	Compliance
Section 2 – General Guidelines	
A – Miscellaneous	
1 - Site and Context Analysis	Yes
2 - Good Design	Yes
3 - Flood Hazard	Yes
4 - Solar Access and Overshadowing	Yes
5 - Landscaping	Yes
7 - Access and Mobility	Yes
8 - Parking	Yes
11 - Fencing	Yes
15 - Stormwater Management	Yes
C – Sustainability	
1 – Building Sustainability	Yes
3 – Waste and Recycling Design & Management Standards	Yes
4 – Tree Preservation and Management	Yes
6 – Tree Replacement and New Tree Planting	Yes
E2 – Haberfield Heritage Conservation Area	
2 – Detailed Planning measures for Residential properties	Yes
F – Development Category Guidelines	
1 – Dwelling Houses	Yes

The following provides discussion of the relevant issues:

Comprehensive Inner West Development Control Plan 2016

The application was assessed against the following relevant parts of the Comprehensive Inner West Development Control Plan 2016 (CIWDCP 2016).

Chapter A – Miscellaneous

Control	Proposed	Compliance
Part 2 – Good Design	<ul style="list-style-type: none"> The development is well designed and appropriately considers context, scale, built form, density and resource, energy and water efficiency, landscape, amenity, safety and security, social dimensions and aesthetics. 	Yes
Part 5 – Landscaping	<p>The proposal is consistent with the relevant provisions of Part 5 as follows:</p> <ul style="list-style-type: none"> The proposal maintains and enhances the landscape character of the subject site. 	Yes, subject to conditions

Control	Proposed	Compliance
	<ul style="list-style-type: none"> It is noted that detailed landscape plans were submitted with the application. The landscaping proposed will create visual interest, increase residential amenity and generally supports the intention of the DCP in retaining, protecting and integrating significant vegetation within development. Some amendments have been made to the proposal since the submission of the landscape plans, including revisions to the building footprint, landscaped area, and extent of paving. As such, a condition has been included in the recommendation that the Landscape plans be updated to reflect the revised documentation. As previously discussed, tree removal of a number of trees is supported and conditions have been included in the recommendation to ensure that replacement tree planting is undertaken. Furthermore, a condition has been included in the recommendation to ensure tree protection measures are in place to protect trees during construction on the subject site, the neighbouring property and the Council owned tree in front of the property. 	
Part 8 – Parking	<p>The proposal is consistent with the relevant provisions in Part 8 as follows:</p> <ul style="list-style-type: none"> A minimum of one car parking space is required under this part and one car space is proposed. It is noted that the applicant had expressed interest in replacing the existing vehicle crossover as it is difficult for a wheelchair to cross the lip and vehicles tend to bottom out on the transition from road to crossing. While a new driveway crossover has not been indicated on the plans, a condition has been included in the recommendation allowing for the flexibility of a driveway crossover to be incorporated in the subject development if required. 	Yes
Part 15 – Stormwater Management	<ul style="list-style-type: none"> Standard conditions are recommended to ensure the appropriate management of stormwater. 	Yes, subject to conditions

Chapter C – Sustainability

Control	Proposed	Compliance
Part 1 – Building Sustainability	<ul style="list-style-type: none"> The proposal demonstrates good environmental design and performance and will achieve efficient use of energy for internal heating and cooling. 	Yes
Part 2 – Waste and Recycling Design & Management	The proposal satisfies the relevant provisions of Part 3 as follows:	Yes, subject to conditions

Control	Proposed	Compliance
Standards	<ul style="list-style-type: none"> Adequate waste storage areas and access to these areas have been provided. Waste management has been designed to minimise impacts on residential amenity. Standard conditions are recommended to ensure the appropriate ongoing management of waste and during the construction phase. 	
Part 4 – Tree Management	<ul style="list-style-type: none"> As previously discussed, tree removal of a number of trees is supported and conditions have been included in the recommendation to ensure that replacement tree planting is undertaken in accordance with C10 of this part. There are a number of trees located within the site, or on land adjacent to the subject site, that may be impacted by the proposed works. As such, conditions are included in the recommendation to ensure tree protection measures are in place to ensure the long-term survival of the trees within the subject site and on the adjoining land. 	Yes, subject to conditions

Chapter E2 – Haberfield Heritage Conservation Area

Control	Proposed	Compliance
Part 2 - Detailed Planning Measures for Residential Properties	<u>2.2 Pattern of development</u> <ul style="list-style-type: none"> The proposal provides for a site coverage that differs in pattern and size to that established by the original development of the suburb. However, the proposed pattern and size of development is not dissimilar to existing developments in the vicinity whose original dwellings have been subject to alterations and additions. The proposed rear setback (recommended by Council as a minimum in the Pre-development advice) is considered acceptable and has been determined by the established rear setback line of properties to the south of the site at 9 and 11 Stanton Road. No new structures are proposed forward of the existing building line. 	Considered acceptable
	<u>2.6 Building form</u> <ul style="list-style-type: none"> The proposal does not include alterations to the original main portion of the building; Restoration and repair of the original front of the building is proposed; The proposed extension does not conceal, dominate or otherwise compete with the original shape, height, proportion and scale of the existing buildings; The proposed extension is confined to the rear and does not employ any major or prominent design elements that compete with the existing building; 	Considered acceptable

Control	Proposed	Compliance
	<ul style="list-style-type: none"> The proposed new roof is a traditional form, is lower than the main roof form and considerably lower than the principal ridge point; The overall length of the proposed extension is approximately 1m longer than the original house contrary to this part of the DCP. However, it is considered that the design of the rear addition with a low linking roof and pavilion form, in combination with the lowered height of the pavilion roof means that the appearance of the proposed extension does not compete with the original house; The attic level is incorporated within the existing roof space. 	
	<u>2.9 Roof forms</u> <ul style="list-style-type: none"> The roof extension relates sympathetically and subordinately to the original roof in shape, pitch, proportion and materials. It is considerably lower than the original roof and clearly differentiated between the original and the new section. 	Yes
	<u>2.12 Siting, setbacks and levels</u> <ul style="list-style-type: none"> The established pattern of front and side setbacks is maintained. Whilst site coverage is generally greater than the traditional pattern of development, it is not dissimilar to nearby existing developments. As discussed, the proposal maintains the established rear setback line of the properties to the south of the site at 9 and 11 Stanton Road. 	Considered acceptable
	<u>2.18 Chimneys</u> <ul style="list-style-type: none"> There are no existing chimneys. 	Yes
	<u>2.21 Joinery</u> <ul style="list-style-type: none"> Existing joinery is retained, and timber detailing is employed for new elements. The proposal has demonstrated authentic reconstruction. 	Yes
	<u>2.24 Windows and doors</u> <ul style="list-style-type: none"> Original doors and windows are being retained. New doors and windows reflect the proportion, location, size, sill heights, header treatment, materials, detailing and glazing pattern of the original doors and windows on the original house. It is noted that the proposed window to the bathroom on the southeast elevation is located within an existing brick wall. Whilst the shape of the opening is not vertically proportioned, the design is acceptable given it is associated with the accessible bathroom and the placement and provision of light will enhance its acceptability in regard to accessibility requirements and amenity. The window has been designed to be divided into three equal bays which helps create a more suitable pattern of fenestration. 	Considered acceptable

Control	Proposed	Compliance
	<u>2.36 Garden sheds/Store Sheds, etc</u> The proposed workshop is consistent with this part as follows: <ul style="list-style-type: none"> It is located to the rear of the allotment and is subordinate to the main house; The floor plan and roof plan are simple and a gable form is incorporated; Notwithstanding that the workshop finished floor level is located above existing ground level to enable accessibility, its height has been kept to a minimum to minimise visibility from neighbouring properties and from the street. 	Yes
	<u>2.39 Colour schemes</u> <ul style="list-style-type: none"> Appropriate traditional colours and materials are used. 	Yes
	<u>2.42 Fences and gates</u> <ul style="list-style-type: none"> The proposed new front fence is between 1m-1.4m in height, simple in design and utilises traditional colour/s and materials. 	Yes

Chapter F – Development Category Guidelines

Control	Proposed	Compliance
Part 1 Dwelling Houses	<u>PC6 Garage, carports and driveways</u> <ul style="list-style-type: none"> At least one carparking space is provided. 	Yes
	<u>PC9 Principal private open space</u> The proposal is satisfactory having regard to the relevant provisions of this part as follows: <ul style="list-style-type: none"> The proposed private open space is directly accessible from the ground floor living area, is at least 20sqm with a minimum dimension of at least 3.5m and has an appropriate level of solar access and privacy. 	Yes
	<u>PC13 Solar access</u> <ul style="list-style-type: none"> The proposal maintains sunlight to at least 50% of private open space areas of adjoining properties for at least 3 hours between 9.00am and 3.00pm on 21 June. Existing solar access is maintained to at least 40% of the glazed areas of the neighbouring north facing primary living area windows for at least 3 hours between 9.00am and 3.00pm on 21 June. 	Yes
	<u>PC14 Visual privacy</u> An adequate level of visual privacy for the proposed development and adjoining properties is maintained as follows:	Yes

Control	Proposed	Compliance
	<ul style="list-style-type: none"> • An adequate level of visual privacy for the proposed development and adjoining properties is maintained. • The replacement window to Bed 1 is larger and in a slightly altered, lowered location. The window faces a portion of the northern (side) elevation of No. 11 which contains one (1) window relating to a bathroom. The window will not unreasonably preclude future development at No. 11 in relation to maintaining adequate privacy; • The new window to Bed 2 on the southeast elevation is located in a similar position at its western end however the floor level is reduced to this room meaning that there are unlikely to be additional adverse privacy impacts created by the window. The window is also set back a sufficient distance from the common boundary and the majority of the window is opposite a blank wall of the neighbouring dwelling at 11 Stanton Road. • The new window to the ensuite to Bed 1 is located approximately 1.8m above finished floor level so there will be no resulting mutual privacy impacts; • The landing at the top of the external ramp includes a timber privacy screen to minimise the opportunity of lateral overlooking to the property at 11 Stanton Road. It is anticipated that this ramp will be a low-use area and will primarily be used by wheelchair users and as such opportunities for overlooking will be not unacceptable • The proposed deck includes a privacy screen to the northern side, to limit the potential for lateral overlooking to the property at 15 Stanton Road, which is considered acceptable to mitigate privacy impacts; • While the landing to the laundry is raised, there are no windows on the opposite wall at 15 Stanton Road, meaning there are no likely adverse overlooking impacts created by the side door and landing; and • There are no windows proposed to the southern and eastern walls of the workshop which are in proximity to the common boundaries with adjacent properties. 	
	<p><u>PC20 Swimming pools</u></p> <ul style="list-style-type: none"> • The finished ground level of the areas around the swimming pool are generally not raised aside from the ramp to the west of the pool. • Appropriate conditions of consent are recommended. 	Yes, subject to conditions

C. The Likely Impacts

These matters have been considered as part of the assessment of the development application. It is considered that the proposed development will not have significant adverse environmental, social or economic impacts upon the locality.

D. The Suitability of the Site for the Development

The proposal is of a nature in keeping with the overall function of the site. The premises are in a residential surrounding and amongst similar uses to that proposed.

E. Submissions

The application was required to be notified in accordance with Council's Community Engagement Strategy between 10 April 2024 to 24 April 2024.

No submissions were received.

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.

This has been achieved in this instance.

6. Section 7.12 Contributions

Section 7.12 levies 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 \$20,490.00 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.

7. Referrals

The following internal referrals were made, and their comments have been considered as part of the above assessment:

- Heritage Specialist;
- Development Engineer; and
- Urban Forest.

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.

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. The applicant has made a written request pursuant to Section 4.6 of the *Inner West Local Environmental Plan 2022*. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the Section 6.20(3)(d) landscaped area development standard in the *Inner west Local Environmental Plan 2022* is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variation. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.
- B. 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/2024/0231 for alterations and additions to dwelling house including partial demolition and construction of a rear extension, deck, pool, workshop and hardstand car space, and tree removal. at 11A Stanton Road, Haberfield subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

GENERAL CONDITIONS

	Condition
1.	<p>Tree Pruning or Removal (including root pruning/mapping)</p> <p>Removal or pruning of any other tree (that would require consent of Council) on the site is not approved and must be retained and protected in accordance with the approved Tree Protection Plan.</p> <p>Reason: To protect and retain trees.</p>
2.	<p>Notification of commencement of works</p> <p>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:</p> <ol style="list-style-type: none"> In the case of work for which a principal contractor is required to be appointed: <ol style="list-style-type: none"> The name and licence number of the principal contractor; and The name of the insurer by which the work is insured under Part 6 of that Act. In the case of work to be done by an owner-builder: <ol style="list-style-type: none"> The name of the owner-builder; and If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit. <p>Reason: To ensure compliance with legislative requirements.</p>
3.	<p>National Construction Code (Building Code of Australia)</p> <p>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.</p> <p>Reason: To ensure compliance with legislative requirements.</p>
4.	<p>Other works</p> <p>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 <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>Reason: To ensure compliance with legislative requirements.</p>
5.	<p>Storage of Materials on public property</p> <p>The placing of any materials on Council's footpath or roadway is prohibited, without the prior consent of Council.</p> <p>Reason: To protect pedestrian safety.</p>

6.	<p style="text-align: center;">Works Outside the Property Boundary</p> <p>This development consent does not authorise works outside the property boundaries on adjoining lands.</p> <p>Reason: To ensure works are in accordance with the consent.</p>																																												
7.	<p style="text-align: center;">Noise Levels and Enclosure of Pool/spa Pumping Units</p> <p>Noise levels associated with the operation of the pool/spa pumping units must not exceed the background noise level (L90) by more than 5dBA above the ambient background within habitable rooms of adjoining properties. Pool plant and equipment must be enclosed in a sound absorbing enclosure or installed within a building so as not to create an offensive noise as defined under the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Noise Control) Regulation 2008.</p> <p>Domestic pool pumps and filters must not be audible in nearby dwellings between 8:00pm to 7:00am Monday to Saturday and 8:00pm to 8:00am Sundays and Public Holidays.</p> <p>Reason: To ensure that acoustic privacy treatment protects the amenity of the neighbourhood.</p>																																												
8.	<p style="text-align: center;">Documents related to the consent</p> <p>The development must be carried out in accordance with plans and documents listed below:</p> <table><tr><th>Plan, Revision and Issue No.</th><th>Plan Name</th><th>Date Issued/Received</th><th>Prepared by</th></tr><tr><td>010 Revision J</td><td>Existing Site / Demolition Plan 1:200</td><td>17 May 2024</td><td>Melocco & Moore</td></tr><tr><td>020 Revision J</td><td>Existing / Demolition Ground Floor Plan 1:100</td><td>17 May 2024</td><td>Melocco & Moore</td></tr><tr><td>100 Revision K</td><td>Proposed Site Plan 1:200</td><td>17 July 2024</td><td>Melocco & Moore</td></tr><tr><td>101 Revision K</td><td>Ground Floor Plan 1:100</td><td>17 July 2024</td><td>Melocco & Moore</td></tr><tr><td>110 Revision J</td><td>Proposed Roof Plan 1:100</td><td>17 May 2024</td><td>Melocco & Moore</td></tr><tr><td>150 Revision J</td><td>Proposed Elevations</td><td>17 May 2024</td><td>Melocco & Moore</td></tr><tr><td>151 Revision J</td><td>Proposed Elevations</td><td>17 May 2024</td><td>Melocco & Moore</td></tr><tr><td>160 Revision J</td><td>Proposed Sections</td><td>17 May 2024</td><td>Melocco & Moore</td></tr><tr><td>161 Revision J</td><td>Proposed Sections</td><td>17 May 2024</td><td>Melocco & Moore</td></tr><tr><td>905 Revision E</td><td>Materials and Finishes</td><td>17 May 2024</td><td>Melocco & Moore</td></tr></table>	Plan, Revision and Issue No.	Plan Name	Date Issued/Received	Prepared by	010 Revision J	Existing Site / Demolition Plan 1:200	17 May 2024	Melocco & Moore	020 Revision J	Existing / Demolition Ground Floor Plan 1:100	17 May 2024	Melocco & Moore	100 Revision K	Proposed Site Plan 1:200	17 July 2024	Melocco & Moore	101 Revision K	Ground Floor Plan 1:100	17 July 2024	Melocco & Moore	110 Revision J	Proposed Roof Plan 1:100	17 May 2024	Melocco & Moore	150 Revision J	Proposed Elevations	17 May 2024	Melocco & Moore	151 Revision J	Proposed Elevations	17 May 2024	Melocco & Moore	160 Revision J	Proposed Sections	17 May 2024	Melocco & Moore	161 Revision J	Proposed Sections	17 May 2024	Melocco & Moore	905 Revision E	Materials and Finishes	17 May 2024	Melocco & Moore
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	LA LP 100/02 Revision 02	Cover Sheet	25 March 2024	Black Beetle
	LA LP 101/03 Revision 03	Landscape Plan - Ground Floor	25 March 2024	Black Beetle
	LA LP 103/02 Revision 02	Tree Analysis Plans	25 March 2024	Black beetle
	HDA01 Revision A	Site Plan & Legend	23 March 2024	Inline Hydraulic Services
	HDA02 Revision A	Ground Floor Plan	23 March 2024	Inline Hydraulic Services
	HDA03 Revision A	Roof Plan	23 March 2024	Inline Hydraulic Services
	HDA04 Revision A	Sediment & Erosion Control Plan	23 March 2024	Inline Hydraulic Services
	HDA05 Revision A	Detail Sheet	23 March 2024	Inline Hydraulic Services
	AIA-MMAH 03/24 Rev.A	Arboricultural Impact Assessment (AIA)	19 March 2024	NSW Trees Arboricultural Consultants
	A1741344	Basix Certificate	26 March 2024	Melocco and Moore Architects Pty Ltd
As amended by the conditions of consent.				
Reason: To ensure development is carried out in accordance with the approved documents.				
9.	Consent of Adjoining Property and 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.			
	Reason: To meet the requirements of the Access to Neighbouring Lands Act 2000.			
10.	Asbestos Removal			
	Hazardous and industrial waste arising from the use must be removed and / or transported in accordance with the requirements of the NSW Environment Protection Authority (EPA) and the New South Wales WorkCover Authority.			
	Reason: To ensure compliance with the relevant environmental legislation.			
11.	Bin Storage - Residential			
	All bins are to be stored within the property. Bins are to be returned to the property within 12 hours of having been emptied.			
	Reason: To ensure resource recovery is promoted and residential amenity is protected.			

12.	<p style="text-align: center;">Dial before you dig</p> <p>Contact "Dial Prior to You Dig" prior to commencing any building activity on the site. Reason: To protect assets and infrastructure.</p>
13.	<p style="text-align: center;">Lead-based Paint</p> <p>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. Reason: To protect human health.</p>
14.	<p style="text-align: center;">Swimming Pools</p> <p>Applicants are advised of the following requirements under the <i>Swimming Pools Act 1992</i>:</p> <ol style="list-style-type: none"> The owner of the premises is required to register the swimming pool on the NSW State Government's Swimming Pool Register. Evidence of registration should be provided to the Certifying Authority. Access to the pool/spa is restricted by a child resistant barrier in accordance with the regulations prescribed in the. The pool must not be filled with water or be allowed to collect stormwater until the child resistant barrier is installed. The barrier is to conform to the requirements of Australian Standard AS 1926:2012. A high level overflow pipe has been provided from the back of the skimmer box to the filter backwash line discharging to the sewer. This line must not directly vent the receiving Sydney Water sewer. Evidence from the installer, indicating compliance with this condition must be submitted to the Principal Certifier prior to the issue of an Occupation Certificate. Permanently fixed water depth markers are to be clearly and prominently displayed on the internal surface above the water line at the deep and shallow ends on in-ground pools / spas and on the outside of aboveground pools / spas. A durable cardiopulmonary resuscitation information poster sign authorised by the Life Saving Association is to be displayed in the pool / spa area in accordance with Clause 10 of the <i>Swimming Pool Regulation 2008</i>. Access to the swimming pool/spa must be restricted by fencing or other measures as required by the <i>Swimming Pools Act 1992</i> at all times. <p>All drainage, including any overland waters associated with the pool/spa, must be pipe-drained via the filter to the nearest sewer system in accordance with the requirements of Council & Sydney Water. No drainage, including overflow from the pool or spa must enter Council's stormwater system.</p> <p>Reason: To ensure the pool does not result in any ongoing safety or amenity issues.</p>

15.	<p style="text-align: center;">Dividing Fences Act</p> <p>The person acting on this consent must comply with the requirements of the <i>Dividing Fences Act 1991</i> in respect to the alterations and additions to the boundary fences.</p> <p>Reason: To ensure compliance with legislative requirements.</p>
16.	<p style="text-align: center;">Boundary Alignment Levels</p> <p>Alignment levels for the site at all pedestrian and vehicular access locations must match the existing back of footpath levels at the boundary unless levels are otherwise approved by Council via a S138 approval.</p> <p>Reason: To allow for pedestrian and vehicular access.</p>
17.	<p style="text-align: center;">Insurances</p> <p>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.</p> <p>Reason: To ensure Council assets are protected.</p>
18.	<p style="text-align: center;">Permits</p> <p>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:</p> <ul style="list-style-type: none"> • 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; • A concrete pump across the roadway/footpath; • Mobile crane or any standing plant; • Skip Bins; • Scaffolding/Hoardings (fencing on public land); • Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.; • Awning or street veranda over the footpath; • Partial or full road closure; and • Installation or replacement of private stormwater drain, utility service or water supply. <p>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.</p> <p>Reason: To ensure works are carried out in accordance with the relevant legislation.</p>

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition												
19.	<p>Tree Protection Plan</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a detailed site-specific Tree Protection Plan (TPP) prepared by a AQF5 Consultant Arborist. The TPP is to be prepared in accordance with Australian Standard 4970—Protection of trees on development sites and Council's Development Fact Sheet—Trees on Development Sites.</p> <p>The tree protection measures contained in the TPP must be shown clearly on the Construction Certificate drawings, including the Construction Management Plan.</p> <p>The Certifying Authority must ensure the construction plans and specifications submitted fully satisfy the tree protection requirements identified in the TPP.</p> <p>A Project Arborist is to be appointed prior to any works commencing to monitor tree protection for the duration of works in accordance with the requirements identified in the TPP.</p> <p>All tree protection measures as detailed in the approved Tree Protection Plan must be installed and certified in writing as 'fit for purpose' by the Project Arborist.</p> <p>Reason: To protect trees during construction.</p>												
20.	<p>Tree Transplanting</p> <p>1. The following trees shall be transplanted into suitable locations within the property by an Arborist (minimum AQF3) prior to the issuing of the Occupation Certificate;</p> <table><tr><th>Tree No</th><th>Species</th><th>Location</th></tr><tr><td>4</td><td>Howea forestiana</td><td>Rear Yard</td></tr><tr><td>9</td><td>Howea forestiana</td><td>Rear Yard</td></tr><tr><td>10</td><td>Howea forestiana</td><td>Rear Yard</td></tr></table> <p>2. The transplanted tree must be maintained by a qualified Horticulturalist or Arborist (minimum AQF Level 3) for a minimum period of twelve (12) months commencing from the date of planting. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning, fertilising, pest and disease control and any other operations to maintain a healthy robust tree.</p> <p>3. If the transplanted palm tree or the replacement palm tree fails to establish within 12 months of the initial planting date, it must be replaced with a tree of comparable qualities.</p> <p>Reason: To ensure transplanted trees survive.</p>	Tree No	Species	Location	4	Howea forestiana	Rear Yard	9	Howea forestiana	Rear Yard	10	Howea forestiana	Rear Yard
Tree No	Species	Location											
4	Howea forestiana	Rear Yard											
9	Howea forestiana	Rear Yard											
10	Howea forestiana	Rear Yard											

21.	<p>Landscape Plan to be Updated</p> <p>Prior to the issue of a Construction Certificate, the Principal Certifier is to be provided with updated Landscape Plans to reflect the revised documentation. The updated landscape plans must include the following:</p> <ul style="list-style-type: none"> • The revised building footprint; • The revised landscaped area; • The revised paved areas; and • The retention of Tree 15 in the front yard. <p>Reason: To clarify inconsistencies in the documentation</p>
22.	<p>Sydney Water – Tap In</p> <p>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.</p> <p>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.</p> <p>Reason: To ensure relevant utility and service provides requirements are provided to the certifier.</p>
23.	<p>Structural Certificate for retained elements of the building</p> <p>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.</p> <p>Reason: To ensure the structural adequacy of the works.</p>
24.	<p>Long Service Levy</p> <p>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.</p> <p>Reason: To ensure the long service levy is paid.</p>

25.	<p>Section 7.12 Development Contribution Payments</p> <p>In accordance with section 7.12 of the <i>Environmental Planning and Assessment Act 1979</i> and the Inner West Local Infrastructure Contribution Plan 2023 (the Plan), a monetary contribution of \$20,490.00 shall be paid to Council for the purposes of the provision, extension or augmentation of local infrastructure identified in the Plan.</p> <p>At the time of payment, the monetary contribution payable will be adjusted for inflation in accordance with indexation provisions in the Plan in the following manner:</p> <p>$C_{\text{payment}} = C_{\text{consent}} \times (CPI_{\text{payment}} \div CPI_{\text{consent}})$</p> <p>Where:</p> <ul style="list-style-type: none"> • 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 137.7 for the March 2024 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 <p>Note: The contribution payable will not be less than the contribution specified in this condition.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Please contact any of Council's customer service centres on 9392 5000 or council@innerwest.nsw.gov.au to request an invoice confirming the indexed contribution amount payable. Please allow a minimum of 2 business days for the invoice to be issued.</p> <p>Once the invoice is obtained, payment can be made via (i) BPAY (preferred), (ii) credit card / debit card (AMEX, Mastercard and Visa only; log on to www.innerwest.nsw.gov.au/invoice; please note that a fee of 0.75 per cent applies to credit cards), (iii) in person (at any of Council's customer service centres), or (iv) by mail (make cheque payable to 'Inner West Council' with a copy of your remittance to PO Box 14 Petersham NSW 2049).</p>
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	<p>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.</p> <p>Reason: To ensure payment of the required development contribution.</p>
26.	<p>Public Domain Works if required – Prior to Construction Certificate</p> <p>If a new driveway crossover is desired, for any new/upgraded driveway crossing, 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 and evidence that the works on the Road Reserve have been approved by Council under Section 138 of the <i>Roads Act 1993</i> incorporating the following requirements:</p> <ol style="list-style-type: none"> The construction of light duty vehicular crossing; New concrete footpath and kerb and gutter at damaged locations. The kerb type (concrete or stone) must be consistent with the majority of kerb type at this location as determined by the Council Engineer; Cross sections are to be provided at the boundary at a minimum distance of every 5m and at all pedestrian and vehicular access locations. Note, the cross fall of the footpath must be set at 2.5%. These sections will set the alignment levels at the boundary. Installation of a stormwater outlet to the kerb and gutter. <p>Reason: To ensure works are carried out in accordance with the relevant legislation.</p>
27.	<p>Stormwater Drainage System – Minor Developments (OSD is required)</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans incorporating on site stormwater detention and/or on site retention/ re-use facilities (OSR/OSD), certified by a suitably qualified Civil Engineer that the design of the site drainage system complies with the following specific requirements:</p> <p>The design must be generally in accordance with the stormwater drainage concept plan on Drawing Nos. HDA01 to HDA05 prepared by Inline Hydraulic Services and dated 23 March 2024.</p> <ol style="list-style-type: none"> Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together overflow pipelines from 6376 L rainwater tank by gravity to the kerb and gutter of a public road. Minor roof and paved areas at the rear of the property that cannot reasonably be drained by gravity to the street shall be drained to an on-site dispersal system such as an absorption system subject to, no nuisance or concentration of flows to other properties and the feasibility and design of the on-site dispersal system being certified by a suitably qualified and experienced practising Civil and/or Geotechnical Engineer. The proposed absorption system shall be increased to at least 3 m x 1 m (length x wide) subject to Geotechnical report findings. 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 Drainage Plan must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes.
f)	The on-site detention system must be designed for all storm events from the 1 in 5 years to the 1 in 100 year storm event, with discharge to a Council controlled storm water system limited to pre-development conditions with the maximum allowable discharge to Council's street gutter limited to 25 litres/second (100years ARI).
e)	OSD may be reduced or replaced by on site retention (OSR) for rainwater reuse in accordance with the relevant DCP that applies to the land. Where this is pursued, the proposed on-site retention (OSR) tank must be connected to a pump system for internal reuse for flushing of all new toilets and for outdoor usage such as irrigation.
f)	Pipe and channel drainage systems including gutters must be designed to convey the one hundred (100) year Average Recurrence Interval (ARI) flows from the contributing catchment to the OSD/OSR tanks.
g)	Details of the 1 in 100-year ARI overflow route in case of failure\blockage of the drainage system must be provided.
h)	Existing overland flow paths must be provided within the setback to the side boundaries between the rear of the dwelling and the street frontage.
i)	No nuisance or concentration of flows to other properties.
j)	The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system.
k)	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.
l)	An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for the stormwater outlet.
m)	Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site.
n)	New pipeline within the footpath area that is to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a maximum section height and width of 100mm or sewer grade uPVC pipe with a maximum diameter of 100mm.
o)	New stormwater outlet through sandstone kerb must be carefully core drilled in accordance with Council standard drawings.
p)	All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.

	<p>q) Stormwater drainage must be located such that any waters leaving the pool must drain to pervious areas prior to potentially draining to the site stormwater drainage system.</p> <p>r) No impact to street tree(s).</p> <p>Reason: To ensure that the adequate provision of stormwater drainage is provided.</p>				
28.	<p>Dilapidation Report – Pre-Development – Minor</p> <p>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.</p> <p>Reason: To ensure Council assets are protected.</p>				
29.	<p>Security Deposit - Custom</p> <p>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.</p> <p>Security Deposit:</p> <table border="1"> <tr> <td>Security Deposit:</td><td>\$20,400.00</td></tr> <tr> <td>Inspection Fee:</td><td>\$374.50</td></tr> </table> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Reason: To ensure required security deposits are paid.</p>	Security Deposit:	\$20,400.00	Inspection Fee:	\$374.50
Security Deposit:	\$20,400.00				
Inspection Fee:	\$374.50				

BEFORE BUILDING WORK COMMENCES

	Condition																					
30.	<p>Tree Protection</p> <p>No trees on public property (footpaths, roads, reserves etc.) are to be removed or damaged during works unless specifically approved in this consent. Prescribed trees protected by Council's Tree 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 AS4970—Protection of trees on development sites and 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.</p> <p>The existing trees detailed in the table below must be retained and protected throughout construction and development in accordance with all relevant conditions of consent.</p> <table><tr><th>Tree Number</th><th>Species</th><th>Location</th></tr><tr><td>6</td><td>Ginkgo biloba</td><td>Rear Yard</td></tr><tr><td>7</td><td>Ailanthus altissima</td><td>Rear Yard</td></tr><tr><td>8</td><td>Camellia japonica</td><td>Rear Yard</td></tr><tr><td>15</td><td>Cupressus spp</td><td>Front Yard</td></tr><tr><td>18</td><td>Acer spp.</td><td>Adj southern boundary - within front yard of 11 Stanton Rd</td></tr><tr><td>19</td><td>Lophostemon confertus</td><td>Street tree - inroad planting</td></tr></table> <p>NOTE:Reference should be made to the Arboricultural Impact Assessment Report prepared by NSW trees dated 19 March 2024 for tree numbering and locations. Reason: To ensure that trees to be retained are protected.</p>	Tree Number	Species	Location	6	Ginkgo biloba	Rear Yard	7	Ailanthus altissima	Rear Yard	8	Camellia japonica	Rear Yard	15	Cupressus spp	Front Yard	18	Acer spp.	Adj southern boundary - within front yard of 11 Stanton Rd	19	Lophostemon confertus	Street tree - inroad planting
Tree Number	Species	Location																				
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19	Lophostemon confertus	Street tree - inroad planting																				
31.	<p>Project Arborist</p> <p>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.</p> <p>Reason: To protect and retain trees.</p>																					
32.	<p>Construction Fencing</p> <p>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.</p> <p>Reason: To protect the built environment from construction works.</p>																					

33.	<p>Dilapidation Report</p> <p>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 identified properties at 11 Stanton Road, 15 Stanton Road and 14 Ramsay Street, Haberfield 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.</p> <p>Reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.</p>
34.	<p>Erosion and Sediment Control</p> <p>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.</p> <p>Reason: To ensure resource recovery is promoted and local amenity is maintained.</p>
35.	<p>Waste Management Plan</p> <p>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.</p> <p>Reason: To ensure resource recovery is promoted and local amenity is maintained.</p>

DURING BUILDING WORK

	Condition
36.	<p>Tree Protection</p> <p>No trees on public property (footpaths, roads, reserves etc.) are to be removed or damaged during works unless specifically approved in this consent. Prescribed trees protected by Council's Tree 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 AS4970—Protection of trees on development sites and 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.</p> <p>The existing trees detailed in the table below must be retained and protected throughout construction and development in accordance with all relevant conditions of consent.</p>

Tree Number	Species	Location
6	Ginkgo biloba	Rear Yard
7	Ailanthus altissima	Rear Yard
8	Camellia japonica	Rear Yard
15	Cupressus spp	Front Yard
18	Acer spp.	Adj southern boundary - within front yard of 11 Stanton Rd
19	Lophostemon confertus	Street tree - inroad planting

NOTE: Reference should be made to the Arboricultural Impact Assessment Report prepared by NSW trees dated 19 March 2024 for tree numbering and locations.

Reason: To ensure that trees to be retained are protected.

37. Inspections by Project Arborist

An Arborist with minimum qualifications in Arboriculture of Level 5 (under the Australian Qualification Framework) must oversee various stages of work within the Tree Protection Zone of any tree listed for retention including street trees. The Arborist must certify compliance with each key milestone detailed below:

- The installation of tree protection measures prior to the commencement of any construction works;
 - During demolition of any ground surface materials (pavers, concrete, grass etc.) within the Tree Protection Zone (TPZ) of any tree to be retained;
 - During any excavation and trenching within the TPZ of any tree to be retained;
 - During any hold-points specified in the approved Tree Protection Plan;
 - During any Landscape works within the TPZ which has been approved by Council.
- An Arboricultural Compliance Report which includes photographic evidence and provides details on the health and structure of tree/s must be submitted to and acknowledged by PCA at each hold-point listed below:
 - Certification that tree protection measures have been installed in accordance with these consent conditions.
 - Certification of compliance with each key milestone listed above within 48 hours of completion;
 - Details of any other works undertaken on any tree to be retained or any works within the TPZ which has been approved by Council.
 - A final compliance report must be submitted to and approved by PCA prior to the issue of any Occupation Certificate.

Reason: To protect and retain trees.

38.

Limited Root Pruning

No tree roots of 40mm or greater in diameter located within the specified radius of the trunk/s of the following tree/s may be severed or injured in the process of any works during the construction period:

Tree No.	Botanical/Common Name	Radius in metres
6	Gingko biloba	6m
7	Ailanthus altissima	3.7m
8	Camellia japonica	2m
15	Cupressus spp	6m
18	Acer spp.	2.4m
19	Lophostemon confertus	7m

All excavation within the specified radius of the trunks of the above trees must be hand dug to a depth of 1m under direct supervision of the Project Arborist and then by mechanical means as agreed by the Project Arborist. If tree roots less than 40mm diameter are required to be severed for the purposes of constructing the approved works, they must be cut cleanly using a sharp and fit for purpose tool. The pruning must be undertaken by a practicing Arborist.

Note – The installation of services must be undertaken accordingly.

Reason: To protect and retain trees.

39.

Works to Trees

During building work, the trees detailed below can be removed.

Tree No.	Species	Location
1	Howea forsteriana	Rear Yard (Transplanting optional for this tree)
2	Cyathea spp.	Rear Yard (Transplanting optional for this tree)
3	Camellia japonica	Rear Yard
5	Cyathea spp.	Rear Yard
11	Nerium oleander	Rear Yard
12	Callistemon viminalis	Rear Yard
13	Jacaranda mimosifolia	Rear Yard
14	Unknown Species	Front Yard
16	Pittosporum undulatum	Front Yard
17	Banksia serrata	Front Yard

All tree works shall be undertaken by an arborist with a minimum Level 3 in Arboriculture, as defined by the Australian Qualification Framework and in compliance

	<p>with Australian Standard AS 4373—Pruning of amenity trees and Safe Work Australia's Guide to Managing Risks of Tree Trimming and Removal Work.</p> <p>Any works in the vicinity of the Low Voltage Overhead Network (including service lines—pole to house connections) shall be undertaken by an approved Ausgrid vegetation contractor for the management of vegetation conflicting with such services.</p> <p>The trees to be removed must be included on all Construction Certificate plans shown in red.</p> <p>NOTE: Reference should be made to the Arboricultural Impact Assessment Report prepared by NSW trees dated 19 March 2024 for tree numbering and locations.</p> <p>Reason: To identify trees permitted to be pruned or removed.</p>
40.	<p>Arborists standards</p> <p>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.</p> <p>Reason: To ensure compliance with legislative requirements.</p>
41.	<p>Tree Protection Works</p> <p>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.</p> <p>Reason: To protect and retain trees.</p>
42.	<p>Advising Neighbours Prior to Excavation</p> <p>At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, reasonable notice must be provided to the owner of the adjoining allotment of land including particulars of the excavation.</p> <p>Reason: To ensure surrounding properties are adequately notified of the proposed works.</p>
43.	<p>Survey Prior to Footings</p> <p>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.</p> <p>Reason: To ensure works are in accordance with the consent.</p>

44.	<p>Construction Hours – Class 1 and 10</p> <p>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.</p> <p>Reason: To protect the amenity of the neighbourhood.</p>
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BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
45.	<p>Certification of Tree Planting</p> <p>Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with evidence in the form of a photo and purchase invoice to confirm that:</p> <ol style="list-style-type: none"> 1. Replacement tree planting has been undertaken in accordance with the Landscape Plans prepared by Black Bettle dated 25 March 2024. 2. The purchased tree must meet the requirements of AS2303—<i>Tree stock for landscape use</i>. Trees listed as exempt species from Council's Tree Management Development Control Plan, which include fruit trees and species recognised to have a short life span, will not be accepted as suitable replacements. <p>Trees required by this condition must be maintained and protected until they are protected by Council's Tree Management DCP. Any replacement trees found damaged, dying or dead must be replaced with the same species in the same container size within one month with all costs to be borne by the owner.</p> <p>Reason: To ensure appropriate landscaping is undertaken.</p>
46.	<p>Project Arborist Certification</p> <p>Prior to the issue of an Occupation Certificate, the Principal Certifier is to be provided with certification from the Project Arborist that the requirements of the conditions of consent related to the landscape plan/approved tree planting plan and the role of the project arborist have been complied with.</p> <p>Reason: To ensure the protection and ongoing health of trees to be retained.</p>
47.	<p>Dilapidation Report</p> <p>Prior to the issue of an Occupation Certificate, the Certifying Authority and owners of identified properties must be provided with a second colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the identified properties at 11 Stanton Road, 15 Stanton Road and 14 Ramsay Street, Haberfield 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.</p> <p>Reason: To determine potential construction impacts.</p>

48.	<p>No Encroachments</p> <p>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 or any front fence works have been removed.</p> <p>Reason: To maintain and promote vehicular and pedestrian safety.</p>
49.	<p>Public Domain Works</p> <p>If a new/upgraded driveway crossing is constructed, 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:</p> <p>Light duty concrete vehicle crossing at the vehicular access location; The existing damaged concrete footpath across the frontage of the site must be reconstructed; and Other works subject to the Roads Act 1993 approval.</p> <p>All works must be constructed in accordance with Council's standards and specifications and AUS-SPEC#2-"Roadworks Specifications".</p> <p>Reason: To ensure Council assets are protected, and that works that are undertaken in the public domain maintain public safety.</p>
50.	<p>Operation and Management Plan</p> <p>Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an Operation and Management Plan has been prepared and implemented for the on-site detention and/or on-site retention/re-use facilities. The Plan must set out the following at a minimum:</p> <ul style="list-style-type: none"> a. The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners; and b. The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of failure, etc. <p>Reason: To ensure the approved works are undertaken in accordance with the consent.</p>
51.	<p>Works as Executed – Site Stormwater Drainage System</p> <p>Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a suitably qualified Civil Engineer that:</p> <p>The stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards; and</p> <p>Works-as-executed plans of the stormwater drainage system certified by a Registered Surveyor, to verify that the drainage system has been constructed and OSD/OSR system commissioned in accordance with the approved design and relevant Australian Standards have been submitted to Council. The works-as-executed plan(s) 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</p>

	<p>must be marked in red on a copy of the Principal Certifier stamped Construction Certificate plans.</p> <p>Reason: To ensure the approved works are undertaken in accordance with the consent.</p>
52.	<p>Protect Sandstone Kerb</p> <p>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.</p> <p>Reason: To ensure Council assets are protected.</p>

OCCUPATION AND ONGOING USE

	Condition
53.	<p>Tree Establishment</p> <p>If any of the trees planted as a part of this consent are found dead or dying before they reach dimensions where they are subject to the Tree Management Controls/Tree Management DCP they must be replaced in accordance with the relevant conditions.</p> <p>Reason: To protect and retain trees.</p>
54.	<p>Operation and Management Plan</p> <p>The Operation and Management Plan for the on-site detention and/or on-site retention/re-use, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.</p> <p>Reason: To ensure that the adequate provision of stormwater drainage is provided.</p>

DEMOLITION WORK**BEFORE DEMOLITION WORK COMMENCES**

	Condition
55.	<p>Hoardings</p> <p>The person acting on this consent must ensure the site is secured with temporary fencing prior to any works commencing.</p> <p>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.</p> <p>Separate approval is required from the Council under the Roads Act 1993 to erect a hoarding or temporary fence or awning on public property.</p> <p>Reason: To ensure the site is secure and that the required permits are obtained if enclosing public land.</p>

Attachment B – Plans of proposed development

11a Stanton Road Haberfield

Drawing List / Transmittal

Status:

D. Design Development

2308

Page: 1 of 1

Sheet No.

Sheet Title

Size

Revision

By

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Cover Page

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B

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				prints	electronic	1	1	1	1	1	1	1	1
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Company Structural Engineer		Name		prints	electronic	1	1	1	1	1	1	1	1
Hydraulic Engineer		Paul Macdonald		prints	electronic	1	1	1	1	1	1	1	1
Company Civil		Name		prints	electronic	1	1	1	1	1	1	1	1
Company Landscape Architect		Name		prints	electronic	1	1	1	1	1	1	1	1
Company Architect		Name		prints	electronic	1	1	1	1	1	1	1	1
Company		Name		prints	electronic	1	1	1	1	1	1	1	1

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11a Stanton Rd

11A Stanton Rd. Haberfield

Katharine + Mick O'Dowd

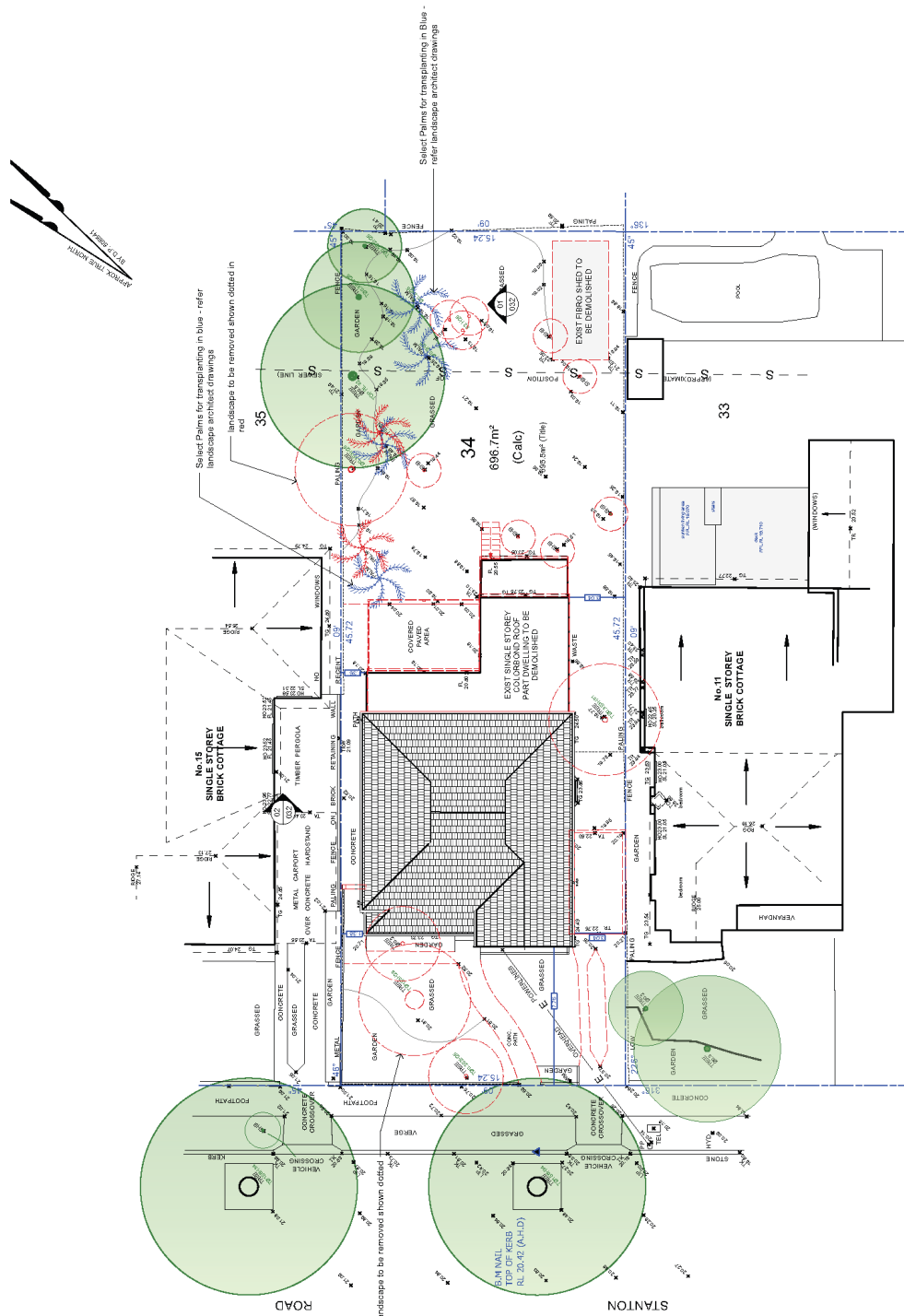
Cover Page

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PAGE 193



1 EXISTING SITE / DEMOLITION PLAN
010 1:200 @ A3 / 1:100 @ A1

SCALE 1:200 @ A3

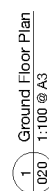


PROJECT 11A Stanton Rd, Haberfield
ADDRESS 11A Stanton Rd, Haberfield
CLIENT Katharine + Mick O'Dowd
DWG Existing Site / Demolition Plan 1:200

SCALE NTS [DRAWN] [PHOTO] [REVISION]
2308 D 010 J

J 17/02/24 ck Amended DA Issue
18/02/24 ck Draft DA amendments Issue
ISSUE DATE BY REVISION
Document Set ID: 394054-69
Version: 1, Version Date: 18/07/2024

Verify all dimensions and levels on site prior to the commencement of work. Do not scale from the drawings.



11A Stanton Rd.
Katharine + Mick O'Dowd

DWG

Existing / Demolition Ground floor

plan 1:100

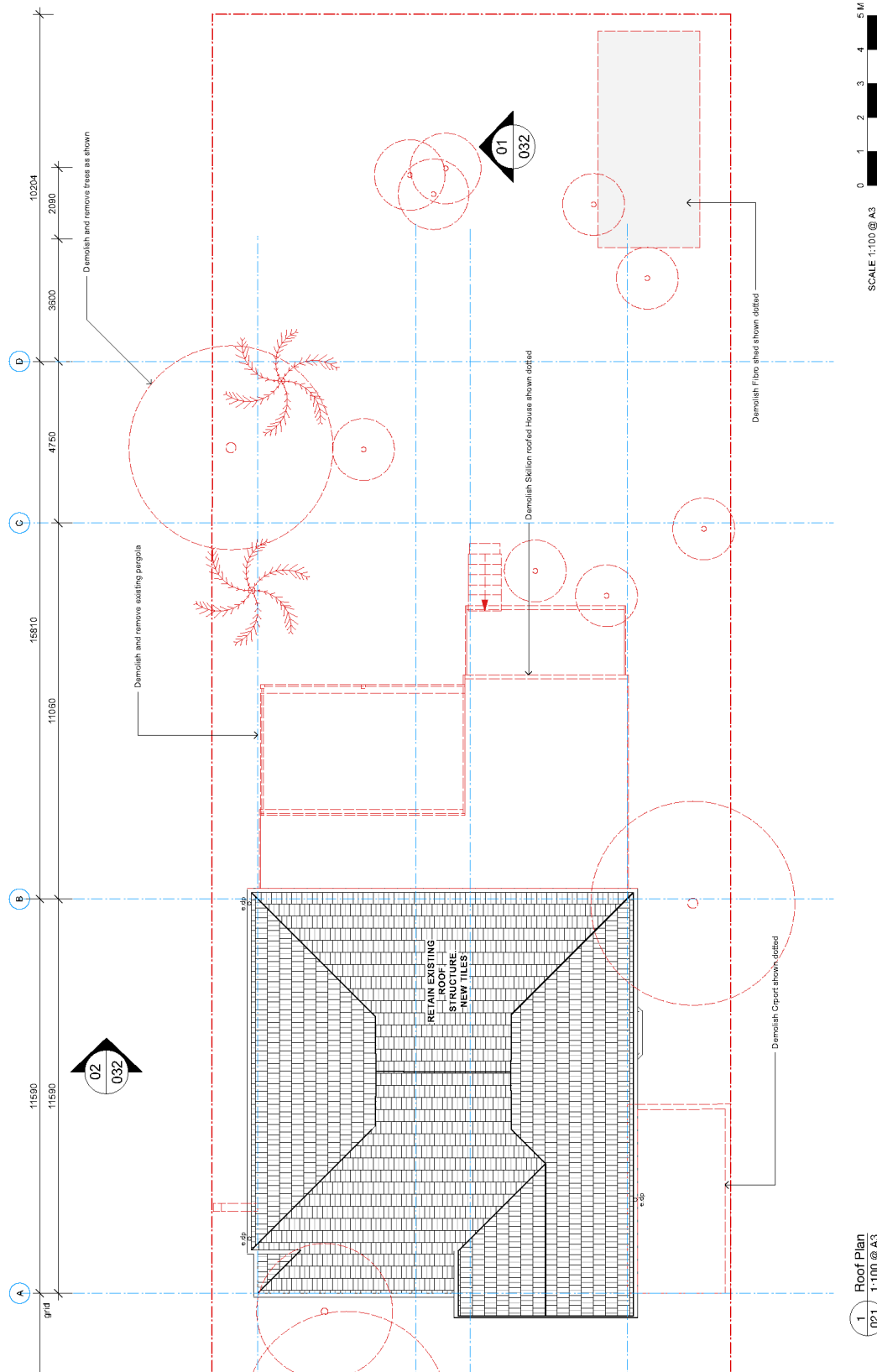
PROJECT NO 2308

DWG NO + REVISION 020 J

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Amended DA Issue
Draft DA amendments Issue
REVISION

Document Set ID: 39405469
Version: 1, Version Date: 18/07/2024



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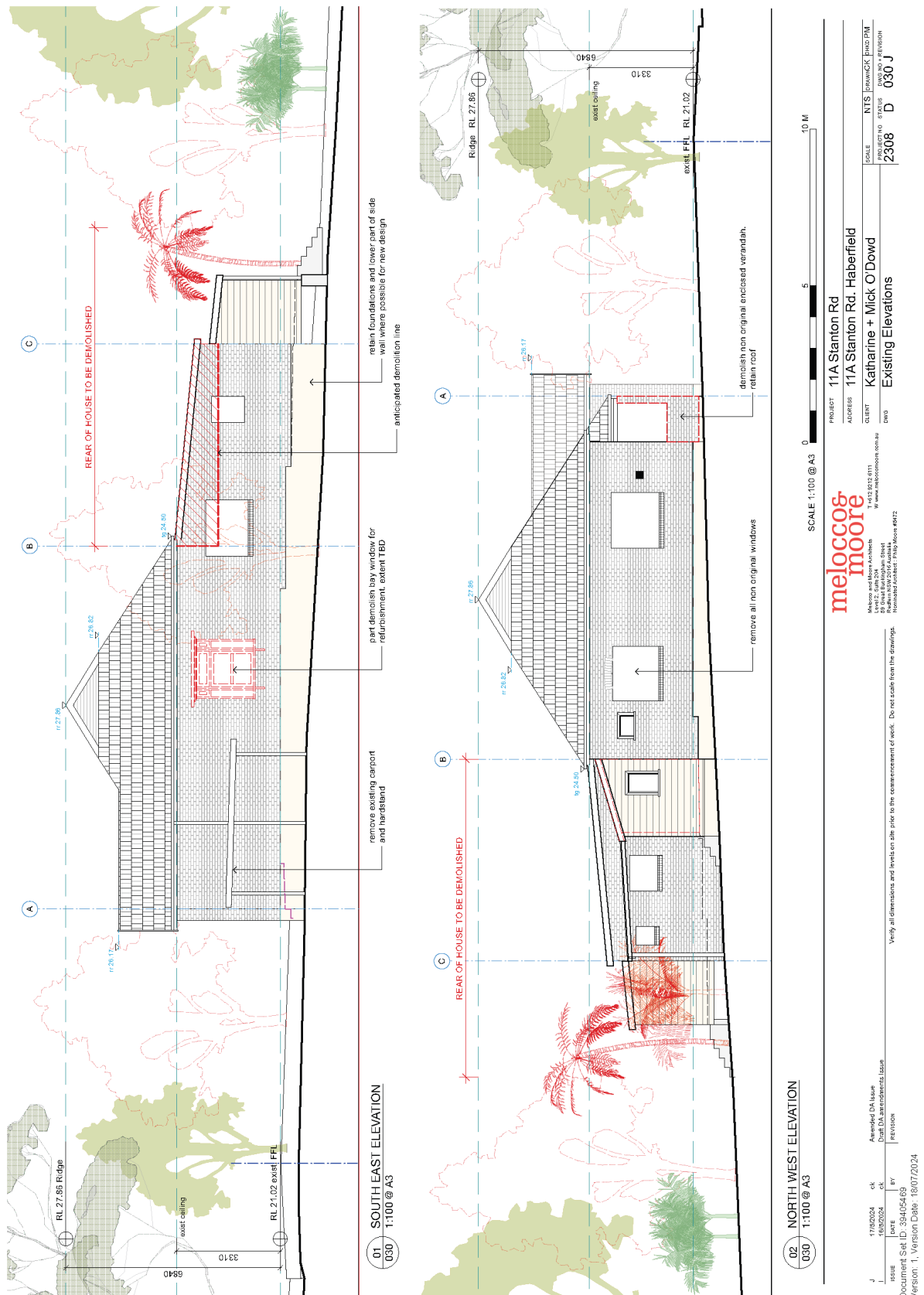


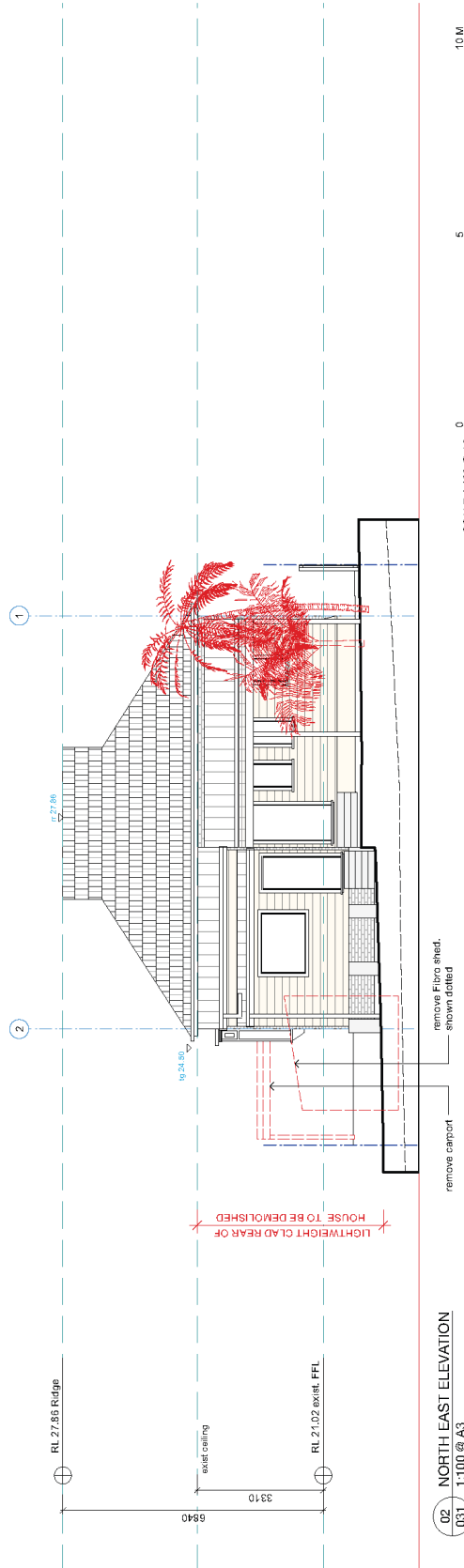
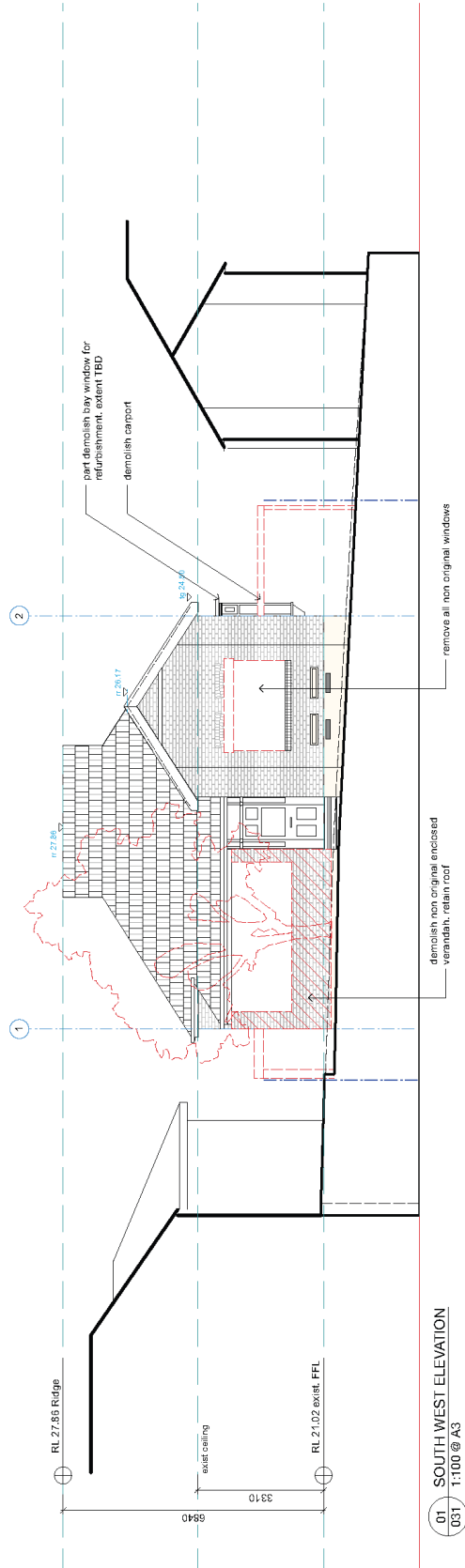
Verify all dimensions and levels on site prior to the commencement of work. Do not scale from the drawings.

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ADDRESS	11A Stanton Rd. Haberfield
CLIENT	Katharine + Mick O'Dowd
DWG	Existing / Demolition Roof Plan 1:100/2308
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DATE	02/11/2024
BY	EV
REVISION	

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I	10/02/24	ck	Draft DA amendments Issue
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Document Set ID: 394054-69
Version: 1, Version Date: 18/07/2024





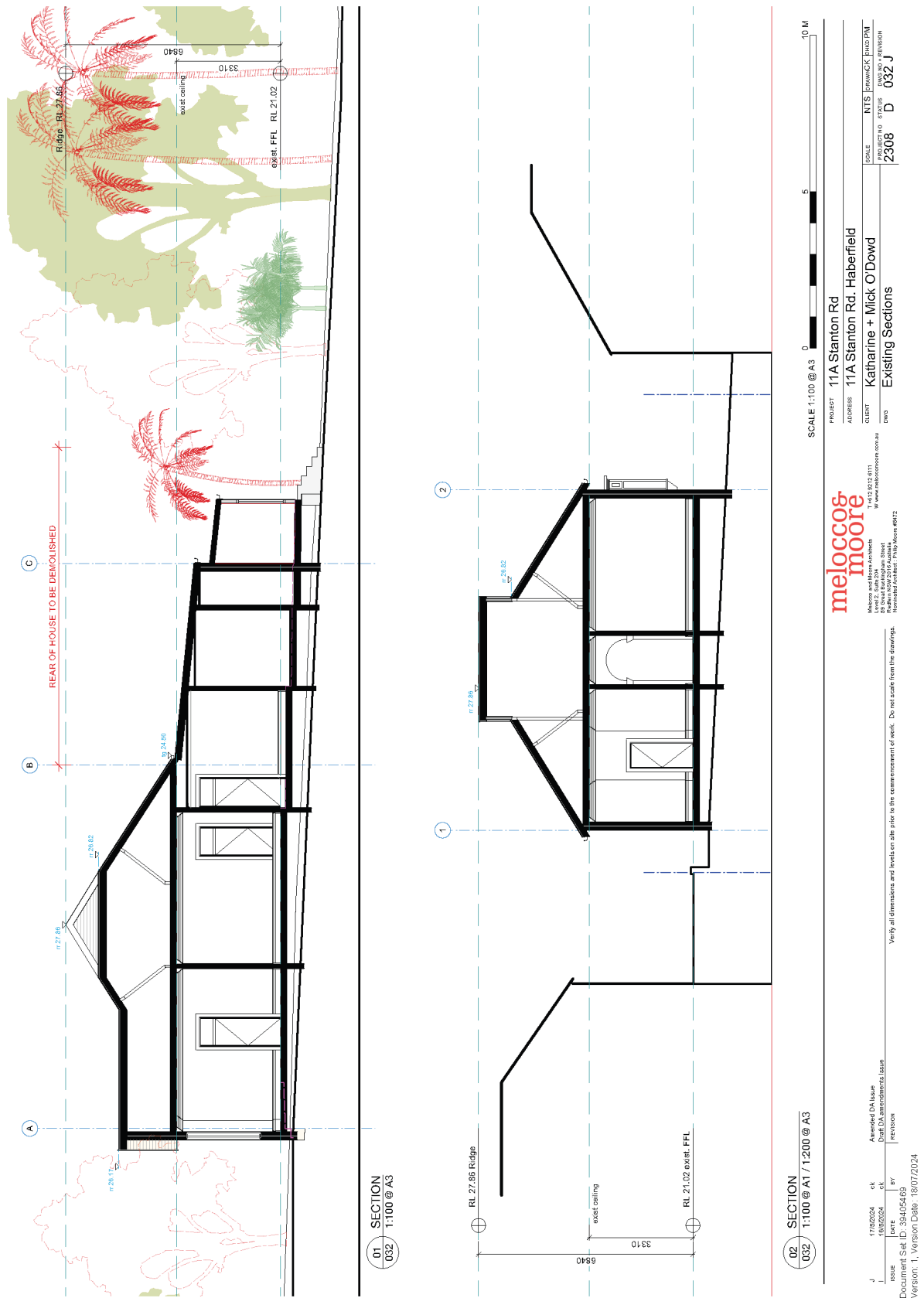
**melocco
moore**

Melocco and Moore Architects
20 Great South Bay Street
North Sydney NSW 1585
Phone: 02 9439 4411
www.meloccomoores.com.au

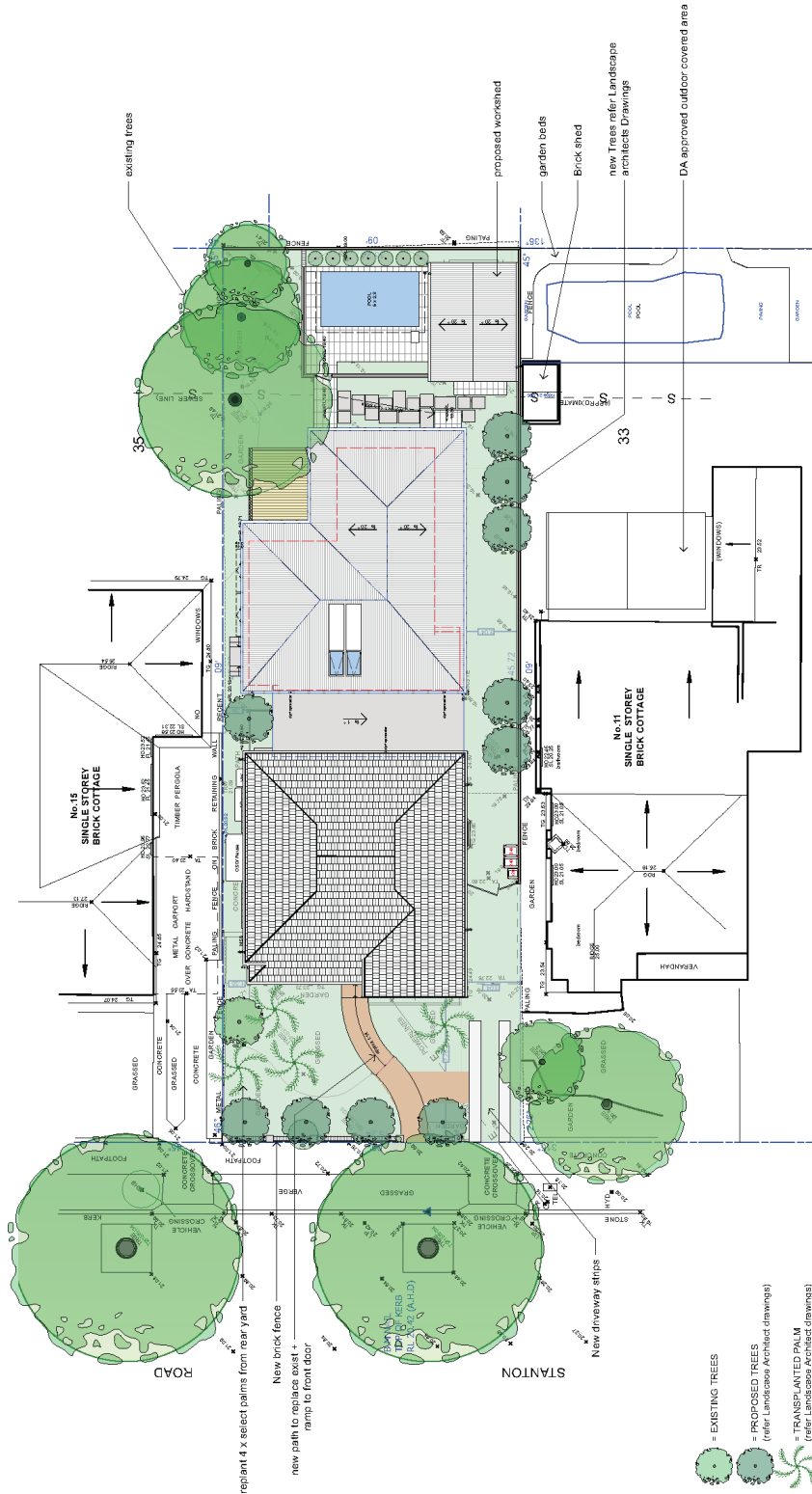
PROJECT 11A Stanton Rd
ADDRESS 11A Stanton Rd, Haberfield
CLIENT Katharine + Mick O'Dowd
DWG 031 J
SCALE NTS [DRAWN] [PHOTO] [REVISION]
2308 D 031 J
Existing Elevations

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J 17/6/2024 c/k Assessed DA Issue
18/6/2024 c/k Draft DA amendments Issue
issue date by revision
Document Set ID: 394054-69
Version: 1, Version Date: 18/07/2024



EXISTING RESIDENCE PROPOSED ADDITION



1 PROPOSED SITE PLAN
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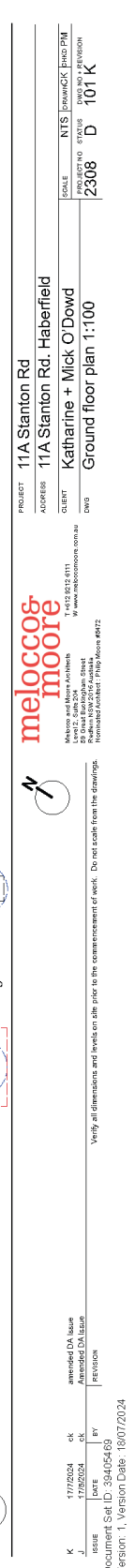
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Meloccco and Moore Architects
T 9432 9124
www.melocccomoore.com.au
20 Bond Street, Haberfield, NSW 1500
Meloccco and Moore Architects Pty Ltd
Meloccco and Moore Architects Pty Ltd

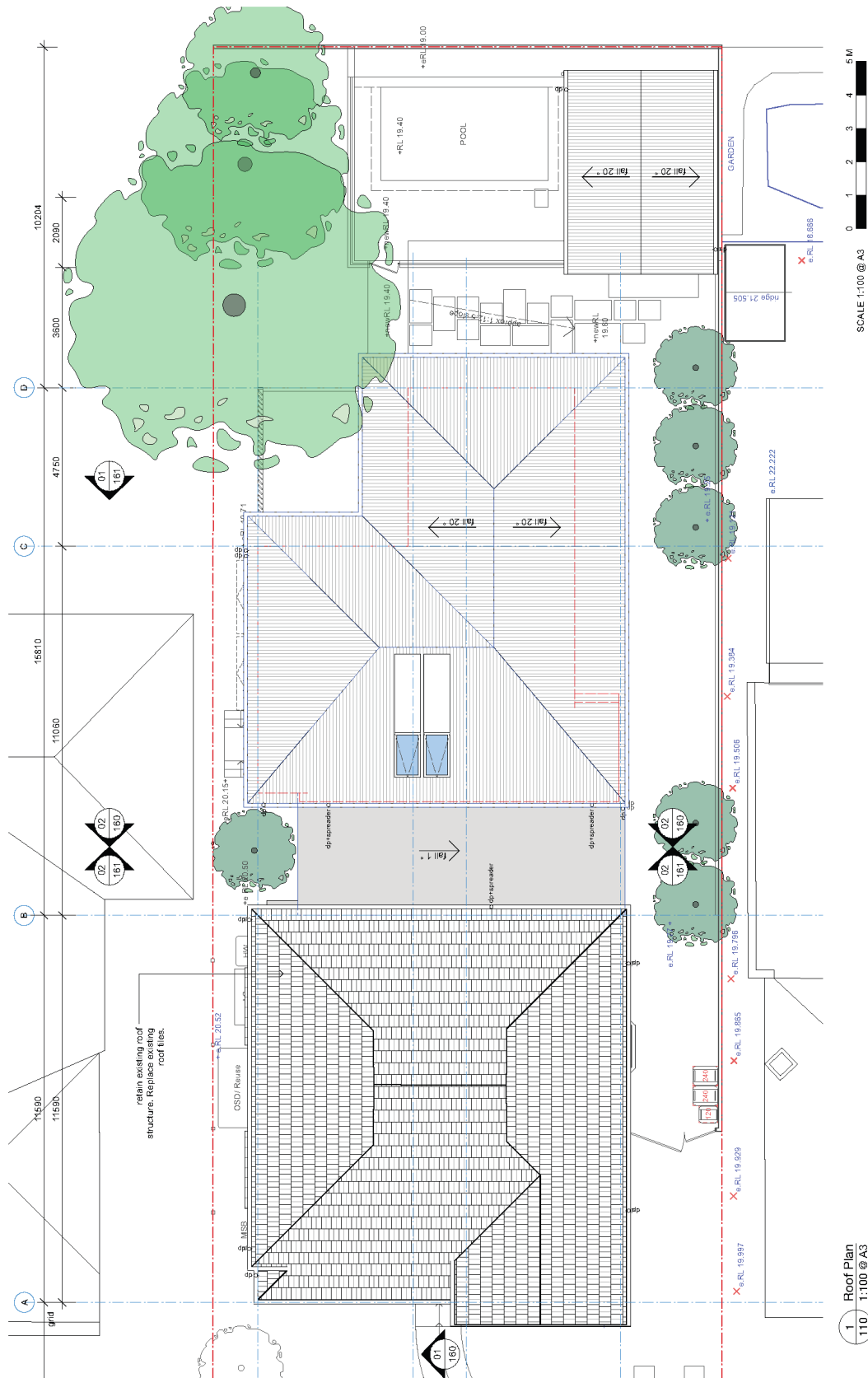
PROJECT 11A Stanton Rd
ADDRESS 11A Stanton Rd, Haberfield
CLIENT Katharine + Mick O'Dowd
DWG Proposed Site Plan 1:200

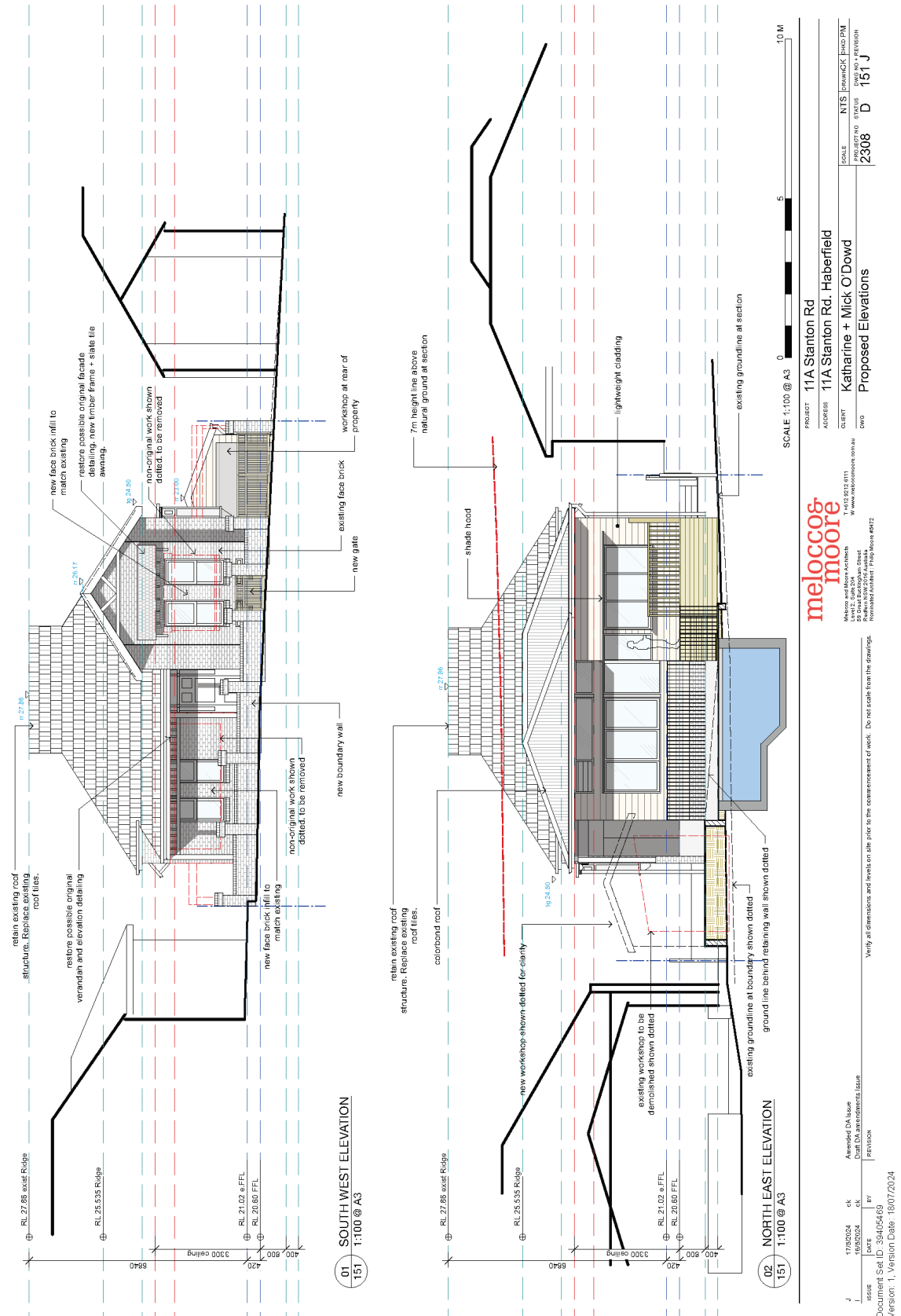
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1:100 @ A1
1:50 @ A0

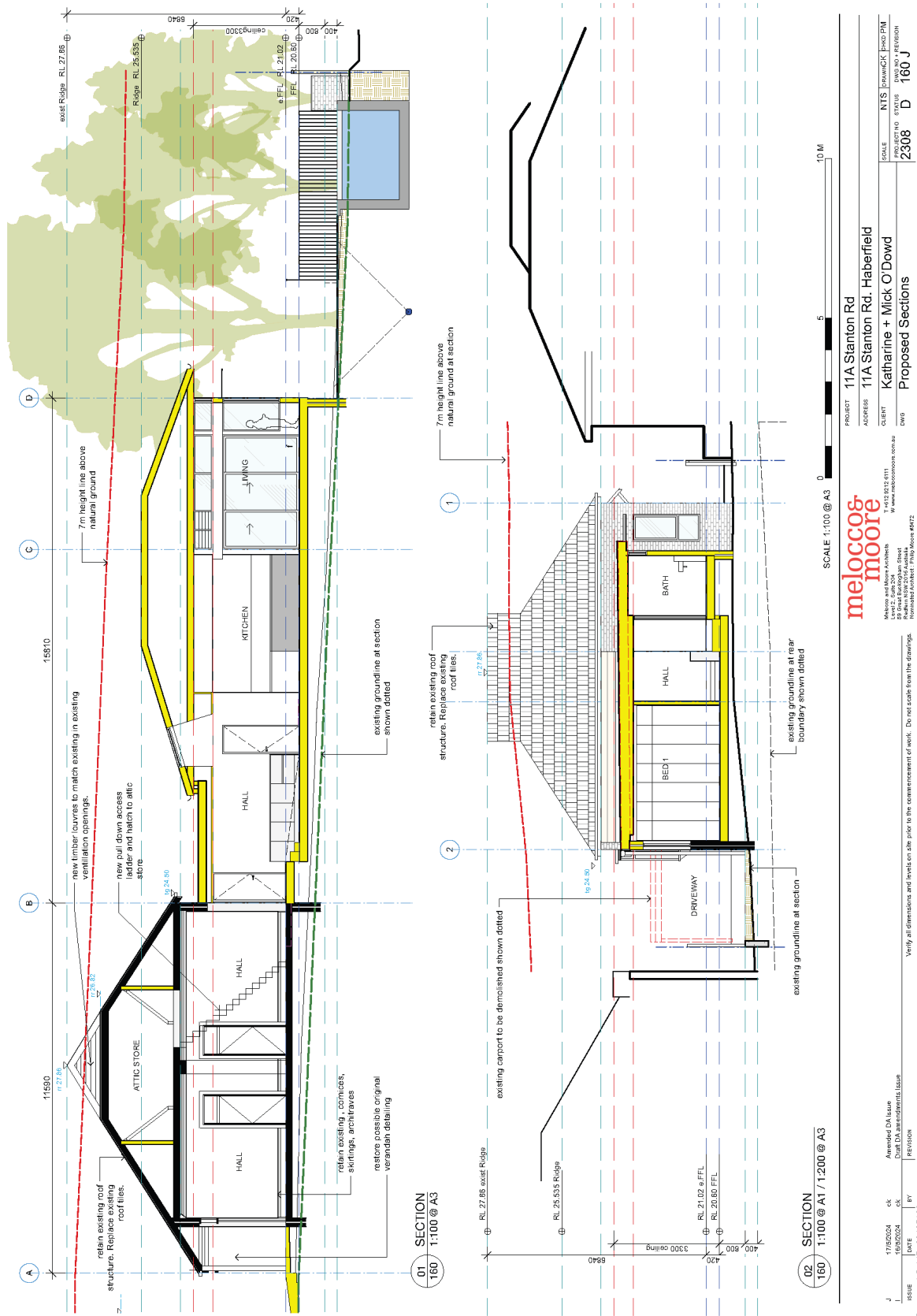
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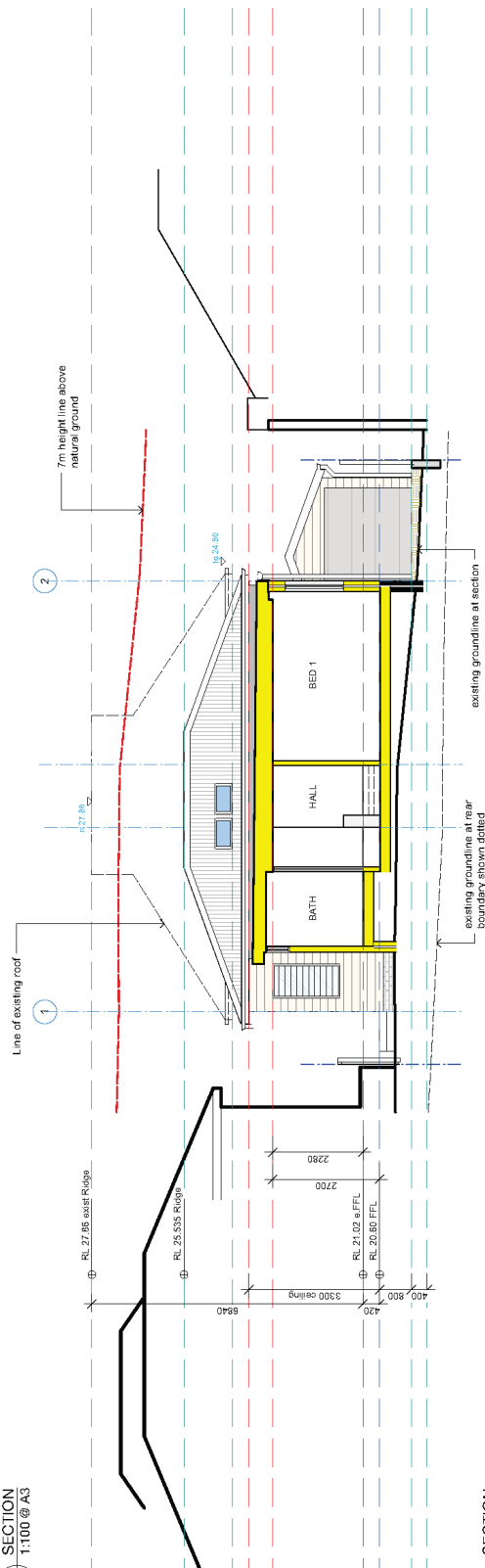
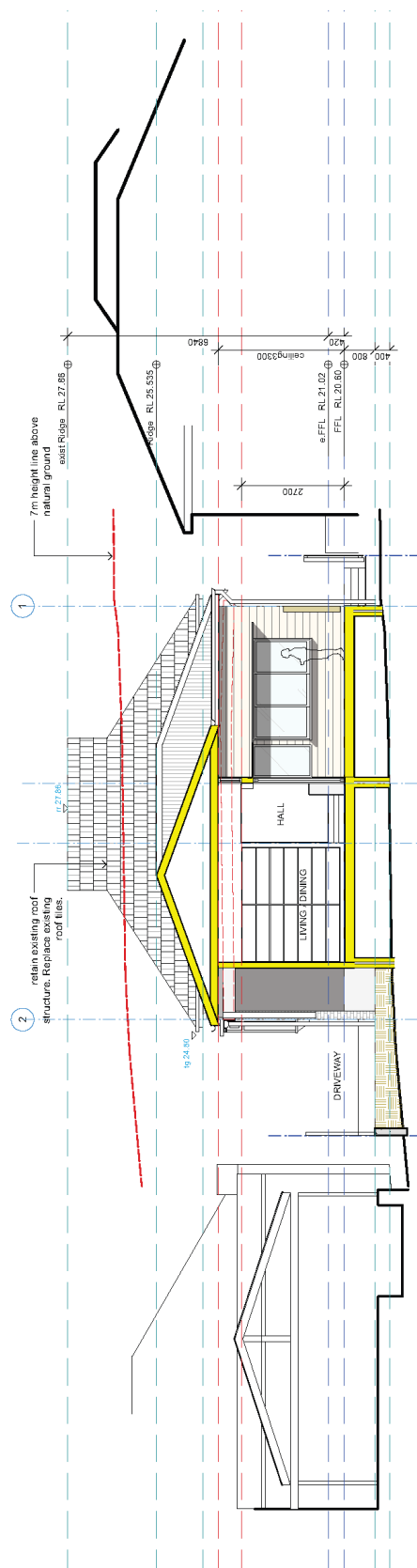
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ISSUE DATE BY REVISION
Document Set ID: 394054-69
Version: 1, Version Date: 18/07/2024



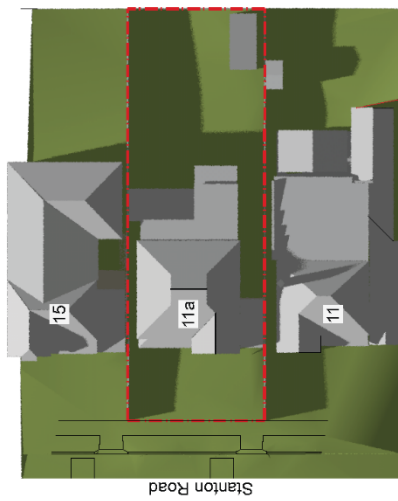




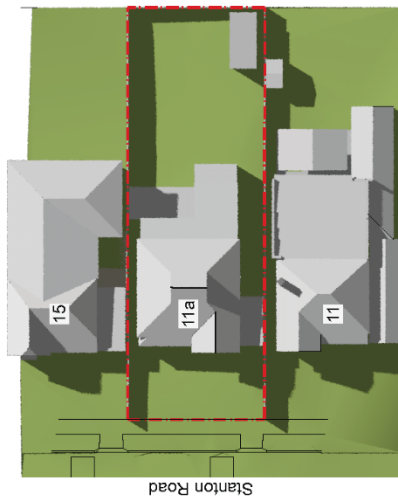




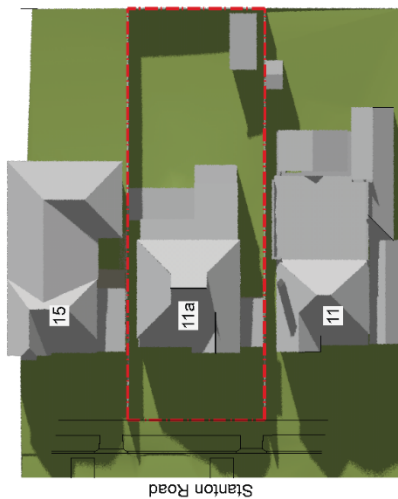
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	4/9/2024	ck	Draft DA amendments Issue
ISSUE	DATE	BY	REVISION
Verify all dimensions and levels on site prior to the commencement of work. Do not scale from the drawings.			
			
Melocco Moore Architects Level 15, Suite 204 89 Great Ballinacorney Street Dublin 15 Tel: 01254 204000 Email: info@melocco.moore.ie Website: www.melocco.moore.ie			
PROJECT		11A Stanton Rd	
ADDRESS		11A Stanton Rd. Haberfield	
CLIENT		Katharine + Mick O'Dowd	
DWG		Proposed Sections	
		TABLE	NTS
		DATE: 15/05/24	BY: JH
		REVISION	2308
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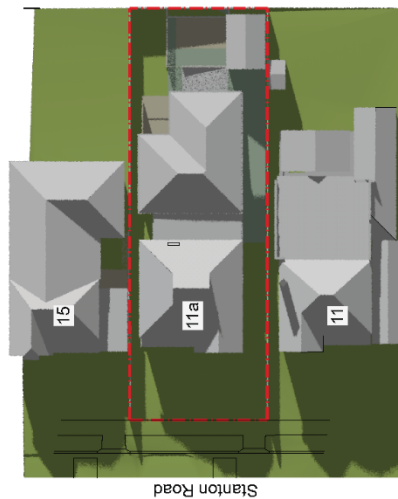
01 Existing shadows - 9am 22nd June
900 NTS



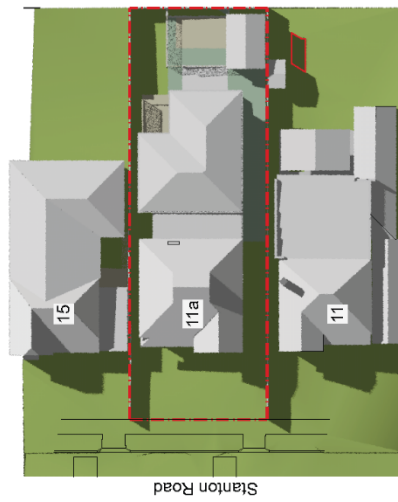
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900 NTS



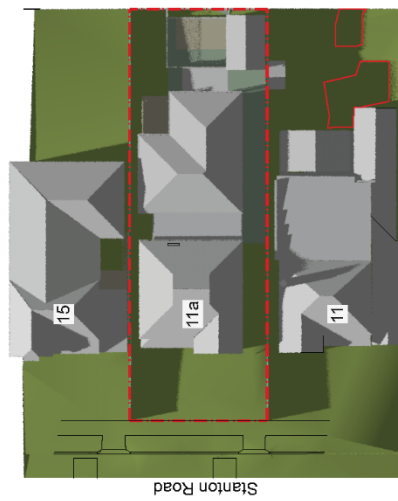
03 Existing shadows - 3pm 22nd June
900 NTS



04 Proposed shadows - 9am 22nd June
900 NTS



05 Proposed shadows - 12pm 22nd June
900 NTS




06 Proposed shadows - 3pm 22nd June
900 NTS

Additional shadows from proposal outlined in RED


PROJECT	11A Stanton Rd
ADDRESS	11A Stanton Rd, Haberfield
CLIENT	Katharine + Mick O'Dowd
DWG	shadow diagrams
DATE	17/05/2024
ISSUE	01
DATE	18/05/2024
BY	EV
REVISION	
Document Set ID	384054-69
Version	1, Version Date: 18/07/2024
Scale	NTS
Orientation	2308 D 900 H


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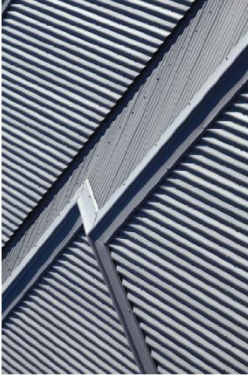


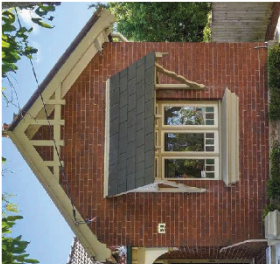
Terracotta Marseille roof tiles






custom orb colorbond roof






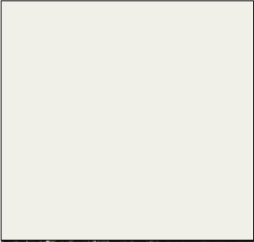
example of slate tile to window awnings



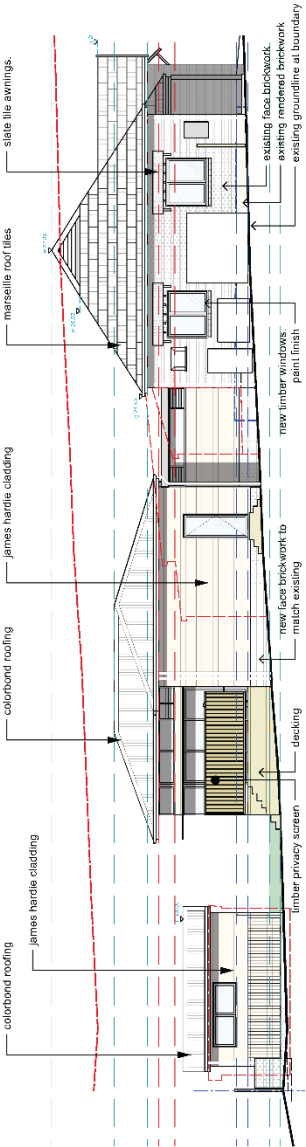
existing front facade brickwork



James Hardie FC weatherboard



Paint finish Warm White



Architectural elevation drawing of the house showing materials and finishes. Labels include: colorbond roofing, james hardie cladding, timber privacy screen, decking, new face brickwork to match existing, new timber windows paint finish, marsaille roof tiles, slate tile awnings, existing face brickwork, existing rendered brickwork, and existing groundline at boundary.

PROJECT		11A Stanton Rd	
ADDRESS		11A Stanton Rd. Haberfield	
CLIENT		Katharine + Mick O'Dowd	
DRAWN		Materials and finishes	
DATE		2308	
SCALE		D 905 E	
PROJECT NO		2308	
DRAWN BY		D 905 E	
CHECKED BY		D 905 E	
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Proposed Attic

910 / NTS

PROJECT

11A Stanton Rd

11A Stanton Rd, Haberfield

CLIENT

Katharine + Mick O'Dowd

Areas

SCALE

NTS

DATE

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REVISION

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meloccco

moore

T 0412 812 4111

W www.meloccco.com.au

Melocco and Moore Architects

29 Great Southfield Street

Hornsby NSW 1590

Homestead Architect - Pippo Moore #412

Verify all dimensions and levels on site prior to the commencement of work. Do not scale from the drawings.

ISSUE

17/05/2024

DATE

16/05/2024

BY

ck

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REVISION

Amended DA issue

Dist DA amendments issue

Document Set ID: 394054-69

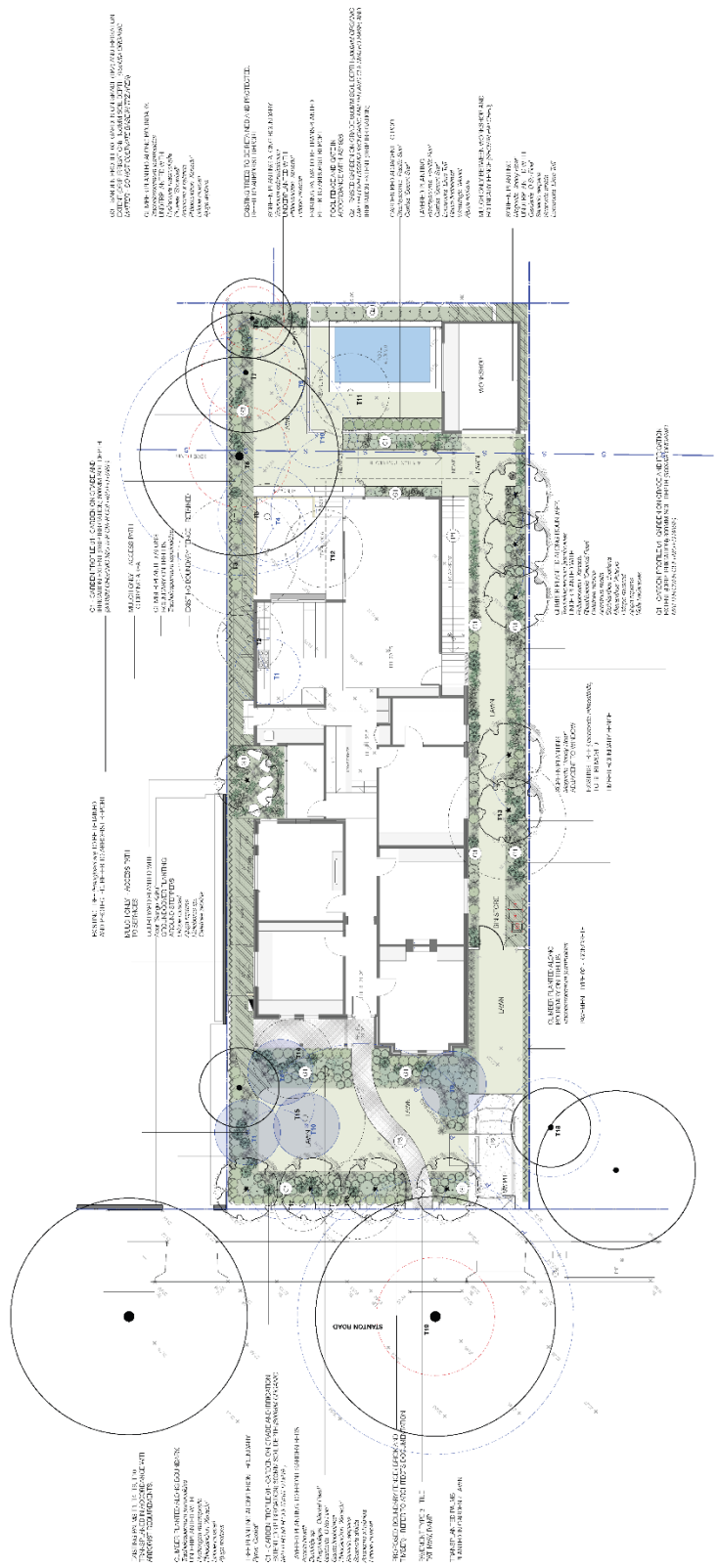
Version: 1, Version Date: 16/07/2024

[illegible]

Plant Species #		Common Name	Height	Pot Size	Qty
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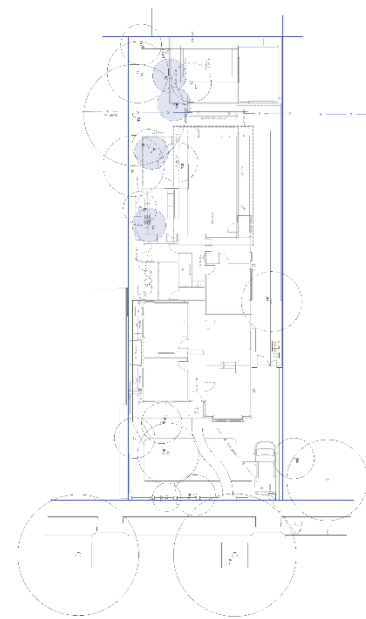
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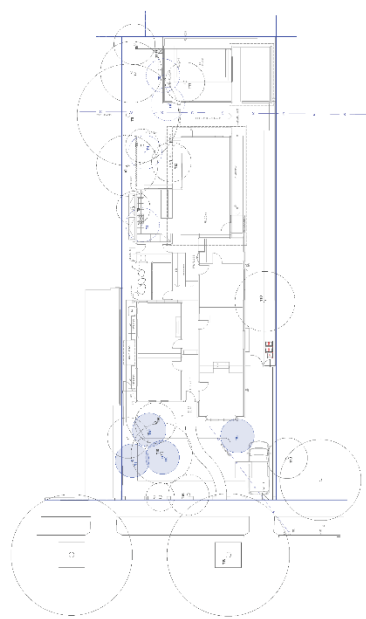
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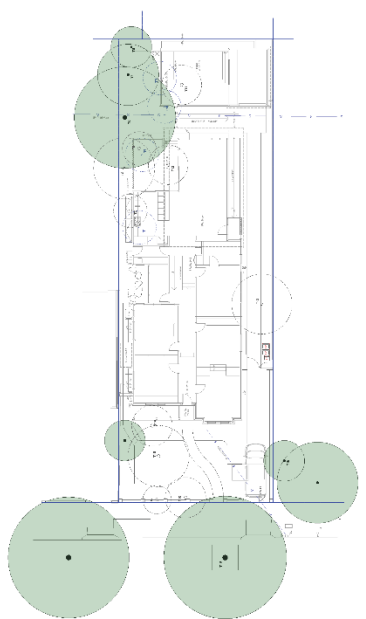
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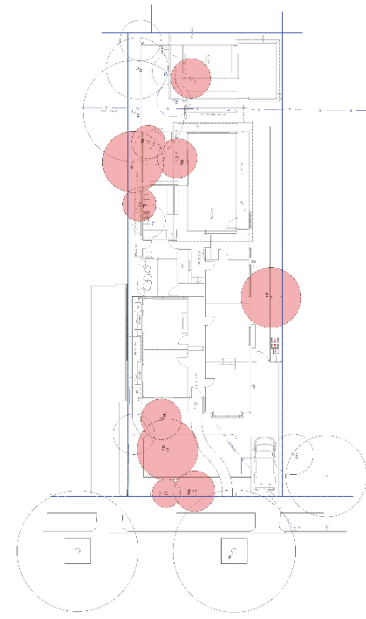
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Brown	IK / GB	Class
Labeled Applicant		Katherine & Mick O'Donoghue
	IK / GB	Date
		Development Application
Scale	1:200 @ A1	
JOB NUMBER	BB 1339	DRAWING NUMBER / ISSUE
		LA LP 103 / 02

Attachment C – Section 4.6 Exception to Development Standards

11a Stanton Road, Haberfield, NSW 2045

REQUEST TO VARY DEVELOPMENT STANDARD PURSUANT TO
CLAUSE 4.6 OF INNER WEST LOCAL ENVIRONMENTAL PLAN 2022TO ACCOMPANY A DEVELOPMENT APPLICATION TO
INNER WEST COUNCIL FOR ALTERATIONS AND ADDITIONS TO A DWELLING**Property:** 11a Stanton Road, Haberfield, NSW 2045.**Proposal:** Alterations and additions to a single dwelling.**Zoning:** R2 Low Density Residential.

Development standard to which the request to vary the standard is taken: Clause 6.20 of the Inner West LEP 2022 (LEP 2022) prescribes a minimum landscaped area for land in Haberfield of 50% of the site area.

1. **The Aim of the request:** To allow the existing landscaped area of 41.91% on the site following the works. This represents a variation of 16.175%.

Clause 4.6 of LEP 2022 allows the applicant to provide a request to vary the non-compliance with a development standard.



Figure 1: Existing and proposed landscaped areas, noting that the reduced landscaped area is to the rear of the site. The front setback has increased landscaping.

11a Stanton Road, Haberfield, NSW 2045

2. Objectives of the Standard

The objectives in relation to Landscaped Areas are;

(1) The objective of this clause is to maintain the single storey appearance of dwellings in the Haberfield Heritage Conservation Area.

The Clause goes on to state:

(3) Development consent must not be granted to development for the purpose of a dwelling house on land to which this clause applies unless the consent authority is satisfied that—

(a) if the development involves an existing building—

(i) the gross floor area above the existing ground floor level will not exceed the gross floor area of the existing roof space, and

(ii) the gross floor area below the existing ground floor level will not exceed 25% of the gross floor area of the existing ground floor, and

(b) the development will not involve excavation in excess of 3 metres below ground level (existing), and

(c) the development will not involve the installation of dormer or gablet windows, and

(d) at least 50% of the site will be landscaped area.

3. Application and Assessment of Clause 4.6 Exceptions to development standards

Clause 4.6 of LEP 2022 is designed to provide the consent authority some flexibility in the strict compliance with the application of the development standard. There have been various Land and Environment Court judgments that have some relevance to addressing the application of Clause 4.6, among them being,

1. Winten Property Group Limited v North Sydney Council [2001] NSWLEC 46
2. Wehbe v Pittwater Council [2007] NSWLEC 827
3. Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009; NSWLEC 90; NSWCA 248
4. Moskovich v Waverley Council [2016] NSWLEC 1015
5. Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118
6. Hansimikali v Bayside Council [2019] NSWLEC 1353
7. Rebel MH Neutral Bay Pty Limited v North Sydney Council [2019] NSWCA 130.

In the assessment of using Clause 4.6 it is particularly relevant to address part (3) of the clause, being,

(3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—

- compliance with the development standard is unreasonable or unnecessary in the circumstances, and
- there are sufficient environmental planning grounds to justify the contravention of the development standard.

11a Stanton Road, Haberfield, NSW 2045

Note— The Environmental Planning and Assessment Regulation 2021 requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).

In assessment of the proposal against parts 3 the following is offered.

How is strict compliance with the development standard unreasonable or unnecessary in this particular case?

The NSW Land and Environment Court in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90, considered how this question may be answered and referred to the earlier Court decision in *Wehbe v Pittwater Council* [2007] NSW LEC 827. Under *Wehbe*, the most common way of demonstrating that compliance is unreasonable or unnecessary, was whether the proposal met the objectives of the standard regardless of the non-compliance. Under *Four2Five*, whilst this can still be considered under this heading, it is also necessary to consider it under Clause 4.6 (3)(a). Furthermore in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, the applicant must demonstrate that Clause 4.6(3) must be adequately justified. The standard method is in using the five part *Wehbe* test (as noted in the judgment) as an approach in justifying this requirement.

The five part test described in *Wehbe* is therefore appropriately considered in this context.

(1) The objective of this clause is to maintain the single storey appearance of dwellings in the Haberfield Heritage Conservation Area.

1. The works are considered to be consistent with the objective for this clause because;
 - The proposal will maintain the single storey appearance of the site. Moreover the appearance of the front of the site is improved with the restorative works to the facade, the new sympathetic front fence and new and increased landscaping.
 - Landscaping to the front setback is increased as a result of the reduction in the hardstand and the pathways.
 - The reduction in landscaped area occurs to the rear of the site in order to provide for the owner's specific access requirements. However these built works and landscaped areas are not visible from the public domain and have no bearing on the appearance of the site as viewed from the public domain.
 - Additionally the building works are single level and the single storey appearance of the site is maintained.

In light of the above, this request provides that the non-compliant landscaped area satisfies the objectives in question.

11a Stanton Road, Haberfield, NSW 2045

2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;

Not applicable. The underlying objective or purpose of the standard is relevant to the development and is achieved.

3. The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;

The exception request does not rely on this reason.

4. The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;

The exception request does not rely on this reason.

5. The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.

The zoning of the land is appropriate for the site. The exception request does not rely on this reason.

In addition to demonstrating that the principles of Wehbe are satisfied, strict compliance with the standard is considered to be unreasonable and unnecessary in the circumstances of this case for the following additional reasons.

In the case of *Moskovich v Waverley Council*, the Land and Environment Court accepted that compliance with the standard (FSR in that case) was unreasonable and unnecessary because the design achieved the objectives of the standard and the respective zone, in a way that addressed the particular circumstances of the site, and resulted in a better streetscape and internal and external amenity outcome than a complying development. For the subject application, the proposed development which seeks to vary the landscaping standard, achieves a better response to the objectives of the subject R2 Low Density Residential Zone in that it provides a higher level of amenity for occupants (especially considering the specific owner's needs) and significantly improves the appearance of the site.

On the basis of the above, compliance with the standard is considered to be unnecessary and would be unreasonable.

Sufficient environmental planning grounds to justify the contravention

This request provides that there is sufficient environmental planning ground to justify the contravention. Such grounds include:

11a Stanton Road, Haberfield, NSW 2045

It has been demonstrated that the proposal and its landscaping breach remains consistent with the objectives of the subject R2 Low Density Residential Zone as well as Clause 6.20 and 4.6 of the Inner West LEP 2022, despite the numerical non-compliance.

The appearance of the site from the public domain will have enhanced landscaping with additional landscaping being provided to the front setback. The reduction in landscaping occurs to the rear largely as a result of specific owner requirements. The reduction in landscaping here does not have any environmental impacts to any neighbour or any view of the site. Works are single level and therefore neighbours' outlook, privacy and overshadowing are not unreasonably or materially impacted. Contextually the resultant form is entirely reasonable and will not appear out of place. This results in an acceptable impact in built form terms and the non-compliant landscaping area does not result in any unreasonable environmental impacts.

The proposal would not compromise the character or nature of the area sought by the local environmental planning framework.

Is the variation in the public interest?

Clause 4.6(4)(a)(ii) states that development consent must not be granted for development that contravenes a development standard unless the proposed development will be in the public interest. The proposal is considered to be in the public interest because it is consistent with the objectives of the particular standard, and the objectives for development within the zone in which the development is proposed to be carried out. The objectives of the standard have been addressed above and are demonstrated to be satisfied. The works are consistent with the requirements for the R2 Low Density Residential Zone because of significant improvements to the amenity on the site.

Is the variation well founded?

This Clause 4.6 variation request is well founded as it demonstrates, as required by Clause 4.6 of the Inner West LEP 2022, that:

Compliance with the development standard would be unreasonable and unnecessary in the circumstances of this development;

There are sufficient environmental planning grounds to justify the requested contravention;

The development achieves and is consistent with the objectives of the development standard and the objectives of the R2 Low Density Residential Zone;

The proposed development is in the public interest and there is no public benefit in maintaining the standard; and

The contravention does not raise any matter of State or Regional Significance.

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The variation is therefore considered well founded.

Prepared by Damian O'Toole Town Planning Pty Ltd



Damian O'Toole MPIA
Director
MA Town Planning, Grad Dip Heritage Conservation

May 2024

Attachment D – Heritage Impact Statement



Heritage Impact Statement

11a Stanton Road, Haberfield NSW 2045



Alterations and additions to an existing dwelling

March 2024

Damian O'Toole Town Planning and Heritage Services

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Heritage Impact Statement, 11a Stanton Road, Haberfield

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1. Introduction

1.1. Background

This Heritage Impact Statement (HIS) has been prepared to accompany a Development Application (DA) for the subject site at 11a Stanton Road, Haberfield in the Local Government Area of the Inner West Council.

The subject site comprises a single storey, Federation era brick dwelling with a hipped and gabled tiled roof. The freestanding dwelling sits within a garden setting, contains a concrete strip driveway and pedestrian entry path, a metal boundary fence, and a concrete hard stand with metal carport. There is a rear weatherboard extension to the residence, with a flat roof and covered alfresco extending to the rear of the site. There is also a free-standing fibro shed in the rear yard.

The subject site is located within the Haberfield Heritage Conservation Area (Item C54) on the Inner West Council Local Environment Plan (LEP) 2022. The Haberfield HCA is a nominated area of State Heritage Significance. Haberfield has historic significance as the first successful comprehensively planned and marketed Garden Suburb in Australia. It is also significant for its collection of Federation period cottages with landscaped gardens. The subject site has some contributory value to the HCA as an early Federation cottage; albeit it has had unsympathetic alterations to the façade. The front portion of the cottage retains its original built form and some heritage fabric. The rear portion is a later weatherboard extension (post c1945).

The proposed works comprise demolition of the non-original enclosed verandah, existing rear part of the dwelling house, and hardstand and carport. The rear addition will be replaced with a contemporary single-storey extension and a separate workshop will be built near the rear boundary. The proposed works also include works to the external front and side elevations, in particular replacement of non-original openings, as well as landscaping works and a brick front boundary fence.

The owners, Mick and Katharine O'Dowd, plan to undertake these works to make the house accessible for their family. Mick is a quadruple amputee who permanently uses an electric wheelchair for mobility, and relies on prosthetic limbs. The alterations and additions have been designed to ensure that Mick and the whole family can safely access and use all parts of the house and garden. These works will ensure this house contributes to the future supply of accessible family housing in the Haberfield area. The submission is accompanied by advice from an occupational therapist that discusses the owner's specific requirements in order to improve access within the dwelling. These requirements and any resultant built form needs should be taken into account in the assessment of this DA.

Damian O'Toole Town Planning and Heritage Services

Council requires the submission of a HIS for the proposed works to ascertain whether they will have any adverse heritage impacts upon the significance of the subject site itself as well as to the broader visual setting of the Haberfield HCA. This HIS considers the proposal against the relevant heritage planning objectives and controls contained in the Ashfield LEP and the Development Control Plan (DCP) 2016.

The terminology used in this report is consistent with the *NSW Heritage Manual*, prepared by the NSW Heritage Office, and *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Heritage* 2013 (the Burra Charter). This report has been prepared with regard to the guidelines set out in the NSW Heritage Office publication, *Statements of Heritage Impact* 2002.

Historical research for this report has been undertaken utilising the local studies collection of Ashfield Library, Trove, State Heritage Inventory, the Sands Directories and NSW Land and Property Information (title records). The Statement of Significance and Historical Summary of the area is largely contained within the DCP (Chapter E2).

1.2. Authorship

This report has been prepared by Damian O'Toole on behalf of the owners and occupants of the subject site. Damian has a Masters Degree in Town Planning and a Post Graduate Diploma in Heritage Conservation obtained from the University of Sydney, and has been engaged by several Councils in Sydney.

1.3. Physical Evidence

Inspections of the subject site took place in late 2023. Unless otherwise identified, the photographs contained within this report were taken on those occasions.

2. Location, Physical Description and Heritage Context

2.1. Subject Site

The site is located at 11a Stanton Street, Haberfield and is legally defined as Lot 34 in Deposited Plan (DP) 932067. The site is located on the eastern side of Stanton Road and is rectangular in shape. The site covers an area of 696.7m² and is located within the R2 Low Density Residential Zone under LEP 2022 (Sheet LZN_004).

The subject site currently contains a single-storey, dichrome face brick, Federation period dwelling within a garden setting. The dwelling has a hipped and gabled tiled roof; the tiles appear to be non-original. The façade is characterised by a projecting gable, a central front door recessed within a tiled entrance accessed via two stairs, and a later enclosed verandah. The windows to the front and side elevations have

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Heritage Impact Statement, 11a Stanton Road, Haberfield

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been replaced with aluminium framed openings. The building contains a weatherboard extension to the rear, with a flat roof and covered alfresco. There is a free-standing fibro shed in the rear yard and a flat roof, metal carport attached to the southern side of the residence. The front boundary is demarcated by a metal fence and the front setback contains a concrete pedestrian pathway in poor condition leading to the front entrance.

Internally, much of the original interior fabric has been removed. Original elements remaining include decorative ceiling roses, decorative plaster ceiling and some hardwood flooring. Living spaces are enclosed and not well connected.

2.2. Surrounding Area / Heritage Context

Haberfield Heritage Conservation Area

The subject site forms part of the Haberfield Heritage Conservation Area (C42), an area nominated of State significance. A description of the Haberfield Heritage Conservation Area is contained within Chapter E2 of the DCP. Some key aspects of the physical character of the area are quoted below:

Pattern of Development

Haberfield differs from the Victorian inner suburbs which preceded it because it comprises generous suburban allotments which contain one house only. It is characterised by a uniform pattern of development: roads are of a regular width with the original tree planting remaining in many of the verges and because a drainage and sewerage system were in place at the back of the lot before building began there is a lack of night-soil back lanes; lots are of similar width and allowed fresh air to flow between the buildings, length of lots vary where the street pattern diverges in response to the alignment of earlier roads - Parramatta Road, Ramsay Street and other tracks on the Dobroyd Estate.

There is a uniform building setback of approximately 6 metres, and a fairly uniform site coverage, reflecting Stanton's original building covenants and the subsequent extension of their use over the rest of the Dobroyd Estate.

Building Form

Residential buildings in Haberfield are uniformly single storey and of a similar bulk. They are built of a restricted range of building materials (bricks, slate or unglazed tiles) and are of a similar shape but individually designed.

The style of their architecture is mostly Federation, but it includes many 1920s and 1930s bungalows, through to the pink brick cottage of the 1940s.

Garden Elements

Original Haberfield gardens are bounded by front fences of timber with handsome joinery gates, or brick fences with wrought iron palisades. Through these fences can be seen ornamental trees and shrubs, typically in tidy beds amid neat buffalo lawn. Specimen plantings were supported on arbours of timber or metal.

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Heritage Impact Statement, 11a Stanton Road, Haberfield

Damian O'Toole Town Planning and Heritage Services

A gently curving front path leads from a single, or wicket, gate to the front entry. This path is often made of tessellated tiles in elaborate patterns to match the front verandah, or more economically in coloured concrete with brick borders and garden edging.

Driveways, with double gate in the front fence, usually consist of two sealed strips with a central section of grass, garden or gravel in between which allows for on-site drainage.

Side and rear paving is extremely minimal. Frames and lattice-screened fences and gates are often used to close off, disguise and protect access to the back yard.

Uncovered pergolas are secondary to the house and fit into the garden setting. Haberfield's original pergolas were used as a garden element and, along with other more modern elements, are not detrimental to the soft landscaping on the site.¹



Figure 1: Aerial view showing subject site outlined in red (Source: LPI SixMaps Viewer).

¹ Ashfield DCP, *Haberfield Heritage Conservation Area*, Section 2, available at: [file:///C:/Users/avickers/AppData/Local/Packages/Microsoft.MicrosoftEdge_8wekyb3d8bbwe/TempState/Downloads/Chapter%20F2%20Haberfield%20Heritage%20Conservation%20Area%20\(5\).pdf](file:///C:/Users/avickers/AppData/Local/Packages/Microsoft.MicrosoftEdge_8wekyb3d8bbwe/TempState/Downloads/Chapter%20F2%20Haberfield%20Heritage%20Conservation%20Area%20(5).pdf), accessed July 2020.

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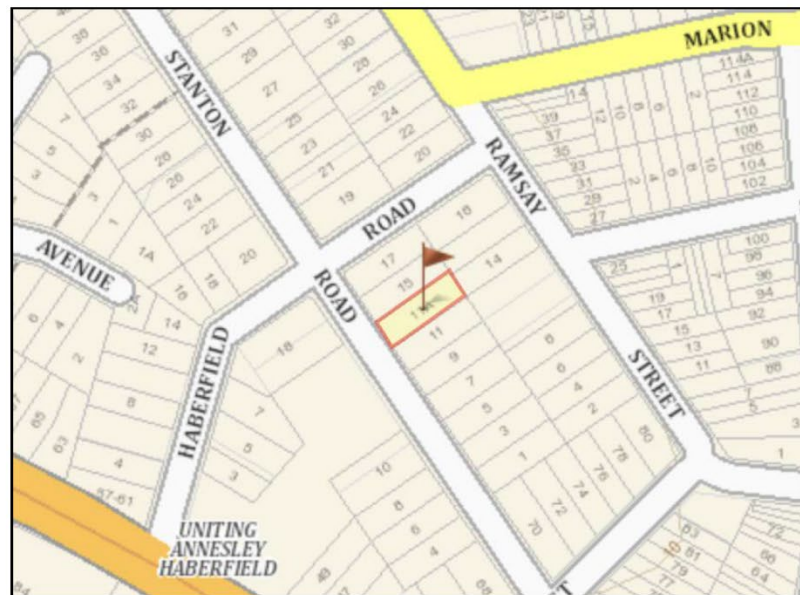


Figure 2: Road map showing the location of the subject property (outlined in red) in the wider context of the area (Source: LPI SixMaps Viewer).

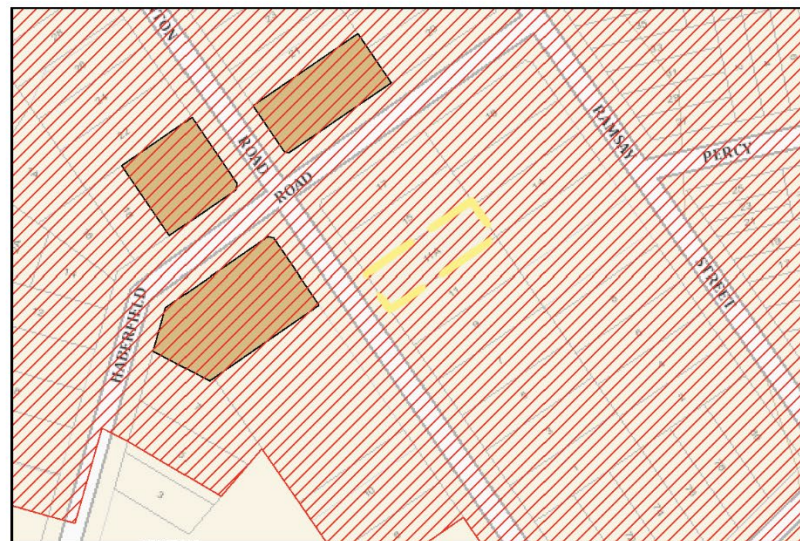


Figure 3: Local heritage map showing the subject site (outlined in yellow) as included within the Haberfield Heritage Conservation Area.

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2.3. Site Photographs



Figure 4: Front of the subject site showing the subject dwelling with later carport extension.



Figure 5: Front garden and damaged front concrete pathway.

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Figure 6: Enclosed verandah to the façade.



Figure 7: Front (later) window.

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Figure 8: Southern elevation of the dwelling.



Figure 9: View of rear weatherboard extension.

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Figure 10: Rear shed structure.



Figure 11: Rear fence and landscape setting.

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Figure 12: Rear weatherboard extension and covered alfresco dining area.

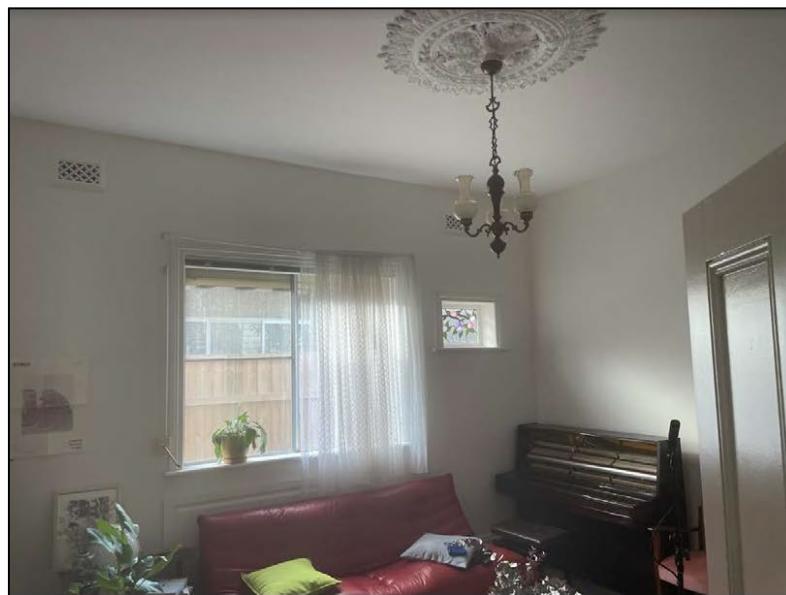


Figure 13: Interior of dwelling (2nd room).

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3. Brief Historical Summary

3.1. Area History

The following Historical Summary of the HCA is sourced directly from the DCP:

The present-day suburb of Haberfield occupies all the land north of Parramatta Road between Iron Cove and Long Cove Creeks granted to Nicholas Bayly in 1803. It was purchased in 1805 by emancipist and successful businessman and land owner, Simeon Lord, for 850 pounds. Lord named these 480 acres "Dobroyde" for his cousin's home in Lancastershire. When his eldest daughter, Sarah, married Mr David Ramsay in 1825, the Dobroyd Estate was part of her marriage settlement.

Mr Ramsay died in 1860, leaving his widow to dedicate land for church, manse, school and cemetery (St David's, Dalhousie Street) and to divide the rest of the Dobroyd Estate amongst their ten children.

Three of the Ramsay children put a portion of their land up for sale in the 1880s. Louisa's land was subdivided into villa allotments in 1885. However, despite the extension of the tramway from Leichhardt along Ramsay Street to Five Dock, it would appear that very few villas were constructed, probably because of the restraints put on investment and development by the Depression of the 1890s.

Haberfield owes its reputation today as Australia's first Garden Suburb to the successive purchase and development of much of the Ramsay children's estates by R Stanton and W H Nicholls, real estate agents of Summer Hill.

Stanton was a friend of John Sulman, British immigrant and dominant figure in the town planning debate in Australia at the turn of the century. Australia's urban areas, particularly Sydney, faced problems of health and poverty as the rapidly growing post-Gold Rush population crowded into the cities. People were housed in unsewered terrace buildings and household drains often flowed into the back lanes. Debate about the state of our cities led to a Royal Commission in 1909, which Sulman addressed. He was aware of the British Garden City Movement which was concerned about the unhealthy effects of crowded industrial cities. It sought to design and build self-sufficient cities where industrial, commercial and residential land uses were separated, where houses were set in gardens and adequate space for agriculture and parkland was provided. Sulman lectured about town planning and architecture at Sydney University in the 1880s and gave public lectures about towns and planning. In 1914 he brought leaders of the Garden City Movement to lecture in Australia.

The Garden Suburb was the lesser and more marketable offshoot of the Garden City ideals. It sought to provide pleasant healthy model suburban estates. Stanton's Haberfield estate was the first successful Garden Suburb in Australia, predating the first in Britain (Hampstead) by five years.

Stanton and Nicholls purchased fifty acres from two Ramsay children in 1901, and laid out the estate on Stanton's own principles of garden suburb design and management. He set aside land for commercial purposes (there were to be no hotels, no corner shops and no factories in this model suburb); laid out the roads

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(named for members of the new Federal Government - Turner, Barton, Forrest, Kingston & O'Connor - and the generous allotments; established an integrated drainage and sewerage system at the back of the lots and planted the street trees. High quality modest houses designed by estate architects, Spencer, Stansfield and Wormald, were built for sale, and title covenants were placed on vacant allotments to ensure a continuation of Stanton's overall design intentions - single storey cottages, one per allotment, uniform setbacks, and quality materials, brick and stone, slate or tiles. Gardens were laid out by estate gardeners before owners moved in.

So successful was this first venture that in 1903 Stanton purchased more of the Ramsay estates between Ramsay Street and Parramatta Road. It is no wonder that other development companies quickly imitated his principles: the Dobroyd Park Estate in 1905 and the Dobroyd Point Estate in 1910 to the west and north of Stanton's estates benefited by proximity to his marketing successes.

It is unusual for any subdivision to be fully developed immediately, but the Stanton Estates were remarkable for the short time frame in which most of them were built upon. Where vacant lots remained, these were built on in the 1920s, 1930s and 1940s, and an examination of the period of each house can provide an interesting history lesson in the progressive development of the suburb.

Sydney's great suburban boom following the end of the First World War saw houses built on many of the vacant allotments. However, it was not until the 1940s that all the allotments were built upon. By the 1960s and 1970s some of the original houses had been demolished for flats or larger houses. Others have so visibly changed by reskinning of outer walls that only their original roof shape and footprint remains beneath.

As a result of Stanton's commitment to quality construction and design and to his application of title covenants the residential parts of Haberfield are characterised today by single storey brick houses on generous garden lots with uniform setbacks and a similarity of form and materials.

Within this common design, the architectural detail of the individual Federation houses (and later 1920s and 1930s bungalows) is richly varied and of great visual and architectural significance as a family of modest Federation designs.²

² Ibid, Ashfield DCP, Section 1.

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Figure 14: 'The Dobroyd Estate' (1883) the area now known as 'Haberfield' prior to the development of the Garden Suburb. (Source: National Library of Australia).

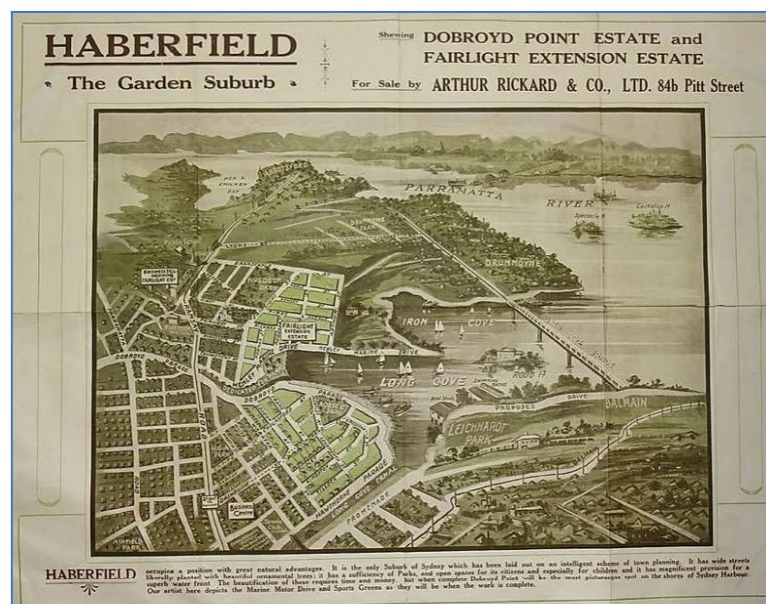


Figure 15: 'Haberfield Garden Suburb' (c1900s) (Source: National Library of Australia).

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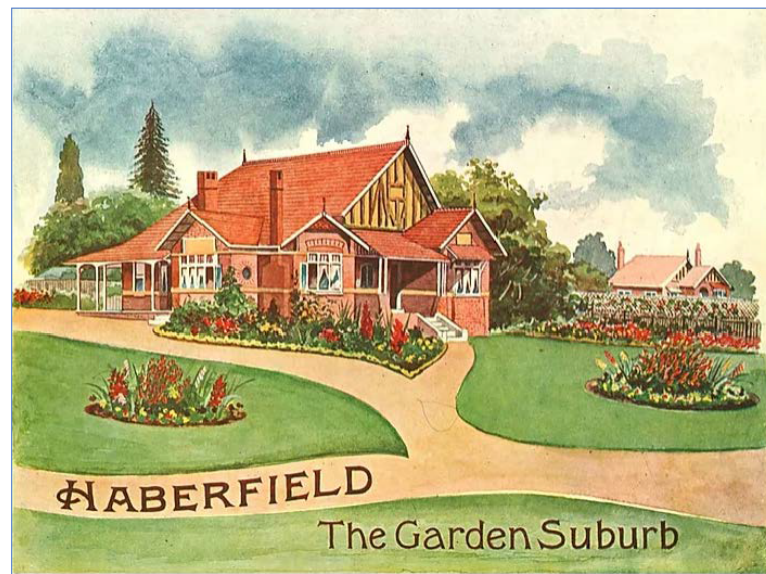


Figure 16: 'Haberfield Garden Suburb' (c1900s) (Source: National Library of Australia).

3.2. Site History

Available subdivision plans show that 11a Stanton Road, Haberfield was sold as Lot 33 as part of the Haberfield No 2 and St David's Estate sale by Stanton & Co real estate agents. The exact date of the plans is unclear however, based on the history of the suburb quoted above, this area of the Haberfield Estate (between Ramsay Street and Parramatta Road) was purchased by a successful estate agent Stanton in 1903 and subdivided and sold shortly after. Based on the Federation style of the residence, the structure would have been built shortly after this sale.

The 1943 aerial shows that the subject dwelling occupied a similar footprint to the building today, however it appears to contain a hipped roof form and chimneys at the rear. The rear addition currently located on site was likely added after 1943, along with the carport, driveway and fibro shed which are also not visible on the aerial image.

No historical images or architectural plans of the residence were located during the historical research for this site.

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Figure 17: c1903-04 land sale plan, showing the subject size (arrowed in blue) (source: State Library of New South Wales, Z/SP/811.1833.16/1900/350).

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Figure 18: c1903-04 land sale plan, showing the subject size (arrowed in blue) (source: State Library of New South Wales, Z/SP/811.1833.17/1900/352).

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Figure 19: 1943 aerial image of the site (source: LPI Six Maps).

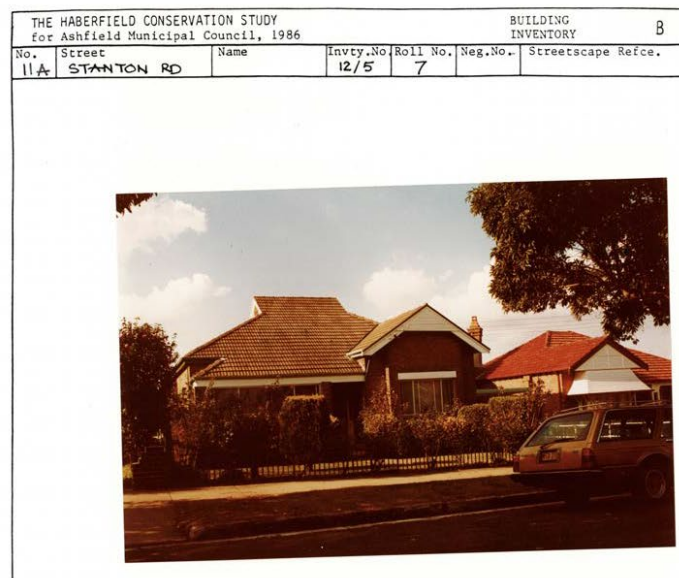


Figure 20: Evidenced from Council's archives. 1986 image of the site.

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4. Significance Assessment

4.1. Haberfield HCA Statement of Significance

A Statement of Significance for the Haberfield Heritage Conservation Area is contained within Chapter E2 of the DCP and is provided below (key areas underlined):

Haberfield has historic significance as the first successful comprehensively planned and marketed Garden Suburb in Australia. Designed and developed by real estate entrepreneur and town planning advocate, Richard Stanton, its subdivision layout and tree lined streets, its pattern of separate houses on individual lots (the antithesis of the unhealthy crowded inner suburbs of the period) and its buildings and materials, clearly illustrate his design and estate management principles. Haberfield pre-dates the first Garden Suburbs in Britain by some five years.

It is significant in the history of town planning in NSW. The separation of land uses, exclusion of industry and hotels, designation of land for community facilities and its comprehensive provision of utility services and pre-development estate landscaping profoundly affected housing trends, state subdivision practice and planning legislation in 20th century Australia.

It is significant in the history of Australian domestic architecture for its fine ensemble of Federation houses and their fences, and shops, most with their decorative elements intact.

It is outstanding for its collection of modest Federation houses displaying skilful use of materials and a high standard of workmanship of innovative design and detail particularly reflective of the burgeoning naturalistic spirit of the Federation era in which they were built.

The form, materials, scale and setback of buildings and their landscaped gardens fronting tree lined streets together provide mature streetscapes of aesthetic appeal.

Haberfield is a major research repository of the Federation era, garden design and plant material, architectural detail, modest house planning, public landscaping and utility provision.

4.2. Contribution of the subject site

The subject site, constructed in the early 1900s as a Federation style freestanding residence, is considered to be contributory to the HCA for local historical values. However, its ability to contribute from an aesthetic and representative values basis is currently limited due to unsympathetic alterations to the façade including replacement of windows and infilling of the front verandah.

5. Proposed Development

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This HIS is based on drawings prepared by Melocco & Moore, dated March 2024.

Proposed works are designed to reinstate Federation era elements of the front façade, improve the appearance of the existing dwelling as viewed from the street, remove later additions and non-significant fabric, and provide greater space and significantly improved amenity and accessibility.

The proposed works include the following:

- Demolition of:
 - The rear weatherboard extension and skillion roof/alfresco dining area;
 - Later enclosed front verandah;
 - Non-original front and side windows;
 - Non-original side bay window;
 - Removal of concrete roof tiles;
 - Concrete hardstand and metal carport;
 - Damaged front concrete path;
 - Rear workshop;
 - Front fence;
 - Modified timber fireplace (between bedroom 1 and living area);
 - Doorway to bedroom 1;
 - Rear openings;
 - Various trees in the rear yard.
- Construction of new rear extension (single storey) with a mixed flat roof and hipped roof with solar panels to non-visible roof planes. The addition will be constructed using a brick base with lightweight FC cladding and standing seam Colorbond roof, as well as timber framed windows, timber privacy screens, and a timber deck structure. The new extension will comprise a hall, living, kitchen and bedroom areas;
- Solar panels to the new hipped roof;
- Replacement unglazed Marseille profile terracotta tiles to main house;
- New timber frame windows to the front and side elevations of the original residence, with traditional Federation style detailing;
- Reinstatement of an open front verandah;
- New brick boundary fence along the front;
- New pool, surround paving and fencing to the rear;
- New workshop to the rear;
- New car hardstand in the front setback;
- New ramp access to front door;
- Minor internal changes to the original residence.

6. Assessment of Heritage Impact

6.1. Discussion of Heritage Impacts

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The proposed works at 11a Stanton Road, Haberfield will have a positive heritage impact on the streetscape setting of the residence within the HCA overall. The proposal will reinstate period appropriate features to the façade which has been previously modified with unsympathetic changes, a Federation era style boundary fence in brick will be added, and the rear addition will not have any adverse visual impacts on the original residence or broader streetscape through appropriate built form, setbacks and materials. Impacts have been explained in further detail below.

Demolition

The extent of demolition includes non-visible elements to the rear including the lean-to addition and a fibro shed along the rear boundary, as well as non-significant elements visible from the street including the carport, front fence, non-original front windows, verandah infill, and a bay window towards the rear of the residence. Awning hoods will be provided to the windows of the existing cottage. On the interior, an internal fireplace will be removed however it has been previously drastically modified. Removal of all of these elements will not have an adverse heritage impact on the place or wider area.

Façade Restoration Works

The works to reinstate a Federation era open verandah to the front, noting it was infilled in the late twentieth century, will have a positive heritage impact on the primary elevation of the building. Similarly, the reinstatement of period appropriate timber windows to the front and side elevations will improve the heritage setting of the place. Ultimately, the building will present more clearly as a contributory graded place within the precinct as a result of this work.

New Work

The proposed rear addition will have no heritage impact on the place and wider HCA, noting the single-storey scale and side setbacks that match the existing residence on site will ensure the addition is not readily visible, if at all, from the street. Where there may be some visibility, this will present as a hipped roof which is appropriate in the context of the streetscape. Materials are highly sympathetic, including timber windows, face brick and lightweight cladding to external walls, and standing seam Colorbond roof sheeting. In addition, the proposal seeks to provide solar panels to the roof in non-visible areas.

The clients have chosen to remove the current unsympathetic concrete tiles from the original roof. We propose to restore the original roof of the cottage back to unglazed Marseille profile terracotta tiles. We also propose to include new awning hoods to front and side windows of the original residence. These hoods will be detailed in a period fashion and will contain slate roofing.

We propose to clad the new hipped roof to the rear extension in a metal standing seam profile of a mid to dark grey colour. This will sit well with the new terracotta colours on the restored cottage roof. It will also clearly delineate new from old. The

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precedent of using mid tone standing seam roof sheeting in the HCA, is long standing. If we proposed Jasper or Manor Red roof sheeting to the rear roof, this would clash with the new roof to the original building and would not demarcate new from old. Flat roofs would be clad in a sheet waterproof membrane and would not be visible from eye level.

Internally, the proposed works will retain the original layout and remaining heritage fabric, with the exception of one altered fireplace which will be removed to improve the functionality of two rooms in the original portion of the house.

The proposal includes the provision of a shallow ramp from the pedestrian path to the front entrance of the dwelling. The works will be negligible visually and ultimately reversible, while also catering for the access needs of the residence.

The proposal includes the construction of a new brick front boundary fence in a style that is appropriate for the Federation era of the residence.

The addition of a shed and pool towards the rear of the property will have no visual impact on the setting of the HCA.

Landscaping

The majority of the trees will be retained. Some trees are removed from the site to accommodate the addition. Four trees are transplanted from the rear to the front garden. Ten new (more suitable) trees are also proposed to the site. Overall, the proposal will improve the green character of the site and views of it from the streetscape.

The new landscaping will have beneficial impacts with respect to the positive image of the streetscape and the site, and will improve privacy to the dwelling.

6.2. Compliance with Heritage Objectives and Controls

The planning instruments of relevance to this application are:

Ashfield Local Environmental Plan 2013 (LEP 2013); and

Comprehensive Inner West DCP 2016 (DCP 2016).

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Ashfield Local Environment Plan (LEP) 2013

Clause/Requirement	Comments	Compliance/ Non-Compliance
Clause 5.10 Heritage Conservation		
(1) Objectives The objectives of this clause are as follows: (a) to conserve the environmental heritage of Ashfield. b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views. (c) To conserve archaeological site. (d) To conserve Aboriginal objects and Aboriginal places of heritage significance.	<p>The site is not an individual heritage item on Schedule 5 of the Ashfield Local Environment Plan (LEP) 2013. However, it is a contributory heritage place within the Haberfield Heritage Conservation Area (HCA) (item C42) on the LEP which is an area of nominated State significance.</p> <p>The proposed development will conserve the environmental heritage of Haberfield, including associated fabric, settings and views.</p> <p>The proposal is respectful of the prevailing character of the area and the existing dwelling on site, through retention of remaining significant fabric, sympathetic restoration works, and a sympathetic rear addition.</p> <p>The subject site is not an identified archaeological site.</p> <p>The subject site is not in an area of Aboriginal heritage significance.</p>	Complies.
(2) Requirement for consent Development consent is required for any of the following: (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance): (iii) a building, work, relic or tree within a heritage conservation area.	<p>The proposed works require alterations to a building identified as contributory in a HCA.</p> <p>This Heritage Impact Statement is submitted as part of the Development Application for those proposed works.</p>	Complies.
(4) Effect of proposed development on heritage significance The consent authority must, before granting consent under	<p>The proposed works have been assessed in this HIS and will not result in any detrimental heritage impacts. Refer to Section 6.1 above for</p>	Complies.

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<p>this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.</p>	<p>a discussion of impacts.</p>	
<p>(5) Heritage assessment The consent authority may, before granting consent to any development:</p> <p>(b) on land that is within a heritage conservation area, require a management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p>	<p>This HIS constitutes the heritage management document required by Council to assess this Development Application.</p>	<p>Complies.</p>
<p>(6.5) Development on land in Haberfield Heritage Conservation Area</p> <p>(1) The objective of this clause is to maintain the single storey appearance of dwellings in the Haberfield Heritage Conservation Area.</p> <p>(3) Development consent must not be granted to development for the purpose of a dwelling house on land to which this clause applies unless the consent authority is satisfied that—</p> <p>(a) if the development involves an existing building—</p> <p>(i) the gross floor area above the existing ground floor level will not exceed the gross floor area of the existing roof space, and</p>	<p>The proposal maintains a single storey appearance of the dwelling through appropriate heights and setbacks.</p> <p>The proposal involves an existing building.</p> <p>Not relevant.</p>	<p>Complies.</p> <p>Complies.</p> <p>N/A</p>

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(ii) the gross floor area below the existing ground floor level will not exceed 25% of the gross floor area of the existing ground floor, and (b) the development will not involve excavation in excess of 3 metres below ground level (existing), and (c) the development will not involve the installation of dormer or gable windows, and (d) at least 50% of the site will be landscaped area.	Not relevant.	N/A
	Minor excavation is proposed for a proposed new pool in the rear yard.	Complies.
	There are no proposed dormer or gable windows.	Complies.
	The proposed works will retain the existing landscaped area to the front of the site and provide 45% of the site as landscaped. This is a minor non-compliance which is outweighed by significantly improved amenity for the specific access requirements of the home owners. The landscaped character of the front setback is also retained.	Minor non-compliance but reasonable.

Ashfield Comprehensive Inner West DCP 2016 (DCP 2016).

Clause/Requirement	Comments	Compliance/Non-Compliance
Chapter E2 Haberfield Heritage Conservation Area		
(1) Objectives The objectives of Chapter: To keep the qualities which contribute to the heritage significance of the historic suburb of Haberfield;	The proposed works will maintain the significance and character of the Haberfield Heritage Conservation Area (HCA) and the principles of the garden suburb. The main principles of the area include traditional streetscapes, largely Federation buildings with attractive detailing set within gardens, street fencing and garden elements. Refer to Section 6.1 for a detailed assessment of heritage impacts.	Complies.
To allow necessary change, but only where it will not	The proposal will not detract from the special qualities of the residence through appropriate	Complies.

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remove or detract from those special qualities;	setback and height of new works at the rear, retention of original fabric, reinstatement of period appropriate features, and no changes to the primary built form of the residence.	
To ensure that necessary change, such as alterations and extensions to existing buildings, will respect the contribution of those buildings to the heritage significance of Haberfield and will have no ill effect on the heritage significance of Haberfield as a whole.	The works to the façade will enhance the contribution of the building towards the HCA through removal of unsympathetic alterations and reinstatement of period appropriate features. The rear addition is recessive within the site through appropriate side setbacks, height, roof form and materials.	Complies.
Section 2 Detailed Planning Measures for Residential Properties		
Pattern of Development Controls a) Subdivision of existing allotments would be detrimental to the heritage significance of the Garden Suburb and is not acceptable. b) Any new development (new building or extension to an existing building) shall produce site coverage similar in pattern and size to the site coverage established by the original development of the suburb. c) No new structures are to be built forward of the existing building line. Car standing spaces with light shelters (carports) may be permitted where access is impossible to the rear of the house, and where such a structure is subservient to the existing dwelling house and does not intrude upon the house or onto the established streetscape.	<p>The proposed works will retain the existing allotment. No subdivision is proposed.</p> <p>There will be a minor increase in building site coverage. This will not adversely impact an understanding of the original development of the site. The proposed rear works will not be visible from the main street frontage beyond the main original dwelling.</p> <p>There will be no new structures built in the front setback. A hard stand for one car is proposed which will sit to the southern side of the front setback, over the existing driveway area.</p>	<p>Complies.</p> <p>Complies.</p> <p>Complies.</p>

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<p>Building Form Controls</p> <p>a) Alterations to the original main part of a building (other than a non-conforming building), including front and side facades, verandahs and roof forms, are not permitted.</p> <p>d) Extensions shall not conceal, dominate or otherwise compete with the original shape, height, proportion and scale of the existing buildings.</p> <p>e) Extensions are permitted only to the rear. In certain circumstances (where there is inadequate rear land) modest side extensions may be allowed where this does not alter or overwhelm the original front façade or the presentation of the house from the street.</p> <p>f) Where extensions are involved, new roofs are to be lower than the main roof form with a maximum height considerably less than the principal ridge point.</p> <p>g) The overall length of any extension is to be less than, and secondary to, the original house.</p> <p>i) Attic rooms can be built within the main roof shape</p>	<p>Alterations to the façade include reinstatement of previously removed elements, including timber windows and an open verandah both in the Federation style. The provision of a short ramp from the pedestrian path to the entrance is considered to be acceptable as it will not detract negatively towards the character of the façade, is reversible and an access requirement for the resident.</p> <p>The rear extension will sit within the existing side setbacks of the residence, is single storey in scale, includes sympathetic materials, and contains a flat roof which will not be visible and a hipped roof which will fit comfortably into the wider streetscape setting if any views are available.</p> <p>The proposed extension is located to the rear.</p> <p>The proposed new roof at the rear will be lower than the main roof form.</p> <p>The proposal will maintain the majority of the original house and the extension will be secondary.</p> <p>An attic storage space is provided in the roof form which is accessed from a pull down ladder.</p>	<p>Complies.</p> <p>Complies.</p> <p>Complies.</p> <p>Complies.</p> <p>Complies.</p>
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where they do not involve alteration of the roof shape.	The rear extension itself will not comprise an attic.	Complies.
j) Rear extensions containing an attic may be considered where the attic does not cause the extension to compete with the scale and shape of the main roof and is not visible from a public place.		Complies.
l) Extensions shall not employ any major or prominent design elements that compete with the architectural features of the existing building.	The proposed design of the rear extension maintains a simple overall form and design with a hipped roof in part. It will not compete with the original dwelling on the site due to appropriate separation, setbacks and height.	Complies.
Roof Form Controls Roof extensions are to relate sympathetically and subordinately to the original roof in shape, pitch, proportion and materials.	The roof form of the extension will sit secondary and below the original roof, with a mixture of hipped and flat roof forms. This approach is consistent with other planning controls.	Complies
Roof extensions are to be considerably lower than the original roof and clearly differentiated between the original and the new section.	The roof extension will sit below the original roof.	Complies.
Siting, Setbacks and Levels Controls The established pattern of front and side setbacks should be kept.	There are no changes to the front setback.	
New residential buildings or extensions should not be built forward of existing front building lines.	There are no extensions proposed forward of the existing front building line.	Complies.
Site coverage should be similar to the traditional pattern of development,	A generous garden will be retained.	Complies.

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leaving generous green garden space to the front and back areas.		Complies.
Walls Controls The original shape and materials of the front and side walls shall not be altered.	No changes.	
Unpainted surfaces shall not be painted.	This is not proposed.	Complies.
Joinery Controls Existing joinery is to be kept, maintained and repaired where necessary.	Not relevant. No original joinery remains intact on the façade and side walls, as visible to the street.	Complies.
Authentic reconstruction or reinstatement of missing joinery is encouraged.	The works seek to reinstate period appropriate timber joinery.	N/A
Timber detailing on extensions and alterations shall respect the existing detailing but avoid excessive copying and over embellishment. Simpler approaches are best.	Timber windows are proposed to the extension, however they are contemporary in style.	Complies.
Windows and Doors Controls b) Original leadlight and coloured glass panes are to be kept and restored, matched or reconstructed where necessary.	No original windows remain intact on the residence. The works will reinstate period appropriate openings as a result.	Complies.
c) The size and style of new doors and windows should reflect the relative importance of the room to which they belong.	New windows to the façade and side walls of the original residence will be to original proportions and provided with awning hoods. The proposed new doors and windows to the contemporary rear extension will be contemporary in nature to allow in sufficient sunlight, which is acceptable to a new contemporary rear addition.	Complies.

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<p>Garden Sheds/Store Sheds etc</p> <p>The retention, repair and reconstruction of significant early garden sheds and outhouses is encouraged.</p> <p>New outbuildings shall be located at the rear of the allotment. The location shall respect boundaries, tree-planting and other site details.</p> <p>New outbuilding shall be sited to minimise visibility from the street and from neighbouring properties.</p> <p>The floor plan for new outbuildings shall be simple, not complex.</p> <p>The roof form of new outbuildings shall be simple and practical in scale.</p> <p>Construction materials shall be brick, weatherboard or fibro with cover battens. Roofs shall be of terra cotta Marseilles tiles or corrugated metal.</p> <p>Windows to outbuildings shall be of vertical proportions and shall be timber-framed.</p> <p>Fences and Gates</p> <p>Reconstruction of lost fences to their early design and detail is encouraged. It needs to be based on documentary evidence (photographs,</p>	<p>The current fibro shed is not early or original.</p> <p>The new workshop is located to the rear of the property and will not impact on any boundaries or plantings.</p> <p>The building will not be readily visible from the street, if at all.</p> <p>One room is proposed.</p> <p>The roof form is a single gable.</p> <p>The materials include lightweight cladding (appearance like weatherboard) to walls and a corrugated metal roof.</p> <p>The windows facing internally to the pool are traditional in proportion and constructed of timber.</p>	<p>N/A</p> <p>Complies.</p> <p>Complies.</p> <p>Complies.</p> <p>Complies.</p> <p>Complies.</p> <p>Complies.</p>
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<p>descriptions). Demolition should only be permitted where accurate reconstruction is to occur immediately.</p> <p>New front fences which are not reconstructions of an earlier fence should be simple in design and decoration and fit in with the design of traditional fences in Haberfield.</p> <p>New front fences of timber are encouraged. They should be between 1m to 1.4m in height. The timber should be painted and in an appropriate colour (see Clause 2.37 'Colour Scheme' of this Plan).</p> <p>High brick fences on front alignments are not permitted in Haberfield.</p> <p>Materials and designs inappropriate to the age of the house or to the character of Haberfield Conservation Area will not be considered.</p> <p>Brick dividing fences are not permitted unless there are overriding environmental, safety or fire separation reasons for such use.</p> <p>Unobtrusive swimming pool safety fencing will be considered at the rear of properties, where it is not visible from a public place.</p>	<p>The proposal seeks to add a new brick boundary fence which is low in height and appropriately detailed. The fence contributes to the site and streetscape.</p> <p>This is not proposed.</p> <p>Pool fencing will be at the rear and not be visible from the HCA.</p>	<p>Complies.</p> <p>Complies.</p>
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<p>Garden Elements, Including Paving, Driveways, Pergolas And Pools</p> <p>Paving, hard surfacing and secondary outbuildings shall be kept to an absolute minimum on individual sites.</p>	<p>The only proposed additional hard paving to the front setback is the car hard stand and the new pathway to replace the existing damaged path.</p>	<p>Complies.</p>
		<p>Complies.</p>

This Heritage Impact Statement has assessed the effect of the proposed development on the heritage significance of 11a Stanton Road, Haberfield, and the surrounding area HCA. The proposed works will have a positive heritage impact on the streetscape setting of the residence within the HCA overall. The proposal will reinstate period appropriate features to the façade which has been previously modified with unsympathetic changes, a Federation era style boundary fence in brick will be added, and the rear addition will not have any adverse visual impacts on the original residence or broader streetscape through appropriate built form, setbacks and materials.

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Attachment E – Arboricultural Impact Assessment

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**ARBORICULTURAL IMPACT ASSESSMENT (AIA)**

Melocco & Moore Architects P/L
11a Stanton Street,
HABERFIELD NSW 2045

Report Reference: AIA – MMAH 03/24 Rev A.
19th March, 2024

Prepared by: Sam Allouche

Diploma of Arboriculture (AQF level 5)

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1.0 Introduction

- I. This Arboricultural Impact Assessment (AIA) was commissioned by Melocco & Moore Architects P/L, on behalf of property owners of 11A Stanton Street, Haberfield, with regards to providing an assessment of all trees potentially impacted by the proposed development on the site.
- II. The proposal entails the partial demolition of structures, with additions and alterations to the existing dwelling, as well as landscape renewal including in ground pool.
- III. The Arborist has identified a total of nineteen (19) trees assessed with respect to the Australian Standard- *Protection of trees on development* sites (AS 4970:2009), calculating incursions from the proposed works. All trees are prescribed Inner West Tree Management Manual 2023 and includes site trees, neighbouring trees, and street tree fronting the site.
- IV. The redevelopment of the site for the client brings about challenges in retaining all the vegetation based on the need to annex *more* developable area and reconstruction of existing elements, to better suit the changing needs of the client, namely increasing living/habitable areas, renewing the landscape, all whilst being able to still maximise on the outdoor space that remains.
- V. Consultation between the designer and Arborist have resulted in a functional design strategy, where additions to the dwelling are able to suit the needs of the client, as well as ensure that those trees of better retention value are retained, with some palms and ferns to be transplanted on the site itself. Neighbouring vegetation and street tree are not directly impacted by the works.
- VI. This AIA must be submitted to Inner West Council for final determination of the trees to be made.

2.0 Methodology

- I. The Arborist inspected trees by way of Visual Tree Assessment (VTA), at ground level only, on 7th February, 2024.
- II. Advanced assessment by means of sounding decay, subterranean investigation or canopy inspections were not undertaken at the time, nor warranted.
- III. Tree species are identified by leaf and only, with no formal testing undertaken.
- IV. The Arborist assessed the neighbouring trees from the clients site only, over the fence, and therefore some observations may have been hindered.
- V. All dimensions are estimated by diameter tape or by eye sight.

- VI. The Arborist tables the following in 3.2 Tree Observations -Table 1 - Tree Assessment & Impacts Evaluation;
- a. Genus & species, Common name, age, vigour and crown characteristics, general health and condition, defects and the presence of pest and disease.
 - b. An appraisal of trees with reference to Tree AZ; determination of the worthiness of trees in the planning process, and a Tree Retention Value (STARS Matrix) that assesses the trees significance and value for retention on the site where development occurs. (Refer to Appendix for further clarification of all scales and values)
 - c. Calculation of Tree Protection Zones (TPZ) and Structural Root Zones (SRZ), proposed setbacks to works and degree of incursion characterised by minor, moderate, major or no impact to trees.
- VII. Findings in Table 1.0 are to be read in conjunction with Notes in Appendix.
- VIII. Calculations of impacts are undertaken by using an interactive calculator. (Treetec, 2014)
- IX. A Tree Location Plan is included in Appendix, using survey provided by the client, and overlaid by the Arborist, to annotate tree locations only.
- X. Photographs taken by the Arborist , using an iPhone 13 Pro are used in this report. Several photos have been cropped for more detailed observation.
- XI. A Glossary of terms is provided in the Appendix of this report, for clarification of Arboricultural terms and meanings
- XII. The following documentation was used as part of this assessment;

Plan Type/Document	Provided by	Reference	Date
Existing Site/Demolition Plan	Melocco & Moore	Project 2308 Dwg 010 Rev H	22.03.2024
Proposed Site Plan	Melocco & Moore	Project 2308 Dwg 100 Rev H	22.03.2024
Ground Floor Plan	Melocco & Moore	Project 2308 Dwg 101 Rev H	22.03.2024
Proposed Elevations	Melocco & Moore	Project 2308 Dwg 150 Rev H	22.03.2024
Landscape Plan-GF	Black Beetle	BB 1339 LA LP 101/03 Rev 03	25.03.2024
Hydraulic Services (GFP)	In Line	Project 24410 HDA 02/A	23.03.2024

3.0 Observations

3.1 Site Observations

- I. The site is referred to as Lot 34 DP 4125 of Inner West Council, and zoned R2- Low Density Residential, predominately faces south west , and accommodates a freestanding brick dwelling.

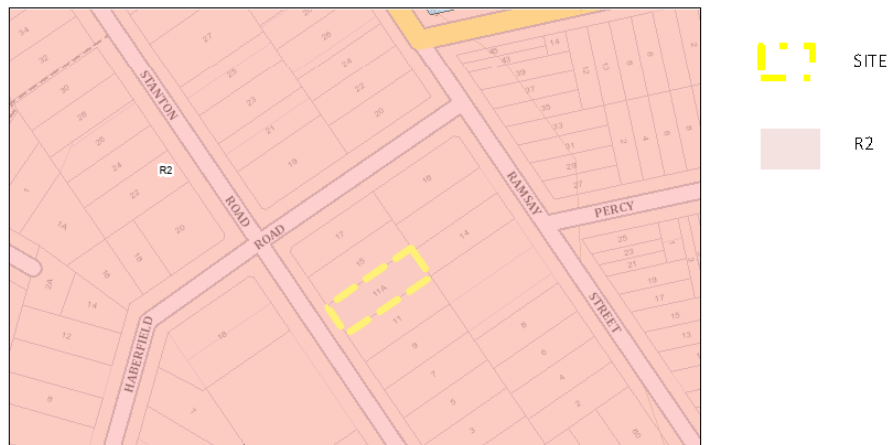


Figure 1: NSW Planning Portal Map - Zoning

- II. Pursuant to Inner West Local Environmental Plan 2022 (IWLEP2022) ,the site is located in the Haberfield Heritage Conservation Area (HCA).



Figure 2: NSW Planning Portal Maps (Heritage and Biodiversity)

- III. Site soil is not formally assessed, but Espade mapping indicates the soil landscape is noted as Blacktown soil, consisting of "Wianamatta Group– Ashfield Shale consisting of laminite and dark grey siltstone and Bringelly Shale which consists of shale, with occasional calcareous claystone, laminite and coal." (State of New South Wales - Department of Planning, Industry and Environment 2020).
- IV. See aerial picture below with site highlighted with red outline. Courtesy of SIXMaps



Figure 3: SIXMaps aerial imagery

3.2 Tree Observations & Impacts Assessment Summary (AS4970:2009)

Genus Species	Common Name	Height (m)	Spread (m)	Age	Condition	TREEAZ	Retention Value	DBH (mm)	DAB (mm)	TPZ (m)	SRZ (m)	Impacts/Incurision %	Comments / Impact Summary	
												Nil		
												Low		
												Major		
												Total Loss (TL)		
Exempt														
1	Howea sp.	Kentia Palm	5	4	M	G	Z10	L	120	-	3.0	-	TL	Palm with messy canopy Total loss for additions.
2	Cyathea sp.	Tree Fern	6	5	M	G	A2	M	280	-	3.5	-	TL	Tall tree fern. Total loss for additions. Proposed for transplantation.
3	Camellia japonica	Camellia	6+	6	M	G	A2	M	250	300	3.0	2.0	TL	Large for this species. Total loss for additions.
4	Howea forestiana	Kentia Palm	7	3	M	G	A2	M	160	-	2.5	-	TL	Palm growing into T3. Total loss for additions. Proposed for transplantation.
5	Cyathea sp.	Tree Fern	4.5	4	M	F	Z10	L	100	-	3.0	-	TL	Tree growing into T3. Total loss for additions.
6	Ginkgo biloba	Ginkgo	10+	10	M	G	A2	M	500	550	6.0	2.57	21.95%	Large tree in rear. Impacts Summary suggest that there is impact in two tangents , for pool and for additions to dwelling . Pool cut results in negligible incurision of 5.22% , and even though other incurision is at 16.73% this is somewhat superficial given that the encroachment is a deck and living area that are above ground that can be conditioned with minimal ground intrusion. Works in the SRZ must be avoided however , reducing this incurision to tolerable.

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Genus Species	Common Name	Height (m)	Spread (m)	Age	Condition	TREEAZ	Retention Value	DBH (mm)	DAB (mm)	TPZ (m)	SRZ (m)	Impacts/Incurision %	Comments / Impact Summary	
												Nil		
												Low		
												Major		
												Total Loss (TL)		
Exempt														
7	<i>Ailanthus altissima</i>	Tree of Heaven	10	7	M	G	Z3	L	310	400	3.72	2.25	4.96%	Tree in rear. Listed as an exempt specimen as per IWC Tree Management Manual 2023, but not exempt on this site. Nonetheless , tree is proposed for retention with acceptable incurision of less than 10%.
8	<i>Camellia japonica</i>	Camellia	4	4	M	G	A2	L	110	180	2.0	1.61	0	Small tree in rear. Proposed for retention , with no direct impacts.
9	<i>Howea forestiana</i>	Kentia Palm	5+	5	M	G	Z10	L/ M	170	-	3.5	-	TL	Palm with bent trunk, likely due to suppression of other trees, but otherwise viable. Proposed for transplantation.
10	<i>Howea forestiana</i>	Kentia Palm	8	7	M	G	Z10	L/ M	180	-	4.5	-	TL	Palm with bent trunk, likely due to suppression of other trees, but otherwise viable. Proposed for transplantation.
11	<i>Nerium sp</i>	Oleander	6+	7	M	G	Z3	L	480	500	5.76	2.47	TL	Large toxic shrub. Tree in rear. Listed as an exempt specimen as per IWC Tree Management Manual 2023, but not exempt on this site. Total Loss for pool.
12	<i>Callistemon viminalis</i>	Bottle brush	4.2	4	M	G	Z10	L	80x2	180	2.0	1.61	TL	Multi stemmed small tree. Total loss for additions.
13	<i>Jacaranda mimosifolia</i>	Jacaranda	9	6	M	G	Z10	L	220	300	2.64	2.0	<10%	Large tree with invasive roots growing in an unideal location where it will become problematic. Impact less than 10%.
14	<i>Unidentified sp.</i>		6+	4	M	P	Z10	L	160	200	2.0	1.68	Exempt	Declining tree located within 1m of the dwelling and exempt specimen as per IWC Tree Management Manual 2023.

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	Genus Species	Common Name	Height (m)	Spread (m)	Age	Condition	TREDAZ	Retention Value	DBH (mm)	DAB (mm)	TPZ (m)	SAZ (m)	Impacts/Inclusion %	Comments / Impact Summary
													Nil	
													Low	
													Major	
													Total Loss (TL)	
													Exempt	
15	<i>Cupressus sp.</i>		8	9	M	F	Z10	L	500	500	6.0	2.47	TL	Multi stemmed seconded Not in optimum condition. Tree is not impacted by bulk works but the plans propose a renewed landscape and this tree is proposed for removal.
16	<i>Pittosporum sp</i>	Pittosporum	6	5	M	G	Z10	M	110	150	2.0	1.5	TL	Tree on front boundary. Tree is not impacted by bulk works but the plans propose a renewed landscape, indsign a front masonry fence, and this tree is proposed for removal.
17	<i>Banksia sp</i>		5	4	M	G	Z10	M	40x2	160	2.0	1.53	TL	Tree on front boundary. Tree is not impacted by bulk works but the plans propose a renewed landscape, indsign a front masonry fence, and this tree is proposed for removal.
18	<i>Acer sp.</i>	Maple	5	5	M	G	A2	M	200	300	2.4	2.0	<10%	Neighbouring tree on 11 Stanton. Plans propose paved car parking area, which essentially should not count for more than the current impact to tree. New works in the TPZ needs to be managed.
19	<i>Lophostemon confertus</i>	Brush box	11	11	M	G	A2	H	820	780	6.96	2.98	6.15%	Street tree. New works in front setback would equate to less than 10% impact, but given significance of tree, need to be managed.

4.0 Discussion

- I. The Arborist notes the dwelling itself is not a heritage item, but locates in the Haberfield Heritage Conservation Area (HCA). The gardens are not characteristically period based, with no *real* significant tree on site, and where the street tree has the highest retention value. The Arborist does not deny that although not assessed as having high retention value, well established trees can contribute to the landscape amenity of the new development.
- II. Through consultation with designers, the Arborist notes the challenges brought about by redevelopment of older homes, where often the developable area, even though for the same usage, that being a single dwelling, is increased, particularly for the upgrading of facilities, amenities and inclusions associated with modern building, in this case being increased indoor and outdoor living areas, and an inground pool.
- III. The Impacts Summary in accordance with AS4970:2009 suggest that site trees T1-T5, T9-T12 and T16-T17 are totally consumed by the proposal, noting that T2, T4, T9 and T10 are proposed to be transplanted into the front of the site, where they will have higher amenity and where they can grow in a less suppressed manner than their current growing environment.
- IV. Of the cohort of the trees totally lost, the Arborist gives *some* merit to T3 only due to the fact that it is a large example of its species, and T15 given its prominence in the front setback. However for T3 the Arborist states it is essentially an ornamental tree and its contribution to the landscape can certainly be mitigated through new plantings and for T15 its amenity is somewhat lessened due to it not being in optimum condition and aesthetically not overly appealing, particularly given that the site will be revamped and the landscape will be looking for a more traditional look with the inclusion of the palm and tree ferns in the front. It should be noted that T12 is large clump of Oleander, a toxic, undesirable species.
- V. For T16 and T17, the Arborist does not negate that both these species are native but also considers that the proposal is incorporating a new fence to suit heritage controls and this would require the removal of both trees, which would be of no great detriment overall to the site.
- VI. The Arborist is satisfied that T7, T13, T14, T18 and T19 are all privy to less than 10% incursion and can remain viable with the new proposal. In the case of T13 the Arborist does note that being a Jacaranda with a large invasive root system, it is currently planted in an inappropriate location between the immediate dwelling and neighbouring dwelling where it will become problematic, more so for the immediate dwelling, as it continues to grow. The proposal intends to remove the tree and the Arborist is supportive of this based on such potential issues and not necessarily for the current proposal. For T14, this is exempt, and should be removed, as it is within one metre of the dwelling.

- VII. For neighbouring T18 ,and the street tree T19, the Arborist will condition works in the front setback, including landscape and stormwater, to ensure that incursions remain at less than 10%, and impacts are considered low and tolerable.
- VIII. For T6 , the Impacts Summary suggests a cumulative impact of 21.95% taken from incursions in two tangents, one for the pool cut and the other for the additions to the existing dwelling including a deck and living area. The Arborist is satisfied that the pool cut itself results in a 5.22% incursion and acceptable as per AS4970:2009. On the other hand, calculations show a 16.73% incursion for the additions to the dwelling and where works encroach the SRZ of the tree. This incursion however is somewhat superficial in calculation , in that plans suggest the entire area proposed within the TPZ is above ground and therefore will only have ground intrusion for foundations to support the floor. The Arborist is satisfied that these foundations can be conditioned to minimise ground intrusion, such as isolated piers, or screw piles for the deck. The major concern would be the intrusion of the SRZ, and the Arborist would have to endorse that there is no construction within this radius, so as to ensure that tree stability is not impacted with the loss of structural roots.

5.0 Conclusion & Recommendations

- I. The Arborist recommends the removal of T1, T3, T5, T11, T12, T13, T14, T15, T16, and T17 be removed to accommodate for the proposal , be it additions to the dwelling, pool, renewed front landscape.
- II. The transplanting of T2, T4, T9 and T10 , and the Landscape Plan endorsing the planting of ten new trees will compensate for loss of front trees, whilst complementing the new dwelling and contributing to the new landscape theme.
- III. For T6, T7, T8 , T18 and T19 to remain viable, the following must be incorporated :
 - a. The portion of dwelling additions in TPZ of T6, must be above grade, using pier and beam method, and supported by isolated piers, and no trench footing.
 - b. Piers are to be located outside the SRZ, with no construction allowed in this radius.
 - c. Piers are to be engineered, in consultation with Arborist, to be the least size possible , to ensure the least amount of soil in the TPZ is annexed.
 - d. Piers are to be hand dug , under the supervision of a Project Arborist to ensure large roots are not encountered.
 - e. Where large roots are encountered, piers are to be offset.
 - f. Piers are to be lined with a Geotech fabric , prior to concrete pour, to act as an interface between concrete and soil.
 - g. Where any soil cuts are approved within the TPZ of retained trees, such as the pool cut for T6 and T7 , it is anticipated some underlying tree roots will be cut. Such roots, greater than 25mm, must be blocked, by use of clean cut, sterilised tools, that will ensure rapid compartmentalisation (forming walls that protect the wound area from decay) denying the entry of fungal pathogens .Ground soil/root treatment within the TPZ is crucial in this vicinity.

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- h. Existing soil levels within the TPZ of T6, T7 and T8, unless counted as being incurred in Table 3.2, shall not have more than 100mm grading of natural soil levels.
- i. The existing concrete slab in the TPZ of T18 must be removed manually under the direct supervision of a Project Arborist to ensure that any roots of this tree uncovered are cleanly cut and treated.
- j. The new paved area for the car parking spot in the TPZ of T18 should be at the existing ground levels with no further grade reduction.
- k. The footing for the front fence shall be manually dug under the supervision of the Project Arborist to ensure that no roots of the street tree are unduly impacted.
- l. Where stormwater elements are located in the TPZ of trees, they must be *outside* the SRZ radius and hydro excavated under the supervision of the Project Arborist.

IV. Trees are to be protected in accordance with AS4970:2009.

6.0 Tree Protection Measures (AS4970:2009)

- I. A Project Arborist with a minimum AQF Level 5 is to be engaged to oversee critical stages of works near trees and provide certification at the following hold points:
 - a. Compliance that Tree Protection Measures have been installed and maintained, including fencing, and signage.
 - b. Supervision of all approved works in TPZ of trees.
 - c. Final inspection of tree post works and prior to OC.
- II. For the protection of trees, the following must be implemented:
 - a. Tree protection fencing, in accordance with AS4970:2009, must be of chain link wire and no less than 1.8 metres high and anchored down with concrete blocks/stirrups in a non-intrusive manner. The site trees can be fenced collectively (Figure 4), whilst a continuous fence for T18, within the clients site is recommended, running parallel to existing fencing (Figure 15).



Figure 4: Tree Protection Fencing



Figure 5: Continuous fencing

- b. Tree protection fencing must be covered with shade cloth tightly woven to not allow cement debris/dust to contact any lower tree parts.
- c. T19 will require trunk protection , in accordance with AS4970:2009. Trunk protection involves wrapping the circumference of the trunk with hessian or foam from ground to 2.0m high. The hessian shall be overlaid with vertical timber battens covered (50mm x 100mm profile). Battens shall be spaced out with intervals not exceeding 100mm and be fixed in a non-intrusive manner. Battens to be signposted



Figure 6: Trunk protection

- d. Fencing /Battens shall be signposted. with a TPZ sign. Sign must be clearly visible to warn all contractors that a TPZ has been established. Signage to read **'TREE PROTECTION ZONE': Entry not permitted without Project Arborist consultation**. Sign shall A3 size and include Project Arborist details. Fencing shall remain in place until landscape works.



Figure 7: TPZ signage

- e. Where fencing/battens are removed or relocated , temporarily, the Arborist must approve first, and the TPZ must be covered with spreader plates or rumble boards. This method will ensure the cover protects the ground soils and minimises soil compaction.
 - f. Where roots > 25m are encountered, these must be pruned by the Project Arborist, and treated accordingly.
 - g. All underground services must be installed outside the TPZ of trees, unless assessed and conditioned by the Arborist in this report , or guided by the Project Arborist on site.
 - h. Approved excavation methods within the TPZ shall be supervised and photographed by the Project Arborist.
 - i. The following, is **not** allowed to occur within the TPZ, unless, endorsed and approved by the Project Arborist , Council or the PCA:
 - i. Stationing of plant and machinery
 - ii. Changes in natural soil levels
 - iii. Storage , preparation and disposal of soluble substances i.e. plumbers glue, termite deterrent chemicals ,acidic chemicals and herbicides
 - iv. Stock piling of building materials within the TPZ of retention trees i.e. bricks cement bags, spoil etc.
 - v. Construction waste wash-off within the TPZ
 - vi. Fill soil, or any other waste mounds
- VIII. Scaffolding should stay clear of the TPZ, however , if required, must be placed on top of mulch or additional ground protection.
- IX. All Indirect Impacts as stated in this report are to be minimised.

Yours Faithfully,



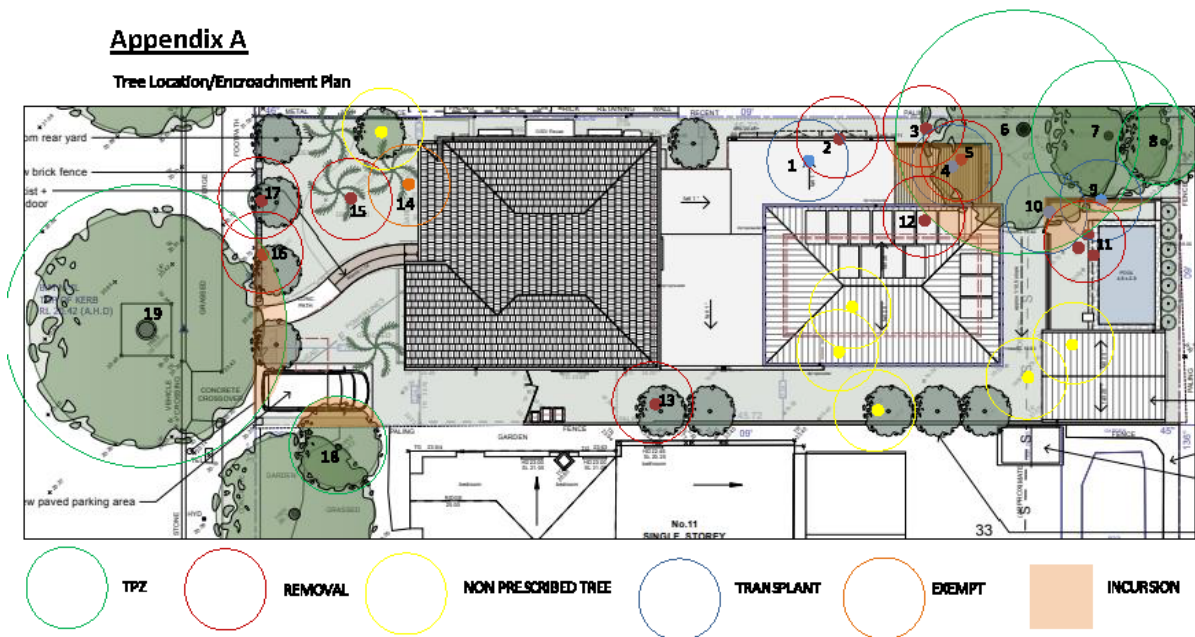
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Appendix A**Tree Location/Encroachment Plan**

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Appendix B

Photographs





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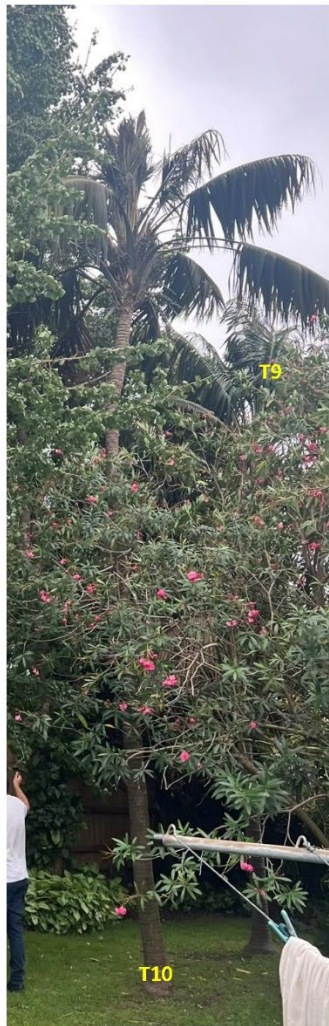


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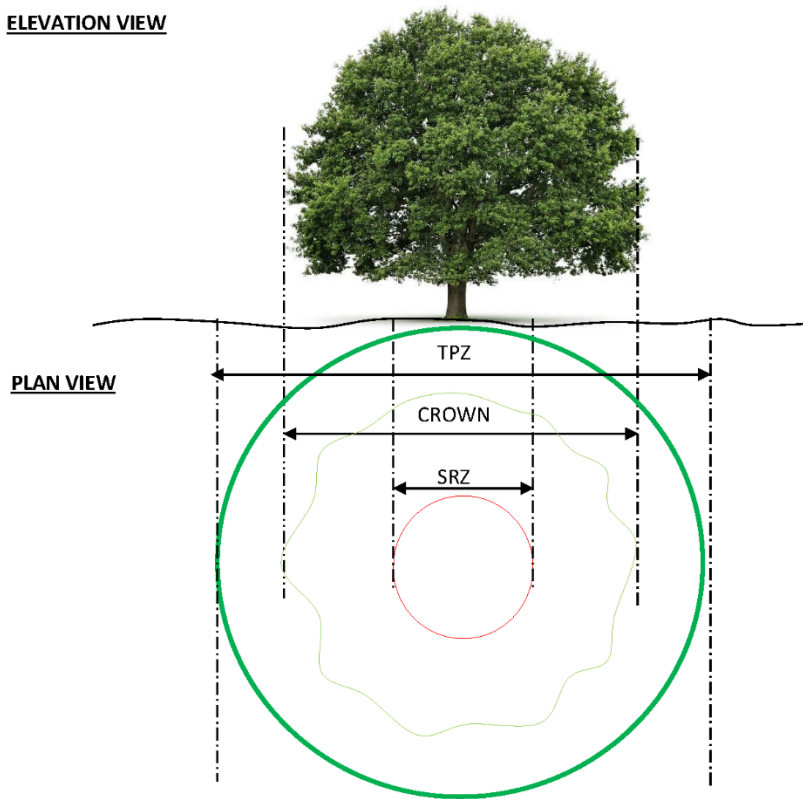
Appendix C

Tree Assessment & Impacts Evaluation Table Notes					
H	Height of tree (estimated)				
S	Spread of tree (estimated)				
Age	Y = Young J= Juvenile M= Mature O=Over mature S=Senescent EM = Early Mature				
Condition	G= Good F=Fair P= Poor D= Dead				
TREES AZ	Categorisation of trees with regards to development Refer to Appendix – Tree AZ				
Retention Value	H=High M=Medium L=Low R=Removal (Refer to Appendix - Significance of a Tree, Assessment Rating System (STARS)©)				
DBH	Diameter at Breast Height (estimated circumference of tree at approximately 1400mm)				
DAB	Diameter at Basal				
TPZ	Calculated area above and below ground at a radial distance from centre of trunk. Exclusion zone for the protection of tree roots and crown to ensure tree viability				
SRZ	Calculated area below ground at a radial distance from centre trunk of tree, required exclusively for tree stability				
Impacts/Incursion	Calculated degree of incursion				
	Nil No impact	Low 0% - 15%	Moderate 15%- 25%	Significant 25%+	Total Loss Lost to proposal
Tree data/Impacts Summary	Arborist commentary on tree location, health, structure and relationship to development.				

Appendix D

Indicative TPZ and SRZ (AS 4970/2009)

ELEVATION VIEW



PLAN VIEW

CALCULATIONS

$$\text{TPZ (Radius)} = \text{DBH} \times 12$$

$$\text{SRZ (Radius)} = (D \times 50)^{0.42} \times 0.64$$

- The Australian Standards provides a formula for calculating both the TPZ and SRZ. The TPZ is a combination of both root and crown area requiring protection for viable tree retention. Basically, it is the area isolated from construction disturbances. The TPZ incorporates the SRZ, the area required for tree stability.
- It should be noted that the TPZs have been calculated with the following in mind; tree characteristics, topography of the site and the TPZ reconfiguration allowance as stated in AS 4970-2009. (Refer to Appendix E for calculation methods of TPZ.) The Standards allow 10% of the radii from one edge of the TPZ to be offset and added to another edge whilst still maintaining total surface area required for TPZ
- TPZ of palms is calculated as no greater than 1m of its radial canopy span and no SRZ is calculated.
- TPZ and SRZ estimated only and cannot be relied on as accurate with trees on neighbouring properties

Appendix E

IACA Significance of a Tree, Assessment Rating System (STARS) (IACA 2010)©

In the development of this document IACA acknowledges the contribution and original concept of the Footprint Green Tree Significance & Retention Value Matrix, developed by Footprint Green Pty Ltd in June 2001. The landscape significance of a tree is an essential criterion to establish the importance that a particular tree may have on a site. However, rating the significance of a tree becomes subjective and difficult to ascertain in a consistent and repetitive fashion due to assessor bias. It is therefore necessary to have a rating system utilising structured qualitative criteria to assist in determining the retention value for a tree. To assist this process all definitions for terms used in the *Tree Significance - Assessment Criteria* and *Tree Retention Value - Priority Matrix*, are taken from the IACA Dictionary for Managing Trees in Urban Environments 2009.

This rating system will assist in the planning processes for proposed works, above and below ground where trees are to be retained on or adjacent a development site. The system uses a scale of *High, Medium and Low significance* in the landscape. Once the landscape significance of an individual tree has been defined, the retention value can be determined. An example of its use in an Arboricultural report is shown as Appendix A.

Tree Significance - Assessment Criteria

1. High Significance in landscape

- The tree is in good condition and good vigour;
- The tree has a form typical for the species;
- The tree is a remnant or is a planted locally indigenous specimen and/or is rare or uncommon in the local area or of botanical interest or of substantial age;
- The tree is listed as a Heritage Item, Threatened Species or part of an Endangered ecological community or listed on Councils significant Tree Register;
- The tree is visually prominent and visible from a considerable distance when viewed from most directions within the landscape due to its size and scale and makes a positive contribution to the local amenity;
- The tree supports social and cultural sentiments or spiritual associations, reflected by the broader population or community group or has commemorative values;
- The tree's growth is unrestricted by above and below ground influences, supporting its ability to reach dimensions typical for the taxa in situ - tree is appropriate to the site conditions.

2. Medium Significance in landscape

- The tree is in fair-good condition and good or low vigour;
- The tree has form typical or atypical of the species
- The tree is a planted locally indigenous or a common species with its taxa commonly planted in the local area
- The tree is visible from surrounding properties, although not visually prominent as partially obstructed by other vegetation or buildings when viewed from the street,
- The tree provides a fair contribution to the visual character and amenity of the local area,
- The tree's growth is moderately restricted by above or below ground influences, reducing its ability to reach dimensions typical for the taxa in situ.

3. Low Significance in landscape

- The tree is in fair-poor condition and good or low vigour;
- The tree has form atypical of the species;
- The tree is not visible or is partly visible from surrounding properties as obstructed by other vegetation or buildings,
- The tree provides a minor contribution or has a negative impact on the visual character and amenity of the local area,
- The tree is a young specimen which may or may not have reached dimension to be protected by local Tree Preservation orders or similar protection mechanisms and can easily be replaced with a suitable specimen,
- The tree's growth is severely restricted by above or below ground influences, unlikely to reach dimensions typical for the taxa in situ - tree is inappropriate to the site conditions,
- The tree is listed as exempt under the provisions of the local Council Tree Preservation Order or similar protection mechanisms,

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- The tree has a wound or defect that has potential to become structurally unsound.
Environmental Pest / Noxious Weed Species
- The tree is an Environmental Pest Species due to its invasiveness or poisonous/ allergenic properties,
- The tree is a declared noxious weed by legislation.
- Hazardous/Irreversible Decline - The tree is structurally unsound and/or unstable and is considered potentially dangerous, - The tree is dead, or is in irreversible decline, or has the potential to fail or collapse in full or part in the immediate to short term.

The tree is to have a minimum of three (3) criteria in a category to be classified in that group.

Note: The assessment criteria are for individual trees only, however, can be applied to a monocultural stand in its entirety

Table 1.0 Tree Retention Value - Priority Matrix

IACA, 2010, IACA Significance of a Tree, Assessment Rating System (STARS), Institute of Australian Consulting Arboriculturists, Australia, www.iaca.org.au

		Significance				
		1. High	2. Medium	3. Low		
		Significance in Landscape	Significance in Landscape	Significance in Landscape	Environmental Pest / Noxious Weed Species	Hazardous / Irreversible Decline
Estimated Life Expectancy	1. Long >40 years					
	2. Medium 15-40 Years					
	3. Short <1-15 Years					
	Dead					
Legend for Matrix Assessment						
		Priority for Retention (High) - These trees are considered important for retention and should be retained and protected. Design modification or re-location of building/s should be considered to accommodate the setbacks as prescribed by the Australian Standard AS4970 <i>Protection of trees on development sites</i> . Tree sensitive construction measures must be implemented e.g. pier and beam etc if works are to proceed within the Tree Protection Zone.				
		Consider for Retention (Medium) - These trees may be retained and protected. These are considered less critical; however their retention should remain priority with removal considered only if adversely affecting the proposed building/works and all other alternatives have been considered and exhausted.				
		Consider for Removal (Low) - These trees are not considered important for retention, nor require special works or design modification to be implemented for their retention.				
		Priority for Removal - These trees are considered hazardous, or in irreversible decline, or weeds and should be removed irrespective of development.				

Appendix F

Tree AZ Categories (Version 10.10 ANZ)

Category Z: Unimportant trees not worthy of being a material constraint

Local policy exemptions: Trees that are unsuitable for legal protection for local policy reasons including size, proximity and species

Z1	Young or insignificant small trees, i.e. below the local size threshold for legal protection, etc
Z2	Too close to a building, i.e. exempt from legal protection because of proximity, etc
Z3	Species that cannot be protected for other reasons, i.e. scheduled noxious weeds, out of character in a setting of acknowledged importance, etc
High risk of death or failure: Trees that are likely to be removed within 10 years because of acute health issues or severe	
Z4	Dead, dying, diseased or declining
Z5	Severe damage and/or structural defects where a high risk of failure cannot be satisfactorily reduced by reasonable remedial care, i.e. cavities, decay, included bark, wounds, excessive imbalance, overgrown and vulnerable to adverse weather conditions, etc
Z6	Instability, i.e. poor anchorage, increased exposure, etc
Excessive nuisance: Trees that are likely to be removed within 10 years because of unacceptable impact on people	
Z7	Excessive, severe and intolerable inconvenience to the extent that a locally recognized court or tribunal would be likely to authorize removal, i.e. dominance, debris, interference, etc
Z8	Excessive, severe and intolerable damage to property to the extent that a locally recognized court or tribunal would be likely to authorize removal, i.e. severe structural damage to surfacing and buildings, etc
Good management: Trees that are likely to be removed within 10 years through responsible management of the tree population	
Z9	Severe damage and/or structural defects where a high risk of failure can be temporarily reduced by reasonable remedial care, i.e. cavities, decay, included bark, wounds, excessive imbalance, vulnerable to adverse weather conditions, etc
Z10	Poor condition or location with a low potential for recovery or improvement, i.e. dominated by adjacent trees or buildings, poor architectural framework, etc
Z11	Removal would benefit better adjacent trees, i.e. relieve physical interference, suppression, etc
Z12	Unacceptably expensive to retain, i.e. severe defects requiring excessive levels of maintenance, etc

NOTE: Z trees with a high risk of death/failure (Z4, Z5 & Z6) or causing severe inconvenience (Z7 & Z8) at the time of assessment and need an urgent risk assessment can be designated as ZZ. ZZ trees are likely to be unsuitable for retention and at the bottom of the categorization hierarchy. In contrast, although Z trees are not worthy of influencing new designs, urgent removal is not essential and they could be retained in the short term, if appropriate

Category A: Important trees suitable for retention for more than 10 years and worthy of being a material constraint

A1	No significant defects and could be retained with minimal remedial care
A2	Minor defects that could be addressed by remedial care and/or work to adjacent trees
A3	Special significance for historical, cultural, commemorative or rarity reasons that would warrant extraordinary efforts to retain for more than 10 years
A4	Trees that may be worthy of legal protection for ecological reasons (Advisory requiring specialist assessment)

NOTE: Category A1 trees that are already large and exceptional, or have the potential to become so with minimal maintenance, can be designated as AA at the discretion of the assessor. Although all A and AA trees are sufficiently important to be material constraints, AA trees are at the top of the categorization hierarchy and should be given the most weight in any selection process.

TreeAZ is designed by Barrell Tree Consultancy (www.barrelltreecare.co.uk) and is reproduced with their permission

Appendix G

Indirect Impacts

The following are indirect impacts that trees may succumb to during construction related activities. It is imperative that these be taken into consideration and all attempts made to minimise indirect impacts, as they can occur over the duration of construction and indeed accumulate to have significant effect on trees longevity.

- I. Mechanical damage from plant/machinery; Direct wounding and damage of stems and branches by large plant & machinery, including excavator, bob cat, crane, etc., during construction activities will have some impact in the form of cambium damage/abrasion to tree trunks and branch tearing well into collar attachments in turn exposing live woody tissue and predisposing the tree to pest and disease. Similarly, plant/machinery is also responsible for soil compaction within the trees TPZ.
- II. Indirect root injury from soil compaction; When soil is compacted either via building materials/debris stockpiled on the TPZ or TPZ is utilised as a thoroughfare for heavy plant and machinery, the soil inevitable becomes compacted and impacts on the air and moisture uptake and ultimately affecting the gaseous exchange within the drip line that is vital for the trees health and longevity.
- III. Soil contamination; where chemicals, cement, and paint products etc., get washed or spilled into the soil and the tree absorbs the soluble content through its roots in addition lime from cement wash off can alter the soil PH
- IV. Soil grade changes; when the top soil cover down to a depth of approximately 150mm is striped it can illuminate vital feeder roots and can temporarily shock the tree. This process is common particularly during the landscape process. In addition, these fine roots if exposed can prematurely dehydrate and die
- V. Landscaping Impact; Side paths and driveways comprised of concrete and non-porous materials can deprive roots of air and water and affect gaseous exchange. This is particularly true when there has been lack of consideration for trees located on adjacent properties and within close proximity to building envelope. In addition, masonry fence lines require sub grade footings and usually at the expense of root loss of nearby trees. Furthermore, there can be an increase in reflected heat to the remaining trees as a result from surrounding hard surfaces.

Appendix H

Glossary of Terms

Taken from: Draper, D. B and Richards, P.A. (2009) Dictionary for Managing Trees in Urban Environments, CSIRO Publishing, Victoria, Australia

Arborist An individual with competence to cultivate, care and maintain trees from amenity or utility purposes.

Basal Proximal end of the trunk or branch, e.g. trunk wound extending to the ground is a basal wound, or as epicormic shoots arising from lignotuber

Branch failure The structural collapse of a branch that is physically weakened by wounding or from the actions of pests and diseases or overcome by loading forces in excess of its load – bearing capacity.

Buttress A flange of adaptive wood occurring at a junction of a trunk and root or trunk and branch in response to addition loading.

Callus wood Undifferentiated and unligified wood that forms initially after wounding around the margins of a wound separating damaged existing wood from the later forming lignified wood or wound wood.

Canker A wound created by repeated localized killing of the vascular cambium and bark by wood decay fungi and bacteria usually marked by concentric disfiguration. The wound may appear as a depression as each successive growth increment develops around the lesion forming a wound margin (Shigo 1991, p. 140)

Canopy cover The amount of area of land covered by the lateral spread of the tree canopy, when viewed from above that land.

Codominant stem Two or more first order structural branches or lower order branches of similar dimensions arising from about the same position from a trunk or stem.

Crown Of an individual tree all the parts arising above the trunk where it terminates by its division forming branches, e.g. the branches, leaves, flowers and fruits; or the total amount of foliage supported by the branches.

Decline The response of the tree to a reduction of energy levels resulting from stress. Recovery from a decline is difficult and slow, and decline is usually irreversible.

Diameter at Breast Height (DBH) Measurement of a trunk width calculated at a given distance from above ground from the base of the tree often measured at 1.4m.

Dominance A tendency in a leading shoot to maintain a faster rate of apical elongation and expansion other than other nearby lateral shoots, and the tendency also for a tree to maintain a taller crown than its neighbours (Lonsdale 1999, p.313)

Dripline A line formed around the edge of a tree by the lateral extent of the crown.

Dynamic Load Loading force that is moving and changes over time, e.g. from wind movement (James 2003, p. 166)

Endemic A native plant usually with a restricted occurrence limited to a particular country, geographic region or area and often further confined to a specific habitat.

Epicormic Branch derived from an epicormic shoot

Frass The granular wood particles produced from borer insects and can be categorized as fine frass, medium frass, and coarse frass with the different types being of different sizes and caused by different insects.

Habitat tree A tree providing a niche supporting the life processes of a plant or animal

Hazard The threat of danger to people or property from a tree or tree part resulting from changes in the physical condition, growing environment, or existing physical attributes of the tree, e.g. included bark, soil erosion, or thorns or poisonous parts, respectively.

Included bark The bark on the inner side of the branch union, or in within a concave crotch that is unable to be lost from the tree and accumulates or is trapped by acutely divergent branches forming a compression fork

Indigenous A native plant usually with a broad distribution in a particular country, geographic region or area. See also Endemic, Locally indigenous and non-locally indigenous.

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In situ Occurring in its original place, e.g. soil level, remnant vegetation, the place from where a tree was transplanted, or where a tree is growing.

Irreversible decline The decline of a tree where it has progressively deteriorated to a point where no remedial works will be sufficient to prevent its demise, usually of poor form and low vigour.

Isolated tree A tree growing as a solitary specimen in an exposed location away from other trees as a result of natural or artificial causes and may be naturally occurring.

Kino The extractive polyphenols (tannins) formed in veins in a cambial zone as a defense in response to wounding in eucalypts. Often visible as an exudate when the kino veins rupture or are injured (Boland, *et al.* 2006, p. 691)

Lignotuber A woody tuber developed in the axils of the cotyledons.

Loading Weight that is carried, e.g. as bending stress on a branch.

Locally Indigenous A native plant as remnant vegetation, self-sown or planted in an area or region where it occurred originally.

Longevity Long lived, referring to a plant living for a long period of time.

Mechanical wound -Wound inflicted by abrasion, by mechanical device

Naturalised A plant introduced from another country or region to a place where it was not previously indigenous where it has escaped from agriculture or horticulture or as a garden escape and has sustained itself unassisted and given rise to successive generations of viable progeny.

Necrotic Dead area of tissue that may be localized e.g. on leaves, branches, bark or roots

Negligence With regard to trees, failure to take reasonable care to prevent hazardous situations from occurring which may result in injury to people or damage to property (Lonsdale 1999, p. 317)

Noxious weed A plant species of any taxa declared a weed by legislation. Treatment for the control or eradication of such weeds is usually prescribed by legislation...

Remnant A plant /s of any taxa and their progeny as part of the floristics of the recognised endemic ecological community remaining in a given location after alteration of the site or its modification or fragmentation by activities on that land or on adjacent land

Useful Life Expectancy (ULE) A system used to determine the time a tree can be expected to be usefully retained

Shedding - Shedding of plant organs when it is mature or aged, by the formation of a corky layer across its base. This may be influenced by stress, drought, senescence, declining condition, reduced vigour and also occurs

Stability Resistance to change especially from loading forces or physical modifications to a trees growing environment

Stress A factor in a plants environment that can have adverse impacts on its life processes e.g. altered soil conditions, root damage, toxicity, drought or water logging. The impact of stress may be reversible given good arboricultural practices that may lead to plant decline.

Structural defect A weak point in or on a tree causing its structural deterioration diminishing its stability in full or part

Structural integrity The ability of a load bearing part of a tree, and its resistance to loading forces

Structural roots- Roots supporting the infrastructure of the root plate providing strength and stability of the tree.

Symbiotic An association between different species usually but not always mutually beneficial.

Termite leads Tunnels of mud on the stem and between the bark created by termites that may be active or inactive.

Tree Protection Zone (TPZ) A combination of RPZ and CPZ as an area around the tree set aside for the protection of a tree and a sufficient proportion of its growing environment above and below ground established prior to demolition or construction and maintained until the completion of works to allow for its viable retention including stability.

Visual Tree Assessment (VTA) A visual inspection of a tree from the ground. Such assessment should only be undertaken by suitably competent practitioners.

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Disclaimer

This report has been compiled using knowledge & expertise relating to trees, and makes recommendations based on this. It should be noted that trees are affected by many elements, environmental and situational, some of which cannot be predicted or foreseen even by Qualified Arborists.

The client when reading this report should take the following factors into consideration;

- ❖ It is not feasible to assume that Arborists identify all hazards or risks associated with trees at the time of consultation or indeed in this report.
- ❖ This Assessment is valid for 3 months from the date stipulated on the report, and may need to be updated after this.
- ❖ Regular maintenance and monitoring by a Qualified Arborist will minimize the risks associated with tree and contribute to its longevity in its growing environment, however there is no guarantee that all risks are to be eliminated and that the tree is not privy to external factors that will impact on the tree after it has been assessed by our service.
- ❖ The report is compiled in good faith, where any information given to our service is correct and true, and where interested parties and /or stakeholders are notified. This includes title and ownership of property, orders as directed by relevant authorities, development application determinations and other matters that affect the tree/s in question.
- ❖ The Arborist shall not be required to give testimony or to attend court by reason of this report unless other arrangements are made prior.
- ❖ This Arborist Report does not issue permission for any recommendations made in this report, particularly where trees are to be removed. Permission must be sought and obtained from Council and owner/s of trees.
- ❖ Any treatments recommended by the Arborist cannot be guaranteed, due to the volatile environment in which trees are growing.
- ❖ Clients may choose to accept or disregard the recommendations of the Arborist, or to seek additional advice.
- ❖ This report is intended for the Recipient, no part of this report is to be copied or altered without the authors permission

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