



 DEVELOPMENT ASSESSMENT PANEL REPORT	
Application No.	DA/2024/0909
Address	99 Kingston Street HABERFIELD
Proposal	Alterations and additions to an existing detached dwelling, including partial demolition of existing structures, construction of a lower ground floor, ground floor addition and detached workshop within rear yard
Date of Lodgement	25 October 2024
Applicant	Bayside Developments Australia Pty Ltd
Owner	Daniele Paci Angela J Paci
Number of Submissions	2
Cost of works	\$845,500.00
Reason for determination at Planning Panel	Section 4.6 variation exceeds 10% for height of building.
Main Issues	Heritage conservation
Recommendation	Approved with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Section 4.6 Exception to the Height of Building Development Standard
Attachment D	Section 4.6 Exception to the development below existing ground floor Development Standard
	
LOCALITY MAP	
Subject Site 	Objectors 
Notified Area 	Supporters 

1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to an existing detached dwelling, including partial demolition of existing structures, construction of a lower ground floor and ground floor extension, attic addition and detached workshop within rear yard at 99 Kingston Street HABERFIELD.

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

The main issues that have arisen from the application include:

- Height of building
- Development below ground floor
- Heritage conservation

The non-compliances are acceptable given the site characteristics, pattern of development, and compliance with heritage building controls and therefore the application is recommended for approval.

2. Proposal

Specifically, the proposal includes the following works:

- Partial demolition of existing structures including the kitchen and rear sunroom and lower ground floor walls and excavation.
- Removal of six trees within the rear setback.
- Construction of a lower ground floor and ground floor extension and addition of a habitable room within the attic.
- Construction of a rear alfresco on the lower ground floor and rear facing balcony on the ground floor.
- Construction of an outbuilding within the rear setback with an ensuite and workshop
- Demolition of the front fence and reconstruction like-for-like to accommodate a wider vehicle entrance and extension of the fence down the side boundaries.
- Construction of a carport within the side setback.

3. Site Description

The subject site is located on the south-eastern side of name of Kingston Street, between Learmonth Street and Crescent Street. The site consists of 1 allotment and is generally rectangular shaped with a total area of 695.6 sqm and is legally described as Lot 8 Section 7 in DP 6663.

The site has a frontage to Kingston Street of 15.24 metres.

The site is within the R2 – low density residential zone and supports a detached dwelling house which presents as one storey from the streetscape and 2 storeys from the rear due to the land sloping down towards the rear of the subject site. The adjoining properties support dwelling houses of a similar scale.

The property is located within a conservation area.

The following trees are located on the site and within the vicinity.

1. *Lophostemon confertus* (Brush Box) – Street tree
2. *Lophostemon confertus* (Brush Box) – Street tree
3. *Lophostemon confertus* (Brush Box) – Street tree
4. *Tibouchina sp.* (Glory Bush) – Rear setback on southern side, proposed for removal
5. *Murraya paniculate* (Orange Jessamine) – Rear Setback on southern side, proposed for removal
6. *Tibouchina sp.* (Glory Bush) – Rear setback, proposed for removal
7. *Lagerstroemia indica* (Crepe Murtle) – Rear setback, proposed for removal
8. *Jacaranda mimosifolia* (Jacaranda) – Rear setback in south-eastern corner, proposed for removal
9. *Ceratopetalum gummiferum* (NSW Christmas Bush) – Rear setback northern side, proposed for removal
10. *Jacaranda mimosifolia* (Jacaranda) - within the rear setback of No. 48 Tillock Street along the rear boundary.



Figure 1: Aerial photo of the subject site outline in green

4. Background

Site history

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

Surrounding properties

Application	Proposal	Decision & Date
97 Kingston St 010.1998.00000728.001	Alterations and additions to rear of property	13/05/1999 Approved
95 Kingston St - 010.2000.00000203.001	Rear Addition to Existing Dwelling And Lower Level And Carport.	22/11/2000 Approved
46 Tillock St - DA 2018.206.001	Alts and adds, rear extension, new garage, carport, and associated works	14/04/2019 Approved
48 Tillock St - CDCP2023/0263	Complying Development Certificate – Construction of in-ground swimming pool to rear of property	11/09/2023 Approved
48 Tillock St - DA/2022/0405	Alterations and additions to existing dwelling including lower ground level and additions	01/06/2023 Approved Court
50 Tillock St - 010.2011.00000019.001	Dwelling (Alts. & Adds)- Alterations and additions to the dwelling house, subfloor garage and front retaining wall at 50 Tillock Street, Haberfield.	25/03/2011 Approved
52 Tillock St - 016.2014.00000041.001	Complying Development Certificate – Construction of an in-ground swimming pool within the rear setback of the property	20/08/2024 Approved
52 Tillock St - 010.2006.00000302.001	Dwelling (Alts. & Adds), garage and retaining wall - Alterations and additions to the dwelling house, the demolition and construction of a subfloor garage, as well as the demolition and construction of the front retaining wall at 52 Tillock Street, Haberfield.	16/11/2007 Approved

Application history

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

Date	Discussion / Letter / Additional Information
25 November 2024	<p>A request for further information was sent to the applicant requiring the following;</p> <ul style="list-style-type: none"> • Addressing the proposed variation to the height of building development standard. • Amended plans to address heritage matters including bulk and scale, materials and finishes. • Updated plans to mitigate the impact to Tree 10 • Reduction in scale of the outbuilding to address overshadowing and bulk concerns • Amended stormwater plans to ensure compliance with Council policy. • Addressing inconsistencies within the provided documentation.
5 December 2024	A teams meeting was held between Council and the applicant to discuss the proposal and requested amendments/documentation.
23 December 2024	Amended plans and supporting documentation were received. Renotification was not required in accordance with Council's Community Engagement Strategy. The amended plans and supporting documentation are the subject of this report.

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979 (EP & A Act 1979)*.

A. Environmental Planning Instruments

The application has been assessed and the following provides a summary of the relevant Environmental Planning Instruments.

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

Chapter 2 Standards for residential development - BASIX

The application is accompanied by a BASIX Certificate (lodged within 3 months of the date of the lodgment of this application) in compliance with the *EP & 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 CIWDCP 2016.

The application seeks the removal of the following trees from within the rear setback of the subject site as numbered within the Arboricultural Impact Assessment (AIA) prepared by Ezigrow dated 19 December 2024:

- 4. *Tibouchina sp.* (Glory Bush) – Rear setback along the southern boundary
- 5. *Murraya paniculate* (Orange Jessamine) – Rear Setback along the southern boundary
- 6. *Tibouchina sp.* (Glory Bush) – Rear setback
- 7. *Lagerstroemia indica* (Crepe Murtle) – Rear setback
- 8. *Jacaranda mimosifolia* (Jacaranda) – Rear setback in the south-eastern corner
- 9. *Ceratopetalum gummiferum* (NSW Christmas Bush) – Rear setback northern side

An assessment of the proposal by Council's Tree Officer against the abovementioned provisions has identified the following:

- The trees proposed for removal were inspected and are considered to be of low landscape significance due to previous poor pruning, and as such, should not be considered a hinderance to the development and there's no objection to their removal subject to replacement planting. While tree 8 is considered to be of a higher stature, it is thin and lean, and its removal is supported as similar or greater environmental outcome can be achieved from a new planting of a significant tree.

Overall, the proposal is considered acceptable with regard to the *Biodiversity and Conservation SEPP* and Chapter C Part 4 of the CIWDCP 2016 subject to the imposition of conditions which include replacement planting, 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	The proposal satisfies the section as follows: <ul style="list-style-type: none"> 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, dwelling houses are permissible with consent in the R2 low density residential 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	The proposal satisfies the section as follows: <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 buildings	Maximum	7m	No
	Proposed	8m	

Control	Proposed		Compliance
	Variation	1m or 14.29%	
Section 4.4 Floor space ratio	Maximum	0.5:1 or 347.8sqm	Yes
	Proposed	0.5:1 or 347.7sqm	
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 Section 4.3 and 6.20(3)(ii) of the <i>IWLEP 2022</i> .		See discussion below

Section 4.6 – Exceptions to Development Standards

Section 4.3 Height of buildings development standard

The applicant seeks a variation to the above mentioned under section 4.6 of the *IWLEP 2022* by 1m or 14.29%. Section 4.6 allows Council to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes.

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. 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.

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 height of building standard are achieved notwithstanding the numeric non-compliance.

The **first objective of Section 4.3** is “*to ensure the height of buildings is compatible with the character of the locality*.”. The written request states that a similar level of amenity is achieved recently approved development and adjacent development on Kingston Street, being the utilisation of a lower-ground floor area and extension of the roof. Accordingly, the breach is consistent with the first objective as the proposal will result in a building height compatible with adjoining residences and is a form that is compatible with the broader HCA.

The **second objective of Section 4.3** is “*to minimise adverse impacts on local amenity*”. The written request states that the proposal will not result in excessive overshadowing onto adjoining properties, the bulk is consistent with neighbouring dwellings, and privacy impacts have been minimised. Accordingly, the breach is consistent with the second objective.

The **third objective of Section 4.3** is “*to provide an appropriate transition between buildings of different heights*”. The written request states that the proposal will result in a building with similar proportions to neighbouring dwellings and strict compliance with the standard will not result in an improved planning outcome in this regard. Accordingly, the breach is consistent with the third objective as the existing and proposed ridge height of the dwelling is slightly lower than the existing ridge height of neighbouring dwellings and is of a compatible hipped form such that the proposal will complement the existing pattern of development.

As the proposal achieves the objectives of the height of building standard, compliance is considered unreasonable and unnecessary in this instance.

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

Pursuant to Section 4.6(3)(b), the Applicant provides the following environmental planning grounds to justify contravening the height of building development standard:

Environmental Planning Ground 1 – *The proposal achieves the objectives of the standard, land use zone and applicable policies.* This environmental planning ground is not accepted because these constitute separate preconditions under Section 4.6 and are not considered relevant environmental planning grounds. Nonetheless it is considered that the proposals compliance with the FSR and landscaped area development standards, and Haberfield Heritage Conservation Area (HCA) design controls within the Comprehensive Inner West Development Control Plan 2016 (CIWDCP) result in a development which is of a complementary design which is of a scale that is appropriate for the subject site and compatible with surrounding properties.

Environmental Planning Ground 2 – *The breach of the standard is not considered to cause any excessive overshadowing onto adjoining properties or result in a bulk and scale which is uncommon in the streetscape due to the steep slope of the land allowing the use of a low level floor. The internal amenity resulting from the minor breach will be substantially improved to meet the needs of the residents.* This environmental planning ground is accepted because the existing building and adjoining buildings already breaches the standard and it is considered that the proposal will result in the orderly and economic development of the land which is not out of character for this streetscape and is consistent with Objective 1.3(c) of the *EP & A Act 1979*.

Environmental Planning Ground 3 – *The proposal aims to conserve the single storey appearance of the dwelling and its character as viewed from the streetscape, and as the variation is located at the rear of the dwelling will be minimally visible from the streetscape.* This environmental planning ground is accepted because it is considered that the proposal has been designed to preserve and maintain the heritage character of the subject site while promoting good design and amenity which is consistent with Objective 1.3(f) and (g) of the *EP & A Act 1979*.

Cumulatively, and while not all the grounds have been adequately made out, the grounds are considered sufficient to justify contravening the development standard.

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

Section 6.20(3)(ii) development below the existing ground floor development standard

The applicant seeks a variation to the above mentioned under section 4.6 of the *IWLEP 2022* by 35.25 sqm or 118%. Section 4.6 allows Council to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes.

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. 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.

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 standard are achieved notwithstanding the numeric non-compliance.

The **objective of Section 6.20** is "*to maintain the single storey appearance of dwellings in the Haberfield Heritage Conservation Area*". The written request states that the proposal aims to maintain the single storey appearance of the dwelling and its character when viewed from the streetscape with the variation being to the rear and not visible from the street. The proposal seeks to upgrade the existing lower-ground floor area by extending it further into the sub-floor and under the ground floor addition while not altering the levels of land substantially around the building. While the existing dwelling presents as two storeys from the rear (from within the subject site and from surrounding properties but not from the public domain), it is considered that the various design measures incorporated in the amended plans have ensured that the appearance of the two-storey rear form is minimised. Accordingly, the breach is consistent with the objective as the single storey appearance of the dwelling is generally maintained, and furthermore, the basement level is not likely to be visible from the streetscape.

As the proposal achieves the objectives of the development on land in Haberfield HCA standard, compliance is considered unreasonable and unnecessary in this instance.

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

Pursuant to Section 4.6(3)(b), the Applicant provides the following environmental planning grounds to justify contravening the development below existing ground floor development standard:

Environmental Planning Ground 1 – *Strict compliance with the development standard would not result in an improved planning outcome due to the existing nature of the dwelling and surrounding properties which all have a similar upper and lower-level structure.* This environmental planning ground is accepted because the combination of the slope of the land and the height of the existing ground floor level above natural ground level, has allowed for an existing basement level. The sub-floor area is considered suitable for further basement development. Furthermore, a number of surrounding dwellings on Kingston Street, generally incorporate a ground floor with lower ground level below.

Environmental Planning Ground 2 – *The proposal will not cause any major overshadowing onto neighbouring properties and the contravention itself will not add any further bulk and scale to the development as it is below the existing ground floor and is hidden from the streetscape.* This environmental planning ground is accepted because the extension of development below the existing ground level preserves the floor levels of the existing front rooms of the dwelling and the single storey appearance of the dwelling from the streetscape which is important for the heritage character of the HCA being consistent with Objects 1.3(f) and (g) of the *EP & A Act 1979*.

Environmental Planning Ground 3 – *Strict compliance with the standard will result in a lack of usable internal space and compromise the internal and external amenity afforded to the occupants of the dwelling.* This environmental planning ground is accepted because the proposed works associated with the basement area will substantially improve the amenity of the subject site. The internal spaces are being upgraded and additional living space is created at lower ground level which is directly connected with the outdoor private open space. Currently the living room has no connection to the open space. This results in a layout which meets the needs of the residents and is consistent with Objects 1.3(c) and (g) of the *EP & A Act 1979*.

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

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

Part 5 – Miscellaneous provisions

Section	Proposed	Compliance
Section 5.10 Heritage conservation		Yes
<p>The subject site is a contributory building within the Haberfield Heritage Conservation Area (HCA).</p> <p>The proposal achieves the objectives of this section as follows:</p> <ul style="list-style-type: none"> The proposal involves alterations and additions to the rear of a single storey contributory dwelling which has an existing lower ground floor area. The proposed works retain the existing side setbacks and is set below the main ridge of the original roof limiting the visibility of the new works from the streetscape. 		

Section	Proposed	Compliance
	<ul style="list-style-type: none"> While the proposal extends the two storey form as viewed from the rear of the property (which is not a typical outcome for the Haberfield HCA), given the slope of the land, surrounding pattern of development and treatment of the addition, it is not considered to be out of character and will still retain the single storey appearance of the dwelling from the streetscape. The existing masonry front fence is proposed to be demolished and rebuilt due to the subsidence and damage which is evident on the current fence and to also allow a wider vehicle entry of 2.9m. While it would be a preferable outcome to maintain the original fence, the reasons provided are considered sufficient grounds to support the reconstruction with like-for-like material and style. The existing fence has a planter section on the top which is considered to have resulted in some of the degradation of the bricks and mortar. To ensure the longevity of the new fence it is recommended that the fence is built to have no cavity for plantings and that garden beds are incorporated into the turfed area of the front setback to enhance the garden appearance. The front pedestrian path is proposed to be reconstructed with red concrete, this was likely the original finish of the path and hence is considered acceptable. The proposed carport is of an acceptable design and will be minimally visible from the streetscape and the proposed outbuilding will not be visible from the streetscape and is of a materiality and scale which is acceptable. The proposed hipped roof form of the extension is a complementary form, however it is noted that the rear facing plane is steeper than the side planes and the original main roof. Hence it is a recommended condition of consent that the pitch of the rear plane is amended to match the pitch of the front plane being 30 degrees. The development has been designed to respond to the significance of the conservation area and preserve contributory elements and fabric of the existing building 	
Given the above the proposal preserves the environmental heritage of the Inner West.		

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 water table. 	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 Stormwater Management	<ul style="list-style-type: none"> The development maximises the use of permeable surfaces, includes on site retention as an alternative supply and subject to standard conditions would not result in any significant runoff to adjoining properties or the environment. 	Yes, subject to conditions
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. 	Yes, see discussion under Section 4.6 above

Section	Proposed	Compliance
	<ul style="list-style-type: none"> The proposal involves development above the existing ground floor which is contained within the existing roof space. The proposal involves development below the existing ground floor which exceeds the 25% standard proposing 65.08sqm below the existing ground floor which is 54.52% of the GFA of the existing floor and a 118% variation to the development standard. This variation is considered acceptable given the discussion under Section 4.6 above. 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. The proposal maintains at least 50% of the site as landscaped area with 352sqm (50.60%) proposed. 	

6. 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 (CIWDCP 2016) for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

CIWDCP 2016	Compliance
Section 1 – Preliminary	
B – Notification and Advertising	Yes
Section 2 – General Guidelines	
A – Miscellaneous	
1 - Site and Context Analysis	Yes
2 - Good Design	Yes
4 - Solar Access and Overshadowing	Yes
5 - Landscaping	Yes
8 - Parking	Yes
11 - Fencing	Yes
15 - Stormwater Management	Yes
B – Public Domain	
C – Sustainability	
1 – Building Sustainability	Yes
2 – Water Sensitive Urban Design	Yes
3 – Waste and Recycling Design & Management Standards	Yes
4 – Tree Management	Yes
E2 – Haberfield Neighbourhood	
2.1 – Desired Future Character	Yes

2.2 – Haberfield Heritage Conservation Area	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 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill 2016 (CIWDGP 2016).

Chapter A – Miscellaneous

Control	Assessment	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 4 – Solar Access and Overshadowing	<ul style="list-style-type: none"> Solar access diagrams demonstrate that the proposal will ensure living rooms and the principal private open space of adjoining properties receive a minimum of 2 hours direct sunlight between 9am and 3pm on 21 June 	Yes
Part 5 – Landscaping	<ul style="list-style-type: none"> The proposal maintains and enhances the landscape character of the subject site. While some trees are to be removed, this is considered acceptable subject to appropriate replacement planting as conditioned. See the comments under the <i>SEPP (Biodiversity and Conservation) 2021</i> above. The landscaping proposed will create visual interest, increase residential amenity and supports the intention of the CIWDGP 2016 in retaining, protecting and integrating significant vegetation within development. 	Yes
Part 8 – Parking	<p><u>Car Parking</u></p> <ul style="list-style-type: none"> One (1) car parking space is required. One (1) car parking space is proposed. <p><u>Design</u></p> <ul style="list-style-type: none"> The configuration and design of the car parking is in accordance with this part of the Plan. Standard conditions are recommended to ensure compliance with the design requirements. 	Yes, subject to conditions
Part 11 - Fences	<ul style="list-style-type: none"> The proposed front fence measures a maximum 1m in height and is consistent with the design and style of the original front fence. 	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	Assessment	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 – Water Sensitive Urban Design	<ul style="list-style-type: none"> A BASIX Certificate was provided to ensure compliance with this section 	Yes, subject to conditions
Part 3 – Waste and Recycling Design & Management Standards	<ul style="list-style-type: none"> 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. 	Yes, subject to conditions
Part 4 – Tree Management	<ul style="list-style-type: none"> As discussed with the <i>SEPP (Biodiversity and Conservation) 2021</i> section above, six (6) trees are approved for removal within the rear setback of the subject site to accommodate the development. Given six (6) trees are approved for removal and the site area is 695.6sqm, two (2) x 100 litre tree plantings are recommended to be provided in accordance with C11 of this part by way of condition. A <i>Jacaranda mimosifolia</i> (Jacaranda) is located within the rear setback of No. 50 Tillock Street along the rear fence line shared with the subject site. As amended, the proposed outbuilding and stormwater drainage concept plan results in a 2% incursion into the Tree Protection Zone (TPZ) of this tree, and as this area is considered minor, it is considered that the proposal will have minimal impacts to the tree subject to tree protection measures being undertaken during works. 	Yes, subject to conditions

Chapter E2 – Haberfield Neighborhood

Control	Assessment	Compliance
2.1. Desired Future Character	<ul style="list-style-type: none"> The proposal is consistent with the objectives of this part and the desired future character of the Haberfield neighbourhood. The proposed extension does not conceal, dominate or otherwise compete with the original shape, height, proportion and scale or architectural character of the existing building. The proposed extension is confined to the rear. The proposal does not include an extension to the side of the dwelling, within the side setback area and is not any wider than the existing dwelling. 	Yes
2.2.1. Statement of Significance	<ul style="list-style-type: none"> The proposal generally retains the qualities of the site and the built form identified in the Statement of Significance for the Haberfield Heritage Conservation Area. 	Yes

Control	Assessment	Compliance
2.2.2. General	<p>The proposal is consistent with the objectives of this part as follows:</p> <ul style="list-style-type: none"> • The proposal maintains the single storey appearance of the dwelling as viewed from the streetscape. • The proposal conserves the garden suburb character of Haberfield as an adequate landscaped setting is maintained. • The alterations and extensions will not detract from the heritage significance of Haberfield. 	Yes
2.2.3. Pattern of Development	<ul style="list-style-type: none"> • The proposal produces site coverage similar in pattern and size to that established by the original development of the suburb. • No new structures are proposed forward of the existing building line. • The existing side setbacks of the existing dwelling are maintained, and the proposed setbacks are consistent with those in the vicinity. 	Yes
2.2.4 Building Form	<ul style="list-style-type: none"> • The proposal does not include alterations to the original main portion of the building; • 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 less than, and secondary to, the original house. • Modestly sized in-plane skylights are proposed to the side and rear planes of the extension and limited to one such window per roof plane. • The proposed extension does not employ any major or prominent design elements that compete with the architectural features of the existing building. • The attic space is built within the main roof shape and within the roof extension. It does not involve alteration or addition to the roof shape or extend outside the existing roof plane. • The attic rooms are modest in scale and comprise of one (1) room capable of habitation, and one storage room • The attic rooms are serviced by appropriate openings as follows. <ul style="list-style-type: none"> ○ No skylights are proposed to the front or side faces of the main roof. ○ As conditioned, the proposed attic windows are modest flush "in plane" skylights. ○ A maximum of one skylight per side or rear roof elevation is proposed. ○ No dormer windows, Juliet balconies and similar protrusions are proposed. • The rear extension containing the attic does not compete with the scale and shape of the main roof and is not visible from a public place. 	Yes

Control	Assessment	Compliance
2.2.5. Roof Forms	<ul style="list-style-type: none"> Subject to the pitch of the rear roof plane changing to match the original roof (30 degrees), the roof extension relates sympathetically and subordinately to the original roof in shape, pitch, proportion and materials, subject to the design change condition to reduce the pitch of the rear plane to match the front plane. The roof to the extension reflects the size, mass, shape, and pitch of the neighbouring original roofs, subject to conditions. A traditional roof form is proposed. An appropriate and traditional roof material is proposed for the addition. The replacement roof material is appropriate for the dwelling. The roof extension is considerably lower than the original roof and clearly differentiated between the original and the new section. A set down of 500mm is proposed. Roof details such as ridge capping, is to be maintained. 	Yes
2.2.6 Siting, setbacks and levels	<ul style="list-style-type: none"> The established pattern of front and side setbacks is maintained. Site coverage is similar to the traditional pattern of development. Generous green garden space is maintained to the front and back yards. No substantial or visible difference is proposed between the main floor levels of adjacent houses. The site topography allows for a lower-ground floor addition and the use of this space as habitable rooms is considered acceptable given the window and floor levels align with neighbouring dwellings and it allows the main living areas to be on ground level and open into the private open space. 	Yes
2.2.7. Walls	<ul style="list-style-type: none"> The original shape and materials of the front and side walls remains unaltered. 	Yes
2.2.8. Chimneys	<ul style="list-style-type: none"> All existing fireplaces are being retained. There are no existing chimneys. 	Yes
2.2.9. Joinery	<ul style="list-style-type: none"> Existing joinery is retained, and timber detailing is employed for new elements. 	Yes
2.2.10. Windows and Doors	<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. Timber framed windows are proposed in the side elevations of the extension. 	Yes
2.2.12. Verandahs	<ul style="list-style-type: none"> The proposed rear verandah does not challenge the street presentation of the house. 	Yes
2.2.13. Garages and Carports	<ul style="list-style-type: none"> The carport is located at the side of the house and is freestanding. The carport is setback at least 1m from the front wall of the house and does not exceed 3m in width. 	Yes

Control	Assessment	Compliance
	<ul style="list-style-type: none"> The carport design is simple and utilitarian and does not challenge the mass or bulk of the house. 	
2.2.14. Outbuildings: Studios, Secondary Dwellings and Garden Sheds	<ul style="list-style-type: none"> The proposed outbuilding is located at the rear of the allotment and respects boundaries, tree-planting and other site details. The proposed outbuilding is sited to minimise visibility from the street and from neighbouring properties. The proposed outbuilding is subordinate to the main house and does not challenge its shape, size, form, or decoration. The floor plan for the proposed outbuilding is simple and not complex. The roof for the proposed outbuilding is simple and practical in scale. The pitch is lower than the roof pitch of the house and utilises a hipped form. Traditional, complementary materials are utilised. The windows have vertical proportions. 	Yes
2.2.15. Colour Schemes	<ul style="list-style-type: none"> Appropriate traditional colours and materials are used which complement and reflect those used in the existing dwelling. 	Yes
2.2.16. Fences and Gates	<ul style="list-style-type: none"> The proposed new front fence is under 1m in height, simple in design and is a recreation of the original fence 	Yes
2.2.17. Garden Elements including Paving, Driveways, Pergolas, and Pools	<ul style="list-style-type: none"> The surviving original garden elements are being retained and/ or repaired. The extent of paving, hard surfacing and secondary outbuildings has been minimised. The proposed material for the new front path is smooth-textured, red-tinted concrete. The driveway consists of two wheel strips of hard surface brick paving or concrete with grass, or garden in between. 	Yes

Chapter F – Development Category Guidelines

Control	Assessment	Compliance
Part 1 - Dwelling houses	<u>PC9 Principal private open space</u> 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, natural ventilation and privacy.	Yes
	<u>PC13 Solar access</u> <ul style="list-style-type: none"> Concern was raised regarding overshadowing to neighbouring properties caused by the proposed outbuilding. Hourly shadow diagrams were provided for the 21 June which indicate the following impacts to neighbouring areas of POS caused by the proposal: <ul style="list-style-type: none"> The outbuilding casts an additional 3sqm of shadow into the rear of no. 97 Kingston Street from 9am to midday, with the proposal maintaining solar access to over 50% of the POS until 3pm. 	Yes

Control	Assessment	Compliance
	<ul style="list-style-type: none"> ○ The properties over the rear boundary (Nos. 48 and 50 Tillock Street) are not impacted by the proposal until midday. From midday to 2pm solar access is retained to at least 50% of the POS of the properties while at 3pm they are significantly overshadowed, however, this is still compliant with the controls within this section. • Given the above, 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. 	
	<p><u>PC14 Visual privacy</u></p> <ul style="list-style-type: none"> • Side facing windows located on the ground floor which are higher than the fence-line are recommended to be conditioned to have fixed lower panes and obscure glazing up to 1.6m above the finished floor level. One of these windows service a bathroom and the other window service a multi-use space so these measures are considered appropriate in serving the privacy of residents and reduce potential overlooking into neighbouring open space. • A balcony is proposed at the rear of the property on the ground floor level. Due to the slope of the land, the balcony is elevated to appear as a second storey. The risk of overlooking has been reduced with the installation of a planter box along the edges of the balcony, privacy screens on the side elevations and metal balustrade along the main elevation. The setback created by the planter box reduces the trafficable area of the balcony and reduces sight lines. • The balcony itself will also aid in obscuring lower views out of the rear facing windows on the ground floor which service the master bedroom and multi-purpose space. The multi-purpose space is considered to be a high use space and its increased setback from the rear is considered appropriate in reducing the ability to overlook neighbouring properties from this space. • The main living areas and alfresco dining space are located on the lower ground floor which aids in improving the privacy of the spaces for residents. • The windows proposed for the outbuilding either face into the subject site or are adequately setback to not cause any privacy concerns. The outbuilding is not to be used as a separate domicile and a condition is included in the recommendation to this effect. • Given the above, an adequate level of visual privacy for the proposed development and adjoining properties is maintained. 	Yes

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 31 October 2024 to 14 November 2024.

A total of 2 submissions were received in response to the initial notification.

Further issues raised in the submissions received are discussed below:

Concern	Comment
Bulk and scale of the outbuilding and associated amenity impacts	Concern was raised regarding the size of the proposed outbuilding and associated impacts to neighbouring properties resulting from overshadowing and visual amenity. The outbuilding as amended has reduced floor to ceiling heights, roof pitch and extent of wall along the rear boundary. As amended, the overshadowing and visual bulk has been reduced to a level which is considered acceptable given the site constraints.
Concern of extent of excavation required for the outbuilding and impact on neighbouring structures	Concern was raised regarding the extent of excavation required for the outbuilding near the south-eastern corner of the lot and its proximity to a neighbouring pool. The extent of excavation was amended so the outbuilding will be on piers at the rear of the lot. A dilapidation report was requested - this is recommended as a condition of consent to ensure that if the works impact neighbouring structures, this can be accounted for.
Visual privacy concerns from the ground floor balcony	Concern was raised regarding the balcony proposed on the ground floor facing the rear and associated overlooking impacts which may result for neighbouring properties. As discussed in Chapter F PC14 of the CIWDCP 2016 above, measures have been put in place which will reduce opportunities for overlooking to a level which is considered acceptable for the use of the space. The setback resulting from the planter boxes, addition of privacy screens and a balustrade will all aid in obscuring view lines and the location of the outbuilding also aids in obscuring any views toward lower properties at the rear.
Concern on the use of the attic and glazing on rear	The original scheme was unclear whether there would be glazing on the gable end to service the "storage" room and the visual bulk

gable roof form	associated from the gable end on the two-storey rear elevation. The rear roof form was amended to a hipped form which has removed this concern relating to the use of the attic and has reduced the visual bulk of the extension as viewed from neighbouring properties as the hipped form softens the end of the extension
Extent of glazing on the rear elevation	Concern was raised regarding the extend of glazing on the rear elevation and associated visual impacts. While there is a large extent of glazing on this elevation, it is considered that on the ground floor the balcony, planter boxes, balustrade and the larger setback of the northern-most windows will aid in screening these windows and reducing their visual prominence on the elevation. Similarly on the lower-ground floor, the increased setback of the northern-most windows and partial enclosure of the alfresco area will aid in reducing the visual extent of the windows. The use of traditional roof tiles, face brick and sandstone will all aid in softening the elevation and blend the modern elements into the heritage style of the building.
Loss of trees and resulting amenity impacts	As discussed within the report above, the trees to be removed were inspected and are considered to be of low landscape value due to poor maintenance in the past and as such are approved for removal subject to appropriate replacement plantings. Two significant sized trees have been conditioned for planting which should provide significant canopy cover and environmental outcomes in the future noting is it unlikely that the current trees could provide this due to their health.

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 7.11 / 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 \$8,455 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
- 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 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. In relation to the proposal by the development in Development Application No. 2024/0909 to contravene the development standards in Sections 4.3 and 6.20(3)(ii) of Inner West Local Environmental Plan 2022 the Panel is satisfied that the Applicant has demonstrated that:
 - (a) compliance with the development standards is unreasonable or unnecessary in the circumstances, and
 - (b) there are sufficient environmental planning grounds to justify the contravention of the development standards.
- 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/2024/0909 for alterations and additions to an existing detached dwelling, including partial demolition of existing structures, construction of a lower ground floor, ground floor addition and detached workshop within rear yard at 99 Kingston Street, HABERFIELD subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

GENERAL CONDITIONS

	Condition
1.	<p>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>
2.	<p>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>
3.	<p>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>

4.	Documents related to the consent			
	The development must be carried out in accordance with plans and documents listed below:			
	Plan, Revision and Issue No.	Plan Name	Date Issued/Received	Prepared by
	DA2.04 Rev A	Lower Ground Demolition Plan	02/09/2024	Bayside Built
	DA2.05 Rev A	Ground Demolition Plan	02/09/2024	Bayside Built
	DA3.01 Rev B	Proposed Lower Ground Floor Plan	13/12/2024	Bayside Built
	DA3.02 Rev B	Proposed Ground Floor Plan	13/12/2024	Bayside Built
	DA3.03 Rev B	Proposed Attic Plan	13/12/2024	Bayside Built
	DA3.04 Rev B	Proposed Roof Plan	13/12/2024	Bayside Built
	DA4.01 Rev B	General Sections	13/12/2024	Bayside Built
	DA5.01 Rev B	East-West Elevations	13/12/2024	Bayside Built
	DA5.02 Rev B	North-South Elevations	13/12/2024	Bayside Built
	DA7.02 Rev B	Fences Detail	13/12/2024	Bayside Built
	DA7.01 Rev B	Material Board	13/12/2024	Bayside Built
	DA7.08 Rev B	Landscape Plan	13/12/2024	Bayside Built
	Drawings H01 to H05	Stormwater Plans	19/12/2024	RKINFRA
		Arboricultural Impact Appraisal and Method Statement - Revised	19/12/2024	Ezigrow
	A1761073	BASIX Certificate	22/08/2024	Bonnefin Consulting Pty Ltd
	As amended by the conditions of consent.			
	Reason: To ensure development is carried out in accordance with the approved documents.			

5.	<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>
6.	<p style="text-align: center;">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>
7.	<p style="text-align: center;">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>
8.	<p style="text-align: center;">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>
9.	<p style="text-align: center;">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> <ul style="list-style-type: none"> a. In the case of work for which a principal contractor is required to be appointed: <ul style="list-style-type: none"> i. The name and licence number of the principal contractor; and ii. The name of the insurer by which the work is insured under Part 6 of that Act. b. In the case of work to be done by an owner-builder: <ul style="list-style-type: none"> i. The name of the owner-builder; and ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit. <p>Reason: To ensure compliance with legislative requirements.</p>
10.	<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>

11.	<p>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.</p> <p>Reason: To protect human health.</p>
12.	<p>Dial before you dig</p> <p>Contact "Dial Before You Dig" prior to commencing any building activity on the site.</p> <p>Reason: To protect assets and infrastructure.</p>
13.	<p>Bin Storage - Residential</p> <p>All bins are to be stored within the property. Bins are to be returned to the property within 12 hours of having been emptied.</p> <p>Reason: To ensure resource recovery is promoted and residential amenity is protected.</p>
14.	<p>Asbestos Removal</p> <p>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.</p> <p>Reason: To ensure compliance with the relevant environmental legislation.</p>

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition				
15.	<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> <table border="1"> <tr> <td>Security Deposit:</td><td>\$8,400.00</td></tr> <tr> <td>Inspection Fee:</td><td>\$389.90</td></tr> </table>	Security Deposit:	\$8,400.00	Inspection Fee:	\$389.90
Security Deposit:	\$8,400.00				
Inspection Fee:	\$389.90				

	<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>
16.	<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>
17.	<p>Stormwater Drainage System – Minor Developments (OSD is not required)</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans certified by a suitably qualified Civil Engineer that the design of the site drainage system complies with the following specific requirements:</p> <ol style="list-style-type: none"> The design must generally be in accordance with the Stormwater Drainage Concept plan on Drawing Nos. H01 to H05 prepared by RKINFRA and dated 19 December 2024 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 pipeline from 5000 L rainwater tank by gravity to the proposed 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. Any overflow from the absorption trench shall be dispersed in the rear yard.

	<ul style="list-style-type: none"> c. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP. d. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage other than to drain downpipes to the rainwater tank. The rainwater tank must be connected to all new/upgraded toilets and garden taps for water reuse. e. 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. Existing overland flow paths must be maintained within the setbacks to the side boundaries between the rear of the dwelling and the street frontage. g. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. h. No nuisance or concentration of flows to other properties. i. 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. j. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated. k. No impact to street tree. <p>Reason: To ensure that the adequate provision of stormwater drainage is provided.</p>
18.	<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>

19.	<p>Design Change</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating the following:</p> <ol style="list-style-type: none"> The pitch of the rear roof plane is to be adjusted to 30 degrees or less to match the pitch of the front facing roof plane. The two skylights W08 are to be flush in-plane to not protrude out of the roof plane. The new masonry front fence is to not have the cavity for plantings on top the fence. <p>Reason: To ensure that the design changes protect the amenity of the neighbourhood.</p>
20.	<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>
21.	<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>
22.	<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 \$8,455 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> $C_{\text{payment}} = C_{\text{consent}} \times (CPI_{\text{payment}} \div CPI_{\text{consent}})$ <p>Where:</p> <ul style="list-style-type: none"> C_{payment} = is the contribution at time of payment

	<ul style="list-style-type: none"> • Cconsent = is the contribution at the time of consent, as shown above • CPIconsent = is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being 139.8 for the Sep-24 quarter. • CPIpayment = is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment <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> <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>
23.	<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 minimum Australian Qualification Framework (AQF) Level 5, Diploma of Arboriculture, Project Arborist. The TPP is to be prepared in accordance with Australian Standard AS4970—<i>Protection of trees on development sites</i> 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 <i>fit for purpose</i> by the Project Arborist.</p> <p>Reason: To protect trees during construction.</p>
24.	<p>Balcony</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans indicating that the privacy screens on the north and south sides of the ground floor balcony have a minimum block out density of 75% and a height of 1.6 metres above the finished floor level of the balcony.</p> <p>Reason: To ensure that visual privacy treatment protects the amenity of the neighbourhood.</p>
25.	<p>Privacy</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans indicating Window GF01 W06 and GF02 W06 being amended in the following manner:</p> <ul style="list-style-type: none"> The lower window panes are to be fixed and obscure glazing to a minimum level of 1.6 metres above the floor level. <p>Reason: To ensure that visual privacy treatment protects the amenity of the neighbourhood.</p>

BEFORE BUILDING WORK COMMENCES

	Condition
26.	<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>

27.	<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>
28.	<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>
29.	<p>Standard Street Tree Protection</p> <p>Prior to the commencement of any work, the Certifying Authority must be provided with details of the methods of protection of all street trees adjacent to the site during demolition and construction.</p> <p>Reason: To protect and retain trees.</p>
30.	<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 97 and 101 Kingston Street, and 48 and 50 Tillock Street to the Certifying Authority's satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.</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>
31.	<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>
32.	<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 5 metres of the development must be protected in accordance with AS4970—<i>Protection of trees on development sites</i> and Council's Development Fact Sheet—<i>Trees on Development Sites</i>. No activities, storage or disposal of materials taking</p>

place beneath the canopy of any tree (including trees on neighbouring sites) protected under Council's Tree Management Controls at any time.

The existing trees detailed below must be retained and protected throughout construction and development in accordance with all relevant conditions of consent.

NOTE: Reference should be made to the Arboricultural Impact Assessment Report prepared by Ezigrow, 19 December 2024, for tree numbering and locations.

Tree Number	Species	Location
1	<i>Lophostemon confertus</i> (Brush Box)	Council road verge
2	<i>Lophostemon confertus</i> (Brush Box)	Council road verge
3	<i>Lophostemon confertus</i> (Brush Box)	Council road verge
10	<i>Jacaranda mimosifolia</i> (Jacaranda)	50 Tillock Street

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

33. **Project Arborist**

Prior to the commencement of any demolition or construction works within close proximity to protected trees a Project Arborist (a person holding a minimum Australian Qualification Framework (AQF) Level 5, Diploma of Arboriculture), 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.

Reason: To protect and retain trees.

34. **Tree Protection Zone**

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

Tree No.	Botanical/Common Name	Radius in metres
10	<i>Jacaranda mimosifolia</i> (Jacaranda)	approved TPP

Reason: To protect and retain trees.

DURING BUILDING WORK

	Condition
35.	<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>
36.	<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>
37.	<p>Inspections by Project Arborist</p> <p>The Project Arborist must oversee various stages of work within the Tree Protection Zone (TPZ) of any tree listed for retention including street trees. The Arborist must certify compliance with each key milestone detailed below:</p> <ol style="list-style-type: none"> 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; During any Landscape works within the TPZ which has been approved by Council. <p>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 certifying authority at each hold-point listed below:</p> <ol style="list-style-type: none"> 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 certifying authority prior to the issue of any Occupation Certificate. <p>Reason: To protect and retain trees.</p>

38.	<p>Limited Root Pruning:</p> <p>No tree roots of 30mm 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:</p> <table> <tr> <th>Tree No</th><th>Botanical/Common Name</th><th>Radius in metres</th></tr> <tr> <td>10</td><td><i>Jacaranda mimosifolia</i> (Jacaranda)</td><td>5</td></tr> </table> <p>All excavation within the specified radius of the trunk of the above tree being hand dug under direct supervision of the Project Arborist. If tree roots less than 30mm 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.</p> <p>Note – The installation of services must be undertaken accordingly.</p> <p>Reason: To protect and retain trees.</p>	Tree No	Botanical/Common Name	Radius in metres	10	<i>Jacaranda mimosifolia</i> (Jacaranda)	5															
Tree No	Botanical/Common Name	Radius in metres																				
10	<i>Jacaranda mimosifolia</i> (Jacaranda)	5																				
39.	<p>Works to Trees</p> <p>Approval is given for the following tree/s to be removed, after the issue of a Construction Certificate:</p> <table> <tr> <th>Tree No.</th><th>Botanical/Common Name</th><th>Location</th></tr> <tr> <td>4</td><td><i>Tibouchina sp.</i> (Glory Bush)</td><td>rear setback</td></tr> <tr> <td>5</td><td><i>Murraya paniculata</i> (Orange Jessamine)</td><td>rear setback</td></tr> <tr> <td>6</td><td><i>Tibouchina sp.</i> (Glory Bush)</td><td>rear setback</td></tr> <tr> <td>7</td><td><i>Lagerstroemia indica</i> (Crepe Myrtle)</td><td>rear setback</td></tr> <tr> <td>8</td><td><i>Jacaranda mimosifolia</i> (Jacaranda)</td><td>rear setback</td></tr> <tr> <td>9</td><td><i>Ceratopetalum gummiferum</i> (NSW Christmas Bush)</td><td>rear setback</td></tr> </table> <p>All tree works shall be undertaken by an arborist with minimum Australian Qualification Framework (AQF) Level 3, Certificate of Arboriculture, as defined by the Australian Qualification Framework and in compliance with Australian Standard AS 4373—<i>Pruning of amenity trees</i> 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 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>The trees to be removed must be included on all Construction Certificate plans shown in red.</p>	Tree No.	Botanical/Common Name	Location	4	<i>Tibouchina sp.</i> (Glory Bush)	rear setback	5	<i>Murraya paniculata</i> (Orange Jessamine)	rear setback	6	<i>Tibouchina sp.</i> (Glory Bush)	rear setback	7	<i>Lagerstroemia indica</i> (Crepe Myrtle)	rear setback	8	<i>Jacaranda mimosifolia</i> (Jacaranda)	rear setback	9	<i>Ceratopetalum gummiferum</i> (NSW Christmas Bush)	rear setback
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9	<i>Ceratopetalum gummiferum</i> (NSW Christmas Bush)	rear setback																				

	<p>NOTE: Reference should be made to the Arboricultural Impact Assessment Report prepared by Ezigrow, dated 19 December 2014 for tree numbering and locations.</p> <p>Reason: To identify trees permitted to be removed.</p>
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BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
40.	<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 works have been removed.</p> <p>Reason: To maintain and promote vehicular and pedestrian safety.</p>
41.	<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>
42.	<p>Certification of Tree Planting</p> <p>New Tree Planting is required as part of the development. Prior to the issue of any Occupation Certificate, the Certifying Authority is to be provided with evidence in the form of an image and a purchase invoice to confirm that:</p> <p>A minimum of 2 x 100 litre size trees, which will attain a minimum mature height of 8 metres and minimum canopy spread of 5 metres, have been planted in suitable locations within the property (at least 1 metre from any boundary and 1.5 metres from any structure). The location must provide sufficient above and below ground space for future tree growth. The 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 and species recognised to have a short life span, will not be accepted.</p> <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.</p> <p>Reason: To ensure appropriate landscaping is undertaken.</p>

OCCUPATION AND ONGOING USE

	Condition
43.	<p>Use of the Studio/Outbuilding</p> <p>The approved studio/outbuilding is not to be used as a separate domicile without separate development consent from Council and is to be utilised in conjunction with the approved dwelling house. No kitchen, kitchenette, cooking facilities or the like are to be installed within the structure.</p> <p>Reason: To ensure the use of the structure is commensurate with its approval</p>

Attachment B – Plans of proposed development

99 KINGSTON STREET HABERFIELD

DEVELOPMENT APPLICATION FOR ALTERATIONS AND ADDITIONS

Daniel & Angie Paci

December 2024

Council Inner West Council
Lot & DP 877DP6663
Zoning R2 – Low Rise Residential
Site Area 685.6m²

Drawing Schedule

Sheet Number	Sheet Name	Revision	Rev Date
DA01	Cover Page	B	13.12.2024
DA1.03	Site Plan & Site Analysis	B	13.12.2024
DA2.01	Existing Lower Ground Floor	A	02.09.2024
DA2.02	Existing Ground Floor	A	02.09.2024
DA2.03	Existing Roof Plan	A	02.09.2024
DA2.04	Lower Ground Demolition Plan	A	02.09.2024
DA2.05	Ground Demolition Plan	A	02.09.2024
DA3.01	Proposed Lower Ground Floor Plan	B	13.12.2024
DA3.02	Proposed Ground Floor Plan	B	13.12.2024
DA3.03	Proposed Attic Plan	B	13.12.2024
DA3.04	Proposed Roof Plan	B	13.12.2024
DA4.01	General Sections	B	13.12.2024
DA6.01	Landscapes and FSR Calculations	B	13.12.2024
DA6.10	Waste Management Plan	A	02.09.2024
DA6.11	Existing Shadow Diagrams - 9am	B	13.12.2024
DA6.12	Existing Shadow Diagrams - 10am	B	13.12.2024
DA6.13	Existing Shadow Diagrams - 11am	B	13.12.2024
DA6.14	Existing Shadow Diagrams - 12pm	B	13.12.2024
DA6.15	Existing Shadow Diagrams - 1pm	B	13.12.2024
DA6.16	Existing Shadow Diagrams - 2pm	B	13.12.2024
DA6.17	Existing Shadow Diagrams - 3pm	B	13.12.2024
DA6.18	Existing Shadow Diagrams - 4pm	B	13.12.2024
DA6.19	Proposed Shadow Diagrams - 9am	B	13.12.2024
DA6.20	Proposed Shadow Diagrams - 10am	B	13.12.2024
DA6.21	Proposed Shadow Diagrams - 11am	B	13.12.2024
DA6.22	Proposed Shadow Diagrams - 12pm	B	13.12.2024
DA6.23	Proposed Shadow Diagrams - 1pm	B	13.12.2024
DA6.24	Proposed Shadow Diagrams - 2pm	B	13.12.2024
DA6.25	Shadow Elevations	A	13.12.2024
DA7.01	Material Board	B	13.12.2024
DA7.06	Landscape Plan	B	13.12.2024
Grand total: 31			

BASIX Commitments

Window/door number	Orientation	Area of glass frame (m ²)	Overshading height (m)	Overshading distance (m)	Shading device	Frame and glass type
GF04	N	3.4	6	4	eave/ verandah/ pergola/halcyon >=500 mm	timber or UPVC, single clear, (or U-value < 5.71, SHGC 0.66)
LO04	E	3.57	0	0	eave/ verandah/ pergola/halcyon >=500 mm	timber or UPVC, single clear, (or U-value < 5.71, SHGC 0.66)
LO05	E	5.67	0	0	eave/ verandah/ pergola/halcyon >=500 mm	timber or UPVC, single clear, (or U-value < 5.71, SHGC 0.66)
LO06	E	12.15	0	0	eave/ verandah/ pergola/halcyon >=500 mm	timber or UPVC, single clear, (or U-value < 5.71, SHGC 0.66)
GF05	E	10.8	0	0	eave/ verandah/ pergola/halcyon >=500 mm	timber or UPVC, single clear, (or U-value < 5.71, SHGC 0.66)
GF06	E	10.8	0	0	eave/ verandah/ pergola/halcyon >=500 mm	timber or UPVC, single clear, (or U-value < 5.71, SHGC 0.66)
LO07	S	1.26	4.5	3.8	eave/ verandah/ pergola/halcyon >=450 mm	timber or UPVC, single clear, (or U-value < 5.71, SHGC 0.66)

Skyights glazing requirements

Skyight number	Area of glazing inc. frame (m ²)	Shading device	Frame and glass type
RF01	0.77	no shading	aluminium, moulded plastic glazing, single clear, (or U-value < 5.71, SHGC 0.66)

NOT FOR CONSTRUCTION

- 1. All glazing must be double glazed (or equivalent) to meet the minimum U-value and SHGC requirements.
- 2. All glazing must be double glazed (or equivalent) to meet the minimum U-value and SHGC requirements.
- 3. All glazing must be double glazed (or equivalent) to meet the minimum U-value and SHGC requirements.
- 4. All glazing must be double glazed (or equivalent) to meet the minimum U-value and SHGC requirements.
- 5. All glazing must be double glazed (or equivalent) to meet the minimum U-value and SHGC requirements.
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- 7. All glazing must be double glazed (or equivalent) to meet the minimum U-value and SHGC requirements.
- 8. All glazing must be double glazed (or equivalent) to meet the minimum U-value and SHGC requirements.
- 9. All glazing must be double glazed (or equivalent) to meet the minimum U-value and SHGC requirements.
- 10. All glazing must be double glazed (or equivalent) to meet the minimum U-value and SHGC requirements.



Document ID: 40017763
Version: 1.1
Version Date: 13/01/2025

Project Name: 99 Kingston Street
Project Address: 99 Kingston Street
Project Area: 685.6m²

Project Number: DA01
Project Status: PRELIMINARY

Project Date: 13.12.2024

Project Location: 99 Kingston Street, Haberfield, NSW 2168

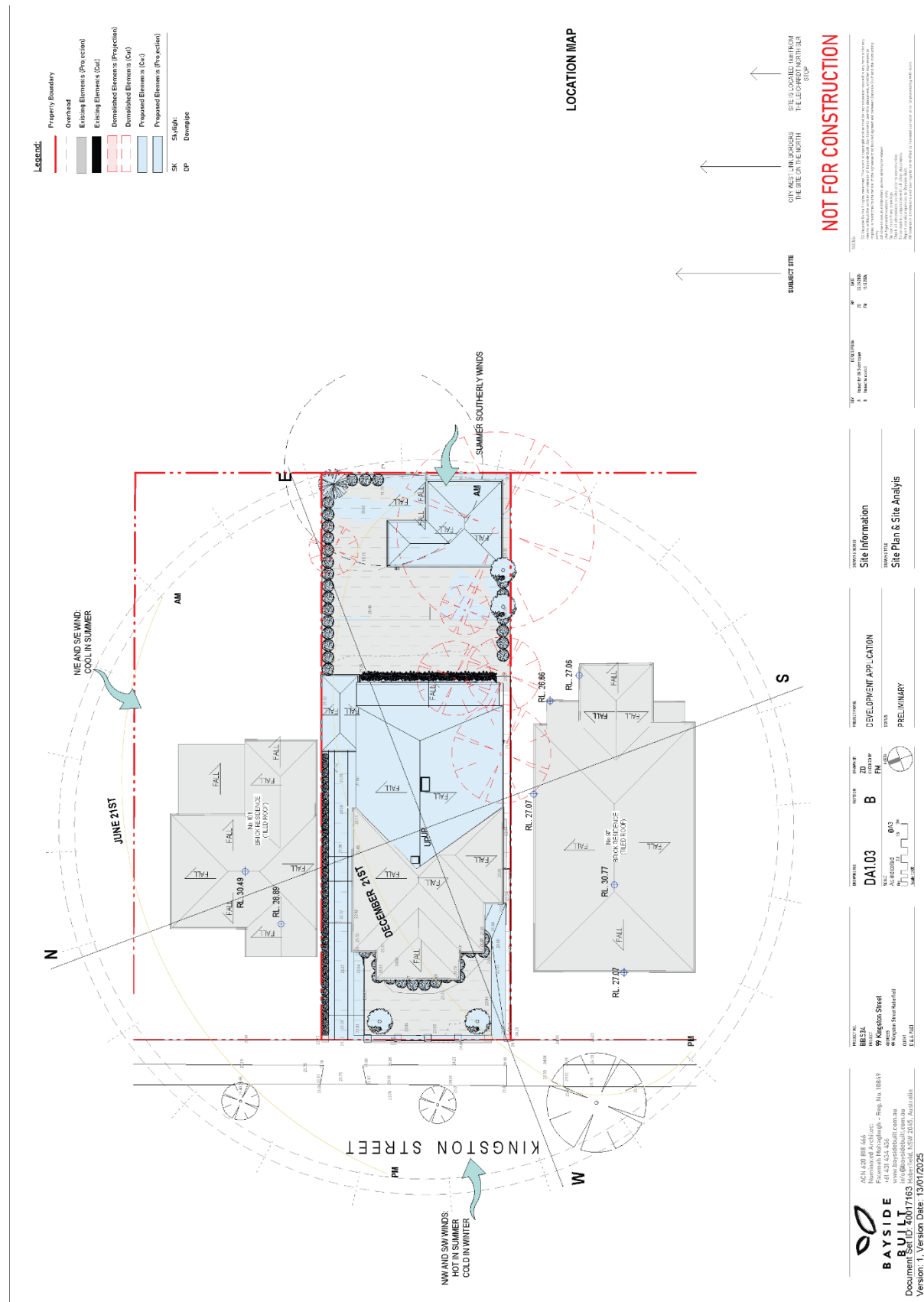
Project Contact: Daniel & Angie Paci

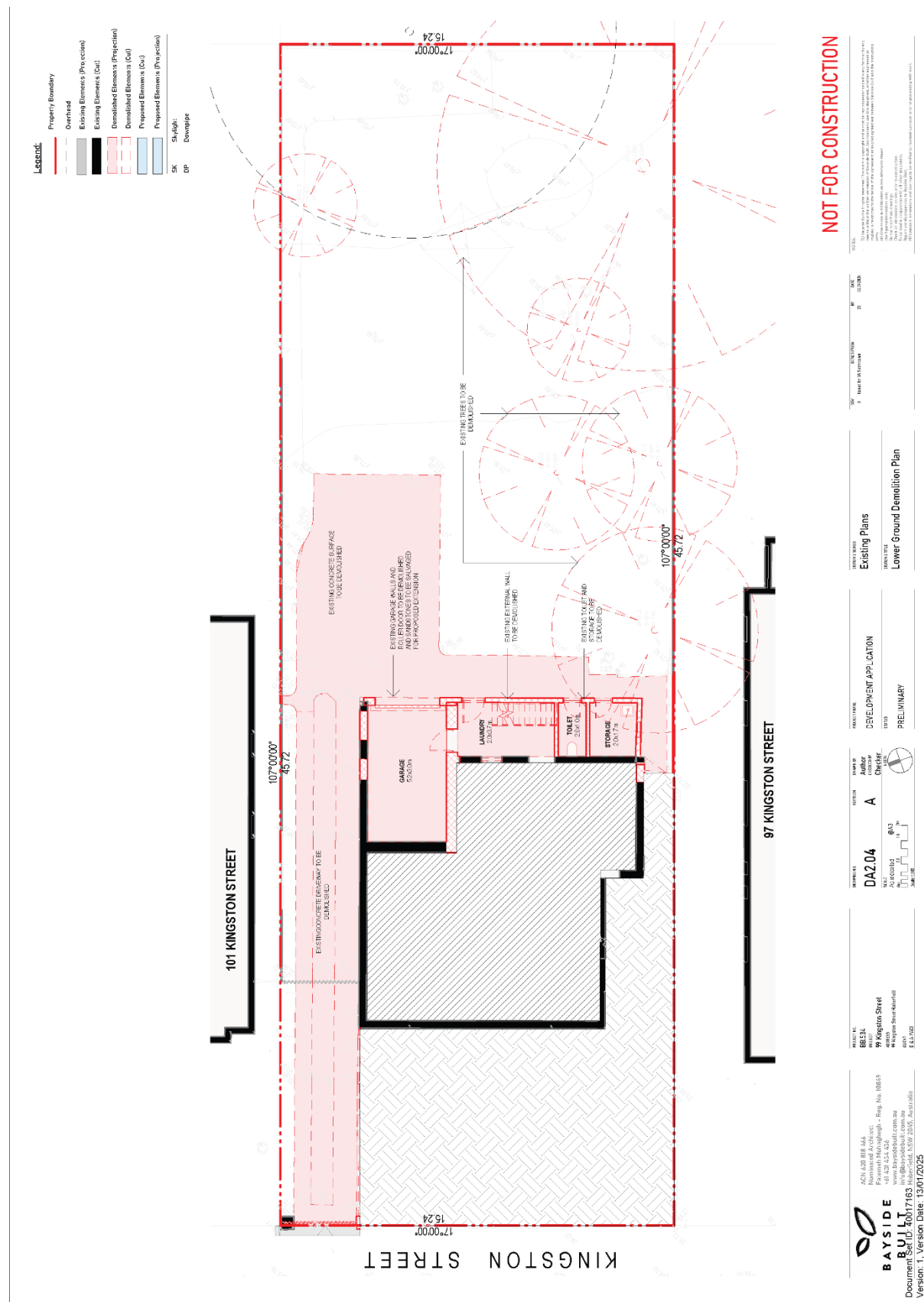
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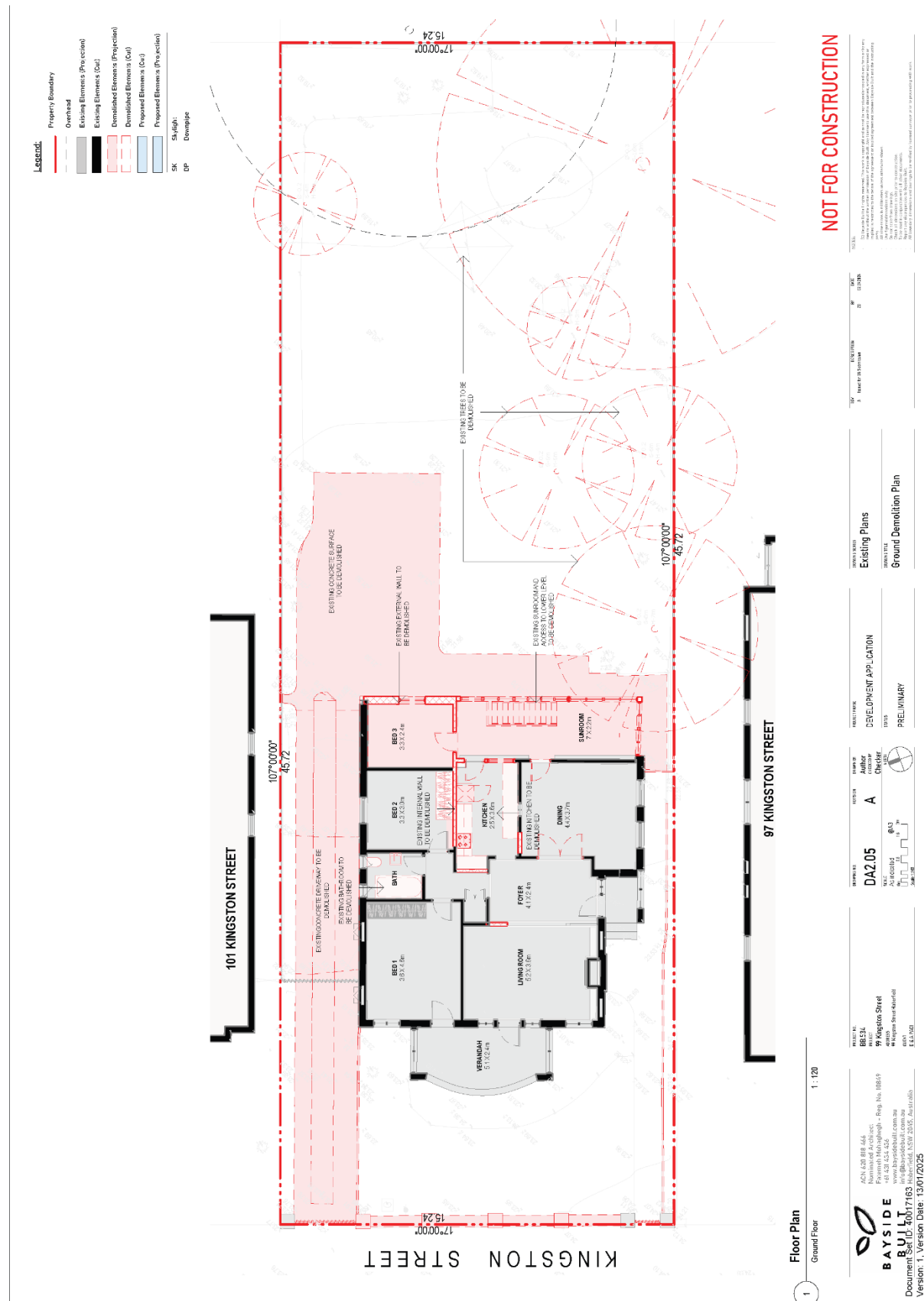
Project Email: info@baysidebuilt.com.au

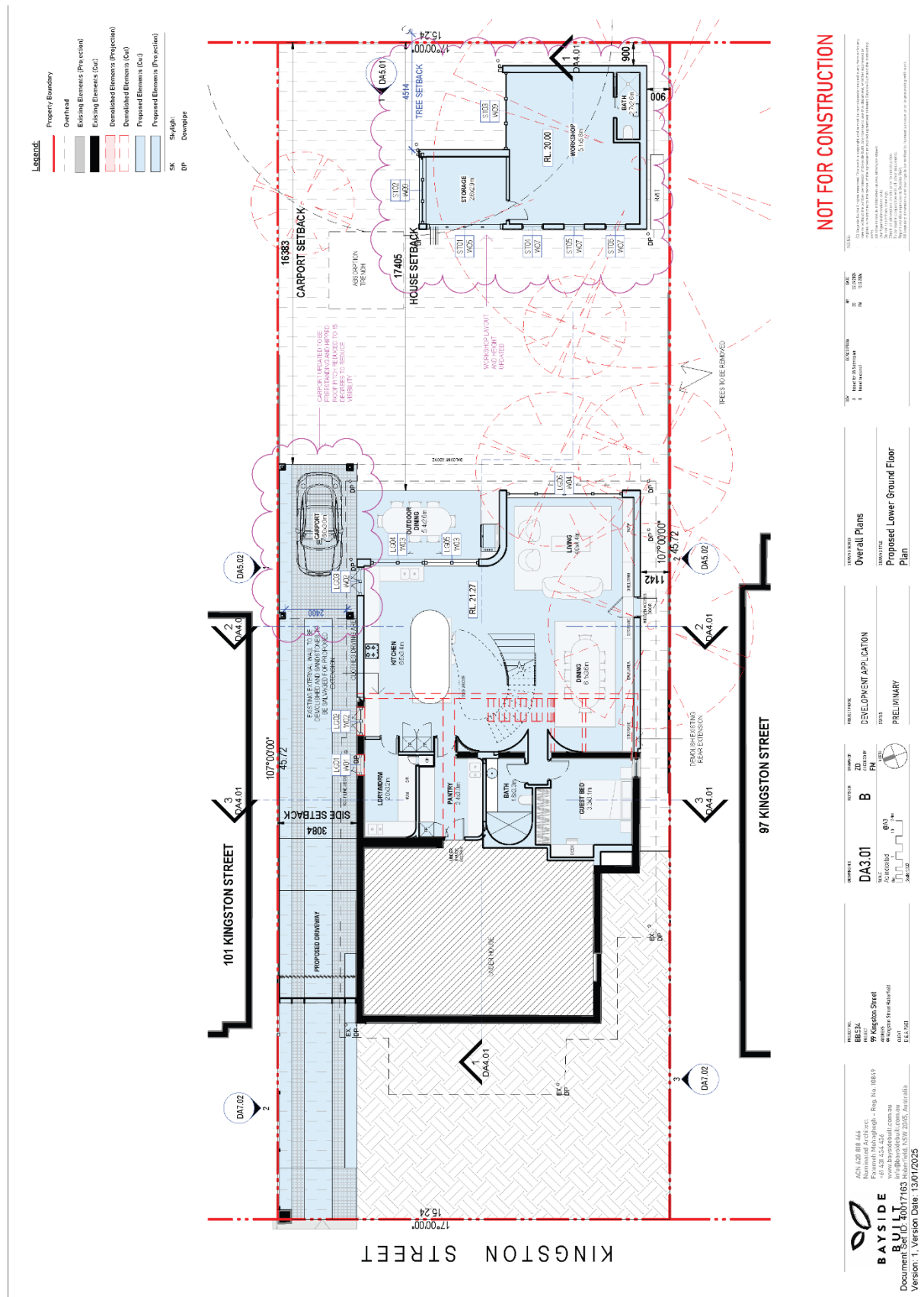
Project Website: www.baysidebuilt.com.au

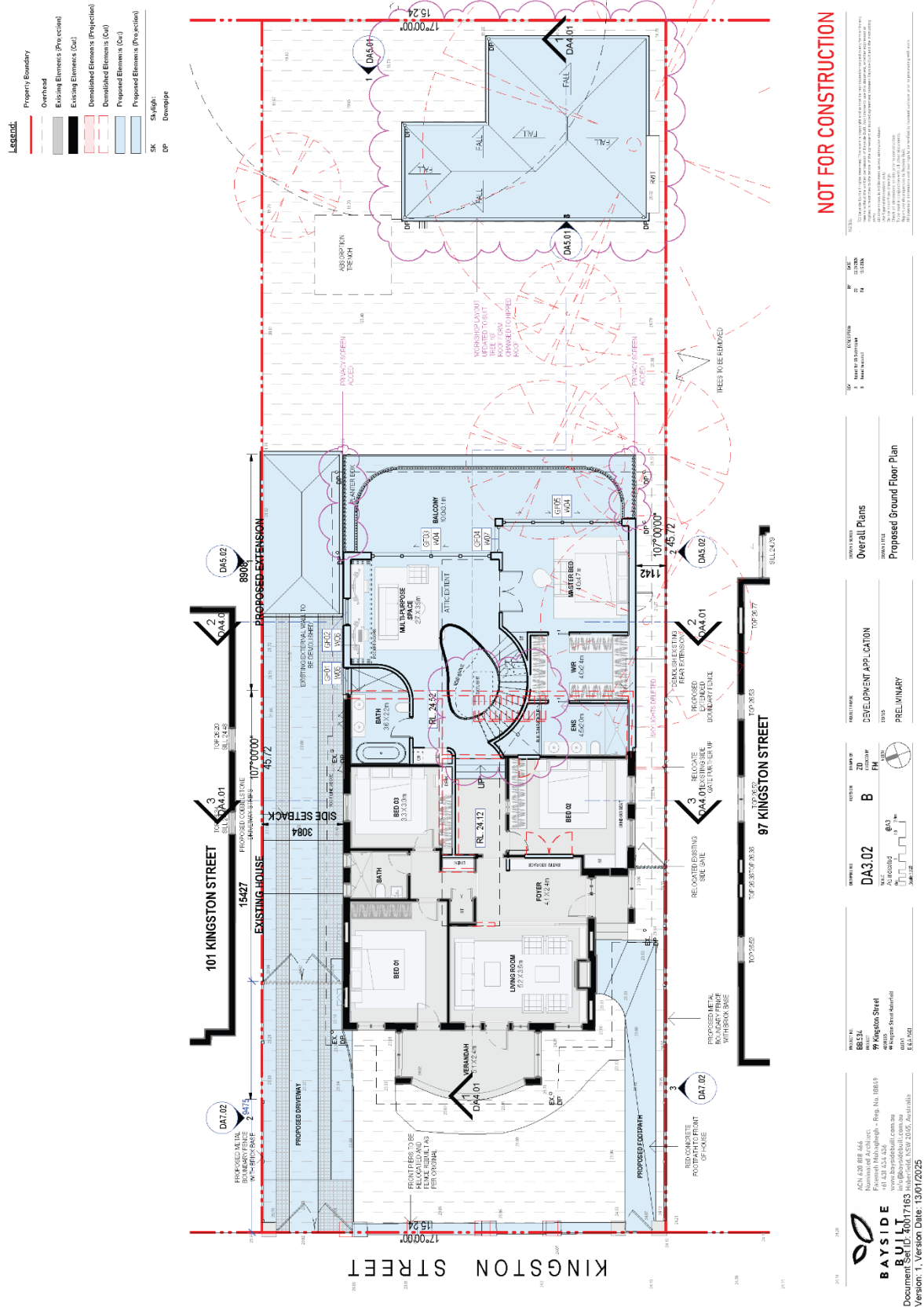
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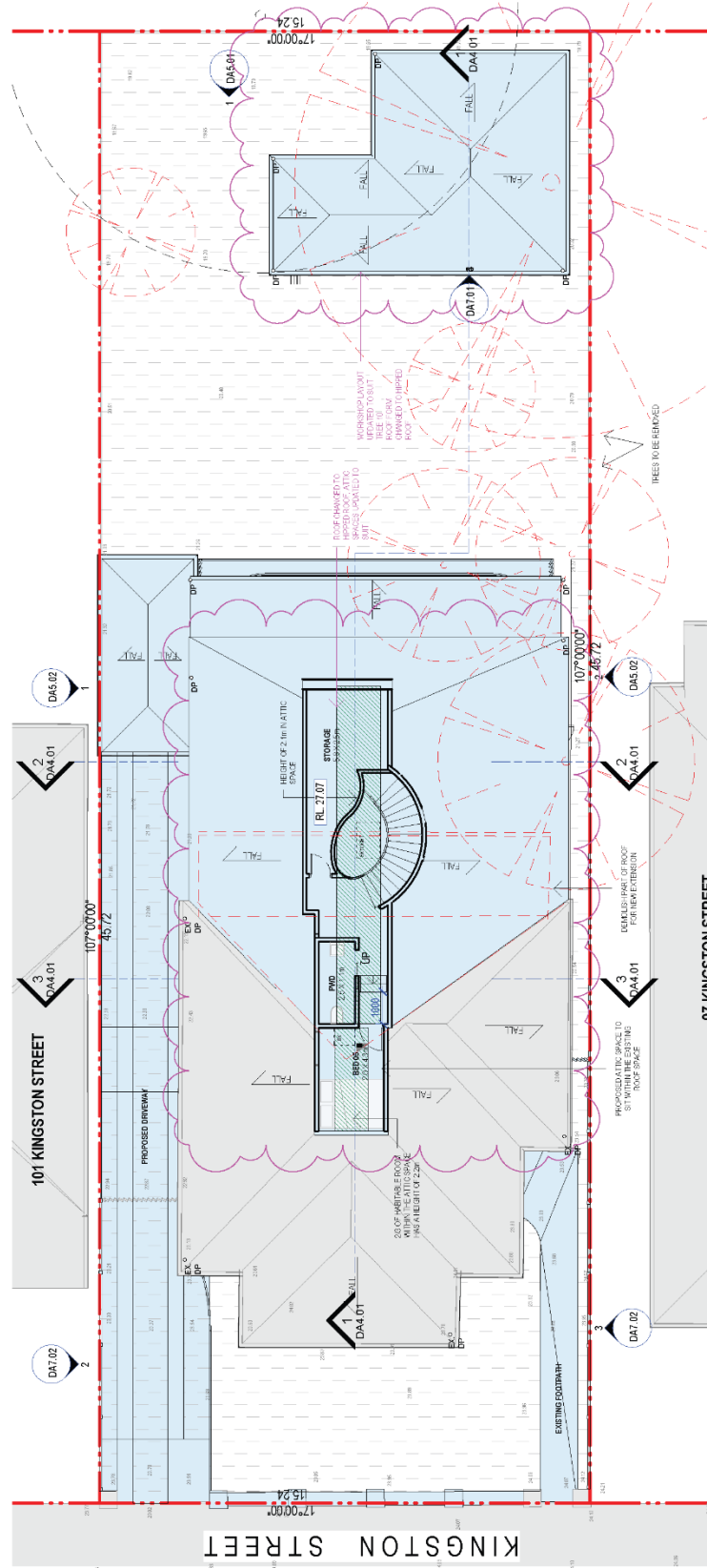






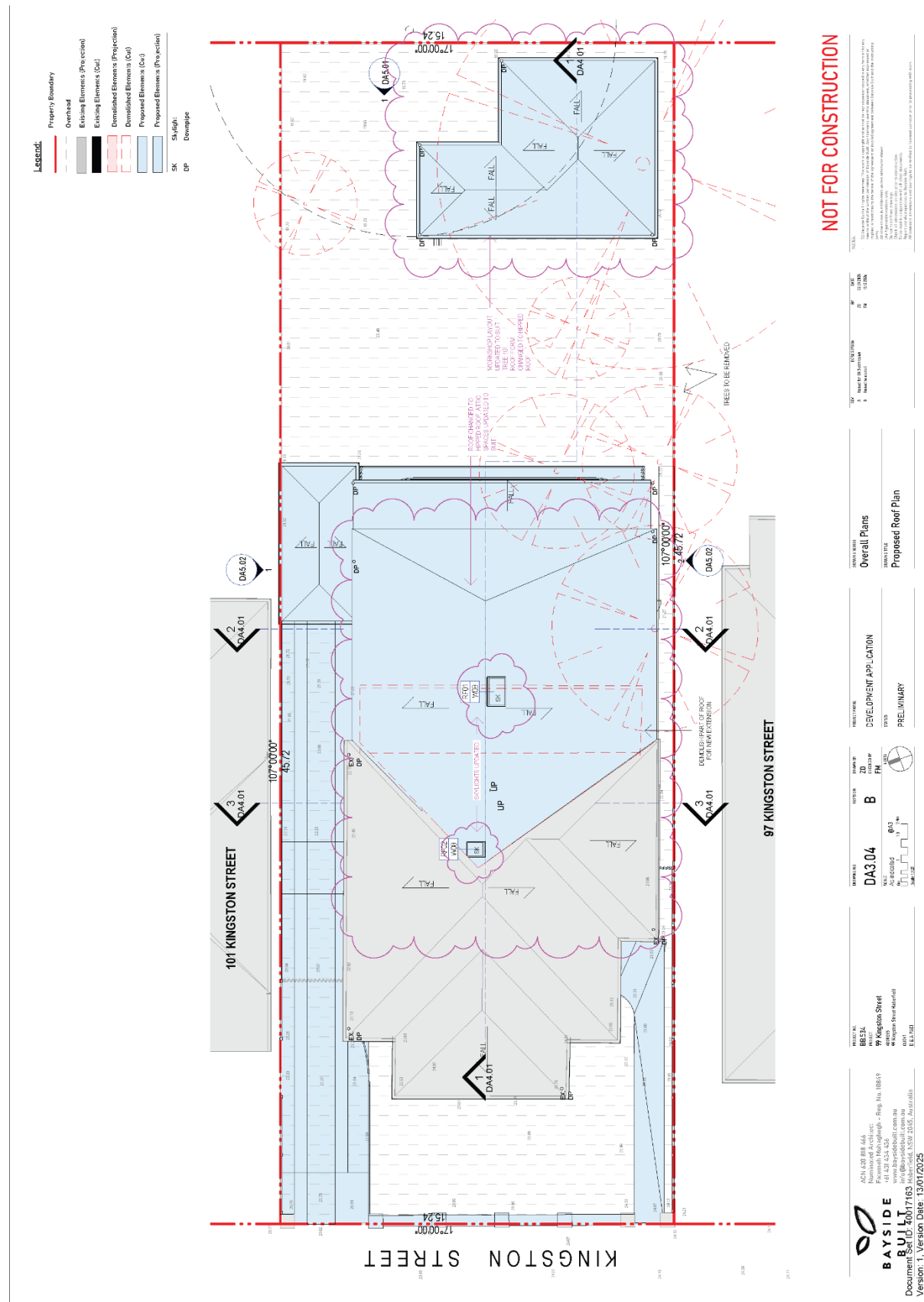


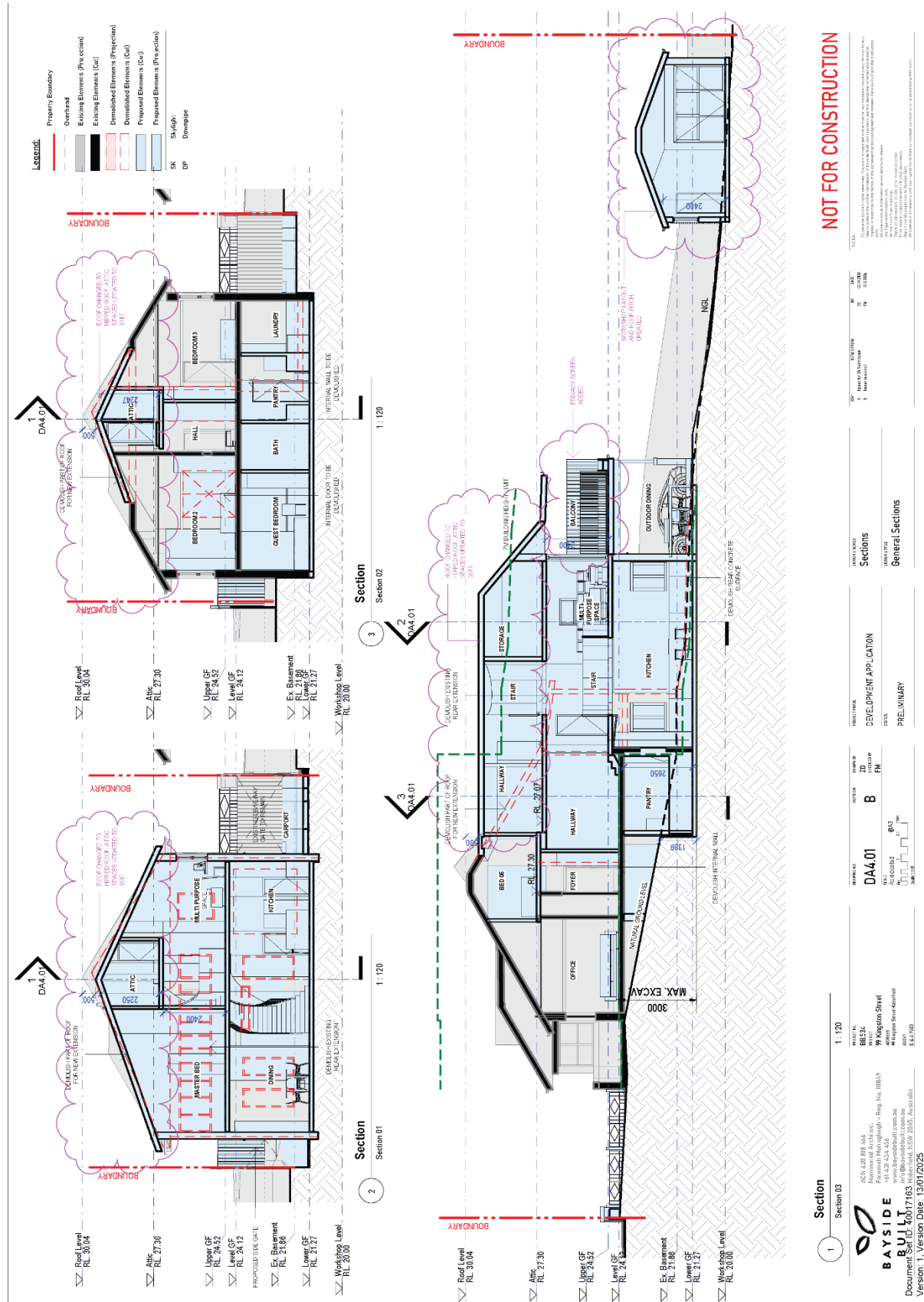
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- Property Boundary
 - Overhead
 - Existing Elements (Projection)
 - Existing Elements (Cut)
 - Demolished Elements (Projection)
 - Demolished Elements (Cut)
 - Proposed Elements (Cut)
 - Proposed Elements (Projection)
 - SK
 - Skyline
 - DP
 - Downpipe



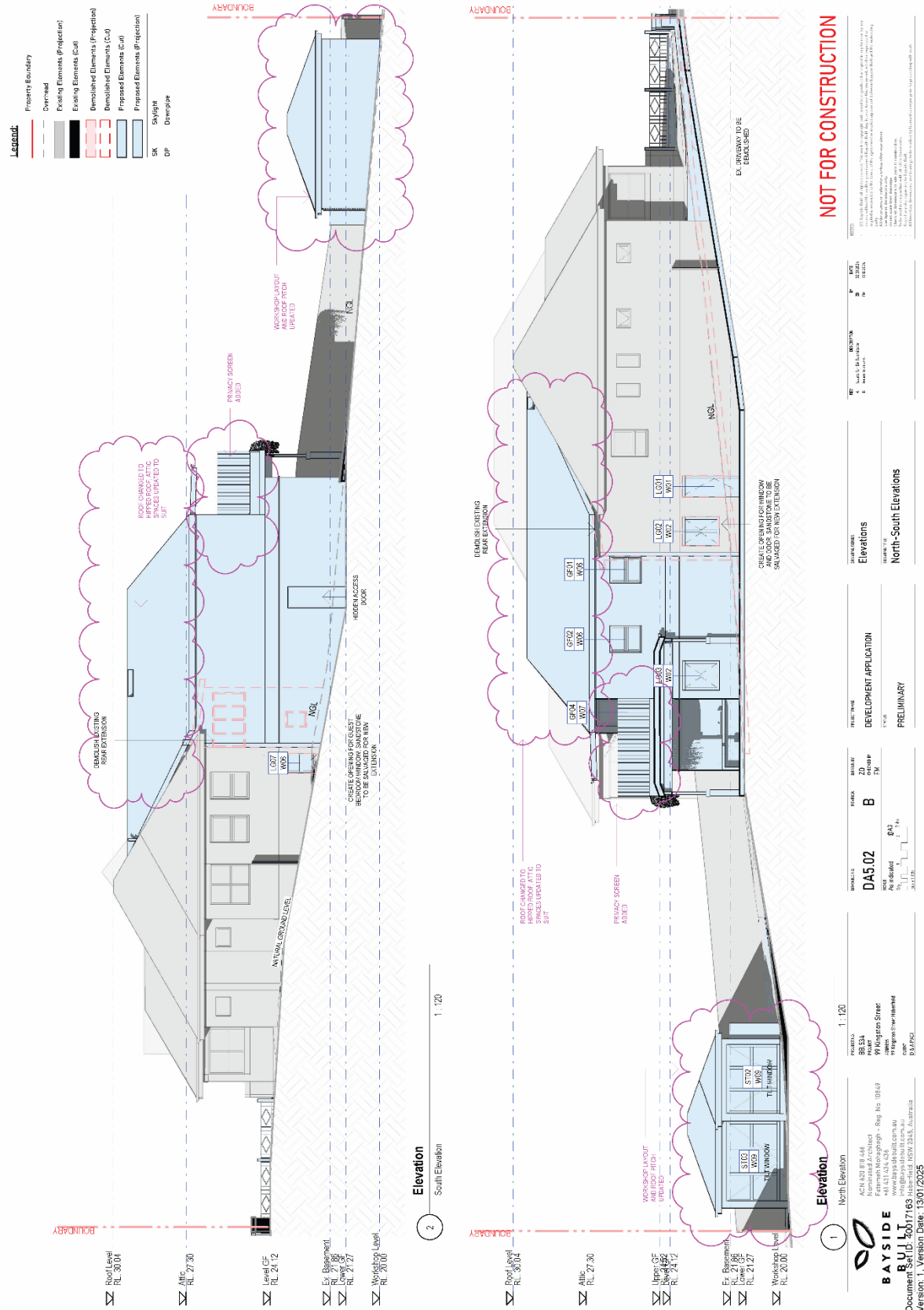
NOT FOR CONSTRUCTION

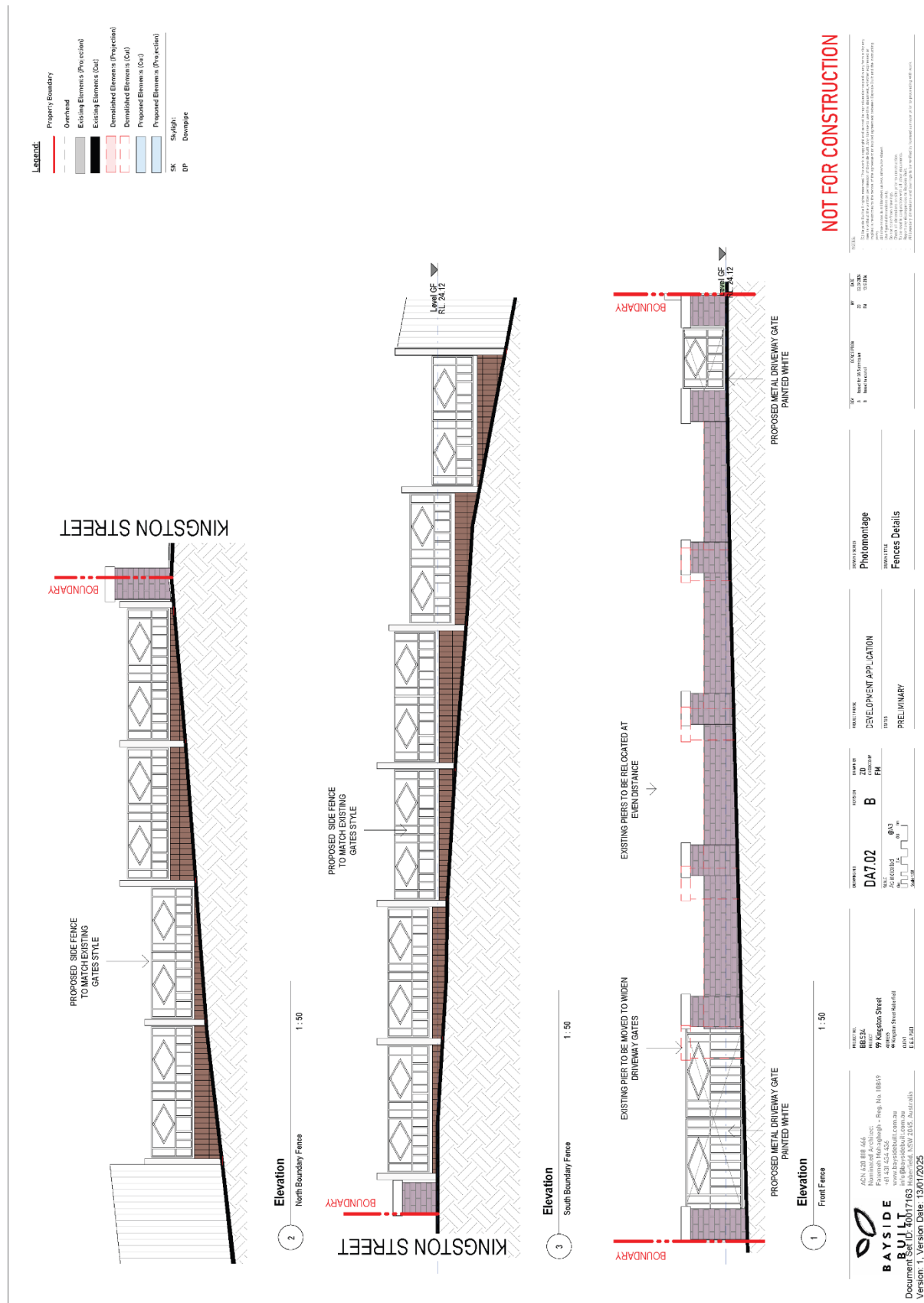
<p>Project Details</p> <p>Project No: BB234 Address: 97 Kingston Street City: Parramatta State: NSW Postcode: 2150 Date: 13/01/2025</p>	<p>Overall Plans</p> <p>Overall Plans Proposed Altit Plan</p>	<p>Development Application</p> <p>DA3.03 DA4.01 DA5.02</p>	<p>Overall Plans</p> <p>Overall Plans Proposed Altit Plan</p>	<p>Development Application</p> <p>DA3.03 DA4.01 DA5.02</p>	<p>Overall Plans</p> <p>Overall Plans Proposed Altit Plan</p>	<p>Development Application</p> <p>DA3.03 DA4.01 DA5.02</p>
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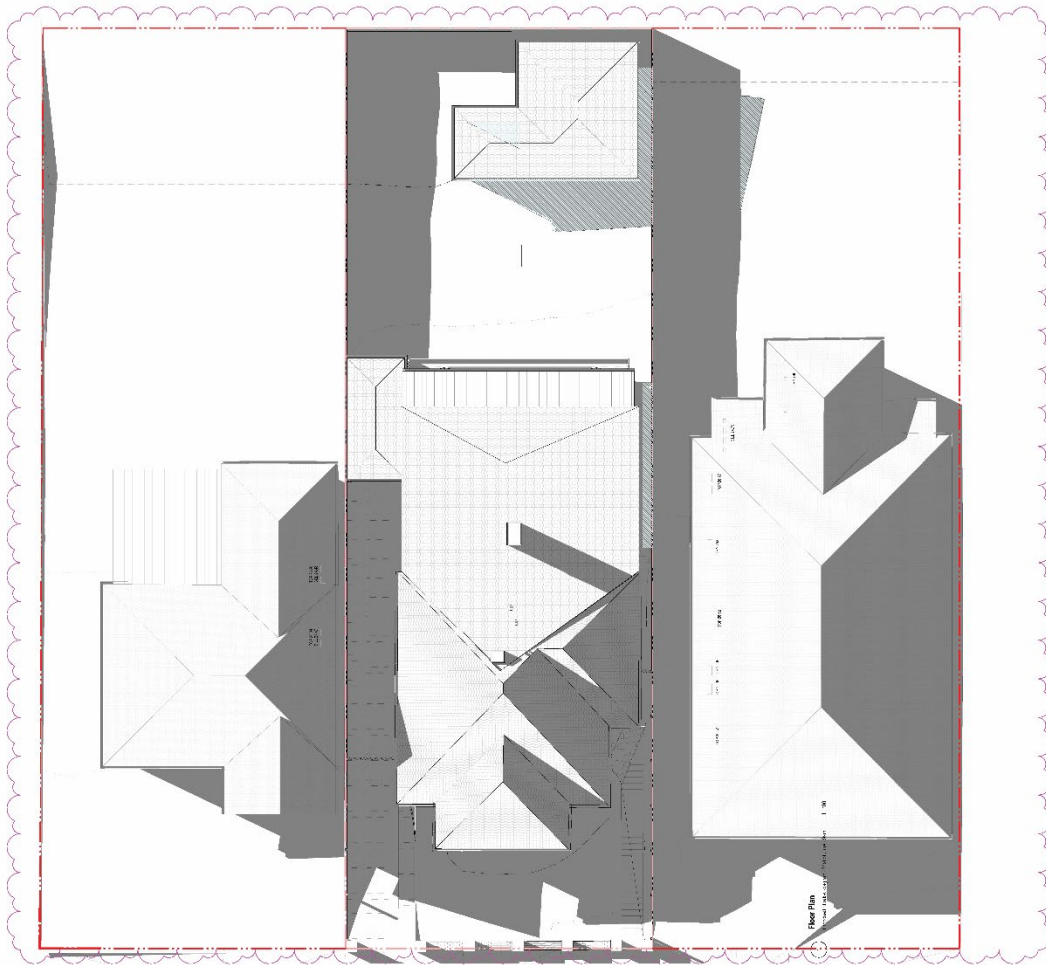








Legend:
 - 1st Floor
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 - 99th Floor
 - 100th Floor



NOT FOR CONSTRUCTION

NOTES:
 1. This drawing is a preliminary design and is not for construction.
 2. All dimensions are in millimeters unless otherwise stated.
 3. All materials and finishes are to be confirmed with the client.
 4. All structural elements are to be confirmed with the structural engineer.
 5. All services are to be confirmed with the relevant authorities.
 6. All landscaping is to be confirmed with the landscape architect.
 7. All furniture and fixtures are to be confirmed with the interior designer.
 8. All lighting is to be confirmed with the lighting designer.
 9. All sound and vibration is to be confirmed with the acoustic engineer.
 10. All fire and safety is to be confirmed with the fire engineer.

Design Analysis
 DEVELOPMENT APPLICATION
 PRELIMINARY
 Proposed Shadow Diagrams -
 9am

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 2 & 3 FLOORS

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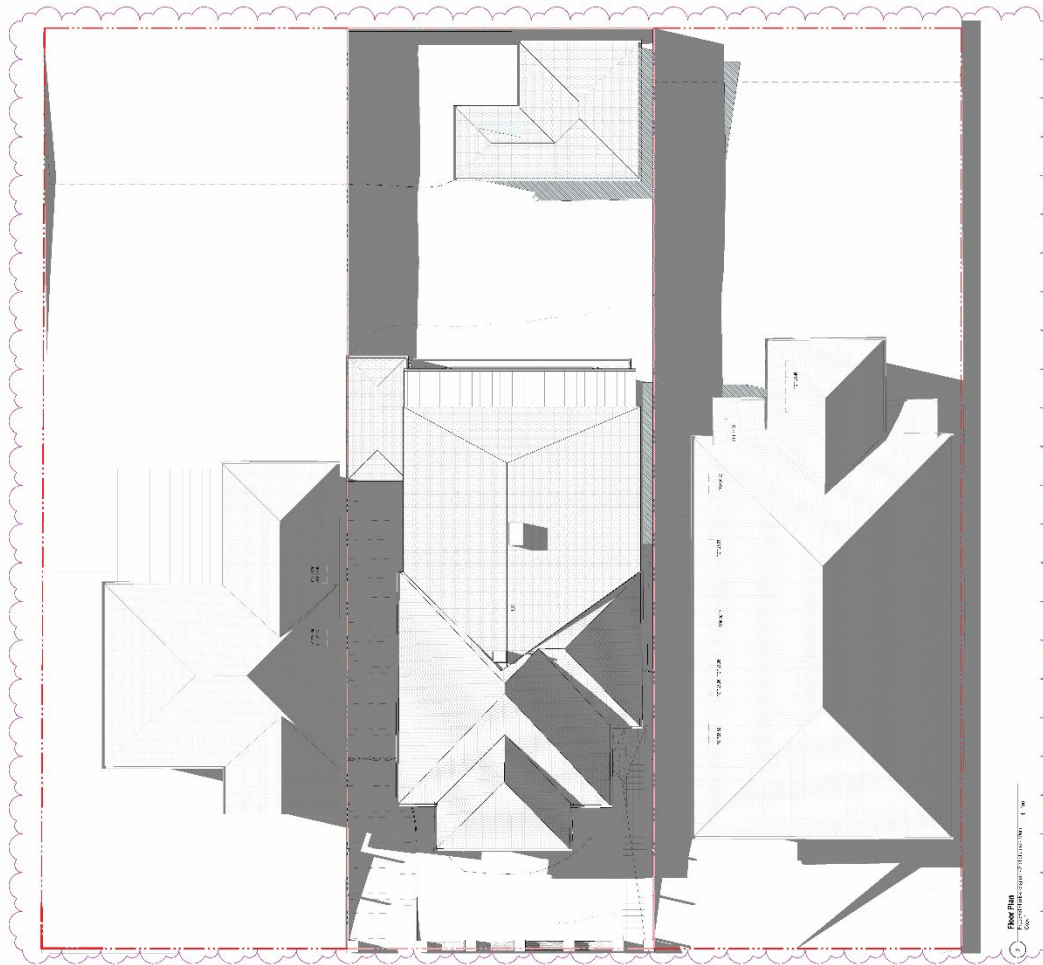
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Design Analysis
Proposed Shadow Diagrams -
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DEVELOPMENT APPLICATION
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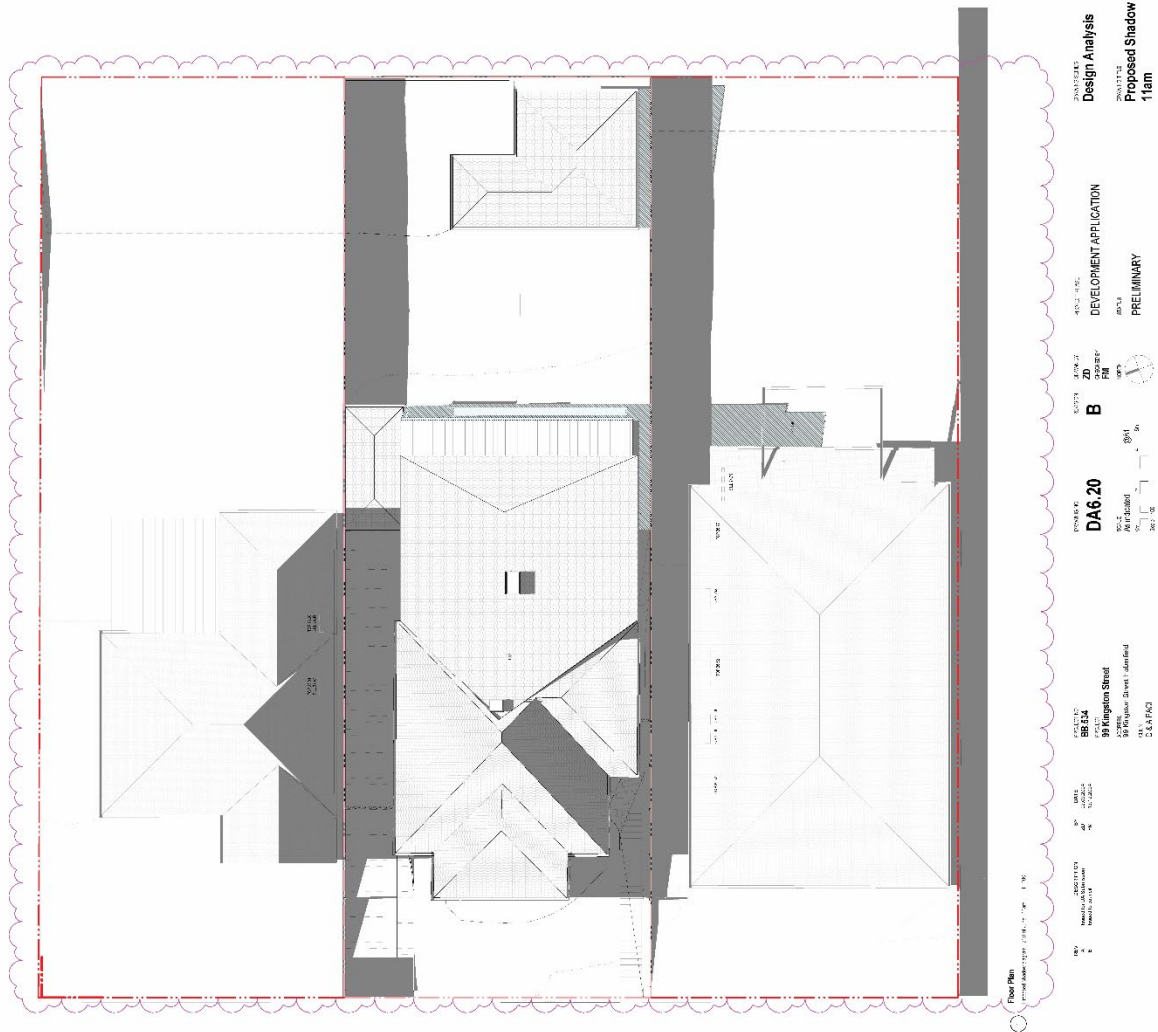
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NOT FOR CONSTRUCTION

References

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8. El-Sayed, H. M. and Shalaby, S. M. A study of the effect of gibberellic acid on the growth of the cotton plant. *Journal of the Egyptian Society for Horticultural Science*, 1976, 19, 41-45.
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 Proposed Shadow Diagrams -
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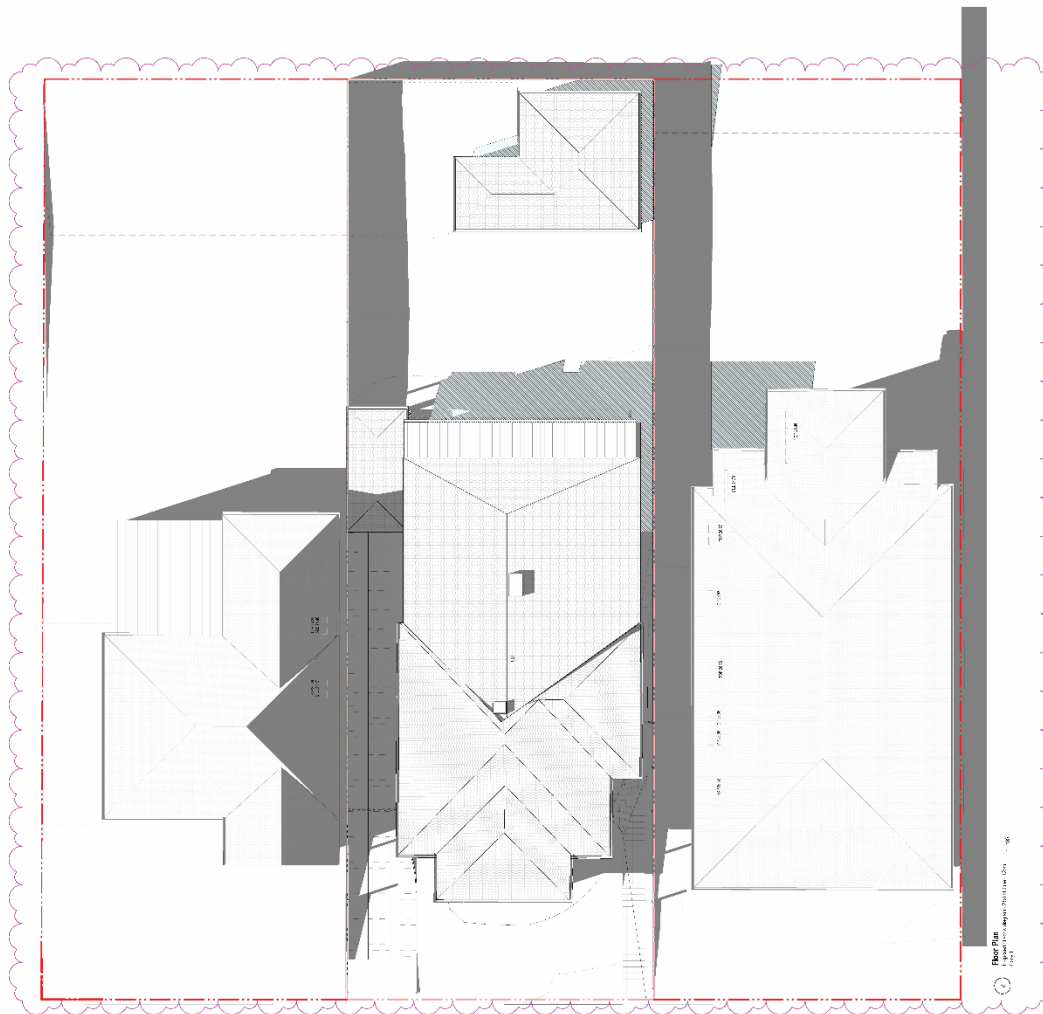
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DEVELOPMENT APPLICATION
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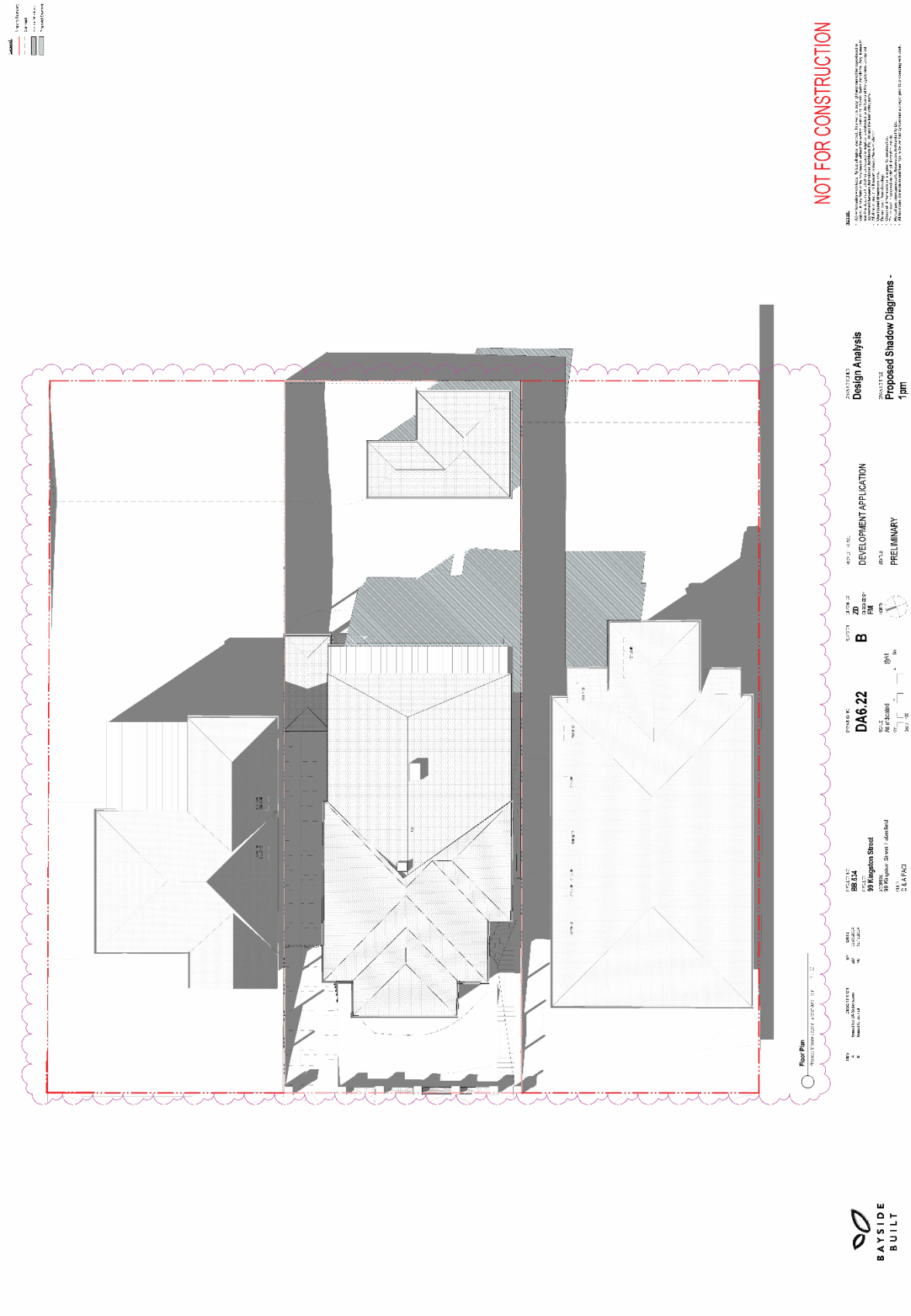
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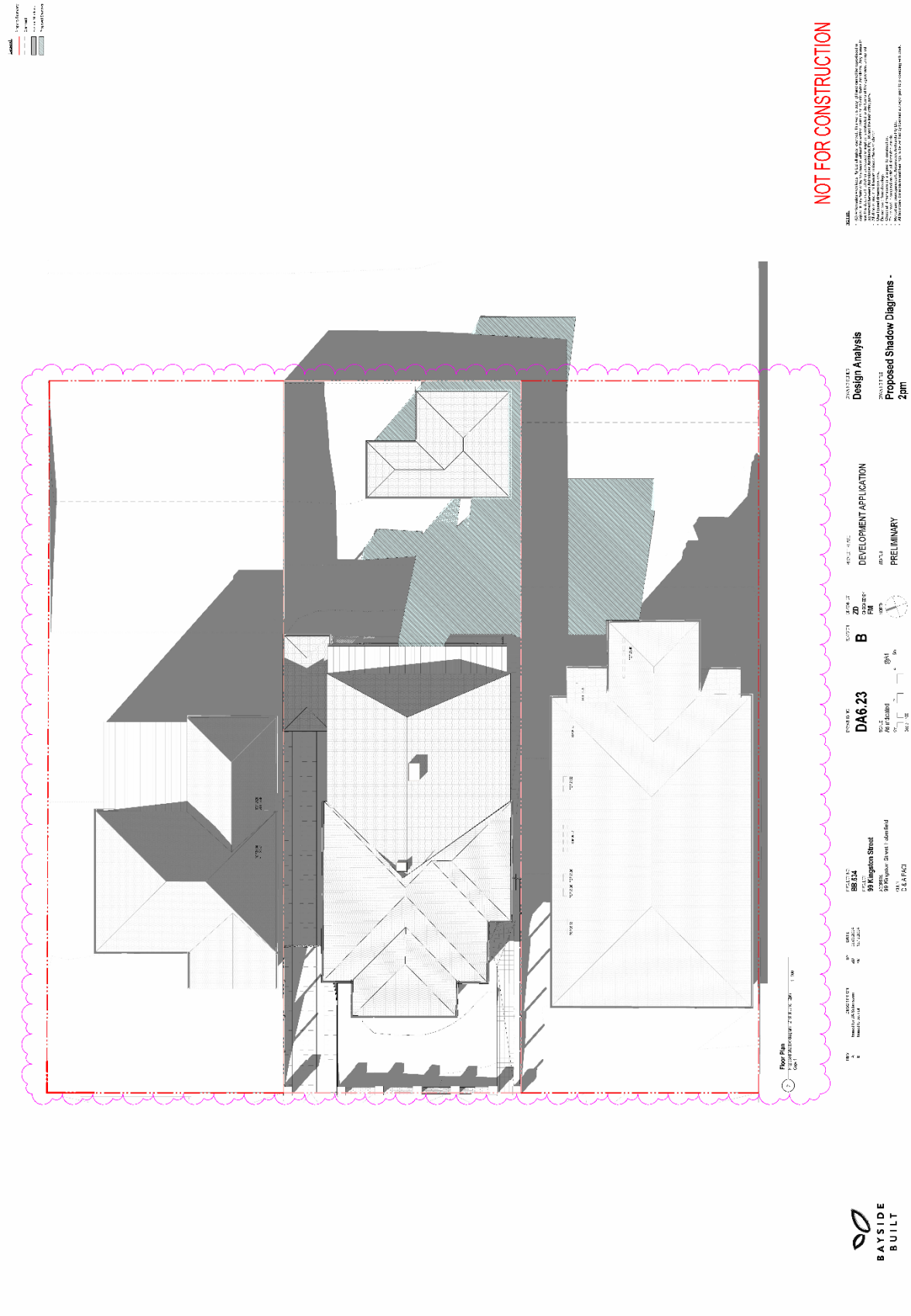
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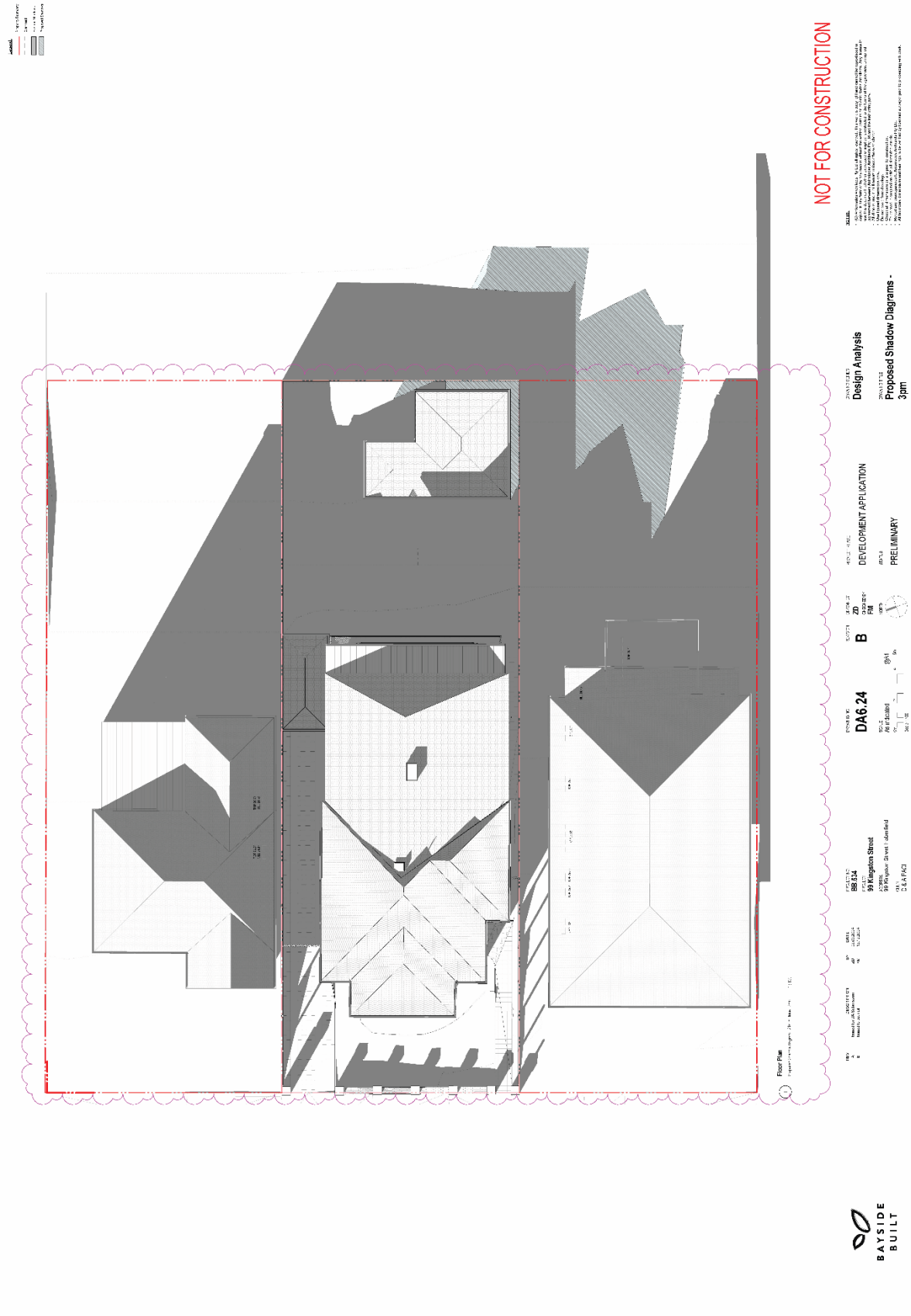
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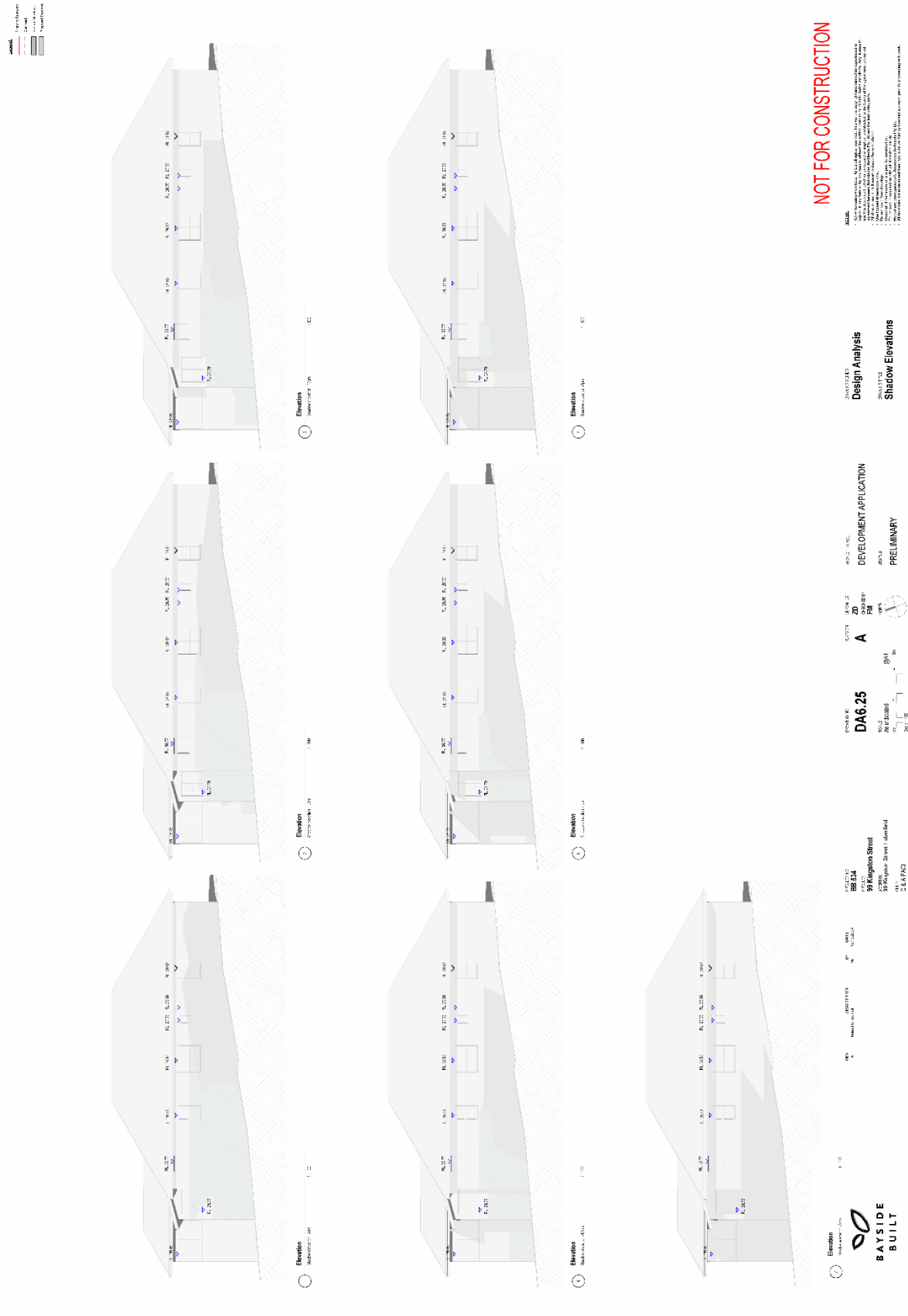
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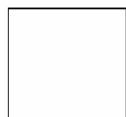
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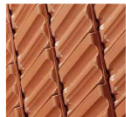
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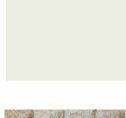
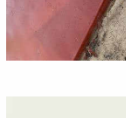
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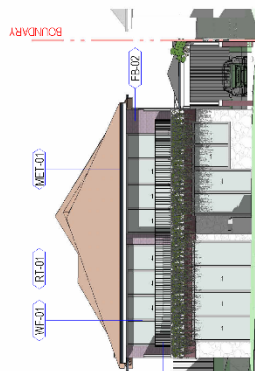
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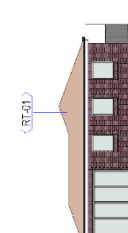
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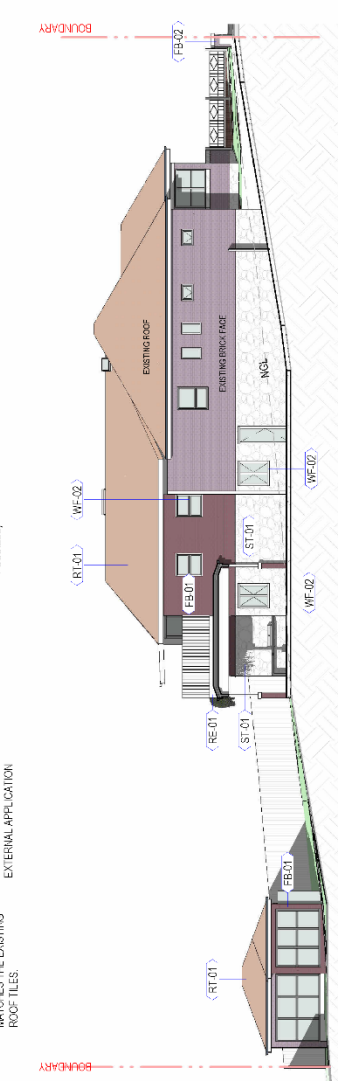
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Elevation



Elevation

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P.O. Box 436
Kookaburra - Reg. No. 10869
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NSW 2345, Australia

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DEVELOPMENT APPLICATION

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Attachment C – Section 4.6 Exception to the Height of Building Development Standard

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Clause 4.6 Variation Request

99 Kingston Street, Haberfield

Key Details

20th December 2024 – Rev A

Address: 99 Kingston Street, Haberfield 2045

Council: Inner West Council

Lot & DP: **LOT 8 Section 7 DP 6663**

Zone: R2 – Low Density Residential

Site Area: 695.6m²

Site Frontage: 15.24m to Kingston Street

Proposed development

This document forms part of a DA Submission to Inner West Council for the alterations and additions to 99 Kingston Street, Haberfield. This Clause 4.6 Variation Request has been prepared to accompany the Development Application (DA) to Inner West Council seeking consent for the proposed alterations and additions works including,

- Demolition of
 - o Existing rear sunroom and bedroom 3
 - o Existing lower ground floor garage, toilet, storage and laundry
 - o Existing concrete path along the side boundary and to the rear
 - o Existing kitchen and bathroom and minor internal walls
 - o Removal of existing trees to the rear garden
- Maintaining and reinstating the original features of the dwelling such as
 - o Salvaging sandstone that would be removed as part of the demolition in the new external walls
- Provision of new,
Lower Ground Floor Level, with the addition of,
 - o Laundry and Mudroom
 - o New Kitchen, Pantry, dining and living areas
 - o New Bathroom
 - o New Guest bedroom
 - o New covered deck area
 - o New outbuilding with bathroom, and workshop
Ground Floor Level, with the addition of,
 - o New Master suite, with ensuite and walk in robe
 - o New bedroom
 - o New family bathroom
 - o New multi-purpose space
 - o New balcony

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Attic Floor Level, with the addition of,

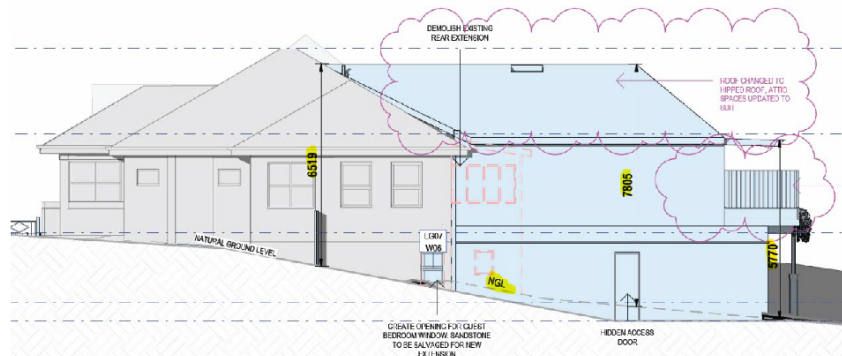
- New Powder room
- New bedroom
- New storage space

The Clause 4.6 Variation Request relates to development standard prescribed under Clause 4.3(2) of the Inner West Local Environmental Plan 2022 (the LEP), which states that:

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

The subject site naturally has a steep slope to the rear, creating a large difference in height of the dwelling from the existing ground level. The height of the existing dwelling from the NGL is currently at 5.1m at street level, 6.8m at the main ridge and 5m at the rear skillion roof. The standard requires a maximum of 7m to the natural ground level.

The proposed rear extension roof has a height of, 6.5m from NGL at the start, which sits 500mm below the original ridge line and is compliant with the HCA controls. The highest point of the roof to the rear, sits at 7.8m from the NGL followed by the edge of the skillion roof which is 5.7m from NGL, as shown in the elevation below.



During the RFI process, the proposed form has been greatly modified to reduce any potential impacts of it's bulk and scale on neighbouring dwellings, while still providing the required amenity to the owners, including comfortable ceiling heights, attic and storage spaces.

Clause 4.6 Variation Request & Assessment

1. What is the name of the environmental planning instrument that applies to the land?

Inner West Local Environmental Plan 2022

2. What is the zoning of the land?

The site is zoned R2 Low Density Residential.

3. What are the objectives of the zone?

Zone R2 Low Density Residential

99 Kingston Street Haberfield – Clause 4.6 Variation Request

2 | Page

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- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provides 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.

4. What is the development standard being varied?

Height of building

5. What clause is the development standard listed in the environmental planning instrument?

Clause 4.3(2)

6. What are the objectives of the development standard?

- (a) to ensure the height of buildings is compatible with the character of the locality,
- (b) to minimise adverse impacts on local amenity,
- (c) to provide an appropriate transition between buildings of different heights.

7. What is the numeric value of the development standard?

7m from the natural ground level

8. What is proposed numeric value of the development standard?

7.8m

9. What is the percentage variation proposed?

11.4%

CLAUSE 4.6

What are the environmental planning grounds that justify contravening the development standard?

Given the development achieves the objectives of the development standard and the objectives of the land use zone, and furthermore complies with the applicable State and Council Planning Policies, the proposal has merit and the contravention of the development standard is justified. The proposed addition provides a generally compliant built other than exceeding the building height, which is subject to this variation request.

The alterations and additions are also not anticipated to cause any excessive overshadowing onto adjoining properties and do not add any uncommon bulk and scale to the development, as seen commonly practiced in the HCA. The internal amenity afforded to occupants of the dwelling house will be improved as a result of the development that are of a high standard and will not be compromised by the compliance with the development standard.

The non-compliance is at 11.4% or 0.8m and strict compliance with the development standard would not result in an improved planning or spatial outcome, due to the existing nature of the site and surrounding development which all include a similar upper and lower level structure.

This is also because any decrease in building height due to this standard will likely result in a compromised quality of internal spaces and for no additional net benefit to the site, adjoining properties and the locality. Accordingly, there are sufficient environmental planning grounds to justify contravening the development standard in the Haberfield area.

Why is compliance with the standard unreasonable or unnecessary?

What are the special circumstances in this case?

(To answer consider whether a development that complies is unnecessary or unreasonable)

Compliance with the standard is unreasonable as the existing dwelling currently is a two storey form and the site has a natural steep slope to the rear. The proposal seeks to improve the living condition and spaces for the residents by varying the development standard by 11.4% from 7m to 7.8m.

A similar level of amenity and spaces are seen within recently approved development and adjacent development in Kingston Street, due to the nature of the site and the topography, naturally leading to development below the existing ground floor spaces. Given that the site already contains a lower ground floor level and follows a similar use of space to the neighbouring dwellings and the general pattern of development within this area of Haberfield, it is unreasonable to comply with the standard as this would require a great reduction in internal areas, ceiling heights and a non-functional floor plan for the owner's everyday living.

The built form is sympathetic to the surrounding area, FSR and site coverage are compliant, bulk and scale are compatible with the adjoining properties & varying from the standard has no impact on the amenity of the neighbouring properties, including privacy & solar access.

Is the proposed development consistent with the objectives of the particular standard?

Is the proposal consistent with the objectives of the relevant zone?

The proposed development will be in the public interest because it is consistent with the objectives of the particular standard, which is to maintain the single storey appearance of dwellings in the Haberfield Heritage Conservation Area from the. The proposal aims to conserve the single storey appearance of the existing dwelling and its character when viewed from the streetscape. The variation from the standard is located to the rear of the dwelling, which will not be visible from the streetscape and therefore is consistent with the objectives of this standard.

The development is consistent with the objectives of the R2 Low Density zone as follows:

- The development will provide for the housing needs of the community within a low density residential environment.
- The proposal contributes to a variety of housing types in the surrounding area;
- The proposed works are compatible with the desired future character of the area in terms of bulk, height and scale; and
- The proposal encourages residential development that has regard to local amenity and public and private views.
-

The proposal achieves a compliant FSR, and is varying the standard by 11.4% for building height. No substantive public benefit would be realised by maintaining and enforcing the development standard. Considering the existing slope of the land, the scale of neighbouring dwellings and pattern of development in the HCA, to strictly comply would be unnecessary considering the nature of the works and would not improve the built form outcome for the site nor realise any improvement to the relationship between the site, adjoining development and the surrounding area.

The proposal, including the non-compliance building height, achieves the objectives of the Environmental Planning and Assessment Act, 1979 (the Act) in the following ways:

- Section 1.3(c) as the proposed development is compliant in floor space ratio and the development will promote the orderly and economic use and development of the land by not posing any adverse amenity impacts on adjoining development and the public domain as a consequence of the breach;
- Section 1.3(d) as the development proposes the delivery and maintenance of affordable housing by allowing the owners to enlarge and expand their existing home to suit their needs without needing to relocate; and
- Section 1.3(g) as the proposed development promotes good design and amenity of the built environment by concentrating higher densities and forms.

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For the reasons above and the assessment provided within this request, there are sufficient environmental planning grounds to justify the contravention of the height of buildings exceeding 7m from the existing natural ground level.

Conclusion

Having regard to the assessment of the proposal and Clause 4.6 Variation Request, the proposed development achieves the objectives of the development standard and the objectives of the land use zone, notwithstanding the contravention of the building height standard. Therefore, compliance with the development standard is unnecessary and unreasonable in these circumstances.

For the reasons provided within this request, there are sufficient environmental planning grounds to justify contravention of the development standard. This request has appropriately demonstrated that the proposed development will be in the public interest because it is consistent with the objectives of the development standard that is contravened and the objectives for development of the zone in which the development is proposed to be carried out.

This Clause 4.6 Variation Request has been prepared in accordance with the requirements of Clause 4.6 of the LEP. Accordingly, the Local Planning Panel can exercise its power to grant development consent for the development that contravenes the development standard. For the reasons outlined within this request, the subject variation is worthy of Council's support.

Attachment D – Section 4.6 Exception to the development below existing ground floor Development Standard

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Clause 4.6 Variation Request

99 Kingston Street, Haberfield

Key Details

16th of October 2024 – Rev A

Address: 99 Kingston Street, Haberfield 2045

Council: Inner West Council

Lot & DP: LOT 8 Section 7 DP 6663

Zone: R2 – Low Density Residential

Site Area: 695.6m²

Site Frontage: 15.24m to Kingston Street

Proposed development

This document forms part of a DA Submission to Inner West Council for the alterations and additions to 65 Tillock Street, Haberfield. This Clause 4.6 Variation Request has been prepared to accompany the Development Application (DA) to Inner West Council seeking consent for the proposed alterations and additions works including,

- Demolition of
 - o Existing rear sun room and bedroom 3
 - o Existing lower ground floor garage, toilet, storage and laundry
 - o Existing concrete path along the side boundary and to the rear
 - o Existing kitchen and bathroom and some internal walls
 - o Removal of existing trees to the rear garden
- Maintaining and reinstating the original features of the dwelling such as
 - o Salvaging sandstone that would be removed as part of the demolition in the new external walls
- Provision of new,
 - Lower Ground Floor Level, with the addition of,
 - o Laundry and Mudroom
 - o New Kitchen, Pantry, dining and living areas
 - o New Bathroom
 - o New Guest bedroom
 - o New covered deck area
 - o New outbuilding with bathroom, and workshop
 - Ground Floor Level, with the addition of,
 - o New Master suite, with ensuite and walk in robe
 - o New bedroom
 - o New family bathroom
 - o New multi-purpose space
 - o New balcony

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Attic Floor Level, with the addition of,

- New Powder room
- New bedroom
- New storage space

The Clause 4.6 Variation Request relates to development standard prescribed under Clause 6.20(3)(ii) of the Inner West Local Environmental Plan 2022 (the LEP), which states 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— (ii) development below the existing ground floor level will not exceed 25% of the gross floor area of the existing ground floor, and

The original existing gross floor area of the ground floor is 94m². The standard requires a maximum of 25% of this gross floor area, being 23.5m², to be the maximum area of development below the existing ground floor.

The proposed development utilises the existing spaces below the existing ground floor, such as the existing laundry, bathroom, toilet, garage and storage area and proposes to extend this space to line up with the wall of the existing garage. This will allow for the proposed guest bathroom, pantry and guest bedroom to be placed on the Ground Floor, without reducing the extent of the living areas. Given the slope of the site, these spaces are still able to have access to natural light and ventilation. The proposed extension area other than those already existing is 23m², which falls below the existing Ground floor.

The proposal seeks to provide a total of 33m² below the existing Ground floor which equates to 35%, of which 12% is already existing as part of the current garage.

Clause 4.6 Variation Request & Assessment

1. What is the name of the environmental planning instrument that applies to the land?

Inner West Local Environmental Plan 2022

2. What is the zoning of the land?

The site is zoned R2 Low Density Residential.

3. What are the objectives of the zone?

Zone R2 Low Density Residential

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provides 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.

4. What is the development standard being varied?

Development below the existing ground floor level

5. What clause is the development standard listed in the environmental planning instrument?

Clause 6.20(3)(ii)

6. What are the objectives of the development standard?

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

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7. What is the numeric value of the development standard?

25% of the gross floor area of the existing ground floor

8. What is proposed numeric value of the development standard?

35%

9. What is the percentage variation proposed?

10%

CLAUSE 4.6

What are the environmental planning grounds that justify contravening the development standard?

Given the development achieves the objectives of the development standard and the objectives of the land use zone, and furthermore complies with the applicable State and Council Planning Policies, the proposal has merit and the contravention of the development standard is justified. The proposed addition provides a compliant built other than exceeding the 25% development under the existing Ground Floor area, which is subject to this variation request. The alterations and additions are also not anticipated to cause any major overshadowing onto adjoining properties and do not add any further bulk and scale to the development, as they are within the existing extent of the original dwelling and hidden from the streetscape. The internal amenity afforded to occupants of the dwelling house will be improved as a result of the development and private open space that are of a high standard and will not be compromised by the compliance with the development standard.

The non-compliance is at 10% or 10m² and strict compliance with the development standard would not result in an improved planning or spatial outcome, due to the existing nature of the dwelling and surrounding development which all include a similar upper and lower-level structure. This is also because any decrease in floor space enforcement due to this standard will likely result in a compromised quality due to lack of internal space and for no additional net benefit to the site, adjoining properties and the locality. Accordingly, there are sufficient environmental planning grounds to justify contravening the development standard in the Haberfield area.

Why is compliance with the standard unreasonable or unnecessary?

What are the special circumstances in this case?

(To answer consider whether a development that complies is unnecessary or unreasonable)

Compliance with the standard is unreasonable as the existing dwelling currently contains a similar footprint below the existing ground floor level. The proposal seeks to improve the living condition and spaces for the residents by varying the development standard by 10% from 25% to 35%. Given that the site already contains a lower ground floor level, with similar amenities and follows a similar use of space to the neighbouring dwellings and the general pattern of development within this area of Haberfield, it is unreasonable to comply with the standard as this would require a reduction in internal areas and a non-functional floor plan for the owner's everyday living. The built form is sympathetic to the surrounding area, FSR, Landscape area and site coverage are compliant, bulk and scale are compatible with the adjoining properties & varying from the standard has no impact on the amenity of the neighbouring properties, including privacy & solar access.

Is the proposed development consistent with the objectives of the particular standard?

Is the proposal consistent with the objectives of the relevant zone?

The proposed development will be in the public interest because it is consistent with the objectives of the particular standard, which is to maintain the single storey appearance of dwellings in the Haberfield Heritage Conservation Area. The proposal aims to conserve the single storey appearance of the existing dwelling and its character when viewed from the streetscape. The variation from the standard is located to the rear of the dwelling and below the existing ground floor level, which will not be visible from the streetscape and therefore is consistent with the objectives of this standard.



The development is consistent with the objectives of the R2 Low Density zone as follows:

- The development will provide for the housing needs of the community within a low density residential environment.
- The proposal contributes to a variety of housing types in the surrounding area;
- The proposed works are compatible with the desired future character of the area in terms of bulk, height and scale; and
- The proposal encourages residential development that has regard to local amenity and public and private views.

The proposal achieves a compliant FSR and Landscaped area and is varying the standard by 10%. No substantive public benefit would be realised by maintaining and enforcing the development standard. Considering the existing Lower Ground Floor areas, and removing 10sqm (10% non-compliance) of the Lower Ground Floor to strictly comply would be unnecessary considering the nature of the works and would not improve the built form outcome for the site nor realise any improvement to the relationship between the site, adjoining development and the surrounding area.

The proposal, including the non-compliance in development below existing ground floor level, achieves the objectives of the Environmental Planning and Assessment Act, 1979 (the Act) in the following ways:

- Section 1.3(c) as the proposed development is below the maximum height of buildings and floor space ratio development standards and the development will promote the orderly and economic use and development of the land by not posing any adverse amenity impacts on adjoining development and the public domain as a consequence of the breach;
- Section 1.3(d) as the development proposes the delivery and maintenance of affordable housing by allowing the owners to enlarge and expand their existing home to suit their needs without needing to relocate; and
- Section 1.3(g) as the proposed development promotes good design and amenity of the built environment by concentrating higher densities and forms.

For the reasons above and the assessment provided within this request, there are sufficient environmental planning grounds to justify the contravention of the development below the existing ground floor level exceeding 25% of the gross floor area of the existing ground floor, in the Haberfield area development standard.

Conclusion

Having regard to the assessment of the proposal and Clause 4.6 Variation Request, the proposed development achieves the objectives of the development standard and the objectives of the land use zone, notwithstanding the contravention of the development below the existing ground floor level, in the Haberfield area development standard. Therefore, compliance with the development standard is unnecessary and unreasonable in these circumstances.

For the reasons provided within this request, there are sufficient environmental planning grounds to justify contravention of the development below the existing ground floor level, in the Haberfield area development standard. This request has appropriately demonstrated that the proposed development will be in the public interest because it is consistent with the objectives of the development standard that is contravened and the objectives for development of the zone in which the development is proposed to be carried out.

This Clause 4.6 Variation Request has been prepared in accordance with the requirements of Clause 4.6 of the LEP. Accordingly, the Local Planning Panel can exercise its power to grant development consent for the development that contravenes the development standard. For the reasons outlined within this request, the subject variation is worthy of Council's support.