



DEVELOPMENT ASSESSMENT PANEL REPORT

Application No.	DA/2024/0982
Address	46 Unwins Bridge Road ST PETERS NSW 2044
Proposal	Construction of a single storey secondary dwelling, within the rear yard
Date of Lodgement	13 November 2024
Applicant	GIANTA PTY LTD
Owner	Christopher T Catanzariti Ferdinando G Catanzariti
Number of Submissions	1
Cost of works	\$139,040.00
Reason for determination at Planning Panel	Section 4.6 variation exceeds 10%
Main Issues	Non-compliance with minimum site area for detached secondary dwelling development standard
Recommendation	Approved with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Section 4.6 Exception to Development Standards



LOCALITY MAP

Subject Site		Objectors			N
Notified Area		Supporters			

Note: Due to scale of map, the supporter could not be shown.

1. Executive Summary

This report is an assessment of the application submitted to Council for construction of a single storey secondary dwelling located in the rear yard of 46 Unwins Bridge Road ST PETERS.

The application was notified to surrounding properties and 1 submission was received in response to the initial notification, the submission was in support of the application.

The main issue that has arisen from the application is compliance with the prescribed minimum site area for a detached secondary dwelling under Chapter 3 Diverse Housing, Part 1 Secondary Dwellings, Division 2 Secondary Dwellings Permitted with Consent of the SEPP (Housing) 2021 – Section 53(2)(a).

Despite the above, it is considered that the proposed development is capable of generally complying with the aims, objectives, and design parameters contained in the relevant State Environmental Planning Policies, *Inner West Local Environmental Plan 2022*, and Marrickville Development Control Plan 2011, subject to the imposition of conditions included in the recommendation.

The potential impacts to the surrounding environment have been considered as part of the assessment process. Given the context of the site and the desired future character of the precinct, these are considered acceptable.

Considering the above, subject to the imposition of appropriate terms and conditions, the application is considered suitable for approval.

2. Proposal

The proposal seeks consent for the demolition of an existing shed and construction of a single storey secondary dwelling at the rear of the property, and associated landscaping works, including pavers and stairs from the private open space to the secondary dwelling.

The floor plan includes a combined kitchen/dining and living area with separate bathroom and bedroom.

The plans submitted with the application do not show the existing shed located in the south-eastern corner of the subject site. A condition has been included in the recommended conditions of consent for the demolition of the shed to be shown in plan form given it is partially within the footprint of the secondary dwelling.

3. Site Description

The subject site is located on the southern side of Unwins Bridge Road, between Conway Place and Campbell Street. The site consists of one (1) allotment and is generally rectangular shaped with a total area of 399.3sqm and is legally described as Lot B in DP 377947.

The site has a frontage to Unwins Bridge Road of 8.58 metres. The site is affected by cross easements affecting the party wall(s) along the common boundary of Lot A (No. 48 Unwins Bridge Road) and Lot B (subject site) in DP 377947.

The site supports an existing single storey semi-detached dwelling and outbuilding at the rear of the site. The adjoining properties support a mix of single and two-storey dwelling houses, attached dwellings and semi-detached dwellings.

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

- Liquidambar (*Liquidambar styraciflua*) - adjacent to the eastern boundary of the subject site, within no. 44 Unwins Bridge Road.



Figure 1 – Rear Yard where secondary dwelling is to be located

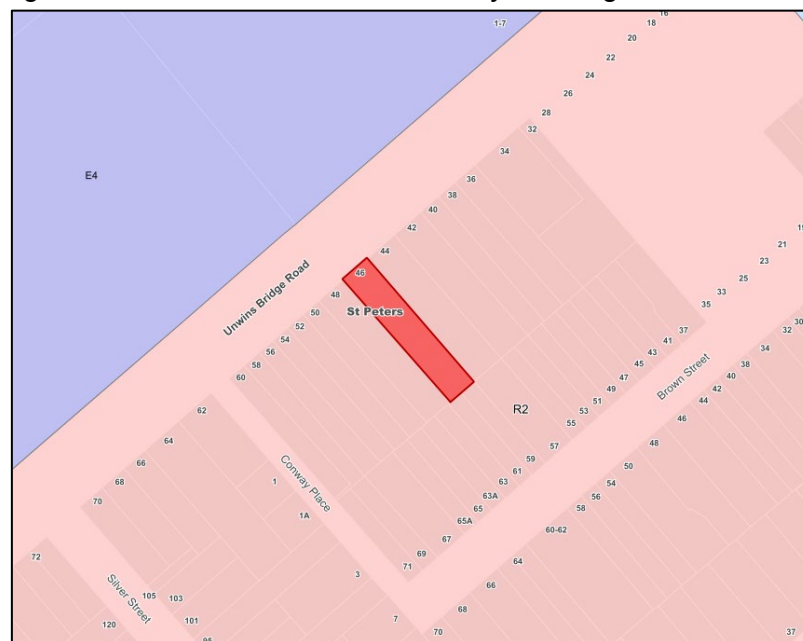


Figure 2 – Zoning Map of Site

4. Background

Site history

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

Subject Site

Application	Proposal	Decision & Date
TREE/2024/0069	Removal of one (1) tree	Withdrawn by applicant on 25/03/2024

Application history

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

Date	Discussion / Letter / Additional Information
19/12/2024	A request for further information was sent to the applicant requiring a section 4.6 request for variation of the minimum site area for detached secondary dwellings development standard, and a revised Existing Ground Floor Plan.
30/12/2025- 07/01/2025	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 (Housing) 2021

Chapter 2 Affordable housing

Chapter 3 Diverse housing, Part 1 Secondary dwellings

The application seeks consent for a secondary dwelling under the *Housing SEPP* which provides controls relating to various matters including zone, subdivision, floor space ratio (FSR), lot size and parking requirements. The main design parameters are addressed below:

Section	Proposal	Compliance
50 - This part applies to development for the purposes of a secondary dwelling on land in a residential zone if development for the purposes of a dwelling house is permissible on the land under another environmental planning instrument.	The site is zoned R2 Low Density Residential under the <i>IWLEP 2022</i> , dwelling houses are permitted with consent.	Yes
51 - Development consent must not be granted for the subdivision of a lot.	The proposal does not include subdivision of the existing site.	Yes
52 (2)(a) - No dwellings, other than the principal dwelling and the secondary dwelling, will be located on the land.	The proposal seeks consent for a new detached secondary dwelling to the rear of the subject site which currently contains a single dwelling. No further dwellings beyond the principal and secondary dwelling are proposed.	Yes
52 (2)(b) - The total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area permitted for a dwelling house on the land under another environmental planning instrument.	A maximum FSR of 0.6:1 or 239.58sqm. applies to the land. The proposal results in an FSR of 0.36:1 or 144.1sqm and complies with Section 4.4 of the <i>IWLEP 2022</i> .	Yes

Section	Proposal	Compliance
52 (2)(c) the total floor area of the secondary dwelling is— (i) no more than 60sqm, or (ii) if a greater floor area is permitted for a secondary dwelling on the land under another environmental planning instrument—the greater floor area.	The total floor area of the proposed secondary dwelling is 42.1sqm.	Yes
53 (2)(a) for a detached secondary dwelling a minimum site area of 450sqm	The total site area is 399sqm.	No- see 4.6 assessment below
53 (2)(b) the number of parking spaces provided on the site is the same as the number of parking spaces provided on the site immediately before the development is carried out.	There are no parking spaces on the site. The proposal does not alter this arrangement.	Yes

Overall, the proposal is considered satisfactory and complies with the objectives and controls prescribed under the SEPP which relate to Secondary Dwellings.

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 (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

Development with frontage to classified road

In considering Section 2.119(2) of the *Transport and Infrastructure SEPP*:

No vehicular access to the land is proposed. As such, the proposal will not adversely impact the safety, efficiency, and ongoing operation of the classified road.

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 this 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 a secondary dwelling, which is 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	9.5m	Yes
	Proposed	4.41m	
Section 4.4 Floor space ratio	Maximum	0.6:1 or 239.58sqm	Yes
	Proposed	0.36:1 or 144.1sqm	
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 53(2)(a) of the <i>Housing SEPP</i> , relating to the breach of the minimum site area requirement of 450sqm for detached secondary dwellings.		See discussion below

Section 4.6 – Exceptions to Development Standards

Section 53(2)(a) – Minimum site area for a detached secondary dwelling (non discretionary standard)

The applicant seeks a variation to the above mentioned development standard under Section 4.6 of the *IWLEP 2022* by 50.7sqm or 11.3%. 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 objective of the minimum site area standard are achieved notwithstanding the numeric non-compliance.

The **objective of Section 53** is *“to identify development standards for particular matters relating to development for the purposes of a secondary dwelling that, if complied with, prevent the consent authority from requiring more onerous standards for the matters”*.

The written request states that the subject site and surrounding sites consist of allotments which would not meet the 450sqm requirement, but the subject site would have the capacity to accommodate a secondary dwelling that would meet other requirements, particularly in relation to private open space and amenity impacts, in a well-located area.

It is agreed that the subject site and surrounding allotments consist of a consistent cadastral pattern which are largely under 450sqm but have the proven capacity to accommodate a secondary dwelling that provides adequate private open space areas, floor plan layout and minimal amenity impacts on adjoining properties. Although the proposal does not numerically comply with Clause 53(2)(a) – non-discretionary standard of *SEPP (Housing) 2021*, the objective seeks to ensure that the development in question satisfies other applicable requirements, such as amenity impacts and site capacity related controls. Accordingly, the breach is consistent with the objective.

As the proposal is not inconsistent with the objectives of the minimum site area standard, compliance is considered unreasonable and unnecessary in this instance.

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

In response to whether compliance with the standard is unreasonable or unnecessary, the Applicant provided the following grounds for justification:

Environmental Planning Ground 1 – *The secondary dwelling does not generate unreasonable impacts, being located at the rear of the property.*

This environmental planning ground while not comprehensive, is accepted because the proposed secondary dwelling would comply with the relevant controls relating to amenity impacts under MDCP 2011, is considered well located on the site to minimise impacts and would not be visible from Unwins Bridge Road.

Environmental Planning Ground 2 – *The secondary dwelling promotes diversity in housing in a well-located area.*

This environmental planning ground is accepted because the secondary dwelling would add to housing diversity and provide for the housing needs of people within the Inner West LGA, thus satisfying the objectives of the R2 Low Density Residential zone, as well as the aims of *IWLEP 2022* contained within section 1.2, particularly aim (2)(f).

Cumulatively, grounds 1 and 2 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 5.4 Controls relating to miscellaneous permissible uses	<ul style="list-style-type: none"> Section 5.4(9) states that secondary dwellings are limited to a maximum gross floor area of 60sqm, or 35% of the gross floor area of the principal dwelling, whichever is greater (35% being 50.44sqm). The proposed secondary dwelling is 42.1sqm in area and is therefore acceptable with regard to this Section. 	Yes

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 	Yes

Section	Proposed	Compliance
	does not propose any works that would result in any significant adverse impacts to the watertable.	
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 a condition requiring 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 6.8 Development in areas subject to aircraft noise	<ul style="list-style-type: none"> The site is located within the ANEF 20-25 contour. The proposal is capable of satisfying this section as conditions have been included in the development consent to ensure that the proposal will meet the relevant requirements of Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021:2015, thereby ensuring the proposal's compliance with the relevant provisions of Section 6.8 of the <i>IWLEP 2022</i>. 	Yes, subject to conditions

B. Development Control Plans

Summary

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

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

The following provides discussion of the relevant issues:

Marrickville Development Control Plan 2011

The application was assessed against the following relevant parts of the Marrickville Development Control Plan 2011 (MDCP 2011).

Part 2 – Generic Provisions

Control	Assessment	Compliance
Part 2.1 Urban Design	<p>The proposed development satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> The proposal does not impact the definition between the public and private domain and is appropriate for the character of the locality given its form, massing, siting and detailing; and The proposal preserves the existing character of the streetscape, as the proposed secondary dwelling will not be visible from the public domain and protects the street elevation of the existing dwelling. 	Yes
Part 2.6 Acoustic and Visual Privacy	<p>The proposal will have a satisfactory impact on visual and acoustic levels of the surrounds as follows:</p> <ul style="list-style-type: none"> The principal living area and area of Private Open Space (POS) is designed and located to offer reasonable amenity to occupants; The proposed secondary dwelling includes windows at the Ground Floor that face the private open space of the adjoining 44 Unwins Bridge Road. Whilst side-facing windows at the Ground Floor would be acceptable in most instances, the secondary dwelling is elevated by up to 0.92m above the natural ground level. The height of the boundary fence in the vicinity of the proposed secondary is also not identified on the Survey Plan, with the closest height being RL 15.32 (1.37m above the proposed floor level of the secondary dwelling). As such, a condition requiring privacy measures for windows W01, W02, W03 and W04 as identified in control C3 v. are included in the recommended conditions. The proposal relates to a low impact residential use and as such is unlikely to result in adverse acoustic impacts. 	No, but acceptable subject to conditions
Part 2.7 Solar Access and Overshadowing	<p>An analysis of shadow impacts illustrates that the proposal will have a satisfactory impact in terms of solar access and overshadowing on the surrounds as follows:</p> <p><i>Overshadowing</i></p> <ul style="list-style-type: none"> A minimum of 2 hours direct solar access to windows of principal living areas and principal areas of open space of nearby residential properties between 9:00am and 3:00pm on 21 June is retained. The shadows generated by the proposed secondary dwelling would largely fall on adjacent sheds at no. 48 Unwins Bridge Road and no. 61 Brown Street. 	Yes

Control	Assessment	Compliance
	<ul style="list-style-type: none"> The development will not result in adverse amenity impacts as a result of overshadowing; <p><i>Solar Access</i></p> <ul style="list-style-type: none"> At least one habitable room of the dwelling has a window having an area not less than 15% of the floor area of the room, positioned within 30 degrees east and 20 degrees west of true north and will allow for direct sunlight for at least two hours over a minimum of 50% of the glazed surface between 9:00am and 3:00pm on 21 June; and The private open space provided for the dwelling house receives a minimum two hours of direct sunlight over 50% of its finished surface between 9.00am and 3.00pm on 21 June. 	
Part 2.9 Community Safety	The proposal satisfies the relevant provisions of Part 2.9 as the principal dwelling entrance remains identifiable and visible from the street. The entry to the secondary dwelling isn't visible from the street, however, is located so that access to and from the structure is down the side of the site visible from the street.	Yes
Part 2.10 Parking	<ul style="list-style-type: none"> No car parking space/s are proposed. The proposal relates to low density housing and as such a variation to car parking requirements is acceptable given the impacts to streetscape and desired future character of the area in accordance with control C3. 	Yes
Part 2.18 Landscaping and Open Spaces <u>Private Open Space (POS)</u> Min: 79.86sqm (20% of site area) for principal dwelling, 4m x 4m for secondary dwelling <u>Pervious Landscaping</u> Min: 50% of POS for principal dwelling, min 1.8m wide area between secondary dwelling and	The proposed development satisfies the relevant provisions of this Part as follows: <ul style="list-style-type: none"> The entire front setback is to consist of pervious landscaping with the exception of the pathway and driveway; The Landscape Plan identifies that 101.6sqm, being more than 20% of the total site area, with no dimension being less than 3 metres is to be retained as private open space for the principal dwelling; The proposed secondary dwelling has an area with minimum dimensions of 4 metres by 4 metres for use as private open space, with the proposed pervious area having a width of more than 1.8m and being located between the proposed secondary dwelling and existing principal dwelling; The proposed private open space for the principal dwelling includes 43.1sqm of pervious landscaping, which is approximately 42% of the principal dwelling's POS area. Council does not object to this shortfall in pervious landscaping, as the proposed landscaping would be more than 50% of the minimum POS area. 32.3sqm of landscaping is also proposed in the rear of the subject site which would not form part of the POS area for the principal dwelling or secondary dwelling. The proposed area of pervious landscaping is therefore considered sufficient to satisfy the objectives of the Part 2.18 of MDCP 2011. 	No, but acceptable

Control	Assessment	Compliance
<i>principal dwelling</i>		
Part 2.20 Tree Management	<p>The proposed development satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> No prescribed trees were found on the property. Given the site area is 399.3sqm, one (1) tree planting is recommended to be conditioned in accordance with C11 of this part. Conditions are recommended for protection of trees on neighbouring properties. 	Yes, subject to conditions
Part 2.21 Site Facilities and Waste Management	<p>The proposed development satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> The application was accompanied by a waste management plan in accordance with the Part; and Standard conditions are recommended to ensure the appropriate management of waste during the construction of the proposal. 	Yes, subject to conditions
Part 2.25 Stormwater Management	Standard conditions are recommended to ensure the appropriate management of stormwater.	Yes, subject to conditions

Part 4 – Low Density Residential Development

Control	Assessment	Compliance
Part 4.1.4 Good Urban Design Practice	<p>The proposed development satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> The height, bulk and scale of the development complements existing developments in the street. 	Yes
Part 4.1.5 Streetscape and Design	<p>The proposed development satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> The development complements the uniformity and visual cohesiveness of the bulk, scale and height of the existing streetscape; The proposal is a contemporary design that complements and/or embellishes the character of the area; The proposed secondary dwelling is not visible from the principal street frontage and is orientated to complement the existing pattern of development found in the street. 	Yes
<p>Part 4.1.6 Built form and character</p> <p><u>Front setback</u></p> <ul style="list-style-type: none"> Behind front building line of principal dwelling <p><u>Side setbacks</u></p>	<p>The proposed development satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> The existing front setback of the dwelling is to remain unaltered by the proposal. The proposed secondary dwelling is also located behind the front building line of the principal dwelling; The proposed secondary dwelling has side setbacks of 2.9m to the north-east and 0.9m to the south-west. Whilst the proposed side setback to the south-western boundary would not comply with the 1.5m minimum side setback control, Council considers the proposed side setback to be 	No, but acceptable

Control	Assessment	Compliance
<ul style="list-style-type: none"> Detached secondary dwellings at the rear – 1.5m <p><u>Rear setback</u></p> <ul style="list-style-type: none"> On merit Minimum 4m separation distance between principal dwelling and secondary dwelling <p><u>Site coverage</u></p> <ul style="list-style-type: none"> 55% (>350-400sqm lots) 	<p>satisfactory, as the proposal has an acceptable impact on adjoining properties in terms of overshadowing, visual bulk and privacy on the adjoining 48 Unwins Bridge Road, particularly as the proposed side setback would be adjacent to two metal sheds. In addition, the proposed side setbacks are consistent with the established setback pattern of the street;</p> <ul style="list-style-type: none"> The proposed rear setbacks are considered appropriate, as they will not create adverse impacts on adjoining properties in terms of visual bulk, overshadowing or privacy. The proposed development would also comply with the minimum 4m separation distance between the principal dwelling and the secondary dwelling; and The proposal seeks to increase the existing site coverage by a minor amount, to 156.9sqm (39.3%). The overall site coverage of the development complies with the site coverage control, is consistent with the pattern development of the street and will have an acceptable impact on adjoining properties. 	
Part 4.1.11 Additional controls for residential period dwellings	<p>The proposed development satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> The proposal does not alter the façade and main external body of the period building visible from the street; and The proposal does not result in impacts to the symmetry, massing and proportions of the pair of semi-detached dwellings. 	Yes

Part 9 – Strategic Context

Control	Assessment	Compliance
Part 9.31 Unwins Bridge Road Precinct (Precinct 31)	<p>The proposed development satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> The proposal protects the existing period dwelling on the site; The proposal maintains the single storey streetscape, as the secondary dwelling is located at the rear of the site and would not be visible from the street frontage. 	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 notified in accordance with Council's Community Engagement Strategy between 19 November 2024 to 3 December 2024.

A total of one (1) submission was received in response, supporting the proposal.

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 7.11 contributions are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$19,946 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:

- Development Engineer; and
- Urban Forest.

8. Conclusion

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

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

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

9. Recommendation

- A. In relation to the proposal by the development in Development Application No.2024/0982 to contravene the non-discretionary standard in Clause 53(2)(a) of *State Environmental Planning Policy (Housing) 2021* 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/2024/0982 for the construction of a single storey secondary dwelling within the rear yard at 46 Unwins Bridge Road, ST PETERS subject to the conditions listed in Attachment A below

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

GENERAL CONDITIONS

	Condition
1.	<p>Consent of adjoining property owners</p> <p>This consent does not authorise the applicant, or the contractor engaged to do the tree works to enter a neighbouring property. Where access to adjacent land is required to carry out approved tree works, Council advises that the owner's consent must be sought. Notification is the responsibility of the person acting on the consent. Should the tree owner/s refuse access to their land, the person acting on the consent must meet the requirements of the <i>Access to Neighbouring Lands Act 2000</i> to seek access.</p> <p>Reason: To meet the requirements of the <i>Access to Neighbouring Lands Act 2000</i>.</p>
2.	<p>Tree Pruning or Removal (including root pruning/mapping)</p> <p>Removal or pruning of any other tree (that would require consent of Council) on the site is not approved and must be retained and protected in accordance with the approved Tree Protection Plan.</p> <p>Reason: To protect and retain trees.</p>
3.	<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>

4.

Insurances

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

Reason: To ensure Council assets are protected.

5.

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
Sheet 9 Rev C	Site Plan	30/10/2024	giantA Pty Ltd
Sheet 11 Rev C	Ground floor & Roof plan	30/10/2024	giantA Pty Ltd
Sheet 12 Rev C	Elevations & Sections	30/10/2024	giantA Pty Ltd
Sheet 14 Rev C	Doors & Windows schedule	30/10/2024	giantA Pty Ltd
Sheet 18 Rev C	Landscape plan	30/10/2024	giantA Pty Ltd
Sheet 19 Rev C	Landscape details	30/10/2024	giantA Pty Ltd
Sheet 20 Rev C	Site/Waste management plan	30/10/2024	giantA Pty Ltd
Sheet 21 Rev C	Erosion & Sediment control	30/10/2024	giantA Pty Ltd
S-0.1 Rev A	General Notes - Sheet 1	07/10/2024	Exact Engineers
S-1.1 Rev A	Stormwater Plan	07/10/2024	Exact Engineers
S2.1 Rev A	Stormwater Details - Sheet 1	07/10/2024	Exact Engineers
S2.2 Rev A	Stormwater Details - Sheet 2	07/10/2024	Exact Engineers
Certificate number 1770904S	BASIX Certificate	30/10/2024	giantA Pty Ltd

	<p>As amended by the conditions of consent.</p> <p>Reason: To ensure development is carried out in accordance with the approved documents.</p>
6.	<p>Works Outside the Property Boundary</p> <p>This development consent does not authorise works outside the property boundaries on adjoining lands.</p> <p>Reason: To ensure works are in accordance with the consent.</p>
7.	<p>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>
8.	<p>Other works</p> <p>Works or activities other than those approved by this Development Consent will require the submission of a new Development Application or an application to modify the consent under Section 4.55 of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>Reason: To ensure compliance with legislative requirements.</p>
9.	<p>National Construction Code (Building Code of Australia)</p> <p>A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out. All building works approved by this consent must be carried out in accordance with the requirements of the National Construction Code.</p> <p>Reason: To ensure compliance with legislative requirements.</p>
10.	<p>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>
15.	<p>Notification of commencement of works</p> <p>Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the PCA (not being the council) has given the Council written notice of the following information:</p> <ol style="list-style-type: none"> In the case of work for which a principal contractor is required to be appointed: <ol style="list-style-type: none"> The name and licence number of the principal contractor; and The name of the insurer by which the work is insured under Part 6 of that Act. In the case of work to be done by an owner-builder: <ol style="list-style-type: none"> The name of the owner-builder; and If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit. <p>Reason: To ensure compliance with legislative requirements.</p>

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
16.	<p>Construction Methods to Minimise Impact on Trees</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with details certified by the Project Arborist demonstrating that the footings of the approved secondary dwelling will utilise tree sensitive construction techniques within the specified radius of the trunk/s of the following tree/s should woody roots that are not approved for pruning be encountered:</p>

Tree No.	Species	Radius in metres
1	<i>Liquidambar styraciflua</i>	4.6m

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

Reason: To mitigate the impact of the work on trees to be retained.

17. **Security Deposit - Custom**

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

Security Deposit:	\$3,119.00
Inspection Fee:	\$389.90

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

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

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

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

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

Reason: To ensure required security deposits are paid.

18.	<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>
19.	<p>Stormwater Drainage System – Minor Developments (OSD is required)</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans incorporating on site stormwater detention and/or on site retention/ re-use facilities (OSR/OSD), certified by a suitably qualified Civil Engineer that the design of the site drainage system complies with the following specific requirements:</p> <ul style="list-style-type: none"> a) The design must be generally in accordance with the stormwater drainage concept plan on Drawing No. JB645/S1.1 Rev A prepared by EXACT ENGINEERS and dated 07/10/24. b) Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together overflow pipelines from any rainwater tank(s) by gravity to the kerb and gutter of a public road via the OSD/OSR tanks as necessary. 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. 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) The on-site detention system must be designed for all storm events from the 1 in 5 years to the 1 in 100 year storm event, with discharge to a Council controlled storm water system limited to pre-development conditions with the maximum allowable discharge to Council's street gutter limited to 25 litres/second (20 years ARI/100years ARI); g) OSD may be reduced or replaced by on site retention (OSR) for rainwater reuse in accordance with the relevant DCP that applies to the land. Where this is pursued, the proposed on-site retention (OSR) tanks must be connected to a pump system for internal reuse for laundry purposes, the flushing of all toilets and for outdoor usage such as irrigation. Surface water must not be drained to rainwater tanks where the collected water is to be used to supply water inside the dwelling, such as for toilet flushing or laundry use. . h) Pipe and channel drainage systems including gutters must be designed to convey the one hundred (100) year Average Recurrence Interval (ARI) flows from the contributing catchment to the OSD/OSR tanks. i) Details of the 1 in 100-year ARI overflow route in case of failure\blockage of the drainage system must be provided.

	<p>j) Details of external catchments currently draining to the site must be included on the plans. Existing natural overland flows from external catchments may not be blocked or diverted, but must be captured and catered for within the proposed site drainage system. Where necessary an inter-allotment drainage system must be incorporated into the design.</p> <p>k) No nuisance or concentration of flows to other properties.</p> <p>l) 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.</p> <p>m) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.</p> <p>n) New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a maximum section height and width of 100mm or sewer grade uPVC pipe with a maximum diameter of 100mm.</p> <p>o) All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings.</p> <p>p) All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.</p> <p>Reason: To ensure that the adequate provision of stormwater drainage is provided.</p>
20.	<p>Demolition Plan</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans indicating the shed structure is to be demolished at the rear of the subject site.</p> <p>Reason: To ensure the proposed demolition works are documented.</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>Acoustic Report – Aircraft Noise</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans detailing the recommendations of an acoustic report prepared by a suitably qualified Acoustic Engineer demonstrating compliance of the development with the relevant provisions of Australian Standard AS 2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction.</p> <p>Reason: To ensure all noise attenuation is in accordance with the relevant Australian Standard.</p>														
23.	<p>Privacy</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans indicating Windows W01, W02, W03 and W04 being amended in the following manner:</p> <ul style="list-style-type: none"> Fixed and obscure glazing to a minimum level of 1.6 metres above the floor level; or Suitable externally fixed screening with a minimum block out density of 75% to a level of 1.6 metres above the floor level; Note: The louvers are to have no individual opening more than 30mm wide, the screen is to have a maximum total area of opening of 30% of the surface area of the screen, and is to be made of durable materials. Louvered screens must be securely fitted and may be able to be tilted open from a closed position to an angle of 45 degrees in a downward or upward position. <p>Reason: To ensure that visual privacy treatment protects the amenity of the neighbourhood.</p>														
24.	<p>Section 7.11 Contribution</p> <p>In accordance with section 7.11 of the <i>Environmental Planning and Assessment Act 1979</i> and the Inner West Local Infrastructure Contribution Plan 2023 (the Plan), the following monetary contributions shall be paid to Council to cater for the increased demand for local infrastructure resulting from the development:</p> <table border="1" data-bbox="435 1193 1145 1503"> <thead> <tr> <th>Contribution Category</th><th>Amount</th></tr> </thead> <tbody> <tr> <td>Open Space & Recreation</td><td>\$14,261</td></tr> <tr> <td>Community Facilities</td><td>\$2,643</td></tr> <tr> <td>Transport</td><td>\$1,875</td></tr> <tr> <td>Plan Administration</td><td>\$183</td></tr> <tr> <td>Drainage</td><td>\$983</td></tr> <tr> <td>TOTAL</td><td>\$19,946.00</td></tr> </tbody> </table> <p>At the time of payment, the contributions payable will be adjusted for inflation in accordance with indexation provisions in the Plan in the following manner:</p> <p>$C_{\text{payment}} = C_{\text{consent}} \times (CPI_{\text{payment}} \div CPI_{\text{consent}})$</p>	Contribution Category	Amount	Open Space & Recreation	\$14,261	Community Facilities	\$2,643	Transport	\$1,875	Plan Administration	\$183	Drainage	\$983	TOTAL	\$19,946.00
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	<p>Where:</p> <p>Cpayment = is the contribution at time of payment</p> <p>Cconsent = is the contribution at the time of consent, as shown above</p> <p>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 September 2024 quarter.</p> <p>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> <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) <u>if the development is for subdivision – prior to the issue of the subdivision certificate</u>, 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><u>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.</u></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 at council@innerwest.nsw.gov.au or 9392 5000 to request an invoice confirming the indexed contribution amount payable. Please allow a minimum of 2 business days for the invoice to be issued.</p> <p>Once the invoice is obtained, payment may be made via (i) BPAY (preferred), (ii) credit card / debit card (AMEX, Mastercard and Visa only; log on to www.innerwest.nsw.gov.au/invoice; please note that a fee of 0.75 per cent applies to credit cards), (iii) in person (at any of Council's customer service centres), or (iv) by mail (make cheque payable to 'Inner West Council' with a copy of your remittance to PO Box 14 Petersham NSW 2049).</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>
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BEFORE BUILDING WORK COMMENCES

	Condition						
25.	<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 place beneath the canopy of any tree (including trees on neighbouring sites) protected under Council's Tree Management Controls at any time.</p> <p>The existing trees detailed below must be retained and protected throughout construction and development in accordance with all relevant conditions of consent.</p> <table><tr><th>Tree Number</th><th>Species</th><th>Location</th></tr><tr><td>1</td><td><i>Liquidambar styraciflua</i></td><td>Rear Yard of 44 Unwins Bridge Rd</td></tr></table> <p>Reason: To ensure that trees to be retained are protected.</p>	Tree Number	Species	Location	1	<i>Liquidambar styraciflua</i>	Rear Yard of 44 Unwins Bridge Rd
Tree Number	Species	Location					
1	<i>Liquidambar styraciflua</i>	Rear Yard of 44 Unwins Bridge Rd					
26.	<p>Project Arborist</p> <p>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.</p> <p>Reason: To protect and retain trees.</p>						
27.	<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>
28.	<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>
29.	<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>
30.	<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>

DURING BUILDING WORK

	Condition
31.	<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 excavation for the secondary dwelling footings within the TPZ of tree 1; During any excavation and trenching for any services within the TPZ tree 1; 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> <ul style="list-style-type: none">a. Certification that tree protection measures have been installed in accordance with these consent conditionsb. Certification of compliance with each key milestone listed above within 48 hours of completion;c. Details of any other works undertaken on any tree to be retained or any works within the TPZ which has been approved by Council.d. 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>						
32.	<p>Limited Root Pruning</p> <p>No tree roots of 100mm 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 border="1"><thead><tr><th>Tree No</th><th>Species</th><th>Radius in metres</th></tr></thead><tbody><tr><td>1</td><td><i>Liquidambar styraciflua</i></td><td>4.6m</td></tr></tbody></table> <p>All excavation within the specified radius of the trunk of the above tree must be hand dug to a depth of 1m under direct supervision of the Project Arborist and then by mechanical means as agreed by the Project Arborist. If tree roots less than 100mm 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	Species	Radius in metres	1	<i>Liquidambar styraciflua</i>	4.6m
Tree No	Species	Radius in metres					
1	<i>Liquidambar styraciflua</i>	4.6m					
33.	<p>Arborists standards</p> <p>All tree work must be undertaken by a person holding a minimum Australian Qualification Framework (AQF) Level 3, Certificate of Arboriculture, Arborist. The work must be undertaken in accordance with AS4373—<i>Pruning of amenity trees</i> and the Safe Work Australia Code of Practice—Guide to Managing Risks of Tree Trimming and Removal Work. Any works in the vicinity of the Low Voltage Overhead Network (including service lines—pole to house connections) must be undertaken by an approved network service provider contractor for the management of vegetation conflicting with such services. Contact the relevant network service provider for further advice in this regard.</p> <p>Reason: To ensure compliance with legislative requirements.</p>						

34.	Tree Protection Works All tree protection for the site must be undertaken in accordance with Council's Development Fact Sheet—Trees on Development Sites and AS4970— <i>Protection of trees on development sites</i> . Reason: To protect and retain trees.
35.	Advising Neighbours Prior to Excavation At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, reasonable notice must be provided to the owner of the adjoining allotment of land including particulars of the excavation. Reason: To ensure surrounding properties are adequately notified of the proposed works.
36.	Construction Hours – Class 1 and 10 Unless otherwise approved by Council, excavation, demolition, construction or subdivision work are only permitted between the hours of 7:00am to 5:00pm, Mondays to Saturdays (inclusive) with no works permitted on, Sundays or Public Holidays. Reason: To protect the amenity of the neighbourhood.
37.	Survey Prior to Footings Upon excavation of the footings and before the pouring of the concrete, the Certifying Authority must be provided with a certificate of survey from a registered land surveyor to verify that the structure will not encroach over the allotment boundaries. Reason: To ensure works are in accordance with the consent.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
38.	Certification of Tree Planting 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: A minimum of 1x 75 litre size tree, which will attain a minimum mature height of eight (8) metres, has been planted in a suitable location within the rear yard of the property (at least 1 metre from any boundary and 1.5 metres from any structure) and allowing 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. 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. Reason: To ensure appropriate landscaping is undertaken.

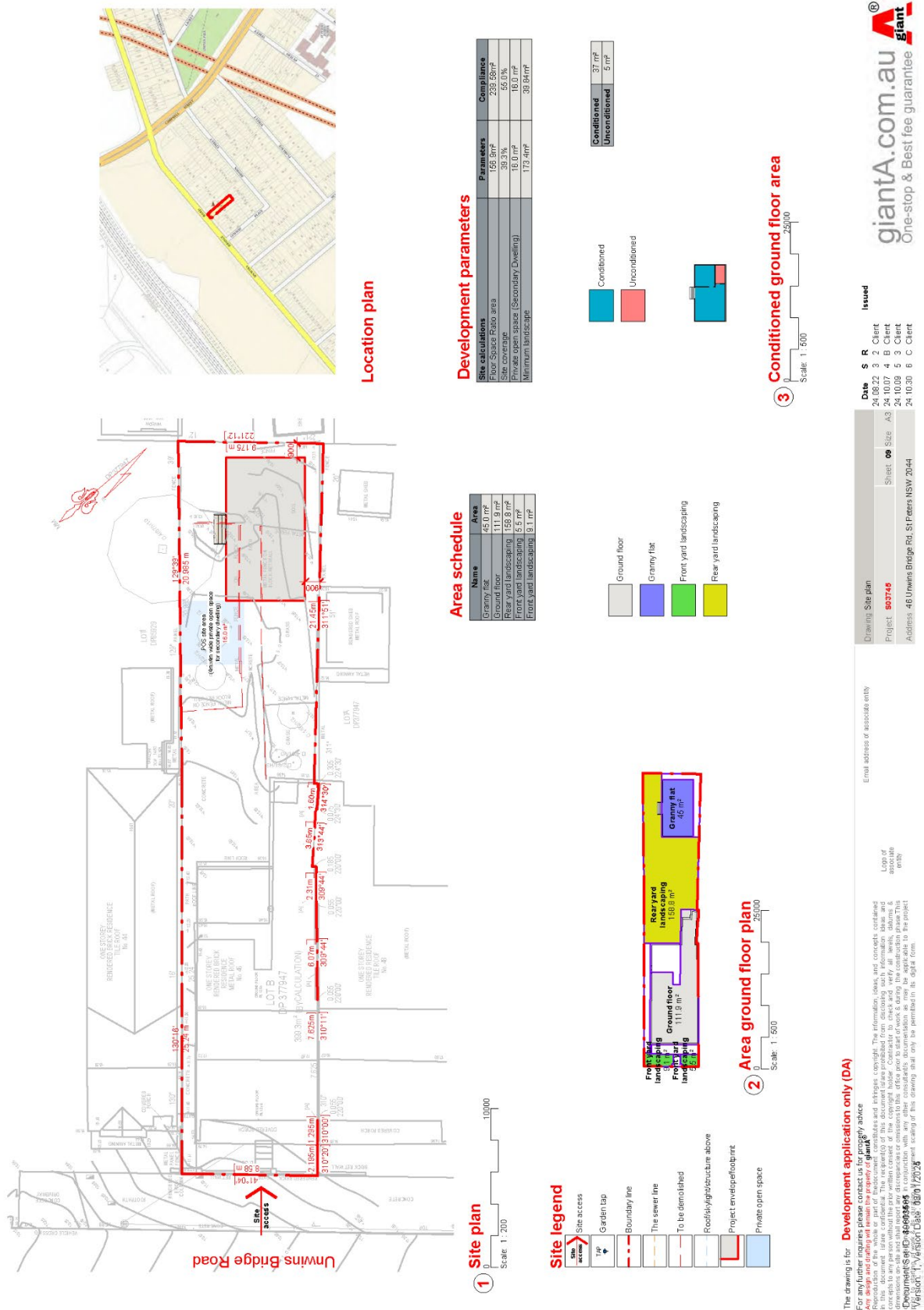
39.	<p>Project Arborist Certification</p> <p>Prior to the issue of an Occupation Certificate, the Certifying Authority is to be provided with certification from the Project Arborist that the requirements of the conditions of consent related to the landscape plan/approved tree planting plan and the role of the project arborist have been complied with.</p> <p>Reason: To ensure the protection and ongoing health of trees to be retained.</p>
40.	<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>
41.	<p>Works as Executed – Site Stormwater Drainage System</p> <p>Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a suitably qualified Civil Engineer that:</p> <p>The stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards; and</p> <p>Works-as-executed plans of the stormwater drainage system certified by a Registered Surveyor, to verify that the drainage system has been constructed, OSD/OSR system commissioned in accordance with the approved design and relevant Australian Standards have been submitted to Council. The works-as-executed plan(s) must show the as built details in comparison to those shown on the drainage plans approved with the Construction Certificate. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifier stamped Construction Certificate plans.</p> <p>Reason: To ensure the approved works are undertaken in accordance with the consent.</p>
42.	<p>Operation and Management Plan</p> <p>Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an Operation and Management Plan has been prepared and implemented for the on-site detention and/or on-site retention/re-use facilities. The Plan must set out the following at a minimum:</p> <ul style="list-style-type: none"> a. The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners; and b. The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc. <p>Reason: To ensure the approved works are undertaken in accordance with the consent.</p>

43.	<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, including opening doors, gates and garage doors with the exception of any awnings or balconies approved by Council.</p> <p>Reason: To maintain and promote vehicular and pedestrian safety.</p>
44.	<p>Aircraft Noise</p> <p>Prior to the issue of any Occupation Certificate, the Principal Certifier must be provided with a report prepared and submitted by an accredited Acoustics Consultant certifying that the final construction meets AS2021-2015 with regard to the noise attenuation measures referred to in the "Before the Issue of a Construction Certificate" Section of this Determination. Such report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development.</p> <p>Where it is found that internal noise levels are greater than the required dB(A) rating due to faulty workmanship or the like, necessary corrective measures must be carried out and a further certificate being prepared and submitted to the Principal Certifier in accordance with this condition.</p> <p>Reason: To ensure all noise attenuation is in accordance with the relevant Australian Standard.</p>
45.	<p>Street Numbering</p> <p>For the new development of the single storey secondary dwelling at the rear of the main property on Lot B in DP 377947, the approved addresses will be as follows:</p> <ul style="list-style-type: none"> • The existing main property keeps the existing address of the 46 Unwins Bridge Road ST PETERS NSW 2044; and • The new secondary dwelling at the rear of the property will have an approved address of 46A Unwins Bridge Road ST PETERS NSW 2044. <p>These numbers ensure clarity from the surrounding properties and are allocated in accordance with the NSW Government Address Policy and NSW Addressing User Manual. The new addresses are valid from the date the Occupation Certificate approval by Inner West Council. Please display the street numbers on the property frontage and letterboxes.</p> <p>If there are any changes to the number of occupancies including any additional occupancies created, a street numbering application must be lodged and approved by Council's GIS team before any street number is displayed. Link to Street Numbering Application</p> <p>Reason: To ensure occupancies are appropriately numbered.</p>

OCCUPATION AND ONGOING USE

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

Attachment B – Plans of proposed development



Materials legend

- Stud timber
- Framed (weatherboard/iron/steel clad)
- Solid timber or laminated product made from layers of timber bonded together
- Selected light colourbond

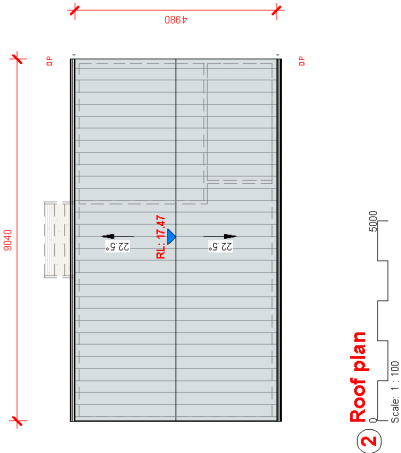
Annotate legend

- Fk
- Awning
- Sliding window
- Highlight window
- B-fold
- Sliding
- Cavity sliding
- Single swing
- Double swing
- Overhead roller
- Slope
- Downpipe
- Floor waste
- Exhaust fan
- Garden tap
- Mechanical ventilation as per part 3 of the BCA
- Reduced level
- Smoke alarm
- To be demolished
- Roof/skylight/structure above
- Floor/wall/walls below/above
- Revision cloud
- D : Door W : Width
- W : Window H : Height
- A : Revision number
- Yymm dd : Revision date

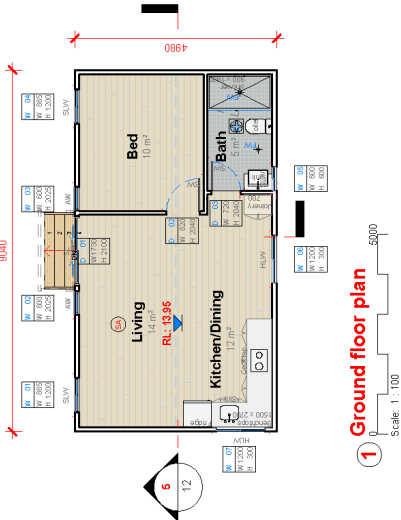
Roof area
212.4 m ²

Room schedule

Name	Area
Bath	5 m ²
Bed	10 m ²
Kitchen/Dining	12 m ²
Living	14 m ²
Grand total	41 m ²



2 Roof plan



1 Ground floor plan

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Version: 1, Version Date: 08/01/2024

Drawing	S	R	Date	Issued
Ground floor & Roof plan	3	2	24.08.22	Client
Project	502745	4	24.10.07	Client
Sheet	11	5	24.10.08	Client
Size	A3	6	24.10.30	Client
Address	48 Urums Bridge Rd, St Peters NSW 2044			

Email address of associate entity

Logo of associate entity

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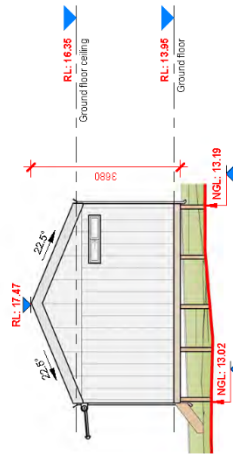
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Materials legend

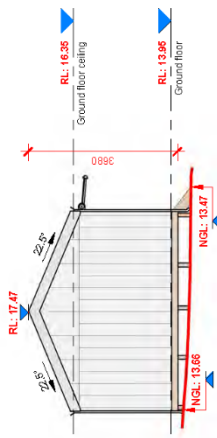
	Brick wall
	Cladding wall
	Render finish wall
	Selected tile roof
	Selected light colour cobblestone
	Windows privacy screen
	Outdoor auxiliary privacy screen
	Stud timber
	Framed
	Brick veneer
	CSS 9257 or higher FRL 60/0/00 fire wall
	Tile roof
	Colourbond roof
	Concrete floor
	Timber floor

Annotate legend

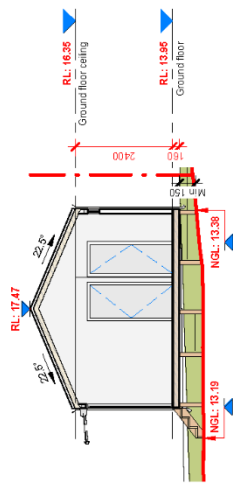
	Slope
	Reduced level
	New ground level
	Boundary line
	New ground line
	Natural ground line
	Approximate fit region shown hatched
	Approximate fit region shown hatched
	Revision cloud
	Revision number
	Revision date



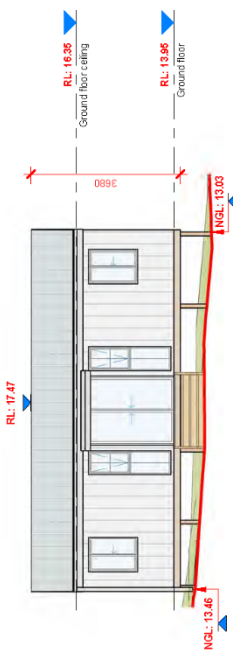
2 Side elevation 1



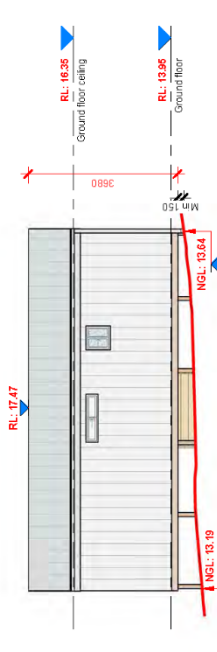
4 Side elevation 2



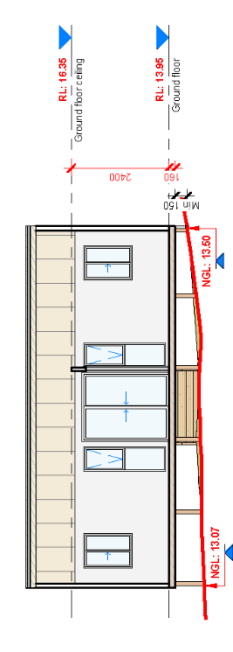
6 Section 1



1 Front elevation



3 Rear elevation



5 Section 1

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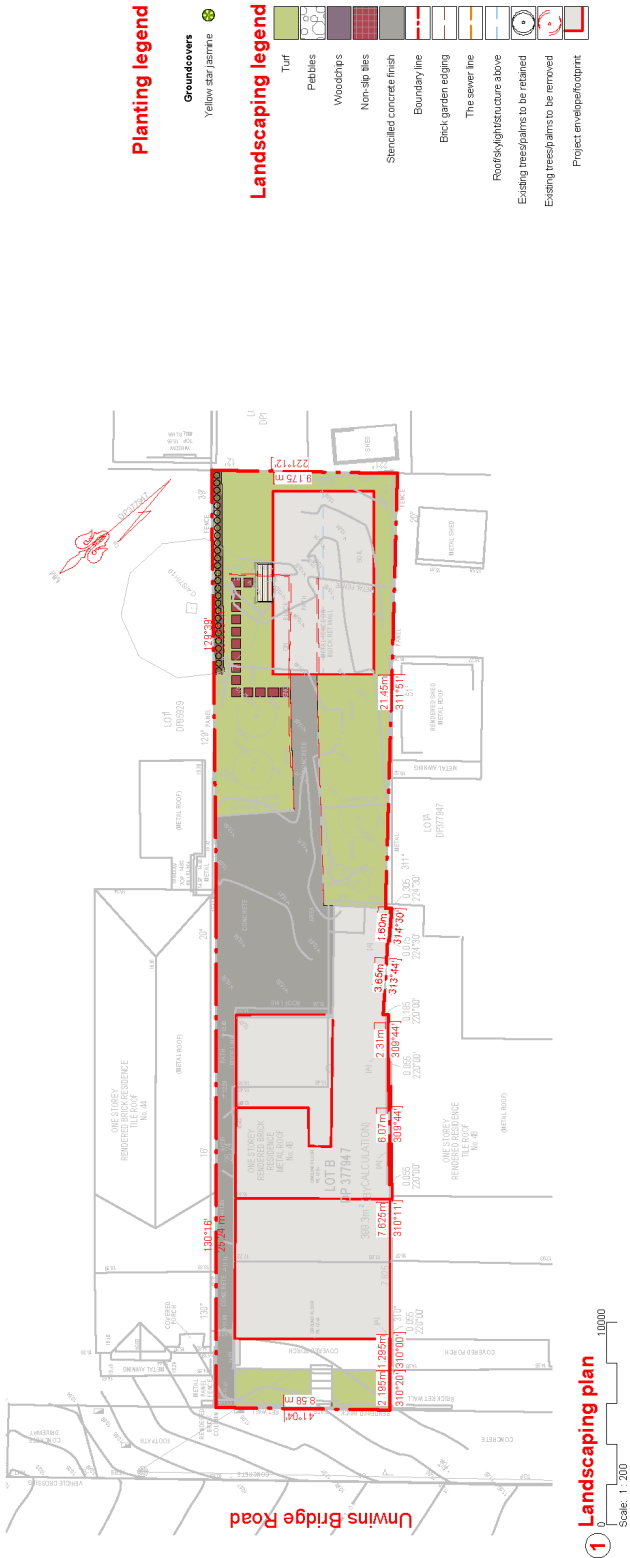
Email address of associate entity



Logo of associate entity

Drawing Elevations & Sections			
Project	50745	Sheet	12 Size A3
Date	24.08.22	3	2 Client
Date	24.10.07	4	B Client
Date	24.10.08	5	3 Client
Date	24.10.30	6	C Client

Issued

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Planting schedule									
Pictures	Scale	Common name	Latin name	Count	Description	Sun/Shade tolerance	Frost tolerance	Soil type(s)	Plant origin
		Yellow star jasmine	Trachelospermum jasminoides	27	Evergreen slender stemmed vine or groundcover (0.2m x 1m) from Korea and Japan forming dense mats of foliage. Glossy deep green, small leathery leaves. Fragrant cream pinwheel-shaped flowers turning light yellow in summer. Useful mass planted as a weed suppressing groundcover. Vespigated leaf form available. Suitable for coastal locations. Frost sensitive. Tolerates short periods of drought.	Full Sun, Part Shade	Frost sensitive	Sand, Clay, Loam	Non indigenous (Korea & Japan)

Note

- See Architects drawings for placement, walls, fence, slope and levels
- See Engineers drawings for hydraulic information

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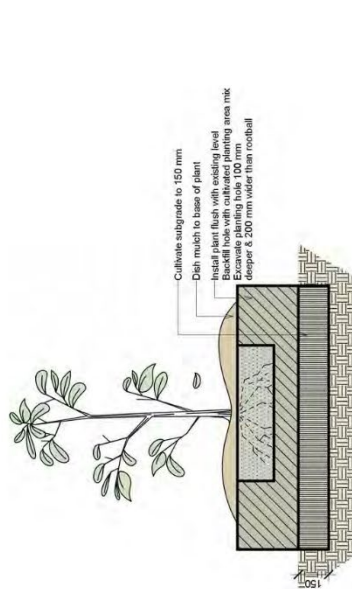
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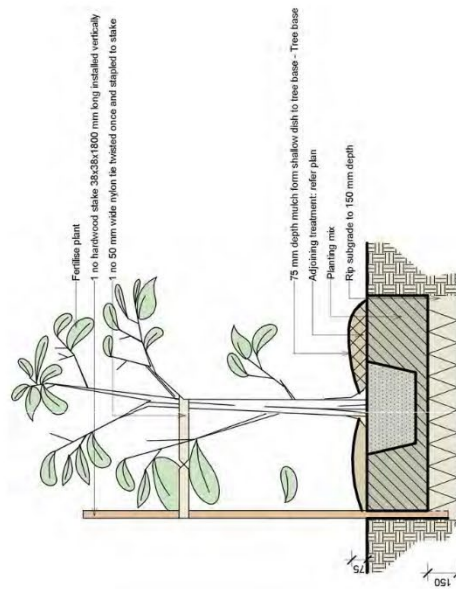
Document No: 44444444
Revision: 1.0
Date: 15/01/2024

Drawing: Landscaping plan		Date	S	R	Issued
Project: S03745	Sheet: 18	24/09/23	3	2	Client
Address: 48 Unwins Bridge Rd, St Peters NSW 2044	Size: A3	24/10/07	4	B	Client
		24/10/09	5	3	Client
		24/10/30	6	C	Client

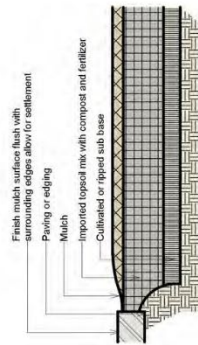




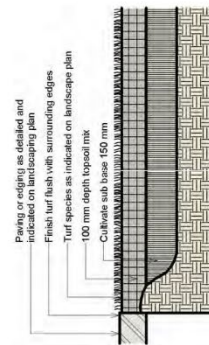
Planting in garden beds detail



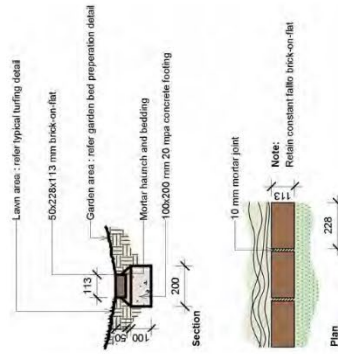
15-35 litre tree planting detail



Ground preparation planting area using imported topsoil detail



Ground preparation grassed area: turf using imported topsoil detail



Brick garden edge detail

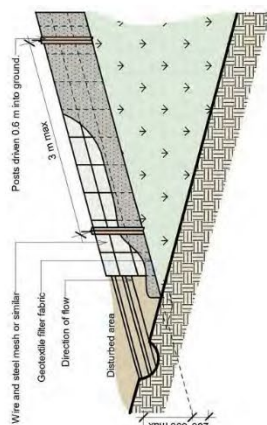
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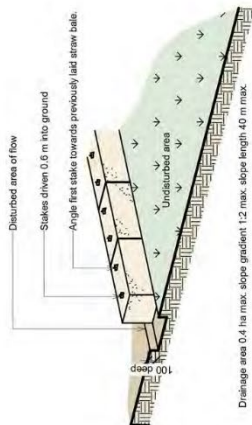
Version: 1.0, Version Date: 08/01/2025

Drawing	Landscaping details	Sheet	19	Size	A3	Date	24.08.22	3	2	Client	Issued
Project	503745	Sheet	19	Size	A3	24.10.07	4	B	Client		
Address	48 Unwins Bridge Rd, St Peters NSW 2044					24.10.09	5	3	Client		
						24.10.30	6	C	Client		

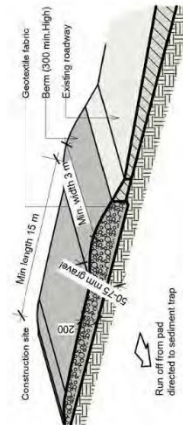
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Sediment fence

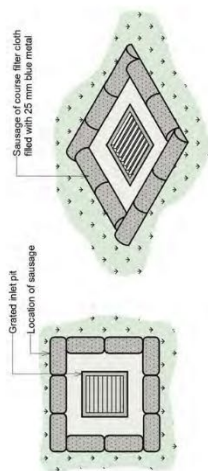


Straw bale sediment filter

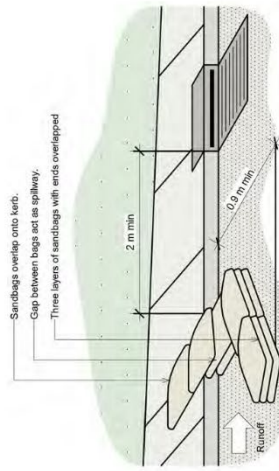


Geotextile lined silt fence (Structure type A)

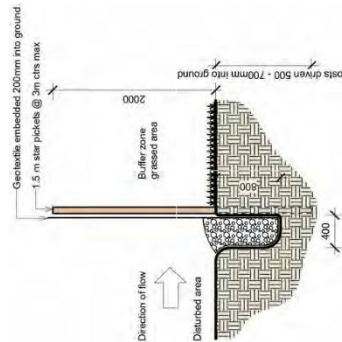
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Date: 08/01/2025



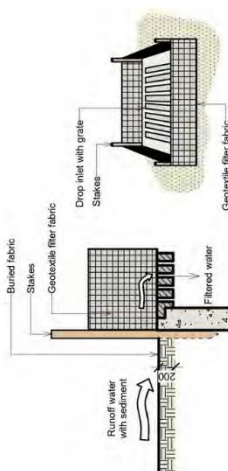
Location of sausage



Sandbag kerb inlet sediment trap



Geotextile lined silt fence (Structure type A)

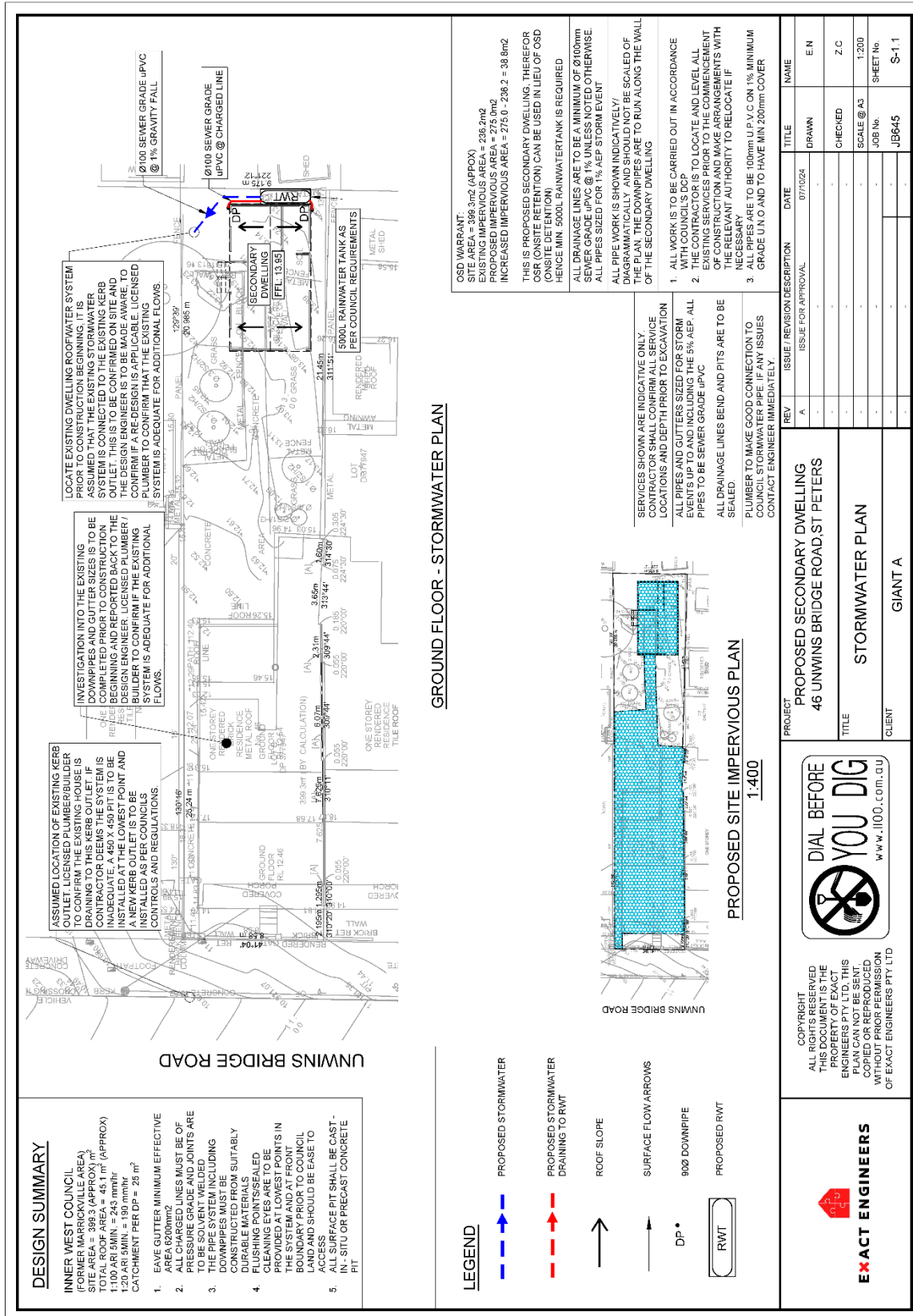


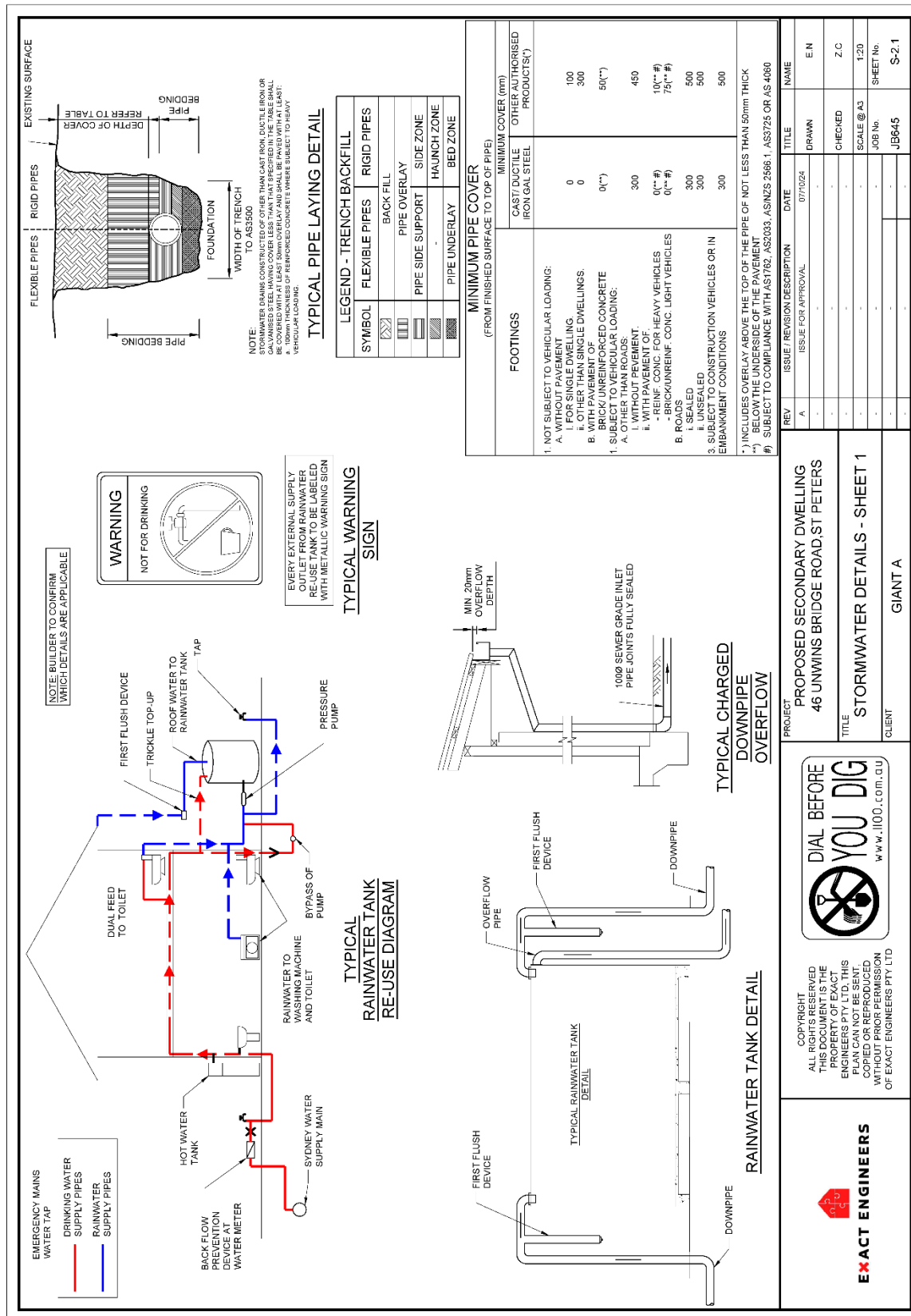
Geotextile filter fabric drop inlet sediment trap

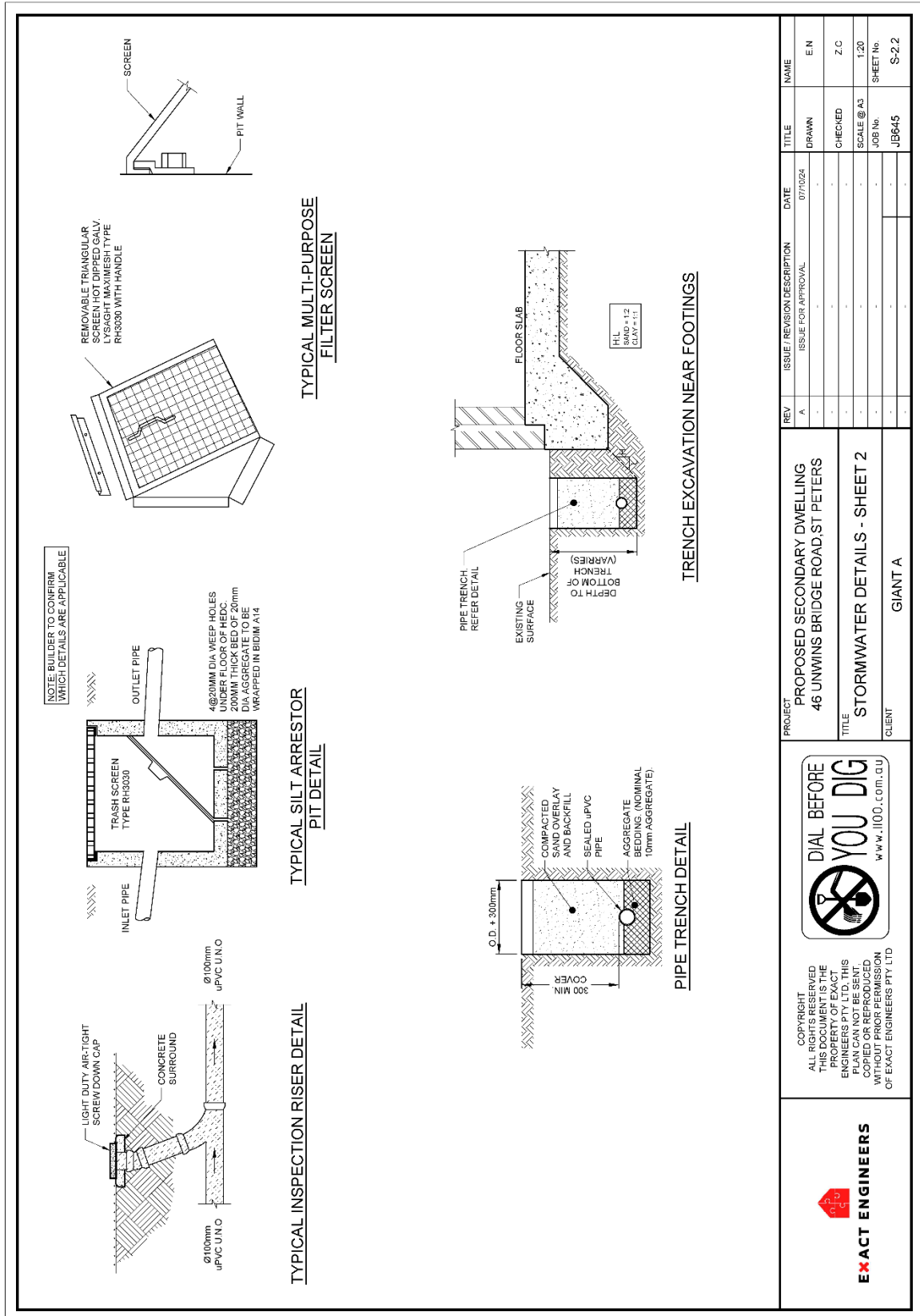
Drawing: Erosion & Sediment control										Date	3	R	Issued
Project: 503745										24.08.22	3	Client	
										24.10.07	6	Client	
										24.10.07	5	Client	
										24.10.09	5	Client	
Address: 46 Unwins Bridge Rd, St Peters NSW 2054										24.10.30	6	Client	

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Document Set ID: 40003495
Version: 1, Version Date: 08/01/2025









Single Dwelling

Certificate number: 1770904S

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Definitions" dated 10/09/2020 published by the Department. This document is available at www.basix.nsw.gov.au



Secretary
Date of issue: Wednesday, 30 October 2024
To be valid, this certificate must be submitted with a development application or lodged with a complying development certificate application within 3 months of the date of issue.

Project summary	
Project name	S03745 Chris 46 Unwins Bridge Rd, St Peters 2044
Street address	46 UNWINS BRIDGE ROAD ST PETERS 2044
Local Government Area	Inner West Council
Plan type and plan number	Deposited Plan DP377947
Lot no.	B
Section no.	-
Project type	dwelling house (detached) - secondary dwelling
No. of bedrooms	1
Project score	
Water	✔ 42 Target 40
Thermal Performance	✔ Pass Target Pass
Energy	✔ 69 Target 68
Materials	✔ 58 Target n/a

Certificate Prepared by	
Name / Company Name:	giantA Pty Ltd
ABN (if applicable):	87 625 554 252

Description of project

Project address	
Project name	S03745 Chris 46 Unwins Bridge Rd, St Peters 2044
Street address	46 UNWINS BRIDGE ROAD ST PETERS 2044
Local Government Area	Inner West Council
Plan type and plan number	Deposited Plan DP377947
Lot no.	B
Section no.	-
Project type	
Project type	dwelling house (detached) - secondary dwelling
No. of bedrooms	1
Site details	
Site area (m ²)	399
Roof area (m ²)	45
Conditioned floor area (m ²)	37.0
Unconditioned floor area (m ²)	5.0
Total area of garden and lawn (m ²)	173
Roof area of the existing dwelling (m ²)	152
Number of bedrooms in the existing dwelling	4

Assessor details and thermal loads	
Assessor number	n/a
Certificate number	n/a
Climate zone	n/a
Area adjusted cooling load (MJ/m ² .year)	n/a
Area adjusted heating load (MJ/m ² .year)	n/a
Project score	
Water	✓ 42 Target 40
Thermal Performance	✓ Pass Target Pass
Energy	✓ 69 Target 68
Materials	✓ 58 Target n/a

Schedule of BASIX commitments

The commitments set out below regulate how the proposed development is to be carried out. It is a condition of any development consent granted, or complying development certificate issued, for the proposed development, that BASIX commitments be complied with.

Water Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Landscape			
The applicant must plant indigenous or low water use species of vegetation throughout 173.4 square metres of the site.	✓	✓	
Fixtures			
The applicant must install showerheads with a minimum rating of 4 star (> 4.5 but ≤ 6 L/min plus spray force and/or coverage tests) in all showers in the development.		✓	✓
The applicant must install a toilet flushing system with a minimum rating of 6 star in each toilet in the development.		✓	✓
The applicant must install taps with a minimum rating of 6 star in the kitchen in the development.		✓	
The applicant must install basin taps with a minimum rating of 6 star in each bathroom in the development.		✓	
Alternative water			
Rainwater tank			
The applicant must install a rainwater tank of at least 1200 litres on the site. This rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities.	✓	✓	✓
The applicant must configure the rainwater tank to collect rain runoff from at least 212.4 square metres of the roof area of the development (excluding the area of the roof which drains to any stormwater tank or private dam).		✓	✓
The applicant must connect the rainwater tank to:			
<ul style="list-style-type: none"> all toilets in the development at least one outdoor tap in the development (Note: NSW Health does not recommend that rainwater be used for human consumption in areas with potable water supply.) 		✓	✓
		✓	✓

Thermal Performance and Materials commitments				
Do-it-yourself Method	Show on DA plans	Show on CC/CDC plans & specs	Certifier check	
General features				
The dwelling must be a Class 1 dwelling according to the National Construction Code, and must not have more than 2 storeys.	➤	➤	➤	
The conditioned floor area of the dwelling must not exceed 300 square metres.	➤	➤	➤	
The dwelling must not contain open mezzanine area exceeding 25 square metres.	➤	➤	➤	
The dwelling must not contain third level habitable attic room.	➤	➤	➤	
Floor, walls and ceiling/roof				
The applicant must construct the floor(s), walls, and ceiling/roof of the dwelling in accordance with the specifications listed in the table below.	➤	➤	➤	
The applicant must adopt one of the options listed in the tables below to address thermal bridging in metal framed floor(s), walls and ceiling/roof of the dwelling.	➤	➤	➤	
The applicant must show through receipts that the materials purchased for construction are consistent with the specifications listed in the tables below.				

Construction	Area - m ²	Additional insulation required	Options to address thermal bridging	Other specifications
floor - suspended floor above enclosed subfloor, hard wood; frame: timber - untreated softwood.	45	2 (or 2.7 including construction) (down); fibreglass batts or roll	nil	reflective foil facing the subfloor; subfloor wall insulation: None
external wall: framed (solid or reconstituted timber weatherboard); frame: timber - untreated softwood.	all external walls	3.00 (or 3.50 including construction); fibreglass batts or roll	nil	wall colour: Light (solar absorptance < 0.48)
internal wall: plasterboard; frame: timber - untreated softwood.	16.48	fibreglass batts or roll	nil	

Construction	Area - m ²	Additional insulation required	Options to address thermal bridging	Other specifications
ceiling and roof - raked ceiling / pitched or skillion roof, framed - metal roof, timber - untreated softwood.	45.02	ceiling: 5 (up), roof: foil backed blanket; ceiling: fibreglass batts or roll; roof: foil backed blanket.	nil	roof colour: light (solar absorptance 0.38-0.47); ceiling area fully insulated
<p>Note</p> <ul style="list-style-type: none"> Insulation specified in this Certificate must be installed in accordance with the ABCB Housing Provisions (Part 13.2.2) of the National Construction Code. 				
<p>Note</p> <ul style="list-style-type: none"> If the additional ceiling insulation listed in the table above is greater than R3.0, refer to the ABCB Housing Provisions (Part 13.2.3 (6)) of the National Construction Code. 				
<p>Note</p> <ul style="list-style-type: none"> In some climate zones, insulation should be installed with due consideration of condensation and associated interaction with adjoining building materials. 				
<p>Note</p> <ul style="list-style-type: none"> Thermal breaks must be installed in metal framed walls and applicable roofs in accordance with the ABCB Housing Provisions of the National Construction Code. 				




Thermal Performance and Materials commitments				Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Ceiling fans						
The applicant must install at least one ceiling fan in at least one daytime habitable space, such as living room.				➤	➤	➤
The applicant must install at least one ceiling fan in each bedroom.				➤	➤	➤
<ul style="list-style-type: none">The minimum number and diameter of ceiling fans in a daytime habitable space must be installed in accordance with the ABCB Housing Provisions (Part 13.5.2) of the National Construction Code .				➤	➤	➤

Thermal Performance and Materials commitments						Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Glazed windows, doors and skylights								
The applicant must install the windows, glazed doors and shading devices described in the table below, in accordance with the specifications listed in the table. Relevant overshadowing specifications must be satisfied for each glazed window and door.						➤	➤	➤
The dwelling may have 1 skylight (<0.7 square metres) which is not listed in the table.						➤	➤	➤
The following requirements must also be satisfied in relation to each window and glazed door:						➤	➤	➤
<ul style="list-style-type: none">The applicant must install windows and glazed doors in accordance with the height and width, frame and glazing types listed in the table.Each window and glazed door must have a U-value no greater than that listed and a Solar Heat Gain Coefficient (SHGC) within the range listed. Total system U values and SHGC must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions.Overshadowing buildings/vegetation must be of the height and distance from the centre and the base of the window and glazed door, as specified in the 'overshadowing' column.						➤	➤	➤
The applicant must install the skylights described in the table below, in accordance with the specifications listed in the table. Total skylight area must not exceed 3 square metres (the 3 square metre limit does not include the optional additional skylight of less than 0.7 square metres that does not have to be listed in the table).						➤	➤	➤
Glazed window/door no.	Maximum height (mm)	Maximum width (mm)	Frame and glass specification	Shading device (Dimension within 10%)	Overshadowing			
North-East facing								
W01	1200.00	865.00	thermally broken aluminium, double glazed (U-value: <=2, SHGC: 0.60 - 0.74)	none	>4 m high, 2-5 m away			
W02	2025.00	600.00	thermally broken aluminium, double glazed (U-value: <=2, SHGC: 0.60 - 0.74)	none	>4 m high, 2-5 m away			
W03	2025.00	600.00	thermally broken aluminium, double glazed (U-value: <=2, SHGC: 0.60 - 0.74)	none	>4 m high, 2-5 m away			

Glazed window/door no.	Maximum height (mm)	Maximum width (mm)	Frame and glass specification	Shading device (Dimension within 10%)	Overshadowing
W04	1200.00	865.00	thermally broken aluminium, double glazed (U-value: <=2, SHGC: 0.60 - 0.74)	none	not overshadowed
D01	2100.00	1730.00	timber, double glazed (U-value: <=2, SHGC: 0.27 - 0.33)	awning (adjustable) 900 mm, 1700 mm above base of window or glazed door	>4 m high, 2.5 m away
South-West facing					
W05	600.00	600.00	thermally broken aluminium, double glazed (U-value: <=2, SHGC: 0.49 - 0.60)	none	not overshadowed
W06	300.00	1200.00	thermally broken aluminium, double glazed (U-value: <=2, SHGC: 0.60 - 0.74)	none	not overshadowed
North-West facing					
W07	300.00	1200.00	thermally broken aluminium, double glazed (U-value: <=2, SHGC: 0.60 - 0.74)	none	not overshadowed

Energy Commitments		Show on DA plans	Show on CC/CDC plans & specs	Certifier check
Hot water				
The applicant must install the following hot water system in the development, or a system with a higher energy rating: gas instantaneous with a performance of 7 stars.		➤	➤	➤
Cooling system				
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 living area: 1-phase airconditioning - ducted; Energy rating: 8 star (average zone)			➤	➤
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 bedroom: 1-phase airconditioning - ducted; Energy rating: 8 star (average zone)			➤	➤
Heating system				
The living areas must not incorporate any heating system, or any ducting which is designed to accommodate a heating system.			➤	➤
The bedrooms must not incorporate any heating system, or any ducting which is designed to accommodate a heating system.			➤	➤
Ventilation				
The applicant must install the following exhaust systems in the development: At least 1 Bathroom: individual fan, open to façade; Operation control: manual switch on/off Kitchen: individual fan, open to façade; Operation control: manual switch on/off Laundry: individual fan, open to façade; Operation control: manual switch on/off			➤ ➤ ➤	➤ ➤ ➤
Artificial lighting				
The applicant must ensure that a minimum of 80% of light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.			➤	➤
Natural lighting				
The applicant must install a window and/or skylight in the kitchen of the dwelling for natural lighting.		➤	➤	➤

Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
The applicant must install a window and/or skylight in 1 bathroom(s)/toilet(s) in the development for natural lighting.	✓	✓	✓
Other			
The applicant must install a gas cooktop & gas oven in the kitchen of the dwelling.		✓	
The applicant must install a fixed outdoor clothes drying line as part of the development.		✓	

Legend
In these commitments, "applicant" means the person carrying out the development.
Commitments identified with a  in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development).
Commitments identified with a  in the "Show on CC/CDC plans and specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development.
Commitments identified with a  in the "Certifier check" column must be certified by a certifying authority as having been fulfilled, before a final occupation certificate (either interim or final) for the development may be issued.

Attachment C – Section 4.6 Exception to Development Standards



Development Applications Exceptions to Development Standards

Pursuant to Section 4.6 of the Inner West Local Environmental Plan 2022

About this form:	Use this form to request a variation to a development standard for a Development Application.
How to complete:	<ol style="list-style-type: none"> 1. Ensure that all fields have been filled out correctly. 2. Once completed, please refer to the lodgment details section for further information.

Development Application Details:	
Address:	46 Unwins Bridge Road St Peters NSW
Proposed Development:	Construct secondary single level dwelling at rear of property

Standard sought to be varied:	
<input checked="" type="checkbox"/>	Minimum Site Area – Secondary Dwellings Section 53 (2)(a) of SEPP Housing 2021
<input type="checkbox"/>	Subdivision Allotment Size Section 4.1 of Inner West LEP 2022
<input type="checkbox"/>	Height of Buildings Section 4.3 of Inner West LEP 2022
<input type="checkbox"/>	Landscaped Area Section 4.3C(3)(a) of Inner West LEP 2022
<input type="checkbox"/>	Site Coverage Section 4.3C(3)(b) of Inner West LEP 2022
<input type="checkbox"/>	Floor Space Ratio Section 4.4 or Section 4.4A of Inner West LEP 2022
<input type="checkbox"/>	Foreshore Building Area Section 6.5 of Inner West LEP 2022
<input type="checkbox"/>	Development on land in Haberfield Heritage Conservation Area Section 6.20 of Inner West LEP 2022



Development Applications Exceptions to Development Standards

The purpose of the above standards is to ensure that the proposed works are compatible with the surrounding environment in terms of bulk, scale, amenity, streetscape, setting, transport and preserving the character of the building and surrounding conservation area and heritage items

Where an applicant wishes to vary a development standard, the application must be accompanied by a well- founded, written request which seeks to justify the contravention of the development standard by demonstrating:

- a. that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case
- b. that there are sufficient environmental planning grounds to justify contravening the development standard.

What is the numeric value of the development standard in the environmental planning instrument?

This should be specific and address all non-compliance.

Minimum site size of 450sqm for construction of a secondary dwelling

What is the difference between the existing and proposed numeric values? What is the percentage variation (between the proposal and the environmental planning instrument)?

For example: The proposal exceeds the maximum _____ development standard by _____, which is a percentage variation of ____%.

The proposal seeks to vary this standard by 50.7sqm or 11.3%



Development Applications Exceptions to Development Standards

Why is compliance with the standard unreasonable or unnecessary? What are the special circumstances in this case?

*There are 5 common ways that compliance with a development standard may be demonstrated to be unreasonable or unnecessary (items a to e). An applicant must satisfy **at least one**. This list is not exhaustive – there may be other ways available.*

- a) *Are the objectives of the development standard achieved notwithstanding the non-compliance? (Give details if applicable)*
- b) *Are the underlying objectives or purpose of the development standard not relevant to the development? (Give details if applicable)*
- c) *Would the underlying objective or purpose be defeated or thwarted if compliance was required?*
- d) *Has the development standard been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard*
- e) *Is the zoning of the land unreasonable or inappropriate so that the development standard is also unreasonable or unnecessary?*

The subject site and surrounding allotments consist of a consistent cadastral pattern which are largely under 450sqm but have the proven capacity to accommodate a secondary dwelling that provides adequate private open space areas, floor plan layout and minimal amenity impact on adjoining properties. Although the proposal does not numerically comply with Clause 53(2)(a) – non-discretionary standard of SEPP (Housing) 2021, the objective seeks to ensure that the development in question satisfies other applicable requirements, such as amenity impacts and site capacity related controls. Accordingly, the breach is consistent with the objective. The site area standard is a state-wide control, and it is reasonable to presume its objectives are achieved where locally and contextually appropriate secondary dwellings are proposed. In this case, the site is within a well-located inner-city area where there is an established small lot subdivision. Most of the adjoining lots are under 450 m2 . The locality is well located to transport and services, this is land that can carry some residential density, more so than a more remote suburban site.

Are there sufficient environmental planning grounds to justify contravening the development standard?

They must relate to the aspect of the proposed development that contravenes the development standard and not simply promote the benefits of the development as a whole. You must provide substantive justification as to why the contravening the development standard is acceptable.

The secondary dwelling is located at the rear of the property, the structure has reasonable impacts and promotes housing diversity on the site. The site is suitable for the form of development proposed. The 450 m2 minimum site area requirement is a State-wide standard and unreasonable in this inner-city locality where most lots are well under 450 m2 .



Development Applications Exceptions to Development Standards

There are demonstrated examples of secondary dwellings on similar smaller lots being approved in the IWC area. The site is in an accessible location 1km to a Sydenham Metro and 850m from St Peters Rail Station. It makes little planning sense to restrict development on such a well-located site via a State based non-discretionary planning control that is focussed on facilitation of development on more suburban sites. This control has no local equivalent and is not considered appropriate to this location or the form of the amended DA lodged.

Is there any other relevant information relating to justifying a variation of the development standard?

Please provide any other information that you feel is relevant in justifying your proposed variation to the development standard.

It is an underlying principle of Clause 4.6 that the development approved under this provision should be in the public interest. The proposal is consistent with the object of the site area requirement as described previously.

The objectives of the R2 zone are as follows: "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 provide facilities or services to meet the day today needs of residents.
- To provide residential development that maintains the character of built and natural features in the surrounding area."

The proposal provides for low-density residential use, in keeping with the adjoining dwellings. The works are for a housing purpose consistent with the low-density nature of the zoning.

Applicant's signature:

Date:

06 / 01 / 2025

Privacy statement

Application forms and/or names and addresses of people making an application is information that is publicly available. In accordance with section 18(1)(b) of the *Privacy and Personal Information Protection Act 1998 (NSW)*, you are advised that all application forms received by Council will be placed on the appropriate Council file and may be disclosed to Councillors, Council officers, consultants to Council or members of the public. Pursuant to the provisions of the *Government Information (Public Access) Act 2009*, Council is obliged to allow inspection of its documents, including any application you make. However, should you wish for your contact details to be suppressed, please indicate on this application form.



Development Applications Exceptions to Development Standards

Instructions for applicants

Lodging an application requires a completed application form, all relevant information and the payment of the required fee. The Application will be checked at lodgment to ensure the required information is provided.

Required Documentation/Information

- [Development Application Checklist](#)
- [DA Documentation Requirements](#)

Incomplete/illegible applications will not be accepted and will be returned to you.

Lodge online: <https://www.planningportal.nsw.gov.au/onlineDA>

Fees and charges:

Find fees and charges on the Council website: www.innerwest.nsw.gov.au/FeesAndCharges

Upon review of the documentation, if found to be satisfactory, the application will be entered into our system. You will then be sent an invoice. Please note that the application is not considered to be 'Lodged' until the fees have been paid.

Inconsistency in Lodgment Information:

Where information on this form differs from information entered into the Planning Portal Application (PAN) the information on this form will prevail.