



 DEVELOPMENT ASSESSMENT REPORT	
Application No.	REV/2020/0030
Address	14 Forrest Street HABERFIELD NSW 2045
Proposal	S8.2 Review of DA/2020/0346 for alterations and additions to the existing dwelling. Review involves amended plans.
Date of Lodgement	2 December 2020
Applicant	Mr Domenico Alvaro
Owner	Mr Domenico Alvaro Mrs Susan A Alvaro
Number of Submissions	Initial: 0
Value of works	\$488,675
Reason for determination at Planning Panel	Section 8.2 application previously refused by the Panel
Main Issues	<ul style="list-style-type: none"> Built form Colours and materials
Recommendation	Approved with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
	
LOCALITY MAP	
Subject Site	  
	Notified Area

1. Executive Summary

This report is an assessment of the application submitted to Council pursuant to Section 8.2 of the *Environmental Planning and Assessment Act 1979* for a review of Determination No. DA/2020/0346 for alterations and additions to the existing dwelling at 14 Forrest Street Haberfield.

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

The main issues that have arisen from the application include:

- Built form – the proposed additions are not less than the length of the original building per the requirements of Inner West Comprehensive Development Control Plan 2016; and,
- Colours and materials – the proposed colours and materials are not considered to harmonise with the traditional colour schemes within the HCA.

Despite the items noted above, the proposal generally complies with the aims, objectives, and design parameters contained in the relevant State Environmental Planning Policies, *Ashfield Local Environmental Plan 2013*, and Inner West Comprehensive Development Control Plan 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

The potential impacts to the surrounding environment have been considered as part of the assessment process. Any potential impacts from the development are considered to be acceptable, given the context of the site and the desired future character of the precinct.

The application is suitable for consent subject to the imposition of appropriate terms and conditions.

2. Proposal

The application seeks a review of Determination No. DA/2020/0436 under Section 8.2 of the *Environmental Planning and Assessment Act 1979*. The original application was for alterations and additions to the existing dwelling and was refused by the Inner West Local Planning Panel on 13 October 2020.

The current application proposes alterations and additions to the existing dwelling, including:

- Demolition of the rear wing of the existing dwelling;
- Construction of a new single storey addition at the rear comprising two bedrooms with ensuites, and a kitchen, dining, and living room;
- Construction of a new basement containing a cellar and lightwell;
- Demolition of the existing garage and detached sheds;
- Construction of a new detached carport;
- Construction of a new in-ground swimming pool in the rear yard; and,
- Landscaping works.

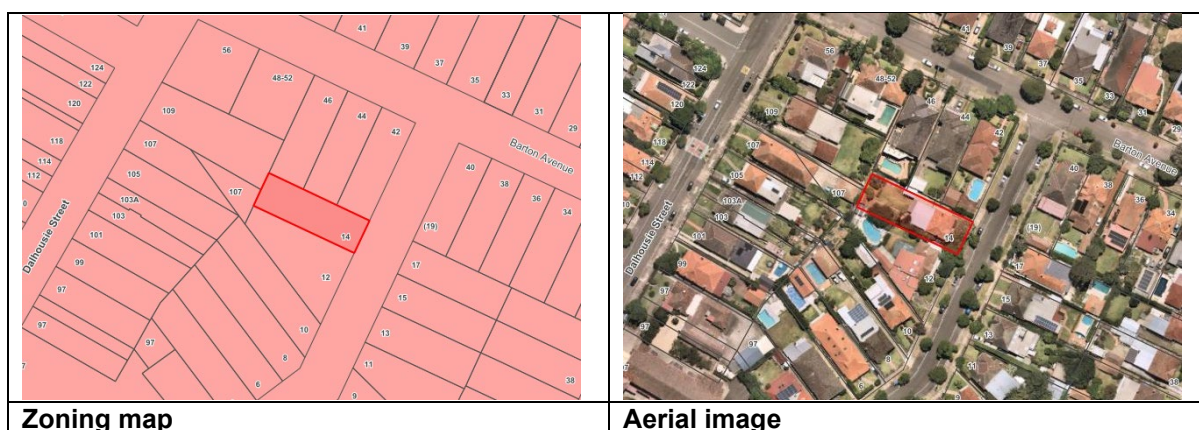
3. Site Description

The subject site is located on the northern side of Forrest Street, close to the intersection of Forrest Street and Barton Avenue, Haberfield. The site consists of one allotment and is generally rectangular in shape with a total area of 715.3 sqm. The site has a frontage to Forrest Street of 15.1 metres.

The site supports a single storey detached dwelling house, with several ancillary outbuildings and a detached garage. The adjoining properties support single and two storey dwelling houses.

The property is located within the Haberfield Heritage Conservation Area.

A number of mature trees are located on the subject site and neighbouring properties, and the adjoining road reserve.



4. Background

4(a) Site history

The following outlines the relevant development history of the subject site:

Application	Proposal	Decision & Date
DA/2020/0346	Demolition of existing rear extension, construction of single storey pavilion and basement carpark.	Refused by IWLPP 13 October 2020

4(b) Application history

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

Date	Discussion / Letter / Additional Information
2 December 2020	Application lodged.
15 December 2020 to 20 January 2021	Application notified.
5 February 2021	A Request for Information (RFI) was sent to the applicant requesting additional information and amended plans to address the following: <ul style="list-style-type: none"> • Landscaped area • Building form • Roof form and materials • Windows • Carport • Colour scheme, materials, and finishes

15 February 2021	Amended plans were submitted by the applicant.
18 February 2021	Amended plans were requested to address the following: <ul style="list-style-type: none"> • Roof length • Original openings • Building materials
2 March 2021	Amended plans were submitted by the applicant.

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 8.2 and 4.15 of the *Environmental Planning and Assessment Act 1979*.

5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy No. 55—Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*

The following provides further discussion of the relevant issues:

5(a)(i) *State Environmental Planning Policy No 55—Remediation of Land*

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. The DCP provides controls and guidelines for remediation works. *SEPP 55* requires the consent authority to be satisfied that “the site is, or can be made, suitable for the proposed use” prior to the granting of consent.

The site has not been used in the past for activities which could have potentially contaminated the site. It is considered that the site will not require remediation in accordance with *SEPP 55*.

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

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

5(a)(iii) *State Environmental Planning Policy (Vegetation in Non-Rural Areas) (Vegetation SEPP)*

Vegetation SEPP concerns the protection and removal of vegetation identified under the SEPP and gives effect to the local tree preservation provisions contained in Council’s DCP. The following trees are located on the subject site, neighbouring properties, and within the road reserve.

Tree No.	Botanical/Common Name	Location	Works
1	<i>Lophostemon confertus</i> (Brush Box)	In road - Forrest Street	Retain/ Protect
2	<i>Jacaranda mimosifolia</i> (Jacaranda)	Front yard of No 12 Forrest Street	Retain/ Protect
3	<i>Washingtonia robusta</i> (Washington Palm)	Front yard of subject site	Retain/ Protect
4	<i>Plumeria actinophylla</i> (Frangipani)	Front yard of subject site	Retain/ Protect
5	<i>Plumeria actinophylla</i> (Frangipani)	Front yard of subject site - to be transplanted	Transplant
6	<i>Plumeria acutifolia</i> (Frangipani)	Front yard of subject site	Remove
7	<i>Laurus nobilis</i> (Bay Tree)	Rear yard subject site	Remove
8	<i>Archontophoenix cunninghamiana</i> (Bangalow)	Rear yard subject site	Remove
9	<i>Harphyllum cafrum</i> (Kaffir Plum)	Rear No 12 Forrest Street	Retain/ Protect

The application seeks the removal of three trees from within the site. Overall, the proposal is considered acceptable with regard to the *Vegetation SEPP* and DCP subject to the imposition of conditions requiring replacement plantings, which have been included in the recommendation of this report.

5(a)(iv) *Ashfield Local Environment Plan 2013*

The application was assessed against the following relevant clauses of the *Ashfield Local Environmental Plan 2013 (ALEP 2013)*:

Clause	Proposed	Compliance
Clause 1.2 Aims of Plan	The proposal is considered to be consistent with the relevant aims of the plan as follows: <ul style="list-style-type: none"> The proposed development retains and enhances the identity, and identifies and conserves the environmental and cultural heritage, of Ashfield; and, The proposal protects the urban character of Haberfield. 	Yes
Clause 2.3 Land Use Table and Zone Objectives <i>R2 Low Density Residential</i>	The proposal satisfies this clause as follows: <ul style="list-style-type: none"> The application proposes alterations and additions to an existing dwelling house. Dwelling houses are a permissible land use in the R2 Low Density Residential zone; and, The proposal is generally consistent with the relevant objectives of the zone. 	Yes
Clause 2.7 Demolition requires development consent	The proposal satisfies the clause 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
Clause 4.3 Height of Building G – 7m	The application proposes a compliant maximum building height of 6m.	Yes
Clause 4.4 Floor space ratio D – 0.5:1 (357.7 sqm)	The application proposes a compliant floor space ratio of 0.35:1 (251.5 sqm).	Yes
Clause 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 clause.	Yes

Clause 5.10 Heritage conservation	The application satisfies this clause as the proposed development is considered to appropriately conserve the heritage significance of the heritage conservation area, including the associated fabric and setting.	Yes
Clause 6.1 Earthworks	The application is considered to adequately satisfy this clause in that the proposed earthworks are unlikely to have a detrimental impact on environmental functions and processes, existing drainage patterns, or soil stability.	Yes
Clause 6.5 Development on land in Haberfield Conservation Area	<p><u>Clause 6.5(3)(a)(ii)</u> The application proposes a compliant gross floor area of approximately 16% (25sqm) below the existing ground level.</p> <p><u>Clause 6.5(3)(b)</u> No excavation in excess of 3 metres is proposed.</p> <p><u>Clause 6.5(3)(d)</u> The application provides a minimum landscaped area of 50% of the site area.</p>	Yes

5(b) Draft Inner West Local Environmental Plan 2020 (Draft IWLEP 2020)

Draft IWLEP 2020 was placed on public exhibition commencing on 16 March 2020 and accordingly is a matter for consideration in the assessment of the application under Section 4.15(1)(a)(ii) of the *Environmental Planning and Assessment Act 1979*. The development is considered acceptable having regard to the provisions of Draft IWLEP 2020.

5(c) Development Control Plans

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

Control	Proposed	Compliance
Section 2 – General Guidelines		
A – Miscellaneous		
1 – Site and Context Analysis	The applicant submitted an acceptable site and context analysis as part of the application.	Yes
2 – Good Design	The proposed development is considered to meet the relevant performance criteria as the built form is of a scale, form, and density that is consistent with surrounding buildings and which retains adequate amenity to the proposed development and neighbouring properties in terms of solar access and privacy. The development contributes positively to the context of the site and retains and reinforces desirable elements of the street.	Yes
8 – Parking	The proposal complies with the relevant requirements as two on-site car parking spaces are provided.	Yes
15 – Stormwater Management	The proposed development is capable of satisfying the relevant requirements of this part subject to suitable conditions of consent, which have been included in the recommendation.	Yes – subject to conditions
C – Sustainability		
4 – Tree Preservation and Management	See Section 5(a)(iii) above.	Yes – subject to conditions
Chapter E2 – Haberfield Heritage Conservation Area		
Section 1 – Preliminary		

Objectives	<p>The proposal is considered to meet the relevant objectives as follows:</p> <ul style="list-style-type: none"> • The existing original components of the dwelling that contribute to the heritage significance of the suburb have been retained; and, • The proposed alterations and additions respect the original building and do not have adverse impacts on the heritage significance of Haberfield as a whole. 	Yes
Section 2 – Detailed Planning Measures for Residential Properties		
2.3 – Pattern of development	<p>The proposal is satisfactory having regard to the relevant provisions of this part as follows:</p> <ul style="list-style-type: none"> • The proposal results in a site coverage that is similar in size and pattern to that of other development in the area; and, • No new structures are proposed forward of the existing building line. 	Yes
2.6 – Building form	See Section (i) below.	Yes
2.9 – Roof forms	See Section (ii) below.	Yes
2.12 – Siting, setbacks and levels	<p>The proposal is considered to meet the relevant objectives as follows:</p> <ul style="list-style-type: none"> • The established front and side setbacks are retained with no new extensions located forward of the existing front building line; • The resultant site coverage is similar to the traditional pattern of development in that it retains a large rear garden area; and, • The proposal does not result in any substantial difference between the floor levels of the subject development and neighbouring properties. 	Yes
2.15 – Walls	<p>The proposal is satisfactory having regard to the relevant provisions of this part as the original shape and materials of the front and side walls is proposed to be retained. The paint colours proposed to the existing rendered walls is also considered acceptable.</p>	Yes
2.18 – Chimneys	<p>The proposal is satisfactory having regard to the relevant provisions of this part as the existing chimneys to the original house are proposed to be retained.</p>	Yes
2.24 – Windows and doors	<p>The proposal is considered to meet the relevant objectives as follows:</p> <ul style="list-style-type: none"> • The original doors and windows are proposed to be retained; and, • The proposal employs vertical proportions for windows on the side elevations of the proposed rear extension with appropriate glazing/solid proportions. <p>Additionally, to ensure the windows reflect the original materials and design it is recommended that a condition be included in the consent requiring the windows on the northern side elevation of the rear addition to be provided with a timber sash and frame.</p>	Yes – subject to conditions
2.33 – Garages and carports	<p>The proposal is satisfactory having regard to the relevant provisions of this part as follows:</p> <ul style="list-style-type: none"> • The proposed carport is located at the side of the house and is set 1 metre behind the front wall of the house; 	Yes

	<ul style="list-style-type: none"> The carport is of a simply design that does not adversely affect the mass or bulk of the existing dwelling; and, The carport is freestanding. 	
2.39 – Colour schemes	<p>New buildings are required to use colours that harmonise with the traditional colour schemes. The proposed Woodland Grey to the metal cladding, metalwork trims, and painted metal and timberwork is not considered harmonious with the traditional colours. Additionally, the ‘Marana’ brick proposed for the rear addition are not considered sympathetic to the character of the Haberfield HCA.</p> <p>As such, conditions have been included in the recommendation to amend the colours as follows:</p> <ul style="list-style-type: none"> The roof to the rear addition must be pre-coloured traditional corrugated steel in a colour equivalent to Colorbond colours “Windspray”, “Wallaby” or “Manor Red”; The bricks to the rear addition must be machine made smooth faced bricks in standard dimensions and colours similar to “Rojo” or “Cacao” from the Morada Collection available from PGH Bricks & Pavers; The metal cladding, metalwork trims, painted metal, and timberwork must be painted with Dulux “York Stone”; and, The front timber fence must be painted with Dulux “York Stone”. 	Yes – subject to conditions
2.40 – Fences and gates	<p>The proposal is satisfactory having regard to the relevant provisions of this part as follows:</p> <ul style="list-style-type: none"> The application proposes a new 1.4m high timber front fence that is simple in design and decoration. As noted above, it is recommended that a condition be included in the consent to ensure the paint colour of the fence is appropriate; and, The proposed replacement of the northern side boundary fence is generally supported subject to conditions requiring the fence to use timber palings to ensure it is complementary to the character of the HCA. 	Yes – subject to conditions
2.45 – Garden elements, including paving, driveways, pergolas and pools	<p>The proposal is satisfactory having regard to the relevant provisions of this part as follows:</p> <ul style="list-style-type: none"> Paving and hard surfaces are kept to a minimum; The driveway consists of two strips of hard surface; and, The proposed swimming pool is located at the rear of the site and is small enough to retain an adequate garden. 	Yes
Chapter F – Development Category Guidelines		
Part 1 – Dwelling house and dual occupancy	<p>The proposal is satisfactory having regard to the relevant provisions of this part as follows:</p> <ul style="list-style-type: none"> The proposed building setbacks are consistent with those prevailing in the street; The proposal results in a site coverage that is consistent with the prevailing pattern within the neighbourhood and is less than 65% of the total site area; 	Yes

	<ul style="list-style-type: none"> • The proposed development maintains an adequately sized private open space at the rear of the site; • The proposed addition has been appropriately sited and designed to provide adequate solar access to internal living areas and reduce adverse overshadowing impacts to neighbouring properties; and, • The proposal has been appropriately designed to reduce any significant adverse visual privacy impacts to neighbouring properties. 	
--	--	--

The following provides discussion of the relevant issues:

(i) 2.6 – Building Form

The DCP contains building form controls to ensure residential buildings in Haberfield are uniformly single storey in height and are of a similar bulk and shape. The proposed development is considered to generally meet the relevant controls of this part, except for control 2.6(g), which states *“the overall length of any extension is to be less than, and secondary to, the original house”*.

As demonstrated in Figure 1 below, the proposed addition at the rear extends greater in length than the original house. Despite the numerical non-compliance with control 2.6(g), the proposal is considered to generally achieve the intent of the building form provisions for the following reasons:

- The proposal results in a development that presents as single storey in the streetscape and which is of a similar shape and bulk to development in the locality.
- The overall shape of the proposed development is consistent with that of other dwellings as the proposal maintains the existing side setbacks with no lateral extensions, and provides a rear setback that enables a large garden to be retained in the rear yard with 50% of the site to consist of deep soil landscaping.
- The proposal results in an overall site coverage that is consistent with other development. As shown in Figure 2, the massing of the additions at the rear of the original building with no ancillary structures proposed at the rear allows a large rear garden area to be maintained that is consistent with, and in some cases greater than, the prevailing size of rear gardens in the area.
- The proposed side setbacks and massing of the rear addition means the rear extension is unlikely to be visible within the streetscape. Furthermore, the application proposes an appropriate pavilion-style extension with a link that creates a clear distinction between the original house and the rear addition.

Given the above, the proposed development is considered to achieve the intent of control 2.6(g) and is therefore considered acceptable.

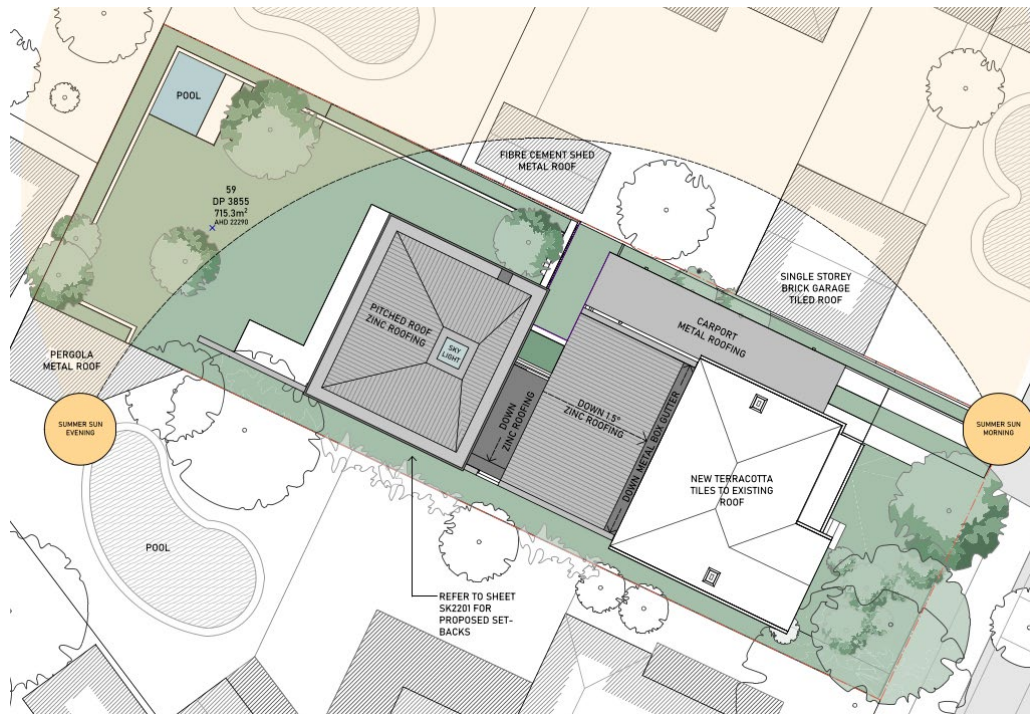


Figure 1: Roof plan of proposed development demonstrating extent of rear addition (shown in grey).



Figure 2: Aerial photo demonstrating existing pattern of development and site coverage (subject site highlighted red; proposed building envelope shown dashed red).

(ii) 2.9 – Roof Forms

The DCP contains controls regarding the form, shape, and materials of roofs in Haberfield. As demonstrated in Figures 1 and 3, the application proposes two main roof forms over the rear additions, comprising a skillion roof with a 1.5° pitch over the addition directly off the rear of

the original dwelling, and a contemporary hipped form with a skylight at the apex over the rear pavilion extension.

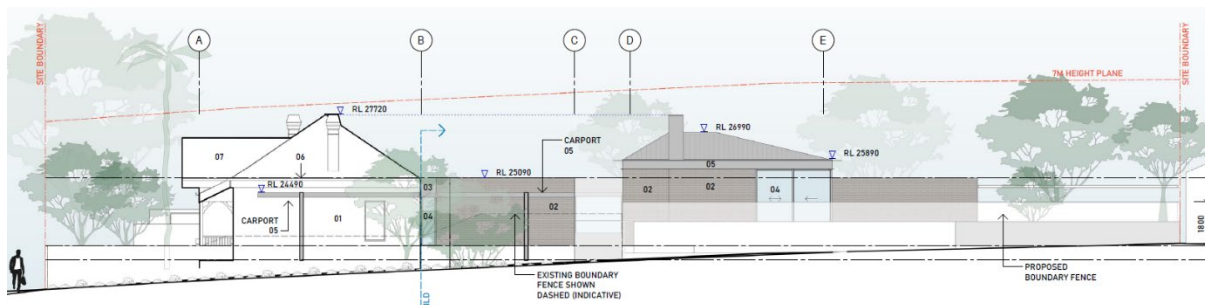


Figure 3: Northern side elevation of proposed development demonstrating profile and shape of roof over rear pavilion extension (shown in grey).

The overall height, shape, and form of the proposed roofs are considered to be generally acceptable as the roofs are considerably lower in height than the principal ridge of the original roof and are of a form that is considered to relate sympathetically to the shape, pitch, and proportions of the original roof.

Regarding the materials and finishes, it is recommended that a condition be included in the development consent requiring a pre-coloured traditional corrugated steel be used for the roofing of the addition in a colour equivalent to Colorbond “Windspray”, “Wallaby”, or “Manor Red”, to ensure the material and colour of the new roofs in compatible with the character of the HCA.

The application also proposes to replace the existing terracotta tiles on the main hipped roof form with slate roof tiles. Insufficient evidence has been provided with the application to determine the original roofing materials and therefore it has not been demonstrated that the proposed slate roof tiles are suitable for the HCA, nor has the material for the proposed ridge capping been provided. As such, it is recommended that a condition be included in the development consent requiring the existing terracotta tiles be retained and repaired, and where they cannot be repaired, they are to be replaced with unglazed terracotta Marseilles tiles to remain consistent with the HCA.

5(d) Previous Reasons for Refusal

An assessment of the amended proposal against the reasons for refusal issued under the original determination is provided below:

1. The proposal is inconsistent with the aims set out in clause 1.2(2) of the Ashfield Local Environmental Plan 2013 as the proposal does not protect the urban character of Haberfield.

As noted above, the proposed development is considered to adequately address the relevant aims set out in Clause 1.2 of ALEP 2013. The amended design retains the significant elements and fabric of the original dwelling on the site and proposes alterations and additions that are generally considered to be consistent with the prevailing setback character and pattern of development in the area.

Furthermore, subject to the recommended conditions, the colours, materials, and finishes are capable of being of a traditional palette that is compatible with the character of the streetscape and HCA. In this regard, the proposal is considered to appropriately identify, conserve, and enhance the identity and environmental and cultural heritage of Ashfield and is considered to protect and enhance the urban character of Haberfield.

- 2. The proposal is inconsistent with the aims set out in clause 5.10(1) and 5.10(4) of the Ashfield Local Environmental Plan 2013 as the proposal does not conserve the heritage significance of the heritage conservation area including fabric, settings and views.**

As discussed throughout the report, the proposed alterations and additions at the rear of the dwelling are considered to be of an appropriate bulk, scale, and siting such that they do not dominate or adversely impact the heritage significance of the original dwelling. The existing front and side setbacks are retained such that the rear addition is not highly visible within the street, and the rear setback and overall site coverage are appropriate as they maintain a large garden area at the rear of the site. The recommended conditions regarding the colours and materials ensure the proposed colour scheme is appropriate to the character of the streetscape with the original tiles on the roof of the original dwelling to be retained. The proposed development is therefore considered to adequately satisfy the relevant objectives of Clause 5.10 of *ALEP 2013* and can be supported in this regard.

- 3. The proposal is contrary to clause 6.5(3)(b) of the Ashfield Local Environmental Plan 2013 as the proposal involves excavation in excess of 3m below ground level (existing).**

The original application proposed excavation in excess of 3 metres to accommodate a basement comprising two parking spaces and turning facilities and a cellar. The parking component has since been deleted and the submitted architectural plans demonstrate that the current application now proposes excavation to a maximum depth of 3 metres for the proposed basement. The proposal therefore complies with the development standard and provisions of Clause 6.5(3)(b) of *ALEP 2013* and is considered acceptable in this regard.

- 4. The proposal is contrary to clause 6.5(3)(d) of the Ashfield Local Environmental Plan 2013 as the proposal does result in at least 50% of the site being landscaped area.**

The submitted architectural plans and accompanying calculation plans demonstrate that the application provides a landscaped area equal to 50% of the site area, thereby complying with the development standard and provisions of Clause 6.5(3)(d).

- 5. The proposal is contrary to clauses 2.3(b), 2.6(e), and 2.12 of Chapter E2 – Haberfield Heritage Conservation Area of the Comprehensive Inner West Development Control Plan 2016 as the proposal does not maintain similar development pattern and size established by the original development and retain existing front and side setbacks.**

Clauses 2.3(b) and 2.6(e) of Chapter E2 of the DCP read as follows:

2.3(b) – Any new development (new building or extension to an existing building) shall produce site coverage similar in pattern and size to the site coverage established by the original development of the suburb.

2.6(e) – Extensions are permitted only to the rear. In certain circumstances (where there is inadequate rear land) modest side extensions may be allowed where this does not alter or overwhelm the original front façade or the presentation of the house from the street.

Part 2.12 of Chapter E2 of the DCP contains controls relating to siting, setbacks, and levels, and generally requires uniformity in terms of building site coverage and siting and houses to be set close to natural ground level such that there is no substantial difference between the main floor levels of adjacent houses.

The original application proposed a lateral extension at the rear of the original dwelling that extended into the existing northern side setback which resulted in the proposed extension being highly visible within the streetscape and the overall building form being inconsistent with the prevailing pattern of development.

To address this, the amended design has deleted the lateral extension and now provides a northern side setback that is consistent with the existing setback. The proposed extension has been adequately located and designed to reinforce the existing front and side setbacks to ensure the original dwelling remains the focal point within the streetscape. While it is acknowledged that a new detached carport is proposed within the northern side setback adjacent to the original dwelling it is considered that the carport is of an appropriate and minimal design to reduce its impact on the streetscape.

Additionally, as noted in Section 5(c)(i) above, the amended design results in a site coverage that is similar in overall size to other development in the area and proposes a site layout that results in a large rear garden area being maintained, which is considered an acceptable outcome as this reinforces the significance of the rear garden which contributes to the significance of the HCA.

The amended design is also considered acceptable with regard to siting and levels as the addition is appropriately stepped up at the rear of the site to accommodate the natural topography of the site. The overall height of the rear addition has also been appropriately designed to remain subordinate to and less than the height of the original building.

Given the above, the amended proposal is considered to have satisfactorily addressed this reason for refusal and the application is considered acceptable in this regard.

6. *The proposal is contrary to clause 2.6(g) of Chapter E2 – Haberfield Heritage Conservation Area of the Comprehensive Inner West Development Control Plan 2016 the proposal does not result in an extension less than and secondary to the original house.*

As demonstrated in Figure 4 below, the current design has considerably reduced the length of the rear addition from the original proposal. The amended design has deleted the lateral extension, reduced the overall size of the extension, and now appropriately masses the proposed addition behind the original building with appropriate side and rear setbacks.

Although the current design still results in a numerical non-compliance with control 2.6(g) of Chapter E2 of the DCP, as discussed in Section 5(c)(i) above, the proposal is considered to satisfy the intent of this control and the other relevant building form controls. The rear addition has been appropriately designed to remain subordinate to the original building and is of a form and scale that is consistent with the prevailing pattern of development in Haberfield. The development also results in an appropriate rear setback and site coverage that maintains a large rear garden area, which contributes positively to the significance of the HCA.

Given the above, the amended proposal is considered to have satisfactorily addressed this reason for refusal and the application is considered acceptable in this regard.

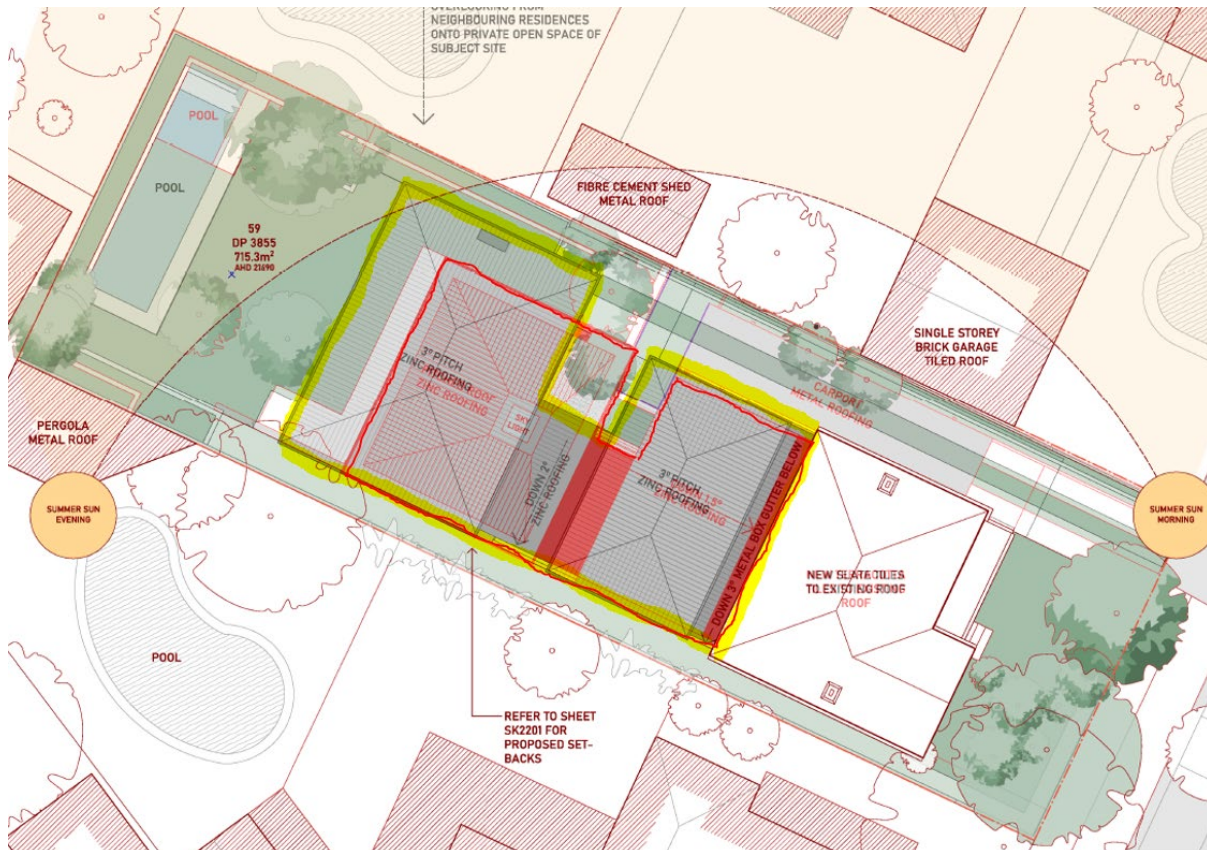


Figure 4: Comparison of original proposal (extent of rear addition shown outlined in yellow) and amended proposal (extent of rear addition shown outlined in red).

7. In accordance with Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development would have adverse environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

As discussed throughout the report, the proposed development is considered to adequately achieve the relevant objectives and controls of *ALEP 2013* and the DCP. It is considered that the proposed alterations and additions have been appropriately designed to retain the significant elements of the original dwelling and to enhance and reinforce the significance of the HCA and urban character of Haberfield. In this regard, the proposal is considered unlikely to result in any adverse environmental impacts on the natural or built environments, or to result in any social or economic impacts in the locality.

8. Pursuant to the provisions of Section 4.15(1)(d)(e) of the Environmental Planning and Assessment Act 1979, it is considered that the proposal would not be in the public interest.

As discussed throughout the report, the proposed development is considered to adequately achieve the relevant objectives and controls of *ALEP 2013* and the DCP. It is considered that the proposed alterations and additions have been appropriately designed to retain the significant elements of the original dwelling and to enhance and reinforce the significance of the HCA and urban character of Haberfield. In this regard, the proposal is considered to be in the public interest and can be supported in this regard.

Given the above, the subject application is considered to have appropriately addressed the reasons for refusal of the original Development Application. As such, it is recommended that the original decision to refuse the application be changed, and that development consent be granted for alterations and additions to the existing dwelling.

5(e) The Likely Impacts

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

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

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

5(g) Any submissions

The application was notified in accordance with the Inner West Council *Community Engagement Framework*. No submissions were received.

5(h) The Public Interest

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

The proposal is not contrary to the public interest.

6 Referrals

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

- Heritage Officer
- Tree Officer
- Development Engineer

7. Section 7.12 Levy

Section 7.12 levies are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$4,886.75 would be required for the development under Ashfield Section 94/94A Contributions Plan 2014. A condition requiring that contribution to be paid is included in the recommendation.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Ashfield Local Environmental Plan 2013* and Inner West Comprehensive Development Control Plan (DCP) 2016 for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill.

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

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

9. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s8.2 of the *Environmental Planning and Assessment Act 1979*, change the original decision of DA/2020/0346 and grant consent to Application No. REV/2020/0030 for S8.2 Review of DA/2020/0346 for alterations and additions to the existing dwelling at 14 Forrest Street Haberfield NSW 2045 subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

DOCUMENTS RELATED TO THE CONSENT

1. Documents related to the consent

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
888012 SK1200 Rev N	Site Plan – Proposed	28/02/2021	Domenic Alvaro
888012 SK2200 Rev J	Demolition Plan	14/11/2020	Domenic Alvaro
888012 SK2201 Rev N	Floor Plans	28/02/2021	Domenic Alvaro
888012 SK3000 Rev M	Elevations	28/02/2021	Domenic Alvaro
888012 SK3001 Rev K	Elevations & Sections	28/02/2021	Domenic Alvaro
888012 SK9000 Rev G	Material and Finishes Schedule	14/11/2020	Domenic Alvaro
888012 SK9001 Rev B	BASIX Design Specification	14/11/2020	Domenic Alvaro

As amended by the conditions of consent.

DESIGN CHANGE

2. Design Change

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

- a. The roof over the rear pavilion addition (comprising the living and kitchen) must be amended such that the skylight is positioned centrally in the roof.s
- b. A pre-coloured traditional corrugated steel must be used for the roofing of the addition, finished in a colour equivalent to Colorbond colours "Windspray", "Wallaby" or "Manor Red".
- c. Replace the "Marana" bricks from the Austral Brick range for the addition with machine made smooth faced bricks in standard dimensions and colours sympathetic to those characteristic within the HCA, similar to "Rojo" or "Cacao" from the Morada Collection available from PGH Bricks & Pavers.
- d. Replace the Woodland Grey proposed to paint the metal cladding, metalwork trims, painted metal, and timberwork with Dulux "York Stone".
- e. Paint the front timber fence in Dulux "York Stone".
- f. The side fence on the northern boundary is to be constructed from timber palings (rough or reasonably dressed).

- g. The windows on the northern side elevation of the rear addition must be amended such that they employ traditional design (timber sash or doors) and materials (timber frame).

FEES

3. Security Deposit - Custom

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

Security Deposit:	\$2,209.00
Inspection Fee:	\$236.70

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

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

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

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

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

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

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that a monetary contribution to the Inner West Council has been paid, towards the provision of infrastructure, required to address increased demand for local services generated by additional development within the Local Government Area (LGA). This condition is imposed in accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979* and in accordance with *Ashfield Section 94A Development Contributions Plan 2009 – Amendment No.3*.

Note:

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

Payment amount*:

\$4,886.75

*Indexing of the Section 7.12 contribution payment:

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

Payment methods:

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

5. Long Service Levy

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid at the prescribed rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more.

GENERAL CONDITIONS

6. Tree Protection

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

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

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

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

The trees identified below are to be retained and protected in accordance with the conditions of consent and Tree Protection Plan, Section 10, prepared by Earthscape Horticultural Services, dated 11 May 2020, throughout the development.

Tree No.	Botanical/Common Name	Location
1	<i>Lophostemon confertus</i> (Brush Box)	In road Forrest Street
3	<i>Washingtonia robusta</i> (Washington Palm)	Front
4	<i>Plumeria acutifolia</i> (Frangipani)	Front
5	<i>Plumeria acutifolia</i> (Frangipani)	Front-to be transplanted

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

- a. Green for trees to be retained;

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

Reference should be made to the Arboricultural Impact Assessment Report prepared by Earthscape Horticultural Services, dated 11 May 2020, for tree numbering and locations.

7. Project Arborist

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

8. Works to Trees

Approval is given for the following works to be undertaken to trees on the site after the issuing of a Construction Certificate:

Tree/location	Approved works
5. <i>Plumeria acutifolia</i> (Frangipani)	Transplant tree
6. <i>Plumeria acutifolia</i> (Frangipani)	Remove
7. <i>Laurus nobilis</i> (Bay Tree)	Remove
8. <i>Archontophoenix cunninghamiana</i> (Bangalow)	Remove

The removal of any street tree approved by Council must include complete stump removal (to a minimum depth of 400mm) and the temporary reinstatement of levels so that no trip or fall hazards exist until suitable replanting occurs. These works must be completed immediately following the tree/s removal.

Removal or pruning of any other tree (that would require consent of Council) on the site is not approved and shall be retained and protected in accordance with Council's *Development Fact Sheet—Trees on Development Sites*.

9. Boundary Alignment Levels

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

10. Noise Levels and Enclosure of Pool/spa Pumping Units

Noise levels associated with the operation of the pool/spa pumping units must not exceed the background noise level (L90) by more than 5dBA above the ambient background within habitable rooms of adjoining properties. Pool plant and equipment must be enclosed in a sound absorbing enclosure or installed within a building so as not to create an offensive noise as defined under the *Protection of the Environment Operations Act 1997* and *Protection of the Environment Operations (Noise Control) Regulation 2008*.

Domestic pool pumps and filters must not be audible in nearby dwellings between 8:00pm to 7:00am Monday to Saturday and 8:00pm to 8:00am Sundays and Public Holidays.

11. Waste Management Plan

Prior to the commencement of any works (including any demolition works), the Certifying Authority is required to be provided with a Recycling and Waste Management Plan (RWMP) in accordance with the relevant Development Control Plan.

12. Erosion and Sediment Control

Prior to the issue of a commencement of any works (including any demolition works), the Certifying Authority must be provided with an erosion and sediment control plan and

specification. Sediment control devices must be installed and maintained in proper working order to prevent sediment discharge from the construction site.

13. Works Outside the Property Boundary

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

PRIOR TO ANY DEMOLITION

14. Hoardings

The person acting on this consent must ensure the site is secured with temporary fencing prior to any works commencing.

If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public roads or Council controlled lands to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property.

Separate approval is required from the Council under the *Roads Act 1993* to erect a hoarding or temporary fence or awning on public property.

15. Advising Neighbors Prior to Excavation

At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

16. Construction Fencing

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

PRIOR TO CONSTRUCTION CERTIFICATE

17. Tree Protection Plan

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with the detailed site-specific Tree Protection Plan (TPP) prepared by Earthscape Horticultural Services.

The trees identified below are to be retained and protected throughout the development:

Tree No.	Botanical/Common Name	Location
1	<i>Lophostemon confertus</i> (Brush Box)	In road - Forrest Street
2	<i>Jacaranda mimosifolia</i> (Jacaranda)	Front No 12 Forrest Street
3	<i>Washingtonia robusta</i> (Washington Palm)	Front
4	<i>Plumeria acutifolia</i> (Frangipani)	Front
5	<i>Plumeria acutifolia</i> (Frangipani)	Front - to be transplanted
9	<i>Harphyllum caffrum</i> (Kaffir Plum)	Rear No 12 Forrest Street

The tree protection measures contained in the TPP must be shown clearly on the Construction Certificate drawings, including the Construction Management Plan.

The Certifying Authority must ensure the construction plans and specifications submitted fully satisfy the tree protection requirements identified in the TPP.

A Project Arborist is to be appointed prior to any works commencing to monitor tree protection for the duration of works in accordance with the requirements identified in the TPP.

All tree protection measures as detailed in the approved Tree Protection Plan must be installed and certified in writing as fit for purpose by the Project Arborist.

18. Tree Transplant Method Statement

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an amended landscape plan indicating that the following tree/s must be transplanted and successfully established elsewhere within the site:

Tree No.	Botanical/Common Name	Location
5	<i>Plumeria acutifolia</i> (Frangipani)	Front

Prior to the issue of the Construction Certificate, the Certifying Authority, must also be provided with a Transplantation Method Statement prepared by a Consultant Arborist detailing the following:

- a. Preparation of transplantation site;
- b. Transplantation method; and
- c. Post-transplantation establishment and maintenance programme (including duration).

19. Dilapidation Report – Pre-Development – Minor

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

20. Stormwater Drainage System – Minor Developments (OSD is required)

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans 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:

- a. The design must be generally in accordance with the stormwater drainage concept plan on Drawing No. 200405-H1 and H2 prepared by Tall Ideas Pty Ltd and dated 4 May 2020, as amended to comply with the following;
- b. It appears the orifice size shown on the plan is oversized;
- c. Basement drainage design shall be based on a Geotechnical report.
- d. Stormwater runoff from all roof areas within the property being collected in a system of gutters, pits and pipeline and be discharged, together with overflow pipelines from the rainwater tank, by gravity to the kerb and gutter of a public road via the OSD tanks as necessary;
- e. 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;
- f. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage other than to drain downpipes to the rainwater tank;
- g. The design plans must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes;
- 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 100-year ARI overflow route in case of failure/blockage of the drainage system must be provided;
- j. The design must make provision for the existing natural flow of stormwater runoff from upstream properties;

- k. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
- 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;
- m. A stormwater silt arrestor pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
- n. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;
- o. 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. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings;
- q. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated; and
- r. Stormwater drainage must be located such that any waters leaving the pool must drain to pervious areas prior to potentially draining to the site stormwater drainage system.

21. Structural Certificate for retained elements of the building

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

22. Sydney Water – Tap In

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

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

DURING DEMOLITION AND CONSTRUCTION

23. Tree Protection Zone

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

Tree No.	Botanical/Common Name	Radius in metres
2	<i>Jacaranda mimosifolia</i> (Jacaranda)	as per Section 10 and Appendix 6, Tree Protection Plan
3	<i>Washingtonia robusta</i> (Washington Palm)	
4	<i>Plumeria acutifolia</i> (Frangipani)	
9	<i>Harphyllum caffrum</i> (Kaffir Plum)	
5	<i>Plumeria acutifolia</i> (Frangipani)	To be transplanted

24. Inspections by Project Arborist

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

Tree No./ Botanical/ Common Name/ Location	Time of Inspection	Key stage/ Hold point
1. <i>Lophostemon confertus</i> (Brush Box) 2. <i>Jacaranda mimosifolia</i> (Jacaranda) 3. <i>Washingtonia robusta</i> (Washington Palm) 4. <i>Plumeria acutifolia</i> (Frangipani) 5. <i>Plumeria acutifolia</i> (Frangipani) 9. <i>Harphyllum caffrum</i> (Kaffir Plum)	In accordance with the approved Tree Protection Plan and section 4 of AS4970— <i>Protection of trees on development sites</i> .	

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

25. Canopy and Root Pruning

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

Tree No.	Botanical/Common Name	Radius in metres
9	<i>Harphyllum caffrum</i> (Kaffir Plum)	Sections 9.1.7 and 10.9 of the TPP

The person acting on this consent has approval under Council's Tree Management Controls to; reduction prune Tree 9, following consent from the tree owner, to achieve a clearance of the structure. Pruning is limited to those branches that will come into direct contact the built structure and where branch diameter (at its point of attachment) does not exceed 40 mm.

26. 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.

27. Survey Prior to Footings

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

PRIOR TO OCCUPATION CERTIFICATE

28. Project Arborist Certification

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

29. Protect Sandstone Kerb

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any damaged stone kerb has been replaced.

30. Works as Executed – Site Stormwater Drainage System

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a suitably qualified Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that:

- a. The stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards; and
- b. Works-as-executed plans of the stormwater drainage system certified by a Registered Surveyor, to verify that the drainage system has been constructed, OSD/OSR system commissioned and any pumps installed 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.

31. Operation and Management Plan

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 and stormwater quality improvement device(s) and pump(s). The Plan must set out the following at a minimum:

- 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.

ON-GOING**32. Tree Establishment**

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

33. Operation and Management Plan

The Operation and Management Plan for the on-site detention, re-use and pump facilities, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.

ADVISORY NOTES**Consent of Adjoining property owners**

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

Arborists standards

All tree work must be undertaken by a practicing Arborist. The work must be undertaken in accordance with AS4373—*Pruning of amenity trees* and the Safe Work Australia Code of

Practice—*Guide to Managing Risks of Tree Trimming and Removal Work*. Any works in the vicinity of the Low Voltage Overhead Network (including service lines—pole to house connections) must be undertaken by an approved Network Service Provider contractor for the management of vegetation conflicting with such services. Contact the relevant Network Service Provider for further advice in this regard.

Tree Protection Works

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

Tree Pruning or Removal (including root pruning/mapping)

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 Council's *Development Fact Sheet—Arborist Reports*.

Permits

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

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

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

Insurances

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

Prescribed Conditions

This consent is subject to the prescribed conditions of consent within clause 98-98E of the *Environmental Planning and Assessment Regulations 2000*.

Notification of commencement of works

At least 7 days before any demolition work commences:

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

- i. the name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
 - ii. the date the work is due to commence and the expected completion date; and
- b. a written notice must be placed in the letter box of each directly adjoining property identified advising of the date the work is due to commence.

Storage of Materials on public property

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

Toilet Facilities

The following facilities must be provided on the site:

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

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

Infrastructure

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

Other Approvals may be needed

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

Failure to comply with conditions

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

Other works

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

Obtaining Relevant Certification

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

- a. Application for any activity under that Act, including any erection of a hoarding;
- b. Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*;
- c. Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*;
- d. Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed;
- e. Application for Strata Title Subdivision if strata title subdivision of the development is proposed;

- f. Development Application for demolition if demolition is not approved by this consent;
or
- g. Development Application for subdivision if consent for subdivision is not granted by this consent.

National Construction Code (Building Code of Australia)

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

Notification of commencement of works

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

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

Dividing Fences Act

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

Swimming Pools

Applicants are advised of the following requirements under the *Swimming Pools Act 1992*:

- a. The owner of the premises is required to register the swimming pool on the NSW State Government's Swimming Pool Register. Evidence of registration should be provided to the Certifying Authority.
- b. Access to the pool/spa is restricted by a child resistant barrier in accordance with the regulations prescribed in the. The pool must not be filled with water or be allowed to collect stormwater until the child resistant barrier is installed. The barrier is to conform to the requirements of Australian Standard AS 1926:2012.
- c. A high level overflow pipe has been provided from the back of the skimmer box to the filter backwash line discharging to the sewer. This line must not directly vent the receiving Sydney Water sewer. Evidence from the installer, indicating compliance with this condition must be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.
- d. Permanently fixed water depth markers are to be clearly and prominently displayed on the internal surface above the water line at the deep and shallow ends on in-ground pools / spas and on the outside of aboveground pools / spas.
- e. A durable cardiopulmonary resuscitation information poster sign authorised by the Life Saving Association is to be displayed in the pool / spa area in accordance with Clause 10 of the *Swimming Pool Regulation 2008*.
- f. Access to the swimming pool/spa must be restricted by fencing or other measures as required by the *Swimming Pools Act 1992* at all times.

All drainage, including any overland waters associated with the pool/spa, must be pipe-drained via the filter to the nearest sewer system in accordance with the requirements of Council &

Sydney Water. No drainage, including overflow from the pool or spa must enter Council's stormwater system.

Permits from Council under Other Acts

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

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

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

Noise

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.

Amenity Impacts General

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

Lead-based Paint

Buildings built or painted prior to the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned prior to occupation of the room or building.

Useful Contacts

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

Landcom	9841 8660	To purchase copies of Volume One of "Soils and Construction"
Long Service Corporation	Payments 131441	www.lspc.nsw.gov.au
NSW Food Authority	1300 552 406	www.foodnotify.nsw.gov.au
NSW Government		www.nsw.gov.au/fibro www.diysafe.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555	www.environment.nsw.gov.au
Sydney Water	13 20 92	www.sydneywater.com.au
Waste Service - Environmental Solutions	SITA 1300 651 116	www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)		www.waterrating.gov.au
WorkCover Authority of NSW	13 10 50	www.workcover.nsw.gov.au Enquiries relating to work safety and asbestos removal and disposal.

Attachment B – Plans of proposed development

14 FORREST ST HABERFIELD | ALTERATIONS + ADDITIONS

DEVELOPMENT APPLICATION DRAWING LIST

SHEET NUMBER	SHEET NAME	REVISION
0000	CONTRACT	N
1000	CONTRACT	N
1005	SITE PLAN - PROPOSED	A
1100	AREA SCHEME	L
1200	SECTION	N
1300	FLOOR PLANS	N
1400	ELEVATIONS & SECTIONS	K
1500	ELEVATIONS & SECTIONS	G
1600	SHADOW DIAGRAMS - JUNE 2021	G
1700	SHADOW DIAGRAMS - JUNE 2021	G
1800	BASE DESIGN PRESENTATION	B

PROPOSED VIEW FROM FORREST STREET

ARCHITECT: DANIELA CALVO
1001 WILSON ROAD, SYDNEY NSW 1585
TEL: 02 9550 1234
WWW.DANIELACALVO.COM.AU

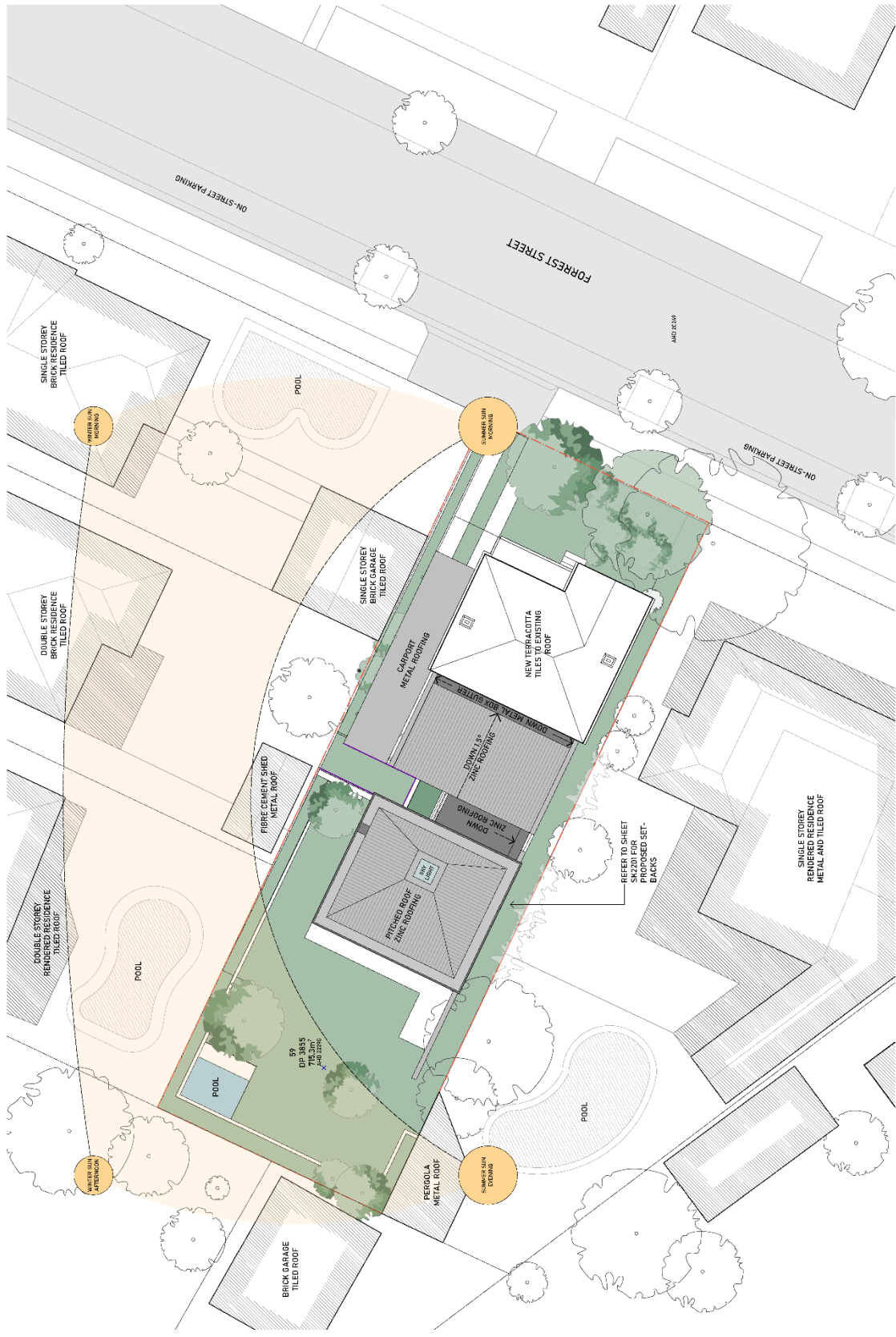
DATE: ALLVARO

PROJECT: 14 FORREST ST HABERFIELD

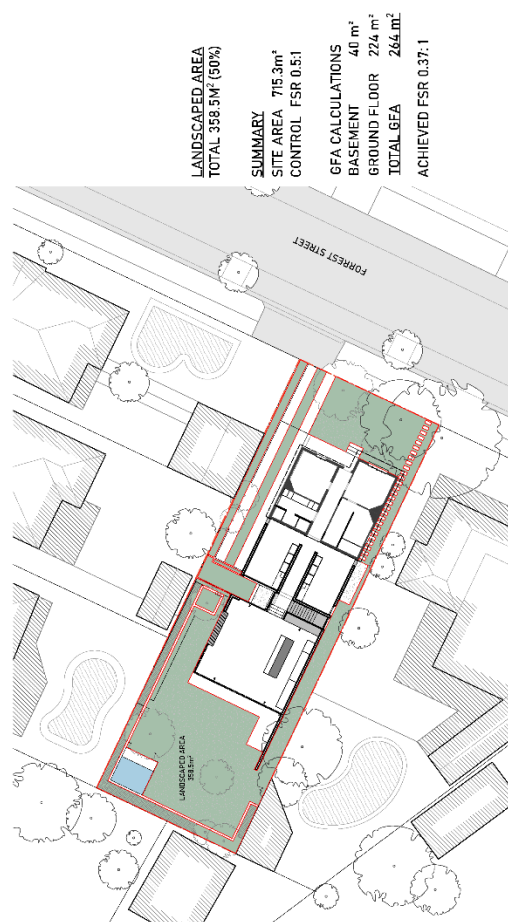
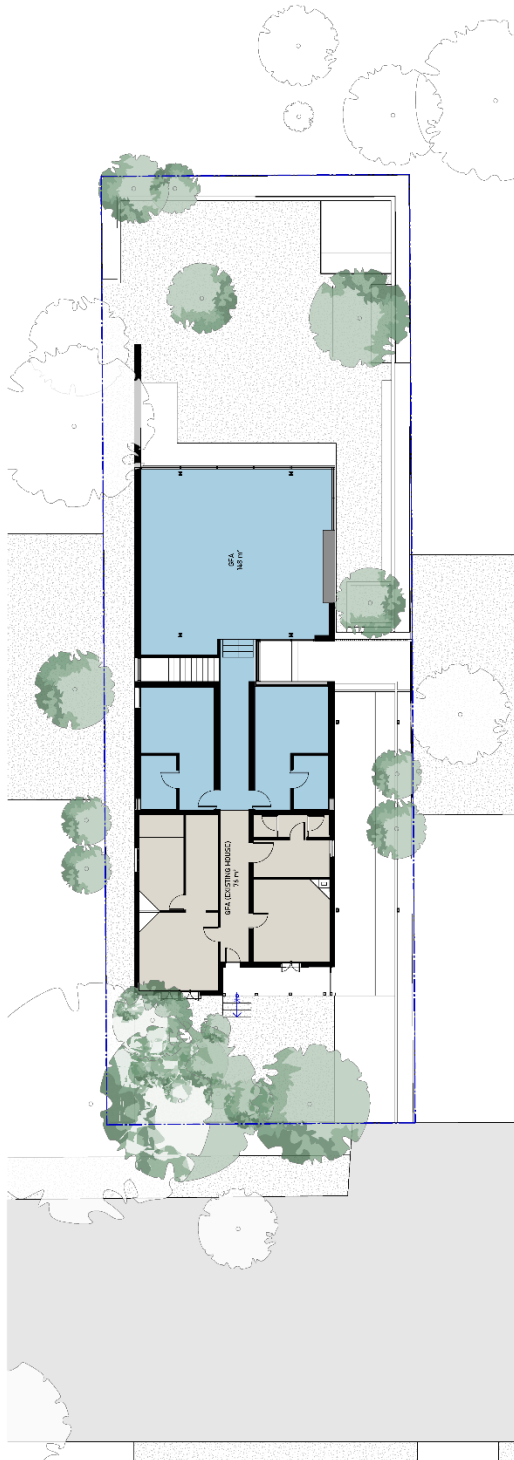
PROJECT: COVERSHEET

PROJECT NUMBER: 88802
SCALE: N
DATE: 28/02/21

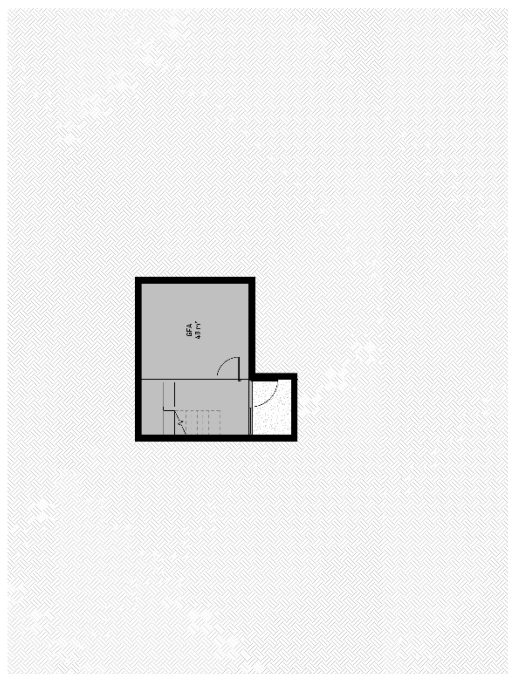




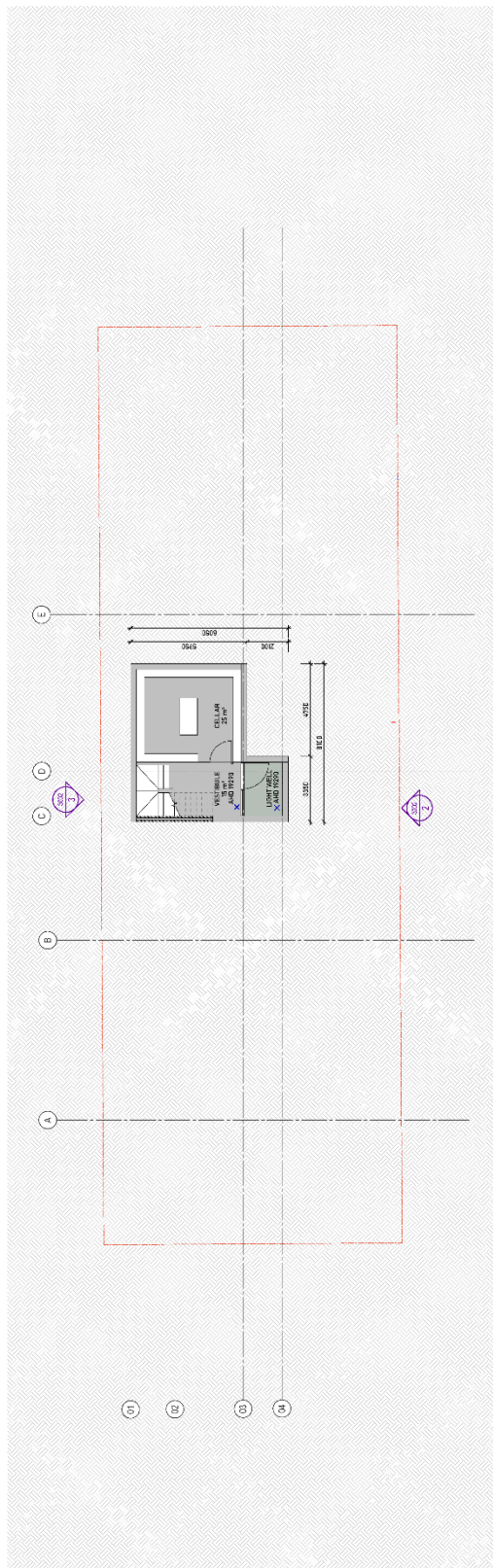
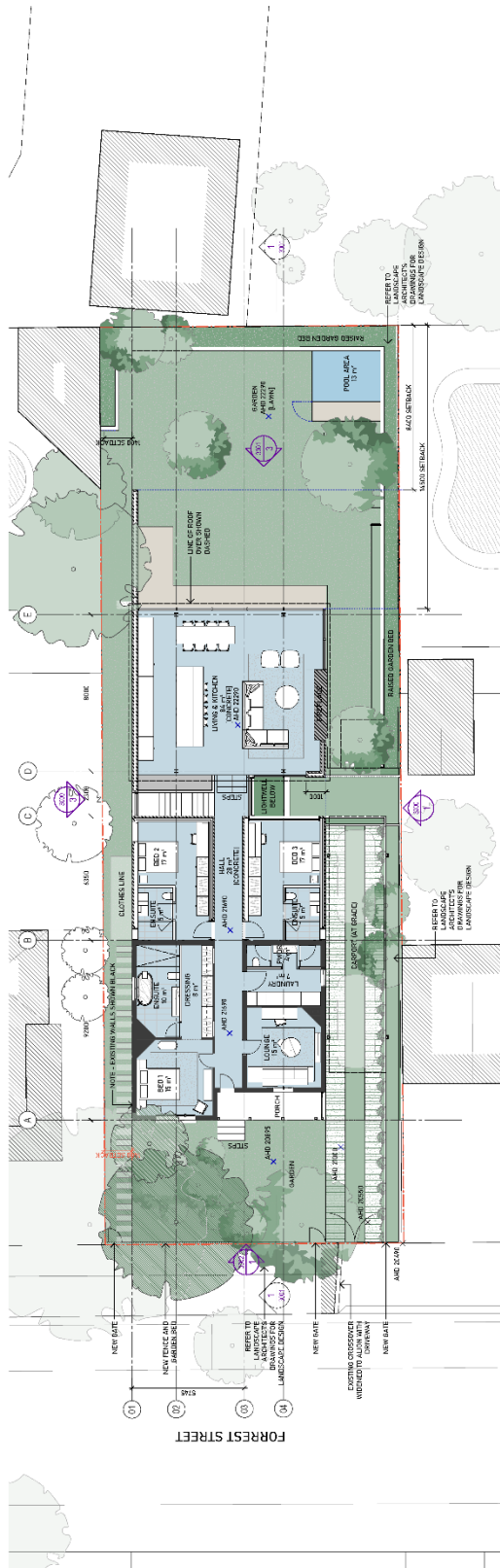
14 FORREST ST
 HABERFIELD
 ALVARO
 SITE PLAN - PROPOSED
 DATE: 21/01/2021
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 SCALE: 1:100
 PROJECT NO: 14/2020



LANDSCAPED AREA	TOTAL 358.5M² (50%)
SUMMARY	
SITE AREA	715.2m²
CONTROL	FSR 0.51
GFA CALCULATIONS	
BASEMENT	40 m²
GROUND FLOOR	224 m²
TOTAL GFA	264 m²
ACHIEVED FSR	0.37: 1



Client: **ALVARO**
 Project: **14 FORREST ST HABERFIELD**
 Date: 28/07/21
 Drawn: **AREA SCHEDULE**
 Checked: **AREA SCHEDULE**
 Scale: **As indicated A1**
 No: **88012**
 Rev: **SMT/BO**
 Date: **28/07/21**



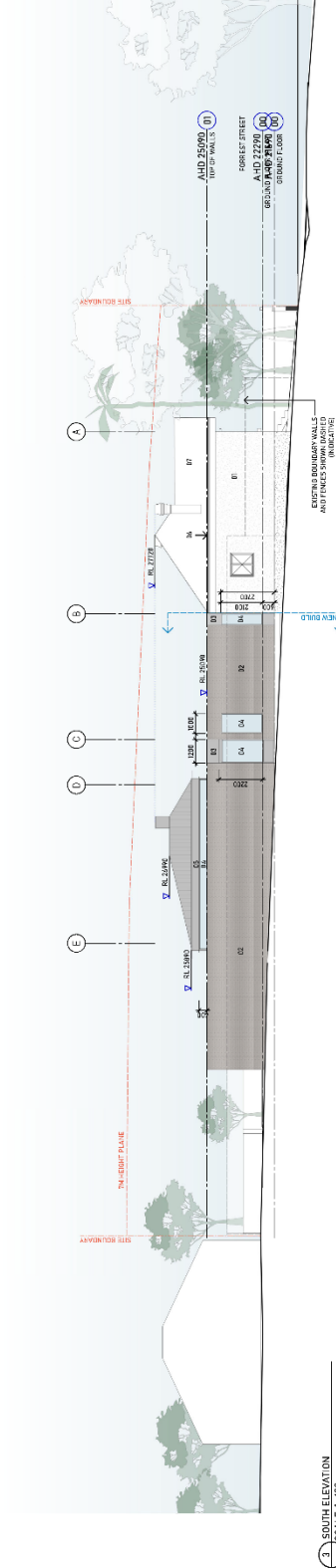
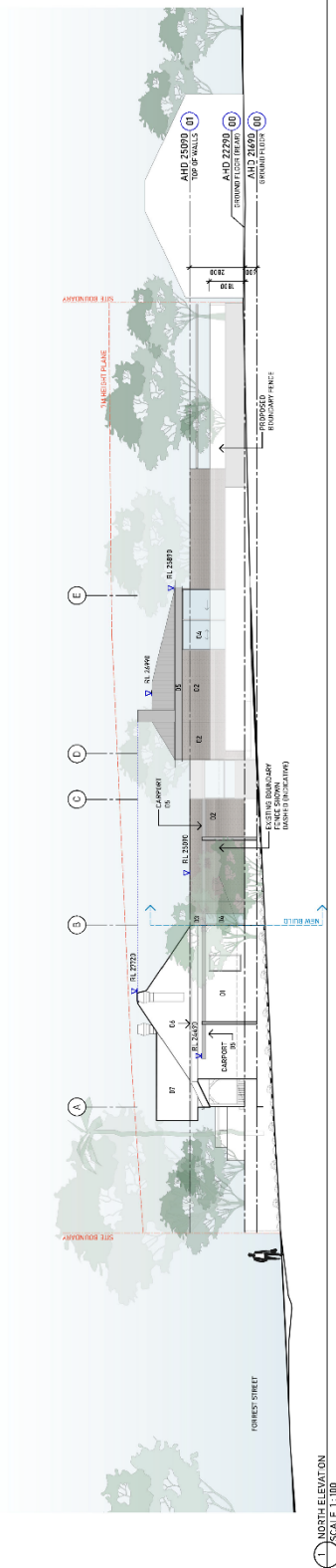
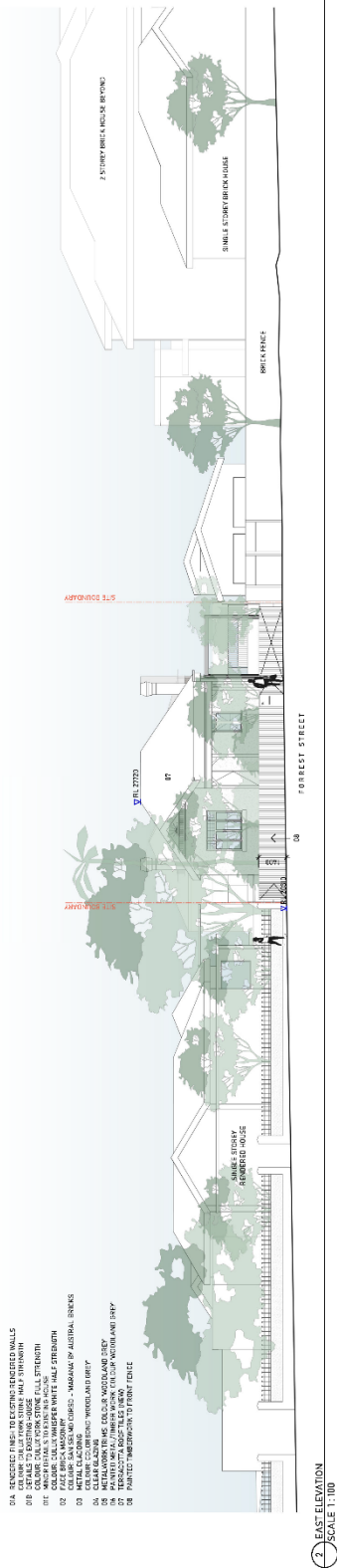
PROJECT: **14 FOREST ST HABERFIELD**

OWNER: **ALVARO**

DATE: 28/02/21

PROJECT NO: 28/02/21

SCALE: N



PROJECT: 14 FORREST ST HABERFIELD

CLIENT: ALVARO

DATE: 26/07/21

SCALE: 1:100

PROJECT NO: 540000

DATE: 26/07/21

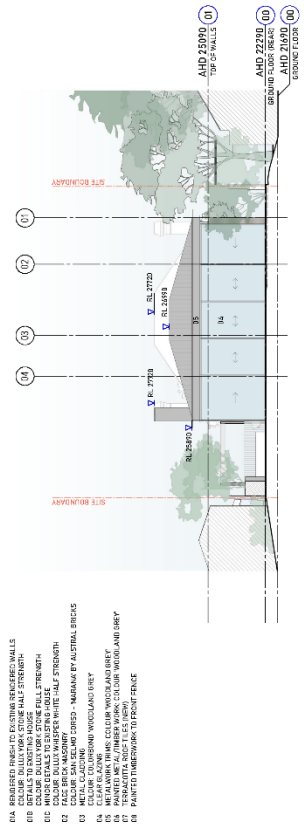
PROJECT: 14 FORREST ST HABERFIELD

CLIENT: ALVARO

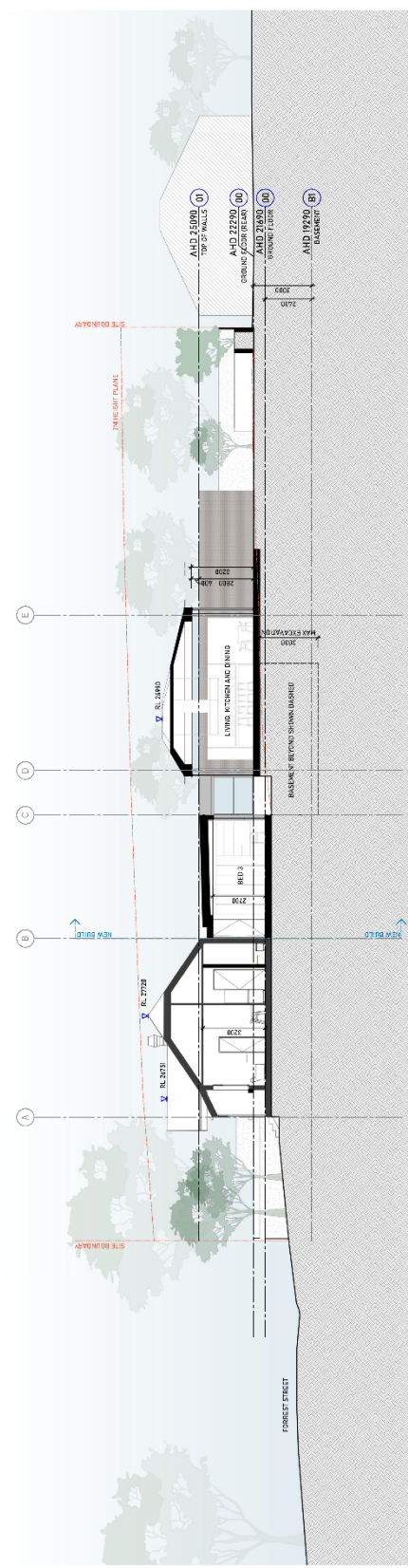
DATE: 26/07/21

SCALE: 1:100

PROJECT NO: 540000



3 WEST ELEVATION

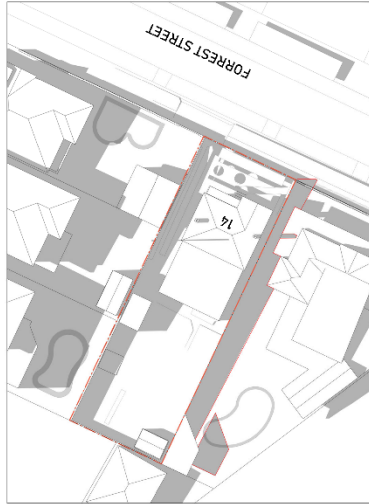


Longitudinal Section

Client: ALVARO
 Project: 14 FORREST ST HABERFIELD
 Survey: ELEVATIONS & SECTIONS
 Plan No: S88912 S34301
 Scale: As Indicated A1
 Date: 28/02/21



1. SHADOW DIAGRAM 9:00 EXISTING



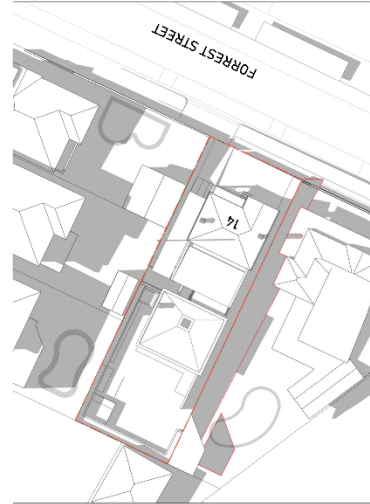
2. SHADOW DIAGRAM 1:00 EXISTING



3. SHADOW DIAGRAM 5:00 EXISTING



4. SHADOW DIAGRAM 9:00 PROPOSED



5. SHADOW DIAGRAM 1:00 PROPOSED



6. SHADOW DIAGRAM 5:00 PROPOSED

PROJECT NUMBER: 15/15
15/15 FORREST STREET HABERFIELD
DATE: 15/06/2015

CLIENT:
ALVARO

PROJECT:
14 FORREST ST
HABERFIELD

DATE OF THE
SHADOW DIAGRAMS - JUNE 21ST

PROJECT
NUMBER
15/15
DATE
15/06/2015