





 DEVELOPMENT ASSESSMENT REPORT				
<b>Application No.</b>	DA/2022/0886			
<b>Address</b>	126 Wells Street NEWTOWN			
<b>Proposal</b>	Subdivision of the existing lot into two Torrens Title lots, and construction of a two storey semi-detached dwelling on each lot with associated landscaping			
<b>Date of Lodgement</b>	19 October 2022			
<b>Applicant</b>	The Trustee for BLU PRINT FAMILY TRUST			
<b>Owner</b>	Ly Projects Pty Ltd			
<b>Number of Submissions</b>	Initial: 7 After Renotification: 5 (unique)			
<b>Value of works</b>	\$999,020.00			
<b>Reason for determination at Planning Panel</b>	Number of submissions			
<b>Main Issues</b>	<ul style="list-style-type: none"> <li>• Submissions</li> <li>• Streetscape impacts</li> <li>• Visual Privacy</li> <li>• Overshadowing</li> <li>• Visual Bulk</li> </ul>			
<b>Recommendation</b>	Approved with Conditions			
<b>Attachment A</b>	Recommended conditions of consent			
<b>Attachment B</b>	Plans of proposed development			
 <p>Figure 2: Locality Map</p>				
Subject Site		Objectors		 N
Notified Area		Supporters		
Note: Due to scale of map, not all objectors could be shown.				

## 1. Executive Summary

This report is an assessment of the application submitted to Council for subdivision of the existing lot into two Torrens Title lots, and construction of a two storey semi-detached dwelling on each lot with associated landscaping at 126 Wells Street Newtown. The application was notified to surrounding properties and 7 submissions were received in response to the initial notification. 5 (unique) submissions were received in response to renotification of the application

The main issues that have arisen from the application include:

- Submissions
- Streetscape impacts
- Visual Privacy
- Overshadowing
- Visual Bulk

Despite the issues noted 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. Any potential impacts from the development, given the context of the site and the desired future character of the precinct, are considered acceptable.

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

## 2. Proposal

The application proposes Torrens title subdivision of the existing lot into two (2) new allotments, and the construction of a two x two-storey semi-detached dwellings on each new lot.

## 3. Site Description

The subject site is located on the southern side of Wells Street, between Edgeware Road and Commodore Street and has a frontage to Wells Street of 11.31 metres. The site consists of one allotment and is rectangular in shape with a total area of 415.8sqm and is legally described as Lot 39 in DP111247.

The site supported a single storey dwelling house, which has been recently demolished under a complying development certificate. Surrounding properties along the southern side of Wells Street support single and two storey dwelling houses. Directly opposite site on Wells Street is predominantly occupied by the Camdenville out of school hours care while other sites support single and two storey dwelling houses.

The subject site is not listed as a heritage item and not located within a conservation area; however, the site supporting the Camdenville out of school hours care is listed as a heritage item.

Several trees, some proposed for removal, are located on the subject site and one tree (retained) is located on public land at the front.

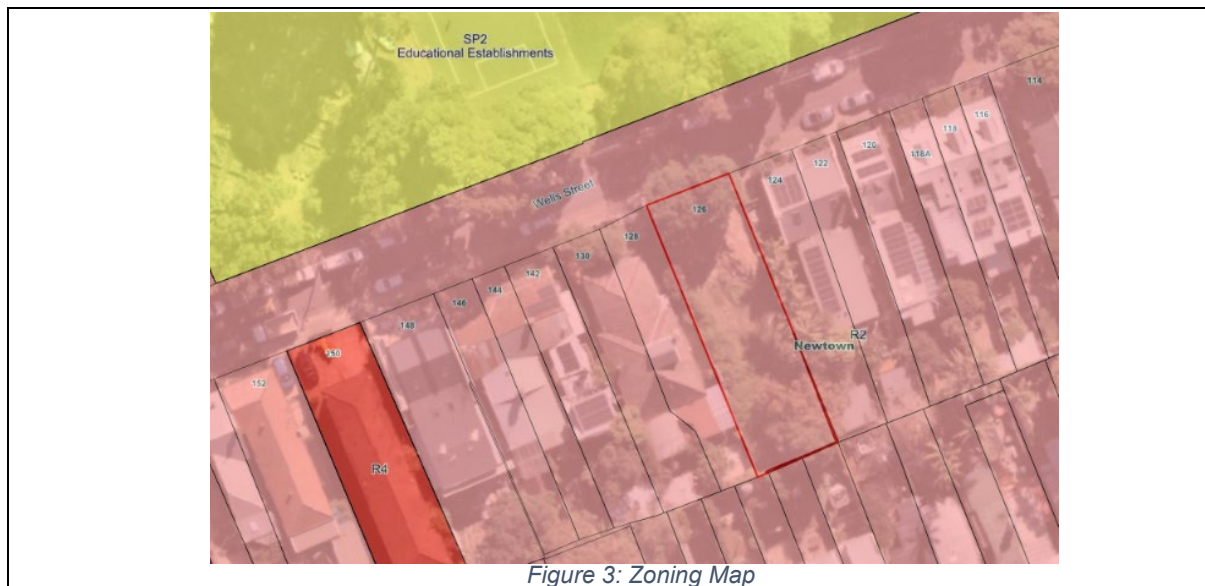


Figure 3: Zoning Map

## 4. Background

### 4(a) Site history

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

#### Subject Site

Application	Proposal	Date & Decision
CDC201900199	Demolition of existing dwelling	3/12/2019 Approved
TREE/2022/0795	Removal of two trees	10/10/2022 Approved in Part

#### Surrounding properties

Application	Proposal	Decision & Date
DA201200411	128 Wells Street - To create a hard stand car parking space at the front of the site; erect a new front fence; and install landscaping	07/11/2012 Approved
DA201700631	142 Wells Street - To erect a new studio in the back yard and remove a tree	24/05/2018 Approved
DA/2022/0860	144 Wells Street - Partial demolition of the existing structures and ground and first floor alterations and additions to a dwelling house	30/01/2023 Refused
DA/2022/0928	146 Wells Street - Partial demolition of the existing structures and ground and first floor alterations and additions to a dwelling house	30/01/2023 Refused
DA201700242	148 Wells Street – To demolish existing improvements, subdivide the land into 2	14/11/2017 Refused

	Torrens title lots and construct a 2 storey dwelling house on each lot	
DA201700242.01	148 Wells Street – Under Section 82A of the Environmental Planning and Assessment Act to review Determination No. 201700242 dated 14 November 2017 demolish existing improvements, subdivide the land into 2 Torrens title lots and construct a 2 storey dwelling house on each lot	11/05/2018 Approved
MOD/2020/0247	148 Wells Street – Modification to reflect an adjustment to the eastern boundary and altered window openings	03/09/2020 Approved
DA/2022/0466	154 Wells Street - To demolish part of the premises and carry out ground and first floor alterations and additions to a dwelling house	10/10/2022 Approved
DA/2021/1224	156 Wells Street - To demolish part of the premises and carry out ground and first floor alterations and additions to a dwelling house	06/05/2022 Approved
MOD/2022/0302	156 Wells Street - Section 4.55(2) application to modify Determination DA/2021/1224 dated 6 May 2022 to increase the extent and height of the additions	10/10/2022 Approved

4(b) Application history

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

Date	Discussion / Letter / Additional Information
16/11/2022 – 30/11/2022	Initial Notification
10/03/2023	<p>Council issued a request for additional information and amended plans to respond to the following issues:</p> <ul style="list-style-type: none"> <li>• Inadequate rear and side setbacks (visual bulk and overshadowing)</li> <li>• Impacts to streetscape (design of front façades and parking)</li> <li>• Tree removal and management</li> <li>• Waste management (construction and on-going)</li> <li>• Inadequate survey information and insufficient context shown on architectural plans.</li> </ul> <p>Council advised that, unless these issues were satisfactorily addressed, the proposal could not be supported.</p>
14/04/2023	The applicant submitted amended plans and additional information in response to Council’s letter.
03/05/2023 – 17/05/2023	Renotification

## 5. Assessment

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

### 5(a) Environmental Planning Instruments

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

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

The following provides further discussion of the relevant issues:

#### 5(a)(i) **State Environmental Planning Policy (Resilience and Hazards) 2021**

##### Chapter 4 Remediation of land

Section 4.16 (1) of the SEPP requires the consent authority not consent to the carrying out of any development on land unless:

*“(a) it has considered whether the land is contaminated, and  
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and  
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.”*

In considering the above, there is no evidence of contamination on the site.

There is also no indication of uses listed in Table 1 of the contaminated land planning guidelines within Council's records. The land will be suitable for the proposed use as there is no indication of contamination.

A search of Council's records in relation to the site has not indicated that the site is one that is specified in Section 4.6 (4)(c).

A search of Councils records does not indicate any knowledge or incomplete knowledge of uses listed within Table 1 of the contaminated land planning guidelines.

#### 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 (Transport and Infrastructure) 2021**

## Chapter 2 Infrastructure

Development likely to affect an electricity transmission or distribution network

The proposed development meets the criteria for referral to the electricity supply authority within Section 2.48 of *SEPP (Transport and Infrastructure) 2021* and has been referred for comment for 21 days.

Ausgrid provided comments and raised no objections, subject to existing electrical network assets being protected during works; comments provided by Ausgrid regarding this matter have been included in Attachment A as Advisory Notes.

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

## Chapter 2 Vegetation in non-rural areas

The protection/removal of vegetation identified under the SEPP gives effect to the local tree preservation provisions of Council's Tree Management DCP.

The application seeks the removal of vegetation from within the site. The application was referred to Council's Tree Management Officer whose comments, regarding tree removal, are as follows:

- T1 *Jacaranda mimosifolia* is...indicated for removal. Previous comments from Urban Forest noted that demolition works that were undertaken in the proximity of the tree had the potential to detrimentally impact the tree...The proposed removal of the tree has been offset with proposed additional replacement tree planting with the rear setback.
- T3 identified as a *Fraxinus griffithii* (*Evergreen Ash*) appears to be more likely to be a *Syzygium sp.* (Lily Pily) and due to the trees poor form and condition, Urban Forest has no objection to the tree's removal.

Overall, the proposal is considered acceptable with regard to the SEPP and Council's Tree Management DCP, subject to the imposition of conditions recommended by Council's Arborist, which have been included in Attachment A which includes the provision of compensatory planting.

**5(a)(v) Inner West Local Environmental Plan 2022 (IWLEP 2022)**

The application was assessed against the following relevant sections of the *Inner West Local Environmental Plan 2022*:

- Section 1.2 - Aims of Plan
- Section 2.3 - Land Use Table and Zone Objectives
- Section 2.6 – Subdivision
- Section 2.7 – Demolition requires development consent
- Section 4.1 – Minimum subdivision lot size
- Section 4.3 – Height of buildings
- Section 4.4 – Floor space ratio
- Section 4.5 – Calculation of floor space ratio and site area

- Section 5.10 – Heritage conservation
- Section 6.1 – Acid sulfate soils
- Section 6.2 – Earthworks
- Section 6.3 – Stormwater management
- Section 6.8 – Development in areas subject to aircraft noise

### Section 2.1 Aims of Plan

Subject to recommended conditions, the proposal is considered to be consistent with the applicable aims as follows:

- (a) The proposal demonstrates efficient and sustainable use of energy and resources,
- (b) The proposal does not impact the natural, built and cultural heritage of Inner West,
- (f) The proposal provides diversity in housing to meet the needs of, and enhance amenity for, Inner West residents,
- (g) The proposal creates a high quality urban place,
- (h) The proposal does not result in adverse social, economic and environmental impacts on the local character of Inner West, and
- (i) The proposal does not result in adverse social, economic and environmental impacts, including cumulative impacts.

### Section 2.3 Land Use Table and Zone Objectives

The site is zoned R2 under the *IWLEP 2022*. The *IWLEP 2022* defines the development as:

***semi-detached dwelling*** means a dwelling that is on its own lot of land and is attached to only one other dwelling.

The development is permitted with consent within the land use table. The development is consistent with the relevant objectives of the R2 zone as follows:

- The proposal provides for the housing needs of the community within a low density residential environment.
- The proposal provides residential development that maintains the character of built and natural features in the surrounding area.

### Section 2.6 Subdivision

In accordance with this section, “Land to which this Plan [i.e., the *IWLEP 2022*] applies may be subdivided, but only with development consent”. The proposal seeks consent for subdivision, which is considered supportable as outlined elsewhere in this report.

### Section 2.7 Demolition requires development consent

Clause 2.7 of the *IWLEP 2022* states that the demolition of a building or work may be carried out only with development consent.

While the submitted plans, and supporting documentation, depict the demolition of an existing building on the site, the building has already been demolished under a Complying Development Certificate.

Section 4 Principal Development Standards

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

Standard	Proposal	Non compliance	Complies
<b>Minimum subdivision lot size</b>	The subject site is not shown on the Lot Size Map contained in the <i>IWLEP 2022</i> .		N/A
<b>Height of Buildings</b> Maximum permissible: 9.5m	7.1m	N/A	Yes
<b>Floor Space Ratio</b> Maximum permissible: 0.9:1 185.13m <sup>2</sup> – No. 126 (eastern lot) 189.09m <sup>2</sup> – No. 126a (western lot)	0.88:1 or 181.2m <sup>2</sup> 0.81:1 or 169.3m <sup>2</sup>	N/A	Yes Yes

Section 5.10 – Heritage conservation

The subject site is not located within a heritage conservation area nor is it listed as a heritage item. The proposal will have no adverse impacts to the heritage item located across the street as it is considered compatible with the streetscape and will not impact the environmental heritage of the Inner West.

Section 6.1 – Acid sulfate soils (ASS)

The subject site is located on land containing class 5 ASS, and within 500m of land containing class 2 ASS. The proposed development does not include works below 5m Australian Height Datum and is unlikely to lower the watertable below 1m Australian Height Datum on adjacent Class 2 land.

Section 6.2 – Earthworks

The proposed earthworks are minor and subject to the imposition of Council's standard conditions, which have been included in Attachment A, will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

Section 6.3 – Stormwater management

The proposed development will maximise the use of water permeable surfaces and, subject to conditions recommended by Council's development engineer, which includes on-site stormwater retention, the proposal will not result in significant adverse impacts of stormwater runoff.

Section 6.8 – Development in areas subject to aircraft noise

The subject site is located within the 20-25 ANEF contour. An acoustic report has been submitted, which concludes that

*Provided that the treatments set out in Section 3 of this report are employed, internal noise levels shall comply with the requirements of Australian Standard AS2021:2015 'Acoustics–Aircraft noise intrusion– Building siting and construction'.*



As such, subject to the imposition of Council's standard conditions, and employing the treatments recommended in the acoustic report during construction, the impacts of aircraft noise will be appropriately minimised.

### 5(b) Development Control Plans

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

MDCP 2011 Part of MDCP 2011	Compliance
Part 2.1 – Urban Design	Yes – see discussion
Part 2.3 – Site and Context Analysis	Yes
Part 2.5 – Equity of Access and Mobility	N/A
Part 2.6 – Acoustic and Visual Privacy	No – see discussion
Part 2.7 – Solar Access and Overshadowing	No – see discussion
Part 2.8 – Social Impact Assessment	N/A
Part 2.9 – Community Safety	Yes
Part 2.10 – Parking	No – see discussion
Part 2.11 – Fencing	Yes
Part 2.12 – Signs and Advertising	N/A
Part 2.13 – Biodiversity	N/A
Part 2.14 – Unique Environmental Features	N/A
Part 2.16 – Energy Efficiency	N/A
Part 2.17 – Water Sensitive Urban Design	N/A
Part 2.18 – Landscaping and Open Space	Yes – see discussion
Part 2.20 – Tree Management	Yes – see discussion
Part 2.21 – Site Facilities and Waste Management	Yes
Part 2.24 – Contaminated Land	N/A
Part 2.25 – Stormwater Management	Yes
Part 3 – Subdivision	Yes – see discussion
Part 4.1 – Low Density Residential Development	Yes – see discussion
Part 4.2 – Multi Dwelling Housing and Residential Flat Buildings	N/A
Part 4.3 – Boarding Houses	N/A
Part 5 – Commercial and Mixed Use Development	N/A
Part 6 – Industrial Development	N/A
Part 8 – Heritage	N/A
Part 9 – Strategic Context	Yes – see discussion

The following provides discussion of the relevant issues:

#### Part 2.1 – Urban Design

The proposal does not adversely impact the definition between the public and private domain.

Principle 9 outlines that;

*Urban design should understand, preserve, celebrate and continue to develop high quality and distinctive streetscape and townscape character. Section 2.1.2 provides a detailed description on the characteristics that form streetscapes and townscapes in the area where this DCP applies, and Section 2.1.3 provides guidelines on fitting infill development into the area's streetscapes.*

The proposed semi-detached dwellings, as amended, are generally consistent, and sympathetic, with the character of the area. The first floors are set back sufficiently from the street so that the dwellings present as single storey, which is consistent with the predominant character of the streetscape. However, as outlined in detail further below, the proposed on-site parking is not considered to be a consistent, or sympathetic, feature in the streetscape and is recommended to be deleted via condition.

### Part 2.6 – Acoustic and Visual Privacy

As outlined elsewhere in this report, an acoustic report addressing the impacts of aircraft noise, has been submitted and, subject to recommendations outlined in the acoustic report and subject to recommended conditions, the proposal complies with the controls of this part, and relevant Australian Standards, concerned with the impacts of aircraft noise.

Control C3 prescribes:

#### **C3 Visual privacy**

- i. Private open spaces of new residential development must be located and designed to offer a reasonable level of privacy for their users;*
- ii. Elevated external decks for dwelling houses must generally be less than 10m<sup>2</sup> in area and have a depth not greater than 1.5 metres so as to minimise privacy and noise impacts to surrounding dwellings;*
- iii. First floor windows and balconies of a building that adjoins a residential property must be located so as to face the front or rear of the building;*
- iv. Where it is impractical to locate windows other than facing an adjoining residential building, the windows must be offset to avoid a direct view of windows in adjacent buildings;*
- v. Where the visual privacy of adjacent residential properties is likely to be significantly affected from windows or balconies (by way of overlooking into the windows of habitable areas and private open spaces), one or more of the following measures must be applied:*
  - a. Fixed screens of a reasonable density (minimum 75% block out) to a minimum height of 1.6 metres from finished floor level must be fitted to balconies in a position suitable to alleviate loss of privacy;*
  - b. Windows must have minimum sill height of 1.6 metres above finished floor level or fixed opaque glazing to any part of a window less than 1.6 metres above finished floor level; and*
  - c. Screen planting or planter boxes in appropriate positions may supplement the above two provisions in maintaining privacy of adjoining premises*

The site falls from front to rear. Minor cut and fill is proposed to accommodate a continuous ground floor slab and a raised patio at the rear. The patios finished floor level (FFL) is approximately 500mm (eastern lot) and 600mm (western lot) respectively above existing ground level. As such, standard boundary fencing of 1.8m in height will only provide screening to 1.2m and 1.3m above the FFL of the patio. The patios are adjacent to neighbouring private open space and, as such, it is considered that there will be undue visual privacy impacts from the patios. Given the site is unconstrained, it is considered reasonable to reduce the FFL of the patios by 400mm to ensure that boundary fencing provides screening to 1.6m above FFL; a condition to this effect has been included in Attachment A.

There will be no undue visual privacy impacts from ground or first floor windows, noting:

- There will be no visual privacy impacts from the windows to the front elevation.

- The first floor windows to the side elevations serve low-traffic rooms (i.e., bathrooms), and have a sill height of 1.3m;
- The first floor windows to the rear elevation face into the site and serve low-traffic rooms (i.e., bedrooms);
- The ground floor doors to the rear elevation face into the site and serve a living room. While boundary fencing, given the topography and fill at the rear, will not provide screening to 1.6m above FFL of the living areas to adjoining sites to the sides, the fill in this location is minimal (approximately up to 300mm) and, as such, fencing will provide screening to 1.5m above FFL, which is considered to provide adequate visual privacy for occupants and neighbours.
- With regard to the windows and doors serving the centrally located courtyards/lightwells the following is noted:
  - There will be no undue visual privacy impacts from the windows and doors that face north and south.
  - There will be no undue visual privacy impacts from the door to the eastern elevation (facing No. 124 Wells Street) as fencing will provide screening to 1.6m above finished floor level.
  - However, the fence to the western elevation only provides screening to 1.1-1.2m above FFL and the glazed stairwell aligns with a window on the adjoining site (no. 128 Wells Street). As such, it is recommended to impose a condition, which has been included in Attachment A, to screen this glazing to 1.6m above FFL.

As such, subject to the imposition of recommended conditions, the proposal is consistent with the objectives of this part as follows:

- O1 – As adequate visual and acoustic privacy for the residents and users of surrounding buildings is provided.
- O2 – The dwellings are oriented and designed so that adequate acoustic and visual privacy for occupants is provided.
- O3 – The proposal will not result in undue noise or vibration impacts to the subject and adjoining sites.

#### Part 2.7 – Solar Access and Overshadowing

The shadow diagrams, submitted for June 21 and, March/September 21, depict/compare shadows cast by the proposed development and building that was located on the site prior to the demolition of it undertaken under a Complying Development Certificate. The submitted shadow diagrams have been reviewed and are considered accurate (except the matters listed below).

The location of structures on adjoining sites, depicted on the shadow diagrams is diagrammatic only. However, the location and size of structures (except an outbuilding at the rear at No. 124 Wells Street, which is not depicted), and areas of open space on adjoining sites, after reviewing the submitted survey information, shadow diagrams, and Council's Geographic Information System (GIS), including aerial imagery, is generally considered adequate to assess the impacts of overshadowing.

With regard to solar access for surrounding buildings, in accordance with control C2:

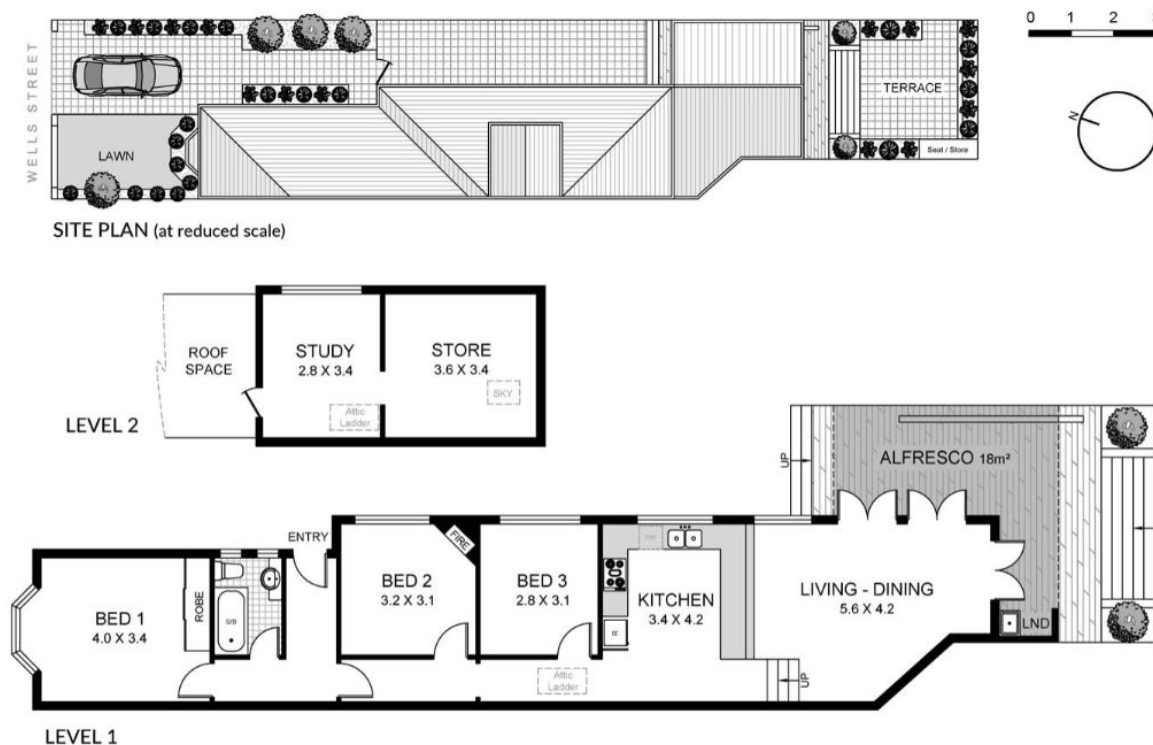
*Direct solar access to windows of principal living areas and principal areas of open space of nearby residential accommodation must:*

- i. *Not be reduced to less than two hours between 9.00am and 3.00pm on 21 June; or*
- ii. *Where less than two hours of sunlight is currently available on 21 June, solar access should not be further reduced. However, if the development proposal results in a further decrease in sunlight available on 21 June, Council will consider:*
  - a. *The development potential of the site;*
  - b. *The particular circumstances of the neighbouring site(s), for example, the proximity of any residential accommodation to the boundary, the resultant proximity of windows to the boundary, and whether this makes compliance difficult;*
  - c. *Any exceptional circumstances of the subject site such as heritage, built form or topography; and*
  - d. *Whether the sunlight available in March to September is significantly reduced, such that it impacts upon the functioning of principal living areas and the principal areas of open space. To ensure compliance with this control, separate shadow diagrams for the March/September period must be submitted in accordance with the requirements of C1;*

*Where less than two hours of sunlight is currently available on 21 June and the proposal is not reducing it any further, Council will still consider the merits of the case having regard to the above criteria described in points a to d.*

#### Solar access at 128 Wells Street

As depicted on the submitted shadow diagrams, the proposal results in additional overshadowing of private open space and windows along the eastern elevation at No. 128 Wells Street (the two rearmost windows, and door, serve living areas (Figure 3)). While the windows are depicted on the submitted survey, they are not shown on the shadow diagrams, and shadow diagrams in elevation for the proposal have not been submitted.



**128 WELLS STREET  
NEWTOWN**

**3 Bedroom, 1 Bath, 1 Car**

Internal area (approx.) 115 sqm  
External area (approx.) 150 sqm  
Land area (approx.) 240 sqm



Figure 4: Site and floor plan of No. 128 Wells Street. Source: realestate.com

With regard to overshadowing of windows serving living areas, prior to demolition of the building at No. 126 Wells Street, it is evident that these receive solar access between at 11am and 12 noon during the winter solstice. This solar access will be lost as a result of the proposed development, except the rearmost door, which is located under the glass awning, which will receive solar access at 12pm.

In considering the factors contained in control C2(ii), and relevant considerations of the Planning Principle regarding sunlight, established in *The Benevolent Society v Waverley Council* [2010] NSWLEC 1082, the additional overshadowing of the windows is considered acceptable for the following reasons:

- The proposal complies with the FSR and height of buildings development standards.
- The windows/doors are side-facing and, given the north-south orientation of the lots, it is difficult to protect solar access to these windows.
- The height of the proposed development, as outlined in detail further below, is considered reasonable and consistent with other development in the streetscape. The proposal has been designed to present as a single storey development at the front and the first floor setbacks are consistent with other first floors in the streetscape and in a location where expected/prescribed under the MDCP 2011.
- While solar access to the windows will also be lost in March/September at 11am, it is retained at 12 noon.

In addition, the proposed development will reduce solar access to the private open space, including Alfresco area under a clear awning (Figure 3), at No. 128 Wells Street. Currently, the private open space does not receive the required amount of solar access and the proposal

results in additional overshadowing. Most of the additional overshadowing to the private open space occurs between 9am and 11am. While the overshadowing of the Alfresco area at 11am is caused by the proposed first floor, most of the additional overshadowing to the terrace at the rear is caused by the vergola over the proposed patios. The impact of the terrace could be significantly reduced or, potentially, eliminated by deleting the proposed vergolas to the western lot (a condition has been included in Attachment A). The overshadowing, at 11am, to the Alfresco area could only be deleted by increasing the rear setback of the first floor by approximately 6 metres, which is not considered reasonable for the same reasons outlined above with regard to acceptability of overshadowing to the windows.

#### Solar access at 124 Wells Street

As depicted on the submitted shadow diagrams, the proposal results in additional overshadowing of private open space at No. 124 Wells Street between 1pm and 3pm during the winter solstice.

Windows along the western elevation at No. 124 Wells Street are not depicted on the shadow diagrams, and shadow diagrams in elevation for the proposal have not been submitted. In addition, the shadow diagrams do not depict the structure at the rear of this property or solar panels on the roof.

Based on the submitted information, it is evident that the proposal will result in additional overshadowing to the rearmost window along the western elevation, at 2pm during the winter solstice, and, likely, all windows to this elevation will be overshadowed at 3pm; however, most of these windows are already overshadowed at 3pm.

Lastly, the proposal will result in additional overshadowing of solar panels at this property at 3pm. In addition, possibly, some minor overshadowing to solar panels at 2pm during the winter solstice will occur.

The principal open space at No. 124 Wells, based on the submitted information, and a site inspection conducted by the assessing officer, is located along the side of the house; the rear is mostly covered by vegetation, including a vegetable garden and outbuilding.

Additional overshadowing to areas of open space, at 1pm, during the winter solstice, and of solar panels (if occurring) at 2pm, is considered negligible. The overshadowing of solar panels at 3pm is considered acceptable as, during other times, solar access to the panels is retained.

The property is oriented north-south and the windows are facing west. Hence, these windows do not receive any solar access until after 12 noon (considering true north). Even at 1pm, most of these windows are overshadowed by the building at No. 124 Wells Street. The proposal only results in overshadowing of the rearmost window at 2pm. At 3pm, the window furthest to the north is overshadowed by the building at No. 124 Wells Street, and the windows further to the south were already in shadow by the previous building at No. 126 Wells Street, noting that the roof above the windows is/was overshadowed, which can be seen when “overlying” the site plan and 3pm shadow diagram for the winter solstice (Figure 4)



Part 2.10 – Parking

In accordance with control C1, one (1) on-site parking space is required for each of the dwellings. The proposal includes one (1) on-site parking space for the dwelling on the western lot. However, as outlined in detail under the Part 4.1 assessment below, and above, the proposed parking space is not supported and recommended to be deleted.

Part 2.18 – Landscaping and Open Space & Part 2.20 – Tree Management

The following controls apply within Part 2.18:

**C11 Landscaped area**

*The entire front setback must be of a pervious landscape with the exception of driveways and pathways.*

**C12 Private open space**

- a. *The greater of 45m<sup>2</sup> or 20% of the total site area with no dimension being less than 3 metres, must be private open space.*
- b. *ii. A minimum 50% of private open space must be pervious*

With regard to the above, the following is noted:

- The size of the proposed lots is 210.1m<sup>2</sup> and 205.7m<sup>2</sup>. As such, private open space of, at least, 45sqm is required for each lot. The proposed areas of private open space exceed 45m<sup>2</sup> in size and in excess of 50% of the private open space of each dwelling consists of landscaped area.
- The entire front setbacks consist of pervious areas with the exception of the pathways.

The proposal includes the removal of two trees from within the site (other trees are proposed to be retained). Council's Arborist raised no objections to the proposal and removal of trees, subject to conditions, which include the requirement to plant one 10-metre-high canopy tree and other trees being protected. The recommended conditions have been included in attachment A.

However, given the size of the lots and existing trees on the subject and adjoining sites, it is considered unreasonable to require the planting of a 10-metre-high tree; a 4-metre-high tree (which will be protected under Council's tree management controls) is considered more reasonable, which has been reflected in the conditions in Attachment A.

Part 3 – Subdivision

Part 3 of the MDCP 2011 does not contain minimum lot width or area requirements for residential subdivisions but relies on performance-based controls that aim to ensure that new The assessment of the Development Application demonstrates that, subject to the recommended conditions, the proposal will have minimal impact in the locality.

The application proposes to subdivide the property into two new allotments. The streetscape and immediate locality are generally characterised by a mix of single and two storey dwellings on a mix of narrow and wide lots. Table 1 illustrates the proposed lot dimensions and the approximate dimensions of lots within the street:



Table 1: Lot width and area of properties along Westbourne Street.

Property	Width	Area	Property	Width	Area
126 Wells (E)	5.6m	205.7m <sup>2</sup>	156 Wells	4.4m	130.1m <sup>2</sup>
126A Wells (W)	5.6m	210.1m <sup>2</sup>	124 Wells	8.6m	282.4m <sup>2</sup>
128 Wells	6.6m	236.3m <sup>2</sup>	122 Wells	6m	217.8m <sup>2</sup>
130 Wells	3.6m	235.3m <sup>2</sup>	120 Wells	7.1m	264.3m <sup>2</sup>
142 Wells	6.5m	241.1m <sup>2</sup>	118A Wells	4.4m	156.6m <sup>2</sup>
144 Wells	4.4m	159.3m <sup>2</sup>	118 Wells	4.4m	159.5m <sup>2</sup>
146 Wells	5.4m	184m <sup>2</sup>	116 Wells	4.4m	161.8m <sup>2</sup>
148 Wells (as approved)	5m	186.9m <sup>2</sup>	114 Wells	10m	366.6m <sup>2</sup>
148A Wells (as approved)	5m	182.1m <sup>2</sup>	112 Wells	10m	377.3m <sup>2</sup>
150 Wells	9.9m	367.7m <sup>2</sup>	108 Wells	9.8m	347m <sup>2</sup>
152 Wells	9.9m	364.9m <sup>2</sup>	106 Wells	30m	1085.7m <sup>2</sup>
154 Wells	4.7m	123.3m <sup>2</sup>			

The table above shows that adjoining properties range between 3.6m to 30m in width and 123.3m<sup>2</sup> to 1085.7m<sup>2</sup> in area.

The subdivision would result in each new allotment being 5.6m in width and, 205.7m<sup>2</sup> and 210.1m<sup>2</sup> in area, which is within the range of the prevailing cadastral pattern.

The shape of the allotments, being generally rectangular and fronting Wells Street, demonstrates the compliance of the proposal with the subdivision requirements.

The assessment of the application against other relevant controls in the MDCP 2011 demonstrates that the lots satisfy controls C6 and C7.

Given the above, the proposal complies with the controls of this part of the MDCP 2011

#### Part 4.1 – Low Density Residential Development

##### Part 4.1.4 Good Urban Design Practice

Subject to the deletion of the car parking space at the front, the proposed dwellings, including height, bulk, and scale, complement existing developments in the street and the architectural style of the proposal is in keeping with the character of the area.

##### Part 4.1.5 Streetscape and Design

The overall height and bulk of the proposed dwellings, as presented to Wells Street, is considered to be generally consistent with, and complementary to, the existing streetscape.

The proposed dwellings have been appropriately designed to address the principal street frontage and are orientated to complement the existing pattern of development found in the street.

The facades of the dwellings have been divided into bays or units that are appropriate to the scale of the building proposed, and that of adjoining development.

Part 4.1.6 Built form and character

*Inter alia*, the following controls apply:

**C10 Attached dwellings, dwelling houses and semi-detached dwellings**

- i. *Front setback must be:*
  - a. *Consistent with the setback of adjoining development or the dominant setback found along the street; and*
  - b. *On corner lots where there is a consistent secondary boundary setback to buildings on opposite street corners, reflected in the design of any proposal.*
- ii. *Side setback must be determined in accordance with the following table:*

Width of lot	Minimum setback from side boundaries	
Less than 8 metres	At Council's discretion Visual impact, solar access to adjoining dwellings and street context determine ultimate setback.	
8 metres and over	One storey	900mm
	Two storeys	1.5 metres
	Three storeys	2.5 metres

- iii. *Rear setback must:*
  - a. *Where a predominant first storey rear building line exists, is consistent and visible from the public domain, aim to maintain that upper rear building line;*
  - b. *In all other cases, be considered on merit with the adverse impacts on the amenity of adjoining properties being the primary consideration along with ensuring adequate open space; and*
  - c. *Where the prominent form of development is terrace housing with access to a rear lane, maintain the capacity for off-street parking.*

In addition, in accordance with C13, site coverage, given that the proposed lots have an area of less than 300m<sup>2</sup>, must be considered on merit.

With regard to the above, the following is noted:

- The proposed front and side setbacks are consistent with the predominant pattern of development in the street, and the proposed development, subject to recommended conditions, has acceptable amenity impacts to adjoining dwellings.
- The proposed site coverage is consistent with the pattern of development of the street and allows adequate provision to be made for on-site stormwater infiltration, deep soil landscaping, tree planting, and private open space.
- Rear setbacks of other first floors in the streetscape are not visible from the public domain.
- The massing and rear setbacks are considered acceptable as the proposal, subject to recommended conditions, will not result in undue visual and acoustic privacy impacts and overshadowing.
- Visual bulk and scale impacts have been minimised and are acceptable, noting that the proposed floor to ceiling heights (2.7m on GF; 2.4m on FF) are reasonable and as expected to provide adequate internal amenity and to comply with BCA requirements.
- To minimise visual bulk impacts, the first floors, at the rear, are set back from the side boundaries by 1000mm and the first floor rear building alignments are aligned with, or do not protrude, past the rear building alignments of adjoining sites.
- The proposal complies with private and pervious open space requirements.

Given the above, it is considered that the proposal complies with the applicable controls of this part, and is consistent with the objectives, noting:

- O2 The proposal is compatible in architectural style with other development in the streetscape.
- O4 The proposal does not result in undue impacts to the streetscape and neighbouring amenity.
- O6 The proposal is of high-quality urban design.
- O7 The design of the dwellings responds positively to the character and context of the locality.

#### 4.1.7 Car Parking

The proposal includes one (1) on-site parking space at the front of the western lot, which is located under the roof of the dwelling and enclosed along the side boundary. The following controls apply:

**C14** *Car parking structures must be located and designed to:*

- i. Conveniently and safely serve all users;*
- ii. Enable efficient use of car spaces, including adequate manoeuvrability for vehicles between the site and the street;*
- iii. Not dominate or detract from the appearance of the existing dwelling or new development and the streetscape;*
- iv. Be compatible in scale, form, materials and finishes with the associated dwelling or development on the site;*
- v. Not reduce availability of kerbside parking;*
- vi. Retain any significant trees; and*
- vii. Have minimal impact on existing fences and garden areas that contribute to the setting of the associated dwelling and the character of the streetscape.*

**C15** *For existing and new dwellings, a car parking structure in order of priority must be:*

- i. Located at the rear of the site with access from a rear lane; or*
- ii. Located at the side of the dwelling house behind the front building alignment where it is the predominant form of parking structure in the street and is consistent with the desired future character for the area.*

**C17** *Parking structures forward of the building line are not permitted.*

**C18** *Where car parking cannot be provided at the side or rear of a dwelling Council may, in limited circumstances, consider a hardstand area forward of the building line where:*

- i. It does not significantly affect the landscaped front garden or fence;*
- ii. It is integrated into the front landscape of the dwelling with semi pervious surface;*
- iii. It does not require any structural alterations to the dwelling;*
- iv. It is located adjacent to a side boundary with a clearance of 600mm from any boundary fence to allow access and landscaping; and*
- v. Any new vehicular crossing:*
  - a. Is not adversely impacting on the existing streetscape;*
  - b. Is consistent with the majority of adjoining approved hardstands; and*
  - c. Is consistent with the desired future character of the area.*

The desired future character statements for the precinct include the following:

*To ensure the provision and location of off-street car parking does not adversely impact the amenity of the precinct.*

While some sites in the streetscape, including the two adjoining sites, have on-site parking spaces at the front, this is not a consistent feature in the streetscape (i.e., the majority of properties do not have on-site parking). In considering the non-compliance with the aforementioned controls against the relevant objectives of this part, the following is noted:

- O17 – The proposal will not reduce kerbside parking (an existing vehicular crossing is located at the subject site).
- O18 – In accordance with C17, parking structures must not be located forward of the building line and the proposed parking space and structure do not enhance the character of the street, noting that the majority of the properties in the streetscape do not have on-site parking spaces.
- O19 – The parking space and structure occupy approximately 64% of the front elevation of the dwelling on the proposed lot, and the parking space/structure is considered to be the dominant element on this lot. The proposal results in one of the dwellings having reduced street surveillance at ground floor level as it is dominated by the parking structure and is considered to result in a compromised streetscape presentation and outcome;
- O20 – The parking space is not located at the rear of the property.

Given the non-compliance with controls and objectives of this part, it is recommended to delete the parking space via condition, which has been included in Attachment A.

### Part 9 – Strategic Context

Subject to recommended conditions, the proposal is consistent with the relevant desired future character statements, noting:

- The proposal maintains the single storey streetscape.
- The proposal will have no adverse impacts on the streetscape and public domain elements, noting that the proposed lots are consistent with the prevailing subdivision patterns.
- The proposal preserves the low to medium density residential character of the precinct.

#### 5(c) The Likely Impacts

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

#### 5(d) The suitability of the site for the development

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

#### 5(e) Any submissions

The application was notified, and renotified, in accordance with the Community Engagement Framework/Strategy for a period of (twice) 14 days to surrounding properties.

7 submissions were received in response to the initial notification.

5 Unique submissions were received in response to renotification of the application.

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

- Development inconsistent with streetscape character and density – Refer to section 5(a)(iv) and Part 5(d)
- Visual bulk and scale – Refer to section 5(d)
- Tree removal and future canopy cover – Refer to Part 2.20 assessment in section 5(d)
- Visual privacy impacts – Refer to Part 2.6 assessment in section 5(d)
- Inaccurate shadow diagrams and overshadowing – Refer to Part 2.7 assessment in section 5(d)

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

Issue: Demolition of previous (Federation) building on the site.

Comment: While the MDCP 2011 aims to retain period buildings, the building was demolished under a Complying Development Certificate. The site is not located in a HCA nor was the building identified as a heritage item.

Issue: Plans do not accurately show buildings and features (e.g., solar panels) on adjoining sites

Comment: Amended plans and shadow diagrams were submitted showing buildings on adjoining sites. However, shadow diagrams do not depict openings and solar panels on adjoining sites, which has been assessed elsewhere in this report.

Issue: Plans do not accurately depict outlined and height of previous building, noting that “the previous house was only a single storey house...I find it very hard to believe that a house could add an additional storey without changing the height of the roofline at all”.

Comment: The outline of the previous building on the site, in particular the ridge, is considered to be accurately depicted on the plans, noting that the submitted survey depicts the ridge of the previous building on the site as RL19.57. The maximum RL of the proposed buildings is RL19.91, which is at the front.

Issue: Inadequate on-site parking and increased on-street parking demand

Comment: Compliance with off-street has been assessed elsewhere in this report. The proposal is for low-density residential development and the proposal will only result in one additional dwelling. As such, on-street parking demand will not significantly increase. In accordance with the provisions contained in the MDCP 2011, parking must be provided at the rear, or at the side, of dwellings, which cannot be achieved.

Issue: Materials inconsistent with streetscape and proposed design is ugly.

Comment: A number of different colours and materials can be found in the streetscape (including rendered and unrendered brick). The proposed colours, materials and finishes are considered compatible with other development in the streetscape. In addition, it is noted that roof cladding, painting, plastering, cement rendering, and cladding could be readily undertaken as exempt development under the provisions contained in the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Issue: Visual bulk impacts from “proposed rear patio extends a solid brick wall well beyond the previously existing rear wall”.

- Comment: The vergolas do not include brick walls along the side boundaries shared with adjoining properties, only brick posts (a brick wall is only provided between the two proposed lots). As outlined elsewhere in this report, it is recommended to delete the vergolas over the patios to minimise overshadowing. This will also reduce any visual bulk impacts from the posts of the vergolas.
- Issue: Bin location within internal courtyards
- Comment: The amended plans indicate that bins are no longer located in the central courtyards (lightwells). Bins have been relocated to the front.
- Issue: Increased on-street parking demand and traffic generated during construction. Cars parking longer than permitted (subject application and other recent approvals and applications submitted to Council for assessment).
- Comment: If cars parked longer than permitted, this can be reported to Council's Rangers for investigation.
- Issue: Impact to future (potential) solar panels
- Comment: This is not a matter for consideration under section 4.15 of the *EP&A Act 1979*.
- Issue: Additional tree removal requested to increase solar access to property located towards the rear of subject site.
- Comment: Shadows cast by trees are not a matter for consideration when assessing the impacts of overshadowing. In addition, Council cannot request the removal of trees to increase solar access. Further, Council's policies aim to retain trees, and to increase canopy cover.
- Issue: New planting has potential to increase overshadowing to property located towards the rear of subject site (requested condition to limit height of new planting at the rear to 2 metres)
- Comment: As outlined above, shadows cast by trees are not a matter for consideration when assessing the impacts of overshadowing. In addition, it is noted that trees and other vegetation can be planted without the need to obtain approval.
- Issue: Stormwater run-off onto neighbouring sites
- Comment: Council's development engineer has reviewed the proposal and raised no concerns, subject to recommended conditions, which includes that stormwater drainage must be designed to not result in nuisance flows onto neighbouring sites.
- Issue: Damage to neighbouring properties during construction
- Comment: Attachment A includes a condition, requiring that a dilapidation report is prepared prior to any works commencing to monitor whether neighbouring properties are damaged during works.
- Issue: Notification
- Comment: The application was notified in accordance with Council's Community Engagement Framework/Strategy, noting that only properties within 20 metres of the subject site are notified via letter. There is no requirement to notify Complying Development Certificates/Applications

### 5(f) The Public Interest

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

The proposal is not contrary to the public interest.

## 6 Referrals

### 6(a) Internal

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

- Development Engineer
- Urban Forest
- Waste Management (residential)

### 6(b) External

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

- Ausgrid

## 7. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$20,000.00 would be required for the development under the Inner West Contributions Plan. A condition requiring that contribution to be paid is included in the recommendation.

## 8. Conclusion

The proposal subject to compliance with the recommended conditions, generally complies with the aims, objectives and design parameters contained in the *Inner West Local Environmental Plan 2022* and the *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

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/2022/0886 for subdivision of the existing lot into two Torrens Title lots, and construction of a two storey semi-detached dwelling on each lot with associated landscaping at 126 Wells Street NEWTOWN, 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
DA01 Rev C	Site & Roof Plan	27/04/2023	Blu Print Design
DA05 Rev C	Subdivision Plan	27/04/2023	Blu Print Design
DA06 Rev C	Ground Floor Plan	27/04/2023	Blu Print Design
DA07 Rev C	First Floor Plan	27/04/2023	Blu Print Design
DA08 Rev C	Roof Plan	27/04/2023	Blu Print Design
DA09 Rev C	Calculations Plan	27/04/2023	Blu Print Design
DA10 Rev C	North & South Elevation	27/04/2023	Blu Print Design
DA11 Rev C	East & West Elevation	27/04/2023	Blu Print Design
DA12 Rev C	Section A & B	27/04/2023	Blu Print Design
DA14 Rev C	Materials Sample Board	27/04/2023	Blu Print Design
1336295M_02	BASIX	26/04/2023	Greenworld Architectural Design
L01/1-K26409 Rev A	Landscape Planting Plan	14/04/2023	Michael Siu
S1 Issue A	Stormwater Drainage Plan	24/08/2022	MBC Engineering

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 car parking space at the front must be deleted. The setback of the front wall that is adjacent to the lounge room at the front on the western lot must be amended to mirror the front setback of the wall adjacent to bedroom 4 on the eastern lot. The design and treatment of, and within, the front setback, including front fencing, of the western lot must mirror the design and treatment of the eastern lot.
- b. The finished floor level of the patios at the rear must be reduced by, at least, 400mm.
- c. The vergolas over the patios at the rear, including associated posts, must be deleted.

**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.

<b>Security Deposit:</b>	\$9,990.20
<b>Inspection Fee:</b>	\$350.00

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. Long Service Levy**

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid at the prescribed rate of 0.25% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$250,000 or more.

**5. Section 7.11 Contribution**

In accordance with section 7.11 of the *Environmental Planning and Assessment Act 1979* and the Inner West Local Infrastructure Contribution Plan 2023 (the Plan), the following monetary contributions shall be paid to Council to cater for the increased demand for local infrastructure resulting from the development:

<b>Contribution Category</b>	<b>Amount</b>
Open Space & Recreation	\$14,300.00
Community Facilities	\$2,650.00
Transport	\$1,880.00
Plan Administration	\$184.00
Drainage	\$986.00
<b>TOTAL</b>	<b>\$20,000.00</b>

At the time of payment, the contributions payable will be adjusted for inflation in accordance with indexation provisions in the Plan in the following manner:

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

Where:

$C_{\text{payment}}$  = is the contribution at time of payment

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

$CPI_{\text{consent}}$  = is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being [insert CPI value] for the [insert latest quarter and year].

$CPI_{\text{payment}}$  = is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment

Note: The contribution payable will not be less than the contribution specified in this condition.

The monetary contributions must be paid to Council (i) if the development is for subdivision – prior to the issue of the subdivision certificate, or (ii) if the development is for building work – prior to the issue of the first construction certificate, or (iii) if the development involves both subdivision and building work – prior to issue of the subdivision certificate or first construction certificate, whichever occurs first, or (iv) if the development does not require a construction certificate or subdivision certificate – prior to the works commencing.

**It is the professional responsibility of the principal certifying authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.**

Council's Plan may be viewed at [www.innerwest.nsw.gov.au](http://www.innerwest.nsw.gov.au) or during normal business hours at any of Council's customer service centres.

Please contact any of Council's customer service centres on [insert email address and phone number] to request an invoice confirming the indexed contribution amount payable. Please allow a minimum of 2 business days for the invoice to be issued.

Once the invoice is obtained, payment may be made via (i) BPAY (preferred), (ii) credit card / debit card (AMEX, Mastercard and Visa only; log on to [www.innerwest.nsw.gov.au/invoice](http://www.innerwest.nsw.gov.au/invoice); please note that a fee of 0.75 per cent applies to credit cards), (iii) in person (at any of Council's customer service centres), or (iv) by mail (make cheque payable to 'Inner West Council' with a copy of your remittance to PO Box 14 Petersham NSW 2049).

The invoice will be valid for 3 months. If the contribution is not paid by this time, please contact Council's customer service centres to obtain an updated invoice. The contribution amount will be adjusted to reflect the latest value of the Consumer Price Index (All Groups Index) for Sydney.

**GENERAL CONDITIONS**

**6. 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.

**7. Tree Protection**

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

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

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

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

The trees identified below are to be retained and protected in accordance with the conditions of consent or approved Tree Protection Plan throughout the development (note: tree numbers must correspond with approved Tree Protection Plan if conditioned) :

Tree No.	Botanical/Common Name	Location
-	<i>Leptospermum petersonii</i> (Lemon Scented Tea Tree)	Front on Council controlled land.
T4	<i>Casuarina sp.</i> (River Oak)	Rear setback
T5	<i>Casuarina sp.</i> (River Oak)	Rear setback
T6	<i>Banksia integrifolia</i> (Coast Banksia)	Rear setback
T7	<i>Melaleuca styphelioides</i> (Prickly Paperbark)	Rear setback

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.

**NOTE:** Reference should be made to the Arboricultural Impact Assessment Report prepared by Lee Hancock dated 17/10/2022 for tree numbering and locations.

**8. 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.

**9. 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
T1 <i>Jacaranda mimosifolia</i> - Front setback	Removal
T3 <i>Fraxinus griffithii</i> (Evergreen Ash)	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*.

**10. Privacy**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans indicating that the ground floor glazing to the western elevation to the courtyard being amended in the following manner:

- a. Fixed and obscure glazing to a minimum level of 1.6 metres above the floor level; **OR**
- b. 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 individual opening more than 30mm wide and a total area of opening that is less than 30% of the surface area of the screen and 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.*

**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. Standard Street Tree Protection**

Prior to the commencement of any work, the Certifying Authority must be provided with details of the methods of protection of all street trees adjacent to the site during demolition and construction.

**14. Verification of Levels and Location**

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

**15. Works Outside the Property Boundary**

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

**PRIOR TO ANY DEMOLITION****16. 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.

**17. Resource Recovery and Waste Management Plan - Demolition and Construction**

Prior to any demolition works, the Certifying Authority must be provided with a Resource Recovery and Waste Management Plan - Demolition and Construction that includes details of materials that will be excavated and their proposed destination or reuse.

**18. Dilapidation Report**

Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the adjoining properties to the Certifying Authority's satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.

**19. Advising Neighbours Prior to Excavation**

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

**20. 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****21. 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.

**22. 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 stormwater drainage concept plan on Drawing No. S1 prepared by MBC ENGINEERING and dated 24 August 2022, must be amended to comply with the following;
- b. 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 any rainwater tank(s), by gravity to the kerb and gutter of a public road/directly to Council's piped drainage system 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 other than to drain downpipes to the rainwater tank(s).
- e. 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.
- 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. Where a combined OSD/OSR is proposed, only roof water is permitted to be connected to the storage tank. The overflow from the OSD/OSR must be connected by gravity to the kerb and gutter of a public road.
- j. Details of the 100-year ARI overflow route in case of failure\blockage of the drainage system must be provided.
- k. A minimum 150 mm step up shall be provided between all external finished surfaces and adjacent internal floor areas.
- l. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands.
- m. 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;

- n. No nuisance or concentration of flows to other properties;
- o. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
- p. 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;
- q. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
- r. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;
- s. 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 4.0 mm and a maximum section height and width of 100 mm or sewer grade uPVC pipe with a maximum diameter of 100 mm.
- t. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings.
- u. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.
- v. No impact to street tree(s).

### **23. Changes to Levels**

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

- a. A 150 mm step down must be provided between the finished floor level of the internal room and the finished surface level of the external area.

### **24. Bin Storage Area - Residential**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a report detailing the ongoing waste generation requirements of the development and demonstrate that the bin storage areas to be provided within the sites will fully accommodate the number of bins required for all waste generated by a development of this type and scale. The number of bins required must be calculated based on a weekly collection of garbage, and a fortnightly collection of recycling.

The area must also include 50% allowance for manoeuvring of bins. The bin storage area is to minimise potential impacts on neighbours in terms of aesthetics, noise and odour.

The bin storage area is to meet the design requirements detailed in the Marrickville DCP 2011 and must include doorways/entrance points of 1000mm.

**25. Tree Protection Plan**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a detailed site-specific Tree Protection Plan (TPP) prepared by a AQF5 Consultant Arborist. The TPP is to be prepared in accordance with Council's *Development Fact Sheet—Trees on Development Sites*.

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

Tree No.	Botanical/Common Name	Location
-	<i>Leptospermum petersonii</i> (Lemon Scented Tea Tree)	Front on Council controlled land.
T4	<i>Casuarina sp.</i> (River Oak)	Rear setback
T5	<i>Casuarina sp.</i> (River Oak)	Rear setback
T6	<i>Banksia integrifolia</i> (Coast Banksia)	Rear setback
T7	<i>Melaleuca styphelioides</i> (Prickly Paperbark)	Rear setback

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.

**26. 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*

**27. Acoustic Report – Aircraft Noise**

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.

**28. Fibre-ready Facilities**

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

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

**DURING DEMOLITION AND CONSTRUCTION**

**29. Tree Protection**

To protect the following trees, ground, trunk and branch protection must be installed prior to any works commencing in accordance with the approved *Tree Protection Plan* and/or with Council's *Development Fact Sheet—Trees on Development Sites*:

Tree No.	Botanical/Common Name	Location
-	<i>Leptospermum petersonii</i> (Lemon Scented Tea Tree)	Front on Council controlled land.
T4	<i>Casuarina sp.</i> (River Oak)	Rear setback
T5	<i>Casuarina sp.</i> (River Oak)	Rear setback
T6	<i>Banksia integrifolia</i> (Coast Banksia)	Rear setback
T7	<i>Melaleuca styphelioides</i> (Prickly Paperbark)	Rear setback

**30. Tree Protection Zone**

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

Tree No.	Botanical/Common Name	Radius in metres
-	<i>Leptospermum petersonii</i> (Lemon Scented tea Tree)	Approved TPP
T4	<i>Casuarina sp.</i> (River Oak)	Approved TPP
T5	<i>Casuarina sp.</i> (River Oak)	Approved TPP
T6	<i>Banksia integrifolia</i> (Coast Banksia)	Approved TPP
T7	<i>Melaleuca styphelioides</i> (Prickly Paperbark)	Approved TPP

**31. 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
<i>Leptospermum petersonii</i> (Lemon Scented Tea Tree) - Front on Council controlled land. <i>Casuarina sp.</i> (River Oak) - Rear setback <i>Casuarina sp.</i> (River Oak) - Rear setback	Prior to commencement of works	<ul style="list-style-type: none"> <li>Inspection and sign off installation of tree protection measures.</li> </ul>

<p><i>Banksia integrifolia</i> (Coast Banksia) - Rear setback  <i>Melaleuca styphelioides</i> (Prickly Paperbark) - Rear setback</p>	<p>During Works</p>	<ul style="list-style-type: none"> <li>• Supervise all site preparation and demolition works within the TPZ;</li> <li>• Supervise all works inside or above the TPZ;</li> <li>• Supervise all excavation, trenching works, landscaping works and tree/planting replenishment within the TPZ;</li> <li>• Supervise all tree work.</li> </ul>
------------------------------------------------------------------------------------------------------------------------------------------	---------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

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

**32. 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.

**33. 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**

**34. Public Domain Works**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with written evidence from Council that the following works on the Road Reserve have been completed in accordance with the requirements of the approval under Section 138 of the Roads Act 1993 including:

- a. Other works subject to the *Roads Act 1993* approval.

All works must be constructed in accordance with Council's standards and specifications and AUS-SPEC#2-"Roadworks Specifications".

**35. No Encroachments**

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.

**36. Protect Sandstone Kerb**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any stone kerb, damaged as a consequence of the work that is the subject of this development consent, has been replaced.

**37. 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 stormwater quality improvement device(s) and any pump(s) 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.

### 38. 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.

### 39. Certification of Tree Planting

Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with evidence certified by a person holding a minimum qualification of AQF5 Certificate of Horticulture or Arboriculture that:

A minimum of 1 x 45 litre size additional tree, that will attain a minimum mature height of 4 metres, have been planted in a more suitable location within the property at a minimum of 1.5 metres from any boundary, 2.2m from any dwelling or garage wall and allowing for future tree growth. The tree is to conform to AS2303—*Tree stock for landscape*. Trees listed as exempt species from Council's Tree Management Controls, and species recognised to have a short life span will not be accepted as suitable replacements.

If the tree is found dead or dying before they reach the dimensions where they are protected by Council's Tree Management Controls, they must be replaced in accordance with this condition.

### 40. 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.

### 41. Aircraft Noise

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.

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.

#### **42. Smoke Alarms - Certification of upgrade to NCC requirements**

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

#### **43. Torrens Title Subdivision to Occur before Occupation**

Prior to the issue of an Occupation Certificate for any dwelling on the site, the certifying authority is to be provided with evidence that the subdivision that forms part of this consent has been registered with the NSW Land Registry Services.

### **PRIOR TO SUBDIVISION CERTIFICATE**

#### **44. Section 73 Certificate**

Prior to the issue of a Subdivision Certificate, the Certifying Authority must be provided with the Section 73 Certificate. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

#### **45. Separate Stormwater**

Prior to the issue of a Subdivision Certificate, the Certifying Authority must be provided with details, endorsed by a practising stormwater engineer demonstrating separate drainage systems to drain each proposed lot.

#### **46. Torrens Title Subdivision**

Prior to the issue of a Subdivision Certificate, the Certifying Authority must verify that the physical works within this consent have been constructed.

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. [Street Numbering Application](#)

**47. Redundant Vehicle Crossing**

Prior to the issue of a Subdivision Certificate, the Principal Certifier must verify that all redundant vehicular crossings to the site must be removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications". Where the kerb in the vicinity of the redundant crossing is predominately stone, the replacement kerb must also be in stone.

**ON-GOING****48. Operation and Management Plan**

The Operation and Management Plan for the on-site detention and/or on-site retention/re-use and/or stormwater quality improvement devices and/or Pump facilities, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.

**49. Bin Storage**

All bins are to be stored within the sites. Bins are to be returned to the properties within 12 hours of having been emptied.

**ADVISORY NOTES****Permits**

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

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

- i. Installation or replacement of private stormwater drain, utility service or water supply.

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

#### **Insurances**

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

#### **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*.

#### **Prescribed Conditions**

This consent is subject to the prescribed conditions of consent within Sections 69-86 of the *Environmental Planning and Assessment Regulations 2021*.

#### **Notification of commencement of works**

At least 7 days before any demolition work commences:

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

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

**Storage of Materials on public property**

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

**Toilet Facilities**

The following facilities must be provided on the site:

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

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

**Infrastructure**

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

**Other Approvals may be needed**

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

**Failure to comply with conditions**

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

**Other works**

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

**Obtaining Relevant Certification**

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

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

**Disability Discrimination Access to Premises Code**

The *Disability Discrimination Act 1992* (Commonwealth) and the *Anti-Discrimination Act 1977* (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.

**National Construction Code (Building Code of Australia)**

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

**Notification of commencement of works**

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

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

**Dividing Fences Act**

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

**Permits from Council under Other Acts**

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

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

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

**Noise**

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

**Amenity Impacts General**

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

**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.

**Dial before you dig**

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

**Useful Contacts**

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm <a href="http://www.basix.nsw.gov.au">www.basix.nsw.gov.au</a>
Department of Fair Trading	13 32 20 <a href="http://www.fairtrading.nsw.gov.au">www.fairtrading.nsw.gov.au</a> Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100

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



**Asbestos Removal**

A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m<sup>2</sup> of bonded asbestos (or otherwise specified by WorkCover or relevant legislation).

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

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

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

**Street Numbering**

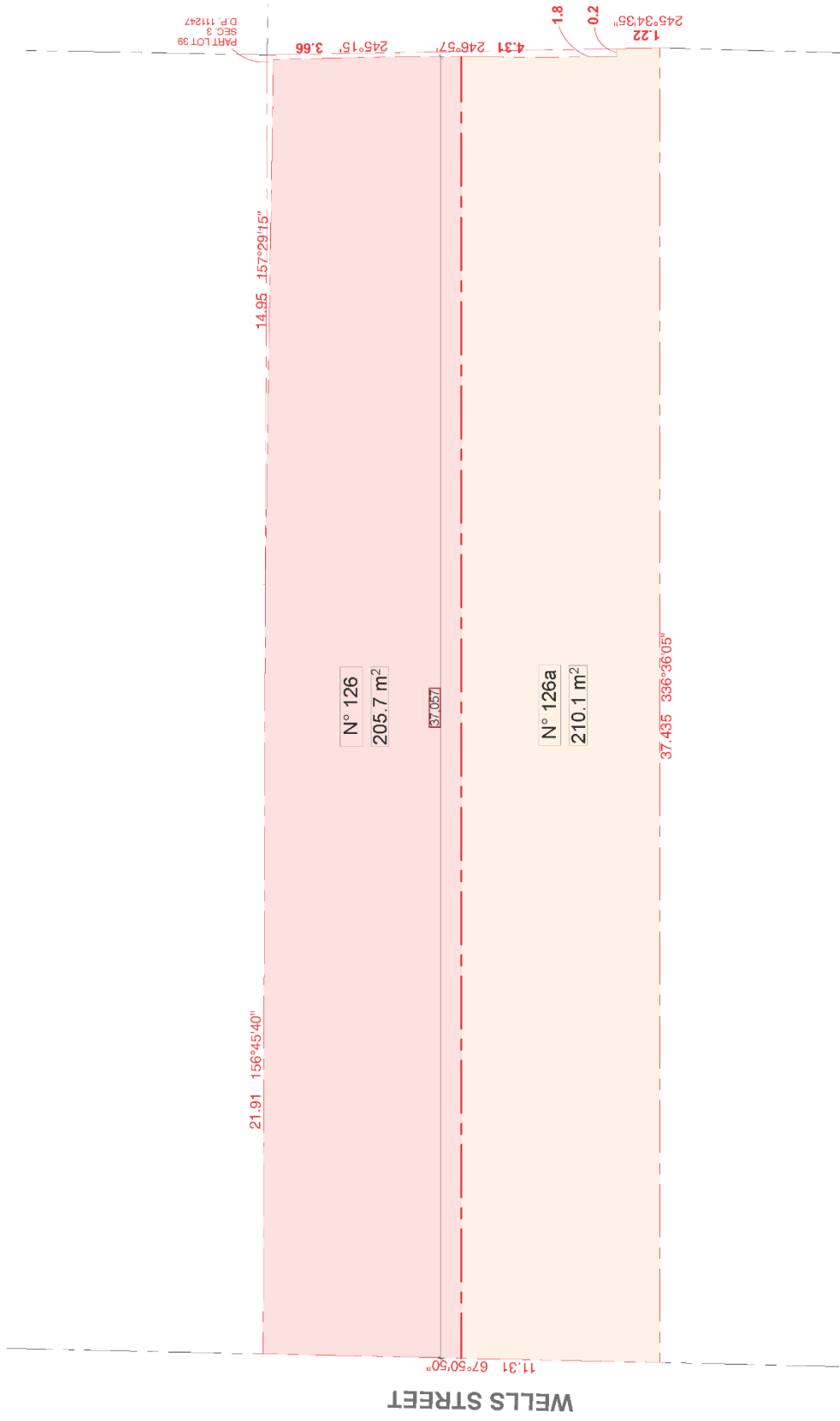
If there are any changes to the number of occupancies including any additional occupancies created, a street numbering application must be lodged and approved by Council's GIS team before any street number is displayed. Link to [Street Numbering Application](#)











Subdivision Plan  
1:100

AS - ALUMINIUM ROOF SHEETING	GC - GFT FIBREGLASS CONCRETE	AD - ALUMINIUM ROOF	③ - MECHANICAL VENTILATION	④ - SINK ALUM	⑤ - NEW WINDOW	⑥ - NEW WINDOW	⑦ - NEW WINDOW	⑧ - NEW WINDOW	⑨ - NEW WINDOW	⑩ - NEW WINDOW	⑪ - NEW WINDOW	⑫ - NEW WINDOW	⑬ - NEW WINDOW	⑭ - NEW WINDOW	⑮ - NEW WINDOW	⑯ - NEW WINDOW	⑰ - NEW WINDOW	⑱ - NEW WINDOW	⑲ - NEW WINDOW	⑳ - NEW WINDOW	㉑ - NEW WINDOW	㉒ - NEW WINDOW	㉓ - NEW WINDOW	㉔ - NEW WINDOW	㉕ - NEW WINDOW	㉖ - NEW WINDOW	㉗ - NEW WINDOW	㉘ - NEW WINDOW	㉙ - NEW WINDOW	㉚ - NEW WINDOW	㉛ - NEW WINDOW	㉜ - NEW WINDOW	㉝ - NEW WINDOW	㉞ - NEW WINDOW	㉟ - NEW WINDOW	㊱ - NEW WINDOW	㊲ - NEW WINDOW	㊳ - NEW WINDOW	㊴ - NEW WINDOW	㊵ - NEW WINDOW	㊶ - NEW WINDOW	㊷ - NEW WINDOW	㊸ - NEW WINDOW	㊹ - NEW WINDOW	㊺ - NEW WINDOW	㊻ - NEW WINDOW	㊼ - NEW WINDOW	㊽ - NEW WINDOW	㊾ - NEW WINDOW	㊿ - NEW WINDOW		
CT - CONCRETE ROOF TILE	AL - ALUMINIUM	AW - ALUMINIUM WINDOW	① - SINK ALUM	② - NEW WINDOW	③ - NEW WINDOW	④ - NEW WINDOW	⑤ - NEW WINDOW	⑥ - NEW WINDOW	⑦ - NEW WINDOW	⑧ - NEW WINDOW	⑨ - NEW WINDOW	⑩ - NEW WINDOW	⑪ - NEW WINDOW	⑫ - NEW WINDOW	⑬ - NEW WINDOW	⑭ - NEW WINDOW	⑮ - NEW WINDOW	⑯ - NEW WINDOW	⑰ - NEW WINDOW	⑱ - NEW WINDOW	⑲ - NEW WINDOW	⑳ - NEW WINDOW	㉑ - NEW WINDOW	㉒ - NEW WINDOW	㉓ - NEW WINDOW	㉔ - NEW WINDOW	㉕ - NEW WINDOW	㉖ - NEW WINDOW	㉗ - NEW WINDOW	㉘ - NEW WINDOW	㉙ - NEW WINDOW	㉚ - NEW WINDOW	㉛ - NEW WINDOW	㉜ - NEW WINDOW	㉝ - NEW WINDOW	㉞ - NEW WINDOW	㉟ - NEW WINDOW	㊱ - NEW WINDOW	㊲ - NEW WINDOW	㊳ - NEW WINDOW	㊴ - NEW WINDOW	㊵ - NEW WINDOW	㊶ - NEW WINDOW	㊷ - NEW WINDOW	㊸ - NEW WINDOW	㊹ - NEW WINDOW	㊺ - NEW WINDOW	㊻ - NEW WINDOW	㊼ - NEW WINDOW	㊽ - NEW WINDOW	㊾ - NEW WINDOW	㊿ - NEW WINDOW
RT - ROOF TILE	AC - ALUMINIUM CLADDING	TD - TIMBER FLOOR	④ - SINK ALUM	⑤ - NEW WINDOW	⑥ - NEW WINDOW	⑦ - NEW WINDOW	⑧ - NEW WINDOW	⑨ - NEW WINDOW	⑩ - NEW WINDOW	⑪ - NEW WINDOW	⑫ - NEW WINDOW	⑬ - NEW WINDOW	⑭ - NEW WINDOW	⑮ - NEW WINDOW	⑯ - NEW WINDOW	⑰ - NEW WINDOW	⑱ - NEW WINDOW	⑲ - NEW WINDOW	⑳ - NEW WINDOW	㉑ - NEW WINDOW	㉒ - NEW WINDOW	㉓ - NEW WINDOW	㉔ - NEW WINDOW	㉕ - NEW WINDOW	㉖ - NEW WINDOW	㉗ - NEW WINDOW	㉘ - NEW WINDOW	㉙ - NEW WINDOW	㉚ - NEW WINDOW	㉛ - NEW WINDOW	㉜ - NEW WINDOW	㉝ - NEW WINDOW	㉞ - NEW WINDOW	㉟ - NEW WINDOW	㊱ - NEW WINDOW	㊲ - NEW WINDOW	㊳ - NEW WINDOW	㊴ - NEW WINDOW	㊵ - NEW WINDOW	㊶ - NEW WINDOW	㊷ - NEW WINDOW	㊸ - NEW WINDOW	㊹ - NEW WINDOW	㊺ - NEW WINDOW	㊻ - NEW WINDOW	㊼ - NEW WINDOW	㊽ - NEW WINDOW	㊾ - NEW WINDOW	㊿ - NEW WINDOW			
BR - FACE BRICK WORK	FC - FIBRE CEMENT	TR - TIMBER WINDOW	⑤ - NEW WINDOW	⑥ - NEW WINDOW	⑦ - NEW WINDOW	⑧ - NEW WINDOW	⑨ - NEW WINDOW	⑩ - NEW WINDOW	⑪ - NEW WINDOW	⑫ - NEW WINDOW	⑬ - NEW WINDOW	⑭ - NEW WINDOW	⑮ - NEW WINDOW	⑯ - NEW WINDOW	⑰ - NEW WINDOW	⑱ - NEW WINDOW	⑲ - NEW WINDOW	⑳ - NEW WINDOW	㉑ - NEW WINDOW	㉒ - NEW WINDOW	㉓ - NEW WINDOW	㉔ - NEW WINDOW	㉕ - NEW WINDOW	㉖ - NEW WINDOW	㉗ - NEW WINDOW	㉘ - NEW WINDOW	㉙ - NEW WINDOW	㉚ - NEW WINDOW	㉛ - NEW WINDOW	㉜ - NEW WINDOW	㉝ - NEW WINDOW	㉞ - NEW WINDOW	㉟ - NEW WINDOW	㊱ - NEW WINDOW	㊲ - NEW WINDOW	㊳ - NEW WINDOW	㊴ - NEW WINDOW	㊵ - NEW WINDOW	㊶ - NEW WINDOW	㊷ - NEW WINDOW	㊸ - NEW WINDOW	㊹ - NEW WINDOW	㊺ - NEW WINDOW	㊻ - NEW WINDOW	㊼ - NEW WINDOW	㊽ - NEW WINDOW	㊾ - NEW WINDOW	㊿ - NEW WINDOW				
AR - ASPHALT ROOFER	TC - TIMBER CLADDING	FR - FIBRE WINDOW	⑥ - NEW WINDOW	⑦ - NEW WINDOW	⑧ - NEW WINDOW	⑨ - NEW WINDOW	⑩ - NEW WINDOW	⑪ - NEW WINDOW	⑫ - NEW WINDOW	⑬ - NEW WINDOW	⑭ - NEW WINDOW	⑮ - NEW WINDOW	⑯ - NEW WINDOW	⑰ - NEW WINDOW	⑱ - NEW WINDOW	⑲ - NEW WINDOW	⑳ - NEW WINDOW	㉑ - NEW WINDOW	㉒ - NEW WINDOW	㉓ - NEW WINDOW	㉔ - NEW WINDOW	㉕ - NEW WINDOW	㉖ - NEW WINDOW	㉗ - NEW WINDOW	㉘ - NEW WINDOW	㉙ - NEW WINDOW	㉚ - NEW WINDOW	㉛ - NEW WINDOW	㉜ - NEW WINDOW	㉝ - NEW WINDOW	㉞ - NEW WINDOW	㉟ - NEW WINDOW	㊱ - NEW WINDOW	㊲ - NEW WINDOW	㊳ - NEW WINDOW	㊴ - NEW WINDOW	㊵ - NEW WINDOW	㊶ - NEW WINDOW	㊷ - NEW WINDOW	㊸ - NEW WINDOW	㊹ - NEW WINDOW	㊺ - NEW WINDOW	㊻ - NEW WINDOW	㊼ - NEW WINDOW	㊽ - NEW WINDOW	㊾ - NEW WINDOW	㊿ - NEW WINDOW					
CR - CEILING ROOFER	SC - STONE CLADDING	CE - CLASH FRAME BALUSTRADE	⑦ - NEW WINDOW	⑧ - NEW WINDOW	⑨ - NEW WINDOW	⑩ - NEW WINDOW	⑪ - NEW WINDOW	⑫ - NEW WINDOW	⑬ - NEW WINDOW	⑭ - NEW WINDOW	⑮ - NEW WINDOW	⑯ - NEW WINDOW	⑰ - NEW WINDOW	⑱ - NEW WINDOW	⑲ - NEW WINDOW	⑳ - NEW WINDOW	㉑ - NEW WINDOW	㉒ - NEW WINDOW	㉓ - NEW WINDOW	㉔ - NEW WINDOW	㉕ - NEW WINDOW	㉖ - NEW WINDOW	㉗ - NEW WINDOW	㉘ - NEW WINDOW	㉙ - NEW WINDOW	㉚ - NEW WINDOW	㉛ - NEW WINDOW	㉜ - NEW WINDOW	㉝ - NEW WINDOW	㉞ - NEW WINDOW	㉟ - NEW WINDOW	㊱ - NEW WINDOW	㊲ - NEW WINDOW	㊳ - NEW WINDOW	㊴ - NEW WINDOW	㊵ - NEW WINDOW	㊶ - NEW WINDOW	㊷ - NEW WINDOW	㊸ - NEW WINDOW	㊹ - NEW WINDOW	㊺ - NEW WINDOW	㊻ - NEW WINDOW	㊼ - NEW WINDOW	㊽ - NEW WINDOW	㊾ - NEW WINDOW	㊿ - NEW WINDOW						

Document Set ID: 37600042  
Version: 1, Version Date: 13/06/2023

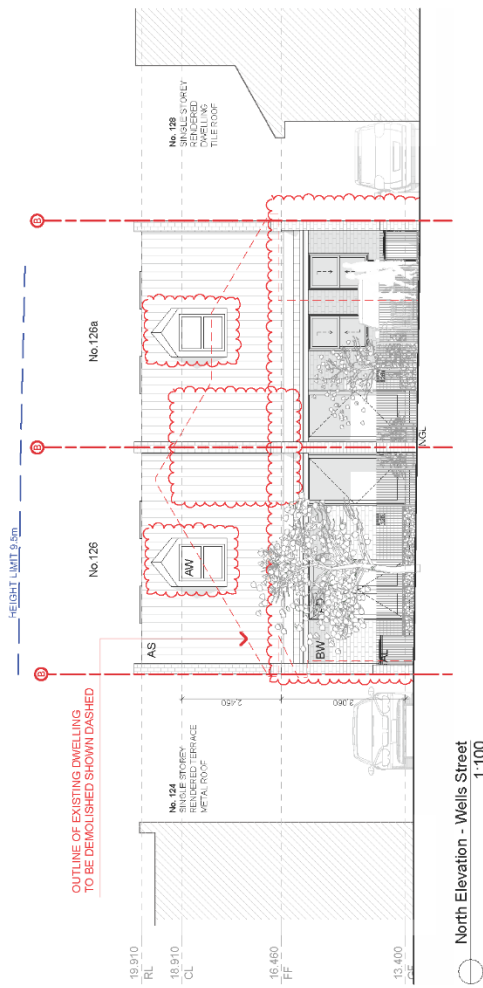




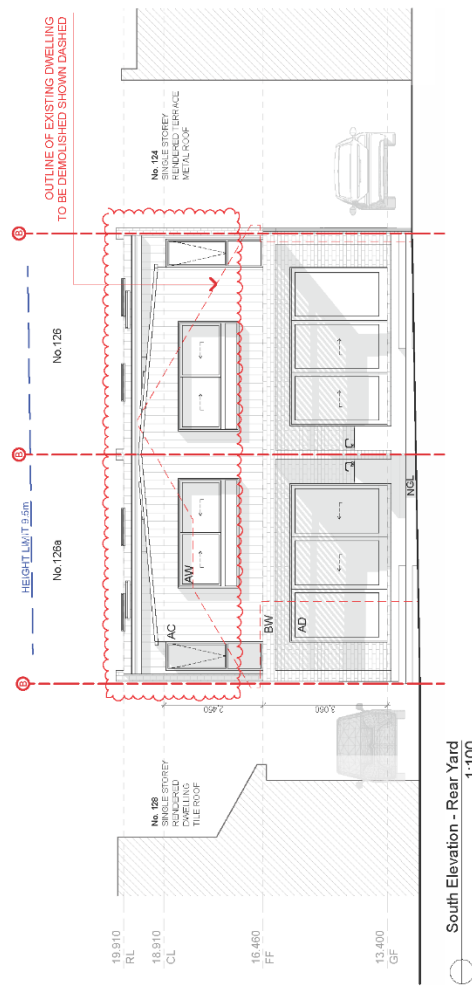








North Elevation - Wells Street  
1:100



South Elevation - Rear Yard  
1:100

AS - ALUMINIUM ROOF SHEETING	GC - GF FIBRE/CONCRETE	AD - ALUMINIUM DOOR	① - ARCHITECTURAL VEILATION	① - DEVELOPER APPLICATION	Issue Description	Date	North South Elevation
CT - CONCRETE ROOF TILE	AL - ALUMINIUM	AW - ALUMINIUM WINDOW	② - SHAKE ALUM	A - Developer Application	11 - 10 - 2022	11 - 10 - 2022	28 WALS ST, NEWCASTLE NSW 2042
RT - ROOF TILE	AC - ALUMINIUM CLADDING	TD - TIMBER DOOR	③ - NEW WINDOW	B - Council EPI - 184911	12 - 04 - 2023	12 - 04 - 2023	Notes J
BW - FACE BRICKWORK	FC - FIBRE/CONCRETE	TW - TIMBER WINDOW	④ - NEW WINDOW	C - Council EPI	27 - 04 - 2023	27 - 04 - 2023	27th April 2023
AF - FACE UP RISER	TC - TIMBER CLADDING	FW - FIBRE WINDOW	⑤ - CEILING FRAME BALUSTRADE				1:100 (B, AS)
CR - CEILING RISER	SC - STONE CLADDING	CE - CEILING FRAME BALUSTRADE					Scale



BLUE PRINT DESIGNS  
148/150 St. Marks Street, Newcastle NSW 2060  
081 488 8888  
www.blueprintdesigns.com.au

Document Set ID: 37660042  
Version: 1, Version Date: 13/06/2023







<p>THE WORKS TO BE DONE SHALL BE THE FULL AND COMPLETE OBLIGATION OF THE CONTRACTOR AND SHALL BE DONE TO THE SATISFACTION OF THE LOCAL PLANNING PANEL AND THE LOCAL COUNCIL. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL COUNCIL AND THE LOCAL PLANNING PANEL. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL COUNCIL AND THE LOCAL PLANNING PANEL. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL COUNCIL AND THE LOCAL PLANNING PANEL.</p>		<p>Issue</p> <p>A Development Application</p> <p>B Council Ref: DPART</p> <p>C Council Ref</p>	<p>Date</p> <p>11-10-2022</p> <p>12-04-2023</p> <p>27-04-2023</p>	<p>Title</p> <p>Project: 128 West St, Newham NSW 2042</p> <p>Client: Moon LJ</p> <p>Date: 27th April 2023</p> <p>Scale: NTS</p>	<p>DA13</p> <p>C</p>
<p>Legend:</p> <p>AC - ALUMINIUM ROOF SHEETING</p> <p>CC - OFF FORM CONCRETE</p> <p>AL - ALUMINIUM</p> <p>AG - ALUMINIUM CLADDING</p> <p>FC - FERRIC CEMENT</p> <p>TC - TILES CLADDING</p> <p>SC - STONE CLADDING</p> <p>AD - ALUMINIUM DOOR</p> <p>AW - ALUMINIUM WINDOW</p> <p>TD - TIMBER DOOR</p> <p>TW - TIMBER WINDOW</p> <p>FW - FIBRO DOOR</p> <p>GW - GLASS FRAMED BALUSTRADE</p> <p>MC - MECHANICAL VENTILATION</p> <p>SA - SINGLE ALUM</p> <p>HA - HSB WINDOW</p> <p>HE - HSB DOOR</p>		<p>BLU FIRST DESIGNS</p> <p>145-150-155 Macquarie Street, Sydney NSW 2000</p> <p>02 9550 9999</p> <p>www.blufirstdesigns.com.au</p>			

Document Code: DP-3066642  
Version: 1, Version Date: 13/06/2023



CR - Cement Render  
Dulux Colorbond - Shale Grey



BW - Brick External Walls  
Recycled Brick



AS - Aluminium Sheeting  
AC - Aluminium Cladding  
Colorbond Steel - Monument



AL - Aluminium Blade  
Powder Coat Black Or Similar



AD / AW - Doors & Windows - Aluminium / Steel  
Powder Coat - Black



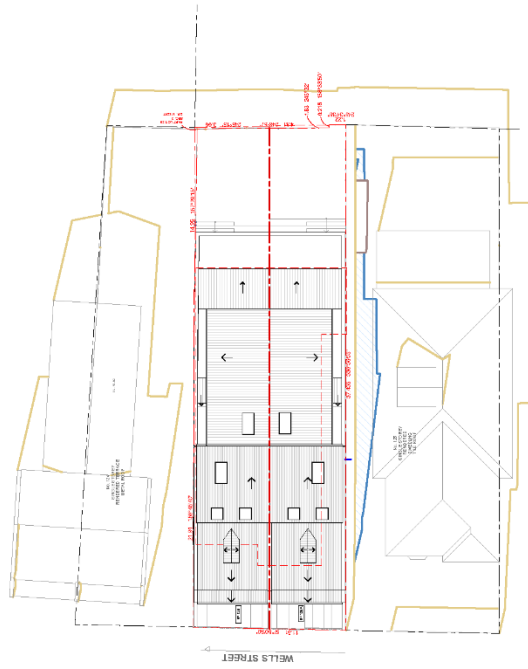
Fascia, Gutters & Down Pipes - Steel  
Dulux Colorbond - Monument

AS - ALUMINIUM ROOF SHEETING	DC - DIFFERENT CONCRETE	AD - ALUMINIUM DOOR	④ - MECHANICAL VENTILATION	Project: 123 Main St, Newham NSW 2042	Title: Monica Sharp's Board
CT - CONCRETE ROOF TILE	AL - ALUMINIUM	AW - ALUMINIUM WINDOW	① - SINGLE ALUM	Client: Nicole LJ	DA14
RT - ROOF TILE	AC - ALUMINIUM CLADDING	TD - TIMBER DOOR	② - NEW WINDOW	Date: 27 April 2023	 <p>BLU PRINT DESIGNS 145/150-152 Macleay Street, NSW 1580 02 9550 9999</p>
BW - FACE BRICKWORK	FC - FERRIC CEMENT	TW - TIMBER WINDOW	③ - NEW DOOR	Scale: NTS	
AR - ACRYLIC RENDER	TC - TIMBER CLADDING	FW - FIBRO WINDOW	⑤ - GLASS FRAMED BALCONY		
CR - CEMENT RENDER	SC - STONE CLADDING				C

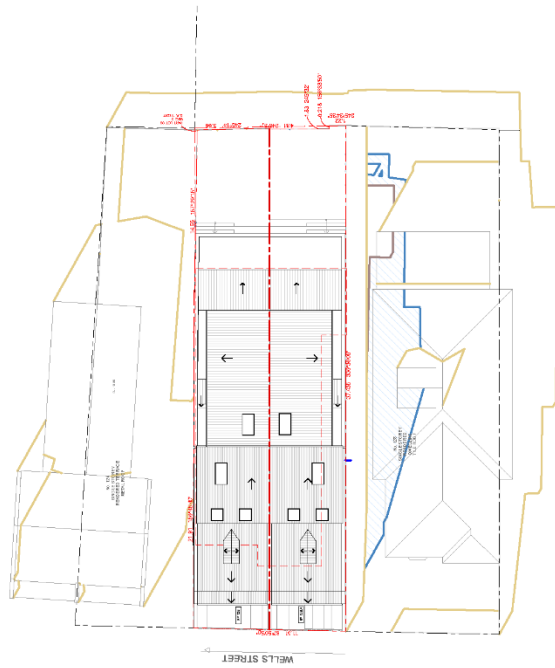
Document Code: 3F666642  
Version: 1, Version Date: 13/06/2023







Shadow Diagram - June 21st - 12:00



Shadow Diagram - June 21st - 11:00

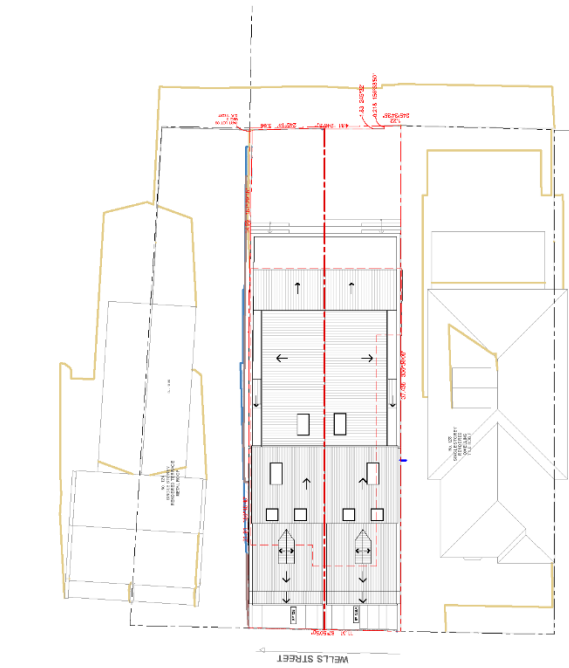


		Title: Shores Square Jan 2017 D3.DWG Project: 28/VAL St. Newcast NSW 2342 Client: Nels J Date: 27 April 2023 Scale: 1:300 @ A3	
Description: A Developer Application B Council Ref: 19491 C Council Ref:		Date: 11-10-2022 12-04-2023 27-04-2023	
THE LOCAL GOVERNMENT OF THE INNER WEST LOCAL PLANNING PANEL HAS REVIEWED THIS APPLICATION AND THE INFORMATION PROVIDED AND IS OF THE OPINION THAT THE PROPOSED DEVELOPMENT IS IN ACCORDANCE WITH THE LOCAL PLANNING PANEL'S POLICY AND THE LOCAL PLANNING PANEL'S LOCAL DEVELOPMENT INSTRUMENT. THIS CONSENT IS VALID FOR A PERIOD OF 12 MONTHS FROM THE DATE OF THIS DECISION. THE LOCAL GOVERNMENT OF THE INNER WEST LOCAL PLANNING PANEL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED TO IT BY THE APPLICANT. THE LOCAL GOVERNMENT OF THE INNER WEST LOCAL PLANNING PANEL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED TO IT BY THE APPLICANT.			
A3 - ALUMINIUM SHEETING C1 - CONCRETE ROOF TILE R1 - ROOF TILE BW - FACE BRICKWORK AR - FACE OF BRICK CR - CEILING BRICK		A4 - ALUMINIUM AG - ALUMINIUM GLAZING FC - FIBRE CEMENT TC - TIMBER CLADDING SC - STONE CLADDING	
A5 - ALUMINIUM DOOR AW - ALUMINIUM WINDOW TD - TIMBER DOOR TW - TIMBER WINDOW FW - FIBRE WINDOW CE - CLASH FRAME BALUSTRADE		A6 - METAL VENTILATION S1 - SHED ALUM S2 - SHED WOOD S3 - SHED WOOD	

Document Ref: 37660042  
 Version: 1, Version Date: 13/06/2023



Shadow Diagram - June 21st - 14:00



Shadow Diagram - June 21st - 13:00

SHADOW DIAGRAM LEGEND

- NEIGHBOUR BUILDING SHADOWS
- EXISTING BUILDING SHADOWS
- PROPOSED ADDITIONAL SHADOW

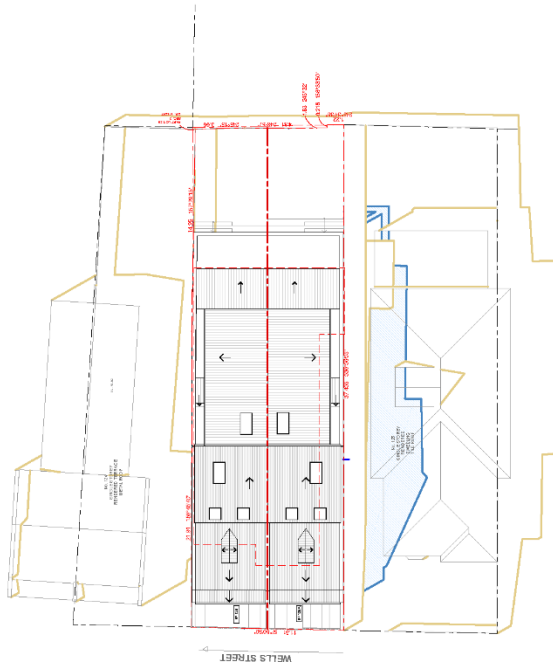
		Title: Shiloh Square Jan 201 1301 1401 Project: 28/04/21 S. Hancock NSW 2042 Client: Nech J Date: 27 April 2023 Scale: 1:300 @ A3
Issue	Description	Date
A	Developer Application	11-10-2022
B	Council EOI 18491	12-04-2023
C	Council EOI	27-04-2023

DA17  
C

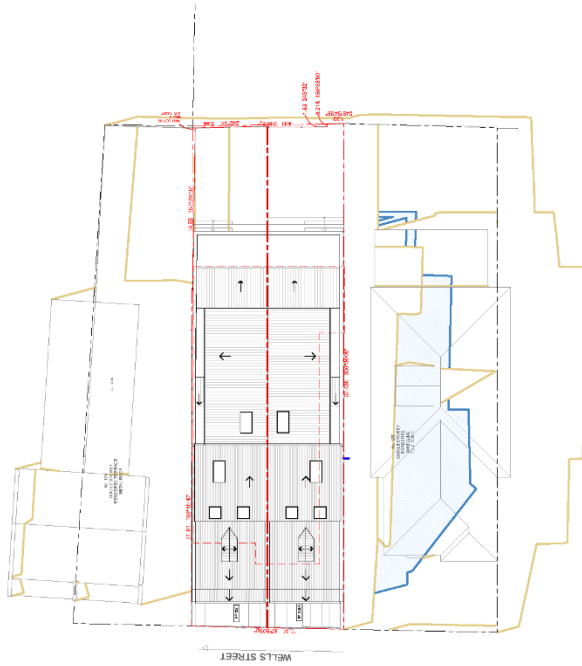
Version: 1, Version Date: 13/06/2023

Document Set ID: 37660042





Shadow Diagram - March 21st 1000



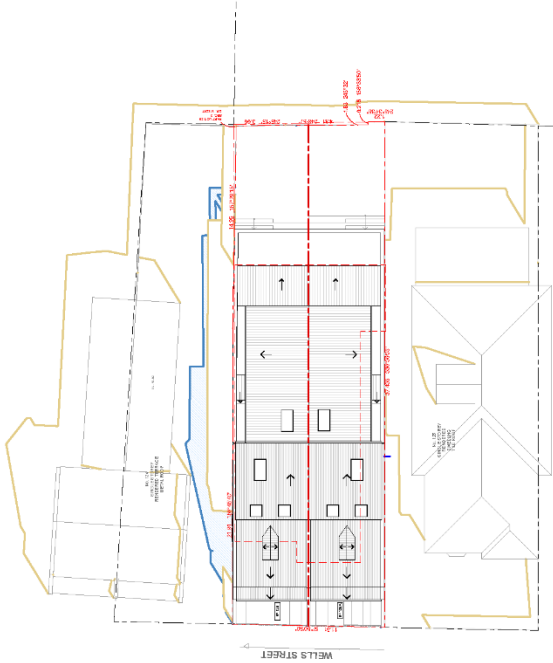
Shadow Diagram - March 21st 0900



		Title: Shadow Diagram March 21st 1000 (100) Project: 2/2/2021 S. Hancock RSM/2021 Client: Nishi J Date: 27th April 2023 Scale: 1:300 @ A3	
Issue	Description	Date	DA19 <b>C</b>
A	Developer Application	11-10-2022	
B	Council EIT (04/01)	12-04-2023	
C	Council EIT	27-04-2023	
THE SHADOWS CAST BY THE PROPOSED BUILDING ON THE ADJACENT BUILDING AT 0900 AND 1000 HOURS ON MARCH 21ST 2023 ARE SHOWN IN BLUE. THE SHADOWS CAST BY THE ADJACENT BUILDING ON THE PROPOSED BUILDING AT 0900 AND 1000 HOURS ON MARCH 21ST 2023 ARE SHOWN IN YELLOW. THE SHADOWS CAST BY THE PROPOSED BUILDING ON THE ADJACENT BUILDING AT 0900 AND 1000 HOURS ON MARCH 21ST 2023 ARE SHOWN IN BLUE. THE SHADOWS CAST BY THE ADJACENT BUILDING ON THE PROPOSED BUILDING AT 0900 AND 1000 HOURS ON MARCH 21ST 2023 ARE SHOWN IN YELLOW.			
MATERIALS LIST: AD - ALUMINIUM DOOR AL - ALUMINIUM AN - ALUMINIUM WINDOW AT - ALUMINIUM TILING BT - BRICKWORK CC - CONCRETE CG - CLAY BRICK BALUSTRADE CR - CERAMIC ROOF CT - CONCRETE ROOF TILE CU - CUPRESSUM FC - FIBRE CEMENT FG - FIBRE GLASS FR - FIBRE WINDOW FT - FIBRE TILING GA - GALVANIZED STEEL GR - GRANITE GU - GUMWOOD HW - HARDWOOD IR - IRON LA - LAMINATE LI - LIMEWASH LP - LIMEWASH LT - LIMEWASH MA - MARBLE MC - MARBLE ME - METAL MI - METAL MN - METAL MO - METAL MP - METAL MS - METAL MT - METAL MU - METAL NV - NATURAL VENEER OC - OAK OF - OAK OH - OAK OL - OAK OR - OAK OS - OAK OT - OAK OV - OAK OW - OAK OX - OAK OY - OAK OZ - OAK PA - PINE PB - PINE PC - PINE PD - PINE PE - PINE PF - PINE PG - PINE PH - PINE PI - PINE PJ - PINE PK - PINE PL - PINE PM - PINE PN - PINE PO - PINE PP - PINE PQ - PINE PR - PINE PS - PINE PT - PINE PU - PINE PV - PINE PW - PINE PX - PINE PY - PINE PZ - PINE RA - RALPH RB - RALPH RC - RALPH RD - RALPH RE - RALPH RF - RALPH RG - RALPH RH - RALPH RI - RALPH RJ - RALPH RK - RALPH RL - RALPH RM - RALPH RN - RALPH RO - RALPH RP - RALPH RQ - RALPH RR - RALPH RS - RALPH RT - RALPH RU - RALPH RV - RALPH RW - RALPH RX - RALPH RY - RALPH RZ - RALPH SA - SAND SB - SAND SC - SAND SD - SAND SE - SAND SF - SAND SG - SAND SH - SAND SI - SAND SJ - SAND SK - SAND SL - SAND SM - SAND SN - SAND SO - SAND SP - SAND SQ - SAND SR - SAND SS - SAND ST - SAND SU - SAND SV - SAND SW - SAND SX - SAND SY - SAND SZ - SAND TA - TANK TB - TANK TC - TANK TD - TANK TE - TANK TF - TANK TG - TANK TH - TANK TI - TANK TJ - TANK TK - TANK TL - TANK TM - TANK TN - TANK TO - TANK TP - TANK TQ - TANK TR - TANK TS - TANK TT - TANK TU - TANK TV - TANK TW - TANK TX - TANK TY - TANK TZ - TANK UA - URETHANE UB - URETHANE UC - URETHANE UD - URETHANE UE - URETHANE UF - URETHANE UG - URETHANE UH - URETHANE UI - URETHANE UJ - URETHANE UK - URETHANE UL - URETHANE UM - URETHANE UN - URETHANE UO - URETHANE UP - URETHANE UQ - URETHANE UR - URETHANE US - URETHANE UT - URETHANE UV - URETHANE UW - URETHANE UX - URETHANE UY - URETHANE UZ - URETHANE VA - VENEER VB - VENEER VC - VENEER VD - VENEER VE - VENEER VF - VENEER VG - VENEER VH - VENEER VI - VENEER VJ - VENEER VK - VENEER VL - VENEER VM - VENEER VN - VENEER VO - VENEER VP - VENEER VQ - VENEER VR - VENEER VS - VENEER VT - VENEER VU - VENEER VV - VENEER VW - VENEER VX - VENEER VY - VENEER VZ - VENEER WA - WOOD WB - WOOD WC - WOOD WD - WOOD WE - WOOD WF - WOOD WG - WOOD WH - WOOD WI - WOOD WJ - WOOD WK - WOOD WL - WOOD WM - WOOD WN - WOOD WO - WOOD WP - WOOD WQ - WOOD WR - WOOD WS - WOOD WT - WOOD WU - WOOD WV - WOOD WW - WOOD WX - WOOD WY - WOOD WZ - WOOD XA - XEROX XB - XEROX XC - XEROX XD - XEROX XE - XEROX XF - XEROX XG - XEROX XH - XEROX XI - XEROX XJ - XEROX XK - XEROX XL - XEROX XM - XEROX XN - XEROX XO - XEROX XP - XEROX XQ - XEROX XR - XEROX XS - XEROX XT - XEROX XU - XEROX XV - XEROX XW - XEROX XX - XEROX XY - XEROX XZ - XEROX YA - YACHT YB - YACHT YC - YACHT YD - YACHT YE - YACHT YF - YACHT YG - YACHT YH - YACHT YI - YACHT YJ - YACHT YK - YACHT YL - YACHT YM - YACHT YN - YACHT YO - YACHT YP - YACHT YQ - YACHT YR - YACHT YS - YACHT YT - YACHT YU - YACHT YV - YACHT YW - YACHT YX - YACHT YY - YACHT YZ - YACHT ZA - ZINC ZB - ZINC ZC - ZINC ZD - ZINC ZE - ZINC ZF - ZINC ZG - ZINC ZH - ZINC ZI - ZINC ZJ - ZINC ZK - ZINC ZL - ZINC ZM - ZINC ZN - ZINC ZO - ZINC ZP - ZINC ZQ - ZINC ZR - ZINC ZS - ZINC ZT - ZINC ZU - ZINC ZV - ZINC ZW - ZINC ZX - ZINC ZY - ZINC ZZ - ZINC			

Document Ref: 37600042  
Version: 1, Version Date: 13/06/2023





Shadow Diagram - March 21st 1400

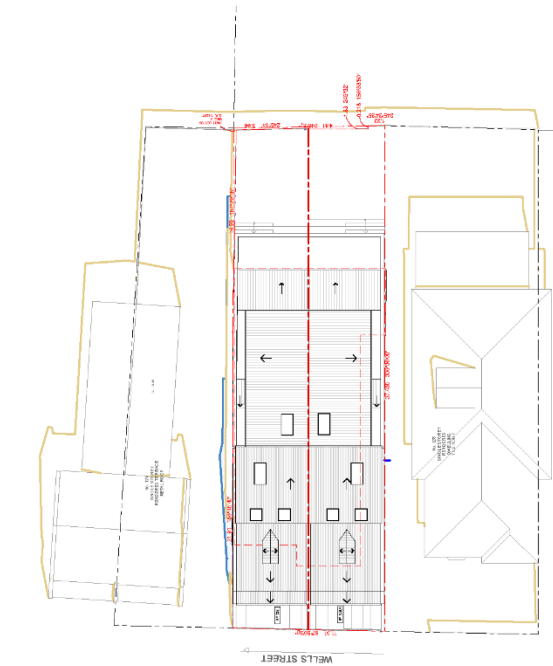


Diagram - March 21st 1300

SHADOW DIAGRAM LEGEND

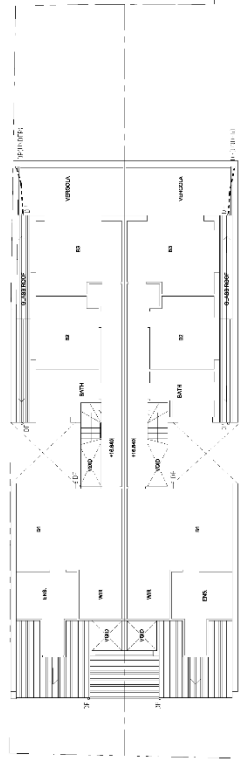
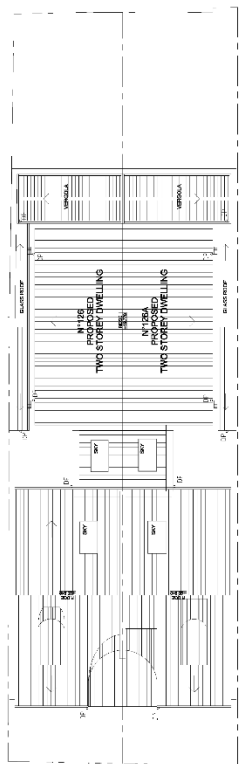
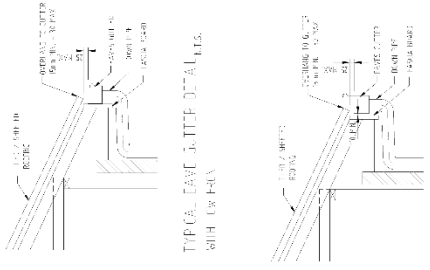
- NEIGHBOUR BUILDING SHADOWS
- EXISTING BUILDING SHADOWS
- PROPOSED ADDITIONAL SHADOW

			
Title	Shrine Diagram March 21st 1400-1500	DA21	
Project	28 Wals St. Moore Park NSW 2042		
Client	Nich J		
Date	27 April 2023		
Scale	1:300 @ A3		
Issue	Description	Date	
A	Developer Application	11-10-2022	
B	Council EOI - 18491	12-04-2023	
C	Council EOI	27-04-2023	
<p>THE DRAWINGS COMPLY WITH THE BUILDING CODE OF AUSTRALIA, AS AMENDED BY ALL APPLICABLE REGULATIONS, AND ALL APPLICABLE LOCAL GOVERNMENT REGULATIONS, AND ALL APPLICABLE STANDARDS AND SPECIFICATIONS. THE DRAWINGS ARE PREPARED BY BLU PRINT DESIGNS, A COMPANY OF PROFESSIONAL ENGINEERS AUSTRALIA (PEA) NUMBER 123456789. THE DRAWINGS ARE NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN PERMISSION OF BLU PRINT DESIGNS. ALL RIGHTS RESERVED. CONTACT: 02 9550 1234. WWW.BLUPRINTDESIGNS.COM.AU</p>			
<p>LEGEND:</p> <ul style="list-style-type: none"> <li>AD - ALUMINIUM DOOR</li> <li>AL - ALUMINIUM</li> <li>AW - ALUMINIUM WINDOW</li> <li>CC - CONCRETE</li> <li>CG - GLASS CURTAIN WALL</li> <li>CR - CORRUGATED ROOF</li> <li>CS - STONE CURTAIN WALL</li> <li>FC - FIBRE CEMENT</li> <li>FR - FIBRE WINDOW</li> <li>GC - GLASS CURTAIN WALL</li> <li>GT - GUTTER</li> <li>HT - HOLLOW TILE</li> <li>IC - INSULATION</li> <li>IR - IRON ROOF</li> <li>IS - INSULATION</li> <li>LC - LUMBER CLADDING</li> <li>LT - LUMBER TRIM</li> <li>MC - MASONRY</li> <li>MS - METAL SHEET ROOF</li> <li>NT - NUT AND BOLT</li> <li>OC - OPERABLE CURTAIN WALL</li> <li>OS - OPERABLE WINDOW</li> <li>PC - POLYCARBONATE</li> <li>PI - POLYMER INSULATION</li> <li>PL - PLASTER</li> <li>PM - POLYMER MEMBRANE</li> <li>PS - POLYSTYRENE INSULATION</li> <li>PT - POLYURETHANE INSULATION</li> <li>RF - ROOF FINISH</li> <li>RI - ROOF INSULATION</li> <li>RT - ROOF TILE</li> <li>SC - STONE CURTAIN WALL</li> <li>SI - STONE</li> <li>SP - SPAN</li> <li>ST - STEEL</li> <li>SW - SWELLING</li> <li>TC - TIMBER CLADDING</li> <li>TD - TIMBER DOOR</li> <li>TF - TIMBER FINISH</li> <li>TR - TIMBER WINDOW</li> <li>TT - TIMBER TRIM</li> <li>UV - ULTRAVIOLET PROTECTIVE FILM</li> <li>VP - VENTILATION</li> <li>VS - VENTILATION</li> <li>WC - WATER CURTAIN WALL</li> <li>WD - WOOD</li> <li>WF - WOOD FINISH</li> <li>WV - WOOD VENEER</li> <li>ZC - ZINC COATED</li> <li>ZP - ZINC PLATE</li> <li>ZS - ZINC SPRAY</li> <li>ZV - ZINC VENTILATION</li> </ul>			
<p>Version: 1, Version Date: 13/06/2023</p>			









PROJECT NO.	17000000	SUBJECT	17000000
DATE	25/09/2022	JOB NO.	17000000
DRAWN BY	DESIGNER/ENGINEER	SCALE	AS SHOWN
			57

PROPOSED RESIDENTIAL AT  
**126 WELLS ST, NEWTOWN**  
 TYPICAL DWELLING PLAN

PLANNING ARCHITECTS  
 126 WELLS ST, NEWTOWN  
 NSW 2061  
 PH: (02) 9550 1234  
 WWW.PLANARCHITECTS.COM.AU

© 2022 Planning Architects  
 www.planningarchitects.com.au



**Multi Dwelling**

Certificate number: 1336295M\_02

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](http://www.basix.nsw.gov.au)



Planning,  
Industry &  
Environment

Secretary  
Date of issue: Wednesday, 26 April 2023

To be valid, this certificate must be lodged within 3 months of the date of issue.

Project summary	
Project name	126 Wells St, Newtown_02
Street address	126 Wells Street Newtown 2042
Local Government Area	Inner West Council
Plan type and plan number	deposited 1257380
Lot no.	88
Section no.	-
No. of residential flat buildings	0
No. of units in residential flat buildings	0
No. of multi-dwelling houses	0
No. of single dwelling houses	2
Project score	
Water	✓ 41 Target 40
Thermal Comfort	✓ Pass Target Pass
Energy	✓ 51 Target 50

Certificate Prepared by	
Name / Company Name:	Greenworld Architectural Drafting
ABN (if applicable):	70203970543

# Description of project

Project address	
Project name	126 Wells St, Newtown_02
Street address	126 Wells Street Newtown 2042
Local Government Area	Inner West Council
Plan type and plan number	deposited 1257380
Lot no.	88
Section no.	-
Project type	
No. of residential flat buildings	0
No. of units in residential flat buildings	0
No. of multi-dwelling houses	0
No. of single dwelling houses	2
Site details	
Site area (m <sup>2</sup> )	632.3
Roof area (m <sup>2</sup> )	267
Non-residential floor area (m <sup>2</sup> )	0.0
Residential car spaces	1
Non-residential car spaces	0

Common area landscape	
Common area lawn (m <sup>2</sup> )	0.0
Common area garden (m <sup>2</sup> )	0.0
Area of indigenous or low water use species (m <sup>2</sup> )	0.0
Assessor details	
Assessor number	DMN/16/1763
Certificate number	0008023900
Climate zone	56
Ceiling fan in at least one bedroom	No
Ceiling fan in at least one living room or other conditioned area	No
Project score	
Water	✓ 41 Target 40
Thermal Comfort	✓ Pass Target Pass
Energy	✓ 51 Target 50

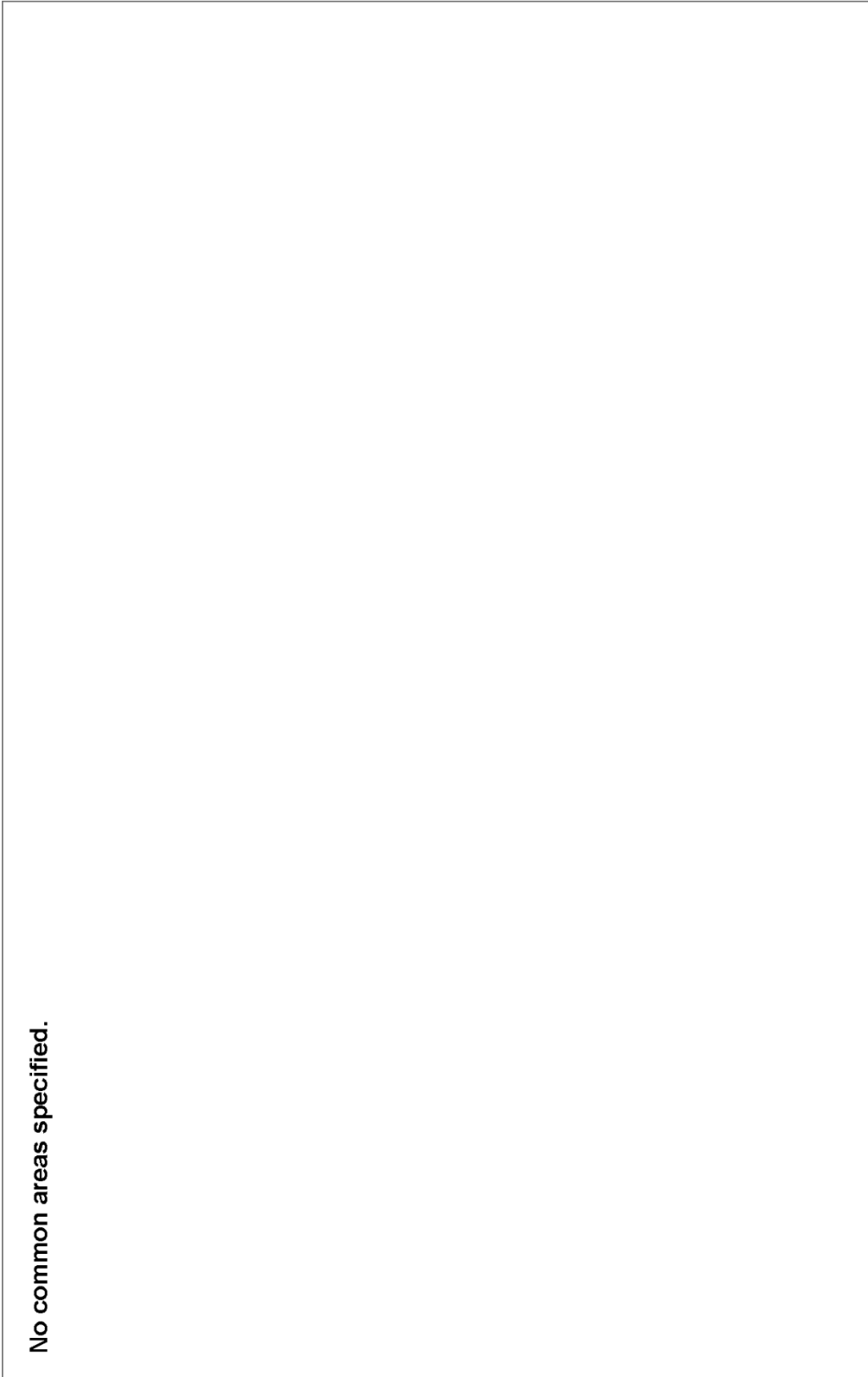
**Description of project**

The tables below describe the dwellings and common areas within the project

**Single dwelling houses**

Dwelling no.	No. of bedrooms	Conditioned floor area (m <sup>2</sup> )	Unconditioned floor area (m <sup>2</sup> )	Area of garden & lawn (m <sup>2</sup> )	Indigenous species (mln area m <sup>2</sup> )
126	4 or more bedrooms	175.0	8.0	57.0	0.0

Dwelling no.	No. of bedrooms	Conditioned floor area (m <sup>2</sup> )	Unconditioned floor area (m <sup>2</sup> )	Area of garden & lawn (m <sup>2</sup> )	Indigenous species (mln area m <sup>2</sup> )
126A	3	161.0	11.0	56.0	0.0



## Schedule of BASIX commitments

1. Commitments for multi-dwelling houses
2. Commitments for single dwelling houses
  - (a) Dwellings
    - (i) Water
    - (ii) Energy
    - (iii) Thermal Comfort
3. Commitments for common areas and central systems/facilities for the development (non-building specific)
  - (i) Water
  - (ii) Energy

### 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.

#### 2. Commitments for single dwelling houses

##### (a) Dwellings

(I) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.			
(b) The applicant must plant indigenous or low water use species of vegetation throughout the area of land specified for the dwelling in the "Indigenous species" column of the table below, as private landscaping for that dwelling. (This area of indigenous vegetation is to be contained within the "Area of garden and lawn" for the dwelling specified in the "Description of Project" table).	✓	✓	
(c) If a rating is specified in the table below for a fixture or appliance to be installed in the dwelling, the applicant must ensure that each such fixture and appliance meets the rating specified for it.		✓	✓
(d) The applicant must install an on demand hot water recirculation system which regulates all hot water use throughout the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below.		✓	✓
(e) The applicant must install: (aa) a hot water diversion system to all showers, kitchen sinks and all basins in the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below, and (bb) a separate diversion tank (or tanks) connected to the hot water diversion systems of at least 100 litres. The applicant must connect the hot water diversion tank to all toilets in the dwelling.		✓ ✓	✓ ✓
(e) The applicant must not install a private swimming pool or spa for the dwelling, with a volume exceeding that specified for it in the table below.	✓	✓	
(f) If specified in the table, that pool or spa (or both) must have a pool cover or shading (or both).		✓	
(g) The pool or spa must be located as specified in the table.	✓	✓	
(h) The applicant must install, for the dwelling, each alternative water supply system, with the specified size, listed for that dwelling in the table below. Each system must be configured to collect run-off from the areas specified (excluding any area which supplies any other alternative water supply system), and to divert overflow as specified. Each system must be connected as specified.	✓	✓	✓

Dwelling no.	Fixtures					Appliances			Individual pool				Individual spa		
	All shower-heads 4 star (> 4.5 but <= 6 L/min)	All toilet flushing systems 4 star	All kitchen taps 3 star	All bathroom taps 3 star	HW recirculation or diversion no	All clothes washers -	All dish-washers -	Volume (max volume) -	Pool cover -	Pool location -	Pool shaded -	Volume (max volume) -	Spa cover -	Spa shaded -	
All dwellings															
Alternative water source															
Dwelling no.	Alternative water supply systems	Size	Configuration	Landscape connection	Toilet connection (s)	Laundry connection	Pool top-up	Spa top-up							
All dwellings	individual water tank (no. 1)	Tank size (min) 1000.0 litres	To collect run-off from at least: 40.0 square metres of roof area; 0.0 square metres of impervious area; 0.0 square metres of garden and lawn area; and 0.0 square metres of planter box area.	yes	no	yes	no	no							
None	-	-	-	-	-	-	-	-							
(ii) Energy															
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.															
(b) The applicant must install each hot water system specified for the dwelling in the table below, so that the dwelling's hot water is supplied by that system. If the table specifies a central hot water system for the dwelling, then the applicant must connect that central system to the dwelling, so that the dwelling's hot water is supplied by that central system.															
(c) The applicant must install, in each bathroom, kitchen and laundry of the dwelling, the ventilation system specified for that room in the table below. Each such ventilation system must have the operation control specified for it in the table.															
(d) The applicant must install the cooling and heating system/s specified for the dwelling under the "Living areas" and "Bedroom areas" headings of the "Cooling" and "Heating" columns in the table below; in/for at least 1 living/bedroom area of the dwelling. If no cooling or heating system is specified in the table for "Living areas" or "Bedroom areas", then no systems may be installed in any such areas. If the term "zoned" is specified beside an air conditioning system, then the system must provide for day/night zoning between living areas and bedrooms.															
Show on DA plans															
Show on CCI/CDC plans & specs															
Certifier check															
<div style="display: flex; justify-content: space-between;"> <span>✓</span> <span>✓</span> <span>✓</span> <span>✓</span> <span>✓</span> </div>															



(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(e) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Artificial lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that the "primary type of artificial lighting" for each such room in the dwelling is fluorescent lighting or light emitting diode (LED) lighting. If the term "dedicated" is specified for a particular room or area, then the light fittings in that room or area must only be capable of being used for fluorescent lighting or light emitting diode (LED) lighting.		✓	✓
(f) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Natural lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that each such room or area is fitted with a window and/or skylight.	✓	✓	✓
(g) This commitment applies if the applicant installs a water heating system for the dwelling's pool or spa. The applicant must: (aa) install the system specified for the pool in the "Individual Pool" column of the table below (or alternatively must not install any system for the pool). If specified, the applicant must install a timer, to control the pool's pump; and (bb) install the system specified for the spa in the "Individual Spa" column of the table below (or alternatively must not install any system for the spa). If specified, the applicant must install a timer to control the spa's pump.		✓ ✓	
(h) The applicant must install in the dwelling: (aa) the kitchen cook-top and oven specified for that dwelling in the "Appliances & other efficiency measures" column of the table below; (bb) each appliance for which a rating is specified for that dwelling in the "Appliances & other efficiency measures" column of the table, and ensure that the appliance has that minimum rating; and (cc) any clothes drying line specified for the dwelling in the "Appliances & other efficiency measures" column of the table.		✓ ✓ ✓	✓
(i) If specified in the table, the applicant must carry out the development so that each refrigerator space in the dwelling is "well ventilated".		✓	
(j) The applicant must install the photovoltaic system specified for the dwelling under the "Photovoltaic system" heading of the "Alternative energy" column of the table below, and connect the system to that dwelling's electrical system.	✓	✓	✓

Dwelling n.o.	Hot water		Bathroom ventilation system		Kitchen ventilation system		Laundry ventilation system	
	Hot water system	Each bathroom	Operation control	Each kitchen	Operation control	Each laundry	Operation control	
All dwellings	gas instantaneous 5 star	individual fan, ducted to façade or roof	manual switch on/off	individual fan, ducted to façade or roof	manual switch on/off	individual fan, ducted to façade or roof	manual switch on/off	

Dwelling no.	Cooling		Heating		Artificial lighting						Natural lighting	
	living areas	bedroom areas	living areas	bedroom areas	No. of bedrooms &/or study	No. of living &/or dining rooms	Each kitchen	All bathrooms/toilets	Each laundry	All hallways	No. of bathrooms &/or toilets	Main kitchen
126	1-phase airconditioning EER 2.5 - 3.0 (zoned)	1-phase airconditioning EER 2.5 - 3.0 (zoned)	1-phase airconditioning EER 2.5 - 3.0 (zoned)	1-phase airconditioning EER 2.5 - 3.0 (zoned)	4 (dedicated)	2 (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	2	yes
All other dwellings	1-phase airconditioning EER 2.5 - 3.0 (zoned)	1-phase airconditioning EER 2.5 - 3.0 (zoned)	1-phase airconditioning EER 2.5 - 3.0 (zoned)	1-phase airconditioning EER 2.5 - 3.0 (zoned)	3 (dedicated)	2 (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	2	yes

Dwelling no.	Individual pool				Individual spa				Appliances & other efficiency measures						
	Pool heating system	Timer	Spa heating system	Timer	Kitchen cooktop/oven	Refrigerator	Well ventilated fridge space	Dishwasher	Clothes washer	Clothes dryer	Indoor or sheltered clothes drying line	Private outdoor or unsheltered clothes drying line			
All dwellings	-	-	-	-	gas cooktop & electric oven	-	no	-	-	-	no	yes			

Alternative energy	
Dwelling no.	Photovoltaic system (min rated electrical output in peak kW)
126	-
All other dwellings	0.0

(iii) Thermal Comfort	Show on DA plans	Show on CC/DC plans & specs	Certifier check
<p>(a) The applicant must attach the certificate referred to under "Assessor details" on the front page of this BASIX certificate (the "Assessor Certificate") to the development application and construction certificate application for the proposed development (or, if the applicant is applying for a complying development certificate for the proposed development, to that application). The applicant must also attach the Assessor Certificate to the application for a final occupation certificate for the proposed development.</p> <p>(b) The Assessor Certificate must have been issued by an Accredited Assessor in accordance with the Thermal Comfort Protocol.</p> <p>(c) The details of the proposed development on the Assessor Certificate must be consistent with the details shown in this BASIX Certificate, including the details shown in the "Thermal Loads" table below.</p> <p>(d) The applicant must show on the plans accompanying the development application for the proposed development, all matters which the Thermal Comfort Protocol requires to be shown on those plans. Those plans must bear a stamp of endorsement from the Accredited Assessor, to certify that this is the case.</p> <p>(e) The applicant must show on the plans accompanying the application for a construction certificate (or complying development certificate, if applicable), all thermal performance specifications set out in the Assessor Certificate, and all aspects of the proposed development which were used to calculate those specifications.</p> <p>(f) The applicant must construct the development in accordance with all thermal performance specifications set out in the Assessor Certificate, and in accordance with those aspects of the development application or application for a complying development certificate which were used to calculate those specifications.</p> <p>(g) Where there is an in-slab heating or cooling system, the applicant must:</p> <p>(aa) Install insulation with an R-value of not less than 1.0 around the vertical edges of the perimeter of the slab; or</p> <p>(bb) On a suspended floor, install insulation with an R-value of not less than 1.0 underneath the slab and around the vertical edges of the perimeter of the slab.</p> <p>(h) The applicant must construct the floors and walls of the development in accordance with the specifications listed in the table below.</p>	<p>✓</p>	<p>✓</p>	<p>✓</p>
<b>Thermal loads</b>			
Dwelling no.	Area adjusted heating load (in mJ/m <sup>2</sup> /yr)	Area adjusted cooling load (in mJ/m <sup>2</sup> /yr)	
126	24.2	17.7	
All other dwellings	39.4	14.0	

Dwelling no.	Construction of floors and walls					Primarily rammed earth or mudbrick walls
	Concrete slab on ground(m <sup>2</sup> )	Suspended floor with open subfloor (m <sup>2</sup> )	Suspended floor with enclosed subfloor (m <sup>2</sup> )	Suspended floor above garage (m <sup>2</sup> )		
126	105	-	-	-	No	
All other dwellings	96	-	-	-	No	

**3. Commitments for common areas and central systems/facilities for the development (non-building specific)**

**(b) Common areas and central systems/facilities**

(i) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a showerhead, toilet, tap or clothes washer into a common area, then that item must meet the specifications listed for it in the table.		✓	✓
(b) The applicant must install (or ensure that the development is serviced by) the alternative water supply system(s) specified in the "Central systems" column of the table below. In each case, the system must be sized, be configured, and be connected, as specified in the table.	✓	✓	✓
(c) A swimming pool or spa listed in the table must not have a volume (in kLs) greater than that specified for the pool or spa in the table.	✓	✓	
(d) A pool or spa listed in the table must have a cover or shading if specified for the pool or spa in the table.		✓	
(e) The applicant must install each fire sprinkler system listed in the table so that the system is configured as specified in the table.		✓	✓
(f) The applicant must ensure that the central cooling system for a cooling tower is configured as specified in the table.		✓	✓

Common area	Showerheads rating	Toilets rating	Taps rating	Clothes washers rating
All common areas	no common facility	no common facility	no common facility	no common laundry facility

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a ventilation system to service a common area specified in the table below, then that ventilation system must be of the type specified for that common area, and must meet the efficiency measure specified.		✓	✓
(b) In carrying out the development, the applicant must install, as the "primary type of artificial lighting" for each common area specified in the table below, the lighting specified for that common area. This lighting must meet the efficiency measure specified. The applicant must also install a centralised lighting control system or Building Management System (BMS) for the common area, where specified.		✓	✓
(c) The applicant must install the systems and fixtures specified in the "Central energy systems" column of the table below. In each case, the system or fixture must be of the type, and meet the specifications, listed for it in the table.	✓	✓	✓

**Notes**

1. In these commitments, "applicant" means the person carrying out the development.
2. The applicant must identify each dwelling, building and common area listed in this certificate, on the plans accompanying any development application, and on the plans and specifications accompanying the application for a construction certificate / complying development certificate, for the proposed development, using the same identifying letter or reference as is given to that dwelling, building or common area in this certificate.
3. This note applies if the proposed development involves the erection of a building for both residential and non-residential purposes (or the change of use of a building for both residential and non-residential purposes). Commitments in this certificate which are specified to apply to a "common area" of a building or the development, apply only to that part of the building or development to be used for residential purposes.
4. If this certificate lists a central system as a commitment for a dwelling or building, and that system will also service any other dwelling or building within the development, then that system need only be installed once (even if it is separately listed as a commitment for that other dwelling or building).
5. If a star or other rating is specified in a commitment, this is a minimum rating.
6. All alternative water systems to be installed under these commitments (if any), must be installed in accordance with the requirements of all applicable regulatory authorities. NOTE: NSW Health does not recommend that stormwater, recycled water or private dam water be used to irrigate edible plants which are consumed raw, or that rainwater be used for human consumption in areas with potable water supply.

**Legend**

1. 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).
2. 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.
3. Commitments identified with a "✓" in the "Certifier check" column must be certified by a certifying authority as having been fulfilled. (Note: a certifying authority must not issue an occupation certificate (either interim or final) for a building listed in this certificate, or for any part of such a building, unless it is satisfied that each of the commitments whose fulfilment it is required to monitor in relation to the building or part, has been fulfilled).