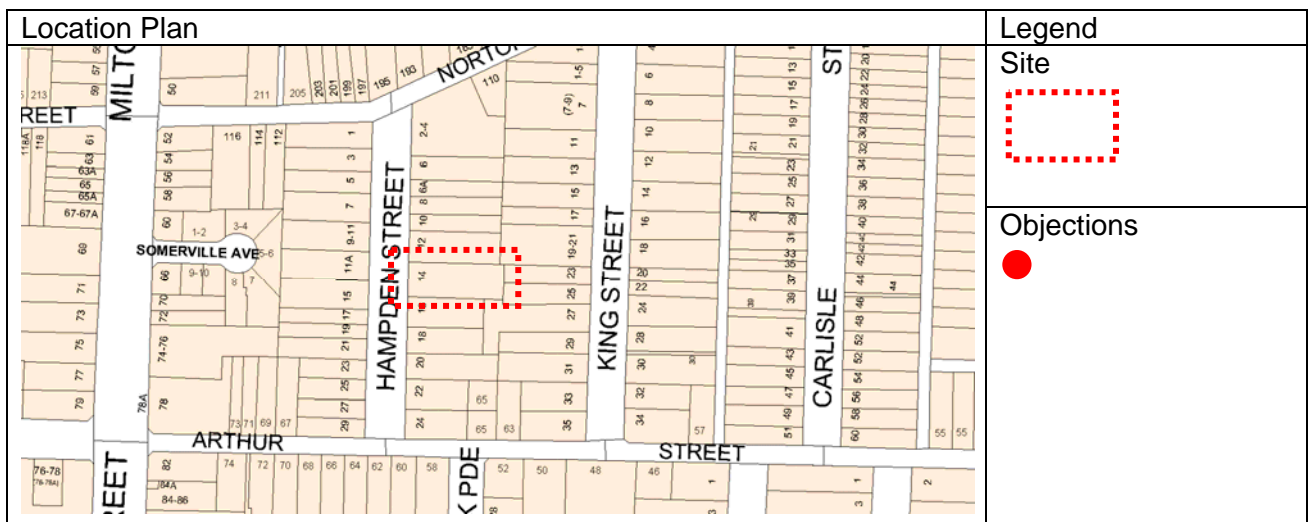




# INNER WEST COUNCIL

## DEVELOPMENT ASSESSMENT REPORT

<b>Application No.</b>	10.2016.148.1
<b>Address</b>	14 Hampden Street Ashfield
<b>Proposal</b>	<p>Section 82A review for:-</p> <ul style="list-style-type: none"> <li>• Construction of two carports (one on each side of the dwelling)</li> <li>• Reconstruction of existing driveway located on the northern side of the property and construction of a new driveway on the southern side of the property and associated vehicle crossing,</li> <li>• Removal of a street tree to allow access to the proposed southern driveway</li> <li>• Removal of 5 trees lined along the southern property boundary at the front of the property,</li> <li>• Reconstruction of the front fence and gates</li> <li>• Painting of the external walls of existing dwelling house and front fence.</li> </ul>
<b>Date of lodgement</b>	8 December 2016
<b>Applicant</b>	Daniel Thompson
<b>Owner</b>	Daniel Thompson
<b>Number of submissions</b>	Nil
<b>Value of works</b>	\$80,000
<b>Reason for determination at Planning Panel</b>	Outside scope of delegation
<b>Main Issues</b>	<ul style="list-style-type: none"> <li>• Removal of street tree</li> <li>• Dual driveways</li> <li>• Dual carports</li> <li>• Removal of street parking space</li> <li>• Impact on streetscape</li> </ul>
<b>Recommendation</b>	Refusal



## 1. Executive Summary

Council has received a request to review a determination under Section 82A of the Environmental Planning and Assessment Act, 1979, of Development Application No. 2016.148.1 for the development proposed in the description of the proposal in part 2.0 of the report below. Under the provisions of Section 82A of the Environmental Planning and Assessment Act, 1979, an applicant may request Council review a determination of an application. Any request for a review must be made and completed within six months from the date of the notice of determination

The development application was refused on 26 October 2016 as such the section 82A application is made within the 6 month time period. See Attachment No. 2 for Delegated Assessment Report.

## 2. Proposal

Section 82A Review application seeks consent for the following:

- Construction of two carports (one on each side of the dwelling);
- Reconstruction of existing driveway located on the northern side of the property and construction of a new driveway on the southern side of the property and associated vehicle crossing;
- Removal of a street tree to allow access to the proposed southern driveway;
- Removal of 5 trees lined along the southern property boundary at the front of the property;
- Reconstruction of the front fence and gates; and
- Painting of the external walls of existing dwelling house and front fence

## 3. Site Description

The subject site is located on the eastern side of Hampden Street, bounded by Norton Street to the north and Arthur Street to the south. The site area is approximately 917.2m<sup>2</sup>. An existing single storey dwelling house, a swimming pool and a detached double garage are located on the site. Surrounding development comprises mainly single storey dwelling houses although there is a two storey dwelling house located at 12 Hampden Street to the north.

## 4. Background

### Development History

Previous building and development applications submitted to Council for the subject site include:

Table 1

NO.	DATE	PROPOSAL	DECISION
10.2015.157	24/09/2015	Construction of an in-ground swimming pool	Approved
6.1998.186	13/07/1998	Alterations and additions to an existing dwelling including a carport and detached double garage	Approved
5.1995.259	10/11/1995	Boundary adjustment with 27 King Street	Approved

The building approval in 1998 included a double garage and a carport. The proposed development if approved will have four undercover car parking spaces. Two in the double

garage and two in the carports.

## 5. Assessment

### Zoning/Permissibility/Heritage

- The site is zoned R2 Low Density Residential under the provisions of Ashfield LEP 2013.
- The property is located within Hampden and King Street Conservation Area.
- The property is a heritage item.
- The property is located within the vicinity of a number of heritage items at 12, 15, 17 and 19 Hampden Street Ashfield.

**The proposed works are permissible with Council consent.**

### SECTION 82(A) REVIEW

**(4) The council may review the determination if:**

**(a) It has notified the request for review in accordance with:**

- (i) the regulations, if the regulations so require, or**
- (ii) a development control plan, if the council has made a development control plan that requires the notification or advertising of requests for the review of its determinations, and**

**(b) it has considered any submissions made concerning the request for review within any period prescribed by the regulations or provided by the development control plan, as the case may be, and**

**(c) in the event that the applicant has made amendments to the development described in the original application, the consent authority is satisfied that the development, as amended, is substantially the same development as the development described in the original application.**

### Officer's Comments

The application was notified in accordance with Part C12 of Ashfield Interim Development Assessment Policy (IDAP) 2013 from 25 November 2016 until 12 December 2016. No submissions were received.

The applicant has not made amendments to the development described in the original application and hence it is satisfied that the development for the Section 82A review is the same as that of the original application which was refused.

**(4A) As a consequence of its review, the council may confirm or change the determination.**

### Officer's Comments

It is recommended that the original determination be upheld.

**(5) (Repealed)**

- (6) *If the council reviews the determination, the review must be made by:*
- (a) *if the determination was made by a delegate of the council—the council or another delegate of the council who is not subordinate to the delegate who made the determination, or*
  - (b) *if the determination was made by the council—the council.*

Officer's Comments

All S82A "Review" applications require to be determined by the Inner West Planning Panel and as such the review is being forwarded to the Panel for determination.

**(7)– (9) (Repealed)**

- (10) *If on a review the council grants development consent, or varies the conditions of a development consent, the council is entitled, with the consent of the applicant and without prejudice to costs, to have an appeal made under section 97 in respect of its determination withdrawn at any time prior to the determination of that appeal.*

Officer's Comments

A Class 1 appeal has been lodged concurrently with the NSW Land and Environment Court on 6 December 2016, awaiting determination of the section 82A review.

**(11) (Repealed)**

- (12) *This section does not apply where a regional panel exercises a council's functions as the consent authority.*

Officer Comments:

S82A "Review" applies as the application was determined by Council.

**SECTION 82A REVIEW ASSESSMENT**

The development application was refused for the following reasons below in italics. The applicant's response to the reasons for refusal is summarised below followed by Officer's comments to each reason: See Attachment No. 3 for applicant's submission.

*Refusal Reason No. 1.*

*The removal of the street tree located in front of the south-west corner of the subject site is contrary to Council's Street Tree Strategy.*

The applicant proposes the replanting of a similar size Lophostemon Confertus tree as a replacement street tree. This replacement street tree is proposed to be located slightly to the left of the existing tree or in front of 16 Hampden Street where previously a street tree was removed and never replaced.

Officer Comment:

Section 4 clause 3.1 of Part C15 of AIDAP 2016 states *Council will generally not remove any existing street tree to make room for a driveway to a house unless there are exceptional circumstances.*

The proposed development involves the removal of a street tree which would affect the established street tree pattern. Despite the offer made by the owners to replace the street tree with another of the same species and height, the removal of the street tree is not supported by Council's Tree Officer.

Council's Street Tree Strategy reads as follows:

***“ Part B Section 4.5 Locating Street Trees***

*There are many limitations to the positioning of street trees on footways immediately behind the kerb. Distances from infrastructure elements such as intersections, pedestrian crossings, light and electricity poles, stormwater inlets, underground service pits and bus stops are important in determining final planting locations. Typically this will require individual site assessment and will be determined on a case by case basis.*

***Street Tree Spacing***

*Taking into account other relevant clearance requirements, street trees are to be typically planted as follows:*

- small trees – spaced at a minimum of 7 to 10 metre intervals*
- medium trees – spaced at a minimum of 10 to 15 metre intervals*
- large trees – spaced at a minimum of 15 to 20 metre Intervals. “*

The Lophostemon Confertus trees are considered by Council's Street Tree Strategy to be large trees.

There are two Lophostemon Confertus street trees at the front of the subject property. These trees are 7.8 metres apart. The proposed development will result in the trees at the front of the subject property being 4.7m apart which is much closer than existing and the recommended spacing in Council's Street Tree Strategy of 15 to 20m minimum.

Council's Tree Officer maintains his objection to the removal of the street tree (marked tree 2 on the plans) as there will be an unsatisfactory loss of canopy cover. See Attachment No. 5 for report.

Refusal Reason No. 2

*The relocation of the specified street tree would result in a loss of an existing on street car parking space;*

The applicant contends that there will be no loss of street parking by the proposal if a new street tree is planted 1.0m to the north of street tree 2 as shown in Attachment No. 1. The applicant has also submitted a report from McLaren Traffic Engineering in support of the contention that there will be no loss of on Street Parking by the proposed development. See Attachment no. 4 for Traffic Report.

Officer Comment:

In accordance with Council policy the driveway and crossing shall have a minimum 2 metre clearance of a street tree.

### Calculation Table of street parking space with proposed driveway

1	Distance of street tree No.1 from southern boundary of property	10.3m
2	New crossing width	- 3.6m
3	Setback required for the replacement tree from the southern driveway	- 2.0m
4	Space left for parking after relocation of tree No. 2 ( subtracting 2 and 3 from 1)	= 4.7m

The space left for parking a car between the street trees No.1 and proposed replacement street tree No. 2 in front of the property will only be 4.7m. A car space needs to be at least 6 metres as such the proposed development will result in the loss of a street car space.

Council's Engineer's objects to the proposed development as it will result in loss of an on street car parking space. Council Engineer reports that a space of 6- 6.7m is required for a car parking space to comply with Australian Standard 2890.5, intermediate car space. The proposal will result in a space of only 4.7m which is not satisfactory. See Attachment No. 6 for Council's Engineer's Report.

#### Refusal Reason No. 3

*The appearance of two carports, one on either side of the existing dwelling, emphasises the presence of ancillary structures that are meant to be subordinate to the main dwelling to maintain the streetscape and character of the area.*

The applicant contends that the carport will be screened by surrounding plantings and a picket fence with sliding gate and no trees will be removed on the site.

#### Officer Comment:

The applicants comment that no trees on the site will be removed is not correct in that the plans do not show any trees along the southern boundary adjacent to the proposed carport structure. Since the proposed new driveway and carport is setback 600mm from the southern boundary and the existing trees protrude up to 1.5m from the southern boundary fence, these trees will need to be removed for the driveway and carport to be constructed and for vehicles to have unimpeded use of the driveway.

In addition to the above Clause 3.7 of Part C15 of AIDAP 2013 states:- *"Garages and Carports must be setback a minimum of 1 metre from the house's front building line and must be visually subordinate to the scale, form and style of the house"*.

The northern side carport is located 1 metre behind the bay window of the dwelling house but is located about 300mm behind the front wall of the dwelling house and as such will be visually intrusive to the form and style of the dwelling house and does not comply with the setback requirement of Clause 3.7.

#### Refusal Reason No. 4

*The composition of two driveways for the property is inconsistent with the general character of the area; and*

The applicant contends that there are two properties in Hampden Street which have double driveways.

Officer's Comment:

The two properties referred to by the applicant being 9-11 Hampden Street is a pair of semi-detached dwellings with one driveway per dwelling. The only single dwelling with two driveways is 3 Hampden Street Ashfield. The driveway crossings for 3 Hampden Street appear to be constructed prior to 1985. It is noted there is only one carport at 3 Hampden Street Ashfield. The character of Hampden Street predominately comprises single driveway crossings.

Refusal Reason No. 5

*The proposed development is not in the public interest.*

The applicant contends that the proposed development does not reduce street parking, will improve street parking by taking away 2 cars used by the owners of the property off the street and will improve the streetscape by repositioning the street tree and replacing a dying street tree No.1 in front of the property.

Officer's Comment:

The location of the new driveway crossing will result in reduction of street parking. It is noted that on 13 July 1998, approval was granted for a double garage at the rear of the property and a carport on the northern side. The proposed development if approved would result in a total of four off street car parking spaces, comprising of 2 car spaces in the garage and two in the carports.

The applicant in his submission claims he and his wife work in jobs that they come and go frequently from their home which requires considerable car shuffling including caring for aged member of the family.

The double garage allows two cars to park side by side and to drive out independently. Considering that there are three car spaces including an approved double garage and carport and there is further space along the existing driveway for parking more cars, the proposed carport and driveway are not supported.

In addition to the above the creation of a second vehicle crossing for the property is not supported by Council's Engineers as it will result in a reduction to the number of the on-street car parking spaces currently available for residents.

Given the above, the Section 82A review request is not supported.

**6. Section 79C Assessment**

**6.1 The provisions of any Environmental Planning Instrument**

**6.1.1 Local Environmental Plans**

**Ashfield Local Environmental Plan 2013**

Ashfield Local Environmental Plan 2013 Principal Development Data Table				
Clause No.	Clause	Standard	Proposed	Compliance
2.2	Zoning	Zone R2 Low Density Residential	Alterations and addition to dwelling house.	Yes

4.1	Minimum subdivision lot size	500m <sup>2</sup>	917.2 m2.	Yes.
4.3	Height of buildings	8.5m	2.9m	Yes
4.4	Floor space ratio	0.5:1	No increase in gross floor area proposed.	N/A
5.10	Heritage Conservation	Located in Hampden and King Street Conservation Area		
5.10(4)	Effect on heritage significance	The consent authority may, before granting consent to any development: (a) on land on which a heritage item is located, or (b) on land that is within a heritage conservation area, or (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.	Council's Heritage Advisor has raised no objection to the section 82A review.	Yes
6.5(3)	Development in the Haberfield Heritage Conservation Area	Development consent must not be granted to development for the purposes of a dwelling house on land to which this clause applies unless the consent authority is satisfied that:		N/A
6.5(3)(a)(i)		If the development involves the addition of gross floor area above the ground floor of a dwelling house the additional gross floor area is contained entirely within the roof space of the dwelling house.		N/A
6.5(3)(a)(ii)		If the development involves the additional gross floor area below the ground floor of the dwelling house – the additional gross floor area does not exceed 25 percent of the gross floor area of the dwelling house and does not require significant excavation.		N/A
6.5(3)(c)		The development does not involve the installation of dormer or gable windows.		N/A
6.5(3)(d)		A minimum of 50% of the site is available for landscaping.		N/A



Whilst the numerical controls are achieved the proposal does not achieve the zone objectives of ALEP 2013.

**6.1.2 Regional Environmental Plans**

**Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

It is considered that the carrying out of the proposed development is generally consistent with the objectives of the Plan and would not have any adverse effect on environmental heritage, the visual environment, the natural environment and open space and recreation

**6.1.3 State Environmental Planning Policies**

**State Environmental Planning Policy No. 55 – Remediation of land**

Remediation of the site is not required prior to the carrying out of the proposed development.

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

The proposed development is not considered to be a “Basix affected development” as defined under Environmental Planning and Assessment Regulation 2000.

The proposal does not alter compliance with the relevant SEPPs.

**6.2 The provisions of any Draft Environmental Planning Instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority.**

Not applicable.

**6.3 The provisions of any Development Control Plan.**

The provisions of Ashfield Interim Development Assessment Policy 2013.

The proposal has been considered against the provisions of the Ashfield Interim Development Assessment Policy 2013:

**Table 2**

<b>C11</b>	<b>PARKING</b>	Council’s policy requires one but preferably two car parking spaces behind the building line. The proposed development will result in four car parking spaces behind the building line comprising of two spaces in the existing garage and two in the proposed carports. The proposal complies with this part.
<b>C12</b>	<b>PUBLIC NOTIFICATION IN THE PLANNING PROCESS AND ALL ASPECTS OF LAND MANAGEMENT</b>	The proposal was notified as required under Part C12 of AIDAP 2013 between 25 November 2016 to 12 December 2016.  No submissions were received.

C15	<b>HOUSES &amp; DUAL OCCUPANCIES</b>	<p><b>Overshadowing</b> The proposed development will have minimal overshadowing impact on adjoining properties including 16 Hampden Street to the south.</p> <p><b>Building bulk, height and landscaping</b> The proposed development results in total landscaped area of 543 m<sup>2</sup> (59.2% of total site area) and soft landscaped area of 397.5m<sup>2</sup> (87% of minimum required landscaped area) which achieves compliance with the minimum landscape area requirements.</p> <p>Both carports have a maximum height of 2.9m above natural ground level and as such achieve compliance with the scale and bulk control of this part.</p> <p>Section 4 clause 3.1 of Part C15 reads as follows: <i>Council will generally not remove any existing street tree to make room for a driveway to a house unless there are exceptional circumstances.</i></p> <p>Comment: There is an existing driveway on the northern side of the property. The reason given by the owners is that they need additional parking as their family circumstances have changed and Council has introduced restricted parking in the Street. The additional driveway is against Council's Policy. It would set a harmful precedent considering there are already three under cover car parking spaces available on the site in the approved carport and garage. The proposed development is considered to be for the owner's convenience rather than necessity.</p> <p><b>Clause 3.10 and 3.11 of AIDAP read as follows:</b></p> <p><b>Landscape gardening</b></p> <p><i>3.10 It is a normal expectation that houses should have front gardens, which not only provide a transition between a house and the street but also usually become part of the street scene. Section 4.0 - Landscape Design Principle, has numerical requirements for landscape open space sizes.</i></p> <p><i>3.11 The front garden area shall contain a minimum amount of hard paved areas, with any vehicular driveway being no wider than 3 metres. Any increased width for the driveway shall only occur to the rear of the front building line.</i></p> <p>Comment: The additional driveway will result in the removal of several trees along the southern side of the property and reduce landscaping at the front and southern side of the property. It is considered that the proposed development does not comply with Clause 3.10 and 3.11 of AIDAP 2013 as it will have a detrimental effect on the streetscape by reducing the landscaping at the front of the property.</p>
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		<p><b>Privacy</b></p> <p>The proposed development does not give rise to privacy impact.</p>
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It is considered the proposed development does not achieve the aims and objectives of the Ashfield Interim Development Assessment Policy 2013.

**6.4 Any matters prescribed by the regulations that apply to the land to which the development application relates.**

Fire safety matters have been considered in the assessment of this application.

**6.5 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality.**

These matters have been considered as part of the assessment of the development application.

The proposal involves the removal of an existing street tree to give way for a second vehicle crossing, driveway and a carport to be constructed on the southern side of the property.

Council's Engineer and Tree Management Officer object to the proposed development due to its adverse impact on existing available on-street car parking spaces and the loss of canopy cover in the street respectively.

The history of development of the property reveals that a double garage was approved and constructed at the rear of the site and a carport was approved on the northern side of the dwelling house, Given this and the additional parking area available along the northern driveway, it is considered that on site creation of additional car parking is not warranted.

**6.6 The suitability of the site for the development**

These matters have been considered as part of the assessment of the development application. Whilst there are no natural hazards or other site constraints that are likely to have a significant adverse impact upon the proposed development, the proposed development is considered unsuitable in the context of the locality due to the removal of an existing street tree. The proposed development will have a detrimental impact on the streetscape due to the removal of trees and landscaping and replacement with an additional driveway and carport which is not in keeping with the established pattern of development in the street.

**6.7 Any submissions made in accordance with this Act or the regulations**

The proposal was notified to all adjoining and nearby affected property owners and occupants from 25 November 2016 until 12 December 2016.

**6.7.1 Summary of submissions**

Nil

### 6.7.2 Mediation

Not required

### 6.8 The public interest

The proposal is contrary to the public interest for the reasons included in the report.

## 7. Referrals

### 7.1 Internal

#### *Heritage Advisor*

The proposed development, has been reviewed by Council's Heritage Advisor and no objection was raised.

#### *Building*

The application has been referred to Council's Building Surveyor, no issues were raised to the proposed development.

#### *Engineering*

Due to loss of an existing on street parking space, relocation of the existing street tree and the creation of a second vehicle crossing for the property, the proposal was not supported by Council's Engineers. Council Engineer reports that a space of 6- 6.7m is required for a car parking space to comply with Australian Standard 2890.5, intermediate car space. The proposal will result in a space of only 4.7m which is not satisfactory. See Attachment No. 6 for comments.

#### *Tree Management Officer*

Council's Tree Management Officer does not support the removal of the street tree as it will reduce Canopy cover along Hampden Street and there are trees to be removed from the southern side of the property. See Attachment no. 5 for comments.

### 7.2 External

Not required

## 8. Other Relevant Matters

Council's stormwater map does not indicate that the subject property is burdened by any Council or Sydney Water stormwater pipes.

## 9. Building Code of Australia (BCA)

The application is recommended for refusal however, a Construction Certificate will be required to be applied for if the development approved.

#### Financial Implications

**The proposed development will not attract contribution levies under S94A of the Environmental Planning and Assessment Act 1979 as the estimate work value is below the threshold of \$100,000.**

Other Staff Comments

**See Section 7.1 of this report.**

Public Consultation

**See Section 6.7 of this report.**

## 10. CONCLUSION

The application has been assessed in accordance with the provisions of the Environmental Planning and Assessment Act, 1979 as amended with all matters specified under Section S82A have been taken into consideration. The proposal is considered to be unacceptable given and is therefore recommended that Inner West Planning Panel not support the proposed development.

## 11. RECOMMENDATION

That Inner West Planning Panel as the consent authority pursuant to section 82A of the Environmental Planning & Assessment Act 1979 not support the proposed development for the following reasons.

1. *The proposed removal of a street tree and planting of a replacement tree at the front of the property will not comply with the minimum 15m tree spacing requirements of Part B Section 4.5 of Council's Street Tree Strategy and will also result in unsatisfactory tree Canopy removal.*
2. *The relocation of the specified street tree would result in a loss to an existing on street car parking space;*
3. *The appearance of two carports, one on either side of the existing dwelling, emphasises the presence of ancillary structures that are meant to be subordinate to the main dwelling to maintain the streetscape and character of the area.*
4. *The composition of two driveways for the property is inconsistent with the general character of the area; and*
5. *The proposed development does not comply with the objectives and development controls of Clause 3.10 and 3.11 of Ashfield Interim Development Assessment Policy 2013 as it will have a detrimental effect on the streetscape by reducing the landscaping at the front of the property.*
6. *The northern side carport is located 1 metre behind the bay window of the dwelling house but is located about 300mm behind the front wall of the dwelling house and as such will be visually intrusive to the form and style of the dwelling house and does not comply with the setback requirement of Clause 3.7 of Ashfield Interim Development Assessment Policy 2013.*
7. *The proposed development is not in the public interest.*

## Attachment A – Recommended conditions of consent (if approved)

DA 2016.148.1

14 Hampden Street ASHFIELD 2131

### Description of Work as it is to appear on the determination:

- Construction of a carport on the northern side of the dwelling;
- Reconstruction of existing driveway located on the northern side of the property
- Reconstruction of the front fence and gates; and
- Painting of the external walls of existing dwelling house and front fence

### A General Conditions

#### (1) Approved plans stamped by Council

The development must be carried out only in accordance with the plans and specifications set out on drawing numbers below date stamped by Council and any supporting documentation received with the application, except as amended by the conditions specified hereunder.

No.	Title	Prepared by	Amendment Date
2 B	Site Plan	Outside living	1/4/2016
3 C	Carport Plan and Sections	Outside Living	2/6/2016
4 C	Elevations	Outside Living	2/6/2016
5 C	Driveway Sections	Outside Living	2/6/2016
6 C	Front fence	Outside Living	2/6/2016
7 C	Silt and sediment control plan	Outside Living	2/6/2016

### B Design Changes

#### (1) Carport setback

The carport on the northern side of the dwelling house shall be setback 1.0m from the front wall of the dwelling house. Amended plans are to be submitted with the application for a construction certificate

- (2) The new carport, driveway and vehicular access gate on the southern side of the property are not approved. The street tree and the 5 trees on the southern side of the property are not approved for removal. Amended plans are to be submitted with the application for a construction certificate.

### C Conditions that must be satisfied prior to issuing/releasing a Construction Certificate

#### (1) Long service levy

Compliance with Section 109F of the Environmental Planning and Assessment Act 1979 – payment of the long service levy under Section 34 of the Building and Construction Industry Long Service Payments Acts 1986 – is required. All building of \$25,000.00 and over are subject to the payment of a Long Service Levy fee. A copy of the receipt for the payment of the Long Service Levy shall be provided to the Principal Certifying Authority (PCA) prior to

the issue of a Construction Certificate. Payments can be made at Long Service Payments Corporation offices or most Councils.

**(2) Home Building Act 1989 Insurance**

Compliance with Part 6 of *Home Building Act 1989* is required. A copy of either the Builders Home Warranty Insurance OR a copy of the Owner-Builder Permit shall be submitted to Council.

**(3) Payment of any Additional Fees**

If the estimated cost of works for the construction certificate application exceeds the estimate supplied with the development application, an additional fee, any contributions and bonds based on the revised estimate must be paid to Council prior to release of the Construction Certificate.

**(4) Damage deposit/footpath, road, kerb and gutter**

A Damage Deposit of \$3,300 is to be submitted prior to the release of the Construction Certificate covering repair and/or replacement of adjoining footpath, road shoulder, road pavement, kerbing and guttering both outside the subject site and the surrounding area. This is to be paid to Council and may be refunded subject to satisfactory completion of construction or demolition.

This Damage Deposit covers unforeseen damage to the above property by construction vehicles, skip bins, construction methods etc. Note: Should repair works or maintenance be required on Council land, a Road Opening Permit must be obtained before those works take place.

Bank Guarantees are accepted in lieu of any Council security deposit/bond subject to the following:

It must be an original with no end date and issued in favour of Council, details of the proponent's address shall be included.

A charge equal to the value multiplied by the current "overdue rates interest charge" be levied, per month or part thereof, with a minimum charge of three months is to be paid upon lodgement.

Any remaining charge is to be calculated at the prevailing "overdue rates interest rate" for each month or part thereof beyond the original three months that the Bank Guarantee was held, and paid prior to its release.

Any costs incurred in the acceptance, administration or release of such Bank Guarantees be on-charged to the entity claiming the release of such Bank Guarantee, and that these amounts be paid prior to its release.

At the time of lodgement, Council will seek verification of the Bank Guarantee. Please provide contact details for the branch (phone number and officer) to assist with verification of the bona fides of the Bank Guarantee.

Until all items above are completed, no documents or usage sought from Council by the party lodging the Bank Guarantee can be issued. Please allow a minimum of 2 business days for this process.

**(5) Footpath/laneway – photographs to be submitted**

Prior to the release of the Construction Certificate, the applicant shall lodge with Council photographs of the roadway, footpath and/or laneway at the property indicating the state of the relevant pavements. At the completion of construction, again at the expense of the applicant, a new set of photographs is to be taken to determine the extent, if any, of any damage which has occurred to the relevant pavements. If any damage has occurred, the applicant shall meet the full cost to repair or reconstruct these damaged areas to Council's relevant standard.

**D Conditions that must be complied with before work commences****(1) Notice of Commencement – Notification of Works**

Work must not commence until the Principal Certifying Authority or the person having the benefit of the development consent has given Notification in Writing to Council no later than two days before the building work commences.

**(2) Requirement for a Construction Certificate**

In accordance with the provisions of Section 81A of the *Environmental Planning and Assessment Act 1979* the erection of a building and/or construction works must not commence until:

- (a) detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
  - (i) Council; or
  - (ii) an accredited certifier; and
- (b) a principal certifying authority (PCA) has been appointed and the Council has been notified in writing of the appointment, and
- (c) at least two days notice, in writing, has been given to Council of the intention to commence work.

The documentation required under this condition shall show that the proposal complies with all development consent conditions and the *Building Code of Australia*.

Note: If the principal certifying authority is the Council, the appointment will be subject to the payment of a fee for the service to cover the cost of undertaking building work and / or civil engineering inspections.

**WARNING:** Failure to obtain a Construction Certificate prior to the commencement of any building work is a serious breach of Section 81A (2) of the *Environmental Planning & Assessment Act 1979*. It is a criminal offence that attracts substantial penalties and may also result in action in the Land and Environment Court and orders for demolition.

**(3) Inspections required by Principal Certifying Authority**

Inspections shall be carried out at different stages of construction by Council or an accredited certifier. If Council is selected as the Principal Certifying Authority (PCA) the inspection fees must be paid for in advance which will be calculated at the rate applicable at the time of payment.



**(4) Sanitary facilities - demolition/construction sites**

Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

**(5) Site Controls**

Sediment and erosion controls must be in place before work is commenced on the site. The control strategies must be consistent with the technical requirements set out in the Sydney Coastal Councils' *Stormwater Pollution Control Code for Local Government*.

Material from the site is not to be tracked onto the road by vehicles entering or leaving the site. At the end of each working day any dust/dirt or other sediment shall be swept off the road and contained on the site and not washed down any stormwater pit or gutter.

A sediment and erosion control plan must be prepared and identify appropriate measures for bunding and siltation fencing. Any such erosion and sedimentation controls shall also include the protection of stormwater inlets or gutter systems within the immediate vicinity of the site.

The sediment and erosion control measures are to be inspected daily and defects or system failures are to be repaired as soon as they are detected.

**(6) Sydney Water approval**

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre 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. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site: [www.sydneywater.com.au](http://www.sydneywater.com.au), see Your Business then Building & Developing then Building & Renovating or telephone Sydney Water 13 20 92.

The consent authority or a private accredited certifier must either

- ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans before the issue of any Construction Certificate; or
- if there is a combined Development/Construction Certificate application or Complying Development, include the above condition as one to be met prior to works commencing on site.

**(7) Structural Engineering Details**

Structural engineer's details prepared and certified by a practising structural engineer for all reinforced concrete and structural members is to be submitted to the Principal Certifying Authority for approval.

**(8) Site fencing/security**

The site must be appropriately secured and fenced to the satisfaction of Council during demolition, excavation and construction work to ensure there are no unacceptable impacts on the amenity of adjoining properties. Permits for hoardings and or scaffolding on Council land must be obtained and clearly displayed on site.

**E Conditions that must be complied with during construction or demolition****(1) Building materials and equipment - storage/placement on footpath/roadway – Council approval**

All building materials and equipment shall be stored wholly within the property boundaries and shall not be placed on the footpath, grass verge or roadway without prior written approval of Council.

Bulk refuse bins shall not be placed on the grass verge, footpath or roadway without Council permission. Application forms and details of applicable fees are available from Council's One Stop Shop telephone 9716 1800.

**(2) Locate structures within boundaries**

The proposed structure(s) to be erected must stand wholly within the boundaries of the allotment.

**(3) Signs to be erected on building and demolition sites**

(1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- (a) stating that unauthorised entry to the work site is prohibited; and
- (b) showing the name and address of the contractor for the building work and the person in charge of the work site and a telephone number at which the person may be contacted outside working hours; and
- (c) showing the name, address and telephone number of the Principal Certifying Authority appointed for the building works.

(2) Any-sign shall be maintained and not removed until work has been finished.

**(4) Demolition/excavation/construction - hours of work**

Demolition, excavation and construction work, including loading and unloading of materials and machinery, shall be restricted to between the hours of 7.00 am to 6.00 pm, Monday to Friday and from 7:00 am to 1.00 pm on Saturday. Work is prohibited on Sundays, and on public holidays.

**(5) Materials and colour schemes**

Materials of construction are to be as specified in the schedule of finishes submitted with the development application and on the approved plans, except where amended by the conditions hereunder.

**(6) Termite treatment**

Treatment for the protection of the building from subterranean termites shall be carried out in accordance with AS 3660.1:2000 'Protection of Buildings from Subterranean Termites'.

On completion of the installation of the barrier the Principal Certifying Authority shall be furnished with a certificate from the person responsible, stating that the barrier complies with AS 3660.1.

A durable notice shall be permanently fixed to the building in a prominent location, such as the meter box or the like indicating:

- the method of protection;
- the date of installation;
- where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
- the need to maintain and inspect the system on a regular basis.

Due to the present limited effective life of soil chemical treatments, Council does not permit hand spraying as a stand alone method of termite protection. It is recommended that any soil chemical treatment should embrace a reticulation system.

**(7) Roof guttering and drainage system/disposal of stormwater**

The roof shall be provided with a complete guttering and drainage system. Roofwater shall be disposed of by approved drainage lines discharging into the street gutter.

**(8) Encroachment on Council property prohibited**

No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

**(9) Site vehicles - mud/debris**

You are to ensure that ALL vehicles leaving the site are free of mud and debris. Loads are to be fully covered and vehicles/wheels washed down to ensure that no nuisance occurs.

**(10) Retaining walls and drainage**

If the soil conditions require it:

- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
- (b) adequate provision must be made for drainage.

**(11) Road opening permit – Council controlled lands**

A road opening permit shall be obtained for all works carried out in public or Council controlled lands. Contact Council's Engineering Services for details.

This road opening permit covers the direct costs involved in the repair/replacement of works where the public or Council controlled lands are specifically damaged/saw cut etc for the construction of services, stormwater pipes, kerb works, bitumen works, footpath works etc. It is *separate* from a Damage Deposit as listed elsewhere in these Conditions of Consent.

**F Conditions that must be complied with prior to installation of services**

Nil

**G Conditions that must be complied with before the building is occupied****(1) Approval to use/occupy building**

The building or any part thereof must not be used or occupied until an Occupation Certificate has been obtained from the Principal Certifying Authority.

Note: If Council is chosen as the Principal Certifying Authority a fee is applicable prior to the release of the Construction Certificate.

**H Conditions that are ongoing requirements of development consents****(1) Landscaping to be maintained**

The landscaping as shown on the approved plans shall be maintained.

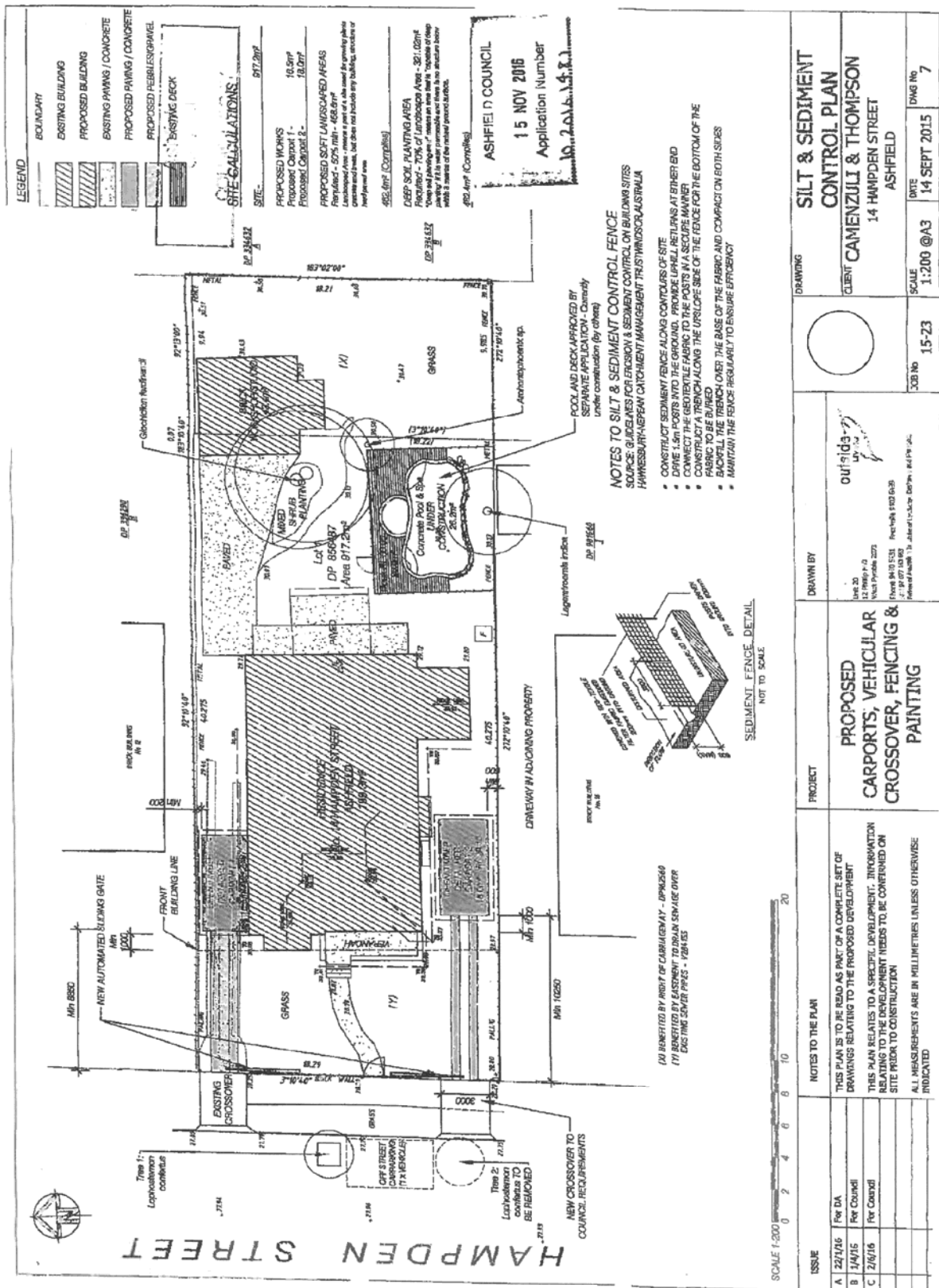
**(2) Power Pole**

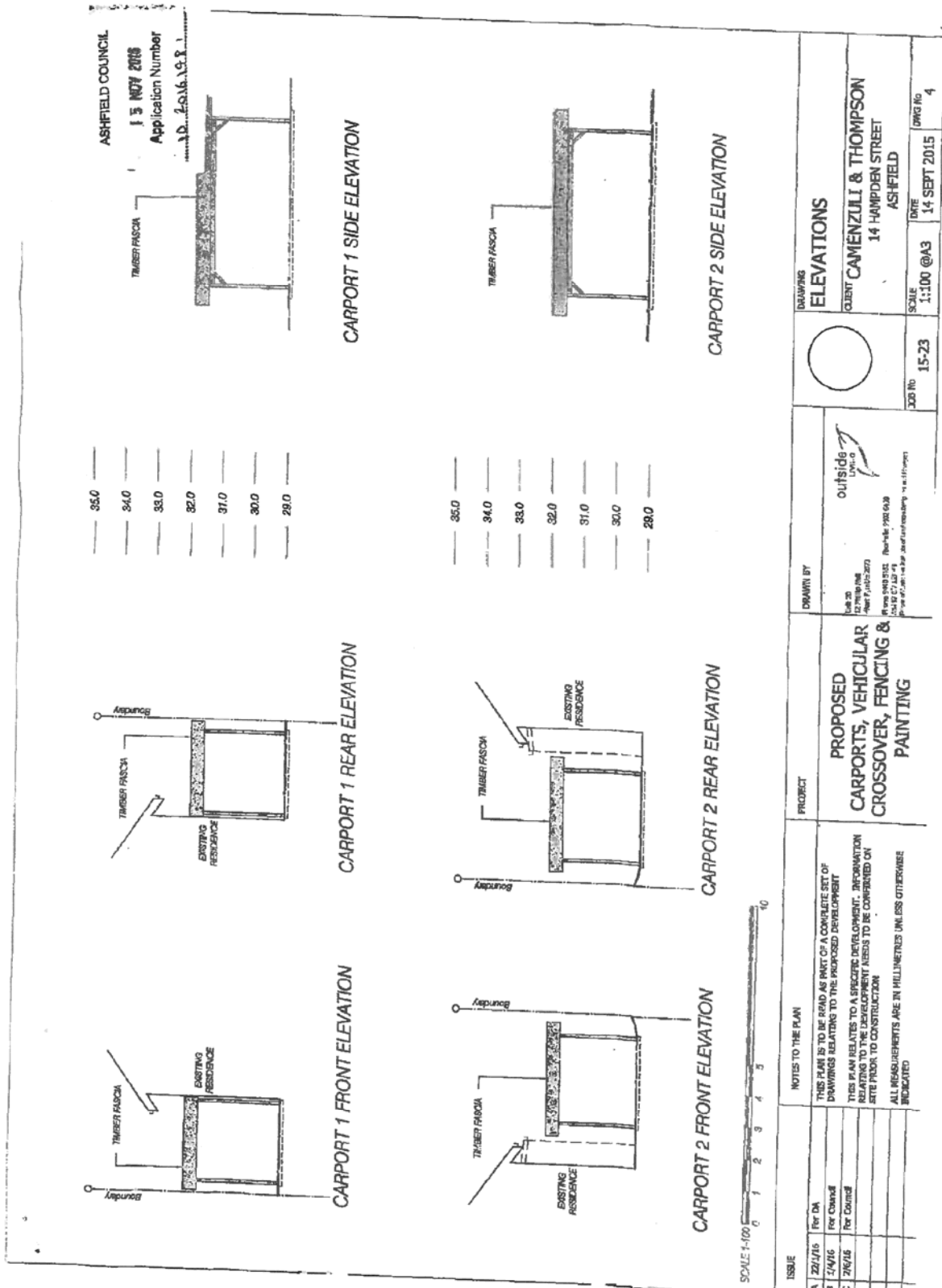
No power pole is to be constructed in the property without the prior written approval of Council

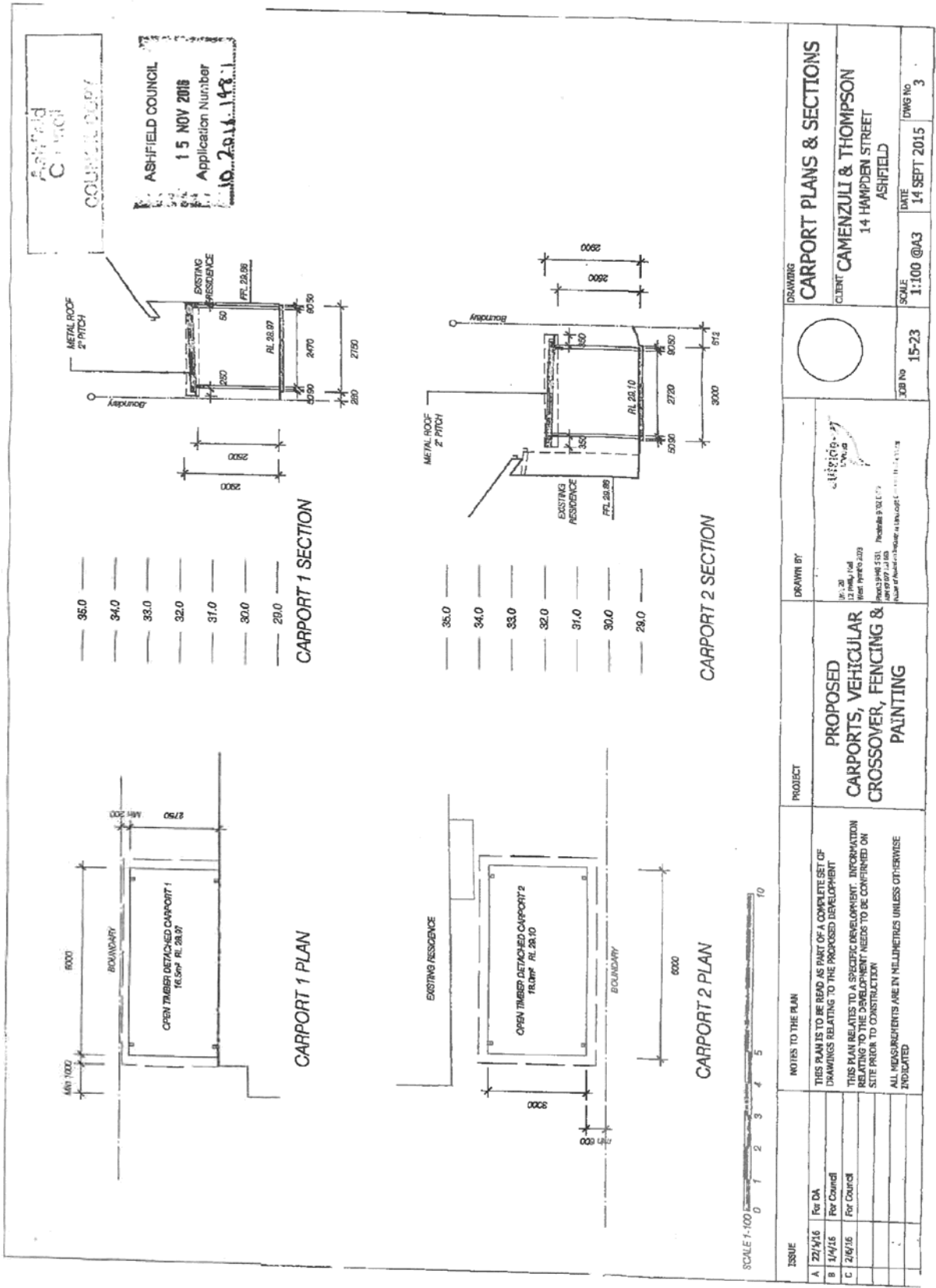
**I Advisory Notes**

Nil

Attachment B – Plans of proposed development



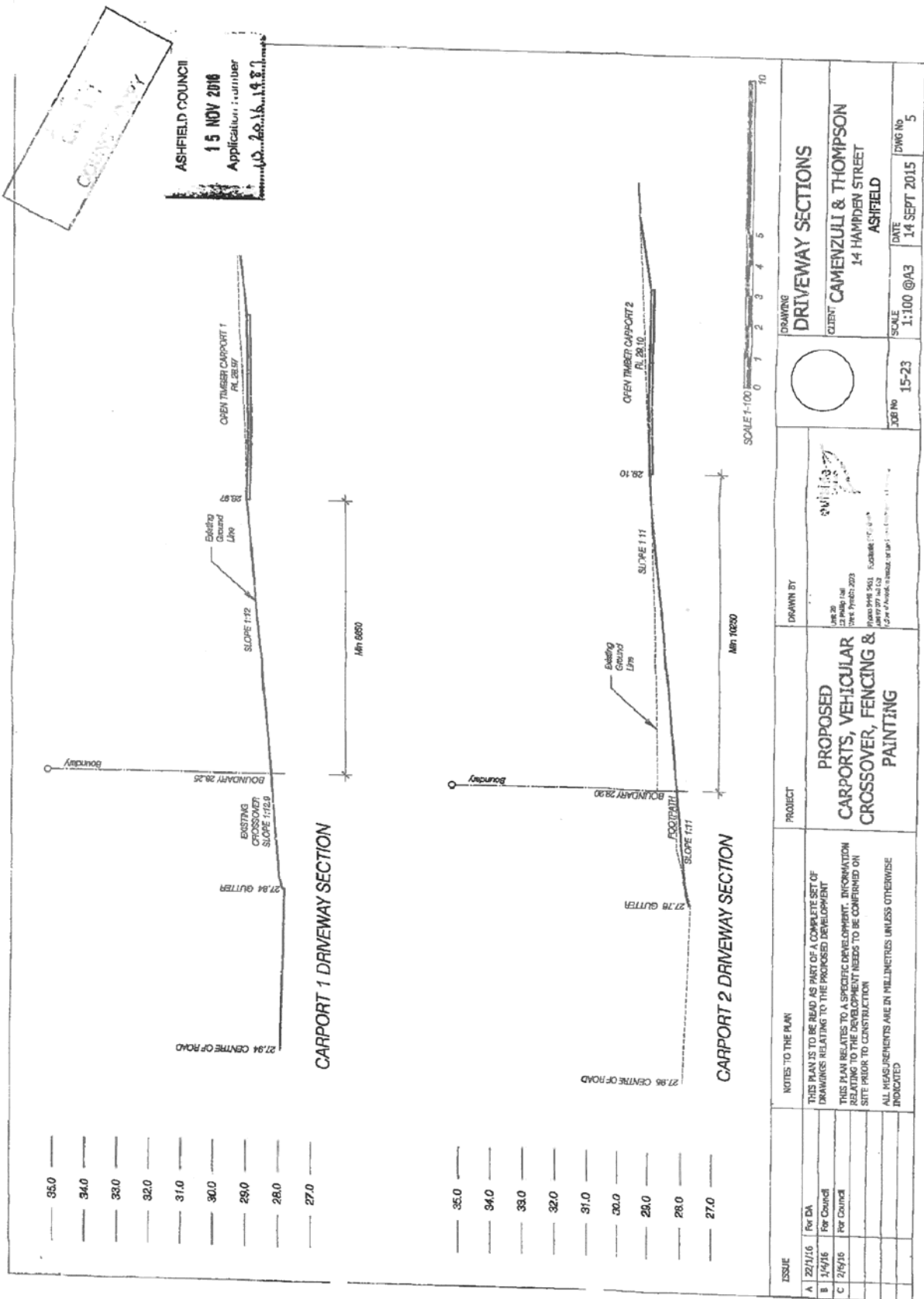




Ashfield Council  
COUNCIL OFFICE

ASHFIELD COUNCIL  
15 NOV 2016  
Application Number  
10-2011-148

<p>ISSUE</p> <p>A 22/4/16 For DA</p> <p>B 1/4/16 For Council</p> <p>C 2/6/16 For Council</p>		<p>NOTES TO THE PLAN</p> <p>THIS PLAN IS TO BE READ AS PART OF A COMPLETE SET OF DRAWINGS RELATING TO THE PROPOSED DEVELOPMENT</p> <p>THIS PLAN RELATES TO A SPECIFIC DEVELOPMENT. INFORMATION RELATING TO THE DEVELOPMENT NEEDS TO BE CONFIRMED ON SITE PRIOR TO CONSTRUCTION</p> <p>ALL DIMENSIONS ARE IN MILLIMETRES UNLESS OTHERWISE INDICATED</p>		<p>PROJECT</p> <p><b>PROPOSED CARPORTS, VEHICULAR CROSSOVER, FENCING &amp; PAINTING</b></p>		<p>DRAWN BY</p> <p>10/20 1/2/16/16 11/11/16/16/16 11/11/16/16/16 11/11/16/16/16</p>		<p>DRAWING</p> <p><b>CARPORT PLANS &amp; SECTIONS</b></p> <p>CLIENT <b>CAMENZULI &amp; THOMPSON</b> 14 HAMPDEN STREET ASHFIELD</p>	
		<p>15-23</p>		<p>SCALE 1:100 @A3</p>		<p>DATE 14 SEPT 2015</p>		<p>DWG No 3</p>	



ISSUE	NOTES TO THE PLAN	PROJECT	DRAWN BY	JOB No	SCALE	DATE	DWG No	
A	22/1/16 For DA	<b>PROPOSED CARPORTS, VEHICULAR CROSSOVER, FENCING &amp; PAINTING</b>	<small>                     GUY                      CIVIL ENGINEER                      CIVIL ENGINE                      1998 2448 5011                      14/09/2017 and 02/08/2018                      (2 Per Approval, 1 Per DA, 1 Per Construction)                 </small>	15-23	1:100 @A3	14 SEPT 2015	5	
B	1/4/16 For Council			DRIVEWAY SECTIONS	CLIENT	14 SEPT 2015		
C	2/6/16 For Council			CLIENT <b>CAMENZULI &amp; THOMPSON</b> 14 HAMPTDEN STREET ASHFIELD	SCALE 1:100 @A3	DATE 14 SEPT 2015	DWG No 5	



