



 DEVELOPMENT ASSESSMENT PANEL REPORT	
Application No.	DA/2024/0424
Address	25 - 25A Edwin Street South CROYDON
Proposal	Torrens title subdivision of existing dual occupancy into 2 lots, partial demolition of existing structures, construction of ground floor and first floor additions, rear decks and one (1) hardstand car space.
Date of Lodgement	28 May 2024
Applicant	Visioner Pty Ltd
Owner	Visioner Pty Ltd
Number of Submissions	Initial: 0
Cost of works	\$897,842.00
Reason for determination at Planning Panel	Section 4.6 variation exceeds 10%
Main Issues	Minimum Street Frontage Development Standard Car Parking
Recommendation	Approved with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Section 4.6 Exception to Development Standards



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for the Torrens title subdivision of an existing duplex into 2 lots and partial demolition of existing structures, construction of ground floor and first floor additions, rear decks and one hardstand car space at 25 - 25A Edwin Street South Croydon.

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

The main issues that have arisen from the application include:

- Variation to minimum street frontage size development standard; and
- Solar access to adjoining property.

The non-compliances are acceptable subject to conditions and for the reasons discussed within this report, and therefore the application is recommended for approval.

2. Proposal

The proposal involves the Torrens title subdivision of an existing dual occupancy, partial demolition of existing structures, construction of ground floor and first floor additions, and rear decks.

The two new lots are proposed to be known as No. 25A (Lot A) and No. 25 (Lot B) Edwin Street South respectively.

A detailed description of the proposed alterations and additions to each dwelling is listed below:

No. 25A Edwin Street South:

- Partial demolition to the rear and internal reconfiguration;
- Construction of a ground, and first floor addition, with ground floor works consisting of a new bedroom 2, bathroom, kitchen, living space, and rear timber deck;
- First floor works consist of a new bathroom and bedrooms 3, and 4, with a walk-in robe servicing bedroom 3; and
- Construction of a new hardstand car space within the front setback utilising part of the existing driveway crossover between 25A, and 27 Edwin Street South, Croydon.

No. 25 Edwin Street South:

- Partial demolition to the rear and internal reconfiguration;
- Construction of a ground, and first floor addition, with ground floor works consisting of new bedrooms 1 and 2, bathroom, kitchen, living space, and rear timber deck; and

- First floor works consist of a new bathroom and bedrooms 3, and 4, with a walk-in robe servicing bedroom 3.

3. Site Description

The subject site is located on the south-eastern side of Edwin Street South, between Liverpool Road and Thomas Street. The site is generally rectangular in shape with a total area of 464.5sqm and is legally described as Lot 2 in DP 19392.

The existing site has a frontage to Edwin Street South of 10.88 metres. The site is affected by a Right of Carriageway (ROC) 1.27m wide and is also benefitted by a ROC 1.27m wide. This ROC sits in between 25A, and 27A Edwin Street. The ROC is limited in height to 2.745 metres.

Currently the site is occupied by a single storey attached dual occupancy. The site is adjoined by near-identical dual occupancies to the north (No. 27A, and 27) and south (23A, and 23A). The subject (eastern) side of Edwin Street is characterised by single storey detached dwelling houses for its northern half, and dual occupancies / semi-detached dwellings for its southern (subject) half. The opposite (western) side of Edwin Street is largely characterised by single storey detached dwelling houses.

The site is not identified as containing a heritage item and is not located within a heritage conservation area (HCA). It is noted that the opposite (western) side of Edwin Street is located within the Gads Hill Conservation Area (C29 within the *Inner West Local Environmental Plan 2022*). The property is not identified as a flood prone lot.

The site contains one (1) tree within the rear yard of No. 25A Edwin Street. In addition, two (2) large trees located in the rear yard of No. 14, and No.16 Highbury Street extend over the boundary into the subject sites rear yard.

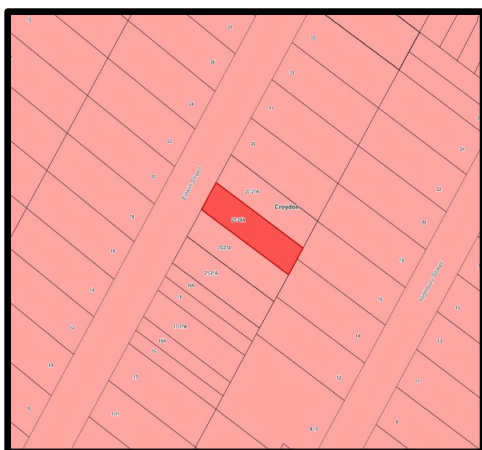


Figure 1: Zoning map



Figure 2: Aerial image of site and surrounding context



Figure 3: The subject site viewed from Edwin Street.

4. Background

Site history

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

Subject Site

Application	Proposal	Decision & Date
PDA/2023/0237	Alterations and additions to existing dual occupancy including first floor addition and Torrens title subdivision	Letter Issued – 10/11/2023
DA/2024/0302	Alterations and additions to an existing single storey dual occupancy and Torrens title subdivision of existing lot into two (2) allotments.	Withdrawn – 05/05/2024

Related Applications - Surrounding properties

Application	Proposal	Decision & Date
DA/2024/0113 - 27 Edwin Street South Croydon	Demolition of existing structure and construction of a two-storey dwelling house with garage.	Withdrawn – 05/06/2024
DA/2024/0101 – 23 Edwin Street South Croydon	Construction of a new driveway crossing and handstand parking space within the front setback	Withdrawn – 30/04/2024
DA/2020/0491 – 21 Edwin Street South Croydon	Alterations and additions to existing dwelling and Torrens title subdivision	Approved – Local Planning Panel – 27/10/2020

Application history

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

Date	Discussion / Letter / Additional Information
26/07/2024	<p>Council issued a letter to the applicant identifying a number of concerns with the proposal. These concerns are discussed below:</p> <ul style="list-style-type: none"> • The first-floor additions bulk and scale was considered to be out of context, when considering its relationship with the existing single storey dwellings, and streetscape context. Amended plans addressing the following concerns were requested: <ul style="list-style-type: none"> ○ Reduction in bulk and scale of the first-floor addition by lowering the floor to ceiling heights to 2.5m; ○ Matching the first-floor roof pitch and angle, with that of the existing dwellings roof that sits over the ground floor; and ○ Incorporating additional fenestration between the ground and first floors by proposing windows on the first-floor western elevation (streetscape elevation) that correspond with the style of the existing dwelling house. • The original proposal included construction of two (2) hardstand car spaces servicing each semi-detached dwelling. This was considered out of character with the streetscape, while also resulting in a loss of on-street parking and one (1) street tree, and non-compliance with landscaped area controls. Amended plans removing the hardstand parking spaces were requested. • A stormwater drainage concept plan was requested that was in accordance with the stormwater management development controls.

19/08/2024	The applicant provided amended drawings which included the following: <ul style="list-style-type: none">• Reduced bulk and scale to the first floor, with a roof pitch and angle matching the ground floor roof form, and floor to ceiling heights of 2.5m;• New windows to the first-floor western elevation (streetscape elevation);• Removal of one (1) hardstand space; and• Stormwater drainage concept plans.
------------	--

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)*.

A. Environmental Planning Instruments

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

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

State Environmental Planning Policies (SEPPs)

SEPP (Resilience and Hazards) 2021

Chapter 4 Remediation of land

Section 4.6(1) of the *Resilience and Hazards SEPP* requires the consent authority not consent to the carrying out of any development on land unless:

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

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

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

SEPP (Sustainable Buildings) 2022

The applicant has included a BASIX Certificate as part of the lodgment of the application (lodged within 3 months of the date of the lodgment of this application) in compliance with the *EPA Regulation 2021*.

SEPP (Biodiversity and Conservation) 2021

Chapter 6 Water Catchments

Section 6.6 under Part 6.2 of the *Biodiversity and Conservation SEPP* provides matters for consideration which apply to the proposal. The subject site is located within the designated hydrological catchment of the Sydney Harbour Catchment and is subject to the provisions contained within Chapter 6 of the above *Biodiversity Conservation SEPP*.

It is considered that the proposal remains consistent with the relevant general development controls under Part 6.2 of the *Biodiversity Conservation SEPP* and would not have an adverse effect in terms of water quality and quantity, aquatic ecology, flooding, or recreation and public access.

Inner West Local Environmental Plan 2022

The application was assessed against the following relevant sections of the *Inner West Local Environmental Plan 2022 (IWLEP 2022)*.

Part 1 – Preliminary

Section	Proposed	Compliance
Section 1.2 Aims of Plan	The proposal satisfies the section as follows: <ul style="list-style-type: none"> • The proposal conserves and maintains the natural, built and cultural heritage of Inner West; and • The proposal encourages diversity in housing to meet the needs of, and enhance amenity for, Inner West residents. 	Yes

Part 2 – Permitted or prohibited development

Section	Proposed	Compliance
Section 2.3	<ul style="list-style-type: none"> • The application proposes Torrens title subdivision of one (1) lot containing a dual occupancy into two 	Yes

Section	Proposed	Compliance
Zone objectives and Land Use Table	<p>(2) lots, to create semi-detached dwellings, alterations, and additions to each dwelling, including ground, and first floor additions.</p> <ul style="list-style-type: none"> • Semi-detached dwellings are permissible with consent in the R2 Low Density Residential zone. • The proposal is consistent with the relevant objectives of the zone, as it will assist to provide for the housing needs of the community within a low-density residential environment. 	
Section 2.6 Subdivision – consent requirements	<ul style="list-style-type: none"> • The application seeks development consent for the subdivision of the existing lot into two (2) Torrens title lots, which is permissible with consent. 	Yes
Section 2.7 Demolition requires development consent	<p>The proposal satisfies the section as follows:</p> <ul style="list-style-type: none"> • Demolition works are proposed, which are permissible with consent; and • Standard conditions are recommended to manage impacts which may arise during demolition. 	Yes, subject to conditions

Part 4 – Principal development standards

Control	Proposed	Compliance
Section 4.1A – Minimum Lot Size	Minimum	200sqm
	Proposed	<ul style="list-style-type: none"> - No. 25: 237sqm - No. 25A: 227sqm
Section 4.1A – Minimum street frontage width	Required	7m
	Proposed	<ul style="list-style-type: none"> - No. 25: 5.331m - No. 25A: 5.555m
Section 4.3 Height of building	Maximum	8.5m
	Proposed	<ul style="list-style-type: none"> - No. 25: 8.39m - No. 25A: 8.39m
	Variation	No variation
Section 4.4 Floor space ratio (FSR)	Maximum	<ul style="list-style-type: none"> - No. 25: 159sqm OR 0.7:1 - No.25A: 166sqm OR 0.7:1
	Proposed	<ul style="list-style-type: none"> - No. 25: 134.6sqm OR 0.59:1 - No.25A: 134.6sqm OR 0.57:1
	Variation	No variation
Section 4.5 Calculation of floor space ratio and site area	The site area and floor space ratio for the proposal has been calculated in accordance with the section.	Yes

Control	Proposed	Compliance
Section 4.6 Exceptions to development standards	The applicant has submitted a variation request in accordance with Section 4.6 to vary Section 4.1A (2)(c) - Exceptions to minimum subdivision lot size for certain residential development.	See discussion below

Clause 4.1A - Exceptions to minimum subdivision lot size for certain residential development – Minimum Street frontage width

The site is located within ‘Area 1’ on the minimum subdivision lot size map within the *IWLEP 2022*.

Clause 4.1A of the LEP states:

(2) Despite clause 4.1 (3), development consent may be granted to the subdivision of land identified as “Area 1” on the Lot Size Map that is not land on which a heritage item is located or within a heritage conservation area if—

(a) each lot resulting from the subdivision will be at least 200 square metres, and

(b) a semi-detached dwelling is or will be located on each lot, and

(c) each lot will have a minimum street frontage of 7 metres.

Lot A (25A Edwin Street South) has a proposed area of 237.05sqm with a street frontage of 5.555m. Lot B (25 Edwin Street South) is proposed to have a site area of 227.45 with a street frontage of 5.331m.

Each subdivided lot therefore does not comply with the development standard prescribed by Clause 2(c), i.e., the 7m minimum street frontage development standard, warranting the requirement for a 4.6 variation request, as discussed below.

Section 4.6 – Exceptions to Development Standards

Clause 4.1A (2) (c) - Exceptions to minimum subdivision lot size for certain residential development - development standard

The applicant seeks a variation to the above mentioned under section 4.6 of the *IWLEP 2022*. The variation is detailed below:

Lot	Street Frontage Requirement	Street Frontage proposed	Variation
Lot A – 25A Edwin Street South	7m	5.555m	20.64% OR 1.445M
Lot B – 25 Edwin Street South	7m	5.331	23.85% OR 1.67m

Section 4.6 allows Council to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes.

A written request has been submitted to Council in accordance with Section 4.6(3) of the *IWLEP 2022* justifying the proposed contravention of the development standard. In order to demonstrate whether strict numeric compliance is unreasonable and unnecessary in this instance, the proposed exception to the development standard has been assessed against the objectives and provisions of Section 4.6 of the *IWLEP 2022* below.

Whether compliance with the development standard is unreasonable or unnecessary

In *Wehbe* at [42] – [51], Preston CJ summarises the common ways in which compliance with the development standard may be demonstrated as unreasonable or unnecessary. This is repeated in *Initial Action* at [16]. In the Applicant's written request, the first method described in *Initial Action* at [17] is used, which is that the objectives of the minimum subdivision lot size standard (4.1 of *IWLEP 2022*), and the exceptions to minimum subdivision lot size for certain residential development (4.1A of *IWLEP 2022*) are achieved notwithstanding the numeric non-compliance.

IWLEP 2022 – Part 4.1 Objectives

The **first objective of Section 4.1** is “*to ensure lot sizes cater for a variety of development*”. The written request states that the site falls within “Area 1”, on the lot size map, and therefore additional development controls are prescribed on the site that are specified under Section 4.1A of the *IWLEP 2022* relating to exceptions to minimum subdivision lot size for certain residential development. It is considered that the proposed lot sizes are of a sufficient area and exceed the minimum area requirement of 200sqm prescribed thereby enabling the lots to cater to a ‘variety of development’ as per the objective.

The **second objective of Section 4.1** is “*to ensure lot sizes do not result in adverse amenity impacts*”. The written request states that the proposed subdivision of the existing dual occupancy maintains the property definition arrangements of the boundary/fence lines, and semi-detached dwellings. The proposed subdivision will not change the pattern of development on the eastern side of Edwin Street South, which consists of varying lot frontage sizes containing dual occupancies. Accordingly, the breach is consistent with the second objective.

The **third objective of Section 4.1** is “*to ensure lot sizes deliver high quality architectural, urban and landscape design*”. The written request states that the proposed first floor additions are setback from Edwin Street and the current single storey presentation of the dwelling to the streetscape will be retained. The proposed first-floor is set back 16m from the Edwin Street South frontage, which assists in minimising the additions visibility from the streetscape. Furthermore, design elements have been included that create further cohesiveness with the existing dwelling, and streetscape elevation, which include a first-floor roof that matches the pitch of the existing ground floor roof, and low first-floor floor to ceiling heights of 2.5m. Accordingly, the breach is consistent with the third objective.

The **fourth objective of Section 4.1** is “*to provide a pattern of subdivision that is consistent with the desired future character*”. The written request states that the proposal maintains the subdivision pattern and pattern of development seen on the eastern side of Edwin Street South and is consistent with the desired future character when considering scale, density, and height. The proposal follows the existing pattern of development subdivision, and streetscape appearance demonstrated from Nos. 15-27 Edwin Street South. Accordingly, the breach is consistent with the fourth objective.

The **fifth objective of Section 4.1** is “*to ensure lot sizes allow development to be sited to protect and enhance riparian and environmentally sensitive land*”. The written request states that this objective is not relevant to the subject site and this is concurred with. Notwithstanding this, it is noted that the development maintains a consistent subdivision pattern and development siting seen along Edwin Street South. The proposed subdivision maintains compliance with relevant landscaping controls, with 25A Edwin Street South having 68sqm/ 28.7%, and 25 Edwin Street South having 69.6sqm/ 30.6% of landscaping. In addition, the site is not located within environmentally sensitive land.

IWLEP 2022 – Part 4.1A objectives

The **first objective of Section 4.1A** is “*to encourage housing diversity without adversely affecting residential amenity*” The written request states that the proposal formalises an existing development and maintains the existing pattern of development along the eastern side of Edwin Street South, specifically subdivision pattern and housing form, and will not introduce any additional amenity impacts as the proposed subdivision reflects the existing arrangements. Accordingly, the breach is consistent with the first objective.

The **second objective of Section 4.1A** is “*to achieve planned residential density in certain areas*” The written request states that the proposal achieves planned residential density, as the sites will be occupied by two semi-detached residential dwellings. These dwellings may not have been permissible in other areas where the additional provisions for “Area 1” are not applicable. The proposal is utilising the additional benefits that are applicable to its location in “Area 1” of the lot size maps within the *IWLEP 2022*. Accordingly, the breach is consistent with the second objective.

As the proposal achieves the objectives of Part 4.1A Exceptions to minimum subdivision lot size development standard, compliance is considered unreasonable and unnecessary in this instance.

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

Pursuant to Section 4.6(3)(b), the Applicant advances 6 environmental planning grounds to justify contravening the development standard. Each will be dealt with in turn:

Environmental Planning Ground 1 – *The proposal achieves the planning outcomes intended from the application of Clause 4.1A*. This environmental planning ground is accepted because the proposal will result in Torrens title subdivision with lot sizes above the minimum required 200sqm. In addition, the lots will contain semi-detached dwellings which contribute

to housing diversity in the surrounding locality. The resultant lot sizes are considered consistent with the existing subdivision pattern in the street.

Environmental Planning Ground 2 – *The proposed subdivision reflects the existing development pattern of single storey dual occupancy development encompassing 15 – 27 Edwin Street South.* While the proposal maintains the pattern of semi-detached and dual occupancy development on the eastern side of Edwin Street South, Council does acknowledge that the proposal includes construction of a first floor to each semi-detached dwelling, which is not currently present within the locality. Despite this, the first floors of each dwelling will be setback approximately 16m from the street boundary and contain low floor to ceiling heights of 2.5m with a roof pitch that matches the existing ground floor roof pitch. Council is therefore satisfied that these design elements bring greater cohesiveness between the ground and first floor, while also contributing to a development that reflects the character of development seen along Edwin Street, and the adjacent Gads Hill Heritage Conservation Area.

Environmental Planning Ground 3 and 4 – *The proposed subdivision will not result in adverse amenity impacts for the surrounding properties and is compliant with the relevant development controls.* The proposal complies with the other applicable development standards within the *IWLEP 2022*, regarding FSR and height, which aim to control elements of bulk and scale. While not complying with each development control specified within the *CIWDCP 2016*, the proposal is considered generally consistent when accounting for the site's constraints and the narrow pattern of development seen along the eastern side of Edwin Street South. As such, this environmental planning ground is accepted.

Environmental Planning Ground 5 – *The proposed subdivision will reinvigorate the existing dual occupancy building, while maintaining the streetscape qualities and protecting the Gads Hill HCA, which is located on the opposite side (western side) of Edwin Street.* This environmental planning ground is accepted because the proposal will result in semi-detached dwellings of a larger scale, that meet the housing needs of the community, which is compliant with the objectives of the R2 Low-Density Residential Zone. In addition, the proposed subdivision follows the existing pattern of development along Edwin Street South with similar smaller lot frontages. The design incorporates elements that help maintain the single storey streetscape, despite having first floor additions, including low floor to ceiling heights, additions that are setback from the streetscape by 16m, and a roof pitch that matches the same pitch on the existing ground floor.

Environmental Planning Ground 6 – *The proposed subdivision will not create a new precedent in the locality of developments with non-compliant street frontages.* This environmental planning ground is accepted as there a number of other examples of subdivision on Edwin Street where the lot frontage is under the 7m. This includes the Torrens Title subdivision of 15 and 15A, 19 and 19A, and 21 and 21A Edwin Street.

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

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

Part 5 – Miscellaneous provisions

Section	Compliance	Compliance
Section 5.10 Heritage conservation	<p>The subject site is not a listed Heritage Item and is not within a Heritage Conservation Area (HCA), however is located adjacent to the Gads Hill HCA.</p> <p>Council is satisfied that the proposal protects the important characteristics of the adjacent HCA and environmental heritage of the Inner West LGA as:</p> <ul style="list-style-type: none"> • The proposed first floor addition is setback 16m from the Edwin Street frontage, incorporates low floor to ceiling heights, and the first-floor roof pitch matches the ground floor roof pitch, each contributing to minimised visibility from the streetscape; and • The proposal maintains the existing pattern of development seen along Edwin Street regarding lot frontage size; 	Yes

Part 6 – Additional local provisions

Section	Proposed	Compliance
Section 6.1 Acid sulfate soils	<ul style="list-style-type: none"> • The site is not identified as containing acid sulfate soils. The proposal is considered to adequately satisfy this section as the application does not propose any works that would result in any significant adverse impacts to the watertable. 	Yes
Section 6.2 Earthworks	<ul style="list-style-type: none"> • The proposed earthworks are unlikely to have a detrimental impact on environmental functions and processes, existing drainage patterns, or soil stability. 	Yes
Section 6.3 Stormwater Management	<ul style="list-style-type: none"> • The development maximises the use of permeable surfaces, includes on site retention as an alternative supply and subject to standard conditions would not result in any significant runoff to adjoining properties or the environment. 	Yes, subject to conditions

B. Development Control Plans**Summary**

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

CIWDCP 2016	Compliance
Section 2 – General Guidelines	
A – Miscellaneous	
1 - Site and Context Analysis	Yes
2 - Good Design	Yes
3 - Flood Hazard	Yes
4 - Solar Access and Overshadowing	No- See discussion below
5 - Landscaping	Yes
7 - Access and Mobility	Yes
8 - Parking	Yes
9 - Subdivision	Yes – see discussion
11 - Fencing	Yes
15 - Stormwater Management	Yes
B – Public Domain	
C – Sustainability	
1 – Building Sustainability	Yes
3 – Waste and Recycling Design & Management Standards	Yes
4 – Tree Preservation and Management	Yes
6 – Tree Replacement and New Tree Planting	Yes
F – Development Category Guidelines	
1 – Dwelling Houses and Dual Occupancy	Yes

The following provides discussion of the relevant issues:

Comprehensive Inner West Development Control Plan 2016

The application was assessed against the following relevant parts of the Comprehensive Inner West Development Control Plan for Ashbury, Ashfield, Croydon, Croydon Park, Haberfield, Hurlstone Park and Summer Hill 2016 (CIWDCP 2016).

Chapter A – Miscellaneous

Control	Proposed	Compliance
Part 2 – Good Design	<ul style="list-style-type: none"> The development is well designed and appropriately considers context, scale, built form, density and resource, energy and water efficiency, landscape, amenity, safety and security, social dimensions, and aesthetics. 	Yes
Part 5 – Landscaping	<ul style="list-style-type: none"> The proposal maintains and enhances the landscape character of the subject site. The landscaping proposed will create visual interest, increase residential amenity and 	Yes

Control	Proposed	Compliance
	<p>supports the intention of the CIWDPC 2016 in retaining, protecting and integrating significant vegetation within development.</p>	
<p>Part 8 – Parking</p>	<p><u>Car Parking</u></p> <ul style="list-style-type: none"> • One (1) car parking space is required for each dwelling. • Only one (1) car parking space is proposed for 25A Edwin Street South. This parking space utilises part of the existing driveway crossover between 25A and 27 Edwin Street South; • 25 Edwin Street South does not have parking as part of this proposal and did not contain parking prior to this proposal, having to use on street parking available on Edwin Street; • Council has determined that constructing a second car space servicing 25 Edwin Street was uncharacteristic of the streetscape in that it will remove a significant portion of the landscaped area within the front setback, including a street tree; • The addition of another car space for 25 Edwin Street will also result in a non-compliant landscaped area and remove the availability of on-street parking; and • The configuration and design of the car space at 25A Edwin Street is in accordance with this part of the Plan. Standard conditions are recommended to ensure compliance with the design requirements. 	<p>No, shortfall of 1 space but acceptable on grounds of streetscape, retention of on-street parking and tree protection</p>
<p>Part 9 – Subdivision</p>	<ul style="list-style-type: none"> • The proposed subdivision complies with the Minimum lot size in the <i>IWLEP 2022</i> with Lot A (25A Edwin Street South) having a total lot size of 237.05sqm, and Lot B (25 Edwin Street South) having a lot size of 227.45sqm; and • While the lot sizes comply with the minimum area required, they do not comply with the minimum lot frontage width. As discussed, this is considered acceptable as: <ul style="list-style-type: none"> ○ The proposed size and configuration of the existing dual occupancy is suitable for their intended purpose; ○ The proposal maintains existing setbacks and provides adequate landscaped areas; ○ The proposed subdivision is consistent with the prevailing lot pattern and density of the lot, being two dwellings; ○ The proposed first floor additions are setback from the streetscape to protect the existing single storey streetscape appearance; and ○ The proposal has sufficient area and dimensions and will not contribute to significant adverse amenity impacts on adjoining lots. 	<p>No, non-compliance with lot frontage but acceptable</p>
<p>Part 15 – Stormwater Management</p>	<ul style="list-style-type: none"> • Standard conditions are recommended to ensure the appropriate management of stormwater. 	<p>Yes, subject to conditions</p>

Chapter C – Sustainability

Control	Proposed	Compliance
Part 1 – Building Sustainability	<ul style="list-style-type: none"> The proposal demonstrates good environmental design and performance and will achieve efficient use of energy for internal heating and cooling. 	Yes
Part 2 – Waste and Recycling Design & Management Standards	<ul style="list-style-type: none"> Adequate waste storage areas and access to these areas have been provided; Waste management has been designed to minimise impacts on residential amenity; and Standard conditions are recommended to ensure the appropriate ongoing management of waste and during the construction phase. 	Yes, subject to conditions
Part 4 – Tree Management	<ul style="list-style-type: none"> The proposal will require removal of one (1) <i>Macadamia integrifolia</i> (Macadamia) tree from within the rear setback; and Given the site area for each lot is over 200sqm, a condition requiring the provision of two (2) tree plantings, one in each lot (each 75 litres in size), is included in the recommendation in accordance with C11 of this part. 	Yes, subject to conditions

Chapter F – Development Category Guidelines

Control	Proposed	Compliance
Part 1 - Dwelling houses	<u>PC3 Scale</u> <ul style="list-style-type: none"> The proposal appears as no more than 2 storeys. The proposed roof pitch is consistent with the predominant roof pitch in the street. The roof pitch has been amended to match that of the existing ground floor roof pitch to maintain consistency with the existing dwellings on site and the streetscape; and The proposal appears of traditional domestic scale. 	Yes
	<u>PC4 Building setback</u> <ul style="list-style-type: none"> The proposed setbacks are consistent with that prevailing in the street and adequately reduce the appearance of building bulk and scale. The principal structure is setback at least 900mm from the side boundary. The first floors are setback 1.7m from the side boundaries. 	Yes
	<u>PC6 Garage, carports and driveways</u> <ul style="list-style-type: none"> One car space is proposed for the site at 25A Edwin Street, utilising part of the existing crossover between 25A, and 27 Edwin Street South; No. 25 Edwin Street does not contain a car space, maintaining its existing situation prior to the development taking place; 	Acceptable

Control	Proposed	Compliance
	<ul style="list-style-type: none"> • Council has determined that incorporating a second car space servicing 25 Edwin Street was uncharacteristic of the of the streetscape. In addition, this will remove the availability of on-street parking, which can be maintained as part of this proposal; and • No garage or carport is proposed, maintaining the character of the streetscape. 	
	<p><u>PC7 Boundary fences and gates</u></p> <ul style="list-style-type: none"> • The proposal includes repair works to the existing front fence; • The front fence remains below 1.2m in height; and 	Yes
	<p><u>PC8 Landscaped area and site coverage</u></p> <ul style="list-style-type: none"> • Minimum landscaped area required: <ul style="list-style-type: none"> ○ 201-300sqm - 25%, which equates to: <ul style="list-style-type: none"> ▪ 25A Edwin Street South: 59.26sqm (25%) ▪ 25 Edwin Street South: 56.86sqm (25%) • Landscaped area proposed: <ul style="list-style-type: none"> ○ 25A Edwin Street South: 68sqm or 28.7% ○ 25 Edwin Street South: 69.6 or 30.6% • Maximum site coverage required: <ul style="list-style-type: none"> ○ 201-300sqm - 65% <ul style="list-style-type: none"> ▪ 25A Edwin Street South: 154.08sqm (65%) ▪ 25 Edwin Street South: 147.8 (65%) • Site coverage proposed: <ul style="list-style-type: none"> ○ 25A Edwin Street South: 107.3sqm or 45.26% ○ 25 Edwin Street South: 107.5sqm or 47.2% 	Yes
	<p><u>PC9 Principal private open space</u></p> <ul style="list-style-type: none"> • The proposed private open space is directly accessible from the ground floor living area, is at least 20sqm with a minimum dimension of at least 3.5m and has an appropriate level of solar access, natural ventilation, and privacy. 	Yes
	<p><u>PC13 Solar access</u></p> <ul style="list-style-type: none"> • The adjacent properties are required to have solar access to at least 50% (or 35sqm with minimum dimension 2.5m, whichever is the lesser) of the private open space areas of adjoining properties for at least 3 hours between 9.00am and 3.00pm on 21 June. • In addition, existing solar access is required to be maintained to at least 40% of the glazed areas of any neighbouring north facing primary living area windows for a period of at least three (3) hours between 9 am and 3 pm on 21 June. • The solar access shadows provided demonstrate that the proposal will not comply with the required solar access to 	No – See discussion below

Control	Proposed	Compliance
	<p>the rear private open space and the north facing glazing servicing the living areas of No 23A Edwin Street South.</p> <ul style="list-style-type: none"> The below is a discussion of the relevant solar access assessment as part of this application 	
	<p><u>PC14 Visual privacy</u></p> <ul style="list-style-type: none"> An adequate level of visual privacy for the proposed development and adjoining properties is maintained. New windows are proposed on the first-floor side elevations of both dwellings. These windows are servicing bedrooms 4, the stairwell, bathroom, and walk-in-robos. The new side windows located above the ground floor are positioned to minimise the likelihood of overlooking adjoining properties, having a minimum sill height of 1.6m, are small in scale, and are setback from the boundary. In addition, they are not considered to service highly trafficable spaces. The window servicing the first-floor stair well on each site has a sill height lower than 1.6m when viewed from the first-floor floor level. However, the risers of the stairwell sit considerably lower and would not provide opportunities for overlooking. The proposed decks located in the rear private open space of each dwelling are slightly elevated and a condition is included in the recommendation requiring the provision of privacy screening along the northern and southern edge of the deck to prevent overlooking into the adjoining sites at 27, and 23A Edwin St South. 	<p>Yes</p>

PC13 Solar access Assessment

Overshadowing

The shadow diagrams submitted with the application demonstrate that a minimum of 3 hours direct solar access to the principal area of private open space at the rear of the adjoining southern property at No. 23A Edwin Street South is currently not achieved on 21 June. In addition, the shadow diagrams also illustrate that the rear window on the eastern elevation, and side windows on the northern elevation of No. 23A Edwin Street South will receive less than the required amount of solar access between 9.00am and 3.00pm on 21st of June as a result of the proposed development.

Private Open Space (POS)

No 23A Edwin Street has a private open space area of approximately 71.5sqm. This area currently receives solar access to at least 40% of the POS between the hours of 10:00AM to 12:00PM, thereby currently not complying with the 3 hours required.

The proposed development will result in a further non-compliance with the required solar access for POS. The greatest solar access that will be received post development for this space on 21 June, is between the hours of 10:00AM to 12:00PM to approximately 30% of the space, thereby not complying with the area and hours prescribed.

Principal Living Area

The 2 easternmost windows on the northern elevation of 23A Edwin St Sth comprise a living room and kitchen which are open plan in nature. Additionally the kitchen also contains a glazed bifold sliding door on the eastern elevation which opens out to the private open space area.

By virtue of an existing pergola at 23A Edwin St Sth adjoining the dwelling, the east facing bifold does not receive the requisite solar access.

Additionally the northern elevation glazing to the kitchen and living room at No.23A Edwin Street received direct solar access to more than 40% of the subject windows between the hours of 12:00PM, and 3:00PM, thereby complying with the requisite 3 hours.

The proposal will result in a reduction of solar access to the kitchen and living room windows, however the living room retains solar access to more than 50% of the opening from 1.30 onwards, whilst the kitchen window receives direct solar access at 3:00pm at winter solstice

Where a development proposal results in a decrease in sunlight available on 21 June resulting in less than three hours of solar access for the adjoining property, the proposal may be considered on its merit with regard to the potential for development on the site, and the planning principle regarding access to sunlight as developed in the case law *Benevolent Society v Waverley Council [2010] NSWLEC 1082*.

a) The development potential of the site

The development potential of the site prescribed by the development standards under the *IWLEP 2022* is a maximum 8.5 metre height limit and 0.7:1 FSR. In addition, the subject site is zoned R2 Low Density Residential under *IWLEP 2022*, which permits mainly low-density residential development.

The following is noted with respect to this matter:

- The development readily complies with the 8.5m height development standard under the *IWLEP 2022*, as a maximum height of 8.395m is proposed;
- The development readily complies with the 0.7:1 FSR development standard under the *IWLEP 2022*, as the maximum FSR for No. 25 Edwin Street South is 134.6sqm

which equates to 0.59:1 and No. 25A Edwin Street South is 134.6sqm, which equates to 0.57:1;

- The proposal retains the dwelling use, which is a form of low density, residential development permissible within the site's R2 Low Density Residential zone under *IWLEP 2022*;
- The first-floor addition includes a compliant side setback of 1.7m provided to the southern boundary shared with No. 23A Edwin Street South; and
- The proposal minimises visual bulk and scale by providing a low 2.5m floor to ceiling height to the first floor addition.

Based on the above, it is considered the development is within its development potential and has not maximised or exceeded its potential. The additional overshadowing to the south of the site is unavoidable with a reasonable and compliant development adjacent.

- 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;

With respect to the above, the following circumstances of no. 23A are noted:

- The impacted window on the eastern elevation of No 23A Edwin Street overshadows itself due to a covered porch that extends beyond the eastern wall of the dwelling.
- The pattern of development is such that the buildings align. The window on the northern elevation servicing the living space is currently located adjacent to the subject sites living area, which in this case, makes compliance difficult;
- Fence shadows fall into the rear private open space of No 23A Edwin Street South and the narrow lot width limits solar access to this space; and
- The property at No.25A forms the consistent pattern of narrow allotments seen along the eastern side of Edwin Street is sited towards the northern boundary and as a result overshadows itself including other openings which service the principal living area.
- By virtue of the orientation of the site, any first floor addition would have overshadowing impacts

- c) Any exceptional circumstances of the subject site such as heritage, built form or topography; and

Consideration was given to possible design changes that could be utilised to minimise overshadowing. Examples included moving the first floor closer to the front elevation, which would create a larger rear first floor setback, and increasing the side setback for the first floor.

While Council acknowledges that this could result in reduced shadows, relocating the first floor closer to the street elevation will have significant impact on the character of the Gads Hill HCA, when considering the existing streetscape pattern of single storey dwelling houses, creating potential for a new precedent. Council also considers that the first floor is adequately setback from the side boundary by 1.7m and requiring a larger side setback will impact on the amenity available for residents.

- 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.

Shadow diagrams in elevational and plan form for the equinox were submitted to demonstrate the development's impact during this time. Based on an assessment of these diagrams, the following is evident:

- The windows servicing the principal living areas at no.23A Edwin Street South on the northern elevation will receive varying degrees of solar access between 11:00AM to 2:00PM during the equinox ranging from approximately 5% to 100% from 11:00AM onwards; and
- More than 50% of the POS for 23A Edwin Street will receive solar access at each hour between 9:00AM AND 3:00PM on 22 September.

In assessment of the above and solar access principles, it is considered that the impacts are reasonable, and that the proposal satisfies the objectives of the solar access provisions of the CIWDCP.

C. The Likely Impacts

These matters have been considered as part of the assessment of the development application. It is considered that the proposed development will not have significant adverse environmental, social or economic impacts upon the locality.

D. The Suitability of the Site for the Development

The proposal is of a nature in keeping with the overall function of the site. The premises are in a residential surrounding and amongst similar uses to that proposed.

E. Submissions

The application was notified in accordance with Council's Community Engagement Strategy between 04 June 2024 to 18 June 2024.

No submissions were received.

F. The Public Interest

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

This has been achieved in this instance.

6. Section 7.11 / 7.12 Contributions

Section 7.11 contributions are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area, as the potential occupancy of each site increases from two (2) bedrooms to four (4) bedrooms., a 7.11 Contribution development under the Inner West Local Infrastructure Contributions Plan 2023 has been calculated for each subdivided lot, and is specified below:

25A Edwin Street South Croydon: \$12,841.00

25 Edwin Street South Croydon: \$12,841.00

A condition requiring that contribution to be paid is included in the recommendation.

7. Housing and Productivity Contributions

This application is exempt from the housing and productivity contribution as it involves the subdivision of an existing dual occupancy and there is no intensification of the site.

8. Referrals

The following internal referrals were made, and their comments have been considered as part of the above assessment:

- Development Engineer;
- Urban Forest; and
- Building Certification.

9. Conclusion

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

The development will not result in any significant impacts on the amenity of the adjoining 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.

10. Recommendation

- A. In relation to the proposal by the development in Development Application No. DA/2024/0424 to contravene the Minimum Street Frontage Width development standard in Clause 4.1A of Inner West Local Environmental Plan 2022 the Panel is satisfied that the Applicant has demonstrated that:
- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and
 - (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.
- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2024/0424 for Torrens title subdivision of existing duplex into 2 lots and change of use to semi-detached dwelling, partial demolition of existing structures, construction of ground floor and first floor additions and 1 hardstand parking space at 25 - 25A Edwin Street South, Croydon subject to the conditions listed in Attachment A below for the following reasons;

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

GENERAL CONDITIONS

Condition	
1.	<p style="text-align: center;">Boundary Alignment Levels</p> <p>Alignment levels for the site at all pedestrian and vehicular access locations must match the existing back of footpath levels at the boundary unless levels are otherwise approved by Council via a S138 approval.</p> <p>Reason: To allow for pedestrian and vehicular access.</p>
2.	<p style="text-align: center;">Permits</p> <p>Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993. Permits are required for the following activities:</p> <ul style="list-style-type: none"> • Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application; • A concrete pump across the roadway/footpath; • Mobile crane or any standing plant; • Skip Bins; • Scaffolding/Hoardings (fencing on public land); • Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.; • Awning or street veranda over the footpath; • Partial or full road closure; and • Installation or replacement of private stormwater drain, utility service or water supply. <p>If required contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. Applications for such Permits must be submitted and approved by Council prior to the commencement of the works associated with such activity.</p> <p>Reason: To ensure works are carried out in accordance with the relevant legislation.</p>
3.	<p style="text-align: center;">Insurances</p> <p>Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands is required to take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.</p> <p>Reason: To ensure Council assets are protected.</p>

4.	Documents related to the consent			
	The development must be carried out in accordance with plans and documents listed below:			
	Plan, Revision and Issue No.	Plan Name	Date Issued/Received	Prepared by
	AR-1	Site Plan And Roof Plan	08/10/2024	NK Architectural Design
	AR-2	Subdivision Plan	08/10/2024	NK Architectural Design
	AR-3	Existing & Demolition Ground Floor Plan	08/10/2024	NK Architectural Design
	AR-4	Proposed Addition to Ground Floor Plan	08/10/2024	NK Architectural Design
	AR-5	Proposed Addition To First Floor Plan	08/10/2024	NK Architectural Design
	AR-6	North & South Elevation	08/10/2024	NK Architectural Design
	AR-7	West, East, Front Fence Elevation	08/10/2024	NK Architectural Design
	AR-8	Hardstand Parking Plan & No 25A Driveway Section Plan	08/10/2024	NK Architectural Design
	AR-9	Section & Party Wall Details Plan	08/10/2024	NK Architectural Design
	AR-23	Materials Schedule	09/10/2024	NK Architectural Design
	A1741256	BASIX Certificate - 25A Edwin Street	25/03/2024	Mr Nam Truong
	A1741252	BASIX Certificate - 25 Edwin Street	25/03/2024	Mr Nam Truong
As amended by the conditions of consent. Reason: To ensure development is carried out in accordance with the approved documents.				

5.	<p style="text-align: center;">Works Outside the Property Boundary</p> <p>This development consent does not authorise works outside the property boundaries on adjoining lands.</p> <p>Reason: To ensure works are in accordance with the consent.</p>
6.	<p style="text-align: center;">Storage of Materials on public property</p> <p>The placing of any materials on Council's footpath or roadway is prohibited, without the prior consent of Council.</p> <p>Reason: To protect pedestrian safety.</p>
7.	<p style="text-align: center;">Other works</p> <p>Works or activities other than those approved by this Development Consent will require the submission of a new Development Application or an application to modify the consent under Section 4.55 of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>Reason: To ensure compliance with legislative requirements.</p>
8.	<p style="text-align: center;">National Construction Code (Building Code of Australia)</p> <p>A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out. All building works approved by this consent must be carried out in accordance with the requirements of the National Construction Code.</p> <p>Reason: To ensure compliance with legislative requirements.</p>
9.	<p style="text-align: center;">Notification of commencement of works</p> <p>Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the PCA (not being the council) has given the Council written notice of the following information:</p> <ul style="list-style-type: none"> a. In the case of work for which a principal contractor is required to be appointed: <ul style="list-style-type: none"> i. The name and licence number of the principal contractor; and ii. The name of the insurer by which the work is insured under Part 6 of that Act. b. In the case of work to be done by an owner-builder: <ul style="list-style-type: none"> i. The name of the owner-builder; and ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit. <p>Reason: To ensure compliance with legislative requirements.</p>
10.	<p style="text-align: center;">Dividing Fences Act</p> <p>The person acting on this consent must comply with the requirements of the <i>Dividing Fences Act 1991</i> in respect to the alterations and additions to the boundary fences.</p> <p>Reason: To ensure compliance with legislative requirements.</p>

11.	<p style="text-align: center;">Construction of Vehicular Crossing</p> <p>The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for Construction of a Vehicular Crossing & Civil Works form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, prior to commencement of works.</p> <p>Reason: To protect assets, infrastructure and pedestrian safety.</p>
12.	<p style="text-align: center;">Dial before you dig</p> <p>Contact "Dial Prior to You Dig" prior to commencing any building activity on the site.</p> <p>Reason: To protect assets and infrastructure.</p>
13.	<p style="text-align: center;">Lead-based Paint</p> <p>Buildings built or painted prior to the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned prior to occupation of the room or building.</p> <p>Reason: To protect human health.</p>
14.	<p style="text-align: center;">Bin Storage - Residential</p> <p>All bins are to be stored within the property. Bins are to be returned to the property within 12 hours of having been emptied.</p> <p>Reason: To ensure resource recovery is promoted and residential amenity is protected.</p>
15.	<p style="text-align: center;">Asbestos Removal</p> <p>Hazardous and industrial waste arising from the use must be removed and / or transported in accordance with the requirements of the NSW Environment Protection Authority (EPA) and the New South Wales WorkCover Authority.</p> <p>Reason: To ensure compliance with the relevant environmental legislation.</p>

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition				
16.	<p>Security Deposit - Custom</p> <p>Prior to the commencement of demolition works or prior to the issue of a Construction Certificate, the Certifying Authority must be provided with written evidence that a security deposit and inspection fee has been paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.</p> <table border="1" style="width: 100%; margin: 10px 0;"> <tr> <td style="width: 30%;">Security Deposit:</td> <td style="text-align: right;">\$8,900.00</td> </tr> <tr> <td>Inspection Fee:</td> <td style="text-align: right;">\$389.00</td> </tr> </table> <p>Payment will be accepted in the form of cash, bank cheque, EFTPOS/credit card (to a maximum of \$10,000) or bank guarantee. Bank Guarantees must not have an expiry date.</p> <p>The inspection fee is required for the Council to determine the condition of the adjacent road reserve and footpath prior to and on completion of the works being carried out.</p> <p>Should any of Council's property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council's assets or the environment at risk, or if any road, footpath or drainage works required by this consent are not completed satisfactorily, Council may carry out any works necessary to repair the damage, remove the risk or complete the works. Council may utilise part or all of the security deposit to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.</p> <p>A request for release of the security may be made to the Council after all construction work has been completed and a final Occupation Certificate issued.</p> <p>The amount nominated is only current for the financial year in which the initial consent was issued and is revised each financial year. The amount payable must be consistent with Council's Fees and Charges in force at the date of payment.</p> <p>Reason: To ensure required security deposits are paid.</p>	Security Deposit:	\$8,900.00	Inspection Fee:	\$389.00
Security Deposit:	\$8,900.00				
Inspection Fee:	\$389.00				
17.	<p>Dilapidation Report – Pre-Development – Minor</p> <p>Prior to the issue of a Construction Certificate or any demolition, the Certifying Authority must be provided with a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site.</p> <p>Reason: To ensure Council assets are protected.</p>				

18.	<p>Stormwater Drainage System – Minor Developments (OSD is not required)</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans certified by a suitably qualified Civil Engineer that the design of the site drainage system complies with the following specific requirements:</p> <p>The Stormwater Drainage Concept plans prepared by NTmA Consulting and dated 13 August 2024 shall be amended satisfying the following items</p> <ol style="list-style-type: none"> a. Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together overflow pipelines from any rainwater tank by gravity to the kerb and gutter of a public road. Minor roof and paved areas at the rear of the property that cannot reasonably be drained by gravity to the street may be drained to an on-site dispersal system such as an absorption system subject to no nuisance or concentration of flows to other properties and the feasibility and design of the on-site dispersal system being certified by a suitably qualified and experienced practising Civil and/or Geotechnical Engineer. b. The land slopes to the rear. The plan OL1 shows the stormwater pipelines from the rear to the front are by charged drainage systems which are not acceptable. In order to achieve gravity drainage systems, the stormwater pipes may be fixed to the side building walls. Alternatively, provide underground rainwater tanks (at least 1500 l) in the front yards and connect all downpipes to the rainwater tanks. Minor land fillings may be carried out in the front yards to achieve gravity drainage systems. 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 tanks. e. The Drainage Plan must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes. f. Existing overland flow paths must be provided within the setback to the side boundaries between the rear of the dwelling and the street frontage. g. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. h. No nuisance or concentration of flows to other properties. i. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system. j. 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.
-----	--

	<ul style="list-style-type: none"> k. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets. l. New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a maximum section height and width of 100mm or sewer grade uPVC pipe with a maximum diameter of 100mm. m. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings. n. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated. o. No impact to street tree(s). <p>Reason: To ensure that the adequate provision of stormwater drainage is provided.</p>
<p>19.</p>	<p>Public Domain Works – Prior to Construction Certificate</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a public domain works design, prepared by a qualified practising Civil Engineer and evidence that the works on the Road Reserve have been approved by Council under Section 138 of the Roads Act 1993 incorporating the following requirements:</p> <ul style="list-style-type: none"> a. The construction of extended light duty vehicular crossing to vehicular access location. b. The vehicular crossing and driveway ramp to the site shall be designed to satisfy the ground clearance template for a B99 vehicle using dynamic ground clearance software. A long section, along both sides of the vehicular crossing and ramp, drawn at a 1:20 or 1:25 natural scale, shall be provided for review. The long section shall begin from the centreline of the adjacent road to a minimum of 3 metres into the property. The long section shall show both existing and proposed surface levels including information including chainages. c. New concrete footpath and kerb and gutter along the frontage of the site at damaged locations. The kerb type (concrete or stone) must be consistent with the majority of kerb type at this location as determine by the Council Engineer; d. Cross sections are to be provided at the boundary at a minimum distance of every 5m and at all pedestrian and vehicular access locations. Note, the cross fall of the footpath must be set at 2.5%. These sections will set the alignment levels at the boundary. e. Installation of a stormwater outlet to the kerb and gutter. <p>All works must be completed prior to the issue of an Occupation Certificate.</p> <p>Reason: To ensure public domain works are constructed to Council's standards</p>

20.	<p>Long Service Levy</p> <p>Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has been paid at the prescribed rate of 0.25% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$250,000 or more.</p> <p>Reason: To ensure the long service levy is paid.</p>								
21.	<p>Balcony</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans indicating the following:</p> <ul style="list-style-type: none"> i. The provision of a privacy screen extending the full length along the northern side of the deck at No 25A Edwin Street South which has a minimum block out density of 75% and a height of 1.6 metres above the finished floor level of the deck, and ii. The provision of a privacy screen extending the full length along the southern side of the deck on 25 Edwin Street South, which has a minimum block out density of 75% and a height of 1.6 metres above the finished floor level of the deck. <p>Reason: To ensure that visual privacy treatment protects the amenity of the neighbourhood.</p>								
22.	<p>Sydney Water – Tap In</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority is required to ensure approval has been granted through Sydney Water’s online ‘Tap In’ program to determine whether the development will affect Sydney Water’s sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.</p> <p>Note: Please refer to the web site http://www.sydneywater.com.au/tapin/index.htm for details on the process or telephone 13 20 92.</p> <p>Reason: To ensure relevant utility and service provides requirements are provided to the certifier.</p>								
23.	<p>Section 7.11 Contribution</p> <p>In accordance with section 7.11 of the <i>Environmental Planning and Assessment Act 1979</i> and the Inner West Local Infrastructure Contribution Plan 2023 (the Plan), the following monetary contributions shall be paid to Council to cater for the increased demand for local infrastructure resulting from the development:</p> <p>25A Edwin Street South, Croydon:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Contribution Category</th> <th style="text-align: left;">Amount</th> </tr> </thead> <tbody> <tr> <td>Open Space & Recreation</td> <td>\$9,182.00</td> </tr> <tr> <td>Community Facilities</td> <td>\$1,702.00</td> </tr> <tr> <td>Transport</td> <td>\$1,207.00</td> </tr> </tbody> </table>	Contribution Category	Amount	Open Space & Recreation	\$9,182.00	Community Facilities	\$1,702.00	Transport	\$1,207.00
Contribution Category	Amount								
Open Space & Recreation	\$9,182.00								
Community Facilities	\$1,702.00								
Transport	\$1,207.00								

Plan Administration	\$118.00
Drainage	\$633.00
TOTAL	\$12,841.00

25 Edwin Street South, Croydon:

Contribution Category	Amount
Open Space & Recreation	\$9,182.00
Community Facilities	\$1,702.00
Transport	\$1,207.00
Plan Administration	\$118.00
Drainage	\$633.00
TOTAL	\$12,841.00

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_{payment} = is the contribution at time of payment

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

CPI_{consent} = is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being 139.1 for the September quarter of 2024.

CPI_{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 or during normal business hours at any of Council's customer service centres.

	<p>Please contact any of Council's customer service centres at council@innerwest.nsw.gov.au or 9392 5000 to request an invoice confirming the indexed contribution amount payable. Please allow a minimum of 2 business days for the invoice to be issued.</p> <p>Once the invoice is obtained, payment may be made via (i) BPAY (preferred), (ii) credit card / debit card (AMEX, Mastercard and Visa only; log on to www.innerwest.nsw.gov.au/invoice; please note that a fee of 0.75 per cent applies to credit cards), (iii) in person (at any of Council's customer service centres), or (iv) by mail (make cheque payable to 'Inner West Council' with a copy of your remittance to PO Box 14 Petersham NSW 2049).</p> <p>The invoice will be valid for 3 months. If the contribution is not paid by this time, please contact Council's customer service centres to obtain an updated invoice. The contribution amount will be adjusted to reflect the latest value of the Consumer Price Index (All Groups Index) for Sydney.</p> <p>Reason: To ensure payment of the required development contribution.</p>
<p>24.</p>	<p>Structural Engineers Certification For Party Wall</p> <p>Prior to the issue of a Construction Certificate, the Certifier is to be presented with a Structural Engineer Certificate that confirms the following:</p> <ul style="list-style-type: none"> • The existing Party Wall is fire rated and/or will be extended to be compliant with current fire rating requirements. Note the party wall may need to be extended to meet the underside of the existing roof within the portion of the existing dwelling; • The existing Party Wall can support the new section of Party Wall on the first-floor; and • Sound transmission testing has been undertaken that confirms the Party Wall is to standard. <p>Reason: To ensure the Party Wall complies with the Building Code of Australia</p>
<p>25.</p>	<p>Structural Certificate for retained elements of the building</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with a Structural Certificate prepared by a practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction. The certificate must also include all details of the methodology to be employed in construction phases to achieve the above requirements without result in demolition of elements marked on the approved plans for retention.</p> <p>Reason: To ensure the structural adequacy of the works.</p>

BEFORE BUILDING WORK COMMENCES

Condition	
26.	<p>Tree Protection</p> <p>No trees on public property (footpaths, roads, reserves etc.) are to be removed or damaged during works unless specifically approved in this consent. Prescribed trees protected by Council's Tree Management Controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent. Any public tree within five (5) metres of the development must be protected in accordance with AS4970— Protection of trees on development sites and 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.</p> <p>The existing trees detailed below must be retained and protected throughout construction and development in accordance with all relevant conditions of consent.</p> <p>1 x <i>Duranta erecta</i> (Pigeon Berry) - verge 1 x <i>Olea europaea</i> (European Olive) – rear</p> <p>Reason: To ensure that trees to be retained are protected.</p>
27.	<p>Project Arborist</p> <p>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.</p> <p>Reason: To protect and retain trees.</p>
28.	<p>Tree Protection</p> <p>To protect the following tree, trunk protection must be installed prior to any works commencing:</p> <p>1 x <i>Olea europaea</i> (European Olive) - rear</p> <p>The protection must include the following in accordance with AS4970 'Protection of trees on development sites' / Council's Development Fact Sheet - Trees on Development sites;</p> <ol style="list-style-type: none"> a. Tree trunk/s and/or major branches must be protected by wrapped thick carpet underlay or similar padding material to limit damage; b. Timber planks (50mm x 100mm must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The thick carpet underlay or padding material and timber planks must not be fixed to the tree in any instance, or in any fashion; c. Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project. <p>Reason: To protect and retain trees.</p>

<p>29.</p>	<p>Hoardings</p> <p>The person acting on this consent must ensure the site is secured with temporary fencing prior to any works commencing.</p> <p>If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public roads or Council controlled lands to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property.</p> <p>Separate approval is required from the Council under the Roads Act 1993 to erect a hoarding or temporary fence or awning on public property.</p> <p>Reason: To ensure the site is secure and that the required permits are obtained if enclosing public land.</p>
<p>30.</p>	<p>Waste Management Plan</p> <p>Prior to the commencement of any works (including any demolition works), the Certifying Authority is required to be provided with a Recycling and Waste Management Plan (RWMP) in accordance with the relevant Development Control Plan.</p> <p>Reason: To ensure resource recovery is promoted and local amenity is maintained.</p>
<p>31.</p>	<p>Erosion and Sediment Control</p> <p>Prior to the issue of a commencement of any works (including any demolition works), the Certifying Authority must be provided with an erosion and sediment control plan and specification. Sediment control devices must be installed and maintained in proper working order to prevent sediment discharge from the construction site.</p> <p>Reason: To ensure resource recovery is promoted and local amenity is maintained.</p>
<p>32.</p>	<p>Construction Fencing</p> <p>Prior to the commencement of any works (including demolition), the site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property.</p> <p>Reason: To protect the built environment from construction works.</p>
<p>33.</p>	<p>Standard Street Tree Protection</p> <p>Prior to the commencement of any work, the Certifying Authority must be provided with details of the methods of protection of all street trees adjacent to the site during demolition and construction.</p> <p>Reason: To protect and retain trees.</p>

DURING BUILDING WORK

Condition	
34.	<p>Tree Protection</p> <p>No trees on public property (footpaths, roads, reserves etc.) are to be removed or damaged during works unless specifically approved in this consent. Prescribed trees protected by Council's Tree Management Controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent. Any public tree within five (5) metres of the development must be protected in accordance with AS4970—Protection of trees on development sites and 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.</p> <p>The existing trees detailed below must be retained and protected throughout construction and development in accordance with all relevant conditions of consent.</p> <p>1 x <i>Duranta erecta</i> (Pigeon Berry) - verge 1 x <i>Olea europaea</i> (European Olive) - rear</p> <p>Reason: To ensure that trees to be retained are protected.</p>
35.	<p>Inspections by Project Arborist</p> <p>An Arborist with minimum qualifications in Arboriculture of Level 5 (under the Australian Qualification Framework) must oversee various stages of work within the Tree Protection Zone of any tree listed for retention including street trees. The Arborist must certify compliance with each key milestone detailed below:</p> <ol style="list-style-type: none"> 1. The installation of tree protection measures prior to the commencement of any construction works; <ol style="list-style-type: none"> a. During construction of the deck pier footings; b. During any excavation and trenching within the Tree Protection Zone; c. An Arboricultural Compliance Report which includes photographic evidence and provides details on the health and structure of tree/s must be submitted to and acknowledged by PCA at each hold-point listed below: d. Certification that tree protection measures have been installed in accordance with these consent conditions. e. Certification of compliance with each key milestone listed above within 48 hours of completion; f. Details of any other works undertaken on any tree to be retained or any works within the TPZ which has been approved by Council. g. A final compliance report must be submitted to and approved by PCA prior to the issue of any Occupation Certificate. <p>Reason: To protect and retain trees.</p>

<p>36.</p>	<p>Limited Root Pruning</p> <p>No tree roots of 30mm or greater in diameter located within the specified radius of the trunk of the following tree may be severed or injured in the process of any works during the construction period (footings to be located to avoid roots that are not approved for pruning) :</p> <p>1 x <i>Olea europaea</i> (European Olive) - rear</p> <p>All excavation within 3 metres being hand dug under direct supervision of the Project Arborist. If tree roots less than 30mm in diameter are required to be severed for the purposes of constructing the approved works, they must be cut cleanly using a sharp and fit for purpose tool. The pruning must be undertaken by a practicing Arborist.</p> <p>Note – The installation of services must be undertaken accordingly.</p> <p>Reason: To protect and retain trees.</p>						
<p>37.</p>	<p>Works to Trees</p> <p>During building work, the trees detailed below can be removed.</p> <table border="1" data-bbox="435 768 1024 853"> <thead> <tr> <th>Tree No.</th> <th>Botanical/Common Name</th> <th>Location</th> </tr> </thead> <tbody> <tr> <td>-</td> <td><i>Macadamia integrifolia</i> (Macadamia)</td> <td>Rear</td> </tr> </tbody> </table> <p>All tree works shall be undertaken by an arborist with a minimum Level 3 in Arboriculture, as defined by the Australian Qualification Framework and in compliance with Australian Standard AS 4373—Pruning of amenity trees and Safe Work Australia’s Guide to Managing Risks of Tree Trimming and Removal Work.</p> <p>The trees to be removed must be included on all Construction Certificate plans shown in red.</p> <p>Reason: To identify trees permitted to be pruned or removed.</p>	Tree No.	Botanical/Common Name	Location	-	<i>Macadamia integrifolia</i> (Macadamia)	Rear
Tree No.	Botanical/Common Name	Location					
-	<i>Macadamia integrifolia</i> (Macadamia)	Rear					
<p>38.</p>	<p>Advising Neighbours Prior to Excavation</p> <p>At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, reasonable notice must be provided to the owner of the adjoining allotment of land including particulars of the excavation.</p> <p>Reason: To ensure surrounding properties are adequately notified of the proposed works.</p>						
<p>39.</p>	<p>Construction Hours – Class 1 and 10</p> <p>Unless otherwise approved by Council, excavation, demolition, construction or subdivision work are only permitted between the hours of 7:00am to 5.00pm, Mondays to Saturdays (inclusive) with no works permitted on, Sundays or Public Holidays.</p> <p>Reason: To protect the amenity of the neighbourhood.</p>						

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
40.	<p>Certification of Tree Planting</p> <p>Prior to the issue of any Occupation Certificate a Final Landscape Inspection must be carried out and a certificate issued by Council's Urban Forest officer. This certificate is required to ensure that all tree protection measures, landscaping works, replacement tree planting and the deep soil percentage requirements have been carried out in accordance with the conditions of this consent. To arrange a Final Landscape Inspection please phone 9392-5000 a minimum of 48 hours prior to the required inspection date. An inspection fee will be charged in accordance with the current schedule of rates listed on Council's website. Any secondary inspections will incur a reinspection fee.</p> <p>A minimum of 2 x 75 litre size trees (1 in each Lot), which will attain a minimum mature height of 5 metres, have been planted in a suitable location within the property (at least 1 metre from any boundary and 1.5 metres from any structure) and allowing for future tree growth. The purchased tree must meet the requirements of AS2303—<i>Tree stock for landscape use</i>. Trees listed as exempt species from Council's Tree Management Development Control Plan and species recognised to have a short life span, will not be accepted as suitable.</p> <p>Trees required by this condition must be maintained and protected until they are protected by Council's Tree Management DCP. Any replacement trees found damaged, dying or dead must be replaced with the same species in the same container size within one month with all costs to be borne by the owner.</p> <p>Reason: To ensure appropriate landscaping is undertaken.</p>
41.	<p>Project Arborist Certification</p> <p>Prior to the issue of an Occupation Certificate, the Principal Certifier is to be provided with certification from the Project Arborist that the requirements of the conditions of consent related to the landscape plan/approved tree planting plan and the role of the project arborist have been complied with.</p> <p>Reason: To ensure the protection and ongoing health of trees to be retained.</p>
42.	<p>Public Domain Works</p> <p>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:</p> <p>Light duty extended concrete vehicle crossing at the vehicular access location.</p> <p>The existing concrete footpath across the frontage of the site at damaged locations must be reconstructed.</p> <p>Other works subject to the Roads Act 1993 approval.</p> <p>All works must be constructed in accordance with Council's standards and specifications and AUS-SPEC#2-“Roadworks Specifications”.</p> <p>Reason: To ensure Council assets are protected, and that works that are undertaken in the public domain maintain public safety.</p>

<p>43.</p>	<p>No Encroachments Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any encroachments on to Council footpath resulting from the front fence works have been removed. Reason: To maintain and promote vehicular and pedestrian safety.</p>
<p>44.</p>	<p>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. Reason: To ensure Council assets are protected.</p>
<p>45.</p>	<p>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 that: The stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards; and Works-as-executed plans of the stormwater drainage system certified by a Registered Surveyor, to verify that the drainage system has been constructed in accordance with the approved design and relevant Australian Standards have been submitted to Council. The works-as-executed plans 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. Reason: To ensure the approved works are undertaken in accordance with the consent.</p>
<p>46.</p>	<p>Structural Engineers Certification For Party Wall - Occupation Certificate Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), the Principal Certifier must be provided with a Structural Engineers Certificate that the existing and new portion of the party wall has been constructed in accordance with the Building Codes of Australia. Evidence is to be provided that confirms the Party Wall is fire rated, is in accordance with sound transmission requirements, and can structurally withstand the addition and first floor Party Wall addition. Reason: To ensure compliance with the Building Codes of Australia.</p>

DEMOLITION WORK

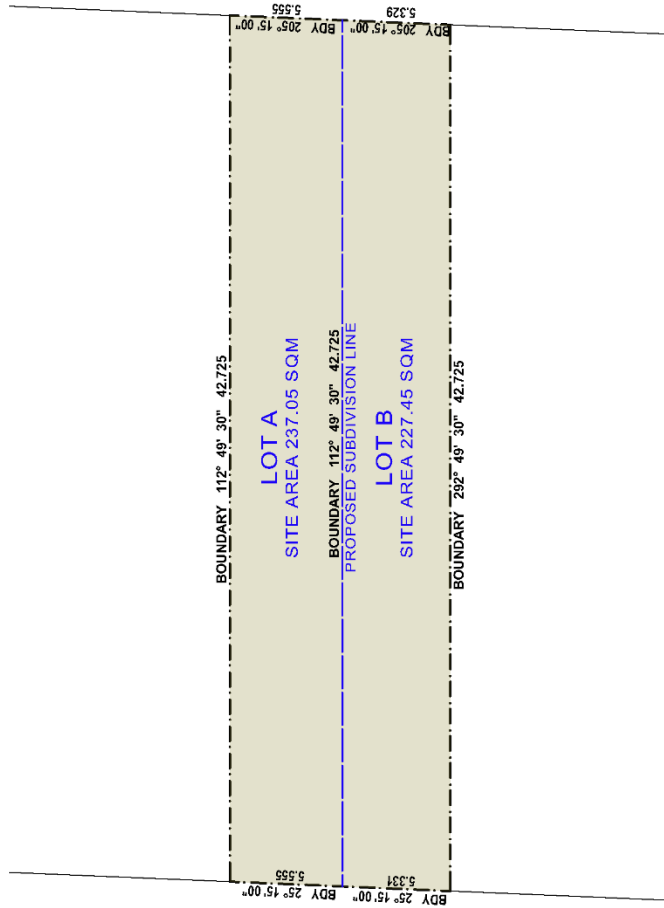
BEFORE DEMOLITION WORK COMMENCES

Condition	
47.	<p>Tree Protection</p> <p>To protect the following tree, trunk protection must be installed prior to any works commencing:</p> <p>1 x <i>Olea europaea</i> (European Olive) - rear</p> <p>The protection must include the following in accordance with AS4970 'Protection of trees on development sites' / Council's Development Fact Sheet - Trees on Development sites;</p> <ul style="list-style-type: none"> a. Tree trunk/s and/or major branches must be protected by wrapped thick carpet underlay or similar padding material to limit damage; b. Timber planks (50mm x 100mm must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The thick carpet underlay or padding material and timber planks must not be fixed to the tree in any instance, or in any fashion; c. Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project. <p>Reason: To protect and retain trees.</p>
48.	<p>Hoardings</p> <p>The person acting on this consent must ensure the site is secured with temporary fencing prior to any works commencing.</p> <p>If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public roads or Council controlled lands to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property.</p> <p>Separate approval is required from the Council under the Roads Act 1993 to erect a hoarding or temporary fence or awning on public property.</p> <p>Reason: To ensure the site is secure and that the required permits are obtained if enclosing public land.</p>

SUBDIVISION WORK

BEFORE ISSUE OF A SUBDIVISION CERTIFICATE

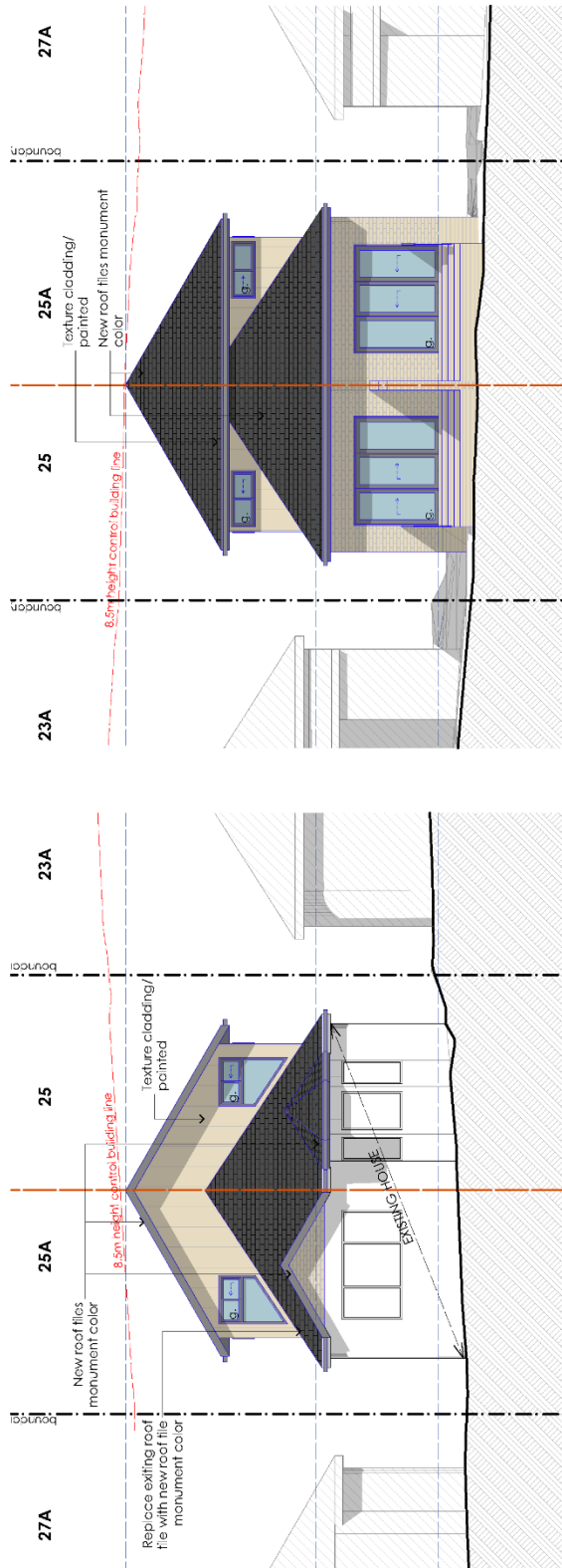
Condition	
49.	<p>Separate Drainage Systems</p> <p>Prior to the issue of a Subdivision Certificate, the Principal Certifier must be provided with a plan detailing that separate drainage systems must be provided to drain each proposed lot.</p> <p>Reason: To ensure that the adequate provision of stormwater drainage is provided.</p>
50.	<p>Release of Subdivision Certificate</p> <p>Prior to the release of a Subdivision Certificate, the Certifying Authority must be provided with a copy of the Final Occupation Certificate.</p> <p>Reason: To ensure development is completed before the subdivision certificate is released.</p>



SUBDIVISION PLAN
Scale 1:200

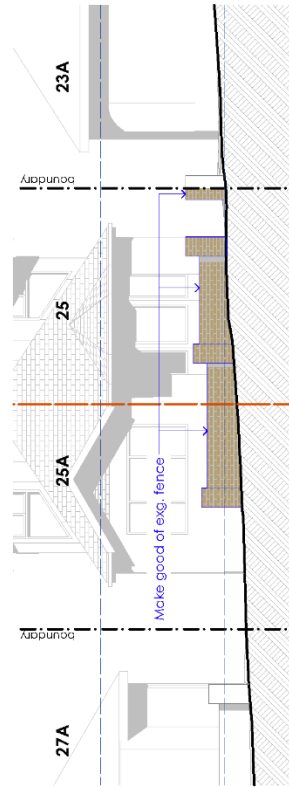
<p>PROJECT NOTES</p> <p>1. CONSULT THE ARCHITECT FOR ALL INFORMATION RELATIVE TO THE PREPARATION OF THIS PLAN.</p> <p>2. THIS PLAN IS A DEVELOPMENT APPLICATION FOR THE SUBDIVISION OF LAND AND SHOULD BE USED IN CONJUNCTION WITH THE ARCHITECT'S DEVELOPMENT APPLICATION AND ANY OTHER RELEVANT DOCUMENTS.</p> <p>3. THIS PLAN IS A DEVELOPMENT APPLICATION FOR THE SUBDIVISION OF LAND AND SHOULD BE USED IN CONJUNCTION WITH THE ARCHITECT'S DEVELOPMENT APPLICATION AND ANY OTHER RELEVANT DOCUMENTS.</p> <p>4. CONSULT THE ARCHITECT FOR ALL INFORMATION RELATIVE TO THE PREPARATION OF THIS PLAN.</p> <p>5. CONSULT THE ARCHITECT FOR ALL INFORMATION RELATIVE TO THE PREPARATION OF THIS PLAN.</p> <p>6. CONSULT THE ARCHITECT FOR ALL INFORMATION RELATIVE TO THE PREPARATION OF THIS PLAN.</p> <p>7. CONSULT THE ARCHITECT FOR ALL INFORMATION RELATIVE TO THE PREPARATION OF THIS PLAN.</p> <p>8. CONSULT THE ARCHITECT FOR ALL INFORMATION RELATIVE TO THE PREPARATION OF THIS PLAN.</p> <p>9. CONSULT THE ARCHITECT FOR ALL INFORMATION RELATIVE TO THE PREPARATION OF THIS PLAN.</p> <p>10. CONSULT THE ARCHITECT FOR ALL INFORMATION RELATIVE TO THE PREPARATION OF THIS PLAN.</p>		<p>LEGEND</p> <p>Existing walls to remain</p> <p>New brick walls</p> <p>New brick veneer walls</p> <p>New floor and walls</p> <p>Existing floor construction</p>		<p>ARCHITECT</p> <p>NK ARCHITECT</p> <p>71 JOHN ST. CROYDON, NSW PHONE: 031 8004 1266 NOMINATED ARCHITECT: N/A REGISTRATION No. 7983</p>		<p>PROJECT: ALTERATIONS AND ADDITIONS</p> <p>NO: 25 EDWIN ST. CROYDON</p> <p>FOR: MR. MORGAN NG</p> <p>PROJECT NAME: SUBDIVISION PLAN</p>		<p>Scale: 1:200 @ A3 Drawing number: AR-2</p> <p>Date: 01/10/2024</p> <p>Page: 2 of 24</p> <p>DEVELOPMENT APPLICATION</p> <p>7101 EDU 02</p>							
<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>REVISION</th> <th>ISSUE</th> </tr> </thead> <tbody> <tr> <td>1</td> <td></td> <td>DEVELOPMENT APPLICATION</td> <td></td> </tr> </tbody> </table>		NO.	DATE	REVISION	ISSUE	1		DEVELOPMENT APPLICATION							
NO.	DATE	REVISION	ISSUE												
1		DEVELOPMENT APPLICATION													

Document ID: 39689527
Version: 1, Version Date: 09/10/2024



WEST ELEVATION - EDWIN ST
Scale 1:100

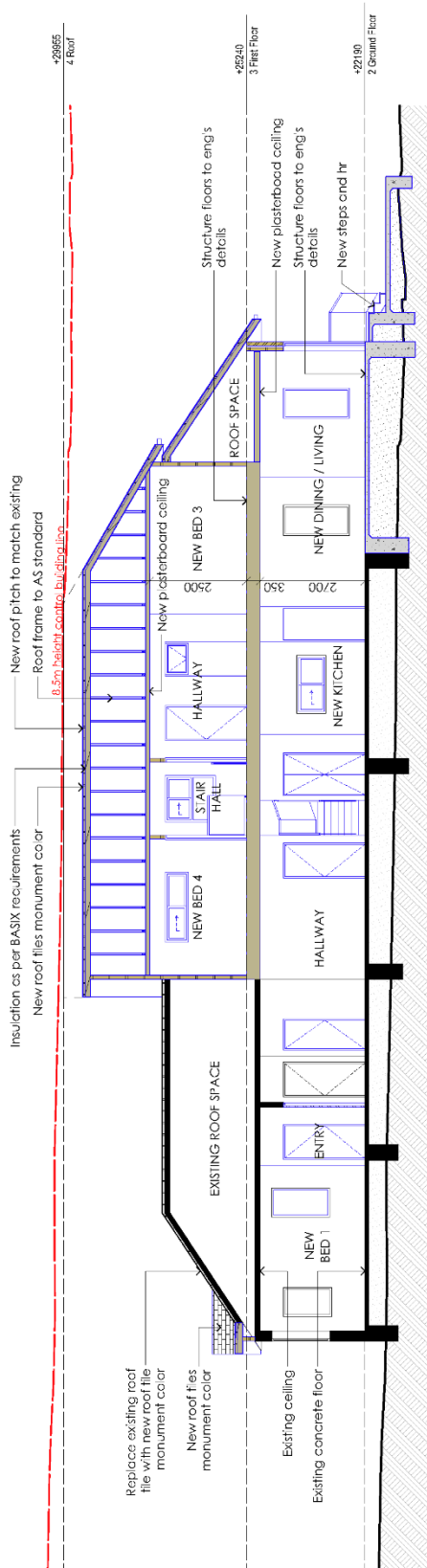
EAST ELEVATION
Scale 1:100



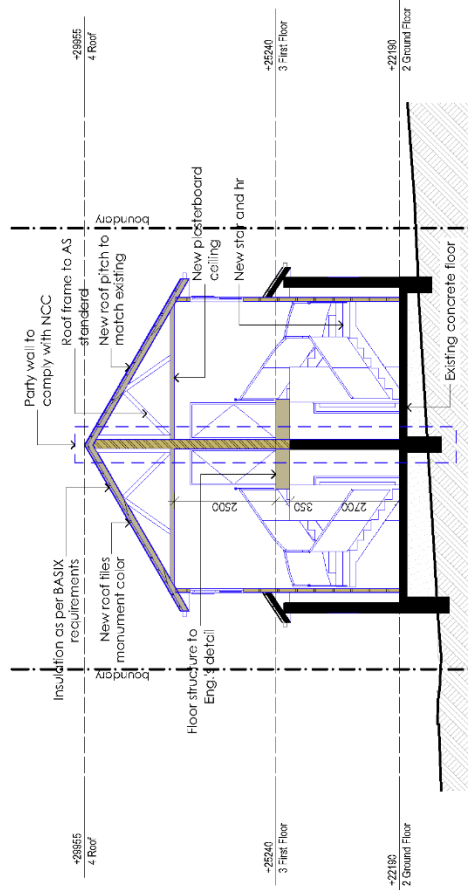
FRONT FENCE ELEVATION
Scale 1:100

<p>PROJECT NOTES</p> <p>1. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE LOCAL GOVERNMENT'S DEVELOPMENT CONTROL BY-LAWS AND ANY APPLICABLE STANDARDS.</p> <p>2. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE LOCAL GOVERNMENT'S DEVELOPMENT CONTROL BY-LAWS AND ANY APPLICABLE STANDARDS.</p> <p>3. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE LOCAL GOVERNMENT'S DEVELOPMENT CONTROL BY-LAWS AND ANY APPLICABLE STANDARDS.</p> <p>4. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE LOCAL GOVERNMENT'S DEVELOPMENT CONTROL BY-LAWS AND ANY APPLICABLE STANDARDS.</p> <p>5. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE LOCAL GOVERNMENT'S DEVELOPMENT CONTROL BY-LAWS AND ANY APPLICABLE STANDARDS.</p>		<p>LEGEND</p> <p>Existing walls to remain</p> <p>New brick walls</p> <p>New brick veneer walls</p> <p>New brick and stone walls</p> <p>Existing brickwork to be replaced</p>		<p>PROJECT: ALTERATIONS AND ADDITIONS</p> <p>NO.: 25 EDWIN ST, CROYDON</p> <p>FOR: MR. MORGAN NG</p> <p>DATE: / /</p> <p>REVISION: / /</p> <p>ISSUE: / /</p>		<p>ARCHITECT</p> <p>ARCHITECT</p> <p>71 JOHN ST, CROYDON, VIC 3113</p> <p>PH: 03 9330 1266</p> <p>REGISTERED ARCHITECT: N/A</p> <p>MEMBER OF THE INSTITUTE OF ARCHITECTS: 7983</p>		<p>Scale: 1:100</p> <p>Date: 26/10/2024</p> <p>Scale: 1:100 @ A3 Drawing number: AR-7</p> <p>Page: 7 of 24</p> <p>DEVELOPMENT APPLICATION</p> <p>701/2024</p>	
--	--	---	--	---	--	--	--	--	--

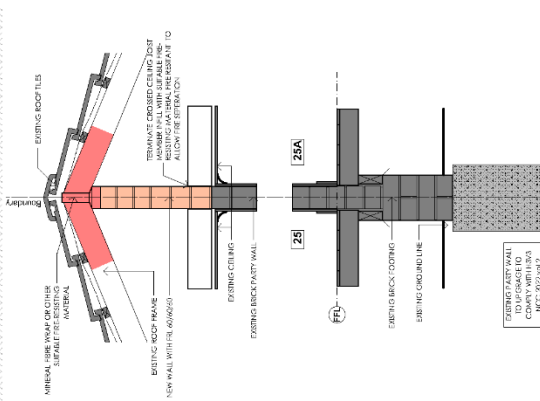
Document: SP101-3968927
Version: 1, Version Date: 09/10/2024



SECTION 1-1 Scale 1:100



SECTION 2-2 Scale 1:100



PARTY WALL DETAILS Scale 1:20

PROJECT NOTES

1. ALL DIMENSIONS UNLESS OTHERWISE SPECIFIED ARE IN METERS.

2. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL FIRE BRANCH REGULATIONS.

3. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL FIRE BRANCH REGULATIONS.

4. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL FIRE BRANCH REGULATIONS.

5. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL FIRE BRANCH REGULATIONS.

6. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL FIRE BRANCH REGULATIONS.

7. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL FIRE BRANCH REGULATIONS.

8. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL FIRE BRANCH REGULATIONS.

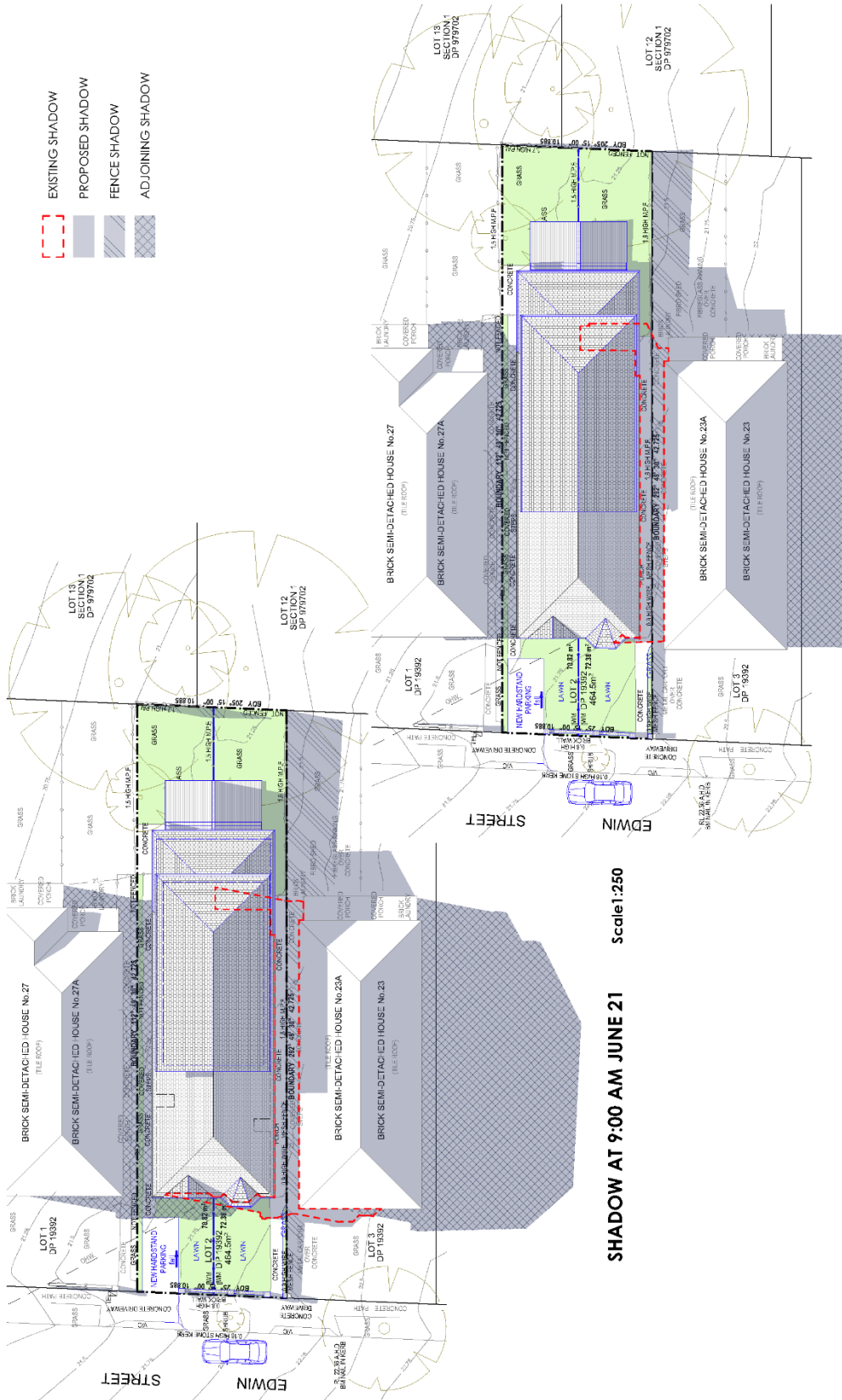
9. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL FIRE BRANCH REGULATIONS.

10. ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL FIRE BRANCH REGULATIONS.

DATE	REVISION	ISSUE
	DEVELOPMENT APPLICATION	

ARCHITECT
NK ARCHITECT
 ARCHITECTURAL DESIGN
 71 JOHN ST. CROYDON, NSW
 PH: 02 8331 8000 FAX: 02 8331 8006
 WWW.NKARCHITECT.COM.AU
 NOMINATED ARCHITECT: N/A
 REGISTRATION NO: 7983

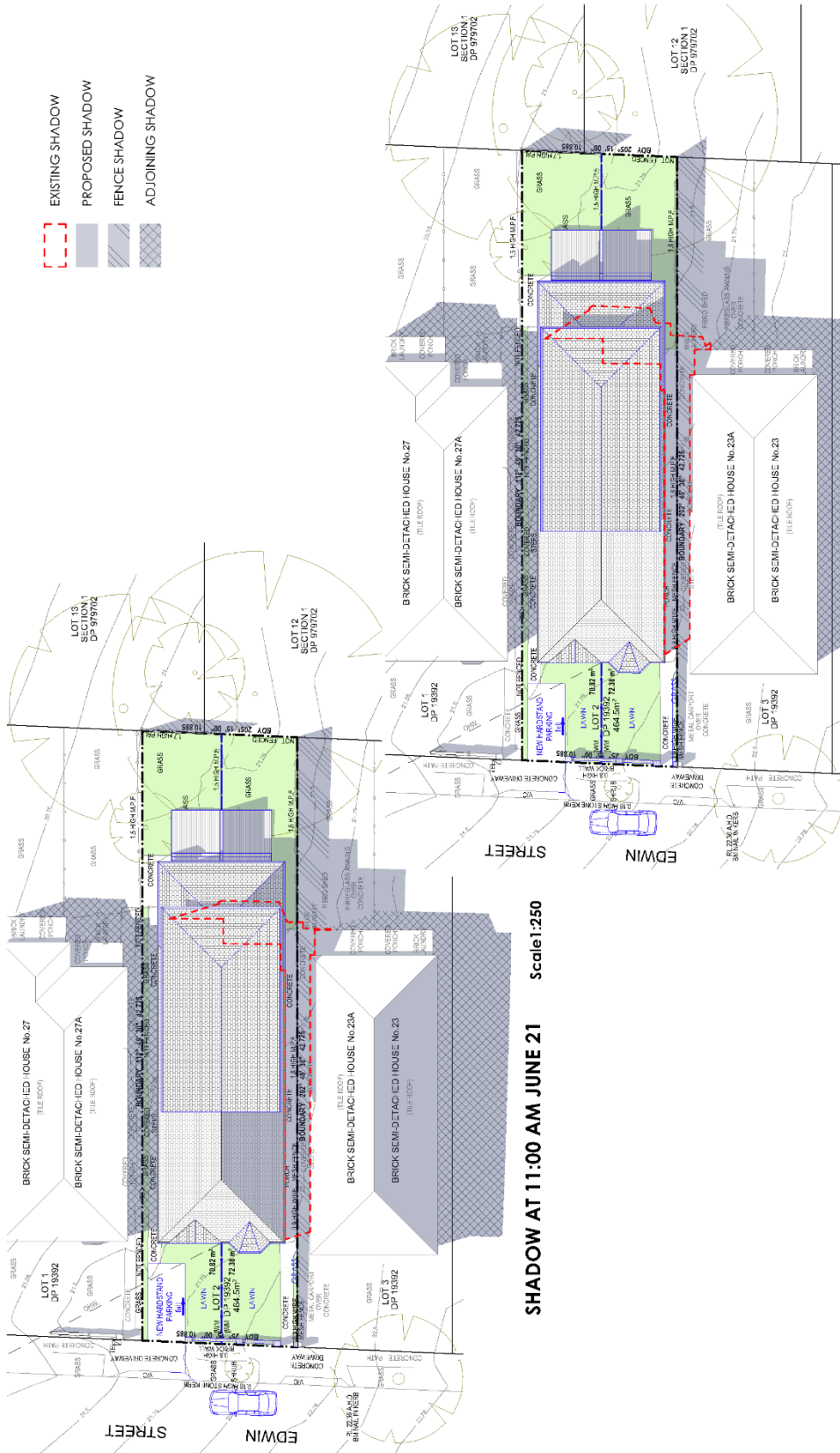
PROJECT: ALTERATIONS AND ADDITIONS
 Scale: 1:100, 1:20 @ AS Drawing number: AR-9
 Date: 26/10/2024 Page: 9 of 24
MR. MORGAN NG
 DEVELOPMENT APPLICATION
 DRAWING NAME: SECTIONS
 PLO: 202404



SHADOW AT 9:00 AM JUNE 21 Scale 1:250

SHADOW AT 10:00 AM JUNE 21 Scale 1:250

<p>PROJECT NOTES</p> <p>1. DEVELOPER TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL COUNCIL AND STATE AUTHORITIES.</p> <p>2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CURRENT BUILDING REGULATIONS AND ALL APPLICABLE STANDARDS.</p> <p>3. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL COUNCIL AND STATE AUTHORITIES.</p> <p>4. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL COUNCIL AND STATE AUTHORITIES.</p> <p>5. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL COUNCIL AND STATE AUTHORITIES.</p>	
<p>LEGEND</p> <p>EXISTING SHADOW (Dashed Red)</p> <p>PROPOSED SHADOW (Solid Grey)</p> <p>FENCE SHADOW (Hatched)</p> <p>ADJOINING SHADOW (Cross-hatched)</p>	
<p>PROJECT: ALTERATIONS AND ADDITIONS</p> <p>ARCHITECT: NK ARCHITECT</p> <p>NO. 25 EDWIN ST. CROYDON</p> <p>FOR: MR. MORGAN NG</p> <p>DATE: 13 OF 24</p> <p>Scale: 1:250</p> <p>Scale: 1:250</p>	
<p>DEVELOPMENT APPLICATION</p> <p>DATE: 13 OF 24</p> <p>Scale: 1:250</p> <p>Scale: 1:250</p>	
<p>PROJECT: ALTERATIONS AND ADDITIONS</p> <p>ARCHITECT: NK ARCHITECT</p> <p>NO. 25 EDWIN ST. CROYDON</p> <p>FOR: MR. MORGAN NG</p> <p>DATE: 13 OF 24</p> <p>Scale: 1:250</p> <p>Scale: 1:250</p>	
<p>DEVELOPMENT APPLICATION</p> <p>DATE: 13 OF 24</p> <p>Scale: 1:250</p> <p>Scale: 1:250</p>	



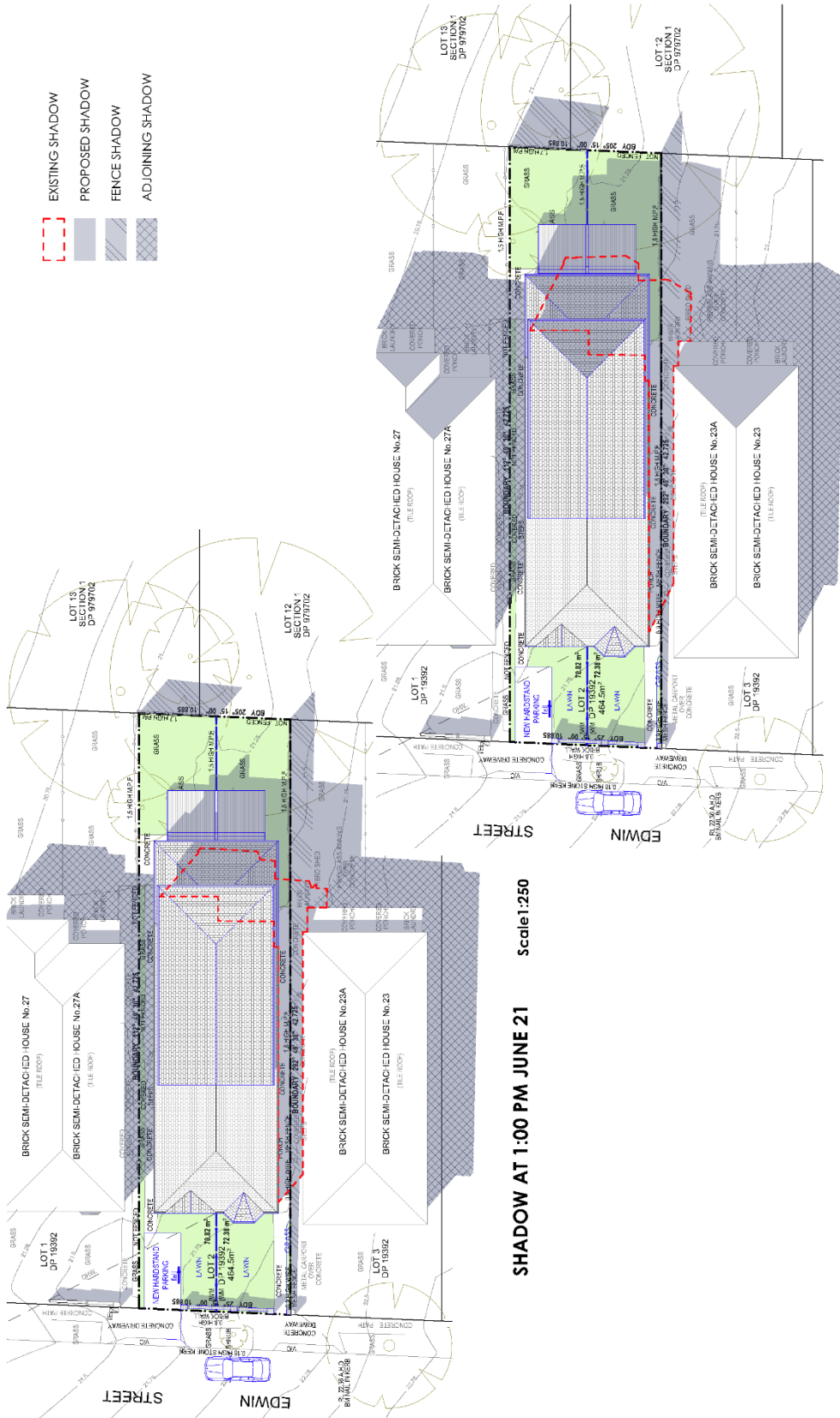
SHADOW AT 11:00 AM JUNE 21 Scale 1:250

SHADOW AT 12:00 NOON JUNE 21 Scale 1:250

- EXISTING SHADOW
- PROPOSED SHADOW
- FENCE SHADOW
- ADJOINING SHADOW

<p>PROJECT: ALTERATIONS AND ADDITIONS</p> <p>Scale: 1:250 @ A3 Drawing number: AR-14</p> <p>Date: 21/12/2024 Page: 14 of 24</p> <p>DEVELOPMENT APPLICATION</p> <p>NO. 25 EDWIN ST. CROYDON</p> <p>FOR: MR. MORGAN NG</p> <p>PROJECT NAME: SHADOW DIAGRAM, JUNE 21 (2)</p> <p>NO. 100</p>									
<p>ARCHITECT</p> <p>ARCHITECTURAL DESIGN</p> <p>71 JOHN ST. CROYDON, VIC 3113</p> <p>PHONE: 031 8004 1266</p> <p>NOMINATED ARCHITECT: N/A</p> <p>REGISTRATION NO.: 7983</p>									
<p>LEGEND</p> <p>EXISTING SHADOW: Dashed red line</p> <p>PROPOSED SHADOW: Solid grey fill</p> <p>FENCE SHADOW: Hatched pattern</p> <p>ADJOINING SHADOW: Cross-hatched pattern</p>									
<p>PROJECT NOTES</p> <p>1. SHADOWS ARE CAST FROM THE PROPOSED DEVELOPMENT AND EXISTING BUILDINGS.</p> <p>2. SHADOWS ARE CAST AT 11:00 AM AND 12:00 NOON ON JUNE 21, 2024.</p> <p>3. SHADOWS ARE CAST FROM THE PROPOSED DEVELOPMENT AND EXISTING BUILDINGS.</p> <p>4. SHADOWS ARE CAST FROM THE PROPOSED DEVELOPMENT AND EXISTING BUILDINGS.</p> <p>5. SHADOWS ARE CAST FROM THE PROPOSED DEVELOPMENT AND EXISTING BUILDINGS.</p> <p>6. SHADOWS ARE CAST FROM THE PROPOSED DEVELOPMENT AND EXISTING BUILDINGS.</p> <p>7. SHADOWS ARE CAST FROM THE PROPOSED DEVELOPMENT AND EXISTING BUILDINGS.</p> <p>8. SHADOWS ARE CAST FROM THE PROPOSED DEVELOPMENT AND EXISTING BUILDINGS.</p> <p>9. SHADOWS ARE CAST FROM THE PROPOSED DEVELOPMENT AND EXISTING BUILDINGS.</p> <p>10. SHADOWS ARE CAST FROM THE PROPOSED DEVELOPMENT AND EXISTING BUILDINGS.</p>									
<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>REVISION</th> <th>ISSUE</th> </tr> </thead> <tbody> <tr> <td>1</td> <td></td> <td>DEVELOPMENT APPLICATION</td> <td></td> </tr> </tbody> </table>		NO.	DATE	REVISION	ISSUE	1		DEVELOPMENT APPLICATION	
NO.	DATE	REVISION	ISSUE						
1		DEVELOPMENT APPLICATION							

Document: SPTD-3968921
Version: 1, Version Date: 09/10/2024



ARCHITECT
NK ARCHITECT
 ARCHITECTURAL DESIGN
 71 JOHN ST. CROYDON, VIC 3113
 PHONE: 031 8004 1266
 FAX: 031 8004 1266
 NOMINATED ARCHITECT: N/A
 REGISTRATION NO.: 7983

PROJECT: ALTERATIONS AND ADDITIONS
 NO. 25 EDWIN ST. CROYDON
 FOR: MR. MORGAN NG
 DRAWING NAME: SHADOW DIAGRAM, JUNE 21 (3)

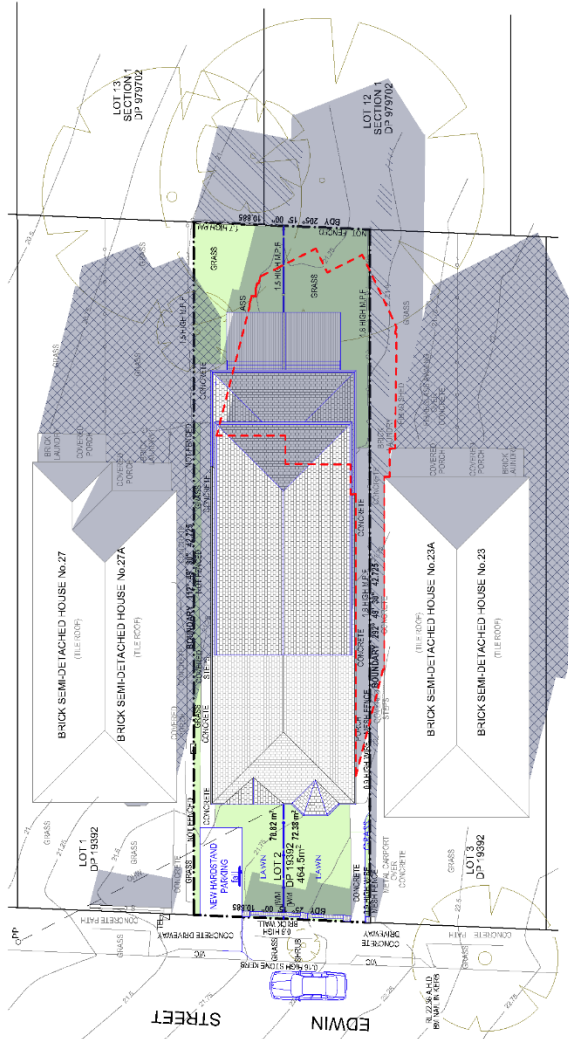
Scale: 1:250 @ A3 Drawing number: AR-5
 Date: 21/06/2024
 Page: 15 of 24

DEVELOPMENT APPLICATION
 2024/00000000

DATE	REVISION	ISSUE
	DEVELOPMENT APPLICATION	

Document ID: 39689521
 Version: 1, Version Date: 09/10/2024

- EXISTING SHADOW
- PROPOSED SHADOW
- FENCE SHADOW
- ADJOINING SHADOW



SHADOW AT 3:00 PM JUNE 21 Scale 1:250

<p>PROJECT: ALTERATIONS AND ADDITIONS</p> <p>AT: 25 EDWIN ST. CROYDON</p> <p>FOR: MR. MORGAN NG</p> <p>DATE: 21/06/2024 Scale: 1:250 @ A3 Drawing number: AR-16 Page: 16 of 24</p>	
<p>ARCHITECT</p> <p>NK ARCHITECTURAL DESIGN</p> <p>71 JOHN ST. CROYDON, VIC 3113 PHONE: 031 8004 1266 WWW.NKARCHITECT.COM.AU</p>	
<p>PROJECT INFORMATION</p> <p>DATE: 21/06/2024 REVISION: 1 ISSUE: DEVELOPMENT APPLICATION</p>	
<p>LEGEND</p> <p>EXISTING SHADOW: Dashed red line</p> <p>PROPOSED SHADOW: Solid grey fill</p> <p>FENCE SHADOW: Diagonal hatching</p> <p>ADJOINING SHADOW: Cross-hatching</p>	
<p>PROJECT NOTES</p> <p>1. DEVELOPMENT APPLICATION FOR ALTERATIONS AND ADDITIONS TO EXISTING BRICK SEMI-DETACHED HOUSES.</p> <p>2. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE LOCAL COUNCIL.</p> <p>3. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE LOCAL COUNCIL.</p> <p>4. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE LOCAL COUNCIL.</p> <p>5. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE LOCAL COUNCIL.</p>	

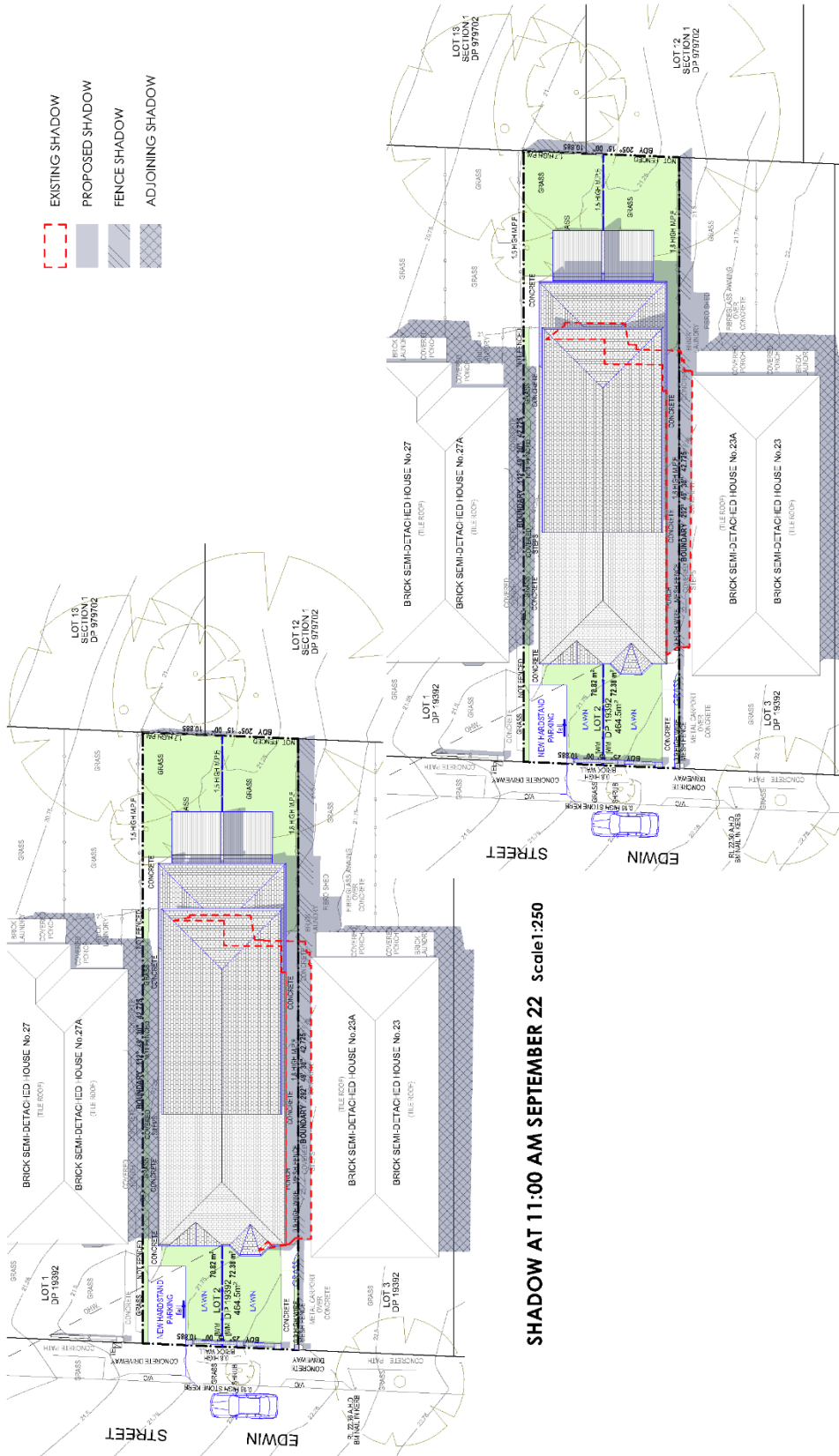


SHADOW AT 9:00 AM SEPTEMBER 22 Scale 1:250

SHADOW AT 10:00 AM SEPTEMBER 22 Scale 1:250

<p>PROJECT: ALTERATIONS AND ADDITIONS</p> <p>Scale: 1:250 @ A3 Drawing number: AR-17</p> <p>Date: 26/10/2024 Page: 17 of 24</p>													
<p>ARCHITECT</p> <p>NK ARCHITECT ARCHITECTURAL DESIGN 71 JOHN ST. CROYDON, VIC 3113 PHONE: 031 8004 1266 FAX: 031 8004 1266 NOMINATED ARCHITECT: N/A REGISTRATION No.: 7983</p>													
<p>FOR: MR. MORGAN NG</p> <p>PROPERTY NAME: SHADOW DIAGRAM SEPTEMBER 22 DRAWING NO.: (1)</p>													
<p>LEGEND</p> <p>EXISTING SHADOW: Dashed red line</p> <p>PROPOSED SHADOW: Solid grey</p> <p>FENCE SHADOW: Hatched</p> <p>ADJOINING SHADOW: Cross-hatched</p>	<p>PROJECT NOTES</p> <p>1. SHADOW STUDY: SHADOW STUDY CONDUCTED ON 22 SEPTEMBER 2024 AT 9:00 AM AND 10:00 AM. SHADOWS CAST BY ADJOINING PROPERTIES AND EXISTING DEVELOPMENT ARE SHOWN IN DASHED RED LINES. SHADOWS CAST BY PROPOSED DEVELOPMENT ARE SHOWN IN SOLID GREY. SHADOWS CAST BY PROPOSED DEVELOPMENT AT 9:00 AM ARE SHOWN IN SOLID GREY. SHADOWS CAST BY PROPOSED DEVELOPMENT AT 10:00 AM ARE SHOWN IN SOLID GREY.</p> <p>2. SHADOW STUDY: SHADOW STUDY CONDUCTED ON 22 SEPTEMBER 2024 AT 9:00 AM AND 10:00 AM. SHADOWS CAST BY ADJOINING PROPERTIES AND EXISTING DEVELOPMENT ARE SHOWN IN DASHED RED LINES. SHADOWS CAST BY PROPOSED DEVELOPMENT ARE SHOWN IN SOLID GREY. SHADOWS CAST BY PROPOSED DEVELOPMENT AT 9:00 AM ARE SHOWN IN SOLID GREY. SHADOWS CAST BY PROPOSED DEVELOPMENT AT 10:00 AM ARE SHOWN IN SOLID GREY.</p> <p>3. SHADOW STUDY: SHADOW STUDY CONDUCTED ON 22 SEPTEMBER 2024 AT 9:00 AM AND 10:00 AM. SHADOWS CAST BY ADJOINING PROPERTIES AND EXISTING DEVELOPMENT ARE SHOWN IN DASHED RED LINES. SHADOWS CAST BY PROPOSED DEVELOPMENT ARE SHOWN IN SOLID GREY. SHADOWS CAST BY PROPOSED DEVELOPMENT AT 9:00 AM ARE SHOWN IN SOLID GREY. SHADOWS CAST BY PROPOSED DEVELOPMENT AT 10:00 AM ARE SHOWN IN SOLID GREY.</p> <p>4. SHADOW STUDY: SHADOW STUDY CONDUCTED ON 22 SEPTEMBER 2024 AT 9:00 AM AND 10:00 AM. SHADOWS CAST BY ADJOINING PROPERTIES AND EXISTING DEVELOPMENT ARE SHOWN IN DASHED RED LINES. SHADOWS CAST BY PROPOSED DEVELOPMENT ARE SHOWN IN SOLID GREY. SHADOWS CAST BY PROPOSED DEVELOPMENT AT 9:00 AM ARE SHOWN IN SOLID GREY. SHADOWS CAST BY PROPOSED DEVELOPMENT AT 10:00 AM ARE SHOWN IN SOLID GREY.</p> <p>5. SHADOW STUDY: SHADOW STUDY CONDUCTED ON 22 SEPTEMBER 2024 AT 9:00 AM AND 10:00 AM. SHADOWS CAST BY ADJOINING PROPERTIES AND EXISTING DEVELOPMENT ARE SHOWN IN DASHED RED LINES. SHADOWS CAST BY PROPOSED DEVELOPMENT ARE SHOWN IN SOLID GREY. SHADOWS CAST BY PROPOSED DEVELOPMENT AT 9:00 AM ARE SHOWN IN SOLID GREY. SHADOWS CAST BY PROPOSED DEVELOPMENT AT 10:00 AM ARE SHOWN IN SOLID GREY.</p>												
<p>REVISION</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>REVISION</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>DEVELOPMENT APPLICATION</td> <td>26/10/2024</td> </tr> </tbody> </table>	NO.	REVISION	DATE	1	DEVELOPMENT APPLICATION	26/10/2024	<p>ISSUE</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>REVISION</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>DEVELOPMENT APPLICATION</td> <td>26/10/2024</td> </tr> </tbody> </table>	NO.	REVISION	DATE	1	DEVELOPMENT APPLICATION	26/10/2024
NO.	REVISION	DATE											
1	DEVELOPMENT APPLICATION	26/10/2024											
NO.	REVISION	DATE											
1	DEVELOPMENT APPLICATION	26/10/2024											

Document Ref: 3968921
Version: 1, Version Date: 09/10/2024

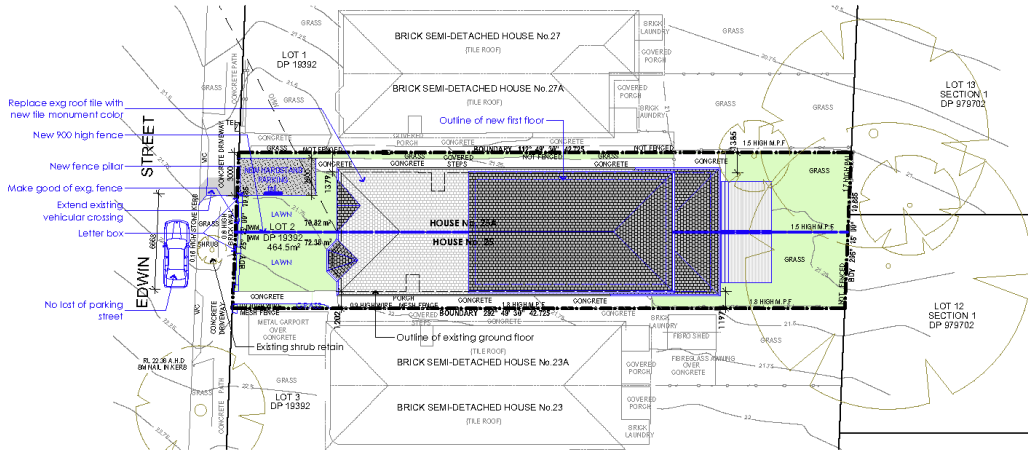


SHADOW AT 11:00 AM SEPTEMBER 22 Scale 1:250

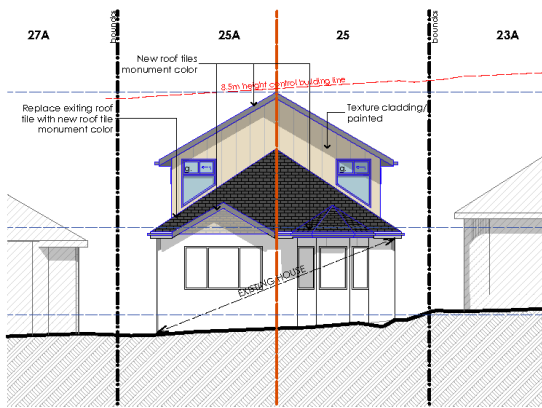
SHADOW AT 12:00 NOON SEPTEMBER 22 Scale 1:250

<p>PROJECT NOTES</p> <p>1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>6. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>7. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>8. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>9. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p> <p>10. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p>		<p>LEGEND</p> <p>EXISTING SHADOW</p> <p>PROPOSED SHADOW</p> <p>FENCE SHADOW</p> <p>ADJOINING SHADOW</p>							
<p>PROJECT: ALTERATIONS AND ADDITIONS</p> <p>SCALE: 1:250</p> <p>DATE: 26/09/2024</p> <p>PROJECT NUMBER: 25 EDWIN ST. CROYDON</p> <p>FOR: MR. MORGAN NG</p> <p>PREPARED BY: SHADOW DIAGRAM SEPTEMBER 22</p> <p>NO. OF SHEETS: 2</p>		<p>ARCHITECT: NK ARCHITECT</p> <p>REGISTERED ARCHITECT: NK ARCHITECT</p> <p>REGISTERED ARCHITECT: NK ARCHITECT</p> <p>REGISTERED ARCHITECT: NK ARCHITECT</p> <p>REGISTERED ARCHITECT: NK ARCHITECT</p> <p>REGISTERED ARCHITECT: NK ARCHITECT</p>							
<p>REVISION</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>REVISION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td></td> <td>ISSUE</td> </tr> </tbody> </table>		NO.	DATE	REVISION	1		ISSUE	<p>PROJECT INFORMATION</p> <p>PROJECT: ALTERATIONS AND ADDITIONS</p> <p>SCALE: 1:250</p> <p>DATE: 26/09/2024</p> <p>PROJECT NUMBER: 25 EDWIN ST. CROYDON</p> <p>FOR: MR. MORGAN NG</p> <p>PREPARED BY: SHADOW DIAGRAM SEPTEMBER 22</p> <p>NO. OF SHEETS: 2</p>	
NO.	DATE	REVISION							
1		ISSUE							

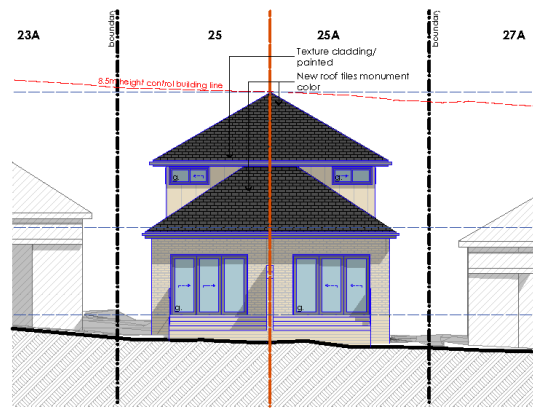
Document Ref: 3968927
Version: 1, Version Date: 09/10/2024



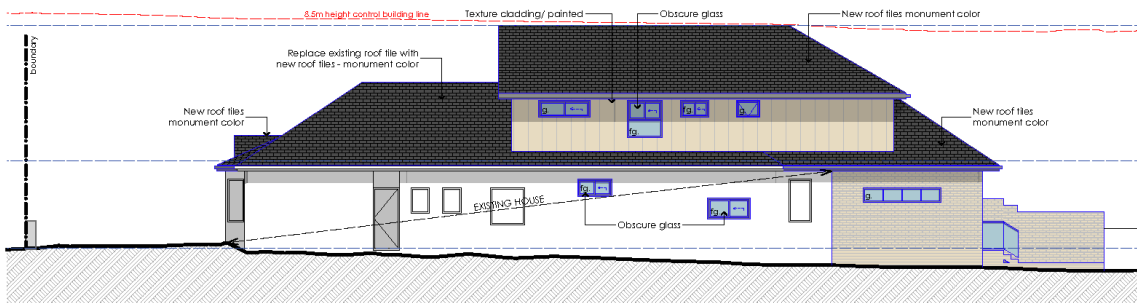
SITE PLAN AND ROOF PLAN



WEST ELEVATION
EDWIN STREET



EAST ELEVATION



SOUTH ELEVATION

 ARCHITECT ARCHITECTURAL DESIGN 74 JOHN ST. CROYDON, NSW PHONE (02) 8006 1268 MOB: 0406 987 868 NSW ARB: 7853	PROJECT: ALTERATIONS AND ADDITIONS AT: #Contact Address 1, FOR: MR. MORGAN NG DRAWING NAME NOTIFICATION PLAN	Scale NTS @ A4 Drawing number AR-24 Date 8/10/2024 Pages 24 of 24 DEVELOPMENT APPLICATION	 Plot Date: 8/10/2024
	ISSUE		

Document Set ID: 39686921
Version: 1, Version Date: 09/10/2024

Attachment C – Section 4.6 Exception to Development Standards

KN PLANNING PTY LTD

Clause 4.6 Submission – Minimum Street Frontage

This written request under Clause 4.6 of the Inner West LEP 2022 (IWLEP) has been prepared to address non-compliance with the minimum street frontage development standard under Clause 4.1A(2)(b) of the IWLEP.

Clause 4.6 of the Inner West LEP 2022

Clause 4.6 in the Inner West LEP 2022 provides for exceptions to development standards embodied in the planning instrument in the following terms:-

“4.6 Exceptions to development standards

(1) *The objectives of this clause are as follows—*

(a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*

(b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

(2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

(3) *Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*

(a) *compliance with the development standard is unreasonable or unnecessary in the circumstances, and*

(b) *there are sufficient environmental planning grounds to justify the contravention of the development standard.*

Note—

The [Environmental Planning and Assessment Regulation 2021](#) requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).

(4) *The consent authority must keep a record of its assessment carried out under subclause (3).*

(5) *(Repealed)*

(6) *Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—*

(a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*

(b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

(7) *(Repealed)*

(8) *This clause does not allow development consent to be granted for development that would contravene any of the following—*

(a) *a development standard for complying development,*

(b) *a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which [State Environmental Planning Policy](#)*

KN PLANNING PTY LTD

(Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,

(c) clause 5.4,

(caa) clause 5.5,

(ca) clause 6.27(4),

(cb), (cc) (Repealed)

(cd) clause 6.31."

Section 35B of the Environmental Planning and Assessment Regulation 2021 requires:

"35B Additional requirements for development applications involving contravention of development standards

(1) This section applies to a development application that proposes, in accordance with a relevant EPI provision, development that contravenes a development standard imposed by any environmental planning instrument.

(2) The development application must be accompanied by a document that sets out the grounds on which the applicant seeks to demonstrate that—

(a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and

(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

(3) In this section—

relevant EPI provision means—

(a) clause 4.6 of a local environmental plan that adopts the provisions of the Standard Instrument, or

(b) an equivalent provision of another environmental planning instrument."

This written request under Clause 4.6 has been prepared in accordance with the past judgements in the Land and Environment Court, including *Wehbe v. Pittwater Council [2007]*; *Micaul Holdings Pty Ltd v Randwick City Council [2015] NSWLEC 1386*; *Randwick City Council NSW v. Micaul Holdings Pty Ltd [2016] NSWLEC 7*; *Initial Action Pty Limited v. Woollahra Council [2018] NSWLEC 118*; and *Baron Corporation Pty Ltd v. Council of the City of Sydney [2019] NSWLEC 61*.

The proposal

The proposed development seeks consent for alterations and additions to an existing single storey dual occupancy development at 25 and 25A Edwin Street Croydon and the Torrens Title subdivision of the land into two (2) allotments.

The proposal comprises of alterations and additions to the ground floor level and a first-floor addition for 25 and 25A Edwin Street. The proposal complies with the building height, floor space ratio, site coverage and landscaped area controls under the IWLEP and CIWDCP2016.

The subject site, known as Lot 2 DP19392, is generally rectangular in shape with frontage to Edwin Street of 10.885 metres and an area of 464.5 square metres.

The proposed Torrens Title subdivision of the existing dual occupancy will result in two (2) allotments with the following characteristics, namely:

- Lot A (25A): area 237.05m²; frontage 5.555 metres

*Clause 4.6 submission – Minimum Street frontage
25 Edwin Street Croydon*

KN PLANNING PTY LTD

- Lot B (25): area 227.45m²; frontage 5.331 metres

as detailed on the proposed Plan of Subdivision at *Figure 1*.

The proposed subdivision maintains the boundaries and fence lines of the existing dual occupancy development on the site.

The developments standard

Clause 4.1A in the IWLEP provides exemptions to the minimum subdivision lot size embodied under Clause 4.1 and the Lot Size Map, namely:

4.1A Exceptions to minimum subdivision lot size for certain residential development

(1) The objectives of this clause are as follows—

(a) to encourage housing diversity without adversely affecting residential amenity,

(b) to achieve planned residential density in certain areas.

(2) The minimum lot size for subdivision of land identified as “Area 1” on the Lot Size Map that is not land on which a heritage item is located or in a heritage conservation area is 200m² if—

(a) a semi-detached dwelling is or will be located on each lot, and

(b) each lot will have a minimum street frontage of 7m.

(3) The minimum lot size shown on the Lot Size Map does not apply to subdivision of land identified as “Area 2” on the Lot Size Map if—

(a) each lot resulting from the subdivision will be used for the purposes of a dwelling house, and

(b) each lot resulting from the subdivision will be at least 174m², but will not exceed 450m², and

(c) the total number of lots on all land identified as “Area 2” on the Lot Size Map will not exceed 11.

Clause 4.1A(2) is the relevant Development Standard as the proposed subdivision satisfies the required pre-conditions, namely:

- The site falls within ‘Area 1’ on the Lot Size Map (*Figure 2*);
- The site is not identified as a heritage item nor is it located in a Heritage Conservation Area;
- The proposed subdivision will result in two (2) lots with a minimum lot size greater than 200m²; and
- The proposed lots are occupied by semi-detached dwellings.

However, as evidenced by the proposed Plan of Subdivision at *Figure 1*, the proposed street frontage dimensions for Lot A (25A) and Lot B (25) are 5.555 metres and 5.331 metres respectively, thereby not complying with the minimum street frontage standard in Clause 4.1A(2)(b) of 7 metres.

Accordingly, this clause 4.6 written submission has been prepared justifying the contravention of the minimum street frontage development standard under 4.1A(2)(b) of the IWLEP.

Sub-clause 3(a) of Clause 4.6

In the context of the provisions in sub-clause 3(a) of Clause 4.6, as to whether “*compliance with the development standard is unreasonable or unnecessary in the circumstances of the case*” it is appropriate to consider the judgement of Preston, CJ in *Wehbe* in which he identified five common ways in which the applicant may demonstrate under Clause 4.6(3)(a) that compliance with a development standard is unreasonable and unnecessary, namely:-

*Clause 4.6 submission – Minimum Street frontage
25 Edwin Street Croydon*



Figure 2 - Extract from Lot Size Map
IWLEP 2022

Document Set ID: 39592181
Version: 1, Version Date: 10/09/2024

KN PLANNING PTY LTD

- (i) The first way is to demonstrate whether the objectives of the development standard are achieved notwithstanding non-compliance with the standard.*
- (ii) The second way is to establish that the underlying objective or purposes is not relevant to the development with a consequence that compliance is unnecessary.*
- (iii) The third way is to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable.*
- (iv) The fourth way is to establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.*
- (v) A fifth way is to establish that the zoning of particular land was unreasonable or inappropriate so that "a development standard appropriate for that zoning would also be unreasonable or unnecessary" as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary."*

In respect to the "first way" it is relevant to consider the overarching objectives embodied in Clause 4.1 Minimum subdivision lot size of the IWLEP and the specific objectives relating to the development standard in clause 4.1A, namely:

4.1 Minimum subdivision lot size

- (1) The objectives of this clause are as follows—*
 - (a) to ensure lot sizes cater for a variety of development,*
 - (b) to ensure lot sizes do not result in adverse amenity impacts,*
 - (c) to ensure lot sizes deliver high quality architectural, urban and landscape design,*
 - (d) to provide a pattern of subdivision that is consistent with the desired future character,*
 - (e) to ensure lot sizes allow development to be sited to protect and enhance riparian and environmentally sensitive land.*

and

4.1A Exceptions to minimum subdivision lot size for certain residential development

- (1) The objectives of this clause are as follows—*
 - (a) to encourage housing diversity without adversely affecting residential amenity,*
 - (b) to achieve planned residential density in certain areas.*

Objective 4.1(1)(a) is satisfied as the existing site falls within "Area 1" of the Lot Size Map (Figure 2), thereby enabling the provisions of clause 4.1A to apply to the site and the proposed subdivision.

Objective 4.1(1)(b) is satisfied as the proposed subdivision to the existing single storey dual occupancy development on the site reflects the existing property definition arrangements of the semi-detached dwellings and boundaries/fence lines. The proposed subdivision will not in itself introduce any adverse amenity impacts as there will be no change to the existing pattern of development on the eastern side of Edwin Street, between No's 15-27 inclusive, which is characterised by single storey dual occupancies located on allotments varying in street frontage from 5.5 to 10.8 metres as evidenced by the aerial photograph at Figure 3.

Objective 4.1(1)(c) is satisfied as the proposed subdivision of the existing single storey dual occupancy will retain the current presentation of the building to Edwin Street with proposed first-floor additions set well back from the street frontage.

Objective 4.1(1)(d) is satisfied as the proposed subdivision maintains the pattern of subdivision and built form character on the eastern side of Edwin Street, between Liverpool Road and Thomas Street, and is consistent with the desired future character (scale, height and density)

*Clause 4.6 submission – Minimum Street frontage
25 Edwin Street Croydon*

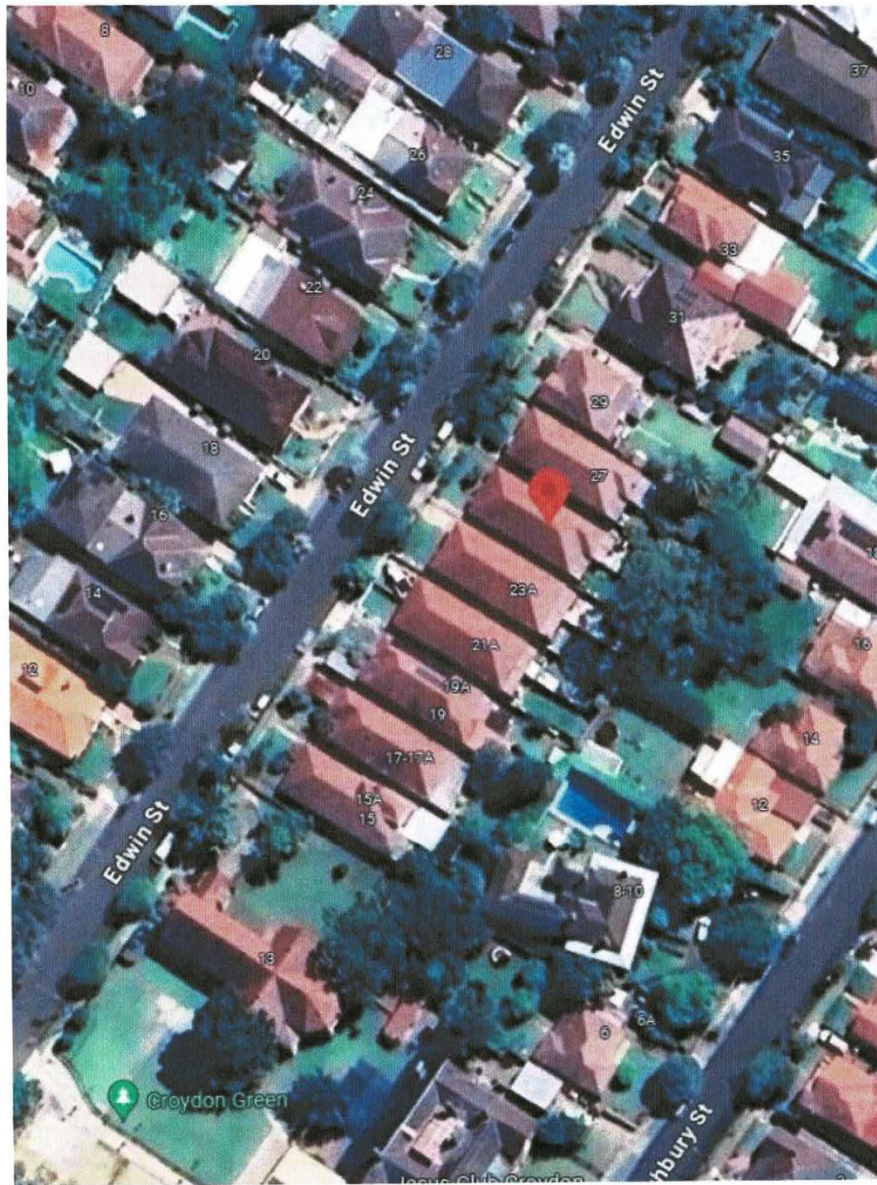


Figure 3 – Aerial photograph of Edwin Street

Document Set ID: 39592181
Version: 1, Version Date: 10/09/2024

KN PLANNING PTY LTD

outcomes sought under the IWLEP 2022 and the Comprehensive Inner West DCP 2016. The proposed subdivision of 25 and 25A Edwin Street will be consistent with the pattern of subdivision and development as detailed below:

- 13 Edwin Street – area 648.4m²; frontage 15.1m; detached house.
- 15 Edwin Street - 229.0m²; 5.18m; dual occupancy.
- 15A Edwin Street – 234.1m²; 5.48; dual occupancy.
- 17+17A Edwin Street – 460.2m²; 10.8m; dual occupancy.
- 19 Edwin Street – 237.4m²; 5.5m; dual occupancy.
- 19A Edwin Street – 230.2m²; 5.5m; dual occupancy.
- 21 Edwin Street – 232.2m²; 5.2m; dual occupancy.
- 21A Edwin Street – 232.2m²; 5.2m; dual occupancy.
- 23 Edwin Street – 460.8m²; 10.7m; dual occupancy.
- 25 Edwin Street – 227.45m²; 5.331m; dual occupancy.
- 25A Edwin Street – 237.05m²; 5.555m; dual occupancy.
- 27+27A Edwin Street – 468.5m²; 11.2m; dual occupancy.
- 29 Edwin Street – 644.1m²; 15.2m; detached house.
- 31 Edwin Street – 652.3m²; 15.6m; detached house.
- 33 Edwin Street – 642.9m²; 15.1m; detached house.
- 35 Edwin Street – 649.9m²; 15.4m; detached house.

Objective 4.1(1)(d) is not relevant to this application.

Objective 4.1A(1)(a) is satisfied as the proposed subdivision will not change the housing diversity or form, as detailed in the above description of the existing subdivision pattern and housing form on the eastern side of Edwin Street. The proposed subdivision reflects the existing boundary arrangements and will not introduce any adverse amenity impacts on adjoining properties as it will reflect the existing arrangements.

Objective 4.1A(1)(b) is achieved as the proposed subdivision of the site satisfies the required pre-conditions under 4.1A(2), namely:

- The site falls within 'Area 1' on the Lot Size Map (*Figure 2*), thereby activating the provisions under clause 4.1A;
- The site is not identified as a heritage item nor is it located in a Heritage Conservation Area;
- The proposed subdivision will result in two (2) lots with a minimum lot size greater than 200m², thereby maintaining the planned residential density of the locality; and
- The proposed lots are occupied by semi-detached dwellings.

The proposed subdivision satisfies objective 4.1A(1)(b).

Given that the objectives to the minimum lot size development standards under clauses 4.1 and 4.1A of the IWLEP are achieved, compliance with the minimum street frontage development standard under clause 4.1A(2)(b) would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served).

In the circumstances, it is considered that the proposal satisfies the "first way" in *Wehbe* and thereby satisfies the requirements under Clause 4.6(3)(a) of the IWLEP in respect to the minimum street frontage standard applying to the site.

The second to fifth ways in *Wehbe* are not relevant to the proposed development.

*Clause 4.6 submission – Minimum Street frontage
25 Edwin Street Croydon*

KN PLANNING PTY LTD

Sub-clause 3(b) of Clause 4.6

In respect to the requirement in sub-clause 3(b) of Clause 4.6 that "*there are sufficient environmental planning grounds to justify the contravention of the development standard*", the following commentary is provided in support of the proposal, namely:

- The proposed subdivision of 25 and 25A Edwin Street fulfils the planning outcomes sought under clause 4.1A of the IWLEP in achieving diversity of housing in the locality and satisfying the pre-conditions of its application to the site, namely:
 - (i) The site falls within the designated area ('Area 1' on the Lot Size Map) that permits diversity in allotment size consistent with the existing pattern of subdivision on the eastern side of Edwin Street, between Liverpool Road and Thomas Street;
 - (ii) The site is not identified as a heritage item nor is it located in a Heritage Conservation Area;
 - (iii) The proposed subdivision will result in two (2) lots with a minimum lot size greater than 200m²; and
 - (iv) The proposed lots are occupied by semi-detached dwellings.
- The proposed subdivision reflects the existing development pattern of single storey dual occupancy development encompassing 15 to 27 Edwin Street.
- The proposed subdivision will not introduce any adverse amenity impacts on existing adjoining properties, as detailed elsewhere in this report.
- The proposed subdivision, whilst not complying with the 7-metre minimum street frontage standard, achieves compliance with planning and environmental development standards and controls embodied in the IWLEP2024 and CIWDPC2016, including building height, floor space ratio, site coverage, landscaped area and amenity considerations.
- The proposed subdivision and building alterations on the site will enable a re-generation of the existing dual occupancy building form to provide current housing accommodation standards and needs without disruption to the streetscape qualities of Edwin Street and the heritage values of the Gads Hill HCA opposite.
- The proposed subdivision will not create a precedent in the locality given the past approvals by Council of non-compliant street frontages associated with the Torrens Title subdivision of 15, 15A, 19, 19A, 21 and 21A Edwin Street. The latter approved by the Inner West Local Planning Panel on 27 October 2020.

In the circumstances, it is considered that there are sufficient environmental planning grounds to justify the non-compliance of the minimum street frontage standard under Clause 4.6(3)(b) of the IWLEP.

Conclusion

It is considered that compliance with the minimum street frontage standard would be unreasonable and unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds for the contravention, and as the proposed development is

*Clause 4.6 submission – Minimum Street frontage
25 Edwin Street Croydon*

KN PLANNING PTY LTD

consistent with the objectives of the minimum lot size and street frontage the Council can be satisfied about the provisions in Clause 4.6(3)(a) and (3)(b) of the IWLEP.

The submission under Clause 4.6 is considered substantiated and well-founded.

*Clause 4.6 submission – Minimum Street frontage
25 Edwin Street Croydon*

Document Set ID: 39592181
Version: 1, Version Date: 10/09/2024
