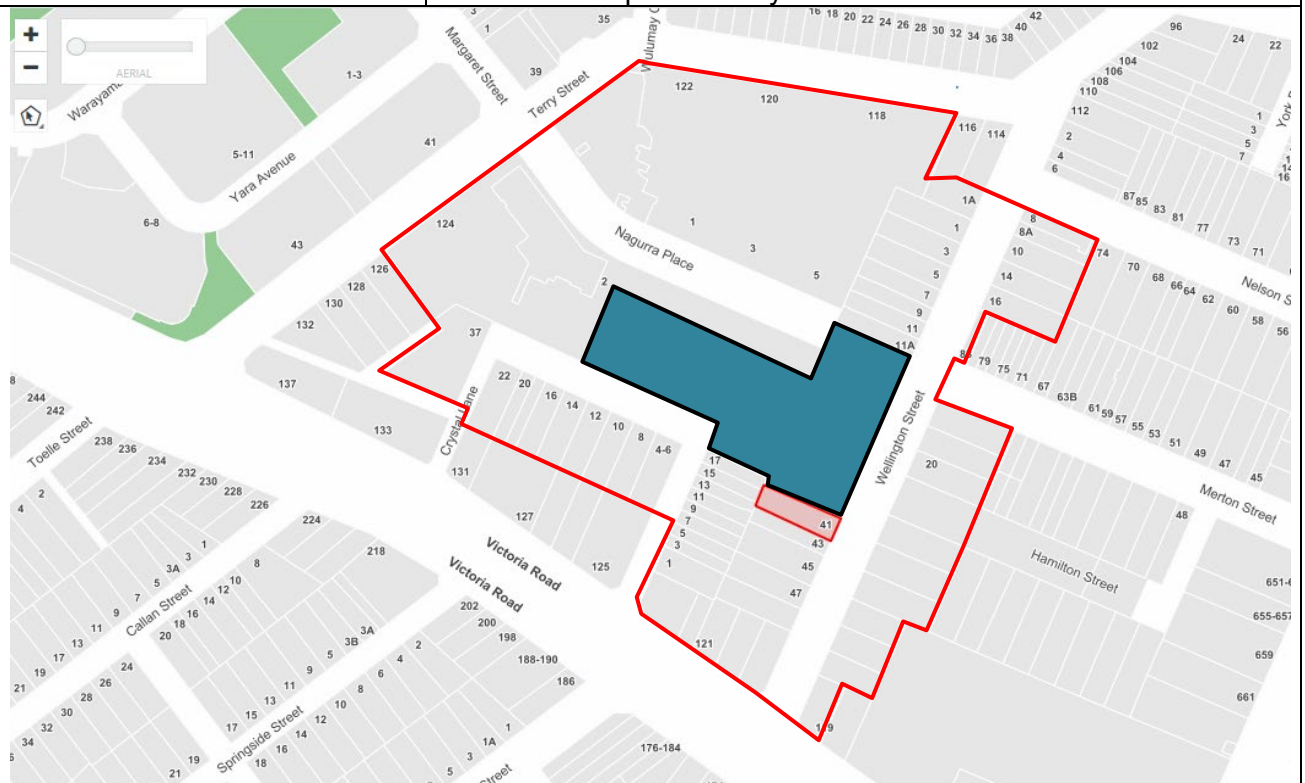




INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	D/2019/17
Address	17 Wellington Street, ROZELLE NSW 2039
Proposal	Alterations and additions to existing self storage facility, and associated works, including stormwater works over 17 Crystal Street.
Date of Lodgement	18 January 2019
Applicant	Mma Architects
Owner	Lientage Holdings Pty Ltd and Mr J B Garner and Mrs J E Garner
Number of Submissions	One objection
Value of works	\$4,714,209.18
Reason for determination at Planning Panel	Clause 4.6 variation exceeds officer delegation
Main Issues	FSR; Requirement for site specific DCP; Flooding; Parking
Recommendation	Approval
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Clause 4.6 request to vary FSR



LOCALITY MAP

Subject Site		Objectors		
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to existing self storage facility, and associated works, including stormwater works over 17 Crystal Street, at 17 Wellington Street, Rozelle. The application was notified to surrounding properties and one submission was received.

The main issues that have arisen from the application include:

- Floor Space Ratio
- Requirement for site specific DCP
- Flooding
- Parking

The proposal is acceptable given it promotes the orderly and economic pre-existing use of the land consistent with the objectives of the IN2 Light Industrial zone generally within the existing building envelope, and no adverse streetscape, flooding, traffic, or amenity impacts arise. Therefore, the application is recommended for approval.

2. Proposal

This application seeks consent for alterations and additions to facilitate the expansion of the existing Kennards self storage building at 17 Wellington Street, Rozelle.

The proposal involves:

- Alterations and additions to the existing roof form to accommodate a second floor level of 3,088.39sqm within an increased roof space and lift overrun, below the existing overall building height of RL44.41;
- A new mezzanine level of 1,176sqm between the existing ground floor level and existing first floor level;
- Removal of part of the existing ground floor and alterations and additions over the southern existing car parking area to relocate the existing driveway and accommodate a raised covered car parking area with suspended slab and a new flood storage area;
- Minor internal alterations to accommodate fire isolated stairs and lift access to the second floor; and
- Minor external changes to the colour scheme along both street frontages and repositioning of one existing sign along the Wellington Street frontage.

The proposal will result in an increase in total car parking from 13 to 24 car spaces and 4,264.78m² of additional self-storage space (being a 47.14% increase from the existing gross floor area, totalling 13,311.15sqm). This equates to an increase of FSR from 1.94:1 to 2.85:1, being a 185% variation to the maximum permitted FSR of 1:1.

No changes are proposed to existing approved staff numbers (3 staff at any one time) or hours of operation of 7am to 7pm (Monday to Saturday) and 9am to 4pm (Sunday) with extended access for private wine storage customers until 10pm (Monday to Saturday) 8:30am to 6pm (Sunday).

3. Site Description

The site is located on the western side of Wellington Street, and extends through to Crystal Street. The site is irregular in shape, with a frontage of 64.845m to Wellington Street and 54.83m to Crystal Street, and has an area of 4657m². The site is legally described as Lot 210 in DP 1064080.

The site is currently occupied by a large building used as a self storage facility comprising 9,046.37sqm used for self storage purposes. Off-street car parking associated with the self storage facility is provided for thirteen (13) vehicles within two car parking areas accessed via Wellington Street.

The site is located within an established industrial precinct bounded by Terry Street to the north and west, Victoria Road to the south and Wellington Street to the east. The precinct has been developed for industrial and specialist uses purposes, however, there remain a number of remnant residential properties located to the south of Crystal Street and along the northern portion of Wellington Street.

The site is located within the distinctive Rozelle Commercial Neighbourhood.

The subject site is not a heritage item or located within a conservation area. The site is identified as a flood control lot.

4. Background

4(a) Site history

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

Subject Site

Application	Proposal	Decision & Date
PREDA/2018/137	Alterations and additions to existing self storage facility. NOTE: the proposal is consistent with the Pre-DA advice issued.	Advice Letter Issued 6/7/2018
PREDA/2018/6	Alterations and additions to existing self storage facility	Advice Letter Issued 29/3/2018
M/2012/59	Modification to Development Consent D/1998/570. Changes to condition 15 to permit access for private wine storage customers between 7am to 10pm - Mon-Sat & 8:30am-6pm Sunday, through an existing pedestrian door on Wellington Street.	Approved 30/7/2012
D/2010/352	Demolition of part existing building, excavation and extension to existing self storage building. This application relies on a SEPP No.1 objection to FSR.	Approved 12/10/2010
M/2001/179	Modification of D/1998/530 to amend levels as shown and amend condition 1 relating to approved plans.	Approved 17/8/2001
D/2001/638	Signage.	Approved 30/1/02
D/2001/523	To carry out internal additions and external modifications to approved storage facility.	Approved 30/1/02
D/1998/570	Alterations for use as a self storage facility.	Approved 24/11/1999

Surrounding properties

Not applicable.

4(b) Application history

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

Date	Discussion / Letter/ Additional Information
11/6/2019	<p>Applicant submitted amended plans and additional information to address the engineering overland flow and flooding issues through the southern car parking area off Wellington Street.</p> <p>The amended plans entail:</p> <ul style="list-style-type: none"> • Deletion of basement addition under the raised car park. • Relocation of the proposed driveway for the raised car park to wholly within the existing building footprint. • Reduction of number of additional car spaces from 17 to 13. • Consolidation of flood storage area. <p>The amended plans and additional information have been reviewed by Council's Engineers and satisfactorily address Council's overland flow and flooding issues. Further, no objections are raised subject to conditions to address compliance with Council's design requirements for stormwater and parking.</p> <p>The amended plans lodged did not require re-notification as they were considered to fall within <i>Control C5. Section A3.13 - Specific Circumstances Where Notification Is Not Required, Part A: Introduction, Leichhardt Development Control Plan 2013</i>, which does not require the re-notification of amended plans to an undetermined application which, inter alia, constituted a lesser development have been proposed in order to address the concerns raised by Council or objectors.</p>
3/6/2019	<p>Council requested further information in relation to engineering stormwater, parking, overland flow and flooding issues.</p>

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.

5(a) Environmental Planning Instruments

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

- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 64 – Advertising and Signage
- State Environmental Planning Policy (Coastal Management) 2018
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Leichhardt Local Environmental Plan 2013

The following provides further discussion of the relevant issues:

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

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. LDCP 2013 provides controls and guidelines for remediation works. SEPP 55 requires that remediation works must be carried out in accordance with a Remediation Action Plan (RAP) as approved by the consent authority and any guidelines enforced under the Contaminated Land Management Act 1997.

The site has been used in the past for activities which could have potentially contaminated the site. It is considered that the site will require remediation in accordance with SEPP 55.

A Detailed Site Investigation (DSI) and Remedial Action Plan (RAP) have been provided to address the management of contaminated groundwater onsite and the treatment and/or disposal of any contaminated soils and contamination issues prior to determination. The contamination documents have been reviewed and found that the site can be made suitable for the proposed use after the completion of the RAP. To ensure that these works are undertaken, it is recommended that conditions are included in the recommendation in accordance with Clause 7 of SEPP 55.

Council's Environmental Health section has reviewed the submitted DSI and RAP and raised no objections to the proposal subject to conditions to ensure the remediation works are undertaken in accordance with the RAP and a final Validation Report confirming the suitability of the site is submitted prior to Occupation Certificate.

5(a)(ii) State Environmental Planning Policy No. 64 – Advertising and Signage

SEPP 64 specifies aims and objectives and assessment criteria for signage as addressed below. Schedule 1 of SEPP 64 specifies assessment criteria for signage relating to character of the area, special areas, views and vistas, streetscape, setting or landscaping, site and building, illumination and safety.

The application seeks consent for the repositioning of an existing business identification sign along the Wellington Street frontage to integrate with the proposed updated façade treatment.

It is considered that the proposed signage satisfies the assessment criteria contained in Schedule 1 of SEPP 64.

5(a)(iii) State Environmental Planning Policy (Coastal Management) 2018

The subject site is not located within the coastal zone and as such, these provisions are not applicable.

5(a)(iv) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The subject site is not within the Foreshores and Waterways Area.

5(a)(v) Leichhardt Local Environment Plan 2013 (LLEP 2013)

The application was assessed against the following relevant clauses of the Leichhardt Local Environment Plan 2013:

- Clause 1.2 – Aims of the Plan
- Clause 2.3 – Zone objectives and Land Use Table
- Clause 2.7 – Demolition Requires Development Consent
- Clause 4.4 – Floor Space Ratio
- Clause 4.5 – Calculation of floor space ratio and site area
- Clause 4.6 – Exceptions to development standards
- Clause 6.1 – Acid Sulphate Soils
- Clause 6.2 – Earthworks
- Clause 6.3 – Flood Planning
- Clause 6.4 – Stormwater management
- Clause 6.8 – Development in areas subject to aircraft noise

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

Standard (maximum)	Proposal	non compliance	Compliance
Floor Space Ratio Maximum permissible: 1:1 or 4,658sqm	2.85:1 (13,311.15sqm)	185% (8,653.15sqm)	No

***The proposal will result in 4,264.78m² of additional self-storage space (being a 47.14% increase from the existing gross floor area, totalling 13,311.15sqm) generally within the existing building envelope. This equates to an increase of FSR from 1.94:1 to 2.85:1, being a 185% variation to the maximum permitted FSR of 1:1.**

The following provides further discussion of the relevant issues:

Clause 2.3 Zone objectives and Land Use Table

The site is zoned IN2 Light Industrial. The proposal, being “self-storage units”, is a permissible use in the zone with consent. The proposal is considered to be consistent with the following objectives of the IN2 Light Industrial zone (as discussed in detail below):

- *To provide a wide range of light industrial, warehouse and related land uses.*
- *To encourage employment opportunities and to support the viability of centres.*
- *To minimise any adverse effect of industry on other land uses.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*
- *To support and protect industrial land for industrial uses.*
- *To retain existing employment uses and foster a range of new industrial uses to meet the needs of the community.*
- *To ensure the provision of appropriate infrastructure that supports Leichhardt’s employment opportunities.*
- *To retain and encourage waterfront industrial and maritime activities.*
- *To provide for certain business and office premises and light industries in the arts, technology, production and design sectors.*

Clause 4.6 Exceptions to Development Standards

As outlined in table above, the proposal results in a breach of the following development standard:

- Clause 4.4 – Floor Space Ratio

The applicant seeks a variation to the Floor Space Ratio development standard under Clause 4.4 of LLEP 2013 by 185% (8,653.15sqm).

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

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 Clause 4.6 of the applicable local environmental plan below.

A written request has been submitted to Council in accordance with Clause 4.6(3) of LLEP 2013 justifying the proposed contravention of the development standard which is summarised as follows:

Clause 4.4 – Floor Space Ratio

- Notwithstanding numerical non-compliance, the applicant contends that the proposed building satisfies the stated objectives given that:
 - *The site is located within an established industrial precinct. The precinct has predominately been developed for light industrial and specialist use purposes, with a limited number of remnant residential properties (zoned IN2 – Light Industrial) located to the south of Chrystal Street, and to the north and south along Wellington Street and Nagurra Place. The planning controls anticipate the residential properties ultimately being redeveloped for light industrial related purposes.*
 - *The proposed alterations and additions are generally consistent with the Desired Future Character controls on the basis that the low intensity land use will be maintained, and the existing off-street car parking provision will be increased, including the overall car parking provision relative to floor area.*
 - *The proposed alterations and additions are generally consistent with the relevant Desired Future Character controls on the basis that the changes to the streetscape will be reasonably minor and acceptable, and the physical relationship with surrounding land will be substantially maintained.*
 - *Further, the character of the existing building will be substantially retained, with the modified roof form recessed behind the gable ends facing Wellington Street to main the visual integrity of the existing façade.*
 - *A series of changes are proposed to the external colour palette, specifically intended to improve the overall aesthetic appearance of the building. In particular, it is proposed to reduce the expanse of orange corporate imagery (paint colour) along both street frontages, with the orange colour to be replaced by a more neutral off-white/gray colour.*
 - *In the circumstances, strict compliance with the control would be unreasonable and unnecessary in this specific instance to the extent that there would be no potential to make reasonable and appropriate alterations and additions to the existing building.*
 - *In that regard, the existing facility has effectively reached its storage capacity, and the owner has identified a significant demand for additional storage space to satisfy the growing requirement for off-site storage space from local residents and surrounding businesses.*
 - *The additional floor space is predominately located within the envelope of the existing building and its associated roof structure, and otherwise limited to a relatively small, single storey addition to the ground floor level, within what is effectively a gap in the existing streetscape.*
 - *Further, self-storage facilities are relatively “high floor space/low intensity” land uses, and there are considerable amounts of floor space not accessed for long periods of time. Further, the nature of the use itself is effectively passive, generating very low traffic volumes, and no external noise, fumes or odours.*
 - *The proposed variation to the FSR control is reasonable and appropriate in the particular circumstances on the basis that the FSR control has effectively*

been abandoned in respect of the subject site, and that “abandonment” is reasonable and appropriate having regard to the specific nature of the self-storage use, and the nature of the existing building and the surrounding development.

- *The physical characteristics of the subject site, the proposed use, and the nature and zoning of surrounding development, are such that the proposed alterations and additions are not antipathetic to the objectives of the IN2 – Light Industrial zone.*

The applicant’s written rationale adequately demonstrates compliance with the development standard is unreasonable / unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard as demonstrated below.

- The building bulk, form and scale of the existing building is generally unchanged with the exception of alterations to the existing roof form, thus the proposal is compatible with the desired future character of the area; and
- The additional gross floor area does not result in any unacceptable adverse streetscape, flooding, traffic or amenity impacts to the surrounding properties.

It is considered the development is in the public interest because it is consistent with the following relevant objectives of the IN2 Light Industrial zone in accordance with Clause 4.6(4)(a)(ii) of the applicable local environmental plan:

- *To provide a wide range of light industrial, warehouse and related land uses.*
- *To encourage employment opportunities and to support the viability of centres.*
- *To minimise any adverse effect of industry on other land uses.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*
- *To support and protect industrial land for industrial uses.*
- *To retain existing employment uses and foster a range of new industrial uses to meet the needs of the community.*
- *To ensure the provision of appropriate infrastructure that supports Leichhardt’s employment opportunities.*
- *To retain and encourage waterfront industrial and maritime activities.*
- *To provide for certain business and office premises and light industries in the arts, technology, production and design sectors.*

It is considered the development is in the public interest because it is consistent with the following objectives of the Floor Space Ratio development standard, in accordance with Clause 4.6(4)(a)(ii) of the applicable local environmental plan:

- (a) *to ensure that non-residential development is compatible with the desired future character of the area in relation to building bulk, form and scale.*

The contravention of the development standard does not raise any matter of significance for State and Regional Environmental Planning. The concurrence of the Secretary may be assumed for matters to be determined by the Local Planning Panel.

Clause 6.14 – Development control plans for certain development

The proposal is subject to the provisions of Clause 6.14 requiring the preparation of a site specific development control plan prior to grant of consent given it involves development that will increase the gross floor area of an existing building by more than 5% on a site with an area not less than 3,000 square metres.

Relevantly, Clause 6.14 states:

- (1) The objective of this clause is to ensure that certain development occurs in a logical and cost-effective manner only after a development control plan that includes specific controls has been prepared.*
- (2) This clause applies to the following development on a site with an area not less than 3,000 square metres, or with a water frontage of at least 20 metres:*
 - (a) the erection of a building,*
 - (b) development that will increase the gross floor area of an existing building by more than 5%,*
 - (c) development involving alterations to at least 75% of the facade of an existing building that fronts a street,*
 - (d) development involving more than 75% of the site coverage of existing buildings on the land.*
- (3) Development consent must not be granted to development to which this clause applies unless a development control plan that provides for detailed development controls has been prepared for the land.*
- (4) Without limiting subclause (3), the development control plan referred to in subclause (3) must provide for all of the following:*
 - (a) the compatibility of the proposed development with the desired future character of the area,*
 - (b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,*
 - (c) whether the proposed development has an adverse impact on view corridors,*
 - (d) the site's suitability for the proposed development,*
 - (e) the existing and proposed mix of land uses,*
 - (f) cultural, heritage and archaeological issues,*
 - (g) streetscape constraints,*
 - (h) the height, bulk, scale, massing and modulation of buildings,*
 - (i) the heights of buildings with street frontages,*
 - (j) environmental constraints, including contamination and acid sulfate soils,*
 - (k) environmental impacts such as overshadowing, wind and reflectivity,*
 - (l) whether the proposed development incorporates the principles of ecologically sustainable development,*
 - (m) overall transport hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, with particular regard to public transport, pedestrians and cyclists,*
 - (n) the proposed development's relationship and integration with existing and proposed public transport facilities,*
 - (o) the overall landscaping of the site,*
 - (p) stormwater management.*
- (5) A development control plan is not required to be prepared if the consent authority is satisfied that such a plan would be unreasonable or unnecessary in the circumstances or that the development:*
 - (a) is a subdivision for the purpose of a realignment of boundaries that does not create additional lots, or*
 - (b) is a subdivision of land and any of the lots proposed to be created are to be reserved or dedicated for public open space, public roads or any other public place or environment protection purpose, or*
 - (c) is a subdivision of land in a zone in which the erection of structures is prohibited, or*
 - (d) involves only alterations or additions to an existing building that:*
 - (i) do not significantly increase the height or gross floor area of the building, and*
 - (ii) do not have significant adverse impacts on adjoining buildings or the public domain, and*
 - (iii) do not significantly alter any aspect of the building when viewed from public places, or*

(e) is of a minor nature only, if the consent authority is of the opinion that the carrying out of the proposed development would be consistent with the objectives of the zone in which the land is situated.

It is noted that the adjoining land to the west at 118-124 Terry Street is the subject of a site specific development control plan under Section 6, Part G of LDCP 2013, which was prepared as a part of the master-planned rezoning and mixed-use redevelopment of the site.

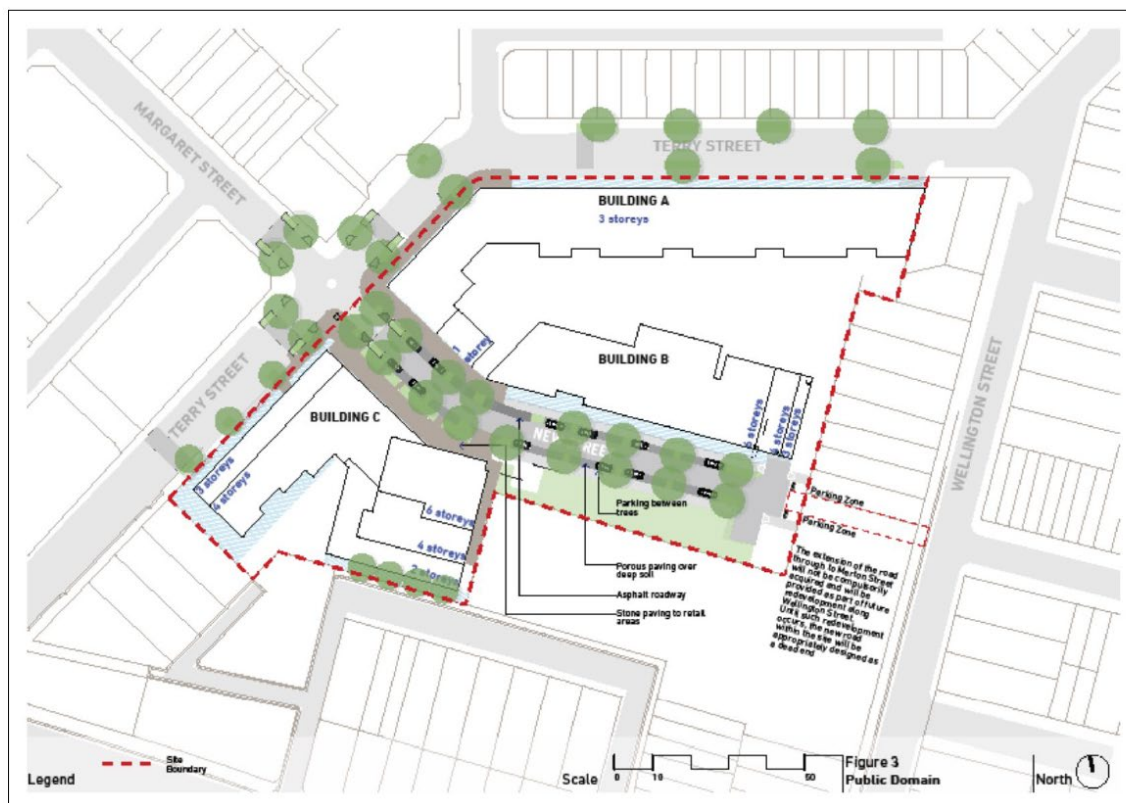


Figure G6: Public Domain

As indicated in the extract of Figure G6 (see above) under Section 6, Part G of LDCP 2013, it was envisaged at the time that part of a through-site link for vehicles and pedestrians, being the extension of Nagurra Place to Wellington Street, would be provided through 17 Wellington Street. In this regard, Council’s Traffic and Engineering sections have advised that, while a vehicular connection may not be necessary at this point, the provision of a pedestrian/cycle link between Nagurra Place and Wellington Street is highly desirable to improve the connectivity of pedestrian/cycle links and local access to public transport, particularly bus services on Darling Street in the Rozelle shopping precinct, and help reduce car dependency.

However, the provisions of Section 6, Part G of LDCP 2013 do not apply to the subject site and Council is no longer pursuing any further master-planning or rezoning for mixed-use redevelopment of the existing IN2 Light Industrial zoned land on the western side of Wellington Street.

To this end, Council’s Strategic Planning Section has reviewed the proposal and advised that the subject proposal is supported as it increases the stock of industrial / urban services floor space within the LGA and that, notwithstanding the desirability of a through-link over the site, the preparation of a development control plan as a part of the subject proposal would be unreasonable or unnecessary in the circumstances for the following reasons:

- *The intent of the adjoining site DCP reference to a through site link was to facilitate the expected outcome of detailed masterplanning of the residue of the Terry Street precinct that was not addressed by the clause 6.15 amendment to LLEP 2000, now*

enshrined under Clause 6.14 of LLEP 2013. During community consultation in 2009 for the initial masterplan that informed the clause 6.15 site Planning Proposal, Leichardt Council indicated that it intended at some point in the future to take forward this masterplanning to underpin re-zoning of the residual precinct, with the Wellington Street section likely to become mixed use. That intention has been overtaken by evolving State government policies and first Leichardt Council and then IWC policy positions on the protection and management of industrial land. This means that Council is now extremely unlikely to support rezoning of the properties on the north side of Wellington Street, including Kennards, to mixed use and the new draft Inner West Retail and Employment Land Strategy due to be exhibited in September proposes the preservation of all industrial land.

- Therefore there is now no policy intention to re-zone this part of Wellington Street.*
- Consequently Council has no intention of preparing a detailed masterplan for this part of the precinct.*
- The properties in this section of Wellington Street are in multiple ownership and the Kennards storage facility is clearly a profitable business so it is unlikely that a market-led comprehensive redevelopment proposal for light industrial or urban services that would amalgamate all the properties is going to materialise in the foreseeable future.*
- The above factors means that the suggestion in the adjoining site DCP that a through site link might be created through a large mixed use redevelopment on the north side of Wellington Street has been rendered impractical for both policy and market reasons.*

Therefore, whilst the proposal does significantly increase gross floor area, it is considered that the requirement for a new site specific development control plan or the provision of a through-link associated with the current proposal for the pre-existing use of the land consistent with the current zone objectives would be unreasonable in the circumstances.

Accordingly, pursuant to Clause 6.14(5) it is considered that the preparation of a site specific DCP is unreasonable or unnecessary in the circumstances and as such, a DCP is not required to be prepared and consent may be granted.

5(b) Draft Environmental Planning Instruments

Draft State Environmental Planning Policy (Environment) 2018

The NSW government has been working towards developing a new State Environmental Planning Policy (SEPP) for the protection and management of our natural environment. The Explanation of Intended Effect (EIE) for the Environment SEPP was on exhibition from 31 October 2017 until 31 January 2018. The EIE outlines changes to occur, implementation details, and the intended outcome. It considers the existing SEPPs proposed to be repealed and explains why certain provisions will be transferred directly to the new SEPP, amended and transferred, or repealed due to overlaps with other areas of the NSW planning system.

This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland and Willandra Lakes World Heritage Property. Changes proposed include consolidating seven existing SEPPs including Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The proposed development would be consistent with the intended requirements within the Draft Environment SEPP.

5(c) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Leichardt Development Control Plan 2013.

Part	Compliance
Part A: Introductions	
Section 3 – Notification of Applications	Yes
Part B: Connections	
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	Not applicable
B3.1 Social Impact Assessment	Not applicable
B3.2 Events and Activities in the Public Domain (Special Events)	Not applicable
Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Not applicable
C1.3 Alterations and additions	Yes
C1.4 Heritage Conservation Areas and Heritage Items	Not applicable
C1.5 Corner Sites	Not applicable
C1.6 Subdivision	Not applicable
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.9 Safety by Design	Yes
C1.10 Equity of Access and Mobility	Yes
C1.11 Parking	Yes
C1.12 Landscaping	Not applicable
C1.13 Open Space Design Within the Public Domain	Not applicable
C1.14 Tree Management	Not applicable
C1.15 Signs and Outdoor Advertising	Yes
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	Not applicable
C1.17 Minor Architectural Details	Not applicable
C1.18 Laneways	Not applicable
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	Not applicable
C1.20 Foreshore Land	Not applicable
C1.21 Green Roofs and Green Living Walls	Not applicable
Part C: Place – Section 2 Urban Character	
Suburb Profile	
C2.2.5.5 Rozelle Commercial Distinctive Neighbourhood, Industrial Sub-Area	Yes
Part C: Place – Section 3 – Residential Provisions	Not applicable
Part C: Place – Section 4 – Non-Residential Provisions	
C4.1 Objectives for Non-Residential Zones	Yes
C4.2 Site Layout and Building Design	Yes
C4.3 Ecologically Sustainable Development	Yes
C4.4 Elevation and Materials	Yes
C4.5 Interface Amenity	Yes
C4.6 Shopfronts	Not applicable
C4.7 Bulky Goods Premises	Not applicable
C4.8 Child Care Centres	Not applicable
C4.9 Home Based Business	Not applicable
C4.10 Industrial Development	Yes

C4.11 Licensed Premises and Small Bars	Not applicable
C4.12 B7 Business Park Zone	Not applicable
C4.13 Markets	Not applicable
C4.14 Medical Centres	Not applicable
C4.15 Mixed Use	Not applicable
C4.16 Recreational Facility	Not applicable
C4.17 Sex Services Premises	Not applicable
C4.18 Vehicle Sales or Hire Premises And Service Stations	Not applicable
C4.19 Vehicle Repair Station	Not applicable
C4.20 Outdoor Dining Areas	Not applicable
C4.21 Creative Industries	Not applicable
Part D: Energy	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Not applicable
D2.4 Non-Residential Development	Yes
D2.5 Mixed Use Development	Not applicable
Part E: Water	
Section 1 – Sustainable Water and Risk Management	
E1.1 Approvals Process and Reports Required With Development Applications	Yes
E1.1.1 Water Management Statement	Yes
E1.1.2 Integrated Water Cycle Plan	Not applicable
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.1.4 Flood Risk Management Report	Yes
E1.1.5 Foreshore Risk Management Report	Not applicable
E1.2 Water Management	
E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	Yes
E1.2.3 On-Site Detention of Stormwater	Yes
E1.2.4 Stormwater Treatment	Not applicable
E1.2.5 Water Disposal	Yes
E1.2.6 Building in the vicinity of a Public Drainage System	Not applicable
E1.2.7 Wastewater Management	Yes
E1.3 Hazard Management	
E1.3.1 Flood Risk Management	Yes
E1.3.2 Foreshore Risk Management	Not applicable
Part F: Food	
	Not applicable
Part G: Site Specific Controls	
	Not applicable

The following provides discussion of the relevant issues:

C1.11 Parking

The proposed number of spaces (24) falls short of Council’s DCP requirements for warehouses – 1 per 300sqm – needing 44 spaces. However, noting that storage facilities are considered “high floor space/low intensity” uses and generally have a different pattern of behaviour to a traditional warehouse, Control C14 allows developments and land uses not specifically listed in Table C4: General Vehicle Parking Rates to be assessed on merit.

The proposal was accompanied by a Traffic Report prepared by Varga Traffic Planning, which identified an applicable peak parking demand of 0.14 spaces per 100sqm of Maximum Leasable Area (MLA) for self-storage facilities based on survey of existing parking demand at the subject site and recent studies for similar facilities. Based on a MLA of 6,560sqm (existing) and 3,260sqm (proposed), the proposal generates a total car parking requirement of 14 car spaces, or 19 car spaces based on a total gross floor area of 13,311.15sqm. Therefore, the proposed provision of 24 car spaces is considered satisfactory and will accommodate the anticipated car parking demands generated by the proposal.

Council's Engineering section has reviewed the proposal and raised no objections subject to conditions to ensure compliance with Council's design requirements for car parking and access.

C1.15 – Signs and Outdoor Advertising

The proposed repositioning of an existing business identification sign along the Wellington Street frontage is considered satisfactory as it relates to the existing approved use of the land and integrates with the proposed updated façade treatment.

C1.0 General Provisions / C4.1 Objectives for Non-Residential Zones / C4.2 Site Layout and Building Design / C4.5 Interface Amenity

The overall height of the roof additions remains below the existing overall building height of RL44.41 and generally concealed from public view behind the existing parapet ridges facing Wellington Street.

The new raised covered car park to the south of the existing building in the location of the existing southern car parking area has a finished floor level of RL34.01 to match the existing ground floor level of the building and maintains an overall height of 5.3m with a clearance of up to 2m below the underside of the suspended slab to allow for the required flood storage and overland flow path.

The siting of the proposal is in a location where development could be readily assumed given the context of the area and will result in no unacceptable adverse traffic, overshadowing or streetscape impacts. In this regard, the proposal will not result in any unacceptable adverse impacts to the existing interface with adjoining land zoned R1 General Residential to the north and west off Nagurra Place or existing dwellings off Wellington Street within IN2 Light Industrial zoned land to the north and south.

Part E: Water

The site is identified as a flood control lot under Part E of LDCP 2013.

The proposal was accompanied with a Flood Risk Management Report prepared by Floodmit Pty Ltd, which confirms that the proposed alterations and additions will not result in any adverse flooding or overland flow path impacts. In particular, the proposed raised car park area will maintain a minimum 300mm clearance above the 1 in 100 year flood level and improve the existing situation by raising the existing at-grade parking area within the overland flow path. In this regard, Council's Engineering section has reviewed the proposal as amended and raised no objections subject to conditions. Therefore, the proposal is considered to be satisfactory with respect to stormwater and flooding.

7(d) Environmental Planning and Assessment Regulation 2000

The application has been assessed against the relevant clauses of the Environmental Planning and Assessment Regulation 2000. The application fully complies with the Environmental Planning and Assessment Regulation 2000.

5(d) The Likely Impacts

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

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

The site is zoned IN2 Light Industrial. Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

5(f) Any submissions

The application was notified in accordance with Leichhardt Development Control Plan for two periods of 14 days to surrounding properties. Submissions were received from one property.

The submissions raised the following concerns which are discussed below:

- Traffic impacts from increased truck and van movements

Comment: As previously discussed, the proposal was accompanied by a Traffic and Parking Assessment Report prepared by Varga Traffic Planning. The Report notes that:

Self-storage facilities represent a very low intensity land use, particularly in terms of car parking and traffic generation. Clients for self-storage businesses are typically domestic, with some small business uses for the storage of archives etc. Visits are infrequent, and tend to be brief.

The Traffic and Parking Assessment Report calculates the proposed development has a traffic generation potential of 8 vehicles per hour (vph) during the AM peak period, and 6 vph during the PM peak period.

On that basis, the Report concludes that the “projected change in traffic activity as a consequence of the development proposal is minimal, and will clearly not have any unacceptable traffic implications in terms of road network capacity”.

In this regard, Council’s Engineering section has reviewed the proposal and raised no objections subject to conditions.

- Noise from loading and unloading goods / intensification of use adjacent to 41 Wellington Street

Comment: The existing self-storage facility includes a dedicated loading/unloading area on the northern side of the building, accessed via Wellington Street, which is located approximately 55 metres to the north-east of No. 41 Wellington Street and remains unchanged as a part of the proposal. It is also noted that the existing dwelling at 41 Wellington Street is located within the IN2 Light Industrial zone.

Notwithstanding the above, the proposed raised car parking area over the existing at-grade parking area on the southern side of the building adjacent to 41 Wellington Street will be fully enclosed with no openings. In addition, the initially proposed additional floor area within the basement extension has been deleted, and all additional storage areas will be wholly contained within the existing building footprint.

Further, Council's Environmental Health section has reviewed the proposal and raised no objections subject to conditions, including standard conditions requiring an acoustic report providing acoustic mitigation measures for the proposal prior to construction certificate and the satisfactory operation of the premises in terms of any potential acoustic impacts.

Therefore, noting that the proposal maintains the pre-existing self-storage use of the land and is wholly consistent with the IN2 Light Industrial objectives of the zone, the proposal is not considered to give rise to any adverse acoustic or interface amenity impacts.

- Additional built form, inconsistency with zone objectives and non-compliance with the floor space ratio (FSR) control

Comment: The DA is accompanied by a Clause 4.6 request to vary the floor space ratio (FSR) control, which is considered acceptable, as previously discussed, in the circumstances for the following reasons:

- The building bulk, form and scale of the existing building is generally unchanged with the exception of modifications to the existing roof form and ground floor addition to accommodate the raised car parking area, thus the proposal is compatible with the desired future character of the area; and
- The additional gross floor area does not result in any unacceptable adverse streetscape, flooding, traffic or amenity impacts to the surrounding properties.

Therefore, noting that the proposal maintains the pre-existing self-storage use of the land, being wholly consistent with the IN2 Light Industrial objectives of the zone, the proposed additional floor space is acceptable.

- Overshadowing

Comment: As previously discussed above, the overshadowing impacts of the proposal will be minor and are not considered to give rise to any undue adverse overshadowing to adjoining land to the south at 41 Wellington Street. Notwithstanding that the existing dwelling at 41 Wellington Street is also located within the IN2 Light Industrial zone and is not strictly subject to the interface amenity controls under Section C4.5 of LDCP 2013, the proposal does not result in any additional overshadowing of the adjoining private open space or living area windows with only minor additional overshadowing over the existing driveway and roof at 41 Wellington Street. Therefore, the proposal is considered acceptable with respect to overshadowing.

5(g) The Public Interest

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed. The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

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

- Engineering – No objection subject to conditions.
- Building – No objection subject to conditions.
- Environmental Health – No objection subject to conditions.
- Waste – No objection subject to conditions.
- Strategic Planning – No objection.

6(b) External

The application was referred to Sydney Metro however no response was received.

7. Section 7.11 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 based on a additional gross floor area of 4,264.78sqm. A contribution as detailed in the table below would be required for the development under the applicable Leichhardt Section 94 Contributions Plans.

Column A	Column B
Community Facilities	\$21,420.10
Open Space	\$41,749.95
Local Area Traffic Management	\$10,464.06
Access to Balmain Peninsula	\$53,798.07
Total Contribution	\$127,432.18

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

8. Conclusion

This application has been assessed under Section 4.15 of the Environmental Planning and Assessment Act, 1979 and is considered to be satisfactory. Therefore the application is recommended for approval subject to the amended conditions listed below.

9. Recommendation

- A. The applicant has made a written request pursuant to Clause 4.6(3) of the Leichhardt LEP 2013 in support of the contravention of the development standard for Clause 4.4 – Floor space ratio. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the standard is unnecessary in the circumstance of the case and that there are sufficient environmental grounds, the proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.
- 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: D/2019/17 for

Alterations and additions to existing self storage facility, and associated works, including stormwater works over 17 Crystal Street at 17 Wellington Street, Rozelle subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

Conditions of Consent

Fees

1. Section 7.11 (Former Section 94) Contribution

Prior to the issue of a Construction Certificate written evidence must be provided to the Certifying Authority that a monetary contribution of \$127,432.18 in accordance with Developer Contributions Plan No.1 – Open Space and Recreation; Developer Contributions Plan No.2 – Community Facilities and Services (2005); and Leichhardt Developer Contributions Plan – Transport and Access has been paid to the Council.

The above contribution is the contribution applicable as at 8 October 2019.

The contribution payable has been calculated in accordance with the CP and relates to the following public amenities and/or services and in the following amounts:

Local Infrastructure Type:	Contribution \$
Community Facilities	\$21,420.10
Open Space	\$41,749.95
Local Area Traffic Management	\$10,464.06
Access to Balmain Peninsula	\$53,798.07
Total Contribution	\$127,432.18

A copy of the CP can be inspected at any of the Inner West Council Services Centres or viewed online at:

<https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions>

The contribution must be paid either in cash, by unendorsed bank cheque (from an Australian Bank only), via EFTPOS (Debit only) or credit card*.

*NB A 0.75% credit card transaction fee applies to all credit card transactions.

2. Long Service Levy

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

3. Security Deposit - Standard

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

Security Deposit:	\$30,000.00
Inspection Fee:	\$230.65

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

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

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

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

The amount nominated is only current for the financial year in which the 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.

General Conditions

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	Prepared by
DA01, Issue C	Basement Floor Plan	4/6/2019	MMA Architects
DA02, Issue C	Ground Floor Plan	4/6/2019	MMA Architects
DA03, Issue C	First Floor Plan	4/6/2019	MMA Architects
DA04, Issue C	Second Floor Plan	4/6/2019	MMA Architects
DA05, Issue B	Roof Plan	29/10/2018	MMA Architects
DA06, Issue C	Elevations and Sections	11/6/2019	MMA Architects
DA07, Issue A	Ramp Sections	11/6/2019	MMA Architects
-	Flood Risk Management Report	September 2018	FLOODMIT Pty Ltd
E31694KRrpt-RAP	Remedial Action Plan	17/1/2019	Environmental Investigation Services

As amended by the conditions of consent.

5. Design Change

Prior to the issue of a Construction Certificate, amended details and plans are to be submitted to, and approved by Council, demonstrating the following:

- a) The Flood Risk Management report must demonstrate that the overland flow path through the development site is not impacted by the proposed alterations and additions and the proposal does not cause rise of flood water through the site or redirection of overland flows to adjoining properties. This will require flood modelling of the existing and post development conditions for 1 in 100 year and PMF floods, using hydraulic modelling software or appropriate calculations.

- b) The entry to the basement level shall have all access and potential water entry points above the Probable Maximum Flood level or Flood Planning Level (whichever is higher) as required by the Leichhardt Development Control Plan 2013 Section E1.3.1 C9.
- c) Longitudinal sections along both sides of the vehicular access shall be provided, demonstrating compliance with the above requirements. The long section shall begin from the centreline of the adjacent road to a minimum of 3 metres into the property and is to be prepared at a scale of 1:25.
- d) Minimum headroom of 2200mm must be provided throughout the access and parking facilities. Minimum headroom of 2500mm must be provided above any disabled parking space. Note that the headroom must be measured to the lowest projection from the ceiling, such as lighting fixtures, sprinklers, ducts, etc. and at any open garage door.
- e) A plan of the proposed access and adjacent road, drawn at a 1:200 scale, demonstrating that vehicle manoeuvrability for entry and exit to the site complies with the AS/NZS 2890.1:2004 shall be submitted. The plan must include 900mm wing of layback on each side of the crossing at the kerb line and existing on street parking spaces on the eastern side of Wellington Street.
- f) Design of the On-site Stormwater Detention storage (OSD) should be supported by calculations demonstrating that the post development flows for the 100 year Average Recurrence Interval (ARI) storm event from the development are restricted to the pre development flows for the 5 year ARI storm event.
- g) The volume of the OSD can be reduced where on-site retention (OSR) facilities for rainwater reuse and/or stormwater reuse are proposed to service all toilets, laundries and outdoor usage. Where OSR is proposed in lieu of OSD, the offset shall be calculated at a rate of 1m³ from the OSD storage volume, for every 2.5m³ of OSR storage provided (up to a maximum OSD offset of 10m³). Offsets for larger OSD storage must be supported by detailed calculations demonstrating compliance with the objectives of Leichhardt Council's DCP.
- h) The proposed connection of the outlet pipe to Council's street drainage system in Crystal Street as shown on the SDCP is not permitted. The proposed drainage pipe from filter basket must be laid across the Council's footpath and continue under the kerb and gutter to Council's pit in Crystal Street. A pit must be constructed in Crystal Street where drainage pipe changes direction and at the connection to Council's street drainage system.
- i) The stormwater system shall not be influenced by backwater effects or hydraulically controlled by the receiving system.
- j) The proposed pipe in Crystal Street must be 375mm in diameter, spigot and socket with rubber ring joints. A plan and long section of the drainage line within the road reserve at a scale of 1:100 and structural details of the proposed drainage pits in Crystal Street shall be submitted at an appropriate scale for Council approval.

6. Waste Management Plan

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

7. Erosion and Sediment Control

Prior to the issue of a commencement of any works (including any demolition works), the Certifying Authority must be provided with an erosion and sediment control plan and specification. Sediment control devices must be installed and maintained in proper working order to prevent sediment discharge from the construction site.

8. Standard Street Tree Protection

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

9. Works Outside the Property Boundary

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

10. Remediation Works

Remediation and validation of contaminated land must be carried out in accordance with State Environmental Planning Policy No 55 – Remediation of land, the Contaminated Land Management Act 1997, Development Control Plan 2013 and the following documentation:

Document Title	Prepared By	Dated
Remediation Action Plan, Proposed Alterations and Additions, Part of Kennards Self Storage, 17 Wellington Street Rozelle, Report no. E31694KRrpt-RAP	Environmental Investigation Services (EIS)	17 January 2019

11. Commercial bin storage areas

There must be adequate bin storage allocation on site areas to accommodate the generation of all waste streams from the businesses on site.

There is to be an extra additional 50% space in the storage area to manoeuvre the bins. The bin storage area is to be located away from habitable rooms, windows, doors and private useable open space to minimise potential impacts on neighbours in terms of aesthetics, noise and odour.

All bins are only to be placed out for collection and must be returned to the storage area/s after collection.

12. Additional storage area

There must be additional space allocated on site for the storage of reusable items such as crates and pallets and/or compaction equipment.

Prior to any Demolition

13. Dilapidation Report

Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of the adjoining properties at 11A and 41 Wellington Street and 17 Crystal Street to the Certifying Authority's satisfaction. In the event that the consent of the adjoining property owner cannot

be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.

14. Advising Neighbors Prior to Excavation

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

15. Construction Fencing

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

16. Permit-General

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

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

Contact Council's Road Access team to ensure the correct Permit applications are made for the various activities.

Applications for such Permits shall be submitted and approved by Council prior to the commencement of the works associated with such activity.

17. Public Liability Insurance

Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands shall 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.

18. Traffic Management Plan

A detailed Traffic Management Plan to cater for construction traffic shall be submitted to and approved by Council before commencement of works. Details shall include haulage routes, estimated number of vehicle movements, truck parking areas, work zones, crane usage, etc., related to demolition/construction activities.

19. Work Zone - major

The person acting on this consent shall apply for a Work Zone along the site frontage for construction vehicles. A minimum of 2 months should be allowed for the processing of the application.

20. New VC – advisory

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 Application for Construction of Vehicle Crossing and Public Domain Works – Step 2' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.

21. Asbestos Survey

An Asbestos Survey prepared by a suitably qualified Occupational Hygienist shall be prepared for the premises. The Survey is to incorporate appropriate Asbestos removal and disposal methods in accordance with the requirements of WorkCover NSW, NSW Environmental Planning and Assessment Amendment (Asbestos) Regulation 2009 and NSW Environment Protection Authority, Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)] and conditions of this consent.

A copy of any WorkCover approval documents is to be included as part of the documentation.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to any works on site commencing or the issue of the Construction Certificate (whichever occurs first).

Prior to Construction Certificate**22. Structural Certificate for retained elements of the building**

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

23. Sydney Water – Tap In

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

Note: Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 132092.

24. Acoustic Report – Use

The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background LA90, 15min

noise level, measured in the absence of the noise source/s under consideration by 5dB(A). The source noise level shall be assessed as an LAeq, 15min and adjusted in accordance with the NSW Environment Protection Authority's Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).

An acoustic report prepared by a suitably qualified and experienced acoustic consultant shall be provided to the satisfaction of the Principal Certifying Authority demonstrating that noise and vibration from the operation of the premises including the use, plant and equipment will satisfy the stipulated criteria above and relevant provisions of the Protection of the Environment Operations Act 1997 and Regulations and relevant state and local policies and guidelines. Recommendations must be consistent with the approved plans.

Details demonstrating compliance with the requirements of this condition are to be submitted to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate.

25. Plant and Equipment

All plant and associated equipment must be located within the approved building envelope and is not to be located on the roof. Details on the location of all plant and equipment must be consistent with the approved plans and provided prior to the issue of a Construction Certificate.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

26. Concealment of Plumbing and Ductwork

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans detailing the method of concealment of all plumbing and ductwork including stormwater downpipes within the outer walls of the building so they are not visible.

27. Dilapidation – minor

The person acting on this consent shall submit to the Principal Certifying Authority a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site before the issue of a Construction Certificate.

28. Vehicular access and parking

The design of the vehicular access and off street parking facilities shall comply with Australian Standard AS/NZS2890.1-2004 Parking Facilities – Off-Street Car Parking. Details and dimensions demonstrating compliance are to be provided prior to the issue of a Construction Certificate. The following specific issues shall be addressed in the design:

- a) A longitudinal section along each edge of the vehicular access demonstrating compliance with the ground clearance and headroom requirements of the Standard, and showing that the boundary levels meet the existing footpath levels. The sections must extend to the centreline of the road carriageway.
- b) A longitudinal section along the Council footpath, adjacent to the property boundary, demonstrating that the longitudinal gradient of the crossing matches the adjacent road gradient.
- c) A minimum headroom of 2200mm must be provided throughout the access and parking facilities. Increased headroom is to be provided for areas with commercial vehicles and vehicles of people with disabilities as required by AS/NZS 2890.2:2002 and AS/NZS 2890.6:2009. Note that headroom must be

measured to the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors.

- d) The parking module must have minimum clear dimensions as required by AS/NZS 2890.1:2004 Figure 2.2 for User class 3 and bays at 90°. The dimensions must be exclusive of obstructions such as walls, doors and columns, except where they do not encroach inside the design envelope specified in Section 5.2 of AS/NZS 2890.1:2004.
- e) The maximum gradients within the parking module must not exceed 1 in 20 (5%), measured parallel to the angle of parking and 1 in 16 (6.25%), measured in any other direction in accordance with the requirements of Section 2.4.6 of AS/NZS 2890.1-2004. For parking spaces for people with disabilities the fall shall not exceed 1:40 in any direction as per AS/NZS 2890.1-2004 Section 2.3.
- f) A plan of the proposed access and adjacent roadway, drawn at a 1:200 scale, demonstrating that vehicle manoeuvrability for entry and exit to the parking space complies with the AS/NZS 2890.1:2004 and AS/NZS 2890.2:2002. The plan must include any existing on street parking spaces.

During Demolition and Construction

29. Construction Hours – Class 1 and 10

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work are only permitted between the hours of 7:00am to 5:00pm, Mondays to Saturdays (inclusive) with no works permitted on, Sundays or Public Holidays.

30. Survey Prior to Footings

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

31. New Information

Any new information revealed during development works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifying Authority.

Prior to Occupation Certificate

32. Soil Disposal

Any soil proposed to be disposed off site must be classified, removed and disposed of in accordance with the EPA Environmental Guidelines; Assessment, Classification and Management of Liquid and Non-Liquid Wastes 1999 and the Protection of the Environmental Operations Act 1997.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Occupation Certificate.

33. Validation Report

A validation report shall be prepared by a suitably qualified Environmental Consultant and be submitted to Council upon completion of remediation works and prior to the site being occupied. The validation report shall be prepared in accordance with relevant NSW

Environment Protection Authority guidelines, including the guidelines 'Consultants Reporting on Contaminated Sites' and shall include :

- Description and documentation of all works performed
- Results of validation testing and monitoring
- Validation results if any imported fill was transferred to site
- Demonstrate how all agreed clean-up criteria and relevant regulations have been satisfied

Confirmation and justification as to the suitability of the site for the proposed use and the potential for off site migration of any residual contaminants.

34. Stormwater Management

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards and a registered copy of the linen plan and 88B instrument with The Land and Property Information NSW is submitted to Council.

35. Positive Covenant

A Positive Covenant under Section 88B or 88E, whichever is relevant to the subject development, of the Conveyancing Act, shall be created on the title of the property detailing the following (at the Applicant's full cost):

- (a) surface flow path;
- (b) finished pavement and ground levels;
- (c) prevent the erection of any structures or fencing;
- (d) on-site stormwater detention and/or retention system;

The wording in the Instrument shall be submitted to and approved by the Inner West Council prior to lodgement at the Land Titles Office and prior to the release of the Occupation Certificate (a typical document is available from Council's Development Assessment Engineer). The Instrument shall be registered prior to the completion of development.

The following documents shall be submitted to Council as part of the Positive Covenant process and requirements, for the site on-site detention/on-site retention/reuse facilities (OSD/OSR) and stormwater quality improvement devices (SQIDS):

- i) **Work-As-Executed Plans**
A "Work-as-Executed" plan prepared and signed by a registered surveyor shall be submitted to the Inner West Council's Development Assessment Engineer at the completion of the works showing the location of the detention basin and SQIDS with finished surface levels, contours at 0.2 metre intervals and volume of storage available. Also the outlet pipe from the detention basin to its connection to Council's drainage system, shall be shown together with the following information:
 - location;
 - pipe diameter;
 - gradient;
 - pipe material i.e. PVC or EW etc;
 - orifice size;
 - trash screen at orifice;
 - emergency overflow dimensions and RL;
 - all buildings (including floor levels) and finished ground and pavement surface levels;

- Full details of SQIDS.

ii) **Engineer's Certificate**

A qualified practising Civil Engineer shall certify on the completion of drainage works in respect of:

- * the soundness of the storage structure;
- * the capacity of the detention storage;
- * the emergency overflow system being in place;
- * the works being constructed in accordance with the Development Application Consent and Council's Stormwater Management DCP/Code;
- * the freeboard from maximum water surface level to the finished floor and garage levels are at or above the minimum required in Council's Stormwater Management DCP/Code;
- * OSR pumps and SQIDS have been installed and commissioned.

iii) **Restriction-As-To-User**

A "Restriction-as-to-User" shall be placed on the title of the subject property to indicate the location and dimensions of the detention area and stormwater quality improvement device(s) (SQIDS). This is to ensure that works, which could affect the function of the stormwater detention system and SQIDS, shall not be carried out without the prior consent in writing of the Council.

Such restrictions shall not be released, varied or modified without the consent of the Council.

A typical document is available from Council's Development Assessment Engineer.

iv) **A Maintenance Schedule.**

A typical document is available from Council's Development Assessment Engineer.

36. Flood Risk Management

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all aspects of the flood risk management plan have been implemented in accordance with the approved design, conditions of this consent and relevant Australian Standards.

37. Drainage works

Construction of drainage pipe and pits in Crystal Street and reinstatement of the road reserve must be completed to Council's satisfaction prior to issue of the Occupation Certificate at no cost to Council.

38. Road works-General

The following works shall be constructed:

- a) Heavy duty concrete vehicle crossing at the vehicular access location.
- b) The redundant vehicular crossing to the site shall be removed and replaced by kerb and gutter and footpath. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb shall also be in stone.
- c) The existing concrete footpath across the frontage of the site shall be reconstructed.

- d) The existing damaged or otherwise defective kerb and gutter, footpath and/or road pavement adjacent to the site shall be restored.
- e) The proposed vehicular crossing is in conflict with the street tree. Approval of Council's Tree Assessment Officer shall be obtained to remove the street and provide instruction on location and type of the new tree.

All works shall be constructed in accordance with Council's standards and specifications and AUS-SPEC#2-"Roadworks Specifications" before the issue of the Occupation Certificate and at no cost to Council.

Full detailed construction plans and specifications shall be submitted to Council for approval under Section 138 of the Roads Act 1993 before the issue of a Construction Certificate with all works completed before to the issue of an Occupation Certificate.

39. Protect sandstone kerb

The existing stone kerb adjacent to the site is of local heritage value and is to be preserved at no cost to Council. Any damage to the stone kerb will require the replacement of the damaged individual stone units before the issue of the Occupation Certificate.

40. Public domain – Council signoff

Prior to issue of the Occupation Certificate the person acting on this consent shall obtain from Council a compliance Certificate(s) stating that all Road, Footpath, Vehicle Crossing and Public Domain Works on Council property required to be undertaken as a result of this development have been completed satisfactorily and in accordance with Council approved plans and specifications.

41. Service adjustments

You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. It is responsibility of applicant's contractor to verify location of the utility services with the relevant service authority. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development shall be at no cost to Council and undertaken before the issue of an Occupation Certificate.

42. Alignment levels

Alignment levels for the site at all pedestrian and vehicular access locations shall match the existing back of footpath levels at the boundary. For vehicular access off rear laneways the level at the boundary shall match the invert level of the adjacent gutter plus 110mm/150mm at both sides of the vehicle entry.

43. No encroachments

Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever shall not be permitted. Any encroachments on to Council road or footpath resulting from the building works will be required to be removed before the issue of the Occupation Certificate.

On-going

44. Acoustic Impacts – Use of premises

The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background LA90, 15min noise level, measured in the absence of the noise source/s under consideration by 5dB(A). The source noise level shall be assessed as an LAeq, 15min and adjusted in accordance with the NSW Environment Protection Authority's Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).

45. Health Impacts

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

46. Waste Collection

To ensure minimal impacts on surrounding properties commercial waste and recyclable material generated by the premises must not be collected between the hours 9pm and 8am.

47. Documentation of business waste services

All businesses must have written evidence of all valid and current contracts and/or tip dockets for the collection, disposal and/or processing of all waste streams generated from the site.

48. Private waste collectors

All commercial waste, recyclable and other material collected by a private waste collector must have minimal impact on the surrounding properties.

The collection point must allow collection vehicles to stand safely, at a level gradient and not to obstruct or endanger the passage of pedestrians and other vehicles. All collection vehicles must be able to enter and exit the collection point in a forward motion.

49. Cleaning program

There must be a regular cleaning program in place to address any litter or other waste problems that may arise from the businesses on site.

Advisory notes

Prescribed Conditions

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

Notification of commencement of works

At least 7 days before any demolition work commences:

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

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

Storage of Materials on public property

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

Toilet Facilities

The following facilities must be provided on the site:

- a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
 - b) a garbage receptacle for food scraps and papers, with a tight fitting lid.
- Facilities must be located so that they will not cause a nuisance.

Infrastructure

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

Other Approvals may be needed

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

Failure to comply with conditions

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

Other works

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

Obtaining Relevant Certification

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

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

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

National Construction Code (Building Code of Australia)

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

Notification of commencement of works

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

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

Dividing Fences Act

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

Permits from Council under Other Acts

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

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

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

Noise

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

Amenity Impacts General

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

Construction of Vehicular Crossing

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.

Lead-based Paint

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

Dial before you dig

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

Useful Contacts

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au
Department of Fair Trading	13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 www.dialprior toyoudig.com.au
Landcom	9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Corporation	Payments 131441 www.lspc.nsw.gov.au
NSW Food Authority	1300 552 406 www.foodnotify.nsw.gov.au
NSW Government	www.nsw.gov.au/fibro www.diySAFE.nsw.gov.au Information on asbestos and safe work

practices.

NSW Office of Environment and Heritage 131 555
www.environment.nsw.gov.au

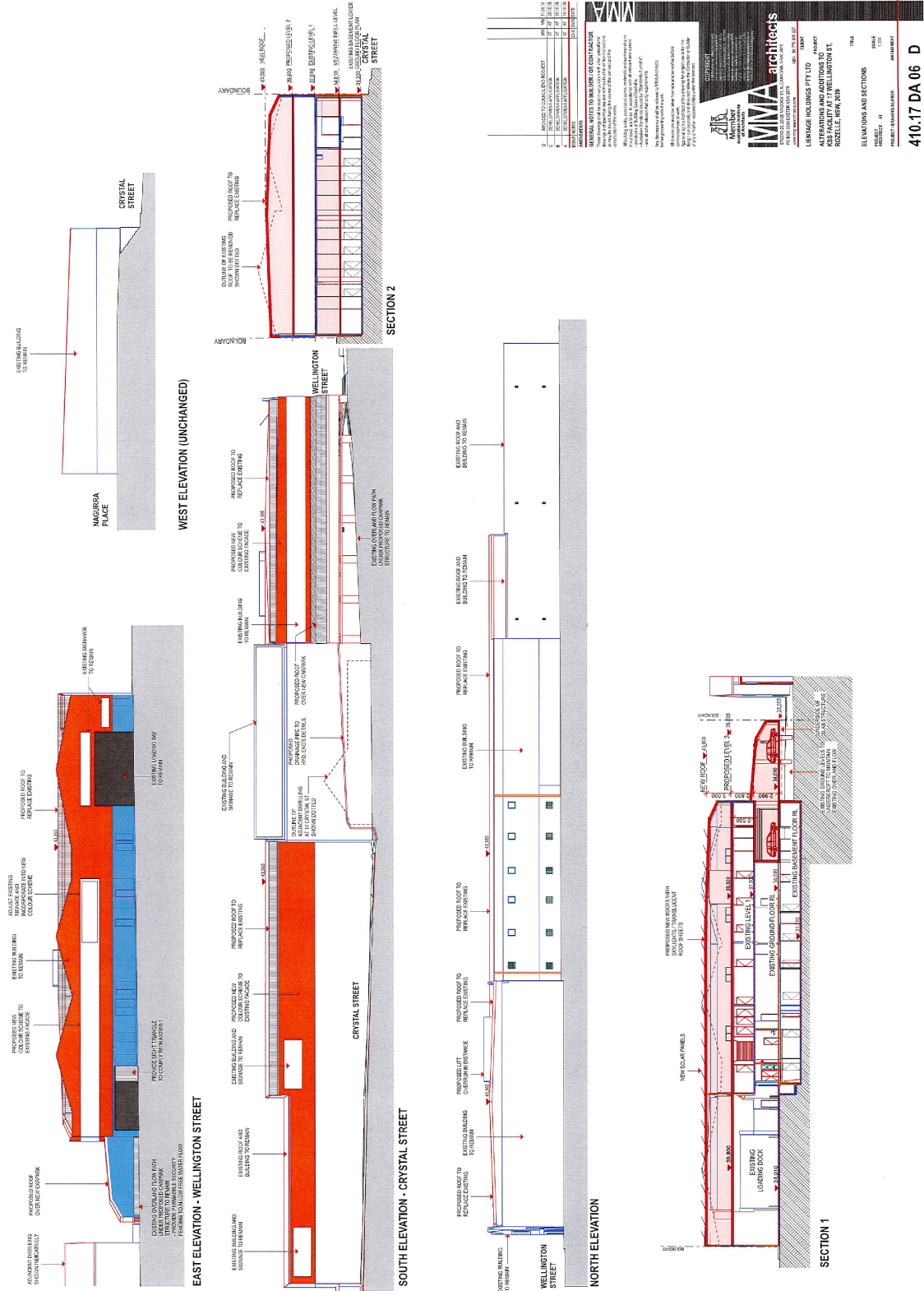
Sydney Water 13 20 92
www.sydneywater.com.au

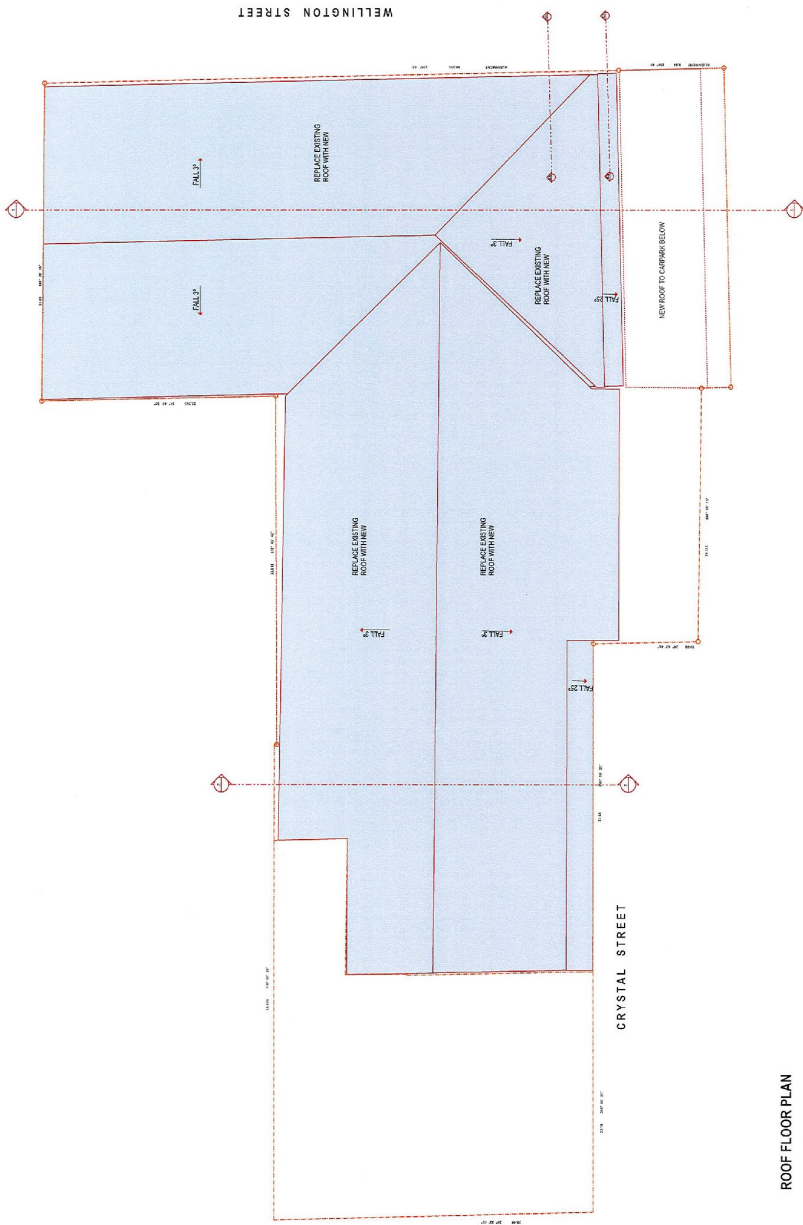
Waste Service - SITA 1300 651 116
www.wasteservice.nsw.gov.au

Water Efficiency Labelling and Standards (WELS) www.waterrating.gov.au

WorkCover Authority of NSW 13 10 50
www.workcover.nsw.gov.au
Enquiries relating to work safety and asbestos removal and disposal.

Attachment B – Plans of proposed development





ROOF FLOOR PLAN

NO.	DATE	DESCRIPTION
1	20/01/2017	ISSUED FOR TENDERS
2	07/02/2017	REVISED
3	14/02/2017	REVISED
4	21/02/2017	REVISED
5	28/02/2017	REVISED
6	07/03/2017	REVISED
7	14/03/2017	REVISED
8	21/03/2017	REVISED
9	28/03/2017	REVISED
10	04/04/2017	REVISED
11	11/04/2017	REVISED
12	18/04/2017	REVISED
13	25/04/2017	REVISED
14	02/05/2017	REVISED
15	09/05/2017	REVISED
16	16/05/2017	REVISED
17	23/05/2017	REVISED
18	30/05/2017	REVISED
19	06/06/2017	REVISED
20	13/06/2017	REVISED
21	20/06/2017	REVISED
22	27/06/2017	REVISED
23	04/07/2017	REVISED
24	11/07/2017	REVISED
25	18/07/2017	REVISED
26	25/07/2017	REVISED
27	01/08/2017	REVISED
28	08/08/2017	REVISED
29	15/08/2017	REVISED
30	22/08/2017	REVISED
31	29/08/2017	REVISED
32	05/09/2017	REVISED
33	12/09/2017	REVISED
34	19/09/2017	REVISED
35	26/09/2017	REVISED
36	03/10/2017	REVISED
37	10/10/2017	REVISED
38	17/10/2017	REVISED
39	24/10/2017	REVISED
40	31/10/2017	REVISED
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42	14/11/2017	REVISED
43	21/11/2017	REVISED
44	28/11/2017	REVISED
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46	12/12/2017	REVISED
47	19/12/2017	REVISED
48	26/12/2017	REVISED
49	02/01/2018	REVISED
50	09/01/2018	REVISED
51	16/01/2018	REVISED
52	23/01/2018	REVISED
53	30/01/2018	REVISED
54	06/02/2018	REVISED
55	13/02/2018	REVISED
56	20/02/2018	REVISED
57	27/02/2018	REVISED
58	06/03/2018	REVISED
59	13/03/2018	REVISED
60	20/03/2018	REVISED
61	27/03/2018	REVISED
62	03/04/2018	REVISED
63	10/04/2018	REVISED
64	17/04/2018	REVISED
65	24/04/2018	REVISED
66	01/05/2018	REVISED
67	08/05/2018	REVISED
68	15/05/2018	REVISED
69	22/05/2018	REVISED
70	29/05/2018	REVISED
71	05/06/2018	REVISED
72	12/06/2018	REVISED
73	19/06/2018	REVISED
74	26/06/2018	REVISED
75	03/07/2018	REVISED
76	10/07/2018	REVISED
77	17/07/2018	REVISED
78	24/07/2018	REVISED
79	31/07/2018	REVISED
80	07/08/2018	REVISED
81	14/08/2018	REVISED
82	21/08/2018	REVISED
83	28/08/2018	REVISED
84	04/09/2018	REVISED
85	11/09/2018	REVISED
86	18/09/2018	REVISED
87	25/09/2018	REVISED
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94	13/11/2018	REVISED
95	20/11/2018	REVISED
96	27/11/2018	REVISED
97	04/12/2018	REVISED
98	11/12/2018	REVISED
99	18/12/2018	REVISED
100	25/12/2018	REVISED

MEMBER OF THE INSTITUTE OF ARCHITECTS
IMMA architects
 100/101 STURTEVANT STREET, SYDNEY NSW 2009
 TEL: (02) 9550 1234
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 WWW.IMMAARCHITECTS.COM.AU

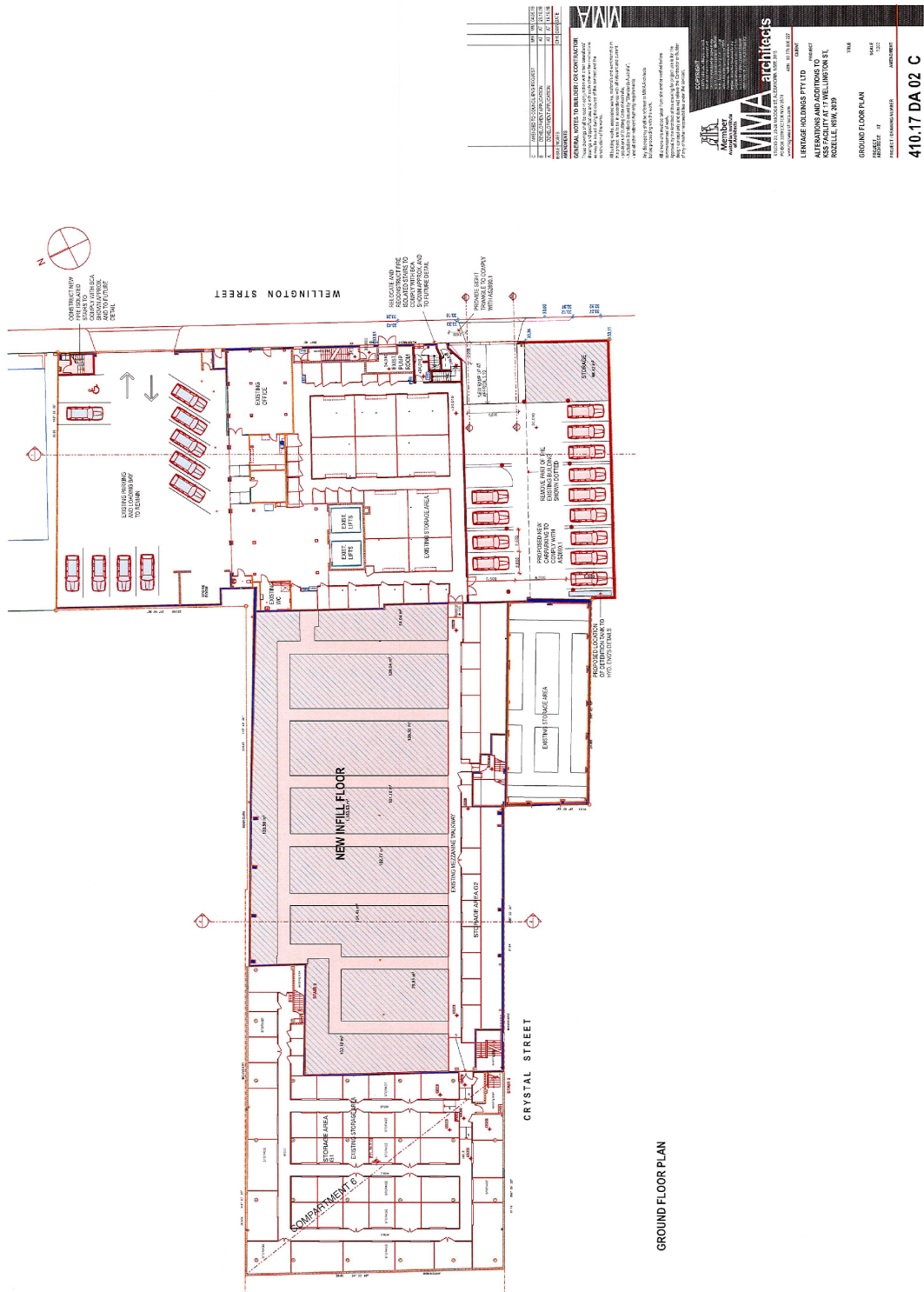
CLIENT
 HERITAGE HOLDINGS PTY LTD
 ALTERATIONS AND ADDITIONS TO
 KISS FACILITY AT 17 WELLINGTON ST,
 ROSSELL, NSW, 2059

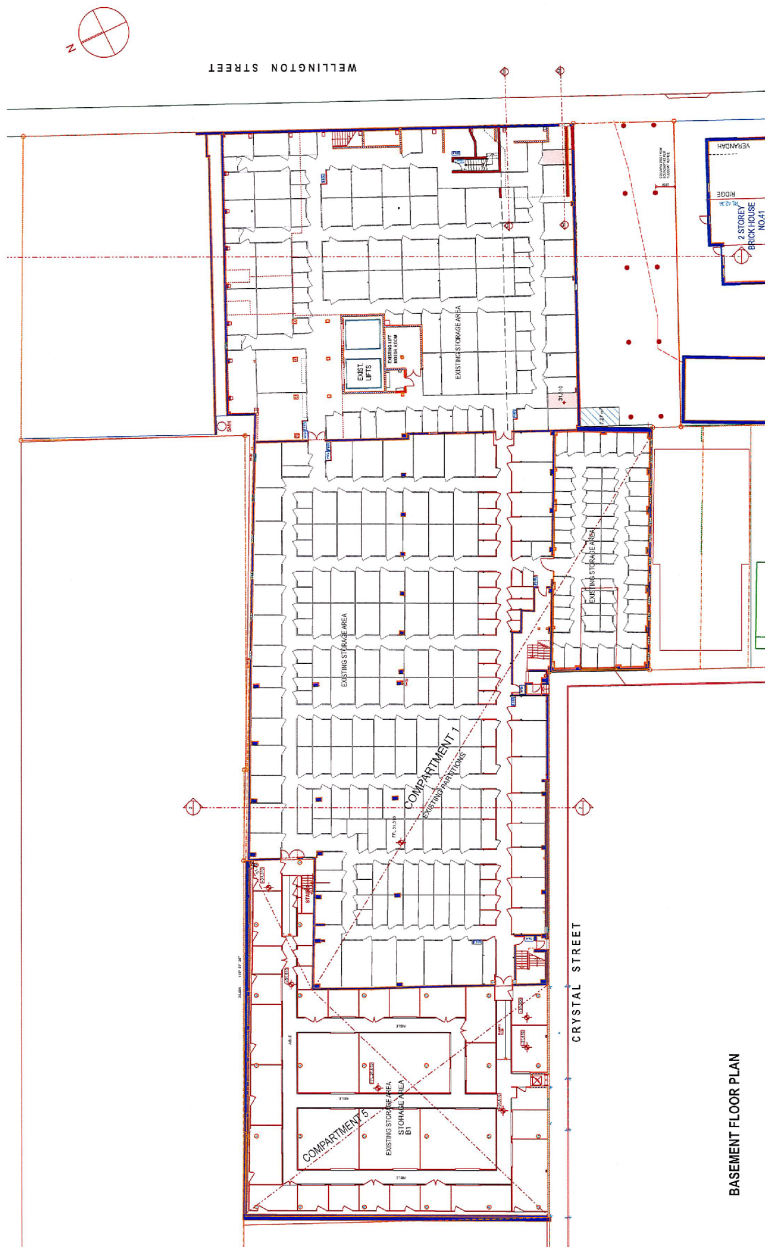
PROJECT
 KISS FACILITY AT 17 WELLINGTON ST,
 ROSSELL, NSW, 2059

DATE
 05/12/2017

SCALE
 1:500

PROJECT DRAWING NUMBER
 410:17 DA 05 B





DATE: 20/09/17
DRAWN BY: [REDACTED]
CHECKED BY: [REDACTED]
SCALE: 1:50
PROJECT NO: 410.17 DA 01 C

NOTICE TO BUILDERS OR CONTRACTORS
This drawing is prepared for the use of the contractor for the construction of the project. It is the responsibility of the contractor to ensure that the construction complies with the requirements of the drawing and the relevant building codes. The architect is not responsible for any errors or omissions in this drawing.

All drawings are prepared in accordance with the requirements of the Building Code of Australia (BCA). The architect is not responsible for any errors or omissions in this drawing.

For more information, please contact the architect.

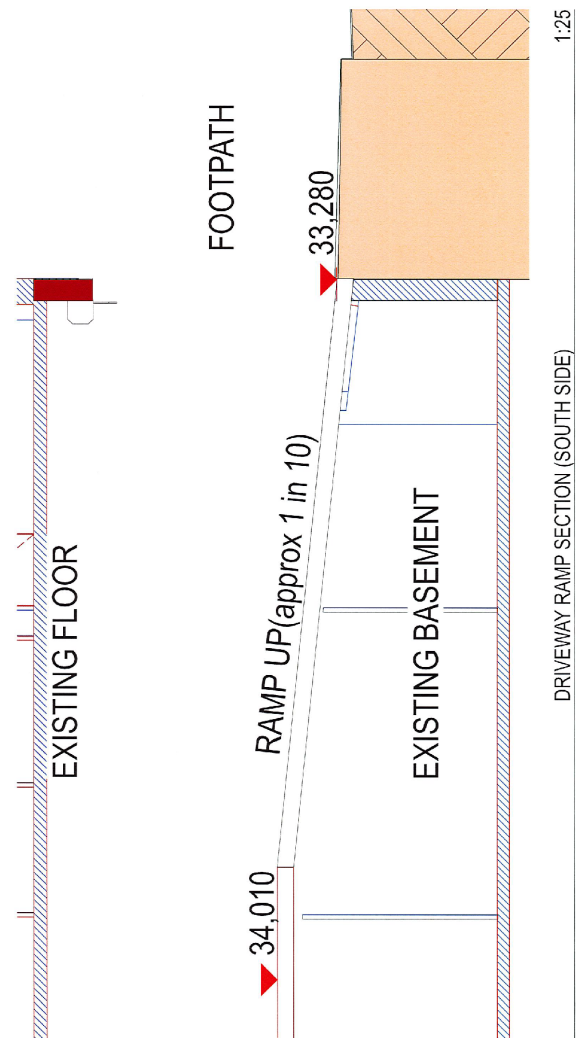
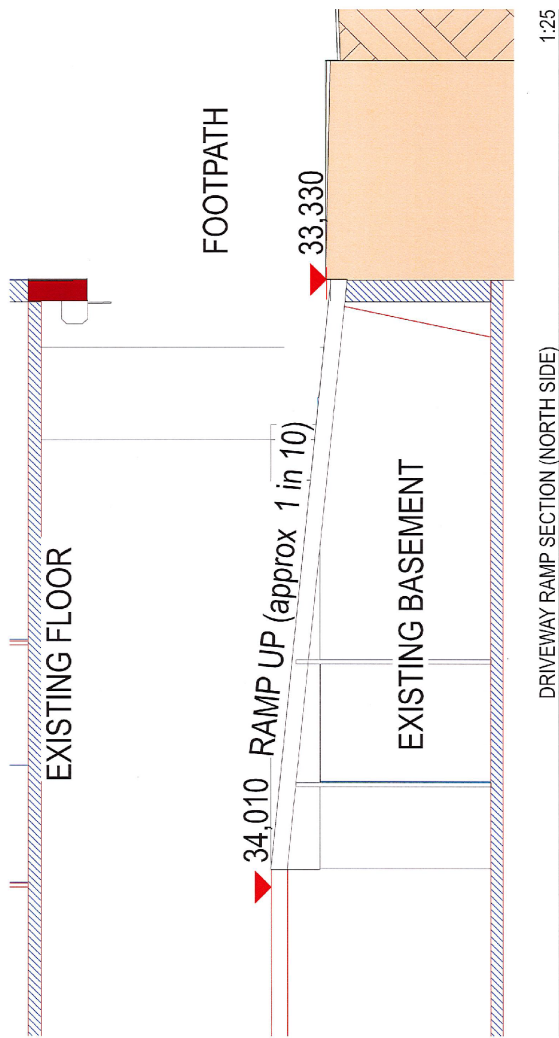
GAZDA Architects
11/11 Market Street, Sydney NSW 1585
11/11 Market Street, Sydney NSW 1585
11/11 Market Street, Sydney NSW 1585
11/11 Market Street, Sydney NSW 1585

CLIENT
HERITAGE HOLDINGS PTY LTD
ALTERATIONS AND ADDITIONS TO
RES FACILITY AT 11 WELLINGTON ST,
ROSEVILLE, NSW 2059

TITLE
BASEMENT FLOOR PLAN

SCALE
1:50

PROJECT CHARACTERISTICS
410.17 DA 01 C



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THESE DRAWINGS ARE THE PROPERTY OF MIMA ARCHITECTS AND ARE NOT TO BE REPRODUCED OR USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN PERMISSION OF MIMA ARCHITECTS.

GENERAL NOTES TO CLIENT / CONTRACTOR:
1. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND THE NATIONAL ELECTRICAL REGULATIONS 2017.
2. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE CURRENT BUILDING CODE OF PRACTICE (BCOA).
3. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE CURRENT ELECTRICAL CODE OF PRACTICE (CECP).
4. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE CURRENT PLUMBING CODE OF PRACTICE (PCOP).
5. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE CURRENT MECHANICAL CODE OF PRACTICE (MCO).
6. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE CURRENT CIVIL CODE OF PRACTICE (CCOP).
7. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE CURRENT LANDSCAPE ARCHITECTURE CODE OF PRACTICE (LACOP).
8. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE CURRENT ENVIRONMENTAL ENGINEERING CODE OF PRACTICE (EECO).
9. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE CURRENT STRUCTURAL ENGINEERING CODE OF PRACTICE (SECO).
10. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE CURRENT CIVIL ENGINEERING CODE OF PRACTICE (CECO).
11. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE CURRENT ELECTRICAL ENGINEERING CODE OF PRACTICE (EECO).

MIMA architects
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MIMA architects is a member of the Institute of Engineers Australia (IEA).
MIMA architects is a member of the Institute of Planners Australia (IPA).
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MIMA architects is a member of the Institute of Structural Engineers Australia (ISEA).
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MEMBER OF THE INSTITUTE OF ENGINEERS AUSTRALIA (IEA)
MEMBER OF THE INSTITUTE OF PLANNERS AUSTRALIA (IPA)
MEMBER OF THE INSTITUTE OF LANDSCAPE ARCHITECTS AUSTRALIA (ILLA)
MEMBER OF THE INSTITUTE OF ENVIRONMENTAL ENGINEERS AUSTRALIA (IEEA)
MEMBER OF THE INSTITUTE OF STRUCTURAL ENGINEERS AUSTRALIA (ISEA)
MEMBER OF THE INSTITUTE OF CIVIL ENGINEERS AUSTRALIA (ICEA)

LENTAGE HOLDINGS PTY LTD CLIENT
ALTERATIONS AND ADDITIONS TO
RSS FACILITY AT 11 WELLINGTON ST,
ROSELAND, NSW, 2155

RAMP SECTIONS TITLE
DATE 21/01/2017
DRAWN BY [NAME]
CHECKED BY [NAME]
PROJECT NUMBER [NUMBER]

410.17 DA 07 A

Attachment C – Clause 4.6 request to vary FSR

James Lovell and Associates Pty Ltd

INTRODUCTION

Clause 4.4 of the Leichhardt Local Environmental Plan (LEP) 2013 specifies a maximum floor space ratio (FSR) of 1:1.

The existing self-storage facility has a gross floor area of approximately 9,046.37m² (based on the current definition of *gross floor area*) representing an FSR of 1.94:1. The proposed alterations and additions will provide an additional floor area of approximately 4,520.2m², representing an FSR of 2.91:1.

The objective of Clause 4.4 (in relation to non-residential development) is *"to ensure that non-residential development is compatible with the desired future character of the area in relation to building bulk, form and scale"*.

The FSR control is a development standard and is not excluded from the operation of Clause 4.6 of the LEP.

BACKGROUND

The site has been used for the purposes of a self-storage facility since 2000, and the existing self-storage facility was approved in its current form on 12 October 2010 (Development Consent 2010/352), with the consent (relating to hours of operation) subsequently amended on 30 July 2012.

The existing facility has effectively reached its storage capacity, and the owner has identified a significant demand for additional storage space to satisfy the growing requirement for off-site storage space from local residents and surrounding businesses.

In that regard, self-storage facilities were introduced to Australia in the mid 1970's, and the demand for storage space has continued to increase in recent years. They provide easily accessible storage space, predominately occupied by local domestic customers, and business users for archives and general storage. The increased cost of floor space within the inner metropolitan areas has increased the demand for external storage space, and that demand is expected to grow.

Self-storage facilities can generally be described as *"high floor space/low intensity"* land uses. The facilities typically occupy converted warehouse

buildings, with the internal conversions providing significantly lower floor to ceiling heights than a traditional warehouse building, creating (numerically) additional floor area within a comparable building envelope.

Further, there are considerable amounts of floor space within self-storage facilities not accessed for long periods of time, and the nature of the use itself is effectively passive, generating very low traffic volumes, and no external noise, fumes or odours.

Finally, the Council Assessment Report in relation to the existing building on the site included the following comments in relation to the (then) variation to the FSR control:

The proposed development's non-compliance with the standard does not hinder the objectives of the EP&A Act (1979), which amongst other matters aims to promote the orderly and economic development of land and a better environment.

The floor space ratio of the development is compatible with similar self-storage facilities approved in the municipality and the same as that approved at this site under lapsed Development Consent D/2002/886 as modified by M/2003/197, the proposed works will not detract from the character and appearance of the area, and as discussed in this report, on-going operational conditions have been recommended to ensure that the proposal will not result in any undue adverse negative impacts on any adjoining properties with respect to noise, traffic, car parking, waste etc.

The following justification for the variation of the Floor Space Ratio standard was submitted by the applicant:

- *The visual change to Crystal Street will improve and unify the street elevation;*
- *The scale and bulk of the development is not an issue and is acceptable;*
- *The development will be an extremely low generator of vehicle movements, and traffic movements indicate that the existing loading and car parking areas are more than adequate for this size facility; and*
- *The proposal will have acceptable impacts on the amenity of the locality.*

The Objection is considered to be well founded, and adequately justifies the proposal with respect to the objectives of the standard and the Leichhardt Local Environmental Plan 2000.

For the reasons outlined above and in this report, and subject to recommended conditions, it is considered that the proposed variation to clause 23(2) warrants support.

The proposed alterations and additions will similarly promote the orderly and economic development of the land, maintain the low intensity land use, increase the provision of off-street car parking, and substantially maintain the existing visual character of the site, and the physical relationship with surrounding land.

SITE CONTEXT

The site is located within an established industrial precinct bounded by Nagurra Place to the north, Wellington Street to the east, Terry Street to the west, and Victoria Road to the south.

The precinct has predominately been developed for industrial and specialist use purposes, however there remain a number of remnant residential properties located to the south of Crystal Street, and to the north and south along Wellington Street and Nagurra Place.

In more immediate terms, the site is adjoined to the north by a pair of single storey semi-detached dwellings fronting Wellington Street, and a relatively large residential complex located between Nagurra Place and Terry Street.

The site is adjoined to the south by a 2-storey terrace house fronting Wellington Street, and a pair of single storey semi-detached dwellings fronting Crystal Street.

The existing development on the opposite side of Wellington Street comprises the grounds of *Rozelle Public School*, and the existing development on the opposite side of Crystal Street comprises a series of residential buildings, a number of which have been converted to industrial and/or specialist uses.

PROPOSED DEVELOPMENT

The proposed development comprises alterations and additions to the existing warehouse building to provide an additional 4,520.2m² of self-storage space.

The additional floor space is accommodated within an expansion of the existing basement (below the car parking area along Wellington Street), within an internal mezzanine at the existing ground floor level, and within a modified roof form recessed behind the gable ends facing Wellington Street.

The existing off-street car parking provision is being increased from 15 spaces (13 approved spaces) to 27 spaces, with the existing loading area retained. The existing and additional car parking spaces are accommodated at the ground floor level, accessed via the existing driveways along the Wellington Street frontage.

The existing facility operates between 7.00am and 7.00pm, Monday to Saturday, and 9.00am and 4.00pm, Sundays, with extended access for private wine storage customers until 10.00pm Monday to Saturday, and between 8.30am and 6.00pm, Sundays.

The expanded facility will continue to operate in substantially the same manner as the existing facility, and no changes are proposed to the existing/approved hours of operation.

Finally, a series of changes are proposed to the external colour palette, specifically intended to improve the overall aesthetic appearance of the building.

In particular, it is proposed to reduce the expanse of orange corporate imagery (paint colour) along both street frontages, with the orange colour to be replaced by a more neutral off-white/gray colour.

CLAUSE 4.6 OF THE LEICHHARDT LEP 2013

Clause 4.6(2) of the LEP specifies that *"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"*.

Clause 4.6(3) specifies that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

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

Clause 4.6(4) specifies that development consent must not be granted for development that contravenes a development standard unless:

- (a) *the consent authority is satisfied that:*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) *the concurrence of the Secretary has been obtained.*

Clause 4.6(5) specifies that in deciding whether to grant concurrence, the Secretary must consider:

- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) *the public benefit of maintaining the development standard, and*
- (c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*

CONTEXT AND FORMAT

This "written request" has been prepared having regard to "Varying development standards: A Guide" (August 2011), issued by the former

Department of Planning, and relevant principles identified in the following judgements:

- *Winten Property Group Limited v North Sydney Council [2001] NSWLEC 46;*
- *Wehbe v Pittwater Council [2007] NSWLEC 827;*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009;*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90;*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248;*
- *Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7;*
- *Moskovich v Waverley Council [2016] NSWLEC 1015; and*
- *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118.*

"*Varying development standards: A Guide*" (August 2011) outlines the matters that need to be considered in DA's involving a variation to a development standard. The Guide essentially adopts the views expressed by Preston CJ, in *Wehbe v Pittwater Council [2007] NSWLEC 827* to the extent that there are effectively five (5) different ways in which compliance with a development standard can be considered unreasonable or unnecessary as follows:

1. The objectives and purposes of the standard are achieved notwithstanding non-compliance with the development standard.
2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary.
3. The underlying objective or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.
4. The development standard has been 'virtually abandoned or destroyed' by the Councils own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.
5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

As Preston CJ, stated in *Wehbe*, the starting point with a SEPP No. 1 objection (now a Clause 4.6 variation) is to demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances. The most commonly invoked 'way' to do this is to show that the objectives of the development standard are achieved notwithstanding non-compliance with the numerical standard.

In that regard, Preston CJ, in *Wehbe* states that "... *development standards are not ends in themselves but means of achieving ends*". Preston CJ, goes on to say that as the objectives of a development standard are likely to have no numerical or qualitative indicia, it logically follows that the test is a qualitative one, rather than a quantitative one. As such, there is no numerical limit which a variation may seek to achieve.

The above notion relating to 'numerical limits' is also reflected in Paragraph 3 of Circular B1 from the former Department of Planning which states that:

As numerical standards are often a crude reflection of intent, a development which departs from the standard may in some circumstances achieve the underlying purpose of the standard as much as one which complies. In many cases the variation will be numerically small in others it may be numerically large, but nevertheless be consistent with the purpose of the standard.

It is important to emphasise that in properly reading *Wehbe*, an objection submitted does not necessarily need to satisfy all of the tests numbered 1 to 5, and referred to above. This is a common misconception. If the objection satisfies one of the tests, then it may be upheld by a Council, or the Court standing in its shoes. Irrespective, an objection can also satisfy a number of the referable tests.

In *Wehbe*, Preston CJ, states that there are three (3) matters that must be addressed before a consent authority (Council or the Court) can uphold an objection to a development standard as follows:

1. The consent authority needs to be satisfied the objection is well founded;
2. The consent authority needs to be satisfied that granting consent to the DA is consistent with the aims of the Policy; and

3. The consent authority needs to be satisfied as to further matters, including non-compliance in respect of significance for State and regional planning and the public benefit of maintaining the planning controls adopted by the environmental planning instrument.

Further, it is noted that there is a not uncommon view that any variation to a development standard greater than 10% cannot be approved under Clause 4.6. This is not correct, and the consent authority has the power to grant consent to a variation to a development standard, irrespective of the numerical extent of variation (subject to some limitations not relevant to the present matter).

The decision of Paine J, in *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90* suggests that demonstrating that a development satisfies the objectives of the development standard is not necessarily sufficient, of itself, to justify a variation, and that it may be necessary to identify reasons particular to the circumstances of the proposed development on the subject site.

Irrespective, the more recent decision of Preston CJ, in *Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7* involved relatively substantial variations to the applicable building height (55%) and floor space ratio (20%) controls.

Preston CJ, found that *"the Commissioner did not need to be directly satisfied that compliance with each development standard is unreasonable or unnecessary in the particular circumstances of the case, but only indirectly by being satisfied that the applicant's written request has adequately addressed the matter in subclause (3)(a) that compliance with each development standard is unreasonable or unnecessary"*.

Finally, Commissioner Tuor, in *Moskovich v Waverley Council [2016] NSWLEC 1015*, considered a DA which involved a relatively substantial variation to the FSR (65%) control. Some of the factors which convinced the Commissioner to uphold the Clause 4.6 variation request were the lack of environmental impact of the proposal, the characteristics of the site such as its steeply sloping topography and size, and its context which included existing adjacent buildings of greater height and bulk than the proposal.

The decision suggests that the requirement that the consent authority be satisfied the proposed development will be in the public interest because it is "consistent with" the objectives of the development standard and the zone, is not a requirement to "achieve" those objectives. It is a requirement that the development be 'compatible' with them or 'capable of existing together in harmony'. It means "something less onerous than 'achievement'".

Finally, in *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*, Preston CJ found that it is not necessary to demonstrate that the proposed development will achieve a "better environmental planning outcome for the site" relative to a development that complies with the development standard.

ASSESSMENT

Is the requirement a development standard?

The FSR control is a development standard and is not excluded from the operation of Clause 4.6(2) of the LEP.

What is the underlying object or purpose of the standard?

The objective of the FSR control (in relation to non-residential development) is considered as follows:

- (b) *to ensure that non-residential development is compatible with the desired future character of the area in relation to building bulk, form and scale.*

The site is located within an established industrial precinct. The precinct has predominately been developed for light industrial and specialist use purposes, with a limited number of remnant residential properties (zoned IN2 – Light Industrial) located to the south of Chrystal Street, and to the north and south along Wellington Street and Nagurra Place. The planning controls anticipate the residential properties ultimately being redeveloped for light industrial related purposes.

The site is located within the "Industrial Sub Area" of the *Rozelle Commercial Distinctive Neighbourhood* pursuant to the Leichhardt

Development Control Plan (DCP) 2013. The controls relating to the *Desired Future Character* of the area are as follows:

- C1 Improve the landscaping quality of the area by encouraging appropriate landscaping of development.*
- C2 Encourage consolidation of smaller lots to facilitate the industrial activities within the neighbourhood.*
- C3 Industrial uses are to be predominantly located within buildings to minimise noise and to ensure that streetscape amenity is maintained.*
- C4 Appropriate off street servicing facilities (e.g. loading bays) are to be provided.*
- C5 Development is to be consistent with any relevant objectives and controls within the Rozelle Commercial Distinctive Neighbourhood.*

The proposed alterations and additions are generally consistent with the *Desired Future Character* controls on the basis that the low intensity land use will be maintained, and the existing off-street car parking provision will be increased, including the overall car parking provision relative to floor area.

The relevant controls for the *Rozelle Commercial Distinctive Neighbourhood* include:

- C1 To improve the streetscape amenity by encouraging improved design and layout of buildings as well as increased attention to site usage, signage and ancillary uses.*
- C4 Maintain the predominant bulk, scale and siting of buildings compatible with adjoining development and the neighbourhood generally.*
- C6 Maintain and enhance the character of the area by retaining original buildings where appropriate and keeping new development contemporary in architectural style, form and materials.*
- C11 Promote the continuing development of the neighbourhood and encourage land uses and development that contribute to the needs of the local community.*

The proposed alterations and additions are generally consistent with the relevant *Desired Future Character* controls on the basis that the changes

to the streetscape will be reasonably minor and acceptable, and the physical relationship with surrounding land will be substantially maintained.

Further, the character of the existing building will be substantially retained, with the modified roof form recessed behind the gable ends facing Wellington Street to main the visual integrity of the existing façade.

The proposed alterations and additions will meet the significant demand for additional storage space to satisfy the growing requirement for off-site storage space from local residents and surrounding businesses.

Finally, a series of changes are proposed to the external colour palette, specifically intended to improve the overall aesthetic appearance of the building.

In particular, it is proposed to reduce the expanse of orange corporate imagery (paint colour) along both street frontages, with the orange colour to be replaced by a more neutral off-white/gray colour.

Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

The five (5) different ways in which compliance with a development standard can be considered unreasonable or unnecessary are considered as follows:

1. *The objectives and purposes of the standard are achieved notwithstanding non-compliance with the development standard.*

The proposed development is generally consistent with, or not antipathetic to, the relevant objective of the FSR control, notwithstanding the numerical variation.

2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary.*

The objective of the FSR control (for non-residential development) remains relevant, and the proposed development is generally consistent with, or not antipathetic to, the relevant objective, notwithstanding the numerical variation.

3. *The underlying objective or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.*

The proposed development is generally consistent with, or not antipathetic to, the relevant objective of the FSR control, notwithstanding the numerical variation.

In the circumstances, strict compliance with the control would be unreasonable and unnecessary in this specific instance to the extent that there would be no potential to make reasonable and appropriate alterations and additions to the existing building.

In that regard, the existing facility has effectively reached its storage capacity, and the owner has identified a significant demand for additional storage space to satisfy the growing requirement for off-site storage space from local residents and surrounding businesses.

The additional floor space is predominately located within the envelope of the existing building and its associated roof structure, and otherwise limited to a relatively small, single storey addition to the ground floor level, within what is effectively a gap in the existing streetscape.

Further, self-storage facilities are relatively "high floor space/low intensity" land uses, and there are considerable amounts of floor space not accessed for long periods of time. Further, the nature of the use itself is effectively passive, generating very low traffic volumes, and no external noise, fumes or odours.

4. *The development standard has been 'virtually abandoned or destroyed' by the Councils own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.*

The FSR control has effectively been abandoned in respect of the subject site, and that "abandonment" is reasonable and appropriate having

regard to the specific nature of the self-storage use, and the nature of the existing building and the surrounding development.

Further, the additional floor space is predominately located within the envelope of the existing building and its associated roof structure, circumstances in which the physical form of the existing building will not materially change.

Finally, the alterations and additions provide an opportunity to implement a series of changes to the external colour palette, specifically intended to improve the overall aesthetic appearance of the existing building.

In particular, it is proposed to reduce the expanse of orange corporate imagery (paint colour) along both street frontages, with the orange colour to be replaced by a more neutral off-white/gray colour.

5. *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

The zoning of the land remains relevant and appropriate. Irrespective, strict compliance with the control would be unreasonable and unnecessary in this specific instance to the extent that there would be no potential to make reasonable and appropriate alterations and additions to the existing building.

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

The proposed variation to the FSR control is reasonable and appropriate in the particular circumstances on the basis that:

- the FSR control has effectively been abandoned in respect of the subject site, and that "abandonment" is reasonable and appropriate having regard to the specific nature of the self-storage use, and the nature of the existing building and the surrounding development;

- the proposed alterations and additions will meet the significant demand for additional storage space to satisfy the growing requirement for off-site storage space from local residents and surrounding businesses;
- self-storage facilities are relatively "high floor space/low intensity" land uses, and there are considerable amounts of floor space not accessed for long periods of time. Further, the nature of the use itself is effectively passive, generating very low traffic volumes, and no external noise, fumes or odours;
- the additional floor space is predominately located within the envelope of the existing building and its associated roof structure, and otherwise limited to a relatively small, single storey addition to the ground floor level, within what is effectively a gap in the existing streetscape;
- the alterations and additions provide an opportunity to implement a series of changes to the external colour palette, specifically intended to improve the overall aesthetic appearance of the existing building;
- strict compliance with the control would be unreasonable and unnecessary in this specific instance to the extent that there would be no potential to make reasonable and appropriate alterations and additions to the existing building;
- the proposed alterations and additions will increase the existing off-street car parking provision, including the overall car parking provision relative to floor area;
- the physical characteristics of the subject site, the proposed use, and the nature and zoning of surrounding development, are such that the proposed alterations and additions are not antipathetic to the objectives of the IN2 – Light Industrial zone; and
- the proposed development is generally consistent with, or not antipathetic to, the relevant objective of the FSR control, notwithstanding the numerical variation.

Are there any matters of State or regional significance?

The proposed variation to the FSR control in this specific instance does not raise any matters of State or regional significance.

Any other matters?

There are no further matters of relevance to the proposed variation to the FSR control in this specific instance.

Zone Objectives and Public Interest

The site is zoned IN2 – Light Industrial and the relevant objectives of the zone are expressed as follows:

- *To provide a wide range of light industrial, warehouse and related land uses.*
- *To encourage employment opportunities and to support the viability of centres.*
- *To minimise any adverse effect of industry on other land uses.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*
- *To support and protect industrial land for industrial purposes.*
- *To retain existing employment uses and foster a range of new industrial uses to meet the needs of the community.*
- *To ensure the provision of appropriate infrastructure that supports Leichhardt's employment opportunities.*

The proposed development is generally consistent with (or not antipathetic to) the objectives of the zone on the basis that the expansion of the existing facility will increase employment opportunities, provide additional storage space to support surrounding businesses and residents, maintain the use of the land for purposes that are permissible in the zone, and minimise the potential impacts on any surrounding land use and centre of activity.

Further, the proposed development serves the public interest by providing additional storage space within an established facility to meet the growing demand for off-site storage space, without imposing any significant or adverse impacts on the amenity of surrounding land.

CONCLUSION

The purpose of this submission is to formally request a variation to the FSR control pursuant to Clause 4.6 of the Leichhardt LEP 2013.

James Lovell and Associates Pty Ltd

In general terms, a proper merit-based assessment demonstrates that compliance with the control is unreasonable and unnecessary in the particular circumstances, and there are sufficient environmental planning grounds to justify the proposed variation in this instance.