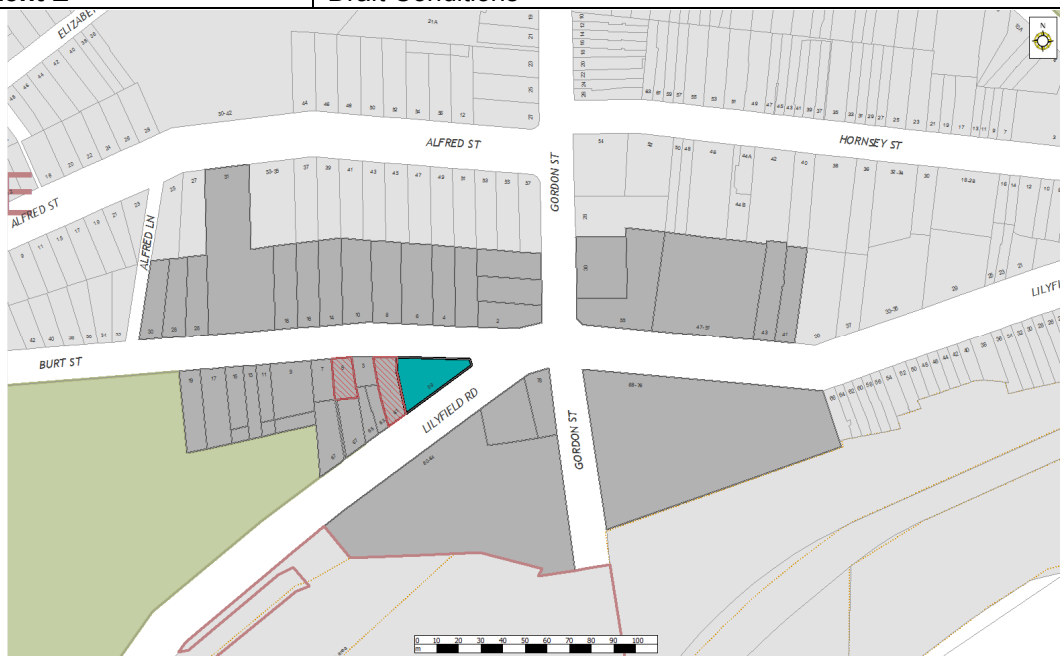




INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	D/2018/584
Address	59 Lilyfield Road, ROZELLE NSW 2039
Proposal	Demolition of existing rear building on the site, adaptive reuse of existing building at the front of the site on the corner of Lilyfield Road and Burt Street and additions and alterations to that building to provide a residential flat building comprising six (6) dwellings, and associated works, including parking, landscaping and communal open space.
Date of Lodgement	5 November 2018
Applicant	Ranon Property
Owner	Ms C J Cavers and Mr R W Gazzard
Number of Submissions	Objections from 2 properties
Value of works	\$1,100,000
Reason for determination at Planning Panel	Clause 4.6 variation to FSR, Site Coverage and Landscaped Area exceeds officer's delegation/ SEPP 65 affected development
Main Issues	Impact to Desired Future Character of Easton Park Distinctive Neighbourhood/Heritage Conservation Area, Inadequate communal open space, safety issues to ground floor private open space, insufficient motorcycle and bicycle parking, impact to public drainage facility, Breach of FSR, Site coverage and Landscape Area development standards.
Recommendation	Refusal
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Clause 4.6 Exception to Development Standards
Attachment D	Statement of Heritage
Attachment E	Draft Conditions



LOCALITY MAP

Subject Site		Objectors		
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for demolition of existing rear building on the site, adaptive reuse of existing building at the front of the site on the corner of Lilyfield Road and Burt Street and additions and alterations to that building to provide a residential flat building comprising six (6) dwellings, and associated works, including parking, landscaping and communal open space at 59 Lilyfield Road, Rozelle. The application was notified to surrounding properties and objections from two properties were received.

The main issues that have arisen from the application include:

- Impact to Desired Future Character of Easton Park Distinctive Neighbourhood
- Impact to Easton Park Heritage Conservation Area
- Inadequate communal open space
- Safety issues to ground floor private open space
- Insufficient motor bicycle and bicycle parking
- Impact to public drainage facility
- Breach of FSR, Site coverage and Landscape Area development standards

The non-compliances are not acceptable given the abovementioned issues and therefore the application is recommended for refusal.

2. Proposal

The development application proposes:

- The demolition of the existing buildings on the site with the exception of the two storey building located on the south-eastern portion of the site.
- The adaptive reuse of the existing two storey building to the south-eastern portion of the site as two residential units.
- The construction of a new three storey building on the western portion of the site, additional floor area at ground floor level and new terrace that adjoins the south-eastern two storey building to accommodate 3 x two bedroom and 3 x one-bedroom dwellings, a total of 6 new dwellings.
- Four car parking spaces and a communal open space of 43.15 m².

3. Site Description

The subject site is located on the north-western of Lilyfield Street and South of Burt Street, between Denison Street and Gordon Street. The site consists of 1 allotment and is irregularly shaped with a total area of 461.5 m² and is legally described as Lot 1 DP 86613.

The site has a frontage to Lilyfield Rd of 36.43 metres and a second frontage of approximate 33.795 metres to Burt Street.

The subject site is not listed as a heritage item. The property is located within a conservation area and is identified as a flood prone lot.

The site supports a single storey warehouse to the western portion of the site and offices to the eastern portion of the site. There is one adjoining property to the west that supports a residential dwelling. The surrounding developments include industrial developments on the southern side of Lilyfield Road, single and two storey dwellings on the southern side of Burt Street, a range of single storey to three storey residential development on the northern side of Burt Street. It should be noted that the southern side of Burt Street (of which the proposed site is located in) is within a heritage conservation area whereas the northern side of Burt Street is not located within a heritage conservation area.



View of proposed site from Burt Street.



View of proposed site from Lilyfield Road.

4. Background

4(a) Site history

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

Subject Site

Application	Proposal	Decision & Date
D/1999/590	Remediation of site, demolition of existing warehouse and erection of new warehouse.	Approved 29-Aug-2000

M/2000/272	Modification of Development Consent D/1999/590 by the deletion of condition 21 relating to the requirement for the submission of an acoustic report.	Approved 19-Dec-2000
PREDA/2016/255	Demolition of existing building and development of new mixed use development at 59 Lilyfield Road, Rozelle.	Issued 28-Feb-2017
PREDA/2017/63	Proposed demolition and adaptive reuse through alterations and additions to an existing building to create 6 residential units and communal open space.	Issued 21-Jun-2017

It is noted that the most recent Pre-DA advice was provided in PREDA/2017/63 and the conclusion of the advice letter was quite negative, advising the applicant:

“The proposal has been assessed as substantially failing to satisfy the requirements of the adaptive re-use Clause. Consequently, the redevelopment of the site for residential dwellings is subject to the suite of planning controls contained within both LLEP2013 & LDCP2013 and SEPP 65 for residential development. As a consequence, the proposal fails to meet the requirements of this suite of controls in many respects. In this regard, it is unlikely an application of this nature would be supported.”

And:

“Consideration of the above matters concludes that the amendments/ additional information needed for your proposal to be acceptable are substantial. Further, given the issues Council staff have identified in this correspondence there remains the possibility of additional concerns arising which would affect the design outcome for this site. In this regard, we believe your proposal would benefit considerably from a further pre-DA meeting prior to lodgement of a formal development application.”

While it is noted that the current application incorporates some improvements compared to the design of the last Pre-DA proposal, the current proposal fails to address the major issues which were outlined in the Pre-DA advice letter, in particular:

Building Form, Scale and Height

*“...if the primary built form of the site were retained for the purposes of adaptive reuse, a departure from the control may be supported on merit, where the original form and fabric of the primary building to the north-east of the site is retained and lower scale development (**maximum two storeys**) provided to the west. The demolition of the single storey side wing to the primary form on Burt Street would be considered with any new built form in this part of the site being single storey only, and no higher than the existing single storey wing, as discussed above...”*

Streetscape & Heritage

*“...Insufficient information has been submitted to assess the impact of the proposed demolition of the roof to the heritage contributory corner building. **The demolition of any original or early roof structure or modifications to any early or original roof form would not be supported on heritage grounds...**”*

“...The proposed 3 and 4 storey envelope is not supported. The building should be amended to respond to the mass, form and scale of the heritage contributory buildings within the conservation area boundaries. With regard to the heritage values of the conservation area and maintaining and supporting these values precedence that have been relied on that are outside the conservation area are not appropriate. Intrusive buildings in the conservation area, with regard to its heritage values are also not appropriate precedence for further development. **Two storeys maximum on this site would be considered.** In this regard, the proposed envelope is unsympathetic and inappropriate with particular regard for the mass, scale, bulk and form of the adjacent heritage contributory single storey buildings in Burt Street and the adjacent second storey heritage contributory buildings in Lilyfield Road. Any future development must consider the lower scale context of the immediate adjoining single dwellings...”

Floor Space Ratio

“..Although the existing building is already non-compliant with the standard, Council is unable to support a further variation in order to facilitate the adaptive reuse for residential accommodation which has been found to be contrary to the objectives of Clause 6.11 of LLEP 2013, **in particular the containment of any increase in the floor space ratio within the envelope of the existing building which is not achieved in this instance. The proposal does not achieve the objectives of the floor space ratio development standard which requires residential accommodation to be compatible with the desired future character of the area in relation to building bulk, form and scale. Therefore, the proposed variation to the floor space ratio development standard cannot be supported..**”

4(b) Application history

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

Date	Discussion / Letter/ Additional Information
15 February 2019	Request to withdraw application letter sent
22 February 2019	E-mail from Applicant confirming application will not be withdrawn

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 1.15 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 65—Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- 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 the consent authority to be satisfied that the site is, or can be made suitable for the proposed use.

The site has been used in the past for activities which could have potentially contaminated the site. EnviroTech Pty. Ltd. was engaged to conduct a Phase 2 Environmental Site Assessment at 59 Lilyfield Road, Rozelle. The Phase 2 Environmental Site Assessment provided the following conclusions:

- *On 10th October 2018, a site inspection was conducted by Envirotech consultants Jack Hinchliffe;*
- *At the time of inspection, the site consisted of a two-storey residential/commercial building and adjacent warehouse structure. The warehouse was currently utilised for car storage and office.*
- *Areas of concern that were identified as having the potential for contamination included:*

“The underlying soil of the warehouse poses the potential for contaminants to have leached into the ground over the course of the warehouse's existence as well as the original soil used to fill the land prior to construction.”

- *There is a risk that contaminants associated with potential fill material and warehouse contamination; this could include: Heavy Metals, Hydrocarbons; BTEX, TRH, PAH, and Phenols, oeloP Pesticides and Asbestos;*
- *Based on the available information, a targeted sampling plan was considered most appropriate to provide sufficient characterisation data. A total of five (5) test pits across the area of investigation.*
- *Soil chemical concentrations were below the thresholds of the adopted human health and ecological assessment criteria for residential land use as specified under the NEPM (2013);*
- *As soil samples indicated all five (5) samples detected below the adopted site assessment criteria, the soil does not require remedial actions and is considered suitable to the proposed land use.*

The contamination documents have been reviewed and found that the site is considered suitable for the proposed land use.

5(a)(i) State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development

The development is subject to the requirements of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65). SEPP 65 prescribes nine design quality principles to guide the design of residential apartment development and to assist in assessing such developments. The principles relate to key design issues including context and neighbourhood character, built form and scale, density, sustainability, landscape, amenity, safety, housing diversity and social interaction and aesthetics.

The development is not acceptable having regard to the nine design quality principles.

Principle 1: Context and neighbourhood character

The subject site is located within the Easton Park Heritage Conservation Area and within the distinctive neighbourhood of Easton Park Distinctive Neighbourhood. As discussed in a later

section of the report, the proposal in its current form is considered to have an adverse impact to the heritage conservation area and is inconsistent with the desired future character of the distinctive neighbourhood. Therefore, the proposal is considered to be of a form that is contrary to Principle 1.

Principle 2: Built form and scale

As discussed in more detail in other sections of the report, the proposed development results in a significant breach to the Floor Space Ratio development standard, does not comply with the maximum wall height within the desired future character controls of the Easton Park Distinctive Neighbourhood and does not achieve the requirements for adaptive reuse controls. The built form, scale and materials are not considered to be compatible with the existing streetscape. Therefore, the proposal is considered to be of a form that is contrary to Principle 2.

Principle 3: Density

As discussed in other sections of the report, the proposed development results in a significant breach to the Floor Space Ratio development standard and as the majority of the proposed gross floor area is not contained within the existing non-residential buildings (the proposal seeks to demolish single storey non-residential building located on the western portion of the site), the proposed density is considered to be an overdevelopment of the site and is contrary to Principle 3.

Principle 4: Sustainability

The proposal complies with the minimum requirements for deep-soil zones, the design provides adequate cross-ventilation and solar access and the requirements of BASIX are achieved, and therefore, is considered to be satisfactory in this part.

Principle 5: Landscape

While the proposal achieves compliance with the numerical deep-soil zone requirements, the application provides a communal open space area that is significantly less than the 25% of site area that is required – the 43.15 sqm provided represents a short fall of approximately 72 sqm. While landscaping has been incorporated into the proposed communal open space, the amount of usable communal open space area provided is inadequate and would not receive the required solar access during the winter solstice.

The landscape areas provided outside the communal open space (such as the deep-soil zones next to the driveway and the car parking spaces and between the building structures) are not areas that can be used for recreational purposes and receive little solar access. Therefore, as a whole, it is considered that design does not provide adequate amenity and the objectives under this principle are not achieved.

Principle 6: Amenity

As a whole, adequate amenity is provided to the individual units. However, as discussed in above and below sections, there is significant short-fall in the amount of area dedicated to be used as communal open space, and the communal space does not achieve the required solar access. Therefore, it is considered that the objectives of this principle had not been fully achieved.

Principle 7: Safety

The private open spaces of the ground floor units (i.e. Unit 1 and Unit 2) are provided in a location that is directly adjacent to the street frontage with nil setback. There are safety concerns in regards to the opportunity to enter these private open spaces, in particularly Unit 2. And due to the design of these spaces, there is little passive surveillance (sightlines from the street will be obstructed). The safety principle cannot be considered fully satisfied in this regard.

Principle 8: Housing diversity and social interaction

The proposal provides two x single bedroom units and 4 x 2 bedroom units which complies with the LEP controls for diverse housing. As discussed in above and below sections, the communal open space provided is significantly less than the required amount and is not considered to be of a form that adequately providing opportunities for social interaction amongst residents. Therefore, it is considered that this principle has not been fully achieved.

Principle 9: Aesthetics

As discussed in detail in a later section of the report, it is considered that the height, built form, articulation (such as size of window openings) and materials of the proposal is considered to be incompatible with the desired future character of the Easton Park Distinctive Neighbourhood and the Easton Park heritage conservation area. The proposal does not achieve an adequate level of aesthetic quality for compatibility with its neighbourhood.

Apartment Design Guide

The Apartment Design Guide (ADG) contains objectives, design criteria and design guidelines for residential apartment development. In accordance with Clause 6A of the SEPP certain requirements contained within LDCP2013 do not apply. In this regard the objectives, design criteria and design guidelines set out in Parts 3 and 4 of the ADG prevail. The following provides further discussion of the relevant issues:

Communal and Open Space

The ADG prescribes the following requirements for communal open space:

- Communal open space has a minimum area equal to 25% of the site.
- Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).

Comment: The proposed communal open space is approximately 43 m² in size, which is approximately 9.45% of the site area. The 43.15 sqm provided represents a short fall approximately 72 sqm. The shadow diagrams provided indicate that the communal private open space will not receive any solar access between 9am and 12pm during winter solstice and would only receive solar access to approximately 1.8 m² (approximately 4.2% of the communal open space). Therefore the proposal in its current form is not satisfactory in this regard. Any revised design must provide a compliant communal open space and consider relocating the communal open space away from the area within the vicinity of the west adjoining neighbour’s bedroom windows to minimise the amenity impacts to the adjoining property.

Deep Soil Zones

The ADG prescribes the following minimum requirements for deep soil zones:

Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)
Less than 650m ²	-	7%
650m ² - 1,500m ²	3m	
Greater than 1,500m ²	6m	
Greater than 1,500m ² with significant existing tree cover	6m	

Comment: The proposal provides approximately 54 sqm of deep soil planting and satisfies this requirement.

Visual Privacy/Building Separation

The ADG prescribes the following minimum required separation distances from buildings to the side and rear boundaries:

Building Height	Habitable rooms and balconies	Non-habitable rooms
Up to 12 metres (4 storeys)	6 metres	3 metres
Up to 25 metres (5-8 storeys)	9 metres	4.5 metres
Over 25 metres (9+ storeys)	12 metres	6 metres

The ADG prescribes the following minimum required separation distances from buildings within the same site:

Up to four storeys/12 metres

Room Types	Minimum Separation
Habitable Rooms/Balconies to Habitable Rooms/Balconies	12 metres
Habitable Rooms to Non-Habitable Rooms	9 metres
Non-Habitable Rooms to Non-Habitable Rooms	6 metres

Comment: As the proposal is 3 storeys in height, the controls up to 4 storeys are applicable. In regards to separation to the side boundaries, the only adjoining building is a dwelling on a site adjoining to the west. As the proposed separation is 6 metres, this is considered to be satisfactory.

In regards to the minimum separation distance between buildings within the same site, there are concerns about the distance between the balcony of Unit 6 and the terrace associated with Unit 5 where the separation distance is approximately 6 metres and there will be sightlines from the Unit 6 balcony down into the Unit 5 Terrace. Therefore the proposal in its current form is not satisfactory.

Solar and Daylight Access

The ADG prescribes the following requirements for solar and daylight access:

- Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9.00am and 3.00pm at mid-winter.
- A maximum of 15% of apartments in a building receive no direct sunlight between 9.00am and 3.00pm at mid-winter.

Comment: Solar Access diagrams indicating the amount of solar access into the living rooms and private open spaces of the subject site have not been provided. 83% of dwellings (i.e. 5 of 6 units) are likely to receive the sunlight for more than 2 hours to the living rooms and therefore complies with the guidelines.

However, there are concerns in relation to the solar access to the private open spaces in relation to the ground floor units where there are safety concerns about the location of these spaces (discussion in a later section of the report).

Natural Ventilation

The ADG prescribes the following requirements for natural ventilation:

- At least 60% of apartments are naturally cross ventilated in the first 9 storeys of the building. Apartments at 10 storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.
- Overall depth of a cross-over or cross-through apartment does not exceed 18 metres, measured glass line to glass line.

Comment: This proposal is satisfactory in this regard.

Ceiling Heights

The ADG prescribes the following minimum ceiling heights:

Minimum Ceiling Height	
Habitable Rooms	2.7 metres
Non-Habitable	2.4 metres
For 2 storey apartments	2.7 metres for main living area floor 2.4 metres for second floor, where its area does not exceed 50% of the apartment area
Attic Spaces	1.8 metres edge of room with a 30 degree minimum ceiling slope
If located in mixed used area	3.3 for ground and first floor to promote future flexibility of use

Comment: The proposal is satisfactory in this regard.

Apartment Size

The ADG prescribes the following minimum apartment sizes:

Apartment Type	Minimum Internal Area
Studio apartments	35m ²
1 Bedroom apartments	50m ²
2 Bedroom apartments	70m ²
3 Bedroom apartments	90m ²

Note: The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.

Apartment Layout

The ADG prescribes the following requirements for apartment layout requirements:

- Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.

- Habitable room depths are limited to a maximum of 2.5 x the ceiling height.
- In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8 metres from a window.
- Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space).
- Bedrooms have a minimum dimension of 3 metres (excluding wardrobe space).
- Living rooms or combined living/dining rooms have a minimum width of:
 - 3.6 metres for studio and 1 bedroom apartments.
 - 4 metres for 2 and 3 bedroom apartments.
- The width of cross-over or cross-through apartments are at least 4 metres internally to avoid deep narrow apartment layouts.

Comment: The sizes of the proposed apartments are as follows:

Apartment	Minimum Internal Area	Apartment Area	Complies
Unit 1	70m ² + 5 m ²	75 m ²	Yes
Unit 2	70m ² + 5 m ²	85 m ²	Yes
Unit 3	50m ²	52 m ²	Yes
Unit 4	50m ²	52 m ²	Yes
Unit 5	50m ²	58 m ²	Yes
Unit 6	70m ² + 5 m ²	75 m ²	Yes

The size of the bedrooms and width of living rooms are as follows:

Apartment	Master Bedroom Area	Bedroom Area	Living room minimum width	Complies
Unit 1	10.5 m ²	9.5 m ²	4.2 metres	Yes
Unit 2	12 m ²	11 m ²	5 m ²	Yes
Unit 3	10.8 m ²	N/A	3.8 m ²	Yes
Unit 4	10.8 m ²	N/A	3.9 m ²	Yes
Unit 5	10.1 m ²	N/A	4.2 m ²	Yes
Unit 6	10.5 m ²	9.2 m ²	4.3 m ²	Yes

The proposed development will achieve compliance with the other provisions listed above and the proposal is satisfactory in this regard.

Private Open Space and Balconies

The ADG prescribes the following sizes for primary balconies of apartments:

Dwelling Type	Minimum Area	Minimum Depth
Studio apartments	4m ²	-
1 Bedroom apartments	8m ²	2 metres

2 Bedroom apartments	10m ²	2 metres
3+ Bedroom apartments	12m ²	2.4 metres

Note: The minimum balcony depth to be counted as contributing to the balcony area is 1 metres.

The ADG also prescribes for apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3 metres.

Comment: It is considered that the size of private open spaces and balconies are satisfactory, but there are safety concerns in relation to the private open spaces of ground floor units.

Common Circulation and Spaces

The ADG prescribes the following requirements for common circulation and spaces:

- The maximum number of apartments off a circulation core on a single level is 8.
- For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.

Comment: The central core is shared by five units and Unit 2 has its own access and therefore the building is satisfactory in this regard.

Storage

The ADG prescribes the following storage requirements in addition to storage in kitchen, bathrooms and bedrooms:

Apartment Type	Minimum Internal Area
Studio apartments	4m ³
1 Bedroom apartments	6m ³
2 Bedroom apartments	8m ³
3+ Bedroom apartments	10m ³

Note: At least 50% of the required storage is to be located within the apartment.

Comment: It is noted that the Statement of Environment Effects provided by the applicant suggests that the proposal complies with the storage requirements. However, noting that the storage in kitchens, bathrooms and bedrooms must be excluded from the calculations, the available storage areas are as follows:

Apartment	Required Storage Area	Proposed Storage Area	Complies
Unit 1	8 m ²	2.4 m ²	No
Unit 2	8m ²	2.1 m ²	No
Unit 3	6m ²	2.2 m ²	No
Unit 4	6m ²	2.2 m ²	No
Unit 5	6m ²	1.9 m ²	No
Unit 6	8 m ²	3 m ²	No

As indicated on the table above, the proposal does not provide adequate storage areas.

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

The application was assessed against the following relevant clauses of the Leichhardt Local Environmental 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 4.3A(3)(a) – Landscaped Area for residential development in Zone R1
- Clause 4.3A(3)(b) – Site Coverage for residential development in Zone R1
- 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 5.10 – Heritage Conservation
- Clause 6.1 – Acid Sulphate Soils
- Clause 6.2 – Earthworks
- Clause 6.3 – Flood Planning
- Clause 6.4 – Stormwater management
- Clause 6.5 – Limited development on foreshore area
- Clause 6.11 – Adaptive reuse of existing non-residential buildings in Zone R1
- Clause 6.13 – Diverse housing

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

Standard (maximum)	Proposal	% of non compliance	Compliances
Floor Space Ratio Required: [0.7:1]	1.05:1 482m2	49%	No
Landscape Area Required 20% of Site Area	11.3% 52m2	44%	No
Site Coverage 60% of Site Area	70.4% 325m2	17%	No

The following provides further discussion of the relevant issues:

Clause 1.2 of the Leichhardt Local Environmental Plan 2013 – Aims of the Plan and Clause 5.10 – Heritage Conservation

The subject site is located within the Easton Park Heritage Conservation Area. The issues in relation to the impact to the Easton Park heritage conservation area is discussed in more detail in a later section of the report. In summary, the proposal is not acceptable from a heritage perspective as it will detract from the heritage significance of the Easton Park Heritage Conservation Area and the Lilyfield Road and Burt Street streetscapes. Therefore the proposal is contrary to the following objectives under Clause 1.2 – Aims of the Plan:

“(l) to ensure that development is compatible with the character, style, orientation and pattern of surrounding buildings, streetscape, works and landscaping and the desired future character of the area,” and “(o) to prevent undesirable incremental change, including demolition, that reduces the heritage significance of places, conservation areas and heritage items”.

The proposed amount of demolition which includes the removal of an original roof form to a contributory building within a heritage conservation area and the proposed form and scale of the addition is considered to be contrary to the following objectives under Clause 5.10 – Heritage Conservation:

“(a) to conserve the environmental heritage of Leichhardt” and “(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.”

Clause 2.3 – Zone objectives and Land Use Table

The Objectives of zone are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To improve opportunities to work from home.*
- *To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.*
- *To provide landscaped areas for the use and enjoyment of existing and future residents.*
- *To ensure that subdivision creates lots of regular shapes that are complementary to, and compatible with, the character, style, orientation and pattern of the surrounding area.*
- *To protect and enhance the amenity of existing and future residents and the neighbourhood*

The development in its current form is considered to be incompatible with the desired future character of the neighbourhood and the Easton Park heritage conservation area and therefore does not achieve the objective in relation to *“providing housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.”*

The communal open space area provided is significant less than the amount of area required in the Apartment Design Guide under SEPP No.65 and therefore does not achieve the objective: *“To provide landscaped areas for the use and enjoyment of existing and future residents.”*

Clause 4.3A(3)(a) – Landscaped Area for residential development in Zone R1

The proposal provides approximately 11.3% of landscaped area with results in a 44% breach to the development standard.

Clause 4.3A(3)(b) – Site Coverage for residential development in Zone R1

The proposal results in a Site coverage of approximately 70.4% (325 m²) which results in a 17% breach of the development standard.

Clause 4.4 – Floor Space Ratio

The proposal results in a Floor Space Ratio approximately 1.05:1 (482 m²) which results in a 49% breach of the development standard.

Clause 4.6 Exceptions to Development Standards

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

- Clause 4.3A(3)(a) – Landscaped Area for residential development in Zone R1
- Clause 4.3A(3)(b) – Site Coverage for residential development in Zone R1
- Clause 4.4 – Floor Space Ratio

Clause 4.6(2) specifies that Development consent may be granted for development even though the development would contravene a development standard.

1. *The objectives of this clause are as follows:*
 - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
2. *Development consent may be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument.*

The application seeks to vary development standards in relation to Clause 4.3A(3)(a) – Landscaped Area for residential development in Zone R1, Clause 4.3A(3)(b) – Site Coverage for residential development in Zone R1 and Clause 4.4 – Floor Space Ratio.

3. *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.*

The applicant had provided the following justifications for variations for the abovementioned development standards:

Landscaped Area and Site Coverage

- *The proposal is for the adaptive reuse of the site for residential purposes. The Council has acknowledged that this approach would enable the continued non compliance of this standard provided there was some scope of deep soil plantings. The proposal archives the requirements of the deep soil provisions required by SEPP 65. The proposal does green the site more than the current land use and it results in a positive conservation outcome.*
- *The site has not enjoyed a landscape corridor between buildings. The existing building is built to boundary and has been since it was built. The proposed development does provide an increased separation at ground level through both a landscape area and built form. The proposal improves this aspect of the site but given the shape of the lot and the retention of the existing building, what is proposed is not inconsistent with this objective.*
- *Notwithstanding the non-compliance with the development standard, the proposal achieves each of the applicable objectives of the development standards.*
- *The minimum landscape area and maximum site coverage development standards, has been specifically implemented for this site in order to ensure that future development provides areas for landscaping and a building footprint that allows separation form adjoining properties and passive use of space by the residents. The current development proposal, with the non-compliances, achieves these outcomes in accordance with SEPP 65 considerations and more appropriately than the existing situation on site.*
- *Insistence on compliance with the development standard is unlikely to bring about any improved outcome for the area as it will impact the feasibility of the adaptive.*
- *The site is constrained due to its size, shape and location. The proposal seeks to retain an existing building and part of an adaptive reuse of an old and historic building. These represent matters particular to the development site and provide adequate justification that compliance with the development standards are unreasonable, as required by the *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009*.*

Floor Space Ratio

- *Notwithstanding the non-compliance with the development standard, the proposal achieves each of the applicable objectives of the development standards.*
 - *The maximum FSR, has been specifically implemented for this site in order to ensure that future development provides areas for landscaping and a building footprint that allows separation from adjoining properties and passive use of space by the residents. The current development proposal, with the non-compliances, achieves these outcomes in accordance with SEPP 65 considerations and more appropriately than the existing situation on site.*
 - *Insistence on compliance with the development standard is unlikely to bring about any improved outcome for the area as it will impact the feasibility of the adaptive reuse of the existing building and will undermine the conservation outcome that is being achieved.*
 - *The site is within a conservation area. The proposal seeks to protect, conserve and reuse an important building on a key entry point to the area. The adaptive reuse of buildings is encouraged by Council as it makes good use of historical building stock and maintains and strengthens urban character.*
 - *The site is located in an area, that is delivering higher densities and the current proposal is consistent with this planning outcome.*
 - *The proposal has been site responsive considering its existing attributes of size, shape and location.*
 - *The landscape area and site coverage variations in themselves, will not result in any added impact to the area in terms of visual impact or overshadowing.*
 - *The development is considered to be in the public interest for the following reasons;*
 - *It will result in a high quality architecturally designed building;*
 - *It responds well to a constrained site;*
 - *It will provide additional housing choice and diversity;*
 - *It will conserve and reuse an important building;*
 - *It will provide a positive urban outcome and protect an important focal point at the entry to this location in Rozelle.*
- (4) *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.*

The objectives of the development standards and the R1 General Residential Zone are as follows:

Objectives of the development standards

4.3A Landscaped areas for residential accommodation in Zone R1

- (1) *The objectives of this clause are as follows:*
- (a) *to provide landscaped areas that are suitable for substantial tree planting and for the use and enjoyment of residents,*
 - (b) *to maintain and encourage a landscaped corridor between adjoining properties,*
 - (c) *to ensure that development promotes the desired future character of the neighbourhood,*
 - (d) *to encourage ecologically sustainable development by maximising the retention and absorption of surface drainage water on site and by minimising obstruction to the underground flow of water,*

- (e) to control site density,
- (f) to limit building footprints to ensure that adequate provision is made for landscaped areas and private open space.

4.4 Floor space ratio

- (1) The objectives of this clause are as follows:
 - (a) to ensure that residential accommodation:
 - (i) is compatible with the desired future character of the area in relation to building bulk, form and scale, and
 - (ii) provides a suitable balance between landscaped areas and the built form, and
 - (iii) minimises the impact of the bulk and scale of buildings,
 - (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.

Objectives of the R1 General Residential zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To improve opportunities to work from home.
- To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.
- To provide landscaped areas for the use and enjoyment of existing and future residents.
- To ensure that subdivision creates lots of regular shapes that are complementary to, and compatible with, the character, style, orientation and pattern of the surrounding area.
- To protect and enhance the amenity of existing and future residents and the neighbourhood.

Comment:

Landscaped Area and Site Coverage

As discussed in other sections of the report, the proposal in its current form does not achieve with the requirements or definition of Adaptive Re-use. The proposal does not satisfactory various aspects of SEPP 65, in particular, there is a significant shortfall in the amount of communal open space that is required.

Further, as the proposal includes the demolition of the modern industrial/warehouse structure, there are no constraints for a design to be provided that meets the required site coverage and landscape area requirements.

Floor space ratio

The current structures existing on the site are non-residential and as the proposal includes the demolition of the modern industrial/warehouse structure and the proposed gross floor area is not provided entirely within the existing non-residential building structures, there are no apparent constraints for a design to be provided that satisfies the floor space ratio requirements.

Compliance with the floor space ratio development standard can result in a development that is smaller in scale and bulk and a form that is compatible with the desired future character of the distinctive neighbourhood and heritage conservation area.

The proposal does not retain the original roof form of a contributory building to the heritage conservation area, and is in fact considered to result in adverse impacts to the heritage

conservation area. The bulk, built form, proportions and materials used in the proposed proposal are considered to result in a development that has an adverse impact to the streetscape and heritage conservation area.

Conclusion

The Clause 4.6 Exceptions to development standards, provided by the applicant, is not considered to be well founded in this instance. It is considered that the proposal does not meet the objectives of the zone and the standards and the proposal will result in a detrimental impact on the public interest in the following ways:

- Insufficient communal open space had been provided for the enjoyment of future residents on the site. This is directly as a result of the breach of site coverage controls.
- The development in its current form is considered to be incompatible with the desired future character of the neighbourhood and the Easton Park heritage conservation area.
- The bulk and scale of buildings had not been minimised and the three storey proposal is not considered to be compatible with the scale with the retained existing and surrounding buildings.

The Secretary has provided concurrence.

Clause 6.11 – Adaptive reuse of existing non-residential buildings in Zone R1

The following controls are applicable:

(3) Development consent must not be granted to the change of use to residential accommodation of a building on land to which this clause applies that was constructed before the commencement of this clause unless the consent authority is satisfied that:

- (a) the development will not adversely affect the streetscape, character or amenity of the surrounding area, and*
- (b) the development will retain the form, fabric and features of any architectural or historic feature of the existing building, and*
- (c) any increase in the floor space ratio will be generally contained within the envelope of the existing building*

As discussed in other sections of the report, the proposal is considered to be incompatible with the streetscape and character of the Easton Park Distinctive Neighbourhood. The application proposes to remove the whole form of a contributory building to the heritage conservation area which is not supported. The application proposes to demolish the existing factory/warehouse structure on the western portion of the proposed site and construct a three storey residential building. The increase in floor space ratio is not contained within the envelope of the existing building and the impacts of increased, non-compliant building bulk and scale are greatly exacerbated.

In light of the above, the proposal does not achieve compliance with 3(a), 3(b) and 3(c) under this part and fails to meet the requirements of Adaptive reuse of buildings in Zone R1. Therefore the breach of Floor Space Ratio cannot be justified under the Adaptive reuse provisions.

5(b) Draft Environmental Planning Instruments

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

- Draft SEPP - Environment

The proposal does not contravene the provisions in the Draft SEPP – Environment.

5(c) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Leichhardt 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	Yes
B3.1 Social Impact Assessment	N/A
B3.2 Events and Activities in the Public Domain (Special Events)	N/A
Part C	
C1.0 General Provisions	No
C1.1 Site and Context Analysis	No
C1.2 Demolition	Yes
C1.3 Alterations and additions	No
C1.4 Heritage Conservation Areas and Heritage Items	No
C1.5 Corner Sites	No
C1.6 Subdivision	N/A
C1.7 Site Facilities	No
C1.8 Contamination	Yes
C1.9 Safety by Design	No
C1.10 Equity of Access and Mobility	Yes
C1.11 Parking	No
C1.12 Landscaping	Refer to SEPP 65 assessment
C1.13 Open Space Design Within the Public Domain	N/A
C1.14 Tree Management	Yes
C1.15 Signs and Outdoor Advertising	N/A
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	N/A
C1.17 Minor Architectural Details	N/A
C1.18 Laneways	N/A
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	N/A
C1.20 Foreshore Land	N/A
C1.21 Green Roofs and Green Living Walls	N/A
Part C: Place – Section 2 Urban Character	
Suburb Profile	
C2.2.5.2 Easton Park Distinctive Neighbourhood	No
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	No
C3.2 Site Layout and Building Design	Yes
C3.3 Elevation and Materials	
C3.4 Dormer Windows	N/A
C3.5 Front Gardens and Dwelling Entries	Yes
C3.6 Fences	Yes

C3.7 Environmental Performance	Yes
C3.8 Private Open Space	No
C3.9 Solar Access	Refer to SEPP 65 assessment
C3.10 Views	Yes
C3.11 Visual Privacy	Refer to SEPP 65 assessment
C3.12 Acoustic Privacy	Refer to SEPP 65 assessment
C3.13 Conversion of Existing Non-Residential Buildings	No
C3.14 Adaptable Housing	N/A
Part C: Place – Section 4 – Non-Residential Provisions	N/A
Part D: Energy	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	Yes
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	No
D2.4 Non-Residential Development	N/A
D2.5 Mixed Use Development	N/A
Part E: Water	
Section 1 – Sustainable Water and Risk Management	Yes
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	Yes
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.1.4 Flood Risk Management Report	No
E1.1.5 Foreshore Risk Management Report	N/A
E1.2 Water Management	Yes
E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	No
E1.2.3 On-Site Detention of Stormwater	No
E1.2.4 Stormwater Treatment	Yes
E1.2.5 Water Disposal	Yes
E1.2.6 Building in the vicinity of a Public Drainage System	No
E1.2.7 Wastewater Management	N/A
E1.3 Hazard Management	Yes
E1.3.1 Flood Risk Management	No
E1.3.2 Foreshore Risk Management	N/A
Part F: Food	
Section 1 – Food	N/A
F1.1 Food Production	N/A
F1.1.3 Community Gardens	N/A
Part G: Site Specific Controls	
Old Ampol land, Robert Street	N/A
Jane Street, Balmain	N/A
Old Balmain Power Station	N/A
Wharf Road Birchgrove	N/A
Anka Site – No 118-124 Terry Street Rozelle	N/A

233 and 233A Johnston Street Annandale	N/A

The following provides discussion of the relevant issues:

C1.0 General Provisions, C1.1 Site and Context Analysis C1.3 Alterations and additions, C1.4 Heritage Conservation Areas, C1.5 Corner Sites and Heritage Items, C2.2.5.2 Easton Park Distinctive Neighbourhood and C3.1 Residential General Provisions

The subject property at 59 Lilyfield Road, Rozelle, is located within the Easton Park Heritage Conservation Area (C18 in Schedule 5 of the Leichhardt LEP 2013) and the Easton Park Distinctive Neighbourhood (C2.2.5.2 in the Leichhardt DCP 2013). The site is not listed as a heritage item, though is in the vicinity of the following heritage items:

- 15 Burt Street, Rozelle: Semi-detached house, including interiors (I730);
- 17 Burt Street, Rozelle: Semi-detached house, including interiors (I731); and
- Easton Park, Denison Street, Rozelle (I752).

Clause 5.10: Heritage Conservation from the Leichhardt LEP 2013 and *Sections C1.3: Alterations and Additions* and *C1.4: Heritage conservation areas and heritage items, C.2.2.5.2: Easton Park Distinctive Neighbourhood* from the Leichhardt DCP 2013 apply to the proposal.

The site is a prominent corner site located at the intersection of Lilyfield Road and Burt Street. The HIS states the building appears to have been a corner shop and suggests it was constructed during the 1890s. The building is post 1890 as it is not evident in the Surveyor General's maps.

The proposal includes demolition of the single storey component to the north of the 2 storey building, demolition of the warehouse to the rear of the site, alterations to the 2 storey corner building and construction of a 3 storey residential flat building to the rear of the existing building with 6 new dwellings. It also includes 4 car parking spaces and open space areas.

The proposal does not comply with the objective O1 under C2.2.5.2: Desired Future Character for the Easton Park Distinctive Neighbourhood in the Leichhardt DCP 2013. Infill development must make a positive contribution to the streetscape. It must not overwhelm its context and should be consistent with the predominant scale of development adjoining the site in terms of height, dominant ridge line and massing (building volume and size). Its form must be consistent with the predominant built form of nearby properties in terms of roof forms, three dimensional modelling of neighbouring properties, fenestration patterns, relationship of floor to ceiling heights as discussed below.

Architectural Drawings:

Architectural drawings of the existing structures have not been provided. The extent of demolition within the corner building has not been demonstrated. The drawings should detail the existing layout of the buildings and detailed demolition plans for the proposal provided. These are required so a full assessment can be made in respect of the extent of demolition proposed. This will be achieved by undertaking a fabric analysis of the building. Street elevations should be provided showing how the proposal will relate to adjoining development in terms of bulk, form, scale, design and fenestration.

Demolition:

The demolition plan indicates demolition of the factory building to the rear of the site and the metal roof to the north of the corner building. The plans do not illustrate the extent of the proposed demolition within the corner building. The applicant is required to carry out a

proper historical research of the subject building to identify original building fabric, levels of significance, alterations and missing detailing, e.g. the chimney on western elevation and the filled in openings in the chamfered corner could be reinstated. A search for historical photos of the site may provide guidance for reinstating missing details to the corner building. Original building fabric should be retained and incorporated into the proposal.

The architectural drawings need to be annotated to show building fabric proposed to be retained, demolished or reinstated.

The eaves of the existing roof of the corner building sits over the facades. The roof plan is annotated "*new metal roof sheet to match existing profile*". The elevations are annotated "*replace roof structure and covering and retain existing roof profile and pitch*". The elevations and sections show the roof is proposed to be detached from the northern and southern facades. This is not acceptable as it is inconsistent with C3 a. and b. of C1.4 and C5 of Section C2.2.5.2 of the Leichhardt DCP 2013 as it does not maintain the existing roof form. The existing roof form is to be retained in its entirety and in its current location.

Height:

The existing building is a prominent building located at the intersection of Lilyfield Road and Burt Street. Any development on the site needs to be subservient to the 2 storey building. The proposed building to the rear required redesign so that it is a complementary height to the corner building, e.g. 2 storeys.

C10 of Section C2.2.5.2 of the DCP limits the maximum building wall height within the Easton Distinctive Neighbourhood to 6m where 2 storey terraced development is dominant. The area is a mixed character of 1 and 2 storey development, as demonstrated in the Site Height and Context Plan, with 3 and 5 storey development further to the east along Lilyfield Road. The proposed wall height is over 9m. The development needs to be compatible with the scale and form of the adjoining buildings and will need to be reduced in height to better relate to the existing building heights within the vicinity to ensure it complies with C1 b. of Section 1.3 of the DCP.

Roof Form:

The proposal should comply with the controls in Section 10 of Appendix B of the DCP and the suggested design approach in Section 10.1 as its form and location is of the corner shop typology. The proposed roof form should have regard to the other roof forms within the Easton Park HCA. The roof form for the new building is to be redesigned so that it is pitched in form to match that of the corner building to comply with C15 of C1.3 of the DCP. It must be subservient to the main roof in scale, form, location and materials to ensure compliance with C6 of Section 1.4 of the DCP.

Setback:

The proposed setback and angles of the rear 3 storey building does not relate to, and is at odds with, the established setbacks within both Lilyfield Road and Burt Street. The setbacks and angles of the rear building require redesign so that the building responds to, respects and is orientated to both street frontages. Stepping may be incorporated to help achieve complementary setbacks.

Design:

Window openings and proportions of the corner building do not match with the existing, e.g. window at the western end of the northern elevation is shown as the same size as the adjacent window, which it is not and shows the door on the ground floor as a window. Existing door and window openings are to be retained. A Demolition plan and the drawings

need to be amended to correctly show the existing openings and annotated appropriately to indicate proposed changes to existing openings and new openings.

The proposal shows a battlement treatment to the parapet of the single storey component on the northern elevation. This is not appropriate for the modest scale and simple, unadorned nature of the architecture requires removal. The chimney coping is not shown in the elevations correctly.

Large expanses of glass as proposed are not to be used in areas visible from the public domain. Openings, some of which are horizontal in proportion, should be vertically proportioned, employing traditional design (timber sash or French doors) and materials (timber frame). Colorbond "Basalt" proposed for the door and window frames is not acceptable. Primacy must be given to masonry/solid elements rather than glazed areas in the façade treatment. Glazed balustrades are not supported for balconies to ensure compliance with C13 of Section C2.2.5.2 of the DCP.

Private Open Space:

Private open space areas are proposed within the footprint of the corner building. This is not supported as it is not characteristic of the architectural style of the building, nor that of the HCA. It will result in the loss of original building fabric, which is not consistent with C2 and C3 a. of Section 1.4 of the DCP. The proposal is to be redesigned so that private open space is located outside the footprint of the existing building.

Materials:

Materials, finishes, textures and colours must be appropriate to the historic context. Reflective wall cladding is not acceptable. Materials must be similar to the characteristic materials, finishes, textures and colours of the original contributory buildings within the streetscape.

The External Finishes and Materials Schedule shows a mix of materials including light weight cladding and rendered and painted walls. The proposed colours of Dulux "Ecru", "Ecru Half" and "Balsa Stone" are generally acceptable, as they are earthy tones that are complementary to colours used on contributory buildings in the area. Wall cladding is not an appropriate material as it is not sympathetic to other materials used for walls in the area. These are to be replaced with rendered, painted, masonry, or timber weatherboards. Proposed colours for the cladding, including and concrete panels and "Windspray" is not complementary to the streetscape and is to be replaced with the proposed earthy tones.

Colorbond "Woodland Grey" for the roof, fascia and gutters is not supported as it is too dark in tone. Roof sheeting is also required to be a traditional corrugated steel profile. A revised colours and materials schedule will need to be submitted for consideration with the above amendments.

Conclusion:

The proposal is not acceptable from a heritage perspective as it will detract from the heritage significance of the Easton Park Heritage Conservation Area and the Lilyfield Road and Burt Street streetscapes. Therefore it is considered that the proposal in its current form is substantially non-compliant with C1.0 General Provisions, C1.1 Site and Context Analysis C1.3 Alterations and additions, C1.4 Heritage Conservation Areas, C1.5 Corner Sites and Heritage Items, C2.2.5.2 Easton Park Distinctive Neighbourhood and C3.1 Residential General Provisions and should be refused.

C1.7 Site Facilities and D2.3 Residential Development

In its current form, there is no direct access from Unit 2 to reach the waste storage area. The occupants will need to utilise the footpath on Burt Street to enter the lobby area to access the storage area - this is considered to be inconsistent with C7 f. *within easy access for all dwellings and to the collection point* under D2.3 Residential Development and is considered to be a poor design solution.

Any future applications should provide direct and convenient access within the site itself for the transportation of waste and recycling from each dwelling to the waste and recycling storage area.

C1.9 Safety by Design and C3.8 Private Open Space

In this regard, concerns are raised in relation to the safety of private open spaces of the ground floor units, in particular the private open space to Unit 2. It is considered that in its current form, it would be not be difficult for intruders to enter the private open space and it is considered that there are insufficient levels of visual privacy to the space to ensure it will be suitable for passive recreation by the residents and thus is contrary to C5 of C3.8 Private Open Space.

C1.11 Parking

The following parking rates are applicable to the proposal:

Table C4: General vehicle parking rates

Parking Rates				
Land Use	Residents		Visitors	
	Minimum	Maximum	Minimum	Maximum
Residential				
Single dwelling house	Nil	2 spaces per dwelling house	Nil	Nil
Bed-sit / Studio	Nil	0.5 space per dwelling	1 space per 11 dwellings	0.125 spaces per dwelling
1 bedroom unit	1 space per 3 dwellings	0.5 space per dwelling	1 space per 11 dwellings	0.125 spaces per dwelling
2 bedroom unit	1 space per 2 dwellings	1 space per dwelling	1 space per 11 dwellings	0.125 spaces per dwelling
3+ bedrooms unit	1 space per dwelling	1.2 spaces per dwelling	1 space per 11 dwellings	0.125 spaces per dwelling

Note: When calculating parking spaces numbers, you are to use the next whole number (i.e. if the parking rate for a land use is calculated to be 2.3 spaces, the physical number of spaces to provide in a development is 3 spaces).

Table C6: Bicycle parking provision rates

Land use	Residents/staff	Customers/Visitors
Apartments	1 space per 2 dwellings	1 space per 10 dwellings

Motor Bike Parking Facilities

C23 Motor bike parking is to be provided at a rate of (1) space for developments that require between 1 to 10 vehicle spaces and 5% of the required vehicle parking thereafter. The rate of total parking provision required is established by Table C4: (General Vehicle Parking Rates) for the land use.

The proposal consists of 3 x 1 Bedroom unit (1 Car space) and 3 x 2 Bedroom Units (1.5 car space), and therefore, would require a minimum of 4 parking spaces (3 residential and 1 visitor car space). If the application was approved, one of these spaces must be clearly marked as a visitor parking space. The reliance on on-street parking for visitor car parking is not acceptable.

The proposal does not provide any motorcycle or bicycle parking facilities and therefore the proposal does not comply with C18 and C23 of this part.

It is also noted that the following issues in relation to car parking that have been remains unresolved:

- Access between both carparks/ garages and the dwellings must be provided internal to the property, not via the public footpath. This will require reconfiguration of the access to/from parking spaces 1 and 2.
- Where the drop adjacent to the end of the parking module(s) exceeds 600mm, structural barriers must be provided. Where the drop is between 150-600mm, wheel stops must be provided.

C1.14 Tree Management

A review of the submitted *Stormwater Management Plan - Site /Ground Floor Plan*, DWG No. D2, dated 31/05/2018 and *Proposed Ground Floor Plan*, prepared by *Shoba Designs*, dated 19/01/2018, has raised concerns in relation to several prominent street trees that may potentially be impacted by the proposal.

The applicant is requested to engage the services of an *AQF level 5 consulting arborist* to prepare a *Arboricultural Impact Assessment*, investigating how the proposed new driveway setback and trenching for storm water system shown on submitted plans may impact trees on Council land.

In addition to the above and in accordance with PREDA advice provided on the 2 February 2017, a detail *Pruning Specification* and *Tree Protection Plan* are to be provided with any future application.

Clause C3.13 - Conversion Of Existing Non-Residential Buildings of LDCP 2013

The objectives of the cause seeks to encourage the adaptive re-use of non-residential buildings for residential uses that:

- retain heritage value of the building;*
- maximise the environmental benefits of recycling buildings and minimises waste;*
- provide a high level of resident amenity;*
- is compatible with the character of the neighbourhood and streetscape;*
- represent high quality urban and architectural design; and*
- does not have a significant adverse amenity impact on surrounding land.*

As discussed in earlier sections of the report, the proposal is not acceptable from a heritage or area character perspective as it will detract from the heritage significance of the Easton Park Heritage Conservation Area and the Lilyfield Road and Burt Street streetscapes. Therefore, the proposal fails to meet the objectives of this clause.

E1.1.4 Flood Risk Management Report, E1.2.2 Managing Stormwater within the Site, E1.2.3 On-Site Detention of Stormwater and E1.2.4 Stormwater Treatment

Flood Risk

The following flood risk related matters have not been addressed in the application:

- *Any entry/access to the Burt Street frontage of the building must be raised to the Flood Planning Level. This will preclude the proposed arrangement where stairs are provided from the Burt Street footpath down to the proposed Lobby.*

Entry points, habitable floor levels and windows along Burt Street frontage of the site and Lilyfield Road frontage of the site must not be lower than 6.0m AHD and 4.9m AHD respectively. The current proposal is not acceptable in this regard.

- The floor level of the proposed carparks/ garages must rise internally as close as practical to the Flood Planning Level (but no lower than the 100 year ARI Flood Level) in accordance with the Flood Risk Management Report.

The floor level of car parking spaces along Burt Street frontage and Lilyfield Road frontages of the site must not be lower than 5.5m AHD and 4.4m AHD respectively. The current proposal is not acceptable in this regard and must be reused because critical risks to flood safety remains unresolved.

Stormwater design/on-site detention

In regards to the stormwater design that was provided, the maximum OSD offset exceeds 10m³ and is not acceptable. The base of the OSD/OSR system must also be above 100 year flood level. Therefore the proposed stormwater design in its current form is not acceptable.

E1.2.6 Building in the vicinity of a Public Drainage System

The subject site is traversed by a Council stormwater drainage pipeline which would be adversely impacted by the proposed development. The proposal would compromise the functionality of the drainage system and further restrict access for its future management.

Council will not support the construction of any new structures over the pipeline. The current proposal requires fundamental redesign to address this issue.

In any future applications, the applicant may wish to consider the feasibility of relocating the pipeline clear of the subject property. Such a proposal would need to be supported by a design and calculations prepared by a suitably qualified civil engineer.

5(d) The Likely Impacts

The assessment of the Development Application demonstrates that the proposal will have an adverse impact on the locality in the following way:

The proposal is not acceptable from a heritage perspective as it will detract from the heritage significance of the Easton Park Heritage Conservation Area and the Lilyfield Road and Burt Street streetscapes. The proposal does not provide adequate motorcycle or bicycle parking, flooding and stormwater management issues raised remains unresolved.

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

The site is zoned R1 General Residential. It is considered that the proposal will have an adverse impact on the Easton Park Distinctive neighbourhood and Heritage Conversation Area and therefore it is considered that the site is unsuitable to accommodate the proposed development.

5(f) Any submissions

The application was notified in accordance with Leichhardt DCP 2013 for a period of 14 days to surrounding properties. Objections from two properties were received.

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

- Parking – see Section 5(c) – C1.11 – Car parking
- Setbacks – see Section 5(c) – SEPP No. 65 – Apartment Design Guide
- Height, scale and impact to streetscape – Section Section 5(c) - C1.0 General Provisions, C1.1 Site and Context Analysis C1.3 Alterations and additions, C1.4 Heritage Conservation Areas, C1.5 Corner Sites and Heritage Items, C2.2.5.2 Easton Park Distinctive Neighbourhood and C3.1 Residential General Provisions

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

Our house is the only property adjoining the development. If demolishing goes ahead we will have to be informed and consulted about when this is to take place. Our property will be exposed and privacy and security will be an issue. We also have an established garden that will have to be considered.

Comment: If the application was approved, standard conditions will be recommended in relation to demolition (which includes conditions about notifying neighbours prior to demolition), construction and management plan, temporary fencing during works, hours of construction etc. However, the application is not supported for other reasons outlined in the report.

Privacy is an issue as the units will overlook our garden and balcony. The communal area will also be an issue as it will be right next to the 2 bedrooms downstairs. If groups of people congregate in this area it would be a noise issue. It is unclear how high the fence will be between the two properties at this point. Ideally the communal area should be at the back of the property on Burt Street.

Comment: As discussed above, the application is recommended for refusal. If the application was approved, conditions would be imposed to restrict the sightlines from the first and second floor windows on the western elevation. Any future applications should provide a compliant communal open space and consider relocating the communal open space away from the area within the vicinity of the west adjoining neighbour's bedroom windows to minimise the amenity to the adjoining property.

Parking is a big issue in this area. Paragraph 2.3 of the Parking Impact Report states there is low demand for on street parking, this is not the case. Parking for residents has only been rectified due to the council imposing a 2 hour limit for non-residents, previous to that it was very difficult for residents to park anywhere near their homes. The parking entry should only be from Lilyfield Rd not Burt Street. If only 4 parking spaces are provided for 6 units then that could mean up to 8 more cars parked on the street. With the driveway taking up space as well. No more street parking should be taken away on Burt Street.

Comment: The issues in relation to parking and parking rates are discussed in an earlier section of the report. The proposal achieves compliance with the required parking rates for cars (subject to one of these spaces be converted to a visitor car space), however it would fail to be compliant with motorcycle and bicycle requirements which is one of the reasons that the application is recommended for refusal.

There should be a set back between the two properties especially if the communal area is to stay where it is. I have looked at other developments in the area and if a building is to be demolished, a set back from the border of the adjoining property is usually required. Our back garden already receives a lot of shade, this will only increase with this development.

Comment: The Apartment Design Guide requires the proposed buildings to be setback a distance of 6 metres from the side boundary but does not set a minimum requirement for communal open space to be setback from side boundaries. However, any future application should provide a compliant communal open space and consider relocating the communal open space away from the area within the vicinity of the west adjoining neighbour's bedroom windows to minimise the amenity impacts to the adjoining property.

The development overall seems to be oversized for the block of land. The nature of Burt Street is being dramatically changed with overdevelopment at the moment. The façade of our house is an old fashion shop front which we have tried to keep in original condition. The height of the development looks like it will overwhelm our house as well as the few small scale tradesmen and workers cottages that survive on Burt Street.

Comment: As discussed in earlier sections of the report, it is agreed that the proposed floor space ratio and three storey form is not considered to be compatible with the Neighbourhood.

We live on 5 Burt Street. For the plans provided it is difficult to perceive the height of the proposed development against the existing neighbouring properties, the shade diagrams do not show impact to properties along Burt Street, only the neighbouring property. Please can you request a elevation plan with existing buildings and more detailed shade mapping so we can be comforted the size and scale of the development does not impact the levels of light into our property, this is a concern as we only have east facing windows in the living area our property. We also have concerns regarding privacy and noise (being overlooked by windows/balconies) and how this type of development seems out of keeping with the requirements of the Easton Park Conservation plan.

Comment: Given the orientation and the location of 5 Burt Street and as the proposed units are setback 6 metres from the western boundary, the proposal will not have any adverse impacts in relation to solar access or visual privacy to No. 5 Burt Street. However, the form and scale of the proposal is considered to be incompatible with the Easton Park heritage conservation area and is one of the reasons that the application is recommended for refusal. In addition, Ausgrid had made the following comments:

“Ausgrid consents to the above mentioned development subject to the following conditions:-

Proximity to Existing Network Assets

Underground Cables

There are existing underground electricity network assets in on site. Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.

Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Safework Australia - Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.”

Comment: If the application was supported, the above would have been added to the determination notice as advisory notes.

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 contrary to the public interest as:

- Insufficient communal open space had been provided for the enjoyment of future residents on the site. This is directly as a result of the breach of site coverage controls.
- The development in its current form is considered to be incompatible with the desired future character of the neighbourhood and the Easton Park heritage conservation area.

- The bulk and scale of buildings had not been minimised and the three storey proposal is not considered to be compatible with the scale with the retained existing and surrounding buildings.
- The proposal had not demonstrated issues to flood risk and stormwater design had been resolved.
- The proposal would compromise the functionality of a public drainage system and further restrict access for its future management.

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.

- Heritage Officer
- Development Engineer
- Landscape

6(b) External

The application was not required to be referred to any external bodies.

7. Section 7.11 Contributions

The carrying out of the proposed development would result in an increased demand for public amenities and public services within the area. A condition requiring that 7.11 contributions to be paid should be imposed on any consent granted.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in Leichhardt Local Environmental Plan 2013 and Leichhardt Development Control Plan 2013. The development will result significant impacts on the streetscape and heritage conservation area, does not provide adequate motorcycle and bicycle parking and flood and stormwater issues had not been resolved. The approval of the application would not be in the public interest and in view of the circumstances, refusal of the application is recommended.

9. Recommendation

That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority pursuant to s4.16 of the Environmental Planning and Assessment Act 1979,, refuse the Development Application No. D/2018/585 for demolition of existing rear building on the site, adaptive reuse of existing building at the front of the site on the corner of Lilyfield Road and Burt Street and additions and alterations to that building to provide a residential flat building comprising six (6) dwellings, and associated works, including parking, landscaping and communal open space at 59 Lilyfield Road, Rozelle for the following reasons.

1. The proposed development is inconsistent and / or has not demonstrated compliance with the requirements of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) , pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979:
 - a) Principle 1: Context and neighbourhood character

- b) Principle 2: Built form and scale
 - c) Principle 3: Density
 - d) Principle 5: Landscape
 - e) Principle 6: Amenity
 - f) Principle 8: Housing diversity and social interaction
 - g) Principle 9: Aesthetics
 - h) Communal and Open Space requirements of the Apartment Design Guide
 - i) Visual Privacy/Building Separation requirements of the Apartment Design Guide
2. The proposed development is inconsistent and / or has not demonstrated compliance with the Leichhardt Local Environmental Plan 2013, pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979:
- a) Clause 1.2 of the Leichhardt Local Environmental Plan 2013 – Aims of the Plan;
 - b) Clause 2.3 – Zone objectives and Land Use Table
 - c) Clause 4.3A(3)(a) – Landscaped Area for residential development in Zone R1
 - d) Clause 4.3A(3)(b) – Site Coverage for residential development in Zone R1
 - e) Clause 5.10 – Heritage conservation; and
 - f) Clause 6.11 – Adaptive reuse of existing non-residential buildings in Zone R1
3. The proposed development cannot be approved as it breaches the maximum Site coverage of 60% of site area by 17% as stipulated by Clause 4.3A(3)(a) under Leichhardt Local Environmental Plan 2013.
4. The proposed development cannot be approved as it breaches the minimum Landscaped Area of 20% of site area by 44% as stipulated by Clause 4.3A(3)(b) under Leichhardt Local Environmental Plan 2013.
5. The proposed development cannot be approved as it breaches the Floor Space Ratio of 0.7:1 by 49% as stipulated by Clause 4.4) under Leichhardt Local Environmental Plan 2013.
6. The proposed development cannot be approved as it results in adverse heritage impacts on the conservation area in terms of fabric, setting, forms, bulk and scale and materials contrary to Clause 5.10 under Leichhardt Local Environmental Plan 2013, pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979.
7. The proposed development cannot be approved as it as it fails to achieve the precondition of Clause 6.11 under Leichhardt Local Environmental Plan 2013, pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979.
8. The proposed development is inconsistent and / or has not demonstrated compliance with the following provisions of Leichhardt Development Control Plan 2013, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979:
- a) Clause B1.1 – Connections Objectives;
 - b) Clause C1.0 – General Provisions;
 - c) Clause C1.1 – Site and Context Analysis;
 - d) Clause C1.3 – Alterations and Additions;
 - e) Clause C1.4 – Heritage Conservation Areas and Heritage Items;
 - f) Clause C1.5 – Corner Sites;
 - g) Clause C1.7 Site Facilities;
 - h) Clause C1.9 Safety by Design;
 - i) Clause C1.11 Parking
 - j) Clause C1.14 Tree Management

- k) Clause C2.2.5.2 Easton Park Distinctive Neighbourhood
 - l) Clause C3.1 – Residential General Provisions;
 - m) Clause C3.8 Private Open Space
 - n) Clause C3.13 Conversion of Existing Non-Residential Buildings
 - o) Clause D2.3 Residential Development
 - p) Clause E1.2.2 Managing Stormwater within the Site
 - q) Clause E1.2.3 On-Site Detention of Stormwater
 - r) Clause E1.2.6 Building in the vicinity of a Public Drainage System
 - s) Clause E1.3.1 Flood Risk Management
9. The proposal will result in adverse environmental impacts in the locality, pursuant to Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979.
10. The adverse environmental impacts of the proposal mean that the site is not considered to be suitable for the development as proposed, pursuant to Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979.
11. The public submissions raised valid grounds of objection and approval of this application is considered contrary to the public interest, pursuant to Section 4.15 (1)(d) and (e) of the Environmental Planning and Assessment Act 1979.

Attachment A – Reasons of Refusal

REASONS FOR REFUSAL

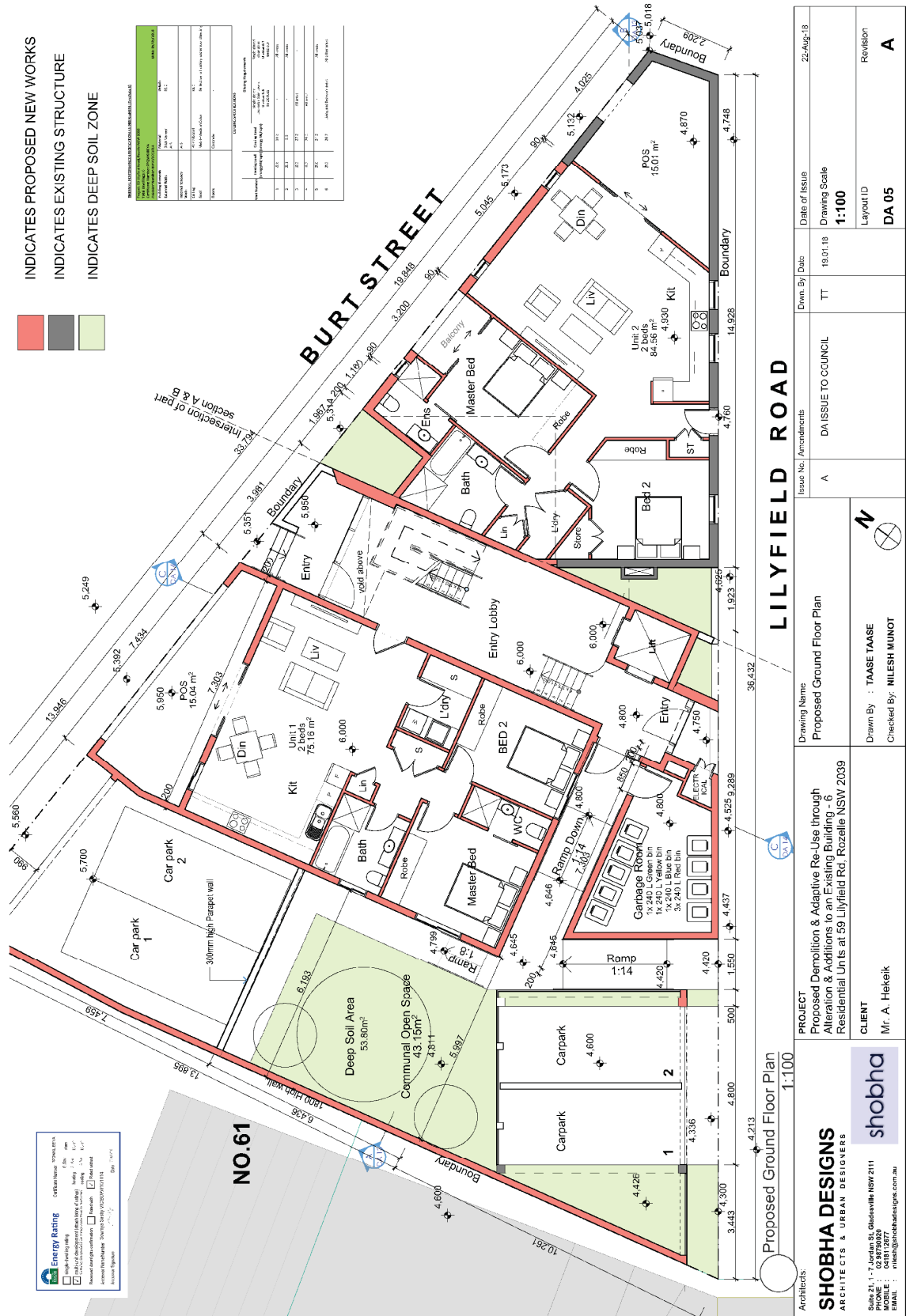
1. The proposed development is inconsistent and / or has not demonstrated compliance with the requirements of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) , pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979:
 - a) Principle 1: Context and neighbourhood character
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 - c) Principle 3: Density
 - d) Principle 5: Landscape
 - e) Principle 6: Amenity
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5. The proposed development cannot be approved as it as it fails to achieve the precondition of Clause 6.11 under Leichhardt Local Environmental Plan 2013, pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979.

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 - a) Clause B1.1 – Connections Objectives;
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 - c) Clause C1.1 – Site and Context Analysis;
 - d) Clause C1.3 – Alterations and Additions;
 - e) Clause C1.4 – Heritage Conservation Areas and Heritage Items;
 - f) Clause C1.5 – Corner Sites;
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 - j) Clause C1.14 Tree Management
 - k) Clause C2.2.5.2 Easton Park Distinctive Neighbourhood
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 - o) Clause D2.3 Residential Development
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 - q) Clause E1.2.3 On-Site Detention of Stormwater
 - r) Clause E1.2.6 Building in the vicinity of a Public Drainage System
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8. The adverse environmental impacts of the proposal mean that the site is not considered to be suitable for the development as proposed, pursuant to Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979.
9. The public submissions raised valid grounds of objection and approval of this application is considered contrary to the public interest, pursuant to Section 4.15 (1)(d) and (e) of the Environmental Planning and Assessment Act 1979.

NOTES

1. This Determination Notice operates or becomes effective from the endorsed date of consent.
2. Section 8.2 of the *Environmental Planning and Assessment Act 1979* provides for an applicant to request Council to review its determination. This does not apply to applications made on behalf of the Crown, designated development or a complying development certificate. The request for review must be made within six (6) months of the date of determination or prior to an appeal being heard by the Land and Environment Court. Furthermore, Council has no power to determine a review after the expiration of these periods. A decision on a review may not be further reviewed under Section 8.2.
3. If you are unsatisfied with this determination, Section 8.7 of the *Environmental Planning and Assessment Act 1979* gives you the right of appeal to the Land and Environment Court within six (6) months of the determination date.
4. 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.

Attachment B – Plans of proposed development



Proposed Ground Floor Plan
 1:100

SHOBHA DESIGNS
 ARCHITECTS & URBAN DESIGNERS

Subs 2/1, 1-7 Jordan St, Gladsville NSW 2111
 PHONE : 02 8790200
 EMAIL : shobha@shobhadesigns.com.au

shobha

CLIENT
 Mr. A. Hektek

PROJECT
 Proposed Demolition & Adaptive Re-Use through
 Alteration & Additions to an Existing Building - 6
 Residential Units at 59 Lilyfield Rd, Rozelle NSW 2039

Drawing Name
 Proposed Ground Floor Plan

Issue No. Amendments
 A DA ISSUE TO CCOUNCIL

Drawn By : TAASE TAASE
 Checked By: NILESH MUNOT

Issue No. Amendments
 A DA ISSUE TO CCOUNCIL

Drawn By: TT
 Checked By: TT

Date of Issue
 19.01.18

Drawing Scale
 1:100



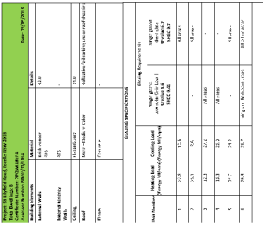
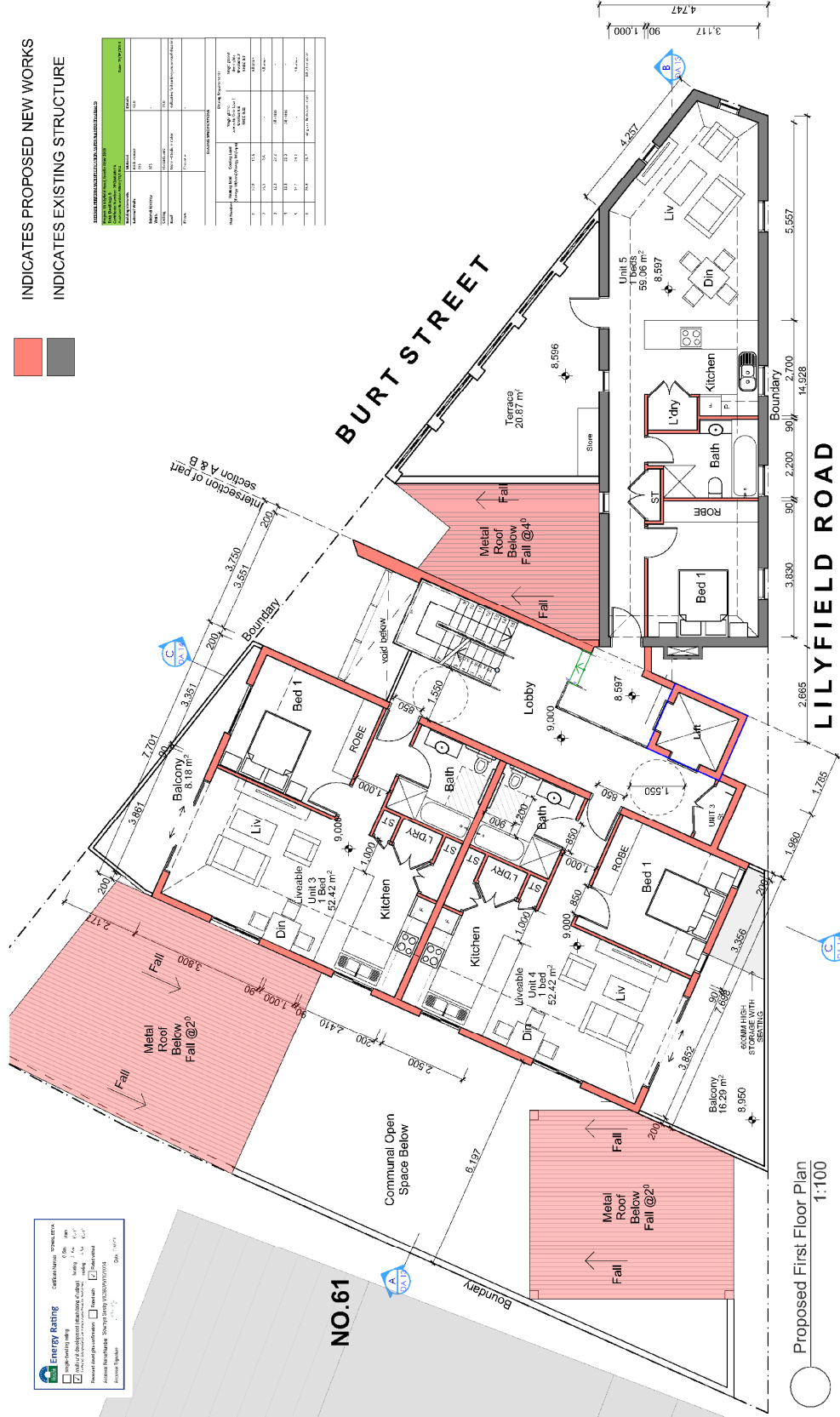
Layout ID
 DA 05

Revision
 A

Architects:
 SHOBHA DESIGNS
 ARCHITECTS & URBAN DESIGNERS
 Sub 2/1, 1-7 Jordan St, Gladsville NSW 2111
 PHONE : 02 8790200
 EMAIL : shobha@shobhadesigns.com.au

INDICATES PROPOSED NEW WORKS

INDICATES EXISTING STRUCTURE

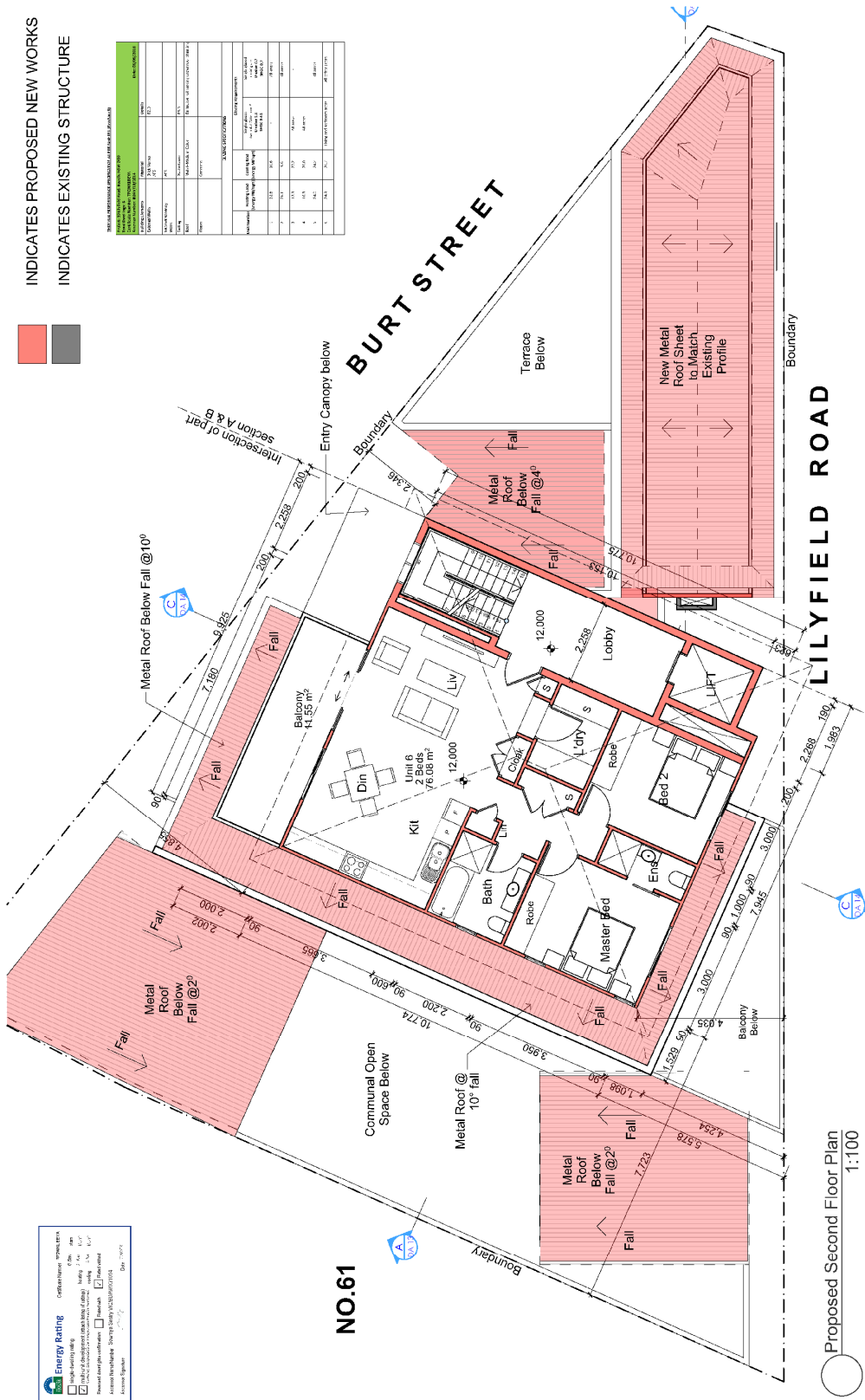





Architects: SHOBHA DESIGNERS ARCHITECTS & URBAN DESIGNERS Suite 21, 7-7 Jordan St, Gladstone NSW 2111 PHONE : 02 8870020 EMAIL : nman@shobhadesigns.com.au	CLIENT Mr. A. Hekeik	shobha Drawn By : TAASE TAASE Checked By: NILESH MUNOT	Drawing Name Proposed First Floor Plan Issue No. Amendments A DA ISSUE TO COUNCIL	Date of Issue 19.01.18 Drawing Scale 1:100 Layout ID DA 06 Revision A	P:\Proposed\IEC_Lilyfield\Drawings\DA\IEC_Lilyfield_DA_Final.dwg
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INDICATES PROPOSED NEW WORKS
 INDICATES EXISTING STRUCTURE



PROPOSED DEMOLITION AND ADAPTIVE RE-USE THROUGH ALTERATION & ADDITIONS TO AN EXISTING BUILDING - 6	
NO.	DESCRIPTION
1	DEMOLITION OF EXISTING ROOF
2	DEMOLITION OF EXISTING WALLS
3	DEMOLITION OF EXISTING FLOORS
4	DEMOLITION OF EXISTING STAIRS
5	DEMOLITION OF EXISTING SERVICES
6	DEMOLITION OF EXISTING ROOF STRUCTURE
7	DEMOLITION OF EXISTING WALL STRUCTURE
8	DEMOLITION OF EXISTING FLOOR STRUCTURE
9	DEMOLITION OF EXISTING STAIR STRUCTURE
10	DEMOLITION OF EXISTING SERVICE STRUCTURE
11	DEMOLITION OF EXISTING ROOF STRUCTURE
12	DEMOLITION OF EXISTING WALL STRUCTURE
13	DEMOLITION OF EXISTING FLOOR STRUCTURE
14	DEMOLITION OF EXISTING STAIR STRUCTURE
15	DEMOLITION OF EXISTING SERVICE STRUCTURE

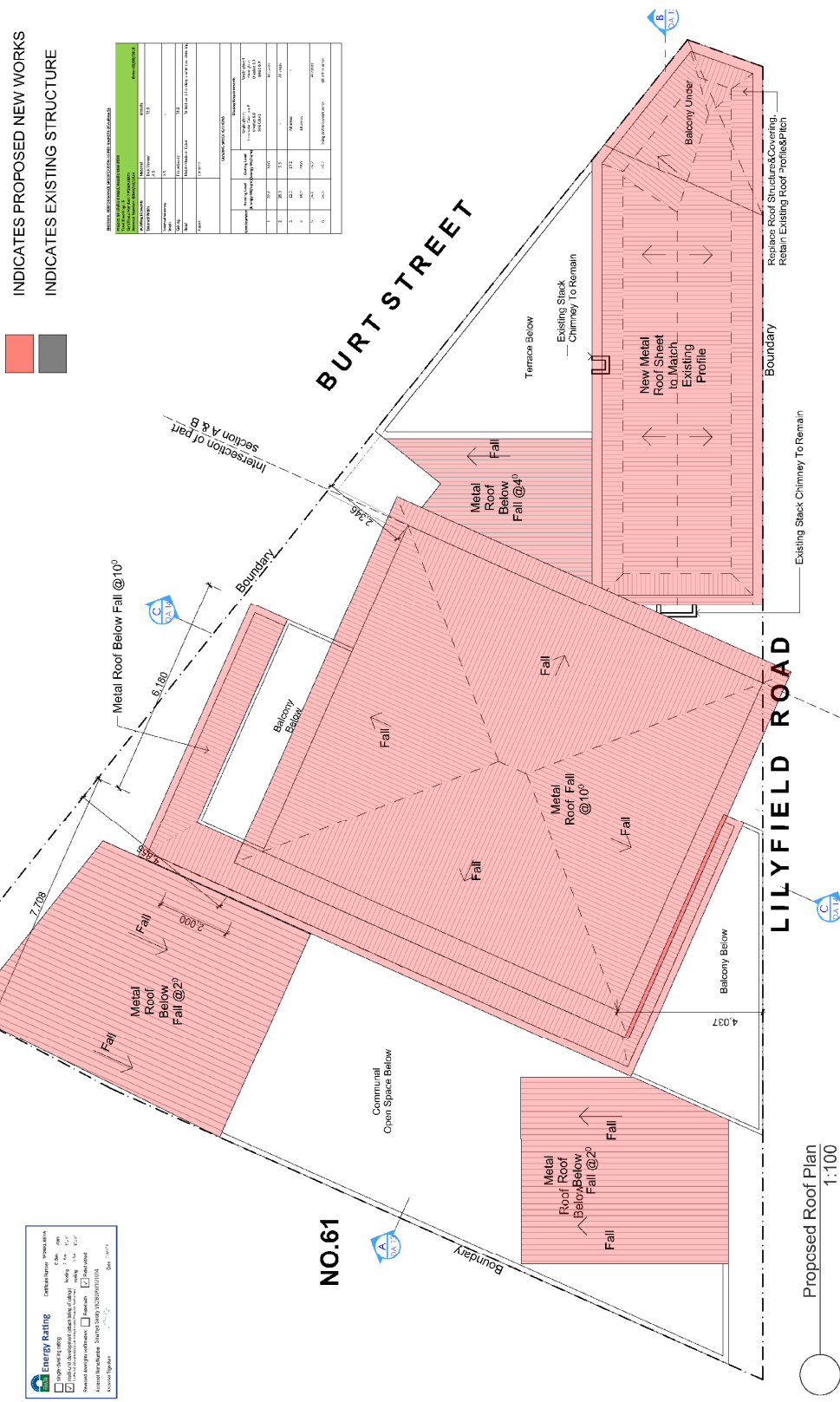


Energy Rating
 Green Star 6.5
 This rating is based on the building's energy efficiency. For more information, visit www.energyrating.gov.au.

Proposed Second Floor Plan
 1:100

Architects: SHOBHA DESIGNS ARCHITECTS & URBAN DESIGNERS Shop 2/1, 75 Gordon St, Gladesville NSW 2111 PHONE : 041112877 MOBILE : 041112877 EMAIL : info@shobhadesigns.com.au	Drawing Name Proposed Second Floor Plan	Issue No./ Amendments A DA ISSUE TO COUNCIL	Date of Issue 22-Aug-18
	Drawn By : TAASE TAASE Checked By : NILESH MUNOT	Date of Issue 19-01-18	Drawing Scale 1:100

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 INDICATES EXISTING STRUCTURE



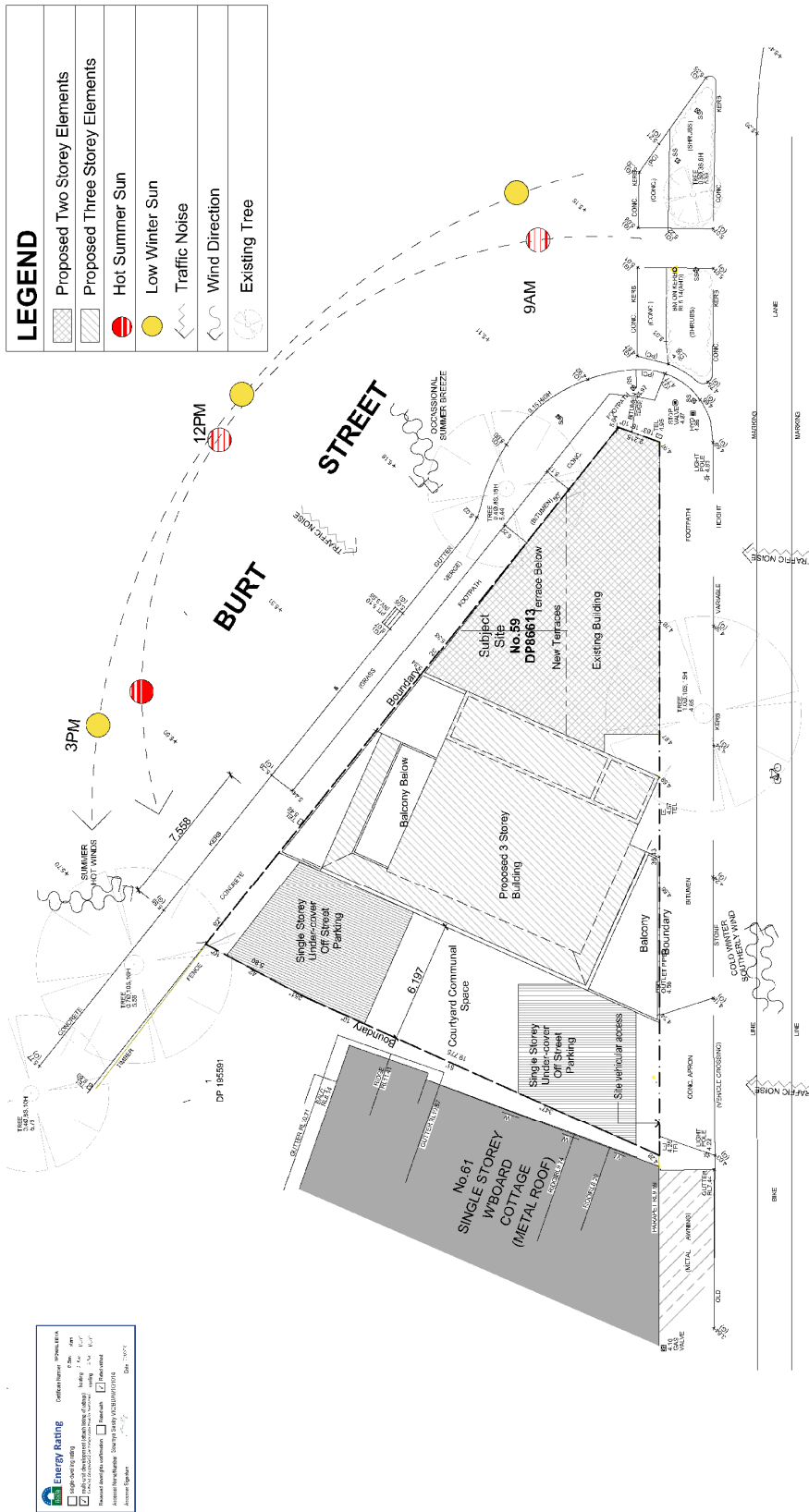
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PROJECT NAME	Proposed Demolition & Adaptive Re-Use through Alteration & Additions to an Existing Building Residential Units at 59 Lilyfield Rd, Rozelle NSW 2039
CLIENT	Mr. A. Hekeik
DATE	19.01.18
SCALE	1:100
DRAWN BY	TAASE TAASE
CHECKED BY	WILESH MUNOT
DATE OF ISSUE	19.01.18
DRAWING SCALE	1:100
LAYOUT ID	DA 08
REVISION	A

Energy Rating

Energy Rating: *********

Energy Star logo and other energy-related icons.

Architects: SHOBHA DESIGNS ARCHITECTS & URBAN DESIGNERS Suite 211, 1-7 Jordan St, Chiswick NSW 2111 PHONE: 04 81 1877 EMAIL: nilish@shobhadesigns.com.au		PROJECT Proposed Demolition & Adaptive Re-Use through Alteration & Additions to an Existing Building Residential Units at 59 Lilyfield Rd, Rozelle NSW 2039		CLIENT Mr. A. Hekeik	
Drawing Name: Proposed Roof Plan		Issue No. / Amendments: A DA ISSUE TO COUNCIL		Drawn By: TAASE TAASE Checked By: WILESH MUNOT	
Issue No. / Amendments: A		Date of Issue: 19.01.18		Date of Issue: 22-Aug-18	
DA ISSUE TO COUNCIL		Drawing Scale: 1:100		Revision: A	
Layout ID: DA 08		Boundary		Revision A	



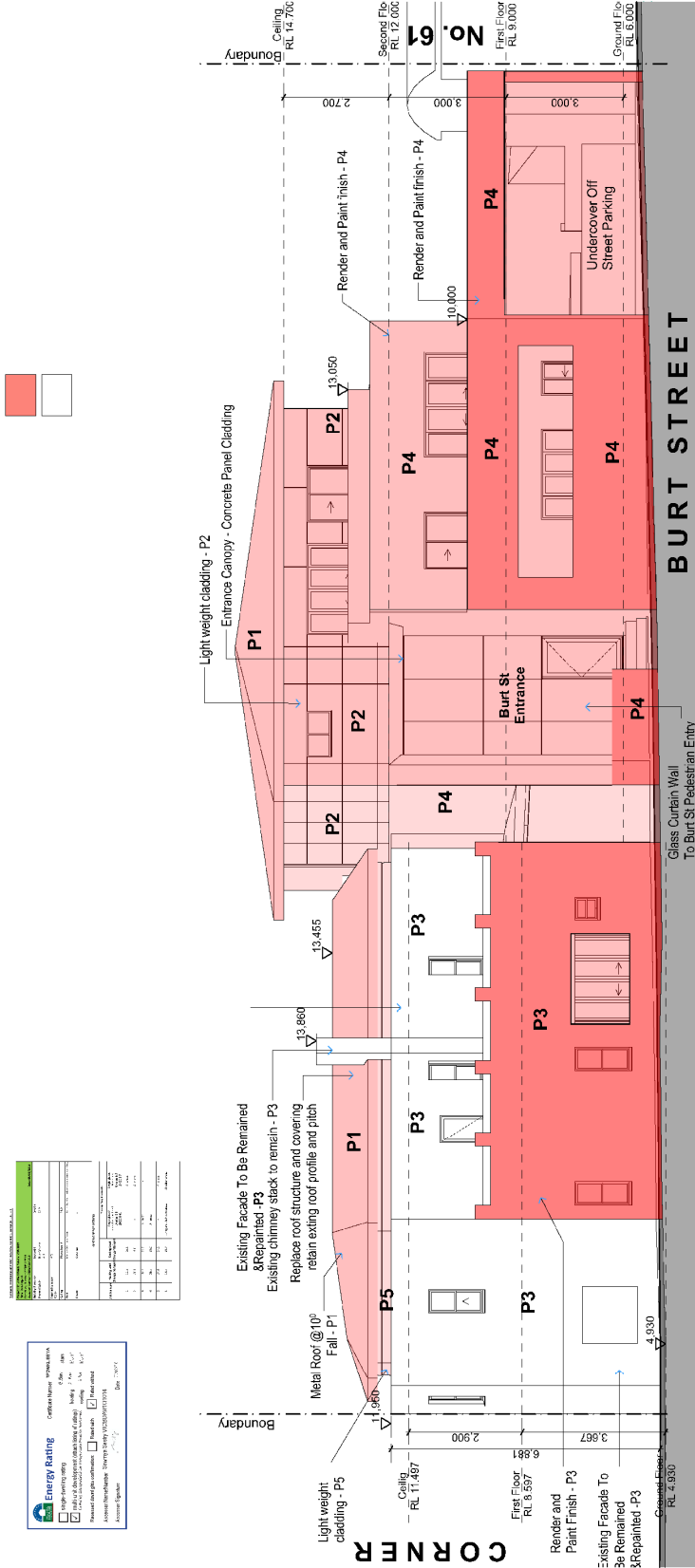
LILYFIELD ROAD

Site & Analysis Plan
1:200

LEGEND

	Proposed Two Storey Elements
	Proposed Three Storey Elements
	Hot Summer Sun
	Low Winter Sun
	Traffic Noise
	Wind Direction
	Existing Tree

Architects: SHOBHA DESIGNS ARCHITECTS & URBAN DESIGNERS Suite 21, 1-7 Jordan St, Gladesville NSW 2111 PHONE : 02 89790020 EMAIL : info@shobhadesigns.com.au	PROJECT Proposed Demolition & Adaptive Re-Use through Allertion & Additions to an Existing Building - 6 Residential Units at 69 Lilyfield Rd, Rozelle NSW 2039	Drawing Name Site Plan and Analysis	Issue No. / Amendments A / DA ISSUE TO COUNCIL	Drawn By / Date TT / 19.01.18	Date of Issue 22-Aug-18
	CLIENT Mr. A. Heleik	Drawn By : TAASE TAASE Checked By: NILESH MUNOT		Layout ID DA 01	Drawing Scale 1:200



ENERGY RATING

Energy Rating: **6.5** (Green)

Energy Star: **1.5**

Energy Rating Legend:

1	2	3	4	5	6	7	8	9	10
1	2	3	4	5	6	7	8	9	10

Energy Rating

Energy Rating: **6.5**

Energy Star: **1.5**

Energy Rating Legend:

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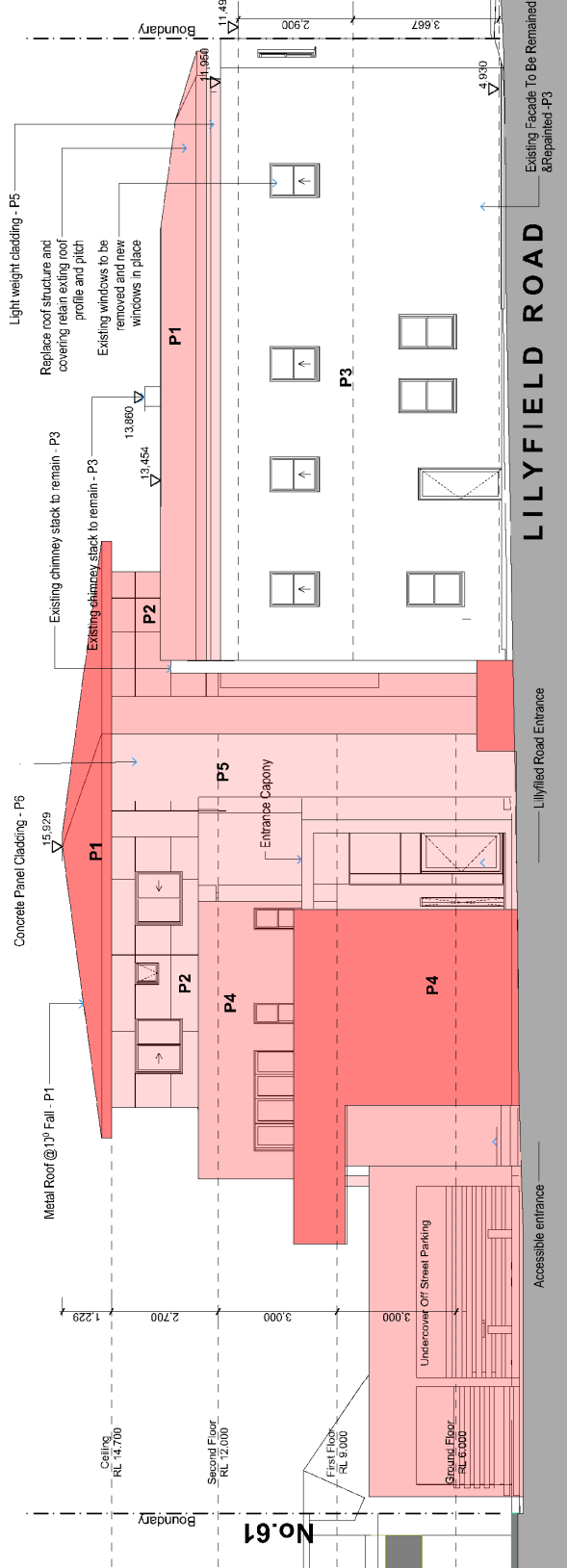
E01 Proposed North Elevation - Burt St
1:100

Architects: SHOBHA DESIGNS ARCHITECTS & URBAN DESIGNERS Suite 21, 1-7 Jordan St, Gladesville NSW 2111 PHONE : 02 89790020 EMAIL : info@shobhadesigns.com.au	CLIENT Mr. A. Hekeik	Drawing Name Proposed North Elevations	Issue No. / Amendments A DA ISSUE TO COUNCIL	Drawn By TAASE TAASE	Checked By NILESH MUNOT	Issue No. / Amendments A DA ISSUE TO COUNCIL	Drawn By TT	Date of Issue 19.01.18	Date of Issue 22-Aug-18

INDICATES PROPOSED NEW WORKS
 INDICATES EXISTING STRUCTURE



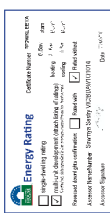
Energy Rating
 Green Star
 Green Star 1.5
 Green Star 2
 Green Star 2.5
 Green Star 3
 Green Star 3.5
 Green Star 4
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 Green Star 9.5
 Green Star 10



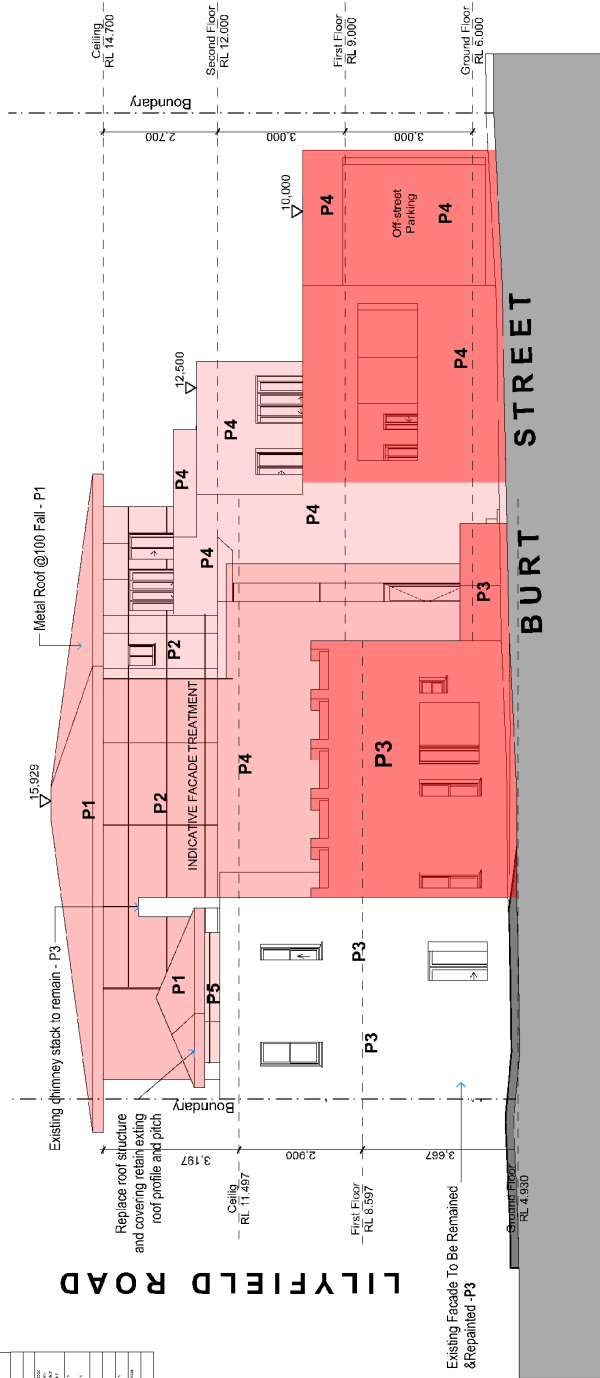
E03 Proposed South Elevation - Lilyfield Rd
 1:100

Architects: SHOBHA DESIGNS ARCHITECTS & URBAN DESIGNERS Suite 211, 7 Jordan St, Gladesville NSW 2111 PHONE : 02 87970070 EMAIL : info@shobhadesigns.com.au	PROJECT Proposed Demolition & Adaptive Re-Use through Alteration & Additions to an Existing Building - 6 Residential Units at 59 Lilyfield Rd, Rozelle NSW 2039		Drawing Name Proposed South Elevation	Issue No./Amendments A	DA ISSUE TO COUNCIL	Drawn By Date TT 19.01.18	Date of Issue Drawing Scale 22-Aug-18 1:100
	CLIENT Mr. A. Hekeik		Drawn By : TAASE TAASE Checked By: NILESH MUNOT	Layout ID DA 10	Revision A	P:\Process\HEK_Lilyfield\Drawings\DA\HEK_Lilyfield_DA_1.mxd	

INDICATES PROPOSED NEW WORKS
INDICATES EXISTING STRUCTURE



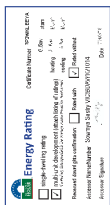
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1.0	Greenhouse Gas Intensity (tCO ₂ e/m ² /year)
1.0	Water Use (ML/m ² /year)
1.0	Indoor Climate (m ² /year)
1.0	Material Sustainability (m ² /year)



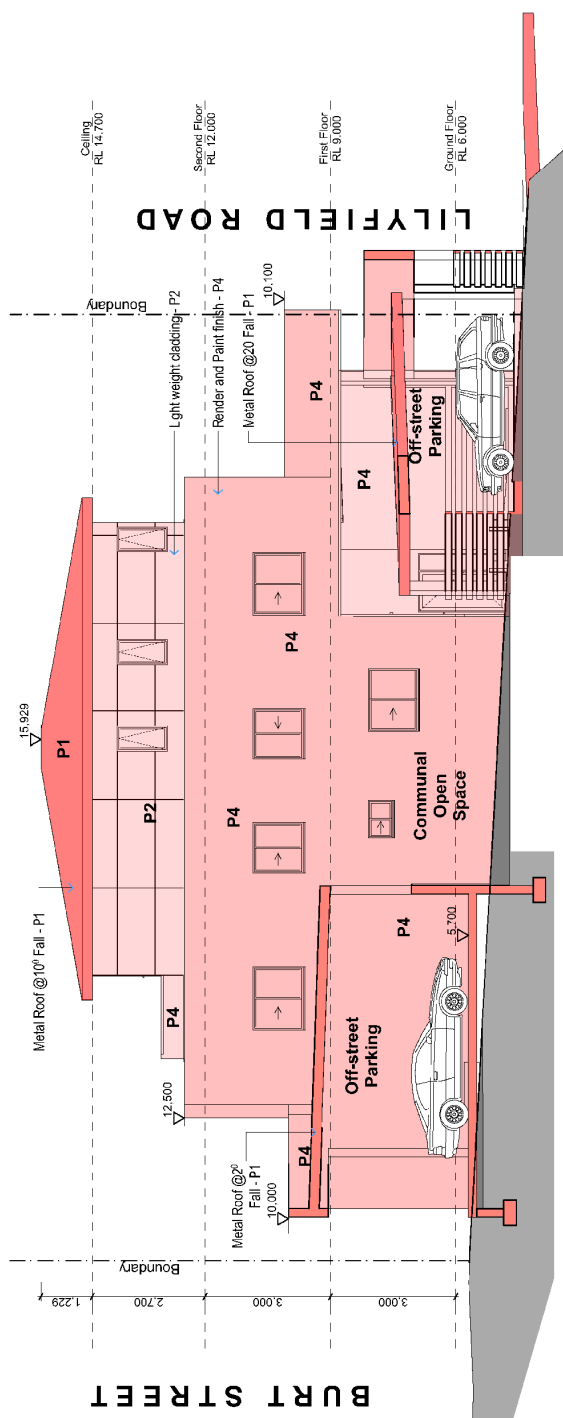
E02 Proposed East Elevation - Corner 1:100

<p>Architects: SHOBHA DESIGNS ARCHITECTS & URBAN DESIGNERS shobha</p> <p>Suite 211, 7 Jordan St, Gladesville NSW 2111 PHONE : 02 83726026 MOBILE : 0481126877 EMAIL : shobha@shobhadesigns.com.au</p>	<p>PROJECT Proposed Demolition & Adaptive Re-Use through Alteration & Additions to an Existing Building - 6 Residential Units at 59 Lilyfield Rd, Rozelle NSW 2039</p>		<p>Issue No: Amendments A DA ISSUE TO COUNCIL</p>		<p>Drawn By : TAASE TAASE Checked By: NILESH MUNOT</p>	<p>Date of Issue 22-Aug-18</p>
	<p>CLIENT Mr. A. Hekeik</p>		<p>Issue No: Amendments A DA ISSUE TO COUNCIL</p>		<p>Drawn By : TAASE TAASE Checked By: NILESH MUNOT</p>	<p>Date of Issue 19.01.18</p>
		<p>Drawing Name Proposed East Elevation</p>		<p>DA ISSUE TO COUNCIL</p>	<p>Drawing Scale 1:100</p>	<p>Revision A</p>
		<p>Project Title Proposed Demolition & Adaptive Re-Use through Alteration & Additions to an Existing Building - 6 Residential Units at 59 Lilyfield Rd, Rozelle NSW 2039</p>		<p>Project ID DA 11</p>	<p>Drawing Scale 1:100</p>	<p>Revision A</p>

INDICATES PROPOSED NEW WORKS
 INDICATES EXISTING STRUCTURE



Material	Volume	Weight	Roofing	Cladding	Windows	Doors	Other
Concrete	1000	24000	1000	1000	1000	1000	1000
Brick	500	12000	500	500	500	500	500
Steel	200	4800	200	200	200	200	200
Timber	100	2400	100	100	100	100	100
Aluminum	50	1200	50	50	50	50	50
Other	10	240	10	10	10	10	10



(E04) Proposed West Elevation
 1:100

Architects: SHOBHA DESIGNERS ARCHITECTS & URBAN DESIGNERS Suite 21, 1-7 Jordan St, Gladesville NSW 2111 PHONE : 02 88700020 EMAIL : n.mari@shobhadesigns.com.au	Drawing Name Proposed West Elevation	Issue No. Amendments	Drawn By	Date	Date of Issue
		A	TT	19.07.18	22-Aug-18
CLIENT Mr. A. Hekeik	Drawn By : TAASE TAASE Checked By: NILESH MUNOT	Issue No. Amendments	Drawn By	Date	Date of Issue
		A	TT	19.07.18	22-Aug-18
PROJECT Proposed Demolition & Adaptive Re-Use through Alteration & Additions to an Existing Building - 6 Residential Units at 69 Lilyfield Rd, Rozelle NSW 2039		Issue No. Amendments	Drawn By	Date	Date of Issue
CLIENT Mr. A. Hekeik		A	TT	19.07.18	22-Aug-18
shobha		Issue No. Amendments	Drawn By	Date	Date of Issue
Suite 21, 1-7 Jordan St, Gladesville NSW 2111 PHONE : 02 88700020 EMAIL : n.mari@shobhadesigns.com.au		A	TT	19.07.18	22-Aug-18
Drawing Name Proposed West Elevation		Issue No. Amendments	Drawn By	Date	Date of Issue
CLIENT Mr. A. Hekeik		A	TT	19.07.18	22-Aug-18
PROJECT Proposed Demolition & Adaptive Re-Use through Alteration & Additions to an Existing Building - 6 Residential Units at 69 Lilyfield Rd, Rozelle NSW 2039		Issue No. Amendments	Drawn By	Date	Date of Issue
CLIENT Mr. A. Hekeik		A	TT	19.07.18	22-Aug-18
shobha		Issue No. Amendments	Drawn By	Date	Date of Issue
Suite 21, 1-7 Jordan St, Gladesville NSW 2111 PHONE : 02 88700020 EMAIL : n.mari@shobhadesigns.com.au		A	TT	19.07.18	22-Aug-18
Drawing Name Proposed West Elevation		Issue No. Amendments	Drawn By	Date	Date of Issue
CLIENT Mr. A. Hekeik		A	TT	19.07.18	22-Aug-18
PROJECT Proposed Demolition & Adaptive Re-Use through Alteration & Additions to an Existing Building - 6 Residential Units at 69 Lilyfield Rd, Rozelle NSW 2039		Issue No. Amendments	Drawn By	Date	Date of Issue
CLIENT Mr. A. Hekeik		A	TT	19.07.18	22-Aug-18
shobha		Issue No. Amendments	Drawn By	Date	Date of Issue
Suite 21, 1-7 Jordan St, Gladesville NSW 2111 PHONE : 02 88700020 EMAIL : n.mari@shobhadesigns.com.au		A	TT	19.07.18	22-Aug-18

INDICATES PROPOSED NEW WORKS
 INDICATES EXISTING STRUCTURE

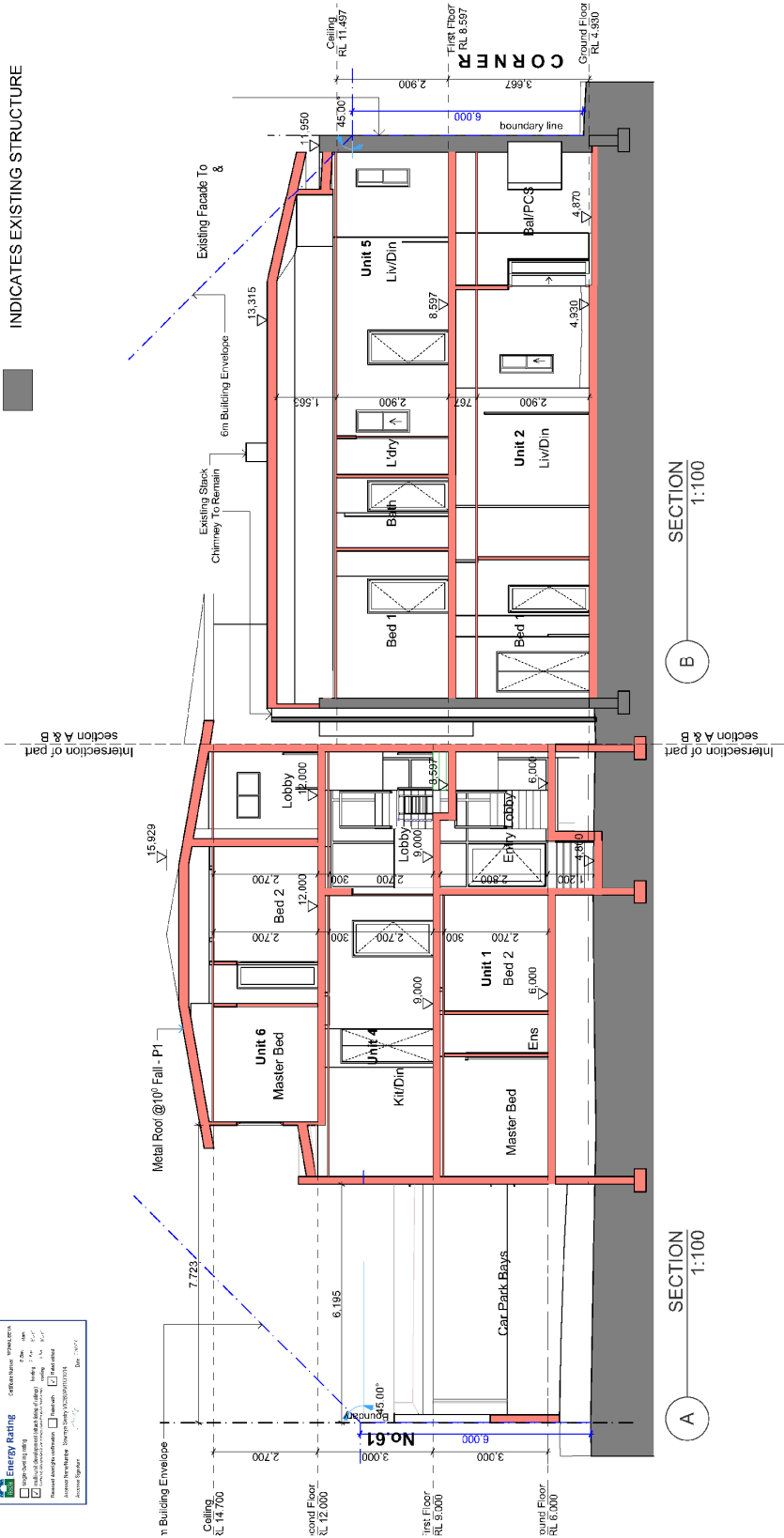


Energy Rating

Significant Energy Saving
 Moderate Energy Saving
 Low Energy Saving
 No Energy Saving
 High Energy Consumption
 Very High Energy Consumption

Proposed Air Conditioning
 Proposed Heating
 Proposed Hot Water Heating

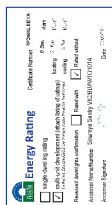
Version: 4.1.0
 Project: 19/0118
 Date: 22-Aug-18



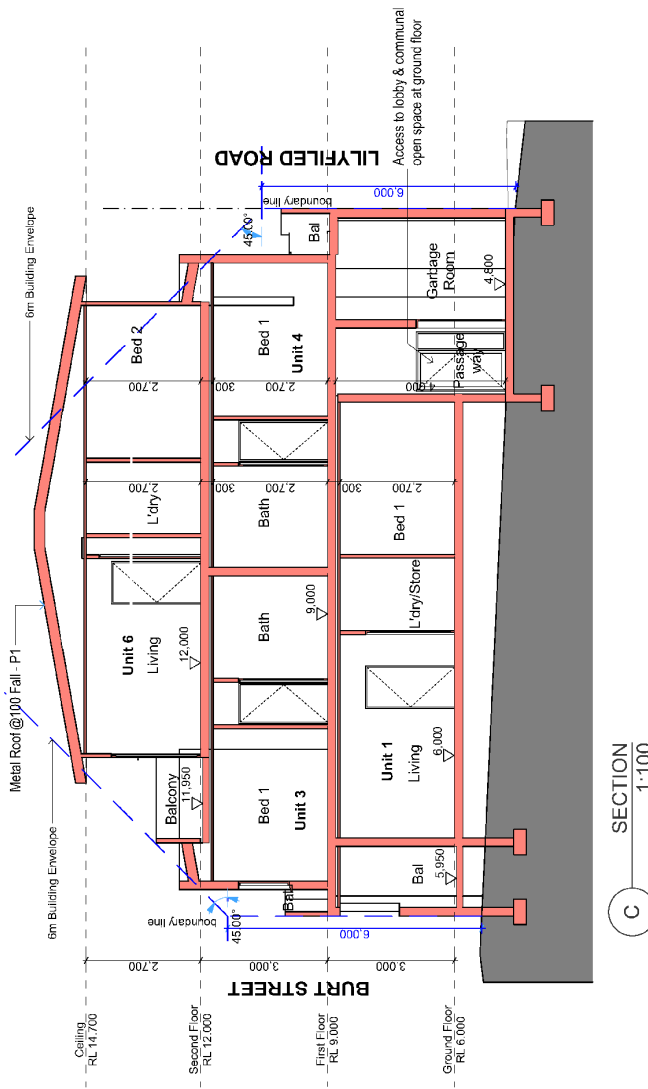
Architects: SHOBHA DESIGNS ARCHITECTS & URBAN DESIGNERS Suite 21, 1-7 Jordan St, Gladesville NSW 2111 MOBILE : 0418112877 EMAIL : nish@shobhadesigns.com.au 	Drawing Name: Proposed Sections A & B		Date of Issue: 22-Aug-18
	PROJECT: Proposed Demolition & Adaptive Re-Use through Alteration & Additions to an Existing Building 6 Residential Units at 59 Lilyfield Rd, Rozelle NSW 2039		Issue No./ Amendments: A DA ISSUE TO CCOUNCIL
CLIENT: Mr. A. Hekeik	Drawn By : TAASE TAASE Checked By: NILESH MUNOT	Date: 19.01.18	Drawing Scale: 1:100
		Layout ID: DA 13	Revision: A

P:\Project\ITEM 6_Lilyfield\Drawings\DA\ITEM_6_Lilyfield_DA_Final.dwg

INDICATES PROPOSED NEW WORKS
 INDICATES EXISTING STRUCTURE



GENERAL INFORMATION			
NO	DESCRIPTION	QTY	UNIT
1	Construction of 6m Building Envelope	1	m²
2	Installation of Metal Roof @ 000 Fall - P1	1	m²
3	Installation of Garbage Room	1	m²
4	Installation of Access to lobby & communal open space at ground floor	1	m²
5	Installation of Balcony	1	m²
6	Installation of Balcony	1	m²
7	Installation of Balcony	1	m²
8	Installation of Balcony	1	m²
9	Installation of Balcony	1	m²
10	Installation of Balcony	1	m²
11	Installation of Balcony	1	m²
12	Installation of Balcony	1	m²
13	Installation of Balcony	1	m²
14	Installation of Balcony	1	m²
15	Installation of Balcony	1	m²
16	Installation of Balcony	1	m²
17	Installation of Balcony	1	m²
18	Installation of Balcony	1	m²
19	Installation of Balcony	1	m²
20	Installation of Balcony	1	m²



SECTION C
 1:100

Architects: SHOBHA DESIGNS ARCHITECTS & URBAN DESIGNERS Suite 21, 1-7 Jordan St, Gladesville NSW 2111 PHONE : 02 89790050 EMAIL : info@shobhadesigns.com.au	PROJECT Proposed Demolition & Adaptive Re-Use through Alteration & Additions to an Existing Building - 6 Residential Units at 69 Lilyfield Rd, Rozelle NSW 2039	Drawing Name Proposed Section C	Issue No. / Amendments A DA ISSUE TO CCOUNCIL	Dwn. By / Date TT 19.01.18	Date of Issue Drawing Scale 22-Aug-18 1:100
	CLIENT Mr. A. Hekeik	Drawn By : TAASE TAASE Checked By: NILESH MUNOT	Layout ID DA 14	Revision A	P:\Projects\A\IEK_Lilyfield\Drawings\DA\IEK_Lilyfield_DA_14m.jpg

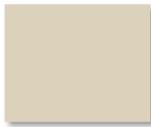
External Finishes and Materials
Proposed Demolition & Adaptive Re-Use through Alteration & Additions to an Existing Building - 6
Residential Units at 59 Lilyfield Rd, Rozelle NSW 2039

Roof /Feature Wall

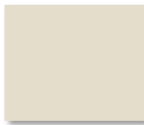


Roof, Fascia & Gutter - Colorbond 'Woodland Grey' – 'P1'

Walls



'P2' – Dulux – 'Ecrú' Or Similar – Light Weight Cladding



'P3' – Dulux – 'Ecrú Half' or similar – Render Wall with paint finish



'P4' – Dulux – 'Balsa Stone ' or similar – Render Wall with paint finish



'P5' – Dulux "Windspray" – Light Weight Cladding



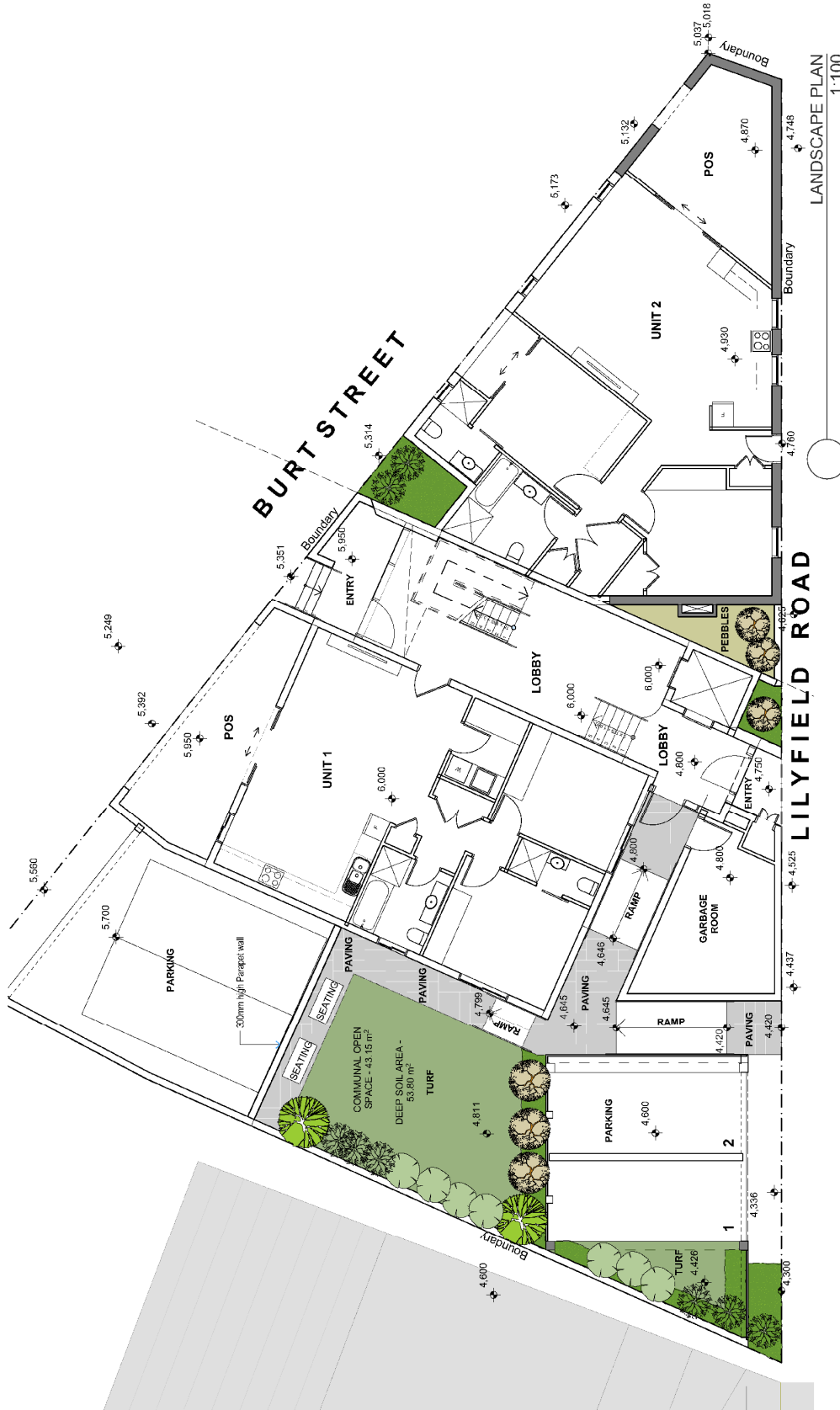
'P6' – Concrete Panels Wall cladding - Lift /Entry Canopy/ Feature Wall



Door – Window Frames – Colorbond 'Basalt'


Shobha Designs
Architecture Urban Design Project Management

Suite 21, 1-7 Jordan St, Gladesville
Tel: (02) 9879 0020 Mobile – 0418 112 677
Email – nilesh@shobhadesigns.com.au



Architects: SHOBHA DESIGNERS ARCHITECTS & URBAN DESIGNERS Suite 21, 1-7 Jordan St, Gladesville NSW 2111 PHONE : 02 88700020 EMAIL : nmar@shobhadesigns.com.au	PROJECT Proposed Demolition & Adaptive Re-Use through Alteration & Additions to an Existing Building - 6 Residential Units at 69 Lilyfield Rd, Rozelle NSW 2039	Drawing Name Proposed Landscape Plan	Issue No. Amendments A	Date of Issue 22-Aug-18
	CLIENT Mr. A. Hekeik	Drawn By : TAASE TAASE Checked By: NILESH MUNOT	Drawing Scale 1:100	Layout ID DA 20
shobha	Drawing Name Proposed Landscape Plan	Issue No. Amendments A	Date of Issue 22-Aug-18	Drawing Scale 1:100
Suite 21, 1-7 Jordan St, Gladesville NSW 2111 PHONE : 02 88700020 EMAIL : nmar@shobhadesigns.com.au	Drawn By : TAASE TAASE Checked By: NILESH MUNOT	Issue No. Amendments A	Date of Issue 22-Aug-18	Drawing Scale 1:100
shobha	Drawing Name Proposed Landscape Plan	Issue No. Amendments A	Date of Issue 22-Aug-18	Drawing Scale 1:100
Suite 21, 1-7 Jordan St, Gladesville NSW 2111 PHONE : 02 88700020 EMAIL : nmar@shobhadesigns.com.au	Drawn By : TAASE TAASE Checked By: NILESH MUNOT	Issue No. Amendments A	Date of Issue 22-Aug-18	Drawing Scale 1:100
shobha	Drawing Name Proposed Landscape Plan	Issue No. Amendments A	Date of Issue 22-Aug-18	Drawing Scale 1:100

LEGENDS

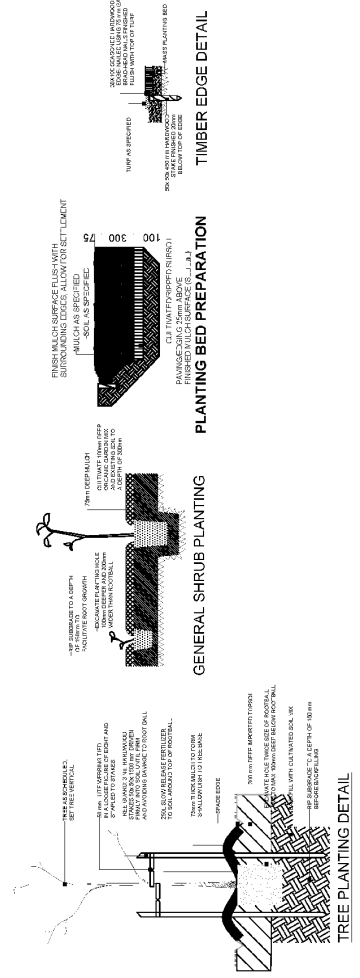
IMAGE	CODE	BOTANICAL NAME	COMMON NAME	MATURE HEIGHT	POT SIZE
TREES					
	BS	BANKSIA SERRATA	OLD MAN BANKSIA	5 m	45 LT
SHRUBS					
	DE	DORYANTHES EXCELSA	GYMEA LILY	1.1 m	45 LT
	RI	RHAPHIOLEPIS INDICA	ORIENTAL PEARL INDIAN HAWTHORN	1 m	200 mm
	MT	METROSIDEROS 'TAHITI'	NZ CHRISTMAS BUSH	1 m	200 mm
GROUND COVERS					
	GR	GREVILLEA 'ROYAL MANTEL'	ROYAL MANTLE GREVILLEA	0.3 m	140 mm

NOTES:

1. T... ..
2. Do o... ..
3. ATT... ..
4. A... ..
5. Do... ..
6. P... ..
7. E... ..
8. A... ..
9. A... ..
10. Co... ..
11. T... ..
12. A... ..
13. W... ..
14. R... ..
15. C... ..
16. R... ..

PLANTING INSTRUCTIONS

Remove all building rubble and weeds from garden beds. Lighten beds with 300mm organic garden mix. Site plants in correct position according to the planting plan. Dig hole same size as the pot. Remove the plant from the pot. Plant so that the top of the root ball is level with the soil. Sprinkle granular wetting agent and fertilizer according to directions on the pack. Water in well. Run irrigation tubing over the soil. Cover the entire soil surface with 75mm mulch. New turf: Turf grade areas to be turfed to 120mm below required finished level. Ensure all surface water run off is directed towards inlet pit, kerbs etc. and away from building. Further rip the subgrade to 150mm. Install 100mm depth of turf underlay, lay 'Sir Walter Buffalo' turf rolls closely butted. Fill any small gaps with topsoil. Water thoroughly.

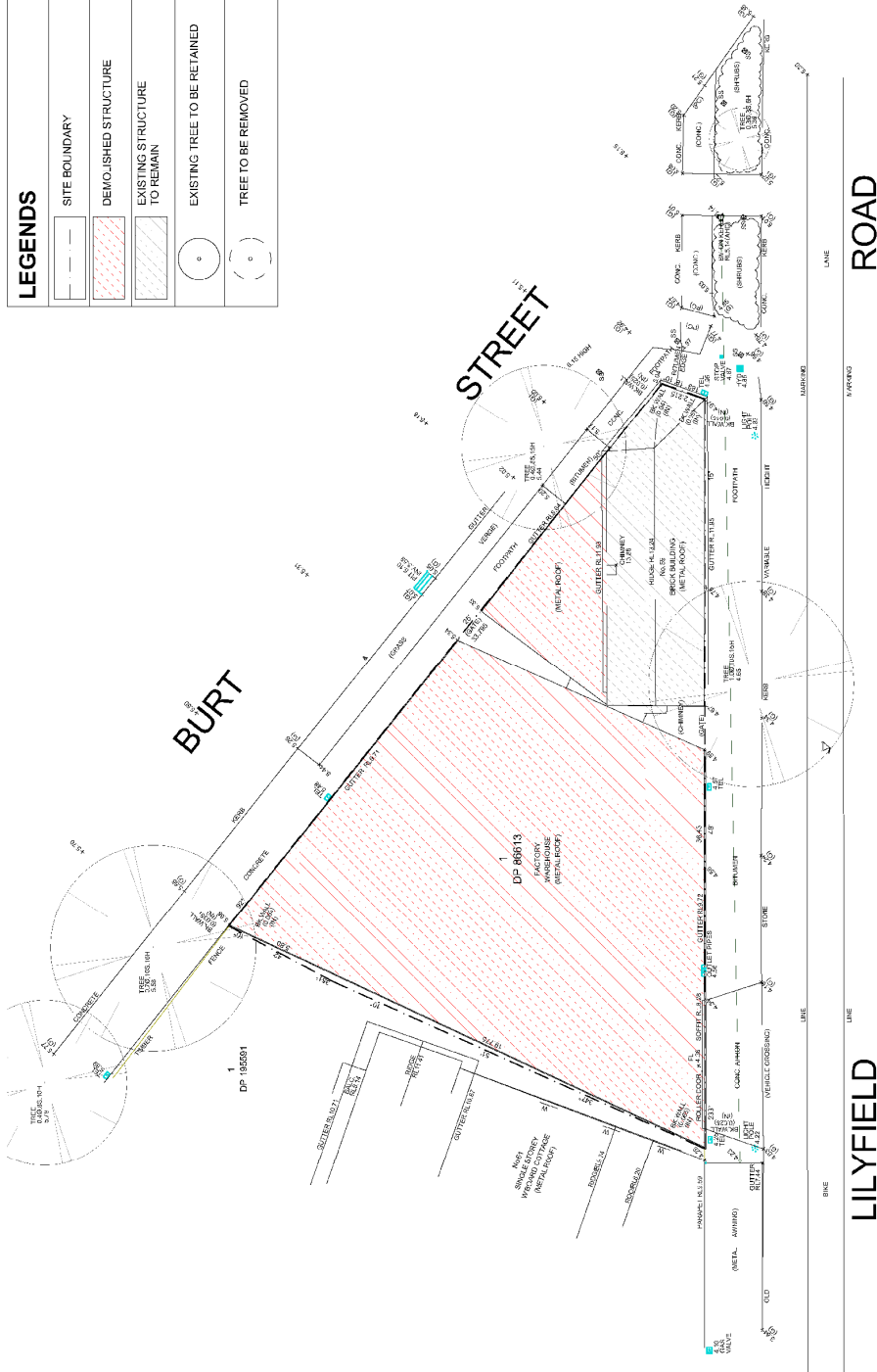


<p>Architects:</p> <p>SHOBHA DESIGNS</p> <p>ARCHITECTS & URBAN DESIGNERS</p> <p>Shobha 1/17 Jordan St, Gladesville NSW 2111 PHONE : 02 8870020 MOBILE : 0481132677 EMAIL : shobha@shobhadesigns.com.au</p>	<p>PROJECT</p> <p>Proposed Demolition & Adaptive Re-Use through Alteration & Additions to an Existing Building - 6 Residential Units at 59 Lilyfield Rd, Rozelle NSW 2039</p>	<p>Issue No. / Amendments</p> <p>A</p>	<p>Drawn By</p> <p>TT</p>	<p>Date of Issue</p> <p>18.01.18</p>	<p>Date of Issue</p> <p>22-Aug-18</p>
	<p>CLIENT</p> <p>Mr. A. Hekeik</p>	<p>Proposed Landscape Plan - Notes</p>	<p>DA ISSUE TO COUNCIL</p>	<p>Drawing Scale</p>	<p>Layout ID</p> <p>DA 21</p>

P:\Projects\HEK_Lilyfield\Drawings\DA\HEK_Lilyfield_DA_18m1.pdf

LEGENDS

	SITE BOUNDARY
	DEMOLISHED STRUCTURE
	EXISTING STRUCTURE TO REMAIN
	EXISTING STRUCTURE TO BE RETAINED
	TREE TO BE REMOVED



Demolition Plan
1:200

Energy Rating

Compliance with the Energy Rating Scheme (ERS) is required for all new buildings and buildings undergoing renovation or major renovation.

Energy Rating Scheme (ERS) is a mandatory requirement for all new buildings and buildings undergoing renovation or major renovation.

Energy Rating Scheme (ERS) is a mandatory requirement for all new buildings and buildings undergoing renovation or major renovation.

Energy Rating Scheme (ERS) is a mandatory requirement for all new buildings and buildings undergoing renovation or major renovation.

Architects: SHOBHA DESIGNS ARCHITECTS & URBAN DESIGNERS 1/11-13, Jolimath St, Goswami NSW 2111 PHONE : 0481782026 MOBILE : 0481782026 EMAIL : shobha@shobhadesigns.com.au	PROJECT Proposed Demolition & Adaptive Re-Use through Alteration & Additions to an Existing Building - 6 Residential Units at 59 Lilyfield Rd, Rozelle NSW 2039	Issue No. Amendments A DA ISSUE TO COUNCIL	Drawn By Date TT 19.01.18	Date of Issue 22-Aug-18
	CLIENT Mr. A. Hekeik	Drawn By : TAASE TAASE Checked By : NILESH MUNDT	Layout ID DA 02	Drawing Scale 1:200

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STORMWATER MANAGEMENT PLAN (DA)
PROPOSED ALTERATIONS & ADDITIONS
Lot 1, No.59 LILYFIELD ROAD, ROZELE

DRAINAGE NOTES

Table with 3 columns: PIPE SIZE, PIPE TYPE AND DEPTH, MINIMUM COVER (SEE DA)
Rows include: 150mm, 200mm, 300mm, 450mm, 600mm, 900mm, 1200mm.

PIPE SIZE: THE MINIMUM PIPE SIZE SHALL BE...
PIPE TYPE AND DEPTH: 150mm, 200mm, 300mm, 450mm, 600mm, 900mm, 1200mm.

MINIMUM COVER: THE MINIMUM COVER SHALL BE...
LOCATION: NOT SUBJECT TO VEHICLE LOADS...

CONNECTIONS TO EXISTING DRAINAGE UNDER PAVING: CONNECTIONS TO EXISTING DRAINAGE UNDER PAVING SHALL BE CARRIED OUT IN ACCORDANCE WITH SECTION 9.3 OF AS 5093.3:1999...

GENERAL NOTES

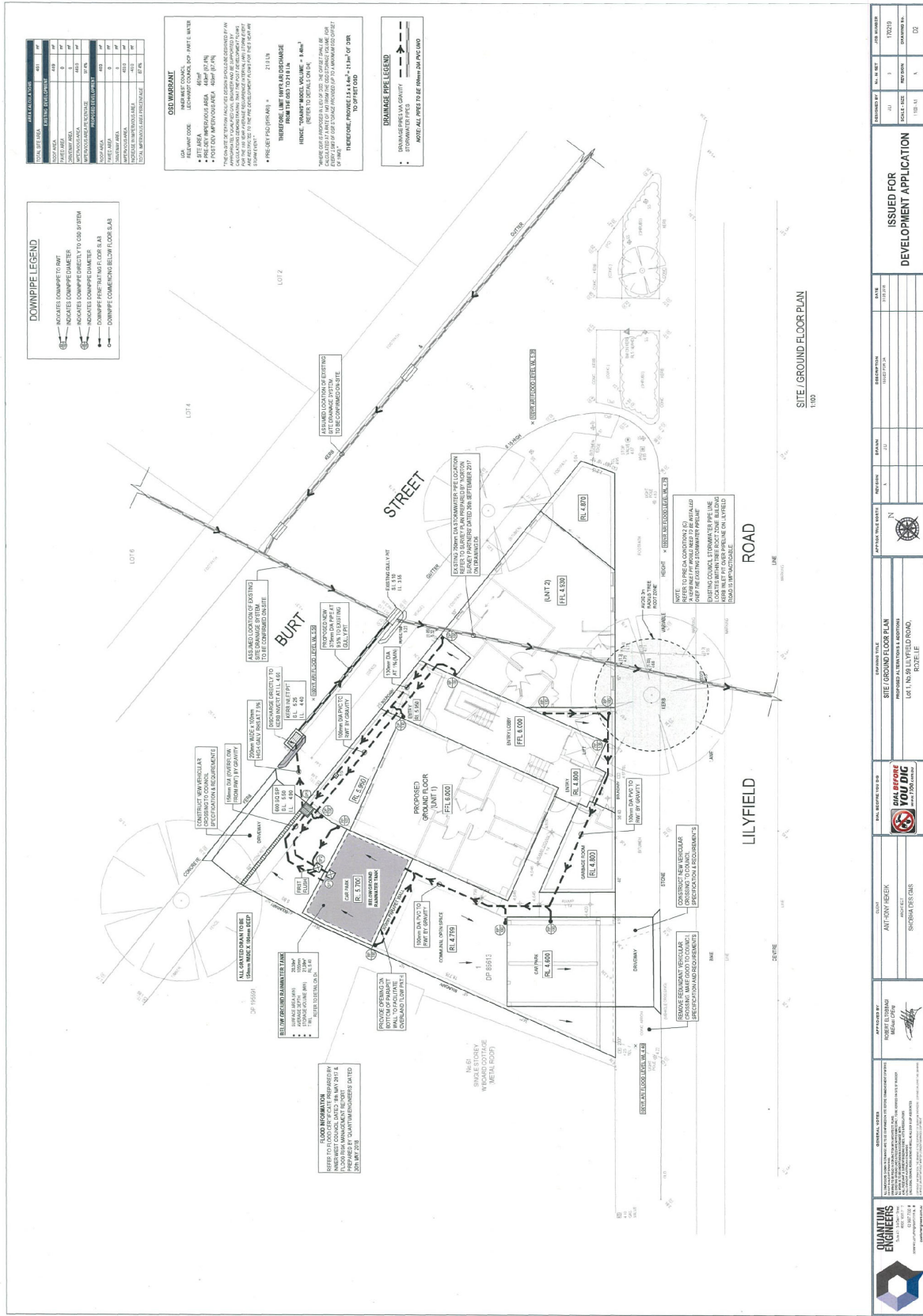
- 1. FINAL LOCATIONS OF NEW DOWNPIPES TO BE DETERMINED BY BALANCE SHEET AT THE TIME OF CONSTRUCTION...
2. ALL NEW DRAINAGE TO BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS...

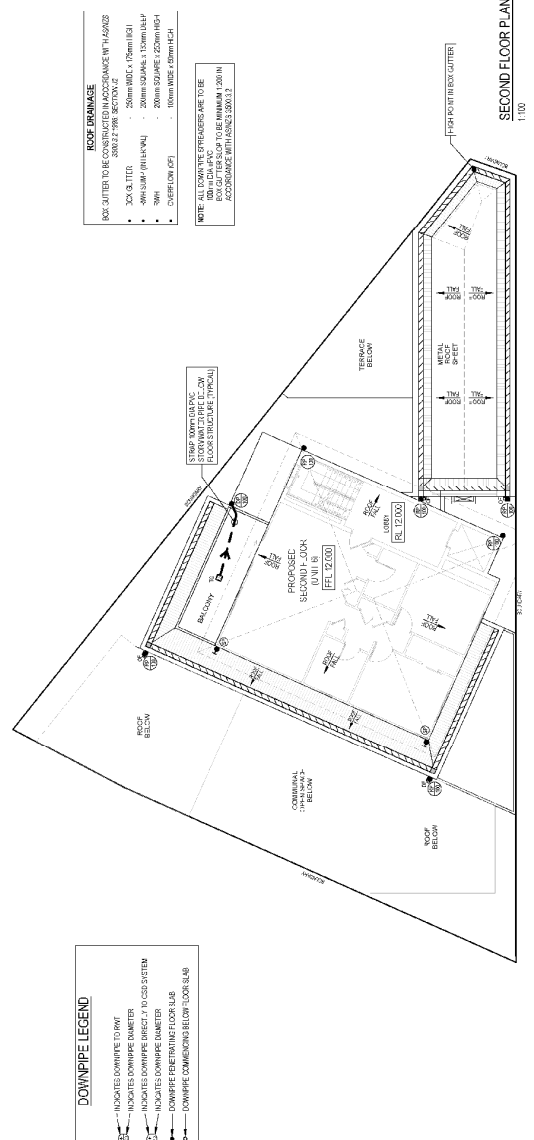
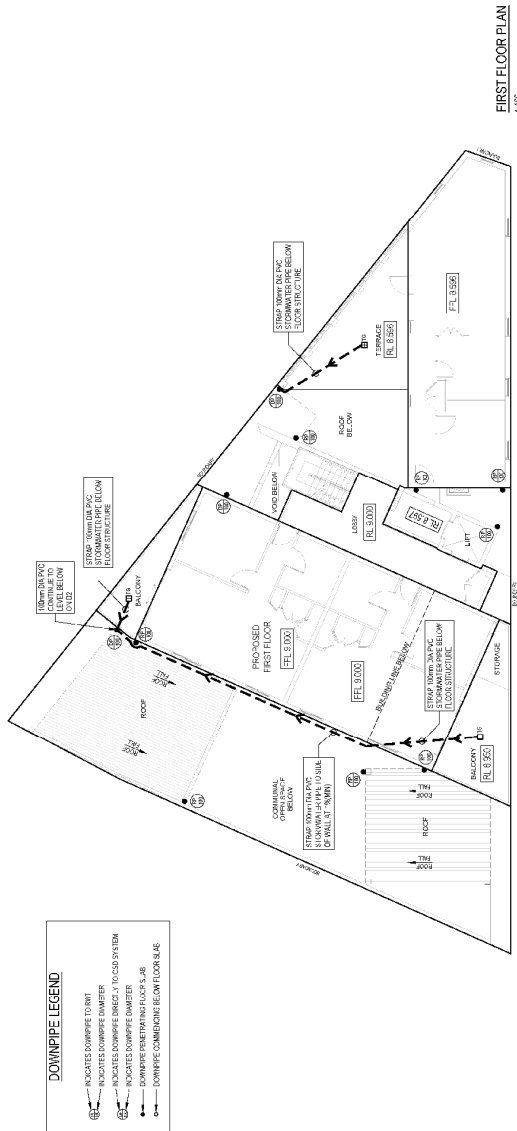
PLAN NOTES

- 1. ROOF DRAINAGE NOTE: ALL ROOF DRAINAGE REQUIREMENTS MUST BE USED FOR 20 YEAR RETURN PERIOD STORM EVENTS...
2. ALL ROOF DRAINAGE TO BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS...

STORMWATER LEGEND: SURFACE INLET PIT, ROOF DRAINAGE, PROPOSED ROOF GUTTER FALL, ACCESS GATE, SUBSOIL PIPE, etc.
UNDERGROUND SERVICES LEGEND: UNDERGROUND GAS MAIN, UNDERGROUND WATER MAIN, UNDERGROUND ELECTRICITY CABLES, etc.

Quantum Engineers logo and contact info.
ISSUED FOR DEVELOPMENT APPLICATION
Scale: 1:100
Author: [Name]
Date: [Date]
Project: [Project Name]



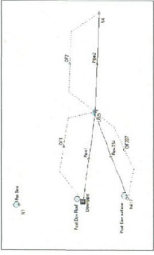


DATE	DESCRIPTION	DRAWN	CHECKED	APPROVED	REVISIONS
25/07/21	2020 FFL	AL	AL		


PREPARED BY QUANTUM ENGINEERS 11/12 WILSON ST MARIKVA NSW 1510	APPROVED BY ANTHONY HEIK ENGINEER STUDIO LICENSING	DATE 25/07/21
---	--	-------------------------

CLIENT YOU DIG 107/108 WYNDHAM ST SYDNEY NSW 1510	PROJECT TITLE FIRST FLOOR & SECOND FLOOR & ROOF PLAN PROPOSED SUBSTATION (UN) IS 11/12 WYNDHAM ST SYDNEY NSW	SCALE AS SHOWN AS SHOWN
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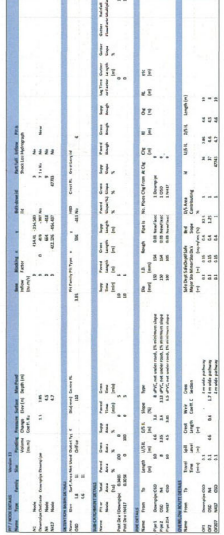
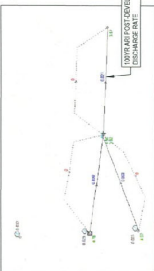
ISSUED FOR DEVELOPMENT APPLICATION	APPROVED BY AL HEST 6 17/01/19	DATE 25/07/21
--	--	-------------------------



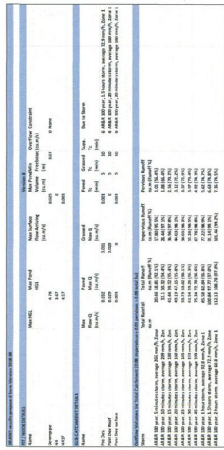
OSD DRAINS LAYOUT

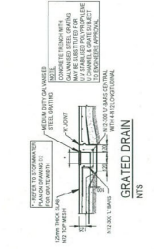


OSD DRAINS RESULTS - PRE DEV (1/10 YR ARI)

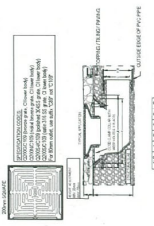



OSD DRAINS MODEL (1/10 YR ARI)

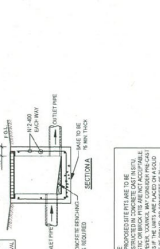




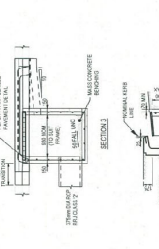
GRADED DRAIN
NTS




TERRACE GRATE (SPS) - TG
NTS



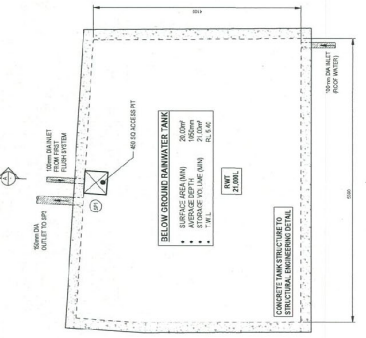
TYPICAL PIT (SIP) - SP3
NTS



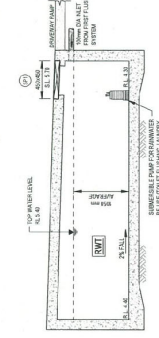
KERBS INLET PIT
NTS



FIRST FLUSH SYSTEM - SPZ
NTS



BELOW GROUND RWI
1/20



SECTION 1/20

OSD DRAINS DATA

Item	Code	Description	Quantity	Unit
1	100	100mm dia. x 1.0m long	1	m
2	200	200mm dia. x 1.0m long	1	m
3	300	300mm dia. x 1.0m long	1	m
4	400	400mm dia. x 1.0m long	1	m
5	500	500mm dia. x 1.0m long	1	m
6	600	600mm dia. x 1.0m long	1	m
7	700	700mm dia. x 1.0m long	1	m
8	800	800mm dia. x 1.0m long	1	m
9	900	900mm dia. x 1.0m long	1	m
10	1000	1000mm dia. x 1.0m long	1	m

STORMWATER DETAILS & OSD DRAINS MODEL

PROPOSED AT 1/10 YR ARI & ADDITIONAL 1/10 YR ARI ROAD, ROUTE 1

APPROVED BY: [Signature]

CLIENT: ANTHONY HERK

PROJECT NO.: SH0104/2020

DATE: 11/02/20

SCALE: 1:100

ISSUED FOR: DEVELOPMENT APPLICATION

DATE: 11/02/20

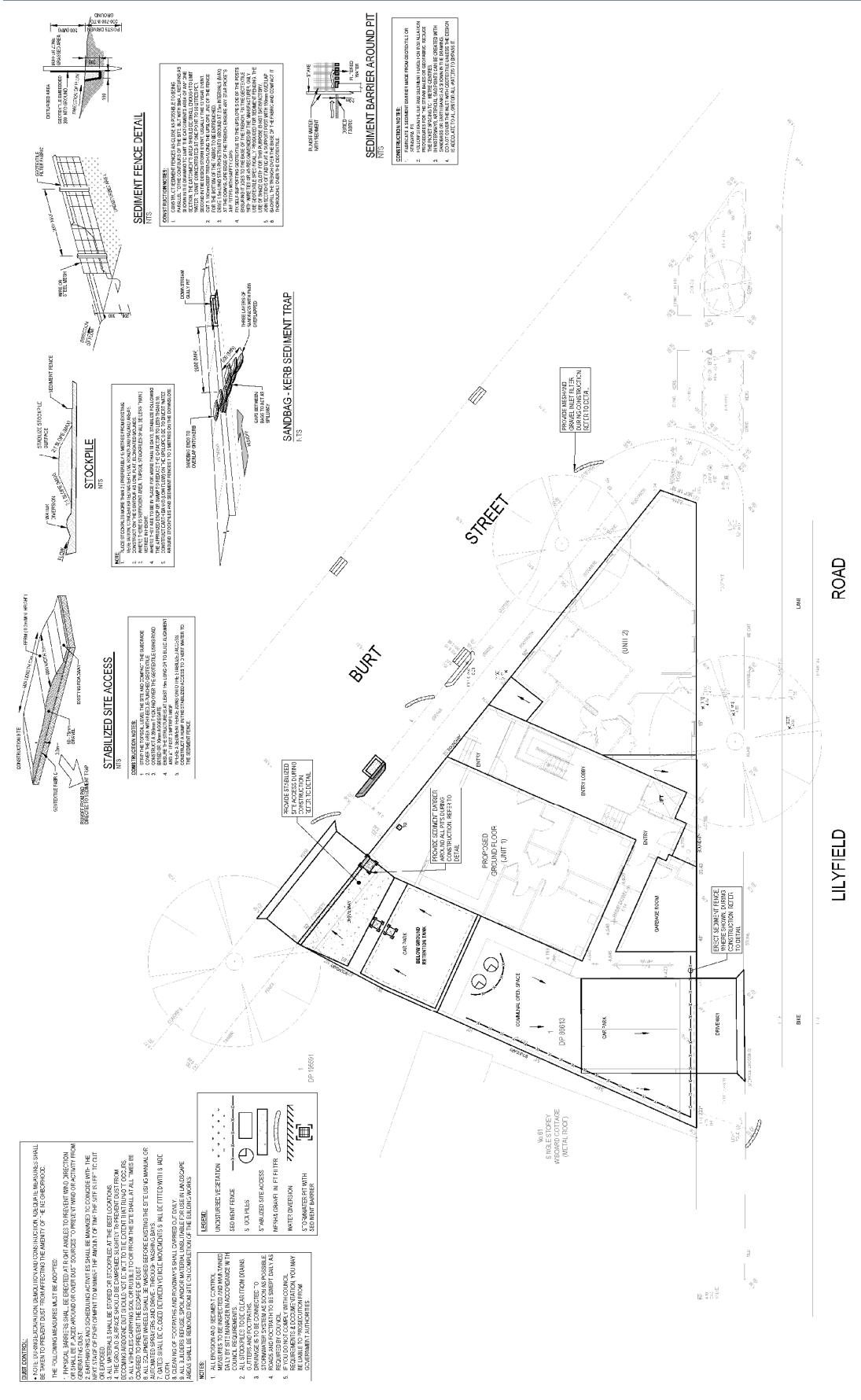
DESIGNER: [Signature]

SCALE: 1:100

ISSUED FOR: DEVELOPMENT APPLICATION

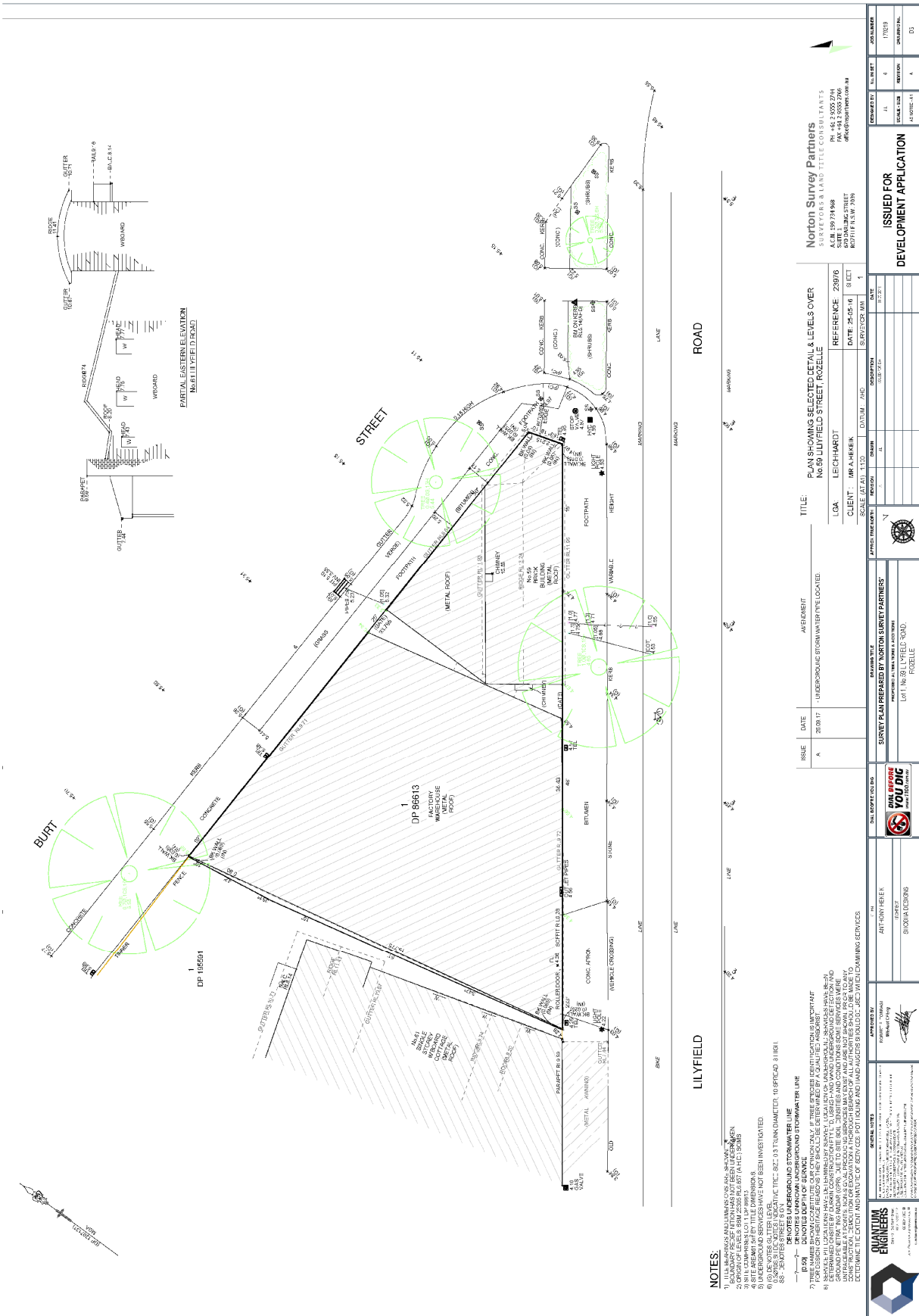
DATE: 11/02/20

DESIGNER: [Signature]



ISSUED FOR DEVELOPMENT APPLICATION		
ISSUED BY	SCALE	DATE
QUANTUM ENGINEERS	AS SHOWN	10/11/20
PROJECT NO.	PROJECT NAME	PROJECT LOCATION
DP 16891	LOT 1, ALL LILYFIELD ROAD, ROZELLE	
SCALE	SCALE	SCALE
AS SHOWN	AS SHOWN	AS SHOWN
CLIENT	DESIGNER	ISSUED FOR
ROZELLE INVESTMENTS PTY LTD	QUANTUM ENGINEERS	DEVELOPMENT APPLICATION
APPROVED BY	APPROVED BY	APPROVED BY
[Signature]	[Signature]	[Signature]
DATE	DATE	DATE
10/11/20	10/11/20	10/11/20

SEDIMENT CONTROL PLAN
1:100



NOTES:
 1) ALL DIMENSIONS AND MARKINGS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
 2) BOUNDARY REFERENCE POINTS HAVE NOT BEEN FIELD CHECKED.
 3) ALL DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED.
 4) ALL DIMENSIONS TO CENTERLINE UNLESS OTHERWISE SPECIFIED.
 5) UNDERGROUND SERVICES HAVE NOT BEEN INVESTIGATED.
 6) (D) DENOTES DEPTH OF SERVICE.
 7) THE LOCATION OF ALL SERVICES ARE SHOWN AS APPROXIMATE LOCATIONS ONLY.
 8) THE LOCATION OF ALL SERVICES ARE SHOWN AS APPROXIMATE LOCATIONS ONLY.
 9) THE LOCATION OF ALL SERVICES ARE SHOWN AS APPROXIMATE LOCATIONS ONLY.
 10) THE LOCATION OF ALL SERVICES ARE SHOWN AS APPROXIMATE LOCATIONS ONLY.
 11) THE LOCATION OF ALL SERVICES ARE SHOWN AS APPROXIMATE LOCATIONS ONLY.

TITLE:
 PLAN SHOWING SELECTED DETAIL & LEVELS OVER
 NO 59 LILYFIELD STREET, ROZELLE

CLIENT: MR A HEERIK
DATE: 25-05-16
SCALE: (AT A1) 1:100

REFERENCE: Z3970
DATE: 25-05-16
SCALE: (AT A1) 1:100

Norton Survey Partners
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ISSUED FOR DEVELOPMENT APPLICATION	
PROJECT NO. 11111111 DATE: 01/01/2016 SCALE: 1:100 ALLOTMENT: A	CLIENT: MR A HEERIK DATE: 25-05-16 SCALE: (AT A1) 1:100
APPROVED BY: [Signature]	
PROJECT NO. 11111111 DATE: 01/01/2016 SCALE: 1:100 ALLOTMENT: A	
ISSUED FOR DEVELOPMENT APPLICATION	

Attachment C- Clause 4.6 Exception to Development Standards



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Appendix 1 – Clause 4.6 Variation Request to Clauses 4.3A(3)(a)(ii) and 4.3A(3)(b) Landscaped areas for residential accommodation in Zone R1



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1.0 Introduction

This clause 4.6 variation request has been prepared by Paul Lemm Planning on behalf of Badajoz Properties Pty Ltd. It is submitted to Inner City Council (the Council) in support of a development application (DA) to Council for a residential flat building at 59 Lilyfield Road Rozelle or Lot 1 in DP 86613. (the Site).

Clause 4.6 of the Leichhardt Local Environmental Plan 2013 (LLEP) enables the Council to grant consent for development, even though the development contravenes a development standard. The clause aims to provide an appropriate degree of flexibility in applying certain development standards to achieve better outcomes for and from development.

This clause 4.6 variation request:

- Relates to the development standard for landscaped area and site coverage under clause 4.3A(3)(a)(ii) and 4.3A(3)(b) of the Leichhardt Local Environmental Plan 2013;
- Should be read in conjunction with the Statement of Environmental Effects (SEE) prepared by Paul Lemm Planning Consultant dated July 2018, in relation to a proposed adaptive reuse of an existing building and the construction of 6 residential dwellings at 59 Lilyfield Road, Rozelle.

This clause 4.6 variation request demonstrates that compliance with the minimum landscaped area and site coverage development standard, is unreasonable and unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravention of the standard.

This clause 4.6 variation request demonstrates that, notwithstanding the non-compliance with the development standard, the proposed development:

- achieves each of the applicable objectives of the landscaped area and site coverage development standards and the R1 General Residential Zone;
- does not give rise to any adverse environmental impacts particularly with regard to the built form and visual relationship with adjoining sites;
- is an improvement of the existing non-compliances over the site;
- is in the public interest.



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Therefore, the DA may be approved with the variation as proposed in accordance with the flexibility allowed under clause 4.6 of the Leichhardt Local Environmental Plan 2013.

2.0 Development Standards to be Varied

This clause 4.6 variation request seeks to justify contravention of the development standard set out in clause 4.3A(3)(a)(ii) and 4.3A(3)(b) of the LLEP 2013. Clause 4.3A(3)(a)(ii) provides that the minimum landscaped area to be 20% of the site area and 4.3A(3)(b) requires the site coverage to not exceed 60% of the site area.

Clause in LEP	Required area	Proposed	% variation
4.3A(3)(a)(ii)	92.3m ²	43.5m ²	52%
4.3A(3)(b)	277.05m ²	416.9m ²	150%

3.0 Justification for Contravention of the Development Standard

Clause 4.6(3) of the Leichhardt LEP provides that:

4.6 Exceptions to development standards

...

(3) 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.

Further, clause 4.6(4)(a) of the Sydney LEP provides that:



(4) 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 matter 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.

Assistance on the approach to justifying contravention to a development standard is to be taken from the applicable decisions of the NSW Land and Environment Court and the NSW Court of Appeal in:

1. *Wehbe v Pittwater Council* [2007] NSW LEC 827; and
2. *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009.

The relevant matters contained in clause 4.6 of the LLEP, with respect to the minimum landscaped area and site coverage development standards, are each addressed below.

3.1 Clause 4.6(3)(a) Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

In *Wehbe*, Preston CJ of the Land and Environment Court provided relevant assistance by identifying five traditional ways in which a variation to a development standard had been shown as unreasonable or unnecessary. The *Four2Five Pty v Ashfield Council* case, established that a written submission in relation to subclause 4.6(3)(a), must demonstrate that not just that objectives of the development standard are satisfied but demonstrate matters particular to the circumstances of the proposed development, that warrant the compliance with the development standard unreasonable.



As the language used in subclause 4.6(3)(a) of the LLEP is the same as the language used in clause 6 of SEPP 1, the principles contained in *Wehbe*, are of assistance to this clause 4.6 variation request.

As described above, there are two key elements which must be demonstrated to justify contravening a development standard. The first element as set out in Clause 4.6(3)(a) states:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

The planning principle set out in *Wehbe v Pittwater Council* (2007) provides an accepted method for justifying that compliance with the development standard is unreasonable or unnecessary. This method is to demonstrate that the objectives of the development standard are achieved notwithstanding non-compliance with the numerical standard is undertaken. To this end, an objective by objective justification of both the objectives of the Clause 4.3A(3)(2)(ii) and 4.3A(3)(b) development standards as well as the objectives of the Zone is provided below.

The second element to be satisfied which is set out in Clause 4.6(3)(b) states:

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

After demonstrating that the proposed development meets the relevant objectives of the LLEP, environmental planning grounds are set out to justify contravening the development standards.

3.1.1 The underlying objectives or purposes of the development standard

The objectives of the development standard contained in clause 4.3A of the Leichhardt LEP are outlined below in Section 3.1.2:

3.1.2 The objectives of the standard are achieved notwithstanding non-compliance with the standard

(a) to provide landscaped areas that are suitable for substantial tree planting and for the use and enjoyment of residents,



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- (b) to maintain and encourage a landscaped corridor between adjoining properties,
- (c) to ensure that development promotes the desired future character of the neighbourhood,
- (d) to encourage ecologically sustainable development by maximising the retention and absorption of surface drainage water on site and by minimising obstruction to the underground flow of water,
- (e) to control site density,
- (f) to limit building footprints to ensure that adequate provision is made for landscaped areas and private open space.

Objective (a) to provide landscaped areas that are suitable for substantial tree planting and for the use and enjoyment of residents,

Comment

The proposal is for the adaptive reuse of the site for residential purposes. The Council has acknowledged that this approach would enable the continued non-compliance of this standard provided there was some scope of deep soil plantings. The proposal archives the requirements of the deep soil provisions required by SEPP 65. The proposal does green the site more than the current land use and it results in a positive conservation outcome.

Objective (b) to maintain and encourage a landscaped corridor between adjoining properties,

Comment

The site has not enjoyed a landscape corridor between buildings. The existing building is built to boundary and has been since it was built. The proposed development does provide an increased separation at ground level through both a landscape area and built form. The proposal improves this aspect of the site but given the shape of the lot and the retention of the existing building, what is proposed is not inconsistent with this objective.

Objective (c) to ensure that development promotes the desired future character of the neighbourhood,



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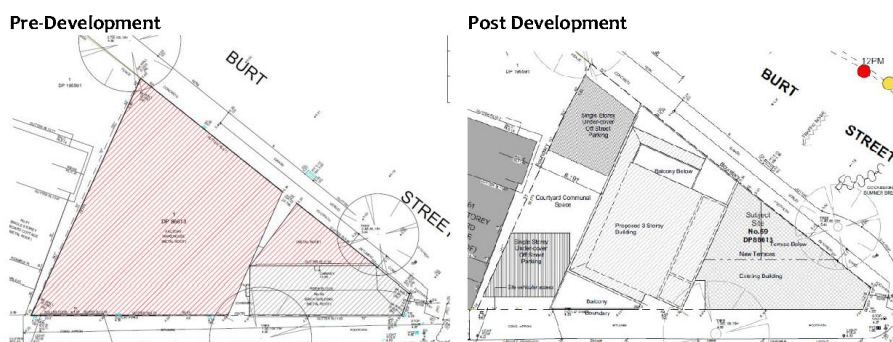
Comment

The proposal is an adaptive reuse of an existing building. The Heritage Impact Statement that supports the proposed development indicates that this is positive contribution to the areas heritage character. The development will protect the existing building and enable it to continue to present this corner site as a key urban focal point that provides character and a link to the past.

Objective (d) to encourage ecologically sustainable development by maximising the retention and absorption of surface drainage water on site and by minimising obstruction to the underground flow of water,

Comment

The site is practically completely developed. The proposed development improves this building footprint and provides for stormwater and on-site detention solutions. The comparison of pre and post development are outlined below.



Objective (e) to control site density

Comment

The assessment of the proposal has indicated the proposal is compatible with the immediate area and unlikely to pose any significant impacts to the area. The contextual setting of the site provides justification of this form of development. The proposed development replaces an existing development. A comparison of the floor space area is outlined below.



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Existing Floor Space	Proposed Floor Space	% Change
445m ²	470m ²	5.6%

The outcome of this 5.6% floor space increase is improved separation with the neighbouring property, increase area for landscaping and the upgrade of the existing building on the corner of the site.

Given the size, shape and location of the site and the retention of the existing building, full compliance with both provisions of Clause 4.3A(3)(a)(ii) and (b) would result in a non-feasible development. The density that has been proposed accords with the SEPP 65 requirements and will complement the area.

Objective (f) to limit building footprints to ensure that adequate provision is made for landscaped areas and private open space.

Comment

The site is significantly constrained due to its shape, location and size. These features alone would warrant the building footprint to be relaxed. The current site has a much larger building footprint than what is proposed. The conservation outcome of the proposal is of public benefit and needs to be duly considered as part of the non-compliance with the development standards

3.1.3 Conclusion on clause 4.6(3)(a)

In light of the above, compliance with the development standard is unreasonable or unnecessary in the circumstances of this case because:

- Notwithstanding the non-compliance with the development standard, the proposal achieves each of the applicable objectives of the development standards.
- The minimum landscape area and maximum site coverage development standards, has been specifically implemented for this site in order to ensure that future development provides areas for landscaping and a building footprint that allows separation from adjoining properties and passive use of space by the residents. The current development proposal, with the non-compliances, achieves these outcomes in accordance with SEPP 65 considerations and more appropriately than the existing situation on site.
- Insistence on compliance with the development standard is unlikely to bring about any improved outcome for the area as it will impact the feasibility of the adaptive



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reuse of the existing building and will undermine the conservation outcome that is being achieved.

3.2 Clause 4.6(3)(b) Environmental planning grounds to justify contravening the development standard

3.2.1 The strategic direction, the site and surrounds

- The site is within a conservation area. The proposal seeks to protect, conserve and reuse an important building on a key entry point to the area. The adaptive reuse of buildings is encouraged by Council as it makes good use of historical building stock and maintains and strengthens urban character.
- The site is located in an area, that is delivering higher densities and the current proposal is consistent with this planning outcome.
- The proposal has been site responsive considering its existing attributes of size, shape and location.
- The landscape area and site coverage variations in themselves, will not result in any added impact to the area in terms of visual impact or overshadowing.

3.2.2 Public Interest

- The development is considered to be in the public interest for the following reasons;
 - It will result in a high quality architecturally designed building;
 - It responds well to a constrained site;
 - It will provide additional housing choice and diversity;
 - It will conserve and reuse an important building;
 - It will provide a positive urban outcome and protect an important focal point at the entry to this location in Rozelle.

3.2.3 Conclusion on clause 4.6(3)(b)

Having regard to the above, there are environmental planning grounds to justify the development standard variation these being:



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- The site is constrained due to its size, shape and location. The proposal seeks to retain an existing building and part of an adaptive reuse of an old and historic building. These represent matters particular to the development site and provide adequate justification that compliance with the development standards are unreasonable, as required by the *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009.

3.3 Clause 4.6(4)(a)(ii) In the public interest because it is consistent with the objectives of the zone and development standard

3.3.1 Consistency with objectives of the development standard

The proposed development is consistent with the objectives of minimum landscaped area and maximum site coverage development standards, for the reasons discussed in section 3.1.2 of this report.

3.3.2 Consistency with objectives of the zone

The proposed development is consistent with the objectives of the R1 'General Residential' Zone, as demonstrated below.

Objective (a) To provide for the housing needs of the community

Comment

The proposed development is a permissible use within the R1 General Residential Zone and will be compatible with the other land uses in the area. The development will provide additional housing diversity in an area that is suited to residential infill development with good support services and infrastructure. The proposal is of a high quality and will result in a development that will present positively to the public domain and create a high-quality living space for its residents.

Objective (b) To provide for a variety of housing types and densities

Comment

The development will provide housing choice and diversity. The development is of a small scale. There are a mix of 1 and 2-bedroom dwellings which provide a suitable response to affordability. There are accessible and adaptable dwellings proposed as part of the



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proposal. The development is accessible and will provide a safe and well-designed environment with all the appropriate support services and facilities in close proximity.

Objective (c) To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Comment

The development is for residential use only and this objective is not applicable.

Objective (d) To improve opportunities to work from home

Comment

There is no reason why this could not occur within the layout of the dwellings given technology and computerisation.

Objective (e) To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas

Comment

The development is compatible with the immediate area because;

- It is consistent with the pattern of residential development adjacent the site;
- It makes sensible use of a difficult site in terms of shape, orientation and size;
- It protects and conserves a traditional landmark building;
- It opens up the site and replaces a closed industrial building;
- It is consistent with residential apartment guidelines;
- It will provide a purpose designed residential development in an appropriate location for this form of development.

Objective (f) To provide landscaped areas for the use and enjoyment of existing and future residents.

Comment



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The development provides for communal open space and balcony spaces for the residents. The site is close to local parks and open space. The development improves the site's landscape attributes.

Objective (g) To ensure that subdivision creates lots of regular shapes that are complementary to, and compatible with, the character, style, orientation and pattern of the surrounding area.

Comment

This is not a consideration for the current development application.

Objective (h) To protect and enhance the amenity of existing and future residents and the neighbourhood.

Comment

The adaptive reuse of the existing building and outcomes that will be achieved as a consequence of modifying the site to accommodate the development will provide benefit to the area's amenity. The conservation outcome alone is a significant outcome while the form and style of infill development is suited to the site and its setting. To achieve the desired conservation outcome from the development, the number of dwellings proposed are important for economic feasibility. The development represents suitable residential infill development with substantial community and public benefit.

3.3.3 Overall public interest

As described in Section 3.2.2 above, the proposed development is considered to be in the public interest notwithstanding the non-compliance with the minimum landscape and maximum site coverage development standard.

3.3.4 Conclusion on clause 4.5(4)(a)(ii)

In light of the above, the proposal is considered to be in the public interest because:

- It is consistent with the objectives of the development standards for the reasons outlined in Section 3.1.2.



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- It is consistent with the objectives of the R1 General Residential Zone as outlined in Section 3.3.2.

Other Matters for Consideration

Under clause 4.6(5), in deciding whether to grant concurrence, the Director-General must consider the following matters:

(5) 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.

These matters are addressed in detail below

3.4 Clause 4.6(5)(a) Whether contravention of the development standard raises any matter of significance for State or regional environmental planning

The variation of the minimum landscape area and maximum site coverage requirement as outlined in Clauses 4.3A(3)(2)(ii) and 4.3A(3)(b) of LLEP does not raise any matter of significance for State or regional planning. It is noted, however, that the proposal is consistent with the most recent metropolitan plan for Sydney, A Plan for Growing Sydney in that it:

- Increases housing supply across Sydney
- Provides homes closer to jobs, and
- Improves housing choice to suit different needs and lifestyles.

3.5 Clause 4.6(5)(b) The public benefit of maintaining the development standard



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As demonstrated above, there is no public benefit in maintaining the development standard in terms of State and regional planning objectives. As noted in the preceding sections, the additional site coverage and proposed landscape area would not give rise to any adverse environmental impacts.

Given that the objectives of the development standard are achieved notwithstanding the variation, there is no public benefit in maintaining the standard on a site where there are environmental matters particular to it, that have influenced the built form.

3.6 Clause 5.6(5)(c) Any other matters required to be taken into consideration by the Director-General before granting concurrence.

There are no other matters relevant to the proposed variation that are required to be taken into consideration by the Director-General before granting concurrence.

Conclusion

The assessment above demonstrates that compliance with Clause 4.3A(3)(2)(ii) and 4.3A(3)(b) of LLEP, is unreasonable and unnecessary in the circumstances of the case and that the justification is well founded. It is considered that the variation allows for the orderly and economic use of the land in an appropriate manner, whilst also allows for a better outcome in planning terms.

This clause 4.6 variation demonstrates that, notwithstanding the non-compliance with Clause 4.3A(3)(2)(ii) and 4.3A(3)(b) of the LLEP, the proposed development:

- Achieves each of the applicable objectives of development standard for minimum landscaped area and maximum site coverage and the R1 General Residential Zone;
- Does not give rise to any adverse environmental impacts, particularly with regard to the built form and visual relationship when compared to a compliant SEPP 65 development;
- Provides a number of compelling benefits that justify the non-compliance with the development standard such as adaptive reuse, lots size and shape and configuration;
- Is in the public interest.



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Based on the information above and the assessment given of the key considerations of clause 4.6, Council can be assured that development consent can be granted, for the development application because clauses 4.6 (4)(i) and (ii) have been meet. Therefore, the DA may be approved with the variation as proposed in accordance with the flexibility allowed under clause 4.6 of the Leichhardt LEP.



Appendix 2 – Clause 4.6 Variation Request to Clause 4.4 Floor Space Ratio



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1.0 Introduction

This clause 4.6 variation request has been prepared by Paul Lemm Planning on behalf of Badajoz Properties Pty Ltd. It is submitted to Inner City Council (the Council) in support of a development application (DA) to Council for a residential flat building at 59 Lilyfield Road Rozelle or Lot 1 in DP 86613. (the Site).

Clause 4.6 of the Leichhardt Local Environmental Plan 2013 (LLEP) enables the Council to grant consent for development, even though the development contravenes a development standard. The clause aims to provide an appropriate degree of flexibility in applying certain development standards to achieve better outcomes for and from development.

This clause 4.6 variation request:

- Relates to the development standard for Floor Space Ratio under clause 4.4(2B)(d)(iii) of the Leichhardt Local Environmental Plan 2013;
- Should be read in conjunction with the Statement of Environmental Effects (SEE) prepared by Paul Lemm Planning Consultant dated July 2018, in relation to a proposed adaptive reuse of an existing building and the construction of 6 residential dwellings at 59 Lilyfield Road, Rozelle.

This clause 4.6 variation request demonstrates that compliance with the minimum landscaped area and site coverage development standard, is unreasonable and unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravention of the standard.

This clause 4.6 variation request demonstrates that, notwithstanding the non-compliance with the development standard, the proposed development:

- achieves each of the applicable objectives of the landscaped area and site coverage development standards and the R1 General Residential Zone;
- does not give rise to any adverse environmental impacts particularly with regard to the built form and visual relationship with adjoining sites;
- is an improvement of the existing non-compliances over the site;
- is in the public interest.



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Therefore, the DA may be approved with the variation as proposed in accordance with the flexibility allowed under clause 4.6 of the Leichhardt Local Environmental Plan 2013.

2.0 Development Standards to be Varied

This clause 4.6 variation request seeks to justify contravention of the development standard set out in clause 4.4(2B)(d)(iii) of the LLEP 2013. Clause 4.4(2B)(d)(iii) provides that the minimum Floor Space Ratio (FSR) to be 0.7:1.

Clause in LEP	Required FSR	Proposed FSR	% variation
4.4(2B)(d)(iii)	323.09m ²	470.16m ²	45.5%

3.0 Justification for Contravention of the Development Standard

Clause 4.6(3) of the Leichhardt LEP provides that:

4.6 Exceptions to development standards

...

(3) 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.

Further, clause 4.6(4)(a) of the Sydney LEP provides that:

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

- (a) the consent authority is satisfied that:



- (ii) *the applicant's written request has adequately addressed the matter 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.*

Assistance on the approach to justifying contravention to a development standard is to be taken from the applicable decisions of the NSW Land and Environment Court and the NSW Court of Appeal in:

1. *Wehbe v Pittwater Council* [2007] NSW LEC 827; and
2. *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009.

The relevant matters contained in clause 4.6 of the LLEP, with respect to the minimum landscaped area and site coverage development standards, are each addressed below.

3.1 Clause 4.6(3)(a) Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

In *Wehbe*, Preston CJ of the Land and Environment Court provided relevant assistance by identifying five traditional ways in which a variation to a development standard had been shown as unreasonable or unnecessary. The *Four2Five Pty v Ashfield Council* case, established that a written submission in relation to subclause 4.6(3)(a), must demonstrate that not just that objectives of the development standard are satisfied but demonstrate matters particular to the circumstances of the proposed development, that warrant the compliance with the development standard unreasonable.

As the language used in subclause 4.6(3)(a) of the LLEP is the same as the language used in clause 6 of SEPP 1, the principles contained in *Wehbe*, are of assistance to this clause 4.6 variation request.



As described above, there are two key elements which must be demonstrated to justify contravening a development standard. The first element as set out in Clause 4.6(3)(a) states:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case*

The planning principle set out in *Wehbe v Pittwater Council (2007)* provides an accepted method for justifying that compliance with the development standard is unreasonable or unnecessary. This method is to demonstrate that the objectives of the development standard are achieved notwithstanding non-compliance with the numerical standard is undertaken. To this end, an objective by objective justification of both the objectives of the Clause 4.3A(3)(2)(ii) and 4.3A(3)(b) development standards as well as the objectives of the Zone is provided below.

The second element to be satisfied which is set out in Clause 4.6(3)(b) states:

- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

After demonstrating that the proposed development meets the relevant objectives of the LLEP, environmental planning grounds are set out to justify contravening the development standards.

3.1.1 The underlying objectives or purposes of the development standard

The objectives of the development standard contained in clause 4.4 of the Leichhardt LEP are described in Section 3.1.2.

3.1.2 The objectives of the standard are achieved notwithstanding non-compliance with the standard

- (a) to ensure that residential accommodation:*
- (i) is compatible with the desired future character of the area in relation to building bulk, form and scale, and*
 - (ii) provides a suitable balance between landscaped areas and the built form, and*
 - (iii) minimises the impact of the bulk and scale of buildings,*



(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.

- Objective (a) to ensure that residential accommodation:**
- (i) is compatible with the desired future character of the area in relation to building bulk, form and scale, and
 - (ii) provides a suitable balance between landscaped areas and the built form, and
 - (iii) minimises the impact of the bulk and scale of buildings

Comment

- (i) is compatible with the desired future character of the area in relation to building bulk, form and scale, and

Comment

The following image of the nearby developments indicate the mixed residential character that exists in the area.



This image will not alter that significantly as a consequence of the proposed development. The area has evidence of a variety of building heights as indicated on the image below. The conservation area that affects the site outlines the desired future character of the area and site. The proposal is an adaptive reuse of an existing building and this is seen as an important heritage and conservation outcome. The focal point of this road intersection will continue to function and provide an urban landmark.

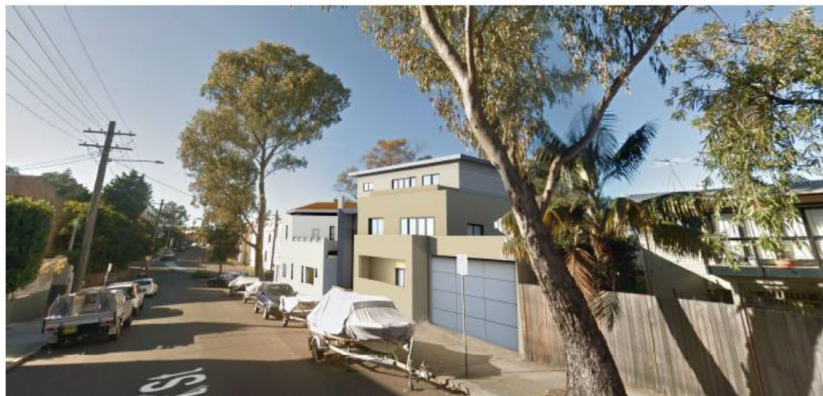


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The images below provide a visual representation of the area following the proposed development. The area retains its character and scale due to the existing mixed residential form.



View from Lilyfield Road



View looking east on Burt Street

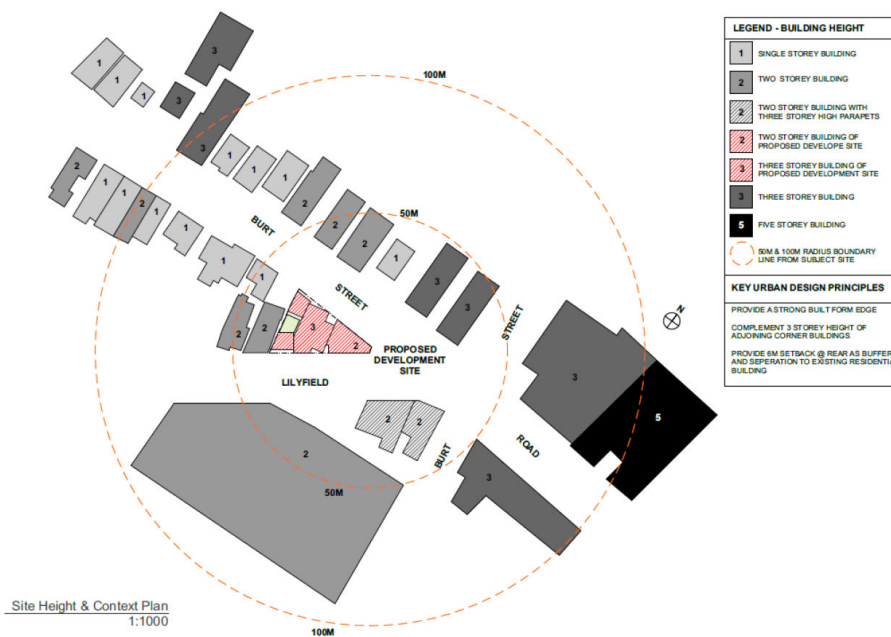


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View of the intersection of Lilyfield Road and Burt Street

The compatibility of the built form is demonstrated by the height comparison map below.





(ii) provides a suitable balance between landscaped areas and the built form, and

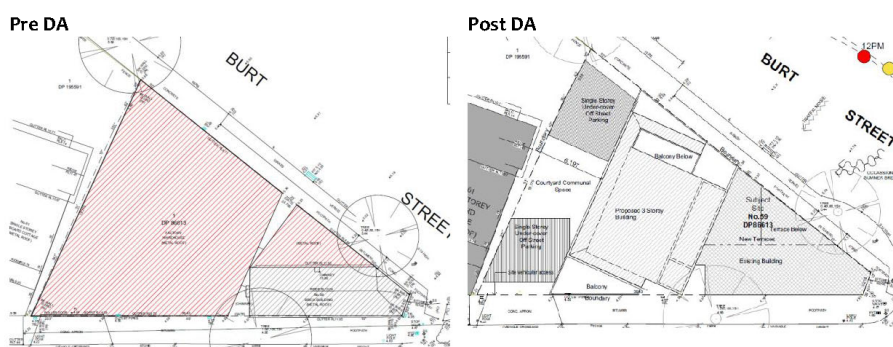
Comment:

The site has not enjoyed a landscape corridor between buildings. The existing building is built to boundary and has been since it was built. The proposed development does provide an increased separation at ground level through both a landscape area and built form. The proposal improves this aspect of the site but given the shape of the lot and the retention of the existing building, what is proposed is not inconsistent with this objective.

(iii) minimises the impact of the bulk and scale of buildings

Comment

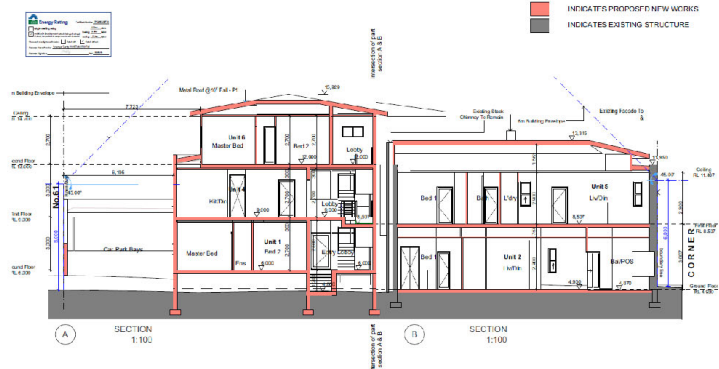
The site is practically completely developed. The proposed development improves this building footprint and provides for stormwater and on-site detention solutions. The comparison of pre and post development are outlined below.



Existing Floor Space	Proposed Floor Space	% Change
445m ²	470m ²	5.6%

The outcome of this 5.6% floor space increase is improved separation with the neighbouring property, increase area for landscaping and the upgrade of the existing building on the corner of the site.

The proposed dwellings have achieved a compliance with the Council building envelope as indicated below with the minor exception of the existing building incursion.



The proposal increases the floor space only marginally when assessed against the existing situation. The proposal however achieves a better relationship with adjoining sites. The proposal is consistent with the building envelopes of the area with the existing building already non-compliant. The siting and location of the dwellings has satisfied the SEPP 65 assessment. The area is characterised by a mix of building heights. The development will result in any adverse impacts but bring about a positive urban outcome in the conservation and improvement of an existing historical building.

Objective (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.,*

Comment

The does not apply to this development. The development will remove a non-residential use from the area and introduce a residential use in its place.

proposed accords with the SEPP 65 requirements and will complement the area.

3.1.3 Conclusion on clause 4.6(3)(a)

In light of the above, compliance with the development standard is unreasonable or unnecessary in the circumstances of this case because:

- Notwithstanding the non-compliance with the development standard, the proposal achieves each of the applicable objectives of the development standards.



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- The maximum FSR, has been specifically implemented for this site in order to ensure that future development provides areas for landscaping and a building footprint that allows separation from adjoining properties and passive use of space by the residents. The current development proposal, with the non-compliances, achieves these outcomes in accordance with SEPP 65 considerations and more appropriately than the existing situation on site.
- Insistence on compliance with the development standard is unlikely to bring about any improved outcome for the area as it will impact the feasibility of the adaptive reuse of the existing building and will undermine the conservation outcome that is being achieved.

3.2 Clause 4.6(3)(b) Environmental planning grounds to justify contravening the development standard

3.2.1 The strategic direction, the site and surrounds

- The site is within a conservation area. The proposal seeks to protect, conserve and reuse an important building on a key entry point to the area. The adaptive reuse of buildings is encouraged by Council as it makes good use of historical building stock and maintains and strengthens urban character.
- The site is located in an area, that is delivering higher densities and the current proposal is consistent with this planning outcome.
- The proposal has been site responsive considering its existing attributes of size, shape and location.
- The landscape area and site coverage variations in themselves, will not result in any added impact to the area in terms of visual impact or overshadowing.

3.2.2 Public Interest

- The development is considered to be in the public interest for the following reasons;
 - It will result in a high quality architecturally designed building;
 - It responds well to a constrained site;
 - It will provide additional housing choice and diversity;
 - It will conserve and reuse an important building;



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- It will provide a positive urban outcome and protect an important focal point at the entry to this location in Rozelle.

3.2.3 Conclusion on clause 4.6(3)(b)

Having regard to the above, there are environmental planning grounds to justify the development standard variation these being:

- The site is constrained due to its size, shape and location. The proposal seeks to retain an existing building and part of an adaptive reuse of an old and historic building. These represent matters particular to the development site and provide adequate justification that compliance with the development standards are unreasonable, as required by the *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009.

3.3 Clause 4.6(4)(a)(ii) In the public interest because it is consistent with the objectives of the zone and development standard

3.3.1 Consistency with objectives of the development standard

The proposed development is consistent with the objectives of FSR development standards, for the reasons discussed in section 3.1.2 of this report.

3.3.2 Consistency with objectives of the zone

The proposed development is consistent with the objectives of the R1 'General Residential' Zone, as demonstrated below.

Objective (a) To provide for the housing needs of the community

Comment

The proposed development is a permissible use within the R1 General Residential Zone and will be compatible with the other land uses in the area. The development will provide additional housing diversity in an area that is suited to residential infill development with good support services and infrastructure. The proposal is of a high quality and will result in a development that will present positively to the public domain and create a high-quality living space for its residents.



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Objective (b) To provide for a variety of housing types and densities

Comment

The development will provide housing choice and diversity. The development is of a small scale. There are a mix of 1 and 2-bedroom dwellings which provide a suitable response to affordability. There are accessible and adaptable dwellings proposed as part of the proposal. The development is accessible and will provide a safe and well-designed environment with all the appropriate support services and facilities in close proximity.

Objective (c) To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Comment

The development is for residential use only and this objective is not applicable.

Objective (d) To improve opportunities to work from home

Comment

There is no reason why this could not occur within the layout of the dwellings given technology and computerisation.

Objective (e) To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas

Comment

The development is compatible with the immediate area because;

- It is consistent with the pattern of residential development adjacent the site and within 50m to 100m is size and scale;
- It makes sensible use of a difficult site in terms of shape, orientation and size;
- It protects and conserves a traditional landmark building;
- It opens up the site and replaces a closed industrial building;
- It is consistent with residential apartment guidelines;



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- It will provide a purpose designed residential development in an appropriate location for this form of development.

Objective (f) To provide landscaped areas for the use and enjoyment of existing and future residents.

Comment

The development provides for communal open space and balcony spaces for the residents. The site is close to local parks and open space. The development improves the site's landscape attributes.

Objective (g) To ensure that subdivision creates lots of regular shapes that are complementary to, and compatible with, the character, style, orientation and pattern of the surrounding area.

Comment

This is not a consideration for the current development application.

Objective (h) To protect and enhance the amenity of existing and future residents and the neighbourhood.

Comment

The adaptive reuse of the existing building and outcomes that will be archived as a consequence of the development, the amenity of the area will be improved. The conservation outcome alone is a significant outcome while the form and style of infill development is suited to the site and its setting.

3.3.3 Overall public interest

As described in Section 3.2.2 above, the proposed development is considered to be in the public interest notwithstanding the non-compliance with the FSR development standard.

3.3.4 Conclusion on clause 4.5(4)(a)(ii)

In light of the above, the proposal is considered to be in the public interest because:



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- It is consistent with the objectives of the development standards for the reasons outlined in Section 3.1.2.
- It is consistent with the objectives of the R1 General Residential Zone as outlined in Section 3.3.2.

Other Matters for Consideration

Under clause 4.6(5), in deciding whether to grant concurrence, the Director-General must consider the following matters:

(5) *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.*

These matters are addressed in detail below

3.4 Clause 4.6(5)(a) Whether contravention of the development standard raises any matter of significance for State or regional environmental planning

The variation of the minimum landscape area and maximum site coverage requirement as outlined in Clauses 4.4(2B)(d)(iii) of LLEP does not raise any matter of significance for State or regional planning. It is noted, however, that the proposal is consistent with the most recent metropolitan plan for Sydney, A Plan for Growing Sydney in that it:

- Increases housing supply across Sydney
- Provides homes closer to jobs, and
- Improves housing choice to suit different needs and lifestyles.



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3.5 Clause 4.6(5)(b) The public benefit of maintaining the development standard

As demonstrated above, there is no public benefit in maintaining the development standard in terms of State and regional planning objectives. As noted in the preceding sections, the additional site coverage and proposed landscape area would not give rise to any adverse environmental impacts.

Given that the objectives of the development standard are achieved notwithstanding the variation, there is no public benefit in maintaining the standard on a site where there are environmental matters particular to it, that have influenced the built form.

3.6 Clause 5.6(5)(c) Any other matters required to be taken into consideration by the Director-General before granting concurrence.

There are no other matters relevant to the proposed variation that are required to be taken into consideration by the Director-General before granting concurrence.

Conclusion

The assessment above demonstrates that compliance with Clause 4.3A(3)(2)(ii) and 4.3A(3)(b) of LLEP, is unreasonable and unnecessary in the circumstances of the case and that the justification is well founded. It is considered that the variation allows for the orderly and economic use of the land in an appropriate manner, whilst also allows for a better outcome in planning terms.

This clause 4.6 variation demonstrates that, notwithstanding the non-compliance with Clause 4.4(2B)(d)(iii) of the LLEP, the proposed development:

- Achieves each of the applicable objectives of development standard for minimum landscaped area and maximum site coverage and the R1 General Residential Zone;
- Does not give rise to any adverse environmental impacts, particularly with regard to the built form and visual relationship when compared to a compliant SEPP 65 development;



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- Provides a number of compelling benefits that justify the non-compliance with the development standard such as adaptive reuse, lots size and shape and configuration;
- Is in the public interest.

Based on the information above and the assessment given of the key considerations of clause 4.6, Council can be assured that development consent can be granted, for the development application because clauses 4.6 (4)(i) and (ii) have been meet. Therefore, the DA may be approved with the variation as proposed in accordance with the flexibility allowed under clause 4.6 of the Leichhardt LEP.

Attachment D – Statement of Heritage Significance for Heritage Conservation Area

Godden Mackay Logan

Area 10 Easton Park Conservation Area

Landform

This conservation area occupies a small knoll of land above Whites Creek, and the small valley to its north, now largely occupied by Easton Park (reclaimed from Rozelle Bay).

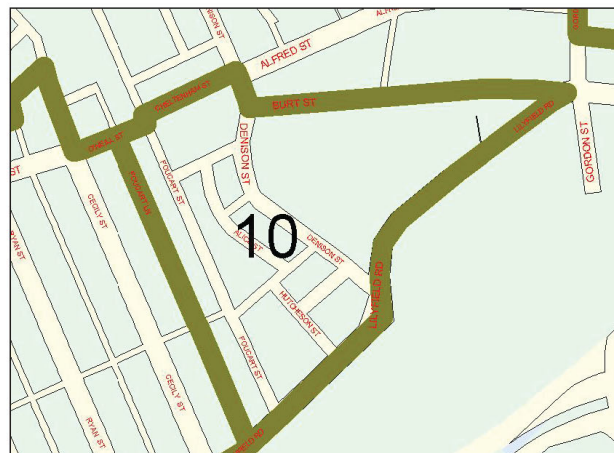


Figure 10.1 Easton Park Conservation Area Map.

History

This area lies within Gilchrist's 550-acre Balmain Estate which covered the whole of the Balmain peninsula. Its eastern boundary is marked by Foucart Lane. Surveyor Charles Langley subdivided the estate for sale into 46/47 sections in 1852. This area comprises Sections 21 and 22 of that subdivision. The sections were purchased by a number of small-scale speculators.

The growth of industry along Whites Creek and in Rozelle Bay attracted many small investors and developers who saw the opportunity to provide housing for workers and tradesmen close by. Albert, Mary and Easton Streets were formed in 1875-1880 when Brockley and Hutcheson subdivided that land for small scale cottages and terraces. Payne and Flood were responsible for other subdivision in the area. Five acres of low-lying, probably flood-labile land was dedicated for a public reserve in 1890, and reclamation works raised the level of the park to its present configuration.

Despite the proximity of a large employment base, the buildings in the area today suggest that it was built up slowly from the 1880s to probably the 1920s, with small detached brick and timber cottages and small groups of single and two-storey terraces.

There has been considerable demolition and rebuilding in recent years with small-scale townhouses replacing those of an earlier era.

Godden Mackay Logan

Sources

Solling, M and Reynolds, P 1997, 'Leichhardt: on the margins of the city', *Leichhardt Historical Journal*, Vol. 22, Allen and Unwin.

Further information provided by Max Solling.

Significant Characteristics

- Dominated by large ficus trees around the park and views across Whites Creek to port and industrial activities.
- Contrasting landform of elevated knoll above Lilyfield Road, and low-lying land to the west and around the park.
- No street tree planting except around the park.
- Large anchor buildings on corner of Denison and Burt Streets.
- Narrow streets, narrow footpaths and no grass verges.
- Buildings sited close to street. In some places early buildings stand right onto the street alignment.
- Limited mix of housing types – cottages, double and single-fronted; semis and two-storey terraces.
- Materials also mixed – stone, timber, face brick, plastered brick.
- Stone retaining walls and fences part of the streetscape.
- Occasional iron palisade fence; paling fences.
- Sandstone gutters.

Statement of Significance or Why the Area is Important

- One of a number of conservation areas which collectively illustrate the nature of Sydney's early suburbs and Leichhardt's suburban growth particularly between 1871 and 1891, with pockets of infill up to the end of the 1930s (ie prior to World War II). This area illustrates development of workers' and tradesmen's housing from the 1880s-1930s in response to nearby industry. It is significant for its surviving development from the pre-World War II period (ie pre-1939).
- In its now rare weatherboard buildings it can continue to demonstrate the nature of an important/major construction material in the fabric of early Sydney suburbs, and the proximity of the timber yards in Whites Bay.
- Through the mixture of shops, and nearby industrial buildings it demonstrates the nature of a Victorian suburb, and the close physical relationship between industry and housing in nineteenth century cities before the advent of the urban reform movement and the separation of land uses.
- Of aesthetic value for the valley siting and mature plantings of Easton Park, and the relationship of adjoining and enclosing anchor buildings with verandahs.

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- It demonstrates the nature of some private subdivisions before the introduction of the Width of Streets and Lanes Act of 1881 required roads to be at least one chain wide.

Management of Heritage Values

Generally

This is a conservation area. Little change can be expected other than modest additions and discrete alterations. Buildings which do not contribute to the heritage significance of the area may be replaced with sympathetically designed infill.

Retain

- All remaining timber buildings
- All other pre-1939 buildings
- The anchor buildings and the post-supported verandahs.
- All plaster finishes to external walls – reconstruct where necessary.
- All unpainted face brick walls.
- All original external architectural detail, verandahs, decorative tiles, plaster mouldings, chimneys, roof ridges and finials, commercial signs etc.
- All remaining sandstone kerbs and gutters.
- The ficus plantings to Easton Park – reinstate where necessary.

Avoid

- Amalgamation which might lead to a change in the densely developed streetscape.
- Demolition of any building constructed prior to 1939.
- Any alteration to the form of the building, including additional storeys above the existing form of the building.
- Removal of plaster to external walls, where part of the original construction.
- Painting or plastering of unpainted face brick wall finishes.
- Additional architectural detail for which there is no evidence.
- High brick or stone fences/walls or other fencing which blocks out public views of front gardens.
- Interruption to the almost continuous kerb and gutter line.

Further Investigation

It is recommended that a detailed survey be undertaken of the heritage value of each building: there appear to be a number of very early buildings, including timber buildings here.

Attachment E – Draft Conditions

CONDITIONS OF CONSENT

1. Development must be carried out in accordance with Development Application No. D/2018/585 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
DA02, Revision A – Demolition Plan	Shobha Designs	19.01.18
DA05, Revision A – Proposed Ground Floor Plan	Shobha Designs	19.01.18
DA06, Revision A – Proposed First Floor Plan	Shobha Designs	19.01.18
DA07, Revision A – Proposed Second Floor Plan	Shobha Designs	19.01.18
DA08, Revision A – Proposed Roof Plan	Shobha Designs	19.01.18
DA09, Revision A – Proposed North Elevation	Shobha Designs	19.01.18
DA10, Revision A – Proposed South Elevation	Shobha Designs	19.01.18
DA11, Revision A – Proposed East Elevation	Shobha Designs	19.01.18
DA12, Revision A – Proposed West Elevation	Shobha Designs	19.01.18
DA12, Revision A – Proposed Sections A & B	Shobha Designs	19.01.18
DA12, Revision A – Proposed Section C	Shobha Designs	19.01.18
External Finishes and Materials	Shobha Designs	Undated
Document Title	Prepared By	Dated
BASIX Certificate No. 921710M_02	Eco-Mantra Design	22 August 2018
Stormwater Plans	Prepared By	Dated
Drawing No: D1-D6	Quantum Engineers	31.05.18
Document Title	Prepared By	Dated
Flood risk management report	Quantum Engineers	31 May 2018
Reference Number: 18069 – Access Report	Vista Access Architects	Undated
Traffic and Parking impact Assessment Report	ML Engineers	December 17
Phase 1 preliminary Environmental site assessment	EnviroTech Pty. Ltd	19th October 2018
Phase 2 Environmental Site Assessment	EnviroTech Pty. Ltd	19th October 2018

In the event of any inconsistency between the approved plans and the conditions, the conditions will prevail.

Where there is an inconsistency between approved elevations and floor plan, the elevation shall prevail.

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

The existing elements (walls, floors etc) shown to be retained on the approved plans shall not be removed, altered or rebuilt without prior consent of the consent authority.

Note: Carrying out of works contrary to the above plans and/ or conditions may invalidate this consent; result in orders, on the spot fines or legal proceedings.

- 2. Consent is granted for the demolition of the following currently existing on the property, subject to strict compliance with the following conditions:

Elements	Location
Structures associated with the existing buildings	As indicated on the approved drawings

- a) The adjoining residents must be notified seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence, site contact details/person, elements to be demolished and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of and directly opposite the demolition site.
- b) Written notice is to be given to the Principal Certifying Authority for inspection prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours and contact telephone number and licence number of the demolisher. The following building inspections must be undertaken by the Principal Certifying Authority:
 - i) A *pre commencement* inspection when all the site works are installed on the site and prior to demolition commencing.
 - ii) A *final* inspection when the demolition works have been completed.

NOTE: If Council is nominated as your Principal Certifying Authority 24 - 48 hours notice to carry out inspections is required. Arrangement for inspections can be made by phoning 9367 9222.

- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address.
- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence, hoarding between the work site and any public property (footpaths, roads, reserves etc). Access to the site must be restricted to authorised persons only and the site must be secured against unauthorised entry when work is not in progress or the site is otherwise unoccupied.
- e) The demolition plans must be submitted to the appropriate Sydney Water Quick Check agent for a building plan approval.

- f) Demolition is to be carried out in accordance with the relevant provisions of Australian Standard 2601:2001: *Demolition of structures*.
- g) The hours of demolition work are limited to between 7:00am and 6:00pm on weekdays. No demolition work is to be carried out on Saturdays, Sundays and public holidays.
- h) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of WorkCover New South Wales and the Environmental Protection Authority.
- i) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- j) During demolition, public property (footpaths, roads, reserves etc) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition.
- k) All vehicles leaving the site with demolition materials must have their loads covered and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site.
- l) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
- m) Care must be taken during demolition to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services must be repaired by the relevant authority at the applicant's expense. Dial before you dig www.1100.com.au should be contacted prior to works commencing.
- n) Suitable erosion and sediment control measures in accordance with the Soil and Water Management Plan must be erected prior to the commencement of demolition works and must be maintained at all times.
- o) Prior to demolition, a Work Plan must be prepared and submitted to the Principal Certifying Authority in accordance with the relevant provisions of Australian Standard 2601:2001 *Demolition of structures* by a person with suitable expertise and experience. The Work Plan must identify hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- p) If the property was built prior to 1987 an asbestos survey prepared by a qualified occupational hygienist is to be undertaken. If asbestos is present then:
 - i) A WorkCover licensed contractor must undertake removal of all asbestos.

- ii) During the asbestos removal a sign "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400 mm x 300 mm is to be erected in a visible position on the site to the satisfaction of Council.
- iii) Waste disposal receipts must be provided to Council / Principal Certifying Authority as proof of correct disposal of asbestos laden waste.
- iv) All removal of asbestos must comply with the requirements of WorkCover and Leichhardt Council.
- v) An asbestos clearance certificate prepared by a qualified occupation hygienist must be provided at the completion of the demolition works.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

3. Amended plans are to be submitted incorporating the following amendments:

- a) One of the parking spaces to be clearly marked as a visitor car parking space.

Details demonstrating compliance with the requirements of this condition are to be marked on the plans and be submitted to the Principal Certifying Authority's satisfaction prior to the issue of any Construction Certificate.

4. Any air conditioning unit on the site must be installed and operated at all times so as not to cause "Offensive Noise" as defined by the Protection of the Environment (Operations) Act 1997.

The system/s shall be operated as follows:

- a) Domestic air conditioners must not be audible in nearby dwellings between:

- i) 10:00pm to 7:00am on Monday to Saturday; and
- ii) 10:00pm to 8:00am on Sundays and Public Holidays.

- b) At any other time the systems and associated equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background $L_{A90, 15min}$ 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 $L_{Aeq, 15min}$ and adjusted in accordance with the NSW Environment Protection Authority's Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).

Air conditioning units must be installed in accordance with plans referenced in condition 1 or to satisfy provisions of the State Environmental Planning Policy (Exempt & Complying Codes) 2008.

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

5. In accordance with the provisions of the *Environmental Planning and Assessment Act 1979* construction works approved by this consent must not commence until:

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- a) A Construction Certificate has been issued by Council or an Accredited Certifier. Either Council or an Accredited Certifier can act as the "Principal Certifying Authority."
- b) A Principal Certifying Authority has been appointed and Council has been notified in writing of the appointment.
- c) At least two days notice, in writing has been given to Council of the intention to commence work.

The documentation required under this condition must show that the proposal complies with all Development Consent conditions and is not inconsistent with the approved plans, the Building Code of Australia and the relevant Australian Standards.

6. Fire Safety upgrading for change of use - no building works proposed (applies to Class 2-9 building)

The Category 1 fire safety provisions that are applicable to the approved use must be installed in the building prior to the use commencing as required by Clause 93 of the *Environmental Planning and Assessment Regulation 2000*.

Amended plans and specifications demonstrating compliance with this condition must be submitted to the certifying authority with the application for a Construction Certificate.

Note: The obligation to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or otherwise required in relation to the relevant development consent.

Note: This condition does not apply to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188.

7. A landscape plan prepared by a qualified Landscape Architect or Landscape Consultant must be provided prior to the issue of a Construction Certificate. The plan must include:
 - a) Location of all proposed and existing planting delineating existing trees to be retained, removed or transplanted.
 - b) A detailed planting schedule including species by botanical and common names, quantities, pot sizes and estimated size at maturity.
 - c) At least 85% of the plantings must be native species from the Sydney locale.
 - d) If the property is greater than 300m², at least two canopy trees or if less than 300m² only one canopy tree capable of achieving a mature height of at least six (6) metres.
 - f) Details of planting procedure including available soil depth.
 - g) Details of earthworks including mounding, retaining walls, and planter boxes (consistent with the approved architectural plans).

- h) A landscape maintenance strategy for the owner / occupier to administer over a twelve (12) month establishment period.
- i) Details of drainage and watering systems.

Details demonstrating compliance are to be shown on the plans submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

8. In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy 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. The Long Service Levy is payable prior to the issue of a Construction Certificate.

Details demonstrating compliance are to be shown on the plans submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate

9. An application must be made to Council for the issue of a Levels Certificate. The certificate, issued by Council, must be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

The certificate specifies the surface levels in the road reserve adjacent to the property that must be used as the basis for the design of vehicle or pedestrian accesses, finished floor levels, fences, vents and any structures in the vicinity of the property boundary.

The architectural & engineering plans must be updated to reflect the information in the levels certificate and submitted to the Principal Certifying Authority prior to the release of the Construction Certificate. The overall height of the external form must not alter from that depicted within the approved plans and/specified by this consent.

The levels certificate may specify that levels in the adjacent road reserve are required to be changed.

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

- a) The floor/finished levels within the property must be adjusted to ensure that the levels at the boundary comply with those obtained in the Levels Certificate issued by Council. The garage slab or driveway must then rise within the property to be 170mm above the adjacent road gutter level. The longitudinal profile across the width of the vehicle crossing must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004.
- b) A minimum of 2200mm headroom must be provided throughout the access and parking facilities. Note that the headroom must be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors.

- c) Longitudinal sections along each outer edge of the access and parking facilities, extending to the centreline of the road carriageway must be provided, demonstrating compliance with the above requirements.
- e) The parking spaces must have minimum clear internal dimensions of 5400 x 2400mm (length x width).
- f) Where the drop adjacent to the end of the parking module(s) exceeds 600mm, structural barriers must be provided. Where the drop is between 150-600mm, wheel stops must be provided. These physical controls must be installed in accordance with the requirements of Section 2.4.5 of *AS/NZS2890.1-2004*. The design must be certified by a suitably qualified Civil Engineer with NPER registration with the Institution of Engineers Australia prior to the issue of the issue of a Construction Certificate.
- g) The external form & height of the approved structures must not be altered from that depicted on the approved plans.

The design must be certified by a suitably qualified Civil Engineer as complying with the above requirements.

Details demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate and provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

11. A stormwater drainage design, incorporating on site stormwater detention facilities (OSD), prepared by a qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The design must be prepared/amended to make provision for the following:
 - a) Comply with Council's Stormwater Drainage Code.
 - b) Charged or pump-out stormwater drainage systems are not permitted.
 - c) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.
 - d) A minimum 150mm step up must be provided between the finished surfaces of all external courtyards and the adjacent internal floor levels.
 - e) All plumbing within the site must be carried out in accordance with Australian Standard *AS/NZS3500.3.2003 Plumbing and Drainage – Stormwater Drainage*.
 - f) The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system.
 - g) Plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required.

- h) An inspection opening or stormwater pit must be installed inside the property adjacent to the boundary for all stormwater outlets.
- i) All redundant stormwater pipelines within the footpath area must be removed and the footpath and kerb reinstated.
- j) New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a section height of 100mm.
- k) Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site.
- l) The proposed on-site retention tanks must be connected to a pump system for internal reuse for laundry purposes, the flushing of all toilets and for outdoor usage such as irrigation.

The design must be certified as compliant with the terms of this condition by a suitably qualified Civil Engineer.

Details demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

12. To ensure reasonable privacy for the adjoining property, the following windows/glazing:

Windows	Unit	Elevation
Dining & Kitchen	3	Western
Dining & Kitchen	4	Western
Master Bedroom	6	Western
Bathroom	6	Western

must be treated with one of the following privacy treatments:

- have a minimum sill height of 1.6m above finished floor level. or
- be permanently fixed (that is windows are not to swing or lift open) with obscure glazing (not frosted film on clear glazing) to a height of 1.6 metres above finished floor level; or
- provided with fixed external louvers with a density of 75% and have no individual opening more than 30mm wide, and have a total area of all openings that is less than 30 per cent of the surface area of the screen and be made of durable materials. Where fixed louvered screens are used, the screen structure must be securely fixed. The louvers may tilt open from a closed position to an angle of 45 degrees in either a downward or upward position, depending on the sightlines that are to be restricted.

The treatment must ensure that the ventilation requirements of the Building Code of Australia are met. If one treatment cannot satisfy the requirements, an alternative in the list above is to be used.

Details must be provided prior to the issue of a Construction Certificate to the satisfaction of the Principal Certifying Authority. The privacy measures must be maintained for the life of the building.

13. A contribution pursuant to the provisions of Section 7.11 of the *Environmental Planning and Assessment Act 1979* for the services detailed in column A and for the amount detailed in column B must be made to Council prior to the issue of a Construction Certificate:

Column A	Column B
Community Facilities	\$14,164.71
Open Space	\$100,518.33
Local Area Traffic Management	\$909.27
Light Rail	\$75.61
Bicycle	\$105.31
Total Contribution	\$115,773.23

Payment will only be accepted in the form of cash, bank cheque or EFTPOS / Credit Card (to a maximum of \$10,000). It should be noted that personal cheques or bank guarantees cannot be accepted for Section 7.11 Contributions. Contribution Plans may be inspected on Council's website www.leichhardt.nsw.gov.au or a copy purchased at the Customer Service counter in Council's Administration Centre, 7-15 Wetherill Street, Leichhardt, during business hours.

A receipt 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.

14. A Certificate prepared by an appropriately qualified and 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 must be provided prior to the issue of a Construction Certificate to the satisfaction of the Principal Certifying Authority. The certificate shall 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.

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.

15. A Soil and Water Management Plan must be provided prior to the issue of a Construction Certificate. The Soil and Water Management plan must be designed to be compatible with the document *Planning for Erosion and Sediment Control on Single Residential Allotments or Managing Urban Stormwater-Soils & Construction Volume 1 (2004)* available at www.environment.nsw.gov.au and the Construction Management and Traffic Management Plan referred to in condition/s of this Development Consent and must address, but is not limited to the following issues:

- a) Minimise the area of soils exposed at any one time.
- b) Conservation of top soil.
- c) Identify and protect proposed stockpile locations.
- d) Preserve existing vegetation. Identify revegetation technique and materials.
- e) Prevent soil, sand, sediments leaving the site in an uncontrolled manner.

- f) Control surface water flows through the site in a manner that:
 - i) Diverts clean run-off around disturbed areas;
 - ii) Minimises slope gradient and flow distance within disturbed areas;
 - iii) Ensures surface run-off occurs at non erodable velocities;
 - iv) Ensures disturbed areas are promptly rehabilitated.
- g) Sediment and erosion control measures in place before work commences.
- h) Materials are not tracked onto the road by vehicles entering or leaving the site.
- i) Details of drainage to protect and drain the site during works.

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.

16. The approved plans must be checked online with Sydney Water Tap In 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. A copy of this approval must be supplied with the Construction Certificate application. Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 132092.

The Certifying Authority must ensure that the appropriate approval has been provided prior to the issue of a Construction Certificate.

17. Sydney Water approval must be obtained prior to the issue of a Construction Certificate. Any requirements of Sydney Water are to be complied with.

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.

18. Prior to the issue of a Construction Certificate, the applicant must prepare a Construction Management and Traffic Management Plan. The following matters should be addressed in the plan (where applicable):

- a) A plan view of the entire site and frontage roadways indicating:
 - i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
 - iii) The locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council.
 - iv) Location of any proposed crane and concrete pump and truck standing areas on and off the site.
 - v) A dedicated unloading and loading point within the site for construction vehicles, plant and deliveries.

- vii) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.
- b) Noise and vibration
During excavation, demolition and construction phases, noise & vibration generated from the site must be controlled. Refer to other conditions of this consent. If during excavation, rock is encountered, measures must be taken to minimise vibration, dust generation and impacts on surrounding properties. Refer to Environmental Noise Management Assessing Vibration: a technical Guideline (Department of Environment and Conservation, 2006) www.epa.nsw.gov.au for guidance and further information.
- c) Occupational Health and Safety
All site works must comply with the occupational health and safety requirements of the New South Wales Work Cover Authority.
- d) Toilet Facilities
During excavation, demolition and construction phases, toilet facilities are to be provided on the site, at the rate of one toilet for every twenty (20) persons or part of twenty (20) persons employed at the site. Details must be shown on the plan.
- e) Traffic control plan(s) for the site
All traffic control plans must be in accordance with the Roads and Maritime Services publication "Traffic Control Worksite Manual"

Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum of 4 weeks prior to the activity proposed being undertaken.

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.

19. Before the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that no proposed underground services (i.e. water, sewerage, drainage, gas or other service) unless previously approved by conditions of consent, are located beneath the canopy of any tree protected under Clause 5.9 of Leichhardt Local Environment Plan 2013, located on the subject allotment and adjoining allotments.

A plan detailing the routes of these services and trees protected under the Local Environment Plan 2013 shall be prepared. Details demonstrating compliance are to be shown on the plans submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

20. Details and location of the proposed waste and recycling room (s) are to be provided prior to the issue of a Construction Certificate. Rooms used for the storage of waste and recycling and rooms used for the washing and storage of waste and recycling receptacles are to be constructed of solid material, cement rendered and trowelled to a smooth even surface and subject to the following requirements:

- a) The floor must be of impervious material covered at the intersection with the walls, graded and drained to an approved floor waste within the room.
- b) Waste/recycling rooms must be vented to the external air by natural or mechanical ventilation.
- c) Waste and recycling storage rooms/areas for all developments should be capable of accommodating Council's standard waste and recycling containers in accordance with Part D – Waste of Development Control Plan 2013
- d) Waste storage and recycling areas or rooms shall be flexible in design allowing for future changes of use or tenancy.
- e) Waste and recycling storage rooms / areas serving residential units must be located separately to storage rooms / areas designated for non-residential uses and in accordance with the approved plans and/or within the approved building envelope, design and form.
- f) The waste and recycling storage room/areas must be accessible by Council's or nominated contractor collection vehicles

Any modifications required to address this condition externally or to the vehicle parking/manoeuvring areas must be the subject of further approval from Council under Section 96 of the Environmental Planning and Assessment Act 1979.

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.

21. A Waste Management Plan (WMP) is to be provided in accordance with **Part D – Waste – Development Control Plan 2013**. The Plan must address all issues identified in the DCP including but not limited to:
 - a) Estimated volume (m³) or weight (t) of materials that are reused, recycled or removed from site.
 - b) On site material storage areas during construction.
 - c) Material and methods used during construction to minimise waste.
 - d) Nomination of end location of all waste and recycling generated from a facility authorised to accept the material type for processing or disposal and retention of waste dockets to be made available to Council Officer on request
 - e) A clear statement within the Waste Management Plan of responsibility for the transferral of waste and recycling bins within the property and between floors where applicable to the collection point in accordance with DCP 2013.

All requirements of the approved Waste Management Plan must be implemented during the demolition, excavation and construction of the development.

PRIOR TO WORKS COMMENCING OR ISSUE OF A CONSTRUCTION CERTIFICATE (WHICHEVER OCCURS FIRST)

22. Prior to the commencement of demolition works on the subject site or a Construction Certificate being issued for works approved by this development consent (whichever occurs first), a security deposit and inspection fee as detailed below must be 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.

Security Deposit (FOOT)	\$14607.50
Inspection fee (FOOTI)	\$230.65

Payment will be accepted in the form of cash, bank cheque or 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 Council to determine the condition of the adjacent road reserve & footpath prior to & 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, Council may carry out any works necessary to repair the damage and/or remove the risk. The cost of these works will be deducted from the security deposit.

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.

Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). 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 Construction Certificate.

23. A dilapidation report including a photographic survey of the following adjoining properties must be provided to Principal Certifying Authority prior to any demolition or works commencing on the site or the issue of a Construction Certificate (whichever comes first). The dilapidation report must detail the physical condition of those properties, both internally and externally, including walls, ceilings, roof, structural members and other similar items.

Property	Structures / Area
61 Lilyfield Road	Residential Dwelling

If excavation works are proposed the dilapidation report must report on the visible and structural condition of neighbouring structures within the zone of influence of the excavations. This zone is defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

The dilapidation report is to be prepared by a practising Structural Engineer. All costs incurred in achieving compliance with this condition shall be borne by the applicant. A

copy of the report must be provided to Council, the Principal Certifying Authority and the owners of the affected properties prior to any works commencing.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written correspondence from the owners of the affected properties or other evidence must be obtained and submitted to the Principal Certifying Authority in such circumstances that demonstrates such documentation has been received. The Principal Certifying Authority must be satisfied that the requirements of this condition have been met prior to commencement of any works.

Note: This documentation is for record keeping purposes and may be used by an applicant or affected property owner to assist in any action required to resolve any civil dispute over damage rising from the works.

Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). 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 Construction Certificate.

24. Should works require any of the following on public property (footpaths, roads, reserves), an application shall be submitted and approved by Council prior to the commencement of the works associated with such activity or the Construction Certificate (whichever occurs first)
- a) Work/Construction zone (designated parking for construction vehicles). – A Work Zone application
 - b) A concrete pump across the roadway/footpath. – A Standing Plant permit
 - c) Mobile crane or any standing plant – A Standing Plant Permit
 - d) Skip bins other than those authorised by Leichhardt Council – Skip Bin Application
 - e) Scaffolding/Hoardings (fencing on public land) – Scaffolding and Hoardings on Footpath Application
 - f) Road works including vehicle crossing/kerb & guttering, footpath, stormwater provisions etc – Road works Application
 - g) Awning or street verandah over footpath. – Road works Application
 - h) Installation or replacement of private stormwater drain, utility service or water supply – Road Opening Permit

Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). 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 Construction Certificate.

PRIOR TO THE COMMENCEMENT OF WORKS

25. Dial Before You Dig
Underground assets may exist in the area that is subject to the approved development. In the interests of health and safety and in order to protect damage to third party assets contact Dial Before You Dig at www.1100.com.au or telephone on 1100 prior to works commencing. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You

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Dig service in advance of any construction. Care must be taken to ensure any identified assets are protected accordingly.

If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.

26. The site must be secured with temporary fencing prior to any works commencing.

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

Separate approval is required under the *Roads Act 1993* to erect a hoarding or temporary fence or awning on public property. Approvals for hoardings, scaffolding on public land must be obtained and clearly displayed on site for the duration of the works.

Any hoarding, fence or awning is to be removed when the work is completed and must be maintained clear of any advertising.

27. The *Home Building Act 1989* requires that insurance must be obtained from an insurance company approved by the Department of Fair Trading prior to the commencement of works approved by this Development Consent.

A copy of the certificate of insurance must be submitted to the Certifying Authority prior to the works commencing.

If the work is to be undertaken by an owner-builder, written notice of their name and owner-builder permit number must be submitted to the Certifying Authority.

In all other cases, written notice must be given to the Certifying Authority of:

- a) the name and licence number of the principal contractor; and
- b) reasons why a certificate of insurance is not required.

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.

28. Prior to the commencement of works, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
29. At least forty-eight (48) hours prior to the commencement of works, a notice of commencement form (available on Council's web page) and details of the appointed Principal Certifying Authority shall be submitted to Council.
30. Prior to the commencement of works, a sign must be erected in a prominent position on the site (for members of the public to view) on which the proposal is being carried

out. The sign must state:

- a) Unauthorised entry to the work site is prohibited.
- b) The name of the principal contractor (or person in charge of the site) and a telephone number at which that person may be contacted at any time for business purposes and outside working hours.
- c) The name, address and telephone number of the Principal Certifying Authority for the work.

Any such sign must be maintained while the work is being carried out, but must be removed when the work has been completed.

Photographic evidence demonstrating compliance with the requirements of this condition is to be submitted to the satisfaction of the Principal Certifying Authority and Council for records purposes prior to the commencement of any onsite work.

31. The location and facilities for the collection, storage and disposal of waste generated within the premises shall be submitted to and approved by Council prior to the commencement of works.

DURING WORKS

32. Building materials and machinery are to be located wholly on site unless separate consent (Standing Plant Permit) is obtained from Council/ the roads authority. Building work is not to be carried out on the footpath.

Construction materials and vehicles shall not block or impede public use of the footpath or roadway.

33. 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.
34. All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent them from being dangerous to life or property and in accordance with the design of a suitably qualified structural engineer.

If excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must:

- a) Preserve and protect the building from damage.
- b) If necessary, underpin and support the building in an approved manner.
- c) Give at least seven (7) days notice to the adjoining owner before excavating, of the intention to excavate within the proximity of the respective boundary.

Any proposed method of support to any excavation adjacent to adjoining properties or any underpinning is to be designed by a Chartered Civil Engineer, with National Professional Engineering Registration (NPER) in the construction of civil/structural works. Copies of the design plans must be provided to the relevant adjoining property owner/s prior to commencement of such works. Prior to backfilling, any method of

support constructed must be inspected by the designing Engineer with certification provided to all relevant parties.

35. The site must be appropriately secured and fenced at all times during works.
36. All fill used with the proposal shall be virgin excavated material (such as clay, gravel, sand, soil and rock) that is not mixed with any other type of waste and which has been excavated from areas of land that are not contaminated with human made chemicals as a result of industrial, commercial, mining or agricultural activities and which do not contain sulphate ores or soils.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority.

37. In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the demolition, construction or operation/use of the development.
38. Unless otherwise approved by Council, excavation, demolition, construction or subdivision work shall only be permitted during the following hours:
 - a) 7:00 am to 6.00 pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
 - b) 8:00 am to 1:00 pm on Saturdays with no demolition works occurring during this time; and
 - c) at no time on Sundays or public holidays.

Works may be undertaken outside these hours where they do not create any nuisance to neighbouring properties in terms of dust, noise, vibration etc and do not entail the use of power tools, hammers etc. This may include but is not limited to painting.

In the case that a standing plant or special permit is obtained from Council for works in association with this development, the works which are the subject of the permit may be carried out outside these hours.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, to prevent risk to life or environmental harm.

Activities generating noise levels greater than 75dB(A) such as rock breaking, rock hammering, sheet piling and pile driving shall be limited to:

8:00 am to 12:00 pm, Monday to Saturday; and
2:00 pm to 5:00 pm Monday to Friday.

The Proponent shall not undertake such activities for more than three continuous hours and shall provide a minimum of one 2 hour respite period between any two periods of such works.

“Continuous” means any period during which there is less than an uninterrupted 60 minute respite period between temporarily halting and recommencing any of that intrusively noisy work.

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.

39. The development site must be (at minimum) inspected at the following stages during construction:
 - a) after the commencement of the excavation for, and before the placement of, the first footing.
 - b) prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building, and
 - c) prior to covering any stormwater drainage connections, and
 - d) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
40. 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.
41. During all phases of demolition, excavation and construction, it is the full responsibility of the applicant and their contractors to:
 - a) Ascertain the exact location of the Council stormwater drainage pipeline and associated pits traversing the site in the vicinity of the works.
 - b) Take measures to protect the in-ground Council stormwater drainage pipeline and associated pits.
 - c) Ensure dedicated overland flow paths are satisfactorily maintained through the site.

Stormwater drainage pipes can be damaged through applying excessive loading (such as construction machinery, material storage and the like). All proposed structures and construction activities must be sited clear of Councils stormwater drainage pipes, pits, easements, watercourses and overland flow paths on the site.

If the Council pipeline is uncovered during construction, all work must cease and the Principal Certifying Authority and Council must be contacted immediately for advice. Any damage caused to the Council stormwater drainage system must be immediately repaired in full as directed by and at no cost to Council.

42. A copy of the approved plans and this consent must be kept on site for the duration of site works and in the case of any commercial or industrial premise for the duration of the use/trading. Copies shall be made available to Council Officer's upon request.
43. Construction material and vehicles shall not block or impede public use of footpaths or roadways.
44. Sedimentation controls, tree protection measures and safety fencing (where relevant) shall be maintained during works to ensure they provide adequate protection during the course of demolition, excavation and construction works. Materials must be stored in a location and manner to avoid material being washed to drains or adjoining properties.

The requirements of the Soil and Water Management Plan must be maintained at all times during the works and shall not be removed until the site has been stabilised to the Principal Certifying Authority's satisfaction.

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

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

- 45. The applicant must bear the cost of construction of a vehicular crossing(s) and, where applicable, closure of all redundant crossings on each street frontage of the site. **An application must be made to Council for a Roadworks Permit under Section 138 of the Roads Act 1993 for approval to construct these works.**

These works must be constructed in accordance with the conditions of the Roadworks Permit and be completed prior to the issue of an Occupation Certificate.

Note: The cost of adjustment or relocation of any public utility service shall be borne by the owner/applicant. Where the finished levels of the new works will result in changes to the existing surface levels, the cost of all necessary adjustments or transitions beyond the above scope of works shall be borne by the owner/applicant.

- 46. Vibration caused by excavation and construction at any residence or structure outside the site must be limited to:
 - a) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and
 - b) for human exposure to vibration, the evaluation criteria set out in the Environmental Noise Management Assessing Vibration: a Technical Guideline (Department of Environment and Conservation, 2006).

Vibratory compactors must not be used in the vicinity of residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

- 47. The approved parking spaces must be allocated as detailed below. All spaces must be appropriately line marked and labelled according to this requirement prior to the issue of an Occupation Certificate. If the development is strata subdivided, the car park layout on the strata plan must be in accordance with the required allocation:

Number of spaces	Car parking allocation
3	Residential parking spaces
1	Visitor spaces – Residential

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

48. Prior to the release of an Occupation Certificate, the Principal Certifying Authority must be satisfied that the development complies with:
- the approved plans;
 - BASIX certificate (where relevant),
 - approved documentation (as referenced in this consent); and
 - conditions of this consent.
49. Written certification from a suitably qualified person(s) shall submit to the Principal Certifying Authority and Leichhardt Council, stating that all the works/methods/procedures/control measures/recommendations approved by Council in the following reports have been completed:

Flood risk management report	Quantum Engineers	31 May 2018
Reference Number: 18069 – Access Report	Vista Access Architects	Undated
Traffic and Parking impact Assessment Report	ML Engineers	December 17

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of an Interim / Final Occupation Certificate.

50. A second Dilapidation Report including photos of any damage evident at the time of inspection must be submitted after the completion of works. A copy of this Dilapidation Report must be given to the property owners referred to in this Development Consent. The report must:
- Compare the post construction report with the pre-construction report required by these conditions,
 - Clearly identify any recent damage and whether or not it is likely to be associated with the development works including suggested remediation methods.

A copy must be lodged with Council and the Principal Certifying Authority prior to the issue of an Occupation Certificate. Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issuing of any Occupation Certificate

51. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be satisfied that a Fire Safety Certificate for all essential fire or other safety measures has been completed.
52. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must 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.

Certification by a qualified practicing Civil Engineer this condition has been complied with must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

53. Prior to the issue of any Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including the removal of all noxious weed species

and planting of canopy trees, have been undertaken in accordance with the approved landscape plan and/or conditions of Development Consent.

54. All letter boxes must be constructed and located in accordance with the relevant provisions of Australian Standard AS/NZS 4253:1994 *Mailboxes* and to Australia Post's satisfaction. Work is to be completed prior to the issue of any Occupation Certificate.

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

55. A street / shop number must be clearly displayed at the ground level frontage of the building prior to the issue of an Occupation Certificate. A separate application must be made to Council if new street numbers or a change to street numbers is required.

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

56. An Occupation Certificate must be obtained prior to any use or occupation of the development or part thereof. The Principal Certifying Authority must ensure that all works are completed in accordance with this consent including all conditions.

57. Prior to the issue of an Occupation Certificate, a positive covenant must be created under Section 88E of the *Conveyancing Act 1919*, burdening the owner(s) with the requirement to maintain the on-site detention and on-site retention/re-use facilities on the property.

The terms of the 88E instrument with positive covenant shall include, but not be limited to, the following:

- a) The Proprietor of the property shall be responsible for maintaining and keeping clear all pits, pipelines, trench barriers and other structures associated with the on-site stormwater detention facilities ("OSD") and on-site retention/re-use facilities ("OSR").
- b) The Proprietor shall have the OSD and OSR inspected annually by a competent person.
- c) The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all pits, pipelines, trench barriers and other structures in or upon the said land which comprise the OSD and OSR or which convey stormwater from the said land; and recover the costs of any such works from the proprietor.
- d) The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the OSD and OSR, or failure to clean, maintain and repair the OSD and OSR.

The proprietor or successor must bear all costs associated in the preparation of the subject 88E instrument. Proof of registration with the NSW Land and Property Information must be submitted to and approved by the Principal Certifying Authority prior to the issue of an Occupation Certificate / Subdivision Certificate. Details demonstrating

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

58. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that the vehicle access and off street parking facilities have been constructed in accordance with the approved design and relevant Australian Standards.

Certification by a qualified practicing Civil Engineer that the vehicular access and off street parking facilities have been constructed in accordance the development consent and with relevant Australian Standards must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

59. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that the vehicle access and off street parking facilities have been constructed in accordance with the development consent and relevant Australian Standards and the following has been implemented within the property, where applicable:

- a) The car park has been completed, line marked and all signage relating to car parking erected.
- b) Sign(s) have been erected that clearly indicate(s) to the drivers of vehicles both on and off the property which driveway they are to use to enter or leave the subject land.
- c) Sign(s) have been erected that clearly indicate to the drivers of vehicles both on and off the property the location and means of access to the car parking area(s).

Certification by a qualified practicing Civil Engineer that the vehicular access and off street parking facilities have been constructed in accordance with the above must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

60. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that all approved road, footpath and/or drainage works, including vehicle crossings, have been completed in the road reserve in accordance with Council Roadworks Permit.

Works-as-executed plans of the extent of roadworks, including any component of the stormwater drainage system that is to revert to Council, certified by a Registered Surveyor, together with certification by a qualified practicing Civil Engineer to verify that the works have been constructed in accordance with the approved design and relevant Australian Standards, must be provided to Council prior to the issue of an Occupation Certificate.

Video inspection must be carried out of completed stormwater drainage works that are to revert to Council and a copy provided to Council to support the certification of those works.

The works-as-executed plan(s) must show the as built details in comparison to those shown on the plans approved with the Roadworks Permit. All relevant levels and details indicated must be marked in red on a copy of the Council stamped plans.

Written notification from Council that the works approved under the Roadworks Permit have been completed to its satisfaction and in accordance with the conditions of the Permit, must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

61. 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.

62. 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.

Works-as-executed plans of the stormwater drainage system, certified by a Registered Surveyor, together with certification by a qualified practicing Civil Engineer to verify that the drainage system has been constructed in accordance with the approved design and relevant Australian Standards, must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

The works-as-executed plan(s) must show the as built details in comparison to those shown on the drainage plans approved with the Construction Certificate. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifying Authority stamped Construction Certificate plans.

63. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that an Operation and Management Plan has been prepared and implemented for the [on site detention and/or on-site retention/re-use] facilities. The Plan must set out the following at a minimum:

- a) The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners.
- b) The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.

The Plan must be prepared by a suitably qualified professional and provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

64. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that all works have been completed in accordance with the approved Waste Management Plan referred to in this development consent.

Proof of actual destination of demolition and construction waste shall be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

65. Car Parking provided shall only be used in conjunction with the units and tenancies contained within the development. In the case of Strata subdivision parking shall be individually allocated to units as part of their unit entitlement or clearly marked as common property in accordance with the approved plans and/or conditions of this consent.

Visitor parking facilities required by this consent are to be designated as common property on the strata plan, and under no circumstances shall Strata by-laws be created to grant exclusive use of nominated visitors parking spaces to occupants / owners of units or tenancies within the building.

Details are to be provided prior to the issue of a Subdivision Certificate.

66. Prior to the issue of a Subdivision Certificate, the applicant shall submit an original plan of subdivision plus three (3) copies for Council's endorsement and administration sheet. The following details shall also be submitted:

- a) Evidence that all conditions of Development Consent D/2018/585 have been satisfied.
- b) Evidence of payment of all relevant fees and contributions.
- c) The 88B instrument plus six (6) copies.
- d) A copy of the final Occupation Certificate issued for the development.
- e) All surveyor's or engineer's certification required by the Development Consent.
- f) A copy of the Section 73 Compliance Certificate issued by Sydney Water.

All parking spaces and common property, including visitor car parking spaces and on-site detention facilities must be included on the final plans of subdivision and allocated in accordance with the approved plans.

67. A Registered Surveyor shall provide certification that all services (eg drainage, stormwater, water supply, gas, electricity, telephone) as constructed are contained within each lot or within appropriate easements to accommodate such services. The certification is to be provided prior to the issue of a Subdivision Certificate.

ONGOING CONDITIONS OF CONSENT

68. The Flood Risk Management Plan approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.
69. The premises shall not be used for any purpose other than that stated in the Development Application, i.e. Residential Flat Building without the prior consent of the Council unless the change to another use is permitted as exempt or complying development under *Leichhardt Local Environment Plan 2013* or *State Environmental Planning policy (Exempt and Complying Codes) 2008*.

The use of the premises as a Residential Flat Building, is defined under the *Leichhardt Local Environmental Plan 2013*.

PRESCRIBED CONDITIONS**A. BASIX Commitments**

Under clause 97A of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

In this condition:

- a) Relevant BASIX Certificate means:
 - (i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - (ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.

B. Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

C. Home Building Act

- 1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development to which the work relates has given Leichhardt Council written notice of the following:
 - 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, or
 - 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.
- 2) If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to Council is out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

Note: A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

D. Site Sign

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

- a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
 - c) showing the name, address and telephone number of the Principal Certifying Authority for the work.
- 2) Any such sign must be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.

E. Condition relating to shoring and adequacy of adjoining property

- (1) For the purposes of section 4.17(11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (a) protect and support the adjoining premises from possible damage from the excavation, and
 - (b) where necessary, underpin the adjoining premises to prevent any such damage.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

NOTES

1. This Determination Notice operates or becomes effective from the endorsed date of consent.
2. Section 8.2 of the *Environmental Planning and Assessment Act 1979* provides for an applicant to request Council to review its determination. This does not apply to applications made on behalf of the Crown, designated development or a complying development certificate. The request for review must be made within six (6) months of the date of determination or prior to an appeal being heard by the Land and Environment Court. Furthermore, Council has no power to determine a review after the expiration of these periods. A decision on a review may not be further reviewed under Section 8.2.
3. If you are unsatisfied with this determination, Section 8.7 of the *Environmental Planning and Assessment Act 1979* gives you the right of appeal to the Land and Environment Court within six (6) months of the determination date.
4. 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.
5. 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*.
6. This decision does not ensure compliance with the *Disability Discrimination Act 1992*. Applicants should investigate their potential for liability under that Act.
7. 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.
 - h) An application under the Roads Act 1993 for any footpath / public road occupation. A lease fee is payable for all occupations.
8. Prior to the issue of the Construction Certificate, the applicant must make contact with all relevant utility providers (such as Sydney Water, Energy Australia etc) whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained.