



# INNER WEST COUNCIL

## DEVELOPMENT ASSESSMENT REPORT

<b>Application No.</b>	D/2018/529
<b>Address</b>	24 Catherine Street, Leichhardt
<b>Proposal</b>	Demolition of existing structures, 3 lot Torrens title subdivision, construction of 3 x semi detached two storey dwellings on each proposed lot and associated works, including car parking and fencing works plus tree removal.
<b>Date of Lodgement</b>	10/10/2018
<b>Applicant</b>	Traders in Purple 113 Pty Ltd
<b>Owner</b>	Traders in Purple 113 Pty Ltd
<b>Number of Submissions</b>	Two
<b>Value of works</b>	\$1,191,615.00
<b>Reason for determination at Planning Panel</b>	<ul style="list-style-type: none"> <li>• Clause 4.6 variation to Development Standard (minimum lot size)</li> <li>• Clause 4.6 variation to Development Standard (FSR)</li> </ul>
<b>Main Issues</b>	<ul style="list-style-type: none"> <li>• Undersized lots</li> </ul>
<b>Recommendation</b>	Approval
<b>Attachment A</b>	Recommended conditions of consent
<b>Attachment B</b>	Plans of proposed development
<b>Attachment C</b>	Clause 4.6 Exception to Development Standards - Subdivision
<b>Attachment D</b>	Clause 4.6 Exception to Development Standards - FSR



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

## 1. Executive Summary

This report is an assessment of the application submitted to Council for demolition of existing structures, 3 lot Torrens title subdivision, construction of 3 x semi detached two storey dwellings on each proposed lot and associated works, including car parking and fencing works plus tree removal at 24 Catherine Street, Leichhardt. The application was notified to surrounding properties and two submissions were received. The main issues that have arisen from the assessment of the application include:

- Undersized lots; and
- Variation to FSR Development Standard

The non-compliances are acceptable given the prevailing built form and subdivision pattern and therefore the application is recommended for approval.

## 2. Proposal

The proposed development seeks consent for the following works:

- Demolition of all existing structures on the subject site including single storey dwelling house, detached WC and garage;
- Removal of Bangalow Palm Tree from rear yard;
- Construction of 3 x two storey semi-detached dwellings. The ground floor each dwelling will have an open plan style kitchen/living/dining area with external decked barbeque area to the rear; internal courtyard; media/study room; bathroom and laundry. The first floor of each dwelling will have two bedrooms each with their own ensuite and a void area to the internal courtyard area below. A hard stand car parking space accessible via the roller door at the Redmond Street frontage is proposed for each dwelling;
- Erection of new fencing between each new allotment;
- Remove the existing double width vehicular crossing at the Redmond Street frontage and replacement with three vehicular crossings;
- Torrens Title subdivision into three allotments.

## 3. Site Description

The subject site is located on the eastern side of Catherine Street, between Styles Street to the north and Parramatta Road to the south. The subject site is a single allotment rectangular in shape with a total area of 473.3m<sup>2</sup> and is legally described as Lot 1 in DP 1092177. The site has a frontage to Catherine Street of 12.1m and a secondary frontage to Redmond Street of 11.9m and a slope of approximately of 1.5m from the rear to the front boundary.

The site supports a single storey dwelling with detached brick garage and WC structure within the rear setback. Adjoining the subject site to the north is a two storey terrace with garage (accessible via Redmond Street) whilst to the south is a single storey semi-detached house with garage (accessible via Redmond Street). Both of the adjoining dwellings have a nil setback to the respective shared boundaries with the subject site.

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

## 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
PREDA/2018/128	Demolition of existing structures; construction of three (3) attached dwellings; three (3) lot torrens title subdivision; associated boundary fencing; replace existing double width vehicle crossings at rear Redmond Street Boundary.	Advice letter issued 17/08/2018

The pre-DA assessment concluded that the proposal can be contemplated on site however the location of the addition needs to be reviewed and further analysis undertaken to address the proposed stormwater and parking management. The applicant has addressed these concerns as part of the Development Application.

**Surrounding properties**

There are no recent planning determinations at 22 or 26 Catherine Street, Leichhardt.

**4(b) Application history**

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

Date	Discussion / Letter/ Additional Information
15/03/2019	Correspondence sent to applicant requesting a Clause 4.6 request to vary the FSR Development Standard
19/03/2019	Clause 4.6 request to vary FSR Development Standard received by Council

**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 (Building Sustainability Index: BASIX) 2004
- Leichhardt Local Environmental Plan 2013 (LLEP 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. The 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 prior to the granting of consent.

The site has not been used in the past for activities which could have potentially contaminated the land. It is considered that the site will not require remediation in accordance with SEPP 55.

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

A BASIX Certificate was provided with the application demonstrating commitment to building sustainability.

**5(a)(iii) 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 2.1 - Land use zones
- Clause 2.3 – Zone objectives and land use table
- Clause 2.6 – Subdivision – consent requirements
- Clause 4.1 – Minimum subdivision lot size
- Clause 4.3A – Landscaped areas for residential accommodation 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 sulfate soils
- Clause 6.4 – Stormwater management

Clause 2.3 – Land Use Table and Zone Objectives

The subject site is zoned R1 – General Residential under the Leichhardt Local Environmental plan 2013 (LLEP 2013). The LLEP defines the development as attached dwellings:

*“attached dwelling means a building containing 3 or more dwellings, where:  
 (a) each dwelling is attached to another dwelling by a common wall, and  
 (b) each of the dwellings is on its own lot of land, and  
 (c) none of the dwellings is located above any part of another dwelling.”*

The development is permitted with consent within the zone. The development is consistent with the objectives of the R1 – General Residential Zone.

The following table provides an assessment of the application against the development standards for Lot 1 (allotment adjoining 22 Catherine Street to the south):

Lot 1 (southern lot)			
Standard (maximum)	Proposal	% of non compliance	Compliances
Minimum subdivision lot size: 200m <sup>2</sup>	160.51 m <sup>2</sup>	39.5 m <sup>2</sup> (20%)	No - acceptable
Floor Space Ratio Permissible: 0.7:1 (113.5m <sup>2</sup> )	113.5m <sup>2</sup>	Nil	Acceptable
Landscape Area 15% (24m <sup>2</sup> )	36.7m <sup>2</sup> (23%)	Nil	Acceptable
Site Coverage Permissible 60% (96.3 m <sup>2</sup> )	71.7m <sup>2</sup> (45%)	Nil	Acceptable

The following table provides an assessment of the application against the development standards for Lot 2 (central allotment):

Lot 2 (central lot)			
Standard (maximum)	Proposal	% of non compliance	Compliances
Minimum subdivision lot size: 200m <sup>2</sup>	157.26 m <sup>2</sup>	42.7m <sup>2</sup> (21.4%)	No - acceptable
Floor Space Ratio Permissible: 0.7:1 (110.1m <sup>2</sup> )	114.7m <sup>2</sup> (0.73:1)	4.7m <sup>2</sup> (4.3%)	No - acceptable
Landscaped Area 15%(23.5m <sup>2</sup> )	34.7 m <sup>2</sup> (22%)	Nil	Acceptable
Site Coverage Permissible: 60% (94.4m <sup>2</sup> )	71.6m <sup>2</sup> (46%)	Nil	Acceptable

The following table provides an assessment of the application against the development standards for Lot 3 (allotment adjoining 26 Catherine Street to the north):

Lot 3 (northern lot)			
Standard (maximum)	Proposal	% of non compliance	Compliances
Minimum subdivision lot size: 200m <sup>2</sup>	155.49m <sup>2</sup>	44.5m <sup>2</sup> (22.3%)	No - acceptable
Floor Space Ratio Permissible: 0.7:1 (108.8m <sup>2</sup> )	112.5m <sup>2</sup>	3.6 m <sup>2</sup> (3.3%)	No - acceptable
Landscaped Area 15%(23.3 m <sup>2</sup> )	34.6m <sup>2</sup> (22%)	Nil	Acceptable
Site Coverage Permissible: 60% (93.3m <sup>2</sup> )	71.7m <sup>2</sup> (46%)	Nil	Acceptable

The site is zoned R1 General Residential where subdivision is permitted with consent. The objectives of the zone include:

- *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.*

The proposed Torrens subdivision into three regular shaped allotments will be compatible with the orientation of adjoining and surrounding allotments and the lot sizes are compatible with those in the immediate vicinity, namely to the north and south of the subject site. Furthermore, the resultant lots following subdivision will be adequate to accommodate an appropriate built form with each dwelling with complying site coverage and landscaped area requirements and having sufficient private open space (POS). The proposal provides for the housing needs of the community and is compatible with the character of surrounding nearby buildings within the Catherine and Redmond Street streetscape. Overall, the proposed subdivision is considered acceptable with regard to the objectives of the R1 General Residential zone.

Clause 4.1 – Minimum subdivision lot size

The minimum required lot size for Torrens subdivision is 200m<sup>2</sup>. The proposed development seeks to subdivide the existing lot (473.3m<sup>2</sup>) into three relatively equal lots measuring 160.62m<sup>2</sup> (lot 1), 157.26m<sup>2</sup> (lot 2) and 155.49m<sup>2</sup> (lot 3). Each lot is to have a minimum frontage of 4m to Catherine Street. As a result, the proposal seeks to vary the Minimum Subdivision Lot Size Development Standard by 20% (39.5m<sup>2</sup>) for Lot 1, 21.4% (42.7m<sup>2</sup>) for Lot 2 and 22.3% (44.5m<sup>2</sup>) for Lot 3.

Clause 4.6 of the LLEP 2013 allows Council to vary Development Standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes. A written request has been submitted to Council in accordance with Clause 4.6(4)(a)(i) of the LLEP 2013 justifying the proposed contravention of the Minimum Subdivision Lot Size Development Standard which is summarised as follows:

- *The proposal is consistent with the prevailing subdivision pattern in the neighbourhood and the desired future character of the area;*
- *The proposed variation will not adversely affect the amenity of any neighbouring properties particularly in light of the permissibility of Strata Subdivision*
- *The [current] subject allotment characteristics appear to be the anomaly within the immediate regular narrow lot subdivision pattern. The allotment falls directly between regular narrow 3 x 4m wide 150m<sup>2</sup> lots approximately comprising of single storey Victorian Terrace built forms within the same group to its south with regular narrow 3 x 4m wide 150m<sup>2</sup> lots approximately comprising of two storey palisade façade Victorian Terrace building forms within the same group to its north;*
- *The proposed 3 lot subdivision seeks to retain this immediate narrow lot consistency by creating 2 x 4m wide 157.75m<sup>2</sup> lots on average which will allow the resultant built form and pattern to maintain consistency within the adjoining groups of 3 terraces within the immediate streetscape;*
- *The proposed subdivision layout, dimensions including area enables as demonstrated appropriate infill dwellings that is consistent with the density, setbacks, building bulk and scale and height found along the Catherine Street;*
- *The proposed elevated single storey building form demonstrates a stepped transition between the higher built form of the northern adjoining two storey palisade façade Victorian Terraces within the same group and the lower southern adjoining single storey Victorian Terraces within the same group. This proposed built form falls within the 3.6m Building Envelope Controls and will comfortably allow an appropriate transition whilst not detracting from the architectural character and merits of its adjoining terrace groups.*
- *The proposed front setbacks to the front porch demonstrates a retained consistency with the northern terrace front setback of 2.8m with a further 1.2m setback to the primary façade wall. Whilst the design process considered a stepped setback or either average setback alternative of the adjoining groups, it was acknowledged that the front setback as proposed would reduce the overall building depth within the allotments and therefore protect the amenities of the southern adjoining courtyards in comparison without detriment to the character and scale of the proposal within the primary streetscape*

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

The objectives of the Minimum Subdivision Lot Size Development Standard, as set out in the LLEP 2013 are:

- (a) To ensure that lot sizes are able to accommodate development that is consistent with relevant development controls,*
- (b) To ensure that lot sizes are capable of supporting a range of development types.*

A review of the surrounding prevailing subdivision pattern has confirmed that there is not a consistent subdivision pattern immediately to the north and south of the subject site along

Catherine Street and to the rear of the subject site (lots with a primary frontage to Redmond Street) as evidenced in the tables below.

<b>Properties to the north/south of the subject site</b>		
<b>Address</b>	<b>Site Area</b>	<b>Frontage Width (approx.)</b>
32 Catherine Street	246m <sup>2</sup>	5.8m
30 Catherine Street	165m <sup>2</sup>	4m
28 Catherine Street	164m <sup>2</sup>	4.3m
26 Catherine Street	156m <sup>2</sup>	4m
<b>24 Catherine Street (subject site)</b>	<b>473.3m<sup>2</sup>(existing)</b>	12.1m
	<b>Lot 3 - 155.49m<sup>2</sup></b>	<b>4m</b>
	<b>Lot 2 - 157.26 m<sup>2</sup></b>	<b>4m</b>
	<b>Lot 1 - 160.51 m<sup>2</sup></b>	<b>4m</b>
22 Catherine Street	162m <sup>2</sup>	4m
20 Catherine Street	150m <sup>2</sup>	3.8m
18 Catherine Street	161m <sup>2</sup>	4m
16 Catherine Street	276m <sup>2</sup>	7.2m
14 Catherine Street	280m <sup>2</sup>	7.5m
12 Catherine Street	273m <sup>2</sup>	7.1m

<b>Properties to the immediately to the rear of the subject site (primary frontage to Redmond Street)</b>		
<b>Address</b>	<b>Site Area</b>	<b>Frontage Width</b>
30 Redmond Street	118m <sup>2</sup>	3.7m
28 Redmond Street	117m <sup>2</sup>	3.7m
26 Redmond Street	384m <sup>2</sup> (existing)	12.19(existing)
	Lot 1 – 125.42m <sup>2</sup> (approved)	4m (approved)
	Lot 2 – 124.58m <sup>2</sup> (approved)	4m (approved)
	Lot 3 – 127m <sup>2</sup> (approved)	4m (approved)
24 Redmond Street	154m <sup>2</sup>	4.9m
22 Redmond Street	140m <sup>2</sup>	4.6m
20 Redmond Street	148m <sup>2</sup>	4.7m
18 Redmond Street	146m <sup>2</sup>	4.8m
16 Redmond Street	182m <sup>2</sup>	6m

The subject site is centrally located within a cluster of undersized lots located on the western side of Catherine Street. The immediately adjoining lots to the north, south and west (Redmond Street) are less than 200m<sup>2</sup> with a frontage width of approximately 4m as demonstrated in the tables above. These lots all accommodate a terrace ‘row housing’ type built form as is proposed in the current application.

It is considered the development is not contrary to the public interest because it is consistent with the objectives of the Minimum Lot Size Development Standard, in accordance with Clause 4.6(4)(a)(ii) of the applicable local environmental plan for the following reasons:

- The proposed subdivision is consistent with the prevailing subdivision pattern within the immediate context of the subject site.
- The proposed dwellings on each lot will not be out of character with the diverse pattern of development in the immediate area including in terms of lots sizes, lot widths and shapes.
- The resultant lots following subdivision will be adequate to accommodate an appropriate built form with each dwelling complying with site coverage and landscaped area requirements and having sufficient POS. The central lot (Lot 2) and the northern lot (Lot 3) do not comply with the FSR development standards however the applicant has demonstrated that these lots comply with the objectives of the zone and the development standard.

- The proposed subdivision is not considered to have any adverse impacts on the adjoining properties or in the immediate surrounding area and will be acceptable within the Catherine Street and Redmond Street Streetscape.
- The proposed lot sizes are able to accommodate development that is consistent with relevant development controls and lot sizes that are capable of supporting a range of development types.

The contravention of the development standard does not raise any matter of significance for State and Regional Environmental Planning. The concurrence of the Secretary of the Department of Planning may be assumed for matters dealt with by Local Planning Panels.

The proposal is satisfactory having regard to the objectives of the development standard and the relevant zone under LLEP 2013. The new lots proposed are suitably sized to accommodate dwellings that are compatible and consistent with the prevailing pattern of development along Catherine Street in compliance with the objectives of the R1 General Residential Zone. For the reasons outlined above, there are sufficient planning grounds to justify the departure from Minimum Subdivision Lot Size Development Standard. and it is recommended the Clause 4.6 exception be granted.

#### Clause 4.4 – Floor Space Ratio

The proposed seeks to vary the FSR Development Standard of the LLEP 2013 by 4.7m<sup>2</sup> (4.3%) for Lot 2 (central lot) and 3.6 m<sup>2</sup> (3.3%) for Lot 3 (northern lot).

Clause 4.6 of the LLEP 2013 allows Council to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes.

A written request has been submitted to Council in accordance with Clause 4.6(4)(a)(i) of the applicable local environmental plan justifying the proposed contravention of the FSR development standards which is summarised as follows:

- *The level of non-compliance as indicated in the table above is considered minor in nature under its overall context. The level of non-compliance applies to Lot 2 & 3 which represents an additional floor space of 4.7m<sup>2</sup> & 3.1m<sup>2</sup> respectively. Whilst full compliance could be achieved by reducing the proposed ground floor living area by these amounts by creating an additional undercroft area for the rear deck, this increase in floor area is contained within a portion of ground which has imperceptible and inconsequential effects on the adjoining amenity in terms of bulk and scale, overshadowing and on the overall appearance from the streetscape and the Distinctive Neighbourhood Area for that matter;*
- *The proposed development complies with the minimum landscaped and site coverage development standards; and building location zone requirements;*
- *The proposed development is sympathetic to and will not detract from the primary or secondary frontage at Catherine and Redmond Street respectively;*
- *The proposed exceedance will not impede any views enjoyed by the adjoining dwellings or result in any unacceptable reduction in privacy solar access or visual outlook to the neighbouring properties;*
- *The increase in bulk of the building is to the rear and will be comparable with surrounding development.*

The applicant's written rational adequately demonstrates compliance with the development standard is unreasonable and unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

The objectives of the FSR Development Standard, in accordance with Clause 4.6(4)(a)(ii) of the LLEP 2013 are 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,*

The proposal is compatible with the desired future character of the area in relation to building bulk, form and scale. The proposal is compliant with the site coverage and landscaped area development standard to ensure a suitable balance between the built form and permeable areas. Each dwelling is sited within the building location zones where it can be reasonably assumed development can occur. The proposal has been articulated to ensure that each dwelling receives the maximum amount of solar amenity to the principal living areas without compromising the solar or visual privacy amenity of the adjoining dwellings.

It is considered the development is in the public interest because it is consistent with the objectives of the FSR Development Standard, in accordance with Clause 4.6(4)(a)(ii) of the applicable local environmental plan for the following reasons:

- The proposed development, is compatible with prevailing subdivision pattern and streetscape and satisfies the desired future character objectives of the area in terms of bulk, form and scale;
- The proposal complies with the Site Coverage and Landscaped Area development standards, providing a suitable balance between landscaped areas and the built form;
- The siting of the buildings are within the building location zones where it can be reasonably assumed development can occur; and
- The proposal does not result in any adverse amenity impacts to the surrounding properties.

The contravention of the development standard does not raise any matter of significance for State and Regional Environmental Planning.

The concurrence of the Secretary of the Department of Planning may be assumed for matters dealt with by Local Planning Panels.

The proposal is satisfactory having regard to the objectives of the development standard and the relevant zone under LLEP 2013. The proposed dwellings are suitably designed to keep in character with the style and orientation of the immediate surrounding area in compliance with the objectives of the R1 General Residential Zone. For the reasons outlined above, there are sufficient planning grounds to justify the departure from FSR Development Standard and it is recommended the Clause 4.6 exception be granted.

### 5(b) Draft Environmental Planning Instruments

There are no relevant Draft Environmental Planning Instruments.

### 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
<b>Part A: Introductions</b>	
Section 3 – Notification of Applications	Yes
<b>Part B: Connections</b>	
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	Not applicable
B3.1 Social Impact Assessment	Not applicable
B3.2 Events and Activities in the Public Domain (Special Events)	Not applicable

<b>Part C</b>	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes
C1.3 Alterations and additions	Not applicable
C1.4 Heritage Conservation Areas and Heritage Items	Not applicable
C1.5 Corner Sites	Not applicable
C1.6 Subdivision	No – acceptable
C1.7 Site Facilities	Yes
C1.8 Contamination	Not applicable
C1.9 Safety by Design	Yes
C1.10 Equity of Access and Mobility	Not applicable
C1.11 Parking	Yes
C1.12 Landscaping	Yes
C1.13 Open Space Design Within the Public Domain	Not applicable
C1.14 Tree Management	Not applicable
C1.15 Signs and Outdoor Advertising	Not applicable
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	Not applicable
C1.17 Minor Architectural Details	Not applicable
C1.18 Laneways	Not applicable
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	Not applicable
C1.20 Foreshore Land	Not applicable
C1.21 Green Roofs and Green Living Walls	Not applicable
<b>Part C: Place – Section 2 Urban Character</b>	
C2.2.3.3 Piperston Distinctive Neighbourhood	Yes
<b>Part C: Place – Section 3 – Residential Provisions</b>	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	No - acceptable
C3.3 Elevation and Materials	Yes
C3.4 Dormer Windows	Not applicable
C3.5 Front Gardens and Dwelling Entries	Yes
C3.6 Fences	Yes
C3.7 Environmental Performance	Not applicable
C3.8 Private Open Space	Yes
C3.9 Solar Access	Yes
C3.10 Views	Yes
C3.11 Visual Privacy	Yes
C3.12 Acoustic Privacy	
C3.13 Conversion of Existing Non-Residential Buildings	Not applicable
C3.14 Adaptable Housing	Not applicable
<b>Part C: Place – Section 4 – Non-Residential Provisions</b>	Not applicable
<b>Part D: Energy</b>	
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	Yes
D2.4 Non-Residential Development	Not applicable
D2.5 Mixed Use Development	Not applicable

<b>Part E: Water</b>	
Section 1 – Sustainable Water and Risk Management	
E1.1 Approvals Process and Reports Required With Development Applications	
E1.1.1 Water Management Statement	
E1.1.2 Integrated Water Cycle Plan	Not applicable
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.1.4 Flood Risk Management Report	Not applicable
E1.1.5 Foreshore Risk Management Report	Not applicable
E1.2 Water Management	Yes
E1.2.1 Water Conservation	Not applicable
E1.2.2 Managing Stormwater within the Site	Yes
E1.2.3 On-Site Detention of Stormwater	Yes
E1.2.4 Stormwater Treatment	Not applicable
E1.2.5 Water Disposal	Not applicable
E1.2.6 Building in the vicinity of a Public Drainage System	Not applicable
E1.2.7 Wastewater Management	Not applicable
E1.3 Hazard Management	Not applicable
E1.3.1 Flood Risk Management	Not applicable
E1.3.2 Foreshore Risk Management	Not applicable
<b>Part F: Food</b>	Not applicable
<b>Part G: Site Specific Controls</b>	Not applicable

The following provides discussion of the relevant issues:

C1.6 – Subdivision

The proposed subdivision into three lots does not comply with Control C1 which states that the minimum lot size for dwellings is 200m<sup>2</sup>. However as discussed above under the Leichhardt LEP 2013 assessment within this report the proposal is considered consistent with the prevailing immediate subdivision pattern and is considered acceptable in this instance.

C3.2 Site Layout and Building Design

Each dwelling proposed is to have a nil setback at their respective northern and southern side boundaries, thus keeping in character with the prevailing built form immediately to the north and south of the subject site. Each dwelling as a wall height of approximately 7.2m and as such requires a minimum side setback of 2.5m in accordance with the provisions of this Part of the LDCP 2013.

Pursuant to Clause C3.2 C7 of the LDCP2013, where a proposal seeks a variation of the side setback control graph, various tests need to be met. These tests are assessed below:

- ***The development is consistent with relevant Building Typology Statements as outlined within Appendix B – Building Typologies of the LDCP2013 and complies with streetscape and desired future character controls.***

Comment: Acceptable. Attached dwellings are typified by narrow blocks with small or nil setbacks to the side boundaries. The proposed infill development seeks to continue the prevailing subdivision pattern and built form that is prevalent immediately to the north and south of the subject site – this being narrow blocks with dwellings built boundary to boundary. The form and scale, architectural style, materials and finishes of the proposed dwellings will be complementary with and will remain consistent with the existing surrounding development and will not detract from the character of the area. Each dwelling is articulated to comply with the 3.6m building envelope controls at the

Catherine Street elevation as required by the desired future character controls of Part C2.2.3.3 Piperston Distinctive Neighbourhood of the LDCP 2013.

- ***The pattern of development is not adversely compromised.***  
Comment: Acceptable. The proposed dwellings have been designed to comply with the front and rear BLZ requirements to mitigate overshadowing impacts and visual bulk and scale impacts.
- ***The bulk and scale of the development has been minimised and is acceptable.***  
Comment: Acceptable. The proposal has been designed with consideration to the objectives of the Piperston Distinctive Neighbourhood in addition to compliance with the development standards of the LLEP 2013. The overall bulk of the development is modest in scale and has been minimised so as to not result in unreasonable overshadowing impacts or visual bulk for the adjoining dwellings to the side and rear of the subject site respectively.
- ***The proposal is acceptable with respect to applicable amenity controls e.g. solar access, privacy and access to views.***  
Comment: Acceptable. The proposal complies with applicable solar access and privacy controls and will result in no loss of views.
- ***The proposal does not unduly obstruct adjoining properties for maintenance purposes.***  
Comment: Acceptable. Each new lot will have a nil side setback at both elevations with the exclusion of the central light well. The maintenance of the affected external walls of 26 and 22 Catherine Street is unfeasible unachievable due to both dwellings being located on the boundary.

### C3.9 Solar Access

The subject site has an east-west orientation, with east being the front elevation (Catherine Street) and west being the rear elevation (Redmond Street) – as such any increase in height will result in additional overshadowing impacts to the southern properties. The shadow diagrams provided with the application illustrate that the proposal will not further reduce the amount of solar amenity retained within the POS area of 22 Catherine Street during the 21 June (winter) Equinox or 21 December (summer) equinox. The proposal will result in additional overshadowing to the central portion of the POS area of 22 Catherine Street during the March/September equinox, however 3hrs of solar amenity to at least 50% of the POS will be maintained between 11am and 1pm.

The shadow diagrams provided with the application illustrate that the central lot (Lot 2) and southern lot (Lot 1) receive solar amenity to at least 50% of their private open space areas between 11am and 2pm respectively. However, due to the size and scale of the garage and two storey terrace on the northern adjoining lot (26 Catherine Street) this limits the amount of solar amenity received for the proposed northern lot (Lot 3) to less than 15% between 10am and 1pm and with no solar amenity received at 9am or between 2pm and 3pm. Notwithstanding this, shadow diagrams provided illustrate that all new lots proposed will receive at least solar amenity to at least 50% of their respective POS areas during the March/September and December Equinox from 10am to 3pm.

To ensure that each dwelling receives maximum solar amenity to the POS and living areas the proposal has been skilfully designed to respond to the limitations of the site, namely the on-site flooding, site orientation and overshadowing impacts of the adjoining structures whilst remaining compliant with the LLEP 2013 and LDCP 2013 objectives and provisions. No structures are proposed at the rear of each new lot so as not to cause adverse overshadowing impacts to the new lots or adjoining property. Given that the proposal is compliant with the objectives and provisions of the LLEP 2013 and LDCP 2013 the overshadowing impacts to the adjoining property and proposed lots is acceptable.

### 3.11 Visual Privacy

It is not likely that the first floor rear windows will unreasonably impede on the visual privacy amenity of the adjoining properties given that the use of the room as a bedroom is not a principal living area within each dwelling. In addition, fixed louver screening is proposed at the rear elevation to allow natural light into each dwelling whilst mitigating direct overlooking into the adjoining POS areas of the existing and proposed dwellings. Each new dwelling comprises of a light well with full height glazing at each internal elevation to a bathroom, hallway and bedroom on the first floor respectively. Each light well is centrally located within the dwelling and suitable setback from the side boundary to avoid direct sightlines into adjoining POS areas of the existing and proposed dwellings and widows. Given the location of the light well and the rooms in which it services it is not likely that the proposed light wells will impede on the visual privacy of the adjoining dwellings (both existing and proposed) and as such is acceptable.

### 5(d) The Likely Impacts

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

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

The site is zoned R1 General Residential. Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

### 5(f) Any submissions

The application was notified in accordance with LDCP 2013 for a period of 14 days to surrounding properties. Two submissions were received; the following issues raised in submission are as follows:

- ***The impacts of the proposal in relation to the southern wall of 24 Catherine Street, this includes dampness, blockage of underfloor venting, use of the wall for structural support, access for painting.***  
Comment: The site survey provided with the application illustrates that the adjoining dwelling at 24 Catherine Street has a nil setback to their southern boundary and as such relies on the subject site for maintenance, namely the painting of the external wall of the affected dwelling. The maintenance of the affected external wall is unfeasible unachievable due to it being located on the boundary. Recommended conditions require the proposed development to comply with the Building Code of Australia.
- ***Noise impacts from the closing of the new gate***  
Comment: The door entries for the proposed dwellings are suitably located away from the adjoining properties.
- ***Noise impacts during the construction process***  
Comment: Recommended standard conditions are to be imposed on any consent restricting the hours in which demolition and construction are to occur.
- ***Overshadowing impacts to the skylights and light well at 22 Catherine Street***  
Comment: 22 Catherine Street is located immediately to the south of the subject site and has a centrally located light well at its northern boundary measuring approximately 1m in depth and 1.4m in width. Due to the orientation of the subject site any increase in height to the existing dwelling will reduce the amount of solar amenity retained to this light well in addition to the ground floor skylights. Withstanding this, Lot 1 (southern lot) proposes a light well measuring 1.8m in depth and 4m in length at its southern boundary to allow for natural light to access the subject lot and adjoining dwelling.

- **Visual privacy impacts from the rear windows and proposed light well of Lot 1 into 22 Catherine Street**

Comment: It is not likely that the first floor rear windows will unreasonably impede on the visual privacy amenity of the adjoining properties given that the use of the room as a bedroom is not a principal living area within each dwelling. Refer to Part 5(c) of this report for further comments in relation to visual privacy impacts of the proposal.

### 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 proposed development seeks to increase the housing supply to the area without compromising on street parking to Catherine Street

## 6 Referrals

### 6(a) Internal

The application was referred to Council Development Engineer for comment, no objection was raised subject to recommended conditions.

## 7. Section 7.11 Contributions

Section 7.11 contributions are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. Pursuant to the Ministerial Direction on Local Infrastructure Contributions dated 3 March 2011:

*A Council (or planning panel) must not grant development consent (other than for development on land identified in Schedule 2) subject to a condition under section 94 (1) or (3) of the Environmental Planning and Assessment Act 1979 requiring the payment of a monetary contribution that:*

- a) In the case of a development consent that authorises one or more dwellings, exceeds \$20000 for each dwelling authorised by the consent, or*
- b) In the case of a development consent that authorises subdivision into residential lots, exceeds \$20 000 for each residential lot authorised to be created by the development consent.*

A condition requiring that contribution to be paid is included in the recommendation. A breakdown of the Section 7.11 contributions are payable for the proposal.

- Open Space Levy \$44,291.00
- Community Services Levy \$6,769.00
- Total = \$51,060.00

## 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 not result in any significant impacts on the amenity of the adjoining properties and the streetscape and is considered to be in the public interest. The application is considered suitable for approval subject to the imposition of appropriate conditions.

## 9. Recommendation

- A. The applicant has made a written request pursuant Clause 4.6 of the Leichhardt Local Environmental Plan 2013 to vary the development standard for Clause 4.1 – Minimum Subdivision Lot Size and Clause 4.4 – Floor Space Ratio of the Leichhardt Local Environmental Plan 2013. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the standard is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variation. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.
- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No D/2018/529 for the demolition of existing structures, 3 lot Torrens title subdivision, construction of 3 x semi-detached two storey dwellings on each proposed lot and associated works, including car parking and fencing works plus tree removal at 24 Catherine Street, Leichhardt subject to the conditions listed in Attachment A below for the following reasons.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

1. Development must be carried out in accordance with Development Application No. D/2018/529 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Materials and Colour Schedule of Finishes, Drawing No. 5.03, Rev. B	Development Design Pty Ltd	19/09/2018
Subdivision Plan, Drawing No. 0.09, Rev B	Development Design Pty Ltd	19/09/2018
Proposed Roof Plan Analysis, Drawing no. 0.10, Rev B	Development Design Pty Ltd	19/09/2018
Proposed Roof Plan, Drawing No. 1.02, Rev. B	Development Design Pty Ltd	19/09/2018
Proposed First Floor Analysis, Drawing No. 0.11, Rev B	Development Design Pty Ltd	19/09/2018
Proposed Ground Floor Analysis, Drawing No. 0.12, Rev B	Development Design Pty Ltd	19/09/2018
Proposed First Floor Analysis, Drawing No. 1.02, Rev B	Development Design Pty Ltd	19/09/2018
Proposed First Floor Analysis, Drawing No. 1.03, Rev B	Development Design Pty Ltd	19/09/2018
Proposed Eastern Catherine Streetscape Elevation, Drawing No. 2.02, Rev B	Development Design Pty Ltd	19/09/2018
Proposed Eastern Catherine Streetscape Elevation, Drawing No. 2.03, Rev B	Development Design Pty Ltd	19/09/2018
Proposed Northern Side Elevation, Drawing No. 2.05, Rev B	Development Design Pty Ltd	19/09/2018
Proposed Northern Side Elevation, Drawing No. 2.06, Rev B	Development Design Pty Ltd	19/09/2018
Proposed Northern Side Elevation, Drawing No. 2.07, Rev B	Development Design Pty Ltd	19/09/2018
Proposed Western rear Redmond Streetscape Elevation, Drawing No. 2.09, Rev B	Development Design Pty Ltd	19/09/2018
Proposed Western rear Redmond Streetscape Elevation, Drawing No. 2.10, Rev B	Development Design Pty Ltd	19/09/2018
Proposed Southern Side Elevation, Drawing No. 2.12, Rev B	Development Design Pty Ltd	19/09/2018
Proposed Southern Side Elevation, Drawing No. 2.13, Rev B	Development Design Pty Ltd	19/09/2018
Proposed Southern Side Elevation, Drawing No. 2.14, Rev B	Development Design Pty Ltd	19/09/2018
Typical Section A-A, Drawing No. 3.01, Rev. B	Development Design Pty Ltd	19/09/2018
Landscape Plan, Drawing No. 5.01, Rev B	Development Design Pty Ltd	19/09/2018
Landscape Plan, Drawing No. 5.01A, Rev B	Development Design Pty Ltd	19/09/2018



Document Title	Prepared By	Dated
BASIX Certificate No. 955637S	Development Design Pty Ltd	9/10/2018
BASIX Certificate No. 955889S	Development Design Pty Ltd	9/10/2018
BASIX Certificate No. 955893S	Development Design Pty Ltd	9/10/2018
Acoustic Report	Koikas Acoustics	25/09/2018
Existing Site Plan and Construction Management Plan, Drawing no. 0.05, Rev. B	Development Design Pty Ltd	19/09/2018
Sediment, Erosion Control & Waste Management Details, Drawing No. 5.02, Rev. B		19/09/2018
Concept Stormwater Plan, Drawing No. 18AA050/DR01, Rev B	EndDepth Engineers	21/09/2018
Concept Stormwater Plan, Drawing No. 18AA050/DR02, Rev B	EndDepth Engineers	21/09/2018
Concept Stormwater Details, Drawing No. 18AA050/DR03, Rev B	EndDepth Engineers	21/09/2018
Statement of Environmental Effects	No Author	No date, Lodged with Council 10/10/2018
Site Survey	Benchmark Surveys	27/09/2017
Flood Risk Management Report, Rev A	EndDepth Engineers	No date, Lodged with Council 10/10/2018
Flood Response Letter	EndDepth Engineers	14/09/2018
Clause 4.6 Variation Request - Subdivision	Development Design Pty Ltd	May 2018
Clause 4.6 Variation Request - FSR	Development Design Pty Ltd	March 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.

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

- 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](http://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 RELEASE OF A CONSTRUCTION CERTIFICATE**

3. As the site where the property is identified as located within ANEF 20-25 or greater, the development approved under this consent must meet the relevant provisions of Australian Standard AS 2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction.

An acoustic report prepared by a suitably qualified person and accompanying plans demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the 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:
  - 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. 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.

7. If any excavation extends below the level of the base of the footings of a building on an adjoining property, the person causing the excavation:
  - a) Must preserve and protect the adjoining building from damage
  - b) Must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
  - c) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this condition, the allotment of land includes public property.

8. 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.

9. 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](http://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.

10. 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.

11. A detailed Traffic Management Plan to cater for construction traffic shall be submitted to and approved by Council before commencement of works. Details shall include haulage routes, estimated number of vehicle movements, truck parking areas, work zones, crane usage, etc., related to demolition/construction activities
12. Prior to the issue of a Construction Certificate, the applicant must prepare a Construction Management and 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.
    - ii) 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.
    - iii) Location of any proposed crane and concrete pump and truck standing areas on and off the site.
    - iv) A dedicated unloading and loading point within the site for construction vehicles, plant and deliveries.

- v) 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](http://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.

13. 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 (m<sup>3</sup>) 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.

14. A contribution pursuant to the provisions of Section 7.11 (formally known as Section 94) 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
Open Space Levy	\$44,291.00
Community Services Levy	\$6,769.00

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 94 Contributions. Contribution Plans may be inspected on Council's website [www.innerwest.nsw.gov.au](http://www.innerwest.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

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

15. Prior to the commencement of demolition works or a Construction Certificate being issued for works approved by this development consent (whichever occurs first), a security deposit and inspection fee 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 and as surety for the proper completion of any road, footpath and drainage works required by this consent.

Security Deposit (FOOT)	\$15,000.00
Inspection fee (FOOTI)	\$230.65

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

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

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

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



The amount nominated is only current for the financial year in which the consent was issued and is revised each financial year. The amount payable must be consistent with Council's Fees and Charges in force at the date of payment.

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.

16. 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
22 Catherine Street, Leichhardt	Northern wall (internal and external)
26 Catherine Street, Leichhardt	Southern wall (internal and external)

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.

17. Should works require any of the following on public property (footpaths, roads, reserves),

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

- a) Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application.
  - b) A concrete pump across the roadway/footpath
  - c) Mobile crane or any standing plant
  - d) Skip bins
  - e) Scaffolding/Hoardings (fencing on public land)
  - f) Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.
  - g) Awning or street verandah over footpath
  - h) Partial or full road closure
  - i) Installation or replacement of private stormwater drain, utility service or water supply
18. The person acting on this consent shall submit to the Principal Certifying Authority a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site before the issue of a Construction Certificate.
19. The following recommendations in the Flood Risk Management Report prepared by ENDEPTH Engineers must be complied with:
- a) Recommendations
    - All ground floor habitable levels are to be set to the **FPL (23.65m AHD)** minimum;
    - The proposed structural works to be constructed from flood compatible materials;
    - All valuable items are to be stored at the proposed first floor addition.
    - It is recommended that these items to be stored at high levels in case of emergency;

Laminated Locality map, laminated emergency phone numbers list, Torch, Radio with spare batteries, Mobile phone, Wet weather clothing, and an emergency kit.
  - b) Evacuation

It is recommended that evacuation procedures shall be carried out pending instructions from authorities i.e. State Emergency Services, Police.

The site evacuation is simple for all storms up to the 100-year storm stay indoors or evacuate to the north of Catherine Street and seek assistance from emergency services.

In the event of a probable maximum flood, early evacuation away from the property is paramount, however if it is too late all occupants shall seek refuge in the first floor and contact emergency services for assistance.
20. A stormwater drainage design, incorporating On-site Stormwater Detention storage and/or On-site Stormwater Retention/re-use facilities (OSD/OSR), 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) The design shall be generally in accordance with Stormwater drainage plans on drawing no. 18AA050/DR02 prepared by ENDEPTH ENGINEERS.
- b) Comply with Council's Stormwater Drainage Code.
- c) Charged or pump-out stormwater drainage systems are not permitted.
- d) The internal floor areas must be at RL. 23.65m AHD or a minimum 150mm above the adjacent external finished surfaces, whichever is higher.
- e) An overland flow path must be provided through the garages to Redmond Street to protect habitable areas from flooding when blockage of drainage system occurs.
- f) Stormwater runoff from the roof of the garages must be connected to the OSD of the relevant site.
- g) The design must make provision for collection and disposal of stormwater runoff under the decks. As there is no overland flow/flood path available from the area under the decks to the Catherine Street frontage, the design of the sag pit and piped drainage system is to meet the following criteria:
  - i) Capture and convey the 100 year Average Recurrence Interval flow from the contributing catchment assuming 80% blockage of the inlet and 50% blockage of the pipe.
  - ii) The maximum water level over the sag pit shall not be less than 150mm below the floor level or damp course of the building
  - iii) A suitable access must be provided over the grates for cleaning and maintenance purposes. Dimensions must be shown on the plan and long section of the drainage system.
- h) Stormwater Treatment in accordance with Section E1.2.4 (C1). A water quality filtration basket or similar primary treatment device must be installed on the site stormwater drainage system for each lot.
- i) 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.
- j) The invert of the outlet pipe in the OSD must be a minimum of 150mm above the invert of the gutter in Catherine Street.
- k) Setback of the outlet pipes from the street trees and utility services in Catherine Street must comply with the requirements of Council's Tree Coordinator and relevant utility service authority.
- l) All redundant stormwater pipelines within the footpath area must be removed and the footpath and kerb reinstated.
- m) New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a maximum section height and maximum section width of 100mm.

- n) Water quality filtration basket(s) with screening bag or similar primary treatment device(s) shall be installed on the site stormwater drainage system such that all water entering the site stormwater drainage system is filtered by the device(s).
  - o) The existing downpipe outlet for No 26 Catherine Street on Redmond Street clashes with the proposed vehicular crossing for the northern lot and will need to be relocated at the applicant's cost.
  - p) The design must be certified as compliant with the terms of this condition by a suitably qualified Civil Engineer.
  - q) Details demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.
  - r) All plumbing within the site must be carried out in accordance with Australian Standard *AS/NZS3500.3.2015 Plumbing and Drainage – Stormwater Drainage*.
21. Linen plans and accompanying 88B instrument for the proposed subdivision prepared by a registered surveyor/solicitor shall be submitted to and accepted by Council before the issue of a Construction Certificate or before the issue of the Subdivision Certificate, whichever occurs first.
22. 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. Concern is raised about the following issues:
- a) There is insufficient vehicle manoeuvring area on Redmond Street for entry and exit to the proposed garages via the proposed 3m wide vehicle entries considering the existing on street parking spaces which must be retained.
  - b) The vehicle entries must be widened and a plan of the proposed access and adjacent laneway, drawn at a 1:200 scale, demonstrating that vehicle manoeuvrability for entry and exit to the parking space complies with the *AS/NZS 2890.1:2004*. The plan must include any existing on street parking spaces, vehicle manoeuvring clearances and all garage door fixtures etc.
- Note: Due to the width of the proposed lots the garages may need to be setback from the boundary to achieve vehicular access or alternatively there may not be sufficient width to achieve vehicular access to one or more of the proposed garages.
- The proposed pedestrian door adjacent to the garage door must be removed and access to the garage is to be made available through the garage roller door.
- c) Subject to satisfying the above concerns, The following specific issues must be addressed in the design:
    - a. The garage slab or driveway must 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 both sides of the access and parking shall be provided, demonstrating compliance with the above requirements. The long section shall begin from the centreline of the adjacent road to a minimum of 3 metres into the property and is to be prepared at a scale of 1:20.
- d. The parking space must have minimum clear internal dimensions of 6000mm x 3000mm (length x width). The dimensions must be exclusive of obstructions such as walls, doors and columns, except where they do not encroach inside the design envelope specified in Section 5.2 of AS/NZS 2890.1-2004.

A plan of the proposed access and adjacent road, drawn at a 1:200 scale, demonstrating that vehicle manoeuvrability for entry and exit to the parking space complies with the AS/NZS 2890.1:2004. The plan must include 900mm wing of layback on each side of the crossings at the kerb line in Redmond Street

#### **PRIOR TO THE COMMENCEMENT OF WORKS**

23. The proposed structure(s) to be erected must stand wholly within the boundaries of the subject site. No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach onto adjoining properties or upon public property.

To ensure that the location of the building satisfies the provision of the approval, the footings and walls within one (1) metre of the property boundaries must be set out by or the location certified by a registered surveyor in accordance with the approved plans, prior to the commencement of works.

To ensure that the location of the building satisfies the provision of the approval, a check survey certificate shall be submitted to the Principal Certifying Authority either prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, indicating the:

- a) location of the building with respect to the boundaries of the site;

24. 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.

25. 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.

26. Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands shall take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.
27. 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.
28. 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.
29. 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.

#### **DURING WORKS**

30. 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.

31. 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.

32. The site must be appropriately secured and fenced at all times during works.
33. 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.

34. 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.

- 35. 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.
- 36. 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.
- 37. The development must be inspected at the following stages by the Principal Certifying Authority during construction:
  - a) after excavation for, and prior to the placement of, any footings, and
  - b) prior to pouring any in-situ reinforced concrete building element, and
  - c) prior to covering of the framework for any floor, wall, roof or other building element, and
  - d) prior to covering waterproofing in any wet areas, and
  - e) prior to covering any stormwater drainage connections, and
  - f) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.



38. 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.
39. 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.

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

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

#### **PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

41. 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.

42. 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 and OSD/OSR system commissioned in accordance with the approved design and relevant Australian Standards, shall be submitted and accepted by Council 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

43. 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 OSD and/or OSR 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 blockage, 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

44. 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.

45. 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.

46. 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.

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

- d) The existing damaged or otherwise defective kerb and gutter, footpath and/or road pavement adjacent to the site shall be restored.

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

Other general requirements that must be considered when designing the vehicular crossing include:

- Within the road reserve, the crossing or driveway must be aligned perpendicular to the alignment of the kerb and gutter or edge of road.

The applicant will be responsible for all costs associated with the construction of the crossing, including adjustment to footpath, kerb and gutter, road pavement, stormwater drainage and service utilities, eg Telstra pits or power poles

48. Prior to issue of the Occupation Certificate the person acting on this consent shall obtain from Council a compliance Certificate(s) stating that all Road, Footpath, Vehicle Crossing and Public Domain Works on Council property required to be undertaken as a result of this development have been completed satisfactorily and in accordance with Council approved plans and specifications
49. You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. It is responsibility of applicant's contractor to verify location of the utility services with the relevant service authority. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development shall be at no cost to Council and undertaken before the issue of an Occupation Certificate.
50. 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 stormwater detention 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").
- b) The Proprietor shall have the OSD 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 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, or failure to clean, maintain and repair the OSD.

The proprietor or successor must bear all costs associated in the preparation of the subject 88E instrument. Proof of registration with 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

51. Alignment levels for the site at all pedestrian and vehicular access locations shall match the existing back of footpath levels at the boundary. For vehicular access off rear laneways the level at the boundary shall match the invert level of the adjacent gutter plus 110mm at both sides of the vehicle entry
52. Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever shall not be permitted. Any encroachments on to Council road or footpath resulting from the building works will be required to be removed before the issue of the Occupation Certificate
53. The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for 'Application for Construction of Vehicle Crossing and Public Domain Works – Step 2' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works
54. 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.

#### **ONGOING CONDITIONS OF CONSENT**

55. The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within seventy-two (72) hours of its application.
56. The Operation and Management Plan for the On-site Stormwater Detention and/or On-site Stormwater Retention/re-use facilities, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times
57. Any lighting of the premises shall be installed and maintained in accordance with Australian Standard AS 4282-1997: *Control of the Obtrusive Effects of Outdoor Lighting* so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. The intensity, colour or hours of illumination of the lights shall be varied at Council's discretion if in the opinion of an Authorised Council Officer it is considered there to be have adverse effects on the amenity of the area.
58. The premises shall not be used for any purpose other than that stated in the Development Application, i.e. dwelling house without the prior consent of the Council unless the change to another use is permitted as exempt or complying development

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under *Leichhardt Local Environment Plan 2013* or *State Environmental Planning policy (Exempt and Complying Codes) 2008*.

The use of the premises as a dwelling house, is defined under the *Leichhardt Local Environmental Plan 2013*.

#### PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

59. The 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/2018/636 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.

#### 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 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.

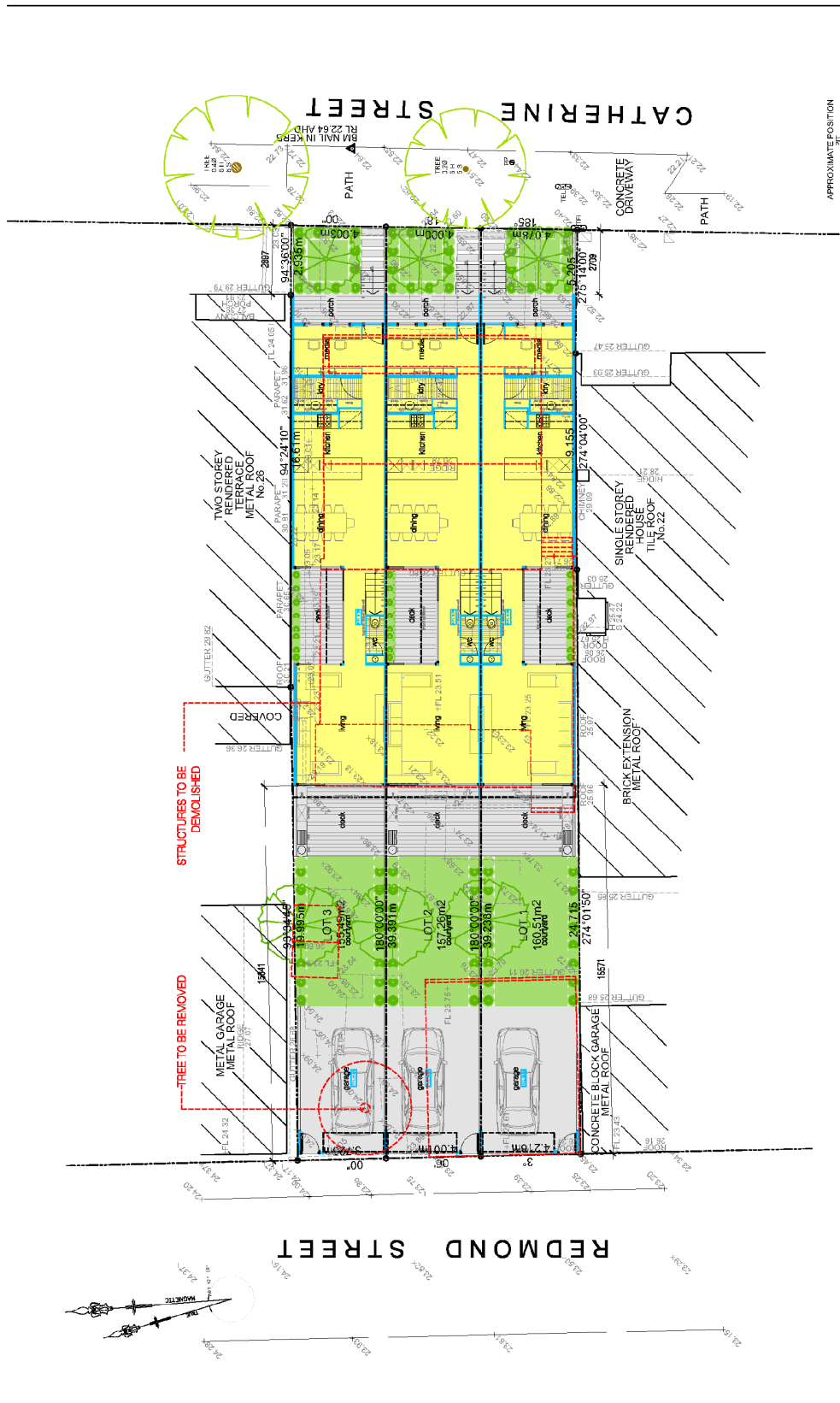
Attachment B – Plans of proposed development



DA PLANS NO. 10000000000000000000		PROPOSED FIRST FLOOR ANALYSIS	
ISSUE: A	AMENDMENTS: PRE-DA ISSUE	PROJECT: PROPOSED SUBDIVISION & CONSTRUCTION OF 3 ATTACHED DWELLINGS	SCALE: 1:150 @ A3
ISSUE: B	AMENDMENTS: DA ISSUE	CLIENT: TRADER IN PURPLE 13APTY LTD	ISSUE: B
		ADDRESS: LOT 22 SEC E1 in DP 1181 24 CATHERINE STREET LEICHHARDT 2040	DRAWN: S.G
		DATE: 08.05.2018 19.08.2018	CHECKED: S.G
		DEVELOPMENT DESIGN PTY LTD ACN 107 176 867 340a Riley Street Surry Hills NSW 2010 +61(0)2 9211 7600   info@developmentdesign.com.au www.developmentdesign.com.au	DO NOT SCALE DRAWING
			SHEET NO: 0.11

ALL BUILDINGS MUST BE BUILT IN ACCORDANCE WITH BUILDING CODE OF AUSTRALIA & COUNCIL REQUIREMENTS. THE BUILDER/MANUFACTURER SHALL CHECK AND VERIFY ALL DIMENSIONS. RE DIMENSIONS, SET BACKS AND CONSTRUCTION METHODS PRIOR TO COMMENCEMENT. COPYRIGHT RESERVED. NO PART OF THESE DRAWINGS MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM WITHOUT THE WRITTEN PERMISSION OF DEVELOPER.





DA PLANS (NOT FOR CONSTRUCTION)		AMENDMENTS:		DATE:		CLIENT:		PROJECT:		SCALE:		ISSUE:	
ISSUE:	A	PRELIMINARY ISSUE	DA ISSUE	08.05.2018	10.03.2018	TRADER IN PURPLE (13PT) LTD	PROPOSEE SUBDIVISION & CONSTRUCTION OF 5 ATTACHED DWELLINGS	1:150 @ A3	ISSUE:	B	DO NOT SCALE DRAWING		DA
AMENDMENT:	6					Development Design Pty Ltd ACN 107 176 867	PROPOSED GROUND FLOOR ANALYSIS	1:150 @ A3	DRAWN:	S.G	SHEET NO:		0.12
						340a Riley Street Surry Hills NSW 2010 +61(02) 9211 7600   info@developmentdesign.com.au www.developmentdesign.com.au	PROPOSED GROUND FLOOR ANALYSIS		CHECKED:	S.G	DRAWING:		0.12

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DA PLANS  
NOT FOR CONSTRUCTION

PROPOSED GROUND FLOOR PLAN

ISSUE: A	AMENDMENTS: PRE-DA ISSUE	DATE: 06.05.2018	CLIENT: Development Design Pty Ltd	PROJECT: PROPOSED SUPERVISION & CONSTRUCTION OF 3 ATTACHED DWELLINGS	SCALE: 1:100 @ A3	ISSUE: B
ISSUE: B	AMENDMENTS: DA ISSUE	DATE: 19.09.2018	CLIENT: TRADER IN PURPLE (13)PTY LTD	PROJECT: PROPOSED GROUND FLOOR PLAN	DRAWN: S.S	DA
			ADDRESS: 340a Riley Street Surry Hills NSW 2010		CHECKED: S.S	SHEET No: 1.02
			+61(02) 9511 7600   info@developmentdesign.com.au			DO NOT SCALE DRAWING
			www.developmentdesign.com.au			

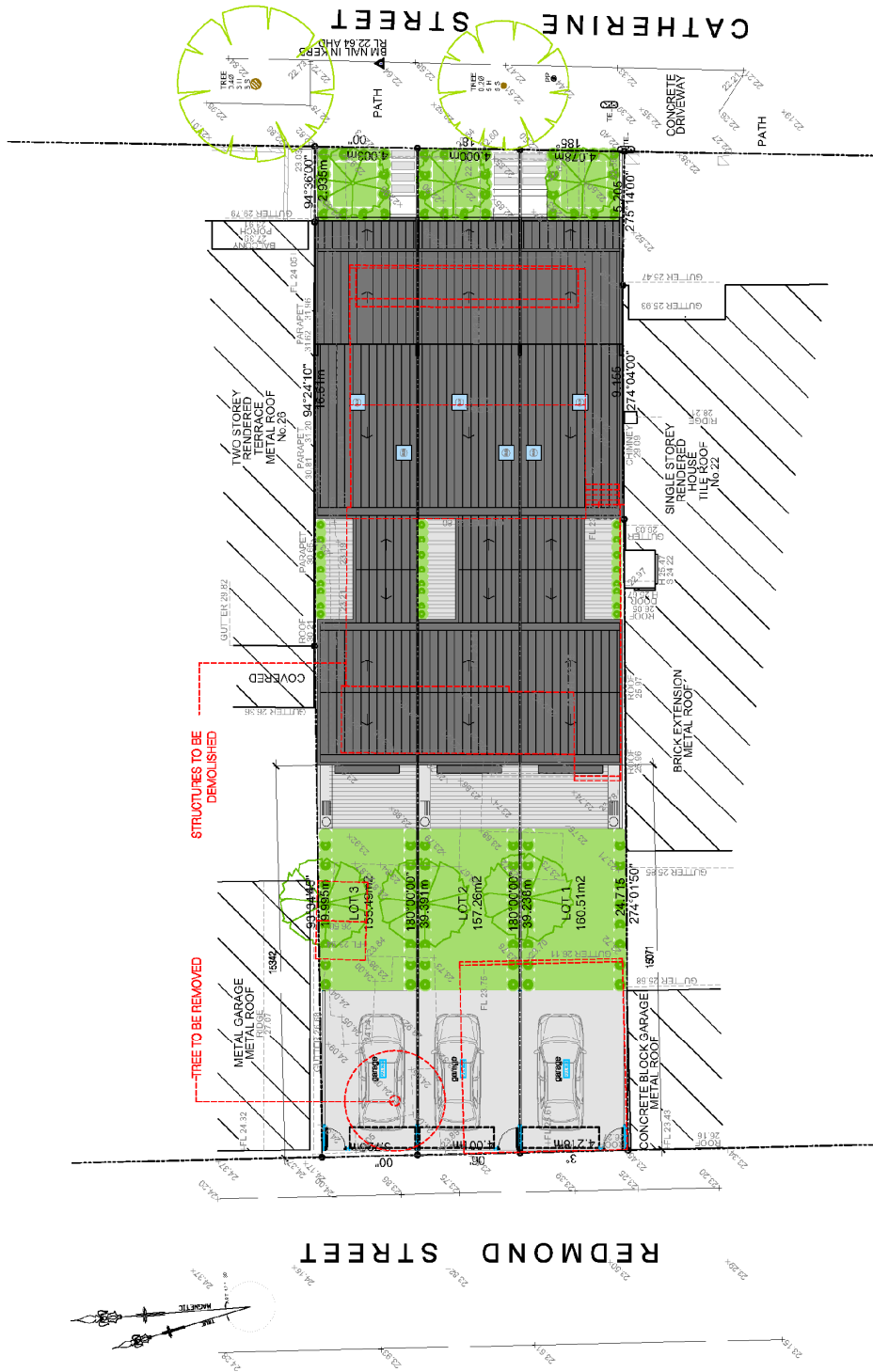
ALL BUILDING WORKS TO BE BUILT IN ACCORDANCE WITH BUILDING CODE OF AUSTRALIA & COUNCIL REQUIREMENTS. THE BUILDER/MANUFACTURER SHALL CHECK AND VERIFY ALL DIMENSIONS, RL GROUNDINGS, SETTINGS AND CONSTRUCTION METHODS PRIOR TO COMMENCEMENT. COPYRIGHT RESERVED. NO PART OF THESE DRAWINGS MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM WITHOUT THE WRITTEN PERMISSION OF DEVELOPER.



DA PLANS NOT FOR CONSTRUCTION		AMENDMENTS:		DATE:		CLIENT:		PROJECT:		SCALE:		ISSUE:	
ISSUE:	A	PRE-DA ISSUE		06.05.2018		Development Design Pty Ltd	TRADER IN PURPLE (T3PTY) LTD	PROPOSED SUBDIVISION & CONSTRUCTION OF 3 ATTACHED DWELLINGS	SCALE:	1:100 @ A3	ISSUE:		B
	B	DA ISSUE		19.09.2018		ACN: 107 176 867	ADDRESS:	DRAWING:	DRAWN:	S/G	DA		
						340a Riley Street Surry Hills NSW 2010	PROPOSED FIRST FLOOR PLANS	CHECKED:		S/S	SHEET NO:		1.03
						+61(02) 9511 7800   info@developmentdesign.com.au	LEIGHARDT 2040				DO NOT SCALE DRAWING		

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PROPOSED FIRST FLOOR PLAN

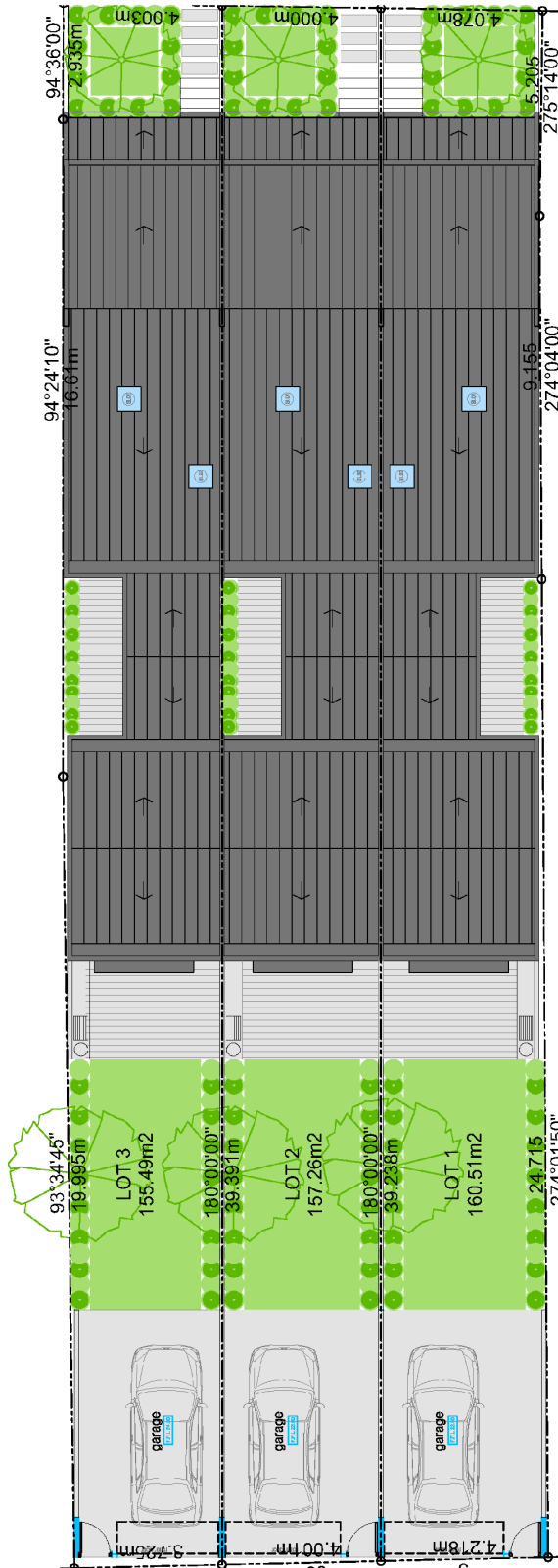


**PROPOSED ROOF PLAN ANALYSIS**

APPROXIMATE POSITION  
mpt.071

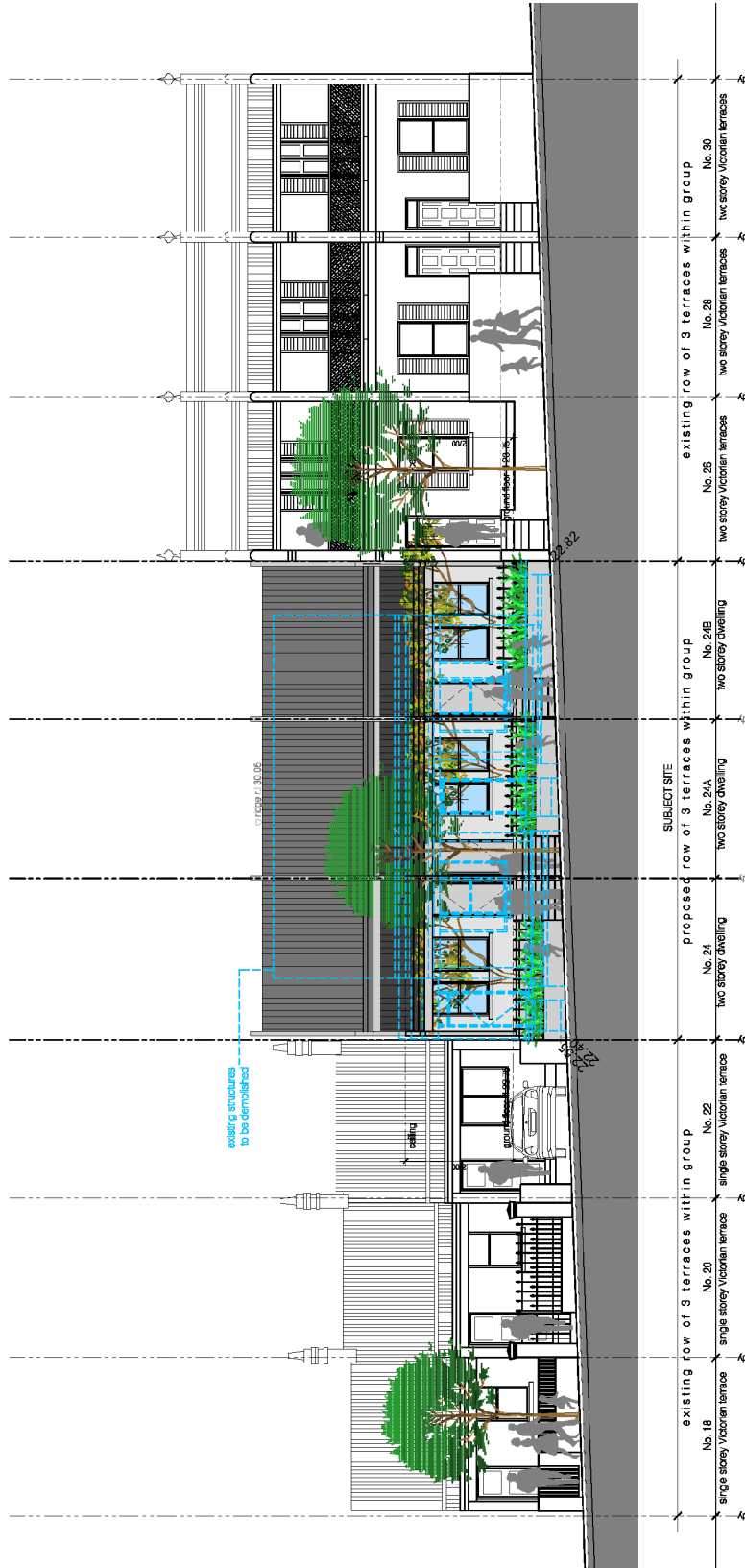
<b>DA PLANS</b> not controlled on	<b>AMENDMENTS:</b> A PRE-DA ISSUE DA ISSUE	<b>DATE:</b> 08.05.2018 19.09.2018	<b>CLIENT:</b> Development Design Pty Ltd ACN 137 176 867	<b>PROJECT:</b> PROPOSED SUBSTANTIAL CONSTRUCTION OF 3 ATTACHED DWELLINGS	<b>SCALE:</b> 1:150 @ A3	<b>ISSUE:</b> B
	<b>ISSUE:</b> A PRE-DA ISSUE DA ISSUE	<b>DATE:</b> 08.05.2018 19.09.2018	<b>CLIENT:</b> TRADER IN PURPLE 113PTY LTD ADDRESS: LOT 22 SEC 8 IN DP 119 24 CATHERINE STREET LEICHHARDT 2040	<b>PROJECT:</b> PROPOSED SUBSTANTIAL CONSTRUCTION OF 3 ATTACHED DWELLINGS	<b>SCALE:</b> 1:150 @ A3	<b>ISSUE:</b> B
			<b>ADDRESS:</b> LOT 22 SEC 8 IN DP 119 24 CATHERINE STREET LEICHHARDT 2040	<b>DRAWING:</b> PROPOSED ROOF PLAN ANALYSIS	<b>DRAWN:</b> S.G	<b>SHEET NO.:</b> 0.10
					<b>CHECKED:</b> S.G	<b>DO NOT SCALE DRAWING</b>

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DA PLANS NOT FOR CONSTRUCTION		PROPOSED ROOF PLAN	
ISSUE: A	AMENDMENTS: PRE-DA ISSUE DA ISSUE	SCALE: 1:100 @ A3	ISSUE: B
B		DRAWN: S.G.	DA
		CHECKED: S.G.	SHEET NO: 1.02
			DO NOT SCALE DRAWING
DATE: 08.05.2018 19.05.2018		PROJECT: PROCESSED SUBMISSION & CONSTRUCTION OF 3 ATTACHED DWELLINGS	
CLIENT: Development Design Pty Ltd ACN 107 176 867		DRAWING: PROPOSED ROOF PLAN	
ADDRESS: 340a Riley Street Surry Hills NSW 2010 +61(02) 9211 7800   info@developmentdesign.com.au www.developmentdesign.com.au		LOT 22, SEC B in DP 118 24 CATHERINE STREET LEICHHARDT 2040	

ALL BUILDINGS MUST BE BUILT IN ACCORDANCE WITH BUILDING CODE OF AUSTRALIA & LOCAL REQUIREMENTS. THE BUILDER/MANUFACTURER SHALL CHECK AND VERIFY ALL DIMENSIONS, IS, DIMENSIONS, IS, DIMENSIONS, IS, DIMENSIONS. SETBACKS AND CONSTRUCTION METHODS PRIOR TO COMMENCEMENT. COPYRIGHT RESERVED. NO PART OF THESE DRAWINGS MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM WITHOUT THE WRITTEN PERMISSION OF DEVELOPER.



PROPOSED EASTERN CATHERINE STREETSCAPE ELEVATION

DA PLANS FOR CONSTRUCTION

AMENDMENTS: PRE-DA ISSUE DA ISSUE		DATE: 08.05.2018 19.09.2018		CLIENT: TRADER IN PURPLE 113PTY LTD		PROJECT: PROPOSED SUBDIVISION & CONSTRUCTION OF 3 ATTACHED DWELLINGS		SCALE: 1:100 @ A3		ISSUE: B		
ISSUE: A B		Development Design Pty Ltd ACN 107 176 867 340a Riley Street Surry Hills NSW 2010 +61(0)2 9211 7800   info@developmentdesign.com.au www.developmentdesign.com.au		ADDRESS: LOT 23, SEC 61, DP 118 24 CATHERINE STREET LEICHHARDT 2040		DRAWING: PROPOSED EASTERN CATHERINE STREETSCAPE ELEVATION		DRAWN: S G		CHECKED: S G		SHEET NO: 2.02
ALL BUILDING WORKS TO BE BUILT IN ACCORDANCE WITH BUILDING CODE OF AUSTRALIA & COUNCIL REQUIREMENTS. THE BUILDER/MANUFACTURER SHALL CHECK AND VERIFY ALL DIMENSIONS, RL, GROUNDS, SETBACKS AND CONSTRUCTION METHODS PRIOR TO COMMENCEMENT. COPYRIGHT RESERVED. NO PART OF THESE DRAWINGS MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM WITHOUT THE WRITTEN PERMISSION OF DEVELOPER.												

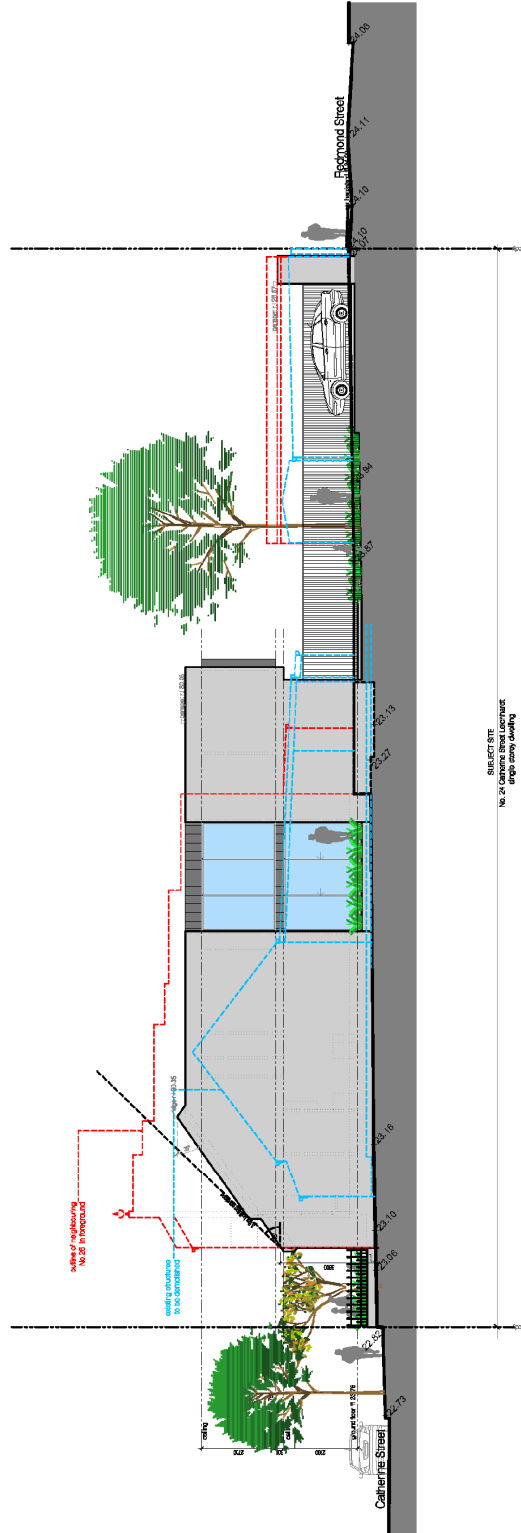


PROPOSED EASTERN CATHERINE STREETSCAPE ELEVATION

DA PLANS FOR CONSIDERATION

AMENDMENTS: PRE-DA ISSUE DA ISSUE		DATE: 08.05.2018 19.05.2018	CLIENT: Development Design Pty Ltd ACN 137 176 867 340a Riley Street Surry Hills NSW 2010 +61(0)2 9511 7800   info@developmentdesign.com.au www.developmentdesign.com.au		PROJECT: PROPOSED SUBDIVISION & CONSTRUCTION OF 3 ATTACHED DWELLINGS	SCALE: 1:100 @ A3	ISSUE: B
ISSUE: A B		CLIENT: TRADER IN PURPLE 113PTY LTD ADDRESS: LOT 22 SEC B in DP 118 24 CATHERINE STREET LEICHHARDT 2040		DRAWING: PROPOSED EASTERN CATHERINE STREETSCAPE ELEVATION	DRAWN: S.G.	CHECKED: S.G.	ISSUE: DA SHEET No: 2.03 DO NOT SCALE DRAWING

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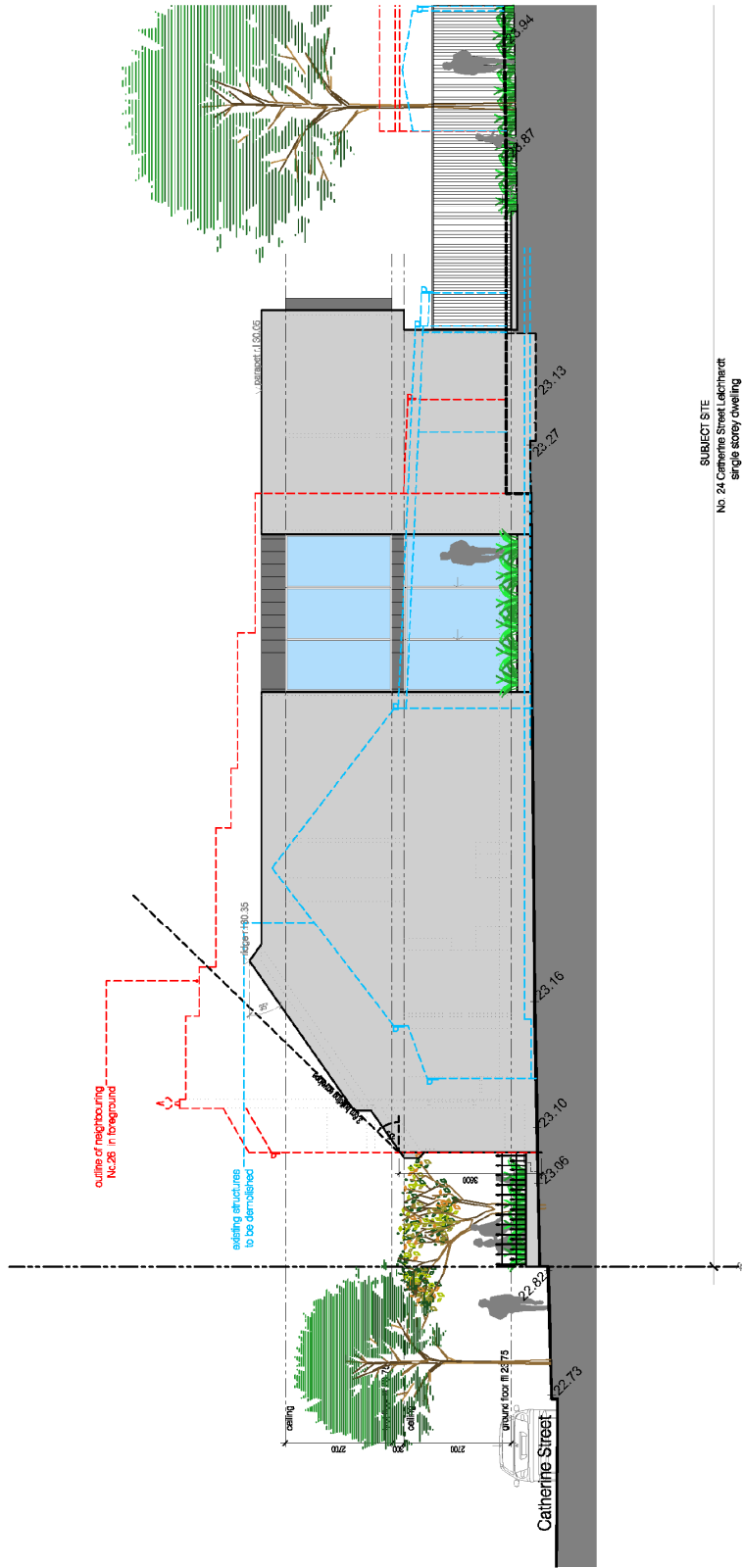


PROPOSED NORTHERN SIDE ELEVATION

CC PLANS FOR CONSTRUCTION		AMENDMENTS:		DATE:		CLIENT:		PROJECT:		SCALE:		ISSUE:		
ISSUE:	A	DATE:	09.05.2018	TRADER IN PURPLE 113PTY LTD	PROPOSED NORTHERN SIDE ELEVATION	1:150 @ A3	ISSUE:	B	PROJECT:	PROPOSED NORTHERN SIDE ELEVATION	SCALE:	1:150 @ A3	ISSUE:	B
	B		10.02.2018	ACN 107 716 867	PROPOSED NORTHERN SIDE ELEVATION		ADDRESS:	LOT 22 SEC B in DP 119 24 CATHERINE STREET LEICHARDT 2040	DRAWING:	PROPOSED NORTHERN SIDE ELEVATION	DRAWN:	S G	DA	
				340a Riley Street Surry Hills NSW 2010	PROPOSED NORTHERN SIDE ELEVATION				CHECKED:	S G	CHECKED:	S G	SHEET No.:	2.05
				+61 (02) 9511 7800   info@developmentdesign.com.au www.developmentdesign.com.au									DO NOT SCALE DRAWING	

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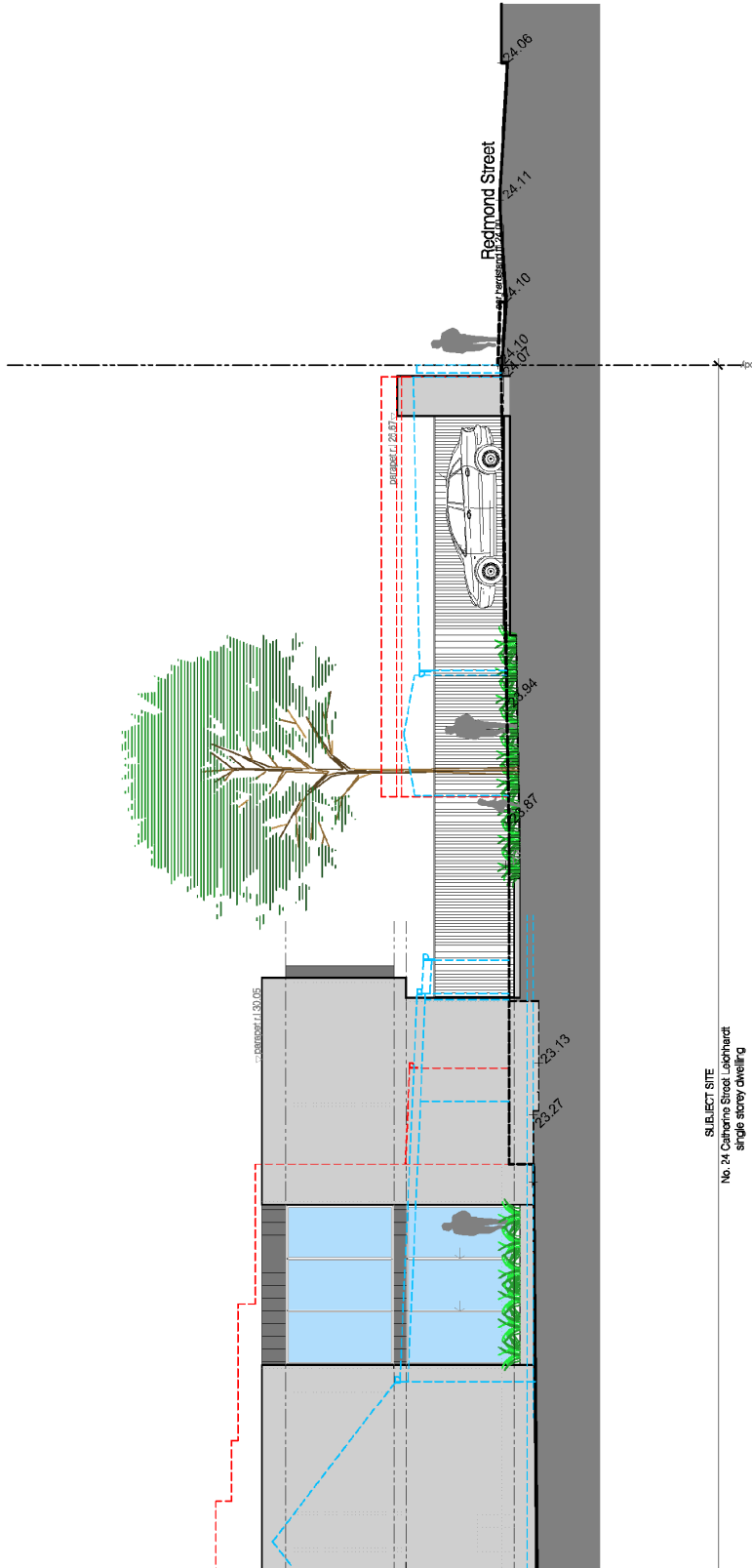


SUBJECT SITE  
No 24 Catherine Street Leichhardt  
single storey dwelling

PROPOSED NORTHERN SIDE ELEVATION

<b>CC PLANS FOR CONSTRUCTION</b>		<b>PROPOSED NORTHERN SIDE ELEVATION</b>	
ISSUE: A B	AMENDMENTS: PRE-DA ISSUE DA ISSUE	SCALE: 1:100 @ A3 DRAWN: S/G CHECKED: S/G	ISSUE: B DA SHEET No: 2.06 DO NOT SCALE DRAWING
CLIENT: TRADER IN PURPLE 110PTY LTD ADDRESS: LOT 22 SEC B In DP 118 24 CATHERINE STREET LEICHHARDT 2040		PROJECT: PROPOSED SUBMISSION & CONSTRUCTION OF 1 STOREY DWELLINGS DRAWING: PROPOSED NORTHERN SIDE ELEVATION	
DATE: 08.05.2018 12.05.2019		DEVELOPMENT DESIGN PTY LTD ACN 107 716 867 3/0a Riley Street Surry Hills NSW 2010 +61(0)2 9211 7807   info@developmentdesign.com.au www.developmentdesign.com.au	

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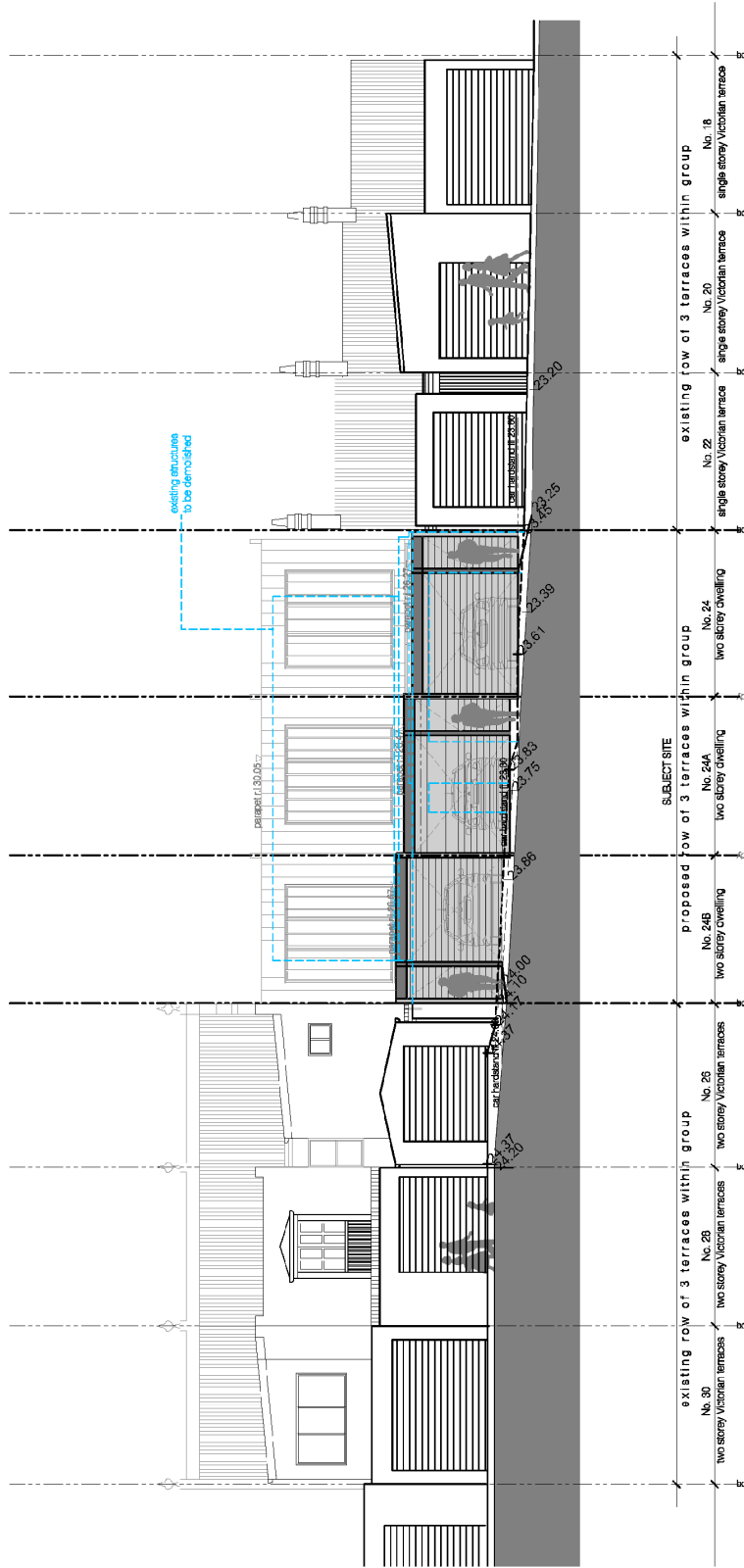
SUBJECT SITE  
No. 24 Catherine Street Leichhardt  
single storey dwelling

PROPOSED NORTHERN SIDE ELEVATION

CC PLANS  
FOR CONSTRUCTION

ISSUE: A B	AMENDMENTS: PRE-DA ISSUE DA ISSUE	DATE: 08.05.2018 13.02.2018	CLIENT: Development Design Pty Ltd ACN 107 776 867 340a Riley Street Surry Hills NSW 2010 +61(0)2 92 71 1800   info@developmentdesign.com.au www.developmentdesign.com.au	PROJECT: PROPOSED SUBMISSION & CONSTRUCTION OF 1 ATTACHED DWELLINGS	SCALE: 1:100 @ A3	ISSUE: B
			ADDRESS: LOT 22 SEC B in DP 119 24 CATHERINE STREET LEICHHARDT 2040	DRAWING: PROPOSED NORTHERN SIDE ELEVATION	DRAWN: S.G	DA
				CHECKED: S.G	DO NOT SCALE DRAWING	SHEET No: 2.07

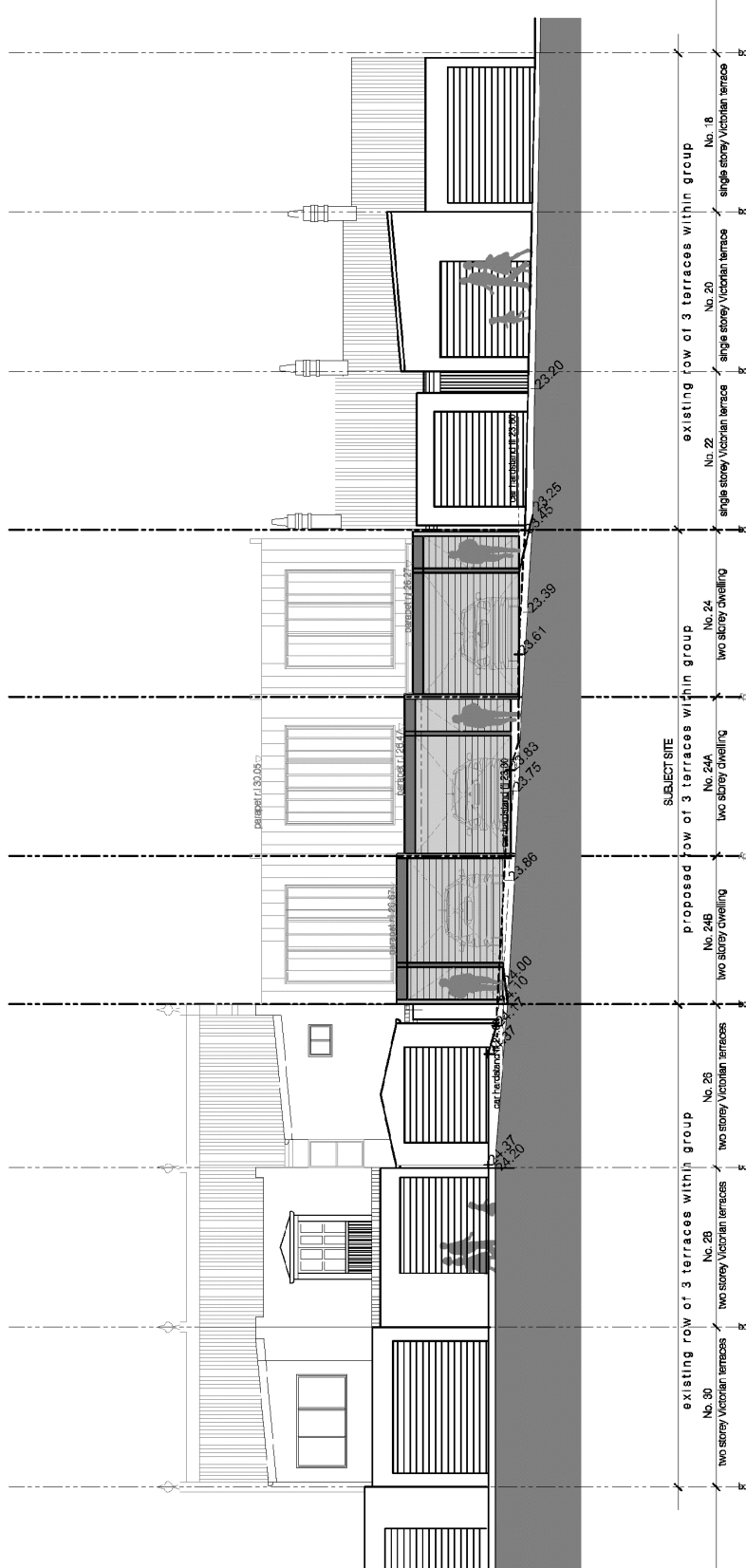
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PROPOSED WESTERN REAR REDMOND STREETSCAPE ELEVATION

DA PLANS FOR CONSTRUCTION		DATE:		Development Design Pty Ltd		CLIENT:		PROJECT:		SCALE:		ISSUE:	
ISSUE:	A	00.05.2018	19.05.2018	ACN 107 176 867	TRADER IN PURPLE 113PTY LTD	PROPOSED SUBDIVISION & CONSTRUCTION OF 3 ATTACHED DWELLINGS	1:100 @ A3	B	ISSUE:	DA	1:100 @ A3	DA	B
AMENDMENTS:	PRE-DA ISSUE DA ISSUE			340a Riley Street Surry Hills NSW 2010	ADDRESS:	PROPOSED WESTERN REAR REDMOND STREETSCAPE ELEVATION	DRAWN:	S.G	DRAWING:	S.G	DRAWN:	S.G	DA
				+61(02) 9611 7890   info@developmentdesign.com.au	ADDRESS:	PROPOSED WESTERN REAR REDMOND STREETSCAPE ELEVATION	CHECKED:	S.G	CHECKED:	S.G	DRAWN:	S.G	SHEET No.:
				www.developmentdesign.com.au	ADDRESS:	PROPOSED WESTERN REAR REDMOND STREETSCAPE ELEVATION					DRAWN:	S.G	2.09
					ADDRESS:	PROPOSED WESTERN REAR REDMOND STREETSCAPE ELEVATION					CHECKED:	S.G	2.09

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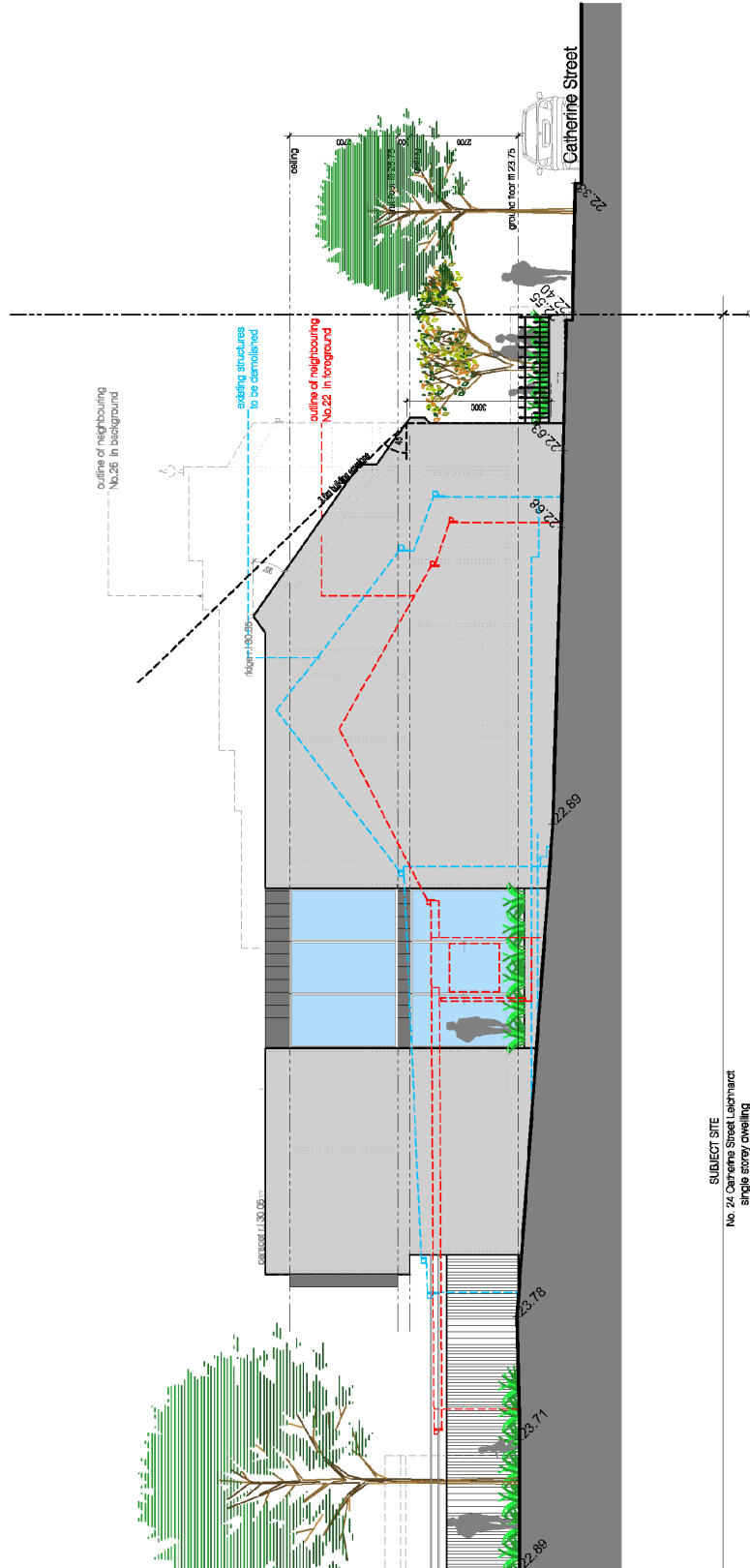


PROPOSED WESTERN REAR REDMOND STREETSCAPE ELEVATION

DA PLANS FOR CONSTRUCTION		DATE: 08.05.2018 19.09.2018		CLIENT: Development Design Pty Ltd ACN 107 176 867 340a Riley Street Surry Hills NSW 2010 +61(0)2 9211 7800   info@dev-design.com.au www.developmentsign.com.au		PROJECT: PROPOSED SUBDIVISION & CONSTRUCTION OF 3 ATTACHED DWELLINGS DRAWING: PROPOSED WESTERN REAR REDMOND STREETSCAPE ELEVATION CHECKED: S G		SCALE: 1:100 @ A3 DRAWN: S G CHECKED: S G		ISSUE: B DA SHEET NO: 2.10 DO NOT SCALE DRAWING	
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SUBJECT SITE  
No. 24, Catherine Street, Leichhardt  
single storey dwelling

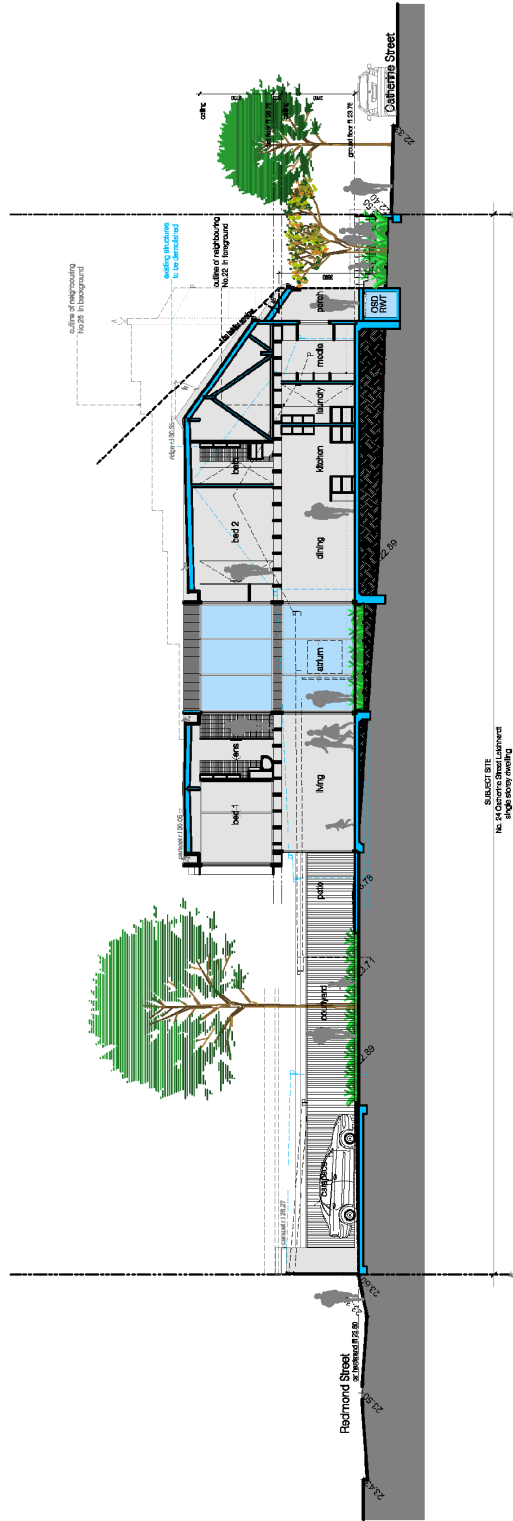
PROPOSED SOUTHERN SIDE ELEVATION

DA PLANS  
FOR PRELIMINARY REVIEW

ISSUE: A B	AMENDMENTS: PRE-DA ISSUE DA ISSUE	DATE: 08.05.2018 19.03.2018	Development Design Pty Ltd ACN 107 176 867 340a Riley Street Surry Hills NSW 2010 +61(0)2 9211 7800   info@developmentdesign.com.au www.developmentdesign.com.au	CLIENT: TRADER IN PURPLE 113PTY LTD ADDRESS: LOT 22, SEC B in DP 118 24 CATHERINE STREET LEICHHARDT 2040	PROJECT: PROPOSED SUBDIVISION & CONSTRUCTION OF 3 ATTACHED DWELLINGS DRAWING: PROPOSED SOUTHERN SIDE ELEVATION	SCALE: 1:100 @ A3 DRAWN: S G CHECKED: S G	ISSUE: B DA SHEET No: 2.13 DO NOT SCALE DRAWING
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TYPICAL SECTION A - A (SOUTHERN LOT)

CC PLANS  
PRELIMINARY

ISSUE: AMENDMENTS:  
A PRE-DA ISSUE  
B DA ISSUE

DATE:  
08.05.2018  
19.09.2018

CLIENT:  
TRADER IN PURPLE (PJ) PTY LTD

PROJECT:  
PROPOSED SUBDIVISION & CONSTRUCTION OF 2 ATTACHED DWELLINGS

SCALE:  
1:150 @ A3

ISSUE:  
B

DEVELOPMENT DESIGN PTY LTD  
ACN 107 176 867

ADDRESS:  
LOT 22, SEC B (PDP 110)  
24 CATHERINE STREET  
LEICHHARDT, 2040

DRAWING:  
TYPICAL SECTION A-A

CHECKED:  
SJS

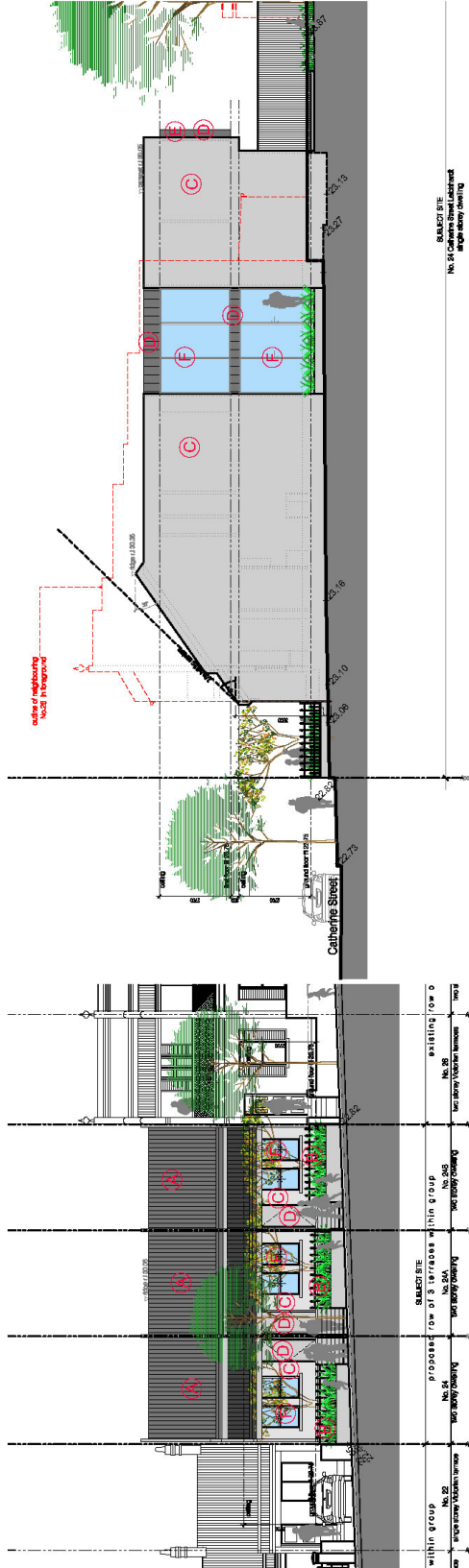
DRAWN:  
SJS

SHEET NO.:  
3.01

DO NOT SCALE DRAWING

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**A** Selected Traditional Corrugated Profile Colorbond Roof Sheeting.

**B** Aluminum Front Fence Detail in Malay Grey or Similar

**C** Selected Colorbond Shale Grey Roof Colour or Similar.

**D** Selected Colorbond Shale Grey Roof Colour or Similar.

**E** Selected Colorbond Shale Grey Roof Colour or Similar.

**F** Selected Lexion Quarter render & paint finish to external walls

**D** Selected external cladding & Aluminium Frames in Malay Grey or Similar Colour

**E** Selected aluminium windows & doors in Malay Grey Colour

**F** Traditional timber hung window

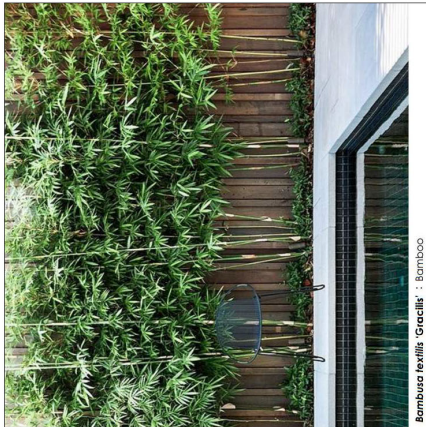
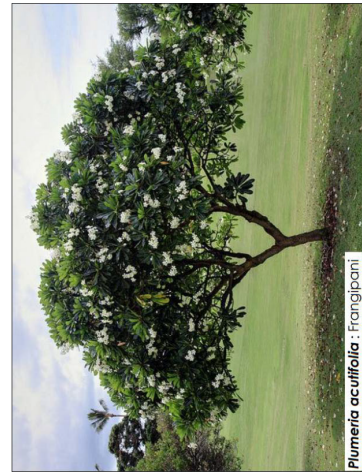


DA PLANS FOR CONSTRUCTION	
ISSUE:	AMENDMENTS:
A	PRE-DA ISSUE
B	DA ISSUE

DATE:	08.05.2018	18.08.2018
CLIENT:	Development Design Pty Ltd ACN 107 175 887	
PROJECT:	PROPOSED SUBDIVISION & CONSTRUCTION OF 3 ATTACHED DWELLINGS	
SCALE:	1:150 @ A3	
DRAWING:	S.G	
CHECKED:	S.G	
DO NOT SCALE DRAWING		
ISSUE:	B	
DA		
SHEET NO:	5.03	
CLIENT: TRADER IN PURPLE 113PTY LTD ADDRESS: LOT 22 SEC B in DP 119 24 CATHERINE STREET LEICHHARDT, 2040 CLIENT: 340a Riley Street Surry Hills NSW 2010 +61(0)2 9211 7800   info@developmentdesign.com.au www.developmentdesign.com.au		

**MATERIAL & COLOUR SCHEDULE OF FINISHES**

ALL BUILDING WORKS TO BE BUILT IN ACCORDANCE WITH BUILDING CODE OF AUSTRALIA & COUNCIL REQUIREMENTS. THE BUILDER/MANUFACTURER SHALL CHECK AND VERIFY ALL DIMENSIONS, LEVELS, GROUNDS, NETWORKS AND CONSTRUCTION METHODS PRIOR TO COMMENCEMENT. COPYRIGHT RESERVED. NO PART OF THESE DRAWINGS MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM WITHOUT THE WRITTEN PERMISSION OF DEVELOPER.



CC PLANS FOR CONSTRUCTION

ISSUE:	A
AMENDMENTS:	PRE-DA ISSUE DA ISSUE
DATE:	08.05.2018 19.09.2018

CLIENT:	Development Design Pty Ltd ACN 107 176 667
ADDRESS:	340a Riley Street, Surry Hills NSW 2010 +61 (0)2 921 7900   info@developmentdesign.com.au www.developmentdesign.com.au

PROJECT:	PROPOSED SUBMISSION & CONSTRUCTION OF 3 ATTACHED DWELLINGS
DRAWING:	LANDSCAPE PLAN

SCALE:	1:100 @ A3
DRAWN:	S.G
CHECKED:	S.G

ISSUE:	B
DA	DA
SHEET NO.:	5.01
DO NOT SCALE DRAWING	

LANDSCAPE PLAN

PROJECT:	PROPOSED SUBMISSION & CONSTRUCTION OF 3 ATTACHED DWELLINGS
DRAWING:	LANDSCAPE PLAN

SCALE:	1:100 @ A3
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ISSUE:	B
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SHEET NO.:	5.01
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PLANTING SCHEDULE

SYMBOL	BOTANIC NAME	COMMON NAME	MAX HEIGHT	MAX WIDTH	POT SIZE	STAKING	NUMBER
	TREES 4-10m						
PA	<i>Plumeria acutifolia</i>	Frangipani	7m	3m	100lt YES	YES	6
CA	<i>Crassula ovata</i>	Jade Plant	0.8m	1.5m	5lt	NO	10
	BAMBOOS						
BT	<i>Bambusa textilis 'Gracilis'</i>	Bamboo	7m	3m	2.5lt	NO	16
	GROUND COVER						
LC	<i>Lomandra confertifolia</i>	Little con	0.8m	0.6m	2.5lt	NO	15
DL	<i>Ophiopogon japonicus</i>	Dwarf lilyturf	-	-	0.5lt	NO	20
	GRASS						
SW	<i>Sir Walter Buffalo</i>	Turf Grass	-	-	-	NO	-

**SPECIFICATION NOTES**

**PLANTING MATERIALS**

**Planting Mix:**  
 Inspected planting mix to comprise an approved soil mix of:  
 • 10% Moisture retentive (e.g. coco peat, perlite, blacksoil)  
 • 10% Composted sawdust  
 • 10% Composted manure

**Mulch:**  
 • 100mm thick Black Mulch (150mm depth), free from weed seeds (checked from Rydex, Wilson, Packer, Gardalux, or other mulch vendors). Any mulch exceeding the 25mm grade shall be removed from the site. Graded area bark mulch (ANL grade MHB) to be supplied by Australian Native Landscapes Pty Ltd (Phone (02) 9430 1444, or approved equivalent).

**Plant Material:**  
 All plants must be bare root. No substrate will be allowed. All plants shall be free of fungus and insect damage. All plants shall be healthy, well shaped, not soil or force grown and no root bound.

**Turfed areas:**  
 All new turfed areas are to be selected weed free Soft Leaf Buffalo. Turf shall be laid neatly buried in a bagged joint, laid with expansion joints and laid on a prepared subgrade. Plants to be planted prior to turfing.

**PREPARATION AND HARDWORKS**

**Excavating for Spot Planting**  
 Excavate to a depth of 100mm below the top ball of aggregate to be planted. The excavated area shall have a minimum 150mm depth of weed free top soil, placed and levelled prior to planting.

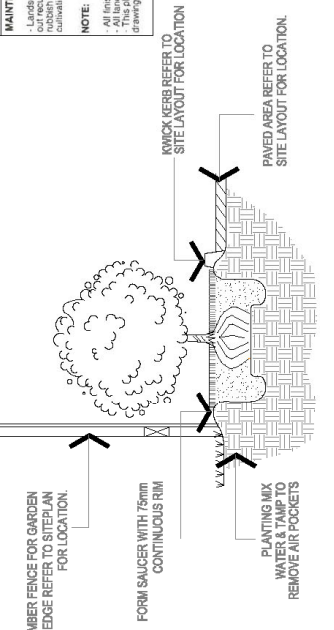
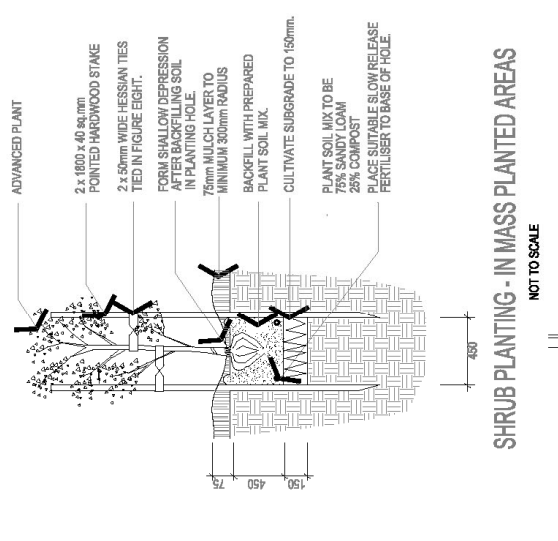
**Staking**  
 Use durable hardwood, straight, free from knots or twists, pointed at one end. Drive stakes into the ground to a minimum one third of the length, avoiding damage to the root system. Stakes shall be 50mm diameter and 1.5m long. Provide a 50mm wide nylon webbing tie per stake, fixed securely to the stakes, one tie at half the height of the main stem and two other as necessary to stabilise the plant.

**Decorative Pebbles:**  
 Decorative pebbles shall be Western White pebbles, gravel to be of uniform size or graded material in the size 20 - 40mm grade to nominal 75mm thickness as available from Australian Native Landscapes. Ph: (02) 9430 1444.

**Concrete Edge**  
 Concrete edge works to be off white colour. INSTALLATION: Supply and install 100 x 250mm (width) reinforced flush concrete kerb to locations as approved on site by the Superintendent. Provide flexible joints at maximum 2 metre intervals in kerbs. Kerbs shall be finished with a broom finish. Kerbs shall be finished with a broom finish. Kerbs shall be finished with a broom finish. Kerbs shall be finished with a broom finish.

**MAINTENANCE / PLANT ESTABLISHMENT**  
 - Landscaping Contractor to provide 13 weeks for maintenance / client establishment period. Carry out recurrent works of a maintenance nature including, but not limited to: watering, mowing, weeding, cultivating, pruning, hedge clipping, top dressing, and keeping the site neat and tidy.

**NOTE:**  
 - All finished levels are to be verified by Contractor on site.  
 - All landscape works are to be in accordance with Council's landscape code and guidelines.  
 - All landscape works are to be in accordance with all other submitted architectural, hydraulic and engineering drawing where applicable.



ADVANCED TREE PLANTING DETAIL

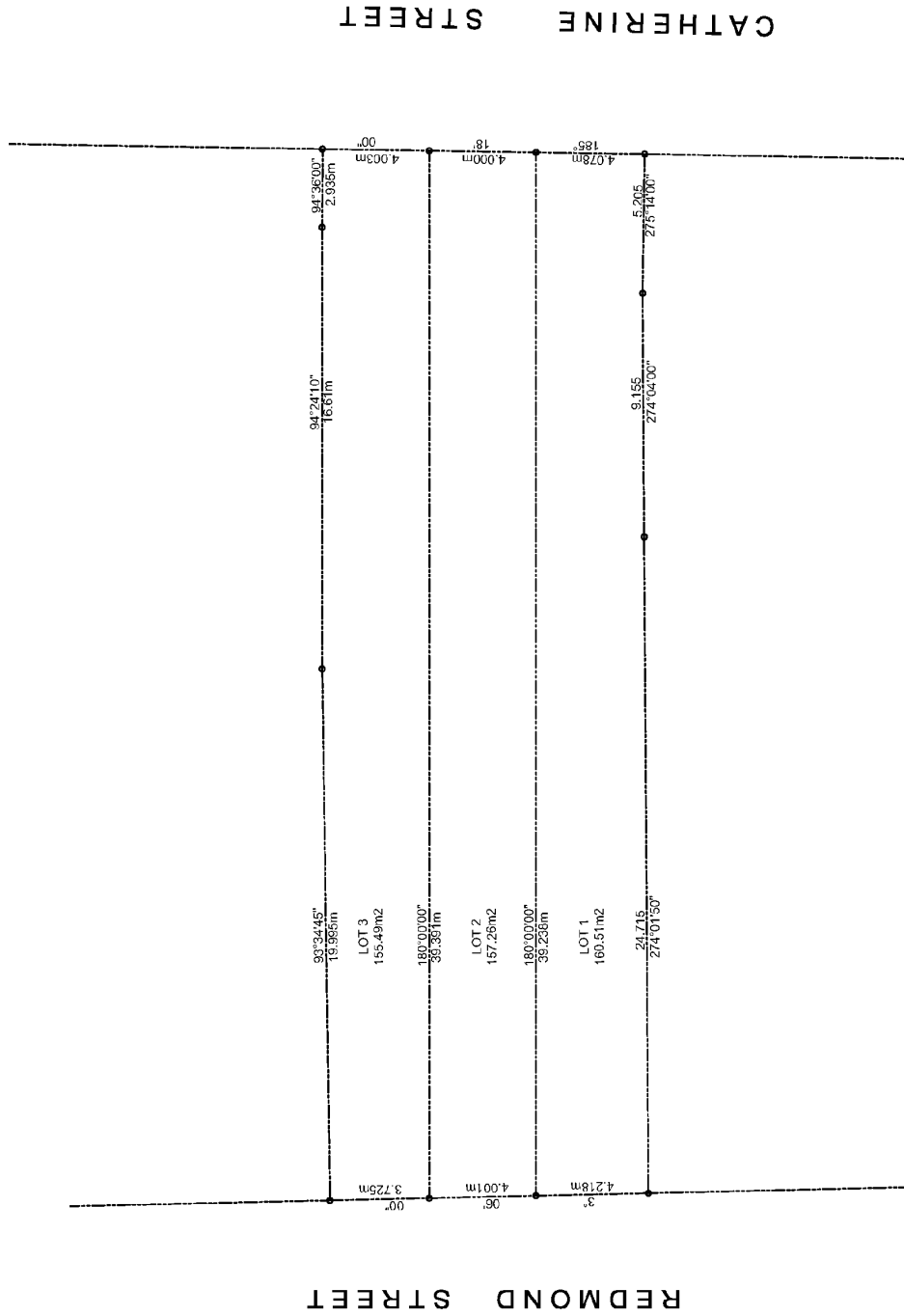
**CC PLANS FOR CONSTRUCTION**

ISSUE: A	AMENDMENTS: PRE-DA ISSUE	DATE: 08.05.2018	CLIENT: TRADER IN PURPLE 113PTY LTD	PROJECT: PROPOSED SUBDIVISION & CONSTRUCTION OF 3 ATTACHED DWELLINGS	SCALE: 1:100 @ A3	ISSUE: B
B	DA ISSUE	19.05.2018	ADDRESS: LOT 22, SEC B in DP 119, 21 CATHERINE STREET, LEICHHARDT, 2040	DRAWING: LANDSCAPE PLAN	DRAWN: S.G	DA
			340a Riley Street Surry Hills NSW 2010 +61(0)2 9211 7800   info@developmentdesign.com.au www.developmentdesign.com.au		CHECKED: S.G	SHEET NO: 5.01A

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**LANDSCAPE PLAN**

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<b>DA PLANS</b> FOR LOCAL DEVELOPMENT		<b>PROPOSED TORRENS TITLE SUBDIVISION CONCEPT PLAN</b>	
ISSUE: A B	AMENDMENTS: PRE-DA ISSUE DA ISSUE	DATE: 08.05.2018 19.09.2018	CLIENT: Development Design Pty Ltd ACN 107 176 867 340a Riley Street Surry Hills NSW 2010 +61(02) 9211 7600   info@developmentdesign.com.au www.developmentdesign.com.au
PROJECT: PROPOSED SUBDIVISION & CONSTRUCTION OF 3 ATTACHED DWELLINGS		SCALE: 1:150 @ A3	ISSUE: B
DRAWING: PROPOSED TORRENS TITLE SUBDIVISION CONCEPT PLAN		DRAWN: S G	ISSUE: DA
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**Attachment C- Clause 4.6 Exception to Development Standards - FSR**

**6 Clause 4.6 Exception to Development Standard**

**Exception to Development Standard to LLEP2013 Clause 4.1 – Minimum subdivision lot size**

FOR:

PROPOSED DEMOLITION OF EXISTING DWELLING, SUBDIVISION INTO THREE (3) TORRENS TITLE ALLOTMENTS & CONSTRUCTION OF AN INFILL DWELLING ON EACH LOT

AT:

**No.24 Catherine Street Leichhardt**

Prepared by:

**Development Design Pty Ltd**  
340A Riley Street Surry Hills 2010

May 2018

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## 1. INTRODUCTION

An objection pursuant to Clause 4.6 Exception to Development Standard – Development Standards is made requesting variation to strict compliance with the Minimum Subdivision Lot Size standard contained in Leichhardt Local Environmental Plan 2013 (LLEP2013).

The objection is made on the grounds that strict compliance with the development standard is unreasonable and unnecessary given the circumstances of the case.

The proposed variation will not hinder attainment of the objectives of Section 5a (i) and (ii) of the EP & A Act 1979 (the act), that is “the proper management and development” of land and the “promotion and co-ordination of the orderly and economic use of development”. The proposal is in line with these objectives and the underlying intent of the standard.

Variation of the Minimum Subdivision Lot Size control will not adversely affect the amenity of any neighbouring properties.

## 2. Objection to Development Standard to Clause 4.1 – Minimum Subdivision Lot Size

Leichhardt Council Environmental Plan 2013 (LLEP2013), Clause 4.1, where a development standard is prescribed for floor Minimum Subdivision Lot Size is 200m<sup>2</sup>.

### 2.1 What are the objectives or underlying purpose relevant to the development standard?

#### 4.1 Minimum subdivision lot size

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

*(a) to ensure that lot sizes are able to accommodate development that is consistent with relevant development controls,*

*(b) to ensure that lot sizes are capable of supporting a range of development types.*

*(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.*

*(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.*

*(4) This clause does not apply in relation to the subdivision of any land:*

*(a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or*

*(b) by any kind of subdivision under the Community Land Development Act 1989.*

### 2.2 Is compliance with the standard consistent with the aims of the policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EP&A Act?

The proposed variation will not hinder attainment of the objectives of Section 5a (i) and (ii) of the EP & A Act 1979 (the act), that is “the proper management and development” of land and the “promotion and co-ordination of the orderly and economic use of development”.

The proposal is in line with these objectives and the underlying intent of the standard.

Variation in the minimum 200m<sup>2</sup> allotment size controls will not adversely affect the amenity of any neighbouring properties particularly in light of the permissibility of Strata Subdivision.

### 2.3 Is compliance with the development standard unreasonable or unnecessary?

This assessment requires consideration as to whether the proposal meets the underlying objectives behind the Minimum Subdivision Lot Size standard.

The underlying objective or purpose of the Minimum subdivision lot size is to ensure that the lot sizes are able to accommodate development that is consistent with the relevant development control and ensures that the lot sizes are capable of supporting a range of development types.

In the context of this development proposal, strict compliance with the Minimum Subdivision Lot Size standard is unreasonable and unnecessary for the following justifiable reasons.

- Whilst Part C1.6 Subdivision outlines a minimum 200m<sup>2</sup> requirements in relation to the Torrens Title subdivision of land within the Residential Zones, the proposal demonstrates that the resultant subdivision would be considered consistent with the prevailing subdivision pattern in the neighbourhood.
- Variation in the minimum 200m<sup>2</sup> allotment size controls will not adversely affect the amenity of any neighbouring properties particularly in light of the permissibility of Strata Subdivision.
- The proposed resultant subdivision demonstrates facilitation of an orderly economic appropriate use of the land having sufficient area, width and depth to accommodate a building form that will contribute positively to the primary Catherine Streetscape, secondary Redmond Streetscape and the Piperston Distinctive Neighbourhood.
- The subject allotment characteristics appear to be the anomaly within the immediate regular narrow lot subdivision pattern. The allotment falls directly between regular narrow 3 x 4m wide 150m<sup>2</sup> lots approximately comprising of single storey Victorian Terrace built forms within the same group to its south with regular narrow 3 x 4m wide 150m<sup>2</sup> lots approximately comprising of two storey palisade façade Victorian Terrace building forms within the same group to its north.
- The proposed 3 lot subdivision seeks to retain this immediate narrow lot consistency by creating 2 x 4m wide 157.75m<sup>2</sup> lots on average which will allow the resultant built form and pattern to maintain consistency within the adjoining groups of 3 terraces within the immediate streetscape.
- The proposed subdivision is supported by an infill development proposal that adequately demonstrates that the resultant subdivided allotments are suitable to enable the siting and construction of an appropriately sized and proportioned dwellings that provides adequate amenity to future residents and areas for open space and landscape compliant with the LEP & DCP controls.
- The proposed subdivision layout, dimensions including area enables as demonstrated appropriate infill dwellings that is consistent with the density, setbacks, building bulk and scale and height found along the Catherine Street.
- The proposed dwellings demonstrate the preservation of the rhythm of the neighbourhood by maintaining housing style and prevalence of hipped and pitched roofs that maintain the established setback within the streetscape which contribute positively to the overall character of the street and the Piperston Distinctive Neighbourhood for that matter.
- The proposed elevated single storey building form demonstrates a stepped transition between the higher built form of the northern adjoining two storey palisade façade Victorian Terraces within the same group and the lower southern adjoining single storey Victorian Terraces within the same group. This proposed built form falls within the 3.6m Building Envelope Controls and will comfortably allow an appropriate transition whilst not detracting from the architectural character and merits of its adjoining terrace groups.

- The proposed front setbacks to the front porch demonstrates a retained consistency with the northern terrace front setback of 2.8m with a further 1.2m setback to the primary façade wall. Whilst the design process considered a stepped setback or either average setback alternative of the adjoining groups, it was acknowledged that the front setback as proposed would reduce the overall building depth within the allotments and therefore protect the amenities of the southern adjoining courtyards in comparison without detriment to the character and scale of the proposal within the primary streetscape.
- The proposed roof pitch of 35 degrees demonstrates consistency with immediate and intermediate roof pitches within the street.
- The proposal utilise of traditional materials, colour and finishes demonstrate a contemporary interpretation of a traditional elevated single storey appearing terrace which will allow the form to be perceived as a 21<sup>st</sup> Century layer and allow a greater appreciation and contrast between the old and new rather than unsuccessfully mimicking the past.
- The proposed infill dwellings demonstrate compliance with the built form of neighboring properties and Building Location Zones;
- The proposal is in accordance with Clause 1.2 Aims of Plan and Clause 2.3 Zone Objectives and Land Use Table as the proposed works are compatible with the environment in terms of bulk, scale, amenity and streetscape, and preserving the desired future character of the Piperston Distinctive Neighbourhood Area.;
- The imperceptible and inconsequential increase is further justified against a proposal that is out weighed by the positive contributions that the development presents and contributes to the overall streetscape appearance ensuring that the proposed external works will have a significant improvement on the overall character of the streetscape within the suburb of Leichhardt and Piperston Distinctive Neighbourhood Area;
- It is anticipated that the proposed subdivision is sensitive to the local environment and is socially responsive to the needs of the community. The capacity of the community's infrastructure and the road networks will not be affected as the minor increase in floor space will not allow for the development to allow or provide for an unreasonable increase of people who would reside in this limited development

#### **2.4 Is the objection well founded?**

The objection is well founded as this the variation from the standard, as proposed, is considered reasonable, in the circumstances of this case, as the proposal still meets the overall objectives behind the standard by ensuring its intensity is compatible with the surrounding environment demonstrates facilitation of an orderly economic appropriate use of the land having sufficient area, width and depth to accommodate a building forms that will contribute positively to the primary Catherine Streetscape, secondary Redmond Streetscape and the Piperston Distinctive Neighbourhood.

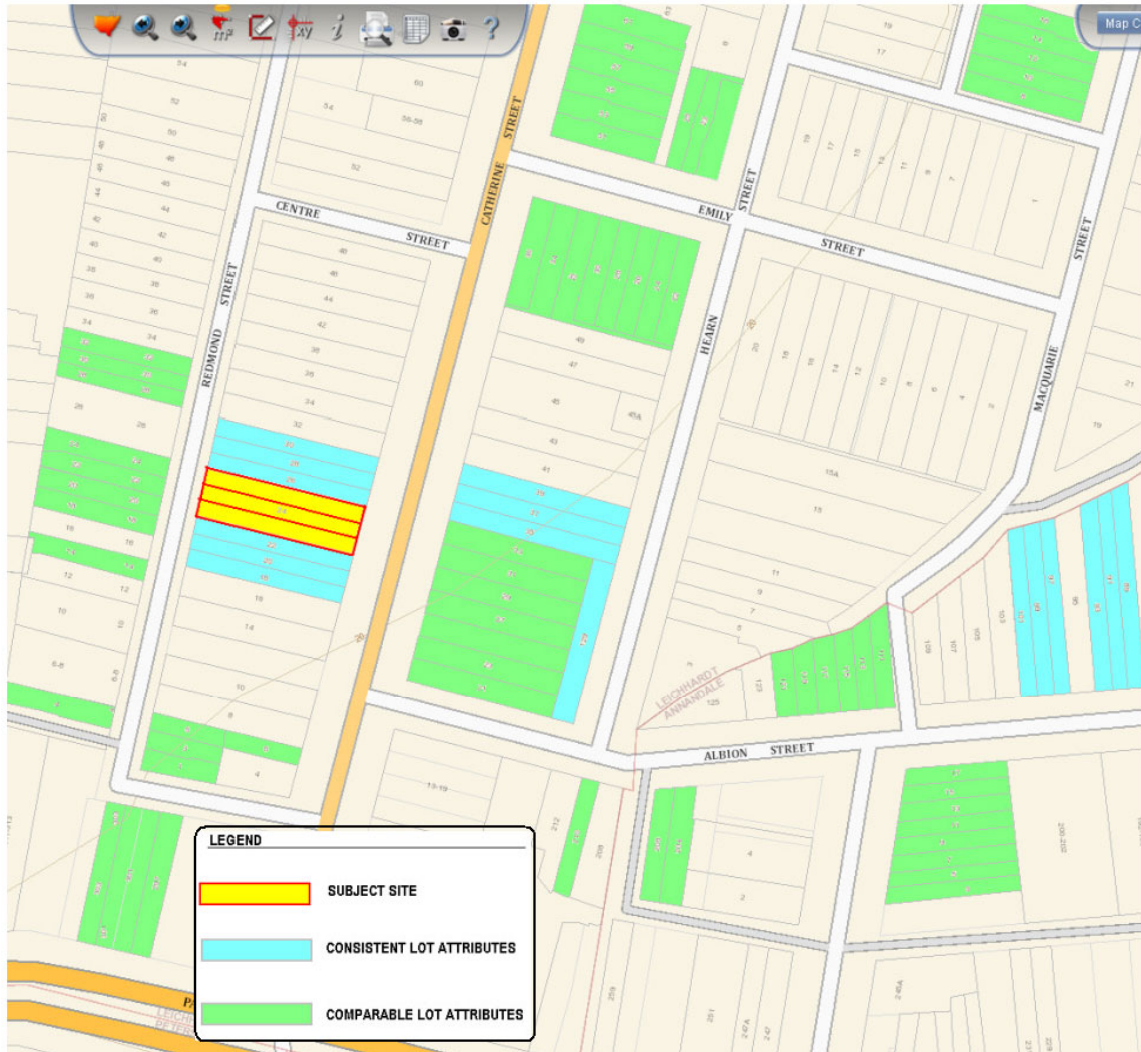
#### **2.5 CONCLUSION**

The Exception to Development Standards has demonstrated that the variation to the standard will not hinder the objectives of the act nor will it undermine the intent of the control.

The proposed development passes the strict test for an Exception to Development Standards and warrants the support of Council.



2.6 NEIGHBOURING SUBDIVISION ANALYSIS



**Attachment D – Clause 4.6 Exception to Development Standards -  
Subdivision**

**7 Exception to Development Standard**

**Exception to Development Standard to LLEP2013 Clause 4.4 - Floor Space Ratio**

FOR:

PROPOSED DEMOLITION OF EXISTING DWELLING, SUBDIVISION INTO THREE (3)  
TORRENS TITLE ALLOTMENTS & CONSTRUCTION OF AN INFILL DWELLING ON EACH  
LOT

AT:

**No.24 Catherine Street Leichhardt**

Prepared by:

**Development Design Pty Ltd**  
340A Riley Street Surry Hills 2010

March 2019

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## 1. INTRODUCTION

An objection pursuant to Clause 4.6 Exception to Development Standard – Development Standards is made requesting variation to strict compliance with the floor space ratio standard contained in Leichhardt Local Environmental Plan 2013 (LLEP2013).

The objection is made on the grounds that strict compliance with the development standard is unreasonable and unnecessary given the circumstances of the case.

The proposed variation will not hinder attainment of the objectives of Section 5a (i) and (ii) of the EP & A Act 1979 (the act), that is “the proper management and development” of land and the “promotion and co-ordination of the orderly and economic use of development”. The proposal is in line with these objectives and the underlying intent of the standard.

Variation of the Floor Space Ratio control will not adversely affect the amenity of any neighbouring properties.

## 2. Objection to Development Standard to Clause 4.4 - Floor Space Ratio

Leichhardt Council Environmental Plan 2013 (LLEP2013), Clause 4.4, where a development standard is prescribed for floor space ratio (FSR).

### 2.6 What are the objectives or underlying purpose relevant to the development standard?

#### 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.*

(2) *The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.*

(2B) *Despite subclause (2), the floor space ratio for development for the purpose of residential accommodation:*

(c) *on land shown edged brown on the Floor Space Ratio Map is not to exceed:*

- (i) *in the case of development on a lot with an area of 150 square metres or more but less than 300 square metres—0.7:1, or*

### 2.7 Is compliance with the standard consistent with the aims of the policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EP&A Act?

The proposed variation will not hinder attainment of the objectives of Section 5a (i) and (ii) of the EP & A Act 1979 (the act), that is “the proper management and development” of land and the “promotion and co-ordination of the orderly and economic use of development”.

The proposal is in line with these objectives and the underlying intent of the standard.

Variation of the Floor Space Ratio control will not adversely affect the amenity of any neighbouring properties.

**2.8 Is compliance with the development standard unreasonable or unnecessary?**

This assessment requires consideration as to whether the proposal meets the underlying objectives of the Floor Space Ratio standard.

The proposed infill development results in a total GFA of 340.74m<sup>2</sup> over a total Site Area of 473.26m<sup>2</sup> which equates to a total FSR of 0.72 : 1 or 2.4% Level of Non-compliance as specified in *Clause 4.4 (2B)(c)(ii)* of the Leichhardt Local Environmental Plan 2013.

The proposed Torrens Title Subdivision into three(3) lots equate to the following ratios :

	Lot 1	Lot 2	Lot 3
GFA :	113.52m <sup>2</sup>	114.73m <sup>2</sup>	112.49m <sup>2</sup>
Site Area:	160.51m <sup>2</sup>	157.26m <sup>2</sup>	155.49m <sup>2</sup>
FSR:	0.7 : 1	0.73 : 1	0.72 : 1
<u>%stage of non-compliance :</u>	<u>0%</u>	<u>4.3%</u>	<u>2.9%</u>

The underlying objective or purpose of the FSR standard is to restrict over development of the site by controlling the bulk and scale of the building in order to minimise the impacts of the proposal on the neighbouring properties which is compatible with the desired future character of the area whilst providing a suitable balance between landscape areas and the built form.

In the context of this development proposal, strict compliance with the floor space ratio requirement of 0.7 : 1 is unreasonable and unnecessary as the increase is appropriate within its context having inconsequential and imperceptible effects on the adjoining immediate and intermediate amenity for the following justifiable reasons.

- The level of non-compliance as indicated in the table above is considered minor in nature under the context under its overall context. The level of non-compliance applies to Lot 2 & 3 which represents an additional floor space of 4.7m<sup>2</sup> & 3.1m<sup>2</sup> respectively.

Whilst full compliance could be achieved by reducing the proposed 19.13m<sup>2</sup> ground floor living area by these amounts by creating an additional undercroft area for the rear deck, this increase in floor area is contained within a portion of ground which has imperceptible and inconsequential effects on the adjoining amenity in terms of bulk and scale, overshadowing and on the overall appearance from the streetscape and the Distinctive Neighbourhood Area for that matter;

- Compliance with 15% min. Landscape & 60% max. Site Coverage Clauses for residential accommodation in Zone R1 of LLEP 2013 are more than adequately achieved (i.e 22% & 45% respectively) which further contributes to the underlying objectives behind the FSR controls;
- An improved streetscape and rear lanescape for that matter, the traditional Victorian character form compliments the mixed and varied eclectic architectural character and building form, setback and height within the streetscape which further contributes positively to the Distinctive Neighbourhood;
- The proposed FSR non-compliance will not effect any views enjoyed by the immediate and intermediate dwelling;
- The underlying purpose behind the standard has been achieved through an overall design that ensures that the density and landscape area compliments with the style, orientation and pattern of surrounding buildings both in the primary Catherine Street and secondary Redmond Street at its rear and surrounding Streets;
- The proposal complies with the built form of neighboring properties and Building Location Zones;

- The proposal is in accordance with Clause 1.2 Aims of Plan and Clause 2.3 Zone Objectives and Land Use Table as the proposed works are compatible with the environment in terms of bulk, scale, amenity and streetscape, and preserving the desired future character of the Distinctive Neighbourhood Area;
- The imperceptible and inconsequential increase is further justified against a proposal that is out weighed by the positive contributions that the development presents and contributes to the overall streetscape appearance ensuring that the proposed external works will have a significant improvement on the overall character of the streetscape within the Distinctive Neighbourhood Area;
- It is anticipated that this FSR increase is sensitive to the local environment and is socially responsive to the needs of the community. The capacity of the community's infrastructure and the road networks will not be affected as the minor increase in floor space will not allow for the development to allow or provide for an increase of people who would reside in this limited development;
- The increase in bulk of the building is to the rear and will be comparable with surrounding development;
- There will be no unacceptable reduction in privacy, solar access or visual outlook to neighbouring properties;
- The underlying purpose behind the standard has been achieved through an overall design that ensures that the density and landscape area compliments with the style, orientation and pattern of surrounding buildings both in Catherine & Redmond Streets;
- The proposal is in accordance with Clause 13 (general Objectives and Clause 17 (Housing) as the proposed works are compatible with the environment in terms of bulk, scale, amenity and streetscape, whilst not within a Conservation Area preserving the character of the Distinctive Neighbourhood Area.
- The minor increase is furthermore justified against a proposal that is out weighed by the positive contributions that the development presents and contributes to the overall streetscape appearance ensuring that the proposed external works will have a significant improvement on the overall character of the streetscape within the Annandale Street Distinctive Neighbourhood;
- The underlying purpose behind the standard has been achieved through an overall design that ensures that the density and landscape area compliments with the style, orientation and pattern of surrounding buildings in the immediate Street and surrounding streets without any additional shadow impacts or overlooking issues.
- The proposed development will have imperceptible and inconsequential effects on the adjoining amenity, its building form has been designed to maintain reasonable neighbour amenity by improving both visual and acoustic privacy and significantly improving the level of solar access enjoyed by the southern adjoining neighbour.
- It should be firstly recognised and agreed that the property has an east-west orientation which traditionally are unavoidably affected by shadows cast upon by their northern neighbours and unavoidably have the same impacts on their southern adjoining neighbours. This impact is further compounded by the condensed density and narrow allotment width context.

Despite the orientation compliance with the Building Location Zones assists to provides adequate compliance with the solar access such that the northern adjoining two storey terrace amenities will not be impacted upon given that the shadows fall towards the southern adjoining single storey terraces roof.

The supporting Mid-Winter, March Equinox and Mid-Summer Hourly shadow diagrams demonstrate that the southern adjoining amenities will not be adversely impacted upon. The supporting hourly shadow diagrams demonstrate that the Net pre-post Shadow impacts are imperceptible and inconsequential to the southern adjoining immediate and intermediate amenities during the Mid-Winter, March Equinox and Mid-Summer Solstices and as such satisfies this control.

- It is anticipated that this minor floor space increase is sensitive to the local environment and is socially responsive to the needs of the community. The capacity of the community's infrastructure and the road networks will not be affected as the minor increase in floor space will not allow for the development

#### **2.9 Is the objection well founded?**

The objection is well founded as this the variation from the standard, as proposed, is considered reasonable, in the circumstances of this case, as the proposal still meets the overall objectives behind the standard by ensuring its intensity are compatible with the surrounding environment in terms of bulk, scale, amenity, streetscape appearance.

#### **2.10 CONCLUSION**

In the circumstances of the case, strict compliance with Council's Floor Space Ratio standard is considered to be unreasonable and unnecessary given the design of the proposal, its relationship to surrounding properties, the locality in general and amenity impacts.

The Exception to Development Standards has demonstrated that the variation to the standard will not hinder the objectives of the act nor will it undermine the intent of the control.

The proposed development passes the strict test for an Exception to Development Standards and warrants the support of Council.