



INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	D/2018/541
Address	50-58 Evans Street, Rozelle
Proposal	Alterations and additions to existing hardware store building to facilitate its conversion into 3 x 2 storey dwellings with associated parking, and associated works, including excavation to include a basement and remediation of the site.
Date of Lodgement	17-Oct-2018
Applicant	Matco Holdings Pty Ltd
Owner	Matco Holdings Pty Ltd
Number of Submissions	Objections from 13 properties
Value of works	\$1,900,000
Reason for determination at Planning Panel	<ul style="list-style-type: none"> Number of objections exceeds officer delegation Clause 4.6 variation to Site Coverage exceeds 10%
Main Issues	Impact to Heritage Conservation Area, Issues in relation to Car parking, Visual Privacy
Recommendation	Approved with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Clause 4.6 Exception to Development Standards
Attachment D	Statement of Heritage Significance of Heritage Conservation Area



LOCALITY MAP

Subject Site		Objectors		
Notified Area		Supporters		

Note: Due to scale of map, not all objectors/supporters could be shown. Please note a supporter is also at the subject site.

1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions to an existing hardware store building to facilitate its conversion into 3 x 2 storey dwellings with associated parking, and associated works, including excavation to include a basement and remediation of the site. The application was notified to surrounding properties and 13 submissions were received (11 objections, 2 in support) were received.

The main issues that have arisen from the application include:

- Impact to Heritage Conservation Area
- Issues in relation to car parking
- Visual privacy

The abovementioned issues can be addressed via the recommendation of conditions and therefore, the application is recommended for approval.

2. Proposal

The application proposes alterations, additions and the adaptive reuse of the existing warehouse/business premises for multi dwelling housing incorporating 3 townhouses with integrated parking for 4 vehicles, basement storage and an enhanced site landscape regime.

3. Site Description

The site is known as Lot 1 in DP 904243, No. 50 - 58 Evans Street, Rozelle. The subject site is generally rectangular in shape having primary frontage and address to Evans Street of 23.05 metres, secondary frontage to Goodsir Street of 28.955 metres and an area of 660.4 square metres. The site falls approximately 2.5 metres across its surface in an eastern direction. The subject site is located on the northern side of Goodsir Street and eastern side of Evans Street.

The site supports a single storey hardware store. The adjoining properties support two storey residential dwellings to the north on Evans Street and two storey residential dwellings to the east.

The subject site is not listed as a heritage item, but is in the vicinity of surrounding heritage items at 60, 62, 75, 77, 79 Evans Street. The property is located within a conservation area. The property is identified as a flood prone lot.



View of proposed site from Evans Street



View of proposed site from the intersection of Evans and Goodsir Street.

4. Background

4(a) Site history

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

Subject Site

Application	Proposal	Decision & Date
D/2005/233	Change of use of a non-residential building to a hardware shop.	Approved 11-Oct-2005
M/2005/246	Section 96 (1A) Modification of Development Consent D/2005/233 which approved use existing commercial premises as hardware shop including external signage. Modifications include the deletion of condition 3 requiring the widening of the existing vehicular crossing and entry, and the deletion of all associated conditions of consent.	Approved 04-Apr-2006
M/2006/147	Section 96(1) for removal of references to application for a Construction Certificate imposed in error	Approved 08-May-2006
M/2009/15	Section 96 application to modify D2005/233 which approved use of building for hardware store. Modification includes rewording & deletion of conditions and therefore removing the requirement for widening of vehicular crossing and entry, enabling loading to occur off site plus deleting the requirement to pursue business parking restrictions.	Approved 30-Nov-2010
M/2011/127	Section 96 application to modify D/2005/233 which approved use of building for hardware store. Modification entails amendments to vehicle access door/ driveway, relocation of loading zone, make Sunday trading from 9am to 4pm permanent, amendments regarding equitable access to the building and BCA compliance as set out in the application details.	Approved 16-Apr-2012
M/2014/31	Section 96 modification to D/2005/233 which approved a change of use of a non-residential building to a hardware shop. The S.96 Modification is to delete Condition 40(i) regarding vehicle crossing to Goodsir Street	Approved 06-May-2014
M/2014/211	Application to modify previous approval (D/2005/233) to confirm trial of Sunday trading to be permanent.	Approved 04-Feb-2015
PREDA/2017/321	Conversion of existing hardware store building into 3 X 2 storey dwellings with associated parking.	Approved 15-Feb-2018

The development as proposed and as conditioned is consistent with design advice issued under PREDA/2017/321.

4(b) Application history

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

Date	Discussion / Letter / Additional Information
1 February 2019	Request for additional information letter sent which raises the following issues: <ul style="list-style-type: none"> • Issues raised by Council's Engineering Section relating to stormwater and car parking • Issues in relating to heritage conservation • Issues in relating to visual privacy • Issues in relation to compliance with Landscape Area development standard • Further information in relation to the design of the proposed planter of the eastern dwelling
18 February 2019	Additional information and amended design submitted. Additional information in the form of an amended stormwater plan, swept path diagrams and an arborist report were submitted. The amended design entails minor changes including the provision of obscure glazing to three windows and amended landscape design and therefore is not required to be renotified under Leichhardt DCP 2013.
22 February – 1 May 2019	Various e-mail correspondences between Council engineers and applicant/applicant's consultants.
2 April 2019	Further additional information submitted: Civil Engineers Drawings <ul style="list-style-type: none"> - Wider garage opening - Section 3 moved west to suit, levels adjusted - Dimensions to plan revised - Chainages added to sections Traffic Engineers Drawings <ul style="list-style-type: none"> - Updated swept paths with dimensions Architectural drawings <ul style="list-style-type: none"> - Revised southern elevation showing low clearance signage

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy No. 55—Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *Leichhardt Local Environmental Plan 2013*

The following provides further discussion of the relevant issues:

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

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. LDCP 2013 provides controls and guidelines for remediation works. *SEPP 55* requires the consent authority to be satisfied that “the site is, or can be made, suitable for the proposed use” prior to the granting of consent.

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

A Detailed Site Investigation (DSI) and Remedial Action Plan (RAP) have been provided to address the management of contaminated groundwater onsite and the treatment and/or disposal of any contaminated soils and contamination issues prior to determination.

The following conclusions were made in the Stage 2 Detailed Site Investigation (DSI) prepared by EBG Environmental Geoscience:

- *The soil sample laboratory analysis results were assessed against the relevant 'Residential A', Health Investigation Levels (Hils) and Ecological Investigation Levels (EILs) listed in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) May 2013.*
- *Elevated benzo.a.pyrene TEa (polyaromatic hydrocarbons - PAH) was identified in the analysed sample taken from near the surface of Borehole 2 @ 0.25 metres (fill had depth of 0.5 metres). A benzo.a.pyrene TEa level of 15 mg/kg was identified. The HIL A criteria is 3 mg/kg. Low leachate values for PAH (B.a.P TEa) confirm that this contamination is unlikely to have been transported into the natural weathered sandstone. Remediation shall be necessary around Borehole 2 (See Recommendations).*
- *Marginally elevated lead above the Health Investigation Levels (HIL A) was identified in two samples (610 and 350 mg/kg). As the maximum elevated level for lead did not exceed the HIL A by >250%, the lead results were statistically analysed (UCL 95%). The 95% UCL for lead was 166 mg/kg and did not exceed the HIL A of 300 mg/kg.*
- *The low leachate value for lead confirms that it is unlikely for the lead to have been transported into the natural weathered sandstone.*
- *Marginally elevated copper, nickel and zinc above the Ecological Investigation Levels (EILs) were identified in BHs 1, 2, 5 & 7. Details:*
 - *Borehole 1: The sample was taken at 1.0 metre. Elevated EILs at this depth (and at the marginal levels identified) would not be expected impact on the rowing media.*
 - *Borehole 2: The sample was taken at 0.25 metres. This area shall be remediated (See RAP for elevated PAH). The elevated EILs for zinc shall be removed with this remediated soil.*
 - *Borehole 5: The elevated levels are only marginally above the EIL (Nickel: 36 mg/kg compared to 25 mg/kg). The area around this borehole shall be concreted and not be used for gardens or landscaping.*
 - *Borehole 7: The elevated levels are only marginally above the EIL (Nickel: 36 mg/kg compared to 25 mg/kg). The area around this borehole shall be concreted and not be used for gardens or landscaping.*
- *The soil sample laboratory analysis results confirm that TRH, BTEX, OCPs & PCBs did not exceed the HIL criteria for Residential A usage in accordance with the NEPM 2013. Oe: Listed in Section 7).*
- *No asbestos fibres were detected within the soil at reporting limit of 0.1 g/kg, and no respirable fibres detected in the samples analysed.*

- The underground fuel tank is suspected to be located on the east of the roller entrance. A disused plinth is located just inside the entrance. The owner suspects that the tank was decommissioned, by filling with sand and cement, some years ago. No hydrocarbon odour was detected within any borehole. No hydrocarbons were detected within any sample taken from around the suspected tank location. The results indicate, that the soil within the vicinity of the suspected tank (USn, are not impacted from hydrocarbons.

A Remediation Action Plan consistent with the above conclusions was included in the Detailed Site Investigation Report where the upper fill soil material around the location of Borehole 2 to a depth of approximately 0.5 metres will be removed and remediated.

The contamination documents have been reviewed and found that the site can be made suitable for the proposed use subject to compliance with the requirements of the RAP. To ensure that these works are undertaken, it is recommended that conditions are included in the recommendation in accordance with Clause 7 of SEPP 55.

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

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

- Clause 1.2 - Aims of the Plan
- Clause 2.3 - Zone objectives and Land Use Table
- Clause 2.5 - Additional permitted uses for land
- Clause 2.6 - Subdivision
- Clause 2.7 - Demolition
- 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 5.3 – Development near zone boundaries
- Clause 5.10 - Heritage Conservation
- Clause 6.1 - Acid Sulfate Soils
- Clause 6.2 - Earthworks
- Clause 6.3 - Flood Planning
- Clause 6.4 - Stormwater management
- Clause 6.11 - Adaptive reuse of existing buildings in Zone R1

(xiii) Clause 2.3 - Land Use Table and Zone Objectives

The site is zoned R1 General Residential under the *LLEP 2011*. The *LLEP 2013* defines the development as: “Multi-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:

Standard	Proposal	non compliance	Complies
Minimum subdivision lot size Minimum permissible: 200 sqm	Not Applicable (Strata subdivision)	N/A	N/A
Floor Space Ratio Maximum permissible: 0.7:1 or 464.7	0.76:1 or 504.6 sqm	8.7%	No

sqm			
Landscape Area Minimum permissible: 20% or 132 sqm	18% or 120.6 sqm	9.2%	No
Site Coverage Maximum permissible: 60% or 396 sqm	68% or 450sqm	13%	No

Clause 4.6 Exceptions to Development Standards

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

- Clause 4.3A(3)(a) - Landscaped area
- Clause 4.3A(3)(b) – Site Coverage
- Clause 4.4 – Floor Space Ratio

The applicant seeks a variation to the Landscaped areas for residential accommodation in Zone R1, Site Coverage and Floor Space Ratio development standards under Clause 4.3A and Clause 4.4.

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

In order to demonstrate whether strict numeric compliance is unreasonable and unnecessary in this instance, the proposed exception to the development standard has been assessed against the objectives and provisions of Clause 4.6 of the applicable local environmental plan below.

Clause 4.3A - Landscaped areas for residential accommodation in Zone R1

Landscaped Area

The applicant seeks a variation to the Landscaped Area development standard under Clause 4.3A(3)(a) by 9.2% (18% of Landscaped Area) of the Leichhardt Local Environmental Plan 2013.

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

In order to demonstrate whether strict numeric compliance is unreasonable and unnecessary in this instance, the proposed exception to the development standard has been assessed against the objectives and provisions of Clause 4.6 of the applicable local environmental plan below.

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

- *The proposal is consistent with the zone objectives as it provides for the housing needs of the community through the sensitive adaptive reuse of a historical building with the resultant building form not giving rise to any unacceptable streetscape, heritage conservation or residential amenity impacts. The proposal significantly increases site landscaping, significantly reduces site coverage and provides work from home opportunities through dwelling layout and design.*

- *The proposed landscaped areas are available for soft landscaped treatments as detailed on the accompanying landscape plan with such areas augmented by the balance of the site not defined as site coverage which are available for recreation and the enjoyment of residents. The extent of variation is numerical minor with landscaped area significantly increased as a consequence of the development. The objective is satisfied.*
- *Having regard to the clause 4.6 variation provisions of the LLEP, we have formed the opinion:*
 - a) *That the contextually responsive development is consistent with the zone objectives, and*
 - b) *That the contextually responsive development is consistent with the objectives of the landscaped areas standard, and*
 - c) *That there are sufficient environmental planning grounds to justify contravening the development standard, and*
 - d) *That having regard to (a), (b) and (c) above that compliance with the landscaped areas development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - e) *That given the developments compliance with the zone and landscaped areas standard objectives that approval would not be antipathetic to the public interest, and*
 - f) *That contravention of the development standard does not raise any matter of significance for State or regional environmental planning.*

As such we have formed the highly considered opinion that there is no statutory or environmental planning impediment to the granting of a landscaped areas variation in this instance.

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

It is considered the development is in the public interest because it is consistent with the objectives of the R1 Residential in accordance with Clause 4.6(4)(a)(ii) of the applicable local environmental plan for the following reasons:

Objectives of R1 Residential zone:

- *To provide for the housing needs of the community.*
 - *To provide for a variety of housing types and densities.*
 - *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
 - *To improve opportunities to work from home.*
 - *To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.*
 - *To provide landscaped areas for the use and enjoyment of existing and future residents.*
 - *To ensure that subdivision creates lots of regular shapes that are complementary to, and compatible with, the character, style, orientation and pattern of the surrounding area.*
 - *To protect and enhance the amenity of existing and future residents and the neighbourhood.*
- The subject proposal is an adaptive re-use of a previous warehouse building that is a contributory building to the Heritage Conservation Area. As the predominant roof form is required to be retained, there are limited opportunities for landscape areas to

be provided. Having considered the site constraints, it is considered that the proposal had maximised the opportunity to provide landscaped areas.

- The proposal provides adequate landscaped area for each dwelling for recreational purposes.

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

The objectives of clause 4.3A – Landscaped Area development standards are as follows:

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

- The proposal, which retains the primary form of the existing contributory building to the streetscape and the Heritage Conservation Area, will be consistent with the Desired Future Character of the locality.
- Given the site restraints, it is considered that the proposal had maximised the opportunity to provide landscaped areas.
- The proposal provides adequate landscaped area for each dwelling for recreational purposes and maximised the opportunity to provide tree planting.

The proposal thereby accords with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of the Leichhardt Local Environmental Plan 2013. For the reasons outlined above, there are sufficient planning grounds to justify the departure from Landscaped Area development standard and it is recommended the Clause 4.6 exception be granted.

Site Coverage

The applicant seeks a variation to the Site Coverage development standard under Clause 4.3A(3)(b) by 13% (68% of Site Coverage) of the Leichhardt Local Environmental Plan 2013.

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

In order to demonstrate whether strict numeric compliance is unreasonable and unnecessary in this instance, the proposed exception to the development standard has been assessed against the objectives and provisions of Clause 4.6 of the applicable local environmental plan below.

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

- *The proposal is consistent with the zone objectives as it provides for the housing needs of the community through the sensitive adaptive reuse of a historical building with the resultant building form not giving rise to any unacceptable streetscape, heritage conservation or residential amenity impacts. The proposal significantly*

increases site landscaping, significantly reduces site coverage and provides work from home opportunities through dwelling layout and design.

- *We note that existing development on the site has a site coverage of 620.097m² or 94% with the proposal significantly reducing this figure to 450m² or 68% of the site area. Further, the development has a landscaped area, as defined, of 149.6m² representing 22.7% of the site area and therefore compliant with the minimum 20% standard. Minimal excavation is proposed ensuring no obstruction of underground water flows. In this regard, the proposal encourages ecologically sustainable development by maximising the retention and absorption of surface drainage water on site and by minimising obstruction to the underground flow of water. This objective is satisfied.*
- *Having regard to the clause 4.6 variation provisions of the LLEP, we have formed the opinion:*
 - a) *That the contextually responsive development is consistent with the zone objectives, and*
 - b) *that the contextually responsive development is consistent with the objectives of the landscaped area/ site coverage standard, and*
 - c) *that there are sufficient environmental planning grounds to justify contravening the development standard, and*
 - d) *that having regard to (a), (b) and (c) above that compliance with the landscaped area/ site coverage development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - e) *that given the developments compliance with the zone and landscaped area/ site coverage standard objectives that approval would not be antipathetic to the public interest, and*
 - f) *that contravention of the development standard does not raise any matter of significance for State or regional environmental planning.*

As such we have formed the highly considered opinion that there is no statutory or environmental planning impediment to the granting of a landscaped areas variation in this instance.

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

It is considered the development is in the public interest because it is consistent with the objectives of the R1 Residential in accordance with Clause 4.6(4)(a)(ii) of the applicable local environmental plan for the following reasons:

Objectives of R1 Residential zone:

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

- *To protect and enhance the amenity of existing and future residents and the neighbourhood.*
- The subject proposal is an adaptive re-use of a previous warehouse building that is a contributory building to the Heritage Conservation Area. The site coverage is achieved within the existing building footprint of the existing building.
- The proposal provides adequate landscaped area for each dwelling for recreational purposes.
- Subject to conditions, the proposed development will not result in any adverse amenity impacts to the surrounding properties.

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

The objectives of clause 4.3A – Landscaped areas for residential accommodation in Zone R1 are as follows:

- (a) *to provide landscaped areas that are suitable for substantial tree planting and for the use and enjoyment of residents,*
 - (b) *to maintain and encourage a landscaped corridor between adjoining properties,*
 - (c) *to ensure that development promotes the desired future character of the neighbourhood,*
 - (d) *to encourage ecologically sustainable development by maximising the retention and absorption of surface drainage water on site and by minimising obstruction to the underground flow of water,*
 - (e) *to control site density,*
 - (f) *to limit building footprints to ensure that adequate provision is made for landscaped areas and private open space*
- The proposal, which retains the primary form of the existing contributory building to the streetscape and the Heritage Conservation Area, will be consistent with the Desired Future Character of the locality.
 - Given the site restraints, it is considered that the proposal had maximised the opportunity to provide landscaped areas.
 - The proposal provides adequate landscaped area for each dwelling for recreational purposes and maximised the opportunity to provide tree planting.

The proposal thereby accords with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of the Leichhardt Local Environmental Plan 2013. For the reasons outlined above, there are sufficient planning grounds to justify the departure from Landscaped Area development standard and it is recommended the Clause 4.6 exception be granted.

Floor Space Ratio

The applicant seeks a variation to the Floor Space Ratio development standard under Clause 4.4 by 23.37% (0.76:1) of the Leichhardt Local Environmental Plan 2013.

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

In order to demonstrate whether strict numeric compliance is unreasonable and unnecessary in this instance, the proposed exception to the development standard has been assessed against the objectives and provisions of Clause 4.6 of the applicable local environmental plan below.

A written request has been submitted to Council in accordance with Clause 4.6(4)(a)(i) of the applicable Local Environmental Plan justifying the proposed contravention of the development standard which is summarised as follows:

- *The bulk, form and scale of the building is unaltered with all proposed works contained within the existing building structure. The only discernible external change will be the introduction openings in the roof sheeting for light and ventilation.*
- *There is currently no landscaping on the site. The proposal introduces a complaint quantum of landscaped area to the development site as depicted on Architectural plan DA 16 and the accompanying landscape plan prepared by Selena Hannan Design*
- *The proposal does not result in any change to the bulk and scale of the building as viewed from outside the site.*
- *Being a contributory building with the heritage conservation area the building will remain compatible with the desired future character of the area.*
- *It is considered that there are sufficient environmental planning grounds to justify the variation sought namely the retention and maintenance of the established 3 dimensional building form noting that pursuant to clause 4.4(2A) of LLEP the maximum FSR for non-residential development on the site (the existing business premises) is 1:1. The proposal, which involves the adaptive reuse of an existing business premises, complies with the 1:1 standard. We also note that the existing building has a GFA of 817m² representing an FSR of 1.24: 1. The proposal result is a significant reduction in GFA/FSR on this site. The ability to satisfy the underlying objectives and general paucity of adverse residential amenity, streetscape and heritage conservation impacts are also relevant matters for consideration in terms of planning justification*

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

It is considered the development is in the public interest because it is consistent with the objectives of the R1 Residential in accordance with Clause 4.6(4)(a)(ii) of the applicable local environmental plan for the following reasons:

Objectives of R1 Residential zone:

- *To provide for the housing needs of the community.*
 - *To provide for a variety of housing types and densities.*
 - *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
 - *To improve opportunities to work from home.*
 - *To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.*
 - *To provide landscaped areas for the use and enjoyment of existing and future residents.*
 - *To ensure that subdivision creates lots of regular shapes that are complementary to, and compatible with, the character, style, orientation and pattern of the surrounding area.*
 - *To protect and enhance the amenity of existing and future residents and the neighbourhood.*
- The proposal will result in three suitably sized dwellings which are compatible in size to the other dwellings in the locality.
 - The proposed dwellings will be located within the building envelope of an existing contributory building to the heritage conservation area. The proposed changes to the contributory building are considered to be acceptable.

- Subject to conditions, the proposal will not result in adverse amenity impacts to the surrounding properties.

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

The objectives of clause 4.4 – Floor Space Ratio development standards 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,*

Floor Space Ratio

- Despite a 9% of variation to the FSR development standard, the proposed FSR is a reduction of the FSR of the existing warehouse building.
- The proposal retains the built form of the contributory building and the proposed alterations will be compatible with the Heritage Conversation Area.
- The proposed floor space will be located within the existing building envelope.

The contravention of the development standard does not raise any matter of significance for State and Regional Environmental Planning. Council may assume the concurrence of the Director-General under the Planning Circular PS 18-003 issued in February 2018 in accordance with Clause 4.6(4)(b) of the applicable local environmental plan.

The proposal thereby accords with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of the Leichhardt Local Environmental Plan 2013. For the reasons outlined above, there are sufficient planning grounds to justify the departure from floor space ratio development standard and it is recommended the Clause 4.6 exception be granted.

Clause 5.10 - Heritage Conservation

The subject site is located in The Valley Heritage Conservation Area (C7 in Schedule 5 of the Leichhardt LEP 2013), The Valley (Rozelle) Distinctive Neighbourhood and the Evans Street Former Commercial Precinct Sub Area (Leichhardt DCP 2013). The site is located in the vicinity of a number of heritage items including:

- Corner building, including interiors, at 60 Evans Street, Rozelle (I756);
- Brick building, including interiors, at 62 Evans Street, Rozelle (I757);
- Stone building, including interiors, at 75 Evans Street, Rozelle (I758);
- Semi-detached house, including interiors, at 77 Evans Street, Rozelle (I759) and
- Semi-detached house, including interiors, at 79 Evans Street, Rozelle I760.

The proposal in its current form is supported on streetscape and heritage grounds subject to conditions. Refer to section 5(c) for a more detailed discussion on heritage conservation

Clause 6.11 - Adaptive reuse of existing buildings in Zone R1

The amended design satisfies the controls under this part due to the following reasons:

- Subject to conditions and as discussed in later sections of the report, the proposal will result in acceptable streetscape impacts and will meet desired future character controls and will not result in any unacceptable impacts on the amenity of adjoining properties, character or amenity of the surrounding area.
- Subject to conditions, the development will retain the significant fabric and the prominent architectural features of the existing building.
- The proposed gross floor area will be contained within the existing building envelope.

Therefore, the proposal is considered to be consistent with the objectives and controls under this part.

5(b) Draft Environmental Planning Instruments

Draft State Environmental Planning Policy (Environment) 2018

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

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

5(c) Development Control Plans

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

LDCP2013	Compliance
Part A: Introductions	
Section 3 – Notification of Applications	Yes
Part B: Connections	
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	Yes
B3.1 Social Impact Assessment	Not Applicable
B3.2 Events and Activities in the Public Domain (Special Events)	Not Applicable
Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Not applicable
C1.3 Alterations and additions	Yes – see discussion
C1.4 Heritage Conservation Areas and Heritage Items	Yes – see discussion
C1.5 Corner Sites	Yes
C1.6 Subdivision	Not applicable
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.9 Safety by Design	Yes
C1.10 Equity of Access and Mobility	Yes
C1.11 Parking	Yes – see discussion
C1.12 Landscaping	Yes– see discussion
C1.13 Open Space Design Within the Public Domain	Not Applicable
C1.14 Tree Management	Yes – see discussion
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	Yes– see discussion
C1.18 Laneways	Not Applicable
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	Not Applicable
C1.20 Foreshore Land	Not Applicable
C1.21 Green Roofs and Green Living Walls	Not Applicable
Part C: Place – Section 2 Urban Character	
C2.2.2.4 The Valley ‘Balmain’ Distinctive Neighbourhood C2.2.2.4(a) Evans Street / Beattie Street Former Commercial Precinct Sub Area	Yes – see discussion
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	Yes
C3.3 Elevation and Materials	Yes, subject to conditions
C3.4 Dormer Windows	Not applicable
C3.5 Front Gardens and Dwelling Entries	Not applicable
C3.6 Fences	Not applicable
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes
C3.9 Solar Access	Yes
C3.10 Views	Yes
C3.11 Visual Privacy	Yes, subject to conditions
C3.12 Acoustic Privacy	Yes
C3.13 Conversion of Existing Non-Residential Buildings	Yes
C3.14 Adaptable Housing	Not applicable
Part C: Place – Section 4 – Non-Residential Provisions	
Part D: Energy	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes
D2.4 Non-Residential Development	Not Applicable
D2.5 Mixed Use Development	Not Applicable
Part E: Water	
Section 1 – Sustainable Water and Risk Management	
E1.1 Approvals Process and Reports Required With Development Applications	Yes
E1.1.1 Water Management Statement	Yes
E1.1.2 Integrated Water Cycle Plan	Not Applicable
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.1.4 Flood Risk Management Report	Not Applicable
E1.1.5 Foreshore Risk Management Report	Not Applicable
E1.2 Water Management	Yes
E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	Yes, subject to conditions
E1.2.3 On-Site Detention of Stormwater	Yes, subject to conditions
E1.2.4 Stormwater Treatment	Yes
E1.2.5 Water Disposal	Yes, subject to conditions
E1.2.6 Building in the vicinity of a Public Drainage System	Not Applicable

E1.2.7 Wastewater Management	Yes, subject to conditions
E1.3 Hazard Management	Not Applicable
E1.3.1 Flood Risk Management	Not Applicable
E1.3.2 Foreshore Risk Management	Not Applicable
Part F: Food	Not Applicable
Part G: Site Specific Controls	Not Applicable

The following provides discussion of the relevant issues:

C1.3 Alterations and additions, C1.4 Heritage Conservation Areas and Heritage Items
C2.2.2.4 The Valley 'Balmain' Distinctive Neighbourhood

The subject site is located in the The Valley Heritage Conservation Area (C7 in Schedule 5 of the Leichhardt LEP 2013), The Valley (Rozelle) Distinctive Neighbourhood and the Evans Street Former Commercial Precinct Sub Area (Leichhardt DCP 2013). The site is located in the vicinity of a number of heritage items including:

- Corner building, including interiors, at 60 Evans Street, Rozelle (I756);
- Brick building, including interiors, at 62 Evans Street, Rozelle (I757);
- Stone building, including interiors, at 75 Evans Street, Rozelle (I758);
- Semi-detached house, including interiors, at 77 Evans Street, Rozelle (I759) and
- Semi-detached house, including interiors, at 79 Evans Street, Rozelle I760.

The existing building presents as a single storey face brick warehouse building to both Evans Street and Goodsir Street. The roof contains two gable roof forms with a central box gutter, supported with timber trusses.

The proposed change of use to residential with 3 dwellings is an appropriate heritage outcome for the site as it will retain and reuse the existing building, will retaining the façade and roof form, does not involve any vertical additions and will retain detailing, including the roof vents.

The current proposal is an improvement on the previous design submitted for Pre-DA advice (PREDA/2017/321) as it will have less of an impact on the heritage fabric of the building and the heritage significance of The Valley HCA. The Pre-DA application was referred to Council's Referral Panel who provided the following comments:

The subject building (constructed between 1890-1943) contributes aesthetically and historically to the heritage significance of The Valley (Balmain and Rozelle) Conservation Area. The development proposal needs to be approached from that viewpoint. In this regard the timber structures/roof and likely original window openings are to be retained in situ. Support is not given to the removal of the existing historic timber structures of the roof or their exposure to the elements as this would be detrimental to their conservation.

The proposal includes 8 large curved openings in the northern roof plane of the northern gable over the landscaped areas and 6 smaller curved openings on the southern roof plane of the northern gable. Support is not given to the removal of the existing historic timber roof structures or their exposure as this would be detrimental to their conservation.

The original proposal was considered acceptable subject to amendments, reiterated below. Comments is also are made in respect to the revised drawings.

1. *The proposed roof openings are to be redesigned so that:*
 - *They are located between the existing timber roof trusses, which are to be retained in situ;*

- *Roof openings on the northern roof plane of the northern gable, adjacent to Evans Street, are to be set back so they are not visible from the street; and*
- *There is to be more roof than void in the roof plane.*

Comment: The roof framing plan illustrates the proposed roof openings are located between the timber roof trusses. The roof openings on the northern roof plane of the northern gable have not been set back from Evans Street. It would be a better heritage outcome if these were setback, however, this will affect the amenity of Dwelling 1. The openings will also be located opposite the recently constructed terraces at 48 and 48A Evans Street which will partially conceal the roof openings. The current configuration of the roof openings on the northern roof plane is acceptable in this instance to retain the amenity of Dwelling 1.

2. *All skylights and the light well are to be positioned so that they do not impact on the roof trusses and are not visible from the street.*

Comment: The roof framing plan illustrates the proposed skylights are clear of the timber roof trusses.

3. *The applicant is to submit a roof framing plan with an overlay of the proposed openings demonstrating how they relate to the roof structure and that the timber structures/roof are not detrimentally affected.*

Comment: Submitted and demonstrated.

4. *The proposed doorway in the southern façade is to be slightly relocated so that it sits directly below the window opening above.*

Comment: The doorway has not been relocated. A condition of consent is recommended to be included requiring that the proposed opening in the southern façade, providing direct pedestrian access to Dwelling 3 from Goodsir Street, is to be relocated so that it is centred directly underneath the ensuite window above (WF06) on the first floor.

5. *The applicant is to confirm there will be no overrun for the lift associated with Dwelling 1 to confirm that the roof above the lift will not be penetrated.*

Comment: This has not been confirmed. It is recommended a condition of consent be included requiring that the lift overrun associated with Dwelling 1 must not penetrate the roof above the lift shaft.

The materials and finishes board still indicates it is proposed to paint the facades. The applicant is encouraged to engage qualified tradespeople to remove the paint using a proprietary paint cleaning product suitable for heritage structure buildings. No high pressure water or sandblasting is to be used for the removal of paint. Alternatively, if it is preferred to paint the building, only surfaces that have been previously painted are to be repainted. Face brickwork is to remain unpainted. In addition, a pre-coloured traditional corrugated steel shall be used for the roofing, finished in a colour equivalent to Colorbond colours "Windspray" or "Wallaby".

In addition to the above, the existing opening to Goodsir Street proposed for vehicular access is required to be widened for appropriate turning paths. This is not desirable from a heritage perspective as it will require the removal of the existing pedestrian door adjacent and will result in the loss of original building fabric. Vehicular access will enhance the usability for the new use for the existing building. Therefore, the proposed widening of the doorway is supported in this instance, subject to an archival photographic record of the building being undertaken prior to the issue of the construction certificate.

The increased opening will also require the demolition of one of the brick piers supporting an existing timber roof truss. It is not clear how this beam will be retained with the removal of the pier. It is recommended a condition of consent be included requiring a report from a structural engineer confirming that the timber roof truss, and all of the other timber roof trusses, can be appropriately supported and retained as part of the proposal, and any works required to ensure that they are retained and incorporated.

Conclusion

The proposal is considered to be acceptable from a heritage perspective subject to following conditions of consent:

1. The architectural drawings are to be updated prior to issue of the construction certificate with the proposed opening in the southern façade providing direct pedestrian access to Dwelling 3 from Goodsir Street relocated so that it is centred directly underneath the ensuite window above on the first floor (WF06).
2. A report from a structural engineer confirming that the timber roof truss over the new garage opening, and all of the other timber roof trusses, can be appropriately supported and retained as part of the works, and any works required to ensure that they are retained and incorporated, is to be provided prior to the issue of the construction certificate.
3. The lift overrun associated with Dwelling 1 must not penetrate the roof above the lift shaft.
4. Only surfaces that have been previously painted are to be repainted. Face brickwork is to remain unpainted.
5. The materials and finishes board is to be updated requiring a pre-coloured traditional corrugated steel to be used for the roofing, finished in a colour equivalent to Colorbond colours "Windspray" or "Wallaby".
6. A photographic archival record of the building is to be submitted prior to the commencement of works and prior to the issue of a Construction Certificate to the satisfaction of Council's Heritage Specialist.

C1.11 Parking

Number of Parking Spaces

The following parking rates are applicable to the proposed development:

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

The proposed development will result in 3 dwellings that have 3 or more bedrooms, and therefore, would have a minimum requirement of one car space for each unit and 1 visitor car space. The applicant proposes 3 car spaces for the 3 proposed dwellings and one visitor

car space, and therefore, achieves compliance with the car parking requirements under this part.

The proposal seeks to increase the size of the existing garage door. To ensure vehicles can enter and exit in a forward direction, a condition will be recommended to increase the width of the garage door to 6500mm. Given that there is no legal parking to the west of the existing driveway (within 10 metres of the intersection), the increase of door/driveway does not result in the loss of any legal existing on-street parking.

Also, to ensure the safety of pedestrians entering the middle dwelling will not be impacted by the manoeuvring of cars in the parking space, a condition will be recommended to locate the entry to the middle dwelling 1 metre further to the west so that the entry is located within the pedestrian corridor rather than within the parking area. This will require the internal areas of Dwelling 1 (the most west dwelling) to be reconfigured to accommodate this change.

C3.11 Visual Privacy

The proposal introduces a number of first floor decks and it is considered that the first floor decks of the most eastern dwelling will have potential sightlines into the private open space of No. 48-48A Evans through the windows on the Northern Elevation. The amended design provides obscured glazing on F07, F08, F09. The deck associated with F10 is located approximately 4 metres from the window and there are no sightlines into the private open space of the adjoining property from this window.

Standard conditions will be recommended to ensure privacy from these windows.

C3.13 Conversion of Existing Non-Residential Buildings

As discussed in earlier sections of the report, the proposal will retain the predominant form of the existing building, and subject to conditions, the proposed alterations and additions are considered to be compatible with the Heritage Conservation Area.

The proposed gross floor area is located within the existing building envelope and will not result in additional impacts in regards to solar access, bulk and scale and loss of views. Subject to conditions, the proposal will achieve compliance with visual privacy controls. Given the constraints of the site, the proposal provides an adequate and acceptable amount of landscaped area and private open space that can be used for recreational purposes.

Therefore, the proposal is considered to be consistent with the objectives and controls under this part.

5(d) The Likely Impacts

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

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

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 the Leichhardt Development Control Plan 2013 for a period of 14 days to surrounding properties. A total of 13 submissions were received (11 Objections, 2 in support).

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

- Issues in relation to car parking – see Section 5(c) - C1.11 Parking
- Issues in relation visual privacy – see Section 5(c) - C3.11 Visual Privacy

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

Issue: The proposal will lead to a loss of a hardware store/residential developments are in abundance

Comment: As the subject site is zoned residential, the site relies on existing use rights as a commercial premise. Given the proposal is permissible in the zoning and the proposal will meeting the objectives of the R1 General Residential zone, the loss of a hardware store would not warrant the application to be refused.

Issue: Goodsir Street is currently an unrestricted street for parking (ie no 2P signs like many other surrounding streets).

Comment: Residents can potentially contact Council's traffic section to discuss the possibility of the establishment of a residential parking scheme for the area.

Issue: Construction noise, dust and traffic difficulties throughout the project, Potential damage to property from excavation work

Comment: A condition will be recommended that require a detailed Traffic Management plan to be prepared and submitted to the satisfaction of Council prior to the commencement of works. Standard conditions will also be recommended in relation to hours of constructions, noise generation and excavation. Conditions will also be recommended that requires dilapidations reports on the two adjoining properties before and after construction.

Issue: These sites should have been zoned industrial or commercial years ago even when nestled in residential areas but Council neglected to do so. By not doing Council have flagged the desired long term use is residential use not their historic uses. This is planning failure in my view and could have been foreseen when the LEP 2000 was framed and the multiple updates to it.

Comment: This is outside the scope of the current Development Application. Residents will have the opportunity to provide comments in this regard when future draft Local Environment Plans are on exhibition.

5(g) The Public Interest

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

The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

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

- Heritage – Satisfactory subject to conditions.
- Engineers – Satisfactory subject to conditions.

- Health Compliance – Satisfactory subject to conditions.
- Building – Satisfactory subject to conditions.

All issues raised can be addressed via conditions in attachment A below.

6(b) External

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

7. Section 7.11 Contributions/7.12 Levy

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 where the total contribution is calculated to be at \$86,888.35 under the current Section 94 contribution plans.

Pursuant to the Ministerial Direction on Local Infrastructure Contributions dated 3 March 2011:

- (2) *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.*

In this instance the consent authorises the erection of three dwellings, and hence, Council may not impose a condition that requires payment in excess of \$60,000. A condition requiring that contribution to be paid is included in the recommendation.

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 premises/properties and the streetscape and is considered to be in the public interest.

The application is considered suitable for approval subject to the imposition of appropriate conditions.

9. Recommendation

- A. The applicant has made a written request pursuant to Clause 4.3A – Landscape Area and Clause 4.4 – Floor Space Ratio of the *Leichhardt Local Environmental Plan 2013*. After considering the requests, and assuming the concurrence of the Secretary, the Panel is satisfied that compliance with the standards 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 standards 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/2018/541 for Alterations and additions to existing hardware store building to facilitate its conversion into 3 x 2 storey dwellings with associated parking, and associated works, including excavation to include a basement and remediation of the site at 50-58 Evans Street, Rozelle 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/2018/541 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Drawing No. DA01 – Site plan	COSO Architecture	February 2019
Drawing No. DA02 – Basement floor plan	COSO Architecture	February 2019
Drawing No. DA03 – Proposed ground floor plan	COSO Architecture	February 2019
Drawing No. DA04 – Proposed first floor plan	COSO Architecture	February 2019
Drawing No. DA05 – Proposed second (loft) floor plan	COSO Architecture	February 2019
Drawing No. DA 06 – Proposed roof plan	COSO Architecture	February 2019
Drawing No. DA 08 – Section BB	COSO Architecture	February 2019
Drawing No. DA 09 – Section CC	COSO Architecture	February 2019
Drawing No. DA 10 – Section DD	COSO Architecture	February 2019
Drawing No. DA 11 – Section EE	COSO Architecture	February 2019
Drawing No. DA 12 – Southern Elevation	COSO Architecture	February 2019
Drawing No. DA 13 – Northern Elevation	COSO Architecture	February 2019
Drawing No. DA 14 – Eastern Elevation	COSO Architecture	February 2019
Drawing No. DA 15 – Western Elevation	COSO Architecture	February 2019
Drawing No. DA 19 – Materials and finishes board	COSO Architecture	February 2019
Drawing No. DA 24, Revision A – Roof Framing Plan	COSO Architecture	February 2019
Drawing No. DA 25, Revision A – Planter Wall Detail	COSO Architecture	February 2019
Reference: 17193Bstrata 1, Sheet 1-3 – Draft Strata Plan	CMS Surveyors	October 2018
Document Title	Prepared By	Dated
BASIX Certificate No. 942641M	Max Brightwell	26 July 2018
Report on geotechnical site investigation	Crozier Geotechnical Consultants	17 October 2018
Report ID: EBG - 02700.Stage2.DSI.09.18 - STAGE 1 PRELIMINARY (ENVIRONMENTAL) SITE	Edwards Blasche Group Pty Ltd	September 2018

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INVESTIGATION (PSI)		
Report ID: EBG - 02700.Stage2.DSI.09.18 - STAGE 2 DETAILED SITE INVESTIGATION (DSI)	Edwards Blasche Group Pty Ltd	September 2018
Access review	Morris-Goding Accessibility Consulting	18th May 2018
Arborist Report	Selena Hannan Landscape Design	12 February 2019
Stormwater Plans	Prepared By	Dated
DRW: 18.322/SW1, Rev. A - Concept Basement Drainage Plan	E2 Civil & Structural Design	09.02.19
DRW: 18.322/SW2, Rev. B - Concept Ground Drainage Plan	E2 Civil & Structural Design	09.02.19
DRW: 18.322/SW3, Rev. A - Concept Roof Drainage Plan	E2 Civil & Structural Design	09.02.19

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

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

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

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

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

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

Document Title	Prepared By	Dated
Remediation Action Plan	EBG Environmental Geoscience	September 2018

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

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

- a) The adjoining residents must be notified seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence, site contact details/person, elements to be demolished and be placed in the letterbox of every premises (including every

residential flat or unit, if any) either side, immediately at the rear of and directly opposite the demolition site.

- b) Written notice is to be given to the Principal Certifying Authority for inspection prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours and contact telephone number and licence number of the demolisher. The following building inspections must be undertaken by the Principal Certifying Authority:
 - i) A *pre commencement* inspection when all the site works are installed on the site and prior to demolition commencing.
 - ii) A *final* inspection when the demolition works have been completed.

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

- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address.
- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence, hoarding between the work site and any public property (footpaths, roads, reserves etc). Access to the site must be restricted to authorised persons only and the site must be secured against unauthorised entry when work is not in progress or the site is otherwise unoccupied.
- e) The demolition plans must be submitted to the appropriate Sydney Water Quick Check agent for a building plan approval.
- f) Demolition is to be carried out in accordance with the relevant provisions of Australian Standard 2601:2001: *Demolition of structures*.
- g) The hours of demolition work are limited to between 7:00am and 6:00pm on weekdays. No demolition work is to be carried out on Saturdays, Sundays and public holidays.
- h) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of WorkCover New South Wales and the Environmental Protection Authority.
- i) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- j) During demolition, public property (footpaths, roads, reserves etc) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition.
- k) All vehicles leaving the site with demolition materials must have their loads covered and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site.

- l) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
- m) Care must be taken during demolition to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services must be repaired by the relevant authority at the applicant's expense. Dial before you dig www.1100.com.au should be contacted prior to works commencing.
- n) Suitable erosion and sediment control measures in accordance with the Soil and Water Management Plan must be erected prior to the commencement of demolition works and must be maintained at all times.
- o) Prior to demolition, a Work Plan must be prepared and submitted to the Principal Certifying Authority in accordance with the relevant provisions of Australian Standard 2601:2001 *Demolition of structures* by a person with suitable expertise and experience. The Work Plan must identify hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- p) If the property was built prior to 1987 an asbestos survey prepared by a qualified occupational hygienist is to be undertaken. If asbestos is present then:
 - i) A WorkCover licensed contractor must undertake removal of all asbestos.
 - ii) During the asbestos removal a sign "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400 mm x 300 mm is to be erected in a visible position on the site to the satisfaction of Council.
 - iii) Waste disposal receipts must be provided to Council / Principal Certifying Authority as proof of correct disposal of asbestos laden waste.
 - iv) All removal of asbestos must comply with the requirements of WorkCover and Leichhardt Council.
 - v) An asbestos clearance certificate prepared by a qualified occupation hygienist must be provided at the completion of the demolition works.

PRIOR TO THE RELEASE OF A CONSTRUCTION CERTIFICATE

- 4. 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.

5. Amended plans are to be submitted incorporating the following amendments:
 - a) The main entry door to the middle dwelling (D02) to be located 1 metre further to the west to ensure the main entry door is adjacent to the pathway/corridor and not the parking area. The wall separating D01 and D02 is to be redesigned and internal configurations can be carried out to accommodate this change.
 - b) The garage door is to be widen (further to the west) to achieve a door width of 6500mm.
 - c) The proposed opening in the southern façade providing direct pedestrian access to Dwelling 3 from Goodsir Street relocated so that it is centred directly underneath the ensuite window above on the first floor (WF06).
 - d) The lift overrun associated with Dwelling 1 must not penetrate the roof above the lift shaft.
 - e) Only surfaces that have been previously painted are to be repainted. Face brickwork is to remain unpainted.
 - f) The materials and finishes board is to be updated requiring a pre-coloured traditional corrugated steel to be used for the roofing, finished in a colour equivalent to Colorbond colours "Windspray" or "Wallaby".

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

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

COLUMN A	COLUMN B
Open space and recreation	\$53542.88
Community facilities and services	\$6386.42
Bicycle works	\$70.70

The total contribution is: \$60,000

Payment will only be accepted in the form of cash, bank cheque or EFTPOS / Credit Card (to a maximum of \$10,000). It should be noted that personal cheques or bank guarantees cannot be accepted for Section 7.11 Contributions.

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.

7. A report from a structural engineer confirming that the timber roof truss above the garage opening, and all of the other timber roof trusses, can be appropriately supported and retained as part of the works, and any works required to ensure that they are retained and incorporated, is to be provided prior to the issue of the construction certificate.
8. To ensure reasonable privacy for the adjoining property, the following windows/glazing:

Window/glazing	Dwelling	Elevation
F07	03	North
F08	03	North
F09	03	North

must be provided with the following treatment:

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

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

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

9. The stormwater drainage concept plan (SDCP) 18.322/SW2 prepared by E2 Civil & Structural Design on 10 July 2018 must be amended to address the following:
 - a) The OSD tanks design should be supported by calculations demonstrating that the post development flows for the 100 year Average Recurrence Interval (ARI) storm event from the site are restricted to the pre development flows for the 5 year ARI storm event.
 - b) The volume of the OSD can be reduced where on-site retention (OSR) facilities for rainwater reuse and/or stormwater reuse are proposed to service all toilets, laundries and outdoor usage. Where OSR is proposed in lieu of OSD, the offset shall be calculated at a rate of 1m³ from the OSD storage volume, for every 2.5m³ of OSR storage provided (up to a maximum OSD offset of 10m³). Offsets for larger OSD storage must be supported by detailed calculations demonstrating compliance with the objectives of Leichhardt Council's DCP.
 - c) Overflow pipeline(s) must be provided for any rainwater tank(s) to discharge by gravity to the OSD storage tank.

- d) Stormwater Treatment in accordance with Section E1.2.4 (C1, C3, C4) of Council's DCP 2013, Part E: Water. A water quality filtration basket or similar primary treatment device must be installed on the site stormwater drainage system.
- e) The stormwater outlet pipe from the development site must be connected directly to Council's piped drainage system in Goodsir Street. The pipe must be designed to have the capacity of 1 in 100 year storm or 375mm in diameter, which ever has greater capacity. Where the piped drainage system is not available at the street frontage, the existing public system must be extended to the frontage of the site as specified by Council.
- f) A plan and long section of the drainage line within the road reserve at a scale of 1:100 and structural details of the proposed drainage pits at an appropriate scale shall be submitted to Council.
- g) Class of the pipe and the minimum required cover over the pipe within the carriage way must comply with the manufacturer's specifications and Council's standard requirements.
- h) The proposed pipe within the road reserve must be spigot and socket with rubber ring joints. Drainage pits must be constructed in Goodsir Street at the outlet connection and at the connection to Council's drainage system.
- i) Utility services within the area of effect of proposed drainage works within the road reserve must be shown on the long section. The minimum clearance must comply with the requirements of relevant service authority.
- j) For connection to Council's street drainage system, appropriate hydraulic grade line analysis must be undertaken to illustrate that the proposal will not be influenced by backwater effects.
- k) All pipes, diameter and invert level and pit surface and invert level must be shown on the drainage plans.
- l) Details and dimensions of the OSD tank and OSR tank, the invert and top water level in the OSD and OSR and details of the discharge control device including calculation of rates of discharge and volume of storage must be indicated on the drainage plans.
- m) Plans must show any components of the existing system to be retained and 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.
- n) Details of gravity disposal of stormwater runoff from the rear and front Gardens/Courtyard must be shown on the plans.

Amended details must be submitted to and approved by Council before the issue of a Construction Certificate.

10. The design of the vehicular access and off street parking facilities shall comply with Australian Standard AS/NZS2890.1-2004 *Parking Facilities – Off-Street Car Parking*. Details and dimensions demonstrating compliance are to be provided prior to the issue of a Construction Certificate. The following specific issues shall be addressed in the design:
- a) 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) Longitudinal sections along each outer edge of the access and parking facilities, extending to the centreline of the road carriageway must be provided at a scale of 1:25, demonstrating compliance with the above requirements.
 - c) 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.
 - d) The parking spaces must have minimum clear internal dimensions of 6000mm x 3000mm (length x width) and a door opening width of 6500 mm at the street frontage. The dimensions must be exclusive of obstructions such as walls, doors and columns, except where they do not encroach inside the design envelope specified in Section 5.2 of AS/NZS 2890.1-2004.
 - e) Vehicles must enter the site in a forwards direction and exit the site in a forward direction. A plan of the proposed driveway and parking at a scale of 1:200 is to be submitted demonstrating that vehicle manoeuvrability for entry and exit to the site and to each parking space complies with AS/NZS 2890.1-2004.
 - f) Dimensions of the access gate, parking spaces, aisle and waste storage area must be shown on the plans
11. 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.
12. A photographic archival record of the building is to be submitted prior to the commencement of works and prior to the issue of a Construction Certificate to the satisfaction of Council's Heritage Specialist.

The photographic archival recording is to be submitted in a digital format only and is to include the following:

- a) Site plan at a scale of 1:200 of the building including its relationship to the street and adjoining properties and directional details of photographs taken.
- b) Coloured photographs of:
 - i) each elevation, including:

- detail of the existing pedestrian and vehicular opening in the southern elevation;
 - detail of the location of the proposed opening for Dwelling 3 in the southern elevation; and
 - View to the current north western corner, its roof form and the western elevation of the building, as viewed from Evans Street.
- ii) interior of the building, including the timber truss frames;
 - iii) views to the subject property from each street and laneway or public space.

Photographic archival records must be taken of the building in accordance with 'Heritage Information Series, Photographic Recording of Heritage Items Using Film or Digital Capture 2006' published by the former NSW Department of Planning Heritage Branch available online at <http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/infophotograph/irecording2006.pdf>

The electronic images are to be taken with a minimum 8 megapixel camera, saved as JPEG TIFF or PDF files with a size of approximately 4-6MB, and cross referenced to the digital catalogue sheets and base plans. Choose only images that are necessary to document the process, and avoid duplicate images.

The report can be submitted on a USB, CD or DVD, in PDF/A format (created directly from the digital original), with a digital catalogue of images with the following data for each: title, image subject/description and date photograph taken.

13. 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.

14. The following requirements are to be incorporated into the development detailed on the Construction Certificate plans and provided prior to the issue of a Construction Certificate:
- a) No rainforest timbers or timbers cut from old growth forests are to be used in the construction of the development. Timbers to be used are to be limited to any plantation, regrowth or recycled timbers, or timbers grown on Australian Farms or State Forest Plantations.

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

15. 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.

16. 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.

17. The following fire upgrading is required pursuant to Clause 94 of the *Environmental Planning and Assessment Regulation 2000*:
- The building is to be provided with smoke alarm system that complies with *AS3786-1993: Smoke Alarms* and the smoke alarms must be connected to the consumer mains electrical power supply and interconnected where there is more than one alarm with a stand-by (battery back-up) power supply. The smoke alarm system must be installed in suitable locations on or near the ceiling in accordance with Part 3.7.2 of the Building Code of Australia.

Amended plans and specifications demonstrating compliance with this condition must be submitted to the satisfaction of the Principal Certifying Authority with the application prior to the issuing of a for a Construction Certificate.

Note: Where an existing system complying with the above requirements is already installed in the building, evidence of this should be submitted with the application for a Construction Certificate.

18. A Soil and Water Management Plan must be provided prior to the issue of a Construction Certificate. The Soil and Water Management plan must be designed to be compatible with the document Planning for Erosion and Sediment Control on Single Residential Allotments or Managing Urban Stormwater—Soils & Construction Volume 1 (2004) available at www.environment.nsw.gov.au and the Construction Management and Traffic Management Plan referred to in condition/s of this Development Consent and must address, but is not limited to the following issues:
- a) Minimise the area of soils exposed at any one time.
 - b) Conservation of top soil.
 - c) Identify and protect proposed stockpile locations.
 - d) Preserve existing vegetation. Identify revegetation technique and materials.
 - e) Prevent soil, sand, sediments leaving the site in an uncontrolled manner.
 - f) Control surface water flows through the site in a manner that:
 - i) Diverts clean run-off around disturbed areas;
 - ii) Minimises slope gradient and flow distance within disturbed areas;
 - iii) Ensures surface run-off occurs at non erodable velocities;
 - iv) Ensures disturbed areas are promptly rehabilitated.
 - g) Sediment and erosion control measures in place before work commences.
 - h) Materials are not tracked onto the road by vehicles entering or leaving the site.
 - i) Details of drainage to protect and drain the site during works.

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

19. 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.

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

- a) A plan view of the entire site and frontage roadways indicating:
- i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
 - 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 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.

21. 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.

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

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

23. The design and size of the waste storage areas must be generally in accordance with the Waste and Recycling Generation Rates in Council's DCP (Appendix D Section 2.4) and the proposed collection frequency. The room should be designed at grade so that the waste bins can be wheeled out from the room for collection.
- a) Details are to be provided of compliance with any environmental health and safety requirements relating to on site storage and removal of waste materials.
 - b) The floor plan must provide direct and convenient internal access for the transportation of waste and recycling from each tenancy to the waste and recycling storage area.

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

24. 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 (FOOT) Deposit	\$30,000.00
Inspection (FOOTI) fee	\$230.65

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

The inspection fee is required for 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.

25. Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent shall obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993. Permits are required for the following activities:
- a) Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application.
 - b) A concrete pump across the roadway/footpath
 - c) Mobile crane or any standing plant
 - d) Skip bins
 - e) Scaffolding/Hoardings (fencing on public land)
 - f) Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.
 - g) Awning or street verandah over footpath
 - h) Partial or full road closure
 - i) Installation or replacement of private stormwater drain, utility service or water supply

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

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

PRIOR TO THE COMMENCEMENT OF WORKS

26. 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;

27. 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.
28. 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.
29. An Asbestos Survey prepared by a suitably qualified Occupational Hygienist shall be prepared for the premises. The Survey is to incorporate appropriate Asbestos removal and disposal methods in accordance with the requirements of WorkCover NSW, NSW Environmental Planning and Assessment Amendment (Asbestos) Regulation 2009 and NSW Environment Protection Authority, Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)] and conditions of this consent.

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

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

30. 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.

31. 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.

32. 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.
33. 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.
34. 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

35. 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.
36. Vibration caused by excavation and construction at any residence or structure outside the site must be limited to:
 - a) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and
 - b) for human exposure to vibration, the evaluation criteria set out in the Environmental Noise Management Assessing Vibration: a Technical Guideline (Department of Environment and Conservation, 2006).

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

37. 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.

38. 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.

39. The site must be appropriately secured and fenced at all times during works.
40. 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.

41. 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.

42. 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.
43. 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.
44. 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.
45. 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.
46. 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.

47. 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

48. 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.
49. Any soil proposed to be disposed off site must be classified, removed and disposed of in accordance with the *EPA Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes 1999* and the *Protection of the Environmental Operations Act 1997*.

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

50. A validation report shall be prepared by a suitably qualified Environmental Consultant and be submitted to Council upon completion of remediation works and prior to the site being occupied. The validation report shall be prepared in accordance with relevant NSW Environment Protection Authority guidelines, including the guidelines 'Consultants Reporting on Contaminated Sites' and shall include :
 - a) Description and documentation of all works performed.
 - b) Results of validation testing and monitoring.
 - c) Validation results if any imported fill was transferred to site.
 - d) Demonstrate how all agreed clean-up criteria and relevant regulations have been satisfied

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

51. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards and a registered copy of the linen plan and 88B instrument with The Land and Property Information NSW is submitted to Council.
52. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that an Operation and Management Plan has been prepared and implemented for the on-site detention and/or on-site retention/re-use facilities. The Plan must set out the following at a minimum:
 - a) The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners.

- b) The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.
 - c) 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.
53. Construction of drainage pipe and pits in Goodsir Street and reinstatement of the road reserve must be completed to Council's satisfaction prior to issue of the Occupation Certificate at no cost to Council.
54. The existing stone kerb adjacent to the site is of local heritage value and is to be preserved at no cost to Council. Any damage to the stone kerb will require the replacement of the damaged individual stone units before the issue of the Occupation Certificate.
55. 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.
56. 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.
57. 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.
58. A Positive Covenant under Section 88B or 88E, whichever is relevant to the subject development, of the Conveyancing Act, shall be created on the title of the property detailing the following (at the Applicant's full cost):
- a) surface flow path;
 - b) finished pavement and ground levels;
 - c) prevent the erection of any structures or fencing;
 - d) on-site stormwater detention and/or retention system;

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

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

i) Work-As-Executed Plans

A "Work-as-Executed" plan prepared and signed by a registered surveyor shall be submitted to the Inner West Council's Development Assessment Engineer at the completion of the works showing the location of the detention basin and SQIDS with finished surface levels, contours at 0.2 metre intervals and volume of storage available. Also the outlet pipe from the detention basin to its connection to Council's drainage system, shall be shown together with the following information:

- location;
- pipe diameter;
- gradient;
- pipe material i.e. PVC or EW etc;
- orifice size;
- trash screen at orifice;
- emergency overflow dimensions and RL;
- all buildings (including floor levels) and finished ground and pavement surface levels;
- Full details of SQIDS.

ii) Engineer's Certificate

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

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

iii) Restriction-As-To-User

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

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

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

- iv) A Maintenance Schedule.

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

59. 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.

60. 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.

61. The vehicular crossing and/or footpath and kerb and gutter damaged during demolition/construction works are required to be reconstructed by your own contractor at no cost to Council. You or your contractor must complete an application for 'Construction of Vehicle Crossing and Public Domain Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability

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

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

PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

63. 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/2018/541) have been satisfied.
- b) Evidence of payment of all relevant fees and contributions.
- c) The 88B instrument plus six (6) copies.
- d) A copy of the final Occupation Certificate issued for the development.
- e) All surveyor's or engineer's certification required by the Development Consent.
- f) A copy of the Section 73 Compliance Certificate issued by Sydney Water.

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

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

ONGOING CONDITIONS OF CONSENT

65. 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.
66. 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.
67. The canopy replenishment trees required by this consent are to be maintained in a healthy and vigorous condition until they attain a height of 6 metres whereby they will be protected by Council's Tree Management Controls. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species within 2 months.
68. The Operation and Management Plan for the on-site detention and/or on-site retention/re-use facilities, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.
69. The premises shall not be used for any purpose other than that stated in the Development Application, i.e. Multi-Dwelling without the prior consent of the Council unless the change to another use is permitted as exempt or complying development under *Leichhardt Local Environment Plan 2013* or *State Environmental Planning policy (Exempt and Complying Codes) 2008*.

The use of the premises as a Multi-Dwelling, is defined under the *Leichhardt Local Environmental Plan 2013*.

PRESCRIBED CONDITIONS

A. BASIX Commitments

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

In this condition:

- a) Relevant BASIX Certificate means:
- i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 4.55

- 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 to 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.
9. 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

Attachment B – Plans of proposed development

FOR DA APPROVAL ONLY

DRAINAGE DESIGN CALCULATIONS:
Council: INNER WEST (Leichhardt)

Site area = 660.4 m² (0.06604 ha)
Pre-developed impervious area = 660.4 m²
Proposed impervious area = 660.4 m²
DRAINS MODEL RESULTS:
SSR = 30.0 L/s
PSD = 10.8 m³

RAINWATER REUSE:
1. All sub-slab drainage shall be installed to meet BCA requirements and connected to the drainage system, unless otherwise approved.
2. A permit shall be obtained from the Council for the reuse of rainwater.
3. All rainwater used for irrigation shall be filtered and chlorinated.
4. A permit shall be obtained from the Council for the reuse of rainwater.
5. All rainwater used for irrigation shall be filtered and chlorinated.
6. All rainwater used for irrigation shall be filtered and chlorinated.
7. All rainwater used for irrigation shall be filtered and chlorinated.
8. All rainwater used for irrigation shall be filtered and chlorinated.
9. All rainwater used for irrigation shall be filtered and chlorinated.
10. All rainwater used for irrigation shall be filtered and chlorinated.

CONCEPT BASEMENT DRAINAGE PLAN 1:100

Evans Street
Goodsir Street

DRAINAGE LINE NOTE:
All sub-slab drainage shall be installed to meet BCA requirements and connected to the drainage system, unless otherwise approved. The drainage system shall be subject to change to engineer's approval. Existing drainage infrastructure shall be shown as it is. Any drainage infrastructure shown as proposed shall be shown in green.

RAINWATER REUSE:
1. All sub-slab drainage shall be fitted with first flush devices.
2. Gutters must be installed on all eaves gutters.
3. A permit shall be obtained from the Council for the reuse of rainwater.
4. A permit shall be obtained from the Council for the reuse of rainwater.
5. All rainwater used for irrigation shall be filtered and chlorinated.
6. All rainwater used for irrigation shall be filtered and chlorinated.
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8. All rainwater used for irrigation shall be filtered and chlorinated.
9. All rainwater used for irrigation shall be filtered and chlorinated.
10. All rainwater used for irrigation shall be filtered and chlorinated.

PROPOSED DEVELOPMENT
E2 CIVIL AND STRUCTURAL DESIGN PTY LTD
1100/1101/1102 ROZELLE NSW 2059
P O BOX 4011 WAREVILLE NSW 2054
WWW.E2DESIGN.COM.AU

PROPOSED DEVELOPMENT
MATCO HOLDINGS PTY LTD
CONCEPT BASEMENT DRAINAGE PLAN
SCALE: 1:100, 1:20
DATE: 30 JUL 2018
DRAWN BY: CE
CHECKED BY: A
PROJECT NO: 18-322 SW1

PUMP NOTES:

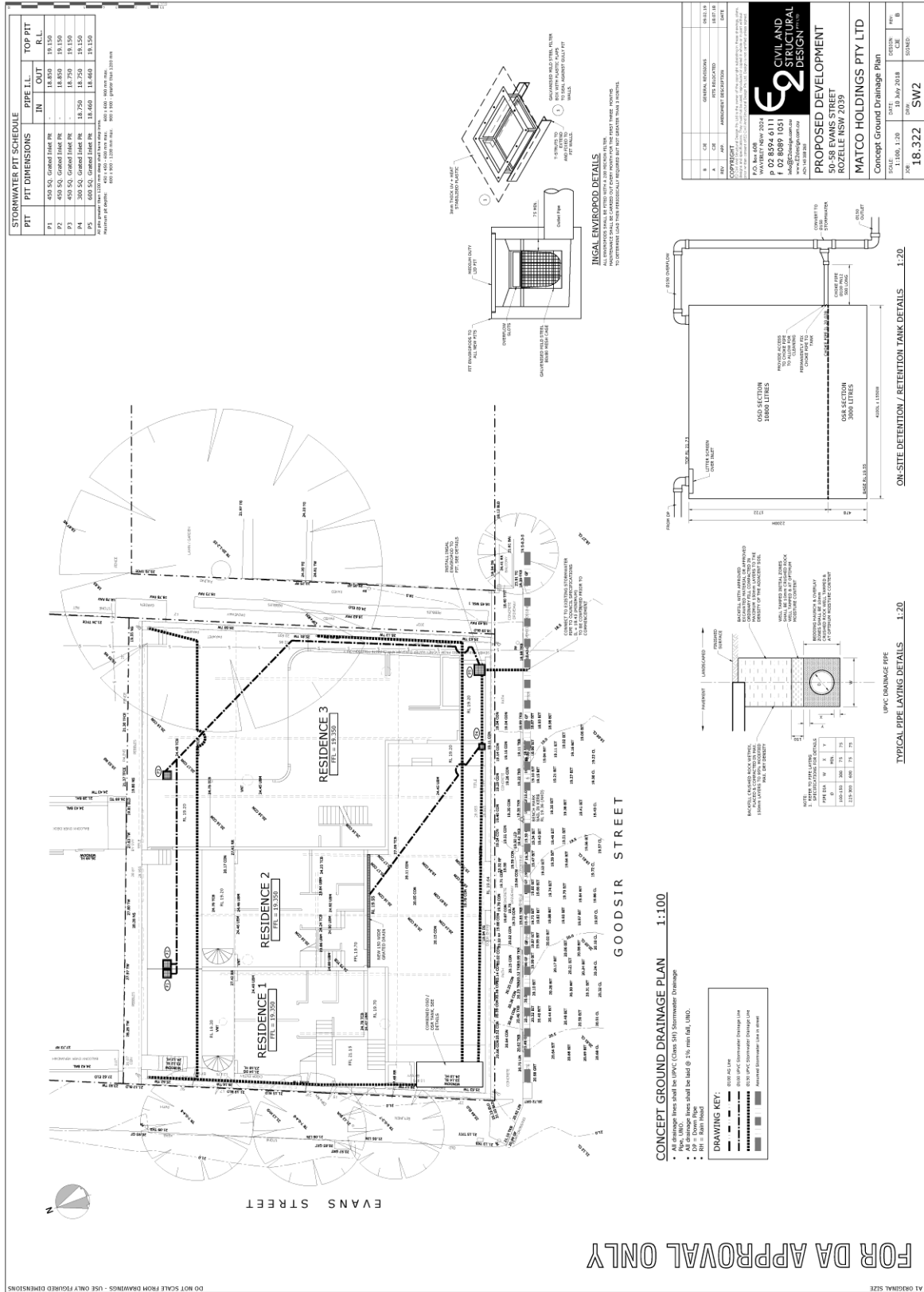
- The pumps shall be programmed to work in parallel to ensure that the pumps have sufficient capacity to pump the required volume of water to the pump tank.
- The pumps shall be programmed to work in parallel to ensure that the pumps have sufficient capacity to pump the required volume of water to the pump tank.
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GROUNDING PUMPS AVAILABLE FROM:
Grounding Pty Ltd
6/3 Ironbark St
Sydney NSW 1560
Tel: (02) 9604 3202
Email: info@grounding.com.au
Web site: www.grounding.com.au

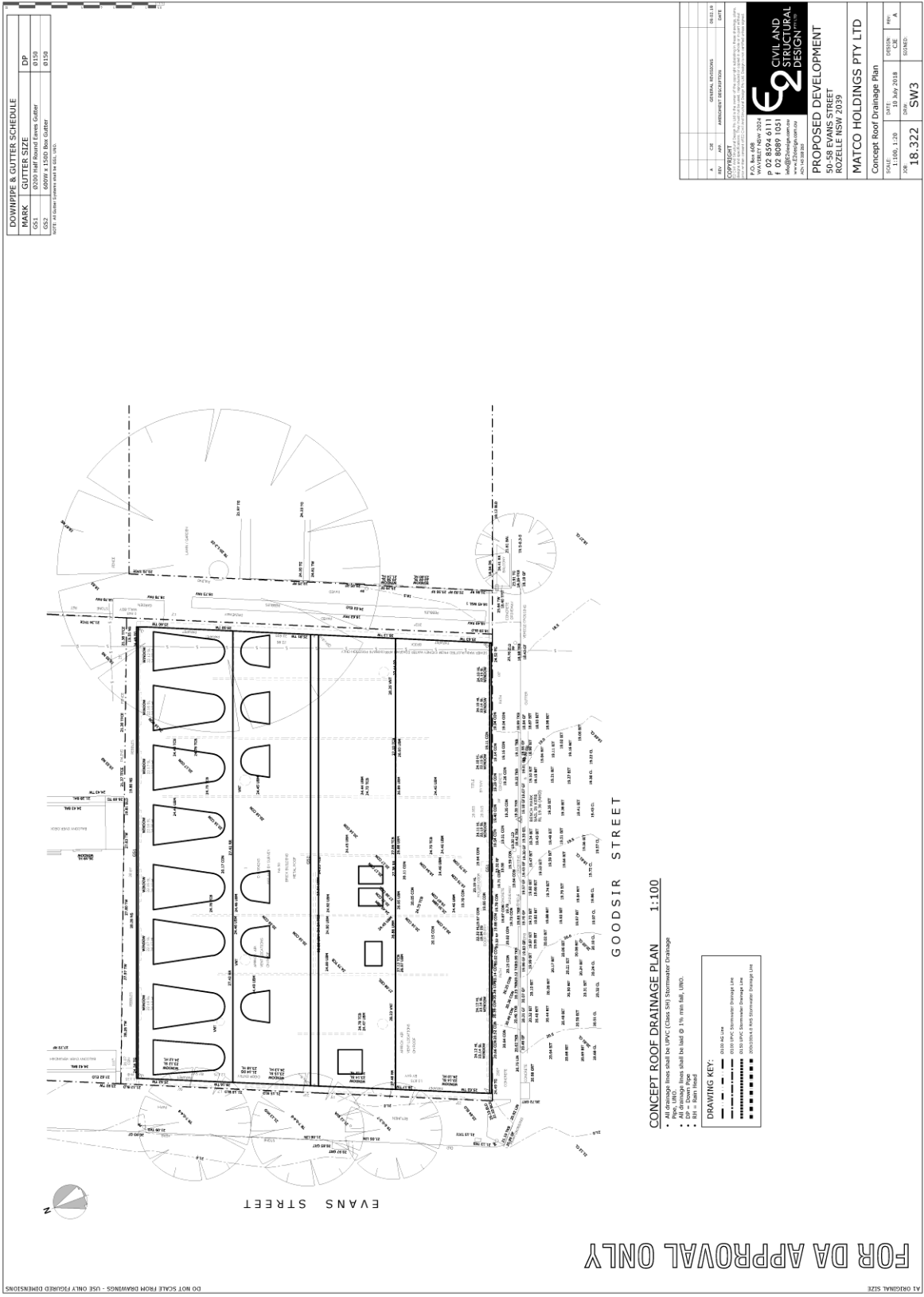
PUMP-OUT PIT DETAIL 1:20

DRAWING KEY:

- 100mm PVC Stormwater Drainage Line
- 200mm PVC Stormwater Drainage Line
- 300mm PVC Stormwater Drainage Line
- 400mm PVC Stormwater Drainage Line
- 500mm PVC Stormwater Drainage Line
- 600mm PVC Stormwater Drainage Line
- 750mm PVC Stormwater Drainage Line
- 900mm PVC Stormwater Drainage Line
- 1200mm PVC Stormwater Drainage Line
- 1500mm PVC Stormwater Drainage Line
- 2000mm PVC Stormwater Drainage Line
- 3000mm PVC Stormwater Drainage Line
- 4000mm PVC Stormwater Drainage Line
- 5000mm PVC Stormwater Drainage Line
- 6000mm PVC Stormwater Drainage Line
- 7500mm PVC Stormwater Drainage Line
- 9000mm PVC Stormwater Drainage Line
- 12000mm PVC Stormwater Drainage Line



FOR DA APPROVAL ONLY



DOWNPIPE & GUTTER SCHEDULE	
MARK	GUTTER SIZE
G51	200MM Round Down Gutter
G52	150MM Round Down Gutter
D1	100MM Down Pipe
D2	75MM Down Pipe
D3	50MM Down Pipe
NOTES: 1. Refer to Council Form 254-1 (10/19)	

PROPOSED DEVELOPMENT
 18/322 SW3
 CONCEPT ROOF DRAINAGE PLAN
 ROZELLE NSW 2059

DATE: 11/09/23
 DRAWN: SW3
 CHECKED:

SCALE: 1:100
 SHEET: 18.322

PROJECT: CONCEPT ROOF DRAINAGE PLAN

CLIENT: MATCO HOLDINGS PTY LTD

DESIGNER: CIVIL AND STRUCTURAL DESIGN

PO BOX 4008
 WAVERLEY NSW 2024
 P 02 8594 6111
 G 02 8594 6111
 www.designgroup.com.au
 info@designgroup.com.au

GENERAL NOTES:

1. ALL DIMENSIONS SHOWN ARE IN METRES UNLESS OTHERWISE SPECIFIED

2. THE DRAWING IS TO BE USED IN CONNECTION WITH THE PROPOSAL FOR DA APPROVAL

3. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS

4. THE DESIGNER ACCEPTS NO LIABILITY FOR LOSS OR DAMAGE OF ANY KIND

5. THE DESIGNER IS NOT RESPONSIBLE FOR ANY ACCIDENTS OR DAMAGE

6. THE DESIGNER IS NOT RESPONSIBLE FOR ANY COSTS INCURRED

7. THE DESIGNER IS NOT RESPONSIBLE FOR ANY DELAYS

8. THE DESIGNER IS NOT RESPONSIBLE FOR ANY CHANGES

9. THE DESIGNER IS NOT RESPONSIBLE FOR ANY OMISSIONS

10. THE DESIGNER IS NOT RESPONSIBLE FOR ANY INADEQUACIES

11. THE DESIGNER IS NOT RESPONSIBLE FOR ANY ERRORS

12. THE DESIGNER IS NOT RESPONSIBLE FOR ANY NEGLIGENCE

FOR DA APPROVAL ONLY

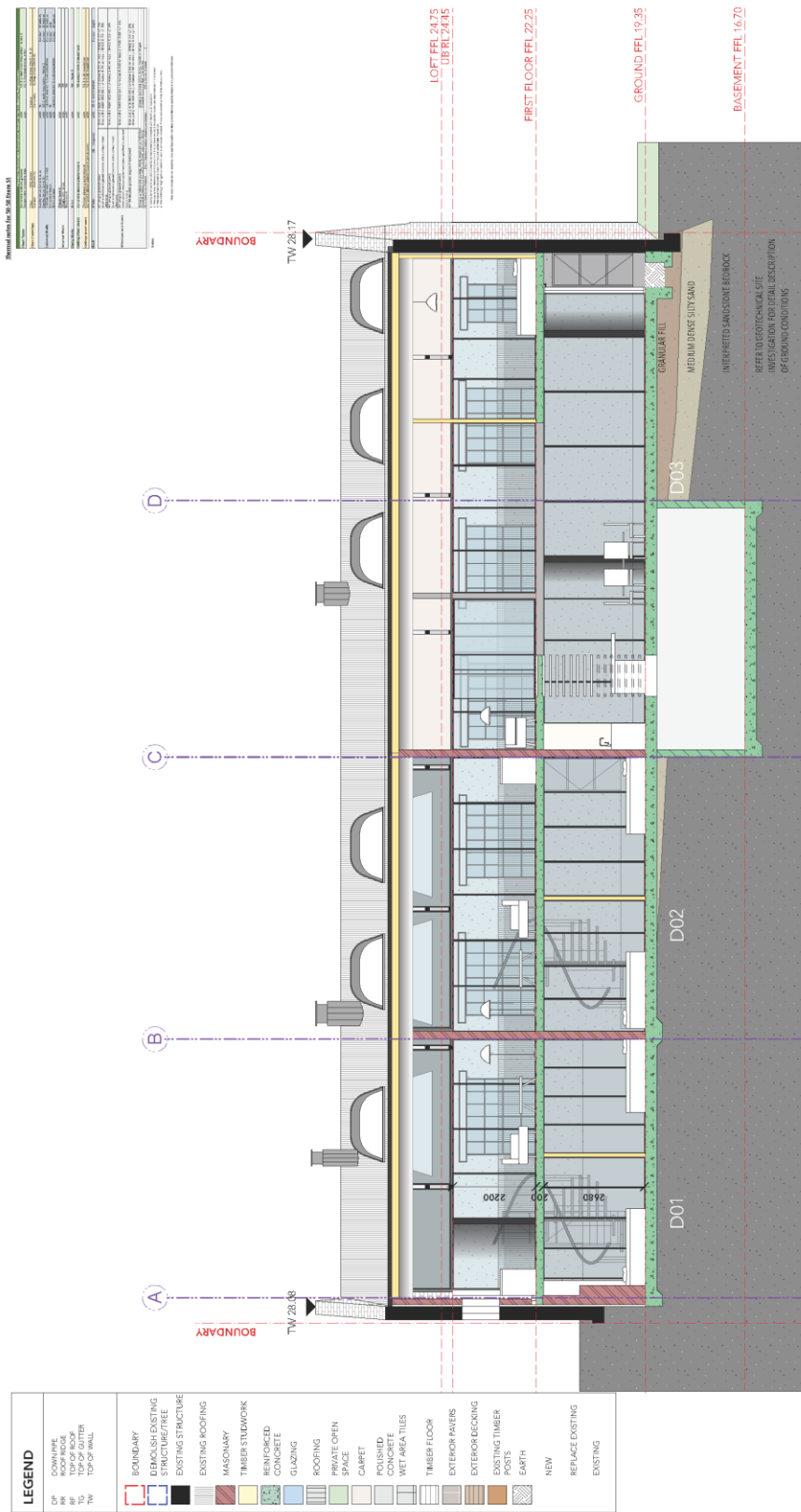
DO NOT SCALE FROM DRAWINGS - USE ONLY FIGURED DIMENSIONS

CONCEPT ROOF DRAINAGE PLAN 1:100

DRAWING KEY:

—	100mm Down Pipe
- - -	150mm Down Pipe
•••••	200mm Down Pipe
—	100mm Gutter
- - -	150mm Gutter
•••••	200mm Gutter

ALL DIMENSIONS SHOWN SHALL BE IN METRES UNLESS OTHERWISE SPECIFIED



DEVELOPMENT APPLICATION_50-58 EVANS STREET, ROZELLE (LOT 2)/ DP 904245

COSO ARCHITECTURE | Paul Connor BAIA#7059 Anthony Solomon BAIA#5684
The Coopers, Studio 4.04, 52 Bowman Street,
Pyrmont, 2009 / ABN 61 556 029 52-9
Phone: +61 (0)2 9566 2880 / Fax: +61 (0)2 9566 2899
Email: studio@coso.com.au / Website: www.coso.com.au

DRAWING NO: **DA08**

REVISION:

DRAWING NAME: **SECTION BB**

DATE: FEBRUARY 2009

SCALE: 1:100 AT A3

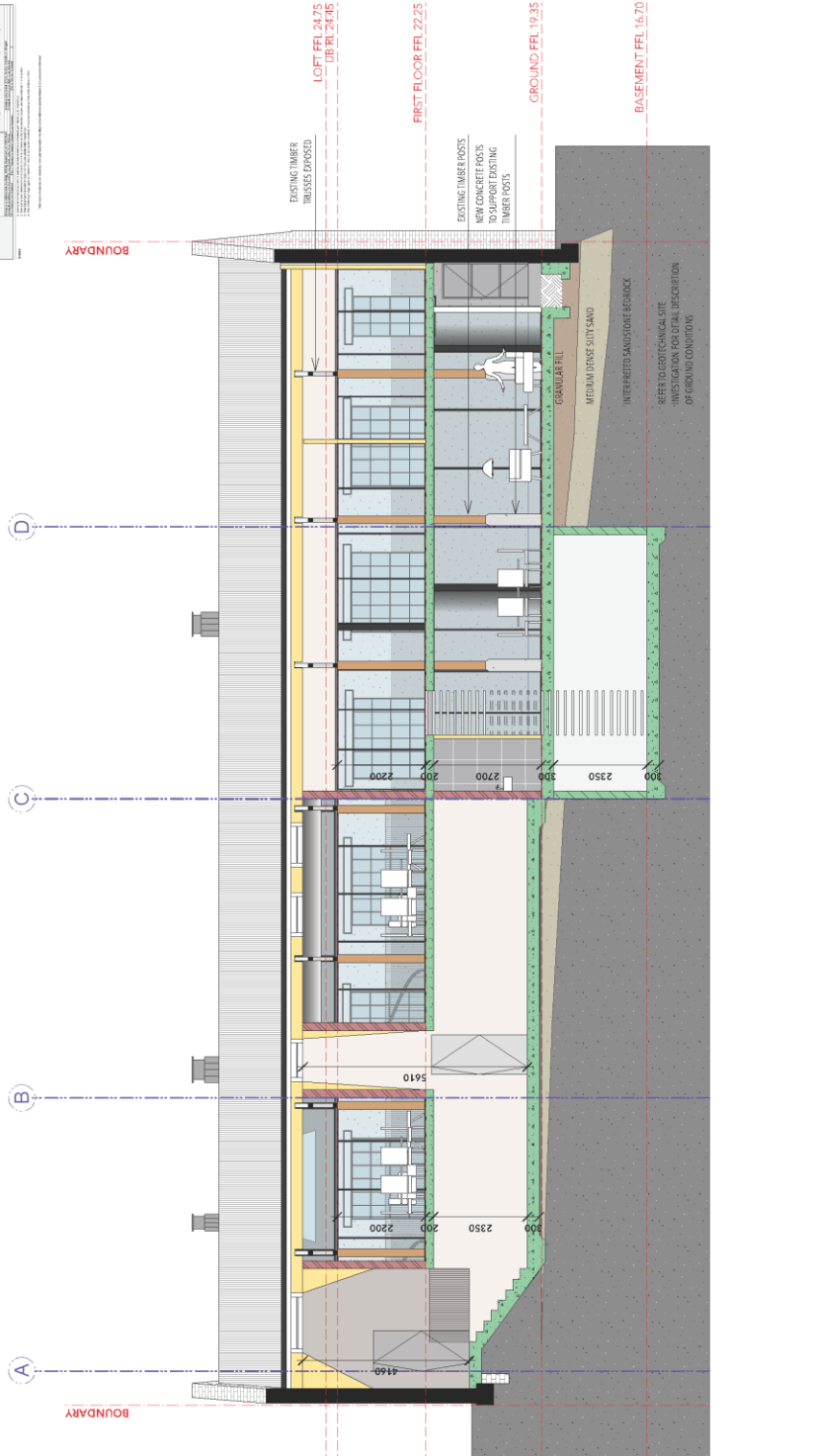
AMENDMENTS:

NOTE: All work to comply with Building Code of Australia requirements of the Building Code of Australia and the Building Code of Australia (BCA) Building Standards. Builder to ensure compliance with all Work Cover requirements. Check all timber sizes with a Structural Engineer and have all proprietary products referred to, install in accordance with the manufacturers written instructions. Check all dimensions on site prior to construction. All dimensions shall be in millimetres unless otherwise stated. All dimensions shall be reported to Architect.

PREPARED FOR MATCO HOLDINGS PTY. LTD.

REVISIONS

NO.	DATE	DESCRIPTION
1	2019/02/09	ISSUED FOR PERMIT
2	2019/02/09	ISSUED FOR PERMIT
3	2019/02/09	ISSUED FOR PERMIT
4	2019/02/09	ISSUED FOR PERMIT
5	2019/02/09	ISSUED FOR PERMIT
6	2019/02/09	ISSUED FOR PERMIT
7	2019/02/09	ISSUED FOR PERMIT
8	2019/02/09	ISSUED FOR PERMIT
9	2019/02/09	ISSUED FOR PERMIT
10	2019/02/09	ISSUED FOR PERMIT



LEGEND

DP	DOWNPIPE
RF	ROOF FINISH
TR	TOP OF ROOF
TS	TOP OF SLAB
TH	TOP OF HULL
BOUNDARY	BOUNDARY
DEMOLISH EXISTING STRUCTURE/FREE	DEMOLISH EXISTING STRUCTURE/FREE
EXISTING STRUCTURE	EXISTING STRUCTURE
EXISTING ROOFING	EXISTING ROOFING
MASONRY	MASONRY
TIMBER STELWORK	TIMBER STELWORK
REINFORCED CONCRETE	REINFORCED CONCRETE
GLAZING	GLAZING
ROOFING	ROOFING
PRIVATE OPEN SPACE	PRIVATE OPEN SPACE
CARPET	CARPET
POLISHED CONCRETE	POLISHED CONCRETE
WET AREA TILES	WET AREA TILES
TIMBER FLOOR	TIMBER FLOOR
EXTERIOR PAVERS	EXTERIOR PAVERS
EXTERIOR BECKING	EXTERIOR BECKING
EXISTING TIMBER POSTS	EXISTING TIMBER POSTS
EARTH	EARTH
NEW	NEW
REPLACE EXISTING	REPLACE EXISTING
EXISTING	EXISTING

DEVELOPMENT APPLICATION_50-56 EVANS STREET, ROZELLE (LOT 01/ DP 904245)

PREPARED FOR MATCO HOLDINGS PTY. LTD.

DRAWING NO. DA09

DRAWING NAME SECTION CC

DATE FEBRUARY 2019

SCALE 1:100 AT A3

REVISION

AMENDMENTS

NOTE: All work to comply with Building Code of Australia requirements of the Building Code of Australia, and the Building Code of Australia Building Standards. Builder to ensure compliance with all Work Cover requirements. Check all timber sizes with a Structural Engineer and have all proprietary products are referred to, install in accordance with the manufacturers written instructions. Check all dimensions on site prior to construction. All dimensions shall be in millimetres unless otherwise stated. All discrepancies and omissions to be reported to Architect.

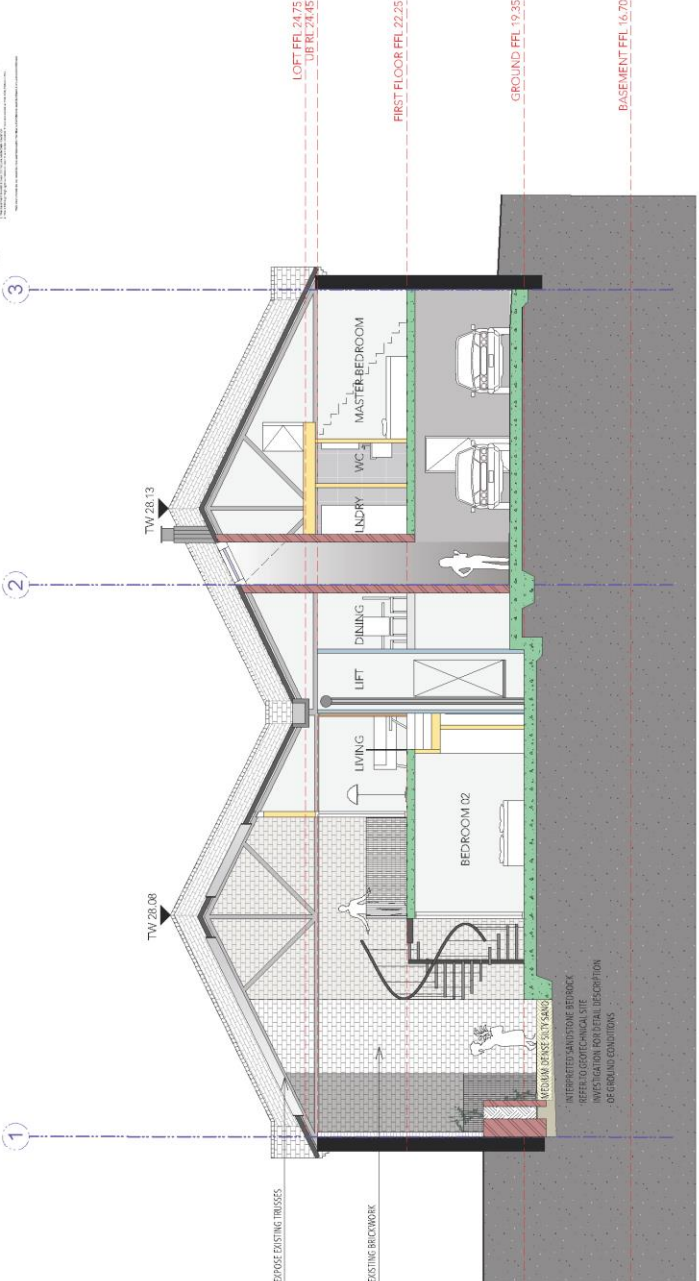
COSO ARCHITECTURE
 Paul Connor BAIA#7059 Anthony Solomon BAIA#5694
 The Coopers, Studio 4/04 52 Bowman Street,
 Pyrmont 2009 / ABN 61 636 029 63-8
 Phone: +61 (0)2 9566 2880 / Fax: +61 (0)2 9566 2889
 Email: studio@coso.com.au / Website: www.coso.com.au

REVISIONS

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	15/02/2009
2	ISSUED FOR PERMIT	15/02/2009
3	ISSUED FOR PERMIT	15/02/2009

PROJECT INFORMATION

Project Name	DA10
Client	MATCO HOLDINGS PTY LTD
Architect	COSO ARCHITECTURE
Engineer	
Structural Engineer	
Electrical Engineer	
Plumbing Engineer	
Mechanical Engineer	
Fire Engineer	
Other	



LEGEND

DP	DOWNPIPE
RF	ROOF FINISH
TR	TOP OF ROOF
TO	TOP OF OUTLET
TH	TOP OF HULL
---	BOUNDARY
---	DEMOLISH EXISTING STRUCTURE/TREE
---	EXISTING STRUCTURE
---	EXISTING ROOFING
---	MASONRY
---	TIMBER STUDWORK
---	REINFORCED CONCRETE
---	GLAZING
---	ROOFING
---	PRIVATE OPEN SPACE
---	CARPET
---	POLISHED CONCRETE
---	WET AREA TILES
---	TIMBER FLOOR
---	EXTERIOR PAVERS
---	EXTERIOR DECKING
---	EXISTING TIMBER POSTS
---	EARTH
---	NEW
---	REPLACE EXISTING
---	EXISTING

COSO ARCHITECTURE
 Paul Corner BAIA#7059 Anthony Solomon BAIA#6684
 The Coopers, Studio 4/04 52 Bowman Street,
 Pyrmont 2009 / ABN 61 636 029 639
 Phone: +61 (0)2 9566 2880 / Fax: +61 (0)2 9566 2889
 Email: studio@coso.com.au / Website: www.coso.com.au

DEVELOPMENT APPLICATION_50-56 EVANS STREET, ROZELLE (LOT 01/ DP 904245)

PREPARED FOR MATCO HOLDINGS PTY LTD

DRAWING NO: **DA10**

SECTION DD

DATE: FEBRUARY 2009
 SCALE: 1:100 AT A3

REVISION:

AMENDMENTS:

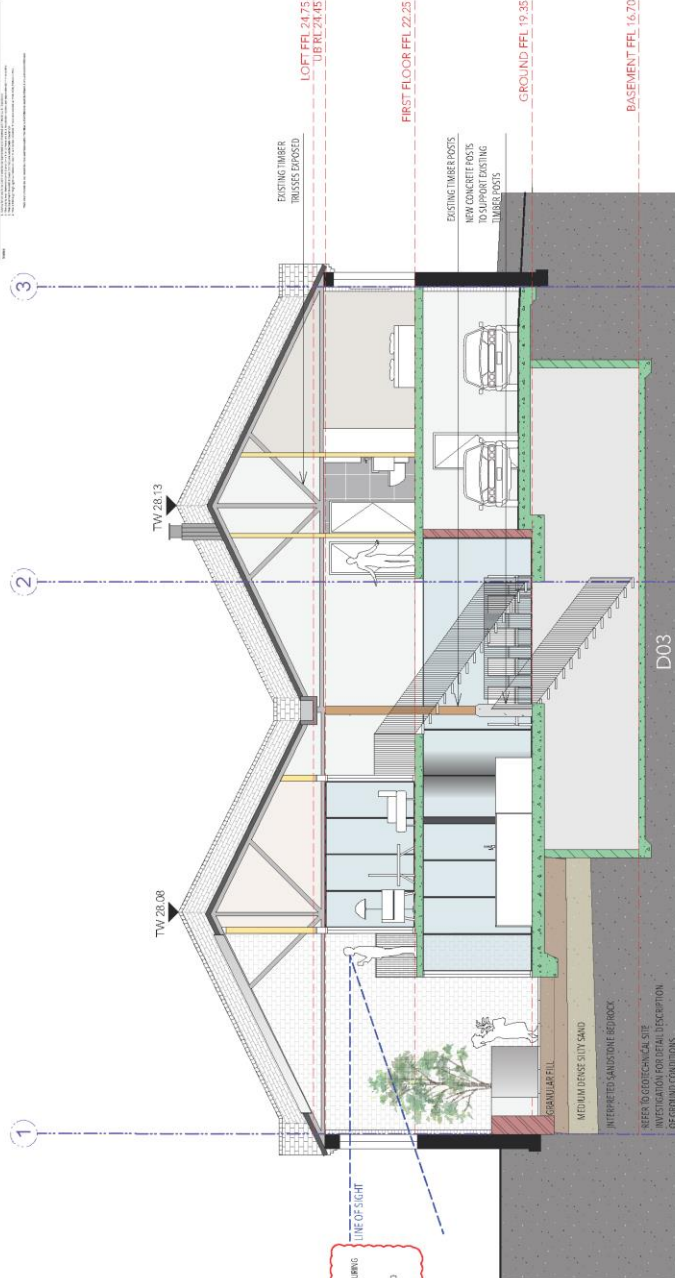
NOTE: All work to comply with Building Code of Australia requirements of the National Construction Code (NCC) and the relevant Australian Building Standards. Builder to ensure compliance with all Work Cover requirements. Check all timber sizes with a Structural Engineer and have all proprietary products referred to, install in accordance with the manufacturers written instructions. Check all dimensions on site prior to construction. All dimensions shall be in millimetres unless otherwise stated. All dimensions shall be in millimetres unless otherwise stated. All dimensions and elevations to be reported to Architect.

REVISIONS

NO.	DATE	DESCRIPTION
1	12/11/2019	ISSUED FOR PERMIT
2	12/11/2019	ISSUED FOR PERMIT
3	12/11/2019	ISSUED FOR PERMIT

PROJECT INFORMATION

Project Name	Development Application 50-56 Evans Street Rozelle
Client	MATCO HOLDINGS PTY LTD
Architect	COSO ARCHITECTURE
Engineer	SECTION EE
Date	FEBRUARY 2019
Scale	1:100 AT A3



LEGEND

DP	DOWNPIPE	DEMOLISH EXISTING
RF	ROOF	STRUCTURE/TREE
TS	TOP OF SLAB	EXISTING STRUCTURE
TO	TOP OF OUTLET	EXISTING ROOFING
TH	TOP OF HULL	MASONRY
		TIMBER STUDWORK
		REINFORCED CONCRETE
		GLAZING
		ROOFING
		PRIVATE OPEN SPACE
		CARPET
		POLISHED CONCRETE
		WET AREA TILES
		TIMBER FLOOR
		EXTERIOR PAVING
		EXTERIOR DECKING
		EXISTING TIMBER POSTS
		EARTH
		NEW
		REPLACE EXISTING
		EXISTING

LINE OF SIGHT
 WINDOWS TO THE F13 ARE TO BE MAINTAINED TO PREVENT OVERLOOKING OF NEIGHBOURING PROPERTY.
 WINDOWS TO THE F13 ARE TO BE MAINTAINED TO PREVENT OVERLOOKING OF NEIGHBOURING PROPERTY.

COSO ARCHITECTURE
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DEVELOPMENT APPLICATION 50-56 EVANS STREET, ROZELLE (LOT 01/ DP 904245)

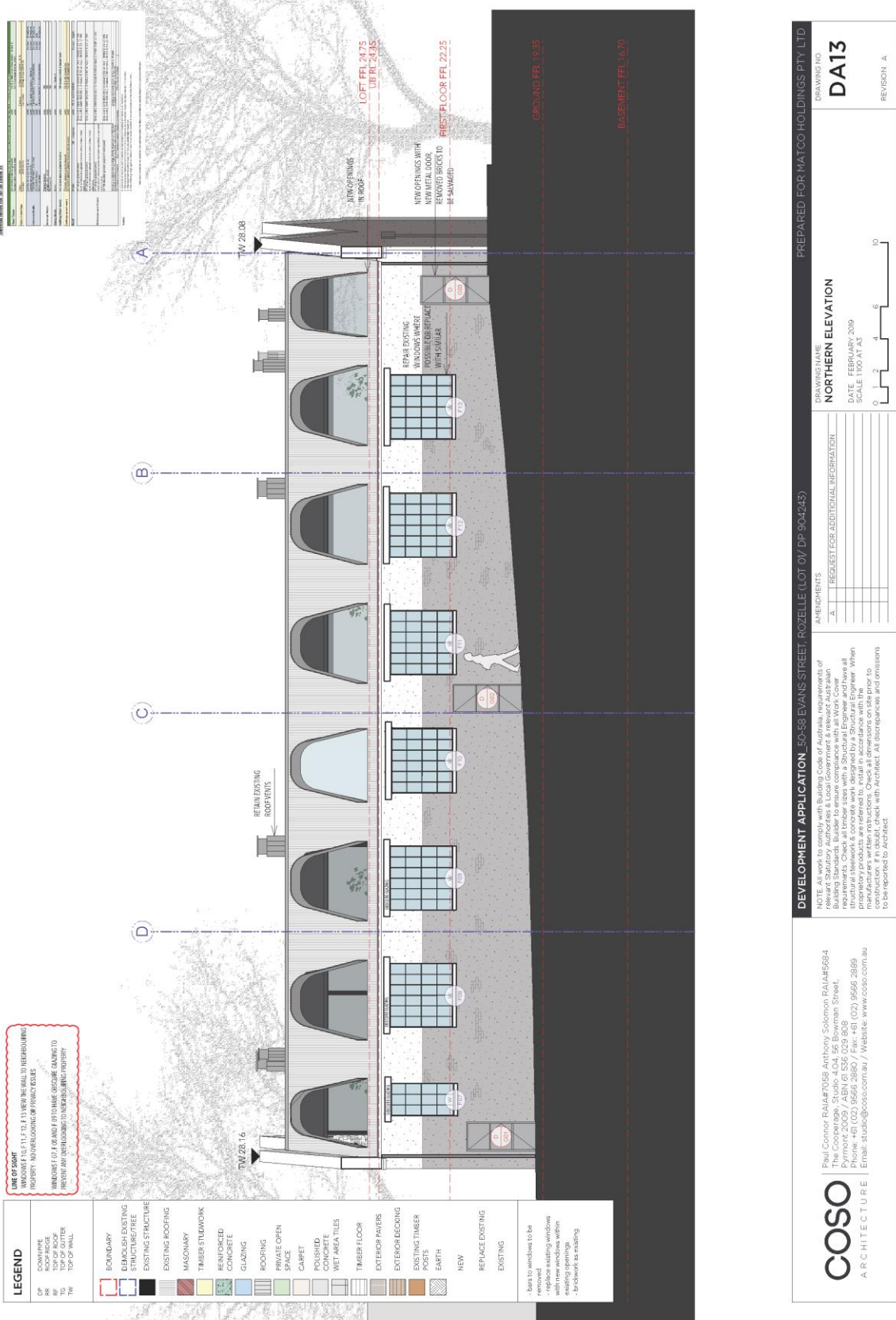
SECTION EE
 DATE: FEBRUARY 2019
 SCALE: 1:100 AT A3

DRAWING NO. DA11
 REVISION: A

AMENDMENTS

A	REQUEST FOR ADDITIONAL INFORMATION
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NOTE: All work to comply with Building Code of Australia requirements of the National Construction Code (NCC) and all other applicable Building Standards. Builder to ensure compliance with all Work Cover requirements. Check all timber sizes with a Structural Engineer and have all proprietary products referred to, install in accordance with the manufacturers written instructions. Check all dimensions on site prior to construction. All dimensions shall be in millimetres unless otherwise stated. All dimensions and elevations to be reported to Architect.



DEVELOPMENT APPLICATION_50-56 EVANS STREET, ROZELLE (LOT 01/ DP 904245)

PREPARED FOR MATCO HOLDINGS PTY LTD

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DRAWING NO: DA13

DRAWING NAME: NORTHERN ELEVATION

DATE: FEBRUARY 2019

SCALE: 1:100 AT A3

REVISION A

REVISIONS

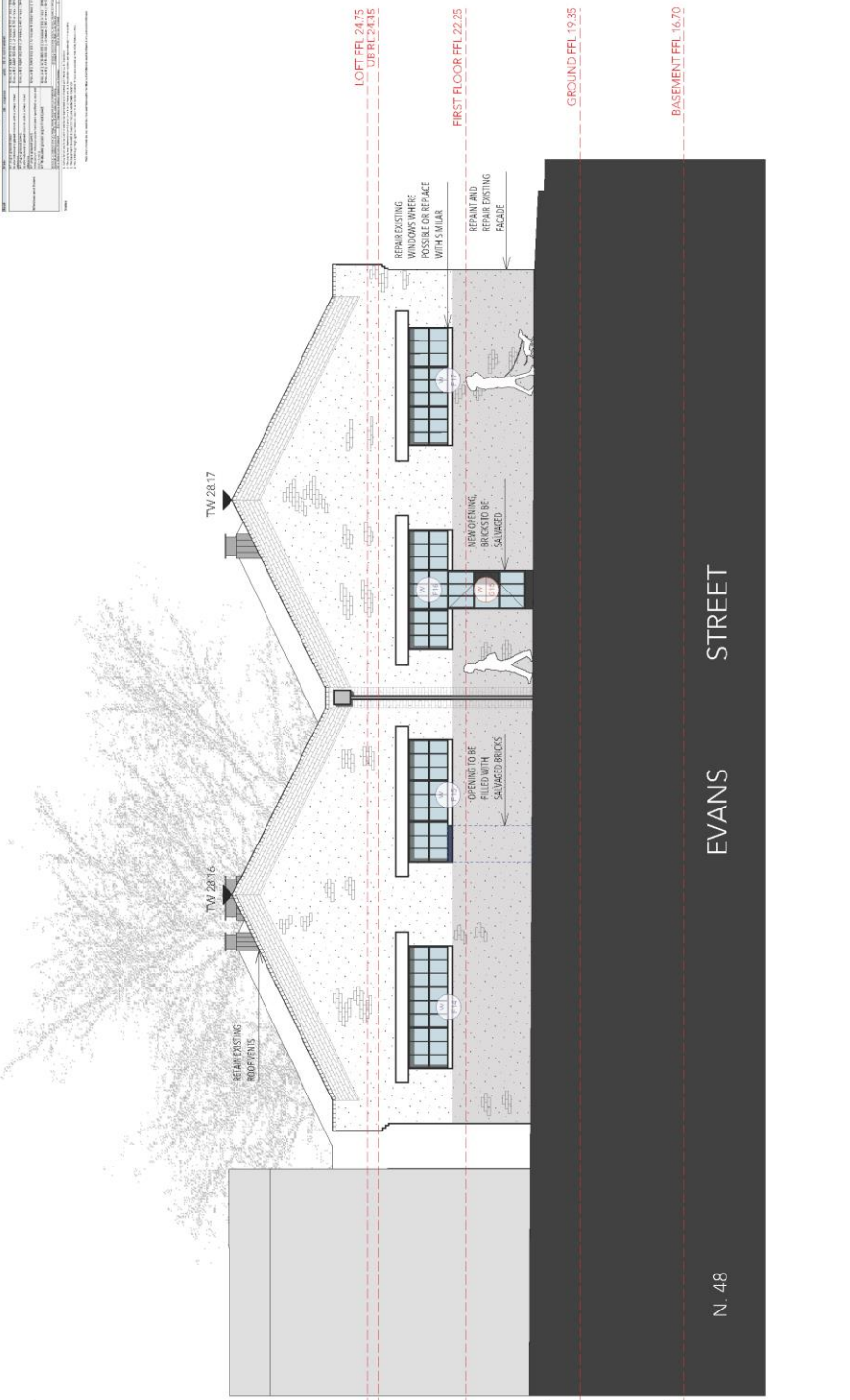
NO.	DATE	DESCRIPTION
1	20/02/2019	ISSUED FOR PERMIT
2	20/02/2019	REVISED PER PLAN 1028
3	20/02/2019	REVISED PER PLAN 1028
4	20/02/2019	REVISED PER PLAN 1028
5	20/02/2019	REVISED PER PLAN 1028
6	20/02/2019	REVISED PER PLAN 1028
7	20/02/2019	REVISED PER PLAN 1028
8	20/02/2019	REVISED PER PLAN 1028
9	20/02/2019	REVISED PER PLAN 1028
10	20/02/2019	REVISED PER PLAN 1028

LEGEND

DP	DOWNPIPE
BF	BASEMENT FLOOR
TD	TOP OF DECK
TO	TOP OF OUTLET
TW	TOP OF WALL

[Red outline]	BOUNDARY
[White fill]	DEMOLISH EXISTING STRUCTURE/TREE
[Grey fill]	EXISTING STRUCTURE
[Black fill]	EXISTING ROOFING
[Red pattern]	MASONRY
[Light blue pattern]	TIMBER STUDWORK
[Green pattern]	RENDERED CONCRETE
[Blue pattern]	GLAZING
[Diagonal lines]	ROOFING
[Green pattern]	PRIVATE OPEN SPACE
[Grey pattern]	CARPET
[White pattern]	POLISHED CONCRETE
[Light blue pattern]	WET AREA TILES
[Wood pattern]	TIMBER FLOOR
[Light grey pattern]	EXTERIOR PAVING
[Dark grey pattern]	EXTERIOR DECKING
[Brown pattern]	EXISTING TIMBER POSTS
[Light blue pattern]	EARTH
[White fill]	NEW
[Grey fill]	REPLACE EXISTING
[Dark grey fill]	EXISTING

- EXISTING FACADE TO BE repaired and made good
- replace existing windows and doors to be removed
- replace existing windows and doors with existing frames within existing openings
- brickwork as existing



AMENDMENTS

NO.	DATE	DESCRIPTION
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DRAWING NAME: WESTERN ELEVATION
 DATE: FEBRUARY 2019
 SCALE: 1:100 AT A3



NOTE: All work to comply with Building Code of Australia requirements of the National Construction Code. Builder to ensure compliance with all Work Cover requirements. Check all timber sizes with a Structural Engineer and have all proprietary products referred to. Install in accordance with the manufacturers written instructions. Check all dimensions on site prior to commencing work. All discrepancies and omissions to be reported to Architect.

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DEVELOPMENT APPLICATION_50-58 EVANS STREET, ROZELLE (LOT 9/ DP 934245)

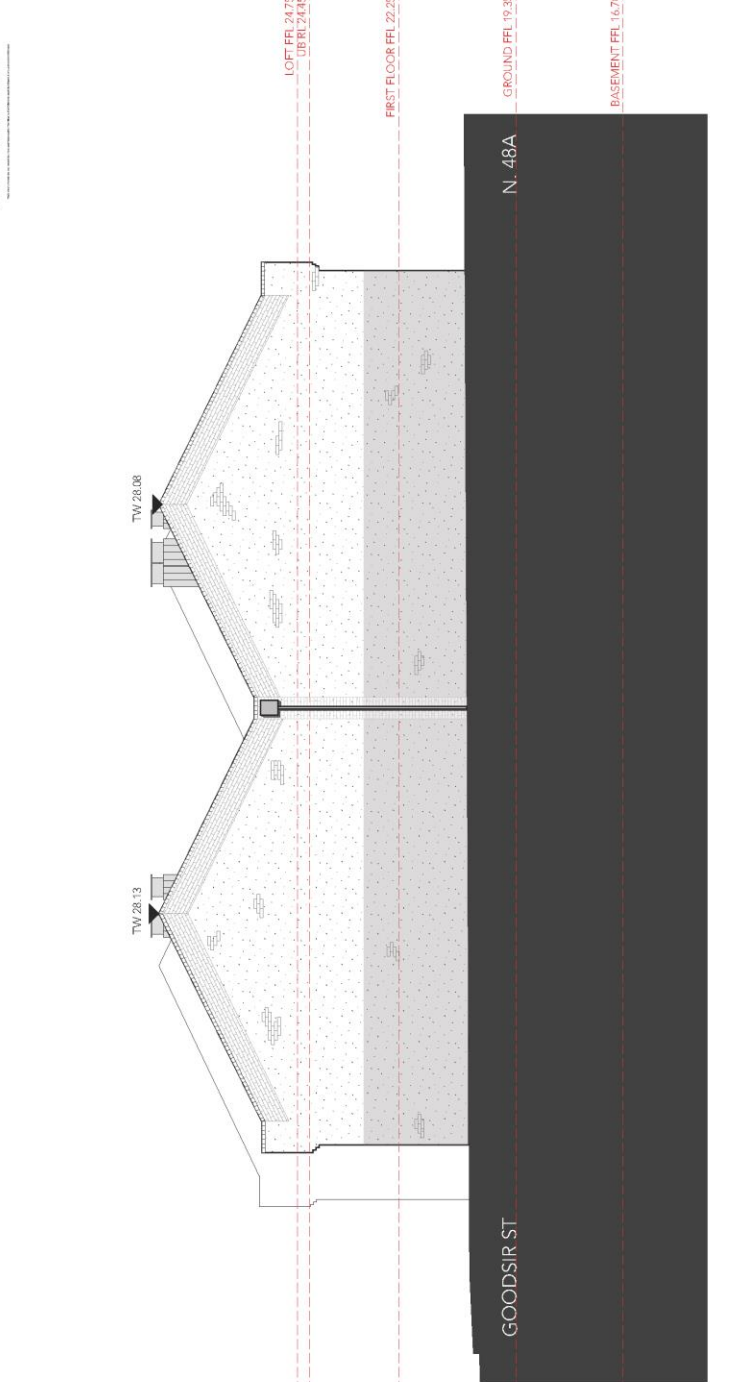
DRAWING NO. **DA14**
REVISION

REVISIONS

NO.	DATE	DESCRIPTION
1	12/11/2019	ISSUED FOR PERMIT
2	12/11/2019	ISSUED FOR PERMIT
3	12/11/2019	ISSUED FOR PERMIT
4	12/11/2019	ISSUED FOR PERMIT
5	12/11/2019	ISSUED FOR PERMIT
6	12/11/2019	ISSUED FOR PERMIT
7	12/11/2019	ISSUED FOR PERMIT
8	12/11/2019	ISSUED FOR PERMIT
9	12/11/2019	ISSUED FOR PERMIT
10	12/11/2019	ISSUED FOR PERMIT

PROJECT INFORMATION

Project Name	Development Application 50-58 Evans Street, Rozelle
Client	Matco Holdings Pty Ltd
Architect	COSO Architecture
Project No.	2019-001
Issue No.	10
Issue Date	12/11/2019
Scale	1:100
Author	[Name]
Check	[Name]
Drawn	[Name]
Project Manager	[Name]



LEGEND

DT	DOWNPIPE
RF	ROOF FINISH
TD	TOP OF DOWNPIPE
TF	TOP OF FINISH
TR	TOP OF RAINLINE

[Symbol]	BOUNDARY
[Symbol]	DEMOLISH EXISTING STRUCTURE
[Symbol]	EXISTING STRUCTURE
[Symbol]	EXISTING ROOFING
[Symbol]	MASONRY
[Symbol]	TIMBER STUDWORK
[Symbol]	RENDERED CONCRETE
[Symbol]	GLAZING
[Symbol]	ROOFING
[Symbol]	PRIVATE OPEN SPACE
[Symbol]	CARPET
[Symbol]	POLISHED CONCRETE
[Symbol]	WET AREA TILES
[Symbol]	TIMBER FLOOR
[Symbol]	EXTERIOR PAVING
[Symbol]	EXTERIOR DECKING
[Symbol]	EXISTING TIMBER POSTS
[Symbol]	EARTH
[Symbol]	NEW
[Symbol]	REPLACE EXISTING
[Symbol]	EXISTING

- EXISTING FACADE to be repaired and made good
 - replace existing windows with new windows within existing frame
 - brickwork as existing
 - replace roofing with new roof tiles
 - replace existing gutter with new gutter
 - replace existing downpipes and rainwater heads.

<p>COSO ARCHITECTURE</p> <p>Paul Corner BAIA#7059 Anthony Solomon BAIA#6684 The Cooperage, Studio 4, 04, 52 Bowman Street, Pyrmont, 2009 / ABN 61 636 029 609 Phone: +61 (0)2 9566 2880 / Fax: +61 (0)2 9566 2889 Email: studio@coso.com.au / Website: www.coso.com.au</p>	<p>DEVELOPMENT APPLICATION_50-58 EVANS STREET, ROZELLE (LOT 01/ DP 904245)</p>	<p>PREPARED FOR MATCO HOLDINGS PTY LTD</p>																														
	<p>AMENDMENTS</p> <table border="1"> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </table>																															<p>DRAWING NAME EASTERN ELEVATION</p> <p>DATE: FEBRUARY 2009</p> <p>SCALE: 1:100 AT A3</p>

NOTE: All work to comply with Building Code of Australia requirements of the Building Code of Australia. The architect is not responsible for the structural requirements. Check all timber sizes with a Structural Engineer and have all structural drawings checked by a Structural Engineer. When proprietary products are referred to, install in accordance with the manufacturers written instructions. Check all dimensions on site prior to construction. All discrepancies and omissions to be reported to Architect.



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DEVELOPMENT APPLICATION_50-56 EVANS STREET, ROZELLE (LOT 9/ DP 934245)

PREPARED FOR MATCO HOLDINGS PTY LTD

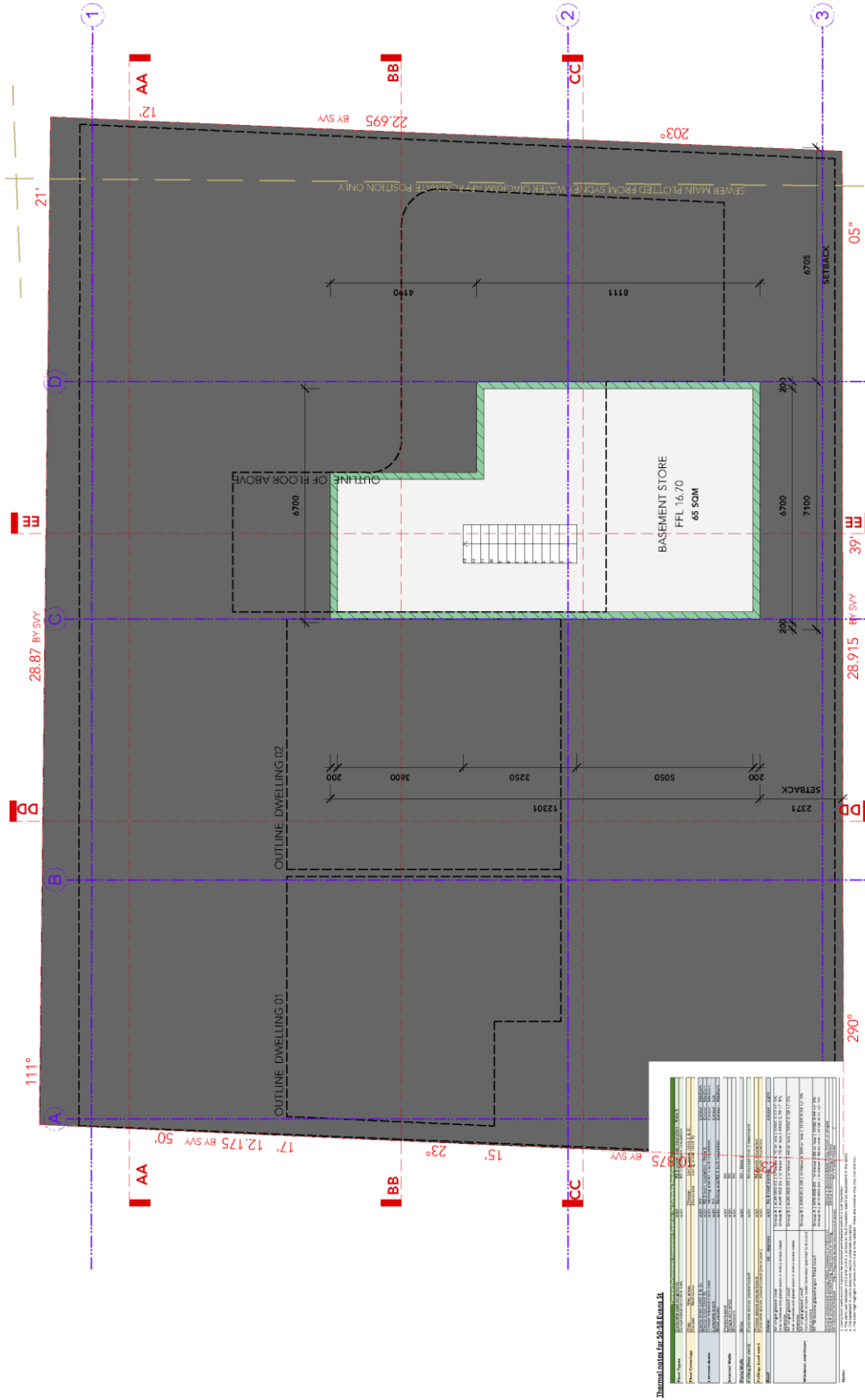
DRAWING NAME: **MATERIALS AND FINISHES BOARD**

DRAWING NO: **DA19**

REVISION:

NOTE: All work to comply with Building Code of Australia, requirements of Building Standards, and relevant Council Planning and Development Building Standards. Builder to ensure compliance with all Work Cover requirements. Check all timber sizes with a Structural Engineer and have all structural calculations checked by a Structural Engineer. When proprietary products are referred to, install in accordance with the manufacturers written instructions. Check all dimensions on site prior to construction and report any discrepancies to the Architect. All discrepancies and omissions to be reported to Architect.

AMENDMENTS:



Thermal Data for 50-56 Evans St

Item	Description	Value	Unit
1	Roof	0.15	m ² K
2	Walls	0.25	m ² K
3	Floors	0.10	m ² K
4	Windows	1.5	m ² K
5	Doors	0.5	m ² K
6	Glazing	1.5	m ² K
7	Other	0.0	m ² K
8	Total	3.55	m ² K

(Note: This table is a simplified representation of the data in the image.)

PREPARED FOR MATCO HOLDINGS PTY LTD

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DEVELOPMENT APPLICATION_50-56 EVANS STREET, ROZELLE (LOT 01/ DP 904245)

DRAWING NAME: **BASMENT FLOOR PLAN**
 DRAWING NO: **DA02**
 DATE: FEBRUARY 2009
 SCALE: 100 AT A3

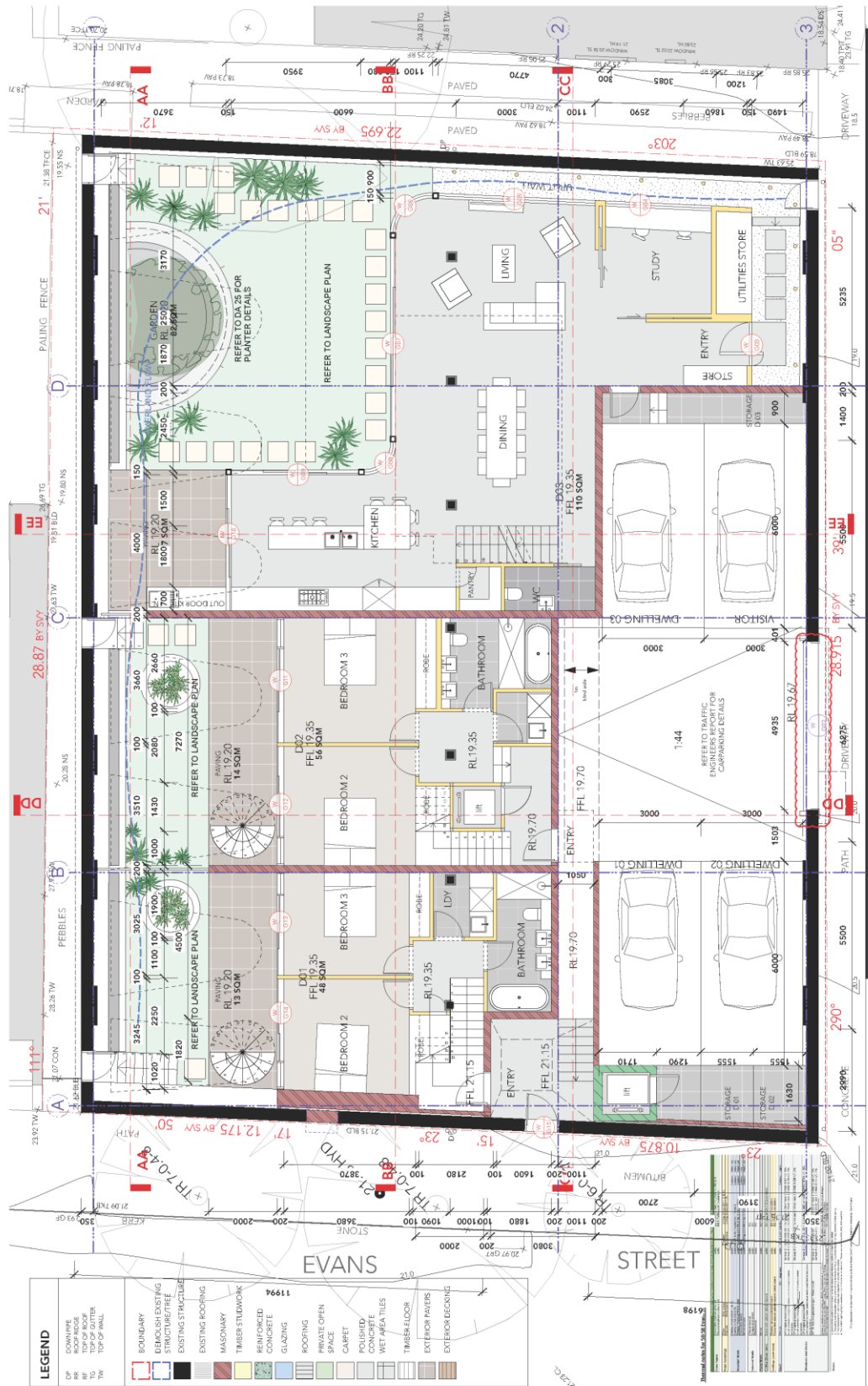
REVISION:

NOTE: All work to comply with Building Code of Australia requirements of Building Standards. Builder to ensure compliance with all Work Cover requirements. Check all timber sizes with a Structural Engineer and have all proprietary products referred to. Install in accordance with the manufacturers written instructions. Check all dimensions on site prior to construction. All discrepancies and omissions shall be reported to Architect.

AMENDMENTS:

No.	Description

0 2 4 6 8 10



PREPARED FOR MATCO HOLDINGS PTY. LTD.
 DRAWING NO. **DA03**
 REVISION A



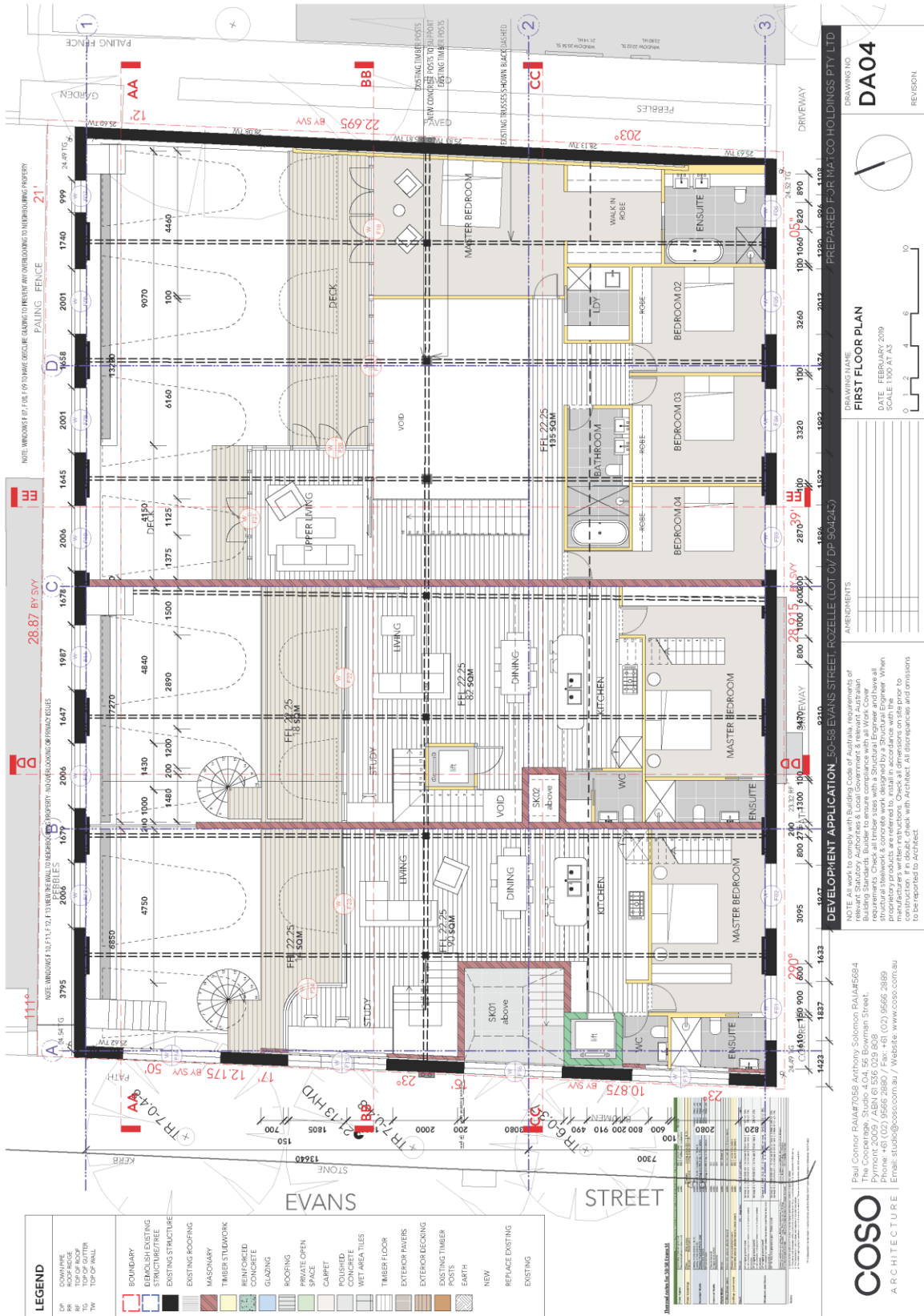
DRAWING NAME
GROUND FLOOR PLAN
 DATE: FEBRUARY 2009
 SCALE: 1:100 AT A3

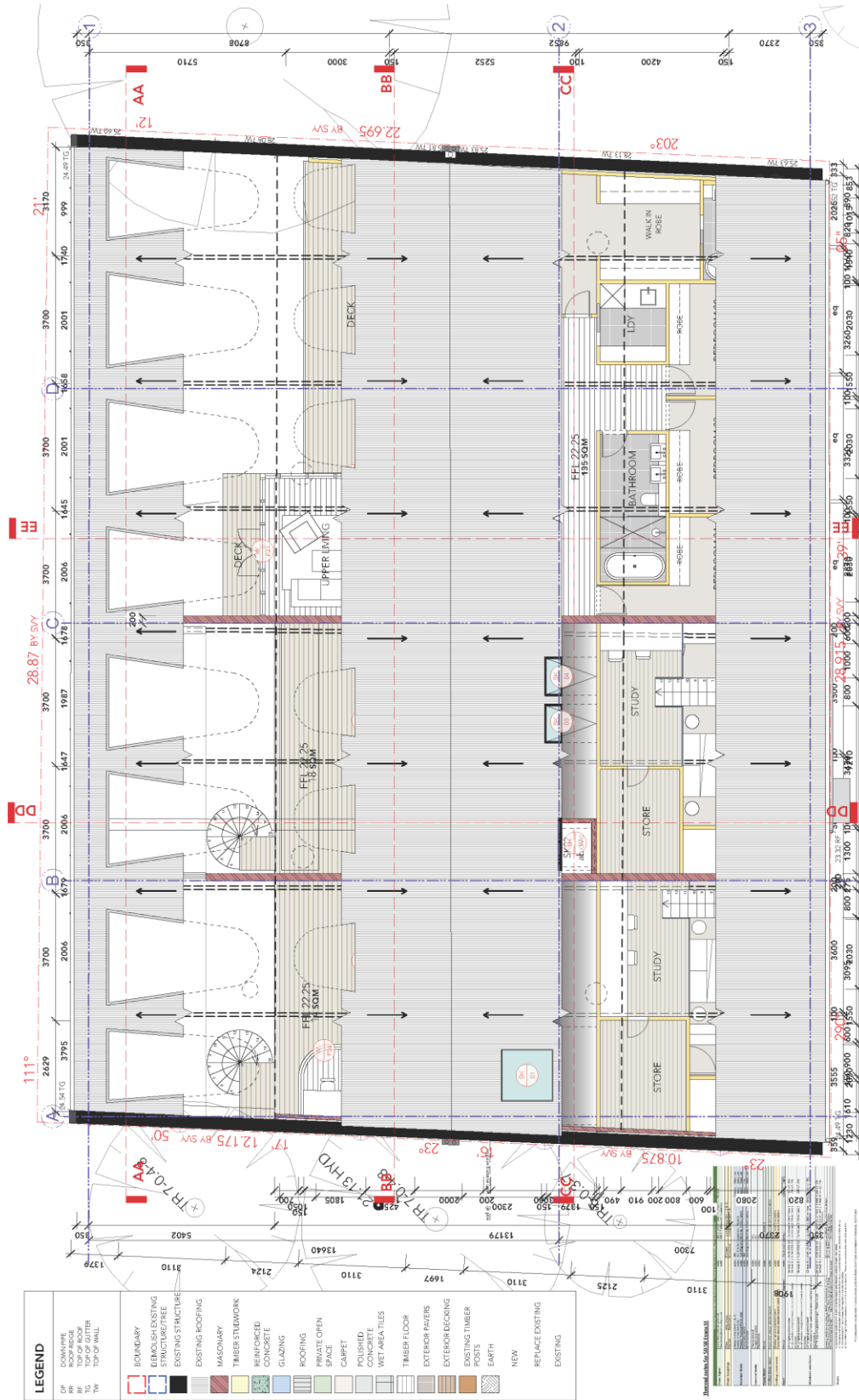
AMENDMENTS

A	REQUEST FOR ADDITIONAL INFORMATION

NOTE: All work to comply with Building Code of Australia requirements of Building Standards. Builder to ensure compliance with all Work Cover requirements. Check all timber sizes with a Structural Engineer and have all proprietary products are referred to. Install in accordance with the manufacturers written instructions. Check all dimensions on site prior to construction. All dimensions are in millimeters unless otherwise stated. All dimensions and elevations to be reported to Architect.

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DRAWING NO
DA05

REVISION

DRAWING NAME
SECOND (LOFT) FLOOR PLAN

DATE: FEBRUARY 2019
SCALE: 1:100 AT A3

AMENDMENTS

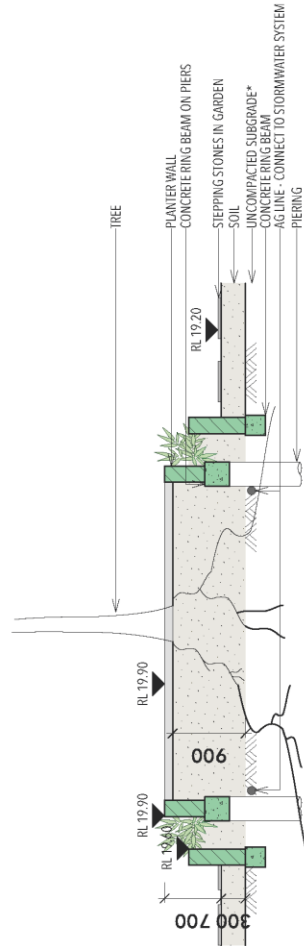
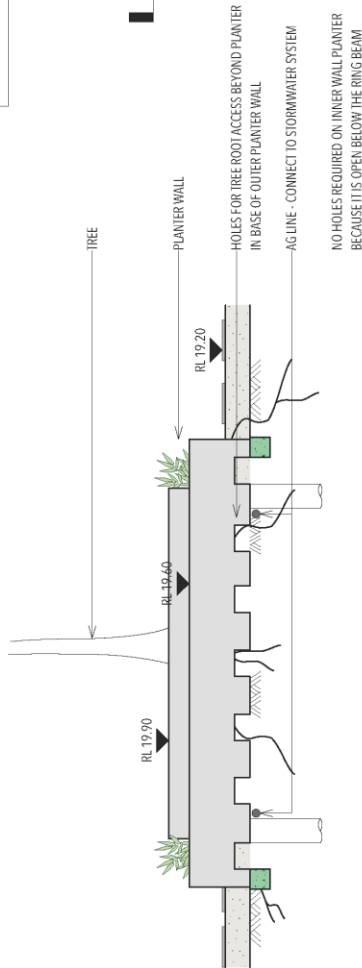
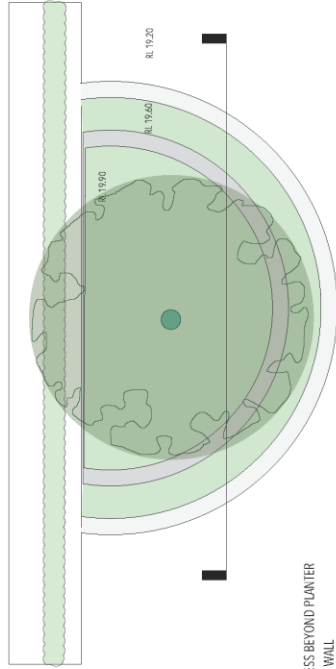
NO.	DESCRIPTION

NOTE: All work to comply with Building Code of Australia requirements of the Building Standards. Builder to ensure compliance with all Work Cover requirements. Check all timber sizes with a Structural Engineer and have all proprietary products referred to, install in accordance with the manufacturers written instructions. Check all dimensions on site prior to construction. All dimensions are to be reported to Architect.

DEVELOPMENT APPLICATION_50-56 EVANS STREET, ROZELLE (LOT 01/ DP 904245)

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COSO
ARCHITECTURE



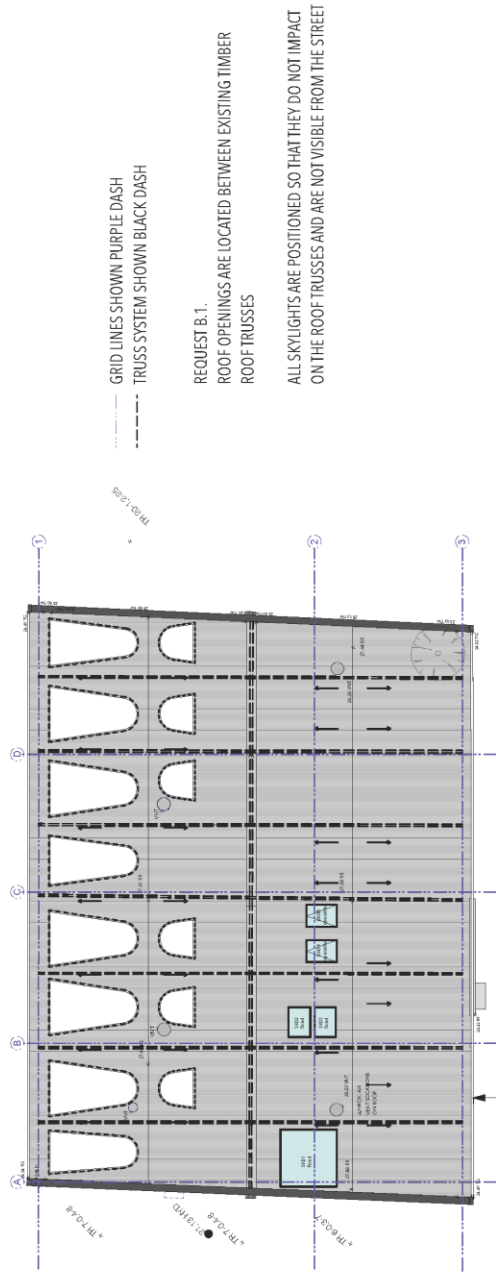
SECTION THROUGH PLANTER

*REFER TO GEOTECHNICAL SITE INVESTIGATION FOR DETAIL DESCRIPTION OF GROUND CONDITIONS

GRANULAR FILL + SILTY SAND BELOW GARDEN RL 19.20
GEOLOGICAL MODEL PLOTTED ON SECTION EE DA 11

REFER TO LANDSCAPE PLAN FOR PLANTING SCHEDULE

<p>COSO ARCHITECTURE</p> <p>Paul Connor RAIA#7058 Anthony Solomon RAIA#5684 The Coopersage, Studio 4.04, 56 Bowman Street, Parramatta NSW 2150 Phone: +61 (0)2 9566 2889 / Fax: +61 (0)2 9566 2889 Email: studio@coso.com.au / Website: www.coso.com.au</p>	<p>DEVELOPMENT APPLICATION 50-58 EVANS STREET, ROZELLE (LOT 01/ 904243)</p>	<p>PREPARED FOR MATCO HOLDINGS PTY LTD</p>
	<p>ARCHITECT NAME PLANTER WALL DETAIL</p> <p>DATE: FEBRUARY, 2019 SCALE: 1:50 AT A3</p>	<p>DRAWING NO. DA25</p> <p>REVISION: A</p>
<p>NOTES: ALL WORKS TO BE COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF RELEVANT STATUTORY AUTHORITIES AND LOCAL GOVERNMENT. IT IS THE RESPONSIBILITY OF THE ARCHITECT TO ENSURE COMPLIANCE WITH ALL WORK COVERED BY THIS DRAWING. ALL MATERIALS AND PRODUCTS TO BE USED IN ALL STRUCTURAL WORK DESIGNED BY A STRUCTURAL ENGINEER. WHEN PROVISIONAL PRODUCTS ARE REFERENCED, INSTALL IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS. CHECK WITH ARCHITECT. ALL DISCREPANCIES AND OMISSIONS TO BE REPORTED TO ARCHITECT.</p>		



DEVELOPMENT APPLICATION 50-58 EVANS STREET, ROZELLE (LOT 01/ DP 904243)

NOTE: All work to comply with Building Code of Australia, requirements of relevant Statutory Authorities & Local Government & relevant Australian Building Standards. Builder to ensure compliance with all Work Cover requirements. All structural steelwork & concrete work, designed by a Structural Engineer. When proprietary products are referred to, detail in accordance with the manufacturer's specifications. All discrepancies and omissions to be reported to Architect.

DRAWING NO. **DA24**

REVISION: A

COSO ARCHITECTURE

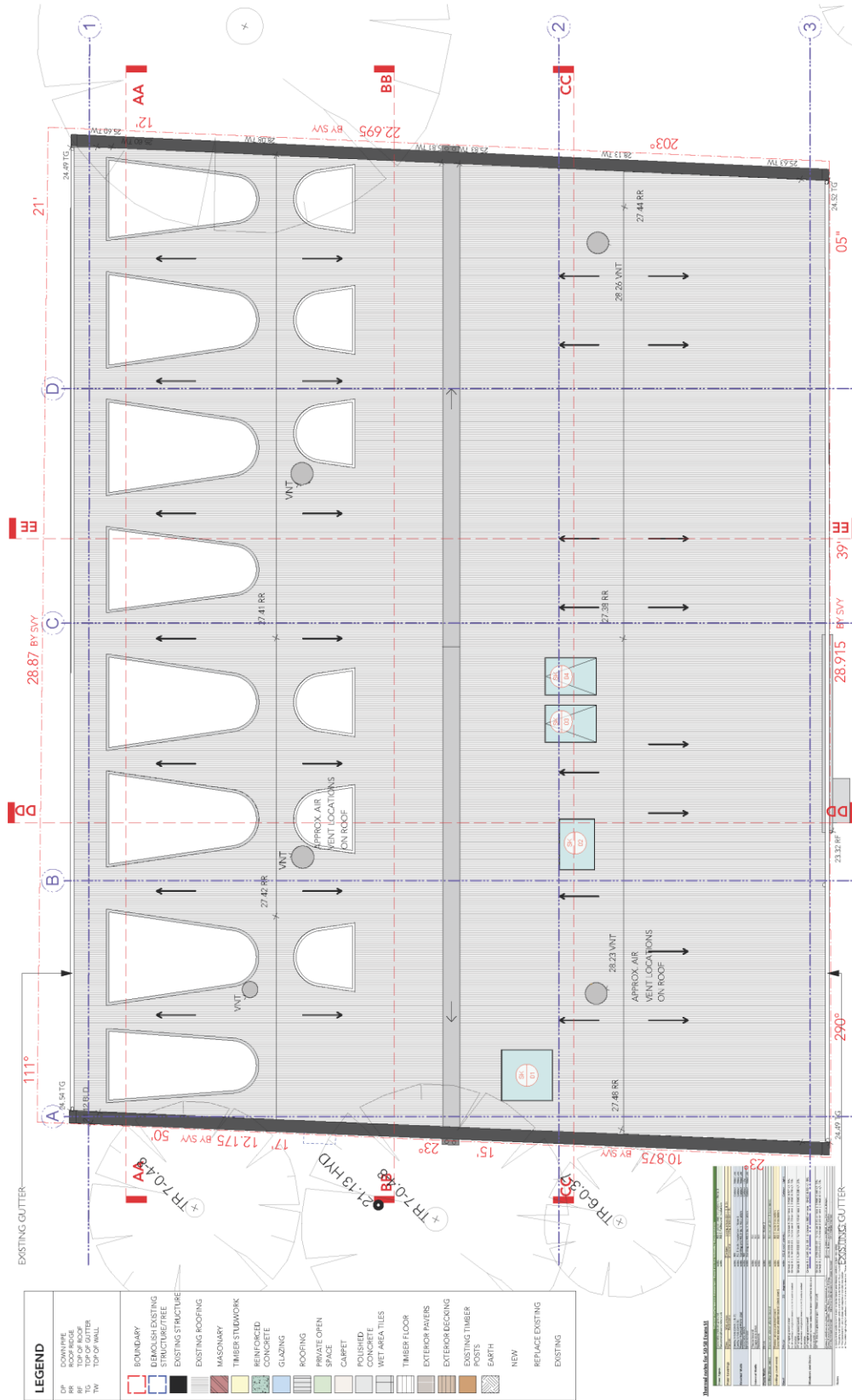
Paul Connor RAIA#7059 Anthony Solomon RAIA#664
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Email: studio@coso.com.au / Website: www.coso.com.au

DRAWING NAME: **ROOF FRAMING PLAN**

DATE: FEBRUARY 2009
SCALE: 1:100 AT A3

AMENDMENTS

NO.	DESCRIPTION
A	REQUEST FOR ADDITIONAL INFORMATION



LEGEND

DP	DOWNPIPE
RF	ROOF FINISH
TD	TOP OF ROOF
TO	TOP OF OUTRIGER
TH	TOP OF HALL
BOUNDARY	
[Red dashed line]	DEMOLISH EXISTING STRUCTURE/FREE EXISTING STRUCTURE
[Black dashed line]	EXISTING ROOFING
[Red hatched]	MASONRY
[Green hatched]	TIMBER STELWORK
[Blue hatched]	REINFORCED CONCRETE
[Light blue hatched]	GLAZING
[Dark blue hatched]	ROOFING
[Light green hatched]	PRIVATE OPEN SPACE
[Light blue hatched]	CARPET
[Light grey hatched]	POLISHED CONCRETE
[Dark grey hatched]	WET AREA TILES
[Light brown hatched]	TIMBER FLOOR
[Dark brown hatched]	EXTERIOR PAVERS
[Light brown hatched]	EXTERIOR DECKING
[Dark brown hatched]	EXISTING TIMBER POSTS
[Light brown hatched]	EARTH
[White]	NEW
[Light grey]	REPLACE EXISTING
[Dark grey]	EXISTING

REVISIONS

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	10/02/2019
2	REVISED PER PLANNING PANEL COMMENTS	15/02/2019
3	REVISED PER PLANNING PANEL COMMENTS	20/02/2019

DEVELOPMENT APPLICATION_50-56 EVANS STREET, ROZELLE (LOT 01/ DP 904245)

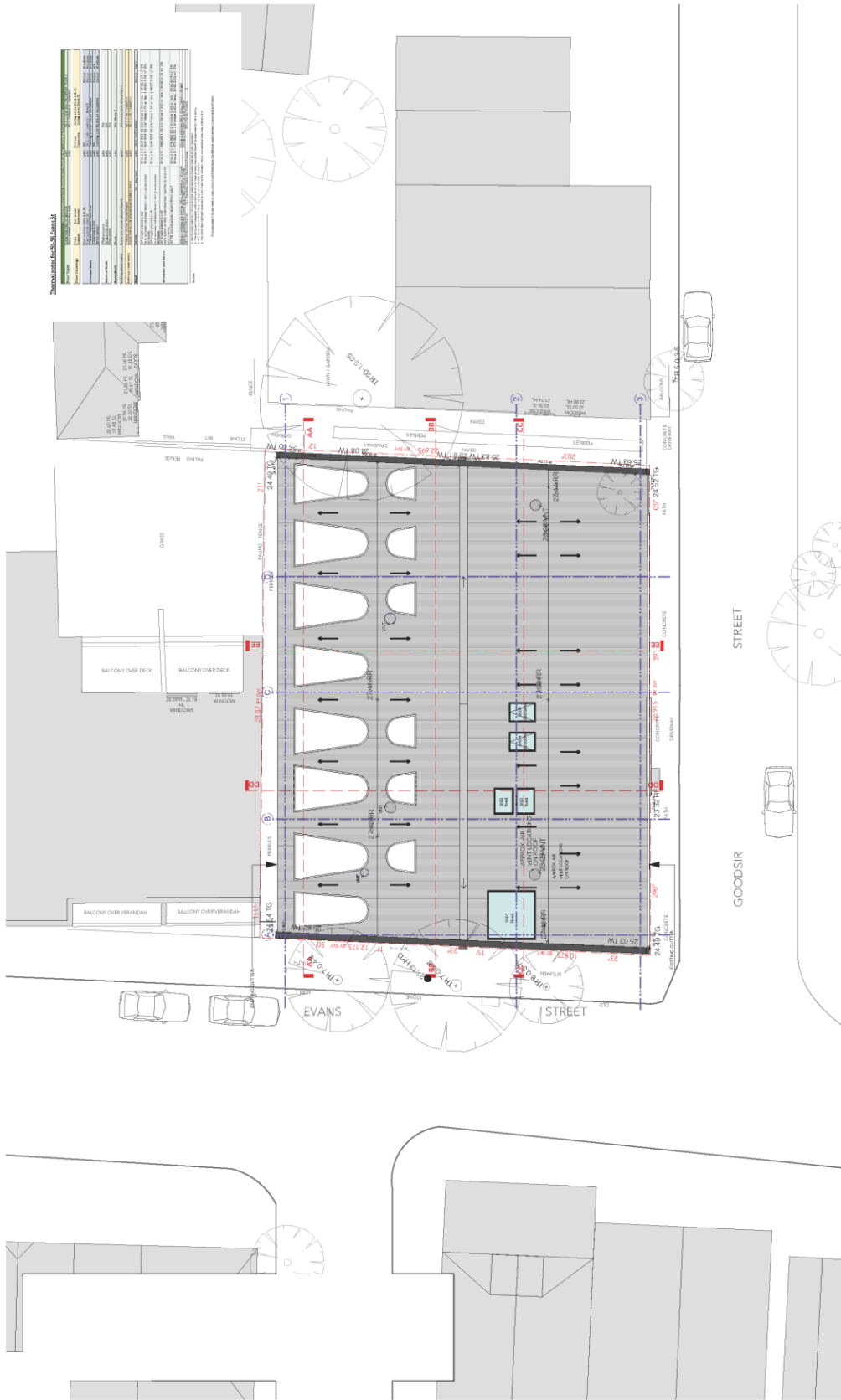
NOTE: All work to comply with Building Code of Australia requirements of Building Standards. Builder to ensure compliance with all Work Cover requirements. Check all timber sizes with a Structural Engineer and have all proprietary products are referred to, install in accordance with the manufacturers written instructions. Check all dimensions on site prior to construction. All dimensions shall be in millimetres unless otherwise stated. All dimensions shall be reported to Architect.

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 Email: studio@coso.com.au / Website: www.coso.com.au

DRAWING NAME: **ROOF PLAN**
 DRAWING NO: **DA06**
 DATE: FEBRUARY 2019
 SCALE: 1:100 AT A3

REVISION: [Table with 2 columns: NO., DESCRIPTION]

PREPARED FOR: MATCO HOLDINGS PTY. LTD.



Thermal mass for 300 Concrete

Room	Area (m ²)	Volume (m ³)	Mass (kg)
Living Area	120.0	120.0	120000
Dining Area	80.0	80.0	80000
Kitchen	60.0	60.0	60000
Bedroom 1	100.0	100.0	100000
Bedroom 2	80.0	80.0	80000
Bathroom	40.0	40.0	40000
Garage	200.0	200.0	200000
Verandah	100.0	100.0	100000
Deck	50.0	50.0	50000
Staircase	20.0	20.0	20000
W.C.	10.0	10.0	10000
Shower	10.0	10.0	10000
Laundry	10.0	10.0	10000
Storage	20.0	20.0	20000
Entry	10.0	10.0	10000
Landscaping	50.0	50.0	50000
Roof	200.0	200.0	200000
Basement	100.0	100.0	100000
Attic	100.0	100.0	100000
Other	50.0	50.0	50000
Total	1000.0	1000.0	1000000

COSO
ARCHITECTURE

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Email: studio@coso.com.au / Website: www.coso.com.au

DEVELOPMENT APPLICATION 50-58 EVANS STREET, ROZELLE (LOT 01/ DP 904243)

NOTE: All work to comply with Building Code of Australia, requirements of relevant Statutory Authorities & Local Government & relevant Australian Building Standards. Builder to ensure compliance with all Work Cover structural steelwork & concrete work, designed by a Structural Engineer. When proprietary products are referred to, detail in accordance with the manufacturer's instructions. Check with Architect. All discrepancies and omissions to be reported to Architect.

DRAWING NAME: **SITE PLAN**

DATE: FEBRUARY 2009

SCALE: 1:200 AT A3

DRAWING NO: **DA01**

REVISION:

AMENDMENTS

No.	Description

PREPARED FOR: MATCO HOLDINGS PTY LTD.

Attachment C- Clause 4.6 Exception to Development Standards

Boston Blyth Fleming Pty Ltd – Town Planners

Page 19

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

We confirm that the development has a landscaped area, as defined, of 149.6m² representing 22.7% of the site area and therefore compliant with the minimum 20% standard. The landscaped area calculation is depicted on Architectural plan DA16.

Further, the development results in a total site coverage, as defined, 399.7m² representing 60.5% of the site area in strict accordance with the maximum 60% standard. The landscaped area calculation is again depicted on Architectural plan DA16.

As the proposal satisfies the numerical standard the associated objectives are achieved. Accordingly, there is no statutory or environmental planning impediment to the granting of consent on the basis of landscaped area/ site coverage.

4.1.3 Floor Space Ratio – Exceptions to development standards

Pursuant to clause 4.4(2) LLEP the maximum floor space ratio for development on the site shall not exceed 0.7:1 (462.28m²) as depicted on the FSR map in the LEP. We note that pursuant to clause 4.4(2A) of LLEP the maximum FSR for non-residential development on the site (the existing business premises) is 1:1.

The stated 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*

Statement of Environmental Effects – Adaptive reuse as multi dwelling housing

- (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.*

It has been determined that the development has a gross floor area, as defined, of 504.6m² being an FSR of 0.76:1. This represents a non-compliance of 42.32m² or 9.1%.

Clause 4.6 of MLEP 2013 provides a mechanism by which a development standard can be varied. The objectives of this clause are:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Pursuant to clause 4.6(2) consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

This clause applies to the clause 4.4(2) Height of Buildings Development Standard.

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

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

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

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

Clause 4.6(5) states that in deciding whether to grant concurrence, the Director-General must consider:

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

Claim for Variation

Zone and Zone Objectives

A previously indicated the proposed development is permissible with consent in the zone and consistent with the zone objectives as outlined in clause 4.1.1.

Floor Space Ratio Standard and Objectives

The standard and associated objectives have been previously identified. It has been determined that the development has a gross floor area, as defined, of 502m² being an FSR of 0.76:1. This represents a non-compliance of 39.72m² or 8.5%. We note that the existing building has a GFA of 817m² representing an FSR of 1.24:1. The proposal represents a significant reduction in GFA/FSR on this site. Having regard to the stated objectives it is considered that strict compliance is both unreasonable and unnecessary for the following reasons:

(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*

Response: The bulk, form and scale of the building is unaltered with all proposed works contained within the existing building structure. The only discernible external change will be the introduction openings in the roof sheeting for light and ventilation. Being a contributory building with the heritage conservation area the building will remain compatible with the desired future character of the area. This objective is satisfied.

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

Response: There is currently no landscaping on the site. The proposal introduces a complaint quantum of landscaped area to the development site as depicted on Architectural plan DA16 and the accompanying landscape plan prepared by Selena Hannan Design. This objective is satisfied.

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

Response: As indicated above the proposal does not result in any change to the bulk and scale of the building as viewed from outside the site. This objective is satisfied.

Having regard to the matter of *Veloshin v Randwick City Council* [2007] NSWLEC 428 this is not a case where the difference between compliance and non-compliance is the difference between good and bad design. The objectives of the FSR control are clearly not defeated.

In the recent 'Four2Five' judgement (*Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90), Pearson C outlined that a Clause 4.6 variation requires identification of grounds that are particular to the circumstances to the proposed development. That is to say that simply meeting the objectives of the development standard is insufficient justification of a Clause 4.6 variation.

It should be noted that a Judge of the Court, and later the Court of Appeal, upheld the Four2Five decision but expressly noted that the Commissioner's decision on that point (that she was not "satisfied" because something more specific to the site was required) was simply a discretionary (subjective) opinion which was a matter for her alone to decide. It does not mean that Clause 4.6 variations can only ever be allowed where there is some special or particular feature of the site that justifies the non-compliance.

Whether there are "sufficient environmental planning grounds to justify contravening the development standard", it is something that can be assessed on a case by case basis and is for the consent authority to determine for itself.

The recent appeal of Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7 is to be considered. In this case the Council appealed against the original decision, raising very technical legal arguments about whether each and every item of clause 4.6 of the LEP had been meticulously considered and complied with (both in terms of the applicant's written document itself, and in the Commissioner's assessment of it). In February of this year the Chief Judge of the Court dismissed the appeal, finding no fault in the Commissioner's approval of the large variations to the height and FSR controls.

While the judgment did not directly overturn the Four2Five v Ashfield decision an important issue emerged. The Chief Judge noted that one of the consent authority's obligation is to be satisfied that the applicant's written request has adequately addressed ...that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case ...and that there are sufficient environmental planning grounds to justify contravening the development standard.

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

It is considered that there are sufficient environmental planning grounds to justify the variation sought namely the retention and maintenance of the established 3 dimensional building form noting that pursuant to clause 4.4(2A) of LLEP the maximum FSR for non-residential development on the site (the existing business premises) is 1:1. The proposal, which involves the adaptive reuse of an existing business premises, complies with the 1:1 standard.

We also note that the existing building has a GFA of 817m² representing an FSR of 1.24:1. The proposal results in a significant reduction in GFA/FSR on this site.

The ability to satisfy the underlying objectives and general paucity of adverse residential amenity, streetscape and heritage conservation impacts are also relevant matters for consideration in terms of planning justification

Conclusions

Having regard to the clause 4.6 variation provisions we have formed the considered opinion:

- (a) that the contextually responsive development is consistent with the zone objectives, and
- (b) that the contextually responsive development is consistent with the objectives of the floor space ratio standard, and
- (c) that there are sufficient environmental planning grounds to justify contravening the development standard, and
- (d) that having regard to (a), (b) and (c) above that compliance with the floor space ratio development standard is unreasonable or unnecessary in the circumstances of the case, and
- (e) that given the developments ability to comply with the zone and floor space ratio standard objectives that approval would not be antipathetic to the public interest, and
- (f) that contravention of the development standard does not raise any matter of significance for State or regional environmental planning.

As such we have formed the highly considered opinion that there is no statutory or environmental planning impediment to the granting of a floor space ratio variation in this instance.

4.1.4 Heritage Considerations – Statement of Heritage Impact

The property is located within the Valley Heritage Conservation Area however is not specifically heritage listed as depicted on the heritage map within the LEP.

Pursuant to clause 5.10(4) the consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.

In this regard, the application is accompanied by a Statement of Heritage Impact prepared by Weir Phillips Heritage which details the acceptability of the proposed works based on the guidelines set out by the NSW Heritage Office (now Heritage Branch of the Department of Environment and Heritage) publication 'Statements of Heritage Impact', 2002. The report addresses the clause 5.10 LEP provisions and demonstrates that the works required to facilitate the adaptive reuse of the existing building are acceptable and will have a neutral impact on the significance of the building and its contribution to the conservation area.

Accordingly, Council can be satisfied that there is no statutory heritage impediment to the granting of consent.

4.1.5 Acid Sulfate Soils

Pursuant to clause 6.1 LLEP 2013 the site is identified as Class 5 on the Acid Sulfate Soils Map. The works are not within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and accordingly no further investigation is required.

4.1.6 Stormwater Management

Pursuant to clause 6.4(3) LLEP 2013 development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- (a) *is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and*

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12th June 2019

The General Manager
Inner West Council
PO Box 14
Petersham NSW 2049

Attention: Eric Wong – Development Assessment

Dear Mr Wong,

**Development Application D/2018/541
Supplementary Statement of Environmental Effects
Clause 4.6 variation request – Site coverage
Alterations, additions and adaptive reuse of the building for multi dwelling
housing
50 – 58 Evans Street, Rozelle**

Reference is made to the above development application submitted on 17th October 2018. This supplementary submission contains a clause 4.6 variation request in support of a variation to the clause 4.3A(3)(b) site coverage standard contained within Leichhardt Local Environmental Plan 2013 (LLEP 2013).

Clause 4.6 variation request – Landscaped areas for residential accommodation in Zone R1

Pursuant to clause 4.3A(3) development consent must not be granted to development to which this clause applies unless:

-
(b) *the site coverage does not exceed 60% of the site area.*

site coverage means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,

- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

The stated objectives of control are as follows:

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

We confirm that the development results in a total site coverage, as defined, of 450m² representing 68% of the site area. This exceeds the standard by 53.76m² or 13.56%. We note that existing development on the site has a site coverage of 620.097m² or 94%.

Clause 4.6 of PLEP provides a mechanism by which a development standard can be varied. The objectives of this clause are:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Pursuant to clause 4.6(2) consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

This Clause applies to the Clause 4.3A Landscaped areas for residential accommodation in zone R1 Development Standard.

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

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

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

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

Clause 4.6(5) states that in deciding whether to grant concurrence, the Director-General must consider:

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

Zone and Zone Objectives

The subject property is zoned R1 General Residential pursuant to the provisions of Leichhardt Local Environmental Plan 2013 ("LLEP 2013"). Multi dwelling housing is permissible in the zone with the consent of Council as is defined as follows:

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

The stated objectives of the zone are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To improve opportunities to work from home.*

- *To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.*
- *To provide landscaped areas for the use and enjoyment of existing and future residents.*
- *To ensure that subdivision creates lots of regular shapes that are complementary to, and compatible with, the character, style, orientation and pattern of the surrounding area.*
- *To protect and enhance the amenity of existing and future residents and the neighbourhood.*

The development proposes 3 attached dwellings each with access at ground level. Such development is defined as multi dwelling housing and permissible with consent in the zone.

The proposal is consistent with the zone objectives as it provides for the housing needs of the community through the sensitive adaptive reuse of a historical building with the resultant building form not giving rise to any unacceptable streetscape, heritage conservation or residential amenity impacts. The proposal significantly increases site landscaping, significantly reduces site coverage and provides work from home opportunities through dwelling layout and design.

Accordingly, Council can be satisfied that the proposal is permissible with consent and consistent with the zone objectives as outlined.

**Landscaped areas for residential accommodation in Zone R1
Standard and Objectives**

The standard and associated objectives have previously been identified. Having regard to these objectives, strict compliance with the development standard is both unreasonable and unnecessary in this instance for the following reasons:

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

Comment: We confirm that the development has a landscaped area, as defined, of 149.6m² representing 22.7% of the site area and therefore compliant with the minimum 20% standard. The landscaped area proposed are available for soft landscaped treatments with such areas augmented by the balance of the site not defined as site coverage which are available for recreation and the enjoyment of residents.

The extent of variation is numerical minor with site coverage significantly reduced as a consequence of the development. The objective is satisfied.

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

Comment: There are no established landscaped corridors on this site or between adjoining properties with no reasonable ability to achieve such outcome in conjunction with this application. This objective is not defeated.

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

Comment: The site is located within the Valley 'Rozelle' Distinctive Neighbourhood "Evans Street Sub Area" depicted below in Figure 1 below.

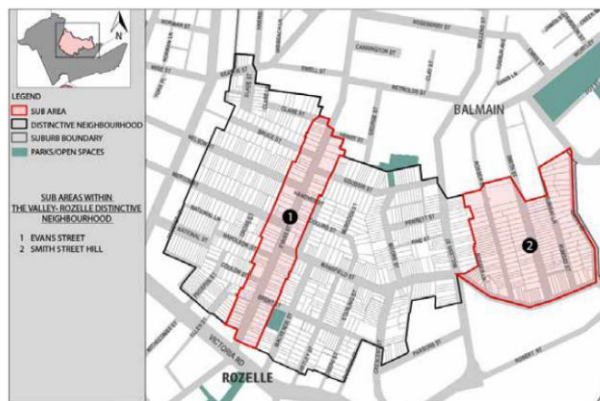


Figure 1 – The Valley 'Balmain' Distinctive Neighbourhood

The Desired Future Character Controls are identified as follows:

C1 Conserve and complement the existing styles of housing with special regard to the simple timber cottages and Victorian terraces.

Response: N/A

C2 Conserve and complement the established streetscape with regard to setbacks, street trees and general lack of driveway crossings.

Response: Satisfied. Refer to accompanying HIS.

C3 Buildings should step with the slope in order to facilitate view sharing.

Response: The existing building form is maintained. Satisfied.

C4 Preserve the consistency and simplicity of built form, style and materials of the neighbourhood.

Response: The existing building form is maintained. Satisfied.

C5 Complement the existing pitched, hipped or gabled roof forms as well as setbacks and fencing styles prevalent in each street.

Response: The existing building form is maintained. Satisfied.

C6 Conserve stone cottages and stone walls throughout the neighbourhood.

Response: N/A

C7 Maintain the established open low timber and iron picket front fences.

Response: N/A

C8 Restore or reconstruct cantilevered or posted balconies/verandahs where such elements were original features.

Response: N/A

C9 Maintain the prevalence of mature trees in both private and public spaces. Preserve and integrate natural rocky outcrops into the landscaping of the area, particularly where visible from public places. Cutting into such outcrops for any purpose including parking is to be avoided.

Response: N/A

C10 A maximum building wall height of 3.6m applies to the neighbourhood.

Response: The existing building form is maintained. Satisfied.

C11 A maximum building wall height of 6m applies along Evans Street.

Response: The existing building form is maintained. Satisfied.

C12 Front building setbacks within the neighbourhood are to be a minimum of 1m. However, where the prevailing setbacks in the immediate locality (i.e. refer to the adjoining three buildings either side of the subject site) is different, the setback for new development should be compatible with the prevailing setbacks.

Response: The existing building form is maintained. Satisfied.

C13 The use of traditional timber, stone or masonry finishes as well as iron roofing and timber windows is encouraged.

Response: The existing building form is maintained. Satisfied.

C14 Development is to be consistent with any relevant Sub Area objective(s) and condition(s).

Response: The existing building form is maintained. Satisfied.

As such, Council can be satisfied that the development promotes the desired future character of the neighbourhood and accordingly this objective is satisfied.

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

Comment: We note that existing development on the site has a site coverage of 620.097m² or 94% with the proposal significantly reducing this figure to 450m² or 68% of the site area. Further, the development has a landscaped area, as defined, of 149.6m² representing 22.7% of the site area and therefore compliant with the minimum 20% standard. Minimal excavation is proposed ensuring no obstruction of underground water flows. In this regard, the proposal encourages ecologically sustainable development by maximising the retention and absorption of surface drainage water on site and by minimising obstruction to the underground flow of water. This objective is satisfied.

- (e) to control site density,*

Comment: The proposal provides for the adaptive reuse of the existing building form on the site with minimal change to the 3 dimension form of the development as it relates to density. This objective is satisfied.

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

Comment: We confirm that the development has a landscaped area, as defined, of 149.6m² representing 22.7% of the site area and therefore compliant with the minimum 20% standard. The landscaped area proposed are available for soft landscaped treatments with such areas augmented by the balance of the site not defined as site coverage which are available for recreation and the enjoyment of residents.

The extent of variation is numerical minor with landscaped area significantly increased and site coverage significantly reduced as a consequence of the development. The objective is satisfied.

Accordingly, Council can be satisfied that the proposal satisfies the objectives of the landscaped areas for residential accommodation in Zone R1 standard and accordingly strict compliance is both unreasonable and unnecessary.

In the judgement *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90*, Pearson C outlined that a Clause 4.6 variation requires identification of grounds that are particular to the circumstances to the proposed development. That is to say that simply meeting the objectives of the development standard is insufficient justification of a Clause 4.6 variation. This was reiterated in the more recent judgment by Preston C J in the matter of *Initial Action Pty Ltd v Woollahra Municipal Council [2008] NSWLEC 118*

In this regard, it is considered that there are sufficient environmental planning grounds to justify the variation sought namely the adaptive reuse of the existing heritage significant building form which makes strict compliance difficult to achieve. That said, the extent of variation is numerical minor with compliant landscaped area achieved and site coverage significantly reduced as a consequence of the development proposed.

Finally, having regard to the matter of *Veloshin v Randwick City Council [2007] NSWLEC 428* this is not a case where the difference between compliance and non-compliance is the difference between good and bad design.

Conclusions

Having regard to the clause 4.6 variation provisions of the PLEP, we have formed the opinion:

- a) That the contextually responsive development is consistent with the zone objectives, and
- b) that the contextually responsive development is consistent with the objectives of the landscaped area/ site coverage standard, and
- c) that there are sufficient environmental planning grounds to justify contravening the development standard, and
- d) that having regard to (a), (b) and (c) above that compliance with the landscaped area/ site coverage development standard is unreasonable or unnecessary in the circumstances of the case, and
- e) that given the developments compliance with the zone and landscaped area/ site coverage standard objectives that approval would not be antipathetic to the public interest, and
- f) that contravention of the development standard does not raise any matter of significance for State or regional environmental planning.

As such we have formed the highly considered opinion that there is no statutory or environmental planning impediment to the granting of a landscaped areas variation in this instance.

Please not hesitate to contact me to discuss any aspect of this submission.

Yours sincerely

Boston Blyth Fleming

A handwritten signature in black ink, appearing to read 'Greg Boston', written in a cursive style.

Greg Boston
B Urb & Reg Plan (UNE) MPIA
Director

Attachment D – Statement of Heritage Significance

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Area 12 The Valley (Rozelle and Balmain)

Landform

This conservation area comprises a large but tightly formed valley which falls south and east from the Darling Street ridge towards White Bay affording enclosed views to industrial workings of the port city in the bay.

It includes a number of subdivisions/part subdivisions around the highest land in the Leichhardt Municipality on either side of the Darling Street ridge and across Victoria Road. It includes land east of Wellington Street to White Bay. It also includes the civic buildings and the commercial zone of Rozelle on both sides of Victoria Road, the land east of the Darling Street ridge beyond the commercial zone, the civic and commercial buildings of Balmain retail centre, small groups of shops along Darling Street and the former retail area of Evans and Beattie Streets.



Figure 12.1 The Valley Conservation Area Map.

History

When sales of John Gilchrist's Balmain 550-acre grant were resumed in 1852, Surveyor Charles Langley subdivided the remaining acres into 46 (later 47) sections, using existing routes such as Darling Street, and other contour-hugging tracks, such as Beattie Street and Mullens Street to delineate the parcels. The sections were purchased over the next thirty years by wealthy investors, local speculators and builders.

The largest of the estates put together from Langley's subdivisions was the 19 acres of the Merton Estate purchased by piano importers Paling and Starling, druggists George and Frederick Elliott and estate agent Alfred Hancock. It occupied the land between Terry Street and Evans Street. It was subdivided by its owners into 197 allotments generally 30ft x 100ft with 50ft-wide grid

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pattern of roads, and was auctioned by local agent and developer, Alfred Hancock from 1874.

A miscellaneous collection of service and consumer trades servicing these new dwellings appeared along Evans Street in the 1870s making it the main commercial thoroughfare along the upper reaches of the Balmain peninsula.

By the 1880s the growth of industry, including noxious industry, in White Bay and along Whites Creek, made the south and east-facing slopes of the Darling Street ridge unattractive for a more affluent residential market. Those who could find employment in these industries would seek housing within walking distance, as public transport – then the horse drawn bus or later the steam tram – were too expensive. Canny speculators, such as Hancock (later Mayor of Balmain) sold to small builders who constructed very dense workers' housing for renters or purchasers on small budgets. By 1891 a large part of this area had been built upon.

The arrival of the government-owned steam tram at the junction of Darling Street and Victoria Road in 1892, provided relatively more affluent residents along its route with transport to the city, and a greater choice of employment away from places within immediate walking distance from home. The advent of the tramway probably explains the major impetus to growth in the area particularly to the west of Evans Street, so that in the 1890s much of Terry, Wellington, Merton and Nelson Streets were built upon with one-storey brick semis, pairs or small groups of terraces (two to an allotment) and double-fronted single-storey houses (one to an allotment). Most of these buildings were constructed by local builders such as Robert Gordon, William Whitehorn and James Gibson, whose small-scale operations are indicated by the small groups of similar houses or terraces.

From the 1850s, Booth's Saw Mill on White Bay provided a cheap source of timber and weatherboards, promoting weatherboard houses as the norm for workers' housing throughout Balmain until brick terrace housing became prevalent in the late nineteenth century.

The extension of the steam tram service along Darling Street by 1900 encouraged shopkeepers to relocate there to catch the passing trade, and Evans Street was superseded as a commercial centre.

The Metropolitan Detail Survey Sydney Water Archiveⁱ suggests that almost all the land east of Wellington Street was built upon by 1905.

By 1907 the precinct was generally known as Rozelle.

Sources

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

Further information provided by Max Solling.

Significant Characteristics

- Contour hugging main roads – Evans, Beattie and Reynolds.

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- Outline of subdivisions, size and aspect of allotments, determined by route of main roads.
- Wider residential roads off Darling Street ridge, with grid subdivision pattern, but
- Generally narrow roads between main access roads.
- Narrow, often shallow allotments.
- Back lanes are rare.
- Dense urban environment.
- Continuous lines of buildings create sharply defined lineal spaces.
- Buildings stepped up and down hill, following the topography.
- Houses sited close to road near Darling Street ridge; and sited onto the road alignment nearer to White Bay.
- Small front gardens near Darling Street; there are fewer gardens towards White Bay.
- Tree planting is minimal except where wider main access roads provide enough room – Langley, Roseberry, Llewelyn and Reynolds Street.
- Large stands of trees in parks and open spaces.
- Small range of housing types: single-fronted, single-storey timber terraces, two-storey terraces, free-standing timber or stone single-storey cottages.
- Some larger villas on high land around Smith Street, and more generous terraces in similar locations.
- Scale predominantly limited to one or two storeys.
- Pubs with verandahs act as punctuation marks in the streetscape.
- Corner stores.
- Commercial premises (and former commercial premises) with attached dwellings along Evans and Darling Streets.
- Small industrial/warehouse buildings occur throughout the area.
- Variety of materials – large number of timber, plastered brick, some later (1890s+) face brick and a few stone buildings.
- Roof materials vary – iron is common, terracotta tiles, some slate.
- Stone retaining walls.
- Remnants of iron palisade fences define some street frontages.
- Suspended awnings to commercial facades along Darling and Evans Streets.
- Sandstone kerbs and gutters.

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Statement of Significance or Why the Area is Important

- One of a number of conservation areas which collectively illustrate the nature of Sydney's early suburbs and Leichhardt's suburban growth particularly between 1871 and 1891, with pockets of infill up to the end of the 1930s (ie prior to World War II). This area is important for illustrating development for workers' and artisan housing particularly from 1871-1891 which forms the major element of its identity. It is significant for its surviving development from that period and the later infill development up to World War II (ie pre-1939).
- Retains evidence of all its layers of growth within that period from the late-1870s.
- Through its important collection of weatherboard buildings, including the now rare timber terraces, it continues to demonstrate the nature of this important/major construction material in the fabric of early Sydney suburbs, and the proximity of Booth's saw mill and timber yards in White Bay.
- Through the mixture of shops, pubs and industrial buildings it demonstrates the nature of a Victorian suburb, and the close physical relationship between industry and housing in nineteenth century cities before the advent of the urban reform movement and the separation of land uses.
- Demonstrates through the irregular pattern of its subdivision the small-scale nature of the spec builders responsible for the construction of the suburb.
- Demonstrates the nature of some private subdivisions before the introduction of the Width of Streets and Lanes Act of 1881 required roads to be at least one chain wide.

Maintenance of Heritage Values

Generally

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

Retain

- Existing width and alignment of streets: avoid chicanes which cut diagonally across the carriageway.
- Existing back lanes.
- All buildings pre-1939 and particularly all timber buildings
- All original plaster finishes to external walls - reconstruct where necessary.
- All original unplastered face brick walls.
- All original external architectural detail, decorative tiles, plaster mouldings, chimneys, roof ridges and finials, commercial signs etc.

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Encourage replacement of lost elements, but only where evidence is available.

- All remaining sandstone kerbs and gutters.
- All corner stores, corner pubs and industrial buildings within the residential areas, and encourage their restoration. Consider small-scale commercial or professional uses for these buildings, if original uses no longer operate, as a reference to their original uses.
- Street and park planting; reinstate where necessary

Avoid

- Amalgamation that might lead to a change in the densely developed streetscape.
- Demolition of any pre-1939 building, particularly those pre-1910.
- Demolition of any remaining timber building.
- Additional storeys above the existing form of the building.
- Posted-verandahs over footpaths to commercial premises where no evidence can be provided to support their reconstruction. Encourage restoration of verandahs where evidence exists.
- Removal of plaster to external walls, where part of the original construction. Removal of original architectural details.
- Additional architectural detail for which there is no evidence.
- Inappropriate fences such as high brick walls, new iron palisades on high brick bases.
- Interruption to the almost continuous kerb and gutter line.

Endnotes

- ¹ Solling & Reynolds, p 81.
-