



INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	DA201900090
Address	127-133 New Canterbury Road, Lewisham
Proposal	To carry out partial demolition of existing premises and alterations and additions to the existing hotel for shop top housing comprising a hotel and 16 dwellings with basement parking accessed via Hunter Street.
Date of Lodgement	15 March 2019
Applicant	Koturic & Co. Architects
Owner	J.P.S Management Ent. Pty. Ltd.
Number of Submissions	10
Value of works	\$8,501,643
Reason for determination at Planning Panel	Heritage item Number of submissions
Main Issues	Acoustic impacts; Setbacks; Heritage; Signage; Hours of operations; and Waste collection/loading and unloading.
Recommendation	Approval with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Statement of Heritage Significance
Attachment D	Plan of Management



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

Note: Due to scale of map, not all objectors could be shown.

1. Executive Summary

This report is an assessment of the application submitted to Council to carry out partial demolition of existing premises and alterations and additions to the existing hotel to a part 3, part 4 storey building for shop top housing comprising a hotel and 16 dwellings with basement parking accessed via Hunter Street at 127 New Canterbury Road, Lewisham. The application was notified to surrounding properties and 10 submissions were received.

The main issues that have arisen from the application include:

- Acoustic impacts;
- Setbacks;
- Heritage;
- Signage;
- Hours of operations; and
- Waste collection/loading and unloading.

The non-compliances are acceptable for the reasons explained within this report and therefore the application is recommended for approval.

2. Proposal

The proposal involves demolition of the existing structure on No. 127 New Canterbury Road, partial demolition of heritage item at No. 133 New Canterbury Road, alterations and additions to the existing heritage item and construction of an adjoining part 4, part 5-storey infill building.

Given the slope of the land, the infill building presents as 5-storeys from New Canterbury Road and 4-storeys from Hunter Street.

The ground floor is to be occupied by the existing pub known as the 'Huntsbury Hotel', and the upper levels are to be occupied by 16 residential units and associated residential facilities.

Two basement levels providing 13 car parking spaces, bicycle parking and storage areas.

Demolition

- Partial demolition of the existing heritage item at No. 127;
- Demolition of the modern extension adjoining the Heritage Item to the west;
- Demolition of two-storey commercial structure at No. 133.

Basement Level 2

- 7 residential car spaces;
- 6 residential bicycle parking spaces;
- 3 residential motorcycle parking spaces;
- Residential storage.

Basement Level 1

- 5 residential car spaces;
- 1 commercial car space;
- 16 residential bicycles spaces within a dedicated bicycle storage room;
- Residential bulk waste storage room;

- Three separate entrances from New Canterbury Road to bicycle storage room, beer delivery storage area, and ground level pub;
- Shopfront display to New Canterbury Road;
- Keg cool room, beer delivery and storage area, and general storerooms associated with pub.

Ground Level

- Alterations and additions to existing pub known as 'Huntsbury Hotel' resulting in a floor area of approximately 634sqm including;
 - Bar/sitting area;
 - Gaming room with entrance from Hunter Street and associated planter boxes;
 - Dining area;
 - Kitchen;
 - Bathrooms;
 - Commercial waste storage room;
 - Two entrances from Hunter Street (not inclusive of gaming room entrance).
- Residential entrance and lobby fronting Hunter Street;
- Residential bin room fronting Hunter Street;
- Vehicular access to basement levels from Hunter Street;
- New awnings over New Canterbury Road and Hunter Street.

First Floor

- 1 x studio unit;
- 1 x 1 bedroom unit;
- 5 x 2 bedroom units;
- Common courtyard area.

Second Floor

- 1 x studio unit;
- 1 x 1 bedroom unit;
- 5 x 2 bedroom units.

Third Floor / Roof

- 1 x 2 bedroom unit;
- 1 x 3 bedroom unit;
- Rooftop communal open space with landscaping, pergola structures and barbeque area;
- Services.

Pub use

- Proposed hours of operation of:
 - 10:00am – 12:00 midnight, Monday – Saturday,
 - 10:00am – 10:00pm, Sunday;
- Proposed patron capacity of 500 persons;
- A maximum of 10 staff at any one time.

Signage

- 11 new signs (under awning signs and flat mounted wall signs).

3. Site Description

The subject site encompasses two allotments, Nos. 127 and 133 New Canterbury Road which have a combined area of approximately 946.5sqm.

Currently the site is occupied by a part one, part three-storey building which is used as a pub known as the 'Huntsbury Hotel'. The pub is confined to the ground level and includes an outdoor courtyard area. The upper levels have previously been used for short-term accommodation but are currently vacant. The pub has current trading hours of 10.00am – 12.00 midnight, Mondays to Saturdays, and 10.00am – 10.00pm on Sundays.

The original portion of the building, being the heritage item, is three-storeys in height and occupies the north-west corner of New Canterbury Road and Hunter Street. It is adjoined by a later single storey addition as well as the aforementioned courtyard to the west. Further to the west on No. 133 New Canterbury Road is a two-storey semi-detached commercial building with detached brick garage providing rear access to Hunter Street.

To the north and east the site is bounded by Hunter Street. On the opposite side of the street are one and two storey dwelling houses as well as a 4-storey mixed-use building fronting New Canterbury Road (No. 121-123). To the south the site is bounded by New Canterbury Road. On the opposite side of the road are one and two-storey commercial buildings and a two-storey residential dwelling. To the west the site is bounded by a pedestrian lane known as Frazer Lane. Beyond this are a group of two-storey commercial/ shop top housing buildings which contain rear yards and vehicle parking accessible from Hunter Street.

This part of New Canterbury Road is largely occupied by one and two-storey commercial, light industrial and shop top housing buildings with the notable exception of No. 121-123 which is a recently-built 4-storey mixed-use building. This part of Hunter Street is largely characterised by one and two-storey dwelling houses.

No. 127 is listed as a heritage item (I56) known as 'Huntsbury Hotel, including interiors'. No. 133 does not form part of this listing. The site is not located within a heritage conservation area, however it is noted that the eastern (opposite) side of Hunter Street is located within the Petersham Commercial Precinct Heritage Conservation Area (C25).

The site is not identified as being on flood prone land.



Figure 1: Aerial photo showing subject site and context. Red dotted line shows boundary between No. 127 and 133 New Canterbury Road.



Figure 2: Site viewed from the corner of New Canterbury Road and Hunter Street, looking north-west.



Figure 3: Site viewed from New Canterbury Road, looking north-east.



Figure 4: Subject site viewed from Hunter Street, looking south.

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

- PDA201700216 - On 1 May 2018, Pre-DA advice was provided by Council planners in response to a proposal to demolish part of the premises and carry out alterations and additions to convert the premises into a 4 part 5 storey mixed use development

consisting of a hotel use on the ground floor level and 20 dwellings on the upper floors with basement car parking.

The scheme was not overly dissimilar to that of the subject application, the notable differences being a much larger top floor and 4 more dwellings.

Council planners raised concerns regarding heritage conservation, built form, building height, internal amenity and signage.

Most but not all of the concerns raised were addressed with the original scheme of the subject application.

Surrounding Sites

141-161 New Canterbury Road

- DA2017000003 - On 13 October 2017, consent was granted to construct a part 3, part 4 storey mixed-use building with 46 units, 2 ground floor commercial tenancies and a basement level. The development has access to New Canterbury Road and Frazer Lane at the rear. The consent was modified on 28 May 2019 which (amongst other things) increased the number of units to 47, and made internal and external design changes. The development is yet to be built.

It is noted that this site has lower Height of Building (14m) and Floor Space Ratio (1.5:1) development standards than the subject site and is located within a different DCP planning precinct.

See photomontage in Figure 5 below.



Figure 5: Recently approved (as modified) mixed-use building at No. 141-161 New Canterbury Road to the west of the subject site.

121-123 New Canterbury Road

- DA2010000522 - On 6 April 2011, consent was granted to demolish the existing improvements and erect a four (4) storey building over basement car parking containing a ground floor shop and eleven (11) dwellings with off street car parking for ten (10) vehicles and to strata subdivide.

The building has been built (see Figure 6 below).



Figure 6: Recently built mixed-use building at No. 121-123 New Canterbury Road on the opposite (eastern) side of Hunter Street.

4(b) Application history

- On 28 June 2019, Council planners sent a letter to the applicant raising a number of concerns with the subject proposal including heritage conservation, public domain interface, safety, internal configuration and amenity, acoustic amenity, and waste storage/collection.
- On 12 and 30 August 2019, the applicant provided an amended scheme and additional information which addressed some but not all of the issues raised by Council planners.
- On 4 September 2019, a list of outstanding concerns with the revised scheme largely in relation to heritage conservation were sent to the applicant.
- On 19 September 2019, the applicant provided a written response to the outstanding concerns but made no changes to the scheme.
- On 4 November 2019, at the request of Council the applicant provided revised drawings which made minor changes mainly in relation to adaptable units, parking and heritage conservation.

5. Assessment

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

5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy No. 55—Remediation of Land*
- *State Environmental Planning Policy No. 64 – Advertising and Signage*
- *State Environmental Planning Policy No. 65—Design Quality of Residential Apartment Development*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Infrastructure) 2007*

The following provides further discussion of the relevant issues:

5(a)(v) 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. *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 however it Council is satisfied that the site will not require remediation in accordance with *SEPP 55* subject to the implementation of the recommendations in the supplied Preliminary Site Investigation (PSI).

The PSI has been reviewed and found that the site can be made suitable for the proposed use subject to the recommendations. 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)(vi) State Environmental Planning Policy No. 64 - Advertising and Signage (SEPP 64)

SEPP 64 specifies aims, objectives, and assessment criteria for signage as addressed below. Schedule 1 of *SEPP 64* specifies assessment criteria for signage relating to character of the area, special areas, views and vistas, streetscape, setting or landscaping, site and building, illumination and safety. The proposed signage is considered satisfactory having regard to the assessment criteria contained in Schedule 1 of *SEPP 64*.

11 new signs are proposed, in addition to the 3 existing signs. As discussed elsewhere in this report, the proposed signage is not supported as it has not been supported by a signage strategy contrary to Part 2.12.4.9 of the DCP. A condition is recommended requiring the deletion of the new signage.

As such an assessment of the proposed signage against the aims and objectives of Clause 3 and the assessment criteria of schedule 1 of SEPP64, has not been conducted.

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

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

A statement from a qualified Architect was submitted with the application verifying that they designed, or directed the design of, the development. The statement also provides an explanation that verifies how the design quality principles are achieved within the development and demonstrates, in terms of the Apartment Design Guide (ADG), how the objectives in Parts 3 and 4 of the guide have been achieved.

The development is acceptable having regard to the nine design quality principles.

Apartment Design Guide

The Apartment Design Guide (ADG) contains objectives and more detailed design criteria and design guidelines for residential apartment development. In accordance with Clause 6A of the SEPP certain requirements contained within MDCP 2011 do not apply if in conflict with the ADG. In this regard the design criteria and guidelines set out in Parts 3 and 4 of the ADG prevail to the extent of any inconsistency.

The following provides further discussion of the relevant issues:

Communal and Open Space

The ADG prescribes the following requirements for communal and open space:

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

Comment:

345sqm of communal open space is provided on the roof which given its location will receive sunlight in accordance with the ADG.

A further 38sqm of communal open space is provided at first floor in the area designated as 'common courtyard'.

In total the site has 383sqm of communal open space which is equivalent to 40% of the site.

Deep Soil Zones

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

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

Comment:

The proposal provides no deep soil zones. Given the urban context of the site, the heritage character of the structures to be retained, and that the ground floor is wholly occupied by a commercial use, an under-provision of deep soil is considered acceptable in this instance.

Visual Privacy/Building Separation

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

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

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

Up to four storeys/12 metres

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

Comment:

The proposed infill building has a varying setback to the western (side) boundary, ranging from 0m – 15.5m. The neighbouring property to the west (No. 135) is separated from the subject site by Frazer Lane which has a width of 2.4m. The development therefore has a building separation ranging from 2.4m – 17.9m from the neighbouring building at No. 135 to the west.

Part 2H of the ADG permits nil side setbacks where the desired future character is for a continuous street wall. As discussed elsewhere in this report, the relevant precinct built form controls in Part 9.36 of the DCP permit nil side setbacks.

The balance of the western elevation has a number of openings facing No. 135 to the west, all of which are setback at least 6m from the eastern side boundary of No. 135.

The private open spaces of Units 1, 7 and 15 have a building separation of 2.4m from No. 135. The private open spaces contain deep perimeter planter boxes which will adequately prevent overlooking and ensure the privacy of neighbouring properties is retained. It is noted

that No. 135 is zoned IN2 – Light Industrial and as such it is less likely that residential development will occur on this site.

The development has a minimum building-to-building separation of approximately 19m to the residential properties on the opposite (northern) side of Hunter Street, and a minimum separation of 20m to the buildings on the opposite (southern) side of New Canterbury Road. The significant building separation (approximately twice that required by the ADG) will ensure adequate visual privacy is maintained for surrounding properties.

The infill building has been designed with a central courtyard separating the north-facing units fronting Hunter Street and the predominately south-facing units fronting New Canterbury Road, creating a separation of 5.5m at second floor and 6m at the third floor. Although the second floor separation is less than the required 6m, the non-compliance is confined to a small portion of the north-facing balcony of Unit 8 which faces a blank wall. Furthermore, this unit is a dual aspect unit with another sizable balcony fronting New Canterbury Road. It is considered that the privacy and amenity of this unit will not be unreasonably affected by the minor non-compliance.

As discussed elsewhere in this report, the proposal retains adequate neighbouring amenity.

Solar and Daylight Access

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

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

Comment:

50% (8) of the units receive the required 2 hours of sunlight to their living rooms and private open spaces for at least 2 hours during the winter solstice. This does not achieve the required 70% or 12 units required.

While Units 1 and 8 receive the required 2 hours to their private open spaces, the living rooms do not, and as such have not been included in the 8 units.

Furthermore, 25% (4) of the units receive no sunlight during the winter solstice. This is in excess of the maximum of 15% or 2 units.

The retention and adaptive reuse of the heritage item presents a number of development constraints, including the required retention of substantial portions of the internal walls/floor plan and the inability to create significant new openings for windows or balconies.

In addition to this, the development is located on a corner site with a significant number of units having a primarily southern orientation fronting New Canterbury Road.

Given these development and site constraints, it is considered difficult for the proposal to achieve the required solar access provisions.

Natural Ventilation

The ADG prescribes the following requirements for natural ventilation:

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

Comment:

63% (10) of the units are naturally cross ventilated in accordance with the ADG.

Ceiling Heights

The ADG prescribes the following minimum ceiling heights:

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

Comment:

All habitable rooms have ceiling heights of at least 2.7 metres in accordance with the ADG.

Apartment Size

The ADG prescribes the following minimum apartment sizes:

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

Apartment Layout

The ADG prescribes the following requirements for apartment layout requirements:

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

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

Comment:

All units comply with the size and layout requirements of the ADG.

It is a recommended condition of consent that all bedrooms relying on doors for natural air include operable glass louvers, or operable fanlights or similar devices to ensure that natural air can be obtained without requiring an external door to be open.

Private Open Space and Balconies

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

Dwelling Type	Minimum Area	Minimum Depth
Studio apartments	4m ²	-
1 Bedroom apartments	8m ²	2 metres
2 Bedroom apartments	10m ²	2 metres
3+ Bedroom apartments	12m ²	2.4 metres

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

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

Comment:

It is noted that 3 units contain no private open space (Units 3, 10 and 12) and that Unit 5 contains private open space smaller than that required by the ADG (a small existing Juliet balcony at the corner of New Canterbury Road and Hunter Street).

These units are located within the existing heritage item and as such are significantly constrained by the requirement to retain important elements of the building including (but not limited to) the external walls, openings and internal layouts.

Furthermore, introducing significant new openings in order to create additional private open spaces would adversely impact upon the significance of the heritage item.

Given the units are part of the adaptive reuse of a heritage item, and as the non-compliant units are conveniently located to a ~360sqm rooftop communal open space, they are considered acceptable in this instance.

Common Circulation and Spaces

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

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

Comment:

The development does not have more than 8 units off a single circulation core in accordance with the ADG.

Storage

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

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

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

Comment:

Adequate storage has been provided within all units as well as in the basement level.

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

A BASIX Certificate was submitted with the application, however the certificate was not updated to reflect the revised scheme. Nevertheless, it is a requirement that the BASIX Certificate be revised to reflect any changes to the development at the certification stage.

5(a)(ix) State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure 2007)

Development likely to affect an electricity transmission or distribution network (Clause 45)

Given the proposals proximity to overhead electricity power lines, the application was referred to Ausgrid for comment. On 27 June 2019, Ausgrid confirmed they have no objections to the proposal subject to the imposition of recommended conditions of consent.

Development with frontage to classified road (Clause 101)

The site has a frontage to Illawarra Road, a classified road. Under Clause 101 (2) of *SEPP Infrastructure 2007*, the consent authority must not grant consent to development on land

that has a frontage to a classified road unless it is satisfied that the efficiency and operation of the classified road will not be adversely affected by the development.

The application was referred to Roads and Maritime Services (RMS) for comment. RMS initially objected to keg deliveries being made on New Canterbury Road. The RMS was subsequently advised that the existing pub currently accepts its deliveries on New Canterbury Road and given access to the basement storeroom is only accessible from New Canterbury Road, it would be difficult for deliveries to occur on Hunter Street.

The revised application was re-referred to the RMS, and no objections were raised with regard to ingress and egress to the site which remains adequate to support the intended vehicle movements by road. The application is considered acceptable with regard to Clause 101 of the *SEPP Infrastructure 2007*.

5(a)(x)Marrickville Local Environment Plan 2011 (MLEP 2011)

The application was assessed against the relevant clauses of the *Marrickville Local Environmental Plan 2011*.

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

Standard	Proposal	non compliance	Complies
Height of Building Maximum permissible: 17m	16.8m	N/A	Yes
Floor Space Ratio Maximum permissible: 2.2:1 or 2,082sqm	2.2:1 or 2,082sqm	N/A	Yes

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

The site is zoned B2 – Local Centre under the *MLEP 2011*. The *MLEP 2013* defines the development as:

shop top housing [which] means one or more dwellings located above ground floor retail premises or business premises.

The ground level is defined as a **pub**. A pub is considered a type of ‘food and drink premises’ which itself is a type of ‘retail premises’.

As such, the development is permitted with consent within the land use table. The development is consistent with the objectives of the zone.

(iii) Clause 5.10 – Heritage

The site is identified as containing a heritage item of local significance (I56) known as ‘Huntsbury Hotel, including interiors’.

The Statement of Significance for the Huntsbury Hotel, sourced from the Office of Environment & Heritage, heritage database website, is below:

The Huntsbury Hotel - formerly the Masonic Hotel - (1884 with 1926 alterations) is of historical significance as an original late Victorian period hotel developed on the 1882 "Lewisham Estate" subdivision, substantially altered in 1926 by Tooth & Co architect's office after its purchase by Tooth & Co. The hotel is evocative of changing hotel requirements in the early 20th century as hotels were acquired by major breweries. The Huntsbury Hotel is of aesthetic significance as a Victorian period hotel with substantial 1926 alterations and a representative example of the Inter-war Free Classical style.

A heritage management document was supplied which adequately assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item in accordance with Clause 5.10(5).

Council's Heritage Specialist is satisfied that the revised proposal will retain the heritage significance of the item in accordance with Clause 5.10(4), subject to the imposition of recommended conditions of consent, as discussed in further detail below.

(iv) Clause 6.2 – Earthworks

Clause 6.2 of MLEP 2011 requires the consent authority to have regard to certain matters where earthworks that require development consent are proposed. The applicant has submitted a Preliminary Geotechnical Investigation Report which addresses excavation.

The development includes excavation for basement levels, which subject to conditions included in the recommendation, is unlikely to have a detrimental impact on environmental functions or processes, neighbouring sites, cultural or heritage items or features of the surrounding land.

(v) Clause 6.5 - Development in areas subject to aircraft noise

Clause 6.5 applies to development on land that is in an ANEF contour of 20 or greater, and the consent authority considers is likely to be adversely affected by aircraft noise.

The subject property is located within the 20 - 25 Australian Noise Exposure Forecast (2033) Contour and as such is likely to be affected by aircraft noise.

Clause 6.5(3) of MLEP 2011 reads as follows:

- “(3) *Before determining a development application for development to which this clause applies, the consent authority:*
- (a) *must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and*
 - (b) *must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021—2000, and*
 - (c) *must be satisfied the development will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2000.”*

The proposed development seeks consent to construct 16 new dwellings, increasing the number of dwellings on land and the number of people that will be exposed to aircraft noise.

In accordance with Table 2.1 Building Site Acceptability Based on ANEF Zones of AS 2021—2000 Acoustics – Aircraft Noise Intrusion – Building siting and construction, residential accommodation within the identified exposure range is unacceptable without attenuation.

The applicant submitted an acoustic impact statement which indicates attenuation measures required to achieve suitable indoor noise amenity levels in accordance with Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2000.”

The proposal is able to satisfy the provisions of Clause 6.5(3) of MLEP 2011 subject to the implementation of the recommendations within the supplied acoustic impact statement.

5(b) Draft Environmental Planning Instruments

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

- Draft Marrickville Local Environmental Plan 2011 (Amendment 4)

Draft Marrickville Local Environmental Plan 2011 (Amendment 4) (the Draft LEP Amendment) was placed on public exhibition commencing on 3 April 2018 and accordingly is a matter for consideration in the assessment of the application under Section 4.15(1)(a)(ii) of the *Environmental Planning and Assessment Act 1979*.

Amendment 4 contains an additional Clause in the LEP to be known as *Clause 6.19 – Design Excellence* which aims to deliver the highest standard of architectural, urban and landscape design in the LGA. The clause would be applicable to the development site as it has a maximum permitted building height of more than 14 metres and requires an assessment of whether the proposal exhibits design excellence. The quality of the proposed design has been appraised as part of this assessment.

As discussed elsewhere in this report, the revised proposal generally complies with the aims, objectives and design parameters contained in SEPP 65 and the MLEP 2011, respectively. In addition, the proposal generally accords with the MDCP 2011 and is considered to result in a form of development which is consistent with the surrounding mixed use developments, the heritage character of the site, and the objectives of the B2 Local Centre zone. In this regard, it is considered the proposal is considered satisfactory with respect to design excellence and Draft LEP Amendment No. 4.

5(c) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Marrickville Development Control Plan 2011.

MDCP 2011 Part of MDCP 2011	Compliance
Part 2.1 – Urban Design	Yes – see discussion
Part 2.3 – Site and Context Analysis	Yes
Part 2.5 – Equity of Access and Mobility	Yes – see discussion
Part 2.6 – Acoustic and Visual Privacy	Yes (subject to conditions) – see discussion
Part 2.7 – Solar Access and Overshadowing	Yes – see discussion
Part 2.9 – Community Safety	Yes (subject to conditions) – see discussion

Part 2.10 – Parking	Yes – see discussion
Part 2.12 – Signs and Advertising Structures	No – see discussion below
Part 2.16 – Energy Efficiency	Yes
Part 2.18 – Landscaping and Open Space	Yes – see discussion
Part 2.21 – Site Facilities and Waste Management	Yes – see discussion
Part 2.25 – Stormwater Management	Yes
Part 5 – Commercial and Mixed Use Development	Yes (subject to conditions) – see discussion
Part 8 – Heritage	Yes (subject to conditions) – see discussion
Part 9 – Strategic Context	Considered acceptable – see discussion

The following provides discussion of the relevant issues:

Urban Design (Part 2.1)

The design of the infill building was revised based on the concerns raised by Council. Of note, the revised infill building:

- Incorporates an improved public domain interface by removing the originally proposed basement vents fronting New Canterbury Road and introducing a shopfront display and new pedestrian entrance;
- Ensures the awning over New Canterbury Road relates to the height of the neighbouring awning;
- Introduces a 500mm recess between the heritage item and the new building;
- Reduces the amount of glazing to better relate to the visual solid-to-void ratio of the heritage item;
- Glazed balustrades have been replaced with solid balustrades;
- Incorporates a more sympathetic schedule of materials and finishes.

It is considered that the revised proposal demonstrates good design.

Equity of Access and Mobility (Part 2.5)

In accordance with Part 2.5.10 of the DCP, one (1) adaptable unit per five (5) units (or part thereof) is required. Based on 16 units, four (4) adaptable units are required. Four (4) adaptable units are proposed. All adaptable units have access to a adaptable car space.

A condition of consent is recommended requiring an Access Management Plan prepared by an Accredited Access Consultant to confirm the building will be built in accordance with the relevant standards.

Subject to the imposition of recommended conditions of consent, the proposal is capable of complying with Council's provisions relating to equity of access and mobility.

In accordance with the objectives of Part 2.5 of the DCP, the proposal provides equitable access, increases the supply of adaptable housing and provides adequate supply of car parking facilities for use by people with a disability.

Acoustic and Visual Privacy (Part 2.6)**Acoustic privacy**

The original acoustic report supplied with the application only addressed traffic and aircraft noise and omitted any assessment of the noise impacts of the ground floor pub on the upper level dwellings. These deficiencies were raised by Council officers and it was requested that an acoustic assessment be provided addressing/providing the following:

- Interior acoustic amenity – noise impact from the operation of the hotel on the residential development on the first floor and other neighbouring, affected residential premises;
- Noise spill from the VIP area/Smoking (Hunter Street), Outdoor smoking (New Canterbury Road) and Dining area (New Canterbury Road) – plans indicate that these areas will have will bi-fold doors/windows opening onto public land;
- Amplified music throughout the premises i.e. background music vs live band/DJ on some nights;
- Patron noise and maximum, numbers per section of the hotel;
- Cumulative impact of the hotel operating at maximum capacity with amplified music being provided;
- Noise controls for all gaming areas;
- Operating hours for the hotel and each section of the hotel;

In response to these concerns, the applicant conducted additional acoustic testing and prepared a supplementary acoustic report.

Council officers noted that the supplementary report adequately addressed some but not all of the concerns previously raised, most notably:

- Internal noise in units of the first floor of the premises is addressed by reference to building construction standards listed in the previous acoustic report, and no noise goals or projections for first floor units are given. Projected noise exposures for neighbouring premises from gaming, smoking and dining areas are given, however not all noise sources are used in the modelling;
- The noise levels and patron numbers for each section of the hotel and cumulative noise levels are not given;
- Noise levels for the gaming area patrons are given without patron numbers. Gaming machine noise levels are not given.

Given the outstanding issues, Council's Environmental Health team have recommended a number of conditions of consent to ensure adequate acoustic amenity for the occupants of the first floor dwellings.

The management of patrons will be one of the key sources of disturbance to the acoustic amenity of the nearby dwellings. The supplied Plan of Management (POM) includes a number of patron management measures including signage and security staff patrolling the area in the vicinity of the hotel from 10.00pm. The supplied supplementary acoustic report recommends additional measures such as a noise restrictor ensuring that amplified music does not exceed 80db, and staff supervision for patrons leaving the premises.

Nevertheless, many of these measures are dependent on good management and their effectiveness is subject of unpredictable patron behaviour.

The pub has current trading hours of 10.00am – 12.00 midnight, Mondays to Saturdays, and 10.00am – 10.00pm on Sundays.

Given the number and close proximity of sensitive uses, the following hours of operation are recommended:

Base hours

- 10.00am – 10.00pm, Monday to Sunday.

Extended hours

- 10.00am – 12.00 midnight, Monday to Saturday.

The extended hours are recommended to be subject to a one (1) year trial period in order for the operator to demonstrate that nearby residential amenity will not be unreasonably affected by hours and good management.

Notwithstanding this, the supplied acoustic report adequately demonstrates that subject to the adoption of the recommendations, the development will ensure appropriate internal acoustic privacy of future residents in relation to aircraft and road noise.

As discussed elsewhere in this report, commercial waste collection will be restricted to 8.00am – 8.00pm, Monday to Sunday.

Furthermore, it is a recommended condition of consent that deliveries to the pub be restricted to between 7.00am – 9.00pm, Mondays to Sundays.

Concerns are raised regarding the proximity of first floor common courtyard and bedrooms within Units 1 and 2. As such, it is a recommended condition of consent that the use of the common courtyard be restricted to between 9.00am – 8.00pm.

It is a recommended condition of consent that the common rooftop terrace is not to be used by staff or patrons of the pub and its use be restricted to between 7.00am – 8.00pm, Mondays to Sundays in accordance with the recommendations in the supplied acoustic report.

Visual privacy

As discussed, the development has a minimum building to building separation of approximately 19m to the residential properties on the opposite (northern) side of Hunter Street, and a minimum separation of 20m to the buildings on the opposite (southern) side of New Canterbury Road. The significant building separation will ensure adequate visual privacy is maintained for surrounding properties.

As discussed elsewhere in this report, all openings on the western elevation are setback from neighbouring buildings in accordance with the ADG. The first floor and fourth floor private open spaces contain deep perimeter planter boxes preventing any significant overlooking of the neighbouring properties.

The property to the west (No. 135) is zoned IN2 – Light Industrial and as such it is less likely that residential development will occur on this site.

The rooftop communal open space has a deep perimeter planter box preventing any overlooking.

The development has a substantial (~19m) setback to the residential properties on the opposite side of Hunter Street to the north and east.

Solar Access and Overshadowing (Part 2.7)

The supplied solar access diagrams demonstrate that the additional shadows cast by the proposal will largely fall on New Canterbury Road and the commercial properties to the south.

As such, the proposal will comply with the relevant solar access provisions in Part 2.7.3 of the DCP.

Community Safety (Part 2.9)

Subject to the imposition of recommended conditions of consent, the development demonstrates the principles of Crime Prevention Through Urban Design (CPTED) has been designed generally in accordance with the safety provisions of Part 2.9 of the DCP.

It is noted that the proposal relates to an existing pub, however its configuration, operation and context have changed as a result of the proposal.

At the request of Council, the separation between the pub entrances and residential entrance fronting Hunter Street was increased to provide a greater physical and visual separation between the two uses and to minimise unintended or unauthorised access.

Clear labelling of the residential and pub entrances fronting Hunter Street have been provided in the form of awning fascia signs above.

The deep recessed area of the residential entrance/lobby was also reduced at the request of Council so as to minimise opportunities for concealment and for patrons or the public loitering at the residential entrance.

The upper level units provide good passive surveillance to both Hunter Street and New Canterbury Road, and improved passive surveillance to Frazer Lane.

The gaming area entrance was redesigned at the request of Council so as to remove the proposed nook which created an area partially concealed from the public domain.

A physical barrier separating the carpark entrance and Hunter Street is not considered suitable as it would impact/obstruct traffic movements on Hunter Street. It is therefore a recommended condition of consent that the driveway between the Hunter Street boundary and the roller door has sensor lighting installed which operates outside daylight hours to enable people to see, and be seen, whilst avoiding amenity impacts upon neighbouring properties.

As discussed elsewhere in this report, it is a condition of consent that access is prohibited for pub patrons to the basement levels.

The NSW Police raised no objections subject to the imposition of recommended conditions of consent. Comments provided by the NSW Police are discussed elsewhere in this report.

See further discussion regarding nearby amenity elsewhere in this report.

Parking (Part 2.10)**Car and bicycle parking**

The site is located in Parking Area 1 under Part 2.10 of MDCP 2011. The following table summarises the car, bicycle and motorcycle parking requirements for the development:

Component	Control	Required	Proposed	Complies?
Car Parking				
Resident Car Parking	0.4 car parking space per 1 bedroom unit 0.8 car parking spaces per 2 bedroom unit 1.1 car parking spaces per 3 bedroom unit	2 x 1 bed unit = 0.8 spaces 9 x 2 bed units = 7.2 spaces 1 x 3 bed unit = 1.1 spaces Total = 9 req.	8	No
Accessible Resident Car Parking	1 car parking space per 1 adaptable dwelling	4 adaptable dwellings = 4 accessible spaces	4 spaces	Yes
Pub Car Parking	1 space per 6 staff	10 staff = 1 space	1 space	Yes
	Total required:	14 spaces	13 spaces	No
Bicycle Parking				
Resident Bicycle Parking	1 bicycle parking space per 2 units	16 units = 8 spaces	22 residential spaces 0 commercial spaces	
Visitor Bicycle Parking	1 bicycle parking space per 10 units	16 units = 1 space		
Commercial Bicycle Parking	1 per 25sqm bar area for staff + 1 per 100sqm GFA other areas for patrons	46sqm bar area = 1 space 588sqm other areas = 5 spaces Total = 6 req.		
	Total required:	24 spaces	20 spaces	No (see discussion below)

Motorcycle Parking				
Motorcycle Parking	5% of the total car parking requirement	13 car parking spaces required = 1 space (rounded up from 0.65)		
	Total required:	1 space	3 spaces	Yes

The proposal has a deficit of one (1) residential car space. It is considered that there is scope to reconfigure the basement levels to provide one (1) more residential car space and thus comply with the car parking requirements of the DCP. A condition to this effect is recommended.

While the proposal provides bicycle parking spaces in excess of the DCP, it has not been specified which are associated with the residential and commercial uses.

Permitting patrons to access/use the basement carpark would create potential safety and amenity issues. There is limited opportunity to provide bicycle parking at ground level given the retention of the heritage item and desired street wall edge. It is acknowledged that there is likely space within the basement storage area associated with the pub for staff to securely store bicycles for staff. With regard to patron parking, it is a recommended condition of consent that the applicant consult with Council to install public bicycle parking infrastructure (D-rings), ideally on Hunter Street.

It is noted that the one (1) commercial car space is located in the residential basement carpark. Given this is limited to one (1) space and will be used only by hotel staff (likely the manager), no significant safety or amenity concerns are raised with this configuration.

It is a recommended condition of consent that access to the basement carpark and bicycle storage area is prohibited for patrons and staff of the pub (with the exception of the staff member using the commercial car space). The POM must also be updated to specify this.

Signs and Advertising Structures (Part 2.12)

The proposal includes 11 new signs:

- 2 x suspended under awning signs - 1600mm (w) x 400mm (h);
- 3 x flat mounted wall signs - 600mm (w) x 1200mm (h);
- 4 x awning fascia signs - varying dimensions;
- 2 x suspended under awning signs - no specified dimensions.

This is in addition to the 3 retained signs:

- 1 x suspended under awning sign – 1900mm (w) x 1250mm (h); and
- 2 x flat mounted wall signs – 1000mm (w) x 1250mm (h).

The proposal will have a total of 14 signs.

Contrary to C28 of Part 2.12.4.9 of the DCP, a signage strategy has not been provided which is a requirement for all heritage items. A signage strategy ensures (amongst other things) that signage has regard to all relevant policies and recommendations of any

Conservation Management Plan and/or heritage inventory report, that the design, style, materials, colours, images and lettering of new signage is of high quality and consistent with the relevant heritage style and period of the building.

Further, a signage strategy must include provisions to ensure that the construction and installation of new signage is to be high quality and undertaken in a reversible manner that does not damage significant fabric of heritage items.

A condition is recommended requiring that a separate application must be lodged for the new signage, being properly supported by a signage strategy. Any future signage will need to be consistent with the relevant provisions in Part 2.12 of the DCP, with particular attention to 2.12.4.9 (Signage on heritage items and in heritage conservation areas).

Landscaping and Open Spaces (Part 2.18)

Landscaped area

Part 2.18.11.7 of MDCP 2011 provides the following controls for mixed use development:

“C25 Landscaped area

Landscape areas for mixed use developments will be determined on merit and depend on the overall streetscape and the desired future character for the area/precinct.

The development has a frontage to New Canterbury Road and has a nil front boundary setback consistent with the predominant character of the area. As such, it is not appropriate to provide pervious landscaping within the front setback of the development on ground floor level.

Planter boxes have been included within the Hunter Street setback of the infill building.

Considering the context of the site, being within a local centre, the development is assessed as providing sufficient landscaped area. A landscape plan was submitted with the application.

Site Facilities and Waste Management (Part 2.21)

Recycling and Waste Management Plan

A Recycling and Waste Management Plan (RWMP) in accordance with Council's requirements was submitted with the application. The RWMP does not specify the collection point for the commercial waste, does not calculate the correct number bins, and does not reflect the revised residential waste storage area.

It is a recommended condition of consent that an updated RWMP must be prepared in accordance with the revised scheme, the requirements of the DCP, and the recommended changes discussed below.

Residential Waste

The development includes 16 units and would generate 1152L of waste based on the calculation of 72L per dwelling. A minimum of 5 x 240L recycling, 5 x 240L general waste bins are required to be provided for the development.

Adequate space for 10 x 240L bins are provided in the dedicated residential waste storage room on the ground level fronting Hunter Street.

The bins will be stored, collected and returned to the ground level waste storage room which is accessed from Hunter Street. No kerb-side presentation of the bins will occur.

Control C27 requires that for residential flat buildings a dedicated room or caged area of at least 8m³ must be provided for the temporary storage of discarded bulky items which are awaiting removal. An area measuring 8m³ has been provided for bulky items within basement level 1.

It is a recommended condition of consent that a code lock be installed on the storage area and the code provided to Council for waste collection.

Commercial Waste

Part 2.21.2.6 of the DCP outlines the following waste and recycle generation rates:

Restaurants

Waste – 400L/100sqm

Recyclables – 280L/100sqm

Pub

Waste – 90L/100sqm

Recyclables – 80L/100sqm

Based on 220sqm of restaurant floor area, the proposal will generate 880L of waste and 616L of recyclables per day.

Based on 415sqm of pub floor area, the proposal will generate 373.5L of waste and 332L of recyclables per day.

A total of 1253.5L of waste and 948L of recyclables will be generated per day.

This equates to 2 x waste and 2 x recycling 660L bins, a total of 4 x 660L bins.

A dedicated commercial waste storage area is proposed on the ground floor level has an area of 7.7sqm with a capacity to accommodate 4 bins. The footprint of a 660L bin is 1.16sqm (4x1.16 = 4.64 + 50% manoeuvre space = 6.96sqm).

As long as the bins are 660L in capacity and are collected daily, the proposed waste storage area is acceptable. A condition of consent to this effect has been recommended.

The collection point has not been designated by the applicant in the RWMP. Collection must be from Hunter Street. Kerb side presentation of the bins for collection is not supported.

Given the proximity of the upper level residential units and likely frequency of collection of commercial waste, waste collection will be restricted to 8.00am – 8.00pm, Mondays to Sundays.

Commercial and Mixed Use Development (Part 5)

The site specific built form controls in Part 9 – Strategic Context of the DCP take precedence over the generic built form controls in Part 5 of the DCP. The site specific built form controls are discussed elsewhere in this report.

Building Detail (Part 5.1.4)*Building frontages*

Part 5.1.4.1 of MDCP 2011 includes the following objectives and controls relating to building frontages:

- “O38** *To ensure the street front portion of the building mass reads as the continuous dominant element in the streetscape, with upper levels above the street frontage being visually subservient.*
- C28** *The street front portion of the building mass must be designed to maintain or emphasise the street front portion of the building mass as the continuous dominant element in the streetscape.*
- C29** *Building levels above the street front portion of the building mass that are visible in the streetscape must be visually subservient as a complementary backdrop to the street front portion of the streetscape.*
- C31** *Air-conditioning facilities must not be visible from the shopping street and any other major side street.”*

The New Canterbury Road street front elevation of the infill building maintains the building alignment and massing of the adjoining heritage item, and reads as a continuous dominant element in the streetscape. The upper-most level is recessed from the street wall of both the infill building and heritage item, which is discussed further elsewhere in this report.

A condition has been included in the recommendation requiring that no air conditioning units should be visible from the public domain.

Active street frontage uses and shopfront design

Part 5.1.4.2 of MDCP 2011 specifies controls for active street frontage uses and shopfront design of relevance to the development. The development is acceptable having regard to those controls in that the proposal retains the corner heritage item which addresses both New Canterbury Road and Hunter Street with pedestrian entrances and glazing.

The proposal reinstates the New Canterbury Road pub entrance and introduces a new pedestrian entrance to the basement bicycle storage room and carpark. Extensive (existing and proposed) glazing is provided along this elevation relating to the ground level. Given the slope of the site, this presents as first floor windows to New Canterbury Road.

The New Canterbury Road frontage of the adjoining in-fill building also includes a glazed ‘shopfront’ display to improve interaction with the public domain and provide visual interest. This shopfront is proposed to include an interpretation display of the heritage significance of the pub including photos, a portion of the salvaged timber staircase and pub/brewery related items (such as barrels).

The Hunter Street frontage contains a residential entrance and pub entrance, in addition to the two existing pub entrances and extensive glazing.

Building Use (Part 5.1.5)

Part 5.1.5.1 of MDCP 2011 provides objectives and controls for mixed use developments. The development is acceptable having regard to those objectives and controls in that:

- The ground floor level of the site area that relates to the active street frontage is predominantly used for commercial floor area.

Plan of Management (Part 5.3.1.1)

A Plan of Management (POM) was provided generally in accordance with the DCP.

Contrary to C72 the POM does not include hours of deliveries and garbage collection, nor any details of the music/entertainment to be provided. It is a recommended condition of consent that the POM must be updated to include this information subject to the conditions of consent controlling these matters.

Other matters to be included in the POM have been discussed elsewhere in this report.

Hours of operation (Part 5.3.1.4)

As discussed elsewhere in this report, given the close proximity to the dwellings on the upper levels and the existing residencies on Hunter Street, trial extended operating hours are recommended in order for the operator to demonstrate that nearby residential amenity will not be unreasonably affected by additional trading hours.

Heritage (Part 8)

A number of concerns were raised by Councils Heritage Specialist in relation to the proposed changes to the heritage item in the original scheme including (but not limited to) the removal of the western wall, new openings, the extent of internal demolition, and some details/materials/colours not supported by historical information/photos.

Subject to the imposition of recommended conditions of consent, the revised proposal is considered acceptable as it achieves the following relevant objectives in Part 8.1.1 and the general controls in Part 8.1.7:

“O1 To conserve heritage items and maintain appropriate setting and views.

O2 To retain evidence of historic themes of development evident in the Marrickville LGA, through the proper care and maintenance of individual heritage items, HCAs and period buildings.

O3 To provide guidelines for alterations and additions which complement and do not detract from the heritage significance of individually listed heritage items, HCAs and period buildings.

O4 To protect those items, areas and buildings of value to the local community.

O5 To encourage new development which complements existing heritage items and heritage conservation areas in a modern context.”

“C1 Heritage items must be conserved and new development must not diminish the significance of the item.

C2 An experienced heritage architect or conservation specialist must be engaged for works to a heritage item.

C3 Significant internal and external features of heritage items must be maintained in their original form.”

As summarised below, subject to the imposition of recommended conditions of consent the development will not diminish the significance of the item and the proposed alterations and additions to the heritage item do not adversely impact the significant features of the item as it retains the significant form, proportion, scale and details.

Materials and finishes

The proposed grey palate is not considered appropriate to the architectural period of the building. The palate must be amended to a colour scheme appropriate to the architectural style of the Hotel and its historic context. The Dulux Monument window frame colour must be replaced with a lighter tone no darker than Pale Grey, as shown on the Dulux Traditional Colour Range. The revised colour scheme is recommended to be included as a condition of consent.

The colour and texture of the bricks must be appropriate to the heritage item and the surrounding area. The 'Vibrant Black' brickwork is not acceptable and must be replaced with a brown or orange tone similar to the tones of the Heritage Red, Burnished Red, Kalbarri or Red Smooth range from Boral.

Reinstatement of original elements

The proposal includes the reinstatement first and second floor balconies fronting New Canterbury Road. The proposal also reintroduces the ground floor entrance from New Canterbury Road, however the location of this entrance is not the same as the original entrance. As such it is a recommended condition of consent that the proposed entry to the New Canterbury Road façade must be reinstated in the same location as the entry (evident in photos in the CMP from 1935).

Removal of original elements

The proposal involves the removal of the original internal staircase which originally was not supported by Council's Heritage Unit. The applicant has stated that due to fire separation requirements between the ground level commercial use and the upper level residential, this would not be possible unless the staircase was (for example) fire isolated. Council's Building Unit have also highlighted the complexities of retaining the staircase and ensuring adequate fire separation. For these reasons, the removal of the staircase is supported by Council Planners in this instance.

It is noted that a significant proportion of the western wall is to be removed. Originally it was intended for the entirety of this wall to be removed, however this was not supported by Council's Heritage specialist. As such, the design was revised to retain a portion of it so as to ensure at a bare minimum the original footprint of the building will remain discernible at least in plan form. The revision was supported by Council's Heritage specialist.

Infill building

The proposed infill building is simple in design with a suitable solid/ glazed ratio to the New Canterbury Road frontage which does not seek to replicate the heritage item, and respects its form and scale.

It is a recommended condition that all balconies on the infill building have solid masonry balustrades. Glazed balustrades are not characteristic of the area nor the heritage item.

A 500mm recess is provided on the New Canterbury Road frontage between the heritage item and the infill building to ensure the integrity, scale and character of the item is maintained. Council's heritage specialist raised objection to the planter boxes fronting Hunter Street in front of the gaming area. Council planners consider this element acceptable as they relate to the infill building and provide additional screening/ softening of the gaming area openings.

Conservation Management Plan

A Conservation Management Plan (CMP) and Heritage Impact Statement (HIS) were prepared in accordance with the requirements of Part 8.1.8.

Strategic Context (Part 9)

The property is located in the Petersham (Commercial Precinct 36) under Marrickville Development Control Plan 2011.

Desired future character (Part 9.40.2)

The development is considered to be consistent with the desired future character of the Petersham (Commercial Precinct 36) as it achieves the following objectives:

- "1. To protect the identified Heritage Items within the precinct.*
- 5. To allow and encourage a greater scale of development within the commercial centre, including the provision of new dwellings near local shops, services and public transport to meet market demand, create the opportunity for high access housing choice and support sustainable living.*
- 6. To support excellence in contemporary design.*
- 7. To ensure the street building frontage of infill development complements the siting (location and orientation), scale, form (height, massing and setback), proportion (height to width and solid to void), rhythm, pattern, detail, material, colour, texture, style and general character in the design of the existing predominantly traditional two storey commercial streetscape, without being imitative.*
- 8. To ensure new development at rear upper levels is a maximum of four storeys and is designed to be subservient to retained portions of contributory buildings or infill development to the street building front.*
- 9. Where required, to ensure there are active commercial fronts to new buildings facing onto streets to create a vibrant and safe streetscape.*
- 12. To ensure that the design of higher density development demonstrates good urban design and environmental sustainability and provides suitable amenity for occupants of those developments.*
- 13. To ensure that the design of higher density development protects the residential amenity of adjoining and surrounding properties.*
- 16. To facilitate efficient parking, loading and access for vehicles that minimises impact to streetscape appearance, commercial viability and vitality and pedestrian safety and amenity."*

Precinct-specific planning controls (Part 9.36.4)

The site is not a 'master planned' site and as such future development is guided by the precinct based scenario controls.

Scenario 1

The site has a street frontage of greater than 12m and an overall site area of more than 325sqm.

Accordingly the development of the site is guided by Scenario 1 that provides development guidelines to inform the building mass and form through the application of a building envelope shown in Figure 7 below.

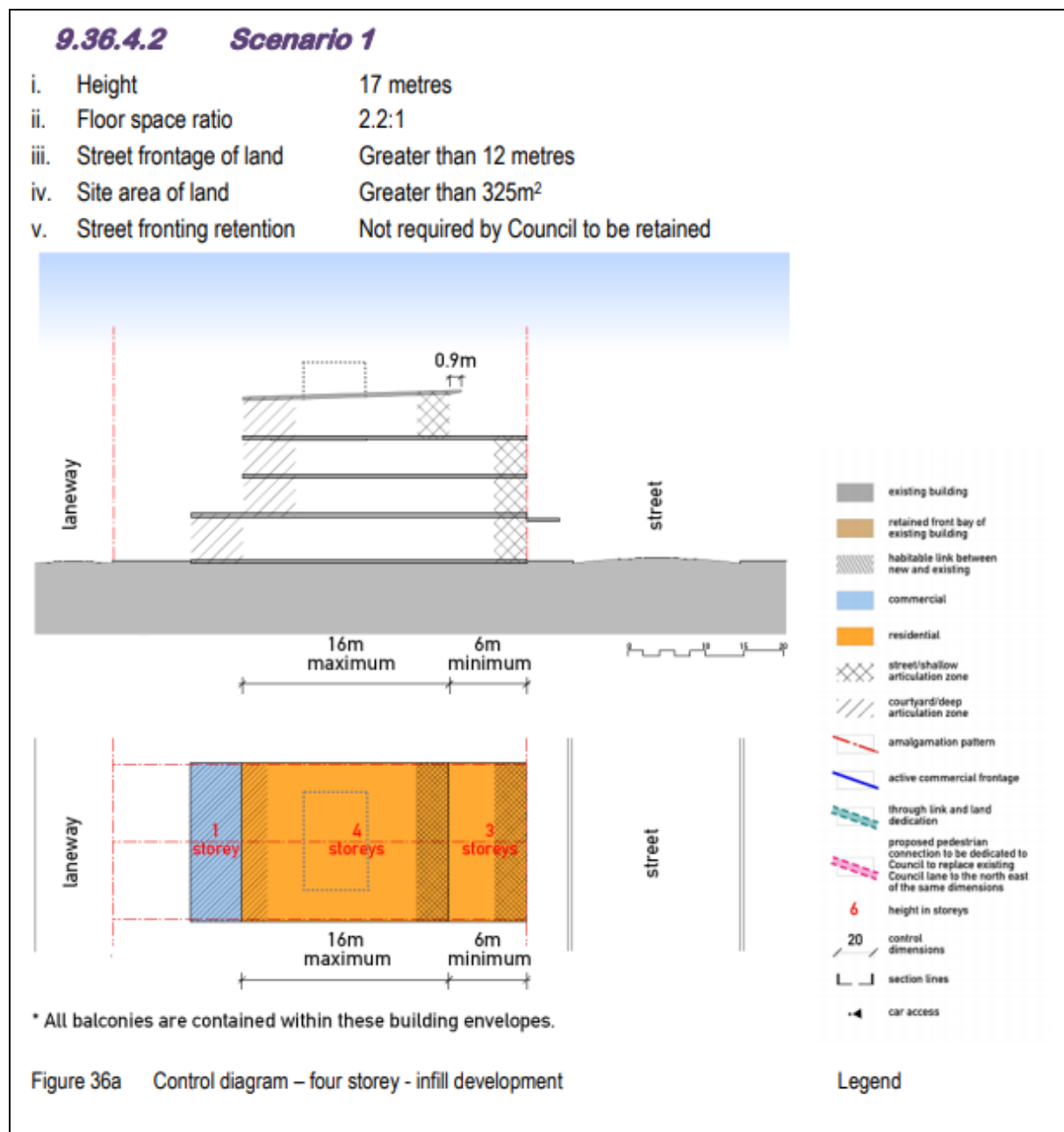


Figure 7: Precinct specific built form controls relevant to the site.

Part 9.36 of MDCP 2011 envisages one possible form of development aimed at achieving the desired future character. Subject to the imposition of conditions, the proposed development can pose an alternative development option that is considered to be consistent with the relevant objectives for the area and allow the development potential of the site to be achieved.

This alternate building form includes increased height in storeys, street wall height and reduced setbacks.

Height in storeys and setback

Given the slope of the land, the infill building presents as 5-storeys from New Canterbury Road and 4-storeys from Hunter Street.

The top storey balcony of Unit 15 has an approximately 600mm setback from New Canterbury Road, and a 3m building setback. This part of the plan requires a minimum 6m front setback to the balcony edge for the top level. In order to improve the desired visual subservience to the street wall and heritage item, it is a recommended condition of consent that the southern side of the balcony be reduced to a depth of 1m and for the associated eave overhang to be deleted. Suitably sized awnings or screens can be placed over the south-facing openings to achieve necessary weather protection if desired. It is recommended that the portion of the balcony to be deleted is required to be changed to a non-trafficable roof.

It is noted that the unit will still have access to 18sqm of private open space on the western side of the unit.

The 2.5m deep overhang above the western side of the balcony must also be reduced as much as possible while still achieving any thermal comfort/ shading requirements.

It is considered that subject to the imposition of the recommended conditions of consent that the top floor will be sufficiently subservient to the heritage item and the street building front.

Furthermore, the property to the west (No. 135) is zoned IN2 – Light Industrial. Given the zoning, it is not likely that any future residential development will occur on this site, thus the future potential amenity impacts of the subject development are minimal. Therefore subject to the conditions, the impacts associated with the fifth storey and its setbacks are considered acceptable in this instance.

Street wall height

As mentioned, given the slope of the land the infill building presents as 4-storey street wall height from New Canterbury Road (with a recessed upper level). The street wall of the infill building relates to the proportions of the street wall of the adjoining heritage item.

It is noted that the recently built development on the opposite (eastern) side of Hunter Street at No. 121-123 has a 4-storey street wall.

The impacts associated with the 4-storey street wall are considered acceptable in this instance, as the additional storey does not materially impact on the amenity of the adjoining properties.

Rear setbacks

The proposed reduced rear setback is partly a response to the unique context of the site. The site has two street frontages and as such the rear (Hunter Street) elevation presents as a frontage.

Nevertheless, the building has a 12m setback to Hunter Street at its western edge, providing a suitable transition to the lower scale developments to the north-west along Hunter Street.

It is noted that the recent approval (DA201700003) at No. 141-146 New Canterbury Road to the west is 4-storeys when viewed from Hunter Street.

As stated above, the proposed development generally complies with the development envisaged by LEP and DCP and does not contravene the relevant objectives. As such, the alternative solution proposed is considered acceptable in this instance.

5(d) The Likely Impacts

The assessment of the Development Application demonstrates that, subject to the recommended conditions, the proposal will have acceptable impacts 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 Marrickville Development Control Plan 2011 for a period of 27 days to surrounding properties. A total of ten (10) submissions were received.

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

- Conservation/restoration of heritage item – see Section 5(a) and 5(c);
- Visual privacy – see Section 5(a) and 5(c);
- Acoustic privacy / noise impacts from pub on nearby residential properties – see Section 5(c);
- On-site resident car parking – see Section 5(c);
- Plan of Management (POM) – see Section 5(c).

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

Issue: Traffic and parking impacts

Comment: The application was supported by a Traffic and Assessment Report which concluded that the traffic and parking implications will not be unacceptable. It has been noted that the proposal complies with the relevant parking provisions (13).

Council's Engineers raised no issues with the proposal or report in relation to traffic and parking implications. It is considered that 13 cars will not significantly impact upon the surrounding street network.

Issue: Infill building not sympathetic to heritage item – particularly in regard to glazed/solid ratio.

Comment: At the request of Council officers, the design was revised to significantly increase the solid elements of the infill building, most notably the balustrades. The revised design is considered sympathetic to the adjoining heritage item.

Issue: Height excessive and out of character for Hunter Street.
Comment: As discussed, the proposal complies with the maximum allowable building height of 17m and 4-storeys on Hunter Street in accordance with the LEP and DCP.

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

As discussed, no objections to the revised scheme subject to the imposition of recommended conditions of consent with the exception of the removal of the original internal staircase and planter box on Hunter Street.

Engineering

No objections subject to the imposition of recommended conditions of consent largely relating to traffic and stormwater.

Resource Management

No objections to the revised scheme subject to the imposition of recommended conditions of consent, some of which have been discussed in this report.

Environmental Health

No objections to the revised scheme subject to the imposition of recommended conditions of consent largely in relation to acoustics, some of which have been discussed in this report.

6(b) External

The application was referred to the following external bodies and issues raised in those referrals have been discussed in section 5 above.

Roads and Maritime Services (RMS)

As discussed, no objections subject to the imposition of recommended conditions of consent.

Ausgrid

No objections subject to the imposition of recommended conditions of consent.

NSW Police

As discussed, no objections subject to the imposition of recommended conditions of consent including (but not limited to) installation of CCTV cameras, maintaining an incident register and patron management.

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. A contribution of **\$219,948.27** would be required for the development under Marrickville Section 94 Contributions Plan 2014. A condition requiring that contribution to be paid is included in the recommendation.

The contribution was based on 634sqm of proposed floor area, 4 x '1 bed units', 11 x '2 bed units' and 1 x '3 bed unit'. A 'credit' for 1,306sqm of existing commercial floor area was also applied.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in Marrickville Development Control Plan 2011.

The development will not result in any significant adverse impacts on the amenity of the adjoining properties or 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. 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. DA201900090 to carry out partial demolition of existing premises and alterations and additions to the existing heritage-listed hotel for shop top housing comprising a hotel and 16 dwellings with basement parking accessed via Hunter Street at 127-133 New Canterbury Road, Lewisham subject to the conditions listed in Attachment A.

Attachment A – Recommended conditions of consent

Attachment A – Conditions of consent

Building Classification	2, 6, 7a and 7b
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Fees

1. Section 7.11 (Former Section 94) Contribution

Prior to the issue of a Construction Certificate works written evidence must be provided to the Certifying Authority that a monetary contribution of \$219,948.27 indexed in accordance with Marrickville Section 94/94A Contributions Plan 2014] ("CP") has been paid to the Council.

The above contribution is the contribution applicable as at 30 July 2019.

***NB** Contribution rates under Marrickville Section 94/94A Contributions Plan 2014 are indexed quarterly (for the method of indexation refer to Section 2.15 of the Plan). The indexation of the contribution rates occurs in the first week of the months of February, May, August and November each year, following the release of data from the Australian Bureau of Statistics.

(CONTRIBUTION PAYMENT REFERENCE NO. DC002669)

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

Public Amenities Type:	Contribution \$
Community Facilities	\$31,242.41
Plan Administration	\$4,312.61
Recreation Facilities	\$191,490.70
Traffic Facilities	\$-7,097.45
TOTAL	\$219,948.27

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

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

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

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

2. Security Deposit - Custom

Prior to the commencement of demolition works or prior to the issue of a Construction Certificate, the Certifying Authority must be provided with written evidence that a security deposit and inspection fee has been paid to Council to cover the cost of making good any

damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

Security Deposit:	\$8,056.50
Inspection Fee:	\$230.65

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

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

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

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

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

3. Long Service Levy

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

General Conditions

4. Documents related to the consent

The development must be carried out in accordance with plans and documents listed below:

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
DA-02 'B'	Location and Site Plan	August 2019	Koturic + Co
DA-03 'B'	Basement Parking Level 1 Floor Plan	August 2019	Koturic + Co
DA-04 'B'	Lower Ground and Parking Plan	August 2019	Koturic + Co
DA-05 'B'	Ground Floor Plan	August 2019	Koturic + Co
DA-06 'B'	First Floor Plan	August 2019	Koturic + Co
DA-07 'B'	Second Floor Plan	August 2019	Koturic + Co
DA-08 'B'	Third Floor Plan	August 2019	Koturic + Co
DA-09 'B'	Roof Plan	August 2019	Koturic + Co
DA-10 'B'	Elevations – Sheet 1	August 2019	Koturic + Co
DA-11 'B'	Elevations – Sheet 2	August 2019	Koturic + Co
DA-12 'B'	Elevations – Sheet 3	August 2019	Koturic + Co
DA-13 'B'	Section – Sheet 1	August 2019	Koturic + Co
DA-14 'B'	Section – Sheet 2	August 2019	Koturic + Co
DA-19 'B'	Typical Unit Plan Layouts – Sheet 1	August 2019	Koturic + Co
DA-22 'B'	Colour & Materials Schedule	August 2019	Koturic + Co
DA-24 'B'	Demolition Plans Sheet 1	August 2019	Koturic + Co
DA-25 'A'	Demolition Plans Sheet 2	February 2019	Koturic + Co
516-L1 'B'	Ground Floor Landscape Plan	20 August 2019	Impact Planners Pty Ltd
516-L2 'C'	1 st Floor Landscape Plan	20 August 2019	Impact Planners Pty Ltd
516-L3 'D'	3 rd Floor Landscape Plan	20 August 2019	Impact Planners Pty Ltd
11196 R03v1	DA Acoustic Report – Use of Licensed Premises	6 September 2019	PKA Acoustic Consulting
11196 R01v2	DA Acoustic Report – Traffic & Aircraft Noise Assessment	8 February 2019	PKA Acoustic Consulting
AP968	Plan of Management	September 2019	aSquare planning
-	Conservation Management Strategy (Issue E)	October 2019	GBA Heritage

SW885-1	Construction Notes and Standard Details	29 January 2019	Wehbe Consulting
SW885-2	Roof & Third Floor Layout	29 January 2019	Wehbe Consulting
SW885-3	First & Second Floor Layout	29 January 2019	Wehbe Consulting
SW885-4	Stormwater Site Layout	29 January 2019	Wehbe Consulting
SW885-5	Music Catchment Plan	29 January 2019	Wehbe Consulting
SW885-6	Lower Ground Floor Layout	29 January 2019	Wehbe Consulting
SW885-7	Basement Layout	29 January 2019	Wehbe Consulting
7841-ER-1-1	Stage 1 Preliminary Site Investigation	22 August 2018	Alliance Geotechnical
785208M_02	BASIX Certificate	13 February 2019	-

As amended by the conditions of consent.

5. Design Change

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating the following subject to the satisfaction of Council:

- a) The southern side of the balcony of Unit 15 must be reduced to a depth of 1m. The associated 'roof overhang' is to be deleted. Small awnings can be installed above the south-facing openings to achieve weather protection if desired. The portion of the balcony that is deleted must be changed to a non-trafficable roof.
- b) The depth of the 2.5m deep 'roof overhang' above the western side of the balcony of Unit 15 must be reduced to reduce its prominence from the public domain while still achieving any thermal comfort (i.e. BASIX) requirements.
- c) All balconies on the infill building must have solid masonry balustrades, off-form concrete would be acceptable.
- d) All bedrooms relying on doors for natural air must include operable glass louvers, or operable fanlights or similar devices to ensure that natural air can be obtained without requiring an external door to be open.
- e) The basement levels must be reconfigured to provide a total of nine (9) residential car spaces in addition to the four (4) required residential accessible car spaces.

6. Heritage

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating the following subject to the satisfaction of Council:

- a) The western wall must be retained and incorporated into the proposed layout on the ground, first and second floor levels.
- b) The existing openings in the exterior walls between Units 4 and 11 on Levels 1 and 2 and their balconies on the southern façade must be retained.
- c) The proposed entry to the New Canterbury Road façade must be reinstated utilising the existing window opening, i.e. the same location as the entry evident in the 1935 photo (Figure 2.4 of the CMS). Window GF 09 must be deleted.
- d) 1:20 architectural drawings of the proposed awning over the new entry to New Canterbury Road. The detail must match that of the awnings evident in the 1935 photo (Figure 2.4 in the CMS).

7. Colours and Materials Schedule

The Colours and Materials Schedule must be amended in accordance with the following prior to the issue of Construction Certificate:

- a) Proposed colours must be amended to a colour scheme appropriate to the architectural style of the hotel and its historic context. A grey palate is not appropriate.
- b) Dulux Monument, proposed to paint the timber window frames, must be replaced with a lighter, more appropriate tone no darker than Pale Grey, as shown on the Dulux Traditional Colour Range.
- c) The colour and texture of the bricks must be appropriate to the heritage item and the surrounding area. The 'Vibrant Black' brickwork is not acceptable and must be replaced with a brown or orange tone similar to the tones of the Heritage Red, Burnished Red, Kalbarri or Red Smooth range from Boral.

8. Signage

No consent is granted for any new signage.

All the proposed signage must be deleted from the approved drawings prior to the issue of Construction Certificate.

A separate application must be submitted for any future signage and must be accompanied by a Signage Strategy in accordance with the requirements of Part 2.12.4.9 of the DCP.

9. Car Parking

The development must provide and maintain within the site:

- a) 9 residential car parking spaces must be paved and line marked;
- b) 4 residential accessible car parking spaces must be paved and line marked;
- c) 1 commercial car parking space must be paved and line marked;
- d) 3 residential motorcycle parking space must be paved and line marked;

- e) 22 residential bicycle storage capacity within the basement levels.

10. Bicycle Parking

Prior to the issue of any Construction Certificate, the applicant must consult with the relevant unit in Council to seek the installation of bicycle parking infrastructure adjacent to the premises on either Hunter Street or New Canterbury Road.

The bicycle parking infrastructure must be installed at the cost of the applicant and in accordance with Council's relevant guidelines.

If supported by Council, the bicycle infrastructure must be installed prior to the issue of the Occupation Certificate.

11. Residential Flat Buildings – Hot Water Systems

Where units or dwellings are provided with separate individual hot water systems, these must be located so they are not visible from the street.

12. Residential Flat Buildings – Air Conditioning Systems

Where units or dwellings are provided with separate individual air conditioning systems, these must be located so they are not visible from the street.

13. Residential Flat Buildings – Adaptable Dwellings

Prior to the issue of a Construction Certificate, the Certifying Authority, must be provided with plans that demonstrate four (4) units are an adaptable units.

Pre and post adaptable unit layout plans must also be provided to the Certifying Authority prior to the issue of a Construction Certificate.

No works are to occur to the premises that would prevent the Adaptable units from being adapted for persons with a disability.

14. Erosion and Sediment Control

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

15. Works Outside the Property Boundary

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

16. Boundary Alignment Levels

Alignment levels for the site at all pedestrian and vehicular access locations must match the existing back of footpath levels at the boundary.

17. Dry-weather Flows

Dry-weather flows of any seepage water including seepage from landscaped areas will not be permitted through kerb outlets and must be connected directly to a Council stormwater system. Alternatively, the basement or any below ground structure must be designed to be "tanked" preventing the ingress of seepage or groundwater.

18. Rock Anchors

This consent does not grant consent for any rock anchors on the road reserve or Council land.

19. Stormwater Drainage System

Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines discharged by gravity to the kerb and gutter of a public road.

20. Public Liability Insurance

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

21. Noise – Consultant's Recommendations

The recommendations contained in the acoustic report prepared by PKA Acoustic Consultancy reference 11196 R03v1 dated 6 September 2019 must be implemented.

22. Asbestos Survey

Prior to any demolition or the issue of a Construction Certificate (whichever occurs first), the Certifying Authority must provide an asbestos survey to Council. The survey shall be prepared by a suitably qualified Occupational Hygienist and is to incorporate appropriate asbestos removal and disposal methods in accordance with the requirements of SafeWork NSW.

23. Waste Management Plan

Prior to the commencement of any works (including any demolition works), the Certifying Authority is required to be provided with a Recycling and Waste Management Plan (RWMP) in accordance with the relevant Development Control Plan (MDCP 2011).

In addition, the waste management plan must specify the following:

- a) Waste and recycling must be collected from Hunter Street;
- b) The collection of commercial waste and recycling must only occur between 8:00am - 8:00pm, Mondays to Sundays, to avoid noise disruption on the surrounding area;
- c) Commercial waste and recycling must be collected at least once a day;
- d) Waste and recycling bins are not to be presented on the kerb for collection and are to be immediately returned the respective internal storage area after collection.

24. Separation of Commercial and Residential Waste and Recycling

The waste and recycling handling and storage systems for residential waste and commercial waste (including waste originating from retail premises) are to be separate and self-contained. Commercial and retail tenants must not be able to access residential waste storage area/s, or any storage containers or chutes used for residential waste and recycling.

25. Waste General

- a) Each unit is to be provided with a waste and recycling cupboards with the capacity to store two days' worth of waste and recycling.
- b) The Bin Storage Areas are to be built to meet the requirements described in the Marrickville DCP Section 2.21.7 Appendix 4.
- c) The chute room is to be built to meet the requirements as per the Marrickville DCP Section 2.21.8 Appendix 5.

- d) The transfer routes from chute room to bin holding area, and from bin holding area to kerb are to meet the requirements described in the Marrickville DCP Section 2.21.7 Appendix 4.

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

26. Waste Storage Areas

The designated waste storage areas shall have a concrete floor and concrete or cement rendered walls covered to the floor. The floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket. A hose cock shall be provided within the areas. The waste storage areas shall be vented to the external air by natural or artificial means. The waste storage areas will provide for a designated space for dry recycling facilities.

The residential waste storage area must have a code lock installed on the outside. The code must be provided to Council for waste collection.

27. RMS Conditions

- a) All buildings and structures other than pedestrian footpath awnings, together with any improvements integral to the future use of the site are wholly within the freehold property unlimited in height or depth, along the Illawarra Road boundary.
- b) Per existing arrangement, a maximum of five (5) keg delivery per week should only occur between the hours 10:00-14:00 Monday to Friday on New Canterbury Road. The Plan of Management should be updated to reflect this requirement.
- c) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works. Please send all documentation to development.sydney@rms.nsw.gov.au.

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued.

- d) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on New Canterbury Road.
- e) A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.
- f) A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Princes Highway during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

28. Ausgrid Conditions

- a) There are existing overhead electricity network assets in Hunter Street and New Canterbury Road.

Safe work NSW Document–Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.

The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website, www.ausgrid.com.au

Based on the design of the development provided, it is expected that the “as constructed” minimum clearances will not be encroached by the building development. However it remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.

Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost. It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

- b) There are existing underground electricity network assets in Hunter Street and New Canterbury Road.

Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

Prior to any Demolition

29. Dilapidation Report

Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of No. 135 New Canterbury Road.

In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.

30. Advising Neighbours Prior to Excavation

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

31. Construction Fencing

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

32. Hoardings

The person acting on this consent must ensure the site is 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 roads or Council controlled lands to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property.

Separate approval is required from the Council under the Roads Act 1993 to erect a hoarding or temporary fence or awning on public property.

33. Construction Traffic Management Plan

Prior to Any Demolition, the Certifying Authority, must be provided with a detailed Construction Traffic Management Plan (CTMP), prepared by an appropriately qualified Traffic Management Consultant with RMS accreditation. The Certifying Authority must approve the CTMP prior to the commencement of any works, including demolition. The Certifying Authority must ensure that the CTMP instructs vehicles to use State and Regional and Collector Roads to the maximum extent with the use of Local Roads as final approach to the development site via the most suitable direct route.

The following matters should be addressed in the CTMP (where applicable):

- a) Description of the demolition, excavation and construction works;
- b) Site plan/s showing the site, roads, footpaths, site access points and vehicular movements;
- c) Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site);
- d) Proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network;
- e) Impacts of the work and vehicular movements on the road network, traffic and pedestrians and proposed methods to safely manage pedestrians and construction related vehicles in the frontage roadways;
- f) Any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.);
- g) Proposed hours of construction related activities and vehicular movements to and from the site;
- h) Current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority);
- i) Any activities proposed to be located or impact upon Council's road, footways or any public place;
- j) Measures to maintain public safety and convenience;

- k) Any proposed road and/or footpath closures;
- l) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site;
- m) 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;
- n) Location of any proposed crane and concrete pump and truck standing areas on and off the site (and relevant approvals from Council for plant on road);
- o) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
- p) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
- q) On-site parking area for employees, tradespersons and construction vehicles as far as possible;
- r) 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; and
- s) How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
- t) Swept Paths for the proposed construction vehicles to demonstrate that the needed manoeuvres can be achieved without causing any nuisance.

34. Recording of buildings that are to be demolished

Prior to any demolition on the site or the issue of a Construction Certificate, the Certifying Authority must be provided with evidence that council has received a full archival record of the building components to be demolished.

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 (or 1:500 if appropriate) of all structures including their relationship to the street and adjoining properties and directional details of photographs taken.
- b) Coloured photographs of:
 - i. each elevation;
 - ii. views to the subject property from each street and laneway or public space;
 - iii. interior of each room and space on the ground floor, Level 1 and 2 layout;
 - iv. architectural detailing including, but not limited to, ceilings, timber joinery, the original staircase, decorative archways and fire places.

Photographic archival records must be taken of the building, landscape or item 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/infophotographicrecording2006.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 must be submitted on a USB 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.

35. Salvaged Building Material

Prior to any demolition, the Certifying Authority is to be provided with a salvage methodology demonstrating how stone, timber weatherboards, joinery and decorative architectural elements to be demolished, which include windows and doors, chimney pieces, timber flooring, fireplaces, decorative ceilings, cornices and ceiling roses will be catalogued, labelled, salvaged and where practical reused on the project or transferred to an established second hand building material dealer for recycling.

36. Resource Recovery and Waste Management Plan

Prior to any demolition works occurring the Certifying Authority must be provided with a *Resource Recovery and Waste Management Plan - Demolition and Construction* that includes details of materials that will be excavated and their proposed destination or reuse.

Where asbestos is present during demolition work, the work must be carried out in accordance with the guidelines for asbestos work published by Safework NSW.

All asbestos wastes must be disposed of at a landfill facility licensed by the New South Wales Environmental Protection Authority to receive that waste. Copies of the disposal dockets must be retained by the person performing the work for at least 3 years and be submitted to Council on request.

Prior to Construction Certificate

37. Consolidation of Lots

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with evidence that the separate lots comprising the development have been consolidated into one lot and under one title and registered at NSW Land Registry Services.

38. Structural Certificate for retained elements of the building

Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with a Structural Certificate prepared by a practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or

altered structural loads during all stages of construction. The certificate must also include all details of the methodology to be employed in construction phases to achieve the above requirements without result in demolition of elements marked on the approved plans for retention.

39. Sydney Water – Tap In

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

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

40. Noise General – Acoustic Report

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an acoustic report demonstrating that noise and vibration from the operation of the premises will satisfy the relevant provisions of the Protection of the Environment Operations Act 1997 and Regulations and relevant state and local policies and guidelines. The acoustic report is to be prepared by a suitably qualified and experienced acoustic consultant and any recommendations must be consistent with the approved plans.

41. Acoustic Report – Aircraft Noise

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans detailing the recommendations of an acoustic report prepared by a suitably qualified Acoustic Engineer demonstrating compliance of the development with the relevant provisions of Australian Standard AS 2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction.

42. Fibre-ready Facilities

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with evidence that arrangements have been made for:

- a) The installation of fibre-ready facilities to all individual lots and/or premises the development so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose.
- b) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises the development demonstrated through an agreement with a carrier.

43. Concealment of Plumbing and Ductwork

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

44. Access Management Plan

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an Access Management Plan prepared by an Accredited Access Consultant. The Access Management Plan must address:

- a) Confirmation whether the Disability (Access to Premises – Buildings) Standards 2010 is applicable to the development, in particular whether the Standards apply to the affected part.

- b) Proposed requirements for access to the building or part of building for people with a disability in accordance with Part D3 of Building Code of Australia.
- c) Assessment and identification of non-compliances with the Disability Standards 2010 and/or the BCA where applicable and provide recommendations to achieve compliance with the relevant performance requirements.
- d) Accessible car parking spaces should be provided, where applicable, in accordance with Part D3.5 of BCA Vol.
- e) Any exemptions, alternative solutions or deemed-to-satisfy provisions affecting access.

45. Parking Facilities

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans certified by a suitably qualified Civil Engineer demonstrating that the design of the vehicular access and off-street parking facilities must comply with Australian Standard AS/NZS2890.1-2004 Parking Facilities – Off-Street Car Parking and the following specific requirements:

- a) The floor/finished levels within the property must be adjusted to ensure that the levels at the boundary comply with the Alignment Levels issued with this consent.
- b) The garage slab or driveway must rise within the property to be 170mm above the adjacent road gutter level and higher than the street kerb and footpath across the full width of the vehicle crossing. The longitudinal profile across the width of the vehicle crossing must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004.
- 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) Minimum headroom of 2500mm must be provided above any disabled parking space(s).
- e) The longitudinal profile of the access and any ramps within the parking facilities must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004 for a B99 design vehicle. Longitudinal sections must be provided along each outer edge of all ramps.
- f) The layout and minimum dimensions of any standing area comply with clause 2.4 of AS/NZS 2890.1-2004 such that:
 - i. Car spaces adjacent to walls or fences are increased in width by an additional 300mm;
 - ii. End spaces are provided with an additional 1m aisle extension; and
 - iii. The location of columns within the carpark complies with figure 5.1 of AS/NZS 2890.1-2004;
- g) At the property boundary the access from the road to a standing area is (as near as practicable) perpendicular to the line of the adjacent road.

- h) The relative surface levels of the internal access from the road being controlled so that.
 - i. The surface levels at the property boundary match "alignment levels";
 - ii. The change in grade for any 2m length of access way does not exceed 1 in 8 (12.5%) unless suitable transitions are provided in accordance with AS2890.1;
 - iii. The maximum grade at any point does not exceed 1 in 5 (20%) or in the case of ramps greater than 20m in length 1 in 6 (16.7%); and
 - iv. The maximum grade at the property boundary does not exceed 1 in 20 (5%) within 6m of the property boundary;
- i) The vehicle egress is designed such that there are no obstructions to lines of sight, along with the footpath and the roadway for drivers of egressing vehicles.
- j) All parking bays are designed such that all vehicular movements to and from the proposed development are in a forward direction.
- k) The parking space must have minimum clear internal dimensions of 5400 x 2400 mm (length x width). The dimensions must be exclusive of obstructions such as walls, doors and columns, except where they do not encroach inside the design envelope specified in Section 5.2 of AS/NZS 2890.1-2004.

46. Stormwater Drainage System – (OSD is required)

The submitted stormwater concept plan dated 30 November 2018 and prepared by Australian Consulting Engineers has been assessed as a concept plan only.

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans incorporating on site stormwater detention and/or on site retention/ re-use facilities (OSR/OSD), certified by a suitably qualified Civil Engineer that the design of the site drainage system complies with the following specific requirements:

- a) All stormwater drainage being designed in accordance with the provisions of the Australian Rainfall and Runoff (ARR), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP.
- b) Pipe and channel drainage systems must be designed to cater for the twenty (20) year Average Recurrence Interval (ARI) storm event. The major event surface flow paths must be designed to cater for the one hundred (100) year ARI Storm.
- c) Charged or pump-out stormwater drainage systems are not used including for roof drainage.
- d) To provide for adequate site drainage all roof and surface stormwater from the site and any catchment external to the site that presently drains to it, must be collected in a

system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a stormwater drainage system in accordance with the requirements of Council's DCP. Please note any stormwater outlets through sandstone kerbs must be carefully core drilled.

- e) Minor roof and paved areas at the rear of the property that cannot reasonably be drained by gravity to the street may be drained to an on-site dispersal system such as an absorption system or otherwise, subject to the roof areas being drained via a suitably sized rainwater tank, no nuisance or concentration of flows to other properties and the feasibility and design of the on-site dispersal system being certified by a suitably qualified and experienced practising Civil and/or Geotechnical Engineer.
- f) The on-site detention system must be designed for all storm events from the 1 in 5 years to the 1 in 100 year storm event, with discharge to a Council controlled storm water system limited to pre-development conditions with the maximum allowable discharge to Council's street gutter limited to 25 litres/second (20 years ARI/100years ARI).
- g) Storage for the 1-year ARI storm event must be provided fully below ground;
- h) Details of the Height vs Storage and Height vs Discharge relationships must be submitted.
- i) Details of external catchments currently draining to the site must be included on the plans. Existing natural overland flows from external catchments may not be blocked or diverted, but must be captured and catered for within the proposed site drainage system. Where necessary an inter-allotment drainage system must be incorporated into the design.
- j) Details of the 1 in 100-year ARI overflow route in case of failure/blockage of the drainage system must be provided.
- k) The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system.
- l) An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets.
- m) Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site.
- n) All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.
- o) No impact to street tree(s).

47. Public Domain Works – Prior to Construction Certificate

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a public domain works design, prepared by a qualified practising Civil Engineer and evidence that the works on the Road Reserve have been approved by Council under Section 138 of the *Roads Act 1993* incorporating the following requirements:

- a) The public domain along all frontages of the site inclusive of footpath paving, kerb, landscaping etc. must be reconstructed and upgraded in accordance with the Street Tree Master plan and the Public Domain Design Guide or scheme.
- b) The construction of heavy duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site.
- c) Cross sections are to be provided at the boundary at a minimum distance of every 5m and at all pedestrian and vehicular access locations. Note, the cross fall of the footpath must be set at 2.5%. These sections will set the alignment levels at the boundary.
- d) Installation of a stormwater outlet to the kerb and gutter.

48. Dilapidation Report – Pre-Development

Prior to the issue of a Construction Certificate or any demolition, the Certifying Authority must be provided with a dilapidation report on the visible and structural condition of the following public infrastructure:

- a) Full width of Illawarra Road and Warren Road, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath.
- b) Half width of adjacent properties, including road pavement, stormwater drainage infrastructure, kerb and gutter and footpath.

The dilapidation report is to be prepared by a practising Civil/Structural Engineer.

49. Light Spill

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with details demonstrating that any lighting of the premises complies with Australian Standard AS4282:1992: Control of Obtrusive Effects of Outdoor Lighting.

50. Waste Transfer Route

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a plan demonstrating that the path of travel between the bin storage area/bulky waste storage area and the designated waste/recycling collection point is has a minimum 1200mm wall-to-wall clearance, be slip-proof, of a hard surface, be free of obstructions and at no point have a gradient exceeding 1:12.

51. Bin Storage Area - Residential

The bin storage area is to meet the design requirements detailed in Marrickville DCP 2011 and must include doorways/entrance points of 1200mm.

52. Each residential level is to have access to a disposal point for all waste streams.

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a plan demonstrating that the disposal point is to be within 30m of the dwelling access (distance covered by lifts excluded). Any bins stored on residential floors are to have the capacity to store, at minimum, all waste generated by that floor over a 24 hour period.

53. Commercial - Additional Storage Space

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

During Demolition and Construction

54. Construction Hours – Class 2-9

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work must only be permitted during the following hours:

- a) 7:00am to 6:00pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
- b) 8:00am to 1:00pm 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 out of hours 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 must be limited to:

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

The person acting on this consent must not undertake such activities for more than three continuous hours and must 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.

55. Stormwater Drainage System

Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines discharged by gravity to the kerb and gutter of a public road.

Any existing component of the stormwater system that is to be retained, including any absorption trench or rubble pit drainage system, must be checked and certified by a Licensed Plumber or qualified practising Civil Engineer to be in good condition and operating satisfactorily.

If any component of the existing system is not in good condition and /or not operating satisfactorily and/or impacted by the works and/or legal rights for drainage do not exist, the drainage system must be upgraded to discharge legally by gravity to the kerb and gutter of a public road. Minor roof or paved areas that cannot reasonably be drained by gravity to a public road may be disposed on site subject to ensure no concentration of flows or nuisance to other properties.

56. Survey Prior to Footings

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

57. Waste Documentation

Documentation (including receipts) regarding the destination and disposal methods of materials leaving the site must be retained by the applicant. Council may wish to audit such documentation so as to monitor compliance with the Recycling and Waste Management Plan.

58. Infilling doorways

Where existing doorways are required to be infilled, the opening must be expressed in the new works.

59. Tiles to New Canterbury Road Facade

If the existing tiles on the lower ground floor to New Canterbury Road cannot be retained and new tiles are required, the applicant must submit a sample to Council's heritage specialist to review and approve.

60. Removal of paint

Removal of paint must be undertaken by qualified tradespeople expert in heritage conservation and preferably listed on the Office of Environment and Heritage list, using a proprietary paint cleaning product suitable for heritage structure buildings (<https://www.environment.nsw.gov.au/heritageapp/HeritageConservationDirectory.aspx>). No high pressure water or sandblasting is to be used for the removal of paint.

Prior to Occupation Certificate

61. Aircraft Noise

Prior to the issue of any Occupation Certificate, the Principal Certifier must be provided with a report prepared and submitted by an accredited Acoustics Consultant certifying that the final construction meets AS2021-2015 with regard to the noise attenuation measures referred to in the "Before the Issue of a Construction Certificate" Section of this Determination. Such report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development.

Where it is found that internal noise levels are greater than the required dB(A) rating due to faulty workmanship or the like, necessary corrective measures must be carried out and a further certificate being prepared and submitted to the Principal Certifier in accordance with this condition.

62. Noise – Acoustic Report

Prior to the issue of an Occupation Certificate, the Certifying Authority must be provided with an acoustic report prepared by suitably qualified acoustic consultant which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of the Protection of the Environment Operations Act 1997, NSW Environment Protection Authority's Industrial Noise Policy and Noise Control Manual and conditions of Council's approval, including any recommendations of the acoustic report referenced in the conditions of the approval. The acoustic report is to be prepared by a suitably qualified and experienced acoustic consultant and any recommendations must be consistent with the approved plans.

63. Plan of Management

Prior to the issue of any Occupation Certificate, the Certifying Authority must be provided with a revised Plan of Management including the following additional information:

- a) Access to the basement carpark and bicycle storage area is prohibited for patrons and staff of the pub with the exception of the staff member using the commercial car space;
- b) The rooftop common open space must not be used by staff or patrons of the pub.
- c) The use of the rooftop common open space is restricted to 7.00am – 8.00pm, Mondays to Sundays, with the exception of New Years.
- d) The first floor common open space must not be used by staff or patrons of the pub.
- e) The use of the first floor common open space is restricted to 9.00am – 8.00pm, Mondays to Sundays;
- f) Deliveries to the pub (not inclusive of keg deliveries) are restricted to 7.00am – 9.00pm, Mondays to Sundays and must occur on Hunter Street;
- g) A maximum of five (5) keg delivery per week should only occur between the hours 10:00-14:00 Monday to Friday on New Canterbury Road.

As well as addressing the following (if not already addressed):

- h) Compliance with the relevant conditions of approval;
- i) Minimise the potential impact of the operation of the premises on nearby residents;
- j) Effectively minimise and manage anti-social behaviour;
- k) Minimise noise emissions and associated nuisances;
- l) Effectively manage and respond to resident complaints;

- m) Ensure responsible service of alcohol and harm minimisation, and
- n) Patron conductivity and security.

64. Section 73 Certificate

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a Section 73 Certificate under the *Sydney Water Act 1994*.

65. Sandstone Kerb

Any 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. Please note any stormwater outlets through sandstone kerbs must be carefully core drilled. Non-compliance with this condition will result in loss of your security deposit.

66. Non-combustible Cladding – Class 2-9 Buildings

Prior to the issue of an Occupation Certificate the Principal Certifier must be provided with suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the National Construction Code (NCC).

67. Products Banned Under the Building Products (Safety) Act 2017

Prior to the issue of any Occupation Certificate, the Principal Certifier is to confirm that none of the building products used on the building are subject to a building product use ban under the *Building Products (Safety) Act 2017* or, if a product is only subject to a ban if used in a particular way that it is not used in any way contrary to the *Building Products (Safety) Act 2017*.

68. Splays - Restriction on the Land

Prior the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with evidence that the applicant has created a restriction as to user in accordance with Council's standard wording that precludes any structures being constructed on the splay. No buildings works or obstructions must be permitted on the splay corners to a height of 4.5m above the existing footpath. The size of the splay(s) must be 3m x 3m at Illawarra Road and Warren Road corner.

69. Heavy Duty Vehicle Crossing

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that heavy duty concrete vehicle crossing/s, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" has been constructed at the vehicular access locations.

70. Parking Signoff – Major Development

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with certification from a Chartered/Registered Civil Engineer that the vehicle access and off street parking facilities have been constructed in accordance with the development consent and relevant Australian Standards and the following has been implemented within the property.

- a) The car park has been completed, line marked and all signage relating to car parking erected.
- b) Sign(s) have been erected that clearly indicate to the drivers of vehicles both on and off the property the location and means of access to the car parking area(s).

71. Public Domain Works

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with written evidence from Council that the following works on the Road Reserve have been completed in accordance with the requirements of the approval under Section 138 of the Roads Act 1993 including:

- a) Heavy duty concrete vehicle crossing(s) at the vehicular access location(s).
- b) The existing concrete footpath across the frontage of the site must be reconstructed.
- c) Other works subject to the Roads Act 1993 approval.

All works must be constructed in accordance with Council's standards and specifications and AUS-SPEC#2-"Roadworks Specifications".

72. No Encroachments

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any encroachments on to Council road or footpath resulting from the building works have been removed, including opening doors, gates and garage doors with the exception of any awnings or balconies approved by Council.

73. Dilapidation Report – Post-Development

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with a second Dilapidation Report addressing the public infrastructure identified in approved predevelopment dilapidation report, including a photographic survey and structural condition which was compiled after the completion of works. As the report details public infrastructure, a copy is to be furnished to Council at the same time.

74. Works as Executed – Site Stormwater Drainage System

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a qualified Civil Engineer with Chartered Engineer of Institution of Engineers Australia (CPEng) or Registered Professional Engineer of Professionals Australia (RPEng) qualifications that:

- a) The stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards.
- b) Works-as-executed plans of the stormwater drainage system certified by a Registered Surveyor, to verify that the drainage system has been constructed in accordance with the approved design and relevant Australian Standards have been submitted to Council. The works-as-executed plan(s) must show the as built details in comparison to those shown on the drainage plans approved with the Construction Certificate. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifier stamped Construction Certificate plans.

75. Operation and Management Plan

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with an Operation and Management Plan has been prepared and implemented for the on-site detention and/or on-site retention/re-use facilities and stormwater quality improvement device(s) and pump(s). 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.

76. Maximum capacity

The pub is to have a maximum capacity of 500 patrons or the maximum number permitted under the Building Code of Australia (BCA), whichever is less. A sign to be placed above the main door fronting New Canterbury Road and the main door fronting Hunter Street indicating the maximum patron capacity of the venue. The signs must not make any significant or irreversible penetrations into the heritage fabric of the building.

77. Contamination – Disposal of Soil

Prior to the issue of an Occupation Certificate, the Certifying Authority must be provided with a validation report confirming that all off site disposal of soil has been classified, removed and disposed of in accordance with the NSW DECC Waste Classification Guidelines, Part 1: Classifying Waste (July 2009) and the Protection of the Environmental Operations Act 1997.

78. Contamination – Validation (No Site Audit Statement Required)

Prior to the issue of an Occupation Certificate, the Certifying Authority and Council must be provided with a Site Validation Report prepared by a suitably qualified environmental consultant with experience in land contamination.

The Validation report must be prepared in accordance with relevant NSW Environment Protection Authority guidelines, including the guidelines 'Consultants Reporting on Contaminated Sites' and must confirm that the site has been remediated in accordance with the Remedial Action Plan and clearly state that the site is suitable for the proposed use.

79. Bins

Council should be notified of bin requirements three months prior to the occupation of the residential component of a development to ensure timely delivery.

Council will place an order for the required bins. Delivery will occur once the applicant has completed a Request for New Service.

On-going**80. Trial Hours**

- a) The hours of operation of the pub (inclusive of the 'dining area' and 'VIP area') must not exceed the following:

Day	Hours
Monday to Sunday (inclusive)	10.00am – 10.00pm

- b) For a period of not more than 12 months from the issue of the Final Occupation Certificate for the development approved in this consent, the hours of operation of the pub (inclusive of the 'dining area' and 'VIP area') must not exceed the following:

Day	Hours
Monday to Sunday (inclusive)	10.00am – 12.00 midnight

- c) A continuation of the extended hours will require a further application under the Environmental Planning and Assessment Act 1979.

81. Maximum capacity

The pub is to have a maximum capacity of 500 patrons or the maximum number permitted under the Building Code of Australia (BCA), whichever is less.

82. Noise General

The proposed use of the premises and the operation of all plant and equipment must not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations, NSW EPA Noise Policy for Industry and NSW EPA Noise Guide for Local Government.

83. Noise – Licensed Premises (7.00am – 12.00 midnight)

The LA10 noise level emitted from the premises, measured between the hours of 7am and 12 midnight, is not to exceed the background noise level in any octave band frequency (centred on 31.5Hz to 8 kHz inclusive) by more than 5 dB, when measured at the boundary of any adjoining residence.

84. Noise – Licensed Premises (12.00 midnight – 7.00am)

The LA10 noise level emitted from the premises, measured between the hours of midnight and 7am, is not to exceed the background noise level in any octave band frequency (centred on 31.5Hz to 8 kHz inclusive), when measured at the boundary of any adjoining residence.

85. Noise – Licensed Premises – Music/Gaming Machines

There is to be no entertainment in the form of amplified music on any part of the outdoor area at any time. There is to be no amplification from any gaming machines on any part of the outdoor area at any time. Machines located within an approved outdoor gaming/smoking area must not be visible from the public domain and must not dispense coins i.e. cashless. There is to be air lock entry from the outdoor gaming/smoking area into the main building fitted with self-closing device. The number of patrons using the outdoor gaming area is restricted to 14 persons at any time.

86. Licensed Premises – Plan of Management – Operation

The operation of the premises complying at all times with the approved Plan of Management. The Plan of Management is not to be further amended without the prior written approval of the Council. If there is any inconsistency between the Plan of Management and the conditions of this consent, the conditions of consent shall prevail to the extent of that inconsistency.

87. Noise - Rooftop Terrace

There is to be no entertainment in the form of amplified music on any part of the common rooftop terrace at any time.

The operating hours of the common rooftop terrace is 8:00am to 10:00pm Monday to Friday, with the exception of New Years Eve.

88. Collection of Waste/Recycling Commercial

- a) Waste and recycling must be collected from Hunter Street.
- b) Commercial waste and recycling must be collected by a private contractor.
- c) The collection of commercial waste and recycling must only occur between 8:00am - 8:00pm, Mondays to Sundays, to avoid noise disruption on the surrounding area.
- d) Commercial waste and recycling must be collected at least once a day.
- e) Waste and recycling bins are not to be presented on the kerb for collection and are to be immediately returned the respective internal storage area after collection.
- f) Reusable items generated from the pub (such as kegs, milk crates) must be stored within the site.

89. Documentation of Businesses waste services

The commercial premises must have written evidence of all valid and current contracts and/ or tip dockets for the disposal and/ or processing of all waste streams generated from the site.

90. Water Sensitive Urban Design

Water use within common open space (for uses such as irrigation and water features) should be supplied from sources other than potable mains water (e.g. stormwater, greywater or wastewater) to meet 80% of the water use demand.

91. Signage

All existing illuminated signage on Hunter Street (other than under awning signs) must not be illuminated between 10.00pm and 7.00am (the following day).

All other signage is only permitted to be illuminated during approved operating hours.

To ensure the illumination of the signs does not affect safety, amenity or result in unreasonable glare, it is a recommended condition of consent that the illuminated signs must not flash, and have reduced luminance at night.

92. Rooftop Open Space

The rooftop common open space must not be used by staff or patrons of the pub.

The use of the rooftop common open space is restricted to 7.00am – 8.00pm, Mondays to Sundays, with the exception of New Years.

93. First Floor Common Open Space

The first floor common open space must not be used by staff or patrons of the pub.

The use of the first floor common open space is restricted to 9.00am – 8.00pm, Mondays to Sundays.

94. Deliveries

Deliveries to the pub (not inclusive of keg deliveries) are restricted to 7.00am – 9.00pm, Mondays to Sundays and must occur on Hunter Street.

A maximum of five (5) keg delivery per week should only occur between the hours 10:00-14:00 Monday to Friday on New Canterbury Road.

95. Access to Basement Carpark and Bicycle Storage Room

Access to the basement carpark and bicycle storage room are prohibited for patrons and staff of the pub with the exception of the staff member using the commercial car space.

96. Sensor Lighting

The driveway between the Hunter Street boundary and the proposed basement roller door must have sensor lighting installed which operates outside daylight hours to enable people to see, and be seen, whilst avoiding amenity impacts upon neighbouring properties.

The driveway sensor lighting must at all times operate outside daylight hours to enable people to see, and be seen.

97. Shopfront Display

The shopfront display must at all times be generally in accordance with the 'Interpretation Display – Elevation E' on Drawing Number DA-14 'B' dated August 2019 which relates to the heritage significance of the building and its use as a hotel/pub. The area is not to be used for general advertising, signage, storage or the like.

98. Pub – General

The following conditions were recommended by the NSW Police and must be complied with:

- a) The licensee must ensure that immediately after the licensee or a staff member becomes aware of any incident involving an act of violence causing an injury to a person on the premises, the following is adhered to:-
 - i. The licensee and/or staff take all practical steps to preserve and keep intact the area where the act of violence occurred and retain all material and implements associated with the act of violence in accordance with the Crime Scene Preservation Guidelines issued by the NSW Police.
 - ii. The licensee and/or staff make direct and personal contact with the Local Area Commander or his/her delegate and advise the Commander or delegate of the incident; and c) The licensee and/or staff comply with any directions given by the Commander or delegate to preserve or keep intact the area where the violence occurred.
- b) The licensee must not permit any person to enter the premises, or to remain on the premises, if the person is wearing or carrying any clothing, jewellery or accessory displaying:

- i. the name of any of the following motorcycle-related and similar organisations: Bandidos, Black Uhlands, Coffin Cheaters, Comanchero, Finks, Fourth Reich, Gladiators, Gypsy Jokers, Highway 61, Life & Death, Lone Wolf, Mobshitters, Nomads, Odins Warriors, Outcasts, Outlaws, Phoenix, Rebels, Hells Angels, Scorpions, Mongols, Notorious, Muslim Brotherhood Movement; or any "declared organisation" within the meaning of the Crimes (Criminal Organisation Control) Act 2009.
 - ii. the colours, club patch, insignia or logo of any such organisation, or
 - iii. the "1%" or "1%er" symbol, or
 - iv. any image, symbol, abbreviation, acronym or other form of writing that indicates membership of, or an association with, any of the organisations specified in point (i).
 - v. Any incident where a person is refused entry or removed from the premises in relation to this condition must be recorded in the incident register.
- c) The licensee must always maintain an incident register in the form and manner required under section 56 of the Liquor Act 2007 the venue is open and operating for the sale or supply of liquor.
- d) The licensee must record in the register the details of any of the following incidents and any action taken in response to any such incident:
 - i. Any incident involving violence or anti-social behaviour occurring on the premises;
 - ii. Any incident of which the licensee is aware that involves violence or anti-social behaviour occurring in the immediate vicinity of the premises and that involves a person who has recently left, or been refused admission to, the premises;
 - iii. Any incident that results in a person being turned out of the licensed premises under section 77 of the Liquor Act 2007;
 - iv. Any incident that results in a patron of the premises requiring medical assistance, and
 - v. Notwithstanding the above, any incident of a person being refused service
- e) The licensee must, if requested to do so by a police officer or inspector:
 - i. make any such incident register immediately available for inspection by a police officer or inspector, and
 - ii. allow a police officer or inspector to take copies of the register or to remove the register from the premises.

- f) The licensee must ensure that the information recorded in the incident register is retained for at least 3 years from when the record was made.
- g) The licensee must maintain a closed-circuit television system on the premises in accordance with the following requirements:
 - i. the system must record continuously from opening time until one hour after the premises are required to close (or, in the case of premises that are not required to cease trading, continuously at all times),
 - ii. recordings must be in digital format and at a minimum of 15 frames per second,
 - iii. any recorded image must specify the time and date of the recorded image,
 - iv. the system's cameras must cover the following areas:
 - a. all entry and exit points on the premises,
 - b. the footpath immediately adjacent to the premises,
 - c. all publicly accessible areas (other than toilets) on the premises.
- h) The licensee must also:
 - i. keep all recordings made by the CCTV system for at least 30 days, and
 - ii. ensure that at least one member of staff is always available on the premises at all times to ensure the system is operating, and can access and fully operate the system, including downloading and producing recordings of CCTV footage and
 - iii. provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector to provide such recordings.
- i) The licensee must ensure that the sale or supply of liquor ceases 15 minutes before the close of trade.
- j) The management of the premises:
 - i. Shall ensure patrons do not crowd or loiter near the vicinity of the premises in such manner that pedestrian movement is obstructed or hindered.
 - ii. Shall ensure that the manner in which the business of the premises is conducted and/or the behaviour of persons entering and leaving the premises does not cause undue disturbance to the amenity of the neighbourhood. In this regard, the management shall be responsible for the control of noise and litter generated by persons and/or premises operations. If so directed by Council, the Management is to employ private security staff to ensure that this condition is complied with.

- iii. Shall record in an Incident Register full details of any disturbance complaints made by a person to management or staff in respect to the manner in which the business on the premises is conducted and/or the behaviour of persons entering or leaving the premises. Such recording will include time, date, nature of the complaints and any complainant details if provided.
 - iv. Shall respond to any disturbance complaints in a timely and effective manner. All actions undertaken by management / staff to resolve such complaints shall be recorded in the Register.
- k) A copy of the relevant development consent is to be kept on the premises and made available for inspection on the request of a police officer, council officer, Liquor & Gaming inspector, or any other person authorised by the Independent Liquor & Gaming Authority.

Advisory notes

Prescribed Conditions

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

Notification of commencement of works

At least 7 days before any demolition work commences:

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

Storage of Materials on public property

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

Toilet Facilities

The following facilities must be provided on the site:

- a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
- b) a garbage receptacle for food scraps and papers, with a tight fitting lid.

Facilities must be located so that they will not cause a nuisance.

Infrastructure

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

Other Approvals may be needed

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

Failure to comply with conditions

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

Other works

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

Obtaining Relevant Certification

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

- a) Application for any activity under that Act, including any erection of a hoarding.
- b) Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*.
- c) Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*.
- d) Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed.
- e) Application for Strata Title Subdivision if strata title subdivision of the development is proposed.
- f) Development Application for demolition if demolition is not approved by this consent.
- g) Development Application for subdivision if consent for subdivision is not granted by this consent.

Disability Discrimination Access to Premises Code

The *Disability Discrimination Act 1992* (Commonwealth) and the *Anti-Discrimination Act 1977* (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.

National Construction Code (Building Code of Australia)

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

Notification of commencement of works

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

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

Dividing Fences Act

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

Permits from Council under Other Acts

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

- a) Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application.
 - b) A concrete pump across the roadway/footpath
 - c) Mobile crane or any standing plant
 - d) Skip bins
 - e) Scaffolding/Hoardings (fencing on public land)
 - f) Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.
 - g) Awning or street verandah over footpath
 - h) Partial or full road closure
 - i) Installation or replacement of private stormwater drain, utility service or water supply
- Contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. A lease fee is payable for all occupations.

Noise

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

Amenity Impacts General

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

Fire Safety Certificate

The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, must:

- a) Forward a copy of the Final Safety Certificate and the current Fire Safety Schedule to the Commissioner of Fire and Rescue New South Wales and the Council; and
- b) Display a copy of the Final Safety Certificate and Fire Safety Schedule in a prominent position in the building (i.e. adjacent the entry or any fire indicator panel).

Every 12 months after the Final Fire Safety Certificate is issued the owner must obtain an Annual Fire Safety Certificate for each of the Fire Safety Measures listed in the Schedule. The Annual Fire Safety Certificate must be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

Construction of Vehicular Crossing

The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for 'Construction of a Vehicular Crossing & Civil Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, prior to commencement of works.

Lead-based Paint

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

Asbestos Removal

A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m² of bonded asbestos (or otherwise specified by WorkCover or relevant legislation).

Removal of friable asbestos material must only be undertaken by a contractor that holds a current AS1 Friable Asbestos Removal Licence.

Demolition sites that involve the removal of asbestos must display a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility.

All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2005. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.

Dial before you dig

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

Chartered/Registered Engineer

An engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng).

Mechanical Ventilation System Certification

The mechanical ventilation systems are to be designed, constructed and operated in accordance with the:

- a) Building Code of Australia,
- b) Australian Standard AS 1668 Part 1 – 1998,
- c) Australian Standard AS 1668 Part 2 – 2012,
- d) Australian Standard 3666.1 – 2011,
- e) Australian Standard 3666.2 – 2011; and
- f) Australian Standard 3666.3 - 2011.

The system must be located in accordance with the approved plans and/or within the building envelope, design and form of the approved building. Any modifications to the approved plans required to house the system must be the subject of further approval from Council.

Contamination – New Evidence

Any new information revealed during demolition, remediation or construction works that have the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Certifying Authority.

Permits

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

- a) Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application.
- b) A concrete pump across the roadway/footpath
- c) Mobile crane or any standing plant
- d) Skip Bins
- e) Scaffolding/Hoardings (fencing on public land)
- f) Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.
- g) Awning or street veranda over the footpath

- h) Partial or full road closure
- i) Installation or replacement of private stormwater drain, utility service or water supply

If required contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. Applications for such Permits must be submitted and approved by Council prior to the commencement of the works associated with such activity.

Rock Anchors

If you are seeking to use temporary anchors, you must make a request for approval for a Permit under Section 138 of the Roads Act 1993. The submission would need to be supported by an engineering report prepared by a suitably qualified Structural Engineer, with supporting details addressing the following issues:

- a) Demonstrate that any structures within the road reserve are of adequate depth to ensure no adverse impact on existing or potential future service utilities in the road reserve. All existing services must be shown on a plan and included on cross-sectional details where appropriate.
- b) Demonstrate how the temporary anchors will be removed or immobilised and replaced by full support from structures within the subject site by completion of the works.
- c) The report must be supported by suitable geotechnical investigations to the efficacy of all design assumptions.

Public Domain and Vehicular Crossings

The vehicular crossing and/or public domain works are required to be constructed by your contractor. You or your contractor must complete an application for 'Design of Vehicle Crossing and Public Domain Works – Step 1' form and/or 'Construction of Vehicle Crossing and Public Domain Works – Step 2' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.

You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be at no cost to Council. Any damage caused during construction to Council assets on the road reserve or on Council or Crown land must be repaired at no cost to Council.

Any driveway crossovers or other works within the road reserve must be provided at no cost to Council.

No consent is given or implied for any Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, eaves, awnings, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever, including when open.

Insurances

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

commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.

Easement and Covenant Process

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

a) **Work-As-Executed Plans**

A "Work-as-Executed" plan prepared and signed by a Registered Surveyor must be submitted to the 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 the Council's drainage system must be shown together with the following information: location; pipe diameter; gradient; pipe material, i.e. PVC or RCP etc.; pits sizes; orifice size; trash screen at orifice; emergency overflow dimensions and RL; all buildings (including floor levels) and finished ground and pavement surface levels and full details of SQIDS.

b) **Engineer's Certificate**

- i. A qualified practising Civil Engineer must certify on the completion of drainage works in respect of:
- ii. the soundness of the storage structure;
- iii. the capacity of the detention storage;
- iv. the emergency overflow system being in place;
- v. the works being constructed in accordance with the Development Application Consent and Council's Stormwater Management DCP/Code;
- vi. 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;
- vii. basement car park pumps are class one zone two;
- viii. OSR pumps and SQIDS have been installed and commissioned.

c) **Restriction-As-To-User**

A "Restriction-as-to-User" must 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, must not be carried out without the prior consent in writing of the Council.

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

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

- d) A Maintenance Schedule.

Health Premises Registration – Generic

The premises are required to be registered with Council's Environment Health Team in accordance with the following relevant legislation:

- a) Food Shop - Food Act 2003
- b) Hairdressing Salon / Barber - Public Health Act 2010 and the Local Government (General) Regulation 2005
- c) Skin Penetration - Public Health Regulation 2012.
- d) Cooling Tower / Warm Water System - Public Health Act 2010 and Public Health Regulation 2012
- e) Boarding House / Shared Accommodation - Boarding Houses Act 2012 and the Local Government (General) Regulation 2005

Food Premises Certification

The food premises design, construction and operation is in accordance with the:

- a) Food Act 2003
- b) Food Regulation 2010
- c) Australia and New Zealand Food Standards Code
- d) Australian Standard AS 4674 – 2004 (Design, construction and fit-out of food premises)
- e) Australian Standard AS 1668 Part 1 – 1998
- f) Australian Standard AS 1668 Part 2 – 2012; and

Food Premises Waste Storage Area

To ensure adequate storage and collection of waste from the food premises, all garbage and recyclable materials must be stored in a designated waste storage area. The designated

waste storage area must be designed and constructed in accordance with the Australian Standard AS 4674 – 2004 (Design, construction and fit-out of food premises) and Australia and New Zealand Food Standards Code.

Mechanical Ventilation System Certification

The mechanical ventilation systems are to be designed, constructed and operated in accordance with the:

- a) Australian Standard AS 1668 Part 1 – 1998,
- b) Australian Standard AS 1668 Part 2 – 2012,
- c) Australian Standard 3666.1 – 2011,
- d) Australian Standard 3666.2 – 2011; and
- e) Australian Standard 3666.3 - 2011.

The system must be located in accordance with the approved plans and/or within the building envelope, design and form of the approved building. Any modifications to the approved plans required to house the system must be the subject of further approval from Council.

Useful Contacts

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

www.diysafe.nsw.gov.au

Information on asbestos and safe work practices.

NSW Office of Environment and Heritage

131 555

www.environment.nsw.gov.au

Sydney Water

13 20 92

www.sydneywater.com.au

Waste Service - SITA
Environmental Solutions

1300 651 116

www.wasteservice.nsw.gov.au

Water Efficiency Labelling and Standards (WELS)

www.waterrating.gov.au

WorkCover Authority of NSW

13 10 50

www.workcover.nsw.gov.au

Enquiries relating to work safety and asbestos removal and disposal.

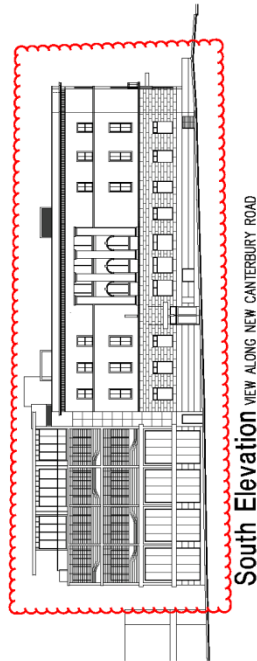
Attachment B – Plans of proposed development

PROPOSED MIXED USE DEVELOPMENT

123-133 NEW CANTERBURY ROAD, LEWISHAM

Architectural Drawings Schedule:

- DA-01 Cover Sheet and Drawing Schedule
DA-02 Location and Site Plan
DA-03 Basement Parking Level 1 Floor Plan
DA-04 Lower Ground & Parking Level Plan
DA-05 Ground (Hotel) Floor Plan
DA-06 First Floor Plan
DA-07 Second Floor Plan
DA-08 Third Floor Plan
DA-09 Roof Plan
DA-10 Elevations - Sheet No. 1
DA-11 Elevations - Sheet No. 2
DA-12 Elevations - Sheet No. 3
DA-13 Sections - Sheet No. 1
DA-14 Sections - Sheet No. 2
- DA-15 Site & Context Analysis Plan
DA-16 Streetscape & Context Analysis Elevations
DA-17 Shadow Diagram - Summer Solstice
DA-18 Shadow Diagram - Winter Solstice
DA-19 Typical Unit Plan Layouts - Sheet 1
DA-20 Typical Unit Plan Layouts - Sheet 2
DA-21 Typical Unit Plan Layouts - Sheet 3
DA-22 Colour & Material Schedule
DA-23 3d Model Views
DA-24 Demolition Plans - Sheet 1
DA-25 Demolition Plans - Sheet 2
DA-26 Shadow Sun Eye Diagrams - Sheet 1
DA-27 Shadow Sun Eye Diagrams - Sheet 2
DA-28 GFA / FSR Calculations



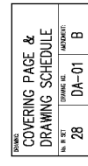
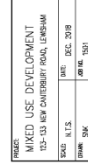
Development Summary Table:

Description	Result
Combined Site Area	948.50m ²
Total Building/Kitchen/VIP/Sitting	892.0m ² (0.701 FSR)
Residential Areas	1,420.2m ² (1.501 FSR)
Combined Total Areas (FSR)	2,082.0m ² (2.201 FSR)
Communal Landscaped Areas	401.0m ² (42% of site area)
Number of Units & Configurations	Total 16 (4 adaptable included 4, 6, 11 & 13 nominated adaptable apartments)
	2 x Studio
	2 x 1 Bedroom Unit
	11 x 2 Bedroom Unit
	1 x 3 Bedroom Unit
Number of on-site parking spaces	Total 13 (inc. 4 accessible)
Residential storage cages	Total 16 provided
Motor Bike spaces	Total 3 provided
Bicycle rack/spaces	Total 24 provided

BASIX Commitments:

Project summary	Certificate details
Project name 123-133 New Canterbury Road, Lewisham, NSW	Certificate number 0003609278
Street address 133 New Canterbury Road, Lewisham 2049	Unit number 1
Local Government Area Marrickville Council	Heating load 42.4
Plan type and plan number deposited 10989	Cooling load 18.3
Lot no. 3	Total load 60.7
Section no. -	Star Rating 5.3
No. of residential flat buildings 1	
No. of units in residential flat buildings 16	
No. of multi-dwelling houses 0	
No. of single dwelling houses 0	
Project score	
Water	43
Thermal Comfort	Pass
Energy	32

REVISIONS	REVISIONS
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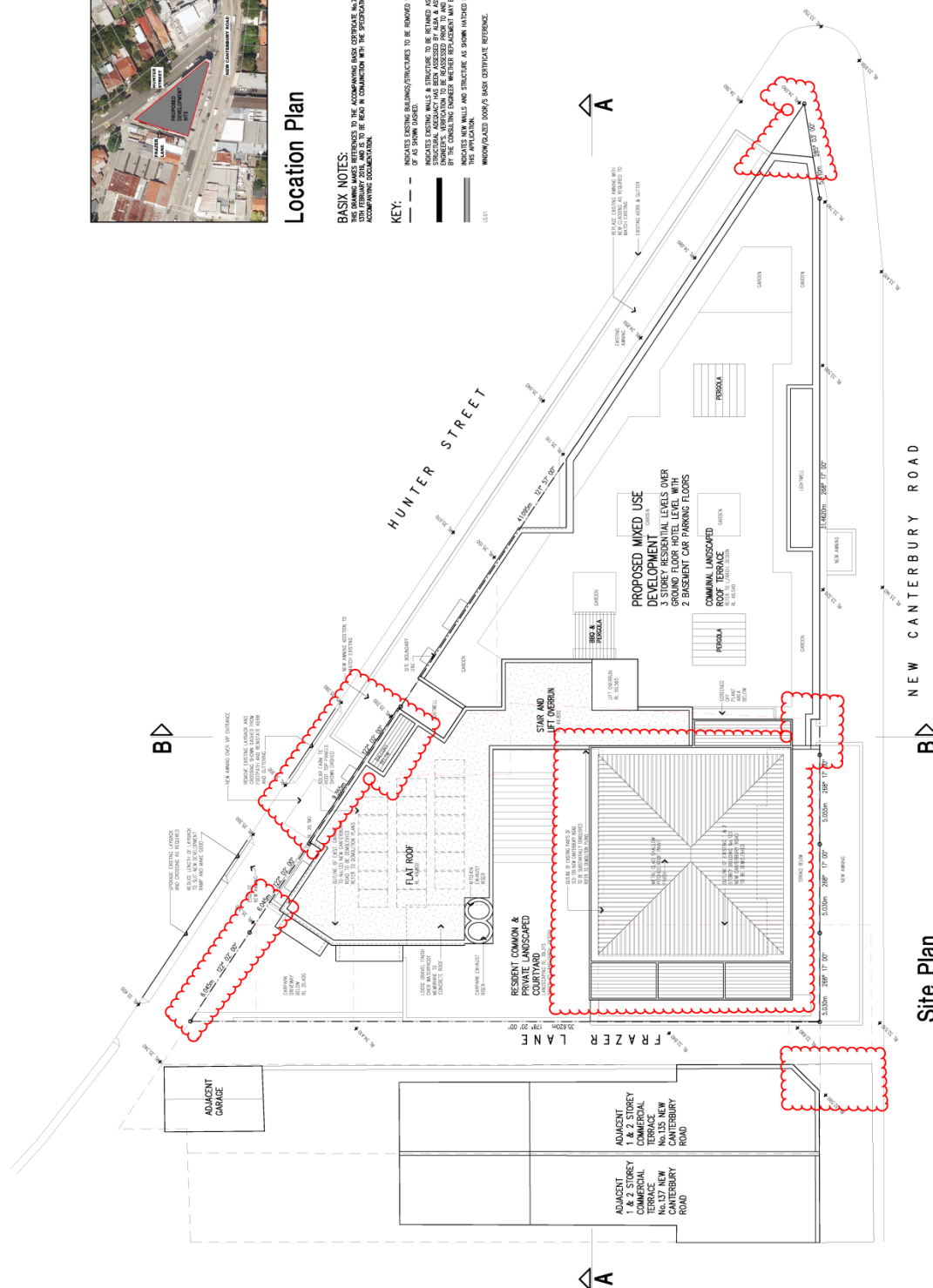
Location Plan

BASIX NOTES:
THIS DRAWING MAKES REFERENCES TO THE ACCOMPANYING BASIX CERTIFICATE No. 785208M-02 DATED 13TH FEBRUARY 2019, AND IS TO BE READ IN CONJUNCTION WITH THE SPECIFICATION THERE IN AND ACCOMPANYING DOCUMENTATION

KEY:

- - - INDICATES DESTROYED BUILDINGS/STRUCTURES TO BE REMOVED WHOLE OR PART OF AS SHOWN DRAWING.
- ███ INDICATES DESTROYED WALLS & STRUCTURE TO BE RETAINED AS SHOWN HATCHED ON DRAWING. REPAIRS AND/OR RECONSTRUCTION OF EXISTING STRUCTURES BY ENGINEER'S VERIFICATION TO BE COMPLETED PRIOR TO ISSUING DEMOLITION PERMIT. IF THE CONSULTING ENGINEER WHETHER REPLACEMENT MAY BE REQUIRED.
- ▨▨▨ INDICATES NEW WALLS AND STRUCTURE AS SHOWN HATCHED FORMING PART OF THIS APPLICATION.
- ===== WINDOW/GLAZED DOORS/ GLASS CERTIFICATE REFERENCE.

01



Site Plan

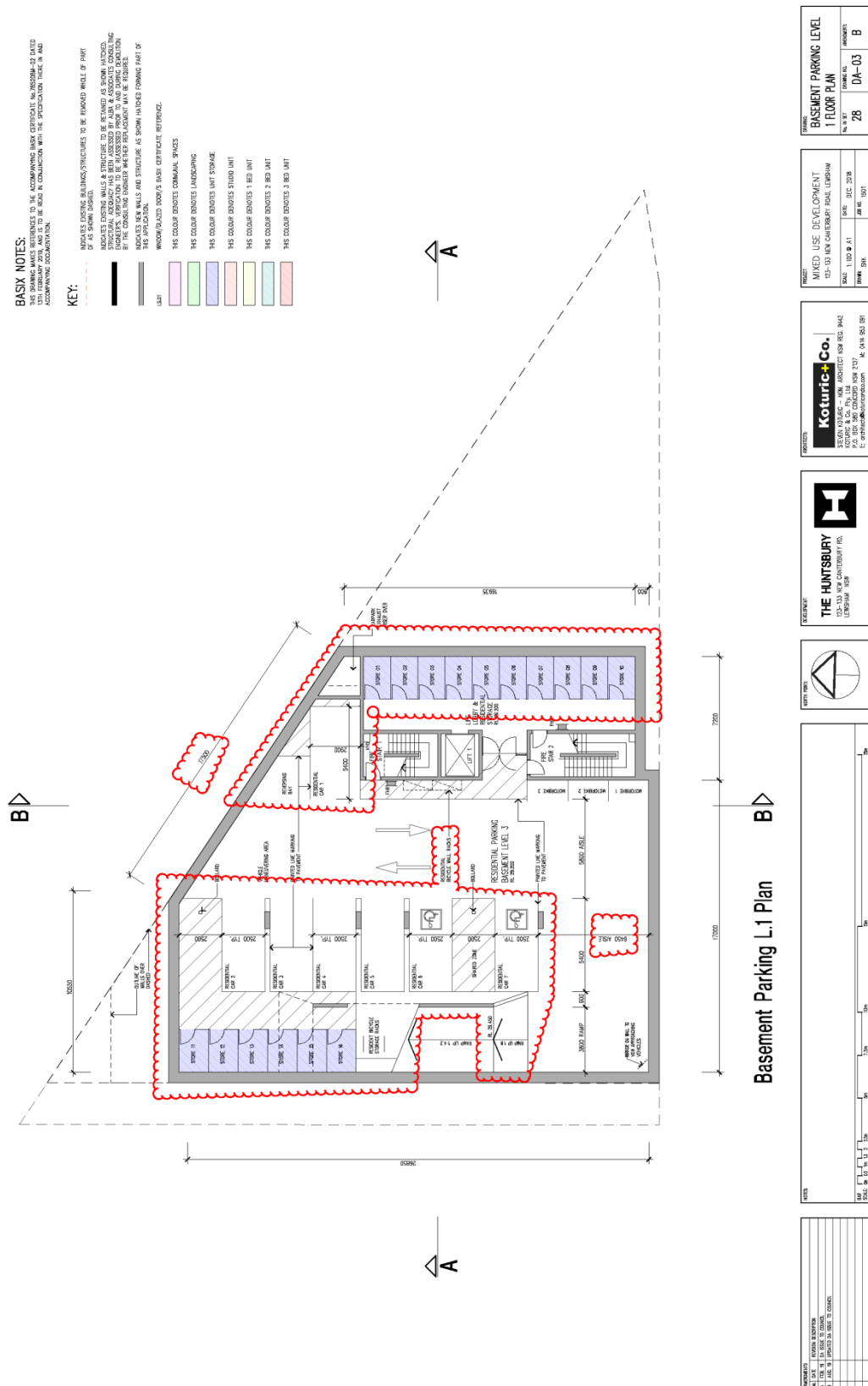


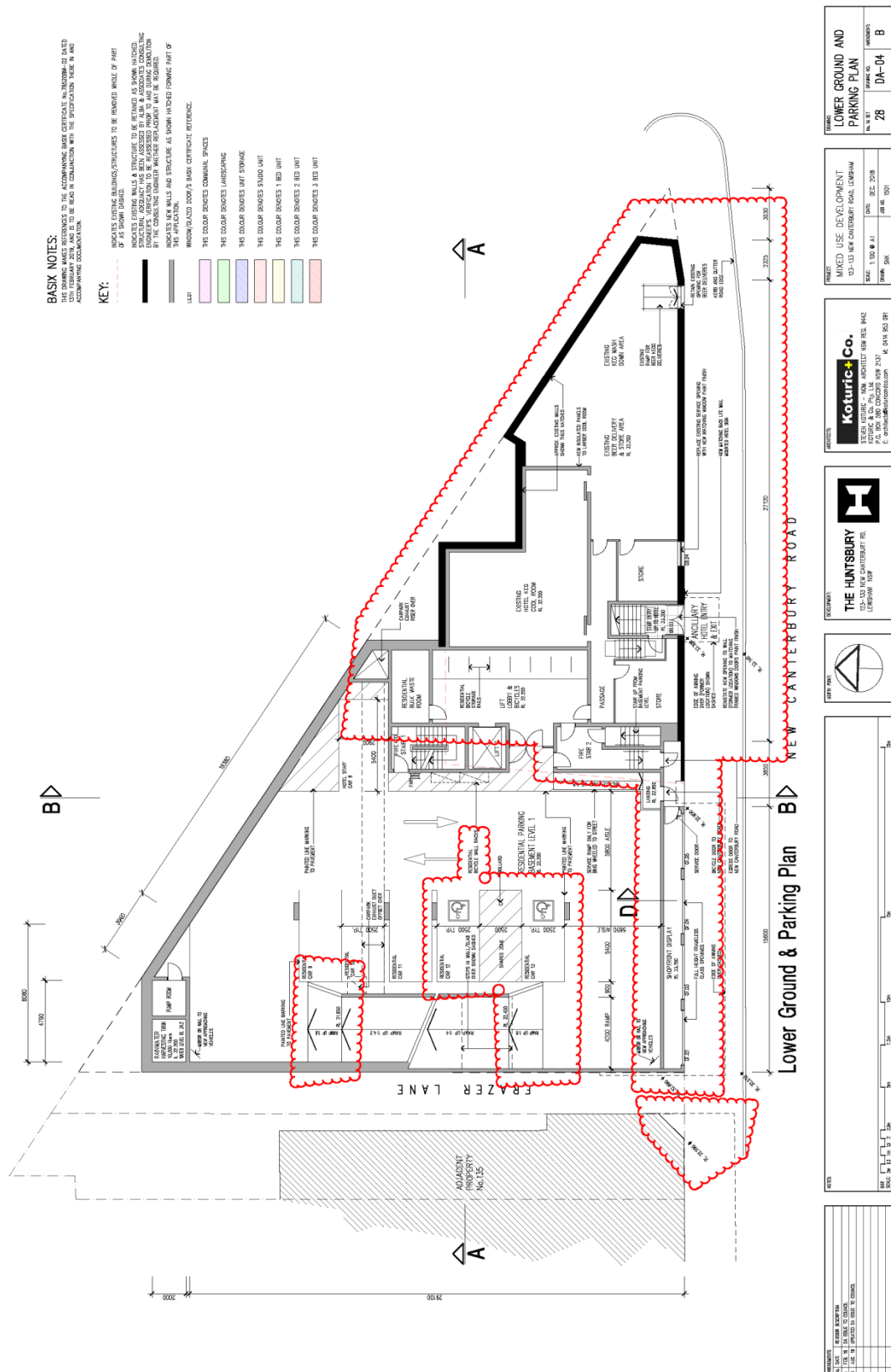
THE HUNTSBURY
123-133 NEW CANTERBURY ROAD, LEWISHAM

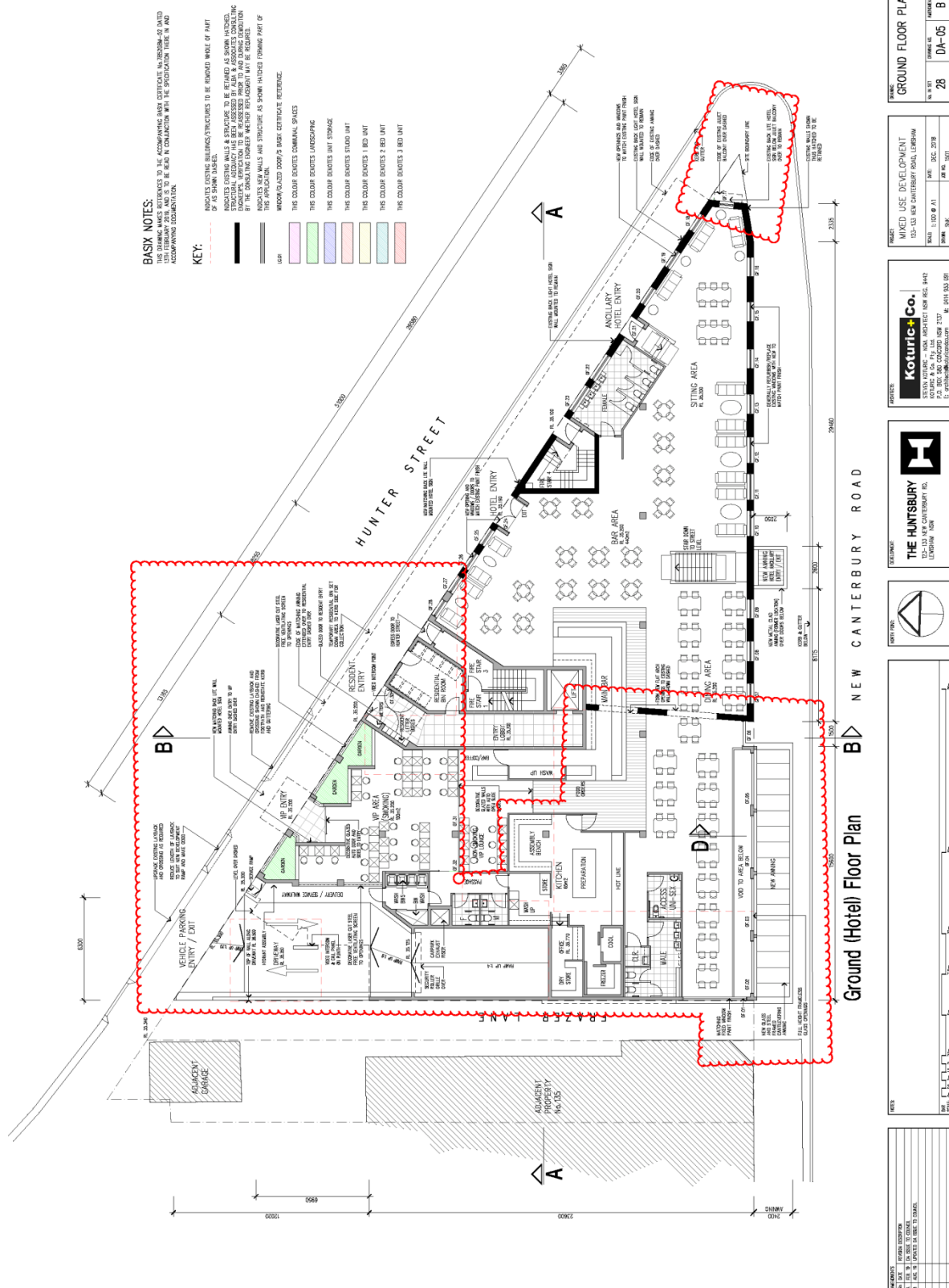
Koturic+Co.
STEVEN KOTURIC - NCM ARCHITECT NSW REG. 9442
KOTURIC & Co. Pty. Ltd.
P.O. BOX 580 CONCORD NSW 2137
E: architect@kco-architects.com M: 0414 853 091

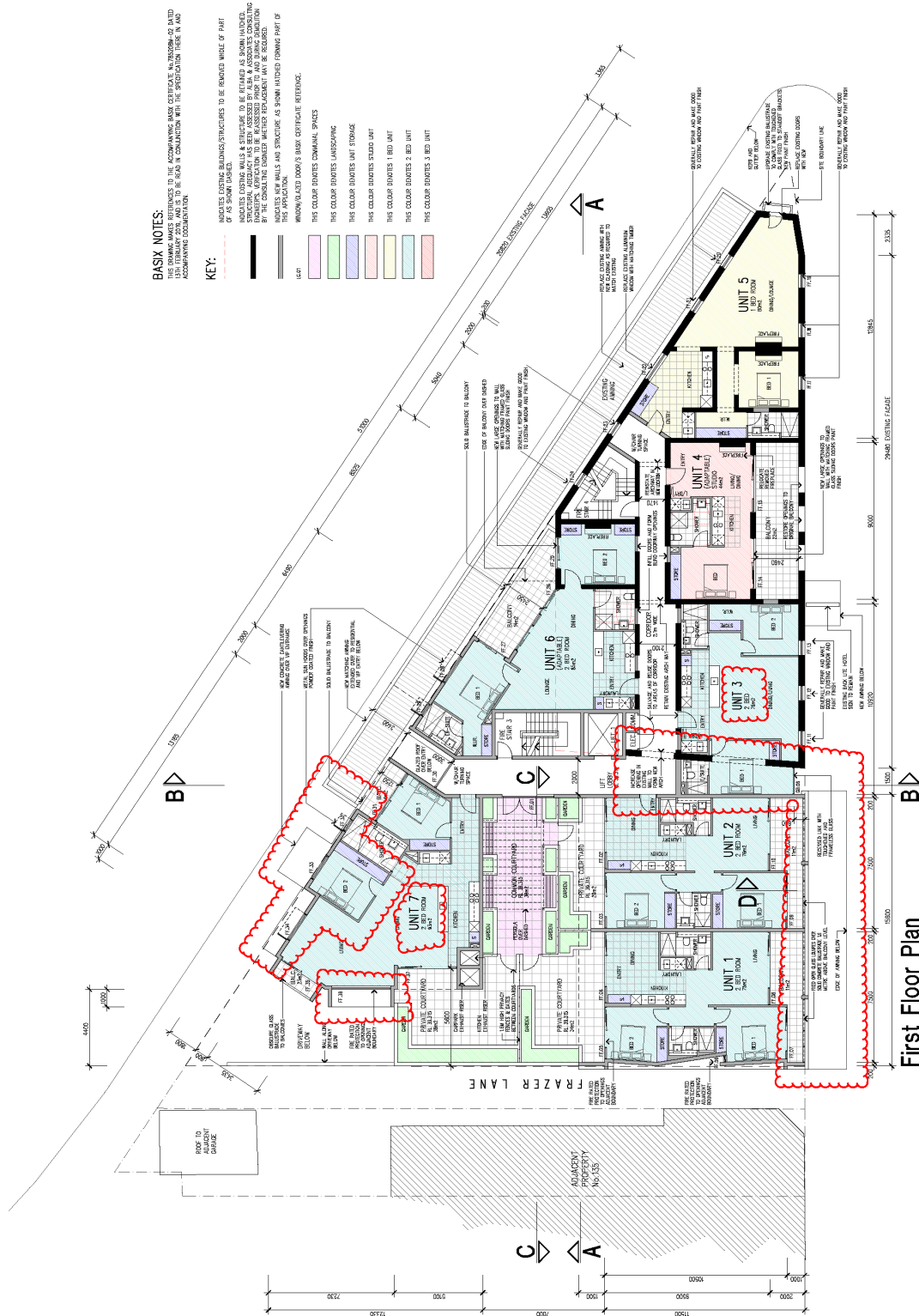
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DESIGN:	ONLY	JOB NO.	1501

LOCATION AND SITE PLAN	No. IN SET	DRAWING NO.	REVISION:
	28	DA-02	B







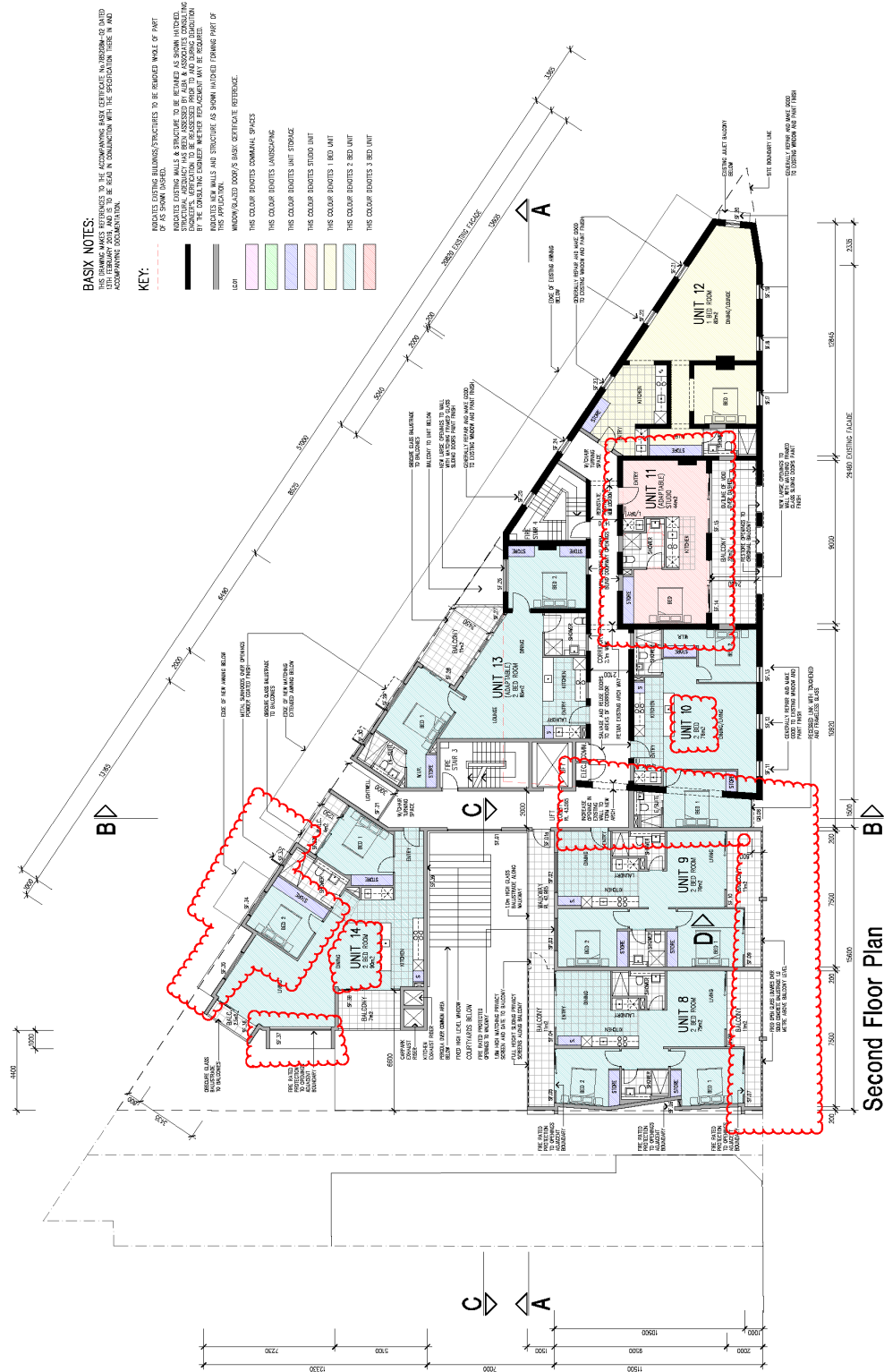
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THE HUNTSBURY
123-133 NEW CANTEBURY RD.
LEMNSHAM NSW

Koturic+Co.
STEVEN KOTURIC – HON. ARCHITECT NSW REG. 9442
KOTURIC & Co. Pty. Ltd.
P.O. BOX 980 CONCORD NSW 2137
E: architect@koturicandco.com M: 0414 953 091

PROJECT	MIXED USE DEVELOPMENT	
	123-133 NEW CANTERBURY ROAD, LENSHAM	
SCALE	1:500 @ A1	DATE DEC. 2018
DRAWN BY	STK	30 DEC 2021

DWG NO:	FIRST FLOOR PLAN	
	NO. IN SET 28	ISSUING NO. DA-06
	REVISIONS: B	



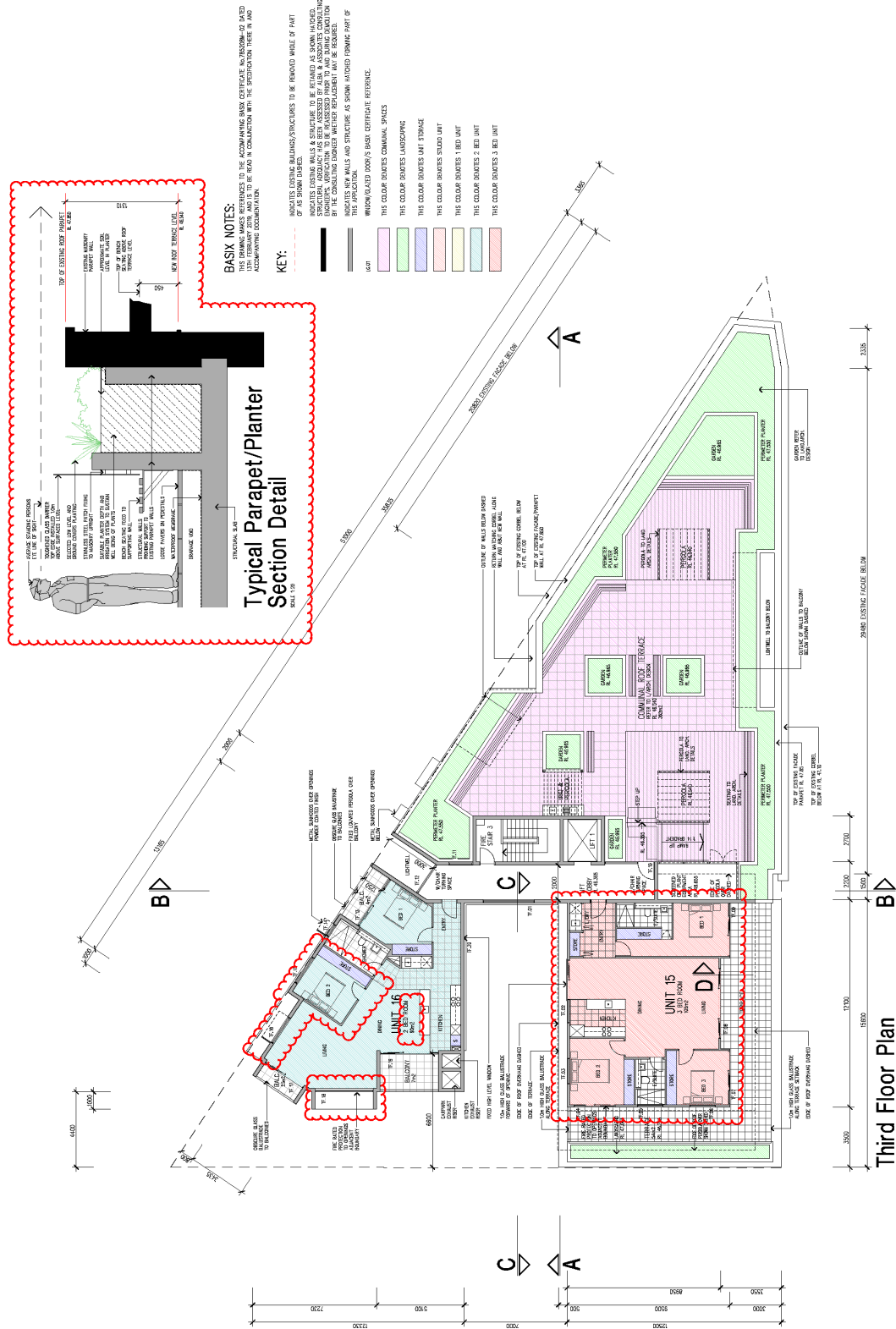
ACQUISITIONS		PROVEN RESERVE
NO.	DATE	
A	FEB. 79	ON ISSUE TO CANCELL
B	AUG. 79	UPDATED ON ISSUE TO COMPLETION

THE HUNTSBURY
123-133 NEW CANTERBURY RD.,
LEWISHAM, N15M

Koturlc+Co.
STEVEN KOTURC – NOM. ARCHITECT NSW REG. 9442
KOTURC & Co. Pty. Ltd.
P.O. BOX 940 CONCORD NSW 2137
E: enquiries@koturlc.com.au M: 0414 553 081

PROJECT	
MIXED USE DEVELOPMENT 123-133 NEW CANTEBURY ROAD, LEWISHAM	
SCALE	1:100 @ A1
DATE	DEC. 2018
SHEET NO.	001 OF 001
DATE	01.12.2018

DATE: 28	ISSUE NO: DA-07	REVISION: B
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28	28	DA-08	B
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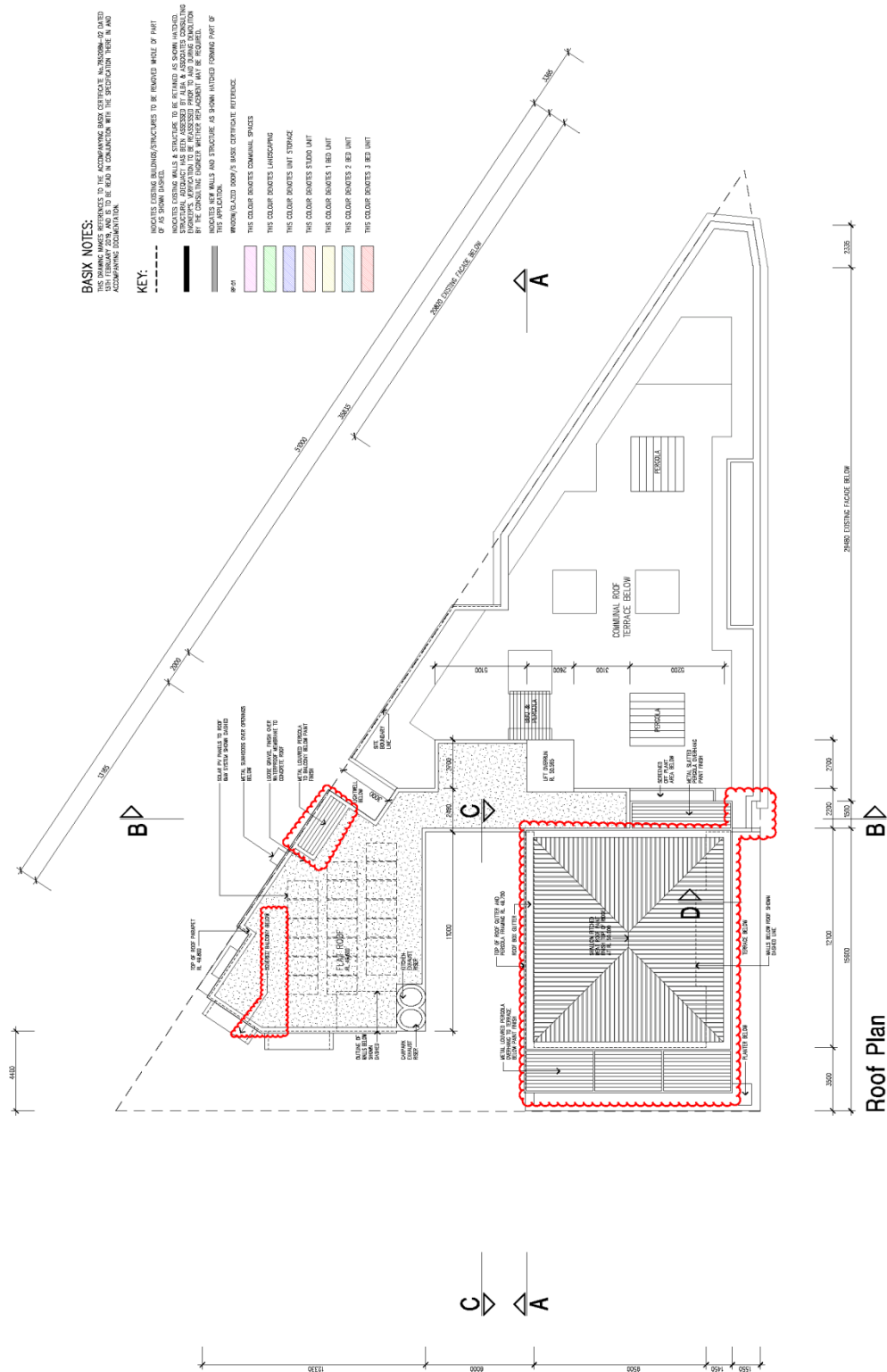
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	123-133 NEW CANTERBURY ROAD, LEXHAM			DATE:	JOB NO. 1501

Koturlc+Co.
STEVEN KOTURLO - NOM. ARCHITECT NSW REG. 9442
KOTURLC & Co. Pty Ltd
P.O. BOX 360 CONCORD NSW 2137
E: enquiries@koturlcandco.com M: 04 94 953 061

THE HUNTSBURY
123-133 NEW CANTEBURY RD,
LEWISHAM NSW

1000

MEMORANDUM	
NO.	DATE
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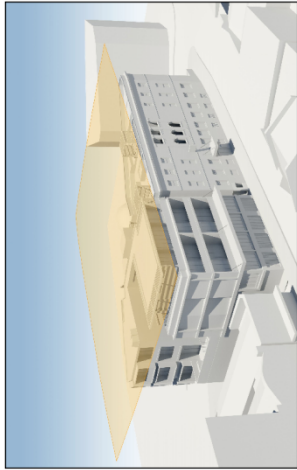
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THE HUNTSBURY
123-133 NEW CANTERBURY RD.,
LEWISHAM NSW

Koturic + Co.
STEVEN KOTURIC - NOW, ARCHITECT NEW B.C. 9442
KOTURIC & Co. Pty. Ltd.
P.O. BOX 560 CONCORD NSW 2137
E: architect@koturic.com.au M: 0414 845 081

PROJECT	MIXED USE DEVELOPMENT	
	123-133 NEW CANTEBURY ROAD, LENSHAM	
SCALE	1:100 @ A1	DATE DEC. 2018
DRAWN	CJK	CHECKED TSD

DRAWING ROOF PLAN	DISABLING NO DA-09	AMENDMENT B
	No. IN SET 28	

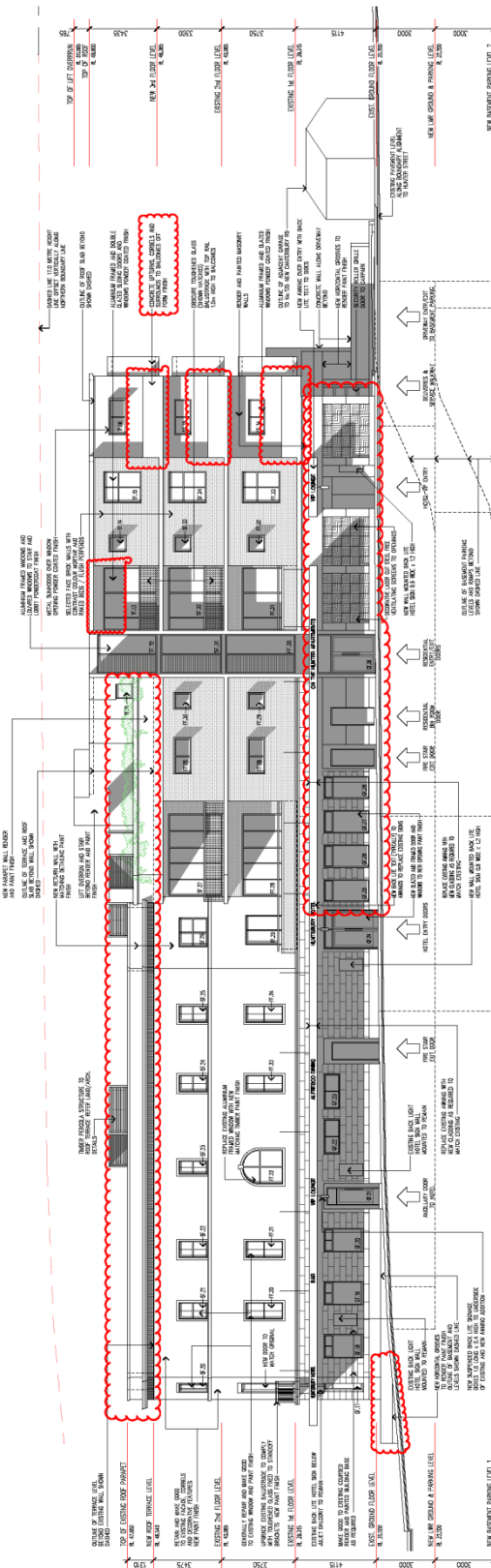


HEIGHT PLANE OFFSET 17.0m ABOVE GROUND LEVEL REPRESENTED BY YELLOW PLANE

BASIS NOTES:
THIS DRAWING MAKES REFERENCES TO THE ACCOMPANYING BASIS CERTIFICATE NO. 7852094-02 DATED 13TH FEBRUARY 2018, AND IS TO BE READ IN CONJUNCTION WITH THE SPECIFICATION THEREIN AND ACCOMPANYING DOCUMENTATION.

KEY: --- INDICATES EXISTING BUILDINGS/STRUCTURES TO BE REMOVED WHOLE OR PART OF AS SHOWN DASHED.

LEGEND WINDOW/GLAZED DOOR/S BASIC CERTIFICATE REFERENCE.



North Elevation
VIEW ALONG HUNTER STREET

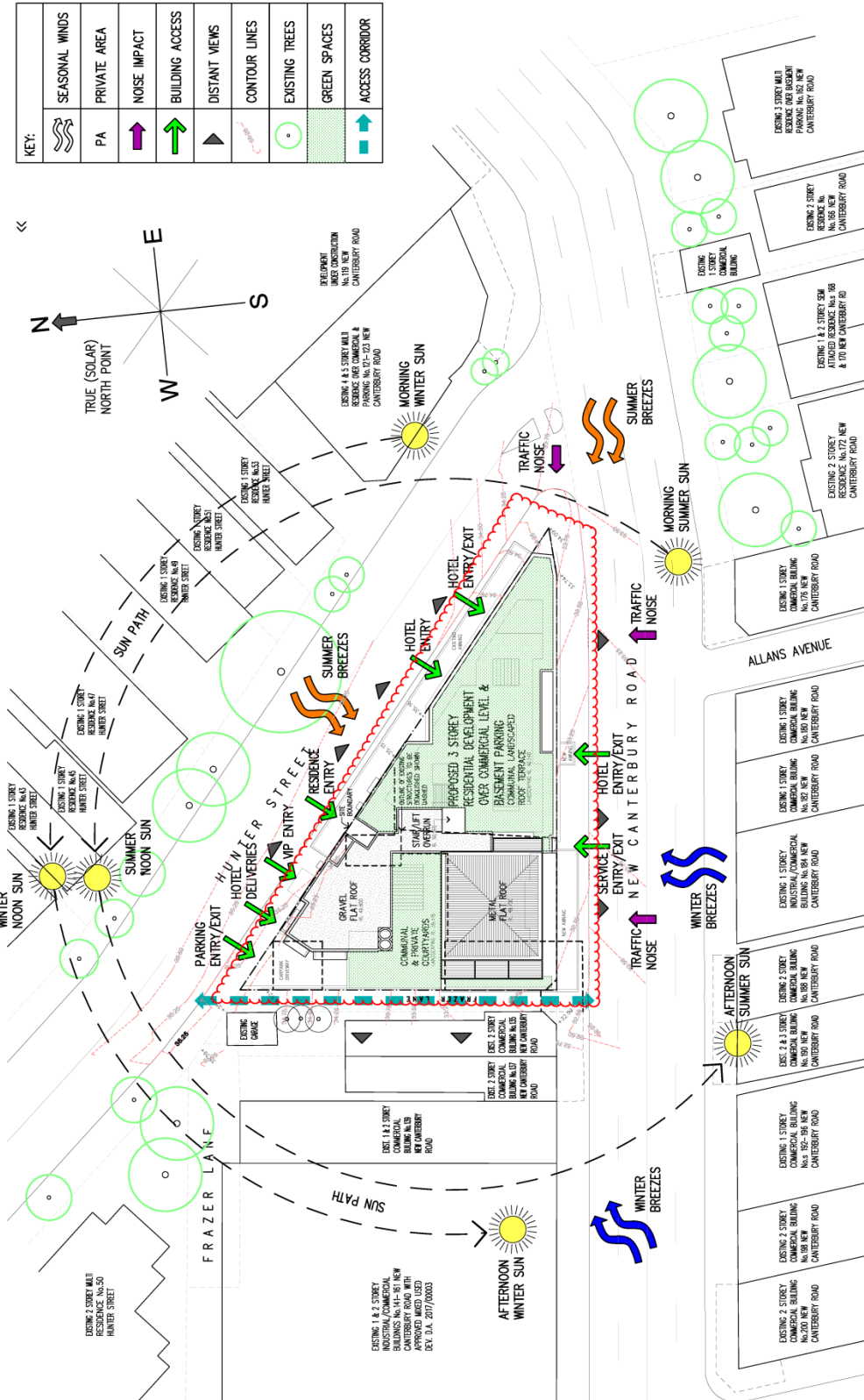
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THE HUNTSBURY
123-133 NEW CANTERBURY RD,
LENGHAM NSW

Koturic+Co.
STEVEN KOTURIC - NOM. ARCHITECT NSW REG. 9442
KOTURIC & Co. Pty. Ltd.
P.O. BOX 580 CHANDROS NSW 2157
F. 063342480 koturic@compuserve.com M. 0414 855 5591

PROJECT	MIXED USE DEVELOPMENT 123-133 NEW CANTERBURY ROAD, LEWISHAM
SCALE	1:100 @ A1
DRAWN BY	JAE ME
CHECKED BY	JAE ME
DATE	OCT. 2018

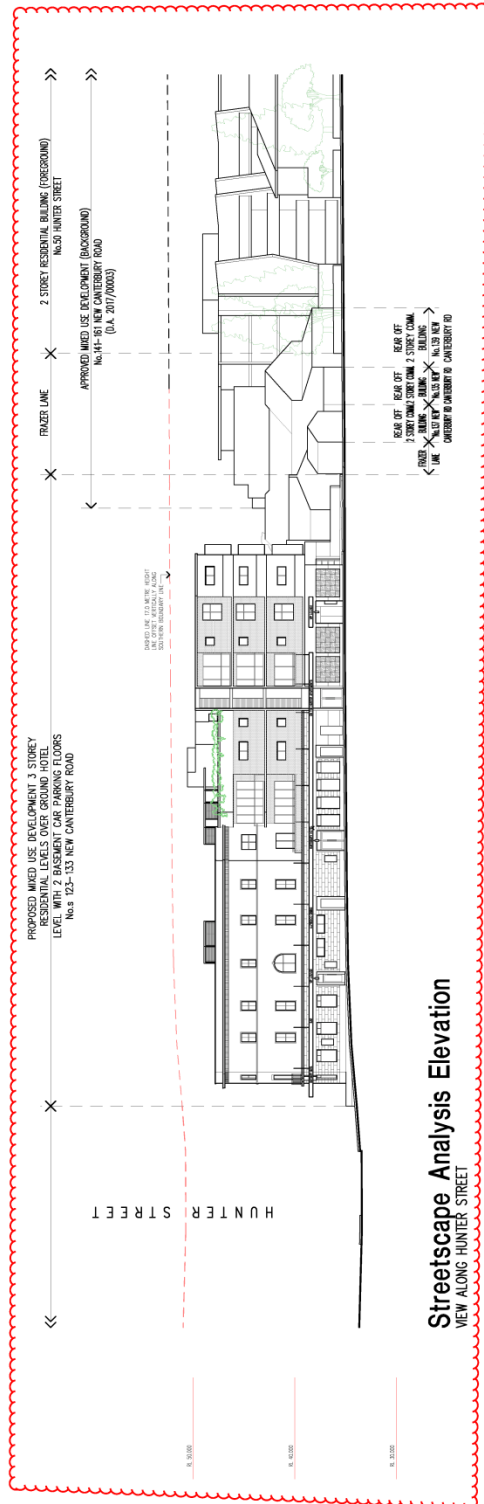
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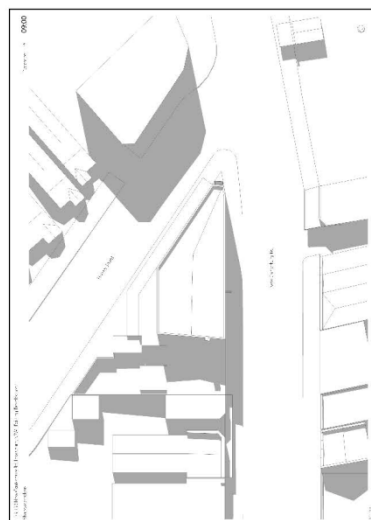
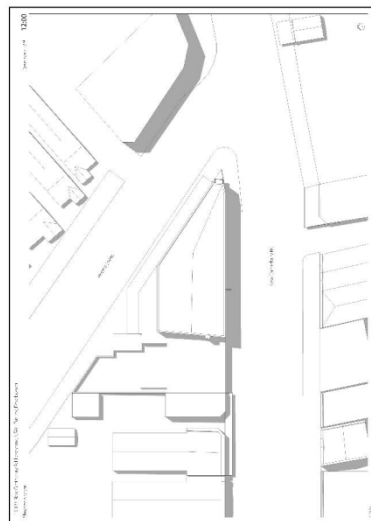
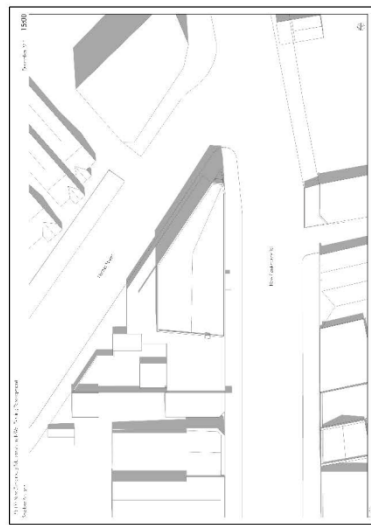
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	SEASONAL WINDS
	PRIVATE AREA
	NOISE IMPACT
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	CONTOUR LINES
	EXISTING TREES
	GREEN SPACES
	ACCESS CORRIDOR

Site and Context Analysis Plan

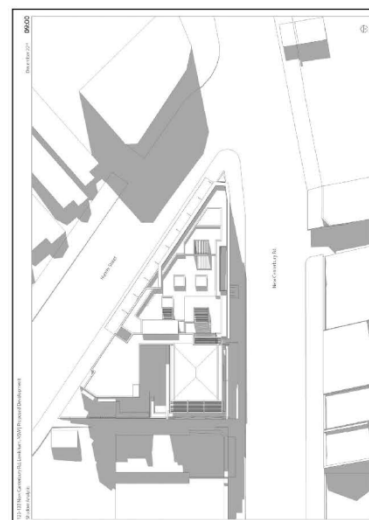
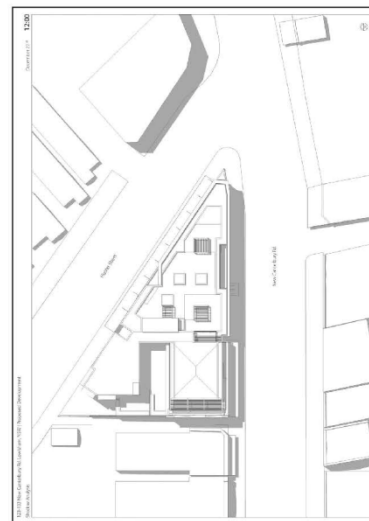
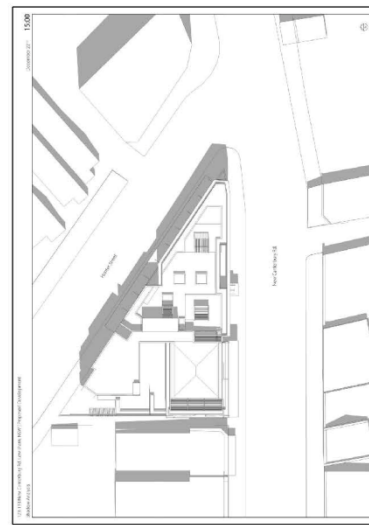
THE HUNTSBURY 122-123 NEW CANTERBURY ROAD, LINDHAM NSW 2150 T: 02 9300 8111 F: 02 9300 8112 E: info@thehuntingsbury.com.au	Koturic+Co. ARCHITECTS 10/100-10/101 NEW CANTERBURY ROAD, LINDHAM NSW 2150 T: 02 9300 8111 F: 02 9300 8112 E: info@koturic.co	MIXED USE DEVELOPMENT 122-123 NEW CANTERBURY ROAD, LINDHAM NSW 2150 DATE: DEC 2018 SCALE: 1:200 @ A1 DRAWN: DMK CHECKED: JKS	SITE AND CONTEXT ANALYSIS PLAN DRAWN: JKS DATE: DEC 2018 SCALE: 1:200 @ A1 DRAWN: DMK CHECKED: JKS
		122-123 NEW CANTERBURY ROAD, LINDHAM NSW 2150 T: 02 9300 8111 F: 02 9300 8112 E: info@thehuntingsbury.com.au	122-123 NEW CANTERBURY ROAD, LINDHAM NSW 2150 T: 02 9300 8111 F: 02 9300 8112 E: info@koturic.co



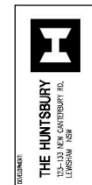
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EXISTING SHADOW DIAGRAMS

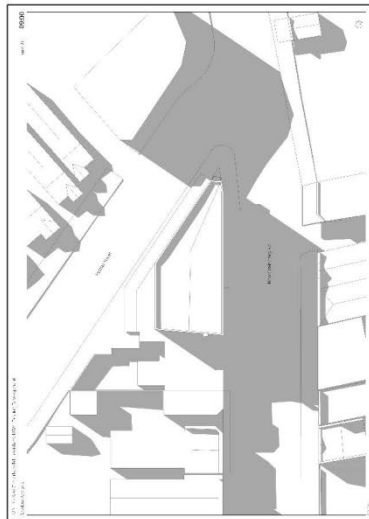
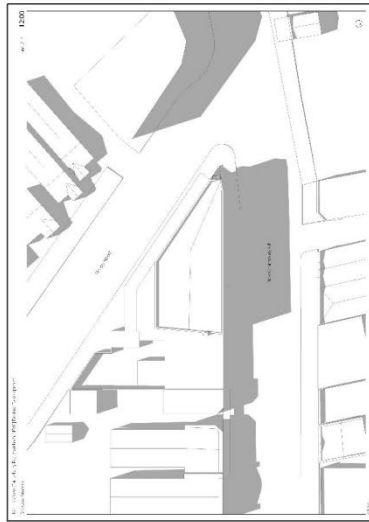
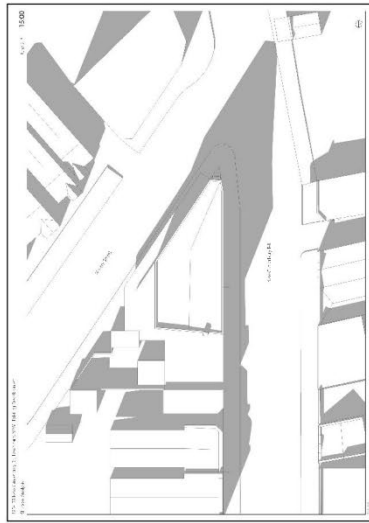


PROPOSED SHADOW DIAGRAMS

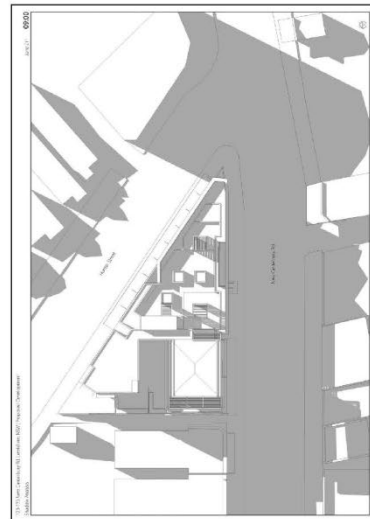
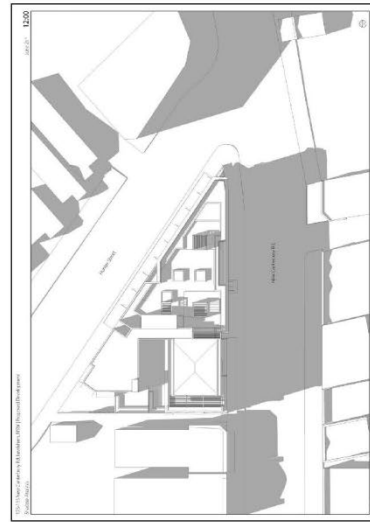
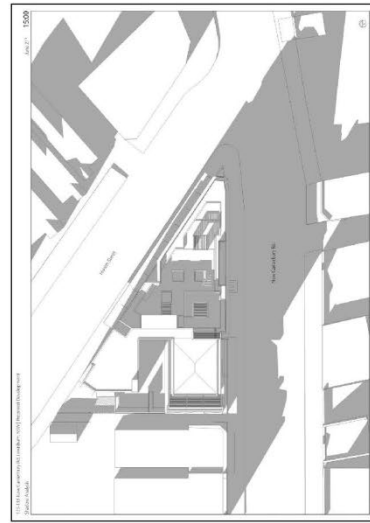
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PROJECT	SCALE	N.T.S.	DATE	DEC. 2018
	DRAWN	SNK	DES. NO.	10.15

25	DATE: 10-17	NAME: A
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EXISTING SHADOW DIAGRAMS



PROPOSED SHADOW DIAGRAMS

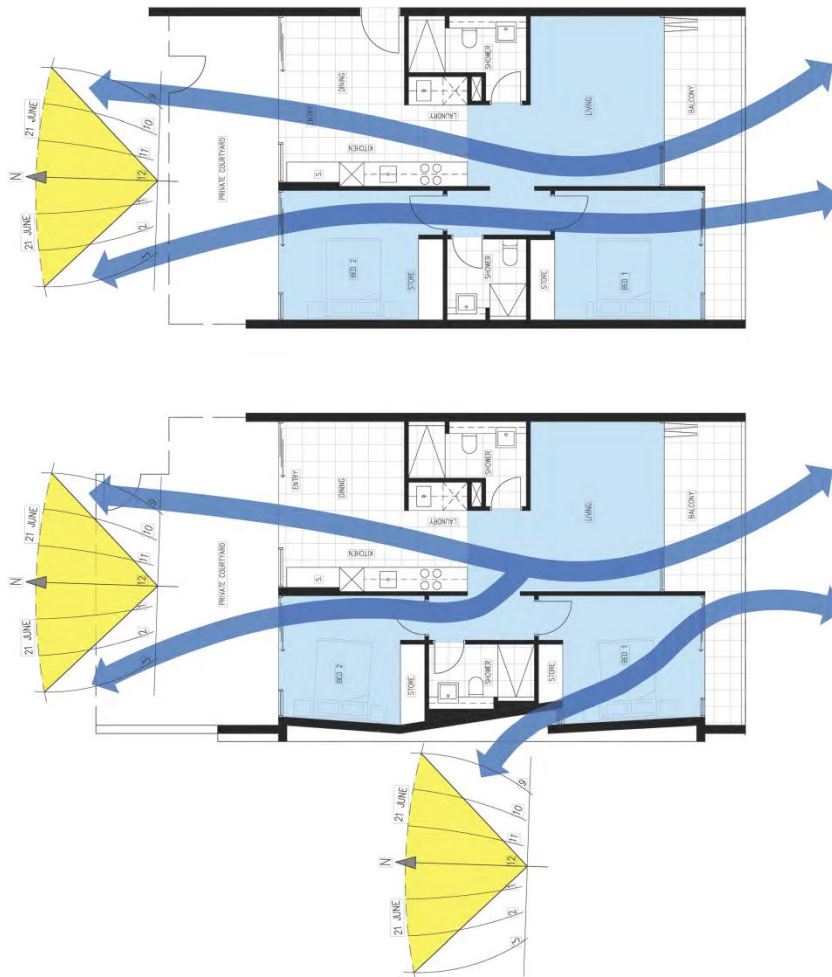
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15/01/2018	15/01/2018	15/01/2018
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15/01/2018	15/01/2018	15/01/2018
15/01/2018	15/01/2018	15/01/2018
15/01/2018	15/01/2018	15/01/2018



PROJECT	DATE	DATE	DATE
MIXED USE DEVELOPMENT 133-135 ABERCROMBIE ROAD, LUNDA DATE: 11.11.15 DATE: 01.02.2016 DATE: 01.02.2016	11.11.15	01.02.2016	01.02.2016

SHADOW DIAGRAMS - WINTER SOLSTICE	DATE	DATE	DATE
15/01/2018	15/01/2018	15/01/2018	15/01/2018

Scheduled of Apartments				Parking		Storage Type	
Unit No.	Apartments Type	Floor Area	Balcony / Terrace Area	1	2	3	4
1	2 Bedroom	76sq2	45sq2	Ni		7.3m3 Unit + 12.0m3 Cage + Total 19.2m3	
2	2 Bedroom	76sq2	31sq2	1 Space		8.3m3 Unit + 12.0m3 Cage + Total 25.0m3	
3	2 Bedroom	76sq2	Ni	Ni		5.3m3 Unit + 12.0m3 Cage + Total 17.8m3	
4	Studio (1 Bedroom)	44sq2	22sq2	1 Space		8.3m3 Unit + 12.0m3 Cage + Total 25.0m3	
5	1 Bedroom	60sq2	Ni	Ni		8.3m3 Unit + 12.0m3 Cage + Total 20.0m3	
6	2 Bedroom (halfbath)	85sq2	14sq2	1 Space		7.3m3 Unit + 12.0m3 Cage + Total 17.8m3	
7	2 Bedroom	83sq2	47sq2	Ni		8.3m3 Unit + 12.0m3 Cage + Total 22.3m3	
8	2 Bedroom	76sq2	22sq2	1 Space		7.3m3 Unit + 12.0m3 Cage + Total 19.2m3	
9	2 Bedroom	76sq2	11sq2	1 Space		8.3m3 Unit + 12.0m3 Cage + Total 20.0m3	
10	2 Bedroom	76sq2	Ni	1 Space		5.3m3 Unit + 12.0m3 Cage + Total 17.8m3	
11	Studio (1 Bedroom)	44sq2	22sq2	1 Space		8.3m3 Unit + 12.0m3 Cage + Total 25.0m3	
12	1 Bedroom	60sq2	Ni	Ni		8.3m3 Unit + 12.0m3 Cage + Total 20.0m3	
13	2 Bedroom (halfbath)	85sq2	11sq2	1 Space		7.3m3 Unit + 12.0m3 Cage + Total 17.8m3	
14	2 Bedroom	83sq2	16sq2	1 Spaces		8.3m3 Unit + 12.0m3 Cage + Total 22.3m3	
15	3 Bedroom	105sq2	54sq2	2 Spaces		16.0m3 Unit + 12.0m3 Cage + Total 28.0m3	
16	2 Bedroom	90sq2	16.5sq2	1 Spaces		16.0m3 Unit + 12.0m3 Cage + Total 28.0m3	



UNIT 3 & 10

UNIT 2 WITH UNIT 9 SIMILAR
(SECOND BALCONY INSTEAD OF COURTYARD)

UNIT 1 WITH UNIT 8 SIMILAR
(SECOND BALCONY INSTEAD OF COURTYARD)

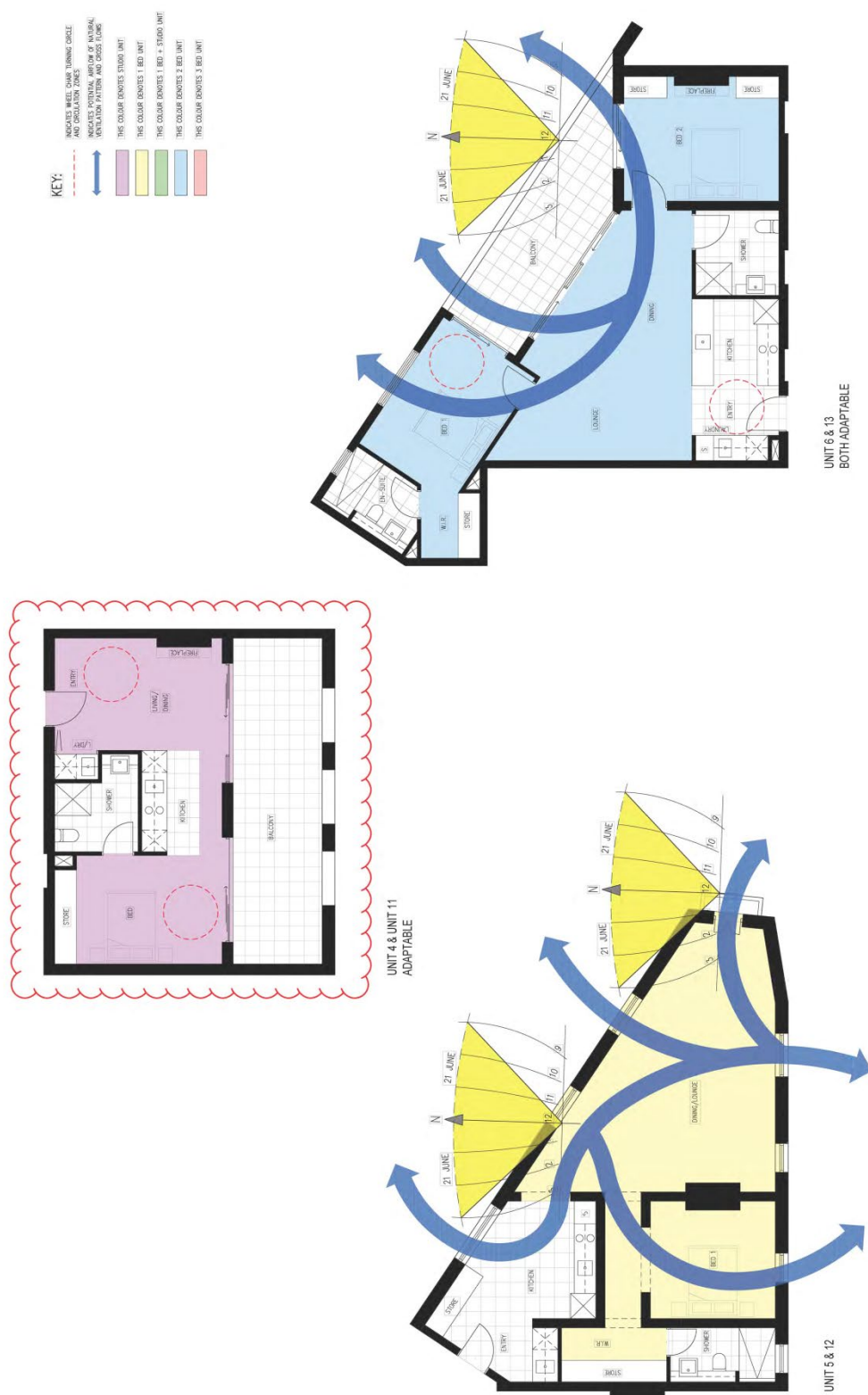
TYPICAL UNIT PLAN LAYOUTS - SHEET 1	
NO. IN SET	DATE/NO. IN SET
25	DA-19 B

PROJECT	MIXED USE DEVELOPMENT 123-133 NEW CANTERBURY ROAD, LEWISHAM	
SCALE:	1:50 @ A1	DATE: DEC. 2018
DRAWN:	SNK	JOS NO. 1501

Koturic+Co.
STEVEN KOTURIC - NOW ARCHITECT NWS REG. 9442
KOTURIC & Co. P.C. 144
P.O. BOX 580 CONCORD N.H. 2337
E. architects@koturicandco.com M. 604.933.091

THE HUNTSBURY
123-133 NEW CANTERBURY RD,
LEWISHAM, LONDON SE13 5JW

ADDITIONS	
NO. DATE	REVISION DESCRIPTION
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B 4/25 79	UPDATED DA CODE TO CORREL

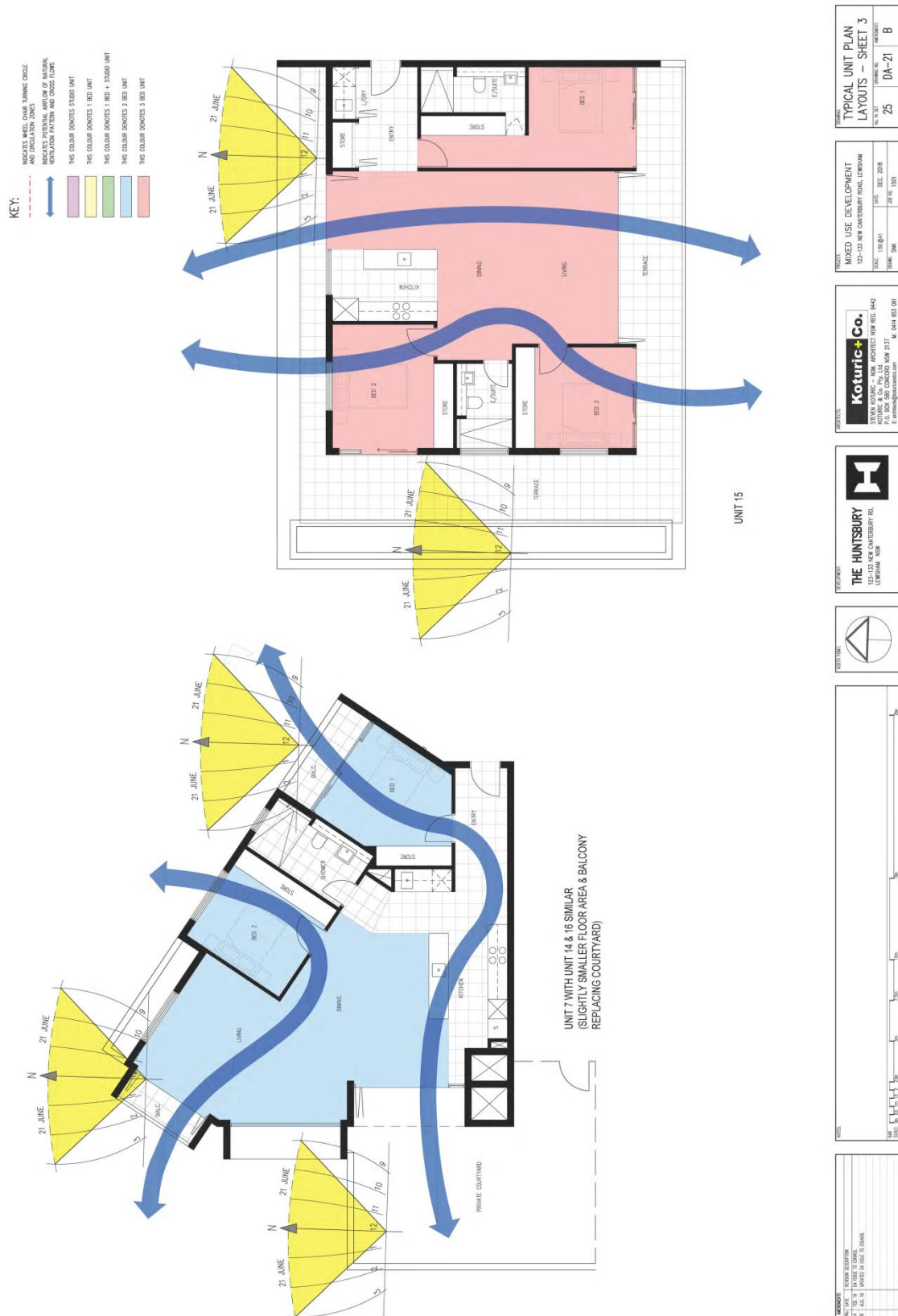


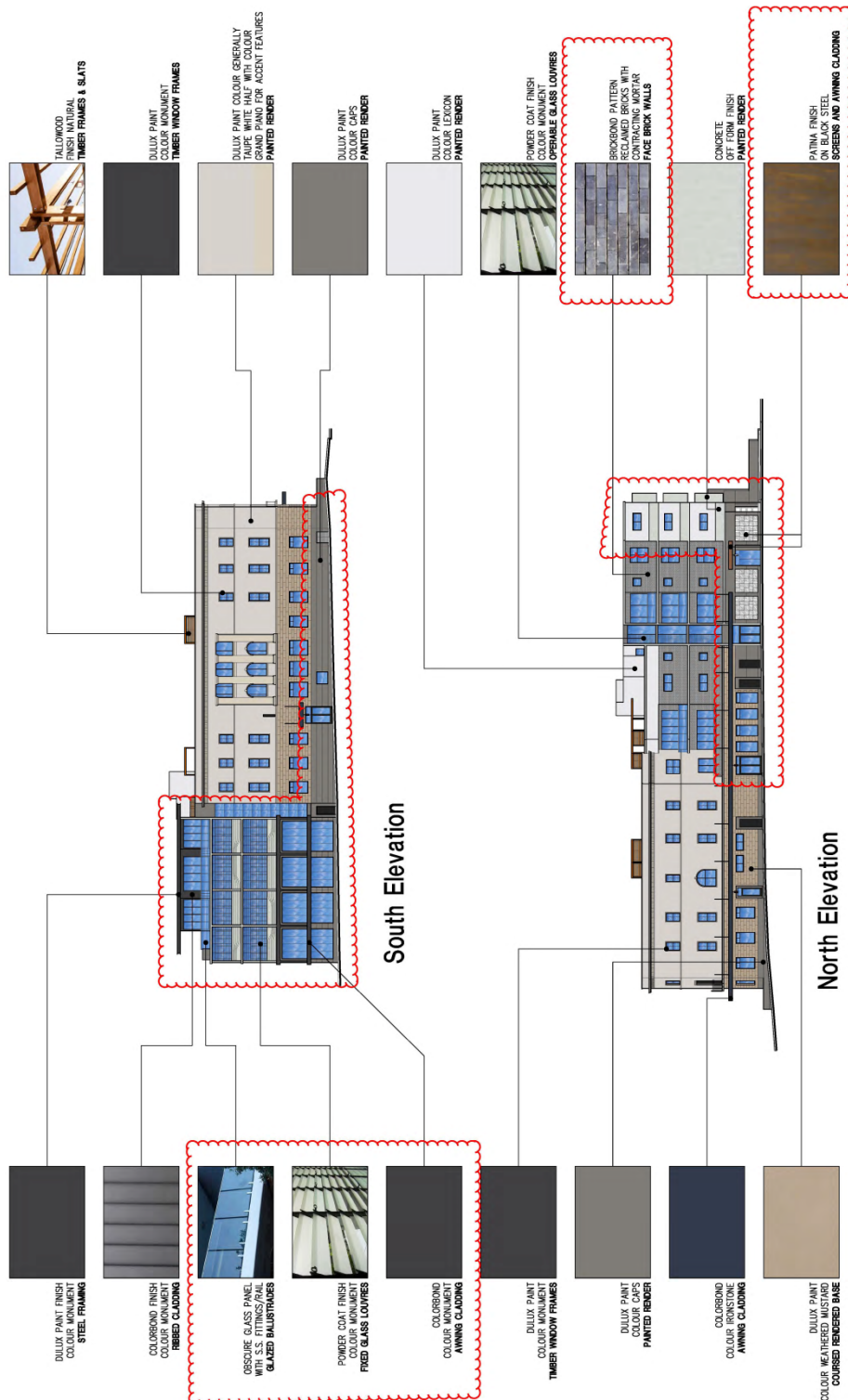
AGENTS	
a) JAN	W/2026 S/204706
108-19	DA 11562 TO 120602
412-19	W/2423 DA 1554 TO 120602

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PROJECT	MIXED USE DEVELOPMENT	
	123-133 NEW CANTERBURY ROAD, LEWISHAM	
SCALE	1:50 @A1	DATE DEC. 2018
DATE		25 NOV

25	DRAWING NO.	DA-20	PROJECT NO.	B
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COLOUR & MATERIALS SCHEDULE			
NO	TO	REVISION	DATE
28	DA-22	B	

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DATE	2018		

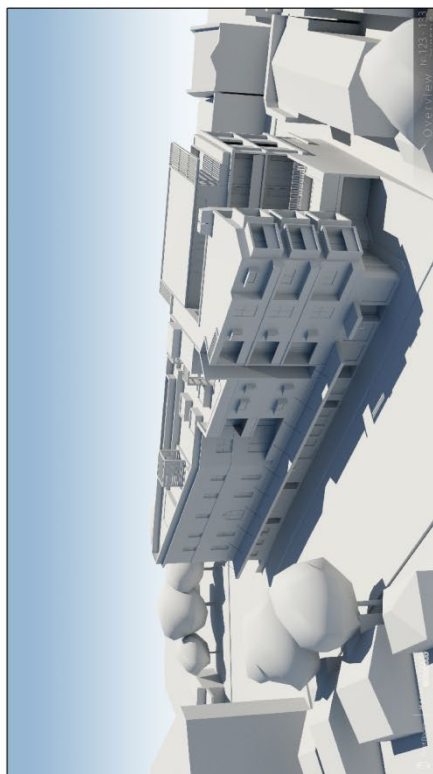
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NEW CANTERBURY ROAD

Site & Ground Floor Plan

DEMOLITION PLANS
SHEET 1
25
DA-24
B

HUNTSBURY HOTEL
132-133 NEW CANTERBURY ROAD, LENSHAM
2011
DEC 2018
2018
2018

Koturic & Co.
132-133 NEW CANTERBURY ROAD
LENSHAM NSW 2150
02 941 801 806

THE HUNTSBURY
132-133 NEW CANTERBURY ROAD
LENSHAM NSW



Scale
0 10 20 30 40 50 60 70 80 90 100
0 10 20 30 40 50 60 70 80 90 100

REVISIONS
NO.
DATE
BY
CHKD
APPD



DEMOLITION PLANS			
SHEET 2			
NO.	23	DATE	DA-25
BY	23	SCALE	A

HUNTSBURY HOTEL			
123-124 NEW CASTLE STREET, LIVERPOOL			
DATE	11/08/21	SCALE	1:100
BY	23	DATE	DA-25

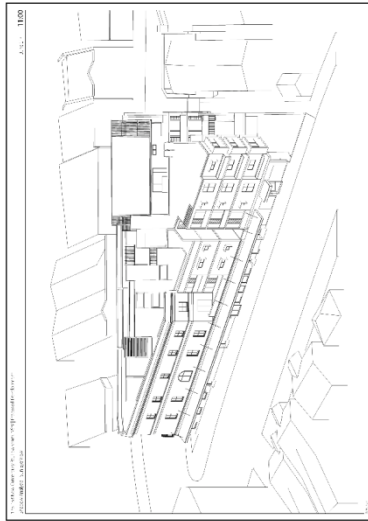
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DATE	11/08/21	SCALE	1:100
BY	23	DATE	DA-25

THE HUNTSBURY			
123-124 NEW CASTLE STREET, LIVERPOOL			
DATE	11/08/21	SCALE	1:100
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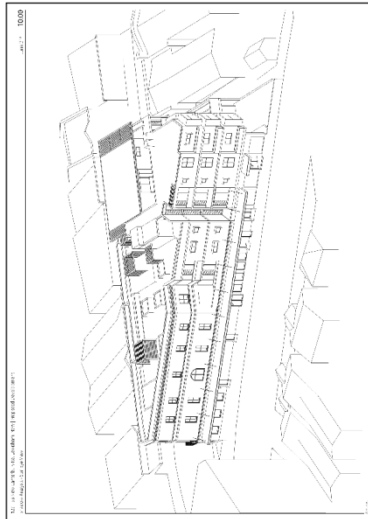
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BY	23	DATE	DA-25

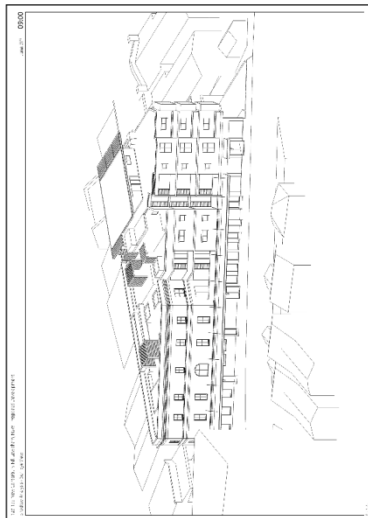
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BY	23	DATE	DA-25



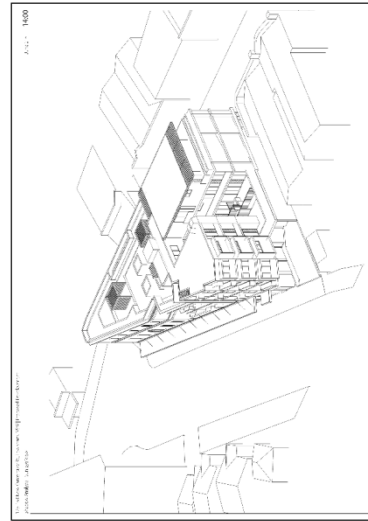
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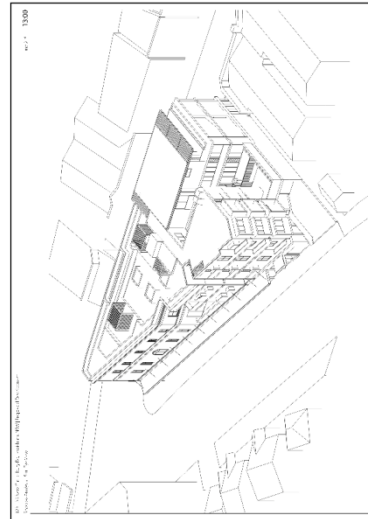
PROPOSED SUN EYE DIAGRAM - 10:00AM



PROPOSED SUN EYE DIAGRAM - 9:00AM



PROPOSED SUN EYE DIAGRAM - 2:00PM



PROPOSED SUN EYE DIAGRAM - 1:00PM



PROPOSED SUN EYE DIAGRAM - 12:00NOON

PROJECT	MIXED USE DEVELOPMENT 100-101 NEW CASTLE STREET, LIVERPOOL
DATE	11.1.15
SCALE	1:100
BY	DA-26
APPROVED	A

PROJECT	MIXED USE DEVELOPMENT 100-101 NEW CASTLE STREET, LIVERPOOL
DATE	11.1.15
SCALE	1:100
BY	DA-26
APPROVED	A

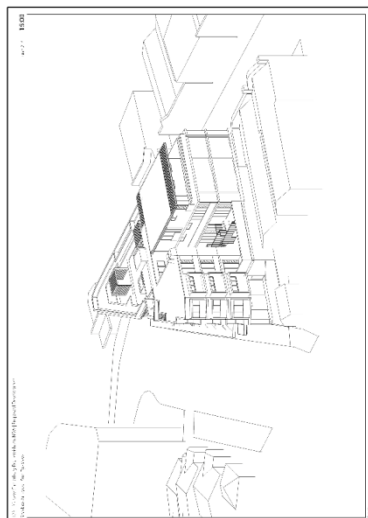
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DATE	11.1.15
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APPROVED	A

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DATE	11.1.15
SCALE	1:100
BY	DA-26
APPROVED	A

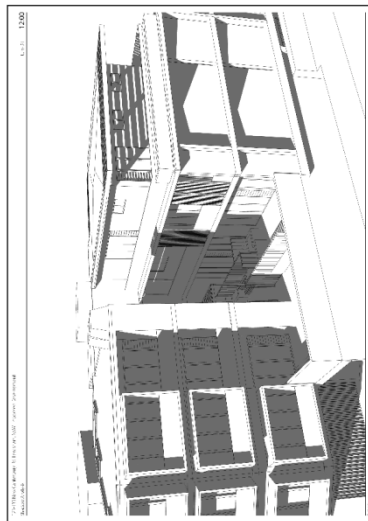
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DATE	11.1.15
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BY	DA-26
APPROVED	A

PROJECT	MIXED USE DEVELOPMENT 100-101 NEW CASTLE STREET, LIVERPOOL
DATE	11.1.15
SCALE	1:100
BY	DA-26
APPROVED	A

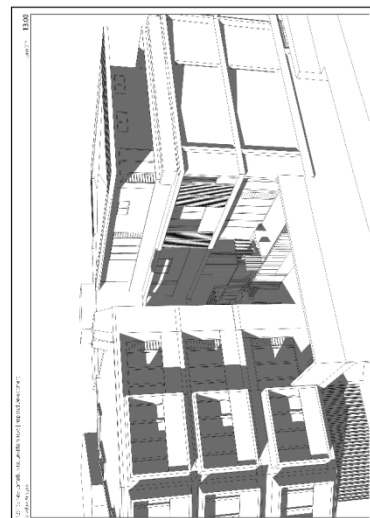
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APPROVED	A



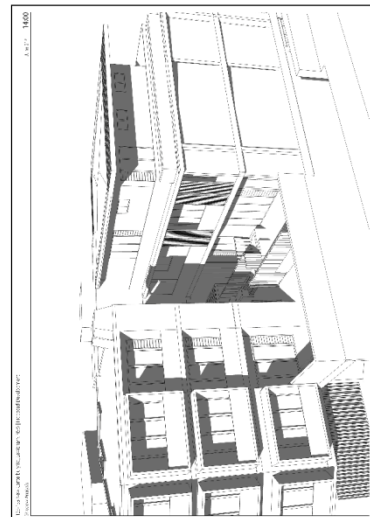
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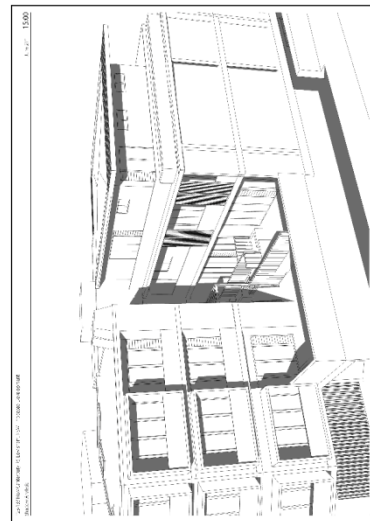
PROPOSED SHADOW (COURTYARD) DIAGRAM - 12:00NOON



PROPOSED SHADOW (COURTYARD) DIAGRAM - 1:00PM



PROPOSED SHADOW (COURTYARD) DIAGRAM - 2:00PM

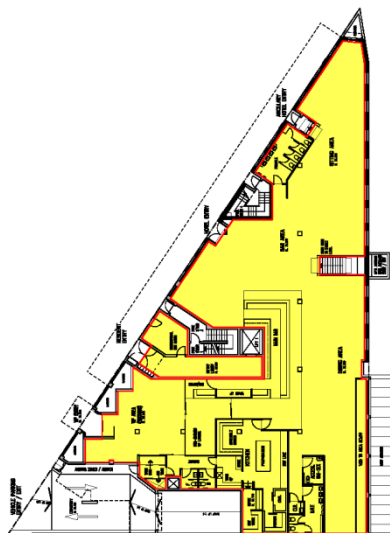


PROPOSED SHADOW (COURTYARD) DIAGRAM - 3:00PM

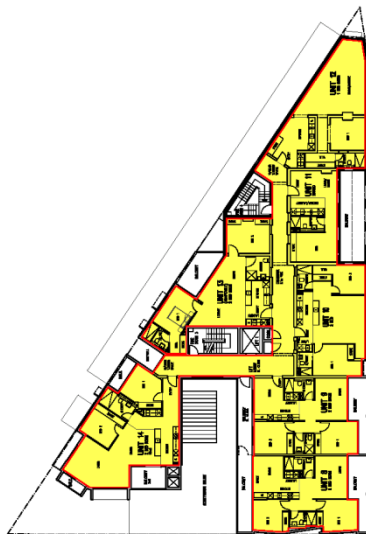
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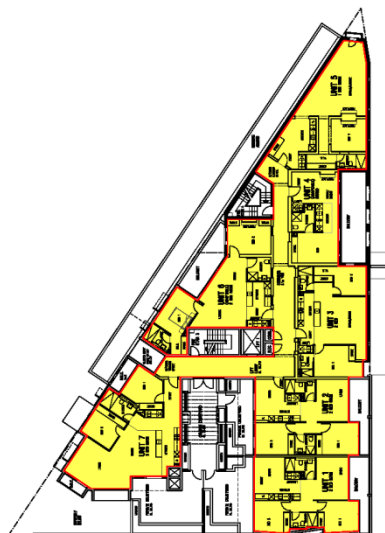
DRAWING: SHADOW SUN EYE DIAGRAMS - SHEET 2	No. IN SET 28	DRAWING NO. DA-27	REVISIONS A



Ground (Hotel) Floor Plan
HATCHED GFA = 690m²



Second Floor Plan



First Floor Plan
HATCHED GFA = 585m2



Third Floor Plan

Description	Result
Combined Site Area	946.50m ²
Compliant Floor Area (FSR)	2.082m ² (2.20:1 FSR)
Ground Floor	680m ²
First Floor	58m ²
Second Floor	58m ²
Third Floor	221m ²
Total Gross Floor Area (FSR)	2.082m ² (2.20:1 FSR)

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THE HUNTSBURY
123-133 NEW CANTERBURY RD.,
LEWISBURG, OHIO 45301

Koturic+Co.
STEVEN KOTURIC - MOM, ARCHITECT NSW REG. 9442
KOTURIC & Co. Pty. Ltd.
P.O. BOX 580 CONCORD NSW 2137
E: architect@koturicco.com M: 0414 925 081

PROJECT:	MIXED USE DEVELOPMENT
123-133 NEW CANTERBURY ROAD, LENSHAM	
SCALE: 1:200 @ A1	DATE: AUG. 2019
DRAWN: CMC	JOB NO. 1501

FLOOR SPACE RATIO CALCULATION PLANS	No. IN SET 28	DRAWING NO. DA-28	INCIDENT: A

Attachment C – Statement of Heritage Significance

GBA
Heritage

STATEMENT OF HERITAGE IMPACT

Huntsbury Hotel

127 - 133 New Canterbury Road, Lewisham

March 2019

Issue C



127-133 NEW CANTERBURY ROAD, LEWISHAM			
ISSUE	DESCRIPTION	DATE	ISSUED BY
A	Draft for Review	26/02/2019	GM
B	Issued for DA submission	8/03/2019	GM
C	Amended for DA submission	12/03/2019	GM

GBA Heritage Pty Ltd
Level 1, 71 York Street
Sydney NSW 2000, Australia
T: (61) 2 9299 8600
F: (61) 2 9299 8711
E: gba@gbaheritage.com
W: www.gbaheritage.com
ABN: 56 073 802 730
ACN: 073 802 730
Nominated Architect: Graham Leslie Brooks - NSW Architects Registration 3836



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1.2	REPORT OBJECTIVES	4
1.3	METHODOLOGY AND STRUCTURE	4
1.4	SITE IDENTIFICATION	5
1.5	AUTHORSHIP	5
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1.8	PLANS REVIEWED	6
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1.0

INTRODUCTION

1.1 REPORT OVERVIEW

This report has been prepared to accompany a development application for a proposed redevelopment of 127-133 New Canterbury Road, Lewisham, which encompasses the Huntsbury Hotel and its adjacent property at 133 New Canterbury Road.

This report evaluates the proposed development proposed by Koturic + Co architects which consists of minor external works to the facade of the Hotel, an extension to the west comprising four storeys; construction of two levels of basement carpark and the internal reconfiguration of the interior of Huntsbury Hotel on all levels, including apartments to the top two levels of the Hotel.

This report evaluates the potential impact of the overall development and concludes that, subject to the recommended mitigation measures, the proposal will have an acceptable heritage impact.



Figure 1.1
Location map showing the subject site, 127-133 New Canterbury Road, Lewisham outlined in red.
Source: NSW LPI SIX Maps Website

1.2 REPORT OBJECTIVES

The main objective of this Statement of Heritage Impact is to determine the suitability of the design and the heritage impact of the proposal in relation to the provisions established by the Inner West (Marrickville) Council and by the NSW Office of Environment and Heritage, Heritage Division guidelines, and the policies of the relevant Conservation Management Strategy (CMS) completed by GBA Heritage in October 2018.



Figure 1.2
Aerial view from south showing the subject building shaded in yellow
Source: Nearmap.com

1.3 METHODOLOGY AND STRUCTURE

This Statement of Heritage Impact has been prepared in accordance with guidelines outlined in the *Australia ICOMOS Charter for Places of Cultural Significance, 2013*, known as *The Burra Charter*, and the New South Wales Heritage Office (now the Heritage Division of the NSW Office of Environment and Heritage) publication, *NSW Heritage Manual*.

The Burra Charter provides definitions for terms used in heritage conservation and proposes conservation processes and principles for the conservation of an

item. The terminology used, particularly the words *place*, *cultural significance*, *fabric*, and *conservation*, is as defined in Article 1 of *The Burra Charter*. The *NSW Heritage Manual* explains and promotes the standardisation of heritage investigation, assessment and management practices in NSW.

1.4 SITE IDENTIFICATION

The subject site is located on the corner of New Canterbury Road and Hunter Street. It is described by NSW Land Registry Services as Lots 2-5, DP 1543, Lots 4-5, DP 10989 (Huntsbury Hotel at 127 New Canterbury Road) and Lot 3, DP 10989 (133 New Canterbury Road).



Figure 1.3
Location map showing 127-131 New Canterbury Road outlined in pink, the heritage item at 127 New Canterbury Road shaded blue and 133 New Canterbury Road outlined in green.
Source: NSW LPI SIX Maps Website

1.5 AUTHORSHIP

This report has been prepared by Caitlin Stevens, Senior Heritage Consultant, of GBA Heritage and has been reviewed by the Director, Graham Brooks. Unless otherwise noted, all of the photographs and drawings in this report are by GBA Heritage.

1.6 REPORT LIMITATIONS

While this report is limited to the analysis of European cultural heritage values, GBA Heritage recognises that for over forty thousand years or more Aboriginal people occupied the land that was later to be claimed as a European settlement. Archaeological assessment of the subject site is outside the scope of this report.

Recommendations have been made on the basis of documentary evidence viewed and inspection of the existing fabric.

This report only addresses the relevant heritage planning provisions and does not address general planning or environmental management considerations.

This Statement of Heritage Impact does not include a comprehensive historical overview as this is included in the accompanying CMS.

1.7 HERITAGE MANAGEMENT FRAMEWORK

The Huntsbury Hotel, located at 127 New Canterbury, Lewisham, is listed as a heritage item in Schedule 5 of the *Marrickville Local Environmental Plan (LEP) 2011*, as an item of local heritage significance. It is also in the vicinity of the following listed items, the closest being:

- Morton House at 40 Hunter Street, Lewisham
- Petersham Commercial Precinct Heritage Conservation Area (HCA)

As such, the property is subject to the heritage provisions of the *Marrickville LEP 2011* and the *Marrickville Development Control Plan (DCP) 2011* under the *Environmental Planning and Assessment Act 1979*. Inner West (Marrickville) Council must take into consideration the potential impact of any proposed development on the heritage significance of the heritage items.

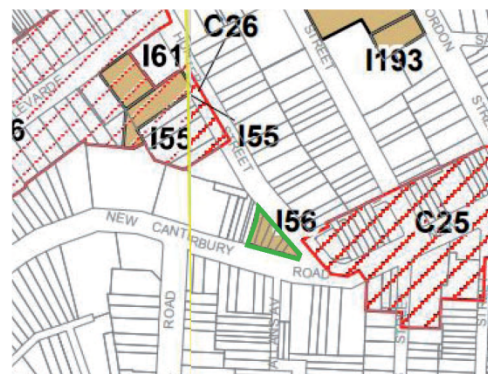


Figure 1.4
Extract from the LEP Heritage Map_01 and LEP Heritage Map_03 combined, showing the subject site outlined in green.
Source: NSW Government Legislation Website

1.8 PLANS REVIEWED

The following plans by Koturic + Co Architects, received on 28/02/19 were reviewed in preparation of this report:

Drawing	No.	Revision
Cover Sheet	DA-01	A
Site Plan	DA-02	A
Basement Parking Level 1	DA-03	A
Lower Ground & Parking	DA-04	A
Ground (Hotel) Floor Plan	DA-05	A
First Floor	DA-06	A
Second Floor Plan	DA-07	A
Third Floor	DA-08	A
Roof Plan	DA-09	A
Elevations - Sheet 1	DA-10	A
Elevations - Sheet 2	DA-11	A
Elevations - Sheet 3	DA-12	A
Sections - Sheet 1	DA-13	A
Sections - Sheet 2	DA-14	A
Site & Context Plan Analysis	DA-15	A
Streetscape & Context Analysis	DA-16	A
Shadow - Summer	DA-17	A
Shadow - Winter	DA-18	A
Typical Unit Layout - Sheet 1	DA-19	A
Typical Unit Layout - Sheet 2	DA-20	A
Typical Unit Layout - Sheet 3	DA-21	A
Colour & Materials Schedule	DA-22	A
3D Model Views	DA-23	A
Demolition Plans - Sheet 1	DA-24	A
Demolition Plans - Sheet 2	DA-25	A

1.9 COPYRIGHT

Copyright of this report remains with the author, GBA Heritage Pty Ltd.

2.0

SITE DESCRIPTION

2.1 INTRODUCTION

This section describes the current building and its context. It makes use of the available historical evidence to understand the physical changes that have taken place.

2.2 URBAN CONTEXT

The suburb of Lewisham is within the Inner West of Sydney, positioned near the suburbs of Petersham, Dulwich Hill, Haberfield and Leichhardt. Lewisham is located approximately 7 kilometres from the Sydney Central Business District (CBD).

The context of the area is generally residential with a commercial strip running along New Canterbury Road. Due to the small size of the Lewisham suburb, the suburb is generally serviced by the commercial precinct of Petersham. Another reasoning for this could be that the railway line created a significant division between the north and south sides of Lewisham.¹

The building stock in the vicinity of the site and running along New Canterbury Road varies in architectural style, including Inter-war shop fronts, Federation warehouses, Victorian terraces and modern development. Although evidence of original shopfronts have been altered extensively, the New Canterbury Road streetscape at pedestrian level has retained a cohesive nature due to the spacing of shopfront windows and lighting hanging from the awnings, spanning the main commercial strip along New Canterbury Road.

The residential area situated to the north and north west of the subject site displays a housing typology ranging from Victorian Italianate, Rustic Gothic, Filigree Regency, Inter-War and contemporary. The building typology ranges from detached villa, mansions, cottages, semi detached and terraced housing and apartment blocks.

There are both single and two storey forms throughout the general area, with the prevalent character being

detached houses with substantial garden settings. The most grand houses are situated within The Boulevard and Victoria Street while the more modest are positioned within the lower areas to the south-west of the suburb.²

2.3 DESCRIPTION OF THE BUILDING EXTERIOR

127 New Canterbury Road is a Victorian period hotel with restrained Inter-War Free Classical architectural characteristics due to substantial alterations in the mid 1920's. The building is three storeys and basement, with a triangular floor plan, which follows the shape of the property allotment.

The facade is cement rendered brick with the ground floor level having decorative stone coursing along the New Canterbury Road facade. Each level is distinguished externally by string coursing around the street facades of the building, including the roof level.

Along the New Canterbury Road facade, there are four cement rendered Tuscan style pilasters which rise through the first and second levels of the building and emphasise the three bays of the verandas. The first floor openings of the verandas have decorative arches with keystones, while the second floor level openings have simple flat arches, with no decorative elements.

The windows on all levels are timber framed except for those which were added in 1926 to infill the verandas, and are aluminium framed. The original Victorian windows are distinguished from the later windows by their sash horns.

The north facade along Hunter Street has undergone minimal alterations on the upper two levels from its initial construction. The string cornice along the parapet level of the building does not follow around to the north-west portion of the facade. The ground floor along Hunter Street and New Canterbury Road do not have the original painted tiles, but are cement

¹ Marrickville, Rural Outpost to Inner City, pg 51

² OEH Inventory Sheet, *Lewisham Estate HCA*, <http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=2030486>

rendered. The ground level has undergone substantial alterations on all facades, particularly along Hunter Street where there are the modern entrance doors. The windows on the ground floor look likely to have been installed during the 1926 alterations.

The site has a ground level addition to the north, and the rear facade has undergone significant alterations which is shown clearly from the available 1913 elevation.

Behind the parapet of the main building there is a butterfly roof, with a central box gutter which is the same as the 1943 aerial of the site.

2.4 DESCRIPTION OF THE BUILDING INTERIOR

The interior of the ground floor differs significantly to that of the two upper floor levels, due to substantial alterations throughout the years. The ground floor level does not encompass any early features. Alterations have included removal of the original layout, replacement of the original windows, new entry doors and changes to the original staircase. Early features have been removed and the ceiling has been replaced. The existing ground floor is open plan with minimal walls. It is carpeted with timber skirting boards, a false ceiling and no cornices.

The first and second floor levels have a similar floor plan with two hallways respectively running north-south and east-west and rooms coming off the hallways. The communal toilets and laundry are located in the north-west corner of the building on both levels, which have a yellow floor tiling in a herringbone pattern, with larger plain tiles on the walls. Some of the fixtures and fittings within the bathroom on both levels have retained some of the fixings from the 1926 alterations.

The floor plans have retained a similar layout to the 1926 alterations.

The two upper levels have retained some of their Victorian architectural features, which include timber framed sash windows, timber panelled doors with fanlights, decorative timber skirtings, plaster arches with original cherubs faces. There are number of timber doors which have retained their original hardware and joinery from both the original Victorian architectural style and the later inter-war alterations.

The walls on both upper levels are mainly rendered brick, with some lath and plaster remaining. There are a few later partition walls, which could be fibre cement or asbestos.

The veranda on the first level is carpeted with timber batten ceiling and aluminium framed windows. The upper level veranda also has timber batten ceiling with linoleum flooring.

The first floor features carpeted flooring, although there are areas which have been uncovered to reveal the flooring system. The floor consists of tongue and groove 150mm wide boards and a structural system of 290mm high joists with attached lath and plaster ceiling below. The first floor has substantial skirtings 290mm high and the architraves are 150mm wide, while the overall internal wall thickness is 150mm wide.

There are a number of vent styles prevalent on the first and second floor. These demonstrate the two main alteration periods with both Victorian and Inter-War motif vents, sometimes a variety located within one room.

The rooms to the north on the first floor have the high skirting boards, there are no cornices. Some rooms contain highly intact timber surround fireplaces with metal grates, some which have retained the hearth tiles.

The rooms located to the west on the ground floor have early elaborate cornices with timber batten ceilings, these have been broken up by partition walls, undertaken perhaps in the 1950s. There are two intact fireplaces within this section, which have a marble surround and metal grate with tiling along the hearth, some of which has been covered by carpet.

The rooms to the south on the first floor have a clear 1920's aesthetic. These rooms have retained the 290mm high skirting, but have decorative cornices and picture rails, with inter-war joinery and hardware. These rooms have been retained in good condition.

The second level rooms demonstrate a more understated style of architecture, with a wall thickness of 140mm. The timber skirtings on this level are 190mm, with generally more narrow architraves and both are more simple in design. Two new vent designs are used throughout this level (Figure 3.29 illustrates one of these designs).

There are no fireplaces on this level. The general features included within the rooms on this level are a simple, circa 1920s cornice, timber batten or painted plaster ceilings, a 190mm timber skirting and a variety of decorative vents. The flooring is tongue and groove floorboards similar to that of the first level.

Adjacent to the main room on the south side, is a kitchen, which appears to have a much later construction date.

The hallways on the first floor have a wide decorative, Victorian style cornice with decorative plaster arches at the hallway intersections. The plaster arches have cherub faces at their base on either side, the cherubs are likely to have been added later.

The hallways located on the second floor have had their original ceiling replaced with a prefabricated pressed metal ceiling with decorative cornice. The arches with decorative elements at the base on the second level are original features.

2.5 CONDITION AND INTEGRITY

The ground floor of the Hotel has undergone significant change and retains minimal original fabric. Due to regular maintenance and recent works, the condition is considered good.

The first and second floors have not undergone regular maintenance. The rooms which are considered to be in the best condition are the Manager's living area and Manager's kitchen, as they are used by the tenants for book keeping.

The first and second level floors are out of level, likely due to the number of walls removed from the ground floor level. There were termites found on the upper floor level, it is unknown at this time what damage this has caused to the structure. There is superficial issues such as peeling paint, carpet ripped up and general lack of maintenance.

The timber framed sash windows on the first and second floor are generally in poor to fair condition due to deterioration of the timber frames and cracking in glass.

The upper levels have retained numerous doors from the original Victorian era construction and the 1920's alterations. The original hardware has been retained on a number of these doors.

Other significant features include the marble and decorative timber surround fireplaces with metal grates, which are confined to the first floor. These fireplaces are in good condition and have retained the hearth tiles.

There have been numerous partition walls constructed within the upper levels, however, the original floor plan is still legible. The main axes of the north-south and east-west hallways has been retained, which is considered a significant aspect of the original layout. Early floor plans demonstrate that this was also shown on the ground floor level, prior to the later alterations being undertaken.

Overall, the condition of the building is considered to be fair, which is due to the building having undergone alterations to the ground floor. Furthermore, due to a lack of maintenance to most areas of the first and second floors, the condition has been compromised.

The integrity of the building overall is considered good to fair. The overall layout of the early building on the first and second floors is legible, and early elements such as skirtings, cornices, fireplaces, windows and doors have been retained. Although the second floor is considered to be less ornate, it demonstrates the hierarchy of the levels, with the upper level possessing much thinner walls and less decorative elements compared to the first floor.

Further details of the condition of the building can be obtained from the Structural Report prepared by Shreeji Consultant in 2018.



Figure 2.1
South elevation along New Canterbury Road.



Figure 2.2
North-east elevation from Hunter Street.



Figure 2.3
West elevation of Huntsbury Hotel.

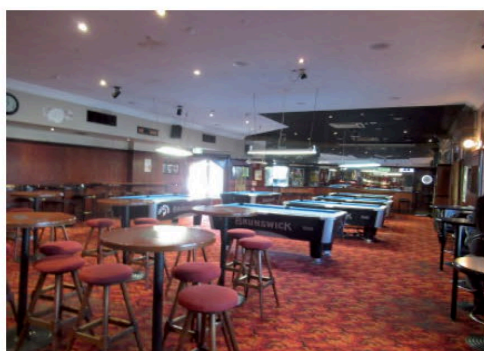


Figure 2.4
Ground floor pub, which has been substantially altered.



Figure 2.5
Altered windows and doors on the ground floor level.

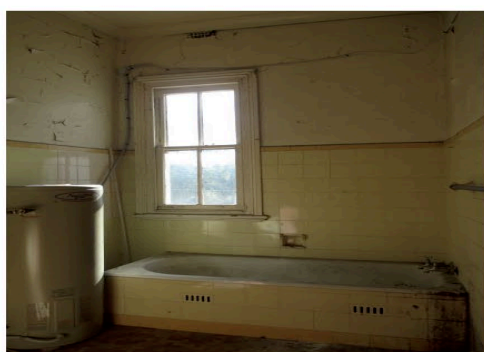


Figure 2.6
Laundry on first floor.

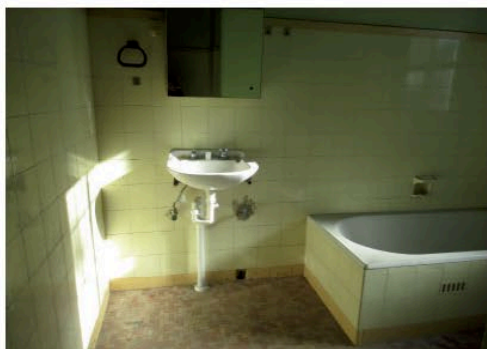


Figure 2.7
Bathroom on first floor

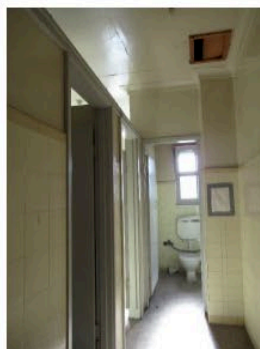


Figure 2.8
Bathroom on second floor.

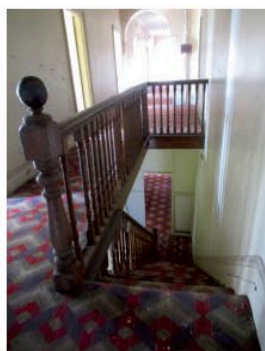


Figure 2.9
Original staircase with timber balustrade which provides access to the first and second floor.

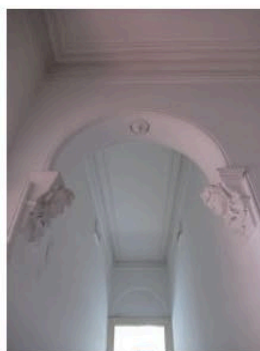


Figure 2.10
Archway within the first floor hallway, showing the decorative cherub faces at the base of the arch.

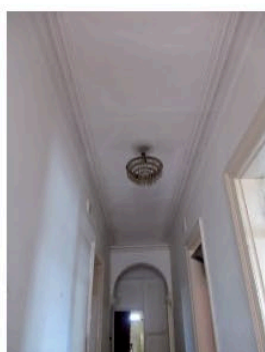


Figure 2.11
Decorative cornices in hallway on the first floor.



Figure 2.12
270mm Victorian skirtings on the first floor (Room 1).

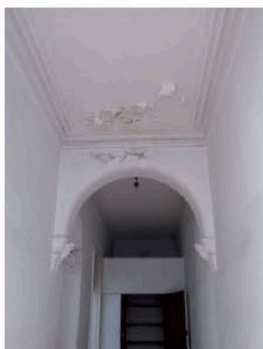


Figure 2.13
Hallway on first floor showing wide decorative cornices and arch with paint peeling.



Figure 2.14
Room 3 showing one of the four different vent styles within the building.

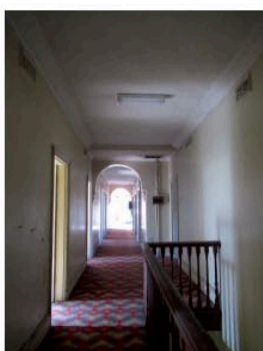


Figure 2.15
Hallway on second floor with original timber staircase to the right of the image.

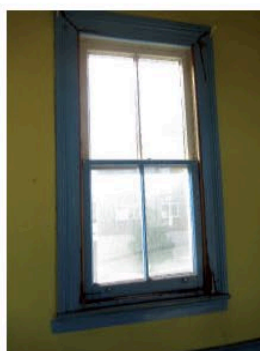


Figure 2.16
Original/early window (W25) with hardware in Room 5.



Figure 2.17
Typical intact timber surround fireplace with metal grate, located on the first floor (Room 2).



Figure 2.18
Original Victorian door hardware on first floor (D37) in Room 5.2



Figure 2.19
Victorian door (D34 in Room 4) with intact hardware and fanlight.



Figure 2.20
W63 on the First Floor (Room 6)



Figure 2.21
Tongue and groove timber floorboards on the first floor in Room 5.2.

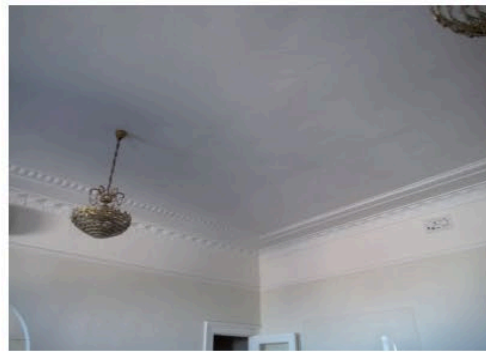


Figure 2.22
OCornices within the managers living room on the first floor.



Figure 2.23
Typical intact original marble surround fireplace in Room 5.2 with metal grate and tiled hearth.

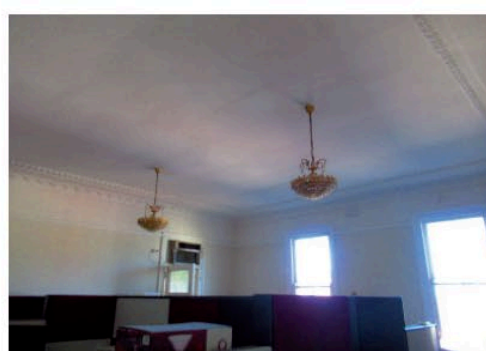


Figure 2.24
1920s decoration on the first floor 'managers living' room.



Figure 2.25
Inter-war high waist door with intact hardware in Managers Office

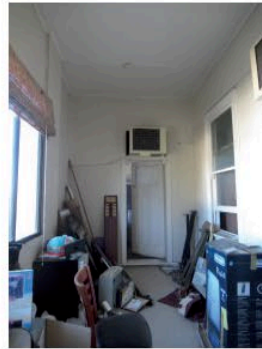


Figure 2.26
Enclosed veranda on the first floor.



Figure 2.27
Kitchen located on the first floor.

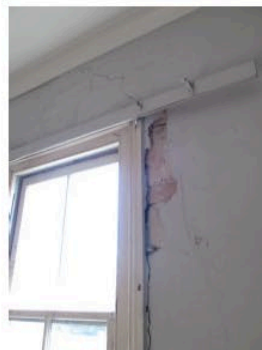


Figure 2.28
Damage to plaster in Room 9.



Figure 2.29
One of the four vent styles, image taken in second floor hallway.



Figure 2.30
Peeling ceiling and wall in Room 11.1 with decorative ceiling rose.



Figure 2.31
Damage to window sill (W42) in Room 8.



Figure 2.32
Termite 'mudding' to the cornice areas of Room 12.1, of the second floor.

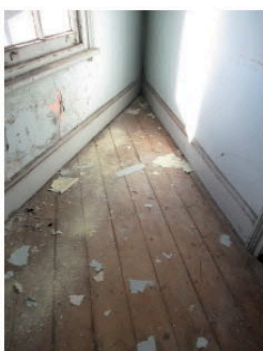


Figure 2.33
Tongue and groove floorboards in Room 11.2



Figure 2.34
Enclosed veranda on the second floor with the infill glazing to the arches on the left.

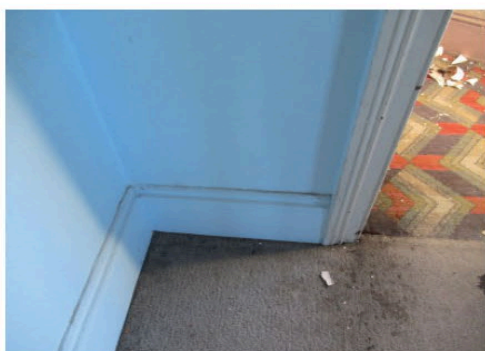


Figure 2.35
Original skirting on the 190mm second floor which is of a more simple design than the first floor, as is the architrave (Room 12.1)



Figure 2.36
Lath and plaster ceiling exposed by loss of ceiling (Room 12.3)

3.0

ESTABLISHED HERITAGE SIGNIFICANCE

3.1 ESTABLISHED SIGNIFICANCE OF THE SUBJECT SITE

The following Statement of Significance for the Huntsbury Hotel at 127 New Canterbury Road, Lewisham has been sourced from the NSW Heritage Inventory, database entry number 2030464, *Huntsbury Hotel, including interiors*:

Statement of Significance:

The Huntsbury Hotel - formerly the Masonic Hotel - 1884 with 1926 alterations) is of historical significance as an original late Victorian period hotel developed in 1882 "Lewisham Estate" subdivision, substantially altered in 1926 by Tooth & Co architect's office after its purchase by Tooth & Co. The hotel is evocative of changing hotel requirements in the early 20th century as hotels were acquired by major breweries. The Huntsbury Hotel is of aesthetic significance as a Victorian period hotel with substantial 1926 alterations and a representative example of the Inter-war Free Classical style.

3.2 REVISED STATEMENT OF SIGNIFICANCE

The following statement of significance for the Huntsbury Hotel at 127 New Canterbury Road, Lewisham has been formulated within the Conservation Management Strategy for the site:

The Huntsbury Hotel is of historical and social significance for retaining the 1885 subdivision pattern that one formed part of Wardell's 'Petersham Estate'.

The site has historical and social significance for serving the local community as a hotel within a predominantly residential area since its construction.

The Huntsbury Hotel has historical associations with significant figures in Australian retail history, such as the Tooth Brothers of Tooth & Co who modified the exterior of the Hotel to an Inter-war

Free Classical style in 1926.

The 1926 alterations to the facade and the interior of the ground floor, completed by Tooth & Co Architect's Office, reflect the increased commercial investment by breweries into hotels on main streets for the first half of the twentieth century.

The site is of representative significance as it demonstrates the principal characteristics of hotels designed and constructed in the late nineteenth century and altered during the early twentieth century, due to being brought to large breweries.

The Huntsbury Hotel is aesthetically distinctive through its corner block position and its striking shape. The overall internal layout of the upper two levels has been retained along with various original features such as pressed metal ceilings, joinery, fireplaces and decorative plaster arches.

Despite some alterations and addition, the building's integrity has remained relatively intact. As a result, its original function as a pub has been retained and its hotel use has remained legible.

3.3 ESTABLISHED SIGNIFICANCE OF THE HERITAGE ITEMS IN THE VICINITY OF THE SUBJECT SITE

There are a number of individually listed heritage items in the vicinity of the subject site. These are listed as items of local heritage significance on Schedule 5 of the Marrickville LEP 2011

The NSW Heritage Inventory contains the following information for database entry number 2030508, *Petersham Commercial Precinct Heritage Conservation Area*:

Statement of Significance:

The Petersham Commercial Precinct Heritage Conservation Area is significant because it demonstrates the development of a major

suburban shopping precinct over a period of more than 70 years. Shops and buildings from each major period of retailing have survived and continue to contribute to the aesthetic, historic and social values of Petersham and the Marrickville local government area.

The streetscape of the area are of aesthetic significance because they encompass a substantially intact mid to late 19th century retail precinct which includes notable examples of the Federation Free Style retail development, such as the group at xx which is recognised as an exemplar of its style. The aesthetic value of the area is enhanced by the undulating alignment of New Canterbury Road, which provides a fine series of evolving views and vistas.

The commercial and retail buildings within the area demonstrate the principle characteristics of the traditional suburban shopping area with narrow shopfronts and clearly defined structural bays providing physical evidence of the regularity of the underlying subdivision pattern. Although evidence of most original shopfronts has been lost, the streetscape at pedestrian level remains a cohesive one due to the regular spacing of the original shopfronts and the 1920s hanging ball lights under the awnings which creates a distinctive aesthetic quality to the streetscape and accentuates the curvature of the facade as it follows the alignment of New Canterbury Road.

The group demonstrates strong aesthetic qualities also through the consistency of the parapeted and enclosing street wall, with its finely worked detailing creating a high quality and strongly defined skyline view from the opposing footpath and when travelling through the area.

Retail buildings on the western side of Audley Street are significant for their association with the prominent local builder Henry Hollands, who constructed the shops in 1906 and the Commonwealth Bank in 1913.

The NSW Heritage Inventory contains the following information for database entry number 2030027, Morton House - Edwardian House, including interiors:

This is a particularly good example of a large Edwardian dwelling with elaborate timber detailing. It relates well to the nearby group around Hunter Street and Denison Road. The setting of this house adds to the streetscape value of Hunter Street which is treelined with attractive vistas to St Thomas' Catholic Church.

4.0

DESCRIPTION OF THE PROPOSAL

The proposed development, designed by Kotouric & Co, is detailed in the plans and Statement of Environmental Effects that accompany this application.

The proposal involves alterations and additions to the existing hotel building, including modernising the existing first and second level boarding house layout. The proposal also would include the removal of the existing west facade to allow for the construction of a four storey rear addition that will have apartments on levels 1-3, services and a common courtyard on the ground floor and two levels of basement car parking.

The proposal includes:

- Residential units comprising:
 - 2 x Studio
 - 2 x 1 Bedroom Unit
 - 3 x 1 Bedroom + Study Unit
 - 8 x 2 Bedroom Unit
 - 1 x 3 Bedroom Unit
- Ground floor internal reconfiguration to comprise bar area and dining area within the existing Huntsbury Hotel space; services and amenities are to be located within the new western portion of the site;
- Adaptive reuse of the interior of the Huntsbury Hotel including:
 - Construction of a new concrete core, including stairs and lifts, at the west end of the existing building;
 - Retention/restoration/reconstruction of timber floors where possible;
 - Reconfiguration of spaces to allow for modern apartment living;
 - Removal of timber stairs, existing toilets and laundry, services and some partition walls;
 - Reuse of salvaged original fabric;
 - Installation of new services and plant;
- Construction of two basement levels of residential car parking which will mainly be situated underneath the new building;
- Structural underpinning of the existing facade, to allow for construction of the basement levels underneath the Huntsbury Hotel;

- Retention and conservation of almost the whole exterior of the Huntsbury Hotel;
- Alterations to the ground floor street level facade with alterations to some windows to entrance doors; installation of awnings and back lit signage along New Canterbury Road and Hunter Street; insertion of two new windows on New Canterbury Road to match existing street level windows; removal and like for like replacement of two windows on the first level of New Canterbury Road and Hunter Street and one window on the second level of Hunter Street; alterations to street level facade on Hunter Street involving replacement of the existing awning with new cladding, new entrance doors, fire door, residential entry/exit and Hotel VIP entry;
- Removal of the existing roof; removal of the west facade and portion of the north facade of the Huntsbury Hotel; removal of non-original sheds/structures;
- Reinstate the first floor door of the splayed corner to match with late Victorian detailing;
- Removal of the existing western facade of the Huntsbury Hotel and the construction of a contemporary extension incorporating modern materials;
- Construction of a roof top terrace on the existing Huntsbury Hotel.

The aim of the proposal is to:

- Revive and conserve a long-disused and significantly deteriorated heritage item;
- Adapt it for renewed commercial and residential use in the contemporary market and urban environment;
- Provide contemporary standards of safety, functionality and amenity, and
- Retain the important original features of the building.

5.0

ASSESSMENT OF HERITAGE IMPACT

5.1 INTRODUCTION

This Statement of Heritage Impact has been prepared in relation to the following impact assessment criteria: the *Marrickville Local Environmental Plan (LEP) 2011*, the *Marrickville Development Control Plan (DCP) 2011* and the New South Wales Heritage Office (now the Heritage Division of the NSW Office of Environment and Heritage) guidelines, *Altering Heritage Assets* and *Statements of Heritage Impact*.

This section of the report provides a detailed analysis of the statutory controls applying to this site, with regard to heritage.

5.2 OVERVIEW OF THE POTENTIAL HERITAGE IMPACTS

The heritage impacts of the proposed development are summarised as:

- The retention of the hotel as a working 'pub' on the ground floor, and the upgrade of the two floors above, to residential apartments that will allow for a sustainable use for the heritage listed building
- The retention of the street presentation of the main facades to both New Canterbury Road and Hunter Street
- The remediation of the main building elevations and refurbished presentation
- The adaptive reuse of the interiors but retaining the original fabric where possible, including timber framed floors and joinery details, as a part of a conversion of the two upper floors to apartments
- The addition of a new residential building to the rear of the site, replacing non heritage structures that will enhance the street presentation of the block.

5.3 EVALUATION AGAINST THE CMS POLICIES

The proposed development is generally consistent with the overall guidelines/policies of the *Huntsbury Hotel, 125-133 New Canterbury Road, Lewisham, Conservation Management Strategy (CMS)*, with the principle policies in the CMS being:

Policy 6.2.3

Conservation of the Huntsbury Hotel should be in the form of on-going or new compatible uses for the building, uses that respect and utilise the current scale, form and internal configuration of the building with minimal external changes to the structure or external envelope.

Comment

The proposal maintains the existing use to the ground floor of the Hotel, and provides for a compatible residential use to the upper floors. The proposal retains and conserves the principal exterior elevations to both street frontages, including the structure of masonry walls and timber framed floors. The internal configuration of the floors is largely retained within the constraints of apartment adaptive reuse.

The proposed residential addition to the rear of the existing building maintains scale with a continuation of the original parapet along Hunter Street, and a half level step-up towards the west end of the site that 'bookends' the composition.

Policy 6.3.3 New structures on the site
The design and siting of any new structures required on the site shall respect and maintain the significance of site features, in accordance with Section 4.7 Grading of Significance.

Comment

The design has positioned the new residential structure to the rear of the site, which includes the demolition of the west wall, which does not present to a street alignment. Thus the most significant site intervention is in an area of least sensitivity in heritage terms, and to the far end of the site, away from the landmark intersection of New Canterbury Road and Hunter Street.

Policy 6.3.5

The Huntsbury Hotel's corner lot position as a strong visual element should be maintained.

Comment

The proposal retains the landmark position of the Hotel and with conservation, enhances the corner presentation. The new addition to the rear, at the opposite end of the site, is at a half level above the parapet of the Hotel. The existing parapet level is used as a design continuum for the new addition, thus providing streetscape emphasis from the Hotel form and its corner position.

Policy 6.11.2 Timber joinery

Significant timber joinery, skirting boards, picture rails, timber framed sash windows, panelled doors and architraves in the building should be retained.

Comment

The proposal retains these elements where possible within the constraints of an adaptive reuse, and has centred the retention around the main hallway, including the salvage and reuse of doors and architraves.

Policy 6.11.3 Fireplaces

Significant fireplaces and elements of fireplaces, such as timber or marble surrounds, remnant mantelpieces, iron grates and tiling should be retained.

Comment

All the fireplaces are to be retained, or in one case, relocated to a suitable position in an existing chimney breast.

Policy 6.11.7 Openings

Where possible, retain original internal doorways and decorative archways, including any associated timber joinery, moulded plaster work and glazing in transom and fanlights in the building.

Comment

The original openings along the main hallway are to be retained where they can be used for the entries to the proposed apartments. Where the existing openings cannot be used they will be infilled with recessed brickwork to the hallway side, so as to express and interpret the opening. Where there are new doorways on this hallway, salvaged joinery will be reused.

The hallway arches will be retained, or where necessary, relocated. Brickwork nibs and a new flat archway will be used to distinguish the new section of the building from the original hallway.

5.4 CONSIDERATION OF THE GUIDELINES OF THE NSW HERITAGE DIVISION

The NSW Heritage Office (now the Heritage Division of the NSW Office of Environment and Heritage) has published a series of criteria for the assessment of heritage impact. The relevant 'questions to be answered' in the *NSW Heritage Manual* 'Statements of Heritage Impact', provided below, have been considered in the preparation of our assessment:

The following aspects of the proposal respect or enhance the heritage significance of the item or conservation area for the following reasons:

- The heritage listed Hotel is largely retained and conserved
- Its original ground floor use is retained and its upper two floors are adaptively reused for compatible residential purposes
- The proposal will allow the building to have an ongoing sustainable use thus providing long term conservation
- The Hotel will retain its landmark, corner position, as well as retain its contribution to the shopping street of the adjacent Heritage Conservation Area.

Minor Partial Demolition

- *Is the demolition essential for the heritage item to function?*
- *Are important features of the item affected by the demolition (e.g. fireplaces in buildings)?*
- *Is the resolution to partially demolish sympathetic to the heritage significance of the item?*
- *If the partial demolition is a result of the condition of the fabric, is it certain that the fabric cannot be repaired?*

Comment

It is proposed to demolish the external west wall, and some internal walls as part of this development. The demolition has been largely confined to fabric of *Moderate* significance, utility rooms, or rooms that are of relatively small spaces.

While the proposed minor demolition may not be considered essential, it is necessary for the subject building to function in its adaptive reuse as contemporary apartments.

Although some original fabric of *High* significance is proposed to be removed, these are mainly walls so as

to enable a contemporary residential use. No important features of the building are to be removed as part of the proposed demolition. The existing main external walls, timber floor structure, joinery, main corridors, and fireplaces are to be retained or reused.

Change of Use

- *Has the advice of a heritage consultant or structural engineer been sought? Has the consultant's advice been implemented? If not, why not?*
- *Does the existing use contribute to the significance of the heritage item?*
- *Why does the use need to be changed?*
- *What changes to the fabric are required as a result of the change of use?*
- *What changes to the site are required as a result of the change of use?*

Comment

The ground floor function of the Hotel will remain, and the upper floor use for apartments, although a different type of residential use, is still a compatible and preferred use.

Major Additions

- *How is the impact of the addition on the heritage significance of the item to be minimised?*
- *Can the additional area be located within an existing structure? If no, why not?*
- *Will the additions tend to visually dominate the heritage item?*
- *Is the addition sited on any known, or potentially significant archaeological deposits? If so, have alternative positions for the additions been considered?*
- *Are the additions sympathetic to the heritage item? In what way (eg form, proportions, design)?*

Comment

The following major addition is proposed as part of this development:

- A new five storey structure is to be erected at the western end of the site, as a rear addition to the original building.

There will not be an addition of floors to the original three storey Hotel building. The impact of the addition to the rear has been minimised by restricting its height to only a half level above the original parapet. The addition will also have a flat roof, thus minimising the overall height and maintaining a similar form to that of the Hotel parapet.

The addition will not dominate the heritage item by virtue of its location at the rear, and away from the principal landmark corner of the site. The proposal is sympathetic to the Hotel by its integrated design using the line of the existing parapet, use of shadow recesses between the two structures, and roof top setbacks.

An archaeological assessment has not been made as part of this report.

Repainting using new colour schemes

- *Have previous (including original) colour schemes been investigated? Are previous schemes being reinstated?*
- *Will the repainting effect the conservation of the fabric of the heritage item?*

Comment

As the building has elements from both the Victorian and Interwar periods, the proposed colour scheme is relatively neutral. An obviously Victorian colour scheme would not be suitable for a building that has a later, simplified external appearance, dating from the Interwar period. Thus the use of neutral colours, is not only appropriate for this later period, but will also relate to the contemporary addition.

Repainting will not only contribute to the item's presentation, but also its ongoing maintenance.

Re-roofing

- *Have previous (including original) roofing/cladding materials been investigated (through archival and physical research)?*
- *Is a previous material being reinstated?*
- *Will the re-cladding effect the conservation of the fabric of the heritage item?*
- *Are all details in keeping with the heritage significance of the item (eg guttering, cladding profiles)?*
- *Has the advice of a heritage consultant or skilled tradesperson (eg slate roofer) been sought?*

Comment

The proposal removes the existing metal deck roof, which is in poor condition, and replaces with a terrace roof for communal use. Given the Hotel has a parapet and therefore the roof form is not a significant visual element, the replacement flat roof will have an acceptable heritage impact.

New Services

- How has the impact of the new services on the heritage significance of the item been minimised?
- Are any of the existing services of heritage significance? In what way? Are they affected by the new work?
- Has the advice of a conservation consultant (eg architect) been sought? Has the consultant's advice been implemented?
- Are any known or potential archaeological deposits (underground and under floor) affected by the proposed new services?

Comment

The major services of lift and fire stair have been located in the new section of the building. New services are to be reticulated down to the ground floor level suspended ceiling, where there are no original ceiling finishes. The upper levels can be reticulated within fire rated dropped ceilings, necessary for fire separation between floors.

Fire upgrading

- How has the impact of the upgrading on the heritage significance of the item been minimised?
- Are any of the existing services of heritage significance? In what way? Are they affected by the new work?
- Has the advice of a conservation consultant (eg architect) been sought? Has the consultant's advice been implemented?
- Are any known or potential archaeological deposits (underground or under floor) affected by the proposed new services?
- Has the advice of a fire consultant been sought to look for options that would have less impact on the heritage item? Will this advice be implemented? How?

Comment

Fire separation between floors will be achieved by suspended ceilings of by an engineered floating floor, and original entry doors to apartments are to be fire rated with either intumescent paint or internal linings in the case of the fanlights.

New Signage

- How is the impact of the new signage on the heritage significance of the item been minimised?
- Have alternative signage forms been considered (eg free standing or shingle signs). Why were they rejected?

- Is the signage in accordance with section 6, 'Areas of Heritage Significance', in outdoor Advertising: An urban Design-Based Approach? How?
- Will the signage visually dominate the heritage item / heritage conservation area or heritage streetscape?
- Can the sign be remotely illuminated rather than internally illuminated?

The objectives of 'Category 6: Areas of heritage significance' in Section 4 of *Outdoor Advertising: An Urban Design-Based Approach 1991* are:

- Outdoor advertising should be designed and located in a manner which conserves the heritage places which have been identified as significant; protecting and enhancing what is valued about the building or the place.

Comment

The proposal either retains the existing signs or adds new signage that is similar to the existing. The proposed signage as detailed is relatively simple and understated in design, and is suitable in the context of the heritage building.

The signs are back-lit, which is a preferable solution to a spotlight that has to be mounted on the building and liable to have over shadowing.

5.5 HERITAGE OBJECTIVES OF THE MARRICKVILLE LEP 2011

The proposed development is considered to be acceptable, from a heritage perspective, for the following reasons:

- The proposal largely retains and conserves the heritage item with compatible, sustainable uses
- Retains the elevation presentation to the main streets
- The proposal will carry out delayed maintenance and conservation works, thus providing longevity for a heritage item.
- Retains views to and from the heritage item
- The removal of some original fabric is considered acceptable given that original features such as the form and fabric of the front facade, joinery, timber floor boards and fireplaces are to be retained.
- The impact of removal of internal walls is to be mitigated by the retention of wall nibs to interpret the original layout, where possible.

- Doors are to be salvaged and where possible reused, as are all the fireplaces.

The proposal is, therefore, considered to be consistent with the relevant heritage objectives of the *Marrickville LEP 2011*, which are:

5.10 Heritage conservation

(1) Objectives

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Marrickville,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*

5.6 HERITAGE GUIDELINES OF THE MARRICKVILLE DCP 2011

The proposed development is generally consistent with the guidelines of the *Marrickville DCP 2011* that relate to the development of heritage items, and the provisions of 9.36.2 *Desired future character*;

The desired future character for this precinct is:

- To protect the identified Heritage Items within the precinct.*
- To protect and preserve contributory and period buildings within the precinct and require their sympathetic alteration or restoration.*
- To retain, as a minimum, the front portion of contributory buildings where they are contributory to the heritage conservation area (HCA) and streetscapes.*
- To protect the identified heritage values of the Petersham Commercial Precinct Heritage Conservation Area.*
- To allow and encourage a greater scale of development within the commercial centre, including the provision of new dwellings near local shops, services and public transport, to meet the market demand, create the opportunity for high access housing choice and support sustainable living.*

The analysis in Section 5.3 of this report demonstrates that the proposal is consistent with these objectives.

5.7 RECOMMENDED MITIGATION MEASURES

- An archival photographic recording of the Huntsbury Hotel, undertaken in accordance

with the NSW Heritage Council publication 'Photographic Recording of Heritage Items Using Film or Digital Capture', should be made prior to their demolition.

- In general, the deconstruction methodology/underpinning, and as detailed by the Shreeji Consultant report, needs to ensure that the works are undertaken in a manner which prevents any potential for damage and that measures are taken as necessary to avoid any physical impact on the adjacent buildings.
- Where during construction original fabric is uncovered, the heritage consultant is to be notified and instructions to be provided on further action to be undertaken that may require conservation. This may apply to the test removal of paint from the wall tiles on the New Canterbury Road facade.
- Any damage to heritage items should be 'made good' under the supervision of an experienced heritage practitioner, other than those to the structure, where the heritage practitioner should also be an engineer.

6.0

CONCLUSIONS AND RECOMMENDATIONS

6.1 CONCLUSIONS

- 127 New Canterbury Road, Lewisham is listed as an item of local heritage significance in Schedule 5 of the *Marrickville LEP 2011*.
- It is located in the vicinity of the listed heritage items at 40 Hunter Street, and the *Petersham Commercial Precinct Heritage Conservation Area*.
- Other listed heritage items in the wider locality are separated from the subject site by intervening development/distance/roadways/buildings/local topography/public domain, and have no direct visual connection to the site.
- The proposed alterations and additions to 127-133 New Canterbury Road, Lewisham are largely limited to the building interiors and the rear of the property.
- The removal of some original fabric is considered acceptable, given that original features such as the form and fabric of the street facades, interior floors and fabric, timber joinery and fireplaces are largely to be retained.
- The impact of the removal of internal walls is to be mitigated by the retention of wall nibs to interpret the original layout where possible.
- The proposed development is consistent with the conservation policies of the *CMS 2018* for the site, prepared by GBA Heritage.
- The proposed alterations and additions to 127-133 New Canterbury Road will have no adverse impact on the heritage significance of the property in the vicinity at 40 Hunter Street, or the *Petersham Commercial Precinct Heritage Conservation Area*.
- The proposed development at 127-133 New Canterbury Road does not generate any adverse impact, as existing views and the setting of the heritage items in the vicinity are retained.
- The proposed new addition at 127-133 New Canterbury Road has been designed to reduce visual dominance to the original Huntsbury Hotel, while being in keeping with the scale and form of the streetscape.
- The proposed development is consistent with the heritage requirements and guidelines of the *Marrickville LEP 2011* and the *Marrickville DCP 2012*.
- Should any unexpected relics be disturbed during excavation of the site, they must be managed under the Archaeological provisions of the *NSW Heritage Act*.

6.2 RECOMMENDATIONS

- Subject to the recommended mitigation measures in Section 5.7 of this report, GBA Heritage recommends the application to Council for approval.

7.0

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Attachment D – Plan of Management

Plan of Management

123–127 New Canterbury
Road, Lewisham

Huntsbury Hotel

Prepared to Accompany
Development Application to
Inner West Council (Marrickville)

AP 968

August 2019



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1. PURPOSE OF PLAN

This plan has been prepared to accompany a development application for shop top housing incorporating the existing Huntsbury Hotel.

The purpose of this Plan of Management is to establish performance criteria for the operation of the existing Hotel in conjunction with the residential use above having regard to the relevant matters under the Environmental Planning and Assessment Act, 1979.

The primary purpose of this plan is to ensure the development maintains a high level of amenity for neighbouring properties and for all residents. To achieve this, the following matters have been considered:

- Hours of Operation
- Amenity of Neighbourhood
- Noise
- Behaviour of customers
- Use of security cameras
- Surveillance and fire safety measures
- Parking
- Waste management

All staff shall be made familiar with, understand and abide by this Plan of Management.

2. HOURS OF OPERATION

The trading hours of the Hotel are:

- Monday – Saturday: 10:00am – 12:00 midnight
- Sunday: 10:00am – 10:00pm

The trading hours of the covered outdoor area are:

- Monday – Saturday: 10:00am – 12:00 midnight
- Sunday: 10:00am – 10:00pm

3. STAFF AND PATRONS NUMBERS

The maximum number of staff at any one time is limited to 10 and comprises kitchen staff, bar staff and a manager.

Patron numbers are limited to 500 at any one time.

4. AMENITY OF NEIGHBOURHOOD

The hotel manager shall consider the amenity of the neighbours and shall take all reasonable measures to ensure the conduct of the hotel business does not impact adversely on the surrounding area.

In this regard the manager will take all reasonable measures to ensure that the behaviours of staff and patrons when entering and leaving the premises do not detrimentally affect the amenity of the residential component of the development and the neighbourhood.

- A sign shall be placed at the exit from the premises reminding customers that the neighbourhood includes residential and requesting that they leave in a quiet, orderly and respectful manner.
- Staff shall strictly follow the approved plan of management to ensure that the use of the premises does not cause any interference to residential amenity.
- The business shall be conducted in such a manner as not to interfere with, or materially affect, the amenity of the neighbourhood by reason of noise, vibration, smells, fumes, vapour, steam, soot, ash, dust, waste, products, grit, oil or otherwise.
- Waste management will be undertaken in accordance with the approved waste management plan and as arranged with Council's Waste Division.
- Uniformed security are to patrol the area in the vicinity of the hotel, including the area from New Canterbury Road to the corner of the school boundary, to ensure that patrons of the premises do not loiter or linger in the area or cause nuisance or annoyance to the neighbourhood. Such patrols are to commence at 10:00pm and continue until the last patron has left the area.

5. NOISE

The LA10 noise level emitted from the premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz - 8kHz inclusive) by more than 5dB at the boundary of any affected residence between 7.00am and 12 midnight at the boundary of any affected residence.

The LA10 noise level emitted from the licenced premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz - 8kHz inclusive) between 12 midnight and 7.00am at the boundary of any affected residence.

Notwithstanding compliance with the above, noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7.00am.

6. BEHAVIOUR OF CUSTOMERS

Staff shall take all reasonable steps to control the behaviour of customers at night as they enter and leave the premises in order to maintain the quiet and good order of the locality.

The manager and staff shall take all reasonable steps to control the behaviours of patrons of the premises and ensure that there is no loitering by persons leaving or waiting to enter the premises.

The manager shall require all staff employed at the premises with security duties to:

- i) be dressed in readily identifiable clothing.
- ii) fill in a time sheet (start and finish times) which is to be initialled by the manager/licensee on duty.
- iii) report to the manager/owner to obtain a briefing on any specific duties to be addressed on the evening before commencing duty.
- iv) note details of any incidents which required intervention within the premises or in the vicinity of the premises in log books .
- v) prevent any person, detected as intoxicated, entering the premises and bring to notice of the manager, any person on the premises who might be considered intoxicated.

- vi) monitor customer behaviour in, and in the vicinity of, the premises until all patrons have left them, taking all practical steps to ensure the quiet and orderly departure of patrons.
- vii) ensure that all customers comply with smoking regulations both in, and in the vicinity of, the premises.
- viii) collect any rubbish on the streets that may be associated with the business.
- ix) co-operate with the Police and any other private security personnel operating in the vicinity of the premises.

For the purpose of the above "the vicinity of the premises" shall be the footpath immediately in front of the subject premises on Hunter Street and New Canterbury Road.

7. USE OF SECURITY CAMERAS

Security cameras will be in operation at all times and will provide footage of the entrance and service areas of the premises.

Management will ensure that the footage is to an acceptable level that allows for face recognition. Footage will be saved for a period of one month and will be available to the Police on request.

Signs will be placed within the premises alerting patrons that CCTV is in operation.

In the event of any malfunctioning of any CCTV equipment, the manager shall ensure that it is rectified as quickly as is reasonably possible.

8. HANDLING OF COMPLAINTS

A Complaints Register will be maintained on site, which includes the following information:

- Complaint date and time
- Name, address and contact details of person making the complaint
- Nature of complaint

- Action undertaken by premises to resolve the complaint
- Follow up and outcome.

In addition, details of training and induction procedures to ensure staff are aware of the provisions of the Management Plan and emergency procedures are to be maintained.

9. SURVEILLANCE & FIRE SAFETY MEASURES

The manager shall ensure that all essential services installed at the premises are certified annually and shall ensure that they remain in good working order.

In the event of any malfunctioning of any essential service, the manager shall ensure that it is rectified as quickly as is reasonably possible.

Lists of the telephone numbers of all relevant emergency agencies shall be kept near all telephones.

All managers and other permanent staff shall be made aware of fire safety requirements and the procedures to be followed in the event of an emergency at the premises.

10. PARKING

Parking spaces are provided for one hotel staff member at the lower ground and parking level and will be clearly sign posted.

11. WASTE MANAGEMENT

Details regarding waste minimisation, recycling and collection arrangements, including the servicing of sharps and sanitary napkin receptacles are included in the waste management plan and management will be undertaken in accordance with this approved plan.

12. DISPLAY OF DEVELOPMENT CONSENT

A copy of the current Development Consent with the approved hours of operation shall be kept in the premises and shall be produced upon demand for inspection to any member of the Police Service, Council or Special Investigator.