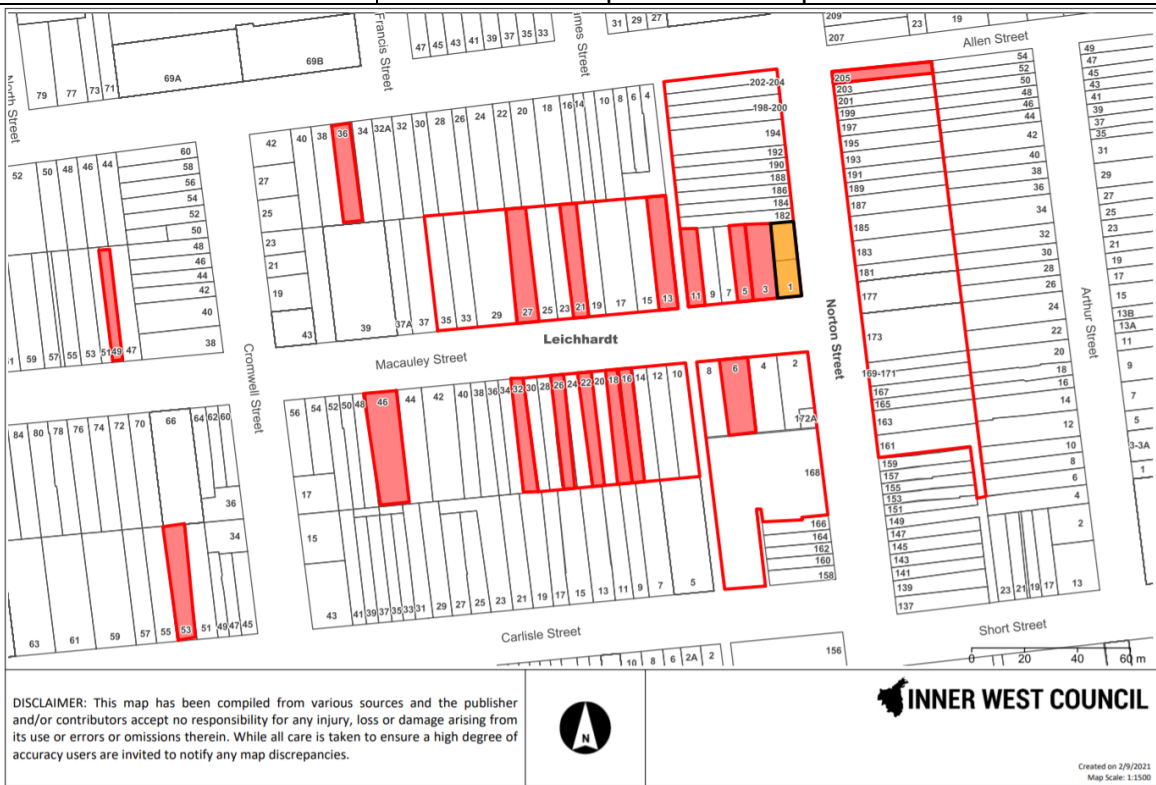


INNER WEST

DEVELOPMENT ASSESSMENT REPORT

Application No.	DA/2020/0680
Address	1 Macauley Street LEICHHARDT NSW 2040
Proposal	Alterations and additions and change of use to boarding house
Date of Lodgement	19 August 2020
Applicant	Vanessa Rizk
Owner	Vanessa Rizk
Number of Submissions	Initial: 22
Value of works	\$480,000.00
Reason for determination at Planning Panel	Number of submissions
Main Issues	<ul style="list-style-type: none"> - Parking - Heritage and Design - Site Coverage Variation
Recommendation	Approved with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Clause 4.6 Exception to Development Standards



LOCALITY MAP

Subject Site		Objectors		N ↑
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for Alterations and additions and change of use to boarding house at 1 Macauley Street LEICHHARDT NSW 2040.

The application was notified to surrounding properties and a total of twenty-four (24) submissions were received in response to the initial notification (20 unique submissions and 1 signed petition).

The main issues that have arisen from the application include:

- Parking
- Heritage and Design
- Site Coverage Variation

Despite the above variation, the proposal generally complies with the aims, objectives and design parameters contained in the relevant State Environmental Planning Policies (SEPPs), *Leichhardt Local Environmental Plan 2013* (LLEP 2013) and *Leichhardt Development Control Plan 2013* (LDCP 2013).

The potential impacts to the surrounding environment have been considered as part of the assessment process. Any potential impacts from the development are acceptable given the context of the site and the desired future character of precinct.

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

2. Proposal

The original application sought consent for alterations and addition to the existing dwelling for use as a boarding house, comprising ten (10) boarding rooms, one (1) car parking space and three (3) bicycle parking spaces.

The proposal was amended by way of additional information, requested by Council, to reduce the overall number of boarding rooms and improve the amenity and services provided to lodgers of the boarding house. The current proposal specifically involves:

- The provision of a total of seven (7) single lodger boarding rooms.
- Alterations and additions at the ground floor, comprising a layout of five (5) boarding rooms, one (1) bathroom and communal media, living and dining areas.
- A first floor addition comprising two (2) boarding rooms, a communal media area, one (1) bathroom and two (2) storage areas.
- Construction of a new carport at the rear to accommodate six (6) bicycle spaces and a bin storage area accessed from Norton Street.
- Landscaping of the site to accommodate a central courtyard.

***Note: Conditions are recommended to improve the parking and waste management arrangements on the site and to ensure that adequate facilities are provided as part of the development. This will result in the number of boarding rooms being reduced to a total of six (6) single lodger rooms (refer to discussion throughout this report).**

3. Site Description

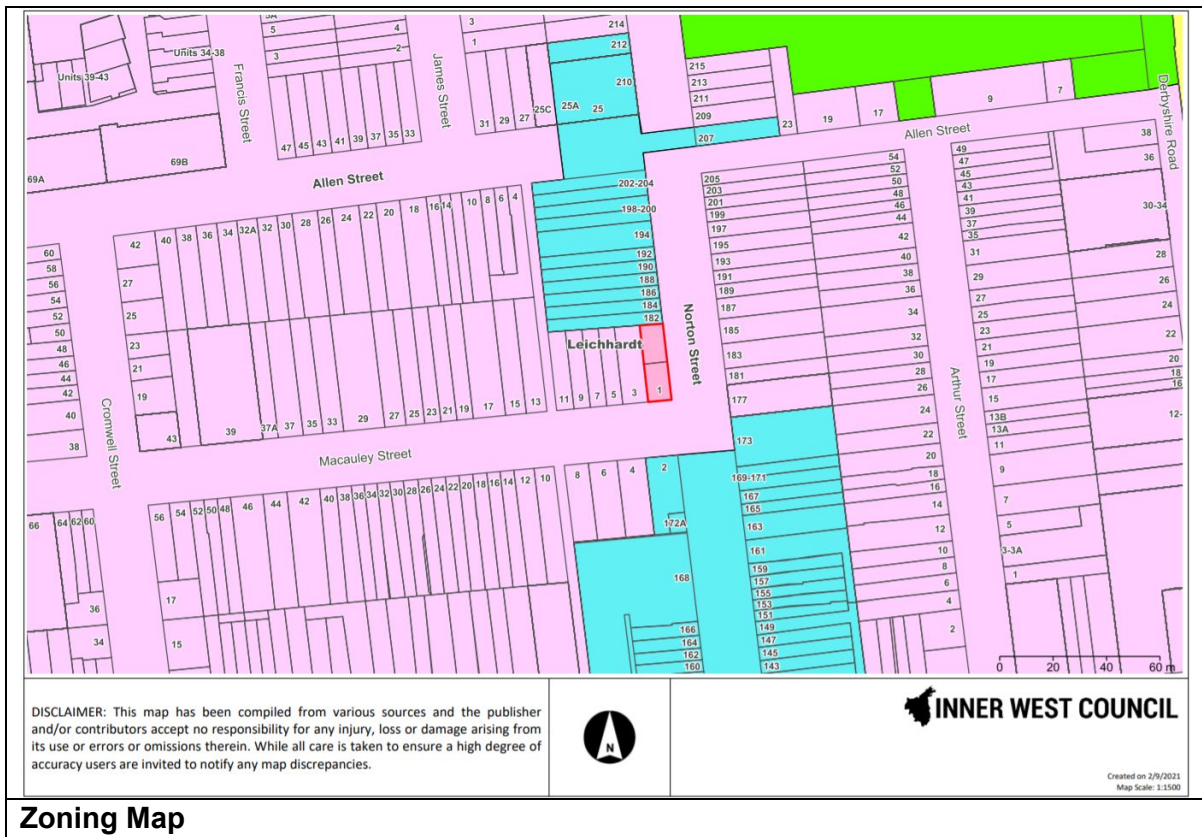
The subject site is located on the northern side of Macauley Street, between Norton Street and Cromwell Street. The site consists of 2 allotments and is generally rectangular shaped with a total area of 257.4sqm and is legally described as Lots 1 & 2 DP 1094075 and is known as 1 Macauley Street Leichhardt NSW 2040.

The site has a frontage to Macauley Street of 8.840 metres and a secondary frontage of 29.135 metres to Norton Street. The site supports an existing single store brick dwelling. The adjoining properties along Macauley Street support a mix of one and two storey dwelling houses while the poroperties to the north of the subject site, fronting Norton Street, support one storey commercial shops.

The subject site is listed is located within a conservation area.

The following trees are located on the site and within the vicinity.

- One (1) *Eucalyptus microcorys* (Qld Tallowwood) located on the adjoining porerty at No. 3 Macauley Street, Leichhardt, adjacent to the northern boundary of the subject site.
- One (1) *Flindersia australis* (Crows Ash) located adjacent to the existing driveway entrance, within the road reserve along Norton Street.





Aerial Image

4. Background

4(a) Site history

Not applicable

4(b) Application history

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

Date	Discussion / Letter / Additional Information
19 August 2020	Application lodged
03 September 2020 - 17 September 2020.	Application notified
27 October 2020	Request for information (RFI) letter issued to the applicant requiring the following amendments/information: <ul style="list-style-type: none"> a) Design revisions to ensure a more positive streetscape and Heritage outcome; b) Design revisions to ensure compliance with bicycle motorcycle and car parking requirements; c) Design revisions to ensure appropriate amenity and services; d) Design revisions to ensure appropriate waste management outcomes; e) Submission of an Acoustic Report, Access Report and National Construction Code (NCC) / Building Code of Australia (BCA) Report; f) Revised arborist report addressing tree impacts; and, g) Revised stormwater and drainage plans.
17 November 2020	The applicant submitted additional information in response to the

request issued by Council on 27 October 2020.

The amended plans lodged did not require re-notification as they were considered to fall within Control C5. Section A3.13 - Specific Circumstances Where Notification Is Not Required, Part A: Introduction, Leichhardt Development Control Plan 2013, which does not require the re-notification of amended plans to an undetermined application which, inter alia, constituted a lesser development have been proposed in order to address the concerns raised by Council or objectors.

The above submitted package forms the basis for the current development application and assessment below. It generally addresses the concerns previously raised.

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 1.15 of the *Environmental Planning and Assessment Act 1979*.

5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy No. 55—Remediation of Land*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*
- *State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP)*

The following provides further discussion of the relevant issues:

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

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

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

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

A BASIX Certificate was submitted with the application and will be referenced in any consent granted.

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

The subject site is not within the Foreshores and Waterways Area, therefore no assessment under the Plans is required.

5(a)(iv) State Environmental Planning Policy (Vegetation in Non-Rural Areas) (Vegetation SEPP)

Vegetation SEPP concerns the protection/removal of vegetation identified under the SEPP and gives effect to the local tree preservation provisions of Council’s DCP.

The application was referred to Council’s Tree Management Officer whose comments are summarised as follows:

The application is supported subject to the conditions provided being imposed as well as the separate condition relating to additional root mapping and Footings Plan associated with the Operational Development Consent emailed on the 30/11/2020, being inserted within the conditions of consent.

Overall, the proposal is considered acceptable with regard to the *Vegetation SEPP* and the LDCP2013, subject to conditions which have been included in the recommendation of this report.

5(a)(v) State Environmental Planning Policy (Affordable Rental Housing) 2009

The application has been submitted pursuant to the provisions of ARH SEPP. A SEPP, being a State Planning Instrument, can, and in this case does, take precedence over Council’s own planning controls, insofar as those provisions which the ARH SEPP stipulates. In this instance the intention of ARH SEPP is to encourage the development of low-income housing, including boarding houses, in appropriately zoned areas.

Assessment against the specific controls of ARH SEPP is as follows:

Standard	Compliance/Comment
<p><i>29 Standards that cannot be used to refuse consent</i> <i>(1) A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than, inter alia...</i> <i>(c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register - the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus:</i> <i>(i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less.....</i></p>	<p>The land is zoned General Residential. The maximum allowable FSR under LEP 2013 is 0.7:1 – with the bonus of 0.5:1 results in a FSR to which the application cannot be refused of 1.2:1. The proposal has an FSR of 0.76:1.</p>
<p><i>(2) A consent authority must not refuse consent to</i></p>	

<p><i>development to which this Division applies on any of the following grounds:</i></p>	
<p><i>(a) building height if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land,</i></p>	<p>The LLEP 2013 does not impose any height restrictions and as a result this Clause does not strictly apply. However, with regard to the building heights, consideration has been given to Distinctive Neighbourhood Character controls and Heritage Conservation Area for the site and its context. The front wall height is not altered as the existing dwelling is retained. The proposed rear addition is two storeys in height. It is considered that in its context adjacent to No. 3 Macauley Street (one and two-storey dwelling house) and with the existing dwelling being retained, that the scale and siting is acceptable in this instance.</p>
<p><i>(b) landscaped area if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located</i></p>	<p>The landscaped setback from Macauley Street is unaltered. As a result, the overall character is not considered to be altered. The proposal also complies with the Landscaped Area standard held in Leichhardt Local Environmental Plan 2013.</p>
<p><i>(c) solar access where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,</i></p>	<p>The communal room to the rear of the site has a north orientation and due to its orientation will receive three (3) hours direct solar access.</p>
<p><i>(d) private open space if at least the following private open space areas are provided (other than the front setback area): (i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers, (ii) if accommodation is provided on site for a boarding house manager—one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation,</i></p>	<p>An open/garden area is provided to the rear of the site which is in excess of 20sqm, with a minimum dimension of 3m. A boarding house manager is not required given the boarding house has capacity to accommodate a maximum of six (6) lodgers (as recommended by way of condition).</p>
<p><i>(e) parking if: (i) in the case of development in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and (ii) in the case of development not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and</i></p>	<p>The site is located in an accessible area within 400m of bus routes and within 800m of light rail stations. The proposal does not seek to provide car parking, where 3 spaces would be required. The proposal includes three (3) bicycle parking</p>

<p><i>(iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,</i></p>	<p>spaces and nil motorcycle spaces. A Parking and Traffic Report was submitted and the conclusions drawn in the report are accepted in terms of the capacity of the area to accommodate the shortfall in parking and that to pursue refusal of this basis is not sustainable. Given there is an existing parking space on the site, it is considered beneficial for the purposes of managing potential on-street and off-street parking demand to retain this parking space. As such, suitable conditions are recommended to ensure that a minimum of one (1) car parking space and one (1) motorcycle parking space are accommodated within the proposed carport at the rear of the site and a minimum of two (2) bicycle lockers are provided within Boarding Room 5.</p>
<p><i>(f) accommodation size if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:</i> <i>(i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or</i> <i>(ii) 16 square metres in any other case.</i></p>	<p>Boarding Room 4 is located within the existing portion dwelling to be retained and relies on the existing bedroom configuration. While this boarding room does have an area greater 12sqm, given the front portion of the dwelling is to be retained to preserve the original heritage fabric of the dwelling, to pursue refusal of this basis would not be sustainable. All other proposed boarding rooms have an area greater than 12sqm. Overall, the size of each room is considered acceptable for the purposes of a single lodger boarding room.</p>
<p><i>(3) A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.</i></p>	<p>Each boarding room will have access to communal bathroom and kitchen facilities.</p>
<p><i>(4) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).</i></p>	<p>As discussed throughout this report, it is recommended that consent be granted to the application.</p>
<p>30 Standards for boarding houses</p>	

<p><i>(1) A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:</i></p>	
<p><i>(a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,</i></p>	<p>The proposal includes a communal living room in excess of 20sqm provided to the rear of the site with northern openings. This provides an indoor area with adequate solar access.</p>
<p><i>(b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,</i></p>	<p>No boarding room has an area exceeding 25m².</p>
<p><i>(c) no boarding room will be occupied by more than 2 adult lodgers,</i></p>	<p>The total amount of lodgers is not nominated, however based on the room sizes and the room size requirements of cl. 29(2)(f), the boarding house will have capacity to accommodate a total of six (6) lodgers (as recommended by way of condition). It is recommended that the number of lodgers be reaffirmed by way of condition.</p>
<p><i>(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,</i></p>	<p>Each boarding room will have access to communal bathroom and kitchen facilities. To improve the amenity to Boarding Room 4 and ensure adequate facilities are available to lodgers, conditions are recommended to replace Boarding Room 5 with one (1) additional bathroom, two (2) bicycle lockers and a bulky waste storage area.</p>
<p><i>(e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,</i></p>	<p>As discussed previously, based on the room sizes and the room size requirements of cl. 29(2)(f), the boarding house will have capacity to accommodate a total of six (6) lodgers (as recommended by way of condition).</p>
<p><i>(f) (Repealed)</i></p>	<p>N/A</p>
<p><i>(g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use,</i></p>	<p>N/A – the site is zoned R1 General Residential.</p>
<p><i>(h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.</i></p>	<p>Appropriate conditions are recommended to ensure that at least one (1) motorcycle parking</p>

	space and two (2) bicycle parking spaces are provided on the site to meet this requirement.
<i>30A Character of local area A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.</i>	The proposal is considered to be compatible with the Desired Future Character of the area and its context, subject to conditions.
<i>52 – No subdivision of boarding houses A consent authority must not grant consent to the strata subdivision or community title subdivision of a boarding house.</i>	Noted. It is recommended a condition be imposed to reaffirm this Clause.

The proposed development constitutes an older style boarding house with shared kitchen and bathroom facilities (as opposed to a “new generation” boarding house with each room having private kitchenette and bathroom facilities). The proposal provides high-quality shared facilities, sufficient private space and adequate living areas and is wholly consistent with Council’s Affordable Housing Strategy which seeks to promote this type of accommodation.

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

The application was assessed against the following relevant LLEP 2013:

- Clause 1.2 - Aims of the Plan
- Clause 2.3 - Zone objectives and Land Use Table
- Clause 2.5 - Additional permitted uses for land
- Clause 2.7 - Demolition
- Clause 4.3A - Landscaped areas for residential accommodation in Zone R1
- Clause 4.4 – Floor Space Ratio
- Clause 4.5 - Calculation of floor space ratio and site area
- Clause 4.6 - Exceptions to development standards
- Clause 5.10 - Heritage Conservation
- Clause 6.1 - Acid Sulfate Soils
- Clause 6.2 - Earthworks
- Clause 6.4 - Stormwater management
- Clause 6.8 - Development in areas subject to aircraft noise

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

The site is zoned R1 General Residential under the LLEP 2013. The proposal is permissible in the zone and is consistent with the planning objectives for the area.

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

Standard	Proposal	Non-compliance	Complies
Floor Space Ratio Maximum permissible: LLEP2013 (0.7:1 or 180.18sqm) ARH SEPP (1.2:1 or 308.88sqm)	0.76:1 or 195.56sqm*	N/A	Yes
Landscape Area Minimum permissible:	20.30% or 52.26sqm	N/A	Yes

20% or 51.48sqm				
Site Coverage Maximum permissible: 60% or 154.44sqm	69.22% or 178.18sqm	15.37% 23.74sqm	or	No

*As indicated above the proposed floor space ratio exceeds the LLEP2013 and relies upon the 'bonus' 0.5:1 available in ARH SEPP. As a result, the FSR is 1:2.

Clause 4.6 Exceptions to Development Standards

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

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

The applicant seeks a variation to the Site Coverage development standard under Clause 4.3A of the applicable local environmental plan by 15.37% or 23.74sqm.

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

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

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

- The proposed variation does not result in any significant amenity improvement for adjoining properties particularly with respects to solar access;
- Whilst full compliance with the standard could ultimately be achieved by simply reducing the ground floor common areas adjacent to the rear courtyard by 1.36m i.e 11.45m² / (8.435m internal width), in light of the full compliance with the other LEP provisions, this decrease would limit the ability to achieve an appropriate floor palette to meet the common area needs of Boarding House living standards.
- The proposal achieves compliance with the 20% Landscape Area standard under Clause 4.3A;
- The landscape area on the site will be significantly improved given that all the existing hard surface areas in the rear courtyard will be removed to provide more deep soil planting and soft surface.
- The proposed courtyard would be consistent with the adjoining dwellings on an allotment of this size and shape allowing appropriate setbacks that ensure adequate provisions for landscape area, private open space and sufficient space to allow the retention of absorption of surface drainage water are maintained.
- The stormwater drainage will rectify the existing non-compliance discharge over the footpath by providing an on site retention system for re-use and any overflow to be discharged via gravity to the street kerb and gutter as appropriate.
- The proposal is in accordance with Clause 1.2 Aims of Plan and Clause 2.3 Zone Objectives and Land Use Table as the proposed works are compatible with the environment in terms of bulk, scale, amenity and streetscape, Conservation Area and preserving the character of the Distinctive Neighbourhood Area.

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

It is considered the development is in the public interest because it is consistent with the objectives of the LR1, in accordance with Clause 4.6(4)(a)(ii) of the applicable local environmental plan for the following reasons:

The relevant objectives of the R1 – General Residential zone are outlined below:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To improve opportunities to work from home.*
- *To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.*
- *To provide landscaped areas for the use and enjoyment of existing and future residents.*
- *To protect and enhance the amenity of existing and future residents and the neighbourhood*

Having regard to these objectives, the following is noted:

- The proposed development provides boarding house residential accommodation which is compatible with the character, pattern of development and streetscape of the neighbourhood.
- The proposal incorporates communal study / workspace areas on both levels of the development.
- The proposed landscaped areas and private open space are adequate in size and dimension for accommodating a range of uses to meet the needs of residents.
- The proposed new dwellings enhance the amenity of the subject site without adversely impacting neighbouring amenity.

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

The relevant objectives of Clause 4.3A - Landscaped areas for residential accommodation in Zone R1 development standard are as follows:

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

Having regard to these objectives, the following is noted:

- The proposed development is in keeping with the character, pattern of development and streetscape of the neighbourhood.

- The proposed landscaped areas and private open space are adequate in size and dimension for accommodating tree planting as well as a range of uses to meet the needs of residents.
- The proposal complies with the applicable FSR development standard.
- The proposed courtyard provided adequate space for the retention of surface drainage water which is offset by the provision of an on site retention system.

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

The proposal thereby accords with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of the applicable local environmental plan. For the reasons outlined above, there are sufficient planning grounds to justify the departure from Site Coverage development standard and it is recommended the Clause 4.6 exception be granted.

Clause 5.10 - Heritage Conservation

The subject property at 1 Macauley Street, Leichhardt, is a contributory dwelling located within the Whaleborough Estate Heritage Conservation Area (C13 in Schedule 5 of the LLEP 2013).

The following heritage commentary were made in response to the revised architectural drawings prepared by Development Design Pty Ltd, dated 12 August 2020. These drawings responded to the heritage commentary provided on 21 October 2020 in response to the original proposal, which was considered to be acceptable from a heritage perspective, subject to amendments. Additional commentary in response to the revised drawings are provided below:

1. *the roof forms of the addition and the infill building to the rear are to be hipped and/or gable to complement the main roof form*

Comment: The Mansard style roof option is acceptable in this instance as the slope is complementary to the main roof form and ensures the rear addition will sit at a complementary height to the height of the main roof form.

2. *the existing original rear wall should be retained and incorporated into the addition between the existing living and dining rooms. This can be achieved by retaining the wall behind the proposed robe in bedroom 3.*

Comment: The existing original rear wall between the existing living and dining rooms has not been retained and incorporated into the addition in its entirety, which is not a positive heritage outcome.

3. *windows and doors in the rear addition and the new building to the rear must be vertically proportioned, employing traditional design (timber sash or French doors) and materials (timber frame), particularly those that will be visible from the public domain, including W09, W10 and sliding doors SS11 and SS12 in the first floor northern elevation of the rear addition and windows W16, W17 and W18 in the first floor southern elevation of the separate rear building;*

Comment: The east elevation of the rear addition contains a large wall of glazing opposite the staircase and large windows to bedrooms 6 and 7 in the first floor north

elevation which are not complementary to the character of the streetscape or the Whaleborough Estate HCA. These window openings are to be redesigned so they are vertically proportioned, employing traditional design (timber sash) and materials (timber frame) so that they match the proportions, materials and dimensions of the windows in the southern elevation of the main building form.

4. *A revised Schedule of Materials, Colours and Finishes will need to be submitted for consideration and in accordance with the following:*
- *materials, finishes, textures and colours are to be complementary to the colour schemes of contributory dwellings within the streetscape. Reflective wall cladding is not acceptable;*
 - *off form concrete and black vertical cladding are to be amended to face brickwork, painted brickwork, rendered and / or painted masonry;*
 - *greys and blacks are not acceptable and must be avoided. Light, warm, earthy, tones are to be used; and*
 - *a pre-coloured traditional corrugated steel shall be used for the roofing, finished in a colour equivalent to Colorbond colours “Windspray” or “Wallaby”.*

Comment: The selected Colorbond metal cladding, coloured Monument, proposed for cladding to the walls of the first floor addition is not acceptable. This is to be replaced with horizontally laid timber weatherboards, or FC sheeting.

Off-form concrete proposed to the eastern elevation is not acceptable as it is not characteristic to the streetscape or the Whaleborough Estate HCA. This is to be replaced in face brick, to complement the face brick on the southern (front) elevation of the dwelling in “Subiaco Red Coach” or “Restoration Red Coach” from the Midland Reds, Midland Bricks range, or similar. Alternatively, a rendered painted masonry wall will be acceptable. Wall cladding or rendered masonry is to be painted in “Lime White” or “Cream” from the Dulux Traditional colour range, or similar.

The proposed Colorbond metal cladding for the roof is to be replaced with a pre-coloured traditional corrugated steel, finished in a colour equivalent to Colorbond colours “Windspray” or “Wallaby”.

The steel window surrounds proposed on the first floor northern elevation of the rear addition are to be deleted as they are not characteristic to the streetscape or the Whaleborough Estate HCA.

The steel I beam proposed for the fencing to the Norton Street elevation is to be replaced with a 1.8 vertically proportioned timber paling fence.

5. *A new timber picket fence and gate are to be instated at the front boundary to complement the front timber picket fence of the adjoining dwelling at No. 3 Macauley Street.*

Comment: The picket fence proposed on the existing brick wall and pier front fence to the dwelling are to be designed in accordance with the detail for picket fences in “*Getting the Details Right – Restoring Australian Houses 1890s – 1920s*”, by Ian Evans. The design and spacings of the pickets are to match that of the front timber picket fence of the adjoining dwelling at No. 3 Macauley Street.

In light of the discussion above, the following design change conditions are recommended to ensure the development is in accordance with Clause 5.10 Objectives 1(a) and (b) in the LLEP 2013 and the relevant objectives and controls in the LDCP 2013.

- a) The large wall of glazing opposite the staircase in east elevation of the rear addition and the large windows to bedrooms 6 and 7 in the first floor north elevation of the rear addition are to be redesigned so they are vertically proportioned, employing traditional design (timber sash) and materials (timber frame). The windows are to match the proportions, materials and dimensions of the windows in the southern elevation of the main building form.
- b) The steel window surrounds proposed on the first floor northern elevation of the rear addition are to be deleted.
- c) The steel I beam proposed for the fencing to the Norton Street elevation is to be replaced with a 1.8 vertically proportioned timber paling fence.
- d) The picket fence proposed on the existing brick wall and pier front fence to the dwelling are to be designed in accordance with the detail for picket fences in "Getting the Details Right – Restoring Australian Houses 1890s – 1920s", by Ian Evans. The design and spacings of the pickets are to match that of the front timber picket fence of the adjoining dwelling at No. 3 Macauley Street.
- e) The Schedule of Materials Colours and Materials is to be updated in accordance with the following:
 - i. The selected Colorbond metal cladding, coloured Monument, proposed for cladding to the walls of the first floor addition is to be replaced with horizontally laid timber weatherboards, or FC sheeting;
 - ii. The off-form concrete proposed to the eastern elevation is to be replaced with face brick in "Subiaco Red Coach" or "Restoration Red Coach" from the Midland Reds, Midland Bricks range, or similar. Alternatively, a rendered painted masonry wall is acceptable;
 - iii. Wall cladding and rendered masonry is to be painted in "Lime White" or "Cream" from the Dulux Traditional colour range, or similar; and
 - iv. The proposed Colorbond metal cladding for the roof is to be replaced with a pre-coloured traditional corrugated steel, finished in a colour equivalent to Colorbond colours "Windspray" or "Wallaby".

Clause 6.8 - Development in areas subject to aircraft noise

An Acoustic Report has been submitted to Council and is referenced in the recommended consent conditions.

5(b) Draft Environmental Planning Instruments

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

- (i) Draft Inner West Local Environmental Plan 2020 (IWLEP 2020)

The Draft IWLEP 2020 was placed on public exhibition commencing on 16 March 2020 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*.

Upon assessment of the proposal against the relevant draft provisions, it has been found to be satisfactory, as it either complies or is capable of complying with the relevant requirements, subject to conditions.

5(c) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of LDCP 2013.

LDCP2013	Compliance
Part A: Introductions	
Section 3 – Notification of Applications	Yes
Part B: Connections	
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	Yes
B3.1 Social Impact Assessment	Yes – see discussion
B3.2 Events and Activities in the Public Domain (Special Events)	N/A
Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes
C1.3 Alterations and additions	Yes
C1.4 Heritage Conservation Areas and Heritage Items	Yes – refer to discussion under Section 5(a)
C1.5 Corner Sites	Yes
C1.6 Subdivision	N/A
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.9 Safety by Design	Yes
C1.10 Equity of Access and Mobility	Yes
C1.11 Parking	Yes - see discussion
C1.12 Landscaping	Yes
C1.13 Open Space Design Within the Public Domain	N/A
C1.14 Tree Management	Yes
C1.15 Signs and Outdoor Advertising	N/A
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	N/A
C1.17 Minor Architectural Details	N/A
C1.18 Laneways	N/A
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	N/A
C1.20 Foreshore Land	N/A
C1.21 Green Roofs and Green Living Walls	N/A
Part C: Place – Section 2 Urban Character	
C2.2.3.5 Leichhardt Commercial Distinctive Neighbourhood C2.2.3.5(c) Norton Street – Centro Sub Area	Yes
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	Yes - see discussion
C3.3 Elevation and Materials	Yes – refer to discussion under Section 5(a)
C3.4 Dormer Windows	N/A

C3.5 Front Gardens and Dwelling Entries	Yes
C3.6 Fences	Yes – refer to discussion under Section 5(a)
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes
C3.9 Solar Access	Yes - see discussion
C3.10 Views	Yes
C3.11 Visual Privacy	Yes - see discussion
C3.12 Acoustic Privacy	Yes - see discussion
C3.13 Conversion of Existing Non-Residential Buildings	N/A
C3.14 Adaptable Housing	N/A
Part C: Place – Section 4 – Non-Residential Provisions	N/A
Part D: Energy	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes - see discussion
D2.4 Non-Residential Development	N/A
D2.5 Mixed Use Development	N/A
Part E: Water	
Section 1 – Sustainable Water and Risk Management	
E1.1 Approvals Process and Reports Required With Development Applications	Yes
E1.1.1 Water Management Statement	Yes
E1.1.2 Integrated Water Cycle Plan	Yes
E1.1.3 Stormwater Drainage Concept Plan	Yes - see discussion
E1.1.4 Flood Risk Management Report	N/A
E1.1.5 Foreshore Risk Management Report	N/A
E1.2 Water Management	Yes
E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	Yes - see discussion
E1.2.3 On-Site Detention of Stormwater	Yes - see discussion
E1.2.4 Stormwater Treatment	N/A
E1.2.5 Water Disposal	Yes
E1.2.6 Building in the vicinity of a Public Drainage System	N/A
E1.2.7 Wastewater Management	N/A
E1.3 Hazard Management	N/A
E1.3.1 Flood Risk Management	N/A
E1.3.2 Foreshore Risk Management	N/A
Part F: Food	N/A
Part G: Site Specific Controls	N/A

The following provides discussion of the relevant issues:

B3.1 - Social Impact Assessment

The proposal was supported by a Social Impact Statement as required by this Part. The conclusion reached in the Statement read:

- *Overall, the scheme is expected to bring benefits in relation to additional support for local social infrastructure targeted at the growing population of young professionals living in the City and inner western suburbs. Given the small number of residents associated with the scheme, it is not expected to result in any problematic capacity issues for local social infrastructure facilities.*
- *These contemporary additions are positioned beyond and behind the main ridge of the roof imperceptible from the Macauley Street primary streetscape. Whilst these additions are apparent to the casual observers from the Commercial Norton Street secondary frontage, the contemporary form, colour and high quality finishes compliment, highlight and provide an appropriate contrast that highlights and reads as a 21st Century layer further highlighting the character of the period dwelling.*
- *The Boarding House has been designed in a manner to protect both the visual privacy of its occupants and the neighbours. It achieves this successfully by positioning the common areas on the ground floor only whereby the first floor consisting of Boarding rooms which are considered to have low impact and intensity compared to the common areas.*
- *The proposed development is consistency with the four Crime Prevention Through Environmental Design (CPTED) principles with regard to surveillance; access control; territorial reinforcement; and, space management.*
- *the proposed parking arrangements will be suitable and appropriate within its context; there will not be any unsatisfactory traffic implications for pedestrians, cyclists and access for service vehicles; and, the proposed parking provision will be adequate and appropriate.*

This conclusion is accepted. The proposal is wholly consistent with Council's Affordable Housing Strategy with the objective to promote affordable housing within the LGA.

C1.5 - Corner Sites

The site has a primary frontage to Macauley Street and a secondary frontage to Norton Street. The proposed two-storey addition at the rear of the site has been appropriately designed to address the Norton Street frontage. As discussed in previous sections, the roof form, materials and finishes, architectural detail and scale of the additions are in keeping with the streetscape and Heritage Conservation Area given the front portion of the existing dwelling is retained with a more contemporary building being pursued at the rear. In addition, the proposal does not result in adverse amenity impacts to neighbouring properties – refer to relevant sections below for discussion.

C1.11 - Parking

There are no minimum parking requirements for boarding houses held in this part. As discussed in previous sections, the ARH SEPP provides minimum motorcycle and bicycle parking standards and no minimum car parking standard (the car parking standard is a standard to not refuse, rather than to approve).

A Traffic and Parking Report was submitted that assessed the proposal in its context. The conclusion reached that for the required parking spaces the proposed parking arrangements will be suitable and appropriate within its context and will not result in unsatisfactory traffic implications for pedestrians, cyclists and access for service vehicles for the following reasons:

- *The site is located within an accessible area given that there are Bus stops located within 400 metres of the site on both sides of Norton Street. The bus stops are used by several regular bus services in addition to a number of heavy and light rail stations are located within 2km of the site;*

- *Traffic movements of this minor magnitude will not present any adverse traffic capacity, safety or environmental related consequences. The volumes will be of such a minor nature that they will not impact on the operational performance of the intersections in the vicinity of the site and are "within keeping" of the traffic planning provisions, which underlies redevelopment of the area.*

This conclusion is accepted given the number of Boarding Rooms has been reduced by way of additional information and will be conditioned to provide a total of six (6) Boarding Rooms and therefore the parking requirements on the site have reduced to a total of three (3) spaces. Given there is an existing parking space on the site, it is considered beneficial for the purposes of managing potential on-street and off-street parking demand in the area to retain this parking space. As such, suitable conditions are recommended to ensure that a minimum of one (1) car parking space and one (1) motorcycle parking space are accommodated within the proposed carport at the rear of the site and a minimum of two (2) bicycle lockers are provided within Boarding Room 5.

A detailed Plan of Management (POM) was submitted with the application and includes 'house rules' which provide ongoing management controls for the lodgers and their behaviour as occupants on the site. It is considered that adherence to the POM will not result in an adverse on-street or off-street parking or access issues in this instance subject to the POM being amended to ensure that all occupants are alerted to the fact that they may not be illegible to participate in the Resident Parking Scheme. A condition is recommended reflecting these requirements.

Overall, on merit, the shortfall of two (2) car parking spaces is supported subject to Section 7.11 Contribution Fees and recommended conditions discussed above.

C3.2 - Site Layout and Building Design

Siting and Building Envelope

The proposed two storey addition is located at the rear of the site and the front portion of the existing dwelling is retained. The proposal will not breach the envelope controls prescribed under C2.2.3.5 Leichhardt Commercial Distinctive Neighbourhood of the LLDCP2013.

Building Location Zone (BLZ)

The proposed first floor addition is appropriately sited within the context of the neighbouring properties and aligns with the established first floor of the adjoining property at No. 3 Macauley Street. However, the proposed ground floor would extend beyond the ground floor of No. 3 Macauley Street and establish a new building location zone, resulting in a variation under this Clause.

The test prescribed under this Clause is satisfied and the BLZ variation acceptable in this instance, for the following reasons:

- The height of the ground floor and first floor has been kept to a minimum, to minimise visual bulk and scale, as viewed from adjoining properties, in particular when viewed from the private open space of adjoining properties;
- The proposal complies with the solar access controls of the LDCP2013 and has been designed to minimise any potential amenity impacts on adjoining properties in terms of privacy;
- The proposed development is a sympathetic addition to the existing streetscape, and is compatible with the desired future character, Heritage Conservation Area and scale of surrounding development; and,
- The proposal provides sufficient private open space areas and landscaping.

As a result, it is considered that the proposal is satisfactory having regard to the BLZ controls.

Side Setbacks

The proposed wall height of the rear addition (4600mm) requires setbacks greater than 200mm, as proposed, and will therefore result in a breach to the side setback controls along the northern and southern boundaries.

The test prescribed under this Clause is satisfied and the side setbacks acceptable in this instance, for the following reasons:

- The height of the ground floor and first floor has been kept to a minimum, employing minimal floor to ceiling heights, to minimise visual bulk and scale, as viewed from adjoining properties, in particular when viewed from the private open space of adjoining properties;
- The proposal complies with the solar access controls the LDCP2013 and has been designed to minimise any potential amenity impacts on adjoining properties in terms of privacy;
- The proposed development is a sympathetic addition to the existing streetscape, and is compatible with the desired future character, heritage conservation area and scale of surrounding development; and,
- Reasonable access is provided to each side boundary for maintenance.

C3.9 - Solar Access

The following solar access controls apply:

- *C13 – Where the surrounding allotments are orientated north/south and the dwelling has north facing glazing serving the main living room, ensure a minimum of three hours solar access is maintained between 9am and 3pm during the winter solstice.*
- *C17 – Where surrounding dwellings have north facing private open space, ensure solar access is retained for three hours between 9am and 3pm to 50% of the total area during the winter solstice.*

The proposal casts shadows in the morning across the western adjoining property at No. 3 Macaulay Street and in the late afternoon across Norton Street. At midday shadows are cast onto the subject site.

Morning Shadows

The immediate western property at No. 3 Macaulay Street is largely fully built upon and is currently significantly overshadowed by the adjoining building to the north at No. 182 Norton Street. Whilst additional shadows are cast across this adjoining property, they fall onto the roof and as such, the proposal would not affect any north facing living room windows and/or private open space. The proposal does not compromise the amenity of the adjoining property at No. 3 Macaulay Street as the site would still retain northern solar access.

Afternoon Shadows

Shadows cast in the afternoon by the proposed development fall within the site and across Norton Street to the east. These additional shadows do not affect any adjoining properties and would not compromise compliance with the controls above.

It is considered that the solar access amenity of the surrounding properties is acceptable in this instance.

C3.11 - Visual Privacy and C3.12 - Acoustic Privacy

The visual privacy controls prescribed in this part of the LDCP2013 seek to protect sightlines and overlooking between living areas and private open space.

It is noted that a number of submissions were received raising concern about visual and acoustic privacy. The proposed development is considered acceptable for the following reasons:

- Control C1 of this Clause protects sight lines within 9m and 45 degrees between living rooms and private open space areas;
- The existing wall along the western boundary at the rear of the subject site is proposed to be replaced with a solid concrete wall greater than 2m in height.
- A landscape buffer is proposed along both eastern and western boundaries of the rear courtyard.
- The proposed first floor windows are screened by way of louvered privacy screens which are in excess of Council's controls and are located approximately 6m away from the rear balcony of No. 3 Macaulay Street.
- Bedrooms are not considered high trafficable areas capable of generating adverse overlooking opportunities or noise.
- The dwellings are orientated in accordance with the prevailing pattern of development and allow for areas of bedrooms, living areas and private open space to be adjacent to one another.
- A detailed POM was submitted with the application and includes 'house rules' which provide ongoing management controls for the lodgers and their behaviour as occupants on the site. It is considered that adherence to the POM will not result in an adverse loss of acoustic privacy in this instance and will be conditioned as part of any future consent.

As such, the proposal would achieve compliance with the controls and objectives of these Clauses and it is considered that an adequate level of visual separation is achieved between the subject dwellings and adjacent properties.

Section 2 - Resource Recovery & Waste Management: D2.3 - Residential Development

The proposal is generally in accordance with the LDCP2013 and the proposed bin store meets the requirement for boarding houses under this Clause. A condition is recommended to ensure the entry door to the bin store is located on the southern elevation of the structure and opens outward in order to minimise any potential user conflicts with the proposed motorcycle and car parking spaces.

With regard to storage space for lodgers, the LDCP2013 requires a minimum of 0.63sqm per boarding room. Given that there is no onsite manager, and high turnover of tenants (traditionally resulting in dumped household items), a condition is recommended for the provision of a dedicated Unwanted Bulky Items storage space, within Boarding Room 5 which is to be accessible to all tenants.

E1.1.3 - Stormwater Drainage Concept Plan, E1.2.2 - Managing Stormwater within the Site and E1.2.3 - On-Site Detention of Stormwater

The development is a change of use from single dwelling to a boarding house therefore does not qualify for exemption from OSD/OSR requirements. Suitable conditions are recommended to ensure the adequate management of stormwater drainage and the provision of on-site detention facilities on the site.

5(d) The Likely Impacts

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

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

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

5(f) Any submissions

The application was notified in accordance with Inner West Council Community Engagement Framework for a period of 14 days to surrounding properties. Twenty-four (24) submissions were received in response to the initial notification (20 unique submissions and 1 signed petition).

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

- Tree impacts - see section 5(a)(iv).
- Compliance with the ARH SEPP - see section 5(a)(v).
- Compliance with development standards - see section 5(a)(vi).
- Consistency with the R1 zone objectives - see section 5(a)(vi).
- Heritage and streetscape - see section 5(a)(vi) and section 5(c).
- Lack of on-street and off-street car parking / provision of motorcycle and bicycle parking - see section 5(c).
- Traffic impacts - see section 5(c).
- Height, bulk and scale (BLZ, setback and envelope compliance) - see section 5(c).
- Visual and acoustic privacy - see section 5(c).
- Solar access and Overshadowing - see section 5(c).
- Social impact statement (security and demographic of lodgers) - see section 5(c).
- Waste management - 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 report not provided

Comment: A traffic and parking study was submitted with the application and is considered acceptable.

Issue: Traffic during construction / on-going traffic impacts

Comment: Standard conditions are to be included as part of any future consent regarding the construction of the development. It is not considered that the development will result in adverse traffic impacts during construction.

Issue: No visitor parking provided

Comment: Visitor parking is not a requirement for development consent under the ARH SEPP. As discussed previously the proposed parking arrangements are considered acceptable within the context of the site and the non-provision of visitor parking is acceptable.

Issue: Proposed new Housing Diversity SEPP

Comment: The Housing Diversity SEPP is not currently in force and hence an assessment against the proposed SEPP can not be undertaken.

Issue: District and outlook views from 5 Macaulay Street

Comment: The view loss provisions of the LDCP2013 protect significant and/or landmark views rather than outlook or district views. The proposal is considered acceptable in terms of height, bulk and scale and the siting of the rear two-storey addition is considered acceptable as viewed from neighbouring properties. The proposal will not result in the loss of any views which would be contrary to the LDCP2013.

Issue: Damp issues to southern wall of No. 3 Macauley Street due to overshadowing

Comment: Unfortunately, this is not a matter for planning consideration. An assessment of the proposal against Council's solar access controls under the LDCP2013 found the application to be acceptable with regard to potential overshadowing impacts.

Issue: A change from residential to (what presumably is a private for-profit) commercial enterprise will significantly affect the safety of the neighbours.

Comment: The proposal does not seek approval for a commercial premises and provides residential accommodation in accordance with the objectives of the R1 zoning objectives.

Issue: The boarding house residents will be at risk but also pose a risk to the community due to expected significant issues managing hygiene or overall wellbeing standards including the Covid-19 risk factors appropriately.

Comment: A plan of management was submitted with the application and is considered acceptable and will be conditioned as part of any future consent.

Issue: Lodgers smoking in the rear courtyard

Comment: Unfortunately, this is not a matter for planning consideration. An assessment of the proposal against Council's visual and acoustic controls under the LDCP2013 found the application to be acceptable with regard to potential privacy impacts. The use of the rear courtyard by lodgers for this purpose is not considered unreasonable.

Issue: Overdevelopment of the site

Comment: The proposal complies with the FSR development standard and the variation to the Site Coverage development standard is considered reasonable. The proposed development is considered acceptable within the context of the subject site and surrounding properties.

Issue: Inadequate provision of private open space, green space and living areas

Comment: As discussed previously, the proposal provides sufficient private open space, soft landscaping and living areas to meet the requirements of the ARH SEPP and the LDCP2013.

Issue: Use of the site as a boarding house

Comment: The proposed development is permissible within the R1 zoning and the application generally complies with the standards of the ARH SEPP. As a result, it is not considered sustainable to pursue refusal based on the type of development being pursued. Any consent will specify the approved use and restrict any potential subdivision.

Issue: Acoustic report not provided.

Comment: An acoustic report was submitted with the application and is considered acceptable and will be conditioned as part of any future consent.

Issue: The number of boarding rooms is unclear / too many boarding rooms for the site.

Comment: A total of seven (7) single lodger boarding rooms are proposed. As discussed throughout this report, conditions are recommended to reduce the number of boarding rooms to a total of six (6) single lodger boarding rooms in order to improve the amenity and

facilities provided as part of the development. The number of boarding rooms is considered acceptable.

Issue: Errors with the information contained within the statement of environmental effects.

Comment: Noted, however, notwithstanding any errors contained within this document, an assessment of the application has found that the proposal is generally acceptable and complies with the ARH SEPP, LLEP2013 and LDCP2013.

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.

- Development Engineer
- Heritage and Urban Design
- Urban Forest
- Waste Management

6(b) External

The application was referred to Ausgrid who did not raise any objections to the proposed development subject to appropriate conditions, which have been included in the recommendation.

7. Section 7.11 Contributions/7.12 Levy

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$20,000.00 would be required for the development under Leichhardt Section 94 Contributions Plan 2014. A condition requiring that contribution to be paid is included in the recommendation.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Leichhardt Local Environmental Plan 2013* and *Leichhardt Development Control Plan 2013*.

The development will not result in any significant impacts on the amenity of the adjoining premises/properties and the streetscape and is considered to be in the public interest.

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

9. Recommendation

- A. The applicant has made a written request pursuant to Clause 4.3A - Landscaped areas for residential accommodation in Zone R1 of the *Leichhardt Local Environmental Plan 2013*. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the standard is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variation. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.

- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2020/0680 for Alterations and additions and change of use to boarding house at 1 Macauley Street LEICHHARDT NSW 2040 subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

DOCUMENTS RELATED TO THE CONSENT

1. 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
2.04 Issue B	Ground Floor Plan	09/02/2021	Development Design Pty Ltd
2.05 Issue B	First Floor Plan	09/02/2021	Development Design Pty Ltd
2.06 Issue B	Roof Plan	09/02/2021	Development Design Pty Ltd
2.07 Issue B	Southern and Northern Elevations	09/02/2021	Development Design Pty Ltd
2.08 Issue A	Eastern and Western Elevations	12/08/2020	Development Design Pty Ltd
2.09 Issue B	Section A-A	09/02/2021	Development Design Pty Ltd
2.10 Issue B	Schedule of Materials, Colours and Finishes	09/02/2021	Development Design Pty Ltd
-	Acoustic Report	11/08/2020	Koikas Acoustics Pty Ltd
-	Arboricultural Impact Assessment	June 2020	BLUEGU M - Tree Care and Consultancy
-	Addendum to the Arboricultural Impact	13/11/2020	BLUEGU M - Tree Care and

	Assessment (AIA) - June 2020		Consultancy
20AA119/DR00, 20AA119/DR01, 20AA119/DR02, 20AA119/DR03 Revision A	Stormwater Hydraulic Design Plans	14/11/2020	Endepth Engineers
BASIX Certificate Number: 1113581S	BASIX Certificate	03/08/2020	Building Energy Assessments
-	Boarding House Plan of Management	24/08/2020	Development Design Pty Ltd

As amended by the conditions of consent.

DESIGN CHANGE

2. Design Change

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

- a. The large wall of glazing opposite the staircase in east elevation of the rear addition and the large windows to bedrooms 6 and 7 in the first floor north elevation of the rear addition are to be redesigned so they are vertically proportioned, employing traditional design (timber sash) and materials (timber frame). The windows are to match the proportions, materials and dimensions of the windows in the southern elevation of the main building form.
- b. The steel window surrounds proposed on the first floor northern elevation of the rear addition are to be deleted.
- c. The steel I beam proposed for the fencing to the Norton Street elevation is to be replaced with a 1.8 vertically proportioned timber paling fence.
- d. The picket fence proposed on the existing brick wall and pier front fence to the dwelling are to be designed in accordance with the detail for picket fences in "Getting the Details Right – Restoring Australian Houses 1890s – 1920s", by Ian Evans. The design and spacings of the pickets are to match that of the front timber picket fence of the adjoining dwelling at No. 3 Macauley Street.
- e. The proposed Bin Store is to be fully enclosed and is to have an access door along the southern elevation of the structure, which opens outward into the rear courtyard.
- f. An external door is to be provided along the eastern elevation, adjacent to the carport, for pedestrian access to Norton Street.
- g. One (1) car parking space and one (1) motorcycle parking space are to be provided within the carport, consistent with Condition 28 - Parking Facilities and appropriately located with access to the vehicular crossing.
- h. Two (2) security class B (minimum) bicycle parking spaces are to be provided within Boarding Room 5 consistent with Condition 28 - Parking Facilities.
- i. One (1) Bulky Waste Storage Area is to be provided within Boarding Room 5 consistent with waste related conditions of consent.

- j. One (1) additional bathroom is to be provided within Boarding Room 5, adjacent to the proposed south facing window. This bathroom must be accessible to all residents / lodgers.
- k. An OSD and/or OSR tank(s) is to be provided consistent with the stormwater related conditions of consent. The design is to include an above ground tank located along the western side boundary adjacent to the rear kitchen. The tank(s) must be located as not to impact the roots of the neighbouring tree.

FEES

3. Security Deposit

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:	\$10,000
Inspection Fee:	\$236.70

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 initial 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.

4. Section 7.11 (Former Section 94) Contribution

Prior to the issue of a Construction Certificate written evidence must be provided to the Certifying Authority that a monetary contribution of \$20,000.00 in accordance with *Developer Contributions Plan No. 1 – Open Space and Recreation; Developer Contributions Plan No. 2 – Community Facilities and Services (2005); and Leichhardt Developer Contributions Plan – Transport and Access ("CP")* has been paid to the Council.

The above contribution is the contribution applicable as at 10/02/2021.

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

Local Infrastructure Type:	Contribution \$
Open Space and Recreation	\$0
Community Facilities and Services	\$0
Payment in Lieu of Adequate Parking	\$20,000.00
Access to Balmain Peninsula	\$0
Light Rail Access Works	\$0
Leichhardt Town Centre Improvements	\$0
Bicycle Works	\$0
TOTAL	\$20,000.00

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>

Payment methods:

The required contribution must be paid either *by BPAY (to a maximum of \$500,000); unendorsed bank cheque (from an Australian Bank only); EFTPOS (Debit only); credit card (Note: A 1% credit card transaction fee applies to all credit card transactions; cash (to a maximum of \$10,000))*. It should be noted that personal cheques or bank guarantees cannot be accepted for the payment of these contributions. **Prior to payment contact Council's Planning Team to review charges to current indexed quarter, please allow a minimum of 2 business days for the invoice to be issued before payment can be accepted.**

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

5. 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

6. Tree Protection

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

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

Any public tree within five (5) metres of the development must be protected in accordance with Council's *Development Fact Sheet—Trees on Development Sites*.

No activities, storage or disposal of materials taking place beneath the canopy of any tree (including trees on neighbouring sites) protected under Council's Tree Management Controls at any time.

Vehicular access and heavy machinery on site is restricted to a 3 tonne tipper truck and 2.8 tonne excavator as depicted in figures (B) and (C) of the submitted *Addendum to the Arboricultural Impact Assessment*, prepared by *Bluegum Tree Care and Consultancy*, dated 13/11/2020.

The trees identified below are to be protected in accordance with the conditions of consent and section 7 of the submitted *Arboricultural Impact Assessment*, prepared by *Bluegum Tree Care and Consultancy*, dated June 2020 throughout the development :

Tree No.	Botanical/Common Name	Location
1	<i>Eucalyptus microcorys</i> (Tallowwood)	Adjoining property.
2	<i>Flindersia australis</i> (Crows Ash)	Road reserve adjacent to driveway crossover, along Norton St.

Project Arborist

Prior to the commencement of any demolition or construction works within close proximity to protected trees a Project Arborist must be engaged for the duration of the site preparation, demolition, construction and landscaping to supervise works. Details of the Project Arborist must be submitted to the Certifying Authority before work commences.

7. 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.

8. Privacy

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans indicating the south facing window to Boarding Room 5 being amended in the following manner:

- a. Minimum sill height of 1.7 metres above floor level.

9. Boarding House

The development must provide and maintain:

- a. All rooms within the boarding house must be connected to a centralised electricity, water and gas (if installed) service.

10. Verification of Levels and Location

Prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, the Principal Certifier must be provided with a survey levels certificate prepared by a Registered Surveyor indicating the level of the slab and the location of the building with respect to the boundaries of the site to AHD.

11. Standard Street Tree Protection

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

12. Works Outside the Property Boundary

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

13. 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.

14. 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.

15. Plan of Management

Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with an amended plan of management requiring that all owners, lodgers, tenants and occupiers of this building are to be alerted to the fact that they may not be eligible to participate in any existing or proposed Council Resident Parking Schemes.

PRIOR TO ANY DEMOLITION**16. Resource Recovery and Waste Management Plan - Demolition and Construction**

Prior to any demolition works, 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.

17. 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.

18. Dilapidation Report

Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of the adjoining properties at No. 3 Macauley Street, Leichhardt and No. 182 Norton Street, Leichhardt to the Certifying Authority's satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.

19. Advising Neighbors Prior to Excavation

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

20. 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.

PRIOR TO CONSTRUCTION CERTIFICATE

21. Bin Storage Area - Residential

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a report detailing the ongoing waste generation requirements of the development and demonstrate that the bin storage area is to be provided within the site that will fully accommodate the number of bins required for all waste generated by a development of this type and scale. The number of bins required must be calculated based on a weekly collection of garbage, and a fortnightly collection of recycling.

The area must also include 50% allowance for manoeuvring of bins. The bin storage area is to be located away from habitable rooms, windows, doors and private useable open space, and to minimise potential impacts on neighbours in terms of aesthetics, noise and odour.

The bin storage area is to meet the design requirements detailed in the Leichhardt DCP 2013 and must include doorways/entrance points of 1200mm.

22. Bulky Waste Storage Area – Residential

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating that a dedicated storage area has been included to accommodate unwanted bulky household items awaiting collection. This bulky items storage area must be accessible to ALL residents. It is to meet the floor area requirements for unwanted bulky household items per the Leichhardt DCP 2013 and have minimum doorways of 1200mm wide to accommodate large items.

23. 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 1:14.

24. 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.

25. Construction Methods to Minimise Impact on Trees

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with details certified by a suitably qualified Arborist demonstrating that the footings of the approved carport and boundary walls utilise tree sensitive construction techniques (such as isolated pier or pier and beam construction) within the specified radius of the trunk/s of the following trees:

Tree No.	Botanical/Common Name	Radius in metres
1	<i>Eucalyptus microcorys</i> (Tallowwood)	12m

Prior to the issue of a Construction Certificate, the Certifying Authority must verify that no proposed underground services are located beneath the canopy of any prescribed trees

located on the subject site and adjoining sites (including trees located within the public domain).

26. Dilapidation Report – Pre-Development – Minor

Prior to the issue of a Construction Certificate or any demolition, the Certifying Authority must be provided with a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site.

27. Stormwater Drainage System – OSD is required

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. Stormwater runoff from all roof areas within the property being collected in a system of gutters, pits and pipeline and be discharged via the OSD/OSR tanks together with overflow pipelines from any rainwater tank(s) by gravity to the kerb and gutter of a public road/directly to Council's piped drainage system ;
- b. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP;
- c. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage;
- d. The design plans must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes;
- e. The OSD and/or OSR tank must be an above ground tank located along the western side boundary adjacent to the rear kitchen. The tank(s) must be located as not to impact the roots of the neighbouring tree.
- f. The plans, including supporting calculations using hydrologic/hydraulic modelling software, must demonstrate that the post development flows for the 100 year ARI storm are restricted to the pre development flows for the 5 year ARI storm event in accordance with Section E1.2.3 (C2 and C3) of Council's DCP2013 and the maximum allowable discharge to Council's street gutter limited to 15 litres/second (100year ARI);
- g. OSD may be reduced or replaced by on site retention (OSR) for rainwater reuse in accordance with the Leichhardt DCP2013 at a rate of 2.5m³ of OSR volume to offset 1m³ of OSD storage. Where this is pursued, the proposed on-site retention (OSR) tanks must be connected to a pump system for internal reuse for laundry purposes, the flushing of all toilets and for outdoor usage such as irrigation. Surface water must not be drained to rainwater tanks where the collected water is to be used to supply water inside the dwelling, such as for toilet flushing or laundry use;
- h. Pipe and channel drainage systems including gutters must be designed to convey the one hundred (100) year Average Recurrence Interval (ARI) flows from the contributing catchment to the OSD/OSR tanks;
- i. Details of the 100-year ARI overflow route in case of failure/blockage of the drainage system must be provided;
- j. Where there is no overland flow/flood path available from the rear and central courtyards to the street frontage, the design of the sag pit and piped drainage system is to meet the following criteria:
 - a. Capture and convey the 100 year Average Recurrence Interval flow from the contributing catchment assuming 80% blockage of the inlet and 50% blockage of the pipe;
 - b. The maximum water level over the sag pit shall not be less than 150mm below the floor level or damp course of the building; and
 - c. The design shall make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands.

- k. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands;
- l. 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;
- m. No nuisance or concentration of flows to other properties;
- n. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
- o. Plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required;
- p. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
- q. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;
- r. New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a maximum section height and width of 100mm.
- s. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings;
- t. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated;
- u. No impact to street tree(s).
- v. Water quality filtration basket(s) with screening bag or similar primary treatment device(s) must be installed on the site stormwater drainage system such that all water entering the site stormwater drainage system is filtered by the device(s);

28. 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 Australian Standard AS/NZS2890.3-2015 Parking Facilities – bicycle 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. A minimum of 2200mm headroom must be provided throughout the access and parking facilities. Note that the headroom must be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors;
- c. Longitudinal sections along each outer edge of the access and parking facilities, extending to the centreline of the road carriageway must be provided, demonstrating compliance with the above requirements;
- d. One (1) car parking space must be provided within the carport and must have minimum clear internal dimensions of 6000x3000 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. The car parking space must be setback from the property boundary to allow bicycles and motorbikes to access the vehicular crossing;
- e. Two (2) security class B (minimum) bicycle parking spaces and one (1) motorcycle parking space must be provided (minimum) and be appropriately located with access

to the vehicular crossing. The bicycle and motorcycle spaces must not block access between the car parking space and the vehicular crossing.

- f. Convex mirrors at the vehicular access to improve sightlines to pedestrians.
- g. The external form and height of the approved structures must not be altered from the approved plans.

29. 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 (excluding stormwater downpipes) within the outer walls of the building so they are not visible.

30. 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.

31. 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.

32. 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 13 20 92

33. 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.

34. Shared Accommodation / Boarding House – Plan Of Management

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a Plan of Management demonstrating compliance with operation and maintenance standards set out in the *Local Government (General) Regulation 2005*.

DURING DEMOLITION AND CONSTRUCTION

35. Documentation of Demolition and Construction Waste

All waste dockets from the recycling and/or disposal of any demolition and construction waste generated from the works must be retained on site.

36. Schedule of Materials, Colours and Finishes

Prior to the issue of the Construction Certificate, the Schedule of Materials, Colours and Finishes is to be updated in accordance with the following:

- a. The selected Colorbond metal cladding, coloured Monument, proposed for cladding to the walls of the first floor addition is to be replaced with horizontally laid timber weatherboards, or FC sheeting;
- b. Off-form concrete proposed to the eastern elevation is to be replaced with face brick in “Subiaco Red Coach” or “Restoration Red Coach” from the Midland Reds, Midland Bricks range, or similar. Alternatively, a rendered painted masonry wall will be acceptable;
- c. Wall cladding and rendered masonry is to be painted in “Lime White” or “Cream” from the Dulux Traditional colour range, or similar; and
- d. The proposed Colorbond metal cladding for the roof is to be replaced with a pre-coloured traditional corrugated steel, finished in a colour equivalent to Colorbond colours “Windspray” or “Wallaby”.

37. Impact to trees during excavation, demolition or construction work

During excavation, demolition or construction work, the Principal Certifier must be provided with evidence of root exploration mapping for a *Eucalyptus microcorys* (Tallowwood) located on adjoining property.

All documentation must be prepared by a minimum AQF Level 5 Consulting Arborist in accordance with Council’s Development Fact Sheet Root Mapping Reports. The report shall clearly document the diameter of roots located underneath the existing structures as well as the depths at which roots were identified during excavation.

Based on the findings of the Root Mapping Report, a Concept Footings Plan must be prepared for the construction of the proposed carport and boundary wall. All works must be constructed on or above existing levels. Existing footings shall be used wherever possible.

No tree roots of 30mm or greater in diameter located within a 12m radius of the trunk of the *Eucalyptus microcorys* (Tallowwood) must be severed or injured in the process of any works during the construction period. Tree protection measures are to be undertaken in accordance with within section 7 of the submitted *Arboricultural Impact Assessment*, prepared by *Bluegum Tree Care and Consultancy*, dated June 2020.

If tree roots less than 30mm diameter are required to be severed for the purposes of constructing the approved works, they must be cut cleanly using a sharp and fit for purpose tool. The pruning must be undertaken by a practicing Arborist.

All excavation within the specified radius of the trunk of the aforementioned tree must be dug by hand using light weight, non-motorized hand tools or by using either pneumatic or hydraulic tools only (e.g. Airspade® or hydro excavation) to a depth of one (1) metre under direct supervision of the Project Arborist and then by mechanical means as agreed by the Project Arborist.

38. Inspections by Project Arborist

The trees to be retained must be inspected, monitored and treated by the Project Arborist during and after completion of development works to ensure their long-term survival. Regular inspections and documentation from the Project Arborist to the Certifying Authority are required at the following times or phases of work:

Tree No./ Location	Botanical/ Common Name/	Time of Inspection	Key stage/ Hold point
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(1) <i>Eucalyptus microcorys</i> (Tallowwood) located on adjoining property. (2) <i>Flindersia australis</i> (Crows Ash) located in road reserve adjacent to driveway crossover along Norton St.	Prior to commencement of works	<ul style="list-style-type: none"> • Inspection and sign off installation of tree protection measures.
	During Works	<ul style="list-style-type: none"> • Supervise all site preparation and demolition works within the TPZ; • Supervise all works inside or above the TPZ; • Supervise all excavation, trenching works, landscaping works and tree planting replenishment within the TPZ; • Supervise all root pruning work.
		<ul style="list-style-type: none"> • In accordance with section 7 of the submitted <i>Arboricultural Impact Assessment</i>, prepared by <i>Bluegum Tree Care and Consultancy</i>, dated June 2020 and section 4 of AS4970—<i>Protection of trees on development sites</i>.

Recommendations to ensure the trees long term survival must be carried out immediately upon receipt of the report.

39. Limited Root Pruning

No tree roots of 30mm or greater in diameter located within the specified radius of the trunk of the following tree must be severed or injured in the process of any works during the construction period:

Tree No.	Botanical/Common Name	Radius in metres
1	<i>Eucalyptus microcorys</i> (Tallowwood) located on adjoining property.	12m

Existing hardstand shall be removed by combination of hand tools and 2.8 tonne excavator as per figure (C) of the submitted *Addendum to the Arboricultural Impact Assessment*, prepared

by *Bluegum Consultancy and Tree Care* and under the direct supervision of the Project Arborist. All excavation within the specified radius of the trunk of the following tree must be dug by hand using light weight, non-motorized hand tools or by using either pneumatic or hydraulic tools only (e.g. *Airspade®* or hydro excavation) to a depth of one (1) metre under direct supervision of the Project Arborist and then by mechanical means as agreed by the Project Arborist. If tree roots less than 30mm diameter are required to be severed for the purposes of constructing the approved works, they must be cut cleanly using a sharp and *fit for purpose tool*. The pruning must be undertaken by a practicing Arborist.

40. Construction Hours – Class 1 and 10

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

41. 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.

PRIOR TO OCCUPATION CERTIFICATE

42. Certification of Tree Planting

Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with evidence certified by the Project Arborist that:

A minimum of 1 x 75 (L) litre size additional tree, which will attain a minimum mature height of ten (10) metres, must be planted within the rear property at a minimum of 1.5 metres from any boundary or structure and 2m from the dwelling allowing for future tree growth. The tree is to conform to AS2303—*Tree stock for landscape use*. Trees listed as exempt species from Council's Tree Management Controls, Palms, fruit trees and species recognised to have a short life span will not be accepted as suitable replacements.

If the replacement trees are found to be faulty, damaged, dying or dead within twelve (12) months of planting then they must be replaced with the same species (up to 3 occurrences). If the trees are found dead before they reach a height where they are protected by Council's Tree Management Controls, they must be replaced with the same species.

43. Project Arborist Certification

Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with certification from the project arborist the requirements of the conditions of consent and the role of the project arborist have been complied with.

44. Public Domain Works

Prior to the issue of an Occupation Certificate, the Principal Certifier 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. Light duty concrete vehicle crossing(s) at the vehicular access location(s);
- b. Any damaged or defective concrete footpath or kerb and gutter across the frontage of the site must be reconstructed; and
- 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".

45. 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.

46. Protect Sandstone Kerb

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any damaged stone kerb has been replaced.

47. 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 suitably qualified Civil Engineer that:

- a. The stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards; and
- b. Works-as-executed plans of the stormwater drainage system certified by a Registered Surveyor, to verify that the drainage system has been constructed, OSD/OSR system commissioned and stormwater quality improvement device(s) and any pump(s) installed 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.

48. Operation and Management Plan

Prior to the issue of an Occupation Certificate, the Principal Certifier 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; and
- b. The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.

49. Parking Signoff

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with certification from a qualified practising 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. One (1) car parking space, Two (2) security class B (minimum) bicycle parking spaces and one (1) motorcycle parking space have been provided and appropriately located with access to the vehicular crossing.
- b. Convex mirrors at the vehicular access to improve sightlines to pedestrians;

50. Aircraft Noise –Alterations and Additions

Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), the Principal Certifier must be provided with a report from a suitably qualified person demonstrating that each of the commitments listed in Aircraft Noise Assessment Report required by this consent has been satisfied.

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.

51. Smoke Alarms - Certification of upgrade to NCC requirements

Prior to the issue of any Occupation Certificate, the Principal Certifier is required to be satisfied the existing building has been upgraded to comply with the provisions of the National Construction Code (Building Code of Australia) in relation to smoke alarm systems.

ON-GOING

52. Bin Storage

All bins are to be stored within the site. All bins are to be returned to the property within 12 hours of having been emptied.

53. Operation and Management Plan

The Operation and Management Plan for the on-site detention and/or on-site retention/re-use including pump facilities and stormwater screening/filtration devices, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.

54. Boarding House

The use of the premises as a boarding house must comply at all times with the following:

- a. The use must comply at all times with the Plan of Management referred to in Condition One (1) above and as amended by the conditions in this Determination;
- b. A copy of the Plan of Management and House Rules must be annexed to each and every tenancy/occupation agreement for a room;
- c. A copy of the approved Plan of Management and House Rules must be clearly displayed within every common room in the building at all times;
- d. The Plan of Management must not be amended without the prior consent of Council and must be made available to Council officers and the Police upon request;
- e. All tenancy/occupation agreements for rooms within the premises must be for a minimum period of three (3) months;
- f. The premises must be used exclusively as a boarding house containing a maximum total of six (6) lodger's rooms with not more than six (6) adult lodgers residing in the premises at any one time;
- g. Not more than one (1) lodger must occupy each boarding room;
- h. The premises must not be adapted for use as backpacker's accommodation, serviced apartments or a residential flat building;
- i. All common rooms/areas and recreation rooms/areas must be maintained at all times for the use of the lodgers; and
- j. Each self-contained room and shared kitchen must be fitted out with washing up facilities, a cooktop, oven, fridge and storage space with such utilities being maintained in working order at all times.

ADVISORY NOTES

Notice to Council to deliver Residential Bins

Council should be notified of bin requirements three weeks prior to the occupation of the building 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.

Recycling / Garbage / Organics Service Information and Education

The building manager / strata title manager or body corporate is responsible for ensuring all tenants are kept informed regarding Council's services, and best practice waste and recycling source separation.

Consent of Adjoining property owners

This consent does not authorise the applicant, or the contractor engaged to do the tree works to enter a neighbouring property. Where access to adjacent land is required to carry out approved tree works, Council advises that the owner's consent must be sought. Notification is the responsibility of the person acting on the consent. Should the tree owner/s refuse access to their land, the person acting on the consent must meet the requirements of the *Access To Neighbouring Lands Act 2000* to seek access.

Tree Protection Works

All tree protection for the site must be undertaken in accordance with Council's *Development Fact Sheet—Trees on Development Sites* and *AS4970—Protection of trees on development sites*.

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; and
- 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.

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.

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;
or
- 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; and
- 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.

Boarding House – Registration with Fair Trading

Boarding houses with two or more residents who have additional needs or five or more residents who do not have additional needs are required to register with the Department of Fair Trading.

Construction of Vehicular Crossing

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

Lead-based Paint

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

Dial before you dig

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

Useful Contacts

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au
Department of Fair Trading	13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 www.dialprior toyoudig.com.au
Landcom	9841 8660

		To purchase copies of Volume One of "Soils and Construction"
Long Service Corporation	Payments 131441	
NSW Food Authority		www.lspc.nsw.gov.au
		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 - Environmental Solutions	SITA 1300 651 116	www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)		www.waterrating.gov.au
WorkCover Authority of NSW	13 10 50	www.workcover.nsw.gov.au
		Enquiries relating to work safety and asbestos removal and disposal.

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 Class A 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 2014. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.

Street Numbering

If any new street numbers or change to street numbers (this includes unit and shop numbers) are required, a separate application must be lodged with and approved by Council's GIS Team before being displayed.

Overhead Powerlines

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.

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."

Underground Cables

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

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



DATE		CLIENT		PROJECT		ISSUE	
14/02/2020	14/02/2020	DEVELOPMENT DESIGN PTY LTD	1100 @ A2	PROPOSED ALTERATIONS & ADDITIONS	SCALE	ISSUE:	ISSUE:
01/11/2020	01/11/2020	3408 RILEY STREET SURRY HILLS NSW 2010	1:100 @ A2	A. BROADENING HOUSE USE	DRAWN: Y/G	B	B
08/02/2021	08/02/2021	LOT 1 & 2 D.P. 1094075	CHECKED: S/C	DRAWING: Y/G	CHECKED: S/C	DA	DA
		1 MACAULEY STREET LEICHHARDT 2040				SHEET No:	SHEET No:
						0.01	0.01



DATE		CLIENT		PROJECT		SCALE		ISSUE	
12.08.2020	17.11.2020	Development Design Pty Ltd 1/67-7/8 St	MRS RIZK & MRS SADE	PROPOSED ALTERNATIONS & AMENDMENTS TO ISSUE 1B	1:100 @ A2	1:100 @ A2	B		
09.02.2021		340a Riley Street Surry Hills NSW 2010 info@developmentdesign.com.au www.developmentdesign.com.au	ADDRESS: 1 MACAULEY STREET LEICHHARDT 2049	PROPOSED SITE ANALYSIS	Y.G	Y.G	DA		
								SHEET NO:	
								DRAWING	
								CHECKED:	
								DRAWING	
								SHEET NO:	
								DRAWING	
								0.02	



FOR PLANS AND PERMITS ONLY		GROUND FLOOR ANALYSIS	
ISSUE:	AVANCEMENTS	SCALE:	1:100 @ A4
A	DA ISSUE	PROJECT:	REAR COURTYARD AMENITIES & REAR COURTYARD
B	REAR COURTYARD AMENITIES CORRECTION	CLIENT:	MR RIZKA & MRS SAJDE
		ADDRESS:	LOT 112 (DP 708474) 1 MACAULEY STREET LEICHMURD, 2040
		DRAWING:	GROUND FLOOR ANALYSIS
		CHECKED:	Y.G. 5.0
		ISSUE:	B
		SHRINK SCALE:	2:01
		DRAWN:	Y.G.
		CHECKED:	Y.G. 5.0

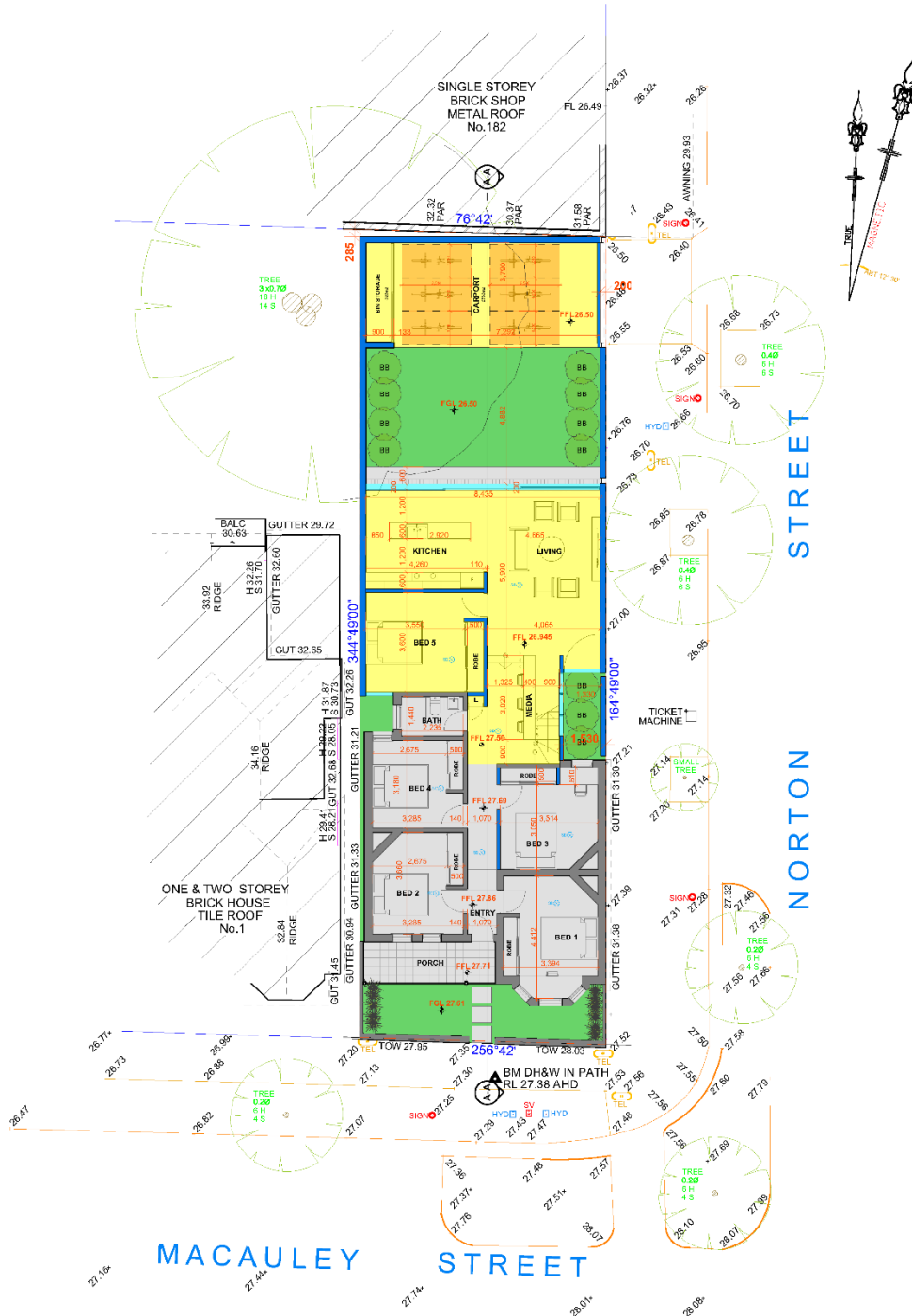


DA PLANS		FIRST FLOOR ANALYSIS	
ISSUE: AMENDMENTS	DATE: 12/01/2020	CLIENT: MINDA & MRS SHARLE	SCALE: 1:100 @ A4
A	11/11/2020	PROJECT: ALTERATIONS & ADDITIONS & BOARDING - EXIST USE	DRAWN: Y.G.
B	08/04/2021	DRAWING: FIRST FLOOR ANALYSIS	CHECKED: S.B.
		ADDRESS: 340B Riley Street S (op Hills NSW) 2010	ISSUE: B
		LOT 1&2 DP 1006074	DA
		www.developmentdesign.com.au	SHEET NO: 2.02
		1 MACAULEY STREET RICHMOND 2040	DO NOT SCALE DRAWING

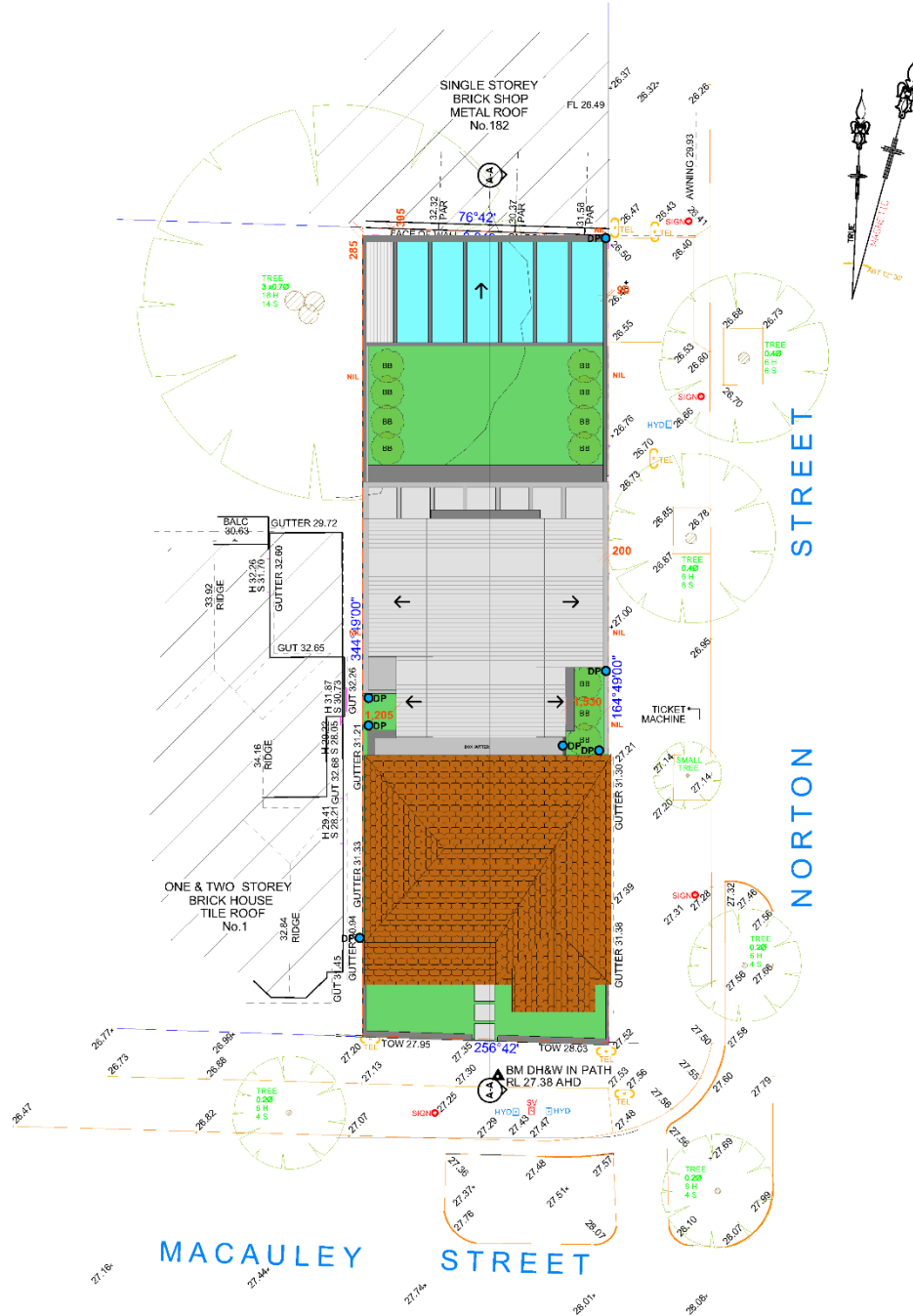
ALL DIMENSIONS ARE IN METRES UNLESS OTHERWISE SPECIFIED. THE DESIGN AND CONSTRUCTION OF THIS PROJECT IS THE RESPONSIBILITY OF THE ARCHITECT. THE CLIENT ACCEPTS RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED TO THE ARCHITECT.



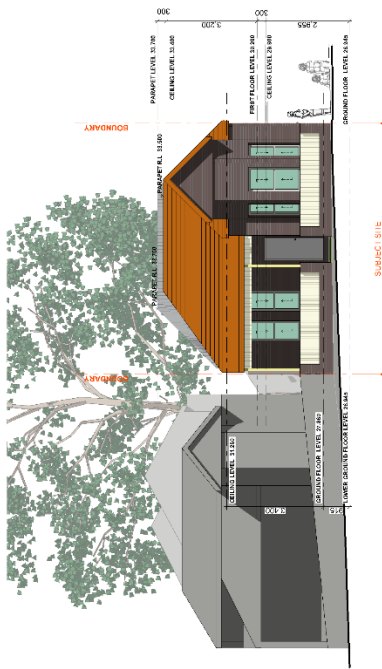
ISSUE / AMENDMENTS:		DATE:		CLIENT:		PROJECT:		SCALE:		ISSUE:	
A	DA ISSUE	12.08.2020	12.08.2020	DEVELOPMENT DESIGN PTY LTD	340A RILEY STREET SURRY HILLS NSW 2010	PROPOSED ALTERATIONS & ADDITIONS TO EXISTING ROOF USE	1:100 @ A2	B			
B	DA ISSUE IN AMENDMENTS RE: AS COURTYARD DIMENSION CORRECTION	17.11.2020	17.11.2020	MR RIZZ & MRS SPACE	LOT 102 DP 1060010	DRAWING: ROOF PLAN ANALYSIS	DRAWN: YG	DA			
		06/02/2021	06/02/2021	ADDRESS: 1 MACAULEY STREET LEICH HURST 2040			CHECKED:	DA			
				WWW.DEVELOPMENTDESIGN.COM.AU			SLG	SHEET NO:			
								2.03			



DATE:		CLIENT:		PROJECT:		ISSUE:	
12/03/2020	12/03/2020	MECCA & MRS SAUDE	PROPOSED ALTERATIONS & ADDITIONS & REPAIRING HOUSE USE	SCALE:	1:100 @ 0/2	DA	B
17/11/2019	17/11/2019	3406 RIVER STREET SURRY HILLS NSW 2010	DRAWING:	DRAWN:	Y/G	DA	B
09/02/2021	09/02/2021	LOT 152 DP 1096075	GROUND FLOOR PLAN	CHECKED:	8/G	SHEET No.:	2.04
		www.developmentsdesign.com.au	1 MACAULEY STREET LEICHHARDT 2040				



DA PLANS		ROOF PLAN	
DATE:	12/08/2020	SCALE:	1:100 (R24)
DATE:	17/11/2020	SCALE:	1:100 (R24)
DATE:	01/02/2021	SCALE:	1:100 (R24)
CLIENT:	Development Design Pty Ltd 14/01/19/187	PROJECT:	REPAIRS & ADDITIONS TO BRICK HOUSE USE
CLIENT:	MIRROK & HIRS SAVIDE	PROJECT:	REPAIRS & ADDITIONS TO BRICK HOUSE USE
ADDRESS:	300a Remy Street Surry Hills NSW 2010	DRAWING:	ROOF PLAN
ADDRESS:	LOT 142 DP 104073	CHECKED:	3.6
ADDRESS:	1 MACAULEY ST BRET LUCHMANN 2040	SHEET NO.:	2.06
ISSUE:	A	ISSUE:	B
ISSUE:	B	ISSUE:	DA
ISSUE:		ISSUE:	

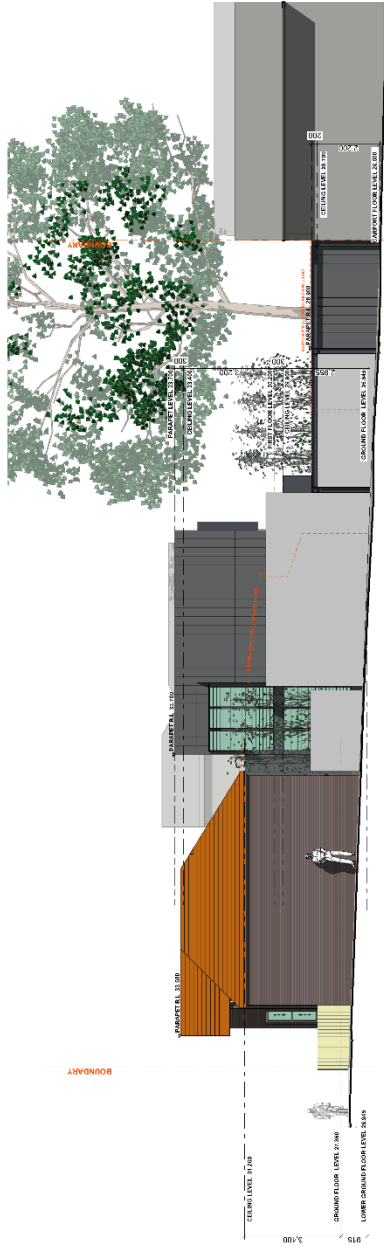


① SOUTHERN ELEVATION 1:100

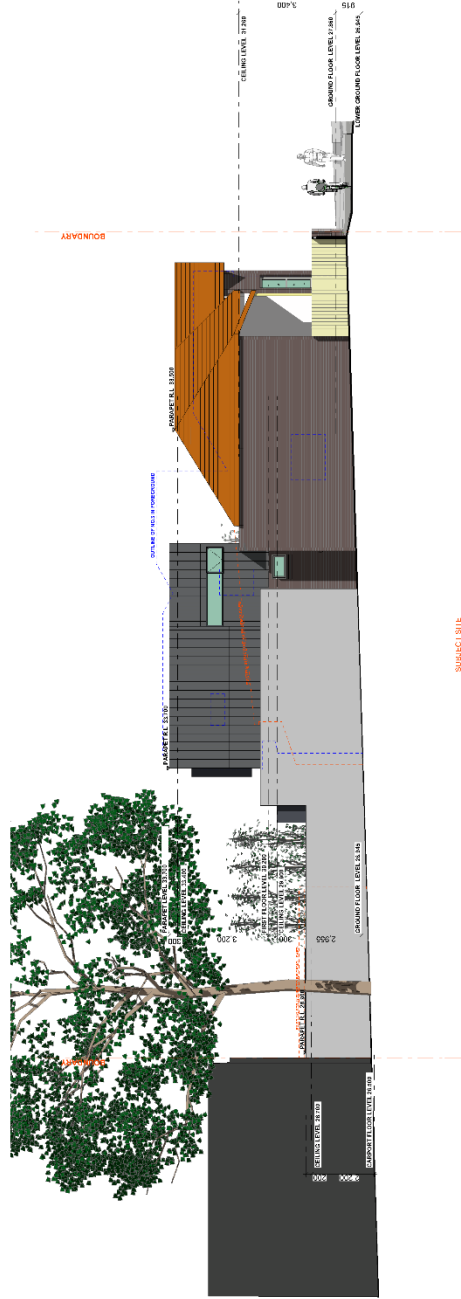


② NORTHERN ELEVATION 1:100

DA PLANS DEVELOPMENT APPLICATION		SOUTHERN & NORTHERN ELEVATIONS	
ISSUE: A DA ISSUE: B	PROJECT: MARION & ADRIANS & BARRACKS HOUSE USE	SCALE: 1:100 @ A4	ISSUE: B DA ISSUE: DA
DATE: 12/08/2020 17/11/2020 08/02/2021	CLIENT: MARION & ADRIANS ADDRESS: 3/08a Bily Shire Sunny Hills NSW 2010 LOT 142 DP 104075 www.development.com.au	DRAWN: Y/G CHECKED: S/G	SHEET NO: 2.07
ALL INFORMATION ON THIS PLAN IS UNCLASSIFIED AND NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.			



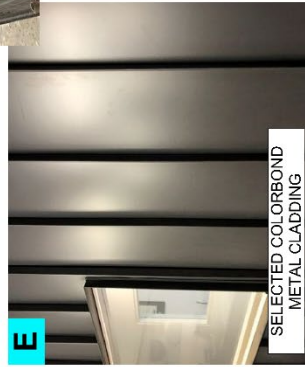
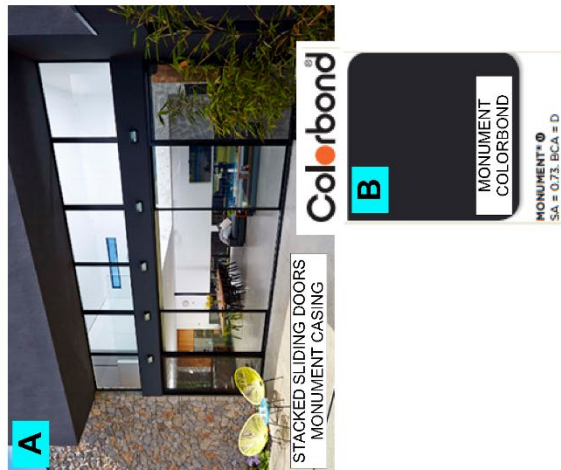
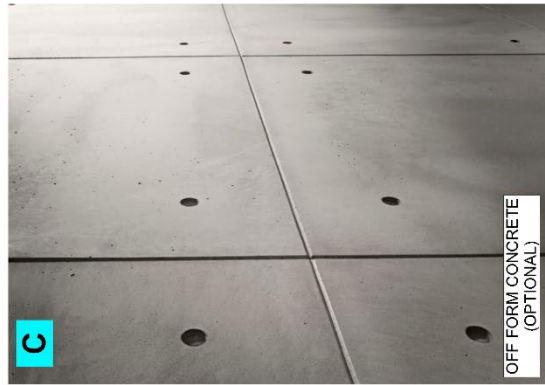
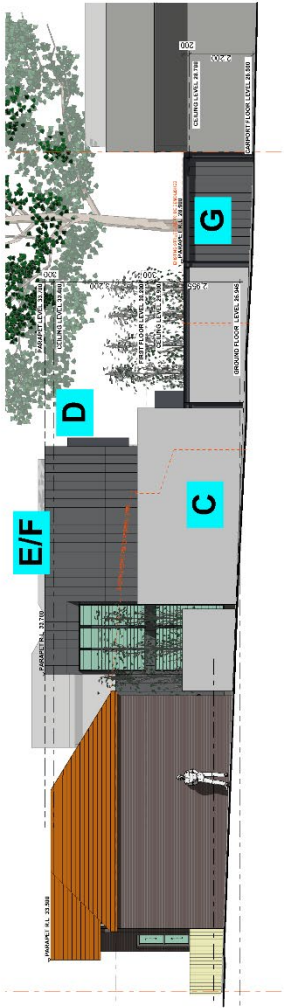
① EASTERN ELEVATION
1:100



② WESTERN ELEVATION
1:100

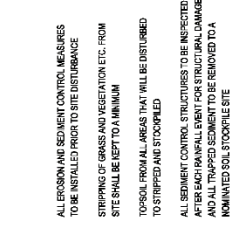
DA PLANS Unit 1/100, Campbell Street Sydney NSW 2050 Tel: (02) 9550 2222 Fax: (02) 9550 2223 Email: info@developmentdesign.com.au	DATE: 12/08/2020	CLIENT: MR RICK & MRS SAVOIE ADDRESS: LOT 142 DP 104073 1 WOODVILLE STREET LEICHHARDT 2040	PROJECT: REVISIONS & ADDITIONS & REVISIONS FOR USE	SCALE: 1:100 (R 2)	ISSUE: A
	DEVELOPMENT DESIGN PTY LTD ACN 107 178 697 340a Riley Street Surry Hills NSW 2010 CONTACT: 1 800 888 888 WWW.DEVELOPMENTDESIGN.COM.AU	DRAWING: EASTERN & WESTERN ELEVATIONS	CHECKED: S.G.	DRAWN: T.G.	SHEET NO: 2.08

EASTERN & WESTERN ELEVATIONS

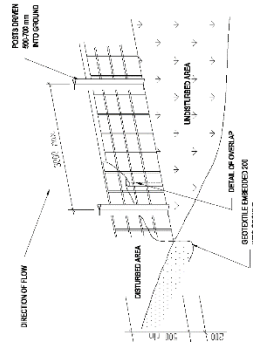


DATE		CLIENT		PROJECT		SCALE		ISSUE	
12.08.2024	17.11.2024	Development Design Pty Ltd	MR RICK & MRS SHARIE	PROPOSED ALTERATIONS & ADDITIONS TO EXISTING USE	1:100 @ A2	B	1:100 @ A2	B	
16.02.2021	06.02.2021	340a Riley Street Surry Hills NSW 2010	ADDRESS:	DRAWING:	Y/G	DA	Y/G	DA	
		5102 280 335 info@developmentdesign.com.au	LOT 182 DP 904075	SCHEDULE OF MATERIALS, COLOURS AND FINISHES		SHEET NO:		SHEET NO:	
		www.developmentdesign.com.au	MACALEY STREET LEACHMANSVILLE			2-10		2-10	
						CHECKED:		DRAWING:	
						DO NOT SCALE		DO NOT SCALE	
						S.D.		S.D.	

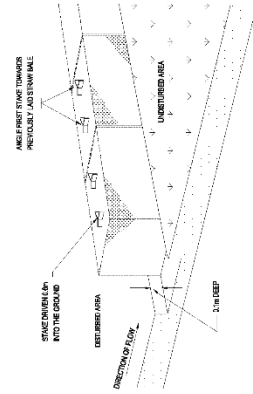
ALL ELEMENTS TO BE BUILT TO ACCORDANCE WITH RELEVANT CODES OF PRACTICE AND STANDARDS. THE CLIENT ACCEPTS RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED AND THE CLIENT'S OBLIGATION TO OBTAIN NECESSARY APPROVALS FROM THE RELEVANT AUTHORITIES. THE CLIENT ACCEPTS RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED AND THE CLIENT'S OBLIGATION TO OBTAIN NECESSARY APPROVALS FROM THE RELEVANT AUTHORITIES.



GEOFABRIC LINED 'SILT' FENCE



SILT FENCE SEDIMENT FILTER



STRAW BALE SEDIMENT FILTER

USE OF PREMISES		
WASTE GENERATED BEING GENERATED	PROPOSED ON SITE STORAGE AND TREATMENT FACILITIES	DESTINATION
TYPE VOLUME plastic bottles 15 l	on site composting, waste storage & recycling stored in covered metal bin awaiting collection.	recycled throughly
food scraps 40 l	designated area for composition on site.	compost on site
green waste 20 l	designated area for composition on site.	compost on site
paper/ceramics 30 l	stored in covered metal bin awaiting collection.	recycled throughly
sewer waste 40 l	stored in metal can with awaiting collection.	recycled throughly
other items	stored in bin awaiting for quarterly council waste collection.	quarterly collection

CONSTRUCTION STAGE		
MATERIALS ON SITE	REUSE & RECYCLING	DISPOSAL
estimated volume m ³ excavated material 5	on-site contractor, landfill destination reused as fill under appropriate	contractor landfill destination access to metal landfill where necessary
green waste 1.0	munched for garden	-
brick material 1.5	cleaned and used on site again	excess to Eco Cycle Materials 150-57 Mowbray Rd Neutral Park
concrete material 1.0	ribble used as fill under slab	excess to Eco Cycle Materials 150-57 Mowbray Rd Neutral Park
tyre material 0.1	-	while not disposed so used as landfill
metal material 0.1	-	while not disposed so used as landfill
corrug material nil	-	-
peel-board material 0.2	-	to CSR

DEMOLITION STAGE		
MATERIALS ON SITE	REUSE & RECYCLING	DISPOSAL
estimated volume m ³ excavated material 5	on-site contractor, landfill destination fill spread over site	contractor landfill destination access to metal landfill where necessary
green waste 1.0	munched for garden	-
brick material 1.5	cleaned and used on site again	excess to Eco Cycle Materials 150-57 Mowbray Rd Neutral Park
concrete material 5	-	excess to Eco Cycle Materials 150-57 Mowbray Rd Neutral Park
tyre material 1.5	-	while not disposed so used as landfill
metal material 0.6	-	while not disposed so used as landfill
corrug material -	-	-
peel-board material -	-	-

WASTE MANAGEMENT PLAN

DA PLANS 10/11/2020	ISSUE: A DA ISSUE & AMENDMENTS RELAY COURTYARD DIMENSION CORRECTION	DATE: 10/08/2020 11/11/2020 08/02/2021	CLIENT: MFR SZKA APSS SHADE	PROJECT: PROPOSED ALTERATIONS & ADDITIONS 8 BERGENDALE HOUSE USE	SCALE: 1:100 (P/A) DRAWN: Y.G. CHECKED: S.G.	ISSUE: B DA SHEET NO: 4.08
	DEVELOPMENT DESIGN PVT LTD 340A RILEY STREET SMYTH HILLS NSW 2010 GPOC 232 535 info@developmentdesign.com.au www.developmentdesign.com.au	ADDRESS: LOT 162 DP 104695 5 MACGILLIVRAY STREET LEICHHARDT 2040	PROPOSED ALTERATIONS & ADDITIONS DRAWING: EROSION CONTROL PLAN	CLIENT: MFR SZKA APSS SHADE	PROJECT: PROPOSED ALTERATIONS & ADDITIONS 8 BERGENDALE HOUSE USE	SCALE: 1:100 (P/A) DRAWN: Y.G. CHECKED: S.G.









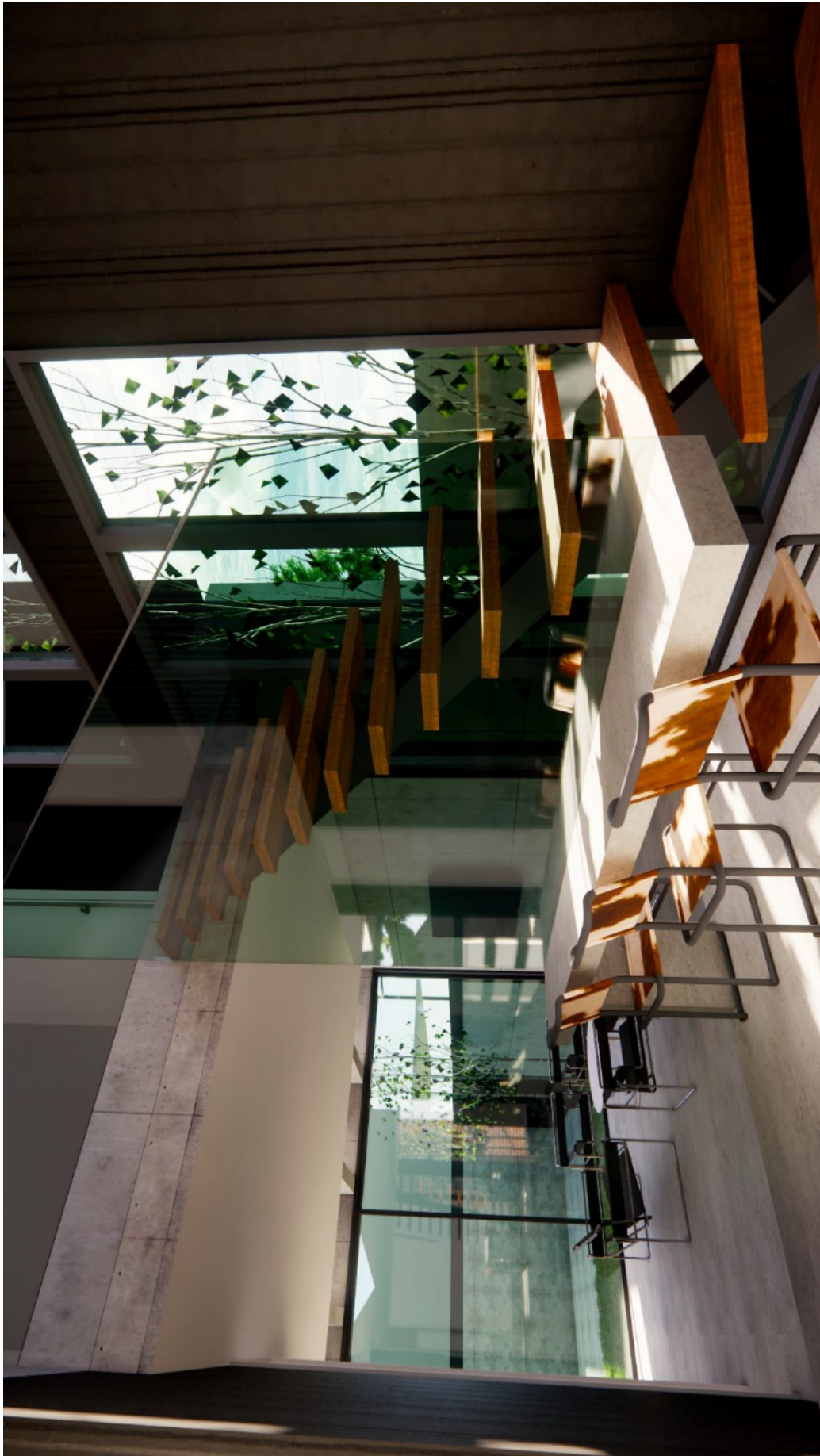








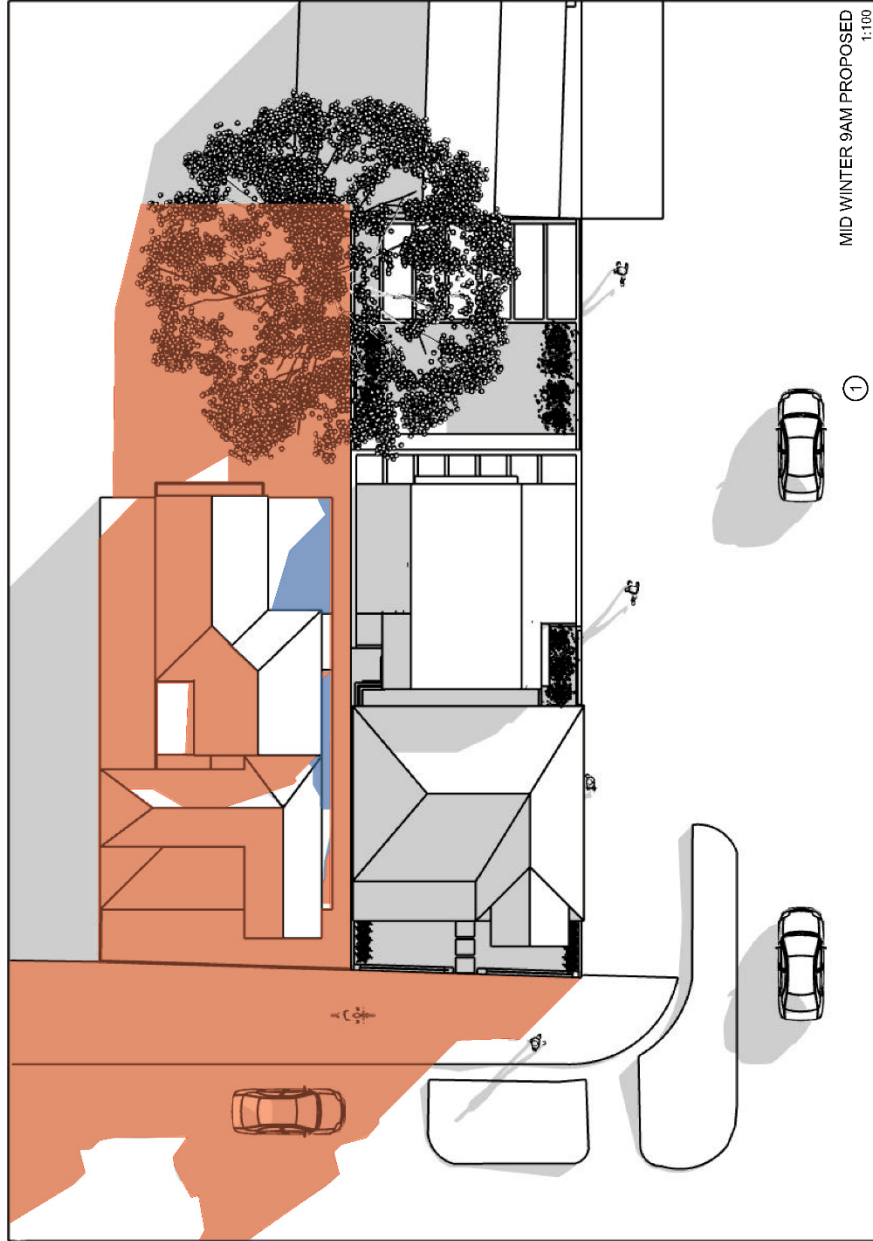








- LEGEND**
- EXISTING SHADOWS
 - ADDITIONAL PROPOSED SHADOWS
 - SOLAR GAIN



MID WINTER 9AM PROPOSED
1:100

DA PLANS
Use for construction only

ISSUE / AMENDMENTS:
A DA ISSUE
B DA ISSUE AMENDMENTS
REAR COURTYARD DIMENSION CORRECTION

DATE:
12/08/2020 / 17/11/2020 / 09/02/2021
CLIENT:
Development Design Pty Ltd
ACN 107 176 867
348a Riley Street Surry Hills NSW 2010
www.d.d.plans.com.au
1 800 666 666

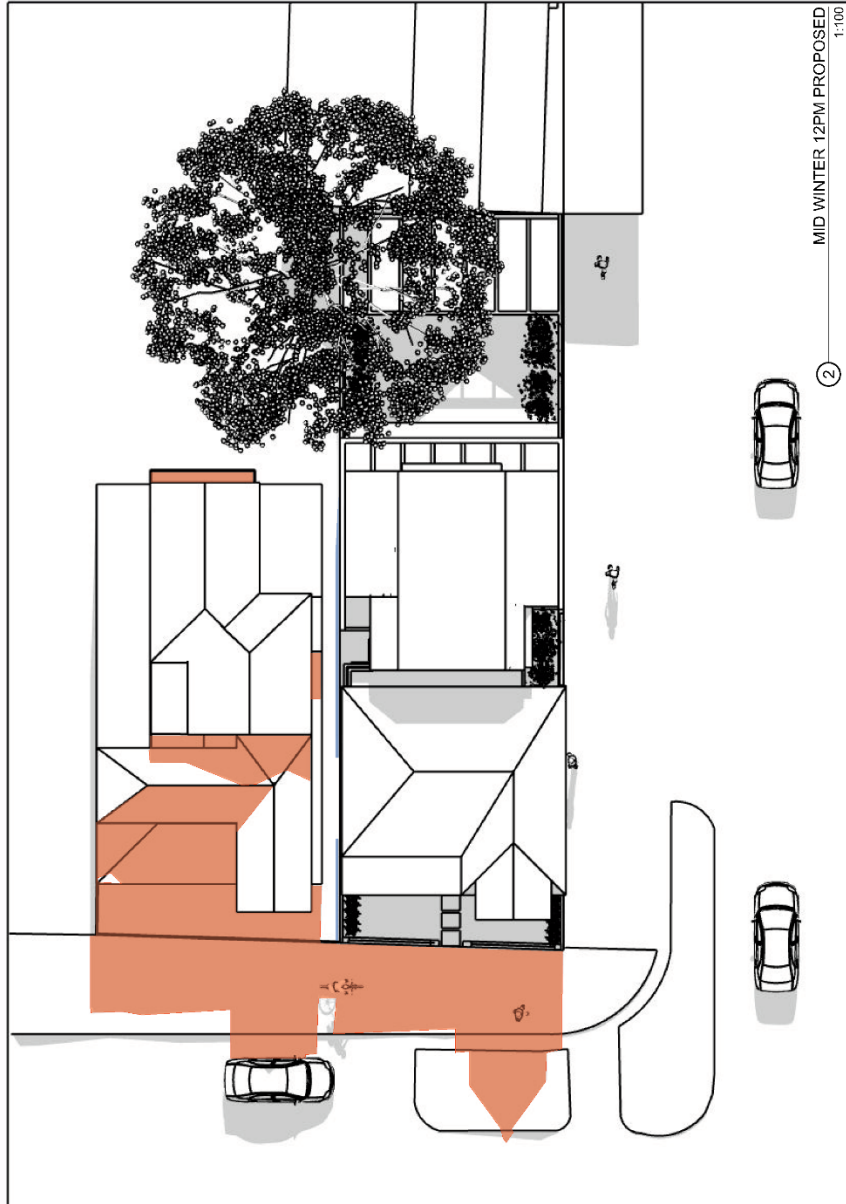
PROJECT: RESIDUALS & ADDITIONS & SHEDS HOUSE USE
DRAWING: SHADOW DIAGRAMS
CLIENT: MR RICK & MRS SADE
ADDRESS: LOT 1 82 DP 1094175
1 MACAULEY STREET LEICHAEDT 2060

SCALE: 1:100 (B.V.)
DRAWN: Y.G.
CHECKED: S.G.
ISSUE: B
DA
SHEET No: 3.01
30 NOT SCALE DRAWING

SHADOW DIAGRAMS

ALL INFORMATION TO BE SENT TO CUSTOMERS WITH BUILDING CODES OF PRACTICE & COMPLIANCE REQUIREMENTS. THE BUILDING INFORMATION SYSTEM (BIMS) AND CONSTRUCTION INFORMATION TO CONFORMANCE (CIC) MUST BE USED IN ALL PROJECTS. THE INFORMATION IS PROVIDED FOR YOUR INFORMATION ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.

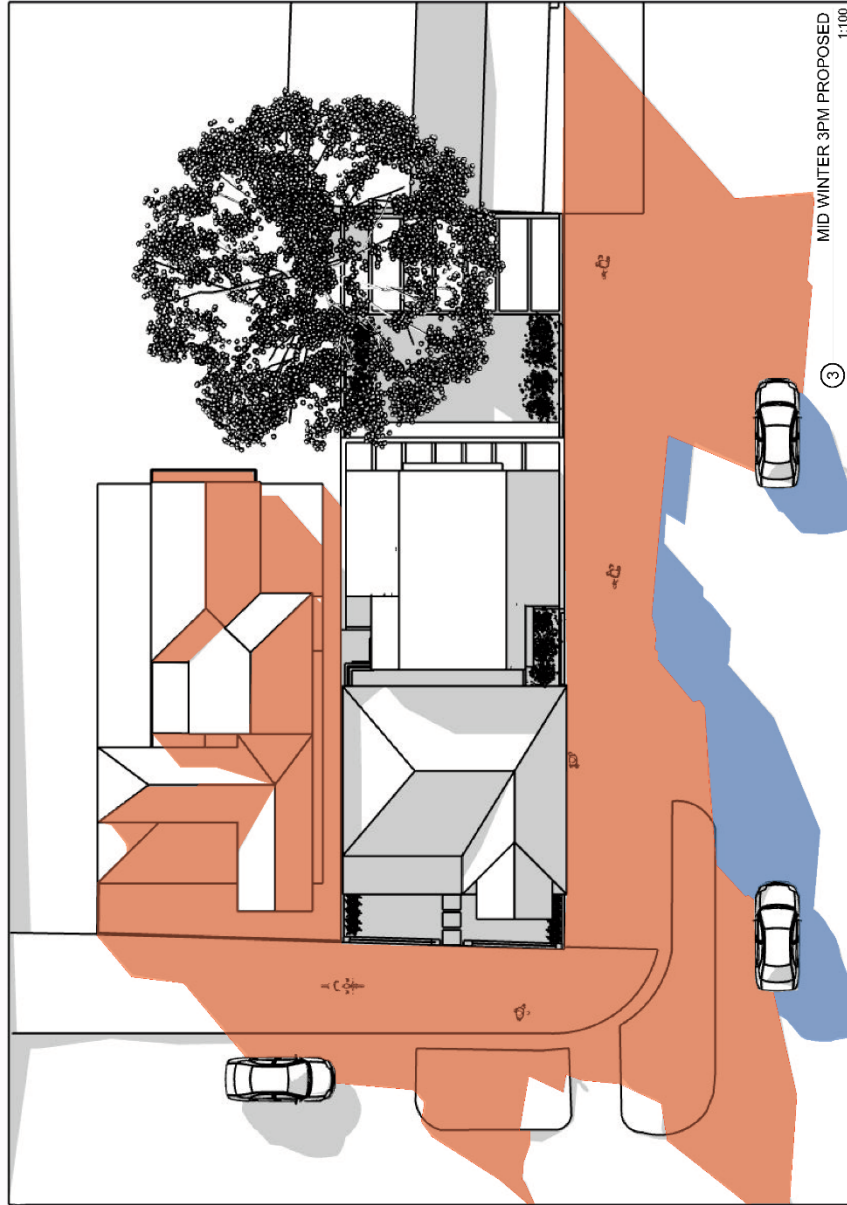
- LEGEND**
- EXISTING SHADOWS
 - ADDITIONAL PROPOSED SHADOWS
 - SOLAR GAIN



DA PLANS ISSUE AMENDMENTS: A DA ISSUE B DA ISSUE AMENDMENTS FROM COURTYARD DIMENSION CORRECTION		DATE: 12/04/2020 17/07/2020 08/08/2021		CLIENT: HARTNICK & HINE GARDIE ADDRESS: 340B HILLY STREET STONEY HILLS NSW 2110 LOT 142 DP 1094975 www.developmentdesign.com.au 1 MACQUELYS FREET LEICHHARDT 2680		PROJECT: ALTERATIONS & ADDITIONS & EXPANSION HOUSE USE DRAWING: SHADOW DIAGRAMS		SCALE: 1/100 @ A2 DRAWING: Y16 CHECKED: SLC		ISSUE: B DA SHEET NO: 3.02 DO NOT SCALE DRAWING	
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- LEGEND**
- EXISTING SHADOWS
 - ADDITIONAL PROPOSED SHADOWS
 - SOLAR GAIN



DA PLANS	DATE:	CLIENT:	PROJECT:	SCALE:	ISSUE:
ISSUE: AMENDMENTS A DA ISSUE: AMENDMENTS B	15/03/2020 15/03/2020 09/04/2021	Development Design Pty Ltd ACN 107 176 877 240c Pines Street Surry Hills NSW 2010 info@developmentdesign.com.au www.developmentdesign.com.au	AMENDMENTS & ADDITIONS & EXPANDING HOUSE USE DRAWING: SHADOW DIAGRAMS	1:100 @ A4 DRAWN: Y/G CHECKED: S/G	B DA SHEET NO: 3.03
ALL DRAWINGS ARE TO BE CHECKED BY A QUALIFIED PROFESSIONAL ENGINEER OR ARCHITECT. THE CLIENT ACCEPTS RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED TO THE ARCHITECT. THE ARCHITECT'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED. THE ARCHITECT'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED. THE ARCHITECT'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED.					

Attachment C- Clause 4.6 Exception to Development Standards

11

Exception to Development Standard

Exception to Development Standard to LLEP2013 Clause 4.3A (3)(b)
– SITE COVERAGE

FOR:

PROPOSED ALTERATIONS & ADDITIONS & CHANGE OF USE AS A BOARDING HOUSE

AT:

No.1 Macauley Street Leichhardt

Prepared by:

Development Design Pty Ltd
340A Riley Street Surry Hills 2010

August 2020

85

1. INTRODUCTION

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

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

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

Variation of the Site Coverage control will not adversely affect the amenity of any neighbouring properties.

2. Objection to Development Standard to Clause 4.3A (3)(b) – Site Coverage

Leichhardt Council Environmental Plan 2013 (LLEP2013), Clause 4.3A (3)(b), where a development standard is prescribed for Site Coverage.

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

4.4A 3(b) Site Coverage

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

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

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

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

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

(e) to control site density,

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

(2) *This clause applies to development for the purpose of residential accommodation on land in Zone R1 General Residential.*

(3) *Development consent must not be granted to development to which this clause applies unless:*

(a) the development includes landscaped area that is at least 1 metre wide and comprises at least 10% of the site area, and

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

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

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

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

Variation of the Site Coverage control will not adversely affect the amenity of any neighbouring properties.

2.3 Is compliance with the development standard unreasonable or unnecessary?

This assessment requires consideration as to whether the proposal meets the underlying objectives of the Site Coverage standard.

The underlying objective or purpose of the Site Coverage is *to restrict over development* of the site by **controlling the bulk and scale** of the building in order to **provide landscaped areas** that are suitable for substantial tree planting and for the use and enjoyment of residents, **control site density, maintain and encourage a landscaped corridor between adjoining properties, limit building footprints to ensure that adequate provision is made for landscaped areas and private open space and maximise the retention and absorption of surface drainage water on site and by minimising obstruction to the underground flow of water.**

(LLEP2013 definition)

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

- (a) any basement,*
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,*
- (c) any eaves,*
- (d) unenclosed balconies, decks, pergolas and the like.*

In the context of this development proposal, strict compliance with the Site Coverage standard of 60% is unreasonable and unnecessary as the increase is appropriate within its context having inconsequential and imperceptible effects on the subject and adjoining immediate amenities for the following justifiable reasons.

- The proposed works result in 165.95m² or 64.5% of Site Coverage in accordance with the LEP definition which exceeds the maximum permissible standard of 60% by an inconsequential and imperceptible 11.54m² or 7.5% variation as specified in Clause 4.3A (3)(b) of the Leichhardt Local Environmental Plan 2013 which is capable of being determined under delegation ;
- This variation is further justified under the context of an open undercroft parking space of 19.5m² by definition **‘and the like’** could be excluded from the total Site Coverage calculation in that undercroft is **‘unenclosed’** which on balance the space could also be used for additional usable open space given the directly adjoining courtyard and the imperceptible and inconsequential effects on the adjoining amenity in terms of landscaping, private open space, building separation, bulk and scale, overshadowing and on the overall appearance from the streetscape and the Neighbourhood for that matter ;
- Despite the minor non-compliance with the standard, the variation would not result in any significant amenity improvement for adjoining properties particularly with respects to solar access as demonstrated by the Pre-Post and Net Shadow Diagrams which clarify an inconsequential and imperceptible impact ;
- Whilst full compliance with the standard could ultimately be achieved by simply reducing the ground floor common areas adjacent to the rear courtyard by 1.36m i.e 11.45m² / (8.435m internal width), in light of the full compliance with the other LEP provisions, this decrease would unreasonably and unnecessarily limit the ability to achieve an appropriate floor palette to meet the reasonable and appropriate common area needs of Boarding House for today’s living standards.

87

- The minor variation with the Site Coverage still provides compliance with the 20% Landscape Area standard under Clause 4.3A is achieved which satisfies one of the objectives behind the Site Coverage control;

In fact, the landscape area under this development proposal will be significantly improved given that all the existing hard surface areas in the rear courtyard will be removed to provide more deep soil planting and soft surface.

- Despite the non-compliance by definition, the resultant courtyard proposed would be consistent with the adjoining dwellings on an allotment of this size and shape allowing appropriate setbacks that ensures adequate provisions for landscape area, private open space and sufficient space to allow the retention of absorption of surface drainage water are maintained.
- Despite the minor variation, the stormwater drainage will rectify the existing non-compliance discharge over the footpath by providing an on site retention system for re-use and any overflow to be discharged via gravity to the street kerb and gutter as appropriate.
- The site is capable of taking such a minor non-compliance in Site Coverage as it still is able to meeting the overall objectives behind the development control standard and the relevant performance criteria requirements by satisfying the environmental and amenity considerations.
- The underlying purpose behind the standard has been achieved through an overall design that ensures that the density and landscape area compliments with the style, orientation and pattern of surrounding buildings.
- The proposed non-compliance under the development control plan is out weighed by the positive contributions that the development presents and contributes to the appearance of the respective streets having a significant improvement on the overall character of the streetscape.
- The proposal justifiably complies with the built form of neighboring properties and Building Location Zones;
- The proposal is in accordance with Clause 1.2 Aims of Plan and Clause 2.3 Zone Objectives and Land Use Table as the proposed works are compatible with the environment in terms of bulk, scale, amenity and streetscape, Conservation Area and preserving the character of the Distinctive Neighbourhood Area.

2.4 Is the objection well founded?

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

2.5 CONCLUSION

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

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

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