




	
DEVELOPMENT ASSESSMENT REPORT	
Application No.	DA/2021/1341
Address	8A Victoria Street LEWISHAM NSW 2049
Proposal	Alterations and additions, including demolition to the existing mixed use building, to provide for café on the ground floor with a two storey dwelling above
Date of Lodgement	09 March 2022
Applicant	Mr John A Laureti
Owner	Mr John A Laureti Ms Isabella M Leva
Number of Submissions	Four (4) – three (3) in support, one (1) objection
Value of works	\$320,500.00
Reason for determination at Planning Panel	Clause 4.6 variation exceeds 10%
Main Issues	Floor space ratio variation; roof form; car parking; submissions
Recommendation	Approved with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Clause 4.6 Exception to Development Standards
Attachment D	Heritage Impact Statement
Attachment E	Plan of Management
	
LOCALITY MAP	
Subject Site 	Objectors 
Notified Area 	Supporters 
Note: Due to scale of map, not all submitters could be shown.	

• Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions, including demolition to the existing mixed use building, to provide for a café on the ground floor with a two storey dwelling above at 8A Victoria Street Lewisham. The application was notified to surrounding properties and four (4) submissions were received in response to the initial notification.

The proposal generally complies with the aims, objectives, and design parameters contained in the relevant State Environmental Planning Policies, *Marrickville Local Environmental Plan 2011*, and Marrickville Development Control Plan 2011.

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

The application is therefore recommended for approval subject to the recommended conditions of consent.

2. Proposal

The subject application proposes alterations and additions to the existing mixed use building, including use of the ground floor as a café and the upper two levels as a dwelling. Specifically, the following works/uses are proposed:

Ground floor

- Internal alterations and additions to existing room configurations, including new stairwell to upper levels,
- New rear addition comprising cool room, storage room, and toilet;
- Fit out for use as a café, including seating, kitchen, and back of house facilities;
- New bin storage area; and,
- Replacement of original front awning.

First floor

- Internal alterations and additions to existing room configurations, including two bedrooms, study, and bathroom.

Second floor

- New second floor addition, including kitchen/dining room, living room, and patio.

Signage

- Installation of one (1) x new wall mounted sign to the southern side elevation reading “PANE DOLCE”; and,
- Installation of one (1) x new fascia sign on the eastern front elevation reading “PANE DOLCE”.

Hours of operation for ground floor café

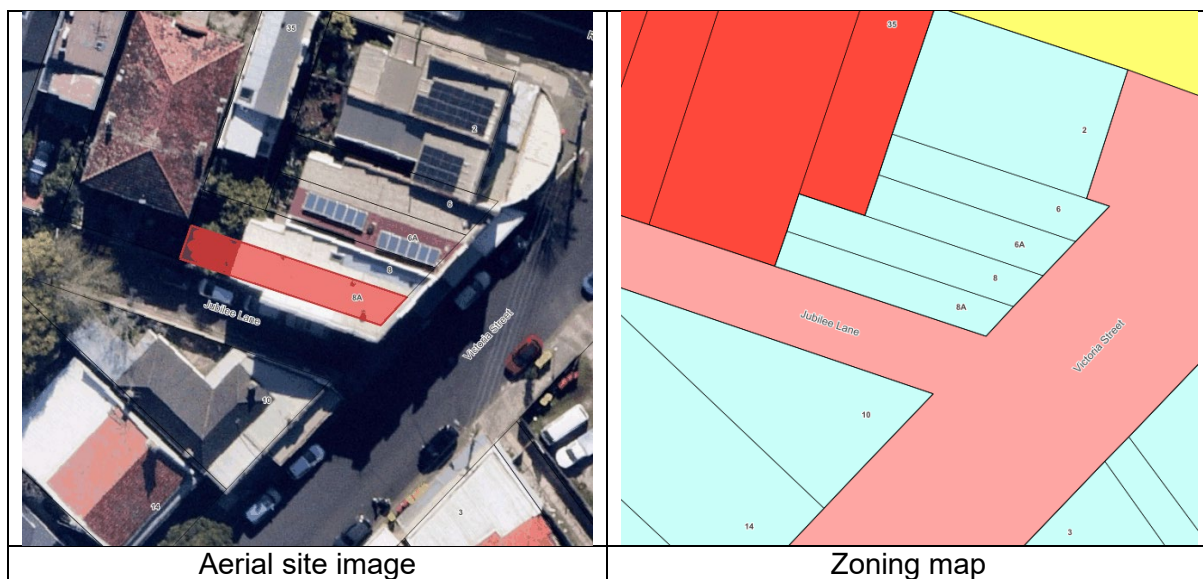
- (i) Monday to Wednesday 7.00am – 9.00pm
- (ii) Thursday to Saturday 7.00am – 10.00pm
- (iii) Sunday 8.00am – 4.00pm

3. Site Description

The subject site is located on the north-western side of Victoria Street, on the northern intersection of Victoria Street and Jubilee Lane, Lewisham. The site consists of 8A Victoria Street, which is legally described as Lot 4 DP 415544. The site has an east-west orientation with a primary western frontage to Victoria Street and a southern secondary frontage to Jubilee Lane. The site is generally rectangular in shape with a diagonal frontage to Victoria Street and has a total area of 80.9sqm and a width of 3.445m.

The site is currently occupied by a two storey mixed use development and is part of a row of four (4) shop top housing buildings. Development surrounding the site primarily consists of single and two storey mixed use buildings and single and two storey residential dwellings.

The site is located within the Lewisham Estate Heritage Conservation Area.



4. Background

4(a) Site history

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

Property	Application	Proposal	Outcome
11 Victoria Street	DA201500225	To carry out alterations to the premises and use the front of the ground floor level as a convenience store with associated signage	Approved 18/09/2015
13 Victoria Street	DA201400167	To fit out and use the ground level shop as a café including reducing the floor level to facilitate disabled access and erect associated signage	Approved 07/08/2014
	DA201300107	To demolish part of the premises and carry out ground floor alterations to the existing shop and dwelling and use the ground level shop as an interior decorating / home giftware shop and to erect associated signage	Approved 06/05/2013

22A Victoria Street	DA/2022/0095	Change of use to an artist studio and gallery, with associated works	Approved 06/06/2022
---------------------	--------------	--	------------------------

4(b) Application history

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

Date	Discussion / Letter / Additional Information
17 June 2022	Council requested that additional information and/or amended plans be submitted to address the following matters: <ul style="list-style-type: none"> - Heritage and design - Floor space ratio - Acoustic report - Accessibility - Plan of Management - Clarification regarding bin storage area - Plan demonstrating any proposed fencing
20 September 2022	Additional information was submitted by the applicant. This information forms the basis of the following assessment.

5. Assessment

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

5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Industry and Employment) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*

The following provides further discussion of the relevant issues:

- *State Environmental Planning Policy (Resilience and Hazards) 2021*

Chapter 4 Remediation of land

Section 4.16 (1) of the SEPP requires the consent authority not consent to the carrying out of any development on land unless:

- “(a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.”*

In considering the above, there is no evidence of contamination on the site.

There is also no indication of uses listed in Table 1 of the contaminated land planning guidelines within Council's records. The land will be suitable for the proposed use as there is no indication of contamination.

- *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.

- *State Environmental Planning Policy (Industry and Employment) 2021*

Chapter 3 Advertising and Signage

The following is an assessment of the development under the relevant controls contained in the SEPP.

The application seeks consent for the following signage:

Location	Sign Type	Lettering	Dimension
Southern side elevation	Wall sign	“PANE DOLCE”	1850mm diameter
Eastern front elevation	Fascia sign	“PANE DOLCE”	8400mm x 800mm

The proposed development is consistent with objectives set out in Section 3(1)(a) and the assessment criteria specified in Schedule 5 as follows:

Criteria	Assessment
Character of the area	<ul style="list-style-type: none"> The signage is compatible with the desired future character of the area.
Special areas	<ul style="list-style-type: none"> The signage does not detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas
Views and vistas	<ul style="list-style-type: none"> The signage does not obscure or compromise important views. The signage does not dominate the skyline.
Streetscape, setting or landscape	<ul style="list-style-type: none"> The scale, proportion, and form of the signage is appropriate to the streetscape and locality. The signage is of a simple design and will not contribute to visual clutter. The signage will not impact vegetation.
Site and building	<ul style="list-style-type: none"> The scale proportion and form of the signage is appropriate to the building on which the signage is to be located. The signage respects important features of the building.
Associated devices and logos with advertisements and advertising structures	<ul style="list-style-type: none"> All elements of the signage have been well integrated into the structure which displays the signage.
Illumination	<ul style="list-style-type: none"> The proposed signage will not be illuminated.
Safety	<ul style="list-style-type: none"> The signage will not reduce safe of any public road, pedestrians, bicyclists and will not obscure sightlines from public areas.

The site is not located in a prohibited area listed within Section 3.8(1). The proposal is considered acceptable noting the matters for consideration contained within Section 3.11 of the SEPP.

- *State Environmental Planning Policy (Transport and Infrastructure) 2021*

Chapter 2 Infrastructure

Impact of rail noise or vibration on non-rail development

The applicant has demonstrated that appropriate measures will occur to ensure that the residential accommodation within the development complies with the requirements of Section 2.99(3) of *SEPP (Transport and Infrastructure) 2021*.

- *Local Environmental Plans*

Inner West Local Environmental Plan 2022

The *Inner West Local Environmental Plan 2022 (IWLEP 2022)* was gazetted on 12 August 2022. As per Section 1.8A – Savings provisions, of this Plan, as the subject application was made before the commencement of this Plan, the application is to be determined as if the *IWLEP 2022* had not commenced.

Section 4.15(1)(a)(i) of the *EPA Act 1979* requires consideration of any Environmental Planning Instrument (EPI), and Section 4.15(1)(a)(ii) also requires consideration of any EPI that has been subject to public consultation. The subject application was lodged on 9 March 2022, on this date, the *IWLEP 2022* was a draft EPI, which had been publicly exhibited and was considered imminent and certain.

Notwithstanding this, the amended provisions of the draft EPI do not alter the outcome of the assessment of the subject application.

Marrickville Local Environmental Plan 2011 (MLEP 2011)

The application was assessed against the following relevant sections of the *Marrickville Local Environmental Plan 2011*:

Part 1 – Preliminary

Control	Proposed	Compliance
Section 1.2 Aims of Plan	<p>The proposal satisfies the section as follows:</p> <ul style="list-style-type: none"> - The proposal is considered to be of a high standard and has a satisfactory impact on the private and public domain; and, - The proposal identifies and conserves the environmental heritage of Marrickville. 	Yes

Part 2 – Permitted of prohibited development

Control	Proposed	Compliance
Section 2.3 Zone objectives and Land Use Table	The proposal satisfies the section as follows: <ul style="list-style-type: none"> - The application proposes alterations and additions to an existing shop top housing development, and use of the ground floor as a café, are permissible uses with development consent in the B1 Neighbourhood Centre zone; and, - The development meets the objectives of the zone as it provides a business that serves the needs of the people in the surrounding neighbourhood, it provides for housing attached to a permissible non-residential use, and it provides a space at street level that generates an active street front. 	Yes
Section 2.7 Demolition requires development consent	The proposal satisfies the section as follows: A. Demolition works are proposed, which are permissible with consent; and, B. Standard conditions are recommended to manage impacts which may arise during demolition.	Yes – subject to conditions

Part 4 – Principal development standards

Control	Proposed		Compliance
Section 4.3 Height of building	Maximum	L – 11m	Yes
	Proposed	11m	
Section 4.4 Floor space ratio	Maximum	P – 1.2:1 (96.72sqm)	No – see below
	Proposed	1.6:1 (129sqm)	
	Variation	33.3% (32.28sqm over)	
Section 4.5 Calculation of floor space ratio and site area	The site area and floor space ratio for the proposal has been calculated in accordance with the section.		Yes
Section 4.6 Exceptions to development standards	See below.		

The applicant seeks a variation to the floor space ratio (FSR) development standard under Section 4.4 Floor space ratio of *MLEP 2011* by 33.3% (32.28sqm).

Section 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 Section 4.6 of *MLEP 2011* below.

The objectives of the floor space ratio development standard are as follows:

- to establish the maximum floor space ratio,

- *to control building density and bulk in relation to the site area in order to achieve the desired future character for different areas,*
- *to minimise adverse environmental impacts on adjoining properties and the public domain.*

The objectives of the B1 Neighbourhood Centre are as follows:

- *To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*
- *To provide for housing attached to permissible non-residential uses in development of a type and scale compatible with the surrounding neighbourhood.*
- *To provide for spaces, at street level, which are of a size and configuration suitable for land uses which generate active street-fronts.*
- *To enable a purpose built dwelling house to be used in certain circumstances as a dwelling house.*

A written request has been submitted to Council in accordance with Section 4.6(4)(a)(i) of MLEP 2011 justifying the proposed contravention of the development standard, which is summarised as follows:

- *The GFA proposed is contained within the established footprint of the building and is also fully compliant with the 11m statutory height limit which applies under Clause 4.3 of MLEP 2011. Height determines a buildings overall scale and therefore the building remains in scale with the adjoining development.*
- *The additional GFA is considered to be very modest at 27sqm and relates to the new upper level containing a new living, kitchen and dining space which has been separated out from the bedrooms which was previously all contained on the one level below. Together with the provision of a new upper level patio the proposal will provide significant amenity improvement for the future resident(s).*
- *The roof structure includes a low-rise single pitch design with narrow window openings to either end. The highest points of the roof structure have been sited such that they are visually contained behind the parapet and chimney when viewed from the streets below. A variable 3m setback behind the front parapet is also provided to the outer wall of the new upper level to ensure the additional massing is visually concealed when viewed from street level below. The design approach is considered to respect the established and prevailing height and form of the buildings to Victoria Street and the incorporation of the new upper level does not disrupt the rhythm or reading of the streetscape. The additional level will not read as an additional storey.*
- *Important original features of the buildings' primary and secondary façades are to be maintained and restored under the proposal. The development includes the complete restoration of the facades, reinstatement of the shopfront awning and construction of a new glazed shopfront addressing Victoria Street. The introduction of the new ground floor café will contribute towards the activation of an important local corner in the heart of Lewisham. The culmination of these components will help revitalise a contributory item to the HCA and introduce a vibrant new active use to the street with a well-designed residence above.*
- *The mixed-use nature of the development is maintained under this proposal, providing compatible uses which can function harmoniously within the building. The development therefore aligns with the mixed-use objectives of the B1 zone.*

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

It is considered the development is in the public interest because it is consistent with the relevant objectives of the B1 Neighbourhood Centre zone and the objectives of the FSR development standard, in accordance with Section 4.6(4)(a)(ii) of *MLEP 2011* for the following reasons:

Zone objectives

- The development includes a new ground level café with a two-storey single residence above. The new ground floor use will assist in re-activating an important neighbourhood corner in the Lewisham local centre which has been vacant for several years. The new café will predominantly serve the local work force and residents in the area and is of a scale comparable to other neighbourhood shops and businesses in the centre. The objective is reasonably satisfied.
- The single residence above the new ground level café is to be retained and improved through the incorporation of a modest upper level which will separate living and dining areas from bedrooms and amenities. The residence is of a modest scale which is comparable to that of other single apartments above neighbourhood shops. The upper level does not read as an additional storey and is quite recessive in its nature. The height of the addition has been reduced so that the maximum projection above the front parapet is just over 1m and is minimised as far as possible. The objective is reasonably satisfied.
- As above, the proposed new ground level café will help to provide an active frontage to the corner of Victoria Street and Jubilee Lane at the top end of Victoria Street where the commercial (B1 zone) meets the residential areas. It is of a scale and capacity which is consistent with neighbouring businesses to the north and other local neighbourhood cafes in the centre. The objective is reasonably satisfied.

Development standard objectives

- The proposal seeks to vary the FSR development standard due to the site-specific circumstances of this case. The proposal does not offend the intent of the objective.
- The application proposes an overall building density and bulk that achieves the desired future character of the local area.
- The proposal minimises impacts on private property and the public domain by managing the overall bulk, scale and height of the building so that it is compatible with the Victoria Street building forms and neighbouring residential properties to the south. No significant additional adverse impacts to neighbouring properties will be incurred in relation to privacy, overshadowing, solar access or visual fit.

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

The proposal thereby accords with the objective in Section 4.6(1)(b) and requirements of Section 4.6(3)(b) of *MLEP 2011*. For the reasons outlined above, there are sufficient planning grounds to justify the departure from floor space ratio and it is recommended the Section 4.6 exception be granted.

Part 5 – Miscellaneous provisions

Control	Proposed	Compliance
Section 5.10 Heritage conservation	<p>The proposal satisfies the relevant provisions of this section as follows:</p> <ul style="list-style-type: none"> • The subject site is a contributory building within the Lewisham Estate Heritage Conservation Area (HCA); • Subject to the recommended conditions of consent as discussed under Section 5(d) of this report, the proposal is considered to have been designed to respond to the significance of the HCA and preserves the contributory elements and fabric of the existing building; and, • The proposal preserves the environmental heritage of Marrickville. 	Yes – subject to conditions

Part 6 – Additional local provisions

Control	Proposed	Compliance
Section 6.2 Earthworks	The proposed earthworks are unlikely to have a detrimental impact on environmental functions and processes, existing drainage patterns, or soil stability.	Yes
Section 6.4 Terrestrial biodiversity	<p>The proposal satisfies the relevant provisions of this section as follows:</p> <ul style="list-style-type: none"> (i) The proposal involves the removal of vegetation from the site that is not subject to Council's Tree Management Controls and is considered acceptable subject to the imposition of a condition requiring the planting of one (1) canopy tree; and, (ii) The proposal has been appropriately designed to reduce any adverse environmental impacts. 	Yes – subject to conditions
Section 6.5 Aircraft noise	The site is located within the ANEF 15-20 contour. As such, the provisions of this section do not apply.	N/A

5(d) Development Control Plans

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

Part 2 – Generic Provisions

Control	Proposed	Compliance
Part 2.1 – Urban Design	<p>The proposal satisfies the relevant provisions of this Part as follows:</p> <ol style="list-style-type: none"> 1. The proposal does not impact the definition between the public and private domain and is appropriate for the character of the locality given its form, massing, siting, and detailing; and, 2. The proposal preserves the existing character of the streetscape, as the proposed additions have been designed to be subordinate to the original dwelling and are not highly visible from the public domain. 	Yes
Part 2.5 – Equity of Access and Mobility	<p>The proposal satisfies the relevant provisions of this Part as follows:</p> <ol style="list-style-type: none"> a) Appropriate access is provided for all persons through the principal entrance to the premises; b) A Continuous Accessible Path of Travel (CAPT) to and within the subject premises is provide which allows a person with a disability to gain access to all areas within the shop; c) An accessible toilet is provided; and, d) Despite the above, the requirements of MDCP 2011 are effectively superseded by the the Premises Standards. An assessment of whether or not these aspects of the proposal fully comply with the requirements of relevant Australian Standards and the Premises Standards has not been undertaken as part of this assessment. That assessment would form part of the assessment under the Premises Standards at the Construction Certificate stage of any proposal. 	Yes
Part 2.6 – Acoustic and Visual Privacy	<p>The proposal satisfies the relevant provisions of this Part as follows:</p> <ol style="list-style-type: none"> 3. The proposal has been appropriately designed to reduce adverse amenity impacts to adjoining and nearby residential properties; 4. The application was accompanied by an acoustic report that demonstrates compliance with the relevant noise criteria; 5. The proposal includes appropriate management techniques to limit acoustic impacts to adjoining and nearby residential properties; 6. The proposed hours of operation are reasonable to limit acoustic impacts to adjoining and nearby residential properties; and, 7. Conditions are recommended to ensure compliance with the relevant noise criteria, management techniques, and hours of operation. 	Yes – subject to conditions

Part 2.7 – Solar Access and Overshadowing	<p>The proposal satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none">a. The proposal does not result in any additional overshadowing to windows of principal living areas or principal areas of private open space of adjoining residential properties;b. The window to the living room of the proposed dwelling receives a minimum of 2 hours of direct solar access on June 21; and,c. The patio area adjacent to the kitchen/dining room at the second floor receives a minimum of 2 hours of direct solar access on June 21.	Yes																													
Part 2.9 – Community Safety	<p>The proposal satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none">1. The building has been orientated to maximise surveillance of the street;2. The dwelling entry is clearly visible from the street;3. The proposal contributes to the safety of the lane by maximising opportunities for surveillance.	Yes																													
Part 2.10 – Parking	See below.	Acceptable on merit																													
<p>The site is located in Parking Area 1 under this Part and is therefore required to provide parking at the following rates:</p>																															
<table><tr><th>Component</th><th>Control</th><th>Proposed</th><th>Complies</th></tr><tr><td colspan="4">Car parking</td></tr><tr><td>Shop top housing – development with 6 or less units</td><td>0.2 per studio or 1 br unit + 0.5 per 2 or 3+ br unit for residents Min. 1 parking space required</td><td>Nil</td><td>No</td></tr><tr><td>Restaurant and takeaway food or drink premises</td><td>1 per 100sqm GFA for customers and staff Min. 1 parking space required</td><td>Nil</td><td>No</td></tr><tr><td colspan="4">Bicycle parking</td></tr><tr><td>Residential flat buildings</td><td>1 per 2 units for residents + 1 per 10 units for visitors</td><td>Nil</td><td>No</td></tr><tr><td>Restaurants</td><td>1 per 100sqm GFA for staff + 2 for customers</td><td>Nil</td><td>No</td></tr></table>				Component	Control	Proposed	Complies	Car parking				Shop top housing – development with 6 or less units	0.2 per studio or 1 br unit + 0.5 per 2 or 3+ br unit for residents Min. 1 parking space required	Nil	No	Restaurant and takeaway food or drink premises	1 per 100sqm GFA for customers and staff Min. 1 parking space required	Nil	No	Bicycle parking				Residential flat buildings	1 per 2 units for residents + 1 per 10 units for visitors	Nil	No	Restaurants	1 per 100sqm GFA for staff + 2 for customers	Nil	No
Component	Control	Proposed	Complies																												
Car parking																															
Shop top housing – development with 6 or less units	0.2 per studio or 1 br unit + 0.5 per 2 or 3+ br unit for residents Min. 1 parking space required	Nil	No																												
Restaurant and takeaway food or drink premises	1 per 100sqm GFA for customers and staff Min. 1 parking space required	Nil	No																												
Bicycle parking																															
Residential flat buildings	1 per 2 units for residents + 1 per 10 units for visitors	Nil	No																												
Restaurants	1 per 100sqm GFA for staff + 2 for customers	Nil	No																												
<p>As noted in the table above, the application does not propose any car or bicycle parking spaces. Notwithstanding the numerical non-compliance, the proposal is considered to satisfy the relevant objectives of this Part as follows:</p> <ul style="list-style-type: none">- The application proposes alterations and additions to an existing mixed use building. The provision of a compliant parking scheme would require substantial alterations to the existing building. This would likely result in a built form that is inconsistent with the existing pattern of development, which would adversely impact the character of the streetscape.- The site is located in a HCA with the existing building being a contributory building. The provision of a compliant parking scheme would require alterations to the existing form and fabric of the original building, which would adversely impact the significance of the HCA and the contribution of the building.																															

- The site is in a highly accessible area and is located within 40m of Lewisham train station, 200m of Lewisham West light rail station, and within close proximity of bus stops along Railway Terrace. The constrained provision of parking encourages the use of active transport methods and therefore promotes sustainable transport.
- There is sufficient space within the rear garden area to accommodate bicycle parking spaces for the dwelling.

In this regard, the proposed variation is considered acceptable.

Part 2.12 – Signs and Advertising Structures	<p>The proposal satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> A. The scale and location of the proposed signage is compatible with the architectural design of the building and do not obscure important architectural features of the building; B. The colour scheme of the signage is compatible with the building and streetscape; C. The proposed awning fascia sign is part of the awning and does not project above or below the awning; D. One wall sign is proposed on the southern side elevation, which occupies less than 20% of the area of the wall; E. The signs are not proposed to be illuminated; F. The installation of the signs can be carried out in a reversible manner. 	Yes
Part 2.13 – Biodiversity	<p>The proposal satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> G. The site is located on land identified within the Bandicoot Protection Area. However, the site has a total area less than 450sqm, and as such no further action is required. 	Yes
Part 2.18 – Landscaping and Open Spaces	<p>The proposal satisfies the relevant provisions of this Part as follows:</p> <ol style="list-style-type: none"> 1. The dwelling is provided with a principal area of private open space (POS) in the form of a second storey patio adjacent to the kitchen/dining room. The POS has a minimum area of 8sqm and a minimum width of 2m; and, 2. A landscaped area is provided at the ground floor within the rear setback. This area is consistent with the overall streetscape and desired future character of the area. 	Yes
Part 2.21 – Site Facilities and Waste Management	<p>The proposal satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> • The application was accompanied by a waste management plan in accordance with the Part; and, • Standard conditions are recommended to ensure the appropriate management of waste during the construction of the proposal. 	Yes – subject to conditions

Part 2.25 – Stormwater Management	<p>The proposal satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> • Standard conditions are recommended to ensure the appropriate management of stormwater. 	Yes – subject to conditions
-----------------------------------	--	-----------------------------

Part 5 – Commercial & Mixed Use Development

Control	Proposed	Compliance
Part 5.1.2 – Contributory buildings in commercial centres	<p>The proposal satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> • The proposal retains the existing contributory building; • The proposed alterations and additions generally do not detract from the overall architectural character and building form of the contributory building and do not compromise the consistency and integrity of the row of contributory buildings. However, the proposed ‘popped’ roof element over the kitchen and dining room at the second floor is considered to be atypical of this building typology and as such it is recommended that this element be deleted; and, • The proposal maintains the retail shop character and fine urban grain. 	Yes – subject to conditions
Part 5.1.4 – Building form	<p>The proposal satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> • The overall density and height of the development are compatible with the desired future character of the commercial centre and is appropriate to the contextual constraints of the site; • The proposal preserves the prevailing building frontage of the streetscape; • The massing of the roof top level is not visually dominant; • The rear massing does not cause significant visual bulk or amenity impacts to neighbouring properties; • Additions are proposed within the front 6m of the building from the street front and within 200mm from the secondary street frontage. Notwithstanding, the additions have been appropriately designed to be subordinate to the original building and are not highly visible from the public domain; • The proposal complies with the rear building envelope control; • The overall depth of the internal floor plan of the residential dwelling is appropriate to provide for adequate amenity; • The proposal is scaled to support the desired future character with appropriate massing and spacing between buildings; and, • The existing building creates a strong corner and is therefore proposed to be retained. 	Yes

Part 5.1.5 – Building detail	<p>The proposal satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> • The street front portion of the building mass maintains the street front portion of the building mass as the continuous dominant element in the streetscape; • The proposed upper level addition is visually subservient within the streetscape; • The proposed alterations and additions are not detrimental to the visual presentation of the contributory building and the streetscape; • The front portion of the existing contributory building is proposed to be retained; • The proposed restoration and reconstruction of the shopfront elements of the building are consistent with the style of the building; • The active use component of the building provides a viable area to accommodate a variety of commercial premises; • The proposal provides an appropriate active street frontage; and, • The residential entry is separate to the commercial entry and is appropriately designed and located. 	Yes
Part 5.1.6 – Building use	<p>The proposal satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> • The ground floor level of the building that relates to the active street frontage is predominately used for commercial floor area; • The application proposes a mixture of land uses that are compatible and will result in a reasonable level of amenity; and, • Appropriate floor-to-ceiling heights are provided for commercial and residential uses. 	Yes
Part 5.3 – Commercial/ Light Industrial/ Residential interface	<p>The proposal satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> • An appropriate Plan of Management (POM) was submitted with the application, which includes appropriate management techniques to reduce adverse impacts on adjoining and nearby residential properties; • A condition has been included in the recommendation to ensure the POM is implemented; and, • The proposed hours of operation are generally within traditional trading hours and/or consistent with the hours of operation of surrounding commercial premises. 	Yes – subject to conditions

Part 8 – Heritage

Control	Proposed	Compliance
Part 8.4 – Controls for retail streetscapes in Heritage Conservation Areas	<p>The proposal satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> • The existing subdivision layout and site orientation remain unchanged; • The proposal has been appropriately designed with regard to existing building setback patterns; • As noted above, the application proposes additions within the front 6m of the building. Notwithstanding, the proposal has been appropriately designed such that the additions are subordinate to the original building; • The existing shopfront is proposed to be retained and restored; • The proposed rear extensions are not visible from the front street; • The original roof form is retained, with the upper level addition being appropriately designed and massed to be subordinate to the original building. As noted above, the proposed 'popped' roof element over the second storey is considered to be incompatible with and atypical to the typology of the original building, and as such a condition requiring this roof to be deleted is included in the recommendation; • The original scale, proportions, materials, and detailing of the contributory building are proposed to be retained and/or reinstated; • The original shop awning and shopfront are proposed to be reinstated; and, • The proposed new materials and colour schemes are appropriate for the architectural style of the building and the streetscape. 	Yes – subject to conditions

Part 9 – Strategic Context

Control	Proposed	Compliance
Part 9.5 – Lewisham South	<p>The proposal satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> • The proposal protects and preserves the contributory building and proposes sympathetic alterations and additions; • The proposal protects the identified values of the Lewisham Estate Heritage Conservation Area; and, • The development considers potential impacts to biodiversity. 	Yes

5(e) 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(f) 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(g) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 14 days to surrounding properties. Four (4) submissions were received in response to the initial notification, including three (3) in support of the proposal and one (1) objection.

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

8. Awnings.
9. Stormwater management.
10. Noise impacts.
11. Materials and finishes.

In addition to the above, the submission raised the following concerns:

Concern	Comment
Structural integrity of adjoining property	Concern was raised regarding potential structural damage to the adjoining building. A condition has been included in the recommendation for a dilapidation report.
Fire rating	Fire rating of the building will be addressed at Construction Certificate stage and will be required to comply with the relevant provisions of the National Construction Code.

5(h) 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

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

- a) Development Engineer.
- b) Health Officer.
- c) Heritage Officer.
- d) Urban Forest.

7. Section 7.11 Contributions/7.12 Levy

Section 7.12 levies are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$3,205 would be required for the development under Marrickville Section 94/94A 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 *Marrickville Local Environmental Plan 2011* and Marrickville Development Control Plan 2011.

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

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

9. Recommendation

- A. The applicant has made a written request pursuant to Section 4.4 Floor space ratio of the *Marrickville Local Environmental Plan 2011*. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the Floor Space Ratio 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/2021/1341 for alterations and additions, including demolition to the existing mixed use building, to provide for café on the ground floor with a two storey dwelling above at 8A Victoria Street, Lewisham 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
008	External Finishes	18/08/2022	Smith and Carmody
101	Proposed Floorplans	18/08/2022	Smith and Carmody
102	Proposed Roof/Drainage Plan	18/08/2022	Smith and Carmody
103	Waste Management Plan	18/08/2022	Smith and Carmody
201	Proposed Front Elevation	18/08/2022	Smith and Carmody
202	Proposed Side & Rear Elevation	18/08/2022	Smith and Carmody
203	Proposed Sections	18/08/2022	Smith and Carmody
301	Cafe Layout Plan	18/08/2022	Smith and Carmody
302	Cafe Kitchen Layout	18/08/2022	Smith and Carmody
305	Cafe Wall Sign	18/08/2022	Smith and Carmody
306	Bin Storage Area	18/08/2022	Smith and Carmody
	Plan of Management		
22164.1	Noise Impact Assessment	13/09/2022	VMS Australia
A442340	BASIX Certificate	09/12/2021	Smith and Carmody

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 'popped' roof element over the kitchen/dining room at the second storey must be deleted.

FEES

3. Security Deposit - Custom

Prior to the commencement of demolition works or prior to the issue of a Construction Certificate, the Certifying Authority must be provided with written evidence that a security deposit and inspection fee has been paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

Security Deposit:

\$8,432.00

Inspection Fee:

\$241.50

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 7.12 (formerly section 94A) Development Contribution Payments

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that a monetary contribution to the Inner West Council has been paid, towards the provision of infrastructure, required to address increased demand for local services generated by additional development within the Local Government Area (LGA). This condition is imposed in accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979* and in accordance with *Marrickville Section 94/94A Contributions Plan 2014*.

Note: Copies of these contribution plans can be inspected at any of the Inner West Council Service Centres or viewed online at <https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions>

Payment amount*:

\$3,205

*Indexing of the Section 7.12 contribution payment:

The contribution amount to be paid to the Council is to be adjusted at the time of the actual payment in accordance with the provisions of the relevant contributions plan. In this regard, you are recommended to make contact with Inner West Council *prior to arranging your payment method* to confirm the correct current payment amount (at the expected time of payment).

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.

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.

7. Awnings with Lighting

The proposed awning must be of cantilever type and be set back at least 600mm from the kerb lines. The awning must include pedestrian lighting (Category P3-AS1158) and must be maintained and owned by the property owner(s). The proposed awning must be designed to be easily removed if required in future. The owner must maintain, modify or remove the structure at any time if given notification by Council to do so. The lighting must be not be obtrusive and should be designed so that it does not shine into any adjoining residences.

8. Noise – Consultant's Recommendations

All noise emission criteria, assumptions and recommendations contained in the acoustic report prepared by VMS Australia Pty Ltd, reference 22164.1, dated 13 Sep 2022, must be implemented and complied with at all times.

9. Hot Water Systems

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

10. Air Conditioning Systems

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

11. 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.

12. 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.

13. 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.

14. Works Outside the Property Boundary

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

PRIOR TO ANY DEMOLITION

15. 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.

16. Construction Traffic Management Plan

Prior to any demolition, the Certifying Authority, must be provided with a detailed Construction Traffic Management Plan (CTMP) to cater for construction prepared by a person with RMS accreditation to prepare a work zone traffic management plan. Details must include haulage routes, estimated number of vehicle movements, truck parking areas, work zones, crane usage, etc., related to demolition/construction activities. A work zone approval must be obtained.

17. Dilapidation Report

Prior to any works commencing (including demolition), the Certifying Authority and owners of no. 8 Victoria Street, Lewisham, 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 property 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.

18. Advising Neighbours Prior to Excavation

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

19. 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**20. Stormwater Drainage System – Minor Developments (OSD is not required)**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans 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, together with overflow pipelines from any rainwater tank(s), by gravity to the kerb and gutter of a public road;
- 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. Pipe and channel drainage systems must be designed to cater for the twenty (20) year Average Recurrence Interval (ARI) storm;
- 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. No nuisance or concentration of flows to other properties;
- f. The design 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;
- g. 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 or sewer grade uPVC pipe with a maximum diameter of 100mm;
- h. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings; and
- i. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.

21. 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

22. Food Premises – Design Construction & Fitout

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with scale plans demonstrating that the design, construction and fitout of the food premises complies with Australian Standard AS 4674 – 2004 (Design, construction and fit-out of food premises) and Australia and New Zealand Food Standards Code.

23. Party Walls

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with Architectural Plans accompanied by a Structural Certificate which verifies that the architectural plans do not rely on the Party Wall for lateral or vertical support and that additions are independently supported. A copy of the Certificate & plans must be provided to all owners of the party wall/s.

24. 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.

25. Fibre-ready Facilities

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

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

DURING DEMOLITION AND CONSTRUCTION**26. Contamination – New Evidence**

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

27. Construction Hours – Class 2-9

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

- a. 7:00am to 6:00pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
- b. 8:00am to 1:00pm on Saturdays with no demolition works occurring during this time;
and
- c. at no time on Sundays or public holidays.

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

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

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

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

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

The person acting on this consent must not undertake such activities for more than three continuous hours and must provide a minimum of one 2 hour respite period between any two periods of such works.

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

28. 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

29. Certification of Tree Planting

Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with evidence certified by a person holding a minimum qualification of AQF3 Certificate of Horticulture or Arboriculture that:

A minimum of 1 x 45 litre size tree, which will attain a minimum mature height of six (6) metres or a minimum mature canopy spread of three (3) metres, has been planted in a suitable location within the property. The tree is to conform to AS2303—*Tree stock for landscape use*. Trees on the Minor Works species list in Council's Tree Management Controls, fruit trees and species recognised to have a short life span will not be accepted as suitable replacements.

If the tree is found dead before it reaches dimensions where it is protected by Council's Tree Management Controls, must be replaced in accordance with this condition.

30. 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.

31. Protect Sandstone Kerb

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any stone kerb, damaged as a consequence of the work that is the subject of this development consent, has been replaced.

32. Noise – Acoustic Report

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

33. Food Premises Grease Trap – Trade Waste Agreement

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with certification confirming that the grease trap has been installed to the premises in accordance with Australian Standard AS 3500 and the National Plumbing and Drainage Code. A copy of the Sydney Water Trade Waste Agreement must also accompany the certification.

34. 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**35. Noise General**

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

36. Plan of Management - Operation

The operation of the premises complying at all times with the approved Plan of Management. The Plan of Management is not to be further amended without the prior written approval of the

Council. If there is any inconsistency between the Plan of Management and the conditions of this consent, the conditions of consent shall prevail to the extent of that inconsistency.

37. Commercial Waste/Recycling Collection

The collection of waste and recycling from the food premises must only occur between 7:00am and 10:00pm weekdays, and 8:00am and 10:00pm weekends and public holidays, to avoid noise disruption on the surrounding area.

38. Hours of Operation

- a. The hours of operation of the premises must not exceed the following:

Day	Hours
Monday to Wednesday	7.00am - 9.00pm
Thursday to Saturday	7.00am - 10.00pm
Sunday	8.00am - 4.00pm

- b. Service is to cease 30 minutes before ceasing of trading hours.

ADVISORY NOTES

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:

- 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;
- A concrete pump across the roadway/footpath;
- 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.

Health Premises Registration

The premises must be registered with Council's Environment Health Team in accordance with the requirements of the *Food Act 2003*.

Food Premises Certification

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

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

Food Premises Waste Storage Area

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

AS 4674 – 2004 (Design, construction and fit-out of food premises) and Australia and New Zealand Food Standards Code.

Mechanical Ventilation System Certification

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

- a. Australian Standard AS 1668 Part 1 – 1998;
- b. Australian Standard AS 1668 Part 2 – 2012.

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

Prescribed Conditions

This consent is subject to the prescribed conditions of consent within clause 98-98E of the *Environmental Planning and Assessment Regulations 2021*.

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*.

Amenity Impacts General

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

Fire Safety Certificate

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

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

Every 12 months after the Final Fire Safety Certificate is issued the owner must obtain an Annual Fire Safety Statement for each of the Fire Safety Measures listed in the Schedule.

The Annual Fire Safety Statement must be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

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.

Useful Contacts

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

www.diySAFE.nsw.gov.au

Information on asbestos and safe work practices.

NSW Office of Environment and Heritage 131 555

www.environment.nsw.gov.au

Sydney Water 13 20 92

www.sydneywater.com.au

Waste Service - SITA 1300 651 116
Environmental Solutions

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.

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.

Attachment B – Plans of proposed development

DRAWING SCHEDULE

DEVELOPMENT APPLICATION

PRELIMINARY

- 000 DWG SCHEDULE + LOCATION
- 001 STREET SCAPES PHOTOS
- 002 SITE CONTEXT ANALYSIS
- 003 EXISTING PLANS
- 004 EXISTING ROOF PLAN
- 005 EXISTING FRONT ELEVATION
- 006 EXISTING SIDE & REAR ELEVATIONS
- 007 EXISTING SECTIONS
- 008 EXTERNAL FINISHES

PLANS

- 101 PROPOSED PLANS
- 102 PROPOSED ROOF PLAN
- 103 WASTE MANAGEMENT PLAN

ELEVATIONS

- 201 PROPOSED FRONT ELEVATION
- 202 PROPOSED SIDE & REAR ELEVATION

SECTIONS

- 203 PROPOSED SECTIONS

BUILDING DETAILS

- 301 CAFÉ LAYOUT 1:50
- 302 KITCHEN LAYOUT 1:50
- 305 CAFÉ SIGN
- 306 CAFÉ BIN STORAGE AREA
- 307 3D VIEWS

SHADOW DIAGRAMS

- 401 9am -12pm June 21
- 402 1pm -3pm June 21

NOTES:

All work is to comply with the Building Code of Australia, BCA.

The Contractor / Manufacturer shall check and verify all dimensions, B, quantities and construction methods prior to construction.

All measurements are in millimetres and are to be verified on the ground.

All drawings are to be read in conjunction with the Specification.

Do not scale drawings. All units are in millimetres.

All drawings are to be read in conjunction with the Specification.

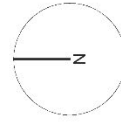
If alterations or changes are required, they must be approved by the Council.

Document Set ID: 36600702

Version: 1, Version Date: 05/10/2022



8A VICTORIA ST, LEWISHAM



NOTES:

ALL BUILDING WORK TO COMPLY WITH BCA

THE BCA STRUCTURAL DRAWINGS AND ACoustic REPORT PARTY WALL TO BE BUILT ACoustically INSULATED A STRUCTURALLY BRACED TO COMPLY WITH THE BCA STRUCTURAL DRAWINGS AND ACoustic REPORT

REINSTATEMENT OF AWNING AND BUILDING FACADE TO BE INFORMED BY A HERITAGE IMPACT STATEMENT

ACoustic INSULATION TO BE PROVIDED IN COMPLIANCE WITH ACoustic REPORT

ACCESS TO COMPLY WITH ACCESS REPORT

STORM WATER TO COMPLY WITH THE BCA AND ACoustic REPORT

STORM WATER TO COMPLY TO HYDRAULIC ENGINEERS DWGS

DA

REV	DATE	DESCRIPTION	PROJECT	AUTHORITATIONS / ADDITIONS
001	04/10/2022	SMITH & CARMODY Building 6 1-7 Unwins Bridge Road ST PETERS NSW 2041 info@smithandcarmody.com.au 0415 091 561	8A VICTORIA ST, LEWISHAM	CLIENT JOHN & ISABELLA
002	04/10/2022			
003	04/10/2022			
004	04/10/2022			
005	04/10/2022			
006	04/10/2022			
007	04/10/2022			
008	04/10/2022			
009	04/10/2022			
010	04/10/2022			
011	04/10/2022			
012	04/10/2022			
013	04/10/2022			
014	04/10/2022			
015	04/10/2022			
016	04/10/2022			
017	04/10/2022			
018	04/10/2022			
019	04/10/2022			
020	04/10/2022			
021	04/10/2022			
022	04/10/2022			
023	04/10/2022			
024	04/10/2022			
025	04/10/2022			
026	04/10/2022			
027	04/10/2022			
028	04/10/2022			
029	04/10/2022			
030	04/10/2022			
031	04/10/2022			
032	04/10/2022			
033	04/10/2022			
034	04/10/2022			
035	04/10/2022			
036	04/10/2022			
037	04/10/2022			
038	04/10/2022			
039	04/10/2022			
040	04/10/2022			
041	04/10/2022			
042	04/10/2022			
043	04/10/2022			
044	04/10/2022			
045	04/10/2022			
046	04/10/2022			
047	04/10/2022			
048	04/10/2022			
049	04/10/2022			
050	04/10/2022			
051	04/10/2022			
052	04/10/2022			
053	04/10/2022			
054	04/10/2022			
055	04/10/2022			
056	04/10/2022			
057	04/10/2022			
058	04/10/2022			
059	04/10/2022			
060	04/10/2022			
061	04/10/2022			
062	04/10/2022			
063	04/10/2022			
064	04/10/2022			
065	04/10/2022			
066	04/10/2022			
067	04/10/2022			
068	04/10/2022			
069	04/10/2022			
070	04/10/2022			
071	04/10/2022			
072	04/10/2022			
073	04/10/2022			
074	04/10/2022			
075	04/10/2022			
076	04/10/2022			
077	04/10/2022			
078	04/10/2022			
079	04/10/2022			
080	04/10/2022			
081	04/10/2022			
082	04/10/2022			
083	04/10/2022			
084	04/10/2022			
085	04/10/2022			
086	04/10/2022			
087	04/10/2022			
088	04/10/2022			
089	04/10/2022			
090	04/10/2022			
091	04/10/2022			
092	04/10/2022			
093	04/10/2022			
094	04/10/2022			
095	04/10/2022			
096	04/10/2022			
097	04/10/2022			
098	04/10/2022			
099	04/10/2022			
100	04/10/2022			



8A VICTORIA ST, LEWISHAM

8A VICTORIA ST, LEWISHAM

DA

DRAWING TITLE			
STREET SCAPE			
PROJECT NO.	SCALE	DATE	REVISION
001	1:100	01/01	001

PROJECT	DESCRIPTION
ALTERATIONS / ADDITIONS	8A VICTORIA STREET LEWISHAM
CLIENT	JOHN & ISABELLA

REV	DATE	DESCRIPTION
1	01/01/2022	SMITH & CARMODY Building 6 1-7 Unwins Bridge Road ST PETERS NSW 2044 info@smithandcarmody.com.au 0415 091 561

NOTES

1. All work is to comply with the Building Code of Australia, SAA and relevant standards.

2. The Contractor / Manufacturer must check and verify all dimensions, fixings and construction methods prior to construction.

3. All measurements are in millimeters and are to be verified on site.

4. Use of materials must be in accordance with the specifications.

5. All drawings are to be used in conjunction with the 'Specification'.

6. Do not scale drawings.

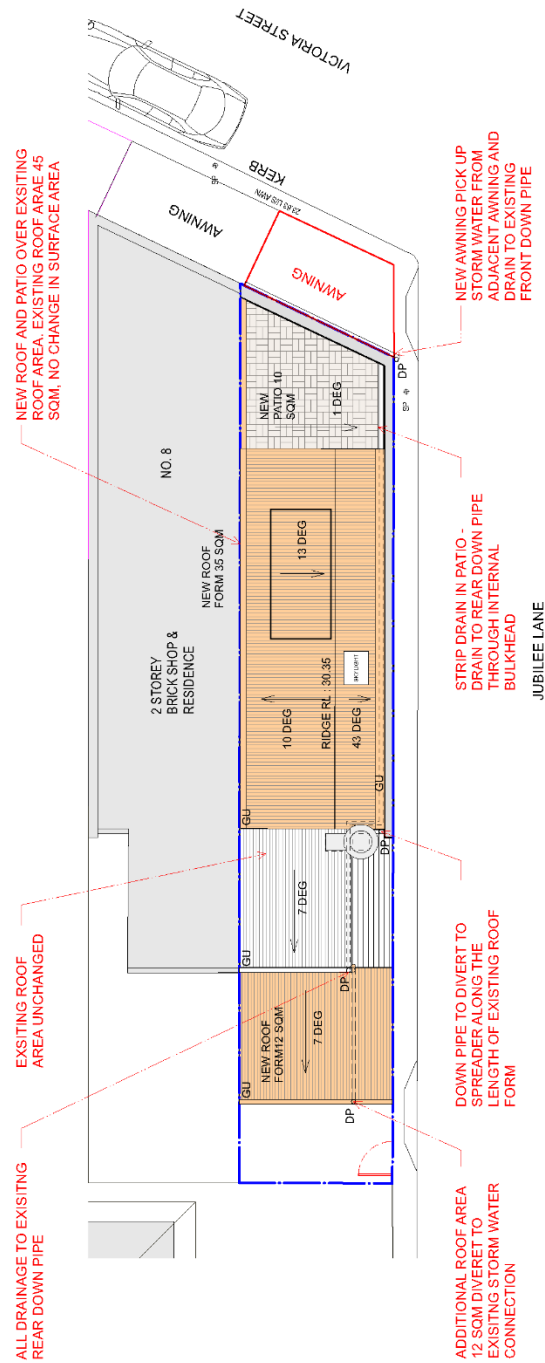
7. All drawings are to be used in conjunction with the 'Specification'.

8. All drawings are to be used in conjunction with the 'Specification'.

9. All drawings are to be used in conjunction with the 'Specification'.

10. All drawings are to be used in conjunction with the 'Specification'.

Document Set ID: 3600702
Version: 1. Version Date: 05/10/2022



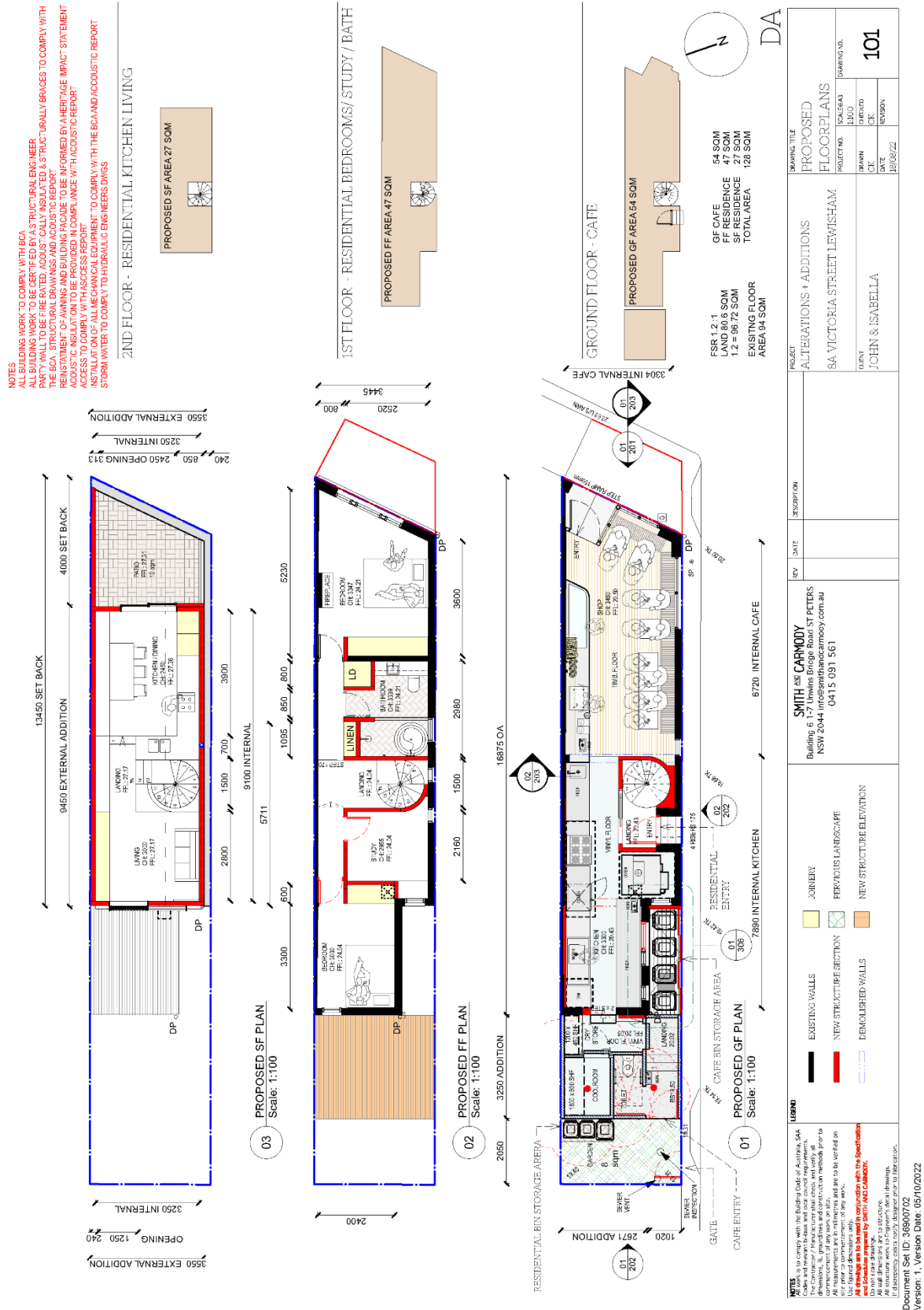
01 PROPOSED ROOF / DRAINAGE PLAN
Scale: 1:100

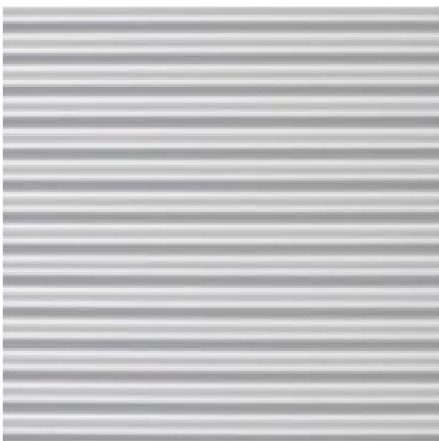


DA

<div>NOTES</div> <div><p>To comply with the Building Code of Australia, SAA has prepared this Certificate of Planning, over that shown and setting out the proposed works. It is intended that the proposed works be carried out in accordance with the specifications of any work on this plan. The proposed works are to be carried out in accordance with the specifications of any work.</p><p>All drawings are to be used in conjunction with the Specifications and Conditions of Sale for Smith and Isabella.</p><p>Do not read drawings in isolation.</p><p>Any variation works to the drawings must be approved by the architect.</p></div>	<div>SMITH & CARMODY</div> <div>Building 6 1-7 Inverness Bridge Road ST PETERS NSW 2048 0415 091 561 info@smithandcarmody.com.au</div>	REV	DATE	DESCRIPTION	PROJECT	DRAWING TITLE					
					PROJECT NO.	SCALE(S)	DRAWN BY	CHECKED BY	DATE		
					ALTERATIONS + ADDITIONS 8A VICTORIA STREET LEWISHAM			PROJECT NO. 102	SCALE(S) A1:1/4	DRAWN BY JOHN & ISABELLA	CHECKED BY CK

Document Set ID: 36900702
Version: 1, Version Date: 05/10/2022





MR - ZINCALUME metal roofing



RF - REPAINT SPRAY RENDER FACADE ABOVE BRICK LEDGE



PF - RESTORE & REPAINT ORIGINAL TIMBER WINDOWS



BRK - CLEAN AND RESTORE ORIGINAL BRICK FACADE

NOTES
All work is to comply with the Building Code of Australia, SAA
The Contractor / Manufacturer shall be responsible for the
dimensions, fixings and construction methods prior to
All the measurements are to be in metres and are to be verified on
Use imperial dimensions only.
All drawings are to be read in conjunction with the Specification
Do not scale drawings.
All dimensions are to be taken to the face of the work.
All dimensions are to be taken to the face of the work.
If discrepancy exists, only drawings are to take effect.

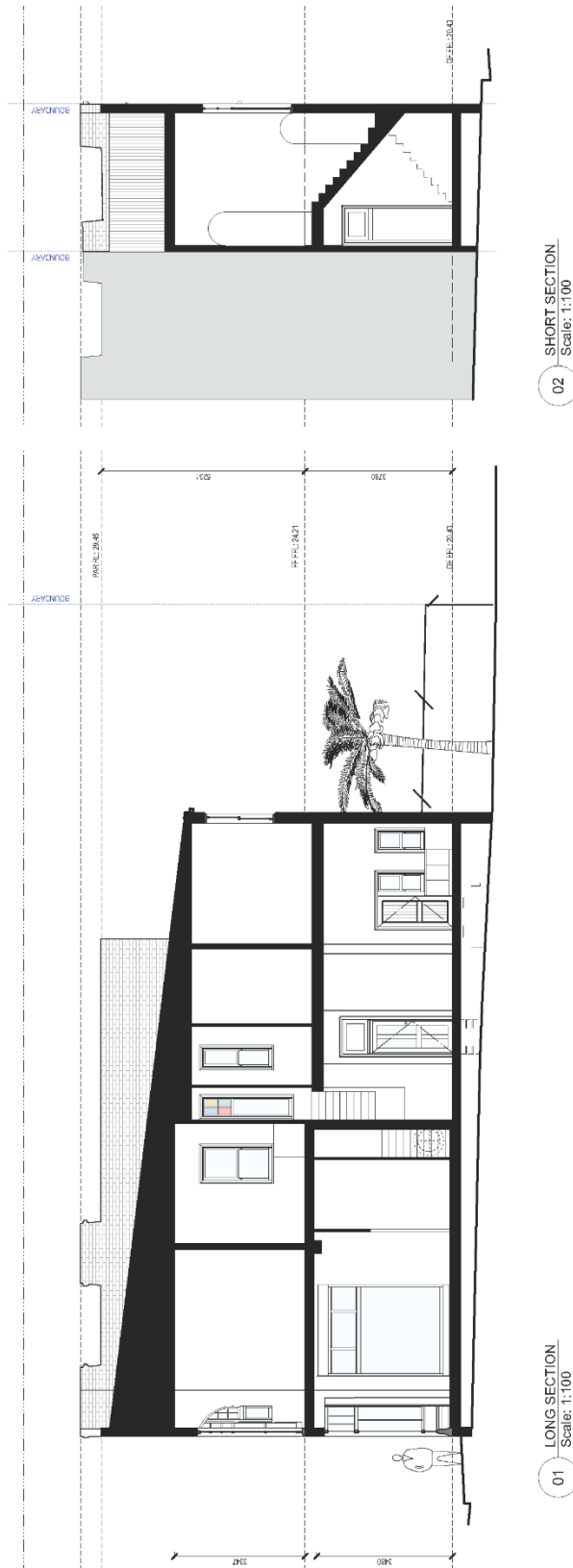
Document Set ID: 389007/02
Version: 1, Version Date: 05/10/2022

SMITH & CARMODY
Building 6 1-7 Unwins Bridge Road ST PETERS
NSW 2044 info@smithandcarmody.com.au
0415 091 561

PROJECT
ALTERATIONS - ADDITIONS
8A VICTORIA STREET LEWISHAM
CLIENT
JOHN & SABELLA

DRAWING TITLE	
EXTERNAL FINISHES	
PROJECT NO.	DRAWING NO.
227	008
DATE	REVISION
05/10/22	

DA



DA

LEGEND		DATE	DESCRIPTION	PROJECT	DRAWING TITLE	
SYMBOL	DESCRIPTION				EXISTING SECTIONS	
<p>NOTES: This drawing is for compliance with the Building Code of Australia, AS/NZS 1170.1 and AS/NZS 1170.2. It is not to be used for any other purpose. All dimensions are to be confirmed on site. All</p>						

NOTES

All work is to comply with the Building Code of Australia, SAA and the relevant standards and specifications.

The Contractor / Fabricator must check and verify all dimensions, levels, quantities and construction methods prior to construction.

All measurements are to be taken from the finished floor level.

Use of standard dimensions only, unless otherwise specified.

As shown are to be used in conjunction with the Specification.

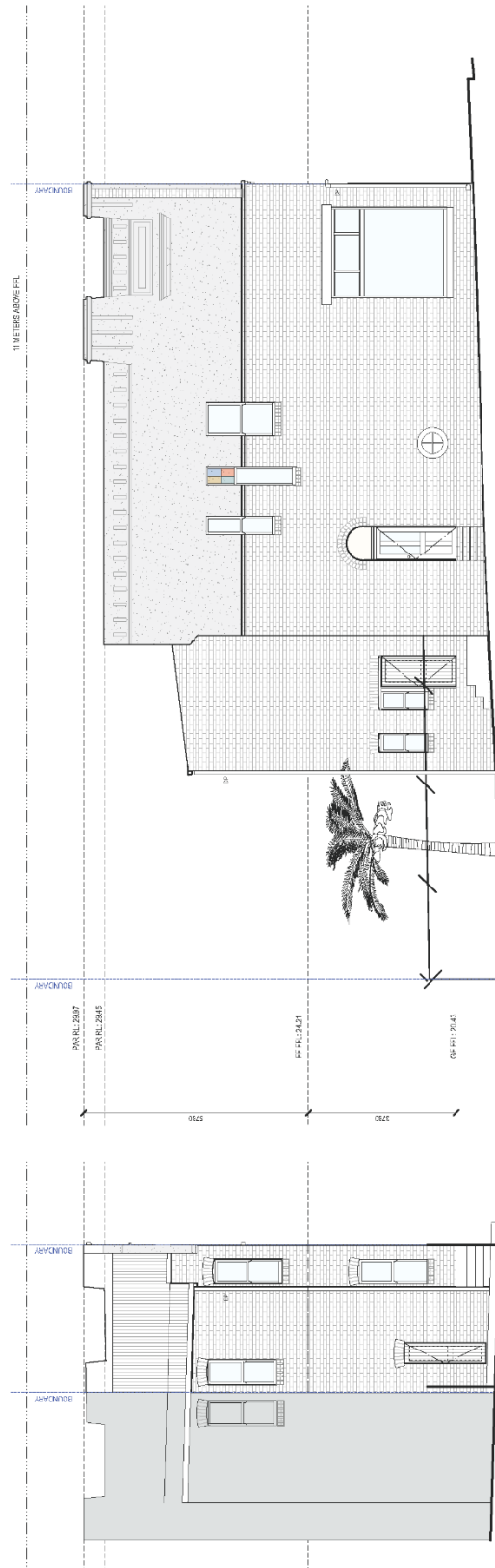
Do not create drawings.

Do not use drawings for construction.

All drawings are to be signed and dated by the Designer.

It is the responsibility of the Designer to ensure that all drawings are correct and complete prior to fabrication.

Document Set ID: 36600702
Version: 1, Version Date: 05/10/2022

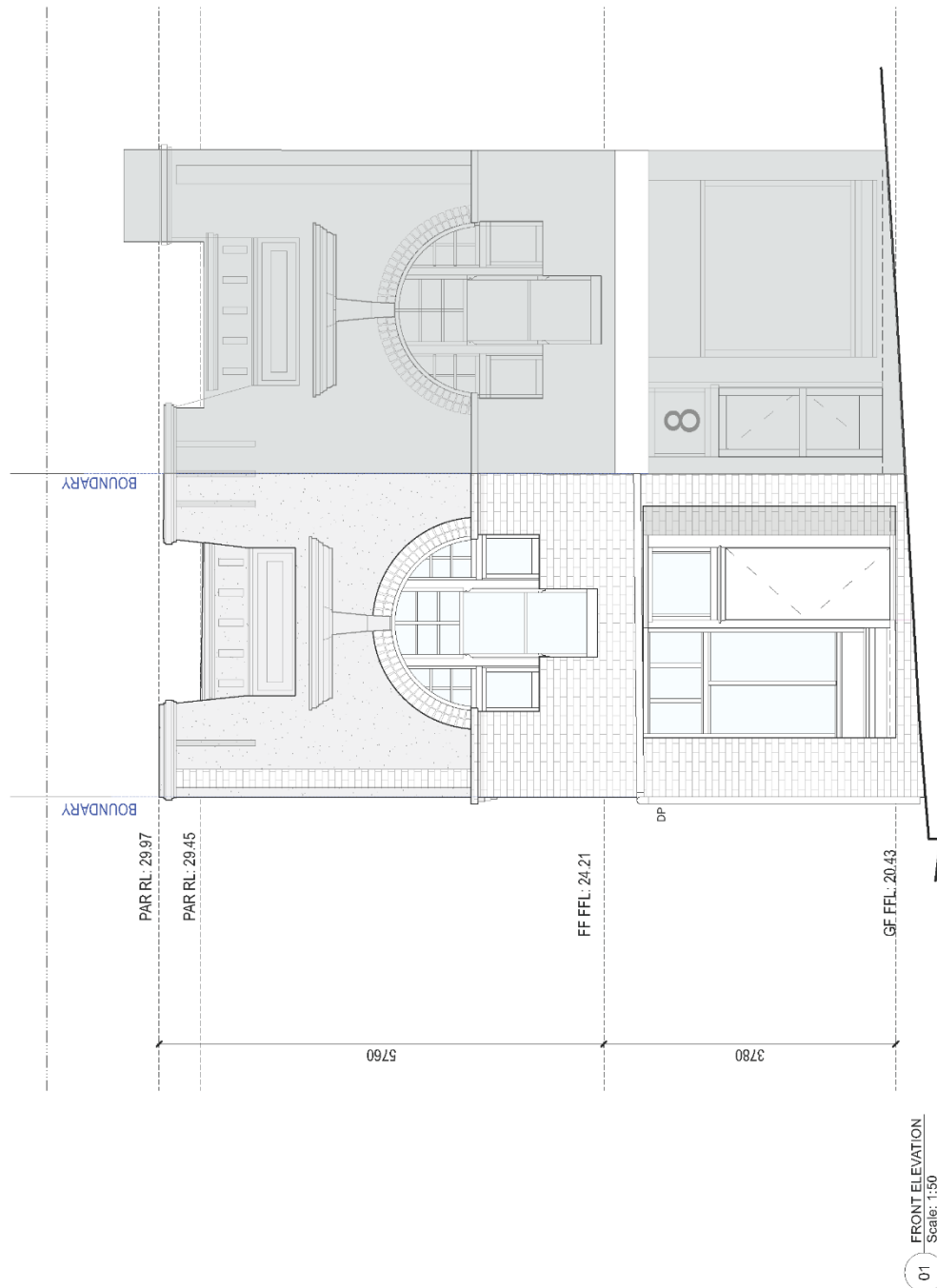


01 REAR ELEVATION
Scale: 1:100

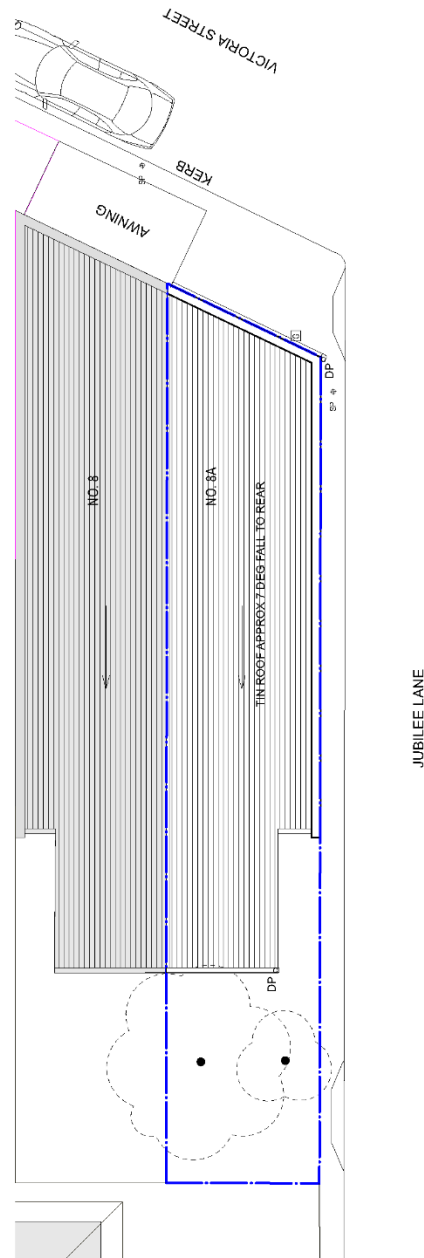
02 SIDE ELEVATION
Scale: 1:100

DA

<p>NOTES</p> <p>1. To comply with the Building Code of Australia, S.A. has prepared this Certificate of Fitness, under the strict and careful supervision of a Professional Engineer, to certify that the construction of this work will comply with the requirements of any work on this project and that the work will be carried out in accordance with the specifications and drawings for this project to the satisfaction of any work.</p> <p>All drawings are to be used in conjunction with the Specifications and the Bill of Materials and the Bill of Materials.</p> <p>Do not reuse drawings, specifications or bills of materials without the written consent of the Engineer.</p> <p>Do not reuse drawings, specifications or bills of materials without the written consent of the Engineer's client (if drawings are to be used for a different project).</p>	<p>SMITH & CARMODY Building 6 1-7 Inverin Bridge Road ST PETERS NSW 2048 0415 091 561 info@smithandcarmody.com.au</p>	REV	DATE	DESCRIPTION	PROJECT	DRAWING TITLE	
					ALTERATIONS + ADDITIONS 8A VICTORIA STREET LEWISHAM	EXISTING SIDE & REAR ELEVATION	
							SUBMITTAL
							CHECKED
							CK
							CK
							REVISION
							1007/822
							006
							SHAWTAY CO.



01 FRONT ELEVATION		Scale: 1:50	<p>NOTES</p> <p>1. In compliance with the Building Code of Australia, BCA Codes and relevant building and local council requirements, the Contractor / Architectural shall ensure and verify all construction of any work as detailed on this drawing prior to commencement of any work.</p> <p>2. All work to be carried out in accordance with the relevant Australian Standards and specifications of any work.</p> <p>3. Use figured dimensions only.</p> <p>4. All work to be carried out in accordance with the relevant Australian Standards and specifications of any work.</p> <p>5. All work to be carried out in accordance with the relevant Australian Standards and specifications of any work.</p> <p>6. All work to be carried out in accordance with the relevant Australian Standards and specifications of any work.</p> <p>7. All work to be carried out in accordance with the relevant Australian Standards and specifications of any work.</p> <p>8. All work to be carried out in accordance with the relevant Australian Standards and specifications of any work.</p> <p>9. All work to be carried out in accordance with the relevant Australian Standards and specifications of any work.</p> <p>10. All work to be carried out in accordance with the relevant Australian Standards and specifications of any work.</p>	<p>LEGEND</p> <p>1. All work to be carried out in accordance with the relevant Australian Standards and specifications of any work.</p> <p>2. All work to be carried out in accordance with the relevant Australian Standards and specifications of any work.</p> <p>3. All work to be carried out in accordance with the relevant Australian Standards and specifications of any work.</p> <p>4. All work to be carried out in accordance with the relevant Australian Standards and specifications of any work.</p> <p>5. All work to be carried out in accordance with the relevant Australian Standards and specifications of any work.</p> <p>6. All work to be carried out in accordance with the relevant Australian Standards and specifications of any work.</p> <p>7. All work to be carried out in accordance with the relevant Australian Standards and specifications of any work.</p> <p>8. All work to be carried out in accordance with the relevant Australian Standards and specifications of any work.</p> <p>9. All work to be carried out in accordance with the relevant Australian Standards and specifications of any work.</p> <p>10. All work to be carried out in accordance with the relevant Australian Standards and specifications of any work.</p>	<p>SMITH AND CARMODY Building 6, 11 Riversleigh Bridge Road NSW 2044 (info@smithandcarmody.com.au) 0415 091 561</p>	REV	DATE	DESCRIPTION	PROJECT	DRAWING TITLE
									ALTERATIONS + ADDITIONS 8A VICTORIA STREET LEWISHAM	EXISTING FRONT ELEVATION
					CLIENT JOHN & ISABELLA	DRAWN JFC	THROUGHT JFC	SCALE(S) 1:100	PROJECT NO. 1110	DRAWING NO. 005
					19/08/22					

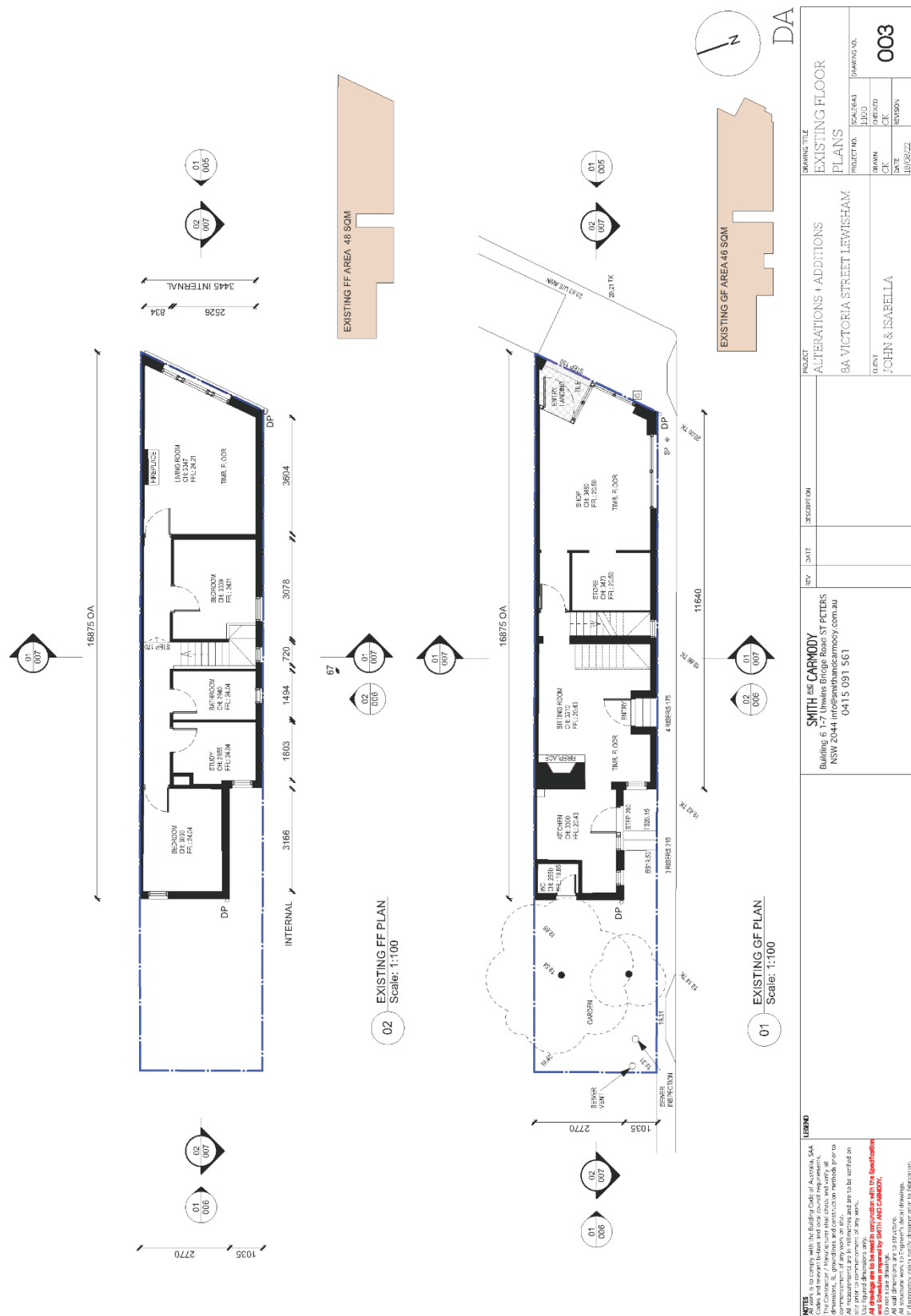


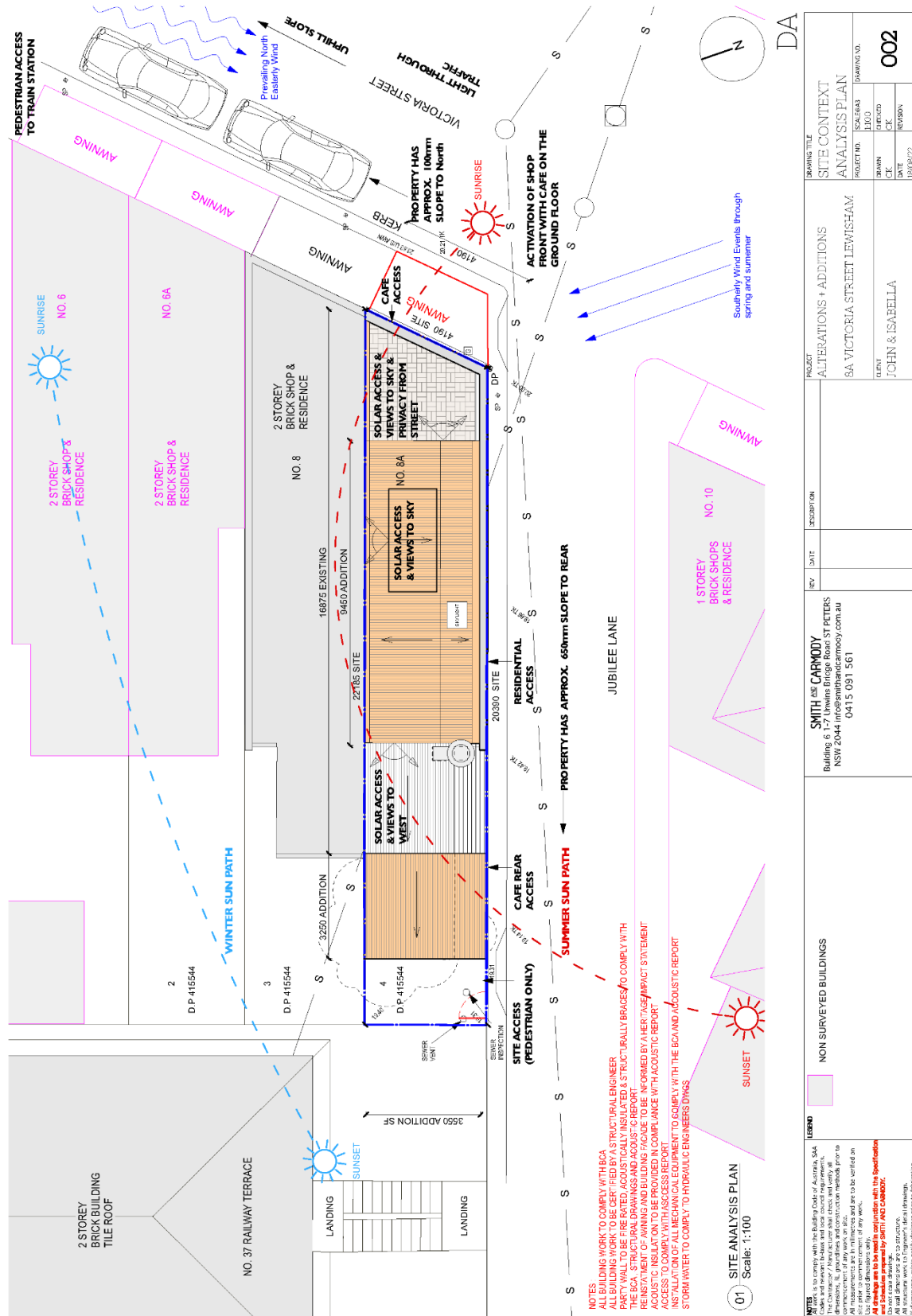
01 EXISTING ROOF PLAN
Scale: 1:100

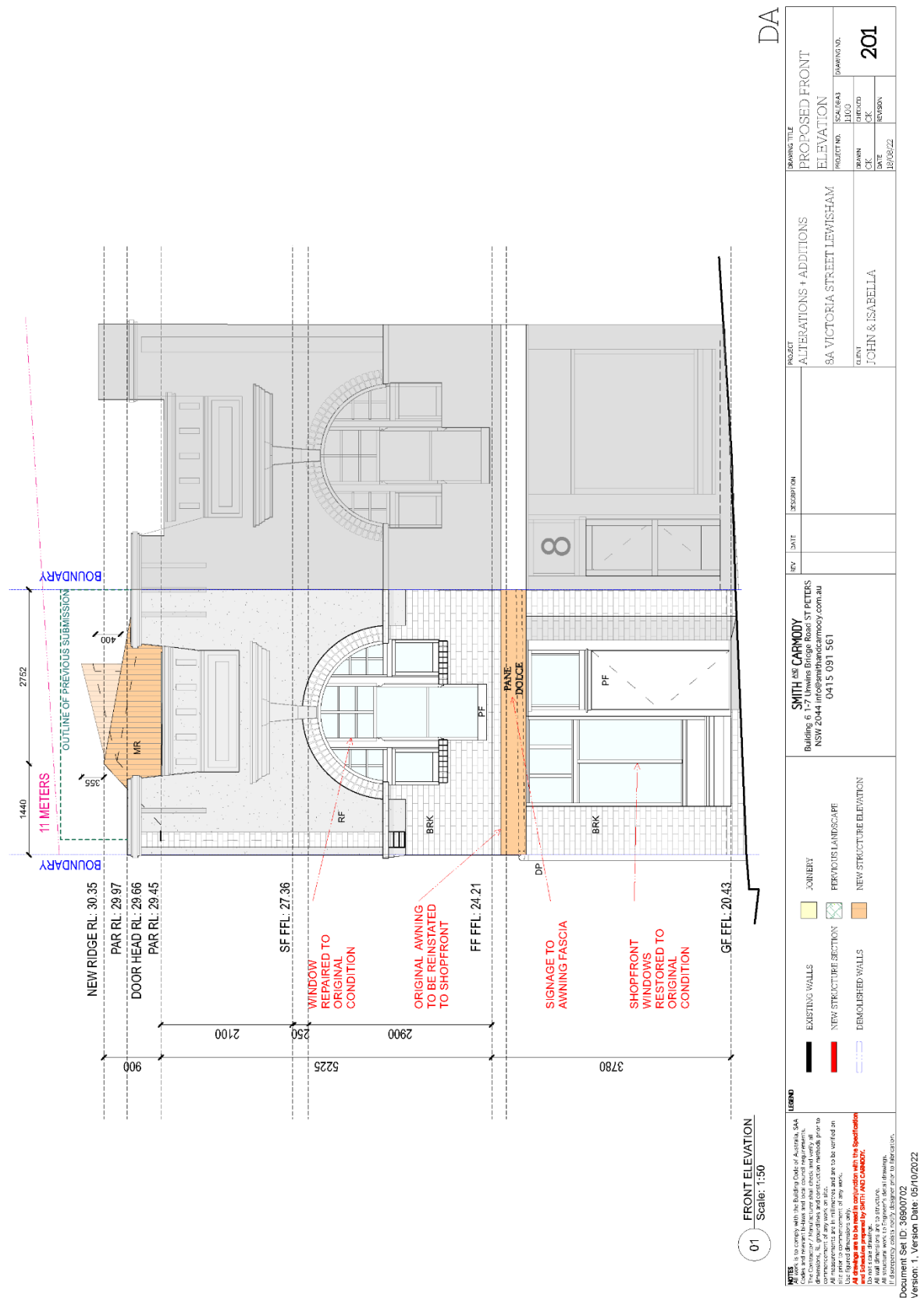


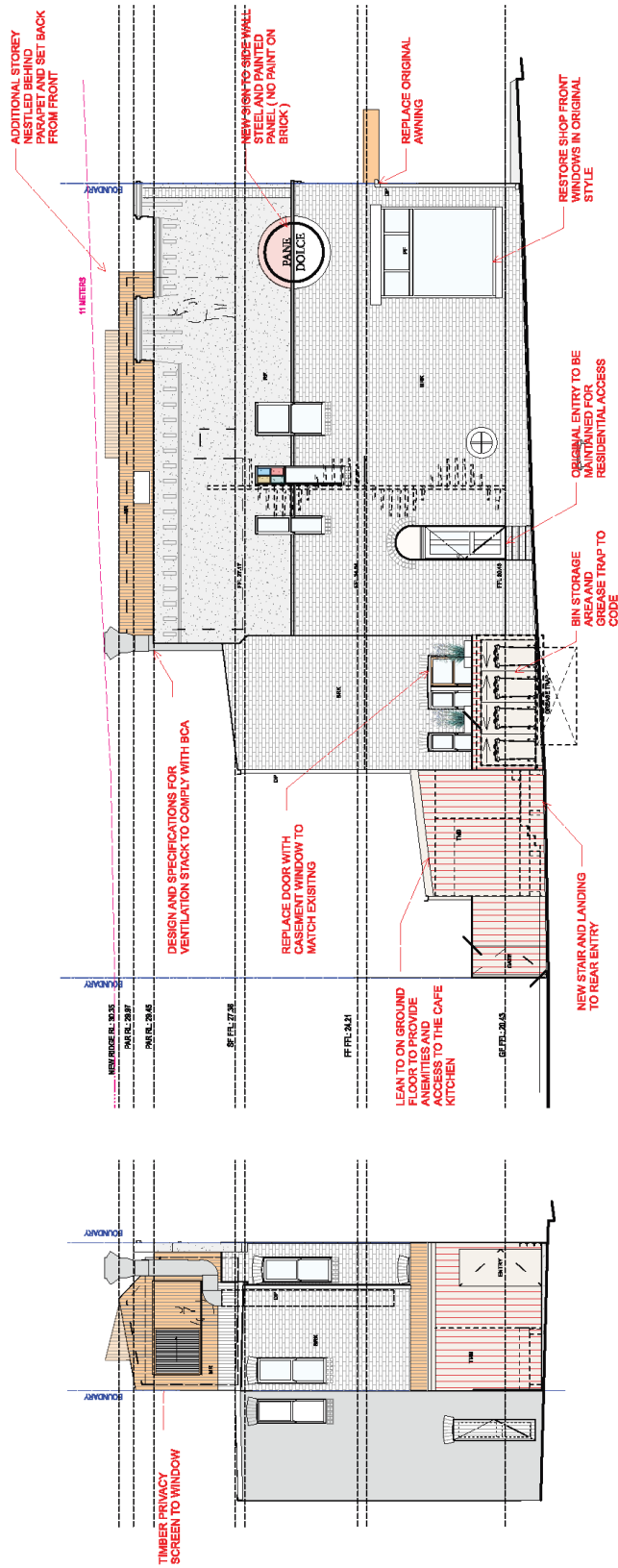
DA

<div>NOTES</div> <div><p>All work is to comply with the Building Code of Australia, SAA and the relevant standards and specifications.</p><p>The Contractor / Fabricator must check and verify all dimensions, levels, groundlines and construction methods prior to construction.</p><p>All measurements are to be taken and are to be verified on site.</p><p>Use of hand-drawn sketches only.</p><p>All drawings are to be used in conjunction with the Specification and the relevant standards and specifications.</p><p>Do not reuse drawings.</p><p>All drawings are to be checked and approved by the Designer.</p><p>Document Set ID: 36600702</p><p>Version: 1, Version Date: 05/10/2022</p></div>		<div>LEGEND</div> <div><div><div></div></div><div>NON SURVEYED BUILDINGS</div></div>		<div>SMITH & CARMODY</div> <div>Building 6 1-7 Unwins Bridge Road ST PETERS</div> <div>NSW 2044 info@smithandcarmody.com.au</div> <div>0415 091 561</div>		<div>REV</div> <div>DATE</div> <div>DESCRIPTION</div>		<div>PROJECT</div> <div>ALTERATIONS + ADDITIONS</div> <div>8A VICTORIA STREET LEWISHAM</div>		<div>DRAWING TITLE</div> <div>EXISTING ROOF PLAN</div> <table><tr><td>PROJECT NO.</td><td>SCALE</td><td>DRAWING NO.</td></tr><tr><td>004</td><td>1:100</td><td>004</td></tr><tr><td>DRAWN</td><td>CHECKED</td><td>REVISION</td></tr><tr><td>CK</td><td>CK</td><td></td></tr><tr><td>DATE</td><td></td><td></td></tr><tr><td>10/08/22</td><td></td><td></td></tr></table>		PROJECT NO.	SCALE	DRAWING NO.	004	1:100	004	DRAWN	CHECKED	REVISION	CK	CK		DATE			10/08/22		
PROJECT NO.	SCALE	DRAWING NO.																											
004	1:100	004																											
DRAWN	CHECKED	REVISION																											
CK	CK																												
DATE																													
10/08/22																													



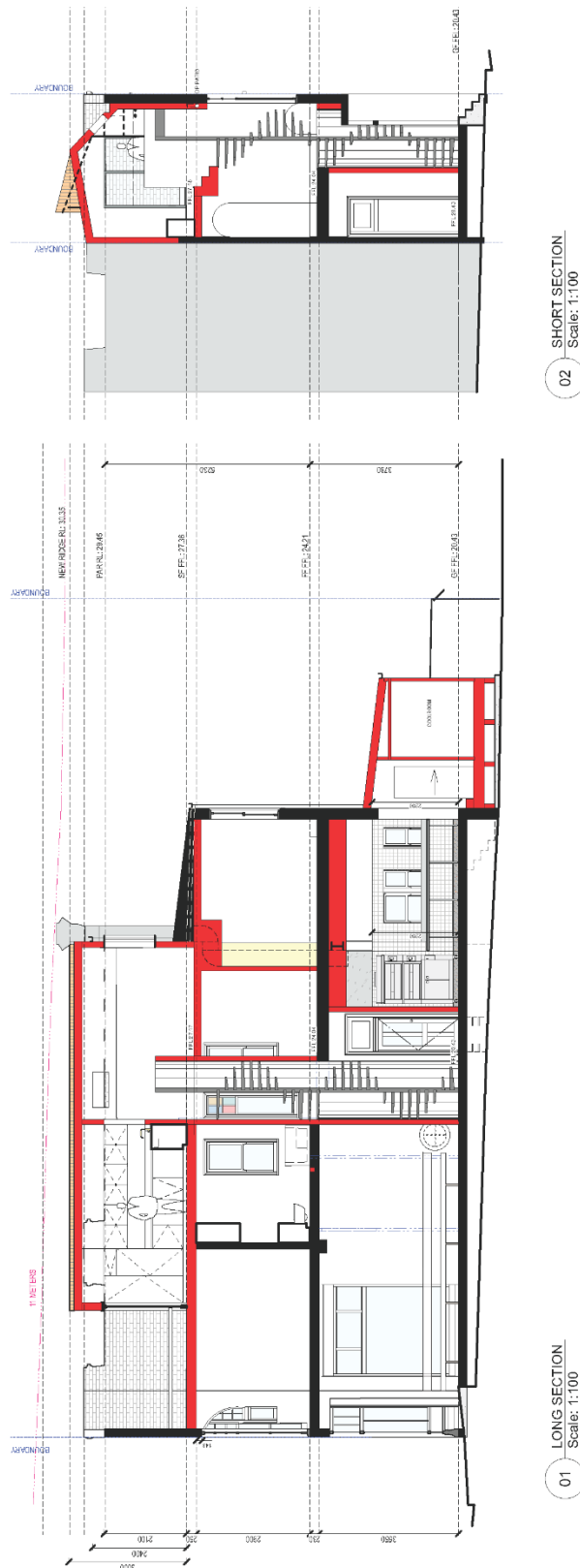




01 PROPOSED REAR ELEVATION
Scale: 1:10002 PROPOSED SIDE ELEVATION
Scale: 1:100

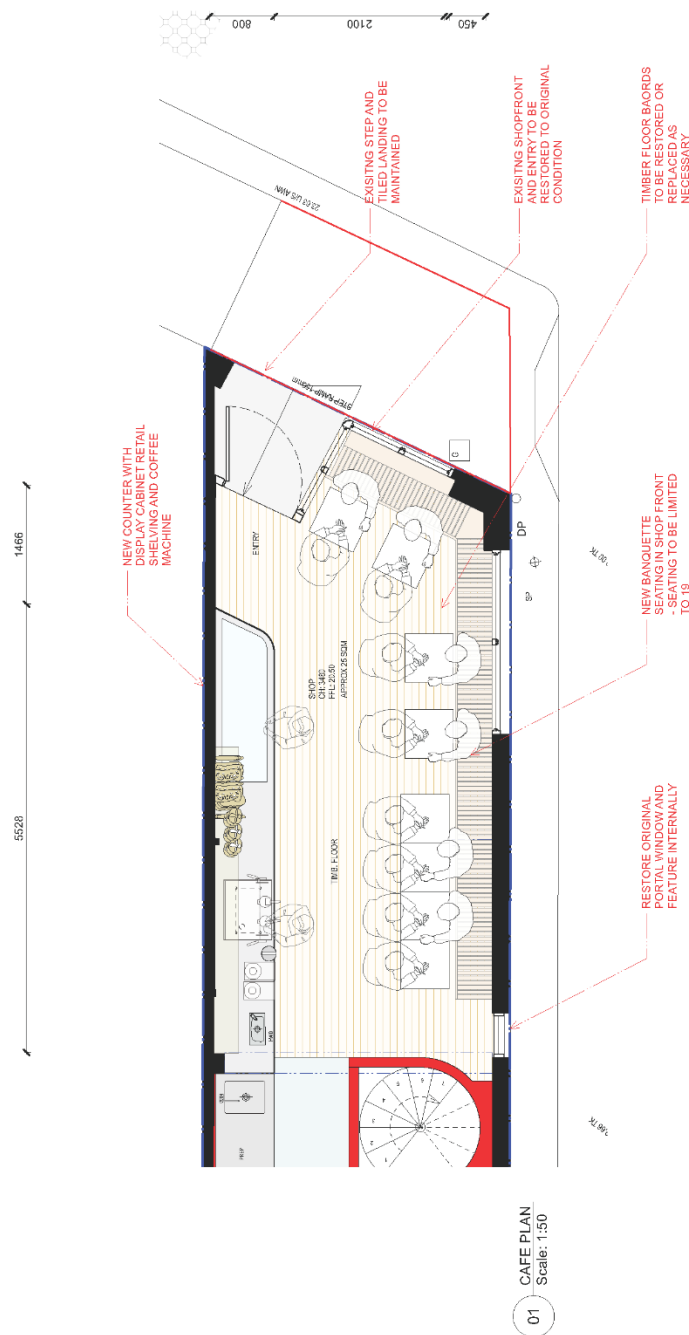
DA

<p>NOTES:</p> <p>All work is to comply with the Building Code of Australia, SAA and the relevant standards.</p> <p>The Contractor / Manufacturer and must read and verify all dimensions. If quantities and construction methods prior to the start of work are not confirmed, the Contractor must use the quantities and construction methods of any work.</p> <p>All drawings are to be read in conjunction with the Specification and the relevant standards.</p> <p>Do not scale drawings.</p> <p>All dimensions are to be taken from the finished face of the structure unless otherwise stated.</p> <p>All structural work to be done in accordance with the relevant standards.</p> <p>If discrepancy exists, notify designer prior to fabrication.</p> <p>Document S&P ID: 38600702</p> <p>Version: 1, Version Date: 05/10/2022</p>	<p>LEGEND</p> <p>EXISTING WALLS</p> <p>NEW STRUCTURE SECTION</p> <p>DEMOLISHED WALLS</p> <p>COURTNEY</p> <p>PERVIOUS LANDSCAPE</p> <p>NEW STRUCTURE RELEVATION</p>	<p>PROJECT</p> <p>ALTERATIONS + ADDITIONS</p> <p>8A VICTORIA STREET LEWISHAM</p> <p>CLIENT</p> <p>JOHN & ISABELLA</p>	<p>SMITH & CARMODY</p> <p>Building 6 1-7 Unwins Bridge Road ST PETERS</p> <p>NSW 2044 info@smithandcarmody.com.au</p> <p>0415 091 561</p>	<p>REV</p> <p>DATE</p> <p>DESCRIPTION</p>	<p>DRAWING TITLE</p> <p>PROPOSED SIDE & REAR ELEVATION</p> <p>PROJECT NO.</p> <p>1100</p> <p>SCALE</p> <p>1:100</p> <p>DRAWING NO.</p> <p>202</p>

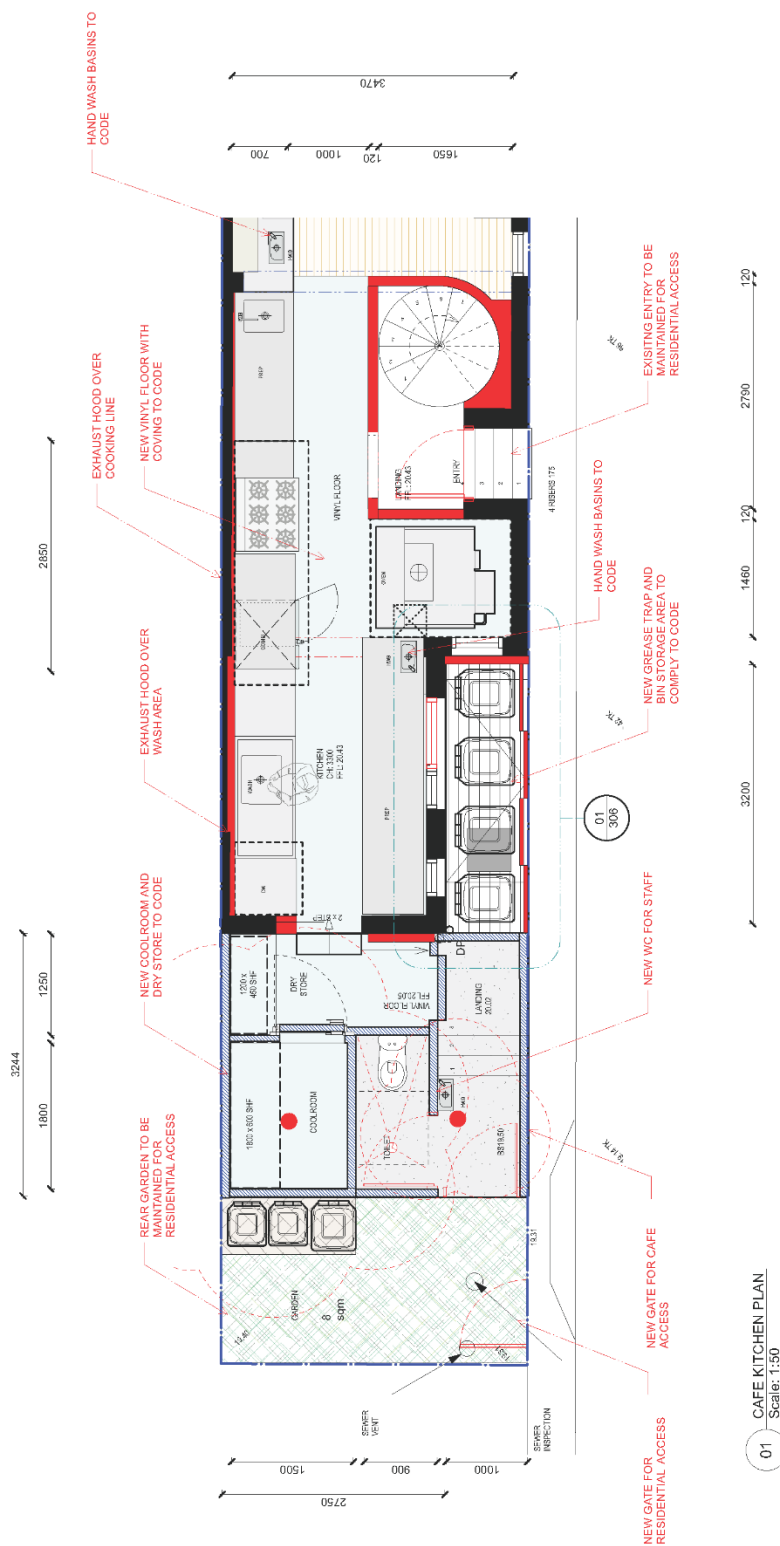


DA

[illegible]



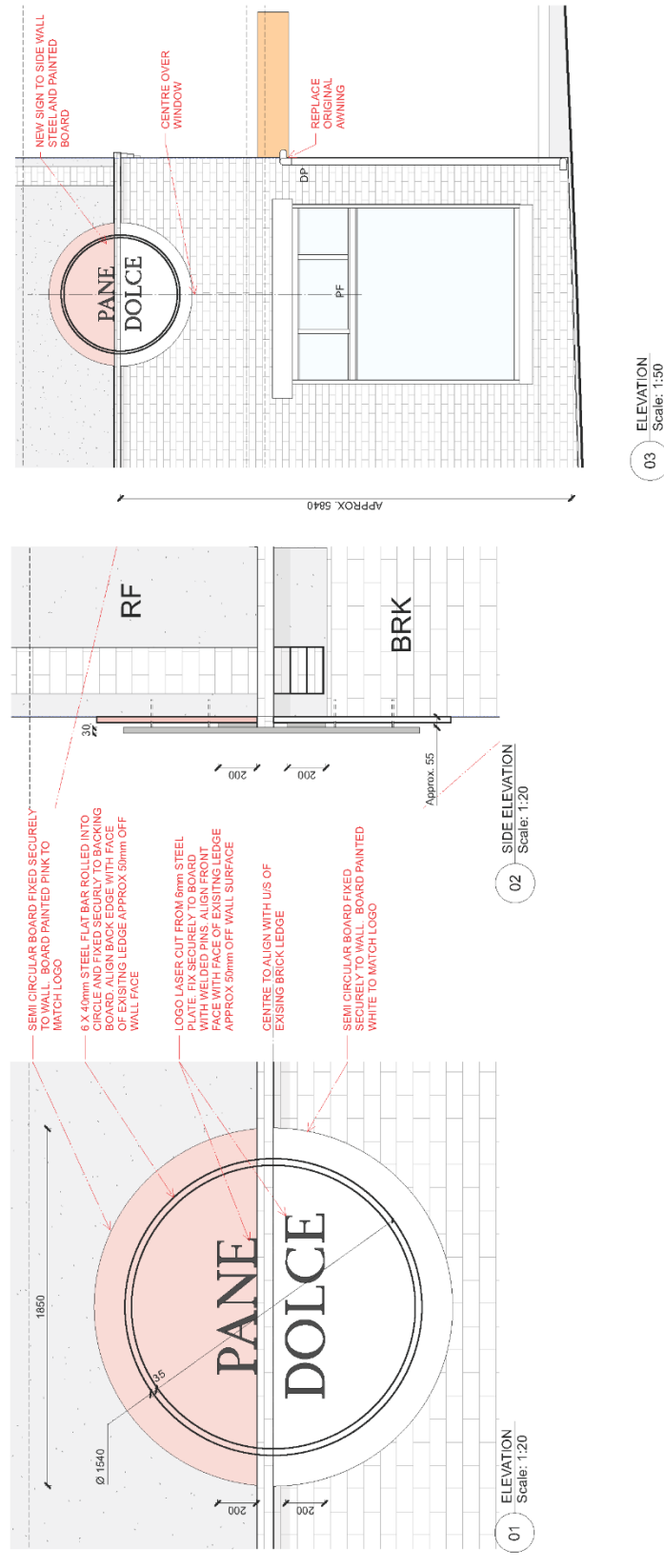
<div>NOTES</div> <div><p>It is to comply with the Building Code of Australia, SAA Codes and relevant building and local council regulatory systems. All drawings, specifications and construction methods prior to construction of any work or item, shall be verified as correct and approved prior to construction of any work or item.</p><p>All drawings are to be used in conjunction with the Specification and are not to be modified.</p><p>Do not scale drawings.</p><p>All wall dimensions are to structure.</p><p>For any discrepancy, the drawings shall prevail.</p><p>If discrepancy exists, notify designer prior to fabrication.</p></div>	<div>LEGEND</div> <div><div><div>EXISTING WALLS</div><div></div></div><div><div>NEW STRUCTURAL SECTION</div><div></div></div><div><div>DEMOLISHED WALLS</div><div></div></div><div><div>JOB/KEY</div><div></div></div><div><div>PERFECTUS LANDSCAPE</div><div></div></div><div><div>NEW STRUCTURE ELEVATION</div><div></div></div></div>	<div>SWITH AS CARMOODY</div> <div>Building 6 171 Millers Road, Millers Point, ST PETERS</div> <div>NSW 2044 info@smithandcarmody.com.au</div> <div>0415 091 561</div>	<div>REV</div> <div>DATE</div> <div>DESCRIPTION</div>	<div>PROJECT</div> <div>ALTERATIONS + ADDITIONS</div> <div>8A VICTORIA STREET LEWISHAM</div> <div>CLIENT</div> <div>JOHN & ISABELLA</div>	<div>DRAWING TITLE</div> <div>CAPE LAYOUT PLAN</div>			
					<div>PROJECT NO.</div> <div>100496A3</div>	<div>DRAWN</div> <div>CK</div>	<div>CHECKED</div> <div>CK</div>	<div>DRAWING NO.</div> <div>301</div>




01 CAFE KITCHEN PLAN
Scale: 1:50

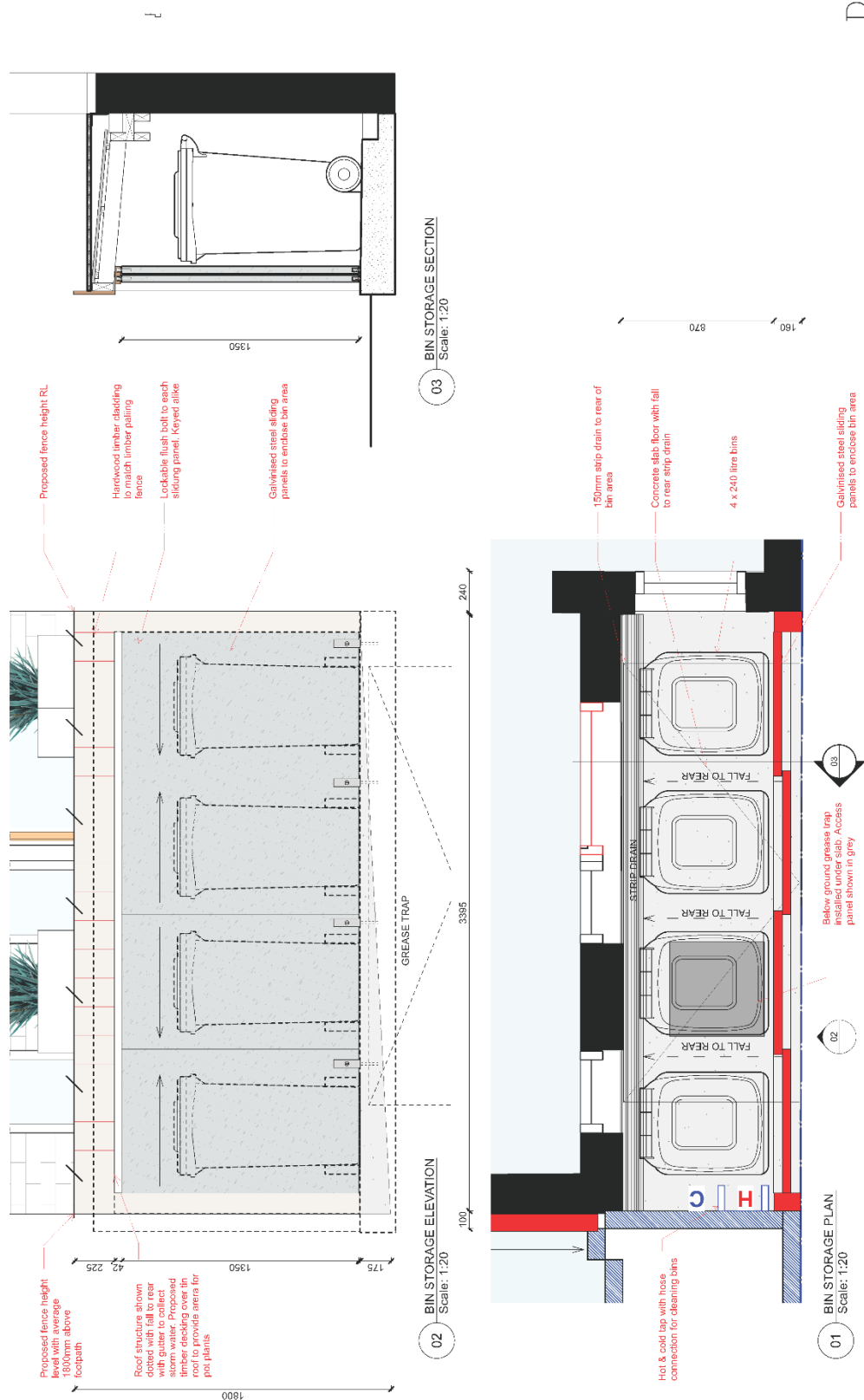
DA

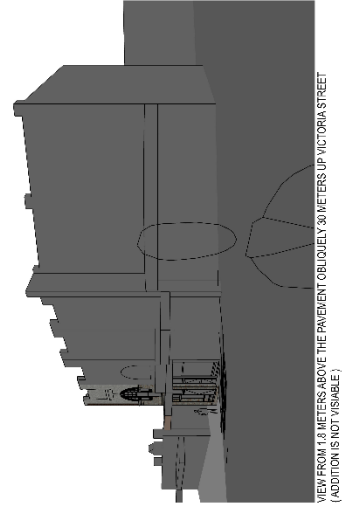
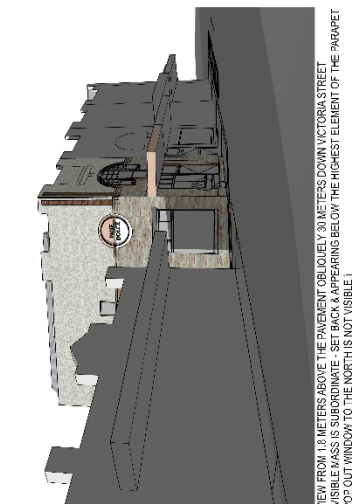
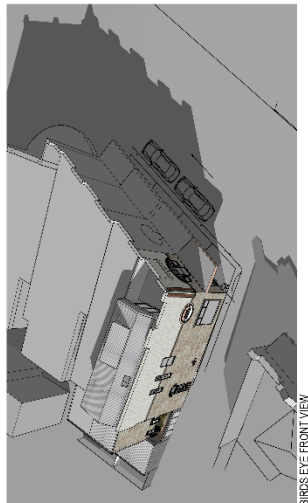
[illegible]



DA

<p>NOTES</p> <p>1. To comply with the Building Code of Australia, SAA two Centimeter (2) drawings, one at 1:50 scale and one at 1:100 scale, are required for all work. All drawings are to be submitted to the Council for approval prior to commencement of any work. All drawings are to be submitted in accordance with the specifications of the Council of the City of Sydney.</p>	<p>LEGEND</p>		<p>SMITH & CARMODY Building 6 1-7 Unwins Bridge Road ST PETERS NSW 2044 Australia 0415 031 561</p>	<p>KEY</p> <p>DATE</p> <p>SECTION ON</p>	<p>PROJECT</p> <p>ALTERATIONS + ADDITIONS</p> <p>8A VICTORIA STREET LEWISHAM</p>	<p>DRAWING TITLE</p> <p>CAFE WALL SIGN</p>	<p>DRAWING NO.</p> <p>305</p>
--	----------------------	---	--	---	---	---	--------------------------------------

[illegible]



REAR VIEW FROM 1.8 METERS ABOVE THE PAVEMENT DOWN JUBILEE LANE
(REAR PLANE OF ADDITION VISIBLE - POP OUT WINDOW TO THE NORTH IS NOT VISIBLE)

[illegible]

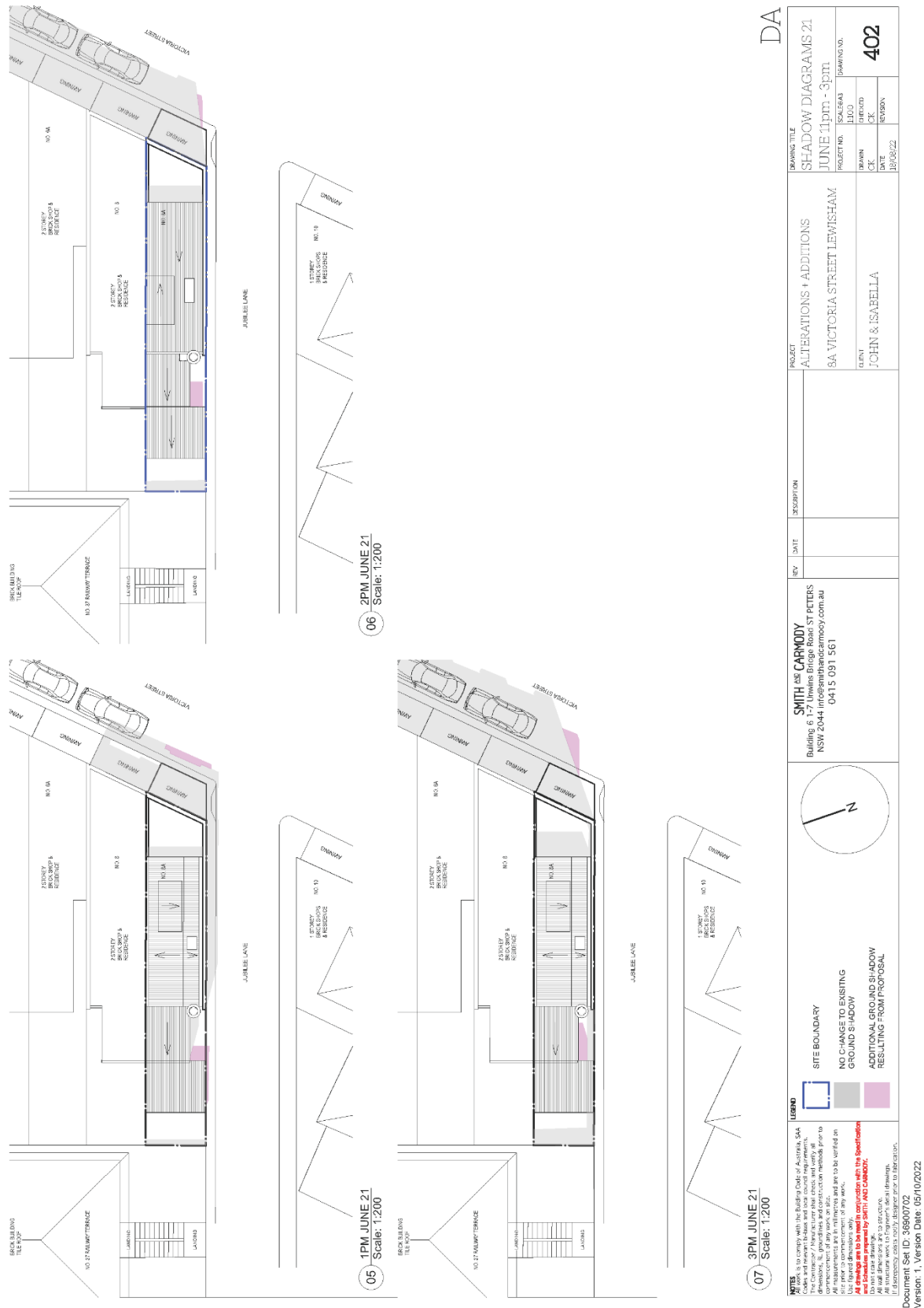
REV DATE DESCRIPTION

SMITH ^{ASSN} CARMODY
 Building 6 1-7 Unwinn Bridge Road ST PETERS
 NSW 2014 info@smithandcarmody.com.au
 0415 091 561

[illegible]

DA





Attachment C – Clause 4.6 Exception to Development Standards



CLAUSE 4.6 REQUEST FOR VARIATION TO

CLAUSE 4.4 (2) (FLOOR SPACE RATIO) OF

MARRICKVILLE LOCAL ENVIRONMENTAL PLAN
2011 (MLEP)

**8A VICTORIA STREET,
LEWISHAM**

6th September 2022



Clause 4.6 Variation to FSR
8A Victoria Street, Lewisham
Alterations and additions for a new mixed-use development with lower ground level cafe and residence above



1.0 Introduction

- This is a request to vary a development standard pursuant to the provisions of Clause 4.6 of Marrickville Local Environmental Plan 2011 (MLEP 2011), the relevant clause being Clause 4.4(2) (Floor Space Ratio) (FSR).
- This written variation request has been provided to support the proposed alterations and additions for a new mixed use development with lower ground level café and residence above at 8A Victoria Street, Lewisham.
- The proposal introduces a new recessive second floor to the existing residence above the shop which will contain living, kitchen and dining areas and an outdoor patio. The new upper-level addition has been sympathetically designed and setback behind the front parapet to complement the original form and height of the building. The second floor addition therefore does not significantly increase the overall bulk and scale of the building and reads as a recessive built form element.
- Whilst the subject site is not a listed heritage item it does sit within the mapped MLEP C26 Heritage Conservation Area – 'Lewisham Estate'. The proposed alterations and additions will preserve and restore the original building façades which will greatly enhance the visual character of the conservation area.
- The proposed total gross floor area (GFA) of the development is 128sqm.
- The relevant plans relied upon are those identified as the plans prepared by Smith and Carmody dated 27.10.2021.
- The relevant maximum FSR for the site is 1.2:1. The requested FSR variation is 0.38:1 based on a total FSR of 1.58:1.
- The FSR control is a *development standard* for the purposes of the EP&A Act 1979.
- This request to vary the FSR development standard considers the judgment in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 ("Initial Action"), *Wehbe v Pittwater Council*, *Big Property Pty Ltd v Randwick City Council* [2021] and *SJD DB2 Pty Ltd v Woollahra Council* [2020] NSWLEC 1112 (SJD DB2).
- The request addresses those relevant provisions of Clause 4.6 under MLEP 2011 and sets out the reasons for why strict application of the FSR standard in this instance is unreasonable and unnecessary. Further, it details numerous sufficient environmental planning grounds to support the variation sought.

2.0 Development Standard to be Varied – Floor Space Ratio

The relevant *development standard* to be varied is the 1.2:1 FSR control under Clause 4.4(2). Clause 4.4 of MLEP relevantly provides:

4.4 Floor space ratio

(1) The objectives of this clause are as follows—

- (a) to establish the maximum floor space ratio,
- (b) to control building density and bulk in relation to the site area in order to achieve the desired future character for different areas,
- (c) to minimise adverse environmental impacts on adjoining properties and the public domain.

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

The relevant FSR map is identified below:

Clause 4.6 Variation to FSR
 8A Victoria Street, Lewisham
 Alterations and additions for a new mixed-use development with lower ground level care and residence above

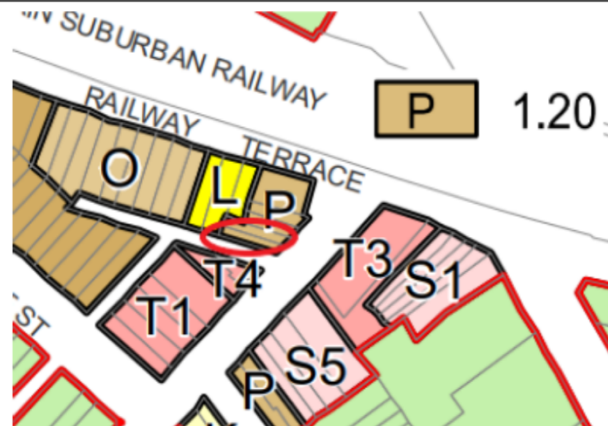


Figure 1: FSR under MLEP (Source: FSR_001 MLEP)

The subject site is mapped "P" – 1.2:1 (max).

3.0 Nature of Variation Sought

The requested variation is as follows:

The proposal has a permitted FSR as follows:

Site Area: **80.6sqm**

MLEP FSR = **1.2:1**

An FSR of **1.2:1** equates to a total permissible GFA of **96.72sqm**.

The proposal has a total gross floor area (GFA) of **128sqm**. This is equal to a FSR of **1.58:1** which equates to a **0.38:1** variation. The additional GFA is **31.28sqm**.

The development comprises of an existing two storey form. The proposed new upper level (Level 3) complies with the **11m** height limit under Clause 4.3 of MLEP 2011 and is setback from the street behind the parapet.

4.0 Floor Space Ratio – Development Standard

A development standard is defined in S1.4 of the *Environmental Planning and Assessment Act 1979* ("EPA Act") to mean:

"provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of:
 (a) the area, shape or frontage of any land, the dimensions of any land, buildings or works, or the distance of any land, building or work from any specified point,
 (b) the proportion or percentage of the area of a site which a building or work may occupy,

Clause 4.6 Variation to FSR
8A Victoria Street, Lewisham
Alterations and additions for a new mixed-use development with lower ground level care and residence above

-
- (c) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,
 - (d) the cubic content or floor space of a building,
 - (e) the intensity or density of the use of any land, building or work,
 - (f) the provision of public access, open space, landscaped space, tree planting or other treatment for the conservation, protection or enhancement of the environment,
 - (g) the provision of facilities for the standing, movement, parking, servicing, manoeuvring, loading or unloading of vehicles,
 - (h) the volume, nature and type of traffic generated by the development,
 - (i) road patterns,
 - (j) drainage,
 - (k) the carrying out of earthworks,
 - (l) the effects of development on patterns of wind, sunlight, daylight or shadows,
 - (m) the provision of services, facilities and amenities demanded by development,
 - (n) the emission of pollution and means for its prevention or control or mitigation, and
 - (o) such other matters as may be prescribed."

The 1.2:1 maximum floor space ratio standard is a development standard as defined under the EP&A Act 1979.

5.0 Clause 4.6 of Marrickville Local Environmental Plan 2011

The following provides a response to relevant Clause 4.6 provisions:

Clause 4.6(2) provides that:

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

The FSR development standard is not expressly excluded from the operation of cl4.6 and accordingly, consent may be granted.

Clause 4.6(3) relates to the making of a written request to justify the contravention of a development standard and states:

- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - a) **that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and**
 - b) **that there are sufficient environmental planning grounds to justify contravening the development standard.**

The proposed development does not comply with the FSR development standard pursuant to cl4.4 of the MLEP 2011. However, strict compliance is considered to be unreasonable and unnecessary in the circumstances of this case as detailed further in this written request.

Clause 4.6 Variation to FSR
8A Victoria Street, Lewisham
Alterations and additions for a new mixed-use development with lower ground level care and residence above



Sufficient environmental planning grounds exist to justify contravening the development standard as detailed in Section 8.

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

- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
 - (a) *the consent authority is satisfied that:*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (b) *the concurrence of the Secretary has been obtained.*

Sections below of this written request address the matters required under cl4.6(4)(a) of the MLEP 2011 and cl4.6(4)(b).

Clause 4.6(5) provides that:

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

Sections below of this written request addresses the matters required under cl4.6(5) of the MLEP.

Clauses 4.6(6) and (8) are not relevant to the proposed development.

Cl 4.6(7) is an administrative clause requiring the consent authority to keep a record of its assessment under this clause after determining a development application.

6.0 Relevant Decisions

Initial Action

In the Judgment of *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 ('Initial Action'), Preston CJ indicated that cl4.6 does not directly or indirectly establish a test that a non-compliant development should have a neutral or beneficial effect relative to a compliant development. For example, a building that exceeds a development standard that has adverse amenity impacts should not be assessed on the basis of whether a complying development will have no adverse impacts. Rather, the non-compliance should be assessed with regard to whether the impacts are reasonable in the context of achieving consistency with the objectives of the zone and the objectives of the development standard. The relevant test is whether the environmental planning grounds relied upon and identified in the written request are "sufficient" to justify the non-compliance sought.

Clause 4.6 Variation to FSR
 8A Victoria Street, Lewisham
 Alterations and additions for a new mixed-use development with lower ground level care and residence above



In addition, Preston CJ ruled that cl4.6 does not directly or indirectly establish a “test” that a development which contravenes a development standard results in a “*better environmental planning outcome*” relative to a development that complies with the development standard. There is no provision in MLEP clause 4.6 that requires a development that contravenes a development standard to achieve better outcomes.

Furthermore, Preston CJ ruled that it is incorrect to hold that the lack of adverse amenity impacts on adjoining properties is not a sufficient ground justifying the development contravening the development standard, when one way of demonstrating consistency with the objectives of a development standard is to show a lack of adverse amenity impacts.

SJD DB2 Pty Ltd v Woollahra Council [2020] NSWLEC 1112 (SJD DB2).

This appeal sought consent for the construction of a six-storey Shop top housing development at 28-34 Cross Street Double Bay (the DA). The Court approved the proposed development, having a height of 21.21m where the control was 14.7m – representing a maximum variation of approximately **44%** (or 6.51m) – and a floor space ratio (FSR) of 3.54:1 where the control was 2.5:1 – representing a variation of approximately **41%**.

The Court drew from the decisions in *Initial Action* and *RebelMH* in the *SJD DB2* judgment, and noted that although there are a number of ways to demonstrate that compliance with a development standard is unreasonable or unnecessary, it may be sufficient to establish only one way (at [35].) In considering the clause 4.6 variation requests submitted by the Applicant, the Court considered that they could be treated together, as the breaches they related to were fundamentally related, as where there is greater building form with additional height, so too is there greater floor area (at [63].)

Acting Commissioner Clay makes it clear in his judgment, ‘cl 4.6 is as much a part of [an LEP] as the clauses with development standards. Planning is not other than orderly simply because there is reliance on cl 4.6 for an appropriate planning outcome’ (at [73]).

Big Property Pty Ltd v Randwick (Big Property)

The appropriate determination of desired future character was dealt with in the recent case of *Big Property Pty Ltd v Randwick City Council* [2021] (herein ‘*Big Property*’). This decision was also followed by *HPG Mosman Projects Pty Ltd v Mosman Municipal Council* [2021] (herein ‘HPG’).

Big Property resulted in a decision of Commissioner O’Neill which was an appeal by Big Property against the refusal of a development application for alterations and additions to an approved residential flat building, including the provision of additional affordable rental housing units and the construction of an additional storey.

The proposal exceeded the height and FSR development standards and Council contended that the clause 4.6 request was not well founded because the proposal was incompatible with the local character of the area, primarily due to its bulk and scale. In *Big Property* the Applicant claimed that the height and FSR exceedances were a justified response to the provision of two additional affordable housing units.

In considering the clause 4.6 request and desired future character, Commissioner O’Neill held that the desired future character of an area is not determined solely by the development standards that control building envelopes for the area. Commissioner O’Neill held that development standards for building envelopes are frequently generic standards which do not account for existing and approved development, site

Clause 4.6 Variation to FSR
8A Victoria Street, Lewisham

Alterations and additions for a new mixed-use development with lower ground level care and residence above



amalgamations, SEPP allowances, heritage issues or the nuances of an individual site. The Commissioner expressly referenced SJD, and went on to hold that:

"The presumption that the development standards that control building envelopes determine the desired future character of an area is based upon a false notion that those building envelopes represent, or are derived from, a fixed three-dimensional masterplan of building envelopes for the area and the realization of that masterplan will achieve the desired urban character. Although development standards for building envelopes are mostly based on comprehensive studies and strategic plans, they are frequently generic, as demonstrated by the large areas of a single colour representing a single standard on Local Environmental Plan maps, and they reflect the zoning map. As generic standards, they do not necessarily account for existing and approved development, site amalgamations, the location of heritage items or the nuances of an individual site. Nor can they account for provisions under other EPs that realisation of particular development with GFA bonuses or other mechanisms that intensify development. All these factors push the ultimate contest for evaluating and determining a building envelope for a specific use on a site to the development application stage. The application of the compulsory provisions of cl 4.6 further erodes the relationship between numeric standards for building envelopes and the realised built character of a locality" [at44]

Commissioner O'Neill found that the exceedance of height/FSR standards due to the provision of affordable housing units was an environmental planning ground and thus the clause 4.6 request was a well-founded request. Commissioner O'Neill also expressly referenced the fact that some State Environmental Planning Instruments, such as that for Affordable Rental Housing, 'incentivise the provision by the private sector of in-fill affordable housing by providing additional GFA above the otherwise applicable development standards that determine the building envelope for a particular site'. This too must be factored into any consideration of what constitutes the 'desired future character' of an area.

7.0 **Clause 4.6(3)(a): Compliance with the Development Standard is Unreasonable or Unnecessary in the Circumstances of the Case**

In dealing with the "unreasonable and unnecessary" Preston CJ identifies and validates the 5 options available to an applicant in *Wehbe v Pittwater Council* which can be adopted in dealing with the *unreasonable and unnecessary* test under Cl. 4.6(3)(a).

Preston CJ at states as follows:

*"As to the first matter required by cl 4.6(3)(a), I summarised the common ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary in *Wehbe v Pittwater Council* at [42]-[51]. Although that was said in the context of an objection under State Environmental Planning Policy No 1 – Development Standards to compliance with a development standard, the discussion is equally applicable to a written request under cl 4.6 demonstrating that compliance with a development standard is unreasonable or unnecessary."*

Based on the above the following identifies the first method identified in *Wehbe*:

"Ways of establishing that compliance is unreasonable or unnecessary

*42 An objection under SEPP 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the **objectives of the development standard are achieved notwithstanding non-compliance with the standard**: (our emphasis)*

Clause 4.6 Variation to FSR
8A Victoria Street, Lewisham
Alterations and additions for a new mixed-use development with lower ground level cafe and residence above



Clause 4.6(3)(a) – UNREASONABLE AND UNNECESSARY

This clause 4.6 responds to the matters required to be demonstrated by sub-clause 4.6(3) namely:

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

Having considered the above the Applicant relies upon the first method demonstrating that compliance is *unreasonable and unnecessary* because the objectives of the development standard are achieved notwithstanding a variation to the standard.

In dealing with the control it is necessary to identify the purpose of the FSR control and then progress to dealing with the consistency or otherwise with the FSR objectives. The first consideration relates to overall scale of a building given that both FSR and height determines the scale of a building relative to another building or natural feature. In this instance, the proposed new upper level comprising a total GFA of 27sqm is contained within the 11m statutory height limit under Clause 4.3 of MLEP 2011. The new upper level is setback behind the parapet at the façade to Victoria Street and contained by the decorative chimney to the rear. This design approach has ensured that the reading of the buildings height and overall bulk is consistent with the three adjoining shops to the north along Victoria Street and maintains the visual character of the heritage streetscape.

As shown in Figures 3 and 4 below the new level will not read as an additional storey due to the reduced height (11m height compliance achieved), materiality and setback from the front façade. We also note that the level projects 1.055m above the leading edge of the parapet which is quite minimal. The proposal provides acceptable bulk and scale having regard to the form and presentation of the site within both streetscapes. The 2 storey visual appearance will be retained by the proposal due to these recessive design qualities and genuine attempt to limit the volume of the upper level and where possible provide a setback from the parapet. The parapet itself obscures part of the view of the upper level.



Figure 2: View of existing streetscape with four attached buildings with ground level shopfronts to Victoria Street

Clause 4.6 Variation to FSR
8A Victoria Street, Lewisham
Alterations and additions for a new mixed-use development with lower ground level cafe and residence above

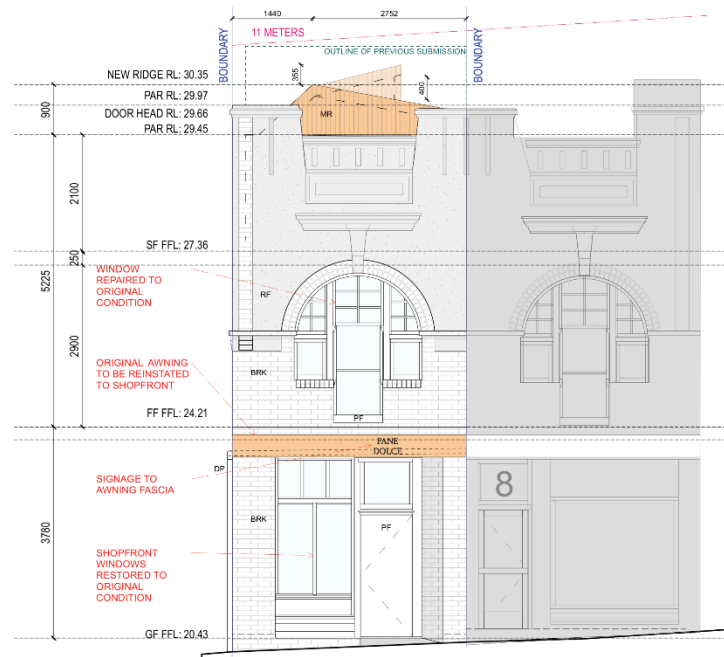


Figure 3: Part plan extract of front elevation demonstrating that the upper floor reads as a recessive element and not a storey even with the orange colouring used to shown new works.

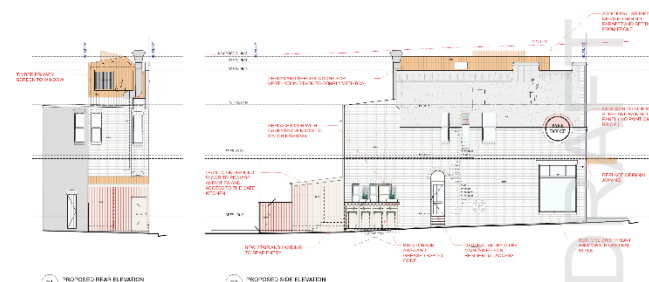


Figure 4: Part plan extract of side elevation demonstrating how the upper level tapers back to 530mm above the parapet edge

Further insight into the purpose of the standard can be obtained by investigating the objectives of the standard. The objectives in this case include both built form/streetscape and amenity having regard to solar, visual and privacy impacts. When considered within the framework of the objectives the purpose of the FSR control requires the development to achieve an appropriate built form and provide reasonable amenity impacts as a result of the bulk and scale.

Clause 4.6 Variation to FSR
8A Victoria Street, Lewisham
Alterations and additions for a new mixed-use development with lower ground level cafe and residence above



The following justification is provided.

(a) to establish the maximum floor space ratio

The proposal seeks to vary the FSR development standard due to the site-specific circumstances of this case. The proposal does not offend the intent of the objective.

(b) to control building density and bulk in relation to the site area in order to achieve the desired future character for different areas

The existing building footprint is to be retained and internally reconfigured to accommodate a new ground level cafe and single residence across two levels above. The additional bulk and scale is limited to the modest upper level comprising 27sqm GFA and low level ground floor ancillary structures supporting the business use. The development is very modest in its' overall scale and will not contribute to unacceptable bulk and scale.

As per the above discussion, the proposed development seeks to introduce new floor space within a new upper level which is contained within a compliant height plane and setback from the primary street frontage wall of the building. The provision of additional floor space in this particular instance does not contribute to any unacceptable bulk, scale or real perception of increased density when viewed from the public domain. The positive attributes of the additional level (i.e. materiality, reduced height, setback from front façade) ensure the upper level does not read as an additional storey. The character of the attached terrace is maintained and will be significantly enhanced under this application.

The site is not a heritage listed item but is located within a heritage conservation area (HCA), the *Lewisham Estate*. The row of traditional commercial buildings at the top end of Victoria Street with ground level shopfronts and large awnings extending over the footpath are features of the HCA. The buildings exhibit typical Victorian stylistic elements including decorative high parapet and chimneys, diocletian windows, timber framed windows and arch-ways over doors and feature face-brick elements against a rendered concrete façade.

The proposal seeks to restore and re-instate these fundamental character elements of the building. It maintains and repairs the decorative upper level windows, reinstates the awning over the footpath and parapet, whilst replacing the ground level entrance with a modern entrance doorway which is compatible with neighbouring sites.

The bulk and scale of the upper-level addition is also further controlled through its roof design (or lack of). The roof structure includes a low-rise single pitch roof design (pop up window) with narrow window openings to either end. The highest points of the roof structure have been sited such that they are visually contained behind the parapet and chimney when viewed from the streets below. The wall and roof material is the same enabling the walls and roof to wrap or morph into each other to achieve a seamless connection which reduces clutter and volume associated with the level. The switch back style angled roofing also minimises bulk and scale whilst achieving light and ventilation to the room.

The overall building density is also deemed to be appropriate having regard to the fact that the floor space is wholly contained within a compliant vertical envelope. The 27sqm footprint of the upper level is less than the 47sqm directly below it to ensure the upper level is recessive by its very nature.

This objective is reasonably satisfied.

Clause 4.6 Variation to FSR
 8A Victoria Street, Lewisham
 Alterations and additions for a new mixed-use development with lower ground level care and residence above



(c) to minimise adverse environmental impacts on adjoining properties and the public domain

The proposal minimises impacts on private property and the public domain by managing the overall bulk, scale and height of the building so that it is compatible with the Victoria Street building forms and neighbouring residential properties to the south. No significant additional adverse impacts to neighbouring properties will be incurred in relation to privacy, overshadowing, solar access or visual fit.

This objective is reasonably satisfied.

8.0 4.6(3)(b) – SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS

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

The variation relates to FSR and as such calls upon those matters considered to be environmental planning grounds relevant to the subject matter. Justification provided for the variation applies to this particular application and not environmental planning grounds that could apply to all land zoned B1 Neighbourhood Centre.

The environmental planning grounds justification for the FSR variation is provided as follows:

- The GFA proposed is contained within the established footprint of the building and is also fully compliant with the 11m statutory height limit which applies under Clause 4.3 of MLEP 2011. Height determines a building's overall scale and therefore the building remains in scale with the adjoining development.
- The additional GFA is considered to be very modest at 27sqm and relates to the new upper level containing a new living, kitchen and dining space which has been separated out from the bedrooms which was previously all contained on the one level below. Together with the provision of a new upper level patio the proposal will provide significant amenity improvement for the future resident(s).
- The roof structure includes a low-rise single pitch design with narrow window openings to either end. The highest points of the roof structure have been sited such that they are visually contained behind the parapet and chimney when viewed from the streets below. A variable 3m setback behind the front parapet is also provided to the outer wall of the new upper level to ensure the additional massing is visually concealed when viewed from street level below. The design approach is considered to respect the established and prevailing height and form of the buildings to Victoria Street and the incorporation of the new upper level does not disrupt the rhythm or reading of the streetscape. The additional level will not read as an additional storey.
- The site has additional capacity to support the modest breach in FSR. It is positioned on the southern side of the Inner West Rail Line at Lewisham Station in the Lewisham Neighbourhood Centre. The site has excellent direct access to regular public transport in the form of buses and heavy rail which connects the site to Sydney CBD to the east, Parramatta to the west and throughout the Inner West. It is also situated within a short walking distance of a range of essential retail and community services as well as parks in the surrounding neighbourhoods. All of these features go to demonstrating the sites' capacity to support additional density which in this case translates to a modest

Clause 4.6 Variation to FSR
8A Victoria Street, Lewisham

Alterations and additions for a new mixed-use development with lower ground level care and residence above



expansion of a single residence above a ground level shop. The site is suitably located to support the development at the scale proposed.

- Important original features of the buildings' primary and secondary façades are to be maintained and restored under the proposal. The development includes the complete restoration of the facades, reinstatement of the shopfront awning and construction of a new glazed shopfront addressing Victoria Street. The introduction of the new ground floor café will contribute towards the activation of an important local corner in the heart of Lewisham. The culmination of these components will help revitalise a contributory item to the HCA and introduce a vibrant new active use to the street with a well-designed residence above.
- The design of the upper level and roof has ensured that the top of the building remains subservient to the existing height of the façade even with the additional GFA. The incorporation of setbacks to the new upper level behind the façade parapet and internalised single pitch of the roof helps to control and reduce the extent of exposed roof / third storey wall when viewed from Jubilee Lane and adjacent residential properties.
- There are no adverse environmental impacts directly attributable to the additional GFA proposed. The GFA is wholly contained within the existing building footprint and the density is within the environmental capacity of the site, as demonstrated in the achievements of full compliance with the height standard. The additional 27sqm upper level is significantly less than the 47sqm below which supports the new level.
- The mixed-use nature of the development is maintained under this proposal, providing compatible uses which can function harmoniously within the building. The development therefore aligns with the mixed-use objectives of the B1 zone.
- The overall scale of the development is appropriate having regard to the established built form of the neighbourhood centre. The proposed additional GFA is very modest and does not present inappropriate massing or the appearance of additional bulk and scale when viewed from the street frontages. The additional GFA at ground level has no streetscape impacts.

In dealing with the sufficient environmental planning grounds Preston CJ in Initial Action considers that it is available to the applicant to also deal with the Objectives of the Act under S1.3 in order to demonstrate that grounds exist to warrant a variation to FSR. Clause 1.3 of the *EP&A Act 1979* relevantly provides:

"1.3 Objects of Act (cf previous s 5)

The objects of this Act are as follows:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,***
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,***
- (c) to promote the orderly and economic use and development of land,***
- (d) to promote the delivery and maintenance of affordable housing,***

Clause 4.6 Variation to FSR
 8A Victoria Street, Lewisham
 Alterations and additions for a new mixed-use development with lower ground level care and residence above



(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),
(g) to promote good design and amenity of the built environment,
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,
 (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,
 (j) to provide increased opportunity for community participation in environmental planning and assessment. (emphasis added)

A development that complies with the landuse zoning of the site (B1 Neighbourhood Centre) satisfies the objectives of under S1.3 EP&A Act 1979.

The plans by Smith and Carmody and specifically the FSR variations (refer to FSR calculation plan 101 dated 2.12.2021) satisfy the objectives in bold given that:

- The development provides mixed land use (cafe/residential) in line with Council's strategic planning intent and the MLEP 2011.
- The development assists in achieving a co-ordinated and timely outcome for the site based on the outcomes under the HCA and neighbourhood provisions affecting the subject site.
- The development offers better and proper management of the State's land resources by providing a more efficient use of private land that is well positioned to take advantage of its proximity to public transport, jobs, services and local and regional leisure, recreation, retail and cultural activities.
- The additional FSR sought contributes towards the provision of a new active frontage to an important local corner and improved residential premise above on a site which has the capacity to support the proposed density.
- The proposal will not cause adverse environmental impacts to neighbouring properties as outlined in Section 7 and detailed in the Statement of Environmental Effects.
- The development maintains and seeks to actively restore original features of the buildings' façade which underpins the heritage significance of the HCA.
- The proposal exhibits an acceptable standard of internal and external amenity for future the future resident(s) and represents a considered in-fill development which fits well within the urban context.
- No adverse shadowing impacts as shown on plan 401 and 402.
- The development will be constructed to relevant Australian Standards and provisions under the Building Code of Australia.

Based on the above the consent authority can be satisfied that there are sufficient environmental planning grounds to warrant the FSR variation.

Clause 4.6(4)(a)(ii) The proposed development will be in the Public Interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Consistency with the Zone Objectives

An enquiry is now made in relation to the ability of the proposal and the identified variation, as one departing from the FSR standard, to reasonably satisfy the stated objectives of the zone.

Clause 4.6 Variation to FSR
 8A Victoria Street, Lewisham
 Alterations and additions for a new mixed-use development with lower ground level care and residence above



Zone B1 Neighbourhood Centre

1 Objectives of zone

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*
- *To provide for housing attached to permissible non-residential uses in development of a type and scale compatible with the surrounding neighbourhood.*
- *To provide for spaces, at street level, which are of a size and configuration suitable for land uses which generate active street-fronts.*
- *To enable a purpose built dwelling house to be used in certain circumstances as a dwelling house.*

The following provides a review of the zone objectives:

- ***To provide a range of retail, business, entertainment and community uses that serve the needs of people who live or work in the surrounding neighbourhood.***

The development includes a new ground level café with a two-storey single residence above. The new ground floor use will be vital in re-activating an important neighbourhood corner in the Lewisham local centre which has been vacant for several years. The new café will predominantly serve the local work force and residents in the area and is of a scale comparable to other neighbourhood shops and businesses in the centre. The objective is reasonably satisfied.

- ***To provide for housing attached to permissible non-residential uses in development of a type and scale compatible with the surrounding neighbourhood.***

The single residence above the new ground level café is to be retained and improved through the incorporation of a modest upper level which will separate living and dining areas from bedrooms and amenities. The residence is of a modest scale which is comparable to that of other single apartments above neighbourhood shops. The upper level does not read as an additional storey and is quite recessive in its nature. The height of the addition has been reduced so that the maximum projection above the front parapet is just over 1m and is minimised as far as possible. The objective is reasonably satisfied.

- ***To provide for spaces, at street level, which are of a size and configuration suitable for land uses which generate active street-fronts.***

As above, the proposed new ground level café will help to provide an active frontage to the corner of Victoria Street and Jubilee Lane at the top end of Victoria Street where the commercial (B1 zone) meets the residential areas. It is of a scale and capacity which is consistent with neighbouring businesses to the north and other local neighbourhood cafes in the centre. The objective is reasonably satisfied.

- ***To enable a purpose built dwelling house to be used in certain circumstances as a dwelling house.***

Not relevant.

Clause 4.6 Variation to FSR
8A Victoria Street, Lewisham
Alterations and additions for a new mixed-use development with lower ground level care and residence above



8.0 Other Matters For Consideration

Step 4 - Clause 4.6(4)(b) – The Concurrence of the Secretary has been obtained

On 21 February 2018, the Secretary of the Department of Planning and Environment issued a Notice ('the Notice') under cl. 64 of the *Environmental Planning and Assessment Regulation 2000* (the EP&A Regulation) providing that consent authorities may assume the Secretary's concurrence for exceptions to development standards for applications made under cl4.6 of the MLEP.

The Court has power to grant development consent to the proposed development even though it contravenes the FSR development standard, without obtaining or assuming the concurrence of the Secretary by reason of s39(6) of the *Land and Environment Court Act 1979* (the Court Act).

Clause 4.6(5) - Concurrence Considerations

In the event that concurrence cannot be assumed pursuant to the Notice, cl4.6(5) of the LEP provides that in deciding whether to grant concurrence, the Secretary must consider:

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

The proposed contravention of the FSR development standard has been considered in light of cl4.6(5) as follows:

- The proposed non-compliance does not raise any matter of significance for State or regional environmental planning as it is peculiar to the design of the proposed development for this particular site. It is not directly transferrable to any other site in the immediate locality, wider region or the State and the scale of the proposed development does not trigger any requirement for a higher level of assessment;
- As indicated in Section 7 and Section 8, the proposed contravention of the development standard is considered to be in the public interest because it is consistent with the objectives of the zone and the objectives of the development standard.

The proposed development contravenes the FSR development standard under cl4.4 of MLEP 2011 and the FSR control under **cl4.4** of the **MLEP** is a development standard and is not excluded from the application of cl4.6.

This written request to vary the development standard has been prepared in accordance with cl4.6(3) of the MLEP and demonstrates that strict compliance with the development standard is unreasonable and unnecessary for the following reasons:

- Notwithstanding the contravention of the development standard, the proposed

Clause 4.6 Variation to FSR
 8A Victoria Street, Lewisham
 Alterations and additions for a new mixed-use development with lower ground level cafe and residence above



development is consistent with the relevant objectives of the development standard pursuant to cl4.4 of the MLEP 2011 and is consistent with the relevant objectives of the B1 Neighbourhood Centre zone and therefore, the proposed development is in the public interest;

- Notwithstanding the contravention of the development standard, the proposed development will not result in adverse environmental harm in that the amenity of neighbouring properties and the surrounding area will be reasonably maintained.

In addition, this written request outlines sufficient environmental planning grounds to justify the contravention of the **FSR** development standard, including:

- The GFA of the upper level is located over the existing building footprint of the level below and consumes 27sqm of the existing 47sqm (i.e. 57.44%). The additional GFA is fully contained within a compliant 11m height limit under Clause 4.3 of MLEP 2011 and will not contribute to the creation of inappropriate bulk, scale or perception of increased density. The 2 storey scale of the building is maintained.
- The additional GFA is very modest at 27sqm. The proposed new upper level will provide a high degree of amenity for the future resident(s) by separating the living and dining spaces from bedrooms and amenities at the level below.
- The highest points of the roof structure have been set behind the parapet and chimney when viewed from the streets below. A variable 3m setback behind the front parapet is also provided to the outer wall of the new upper level to ensure the additional massing is visually concealed from the streets below. The height at this point is limited to less than 1m above the parapet.
- The design approach has respected the established and prevailing height and form of the buildings to Victoria Street. The new upper level does not disrupt the rhythm or reading of the streetscape.
- The site has additional capacity to support additional density which in this case translates to a modest expansion of a single residence above a ground level shop. The site is suitably located to support the development at the scale proposed.
- Important original features of the buildings' façades are to be maintained and restored under the proposal. The development includes the complete restoration of the facades, reinstatement of the shopfront awning and construction of a new glazed shopfront addressing Victoria Street. The introduction of the new ground floor café will contribute towards the activation of an important local corner in the heart of Lewisham. The culmination of these components will help revitalise a contributory item to the HCA and introduce a vibrant new active use to the street with a well-designed residence above.
- The design of the upper level and roof has ensured that the top of the building remains subservient to the existing height of the façade even with the additional GFA.

Clause 4.6 Variation to FSR
8A Victoria Street, Lewisham

Alterations and additions for a new mixed-use development with lower ground level cafe and residence above



- There are no adverse environmental impacts directly attributable to the additional GFA proposed. The GFA is wholly contained within the existing building footprint and the density is within the environmental capacity of the site, as demonstrated in the achievements of full compliance with the height standard.
- The mixed-use nature of the development is maintained under this proposal, providing compatible uses which can function harmoniously within the building. The development therefore aligns with the mixed-use objectives of the B1 zone.

A handwritten signature in black ink, appearing to read 'A Martin'.

Andrew Martin MPlA
Planning Consultant

Attachment D – Heritage Impact Statement



Statement of Heritage Impact

8A Victoria Street, Lewisham NSW
Facade restoration works

September 14, 2022

3plus1heritage.com.au

CONTENTS

1.0 INTRODUCTION	3
2.0 LIMITATIONS.....	3
3.0 THE SITE	3
4.0 STATUTORY LISTINGS	6
4.1 HERITAGE LISTINGS.....	6
5.0 DOCUMENTARY EVIDENCE	7
5.1 PRE-EUROPEAN OCCUPATION.....	7
5.2 BRIEF HISTORY OF THE LOCAL AREA.....	8
5.3 HISTORY OF THE SUBJECT SITE.....	9
5.4 SITE DESCRIPTION.....	15
6.0 SIGNIFICANCE	23
6.1 STATEMENT OF SIGNIFICANCE	23
7.0 PROPOSAL	24
8.0 HERITAGE IMPACTS	25
8.1 INTRODUCTION	25
8.2 IMPACTS ON SIGNIFICANCE.....	25
TABLE 8.2.1: IMPACTS TERMINOLOGY	25
8.2.2 FACADE RESTORATION WORKS	26
9.0 CONCLUSION & RECOMMENDATIONS	29
10.0 BIBLIOGRAPHY	30

1.0 INTRODUCTION

This Statement of Heritage Impact has been prepared in accordance with the Standard Guidelines of the NSW Heritage Office, the Inner West Local Environmental Plan (LEP) 2022 and the Marrickville Development Control Plan (DCP) 2011 to accompany a Development Application (DA) for 8A Victoria Street Lewisham. The application involves the restoration of the building's street-facing facades as part of a broader alterations and additions project.

The documentary research and assessment of potential heritage impacts have been undertaken by Laura Myers, Graduate Heritage Consultant (M. Heritage Conservation USyd) and Steven Nix, Heritage Consultant (M. Heritage Conservation USyd, ICOMOS).

Details of the development proposal have been prepared by Smith and Carmody.

This report aims to:

- Provide a brief history of the local area and subject site;
- Provide a description of the works;
- Assess the impact of the works on the heritage significance of the site, relevant conservation areas and nearby listed items in accordance with the relevant legislative controls.

2.0 LIMITATIONS

This assessment is limited to the facade restoration component of the overall alterations and additions project.

This report does not include an archaeological or Aboriginal heritage assessment of the site or vicinity.

3.0 THE SITE

The subject site is located at 8A Victoria Street Lewisham, NSW [Figures 1 & 2]. The site is located at the corner of Victoria Street and Jubilee Lane, with Railway Terrace and Lewisham Railway Station to the north, Old Canterbury Road to the west and Jubilee Street to the south. The site is identified as Lot 4 in DP415544.

Street Address	Suburb/Town	LGA	Lot/DP	Parish	County
8A Victoria Street	Lewisham	Inner West	Lot 4 DP 415544	Petersham, Lewisham Ward	Cumberland

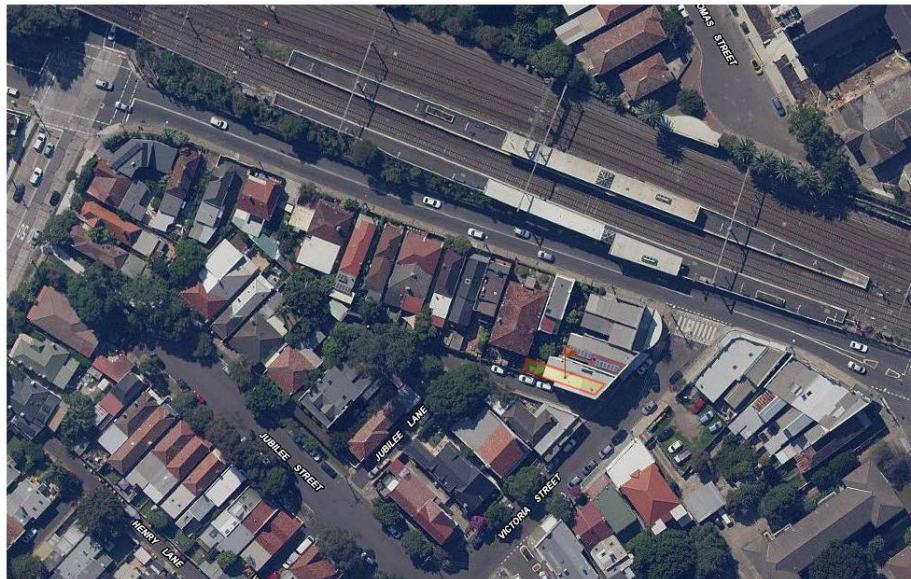


Figure 1 - Aerial image of the local area, with subject site outlined in red (Source: SIX Maps, accessed 1.9.22).

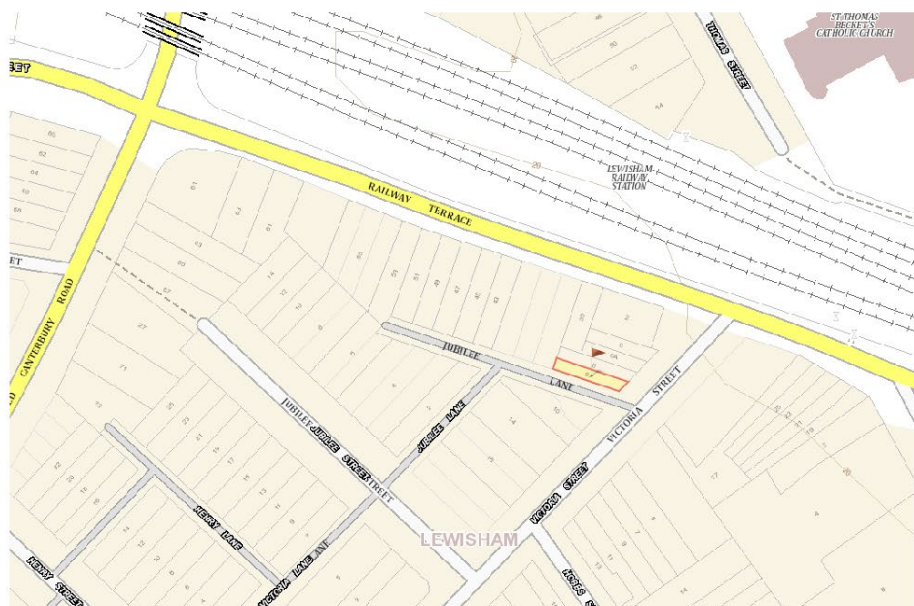


Figure 2 - Lot boundary plan of local area, with subject site outlined in red (Source: SIX Maps, accessed 3.8.22).



Figure 3 - View of local streetscape looking north along Victoria Street with the subject site indicated with red arrow
(Source: 3+1 Heritage, 2022)



Figure 4 - View of local streetscape looking southeast along Victoria Street with the subject site indicated with red arrow (Source: Google Maps, accessed 1.9.22)

4.0 STATUTORY LISTINGS

4.1 HERITAGE LISTINGS

The subject site is located within the Lewisham Estate local Heritage Conservation Area (C61), which is listed within Part 2 of Schedule 5 of the Inner West LEP 2022.

The subject site is not individually heritage listed. It is however located in the general vicinity of several heritage items as per the below table/figure:

Item No.	Item Name	Address	Listing Level
I1173	Railway underbridge at Old Canterbury Road	Old Canterbury Road Lewisham	State
I1176	Two-storey Federation Queen Anne style residence	17 Railway Terrace Lewisham	Local
I1178	Sewer ventilation stack, including interiors	10A The Boulevard Lewisham	State
I1181	Former Lewisham Hospital, Convent and grounds, including interiors	1 Thomas Street and 2B and 2C West Street Lewisham	Local
I1182	St Thomas's Catholic Church, School and Presbytery, including interiors	3 Thomas Street Lewisham	Local

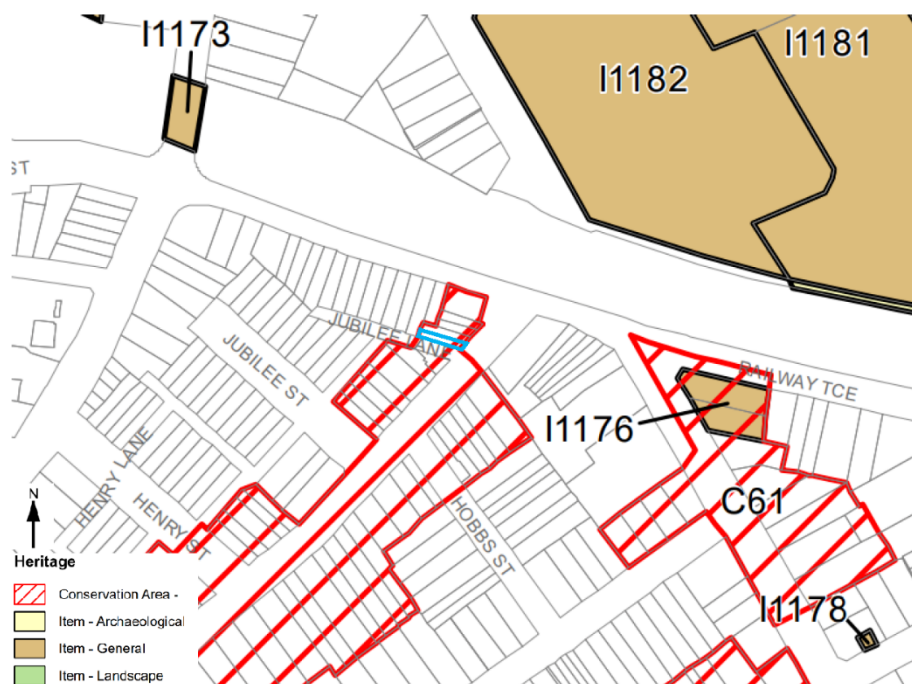


Figure 5 - Heritage map showing the location of the subject site (indicated in blue) and surrounding heritage context. (Source: Inner West LEP 2022, Heritage Map - Sheet HER_005)

5.0 DOCUMENTARY EVIDENCE

5.1 PRE-EUROPEAN OCCUPATION

The Sydney basin is referred to as Eora Country, the name given to the coastal Aboriginals around the Sydney region. Eora Country is thought to have been comprised of 29 clans as shown on the below map. Prior to European settlement, the Lewisham area was home to the Gadigal clan, who spoke the Dharug (Eora) language.¹ The Gadigal people are thought to have inhabited the areas along the south side of the harbour from South Head to current day Petersham.² In the early 18th century the Newtown area was known as 'Kangaroo ground', where the Gadigal and neighbouring Wangal clan would hunt kangaroos, and traverse on their way to fishing areas. It is thought that King Street followed the path of an original walking track along the ridge through Newtown between grasslands and fishing areas.³ Following European settlement in 1788, Gadigal populations were decimated through introduced diseases like small-pox, violence from colonisers and loss of traditional food sources through the dispossession of their land.⁴ Although indigenous populations were heavily decimated, some of their descendants live in inner Sydney today, together with Aboriginal people who moved from other parts of NSW to the inner-city suburbs of Sydney in the 1930s.

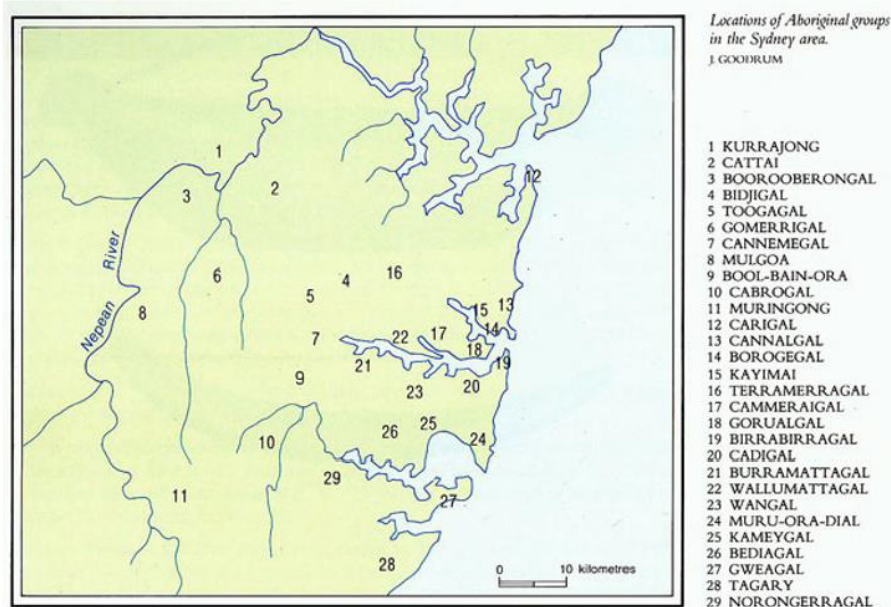


Figure 6 - Locations of Aboriginal groups within the Sydney area (Source: Goodrum J Goodrum in Mulvaney, D J and White, Peter, 1987, *Australians to 1788*, Fairfax, Syme & Weldon, Sydney, p. 345)

¹ "Aboriginal People & Place," Anita Heiss and Melodie-Jane Gibson, Sydney Birani – City of Sydney, last modified 2013, <http://www.sydneybirani.com.au/sites/aboriginal-people-and-place/>

² "Aboriginal People & Place," Anita Heiss and Melodie-Jane Gibson, Sydney Birani – City of Sydney, last modified 2013, <http://www.sydneybirani.com.au/sites/aboriginal-people-and-place/>

³ "Archaeological & Early Contact History," Newtown Project – City of Sydney, viewed 24 Mar 2022, <http://www.newtownproject.com.au/welcome-to-the-newtown-project/cadigal-newtown-introduction/3/>

⁴ "Aboriginal People & Place," Anita Heiss and Melodie-Jane Gibson, Sydney Birani – City of Sydney, last modified 2013, <http://www.sydneybirani.com.au/sites/aboriginal-people-and-place/>

5.2 BRIEF HISTORY OF THE LOCAL AREA

The suburb of Lewisham is located seven kilometres south-west of Sydney CBD. An early land grant in the Sydney region made to John White in 1793 formed part of the area now known as Lewisham. White was a surgeon on the First Fleet, and used the land predominantly for agriculture.⁵

In the early 1800s, the area surrounding Lewisham and Petersham consisted of dense woodland, and provided a popular hunting ground for the local residents. Evidence of this pastime remains in street names in the area such as 'Toothill', referring to the sound of the lead gunman's horn as groups would make their way down from present-day New Canterbury Road towards Long Cove Creek.⁶

The 40 acres granted to convict, George Gambling, in 1810 also became part of present-day Lewisham, later coming under the ownership of Captain John Piper, and subsequently Dr Robert Wardell of Petersham House. By 1834, Wardell's land spanned approximately 2500 acres which was known as the 'Petersham Estate'. Upon his death, the land was divided amongst his relatives, with a portion purchased by Joshua Frey Josephson, son of Jacob Josephson in 1840. Josephson named his portion of land 'Lewisham' after the London borough.⁷ Development in the intervening decades was slow, however the early residential dwellings of Virginia Waters Estate spanning to the southern end of Victoria Street were described in the 1850s as having "ample space for gardens, orchards and vineyards".⁸ The first train on the Sydney to Parramatta railway traversed the Lewisham viaduct on May 28th, 1855. The eight arch viaduct was eventually replaced by the Whipple Truss structure, which stood until the late 20th century.⁹



Figure 7 – Aerial photo of Lewisham and Petersham c.1930s with railway line on the left (Source: State Library of NSW)

⁵ Chrys Meader, 'Lewisham', Dictionary of Sydney, 2008.

⁶ 'Street Names: Toothill Street, Lewisham', Marrickville Heritage Society, <https://marrickvilleheritage.org.au/2013/05/31/street-names-toothill-street-lewisham/>

⁷ HMS Lewisham Estate, 'History', <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2030486>

⁸ *The Empire*, 29 October 1856.

⁹ Chrys Meader, 'Lewisham', Dictionary of Sydney, 2008.

Lewisham Estate was first officially subdivided c.1880, with subdivisions occurring until the turn of the century, coinciding with the population growth following the opening of the Lewisham Railway Station in 1886.¹⁰ George Crothers was alderman of Petersham Council from 1887 until 1895, and campaigned successfully to keep hotels from overtaking the rail-side suburb by purchasing the majority of potential corner plots in proximity to the station.¹¹

The area houses several significant buildings and residences predominantly along Victoria Street and The Boulevard, including the Baptist Church and the Christian Brothers' High School. The area is characterised by Late Victorian and early Federation houses and shopfronts, as well as low rise apartments and townhouses towards the train station.

5.3 HISTORY OF THE SUBJECT SITE

It is likely that the subject site was part of the original Virginia Waters Estate which was encompassed by the land of Petersham Estate owned by Dr Wardell. An early map of the area shows well established roads south of the railway line, however with little residential or commercial development as many sections were still in private ownership with single dwelling houses on large plots of land [Figure 8].



Figure 8 - Plan of Virginia Water, 044 - Z/SP/L6/44, c. 1855-1870s, with approximate location of subject site in blue (Source: State Library of NSW)

¹⁰ Chrys Meader, 'Lewisham', Dictionary of Sydney, 2008.

¹¹ Chrys Meader, 'Lewisham', Dictionary of Sydney, 2008.

The subject site became part of the 'Station Estate' of Lewisham, first subdivided in 1887. The land west of Victoria Street, between Railway Terrace and the laneway, was advertised as part of the Estate on the 16th of July 1887, labelled as 'Section 1', with the subject site occupying parts of allotments 16 and 17. The land was likely sold soon after, with the first listings within Sands Postal Directory for the section occurring c. 1890.

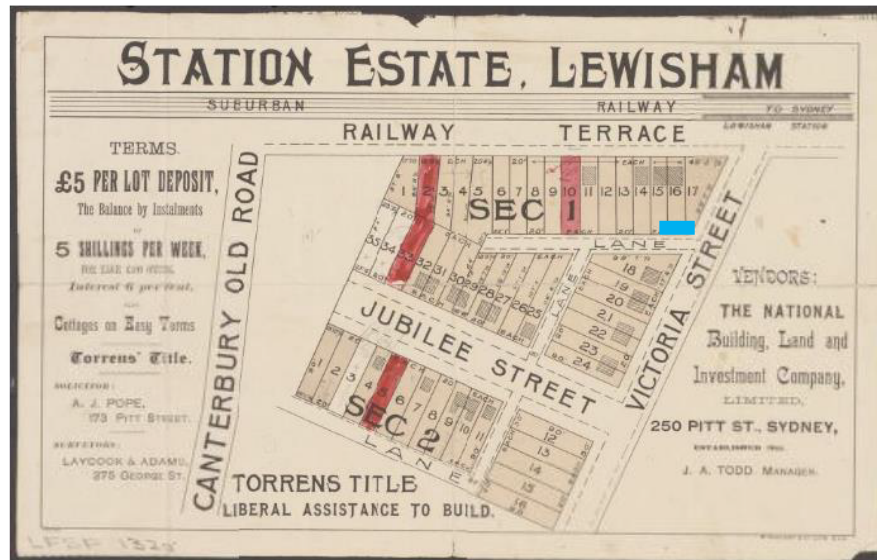


Figure 9 - Station Estate, Lewisham, c. 1888(?), MAP LFSP 1320, 90, with approximate location of subject site in blue (Source: State Library of NSW)

It is estimated that the subject site was constructed as a shop front c.1902-3. Listings for no. 8 Victoria Street appeared as early as 1891, however it seems that these dwellings corresponded to those allotments south of present-day Jubilee Lane. These included various residences, and 'Saxby Misses', a girls' grammar school, listed until 1904.¹²

Unnumbered listings for businesses start to appear at the northern end of Victoria Street c. 1901, with Mrs. M. T. Foley's grocer.¹³ Soon after, the group of shops expands to a tailor, fruiterer, and hairdresser. It appears that the hairdressing business under R. Jones occupied the shop (no. 8) attached to the present-day subject site, with the business listed consistently from 1904, confirming that the group of four attached shop fronts was constructed prior to this. Victoria Street was renumbered in 1907, with the first listing for the subject site under Mrs. Susan Treney in 1908, who operated a ham and beef shop.¹⁴ Mrs Treney had previously occupied a shop further south down Victoria Street.

The business changes hands various times from c.1915 – 1933, however remains as a ham and beef shop. The adjoining shops continue to be used as a hairdresser, fruiterer, bootmaker, and greengrocers', evidence of an established commercial centre in close proximity to Lewisham train station.¹⁵

¹² Sands Directory, 1904: 395.

¹³ Sands Directory, 1901: 536.

¹⁴ Sands Directory, 1908: 588.

¹⁵ Sands Directory, 1918: 639.



Figure 10 - Historical Aerial Imagery, 1940, with subject site outlined in blue (Source: Historical Imagery Panel)



Figure 11 - Historical Aerial Imagery, 1975, with subject site outlined in blue (Source: Historical Imagery Panel)

Aerial photos of the area c. 1970s indicate the front corner section of the building potentially had a street-facing awning, which no longer appears to be visible from c.1991.

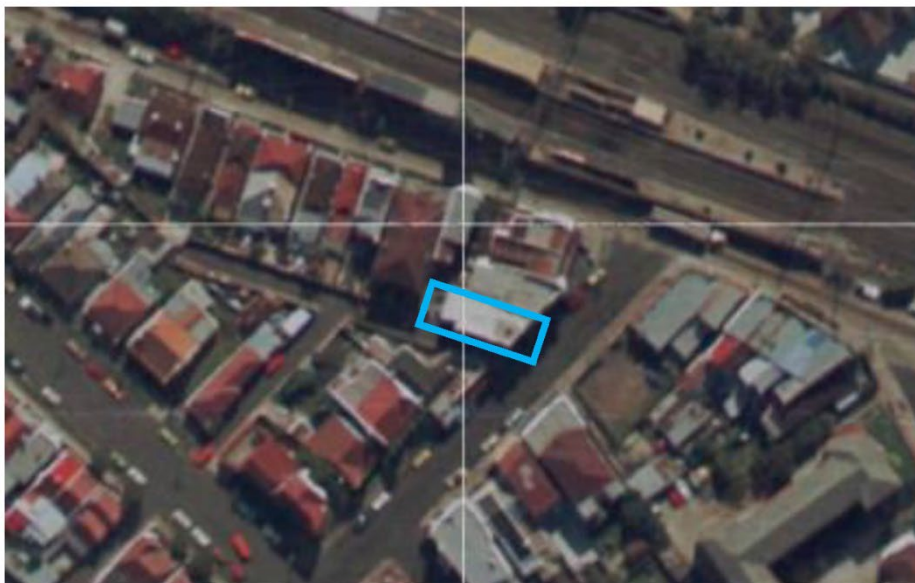


Figure 12 - Historical Aerial Imagery, 1982, with subject site outlined in blue (Source: Historical Imagery Portal)

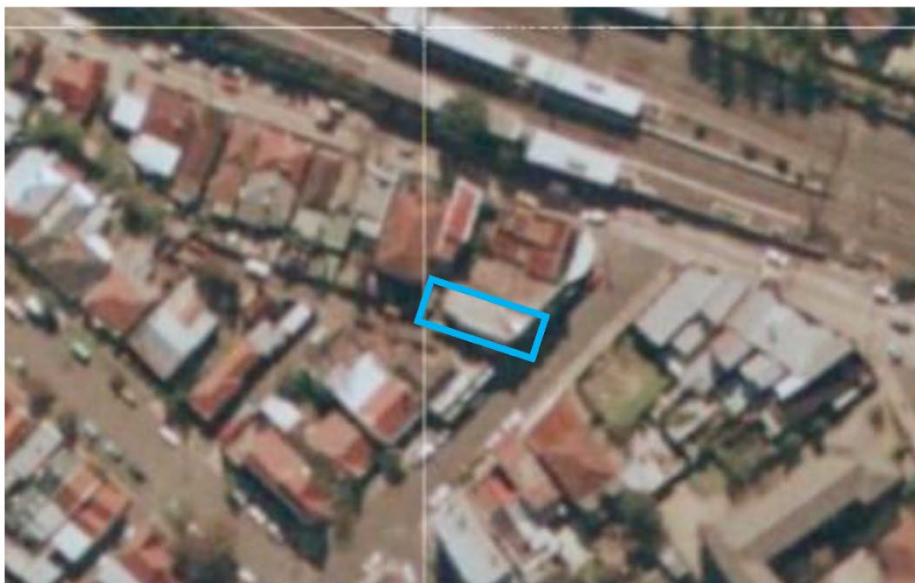


Figure 13 - Historical Aerial Imagery, 1991, note: awning not visible for corner site (Source: Historical Imagery Portal)



Figure 14- Shopfront facade prior to application of plywood sheeting c. December 2009 (Source: Google Maps, accessed 1.9.22)



Figure 15 – Shopfront facade prior to application of plywood sheeting c. February 2021 (Source: Google Maps, accessed 1.9.22)

5.4 SITE DESCRIPTION

The Site

The site is located on the corner of Victoria Street and Jubilee Lane. It is orientated east-west and is predominately rectangular in shape. The property is bounded to the north and west by neighbouring properties. The site has a moderate downward slope towards the south and west.

The Exterior

The subject building is part of a group of four Federation-era (1890-1915) two storey buildings with ground floor shopfronts fronting Victoria Street and residences above (4-8A Victoria Street). The buildings are of masonry construction with metal clad skillion roofs concealed behind street-facing parapets. The buildings' street-facing first floor facades are symmetrical in configuration. Each building features arched first floor Diocletian windows, containing a central sash window opening to floor level. The upper sections of the facade are finished in rough cast render. The ground floor shop front of the subject building includes a recessed entrance accessed via a step and tiled threshold. The entrance door is of solid timber construction with a fanlight above. The shopfront includes a large fixed glazed display window divided by a profiled single mullion over a timber framed stall riser. A panelled transom light above the display window, also features profiled mullions. A former footpath awning was removed prior to the 2000s. Remnant joist sections above the location of the former awning suggest the potential presence of a former verandah or balcony.

The upper sections of the subject building's southern facade are also finished in rough cast render, with exposed brickwork below. The face brickwork exhibits some remnants of a former paintwork coating/painted advertisement. The lower sections of this elevation have been subject to graffiti. The southern facade contains an arched recessed side entrance, a large fixed glazed shopfront window matching the street facing facade, a round accent window and three first floor vertically oriented sash windows. The narrow central window features coloured light glazing.

The exterior of the building is in a degraded condition and required remediation to ensure its ongoing survival and usage.

The Interior

The ground floor of the building contains an open plan shopfront, with the rear sections divided as a storeroom. A sitting room containing a fireplace, along with a kitchen are located at the rear of the building.

The first floor contains a living room facing Victoria Street, along with three bedrooms and a bathroom.

Similar to the building's exterior, the interior is also in a degraded condition and requires remediation to ensure its ongoing survival and usage.



Figure 16 – Subject building exterior looking north-west, facade proposed to be restored (Source: 3+1 Heritage, 2022)



Figure 17—Victoria Street facing facade (east) view looking west (Source 3•1 Heritage, 2022)



Figure 18 – First floor Victoria Street facing facade (Source 3+1 Heritage, 2022)



Figure 19 – Ground floor shopfront exterior, view looking northeast (Source 3+1 Heritage, 2022)



Figure 20 – Southeast corner of building, view looking north (Source: 3+1 Heritage 2022)



Figure 21 – Jubilee Lane facing facade, view looking north (Source: 3+1 Heritage, 2022)



Figure 22 – Jubilee Lane facing facade(south) , view looking northwest (Source: 3+1 Heritage, 2022)



Figure 23 – Jubilee Lane facing facade(south) , view looking north, round accent window to be restored (Source: 3+1 Heritage, 2022)



Figure 24 – Jubilee Lane facing facade, view looking northwest (Source: 3+1 Heritage, 2022)



Figure 25 – Jubilee Lane facing facade, view looking north (Source: 3+1 Heritage, 2022)



Figure 26 – Ground floor shopfront interior facing east (Source: 3+1 Heritage, 2022)



Figure 27 – First floor interior facing east (Source: 3+1 Heritage, 2022)

6.0 SIGNIFICANCE

6.1 STATEMENT OF SIGNIFICANCE

The following Statement of Significance for the Lewisham Estate HCA has been extracted from NSW State Heritage Inventory listing for the conservation area:

The Lewisham Estate Heritage Conservation Area is of historical significance as an area developed from a series of subdivisions from the early 1880s to 1898, beginning with the "Lewisham Estate" subdivision prior to 1882.

The Lewisham Estate Heritage Conservation Area is of aesthetic significance because it contains a wide range of housing typologies (late 19th - early 20th Century) including a range of finely crafted Victorian Italianate, Rustic Gothic, Filigree and Regency houses, terraces and villas and later Federation examples of the same typologies, including good examples of Federation cottages, terraces and substantial Queen Anne houses in Hunter Street at the northern end of the precinct and Toothill Street. Several good examples of houses and residential flat buildings from the Inter-War period can also be found.

The Lewisham Estate Conservation Area is socially significant for providing physical evidence of the late 19th Century community demonstrated through the prominent location of community facilities at the northern end of the area close to New Canterbury Road including the Baptist Church (The Boulevarde) and Memorial Scout Hall (The Boulevarde - South end) and 20th Century Great Depression Relief Work Programs (the stone wall to Old Canterbury Road).

The Area is representative of the range of building types and forms available to the community in the late 19th to early 20th Centuries, including the detached villa, mansion and cottage, semi-detached and terrace house.¹⁶

¹⁶ Lewisham Estate, NSW State Heritage Inventory, accessed 1.9.22, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2030486>

7.0 PROPOSAL

The proposal is illustrated on the attached drawings prepared by Smith & Carmody. The proposed works consist of restoration works to the building's street-facing facades, including:

Facade restoration works:

1. Restore street-facing facade brickwork/render, including removal of graffiti;
2. Restoration of timber joinery including existing shopfront framing, windows and doors;
3. Reinstatement of footpath awning;
4. Installation of new signage to the building's southern elevation.

This HIS has assessed the following information provided by Smith & Carmody:

Date	Title	Drawing No	Issue
18.08.22	DWG SCHEDULE + LOCATION	000	-
18.08.22	STREET SCAPE PHOTOS	001	-
18.08.22	SITE CONTEXT ANALYSIS	002	-
18.08.22	EXISTING PLANS	003	-
18.08.22	EXISTING ROOF PLAN	004	-
18.08.22	EXISTING FRONT ELEVATION	005	-
18.08.22	EXISTING SIDE & REAR ELEVATIONS	006	-
18.08.22	EXISTING SECTIONS	007	-
18.08.22	EXISTING FINISHES	008	-
18.08.22	PROPOSED PLANS	101	-
18.08.22	PROPOSED ROOF PLAN	102	-
18.08.22	PROPOSED FRONT ELEVATION	201	-
18.08.22	PROPOSED SIDE & REAR ELEVATION	202	-
18.08.22	PROPOSED SECTIONS	203	-
18.08.22	CAFÉ LAYOUT 1:50	301	-
18.08.22	KITCHEN LAYOUT 1:50	302	-
18.08.22	CAFÉ SIGN	305	-
18.08.22	SHADOW DIAGRAM – 9am – 12pm JUNE 21	401	-
18.08.22	SHADOW DIAGRAM – 1pm – 3pm JUNE 21	402	-

8.0 HERITAGE IMPACTS

8.1 INTRODUCTION

The following assessment is based on the Standard Guidelines of the NSW Heritage Office, the Inner West Local Environmental Plan (LEP) 2022 and the Marrickville Development Control Plan (DCP) 2011 to accompany a Development Application (DA) for the site at 8A Victoria Street Lewisham. The application involves the restoration of the building's street-facing facades as part of a broader alterations and additions project. This assessment is limited to the facade restoration component of the overall project.

8.2 IMPACTS ON SIGNIFICANCE

This section assesses how the proposed works will impact the heritage significance of the subject site, nearby listed items and the Lewisham Estate Heritage Conservation Area (HCA). This assessment is based on the proposed architectural plans supplied by Smith & Carmody.

In order to consistently identify the potential impact of the proposed works, the terminology contained in the table below is based on those contained within guidelines produced by the International Council on Monuments and Sites (ICOMOS).

TABLE 8.2.1: IMPACTS TERMINOLOGY

Impact	Definition
Major	Actions that would have a long-term and substantial impact on the significance of a heritage item. Actions that would remove key historic building elements, key historic landscape features, or significant archaeological materials, thereby resulting in a change of historic character, or altering of a historical resource. These actions cannot be fully mitigated.
Moderate	This would include actions involving the modification of a heritage, including altering the setting of a heritage item or landscape, partially removing archaeological resources, or the alteration of significant elements of fabric from historic structures. The impacts arising from such actions may be able to be partially mitigated.
Minor	Actions that would results in the slight alteration of heritage buildings, archaeological resources, or the setting of an historical item. The impacts arising from such actions can usually be mitigated.
Negligible	Actions that would results in very minor changes to heritage items.
Neutral	Actions that would have no heritage impact.

8.2.2 FACADE RESTORATION WORKS

Proposed works	Heritage Assessment	Heritage Impact (See Impacts Terminology - Table 8.2.1, p25)
<p>1. Restoration of existing face brickwork/rough-cast render.</p> <p>a. Clean existing face brick facade;</p> <p>b. Removal of existing graffiti/paint from existing face brick facade;</p> <p>c. Re-paint rough cast render;</p>	<p>The exterior of the subject building is in a deteriorated condition and requires repair and restoration to ensure the building's ongoing function. The southern facade of the building at ground level has also been subject to extensive graffiti.</p> <p>The proposed restoration works will involve cleaning and removal of existing graffiti and remnant paint coatings from the existing face brickwork, along with the preparation and painting of rough cast render. Provided works are carried out carefully, this will prolong the life of the structure and have a positive impact on the appearance of the building and its contribution to the HCA.</p> <p>Recommendation A The cleaning of masonry/render and removal of graffiti should be carried out in a careful manner by a qualified professional with experience in similar methods and materials to ensure the works do not result in damage to masonry/render fabric or accelerate deterioration.</p> <p>Recommended Hold Point – A trial of the proposed cleaning/graffiti removal method should be carried on a small inconspicuous area for approval (approx. 1m²). The trial should establish the proposed method/pressure does not result in damage to masonry/mortar/render fabric. The approved test panel is to act as a benchmark for the remainder of the project.</p> <p>Recommendation B If required, repointing mortar repairs should closely match the colour, texture, profile and composition of the adjacent existing mortar.</p> <p>Recommendation C If required, replacement bricks to infill existing gaps above the proposed footpath awning (east elevation) should closely match the appearance of existing adjacent brickwork.</p> <p>Recommendation D Existing services on the building's southern elevation should be rationalised, with redundant services removed and impacted fabric repaired. Replacement down pipes should be of metal construction.</p>	Neutral

Proposed works	Heritage Assessment	Heritage Impact (See Impacts Terminology - Table 8.2.1, p25)
2. Restoration of timber joinery including existing shopfront framing, windows and doors.	<p>It is proposed to repair, prepare and repaint the building's existing exterior timber joinery including shopfront framing, windows and doors. A number of sources were consulted, including the local library heritage studies section, and Sydney Trains (due to close proximity to Station). However, the former appearance/configuration of the building's shopfront could not be determined. The existing shopfront consists of a timber framed glazed shopfront with transom window above and stall riser below with profiled framing and a recessed tiled entrance. This is generally consistent with Federation era shopfronts, and generally similar to the shopfront at No.4 Victoria Street (within the same building group). Attempts to reconstruct the building's former shopfront would be based on speculation, which is not in accordance with current best heritage conservation practice. As such, the proposed restoration of the existing timber shopfront including repair of damaged timber sections, reinstatement of a simple timber sheet stall riser panel, and preparation and painting of the existing shopfront frame is considered appropriate.</p> <p>The remainder of external joinery will be restored and painted. This will include reinstatement of timber framing to the round accent window (southern elevation) to match its former appearance. The proposed repair, preparation and repainting of the existing external timberwork joinery will have positive impact on the appearance of the building. It will also significantly prolong the life of these elements, and the building as a whole.</p>	Neutral
3. Reinstatement of footpath awning	<p>The proposed facade restoration works will include reinstatement of the building's shopfront footpath awning (fronting Victoria Street). A former awning was removed prior to the c.2000s. Historical research has been unable to determine the exact appearance and configuration of the building's original footpath awning. Remnant timber joists suggest that a verandah or balcony was previously present. Given the exact appearance/configuration of the building's original awning/verandah is not known any attempts to reconstruct the element would be based on speculation. As such, the proposed reinstatement of a simple metal awning to match the adjacent shopfronts is considered to be appropriate and will have a positive impact on the appearance of the site, its visual relationship with adjacent shopfronts and its contribution to the local HCA.</p>	Neutral

Proposed works	Heritage Assessment	Heritage Impact (See Impacts Terminology - Table 8.2.1, p25)
4. Installation of new signage to the building's southern elevation	<p>The proposal involves the installation of new commercial signage to the building's southern elevation at the interface of face brick and rough cast render finish. Fixing of the signage will involve a localised direct impact on existing building fabric. The impact of this could be minimised by fixing into mortar joints instead of directly into brickwork (where this will provide sufficient strength) using marine grade stainless steel fixings.</p> <p>Recommendation E To improve the reversibility of the proposed signage installation, it should be fixed into mortar joints only and not directly into brickwork (where this provides sufficient strength). To minimise future corrosion and damage to building fabric, new fixings should be of marine grade stainless steel construction.</p> <p>The proposed signage will be visible from Victoria Street when facing north, however due to the location and scale of the proposed signage in relation to the building, it is considered to have only a minor visual impact on the site's contribution to the streetscape and HCA .</p>	Minor

9.0 CONCLUSION & RECOMMENDATIONS

9.1 CONCLUSION

8A Victoria Street Lewisham is not individually heritage listed. It is however located within the Lewisham Estate local Heritage Conservation Area, and in the general vicinity of several heritage items. Built in close proximity to Lewisham Railway Station, the subject building is part of a group of four two storey attached building's with ground floor shopfronts and residences above. The building group is estimated to have been constructed in c.1902-1903 in the Federation era (c.1890-1915). The site provides evidence of the commercial development that occurred on the south side of the station following its construction in c.1886 and the establishment of the Lewisham Estate in the c.1880s. The building is in a deteriorated condition both internally and externally. Despite this, the structure retains its original form, configuration and much of its significant fabric. The site contributes strongly to the local streetscape and HCA both historically and aesthetically.

The proposed restoration works to the building's exterior are necessary to ensure the survival of its remnant fabric and the ongoing function of the building. The exact appearance and configuration of the building's original awning/verandah and shopfront have not been able to be determined. However, the existing timber framed glazed shopfront with recessed entrance is generally similar to typical Federation era shopfronts and generally similar to the shopfront at No. 4 Victoria Street. Attempts to replicate the site's exact former shopfront would be based on speculation, which is not in line with current heritage conservation best practice. As such, the proposed restoration of the building's existing shopfront is considered appropriate. Likewise, the reinstatement of a simple metal footpath awning to match the adjacent shopfronts is considered to be acceptable. The reinstatement/restoration of these two elements will have a positive impact on the appearance of the building, its visual relationship with the building group and its contribution to the HCA.

The careful cleaning of brickwork and removal of graffiti, along with the repair and painting of existing timber joinery will prolong the life of these elements and will have a positive impact on the appearance of the subject site.

Taking into account the above, it is considered the proposed works will result in a neutral to minor impact on the Lewisham Estate Heritage Conservation Area, with no impact on nearby listed items. I would therefore recommend the heritage aspects of this application be approved, subject to the below recommendations.

9.2 RECOMMENDATIONS

- A. The cleaning of masonry/render and removal of graffiti should be carried out in a careful manner by a qualified professional with experience in similar methods and materials to ensure the works do not result in damage to masonry/render fabric or accelerate deterioration.
Recommended Hold Point – A trial of the proposed cleaning/graffiti removal method should be carried on a small inconspicuous area for approval (approx. 1m²). The trial should establish the proposed method/pressure does not result in damage to masonry/mortar/render fabric. The approved test panel is to act as a benchmark for the remainder of the project.
- B. If required, repointing mortar repairs should closely match the colour, texture, profile and composition of the adjacent existing mortar.
- C. If required, replacement bricks to infill the existing gaps above the proposed footpath awning (east elevation) should closely match the appearance of existing adjacent brickwork.
- D. Existing services on the building's southern elevation should be rationalised, with redundant services removed and impacted fabric repaired. Replacement down pipes should be of metal construction.
- E. To improve the reversibility of the proposed signage installation, it should be fixed into mortar joints only and not directly into brickwork (where this provides sufficient strength). To minimise future corrosion and damage to building fabric, new fixings should be of marine grade stainless steel construction.

10.0 BIBLIOGRAPHY

"Atlas of the Suburbs of Sydney," Dictionary of Sydney,
https://dictionaryofsydney.org/entry/atlas_of_the_suburbs_of_sydney

Davies, Paul. 'Lewisham Estate Heritage Conservation Area', Paul Davies Architects, 2009.

Inner West Local Environmental Plan, 2022.

Marrickville Development Control Plan, 2011.

Meador, Chrys. 'Lewisham', Dictionary of Sydney,
<https://dictionaryofsydney.org/entry/lewisham#:~:text=Lewisham%20was%20an%20important%20location,to%20inspect%20the%20Lewisham%20viaduct.>

"Lewisham Subdivision Plans", State Library of NSW,
https://www2.sl.nsw.gov.au/content_lists/subdivision_plans/lewisham.html

"Sands directory 1858-1933," <http://www.cityofsydney.nsw.gov.au/learn/search-our-collections/sands-directory>

Lewisham Estate, NSW State Heritage Inventory, accessed 1.9.22,
<https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2030486>

Attachment E – Plan of Management

Plan of Management for 8a Victoria street lewisham

Title : Café Jill

Objectives: To bring a hustle and bustle café to the area which it so desperately needs and wants. We will be providing a small café offering plus ready take home dinner for our neighbours who would like to pick up food on their way home from work without the stress of cooking late at night for their families. The café will provide great food and coffee for the locals on their way to and from work via the train station.

Operation details: As the owners of the property isabella and I will be operating the café ourselves, we have worked in top restaurants over our careers which has spanned a combined 20 years. We will be using a variety of kitchen equipment which includes; cool room, deck ovens with prover, commercial dishwasher, combination oven, gas stoves, bench fridges, thermomix, Vitamix, coffee machine. We as owners and café operators know and understand how to use all equipment listed here as we have hands on experience with all of these items, and will train staff accordingly.

Hours of operations: Mon – Wed 7am – 9pm, Thurs – Saturday 7am – 10pm, Sunday 8am – 4pm

Staffing details: 1 full time, 2 casual, 2 owners/operators

Details of music on site: Soft background music will play through the built in sound system.

Guideline for staff using site facilities and equipment: staff will be inducted into business with a full tour of the premises including toilet and BOH areas, including bins, storage, fire safety and emergency exist. Staff will be required to have training of all equipment and made sure they have been shown how to use equipment properly and safely in our induction form.

Deliveries and loading/unloading: all deliveries and bin collection will be made through the side entrance on jubilee lane, during trading hours.

Managing customers to and from the premises: customers will enter the front door to enter the café and either wait to be seated or order from our front counter and then exit the same front door. If customers need to wait outside they will be asked to wait on the right hand side next to jubilee lane to insure no overflow from the café does not affect the neighbours on Victoria street.

Security details: we will have a built in alarm system for the building, which suppliers will have security codes to enter the building without setting of the alarms. We will not be extending our trading hours past the hours of operation listed above. Lighting will be provided on the side entrance of jubilee lane illuminating the bin area for garbage disposal, also will provide lighting under the front awning.

Complaint recording and handling process: We will take all complaints whether they be on social media or reviews seriously and respond in a professional manner always to insure the good nature of our business. We will insure any complaints made in person be taken on board and also handled in a professional and calm manner, so that other customers are not affected by these complaints.

Cleaning up procedures: cleaning procedures will be conducted on a daily bases with all staff. All procedures will be outlined in our food safety plan which will include chemicals and other potentially hazardous materials. Signage and safety cards will be placed in BOH areas to insure all staff are trained and notified if an accident is to occur.

The review process to continuously improve POM: We will always make sure we are working to the best of our abilities not just for the customers but also our staff who we will consider to be our family. We will have quarterly reviews of our systems and have conversations with staff about how we can improve as a functioning business.

Any other matters specified by council: N/A