




 DEVELOPMENT ASSESSMENT REPORT			
<b>Application No.</b>	DA/2022/0946		
<b>Address</b>	7 Leicester Street, MARRICKVILLE		
<b>Proposal</b>	Demolition of the existing improvements, subdivision of the existing lot into 2 Torrens title allotments and construction of a two storey semi-attached dwelling over basement on each lot and detached outbuilding and swimming pool at the rear of each lot.		
<b>Date of Lodgement</b>	14 November 2022		
<b>Applicant</b>	The Trustee for BLU PRINT FAMILY TRUST		
<b>Owner</b>	Mr Danny Bakopoulos Ms Maria A Ripoll		
<b>Number of Submissions</b>	Four (4)		
<b>Value of works</b>	\$1,246,300.00		
<b>Reason for determination at Planning Panel</b>	Section 4.6 variation (FSR) exceeds 10%		
<b>Main Issues</b>	<ul style="list-style-type: none"> <li>• Subdivision pattern</li> <li>• Non-compliance with the FSR development standard</li> <li>• Streetscape</li> <li>• Solar access</li> </ul>		
<b>Recommendation</b>	Refusal		
<b>Attachment A</b>	Reasons for refusal		
<b>Attachment B</b>	Plans of proposed development		
<b>Attachment C</b>	Section 4.6 Exception to Development Standards – Floor Space Ratio		
<b>Attachment D</b>	Draft conditions in the event of approval by Panel		
			
<b>LOCALITY MAP</b>			
Subject Site		Objectors	
Notified Area		Supporters	

## 1. Executive Summary

This report is an assessment of the application submitted to Council for the demolition of the existing improvements, subdivision of existing lot into 2 Torrens title allotments and construction of a two storey semi-attached dwelling over basement on each lot and detached outbuilding and swimming pool at the rear of each lot at 7 Leicester Street, Marrickville. The application was notified to surrounding properties and 2 submissions were received in response to the notification.

During the assessment of the application, amended plans were submitted by the applicant, these are the subject of this assessment report.

The main issues that have arisen from the application include:

- Proposed subdivision pattern;
- Non-compliance with the FSR development standard; and
- Streetscape presentation of the proposed development.

The proposed subdivision pattern would be inconsistent with the prevailing subdivision pattern within the street and as a result, fails to satisfy the relevant requirements within Part 3 of Marrickville DCP 2011 (MDCP) concerning Torrens title subdivision. It is considered that the Section 4.6 exception relied upon by the applicant fails to demonstrate that compliance with the FSR development standard is unreasonable or unnecessary. Furthermore, there are insufficient environmental planning grounds identified to justify contravening the development standard. As a result, the application fails to satisfy Section 4.6(4) within the *Inner West Local Environment Plan 2022 (IWLEP)*.

The proposed development is unsatisfactory in the circumstances and therefore the application is recommended for approval.

## 2. Proposal

This Development Application (DA), in its amended form, seeks Council's consent for demolition of the existing improvements, subdivision of existing lot into 2 Torrens title allotments and construction of a two storey semi-attached dwelling over basement on each lot and detached outbuilding and swimming pool at the rear of each lot.

The proposed development is further summarised as follows:

- Demolition of the existing dwelling and detached outbuilding;
- Removal of one tree within the front setback area;
- Torrens title subdivision into two (2) allotments so as to create two side by side rectangular shaped allotments with frontages to Leicester Street; and
- Construction of a new dwelling on each newly created allotment.
- The dwelling on Lot 7a (northern lot) incorporates a basement cinema room, cellar and storage, single car garage with vehicular access from Leicester Street, open plan kitchen/living/dining on the ground floor and 4 bedrooms on the first floor.
- The dwelling on Lot 7 (southern lot) incorporates a basement cinema room, cellar and workshop, family room and open plan kitchen/living/dining on the ground floor and 4 bedrooms on the first floor. There is no on-site car parking proposed for Lot 7. It is noted that in the rear yards, both dwellings are proposed to contain an outdoor alfresco, a swimming pool and a detached structure on the rear boundary that is labelled as a rumpus/office/gym but also includes a bathroom and

laundry.

The proposed allotments would be as follows:

- Lot 7a – 222.9m<sup>2</sup> with a 6.09m frontage to Leicester Street
- Lot 7 – 222.9m<sup>2</sup> with a 6.09m frontage to Leicester Street

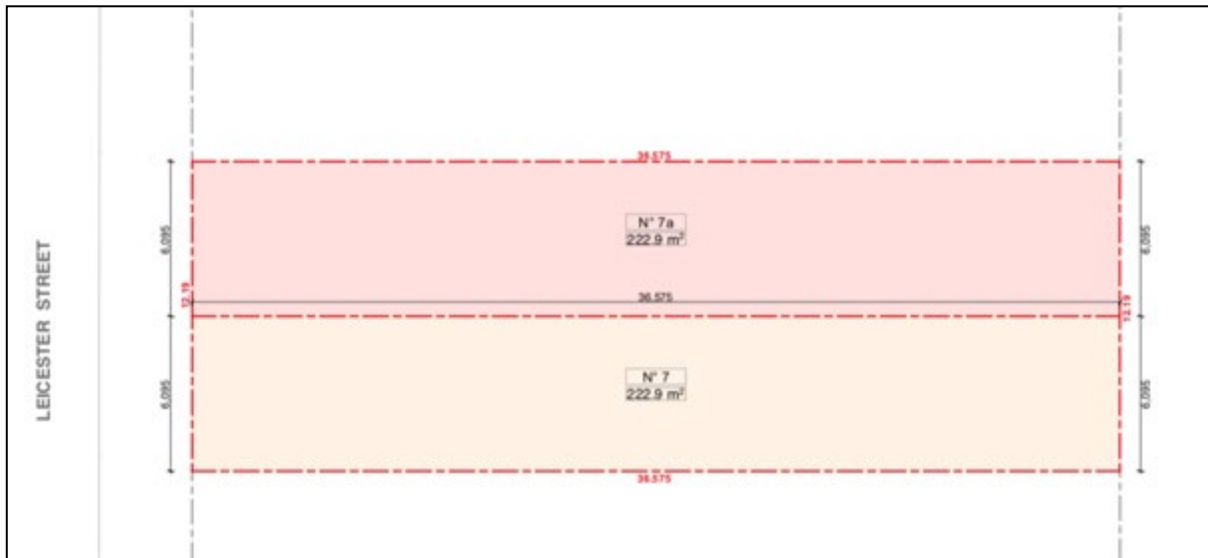


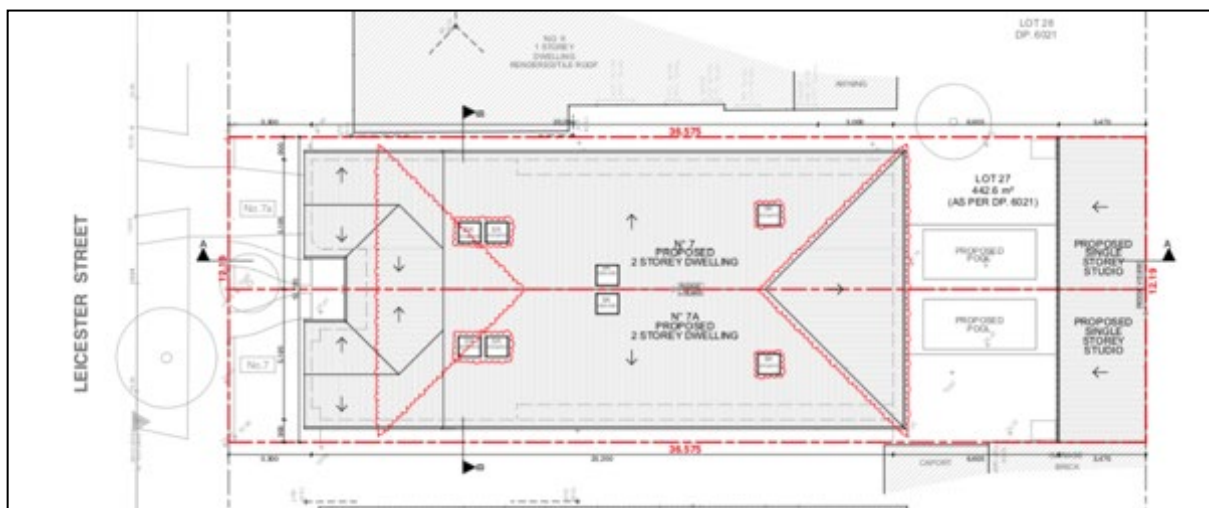
Figure 1: Proposed subdivision plan  
 Figure 2: Proposed Site Plan

### 3. Site Description

The subject site is located on the eastern side of Leicester Street in-between Victoria Street and Edinburgh Road. The site is legally described as Lot 27 in DP 6021 and is commonly known as 7 Leicester Street, Marrickville. The site has a frontage to Leicester Street of 12.19m and an overall site area of 442.6m<sup>2</sup>.

The site is relatively flat throughout and contains one tree within the front setback area and a number of smaller trees/shrubs at the rear of the site. The site currently accommodates an existing detached single storey dwelling with detached garage at the rear of the site which is accessed via an existing driveway which runs adjacent to the northern side boundary.

An existing street tree is growing on the public verge at the front of the site. Surrounding uses are predominately detached single dwellings. Pitched tiled roof forms and low front fencing are relatively common throughout.



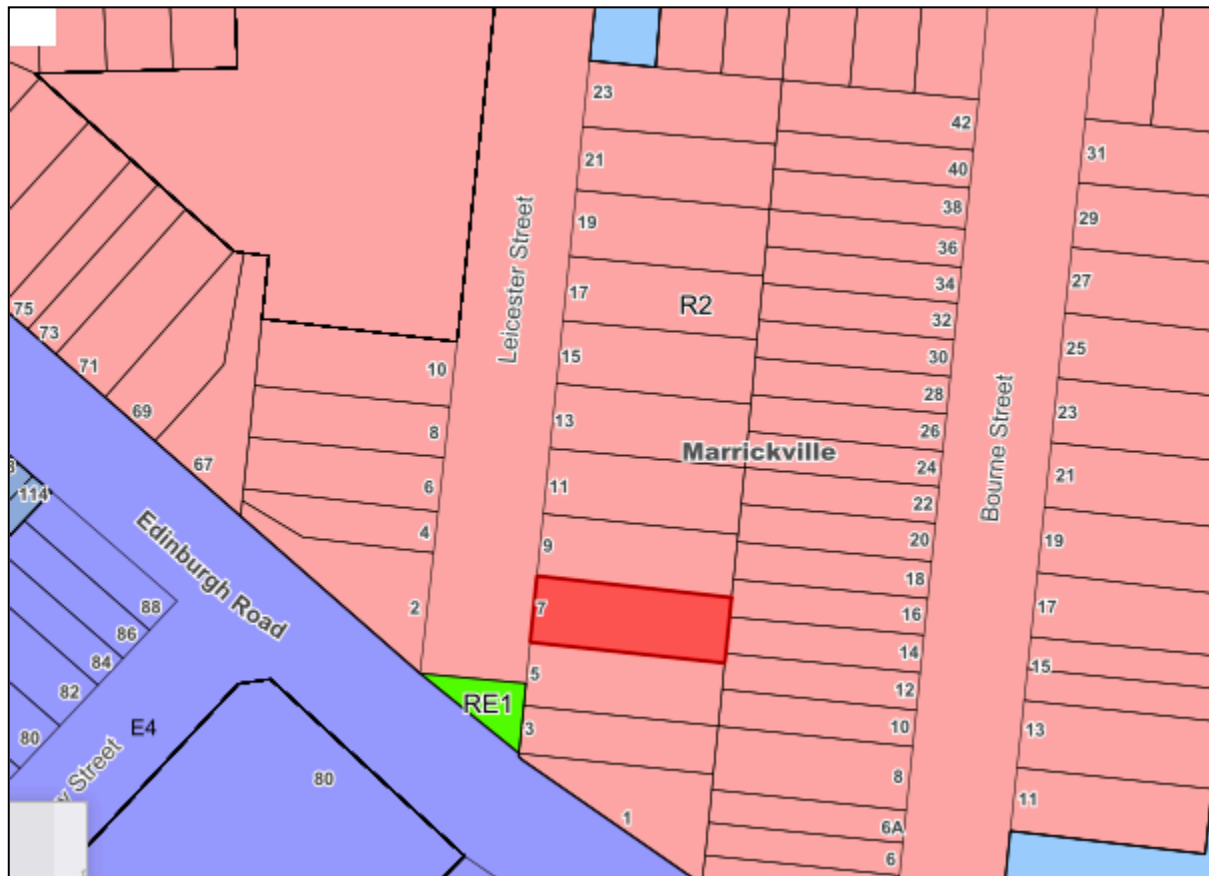


Figure 3: Zoning map extract – subject site identified in red

## 4. Background

### 4(a) Site history

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

#### Subject Site

Application	Proposal	Decision & Date
PDA/2020/0414	Pre-Lodgement advice sought for a proposal involving demolition of existing improvements, Torrens title subdivision of the land into 2 lots and construction of 2 x 2 storey dwelling houses with parking.	Meeting held between the applicant and Council on 24 November 2020. Advice issued in letter dated 3 December 2020.
PDA/2022/0228	Pre-Lodgement advice sought for a proposal involving demolition of existing improvements, subdivision of existing lot into 2 Torrens Title allotments and construction of a two storey semi-attached dwelling on each lot and detached outbuilding at the rear of each lot.	Meeting held between the applicant and Council on 31 August 2022. Advice issued in letter dated 28 September 2022.



## Surrounding properties

Application	Proposal	Decision & Date
DA/2022/0716	<b>5 Leicester Street, Marrickville</b> DA seeking consent to demolish part of the premises, Torrens title subdivision of the site into 2 allotments and carry out alterations and additions to provide 2 two storey dwelling houses with associated parking and landscaping.	Refused under Delegated Authority on 17 November 2022.
NSW Land & Environment Court No: 2022/358732	A Class 1 appeal in respect of DA/2022/0716 was filed with the NSWLEC on 28 November 2022.	The proceedings were discontinued by the Applicant following the Section 34 conciliation conference.

## 4(b) Application history

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

Date	Discussion / Letter / Additional Information
14/11/2022	The subject DA was submitted with Council.
07/12/2022 until 12/01/2023	The application was notified. Three (3) submissions were received, with a further One (1) submission received after the amended plans were submitted
23/02/2023	A Request for Further Information (RFI) letter was sent from Council to the applicant. In summary, the concerns identified within this letter related to: <ul style="list-style-type: none"> <li>proposed subdivision is inconsistent with the prevailing cadastral pattern of lots fronting the same street,</li> <li>poor streetscape presentation in respect of the proposed roof design, external materials and first floor side setbacks,</li> <li>insufficient information to undertake a thorough analysis of solar access/overshadowing, privacy impacts associated with rear balconies, extent of first floor rear glazing and windows on the ground floor side elevations</li> <li>inadequate new tree planting and various technical issues relating to stormwater disposal.</li> </ul> Ultimately, Council recommended that the application be withdrawn and an alternative land use be sought.
04/04/2023	The applicant provided a written response as well as amended plans as a result of Council's RFI. Some changes were made to the design of the proposed roof, rear balconies removed and glazing on the rear elevation modified to address the privacy/overlooking concerns raised.
03/05/2023	Council Officers met with the Applicant and owner to discuss the subdivision concerns. Subsequent to this, the Applicant wrote to the Manager raising concerns on Council's position with respect to subdivision. It was agreed that amended plans could be submitted.
19/06/2023	Final amended plans and a clause 4.6 exception (FSR) were submitted. Renotification was not required in accordance with the <a href="#">Community Engagement Framework</a> . The amended plans are the subject of this report.

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

The following provides further discussion of the relevant issues:

#### **5a(i) 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.

#### **5a(ii) State Environmental Planning Policy (Biodiversity and Conservation) 2021**

##### Chapter 2 Vegetation in non-rural areas

The application seeks the removal of an existing tree within the front setback area. However, Council's Tree Management Officer has advised that due to its limited size, it is not considered to be a prescribed tree and may be removed without Council's consent.

**5a(iii) State Environmental Planning Policy (Transport and Infrastructure) 2021**

## Chapter 2 Infrastructure

Development likely to affect an electricity transmission or distribution network

The proposed development meets the criteria for referral to the electricity supply authority within Section 2.48 of SEPP (Transport and Infrastructure) 2021 and has been referred for comment for 21 days. No response has been received.

**5a(iv) Inner West Local Environmental Plan 2022 (IWLEP 2022)**

The application was assessed against the following relevant sections of the *Inner West Local Environmental Plan 2022*:

- Section 1.2 - Aims of Plan
- Section 2.3 - Land Use Table and Zone Objectives
- Section 2.7 – Demolition requires development consent
- Section 2.6 – Subdivision
- Section 2.7 – Demolition requires development consent
- Section 4.3 – Height of buildings
- Section 4.4 – Floor space ratio
- Section 4.5 – Calculation of floor space ratio and site area
- Section 4.6 – Exceptions to development standards
- Section 6.1 – Acid sulfate soils
- Section 6.2 – Earthworks
- Section 6.3 – Stormwater management
- Section 6.8 – Development in areas subject to aircraft noise

Section 1.2 – Aims of Plan

The proposal is inconsistent with the aims of the Plan in that the development proposes a subdivision that is inconsistent with the prevailing cadastral pattern of the street and is not considered to create a high-quality urban place through design excellence in all elements of the built environment in this regard.

Section 2.3 Land Use Table and Zone Objectives

The subject site is zoned R2 – Low Density Residential. The objectives of the R2 zone are re-produced below:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide residential development that maintains the character of built and natural features in the surrounding area.*

The proposed development is consistent with the first objectives concerning providing for the housing needs of the community. The second objective is not relevant. The proposed development is inconsistent with the objective *to provide residential development that maintains the character of built and natural features in the surrounding area* because the

proposal results in a subdivision pattern that is inconsistent with the streetscape and introduces semi-detached dwellings in a street that is predominately characterised by detached single dwellings on larger lots.

#### Section 2.6 – Subdivision- consent requirements

The proposal satisfies this section as subdivision is proposed which is permissible with consent but is not supported for the reasons identified elsewhere within this report.

#### Section 2.7 – Demolition requires development consent

The proposal satisfies this section as demolition works are proposed which are permissible with consent.

#### Section 4.3 – Height of Buildings

The maximum allowable height on the land is 9.5m. The proposed development has a maximum height of approximately 7.94m which is compliant.

#### Section 4.4(2C) – Floor Space Ratio

The maximum allowable FSR for each of the subdivided lots is 0.9:1 or 200.6m<sup>2</sup>. Proposed Lot 7a has an FSR of 0.88:1 (196.6m<sup>2</sup>) and is thus compliant. Proposed Lot 7 has an FSR of 1.01:1 (225.7m<sup>2</sup>) which is non-compliant and represents a breach of 25.1m<sup>2</sup> or 12.5%. The applicant has submitted a Clause 4.6 exception with regards to the FSR breach on proposed Lot 7. An assessment against the requirements of Section 4.6 is undertaken below.

Overall, the proposed variation to the FSR development standard is not supported.

*Note:* The reason for the differing FSR's between the proposed dwellings is because Lot 7 incorporates a family room at the front of the ground floor (as opposed to a garage like on Lot 7a which is a GFA concession) and includes an area in the basement labelled 'Workshop' (rather than 'Store' like on Lot 7a which is a GFA concession) which is calculable gross floor area.

#### 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.

#### Section 4.6 – Exceptions to Development Standards

As outlined above, the applicant seeks a variation to the FSR development standard under Section 4.4 of the *IWLEP 2022* by 32% or 28.1sqm25.1m<sup>2</sup> or 12.5% for proposed Lot 7. Section 4.6 allows Council to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes.

#### **Clause 4.4: Floor Space Ratio**

A written request has been submitted to Council in accordance with Section 4.6(4)(a)(i) of the *IWLEP 2022* justifying the proposed contravention of the development standard which is summarised as follows:

*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*

Comment: The applicant considers that compliance with the FSR development standard is unreasonable or unnecessary in the circumstances of the case because the proposed development is consistent with the objectives of clause 4.4 – Floor Space Ratio. The applicant considers that the proposed development and the variation to the FSR development standard meets the underlying objectives which are re-produced below:

- a) *to establish a maximum floor space ratio to enable appropriate development density*  
b) *to ensure development density reflects its locality*  
c) *to provide an appropriate transition between development of different densities*  
d) *to minimise adverse impacts on local amenity*  
e) *to increase the tree canopy and to protect the use and enjoyment of private properties and the public domain.*

The applicant considers that these objectives are achieved despite the non-compliance with the numerical control. Having regard to the Clause 4.6 provided, the following planning concerns are raised.

The Clause 4.6 exception states that “*the additional density occurs below ground level within the proposed basement, which is not visible from the street, public domain or surrounding properties*”. Whilst this may be the case, it is assumed that the FSR control has work to do. It would undermine the established maximum FSR control (objective a) to create a habitable basement level on the basis that it is not visible. The habitable basement level is not necessarily required to ensure compliance with any of the other applicable planning controls and is therefore not considered to be reasonable under circumstances wherein it relies upon a breach to the maximum FSR for the site.

The proposed development density is not considered to reflect its locality (objective b). In this regard, the streetscape along Leicester Street is predominately characterised by low scale single storey dwellings on wider allotments. Conversely, the proposed development seeks to create two narrower allotments and introduce much larger two storey semi-detached dwellings on the allotments created. This fails to reflect and reinforce the development density of the locality and does not minimise impacts on local amenity in terms of the streetscape (objectives b and d). Further discussion on the specific design issues is identified under the MDCP 2011 section of this report.

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

Comment: In accordance with *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*, in order for there to be 'sufficient' environmental planning grounds to justify a written request under clause 4.6, the focus must be on the aspect or element of the development that contravenes the development standard and the environmental planning grounds advanced in the written request must justify contravening the development standard, not simply promote the benefits of carrying out the development as a whole.

The applicant has identified the following environmental planning grounds to justify the contravention to the FSR development standard. An assessment against each ground is provided:

- *Given the development achieves the objectives of the development standard and the objectives of the land use zone, and furthermore complies with the applicable State*

*and Council Planning Policies, the proposal has merit and the contravention of the development standard is justified.*

Comment: The above is not considered to constitute an environmental planning ground(s).

- *The proposed addition provides a compliant built form apart from the FSR which is subject to this variation request. The additional GFA will not cause any additional overshadowing onto adjoining properties or the public domain and does not alter the above ground bulk and scale of the development when viewed from the surrounds as it is not visible from the street.*

Comment: Compliance with all other Council requirements/planning controls does not justify a breach to the FSR. If that were the case, the FSR control would have no work to do. An absence of impact alone is not considered to be a sufficient environmental planning ground in the circumstances of this case.

- *The internal amenity afforded to occupants of the dwellings will be improved as a result of the increased density by providing additional habitable floor space for the enjoyment of future occupants.*

Comment: This environmental planning ground promotes the benefits of the development which the relevant caselaw prohibits. In any case, the additional floor area is said to be below ground within a basement which is not considered to be a location which promotes high internal amenity.

#### Clause 4.6(4)

*Development consent must not be granted for development that contravenes a development standard unless—*

*(a) the consent authority is satisfied that—*

- the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- 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*

Comment: Council is not satisfied that compliance with the FSR development standard is unreasonable or unnecessary in the circumstances of the case because the proposed development is not consistent with the objectives of clause 4.4 – FSR (objectives a, b and d.) Further, it is considered that the clause 4.6 exception does not demonstrate that there are sufficient environmental planning grounds that justify the contravention to the FSR development standard.

It is considered that the proposal is inconsistent with the objectives of the FSR development standard contained within clause 4.4 of IWLEP 2022 for reasons previously identified and therefore would not be in the public interest.

There are no special or unique circumstances associated with the subject site which dictates or assists in justify the need for additional gross floor area. Council is not satisfied that the applicant's written request has adequately addressed the matters in clause 4.6(3). Refusal of the application is therefore recommended.



Section 6.1 – Acid Sulfate Soils

The site is identified as containing Class 5 acid sulfate soils. The proposal is considered to adequately satisfy this section as the application does not propose any works that would result in any significant adverse impacts to the watertable.

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.

Section 6.3 – Stormwater Management

Council's Development Engineer did not raise any concerns following review of the amended material, subject to various conditions. However, the application is not supported for other reasons.

Section 6.8 – Development in areas subject to aircraft noise

The site is located within the ANEF 25-30 contour, and as such an Acoustic Report was submitted with the application. The proposal is capable of satisfying this section.

**5(c) Draft Environmental Planning Instruments**

There are no Draft Environmental Planning Instruments of direct relevance to the proposed development.

**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.

<b>Part of MDCP 2011</b>	<b>Compliance</b>
Part 2.1 – Urban Design	No – see discussion
Part 2.6 – Acoustic and Visual Privacy	No – see discussion
Part 2.7 – Solar Access and Overshadowing	No – see discussion
Part 2.9 – Community Safety	Yes – see discussion
Part 2.10 – Parking	No – see discussion
Part 2.18 – Landscaping and Open Space	Yes
Part 2.21 – Site Facilities and Waste Management	Yes
Part 3 – Subdivision	No – see discussion
Part 4.1 – Low Density Residential Development	No – see discussion
Part 9 – Strategic Context	No – see discussion

The following provides discussion of the relevant issues:

**Part 2 – Generic Provisions**Part 2.1 – Urban Design

The design of the development is not appropriate for the character of the locality having regard to its external presentation, in particular the roof form sought as well as the overall massing and scale of the development which exacerbates its two storey appearance in a

streetscape characterised by single storey dwellings. As a result, the proposed development fails to satisfy Part 2.1 of MDCP 2011.

#### Part 2.6 – Acoustic and Visual Privacy

The acoustic and visual privacy outcomes have generally been resolved in the amended plans, however there is an excessive number of windows proposed on the first-floor side elevations of the dwellings which results in a perception of overlooking to adjoining residential properties. For example, Bedrooms B2 and B3 within each dwelling incorporate 2 windows within each bedroom. This results in an excessive amount of glazing along the side elevations which would be visible from surrounding properties and well as the streetscape given that there are single storey dwelling adjoining the site either side. Whilst some side elevation first floor windows are considered to be reasonable, the design outcome sought represents a significant departure from Control C3(iii) within Part 2.6 which states:

- iii. First floor windows and balconies of a building that adjoins a residential property must be located so as to face the front or rear of the building.*

#### Part 2.7 – Solar Access and Overshadowing

##### *Solar Access*

The relevant controls in this part of MDCP 2011 are:

- i. At least one habitable room (other than a bedroom) must have a window having an area not less than 15% of the floor area of the room, positioned within 30 degrees east and 20 degrees west of true north and allow for direct sunlight for at least two hours over a minimum of 50% of the glazed surface between 9.00am and 3.00pm on 21 June.*
- ii. Private open space receives a minimum two hours of direct sunlight over 50% of its finished surface between 9.00am and 3.00pm on 21 June.*

The following concerns are raised with respect to solar access:

- The solar access diagrams provided include an annotation to a glass roof over the living area of the dwelling on proposed Lot 7a. However, this design feature is not clearly depicted in the floor plans which appear to show a metal roof in this location. Whilst there are east facing glazing elements on the rear elevation(s), solar access into the adjacent rear living rooms is not achieved. This is contributed to by the covered alfresco areas and the depth of the first floors. It is considered that density has been maximised at the expense of residential amenity.
- The solar access diagrams do not adequately demonstrate compliance with the sunlight requirements for the private open space areas. Furthermore, it appears the solar access diagrams provided do not account for a dividing fence that would be required to be constructed between the proposed lots, the effect of which would be additional overshadowing directly within the private open space on Lot 7 (i.e. – the southern lot).

##### *Overshadowing*

The relevant controls in this part of MDCP 2011 are:

- C2 Direct solar access to windows of principal living areas and principal areas of open space of nearby residential accommodation must:*

- i. *Not be reduced to less than two hours between 9.00am and 3.00pm on 21 June; or*
- ii. *Where less than two hours of sunlight is currently available on 21 June, solar access should not be further reduced. However, if the development proposal results in a further decrease in sunlight available on 21 June, Council will consider:*
  - a. *The development potential of the site;*
  - b. *The particular circumstances of the neighbouring site(s), for example, the proximity of any residential accommodation to the boundary, the resultant proximity of windows to the boundary, and whether this makes compliance difficult;*
  - c. *Any exceptional circumstances of the subject site such as heritage, built form or topography; and*
  - d. *Whether the sunlight available in March to September is significantly reduced, such that it impacts upon the functioning of principal living areas and the principal areas of open space. To ensure compliance with this control, separate shadow diagrams for the March/September period must be submitted in accordance with the requirements of C1.*

The proposed development would result in additional overshadowing impacts to a dining and kitchen windows that are on the northern side elevation of the adjoining dwelling at No.5 Leicester Street. Existing solar access to these windows is limited (less than 2 hours) between 9am-3pm on June 21<sup>st</sup> and the proposed development would result in a loss of all solar access to these windows during this period, resulting in a non-compliance with Control C2.

The applicant has provided March/September elevational shadow diagrams which have been considered in the assessment of the application and reveal that there would be a reduction of 1 hour between approximately 9am-10am. It is considered that the design of the development, in particular its density and the length of the first floor(s) fails to mitigate against the overshadowing impacts of the proposal which occur to habitable windows on the neighbouring property, resulting in a loss of residential amenity which cannot be supported in the circumstances.

#### Part 2.9 – Community Safety

There are no significant concerns raised with respect to community safety. The principal entrances to the dwellings would be visible from the street. There is however, a lack of windows on the front elevation of the dwelling on Lot 7a, fundamentally due to the garage dominating the frontage. As a result, it is considered that Control C5 within Part 2.9.5 is not satisfied.

#### Part 2.10 - Parking

One car parking space is proposed for lot 7a, which is compliant with the numerical controls within MDCP 2011. No car parking is proposed for lot 7 which is a shortfall of 1 car parking space. Whilst there are circumstances in which new subdivisions are unable to provide car parking due to adverse streetscape impacts, the proposed subdivision is not supported. The provision of the proposed 6m wide allotments is what creates the potential streetscape impacts, if both proposed dwellings were to provide on-site car parking. It is evident that the subdivision pattern sought is unable to support a compliant level of on-site car parking without generating a poor streetscape outcome within the front setback areas.

**Part 3 – Subdivision, Amalgamation and Movement Networks**

Part 3.1.1.2 of MDCP 2011 does not contain minimum lot width or area requirements for subdivisions, but rather relies on performance based controls that aim to ensure that new lots facilitate development that is compatible with the immediate area.

In considering the subdivision, the following objectives and controls within Part 3.2.2 of MDCP 2011 are relevant:

- O3** *To retain the prevailing cadastral character of the street.*
- O4** *To ensure that the size of new allotments caters for a variety of dwelling and household types and permits adequate solar access, areas for open space, landscaping and car parking.*
- O5** *To ensure that the subdivision or amalgamation of sites reflects and reinforces the predominant subdivision pattern of the street.*
- C5** *The proposed subdivision or amalgamation must have characteristics similar to the prevailing cadastral pattern of the lots fronting the same street, in terms of area, dimensions, shape and orientation. For the purpose of this control, Council generally considers the 'prevailing cadastral pattern' to be the typical characteristics of up to ten allotments on either side of the subject site and corresponding number of allotments directly opposite the subject site, if applicable.*
- C6** *Proposed lots must be of a size, and have dimensions to enable, the siting and construction of a dwelling and ancillary buildings that:*
  - i. Protect any natural or cultural features, including heritage items and their curtilage;*
  - ii. Acknowledge site constraints such as terrain or soil erosion;*
  - iii. Address the street;*
  - iv. Minimise impact on neighbours' amenity including access to sunlight, daylight, privacy and views;*
  - v. Provide useable outdoor open space;*
  - vi. Provide activities for relaxation, recreation, outdoor dining and children's play areas; and*
  - vii. Provide convenient pedestrian, bicycle and motor vehicle access and parking.*

The above provisions within the DCP sets out two tests for proposed subdivision. The first test relates to consistency with, and retaining the prevailing cadastral pattern of the street. It is important to note that properties in surrounding streets are not part of the streetscape context and therefore are not taken into consideration when determining the prevailing subdivision pattern of the street. The second test is related to the ability of the proposed lots to support dwellings that reasonably comply with the DCP and provide adequate amenity for future occupants and adjoining properties.

The application proposes to subdivide the property into 2 lots. The streetscape is generally characterised by detached single storey dwellings, with the exception of a large homestead building at the north-western end of the street that has been converted to a residential flat building. It is noted that this property fronts Victoria Road and is therefore not a consideration in the assessment of the prevailing cadastral pattern.

The existing cadastral pattern within Leicester Street is illustrated below:



Figure 4: Cadastral pattern of Leicester Street – subject site identified in red

The following table illustrates the proposed lot dimensions and the approximate dimensions of lots within the street:

Number	Site Area	Frontage
<i>Western side of Leicester Street</i>		
10	448.7m <sup>2</sup>	12.2m
8	347.9m <sup>2</sup>	9.6m
6	362.3m <sup>2</sup>	10.1m
4	251.6m <sup>2</sup>	7.7m
2	400m <sup>2</sup>	22.6m
<i>Eastern side of Leicester Street</i>		
23	437.4m <sup>2</sup>	11.8m
21	431.3m <sup>2</sup>	12.6m
19	450.8m <sup>2</sup>	11.9m
17	430.6m <sup>2</sup>	11.7m
15	433.1m <sup>2</sup>	12.1m
13	435.9m <sup>2</sup>	12.1
11	446.3m <sup>2</sup>	11.6m
9	427m <sup>2</sup>	12.2
<b>Lot 7a</b>	<b>222.9m<sup>2</sup></b>	<b>6.09m</b>
<b>Lot 7</b>	<b>222.9m<sup>2</sup></b>	<b>6.09m</b>
5	446m <sup>2</sup>	12.19m
3	331.6m <sup>2</sup>	8.9m
1	392.4m <sup>2</sup>	0.7m

There are 17 lots fronting Leicester Street including the subject site, the prevailing pattern would be described as rectangular shaped allotments with a frontage of approximately 12 metres and area above 400m<sup>2</sup>. The lots within the street are generally consistent in their shape, orientation, size and frontage with the exception of No.'s 1 & 2 and to some degree No.4 Leicester Street, these would be considered anomalies in the street and not the prevailing pattern. The proposed allotments with a frontage of 6.095m and area of 222.9m<sup>2</sup> would be inconsistent with the prevailing pattern and in particularly in terms of their area, being smaller than any other allotment in the street.

In letter dated 30 March 2023, the Applicant's planner noted:

*Whilst the existing streetscape and local context is characterised by existing wide allotments, the application demonstrates that the proposed subdivision and lot sizes are appropriate for the site and context having regard to the built form outcome proposed.*

In this regard, the following comments (para 69) from the Commissioner in *Fuller v Inner West Council* [2019] NSWLEC 1506 are noted:

*The question also arises as to whether built form is relevant to the determination of the prevailing cadastral pattern. Whilst the potential built form on a lot to be created is assessed as part of the acceptability or otherwise of a subdivision (control C6 for example), I cannot see that it is relevant for the determination of the subdivision pattern. A subdivision pattern is just that – the pattern of the lines on a plan. It is not where, and in what form, the buildings on the lots are. Control C5 identifies the characteristics which together create the cadastral pattern – the area, dimensions, shape and orientation of the lots. The DCP does not identify built form as an element in that determination.*

It is considered that the proposed allotments would not conform to the prevailing pattern in terms of their area (sqm), shape or frontage width, therefore failing to meet the requirements of Control C5 within Part 3.2.2 of MDCP 2011. The proposal fails to meet objectives O3 and O5 and therefore the application cannot be supported. The assessment of the application against the other relevant controls in MDCP demonstrates that the lots would not be also to satisfy the controls within the MDCP 2011 in relation to parking, streetscape design and overshadowing.

Given the above, the development would result in lots that do not meet either subdivision test for new lots under Part 3.2.2 of MDCP 2011 and are inconsistent with the relevant objectives and controls. The application is recommended for refusal.

#### **Part 4.1 – Low Density Residential Development**

##### **Part 4.1.5 – Streetscape and Design**

Control C2 within Part 4.1.5 of the MDCP 2011 sets specific streetscape design guidelines for new development and notes that facade design must enhance the existing built character by interpreting and translating any positive characteristics found in the surrounding locality with particular reference to massing, roof form and finishes and materials.

The existing streetscape is typically characterised by dwellings that feature a hipped roof with a gable-ended element fronting the street. The proposed roof form, whilst amended during the assessment of the application, is considered to remain unresolved and fails to achieve an acceptable streetscape outcome having regard to the existing pattern of development within Leicester Street. There is a central portion of the roof on the front



elevation that incorporates a hipped roof, however, it does not read as the dominant element of the design due to the much larger, higher and predominant roof form behind it. Refer to plan extracts below:

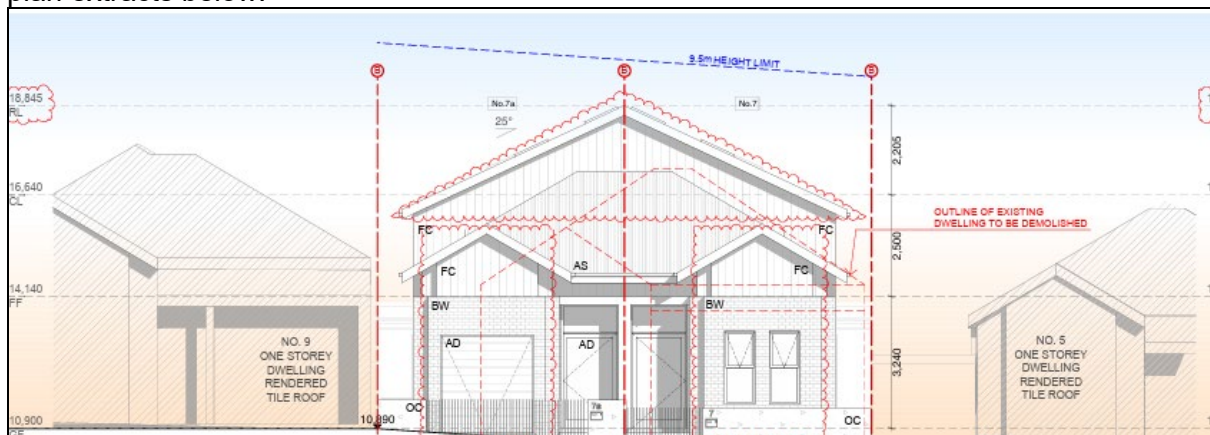


Figure 5: Front elevation extract



Figure 6: Northern side elevation extract

In view of the above, the design of the proposed development is considered to be inconsistent with Part 4.1.5 of MDCP 2011 concerning streetscape and design.

Part 4.1.6 – Built form and character

*Front setbacks*

The proposed front setbacks are generally consistent with adjoining developments and are satisfactory.

*Side setbacks*

The proposed lot widths are less than 8m and as such the side setbacks are considered on merit in accordance with the requirements within MDCP 2011. The proposed development provides 900mm side setbacks on the ground floor and 1500mm side setbacks on the first floor (with the exception of minor intrusions associated with the stairs) which are generally satisfactory.

*Rear setbacks*

The rear setbacks are determined on merit. Council is not satisfied that the proposed ground and first floor rear setbacks are sufficient in light of the solar access issues identified (see discussion under Part 2.7). The inadequate rear setbacks proposed appear to inhibit solar access opportunities for the living areas proposed at the rear of the ground floors.

The proposed nil setbacks of the detached structures at the rear of the site are generally acceptable on the basis that the structure is single storey only and does not cause any significant amenity impacts for surrounding properties. Furthermore, there is a large existing garage structure in a similar location, also with no side or rear setbacks.

*Site coverage (0-300m<sup>2</sup>: on merit)*

The proposed site coverage for each lot is excessive, is inconsistent with the existing character of neighbouring dwellings (objective 015) and does not allow for adequate provision of on-site car parking (objective 016).

#### Park 4.1.7 – Car parking

No car parking is proposed for Lot 7 which is not supported for reasons identified in the Part 2.10 assessment.

The proposed car parking space for the Lot 7a complies with the numerical requirements and minimum dimensions for car parking within Part 2.10 of MDCP 2011. However, the following concerns are raised in respect of the relevant car parking requirements within Part 4.1.7:

- The proposed subdivision pattern is such that the car parking is unable to be provided in the preferred manner sought by Control C15 (i.e. – at the rear of the site or located at the side of the dwelling); and
- The proposed garage on Lot 7 is the predominant element on the front façade, sitting forward of the main entry and occupying 59% (3.6m) of the proposed frontage. Further, it denies the opportunity for windows to be provided on the front façade to create activation and surveillance for the street. As a result, the proposed development does not satisfy Control C14(iii) which states that car parking structures must be located and designed to *Not dominate or detract from the appearance of the existing dwelling or new development and the streetscape.*

### **Part 9 – Strategic Context**

#### Part 9.15 – Enmore Park (Precinct 15)

The proposed development would be inconsistent with the desired future character of the Enmore Park precinct in that it would not maintain the single storey streetscape and/or preserve the predominately low density residential character.

#### **5(e) The Likely Impacts**

The assessment of the Development Application demonstrates that the proposal will have an adverse impact on the locality in the following way:

##### Subdivision

The proposed allotments would not conform to the prevailing cadastral pattern within the street in terms of their area (sqm), shape or frontage width.

##### Streetscape

The design of the development does not reflect and reinforce the single storey character of the existing streetscape.

#### **5(f) The suitability of the site for the development**

It is considered that the proposal will have an adverse impact on the adjoining properties and the streetscape. Therefore, the site is unsuitable to accommodate the proposed development. Fundamentally, it is considered that the subject site is not suitable for Torrens title subdivision into 2 allotments.

### 5(g) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 14 days to surrounding properties. 3 submissions were received in response to the notification. It is noted that the amended plans did not require re-notification. However, it is noted that one of the initial submitters prepared a further submission to re-iterate previous comments made.

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

- Overshadowing impacts – see Section 5(d)
- Privacy/overlooking impacts – See Section 5(d)
- Insufficient car parking – See Section 5(d)

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

Issue: Dilapidation report should be prepared for 9 Leicester Street

Comment: This matter could be addressed through conditions of consent, however, the application is not supported for other reasons.

Issue: Excavation for the basement level should only be used for the purposes indicated on the plans.

Comment: This matter could be addressed through conditions of consent, however, the application is not supported for other reasons.

Issue: Privacy impacts due to proposed Juliet balconies.

Comment: The amended plans have deleted the Juliet balconies.

Issue: Potential noise impacts from air conditioning units.

Comment: This matter could be addressed through conditions of consent, however, the application is not supported for other reasons.

Issue: Changes to dividing fence

Comment: Changes to dividing fences is considered to be a civil matter.

### 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. Given an application for subdivision was refused by Council for No.5 Leicester Street, it would be prudent to consistently apply this assessment and as such refuse the subject application. The proposal is contrary to the public interest.

## 6 Referrals

### 6(a) Internal

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

- Development Engineer
- Tree Management Officer
- Waste Management
- Urban Design

### 6(a) External

The application was referred to Ausgrid (see discussion under SEPP (Transport and Infrastructure) 2021)).

## 7. Section 7.11 Contributions

Section 7.11 contributions payable for the proposal. The carrying out of the proposed development would result in an increased demand for public amenities and public services within the area. A condition requiring that contribution to be paid should be imposed on any consent granted.

## 8. Conclusion

The proposal does not comply with the aims, objectives and design parameters contained in Inner West Local Environmental Plan 2022 and Marrickville Development Control Plan 2011.

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

The application is considered unsupportable and in view of the circumstances, refusal of the application is recommended.

## 9. Recommendation

- A. The applicant has made a written request pursuant to Section 4.6 – Exceptions to development standards of the *Inner West Local Environmental Plan 2022* to vary Section 4.4 – Floor Space Ratio. After considering the request, the Panel is not satisfied that compliance with the floor space ratio development standard is unnecessary in the circumstances of the case and that there are not sufficient environmental grounds identified to support the variation. The proposed development will not be in the public interest because the exceedance is 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(1)(b) of the *Environmental Planning and Assessment Act 1979*, refuse Development Application No. DA/2022/0946 for demolition of the existing improvements, subdivision of existing lot into 2 Torrens title allotments and construction of a two storey semi-attached dwelling over basement on

each lot and detached outbuilding and swimming pool at the rear of each lot at 7 Leicester Street, Marrickville for the following reason outlined in Attachment A below.

## Attachment A – Reasons for refusal

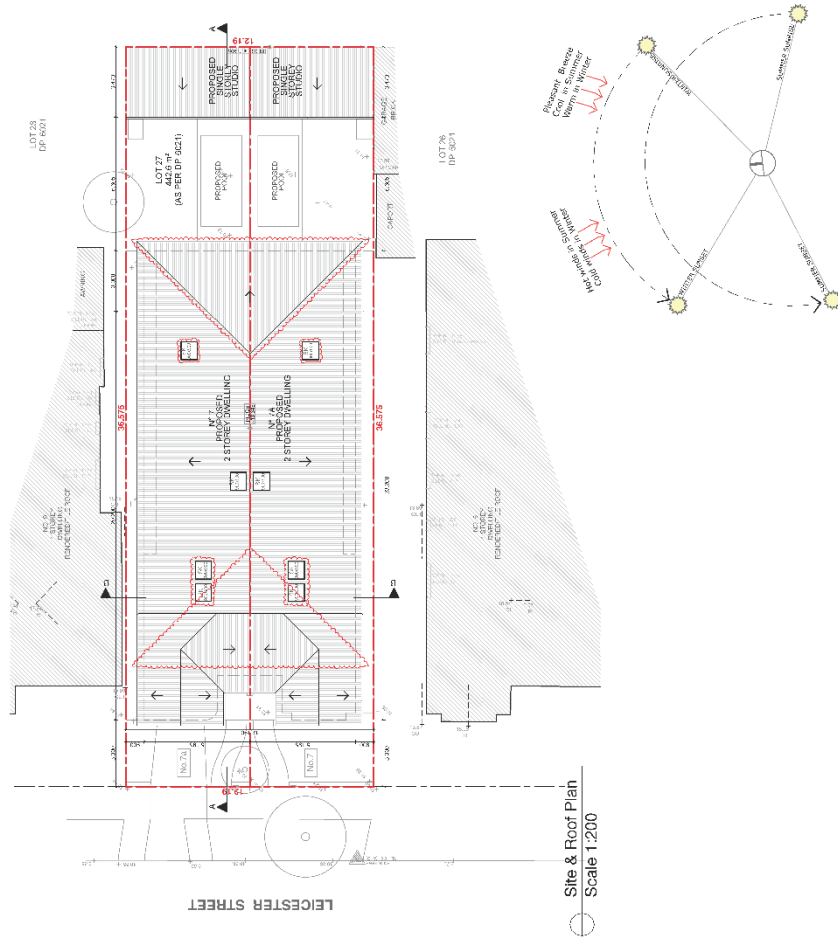
### Attachment A – Reasons for refusal

1. Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development is inconsistent with clause 1.2 – Aims of Plan within the *Inner West Local Environmental Plan 2022*.
2. Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development is inconsistent with the objectives of the R2 – Low Density Residential zone within the *Inner West Local Environmental Plan 2022* in that it fails to provide a residential development that maintains the character of built and natural features in the surrounding area.
3. Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development exceeds the maximum allowable Floor Space Ratio under clause 4.4 of *Inner West Local Environmental Plan 2022*. The clause 4.6 exception provided does not adequately establish that compliance with the FSR development standard is unreasonable or unnecessary. Further, the environmental planning grounds identified are insufficient to justify the contravention as sought.
4. Pursuant to the provisions of Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not satisfy the following parts of the Marrickville Development Control Plan 2011:
  - a) Part 2.1 – Urban Design: The proposal is inconsistent with the urban design principles in Part 2.1.1 as it does not contain an appropriate form or density.
  - b) Part 2.6 – Acoustic and Visual Privacy: Objective O1 as the proposal contains an excessive amount of glazing/windows on the first floor side elevations.
  - c) Part 2.7 – Solar Access and Overshadowing: Control C8 as the proposal causes additional overshadowing impacts to existing habitable windows at 5 Leicester Street. Control C8 as the proposal does not demonstrate that the required amount of solar access is achieved to habitable rooms and private open space of the proposed dwellings.
  - d) Part 2.9 – Community Safety: The dwelling on lot 7a contains an insufficient amount of windows on the front elevation and fails to satisfy Control C5 within Part 2.9.5.
  - e) Part 2.10 – Parking: Proposed lot 7 does not contain any off street car parking, failing to satisfy the numerical requirements set out in Part 2.10.5.
  - f) Part 3.2.2 – Residential Torrens title subdivision: Control C5 as it is inconsistent with the applicable objectives O3 and O5 in that the prevailing cadastral pattern of the street is not retained and the lots do not reflect or enforce the predominant subdivision pattern. Control C6 as it would be inconsistent with the applicable objective O4 in that the proposed lots do not support adequate solar access or car parking.
  - g) Part 4.1.5 – Streetscape and design: Objectives O8 and O9 as the proposed development does not present a bulk, scale, height and character that complements or embellishes the character of the area.
  - h) Part 4.1.6.2 – Building setbacks: Objectives O13 and O14 as the proposal fails to demonstrate that the proposed rear setbacks are appropriate in the context and enable sufficient solar access to be achieved.
  - i) Part 4.1.6.3 – Site coverage: Objectives O15 and O16 as the proposed site coverage is excessive, is inconsistent with the existing character of neighbouring dwellings and does not allow for adequate provision of on-site car parking.



- j) Part 4.1.7 – Car Parking: Control C14(iii) as the proposed on-site car parking would dominate the front façade of the new development and would detract from the streetscape.
  - k) Part 9.15 – Enmore Park: The proposed development would be inconsistent with the desired future character of the Enmore Park precinct in that it would not maintain the single storey streetscape and/or preserve the predominately low density residential character.
5. Given the prevailing cadastral pattern of Leicester Street, the site is not suitable for subdivision and the site is not considered to be suitable for the development as proposed, pursuant to Section 4.15 (1)(c) of the *Environmental Planning and Assessment Act 1979*.
6. Pursuant to the provisions of Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, approval of the application is not in the public interest and would create an undesirable precedent.

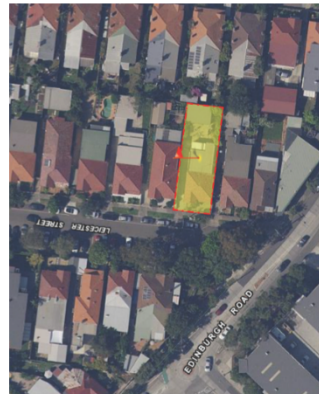
Attachment B – Plans of proposed development



CLIMATIC SITE ANALYSIS

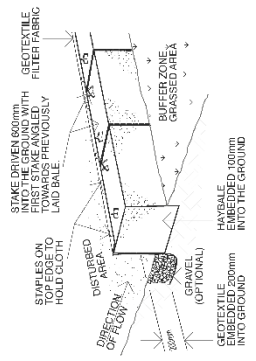
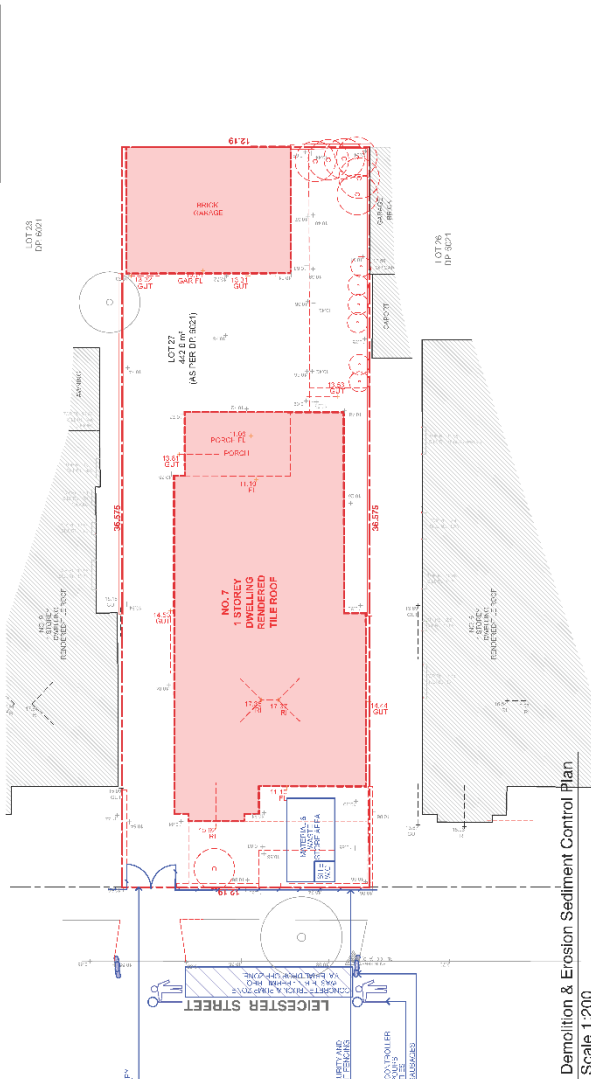


PROPERTY DETAILS	
Property Address	7 Leicester St, Marrickville
Title Reference	27-DP9621
Site Area	445.8 m <sup>2</sup> (by calc.)
Subdivision	N7
Council	INNER WEST COUNCIL
LOCAL ENVIRONMENTAL PLAN INFORMATION	
Land Zoning	R2 - Low Density Residential
Height	J - 9.5
FSR	0.9/1
Min. Lot Size	NA
Heritage	NA
Land Reservation / Acquisition	NA
Foreshore Building Line	NA
Acid Sulfate Soils	CLASS 5
Airport Noise	25 ANEF

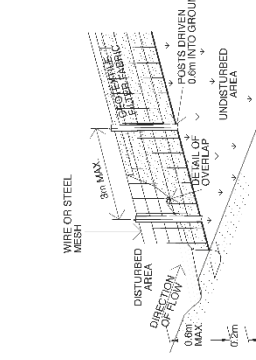


7 Leicester St, Marrickville - Location Plan

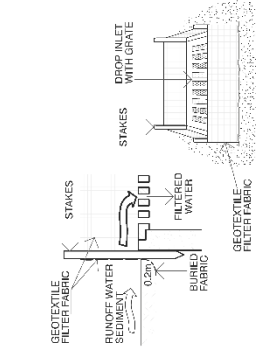
		Title: S + R Best Plan	DA01
		Project: 7 Leicester St, Marrickville 1/20/2024	D
DATE 3/7/10/2022 18/05/2022 23/05/2022 19/05/2023		Client: M. Sanyal	
DATE 3/7/10/2022 18/05/2022 23/05/2022 19/05/2023		Issue: Description	
A. Development Application B. Council Ref: DA01 C. Council Ref: D. Council Ref:		ISSUE DESCRIPTION: THE INFORMATION OF ITEM A IS FOR THE INFORMATION OF THE DEVELOPER ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSES. THE INFORMATION IS FOR THE INFORMATION OF THE DEVELOPER ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSES. THE INFORMATION IS FOR THE INFORMATION OF THE DEVELOPER ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSES. THE INFORMATION IS FOR THE INFORMATION OF THE DEVELOPER ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSES.	
AS - ALUMINUM ROOF SHEETING CT - CONCRETE ROOF TILE H - HAZOP TILE IW - FAC. BRICK WORK AP - ALUMI BRICK DR - CRIMP BRICK 00 - OFF FORM CONCRETE AL - ALUMINIUM AC - ALUMINIUM CLADDING FC - FIBRE CEMENT TP - TERRAZO TILING SC - STONE CLADDING AD - ALUMINUM DOOR AW - ALUMINUM WINDOW LW - BRICK LITCH RW - BRICK WINDOW FW - FIBRE WINDOW GR - GRASS PAVING 00 - MECHANICAL VENTILATION 00 - 3 MORE ALARM 00 - NOY WINDOW 00 - ALUMINIUM GR - GRASS PAVING 00 - MECHANICAL VENTILATION 00 - 3 MORE ALARM 00 - NOY WINDOW 00 - ALUMINIUM		Scale: 1:100 @ A3 Date: 01/09/2023 Document Ref: 37949231	



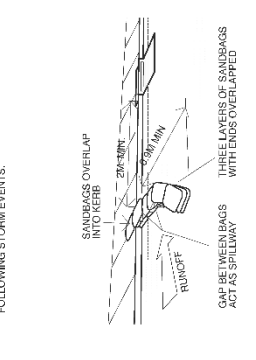
STRAW BALE AND GEOTEXTILE SEDIMENT FILTER



SEDIMENT FENCE



GEOTEXTILE FILTER FABRIC SURROUND



SANDBAG SEDIMENT TRAP FOR KERB INLET ON GRADE

**SITE WORKS NOTES**

1. NOTIFY ALL NEIGHBOURS AND ADJACENT PROPERTIES OF THE WORKS TO BE UNDERTAKEN.
2. CONTRACTOR MUST VERIFY ALL DIMENSIONS AND EXISTING LEVELS ON SITE PRIOR TO COMMENCEMENT OF WORK. ANY DISCREPANCIES TO BE REPORTED TO THE SUPERINTENDENT AND THE LOCAL AUTHORITY IMMEDIATELY.
3. STRIP ALL TOPSOIL FROM CONSTRUCTION AREA AND STOCKPILE ON SITE TO BE LATER SPREAD OR REMOVED FROM SITE AS DIRECTED BY THE SUPERINTENDENT.
4. ALL TRENCH BACKFILL MATERIAL SHALL BE COMPACTED TO THE SAME DENSITY AS THE ADJACENT MATERIAL. UNDER VEHICULAR PAVEMENTS SHALL BE BACKFILLED WITH SAND OR AN APPROVED GRANULAR MATERIAL AND COMPACTED TO A MINIMUM 98% STANDARD DENSITY IN ACCORDANCE WITH AS 1995.1.1.
5. ALL CONCRETE JOINTS BETWEEN BUILDINGS AND ALL CONCRETE OR UNIT PAVEMENTS.
6. ASPHALTIC CONCRETE SHALL CONFORM TO RITA FORM 612.
7. ALL CONCRETE SHALL CONFORM TO RITA FORM 302.1.1. PRESENCE OF COMPACTOR TESTING SHALL BE IN ACCORDANCE WITH AS 2885.1.1.
8. ALL SUB-BASE COURSE MATERIAL TO COMPLY WITH RITA FORM 305.1 AND COMPACTED TO A MINIMUM 95% MODIFIED DENSITY IN ACCORDANCE WITH AS 1289.
9. ALL LINE MARKING TO AS 1742.
10. ALL WORKS TO BE UNDERTAKEN IN ACCORDANCE WITH THE LOCAL AUTHORITY'S OTHERS' ADJUSTMENT SERVICES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE CO-ORDINATION OF THESE WORKS.

**SURVEY NOTES**

THE EXISTING SITE CONDITIONS SHOWN ON THE FOLLOWING DRAWINGS HAVE BEEN INVESTIGATED BY CIVIL ENGINEERING CONSULTING LAND AND ENGINEERING SURVEYORS. BEING REGISTERED SURVEYORS, THE INFORMATION IS SHOWN TO BE TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF. THE ACCURACY OR COMPLETENESS OF THE SURVEY BASED ON ITS SUITABILITY AS A BASIS FOR CONSTRUCTION DRAWINGS.

**EROSION AND SEDIMENT CONTROL NOTES**

1. ALL WORK SHALL BE GENERALLY CARRIED OUT IN ACCORDANCE WITH:
  - A. LOCAL AUTHORITY REQUIREMENTS
  - B. ERA REQUIREMENTS
  - C. THE REQUIREMENTS OF HOUSING - MANUAL "MANAGING URBAN STORMWATER, SOILS AND CONSTRUCTION", 3rd EDITION, AUGUST 1998
  - D. THE EROSION CONTROL SERVICES TO THE SATISFACTION OF THE SUPERINTENDENT AND THE LOCAL AUTHORITY
2. WHEN STORMWATER DEVICES ARE CONSTRUCTED, PREVENT SITE RUNOFF FROM ENTERING THE DEVICES.
3. CONTRACTORS TO ENSURE ALL EROSION & SEDIMENTATION CONTROL DEVICES ARE MAINTAINED AND OPERATIONAL AT ALL TIMES.
4. ALL MAINTENANCE SHALL BE UNDERTAKEN AS REQUIRED, PARTICULARLY FOLLOWING STORM EVENTS.

AS - ALUMINIUM ROOF SHEETING	DC - OFF FORM CONCRETE	AC - ALUMINIUM DOOR	MC - MECHANICAL VENTILATION
CT - CONCRETE PROFILE	AL - ALUMINIUM	AW - ALUMINIUM WINDOW	3 - 3 MORE ALARM
H1 - HOOP FILE	AC - ALUMINIUM HANGAR/VALVE	13 - 16 SHUT LOCH	WV - WIND WINDOW
HW - TACT BIRCH W/IRK	11 - 11 BELL DOLLY	1N - 16 ALU WINDOW	WV - WIND WINDOW
AP - ALUMI CURB/ST	TC - TIE UP 3 JOISTS	FW - FURD WINDOW	WV - WIND WINDOW
CR - GRANITE BENCH	BC - STONE CLADDING	GR - GRASS PAVED 3M W/STRAP	

Document Set ID: 37948254  
Version: 1, Version Date: 01/08/2023

Title:	Demolition & Erosion Sediment Control Plan
Project:	71 Leicesters, Warrumbungle NSW 2704
Client:	M. Denny Band
Date:	19th Jan 2023
Scale:	1:100 @ A3



Issue:	Description	Date
A	Issued for publication	17-10-2022
B	Changes RFI 08871	16-05-2023
C	Changes RFI	21-03-2023
D	Changes RFI	15-05-2023

DA02	D
------	---



ACOUSTIC RECOMMENDATIONS

4.2. METHODOLOGY

Internal noise, such as that which may be generated by the building, is the most common cause of noise. The predicted noise levels are based on the building's internal noise levels. The predicted noise levels are based on the building's internal noise levels. The predicted noise levels are based on the building's internal noise levels.

4.3. COMPLIANCE CONSTRUCTIONS

The following constructions are recommended to comply with the noise objectives stated in Table 2.

4.3.1. Glazed Windows and Doors

The following constructions are recommended to comply with the noise objectives stated in Table 2. The predicted noise levels are based on the building's internal noise levels. The predicted noise levels are based on the building's internal noise levels.

The predicted noise levels are based on the building's internal noise levels. The predicted noise levels are based on the building's internal noise levels. The predicted noise levels are based on the building's internal noise levels.

4.3.2. External Walls

The proposed external wall construction is shown in Figure 2. The predicted noise levels are based on the building's internal noise levels. The predicted noise levels are based on the building's internal noise levels.

4.3.3. External Doors

The proposed external door construction is shown in Figure 3. The predicted noise levels are based on the building's internal noise levels. The predicted noise levels are based on the building's internal noise levels.

4.3.4. Roof/Ceiling Construction

The recommended roof/ceiling construction is shown in Figure 4. The predicted noise levels are based on the building's internal noise levels. The predicted noise levels are based on the building's internal noise levels.

Table 2 – Minimum Glazing Thickness Requirements (Continued)

Level	Room	Element	Glazing Thickness	Acoustic Seals
First Floor	All living rooms	All Glazed Windows	12.5mm Upright Flush	Yes
	Bedroom	All Glazed Windows	10mm	Yes
	Laundry	All Glazed Windows	6mm	Yes

Table 3 – Minimum R<sub>w</sub> of Glazing Constructions

Glazing Assembly	Acoustic Seals	Minimum R <sub>w</sub> Rating
10mm Upright Flush	Yes	32
12.5mm Upright Flush	Yes	35
12.5mm Upright Flush	Yes	37

The proposed external wall construction is shown in Figure 2. The predicted noise levels are based on the building's internal noise levels. The predicted noise levels are based on the building's internal noise levels.

4.3.5. Plasterboard Corner Details

The two options for a plasterboard ceiling/wall corner construction options over the 100% are shown in the Figure 3.

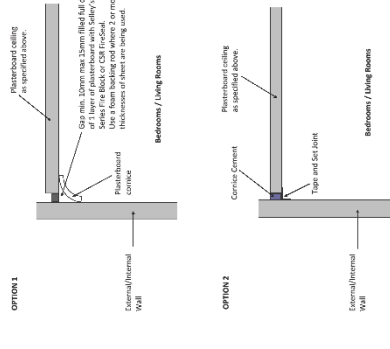


Figure 2 – Recommended Minimum Upright External Wall Construction

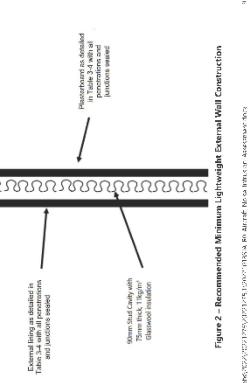


Figure 3 – Recommended Plasterboard Corner Details

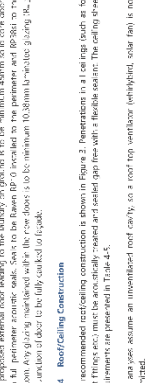


Table 4.4 – Recommended Roof/Ceiling Construction

Room	Roof/Ceiling Construction
Ground Bedroom/Study	Aluminium sheet metal, 0.5mm thick followed by 2 layers of 15mm thick plasterboard with 75mm thick Upright Flush glass wool insulation.
Garage/Workshop	Aluminium sheet metal, 0.5mm thick followed by 2 layers of 15mm thick plasterboard with 75mm thick Upright Flush glass wool insulation.
All level spaces	Aluminium sheet metal, 0.5mm thick followed by 2 layers of 15mm thick plasterboard with 75mm thick Upright Flush glass wool insulation.

Table 4.5 – Recommended External Wall Requirements

Level	Room	External Lining	Gap	Internal Lining
First floor	Bedrooms 3 and 4	1 layer of 9mm thick plasterboard	90mm x 24 with 75mm thick Upright Flush glass wool insulation	2 layers of 9mm thick plasterboard
	Bedroom 1	2 layers of 9mm thick plasterboard	90mm x 24 with 75mm thick Upright Flush glass wool insulation	2 layers of 9mm thick plasterboard
All first floors	Living/Dining/Kitchen	1 layer of 9mm thick plasterboard	90mm x 24 with 75mm thick Upright Flush glass wool insulation	1 layer of 9mm thick plasterboard
	Laundry	1 layer of 9mm thick plasterboard	90mm x 24 with 75mm thick Upright Flush glass wool insulation	1 layer of 9mm thick plasterboard

Table 4.6 – Recommended External Wall Requirements

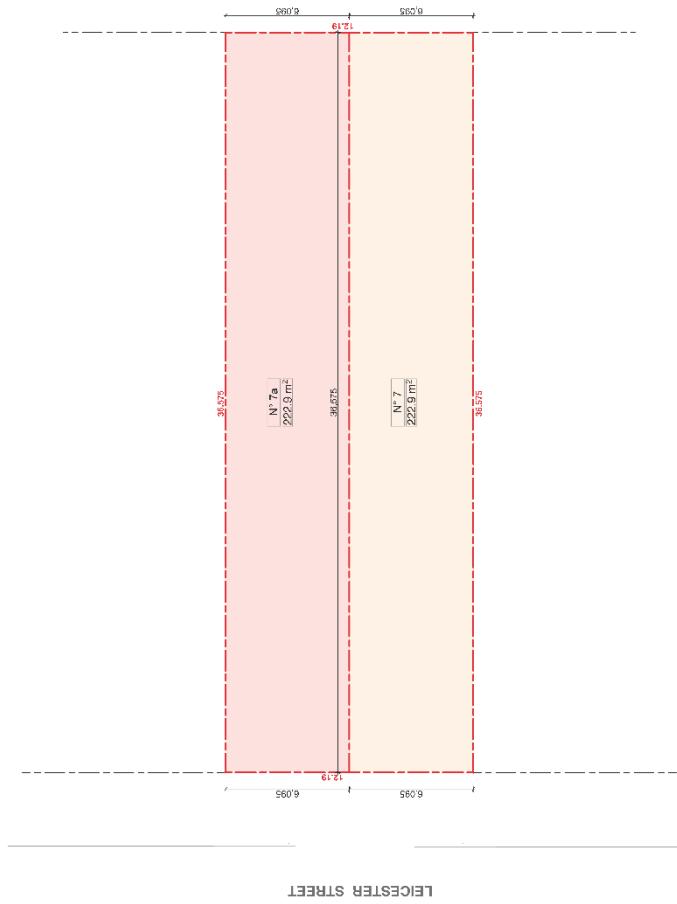
Level	Room	Element	Glazing Thickness	Acoustic Seals
Ground	Garage	All Glazed Windows	10mm	Yes
	Bathroom	All Glazed Windows	4mm	Yes
Living/Dining/Kitchen	Living/Dining/Kitchen	All Glazed Doors	10.5mm Upright Flush	Yes
	Living/Dining/Kitchen	All Glazed Windows	12.5mm Upright Flush	Yes
Laundry	Laundry	All Glazed Windows	12.5mm Upright Flush	Yes
	Laundry	All Glazed Windows	12.5mm Upright Flush	Yes

**AS - ALUMINIUM ROOF SHEETING**  
**CC - OFF FORM CONCRETE**  
**CT - CONCRETE ROOF TILE**  
**H1 - HOOK TILE**  
**HW - TAC BRICK WORK**  
**AP - ALUMI CERAMIC**  
**CR - CERAMIC ROOF**

**AC - ALUMINIUM WINDOW**  
**AW - ALUMINIUM WINDOW**  
**U3 - REAR LOCH**  
**U4 - REAR WINDOW**  
**U5 - REAR WINDOW**  
**U6 - REAR WINDOW**  
**U7 - REAR WINDOW**  
**U8 - REAR WINDOW**  
**U9 - REAR WINDOW**  
**U10 - REAR WINDOW**

**DC - OFF FORM CONCRETE**  
**AL - ALUMINIUM**  
**AC - ALUMINIUM WINDOW**  
**U3 - REAR LOCH**  
**U4 - REAR WINDOW**  
**U5 - REAR WINDOW**  
**U6 - REAR WINDOW**  
**U7 - REAR WINDOW**  
**U8 - REAR WINDOW**  
**U9 - REAR WINDOW**  
**U10 - REAR WINDOW**

**DA04**  
**Project:** 71/2022, 7/10/2022  
**Client:** M. Derry Street  
**Date:** 10/10/2022  
**Scale:** 1:100/0.4

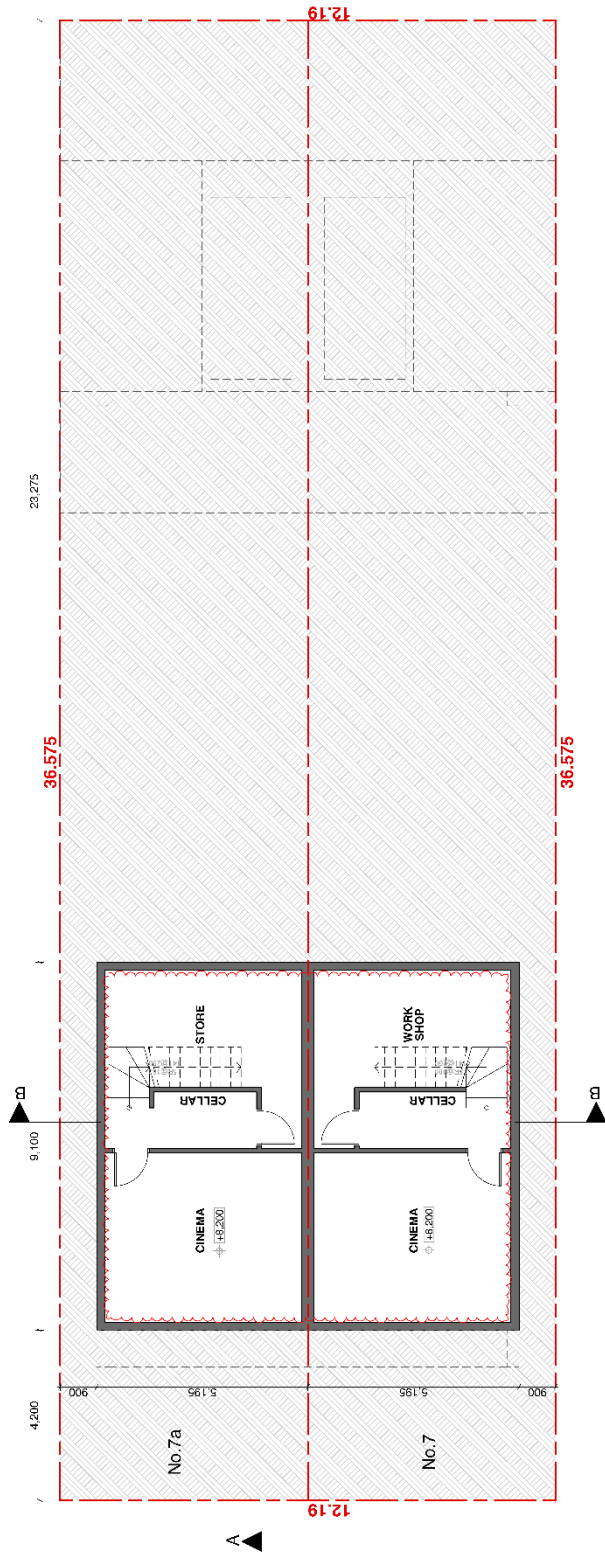


Subdivision Plan  
Scale 1:200

AS - ALUMINIUM ROOF SHEETING CT - CONCRETE ROOFTILE H1 - HOOP FILE BW - FACED BRICK WORK AP - ALUMI C/BINDER CR - CERAMIC BINDER OR - STONE CLADDING	DC - OFF FORM CONCRETE AL - ALUMINIUM AC - ALUMINIUM CLADDING LC - LIME SOLIN TC - TYPICAL JOISTS SC - STONE CLADDING	AC - ALUMINIUM DOOR AW - ALUMINIUM WINDOW LD - REAR DOOR TW - REAR WINDOW FW - FRONT WINDOW GR - GLASS FRAMED RA. ENTRANCE	⊕ - MECHANICAL VENTILATION ⊙ - 3 MINS ALARM ⊙ - VIEW WINDOW ⊙ - VIEW DOOR	<p>THIS PLAN IS THE PROPERTY OF THE DESIGNER AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE DESIGNER. THE DESIGNER ACCEPTS NO LIABILITY FOR ANY DAMAGE OR LOSS OF ANY KIND ARISING FROM THE USE OF THIS PLAN. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SERVICES FROM THE RELEVANT PROFESSIONALS. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SERVICES FROM THE RELEVANT PROFESSIONALS.</p>	<p>Issue Description</p> <p>A - Development Application B - Council EOI/DA/RFI C - Council EOI D - Council EOI</p>	<p>Date</p> <p>3<sup>rd</sup> - 10<sup>th</sup> 2022 16<sup>th</sup> - 03<sup>rd</sup> 2023 21<sup>st</sup> - 03<sup>rd</sup> 2023 15<sup>th</sup> - 05<sup>th</sup> 2023</p>	<p>Title</p> <p>Subdivision Plan Project: 7 Leicesters, Warrumbah NSW 2704 Client: M. Emery Band Date: 19<sup>th</sup> Jan 2023 Scale: 1:100 @ A3</p>	<p>DA05</p> <p><b>D</b></p>
--	--	---	--	--	--	---	---	-----------------------------

Document Set ID: 37948234  
Version: 1, Version Date: 01/08/2023

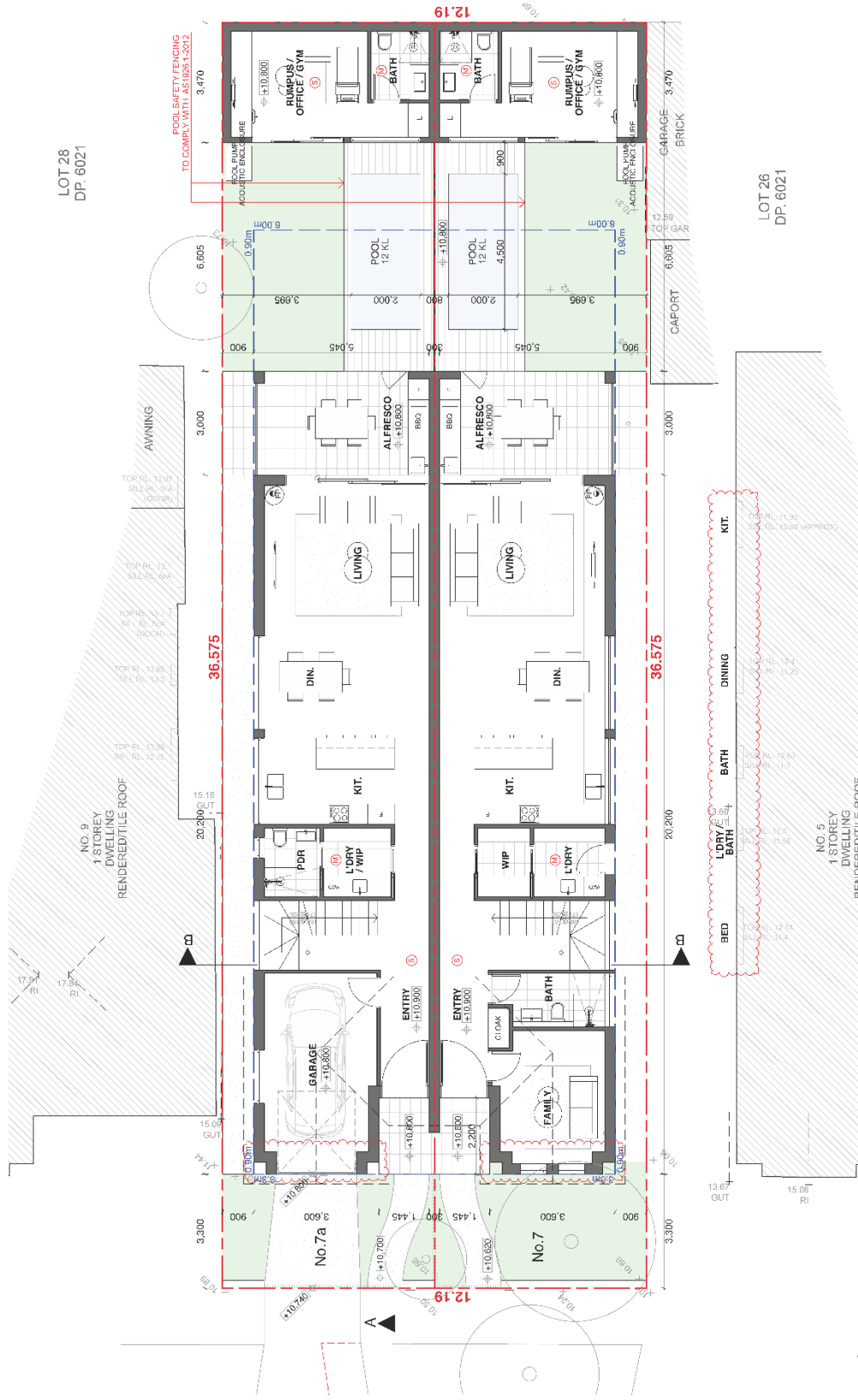




Basement Floor Plan  
Scale 1:100

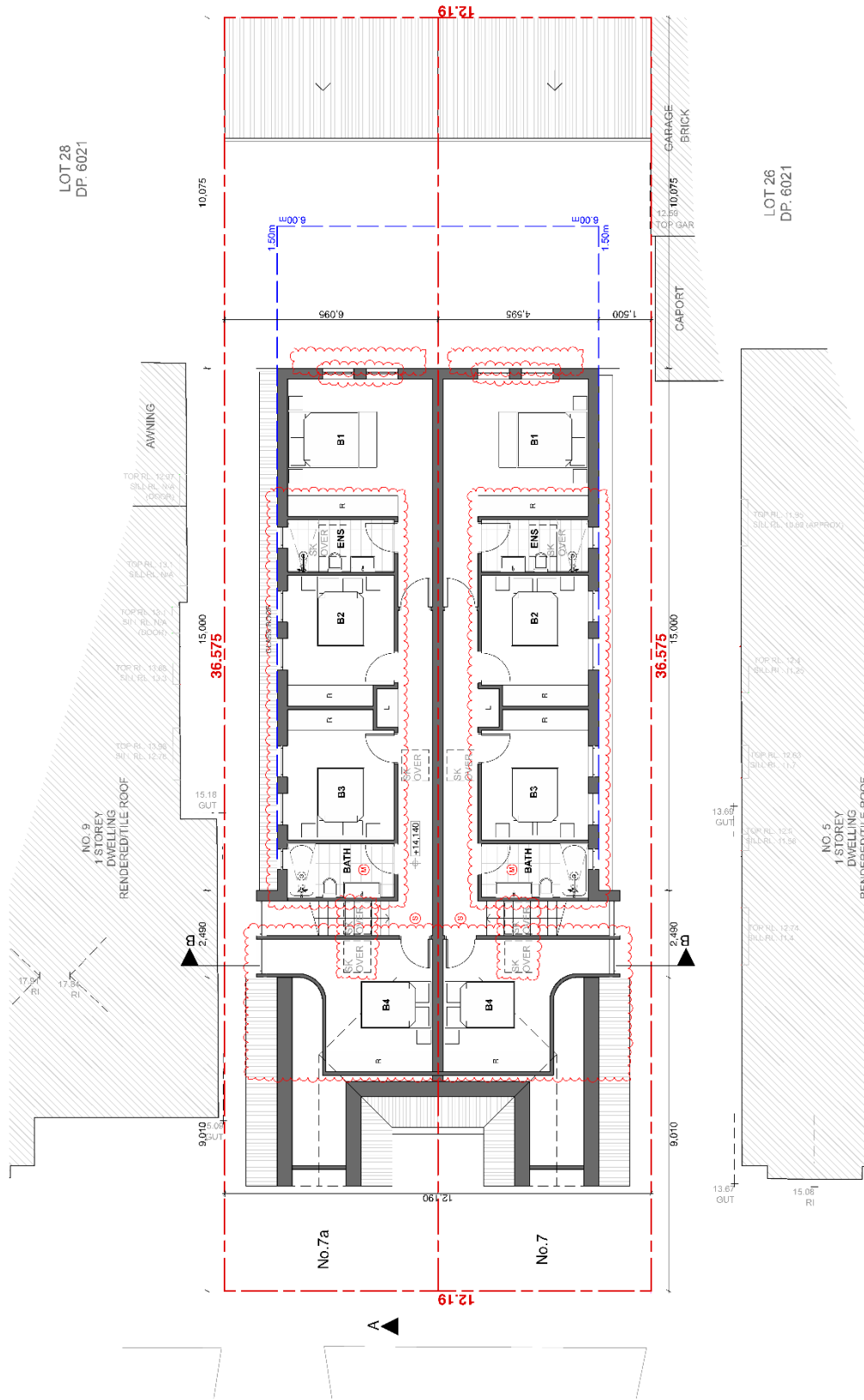
AS - ALUMINIUM ROOF SHEETING CT - CONCRETE ROOF TILE H1 - HOOK TILE DW - FACED BRICK WORK AP - ALUMI C/BINDER CR - CERAMIC BINDER SG - STONE CLADDING	DC - OFF FORM CONCRETE AL - ALUMINIUM AC - ALUMINIUM CLADDING LC - LATH & GYPSUM TC - TRAPEZOIDAL CORRUGATED GALVANIZED STEEL SHEETING SC - STONE CLADDING	AC - ALUMINIUM DOOR AW - ALUMINIUM WINDOW LD - REAR LOCH TW - TALL WINDOW FW - FRONT WINDOW GR - GLASS FRAMED SLIDING	⊕ - MECHANICAL VENTILATION ⊙ - 3 HOUR ALARM ⊙ - VIEW WINDOW ⊙ - VIEW DOOR ⊙ - VIEW DOOR	<p>THIS DOCUMENT IS THE PROPERTY OF BULLBENT DESIGNS AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED IN THE TITLE BLOCK. IT IS NOT TO BE REPRODUCED, COPIED, OR DISTRIBUTED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF BULLBENT DESIGNS. THE USER OF THIS DOCUMENT AGREES TO HOLD BULLBENT DESIGNS HARMLESS FROM AND AGAINST ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING OUT OF OR FROM THE USE OF THIS DOCUMENT.</p>	<p>Issue Description</p> <p>A - Location of Application</p> <p>J - Council EOI BREF1</p> <p>C - Council EOI</p> <p>D - Council EOI</p>	<p>Date</p> <p>3<sup>rd</sup> - 10/2022</p> <p>16<sup>th</sup> - 05/2022</p> <p>21<sup>st</sup> - 03/2023</p> <p>15<sup>th</sup> - 03/2023</p>	<p>Title: Beaver Fibre Par</p> <p>Project: 7 Lachlan St, Northmead, NSW 2174</p> <p>Client: M. Derry Band</p> <p>Date: 19<sup>th</sup> - 11/2022</p> <p>Scale: 1:100 @ A3</p>	<p>DA06</p> <p><b>BULLBENT DESIGNS</b></p> <p>105 St. George Street, Sydney, NSW 2000 11 St. George Street, Sydney, NSW 2000</p> <p><b>D</b></p>
---	---	--	---	--	--	--	---	--

Document Set ID: 37948234  
Version: 1, Version Date: 01/08/2023



Ground Floor Plan  
Scale 1:100


<p>AS - ALUMINIUM ROOF SHEETING CT - CONCRETE ROOF TILE H1 - HICK F.L.E. DW - DACT - BRICK WORK AP - ASPALT CEILING CR - GYPSUM BOARD</p>		<p>DC - OFF FORM CONCRETE AL - ALUMINIUM AC - ALUMINIUM CLADDING L1 - L1 BRICK LAY T1 - T1 BRICK LAY T2 - T2 BRICK LAY ST - STONE CLADDING</p>		<p>AC - ALUMINIUM DOOR AW - ALUMINIUM WINDOW L1 - L1 BRICK LAY T1 - T1 BRICK LAY T2 - T2 BRICK LAY ST - STONE CLADDING</p>		<p>⊕ - MECHANICAL VENTILATION ⊕ - 3-MODE ALARM ⊕ - W/V WINDOW ⊕ - W/V DOOR ⊕ - W/V DOOR</p>		<p>NO. 5 1 STOREY DWELLING RENDER/TILE ROOF</p>		<p>NO. 5 1 STOREY DWELLING RENDER/TILE ROOF</p>		<p>NO. 5 1 STOREY DWELLING RENDER/TILE ROOF</p>	
<p>Issue Description</p> <p>A - Update of plan B - Update of plan C - Update of plan D - Update of plan</p>		<p>Date</p> <p>17-10-2022 18-10-2022 21-10-2022 15-10-2022</p>		<p>Title</p> <p>Client</p> <p>Date</p> <p>Scale</p>		<p>DA07</p> <p>D</p>		<p>Project: 71 Leveque St, Northmead, NSW 2154 Client: M. Derry Band Date: 19th Jan 2022 Scale: 1:100 @ A3</p>		<p>Project: 71 Leveque St, Northmead, NSW 2154 Client: M. Derry Band Date: 19th Jan 2022 Scale: 1:100 @ A3</p>		<p>Project: 71 Leveque St, Northmead, NSW 2154 Client: M. Derry Band Date: 19th Jan 2022 Scale: 1:100 @ A3</p>	



First Floor Plan  
Scale 1:100

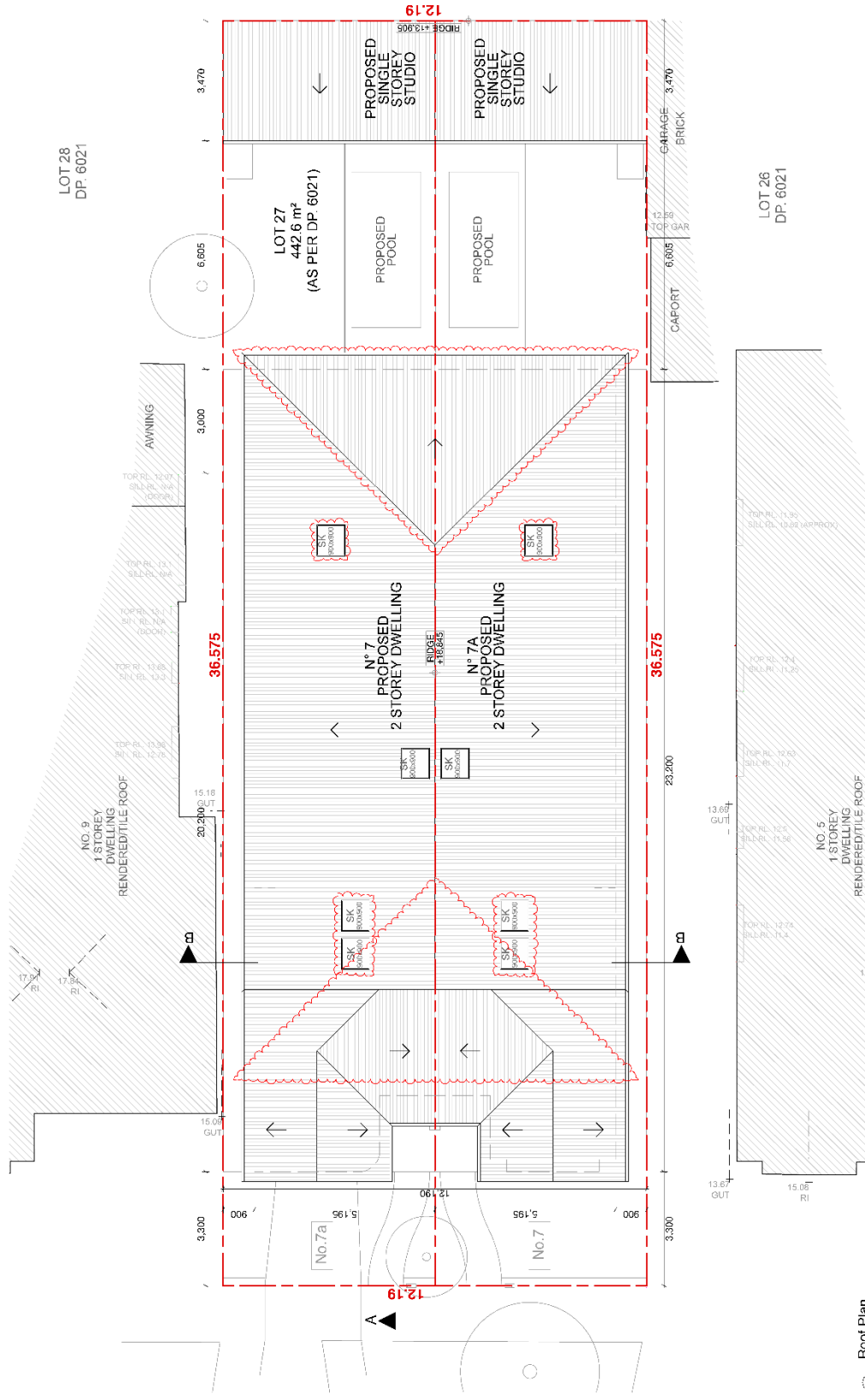
AS - ALUMINIUM ROOF SHEETING	DC - OFF FORM CONCRETE	ME - MECHANICAL VENTILATION	NO. 5 NO. 7	Issue Description	Date
CT - CONCRETE ROOF TILE	AL - ALUMINIUM	3 - 3 MORE ALARM	NO. 5 NO. 7	A - Location of Application	31-10-2022
H1 - HOOP TIE	AC - ALUMINIUM CLADDING	VIEW WINDOW	NO. 5 NO. 7	J - Issues RFI BMM1	05-05-2023
HW - FACED BRICK WORK	EC - EXTERIOR COLONY	VIEW DOOR	NO. 5 NO. 7	C - Issues RFI	21-03-2023
AP - ALUMIUM CEILING	TC - TYPICAL JOINT	GR - GLASS FRAMED RA. ENTRANCE	NO. 5 NO. 7	D - Issues RFI	15-07-2023
CR - CEMENT RENDER	BC - STONE CLADDING				

Document Set ID: 37948234  
Version: 1, Version Date: 01/08/2023


  
 Title: First Floor Plan  
 Project: 71 Leveque St, Northmead, NSW 2154  
 Client: M. Emery Stuart  
 Date: 01/08/2023  
 Scale: 1:100 @ A3


  
 BULLSEYE DESIGN  
 105 St. George Street, Sydney, NSW 2000  
 Tel: 02 9252 9999  
 Email: info@bullseye.com.au

DA08	D
------	---



Roof Plan  
Scale 1:100

AS - ALUMINIUM ROOF SHEETING	DC - OFF FORM CONCRETE	AC - ALUMINIUM DOOR	MC - MECHANICAL VENTILATION	Issue Description	Date	<p>BULL BENT DESIGNS 105/106/107/108/109/110/111/112/113/114/115/116/117/118/119/120/121/122/123/124/125/126/127/128/129/130/131/132/133/134/135/136/137/138/139/140/141/142/143/144/145/146/147/148/149/150/151/152/153/154/155/156/157/158/159/160/161/162/163/164/165/166/167/168/169/170/171/172/173/174/175/176/177/178/179/180/181/182/183/184/185/186/187/188/189/190/191/192/193/194/195/196/197/198/199/200/201/202/203/204/205/206/207/208/209/210/211/212/213/214/215/216/217/218/219/220/221/222/223/224/225/226/227/228/229/230/231/232/233/234/235/236/237/238/239/240/241/242/243/244/245/246/247/248/249/250/251/252/253/254/255/256/257/258/259/260/261/262/263/264/265/266/267/268/269/270/271/272/273/274/275/276/277/278/279/280/281/282/283/284/285/286/287/288/289/290/291/292/293/294/295/296/297/298/299/300/301/302/303/304/305/306/307/308/309/310/311/312/313/314/315/316/317/318/319/320/321/322/323/324/325/326/327/328/329/330/331/332/333/334/335/336/337/338/339/340/341/342/343/344/345/346/347/348/349/350/351/352/353/354/355/356/357/358/359/360/361/362/363/364/365/366/367/368/369/370/371/372/373/374/375/376/377/378/379/380/381/382/383/384/385/386/387/388/389/390/391/392/393/394/395/396/397/398/399/400/401/402/403/404/405/406/407/408/409/410/411/412/413/414/415/416/417/418/419/420/421/422/423/424/425/426/427/428/429/430/431/432/433/434/435/436/437/438/439/440/441/442/443/444/445/446/447/448/449/450/451/452/453/454/455/456/457/458/459/460/461/462/463/464/465/466/467/468/469/470/471/472/473/474/475/476/477/478/479/480/481/482/483/484/485/486/487/488/489/490/491/492/493/494/495/496/497/498/499/500/501/502/503/504/505/506/507/508/509/510/511/512/513/514/515/516/517/518/519/520/521/522/523/524/525/526/527/528/529/530/531/532/533/534/535/536/537/538/539/540/541/542/543/544/545/546/547/548/549/550/551/552/553/554/555/556/557/558/559/560/561/562/563/564/565/566/567/568/569/570/571/572/573/574/575/576/577/578/579/580/581/582/583/584/585/586/587/588/589/590/591/592/593/594/595/596/597/598/599/600/601/602/603/604/605/606/607/608/609/610/611/612/613/614/615/616/617/618/619/620/621/622/623/624/625/626/627/628/629/630/631/632/633/634/635/636/637/638/639/640/641/642/643/644/645/646/647/648/649/650/651/652/653/654/655/656/657/658/659/660/661/662/663/664/665/666/667/668/669/670/671/672/673/674/675/676/677/678/679/680/681/682/683/684/685/686/687/688/689/690/691/692/693/694/695/696/697/698/699/700/701/702/703/704/705/706/707/708/709/710/711/712/713/714/715/716/717/718/719/720/721/722/723/724/725/726/727/728/729/730/731/732/733/734/735/736/737/738/739/740/741/742/743/744/745/746/747/748/749/750/751/752/753/754/755/756/757/758/759/760/761/762/763/764/765/766/767/768/769/770/771/772/773/774/775/776/777/778/779/780/781/782/783/784/785/786/787/788/789/790/791/792/793/794/795/796/797/798/799/800/801/802/803/804/805/806/807/808/809/810/811/812/813/814/815/816/817/818/819/820/821/822/823/824/825/826/827/828/829/830/831/832/833/834/835/836/837/838/839/840/841/842/843/844/845/846/847/848/849/850/851/852/853/854/855/856/857/858/859/860/861/862/863/864/865/866/867/868/869/870/871/872/873/874/875/876/877/878/879/880/881/882/883/884/885/886/887/888/889/890/891/892/893/894/895/896/897/898/899/900/901/902/903/904/905/906/907/908/909/910/911/912/913/914/915/916/917/918/919/920/921/922/923/924/925/926/927/928/929/930/931/932/933/934/935/936/937/938/939/940/941/942/943/944/945/946/947/948/949/950/951/952/953/954/955/956/957/958/959/960/961/962/963/964/965/966/967/968/969/970/971/972/973/974/975/976/977/978/979/980/981/982/983/984/985/986/987/988/989/990/991/992/993/994/995/996/997/998/999/1000</p>
CT - CONCRETE ROOF TILE	AL - ALUMINIUM	AW - ALUMINIUM WINDOW	MC - MECHANICAL VENTILATION	A - Unchecked/Unapproved	3 - 10 - 2022	
H1 - HOOK TILE	AC - ALUMINIUM CLADDING	LD - REAR LOCH	MC - MECHANICAL VENTILATION	J - Unchecked/Unapproved	10 - 05 - 2022	
HW - FACED BRICK WORK	EC - EXPOSED BRICK	TR - TRIM WINDOW	MC - MECHANICAL VENTILATION	C - Checked/RTI	21 - 03 - 2023	
AP - ALUMINIUM BANDS	TC - TRIM WINDOW	FR - FRONT WINDOW	MC - MECHANICAL VENTILATION	D - Checked/RTI	15 - 05 - 2023	
CR - CEMENT RENDER	BC - STONE CLADDING	GR - GRASS PAVED RA. STRAPE	MC - MECHANICAL VENTILATION			

Document Set ID: 37948234  
Version: 1, Version Date: 01/08/2023

**CALCULATIONS**

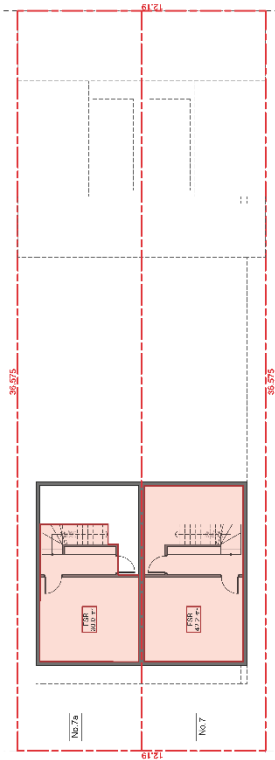
Site Area	445.8 m <sup>2</sup>
Existing FSR	168.0 m <sup>2</sup> = 0.38 : 1

<b>N<sup>7</sup>a - Site Area</b>	<b>222.9 m<sup>2</sup></b>
<b>N<sup>7</sup>a - Permitted / Required</b>	
FSR	200.6 m <sup>2</sup> = 0.90 : 1
LANDSCAPE	22.5 m <sup>2</sup> = 50% of POS
POS	45.0 m <sup>2</sup> =
	@ min 3.0m

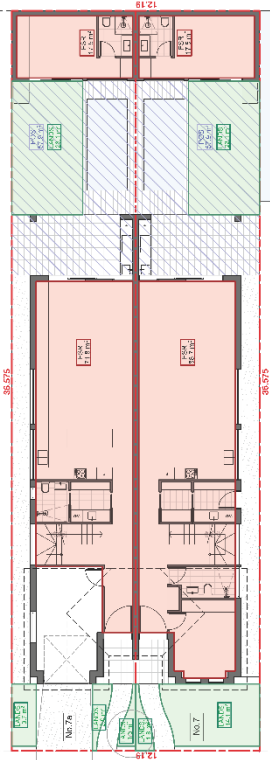
<b>N<sup>7</sup>a - Proposed</b>	
FSR	196.6 m <sup>2</sup>
LANDSCAPE	30.3 m <sup>2</sup>
P.O.S.	57.9 m <sup>2</sup>

<b>N<sup>7</sup> - Site Area</b>	<b>222.9 m<sup>2</sup></b>
<b>N<sup>7</sup> - Permitted / Required</b>	
FSR	200.6 m <sup>2</sup> = 0.90 : 1
LANDSCAPE	22.5 m <sup>2</sup> = 50% of POS
POS	45.0 m <sup>2</sup> =
	@ min 3.0m

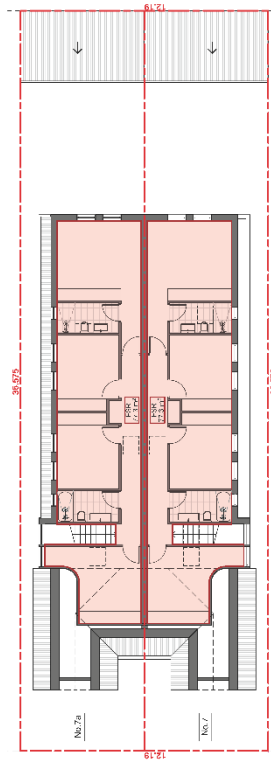
<b>N<sup>7</sup> - Proposed</b>	
FSR	225.7 m <sup>2</sup>
LANDSCAPE	39.0 m <sup>2</sup>
P.O.S.	57.9 m <sup>2</sup>



Calculation Plan - BF  
Scale 1:200



Calculation Plan - GF  
Scale 1:200



Calculation Plan - FF  
Scale 1:200

AS - ALUMINIUM ROOF SHEETING	DC - OFF FORM CONCRETE	MC - MECHANICAL VENTILATION
CT - CONCRETE ROOF TILE	AL - ALUMINIUM	3 - 3 MINS ALARM
H1 - HOOP FILE	AC - ALUMINIUM CLADDING	WV - WINDOW
HW - FACED BRICK WORK	EC - EXTERIOR CLADDING	WV - WINDOW
AP - ALUMIUM CLADDING	TC - TYPICAL JOISTS	WV - WINDOW
CR - CERAMIC BRICK	BC - STONE CLADDING	
GR - GIBBS PLASTER		

Document Set ID: 37948234  
Version: 1, Version Date: 01/08/2023

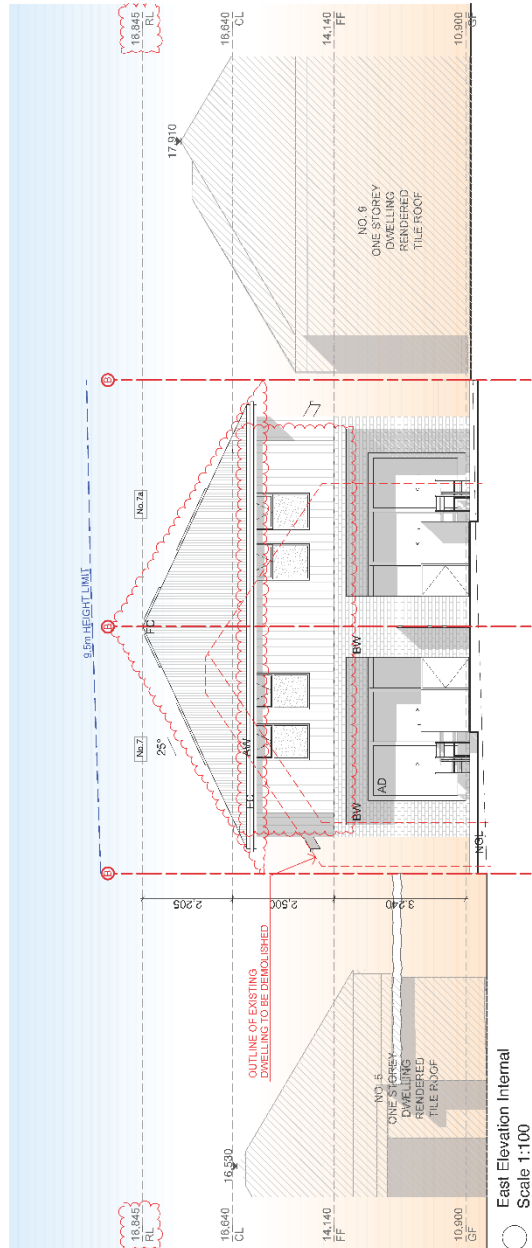
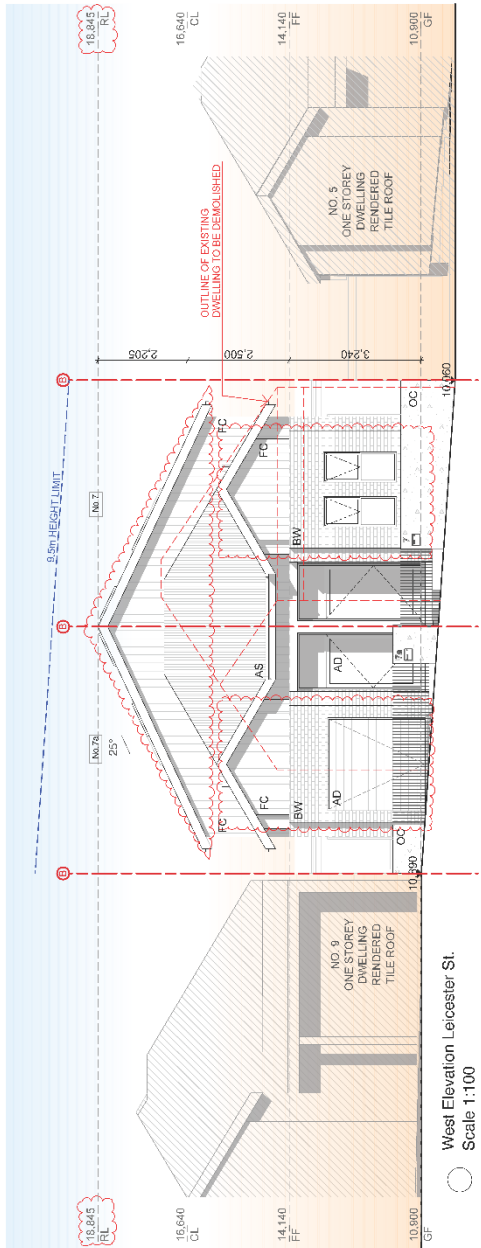
Issue Description	Date	Author/Revision
A - Location Application	31-10-2022	
B - Council Ref: B8871	08-03-2023	
C - Council Ref:	21-03-2023	
D - Council Ref:	15-05-2023	

BUILT DESIGN  
105/106/107/108/109/110/111/112/113/114/115/116/117/118/119/120/121/122/123/124/125/126/127/128/129/130/131/132/133/134/135/136/137/138/139/140/141/142/143/144/145/146/147/148/149/150/151/152/153/154/155/156/157/158/159/160/161/162/163/164/165/166/167/168/169/170/171/172/173/174/175/176/177/178/179/180/181/182/183/184/185/186/187/188/189/190/191/192/193/194/195/196/197/198/199/200/201/202/203/204/205/206/207/208/209/210/211/212/213/214/215/216/217/218/219/220/221/222/223/224/225/226/227/228/229/230/231/232/233/234/235/236/237/238/239/240/241/242/243/244/245/246/247/248/249/250/251/252/253/254/255/256/257/258/259/260/261/262/263/264/265/266/267/268/269/270/271/272/273/274/275/276/277/278/279/280/281/282/283/284/285/286/287/288/289/290/291/292/293/294/295/296/297/298/299/300/301/302/303/304/305/306/307/308/309/310/311/312/313/314/315/316/317/318/319/320/321/322/323/324/325/326/327/328/329/330/331/332/333/334/335/336/337/338/339/340/341/342/343/344/345/346/347/348/349/350/351/352/353/354/355/356/357/358/359/360/361/362/363/364/365/366/367/368/369/370/371/372/373/374/375/376/377/378/379/380/381/382/383/384/385/386/387/388/389/390/391/392/393/394/395/396/397/398/399/400/401/402/403/404/405/406/407/408/409/410/411/412/413/414/415/416/417/418/419/420/421/422/423/424/425/426/427/428/429/430/431/432/433/434/435/436/437/438/439/440/441/442/443/444/445/446/447/448/449/450/451/452/453/454/455/456/457/458/459/460/461/462/463/464/465/466/467/468/469/470/471/472/473/474/475/476/477/478/479/480/481/482/483/484/485/486/487/488/489/490/491/492/493/494/495/496/497/498/499/500/501/502/503/504/505/506/507/508/509/510/511/512/513/514/515/516/517/518/519/520/521/522/523/524/525/526/527/528/529/530/531/532/533/534/535/536/537/538/539/540/541/542/543/544/545/546/547/548/549/550/551/552/553/554/555/556/557/558/559/560/561/562/563/564/565/566/567/568/569/570/571/572/573/574/575/576/577/578/579/580/581/582/583/584/585/586/587/588/589/590/591/592/593/594/595/596/597/598/599/600/601/602/603/604/605/606/607/608/609/610/611/612/613/614/615/616/617/618/619/620/621/622/623/624/625/626/627/628/629/630/631/632/633/634/635/636/637/638/639/640/641/642/643/644/645/646/647/648/649/650/651/652/653/654/655/656/657/658/659/660/661/662/663/664/665/666/667/668/669/670/671/672/673/674/675/676/677/678/679/680/681/682/683/684/685/686/687/688/689/690/691/692/693/694/695/696/697/698/699/700/701/702/703/704/705/706/707/708/709/710/711/712/713/714/715/716/717/718/719/720/721/722/723/724/725/726/727/728/729/730/731/732/733/734/735/736/737/738/739/740/741/742/743/744/745/746/747/748/749/750/751/752/753/754/755/756/757/758/759/760/761/762/763/764/765/766/767/768/769/770/771/772/773/774/775/776/777/778/779/780/781/782/783/784/785/786/787/788/789/790/791/792/793/794/795/796/797/798/799/800/801/802/803/804/805/806/807/808/809/810/811/812/813/814/815/816/817/818/819/820/821/822/823/824/825/826/827/828/829/830/831/832/833/834/835/836/837/838/839/840/841/842/843/844/845/846/847/848/849/850/851/852/853/854/855/856/857/858/859/860/861/862/863/864/865/866/867/868/869/870/871/872/873/874/875/876/877/878/879/880/881/882/883/884/885/886/887/888/889/890/891/892/893/894/895/896/897/898/899/900/901/902/903/904/905/906/907/908/909/910/911/912/913/914/915/916/917/918/919/920/921/922/923/924/925/926/927/928/929/930/931/932/933/934/935/936/937/938/939/940/941/942/943/944/945/946/947/948/949/950/951/952/953/954/955/956/957/958/959/960/961/962/963/964/965/966/967/968/969/970/971/972/973/974/975/976/977/978/979/980/981/982/983/984/985/986/987/988/989/990/991/992/993/994/995/996/997/998/999/1000

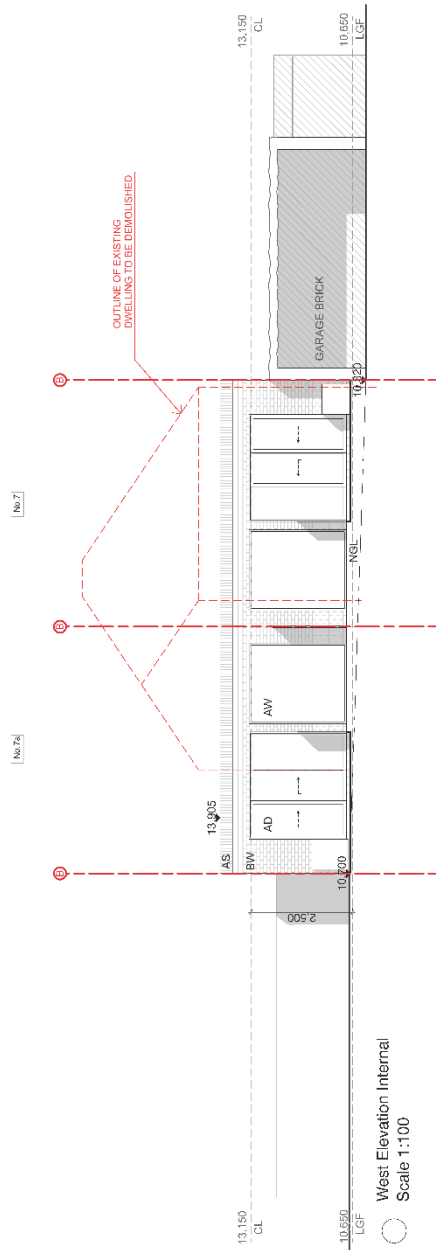
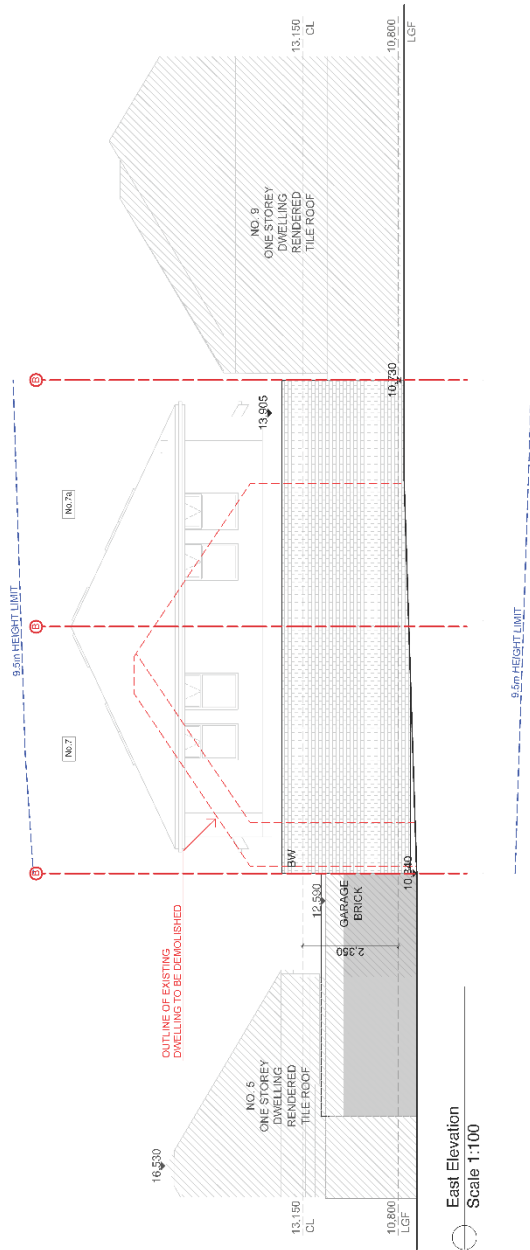
Title	Calculation Plan
Project	71 Leinster St, Northmead NSW 2154
Client	M. Emery Band
Date	19th July 2023
Scale	1:100 @ A3

DA10  
D



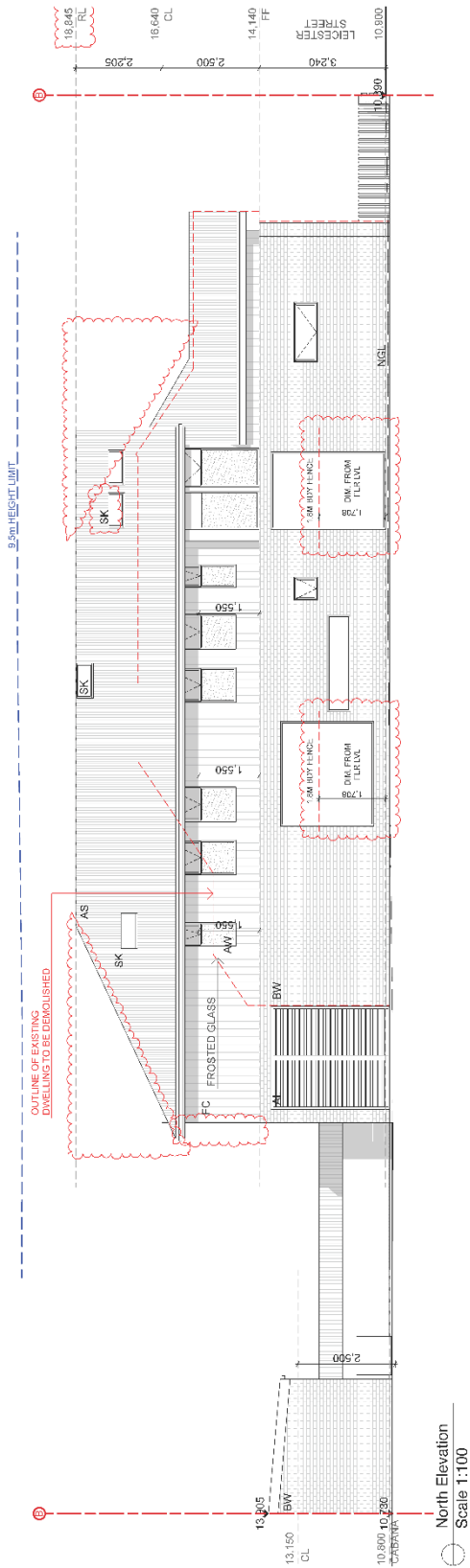


AS - ALUMINIUM ROOF SHEETING CT - CONCRETE ROOF TILE H1 - ROOF TILE BW - FACED BRICK WORK AP - ALUMI. CEMENT CR - CEMENT RENDER OC - OFF FORM CONCRETE AL - ALUMINIUM AC - ALUMINIUM CLADDING IC - IRON ROOF IN - IRON ROOF TC - TRAPEZOIDAL CORRUGATED BC - STONE CLADDING	AC - ALUMINIUM DOOR AW - ALUMINIUM WINDOW LD - IRON DOOR TW - IRON WINDOW FW - IRON WINDOW GR - GLASS FRAMED RA. ENTRANCE	Ⓜ - MECHANICAL VENTILATION Ⓜ - 3 MINS. ALARM Ⓜ - NEW WINDOW Ⓜ - NEW DOOR	<p>NOTE: THIS DRAWING IS FOR THE INFORMATION OF THE LOCAL PLANNING PANEL. THE LOCAL PLANNING PANEL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING. THE LOCAL PLANNING PANEL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING. THE LOCAL PLANNING PANEL IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING.</p> <p>DATE: 17-10-2022 ISSUE: 01-10-2022 DATE: 21-10-2022 ISSUE: 01-10-2022</p>	<p>Issue Description</p> <p>A - Development Application B - Council REI BMM1 C - Council REI D - Council REI</p>	<p>Title: West Elevation Elevation Project: 71 Leicester St, Northcote, VIC 3070 Client: M. Derry Band Date: 17-10-2022 Scale: 1:100 @ A3</p>
---	--	---	--	--	---

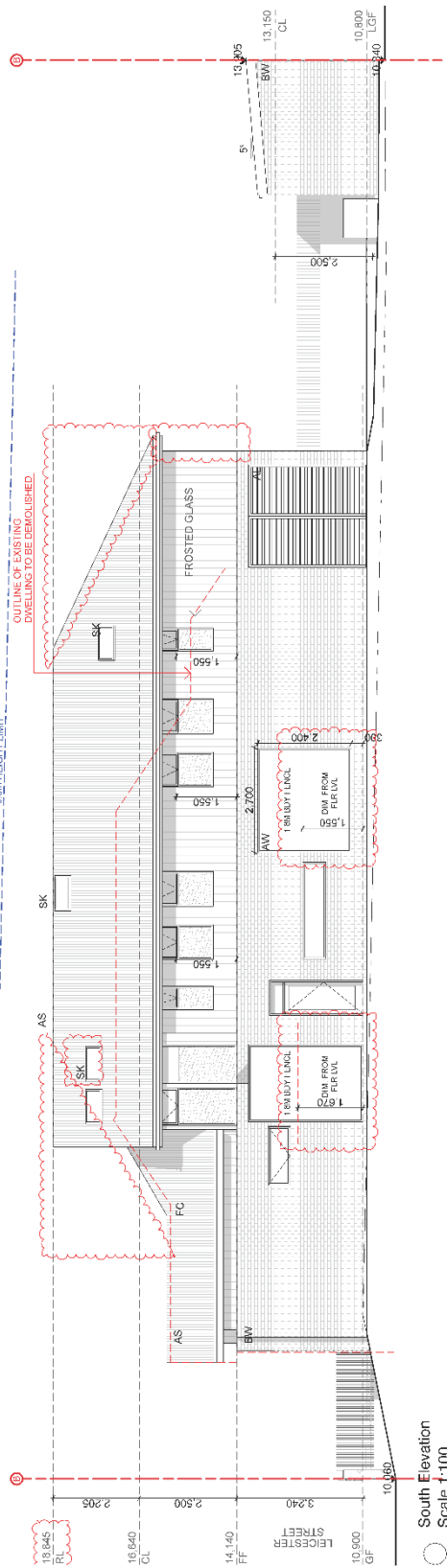


AS - ALUMINIUM ROOF SHEETING CT - CONCRETE ROOF TILE H1 - HOOK TILE BW - FACED BRICK WORK AP - ALUMI C/BANDER CR - CEMENT RENDER	DC - OFF FORM CONCRETE AL - ALUMINIUM AC - ALUMINIUM CLADDING E1 - E180 STEEL LIN T1 - T180 STEEL LIN T2 - T200 STEEL LIN T3 - T300 STEEL LIN T4 - T400 STEEL LIN T5 - T500 STEEL LIN T6 - T600 STEEL LIN T7 - T700 STEEL LIN T8 - T800 STEEL LIN T9 - T900 STEEL LIN T10 - T1000 STEEL LIN T11 - T1100 STEEL LIN T12 - T1200 STEEL LIN T13 - T1300 STEEL LIN T14 - T1400 STEEL LIN T15 - T1500 STEEL LIN T16 - T1600 STEEL LIN T17 - T1700 STEEL LIN T18 - T1800 STEEL LIN T19 - T1900 STEEL LIN T20 - T2000 STEEL LIN T21 - T2100 STEEL LIN T22 - T2200 STEEL LIN T23 - T2300 STEEL LIN T24 - T2400 STEEL LIN T25 - T2500 STEEL LIN T26 - T2600 STEEL LIN T27 - T2700 STEEL LIN T28 - T2800 STEEL LIN T29 - T2900 STEEL LIN T30 - T3000 STEEL LIN T31 - T3100 STEEL LIN T32 - T3200 STEEL LIN T33 - T3300 STEEL LIN T34 - T3400 STEEL LIN T35 - T3500 STEEL LIN T36 - T3600 STEEL LIN T37 - T3700 STEEL LIN T38 - T3800 STEEL LIN T39 - T3900 STEEL LIN T40 - T4000 STEEL LIN T41 - T4100 STEEL LIN T42 - T4200 STEEL LIN T43 - T4300 STEEL LIN T44 - T4400 STEEL LIN T45 - T4500 STEEL LIN T46 - T4600 STEEL LIN T47 - T4700 STEEL LIN T48 - T4800 STEEL LIN T49 - T4900 STEEL LIN T50 - T5000 STEEL LIN T51 - T5100 STEEL LIN T52 - T5200 STEEL LIN T53 - T5300 STEEL LIN T54 - T5400 STEEL LIN T55 - T5500 STEEL LIN T56 - T5600 STEEL LIN T57 - T5700 STEEL LIN T58 - T5800 STEEL LIN T59 - T5900 STEEL LIN T60 - T6000 STEEL LIN T61 - T6100 STEEL LIN T62 - T6200 STEEL LIN T63 - T6300 STEEL LIN T64 - T6400 STEEL LIN T65 - T6500 STEEL LIN T66 - T6600 STEEL LIN T67 - T6700 STEEL LIN T68 - T6800 STEEL LIN T69 - T6900 STEEL LIN T70 - T7000 STEEL LIN T71 - T7100 STEEL LIN T72 - T7200 STEEL LIN T73 - T7300 STEEL LIN T74 - T7400 STEEL LIN T75 - T7500 STEEL LIN T76 - T7600 STEEL LIN T77 - T7700 STEEL LIN T78 - T7800 STEEL LIN T79 - T7900 STEEL LIN T80 - T8000 STEEL LIN T81 - T8100 STEEL LIN T82 - T8200 STEEL LIN T83 - T8300 STEEL LIN T84 - T8400 STEEL LIN T85 - T8500 STEEL LIN T86 - T8600 STEEL LIN T87 - T8700 STEEL LIN T88 - T8800 STEEL LIN T89 - T8900 STEEL LIN T90 - T9000 STEEL LIN T91 - T9100 STEEL LIN T92 - T9200 STEEL LIN T93 - T9300 STEEL LIN T94 - T9400 STEEL LIN T95 - T9500 STEEL LIN T96 - T9600 STEEL LIN T97 - T9700 STEEL LIN T98 - T9800 STEEL LIN T99 - T9900 STEEL LIN T100 - T10000 STEEL LIN	AC - ALUMINIUM DOOR AW - ALUMINIUM WINDOW L1 - R180 L1 L2 - R180 L2 L3 - R180 L3 L4 - R180 L4 L5 - R180 L5 L6 - R180 L6 L7 - R180 L7 L8 - R180 L8 L9 - R180 L9 L10 - R180 L10 L11 - R180 L11 L12 - R180 L12 L13 - R180 L13 L14 - R180 L14 L15 - R180 L15 L16 - R180 L16 L17 - R180 L17 L18 - R180 L18 L19 - R180 L19 L20 - R180 L20 L21 - R180 L21 L22 - R180 L22 L23 - R180 L23 L24 - R180 L24 L25 - R180 L25 L26 - R180 L26 L27 - R180 L27 L28 - R180 L28 L29 - R180 L29 L30 - R180 L30 L31 - R180 L31 L32 - R180 L32 L33 - R180 L33 L34 - R180 L34 L35 - R180 L35 L36 - R180 L36 L37 - R180 L37 L38 - R180 L38 L39 - R180 L39 L40 - R180 L40 L41 - R180 L41 L42 - R180 L42 L43 - R180 L43 L44 - R180 L44 L45 - R180 L45 L46 - R180 L46 L47 - R180 L47 L48 - R180 L48 L49 - R180 L49 L50 - R180 L50 L51 - R180 L51 L52 - R180 L52 L53 - R180 L53 L54 - R180 L54 L55 - R180 L55 L56 - R180 L56 L57 - R180 L57 L58 - R180 L58 L59 - R180 L59 L60 - R180 L60 L61 - R180 L61 L62 - R180 L62 L63 - R180 L63 L64 - R180 L64 L65 - R180 L65 L66 - R180 L66 L67 - R180 L67 L68 - R180 L68 L69 - R180 L69 L70 - R180 L70 L71 - R180 L71 L72 - R180 L72 L73 - R180 L73 L74 - R180 L74 L75 - R180 L75 L76 - R180 L76 L77 - R180 L77 L78 - R180 L78 L79 - R180 L79 L80 - R180 L80 L81 - R180 L81 L82 - R180 L82 L83 - R180 L83 L84 - R180 L84 L85 - R180 L85 L86 - R180 L86 L87 - R180 L87 L88 - R180 L88 L89 - R180 L89 L90 - R180 L90 L91 - R180 L91 L92 - R180 L92 L93 - R180 L93 L94 - R180 L94 L95 - R180 L95 L96 - R180 L96 L97 - R180 L97 L98 - R180 L98 L99 - R180 L99 L100 - R180 L100	MECHANICAL VENTILATION 3 INCH ALUMI NEW WINDOW NEW DOOR GLASS FRAMED BA	Issue Description A - Updated Application B - Council EIT/BAFFI C - Council EIT D - Council EIT	Date 3 - 10 - 2022 18 - 10 - 2022 21 - 10 - 2022 15 - 10 - 2022	<p><b>BULL BUILT DESIGNS</b></p> <p>105/106/107/108/109/110/111/112/113/114/115/116/117/118/119/120/121/122/123/124/125/126/127/128/129/130/131/132/133/134/135/136/137/138/139/140/141/142/143/144/145/146/147/148/149/150/151/152/153/154/155/156/157/158/159/160/161/162/163/164/165/166/167/168/169/170/171/172/173/174/175/176/177/178/179/180/181/182/183/184/185/186/187/188/189/190/191/192/193/194/195/196/197/198/199/200/201/202/203/204/205/206/207/208/209/210/211/212/213/214/215/216/217/218/219/220/221/222/223/224/225/226/227/228/229/230/231/232/233/234/235/236/237/238/239/240/241/242/243/244/245/246/247/248/249/250/251/252/253/254/255/256/257/258/259/260/261/262/263/264/265/266/267/268/269/270/271/272/273/274/275/276/277/278/279/280/281/282/283/284/285/286/287/288/289/290/291/292/293/294/295/296/297/298/299/300/301/302/303/304/305/306/307/308/309/310/311/312/313/314/315/316/317/318/319/320/321/322/323/324/325/326/327/328/329/330/331/332/333/334/335/336/337/338/339/340/341/342/343/344/345/346/347/348/349/350/351/352/353/354/355/356/357/358/359/360/361/362/363/364/365/366/367/368/369/370/371/372/373/374/375/376/377/378/379/380/381/382/383/384/385/386/387/388/389/390/391/392/393/394/395/396/397/398/399/400/401/402/403/404/405/406/407/408/409/410/411/412/413/414/415/416/417/418/419/420/421/422/423/424/425/426/427/428/429/430/431/432/433/434/435/436/437/438/439/440/441/442/443/444/445/446/447/448/449/450/451/452/453/454/455/456/457/458/459/460/461/462/463/464/465/466/467/468/469/470/471/472/473/474/475/476/477/478/479/480/481/482/483/484/485/486/487/488/489/490/491/492/493/494/495/496/497/498/499/500/501/502/503/504/505/506/507/508/509/510/511/512/513/514/515/516/517/518/519/520/521/522/523/524/525/526/527/528/529/530/531/532/533/534/535/536/537/538/539/540/541/542/543/544/545/546/547/548/549/550/551/552/553/554/555/556/557/558/559/560/561/562/563/564/565/566/567/568/569/570/571/572/573/574/575/576/577/578/579/580/581/582/583/584/585/586/587/588/589/590/591/592/593/594/595/596/597/598/599/600/601/602/603/604/605/606/607/608/609/610/611/612/613/614/615/616/617/618/619/620/621/622/623/624/625/626/627/628/629/630/631/632/633/634/635/636/637/638/639/640/641/642/643/644/645/646/647/648/649/650/651/652/653/654/655/656/657/658/659/660/661/662/663/664/665/666/667/668/669/670/671/672/673/674/675/676/677/678/679/680/681/682/683/684/685/686/687/688/689/690/691/692/693/694/695/696/697/698/699/700/701/702/703/704/705/706/707/708/709/710/711/712/713/714/715/716/717/718/719/720/721/722/723/724/725/726/727/728/729/730/731/732/733/734/735/736/737/738/739/740/741/742/743/744/745/746/747/748/749/750/751/752/753/754/755/756/757/758/759/760/761/762/763/764/765/766/767/768/769/770/771/772/773/774/775/776/777/778/779/780/781/782/783/784/785/786/787/788/789/790/791/792/793/794/795/796/797/798/799/800/801/802/803/804/805/806/807/808/809/810/811/812/813/814/815/816/817/818/819/820/821/822/823/824/825/826/827/828/829/830/831/832/833/834/835/836/837/838/839/840/841/842/843/844/845/846/847/848/849/850/851/852/853/854/855/856/857/858/859/860/861/862/863/864/865/866/867/868/869/870/871/872/873/874/875/876/877/878/879/880/881/882/883/884/885/886/887/888/889/890/891/892/893/894/895/896/897/898/899/900/901/902/903/904/905/906/907/908/909/910/911/912/913/914/915/916/917/918/919/920/921/922/923/924/925/926/927/928/929/930/931/932/933/934/935/936/937/938/939/940/941/942/943/944/945/946/947/948/949/950/951/952/953/954/955/956/957/958/959/960/961/962/963/964/965/966/967/968/969/970/971/972/973/974/975/976/977/978/979/980/981/982/983/984/985/986/987/988/989/990/991/992/993/994/995/996/997/998/999/1000</p>	Title: East 8 Innovation Buildings Project: 7 Leichardt, Northcote, VIC 3064 Client: M. Sunny Beach Date: 19th June 2022 Scale: 1:100 @ A3
---	--	--	---	---	---	--	--

Document Set ID: 37948234  
Version: 1, Version Date: 01/08/2023



North Elevation  
Scale 1:100

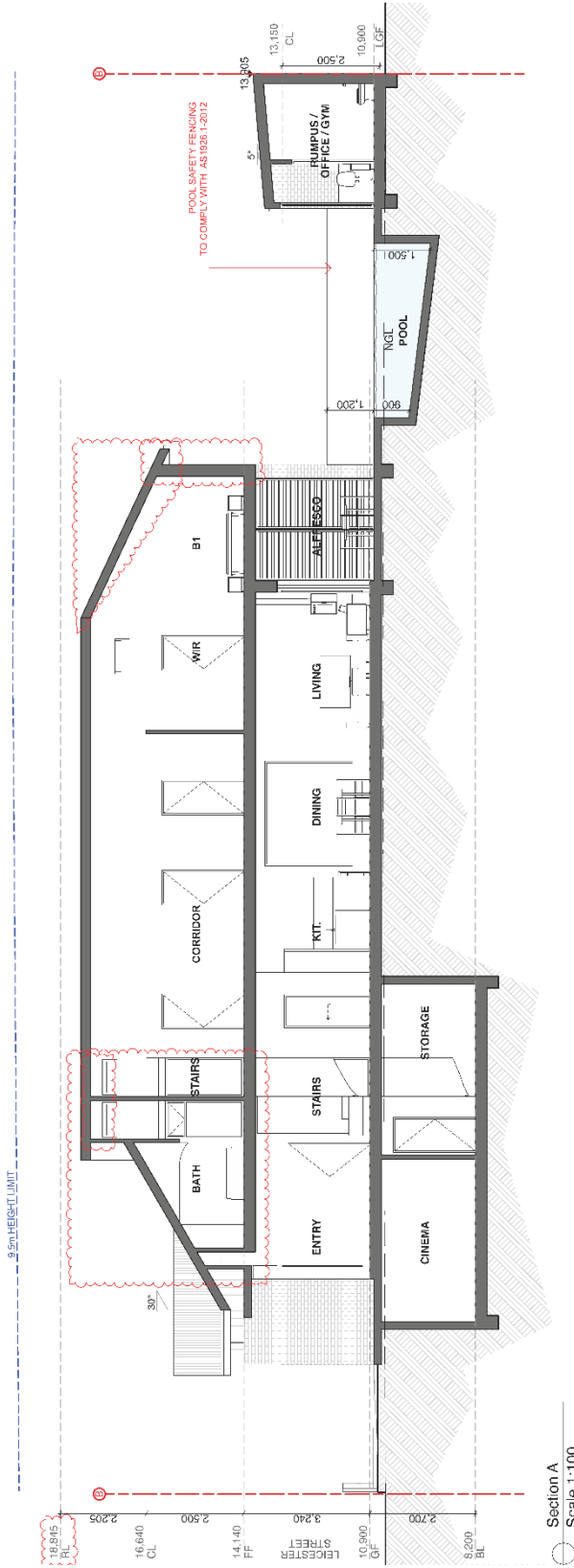


South Elevation  
Scale 1:100

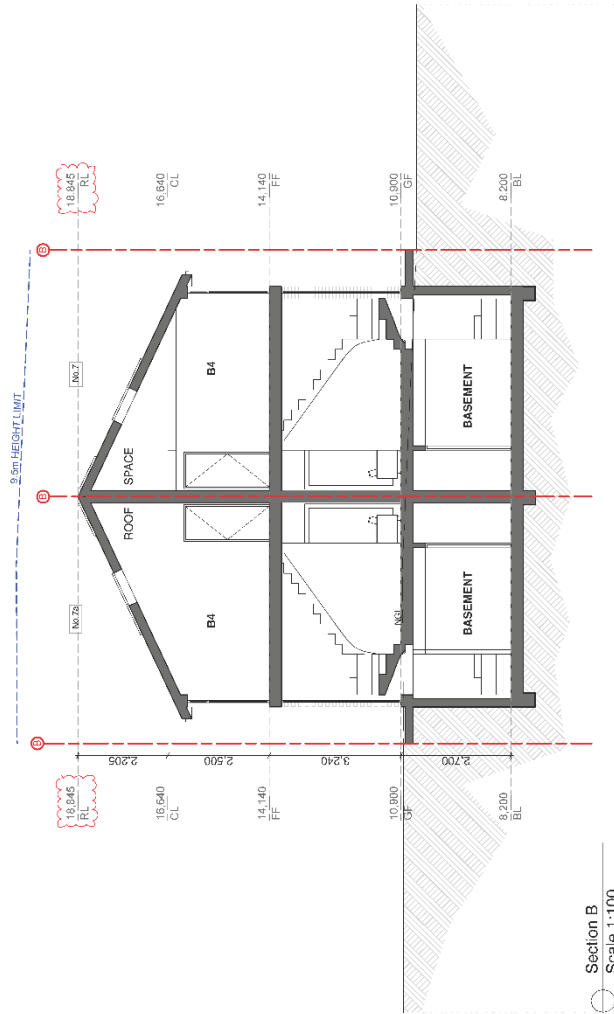
<p>AS - ALUMINIUM ROOF SHEETING                  CT - CONCRETE ROOF TILE                  H1 - HOCKEY FLE                  DW - FAC - BRICK WORK                  AP - ALUMI - CEILING                  CR - CEILING RENDER                  DC - OFF FORM CONCRETE                  AL - ALUMINIUM                  AC - ALUMINIUM CLADDING                  EC - EXHIBITION                  TC - TYPICAL JOINTS                  SC - STONE CLADDING</p>		<p>AC - ALUMINIUM DOOR                  AW - ALUMINIUM WINDOW                  D - DOUBLE GLAZED                  TW - THERMO BREAK WINDOW                  FW - FROSTED WINDOW                  GR - GLASS FRAMED RA. ENTRANCE</p>		<p>MECHANICAL VENTILATION                  3 - MOORE ALARM                  MW - MECHANICAL WINDOW                  MV - MECHANICAL VENTILATION                  GR - GLASS FRAMED RA. ENTRANCE</p>		<p>THIS DRAWING IS THE PROPERTY OF BULL BUILT DESIGNS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF BULL BUILT DESIGNS. ANY UNAUTHORIZED USE OF THIS DRAWING IS STRICTLY PROHIBITED AND WILL BE PROSECUTED TO THE FULL EXTENT OF THE LAW.</p>		<p>Issue Description                  A - Location of Application                  J - Council EOI BREF                  C - Council EOI                  D - Council EOI</p>		<p>Date                  31-10-2022                  05-05-2022                  21-03-2023                  15-05-2023</p>		<p>Title: North West Elevation                  Project: 7 Leicesters, North West, NSW 2104                  Client: M. Derry Band                  Date: 19th Jun 2023                  Scale: 1:100 @ A3</p>		<p>DA13                  D</p>	
---	--	---	--	---	--	--	--	---	--	---	--	--	--	------------------------------------	--

Document Set ID: 07948234  
Version: 1, Version Date: 01/08/2023






AS - ALUMINUM ROOF SHEETING CT - CONCRETE ROOF TILE H1 - HOCK TILE DW - FACI - BRICK WORK AP - MORTAR RENDER CR - GRENSEY RENDER	DC - OFF FORM CONCRETE AL - ALUMINIUM AC - ALUMINIUM CLADDING LC - LIME SOLAR TC - TERRAZZO JOINTS SC - STONE CLADDING	AC - ALUMINUM DOOR AW - ALUMINUM WINDOW D3 - REAR DOOR TW - REAR WINDOW FW - FRONT WINDOW GR - GLASS RANCHED RA. USTRANCE	⊕ - MECHANICAL VENTILATION ⊙ - 3 INCH ALARM ⊙ - MUY WINDOW ⊙ - MUY DOOR	Ⓜ - MECHANICAL VENTILATION Ⓜ - 3 INCH ALARM Ⓜ - MUY WINDOW Ⓜ - MUY DOOR	Issue Description A - Location of pool B - Outdoor R/O/G C - Outdoor R/O/G D - Outdoor R/O/G	Date 3/10/2022 16/03/2022 21/03/2022 15/05/2022	Title: Series A Project: 7 Leinster, Warrumbah NSW 2704 Client: M. Emery Band Date: 19th Jan 2022 Scale: 1:100 @ A3	DA14 <b>D</b>
---	---	--	--	--	--	---	---	------------------



Section B  
Scale 1:100

<p>AS - ALUMINUM ROOF SHEETING CT - CONCRETE ROOF TILE H1 - HOOK TIE BW - FACED BRICK WORK AP - ASPHALT CEMENT CR - CEMENT RENDER DC - OFF FORM CONCRETE AL - ALUMINUM AC - ALUMINUM CLADDING IC - INSULATION TC - TYPICAL JOISTS SC - STONE CLADDING</p>		<p>AC - ALUMINUM DOOR AW - ALUMINUM WINDOW LD - REAR DOOR TW - ALUMINUM WINDOW FW - FRONT WINDOW GR - GLASS FRAMED RAILSTRAP</p>		<p>MECHANICAL VENTILATION 3 - 3000 ALARM NEW WINDOW NEW DOOR NEW DOOR</p>		<p>THIS DRAWING IS THE PROPERTY OF BULL BUILT DESIGNS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF BULL BUILT DESIGNS. THE USER ACCEPTS FULL RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED AND FOR THE RESULTS OF ANY ACTION TAKEN BASED ON THIS DRAWING. THE USER RELEASES BULL BUILT DESIGNS FROM ALL LIABILITY FOR ANY LOSS OR DAMAGE, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THIS DRAWING.</p>		<p>Issue Description A - Location/Qualification J - Issues RFI/RFI C - Details RFI D - Details RFI</p>		<p>Date 3/10/2022 05/05/2022 21/03/2023 15/05/2023</p>		<p>Title: Series B Project: 7 Lachlan St, Northmead, NSW 2174 Client: M. Emery Band Date: 19th Jan 2023 Scale: 1:100 @ A3</p>		<p>DA15 <b>D</b></p>	
---	--	--	--	---	--	--	--	--	--	--	--	---	--	--------------------------	--



AS - ALUMINUM ROOF SHEETING	DC - OFF FORM CONCRETE	AC - ALUMINUM DOOR	ME - MECHANICAL VENTILATION	Issue Description	Date	 <p><b>BULLSEYE DESIGNS</b> 105 St. Georges Road, St. Georges, NSW 2250 Ph: 02 4320 2222 Fax: 02 4320 2223 www.bulleseyedesigns.com.au</p>	Title: <i>Proprietary</i>	DA16
CT - CONCRETE ROOF TILE	AL - ALUMINIUM	AW - ALUMINUM WINDOW	3 - 3 MOKE ALARM	A - Unchecked Application	3 - 10 - 2022		Project: 7 Lachlan St, Warrumbungle NSW 2704	
H1 - HOCKEY FLE	AC - ALUMINIUM CLADDING	LD - IRISH DOOR	ME - MECHANICAL VENTILATION	B - Checked Application	10 - 05 - 2022		Client: M. Derry Band	
HW - FACED BRICK WORK	LC - LIME SOLAR	TR - IRISH WINDOW	ME - MECHANICAL VENTILATION	C - Checked Application	21 - 03 - 2023		Date: 19th Jan 2023	
AP - ALUMINUM BANDS	TC - TYPICAL JOINTS	FW - FURTS WINDOW	ME - MECHANICAL VENTILATION	D - Checked Application	15 - 05 - 2023	Scale: NTS		
CR - CERAMIC BANDS	SC - STONE CLADDING	GR - GRASS PAVED RA. UTTERANCE						

Document Set ID: 57948234  
Version: 1, Version Date: 01/08/2023



First Floor - FC Cladding  
Boral Seyon Axon Smooth 133  
Dulux Colorbond - Monument



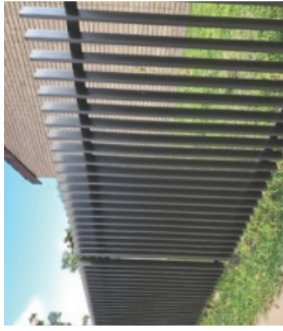
Main Building - External Walls  
Boral Brick - Bowral Blue



Fascia, Gutters & Down Pipes - Steel  
Dulux Colorbond - Monument



Corrugated Roof Sheeting  
Dulux Colorbond - Monument



Front Fence - Aluminium Blade  
Palisade 60mm x 10mm -  
Powder Coat Black Or Similar



Front Fence  
Off Form Concrete



Doors & Windows - Aluminium / Steel  
Powder Coat - Black

<p>AS - ALUMINIUM ROOF SHEETING CT - CONCRETE ROOF TILE H1 - HICKS FILE DW - FAC - BRICK WORK AP - ALUMI C/BANDS CR - CEMENT BINDER DC - OFF FORM CONCRETE AL - ALUMINIUM AC - ALUMINIUM CLADDING EC - EMBELEMEN TC - TEMPLER JOINTS SC - STONE CLADDING</p>		<p>AC - ALUMINIUM DOOR AW - ALUMINIUM WINDOW D - DOOR W - WINDOW FW - FURTHER WINDOW GR - GLASS PANELS IN LISTINGS</p>		<p>MECHANICAL VENTILATION 3 - MORE ALARM NEW WINDOW NEW DOOR</p>		<p>THIS DOCUMENT IS THE PROPERTY OF BUNTI DESIGNS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED. IT IS NOT TO BE REPRODUCED, COPIED, OR DISTRIBUTED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF BUNTI DESIGNS. THE USER AGREES TO HOLD BUNTI DESIGNS HARMLESS FROM ANY AND ALL CLAIMS, DAMAGES, LOSSES, AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING OUT OF OR RESULTING FROM THE USE OF THIS DOCUMENT. THE USER'S USE OF THIS DOCUMENT IS LIMITED TO THE PROJECT AND SITE SPECIFICALLY IDENTIFIED. THE USER'S USE OF THIS DOCUMENT IS LIMITED TO THE PROJECT AND SITE SPECIFICALLY IDENTIFIED.</p>		<p>Issue Description A - Unchecked/No action B - Checked/RETRACT C - Checked/RETRACT D - Checked/RETRACT</p>		<p>Date 3 - 10 - 2022 16 - 05 - 2022 21 - 03 - 2023 15 - 01 - 2023</p>		<p>Title: Merril Jerril &amp; Benji Project: 7 Lachlan St, Northmead, NSW 2154 Client: M. Jerril &amp; Benji Date: 19th Jan 2023 Scale: NTS</p>		<p>DA17 <b>D</b></p>	
--	--	--	--	--	--	--	--	--	--	--	--	---	--	--------------------------	--

Document Set ID: 37948234  
Version: 1, Version Date: 01/08/2023



Shadow Diagram - June 21st - 10:00

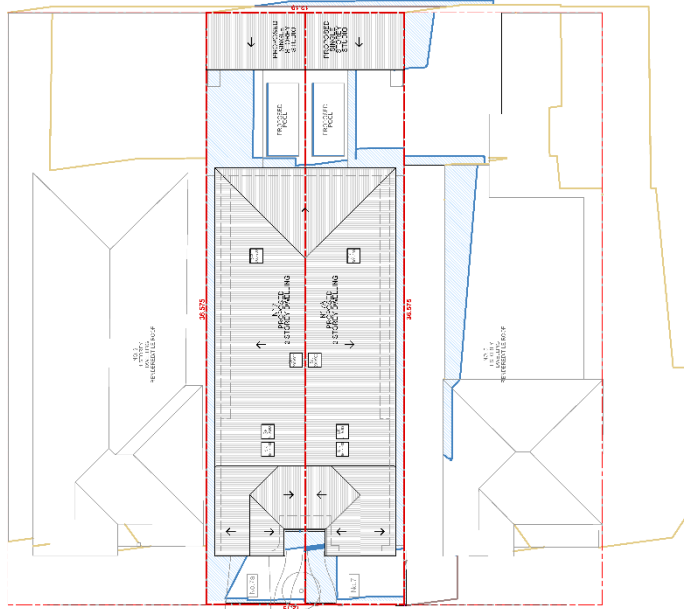


Shadow Diagram - June 21st - 09:00

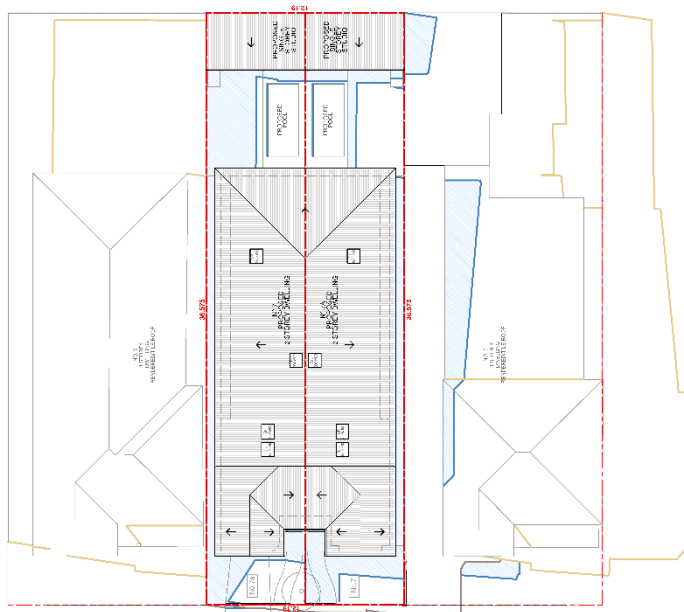


<p>AS - ALUMINIUM ROOF SHEETING                  CT - CONCRETE ROOF TILE                  H1 - HOCK TILE                  DW - FACED BRICK WORK                  AP - ALUMI CL BRICKER                  CR - GEMENT BRICKER</p>		<p>DC - OFF FORM CONCRETE                  AL - ALUMINIUM                  AC - ALUMINIUM CLADDING                  EC - EMBELED LIN                  TC - TRAPER CLAPPING                  SC - STONE CLAPPING</p>		<p>AC - ALUMINIUM DOOR                  AW - ALUMINIUM WINDOW                  LJ - REAR LOCH                  TW - IR ALU WINDOW                  FW - FRONT WINDOW                  GR - GLASS FRAMED RA. USTRATE</p>		<p>MECHANICAL VENTILATION                  3 - MOKE NAHM                  MW - WINDOW                  MW - WINDOW</p>		<p>ISSUE DESCRIPTION                  A - Development Application                  J - Council EOI BREF                  C - Council EOI                  D - Council EOI</p>		<p>DATE                  J - 10-2022                  16-05-2022                  21-03-2023                  15-05-2023</p>		<p>PROJECT INFORMATION                  Title: Shadow Diagram June 21st                  Project: 7 Leicesters, Northcote, VIC 3074                  Client: M. Emery-Baust                  Date: 19th June 2023                  Scale: 1:100 @ A3</p>	
---	--	---	--	---	--	--	--	---	--	--	--	--	--

Document Set ID: 37948234  
 Version: 1, Version Date: 01/08/2023



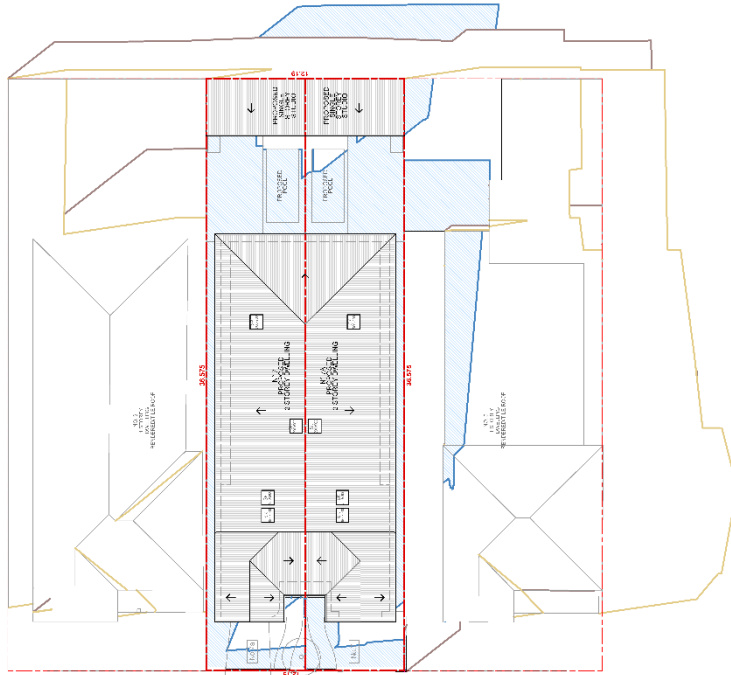
Shadow Diagram - June 21st - 12:00



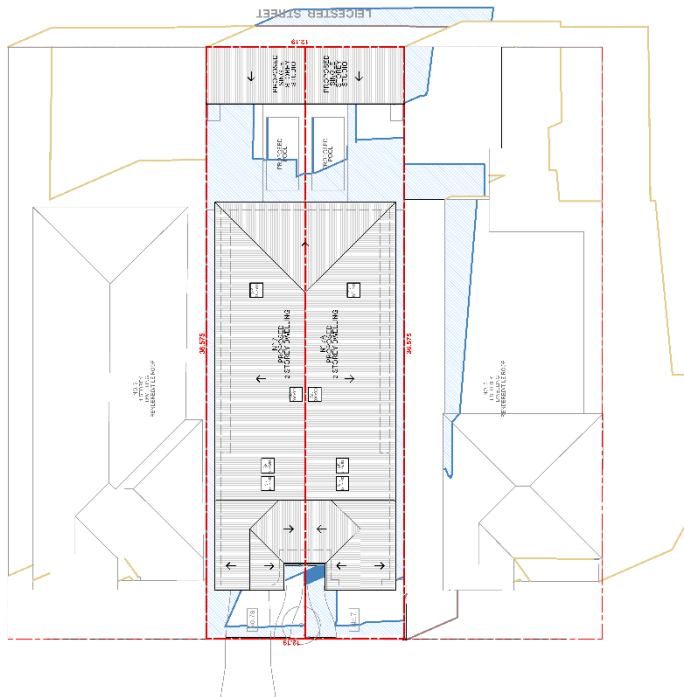
Shadow Diagram - June 21st - 11:00



<p>AS - ALUMINIUM ROOF SHEETING                  CT - CONCRETE ROOF TILE                  H1 - HOCK TILE                  BW - FACED BRICK WORK                  AP - ALUMI C/BINDER                  CR - CEMENT BINDER</p>		<p>DC - OFF FORM CONCRETE                  AL - ALUMINIUM                  AC - ALUMINIUM CLADDING                  EC - EMBELED LIN                  TC - TYPED 3 JOINS                  SC - STONE CLADDING</p>		<p>AC - ALUMINIUM DOOR                  AW - ALUMINIUM WINDOW                  LJ - REAR LOCH                  TW - IRON WINDOW                  FW - FURTS WINDOW                  GR - GLASS FRAMED RA. USTRATE</p>		<p>ME - MECHANICAL VENTILATION                  S3 - 3 INCH NAHM                  M2 - NEW WINDOW                  M1 - NEW DOOR</p>		<p>Issue Description                  A - Development Application                  J - Council E11 BAPF1                  C - Council E1                  D - Council E1</p>		<p>Date                  J - 10-2022                  16-05-2022                  21-03-2023                  15-05-2023</p>		<p>Title: Shadow Diagram June 21st                  Project: 7 Leicesters, Northcote, VIC 3070                  Client: M. Emery-Baust                  Date: 19th June 2023                  Scale: 1:100 @ A3</p>	
<p>DA19</p>				<p>NEIGHBOUR BUILDING SHADOWS                  EXISTING BUILDING SHADOWS                  PROPOSED ADDITIONAL SHADOW</p>		<p>Version: 1, Version Date: 01/08/2023                  Document Set ID: 37948234</p>		<p>DA19</p>		<p>D</p>			



Shadow Diagram - June 21st - 13:00



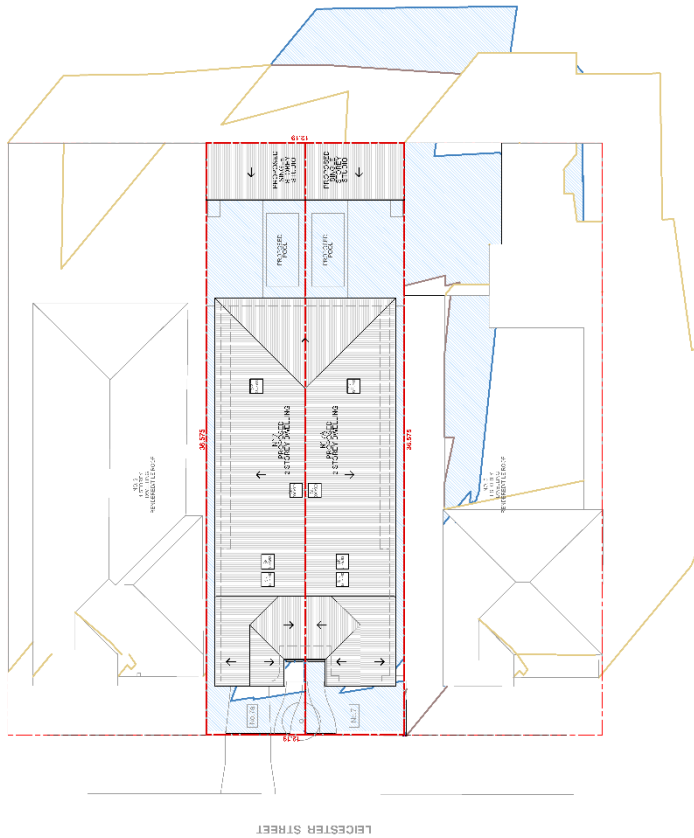
Shadow Diagram - June 21st - 14:00



<p>AS - ALUMINIUM ROOF SHEETING                  CT - CONCRETE ROOF TILE                  H1 - HOCK TILE                  BW - FACED BRICK WORK                  AP - ALUMI C/BINDER                  CR - CEMENT RENDER</p>		<p>DC - OFF FORM CONCRETE                  AL - ALUMINIUM                  AC - ALUMINIUM CLADDING                  EC - EMBELED LIN                  TC - TYPED JOINTS                  SC - STONE CLADDING</p>		<p>AC - ALUMINIUM DOOR                  AW - ALUMINIUM WINDOW                  LW - WOOD JOINT                  TW - WOOD WINDOW                  FW - FIBRE WINDOW                  GR - GLASS FRAMED RA. USTRATE</p>		<p>ME - MECHANICAL VENTILATION                  SM - 3 NOISE MARM                  MW - NEW WINDOW                  LW - NEW DOOR</p>		<p>Issue Description                  A - Development Application                  J - Council EOI BREF                  C - Council EOI                  D - Council EOI</p>		<p>Date                  J - 10-2022                  10-05-2022                  21-03-2023                  15-05-2023</p>		<p>Title: Shadow Diagram June 21st                  Project: 7 Leicester St, Northcote, VIC 3070                  Client: M. Emry-Baust                  Date: 19th June 2023                  Scale: 1:100 @ A3</p>	
--	--	--	--	--	--	---	--	---	--	--	--	--	--

Document Set ID: 37948234  
 Version: 1, Version Date: 01/08/2023



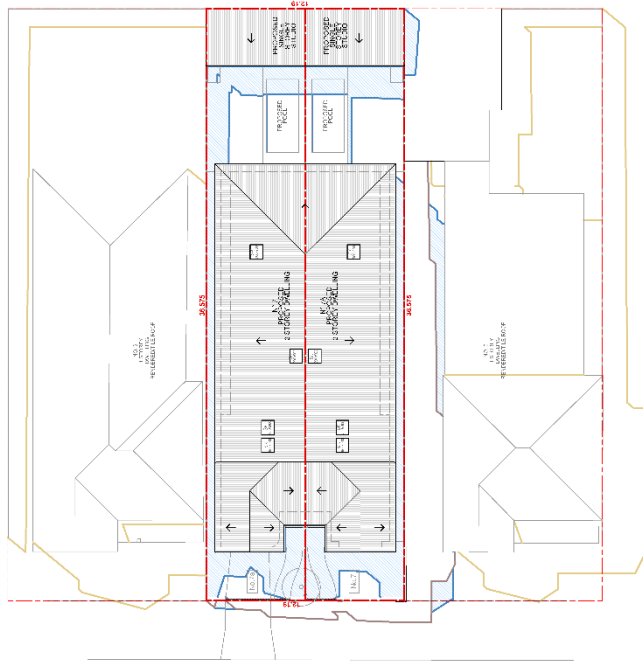


Shadow Diagram - June 21st - 15:00

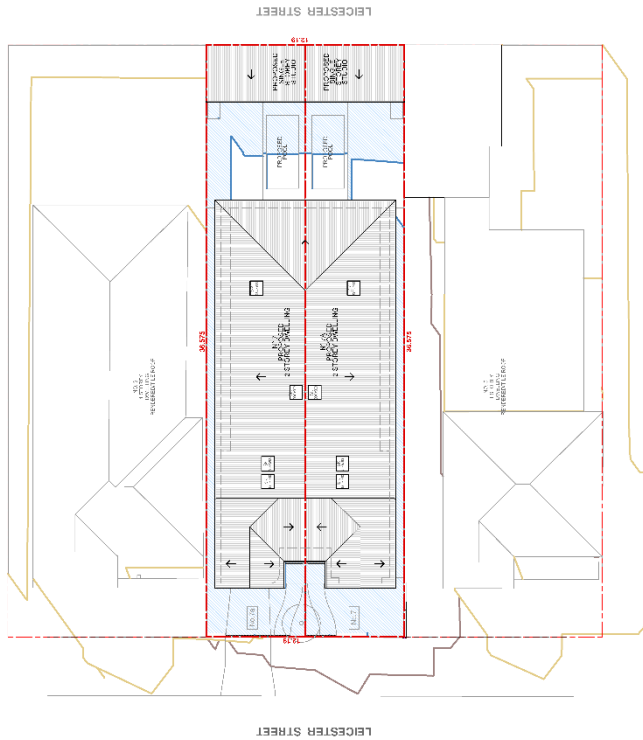


<p>AS - ALUMINIUM ROOF SHEETING                  CT - CONCRETE ROOF TILE                  H1 - HOOK TILE                  HW - FACED BRICK WORK                  AP - ALUMI CHIMNEY                  CR - CEMENT RENDER</p>	<p>DC - OFF FORM CONCRETE                  AL - ALUMINIUM                  AC - ALUMINIUM CLADDING                  EC - EXPOSED CONCRETE                  TC - TERRAZZO                  SC - STONE CLADDING</p>	<p>AC - ALUMINIUM DOOR                  AW - ALUMINIUM WINDOW                  LD - REAR LOCH                  TW - TWIN ALUMINIUM WINDOW                  FW - FRONT WINDOW                  GR - GLASS FRAMED RA. ENTRANCE</p>	<p>ME - MECHANICAL VENTILATION                  S3 - 3 SMOKE ALARM                  M1 - MECHANICAL EXHAUST FAN                  M2 - MECHANICAL EXHAUST FAN                  M3 - MECHANICAL EXHAUST FAN                  M4 - MECHANICAL EXHAUST FAN                  M5 - MECHANICAL EXHAUST FAN                  M6 - MECHANICAL EXHAUST FAN                  M7 - MECHANICAL EXHAUST FAN                  M8 - MECHANICAL EXHAUST FAN                  M9 - MECHANICAL EXHAUST FAN                  M10 - MECHANICAL EXHAUST FAN                  M11 - MECHANICAL EXHAUST FAN                  M12 - MECHANICAL EXHAUST FAN                  M13 - MECHANICAL EXHAUST FAN                  M14 - MECHANICAL EXHAUST FAN                  M15 - MECHANICAL EXHAUST FAN                  M16 - MECHANICAL EXHAUST FAN                  M17 - MECHANICAL EXHAUST FAN                  M18 - MECHANICAL EXHAUST FAN                  M19 - MECHANICAL EXHAUST FAN                  M20 - MECHANICAL EXHAUST FAN                  M21 - MECHANICAL EXHAUST FAN                  M22 - MECHANICAL EXHAUST FAN                  M23 - MECHANICAL EXHAUST FAN                  M24 - MECHANICAL EXHAUST FAN                  M25 - MECHANICAL EXHAUST FAN                  M26 - MECHANICAL EXHAUST FAN                  M27 - MECHANICAL EXHAUST FAN                  M28 - MECHANICAL EXHAUST FAN                  M29 - MECHANICAL EXHAUST FAN                  M30 - MECHANICAL EXHAUST FAN                  M31 - MECHANICAL EXHAUST FAN                  M32 - MECHANICAL EXHAUST FAN                  M33 - MECHANICAL EXHAUST FAN                  M34 - MECHANICAL EXHAUST FAN                  M35 - MECHANICAL EXHAUST FAN                  M36 - MECHANICAL EXHAUST FAN                  M37 - MECHANICAL EXHAUST FAN                  M38 - MECHANICAL EXHAUST FAN                  M39 - MECHANICAL EXHAUST FAN                  M40 - MECHANICAL EXHAUST FAN                  M41 - MECHANICAL EXHAUST FAN                  M42 - MECHANICAL EXHAUST FAN                  M43 - MECHANICAL EXHAUST FAN                  M44 - MECHANICAL EXHAUST FAN                  M45 - MECHANICAL EXHAUST FAN                  M46 - MECHANICAL EXHAUST FAN                  M47 - MECHANICAL EXHAUST FAN                  M48 - MECHANICAL EXHAUST FAN                  M49 - MECHANICAL EXHAUST FAN                  M50 - MECHANICAL EXHAUST FAN                  M51 - MECHANICAL EXHAUST FAN                  M52 - MECHANICAL EXHAUST FAN                  M53 - MECHANICAL EXHAUST FAN                  M54 - MECHANICAL EXHAUST FAN                  M55 - MECHANICAL EXHAUST FAN                  M56 - MECHANICAL EXHAUST FAN                  M57 - MECHANICAL EXHAUST FAN                  M58 - MECHANICAL EXHAUST FAN                  M59 - MECHANICAL EXHAUST FAN                  M60 - MECHANICAL EXHAUST FAN                  M61 - MECHANICAL EXHAUST FAN                  M62 - MECHANICAL EXHAUST FAN                  M63 - MECHANICAL EXHAUST FAN                  M64 - MECHANICAL EXHAUST FAN                  M65 - MECHANICAL EXHAUST FAN                  M66 - MECHANICAL EXHAUST FAN                  M67 - MECHANICAL EXHAUST FAN                  M68 - MECHANICAL EXHAUST FAN                  M69 - MECHANICAL EXHAUST FAN                  M70 - MECHANICAL EXHAUST FAN                  M71 - MECHANICAL EXHAUST FAN                  M72 - MECHANICAL EXHAUST FAN                  M73 - MECHANICAL EXHAUST FAN                  M74 - MECHANICAL EXHAUST FAN                  M75 - MECHANICAL EXHAUST FAN                  M76 - MECHANICAL EXHAUST FAN                  M77 - MECHANICAL EXHAUST FAN                  M78 - MECHANICAL EXHAUST FAN                  M79 - MECHANICAL EXHAUST FAN                  M80 - MECHANICAL EXHAUST FAN                  M81 - MECHANICAL EXHAUST FAN                  M82 - MECHANICAL EXHAUST FAN                  M83 - MECHANICAL EXHAUST FAN                  M84 - MECHANICAL EXHAUST FAN                  M85 - MECHANICAL EXHAUST FAN                  M86 - MECHANICAL EXHAUST FAN                  M87 - MECHANICAL EXHAUST FAN                  M88 - MECHANICAL EXHAUST FAN                  M89 - MECHANICAL EXHAUST FAN                  M90 - MECHANICAL EXHAUST FAN                  M91 - MECHANICAL EXHAUST FAN                  M92 - MECHANICAL EXHAUST FAN                  M93 - MECHANICAL EXHAUST FAN                  M94 - MECHANICAL EXHAUST FAN                  M95 - MECHANICAL EXHAUST FAN                  M96 - MECHANICAL EXHAUST FAN                  M97 - MECHANICAL EXHAUST FAN                  M98 - MECHANICAL EXHAUST FAN                  M99 - MECHANICAL EXHAUST FAN                  M100 - MECHANICAL EXHAUST FAN</p>	<p>Issue Description</p> <p>A - Development Application                  B - Council EOI BREF                  C - Council EOI                  D - Council EOI</p>	<p>Date</p> <p>3 - 10 - 2022                  16 - 05 - 2022                  21 - 03 - 2023                  15 - 05 - 2023</p>	<p>Title: Shadow Diagram June 21st                  Project: 7 Leicester St, Northmead NSW 2154                  Client: M. Emery &amp; Sons                  Date: 15th June 2023                  Scale: 1:100 @ A3</p>	<p>DA21                  D</p>
---	---	--	--	---	--	---	------------------------------------





Shadow Diagram - March/September 21st - 10:00

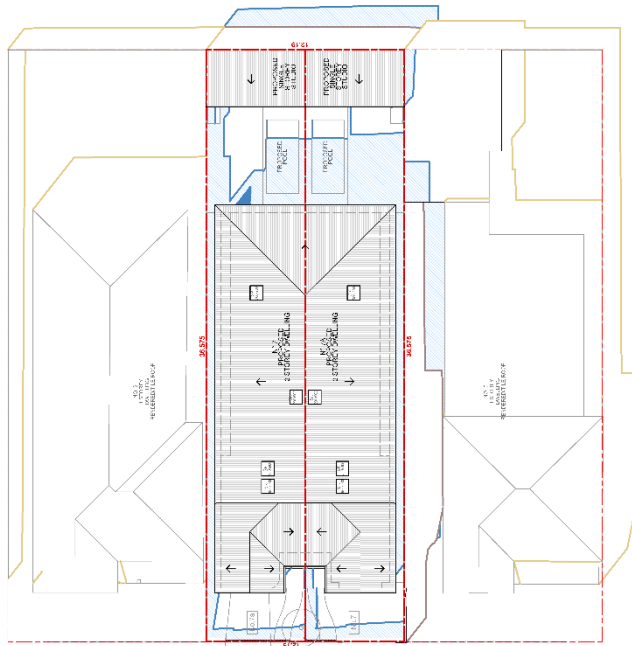


Shadow Diagram - March/September 21st - 09:00

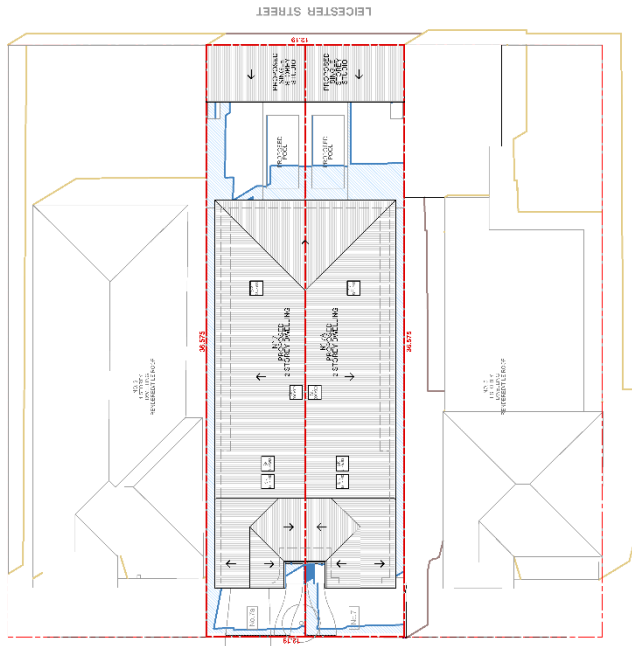


<p>AS - ALUMINUM ROOF SHEETING                  CT - CONCRETE ROOF TILE                  H1 - HOCK TILE                  HW - HAZEL BRICK WORK                  AP - ALUMINUM CLADDING                  CR - CEMENT RENDER</p>		<p>DC - OFF FORM CONCRETE                  AL - ALUMINUM                  AC - ALUMINUM CLADDING                  EC - EXTERIOR CLADDING                  TC - TYPICAL JOINTS                  SC - STONE CLADDING</p>		<p>AC - ALUMINUM DOOR                  AW - ALUMINUM WINDOW                  LJ - REAR LOCH                  TW - TYPICAL WINDOW                  FW - FRONT WINDOW                  GR - GLASS RAMPED BALUSTRADE</p>		<p>ME - MECHANICAL VENTILATION                  S - 3 INCH NAHM                  W - NEW WINDOW                  W - NEW WINDOW                  W - NEW WINDOW</p>		<p>Issue Description                  A - Development Application                  J - Council EOI/BAFFI                  C - Council EOI                  D - Council EOI</p>		<p>Date                  J - 10-2022                  16-05-2022                  21-03-2023                  15-01-2023</p>		<p>Title: Shadow Diagram for September 21st                  Project: 7 Leicester, Warrumbidgee NSW 2704                  Client: M. Perry Street                  Date: 19th Jan 2023                  Scale: 1:100 @ A3</p>	
<p>SHADOW DIAGRAM LEGEND                  NEIGHBOUR BUILDING SHADOWS                  EXISTING BUILDING SHADOWS                  PROPOSED ADDITIONAL SHADOW</p>		<p>Document Set ID: 37948234                  Version: 1, Version Date: 01/08/2023</p>		<p>Logo for BULL BUILT DESIGNS                  105 Sturt Street, Warrumbidgee NSW 2704                  Ph: 02 6342 1000                  Email: info@bullbuilt.com.au</p>		<p>DA22                  D</p>							

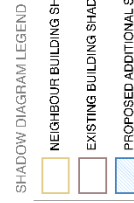




Shadow Diagram - March/September 21st - 14:00

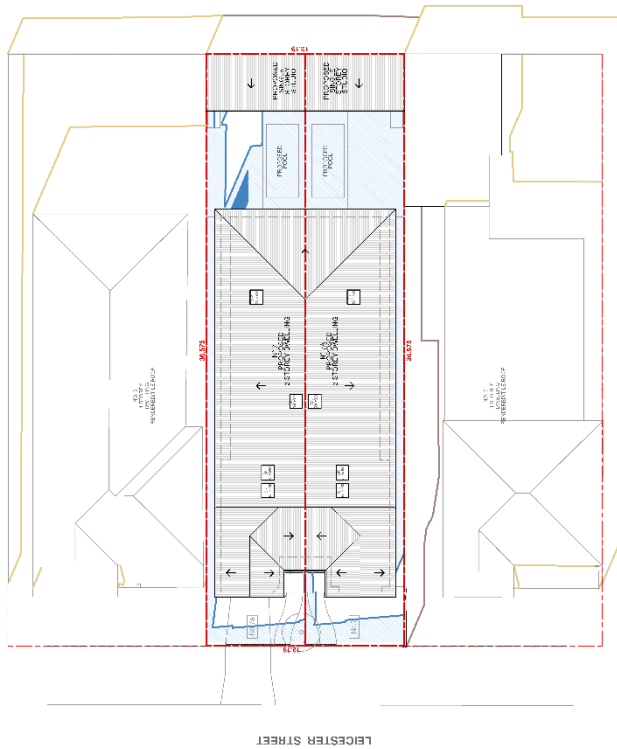


Shadow Diagram - March/September 21st - 13:00



<p>AS - ALUMINIUM ROOF SHEETING                  CT - CONCRETE ROOF TILE                  H1 - HOOK TILE                  BW - FACED BRICK WORK                  AP - ALUMI C/BINDER                  CR - CEMENT BINDER</p>		<p>DC - OFF FORM CONCRETE                  AL - ALUMINIUM                  AC - ALUMINIUM CLADDING                  EC - EMBEDED LIN                  TC - TYPICAL JOINTS                  SC - STONE CLADDING</p>		<p>AC - ALUMINIUM DOOR                  AW - ALUMINIUM WINDOW                  LJ - REAR LOCH                  TW - ALUM WINDOW                  FW - FRONT WINDOW                  GR - GLASS FRAMED RA. USTRATE</p>		<p>ME - MECHANICAL VENTILATION                  3 - 3 INCH NAHM                  MW - NEW WINDOW                  W - WOOD                  W - WOOD</p>		<p>Issue Description                  A - Development Application                  J - Council E11 BAMP1                  C - Council E11                  D - Council E11</p>		<p>Date                  J - 10-2022                  16-05-2022                  21-03-2023                  15-07-2023</p>		<p>Title: Shadow Diagram for September 21st                  Project: 7 Leicesters, Northcote, VIC 3070                  Client: M. Perry Band                  Date: 19th July 2023                  Scale: 1:100 @ A3</p>	
--	--	--	--	---	--	--	--	--	--	--	--	---	--

Document Set ID: 37948234  
 Version: 1, Version Date: 01/08/2023

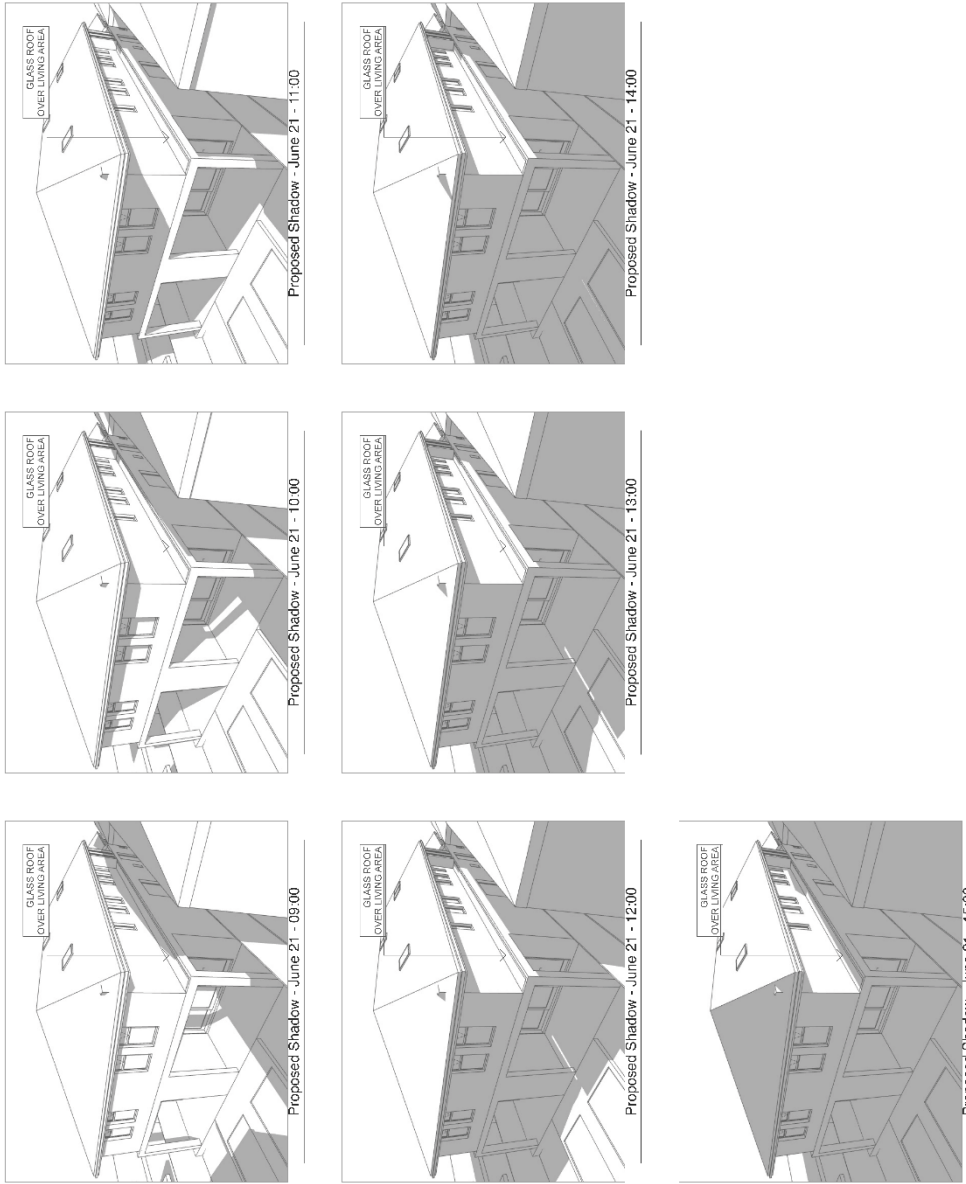


Shadow Diagram - March/September 21st - 15:00

- SHADOW DIAGRAM LEGEND
- NEIGHBOUR BUILDING SHADOWS
  - EXISTING BUILDING SHADOWS
  - PROPOSED ADDITIONAL SHADOW

		Title: Shadow Diagram March/September 21st Project: 7 Leicester St, Northmead, NSW 2154 Client: M. Emery Street Date: 19th June 2023 Scale: 1:100 @ A3	
DA05		D	
AS - ALUMINIUM ROOF SHEETING CT - CONCRETE ROOF TILE H1 - HICKS TILE HW - HAZEL BRICK WORK AP - ALUMI C/BANDER CR - CEMENT RENDER	DC - OFF FORM CONCRETE AL - ALUMINIUM AC - ALUMINIUM CLADDING EC - EXHIBITION TC - TYPICAL JOINTS SC - STONE CLADDING	AC - ALUMINIUM DOOR AW - ALUMINIUM WINDOW L3 - 16mm L3 TW - 16mm ALUMINIUM WINDOW TW - 16mm ALUMINIUM WINDOW TW - 16mm ALUMINIUM WINDOW GR - GLASS FRAMED RA. USTRANSE	MECHANICAL VENTILATION 3 - 3 INCH ALARM MW - MECHANICAL WINDOW MW - MECHANICAL WINDOW
Document Set ID: 37948234 Version: 1, Version Date: 01/08/2023		Issue Description A - Development Application B - Council EOI BREF C - Council EOI D - Council EOI	
Date 31-10-2022 08-05-2023 21-03-2023 15-05-2023		Date 15-05-2023	

N°7 LEICESTER ST - SOLAR ACCESS SHADOW DIAGRAM



<p>AS - ALUMINUM ROOF SHEETING                  CT - CONCRETE ROOF TILE                  H1 - HICKY TILE                  BW - FACED BRICK WORK                  AP - ALUMI C/BANDS                  CR - CEMENT RENDER</p>		<p>DC - OFF FORM CONCRETE                  AL - ALUMINIUM                  AC - ALUMINIUM CLADDING                  LC - LIGHT COLONY                  TC - TYPICAL JOISTS                  SC - STONE CLADDING</p>		<p>AC - ALUMINIUM DOOR                  AW - ALUMINIUM WINDOW                  LD - REAR LOCH                  TW - WALL WINDOW                  FW - FRONT WINDOW                  GR - GLASS FRAMED RAILSTAIR</p>		<p>MECHANICAL VENTILATION                  3 - MORE ALARM                  V - VENT WINDOW                  V - VENT DOOR</p>		<p>ISSUE DESCRIPTION                  A - Update to calculation                  J - Update RFI BMMF1                  C - Update RFI                  D - Update RFI</p>		<p>DATE                  J - 10-2022                  10-03-2022                  21-03-2023                  15-07-2023</p>		<p>CLIENT: M. Derry Band                  DATE: 19th June 2023                  SCALE: NTS</p>	
<p>Project: 7 Leicester St, Northmead NSW 2154                  Client: M. Derry Band                  Date: 19th June 2023                  Scale: NTS</p>		<p>Issue: 4                  Description: Update to calculation                  Date: 10-03-2022</p>		<p>Issue: 5                  Description: Update to calculation                  Date: 21-03-2023</p>		<p>Issue: 6                  Description: Update to calculation                  Date: 15-07-2023</p>		<p>Issue: 7                  Description: Update to calculation                  Date: 15-07-2023</p>		<p>Issue: 8                  Description: Update to calculation                  Date: 15-07-2023</p>			

Document Set ID: 37948234  
 Version: 1, Version Date: 01/08/2023

N7A LEICESTER ST - SOLAR ACCESS SHADOW DIAGRAM



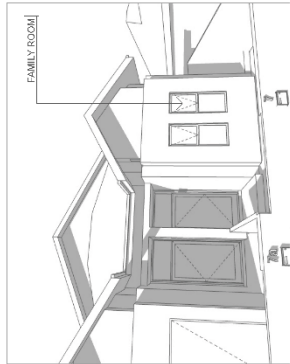
Proposed Shadow - June 21 - 09:00



Proposed Shadow - June 21 - 11:00



Proposed Shadow - June 21 - 09:00



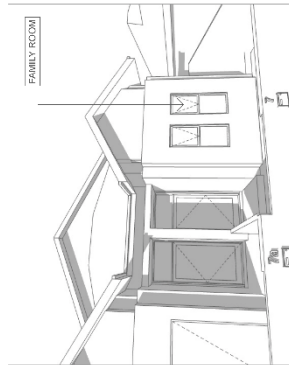
Proposed Shadow - June 21 - 14:00



Proposed Shadow - June 21 - 13:00



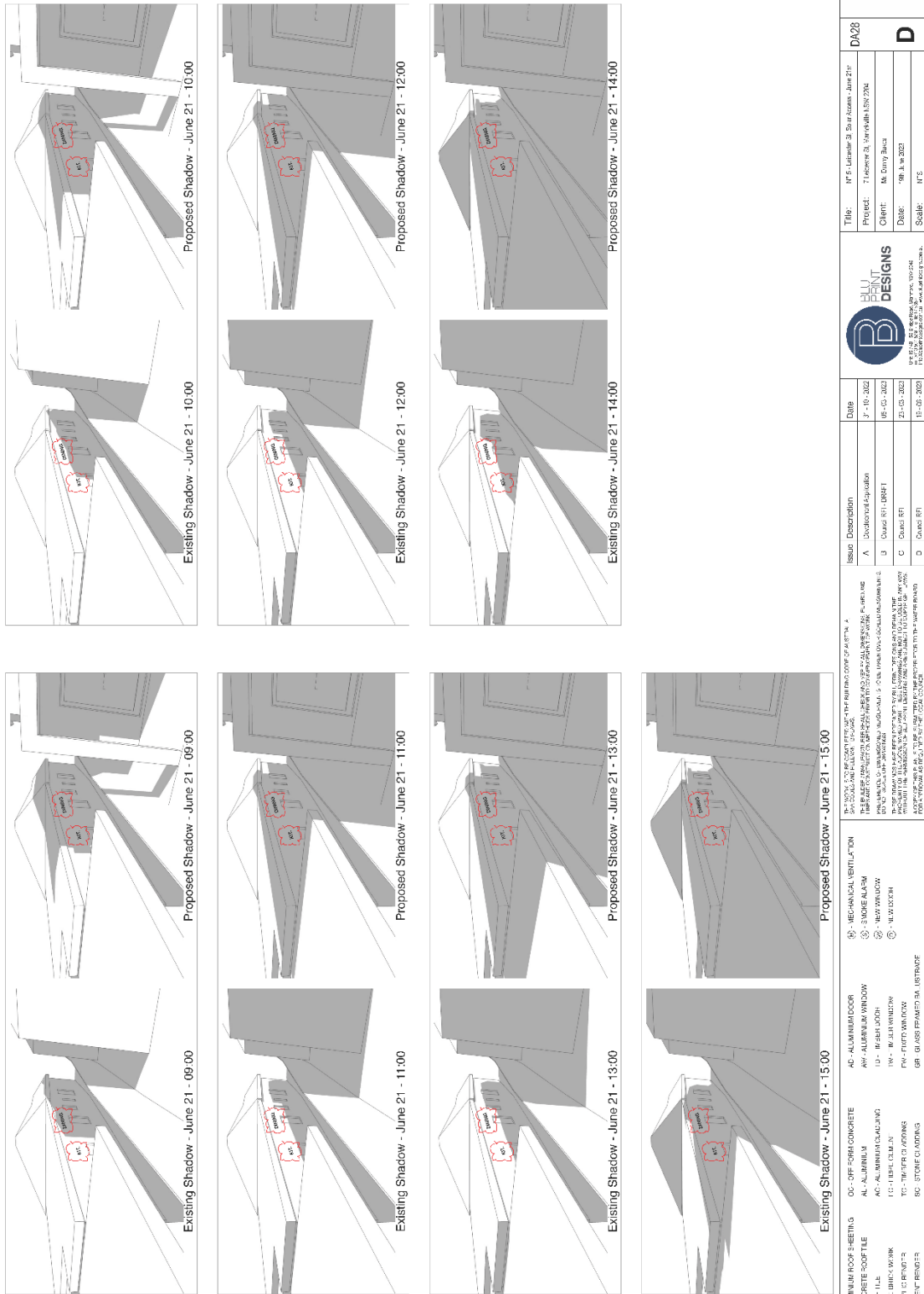
Proposed Shadow - June 21 - 12:00



Proposed Shadow - June 21 - 15:00

<p>AS - ALUMINUM ROOF SHEETING                  CT - CONCRETE ROOF TILE                  H1 - HICKY TILE                  HW - HAZEL BRICK WORK                  AP - ALUMINUM CLADDING                  CR - CERAMIC TILES                  DC - OFF FORM CONCRETE                  AL - ALUMINUM                  AC - ALUMINUM CLADDING                  EC - EXTERIOR CLADDING                  TC - TERRAZZO                  ST - STONE CLADDING</p>		<p>AC - ALUMINUM DOOR                  AW - ALUMINUM WINDOW                  LW - LAMINATE WINDOW                  TW - THERMO WINDOW                  FW - FIBRE WINDOW                  GR - GRASS PANELED GLASS</p>		<p>MECHANICAL VENTILATION                  3 - MORE ALARM                  2 - NEW WINDOW                  1 - NEW DOOR</p>		<p>Issue Description                  A - Unobstructed sky view                  B - Unobstructed sky view                  C - Unobstructed sky view                  D - Unobstructed sky view</p>		<p>Date                  31-10-2022                  05-05-2023                  21-03-2023                  15-05-2023</p>		<p>Title: N7A Leicester St, Star Access                  Project: 7 Leicester St, Northcote, VIC 3070                  Client: M. Derry Band                  Date: 19th Jun 2022                  Scale: NTS</p>		<p>DA27                  D</p>	
--	--	--	--	---	--	--	--	---	--	---	--	------------------------------------	--

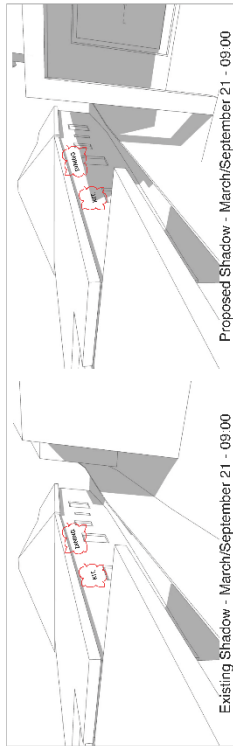
N<sup>5</sup> LEICESTER ST - SOLAR ACCESS SHADOW DIAGRAM - JUNE 21st



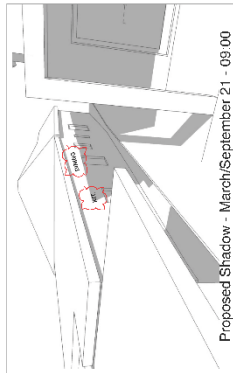
<p>AS - ALUMINUM ROOF SHEETING                  CT - CONCRETE ROOF TILE                  H1 - HOCKEY FLE                  BW - FACED BRICK WORK                  AP - ALUMI CL BRICKS                  CR - CEMENT RENDER</p>		<p>DC - OFF FORM CONCRETE                  AL - ALUMINIUM                  AC - ALUMINIUM CLADDING                  EC - EXPOSED CONCRETE                  TC - TYPICAL JOINTS                  SC - STONE CLADDING</p>		<p>AC - ALUMINIUM DOOR                  AW - ALUMINIUM WINDOW                  LD - REAR LOCH                  TW - TALL WINDOW                  FW - FRONT WINDOW                  GR - GLASS RAMPED BALUSTRADE</p>		<p>MECHANICAL VENTILATION                  3 - 3 INCH ALUMI                  MV - MECHANICAL VENTILATION                  MV - MECHANICAL VENTILATION</p>		<p>NOTES:                  1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.                  2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.                  3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.                  4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.</p>		<p>Issue Description                  A - Development Application                  B - Council EOI/BAFFI                  C - Council EOI                  D - Council EOI</p>		<p>Date                  17-10-2022                  18-10-2022                  21-10-2022                  15-10-2022</p>		<p>Title: N<sup>5</sup> Leicester St, Darlington, June 21<sup>st</sup>                  Project: 71 Leicester St, Darlington, NSW 2104                  Client: M. Perry Street                  Date: 19th June 2022                  Scale: NTS</p>		<p>DA28                  D</p>	
---	--	---	--	--	--	---	--	---	--	--	--	---	--	---	--	------------------------------------	--



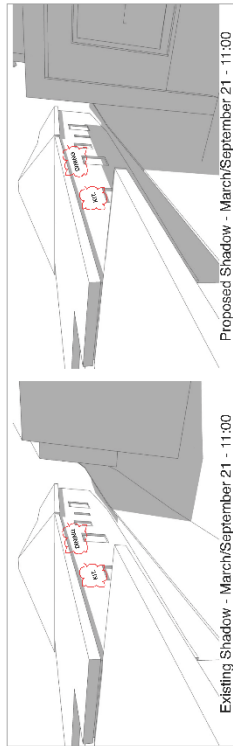
N<sup>5</sup> LEICESTER ST - SOLAR ACCESS SHADOW DIAGRAM - MARCH/SEPTEMBER 21st



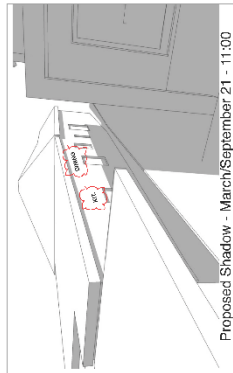
Existing Shadow - March/September 21 - 09:00



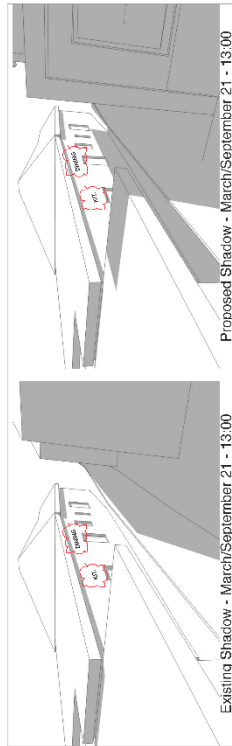
Proposed Shadow - March/September 21 - 09:00



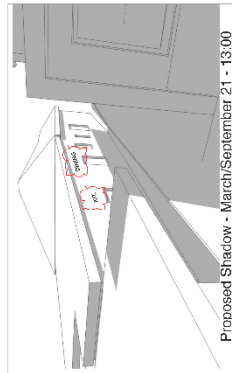
Existing Shadow - March/September 21 - 11:00



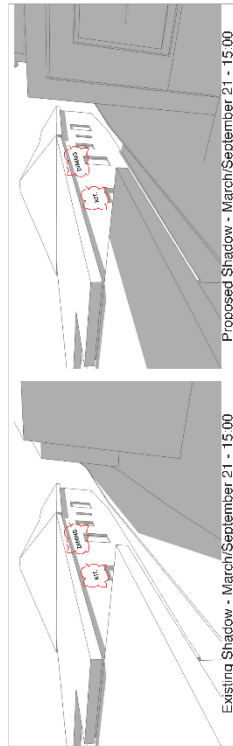
Proposed Shadow - March/September 21 - 11:00



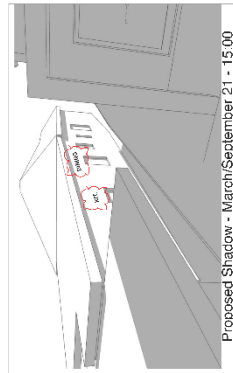
Existing Shadow - March/September 21 - 13:00



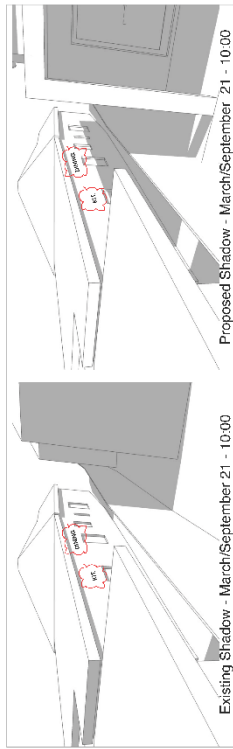
Proposed Shadow - March/September 21 - 13:00



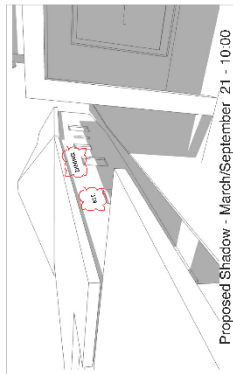
Existing Shadow - March/September 21 - 15:00



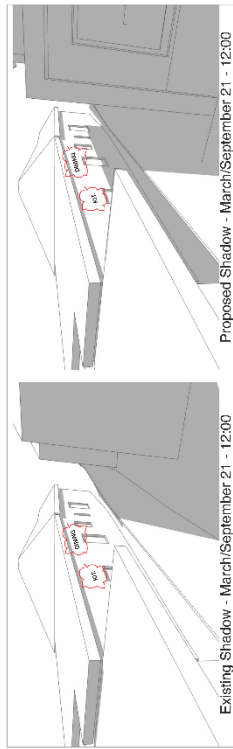
Proposed Shadow - March/September 21 - 15:00



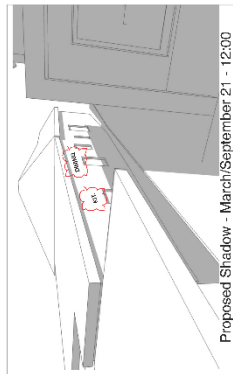
Existing Shadow - March/September 21 - 10:00



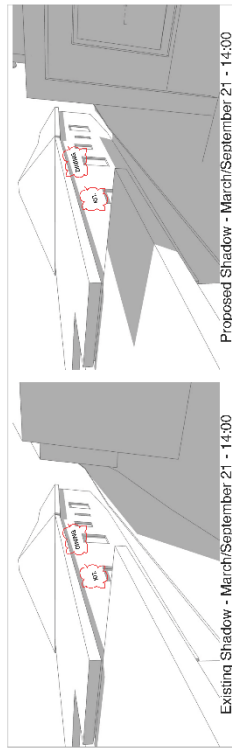
Proposed Shadow - March/September 21 - 10:00



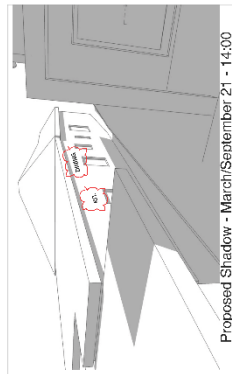
Existing Shadow - March/September 21 - 12:00



Proposed Shadow - March/September 21 - 12:00



Existing Shadow - March/September 21 - 14:00



Proposed Shadow - March/September 21 - 14:00

AS - ALUMINUM ROOF SHEETING CT - CONCRETE ROOF TILE H1 - HOCKEY FIELD DW - FACED BRICK WORK AP - ALUMINUM CLADDING CR - CERAMIC TILES	DC - OFF FORM CONCRETE AL - ALUMINUM AC - ALUMINUM CLADDING EC - EXTERIOR CLADDING TC - TYPICAL JOISTS SC - STONE CLADDING	AC - ALUMINUM DOOR AW - ALUMINUM WINDOW LD - REAR LOCH TW - TYPICAL WINDOW FW - FRONT WINDOW GR - GLASS FRAMED BALUSTRADE	MECHANICAL VENTILATION 3 - 3 INCH ALUMINUM WV - WINDOW WV - WINDOW	<p>THIS DRAWING IS THE PROPERTY OF BULL BUILT DESIGNS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF BULL BUILT DESIGNS. ANY UNAUTHORIZED USE OF THIS DRAWING IS STRICTLY PROHIBITED.</p>	<p>Issue Description</p> <p>A - Development Application B - Council EOI/DA/RFI C - Council EOI D - Council EOI</p>	<p>Date</p> <p>3/10/2022 16/05/2022 21/03/2023 15/07/2023</p>	<p>Title: N<sup>5</sup> Leicester St, Solar Access, March</p> <p>Project: 7 Leicester St, Northmead, NSW 2154</p> <p>Client: M. Perry Band</p> <p>Date: 19/10/2022</p> <p>Scale: NTS</p>	<p>DA03</p> <p><b>D</b></p>
--	---	--	---	---	--	---	--	-----------------------------

Document Set ID: 37948234  
Version: 1, Version Date: 01/08/2023





Attachment C- Section 4.6 Exception to Development Standards

---

CLAUSE 4.6  
VARIATION REQUEST

---

VARIATION TO FLOOR SPACE RATIO DEVELOPMENT STANDARD

7 LEICESTER STREET, MARRICKVILLE



Document Set ID: 37948229  
Version: 1, Version Date: 01/08/2023



PLANZONE

**ABN:** 30 605 941 482  
**Phone:** 1300 823 059  
**Email:** info@planzone.com.au  
**Web:** planzone.com.au  
**Post:** PO Box 3, Liverpool NSW 1871

**QA Record:**

**Doc ID:** CL4.6.220536.AH.AH  
**Version:** 1.0  
**Issue Date:** 16 June 2023

**Disclaimer:**

While every reasonable effort has been made to ensure that this document is correct at the time of publication, PLANZONE Pty Ltd, its subsidiaries, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

**© Copyright**

This document and any attachments referenced herein remain the property of PLANZONE Pty Ltd. Copying, editing, reproducing, disseminating or redistributing this document is not permitted without the prior consent of PLANZONE Pty Ltd.



Planning  
Institute  
Australia



**TABLE OF CONTENTS**

	PAGE
<b>1 INTRODUCTION</b>	<b>1</b>
<b>2 REVIEW OF CASE LAW</b>	<b>3</b>
2.1 WEHBE V PITTWATER COUNCIL [2007] NSW LEC 827	3
2.2 RANDWICK CITY COUNCIL V MICAUL HOLDINGS PTY LTD [2016] NSWLEC 7	3
<b>3 SITE &amp; PLANNING CONTEXT</b>	<b>4</b>
<b>4 CLAUSE 4.6 VARIATION REQUEST &amp; ASSESSMENT</b>	<b>6</b>
4.1 CLAUSE 4.6(3)(A)	7
4.2 CLAUSE 4.6(3)(B)	9
4.3 CLAUSE 4.6(4)(A)(I)	10
4.4 CLAUSE 4.6(4)(A)(II)	10
4.5 CLAUSE 4.6(4)(B)	11
4.6 CLAUSE 4.6(5)	11
4.7 CLAUSE 4.6(6)	11
4.8 CLAUSE 4.6(7)	11
4.9 CLAUSE 4.6(8)	11
<b>5 CONCLUSION</b>	<b>11</b>

**FIGURES**

	PAGE
FIGURE 1: BASEMENT FLOOR PLAN	2
FIGURE 2: GROUND FLOOR PLAN	2
FIGURE 3: FIRST FLOOR PLAN	2
FIGURE 4: LOCATION MAP	4
FIGURE 5: AERIAL MAP	5
FIGURE 6: VIEW OF THE SITE FROM LEICESTER STREET	5



## 1 INTRODUCTION

This Clause 4.6 Variation Request has been prepared to accompany the Development Application (DA) to Inner West Council seeking consent for demolition of all existing structures, removal of trees, subdivision of the existing lot into 2 Torrens Titled lots and construction of two 2-storey semi-detached dwellings above basement levels with detached outbuilding at the rear of each lot with associated landscaping and stormwater works at 7 Leicester Street, Marrickville.

The Clause 4.6 Variation Request relates to the Floor Space Ratio (FSR) principal development standard prescribed under Clause 4.4(2C) of the *Inner West Local Environmental Plan 2022* (the LEP), which states that:

“ *The maximum floor space ratio for development for the purposes of attached dwellings, bed and breakfast accommodation, dwelling houses and semi-detached dwellings on land identified as “F” on the Floor Space Ratio Map is specified in the Table to this subclause.*

Site area	Maximum floor space ratio
≤ 150m <sup>2</sup>	1.1:1
> 150 ≤ 200m <sup>2</sup>	1:1
> 200 ≤ 250m <sup>2</sup>	0.9:1
> 250 ≤ 300m <sup>2</sup>	0.8:1
> 300 ≤ 350m <sup>2</sup>	0.7:1
> 350m <sup>2</sup>	0.6:1

”

Based on the proposed lot sizes of 222.9m<sup>2</sup> per lot, a maximum floor space ratio of 0.9:1 is prescribed for development on the site.

The application proposes a 2 storey semi-detached dwelling development with both dwellings comprising basement levels that comprise habitable floor space, and accordingly result in the following proposed gross floor area and floor space ratio:

	NO. 7	NO. 7A
SITE AREA:	222.9m <sup>2</sup>	222.9m <sup>2</sup>
GROSS FLOOR AREA:	225.7m <sup>2</sup>	196.6m <sup>2</sup>
FLOOR SPACE RATIO:	1.01:1	0.88:1

TABLE 1: DEVELOPMENT AND BUILT FORM SNAPSHOT

The proposal departs from the development standard by 12.5% for proposed Lot 7, this is a direct result of the below ground basement levels and a consequence of these levels containing habitable floor area that is not excluded from the calculation of **gross floor area** as defined in the *Inner West Local Environmental Plan 2022* dictionary. The proposed floor plans accompanying the application for the development are partly reproduced below:

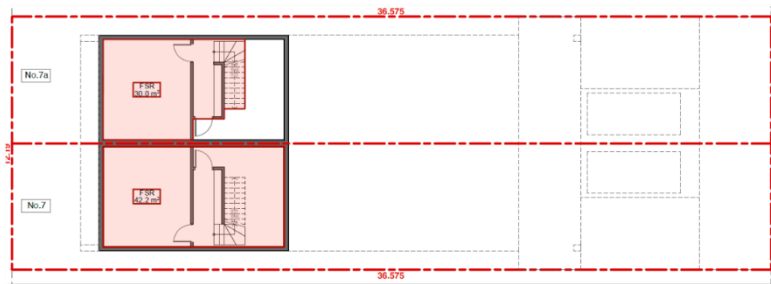


FIGURE 1: BASEMENT FLOOR PLAN



FIGURE 2: GROUND FLOOR PLAN

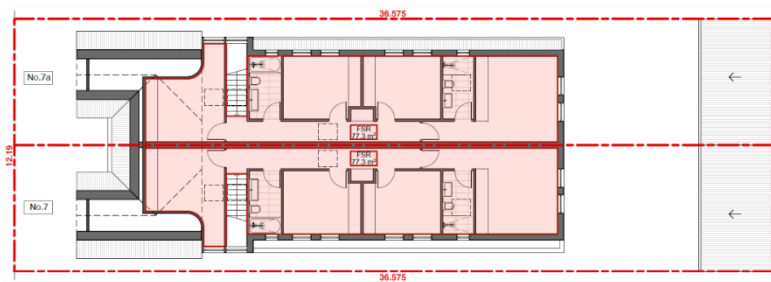


FIGURE 3: FIRST FLOOR PLAN

Pursuant to Clause 4.6 in the LEP, justification for the contravention of the FSR development standard is provided within this Clause 4.6 Variation Request. This request has been prepared having regard to the matters for consideration prescribed in Clause 4.6 in the LEP, noting that Clause 4.4 in the LEP is not excluded from consideration under Clause 4.6(8) in the LEP. The variation request has also been prepared having regard to the findings and decisions in various case law including:

- ▶ *Wehbe v Pittwater Council* [2007] NSW LEC 827;
- ▶ *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009;
- ▶ *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7;
- ▶ *Initial Action v Woollahra Municipal Council* [2018] NSWLEC 118;
- ▶ *Brigham v Canterbury-Bankstown Council* [2018] NSWLEC 1406;
- ▶ *Turland v Wingerarribee Shire Council* [2018] NSWLEC 1511; and
- ▶ *Rebel MH Neutral Bay Pty Ltd v North Sydney Council* [2019] NSWCA 130.

CLAUSE 4.6 VARIATION REQUEST  
 VARIATION TO FLOOR SPACE RATIO DEVELOPMENT STANDARD  
 7 LEICESTER STREET, MARRICKVILLE





This Clause 4.6 Variation Request meets the objectives of Clause 4.6(1) in the LEP:

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

and demonstrates for the purpose of Clause 4.6(3) in the LEP:

- “ (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. ”

## 2 REVIEW OF CASE LAW

The main principles adopted by the Land and Environment Court of NSW (L&EC) in considering Clause 4.6 variation requests to development standards have been established in the proceedings of *Wehbe v Pittwater Council* [2007] NSW LEC 827 and *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7. The relevant principles of those proceedings are as follows:

### 2.1 WEHBE V PITTWATER COUNCIL [2007] NSW LEC 827

In these proceedings, Justice Preston set out the following five ways in which compliance with a development standard could be established as being unreasonable or unnecessary:

1. Are the objectives of the development standard achieved notwithstanding non-compliance with the standard;
2. Is the underlying objective or purpose not relevant to the development with the consequence that compliance is unnecessary;
3. Would the underlying objective or purpose be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;
4. Has the development standard been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard; or
5. Is "the zoning of particular land" "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land".

### 2.2 RANDWICK CITY COUNCIL V MICAUL HOLDINGS PTY LTD [2016] NSWLEC 7

In these proceedings, Preston CJ approved the following four stage test to ensure that the Court was satisfied that the variation request should be granted:

1. That compliance with the development standard must be unreasonable or unnecessary in the circumstances of the case;
2. That there are sufficient environmental planning grounds to justify contravening the development standard;
3. That the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3); and
4. That 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.



### 3 SITE & PLANNING CONTEXT

The subject site comprises 1 land parcel legally described as Lot 88 in DP 1257380 and is more commonly known as 7 Leicester Street, Marrickville.

The subject site has a site area of 442.6m<sup>2</sup> and comprises a regular allotment with boundaries as follows:

- ▶ A western frontage and eastern rear boundary measuring 12.19 metres; and
- ▶ A northern and southern side boundary measuring 36.58 metres.

An aerial image and photographs illustrating the site and existing structures are provided below:

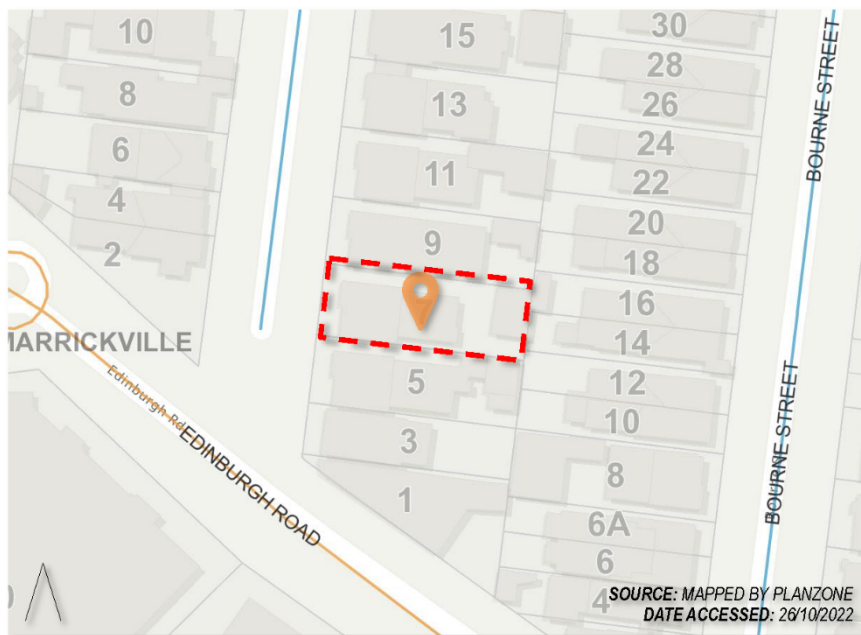


FIGURE 4: LOCATION MAP





FIGURE 5: AERIAL MAP



FIGURE 6: VIEW OF THE SITE FROM LEICESTER STREET

The proposed development is defined as 'semi-detached dwellings' pursuant to the definitions contained in *Inner West Local Environmental Plan 2022* and 'subdivision' pursuant to the Act:



“ **semi-detached dwelling** means a dwelling that is on its own lot of land and is attached to only one other dwelling. ”

“ **subdivision of land** means the division of land into 2 or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition (EP&A Act, Clause 6.2(1)) ”

A detailed description of the proposed development has been provided within the Statement of Environmental Effects (SEE) accompanying the DA and should be referred to in conjunction with this request.

## 4 CLAUSE 4.6 VARIATION REQUEST & ASSESSMENT

1. **What is the name of the environmental planning instrument that applies to the land?**  
Inner West Local Environmental Plan 2022
2. **What is the zoning of the land?**  
The site is zoned R2 Low Density Residential.
3. **What are the objectives of the zone?**
  - To provide for the housing needs of the community within a low density residential environment.
  - To enable other land uses that provide facilities or services to meet the day to day needs of residents.
  - To provide residential development that maintains the character of built and natural features in the surrounding area.
4. **What is the development standard being varied?**  
Floor Space Ratio
5. **What clause is the development standard listed in the environmental planning instrument?**  
Clause 4.4(2C)
6. **What are the objectives of the development standard?**
  - (a) to establish a maximum floor space ratio to enable appropriate development density,
  - (b) to ensure development density reflects its locality,
  - (c) to provide an appropriate transition between development of different densities,
  - (d) to minimise adverse impacts on local amenity,
  - (e) to increase the tree canopy and to protect the use and enjoyment of private properties and the public domain.
7. **What is the numeric value of the development standard?**  
0.9:1
8. **What is proposed numeric value of the development standard?**  
1.01:1 for Proposed Lot 7 and 0.88:1 for Proposed Lot 7A
9. **What is the percentage variation proposed?**  
12.5%



#### 4.1 CLAUSE 4.6(3)(A)

*DEMONSTRATE THAT COMPLIANCE WITH THE DEVELOPMENT STANDARD IS UNREASONABLE OR UNNECESSARY IN THE CIRCUMSTANCES OF THE CASE.*

The following assessment outlines that compliance with the development standard would be unreasonable and unnecessary in the circumstances of the case, particularly referencing the test established in *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118* (the Initial Action case) which confirmed the approach as held in *Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC7* (the Micaul case) as follows:

In the Initial Action case, Preston CJ concluded:

- *Clause 4.6(4) of an LEP establishes preconditions that must be satisfied before a consent authority can exercise the power to grant development consent for development that contravenes a development standard.*
- *The first opinion of satisfaction in clause 4.6(4)(a)(i) is whether the clause 4.6 request has adequately addressed the matters required to be demonstrated in clause 4.6(3). Those matters are:*
  - *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.*
- *The consent authority does not have to directly form the opinion of satisfaction regarding these matters, but only indirectly form the opinion of satisfaction that the written request has adequately addressed these matters.*
- *The second opinion of satisfaction in clause 4.6(4)(a)(ii) is that the proposed development will be in the public interest because it is consistent with the objectives of the particular development standard that is contravened and the objectives for development for the zone in which the development is proposed to be carried out.*
- *The consent authority must be directly satisfied that the clause 4.6 request adequately addresses the matter in clause 4.6(4)(a)(ii), which is not merely that the proposed development will be in the public interest, but that it will be in the public interest because it is consistent with the objectives of the development standard and the objectives for development in the zone.*

Furthermore, this Clause 4.6 Variation Request and the assessment that follows establishes that the objectives of the development standard are achieved notwithstanding non-compliance with the numerical component of the development standard as set out in the 5-part test established in *Wehbe v Pittwater Council [2007] NSW LEC 827* (the Wehbe case).

The local surrounding area is characterised by low density residential development on all sides. The dwellings within the locality typically present as single storey to the street and two storeys to the rear with landscaped surrounds. The subject proposal will maintain the semi-detached dwelling's single storey appearance from the street and two-storey appearance from the rear with the proposal extending no further than the existing rear building line of adjoining buildings, presenting a balanced built form within a landscaped setting.

The land uses immediately adjoining or situated opposite the boundaries of the site are illustrated in the photographs contained in the Statement of Environmental Effects accompanying the DA.

Strict compliance with the numerical development standard is unnecessary and unreasonable in this case as the objectives of the development standard are achieved, notwithstanding non-compliance with the numerical component of the development standard, in the following ways:



**Objective (a): to establish a maximum floor space ratio to enable appropriate development density**

**Objective (b): to ensure development density reflects its locality**

The density of the development is visible on the levels above ground and includes the ground and first floor level for this particular proposal. The proposed additional gross floor area is limited to the basement levels and the development will maintain the semi-detached dwelling single storey appearance when viewed from Leicester Street, and second storey appearance when viewed from the rear. The proposed built form does not extend beyond the existing rear building line of adjoining buildings and provides side setbacks to match the existing building pattern in the street and locality. Accordingly, the proposal will maintain the dwelling's bulk and scale (density) when viewed from the street and surrounding sites with the exceedance limited to the gross floor area and floor space below ground.

Despite the proposed departure from the FSR development standard, the proposal maintains the anticipated bulk and scale of built form permitted on the site, particularly when viewed from the street and surrounding sites. The proposed development is consistent and compatible with other recently approved residential development in the R2 zone and locality and proposes a built form that is consistent with what is anticipated for the site and locality.

The additional density occurs below ground level within the proposed basements, which is not visible from the street, public domain or surrounding properties. Accordingly, the development enables appropriate development density with the proposal being compatible with the desired development density and consistent with Objective (a).

**Objective (c): to provide an appropriate transition between development of different densities**

As the additional GFA is limited to the basement floor level of the development and will not be visible from the street, the additional bulk and scale (density) is not materialised above ground where density can be interpreted and viewed. Accordingly, the additional density will not cause any interruption to the rhythm and form of buildings in the street and locality. As the additional GFA is below ground level and not visible from the street, the building rhythm and typology, neighbouring privacy and solar access is maintained.

Accordingly, the semi-detached dwellings will maintain an appropriate built form and is compatible with the envisaged bulk and scale when viewed from the street.

Therefore, any adverse impact from the proposed bulk and scale (density) is minimised and the proposal is consistent with Objective (c).

**Objective (d): to minimise adverse impacts on local amenity**

#### **STREETSCAPE CHARACTER**

The proposed additional density is located below ground and therefore will not be visible from the street. Accordingly, the semi-detached dwellings will maintain the envisaged bulk and scale when viewed from the street.

#### **SOLAR ACCESS**

As discussed within the SEE, the proposal satisfies the solar access requirements to neighbouring living space windows and private open space areas.





The proposed additional density is located below ground and therefore will not cause any solar access or overshadowing impacts.

#### **ACOUSTIC AND VISUAL PRIVACY**

The siting of the proposed addition provides ample separation from adjoining properties to minimise any acoustic and visual privacy impacts for neighbouring dwellings, while also ensuring occupants of the proposed dwelling will be provided with suitable acoustic and visual privacy.

The proposed additional density is located below ground and therefore will not cause any direct or indirect acoustic and visual privacy impacts for neighbouring dwellings.

#### **VIEWS**

No known view corridors have been identified across the site. Regardless, as the proposed additional density is limited to the basement floor level below ground and therefore any views from surrounding sites or the public domain will be protected.

Therefore, any adverse impact from the proposed bulk and scale (density) is minimised and the proposal is consistent with Objective (d).

**Objective (e): to increase the tree canopy and to protect the use and enjoyment of private properties and the public domain**

As the additional GFA is limited to the basement floor level of the development and not on ground level or beyond the footprint of the built form, the additional bulk and scale (density) will not limit or reduce the ability for the tree canopy to be retained and increased.

Therefore, the proposal is consistent with Objective (e).

## 4.2 CLAUSE 4.6(3)(B)

*DEMONSTRATE THAT THERE ARE SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS TO JUSTIFY CONTRAVENING THE DEVELOPMENT STANDARD.*

Given the development achieves the objectives of the development standard and the objectives of the land use zone, and furthermore complies with the applicable State and Council Planning Policies, the proposal has merit and the contravention of the development standard is justified.

The proposed addition provides a compliant built form apart from the FSR which is subject to this variation request. The additional GFA will not cause any additional overshadowing onto adjoining properties or the public domain and does not alter the above ground bulk and scale of the development when viewed from the surrounds as it is not visible from the street. The internal amenity afforded to occupants of the dwellings will be improved as a result of the increased density by providing additional habitable floor space for the enjoyment of future occupants. It is also noted that the non-compliance is a direct consequence of the basement floor space and strict compliance with the development standard would not result in any change to the proposed development when viewed from the street, adjoining properties and the public domain.

Accordingly, there are sufficient environmental planning grounds to justify contravening the FSR development standard.





#### 4.3 CLAUSE 4.6(4)(A)(I)

*DEMONSTRATE THAT THE APPLICANT'S WRITTEN REQUEST HAS ADEQUATELY ADDRESSED THE MATTERS REQUIRED TO BE DEMONSTRATED BY SUBCLAUSE (3).*

This Clause 4.6 Variation Request has adequately addressed the matters required to be demonstrated by subclause (3), as detailed throughout.

#### 4.4 CLAUSE 4.6(4)(A)(II)

*DEMONSTRATE THAT 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.*

The proposed development will be in the public interest because it is consistent with the objectives of the particular standard as demonstrated earlier and is consistent with the objectives of the zone as detailed below.

- ▶ The development will provide semi-detached dwellings that will provide for the housing needs of the community within a low density residential environment. The bulk, scale, physical appearance and built form attributes of the development will not be visible above ground level given that the additional density is located below ground level in the form of a basement. Furthermore, the proposed development will contribute to the variety of housing types that are available in the surrounding area by providing basement levels with habitable rooms allowing larger families to occupy the dwellings who may have a desire for additional habitable spaces such as media rooms, workshops, work from home offices, games rooms, etc;
- ▶ The development proposes a residential development that maintains the character of built and natural features in the surrounding area with the proposed works being compatible with the desired future character of the area in terms of bulk, height and scale as detailed within this request.

The FSR and density as proposed is sustainable and appropriate given that the site is located in close proximity to public transport including bus services and facilities that are available in the surrounding area.

No substantive public benefit would be realised by maintaining and enforcing the development standard considering that the non-compliance relates to the basement level and no visible from the street, adjoining properties or the public domain. Furthermore, maintaining and enforcing the development standard would not improve the built form outcome for the site nor realise any improvement to the relationship between the site, adjoining development and the surrounding area given that the non-compliance relates to the basement level floor space.

The proposal, including the FSR exceedance, achieves the objects of the *Environmental Planning and Assessment Act, 1979* (the Act) in the following ways:

- ▶ Section 1.3(c) as the proposed development is entirely below the maximum HOB development standard, complies with the built form controls and proposes a fully compliant FSR above ground level. The overall development will promote the orderly and economic use and development of the land by not posing any adverse amenity impacts on adjoining development and the public domain as a consequence of the FSR breach;
- ▶ Section 1.3(d) as the development proposes the delivery and maintenance of affordable housing as part of the overall dwelling mix by contributing to the variety of housing types that are available in the surrounding area allowing larger families to occupy the dwellings; and



- ▶ Section 1.3(g) as the proposed development promotes good design and amenity of the built environment.

For the reasons above and the assessment provided within this request, there are sufficient environmental planning grounds to justify the contravention of the FSR development standard.

#### 4.5 CLAUSE 4.6(4)(B)

*DEMONSTRATE THAT THE CONCURRENCE OF THE PLANNING SECRETARY HAS BEEN OBTAINED.*

Planning Circular PS 20-002, dated 5 May 2020, contains an assumed concurrence notice dated 18 February 2018 for all consent authorities for the purpose of determining a development application to which a Clause 4.6 Variation Request is made.

Although the subject Clause 4.6 Variation Request exceeds a numerical standard by greater than 10%, the Local Planning Panel may assume the concurrence of the Planning Secretary.

#### 4.6 CLAUSE 4.6(5)

*PLANNING SECRETARY CONCURRENCE.*

As detailed above, assumed concurrence has been issued by the Planning Secretary.

#### 4.7 CLAUSE 4.6(6)

*EXCLUDED SUBDIVISION.*

The application of Clause 4.6 to the Floor Space Ratio development standard is not precluded by the operation of Clause 4.6(6) of the LEP.

#### 4.8 CLAUSE 4.6(7)

*RECORD KEEPING.*

This is an administrative matter for the Council.

#### 4.9 CLAUSE 4.6(8)

*EXCLUDED DEVELOPMENT AND CLAUSES.*

The application of clause 4.6 to the Floor Space Ratio development standard is not precluded by the operation of Clause 4.6(8) of the LEP.

## 5 CONCLUSION

Having regard to the assessment of the proposal and Clause 4.6 Variation Request, the proposed development achieves the objectives of the development standard and the objectives of the land use zone, notwithstanding the contravention of the FSR development standard. Therefore, compliance with the development standard is unnecessary and unreasonable in these circumstances.

For the reasons provided within this request, there are sufficient environmental planning grounds to justify contravention of the FSR development standard. This request has appropriately demonstrated that the proposed development will be in the public interest because it is consistent with the objectives of the development standard that is contravened and the objectives for development of the zone in which the development is proposed to be carried out.





This Clause 4.6 Variation Request has been prepared in accordance with the requirements of Clause 4.6 of the LEP and has had regard to the findings of the various case law mentioned and discussed throughout. Accordingly, the Local Planning Panel can exercise its power to grant development consent for the development that contravenes the development standard.

For the reasons outlined within this request, the subject variation is worthy of Council's support.

## Attachment D- Draft conditions in the event of approval by Panel

### Attachment D- Draft conditions in the event of approval by Panel

#### **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
DA01, Rev D	Site and Roof Plan	19-06-2023	Blu Print Designs
DA02, Rev D	Demolition & Erosion Sediment Control Plan	19-06-2023	Blu Print Designs
DA03, Rev D	BASIX Notes & Natthers Specs Summary	19-06-2023	Blu Print Designs
DA04, Rev D	Acoustic Recommendations	19-06-2023	Blu Print Designs
DA05, Rev D	Subdivision Plan	19-06-2023	Blu Print Designs
DA06, Rev D	Basement Floor Plan	19-06-2023	Blu Print Designs
DA07, Rev D	Ground Floor Plan	19-06-2023	Blu Print Designs
DA08, Rev D	First Floor Plan	19-06-2023	Blu Print Designs
DA09, Rev D	Roof Plan	19-06-2023	Blu Print Designs
DA11, Rev D	West & Internal East Elevations	19-06-2023	Blu Print Designs
DA12, Rev D	East & Internal West Elevations	19-06-2023	Blu Print Designs
DA13, Rev D	North & South Elevations	19-06-2023	Blu Print Designs
DA14, Rev D	Section A	19-06-2023	Blu Print Designs
DA15, Rev D	Section B	19-06-2023	Blu Print Designs
DA17, Rev D	Material Sample Board	19-06-2023	Blu Print Designs
Dwg L01/1	Landscaping Planting Plan	23 March 2023	Michael Siu Landscape Architects
Rev 0	Aircraft Noise Intrusion Assessment	18-10-2022	Acoustic Logic
Certificate Number: 1348785M	BASIX Certificate	27-10-2022	Greenworld Architectural Drafting

As amended by the conditions of consent.

**FEES**

**2. Security Deposit - Custom**

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

Security Deposit:	\$14,100.00
Inspection Fee:	\$350.00

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.

**3. Long Service Levy**

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid at the prescribed rate of 0.25% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$250,000 or more.

**4. Section 7.11 Contribution**

In accordance with section 7.11 of the *Environmental Planning and Assessment Act 1979* and the Inner West Local Infrastructure Contribution Plan 2023 (the Plan), the following monetary contributions shall be paid to Council to cater for the increased demand for local infrastructure resulting from the development:

Contribution Category	Amount
Open Space & Recreation	\$14300.00

Community Facilities	\$2650.00
Transport	\$1880.00
Plan Administration	\$184.00
Drainage	\$9686.00
TOTAL	\$20,000.00

At the time of payment, the contributions payable will be adjusted for inflation in accordance with indexation provisions in the Plan in the following manner:

$$C_{\text{payment}} = C_{\text{consent}} \times (CPI_{\text{payment}} \div CPI_{\text{consent}})$$

Where:

$C_{\text{payment}}$  = is the contribution at time of payment

$C_{\text{consent}}$  = is the contribution at the time of consent, as shown above

$CPI_{\text{consent}}$  = is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being [insert CPI value] for the [insert latest quarter and year].

$CPI_{\text{payment}}$  = is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment

Note: The contribution payable will not be less than the contribution specified in this condition.

The monetary contributions must be paid to Council (i) if the development is for subdivision – prior to the issue of the subdivision certificate, or (ii) if the development is for building work – prior to the issue of the first construction certificate, or (iii) if the development involves both subdivision and building work – prior to issue of the subdivision certificate or first construction certificate, whichever occurs first, or (iv) if the development does not require a construction certificate or subdivision certificate – prior to the works commencing.

It is the professional responsibility of the principal certifying authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

Council's Plan may be viewed at [www.innerwest.nsw.gov.au](http://www.innerwest.nsw.gov.au) or during normal business hours at any of Council's customer service centres.

Please contact any of Council's customer service centres at [council@innerwest.nsw.gov.au](mailto:council@innerwest.nsw.gov.au) or 9392 5000 to request an invoice confirming the indexed contribution amount payable. Please allow a minimum of 2 business days for the invoice to be issued.

Once the invoice is obtained, payment may be made via (i) BPAY (preferred), (ii) credit card / debit card (AMEX, Mastercard and Visa only; log on to [www.innerwest.nsw.gov.au/invoice](http://www.innerwest.nsw.gov.au/invoice); please note that a fee of 0.75 per cent applies to credit cards), (iii) in person (at any of Council's customer service centres), or (iv) by mail (make cheque payable to 'Inner West Council' with a copy of your remittance to PO Box 14 Petersham NSW 2049).

The invoice will be valid for 3 months. If the contribution is not paid by this time, please contact Council's customer service centres to obtain an updated invoice. The contribution amount will be adjusted to reflect the latest value of the Consumer Price Index (All Groups Index) for Sydney.

**GENERAL CONDITIONS**

**5. Dry-weather Flows**

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

**6. 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 (RVMP) in accordance with the relevant Development Control Plan.

**7. 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.

**8. 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.

**9. Works Outside the Property Boundary**

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

**10. Noise Levels and Enclosure of Pool/spa Pumping Units**

Noise levels associated with the operation of the pool/spa pumping units must not exceed the background noise level (L90) by more than 5dBA above the ambient background within habitable rooms of adjoining properties. Pool plant and equipment must be enclosed in a sound absorbing enclosure or installed within a building so as not to create an offensive noise as defined under the *Protection of the Environment Operations Act 1997* and *Protection of the Environment Operations (Noise Control) Regulation 2008*.

Domestic pool pumps and filters must not be audible in nearby dwellings between 8:00pm to 7:00am Monday to Saturday and 8:00pm to 8:00am Sundays and Public Holidays.

**11. Standard Street Tree Protection**

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

**PRIOR TO ANY DEMOLITION**

**12. Resource Recovery and Waste Management Plan - Demolition and Construction**

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

**13. 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.

**14. Dilapidation Report**

Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the adjoining properties 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.

**15. 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.

**16. 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****17. Dilapidation Report – Pre-Development – Minor**

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

**18. Stormwater Drainage System – Minor Developments (OSD is required)**

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

- a. Stormwater runoff from all roof areas within the property being collected in a system of gutters, pits and pipeline and be discharged, together with overflow pipelines from any rainwater tank(s), by gravity to the kerb and gutter of a public road/directly to Council's piped drainage system via the OSD/OSR tanks;
- b. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP;
- c. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage;
- d. The design plans must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes;
- e. The on-site detention system must be designed for all storm events from the 1 in 5 years to the 1 in 100 year storm event, with discharge to a Council controlled storm water system limited to pre-development conditions with the maximum allowable discharge to Council's street gutter limited to 25 litres/second (20 years ARI/100years ARI);
- f. OSD may be reduced or replaced by on site retention (OSR) for rainwater reuse in accordance with the relevant DCP that applies to the land. Where this is pursued, the proposed on-site retention (OSR) tanks must be connected to a pump system for internal reuse for laundry purposes, the flushing of all toilets and for outdoor usage such as irrigation. Surface water must not be drained to rainwater tanks where the collected water is to be used to supply water inside the dwelling, such as for toilet flushing or laundry use;
- g. Pipe and channel drainage systems including gutters must be designed to convey the one hundred (100) year Average Recurrence Interval (ARI) flows from the contributing catchment to the OSD/OSR tanks;
- h. Details of the 100-year ARI overflow route in case of failure/blockage of the drainage system must be provided;
- i. A minimum 150mm step up shall be provided between all external finished surfaces and adjacent internal floor areas;
- j. The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands;
- k. Details of external catchments currently draining to the site must be included on the plans. Existing natural overland flows from external catchments may not be blocked or diverted, but must be captured and catered for within the proposed site drainage system. Where necessary an inter-allotment drainage system must be incorporated into the design;
- l. No nuisance or concentration of flows to other properties;
- m. 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;
- n. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all stormwater outlets;
- o. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the lot;
- p. 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;
- q. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated;
  - r. Stormwater drainage must be located such that any waters leaving the pool must drain to pervious areas prior to potentially draining to the site stormwater drainage system; and
  - s. No impact to street tree(s).

#### **19. Public Domain Works – Prior to Construction Certificate**

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

- a. The public domain along all frontages of the site must be reconstructed and upgraded in accordance with the Street Tree Master plan and the Public Domain Design Guide or scheme;
- b. The construction of light duty vehicular crossing to the vehicular access location and removal of all redundant vehicular crossings to the site;
- c. New concrete footpath and kerb and gutter along the frontage of the site. The kerb type (concrete or stone) must be consistent with the majority of kerb type at this location as determine by the Council Engineer;
- d. Cross sections are to be provided at the boundary at a minimum distance of every 5m and at all pedestrian and vehicular access locations. The cross fall of the footpath must be set at 2.5%. These sections will set the alignment levels at the boundary; and
- e. Installation of stormwater outlets to the kerb and gutter.

All works must be completed prior to the issue of an Occupation Certificate.

#### **20. Parking Facilities - Domestic**

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

- a. The garage slab or driveway must rise within the property to be 170mm above the adjacent road gutter level and higher than the street kerb and footpath across the full width of the vehicle crossing. The longitudinal profile across the width of the vehicle crossing must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004;
- b. A minimum of 2200mm headroom must be provided throughout the access and parking facilities. Note that the headroom must be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors;
- c. Longitudinal sections along each outer edge of the access and parking facilities, extending to the centreline of the road carriageway must be provided, demonstrating compliance with the above requirements;
- d. The maximum gradients within the parking module must not exceed 1 in 20 (5%), measured parallel to the angle of parking and 1 in 16 (6.25%), measured in any other direction in accordance with the requirements of Section 2.4.6 of AS/NZS 2890.1-2004; and
- e. The external form and height of the approved structures must not be altered from the approved plans.

**21. Acoustic Report – Aircraft Noise**

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

**22. 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*

**23. 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.

**24. Concealment of Plumbing and Ductwork**

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

**DURING DEMOLITION AND CONSTRUCTION****25. Documentation of Demolition and Construction Waste**

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

**26. Construction Hours – Class 1 and 10**

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

**27. 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****28. Public Domain Works**

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

- a. Light duty concrete vehicle crossing at the vehicular access location;
- b. The redundant vehicular crossing to the site must be removed and replaced by kerb and gutter and footpath. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb must also be in stone;
- c. The existing concrete footpath across the frontage of the site must be reconstructed; and
- d. Other works subject to the *Roads Act 1993* approval.

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

**29. 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.

**30. Works as Executed – Site Stormwater Drainage System**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a suitably qualified Civil Engineer that:

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

**31. Operation and Management Plan**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an Operation and Management Plan has been prepared and implemented for the on-site

detention and/or on-site retention/re-use facilities. The Plan must set out the following at a minimum:

- a. The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners; and
- b. The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.

### **32. Redundant Vehicle Crossing**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that all redundant vehicular crossings to the site have been removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications". Where the kerb in the vicinity of the redundant crossing is predominantly stone the replacement kerb must also be in stone.

### **33. Torrens Title Subdivision to Occur before Occupation**

Prior to the issue of an Occupation Certificate for any dwelling on the site, the certifying authority is to be provided with evidence that the subdivision that forms part of this consent has been registered with the NSW Land Registry Services.

### **34. Parking Signoff – Minor Developments**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with certification from a qualified practising Civil Engineer that the vehicle access and off street parking facilities have been constructed in accordance with the approved design and relevant Australian Standards.

### **35. Section 73 Certificate**

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

### **36. 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 2 x 75 litre size additional trees (one tree on each lot), which will attain a minimum mature height of 8 metres, must be planted in a more suitable location within the property at a minimum of 1 metre from any boundary and a minimum of 2.2 metres from any structure and allowing for future tree growth. The tree is to conform to AS2303—*Tree stock for landscape*. Trees listed as exempt species from Council's Tree Management Controls, Palms, fruit trees and species recognised to have a short life span will not be accepted as suitable replacements.

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

**37. Aircraft Noise –Alterations and Additions**

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

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

**PRIOR TO SUBDIVISION CERTIFICATE****38. Separate Drainage Systems**

Prior to the issue of a Subdivision Certificate, the Principal Certifier must be provided with a plan detailing that separate drainage systems must be provided to drain each proposed lot.

**39. Civil Engineer Verification**

Prior to the issue of a Subdivision Certificate, the Principal Certifier must be provided with written verification from a suitably experienced Civil Engineer, stating that all stormwater drainage and related work has been and constructed in accordance with the approved plans.

**40. Torrens Title Subdivision**

Prior to the issue of a Subdivision Certificate, the Certifying Authority must verify that the physical works within this consent have been constructed.

If there are any changes to the number of occupancies including any additional occupancies created, a street numbering application must be lodged and approved by Council's GIS team before any street number is displayed. [Street Numbering Application](#)

**ON-GOING****41. Bin Storage**

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

**42. Operation and Management Plan**

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

**ADVISORY NOTES**

**Notice to Council to deliver Residential Bins**

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

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

**Permits**

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

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

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

**Insurances**

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

**Prescribed Conditions**

This consent is subject to the prescribed conditions of consent within Sections 69-86 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.

#### **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.

#### **Swimming Pools**

Applicants are advised of the following requirements under the *Swimming Pools Act 1992*:

- a. The owner of the premises is required to register the swimming pool on the NSW State Government's Swimming Pool Register. Evidence of registration should be provided to the Certifying Authority.
- b. Access to the pool/spa is restricted by a child resistant barrier in accordance with the regulations prescribed in the. The pool must not be filled with water or be allowed to collect stormwater until the child resistant barrier is installed. The barrier is to conform to the requirements of Australian Standard AS 1926:2012.
- c. A high level overflow pipe has been provided from the back of the skimmer box to the filter backwash line discharging to the sewer. This line must not directly vent the receiving Sydney Water sewer. Evidence from the installer, indicating compliance with this condition must be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.
- d. Permanently fixed water depth markers are to be clearly and prominently displayed on the internal surface above the water line at the deep and shallow ends on in-ground pools / spas and on the outside of aboveground pools / spas.
- e. A durable cardiopulmonary resuscitation information poster sign authorised by the Life Saving Association is to be displayed in the pool / spa area in accordance with Clause 10 of the *Swimming Pool Regulation 2008*.

- f. Access to the swimming pool/spa must be restricted by fencing or other measures as required by the *Swimming Pools Act 1992* at all times.

All drainage, including any overland waters associated with the pool/spa, must be pipe-drained via the filter to the nearest sewer system in accordance with the requirements of Council & Sydney Water. No drainage, including overflow from the pool or spa must enter Council's stormwater system.

#### 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.

#### Lead-based Paint

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

**Dial before you dig**

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

**Useful Contacts**

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm	
		<a href="http://www.basix.nsw.gov.au">www.basix.nsw.gov.au</a>
Department of Fair Trading	13 32 20	
		<a href="http://www.fairtrading.nsw.gov.au">www.fairtrading.nsw.gov.au</a>
		Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100	
		<a href="http://www.dialprior toyoudig.com.au">www.dialprior toyoudig.com.au</a>
Landcom	9841 8660	
		To purchase copies of Volume One of "Soils and Construction"
Long Service Corporation	Payments 131441	
		<a href="http://www.lspc.nsw.gov.au">www.lspc.nsw.gov.au</a>
NSW Food Authority	1300 552 406	
		<a href="http://www.foodnotify.nsw.gov.au">www.foodnotify.nsw.gov.au</a>
NSW Government		<a href="http://www.nsw.gov.au/fibro">www.nsw.gov.au/fibro</a>
		<a href="http://www.diySAFE.nsw.gov.au">www.diySAFE.nsw.gov.au</a>
		Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555	
		<a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a>
Sydney Water	13 20 92	
		<a href="http://www.sydneywater.com.au">www.sydneywater.com.au</a>
Waste Service - SITA Environmental Solutions	1300 651 116	
		<a href="http://www.wasteservice.nsw.gov.au">www.wasteservice.nsw.gov.au</a>
Water Efficiency Labelling and Standards (WELS)		<a href="http://www.waterrating.gov.au">www.waterrating.gov.au</a>

WorkCover Authority of NSW 13 10 50

[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

Enquiries relating to work safety and asbestos removal and disposal.

#### **Asbestos Removal**

A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m<sup>2</sup> of bonded asbestos (or otherwise specified by WorkCover or relevant legislation).

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

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

All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2014. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal.

#### **Street Numbering**

If there are any changes to the number of occupancies including any additional occupancies created, a street numbering application must be lodged and approved by Council's GIS team before any street number is displayed. Link to [Street Numbering Application](#)