

# INNER WEST

## DEVELOPMENT ASSESSMENT REPORT

|   |  |
|---|--|
| <b>Application No.</b>                            | DA/2023/0099   |
| <b>Address</b>                                    | 557A King Street NEWTOWN NSW 2042  |
| <b>Proposal</b>                                   | Partial demolition of existing structures and alterations and additions to the building to create a 3 storey shop top housing development comprising 2 commercial tenancies on the ground floor and 3 apartments above with associated car parking |
| <b>Date of Lodgement</b>                          | 22 February 2023   |
| <b>Applicant</b>                                  | Di Gardoll   |
| <b>Owner</b>                                      | Mrs Dorothy Koutsogiannopoulos   |
| <b>Number of Submissions</b>                      | Initial: 2   |
| <b>Value of works</b>                             | \$850,000.00   |
| <b>Reason for determination at Planning Panel</b> | Section 4.6 variation exceeds 10%  |
| <b>Main Issues</b>                                | FSR variation, Heritage, Parking   |
| <b>Recommendation</b>                             | Approval subject to conditions   |
| <b>Attachment A</b>                               | Recommended conditions of consent  |
| <b>Attachment B</b>                               | Plans of proposed development  |
| <b>Attachment C</b>                               | Section 4.6 Exception to Development Standards   |
| <b>Attachment D</b>                               | Statement of Heritage Significance   |



Figure 4: Locality map

|               |   |            |   |     |
|---------------|---|------------|---|-----|
| Subject Site  |  | Objectors  |  | ↑ N |
| Notified Area |  | Supporters |  |     |

## 1. Executive Summary

This report is an assessment of the application submitted to Council for the partial demolition of existing structures and alterations and additions to the building to create a 3 storey shop top housing development comprising 2 commercial tenancies on the ground floor and 3 apartments above with associated car parking at 557A King Street Newtown.

The application was notified to surrounding properties and 2 submissions were received in response to the initial notification.

The main issues that have arisen from the application include:

- The development results in a variation to the applicable FSR development standard of 55.18sqm or 19.1%;
- The proposed colour scheme is not consistent with the period of the contributory building and King Street and Enmore Road Heritage Conservation Area; and
- The development does not provide the required vehicle service and delivery area as required by Part 2.10 of MDCP 2011.

Notwithstanding the above, the non-compliances, subject to conditions, are acceptable given that the development responds appropriately to the surrounding development and desired future character of the area. Therefore, the application is recommended for approval.

## 2. Proposal

The proposal seeks to consent for the following works:

### Demolition

- Removal of rear ground floor skillion extension and ancillary buildings.
- Removal of staircases and internal walls to ground floor.
- Removal of parts of rear wall on ground and first floors.
- Removal of first floor bathroom and kitchen.
- Removal of internal walls and floor.
- Removal of existing roof.

### Alterations and additions (ground floor)

- New lift and stairs.
- Reinstating original walls under existing bulkheads.
- New commercial unit.
- New openings to existing building to Dickson Street frontage
- Entry "courtyard" providing access to residential units and new commercial unit.
- Waste and storage areas.
- Garage for two cars and bicycles with associated roller door and internal access to building.

Alterations and additions (first floor)

- New lift and stairs.
- New 2-bedroom residential unit, with balcony fronting Dickson Street.
- New studio with balcony to King Lane to rear.
- Reinstatement of front window shade.

Alterations and additions (first floor)

- New lift and stairs.
- New 2-bedroom apartment with balcony fronting King Lane and roof terrace fronting King and Dickson Street.

### 3. Site Description

The subject site is located on the corner of King Street and Dickson Street, bounded by King Lane at the rear. The site consists of one allotment and is generally rectangular in shape with a total area of 189.7sqm. The site is legally described as Lot K in Deposited Plan 33260.

The site has a frontage of 6.8 metres to King Street and King Lane and a frontage of 28.5 metres to Dickson Street. The site is affected by a cross-easement being a 0.23-metre-wide brick party wall.

The site supports a two storey mixed use building. Surrounding properties along King Street predominantly support two and three storey mixed use buildings (mostly shop top housing); properties to the rear support single and two storey dwelling houses.

The subject site is located within a heritage conservation area and a large street tree is located on the footpath fronting Dickson Street.

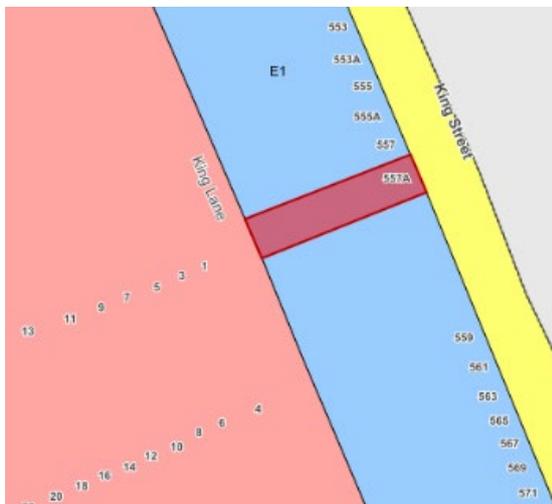


Figure 5: Zoning map (subject site highlighted dark red)



Figure 6: Aerial view (subject site highlighted red)

## 4. Background

### 4(a) Site history

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

#### Subject Site

| Application   | Proposal   | Date & Decision                 |
|---------------|--|---------------------------------|
| DA200500074   | To use the ground floor level of the premises as a real estate agency and the first floor as offices for a home loan business and to erect associated signage. | 27/05/2005 Approved             |
| HEC/2020/0035 | Paint mural on side fence adjacent to Dickson Street   | 02/04/2020 Approved             |
| PDA/2022/0174 | Modification and addition to mixed use property  | 12/08/2022 Advice letter issued |

#### Surrounding properties

| Application            | Proposal   | Decision & Date  |
|------------------------|--|--|
| <b>555 King Street</b> |  |  |
| DA/2021/0016           | Alterations and additions to existing commercial premises, including repairs to shopfront and flooring.  | 17/05/2021 Approved  |
| <b>595 King Street</b> |  |  |
| DA/2022/0879           | Alteration and additions to existing shop top housing including additional unit and rooftop open space.  | 18/04/2023 Refused by IWLPP  |
| DA201600565.01         | Under Section 82A of the Environmental Planning and Assessment Act to review Determination No. 201600565 dated 8 May 2017 to retain the front façade and ground floor shop and construct a 4 storey development comprising 1 commercial tenancy and 5 residential units. | 13/10/2017 Refused by IWLPP<br><br>15/06/2018 Application approved after s34 Conciliation Conference and agreement between parties (amended plans) |
| DA201600565            | To retain the front façade and ground floor shop and construct a 4 storey development comprising 1 commercial tenancy and 5 residential units.   | 08/05/2017 Refused   |
| <b>599 King Street</b> |  |  |
| DA/2023/0158           | Partial demolition of existing structures and alterations and additions to a mixed use building to create a 2 part 3 storey shop top housing development comprising 2 commercial tenancies on the ground floor and 2 apartments on the upper levels.                     | Appealed (deemed refusal)  |

#### 4(b) Application history

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

| Date                       | Discussion / Letter / Additional Information   |
|----------------------------|--|
| 21/09/2023                 | Council issued a request for additional information and amended plans to respond to the following matters: <ul style="list-style-type: none"> <li>• FSR variation</li> <li>• Impact on contributory building and HCA</li> <li>• Inadequate internal amenity of residential units</li> <li>• Inadequate provisions for loading/unloading</li> <li>• Insufficient information regarding impacts to party wall</li> </ul> |
| 27/09/2023 –<br>10/10/2023 | Council met with the applicant to discuss the request for additional information and worked on amendments to the plans.<br><br>The applicant submitted the final amendments and supporting documentation, including an updated 4.6 variation request, and a structural engineer's certificate for the party wall.  |
| 18/10/2023 -<br>24/10/2023 | Council contacted the applicant and owner to discuss the proposal's impact on the street tree at the Dickson Street frontage and met with the owner on site to ascertain the required pruning of this tree required to accommodate the proposed additions.   |

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

The following provides further discussion of the relevant issues:

#### 5(a)(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 consideration of Section 4.16 (2) the applicant has provided a preliminary investigation that concludes that the site is suitable for the proposed development.

Council’s Environmental Health Officer has reviewed the proposal and advised that

*Although the Preliminary Site Investigation concludes that additional vapour monitoring be carried out due to a dry cleaner being located within 50m of the proposed development, Council is of the opinion that the risk of any offsite migration is relatively low.*

*To safeguard any potential unexpected finds during demolition and construction, suitable conditions have been included [in attachment A].*

As such, the consent authority can be satisfied that the land will be suitable for the proposed use.

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

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

**5(a)(iii) 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 (Ausgrid) within Section 2.48 of *SEPP (Transport and Infrastructure) 2021* and has been referred for comment for 21 days. Ausgrid raised no objections and provided advisory notes regarding Ausgrid assets, which have been included in Attachment A.

Development with frontage to classified road

In considering Section 2.118(2) of *SEPP (Transport and Infrastructure) 2021*:

Vehicular access to the land is provided from the rear via King Lane and this is considered practical and safe. The design will not adversely impact the safety, efficiency, and ongoing operation of the classified road.

An Acoustic Report was submitted, and the impacts of traffic noise or vehicle emissions have been considered. Suitable measures to ameliorate potential traffic noise or vehicle emissions have been included within the development and it is recommended to reference the Acoustic Report with any consent granted.

**5(a)(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 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 5.10 – Heritage conservation
- 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 6.13 – Residential accommodation in business zones

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

| Standard   | Proposal               | Non-compliance       | Complies |
|--|------------------------|----------------------|----------|
| <b>Floor Space Ratio</b><br>Maximum permissible: 1.5:1 or 288.9sqm | 1.79:1 or<br>334.08sqm | 19.1% or<br>55.18sqm | No       |
| <b>Height of buildings</b><br>Minimum permissible: 14 metres       | 12.7 metres            | N/A                  | Yes      |

i. Section 1.2 - Aims of Plan

The proposal is consistent with the relevant aims as follows:

- (a) The development complies with BASIX requirements and, hence, demonstrates efficient and sustainable use of energy. The proposal, as approved conditioned, will not result in adverse economic, environmental, or social impacts.
- (b) The proposal conserves and maintains the heritage of the Inner West.
- (d) The proposal is close to public transport, increases density and, hence, encourages walking, cycling and use of public transport.
- (e) The proposal facilitates economic growth and employment opportunities within Inner West by providing additional commercial floor area.
- (f) The development provides diverse housing to meet the needs of, and enhance amenity for, Inner West residents.
- (g) The design of the proposal displays architectural and urban design quality, creating a high quality urban place without unduly impacting the amenity of surrounding residents and visitors.
- (h) The proposal will not result in adverse social, economic and environmental impacts on the local character of Inner West.
- (i) The development will not result in adverse social, economic and environmental impacts, including cumulative impacts.

ii. Section 2.3 Land Use Table and Zone Objectives

The site is zoned E1 Local Centre. The *IWLEP 2022* defines the development as:

***shop top housing*** means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.

The development is permitted with consent within the land use table. The development is consistent with the objectives of the E1 zone for the following reasons:

- The proposal increases and provides an opportunity for retail and business uses that serve the needs of people who live in, work in or visit the area.
- Investment is proposed that generates employment opportunities and economic growth.
- The residential component provides additional residential dwellings that contribute to a vibrant and active local centre and the proposal is consistent with the Inner West Council's strategic planning for residential development in the area.
- The proposal provides non-residential uses on the ground floor.
- The subject site is near public transport and within a highly used commercial and residential area of the Inner West; the proposal provides employment opportunities and services in locations that are accessible by active transport.
- The proposal enhances the diverse and active street frontages in the area to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- The design of the proposal displays architectural and urban design quality and contributes to the desired character and cultural heritage of the locality and enhances the unique sense of place of the area.

iii. Section 2.7 – Demolition requires development consent

Section 2.7 of the *IWLEP 2022* states that the demolition of a building or work may be carried out only with development consent. The application seeks consent for demolition works. Council's standard conditions relating to demolition are included in Attachment A.

iv. Section 4.6 – Exceptions to development standards

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

- Section 4.4 – Floor space ratio (FSR)

The applicant seeks a variation to the FSR development standard under Section 4.4 of the *IWLEP 2022* by 19.1% or 55.18sqm.

Section 4.6 of the *IWLEP 2022* allows Council to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes.

In order to demonstrate whether strict numeric compliance is unreasonable and unnecessary in this instance, the proposed exception to the development standard has been assessed against the objectives and provisions of Section 4.6 of the *IWLEP 2022* below.

A written request has been submitted to Council in accordance with Section 4.6(4)(a)(i) of the *IWLEP 2022*. The applicant's justification to the proposed contravention of the FSR development standard is summarised as follows:

- This development will increase employment opportunities and provide residential and commercial opportunities that will complement and promote the role of Newtown centre.
- The proposal will provide an accessible facility for the community.
- The proposal provides street activation to King and Dickson Street frontages.
- The proposal provides additional residential and commercial opportunities.
- The proposal projects the cultural future of the building by ensuring ongoing management as a viable mixed use property without loss of long term significance.
- The proposal provides high quality alterations and additions without dominating the existing heritage structure.
- The proposal reflects the increasing density of the area with no adverse impacts on local amenity.
- The proposal will improve local amenity by providing increased residential, commercial and employment options within an accessible and safe built environment.
- Notwithstanding the non-compliance with the FSR development standard, the bulk and scale of the development, and the impact on adjoining properties is within acceptable controls and is considered consistent with the objective of the FSR development standard.
- Included in the FSR are significant areas of ground floor waste areas, common use courtyard, thoroughfares and transitional areas which are a requirement of other components of the DCP.
- As a multi use building, stricter BCA requirements relating to accessibility means increased sizes of shared areas, an accessible bathroom and larger stair areas which were not previously contained in the building and are now included in FSR calculations. These areas restrict the amount of usable living space to form an acceptable amenity for residents and commercial tenants.
- In addition controls relating to the Heritage nature of the building required careful design around existing elements. This also in-turn limits the locality and size of habitable spaces. This respectful design proposal provides a variety of high quality, commercial and residential opportunities and will activate the under-utilised corner of King and Dickson Street.

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

It is considered the development is in the public interest because it is consistent with the objectives of the E1 zone, in accordance with Section 4.6(4)(a)(ii) of the *IWLEP 2022* as outlined in the Section 2.3 assessment above and the design, size, and scale of the development, as amended, is compatible with the surrounding neighbourhood.

It is considered the development is in the public interest because it is consistent with the objectives of the FSR development standard, in accordance with Section 4.6(4)(a)(ii) of the *IWLEP 2022* for the following reasons:

The objectives of the FSR development standard are:

- (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 proposal has been subject to a detailed heritage design review by Council's Heritage Advisor who is supportive of the architectural language of the proposal, with initial concerns addressed and resolved by the applicant through the submission of amended plans. The final design is of a quality-built form and responds to the existing locality. The proposal is a contemporary design which entails adequate articulation, fenestration and, subject to recommended conditions, materials and detailing to provide visual interest without adversely impacting the contributory building and heritage conservation area (HCA). Council's Urban Design Advisor is also supportive of the design, noting that "the applicant has responded positively recommendations made during the PreDA stage regarding the architectural expression, material selection, balustrade treatments.

The proposed density is consistent with other developments in the area along King Street. The proposed massing and setbacks, and location of the proposed development in relation to the low density developments to the rear, which are separated from the subject site by King Lane, provide an appropriate transition to the R2 zone.

The proposal would not result in undue amenity impacts to surrounding sites, residents and visitors. Long-term, the development will not adversely impact the health of the street tree that is adjacent to the subject site, which will continue to grow and contribute to the street tree canopy and locality

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

The proposal, thereby, accords with the objective in section 4.6(1)(b) and requirements of section 4.6(3)(b) of the *IWLEP 2022*. For the reasons outlined above, there are sufficient planning grounds to justify the departure from the FSR development standard and it is recommended that the Section 4.6 exception be granted.

v. Section 5.10 – Heritage conservation

The subject site is located within the King Street and Enmore Road HCA and includes a substantially intact two storey shop on the corner of King Street and Dickson Street.

Council's Heritage Advisor has assessed the proposal against this section and Part 8 of the MDCP 2011 (Heritage) and, subject to the condition mentioned below, supports the proposal.

The proposed alterations and additions are sympathetic to the main building, adopting a form and scale to the rear that does not overwhelm the front and most significant part of the building. Most of the original features of the building are retained, such as the parapet detailing and windows.

However, the proposed grey colour to the original building is not considered to be appropriate or sympathetic to the building and wider conservation area, noting that the building was

painted a lighter cream colour until it was repainted around 2014 with the current colour scheme.

A condition of consent has been included in Attachment A requiring to provide a new colour to the walls that adopts earthy/cream tones that complement the existing trims and are more reflective of a colour palette appropriate to the period of the building and HCA. In addition a lighter tone should also be adopted for the topmost floor rather than the proposed Basalt.

vi. Section 6.2 – Earthworks

Subject to standard conditions, which have been included in Attachment A, any earthworks are unlikely to have a detrimental impact on environmental functions and processes, existing drainage patterns, or soil stability.

vii. Section 6.3 – Stormwater management

Council's Development Engineer raised no objections and is supportive of the proposal, subject to conditions that have been included in Attachment A, to ensure that the proposal will not adversely impact the subject and adjoining sites.

viii. Section 6.8 – Development in areas subject to aircraft noise

The subject site is located within an ANEF 20-25 contour. An Acoustic Report was submitted, concluding that the development, subject to implementing the recommendations of this report, can achieve compliance with relevant noise criteria and this section. To ensure that the development implements these recommendations, and complies with AS 2021:2015, conditions have been included in Attachment A.

ix. Section 6.13 – Residential accommodation in business zones

The subject site is located within an E1 zone. As such, in accordance with Section 6.13(3), "consent must not be granted...unless the building":

- (a) *is mixed use development, and*
- (b) *will have an active street frontage, and*
- (c) *is compatible with the desired character of the area in relation to its bulk, form, uses and scale.*

Shop top housing is proposed (commercial on ground and residential on first floor). As such, the proposal is for a mixed use development that has an active street frontage to both street facing elevations. As outlined in detail elsewhere in this report, the bulk, form and scale of the proposal, while not complying with the FSR development standard, is compatible with the desired future charter of the *King Street and Enmore Road (Commercial Precinct 37)* outlined in the MDCP 2011.

### 5(c) Development Control Plans

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

| Part of MDCP 2011                                | Compliance           |
|--|----------------------|
| Part 2.1 – Urban Design                          | Yes                  |
| Part 2.3 – Site and Context Analysis             | Yes                  |
| Part 2.5 – Equity of Access and Mobility         | Yes                  |
| Part 2.6 – Acoustic and Visual Privacy           | Yes – see discussion |
| Part 2.7 – Solar Access and Overshadowing        | Yes – see discussion |
| Part 2.9 – Community Safety                      | Yes                  |
| Part 2.10 – Parking                              | No – see discussion  |
| Part 2.16 – Energy Efficiency                    | Yes                  |
| Part 2.18 – Landscaping and Open Space           | Yes – see discussion |
| Part 2.20 – Tree Management                      | Yes – see discussion |
| Part 2.21 – Site Facilities and Waste Management | Yes                  |
| Part 2.24 – Contaminated Land                    | Yes                  |
| Part 2.25 – Stormwater Management                | Yes                  |
| Part 5 – Commercial and Mixed Use Development    | Yes – see discussion |
| Part 8 – Heritage                                | Yes                  |
| Part 9 – Strategic Context                       | Yes – see discussion |

The following provides discussion of the relevant issues:

i. Part 2.6 – Acoustic and Visual Privacy

Windows proposed to the southern elevation face Dickson Street and there will be no undue visual privacy impacts to surrounding sites and adequate levels of visual privacy is provided to the residential units.

The proposal includes two balconies to the rear elevation, one serving the studio on the first floor and one servicing a bedroom, which is a low-traffic room, on the second floor. The balconies include a privacy screen to the side elevations. The privacy screen to the first floor extends for almost the entire depth of the balcony, which will prevent overlooking into surrounding properties’ private open space. While the screening to the second floor balcony does not extend as far rearwards, as outlined above, this balcony serves a low-traffic room and is not the principal area of open space to the second floor unit (the principal area of open space is located at the front). In addition, given the proposed privacy screening and distance to the closest neighbouring properties’ private open space, which is approximately 16 metres (Figure 4), it is considered that there will be no undue visual privacy impacts from these balconies.



Figure 7: approximate distance between proposed balconies and closest neighbouring private open space

Sightlines from windows on the rear elevation are screened by the privacy screening to the balconies and there are no windows along the eastern elevation of no. 1 Dickson Street.

The principal open space for the second floor unit overlooks King Street and the front portion of Dickson Street and there will be no visual privacy impacts to surrounding residential units.

ii. Part 2.7 – Solar Access and Overshadowing

The proposal complies with the applicable controls (C2 and C9) as the proposal will not result in additional overshadowing of surrounding residential premises. Additional overshadowing will only occur to Dickson Street and the southern side wall of no. 559 King Street (at 2 and 3pm) and no living room windows are impacted.

The solar access diagrams submitted indicate that living room windows of two of the three residential units, being 66%, receive 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.

iii. Part 2.10 – Parking

The site is within a Parking Area 1. In accordance with control C1, the following car parking is required:

- 0.2 spaces per studio and 1 bedroom units;
- 0.5 spaces for 1 and 2 bedroom units; and
- 1 space per 100m<sup>2</sup> GFA for the commercial component.

As such, overall, two car parking spaces are required (one for the residential and one for the commercial component). In addition, one service/delivery area (control C25) and one bicycle parking space is required (control C16).

Two car parking and bicycle spaces are proposed at the rear of the site. As such, the proposal does not comply with C25. Council's Development Engineer has reviewed the proposal and is supportive of the overall proposal; however, notes the following:

*Vehicle service and delivery area (Loading/unloading area) suitable to accommodate a B99 delivery van is to be provided within the site for the proposed ground floor commercial units in accordance with C25 of MDCP 2011 - Part 2.10. This can be achieved by converting the proposed commercial parking area into a parking and loading/unloading area. The loading/unloading area is to remain available for loading/unloading purposes at all times.*

*The development site has convenient access to public transport. The site is located approximately 400m from the St Peters Railway Station.*

Given that the site is well serviced by public transport, it is considered reasonable to impose the recommended condition to avoid service and delivery vehicles relying on King and Dickson Street, or King Lane, for loading and unloading.

In addition, given the above, it is recommended to condition that the other parking space is used for the residential component.

Subject to recommended conditions, the proposal is consistent with the applicable objectives of this part as follows:

- O1 – The proposal, given it is located close to public transport, will not result in excessive spill over onto streets and the proposal promotes sustainable transport.
- O2 – The proposal provides service/delivery areas on-site to avoid excessive use of streets for this purpose.
- O4 – The provision and design of the proposed parking (as recommended to be conditioned) is compatible with the subject development.
- O5 – The site is utilising an existing contributory building within a HCA. As such, achieving compliance with on-site car parking is difficult to achieve as the scope for alterations and additions is limited.
- O6 – The proposed bicycle parking exceeds the required spaces and the spaces are appropriately designed and located.
- O7 – The parking facilities, subject to recommended conditions, are safe, functional and accessible.
- O8 – The proposed parking will not adversely impact pedestrian safety and promotes sustainable transport.

iv. Part 2.18 – Landscaping and Open Space

Control C25 which prescribes that:

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

No landscaping is proposed on the subject site. Given the context, size of the subject site and given that the site in the King Street and Enmore Road Precinct, it is considered unreasonable to provide landscaping on the site. The development provides adequate parking, which is required, and improves the commercial viability of the area and increases housing supply that provides good on-site amenity and the proposal does not result in adverse amenity impacts.

Control C26 prescribes that

*Each dwelling in a mixed use development must have a private open space in the form of a deck or balcony accessible from the principal living area of the dwelling with a minimum area of 8m<sup>2</sup> and a minimum width of 2 metres.*

Each dwelling is provided with an area of open space exceeding 8sqm that is accessible from the principal living area. While the balcony to the first floor studio at the rear does not have a width of at least 2 metres, the non-compliance is marginal (i.e., 7mm) and this balcony is substantially larger than required.

v. Part 2.20 – Tree Management

As outlined above, the proposal does not include deep soil areas for tree planting, which is considered reasonable in this instance. As such, no trees can be planted on the site.

Minor pruning of the street tree on Dickson Street is required to accommodate the proposed additions. Council's Arborist raised no objections to the required pruning, subject to recommended conditions that have been included in Attachment A.

vi. Part 5 – Commercial and Mixed Use DevelopmentPart 5.1.3.1 Floor space ratio and Part 5.13..2 Height

As outlined above, the proposal complies with the height of buildings development standard contained in the *IWLEP 2022*.

The proposal does not comply with the FSR development standard, which has been discussed in detail elsewhere in this report. In addition to the previous comments, it is considered that the proposal is consistent with the objectives of this part as follows:

- O1 – the development is compatible with the future desired character of the commercial centre; and
- The proposed density is considered appropriate to the contextual constraints of the site, which is discussed in detail throughout this report.

### Part 5.1.3.3 Massing and setbacks

A minor non-compliance is proposed to the rear massing control (C13(i)), which reads as follows:

*The rear building envelope must be contained within the combination of the rear boundary plane and a 45 degree sloping plane from a point 7.5 metres vertically above the lane ground level, measured at the rear boundary, and contain a maximum of two storeys on the rear most building plane;*

However, there is small portion of the building that extends beyond the prescribed building envelope (Figure 5). Notwithstanding this, these minor non-compliances are not considered to result in excessive visual bulk or amenity impacts on neighbouring properties to the rear, noting that the proposal complies with overshadowing controls and the development will not result in undue visual privacy impacts. The additional visual bulk, compared to a compliant envelope is minor, and not discernible from properties to the rear (along Dickson Street).

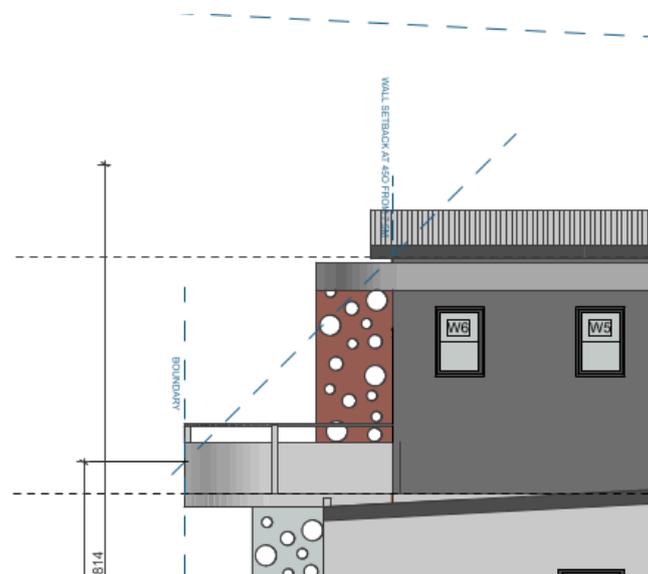


Figure 8: Breach with prescribed rear building envelope (blue dashed line)

The rear building envelope is considered to contribute positively to the visual amenity of the laneway and provides laneway activation by providing appropriate lighting and opportunities for passive surveillance (i.e., balconies to the rear). As such, the proposal complies with control C13(iii).

The proposed additions are set back from the existing building mass within the front 6 metres of the building as required by control C3. However, the proposal does not comply with control C4 as the third storey additions will be visible “from 1.8 metres above the footpath pavement on the edge of the road reserve on the opposite side of the street to the building or obliquely from 30 metres either side of the site”. In addition, the proposal does not comply with control C12, which prescribes that

*On corner properties where the secondary frontage is to a minor street or laneway, the upper levels above the street front portion of the building mass facing the secondary frontage must be setback a minimum 3 metres from the secondary street frontage of the building, except for 0.9 metres roof projection of the topmost dwelling occupancy level.*

Whilst it is acknowledged that the topmost floor is not setback the minimum 3 metres prescribed from the secondary frontage of Dickson Street, in this regard the structure on the topmost floor only extends for a portion of the length of the building and has a variable setback ranging from 1.24 to 2 metres and is constructed of lightweight materials to ensure that it appears as a recessive element which is complementary to the building.

Overall, the proposal is considered to be consistent with the relevant objectives of this part as follows:

- O5 – The development preserves the prevailing building frontage edge of the streetscape.
- O7 – The massing of the roof top level is subservient to the levels below.
- O9 – The proposed rear massing of the development does not cause significant visual bulk or amenity impacts on neighbouring properties to the rear.

#### Part 5.1.3.4 Depth

The building envelope depth of the second floor complies with control C16 as it is less than 22 metres. However, the depth of the first floor exceeds the maximum prescribed depth by approximately 6 metres, having a total depth of approximately 28 metres. Notwithstanding, the depth of the level is considered acceptable as the proposal is consistent with the applicable objectives as follows:

- O10 – The proposed bulk and scale of development is adequate for the site and consistent with other developments in the area.
- O11 – The proposal provides compliant solar access, access to natural light and natural ventilation to the units and provides a dual aspect building design.

#### Part 5.1.3.5 Building separation

A nil setback is proposed to all boundaries. The subject site is separated by more than 12 metres from the properties across King Street and Dickson Street. While the separation from the property to the rear, across King Lane, is only 6 metres, the dwelling house on this property has a blank wall along King Lane. In accordance with control C19,

*Zero building separation is permitted and appropriate:*

- i. When blank walls abut or would allow for future abutment while achieving compliance with other DCP controls;*
- ii. When it is appropriate in the streetscape context; and*
- iii. When it allows for acceptable occupant amenity for all affected properties.*

As outlined above, the proposal will not result in adverse amenity impacts to surrounding sites and provides adequate internal amenity. Further, as outlined elsewhere in this report, the proposal is appropriate in its streetscape context. As such, the proposed building separation complies with control C19.

#### Part 5.1.3.6 Corners, Landmarks and Gateways

The existing building on the site is retained and the proposed alterations and additions are suitable for the site and the development strengthens and defines the street corner. Hence, the proposal complies with the applicable controls (C22 and C23) of this part.

#### Part 5.1.4.1 Building frontages

Other than reconstruction of the original window shade to the front elevation, no change is proposed to the existing front façade and the third level additions are set back from the front to maintain the street front portion of the building mass. The additions are visually subservient to the street front portion of the existing building and the side wall fronting Dickson Street includes openings and recesses to provide articulation, avoiding a blank wall.

The proposal reinstates original openings to the side, using the original window headers. The additions and alterations are sympathetic to the style of the existing building and while a private open space is proposed at the front, this is located behind the original parapet and will not be visible from the street.

Given the above, the proposal complies with the relevant controls of this part.

#### Part 5.1.4.2 Active street frontage uses and shopfront design

The existing shop front is retained and the commercial premises have a width of less than 12 metres. The shop fronts (as existing and proposed) provide visual transparency and direct access between the footpath and the shop and the proposal provides an active street to both street elevations. While the active street frontage to Dickson Street includes less than the required 80% of clear glazing, this is acceptable in this instance as additional glazing is not supportable for heritage reasons as this would require new openings to the original building, which is inconsistent with heritage controls contained in Part 8 of the MDCP 2011. While the entry to the building from Dickson Street is shared by residential use and “commercial unit 2”, a separate and restricted entry is proposed from within the “open courtyard” to the residential component.

Given the above, the proposal complies with the relevant controls of this part.

#### Part 5.1.5 Mixed use development

The ground floor level of the site that relates to the active street frontage is predominantly used for commercial floor area. The ceiling heights comply with the controls of this part, exceeding the minimum required of 3.3m for the commercial use and 2.7m for the residential units.

Given the above, the proposal complies with the relevant controls of this part.

#### Part 5.1.6 Vehicle access, parking, loading and services

Vehicular access is provided via the rear lane and the area dedicated for car parking, loading and services on the ground floor has been minimised to provide viable commercial floor area. The garage door does not encroach onto public land.

Part 5.3.1.1 Plan of Management, Part 5.3.1.2 Noise and vibration generation, Part 5.3.1.3 Environmental protection, and Part 5.3.1.4 Hours of operation

A plan of management has not been provided with the application. The proposed development, in principle, raises no issues with regard to noise or vibration and environmental impacts. It is recommended to impose a condition, requiring a new DA, or CDC, being lodged for the use of the commercial units to ensure that any proposed (specified) use of these units will not result in adverse amenity or environmental impacts to surrounding sites and the public, and that the hours of operation are adequate.

vii. Part 9 – Strategic Context

The proposal, as amended and recommended to be conditioned, is consistent with the desired future character statements as follows:

- The proposal will not result in adverse impacts to the King Street and Enmore Road Heritage Conservation Area as the proposed alterations and additions are sympathetic to the contributory building and significant elements of the building are retained.
- The additions are set back from the front to protect the character of King Street. The setback to the Dickson Street frontage, and proposed materials and finishes ensure that the additions are subservient to the existing building and the proposal is consistent with other development in the area.
- The proposal retains and continues the existing nil building setbacks.
- The proposal retains the front portion of the contributory building and the proposal retains the character of King Street.
- The proposal, as amended, is of good urban design and provides good amenity for occupants while not resulting in undue amenity impacts to surrounding sites or the public domain.
- The proposed parking, and access to it, is appropriate for the site and location and will not adversely impact the streetscape appearance or pedestrian safety and amenity.

#### 5(d) The Likely Impacts

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

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

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

#### 5(f) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 14 days to surrounding properties. Two submissions were received in response.

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

- Density and FSR variation
- Height, bulk and scale
- Heritage and streetscape impacts

- Parking and traffic
- Visual privacy

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

Issue: Commercial tenancy along Dickson not consistent with R2 zone and heritage provisions.

Comment: The subject site is zoned E1 and the provision of commercial tenancies on the ground floor is consistent with the objectives of the zone. The R2 zone starts at the rear boundary of the subject site. As outlined elsewhere in this report, the proposal is not considered to result in adverse impacts to the contributory building and provides street activation towards King Street; given that the entrance to the residential component, parking, and servicing is located towards the rear, it is considered that there will be no substantial increase in foot traffic along Dickson Street.

### 5(g) The Public Interest

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

The proposal is not contrary to the public interest.

## 6 Referrals

### 6(a) Internal

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

- Development Engineer,
- Heritage,
- Urban Design,
- Urban Forest,
- Waste (residential),
- Waste (commercial),
- Building Certification, and
- Environmental Health.

### 6(b) External

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

- Ausgrid, and
- Transport for NSW

## 7. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$34,156.00 would be required for the development under the Inner west Local Infrastructure Contributions Plan 2023. A condition requiring that contribution to be paid is included in the recommendation.

## 8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and Marrickville Development Control Plan 2011.

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

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

## 9. Recommendation

- A. The applicant has made a written request pursuant to Section 4.6 of the *Inner West Local Environmental Plan 2022*. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is satisfied that compliance with the Floor Space Ratio development standard is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variation. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.
- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2023/0099 for partial demolition of existing structures and alterations and additions to the building to create a 3 storey shop top housing development comprising 2 commercial tenancies on the ground floor and 3 apartments above with associated car parking at 557A King Street, NEWTOWN subject to the conditions listed in Attachment A below.

**Attachment A – Recommended conditions of consent**

**CONDITIONS OF CONSENT**

**DOCUMENTS RELATED TO THE CONSENT**

**1. Documents related to the consent**

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

| <b>Plan, Revision and Issue No.</b>      | <b>Plan Name</b>             | <b>Date Issued</b> | <b>Prepared by</b>  |
|--|------------------------------|--------------------|---------------------|
| Sheet 02 Rev<br>"Additional Information" | Site Plan                    | 03/10/2023         | DiG Building Design |
| Sheet 03 Rev<br>"Additional Information" | Existing Ground Floor Plan   | 03/10/2023         | DiG Building Design |
| Sheet 04 Rev<br>"Additional Information" | Existing First Floor Plan    | 03/10/2023         | DiG Building Design |
| Sheet 06 Rev<br>"Additional Information" | First Floor Demolition Plan  | 03/10/2023         | DiG Building Design |
| Sheet 05 Rev<br>"Additional Information" | Ground Floor Demolition Plan | 03/10/2023         | DiG Building Design |
| Sheet 07 Rev<br>"Additional Information" | Proposed Ground Floor Plan   | 03/10/2023         | DiG Building Design |
| Sheet 08 Rev<br>"Additional Information" | Proposed First Floor Plan    | 03/10/2023         | DiG Building Design |
| Sheet 09 Rev<br>"Additional Information" | Proposed Second Floor Plan   | 03/10/2023         | DiG Building Design |

|   |  |            |                     |
|---|--|------------|---------------------|
| Sheet 10 Rev<br>"Additional<br>Information" | Elevations Sout-East                                       | 03/10/2023 | DiG Building Design |
| Sheet 11 Rev<br>"Additional<br>Information" | Elevations NE & SW   | 03/10/2023 | DiG Building Design |
| Sheet 12 Rev<br>"Additional<br>Information" | Elevations North-West                                      | 03/10/2023 | DiG Building Design |
| Sheet 13 Rev<br>"Additional<br>Information" | Sections   | 03/10/2023 | DiG Building Design |
| Sheet 14 Rev<br>"Additional<br>Information" | Sections   | 03/10/2023 | DiG Building Design |
| Sheet 15 Rev<br>"Additional<br>Information" | Concept Details  | 03/10/2023 | DiG Building Design |
| Sheet 28 Rev<br>"Additional<br>Information" | Finishes Schedule  | 03/10/2023 | DiG Building Design |
| Sheet 29 Rev<br>"Additional<br>Information" | Stormwater Drainage<br>Concept Plan                        | 03/10/2023 | DiG Building Design |
| 22090801J<br>Rev 1                          | Road and Aircraft noise<br>Assessment                      | 04/10/2022 | Telemetrix          |
| 20269/1-AA                                  | Preliminary Site<br>Investigation                          | 10/11/2022 | Geotechnique        |
| A478481                                     | BASIX  | 19/12/2022 | DiG Building Design |
| Issue A                                     | BCA/NCC Building Code<br>of Australia Compliance<br>Report | 17/10/2022 | Silver End          |

As amended by the conditions of consent.

**DESIGN CHANGE**

**2. Design Change**

Prior to the issue of a Construction Certificate, amended plans to be submitted to the satisfaction of the Council’s Heritage Advisor demonstrating the following:

- a) The paint colour to the walls shall be of an earthy/cream tone that complements the existing trims and that is more reflective of a colour palette appropriate to the period of the building and heritage conservation area. In addition, a lighter tone should also be adopted for the topmost floor.

**FEES**

**3. Security Deposit - Custom**

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

|                          |           |
|--------------------------|-----------|
| <b>Security Deposit:</b> | \$8500.00 |
| <b>Inspection Fee:</b>   | \$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.

**4. 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.

**5. 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 | \$28,980.00        |
| Community Facilities    | \$5,218.00         |
| Transport               | \$616.00           |
| Plan Administration     | \$210.00           |
| Drainage                | \$1,133.00         |
| <b>TOTAL</b>            | <b>\$34,156.00</b> |

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 135.8 for the September quarter 2023.

$CPI_{\text{payment}}$  = 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**

##### **6. Separation of Commercial and Residential Waste and Recycling**

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

**7. Car Parking**

The development must provide and maintain within the site:

- a. 1 car parking spaces must be paved and line marked;
- b. 2 Bicycle storage capacity within the site; and
- c. 1 Loading docks/bays.

**8. Residential Flat Buildings – Hot Water Systems**

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

**9. Residential Flat Buildings – Air Conditioning Systems**

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

**10. Waste Management Plan**

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

**11. 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.

**12. 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.

**13. Verification of Levels and Location**

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

**14. Works Outside the Property Boundary**

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

**15. Hazardous Materials Survey**

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

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

**16. Tree Protection**

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

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

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

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

The trees identified below are to be retained and protected in accordance with the conditions of consent or approved Tree Protection Plan throughout the development (note: tree numbers must correspond with approved Tree Protection Plan if conditioned) :

| Tree No. | Botanical/Common Name                          | Location                                   |
|----------|--|--|
| 1        | <i>Corymbia citriodora</i> (Lemon-scented Gum) | Council footpath - Dickson Street frontage |

Details of the trees must be included on all Construction Certificate plans and shall be annotated in the following way:

- a. Green for trees to be retained;
- b. Red for trees to be removed;
- c. Blue for trees to be pruned; and
- d. Yellow for trees to be transplanted.

#### **17. Project Arborist**

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

#### **18. TfNSW requirements**

1. All buildings and structures (other than pedestrian footpath awnings), together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited height or depth) along the King St boundary.
2. Any public utility adjustment/relocation works on the state road network will require detailed civil design plans for road opening /underboring to be submitted to TfNSW for review and acceptance prior to the commencement of any works. The developer must also obtain necessary approvals from the various public utility authorities and/or their agents. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au). A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.
3. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on the King Street network during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

#### **19. Use of Premises**

Any future use of the commercial premises must be subject to a future approval under a Complying Development Certificate or Development Application.

**PRIOR TO ANY DEMOLITION****20. 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.

**21. 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.

**22. Construction Traffic Management Plan**

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

**23. Dilapidation Report**

Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of the adjoining property (no. 557 King Street) 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.

**24. 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.

**25. 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****26. Bin Storage Area - Residential**

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

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

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

**27. Waste Transfer Route**

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

**28. Each Residential Unit is to have Access to a Disposal Point for All Waste Streams**

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

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

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans certified by a suitably qualified Civil Engineer that the design of the site drainage system complies with the following specific requirements:

- a. The design must generally be in accordance with the Stormwater Drainage Concept plan on Drawing No. Sheet 25 prepared by DIG BUILDING DESIGN and dated 13/02/2023, as amended to comply with the following;
- b. 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;
- c. 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;
- d. Pipe and channel drainage systems must be designed to cater for the twenty (20) year Average Recurrence Interval (ARI) storm. The major event surface flow paths must be designed to cater for the one hundred (100) year ARI Storm;
- e. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage;
- f. 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;
- g. No nuisance or concentration of flows to other properties;
- h. The design plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required;
- i. An inspection opening or stormwater pit must be installed inside the property, adjacent to the boundary, for all new stormwater outlets;
- j. Only a single point of discharge is permitted to the kerb and gutter, per frontage of the site;
- k. 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;

- l. All stormwater outlets through sandstone kerbs must be carefully core drilled in accordance with Council standard drawings;
- m. All redundant pipelines within footpath area must be removed and footpath/kerb reinstated; and
- n. No impact to street tree(s).

### **30. 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 construction of light duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site

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

### **31. Alignment Levels – Rear Lane**

The internal vehicle hardstand area shall be redesigned such that the level at the boundary shall match the invert level of the adjacent gutter plus 110mm at both sides of the vehicle entry. This will require the internal garage slab or hard stand area to be adjusted locally at the boundary to ensure that it matches the above Alignment Levels. Amended plans shall be submitted to and approved by Council before the issue of the Construction Certificate.

The garage slab or driveway must then rise within the property to be 170mm above the adjacent road gutter level. The longitudinal profile across the width of the vehicle crossing must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004.

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.

### **32. Parking Facilities – Major (including basement)**

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, off-street parking facilities and associated vehicle standing areas comply with Australian Standard AS/NZS 2890.1-2004 Parking Facilities: Off-street car parking, AS/NZS 2890.3-2015 Parking facilities: Bicycle Parking and the following specific requirements:

- a. 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;

- b. One loading / unloading facility/space must be provided on-site;
- c. One residential car parking space must be provided; and
- d. A bicycle storage area must be provided to accommodate a minimum of 2 bicycles and be designed in accordance with relevant provisions of AS 2890.3-2015.

### 33. Party Walls

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

### 34. Structural Certificate for retained elements of the building

Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with a Structural Certificate prepared by a practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction. The certificate must also include all details of the methodology to be employed in construction phases to achieve the above requirements without result in demolition of elements marked on the approved plans for retention.

### 35. 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*

### 36. 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.

#### **37. 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.

#### **38. Future Food Use - Mechanical Ventilation Provision**

Prior to the issue of a Construction Certificate, the mechanical exhaust systems and/or shafts must be designed to allow for the discharge of effluent air above roof level and must be designed with capacity to accommodate exhaust ducts and mechanical ventilation systems for all commercial tenancies proposed with the potential to become a food premises in future. Systems must be designed in accordance with AS1668.2 – The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings, and AS1668.1 – The Use of Mechanical Ventilation and Air-Conditioning in Buildings – Fire and Smoke Control in Multi-compartment Buildings.

### **DURING DEMOLITION AND CONSTRUCTION**

#### **39. 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.

#### **40. Construction Hours – Class 2-9**

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

- a. 7:00am to 6.00pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
- b. 8:00am to 1:00pm on Saturdays with no demolition works occurring during this time; and
- c. at no time on Sundays or public holidays.

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

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

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

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

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

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

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

#### **41. Survey Prior to Footings**

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

#### **42. Contamination – Retention of Ground Slab**

Intrusive ground excavations and/or works that may compromise the integrity of the existing ground slab covering the site are not approved, and existing ground slabs and hardstand areas must be retained and maintained in their original form.

Should any ground slab or hardstand area be damaged or disturbed, an appropriately qualified Environmental Consultant must inspect the site immediately and determine whether any potential contaminants have been disturbed. If preventative works need to be undertaken, a written statement prepared by a qualified Environmental Consultant must be provided to Council detailing the outcome of this investigation and associated works.

#### **43. Contamination – New Evidence**

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

**44. Tree Protection**

To protect the following tree/s, ground, trunk and branch protection must be installed prior to any works commencing in accordance with the approved *Tree Protection Plan* and/or with Council's *Development Fact Sheet—Trees on Development Sites*:

| Tree No. | Botanical/Common Name/Location  |
|----------|---|
| 1        | <i>Corymbia citriodora</i> (Lemon-scented Gum) located on the Dickson Street frontage of the property |

**45. Canopy Pruning**

Canopy and/or root pruning of the following tree/s which is necessary to accommodate the approved building works must be undertaken by, or directly supervised by, the Project Arborist.

| Tree No. | Botanical/Common Name                          |
|----------|--|
| 1        | <i>Corymbia citriodora</i> (Lemon-scented Gum) |

The person acting on this consent has approval under Council's Tree Management Controls to; prune the tree to achieve a clearance of the structure. Pruning is limited to those branches that will come into direct contact the built structure and where branch diameter (at its point of attachment) does not exceed 75mm.

**46. Inspections by Project Arborist**

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

| Tree No./ Botanical/ Common Name/ Location   | Time of Inspection             | Key stage/ Hold point   |
|--|--------------------------------|---|
| 1. <i>Corymbia citriodora</i> (Lemon-scented Gum) located on Council's footpath, Dickson Street frontage | Prior to commencement of works | <ul style="list-style-type: none"> <li>Inspection and sign off installation of tree protection measures.</li> </ul> |

|  |              |   |
|--|--------------|---|
|  | During Works | <ul style="list-style-type: none"> <li>• Supervise all site preparation and demolition works within the TPZ;</li> <li>• Supervise all works inside or above the TPZ;</li> <li>• Supervise all excavation, trenching works, landscaping works and tree/planting replenishment within the TPZ;</li> <li>• Supervise all tree work.</li> </ul> |
|--|--------------|---|

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

**PRIOR TO OCCUPATION CERTIFICATE**

**47. Public Domain Works**

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

- a. Light duty concrete vehicle crossing(s) at the vehicular access location(s);
- b. 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; and

- c. Other works subject to the *Roads Act 1993* approval.

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

#### **48. 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.

#### **49. Protect Sandstone Kerb**

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

#### **50. Whiteway Lighting - Existing**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that the Whiteway lighting scheme and any existing meter box being maintained and any defects (including the need to install a "special small service") in the system are repaired.

#### **51. 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.

#### **52. 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.

**53. Smoke Alarms - Certification of upgrade to NCC requirements**

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

**54. 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*.

**55. Noise From Road, Rail & Aircraft – Compliance**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an acoustic report prepared by suitably qualified acoustic consultant, confirming that the development complies with the requirements of the:

- a. Australian Standard 2021-2000: Acoustics - Aircraft noise intrusion - Building siting and construction.
- b. conditions of development consent; and
- c. Recommendations of report prepared by Telemetrix, Project Number: 22090801J, dated 4 October 2022.

**56. Project Arborist Certification**

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

**ON-GOING****57. Bin Storage**

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

**58. Documentation of Businesses Waste Services**

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

**59. Commercial Bins and Re-Usable Item Storage**

All commercial bins and re-usable items such as crates and trays are to be stored within the site.

**60. Loading/unloading on site**

All loading and unloading are to be conducted within the site at all times. Any designated loading bay/dock area is to remain available for loading/unloading purposes at all times.

**61. Noise General**

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

**62. Commercial Waste/Recycling Collection**

The collection of waste and recycling must only occur between 7:00am and 8:00pm weekdays and 9:00am and 5:00pm weekends and public holidays, to avoid noise disruption on the surrounding area,

Garbage and recycling must not be placed on the street for collection more than one (1) hour before the scheduled collection time. Garbage bins and containers are to be removed from the street within one (1) hour after collection.

**ADVISORY NOTES****Notice to Council to deliver Residential Bins**

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

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

**Recycling / Garbage / Organics Service Information and Education**

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

**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.

**Disability Discrimination Access to Premises Code**

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

**National Construction Code (Building Code of Australia)**

A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out. All building works approved by

this consent must be carried out in accordance with the requirements of the National Construction Code.

#### Notification of commencement of works

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

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

#### Dividing Fences Act

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

#### Permits from Council under Other Acts

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

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

Contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. A lease fee is payable for all occupations.

**Noise**

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.

**Amenity Impacts General**

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

**Fire Safety Certificate**

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

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

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

**Construction of Vehicular Crossing**

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

**Lead-based Paint**

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

children or pregnant women may be exposed, and work areas should be thoroughly cleaned prior to occupation of the room or building.

**Dial before you dig**

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

**Useful Contacts**

|                            |                                       |  |
|----------------------------|---------------------------------------|--|
| BASIX Information          | 1300 650 908 weekdays 2:00pm - 5:00pm |  |
|                            |                                       | <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.diyasafe.nsw.gov.au">www.diyasafe.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 (VELS) |              | <a href="http://www.waterrating.gov.au">www.waterrating.gov.au</a>           |
| WorkCover Authority of NSW                      | 13 10 50     | <a href="http://www.workcover.nsw.gov.au">www.workcover.nsw.gov.au</a>       |

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](#)

### Arborists standards

All tree work must be undertaken by a practicing Arborist. The work must be undertaken in accordance with AS4373—*Pruning of amenity trees* and the Safe Work Australia Code of Practice—*Guide to Managing Risks of Tree Trimming and Removal Work*. Any works in the vicinity of the Low Voltage Overhead Network (including service lines—pole to house connections) must be undertaken by an approved Network Service Provider contractor for the management of vegetation conflicting with such services. Contact the relevant Network Service Provider for further advice in this regard.

### Consent of Adjoining property owners

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

### Ausgrid Assests

1. Ausgrid Underground Cables are in the vicinity of the development. Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways. It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Dial Before You Dig (DBYD).

In addition to DBYD the proponent should refer to the following documents to support safety in design and construction: SafeWork Australia – Excavation Code of Practice. Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables. The following points should also be taken into consideration. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels

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

2. Ausgrid Overhead Powerlines are in the vicinity of the development. The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase. Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected to be entering and leaving the site. The “as constructed” minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website at [www.ausgrid.com.au](http://www.ausgrid.com.au).
3. It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer’s cost. Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances “Working Near Ausgrid Assets - Clearances”. This document can be found by visiting the following Ausgrid website: [www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries](http://www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries)  
For new connections or to alter the existing electrical connection to the property from the Ausgrid network, the proponent should engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details: <https://www.ausgrid.com.au/Connections/Get-connected>  
Should you have any enquiries, please contact Ausgrid.

Attachment B – Plans of proposed development



PROJECT DETAILS

|         |                                      |
|---------|--------------------------------------|
| OWNER/S | DOROTHY KOUTSOS                      |
| ADDRESS | 557A KING STREET<br>NEWTOWN NSW 2042 |
| PROJECT | DEVELOPMENT APPLICATION              |
| DATE    | Friday, 6 October 2023               |

DRAWINGS LIST

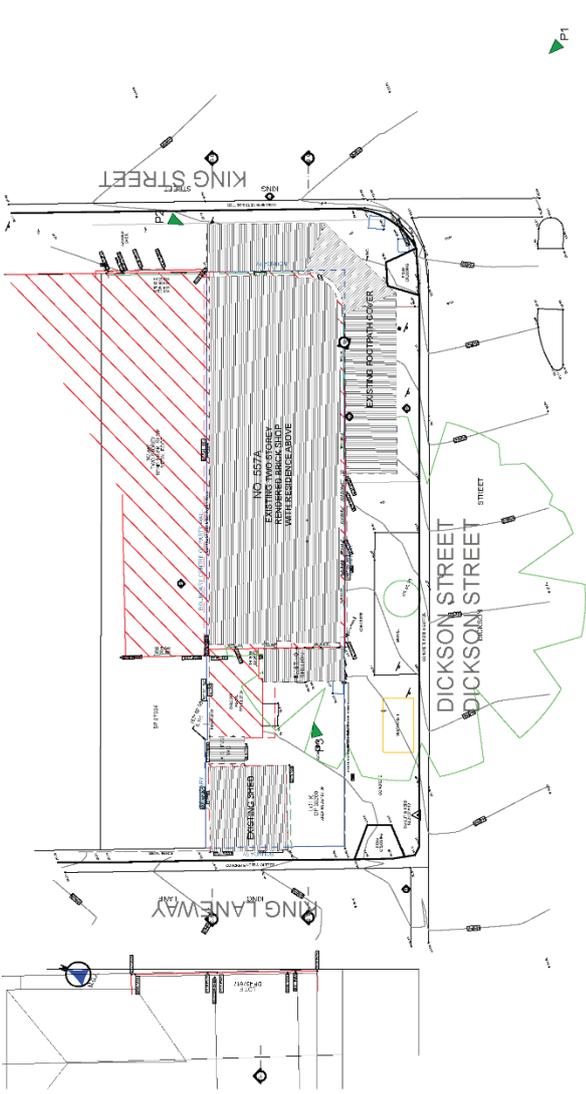
| DWG No. | DESCRIPTION                      |
|---------|----------------------------------|
| 00      | COVER PAGE                       |
| 01      | SITE ANALYSIS PLAN               |
| 02      | SITE PLAN                        |
| 03      | EXISTING GROUND FLOOR PLAN       |
| 04      | EXISTING FIRST FLOOR LEVEL       |
| 05      | GROUND FLOOR DEMOLITION PLAN     |
| 06      | FIRST FLOOR DEMOLITION PLAN      |
| 07      | PROPOSED GROUND FLOOR PLAN       |
| 08      | PROPOSED FIRST FLOOR PLAN        |
| 09      | PROPOSED SECOND FLOOR PLAN       |
| 10      | ELEVATIONS SOUTH-EAST            |
| 11      | ELEVATIONS NE & SW               |
| 12      | ELEVATIONS NORTH-WEST            |
| 13      | SECTIONS                         |
| 14      | SECTIONS                         |
| 15      | CONCEPT DETAILS                  |
| 16      | 3D CONCEPT                       |
| 17      | 3D CONCEPT - PRIVATE OPEN SPACE  |
| 18      | FLOOR SPACE RATIO                |
| 19      | VIEWS FROM KING STREET           |
| 20      | SHADOWS ON 21ST JUNE             |
| 21      | SHADOWS ON 21ST JUNE             |
| 22      | SHADOWS ON 21ST JUNE             |
| 23      | SHADOWS ON 21ST JUNE             |
| 24      | SHADOWS ON 21ST JUNE             |
| 25      | SHADOWS ON 21ST JUNE             |
| 26      | SHADOWS ON 21ST JUNE             |
| 27      | DRIVEWAY SECTION                 |
| 28      | FINISHES SCHEDULE                |
| 29      | STORMWATER DRAINAGE CONCEPT PLAN |
| 30      | SOIL & WATER MANAGEMENT PLAN     |
| 31      | WASTE MANAGEMENT PLAN            |
| 32      | NOTIFICATION PLAN                |
| 33      | SOLAR ACCESS - FRONT             |
| 34      | SOLAR ACCESS - REAR              |
| 35      | GENERAL NOTES                    |

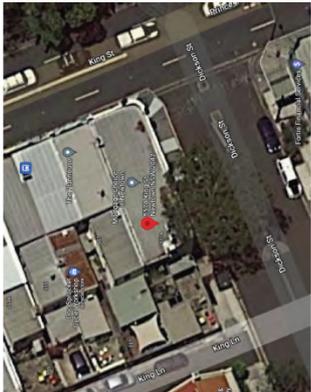


Document Set ID: 38286017  
Version: 1, Version Date: 01/11/2023





SITE LOCATION - Source: Googlemaps

1. EXISTING SITE PLAN 1:200

### SITE ANALYSIS PLAN

|             |          |                  |       |                 |                                   |
|-------------|----------|------------------|-------|-----------------|-----------------------------------|
| <b>DATE</b> | 6/10/23  | <b>SCALE</b>     | 1:200 | <b>PROJECT</b>  | 577A KING STREET NEWTOWN NSW 2042 |
| <b>BY</b>   | DD       | <b>NOTES</b>     |       | <b>CLIENT</b>   | DOROTHY KOUTSOS                   |
| <b>DATE</b> | 24/08/22 | <b>REVISIONS</b> |       | <b>DESIGNER</b> | IG BUILDING DESIGN                |
| <b>BY</b>   | DD       | <b>REVISIONS</b> |       | <b>CLIENT</b>   | DOROTHY KOUTSOS                   |
| <b>DATE</b> | 26/09/22 | <b>REVISIONS</b> |       | <b>DESIGNER</b> | IG BUILDING DESIGN                |
| <b>BY</b>   | DD       | <b>REVISIONS</b> |       | <b>CLIENT</b>   | DOROTHY KOUTSOS                   |
| <b>DATE</b> | 13/02/23 | <b>REVISIONS</b> |       | <b>DESIGNER</b> | IG BUILDING DESIGN                |
| <b>BY</b>   | DD       | <b>REVISIONS</b> |       | <b>CLIENT</b>   | DOROTHY KOUTSOS                   |
| <b>DATE</b> | 03/10/23 | <b>REVISIONS</b> |       | <b>DESIGNER</b> | IG BUILDING DESIGN                |
| <b>BY</b>   | DD       | <b>REVISIONS</b> |       | <b>CLIENT</b>   | DOROTHY KOUTSOS                   |
| <b>DATE</b> | 03/10/23 | <b>REVISIONS</b> |       | <b>DESIGNER</b> | IG BUILDING DESIGN                |

**ALTERATIONS AND ADDITIONS**

**DEVELOPMENT APPLICATION**

**INNER WEST COUNCIL**

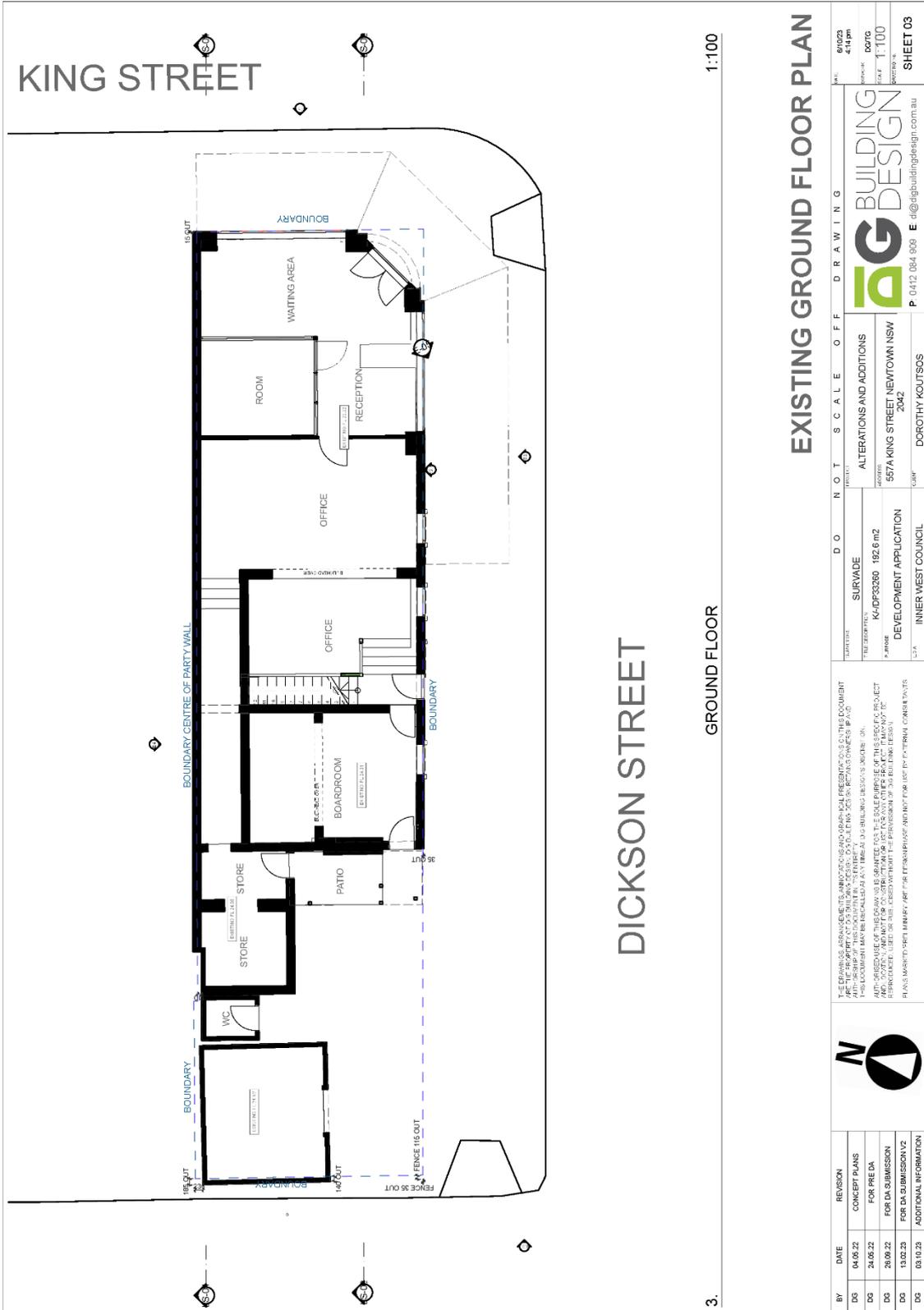
**IG BUILDING DESIGN**

P 0412 064 909 E [ig@igbuildingdesign.com.au](mailto:ig@igbuildingdesign.com.au)

**SHEET 01**

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**EXISTING GROUND FLOOR PLAN**

| BY | DATE     | REVISION               |
|----|----------|------------------------|
| DG | 04.06.22 | CONCEPT PLANS          |
| DG | 24.08.22 | FOR PRE DA             |
| DG | 29.09.22 | FOR DA SUBMISSION      |
| DG | 13.02.23 | FOR DA SUBMISSION V2   |
| DG | 03.10.23 | ADDITIONAL INFORMATION |

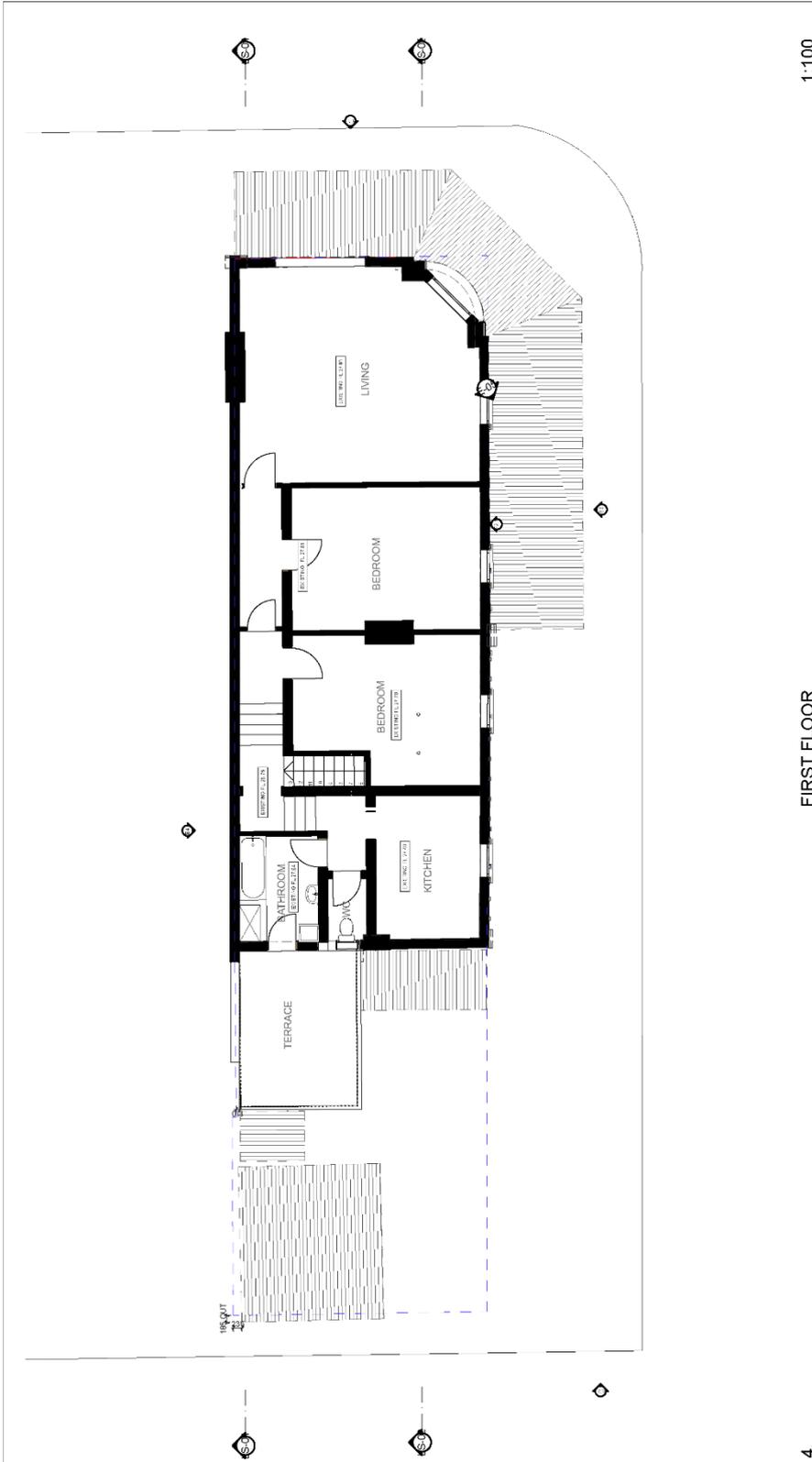
  

|  |  |  |
|--|--|--|
| <p>TITLE SHEET</p> <p><b>SURWADE</b></p> <p>K4-DFP32260 192.6 m2</p> <p>DEVELOPMENT APPLICATION</p> <p>577A KING STREET NEWTOWN NSW 2042</p> <p>INNER WEST COUNCIL</p> |  | <p>DATE: 04/02/23</p> <p>TIME: 4:14 pm</p> <p>PROJECT: DORGO</p> <p>SCALE: 1:100</p> <p>SHEET 03</p> |
|--|--|--|

|  |   |
|--|---|
| <p>DO NOT SCALE OFF DRAWING</p> <p>ALTERATIONS AND ADDITIONS</p> <p>577A KING STREET NEWTOWN NSW 2042</p> <p>DOROTHY KOUTSOS</p> | <p><b>IG BUILDING DESIGN</b></p> <p>P 0412 064 909 E ig@igbuildingdesign.com.au</p> |
|--|---|

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EXISTING FIRST FLOOR LEVEL

1:100

FIRST FLOOR

4.

| BY | DATE     | REVISION               |
|----|----------|------------------------|
| DG | 04.06.22 | CONCEPT PLANS          |
| DG | 24.06.22 | FOR PRE DA             |
| DG | 26.06.22 | FOR DA SUBMISSION      |
| DG | 13.02.23 | FOR DA SUBMISSION V2   |
| DG | 03.10.23 | ADDITIONAL INFORMATION |

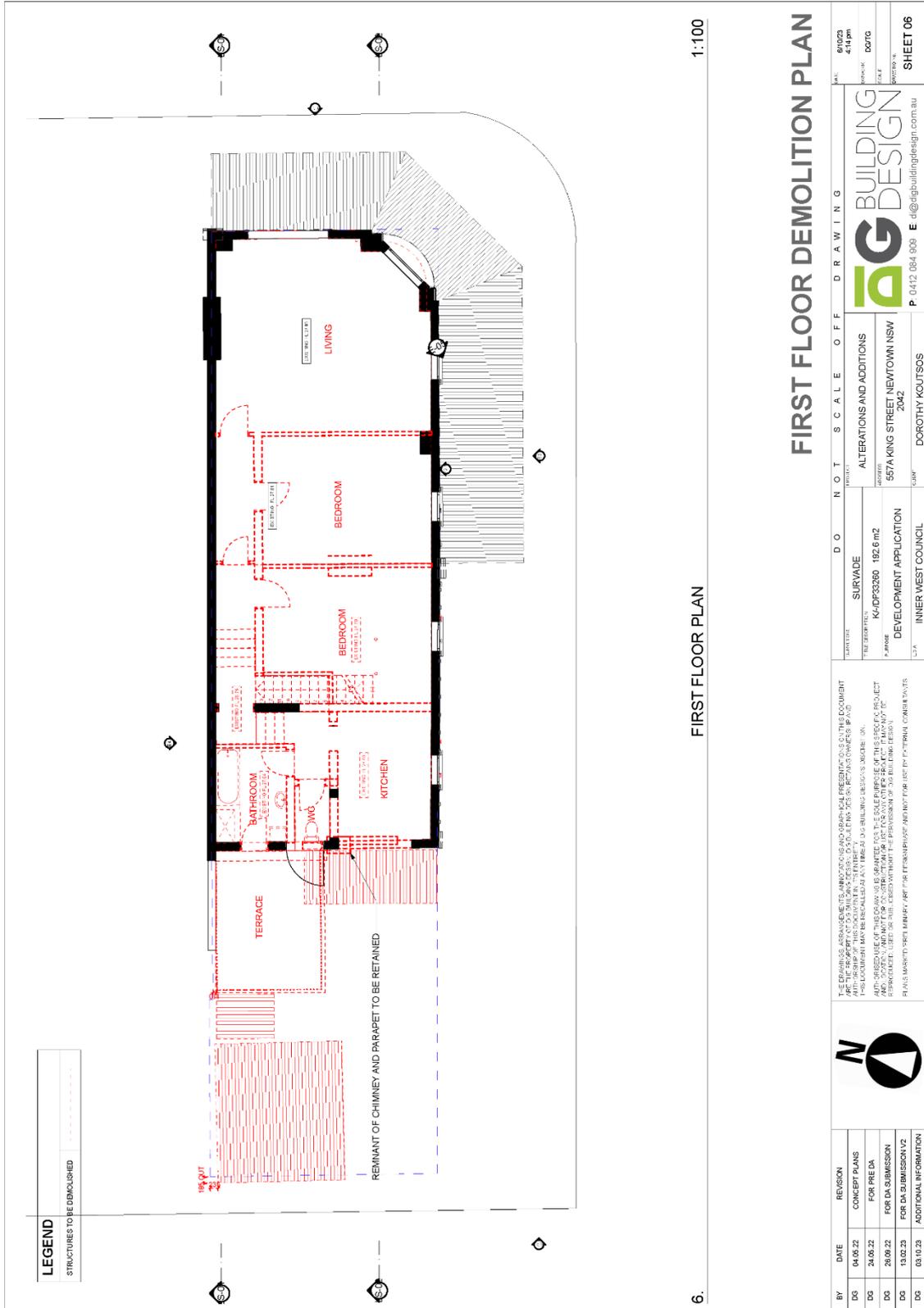
  

|   |  |  |
|---|--|--|
| <p>TITLE: SURWADE</p> <p>PROJECT: K4-DP33260 192.6 m2</p> <p>ADDRESS: 557A KING STREET NEWTOWN NSW 2042</p> <p>CLIENT: INNER WEST COUNCIL</p> |  | <p>DATE: 04/02/23</p> <p>TIME: 4:14 pm</p> <p>PROJECT: DOTO</p> <p>SCALE: 1:100</p> <p>SHEET: 04</p> |
| <p>DO NOT SCALE OFF DRAWING</p>   |  | <p>DESIGNER: BUILDING DESIGN</p> <p>CONTACT: P 0412 064 909 E info@buildingdesign.com.au</p>         |



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FIRST FLOOR PLAN

1:100

**LEGEND**

STRUCTURES TO BE DEMOLISHED

**FIRST FLOOR DEMOLITION PLAN**

|    |          |                        |             |
|----|----------|------------------------|-------------|
| BY | DATE     | REVISION               | DESCRIPTION |
| DG | 04.06.22 | CONCEPT PLANS          |             |
| DG | 24.06.22 | FOR PRE DA             |             |
| DG | 26.06.22 | FOR DA SUBMISSION      |             |
| DG | 13.02.23 | FOR DA SUBMISSION V2   |             |
| DG | 03.10.23 | ADDITIONAL INFORMATION |             |

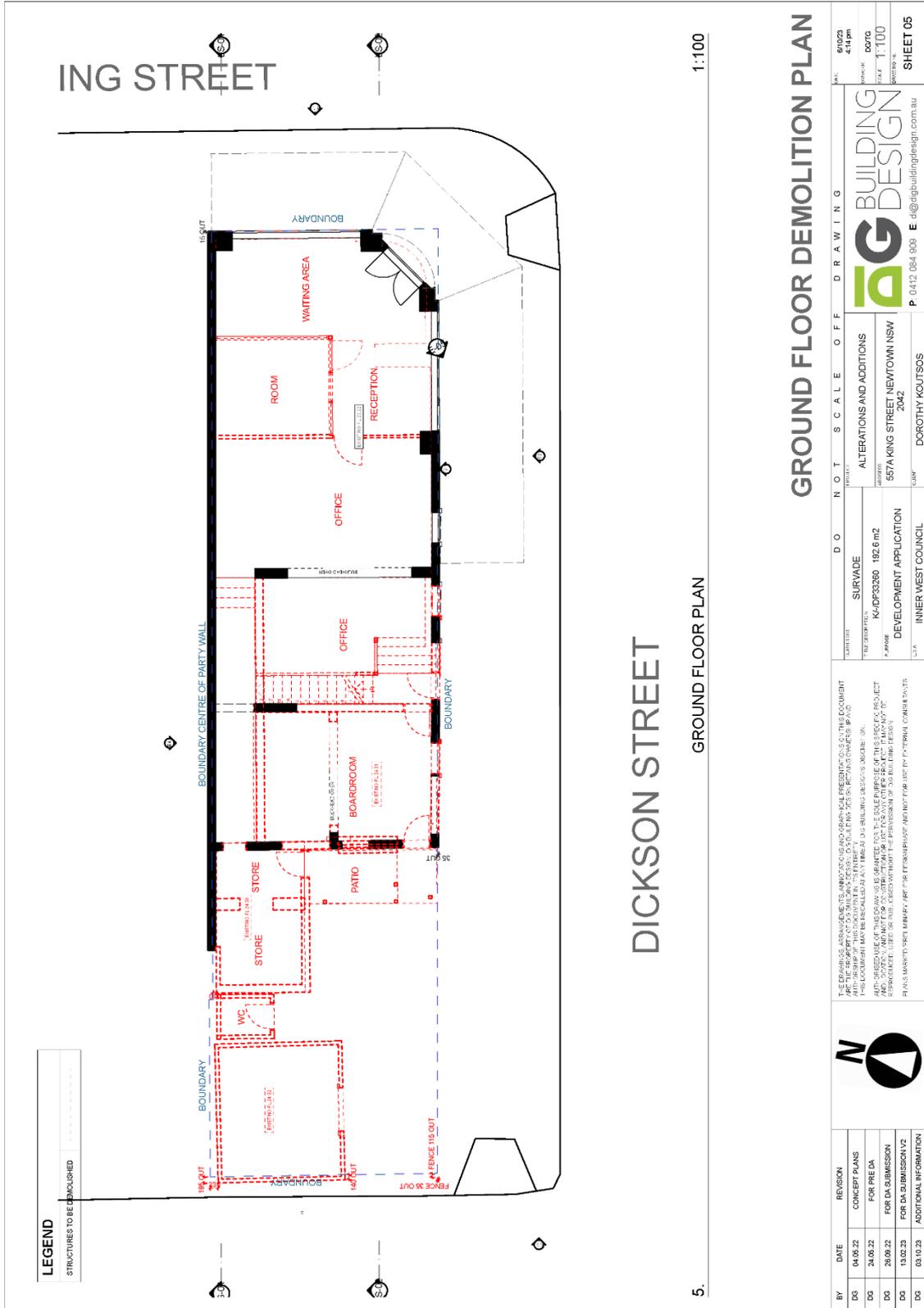
  

|              |   |          |
|--------------|---|----------|
| DATE         | 04/02/23  | 4:14 pm  |
| PROJECT      | ALTERATIONS AND ADDITIONS   |          |
| CLIENT       | DOROTHY KOUTSOS   |          |
| DESIGNER     | IG BUILDING DESIGN  |          |
| ADDRESS      | 557A KING STREET NEWTOWN NSW 2042   |          |
| PROJECT NO.  | K4-DP3260   | 192.6 m2 |
| PROJECT TYPE | DEVELOPMENT APPLICATION   |          |
| CLIENT       | INNER WEST COUNCIL  |          |
| DESIGNER     | DOROTHY KOUTSOS   |          |
| CONTACT      | P 0412 064 909 E <a href="mailto:info@igbuildingdesign.com.au">ig@igbuildingdesign.com.au</a> |          |



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GROUND FLOOR PLAN

5.

GROUND FLOOR DEMOLITION PLAN

| BY | DATE     | REVISION               |
|----|----------|------------------------|
| DG | 04.06.22 | CONCEPT PLANS          |
| DG | 24.06.22 | FOR PRE DA             |
| DG | 26.06.22 | FOR DA SUBMISSION      |
| DG | 13.02.23 | FOR DA SUBMISSION V2   |
| DG | 03.10.23 | ADDITIONAL INFORMATION |

|  |  |   |
|--|--|---|
| <p>TITLE: SURWADE</p> <p>PROJECT: K4-DP3260 192.6 m2</p> <p>ADDRESS: 557A KING STREET NEWTOWN NSW 2042</p> <p>CLIENT: INNER WEST COUNCIL</p> |  | <p>DATE: 01/11/2023</p> <p>TIME: 4:14 pm</p> <p>DESIGNER: DOROTHY KOUTSOS</p> <p>SCALE: 1:100</p> <p>SHEET 05</p> |
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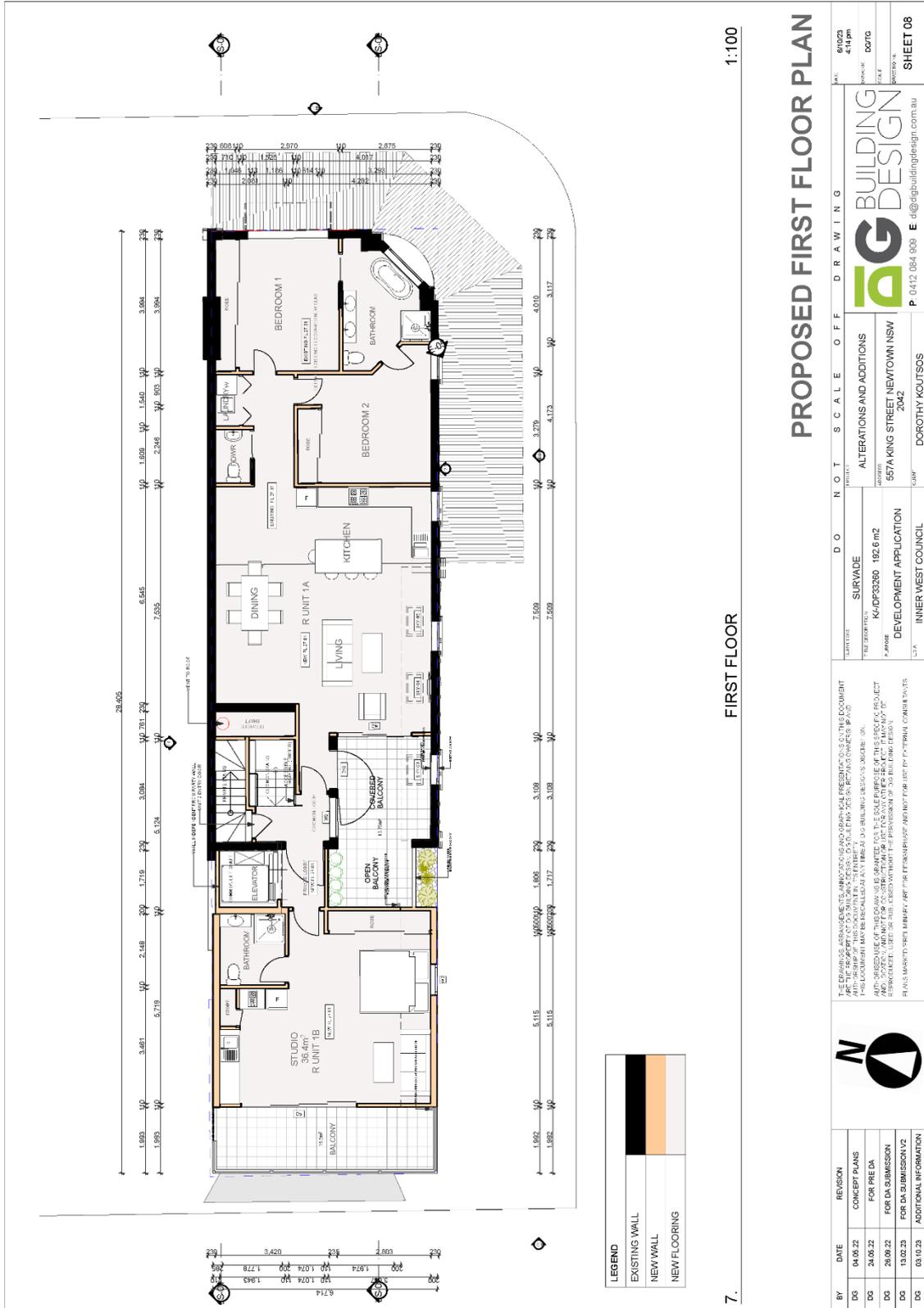
  

|   |
|---|
| <p>COMPANY: IAG BUILDING DESIGN</p> <p>CONTACT: P 0412 064 909 E iag@iagbuildingdesign.com.au</p> |
|---|



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1:100

SECOND FLOOR LEVEL

8.

PROPOSED SECOND FLOOR PLAN

| BY | DATE     | REVISION               |
|----|----------|------------------------|
| DG | 04.08.22 | CONCEPT PLANS          |
| DG | 24.08.22 | FOR PRE-DA             |
| DG | 26.08.22 | FOR DA SUBMISSION      |
| DG | 13.02.23 | FOR DA SUBMISSION V2   |
| DG | 03.10.23 | ADDITIONAL INFORMATION |

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| DATE  | 04.08.22  |
| TITLE   | SURWADE   |
| PROJECT NO.   | K4-DF33260  |
| AREA  | 192.6 m <sup>2</sup>  |
| ADDRESS   | 557A KING STREET NEWTOWN NSW 2042   |
| CLIENT  | INNER WEST COUNCIL  |
| DESIGNER  | DOROTHY KOUTSOS   |
| CONTACT   | P 0412 064 909 E <a href="mailto:info@iagbuildingdesign.com.au">info@iagbuildingdesign.com.au</a> |

|          |                 |
|----------|-----------------|
| DATE     | 04.08.22        |
| TIME     | 4:14 pm         |
| PROJECT  | DOUG            |
| SCALE    | 1:100           |
| DESIGNER | DOROTHY KOUTSOS |





E1. NORTH EAST ELEVATION - KING STREET FACADE 1:100 E3. SOUTH WEST ELEVATION - LANEWAY FACADE 1:100

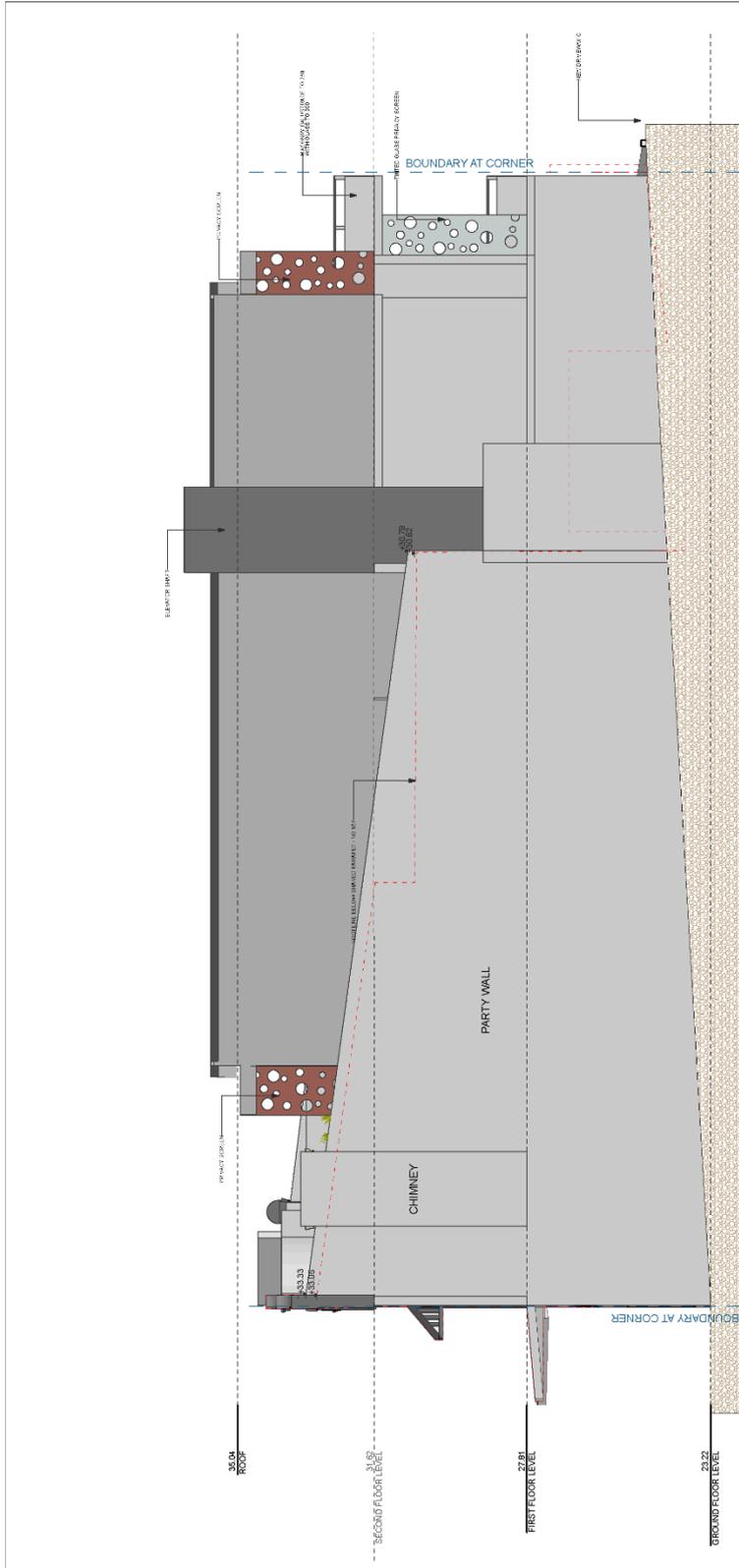
ELEVATIONS NE & SW

| BY | DATE     | REVISION               |
|----|----------|------------------------|
| DG | 04.06.22 | CONCEPT PLANS          |
| DG | 24.06.22 | FOR PRE DA             |
| DG | 26.06.22 | FOR DA SUBMISSION      |
| DG | 13.02.23 | FOR DA SUBMISSION V2   |
| DG | 03.10.23 | ADDITIONAL INFORMATION |

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| DATE   | 01/11/2023                                 |
| SCALE  | AS SHOWN                                   |
| PROJECT  | 557A KING STREET NEWTOWN NSW 2042          |
| CLIENT   | DOROTHY KOUTSOS                            |
| DESIGNER   | IAG BUILDING DESIGN                        |
| CONTACT  | P 0412 064 909 E @iagbuildingdesign.com.au |

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1:100

NORTH-WEST ELEVATION - PARTY WALL FACADE

E4.

ELEVATIONS NORTH-WEST

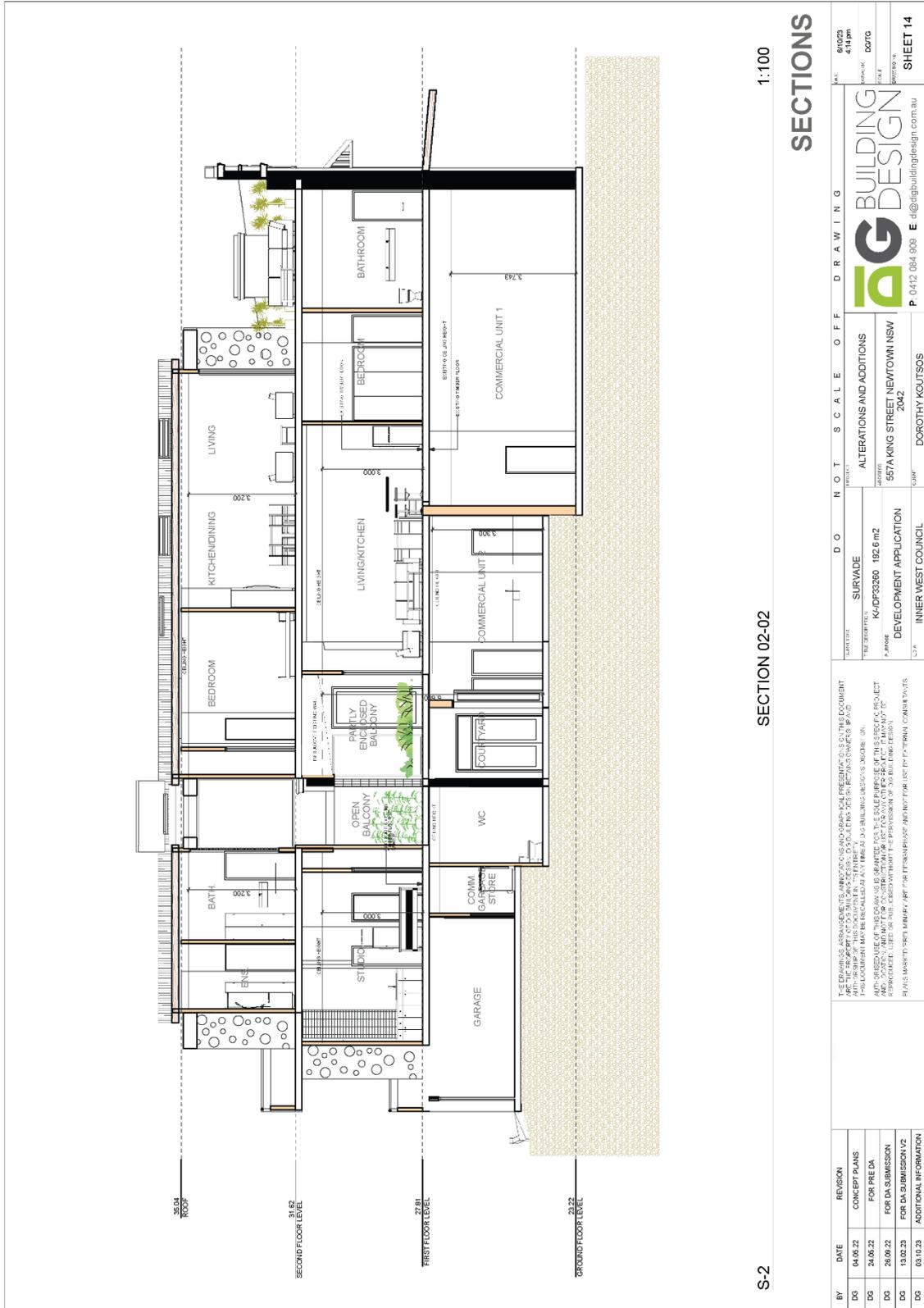
| BY | DATE     | REVISION               |
|----|----------|------------------------|
| DG | 04.06.22 | CONCEPT PLANS          |
| DG | 24.06.22 | FOR PRE DA             |
| DG | 26.06.22 | FOR DA SUBMISSION      |
| DG | 13.02.23 | FOR DA SUBMISSION V2   |
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| DATE  | 04/06/22                          |
| TITLE   | SURWADE                           |
| PROJECT NO.   | K4-DF33260 192.6 m2               |
| ADDRESS   | 557A KING STREET NEWTOWN NSW 2042 |
| CITY  | INNER WEST COUNCIL                |
| CLIENT  | DOROTHY KOUTSOS                   |
| DATE  | 04/06/23                          |
| PROJECT   | ALTERATIONS AND ADDITIONS         |
| SCALE   | AS SHOWN                          |
| DRAWN BY  | DOROTHY KOUTSOS                   |
| CHECKED BY  | DOROTHY KOUTSOS                   |
| DATE  | 04/06/23                          |

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Version: 1, Version Date: 07/11/2023





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SECTION 02-02

S-2

SECTIONS

| BY | DATE     | REVISION               |
|----|----------|------------------------|
| DG | 04.06.22 | CONCEPT PLANS          |
| DG | 24.06.22 | FOR PRE DA             |
| DG | 26.06.22 | FOR DA SUBMISSION      |
| DG | 13.02.23 | FOR DA SUBMISSION V2   |
| DG | 03.10.23 | ADDITIONAL INFORMATION |

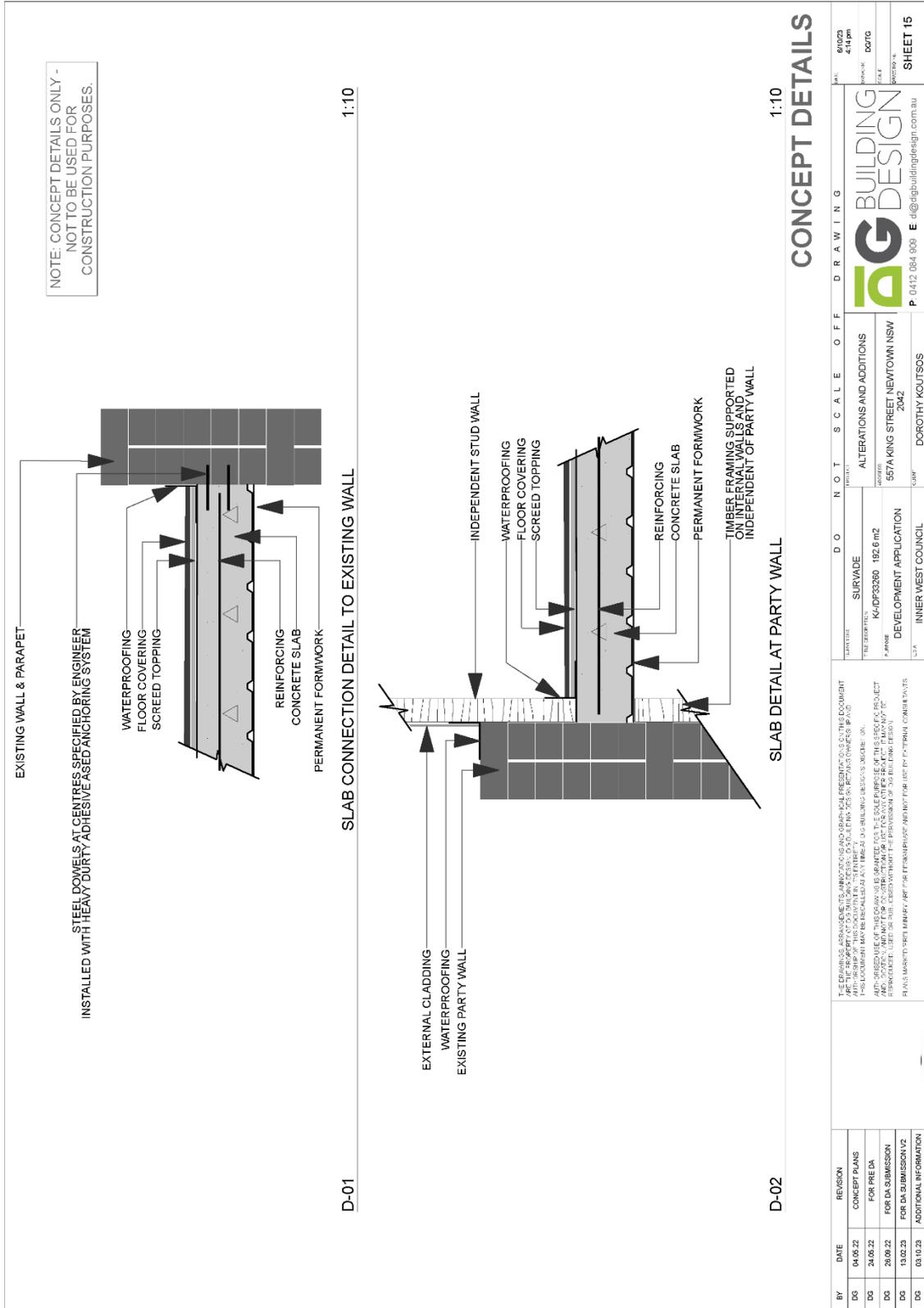
  

|   |  |  |
|---|--|--|
| <p>TITLE: SURWADE</p> <p>PROJECT: K4-DP33260 192.6 m2</p> <p>ADDRESS: 557A KING STREET NEWTOWN NSW 2042</p> <p>CLIENT: INNER WEST COUNCIL</p> |  | <p>DATE: 04/02/23</p> <p>TIME: 4:14 pm</p> <p>PROJECT: DOTO</p> <p>SCALE: 1:100</p> <p>SHEET: 14</p> |
| <p>DO NOT SCALE OFF DRAWING</p>   |  | <p>ALTERATIONS AND ADDITIONS</p> <p>557A KING STREET NEWTOWN NSW 2042</p> <p>DOROTHY KOUTSOS</p>     |

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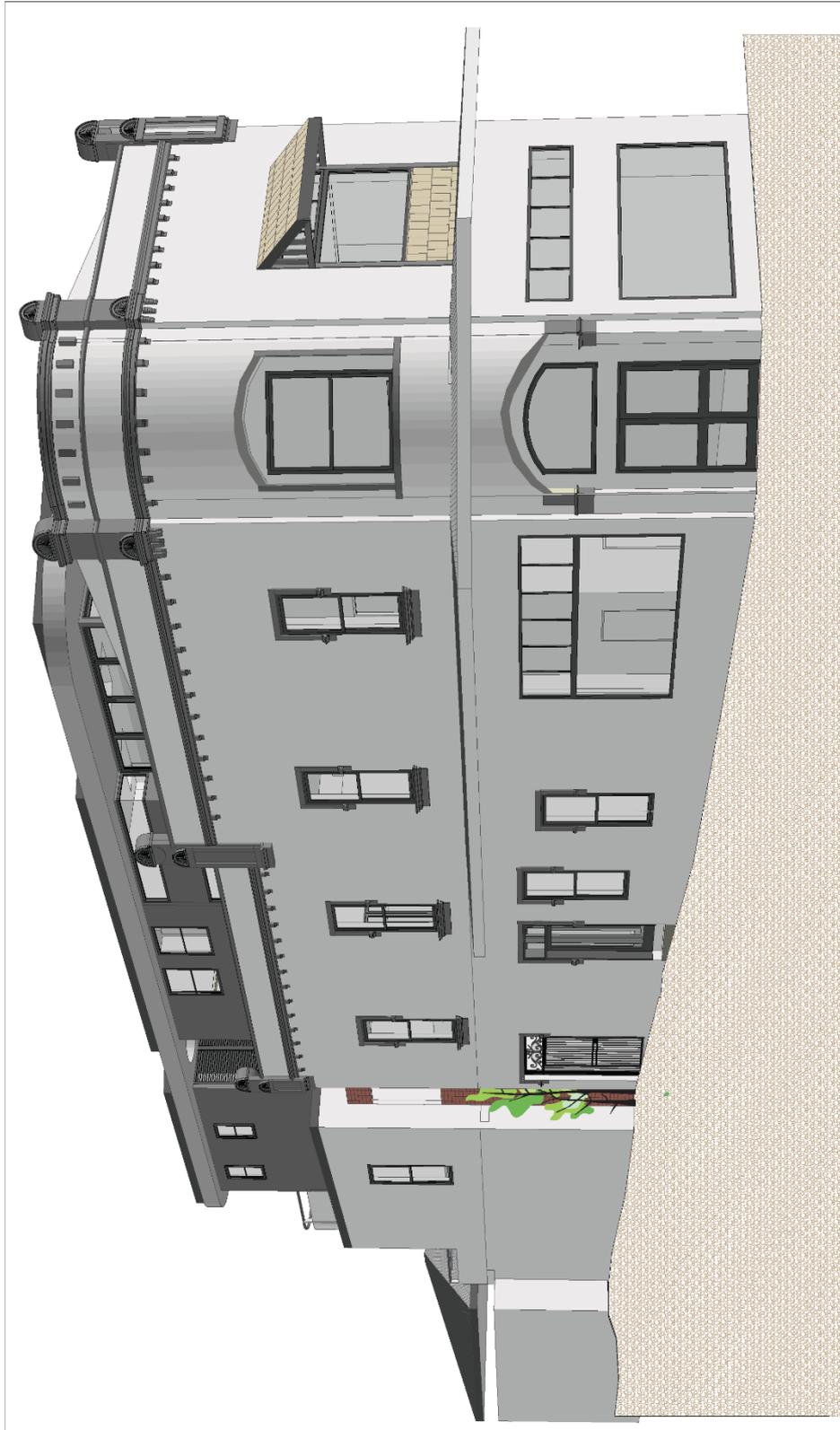
NOTE: CONCEPT DETAILS ONLY - NOT TO BE USED FOR CONSTRUCTION PURPOSES.

STEEL DOWELS AT CENTRES SPECIFIED BY ENGINEER INSTALLED WITH HEAVY DUTY ADHESIVE ANCHORING SYSTEM

| BY | DATE     | REVISION               |
|----|----------|------------------------|
| DG | 04.06.22 | CONCEPT PLANS          |
| DG | 24.06.22 | FOR PRE DA             |
| DG | 26.06.22 | FOR DA SUBMISSION      |
| DG | 13.02.23 | FOR DA SUBMISSION V2   |
| DG | 03.10.23 | ADDITIONAL INFORMATION |

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|---|--|--|---|



3D CONCEPT

| BY | DATE     | REVISION               |
|----|----------|------------------------|
| DG | 04.06.22 | CONCEPT PLANS          |
| DG | 24.06.22 | FOR PRE DA             |
| DG | 26.06.22 | FOR DA SUBMISSION      |
| DG | 13.02.23 | FOR DA SUBMISSION V2   |
| DG | 03.10.23 | ADDITIONAL INFORMATION |

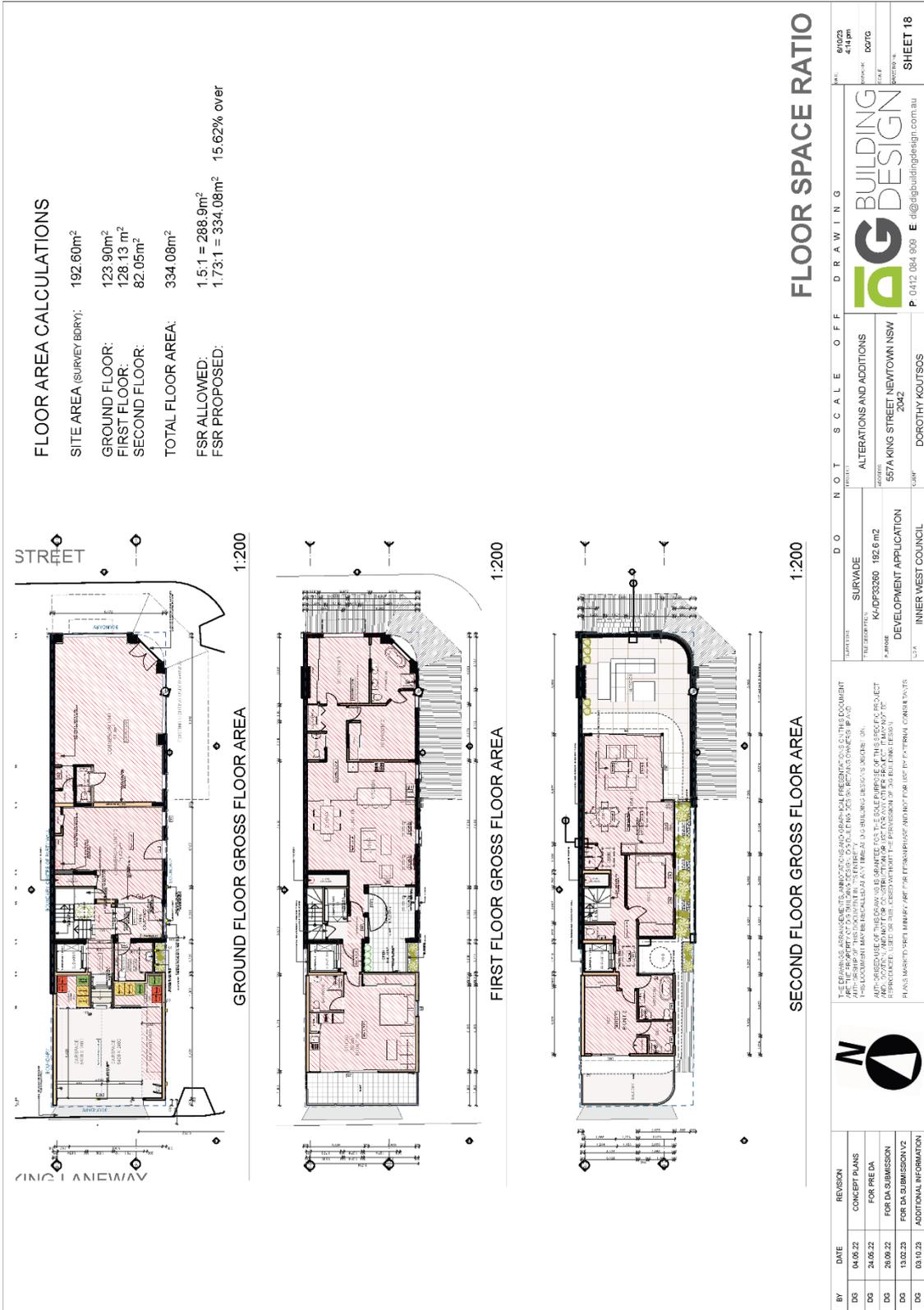
|  |  |
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|   |   |   |
|---|---|---|
| D.O. NO. SURWADE<br>K4-DF33260 192.6 m2<br>DEVELOPMENT APPLICATION          | PROJECT ADDRESS<br>557A KING STREET NEWTOWN NSW<br>2042 | ARCHITECT<br>IAG BUILDING DESIGN<br>P 0412 064 909 E iag@iagbuildingdesign.com.au |
| CLIENT<br>ALTERATIONS AND ADDITIONS<br>557A KING STREET NEWTOWN NSW<br>2042 | CONSULTANT<br>DOROTHY KOUTSOS                           | DATE<br>01/11/2023<br>TIME<br>4:14 pm<br>SCALE<br>DOTO<br>SHEET NO.<br>SHEET 16   |

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 Version: 1, Version Date: 01/11/2023







E2. SOUTH-EAST ELEVATION - DICKSTON STREET FACADE (1) 1:200

E.05 VIEW FROM CORNER DICKSTON & KING STREETS (WEST FOOTPATH) 1:200

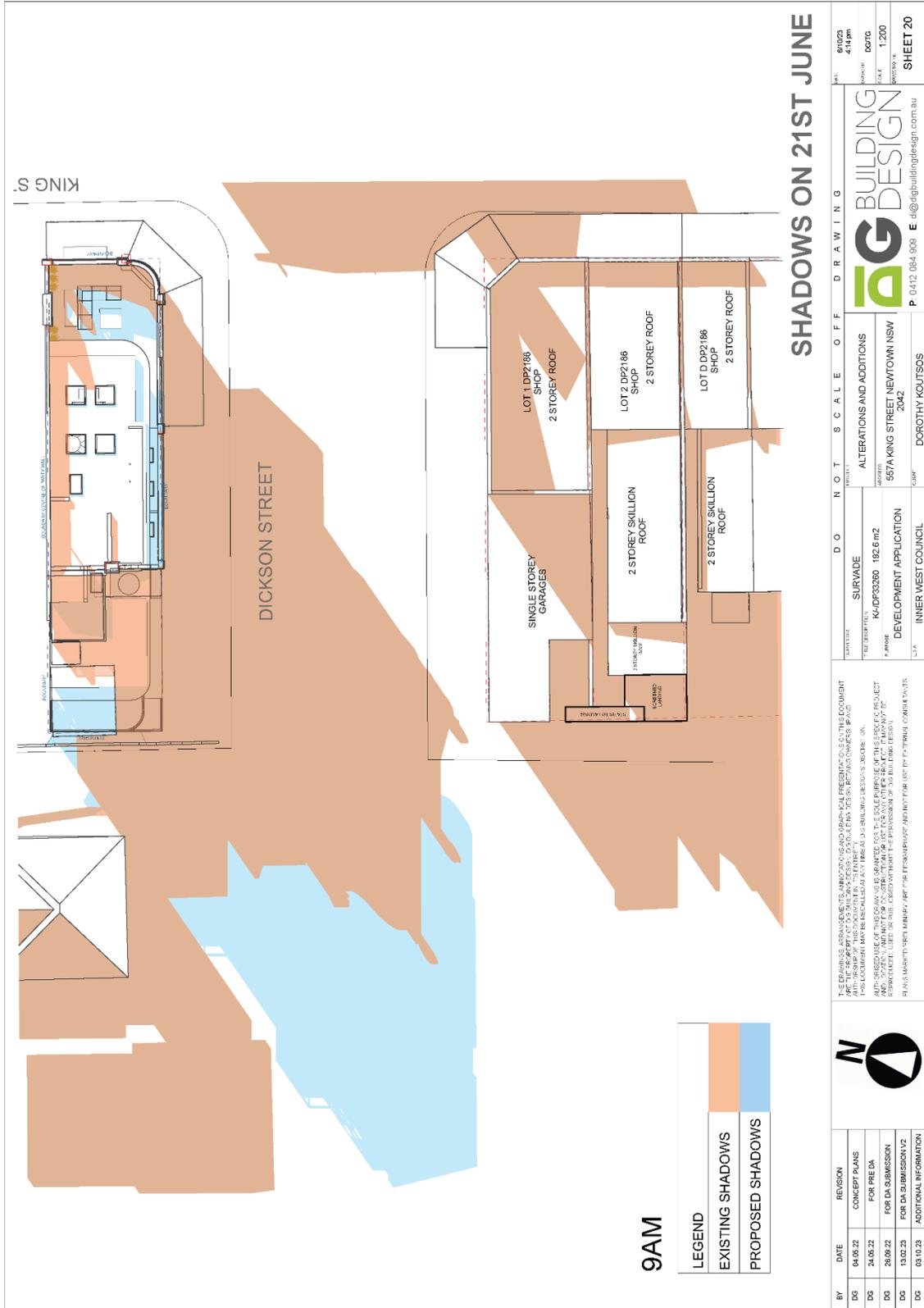
VIEWS FROM KING STREET

| BY | DATE     | REVISION               |
|----|----------|------------------------|
| DG | 04.06.22 | CONCEPT PLANS          |
| DG | 24.06.22 | FOR PRE DA             |
| DG | 26.06.22 | FOR DA SUBMISSION V2   |
| DG | 13.02.23 | FOR DA SUBMISSION V2   |
| DG | 03.10.23 | ADDITIONAL INFORMATION |

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| TITLE: SURWADE<br>PROJECT: K4-DF33260 192.6 m2<br>ADDRESS: 557A KING STREET NEWTOWN NSW 2042<br>CLIENT: INNER WEST COUNCIL   | PROJECT: ALTERATIONS AND ADDITIONS<br>ADDRESS: 557A KING STREET NEWTOWN NSW 2042<br>CLIENT: DOROTHY KOUTSOS | IAG BUILDING DESIGN<br>P 0412 064 909 E info@iagbuildingdesign.com.au    |

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 Version: 1, Version Date: 07/11/2023



SHADOWS ON 21ST JUNE

| BY | DATE     | REVISION               |
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| DG | 04.06.22 | CONCEPT PLANS          |
| DG | 24.06.22 | FOR PRE DA             |
| DG | 26.06.22 | FOR DA SUBMISSION      |
| DG | 13.02.23 | FOR DA SUBMISSION V2   |
| DG | 03.10.23 | ADDITIONAL INFORMATION |

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| <p>DATE FOR TITLE: SURFWIDE</p>  | <p>DATE FOR TITLE: ALTERATIONS AND ADDITIONS</p>  |
| <p>PROJECT NO: K4-DP33260 192.6 m2</p>   | <p>ADDRESS: 557A KING STREET NEWTOWN NSW 2042</p>   |
| <p>PROJECT NAME: DEVELOPMENT APPLICATION</p>   | <p>CLIENT: DOROTHY KOUTSOS</p>  |
| <p>CLIENT: INNER WEST COUNCIL</p>  | <p>CONTACT: P 0412 064 909 E <a href="mailto:info@iagbuildingdesign.com.au">info@iagbuildingdesign.com.au</a></p> |

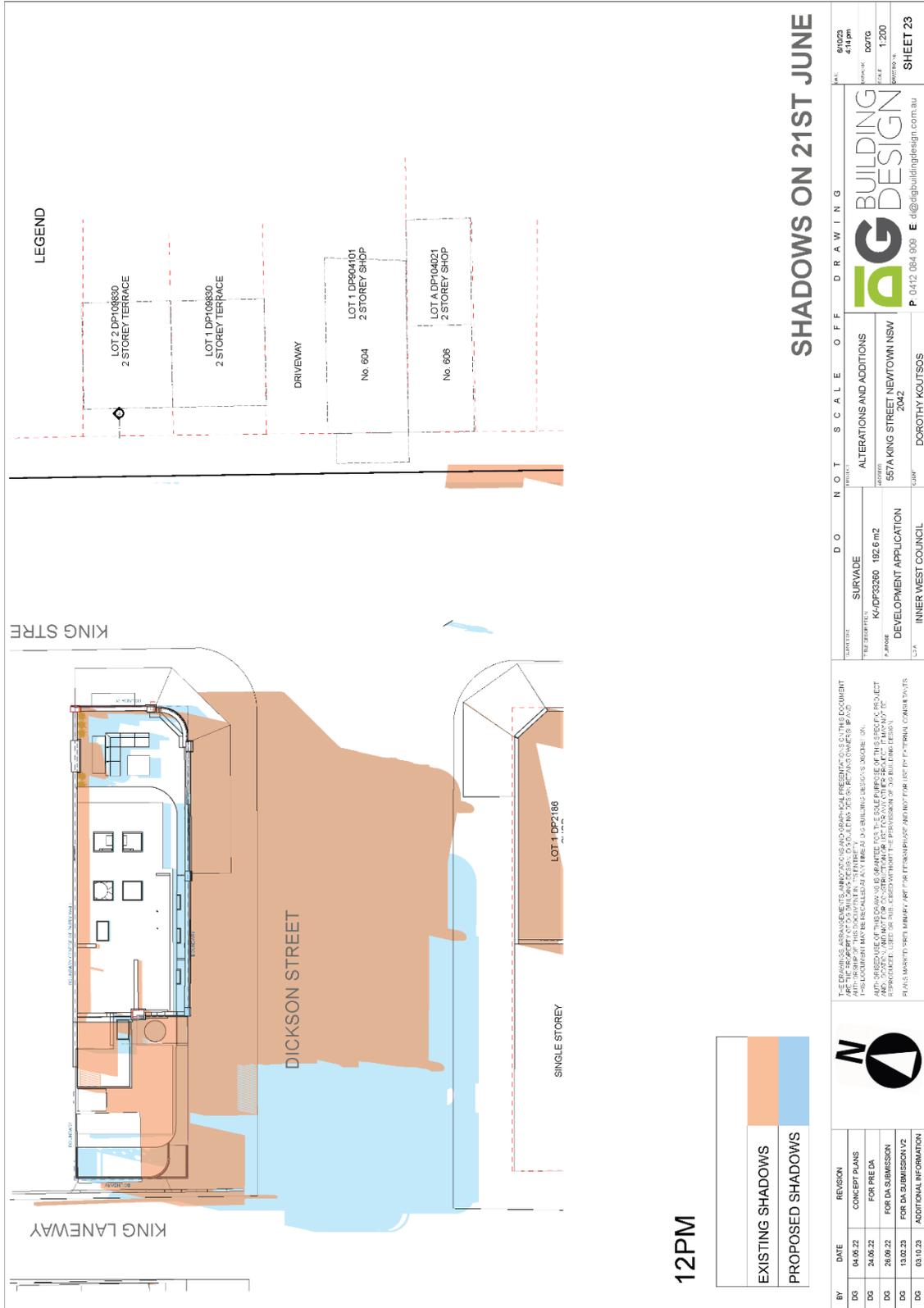
  

|                       |                      |
|-----------------------|----------------------|
| <p>DATE: 04/02/23</p> | <p>TIME: 4:14 pm</p> |
| <p>PROJECT: DOTO</p>  | <p>SCALE: 1:200</p>  |
| <p>SHEET 20</p>       |                      |

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Version: 1, Version Date: 07/11/2023







12PM

|                  |              |
|------------------|--------------|
| EXISTING SHADOWS | (Light Blue) |
| PROPOSED SHADOWS | (Orange)     |

SHADOWS ON 21ST JUNE

|    |          |                        |             |
|----|----------|------------------------|-------------|
| BY | DATE     | REVISION               | DESCRIPTION |
| DG | 04.06.22 | CONCEPT PLANS          |             |
| DG | 24.06.22 | FOR PRE DA             |             |
| DG | 26.06.22 | FOR DA SUBMISSION      |             |
| DG | 13.02.23 | FOR DA SUBMISSION V2   |             |
| DG | 03.10.23 | ADDITIONAL INFORMATION |             |

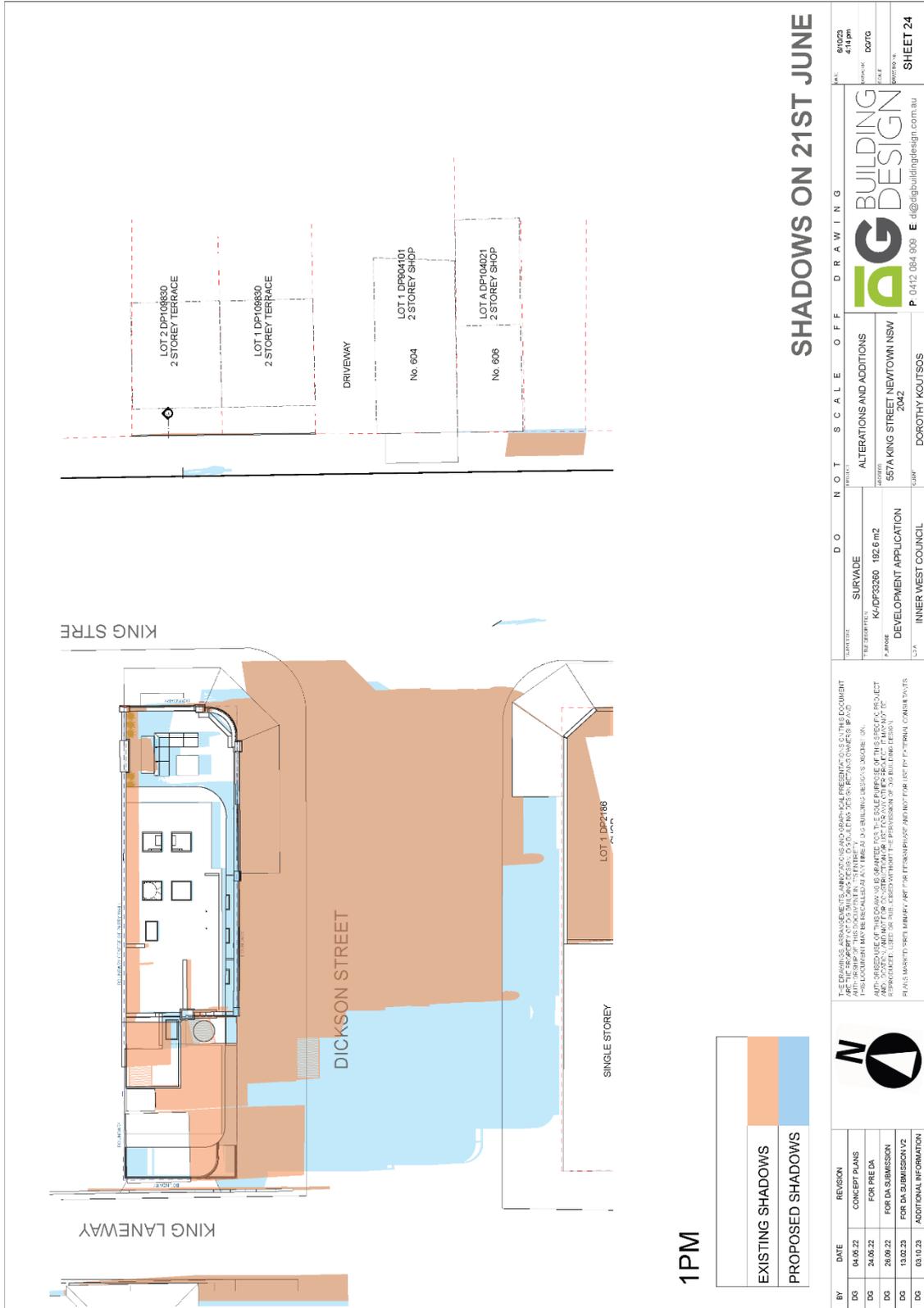
  

|           |  |      |         |
|-----------|--|------|---------|
| DATE      | 04/02/23                                       | TIME | 4:14 PM |
| DRAWING   | ALTERATIONS AND ADDITIONS                      |      |         |
| PROJECT   | 577A KING STREET NEWTOWN NSW 2042              |      |         |
| CLIENT    | DOROTHY KOUTSOS                                |      |         |
| DESIGNER  | IAG BUILDING DESIGN                            |      |         |
| SCALE     | 1:200  |      |         |
| SHEET NO. | SHEET 23                                       |      |         |
| CONTACT   | P 0412 064 909 E info@iagbuildingdesign.com.au |      |         |

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Version: 1, Version Date: 07/11/2023



1 PM

|                  |  |
|------------------|--|
| EXISTING SHADOWS |  |
| PROPOSED SHADOWS |  |

SHADOWS ON 21ST JUNE

|    |          |                        |             |
|----|----------|------------------------|-------------|
| BY | DATE     | REVISION               | DESCRIPTION |
| DG | 04.08.22 | CONCEPT PLANS          |             |
| DG | 24.08.22 | FOR PRE DA             |             |
| DG | 26.08.22 | FOR DA SUBMISSION      |             |
| DG | 13.02.23 | FOR DA SUBMISSION V2   |             |
| DG | 03.10.23 | ADDITIONAL INFORMATION |             |

|          |   |      |         |
|----------|---|------|---------|
| DATE     | 04/02/23                                    | TIME | 4:14 pm |
| PROJECT  | ALTERATIONS AND ADDITIONS                   |      |         |
| ADDRESS  | 557A KING STREET NEWTOWN NSW 2042           |      |         |
| CLIENT   | DOROTHY KOUTSOS                             |      |         |
| DESIGNER | IG BUILDING DESIGN                          |      |         |
| CONTACT  | P 0412 064 909 E ig@igbuildingdesign.com.au |      |         |

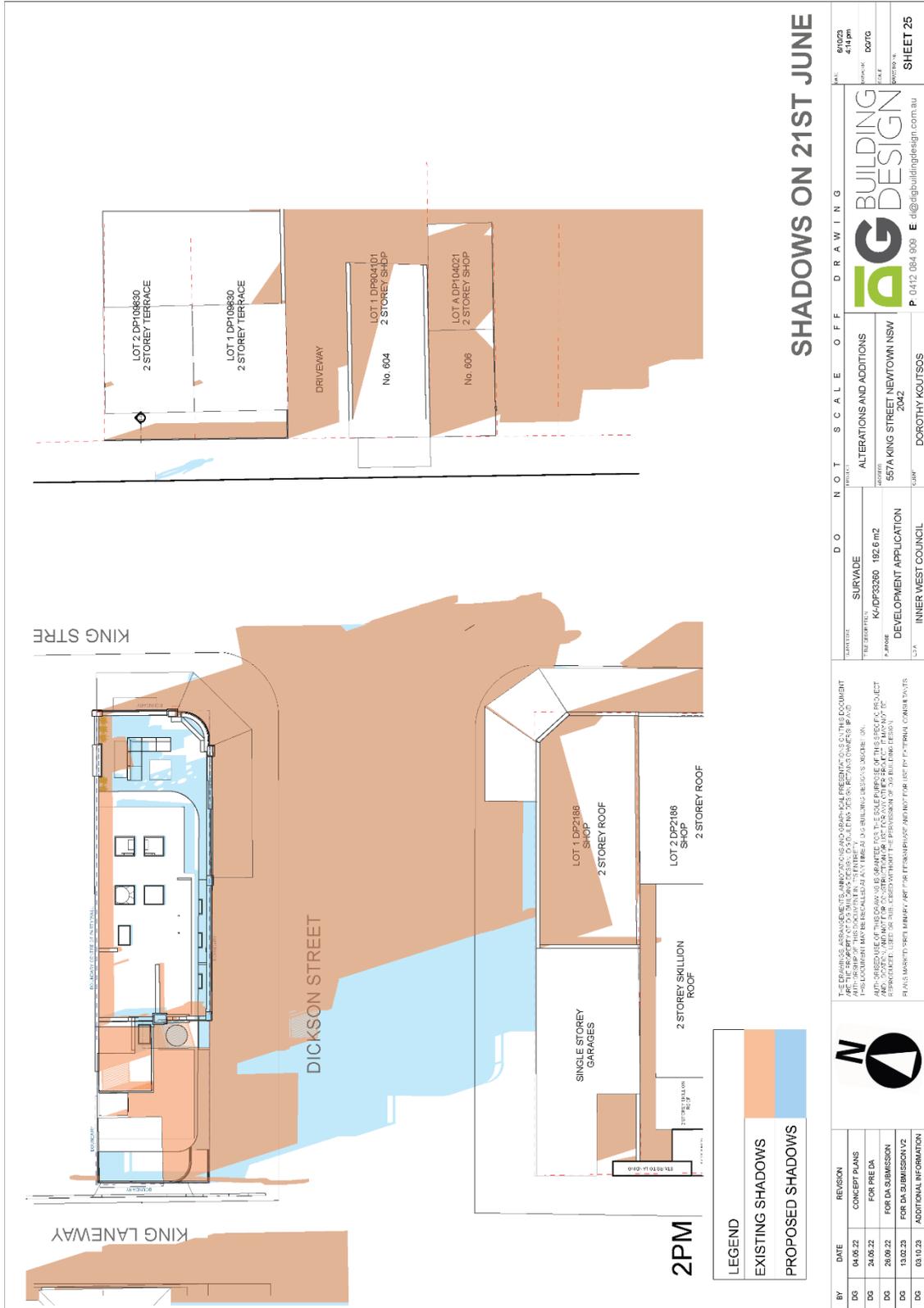
  

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| BY | DATE     | REVISION               | DESCRIPTION |
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| DG | 24.08.22 | FOR PRE DA             |             |
| DG | 29.08.22 | FOR DA SUBMISSION      |             |
| DG | 13.02.23 | FOR DA SUBMISSION V2   |             |
| DG | 03.10.23 | ADDITIONAL INFORMATION |             |

|                |                                   |          |
|----------------|-----------------------------------|----------|
| DATE FOR       | SURWADE                           | 192.6 m2 |
| FILE REFERENCE | K4-DP33260                        |          |
| PROJECT        | DEVELOPMENT APPLICATION           |          |
| ADDRESS        | 557A KING STREET NEWTOWN NSW 2042 |          |
| LPA            | INNER WEST COUNCIL                |          |

|            |                 |
|------------|-----------------|
| DATE       | 6/10/23         |
| TIME       | 4:14 pm         |
| PROJECT    | DOUG            |
| SCALE      | AS SHOWN        |
| DRAWN BY   | DOROTHY KOUTSOS |
| CHECKED BY |                 |
| DATE       |                 |

ALTERATIONS AND ADDITIONS

557A KING STREET NEWTOWN NSW 2042

DOROTHY KOUTSOS

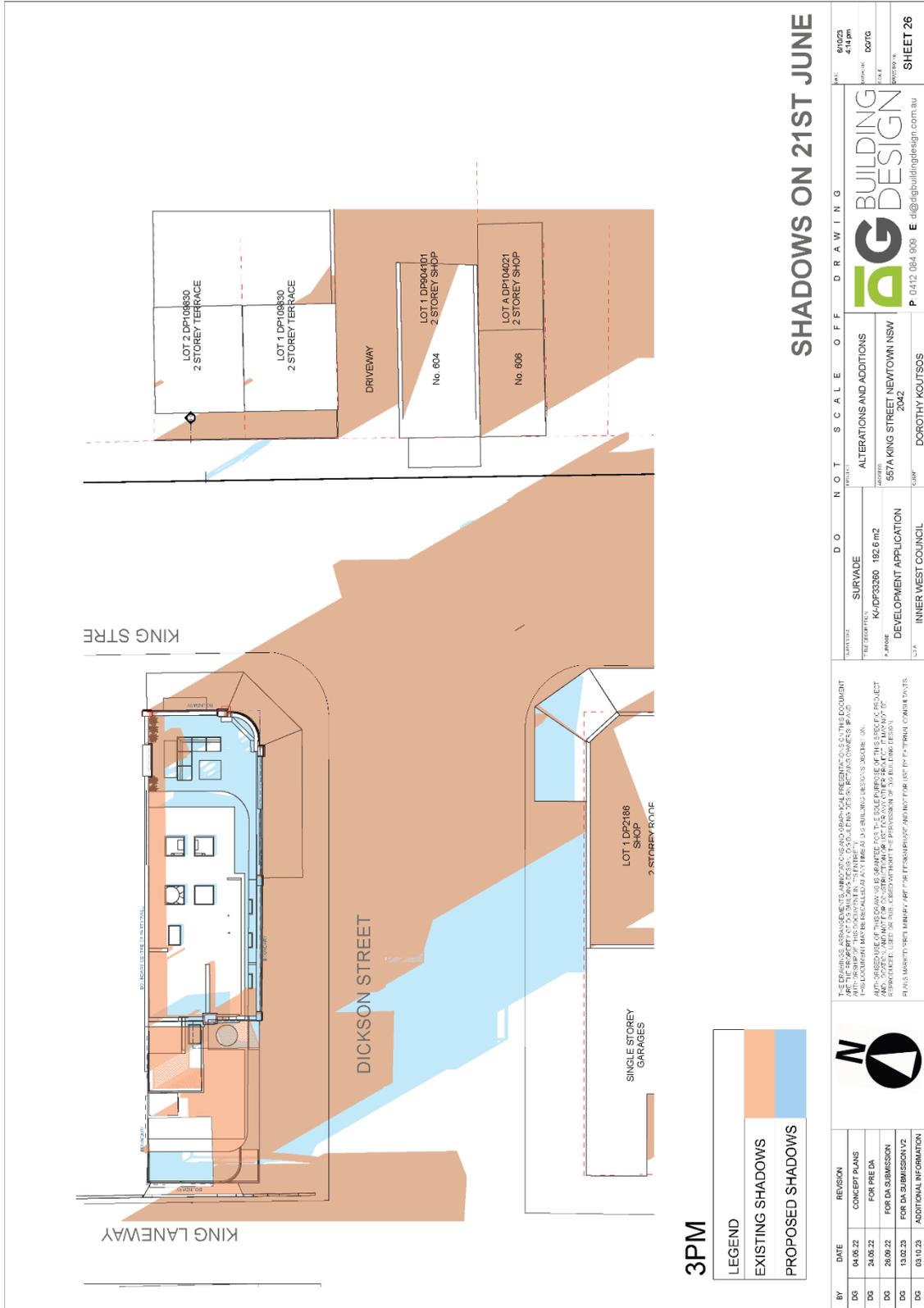
P 0412 064 909 E @igbuildingdesign.com.au

**IG BUILDING DESIGN**

SHEET 25

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SHADOWS ON 21ST JUNE

| BY | DATE     | REVISION               |
|----|----------|------------------------|
| DG | 04.08.22 | CONCEPT PLANS          |
| DG | 24.08.22 | FOR PRE DA             |
| DG | 26.08.22 | FOR DA SUBMISSION      |
| DG | 13.02.23 | FOR DA SUBMISSION V2   |
| DG | 03.10.23 | ADDITIONAL INFORMATION |

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| <p>DATE FOR SHADOWS: 21/06/2023</p> <p>TIME: 3:00 PM</p>  | <p>DATE: 04/10/23</p> <p>TIME: 4:14 PM</p>  |
| <p>PROJECT: 557A KING STREET NEWTOWN NSW 2042</p> <p>CLIENT: DOROTHY KOUTSOUS</p>   | <p>PROJECT: DOTO</p> <p>SCALE: 1:1</p> <p>SHEET 26</p>  |
| <p>PROJECT: SURWADE</p> <p>AREA: 192.6 m<sup>2</sup></p> <p>PROJECT: K4-DP33260</p> <p>PROJECT: DEVELOPMENT APPLICATION</p> <p>CLIENT: INNER WEST COUNCIL</p>   | <p>PROJECT: ALTERATIONS AND ADDITIONS</p> <p>PROJECT: 557A KING STREET NEWTOWN NSW 2042</p> <p>CLIENT: DOROTHY KOUTSOUS</p> |

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Version: 1, Version Date: 07/11/2023



| INDEX | FINISH / MATERIAL                                   | COLOR                             |
|-------|---|-----------------------------------|
| A     | PANEL/ROOF SHEETING                                 | COLOR: 03/94/46 (RIB)             |
| B     | MATRIX CEMENT CLADDING                              | NATURAL CONCRETE                  |
| C     | SCION AXON VERTICAL CLADDING                        | ZINC/BLACK BRICK                  |
| D     | PACA GUTTERS & DOWNPIPES                            | MATCH EXISTING FENESTRATION COLOR |
| E     | FEATURE WALLS                                       | STACKED BOND BRICKWORK            |
| F     | METAL ALUMINUM WINDOWING & GLAZING                  | W/ONE BILT 70                     |
| G     | TIMBER LOOK DOOR                                    | COORDING BRICK                    |
| H     | SOFFIT & EAVE                                       | COORDING BRICK                    |
| I     | METAL SCREENING                                     | COORDING BRICK                    |
| J     | EXISTING PAINTED BRICK WALLS (MATCH EXISTING COLOR) | COORDING BRICK                    |
| K     | METAL GATES & BALLUSTAGE RAIL                       | W/ONE BILT 70                     |

**FINISHES SCHEDULE**

|          |                        |
|----------|------------------------|
| DATE     | REVISION               |
| 04.06.22 | CONCEPT PLANS          |
| 24.06.22 | FOR PRE DA             |
| 26.06.22 | FOR DA SUBMISSION      |
| 13.02.23 | FOR DA SUBMISSION V2   |
| 03.10.23 | ADDITIONAL INFORMATION |

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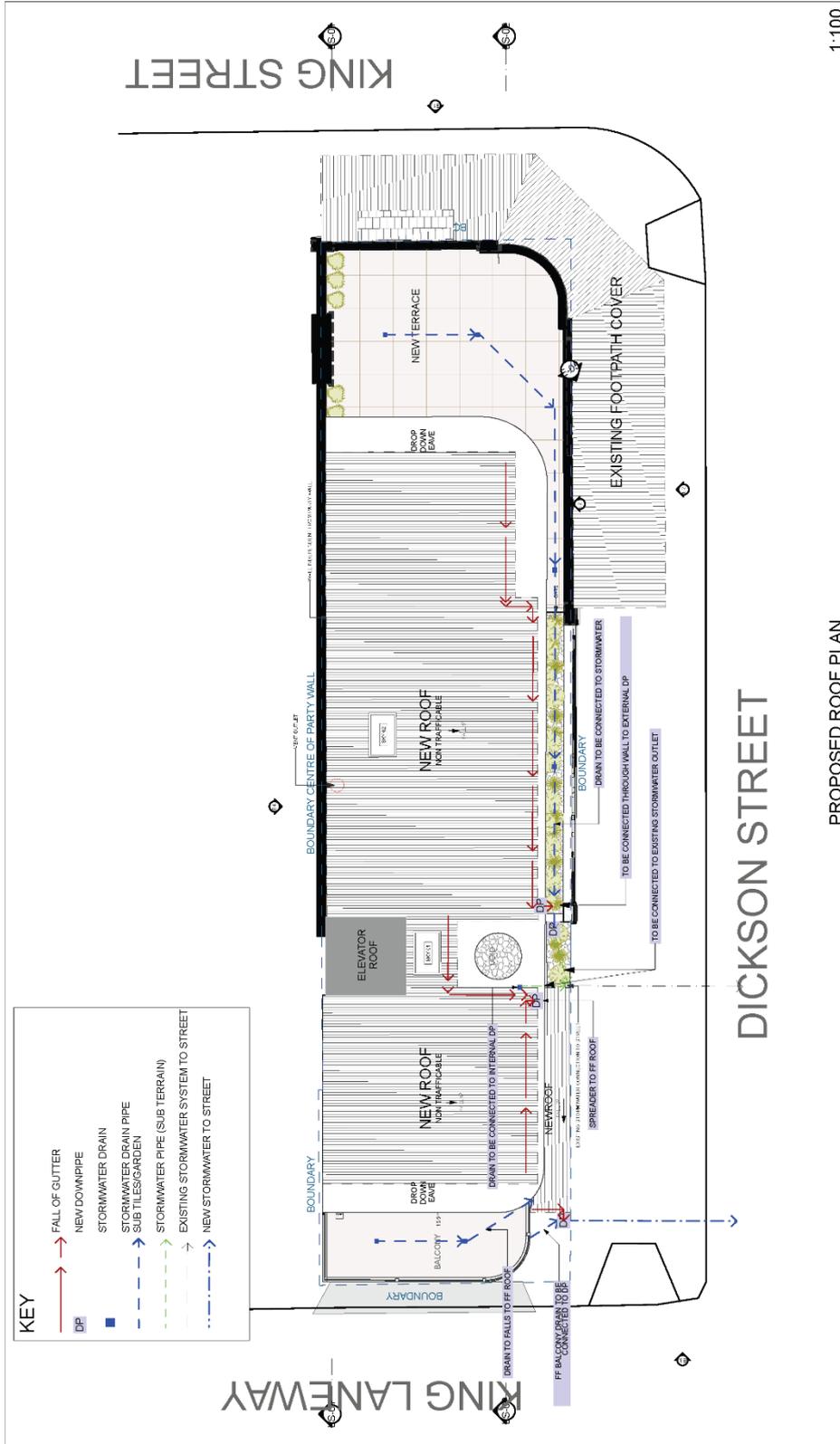
DATE: 04/02/23 4:14 pm  
 PROJECT: DOTO  
 DRAWING: SHEET 28

ALTERATIONS AND ADDITIONS  
 557A KING STREET NEWTOWN NSW 2042  
 DOROTHY KOUTSOS

INNER WEST COUNCIL

IAG BUILDING DESIGN  
 P 0412 064 909 E info@iagbuildingdesign.com.au

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 Version: 1, Version Date: 07/11/2023



1:100

PROPOSED ROOF PLAN

STORMWATER DRAINAGE CONCEPT PLAN

| BY | DATE     | REVISION               |
|----|----------|------------------------|
| DG | 04.06.22 | CONCEPT PLANS          |
| DG | 24.06.22 | FOR PRE DA             |
| DG | 29.06.22 | FOR DA SUBMISSION      |
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| DG | 03.10.23 | ADDITIONAL INFORMATION |

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| <p>PROJECT: SURWADE</p> <p>AREA: K4-DP33260 192.6 m2</p> <p>ADDRESS: 557A KING STREET NEWTOWN NSW 2042</p> <p>CLIENT: INNER WEST COUNCIL</p>  | <p>DESIGNER: DOROTHY KOUTSOS</p> | <p>PROJECT NO: D070</p> <p>DRAWING NO: SHEET 29</p> |



**SEDIMENT FENCES**

**A WITH TRENCH**  
POST, FABRIC, BACK FILL, NATIVE SOIL

**B WITHOUT TRENCH**

**SEDIMENT FENCES SHOULD BE INSTALLED DOWN SLOPE TO TREAT SITE RUN-OFF**

**2 TO BE EFFECTIVE THEY NEED TO BE INSTALLED PROPERLY AND MAINTAINED REGULARLY**

**GEOTEXTILE FILTER FABRIC**

**GEOTEXTILE BURIED INTO GROUND**

**DIRECTION OF FLOW**

**DISTURBED AREA**

**1. PROVIDE A SINGLE STABILISED ENTRY / EXIT POINT**

**2. SEDIMENT OR BUILDING MATERIALS SHOULD BE REMOVED FROM THE ROAD AS REQUIRED BY SWEEPING, SHOVELING, OR SPONGING. (NO WASHING)**

**MINIMUM LENGTH 5 m**

**RUN OFF FROM DRIVEWAY SHOULD BE DIRECTED TO SEDIMENT TRAP**

**60 - 75 CRUSHED ROCK**

**KERB**

**STABILISED DRIVEWAY**

**STORMWATER NOTES**

1. LOCATION OF PIPING IS DIAGRAMATIC ONLY. EXACT LOCATION TO BE DETERMINED ON SITE. CHECK ALL LEVELS PRIOR TO THE COMMENCEMENT OF WORK AND REPORT ANY DISCREPANCIES TO THE ARCHITECT. PIPES SHALL NOT COME INTO CONTACT WITH OTHER SERVICES OR BUILDING STRUCTURES. CO-ORDINATE WITH EACH RESPECTIVE TRADE PRIOR TO INSTALLATION AND REPORT ANY DISCREPANCIES TO THE ARCHITECT. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE ARCHITECTURAL PLANS. ANY DISCREPANCIES ARE TO BE REPORTED TO THE ARCHITECT IMMEDIATELY.
2. ALL LEVELS AND DIMENSIONS ARE TO BE CHECKED ON SITE PRIOR TO THE COMMENCEMENT OF WORKS.
3. STORMWATER AND SUB-SOIL DRAINAGE SHALL BE INSTALLED IN ACCORDANCE WITH THE LOCAL COUNCIL REQUIREMENTS. ALL PIPES TO HAVE A MINIMUM 150mm COVER IF LOCATED WITHIN THE PROPERTY.

## SOIL & WATER MANAGEMENT PLAN

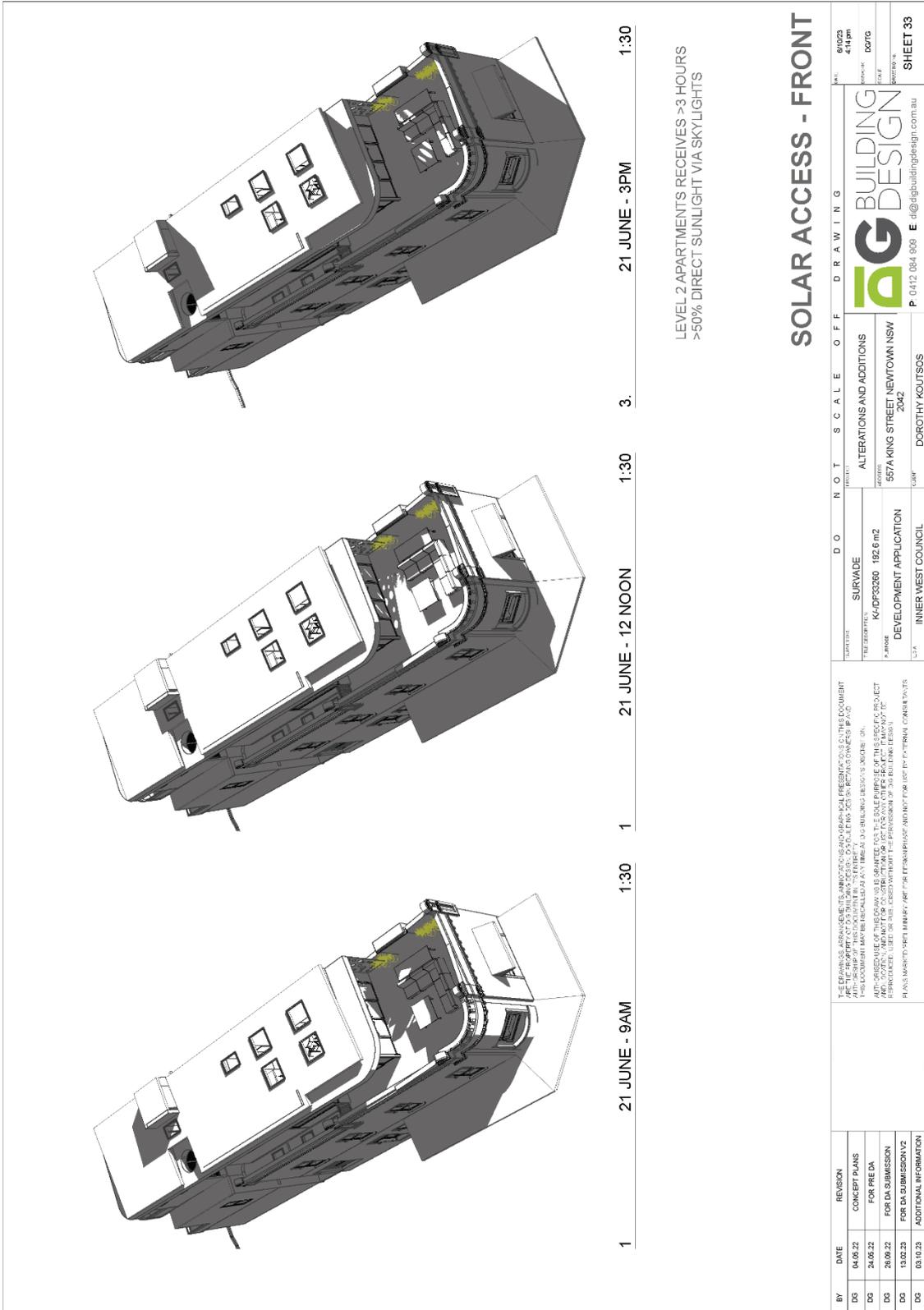
|          |                        |             |         |          |
|----------|------------------------|-------------|---------|----------|
| DATE     | REVISION               | DESCRIPTION | DRAWING | SHEET 30 |
| 04.08.22 | CONCEPT PLANS          |             | 6/10/23 |          |
| 24.08.22 | FOR PRE DA             |             | 4:14 pm |          |
| 26.08.22 | FOR DA SUBMISSION      |             | DO/TO   |          |
| 13.02.23 | FOR DA SUBMISSION V2   |             | SCALE   |          |
| 03.10.23 | ADDITIONAL INFORMATION |             | DATE    |          |

|                                   |         |            |         |
|-----------------------------------|---------|------------|---------|
| PROJECT NO                        | SURWADE | DRAWING NO | DRAWING |
| ALTERATIONS AND ADDITIONS         |         |            |         |
| 577A KING STREET NEWTOWN NSW 2042 |         |            |         |
| DOROTHY KOUTSOS                   |         |            |         |

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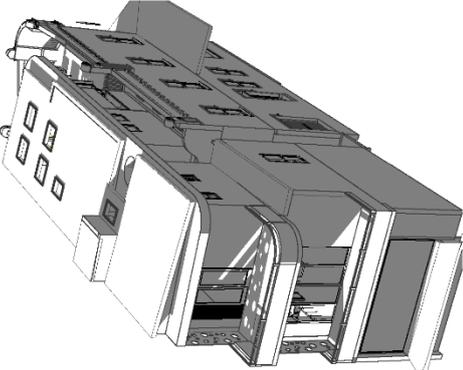
|  |  |
|--|--|
| SURWADE<br>K4-DF33260 192.6 m2<br>DEVELOPMENT APPLICATION<br>557A KING STREET NEWTOWN NSW 2042<br>INNER WEST COUNCIL | ALTERATIONS AND ADDITIONS<br>DOROTHY KOUTSOS |
|--|--|

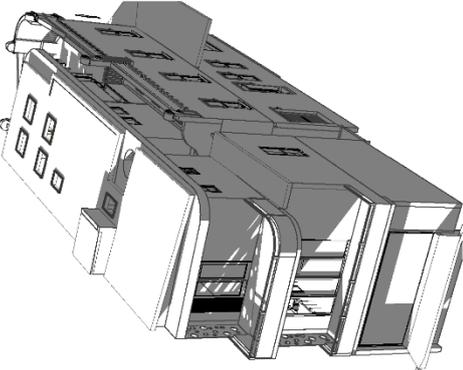
|  |
|--|
| 6/10/23<br>4:14 pm<br>DOTO<br>SHEET 33 |
|--|

Document Set ID: 3259017  
Version: 1, Version Date: 07/11/2023

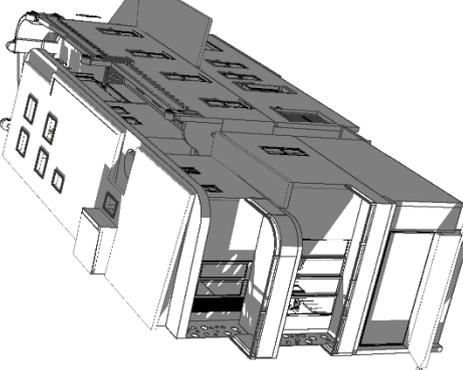
STUDIO APARTMENT WINDOW & POS  
RECEIVES 2 HOURS >50% DIRECT SUNLIGHT



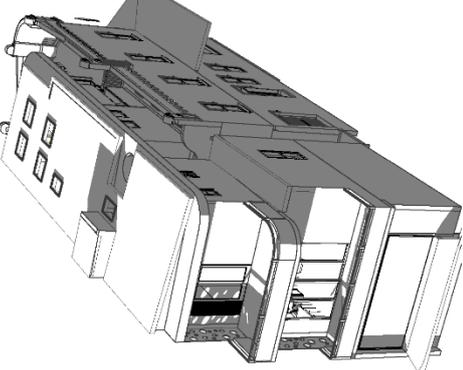
1.. 1PM - 21 JUNE



2. 1:30PM - 21 JUNE



3. 2PM - 21 JUNE



4. 3PM - 21 JUNE

1:30

**SOLAR ACCESS - REAR**

| BY | DATE     | REVISION               |
|----|----------|------------------------|
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|--|-----------------|
| SURWADE<br>K4-DP33260 192.6 m2<br>DEVELOPMENT APPLICATION<br>557A KING STREET NEWTOWN NSW 2042<br>INNER WEST COUNCIL | DOROTHY KOUTSOS |
|--|-----------------|

|   |                             |
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| D O N O T S C A L E O F F D R A W I N G | 6/10/23<br>4:15 pm<br>DORTO |
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## Attachment C- Section 4.6 Exception to Development Standards



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### REQUEST FOR VARIATION OF DEVELOPMENT STANDARD

PURSUANT TO CLAUSE 4.6 OF INNER WEST COUNCIL LOCAL ENVIRONMENTAL PLAN 2022

| Development Application Details: |   |
|----------------------------------|---|
| Address:                         | 557A King Street, NEWTOWN NSW 2042                                  |
| Proposed Development:            | Modifications to existing commercial property and shop top housing. |
| Standard sought to be varied:    |   |
| FLOOR SPACE RATIO                | Clause 4.4 of IWLEP 2022  |

This written request accompanies a development application for modifications to an existing commercial property and shop top housing at 557A King Street, Newtown.

This written request should be read in conjunction with the Statement of Environment Effects to which it is attached, and the plans detailing the proposal prepared by DIG Building Design. The proposal involves a non-compliance with the maximum Floor Space Ratio (FSR) in Inner West Local Environmental Plan 2022, due to the new internal floorspace.

Clause 4.6 of IWLEP 2022 relevantly states:

#### 4.6 Exceptions to development standards

- (1) *The objectives of this clause are as follows—*
  - (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.*
- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—*
  - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
  - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless—*
  - (a) *the consent authority is satisfied that—*
    - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
    - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

- (b) the concurrence of the Planning Secretary has been obtained.
- (5) In deciding whether to grant concurrence, the Planning Secretary must consider—
  - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
  - (b) the public benefit of maintaining the development standard, and
  - (c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.
- (6-8) ....

This request therefore addresses the non-compliance with the FSR standard and requests variation in accordance with Clause 4.6 of MLEP 2012.

**Identifying the Non-Compliance**

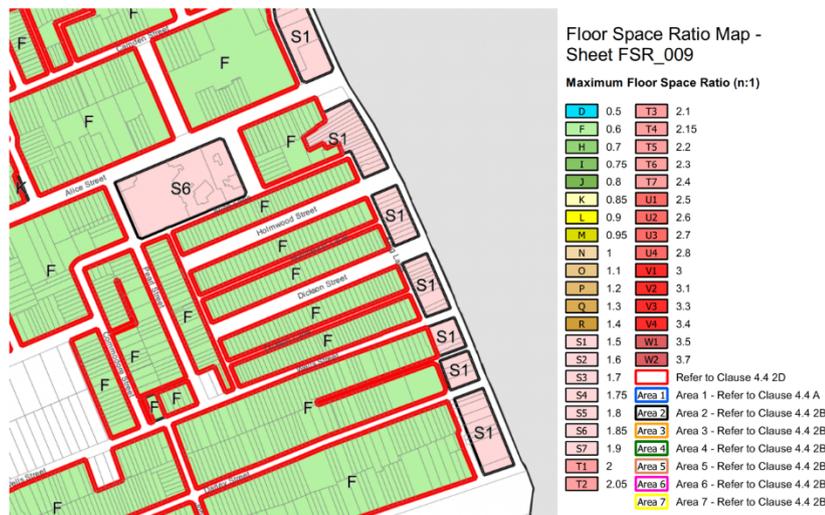


Figure 1 – Extract from Floor Space Ratio Map 009 IWLEP2022.

IWLEP 2011 stipulates a maximum FSR of 1.5:1 for the site, as shown in the map extract above.

The existing GFA of the building is 220.45 sqm (source: DiG Building Design). The proposed GFA is 334.06sqm. The site area is 192.6sqm therefore the existing FSR is 1.14:1 and the proposed FSR is 1.73:1.

This represents an exceedance above the standard of 15.82%.

**Objectives of the Standard**

The objectives of the Standards in Clause 4.6 of SLEP 2012 are:

- (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.

Comment:

The objectives of the standard are to enable appropriate development density and ensure development reflects the locality without impacting on the local amenity. The proposed

development reflects the increasing density of the locality with no adverse impacts on the local amenity. The proposal will, in reality, improve the local amenity by providing increased residential, commercial and employment options within an accessible and safe built environment.

Notwithstanding a minimal FSR over, the bulk and scale of the development and the impact on adjoining properties is within acceptable controls and is considered consistent with the objective of the standard.

### Zone Objectives

557A King Street, Newtown in zoned B2 Local Centre.

The objectives of the Zone are:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To accommodate residential development that complements and promotes the role of local centres as lively town centres in Inner West, with Ashfield town centre as the primary town centre.*
- *To encourage the activation of places through new development that achieves high architectural, urban design and landscape standards at street level.*

Comment:

The objectives of the B2 Local Centre Zone are to provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area. This development will increase employment opportunities and provide residential and commercial opportunities that will complement and promote the role of Newtown centre. It will provide a modern accessible facility for the community. It will activate the frontages of both King and Dickson Streets and given the current growth and popularity of the Newtown precinct, an increase in residential and commercial opportunities is consistent with the strategic direction of the area and objectives of the B2 Local Centre Zone.

### Environmental planning grounds that justify contravening the development standard

#### 1. Social and economic welfare of the community.

Newtown, in particular King Street, is a vibrant commercial and residential area providing a mix of commercial uses and residential opportunities. This development will enhance these opportunities by increasing both commercial and residential spaces. This will in turn increase employment opportunities and provide residential variety to better reflect the growing nature of the area while remaining within appropriate development densities.

#### 2. Sustainable management of built and cultural heritage.

557a King Street is a significant site with local cultural heritage. It is currently in poor condition with potential to fall into disrepair. This project proposes to protect the cultural future of the building by ensuring ongoing management as a viable mixed use property without loss of long term significance.

#### 3. Promote good design and amenity of the built environment.

The proposed development will provide high quality alterations and additions which will provide a unique attractive building without dominating the existing heritage structure. It will provide a modern amenity for both commercial and residential spaces.

**4. Promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants.**

The existing property is currently in poor condition with suspected inter-floor timber damage. This proposal will ensure maintenance and repair of the existing structure along with additions using materials with better long-term durability. The proposal will also upgrade the building to meet current health and safety requirements including accessible stairs and toilet amenity to better serve the occupants and visitors.

**Why compliance with the standard is unreasonable or unnecessary?**

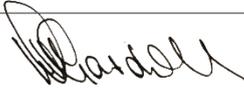
An FSR of 1.72:1 is proposed which is less than 15.6% above the control. Included in the FSR are significant areas of ground floor waste areas, common use courtyard, thoroughfares and transitional areas which are a requirement of other components of the DCP.

As a multi use building, stricter BCA requirements relating to accessibility means increased sizes of shared areas, an accessible bathroom and larger stair areas which were not previously contained in the building and are now included in FSR calculations. These areas restrict the amount of usable living space to form an acceptable amenity for residents and commercial tenants.

In addition controls relating to the Heritage nature of the building required careful design around existing elements. This also in-turn limits the locality and size of habitable spaces.

This respectful design proposal provides a variety of high quality, commercial and residential opportunities and will activate the under-utilised corner of King and Dixon Street. These being key objectives of the B2 Zone.

To provide adequate amenity for usable commercial occupancies as well as acceptable sized living and bedroom amenity, compliance with an FSR of 1.5 is considered unreasonable or unnecessary in this case.

|                               |   |                           |
|-------------------------------|---|---------------------------|
| <b>Applicant's signature:</b> |  | <b>Date:</b> 05 / 10 / 23 |
|-------------------------------|---|---------------------------|

## Attachment D – Statement of Heritage Significance

### **8.2.4.1 Statement of heritage significance**

1. The King Street and Enmore Road retail strip provides an evocative physical record of significant historical phases which shaped the "New Town" from the 19th to the early 20th century.
2. The retail strip provides evidence of the working class residential boom of the late 1870/80s, as evidenced by the rail station and surviving tramsheds.
3. The quality and quantity of the late Victorian period building stock exemplifies the economic boom of the late 19th century. Many of the buildings are impressive reminders of the area's role as a civic, retail and entertainment hub.
4. The continuous two and three storey stucco facades and the general uniformity of scale in the area create a distinct visual impression and outstanding townscape qualities, particularly in the central King Street area.
5. The consistency and relative intactness of the late 19th to early 20th century building stock is unique in the Sydney metropolitan area and NSW.
6. A large number of Art Deco and Inter-War period hotels demonstrate the highly populated, working class nature of the suburb in the early part of the 20th century.
7. The streetscape has high aesthetic values which are enhanced by the closed vistas created by the street curves and by the views over the surrounding areas afforded by the alignment following the ridgeline.
8. Mixed retail uses, including delicatessens, and changes to shopfronts dating from the 1950s and 1960s reflect the strong influence of post-war migrants on the area.
9. The area has social significance to the local and broader community, demonstrated through the involvement of the local community in the management of the area and its recognition by the National Trust and the Australian Heritage Commission.