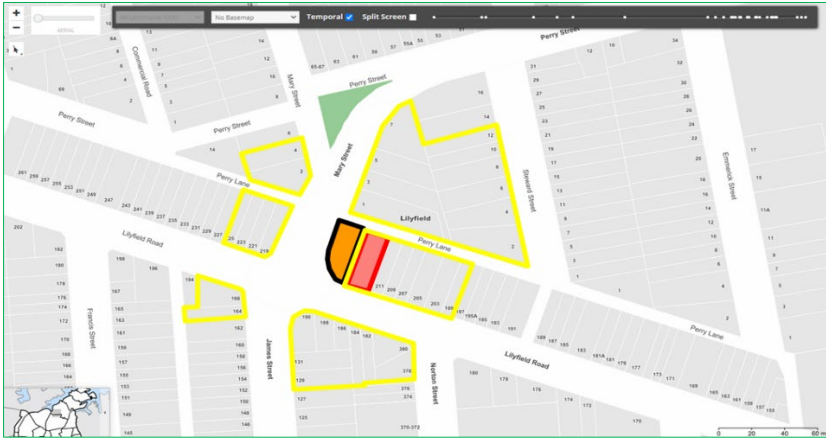




	
DEVELOPMENT ASSESSMENT REPORT	
Application No.	DA/2023/0565
Address	2/215 Lilyfield Road LILYFIELD NSW 2040
Proposal	Part demolition, and alterations and additions to an existing residential studio apartment unit to provide for an upper level room addition on the second floor and associated works
Date of Lodgement	18 July 2023
Applicant	Ms Jennifer M Madz Paragrid Pty Ltd
Owner	Ms Jennifer M Madz
Number of Submissions	One (1)
Value of works	\$94,000.00
Reason for determination at Planning Panel	Section 4.6 variation exceeds 10%
Main Issues	<ul style="list-style-type: none"> • Variation to Floor Space Ratio development standard • Incompatibility with the streetscape and inconsistency with pattern of development and desired future character controls • Excessive and unsatisfactory height, bulk and scale • Adverse amenity impacts
Recommendation	Refusal
Attachment A	Reasons for refusal
Attachment B	Draft conditions of consent (in the event the Panel resolves to approve the application)
Attachment C	Plans of proposed development
Attachment D	Section 4.6 Exception to Development Standard
	
LOCALITY MAP	
Subject Site	
Notified Area	
Objectors	
Supporters	
	N ↑

1. Executive Summary

This report is an assessment of the application submitted to Council for part demolition, and alterations and additions to an existing residential studio apartment unit to provide for an upper level room addition on the second floor and associated works at 2/215 Lilyfield Road Lilyfield.

The application was notified to surrounding properties and one (1) submission was received in opposition of the proposed development, in response to the initial notification.

The main issues that have arisen from the application include:

- Variation to Floor Space Ratio development standard applicable to the site;
- Incompatibility with the streetscape and inconsistency with pattern of development and desired future character controls;
- Excessive and unsatisfactory height, bulk and scale; and
- Adverse amenity impacts.

The non-compliances are considered unacceptable for reasons discussed in this report, the proposal is recommended for refusal.

2. Proposal

The proposal seeks consent for part demolition, and alterations and additions to an existing residential studio apartment unit to provide for an upper level room addition on the second floor and associated works to Unit 2 at 215 Lilyfield Road, Lilyfield.

The existing unit has a small living/kitchen area with a bedroom alcove and a bathroom. The proposal involves the part demolition of the building and roof and construction of a new second floor room projecting above and outside the existing roof form with a floor area of 15sqm. The room will be an addition to existing Unit 2 and is nominated as a bedroom on the plans. A new internal stair will connect the existing living room to the roof top room. The room will be setback from the Lilyfield Road parapet wall by 1.8m and the roof line of the new room will be up to 1.3m above the existing roof line.

The external finishes of the addition will be:

- Corrugated steel roof sheeting (Basalt or similar).
- Horizontal FC weatherboard cladding (Shale grey or similar)
- Window frames and awning - powdercoated aluminium (Basalt or similar); and
- Fire rated boundary wall (rendered painted brick to match existing grey).

3. Site Description

The subject site is Unit 2 at 215 Lilyfield Road, Lilyfield NSW 2040. It is legally described as Lot 2 in SP84252. The subject site is a corner lot, bound by Lilyfield Road to the south, Mary Street to the west and Perry Lane to the north - see Figure 1.

The subject site contains a mixed-use development with commercial use on the ground floor with Unit 1 occupied by Siempre Photography, and at the rear is Unit 4 containing a workshop and two garages. The ground floor provides access entrance to Unit 3 and Unit 2 on the first floor. The subject site's main street frontage is to

Lilyfield Road - See Figure 2. The existing structure has a double-storey presentation when viewed from all frontages.

The subject site is not heritage listed. However, it is adjacent heritage listed street trees, 11200, Street trees—avenue of Brush Box and 1 Brachychiton under Schedule 5 of the Inner West LEP 2022. The site is not located within a Heritage Conservation Area.

The site is zoned E1 Local Centre under the Inner West LEP 2022 - see Figure 3.

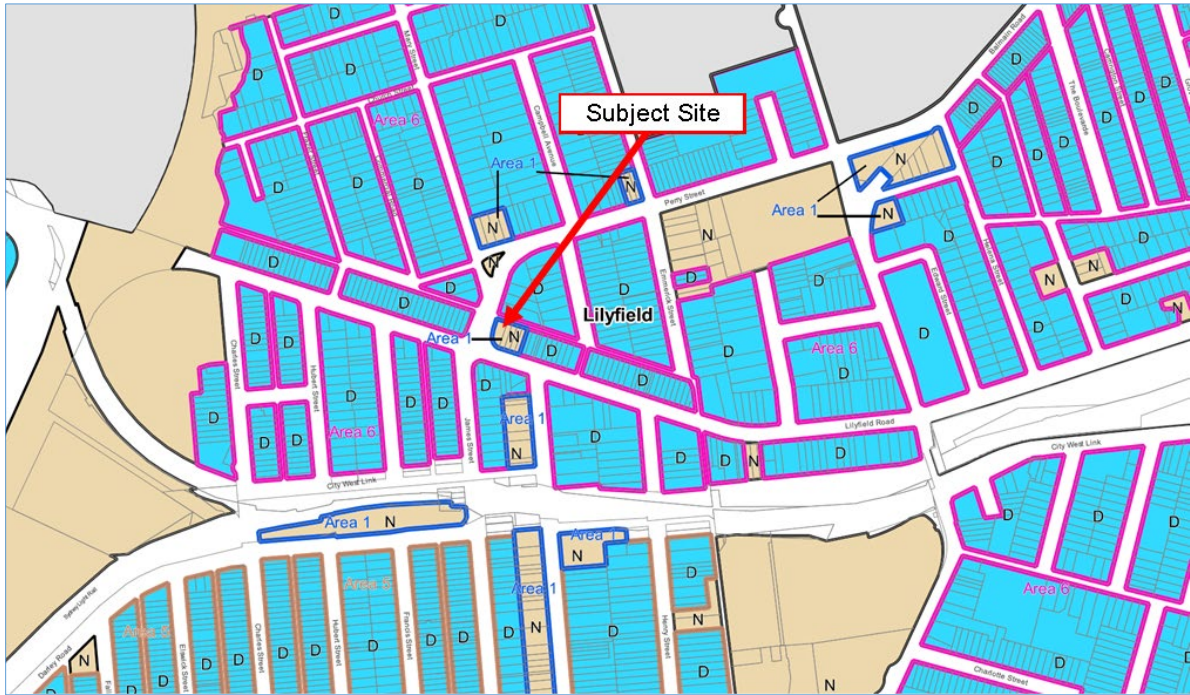
Figure 1: the subject site is marked in red border



Figure 2: street frontage of the subject site taken from the corner of James Street/Mary Street and Lilyfield Road.



Figure 3: zoning map – the subject site indicated by the red arrow is Area 1 on land zoned E1 Local Centre



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	Decision & Date
PDA/2022/0029	Alterations and additions to existing building to provide an additional level associated with Unit 2	Issued on 02.03.2022
DA/2023/0565	Alterations and additions to existing single bedroom apartment unit including new stairs to upper-level room on the second floor, roof modifications, and other associated works	Subject DA under assessment

Council advice issued under PDA/2022/0029 for a similar proposal to the current application was that the proposal for a second floor addition was not supportable and should not be pursued.

4(b) Application history

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

Date	Discussion / Letter / Additional Information
24/10/2023	<p>Council issued request to withdraw correspondence raising the following concerns:</p> <ul style="list-style-type: none"> • Non-compliance with the FSR development standard applicable to the site as prescribed in Section 4.4A of the <i>IWLEP 2022</i> • Adverse impacts and incompatibility with streetscape and inconsistency with applicable desired future character controls; • Inadequate plans.
16/11/2023	<p>The applicant provided a response to Council's correspondence questioning Council's FSR calculations and reaffirming that the proposal was consistent with Council's desired future character controls . An additional elevation (missing from the original architectural set) was not provided.</p> <p>The application was not withdrawn as requested and the applicant did not address the concerns raised in Council's correspondence. On this basis, the assessment of the proposal has proceeded.</p>

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 (Building Sustainability Index: BASIX) 2004*
- *Inner West Local Environmental Plan 2022*

The following provides further discussion of the relevant issues:

5(a)(i) *State Environmental Planning Policy (Building Sustainability Index) 2004*

The applicant has included a BASIX Certificate as part of the lodgment of the application (lodged within 3 months of the date of the lodgment of this application) in compliance with the *EP&A Regulation 2021*.

5(a)(ii) *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 4.4 – Floor Space Ratio
- Section 4.4A – Exception to maximum floor space ratio for active street frontages
- 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 6.3 – Stormwater management

- Section 6.8 – Development in areas subject to aircraft noise
- Section 6.13 – Residential accommodation in business zones

Clause 1.2 – Aims of Plan

As discussed later in this report, the proposal:

- Will have an adverse impact on the streetscape and Distinctive Neighbourhood in which the site is located, particularly due to the development being inconsistent with the predominant forms, heights and scale characteristic of this part of Lilyfield Road and adjacent streets; and
- Is considered to be of an unsatisfactory height, bulk and scale.

Therefore, the proposal is contrary to the following objectives under Clause 1.2 of the *IWLEP 2022*:

- (g) *to create a high quality urban place through the application of design excellence in all elements of the built environment and public domain,*
- (h) *to prevent adverse social, economic and environmental impacts on the local character of Inner West,*
- (i) *to prevent adverse social, economic and environmental impacts, including cumulative impacts.*

For this, and other reasons, the application is recommended for refusal.

Clause 2.3 - Land Use Table and Zone Objectives

The subject site is located in the E1 Local Centre zoning. The objectives of the E1 zone are as follows:

- *To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.*
- *To encourage investment in local commercial development that generates employment opportunities and economic growth.*
- *To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
- *To provide employment opportunities and services in locations accessible by active transport.*
- *To provide retail facilities and business services for the local community commensurate with the centre's role in the local centres hierarchy.*
- *To ensure Inner West local centres are the primary location for commercial and retail activities.*
- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
- *To enhance the unique sense of place offered by Inner West local centres by ensuring buildings display architectural and urban design quality and contributes to the desired character and cultural heritage of the locality.*

As discussed in sections above and later in this report, the proposed second floor structure extending above the roof line and above the parapet roof form of the existing building, is considered to be of a form, height and scale that is incompatible with the existing building and is inconsistent with the desired future character of the area with resultant adverse impacts on the Distinctive Neighbourhood in which the site is located. In this regard:

- While the proposed first floor addition to Unit 2 has been setback from the Lilyfield and Mary Street frontages, concern is raised that the addition will remain visible when viewed from Lilyfield Road and Mary and Perry Streets. It presents an incompatible bulk and scale within the locality of the site and is inconsistent with the desired future character of the area. Furthermore, the proposal will further breach the maximum wall height of the existing building.
- The proposed first floor addition to Unit 2 will result in a three storey development that is out of character with the overwhelmingly single and two storey streetscapes in which the site is located. Given the above, the proposed development is considered to be incompatible with the scale of surrounding development and the desired future character of the neighbourhood.

Furthermore, given that the site is located at a prominent corner, any additional level will be visible from the public domain and it is considered that there are no alternative solutions for such an addition.

Therefore, it is considered to be inconsistent with the following objectives identified above:

- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council’s strategic planning for residential development in the area.
- To enhance the unique sense of place offered by Inner West local centres by ensuring buildings display architectural and urban design quality and contributes to the desired character and cultural heritage of the locality.

Having regard to the above, the application is recommended for refusal.

Section 4.4 Floor Space Ratio and Section 4.4A – Exception to maximum floor space ratio for active street frontages

The following table provides an assessment of the application against the applicable FSR development standard prescribed in Section 4.4 of the *IWLEP 2022*:

Standard	Existing	Proposal	Proposed Non compliance	Complies
Maximum permissible FSR: 1:1 or 325.9 sqm	1.39:1 or 453.3sqm	or 1.44:1 or 468.2 sqm	142.3 sqm or 44%	No

The applicant has submitted in the Statement of Environment Effects and Section 4.6 *Exceptions to Development Standards* variation request that the FSR applicable to the site under Section 4.4A of the *IWLEP 2022* is 1.5:1 and should be applied to the proposal, however, it should be noted that an FSR of 1:1 applies to the subject site under Section 4.4, and it only increases to 1.5:1 if the proposal satisfies the provisions of Clause 4.4A(3) reproduced below, with particular reference to Clause 4.4A(3)(c) in bold text:

- (3) *The maximum floor space ratio for a building on land to which this clause applies is 1.5:1 if the consent authority is satisfied the building—*

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

As discussed previously and later in this report, the proposed three storey scale and form will be visible from Lilyfield Road and Mary and Perry Streets and is not considered to be of a form, height and scale that is compatible with the overwhelmingly single and two storey streetscapes in which the site is located. Therefore, it is considered that an FSR of 1:1 should apply to the site, and not the 1.5:1 FSR development standard that is only applicable if Section 4.4A(3) is wholly satisfied. Given the concerns raised above and in this report, the proposed fails to achieve the precondition of Section 4.4A(3)(c) under the *IWLEP 2022* to enable a FSR of 1.5:1 to be applied, and hence, an FSR of 1:1 is deemed to apply in this instance.

The applicant has submitted Section / Clause 4.6 *Exceptions to Development Standards* request “*in the event that Council staff are not satisfied that the proposal is compatible with the desired character of the area*”. The clause 4.6 variation request is considered below:

Section 4.6 – Exceptions to Development Standards

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

- Section 4.4A – Floor Space Ratio

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

In order to demonstrate whether strict numeric compliance is unreasonable and unnecessary in this instance, the proposed exception to the development standard has been assessed against the objectives and provisions of Section 4.6 of 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* justifying the proposed contravention of the development standard which is summarised as follows:

- *The existing building already exceeds the FSR of 1:1 and a minor increase from 1.39:1 to 1.43:1 will not result in an inappropriate development density.*
- *The existing building is already different from the surrounding built form, most of which is located in a less dense residential zone. The existing building with its parapet form and large windows is a perfectly reasonable built form, especially given its location of a prominent corner.*
- *The existing building is a stand-alone two storey shop top building on a corner site. It is not a site that provides a transition between development of different densities.*
- *The proposal has no adverse impacts on local amenity.*
- *The proposal will not affect the trees on the adjoining property or footpath.*
- *The amended design that sets the room back from the front parapet has the result that the room will not overbear the public domain.*
- *The existing building already has a higher scale than the existing streetscape and the new room will have no perceptible change to the streetscape.*

The applicant's written rationale does not adequately demonstrate compliance with the development standard is unreasonable and unnecessary in the circumstances of the case, and nor has it demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard.

Pursuant to Section 4.6(3) of the *IWLEP 2022*, it is considered that compliance with the development standard is not unreasonable nor unnecessary in the circumstances of the case and that the applicant has not demonstrated sufficient environmental planning grounds to justify contravening the development standard for the reasons discussed below.

It is also considered that the proposed development is not in the public interest because it is inconsistent with the following relevant objectives of the E1 Local Centre zone zoning, in accordance with Section 4.6(4)(a)(ii) of the *IWLEP 2022* as outlined above:

- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.
- To enhance the unique sense of place offered by Inner West local centres by ensuring buildings display architectural and urban design quality and contributes to the desired character and cultural heritage of the locality.

It is considered that the development is not in the public interest because it is inconsistent with the relevant the objectives of Section 4.4 Floor Space Ratio of the *IWLEP 2022* as follows:

- (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 is inconsistent with the objectives of the zone and the objectives of the development standard, in accordance with Section 4.6(4)(a)(ii) of the *IWLEP 2022* for the following reasons:

- The variation of 44% is an overdevelopment of the subject site and is therefore inconsistent with Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*;
- The subject site is located on a prominent corner with proposed second floor visible from the public domain especially from across the different corners and street frontages and is incompatible with the desired future character of the area in relation to building bulk, form and scale;
- The proposal is incompatible with the character, style, orientation and pattern of surrounding buildings and streetscapes which are overwhelmingly single and two storey forms and scales;
- The proposed development is clearly visible from the eastern property at No. 213 Lilyfield Road, and results in adverse visual bulk and scale on this adjoining residence.
- The proposed development will not provide an appropriate transition between developments of different densities.
- The proposal will not minimise adverse impacts on the locality.

The proposal therefore fails to comply with the objective of section 4.6(1)(b) and requirements of Section 4.6(3)(a) and Section 4.6(3)(b) of the *IWLEP 2022*. For the reasons outlined above, there are insufficient planning grounds to justify the departure from Section 4.4 Floor Space Ratio development standard and it is recommended the section 4.6 exception be rejected.

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

Accordingly, the proposal is not considered to have satisfied this section of the *IWLEP 2022*, and for this and other reasons, the application is recommended for refusal.

Section 5.10 – Heritage conservation

The proposed development is not a heritage listed item nor is it within a Heritage Conservation Area. However, it is abutting a heritage listed street trees, I1200, street trees—avenue of Brush Box and 1 *Brachychiton*.

The proposed development will not have any adverse impact on the street trees and would not detract from their significance or setting or result in adverse impacts on them.

Section 6.13 – Residential accommodation in E1, E2 and MU1

For reasons discussed above and later in this report, the proposed development is considered to be incompatible with the desired future character of the locality in relation to height, bulk, form and scale. Therefore, it is inconsistent with Section 6.13(3)(c) of the *IWLEP 2022*, as follows:

- (3) *Development consent must not be granted to development for the purposes of residential accommodation on land to which this clause applies unless the consent authority is satisfied the building—*
 - (c) *is compatible with the desired character of the area in relation to its bulk, form, uses and scale.*

5(b) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of the Leichhardt Development Control Plan 2013 (LDCP 2013).

LDCP2013	Compliance
Part B: Connections	
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	Yes
Part C	
C1.0 General Provisions	No – see discussion
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes
C1.3 Alterations and additions	No – see discussion
C1.5 Corner Sites	No – see discussion
C1.7 Site Facilities	Yes

LDCP2013	Compliance
C1.11 Parking	Yes
C1.18 Laneways	Yes
Part C: Place – Section 2 Urban Character	
C2.2.4.3 Leichhardt Park Distinctive Neighbourhood	No – see discussion
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	No – see discussion
C3.2 Site Layout and Building Design	No – see discussion
C3.3 Elevation and Materials	Yes
C3.5 Front Gardens and Dwelling Entries	Yes
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	No, but existing situation which is not changing
C3.9 Solar Access	Yes – see discussion
C3.10 Views	Yes
C3.11 Visual Privacy	Yes
C3.12 Acoustic Privacy	Yes
Part C: Place – Section 4 – Non-Residential Provisions	
No change is proposed which alters the existing non-residential provisions of the mixed-use building.	
Part D: Energy	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes
D2.4 Non-Residential Development	Yes
D2.5 Mixed Use Development	Yes
Part E: Water	
Section 1 – Sustainable Water and Risk Management	
E1.1 Approvals Process and Reports Required With Development Applications	Yes
E1.1.1 Water Management Statement	Yes
E1.1.2 Integrated Water Cycle Plan	Yes
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.2 Water Management	Yes
E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	Yes
Appendix B – Building Typologies	No – see discussion

The following provides discussion of the relevant issues:

C1.0 – General Provisions

Due to the streetscape and form, height, bulk and scale, pattern of development and visibility concerns raised in this report, the proposal does not satisfy and / or has not demonstrated compliance with the following objectives of Part C1.0:

- *O6 Compatible: places and spaces contain or respond to the essential elements that make up the character of the surrounding area and the desired future character. Building heights, setbacks, landscaping and architectural style respond to the desired future character. Development within Heritage Conservation Areas or to Heritage Items must be responsive to the heritage significance of the item and locality.*

C1.1 – Site and Context Analysis

The proposed development is not considered to be well designed and does not appropriately consider context, scale, built form, density, streetscape and aesthetics. For these reasons and other reasons discussed in this report, the proposal is not considered to have satisfactorily taken into account the characteristics of the subject site and adjoining sites. That is, the proposed second floor addition and resultant increase in roof height and bulk and scale visible from the public domain and adjoining property to the east at No. 213 Lilyfield Road, are out of context with the existing structure and within the prevailing streetscape of the surrounding nearby streets and locality / context.

In this regard, the proposal does not satisfy and / or has not demonstrated compliance with the following objective(s) of Part C1.1 of the LDCP 2013:

- *O1 To encourage property owners to ensure that the planning and design of their development takes into account:*
 - a. *existing site conditions on the site and adjacent and nearby properties;*
 - f. *the special qualities of the site and its context including urban design, streetscape and heritage considerations*

C1.3 – Alterations and Additions

Due to the streetscape and desired future character, and height, bulk and scale concerns raised previously in this report, the proposal is considered to be inconsistent with the following objectives and controls contained in this part of the DCP.

- *O1 To ensure that development:*
 - a. *complements the scale, form and materials of the streetscape including wall height and roof form;*
 - b. *where an alteration or addition is visible from the public domain it should appear as a sympathetic addition to the existing building;*
 - c. *makes a positive contribution to the desired future character of the streetscape and any heritage values associated with it;*
 - d. *is compatible with neighbourhood character, including prevailing site layout;*
 - e. *protects existing residential amenity, including the retention of adequate private open space and ensuring adequate sunlight, natural ventilation and privacy to the existing dwelling and surrounding dwellings;*

- f. maintains views and glimpses from the public domain to natural and built elements that contribute to local character and sense of place;*
- *C1 The overall form of alterations and additions shall:*
 - a. have regard to the provisions within Appendix B – Building Typologies of this Development Control Plan;*
 - c. retain any building and streetscape consistencies which add positively to the character of the neighbourhood (e.g. architectural details, continuous rows of dwellings, groups of similar dwellings, or the like);*
 - d. maintain the integrity of the streetscape and heritage significance;*
 - e. be considered from all public vantage points from which the additions will be visible; and*
 - f. achieve the objectives and controls for the applicable desired future character*

For this, and other reasons, the proposal is recommended for refusal.

C1.5 Corner Sites

The following objectives and controls contained in this part of the DCP apply to the proposal:

- *O1 Development on corner sites:*
 - a. respects the visually prominent role of corner sites;*
 - b. is compatible with the adjoining buildings; and*
 - c. clearly delineates between old and new buildings.*
- *C1 Development shall:*
 - a. address each street frontage; and*
 - b. not include large expanses of featureless walls.*
- *C2 Development extending to two distinct streetscapes shall vary the scale and form between each frontage to complement the predominant character and scale of that streetscape.*
- *C3 Where a variation in scale from surrounding buildings is proposed, a transitional element is to be provided, in order to blend the two scales.*

Note: some buildings were originally designed to strengthen the visual prominence of corners, in particular former two storey corner shops. In such instances, this original building form should be respected, with the transitional element providing a step down to adjoining lower scale buildings.

- *C4 Building elements including wall height, roof form and front setback and architectural features including balconies, awnings, verandahs, parapets and dormers are to be compatible in scale with the streetscape.*
- *C5 The development does not have an adverse impact on surrounding properties, the streetscape or public domain by way of:*
 - e. urban design;*
 - f. being inconsistent with desired future character;*

The proposed development is considered inconsistent and contrary to the above objectives and controls for the following reasons:

- The proposed second floor will be visible from the public domain and the street frontages of Lilyfield Road and Mary and Perry Street and is not compatible with the single and two storey forms and scale that predominate these streetscapes as well as on Lilyfield Road;
- The proposal will be erected to the eastern boundary with a wall height of over 10m with resultant intrusive and adverse visual impacts when viewed from the front of the adjoining residence at No. 213 Lilyfield Road - see Figure 4.

Figure 4: existing featureless wall of the structure at No. 215 Lilyfield Road, as viewed from the adjoining property to the east, No. 213 Lilyfield Road. Source: No. 213 Lilyfield Road neighbour submission.



- The alternative to relocate the second floor level away from the eastern boundary and the front elevation of Lilyfield Road, will also result in an addition that will be more visible from the public domain. The existing structure has a wall height of 9.6m on the eastern boundary which is higher than the maximum 7.2m wall height prescribed under Part 2.2.4.3 Leichhardt Distinctive Neighbourhood. The development proposes a 10.4m wall height which further breaches the prescribed maximum wall height.

Overall, the proposed development is inconsistent with the objectives and controls and is therefore recommended for refusal.

C2.2.4.3 Leichhardt Park Distinctive Neighbourhood

The Distinctive Neighbourhood is residential in character with small pockets of commercial properties and corner shops scattered throughout. The objective and controls which apply to the subject site and the proposed development are as follows:

- *O1 To facilitate development that is consistent with the Desired Future Character and Controls for the Distinctive Neighbourhood.*
- *C1 Maintain the character of the area by keeping development consistent in architectural style, building form and materials.*
- *C11 Neighbourhood shops or buildings originally designed for a non-residential use may have a 7.2m maximum building wall height in order to incorporate a parapet.*

The proposal is not considered to be consistent with the desired future character controls as it will not result in a development of a consistent building form that is compatible with the single and two storey forms that predominate the area, and the proposed addition will further

breach the maximum building height of 7.2m by proposing a 10.6m wall height to the eastern boundary. A breach of 3.2 metres from the prescribed controls is considered an excessive non-compliance which has adverse impacts to surrounding development.

The proposal is inconsistent with the objectives and controls prescribed above.

C3.1 Residential General Provisions

The proposal does not achieve the residential general provisions of this part of the LDCP 2013, as the proposed addition does not respond appropriately to the existing and desired future character of the existing and surrounding buildings and is not of a design which is compatible with the existing building including its scale, bulk, and form, results in adverse amenity impacts on the adjoining residence at No. 213 Lilyfield Road and significantly breaches the applicable FSR development standard.

In this regard, the proposed development does not satisfy the following relevant objectives of the residential provisions:

- *O3 To ensure that alterations, additions to residential buildings and new residential development are compatible with the established setting and character of the suburb and neighbourhood and compatible with the desired future character and heritage significance of the place and its setting.*
- *O4 To ensure that all residential development is compatible with the scale, form, siting and materials of existing adjacent buildings.*
- *O5 To ensure that all residential development is consistent with the density of the local area as established by the Inner West LEP 2022.*
- *C1 Residential development is not to have an adverse effect on:
 - a. *the amenity, setting or cultural significance of the place, including the portion of the existing building to be retained; and**
- *C2 Additions to an existing building are generally:
 - b. *subservient to the form of the existing building;*
 - d. *of a design which is compatible with but does not compete with the architectural character of the existing building or the Building Typologies.**

C3.2 – Site Layout and Building Design

Building Location Zone

Pursuant to Control C3 of this part of the DCP:

Where an adjoining development has a front or rear setback that is clearly uncharacteristic of the general pattern of development within the street, consideration will be given to that general pattern in determining whether to permit a variation to the BLZ that would otherwise be determined based on the adjoining buildings alone.

The proposed development will create a new second floor BLZ which is inconsistent with the BLZ established by the adjoining property to the east. Control C6 is triggered and assessed as follows:

- C6 In the event of any proposed variation to the BLZ the onus is on the applicant to demonstrate that the proposed building is consistent with the pattern of development in the immediate locality (usually taken as the same street) and that:*

- a. *amenity to adjacent properties (i.e. sunlight, privacy, views) is protected and compliance with the solar access controls of this Development Control Plan is achieved;*

Comment: As previously noted, concern is raised regarding the visual bulk and scale impacts of the proposal when viewed from No. 213 Lilyfield Road. The proposal raises no issues relating to solar access, privacy and access to views considerations.

- b. *the proposed development will be compatible with the existing streetscape, desired future character and scale of surrounding development;*

Comment: As previously established, the proposal will not be compatible with the existing streetscape, desired future character and scale of surrounding development.

- c. *the proposal is compatible in terms of size, dimensions privacy and solar access of private open space, outdoor recreation and landscaping;*

Comment: The proposal raises no issue in this regard.

- d. *retention of existing significant vegetation and opportunities for new significant vegetation is maximised; and*

Comment: The proposal raises no issue in this regard.

- e. *the height of the development has been kept to a minimum to minimise visual bulk and scale, as viewed from adjoining properties, in particular when viewed from the private open space of adjoining properties.*

Comment: As mentioned earlier, the proposed development will create adverse visual height, bulk and scale when viewed from No. 213 Lilyfield Road.

Given the above, it has not been demonstrated that the new BLZ proposed is acceptable as the controls under Control C6 have not been satisfied.

Site Boundary Setback

Control C7 of this part of the DCP requires that any wall height over and above 2.8m must be setback from the side boundary in accordance with Figure C129: side boundary setbacks graph of this part of the DCP. It also notes that:

Setbacks must be applied to the different walls of the building depending on their individual height. Higher sections of walls should be further setback from boundaries than lower portions of the same wall. For example, the first floor of a dwelling should be setback further than the ground floor below.

The assessment of the second floor addition is applied to the eastern elevation and below is the compliance table of the proposed development under the Side boundary Setbacks Graph prescribed in this part of the DCP.

Elevation	Proposed Wall Height (m)	Required Setback (m)	Proposed Setback (m)	Compliant
East Third Floor	9.9 – 10.4	4.10 – 4.39	0.00 – 0.00	No

In accordance with Control C8 of this part of the DCP, Council may allow walls higher than that required by the side boundary setback controls above, to be constructed to side boundaries where:

- a. *the development is consistent with relevant Building Typology Statements as outlined within Appendix B – Building Typologies of this Development Control Plan;*

Comment: As noted below, the proposal does not meet the controls in the applicable Building Typology Statement in Appendix B of the DCP.

- b. *the pattern of development within the streetscape is not compromised;*

Comment: As noted previously, the proposed second floor addition will be inconsistent with the pattern of development in the street and adjacent streets.

- c. *the bulk and scale of development is minimised by reduced floor to ceiling heights;*

Comment: The second floor addition is proposed to have floor-to-ceiling heights of 2.6m which are not kept to the minimum 2.4m required for a bedroom under the NCC.

- d. *the potential impacts on amenity of adjoining properties, in terms of sunlight and privacy and bulk and scale, are minimised; and*

Comment: As mentioned earlier, the proposed development will create adverse visual height, bulk and scale when viewed from No. 213 Lilyfield Road.

- e. *reasonable access is retained for necessary maintenance of adjoining properties.*

Comment: No change to the existing access for neighbouring properties.

The assessment against Control C8 demonstrates that the proposed new wall height to the east elevation is unacceptable and does not satisfy the relevant tests.

C3.9 Solar Access

The proposed development will not have any additional overshadowing impacts to the subject site or any immediately adjoining properties, specifically No. 213 Lilyfield Road. Any overshadowing cast occurs from 12pm and is cast over Lilyfield Road.

The development is compliant in this regard.

Appendix B – Building Typologies

Section 10 – Corner Shops

Due to the streetscape and form, height, bulk and scale, pattern of development and visibility concerns as well as amenity concerns raised previously in this report, the proposal does not satisfy and = has not demonstrated compliance with the following controls of this part of the DCP:

- *C1 Development shall:*
 - a. *retain and enhance the original characteristics of corner shops; and*
- *C2 Vertical additions are:*
 - b. *not to detract from the appearance of the building along the secondary street;*
 - c. *not to detract from the amenity of adjoining properties*

5(c) The Likely Impacts

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

- Will result in a development that is incompatible with the predominant built forms in the area;
- Will result in a development that is incompatible with the desired future character of the area; and
- Will result in excessive height, bulk and scale impacts on the immediate adjoining residential property at No. 213 Lilyfield Road.

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

It is considered that the proposal will have an adverse impact on the adjoining properties and the existing streetscape and will be out of character in form, height, bulk and scale with the predominant built context in the area, and therefore, it is considered that the site is unsuitable to accommodate the proposed development. Therefore, the proposal is inconsistent with Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*.

5(e) Any submissions

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

One (1) submission was received in response to the initial notification.

The submission raised concerns regarding bulk and scale, and setback of the proposal when viewed from the front yard of No. 213 Lilyfield Road. This concern was discussed in the body of the report.

It also raised concerns regarding the use of the rooftop as a terrace. No rooftop access has been proposed as part of this development.

5(f) 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 approval of the application, which is contrary to numerous relevant planning controls, would be contrary to the public interest.

6 Referrals

6(a) Internal

The application was referred to the following internal sections/officers:

- Building Certification – no objections subject to the proposal meeting the requirements of the NCC.
- Development Engineers – conditions imposed in the event of an approval.

6(b) External

The application did not require to be referred any external bodies.

7. Section 7.11 Contributions/7.12 Levy

Neither Section 7.11 Contribution nor Section 7.12 Levies are applicable to the proposal under the Inner West Local Infrastructure Contribution Plan 2023..

8. Conclusion

Overall, the proposal does not comply with the aims, objectives and design parameters contained in the *Inner West Local Environmental Plan 2022* and the *Leichhardt Development Control Plan 2013*.

The development will result in adverse impacts on the adjoining premises/properties and the streetscape and is considered to be contrary to public interest.

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

9. Recommendation

- A. The applicant has made a written request pursuant to Section 4.6 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 not satisfied that compliance with the Floor Space Ratio standard is unnecessary in the circumstance of the case and the Panel is not satisfied that there are sufficient environmental grounds to support the variation. The proposed development is not considered to be in the public interest because the exceedance is inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.
- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and*

Assessment Act 1979, refuse Development Application No. DA/2023/0565 for part demolition, and alterations and additions to an existing residential studio apartment unit to provide for an upper level room addition on the second floor and associated works at 2/215 Lilyfield Road, LILYFIELD for the following reasons.

Attachment A – Reasons for Refusal

1. The proposal does not satisfy Section 4.15(1)(a) of the *Environmental Planning and Assessment Act 1979* in the following manner:
 - a. The proposal is inconsistent with the *Inner West Local Environmental Plan 2022* as follows:
 - i. Section 1.2 - *Aims of the Plan*: aims (g), (h) and (i), where the proposed height, bulk and scale of the addition will have an adverse impact on the streetscape and Distinctive Neighbourhood in which the site is located, particularly due to the development being inconsistent with the predominant form, height and scale of buildings characteristic of this part of Lilyfield Road and adjacent streets.
 - ii. Section 2.3 - *Zone Objectives for Zone E1 Local Centre*, as the proposal does not enhance the unique sense of place offered by Inner West local centres by ensuring buildings display architectural and urban design quality and contribute to the desired character and cultural heritage of the locality.
 - iii. Section 4.4 - *Floor Space Ratio*: Objectives (1)(a)(b)(c), as it does not provide an appropriate density which reflects the locality and transition between developments and Objectives (1)(d) and(e) and it does not minimise adverse impacts on local amenity.
 - iv. Section 4.4A – *Exception to maximum floor space ratio for active street frontages*, specifically Sub-section (3)(c) is not satisfied as the proposal is not compatible with the desired future character of the locality.
 - v. Section 4.6 - *Exceptions to Development Standards*, as the proposal fails to satisfy the objectives of the E1 Local Centre in accordance with Section 4.6(3)(a) and (b), and the requirements of section 4.6(3)(b) of the LEP with particular respect to streetscape / response to local character, height, bulk and scale and amenity impacts and outcomes.
 - vi. Section 6.13 – *Residential Accommodation in Business Zones*, as the proposal is inconsistent with Section 6.13(3)(c) as it fails to comply with the desired future character of the locality.
2. The proposal is inconsistent with the Leichhardt Development Control Plan 2013 as follows:
 - a. Part 1.0 - *General Provisions*: Objective O6, as it does not respond the existing and desired future character of the surrounding area.
 - b. Part C1.1 - *Site and Context Analysis*: Objective O1 (a) and (f), as the existing site conditions on the site and at adjoining properties have not been adequately taken into consideration.
 - c. Part C1.3 - *Alterations and Additions*: Objectives O1(a)-(f) and Control C1(a) and (c)-(f), as it does not preserve the character of the streetscape, will not be compatible with its setting nor the desired future character of the distinctive neighbourhood, does not have regard to the Building Typologies of the DCP and results in adverse amenity impacts.

- d. Part C1.5 – *Corner Sites* Objectives O1(a)-(c) and Controls C1(a) and (b), C2-C4 and C5(e) and (f), as the addition will be highly visible from various street frontages and is not compatible with the single and two storey forms and scales that predominate these streetscapes and will have intrusive and adverse visual impacts when viewed from the adjoining residence at No. 213 Lilyfield Road.
 - e. Part C2.2.4.3 – *Leichhardt Park Distinctive Neighbourhood*: Objective O1, and Controls C1 and C11, as the proposal is not considered to be consistent with the desired future character controls as it will not result in a development of a consistent building form that is compatible with the single and two storey forms that predominate in the area, and the proposed addition will further breach the maximum building height of 7.2m by proposing a 10.6m wall height to the eastern boundary.
 - f. Part C3.2 – *Site Layout and Building Design*: Controls C6 and C8 are not satisfied with regard to Building Location Zone and Side Boundary Setbacks.
3. The proposal has not demonstrated that the site is suitable for the development pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*.
 4. The proposal is not considered to be in the public interest pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*.

Attachment B – Recommended conditions of consent (in the event the application is approved)

CONDITIONS OF CONSENT

DOCUMENTS RELATED TO THE CONSENT

1. Documents related to the consent

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
DA01 – Rev C	Existing Ground Floor Plan	08.2021	Paragrid
DA02 – Rev C	Existing First Floor Plan	08.2021	Paragrid
DA03 – Rev C	Proposed Floor Plans	08.2021	Paragrid
DA04 – Rev C	Proposed Roof & Stormwater Concept Plan	08.2021	Paragrid
DA06 – Rev C	Proposed Elevations	08.2021	Paragrid
DA07 – Rev C	Proposed Elevation	08.2021	Paragrid
DA08 – Rev C	Proposed Section & Streetscape Analysis	08.2021	Paragrid
DA13 – Rev C	3D Views & Material Schedule	08.2021	Paragrid
DA16 – Rev A	RFI – Elevation	08.2021	Paragrid
A463515	BASIX Certificate	13.04.2023	Paragrid
2022/453.2	Building Code of Australia Deemed to Satisfy Report	03.2023	CoCert Building Certification
20230601.1 – Rev 0	Aircraft Noise Intrusion Assessment Report	08.06.2023	Acoustic Logic

As amended by the conditions of consent.

FEES

2. Security Deposit - Custom

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

Security Deposit:	\$2,996.00
Inspection Fee:	\$374.50

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

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

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

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

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

3. Long Service Levy

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

GENERAL CONDITIONS**4. Boundary Alignment Levels**

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

5. Stormwater Drainage System – Simple

Stormwater runoff from proposed new or altered roof areas may be discharged to the existing site drainage system.

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

If any component of the existing system is not in good condition and /or not operating satisfactorily and/or impacted by the works and/or legal rights for drainage do not exist, the drainage system must be upgraded to discharge legally by gravity to the kerb and gutter of a public road.

6. Waste Management Plan

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

7. Erosion and Sediment Control

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

8. Works Outside the Property Boundary

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

PRIOR TO ANY DEMOLITION**9. 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.

10. 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.

11. 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**12. Dilapidation Report – Pre-Development – Minor**

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

13. 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.

14. Sydney Water – Tap In

Prior to the issue of a Construction Certificate, and where applicable, 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

15. Acoustic Report – Aircraft Noise

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

DURING DEMOLITION AND CONSTRUCTION

16. Construction Hours – Class 1 and 10

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

PRIOR TO OCCUPATION CERTIFICATE

17. 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.

18. 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.

19. Aircraft Noise –Alterations and Additions

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

ON-GOING**20. Bin Storage**

All bins are to be stored within the site.

ADVISORY NOTES**Permits**

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

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

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

Insurances

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

Prescribed Conditions

This consent is subject to the prescribed conditions of consent within Sections 69-86 of the *Environmental Planning and Assessment Regulations 2021*.

Notification of commencement of works

At least 7 days before any demolition work commences:

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

Storage of Materials on public property

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

Toilet Facilities

The following facilities must be provided on the site:

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

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

Infrastructure

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

Other Approvals may be needed

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

Failure to comply with conditions

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

Other works

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

Obtaining Relevant Certification

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

- a. Application for any activity under that Act, including any erection of a hoarding;
- b. Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*;
- c. Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*;
- d. Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed;
- e. Application for Strata Title Subdivision if strata title subdivision of the development is proposed;

- f. Development Application for demolition if demolition is not approved by this consent;
or
- g. Development Application for subdivision if consent for subdivision is not granted by this consent.

National Construction Code (Building Code of Australia)

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

Notification of commencement of works

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

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

Dividing Fences Act

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

Permits from Council under Other Acts

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

- a. Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application;
- b. A concrete pump across the roadway/footpath;
- c. Mobile crane or any standing plant;
- d. Skip bins;

- e. Scaffolding/Hoardings (fencing on public land);
- f. Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.;
- g. Awning or street verandah over footpath;
- h. Partial or full road closure; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

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

Noise

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

Amenity Impacts General

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

Lead-based Paint

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

Dial before you dig

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

Useful Contacts

BASIX Information

1300 650 908 weekdays 2:00pm - 5:00pm

			www.basix.nsw.gov.au
Department of Fair Trading		13 32 20	
			www.fairtrading.nsw.gov.au
			Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig		1100	
			www.dialprior toyoudig.com.au
Landcom		9841 8660	
			To purchase copies of Volume One of "Soils and Construction"
Long Service Corporation	Payments	131441	
			www.lspc.nsw.gov.au
NSW Food Authority		1300 552 406	
			www.foodnotify.nsw.gov.au
NSW Government			www.nsw.gov.au/fibro
			www.diysafe.nsw.gov.au
			Information on asbestos and safe work practices.
NSW Office of Environment and Heritage		131 555	
			www.environment.nsw.gov.au
Sydney Water		13 20 92	
			www.sydneywater.com.au
Waste Service - Environmental Solutions	SITA	1300 651 116	
			www.wasteservice.nsw.gov.au

Water Efficiency Labelling and Standards (WELS) www.waterrating.gov.au

WorkCover Authority of NSW 13 10 50

www.workcover.nsw.gov.au

Enquiries relating to work safety and asbestos removal and disposal.

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](#)

Asbestos Removal

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

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

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

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

Attachment C – Plans of proposed development

Regulated Design Record

Project Address: 2215 Lilyfield Rd LILYFIELD
 Project Title: Proposed Alter-Adds to Class 2 Bldg

Consent No: [] Body Corporate Reg No: []

Rev	Date	Description	DP Full Name	Reg No	DA00
A	12/02/23	Issue for DA Lodgement	David Springett	PCP0000005b	
B	24/05/2023	Update to Council's notes	David Springett	PCP0000005b	
C	15/11/23	Update for RFI Lodgement	David Springett	PCP0000005b	

Drawing Title: Cover Page
 Drawing No: DA00

15/11/23 1:18:56 pm
 2647 DA R1231026.mxd

1 Site Plan Scale: 1:200 @A3

2 Site Photo Source: Google Maps, 2021

3 Location Map

DEVELOPMENT APPLICATION
 Alterations and Additions
 2215 LILYFIELD RD LILYFIELD

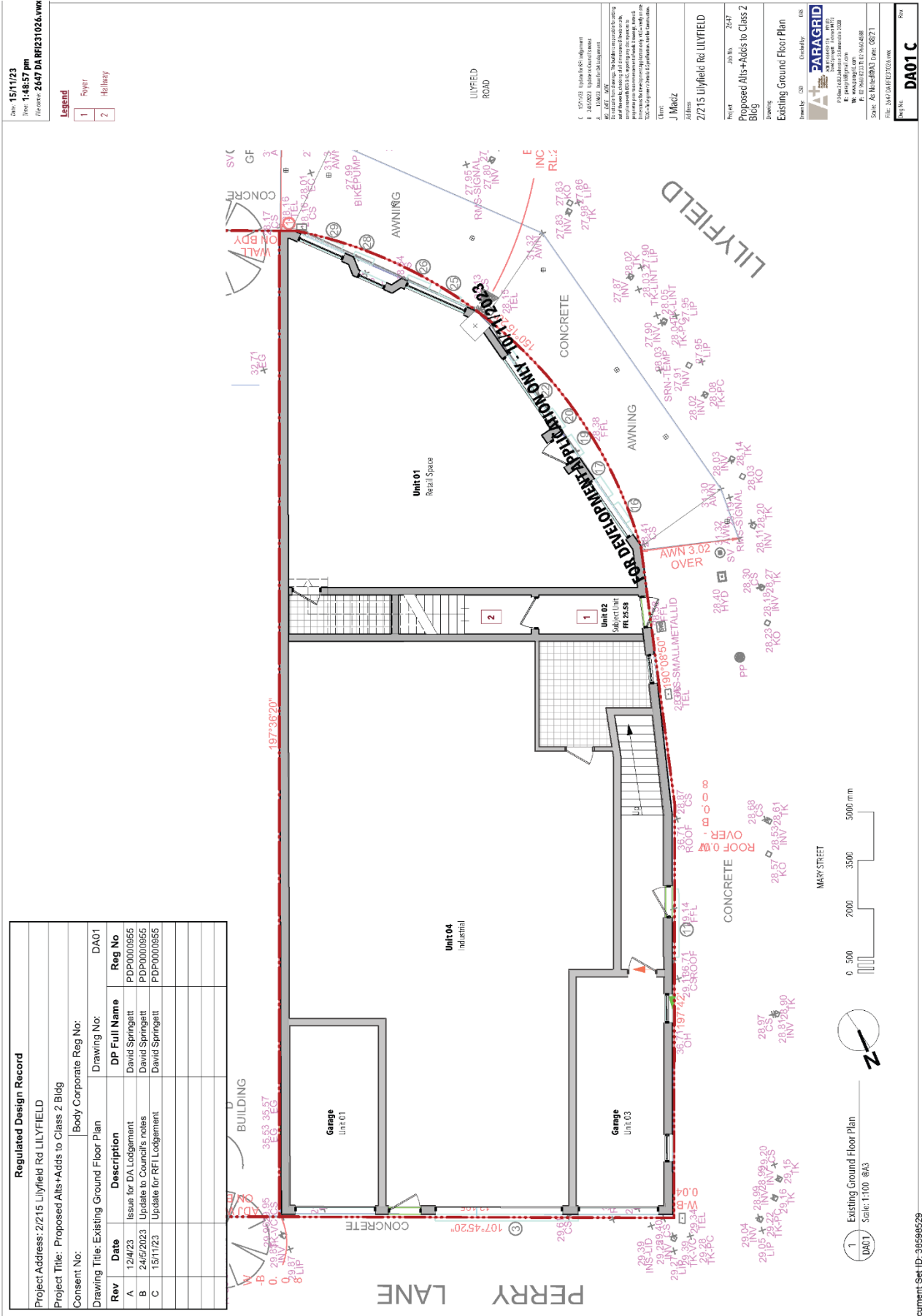
DA Sheet List

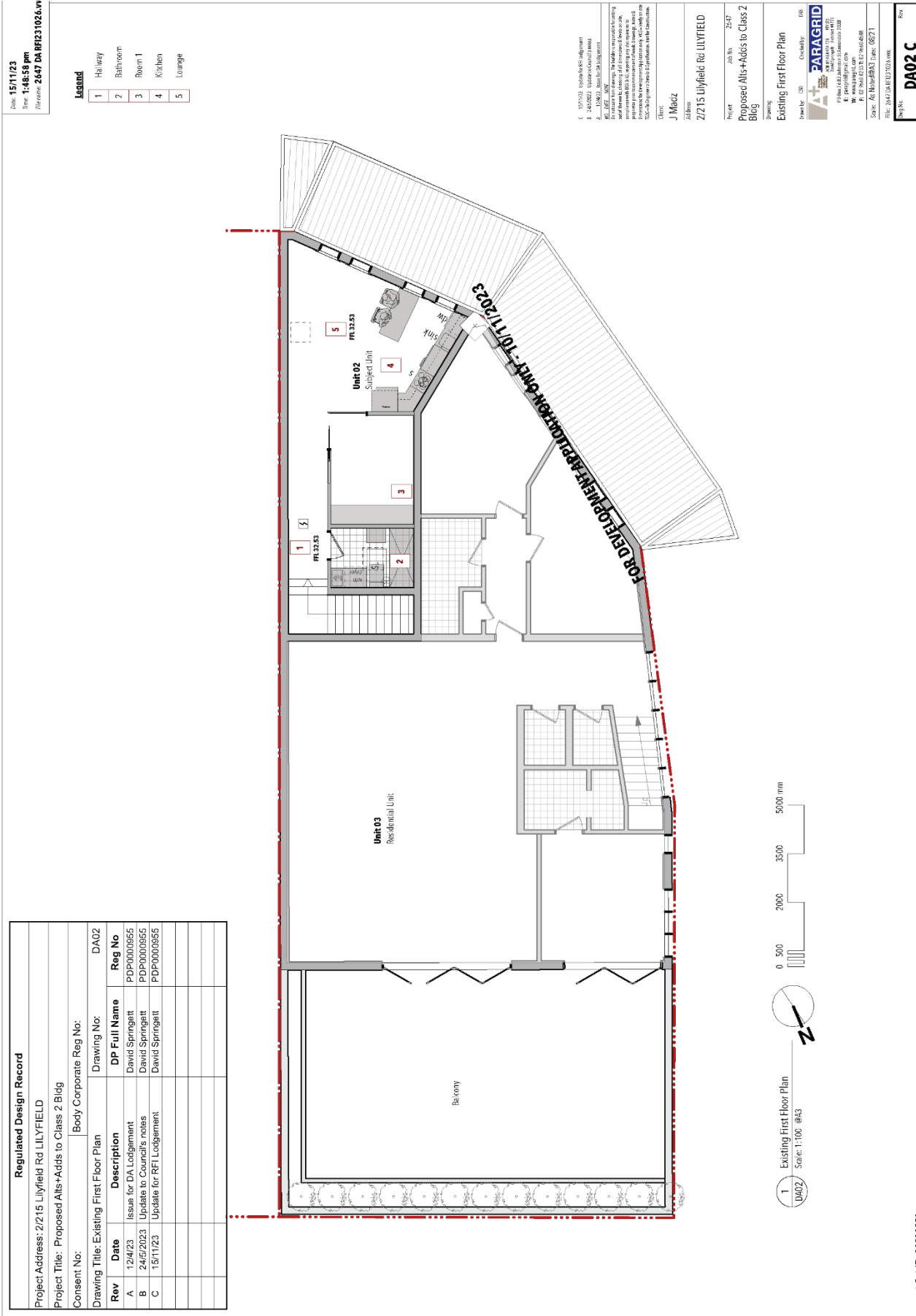
DA00	Cover Page
DA01	Existing Ground Floor Plan
DA02	Existing Hrs. Floor Plan
DA03	Proposed Floor Plans
DA04	Proposed Roof+Stormwater Concept Plan
DA05	Site Calculation
DA06	Proposed Elevation
DA07	Proposed Elevation
DA08	Proposed Section + Streetscape Analysis
DA09	Shading Analysis 09m, 12m, 21 June
DA10	Shading Analysis 09m, 21m, 21 June
DA11	3d Views + Material Schedule
DA12	Construction and Waste Management Plan
DA13	Notification Plan
DA14	Statement of Environmental Effects

DA00 Alterations and Additions to Class 2 Bldg

Project: 2215 Lilyfield Rd LILYFIELD
 Date: 15/11/23
 Designer: J Madz
 Client: PARAGRAPH
 Address: 2215 Lilyfield Rd LILYFIELD

Site Area: 32.3sqm (CMA Surveyors, 2022)
 Zone: F1 Local Centre
 ANE Map: 25-30 Contour
 Heritage Listed: No
 Heritage Conservation Area: No
 Acid Sulfate Soils: Class 05
 Bar-C: 15.1 (max, clause 4.4J)
 Building Height: N/A





Date: 15/11/23
 Time: 1:48:58 pm
 Filename: 2647 DA REF231026.vw

Legend

1	Hallway
2	Bathroom
3	Room 1
4	Kitchen
5	Lounge

C 15/11/23 Modified for Adjustment
 B 14/05/23 Update council classes
 A 12/04/23 Issue for DA Lodgement
 DA REF 231026

This drawing is intended for use in conjunction with the relevant Council's Local Development Instrument (LDI) and the relevant Council's Planning Scheme. It is not to be used for any other purpose without the prior written consent of the relevant Council. The user of this drawing is advised to check the relevant Council's LDI and Planning Scheme for any amendments or changes that may have been made since the date of this drawing.

Client: J Macoz
 Address: 2/215 Lilyfield Rd LILYFIELD

Project: Proposed A1s+Adds to Class 2 Bldg
 Job No: 2647
 Drawing: Existing First Floor Plan

Drawn by: CSK
 Checked by: DSK

PARAGRAPH
 2647 DA REF 231026
 P:\Projects\2647 DA REF 231026\2647 DA REF 231026.dwg
 E: paragraph@paraphrase.com.au
 P: 02 9439 3133 F: 02 9439 4808
 Scale: As Noted/DA3 Date: 06/21

File: 2647 DA REF 231026.vw
 Print No: **DA02 C**

Regulated Design Record			
Project Address: 2/215 Lilyfield Rd LILYFIELD			
Project Title: Proposed A1s+Adds to Class 2 Bldg			
Consent No:		Body Corporate Reg No: DA02	
Drawing Title: Existing First Floor Plan		Drawing No:	
Rev	Date	Description	Reg No
A	12/04/23	Issue for DA Lodgement	PDP00003955
B	24/05/2023	Update to Council's notes	PDP00003955
C	15/11/23	Update for RFI Lodgement	PDP00003955

DATE: 15/11/23
 TIME: 1:48:59 pm
 FILE NO: 2647 DA/RP/23/1026.W

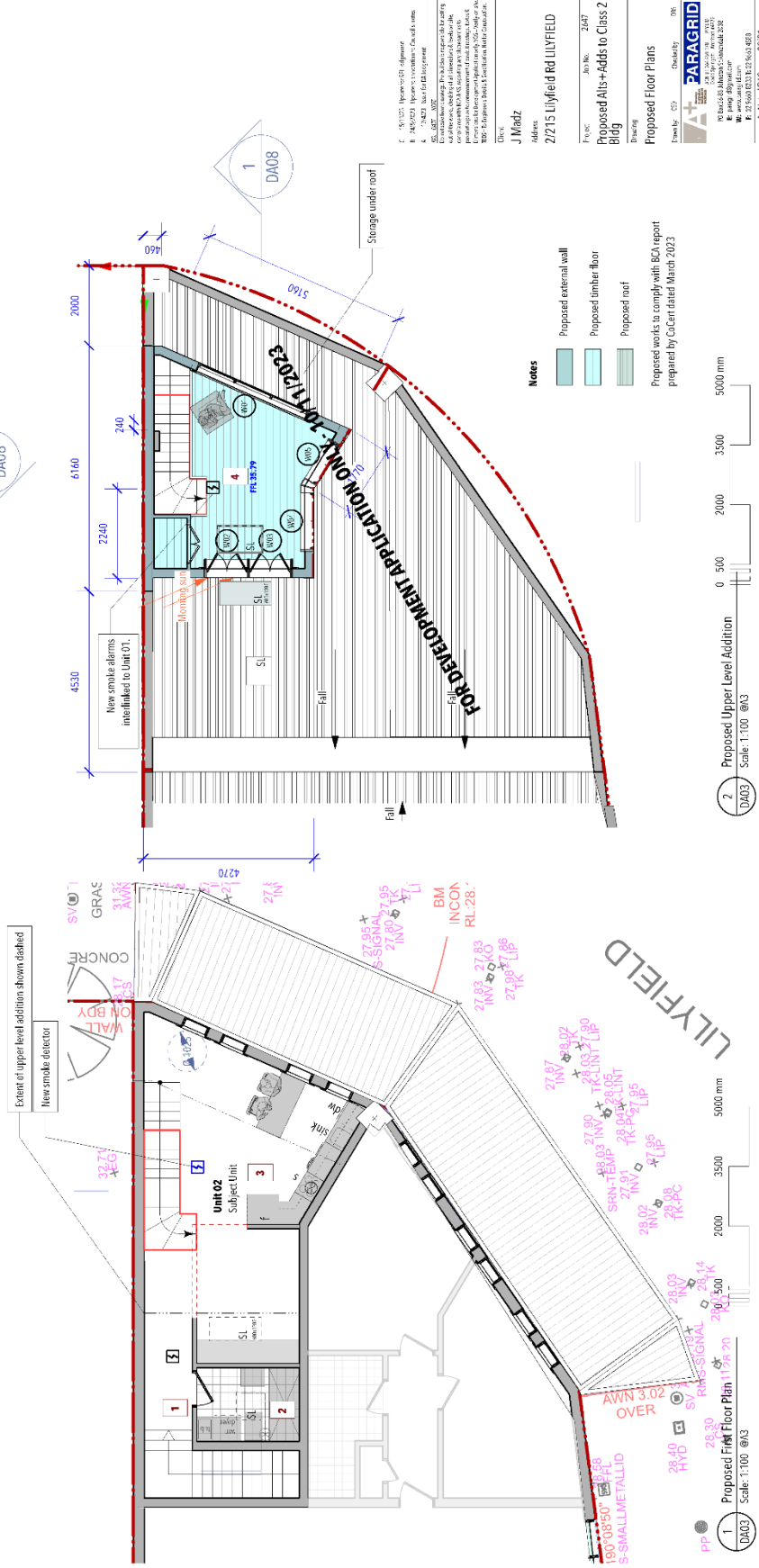


Window / door No.	Orientation	Area of glazing (m ²)	Height (m)	Distance (m)	Shading device	Frame and glass type
W1	SW	2	0	0	none	standard aluminium, clear/air gap/clear, (U-value: 5.34, SHGC: 0.67)
W2	NE	1	0	0	projection/height above sill ratio >=0.29	standard aluminium, clear/air gap/clear, (U-value: 5.34, SHGC: 0.67)
W3	NE	1	0	0	projection/height above sill ratio >=0.29	standard aluminium, clear/air gap/clear, (U-value: 5.34, SHGC: 0.67)
W4	W	1	0	0	projection/height above sill ratio >=0.29	standard aluminium, clear/air gap/clear, (U-value: 5.34, SHGC: 0.67)
W5	NW	1	0	0	projection/height above sill ratio >=0.29	standard aluminium, clear/air gap/clear, (U-value: 5.34, SHGC: 0.67)

- Legend**
- 1 Hallway
 - 2 Bathroom
 - 3 Lounges/Dining/Kitchen
 - 4 Bedroom

Regulated Design Record				
Project Address: 2/215 Lilyfield Rd LILYFIELD				
Project Title: Proposed Ais+Adds to Class 2 Bldg				
Consent No: Body Corporate Reg No: DA03				
Drawing Title: Proposed Floor Plans				
Rev	Date	Description	DP Full Name	Reg No
A	12/4/23	Issue for DA Lodgement	David Springett	PDP00000955
B	24/5/2023	Update to annotations to Council's notes	David Springett	PDP00000955
C	15/11/23	Update for RPI Lodgement	David Springett	PDP00000955

3 BASIX Certificate Compliance - Windows



- Notes**
- Proposed external wall
 - Proposed timber floor
 - Proposed roof
- Proposed works to comply with BCA report prepared by CoCent dated March 2023



J Madz
 address:
 2/215 Lilyfield Rd LILYFIELD

Job No: 2647
 Proposed Ais+Adds to Class 2 Bldg

Drawn by: GSO
 Checked by: PK

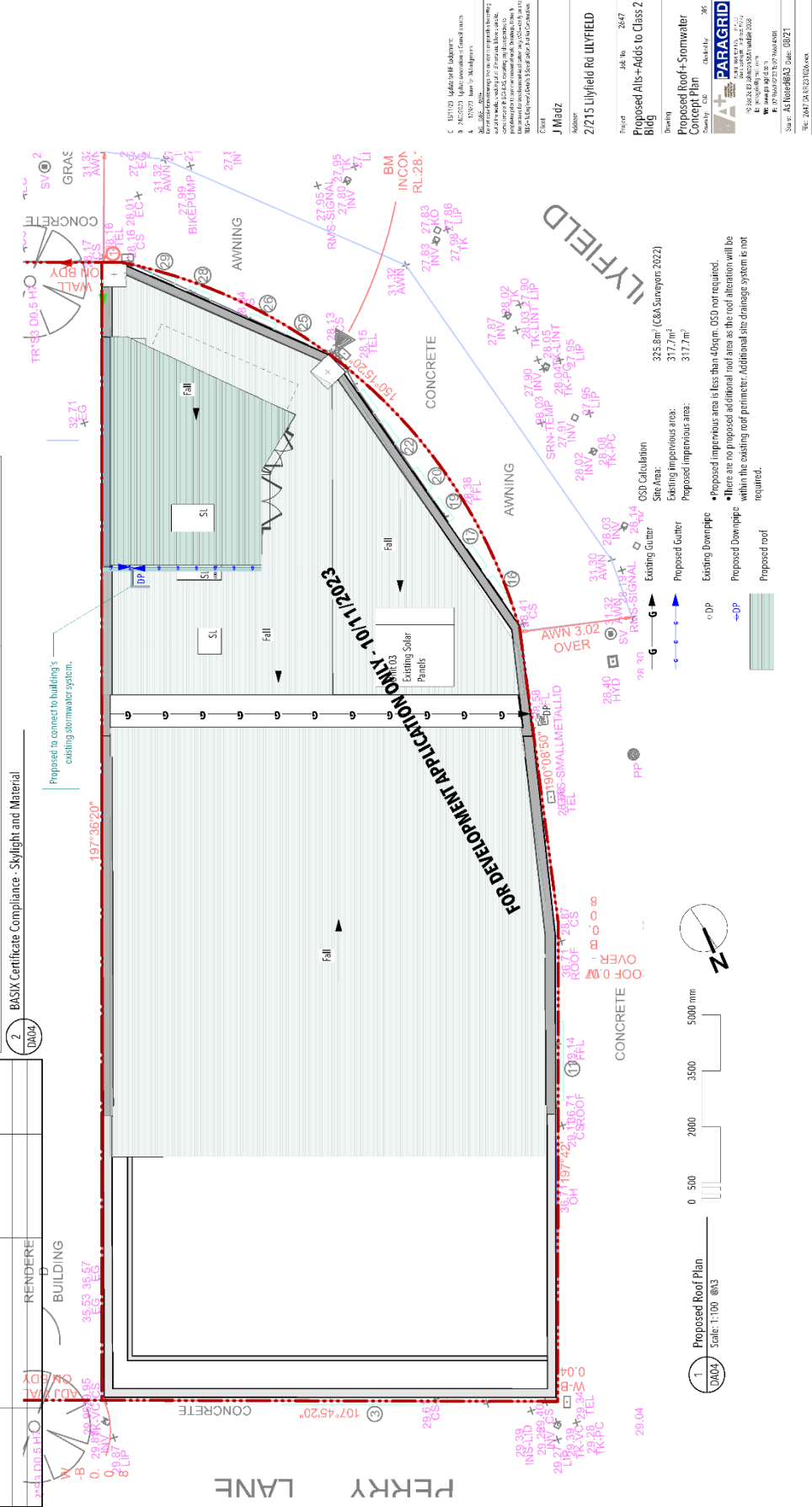
Paragrid
 10 Backs Road, Lilyfield NSW 1535
 E: info@paragrid.com.au
 P: 02 9609 6333
 F: 02 9609 6333
 Lic: 27 560 9233 15 27 560 9233

Scale: As Noted/BA3, Jun. 09/21
 File: 2647_24/05/23/1026.w

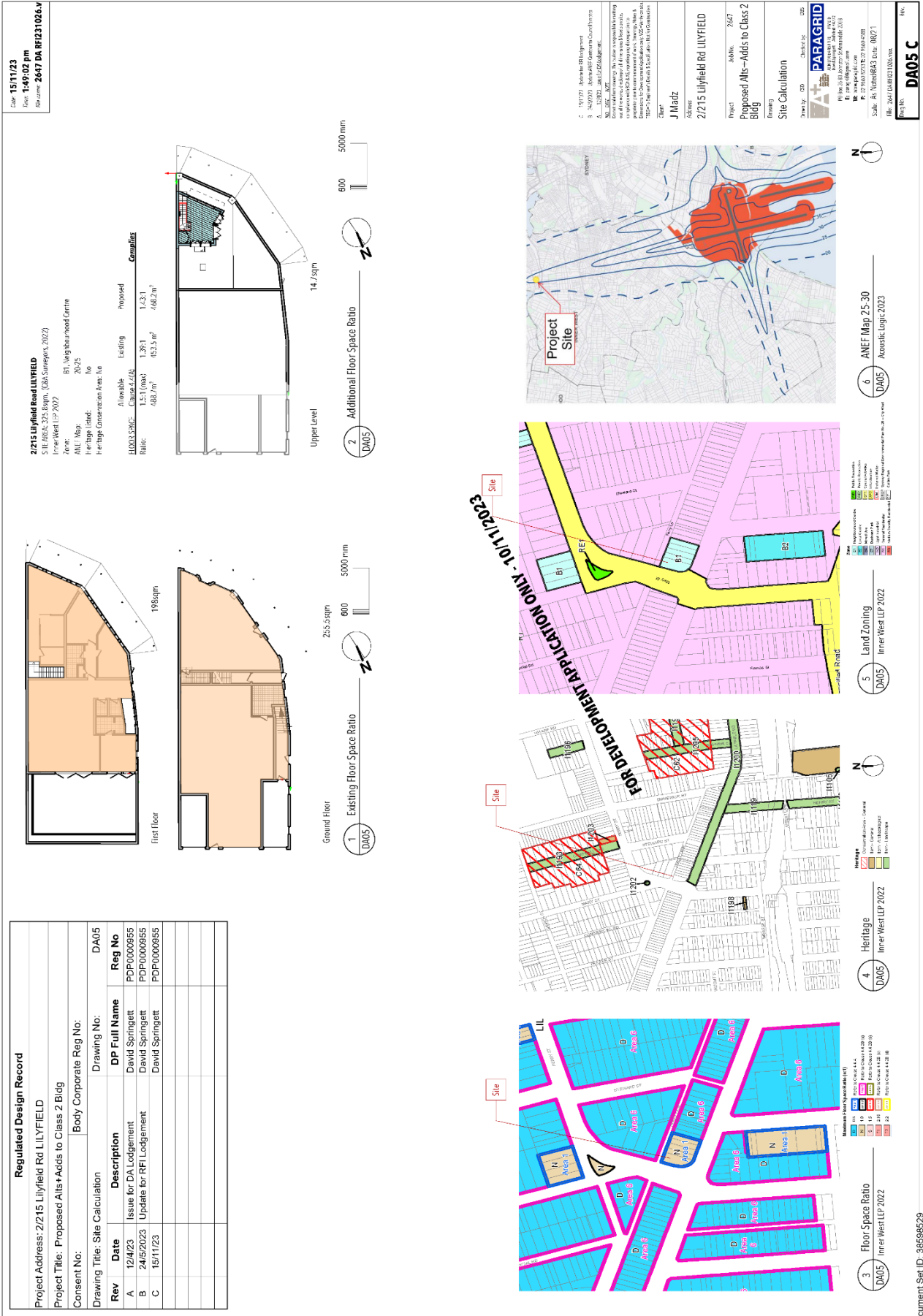
Date: 15/11/23
 Time: 1:49:00 pm
 File name: 2647 DA RF231026.v

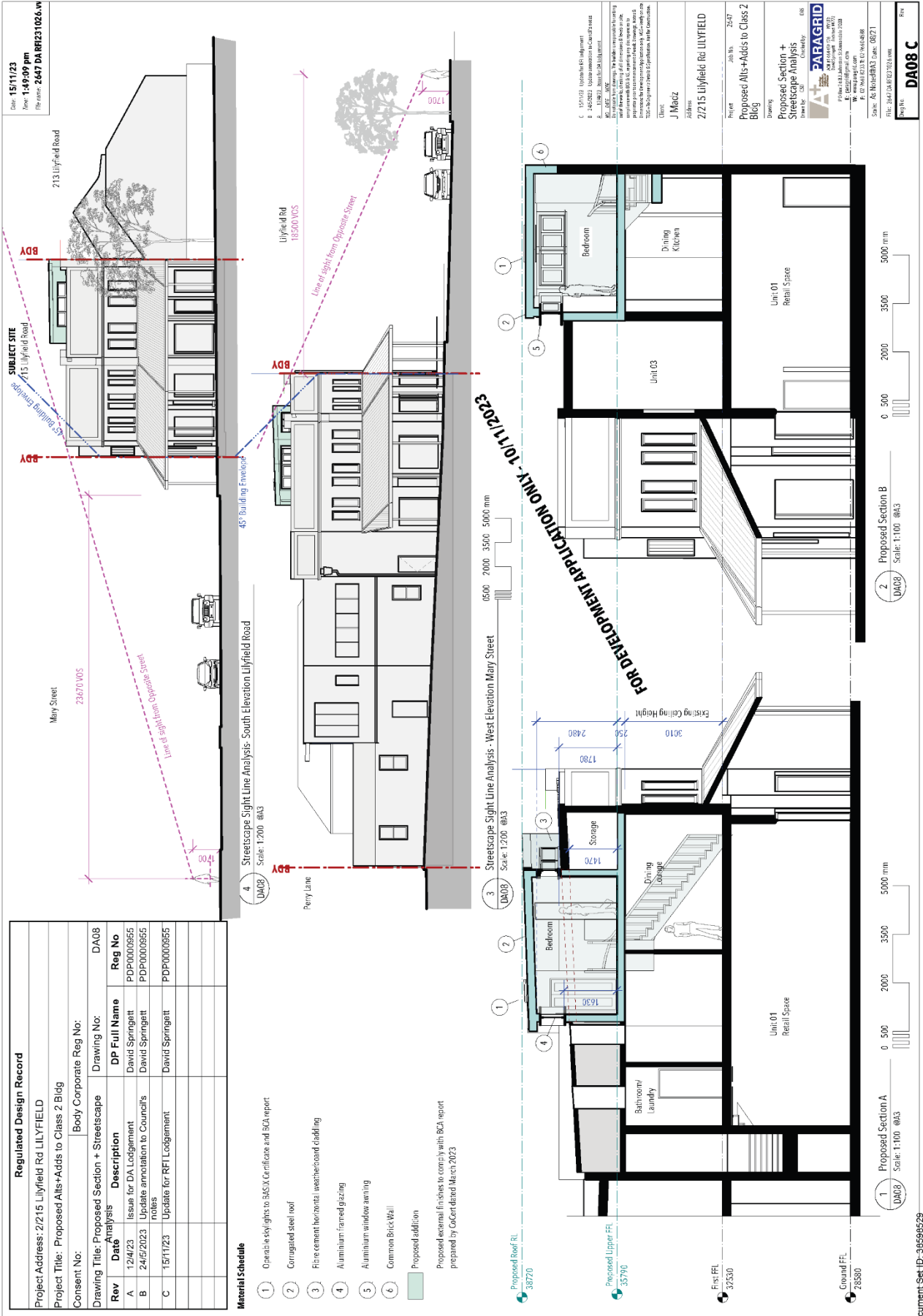
Regulated Design Record				
Project Address: 2/215 Lilyfield Rd LILYFIELD				
Project Title: Proposed Allis+Adds to Class 2 Bldg				
Consent No:	Body Corporate Reg No: DA04			
Drawing Title: Proposed Roof+Stromwater	Drawing No: DA04			
Rev	Date	Description	DP Full Name	Reg No
A	12/4/23	Issue for DA Lodgement	David Springett	PDP0000955
B	24/5/2023	Update annotation to Council's notes	David Springett	PDP0000955
C	15/11/23	Update for RFI Lodgement	David Springett	PDP0000955

Skylights glazing requirements			
Skylight number	Area of Glazing (Square Metres)	Shading device	Frame and glass type
S1	0.9	no shading	timber, double clearfair fill, (or U-value: 4.3, SHGC: 0.5)
S2	0.9	no shading	timber, double clearfair fill, (or U-value: 4.3, SHGC: 0.5)
Construction		Additional insulation required (R-value)	
floor above existing dwelling or building:		nil	
external wall: cavity brick		nil	
external wall: brick veneer		R1.16 (or R1.70 including construction)	
external wall: framed (weatherboard, fibro, metal clad)		R1.30 (or R1.70 including construction)	
rekear ceiling, pibehisikellion roof: framed		ceiling: R2.50 (up), roof: foilsinking	
2 BASIX Certificate Compliance - Skylight and Material		dark (solar absorbance > 0.70)	



Client: J Madz
 Address: 2/215 Lilyfield Rd LILYFIELD
 Project: Proposed Allis+Adds to Class 2 Bldg
 Drawing: Proposed Roof+Stromwater Concept Plan
 Date: 15/11/23
 Scale: As Noted/833 Date: 03/23





Regulated Design Record			
Project Address: 2/215 Lilyfield Rd LILYFIELD		Drawing No: DA08	
Project Title: Proposed Alts+Adds to Class 2 Bldg		Drawing Title: Proposed Section + Streetscape	
Consent No: Body Corporate Reg No:		DP Full Name	
Drawing Title: Proposed Section + Streetscape		Reg No	
Rev	Date	Description	DP Full Name
A	12/4/23	Issue for DA Lodgement	David Springett
B	24/5/2023	Update annotation to Council's notes	David Springett
C	15/11/23	Update for RFI Lodgement	David Springett

- Material Schedule**
- Operable skylights to BMSX Certificate and BCA report
 - Corrugated steel roof
 - Fibre cement horizontal weatherboard cladding
 - Aluminium framed glazing
 - Aluminium window awning
 - Common brick wall
- Proposed addition
- Proposed external finishes to comply with BCA report prepared by CoCint dated March 2023

Proposed Section A
Scale: 1:100 @A3

Proposed Section B
Scale: 1:100 @A3

FOR DEPLOYMENT APPLICATION ONLY - 10/11/2023

Unit 01 Retail Space

Unit 03

Unit 01 Retail Space

Bedroom

Dining Lounge

Bathroom Laundry

Storage

Existing Ceiling Height

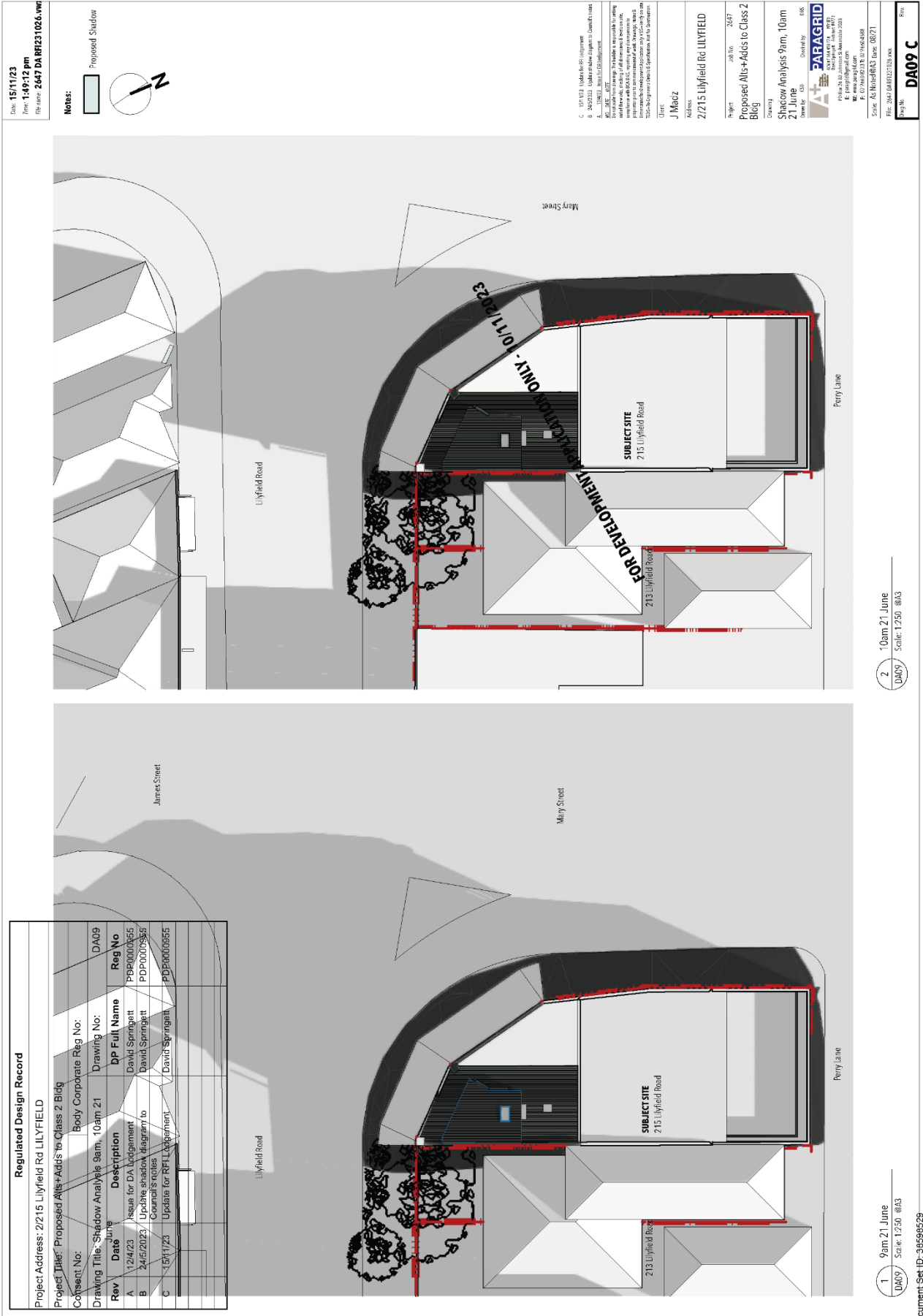
Proposed Roof RL 30720

Proposed Upper FFL 35790

First FFL 32530

Ground FFL 28500

Document Set ID: 36559529
Version: 1, Version Date: 25/01/2024



Regulated Design Record

Project Address: 2/215 Lilyfield Rd LILYFIELD

Consent No: Body Corporate Reg No: DA10

Drawing Title: Proposed A11s+Ad1s to Class 2 Bldg

Rev	Date	Description	DP Full Name	Reg No
A	12/4/23	Issue for DA Lodgement	David Spraggitt	PDP0000956
B	24/5/2023	Update shadow diagram to Council's notes	David Spraggitt	PDP0000956
C	15/11/23	Update for RPT Lodgement	David Spraggitt	PDP0000956

Notes:

Proposed Shadow

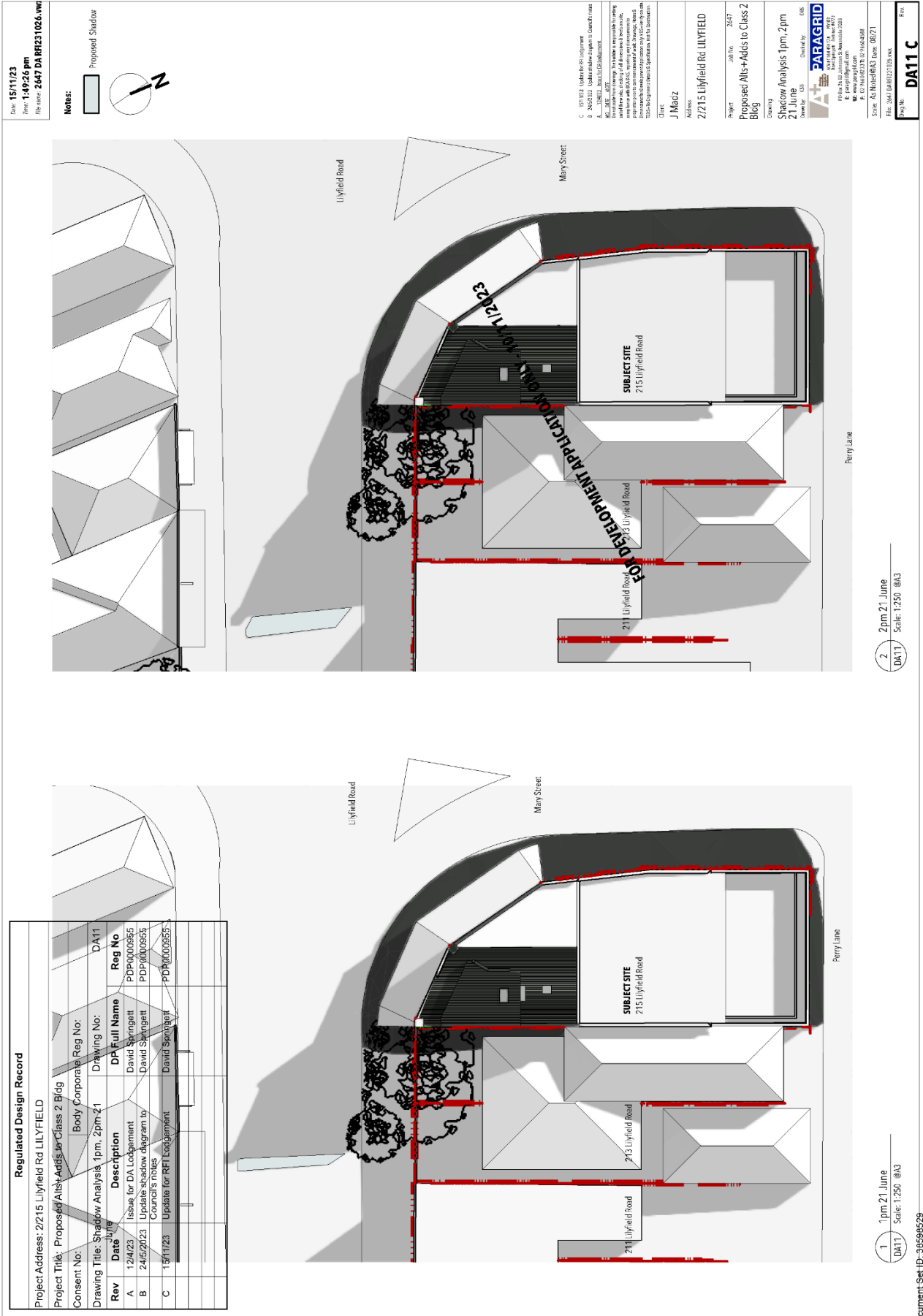
1 11 am 21 June
DA10 Scale: 1:250 @A3

2 12pm 21 June
DA10 Scale: 1:250 @A3

Date: 15/11/23
Time: 1:49:19 pm
File name: 2447 DA RH23 1026.vw

Client: J Macz
Address: 2/215 Lilyfield Rd LILYFIELD
Project Job No: 2437
Proposed A11s+Ad1s to Class 2 Bldg
Drawing: Shadow Analysis 11am, 12am
Drawn by: CSB
Checked by: DSK
Scale: As Noted @A3 Date: 06/21

PARAGRAPH
PARRIS ARCHITECTURE
10/100 WILSON ST
SYDNEY NSW 2000
E: parris@parrish.com
P: 02 9439 6338 F: 02 9439 6388
File: 2447 DA RH23 1026.vw
Page No: **DA10 C**



Regulated Design Record

Project Address: 2/215 Lilyfield Rd LILYFIELD

Project Title: Proposed Apts + Adds to Class 2 Bldg

Consent No: Body Corporate Reg No: DA12

Drawing Title: Shadow Analysis 3pm 21 June + Views from Sun

Drawing No: PDP00008956

Rev	Date	Description	DP Full Name	Reg No
A	12/4/23	Initial Design	David Spronggett	PDP00008956
B	24/5/2024	Update shadow diagram to Class 2	David Spronggett	PDP00008956
C	15/11/23	Update diagram	David Spronggett	PDP00008956

SUBJECT SITE
215 Lilyfield Road

1 3pm 21 June
DA12 Scale: 1:250 @A3

Notes: Proposed Shadow

8 21 Jun 3pm
DA12 Scale: 1:300 @A3

Notes: Proposed Shadow

7 21 Jun 2pm
DA12 Scale: 1:300 @A3

Notes: Proposed Work

6 21 Jun 1pm
DA12 Scale: 1:300 @A3

Notes: Proposed Work

5 21 Jun 12pm
DA12 Scale: 1:300 @A3

Notes: Proposed Work

4 21 Jun 11am
DA12 Scale: 1:300 @A3

Notes: Proposed Work

3 21 Jun 10am
DA12 Scale: 1:300 @A3

Notes: Proposed Work

2 21 Jun 9am
DA12 Scale: 1:300 @A3

Notes: Proposed Work

1 3pm 21 June
DA12 Scale: 1:250 @A3

Notes: Proposed Shadow

Project: 2/215 Lilyfield Rd LILYFIELD

Job No: 2437

Proposed Apts + Adds to Class 2 Bldg

Drawing: Shadow Analysis 3pm 21 June + Views from Sun

Drawn by: CS

Checked by: CS

Client: PARAGRAPH

PARAGRAPH ARCHITECTURE
15/150 Sturt Street, Brisbane QLD 4000
E: paragraph@paraph.com.au
P: 07 3244 6338 F: 07 3244 6388

Scale: As Noted/A3 Date: 06/21

File: 2437 DA12 03 09 2024.dwg

Date: 15/11/23
Time: 1:49:33 pm
Filename: 2647 DA12 31026.vrx

DA12 C

1 3pm 21 June
DA12 Scale: 1:250 @A3

Notes: Proposed Shadow

DNW: 15/11/23
 TIME: 1:50:11 pm
 File name: 2647 DAIRF231026.wd

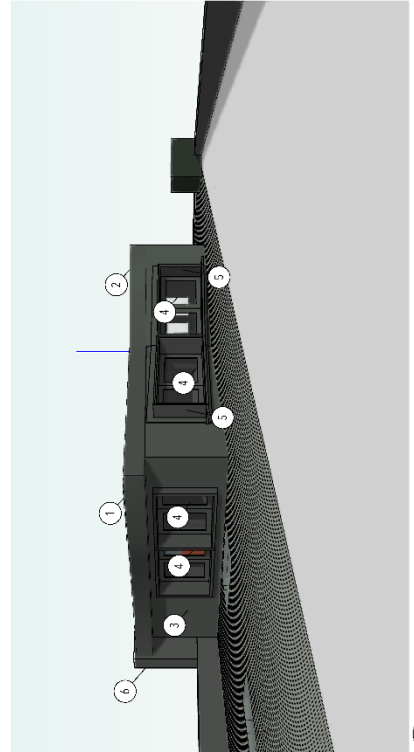
Regulated Design Record			
Project Address: 2/215 Lilyfield Rd LILYFIELD		Body Corporate Reg No: DA13	
Project Title: Proposed Allis+Adds to Class 2 Bldg			
Consent No:		Drawing No:	
Rev	Date	Description	Reg No
A	12/4/23	Issue for DA Lodgement	PDP0000955
B	24/5/2023	Update to Council's notes	PDP0000955
C	15/11/23	Update for RFI Lodgement	PDP0000955



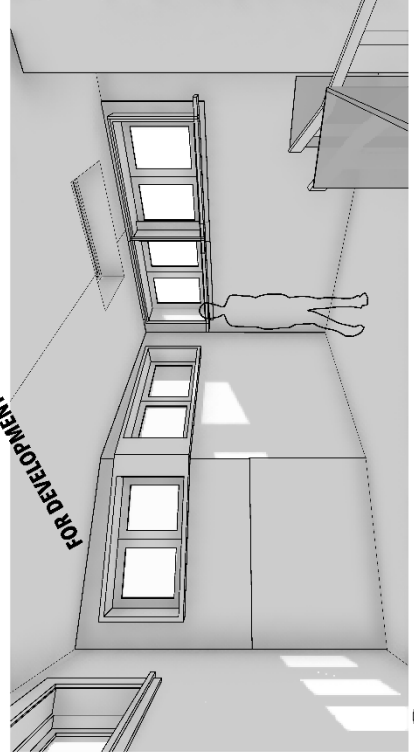
3 Photomontage
 (DA13)

- 1 **Skylight**
 Operable skylights to BMSIX Certificate and RCA report
- 2 **Roof**
 Composite steel roof
 Colorbond Basalt or Similar
- 3 **Wall Cladding**
 Fibre cement
 Dulux (Carbon Basalt) or similar
- 4 **Window**
 Aluminum powdercoat
 Colorbond Basalt or Similar
- 5 **Window Awning**
 Aluminum powdercoat awning system
 Colorbond Basalt or Similar
- 6 **Boundary and fire rated wall**
 Common Bricks
 Rendered and painted to match existing

Material Schedule
 (DA13)



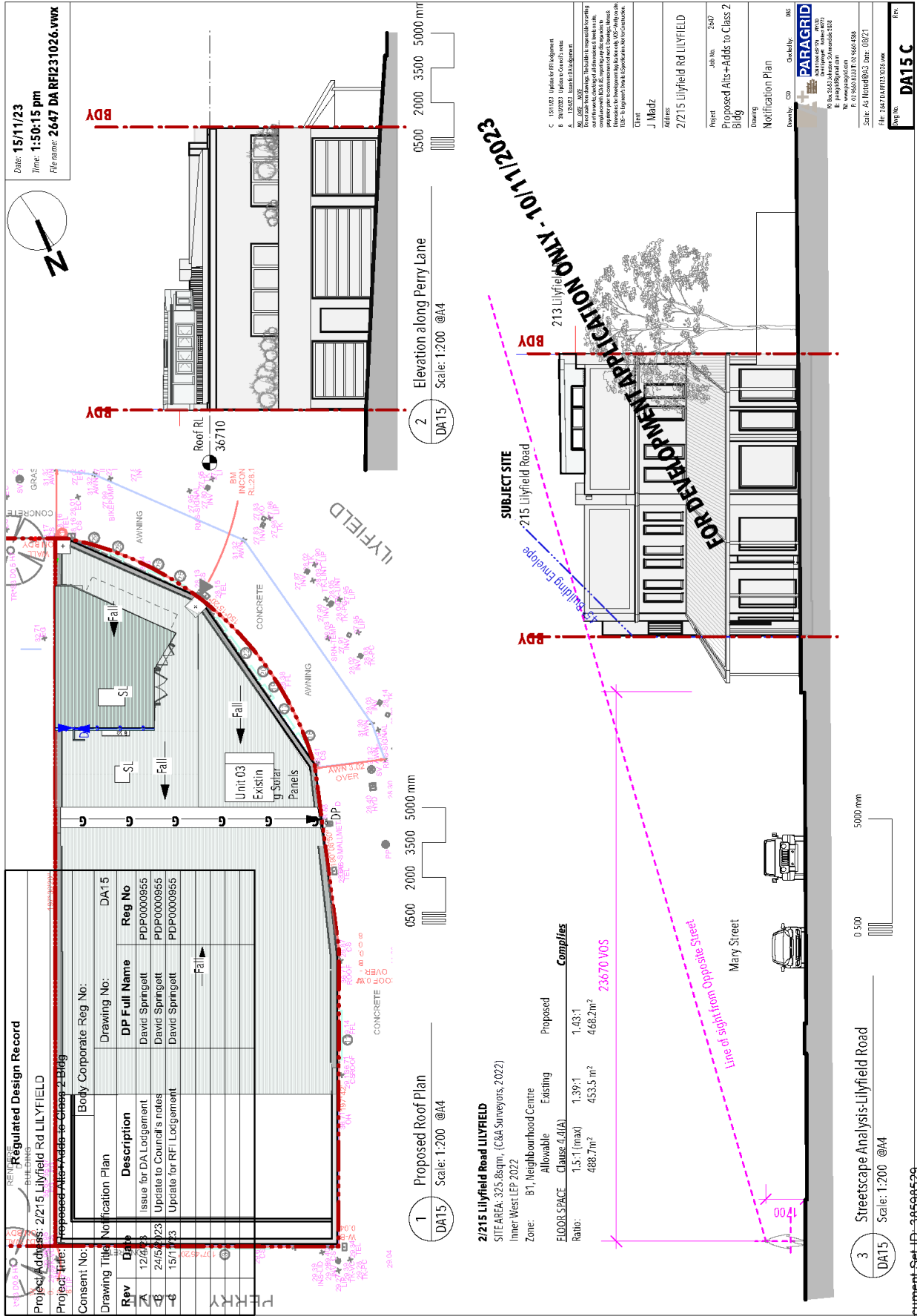
1 Exterior View
 (DA13)



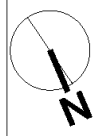
2 Interior View
 (DA13)

15/11/23 1:50:11 pm
 J Madz
 2/215 Lilyfield Rd LILYFIELD
 Proposed Allis+Adds to Class 2 Bldg
 3d Views + Material Schedule
 PARAGRAPH
 10 St Albans Rd, St Albans VIC 3023
 Tel: 03 9482 4400
 Fax: 03 9482 4401
 Email: info@paraph.com.au
 Website: www.paraph.com.au

DA13 C



Date: 15/11/23
 Time: 1:50:15 pm
 File name: 2647 DA RFI231026.vwx



Regulated Design Record				
Project Address: 2/215 Lilyfield Rd LILYFIELD				
Project Title: Proposed Alterations to Class 2 Bldg				
Consent No:	Body Corporate Reg No: DA15			
Drawing Title: Notification Plan	Drawing No:			
Rev	Date	Description	DP Full Name	Reg No
1	12/01/23	Issue for DA Lodgement	David Springett	PDP0000955
2	24/04/23	Update to Council's notes	David Springett	PDP0000955
3	15/11/23	Update for RFI Lodgement	David Springett	PDP0000955

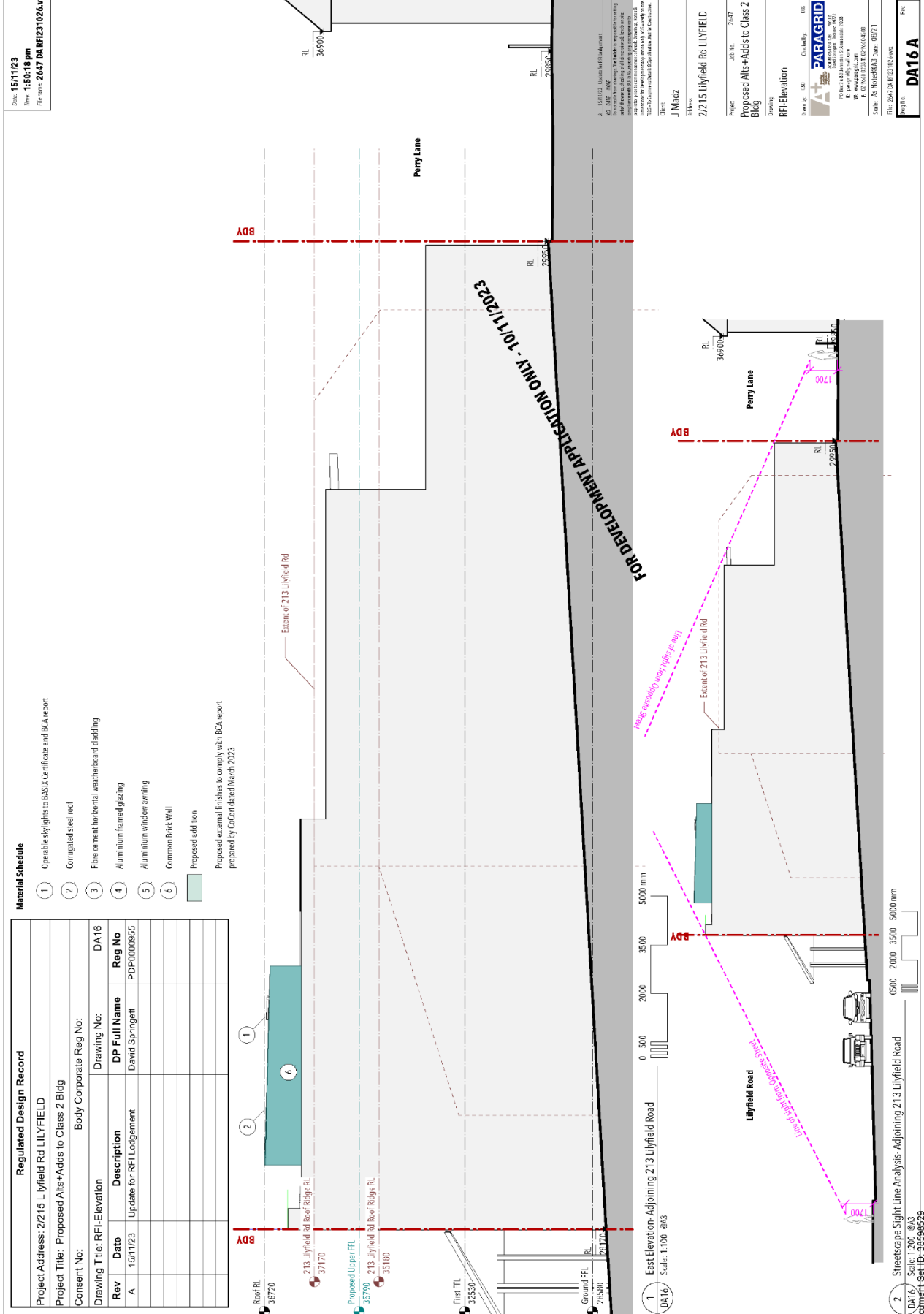
1 Proposed Roof Plan
 Scale: 1:200 @A4

2/215 Lilyfield Road LILYFIELD
 SITE AREA: 325.8sqm. (C&A Surveys, 2022)
 Inner West LEP 2022

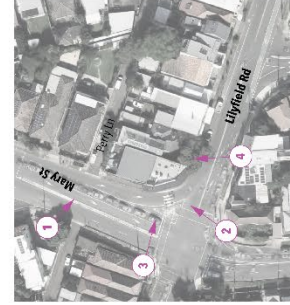
Zone:	Allowable	Existing	Proposed	Complies
B1, Neighbourhood Centre	1.39:1	1.39:1	1.43:1	
FLOOR SPACE Clause 4.4(A)	488.7m ²	453.5 m ²	468.2m ²	
Ratio:	1.5:1 (max)	1.39:1	1.43:1	
	488.7m ²	453.5 m ²	468.2m ²	
				23670 YOS

3 Streetscape Analysis-Lilyfield Road
 Scale: 1:200 @A4

Client: J Madz
 Address: 2/215 Lilyfield Rd LILYFIELD
 Project: Job No. 2647
 Proposed Alts+Addis to Class 2 Bldg
 Drawing: Notification Plan
 Issued by: COB
 Checked by: BMS
 PARAGRAPH
 10 Box 2647 John Street, St Leonards NSW
 E: j.madz@paraph.com
 P: 61 9462 6237 F: 61 9462 6598
 Scale: AS Noted@0.3 Date: 08/21
 File: 2647 DA RFI231026.vwx
 DWG No: DA15 C
 Rev:



Date: 15/11/23
 Time: 1:50:20 pm
 Drawing No: 2647 DA17231026.v



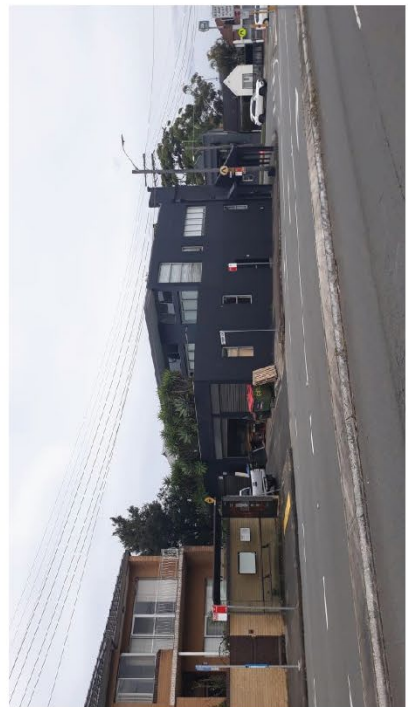
2 West and South View from Lilyfield Road



4 East and South View from Lilyfield Road

Regulated Design Record

Project Address: 2/215 Lilyfield Rd LILYFIELD				
Project Title: Proposed Alis + Adds to Class 2 Bldg				
Consent No:			Body Corporate Reg No: DA17	
Drawing Title: RFI/StreetScape Photomontage			Drawing No: PDP0000955	
Rev	Date	Description	DP Full Name	Reg No
A	15/11/23	Update for RFI Lodgement	David Springett	



1 North and West View from Mary Street



3 West and South View from Mary Street

15/11/23, 1:50:20 pm
 Drawing No: 2647 DA17231026.v
 Project: Proposed Alis + Adds to Class 2 Bldg
 Drawing: RFI/StreetScape Photomontage
 Date: 15/11/23
 Project No: 2647
 Job No: 2647
 Client: J Madz
 Address: 2/215 Lilyfield Rd LILYFIELD
 Designer: J Madz
 Drawn By: J Madz
 Checked By: J Madz
 Approved By: J Madz
 Date: 15/11/23
 Drawing No: 2647 DA17231026.v
 Project No: 2647
 Job No: 2647
 Client: J Madz
 Address: 2/215 Lilyfield Rd LILYFIELD
 Designer: J Madz
 Drawn By: J Madz
 Checked By: J Madz
 Approved By: J Madz
 Date: 15/11/23

2647 DA17 A

Description of project

Project address	
Project name	2647
Street address	2 215 Lilyfield Road Lilyfield 2040
Local Government Area	Inner West Council
Plan type and number	Strata Plan SP 84252
Lot number	4
Section number	
Project type	
Dwelling type	Unit
Type of alteration and addition	My renovation work is valued at \$50,000 or more.

Certificate Prepared by (please complete before submitting to Council or PCA)
Name / Company Name: Paragrid Pty. Ltd.
ABN (if applicable): 81064459178



Alterations and Additions

Certificate number: A463515

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Alterations and Additions Definitions" dated 06/10/2017 published by the Department. This document is available at www.basix.nsw.gov.au

Secretary
 Date of issue: Thursday, 13, April 2023
 To be valid, this certificate must be lodged within 3 months of the date of issue.



BASIX Certificate number: A463515

page 2 / 6

Fixtures and systems	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
<p>Lighting</p> <p>The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.</p>		<p>✓</p>	<p>✓</p>

BASIX Certificate number: A463515

page 3 / 6

Construction	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check																		
<p>Insulation requirements</p> <p>The applicant must construct the new or altered construction (floor(s), walls, and ceilings/roofs) in accordance with the specifications listed in the table below, except that a) additional insulation is not required where the area of new construction is less than 2m², b) insulation specified is not required for parts of altered construction where insulation already exists.</p> <table border="1"> <thead> <tr> <th data-bbox="564 232 754 611">Construction</th> <th data-bbox="564 611 754 1059">Additional insulation required (R-value)</th> <th data-bbox="564 1059 754 2016">Other specifications</th> </tr> </thead> <tbody> <tr> <td data-bbox="754 232 799 611">floor above existing dwelling or building.</td> <td data-bbox="754 611 799 1059">nil</td> <td data-bbox="754 1059 799 2016"></td> </tr> <tr> <td data-bbox="799 232 844 611">external wall: cavity brick</td> <td data-bbox="799 611 844 1059">nil</td> <td data-bbox="799 1059 844 2016"></td> </tr> <tr> <td data-bbox="844 232 888 611">external wall: brick veneer</td> <td data-bbox="844 611 888 1059">R1.16 (or R1.70 including construction)</td> <td data-bbox="844 1059 888 2016"></td> </tr> <tr> <td data-bbox="888 232 963 611">external wall: framed (weatherboard, fibro, metal clad)</td> <td data-bbox="888 611 963 1059">R1.30 (or R1.70 including construction)</td> <td data-bbox="888 1059 963 2016"></td> </tr> <tr> <td data-bbox="963 232 1038 611">raked ceiling, pitched/skillion roof: framed</td> <td data-bbox="963 611 1038 1059">ceiling: R2.50 (up), roof: foil/sarking</td> <td data-bbox="963 1059 1038 2016">dark (solar absorptance > 0.70)</td> </tr> </tbody> </table>	Construction	Additional insulation required (R-value)	Other specifications	floor above existing dwelling or building.	nil		external wall: cavity brick	nil		external wall: brick veneer	R1.16 (or R1.70 including construction)		external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)		raked ceiling, pitched/skillion roof: framed	ceiling: R2.50 (up), roof: foil/sarking	dark (solar absorptance > 0.70)	✓	✓	✓
Construction	Additional insulation required (R-value)	Other specifications																			
floor above existing dwelling or building.	nil																				
external wall: cavity brick	nil																				
external wall: brick veneer	R1.16 (or R1.70 including construction)																				
external wall: framed (weatherboard, fibro, metal clad)	R1.30 (or R1.70 including construction)																				
raked ceiling, pitched/skillion roof: framed	ceiling: R2.50 (up), roof: foil/sarking	dark (solar absorptance > 0.70)																			

Glazing requirements		Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check																																												
<p>Windows and glazed doors</p> <p>The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.</p> <p>The following requirements must also be satisfied in relation to each window and glazed door:</p> <p>Each window or glazed door with improved frames, or pyrolytic low-e glass, or clear/air gap/clear glazing, or toned/air gap/clear glazing must have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below. Total system U-values and SHGCs must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions. The description is provided for information only. Alternative systems with complying U-value and SHGC may be substituted.</p> <p>For projections described as a ratio, the ratio of the projection from the wall to the height above the window or glazed door sill must be at least that shown in the table below.</p>																																																
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		✓	✓	✓																																												

BASIX Certificate number: A463515

page 5 / 6

Glazing requirements		Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check												
<p>The following requirements must also be satisfied in relation to each skylight: Each skylight may either match the description, or, have a U-value and a Solar Heat Gain Coefficient (SHGC) no greater than that listed in the table below.</p> <p>Skylights glazing requirements</p> <table border="1"> <thead> <tr> <th>Skylight number</th> <th>Area of glazing inc. frame (m2)</th> <th>Shading device</th> <th>Frame and glass type</th> </tr> </thead> <tbody> <tr> <td>S1</td> <td>0.9</td> <td>no shading</td> <td>timber, double clear/air fill, (or U-value: 4.3, SHGC: 0.5)</td> </tr> <tr> <td>S2</td> <td>0.9</td> <td>no shading</td> <td>timber, double clear/air fill, (or U-value: 4.3, SHGC: 0.5)</td> </tr> </tbody> </table>		Skylight number	Area of glazing inc. frame (m2)	Shading device	Frame and glass type	S1	0.9	no shading	timber, double clear/air fill, (or U-value: 4.3, SHGC: 0.5)	S2	0.9	no shading	timber, double clear/air fill, (or U-value: 4.3, SHGC: 0.5)		<p>✓</p> <p>✓</p>	<p>✓</p> <p>✓</p>
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Legend
In these commitments, "applicant" means the person carrying out the development.
Commitments identified with a "✓" in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development).
Commitments identified with a "✓" in the "Show on CC/CDC plans & specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development.
Commitments identified with a "✓" in the "Certifier check" column must be certified by a certifying authority as having been fulfilled, before a final occupation certificate for the development may be issued.



CoCert
Patmark Pty Ltd T/As CoCert
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Level 1, 405 Hume Highway LIVERPOOL NSW 2170
PO Box 208 CASULA MALL NSW 2170

BUILDING CODE OF AUSTRALIA
DEEMED TO SATISFY
ASSESSMENT REPORT

LOCATION: 2-215 Lilyfield Rd, Leichhardt
CLIENT: Paragrid Architects
DATE: March 2023
REPORT NO: 2022/453.2

Prepared By

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

Bernie Cohen
For Cocert
Director/ Consultant
M.A.I.B.S; M.A.A.C

Checked & Approved

A handwritten signature in blue ink, appearing to read 'Christopher Manzi'.

Christopher Manzi
For Cocert
Registered Certifier
M.A.A.C

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1.0 SUMMARY

The following assessment has been carried out to identify compliance between the constructed building and the proposed alterations to No 2- 215 Lilyfield Rd, Leichardt and the Building Code of Australia 2019.

The report has been divided into areas of non compliance and appendix 1 that identifies the criteria specified in BCA 2019. It is envisaged that once the items listed in the areas of non compliance have been rectified, compliance with the Deemed to Satisfy provisions of the Building Code of Australia will be achievable.

Appendix 1 has been divided into four (4) areas Complies, Noted, Not Applicable and Does Not Comply.

1. Complies – The construction meets the Deemed to Satisfy provisions of the BCA.
2. Noted – This clause is relevant to the proposal, however should be referenced on the construction certificate drawings.
3. Not applicable – The constructed is not relevant to this clause of the BCA.
4. Does Not Comply – The building does not comply with this clause of the Building Code of Australia

BCA non-compliant issues are summarised and specific items relating to those non-compliances are given in Item 1.3 of the report. It is to note that under the BCA the relevant authority only has the right to require compliance with the current BCA where it is considered that the life safety of the occupants of a building maybe at risk due to a fire. Other matters pertaining to disabled access and facilities, Occupational Health and Safety and the like are considered with alterations and additions to the building.

Regarding the provisions for the people with disabilities, you are advised that compliance with all of the above regulations may not preclude the possibility of complaint made under the Disability Discrimination Act (DDA). In this regard the owner should be satisfied that their obligation under the DDA has been addressed.

The essential services that are to be provided within the building will require an inspection by a competent person for compliance to the relevant Australian Standard and the BCA by a competent person and certified accordingly. This is required to be carried out on a yearly basis and in accordance with AS1851. The new essential services installed will be subjected to an initial design certification, and will be inspected and certified for compliance to the relevant Australian Standard and the BCA.

1.1 Description of Building

The building consists of an existing show room, work shop and residential unit, the proposal consists of an additional level above Unit 2 to create an addition residential unit.

1.2 Assessment Criteria

Building Use:	2, 6 and 8
Class of Occupancy:	Residential, Retail and Workshop
Type of Construction required:	A
Rise in Storeys:	3

1.3 Report Basis

This assessment is based on:

- i. Architectural plans by Paragrid Architects, drawings number

Plan Title	Drawing No	Revision	Date
Site Plan Legend and Notes	DA00	C	7/3/23
Existing Ground Floor	DA01	C	7/3/23
Existing First Floor Plan	DA02	C	7/3/23
Proposed Floor Plans	DA03	C	7/3/23
Roof Plan	DA04	C	7/3/23
Elevations	DA05	C	7/3/23
Sections	DA06	C	7/3/23
Shadows	DA09	C	7/3/23
Material Schedule	DA10	C	7/3/23

1.4 - Areas of non-compliance

C1 – Fire Resistance and Stability

Specification C1.1 – Fire Resisting Construction

The building is to be designed to comply with Table 4			
Class	Building Element	Location to Boundary	FRL in minutes
2	External wall	Less than 1.5m	90/90/90
8	External wall	Less than 1.5m	240/240/240
6	External wall	Less than 1.5m	180/180/180
2, 8 & 6	Separating floor	-	*RISF 60 Minutes
2 & 8	Common walls	-	240/240/240
2 & 6	Common walls	-	180/180/180
2	Common Wall	-	-/60/60
2 & 7a, 6	Separating floor	-	*RISF 60 Minutes

NOTE 1: The details with the construction certificate will detail compliance after DA consent from Council

NOTE 2: Certificates from installer confirm compliance with the fire rated ceiling to the shops underneath the unit including acoustic compliance

C2.13 Electricity Supply System

Detail of treatment of construction of electricity Meter box & seals

BCA – PROVISIONS (APPENDIX A)

Section A: General Provisions

		1	2	3	4
A2.1	Suitability of Materials				
	Every part of a building must be constructed in an appropriate manner to achieve the requirements of the BCA, using materials that are fit for the purpose for which they are intended.		X		
A3	Classification of Buildings and Structures				
	The classification of a building is determined by the purpose for which it is designed, constructed or adapted to be used.		X		
A3.3	Multiple Classification				
	Each part must be classified separately: (a) Classified to the major use if not more than 10% of the floor area of the storey being a minor use (b) Plant rooms, machinery, lift & boiler rooms are classified as the same part.		X		
B1.3	Materials and Forms of Construction				
B1.3	New materials and forms of construction are to be designed to the following Australian Standards as applicable: (a) AS 3700 (b) AS 3600 (c) AS 4100 (d) AS 1288 or AS 2047 (e) AS 1562.1 (f) AS 1720.1 (g) AS 3660.1		X		

Section C: Fire Provisions

Part C1 – Fire Resistance

		1	2	3	4
C1.1	Type of Construction				
	Type of Construction required is determined by the Table C1.1		X		
C1.2	Calculation of rise in storeys.				
	The building has a rise in storeys as determined by C1.2		X		
C1.3	Building of Multiple Classification				
	The Type of construction required is determined on the basis that the classification of the top story applies to all storeys.		X		
C1.4	Mixed Types of Construction				
	Building may be of mixed Types of Construction where it is separated in accordance with C2.7 & Type of Construction determined by C1.1 or C1.3		X		

* 1. Complies 2. Noted 3. Not Applicable 4. Does Not Comply

		1	2	3	4
C1.5	Two storey Class 2 or 3 buildings				
	Class 2 or 3 of two storeys may be Type C construction if each SOU has: 1. Access to at least 2 exits: or 2. Its own direct access to a road or open space or is a class 9c protected with a sprinkler system & maximum compartment for Type C Construction			X	
C1.6	Class 4 parts of a building				
	Class 4 part of a building requires same FRL as that required by a Class 2 in similar circumstances			X	
C1.7	Open Spectator stands and indoor sports stadium				
	May be of Type C construction if it contains only 1 tier and is of non-combustible material & only changing rooms below			X	
C1.8	Lightweight Construction				
	Lightweight construction may be used if it is in compliance with Specification C1.8			X	
C1.10	Fire Hazard Properties				
	Materials and assemblies used in the building must comply with the requirements of Specification C1.10.		X		
C1.11	Performance of External Wall in Fire				
	Concrete external wall that may collapse as complete panels to comply with specification C1.11.			X	
C1.12	Non-combustible materials				
	The following materials may be used where non-combustible materials are required: 1. Plasterboard. 2. Perforated gypsum. 3. Fibrous-plaster sheeting to AS 2185. 4. Fibre-reinforced cement sheeting. 5. Pre-finished metal sheeting. 6. Bonded laminated materials.		X		

Part C2 – Compartmentation and Separation

		1	2	3	4
C2.2	General Floor Area Limitations				
	Table C2.2 limits the size of fire compartments to:- <ul style="list-style-type: none"> • Class 5, 9b or 9c Aged Care Building <ul style="list-style-type: none"> Type C, 3,000m² & 18,000m³ Type B, 5,500m² & 33,000m³ Type A, 8,000m² & 48,000m³ • Class 6, 7, 8 <ul style="list-style-type: none"> Type A, 5,000 m² & 30,000 m³ Type B, 3,500 m² & 21,000 m³ Type C, 2,000 m² & 12,000 m³ 	X			

* 1.Complies 2.Noted 3.Not Applicable 4.Does Not Comply

		1	2	3	4
C2.3	Large Isolated Buildings				
	The size of a fire compartment may be permitted to exceed the compartment limitations specified in Table C2.2.			X	
C2.4	Requirements for Open Spaces and Vehicular Access				
	Requirements for open spaces and vehicular access for large isolated buildings.			X	
C2.5	Class 9a & 9c Buildings				
	A Class 9a & 9c building must be fire and smoke compartmented.			X	
C2.6	Vertical Separation of Openings in External Walls				
	Only applicable to a building of Type A Construction, which is not sprinkler protected.			X	
C2.7	Separation by Fire Walls				
	A part of a building separated by firewall construction may be considered a separate building for the purposes of Parts C, D and E.		X		
C2.8	Separation of Classifications in the Same Storey				
	Firewalls are needed to separate different classifications, or the building must be built to the higher fire resistance level.		X		
C2.9	Separation of Classifications in Different Storeys				
	The separating floors must have an FRL not less than that required for the lower storey use for type A construction		X		
C2.10	Separation of Lift Shafts				
	The lift is to be enclosed in a fire-isolated shaft.			X	
C2.11	Stairs and Lift in One Shaft				
	Not to be within the same shaft if either is required to be in a fire resisting shaft			X	
C2.12	Separation of Equipment				
	Equipment comprising lift motors and control plant, emergency generators or central smoke control plant; boilers or batteries are required to be separated from the remainder of the building by construction achieving a FRL of 120/-/-			X	
C2.13	Electricity Supply System				
	A substation located within a building or main switchboard, which sustains emergency equipment, must be separated from the remainder of the building by construction achieving a FRL of not less than 120/120/120.				X
C2.14	Public Corridors in Class 2 & 3 Building				
	In a Class 3 building, a public corridor, if more than 40m in length, must be divided at intervals of not more than 40m with smoke-proof walls complying with Specification C2.5			X	

* 1. Complies 2. Noted 3. Not Applicable 4. Does Not Comply

Part C3 – Protection of Openings		1	2	3	4
C3.2	Protection of Opening in External Walls				
	Openings in the external walls are to be protected in accordance with C3.4 if:- <ul style="list-style-type: none"> • less than 3m to side or rear boundary of the allotment • less than 6m from the far boundary of a road if not located at or near ground level • less than 6m from another building on the same allotment. 	X			
C3.3	Separation of external walls and associated openings in different fire compartment				
	External walls of a different fire compartment to be separated by a fire wall of not less than FRL 60/60/60 or any openings must be protected in accordance with Clause C3.4 if within the distance set out in Table C3.3.			X	
C3.4	Acceptable Methods of Protection				
	Where exposed to be protected by external drenchers fire doors, windows or shutters. <ul style="list-style-type: none"> • Self closing -/60/30 fire doors (self closing or automatic closing) • Windows that are automatically or permanently fixed in the closed position, -/60/- fire windows or -/60/- fire shutters. Fire doors, fire windows & fire shutters to comply with Specification C3.4 	X			
C3.5	Doorways in Fire Walls				
	Doorways in a fire wall which are not part of a horizontal exit, must not exceed ½ the length of the fire wall, and: <ol style="list-style-type: none"> 1. have the FRL required for the fire wall, and 2. be self-closing or automatic closing. 			X	
C3.6	Sliding Fire Doors				
	If utilised must fail safe in the closed position, be suitably signposted with an audible alarm.			X	
C3.7	Doorways in Horizontal Exits				
	To be suitably protected by fire doors with FRL required for the firewall, and be self-closing or automatic closing.			X	
C3.8	Openings in Fire Isolated Exits				
	To be automatic closing -/60/30 fire doors.			X	
C3.9	Service Penetrations in Fire Isolated Exits				
	Fire exits must not be penetrated by services other than electrical wiring associated with lighting, stair pressurisation or the intercommunication system & hydrant system.			X	

* 1.Complies 2.Not 3. Not Applicable 4.Does Not Comply

		1	2	3	4
C3.10	Openings in Fire Rated Lift Shafts				
	<ul style="list-style-type: none"> Doors to be - /60/ - fire doors to AS1735.11. Lift indicator panels to be backed by - /60/60 construction if exceeding 35,000mm². 			X	
C3.11	Bounding Construction, Class 2, 3 & 4 Buildings				
	<ul style="list-style-type: none"> Type A - a self closing -/60/30 fire door Type B – a self closing tight fitting 35mm thick solid core door 	X			
C3.12	Openings in Floors & Ceilings for Services				
	Service installations penetrating fire rated elements to be protected from the spread of fire in accordance with clause C3.15 i.e. fire rated shaft or provided with fire collars		X		
C3.13	Openings in Shafts				
	Openings in ventilating, pipe, garbage or other service shaft to be protected by:- General: -/60/30 fire doors / hoppers / access panel. Sanitary compartment: --/30/30		X		
C3.15	Openings for Service Installations				
	Electrical, plumbing mechanical ventilation shafts etc not to impair the FRL of rated members. Where services are not bound by fire rated construction, fire collars are to be provided		X		

* 1.Complies 2.Noted 3.Not Applicable 4.Does Not Comply

Specification C1.10 – Early Fire Hazard Indices

		1	2	3	4
2	General Requirements				
	Class 2-9 Building:-		X		
	a) Sarking: FI (Flammability Index) not more than 5.				
	b) Other: (i) SFI (Spread of Flame Index) not more than 9				
	(ii) SDI (Smoke Developed Index) not more than 8 if SFI exceeds 5				
	Fire isolated exits				
	(i) SFI (Spread of Flame Index) of 0				
	(ii) SDI (Smoke Developed Index) not more than 2				

Section D: Access and Egress

Part D1 - Provision for Escape

		1	2	3	4
D1.2	Number of Exits Required				
	A minimum of one required from all buildings, with two required for buildings over 25m & Basement levels	X			
D1.3	When Fire Isolated Exits are Required				
	Every stair in a Class 5 to 9 building must be fire isolated unless it does not connect or pass through more than 3 consecutive floors in a sprinkler protected building.			X	
	Every stair in a Class 2 must be fire isolated unless it does not connect or pass through 3 consecutive storey & 1 extra for basement carparking				
D1.4	Exit Travel Distances from Class 5 to 9 Buildings				
	No point on the floor must be more than 20m to an exit or a point in which travel in different directions to 2 exits is available, in which case, the maximum distance to 1 exit cannot exceed 40m. In a class 5 or 6 building, the distance to a single exit serving a storey at a level of access to road or open space may be increased to 30m.	X			
D1.5	Distance Between Alternative Exits				
	To be no less than 9m or more than 45m in a Class 2, 3, and 9a, or 60m in all other cases, uniformly distributed with access to 2 exits if required and not converge so they become less than 6m apart.			X	
D1.6	Dimensions of Exits and Paths of Travel				
	(a) height – minimum 2m: doorways 1980mm	X			
	(b) width 1m minimum				
	(c);(d) increased width due to populations				
	(f) door width minimum 800mm [AS1428]				
	(g) not to diminish in direction of travel.				
D1.7	Travel by Fire Isolated Stairs				
	Must provide independent egress and discharge to road or open space or complying covered area.			X	

* 1.Complies 2.Noted 3.Not Applicable 4 Does Not Comply

		1	2	3	4
D1.8	External Stairs or Ramps in lieu of Fire Isolated Exits				
	External stairs or ramps may be used in lieu of a fire-isolated stair or ramp to a building under 25m in effective height. Openings may require protection under C3.4			X	
D1.9	Travel by Non Fire Isolated Stairs				
	Travel by Non-Fire Isolated Stairs:- (c) The distance from any point on the floor to a point of egress not to exceed 80m. (e) The stairway not to discharge at a point more than: (i) 20m to an exit. (ii) 40m to one of 2 exits.	X			
D1.10	Discharge from Exits				
	An exit must not be blocked nor be capable of being blocked at its point of discharge. Ramp to a grade of 1:8 is required to connect with open space.			X	
D1.11	Horizontal Exits				
	May be counted as required exits if the path of travel from a fire compartment leads by one or more horizontal exits directly into another fire compartments which has at least one required exit which is not a horizontal exit.			X	
D1.12	Non Required Stairs				
	May connect 2 levels only with one level having direct egress to road or open space.			X	
D1.13	Number of Persons Accommodated				
	To be in accordance with Table D1.13 of the BCA.			X	
D1.16	Plant rooms and lift motor rooms : Concession				
	(a) Where a plant room or lift motor room has a floor area: (i) Not more than 100m ² a ladder may be used in lieu of a stairway. (ii) More than 100m ² but less than 200m ² where two or more points of egress are provided a ladder may be used in lieu of a stairway from all but one of those points. (b) The ladder to the plant room is to comply with AS 1657 and the ladder to the lift motor room is to comply with AS 1735.2.			X	
D1.17	Access to Lift Pits				
	(a) Where the pit depth is not more than 3m through the lowest landing doors (b) Where the pit depth is more than 3m through an access door as per points i to iv			X	

* 1.Complies 2.Noted 3.Not Applicable 4.Does Not Comply

Part D2 – Construction of Exits		1	2	3	4
D2.2	Fire Isolated Stairs				
	Must be in a fire resisting shaft and be constructed of non-combustible materials and if there is local failure not cause structural damage or impair the fire resistance of the shaft.			X	
D2.3	Non Fire Isolated Stairs				
	Non fire isolated stairways must be constructed of either:- (a) reinforced or pre stressed concrete (b) 6mm thick steel (c) 44mm thick timber	X			
D2.4	Separation of rising and descending stairs flights				
	A required fire isolated stair cannot connect above and below ground flights.			X	
D2.5	Open access ramps and balconies				
	Open access ramp or balcony is provided to meet the requirements of smoke hazard management E2.2a, it must; 1. Have ventilation openings to the outside air; & 2. not be enclosed on its open sides above height of 1m.			X	
D2.6	Smoke Lobbies				
	Smoke lobby required by D1.7 must; 1. have a floor area not less than 6m ² ; & 2. be separated by walls impervious to smoke; & 3. be fitted with smoke doors; & 4. be pressurised if the exit is required to be under E3.2			X	
D2.7	Installations in Exits and Paths of Travel				
	(b) No openings to ducts conveying hot products of combustion permitted. (c) Gas or fuel services not permitted in required exits. (d) Electric or services equipment not permitted unless in a non-combustible and smoke sealed enclosure.			X	
D2.8	Enclosure of Space Beneath Stairs				
	(a) in a fire stair no cupboards are permitted. (b) the space beneath the non-fire isolated stairs are not to be enclosed unless in 60/60/60 construction with - /60/30 fire doors.	X			
D2.9	Width of Stairs				
	Required to be measured clear of all obstructions and extend a minimum 2.0m above the nosing and a minimum clear width of 1m.	X			
D2.10	Pedestrian ramps				
	Pedestrian ramp to be installed in accordance with AS1428.1, have a gradient no steeper than 1:8, and be finished with a non-slip surface.	X			
D2.11	Fire-isolated passageways				
	To attain the same FRL as the fire isolated stair			X	
D2.12	Roof as open space				
	If an exit discharges to a roof of a building, the roof must; 1. have an FRL 120/120/120; & 2. not have roof lights or other openings within 3m of the path of travel.			X	

* 1.Complies 2.Noted 3Not Applicable 4.Does Not Comply

		1	2	3	4
D2.13	Treads and Risers				
	(a) minimum 2 risers / maximum 18 in each flight	X			
	(b) risers 115mm min 190 mm max - going 250mm min 355mm max - 2R+G 550mm min 700mm max.				
	(c) goings and risers to be constant.				
	(d) risers not to permit 125mm sphere to pass through				
	(e) treads to be non slip				
	(h) no stepped quarter landings				
D2.14	Landings				
	Maximum gradient not to exceed 1:50 and be a minimum 750 long measured from the inside edge of the landing.	X			
D2.15	Thresholds				
	No step or ramp at any point closer to the door than the width of the door leaf.	X			
D2.16	Balustrades				
	A continuous balustrade or barrier not less than 1m high must be provided along the side of any roof to which public access is provided, any stairway or ramp, any floor, corridor, hallway, balcony, verandah, mezzanine, access bridge or the like. No Horizontal Footholds where a fall over 4m is available between 150mm and 760mm	X			
D2.17	Handrails				
	Required on one side of stairs/ramps unless the width exceeds 2m it is required on both.	X			
D2.18	Fixed Platforms, Walkways, Stairways and Ladders				
	Treads, risers, handrails and balustrades in plant rooms etc must comply with AS 1657	X			
D2.19	Doorways and Doors				
	Must not be revolving door, roller shutter or tilt door. Can be fitted with a sliding door if it leads directly to open space and can be opened manually under a force of not more than 110N and be fitted with a fail-safe device if the door is power operated.	X			
D2.20	Swinging Doors				
	Must not encroach more than 500mm into the required width of the stair or 100mm when fully open and swing in the direction of travel.	X			
D2.21	Operation of Latch				
	To be located 900mm to 1200mm above the floor and be openable with a single-handed downward action.		X		
D2.22	Re-entry from fire-isolated exits				
	Doors must not be locked from inside the fire- isolated stairway to prevent re-entry to the storey or room it services (applicable to class 9a buildings and buildings with an effective height in excess of 25m). <ul style="list-style-type: none"> ● Every fourth floor is not able to be locked and provided with a sign stating re-entry is available; or ● An intercom system is installed 			X	

* 1.Complies 2. Noted 3. Not Applicable 4. Does Not Comply

		1	2	3	4
D2.23	Signs on Doors				
	Signage required to alert persons of the operation of certain doors: -			X	
	<ul style="list-style-type: none"> ● Fire door to fire isolated stairway/Exit or Horizontal exit ● Required smoke door 				

Part D3 – Access for People with Disabilities

		1	2	3	4
D3.2	Access to Building in General				
	a) From the boundary to the principle points of entry			X	
	b) From a disabled car space				
	c) Other buildings on the allotment				
	d) Through the principal public entrance.				
D3.3	Parts to be Accessible				
	a) (i) (A) To sanitary compartment:		X		
	(B) To areas normally used by occupants (excluding plant and service areas)				
	(ii) Every lift to comply with E3.6.				
D3.4	Concessions				
	It is not necessary to provide access for people with disabilities to:		X		
	a) more than 30% of the public space in Class 6 restaurant, café, bar				
	b) any area if access would be inappropriate due to use.				
D3.5	Car Parking			X	
	Spaces provided as to AS 2890.1 and Table D3.5				
D3.6	Signage Regarding Disabled Access				
	To be provided at entrance, lifts and sanitary accommodation.			X	
D3.7	Hearing Augmentation				
	Where an in built amplification system other than an EWIS is provided a hearing augmentation system is to be provided in the following locations:-			X	
	<ul style="list-style-type: none"> • Conference room, meeting room or the like with a floor area greater than 100m², • Judicatory room, • Auditorium in a Class 9b building, • Ticket office, reception area where the public is screened from the service provider. 				
D3.8	Tactile Indicators				
	Required to public stairs and ramps in accordance with AS 1428.4.			X	

* 1 Complies 2. Noted 3 Not Applicable 4 Does Not Comply

Part E: Services and Equipment

Part E1 – Fire Fighting Equipment

		1	2	3	4
E1.3	Hydrants				
	a) System to be provided to serve whole building:-			X	
	(i) Floor area exceeds 500m ²				
	b) (i) Installed to AS 2419.1				
	(iii) Pumpset to AS 2419.1.				
E1.4	Hose Reels				
	a) System to be provided to serve whole building:-			X	
	(i) Where hydrants installed				
	b) (i) Installed to AS 2441				
	(iii) Hose to reach every part				
	(iv) (A) Located externally or,				
	(B) Within 4m of exit or,				
	(C) Adjacent to hydrant (not within fire isolated exit).				
E1.5	Sprinklers				
	a) System to be provided where required by Table E1.5.			X	
E1.6	Portable Fire Extinguishers				
	To be installed to Table E1.6 and AS 2444.	X			
E1.8	Fire Control Centres				
	A fire control centre facility is required for a building that exceeds 18,000m ² in total floor space.			X	

Part E2 –Smoke Hazard Management

		1	2	3	4
E2.2	General Requirements				
E2.2a	One the following smoke hazard management strategies is required:-	X			
	Automatic smoke exhausting to Spec E2.2b, or				
	Automatic smoke and heat vents to Spec E2.2c, or				
	Automatic smoke detection and alarm system to Spec E2.2a, or				
	Automatic sprinkler system to Spec E1.5.				

Part E3-Lift Installations

		1	2	3	4
E3.2	Stretcher Facility in Lifts				
	(a) Must be provided with:			X	
	(i) at least 1 emergency lift required by E3.4				
	(ii) Where emergency lift is not required, in at least 1 passenger lift in buildings over 12m.				
	(b) Not less than 600mm wide and 2,000mm long x 1,400mm height.				

* 1.Complies 2. Noted 3 Not Applicable 4. Does Not Comply

		1	2	3	4
E3.3	Warning against use of lift in fire				
	Warning signs are required at each lift landing located near every call button in accordance with Figure E3.3.			X	
E3.4	Emergency Lifts				
	Required to buildings over 25m in effective height, complying with AS 1735.2.			X	
E3.6	Facilities for people with disabilities				
	Where required by D3.3(a) every lift must be installed to meet requirements of AS 1735.12.				X
E3.7	Fire Service Controls				
	All passenger lift cars require fire service controls in accordance with AS 1735.2.			X	

Part E4 –Emergency Lighting, Exit and Warning Systems

		1	2	3	4
E4.2	Emergency lighting				
	Emergency lighting is required in every required non fire isolated stair	X			
E4.5	Exit Signs				
	An exit sign is required over the exit doorway at base of exit stair in the required stair in a building with emergency lighting under E4.2	X			

Part F: Health and Amenity

Part F1 – General

		1	2	3	4
F1.1	Stormwater drainage				
	Stormwater drainage must comply to AS 3500.3.2		X		
F1.5	Roof covering				
	Roof covering must comply with required Australian Standard.		X		

* 1.Complies 2.Noted 3Not Applicable 4.Does Not Comply

		1	2	3	4
F1.6	Sarking				
	Sarking used for weather proofing of roofs must comply with AS/NZS 4200.		X		
F1.7	Water proofing of wet areas in buildings				
	Water proofing of wet areas within a building to comply with AS 3740.		X		
F1.9	Damp-proofing				
	Damp-proofing where required to be installed in accordance with AS/NZS 2904 or AS 3660.1		X		

Part F2 – Sanitary and Other Facilities

		1	2	3	4
F2.1/3	Sanitary Facilities				
	To be provided in accordance with table F2.4	X			
F2.4	Facilities for Persons with Disabilities				
	One wheelchair accessible disabled facility is required within the building. Layout of each facility must comply with AS1428.1.			X	

Part F3 – Room Sizes		1	2	3	4
F3.1	Height of Rooms				
	Room heights to be a minimum of 2.4m and 2.1m in corridors.	X			

Part F4 – Light and Ventilation		1	2	3	4
F4.4	Artificial Lighting				
	Artificial lighting system is to comply with AS1680.	X			
F4.5	Ventilation of Rooms				
	A mechanical ventilation or air conditioning system complying with AS 1668.2 and AS 3666.1 is required.	X			

Part F5 – Sound Transmission and Insulation		1	2	3	4
F5.4	Sound Insulation Rating of Floors				
	As the floor separates sole occupancy units must have an Rw+C+r (airborne) not less than 50 and an L _{n,m} + C1 (impact) not more than 62	X			
F5.5	Sound Insulation Rating of Walls				
	The walls separating the sole occupancy units shall have an Rw+C+r (airborne) not less than 50 The walls separating the sole occupancy unit from public corridor shall have an Rw (airborne) not less than 50	X			

* 1.Complies 2. Noted 3. Not Applicable 4. Does Not Comply

Certificate



Electrical License
314200C
IPAS Accreditation
F057247A

Date
January 16, 2023

Customer
Siempre Weddings
Job Address
215 Lilyfield Rd
Lilyfield NSW

Installation Certificate

To whom it may concern,

Capco Electrical (Lic no. 314200C) has undertaken the installation of fire rated downlight cones at the above mentioned address in accordance with the Australian Standard AS15:30, AS3000:2018 & BCA.

Kind regards,

Joe Capobianco
Director

ABN: 76 603 055 982

Tel: 0438 248 176

Add: PO Box 164, Earlwood NSW 2206

Email: info@capcoelectrical.com.au

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MATTHEW PALAVIDIS
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2/215 Lilyfield Road, Lilyfield

Aircraft Noise Intrusion Assessment

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Project ID	20230601.1
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1 INTRODUCTION

Acoustic Logic (AL) have been engaged to conduct an acoustic assessment of potential aircraft noise intrusion associated with the proposed alterations and additions at 2/215 Lilyfield Road, Lilyfield.

This document addresses aircraft noise impacts from Sydney Kingsford International and Domestic Airport.

AL have utilised the Australian Standard AS2021:2015 '*Acoustics–Aircraft noise intrusion–Building siting and construction*' document in the assessment of the above noise impacts.

This assessment has been conducted using the Paragrid Architecture drawings dated April 2023.

2 SITE DESCRIPTION / PROPOSED DEVELOPMENT

2.1 SITE EVALUATION

The acceptability of Aircraft Noise exposure is assessed using Australian Standard AS2021:2015 ‘Acoustics– Aircraft noise intrusion–Building siting and construction’.

The standard sets criteria for allowable levels of aircraft noise exposure depending on the proposed land use for the site being assessed.

The acceptability of a site in terms of aircraft noise exposure is assessed using the Australian Noise Exposure Forecast System (ANEF). Three basic parameters influence perception of aircraft noise: the frequency of aircraft movements overhead, the noise level and duration of individual aircraft movements, and the time of the day in which they occur. ANEF was developed to provide a rating system that reflects actual human response to these factors so that the noise exposure of a particular location can be readily assessed.

As depicted in Figure 2-1, the project site is located between the ANEF 25 and 30 contours, based on the Sydney Airport 2039 ANEF contour map. Therefore, the proposed site must be assessed to ensure that internal noise levels are limited to those recommended in AS2021.

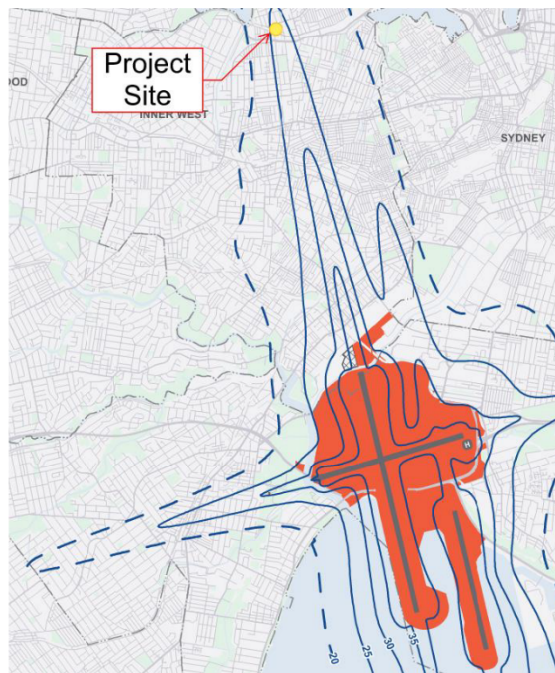


Figure 2-1: Site Location on ANEF Map

2.1.1 Australian Standard AS/NZS 2021:2015 ‘Acoustics – Aircraft noise intrusion – Building siting and Construction’ (Aircraft Noise Intrusion)

As the proposed site is located between ANEF 25 and 30 contours, AS2021:2015 states that a full evaluation of internal noise levels is carried out. This evaluation requires an examination of the likely levels of internal noise from aircraft flyovers.

AS2021:2015 stipulates the internal noise levels listed in the table below for residential buildings. These levels will be used to assess aircraft noise intrusion into the residential levels of the development.

Table 2-1 – Indoor Design Sound Levels for Aircraft Noise Reduction Assessment

Activity	Indoor Design Sound Level from Aircraft Flyover
Bedrooms	50 dB(A) _(Slow, Lmax)
Living Spaces	55 dB(A) _(Slow, Lmax)
Bathrooms, toilets, laundries	60 dB(A) _(Slow, Lmax)

2.2 EXTERNAL AIRCRAFT NOISE

Aircraft noise levels at the site were determined using AS2021. The Standard gives aircraft noise levels for aircraft landing and taking off for locations near airports. The location of the runways was obtained from the Sydney Airport ANEF 2039.

Based on the distance from the site to the runways, the flight path and the site elevation, AS2021 predicts that the loudest typical aircraft movement will be from an Airbus A380 aircraft departing from the Main Runway. The noise level at the site as indicated by the standard is 79 dB(A)_{Lmax}. This noise level will be used to predict the resultant internal noise levels.

3 INTERNAL NOISE LEVELS

3.1 METHODOLOGY

Internal noise levels will primarily be a result of noise transfer through the roof, windows, and doors as these are relatively light building elements that offer less resistance to the transmission of sound.

The predicted noise levels through the roof, walls, windows, and doors are discussed below. The predicted noise levels have been based on the expected level and spectral characteristics of the external noise, the area of building elements exposed to aircraft noise, the absorption characteristics of the rooms, and the noise reduction performance of the building elements.

3.2 RECOMMENDED CONSTRUCTIONS

The following constructions are the minimum recommended to comply with the noise objectives stated in Table 2-1 above.

3.2.1 Glazed Windows and Doors

Table 3-1: Glazing Thickness Minimum Requirements

Level	Elements/Space	Glazing Construction	Acoustic Seals
First floor	Windows in Kitchen / Living / Dining space	6mm Float	Yes
	Skylight in Kitchen / Living / Dining Space		
Upper Level Addition	Windows in Bedroom	12.5 VLam Hush	
	Skylight in Bedroom		

It is recommended that only window systems having test results indicating compliance with the required ratings obtained in a certified laboratory be used where windows with acoustic seals have been recommended. All windows shall have glazing thicknesses equal to those recommended above and are to have Raven RP10 to the top, bottom, and sides.

In addition to complying with the minimum scheduled glazing thickness, the R_w rating of the glazing fitted into open-able frames and fixed into the building opening should not be lower than the values listed in Table 3-2 for all rooms. Where nominated, this will require the use of acoustic seals around the full perimeter of open-able frames and the frame will need to be sealed into the building opening using a flexible sealant.

Table 3-2 - Minimum R_w of Glazing (with Acoustic Seals)

Glazing Assembly	Minimum R_w of Installed Window
6mm Float	29
12.5 VLam Hush	40

3.2.2 External Roof/Ceiling Construction

The proposed constructions consist of lightweight roofing elements. The minimum required roof and ceiling construction is described in the table below. For rooms where the pre-existing roof and ceiling construction will remain, it is assumed they comply with the minimum requirements outlined below.

Table 3-3: Roof and Ceiling Construction Minimum Requirements

Level	Space	Internal Lining	Truss System	External
First floor	Kitchen / Living / Dining Space	1x13mm plasterboard	Minimum of 250mm truss with 75mm thick 14kg/m ³ glass wool insulation in cavity	0.5mm steel sheet metal
Upper Level Addition	Bedroom	2x16mm plasterboard		0.5mm steel sheet metal above 9mm fibre cement sheet

3.2.3 External Wall Construction

Some sections of the proposed construction consist of lightweight wall elements. The minimum required construction is described in the table below. For rooms where the pre-existing wall construction will remain, it is assumed they comply with the minimum requirements outlined below. Additionally, areas with double brick construction do not require further specification.

Table 3-4: External Wall Construction Minimum Requirements

Level	Space	Internal Lining	Stud Construction	External
Upper Level Addition	Master Bed	2x16mm plasterboard	90mm timber stud with 75mm thick, 14kg/m ³ glass wool insulation to the stud cavity	1x9mm fibre cement

3.2.4 Ceiling/Roof Construction Details

The following recommended ceiling/roof construction options over the rooms shown below are for lightweight ceilings only. Ensure that the cavity is maintained regardless of roof angle.

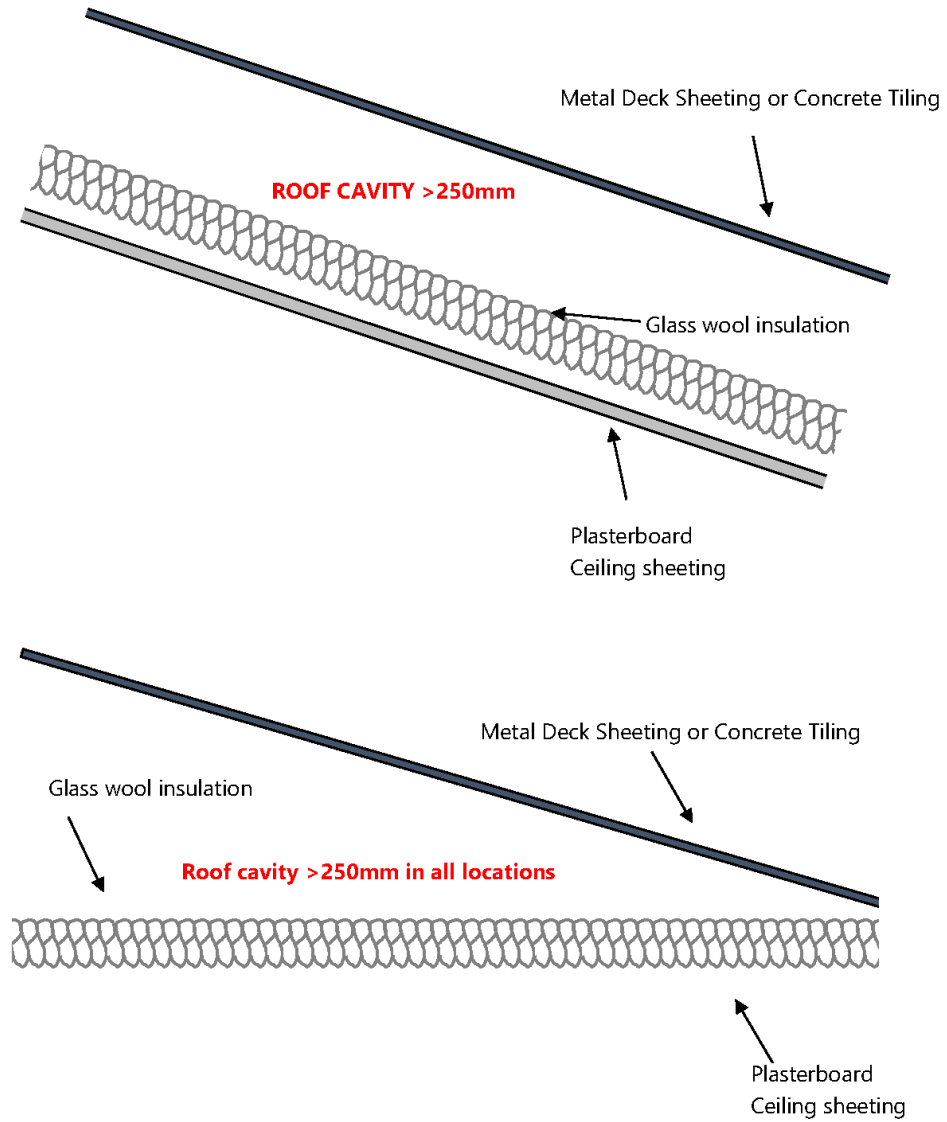


Figure 3-1 – Roof/Ceiling Construction

3.2.5 Plasterboard Corner Details

The recommended plasterboard ceiling/wall corner construction options over the rooms are shown below. If the internal plasterboard lining of the ceiling is pitched, the same design applies, ensure that all junctions between the wall and the ceiling are fully sealed.

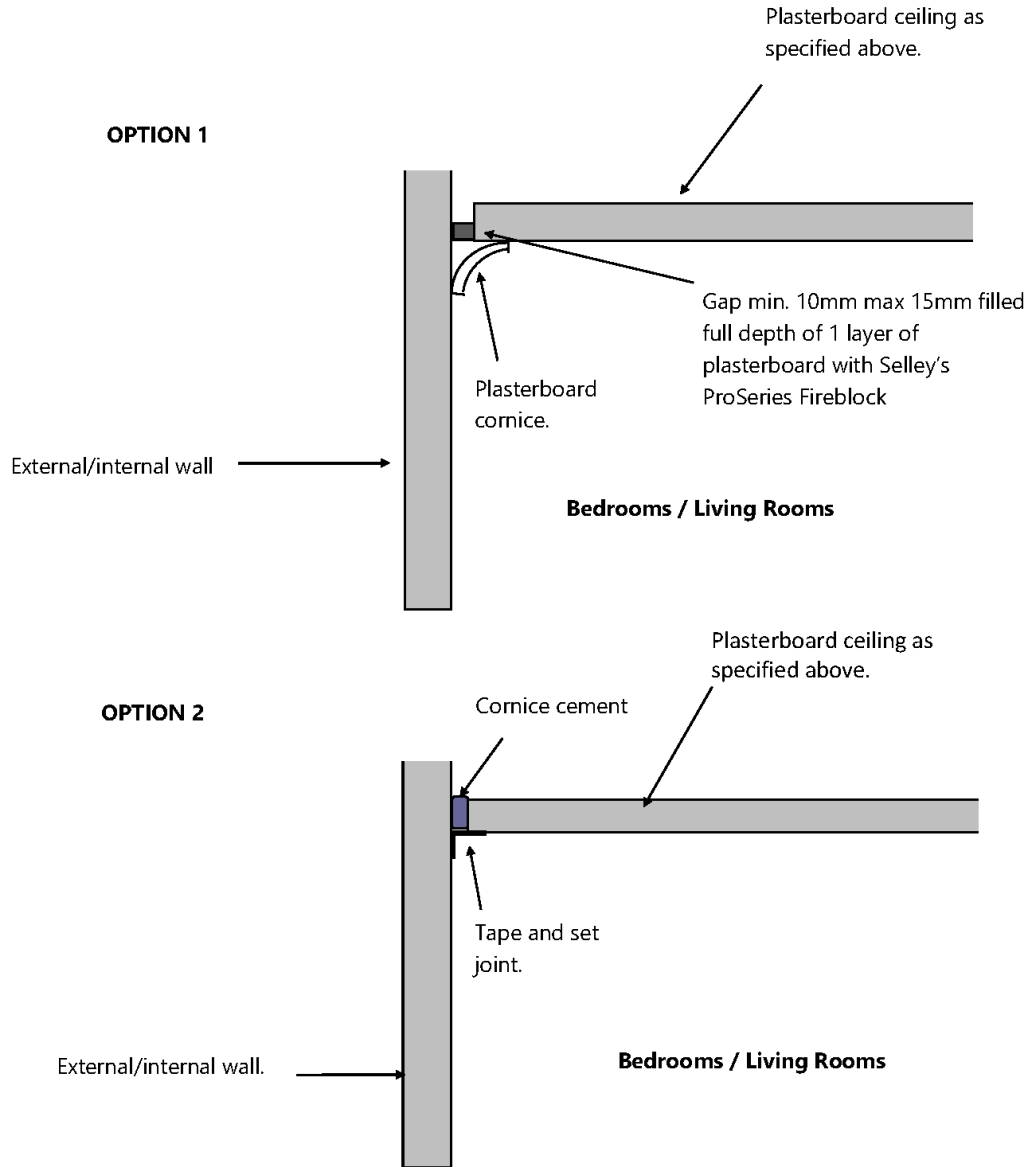


Figure 3.2 – Plasterboard Corner Options

3.2.6 Mechanical Ventilation

AS2021:2015 requires the installation of ventilation or air conditioning system where aircraft noise exposure exceeds ANEF 20. As internal noise levels cannot be achieved with windows open, it is required that **all areas** have an alternative outside air supply system or air conditioning. These should be in accordance with AS1668.2 requirements.

Any mechanical ventilation system that is installed should be acoustically designed such that the acoustic performance of the recommended constructions is not reduced by any duct or pipe penetrating the wall/ceiling/roof. Noise emitted to the property boundaries by any ventilation system shall comply with Council requirements.

4 CONCLUSION

This report presents an acoustic assessment of potential aircraft noise intrusion associated with the proposed residential alterations and additions at 2/215 Lilyfield Road, Lilyfield. Based on the information provided above we conclude the following.

Provided that the treatments set out in Section 3 of this report are employed, internal noise levels shall comply with the requirements of Australian Standard AS2021:2015 '*Acoustics–Aircraft noise intrusion–Building siting and construction*'.

We trust this information is satisfactory. Please contact us should you have any further queries.

Yours faithfully,



Acoustic Logic Pty Ltd
Adam Taglini

Attachment D – Section 4.6 Exception to Development Standards

Bruce Threlfo TOWN PLANNING CONSULTANT

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phone: 0418 671 206 e-mail: bruce@btpplan.com.au
ABN 36 172 770 265
23/6/2023

Inner West Council

RE: 215 Lilyfield Road, Lilyfield

SUBMISSION UNDER CLAUSE 4.6 OF INNER WEST LEP 2022 (FLOOR SPACE RATIO)

1. INTRODUCTION

In my opinion, the proposal, as amended, complies with the criteria in clause 4.4A of the Inner West Local Environmental Plan 2022 and, therefore, the applicable maximum FSR is 1.5:1. On that basis, no request is required to be made pursuant to Clause 4.6 of IWLEP to address what would otherwise be a non-compliance with the development standard.

However, in the event that Council considers that the proposal does not satisfy the criteria in clause 4.4A of IWLEP, this clause 4.6 submission demonstrates that strict compliance with the development standard for FSR under clause 4.4 of the IWLEP is unreasonable and unnecessary in the circumstances and that there are sufficient environmental planning grounds to justify the contravention in the circumstances of the case.

This clause 4.6 submission is based on the Issue A Drawings numbered DA01 –DA11 dated 12/4/2023 and prepared by Paragrid.

2. INNER WEST LOCAL ENVIRONMENTAL PLAN 2022 (IWLEP)

The Applicant's Architect has calculated that the proposal, as amended, will increase the gross floor area of the existing development from 453.38m² to 468.2m², resulting in an FSR of 1.43:1.

Pursuant to clause 4.4(2) of the Inner West *Leichhardt Local Environmental Plan 2022* (IWLEP) the "default" FSR development standard applicable to the development is 1:1.

However, clause 4.4A of the LEP provides an incentive FSR development standard of 1.5:1 for mixed use development if the subject property is located within either a B1 Neighbourhood Centre zone or a B2 Local Centre zone (B2 Zone), and the consent authority is satisfied that, under clause 4.4A(3) of IWLEP, the building:

- will have an active street frontage, and
- is mixed use development that includes residential accommodation, and
- is compatible with the desired character of the area in relation to its bulk, form, uses and scale.

The property is located within a B1 Zone, and the proposal has an active street frontage (as defined), comprises mixed use development including residential accommodation and, in my opinion, is compatible with the desired character of the area in relation to its bulk, form, uses and scale.

Hence, in my opinion the FSR development standard that should be applied to the proposal is 1.5:1 pursuant to clause 4.4A(3), (4) of IW LEP.

This submission applies only in the case that Council has the opinion that the relevant FSR development standard is 1.1 and, therefore, seeks to demonstrate that in this event compliance with the 1:1 development standard for FSR is unreasonable and unnecessary in the circumstances and there are sufficient environmental planning grounds to justify contravention.

Criteria for a clause 4.6 variation.

Clause 4.6 provides for:

(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.*

In accordance with the guidelines provided by decisions of the Land and Environment Court, this submission addresses the requirements of clause 4.6 of the LEP in turn.

Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

In the decision of *Wehbe v Pittwater Council* [2007] NSWLEC 827 (*Wehbe*), Chief Justice Preston outlined the rationale for development standards and the ways by which a standard might be considered unnecessary and/or unreasonable. At paragraph 43 of his decision Preston CJ noted:

The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served).

The judgment in *Wehbe* identified five ways of establishing under *State Environmental Planning Policy No. 1 – Development Standards* (SEPP 1) that compliance is unreasonable or unnecessary. Subsequent cases including *Initial Action Pty Ltd v Woollahra Council* [2018] NSWLEC 118 have confirmed that these ways are equally applicable under the clause 4.6 regime.

The first and most commonly invoked way to establish that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case is to demonstrate that the objectives of the development standard are achieved notwithstanding non-compliance with the standard (*Wehbe* at 42 and 43).

As set out below, the proposed development will achieve the relevant objectives of the standard notwithstanding numerical non-compliance.

The objectives of the floor space ratio standard are set out in clause 4.4(1) of IW LEP:

4.4 Floor space ratio

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

- (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.*

These objectives are achieved because:

- the existing building already exceeds the FSR of 1:1 and a minor increase from 1.39:1 to 1.43:1 will not result in an inappropriate development density,
- The existing building is already different from the surrounding built form, most of which is located in a less dense residential zone. The existing building with its parapet form and large windows is a perfectly reasonable built form, especially given its location of a prominent corner.
- The existing building is a stand-alone two storey shop top building on a corner site. It is not a site that provides a transition between development of different densities.
- the proposal has no adverse impacts on local amenity,
- the proposal will not affect the trees on the adjoining property or footpath.

The arguments set out above show that in the circumstances compliance with the development standard is unreasonable and unnecessary because the relevant objectives of the development standard will be achieved by the proposed development despite the numerical non-compliance.

Are there sufficient environmental planning grounds to justify contravening the development standard?

The following environmental planning grounds are relevant:

- the existing building with its parapet form and large windows is a perfectly reasonable built form, especially given its location of a prominent corner. The amended design that sets the room back from the front parapet has the result that the room will not overbear the public domain.
- the existing building already has a higher scale than the existing streetscape and the new room will have no perceptible change to the streetscape.
- the proposal has no adverse impacts on local amenity,
- the proposal will not affect the trees on the adjoining property or footpath.

Clause 4.6(3) of the LEP

The above justifications demonstrate that, in the circumstances, the proposed variation of the FSR development standard (if it is deemed applicable) is appropriate and is consistent with the objectives of clause 4.6 of IWLEP to:

- *provide an appropriate degree of flexibility in applying certain development standards to particular development, and*
- *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Council can therefore be satisfied that this submission has satisfactorily addressed clause 4.6(3)(a) and (b) and clause 4.6(4)(a)(i) of IWLEP.

Clause 4.6(4)(a)(ii) of the LEP

Clause 4.6(4)(a)(ii) of the LEP requires Council to be satisfied that:

The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Will the proposed development be in the public interest because it is consistent with the objectives of the development standard?

Any proposed development that achieves the objectives of a development standard must also be consistent with the objectives of the standard, as the threshold for consistency is lower than that for achievement. The discussion above in response to clause 4.6(3)(a) has demonstrated that the Proposal, as amended, will achieve the relevant objectives of the standard; therefore it will also be consistent with those objectives.

Will the proposed development be in the public interest because it is consistent with the objectives of the zone?

The objectives for the Zone B1 Neighbourhood Centre are:

- *To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*
- *To encourage employment opportunities in accessible locations.*
- *To encourage retail and business land uses that promote the centre's role in the local retail hierarchy.*
- *To accommodate residential development that complements retail, business and non-residential land uses at street level.*

The first 3 objectives are not relevant to the application as they do not apply to the residential accommodation.

The additional room of residential accommodation for unit 2 will not conflict with and will be compatible with the business uses at street level.

Clause 4.6(4)(b) – Concurrence of the Planning Secretary

The concurrence of the Planning Secretary can be assumed in accordance with Planning Circular PS 18-003 of 21 February 2018.

Conclusion

The circumstances of the case should be balanced against the usual presumption of public benefit in maintaining a development standard. The FSR of the Proposal, as amended, is justified as set out above. The variation sought will enhance the utility and amenity of the development, furthering the objectives of the *Environmental Planning and Assessment Act 1979*, without material adverse impacts on neighbouring amenity or the public domain.

This submission shows that, in the circumstances of the case, compliance with the FSR development standard of 1:1 is unreasonable and unnecessary and that there are sufficient environmental planning grounds to justify contravening the development standard. Council may therefore form the requisite opinions of satisfaction required under clause 4.6(4)(a)(i) of the LEP.

This submission also demonstrates that the proposal, as amended, will be in the public interest because it is consistent with the objectives of the development standard and with the objectives of the B1 Zone.

Yours Faithfully

Bruce Threlfo