

The Principal Certifying Authority must ensure the Quick Check agent/Sydney Water has appropriately stamped the plans prior to the issue of a Construction Certificate.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

15. Prior to the issue of a Construction Certificate, the applicant must prepare a Construction Management and Traffic Management Plan. The following matters should be addressed in the plan (where applicable):
- a) A plan view of the entire site and frontage roadways indicating:
 - i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
 - ii) The locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council.
 - iii) Location of any proposed crane and concrete pump and truck standing areas on and off the site.
 - iv) A dedicated unloading and loading point within the site for construction vehicles, plant and deliveries.
 - v) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.
 - b) Noise and vibration
During excavation, demolition and construction phases, noise & vibration generated from the site must be controlled. Refer to other conditions of this consent. If during excavation, rock is encountered, measures must be taken to minimise vibration, dust generation and impacts on surrounding properties. Refer to Environmental Noise Management Assessing Vibration: a technical Guideline (Department of Environment and Conservation, 2006) www.epa.nsw.gov.au for guidance and further information.
 - c) Occupational Health and Safety
All site works must comply with the occupational health and safety requirements of the New South Wales Work Cover Authority.
 - d) Toilet Facilities
During excavation, demolition and construction phases, toilet facilities are to be provided on the site, at the rate of one toilet for every twenty (20) persons or part of twenty (20) persons employed at the site. Details must be shown on the plan.
 - e) Traffic control plan(s) for the site
All traffic control plans must be in accordance with the Roads and Maritime Services publication "Traffic Control Worksite Manual"

Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum of 4

weeks prior to the activity proposed being undertaken.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

16. A Waste Management Plan (WMP) is to be provided in accordance with **Part D – Waste – Development Control Plan 2013**. The Plan must address all issues identified in the DCP including but not limited to:
- a) Estimated volume (m³) or weight (t) of materials that are reused, recycled or removed from site.
 - b) On site material storage areas during construction.
 - c) Material and methods used during construction to minimise waste.
 - d) Nomination of end location of all waste and recycling generated from a facility authorised to accept the material type for processing or disposal and retention of waste dockets to be made available to Council Officer on request
 - e) A clear statement within the Waste Management Plan of responsibility for the transferral of waste and recycling bins within the property and between floors where applicable to the collection point in accordance with DCP 2013.

All requirements of the approved Waste Management Plan must be implemented during the demolition, excavation and construction of the development.

17. A Flood Risk Management Plan, prepared by a qualified practicing Civil Engineer must be prepared prior to the issue of a Construction Certificate. The Plan must be prepared to make provision for the following:
- a) Recommendations on all precautions to minimise risk to personal safety of occupants and the risk of property damage for the total development. Such recommendations must be consistent with the approved development. The flood impacts on the site shall be assessed for the 100 year ARI and Probable Maximum Flood (PMF) storm events. The precautions shall include but not be limited to the following:
 - i) Types of materials to be used to ensure the structural integrity of the building to immersion and impact of velocity and debris.
 - ii) Waterproofing methods, including electrical equipment, wiring, fuel lines or any other service pipes or connections.
 - iii) Flood warning signs/depth indicators for areas that may be inundated
 - iv) A flood evacuation strategy.
 - v) On site response plan to minimise flood damage, demonstrating that adequate storage areas are available for hazardous materials and valuable goods above the flood level.

All works must be designed to comply with the Standard for Construction of Buildings in Flood Hazard Areas in accordance with Section 3.10.3 of the Building Code of Australia. Note that some terms defined in this standard have equivalent meaning to terms used in Council's Development Control Plan as listed below.

Building Code of Australia	Development Control Plan 2013
<i>Defined flood level (DFL)</i>	<i>100 year Average Recurrence Interval flood level</i>
<i>Defined flood event (DFE)</i>	<i>100 year Average Recurrence Interval flood</i>
<i>Flood hazard level (FHL)</i>	<i>Flood Planning Level (FPL)</i>

- b) Specify the architectural and structural plans upon which the above recommendations have been incorporated.

The Flood Risk Management Plan must be submitted to and approved by Council before the issue of a Construction Certificate.

18. The approved Architectural plans shall be amended to incorporate the recommendations of the Flood Risk Management Plan prepared in accordance with the requirements of Condition 17. The plans addressing the requirements of this condition must be provided prior to the issue of a Construction Certificate. The design must be prepared to make provision for the following:

- a) Specification of materials
- b) Waterproofing works, where applicable.

No changes to the external form or appearance of the development contrary to the approved plans shall occur except as identified by this condition. Any changes to such must be subject to separate approval in accordance with Section 4.55 of the Environmental Planning and Assessment Act.

Details demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

19. The following building matters shall be addressed:

- The protection of openings less than 3 metres to the boundary and internal protection to the glazed wall between the different occupancies.
- Overall occupation level of the building should be assessed and the differing tenancies and interrelationship will need to be assessed for fire safety and egress from the building alternative engineered solutions will need to address the whole of the building as the tenancies have an interrelationship.
- Location of air conditioning and location of artificial lighting units where there is a restricted ceiling height of 2.5 metres.

Details demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

20. A contribution pursuant to the provisions of Section 94 of the *Environmental Planning and Assessment Act 1979* for the services detailed in column A and for the amount detailed in column B must be made to Council prior to the issue of a Construction Certificate:

Column A	Column B
Open space and recreation	\$2,684.92
Community facilities and services	\$1,377.51

In lieu of adequate parking	\$10,000.00
Local area traffic management	\$216.91
Access to Balmain peninsula	-
Light rail access works	-
Leichhardt town centre improvements	\$3,696.03

The total contribution is: \$17,975.37

Payment will only be accepted in the form of cash, bank cheque or EFTPOS /Credit Card (to a maximum of \$10,000). It should be noted that personal cheques or bank guarantees cannot be accepted for Section 94 Contributions. Contribution Plans may be inspected on Council's website www.leichhardt.nsw.gov.au or a copy purchased at the Citizen Service in Council's Administration Centre, 7-15 Wetherill Street, Leichhardt, during business hours.

A receipt demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

PRIOR TO WORKS COMMENCING OR ISSUE OF A CONSTRUCTION CERTIFICATE (WHICHEVER OCCURS FIRST)

21. Prior to the commencement of demolition works on the subject site or a Construction Certificate being issued for works approved by this development consent (whichever occurs first), a security deposit and inspection fee as detailed below must be 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.

Security Deposit (FOOT)	\$2,100.00
Inspection fee (FOOTI)	\$225.00

Payment will be accepted in the form of cash, bank cheque or 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 Council to determine the condition of the adjacent road reserve & footpath prior to & 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, Council may carry out any works necessary to repair the damage and/or remove the risk. The cost of these works will be deducted from the security deposit.

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 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.

Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

22. Should works require any of the following on public property (footpaths, roads, reserves), an application shall be submitted and approved by Council prior to the commencement of the works associated with such activity or the Construction Certificate (whichever occurs first)
- a) Work/Construction zone (designated parking for construction vehicles). – A Work Zone application
 - b) A concrete pump across the roadway/footpath. – A Standing Plant permit
 - c) Mobile crane or any standing plant – A Standing Plant Permit
 - d) Skip bins other than those authorised by Leichhardt Council – Skip Bin Application
 - e) Scaffolding/Hoardings (fencing on public land) – Scaffolding and Hoardings on Footpath Application
 - f) Road works including vehicle crossing/kerb & guttering, footpath, stormwater provisions etc – Road works Application
 - g) Awning or street verandah over footpath. – Road works Application
 - h) Installation or replacement of private stormwater drain, utility service or water supply – Road Opening Permit

Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

PRIOR TO THE COMMENCEMENT OF WORKS

23. The proposed structure(s) to be erected must stand wholly within the boundaries of the subject site. No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach onto adjoining properties or upon public property.

To ensure that the location of the building satisfies the provision of the approval, the footings and walls within one (1) metre of the property boundaries must be set out by or the location certified by a registered surveyor in accordance with the approved plans, prior to the commencement of works.

To ensure that the location of the building satisfies the provision of the approval, a check survey certificate shall be submitted to the Principal Certifying Authority either prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, indicating the:

- a) location of the building with respect to the boundaries of the site.

24. The site must be 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 property 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. Additionally an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property, where necessary.

Separate approval is required under the *Roads Act 1993* to erect a hoarding or temporary fence or awning on public property. Approvals for hoardings, scaffolding on public land must be obtained and clearly displayed on site for the duration of the works.

Any hoarding, fence or awning is to be removed when the work is completed and must be maintained clear of any advertising.

PRESCRIBED CONDITIONS**A. BASIX Commitments**

Under clause 97A of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled. The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

In this condition:

- a) Relevant BASIX Certificate means:
 - (i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - (ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.

B. Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

C. Home Building Act

- 1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development to which the work relates has given Leichhardt Council written notice of the following:
 - 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, or
 - 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.
- 2) If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to Council is out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

Note: A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

D. Site Sign

- 1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
 - c) showing the name, address and telephone number of the Principal Certifying Authority for the work.
- 2) Any such sign must be maintained while building work or demolition work is being carried out, but must be removed when the work has been completed.

E. Condition relating to shoring and adequacy of adjoining property

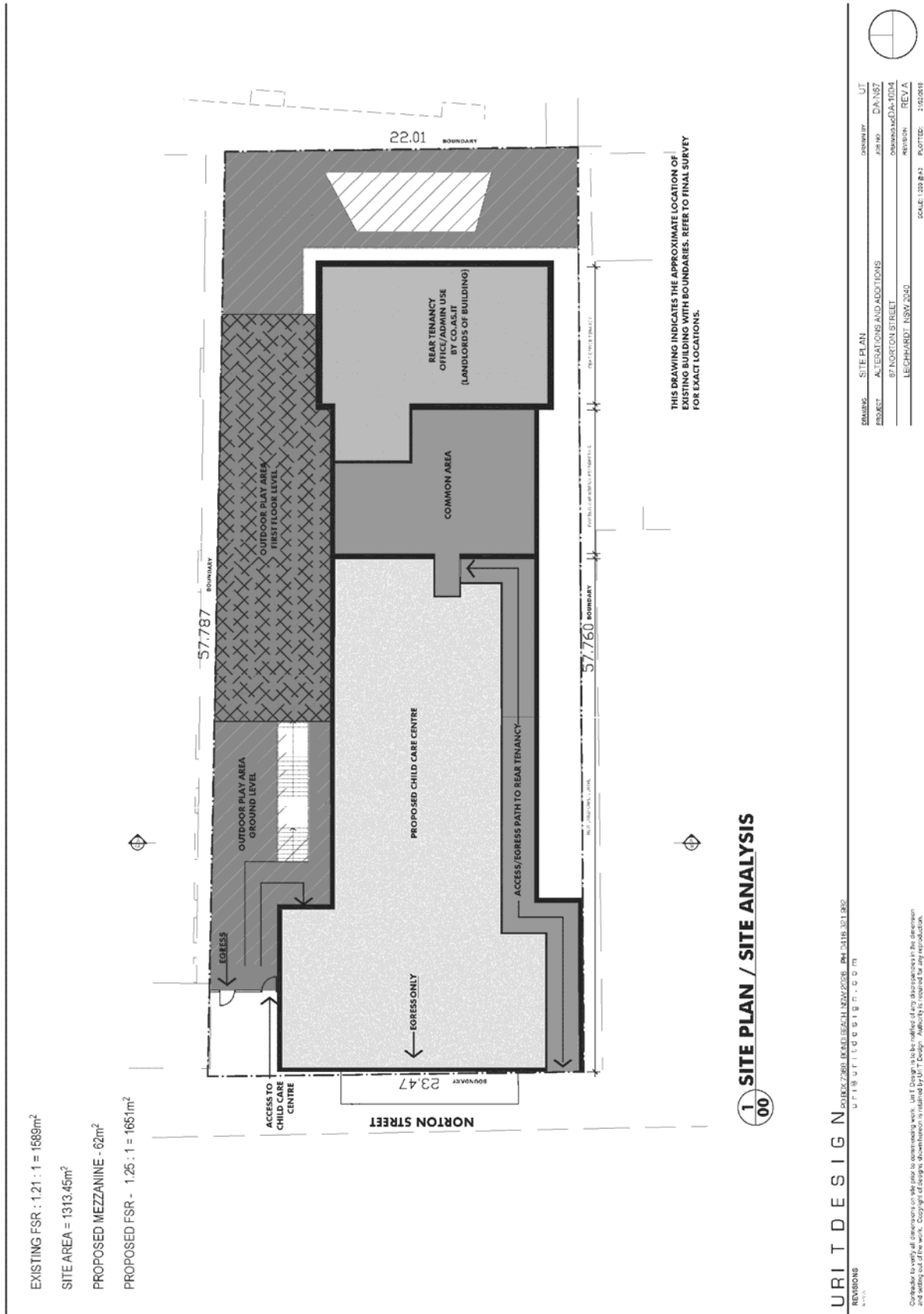
- (1) For the purposes of section 4.17(11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) protect and support the adjoining premises from possible damage from the excavation, and
 - (b) where necessary, underpin the adjoining premises to prevent any such damage.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

NOTES

1. This Determination Notice operates or becomes effective from the endorsed date of consent.
2. Section 8.2 of the *Environmental Planning and Assessment Act 1979* provides for an applicant to request Council to review its determination. This does not apply to applications made on behalf of the Crown, designated development or a complying development certificate. The request for review must be made within six (6) months of the date of determination or prior to an appeal being heard by the Land and Environment Court. Furthermore, Council has no power to determine a review after the expiration of these periods. A decision on a review may not be further reviewed under Section 8.2.
3. If you are unsatisfied with this determination, Section 8.7 of the *Environmental Planning and Assessment Act 1979* gives you the right of appeal to the Land and Environment Court within six (6) months of the determination date.
4. 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.
5. 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*.
6. This decision does not ensure compliance with the *Disability Discrimination Act 1992*. Applicants should investigate their potential for liability under that Act.
 7. 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.
 - g) Development Application for subdivision if consent for subdivision is not granted by this consent.
 - h) An application under the Roads Act 1993 for any footpath / public road occupation. A lease fee is payable for all occupations.
 8. Prior to the issue of the Construction Certificate, the applicant must make contact with all relevant utility providers (such as Sydney Water, Energy Australia etc) whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained.

Attachment B – Plans of proposed development



1 SITE PLAN / SITE ANALYSIS

URI T DESIGN
www.uritdesign.com

PROJECT: ALTERATIONS AND ADDITIONS
 87 NORTON STREET
 LEICHHARDT, NSW 2040

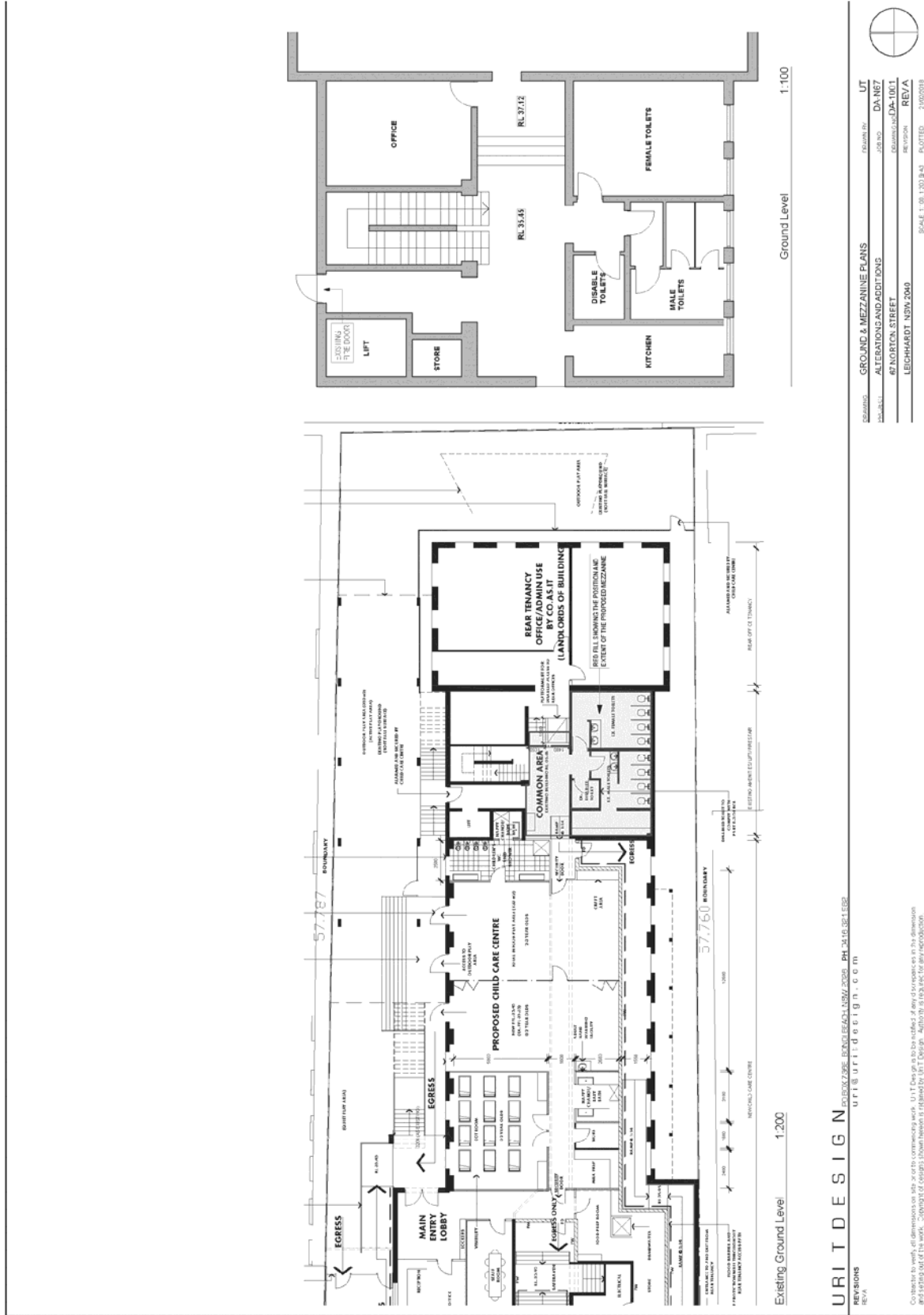
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DATE: 21/02/2018

REVISIONS

NO.	DESCRIPTION	DATE
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 DAVIS
 10/04/2018
 REV A
 21/02/2018



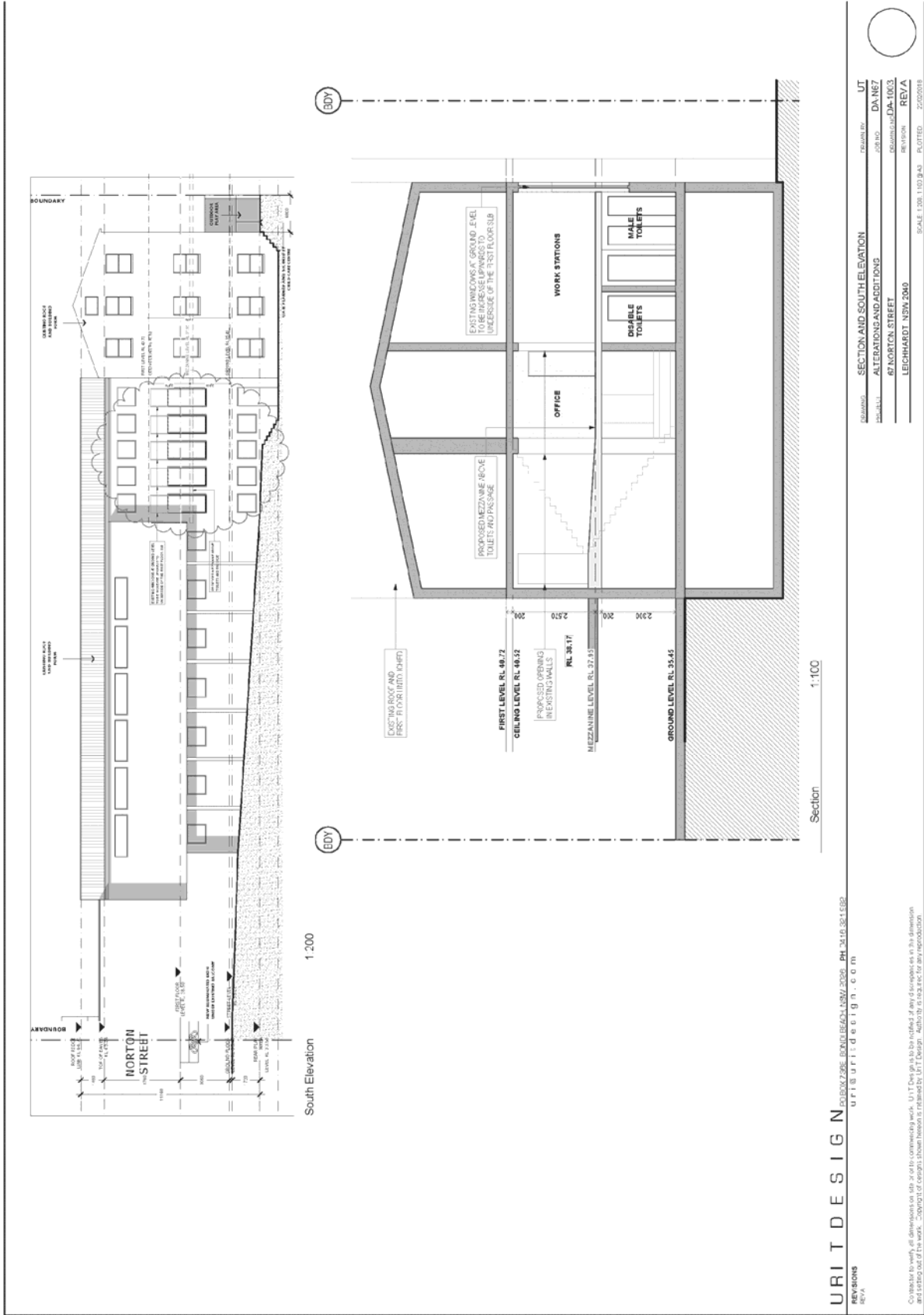
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Ground Level 1:100

URIT DESIGN
 5/2023/0326 - 2023/0326/0000 - PHASE 02 SET 02
 UTTB011061911 - 001

SEALING: GROUND & MEZZANINE PLANS
 DRAWING NO: UT
 ALTERNATIONS AND ADDITIONS: DA N67
 47 MORTON STREET, LEICHHARDT NSW 2040
 REVISIONS: DA N67
 DA N67
 REVA
 SCALE 1:100 (B.A.) PLOTTED: 21/02/2018

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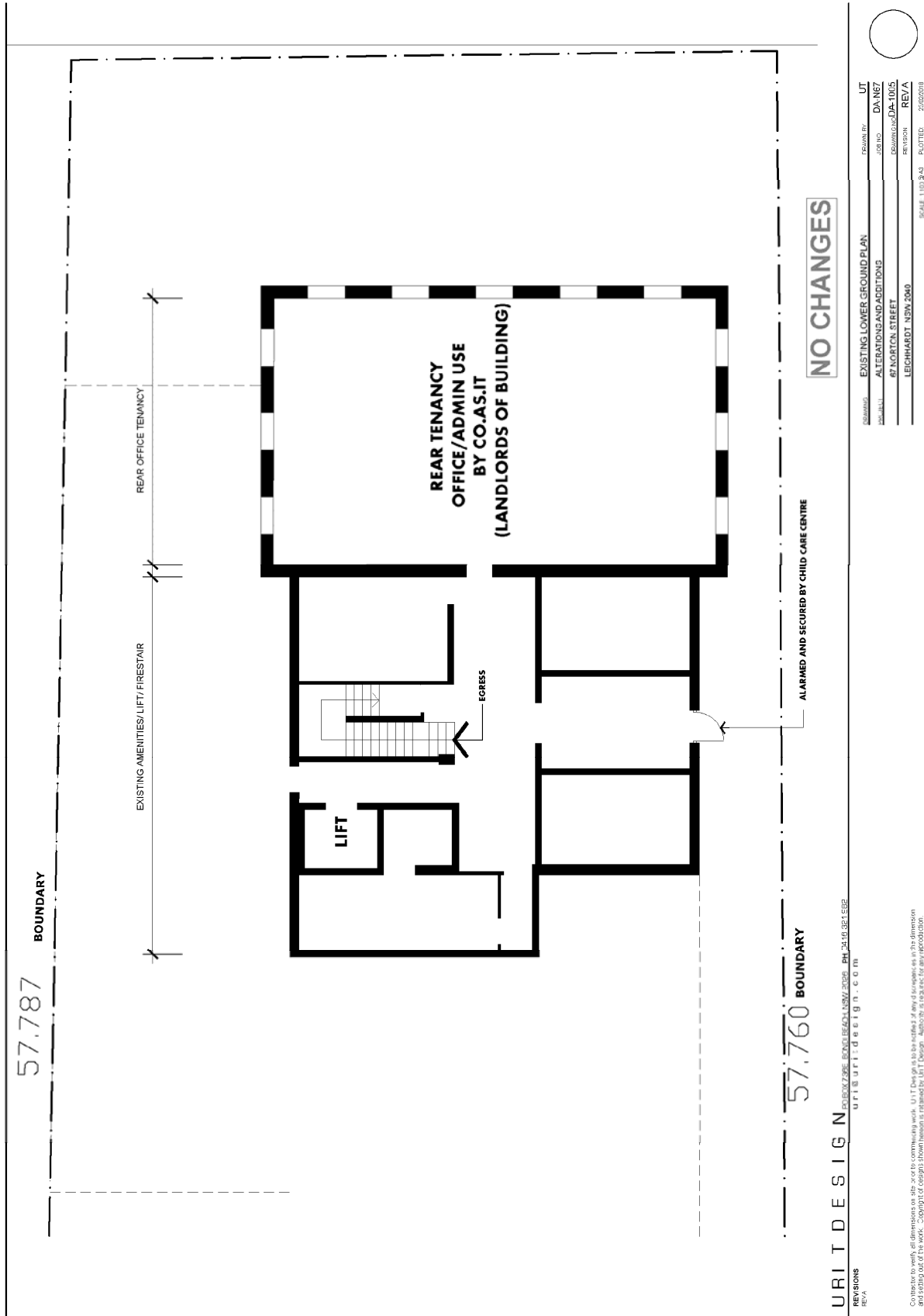
REVISIONS
 REV A

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SECTION AND SOUTH ELEVATION
 ALTERATIONS AND ADDITIONS
 #NORTON STREET
 LEIGHARDT NSW 2040

SCALE: 1:200, 1:100 SHOWN
 PLOTTED: 22/02/2018

DESIGNED BY: UT
 DRAWN BY: DA NEZ
 JOB NO: #NORTON STREET
 REVISION: REV A



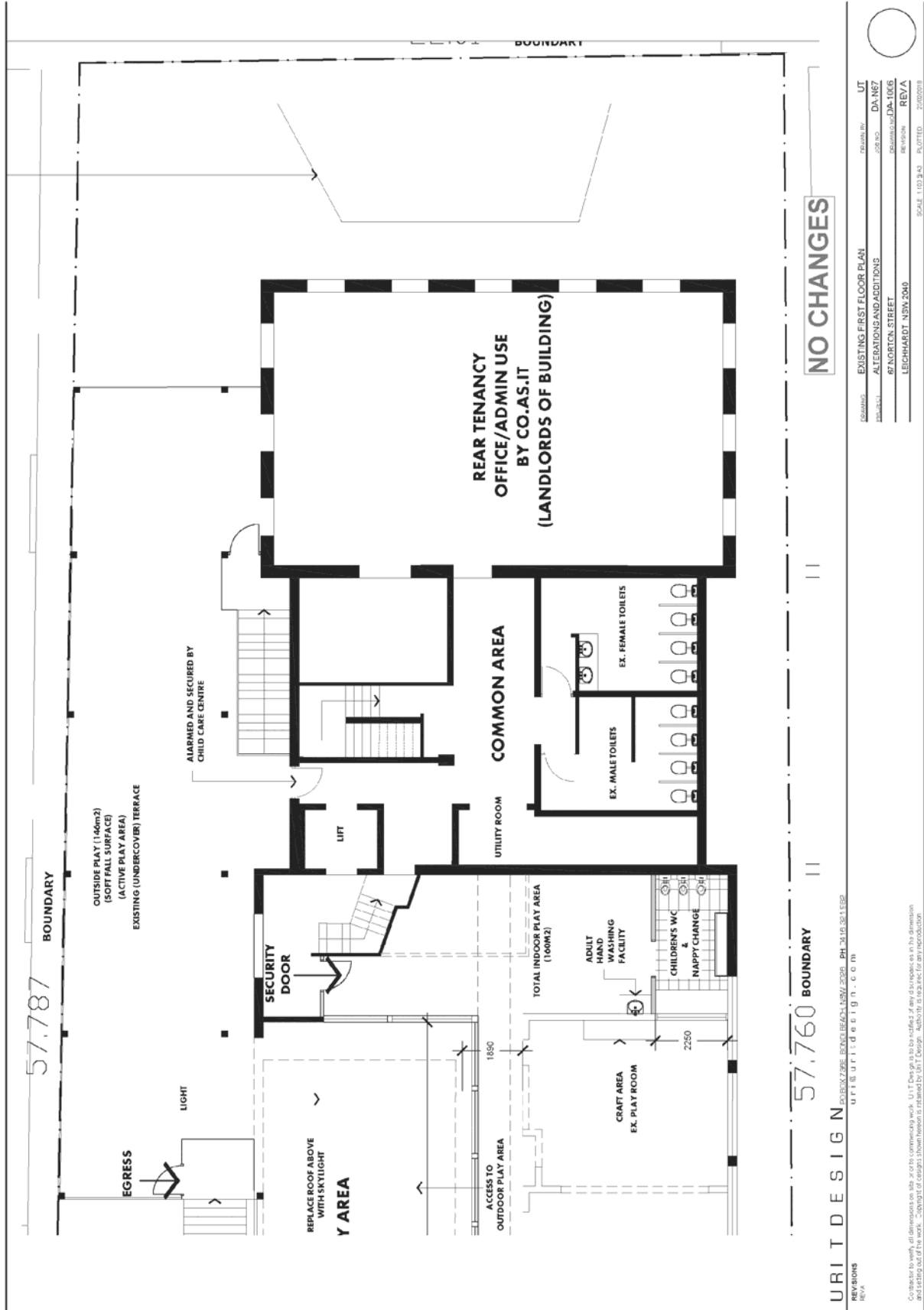
NO CHANGES

DESIGNED	EXISTING LOWER GROUND PLAN	DESIGNED BY	UT
DRAWN	ALTERATIONS AND ADDITIONS	DRAWN BY	DA NEZ
PROJECT	67 NORTON STREET	PROJECT NO	DA-1005
LOCATION	LEICHHARDT NSW 2040	REVISION	REV A
		DATE	20/02/2018

URIT DESIGN
 1/100 KILGORE ROAD LEICHHARDT NSW 2040 PH 3416 361 532
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REVISIONS
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NO CHANGES

DESIGNED BY	UT
EXISTING FIRST FLOOR PLAN	
ALTERATIONS AND ADDITIONS	DA-NEZ
DATE	08.10.18
PROJECT NO.	67NORTON STREET
REVISION	REVA
SCALE	1:100 3/43
PLOTTED	2/08/2018

URIT DESIGN
 2/08/2018 16:01:00
 67NORTON STREET, LEICHHARDT NSW 2040
 PH: 02 9518 3513
 UT: 02 9518 6110
 REVA

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Attachment C – Clause 4.6 – Exceptions to Development Standards

Chapman Planning Pty Ltd

Suite 5 / 187 Marion Street
LEICHHARDT NSW 2040

Phone: 9560 1718
Facsimile: 9564 5753
www.chapmanplanning.com.au

Clause 4.6 Variation to Development Standard

Property Description: 67 Norton Street, Leichhardt

Development: Alterations and Additions to Commercial Building

Development Standard: Floor Space Ratio

Introduction

This is a clause 4.6 variation to support the plans submitted with the development application for alterations and additions to existing commercial building involving the construction of a new mezzanine level at 67 Norton Street, Leichhardt.

The gross floor area (GFA) calculation is shown on plan DA-1004 and confirms the following:

- Existing: GFA 1589m² and 1.21:1.
- Proposed: GFA 1651m² and 1.25:1.

In accordance with the above the proposed alterations and additions to existing commercial building seeks variation to the floor space ratio (FSR) development standard contained in clause 4.4 – Floor Space Ratio of the Leichhardt LEP 2013.

The application to vary the development standard – FSR incorporates the relevant principles in the following judgements:

1. *Winten Property Group Limited v North Sydney Council (2001) 130 LGERA 79*
2. *Wehbe v Pittwater Council (2007) 156 LGERA 446, and*
3. *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009.*

The commercial building has a gross floor area (GFA) of 1651m². The site area is 1313.45m² with the floor space ratio (FSR) calculation being 1.25:1. The site has a permissible GFA – 1313.45m² and FSR of 1:1.

It is noted that the existing commercial building on the subject site has a GFA of 1589m² and FSR of 1.21:1 approved under D/2013/433. The existing building does not comply with the FSR control and the proposed additional GFA is contained within the existing building envelope.

Further, it is noted that the subject site has historically contained an FSR of 1.34:1 which has been reduced through historical internal modifications.

What are the objectives of Clause 4.6?

The objectives of clause 4.6 – Exceptions to development standards are:

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

The proposed variation to the FSR development standard is consistent with the objectives of clause 4.6 as follows:

Objective (a): The proposed building confirms an appropriate degree of flexibility can be applied based on the following assessment:

The proposed additional gross floor area is contained within the existing building envelope and will not be visible from the public domain. The additions GFA will not alter the built form of the site and maintains the sites existing scale, noting the additional floor area does not result in a building that is out of context or beyond the capacity of the subject site. A 1.5:1 FSR is permissible in the locality for development containing an active street frontage and residential accommodation, therefore the proposed FSR is not uncharacteristic for the locality.

Objective (b): The proposed alterations and additions to the existing commercial building are within the existing building footprint.

The additional floor space does not result in any negative amenity impacts to surrounding properties noting the additional gross floor area is contained within the existing building form and does not alter the height of the building or the existing building form. It is noted that the subject site has historically contained an FSR of 1.34:1 which has been reduced through historical internal modifications.

It is of the opinion the variation to the FSR development standard is appropriate for the subject site. Allowing for flexibility in the application of the FSR to the building allows the floorplate of the existing building to be utilised without impacting on the built form or amenity of adjoining buildings.

Compliance with the development standard is unreasonable or unnecessary in this particular case?

Pursuant to clause 4.6(3)(a) of the LEP the variation to the FSR development standard is acceptable in the circumstances of this case and compliance with the development standard is considered unreasonable and unnecessary because it meets the objective of the FSR standard even though it does not strictly comply.

The objectives of the development standard are at clause 4.4(1) of the Leichhardt LEP 2013 as follows:

- (a) *to ensure that residential accommodation:*
 - (i) *is compatible with the desired future character of the area in relation to building bulk, form and scale, and*
 - (ii) *provides a suitable balance between landscaped areas and the built form, and*
 - (iii) *minimises the impact of the bulk and scale of buildings,*
- (b) *to ensure that non-residential development is compatible with the desired future character of the area in relation to building bulk, form and scale.*

The commercial building meets the relevant objectives of the FSR development standard based on the following assessment:

- **Objective (a):** Technically not applicable to proposal given applies to residential accommodation.
- **Objective (b):** The additional floor area is located within the existing building envelope and will not result in additional amenity impacts to adjoining properties or the public domain with regard to bulk and scale or setting within the public domain. The additional floor area provides for additional office space within the Leichhardt Commercial Neighbourhood.

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

Pursuant to clause 4.6(3)(b) of the LEP the environmental planning grounds contained in this application are sufficient to justify the variation to the FSR control because:

- The additional floor area is located within the existing building envelope. The additional floor area does not alter the existing form and scale of development on the site and is compatible with development in the locality.

- The existing building on the subject site has a GFA of 1589m² and an FSR of 1.21:1. The existing building does not meet the FSR development standard of 1:1. Further, the subject site has historically contained an FSR of 1.34:1 which has been reduced through historical internal modifications.
- The additional floor area is located within the existing building form and will not be visible from the public domain. Accordingly, the proposed additional floor area is suitable for the subject site and is compatible with development in the locality.

Is the proposed Development in the public interest?

Clause 4.6(4)(ii) of the LEP states:

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

(a) the consent authority is satisfied that:

*(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

(b) the concurrence of the Secretary has been obtained.

The objectives of the B2 – Local Centre zone are:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To ensure that development is appropriately designed to minimise amenity impacts.*
- *To allow appropriate residential uses to support the vitality of local centres.*
- *To ensure that uses support the viability of local centres.*
- *To provide a mixture of compatible land uses.*
- *To reinforce and enhance the role, function and identity of local centres by encouraging appropriate development to ensure that surrounding development does not detract from the function of local centres.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations.*

The proposed alterations and additions meet the relevant objectives for development within the Local Centre zone based on the following assessment:

- The mezzanine level provides additional office space within the Leichhardt commercial precinct.
- The office space will provide employment opportunities within the Leichhardt local centre.
- The site is located within close proximity to public transport, including bus stops along Norton Street.
- The proposed alterations and additions are internal and will not have any amenity impacts on adjoining properties.

Further, in relation to clause 4.6(a)(ii) of the LEP, the proposed mezzanine level is in the public interest because it is consistent with the objectives of the applicable FSR standard and the objectives for development in the B2 – Local Centre zone for the following reasons:

- The proposed additional floor area does not alter the existing building form or scale, noting the proposed additional floor area is located within the existing building envelope.
- The proposed building form continues to present as 2 storey building to Norton Street and additional floor area does not alter the existing building form remaining consistent with the objectives of the Leichhardt LEP, the B2 – Local Centre zone and the floor space ratio development standard.

Conclusion

The development proposal satisfies the criteria for allowing a variation of the FSR development standard contained in Clause 4.4 of the Leichhardt LEP 2013.

The proposed additional floor area is located within the existing building envelope and will not alter the the maximum height of the existing building or setbacks. The development retains the existing bulk and scale of the building and the additional floor area is appropriate for the subject site and consistent with the development in the immediate locality.

It is of the opinion, the application to vary the FSR development standard is well founded and, as addressed, the proposed alterations and additions to existing commercial building meets the objectives of the FSR development standard, achieving a better development outcome for the subject site that is in the public interest. In this case in accordance with the environmental planning grounds

addressed in this application, the variation to the FSR for the proposed building can be supported.

Chapman Planning Pty Ltd