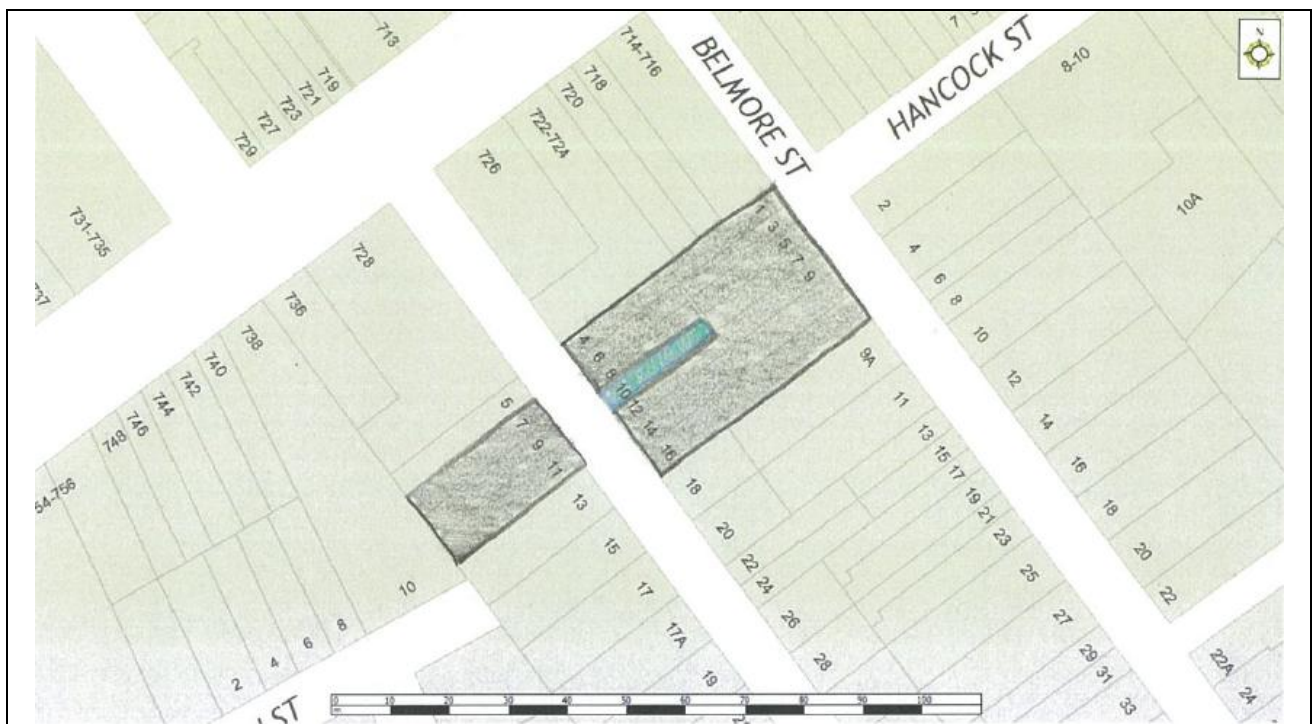




INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	D/2017/694
Address	10 Red Lion Street, Rozelle
Proposal	Alterations and additions to existing terrace
Date of Lodgement	29 December 2017
Applicant	Ms M Stepic
Owner	Ms M Stepic
Number of Submissions	Nil
Value of works	\$150,000
Reason for determination at Planning Panel	Clause 4.6 variation for site coverage and soft landscaping exceeds officer delegation
Main Issues	Site coverage exceeds delegations Soft landscaping exceeds delegations Heritage item
Recommendation	Consent subject to conditions



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for Alterations and additions to existing terrace at 10 Red Lion Street, Rozelle. The application was notified to surrounding properties and no submissions were received.

The main issues that have arisen from the application include:

- Site coverage exceeds permissible 60%;
- Soft landscaping provision is less than required 15%; and
- Site is a heritage item.

The non-compliances are acceptable given the small size of the site and given that the proposed additions are commensurate with other nearby properties. Appropriate conditions are recommended with regard to works to original features/finishes of the heritage item and subject to these, the application is recommended for approval.

2. Proposal

Alterations and additions to existing two storey terrace dwelling. The proposal includes the following:

- Demolition of existing rear ground floor extension comprising kitchen, hallway and bathroom/laundry;
- Demolition of outbuilding;
- New rear ground floor addition comprising kitchen, bathroom/laundry and hallway which extends out further into rear yard than existing dwelling;
- New attic storage with pull down ladder and skylight;
- External works to dwelling including replacement roof sheeting and restoration works;
- New landscaping works in backyard including hard and soft landscaping;
- New fencing in part of rear yard and
- Drainage works

3. Site Description

The subject site is located on the eastern side of Red Lion Street, between Darling Street and Evans Street. The site consists of one allotment and is generally rectangular in shape with a total area of 74.5m² and is legally described as Lot 1 DP 1232628.

The site has a frontage to Red Lion Street of 3.37 metres.

The site supports a two storey terrace. The adjoining properties support two storey terraces which form part of a row which are all heritage items (No.s 4-12).

The subject site is listed as a heritage item. The property is not located within a conservation area and is not identified as a flood prone lot.

The following trees are located within the vicinity of the site.

- *Pistacia chinensis* (Chinese Pistachio) - located at the rear of 8 Red Lion Street, Rozelle;
- *Jacaranda mimosifolia* (Jacaranda) - located at the rear of 12 Red Lion Street, Rozelle; and
- *Syzygium* sp (Lilly pilly) x 2 – Located at rear of 7 Belmore Street, Rozelle.

4. Background

4(a) Site history

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

Subject Site

Application	Proposal	Decision & Date
PREDA/2017/67	Alterations and additions to existing terrace including attic level and ground floor rear extension	Advice letter issued 26.5.2017.
PREDA/2017/255	Alterations and additions to existing terrace including attic level and ground floor rear extension	Advice letter issued 3.11.2017.

Surrounding properties

8 Red Lion Street
No relevant recent applications.

12 Red Lion Street

Application	Proposal	Decision & Date
T/2005/308	Removal of jacaranda and schefflera species	Withdrawn 22.11.2005.

4(b) Application history

Not applicable.

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.

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
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Leichhardt Local Environmental Plan 2013

The proposal is consistent with the above Environmental Planning Instruments. The following provides further discussion pertaining to the Leichhardt Local Environmental Plan 2013.

5(a)(i) Leichhardt Local Environment Plan 2013 (LLEP 2013)

The application was assessed against the following relevant clauses of the Leichhardt Local Environmental Plan 2013:

- Clause 1.2 – Aims of the Plan
- Clause 2.3 – Zone objectives and Land Use Table
- Clause 2.7 – Demolition Requires Development Consent
- Clause 4.3A(3)(a) – Landscaped Area for residential development in Zone R1
- Clause 4.3A(3)(b) – Site Coverage for residential development in Zone R1
- Clause 4.4 – Floor Space Ratio
- Clause 4.5 – Calculation of floor space ratio and site area
- Clause 4.6 – Exceptions to development standards
- Clause 5.10 – Heritage Conservation
- Clause 6.1 – Acid Sulphate Soils
- Clause 6.2 – Earthworks
- Clause 6.4 – Stormwater management

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

Standard (maximum)	Proposal	% of non compliance	Compliances
Floor Space Ratio Permitted: [0.9:1]	0.87:1 65.32m ²	-	Yes
Landscape Area Minimum 15%	4.43% 3.3m ²	70.47% (7.87m ²)	No
Site Coverage Maximum 60%	66.82% 49.78m ²	11.36% (5.08m ²)	No

The following provides further discussion of the relevant issues:

Clause 4.6 Exceptions to Development Standards

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

- Clause 4.3A(3)(a) – Soft landscaping for residential development in Zone R1
- Clause 4.3A(3)(b) – Site Coverage for residential development in Zone R1

Clause 4.6(2) specifies that Development consent may be granted for development even though the development would contravene a development standard.

1. *The objectives of this clause are as follows:*
 - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
2. *Development consent may be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument.*

The proposal is for 3.3m² soft landscaping provision which is a non-compliance of 70.47% with the required soft landscaping provision of 15% of the site. The proposal is for 49.78m² site coverage which is a non-compliance of 11.36% with the allowable site coverage of 60% of the site.

3. *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*

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

The following written request has been provided by the applicant:

- *The small size of the yards for this group of terrace houses and the similar Belmore Street group make it difficult to carry out substantial tree planting. However, the yard can provide a comfortable place for the small households that occupy these small houses.*
 - *The small size of the yards for this group of terrace houses and the similar Belmore Street group means it is not feasible to create a landscaped corridor between these properties.*
 - *The modes reduction in site cover is merely to accommodate a small kitchen and bathroom of only 21m². The new rear wing is only 1.5m longer and is similar to the rear setback line of the houses at 4, 6, and 12 Red Lion Street. The increase in the length of the rear wing could be repeated at 8 Red Lion St with no adverse consequences.*
 - *The provision of a new garden bed in the rear yard will increase the capacity of the site to absorb surface drainage water. The works will not obstruct underground water flow.*
 - *The proposed site density is consistent with the size of the buildings at 4, 6, 12 Red Lion Street and complies with the recently adopted FSR standard.*
 - *The small size of the site means that the rear yard will also be small. The size of the rear wing and the rear yard are considered to be satisfactory in the context of the small site area. The required area of private open space of 16m² is provided.*
 - *The following environmental planning grounds are relevant:*
 - *The form, size and character of the proposed house is compatible with the desired future character of the locality as expressed in the suburb guidelines below.*
 - *It is compatible with the form and scale of the adjoining houses in this group of 5 houses.*
 - *The extension does not impact on the amenity of adjoining properties in terms of overshadowing, privacy or excessive scale.*
 - *The pre DA consultation established there were no adverse consequences from the non-compliance.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
- (a) *the consent authority is satisfied that:*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (b) *the concurrence of the Secretary has been obtained.*

Comment: The applicant has addressed the matters required under Clause 4.6 Exceptions to development standards, and it is considered to be well founded in this instance. The proposal will not result in a detrimental impact on the public interest and can satisfy the objectives of the development standards and General Residential zoning as demonstrated below:

- The proposal is compatible with the desired future character of the area in relation to building bulk, form and scale;

- The site area is small being 74.5m²;
- The site currently provides no soft landscaping (in accordance with the definition of soft landscaping in the LLEP 2013);
- The proposal complies with the Floor Space Ratio standard;
- The siting of the building is within the building location zones where it can be reasonably assumed development can occur; and
- The proposal does not result in any adverse amenity impacts to the surrounding properties.

5(b) Draft Environmental Planning Instruments

There are no relevant Draft Environmental Planning Instruments.

5(c) Development Control Plans

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

Part	Compliance
Part A: Introductions	
Section 3 – Notification of Applications	Yes
Part B: Connections	
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	Yes
B3.1 Social Impact Assessment	N/A
B3.2 Events and Activities in the Public Domain (Special Events)	N/A
Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	N/A
C1.3 Alterations and additions	Yes
C1.4 Heritage Conservation Areas and Heritage Items	Yes
C1.5 Corner Sites	N/A
C1.6 Subdivision	N/A
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.9 Safety by Design	Yes
C1.10 Equity of Access and Mobility	N/A
C1.11 Parking	N/A
C1.12 Landscaping	Yes
C1.13 Open Space Design Within the Public Domain	N/A
C1.14 Tree Management	N/A
C1.15 Signs and Outdoor Advertising	N/A
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	N/A
C1.17 Minor Architectural Details	N/A
C1.18 Laneways	N/A
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	N/A
C1.20 Foreshore Land	N/A
C1.21 Green Roofs and Green Living Walls	N/A

Part C: Place – Section 2 Urban Character	
Suburb Profile	
C2.2.5.2 Easton Park Distinctive Neighbourhood, Rozelle	Yes
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	No
C3.3 Elevation and Materials	Yes
C3.4 Dormer Windows	N/A
C3.5 Front Gardens and Dwelling Entries	N/A
C3.6 Fences	N/A
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	No
C3.9 Solar Access	Yes
C3.10 Views	Yes
C3.11 Visual Privacy	Yes
C3.12 Acoustic Privacy	Yes
C3.13 Conversion of Existing Non-Residential Buildings	N/A
C3.14 Adaptable Housing	N/A
Part C: Place – Section 4 – Non-Residential Provisions	N/A
Part D: Energy	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	Yes
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes
D2.4 Non-Residential Development	N/A
D2.5 Mixed Use Development	N/A
Part E: Water	
Section 1 – Sustainable Water and Risk Management	Yes
E1.1 Approvals Process and Reports Required With Development Applications	
E1.1.1 Water Management Statement	Yes
E1.1.2 Integrated Water Cycle Plan	N/A
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.1.4 Flood Risk Management Report	N/A
E1.1.5 Foreshore Risk Management Report	N/A
E1.2 Water Management	
E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	Yes
E1.2.3 On-Site Detention of Stormwater	N/A
E1.2.4 Stormwater Treatment	N/A
E1.2.5 Water Disposal	Yes
E1.2.6 Building in the vicinity of a Public Drainage System	Yes
E1.2.7 Wastewater Management	Yes
E1.3 Hazard Management	
E1.3.1 Flood Risk Management	N/A
E1.3.2 Foreshore Risk Management	N/A
Part F: Food	
Section 1 – Food	

F1.1 Food Production	N/A
F1.1.3 Community Gardens	N/A
Part G: Site Specific Controls	
Old Ampol land, Robert Street	N/A
Jane Street, Balmain	N/A
Old Balmain Power Station	N/A
Wharf Road Birchgrove	N/A
Anka Site – No 118-124 Terry Street Rozelle	N/A
233 and 233A Johnston Street Annandale	N/A

The following provides discussion of the relevant issues:

C1.4 - Heritage Conservation Areas and Heritage Items

Given that the site is a heritage item the application was referred to Council's heritage advisor for comment. Prior to the current application being lodged the applicant submitted two PreDA applications. The outstanding heritage issues are discussed below and appropriate conditions are recommended:

1. The rear skylight - colour + profile – to be conditioned – size and location of rear roof plane skylight, upon further consideration, considered acceptable.
2. Replacement of dining room flooring to match the likely original front living room hardwood flooring – considered acceptable – condition recommended accordingly.
3. Installation and form of the drop down ladder – must not involve the removal or alterations to the likely original/ early walls of the stairwell – to be supervised by a nominated heritage architect – condition recommended accordingly.
4. Materials and form of the replacement front door which is to fully comprise of solid wood (no glass panels) and the form and details of the fan light above the door – full details not provided with application, accordingly – to be designed and supervised by a nominated heritage architect in accordance with the likely form of the original front door and fanlight shown on page 10 of the submitted HIS – minus the modern glass inserts to the door leaf – condition recommended accordingly.
5. The form; location and materials of the additional front sandstone step (which is not to involve the removal or changes to the existing two lower front steps which are to remain unchanged in - situ; the precise method of the removal of quarry tiles and paint to the front sandstone wall and steps; the method of installation of a stormwater pipe into the lower section of the front sandstone boundary wall which is to involve the use of a core drill (in the most discrete location as practicable) that does not compromise the individual stone that is to be drilled through or the compromising of the integrity of the entire front sandstone boundary wall – with all of these works being undertaken by a suitably qualified and experienced heritage stonemason – condition recommended accordingly.
6. Details of the proposed restoration works to the historic front balustrade not provided with application. Nonetheless, these works can be undertaken by a suitably experienced architectural metalworker - condition recommended accordingly.
7. Precise details of the repairs to the front timber windows not provided. These windows are to remain in-situ with any repairs supervised by the nominated heritage architect – condition recommended accordingly.
8. In the circumstances, either the use of heritage barrel rolled traditional corrugated steel or the similar Z600 traditional corrugated steel is permitted for the re-roofing of the main original dwelling and for use for the gutters and downpipes – to be supervised by the nominated heritage architect – condition recommended accordingly.

9. The chosen roofing material of the rear roof is to match the colour of the roofing material to be used on the main roof - to be supervised by the nominated heritage architect – condition recommended accordingly.
10. Changes to the existing fireplaces; upon further consideration considered acceptable - to be supervised by the nominated heritage architect – condition recommended accordingly.

Subject to the recommended conditions relating to heritage in attachment A, the proposal alterations and additions are considered to satisfy the objectives and controls of C1.4 – Heritage Conservation Areas and Heritage Items.

C1.12 – Landscaping

The objectives of the C1.12 include protecting and retaining trees on surrounding sites. Accordingly, the proposal was referred to Council's Landscape Officer who has recommended conditions with regard to trees on the adjoining property, particularly with respect to construction of a new boundary fence. Recommended conditions are included in attachment A accordingly.

C3.2 – Site Layout and Building Design

The proposal is considered to comply with the rear building location zone (BLZ) control. With regard to the side setback control, the proposal is built to the side boundaries, and therefore, does not comply with control C7 which would require side setbacks of approximately 500mm. Given the site has a width of approximately 3.3m and is a terrace dwelling built to the side boundaries currently, it is considered appropriate to continue the nil setback to the side boundaries. Building to the side boundaries is not considered to result in any adverse impacts to the neighbouring dwellings. The proposed alterations and additions are considered acceptable with regard to the objectives and controls of C3.2 in the circumstances of a very small site (74.5m²).

C3.8 – Private Open Space

The proposal is not considered to strictly comply with Control C1b with respect to having an area of 16sqm of private open space. The entire rear yard has an area of 18m², however the useable area once the garden beds are excluded is 11.54m². Given that soft landscaping in rear yards is encouraged for planting and water retention during rain it is considered acceptable in this instance to have a smaller area of private open space. The area of private open space is commensurate with surrounding properties which also have small private open space areas given the land sizes are only around 75m². The proposed private open space meets the objectives of C3.8 in that it is of appropriate size and dimensions and has direct access to the ground floor living areas of the dwelling.

E1.2.2 - Managing Stormwater within the Site and E1.2.5 – Water Disposal

The proposed stormwater system contains a stormwater pit beneath the living room, which would require a hatch to be provided within the existing living room floor and result in a loss significant heritage fabric. Similarly the proposed overland flow path opening would result in loss of significant heritage fabric to the stairs accessing the property.

This pit is typically located on the boundary with direct maintenance access however it is noted that similarly this would require significant loss of existing heritage sandstone fabric and would not be supported on Heritage grounds.

Given that the subject property is a heritage item the boundary pit should be deleted and sediment controls relocated to the rear yard. The sediment pit should be connected directly to the kerb and gutter via a pipeline passing beneath the dwelling and through the existing

sandstone wall at a lower section of the front sandstone boundary wall, so that it does not compromise the integrity of the wall or the individual stone that is to be drilled through.

Note that, given the location of Council's piped drainage system within Red Lion Street it may be possible to provide an outlet pipeline beneath the existing sandstone wall with no visible impact to the heritage fabric.

Conditions are recommended accordingly.

5(d) The Likely Impacts

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

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

The site is zoned R1 General Residential. Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

5(f) Any submissions

The application was notified in accordance with the Leichhardt Development Control Plan 2013 for a period of 14 days to surrounding properties. No submissions were received.

5(g) The Public Interest

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

The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

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

- Heritage Officer
- Development Engineer
- Landscape

6(b) External

The application was not required to be referred to any external bodies for comment.

7. Section 7.11 Contributions

Section 7.11 contributions are not payable for the proposal.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in Leichhardt Local Environmental Plan 2013 and Leichhardt Development Control Plan 2013. The development will not result in any significant impacts on the amenity of adjoining premises and the streetscape. The application is considered suitable for approval subject to the imposition of appropriate conditions.

9. Recommendation

- A. The variations to Clause 4.3A(3)(a) Soft landscaping and Clause 4.3A(3)(b) Site Coverage of Leichhardt Local Environmental Plan 2013 be supported under the provisions of Clause 4.6 exceptions to development standards.
- B. That Council, as the consent authority pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No: D/2017/694 for Alterations and additions to existing terrace at 10 Red Lion Street, ROZELLE NSW 2039 subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

1. Development must be carried out in accordance with Development Application No. D/2017/694 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
Dwg No. 31031-1-1 Survey	John B Stephen Surveying Services	07-04-2017
Dwg No. A100 Rev A Roof plan	PL Projects	15.12.17
Dwg No. A102 Rev A Proposed ground and first floors	PL Projects	15.12.17
Dwg No. A103 Rev A Proposed Attic/roof	PL Projects	15.12.17
Dwg No. A201 Rev A Elevation West (Red Lion Street)	PL Projects	15.12.17
Dwg No. A202 Rev A Elevation East	PL Projects	15.12.17
Dwg No. A203 Rev A Elevation North	PL Projects	15.12.17
Dwg No. A204 Rev A Elevation South	PL Projects	15.12.17
Dwg No. A301 Rev A Section	PL Projects	15.12.17
Document Title	Prepared By	Dated
Dwg No. H-DA-00 Rev A Stormwater Plan	Itm design	20.09.17
BASIX Certificate A291491_02	Eco Certificates Pty Ltd	13 March 2018
Arboricultural Impact Assessment Report	Jacksons Nature Works	6 December 2017

In the event of any inconsistency between the approved plans and the conditions, the conditions will prevail.

Where there is an inconsistency between approved elevations and floor plan, the elevation shall prevail.

In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

The existing elements (walls, floors etc) shown to be retained on the approved plans shall not be removed, altered or rebuilt without prior consent of the consent authority.

Note: Carrying out of works contrary to the above plans and/ or conditions may invalidate this consent; result in orders, on the spot fines or legal proceedings.

2. Consent is granted for the demolition works as shown on the approved plans, subject to strict compliance with the following conditions:
 - a) The adjoining residents must be notified seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence, site contact details/person, elements to be demolished and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of and directly opposite the demolition site.
 - b) Written notice is to be given to the Principal Certifying Authority for inspection prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours and contact telephone number and licence number of the demolisher. The following building inspections must be undertaken by the Principal Certifying Authority:
 - i) A *pre commencement* inspection when all the site works are installed on the site and prior to demolition commencing.
 - ii) A *final* inspection when the demolition works have been completed.

NOTE: If Council is nominated as your Principal Certifying Authority 24 - 48 hours notice to carry out inspections is required. Arrangement for inspections can be made by phoning 9367 9222.

- c) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address.
- d) Prior to demolition, the applicant must erect a 2.4m high temporary fence, hoarding between the work site and any public property (footpaths, roads, reserves etc). Access to the site must be restricted to authorised persons only and the site must be secured against unauthorised entry when work is not in progress or the site is otherwise unoccupied.
- e) The demolition plans must be submitted to the appropriate Sydney Water Quick Check agent for a building plan approval.
- f) Demolition is to be carried out in accordance with the relevant provisions of Australian Standard 2601:2001: *Demolition of structures*.
- g) The hours of demolition work are limited to between 7:00am and 6.00pm on weekdays. No demolition work is to be carried out on Saturdays, Sundays and public holidays.
- h) Hazardous or intractable wastes arising from the demolition process must be removed and disposed of in accordance with the requirements of WorkCover New South Wales and the Environmental Protection Authority.

- i) Demolition procedures must maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- j) During demolition, public property (footpaths, roads, reserves etc) must be clear at all times and must not be obstructed by any demolished material or vehicles. The footpaths and roads must be swept (not hosed) clean of any material, including clay, soil and sand. On the spot fines may be levied by Council against the demolisher and/or owner for failure to comply with this condition.
- k) All vehicles leaving the site with demolition materials must have their loads covered and vehicles must not track soil and other materials onto public property (footpaths, roads, reserves etc) and the footpaths must be suitably protected against damage when plant and vehicles access the site.
- l) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
- m) Care must be taken during demolition to ensure that existing services on the site (ie, sewer, electricity, gas, phone) are not damaged. Any damage caused to existing services must be repaired by the relevant authority at the applicant's expense. Dial before you dig www.1100.com.au should be contacted prior to works commencing.
- n) Suitable erosion and sediment control measures in accordance with the Soil and Water Management Plan must be erected prior to the commencement of demolition works and must be maintained at all times.
- o) Prior to demolition, a Work Plan must be prepared and submitted to the Principal Certifying Authority in accordance with the relevant provisions of Australian Standard 2601:2001 *Demolition of structures* by a person with suitable expertise and experience. The Work Plan must identify hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- p) If the property was built prior to 1987 an asbestos survey prepared by a qualified occupational hygienist is to be undertaken. If asbestos is present then:
 - i) A WorkCover licensed contractor must undertake removal of all asbestos.
 - ii) During the asbestos removal a sign "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400 mm x 300 mm is to be erected in a visible position on the site to the satisfaction of Council.
 - iii) Waste disposal receipts must be provided to Council / Principal Certifying Authority as proof of correct disposal of asbestos laden waste.

- iv) All removal of asbestos must comply with the requirements of WorkCover and Leichhardt Council.
- v) An asbestos clearance certificate prepared by a qualified occupation hygienist must be provided at the completion of the demolition works.

PRIOR TO THE RELEASE OF A CONSTRUCTION CERTIFICATE

3. Amended plans are to be submitted incorporating the following amendments:
 - a) Existing windows to front façade are to remain in-situ;
 - b) Either the use of heritage barrel rolled traditional corrugated steel or the similar Z600 traditional corrugated steel is permitted for the re-roofing of the main original dwelling and for use for the associated gutters and downpipes;
 - c) The chosen roofing material of the rear addition roof is to match the colour of the roofing material to be used on the main roof;
 - d) The Installation and form of the drop down ladder – must not involve the removal or alterations to the likely original/early walls of the stairwell; and
 - e) The materials of the rear roof plane skylight are to match the colour of the replacement roof.

Details demonstrating compliance with the requirements of this condition are to be marked on the plans and be submitted to the Principal Certifying Authority's satisfaction prior to the issue of any Construction Certificate.

4. Prior to the issue of a Construction Certificate, a Structural Certificate must be provided to the Principal Certifying Authority. The Certificate must verify that the structural integrity of the existing "Party Walls" are adequate to accept the additional loads imposed thereon by the proposal. A copy of the Certificate must be provided to the consent authority and all owners of the party wall/s.
5. An experienced suitably qualified & experienced **Heritage Architect must be commissioned to oversee the** following elements of the approved development, for the duration of the project:

1.The materials and form of the rear roof plane skylight;
2.The replacement of the dining room flooring which is to match the form and materials of the living room flooring;
3. The Installation and form of the drop down ladder – which must not involve the removal or alterations to the likely original early walls of the stairwell;
4. The materials and form of the replacement front door which is to fully comprise of solid wood (no glass panels) and the form and details of the fan light above the door in accordance with the likely form of the original front door and fanlight shown on page 10 of the submitted heritage impact statement – minus the modern glass inserts to the door leaf;
5. The proposed repair work to the front façade windows which are to remain in-situ;
6. The changes to the existing ground floor fireplaces; and

7. The materials and form of the re-roofing and rear addition roof; gutters and downpipes.

Details of the engagement of the experienced **Heritage Architect** in accordance with this condition are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Prior to the issue of an Occupation Certificate the **Heritage Architect** is to certify that the works have been carried out in accordance with these requirements.

Details of the engagement of the experienced **Heritage Architect** & copy of the certification in accordance with this condition are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

6. An experienced suitably qualified & experienced **Architectural Metalworker must be engaged to undertake** the following elements of the approved development:

Proposed repair work to the historic front balustrade.

Details of the engagement of the experienced **Architectural Metalworker** in accordance with this condition are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Prior to the issue of an Occupation Certificate the **Architectural Metalworker** is to certify that the works have been carried out in accordance with these requirements.

Details of the engagement of the experienced **Architectural Metalworker** & copy of the certification in accordance with this condition are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

7. An experienced suitably qualified & experienced **Heritage Stonemason must be engaged to undertake** the following elements of the approved development:

The form; location and materials of the additional front sandstone step (which is not to involve the removal or changes to the existing two lower front steps which are to remain unchanged in – situ); the removal of quarry tiles and paint to the front sandstone wall and steps; the installation of a stormwater pipe into the lower section of the front sandstone boundary wall which is to involve the use of a core drill (in the most discrete location as practicable) that does not compromise the individual stone that is to be drilled through or the compromising of the integrity of the entire front sandstone boundary wall and steps.

Details of the engagement of the experienced **Heritage Stonemason** in accordance with this condition are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Prior to the issue of an Occupation Certificate the **Heritage Stonemason** is to certify that the works have been carried out in accordance with these requirements.

Details of the engagement of the experienced **Heritage Stonemason** & copy of the certification in accordance with this condition are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

8. Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent shall 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
 - 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.

Applications for such Permits shall be submitted and approved by Council prior to the commencement of the works associated with such activity or issue of the 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.

9. The person acting on this consent shall submit to the Principal Certifying Authority a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site before the issue of a Construction Certificate.

10. A stormwater drainage design prepared by a Licensed Plumber or qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The design must be prepared/ amended to make provision for the following:
- a) The design must be generally in accordance with the stormwater drainage concept plan on Drawing No. H-DA-00 / A prepared by ITM Design dated 20 September 2017.
 - b) The pit beneath the existing dwelling must be deleted and relocated to the rear paved area.
 - c) Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together with overflow pipelines from any rainwater tank(s) by gravity directly into Council's piped drainage system or to the kerb and gutter of Red Lion Street.
 - d) As there is no overland flow/flood path available from the rear courtyard to the Red Lion Street frontage, the design of the sag pit and piped drainage system is to meet the following criteria:
 - i) Capture and convey the 100 year Average Recurrence Interval flow from the contributing catchment assuming 80% blockage of the inlet and 50% blockage of the pipe.
 - ii) The maximum water level over the sag pit shall not be less than 150mm below the floor level or damp course of the building
 - iii) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands.

Calculations must be provided demonstrating the above is achieved.

- e) The outlet pipeline must be located within or beneath the lower section of the front sandstone boundary wall, so that the visual and structural integrity of the heritage sandstone wall is not compromised.
- f) Any cored hole through the existing sandstone wall or kerb stones is to be designed with a maximum pipe diameter of 90mm and laid perpendicular (90° angle) with the wall and gutter.
- g) All plumbing within the site must be carried out in accordance with Australian Standard *AS/NZS 3500.3-2003 Plumbing and Drainage – Stormwater Drainage*
- h) Plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required.
- i) New pipelines within the footpath area that are to discharge to the kerb and gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a section height of 100mm.

The design must be certified as compliant with the terms of this condition by a suitably qualified Civil Engineer.

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

11. The stormwater disposal from the proposed development shall be connected to the existing property stormwater system or to a new kerb outlet discharging to the kerb and gutter drainage system via 90mm UPVC pressure pipe Class 12 or 150mm wide by 100mm high mild steel heavily galvanised channel (RHS) with minimum wall thickness 4mm under the footpath.

A new circular kerb outlet shall be carefully cored through the existing kerb stone such that the kerb outlet is perpendicular (a 90° angle) with the gutter. The pipe under the footpath shall end 30mm within the kerb stone with 100mm thick (minimum) mass concrete around the pipe connection to the kerb stone.

Note: A purpose made pipe fitting shall be used to convert RHS to circular pipe immediately prior to the kerb stone and a pipe bend may be required under the footpath before to the kerb stone to align the discharge pipe with the kerb outlet at a 90° angle.

Only one kerb outlet per property frontage is permitted and no 'charged' lines are permitted.

Where connection is made to the existing property stormwater system, the system shall be tested by a qualified plumber to ensure it functions satisfactory in discharging water to the street gutter. If it does not, the system shall be repaired to operate satisfactorily.

12. Before the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that no proposed underground services (i.e. water, sewerage, drainage, gas or other service) unless previously approved by conditions of consent, are located beneath the canopy of any tree protected under State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017, located on the subject allotment and adjoining allotments.

A plan detailing the routes of these services and trees protected under the State Environmental Planning Policy shall be prepared. Details demonstrating compliance are to be shown on the plans submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

13. Prior to the issue of the Construction Certificate the Principal Certifying Authority is to ensure that the plans state that no high front gutters will be installed.
14. In accordance with the provisions of the *Environmental Planning and Assessment Act 1979* construction works approved by this consent must not commence until:

- a) A Construction Certificate has been issued by Council or an Accredited Certifier. Either Council or an Accredited Certifier can act as the "Principal Certifying Authority."
- b) A Principal Certifying Authority has been appointed and Council has been notified in writing of the appointment.
- c) At least two days notice, in writing has been given to Council of the intention to commence work.

The documentation required under this condition must show that the proposal complies with all Development Consent conditions and is not inconsistent with the approved plans, the Building Code of Australia and the relevant Australian Standards.

15. The following requirements are to be incorporated into the development detailed on the Construction Certificate plans and provided prior to the issue of a Construction Certificate:

- a) No rainforest timbers or timbers cut from old growth forests are to be used in the construction of the development. Timbers to be used are to be limited to any plantation, regrowth or recycled timbers, or timbers grown on Australian Farms or State Forest Plantations.

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

16. In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant must pay a long service levy at the prescribed rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more. The Long Service Levy is payable prior to the issue of a Construction Certificate.

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

17. Any existing unpainted sandstone surfaces are not to be painted, bagged or rendered but to remain as original sandstone. The Construction Certificate plans must clearly depict all original sandstone with a notation that they are to remain unpainted to the satisfaction of the Principal Certifying Authority.
18. If any excavation extends below the level of the base of the footings of a building on an adjoining property, the person causing the excavation:
 - a) Must preserve and protect the adjoining building from damage
 - b) Must, at least seven (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.

- c) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this condition, the allotment of land includes public property.

19. The following fire upgrading is required pursuant to Clause 94 of the *Environmental Planning and Assessment Regulation 2000*:

- The building is to be provided with smoke alarm system that complies with *AS3786-1993: Smoke Alarms* and the smoke alarms must be connected to the consumer mains electrical power supply and interconnected where there is more than one alarm with a stand-by (battery back-up) power supply. The smoke alarm system must be installed in suitable locations on or near the ceiling in accordance with Part 3.7.2 of the Building Code of Australia.

Amended plans and specifications demonstrating compliance with this condition must be submitted to the satisfaction of the Principal Certifying Authority with the application prior to the issuing of a for a Construction Certificate.

Note: Where an existing system complying with the above requirements is already installed in the building, evidence of this should be submitted with the application for a Construction Certificate.

20. A Certificate prepared by an appropriately qualified and 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 must be provided prior to the issue of a Construction Certificate to the satisfaction of the Principal Certifying Authority. The certificate shall 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.

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.

21. A Soil and Water Management Plan must be provided prior to the issue of a Construction Certificate. The Soil and Water Management plan must designed to be compatible with the document *Planning for Erosion and Sediment Control on Single Residential Allotments or Managing Urban Stormwater–Soils & Construction Volume 1 (2004)* available at www.environment.nsw.gov.au and the Construction Management and Traffic Management Plan referred to in condition/s of this Development Consent and must address, but is not limited to the following issues:

- a) Minimise the area of soils exposed at any one time.

- b) Conservation of top soil.
- c) Identify and protect proposed stockpile locations.
- d) Preserve existing vegetation. Identify revegetation technique and materials.
- e) Prevent soil, sand, sediments leaving the site in an uncontrolled manner.
- g) Control surface water flows through the site in a manner that:
 - i) Diverts clean run-off around disturbed areas;
 - ii) Minimises slope gradient and flow distance within disturbed areas;
 - iii) Ensures surface run-off occurs at non erodable velocities;
 - iv) Ensures disturbed areas are promptly rehabilitated.
- g) Sediment and erosion control measures in place before work commences.
- h) Materials are not tracked onto the road by vehicles entering or leaving the site.
- i) Details of drainage to protect and drain the site during works.

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.

22. The approved plans must be checked online with Sydney Water Tap In 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. A copy of this approval must be supplied with the Construction Certificate application. Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 132092.

The Certifying Authority must ensure that the appropriate approval has been provided prior to the issue of a Construction Certificate.

23. 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.

24. 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.

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

- 25. Prior to the commencement of demolition works or a Construction Certificate being issued for works approved by this development consent (whichever occurs first), a security deposit and inspection fee 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 and as surety for the proper completion of any road, footpath and drainage works required by this consent.

Security Deposit (FOOT)	\$2,100.00
Inspection fee (FOOOT1)	\$225.00

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

The inspection fee is required for 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 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.

- 26. A dilapidation report including a photographic survey of the following adjoining properties must be provided to Principal Certifying Authority prior to any demolition or works commencing on the site or the issue of a Construction Certificate (whichever comes first). The dilapidation report must detail the physical condition of those properties, both internally and externally, including walls, ceilings, roof, structural members and other similar items.

Property	Structures / Area
8 Red Lion Street, Rozelle	Dwelling
12 Red Lion Street, Rozelle	Dwelling

If excavation works are proposed the dilapidation report must report on the visible and structural condition of neighbouring structures within the zone of influence of the excavations. This zone is defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

The dilapidation report is to be prepared by a practising Structural Engineer. All costs incurred in achieving compliance with this condition shall be borne by the applicant. A copy of the report must be provided to Council, the Principal Certifying Authority and the owners of the affected properties prior to any works commencing.

In the event that access for undertaking the dilapidation report is denied by an adjoining owner, the applicant must demonstrate, in writing that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written correspondence from the owners of the affected properties or other evidence must be obtained and submitted to the Principal Certifying Authority in such circumstances that demonstrates such documentation has been received. The Principal Certifying Authority must be satisfied that the requirements of this condition have been met prior to commencement of any works.

Note: This documentation is for record keeping purposes and may be used by an applicant or affected property owner to assist in any action required to resolve any civil dispute over damage rising from the works.

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.

- 27. Upon installation of the required tree protection measures, an inspection of the site by the Principal Certifying Authority is required to verify that tree protection measures comply with all relevant conditions.

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

28. Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands shall 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.
29. 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;
30. 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.

31. The *Home Building Act 1989* requires that insurance must be obtained from an insurance company approved by the Department of Fair Trading prior to the commencement of works approved by this Development Consent.

A copy of the certificate of insurance must be submitted to the Certifying Authority prior to the works commencing.

If the work is to be undertaken by an owner-builder, written notice of their name and owner-builder permit number must be submitted to the Certifying Authority.

In all other cases, written notice must be given to the Certifying Authority of:

- a) the name and licence number of the principal contractor; and
- b) reasons why a certificate of insurance is not required.

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.

32. Prior to the commencement of works, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
33. At least forty-eight (48) hours prior to the commencement of works, a notice of commencement form (available on Council's web page) and details of the appointed Principal Certifying Authority shall be submitted to Council.
34. Prior to the commencement of works, a sign must be erected in a prominent position on the site (for members of the public to view) on which the proposal is being carried out. The sign must state:
- a) Unauthorised entry to the work site is prohibited.
 - b) The name of the principal contractor (or person in charge of the site) and a telephone number at which that person may be contacted at any time for business purposes and outside working hours.
 - c) The name, address and telephone number of the Principal Certifying Authority for the work.

Any such sign must be maintained while the work is being carried out, but must be removed when the work has been completed.

Photographic evidence demonstrating compliance with the requirements of this condition is to be submitted to the satisfaction of the Principal Certifying Authority and Council for records purposes prior to the commencement of any onsite work.

DURING WORKS

35. If tree roots are required to be severed for the purposes of constructing the approved works, they shall be cut cleanly using a sharp and *fit for purpose tool*. The pruning shall be undertaken by a minimum Level 3 (AQF 3) qualified Arborist.

Details demonstrating compliance with the requirements of this condition are to be submitted by the Project Arborist undertaking the works to the satisfaction of the Principal Certifying Authority

36. Canopy and/or root pruning of the following tree(s) which is necessary to accommodate the approved building works shall be undertaken by, or supervised by, an experienced Arborist – for the purpose of this condition a suitably qualified professional shall have as a minimum, Level 5 (Diploma) certification in Arboriculture under the Australian Qualification Framework (AQF).

Tree/location	Approved works
<i>Pistacia chinensis</i> (Chinese Pistachio) located at rear of 8 Red Lion St, Rozelle,	Pruning of branches. Pruning of roots less than 30mm diameter
<i>Syzygium sp</i> (Lilly pilly) x 2 located at rear of 7 Belmore St, Rozelle	Pruning of branches
<i>Jacaranda mimosifolia</i> (Jacaranda) located at the rear of 12 Red Lion St, Rozelle	Pruning of branches

The person acting on this consent has approval under Council's Tree Management Controls to; prune second and third order branches back to appropriate supporting branches to achieve a clearance of the structure. Pruning is limited to those branches that will come into direct contact the built structure and where branch diameter (at its point of attachment) does not exceed 40 mm. All pruning shall be carried out to sections 5, 6 and 7.3.3 of the Australian Standard AS4373—*Pruning of amenity trees*.

Where a tree's canopy or root system has developed across property boundaries, consent to undertake works on the tree does not permit a person acting on the consent to trespass on adjacent lands. Where access to adjacent land is required to carry out approved tree works, Council advises that the owners consent must be sought. Notification is the responsibility of the person acting on the consent. Should the tree owner/s refuse access to their land, the person acting on the consent shall meet the requirements of the *Access To Neighbouring Lands Act 2000* to seek access.

Details demonstrating compliance with the requirements of this condition are to be submitted by the Arborist undertaking the works to the satisfaction of the Principal Certifying Authority.

37. All excavation within the specified radius of the trunk(s) of the following tree(s) being hand dug:

Tree/location	Radius in metres
<i>Pistacia chinensis</i> (Chinese Pistachio)	3.6m

Details demonstrating compliance with the requirements of this condition are to be submitted by the Arborist undertaking the works to the satisfaction of the Principal Certifying Authority.

38. Building materials and machinery are to be located wholly on site unless separate consent (Standing Plant Permit) is obtained from Council/ the roads authority. Building work is not to be carried out on the footpath.

Construction materials and vehicles shall not block or impede public use of the footpath or roadway.

39. No activities, storage or disposal of materials taking place beneath the canopy of any tree protected under Council's Tree Management Controls at any time.
40. All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent them from being dangerous to life or property and in accordance with the design of a suitably qualified structural engineer.

If excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must:

- a) Preserve and protect the building from damage.
- b) If necessary, underpin and support the building in an approved manner.
- c) Give at least seven (7) days notice to the adjoining owner before excavating, of the intention to excavate within the proximity of the respective boundary.

Any proposed method of support to any excavation adjacent to adjoining properties or any underpinning is to be designed by a Chartered Civil Engineer, with National Professional Engineering Registration (NPER) in the construction of civil/structural works. Copies of the design plans must be provided to the relevant adjoining property owner/s prior to commencement of such works. Prior to backfilling, any method of support constructed must be inspected by the designing Engineer with certification provided to all relevant parties.

41. The site must be appropriately secured and fenced at all times during works.
42. Unless otherwise approved by Council, excavation, demolition, construction or subdivision work shall only be permitted during the following hours:
- a) 7:00 am to 6.00 pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
 - b) 8:00 am to 1:00 pm on Saturdays with no demolition works occurring during this time; and
 - c) at no time on Sundays or public holidays.

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

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

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

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

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

The Proponent shall not undertake such activities for more than three continuous hours and shall provide a minimum of one 2 hour respite period between any two periods of such works.

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

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.

43. In addition to meeting the specific performance criteria established under this consent, the Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the demolition, construction or operation/use of the development.
44. Any new information revealed during development works that has the potential to alter previous conclusions about site contamination or hazardous materials shall be immediately notified to the Council and the Principal Certifying Authority.
45. The development must be inspected at the following relevant stages by the Principal Certifying Authority during construction:
 - a) after excavation for, and prior to the placement of, any footings, and
 - b) prior to pouring any in-situ reinforced concrete building element, and
 - c) prior to covering of the framework for any floor, wall, roof or other building element, and

- d) prior to covering waterproofing in any wet areas, and
 - e) prior to covering any stormwater drainage connections, and
 - f) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
46. A copy of the approved plans and this consent must be kept on site for the duration of site works and in the case of any commercial or industrial premise for the duration of the use/trading. Copies shall be made available to Council Officer's upon request.
47. Sedimentation controls, tree protection measures and safety fencing (where relevant) shall be maintained during works to ensure they provide adequate protection during the course of demolition, excavation and construction works. Materials must be stored in a location and manner to avoid material being washed to drains or adjoining properties.

The requirements of the Soil and Water Management Plan must be maintained at all times during the works and shall not be removed until the site has been stabilised to the Principal Certifying Authority's satisfaction.

Material from the site is not to be tracked onto the road by vehicles entering or leaving the site. At the end of each working day any dust/dirt or other sediment shall be swept off the road and contained on the site and not washed down any stormwater pit or gutter.

The sediment and erosion control measures are to be inspected daily and defects or system failures are to be repaired as soon as they are detected.

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

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

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

49. A second Dilapidation Report including photos of any damage evident at the time of inspection must be submitted after the completion of works. A copy of this Dilapidation Report must be given to the property owners referred to in this Development Consent. The report must:
- Compare the post construction report with the pre-construction report required by these conditions,
 - Clearly identify any recent damage and whether or not it is likely to be associated with the development works including suggested remediation methods.

A copy must be lodged with Council and the Principal Certifying Authority prior to the issue of an Occupation Certificate. Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issuing of any Occupation Certificate.

50. Prior to the issue of an Occupation Certificate, the Principle Certifying Authority must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards.

A plan showing pipe locations and diameters of the stormwater drainage system, together with certification by a Licensed Plumber or qualified practicing Civil Engineer that the drainage system has been constructed in accordance with the approved design and relevant Australian Standards, must be provided to the Principle Certifying Authority prior to the issue of an Occupation Certificate.

51. The existing stone kerb adjacent to the site is of local heritage value and is to be preserved at no cost to Council. Any damage to the stone kerb will require the replacement of the damaged individual stone units before the issue of the Occupation Certificate.
52. You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. 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 shall be at no cost to Council and undertaken before the issue of an Occupation Certificate.
53. Prior to the issue of the Occupation Certificate the Principal Certifying Authority is to confirm that no high front gutters have been installed.
54. An Occupation Certificate must be obtained prior to any use or occupation of the development or part thereof. The Principal Certifying Authority must ensure that all works are completed in accordance with this consent including all conditions.
55. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that all works have been completed in accordance with the approved Waste Management Plan referred to in this development consent.

Proof of actual destination of demolition and construction waste shall be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

56. Prior to the release of an Occupation Certificate, the Principal Certifying Authority must be satisfied that the development complies with:
- the approved plans;
 - BASIX certificate (where relevant),
 - approved documentation (as referenced in this consent); and
 - conditions of this consent.

ONGOING CONDITIONS OF CONSENT

57. The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within seventy-two (72) hours of its application.
58. Any lighting of the premises shall be installed and maintained in accordance with Australian Standard AS 4282-1997: *Control of the Obtrusive Effects of Outdoor Lighting* so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. The intensity, colour or hours of illumination of the lights shall be varied at Council's discretion if in the opinion of an Authorised Council Officer it is considered there to be have adverse effects on the amenity of the area.
59. The premises shall not be used for any purpose other than that stated in the Development Application, i.e. dwelling house without the prior consent of the Council unless the change to another use is permitted as exempt or complying development under *Leichhardt Local Environment Plan 2013* or *State Environmental Planning policy (Exempt and Complying Codes) 2008*.

The use of the premises as a dwelling house, is defined under the *Leichhardt Local Environmental Plan 2013*.

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

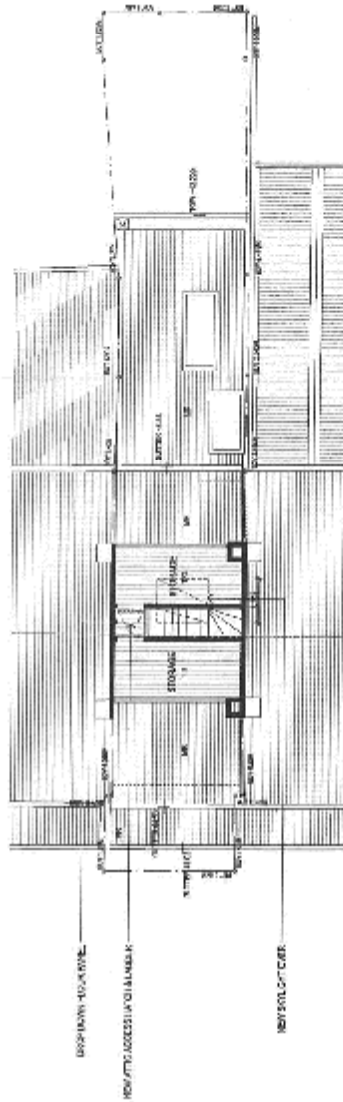
- 1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the principal contractor (or person in charge of 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 the 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.

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.



01 PLAN: PROPOSED ATTIC / FLOOR
SCALE: 1:50

LEGEND

01 CONCRETE

02 LIGHT BRICK

03 BRICK

04 CERAMIC WALL TILING

05 FLOORING

06 LIGHT TILED BALCONY

07 METAL ROOF

08 FLOORING

09 FLOORING

10 FLOORING

TO BE DEMOLISHED

TO BE CONSTRUCTED

01 CONCRETE

02 LIGHT BRICK

03 BRICK

04 CERAMIC WALL TILING

05 FLOORING

06 LIGHT TILED BALCONY

07 METAL ROOF

08 FLOORING

09 FLOORING

10 FLOORING

PLAN: PROPOSED ATTIC / FLOOR

DATE: 10/20/2010

PROJECT: 10 RED LION ST, ROSHARON NSW 2069

CLIENT: RED LION ST DEVELOPMENT PT 1

DESIGNER: J. HOBBS ARCHITECTS

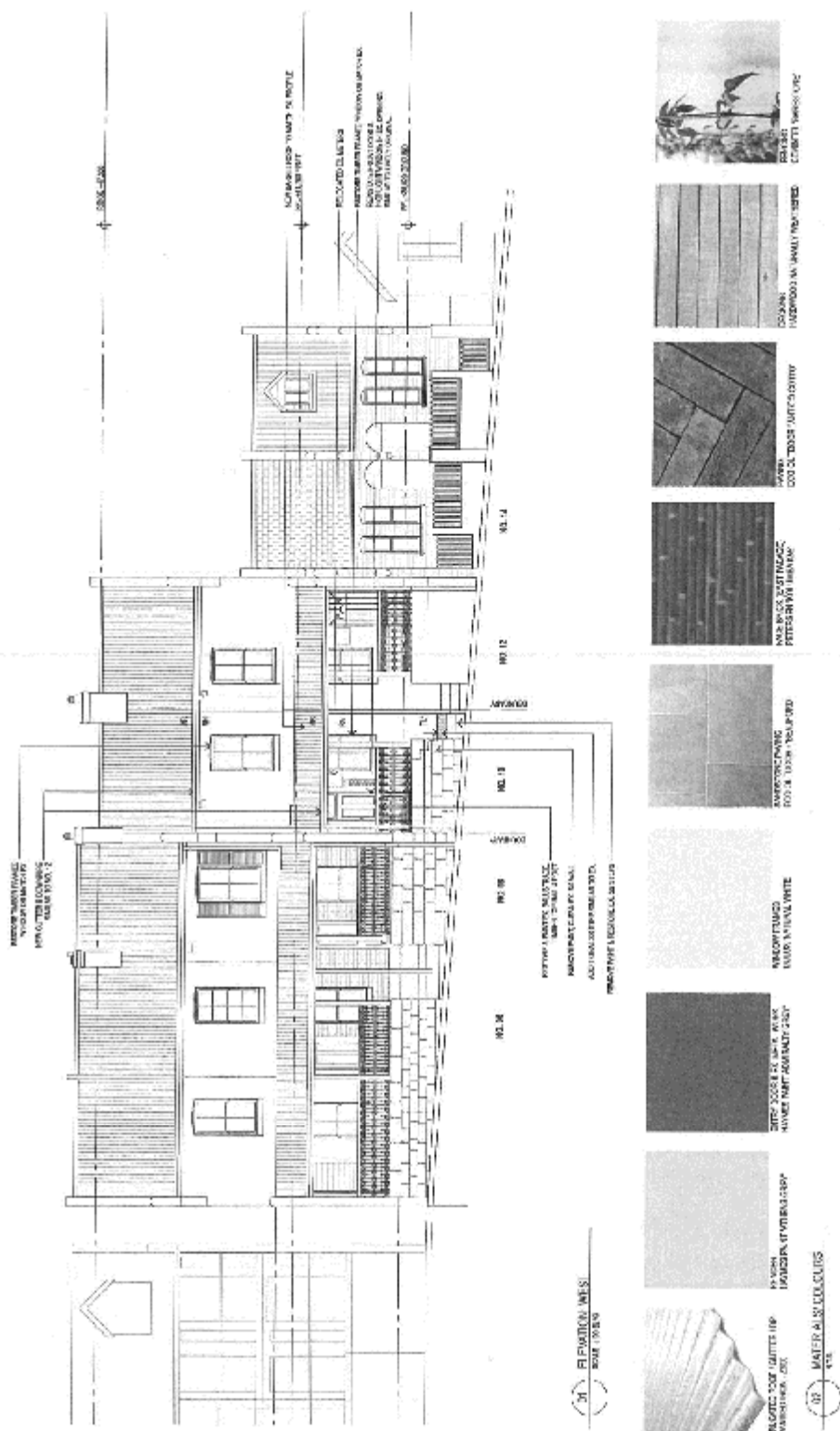
SCALE: 1:50

DATE: 10/20/2010

PROJECT: 10 RED LION ST, ROSHARON NSW 2069

CLIENT: RED LION ST DEVELOPMENT PT 1

DESIGNER: J. HOBBS ARCHITECTS



LEGEND

01	CONCRETE
02	WALLS
03	RENDER
04	CEILING
05	ROOF
06	GLASS
07	IRON
08	STEEL
09	WOOD
10	BRICK
11	CONCRETE BLOCK
12	PAVING
13	LANDSCAPE
14	SCREENING
15	WALL
16	ROOF
17	WOOD
18	IRON
19	STEEL
20	CONCRETE

KEY

- TE: TILED ROOF
- FR: FRAME
- GL: GLASS
- SM: SCREENING
- LD: LANDSCAPE
- CL: CONCRETE BLOCK
- TR: TRAVERTINE
- CB: CONCRETE BLOCK
- BR: BRICK
- GL: GLASS
- IR: IRON
- ST: STEEL
- WD: WOOD
- CR: CONCRETE
- RE: RENDER
- CE: CEILING
- RO: ROOF

PROJECTIONS

- 11 - RECYCLED GLASS BRICK
- 12 - BRICK-LOOK FINISH
- 13 - WOOD GRAIN FINISH
- 14 - WHITE PAINT WITH POLYURETHANE FINISH
- 15 - WOOD GRAIN FINISH
- 16 - VERTICAL SLAT DOOR FINISH
- 17 - HARDWOOD SHUTTERS
- 18 - RECYCLED GLASS BRICK

PROPERTY DETAILS

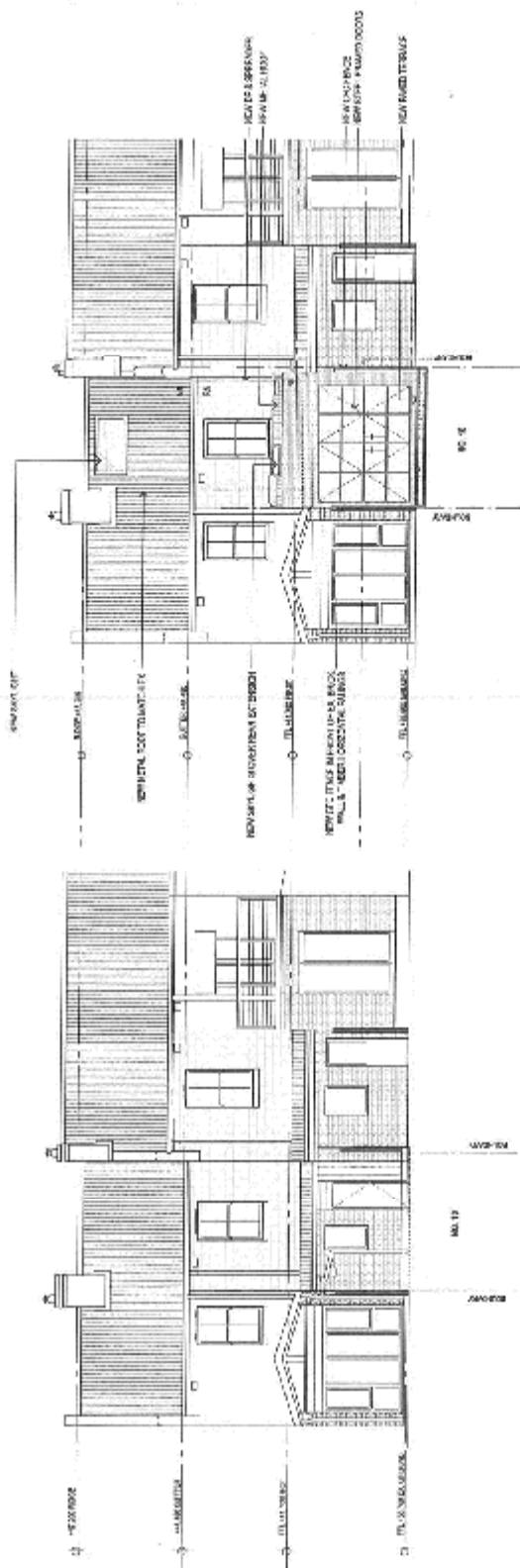
CLIENT: MR & MRS J. STEPHENSON
ADDRESS: 10 REG JON ST, REGENTVILLE NSW 2075
PROJECT: RESIDENTIAL RENOVATION AND EXTENSION

DATE: 15/01/2014
SCALE: 1:100

DESIGNED BY: ARCHITECTURE & INTERIORS
DRAWN BY: J. STEPHENSON
CHECKED BY: J. STEPHENSON
DATE: 15/01/2014

APPROVED BY: [Signature]
DATE: 15/01/2014

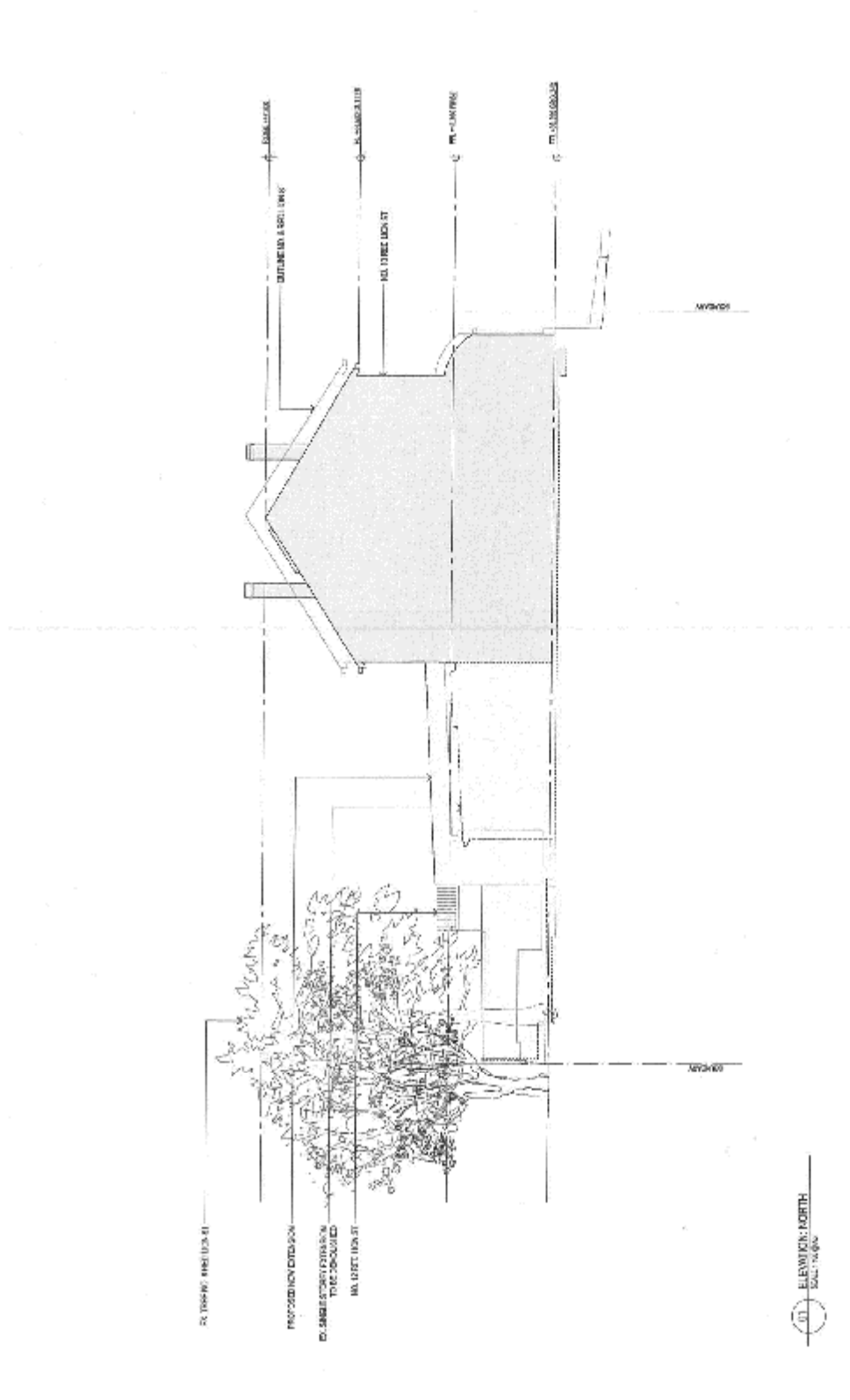
NOTES:
 1. REFER TO ARCHITECTURAL DRAWINGS FOR MATERIALS AND FINISHES.
 2. REFER TO INTERIOR FINISHES FOR MATERIALS AND FINISHES.
 3. REFER TO LANDSCAPE ARCHITECTURE FOR MATERIALS AND FINISHES.



EXISTING EAST - EXISTING

PROPOSED EAST - PROPOSED

PROJECT: **15/177**
 CLIENT: **MR & MRS J. SMITH**
 ARCHITECT: **ARCHITECTS J. & M. SMITH**
 DRAWING NO: **15/177-01**
 DATE: **15/11/17**
 SCALE: **1:100**
 DRAWN BY: **J. SMITH**
 CHECKED BY: **M. SMITH**
 PROJECT NO: **15/177**
 DRAWING NO: **15/177-01**
 DATE: **15/11/17**
 SCALE: **1:100**
 DRAWN BY: **J. SMITH**
 CHECKED BY: **M. SMITH**



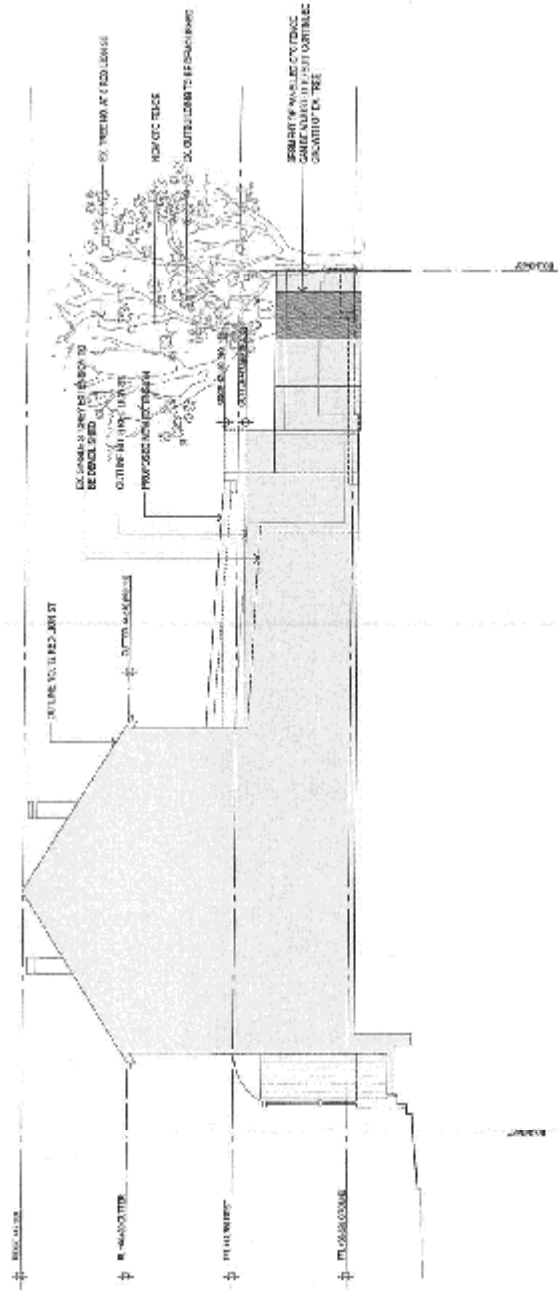
DRAWING NO: **ELEVATION: NORTH**
 DRAWING NUMBER: **AS23**
 SHEET NUMBER: **1**
 DEPARTMENT: **MULTICULTURAL AFFAIRS**

PROJECT: **MIS MINA STREET**
 SUBMISSION NUMBER: **4218**
 DATE: **18/09/18**
 DRAWING NUMBER: **1801**

DRAWING NO: **4218**
 DRAWING NUMBER: **1801**
 DATE: **18/09/18**

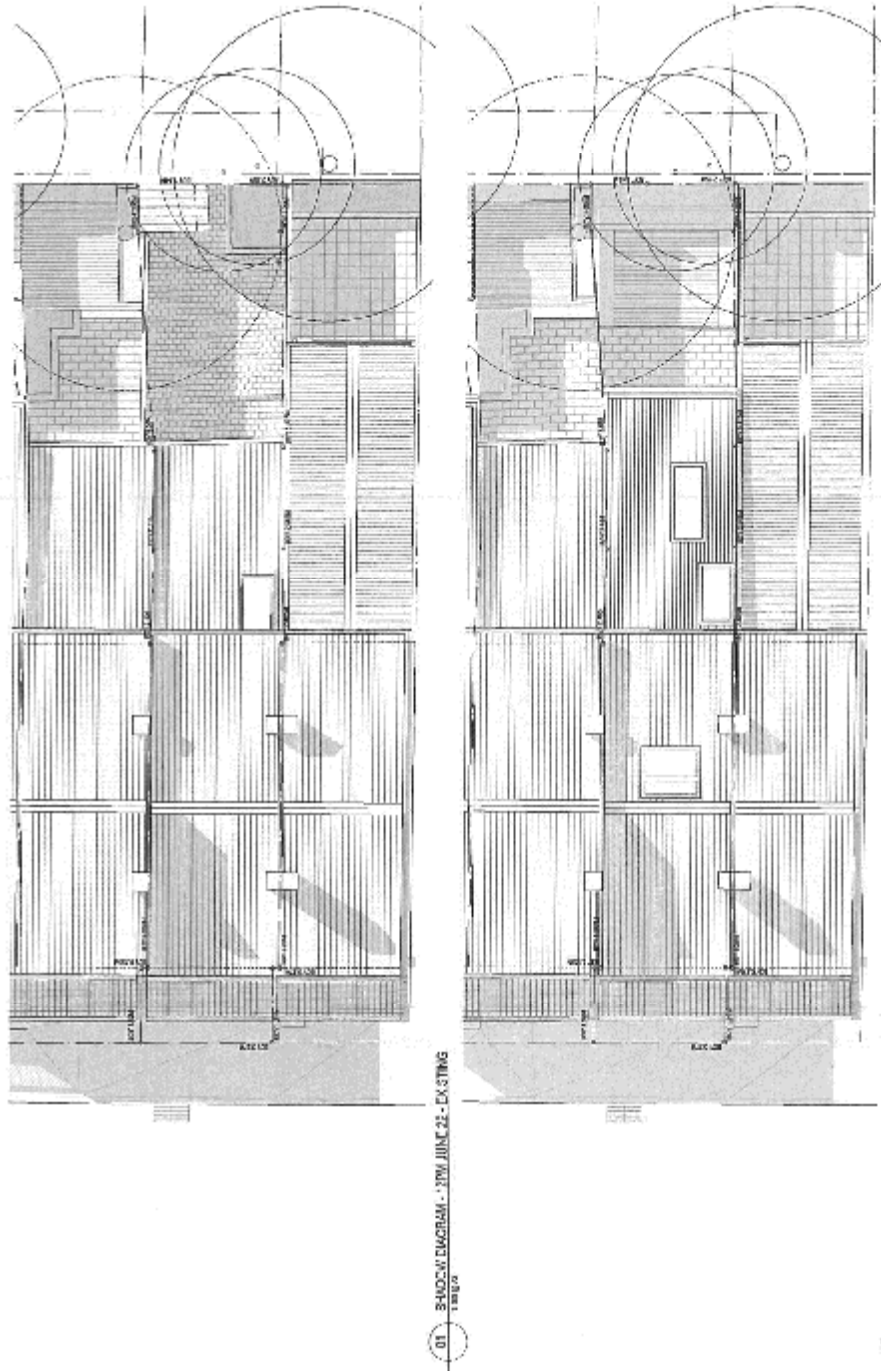
(1) **ELEVATION: NORTH**
 SCALE: 1:100

- LEGEND**
- 01 EXTERIOR WALL
 - 02 ROOF
 - 03 GLASS CURTAIN WALL
 - 04 GLASS WALL
 - 05 GLASS PARTITION WALL
 - 06 EXTERIOR LANDSCAPE
 - 07 TERRACE
 - 08 BALCONY
 - 09 PORCH
 - 10 EXTERIOR WALL WITH FINISH
 - 11 EXTERIOR WALL WITH FINISH AND BALCONY
 - 12 EXTERIOR WALL WITH FINISH AND TERRACE
 - 13 EXTERIOR WALL WITH FINISH AND BALCONY AND TERRACE
 - 14 EXTERIOR WALL WITH FINISH AND BALCONY AND TERRACE AND PORCH
 - 15 EXTERIOR WALL WITH FINISH AND BALCONY AND TERRACE AND PORCH AND TERRACE
 - 16 EXTERIOR WALL WITH FINISH AND BALCONY AND TERRACE AND PORCH AND TERRACE AND PORCH AND TERRACE



01 ELEVATION SOUTH
SCALE 1:500

<p>01 ELEVATION SOUTH</p> <p>DATE: 15/04/2022</p> <p>PROJECT: 100/001/2022</p> <p>CLIENT: 100/001/2022</p> <p>DESIGNER: 100/001/2022</p> <p>SCALE: 1:500</p> <p>DATE: 15/04/2022</p>		<p>02 ELEVATION SOUTH</p> <p>DATE: 15/04/2022</p> <p>PROJECT: 100/001/2022</p> <p>CLIENT: 100/001/2022</p> <p>DESIGNER: 100/001/2022</p> <p>SCALE: 1:500</p> <p>DATE: 15/04/2022</p>	
<p>03 ELEVATION SOUTH</p> <p>DATE: 15/04/2022</p> <p>PROJECT: 100/001/2022</p> <p>CLIENT: 100/001/2022</p> <p>DESIGNER: 100/001/2022</p> <p>SCALE: 1:500</p> <p>DATE: 15/04/2022</p>	<p>04 ELEVATION SOUTH</p> <p>DATE: 15/04/2022</p> <p>PROJECT: 100/001/2022</p> <p>CLIENT: 100/001/2022</p> <p>DESIGNER: 100/001/2022</p> <p>SCALE: 1:500</p> <p>DATE: 15/04/2022</p>	<p>05 ELEVATION SOUTH</p> <p>DATE: 15/04/2022</p> <p>PROJECT: 100/001/2022</p> <p>CLIENT: 100/001/2022</p> <p>DESIGNER: 100/001/2022</p> <p>SCALE: 1:500</p> <p>DATE: 15/04/2022</p>	<p>06 ELEVATION SOUTH</p> <p>DATE: 15/04/2022</p> <p>PROJECT: 100/001/2022</p> <p>CLIENT: 100/001/2022</p> <p>DESIGNER: 100/001/2022</p> <p>SCALE: 1:500</p> <p>DATE: 15/04/2022</p>



LEGEND

- 01 EXISTING
- 02 PROPOSED
- 03 SHADING
- 04 WINDOW
- 05 DOOR
- 06 BALCONY
- 07 TERRACE
- 08 ROOF
- 09 GROUND
- 10 FENCE
- 11 DRIVE
- 12 SIDEWALK
- 13 PLANTING
- 14 SIGNAGE
- 15 LIGHTING
- 16 UTILITY
- 17 FURNITURE
- 18 LANDSCAPE
- 19 MATERIAL
- 20 FINISH
- 21 COLOR
- 22 TEXTURE
- 23 PATTERN
- 24 SCALE
- 25 NORTH
- 26 DATE
- 27 DRAWN
- 28 CHECKED
- 29 APPROVED
- 30 TITLE

PROJECT INFORMATION

Project: **MS WINDS BLDG**
 Address: **ALBERT STREET, SYDNEY NSW 2000**
 Client: **ALBERT STREET DEVELOPMENT**
 Architect: **ALBERT STREET ARCHITECTS**
 Date: **2023**
 Scale: **1:100**
 Drawing No: **01**

DATE: 22 JUNE 2023

SHADOW DIAGRAM - 2PM JUNE 22 - EXISTING

SHADOW DIAGRAM - 7PM JUNE 22 - PROPOSED



LEGEND

- 01 CONCRETE
- 02 GRAVEL
- 03 ASPHALT
- 04 PERMEABLE PAVING
- 05 PERMEABLE CURB
- 06 PERMEABLE CURB
- 07 PERMEABLE CURB
- 08 PERMEABLE CURB
- 09 PERMEABLE CURB
- 10 PERMEABLE CURB
- 11 PERMEABLE CURB
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- 18 PERMEABLE CURB
- 19 PERMEABLE CURB
- 20 PERMEABLE CURB

SOFT LANDSCAPING & SITE COVERAGE

- 21 SOFT LANDSCAPING
- 22 PERMEABLE PAVING
- 23 PERMEABLE CURB
- 24 PERMEABLE CURB
- 25 PERMEABLE CURB
- 26 PERMEABLE CURB
- 27 PERMEABLE CURB
- 28 PERMEABLE CURB
- 29 PERMEABLE CURB
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- 31 PERMEABLE CURB
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- 37 PERMEABLE CURB
- 38 PERMEABLE CURB
- 39 PERMEABLE CURB
- 40 PERMEABLE CURB

THE CLIENT:

PROJECT INFORMATION:

PROJECT NAME: PRIVATE OPEN SPACE, SOFT LANDSCAPING & SITE COVERAGE

CLIENT: [Name]

DATE: [Date]

SCALE: 1:200.0

PROJECT LOCATION: [Address]

PROJECT NUMBER: [Number]

PROJECT STATUS: [Status]

PROJECT DESCRIPTION: [Description]

PROJECT CONTACT: [Contact]

PROJECT PHONE: [Phone]

PROJECT FAX: [Fax]

PROJECT EMAIL: [Email]

PROJECT WEBSITE: [Website]

PROJECT ADDRESS: [Address]

PROJECT CITY: [City]

PROJECT STATE: [State]

PROJECT COUNTRY: [Country]

PROJECT ZIP CODE: [Zip Code]

PROJECT COUNTY: [County]

PROJECT DISTRICT: [District]

PROJECT WARD: [Ward]

PROJECT COUNCIL: [Council]

PROJECT REGION: [Region]

PROJECT COUNTRY: [Country]

PROJECT STATE: [State]

PROJECT CITY: [City]

PROJECT ZIP CODE: [Zip Code]

PROJECT COUNTY: [County]

PROJECT DISTRICT: [District]

PROJECT WARD: [Ward]

PROJECT COUNCIL: [Council]

PROJECT REGION: [Region]

PROJECT COUNTRY: [Country]

Attachment C – Exceptions to Development Standards

10 Red Lion Street, Rozelle – Statement of Environmental Effects

3. CONSIDERATION OF PLANNING ISSUES

3.1 Leichhardt LEP 2013

Planning control LLEP 2013	Designation
Acid Sulphate soils	Class 5
Additional permitted uses	No
Foreshore building line	No
Floor space ratio	0.9:1
Heritage item/conservation area	Yes/No
Reservation/acquisition	No
Lot size	200
Zoning	R1 General Residential
Height of buildings	None
Key site	No

The property is zoned R1 under Leichhardt LEP 2013. The development standards are tabulated below.

Control	Required/ Permitted	Existing	Proposed	Complies
Landscaped area (minimum width 1m)	15% site area = 11 m ²	2.3m ² (3%)	3.5m ² (5%)	NO
Site coverage (maximum)	60% site area = 44.7m ²	44.6m ² (50%)	49.5m ² (67%)	NO
Floor space ratio (maximum)	0.9:1 = 67m ²	63.5m ² = 0.85:1	65.7m ² = 0.88:1	YES

Development standards

The proposal does not comply with the development standards for landscaped area site cover.

3.2 Exception to development standard (floor space ratio)

Criteria

Clause 4.6 allows consent to be granted for development that would contravene a development standard if

- the applicant has made a written request seeking to justify the contravention and
- the consent authority is satisfied that the written request has adequately addressed the matters required to be addressed by subclause (3); that is
 - (3)(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 and

10 Red Lion Street, Rozelle – Statement of Environmental Effects

- the consent authority is satisfied that
 - (4)(a)(ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- the concurrence of the Director-General has been obtained

In accordance with the guidelines provided by decisions of the Land and Environment Court and in particular the judgments in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009, *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90, *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248, *Mical Holdings Pty Ltd v Randwick City Council* [2015] NSWLEC 1386 and *Moskovich v Waverley Council* [2016] NSWLEC 1015, the submission in this Statement addresses the requirements of clause 4.6 in turn.

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

The judgment in *Wehbe v Pittwater Council* [2007] NSWLEC 827 identified five ways of establishing under *State Environmental Planning Policy No. 1 – Development Standards* (SEPP 1) that compliance is unreasonable or unnecessary. The subsequent cases referred to above have confirmed that these ways are equally applicable under the clause 4.6 regime. The 5 matters to consider are whether:

1. *The objectives of the development standard are achieved notwithstanding non-compliance with the standard.*
2. *The objective is not relevant to the development.*
3. *The objective would be defeated or thwarted if compliance was required.*
4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard.*
5. *The zoning of the land is unreasonable or inappropriate.*

These 5 matters are discussed below.

1. *The objectives of the development standard are achieved notwithstanding non-compliance with the standard.*

See discussion below

2. *The objective is not relevant to the development.*

This contention is not relied upon.

3. *The objective would be defeated or thwarted if compliance was required.*

This contention is not relied upon.

4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard.*

This contention is not relied upon.

5. *The zoning of the land is unreasonable or inappropriate.*

This contention is not relied upon.

10 Red Lion Street, Rozelle – Statement of Environmental Effects

The objectives of the landscaped area and site cover standards are set out in clause 4.3A:

- (a) to provide landscaped areas that are suitable for substantial tree planting and for the use and enjoyment of residents,*
- (b) to maintain and encourage a landscaped corridor between adjoining properties,*
- (c) to ensure that development promotes the desired future character of the neighbourhood,*
- (d) to encourage ecologically sustainable development by maximising the retention and absorption of surface drainage water on site and by minimising obstruction to the underground flow of water,*
- (e) to control site density,*
- (f) to limit building footprints to ensure that adequate provision is made for landscaped areas and private open space.*

These objectives are satisfied because:

landscaped areas for substantial tree planting and amenity for residents,

The small size of the yards for this group of terrace houses and the similar Belmore Street group make it difficult to carry out substantial tree planting. However, the yard can provide a comfortable place for the small households that occupy these small houses.

landscaped corridor between adjoining properties,

The small size of the yards for this group of terrace houses and the similar Belmore Street group means it is not feasible to create a landscaped corridor between these properties.

promotes the desired future character of the neighbourhood,

The modest reduction in site cover is merely to accommodate a small kitchen and bathroom of only 21m². The new rear wing is only 1.5m longer and is similar to the rear setback line of the houses at 4, 6 and 12 Red Lion Street. The increase in the length of the rear wing could be repeated at 8 Red Lion St with no adverse consequences.

maximising the retention and absorption of surface drainage water on site and by minimising obstruction to the underground flow of water,

The provision of a new garden bed in the rear yard will increase the capacity of the site to absorb surface drainage water. The works will not obstruct underground water flow.

control site density,

The proposed site density is consistent with the size of the buildings at 4, 6, 12 Red Lion Street and complies with the recently adopted FSR standard.

to limit building footprints to ensure that adequate provision is made for landscaped areas and private open space.

The small size of the site means that the rear yard will also be small. The size of the rear wing and the rear yard are considered to be satisfactory in the context of the small site area. The required area of private open space of 16m² is provided.

10 Red Lion Street, Rozelle – Statement of Environmental Effects

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

The cases referred to above have established that the environmental planning grounds must be particular to the circumstances of the proposed development on its site. The following environmental planning grounds are relevant:

- The form, size and character of the proposed house is compatible with the desired future character of the locality as expressed in the suburb guidelines below.
- It is compatible with the form and scale of the adjoining houses in this group of 5 houses.
- The extension does not impact on the amenity of adjoining properties in terms of overshadowing, privacy or excessive scale.
- The pre DA consultation established there were no adverse consequences from the non-compliance.

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

The objectives of the landscaped area and site cover standards have been addressed above. The proposal is consistent with these objectives. Further, the objectives are achieved despite the numerical non-compliance. The development will be in the public interest because it will be consistent with the bulk and scale of other nearby houses.

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

The objectives of the R1 zone are:

- *to provide for the housing needs of the community*
- *to provide for a variety of housing types and densities*
- *to enable other land uses that provide facilities or services to meet the day to day needs of residents*
- *to improve opportunities to work from home*
- *to provide housing that is complementary to, and compatible with, the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas*
- *To provide landscaped areas for the use and enjoyment of existing and future residents.*
- *To ensure that subdivision creates lots of regular shapes that are complementary to, and compatible with, the character, style, orientation and pattern of the surrounding area.*
- *To protect and enhance the amenity of existing and future residents and the neighbourhood.*

The proposal is consistent with the objectives for the zone because:

to provide for the housing needs of the community

The proposal will provide a modest bathroom and kitchen of a contemporary standard for the current owner. The existing bathroom and kitchen are in poor condition.

to provide for a variety of housing types and densities

The works are an appropriate improvement to a heritage listed building that is currently run down and needs an upgrade.

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to enable other land uses that provide facilities or services to meet the day to day needs of residents

This objective is not relevant, as the proposal is not for non-residential use.

to improve opportunities to work from home

This may be possible from the front room on the ground floor

to provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas

The form, size and character of the proposal house is compatible with the desired future character of the locality as expressed in the suburb guidelines below. It is compatible with the form and scale of the adjoining houses.

to provide landscaped areas for the use and enjoyment of existing and future residents

The rear yard will have an area of 18.7m².

to ensure that subdivision creates lots of regular shapes that are complementary to, and compatible with, the character, style, orientation and pattern of the surrounding area

The subdivision pattern will not change.

to protect and enhance the amenity of existing and future residents and the neighbourhood

There are no amenity impacts.

Concurrence of the Director-General

The concurrence of the Director-General may be assumed by Council.

Council must also consider:

- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning*
- (b) *the public benefit of maintaining the development standard*

Any matter of significance for State or regional environmental planning

There are no matters of significance for State or regional environmental planning

Public interest

The proposal is considered to be positive in terms of the public interest because it will retain and restore the fabric of a heritage listed building, whilst providing reasonable accommodation for the current owner.

3.3 Acid sulfate soils

The site is shown as Class 5 land on the Acid Sulfate Soils Map. The works will not disturb the water table

3.4 Heritage considerations

Heritage issues are addressed in the HIS and in the comments on the pre-DA consultation and table above.

