



INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	D/2017/98
Address	114 Victoria Road, ROZELLE NSW 2039
Proposal	Alterations to the existing building and change of use to a mixed use development containing a boarding house and commercial tenancies.
Date of Lodgement	3 March 2017
Applicant	Mgc Wealth Pty Ltd
Owner	Mgc Wealth Pty Ltd
Number of Submissions	Two (2)
Value of works	\$1.37million
Reason for determination at Planning Panel	Clause 4.6 variation/SEPP No.1 Objection exceeds officer delegation
Main Issues	Parking
Recommendation	Approval



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 of the existing building and change of use to a mixed use development containing a boarding house and commercial tenancies at 114 Victoria Road, Rozelle.

The application was notified to surrounding properties and two (2) submissions were received.

The main issues that have arisen from the application include:

- Parking
- Stormwater
- Owners consent

The non-compliances with the Floor Space Ratio and motorcycle parking under AH SEPP are acceptable and therefore the application is recommended for approval.

2. Proposal

The proposal is for alterations of the existing building and change of use to a mixed use development containing a boarding house and commercial tenancies. Specifically the proposal involves –

- Alterations to the Victoria Road elevations to enable access to premises
- Internal demolition at ground and first floor
- Lower Ground, Ground and First floor alterations to result in amended layouts to comprise -
 - Lower Ground –
 - Bathroom
 - Store
 - Plant room
 - Waste Rooms
 - 9 Bicycle spaces (vertical)
 - Ground Floor –
 - 2 x commercial tenancies
 - 7 x boarding rooms (each with bathroom and kitchen facilities, 1 x adaptable)
 - Lift and service lift
 - First Floor –
 - 1 x commercial tenancy
 - 1 x boarding room (Manager's room with bathroom and kitchen facilities)
 - Communal Space (with toilet and kitchen facilities)
 - Lift

3. Site Description

The site is approximately 371sqm in area and has a frontage and rear boundary of 12.19m to Victoria Road and the Lot to the rear that provides a Right of Way. The site is located on the southwestern side of Victoria Road.

The site presently accommodates a Music Education use. The adjoining properties consist of commercial uses along Victoria Road and residential uses to the rear that front Withecombe Street.

The subject site is a Heritage Item and is located within a Heritage Conservation Area. The site is not identified as a flood control lot and there are no trees on the site or surrounding sites that may be affected by the proposal.

The site is zoned B2 – Local Centre pursuant to Local Environmental Plan 2013.

4. Background

4(a) Site history

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

The following table outlines the development history of the subject site.

Date	Application No	Application Details	Outcome
22/08/2016	D/2016/13	Alterations and additions to the existing building and change of use from an education centre for music into a mixed development comprising a boarding house of (12) twelve boarding rooms and two (2) commercial tenancies.	Refused
07/03/2013	PREDA/2013/199	Change of Use from music academy to place of worship	Advice Issued
16/11/2009	M/2009/145	Section 96 application to development consent D/2009/144 for the change of use from a place of worship to an educational centre for music including external signage. Modification includes extending hours of operation on three days of the week to 10pm, and on Saturday to 10pm.	Withdrawn
15/08/2008	M/2008/148	Section 96 application to modify D/2008/144. Modification seeks consent to modify conditions relating to fire upgrading the building.	Approved
22/10/2008	M/2008/145	Section 96 application to modify D/2008/144. Modification seeks consent to enclose exiting first floor balcony and delete condition 5(a) which prevents access to the balcony.	Approved
22/05/2008	D/2008/144	Change of use from a place of worship to an educational centre for music including external signage.	Approved

The application last year (D/2016/13) was refused due to the following issues -

- Heritage Impacts
- Water Disposal
- Waste Disposal
- Suitability of the site
- Owner's Consent

This application made amendments particularly in relation to the first floor layout which now seek to retain original fabric and retain its exposure. This application has reduced the number of boarding rooms from 12 to 8 and included a commercial tenancy at first floor. The waste and water issues are considered acceptable subject to conditions. There are also now no works proposed within the right of way that require owner’s consent.

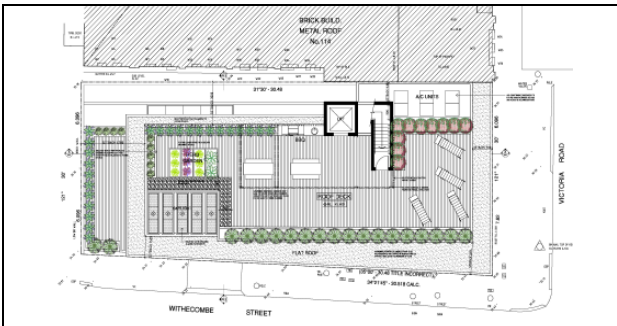
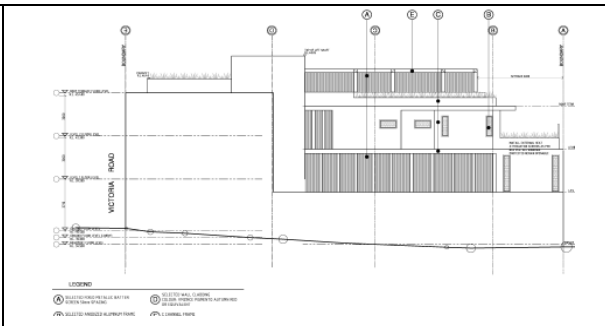
As a result, it is considered now the development is suitable for the site, subject to conditions.

The following table outlines relevant history of the surrounding properties

No. 112 Victoria Road

Date	Application No	Application Details	Outcome
21/09/2016	D/2015/738	Demolition of existing structures and construction of a three-storey mixed use development comprising one commercial tenancy and car park at ground floor level and 5 residential dwellings in upper levels. Variation to Floor Space Ratio development standard.	Approved

The proposal is relevant as it seeks residential accommodation above a proposed ground floor commercial, car parking level. The images below indicate the proposal in relation to the existing building on the subject site. This proposal is not reliant on the right of way to the rear of its site. This consent has not been acted upon as yet.

	
Proposed Roof Plan (D/2015/738)	Proposed Western Elevation facing No. 114 Victoria Road, with screens.

4(b) Application history

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

Date	Discussion / Letter/ Additional Information
12/04/2017	Council wrote to the applicant raising the following issues – <ul style="list-style-type: none"> • Heritage • Stormwater Drainage • Waste • Parking • Building Code/Accessibility • Owner’s Consent • Submissions
09/05/2017	Additional Information submitted – <ul style="list-style-type: none"> • Heritage Fabric Analysis

	<ul style="list-style-type: none"> • BCA Compliance Letter • Amended plans - removal of works to Right of Way, amendment lower ground floor plan (waste/storage area)
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The additional information lodged during the assessment process and the plans submitted as part of that additional information form the basis of this report. The additional information/amendments included –

The amended plans lodged did not require re-notification as they were considered to fall within *Control C5. Section A3.13 - Specific Circumstances Where Notification Is Not Required, Part A: Introduction, Leichhardt Development Control Plan 2013*, which does not require the re-notification of amended plans to an undetermined application which, inter alia, constituted a lesser development or have been proposed in order to address the concerns raised by Council or objectors.

Council assessed the additional information and it has addressed some of the issues raised with other issues being able to be resolved by way of condition.

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 79C 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 (Affordable Rental Housing) 2009
- State Environmental Planning Policy No 1—Development Standards
- State Environmental Planning Policy No 55—Remediation of Land
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Leichhardt Local Environmental Plan 2013

The following provides further discussion of the relevant issues:

5(a)(i) State Environmental Planning Policy No 1—Development Standards

State Environmental Planning Policy No. 1 – Development Standards makes development standards more flexible. It allows councils to approve a development proposal that does not comply with a set standard where this can be shown to be unreasonable or unnecessary. The proposal has been considered against the following assessment criteria:

1. *Is the control a development standard?*

Clause 30(1)(h) of State Environmental Planning Policy (Affordable Rental Housing) 2009 states that *at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms*. The proposal does not satisfy the requirement to provide a minimum 2 motorcycle parking spaces. The proposal does comply with the minimum bicycle parking spaces through the provision of nine spaces at the Lower Ground Floor.

The control is defined as being a numerical development standard under Section 4 (1) of the Environmental Planning and Assessment Act 1979 and are therefore capable of being varied under the provisions of State Environmental Planning Policy No.1 – Development Standards.

2. *What is the underlying object or purpose of the standard?*

The purpose of Clause 30(1)(h) is to ensure that there is appropriate facilities to service the site/users.

3. *Is compliance with the standard consistent with the aims of the Policy? Does compliance with the standard hinder the object of the Act under s5a(i) and (ii)*

The aims and objectives of State Environmental Planning Policy No.1 – Development Standards is:

“To provide flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or necessary or tend to hinder the attainment of the objects specified in section 5 (a) (i) and (ii) of the Act.”

The objects set down in Section 5(a)(i) and (ii) are:

“(a) to encourage:

(i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,

“(ii) the promotion and co-ordination of the orderly and economic use and development of land,”

The proposed development is consistent with the aims of the Policy and does not hinder the objectives of the Environmental Planning and Assessment Act 1979, which amongst other matters aims to promote the orderly and economic development of land and a better environment. It is considered that the proposed works will be consistent with the objectives and intent of the Act, and will not result in any adverse or detrimental impacts to the adjoining properties and locality.

4. *Is compliance with the standards unreasonable or unnecessary in the circumstances of the case?*

Compliance with the development standards are considered in this instance to be unreasonable and unnecessary given:

- The proposal is well-served by public transport and provides in excess of the required minimum bicycle parking
- The proposal results in a reduced parking demand to the existing/former use and as a result is considered to result in less parking demand when assessed against the parking rates.
- The requirement to provide facilities in the building would likely have negative impacts to the fabric of the existing Heritage Item.

The applicant has provided the following justification as to why compliance with the minimum motorcycle parking spaces development standard is unreasonable or unnecessary in this case:

- Currently no on site vehicle parking is provided and as the existing building is to be retained, there is currently no opportunity to provide on-site vehicle of any nature without modifying the external face of the building and given the heritage nature of the building, any significant building works that would impact on the external façade of the building would compromise the heritage integrity of the building and conflict with Council's heritage controls and thus would not provide a beneficial planning outcome.
- Although the site has an existing right of way over Lot 1, DP 1174409 to the rear of the site which contains a bitumen/gravel driveway accessing Withecombe Street to the south-east and a parking area to the north-west, this parking area is dedicated to 116 Victoria Road which contains a two storey brick building built to the boundary used for commercial purposes.
- It should also be noted that the site is within an accessible area and is within 20m of a bus stop to the north along Victoria Road providing frequent public transport services.
- In regards to bicycle parking, nine (9) bicycle spaces are provided to the development in the Lower Ground Floor with access via the service lift. This is above the minimum requirement and create opportunity for users to consider cycling as another transport option.
- It is submitted that the justification has merit in that the heritage nature of the existing building to be retained and site coverage prevent the provision of the required two (2) motorcycle spaces without risking the integrity of the heritage building.

5. *Is the objection well founded?*

For the reasons outlined above and as detailed in this report, it is considered that the objection to Clause 30(1)(h) is well-founded in this instance and the granting of variation to the development standard is appropriate in the circumstances.

6. *The matters which shall be taken into consideration in deciding whether concurrence should be granted are:*

(a) *whether non-compliance with the development standard raises any matter of significance for State or regional environmental planning:*

The granting of concurrence to the proposed variation of the development standard will not raise any issues of state or regional planning significance.

(b) *the public benefit of maintaining the planning controls adopted by the environmental planning instrument.*

The proposed variation to the development standard will not compromise the long term strategic outcomes of the planning controls to the extent that a negative public benefit will result. In this regard, there is no material public benefit to the enforcing of the development standards.

For the reasons outlined above, compliance with the minimum motor cycle parking requirement for boarding house development is considered to be unreasonable and unnecessary in this particular instance.

5(a)(ii) State Environmental Planning Policy No 55—Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. LDCP 2013 provides controls and guidelines for remediation works. SEPP 55 requires that remediation works must be carried out in accordance with a Remediation Action Plan (RAP) as approved by the consent authority and any guidelines enforced under the Contaminated Land Management Act 1997.

The site has not been used in the past for activities which could have potentially contaminated the site. It is considered that the site will not require remediation in accordance with SEPP 55.

5(a)(iii) State Environmental Planning Policy (Infrastructure) 2007

Development with frontage to classified road (Clause 101)

The site has a frontage to Victoria Road, a classified road. Under Clause 101 (2) of State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that the efficiency and operation of the classified road will not be adversely affected by the development.

There is currently no vehicle access to the site off Victoria Road, this will not change as part of the proposal. Although there is no vehicle access directly onto the site, the site has an appurtenant Right of Way over the driveway to the rear of the site which is accessed via Withecombe Street. Given that no vehicle access to the site exists off Victoria Road and none is proposed, and no external building works are proposed, the operation of Victoria Road will not be adversely affected by the proposal.

The application is considered to be acceptable with regard to Clause 101 of the SEPP Infrastructure.

Impact of road noise or vibration on non-road development (Clause 102)

Clause 102 of the SEPP Infrastructure relates to the impact of road noise or vibration on non-road development on land in or adjacent to a road corridor or any other road with an annual average daily traffic volume of more than 40,000 vehicle. Under that clause, a development for the purpose of a building for residential use requires that appropriate measures are incorporated into such developments to ensure that certain noise levels are not exceeded.

Victoria Road has an annual average daily traffic volume of more than 40,000 vehicles. The applicant submitted a Noise Assessment Certificate with the application that demonstrates that the development will comply with the LAeq levels stipulated in Clause 102 of the SEPP. Conditions are included in the recommendation.

5(a)(iv) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

An assessment has been made of the matters set out in Clause 20 of the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. It is considered that the carrying out of the proposed development is generally consistent with the objectives of the Plan and would not have an adverse effect on environmental heritage, the visual environment, the natural environment and open space and recreation facilities for the following reasons:

5(a)(v) State Environmental Planning Policy (Affordable Rental Housing) 2009

State Environmental Planning Policy (Affordable Rental Housing) 2009

The application has been submitted pursuant to the provisions of AH SEPP. A SEPP, being a State Planning Instrument, can, and in this case does, take precedence over Council's own planning controls, insofar as those provisions which the AH SEPP stipulates. In this instance the intention of AH SEPP is to encourage the development of low-income housing, including boarding houses, in appropriately zoned areas.

Assessment against the specific controls of AH SEPP is as follows:

Standard	Compliance/Comment
<p><u>29 Standards that cannot be used to refuse consent</u></p> <p>(1) A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than:</p> <p>(a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land, or</p> <p>(b) if the development is on land within a zone in which no residential accommodation is permitted—the existing maximum floor space ratio for any form of development permitted on the land, or</p> <p>(c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus:</p> <p>(i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or</p> <p>(ii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1.</p>	<p>The land is zoned B2 – Local Centre. The maximum allowable FSR under LEP 2013 is 1:1. Residential accommodation is permitted on the land subject to compliance with Clause 6.11A of LEP 2013.</p> <p>The site is a Heritage Item and as a result is not open to an additional 0.5:1 as provided in subclause (c)(i). Clause 4.4A of LEP 2013 provides a 1.5:1 FSR if it satisfies Subclause (3). For this proposal to have a 1.5:1 it requires <i>all floor space on the ground floor of the building facing the street is used for a purpose other than residential accommodation.</i></p> <p>As the proposal does not seek to use <u>all</u> the floor area at ground floor for non-residential uses and as a result the 'bonus' not available in this instance and the maximum FSR is 1:1.</p> <p>A Clause 4.6 Exception has been submitted and is assessed below. In summary it is considered that whilst the FSR exceeds the maximum permissible, the proposed FSR is acceptable.</p>
<p>(2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</p> <p>(a) building height if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land,</p> <p>(b) landscaped area if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located</p> <p>(c) solar access where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,</p> <p>(d) private open space if at least the following private open space areas are provided (other than the front setback area):</p>	<p>(a) building height LEP 2013 does not impose any height restrictions and as a result this subclause does not strictly apply. The proposal does not seek to alter the overall building envelope and as a result is appropriate to its context, particularly its heritage listing and as a result is acceptable.</p> <p>(b) landscaped area There is no existing landscaping on the site or surrounding sites. The site location does not lend itself to landscaping within the setbacks and as a result on site landscaping is not pursued in this instance.</p> <p>(c) solar access There is a communal room and communal area at first floor with the room being north facing. Whilst the actual figure/time of solar access to these rooms is not clearly known, the northerly orientation provides the best outcome to receive solar access. It is recognised that to achieve more solar access,</p>

<p>(i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers,</p> <p>(ii) if accommodation is provided on site for a boarding house manager—one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation,</p> <p>(e) parking if:</p> <p>(i) in the case of development in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and</p> <p>(ii) in the case of development not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and</p> <p>(iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,</p> <p>(f) accommodation size if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:</p> <p>(i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or</p> <p>(ii) 16 square metres in any other case.</p>	<p>say from the east, greater openings would be required, which would likely result in further loss of heritage fabric (which would not be in the interests of heritage conservation).</p> <p>(d) private open space A Manager's/Caretaker's room is not technically required as the number of lodgers does not require an onsite Manager, however it is positively provided. It is considered that given the technical non-requirement of a Manager's/Caretaker's room that to pursue private open space is reasonable in this instance.</p> <p>(e) parking The site is located in an accessible area within 400m of bus routes. The proposal does not seek to provide car parking, where 1.6 spaces are required. The proposal includes nine (9) 'vertical' bicycle parking spaces at lower ground floor.</p> <p>(f) accommodation size Each boarding house room has an area greater than 12sqm.</p>
<p>(3) A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.</p>	<p>Each boarding room has its own bathroom.</p>
<p>(4) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).</p>	<p>As discussed throughout this report, it is recommended that consent is granted.</p>
<p><u>30 Standards for boarding houses</u></p> <p>(1) A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:</p> <p>(a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,</p> <p>(b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,</p> <p>(c) no boarding room will be occupied by more than 2 adult lodgers,</p> <p>(d) adequate bathroom and kitchen facilities will be available within the</p>	<p>The proposal includes a communal room at first floor of which are northerly orientated which in terms of solar access is considered desirable.</p> <p>No boarding room has an area exceeding 25sqm (excluding any area used for the purposes of private kitchen or bathroom facilities).</p> <p>Based on the room sizes for the 8 rooms (7 rooms and a Manager's/Caretaker's room), each boarding room will not be occupied by any more than two adult lodgers, therefore the site could accommodate a total of 16 lodgers.</p>

<p><i>boarding house for the use of each lodger,</i> <i>(e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,</i> <i>(f) (Repealed)</i> <i>(g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use,</i> <i>(h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.</i></p>	<p>This number of lodgers is reaffirmed by way of condition of consent.</p> <p>Each boarding room has bathroom and kitchen facility. A toilet and kitchen are also provided in the communal room.</p> <p>The boarding house does not have the capacity to accommodate more than 20 lodgers, however a Manager's/Caretaker's room is proposed at first floor.</p> <p>The site is zoned B2 – Local Centre, however boarding houses are permitted in this zone. Leichhardt LEP permits residential use at ground floor through the provisions of Clause 6.11A.</p> <p>The proposal includes 9 'vertical' bicycle parking spaces at lower ground floor.</p> <p>A SEPP No.1 Objection has been lodged against the non-provision of motorcycle parking. This is discussed above and it is considered that on balance a variation can be accepted in this instance.</p>
<p><u>30A Character of local area</u> <i>A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.</i></p>	<p>The proposal is considered to be compatible with the Desired Future Character of the area through the retention of fabric and space.</p>
<p><u>52 No subdivision of boarding houses</u> <i>A consent authority must not grant consent to the strata subdivision or community title subdivision of a boarding house.</i></p>	<p>A condition is included to reaffirm this.</p>

This style of boarding house, with each room having private kitchenette and bathroom facilities, is referred to as a “new generation” boarding house (as opposed to older style boarding houses which tended to have shared kitchen and bathroom facilities).

The proposal is consistent with Council's Affordable Housing Strategy which seeks to promote this type of accommodation.

5(a)(vi) 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 4.4 – Floor Space Ratio
- Clause 4.4A – Floor Space Incentives for active street frontages

- 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
- Clause 6.11A – Residential accommodation in Zone B1 and Zone B2

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

Standard (maximum)	Proposal	% of non compliance	Compliances
Floor Space Ratio - 1:1	1.87:1 (existing)	87.65% (existing)	No

Clause 4.6 Exceptions to Development Standards

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

- Clause 4.4 – Floor Space Ratio

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.*

Comment: As discussed below in subclauses (3) and (4), it is considered that the contravention to the development standard is acceptable in this instance.

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.*

Comment: The 'key' reasons submitted by the applicant as justification to the contravention of the standard is:

- The proposed maximum variation to the development standard is 325.2m², however this is based on the existing non-compliance, with no additional gross floor area proposed as part of this alterations and additions submission.
- The variation will enable a well-considered internal fitout of a heritage building that provides a mix of affordable housing and commercial uses that addresses the site

constraints, streetscape and relevant objectives of both the standards and the zone. The proposal will not result in any unreasonable amenity or environmental impacts.

- The ability to achieve the future desired character of the locality and maintaining the visual contribution of the heritage listed building, provides a better environmental outcome given that the non-compliance relates to the existing floor space formed by the existing building
- In this case, strict compliance with the development standard for floor space ratio in the Leichhardt LEP 2013 is unnecessary and unreasonable.

(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: Council being the consent authority in this instance, is satisfied that the applicant has addressed the matters required under Clause 4.6 Exceptions to development standards.

The proposal is considered to be consistent with the FSR standard and B2 – Local Centre zone objectives. The proposal in itself does not alter the existing numerical FSR and it is considered to be positive through that its adaptive reuse will retain the buildings' form and fabric, and will not have an adverse impact to the surrounding residential amenity.

As a result, it is considered the proposed variation is well founded.

(5) *In deciding whether to grant concurrence, the Secretary must consider:*

(a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*

Comment: The granting of concurrence to the proposed variation of the development standard is supported in this instance and in the event of an approval would not raise any issues of state or regional planning significance.

(b) *the public benefit of maintaining the development standard, and*

Comment: The proposed variation to the development standard will not compromise the long term strategic outcomes of the planning controls to the extent that a negative public benefit will result. In this regard, there is no material public benefit to the enforcing of the development standard.

(c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*

Comment: No other matters are required to be considered before granting concurrence.

Clause 5.10 – Heritage Conservation

The *statement of heritage significance* for the subject heritage item, included within the latest *Heritage Inventory Sheet* for the property is as follows:

“The former Mechanic’s Institute at No. 114 Victoria Road is of local historic, aesthetic and social significance as a good and intact representative example of a[Edwardian]... period Institute building constructed in 1907. The building has been continuously used for

community and educational purposes. Despite some changes the building significantly retains its original scale, form, character and details including face brick front façade and associated brick, rendered and ceramic tile details, parapet and centre pediment, roof form and chimneys, rear balcony, recessed entry and pattern of openings. The building is located on an elevated site and near a busy and major intersection, combined with its overall scale and form it makes a positive contribution to this section of the Victoria Road streetscape.”

A 2007 University of Technology Research Paper on Workingmen’s institutes in Inner City Sydney titled “*Learning After Work One Hundred Years Ago: Workingmen’s Institutes In Inner City Sydney*” by Roger K Morris from the UTS Faculty of Education describes the significance of these institutions to the local communities in which they were located, as shown in the excerpts below from pages 3 and 4 of the research paper:

“From the records that have survived, it appears that these institutes operated successfully for a number of years, had large and active memberships, and played a significant role in the lives of their local communities....In 1912 Rozelle Workingmen’s Institute had 309 members and a library of 2451 books. That year, Rozelle’s income from its billiard tables was 1908 pounds: more than enough to run a first class community resource in those days.”.....

From about 1950, following the consolidation of the small local municipalities, the establishment and expansion of local municipal public libraries, and the growth of a whole range of other more special providers of community services and facilities, the workingmen’s institutes, like their more conventionally names cousins, began to decline rapidly. Some went out of existence; their premises converted to another public use or fell into private ownership, others, survived, and continue to serve their communities until this day.

Notwithstanding their eventual decline, for a great many years these workingmen’s institutes were very important intellectual, social, civic, as well as recreational centres for their communities. Their libraries were always prominent. Diverse local groups (lodges, Churches, political parties, trade unions, and sporting bodies) hired their halls and meeting rooms for a range of purposes. Regular dances and a variety of private functions were held. The main hall was frequently used for lectures, public meetings and civic occasions or to immunise the community’s children. And, of course billiards, cards, and other games provided opportunities for relaxation and fellowship in an alcohol free context.”

A Heritage Impact Statement (HIS) and Fabric Analysis were submitted with the application consistent with section 6 of this Clause. Upon review of that information it is considered that the proposal is acceptable subject to conditions that include –

- details of the proposed materials and finishes by way of deferred commencement condition;
- reference to the retention of fabric in particular the timber balustrade and stairs plus original windows;
- works to be supervised by a suitably qualified heritage person;
- historic recording of the building; and
- heritage interpretation strategy in the form of a plaque/s to be placed on the building.

The proposal has provided two (2) commercial tenancies fronting Victoria Road at ground floor to provide the required ‘active street frontage’, with a further commercial tenancy at first floor. In doing so it is considered that the objective of the B2 - Local Centre zoning is achieved, largely in providing the commercial street frontage and this reliance is accepted for its permissibility. Notwithstanding even if the proposal was deemed not to provide an ‘active street frontage’, the proposal was lodged with documentation seeking reliance on Clause 5.10(10) – Conservation Incentives for its permissibility as it does not propose all non-residential uses at ground floor or fronting Victoria Road.

In consideration of the tests held in the Clause to the conservation incentives, it is considered that -

- (a) In issuing the consent for the proposal and the proposed works, it will conserve this Item.
- (b) A Heritage Impact Statement (HIS) was lodged with the application and forms part of the recommended approved documentation.
- (c) The proposed retention of fabric as identified in the HIS is reaffirmed by way of condition.
- (d) The proposal is not considered to adversely affect the heritage significance of the Heritage Item, including its setting.
- (e) The proposal is not considered to have any significant adverse effect on the amenity of the surrounding area.

Clause 6.4 – Stormwater Management

The application has not been supported by an OSD/OSR design as required under Section E1.2.3 of Leichhardt DCP2013. As the proposal involves significant internal alterations and additions in addition to the change of use, the development is not considered minor and consequently these requirements are not waived in this instance. In this regard, it would appear feasible to provide an above ground on-site detention or retention system within the northern side setback.

In addition, it has not been demonstrated that formal legal rights exist to drain the property over the Right of Way to the rear of the site.

These issues can be addressed by way of Deferred Commencement Condition.

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
B3.1 Social Impact Assessment	Yes
Part C	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes
C1.3 Alterations and additions	Yes
C1.4 Heritage Conservation Areas and Heritage Items	Yes
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.9 Safety by Design	Yes
C1.10 Equity of Access and Mobility	Yes
C1.11 Parking	Yes
C1.15 Signs and Outdoor Advertising	N/A

C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	N/A
Part C: Place – Section 2 Urban Character	
C2.2.5.5 – Sub Area - Victoria Road, Rozelle Commercial Neighbourhood	Yes
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	Yes
C3.3 Elevation and Materials	Yes
C3.7 Environmental Performance	Yes
C3.10 Views	Yes
C3.11 Visual Privacy	Yes
C3.12 Acoustic Privacy	Yes
C3.13 Conversion of Existing Non-Residential Buildings	Yes
C3.14 Adaptable Housing	Yes
Part C: Place – Section 4 – Non-Residential Provisions	
C4.1 Objectives for Non-Residential Zones	Yes
C4.2 Site Layout and Building Design	Yes
C4.3 Ecologically Sustainable Development	Yes
C4.4 Elevation and Materials	Yes
C4.5 Interface Amenity	Yes
C4.15 Mixed Use	Yes
Part D: Energy	Yes
Part E: Water	Yes
Part F: Food	N/A
Part G: Site Specific Controls	N/A

Further comments are made to the following parts –

C1.4 Heritage Conservation Areas and Heritage Items

As discussed above it is considered that the proposal is acceptable subject to conditions.

C1.9 Safety by Design

A Plan of Management (POM) was submitted with the application that address matters for the boarding house operations. Whilst not strictly required under AH SEPP, the proposal includes a Manager’s/Caretaker’s Room. It is considered that the POM form part of the approved documentation and ongoing conditions.

C1.10 Equity of Access and Mobility

The proposal seeks to provide a chairlift from the street to the ground floor. Internally the amended proposal seeks to provide a lift to all floors.

This chairlift is not the ideal outcome as it requires a structure on the footpath and needs to relocate the existing door further back in the entry. However, alternate options to provide access into the building are limited without significant alteration to the Heritage Item. As a result, it is considered that subject to the lift being ‘housed’ on the site at all times when not in use is it acceptable in this instance.

C1.11 – Parking

A Traffic & Parking Assessment Report was submitted with the application that concludes the proposed use will not have adverse impacts on the existing street network and parking supply and demand. The report did suggest that motorcycle parking can be provided on the street. However, this is not supported. The table below indicates the existing and proposed parking requirement –

	DCP Requirements		Actual
	Existing (Music Establishment)	Proposed (Commercial & Boarding House)	Proposed
Cars	4	2.17 - Commercial 0 - Boarding house (AH SEPP)	0
Bicycles	0	2 – Commercial (estimated) 2 – Boarding House (AH SEPP)	9
Motor Bicycles	0	0 – Commercial 2 – Boarding House (AH SEPP)	0

As the table indicates, the proposal results in a net reduction in the required parking demand on the site. It is accepted that no vehicular or motorbike parking is provided on site, given the historic use and constraints of the site.

The proposal exceeds the required bicycle parking, however does not satisfy the required motorcycle parking under AH SEPP. As discussed in the SEPP No.1 Objection, it is considered that a variation to the motorcycle parking can be made in this instance.

In addition, the proposed bicycle parking spaces on the lower ground floor have been relocated adjacent to Service Lift so that the lift provides for access for the transport of bikes and bins to/from the right of way.

C3.13 Conversion of Existing Non-Residential Buildings

The proposal will encourage an adaptive reuse of the building, and is considered to retain the heritage value of the building consistent with the objectives of this part.

C4.5 Interface Amenity and C4.15 Mixed Use

The proposed commercial uses at ground and first floors are not identified for any particular use at this stage and under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 a first use of premises is able to be occupied by way of a Complying Development Certificate. It is considered that whilst the nature of the proposed use is unlikely to have any undue impact to the residents, in the event of an approval it is considered appropriate that some initial control to the hours of operation of the use if such a Certificate is issued, say -

<i>Monday to Saturday</i>	<i>7:00am to 7:00pm</i>
<i>Sunday & Public Holidays</i>	<i>9:00am to 6:00pm</i>

Part D: Energy

The proposed residential waste store room does not provide for an adequate number of bins in accordance with Clause C15 and C22 of Section D2.3. In this regard a minimum of 4 general waste bins, 1 co-mingled recycling bin, and 1 paper recycling bin must be provided.

It is noted that the number of bins calculated for the commercial component of the development greatly exceeds the number of bins that would be required under Council's DCP. The area dedicated to the Non-Residential Waste Room can be reduced to accommodate the larger area required for the Residential Waste Room.

This can be addressed by conditions requiring amendments to the waste storage room.

Part E: Water

As discussed above, it is considered that the proposal can provide some onsite retention, which is included by way of deferred commencement condition. In addition, the legal rights of the existing system are to be formalised by way of deferred commencement.

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 B2 – Local Centre. 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 Leichhardt Development Control Plan 2013 for a period of 14 days to surrounding properties. A total of two (2) submissions were received.

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

Lack of parking

Comment: As discussed in this report, the proposal is a net reduction in the required parking demand and seeks to provide in excess of the minimum bicycle parking. It is considered that in this instance the shortfall in motorcycle parking is acceptable in this instance. The future owners/tenants/residents will not be available for a permit in the Residential Parking Scheme (RPS).

Cumulative impacts of DA's at Nos. 112 Victoria Road and No. 118 Victoria Road

Comment: The applications at the above addresses are acknowledged, however each of the applications are assessed on their own merits and suitability on their own site. As concluded, it is considered that this proposal is not suitable on this site.

Building Design including the rear fire exit across a right of way, windows – natural light and heritage impacts. The present tenants operate within sealed and soundproofed windows, but even then the disruption and noise has been considerable. Once that requirement for internal use and soundproofing is lifted, the impact will be much greater.

Comment: The proposed design use is subject to compliance with the Building Code of Australia (BCA) and as discussed in the Building comments there are shortcomings to the standards that would require alternate solutions to achieve the performance criteria, however this is not uncommon. The physical works have been assessed with regard to the heritage fabric and it is considered that subject to retention of fabric the proposal is acceptable.

Commercial Uses - The building is zoned B2 General and should have a commercial shop on the front ground floor, it does not.

Comment: The proposal includes commercial uses to Victoria Road and at first floor which provide an 'active street frontage'.

Laundry Facilities - Where will tenants hang their washing?

Comment: There are no external areas proposed for clothes drying. It is anticipated that each will have their own washing/drier facility. A condition is imposed to reaffirm that clothes drying is not to occur in external areas.

Waste - Inadequate Waste facilities. Concerns re impact of collection and waste.

Comment: As discussed in this report, the proposed waste storage rooms are considered to be in acceptable locations, with amendment to provide the required number to the different uses. The proposal would likely require the waste bins to be presented along Withecombe Street. There is an onsite Manager proposed as part of the use and it is considered that bin presentation and removal would form part of their duties. The presentation and removal of the bins from Withecombe Street are included as ongoing conditions.

Smoking, Noise & Litter – allocated smoking zone? Noise and pollution.

Comment: There is nothing to suggest that the proposal will result in greater smoking, noise and litter to the area. There is no requirement for this use to provide a 'smoking area' and as a result it is outside the scope of the application to pursue such an area.

Loss of privacy from rear balcony, (including removing screen wall) impact Nos. 1, 3 & 9 Withecombe St

Comment: The proposal does not include any works to the proposed balconies as a result the existing situation is not altered. Notwithstanding this, it is considered appropriate screening could be applied to resolve this issue.

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 area discussed in this report and their conditions included in the recommendation.

- Heritage Officer
- Development Engineer
- Health
- Building

6(b) External

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

7. Section 94 Contributions

Section 94 contributions are not payable for the proposal.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in State Environmental Planning Policy (Affordable Rental Housing) 2009, 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 the issue of a deferred commencement consent subject to the imposition of appropriate terms and conditions.

9. Recommendation

- A. The variation to Clause 4.4 Floor Space Ratio of Leichhardt Local Environmental Plan 2013 be supported under the provisions of Clause 4.6 exceptions to development standards and Clause 30(1)(h) of State Environmental Planning Policy (Affordable Rental Housing) 2009 be supported under the provisions of State Environmental Planning Policy No. 1- Development Standards
- B. That Council, as the consent authority pursuant to s80 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No: D/2017/98 for alterations to the existing building and change of use to a mixed use development containing a boarding house and commercial tenancies at 114 Victoria Road, Rozelle subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

DEFERRED COMMENCEMENT

1. The following deferred commencement conditions must be complied with to the satisfaction of Council, prior to the issue of an operational Development Consent.
 - a) Details of all finished internal and external surface materials, including colours and textures, as prepared by the nominated Heritage Architect, must be provided to the Council for approval.
 - b) A Heritage Interpretation strategy in the form of vandal and weather resistant plaque/s are to be provided to the front façade and/or within the front entry foyer of the building which give a brief history of the main historic occupants of the building. The must be prepared by a suitably qualified heritage consultant in accordance with NSW Heritage Guide on Heritage Interpretation Policy (www.heritage.nsw.gov.au). The strategy must detail how information on the history and significance of the site will be provided for the public and make recommendations regarding public accessibility, signage and lighting, art, details of the heritage design or the display of selected artefacts are some means that can be used. Only lighting and signage (300mm x 300mm – Max 2 signs) may be placed externally without obtaining approval for modifications to this consent under Section 96 of the Environmental Planning and Assessment Act 1979. The interpretation strategy is to be completed by a suitably qualified consultant with experience in undertaking interpretation strategies. Two (2) copies of the strategy are to be submitted to Council for approval.
 - c) A stormwater drainage design, incorporating on site stormwater detention and/or on site retention/ re-use facilities (OSR/OSD), prepared by a qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The design must make provision for the following:
 - i) Stormwater runoff from all roof areas must be collected in a system of gutters, pits and pipelines and be discharged by gravity directly into Council's piped drainage system in Withecombe Street, with the exception of existing roof areas that drain to Victoria Road.
 - ii) Calculations must be submitted in support of the flow rates and storage volumes, demonstrating that the post development flows for the 100 year ARI storm are restricted to the pre development flows for the 5 year ARI storm event in accordance with Section E1.2.3 (C2 and C3) of Council's DCP2013.
 - iii) Where on-site retention tanks are proposed in lieu of on-site detention, the system must be connected to a pump system for internal reuse for laundry purposes, the flushing of all toilets and for outdoor usage such as irrigation.
 - iv) An overland flowpath must be provided within the setback to the northern boundary between the on-site detention / retention system and the rear of the dwelling to provide for surface flows in the event of surcharge.

- v) The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system.
- vi) 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.

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

- d) Documentary evidence that the property benefits from a drainage easement over the downstream property to the Council piped drainage system in Withecombe Street must be submitted to Council. This documentary evidence must entail details that the easement has been registered with NSW Land and Property Information.

Where there is no existing drainage easement over the downstream property, the appropriate drainage easements must be created prior to the consent being made operational.

The easement must have a minimum width of 1000mm and must be located centrally over the pipeline. The easement must be registered on the title of the relevant lot(s) with the NSW Department of Lands.

Proof of registration of the easement with NSW Land and Property Information must be provided to Council prior to the issue of an Operational Consent.

The operational Development Consent will be issued by Council (in writing) after the applicant provides sufficient information to satisfy Council in relation to the conditions of the deferred commencement consent.

If the applicant fails to satisfy Council as to the above matters within 5 years from the date of determination this consent will lapse.

CONDITIONS OF CONSENT

2. Development must be carried out in accordance with Development Application No. D/2017/98 and the following plans and supplementary documentation, except where amended by the conditions of this consent.

Plan Reference	Drawn By	Dated
00 Issue L - Site Plan	Pagano Architects	02/05/2017
02 Issue P – Ground Floor Plan	Pagano Architects	02/05/2017
03 Issue O – Level 1 Floor Plan	Pagano Architects	02/05/2017
04 Issue O – Lower Ground Floor Plan	Pagano Architects	02/05/2017
05 Issue M – North East and South West Elevations	Pagano Architects	02/05/2017
06 Issue N – North West Elevation	Pagano Architects	08/05/2017
07 Issue M – South East Elevation	Pagano Architects	02/05/2017
08 Issue N – Section 1	Pagano Architects	02/05/2017
09 Issue N – Section 2	Pagano Architects	02/05/2017

10 Issue N – Section 3	Pagano Architects	02/05/2017
11 Issue M – Stairway Platform Lift Detail	Pagano Architects	02/05/2017
22 Issue H – Ground Floor Demolition Plan	Pagano Architects	02/05/2017
23 Issue G – Level 1 Demolition Plan	Pagano Architects	02/05/2017
24 Issue G – Lower Ground Floor Demolition Plan	Pagano Architects	02/05/2017
Document Title	Prepared By	Dated
Acoustic Certificate	Acoustic Noise & Vibration Solutions P/L	02/03/2017
Plan of Management	GAT & Associates	-
Hydraulic Details	Ana Civil Pty Ltd	01/03/2017
Heritage Impact Statement	NBRS Architecture	24/02/2017
Heritage Fabric Analysis	NBRS Architecture	21/04/2017

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.

3. Consent is granted for the demolition on the property, 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

- 4. Amended plans are to be submitted incorporating the following amendments:
 - a) The timber balustrade and stairs are indicated on the plans as requiring to be upgraded to comply with Building Code of Australia requirements which is contrary to the heritage information submitted with this development application. Accordingly, the timber staircase and balustrade to the first floor level is required to be retained/conserved in its existing condition/form.
 - b) The deletion of any required physical fire protection measures to the existing/original windows.
 - c) The residential waste storage room must be increased to have a minimum floor area of 5.2m² and sized to accommodate the following number of bins:

- 4x240L red lid bin for garbage
- 1x240L yellow lid bin for recycling of comingled containers
- 1x240L blue lid bin for paper & cardboard

The Non-Residential waste storage room may be reduced in size to accommodate the increased residential waste storage.

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.

5. Any air conditioning unit on the site must be installed and operated at all times so as not to cause "Offensive Noise" as defined by the Protection of the Environment (Operations) Act 1997.

The system/s shall be operated as follows:

- a) Domestic air conditioners must not be audible in nearby dwellings between:
 - i) 10:00pm to 7:00am on Monday to Saturday: and
 - ii) 10:00pm to 8:00am on Sundays and Public Holidays.
- b) At any other time the systems and associated equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background $L_{A90, 15min}$ noise level, measured in the absence of the noise source/s under consideration by 5dB(A).

The source noise level shall be assessed as an $L_{Aeq, 15min}$ and adjusted in accordance with the NSW Environment Protection Authority's Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).

Air conditioning units must be installed in accordance with plans referenced in condition 1 or to satisfy provisions of the State Environmental Planning Policy (Exempt & Complying Codes) 2008.

Details demonstrating compliance with the requirements of this condition and the acoustic measures to be employed to achieve compliance with this condition are to be submitted for approval to the Principal Certifying Authority prior to the issue of any Construction Certificate.

6. 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.
7. In accordance with the provisions of Section 81A 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.

8. 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.

9. 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.

10. 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.

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.

11. 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.

12. 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.
- f) 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.

13. 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.

14. 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.

15. 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.

16. An experienced suitably qualified & experienced Heritage Architect must be commissioned to assist and to provide advice on the following elements of the approved development, and to oversee the construction works for the duration of the project:

- a) To oversee the conservation of all of the historic (internal & external) architectural features of the building as identified within the "Fabric Analysis" submitted with this Development Application which forms part of this consent.
- b) To prepare and oversee the internal and external repainting scheme for the subject building which is to be based upon either the original paint scheme (determined from paint scrapes) or a revised scheme appropriate for the construction period/architectural styling of the subject building.
- c) Any alternative fire protection measures for the building that do not adversely impact the historic & aesthetic significance of the subject building.

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.

17. The existing unpainted brick surfaces are not to be painted, bagged or rendered but to remain as original brick work. The Construction Certificate plans must clearly depict all original brickwork with a notation that they are to remain unpainted to the satisfaction of the Principal Certifying Authority.
18. Prior to the commencement of demolition or any works or issue of a Construction Certificate (whichever occurs first), the Principal Certifying Authority shall be satisfied that an Archival Record has been completed and 3 copies have been submitted to Council for the following properties:

Address/Building

No.114 Victoria Road, Rozelle.

The report must be prepared by a suitably qualified and experienced heritage consultant, be consistent with the Heritage Office 'Photographic Recording Of Heritage Items Using Film Or Digital Capture' and must contain the following minimum requirements:

- a) Title page with subject, author, client, date, copyright etc.
- b) Statement of why the record was made
- c) Outline history of the item and associated sites, structures and people.
- d) Statement of heritage significance of the items in accordance with the Burra Charter and the Heritage Inventory.

- e) Inventory of archival documents related to the item and their location (eg company records, original drawings, photography), when available.
- f) Location plan showing relationship to surrounding geographical features, structures, roads etc. Include a north point.
- g) Floor plans/site plans cross-referenced to photographs and showing the order & orientation in which the photos were taken. Name the relevant features, structures and spaces. Show a north point.
- h) Photographic record, labelled and cross-referenced to floor / site plans and accompanied by informative catalogues and two copies of proof sheets. Images should include:
 - View to and from the site (possible from four compass points)
 - Views showing relationships to other relevant structures, landscape features and movable items.
 - All external elevations.
 - Views of all external and internal spaces (e.g. courtyards, rooms, roof spaces etc).
 - External and internal detail (e.g. joinery, construction joints, decorative features, paving types etc).

Selected prints to give an overall picture of the item may be required. They should be mounted and labelled.

- i) Colour slides/archival quality prints. One set of slides mounted in archival stable slide pockets or 10.5 x 14.8cm prints on archival quality paper and archivally stable inks, clearly labelled and cross-referenced to base plans. Images should include:
 - Views to and from the site and/or the heritage item.
 - Views and details of external and internal elements and colour schemes as appropriate.

Two (2) hard copies and one (1) electronic copy (including digital copies of images – not scanned copies) of the report must be submitted to Council; one of the hard copies shall contain negatives (if using film) or DVD with digital copies of photos (if using digital). A written acknowledgment from the Consent Authority (Leichhardt Council) must be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or commencement of works (whichever occurs first).

19. The applicant shall obtain advice at the time of the assessment of the construction certificate, for the development of a design brief and an alternative solution which uses a combination of active and passive measures addressing

Part C of the BCA to protect the openings of the building from the spread of fire, as the use of heat attenuation screens are not supported. The access consultant shall provide an alternative solution to ensure that the internal stairs are maintained in the original condition.

20. A stormwater drainage design, incorporating on site stormwater detention and/or on site retention/ re-use facilities (OSR/OSD), prepared by a 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 approved under the Deferred Commencement Condition.
 - b) Comply with Council's Stormwater Drainage Code.
 - c) Charged or pump-out stormwater drainage systems are not permitted.
 - d) The design must make provision for the natural flow of stormwater runoff from uphill/upstream properties/lands. The design must include the collection of such waters and discharge to the Council drainage system.
 - e) All plumbing within the site must be carried out in accordance with Australian Standard *AS/NZS3500.3.2003 Plumbing and Drainage – Stormwater Drainage*.
 - f) The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system.
 - g) 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.
 - h) An inspection opening or stormwater pit must be installed inside the property adjacent to the boundary for all stormwater outlets.
 - i) All redundant stormwater pipelines within the footpath area must be removed and the footpath and kerb reinstated.
 - j) 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.
 - k) Where on-site retention tanks are proposed in lieu of on-site detention, the system must be connected to a pump system for internal reuse for laundry purposes, the flushing of all toilets and for outdoor usage such as irrigation.

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.

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

- 21. Prior to the commencement of demolition works on the subject site or a Construction Certificate being issued for works approved by this development consent (whichever occurs first), a security deposit and inspection fee as detailed below must be paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works.

Security Deposit (FOOT)	\$3,364.44
Inspection fee (FOOTI)	\$219.00

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

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

Should any of Council’s property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council’s assets or the environment at risk, Council may carry out any works necessary to repair the damage and/or remove the risk. The cost of these works will be deducted from the security deposit.

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

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

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

- 22. The LA10* noise level emitted from the premises must not exceed the background noise level in any octave band centre frequency (31.5Hz– 8k Hz inclusive) by more than 5dB between 7:00 am and 12:00 midnight at the boundary of any affected residence.

The LA10* noise level emitted from the premises must not exceed the background noise level in any octave band centre frequency (31.5Hz – 8k Hz inclusive) between 12:00 midnight and 7:00am at the boundary of any affected residence.

Notwithstanding compliance with the above, the noise from the premises must not be audible within any habitable room in any residence between the hours of 12:00 midnight and 7:00am.

*For the purposes of this condition, the LA10 can be taken as the average maximum deflection of the noise emission from the licensed premises or restaurant.

Details of the acoustic measures to be employed to achieve compliance with this condition must be provided prior to the issue of a Construction Certificate. Such measures must be in accordance with the approved acoustic report and plans.

23. To ensure that adequate provision is made for ventilation of the building, mechanical and/or natural ventilation shall be provided.

The ventilation systems are to be designed, constructed and operated in accordance with the:

- The Building Code of Australia,
- Australian Standard AS 1668 Part 1 – 1998,
- Australian Standard AS 1668 Part 2 – 2012,
- Australian Standard 3666.1 – 2011,
- Australian Standard 3666.2 – 2011; and
- Australian Standard 3666.3 - 2011.

Details demonstrating compliance with the requirements of this condition are to be submitted to the Principal Certifying Authority prior to the release of a Construction Certificate. The system must be located in accordance with the approved plans and/or within the building envelope, design and form of the approved building. The system must not remove any heritage fabric as identified as moderate or high significance in the approved Fabric Analysis and must be certified by the Heritage Consultant engaged as per the conditions of this consent. Any modifications to the approved plans required to house the system must be the subject of further approval from Council (the consent authority).

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. Should works require any of the following on public property (footpaths, roads, reserves), an application shall be submitted and approved by Council prior to the commencement of the works associated with such activity or the Construction Certificate (whichever occurs first)
- a) Work/Construction zone (designated parking for construction vehicles). – A Work Zone application

- b) A concrete pump across the roadway/footpath. – A Standing Plant permit
- c) Mobile crane or any standing plant – A Standing Plant Permit
- d) Skip bins other than those authorised by Leichhardt Council – Skip Bin Application
- e) Scaffolding/Hoardings (fencing on public land) – Scaffolding and Hoardings on Footpath Application
- f) Road works including vehicle crossing/kerb & guttering, footpath, stormwater provisions etc – Road works Application
- g) Awning or street verandah over footpath. – Road works Application
- h) Installation or replacement of private stormwater drain, utility service or water supply – Road Opening Permit

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

25. All plant and associated equipment must be located within the approved building envelope and is not be located on the roof. Details on the location of all plant and equipment must be consistent with the approved plans and provided prior to the issue of a Construction Certificate.

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

26. Prior to the issue of any Construction Certificate, a Plan of Management is to be prepared for the premises to the satisfaction of Council. The plan shall include detail to manage the requirements detailed as follows:

- 1. The maximum number of boarders and lodgers (including Manager's/Caretaker's room)
 - a) The boarding house component is to contain a maximum of 16 persons (not including children under the ages of 5 years), being no more than 2 persons per designated bedroom.
 - b) The occupier of premises must not allow any room or cubicle in the premises to be used for the purpose of sleeping accommodation unless the room or cubicle has a floor area of 5.5 square metres or more for each person sleeping in it (in the case of long-term sleeping accommodation) or 2 square metres or more for each person sleeping in it (in any other case)

Note The Public Health Regulation 2012 provides that long-term sleeping accommodation means accommodation that is provided to the same person for a period of more than 28 consecutive days

- 2. Notices
 - a) A sign (300mm x 300mm) indicating the permissible maximum length of time during which a person may board or lodge in the premises much be conspicuously displayed to public view outside the premises.

- b) A schedule showing the numeral designating each bedroom and dormitory and the number of person permitted to be accommodated in each must be conspicuously displayed within the premises.
 - c) Each bedroom must be numbered in accordance with the schedule and there must be displayed clearly on the door of or in in each bedroom the maximum number of persons allowed to be accommodated in the bedroom.
 3. Light and ventilation
 - a) Adequate light and ventilation must be maintained at all times in the premises.
 - b) All partitions forming cubicles in a dormitory must be adequately constructed and provide adequate ventilation.
 4. Kitchen facilities
 - a) Any kitchen facilities and utensils for the storage or preparation of food must be kept in a clean and healthy condition, in good repair, free from foul odours and, as far as practicable, free from dust, flies, insects and vermin.
 - b) The floor of any kitchen must have an approved impervious surface and be kept in a clean and health condition, in good repair
 5. General cleanliness
 - a) All parts of the premises and all appurtenances (including furniture, fittings, bedsteads, beds and bed linen) must be kept in a clean and healthy condition, and free from vermin.
 - b) Pans, receptacles or other waste storage devices must be kept covered and all waste must be deposited in appropriate pans, receptacles or other waste storage devices.
 6. Long term residences

If the place is one in which persons may board or lodge for 7 days or longer, an adequate number of beds (each provided with a mattress and pillow and an adequate supply of clean blankets or equivalent bed clothing), adequate storage space and blinds, curtains or similar devices to screen bedroom and dormitory windows for privacy must be provided for the occupants.
 7. Complaints Register

A Complaint register is to be prepared and kept up to date by the on site manager. All complaints are to be attended to in an appropriate and respectful manner immediately to eliminate further complaint. The lodger who caused the complaint is to be consulted by the manger so as to prevent reoccurrence of such complaint. If the complaint comes from a neighbour, the manager must advise the neighbour of the action taken. The complaints register is to be made available forthwith upon written request from the Council. House rules also include rules regarding keeping of pets, use of bicycle and motorcycle spaces, use of alcohol and drug, emergency contact details for tenants.
 8. Fire Safety
 - a. An appropriate emergency management and fire evacuation plan is provided in the Annexure B which is to be displayed in prominent positions on each level.
 - b. All fire safety facilities of the building are to be regularly maintained in accordance with the statutory requirements.
 - c. A copy of the annual fire safety statement and current fire safety schedule for the boarding house is to be prominently displayed.

- d. A floor plan is to be fixed to the inside door of each boarding room to show the available emergency egress routes from the respective boarding room.
- e. Emergency contact numbers including Fire and Rescue, Ambulance Services and Police and utility services contact details including gas, electricity and plumbing.
- f. All staff is to be trained in the operation of the emergency management and fire evacuation plan.
- g. Smoking is permitted in the open space only, but is prohibited throughout the indoor areas of the boarding house such as individual boarding rooms and common living room.
- h. The use of naked flames such as candles is prohibited.
- i. No material is to be placed to obstruct a passageway, a pathway or the operation of a door.

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

27. 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. **This includes the existing rear balconies at first floor.**

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.

28. 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.

29. 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.

30. Any person or contractor undertaking works on public property must take out Public Risk Insurance with a minimum cover of ten (10) million dollars in relation to the occupation of, and approved works within public property. The Policy is to note, and provide protection for Leichhardt 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.
31. 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.
32. 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.
33. 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

34. 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.

35. 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.

36. The site must be appropriately secured and fenced at all times during works.
37. All fill used with the proposal shall be virgin excavated material (such as clay, gravel, sand, soil and rock) that is not mixed with any other type of waste and which has been excavated from areas of land that are not contaminated with human made chemicals as a result of industrial, commercial, mining or agricultural activities and which do not contain sulphate ores or soils.

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

38. 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.

39. 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.
40. 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.

41. The development must be inspected at the following 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.
42. 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.
43. 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.

44. 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

45. 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.

46. 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.

47. 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.

48. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and plumbing section on the web site www.sydneywater.com.au then refer to "Plumbing, building & developing".

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

49. A report prepared by a suitably qualified Acoustic Consultant shall be submitted to Council certifying that the development complies with the requirements of (as relevant):

- State Environmental Planning Policy (Infrastructure) 2007
- conditions of development consent; and
- recommendations of Acoustic Certificate dated 02/3/2017.

The report shall include post construction validation test results.

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

50. The Heritage Interpretation Strategy is to be completed and installed. Documentary evidence is confirm this is to be included as part of the Occupation Certificate.

51. Attached to the Development Consent is a Fire Safety Schedule which has been issued in accordance with clause 168(1)(a) of the Environmental

Planning & Assessment Regulation 2000. The Principal Certifying Authority shall ensure the existing and proposed fire safety measures are installed and certified to be operating in accordance with the BCA and Australian Standards. A Fire Safety Certificate shall be submitted to the Principal Certifying Authority prior to issue of an Occupation Certificate.

52. 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.

Works-as-executed plans of the stormwater drainage system, certified by a Registered Surveyor, together with certification by a qualified practicing Civil Engineer to verify 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.

The works-as-executed plan(s) must show the as built details in comparison to those shown on the drainage plans approved with the Construction Certificate. All relevant levels and details indicated must be marked in red on a copy of the Principle Certifying Authority stamped Construction Certificate plans.

53. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that an Operation and Management Plan has been prepared and implemented for the on site detention and/or on-site retention/re-use facilities. The Plan must set out the following at a minimum:

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

The Plan must be prepared by a suitably qualified professional and provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

54. Prior to the issue of an Occupation Certificate, a positive covenant must be created under Section 88E of the *Conveyancing Act 1919*, burdening the owner(s) with the requirement to maintain the on-site detention and/or on-site retention/re-use facilities on the property.

The terms of the 88E instrument with positive covenant shall include, but not be limited to, the following:

- a) The Proprietor of the property shall be responsible for maintaining and keeping clear all pits, pipelines, trench barriers and other structures associated with the on-site stormwater detention facilities (“OSD”) and/or on-site retention/re-use facilities (“OSR”).

- b) The Proprietor shall have the OSD and/or OSR inspected annually by a competent person.
- c) The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all pits, pipelines, trench barriers and other structures in or upon the said land which comprise the OSD and/or OSR or which convey stormwater from the said land; and recover the costs of any such works from the proprietor.
- d) The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the OSD and/or OSR, or failure to clean, maintain and repair the OSD and/or OSR.

The proprietor or successor must bear all costs associated in the preparation of the subject 88E instrument. Proof of registration with the NSW Land and Property Information must be submitted to and approved by 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.

ONGOING CONDITIONS OF CONSENT

- 55. 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.
- 56. 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.
- 57. The boarding house is required to be registered on a register administered by NSW Fair Trading within 28 days, where a proprietor takes over an existing, or begins operating a new, registrable boarding house.

Council will carry out initial (within the first 12 months) and on-going inspections in accordance with the Boarding Houses Act 2012 subject to payment of inspection fees as detailed in Council's Fees and Charges schedule.

The boarding house must be operated in accordance with the Boarding Houses Act 2012.

- 58. The use of the premises shall not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the Protection of the Environment

Operations Act 1997 and Regulations. The use of the premises and the operation of plant and equipment shall not give rise to the transmission of a vibration nuisance or damage other premises.

59. The boarding house is not to be subdivided.
60. No clothes drying is to occur in external areas.
61. The chairlift to the entry is to be housed within the site at all times when not in use.
62. The first floor communal space is to be made available to the boarding room lodgers at all times.
63. The Operation and Management Plan for the on-site detention and/or on-site retention/re-use facilities, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.
64. All owners, tenants and occupiers of the residential component (boarding house) of this building are not eligible to participate in any existing or proposed Council Resident Parking Schemes. All occupants and/or employees of this building will be ineligible to obtain Council Resident Parking Scheme parking permits. The owner of the dwelling must advise in writing all intending owners, tenants and occupiers of the dwelling, at the time of entering into a purchase / lease / occupancy agreement, of this prohibition.
65. Signs reading "all owners, tenants and occupiers of the residential units are advised that they are not eligible to obtain Resident Parking Scheme parking permits from Council", must be located in prominent places within the residential area(s) such as at display apartments and on directory boards or notice boards, where they can easily be observed and read by people entering the building. The signs must be erected prior to the issue of an Occupation Certificate being issued and must be maintained in good order at all times.
66. The boarding house is to comply with the Management Plan that forms part of this consent.

Any amendments to the Management Plan are to be submitted to Council for consideration prior to any amendments.

If the operator of the boarding house alters from the operator nominated in the Plan of Management, a new Plan of Management is to be submitted unless it is confirmed in writing that the new operator will comply with the Plan of Management approved as part of this consent.

67. The boarding house is to have maximum of 16 adult lodgers at any one time.
68. The commercial tenancies are only to be open and used for the purpose approved within the following hours.

Days	Hours
Monday to Saturday	7:00am to 7:00pm
Sunday & Public Holidays	9:00am to 6:00pm

69. The waste bins are to be placed for presentation the night before collection and to be removed from the presentation area within 24 hours from collection.
70. To ensure minimal impacts on surrounding properties commercial waste and recyclable material generated by the premises must not be collected between the hours 9pm and 8am.
71. The premises shall not be used for any purpose other than that stated in the Development Application, i.e. boarding house and commercial premises 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 boarding house and commercial premises, 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 80A (11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation

that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

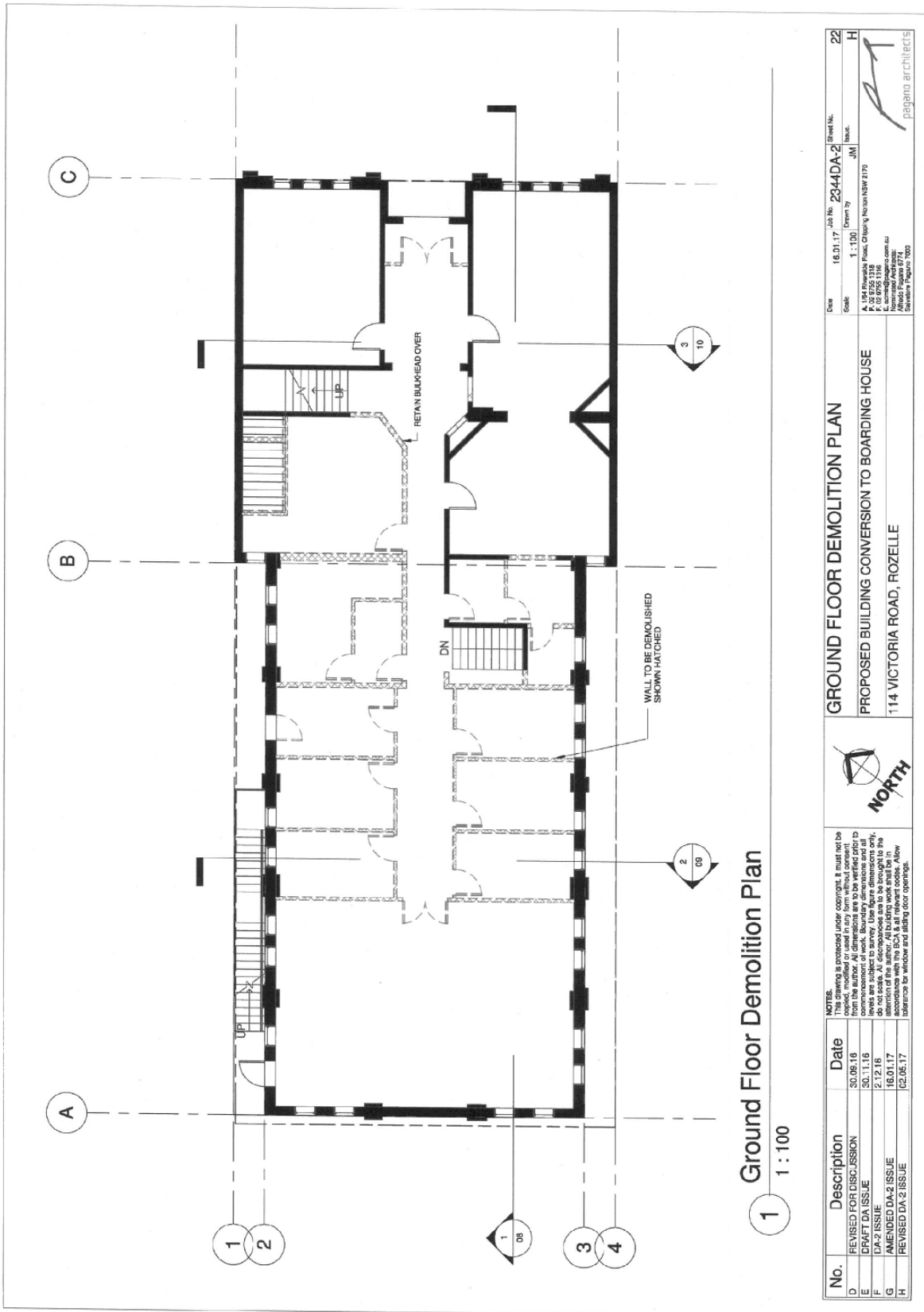
- (a) protect and support the adjoining premises from possible damage from the excavation, and
 - (b) where necessary, underpin the adjoining premises to prevent any such damage.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

NOTES

1. This Determination Notice operates or becomes effective from the endorsed date of consent.
2. Section 82A 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, integrated 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 82A.
3. If you are unsatisfied with this determination, Section 97 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 96 of the *Environmental Planning and Assessment Act 1979*.
6. This decision does not ensure compliance with the *Disability Discrimination Act 1992*. Applicants should investigate their potential for liability under that Act.
7. This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, such as (if necessary):
 - a) Application for any activity under that Act, including any erection of a hoarding.

- b) Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*.
 - c) Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*.
 - d) Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed.
 - e) Application for Strata Title Subdivision if strata title subdivision of the development is proposed.
 - f) Development Application for demolition if demolition is not approved by this consent.
 - g) Development Application for subdivision if consent for subdivision is not granted by this consent.
 - h) An application under the Roads Act 1993 for any footpath / public road occupation. A lease fee is payable for all occupations.
8. Prior to the issue of the Construction Certificate, the applicant must make contact with all relevant utility providers (such as Sydney Water, Energy Australia etc) whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained.

Attachment B – Plans of proposed development



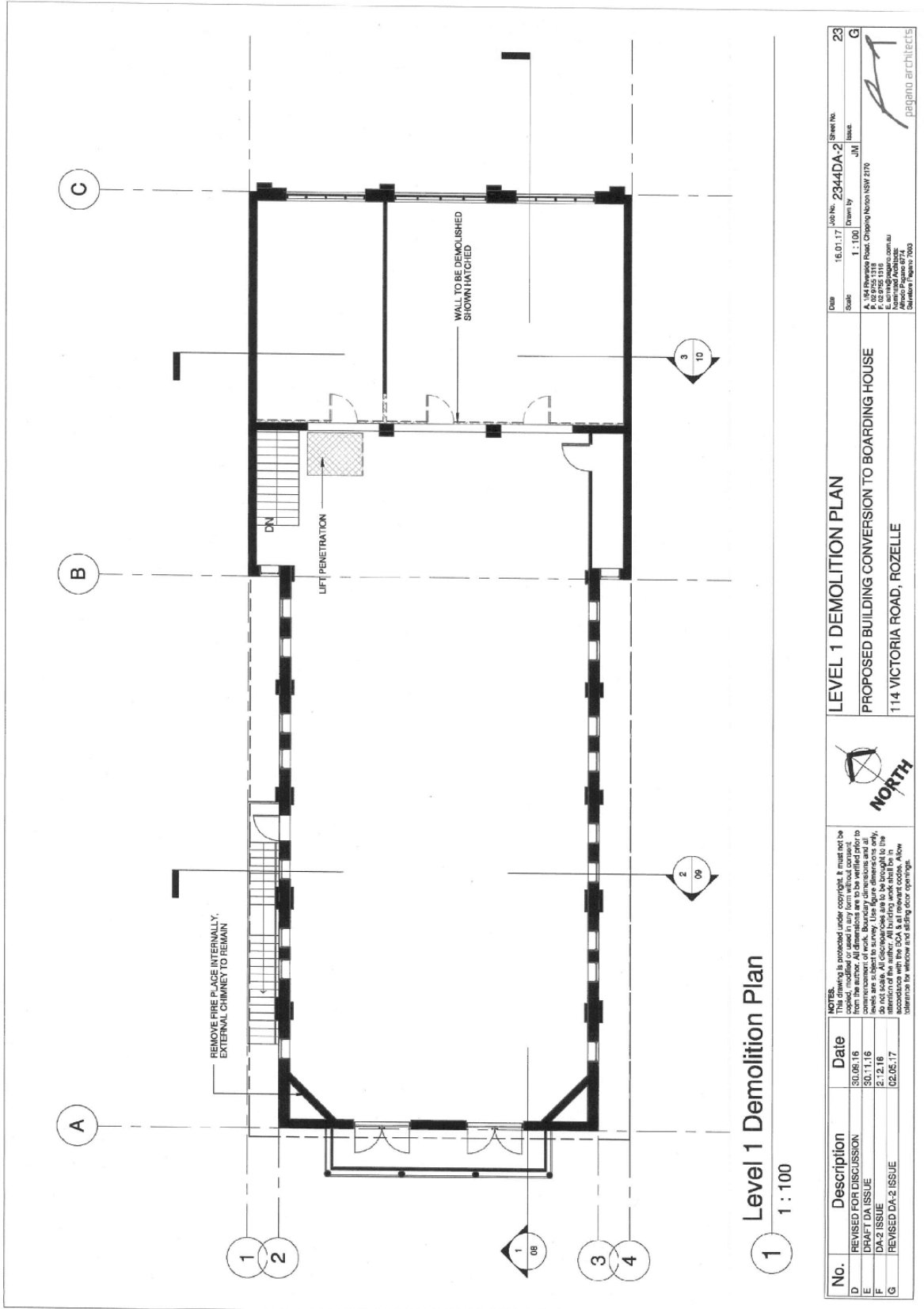
No.	Description	Date
D	REVISED FOR DISCUSSION	30.08.18
E	DRAFT 1 ISSUE	01.10.18
F	DA-2 ISSUE	21.12.18
G	AMENDED DA-2 ISSUE	16.01.17
H	REVISED DA-2 ISSUE	02.05.17

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NORTH

Date	16.01.17	Job No.	2344DA-2	Sheet No.	22
Scale	1 : 100	Drawn by	JM	Issue	H
A. 184 Riverside Road, Chesham NSW 2170 P. 02 8252 3118 F. 02 8252 3118 E. info@pajano.com.au W. www.pajano.com.au Address: P.O. Box 8778 Seaworld Village 7000					
pajano architects					

GROUND FLOOR DEMOLITION PLAN
PROPOSED BUILDING CONVERSION TO BOARDING HOUSE
114 VICTORIA ROAD, ROZELLE

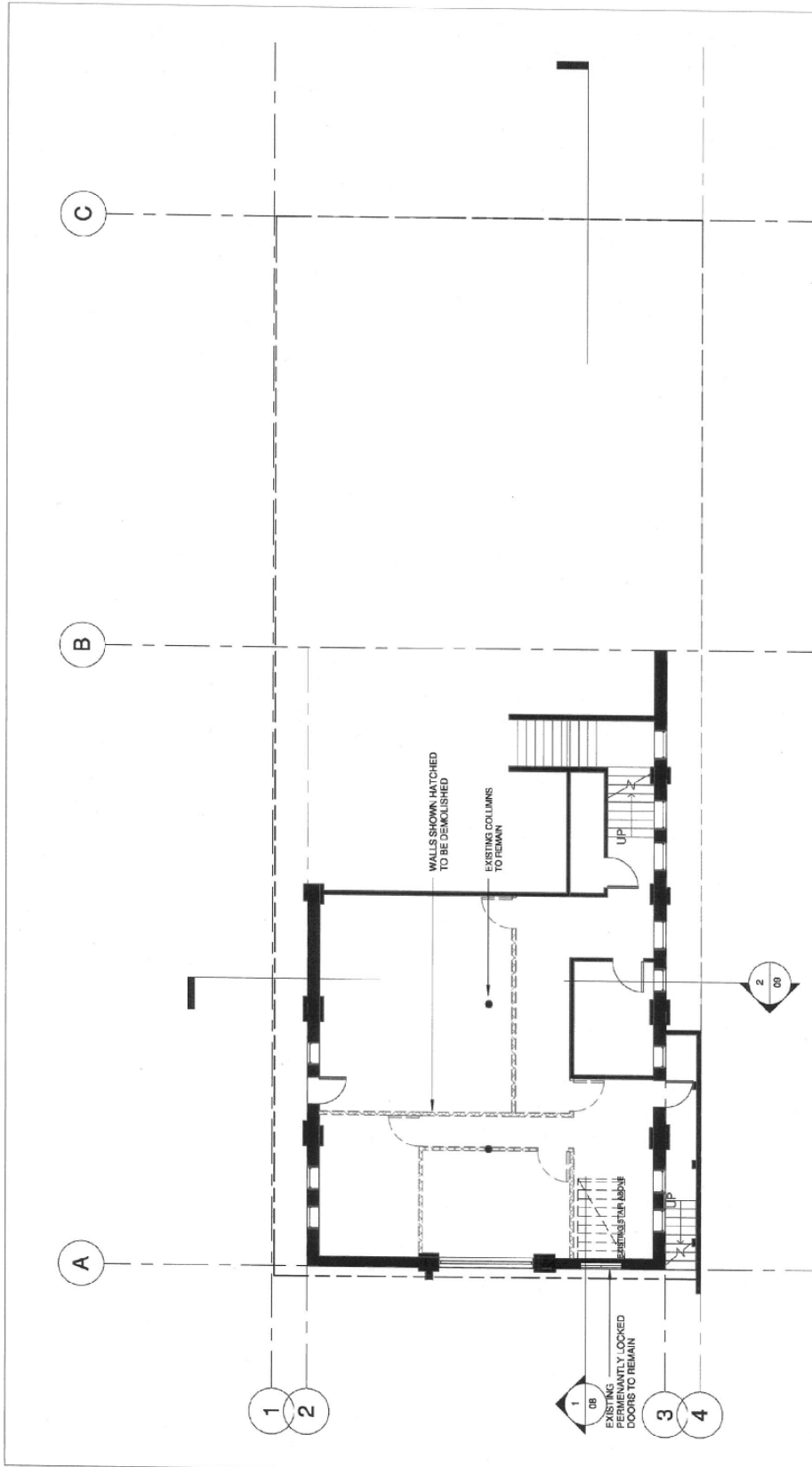


No.	Description	Date
D	REVISED FOR DISCUSSION	30.06.16
E	DRAFT DA ISSUE	30.11.16
F	DA-2 ISSUE	2.12.16
G	REVISED DA-2 ISSUE	02.05.17

Date	16.01.17	Job No.	2344DA-2	Sheet No.	23
Scale	1 : 100 <td>Drawn by</td> <td>JM <td>Issue</td> <td>G </td></td>	Drawn by	JM <td>Issue</td> <td>G </td>	Issue	G
A. 114 Riverside Road, Chipping Norton NSW 2170 P. 02 9755 1318 M. 0411 111 111 www.paganoarchitects.com.au Alison Pagano 0274 222 222 Deborah Pagano 0274 222 222					

LEVEL 1 DEMOLITION PLAN	
PROPOSED BUILDING CONVERSION TO BOARDING HOUSE	
114 VICTORIA ROAD, ROZELLE	

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Lower Ground Floor Demolition Plan

1 : 100

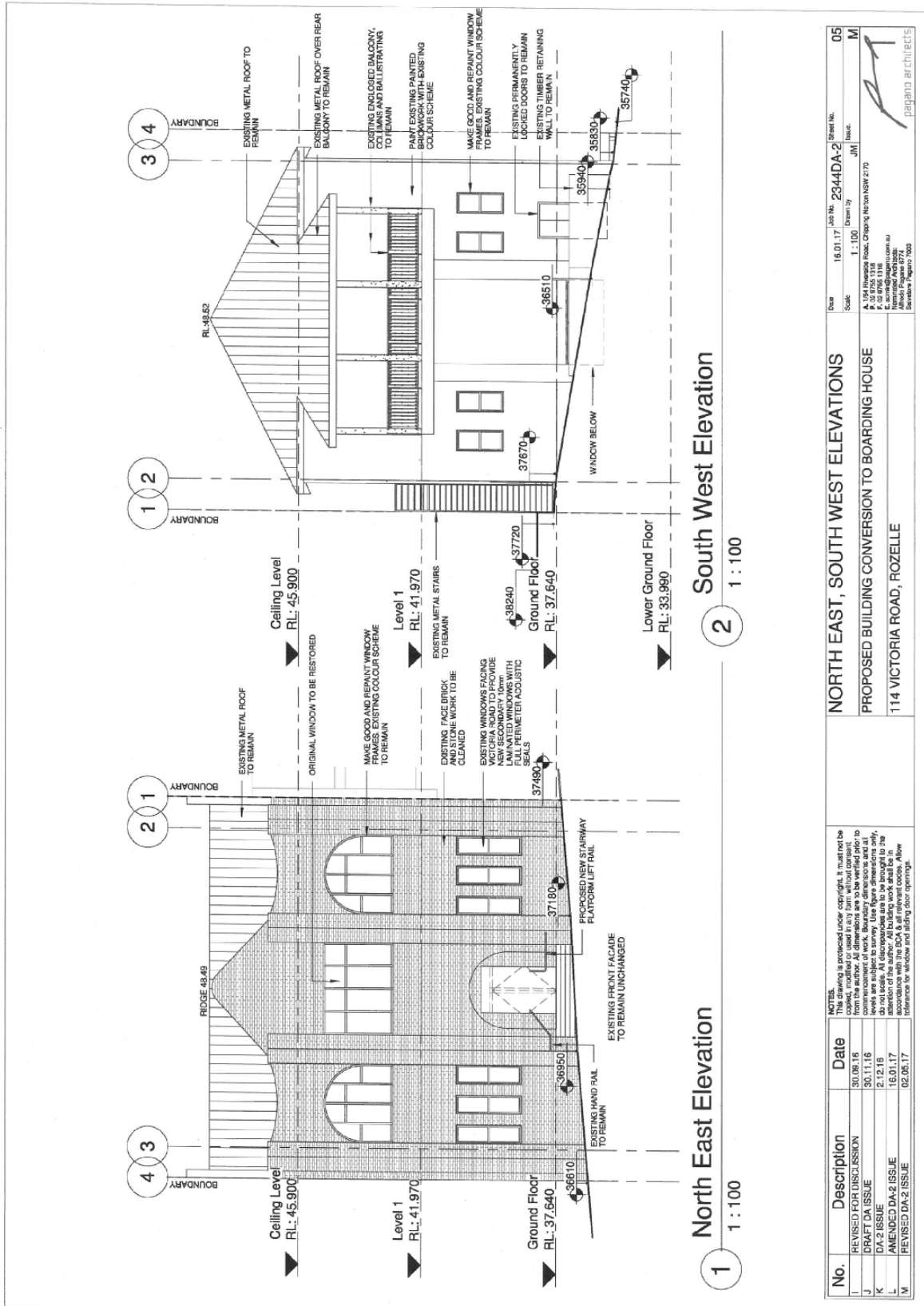
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E	DA-2 ISSUE	2.2.16
F	AMENDED DA-2 ISSUE	16.01.17
G	REVISED DA-2 ISSUE	02.05.17

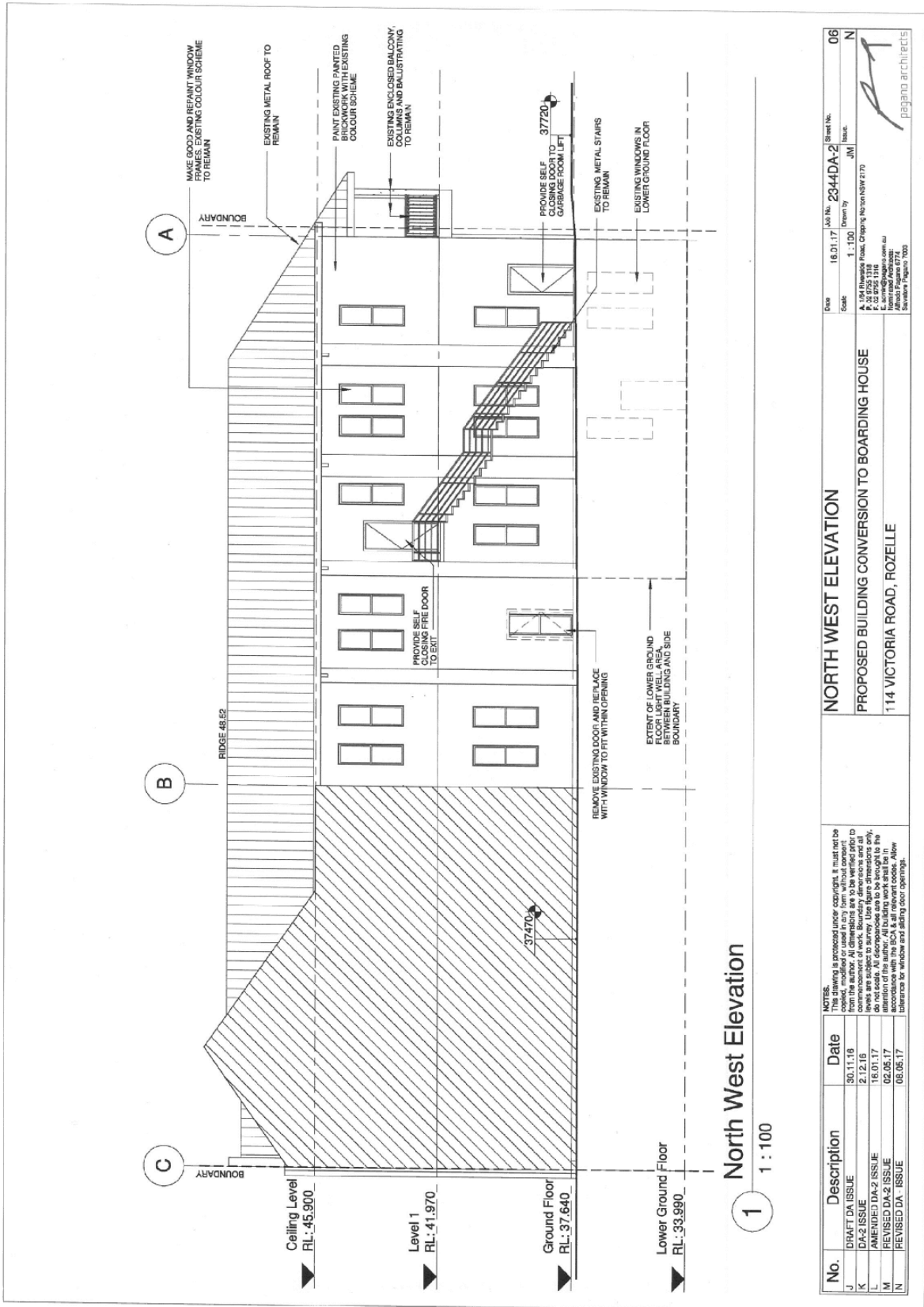
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LOWER GROUND FLOOR DEMOLITION PLAN
 PROPOSED BUILDING CONVERSION TO BOARDING HOUSE
 114 VICTORIA ROAD, ROZELLE

Date: 16.01.17
 Scale: 1 : 100
 Drawing by: J.M.
 Sheet No.: 2344DA-2
 Sheet of: 24

114 Victoria Road, Chipping Norton NSW 2170
 P. 02 9705 6310
 F. 02 9705 6310
 www.paganoarchitects.com.au
 Registered Architects
 Date: 16.01.2003
 pagano architects





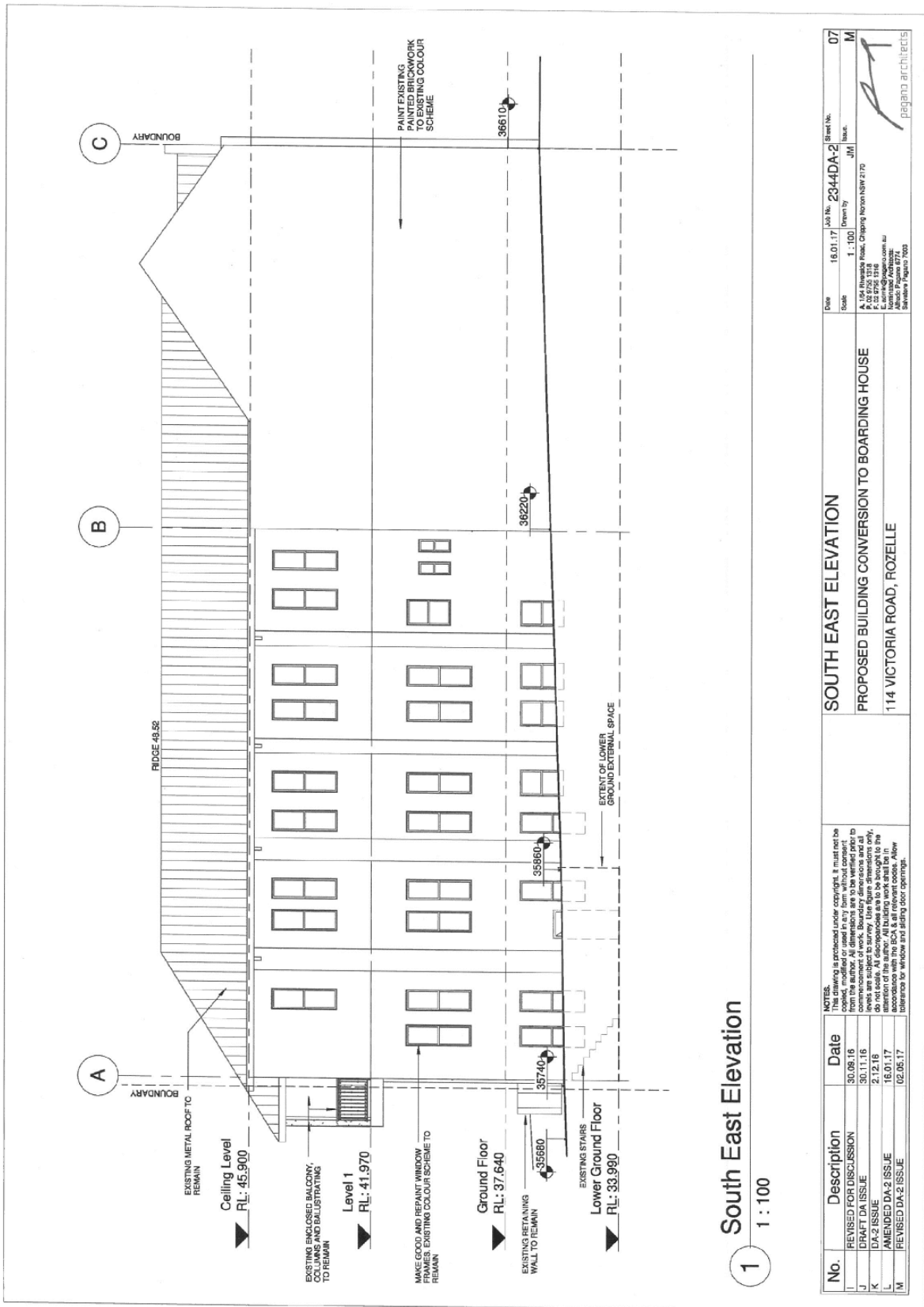
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K	DA-2 ISSUE	2.12.16
L	AMENDED DA-2 ISSUE	16.01.17
M	REVISED DA-2 ISSUE	02.05.17
N	REVISED DA-2 ISSUE	08.05.17

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<p>114 Victoria Road, Rozelle NSW 2170 P 23 825 318 F 23 825 318 E info@pagano.com.au www.pagano.com.au NSW Architect No: 100000000 Services Registered: 7000</p>	<p>06 N pagano architects</p>
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North West Elevation

1 : 100



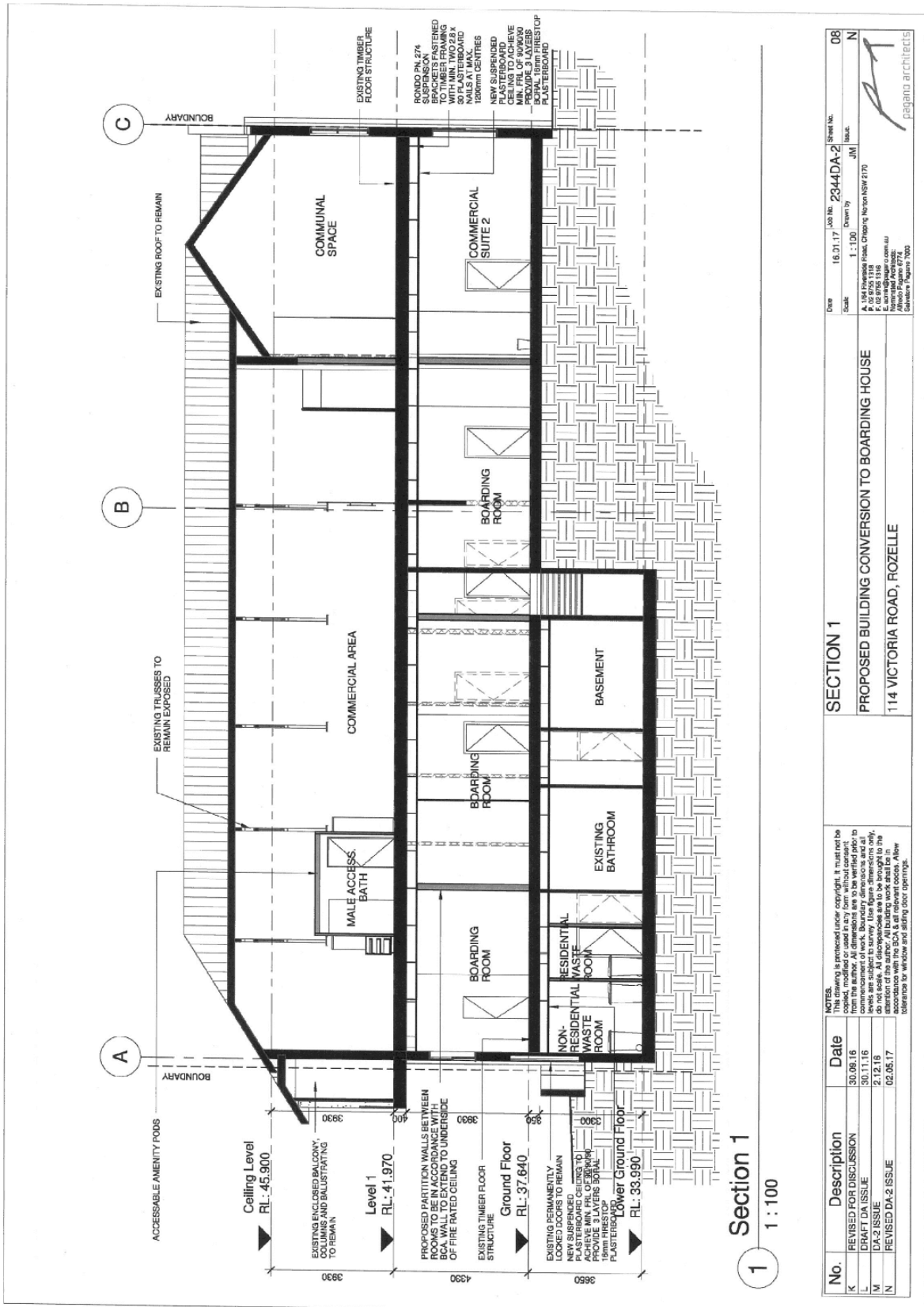
1 South East Elevation

1 : 100

No.	Description	Date
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J	DRAFT DA ISSUE	30.11.16
K	DA-2 ISSUE	2.12.16
L	AMENDED DA-2 ISSUE	16.01.17
M	REVISED DA-2 ISSUE	02.05.17

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Date	16.01.17	Job No.	2344DA-2	Sheet No.	07
Scale	1 : 100	Drawn by	JM	Issue	M
A 154 Riverside Place, Carington NSW 2170 P 02 8251 8118 E info@pagano.com.au M 02 8251 8118 www.pagano.com.au Sydney Page no 7000					



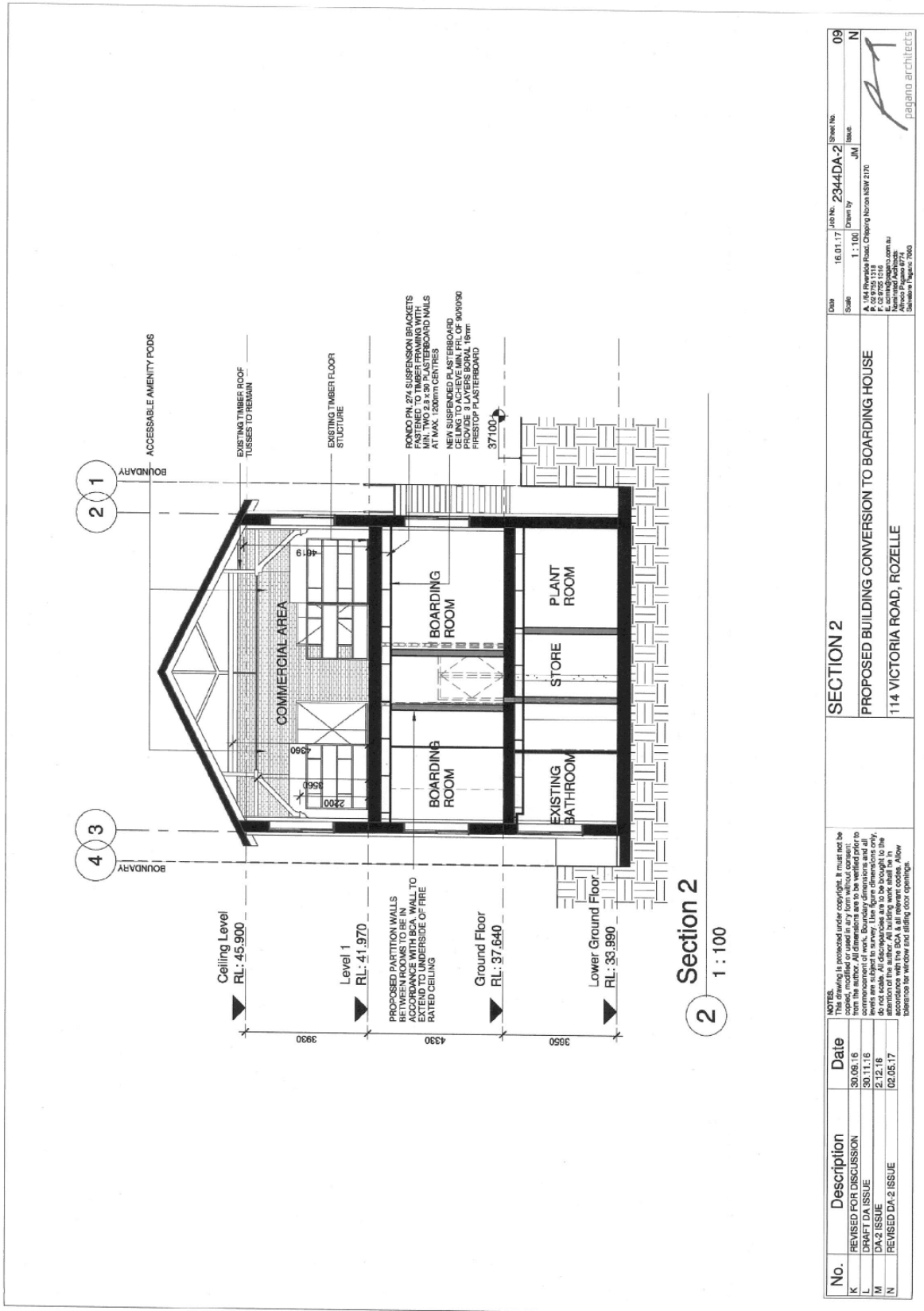
Section 1
1 : 100

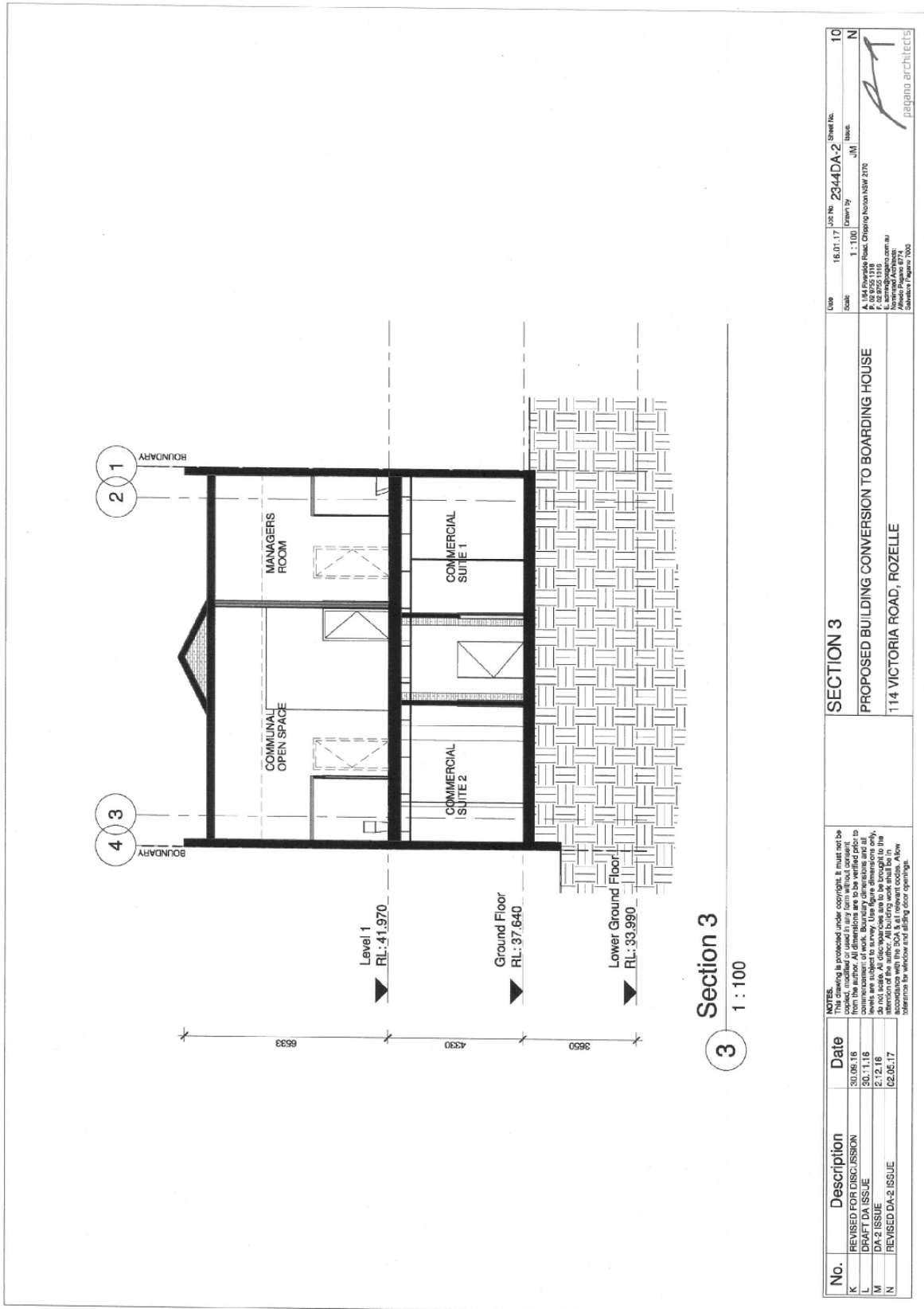
No.	Description	Date
K	REVISED FOR DISCUSSION	30.06.16
L	DRAFT DA ISSUE	30.11.16
M	DA.2 ISSUE	2.12.18
N	REVISED DA.2 ISSUE	02.06.17

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Date:	16.31.17
Job No.:	2344DA-2
Scale:	1 : 100
Drawn by:	JJM
Checked by:	JJM
Sheet No.:	08
Issue:	N

SECTION 1
PROPOSED BUILDING CONVERSION TO BOARDING HOUSE
 114 VICTORIA ROAD, ROZELLE

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No.	Description	Date
K	REVISED FOR DISCUSSION	30.06.16
L	DEVELOPMENT ISSUE	30.11.16
M	DA-1 ISSUE	07.22.16
N	REVISED DA-2 ISSUE	02.02.17

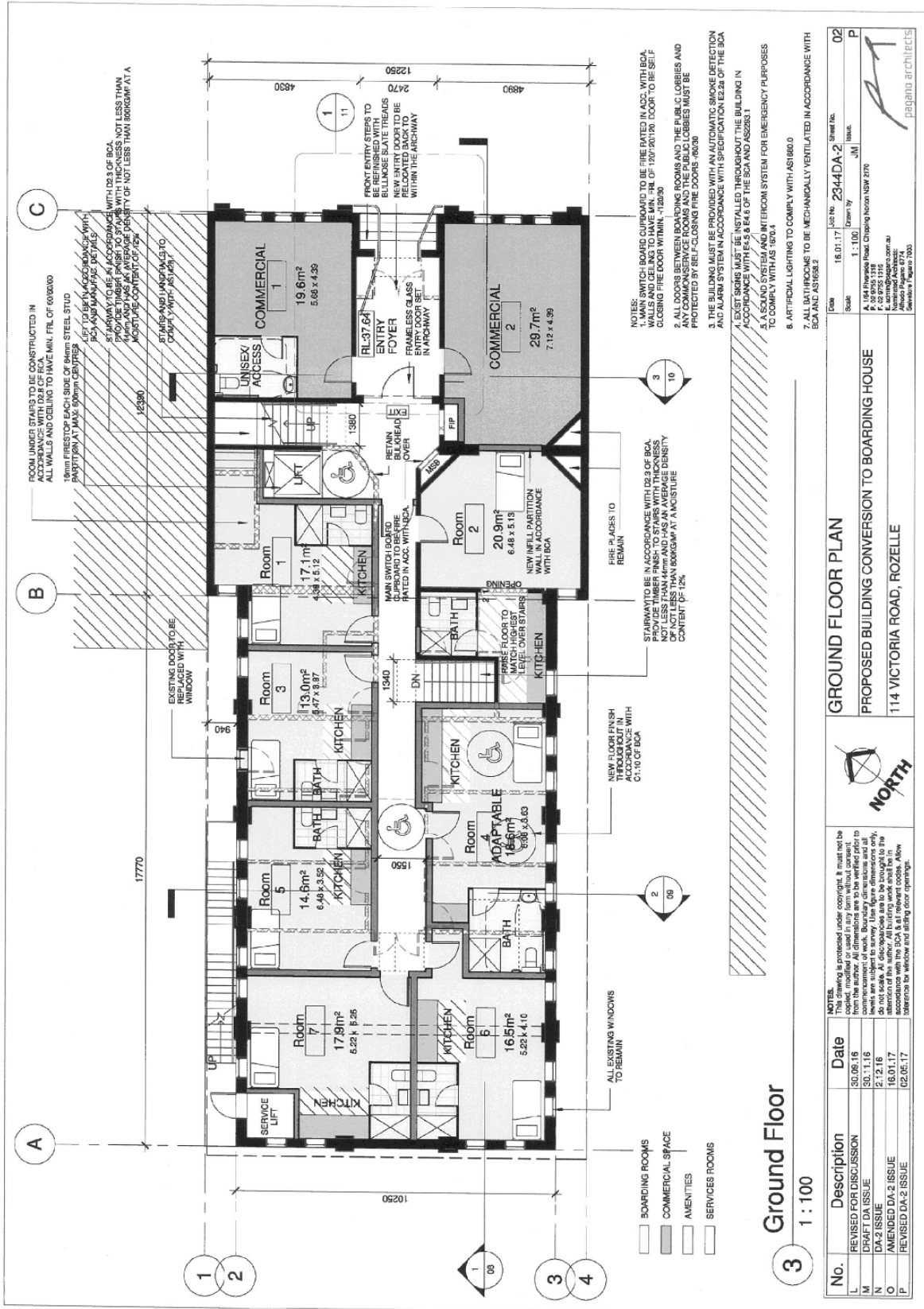
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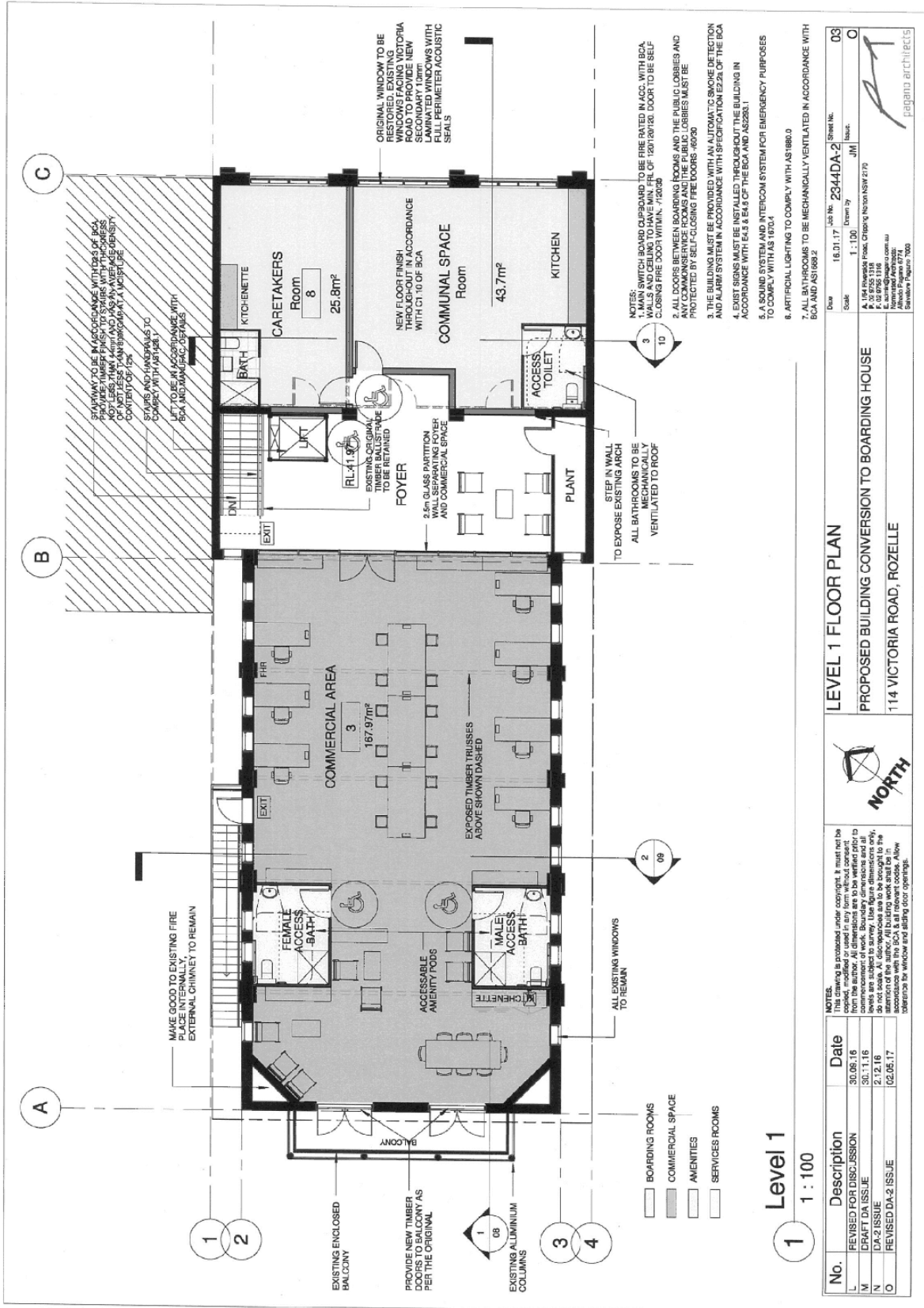
Use	16.01.17	Job No	2344DA-2	Sheet No.	10
Scale	1 : 100	Drawn by	JMN	Issue	N
A. 114 Victoria Road, Chipping Norton NSW 2170 P. 60 925 1118 F. 60 925 1119 E. admin@pagano.com.au Website: www.pagano.com.au Australian Architect No. 12774 Architects Registration No. 2700					

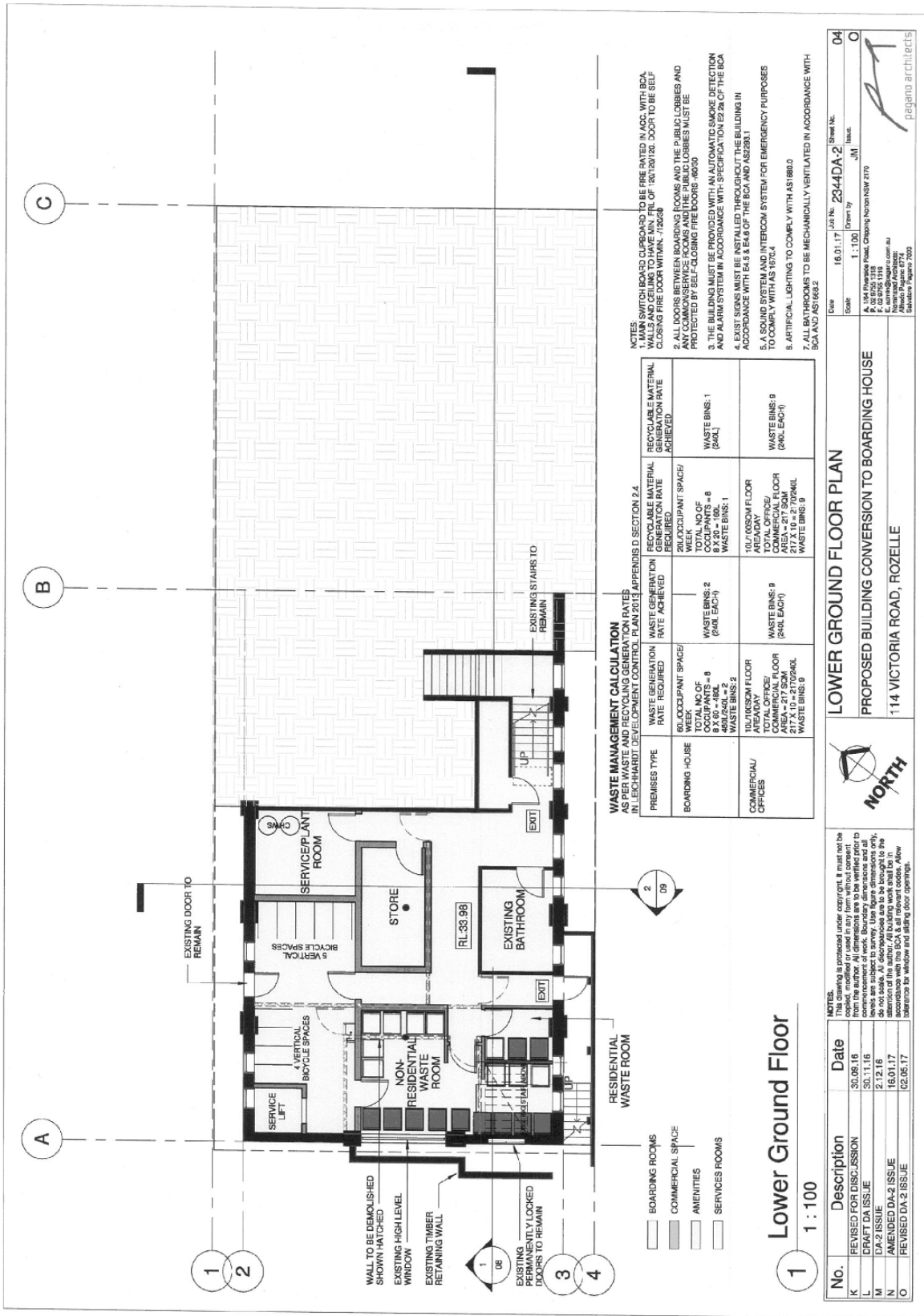
SECTION 3	
PROPOSED BUILDING CONVERSION TO BOARDING HOUSE	
114 VICTORIA ROAD, ROZELLE	

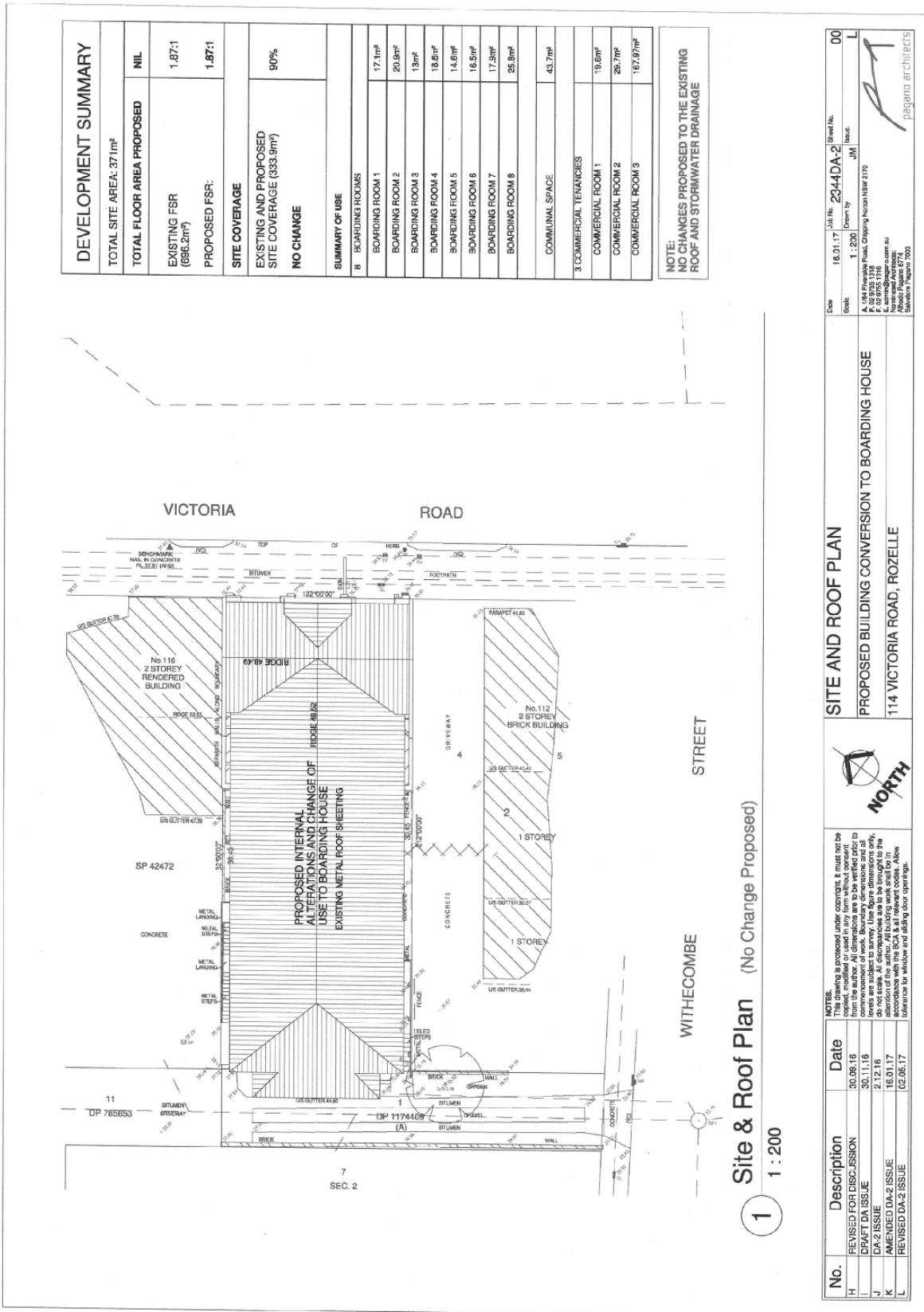
Section 3

1 : 100









DEVELOPMENT SUMMARY	
TOTAL SITE AREA:	37 m ²
TOTAL FLOOR AREA PROPOSED:	NIL
EXISTING FSR (686.2m ²):	1.87:1
PROPOSED FSR:	1.87:1
SITE COVERAGE	
EXISTING AND PROPOSED SITE COVERAGE (683.9m ²):	90%
NO CHANGE	
SUMMARY OF USE	
R BOARDING ROOMS	
BOARDING ROOM 1	17.1m ²
BOARDING ROOM 2	20.9m ²
BOARDING ROOM 3	13m ²
BOARDING ROOM 4	18.6m ²
BOARDING ROOM 5	14.6m ²
BOARDING ROOM 6	16.5m ²
BOARDING ROOM 7	17.5m ²
BOARDING ROOM 8	25.8m ²
COMMUNAL SPACE	43.7m ²
3 COMMERCIAL TENANCIES	
COMMERCIAL ROOM 1	19.6m ²
COMMERCIAL ROOM 2	29.7m ²
COMMERCIAL ROOM 3	167.9m ²

NOTE:
NO CHANGES PROPOSED TO THE EXISTING ROOF AND STORMWATER DRAINAGE

1 Site & Roof Plan (No Change Proposed) 1 : 200

No.	Description	Date
H	REVISED FOR DISCUSSION	30.09.16
I	DRAFT DA ISSUE	30.11.16
J	DA-2 ISSUE	2.12.16
K	AMENDED DA-2 ISSUE	16.01.17
L	REVISED DA-2 ISSUE	02.05.17

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SITE AND ROOF PLAN
PROPOSED BUILDING CONVERSION TO BOARDING HOUSE
114 VICTORIA ROAD, ROZELLE

Date: 16.01.17 Job No: 2344DA-2 Sheet No: 00
Scale: 1 : 200 Drawn by: JMI
A. 104 Riverside Road, Chipping Norton NSW 2170
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L. sarah@pagano.com.au
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Sydney NSW 1500
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