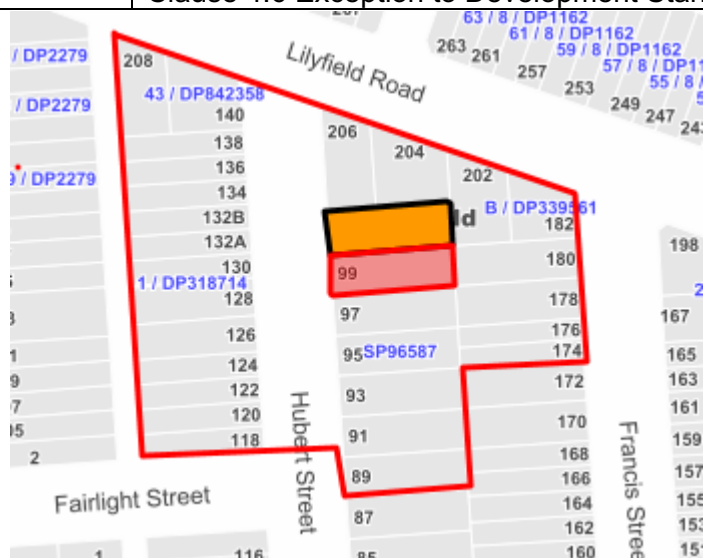




DEVELOPMENT ASSESSMENT REPORT

Application No.	D/2019/424
Address	101 Hubert Street Lilyfield NSW 2040
Proposal	Demolition of existing structures, construction of attached dual occupancy and one garage space with Torrens Title subdivision
Date of Lodgement	31 October 2019
Applicant	Contrive Developments Pty Ltd
Owner	Pasquale Panuccio C/- Contrive Developments Pty Ltd
Number of Submissions	One (1) in objection
Value of works	\$730,620.00
Reason for determination at Planning Panel	Clause 4.6 variation/ Exceeds officer delegation
Main Issues	FSR breach Subdivision breach Height and envelope encroachments
Recommendation	Approval with conditions
Attachment A	Recommended Conditions of Approval
Attachment B	Plans of proposed development
Attachment C	Clause 4.6 Exception to Development Standards



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for demolition of all existing structures, construction of an attached dual occupancy with Torrens title subdivision including one garage space and new fencing at 101 Hubert Street Lilyfield. The application was notified to surrounding properties and one (1) submission was received.

The main issues that have arisen from the application include:

- FSR breach
- Minimum subdivision area requirement breach
- Height and envelope encroachments

The above non-compliances are acceptable on balance given that appropriate conditions can be imposed to minimise the environmental impacts of the development, and therefore the application is recommended for approval.

2. Proposal

The proposal is for the demolition of all existing structures and the construction of two double storey attached dwellings under two separate Torrens title lots.

3. Site Description

The subject site is located on the eastern side of Hubert Street, between Lilyfield Road and Fairlight Street. The site consists of one (1) allotment and is generally rectangular-shaped with a total area of approximately 306.6sqm and is legally described as Lot 90/5 DP1162.

The site has a frontage to Hubert Street of approximately 11 metres.

The site supports a single storey detached masonry dwelling. The adjoining properties support a mix of single and double storey dwellings and dual occupancies, typically original and some newer infill dwellings.

The property is not located within a conservation area.

There are no prescribed trees on the site impacted by the development.

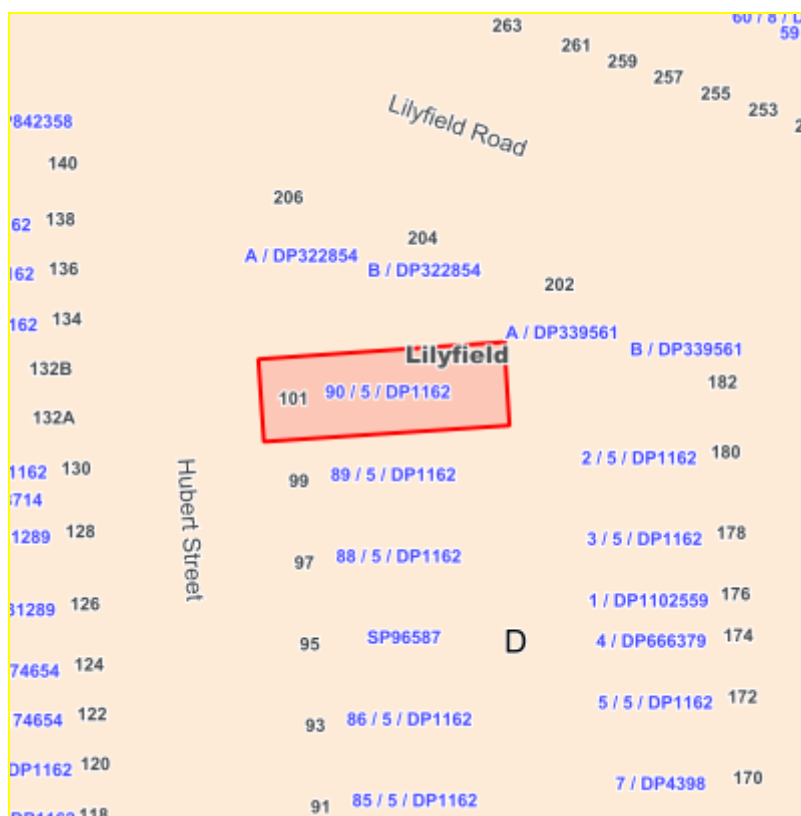


Fig 1: R1 – General Residential Zone

4. Background

4(a) Site history

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

Subject Site

Application	Proposal	Decision & Date
PREDA/2018/324	Alterations and additions to existing dwelling to form and attached dual occupancy with torrens title subdivision.	Issued 1 March 2019

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979.

5(a) Environmental Planning Instruments

The application has been assessed against the relevant Environmental Planning Instruments listed below:

- State Environmental Planning Policy No 55—Remediation of Land
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Leichhardt Local Environmental Plan 2013

- Draft Inner West Local Environmental Plan 2020

The following provides further discussion of the relevant issues:

5(a)(iii) 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 the consent authority to be satisfied that the site “is, or can be made suitable for the proposed use” prior to the granting of consent.

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)(iv) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX Certificate was submitted with the application and is satisfactory.

5(a)(v) 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.

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 2.6 – Subdivision Requirements
- Clause 2.7 – Demolition Requires Development Consent
- Clause 4.3A(3)(a) – Landscaped Area for residential development in Zone R1
- Clause 4.3A(3)(b) – Site Coverage for residential development in Zone R1
- Clause 4.4 – Floor Space Ratio
- Clause 4.5 – Calculation of floor space ratio and site area
- Clause 4.6 – Exceptions to development standards
- Clause 5.9 – Preservation of trees or vegetation
- Clause 5.10 – Heritage Conservation
- Clause 6.1 – Acid Sulphate Soils
- Clause 6.4 – Stormwater management

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

Dwelling A

Standard (maximum)	Proposal	% of non compliance	Compliances
Floor Space Ratio Required: [0.8:1] (Includes garage)	0.85:1 Or 131sqm	6.2% or 22.99sqm	No
Landscape Area	33sqm or 21%	N/A	Yes

Site Coverage	78.8sqm or 51%	N/A	Yes
Subdivision Minimum 200sqm Lot	153.3sqm	23% or 46.7sqm	No

Dwelling B

Standard (maximum)	Proposal	% of non compliance	Compliances
Floor Space Ratio Required: [0.8:1]	0.88.1 Or 136.2sqm	10% or 17.1sqm	No
Landscape Area	52.25sqm or 34%	N/A	Yes
Site Coverage	78.8sqm or 51%	N/A	Yes
Subdivision Minimum 200sqm Lot	153.3sqm	23% or 46.7sqm	No

The following provides further discussion of the relevant issues:

Clause 4.6 Exceptions to Development Standards

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

- Clause 4.1 – Minimum Subdivision lot size
- Clause 4.4 – Floor Space Ratio

The applicant seeks a variation to the Minimum Subdivision lot size in Zone R1 and Floor Space Ratio development standards under Clauses 4.1 and 4.4 of the Leichhardt Local Environmental Plan 2013 by 23% (46.7 sqm – Minimum lot size) for both Dwellings A & B and 6.2% (22.99 sqm – FSR – Dwelling A) and 10% (17.1 sqm – FSR – Dwelling B).

Clause 4.6 specifies that Development consent may be granted for development even though the development would contravene a development standard “to achieve better outcomes for and from development by allowing flexibility in particular circumstances.”

The applicant seeks development consent for demolition, subdivision and construction of two new dwellings. The new dwellings involves a variation to the FSR standard in Clause 4.4 of the LEP and breach of the minimum subdivision lot size.

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.*

Written requests have been submitted by the applicant in compliance with Clause 4.6(3) of the LEP identifying the following key reasoning in seeking to justify the contravention of the standards:

Clause 4.1 – Minimum Subdivision lot size for residential development in Zone R1

- The applicant relies upon Clause 4.6 of LLEP 2013 for a variation to this standard as the proposed subdivision of 153.3sqm (for each allotment) is under the minimum 200sqm (23% or 46.7sqm).

Comment:

- *A permissible form of development will be accommodated on the site and the proposed allotments of land that could accommodate a similar development, notwithstanding the subdivision or the minimum allotment size for that category of development (i.e., the proposed subdivision will not affect the potential of the site in terms of density, in that, two dwellings can be achieved on the site, regardless of what form of title).*

Note: all forms of “residential accommodation” are permitted, however, given the emerging existing and likely future subdivision pattern and character of dwellings in the immediate locality, a Torrens Title subdivision is considered the best option for development.

- *Consideration has been given to the existing amenity and character of the area and it is considered that the proposed development and subdivision is sympathetic and harmonious with adjoining development and will complement the existing character of the locality.*
- *The proposed development and subdivision will enhance the amenity of the residential area through the provision of new housing stock and landscaping.*
- *The proposed development will add to the range of housing in the zone through the provision of small to average sized dwellings with separate titles.*

Clause 4.4 – Floor Space Ratio

- Clause 4.4 of LLEP 2013, in conjunction with the Floor Space Ratio Map, requires that the maximum Floor Space Ratio (FSR) of buildings for the subject site shall not exceed 0.8:1. The application proposes to increase the floor space associated with the subject property by way of subdivision in the following way:
 - Dwelling A - 0.85:1 Or 131sqm; breach of 6.2% or 22.99sqm
 - Dwelling B - 0.88.1 Or 136.2sqm; Breach of 10% or 17.1sqm

Comment:

The variation is relatively minor, being approximately 6% and 10% over the permitted FSR and large dwellings are not uncommon in the locality, some of which comprise FSR's much greater than proposed with this application. As such, the proposed development is generally consistent in form with other buildings in the immediate locality.

The desired future character for the area is established by the existing building fabric of adjacent development which already comprises bulkier building forms than that attainable by the FSR standard contained in the LEP. The proposed development will not result in a building bulk that is incompatible with immediately adjacent buildings.

The objectives are satisfied by the skilful design of the “dual occupancy (attached)” development which contains a first-floor level within the pitching point of the roof to minimise its height and/or avoid eating into the available soft soil area by significantly extending at ground floor level.

- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
- (a) *the consent authority is satisfied that:*
- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) *the concurrence of the Secretary has been obtained.*

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

- The proposal is compatible with the desired future character of the area in relation to building bulk, form and scale as amended.
- The siting of the building is within the building location zones when it can be reasonably assumed development can occur.

The concurrence of the Planning Secretary may be assumed for matter dealt with by Local Planning Panels.

The proposal thereby accords with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of the applicable local environmental plan. For the reasons outlined above, there are sufficient planning grounds to justify the departure from minimum subdivision lot size in Zone R1 and Floor Space Ratio development standards and it is recommended that the Clause 4.6 exceptions be granted.

5(b) Draft Environmental Planning Instruments

The application has been assessed against the relevant Draft Environmental Planning Instruments listed below:

- Draft Environment State Environmental Planning Policy
- Draft Inner West Local Environmental Plan 2020

[Draft Environment State Environmental Planning Policy](#)

The NSW government has been working towards developing a new State Environmental Planning Policy (SEPP) for the protection and management of the natural environment. The Explanation of Intended Effect (EIE) for the Environment SEPP was on exhibition from 31 October 2017 until 31 January 2018.

This consolidated SEPP proposes to provide a single set of planning provisions for catchments, waterways, bushland and protected areas. Changes proposed include consolidating seven existing SEPPs including Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

The proposal is considered to be consistent with the provisions of the draft Environment SEPP.

[Draft Inner West Local Environmental Plan 2020 \(Draft IWLEP 2020\)](#)

The Draft IWLEP 2020 was placed on public exhibition commencing on 16 March 2020 and accordingly is a matter for consideration in the assessment of the application under *Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979.*

The amended provisions contained in the Draft IWLEP 2020 are not relevant to the assessment of the application. Accordingly, the development is considered acceptable having regard to the provisions of the Draft IWLEP 2020.

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
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	N/A
C1.5 Corner Sites	N/A
C1.6 Subdivision	No – refer to comments below
C1.7 Site Facilities	Yes
C1.8 Contamination	N/A
C1.9 Safety by Design	N/A
C1.10 Equity of Access and Mobility	N/A
C1.11 Parking	Yes
C1.12 Landscaping	Yes
C1.13 Open Space Design Within the Public Domain	N/A
C1.14 Tree Management	Yes
C1.15 Signs and Outdoor Advertising	N/A
C1.16 Structures in or over the Public Domain: Balconies, Verandas and Awnings	N/A
C1.17 Minor Architectural Details	N/A
C1.18 Laneways	N/A
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	N/A
C1.20 Foreshore Land	N/A
C1.21 Green Roofs and Green Living Walls	N/A
Part C: Place – Section 2 Urban Character	
Suburb Profile	
C2.2.4.3 Leichardt Park Distinctive 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
C3.4 Dormer Windows	N/A
C3.5 Front Gardens and Dwelling Entries	Yes
C3.6 Fences	N/A

C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes
C3.9 Solar Access	Yes
C3.10 Views	N/A
C3.11 Visual Privacy	Yes
C3.12 Acoustic Privacy	Yes
C3.13 Conversion of Existing Non-Residential Buildings	N/A
C3.14 Adaptable Housing	N/A
Part D: Energy	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes
D2.4 Non-Residential Development	N/A
D2.5 Mixed Use Development	N/A
Part E: Water	
Section 1 – Sustainable Water and Risk Management	Yes
E1.1 Approvals Process and Reports Required With Development Applications	Yes
E1.1.1 Water Management Statement	Yes
E1.1.2 Integrated Water Cycle Plan	N/A
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.1.4 Flood Risk Management Report	N/A
E1.1.5 Foreshore Risk Management Report	N/A
E1.2 Water Management	Yes
E1.2.1 Water Conservation	Yes
E1.2.2 Managing Stormwater within the Site	Yes
E1.2.3 On-Site Detention of Stormwater	N/A
E1.2.4 Stormwater Treatment	Yes
E1.2.5 Water Disposal	Yes
E1.2.6 Building in the vicinity of a Public Drainage System	N/A
E1.2.7 Wastewater Management	Yes
E1.3 Hazard Management	N/A
E1.3.1 Flood Risk Management	N/A
E1.3.2 Foreshore Risk Management	N/A

The following provides discussion of the relevant issues:

C1.6 Subdivision

The proposal relies on a Clause 4.6 objection to the minimum subdivision lot size of 200sqm. The proposal seeks to subdivide the single lot into two and construct two double storey dwellings. The subdivision pattern along Hubert Street has several developments that have has approved demolition, subdivision and construction of double storey dwellings. Namely:

- 77a Hubert Street
- 83 – 85 Hubert Street
- 95 Hubert Street
- 108 and 110 Hubert Street
- 120 Hubert Street
- 132 A & B Hubert Street

The development is generally in accordance with the LEP, DCP and distinctive neighbourhood for the area, and the proposed allotment size of 153.3sqm is supported.

C3.2 Site Layout and Building Design

There are technical breaches of the side setback, rear upper floor Building Location Zone and front building line setback. The site is orientated East West on the block. Shadow analysis indicates that shadowing to the Southern neighbour still enables the minimum 2 hours of solar access to Private Open Space and living areas under C3.9 of the DCP.

The design incorporates 2.2m springing heights to the roof to minimise bulk and scale, however in response to objection raised, the roof pitch is recommended to be conditioned to be reduced from 45 degrees to 30 degrees to reduce visual bulk impacts further. In addition, replacement of the front gable to the balcony of dwelling B with a lightweight awning to meet BASIX requirements is also recommended.

The side setback to the dwellings is acceptable, and minimal windows to non/ low habitable-use areas will have minimal environmental impact in terms of overlooking. The proposed building has been stepped to align with the lot topography which falls to the street. Therefore, the breaches are acceptable.

C3.3 Elevation and Materials

The proposed development is acceptable subject to conditions for material changes to the front upper floor balconies to Hubert Street to replace glass balustrade to timber or metal pickets.

C3.9 Solar Access

The proposed new dwellings do not comply with the following solar access controls:

C9 New residential dwellings are to obtain a minimum of three (3) hours of direct sunlight to the main living room between 9am and 3pm during the winter solstice.

Due to the orientation of the site, East west, Dwelling A & B will not meet the control for a continuous period in the same area. Dwelling A have a separate living and dining area, and dining area has a north facing window. Dwelling B has a west facing struct, that could be converted to a secondary living area if required. The applicant has designed the dwellings to ensure the open plan connection of primary living to the POS. In addition, the solar analysis was also provided for the proposed dwellings and the southern neighbour that provide solar access which can justify the short fall for the new dwellings to enable them to meet all the other provisions under the DCP in terms of, but not limited to, usable private open space connection to primary living area and street presentation and orientation.

99 Hubert Street

C18 Where surrounding dwellings have east/west facing private open space, ensure solar access is retained for two and a half hours between 9am and 3pm to 50% of the total area (adjacent to living room) during the winter solstice.

The proposed development meets the minimum requirement for solar access under the DCP for POS and primary living area to the southern neighbour at 99 Hubert St as indicated at 12pm noon shadow and will achieve the minimum requirement of 2.5 hours at 50% to the east west orientated site. The applicant also provided equinox shadow forecast. As below, A condition will be imposed to reduce the pitch of the roof proving for additional solar access.

An objection was raised in regard to overshadowing, bulk and height. A suggestion to lower the roof to the rear upper floor as a flat skillion would have a greater impact, as the wall height would need to be increased due to the low springing height for the vaulted ceiling. To ensure a reduction of bulk and scale and resulting in further reduced shadow, the roof pitch will be reduced from 45 to 30 degrees.

5(d) The Likely Impacts

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

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

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

5(f) Any submissions

The application was notified in accordance with LDCP2013 for a period of 14 days to surrounding properties. A total of one (1) submission was received.

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

- Height and roof line and building siting – see Section 5(c) in this report

Other comments:

- Floor Space ratio – refer to C4.6 objection – see Section 5(a) (iv) in this report
- Air conditioning – the location of the condensers can be relocated away from bedroom windows, and an appropriate condition will be imposed.
- Application notice removal – comment has been acknowledged. Applications are advertised on Councils Website, and letters sent to affected properties to ensure any issues with missing signage can be addressed and documents and status found elsewhere pertaining to developments.
- Retaining Wall – It will be conditioned that required retaining walls be noted on plans required for the next stage of obtaining a construction certificate.

5(g) The Public Interest

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

The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

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

Engineers

No objection subject to conditions.

7. Section 7.11 Contributions

Section 7.11 contributions are payable for the proposal.

8. Conclusion

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

9. Recommendation

- A. The applicant has made written requests pursuant to Clause 4.6 to vary Clauses 4.1 (Minimum Subdivision Lot Size) and 4.4 (Floor Space Ratio) of the *Leichhardt Local Environmental Plan 2013*. After considering the requests, and assuming the concurrence of the Secretary, the Panel is satisfied that compliance with the standard is unnecessary in the circumstance of the case and that there are sufficient environmental grounds to support the variations. The proposed development will be in the public interest because the variations are not inconsistent with the objectives of the standards and of the zone in which the development is to be carried out.
- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. D/2019/424 for Demolition of all existing structures, construction of an attached dual occupancy with Torrens title subdivision including one garage space and new fencing at 101 Hubert Street, Lilyfield subject to the conditions listed in Attachment A below.

Attachment A - conditions of consent

CONDITIONS OF CONSENT

FEES

1. Section 7.11 (Former Section 94) Contribution

Prior to the issue of a Construction Certificate before commencing works written evidence must be provided to the Certifying Authority that a monetary contribution of \$30,036.25 has been paid to the Council.

The above contribution is the contribution applicable as at [10 June 2020]

The contribution payable has been calculated in accordance with the CP and relates to the following public amenities and/or services and in the following amounts:

Local Infrastructure Type:	Contribution \$
Open Space and Recreation	\$25,811.00
Community Facilities and Services	\$3945.00
Payment in Lieu of Adequate Parking	\$227.32
Light Rail Access Works	\$18.80
Bicycle Works	\$34.13
TOTAL	\$30,036.25

A copy of the CP can be inspected at any of the Inner West Council Services Centres or viewed online at:

<https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions>

The contribution must be paid either in cash, by unendorsed bank cheque (from an Australian Bank only), via EFTPOS (Debit only) or credit card*. Prior to payment contact Council's Planning Team to review charges to current indexed quarter, please allow a minimum of 2 business days for the invoice to be issued before payment can be accepted.

*NB A 0.75% credit card transaction fee applies to all credit card transactions.

2. Long Service Levy

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid at the prescribed

rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more.

3. Security Deposit - Standard

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

Security Deposit:	\$8,056.50
Inspection Fee:	\$230.65

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

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

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

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

The amount nominated is only current for the financial year in which the 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.

GENERAL CONDITIONS

4. Documents related to the consent

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
B103 Rev B	Site Plan	15/9/2019	Habitation Design & Interiors
B104 Rev B	Ground Floor Plan	15/9/2019	Habitation Design & Interiors
B105 Rev B	First Floor Plan	15/9/2019	Habitation Design & Interiors
B106 Rev B	Roof Plan	15/9/2019	Habitation Design & Interiors
B107 Rev B	East & North elevations	15/9/2019	Habitation Design & Interiors
B108 Rev B	South & West elevations	15/9/2019	Habitation Design & Interiors
B109 Rev B	Section 01 & 02	15/9/2019	Habitation Design & Interiors
B110 Rev B	Materials and Finishes	15/9/2019	Habitation Design & Interiors
B117 Rev B	Landscape Plan	15/9/2019	Habitation Design & Interiors
B118 Rev B	Front fence detail	15/9/2019	Habitation Design & Interiors
B120 Rev B	Soil & Management Plan	15/9/2019	Habitation Design & Interiors
B121 Rev C	Draft subdivision Plan	10/6/2020	Habitation Design & Interiors
ST01 No. B	Stormwater Plan	19/9/2019	Danmor Consulting Engineers
ST02 No. B	Stormwater Plan	19/9/2019	Danmor Consulting Engineers
ST03 No. B	Stormwater Plan	19/9/2019	Danmor Consulting Engineers
1031051M	BASIX Certificate	20/9/2019	Outsource Ideas P/L

As amended by the conditions of consent.

5. Design Change

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating the following:

- a. Roof pitch is to be reduced from 45 degrees to 30 degrees.
- b. Gable to Dwelling B first floor is to be deleted and replaced with minimum flat awning to comply with BASIX requirements.
- c. All glass balustrade is to be replaced with timber or metal pickets.
- d. The retaining wall and side passage to the boundary of 99 Hubert Street is to be retained.

6. Waste Management Plan

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

7. Erosion and Sediment Control

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

8. Standard Street Tree Protection

Prior to the commencement of any work, the Certifying Authority must be provided with details of the methods of protection of all street trees adjacent to the site during demolition and construction.

9. Works Outside the Property Boundary

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

PRIOR TO ANY DEMOLITION**10. Dilapidation Report**

Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the adjoining property at 99 Hubert Street Lilyfield to the Certifying Authority's satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.

11. Advising Neighbors Prior to Excavation

At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

12. Construction Fencing

Prior to the commencement of any works (including demolition), the site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property.

PRIOR TO CONSTRUCTION CERTIFICATE**13. Sydney Water – Tap In**

Prior to the issue of a Construction Certificate, the Certifying Authority is required to ensure approval has been granted through Sydney Water's online 'Tap In' program to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

Note: Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 13 20 92

14. Acoustic Report – Aircraft Noise

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans detailing the recommendations of an acoustic report prepared by a suitably qualified Acoustic Engineer demonstrating compliance of the development with the relevant

provisions of Australian Standard AS 2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction.

15. Parking Facilities - Domestic

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans certified by a suitably qualified Civil Engineer demonstrating that the design of the vehicular access and off-street parking facilities must comply with Australian Standard AS/NZS2890.1-2004 Parking Facilities – Off-Street Car Parking and the following specific requirements:

- a. The garage slab or driveway must rise within the property to be 170mm above the adjacent road gutter level and higher than the street kerb and footpath across the full width of the vehicle crossing. The longitudinal profile across the width of the vehicle crossing must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004.
- b. A minimum of 2200mm headroom must be provided throughout the access and parking facilities. Note that the headroom must be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors.
- c. Longitudinal sections along each outer edge of the access and parking facilities, extending to the centreline of the road carriageway must be provided at a natural scale of 1:25, demonstrating compliance with the above requirements.
- d. A longitudinal section along the Council footpath, adjacent to the property boundary must be provided, demonstrating that the longitudinal gradient of the crossing matches the adjacent road gradient.
- e. The garage/parking space must have minimum clear internal dimensions of 6000mm x 3000 mm (length x width) and a door opening width of 2800 mm at the street frontage and 4600mm at the kerb line. The dimensions must be exclusive of obstructions such as walls, doors and columns, and must be shown on the plans.
- f. A plan of the proposed access and adjacent road, drawn at a 1:200 scale, demonstrating that vehicle manoeuvrability for entry and exit to the parking space complies with swept paths from AS/NZS 2890.1:2004. The plan must include any existing on-street parking spaces.
- g. The maximum gradients within the parking module must not exceed 1 in 20 (5%), measured parallel to the angle of parking and 1 in 16 (6.25%), measured in any other direction in accordance with the requirements of Section 2.4.6 of AS/NZS 2890.1-2004.
- h. The setback of the proposed vehicular crossing from the existing power pole must comply with the requirements of the relevant utility service authority and should be shown on the plans.
- i. Note that the levels of the adjacent road surface can have a significant bearing on the final floor and roof levels of the proposed parking facilities. It is critical that the site survey undertaken for the development includes all relevant surface levels out to the road centreline, and includes kerb alignments on both sides of the road'

DURING DEMOLITION AND CONSTRUCTION**16. Construction Hours – Class 1 and 10**

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

17. Stormwater Drainage System

A Stormwater Drainage Concept Plan (Section E1.1.3) incorporating on site detention (OSD) and/or on site retention for rainwater reuse (OSR) in accordance with Section E1.2.3 (C2 and C3) for new dwellings shall ensure all stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, pits and pipelines discharged by gravity to the kerb and gutter of a public road.

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

If any component of the existing system is not in good condition and /or not operating satisfactorily and/or impacted by the works and/or legal rights for drainage do not exist, the drainage system must be upgraded to discharge legally by gravity to the kerb and gutter of a public road. Minor roof or paved areas that cannot reasonably be drained by gravity to a public road may be disposed on site subject to ensure no concentration of flows or nuisance to other properties.

18. Survey Prior to Footings

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

ADVISORY NOTES**Prescribed Conditions**

This consent is subject to the prescribed conditions of consent within clause 98-98E of the *Environmental Planning and Assessment Regulations 2000*.

Notification of commencement of works

At least 7 days before any demolition work commences:

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

Storage of Materials on public property

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

Toilet Facilities

The following facilities must be provided on the site:

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

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

Infrastructure

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

Other Approvals may be needed

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

Failure to comply with conditions

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

Other works

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

Obtaining Relevant Certification

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

- a. Application for any activity under that Act, including any erection of a hoarding;
- b. Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*;
- c. Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*;
- d. Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed;
- e. Application for Strata Title Subdivision if strata title subdivision of the development is proposed;
- f. Development Application for demolition if demolition is not approved by this consent;
or
- g. Development Application for subdivision if consent for subdivision is not granted by this consent.

National Construction Code (Building Code of Australia)

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

Notification of commencement of works

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

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

Dividing Fences Act

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

Permits from Council under Other Acts

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

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

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

Noise

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

Amenity Impacts General

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

Fire Safety Certificate

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

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

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

Construction of Vehicular Crossing

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

Lead-based Paint

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

Dial before you dig

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

Useful Contacts

BASIX Information 1300 650 908 weekdays 2:00pm - 5:00pm
www.basix.nsw.gov.au

Department of Fair Trading 13 32 20
www.fairtrading.nsw.gov.au

Enquiries relating to Owner Builder Permits and Home Warranty Insurance.

Dial Prior to You Dig 1100
www.dialprior toyoudig.com.au

Landcom 9841 8660
 To purchase copies of Volume One of "Soils and Construction"

Long Service Corporation Payments 131441
www.lspc.nsw.gov.au

NSW Food Authority 1300 552 406
www.foodnotify.nsw.gov.au

NSW Government www.nsw.gov.au/fibro
www.diySAFE.nsw.gov.au

Information on asbestos and safe work practices.

NSW Office of Environment and Heritage 131 555
www.environment.nsw.gov.au

Sydney Water 13 20 92

www.sydneywater.com.au

Waste Service - SITA 1300 651 116

Environmental Solutions www.wasteservice.nsw.gov.au

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

WorkCover Authority of NSW 13 10 50

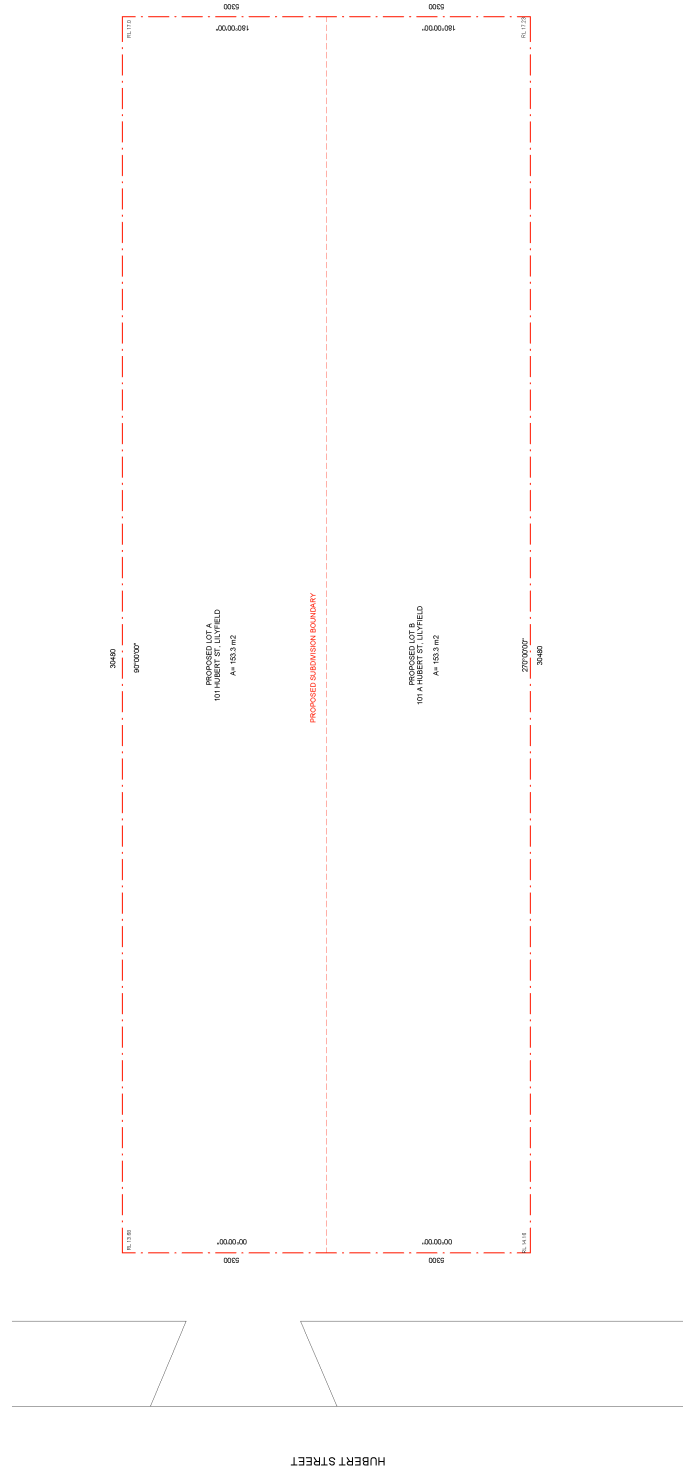
www.workcover.nsw.gov.au

Enquiries relating to work safety and asbestos removal and disposal.

Street Numbering

If any new street numbers or change to street numbers (this includes unit and shop numbers) are required, a separate application must be lodged with and approved by Council's GIS Team before being displayed.

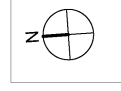
Attachment B – Plans of proposed development



101 HUBERT STREET, LILYFIELD NSW
 LOT 162
 DP 1182
 PROPOSED STRATA TITLE
 SUBDIVISION INTO 2 X LOTS

SCALE @ A1	1:50
SCALE @ A3	1:100
DATE	15/10/2019
DRAWN BY	N.V.M
CHECKED BY	J.P
PROJECT NUMBER	18114
SHEET NUMBER	B121

DEVELOPMENT APPLICATION
 PROPOSED ATTACHED DUAL OCCUPANCY
 CLIENT: CONTRIVE DEVELOPMENTS PTY LTD
 ADDRESS: 101 HUBERT STREET, LILYFIELD



SUBDIVISION PLAN
PRELIMINARY
 NOT FOR CONSTRUCTION

NOTES:
 1. THIS PLAN IS A PRELIMINARY SUBDIVISION PLAN AND IS NOT TO BE USED FOR CONSTRUCTION OR AS EVIDENCE OF TITLE.
 2. THIS PLAN IS SUBJECT TO THE APPROVAL OF THE LOCAL COUNCIL AND THE NSW DEPARTMENT OF LANDS AND HERITAGE.
 3. THIS PLAN IS SUBJECT TO THE APPROVAL OF THE NSW DEPARTMENT OF LANDS AND HERITAGE.
 4. THIS PLAN IS SUBJECT TO THE APPROVAL OF THE NSW DEPARTMENT OF LANDS AND HERITAGE.

REVISION	ISSUE DATE	REVISION	BY	CHECKED
B	15/10/19	DEVELOPMENT APPLICATION ISSUE	MTR	J.P

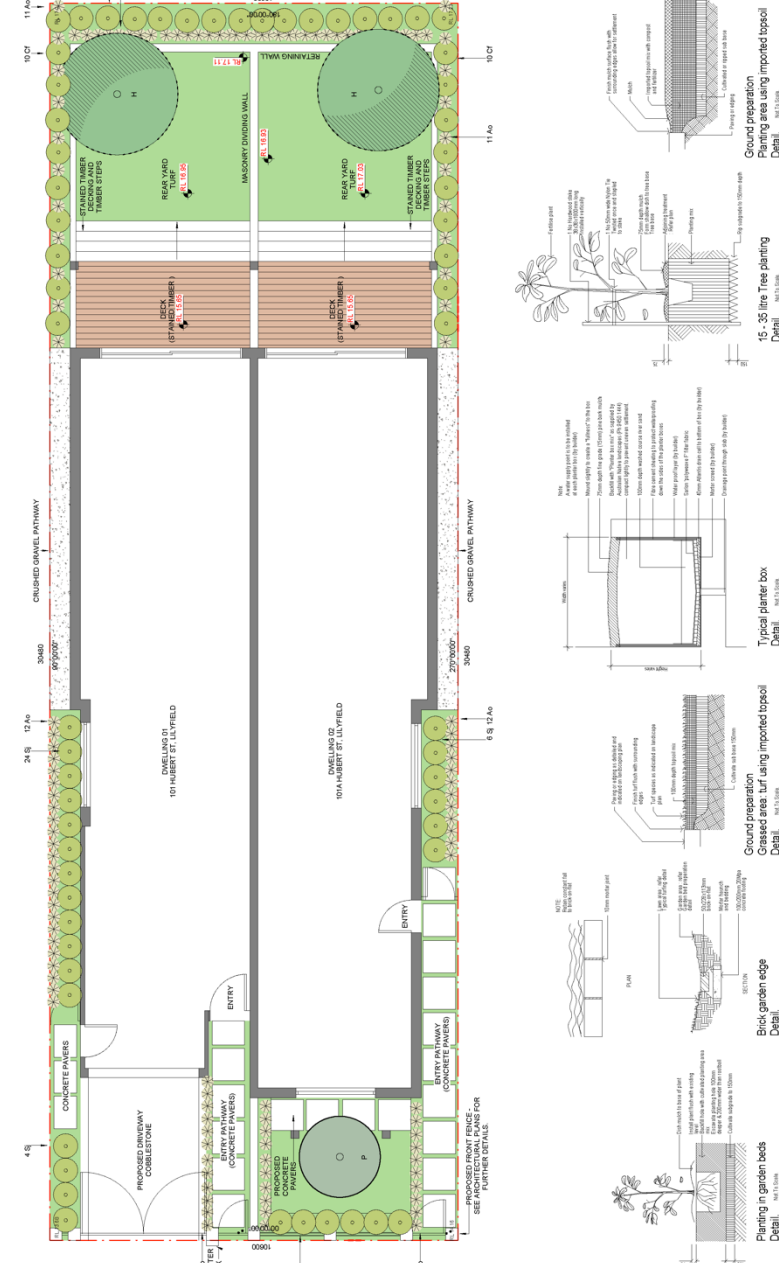
habitation
 Design + Interiors
 10/11-13/15
 100 Victoria Road
 Sydney NSW 1570
 www.habitationdesign.com.au

Member
 Australian Institute
 of Architects
 100 Victoria Road
 Sydney NSW 1570



PLANT SCHEDULE

Code	Latin Name (Common Name/Mature Height)	Qty	Size	State
Trees				
Pc	Pyrus calleryana (Callery Pear - 4m)	01	100.L	yes
H	Hydrocotylus florum (Native Watercress - 9m)	02	100.L	yes
Shrubs				
Asm	Azorella smithii (Smor) (Lily path - 3m)	14	n/a	yes
Sj	Stenactis juncea (Bird of Paradise)	42	20.L	yes
Ao	Agapanthus orientalis (Lily of the Nile - 0.5 m.)	78	20.L	yes
Groundcovers				
Cr	Cortaderia Fuscocoma (Rest Cordillera)	20	n/a	yes
Dr	Daniella revoluta (Maui Flax Lily - 0.5)	35	n/a	yes



DEVELOPMENT APPLICATION
PROPOSED ATTACHED DUAL OCCUPANCY
 CURVE: CONTRIVE DEVELOPMENTS PTY LTD
 ADDRESS: 101 HUBERT STREET, LILYFIELD

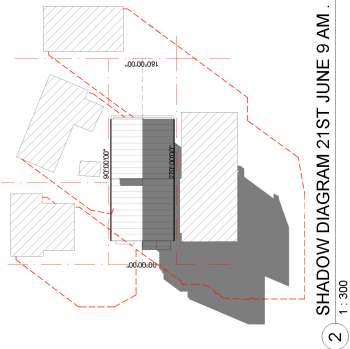
SCALE @ A1: 1:50
 SCALE @ A3: 1:100
 DRAWN BY: M.T.R
 DATE: 15/10/2019
 CHECKED BY: J.P
 SHEET NUMBER: B117
 PROJECT NUMBER: 18114

LANDSCAPE PLAN
PRELIMINARY
 NOT FOR CONSTRUCTION

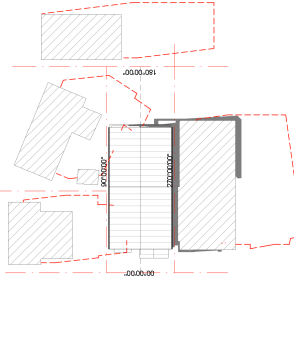
REVISION

REVISION	DATE	REVISION	BY	CHECKED
B	15/10/19	DEVELOPMENT APPLICATION ISSUE	MTR	J.P

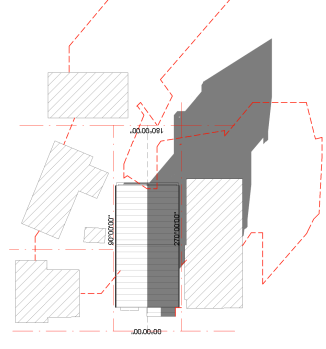
habitation
 Design + Interiors
 Member Australian Institute of Landscape Architects
 10/100/19000
 10/100/19000



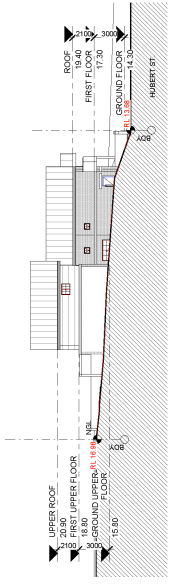
2 SHADOW DIAGRAM 21ST JUNE 9 AM.
1:300



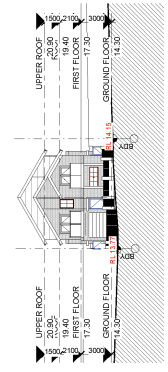
3 SHADOW DIAGRAM 21ST JUNE 12 NOON.
1:300



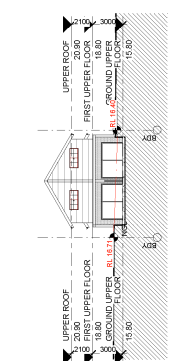
1 SHADOW DIAGRAM 21ST JUNE 3 PM.
1:300



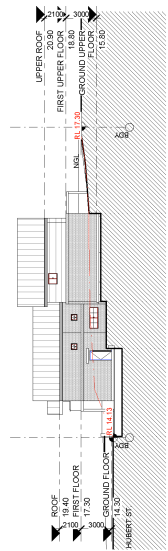
6 NORTH ELEVATION.
1:200



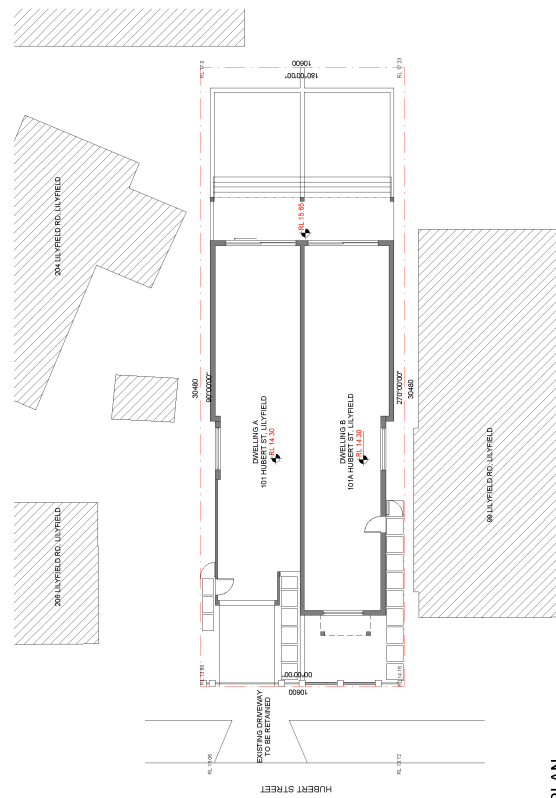
8 WEST ELEVATION.
1:200



5 EAST ELEVATION.
1:200



7 SOUTH ELEVATION.
1:200



4 SITE PLAN.
1:100

SCALE @ A1	SCALE @ A3	AS SHOWN
DRAWN BY	M.T.R	DATE: 15/10/2019
CHECKED BY	J.P	SHEET NUMBER
PROJECT NUMBER	10114	B116

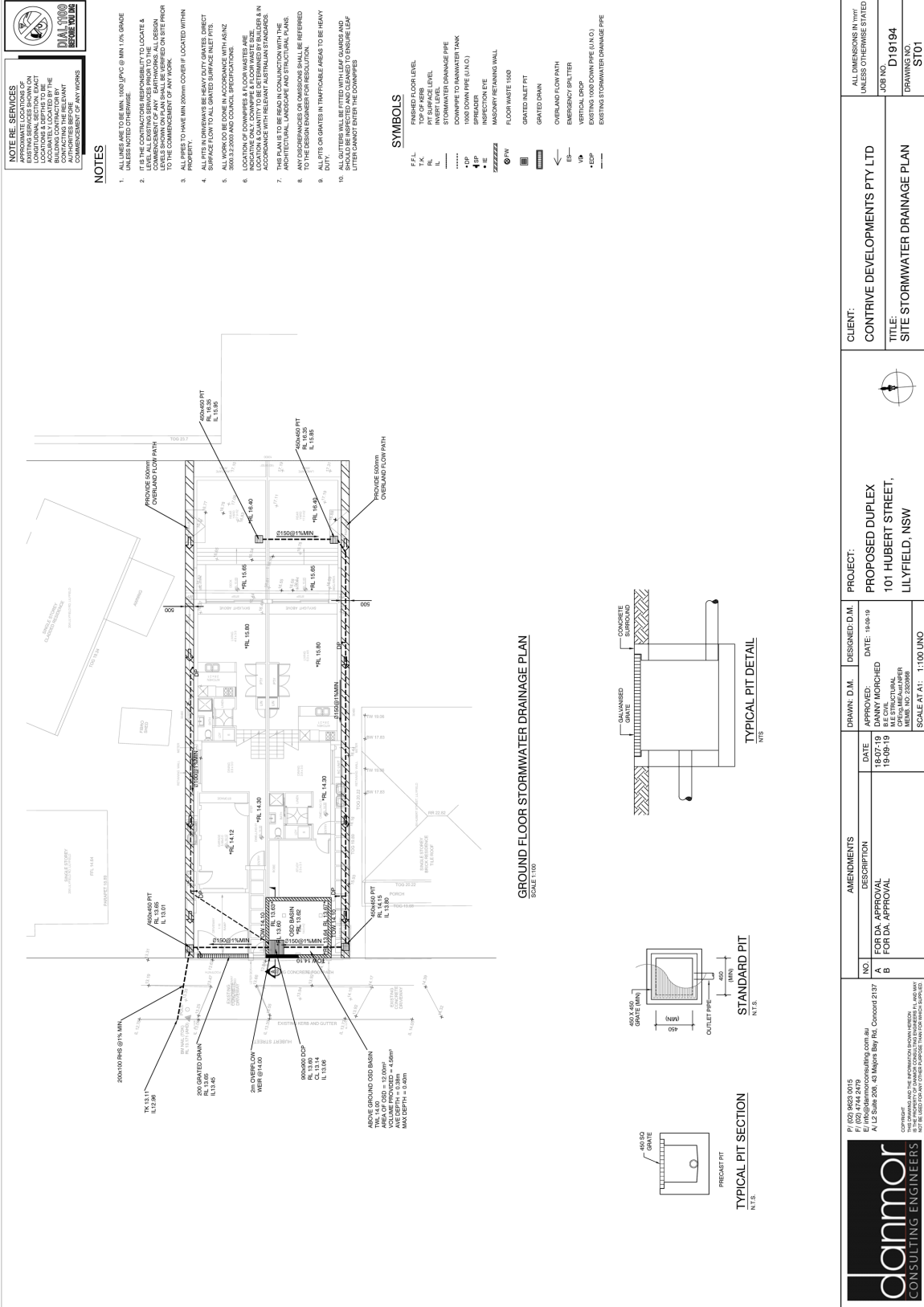


NOTIFICATION PLAN
PRELIMINARY
NOT FOR CONSTRUCTION

NOTES:
1. THIS PLAN IS A PRELIMINARY NOTIFICATION PLAN AND IS NOT TO BE USED FOR CONSTRUCTION.
2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS AND PERMITS.
3. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS AND PERMITS.
4. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS AND PERMITS.
5. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS AND PERMITS.

REVISION	DATE	BY	CHECKED
B	15/10/2019	J.P	J.P

habitation
Design + Interiors
Member
AUSTRALIAN INSTITUTE
OF ARCHITECTS
15/10/2019
10114



NOTE RE SERVICES
 APPROXIMATE LOCATIONS OF SERVICES SHOWN FOR INFORMATION ONLY. EXACT LOCATIONS TO BE DETERMINED BY THE BUILDING CONTRACTOR BY CONSULTING WITH THE AUTHORITIES BEFORE COMMENCING WORK.

NOTES

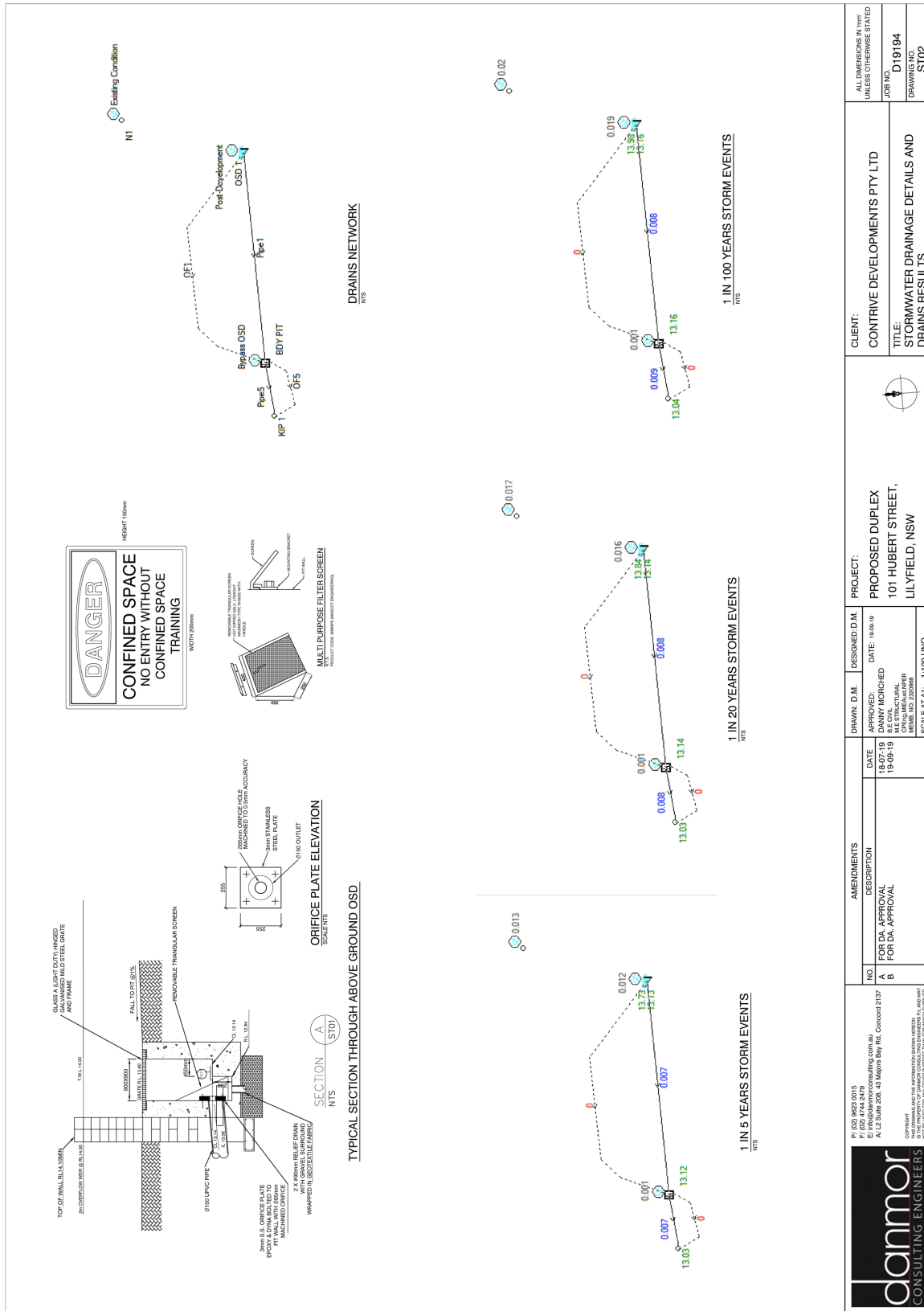
- ALL LINES ARE TO BE MIN. 1000L/100 @ MIN. 1.0% GRADE.
- THE CONCRETE RESPONSIBILITY TO LOCATE & LEVEL ALL EXISTING SERVICES PRIOR TO THE COMMENCEMENT OF ANY WORK.
- LEVELS SHOWN ON PLAN SHALL BE REFERRED ON SITE PRIOR TO THE COMMENCEMENT OF ANY WORK.
- ALL PIPES TO HAVE MIN. 200mm COVER IF LOCATED WITHIN SURFACE FLOW TO ALL GRATED SURFACE INLET PITS.
- ALL WORK TO BE DONE IN ACCORDANCE WITH AS/NZS 3501.2:2009 AND CONCISE SPECIFICATIONS.
- INDICATIVE ONLY, DOWNPIPE & FLOOR WASTE SIZE, ACCORDANCE WITH RELEVANT AUSTRALIAN STANDARDS.
- THIS PLAN IS TO BE READ IN CONJUNCTION WITH THE ARCHITECTURAL, LANDSCAPE AND STRUCTURAL PLANS.
- ANY DIMENSIONS OR OMISSIONS SHALL BE REFERRED TO THE ARCHITECTURAL, LANDSCAPE AND STRUCTURAL PLANS.
- ALL UTTERS WILL BE FITTED WITH LEAF GUARDS AND LITTER CANNOT ENTER THE DOWNPIPES.

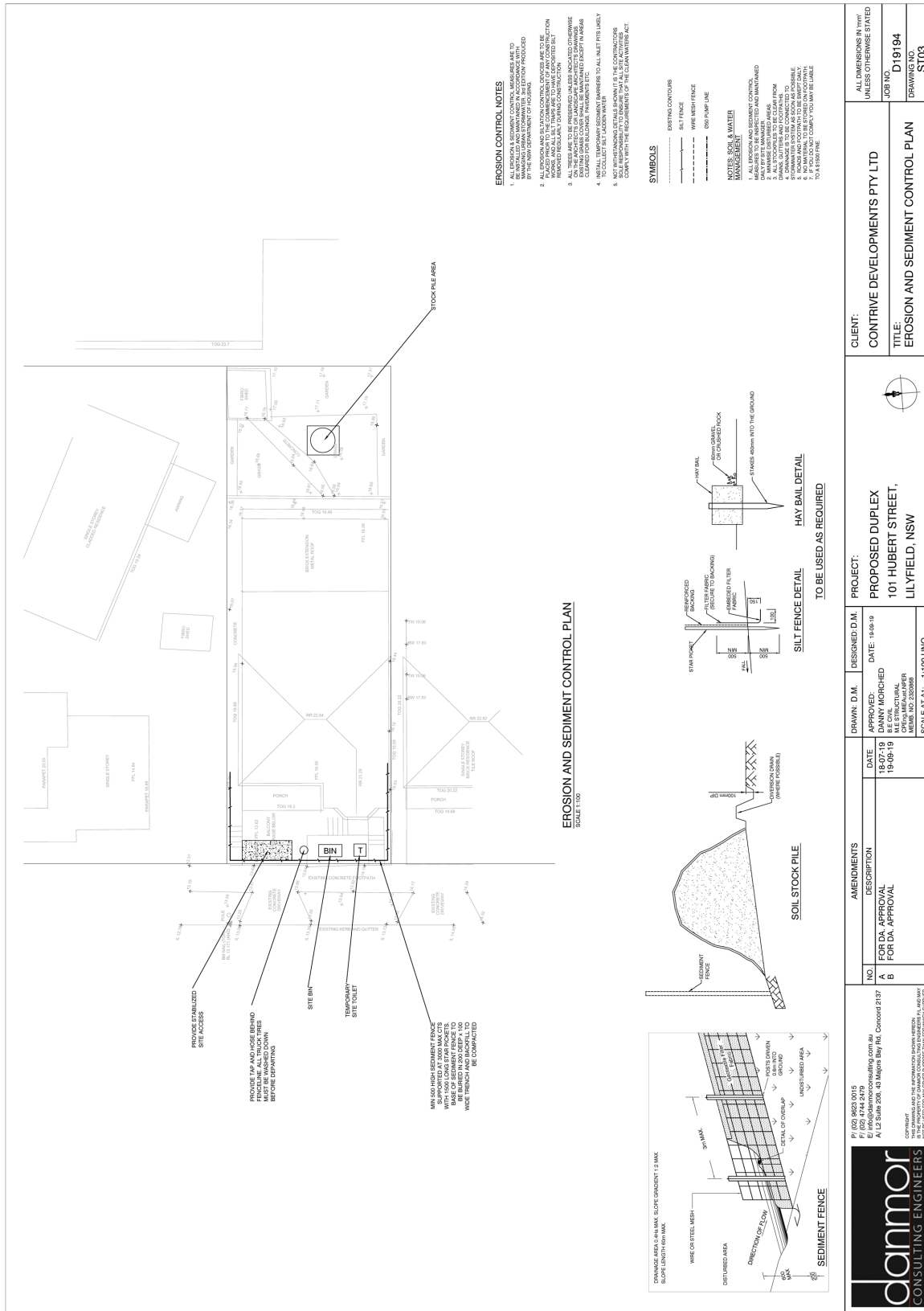
SYMBOLS

- F.F.L. FINISHED FLOOR LEVEL
- R.L. PIT SURFACE LEVEL
- IL. INTERIOR LEVEL
- STORMWATER DRAINAGE PIPE
- DOWNPIPE TO RAINWATER TANK
- 1000 DOWN PIPE (U.I.O.)
- SPRINKLER
- SPRINKLER
- MASONRY RETAINING WALL
- FLOOR WASTE 1500
- GRATED INLET PIT
- GRATED DRAIN
- OVERLAND FLOW PATH
- EMERGENCY SPLITTER
- VERTICAL DRCP
- EXISTING 1000 DOWN PIPE (U.I.O.)
- EXISTING 50 DOWNWATER DRAINAGE PIPE

GROUND FLOOR STORMWATER DRAINAGE PLAN
 SCALE 1:100

<p>CLIENT: CONTRIVE DEVELOPMENTS PTY LTD</p> <p>PROJECT: PROPOSED DUPLEX, 101 HUBERT STREET, LILYFIELD, NSW</p>		<p>DESIGNED D.M. DATE: 18-07-19</p> <p>APPROVED: DANNY MORCHED</p> <p>DATE: 19-09-19</p>		<p>DESIGNED D.M. DATE: 18-07-19</p> <p>APPROVED: DANNY MORCHED</p> <p>DATE: 19-09-19</p>		<p>ALL DIMENSIONS IN 'MM' UNLESS OTHERWISE STATED</p> <p>JOB NO: D19194</p> <p>DRAWING NO: S101</p>	
<p>AMENDMENTS</p> <p>NO. DESCRIPTION</p> <p>A FOR DA APPROVAL</p> <p>B FOR DA APPROVAL</p>		<p>SCALE AT A1: 1:100 UNO</p>		<p>CONTRIVE DEVELOPMENTS PTY LTD</p>		<p>CONTRIVE DEVELOPMENTS PTY LTD</p>	
<p>P (02) 9622 9015 E info@oanmor.com.au A, L2 Suite 206, 43 Meiers Bay Rd, Concord 2137</p> <p>CONTRIVE DEVELOPMENTS PTY LTD 101 HUBERT STREET, LILYFIELD, NSW 1590</p>		<p>oanmor CONSULTING ENGINEERS</p>		<p>oanmor CONSULTING ENGINEERS</p>		<p>oanmor CONSULTING ENGINEERS</p>	





EROSION CONTROL NOTES

1. ALL EROSION & SEDIMENT CONTROL MEASURES ARE TO BE INSTALLED PRIOR TO ANY EXCAVATION OR CONSTRUCTION WORK COMMENCING ON THE SITE. ALL MEASURES TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF THE LOCAL GOVERNMENT OF AUSTRALIA.
2. ALL EROSION & SEDIMENT CONTROL MEASURES ARE TO BE MAINTAINED THROUGHOUT THE PROJECT AND TO BE REMOVED UPON THE COMPLETION OF ALL CONSTRUCTION WORK. THE CONTRACTOR IS TO BE RESPONSIBLE FOR THE REMOVAL OF ALL EROSION & SEDIMENT CONTROL MEASURES FROM THE SITE.
3. THE CONTRACTOR IS TO BE RESPONSIBLE FOR THE MAINTENANCE OF ALL EROSION & SEDIMENT CONTROL MEASURES THROUGHOUT THE PROJECT. ALL MEASURES TO BE MAINTAINED IN ACCORDANCE WITH THE REQUIREMENTS OF THE LOCAL GOVERNMENT OF AUSTRALIA.
4. INSTALL TEMPORARY SEDIMENT BARRIERS TO ALL INLET PITS. BARRIERS TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF THE LOCAL GOVERNMENT OF AUSTRALIA.
5. NOT WITHSTANDING DETAILS SHOWN IN THE CONTRACT DOCUMENTS, THE CONTRACTOR IS TO BE RESPONSIBLE FOR THE MAINTENANCE OF ALL EROSION & SEDIMENT CONTROL MEASURES THROUGHOUT THE PROJECT.

SYMBOLS

EXISTING CONTOUR
 PROPOSED CONTOUR
 WIRE MESH FENCE
 300 PUMP LINE

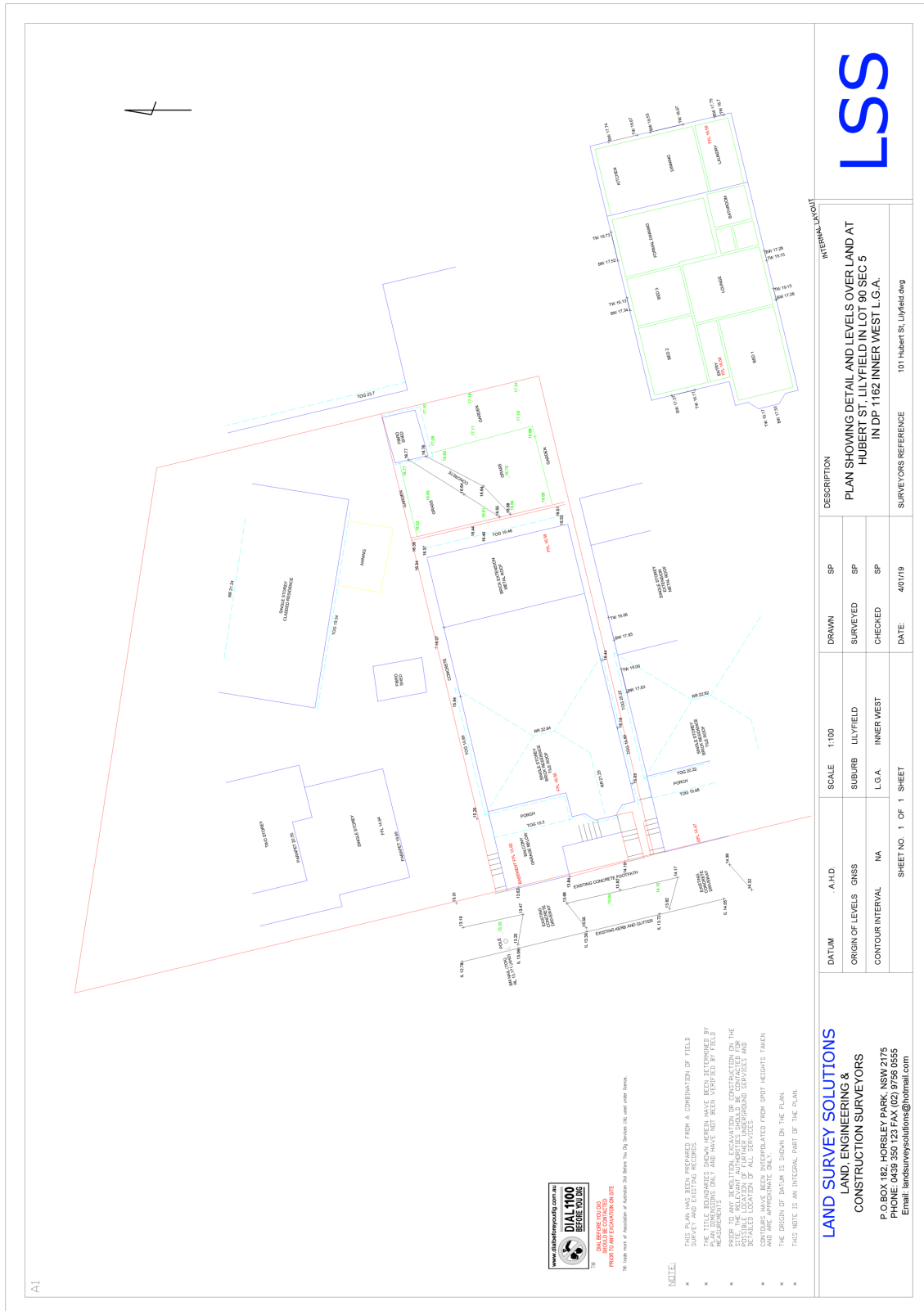
NOTES: SOIL & WATER MANAGEMENT

1. ALL EROSION AND SEDIMENT CONTROL MEASURES TO BE INSTALLED PRIOR TO ANY EXCAVATION OR CONSTRUCTION WORK COMMENCING ON THE SITE.
2. ALL EROSION AND SEDIMENT CONTROL MEASURES ARE TO BE MAINTAINED THROUGHOUT THE PROJECT AND TO BE REMOVED UPON THE COMPLETION OF ALL CONSTRUCTION WORK.
3. THE CONTRACTOR IS TO BE RESPONSIBLE FOR THE MAINTENANCE OF ALL EROSION AND SEDIMENT CONTROL MEASURES THROUGHOUT THE PROJECT.
4. INSTALL TEMPORARY SEDIMENT BARRIERS TO ALL INLET PITS. BARRIERS TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF THE LOCAL GOVERNMENT OF AUSTRALIA.
5. NOT WITHSTANDING DETAILS SHOWN IN THE CONTRACT DOCUMENTS, THE CONTRACTOR IS TO BE RESPONSIBLE FOR THE MAINTENANCE OF ALL EROSION AND SEDIMENT CONTROL MEASURES THROUGHOUT THE PROJECT.

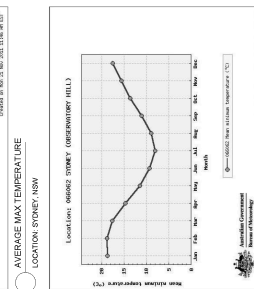
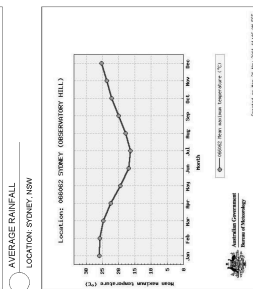
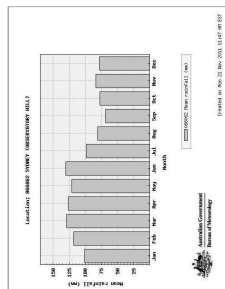
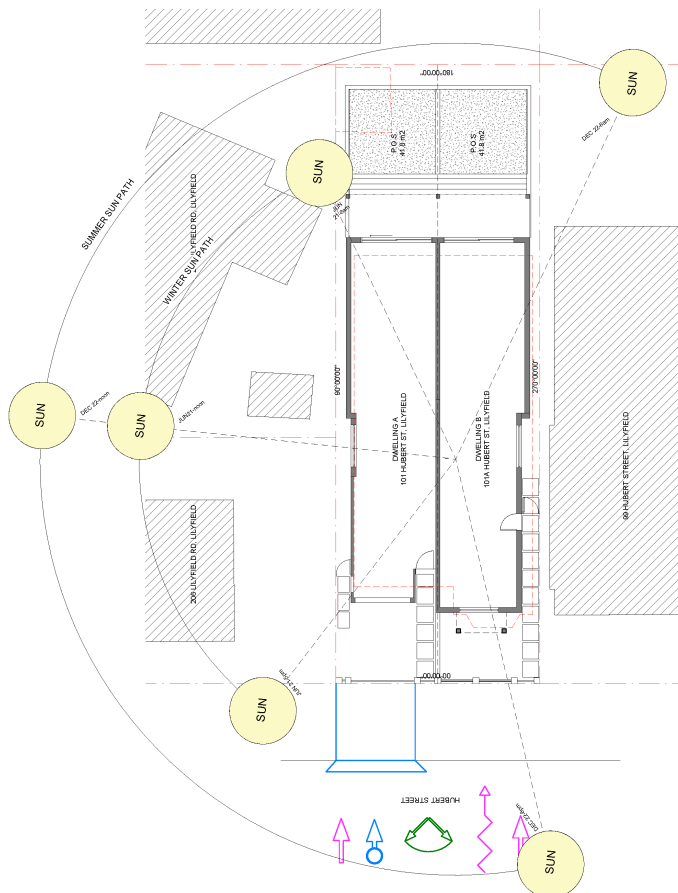
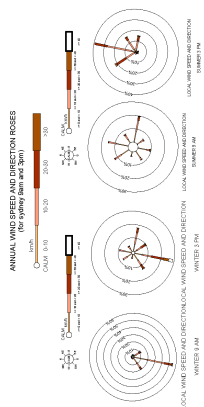
EROSION AND SEDIMENT CONTROL PLAN
 SCALE: 1:100

<p>CLIENT: CONTRIVE DEVELOPMENTS PTY LTD</p>		<p>PROJECT: PROPOSED DUPLEX 101 HUBERT STREET, LILYFIELD, NSW</p>	
<p>TITLE: EROSION AND SEDIMENT CONTROL PLAN</p>		<p>DATE: 18-07-19 19-09-19</p>	
<p>JOB NO: D19194</p>		<p>DESIGNED D.M.: DANNY MORCHED</p>	
<p>DRAWN BY: SUSAN LUS</p>		<p>DATE: 18-07-19 19-09-19</p>	
<p>ST03</p>		<p>SCALE AT A1: 1:100 UNO</p>	
<p>AMENDMENTS</p>		<p>NO. DESCRIPTION</p>	
<p>A FOR DA APPROVAL</p>		<p>DATE: 18-07-19</p>	
<p>B FOR DA APPROVAL</p>		<p>DATE: 19-09-19</p>	





LEGEND	TYPE
	EXISTING BUILDINGS TO BE DEMOLISHED
	PROPOSED BUILDING FOOTPRINT
	EXISTING BUILDING FOOTPRINT ON SITE
	NEIGHBOURING BUILDINGS
	EXISTING TREES TO BE RETAINED
	EXISTING TREES TO BE REMOVED
	SITE BOUNDARIES
	NEIGHBOURING WINDOW
	KEY VIEWS
	NOISE SOURCE FEATURE
	PROPOSED PRIVATE OPEN SPACE
	PROPOSED VEHICULAR ACCESS POINT
	PROPOSED PEDESTRIAN ACCESS POINT
	PROPOSED DRIVEWAY CROSSING



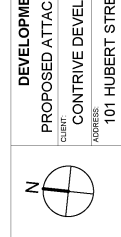
AVERAGE MIN TEMPERATURE
LOCATION: STONEY NSW

habitation
Design + Interiors
Member Australian Institute of Architects
10/11-13/15
1000 Pitt St NSW

REVISION	DATE	REVISION	BY	CHECKED
B	15/10/19	DEVELOPMENT APPLICATION ISSUE	J.P.	J.P.

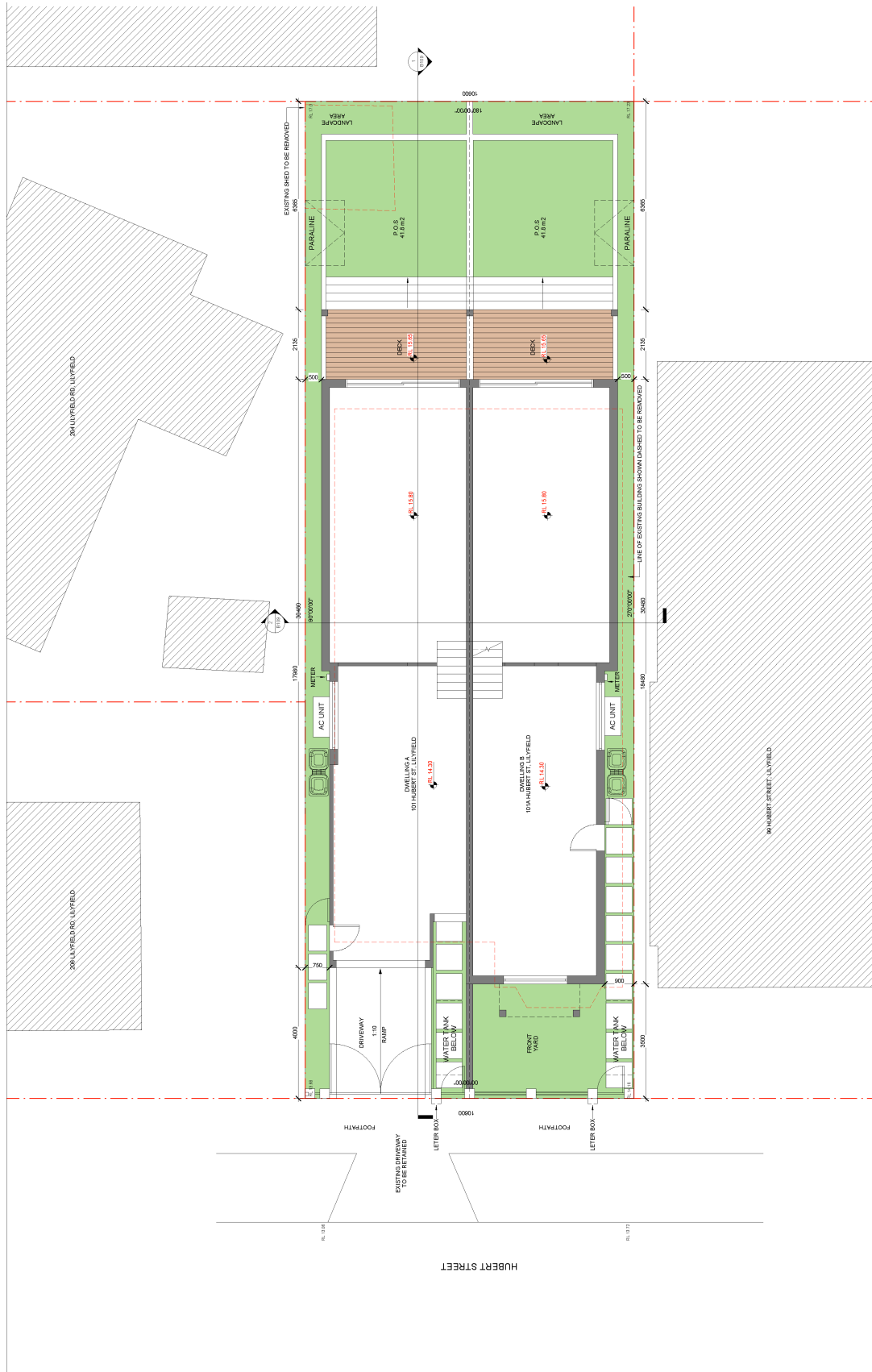
NOTES:
1. THIS SITE ANALYSIS IS PRELIMINARY AND IS FOR INFORMATION ONLY. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE.
2. THE ANALYSIS IS BASED ON THE INFORMATION PROVIDED AND IS SUBJECT TO CHANGE IF THE INFORMATION CHANGES.
3. THE ANALYSIS IS BASED ON THE ASSUMPTIONS MADE IN THE REPORT.
4. THE ANALYSIS IS BASED ON THE ASSUMPTIONS MADE IN THE REPORT.
5. THE ANALYSIS IS BASED ON THE ASSUMPTIONS MADE IN THE REPORT.

SITE ANALYSIS
PRELIMINARY
NOT FOR CONSTRUCTION



SCALE @ A1	AS SHOWN
SCALE @ A3	AS SHOWN
DRAWN BY	M.T.R.
DATE	15/10/2019
CHECKED BY	J.P.
PROJECT NUMBER	10114
SHEET NUMBER	B102

DEVELOPMENT APPLICATION
PROPOSED ATTACHED DUAL OCCUPANCY
CLIENT: CONTRIVE DEVELOPMENTS PTY LTD
ADDRESS: 101 HUBERT STREET, LILYFIELD



habitation
Design + Interiors

Member
Australian Institute
of Architects (AIA)

11/11/2013
11/11/2013
11/11/2013

11/11/2013
11/11/2013
11/11/2013

REVISION

ISSUE	DATE	REVISION	BY	CHECKED
B	15/10/19	DEVELOPMENT APPLICATION ISSUE	MTR	J.P.

SITE PLAN
PRELIMINARY
NOT FOR CONSTRUCTION

DEVELOPMENT APPLICATION
PROPOSED ATTACHED DUAL OCCUPANCY

CURVE: CONTRIVE DEVELOPMENTS PTY LTD
ADDRESS: 101 HUBERT STREET, LILYFIELD

SCALE @ A1: 1:50
SCALE @ A3: 1:100

DATE: 15/10/2019
DRAWN BY: M.T.R.
CHECKED BY: J.P.

PROJECT NUMBER: 10114
SHEET NUMBER: B103



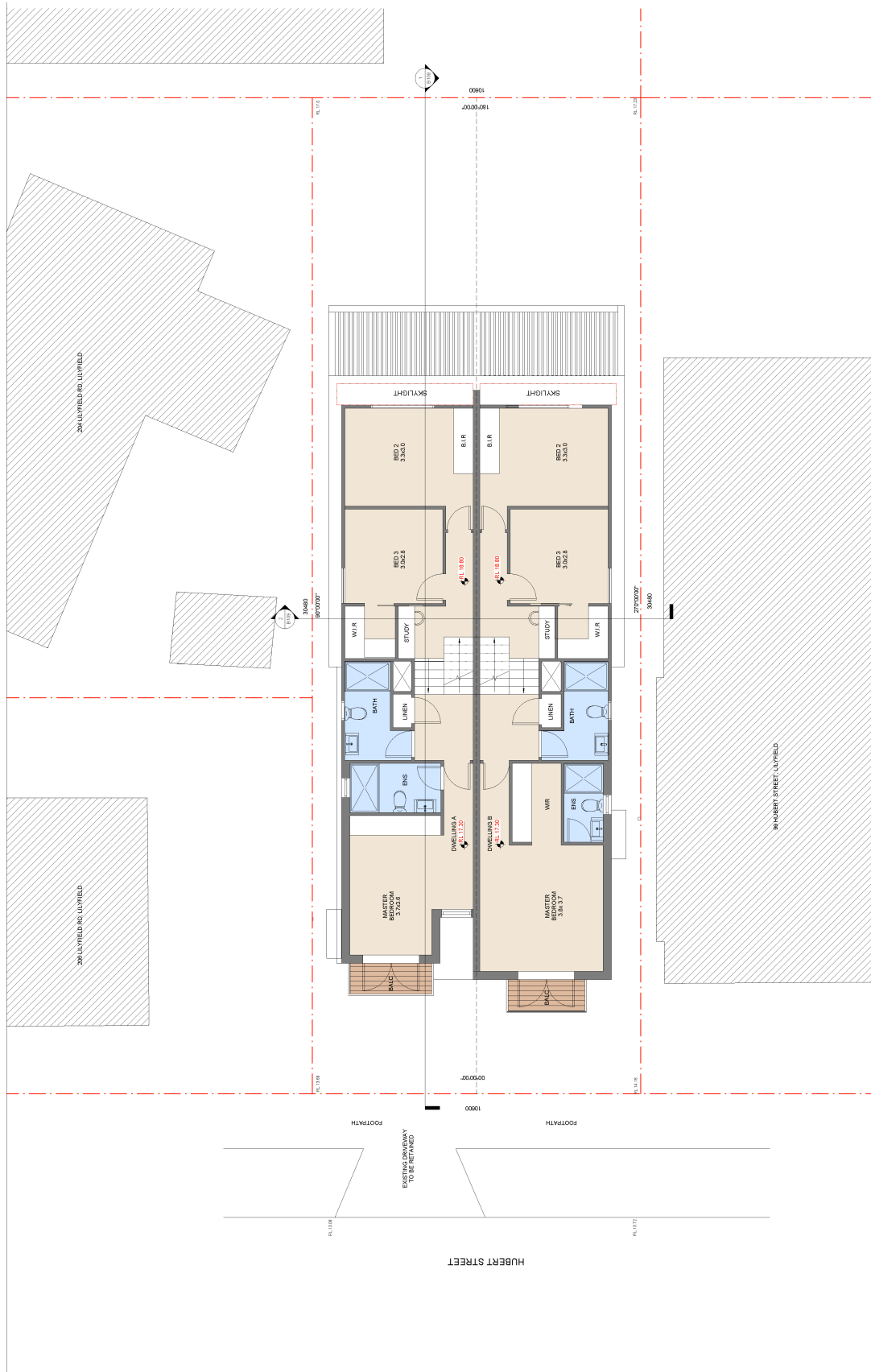
SCALE @ A1	1:50
SCALE @ A3	1:100
DRAWN BY	M.T.R
DATE	15/10/2019
CHECKED BY	J.P
SHEET NUMBER	10114
PROJECT NUMBER	B104

DEVELOPMENT APPLICATION
PROPOSED ATTACHED DUAL OCCUPANCY
 CURVE: CONTRIVE DEVELOPMENTS PTY LTD
 ADDRESS: 101 HUBERT STREET, LILYFIELD

GROUND FLOOR PLAN
PRELIMINARY
 NOT FOR CONSTRUCTION

REVISION	DATE	REVISION	BY	CHECKED
B	15/10/19	DEVELOPMENT APPLICATION ISSUE	M.T.R	J.P

habitation
 Design + Interiors
 Member
 Australian Institute of Architects
 2014-2016
 101 Hubert Street, Lilyfield
 NSW 1570
 Phone: 02 9550 1100
 Email: info@habitation.com.au
 Website: www.habitation.com.au



SCALE @ A1	1:50
SCALE @ A3	1:100
DRAWN BY	M.T.R
DATE	15/10/2019
CHECKED BY	J.P
SHEET NUMBER	10114
PROJECT NUMBER	B105

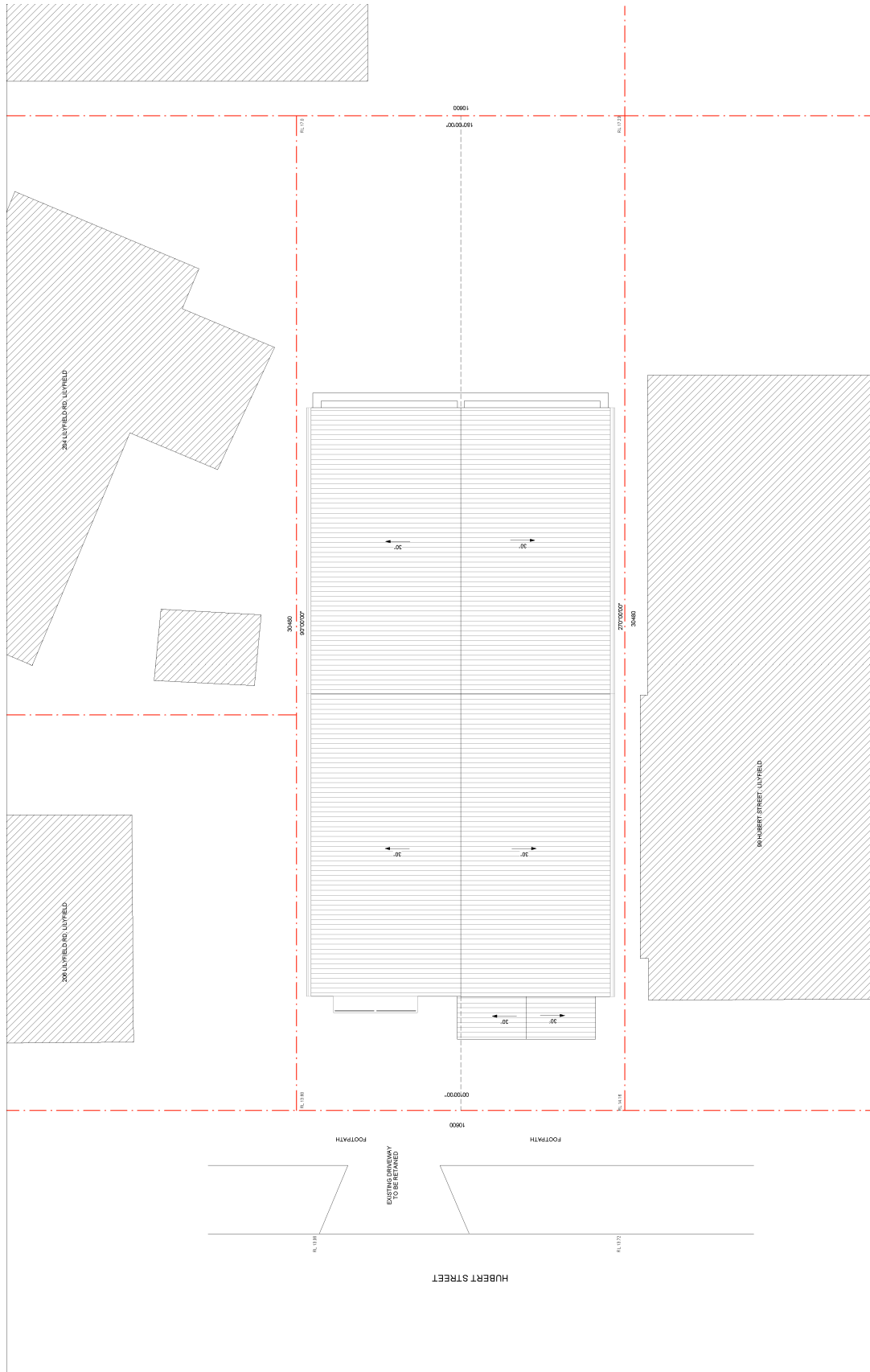
DEVELOPMENT APPLICATION
PROPOSED ATTACHED DUAL OCCUPANCY
 CURVE: CONTRIVE DEVELOPMENTS PTY LTD
 ADDRESS: 101 HUBERT STREET, LILYFIELD

FIRST FLOOR PLAN
PRELIMINARY
NOT FOR CONSTRUCTION

REVISION	DATE	REVISION	BY	CHECKED
B	15/10/19	DEVELOPMENT APPLICATION ISSUE	MTR	J.P

habitation
 Design + Interiors
 04 9434 2623
 10/100 Pitt Street NSW
 Sydney NSW 2000
 www.habitationdesign.com.au

Member
 Australian Institute
 of Architects (AIA)
 101 Hubert Street Lilyfield
 NSW 1570



habitation
Design + Interiors
04 9432 2323
10/100 West Street
Sydney NSW 2000
www.habitationdesign.com.au

Member
Australian Institute
of Architects
10/100 West Street
Sydney NSW 2000

REVISION	DATE	REVISION	BY	CHECKED
B	15/10/19	DEVELOPMENT APPLICATION ISSUE	J.P	

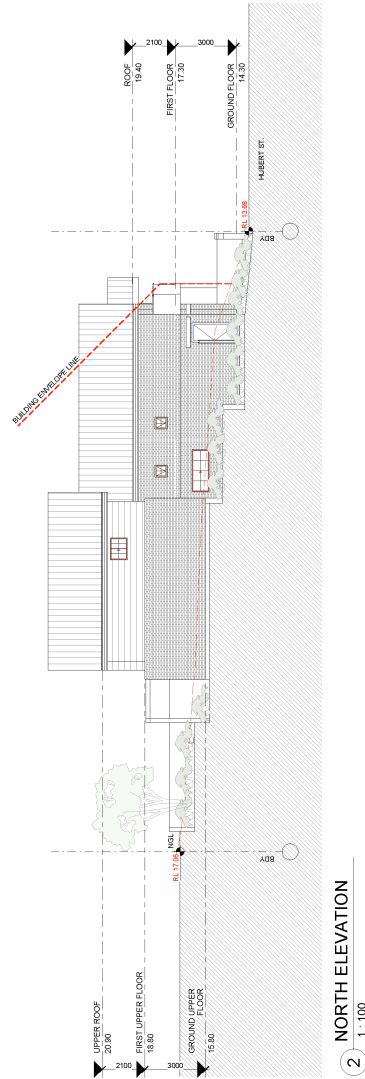
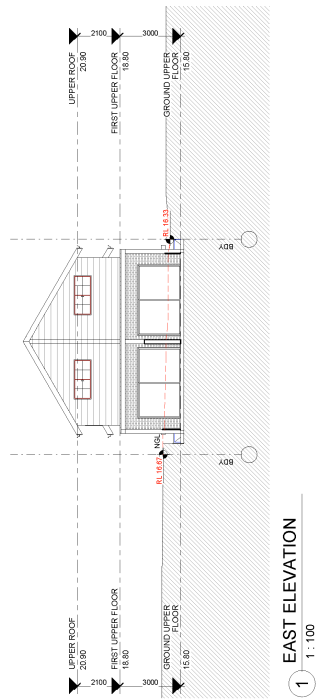
NOTES:
1. THIS PLAN IS A PRELIMINARY DEVELOPMENT APPLICATION ISSUE. IT IS NOT TO BE USED FOR CONSTRUCTION.
2. THE DEVELOPER SHALL OBTAIN ALL NECESSARY APPROVALS FROM THE LOCAL COUNCIL AND STATE GOVERNMENT.
3. THE DEVELOPER SHALL OBTAIN ALL NECESSARY APPROVALS FROM THE LOCAL COUNCIL AND STATE GOVERNMENT.
4. THE DEVELOPER SHALL OBTAIN ALL NECESSARY APPROVALS FROM THE LOCAL COUNCIL AND STATE GOVERNMENT.
5. THE DEVELOPER SHALL OBTAIN ALL NECESSARY APPROVALS FROM THE LOCAL COUNCIL AND STATE GOVERNMENT.
6. THE DEVELOPER SHALL OBTAIN ALL NECESSARY APPROVALS FROM THE LOCAL COUNCIL AND STATE GOVERNMENT.
7. THE DEVELOPER SHALL OBTAIN ALL NECESSARY APPROVALS FROM THE LOCAL COUNCIL AND STATE GOVERNMENT.
8. THE DEVELOPER SHALL OBTAIN ALL NECESSARY APPROVALS FROM THE LOCAL COUNCIL AND STATE GOVERNMENT.
9. THE DEVELOPER SHALL OBTAIN ALL NECESSARY APPROVALS FROM THE LOCAL COUNCIL AND STATE GOVERNMENT.
10. THE DEVELOPER SHALL OBTAIN ALL NECESSARY APPROVALS FROM THE LOCAL COUNCIL AND STATE GOVERNMENT.

ROOF PLAN
PRELIMINARY
NOT FOR CONSTRUCTION

N

DEVELOPMENT APPLICATION
PROPOSED ATTACHED DUAL OCCUPANCY
CLIENT: CONTRIVE DEVELOPMENTS PTY LTD
ADDRESS: 101 HUBERT STREET LILYFIELD

SCALE @ A1: 1:50
SCALE @ A3: 1:100
DRAWN BY: M.T.R
DATE: 15/10/2019
CHECKED BY: J.P
PROJECT NUMBER: 10114
SHEET NUMBER: B106





habitation
Design + Interiors
04 832 2623
10/100 River Street
New North Sydney
www.habitation.com.au

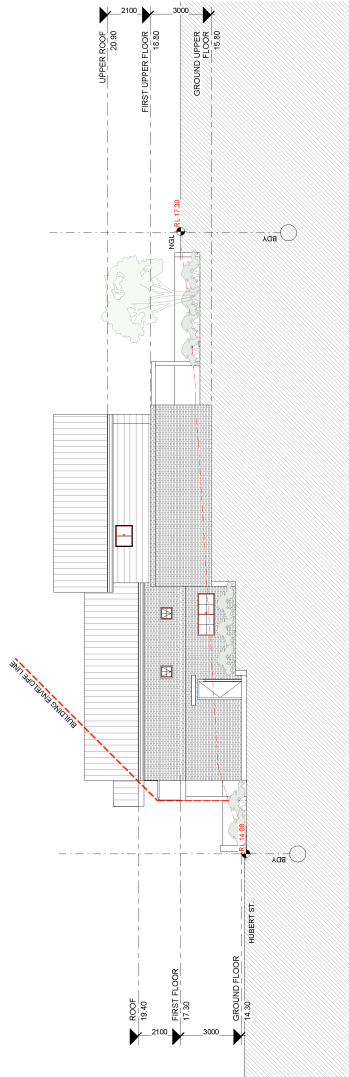
Member
Australian Institute
of Architects
1011 North Sydney
Road, NSW 1585

REVISION	DATE	REVISION	BY	CHECKED
B	15/10/19	DEVELOPMENT APPLICATION ISSUE	J.P	

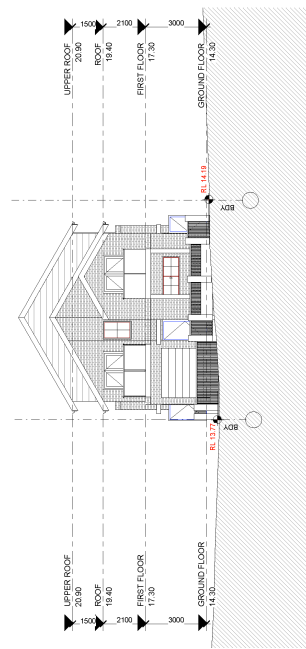
**ELEVATIONS
PRELIMINARY
NOT FOR CONSTRUCTION**

**DEVELOPMENT APPLICATION
PROPOSED ATTACHED DUAL OCCUPANCY**
CLIENT: CONTRIVE DEVELOPMENTS PTY LTD
ADDRESS: 101 HUBERT STREET, LILLYFIELD

SCALE @ A1: 1:100
SCALE @ A3: 1:200
DRAWN BY: M.T.R
DATE: 15/10/2019
CHECKED BY: J.P
PROJECT NUMBER: 10114
SHEET NUMBER: B107



1 SOUTH ELEVATION
1 : 100



2 WEST ELEVATION
1 : 100

SCALE @ A1	1 : 100
SCALE @ A3	1 : 200
DRAWN BY	M.T.R
CHECKED BY	J.P
DATE	15/10/2019
SHEET NUMBER	10114
PROJECT NUMBER	B108

DEVELOPMENT APPLICATION
 PROPOSED ATTACHED DUAL OCCUPANCY
 CURVE
 CONTRIVE DEVELOPMENTS PTY LTD
 ADDRESS
 101 HUBERT STREET LILLYFIELD

ELEVATIONS
PRELIMINARY
 NOT FOR CONSTRUCTION

NOTES:
 1. THESE ELEVATIONS ARE PRELIMINARY AND NOT TO BE USED FOR CONSTRUCTION.
 2. THE ELEVATIONS ARE SUBJECT TO THE APPROVAL OF THE LOCAL COUNCIL.
 3. THE ELEVATIONS ARE SUBJECT TO THE APPROVAL OF THE ARCHITECT.
 4. THE ELEVATIONS ARE SUBJECT TO THE APPROVAL OF THE ENGINEER.
 5. THE ELEVATIONS ARE SUBJECT TO THE APPROVAL OF THE PLANNING OFFICER.
 6. THE ELEVATIONS ARE SUBJECT TO THE APPROVAL OF THE DEVELOPER.
 7. THE ELEVATIONS ARE SUBJECT TO THE APPROVAL OF THE LOCAL COUNCIL.
 8. THE ELEVATIONS ARE SUBJECT TO THE APPROVAL OF THE ARCHITECT.
 9. THE ELEVATIONS ARE SUBJECT TO THE APPROVAL OF THE ENGINEER.
 10. THE ELEVATIONS ARE SUBJECT TO THE APPROVAL OF THE PLANNING OFFICER.
 11. THE ELEVATIONS ARE SUBJECT TO THE APPROVAL OF THE DEVELOPER.

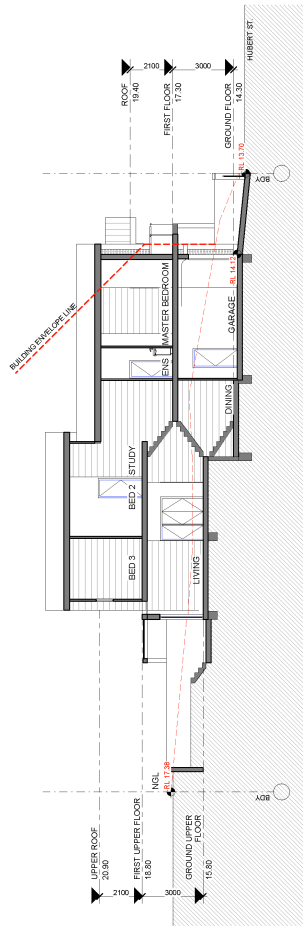
REVISION	DATE	REVISION	BY	CHECKED
B	15/10/19	DEVELOPMENT APPLICATION ISSUE	M.T.R	J.P

habitation
Design + Interiors

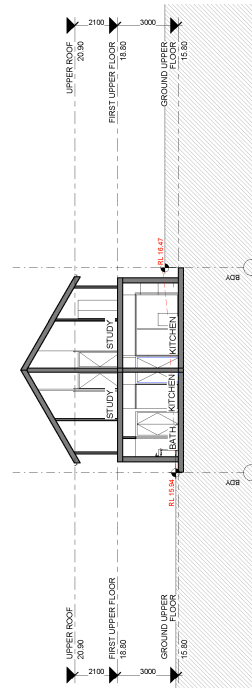
2014-12-23
100 Years of Excellence
100 Years of Innovation

Member
Australian Institute of Architects

MEMBER NO: 10114
10114 Hubert Street
Lillyfield NSW 1585



1 SECTION 01
LONG SECTION



2 SECTION 02
CROSS SECTION

SCALE @ A1	1:100
SCALE @ A3	1:200
DRAWN BY	M.T.R
CHECKED BY	J.P
DATE	15/10/2019
PROJECT NUMBER	10114
SHEET NUMBER	B109

DEVELOPMENT APPLICATION	PROPOSED ATTACHED DUAL OCCUPANCY
CURFT	CONTRIVE DEVELOPMENTS PTY LTD
ADDRESS	101 HUBERT STREET LILLYFIELD

SECTIONS
PRELIMINARY
NOT FOR CONSTRUCTION

NOTES:
1. THIS DRAWING IS THE PROPERTY OF HABITATION DESIGN + INTERIORS AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF HABITATION DESIGN + INTERIORS.
2. THIS DRAWING IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.
3. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL COUNCIL AND OTHER RELEVANT AUTHORITIES.
4. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY SERVICES (ELECTRICITY, GAS, WATER, SEWERAGE) AND FOR THE COST OF CONNECTIONS TO THESE SERVICES.
5. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY SERVICES (ELECTRICITY, GAS, WATER, SEWERAGE) AND FOR THE COST OF CONNECTIONS TO THESE SERVICES.
6. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY SERVICES (ELECTRICITY, GAS, WATER, SEWERAGE) AND FOR THE COST OF CONNECTIONS TO THESE SERVICES.
7. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY SERVICES (ELECTRICITY, GAS, WATER, SEWERAGE) AND FOR THE COST OF CONNECTIONS TO THESE SERVICES.
8. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY SERVICES (ELECTRICITY, GAS, WATER, SEWERAGE) AND FOR THE COST OF CONNECTIONS TO THESE SERVICES.
9. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY SERVICES (ELECTRICITY, GAS, WATER, SEWERAGE) AND FOR THE COST OF CONNECTIONS TO THESE SERVICES.
10. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY SERVICES (ELECTRICITY, GAS, WATER, SEWERAGE) AND FOR THE COST OF CONNECTIONS TO THESE SERVICES.

REVISION	DATE	REVISION	BY	CHECKED
B	15/10/19	DEVELOPMENT APPLICATION ISSUE	MTE	J.P

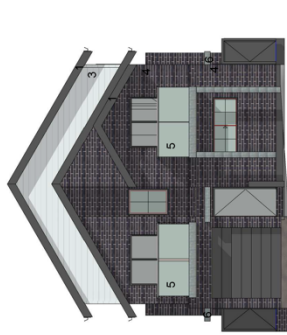
habitation
Design + Interiors

04 9432 0233
PO Box 1000
New North Sydney NSW 1585
www.habitationdesign.com.au

Member
Australian Institute
of Professional Designers
1000 North Sydney NSW 1585



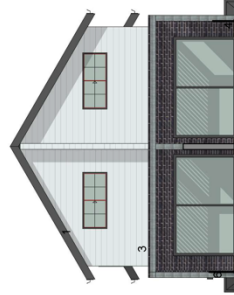
NORTH ELEVATION



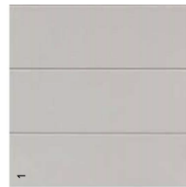
WEST ELEVATION



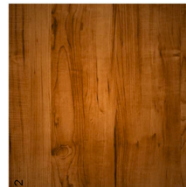
SOUTH ELEVATION



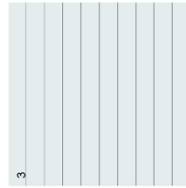
EAST ELEVATION



AREA : ROOF, GUTTERS, DOWNPIPES
 MATERIAL : COLORBOND CUSTOM RB SHEETING
 DESCRIPTION : " SHALE GREY" OR SIMILAR



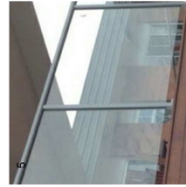
AREA : FENCING/RAVES/ PERGOLA
 MATERIAL : STAINED TIMBER
 DESCRIPTION : HARDWOOD TIMBER OR SIMILAR



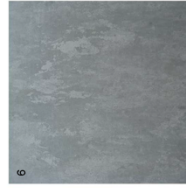
AREA : WALL CLADDING
 MATERIAL : JAMES HARDIE "SCYON" BOARD
 DESCRIPTION : LIGHTWEIGHT CONCRETE OR PAINTED "DULUX LEACON"



AREA : WALLS
 MATERIAL : FACE BRICKWORK
 DESCRIPTION : AUSTRAL "EMPORIUM CHIC" OR SIMILAR



AREA : BALCONY GLASS
 MATERIAL : GLASS
 DESCRIPTION : CLEAR GLASS



AREA : FRAMEWORK
 MATERIAL : METAL "C" CHANNEL
 DESCRIPTION : GALVANISED FINISH OR SIMILAR

habitation
 Design + Interiors
 Member
 Australian Institute of Architects
 10/100 Victoria Road
 North Sydney NSW 1585
 02 9339 8888
 www.habitation.com.au

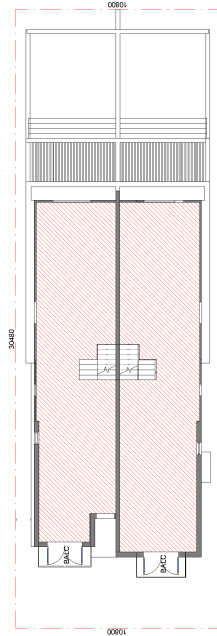
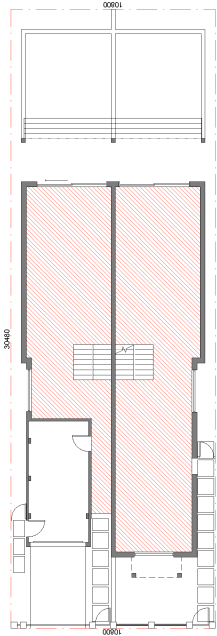
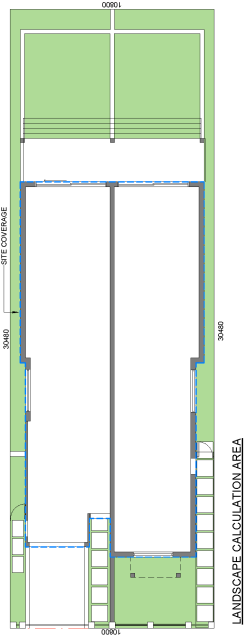
REVISION	ISSUE	DATE	REVISION	BY	CHECKED
B	15/10/19	DEVELOPMENT APPLICATION ISSUE		MTR	J.P

MATERIALS AND FINISHES PRELIMINARY NOT FOR CONSTRUCTION



DEVELOPMENT APPLICATION
 PROPOSED ATTACHED DUAL OCCUPANCY
 CLIENT: CONTRIVE DEVELOPMENTS PTY LTD
 ADDRESS: 101 HUBERT STREET, LILLYFIELD
 PROJECT NUMBER: 18114

SCALE @ A1: 1:70
 SCALE @ A3:
 DRAWN BY: M.T.R
 DATE: 15/10/2019
 CHECKED BY: J.P
 SHEET NUMBER: B110



CALCULATIONS:
 TOTAL SITE AREA: 306.6 m²
 TOTAL GFA: 116.9 m² (GF)
 124.7 m² (FF)
 241.5 m²
 TOTAL FSR: 0.78 :1
 TOTAL LANDSCAPE AREA: 108.0 m² (35%)
 TOTAL SITE COVERAGE: 157.6 m² (51%)

SCALE @ A1	1 : 100
SCALE @ A3	1 : 200
DRAWN BY	M.T.R
DATE	15/10/2019
CHECKED BY	J.P
PROJECT NUMBER	10114
SHEET NUMBER	B111

DEVELOPMENT APPLICATION
 PROPOSED ATTACHED DUAL OCCUPANCY
 CURVE: CONTRIVE DEVELOPMENTS PTY LTD
 ADDRESS: 101 HUBERT STREET, LILYFIELD

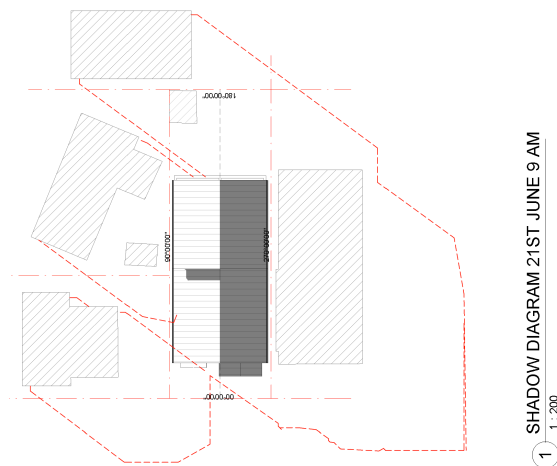


CALCULATION PLAN
PRELIMINARY
 NOT FOR CONSTRUCTION

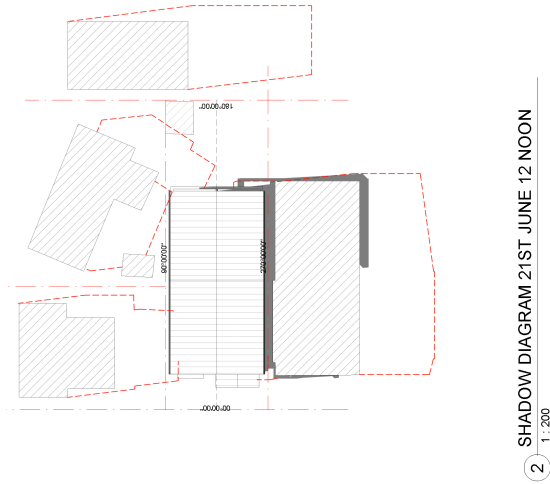
NOTES:
 1. THIS PLAN IS A PRELIMINARY CALCULATION AND IS NOT TO BE USED FOR CONSTRUCTION.
 2. THE CALCULATIONS ARE BASED ON THE INFORMATION PROVIDED AND ARE SUBJECT TO VERIFICATION.
 3. THE CALCULATIONS DO NOT TAKE INTO ACCOUNT ANY VARIATIONS IN FLOOR LEVELS OR OTHER FACTORS.
 4. THE CALCULATIONS ARE FOR INFORMATION ONLY AND DO NOT CONSTITUTE A PROFESSIONAL OPINION.
 5. THE CALCULATIONS ARE SUBJECT TO CHANGE WITHOUT NOTICE.
DISCLAIMER:
 THE DESIGNER ACCEPTS NO LIABILITY FOR ANY LOSS OR DAMAGE ARISING FROM THE USE OF THIS PLAN.
 THE DESIGNER'S LIABILITY IS LIMITED TO THE ACTUAL COST OF THE SERVICES PROVIDED.
 THE DESIGNER'S LIABILITY DOES NOT EXTEND TO ANY OTHER LOSS OR DAMAGE.

REVISION	DATE	REVISION	BY	CHECKED
B	15/10/19	DEVELOPMENT APPLICATION ISSUE	MTE	J.P

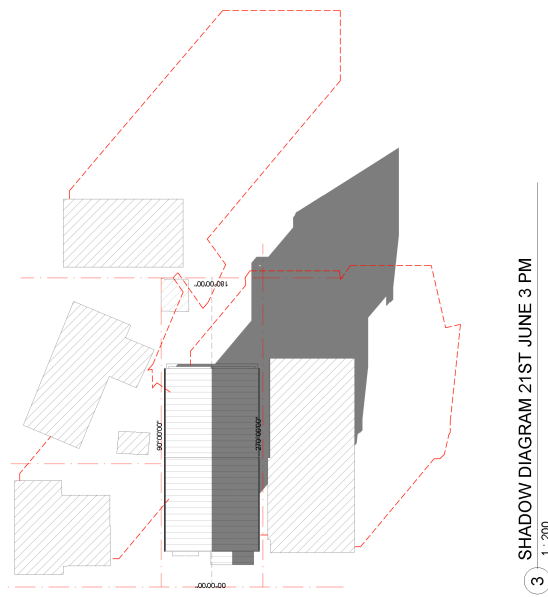




1 SHADOW DIAGRAM 21ST JUNE 9 AM
1:200



2 SHADOW DIAGRAM 21ST JUNE 12 NOON
1:200



3 SHADOW DIAGRAM 21ST JUNE 3 PM
1:200

LEGEND:
 - - - EXISTING SHADOW
 ■ PROPOSED SHADOW

habitation
 Design + Interiors
 04 9432 2133
 10/100 West Street
 Parramatta NSW 2150
 www.habitationdesign.com.au

Member
 Australian Institute
 of Architects (AIA)
 100 West Street Parramatta
 NSW 2150

REVISION	DATE	REVISION	BY	CHECKED
B	15/10/19	DEVELOPMENT APPLICATION ISSUE	MTR J.P.	

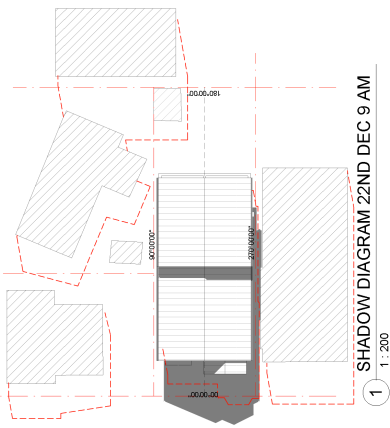
WINTER SHADOW DIAGRAM PRELIMINARY NOT FOR CONSTRUCTION

NOTES:
 1. THIS SHADOW DIAGRAM IS A PRELIMINARY REPRESENTATION OF THE SHADOWS CAST BY THE PROPOSED DEVELOPMENT AT THE SPECIFIED TIME AND DATE. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE.
 2. THE SHADOWS ARE CALCULATED USING A COMPUTER PROGRAM THAT TAKES INTO ACCOUNT THE SUN'S POSITION AT THE SPECIFIED TIME AND DATE, AND THE HEIGHT AND ORIENTATION OF THE PROPOSED DEVELOPMENT.
 3. THE SHADOWS ARE SHOWN AS A REPRESENTATION OF THE SHADOWS CAST BY THE PROPOSED DEVELOPMENT AT THE SPECIFIED TIME AND DATE. THEY DO NOT TAKE INTO ACCOUNT THE SHADOWS CAST BY SURROUNDING DEVELOPMENTS OR THE GROUND SURFACE.
 4. THE SHADOWS ARE SHOWN AS A REPRESENTATION OF THE SHADOWS CAST BY THE PROPOSED DEVELOPMENT AT THE SPECIFIED TIME AND DATE. THEY DO NOT TAKE INTO ACCOUNT THE SHADOWS CAST BY SURROUNDING DEVELOPMENTS OR THE GROUND SURFACE.
 5. THE SHADOWS ARE SHOWN AS A REPRESENTATION OF THE SHADOWS CAST BY THE PROPOSED DEVELOPMENT AT THE SPECIFIED TIME AND DATE. THEY DO NOT TAKE INTO ACCOUNT THE SHADOWS CAST BY SURROUNDING DEVELOPMENTS OR THE GROUND SURFACE.

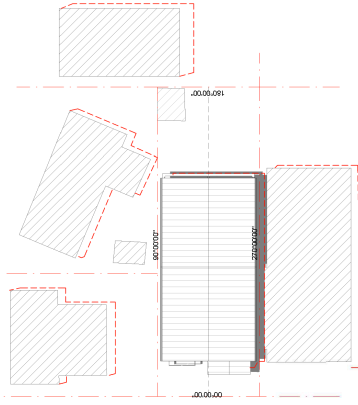


SCALE @ A1	AS INDICATED
SCALE @ A3	
DRAWN BY	M.T.R.
DATE	15/10/2019
CHECKED BY	J.P.
SHEET NUMBER	10114
PROJECT NUMBER	B112

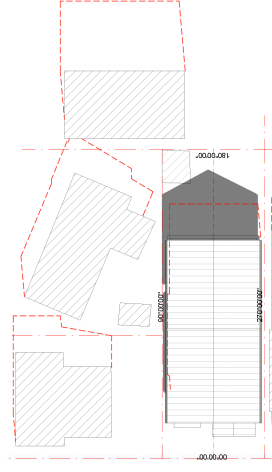
DEVELOPMENT APPLICATION
 PROPOSED ATTACHED DUAL OCCUPANCY
 CLIENT: CONTRIVE DEVELOPMENTS PTY LTD
 ADDRESS: 101 HUBERT STREET LILLYFIELD



1 1 : 200
SHADOW DIAGRAM 22ND DEC 9 AM



2 1 : 200
SHADOW DIAGRAM 22ND DEC 12 NOON



3 1 : 200
SHADOW DIAGRAM 22ND DEC 3 PM

LEGEND:
 - - - - - EXISTING SHADOW
 ■ PROPOSED SHADOW

habitation
 Design + Interiors
 04 94 94 2623
 10/100 West Street
 Sydney NSW 2000
www.habitation.com.au

Member
 Australian Institute of Architects
 100 Anson Street
 Sydney NSW 2000

REVISION	ISSUE	DATE	REVISION	BY	CHECKED
	B	15/10/19	DEVELOPMENT APPLICATION ISSUE	M.T.R.	J.P.

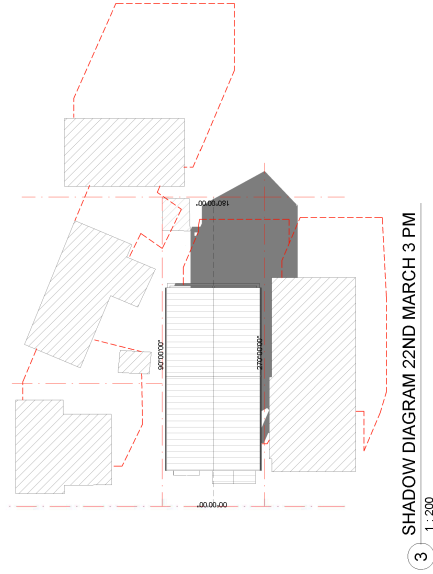
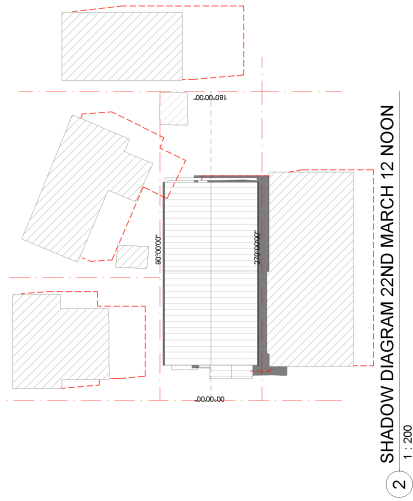
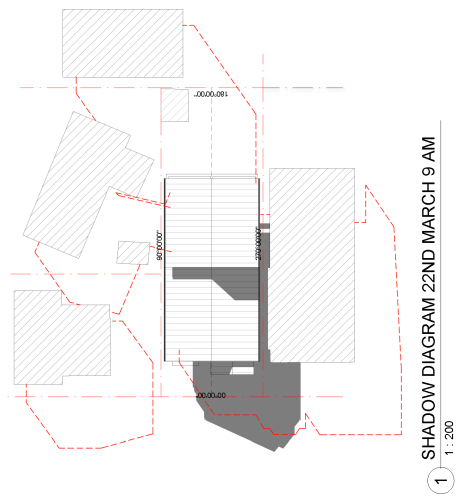
DISCLAIMER: This diagram is a preliminary shadow study and is not intended to be used for any other purpose. It is provided for information only and does not constitute a guarantee or warranty of any kind. The accuracy of the diagram is dependent on the accuracy of the input data and the assumptions made in its preparation. The diagram is not a substitute for a professional shadow study conducted by a qualified professional. The diagram is not to be used for any other purpose without the prior written consent of the author.

SUMMER SHADOW DIAGRAM PRELIMINARY NOT FOR CONSTRUCTION



DEVELOPMENT APPLICATION
 PROPOSED ATTACHED DUAL OCCUPANCY
 CURITE CONTRIVE DEVELOPMENTS PTY LTD
 ADDRESS: 101 HUBERT STREET LILLYFIELD

SCALE @ A1 AS INDICATED
 SCALE @ A3
 DRAWN BY: M.T.R.
 DATE: 15/10/2019
 CHECKED BY: J.P.
 SHEET NUMBER: 10114
 PROJECT NUMBER: B1113



LEGEND:
 - - - EXISTING SHADOW
 ■ PROPOSED SHADOW

habitation
 Design + Interiors
 04 9432 0233
 10/100 Moor Street
 Sydney NSW 2000
 www.habitationdesign.com.au

Member
 Australian Institute
 of Architects
 101 Hubert Street
 Lilyfield NSW 1585

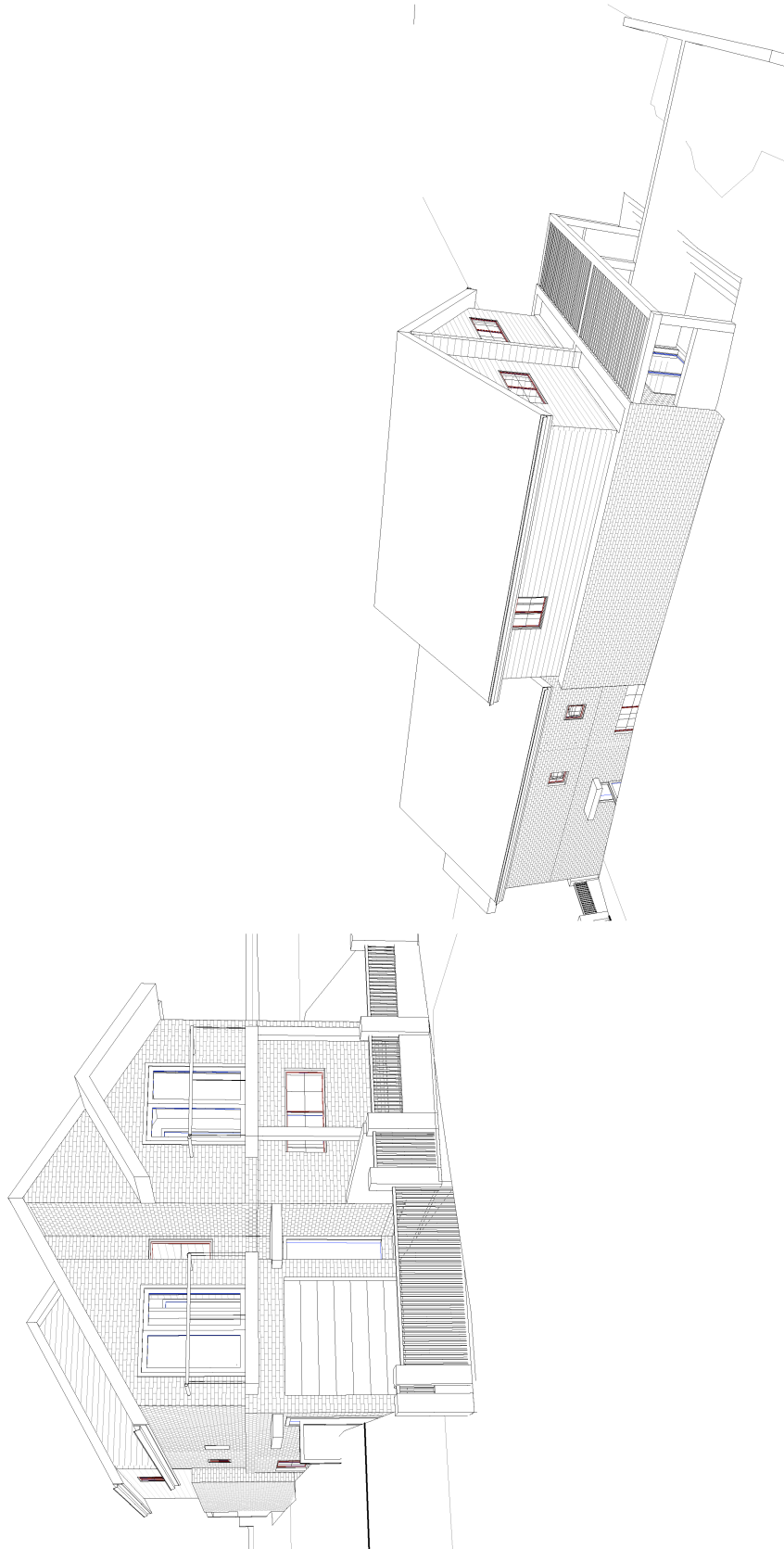
REVISION	DATE	REVISION	BY	CHECKED
B	15/04/18	DEVELOPMENT APPLICATION ISSUE	MTR	J.P.

NOTES:
 1. THIS SHADOW DIAGRAM IS A PRELIMINARY DESIGN AND SHOULD NOT BE USED FOR ANY OTHER PURPOSES.
 2. THE SHADOWS SHOWN ARE BASED ON THE PROPOSED DEVELOPMENT AND SHOULD NOT BE USED FOR ANY OTHER PURPOSES.
 3. THE SHADOWS SHOWN ARE BASED ON THE PROPOSED DEVELOPMENT AND SHOULD NOT BE USED FOR ANY OTHER PURPOSES.
DISCLAIMER:
 THE SHADOWS SHOWN ARE BASED ON THE PROPOSED DEVELOPMENT AND SHOULD NOT BE USED FOR ANY OTHER PURPOSES.
 THE SHADOWS SHOWN ARE BASED ON THE PROPOSED DEVELOPMENT AND SHOULD NOT BE USED FOR ANY OTHER PURPOSES.
 THE SHADOWS SHOWN ARE BASED ON THE PROPOSED DEVELOPMENT AND SHOULD NOT BE USED FOR ANY OTHER PURPOSES.

EQUINOX SHADOW DIAGRAM PRELIMINARY NOT FOR CONSTRUCTION

DEVELOPMENT APPLICATION
 PROPOSED ATTACHED DUAL OCCUPANCY
 CLIENT: CONTRIVE DEVELOPMENTS PTY LTD
 ADDRESS: 101 HUBERT STREET, LILYFIELD
 PROJECT NUMBER: 10114
 SHEET NUMBER: B114

SCALE @ A1: AS INDICATED
 SCALE @ A3: AS INDICATED
 DRAWN BY: M.T.R.
 DATE: 15/10/2019
 CHECKED BY: J.P.
 PROJECT NUMBER: 10114
 SHEET NUMBER: B114




SCALE @ A1	SCALE @ A3	DATE: 15/10/2019	SHEET NUMBER: B115
DRAWN BY: M.T.R		CHECKED BY: J.P	PROJECT NUMBER: 10114
DEVELOPMENT APPLICATION			
PROPOSED ATTACHED DUAL OCCUPANCY			
CLIENT: CONTRIVE DEVELOPMENTS PTY LTD		ADDRESS: 101 HUBERT STREET LILLYFIELD	


3D PERSPECTIVE
PRELIMINARY
 NOT FOR CONSTRUCTION

NOTES:
 1. THIS DRAWING IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.
 2. THE DESIGN IS SUBJECT TO APPROVAL BY THE LOCAL COUNCIL.
 3. THE DESIGN IS SUBJECT TO APPROVAL BY THE STATE GOVERNMENT.
 4. THE DESIGN IS SUBJECT TO APPROVAL BY THE FEDERAL GOVERNMENT.
 5. THE DESIGN IS SUBJECT TO APPROVAL BY THE COMMONWEALTH GOVERNMENT.
 6. THE DESIGN IS SUBJECT TO APPROVAL BY THE INTERNATIONAL COMMUNITY.
 7. THE DESIGN IS SUBJECT TO APPROVAL BY THE UNITED NATIONS.
 8. THE DESIGN IS SUBJECT TO APPROVAL BY THE WORLD LEADERS.
 9. THE DESIGN IS SUBJECT TO APPROVAL BY THE GLOBAL COMMUNITY.
 10. THE DESIGN IS SUBJECT TO APPROVAL BY THE ENTIRE HUMANITY.

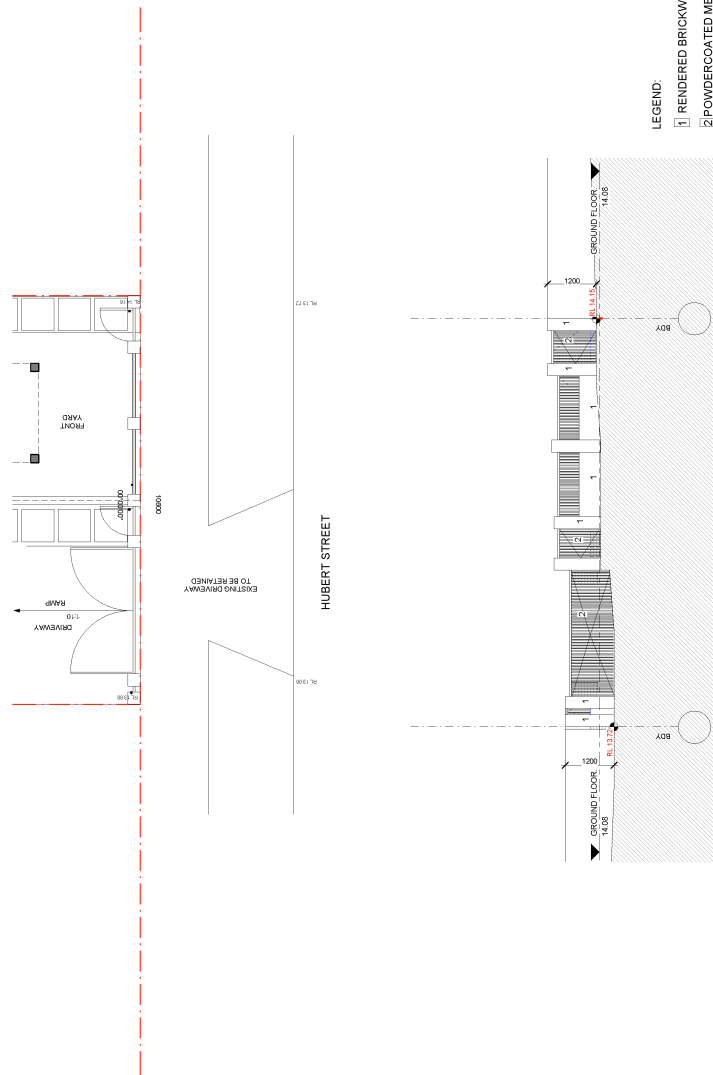
REVISION	DATE	REVISION	BY	CHECKED
B	15/10/19	DEVELOPMENT APPLICATION ISSUE	M.T.R	J.P



habitation
Design + Interiors
04 94 92 0213
PO Box 1000
Parramatta NSW 2150
www.habitationdesign.com.au



Member
Australian Institute of Architects
MEMBER NUMBER: 10114
101 Inner West Local Planning Panel
Board Item 5/19



LEGEND:
 1 RENDERED BRICKWORK / MASONRY
 2 POWDERCOATED METAL FENCING

SCALE @ A1	1 : 50
SCALE @ A3	1 : 100
DRAWN BY	N.V.M
CHECKED BY	J.P
DATE	15/10/2019
PROJECT NUMBER	10114
SHEET NUMBER	B118

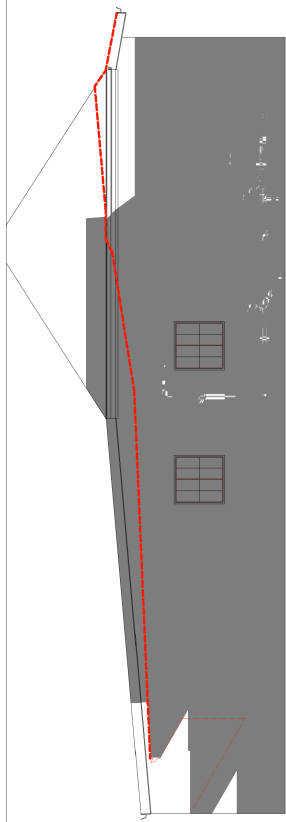
DEVELOPMENT APPLICATION
 PROPOSED ATTACHED DUAL OCCUPANCY
 CURVE CONTRIVE DEVELOPMENTS PTY LTD
 ADDRESS 101 HUBERT STREET LILLYFIELD

FRONT FENCE
 DETAILS
PRELIMINARY
 NOT FOR CONSTRUCTION

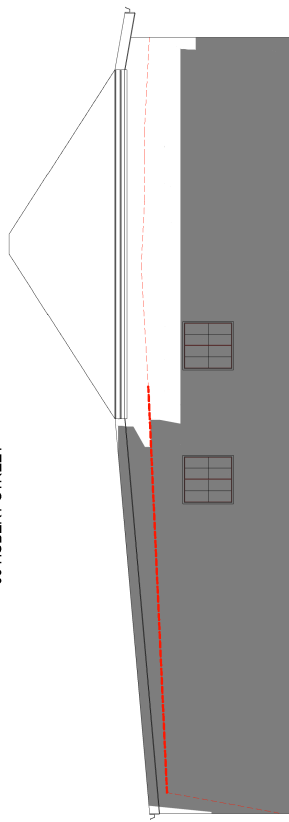
REVISION	DATE	BY	CHECKED
0	15/10/19	J.P	J.P

habitation Design + Interiors
 04 832 2323
 10/100 Pitt Street
 Sydney NSW 2000
 www.habitationdesign.com.au

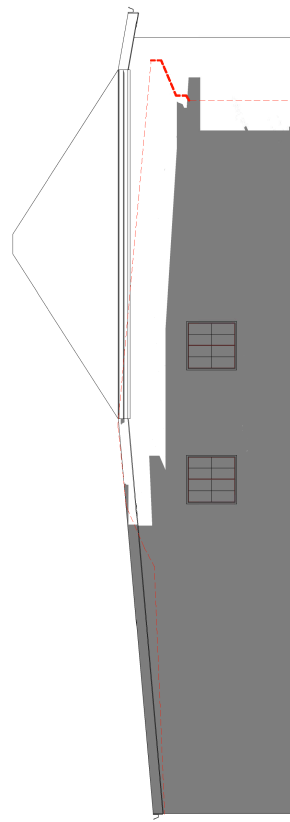
Member
 Australian Institute
 of Architects
 101 Inner West Local Planning Panel
 Board 2019/2021





1 SHADOW ELEVATION 21 ST JUNE 9 AM.
99 HUBERT STREET



2 SHADOW ELEVATION 21 ST JUNE 12 NOON.
99 HUBERT STREET



3 SHADOW ELEVATION 21 ST JUNE 3 PM.
99 HUBERT STREET

LEGEND:
 EXISTING SHADOW
 PROPOSED SHADOW

SCALE @ A1	1:50
SCALE @ A3	1:100
DRAWN BY	N.V.M
CHECKED BY	J.P
DATE	15/10/2019
SHEET NUMBER	B119
PROJECT NUMBER	10114



ELEVATIONAL SHADOW PRELIMINARY NOT FOR CONSTRUCTION

DEVELOPMENT APPLICATION
 PROPOSED ATTACHED DUAL OCCUPANCY
 CURVE CONTRIVE DEVELOPMENTS PTY LTD
 ADDRESS: 101 HUBERT STREET LILLYFIELD

REVISION	DATE	REVISION	BY	CHECKED
B	15/10/19	DEVELOPMENT APPLICATION ISSUE	MFE	J.P



habitation
Design + Interiors
04 94 94 2623
04 94 94 1855
www.habitationdesign.com.au



Member
Australian Institute of Architects
1000 Northbourne Avenue
Bentley WA 6105

SOIL + WATER MANAGEMENT PLAN

EROSION CONTROL MEASURES

ALL EROSION AND SILTATION CONTROL DEVICES ARE TO BE PLACED PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION WORKS AND ALL SILT TRAPS ARE TO HAVE DEPOSITED SILT REMOVED REGULARLY DURING CONSTRUCTION

ALL TREES ARE TO BE PRESERVED UNLESS INDICATED OTHERWISE ON THE ARCHITECT'S OR LANDSCAPE ARCHITECT'S DRAWINGS. EXISTING GRASS COVER SHALL BE MAINTAINED EXCEPT IN AREAS CLEARED FOR BUILDINGS, PAVEMENTS, ETC.

INSTALL TEMPORARY SEDIMENT BARRIERS TO ALL INLET PITS LIKELY TO COLLECT SILT LADEN WATER. TO COUNCIL'S STANDARDS

NOT WITHSTANDING DETAILS SHOWN IT IS THE CONTRACTORS SOLE RESPONSIBILITY TO ENSURE THAT ALL SITE ACTIVITIES COMPLY WITH THE REQUIREMENTS OF THE CLEAN WATERS ACT

ALL TOPSOIL TO BE CONSERVED FOR REUSE ON SITE

SEDIMENT CONTROL MEASURES

ALL EROSION AND SEDIMENTATION CONTROL MEASURES INCLUDING REVEGETATION AND STORAGE OF SOIL, SHALL BE IMPLEMENTED TO THE STANDARDS OF THE SOIL CONSERVATION OF N.S.W.

ALL DRAINAGE WORKS SHALL BE CONSTRUCTED AND STABILIZED AS EARLY AS POSSIBLE DURING DEVELOPMENT

SEDIMENT STRAPS SHALL BE CONSTRUCTED AROUND ALL INLET PITS, CONSISTING OF 300mm WIDE x 300mm DEEP TRENCH

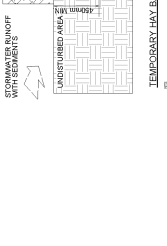
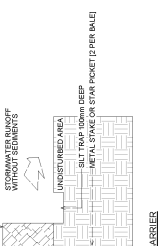
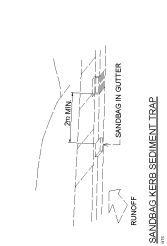
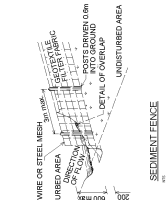
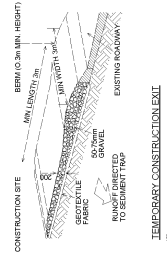
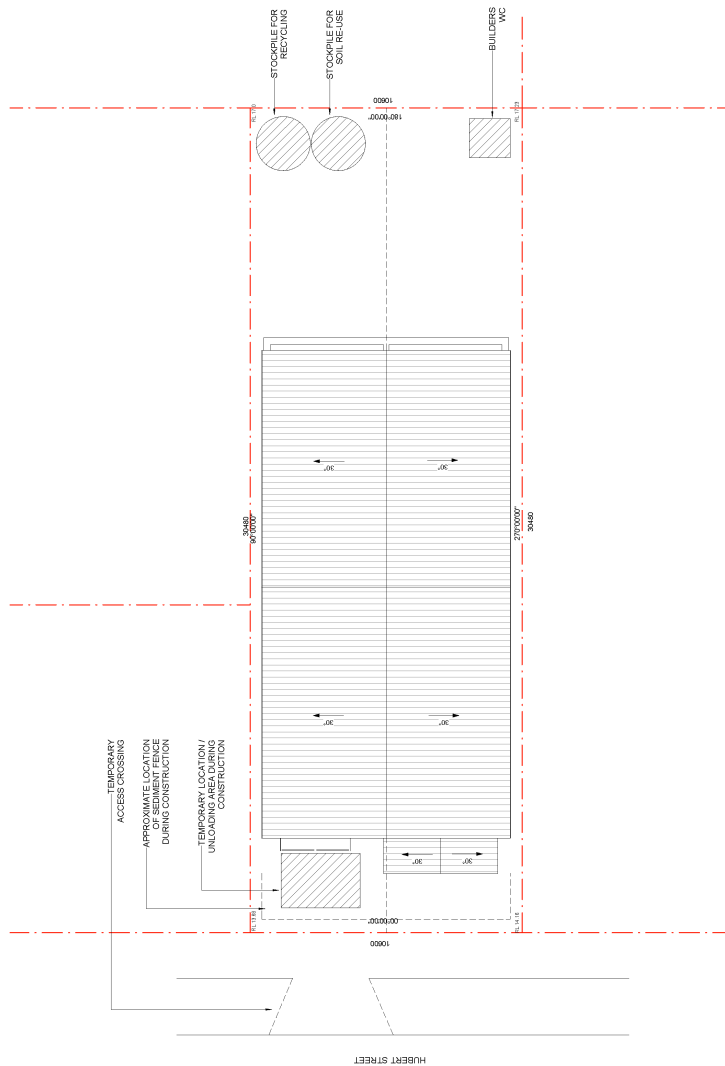
ALL SEDIMENT BASINS AND TRAPS SHALL BE CLEANED WHEN THE STRUCTURES ARE A MINIMUM OF 60% FULL OF SOIL MATERIALS, INCLUDING THE MAINTENANCE PERIOD.

ALL DISTURBED AREAS SHALL BE REVEGETATED AS SOON AS THE RELEVANT WORKS ARE COMPLETED

SOIL AND STOCKPILES SHALL BE LOCATED AWAY FROM DRAINAGE LINES AND AREAS WHERE WATER MAY CONCENTRATE

FILTER SHALL BE CONSTRUCTED BY STRETCHING A FILTER FABRIS (PROPEX OR APPROVED EQUIVALENT) BETWEEN POSTS AT 3.0M CENTERS. FABRIC SHALL BE BURIED 150mm ALONG ITS LOWER EDGE

CONTROL SURFACE WATER FLOW IN A MANNER THAT:
 A- DIVERTS RUN-OFF AROUND DISTURBED AREAS
 B- MINIMISES SLOPE AND FLOW DISTANCE WITHIN DISTURBED AREAS
 C- ENSURES SURFACE RUN-OFF OCCURS AT NON-ERODIBLE VELOCITIES
 D- ENSURES DISTURBED AREAS ARE PROMPTLY REHABILITATED



SCALE @ A1	SCALE @ A3	As Indicated
DRAWN BY	N.V.M	DATE: 15/10/2019
CHECKED BY	J.P	SHEET NUMBER
PROJECT NUMBER	10114	B120

DEVELOPMENT APPLICATION
 PROPOSED ATTACHED DUAL OCCUPANCY
 CURVE: CONTRIVE DEVELOPMENTS PTY LTD
 ADDRESS: 101 HUBERT STREET, LILYFIELD

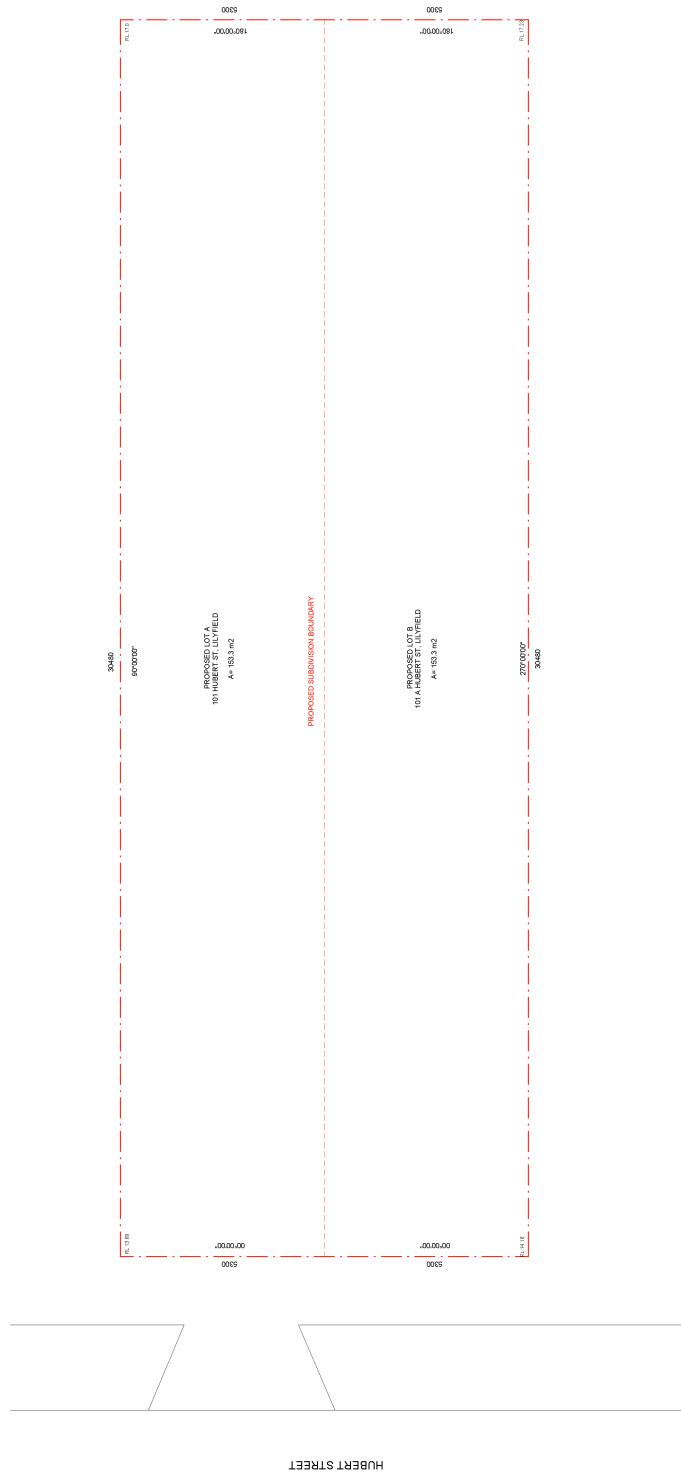
SOIL + WATER MANAGEMENT PLAN
PRELIMINARY
 NOT FOR CONSTRUCTION

REVISION

NO.	DATE	REVISION	BY	CHECKED
1	15/10/19	DEVELOPMENT APPLICATION ISSUE	MFR	J.P

habitation
 Design + Interiors
 2/14/15/2013
 10/15/2019
 10/15/2019
 10/15/2019

Member
 AUSTRALIAN INSTITUTE OF PROFESSIONAL ENGINEERS
 10/15/2019



101 HUBERT STREET, LILYFIELD, NSW
 LOT 103
 DP 1162
 PROPOSED STRATA TITLE
 SUBDIVISION INTO 2 X LOTS

SCALE @ A1	1:50
SCALE @ A3	1:100
DRAWN BY	N.V.M
DATE	15/10/2019
CHECKED BY	J.P
SHEET NUMBER	10114
PROJECT NUMBER	B121

DEVELOPMENT APPLICATION
 PROPOSED ATTACHED DUAL OCCUPANCY
 CURVE
 CONTRIVE DEVELOPMENTS PTY LTD
 ADDRESS
 101 HUBERT STREET, LILYFIELD



SUBDIVISION PLAN
PRELIMINARY
 NOT FOR CONSTRUCTION

NOTES:
 1. THIS PLAN IS A PRELIMINARY SUBDIVISION PLAN AND IS NOT TO BE USED FOR CONSTRUCTION OR AS EVIDENCE OF TITLE.
 2. THE SUBDIVISION IS SUBJECT TO THE APPROVAL OF THE LOCAL COUNCIL AND THE NSW DEPARTMENT OF LANDS AND HERITAGE.
 3. THE SUBDIVISION IS SUBJECT TO THE APPROVAL OF THE NSW DEPARTMENT OF LANDS AND HERITAGE.
 4. THE SUBDIVISION IS SUBJECT TO THE APPROVAL OF THE NSW DEPARTMENT OF LANDS AND HERITAGE.
 5. THE SUBDIVISION IS SUBJECT TO THE APPROVAL OF THE NSW DEPARTMENT OF LANDS AND HERITAGE.

REVISION	DATE	BY	CHECKED
0	15/10/19	DEVELOPMENT APPLICATION ISSUE	
		REVISION	



Attachment C- Clause 4.6 Exception to Development

ATTACHMENT 1

**REQUEST TO VARY A DEVELOPMENT STANDARD
(CLAUSE 4.6 LEICHHARDT LEP 2013)**

Property:	101 Hubert Street, Lilyfield
Date:	10th October 2019
Planning Instrument:	Leichhardt Local Environmental Plan 2013

Introduction

Consideration has been given to the following matters within this assessment:

- Relevant planning principles and judgements issued by the Land and Environment Court. The Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118 court judgement is the most relevant of recent case law. Commissioner Preston confirmed the following:
 1. *The focus of cl 4.6(3)(b) is on the **aspect or element** of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds. The environmental planning grounds advanced in the written request must justify the contravention of the development standard, **not simply promote the benefits of carrying out the development as a whole**; see Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248 at [15].*
 2. *Second, the written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard so as to enable the consent authority to be satisfied under cl 4.6(4)(a)(i) that the written request has adequately addressed this matter; see Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [31].*
- Justice Preston in the decision of *Wehbe v Pittwater Council* [2007] NSWLEC 827 at 43 as to why it is unreasonable and unnecessary to apply a development standard to a particular case.
- The L&E Court judgment in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90, Pearson C outlined that a Clause 4.6 Variation requires identification of grounds that are particular to the circumstances to the proposed development (i.e., simply meeting the objectives of the development standard is insufficient justification of a Clause 4.6 Variation).
- A more recent case where Commissioner Tuor of the Land and Environment Court applied the Court of Appeal's approach in *Moskovitch v Waverley Council* [2016] NSWLEC 1015 and in effect confirmed a greater flexibility.

In summary, the Variation Request satisfies the requirements of Clause 4.6 of Leichhardt LEP 2013 as follows:

- It identifies the development standard to be varied.
- Discusses the extent of the variation sought.
- Establishes that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.
- Demonstrates there are sufficient environmental planning grounds to justify the contravention (*Note: the focus being on the contravention NOT the development as a whole*).
- Demonstrates that the proposed variation is in the public interest, being consistent with the objectives of the particular standard and the objectives of the relevant zone in which the development is proposed.

Clause 4.6

Clause 4.6 of Leichhardt LEP 2013 (LEP) states:

- (1) *The objectives of this clause are as follows:*
 - (a) to **provide an appropriate degree of flexibility** in applying certain development standards to particular development,
 - (b) to **achieve better outcomes for and from development by allowing flexibility** in particular circumstances.
- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
 - (a) that compliance with the **development standard** is **unreasonable or unnecessary** in the circumstances of the case, and
 - (b) that there are **sufficient environmental planning grounds** to justify contravening the development standard.
- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
 - (a) *the consent authority is satisfied that:*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (b) *the concurrence of the Director-General has been obtained.*
- (5) *In deciding whether to grant concurrence, the Director-General must consider:*
 - (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) *the public benefit of maintaining the development standard, and*
 - (c) *any other matters required to be taken into consideration by the Director-General before granting concurrence.*
- (6) *Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:*
 - (a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
 - (b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

Note. *When this Plan was made it did not include any of these zones.*
- (7) *After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*
- (8) *This clause does not allow development consent to be granted for development that would contravene any of the following:*
 - (a) *a development standard for complying development,*
 - (b) *a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
 - (c) *clause 5.4.*

Development Standard & Extent of Variation

In this particular case, the development standard relates to the maximum floor space ratio for development under the provisions of the Leichhardt Local Environmental Plan 2013, **Clause 4.4(2B) (a)** in particular.

The EP&A Act defines development standard as follows:

“development standards” means provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of:

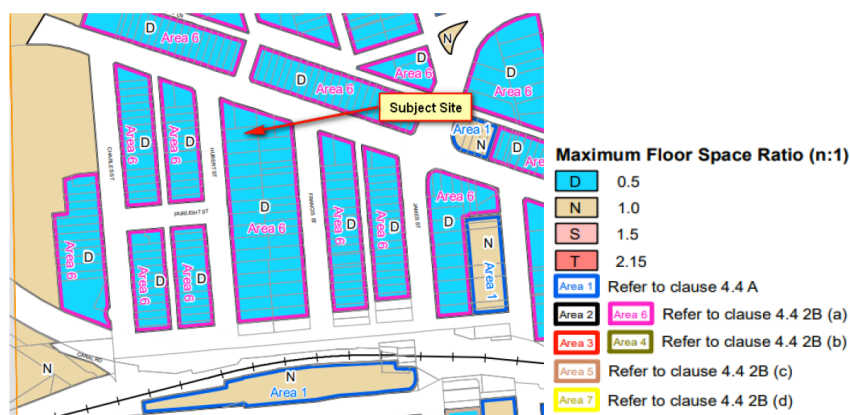
- (a) *the area, shape or frontage of any land, the dimensions of any land, buildings or works, or the distance of any land, building or work from any specified point,*
- (b) ***the proportion or percentage of the area of a site which a building or work may occupy...***

NOTE: It is clear from the above definition that the ‘maximum floor space ratio’ requirement of LLEP 2013 is a ‘development standard’.

A variation is sought to Clause 4.4 (2B) (a), which states the following:

(2B) Despite subclause (2), the floor space ratio for development for the purpose of residential accommodation:

- (a) *on land shown edged black or pink on the Floor Space Ratio Map is not to exceed:*
 - (i) *in the case of development on a lot with an area of less than 150 square metres—0.9:1, or*
 - (ii) *in the case of development on a lot with an area of 150 square metres or more but less than 300 square metres—0.8:1, or*
 - (iii) *in the case of development on a lot with an area of 300 square metres or more but less than 450 square metres—0.7:1, or***
 - (iv) *in the case of development on a lot with an area of 450 square metres or more—0.6:1, or*



The proposed development involves demolition of the existing dwelling and construction of a dual occupancy (attached) development with strata title subdivision and comprises a Gross Floor Area of $241.5m^2$ or $0.78:1$ or $26.88m^2$ over the requirement (i.e., it exceeds the FSR requirement by approximately 12.5%).

It is a well-known fact that the strict application of numeric requirements in the planning process restricts the design process and often produces poor urban design outcomes.

The Department of Planning's "Guidelines for the Use of State Environmental Planning Policy No.1" (refer to DOP Circular No. B1 - issued 17th March 1989) state that:

"As numerical standards are often a crude reflection of intent, a development which departs from the standard may in some circumstances achieve the underlying purpose of the standard as much as one which complies. In many cases the variation will be numerically small and in other cases it may be numerically large, but nevertheless be consistent with the purpose of the standard..."

In deciding whether to consent to a development application the Council should test whether the proposed development is consistent with the State, regional or local planning objectives for the locality; and in particular the underlying objective of the standard. If the development is not only consistent with the underlying purposes of the standard, but also with the broader planning objectives of the locality, strict compliance with the standard would be unnecessary and unreasonable."

A more flexible approach to assessment of development applications (i.e., based on merit) is commendable, it enables town planners to utilise their skills and carry out the function of their profession by properly assessing the attributes of a development proposal (i.e., not just tick boxes demonstrating compliance).

Compliance with Development Standard is Unreasonable and Unnecessary

The application must address whether strict compliance with the standard in this particular case, would be unreasonable or unnecessary and why – that being, in this instance, the purpose behind the 0.7:1 FSR requirement has been achieved. In other words, the non-compliant element of the development assists in the provision of effective articulation and functionality by slightly widening the living area components of each dwelling, without adversely impacting adjoining development and does not undermine the objectives behind the standard.

A decision in the Land and Environment Court *Wehbe v Pittwater Council* outlines a number of ways to establish that compliance with a development standard would be 'unreasonable' or 'unnecessary.' These include:

1. *The objectives of the standard are achieved notwithstanding non-compliance with the standard;*
2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
3. *The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
5. *The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.*

In this instance, the **first** and **fourth** means are relied upon in establishing that compliance with the standard is unreasonable or unnecessary.

The underlying purpose of the maximum floor space ratio requirement can be deduced from the following objectives contained in clause 4.4 (1) of Leichhardt LEP 2013:

The objectives of this clause are as follows:

- (a) *to ensure that residential accommodation:*
 - (i) *is compatible with the desired future character of the area in relation to building bulk, form and scale - the locality is characterised by a variety of building forms, including very large two and partially three storey construction. As such, it is envisaged that the future character of the locality will continue to comprise buildings of a similar bulk and scale as the proposed development. The additional floor space does not impact on the visual compatibility of the development with the character of the locality (i.e., it would not be interpreted as a non-compliance, being indistinguishable from other compliant development and development that equates to FSR's greater than that proposed with this application).*
 - (ii) *provides a suitable balance between landscaped areas and the built form – the proposal complies with the Landscaped Area requirement (Note: the LEP requirement is 20% and the proposal provides for 35%, well in excess of the minimum requirement).*
 - (iii) *minimises the impact of the bulk and scale of buildings - the bulk of the proposal has been effectively regulated with articulation (both vertically and horizontally) and by limiting the height of the building by stepping the building to correspond with the terrain. The additional floorspace will not result in any significant adverse environmental impacts on surrounding properties in regard to visual bulk, overshadowing and privacy.*
- (b) *to ensure that non-residential development is compatible with the desired future character of the area in relation to building bulk, form and scale – N/A*

In summary, the underlying purpose of the maximum floor space ratio requirement is to ensure that new buildings are of a comparable bulk and scale to other buildings in the vicinity. The proposal satisfies the above objectives as follows:

- The variation is relatively minor, being approximately **12.5%** over the permitted FSR and large dwellings are not uncommon in the locality, some of which comprise FSR's much greater than proposed with this application. As such, **the proposed development is generally consistent in form with other buildings in the immediate locality**.
- The desired future character for the area is established by the existing building fabric of adjacent development which already comprises bulkier building forms than that attainable by the FSR standard contained in the LEP. The proposed development will not result in a building bulk that is incompatible with immediately adjacent buildings.
- The objectives are satisfied by the skillful design of the "dual occupancy (attached)" development which contains a first-floor level within the pitching point of the roof to minimise its height and/or avoid eating into the available soft soil area by significantly extending at ground floor level.

The proposed dwellings which are well integrated in a single building form will maintain a continuous streetscape rhythm.

The LEP/DCP acknowledge that smaller sites may require increased floor space ratios, hence, the control incorporates increased FSR's for smaller lots and localities where small lots are prevalent (i.e., Balmain and Glebe). A maximum building area of only **107m²** for each dwelling is can be achieved based on the overall site area, disregarding the fact that the dwellings will be contained within a Strata Plan of subdivision, which is extremely small and stifles development potential, which is contrary to the objectives of the Environmental Planning and Assessment Act 1979.

As such, this nexus between the FSR and the size of land should not be disregarded simply because the dwellings are located in a different location, or the allotments are contained within a Strata plan, rather than Torrens title lots.

Being a small site within the context of many dwellings constructed on zero lot line and abutting buildings which complement the character of Hubert Street, any nexus between the FSR and the size of land should take into account such constraints. Even more importantly, design, as often is the case where a compliant development appears more bulky than a well-designed non-compliant development.

Note: The Land and Environment Court has established that in areas comprising relatively small allotments, restricting the FSR will produce negative impacts to the amenity of the locality (i.e., degradation), as redevelopment becomes economically unviable where there is no potential to increase the size of the existing building. This is seen as a hindrance in obtaining the objectives of the EP & A Act 1979, which encourages both the orderly and economic use of the land.

- The streetscape comprises a variety of building forms, including larger two storey dwellings and two storey terraces which appear far bulkier than the proposed development.



Photo – nearby terraces (Note: the terraces have a much bulkier appearance)



Photo – nearby almost identical development

The skillful design incorporates traditional architectural features, wall heights and roof pitches to visually reduce the bulk and scale of the building and produce an aesthetically pleasing presentation to the street.

- For all intents and purposes, the variation will not be interpreted as a non-compliance given that the design sits comfortably into the surrounding developed area already displaying bulkier building forms.
- The proposed 3 bedroom dwellings are not considered excessive in size. They comprise an open floor plan with functional rooms common to most contemporary style dwellings (**Note: small to medium sized dwellings are not inconsistent or antipathetic with the aims and objectives of the zone**).
- Floor Space Ratio is a poor indicator of true bulk and scale as the relationship involves the size of the land on which the building is to be erected i.e., if the allotments were slightly longer there would be no issue, yet the appearance of the building when viewed from the street would be the same.

Overall the proposed development achieves a reasonable level of amenity and is within the environmental capacity of the zone.

Environmental Planning Grounds

In addition to the benefits to broader planning grounds, such as:

- Public benefit arising from additional housing, and
- An increase in the variety of housing stock.

The more specific environmental planning grounds [*Four2Five Pty Ltd v Ashfield Council*] are that specific design measures are required to address the size of the existing allotment and accommodate usable floor space within a relatively constrained building footprint, which as a consequence has resulted in an exceedance to the FSR requirement (i.e., the proposed FSR would achieve better internal and external amenity outcomes than a complying development). Furthermore, the emerging streetscape along Hubert Street comprises development of a similar bulk and scale, therefore the context of the site amongst such development should also be taken into account.

Likewise, a compliant development with less floor area would not, for all intents and purposes, achieve a better environmental outcome in the zone or enhance the residential amenity of residents living in the dwellings. In fact, compliance with the development standard would in this particular case, result in:

- Rooms in each dwelling being lost (**Note: it is important that housing caters to a wide spectrum of the community including a growing family situation, especially in areas where the population is aging, and existing infrastructure, such as, schools is under-utilised or on the verge of being lost to developing areas. Dual Occupancy development per say is more affordable than single dwelling development, and better utilises a scarce resource (land);** or
- Crucial internal living areas being further reduced in size, which given the required articulation would make them unfeasible.

The floor area is contained within a bulk and form of development which complies with the height and front/rear setback controls and is appropriate to its context with acceptable impacts. As such, environmental planning benefits of approving the development in its current form outweigh the need for strict compliance.

Public Interest

The construction of an attractive dual occupancy development with all residential amenities represents an orderly and economic use of the land which promotes the objectives of the EP&A Act.

From an urban design viewpoint, the development (in its current form) is consistent with the building character in the locality and will generally enhance the amenity of the streetscape, thus satisfying the planning principles established in *Project Venture Developments v Pittwater Council* [2005] NSWLEC 191.

It provides for all residential amenities, including off-street carparking for one of the dwellings, which is expected for the lifestyle of its occupants, without any significant adverse environmental impacts to adjoining properties.

The proposed development will be in the public interest because it is consistent with the objectives of the R1 – General Residential zone (i.e., the objectives of the zone encourage a variety of housing forms).

The objectives of the zone are:

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

The proposed development satisfies the above objectives as follows:

- The proposed development will meet the housing needs of the community and add to the range of housing within the General Residential zone (i.e., the proposal will increase the quantity and quality of housing stock within an area which is within close proximity to transport links, public infrastructure and high amenity public spaces, including Leichhardt Park, Callan Park and The Bay Run).
- The locality is under transition with older single storey dwellings being replaced with larger two storey dwellings and increased densities, as such the proposal will contribute to the desired future character of the area.
- Dual occupancy development per say is a more affordable form of housing.
- The proposed development will enhance the amenity of the residential area by the provision of new housing stock and landscaping.

Given the above, and the fact that Council has consistently allowed variations to the FSR requirement, it is considered that the proposed development is within the environmental capacity of the R1 – General Residential zone and the variation will not undermine the standard, hence it is in the public interest and satisfies Clause 4.6(4)(a)(ii).

Note: the Court in relation to "zone objectives" has interpreted to mean "compatible" or "capable of existing together in harmony" (*Dem Gillespies v Warringah Council* [2002] NSWLEC 224; [2002] 124 LGERA 147; *Addenbrooke Pty Ltd v Woollahra Municipal Council* [2008] NSWLEC 190) or "not being antipathetic" (*Schaffer Corporation v Hawkesbury City Council* (1992) 77 LGRA 21).

CONCLUSION

In summary, the variation to the development standard is due to specific design and site circumstances associated with the size and slope of the site and the architectural merits of the design.

The purpose behind the development standard is achieved through a skillful design that results in a development of a comparable bulk and scale to adjoining and nearby development, hence, an alternative means of achieving the objectives or purpose behind the development standard has been realised, and strict compliance with the standard would be unnecessary (i.e., it is achieved anyway) and unreasonable (no purpose would be served). Consequently, the Variation Request is considered within the parameters of Clause 4.6 of the LEP.

Although the development slightly exceeds the floor space ratio requirement, it has been demonstrated that **the additional floor area will not significantly add to the visual bulk and scale of the building**. Site constraints and opportunities were also taken into account with the design, in particular the location and the architectural style of nearby development.

The variation will not be interpreted as an inconsistency given that development of a similar or greater bulk and scale is not uncommon in the locality.

Accepting the variation will result in an orderly and economic use of the land by accommodating an attractive new development appropriate for the residential zone in which it is located.



David Bobinac
Town Planner

ATTACHMENT 2

**INNER WEST COUNCIL
CONTROL TABLE – DUAL OCCUPANCY**

Control	LEP/DCP Requirement	Development Proposal	Complies
Site Area	N/A	306.6m ²	N/A
Frontage	N/A	10.6m	N/A
Floor Space Ratio	0.7:1 (max)	0.78:1	No (See Variation Request)
Building Envelope	Wall Height – 3.6m (max) and 45°	Permitted gable encroachments	Yes
Setbacks Front & Rear (BLZ)	Respect existing setbacks in street and average of adjoining dwelling	Consistent with adjoining dwellings	Yes
Side	Criteria stipulated in DCP	500mm (min)	No
Private Open Space	16m ²	Dwelling A - 41.8m ² Dwelling B – 41.8m ²	Yes Yes
Minimal Dimension of Principle Private Open Space	3m (min)	Provided	Yes
Site Coverage	60% (max)	157.6m ² or 51%	Yes
Landscaped Area	20% (min)	108m ² OR 35%	Yes
Soft Landscaping	25% of LSA	> 25%	Yes
Parking	2 spaces (max)	Dwelling A – 1 space Dwelling B – Nil	Yes Yes