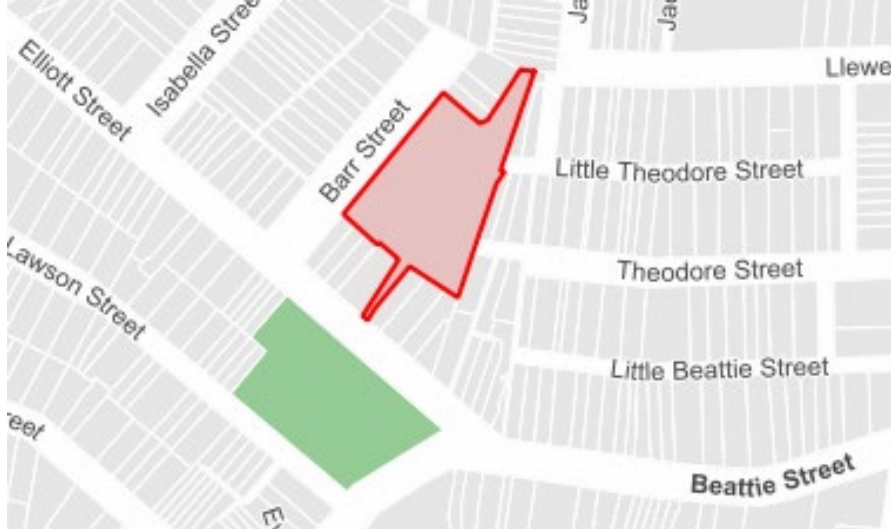


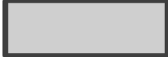

 DEVELOPMENT ASSESSMENT REPORT				
Application No.	D/2019/503			
Address	F 1/1-15 Barr Street BALMAIN NSW 2041			
Proposal	Change of use from commercial to a residential unit within an existing two and three storey commercial and residential building, and associated alterations and additions.			
Date of Lodgement	05 December 2019			
Applicant	John Greenwood & Associates Pty Ltd			
Owner	RGC Custodians Pty Ltd			
Number of Submissions	Nil			
Value of works	\$278,200.00			
Reason for determination at Planning Panel	Clause 4.6 variation exceeds 10%			
Main Issues	FSR; Adaptive Reuse; Heritage; Amenity; Stormwater; BCA			
Recommendation	Refusal			
Attachment A	Draft conditions if not refused			
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 a change of use from commercial to a residential unit within an existing two and three storey commercial and residential building, and associated alterations and additions at Unit F1/1-15 Barr Street Balmain.

The main issues that have arisen from the application include:

- FSR variation
- Adaptive reuse of existing buildings in Zone R1
- Heritage
- Amenity impacts
- Stormwater management
- Building Code of Australia (BCA) / fire safety compliance

The non-compliances are not acceptable given that adverse heritage, amenity, stormwater and fire safety impacts arise, and therefore, the application is recommended for refusal.

2. Proposal

The proposal involves change of use from an existing commercial unit to a two-bedroom residential unit, and associated alterations and additions at Unit F1/1-15 Barr Street Balmain.

Details of the proposal are as follows:

- Reconfigure existing commercial unit layout to provide a bedroom, open plan kitchen, living and dining, and bathroom/laundry on the main level;
- Provide an enclosed 18sqm courtyard on the main level with alteration of existing roof for new adjustable louvered roof and retention of existing window framing with removal of existing glazing and new glass balustrade to internal face of wall;
- Increase existing mezzanine level by a total of 8sqm to provide a bedroom with ensuite and walk-in-robe on the southern side and attic on the northern side;
- Replace existing windows on southern elevation to bedroom and ensuite and provide fixed external privacy screen; and
- Raise existing roof above mezzanine bedroom to a pitch of 3 degrees.

The existing building contains 29 commercial suites and 3 converted one-bedroom units with home office. The subject proposal will result in a total of 28 commercial suites and 4 dwellings.

No changes are proposed to the existing common areas, car parking or access arrangements.

3. Site Description

The subject site accommodates a two and three storey building comprising 29 commercial suites and 3 suites converted to one-bedroom units with home offices. The adjoining properties consist of one and two storey residential dwellings.

The previous known use of the building was a commercial bakery known as "The Pudding Factory". The subject building is located on the south-eastern side of Barr Street. The land has a frontage of approximately 92m and is between 10m and 95m deep resulting in an overall site area of approximately 7100sqm.

Suite F1 is located on the first floor at the south-western corner of the building.

The site is located within the distinctive neighbourhood of 'The Valley'. The subject site is not a heritage item however it is located within a conservation area.

The property is not identified as a flood prone lot. The land is zoned R1 General Residential as indicated in the figure below.



Figure 1: Zoning Map



Figure 2: Aerial Photo



Figure 3: View of 1-15 Barr Street looking east

4. Background

4(a) Site history

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

Subject Site

Application	Proposal	Decision & Date
D/507/96	Strata Subdivision into 36 allotments for commercial use with 40 parking spaces.	Approved 11/2/97
PREDA/2018/70	Change of use from a commercial suite into a residential unit within an existing two and three storey commercial and residential building. The proposal does not satisfactorily respond to the issues raised.	Advice letter issued 27/4/18

Surrounding properties

Application	Proposal	Decision & Date
D/2008/55	Unit F6 change of use from commercial to residential and home office + roof terrace	Approved 23/5/2008 (Not commenced - lapsed)
D/2008/406	Units F2-F4 – Change of use (3 separate) from commercial to residential and home offices + open air atrium to roof comprising one-bedroom units with 44% to 48% of floor area for the purpose of ‘home based employment’ permitting up to two non-resident employees at any one time in addition to the permanent residents.	Approved 27/8/2008 (Completed)

D/2010/312	Unit G14 - Change of use of G/14 from commercial to residential with home occupation. Alterations and additions including courtyard, bathroom, mezzanine level and alter front entry.	Refused 8/3/2011
D/2010/313	Unit G13 - Change of use and works to convert unit G/13 from commercial to residential with home occupation.	Refused 8/3/2011
PREDA/2012/27	Unit F8 - Use and fit-out of existing commercial tenancy as a residential unit.	Advice letter issued 14/6/2012
PREDA/2012/70	Unit G9 - Use and fit-out of existing commercial tenancy as a residential unit.	Advice letter issued 10/8/2012
D/2012/403	Unit F8 - Alterations and additions to strata unit and change of use to residential dwelling.	Refused 20/2/2013
CDCP/2014/126	Unit F6 - Internal office refurbishment to tenancy F6.	Approved 19/9/2014

4(b) Application history

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

Date	Discussion / Letter / Additional Information
2/4/2020	<p>A SEPP 65 Design Verification Statement, revised engineering plans and amended architectural plans provided by the applicant.</p> <p>The amended plans incorporate the following changes:</p> <ul style="list-style-type: none"> • Amend roof pitch over southern mezzanine bedroom to retain existing southern elevation wall height and window head height • Provide fixed external privacy screens to southern Bedroom 1 window and obscure glazing to ensuite window • Increase internal ceiling height to Bedroom 1 from 2.05m-2.45m to 2.35m-2.56m • Reduce finished level of courtyard from RL36.62 to RL36.53 <p>However, the additional information and amended plans do not satisfactorily address all the issues raised. See below and assessment later in this report for details.</p>
13/3/2020	<p>Council wrote to the applicant requesting further information to address the following issues:</p> <ul style="list-style-type: none"> • Heritage impacts • Stormwater management • Adaptive reuse provisions • FSR non-compliance • SEPP 65 design verification statement addressing design quality principles and Parts 3 and 4 of the ADG • Poor internal amenity • Potential visual privacy impacts to neighbouring properties • Owner's consent for fire safety upgrades to Strata property

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 No. 65—Design Quality of Residential Apartment Development*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *Leichhardt Local Environmental Plan 2013*

The following provides further discussion of the relevant issues:

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

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. *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 land. It is considered that the site will not require remediation in accordance with *SEPP 55*.

5(a)(ii) State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development

It is noted that the previous conversion of Commercial Suites F2-F4 (approved under D/2008/406) were not assessed under the provisions of *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* (SEPP 65) and are considered relatively small scale in terms of residential use comprising only one-bedroom units with 44% to 48% of floor area for the purpose of ‘home based employment’ permitting up to two non-resident employees at any one time in addition to the permanent residents.

However, the subject proposal triggers the requirements of SEPP 65 given it involves the conversion of an existing three storey building to provide a total of at least 4 dwellings within a mixed use development.

SEPP 65 prescribes nine design quality principles to guide the design of residential apartment development and to assist in assessing such developments. The principles relate to key design issues including context and neighbourhood character, built form and scale, density, sustainability, landscape, amenity, safety, housing diversity and social interaction and aesthetics.

A statement from a qualified Architect was submitted with the application verifying that they designed, or directed the design of, the development. The statement also provides an explanation that verifies how the design quality principles are achieved within the development, but fails to demonstrate, in terms of the Apartment Design Guide (ADG), how all of the relevant objectives in Parts 3 and 4 of the guide have been achieved.

The development is not considered acceptable having regard to the design quality principles of Context and Neighbourhood Character (Principle 1), Density (Principle 3), Amenity (Principle 6) and Safety (Principle 7) given non-compliance with FSR and adaptive reuse provisions and adverse impacts in relation to heritage, internal amenity, safety and security.

Apartment Design Guide

The Apartment Design Guide (ADG) contains objectives, design criteria and design guidelines for residential apartment development. In accordance with Clause 6A of the SEPP certain requirements contained within LDCP2013 do not apply. In this regard the objectives, design criteria and design guidelines set out in Parts 3-4 of the ADG prevail.

The following provides further discussion of the relevant issues:

Communal Open Space

The ADG prescribes the following requirements for communal open space:

- Communal open space has a minimum area equal to 25% of the site.
- A minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).

Comment: The existing development does not provide any communal open space.

It is noted that the existing converted units at Suites F2-F4 do not trigger the need for communal open space and are considered relatively small scale in terms of residential use comprising only one-bedroom units with 44% to 48% of floor area for the purpose of ‘home based employment’ permitting up to two non-resident employees at any one time in addition to the permanent residents.

However, whilst the site is within close proximity to a local public recreational area on Elliott Street, it is considered that the non-provision of communal open space results in a poorer amenity outcome for the proposed 2-bedroom dwelling and would result in an adverse precedent in relation to any further potential dwellings within the development.

Further, the design verification statement does not provide any response demonstrating how the objectives of Part 3D have been achieved.

Deep Soil Zones

The ADG prescribes the following minimum requirements for deep soil zones:

Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)
Less than 650m ²	-	7%
650m ² - 1,500m ²	3m	
Greater than 1,500m ²	6m	
Greater than 1,500m ² with significant existing tree cover	6m	

Comment: The existing development does not provide the required deep soil planting of 7% of site area with a minimum dimension of 6m.

Noting the constraints of the proposed site and the nature of the proposal as an adaptive reuse development with existing non-residential uses on the ground floor, where it is not feasible to utilise the ground floor level for deep soil zones, variation to the required deep soil zone could be considered acceptable.

However, the design verification statement does not provide any response demonstrating how the objectives of Part 3E have been achieved notwithstanding non-compliance with the design criteria.

Visual Privacy/Building Separation

The ADG prescribes the following minimum required separation distances from buildings to the side and rear boundaries:

Building Height	Habitable rooms and balconies	Non-habitable rooms
Up to 12 metres (4 storeys)	6 metres	3 metres
Up to 25 metres (5-8 storeys)	9 metres	4.5 metres
Over 25 metres (9+ storeys)	12 metres	6 metres

Comment: As the proposal is up to 3 storeys in height, the controls up to 4 storeys are applicable. The adjoining buildings to the south consist of low density one and two storey dwellings, and the existing building does not provide the required 6m separation from habitable rooms to the southern boundary as specified above.

The proposal maintains setbacks of approximately 0.85m to the south facing mezzanine bedroom window and 1.7m to the proposed south facing mezzanine ensuite window. This equates to variations of 5.15m to the habitable room and 1.3m to the non-habitable room. Privacy treatments up to a sill height of 1.7m are proposed in the form of a fixed external metal louver to the bedroom window and obscure glazing to the ensuite window.

Whilst the proposed visual privacy treatments mitigate overlooking, it is considered that this results in a poorer amenity outcome internally for the development in terms of ventilation, light and outlook and would result in an adverse precedent in relation to any further potential dwellings within the development. In addition, the existing balcony and opening to be retained to the bathroom is considered to result in potential adverse privacy impacts given it will change in character from an occasional area to an area of principal private space.

Further, the design verification statement does not provide any response demonstrating how Objective 3F-2 has been achieved in terms of increasing privacy without compromising access to light and air and balance of outlook and views from habitable rooms.

Therefore, the proposal is not considered acceptable with respect to visual privacy.

Solar and Daylight Access

The ADG prescribes the following requirements for solar and daylight access:

- Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9.00am and 3.00pm at mid-winter.
- A maximum of 15% of apartments in a building receive no direct sunlight between 9.00am and 3.00pm at mid-winter.

Comment: The existing 3 units do not achieve 2 hours solar access at midwinter and rely on roof windows and internal atriums for daylight. The submitted solar access diagram indicates that the proposed unit will achieve at least 2 hours solar access to living areas and private open space between 9am and 3pm at mid-winter.

However, the proposed main bedroom on the southern mezzanine level relies on a high level window on the southern façade and as such, it is not considered that the proposal has maximised daylight access.

Further, the design verification statement does not provide any response demonstrating how the objectives of Part 4A have been achieved.

Therefore, the proposal is not considered acceptable with respect to solar and daylight access.

Natural Ventilation

The ADG prescribes the following requirements for natural ventilation:

- At least 60% of apartments are naturally cross ventilated in the first 9 storeys of the building. Apartments at 10 storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.
- Overall depth of a cross-over or cross-through apartment does not exceed 18 metres, measured glass line to glass line.

Comment: The existing 3 units do not achieve natural cross ventilation. The proposed unit will achieve natural cross ventilation and does not exceed 18m in depth.

However, the proposed main bedroom on the southern mezzanine level relies on a high level window on the southern façade and the proposed living area and Bedroom 2 rely on a single opening from the enclosed courtyard for ventilation.

Further, the design verification statement does not provide any response demonstrating how the objectives of Part 4B have been achieved.

Therefore, the proposal is not considered acceptable with respect to natural ventilation.

Ceiling Heights

The ADG prescribes the following minimum ceiling heights:

Minimum Ceiling Height	
Habitable Rooms	2.7 metres
Non-Habitable	2.4 metres
For 2 storey apartments	2.7 metres for main living area floor 2.4 metres for second floor, where its area does not exceed 50% of the apartment area
Attic Spaces	1.8 metres edge of room with a 30 degree minimum ceiling slope
If located in mixed used area	3.3 for ground and first floor to promote future flexibility of use

Comment: While the central living area provides higher ceiling heights, the proposal fails to maintain a minimum 2.7m ceiling height to habitable rooms and the proposed attic/mezzanine space fails to provide a minimum 1.8m height at edge of room with 30 degree ceiling slope. In particular, Bedroom 1 provides a ceiling height of 2.35m to 2.56m and Bedroom 2 provides a ceiling height of 2.4m with a reduced head height of approximately 1.2m to 2.2m under stairs. The inadequate ceiling heights to the bedrooms

combined with poor ventilation and daylight access is considered to result in an inadequate residential amenity outcome.

Therefore, the proposal is considered unacceptable in relation to ceiling heights.

Apartment Size

The ADG prescribes the following minimum apartment sizes:

Apartment Type	Minimum Internal Area
Studio apartments	35m ²
1 Bedroom apartments	50m ²
2 Bedroom apartments	70m ²
3 Bedroom apartments	90m ²

Note: The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.

Comment: The proposal complies with the minimum internal area requirement for 2-bedroom apartments.

Apartment Layout

The ADG prescribes the following requirements for apartment layout requirements:

- Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.
- Habitable room depths are limited to a maximum of 2.5 x the ceiling height.
- In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8 metres from a window.
- Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space).
- Bedrooms have a minimum dimension of 3 metres (excluding wardrobe space).
- Living rooms or combined living/dining rooms have a minimum width of:
 - 3.6 metres for studio and 1 bedroom apartments.
 - 4 metres for 2 and 3 bedroom apartments.
- The width of cross-over or cross-through apartments are at least 4 metres internally to avoid deep narrow apartment layouts.

Comment: The kitchen, dining and living area and bedroom 2 rely on borrowed ventilation from the enclosed courtyard. The main living area fails to provide a width of 4m. Proposed Bedroom 2 fails to provide an area of 9sqm (excluding wardrobes) with a minimum dimension of 3m and only accommodates a single bed with poor circulation space around the wardrobe.

Therefore, the proposal is not considered to be acceptable in terms of apartment layout and internal amenity.

Private Open Space and Balconies

The ADG prescribes the following sizes for primary balconies of apartments:

Dwelling Type	Minimum Area	Minimum Depth
Studio apartments	4m ²	-
1 Bedroom apartments	8m ²	2 metres
2 Bedroom apartments	10m ²	2 metres
3+ Bedroom apartments	12m ²	2.4 metres

Note: The minimum balcony depth to be counted as contributing to the balcony area is 1 metres.

The ADG also prescribes for apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3 metres.

Comment: The proposed unit complies with the minimum balcony area and depth requirements.

Common Circulation and Spaces

The ADG prescribes the following requirements for common circulation and spaces:

- The maximum number of apartments off a circulation core on a single level is 8.

Comment: The existing building has more than 8 apartments/commercial suites off a circulation core on a single level. The shared common circulation space between apartments and commercial suites is not considered to promote safety and security for residents given public access is available to the common corridor and shared circulation areas from 7am to 6pm Monday to Friday.

Therefore, the proposal is not considered satisfactory with respect to common circulation spaces.

Storage

The ADG prescribes the following storage requirements in addition to storage in kitchen, bathrooms and bedrooms:

Apartment Type	Minimum Internal Area
Studio apartments	4m ³
1 Bedroom apartments	6m ³
2 Bedroom apartments	8m ³
3+ Bedroom apartments	10m ³

Note: At least 50% of the required storage is to be located within the apartment.

Comment: The proposed unit contains 5m³ of storage space within the attic, which fails to comply with the minimum storage requirement. Whilst the applicant indicates that a further 3m³ of storage space can be accommodated at the end of the external car space, this has not been demonstrated as a part of the proposal.

5(a)(iii) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX Certificate was submitted with the application satisfying the requirements of SEPP BASIX 2004.

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

The subject site is not within the Foreshores and Waterways Area.

5(a)(v) 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 4.3A – Landscaped areas for residential accommodation in Zone R1
- Clause 4.4 – Floor Space Ratio
- Clause 4.5 - Calculation of floor space ratio and site area
- Clause 4.6 – Exceptions to development standards
- Clause 5.10 - Heritage Conservation
- Clause 6.4 - Stormwater management
- Clause 6.11 – Adaptive reuse of existing buildings in Zone R1
- Clause 6.13 - Diverse housing

Clause 2.3 - Land Use Table and Zone Objectives

The site is zoned R1 – General Residential under the LLEP 2013. The application proposes the conversion of a commercial suite to a residential unit, which is permissible with consent within the R1 – General Residential zone.

The objectives of the zone are as follows:

- *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 is not considered to be consistent with the above objectives given adverse heritage and amenity impacts arise.

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

Standard (maximum)	Proposal	% of non compliance	Compliances
Floor Space Ratio Permitted: [0.7:1]	1.016:1 (3557sqm)	45.2% (1,107sqm)	No
Landscape Area:	0% (existing)	100% (3,499sqm)	No (existing)

20%			
Site Coverage: 60%	73% (existing)	21.4% (450.6sqm)	No (existing)

Note: Whilst the proposal results in an additional 8sqm of gross floor area (or increase to existing FSR from 1.014:1 to 1.016:1), no change is proposed to existing site coverage or landscaped area.

The following provides further discussion of the relevant issues:

Clause 4.6 Exceptions to Development Standards

As outlined in table above, whilst the proposal does not result in any change to the existing site coverage and landscaped area breaches, the proposal results in a breach of the following development standards:

- Clause 4.4 – Floor Space Ratio

Clause 4.4 – Floor Space Ratio

The applicant seeks an increase to the existing FSR from 1.014:1 (3449sqm) to 1.016:1 (3557sqm), which does not comply with the FSR development standard of 0.7:1 under Clause 4.4 of the LLEP 2013.

A written request has been submitted to Council in accordance with Clause 4.6(3) of the LLEP 2013 justifying the proposed contravention of the FSR development standard which is summarised as follows:

- *the proposed increased floor area of 7sqm will not change the existing FSR of 1:1 for the entire site.*
- *the private open space proposed is calculated as FSR because it is enclosed by the existing external wall which forms the original fabric and features of the building. The proposed private open space provides light, natural ventilation and the environment for plants to grow which greatly contributes to the amenity of the proposed residential accommodation. Its calculation as FSR reduces the area available for indoor space. The proposed additional 7sqm will contribute greatly to the amenity of the indoor space and will retain the existing brick façade and window openings.*
- *the proposal is contained within the existing building envelope.*
- *the proposal meets the objectives of Clause 6.11 of the Leichhardt LEP Adaptive reuse of existing buildings in Zone R1 by providing residential accommodation in an existing building, retaining the character of the streetscape and will make no adverse amenity impacts to adjoining neighbours, with no increase to shadow impact and no adverse privacy or overlooking impacts.*

The applicant's written rationale does not adequately demonstrate compliance with the FSR development standard is unreasonable in the circumstances of the case, or that there are sufficient environmental planning grounds to justify contravening the development standard based on this design.

It is considered the development is not in the public interest because it is inconsistent with the objectives of the R1 – General Residential zone and the objectives of the FSR development standard, in accordance with Clause 4.6(4)(a)(ii) of the LLEP 2013 for the following reasons:

- Whilst the additional increase to existing FSR is numerically minor, the proposed development fails to demonstrate that it is compatible with the desired future character of the area in relation to building bulk, form and scale given it necessitates unsympathetic changes to the existing building roof form and adverse heritage impacts arise.

- The proposal fails to comply with the adaptive reuse requirements of Clause 6.11
- The proposal fails to protect and enhance the amenity of existing and future residents and the neighbourhood.

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

The proposal thereby fails to accord with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of the LLEP 2013. For the reasons outlined above, there are insufficient planning grounds to justify the departure from the FSR development standard and it is recommended that the Clause 4.6 exception not be granted.

Clause 5.10 Heritage Conservation

The subject property at 1-15 Barr Street, Balmain, is a contributory building located within The Valley Heritage Conservation Area (C7 in Schedule 5 of the Leichhardt LEP 2013). The heritage listed Street trees—row of Phoenix canariensis on Barr Street, immediately adjoin the subject site.

The Statement of Significance for The Valley Heritage Conservation Area is provided below:

- *One of a number of conservation areas which collectively illustrate the nature of Sydney's early suburbs and Leichhardt's suburban growth particularly between 1871 and 1891, with pockets of infill up to the end of the 1930s (ie prior to World War II). This area is important for illustrating development for workers' and artisan housing particularly from 1871–1891 which forms the major element of its identity. It is significant for its surviving development from that period and the later infill development up to World War II (ie pre-1939).*
 - *Retains evidence of all its layers of growth within that period from the late-1870s.*
 - *Through its important collection of weatherboard buildings, including the now rare timber terraces, it continues to demonstrate the nature of this important/major construction material in the fabric of early Sydney suburbs, and the proximity of Booth's saw mill and timber yards in White Bay.*
 - *Through the mixture of shops, pubs and industrial buildings it demonstrates the nature of a Victorian suburb, and the close physical relationship between industry and housing in nineteenth century cities before the advent of the urban reform movement and the separation of land uses.*
 - *Demonstrates through the irregular pattern of its subdivision the smallscale nature of the spec builders responsible for the construction of the suburb.*
 - *Demonstrates the nature of some private subdivisions before the introduction of the Width of Streets and Lanes Act of 1881 required roads to be at least one chain wide.*
- Council's Heritage Advisor has raised the following concerns with the proposal:
concern was previously raised regarding the proposed impact on the sawtooth roof.

The proposed opening for the courtyard area was considered to be acceptable, provided the louvre system is close to and in the same plane with the roof profile. The courtyard and adjustable louvre roof are acceptable as shown in the revised drawings as the louvre system will be close to, and in the same plane, with the roof profile.

The raising of the roof to accommodate the master bedroom suite was said to:

“disrupt the appearance and apparent logic of the building and its “sawtooth” roof profile, and is not commensurate with the objectives of maintaining the building so as to keep its essential character, and for that matter, its fabric”.

The proposed alterations to the roof shape and external clerestory wall panel to the main mezzanine were not supported and it was reiterated the building fabric should not be changed.

The heritage assessment concluded the louvre device, and the proposed dormer or lantern form over the bedroom suite, should not be visible from beyond the property. An alternative method was offered, being a flat skillion dormer or lantern device, which could be introduced to the skillion roof plane above the proposed bedroom suite.

It was also recommended that any external repainting should carefully match the existing colour scheme of the building. Proposed colours have not been provided.

No changes have been made to the proposed demolition of part of the sawtooth roof structure to accommodate the raising of the roof to accommodate the main bedroom suite and replacement with a skillion or lantern device. This may also impact on the steel roof trusses.

The proposal is inconsistent with Objectives (1) (a) of the Leichhardt LEP 2013 as it will not conserve the environmental heritage of Leichhardt, and (1) (b) will not conserve the heritage significance of The Valley HCA, including associated fabric.

The proposal to accommodate the master bedroom suite is inconsistent with (3) (b) of Clause 6.11 of the Leichhardt LEP 2013 which requires that for development consent to be granted for the change of use to residential accommodation of a building, the development will retain the form, fabric and features of any architectural or historic feature of the existing building

The removal of the building (roof) fabric, which potentially includes the removal of steel roof trusses, is inconsistent with Objective (1)(b) of Clause 6.11 of the Leichhardt LEP 2013, which requires the retention of buildings that contribute to the streetscape and character of Leichhardt.

The proposal to accommodate the master bedroom suite does not comply with Objective O1 a. and Part C1 b. of Part C1.3 of the DCP as the raising of the roof does not complement the form of the existing roof form. It is also inconsistent with Control C6 of Part C1.4 of the DCP which requires that whole roof forms should be retained where possible within HCAs.

The proposed change to the sawtooth roof is inconsistent with C4 of Part C2.2.2.4 of the DCP which requires the preservation of the rhythm of the neighbourhood by maintaining the prevalence of hipped and pitched roofs. It is also inconsistent with C23 of Part C2.2.2.4 of the DCP which requires that roof forms with pitched, gable or hipped roofs are to be maintained.

Accordingly, the proposal is not acceptable from a heritage perspective as it will detract from the intactness of the existing building and its contribution to the heritage significance of The Valley Heritage Conservation Area.

Clause 6.11 Adaptive reuse of existing buildings in Zone R1

Clause 6.11(3) states:

(3) Development consent must not be granted to the change of use to residential accommodation of a building on land to which this clause applies that was constructed before the commencement of this clause unless the consent authority is satisfied that—

- (a) *the development will not adversely affect the streetscape, character or amenity of the surrounding area, and*
- (b) *the development will retain the form, fabric and features of any architectural or historic feature of the existing building, and*
- (c) *any increase in the floor space ratio will be generally contained within the envelope of the existing building.*

Whilst the additional increase to existing FSR is generally contained within the envelope of the existing building, the proposal fails to satisfy the above pre-conditions to grant of development consent for the following reasons:

- It will not retain the form, fabric and features of any architectural or historic feature of the existing building and adverse heritage impacts arise.
- The proposal results in adverse visual privacy amenity impacts to adjoining properties.

Accordingly, given the proposal involves a change of use to residential accommodation of a building in the R1 zone that was constructed before the commencement of this clause and fails to satisfy the pre-conditions to grant of consent, the proposal cannot be approved.

Clause 6.13 Diverse Housing

The existing building contains 3 x one-bedroom units and the proposal provides 1 x two-bedroom unit, which complies with the diverse housing requirements where at least 25% of the total number of dwellings are self-contained studio or one-bedroom dwellings and no more than 30% of dwellings contain 3 or more bedrooms.

5(b) Draft Environmental Planning Instruments

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

- Draft SEPP Environment

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 consistent with the provisions of the draft Environment SEPP.

5(c) 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 general intent of the Draft IWLEP 2020 is to harmonise the existing planning controls from Leichhardt, Marrickville and Ashfield into a consolidated LEP and as such, the proposal is generally consistent with the amended provisions contained in the Draft IWLEP 2020.

In addition, it is considered that the Draft IWLEP 2020 is not imminent or certain given the early stage of the planning proposal and as such, little if any weight can be applied to these draft provisions. Further, it is assumed that a savings provision will apply under the Draft

IWLEP 2020 to ensure that applications lodged prior to any commencement of the IWLEP 2020 will continue to be assessed under the former provisions.

5(d) Development Control Plans

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

LDCP2013	Compliance
Part A: Introductions	
Section 3 – Notification of Applications	Yes
Part B: Connections	
B1.1 Connections – Objectives	Yes
B2.1 Planning for Active Living	N/A
B3.1 Social Impact Assessment	N/A
B3.2 Events and Activities in the Public Domain (Special Events)	N/A
Part C	
C1.0 General Provisions	No
C1.1 Site and Context Analysis	No
C1.2 Demolition	N/A
C1.3 Alterations and additions	No
C1.4 Heritage Conservation Areas and Heritage Items	No
C1.5 Corner Sites	N/A
C1.6 Subdivision	N/A
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.9 Safety by Design	Yes
C1.10 Equity of Access and Mobility	Yes
C1.11 Parking	Yes
C1.12 Landscaping	N/A
C1.13 Open Space Design Within the Public Domain	N/A
C1.14 Tree Management	N/A
C1.15 Signs and Outdoor Advertising	N/A
C1.16 Structures in or over the Public Domain: Balconies, Verandahs and Awnings	N/A
C1.17 Minor Architectural Details	N/A
C1.18 Laneways	N/A
C1.19 Rock Faces, Rocky Outcrops, Cliff Faces, Steep Slopes and Rock Walls	N/A
C1.20 Foreshore Land	N/A
C1.21 Green Roofs and Green Living Walls	N/A
Part C: Place – Section 2 Urban Character	
C2.2.2.4 The Valley ‘Balmain’ Distinctive Neighbourhood, Norton Street – Centro Sub-Area	No – see discussion
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	N/A
C3.6 Fences	N/A
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Refer to SEPP 65
C3.9 Solar Access	Refer to SEPP 65
C3.10 Views	Yes
C3.11 Visual Privacy	Refer to SEPP 65
C3.12 Acoustic Privacy	Yes
C3.13 Conversion of Existing Non-Residential Buildings	No – see discussion
C3.14 Adaptable Housing	N/A
Part C: Place – Section 4 – Non-Residential Provisions	
C4.1 Objectives for Non-Residential Zones	Yes
C4.2 Site Layout and Building Design	Yes
C4.3 Ecologically Sustainable Development	Yes
C4.4 Elevation and Materials	Yes
C4.5 Interface Amenity	Yes
C4.6 Shopfronts	Yes
C4.7 Bulky Goods Premises	N/A
C4.8 Child Care Centres	N/A
C4.9 Home Based Business	N/A
C4.10 Industrial Development	N/A
C4.11 Licensed Premises and Small Bars	N/A
C4.12 B7 Business Park Zone	N/A
C4.13 Markets	N/A
C4.14 Medical Centres	N/A
C4.15 Mixed Use	Yes
Part D: Energy	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	
D2.1 General Requirements	Yes
D2.2 Demolition and Construction of All Development	Yes
D2.3 Residential Development	Yes
D2.4 Non-Residential Development	Yes
D2.5 Mixed Use Development	Yes
Part E: Water	
Section 1 – Sustainable Water and Risk Management	
E1.1 Approvals Process and Reports Required With Development Applications	Yes
E1.1.1 Water Management Statement	Yes
E1.1.2 Integrated Water Cycle Plan	Yes
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.1.4 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	No
E1.2.3 On-Site Detention of Stormwater	N/A
E1.2.4 Stormwater Treatment	N/A
E1.2.5 Water Disposal	No
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
Part F: Food	N/A
Part G: Site Specific Controls	N/A

The following provides discussion of the relevant issues:

C1.3 Alterations and Additions / C1.4 Heritage Conservation Areas / C2.2.2.4 The Valley 'Balmain' Distinctive Neighbourhood

The proposal fails to satisfy Objective O1 a. and Part C1 b. of Section C1.3 as the raising of the roof does not complement the form of the existing roof form. It is also inconsistent with Control C6 of Section C1.4, which requires that whole roof forms should be retained where possible within HCAs.

The proposed change to the sawtooth roof is inconsistent with C4 of Section C2.2.2.4, which requires the preservation of the rhythm of the neighbourhood by maintaining the prevalence of hipped and pitched roofs. It is also inconsistent with C23 of Section C2.2.2.4, which requires that roof forms with pitched, gable or hipped roofs are to be maintained.

C3.13 Conversion of Existing Non-Residential Buildings

The proposal fails to satisfy the following objectives and controls:

- *O1 Development encourages the adaptive re-use of non-residential buildings for residential uses that:

 - retain heritage value of the building;
 - provide a high level of resident amenity;
 - is compatible with the character of the neighbourhood and streetscape;
 - represent high quality urban and architectural design; and
 - does not have a significant adverse amenity impact on surrounding land.*
- *C1 The existing character of the building is retained and/or enhanced.*
- *C4 The conversion provides an adequate level of residential amenity in terms of acoustic privacy, private open space, solar access and visual privacy.*

E1.2.2 Managing Stormwater within the Site

Council's Engineer has reviewed the proposal and provided the following comments:

The proposed internal courtyard is not supported as the proposed operable louvered roof allows for water ingress into the dwelling without suitable drainage design to protect the dwelling.

It has been advised that the courtyard is required to be open for amenity reasons on planning grounds.

Given the above, revised documentation must be submitted to demonstrate that the proposal including courtyard drainage system complies with the requirements of Leichhardt DCP2013 Part E (Water). The following issues must be addressed:

- a) *The area of the proposed New Operable Louvered Roof on the stormwater plans must match the architectural plans.*
- b) *The proposal appears to propose an overland flow path from the courtyard surface through the front façade to Council's footpath on Barr Street via a 1150mm long x 80 high slot. This is not supported. The proposal must demonstrate that all surface flows from the courtyard are collected in a system of pits and pipes and connected directly to the existing site drainage system.*
- c) *The plans do not clearly identify that there is a 150mm step up must be provided from the finished floor level of the courtyard to the adjacent internal areas to prevent ingress of water to internal areas that are adjacent the courtyard.*

Therefore, the proposal is not considered acceptable with respect to stormwater management.

5(e) The Likely Impacts

The assessment of the application demonstrates that the proposal will have an adverse impact on the locality in terms of heritage, amenity, and stormwater management.

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

The site is zoned R1 General Residential. It is considered that the proposal is not suitable for the site and will have an adverse impact in terms of heritage, amenity, stormwater and has not adequately demonstrated that it will be safe on BCA / fire grounds, and therefore, it is considered that the site is unsuitable to accommodate the proposed development.

5(g) Any submissions

The application was notified in accordance with Leichhardt Development Control Plan 2013 for a period of 14 days to surrounding properties.

No submissions were received by Council.

5(h) 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. Approval of the proposal would be contrary to the public interest.

6 Referrals

6(a) Internal

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

- Heritage: Not supported
- Development Engineer: Not supported

The application was also referred to the following internal section/officer and issues raised in the referral discussed below:

- Building: Not supported on fire safety grounds given additional works to common property within the building do not form part of the application and would be required in order to address fire safety concerns.

In particular, Council's Building Section has previously advised as a part of previous refusals for change of use that the existing building is not considered suitable for residential purposes given:

The construction methods of the building, as an old bakery/factory building, is such that it relies on non-fire rated steel trusses to support the general roof structure and non-fire rated walls between units and to the common corridors as the building is strata subdivided.

When the building was generally occupied by offices the danger to life and safety appeared to be managed by an early warning fire and smoke detection and alarm system; however the increase of the number of residential units within the building where people will be sleeping and occupying the building in a different manner, appear to raise the risks associated with the building to an unacceptable level, unless substantial works are undertaken to preserve life within the building and to the residential units.

6(b) External

No external referrals were necessitated as part of the application.

7. Section 7.11 Contributions

Section 7.11 contributions are payable for the development if the proposal is determined by grant of consent.

The carrying out of the proposed development would result in an increased demand for public amenities and public services within the area. A financial contribution would be required for the development under Leichhardt Section 94 Contributions Plans as follows:

Contribution Plan	Capped Contribution
Community Facilities	\$2,564.22
Open Space	\$16,776.97
Local Area Traffic Management	\$103.66
Access to Balmain Peninsula	\$532.96
Bicycle	\$22.18
Total	\$20,000.00

8. Conclusion

This application has been assessed under Section 4.15 of the Environmental Planning and Assessment Act, 1979 and is considered to be unsatisfactory. The proposal fails on key threshold issues and does not comply with the aims, objectives and design parameters contained in State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development, Leichhardt Local Environmental Plan 2013 and Leichhardt Development Control Plan 2013. The development will result in adverse impacts in terms of heritage and amenity. The proposal is also unsatisfactory in terms of stormwater management and BCA / fire safety considerations. Therefore, the application is considered unsupportable and refusal is recommended.

9. Recommendation

- A. The applicant has made a written request pursuant to Clause 4.6 of the Leichhardt Local Environmental Plan 2013 to vary Clause 4.4 Floor Space Ratio of the LEP. After considering the request, and assuming the concurrence of the Secretary has been given, the Panel is not satisfied that compliance with the standard is unnecessary in the circumstance of the case and that there are sufficient

environmental grounds to support the variation. The proposed development will not be in the public interest because the exceedance is inconsistent with the objectives of the standard and of the zone in which the development is to be carried out.

- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, refuse the Development Application No. D/2019/503 for change of use from commercial to a residential unit within an existing two and three storey commercial and residential building, and associated alterations and additions at 1-15 Barr Street, Balmain for the following reasons.

Reasons for Refusal

1. The proposed development is inconsistent and / or has not demonstrated compliance with the Leichhardt Local Environmental Plan 2013, pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979:
 - a) Clause 2.3 – Zone Objectives and Land use Table;
 - b) Clause 4.4 – Floor Space Ratio;
 - c) Clause 4.6 – Exceptions to development standards;
 - d) Clause 5.10 – Heritage Conservation; and
 - e) Clause 6.11 – Adaptive Reuse of Existing Buildings in Zone R1
2. The proposed development does not meet the pre-conditions to granting of development consent for adaptive reuse under Clause 6.11 of Leichhardt Local Environmental Plan 2013.
3. The proposed development cannot be approved as it breaches the permitted Floor Space Ratio as stipulated by Clause 4.4. The Clause 4.6 request to vary this standard under Leichhardt Local Environmental Plan 2013 does not adequately demonstrate sufficient environmental planning grounds to justify contravention of the standard or that upholding the standard is unreasonable or unnecessary in the circumstances of the case.
4. The proposed development is inconsistent and / or has not demonstrated sufficient regard to the design quality principles of Context and Neighbourhood Character (Principle 1), Density (Principle 3), Amenity (Principle 6) and Safety (Principle 7) given non-compliance with FSR and adaptive reuse provisions and adverse impacts in relation to heritage, internal amenity, safety and security and relevant objectives of the Apartment Design Guide under Clause 30 of State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development, pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979.
5. The proposed development is inconsistent and / or has not demonstrated compliance with the following provisions of Leichhardt Development Control Plan 2013, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979:
 - a) Clause C1.0 – General Provisions;
 - b) Clause C1.1 – Site and Context Analysis;
 - c) Clause C1.3 – Alterations and Additions;
 - d) Clause C1.4 – Heritage Items and Heritage Conservations Areas;
 - e) Clause C2.2.2.4 – The Valley Distinctive Neighbourhood; and
 - f) Clause C3.13 – Conversion of Existing Non-Residential Buildings.
6. The proposal will result in adverse environmental impacts in the locality, pursuant to Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979.
7. The adverse environmental impacts of the proposal and concerns relating to fire safety mean that the site is not considered to be suitable for the development as proposed, pursuant to Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979.
8. The approval of this application is considered contrary to the public interest due to the adverse heritage and amenity impacts and fire safety concerns, pursuant to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979.

Attachment A – Draft conditions of consent

Attachment A – Recommended conditions of consent

FEES

1. Security Deposit

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

Security Deposit:	\$2,152.50
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.

2. Section 7.11 (Former Section 94) Contribution

Prior to the issue of a Construction Certificate written evidence must be provided to the Certifying Authority that a monetary contribution as detailed below in accordance with Leichhardt Developer Contributions Plan No.1 – Open Space and Recreation; Developer Contributions Plan No.2 – Community Facilities and Services (2005); and Leichhardt Developer Contributions Plan – Transport and Access has been paid to the Council.

Contribution Plan	Contribution
Community Facilities	\$2,564.22
Open Space	\$16,776.97
Local Area Traffic Management	\$103.66
Access to Balmain Peninsula	\$532.96
Bicycle	\$22.18
Total	\$20,000.00

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.

3. Long Service Levy

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid at the prescribed rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more.

GENERAL CONDITIONS

4. Documents related to the consent

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

Plan, Drawing No. (Dwg. No.) and Issue	Plan Name	Date Issued	Prepared by
Site Plan, Dwg. DA01, Rev. A	Site Plan	4/4/2019	John Greenwood + Associates Pty Ltd
Floor Plans, Dwg. DA04, Rev. B	Floor Plans	13/3/2020	John Greenwood + Associates Pty Ltd
Roof Plan, Dwg. DA05, Rev. B	Roof Plan	13/3/2020	John Greenwood + Associates Pty Ltd
West Elevation, Dwg. DA06, Rev. B	West Elevation	13/3/2020	John Greenwood + Associates Pty Ltd
South Elevation, Dwg. DA07, Rev. B	South Elevation and Section A-A	13/3/2020	John Greenwood + Associates Pty Ltd
-	BCA Report	5/3/2019	BCA Performance
8329	Accessibility Report	9/4/2019	ABE Consulting
Certificate No. A344924_02	BASIX	26/11/2019	John Greenwood + Associates Pty Ltd
-	Structural Certificate	2.4/2019	Cantilever

As amended by the conditions of consent.

The Architectural Plans shall prevail in terms of any consistency between plans, including between the Stormwater Concept Plans and Landscape Plans referenced above.

5. Residential Flat Buildings – Hot Water Systems

Where units or dwellings are provided with separate individual hot water systems, these must be located so they are not visible from the street.

6. Residential Flat Buildings – Air Conditioning Systems

Where units or dwellings are provided with separate individual air conditioning systems, these must be located so they are not visible from the street.

7. 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 (RVMP) in accordance with the relevant Leichhardt Development Control Plan 2013.

8. 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.

9. Boundary Alignment Levels

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

10. Works Outside the Property Boundary

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

PRIOR TO ANY DEMOLITION**11. Hoardings**

The person acting on this consent must ensure the site is secured with temporary fencing prior to any works commencing.

If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public roads or Council controlled lands to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property.

Separate approval is required from the Council under the Roads Act 1993 to erect a hoarding or temporary fence or awning on public property.

12. 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 properties 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.

13. 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.

PRIOR TO CONSTRUCTION CERTIFICATE**14. Structural Certificate for retained elements of the building**

Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with a Structural Certificate prepared by a practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction. The certificate must also include all details of the methodology to be employed in construction phases to achieve the above requirements without result in demolition of elements marked on the approved plans for retention.

15. Dilapidation Report – Pre-Development – Minor

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

16. Stormwater Drainage System – Minor Developments (OSD is not required)

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans certified by a suitably qualified Civil Engineer that the design of the site drainage system complies with the following specific requirements:

- a. The design must generally be in accordance with the Stormwater Drainage Concept plan on Drawing No. 80819297-CI-1002 Rev 3 prepared by Cardno and dated 24/02/2020, as amended to comply with the following;
- b. The stormwater plans must be amended to reflect the Operable Louvred Roof as shown on the approved architectural plans and be designed to prevent ingress of roof waters to the internal courtyard.
- c. Stormwater runoff from all roof areas within the property being collected in a system of gutters, pits and pipeline and be discharged, together with overflow pipelines from any rainwater tank(s), by gravity to the kerb and gutter of a public road;
- d. Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP;
- e. Charged or pump-out stormwater drainage systems are not permitted including for roof drainage;
- f. The design plans must detail the existing and proposed site drainage layout, size, class and grade of pipelines, pit types, roof gutter and downpipe sizes;
- g. The overflow SLOT 450mm LENGTH x 50mm DEPTH must be deleted from the plans. Drainage must be via the pit and pipe system.
- h. As there is no overland flow/flood path available from the rear and central courtyards to the Barr Street frontage, the design of the sag pit and piped drainage system is to meet the following criteria:
 - Capture and convey the 100 year Average Recurrence Interval flow from the contributing catchment assuming 80% blockage of the inlet and 50% blockage of the pipe;
 - The maximum water level over the sag pit shall not be less than 150mm below the floor level or damp course of the building or alternatively a 150mm hob or step provided around the perimeter of the external courtyard; and
 - The design shall make provision for the flow of stormwater runoff from uphill roof areas.
- i. The stormwater system must not be influenced by backwater effects or hydraulically controlled by the receiving system;
- j. The design plans must specify that any components of the existing system to be retained must be certified during construction to be in good condition and of

adequate capacity to convey the additional runoff generated by the development and be replaced or upgraded if required;

17. Enclosure of Fire Hydrant

Prior to the issue of a Construction Certificate, the Certifying Authority is to be provided with plans indicating that all fire hydrant and sprinkler booster valves and the like are enclosed in accordance with the requirements of AS 2419.1 2005.

18. 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

DURING DEMOLITION AND CONSTRUCTION

19. Contamination – New Evidence

Any new information revealed during demolition, remediation or construction works that have the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Certifying Authority.

20. Construction Hours – Class 2-9

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work must only be permitted during the following hours:

- a. 7:00am to 6:00pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
- b. 8:00am to 1:00pm on Saturdays with no demolition works occurring during this time; and
- c. at no time on Sundays or public holidays.

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

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

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

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

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

The person acting on this consent must not undertake such activities for more than three continuous hours and must provide a minimum of one 2 hour respite period between any two periods of such works.

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

21. Documentation of Demolition and Construction Waste

All waste dockets from the recycling and/or disposal of any demolition and construction waste generated from the works must be retained on site.

PRIOR TO OCCUPATION CERTIFICATE

22. Works as Executed – Site Stormwater Drainage System

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must be provided with Certification by a suitably qualified Civil Engineer that:

- a) The stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards.

23. No Encroachments

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority must ensure that any encroachments on to Council road or footpath resulting from the building works have been removed, including opening doors, gates and garage doors with the exception of any awnings or balconies approved by Council.

24. Section 73 Certificate

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a Section 73 Certificate under the *Sydney Water Act 1994*.

ON-GOING

25. Noise General

The proposed use of the premises and the operation of all plant and equipment must not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and Regulations, NSW EPA Noise Policy for Industry and NSW EPA Noise Guide for Local Government.

26. Vehicles Leaving the Site

All vehicles must enter and exit the site in a forward direction.

27. Loading/unloading on site

All loading and unloading are to be conducted within the site at all times. Any designated loading bay/dock area is to remain available for loading/unloading purposes at all times. No storage of goods or parking of cars is to be carried out in these areas.

28. Bin Storage

All bins are to be stored within the site.

29. Documentation of Businesses Waste Services

All businesses must have written evidence of all valid and current contracts and/ or tip dockets for the disposal and/ or processing of all waste streams generated from the site.

ADVISORY NOTES**Mechanical Ventilation System Certification**

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

- a. Australian Standard AS 1668 Part 1 – 1998;
- b. Australian Standard AS 1668 Part 2 – 2012;
- c. Australian Standard 3666.1 – 2011;
- d. Australian Standard 3666.2 – 2011; and
- e. Australian Standard 3666.3 - 2011.

The system must be located in accordance with the approved plans and/or within the building envelope, design and form of the approved building. Any modifications to the approved plans required to house the system must be the subject of further approval from Council.

Contamination – New Evidence

Any new information revealed during demolition, remediation or construction works that have the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Certifying Authority.

Asbestos Removal

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

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

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

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

Electrical Substations

Should the proposed development require the provision of an electrical substation, such associated infrastructure must be incorporated wholly within the development site and may be the subject of an application for modification of consent.

Permits

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

- a. Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application;
- b. A concrete pump across the roadway/footpath;

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

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

Rock Anchors

If you are seeking to use temporary anchors, you must make a request for approval for a Permit under Section 138 of the Roads Act 1993. The submission would need to be supported by an engineering report prepared by a suitably qualified Structural Engineer, with supporting details addressing the following issues:

- a. Demonstrate that any structures within the road reserve are of adequate depth to ensure no adverse impact on existing or potential future service utilities in the road reserve. All existing services must be shown on a plan and included on cross-sectional details where appropriate.
- b. Demonstrate how the temporary anchors will be removed or immobilised and replaced by full support from structures within the subject site by completion of the works.
- c. The report must be supported by suitable geotechnical investigations to the efficacy of all design assumptions.

Insurances

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

Prescribed Conditions

This consent is subject to the prescribed conditions of consent within 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.

Disability Discrimination Access to Premises Code

The *Disability Discrimination Act 1992* (Commonwealth) and the *Anti-Discrimination Act 1977* (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.

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.

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.

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.

Notice to Council to deliver Residential Bins

Council should be notified of bin requirements three months prior to the occupation of the building to ensure timely delivery.

Council will place an order for the required bins. Delivery will occur once the applicant has completed a Request for New Service.

Recycling / Garbage / Organics Service Information and Education

The building manager / strata title manager or body corporate is responsible for ensuring all tenants are kept informed regarding Council's services, and best practice waste and recycling source separation

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	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.

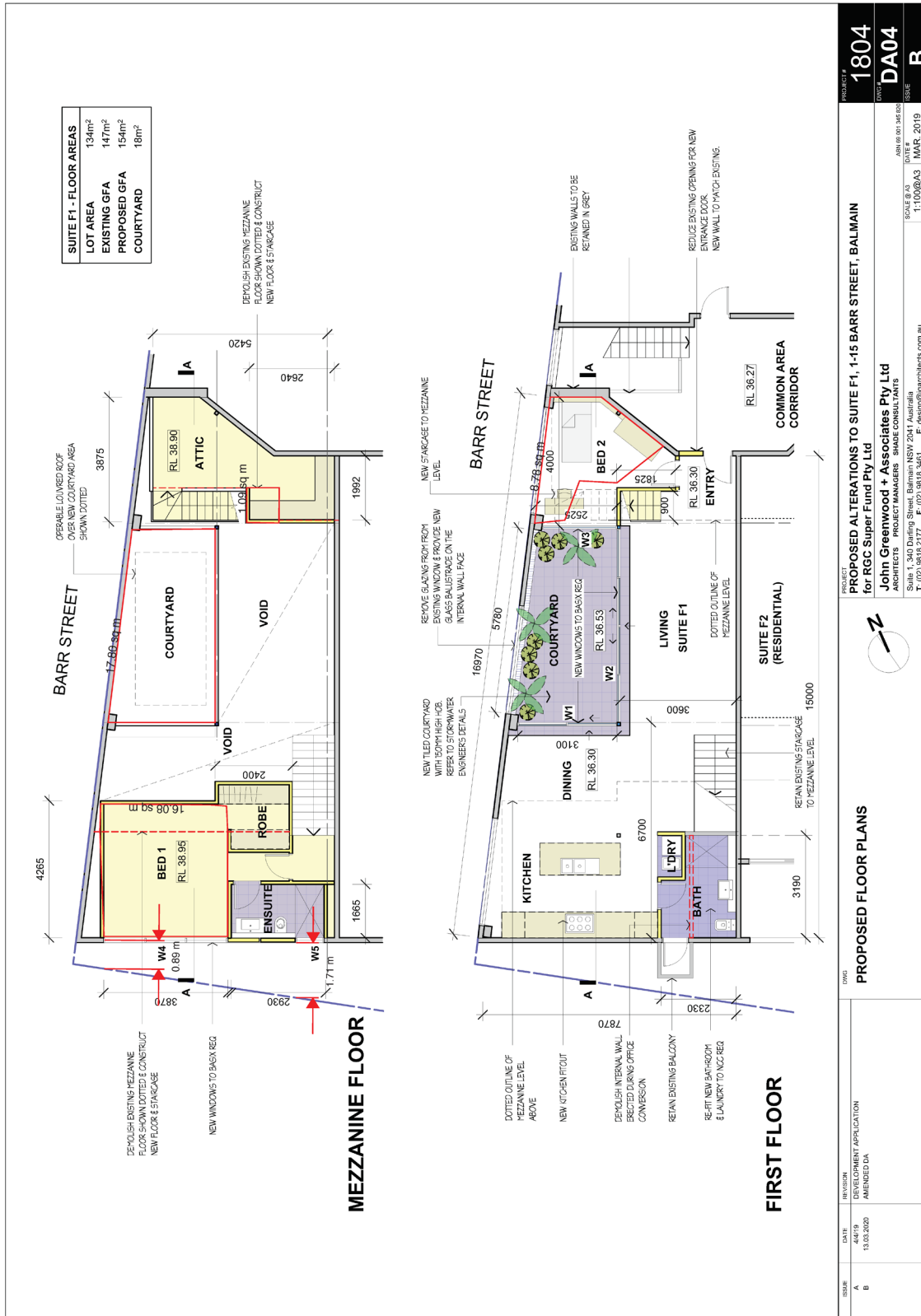
NSW Office of Environment and Heritage
Sydney Water
131 555
www.environment.nsw.gov.au
13 20 92
www.sydneywater.com.au

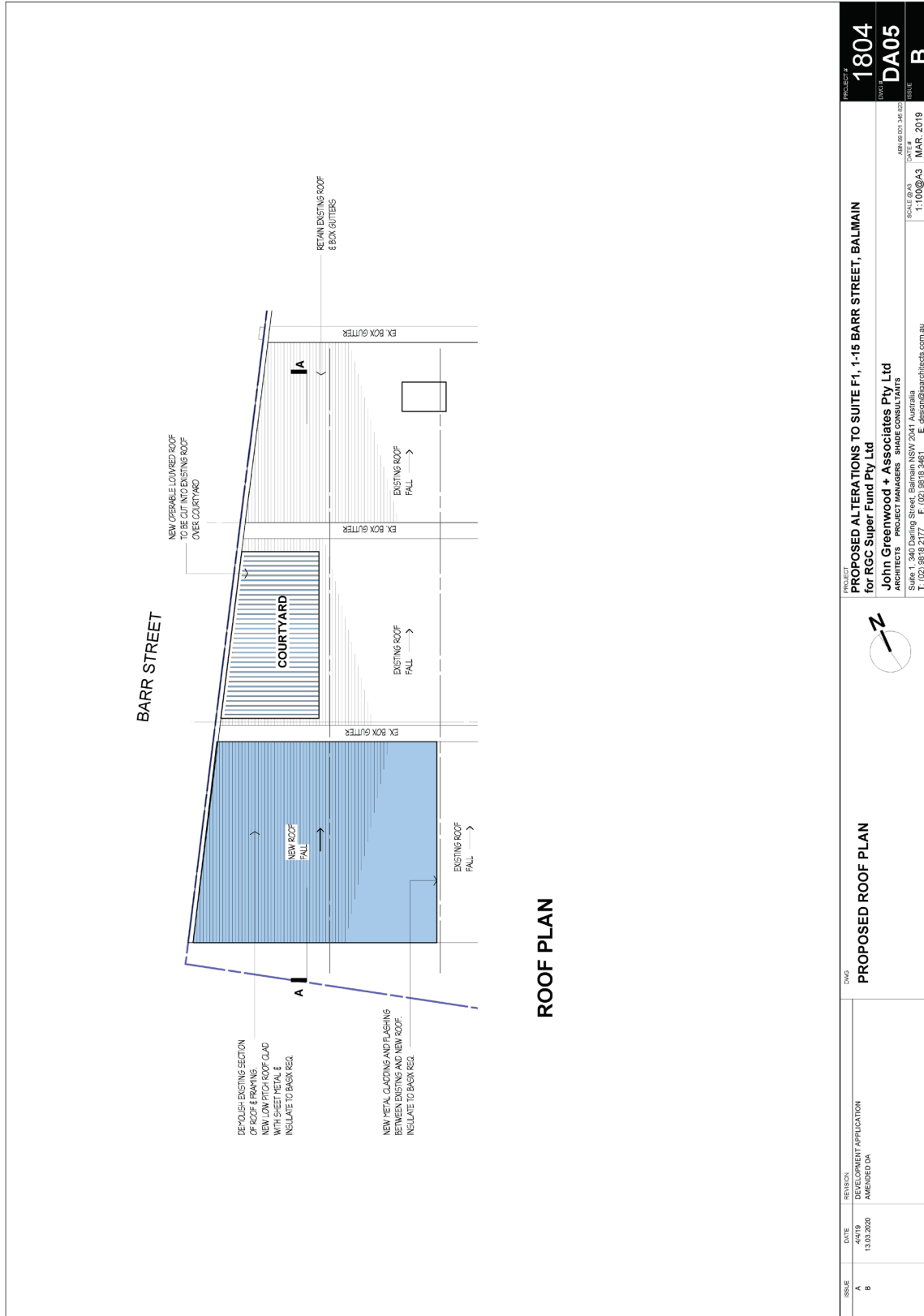
Waste Service - SITA
Environmental Solutions
1300 651 116
www.wasteservice.nsw.gov.au

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

WorkCover Authority of NSW
13 10 50
www.workcover.nsw.gov.au
Enquiries relating to work safety and asbestos removal and disposal.

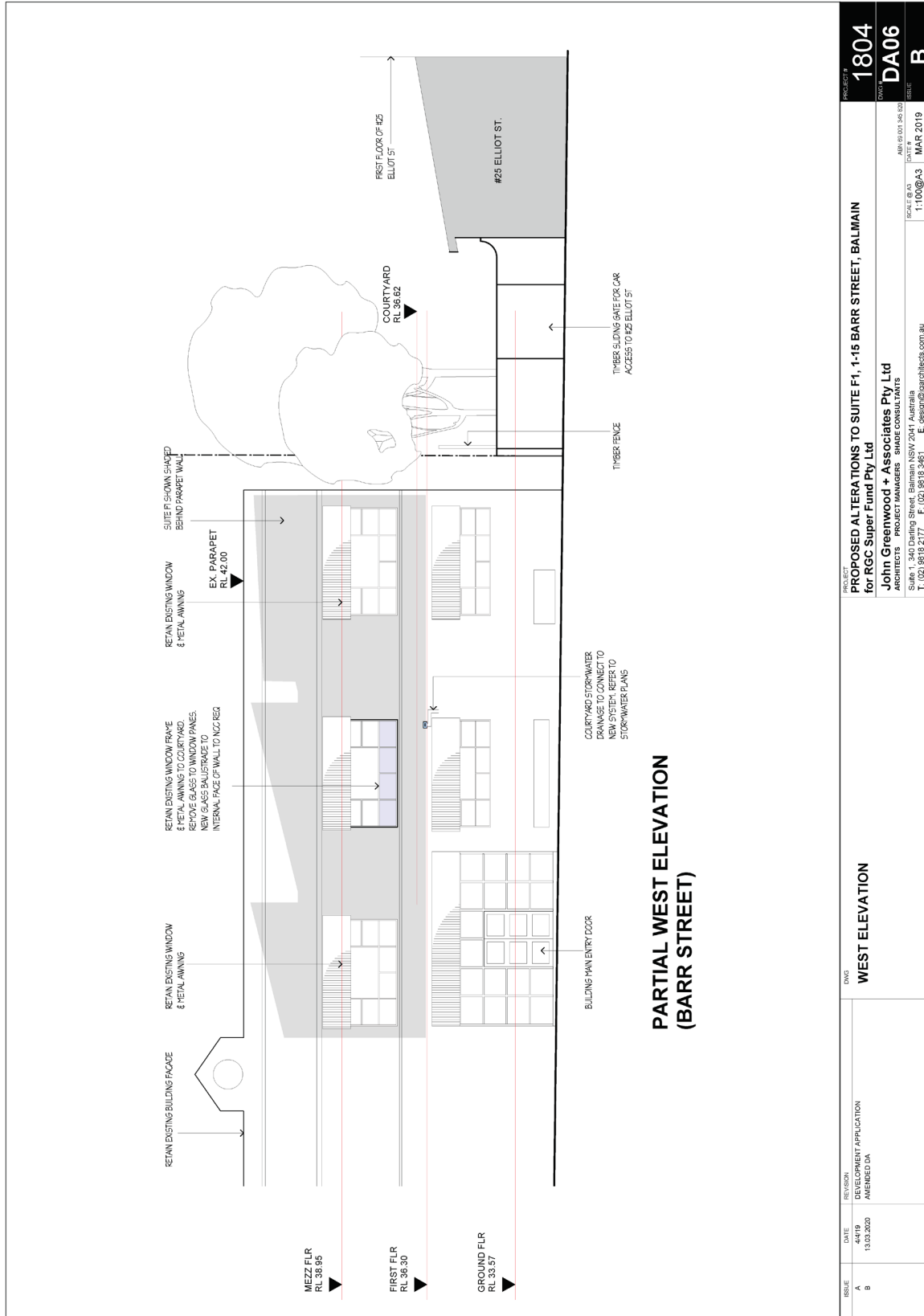
Attachment B – Plans of proposed development



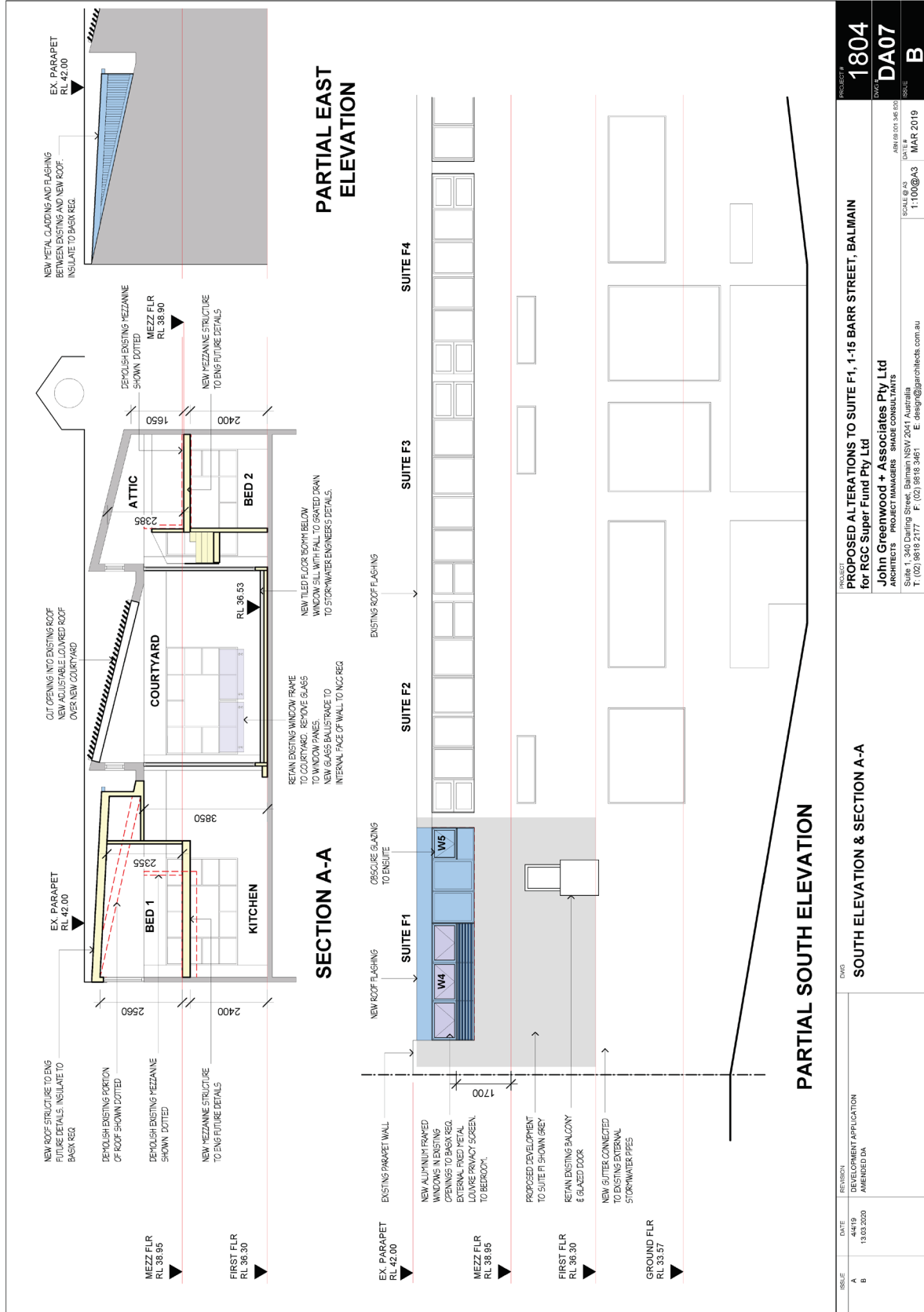


ROOF PLAN


ISSUE	DATE	REVISION	DWG	PROJECT	PROJECT #
A	4/4/19	DEVELOPMENT APPLICATION		PROPOSED ALTERATIONS TO SUITE F1, 1-15 BARR STREET, BALMAIN	1804
B	13.03.2020	AMENDED DA		for RGC Super Fund Pty Ltd	DA05
				John Greenwood + Associates Pty Ltd	B
				ARCHITECTS PROJECT MANAGERS SHADE CONSULTANTS	
				Scale 1, 340 Darling Street, Balmain NSW 2041 Australia	
				T. (02) 9818 2177 F. (02) 9818 3461 E. design@jgarchitects.com.au	
				SCALE 80:3	
				DATE #	
				MAR, 2019	
				SCALE 1:100@A3	



ISSUE	DATE	REVISION	DWG	PROJECT
A	13.03.2020	DEVELOPMENT APPLICATION	WEST ELEVATION	PROPOSED ALTERATIONS TO SUITE F1, 1-15 BARR STREET, BALMAIN for RGC Super Fund Pty Ltd
B		AMENDED DA		John Greenwood + Associates Pty Ltd ARCHITECTS PROJECT MANAGERS SHADE CONSULTANTS Suite 1, 340 Darling Street, Balmain NSW 2041 Australia T: (02) 9619 2177 F: (02) 9619 3461 E: design@jgarchitects.com.au
				1804 DA06 B
				DATE: 11.03.2020 SCALE: 1:100@A3 ISSUE: MAR 2019



ISSUE	DATE	REVISION	DWG	PROJECT #
A	4/4/19	DEVELOPMENT APPLICATION	1804	
B	13/03/2020	AMENDED DA	DA07	
PROJECT				SCALE @ A3
PROPOSED ALTERATIONS TO SUITE F1, 1-15 BARR STREET, BALMAIN for RGC Super Fund Pty Ltd				DATE P
Architects: John Greenwood + Associates Pty Ltd				MAR 2019
Project Managers: SHADE CONSULTANTS				
Suite 1, 340 Darling Street, Balmain NSW 2041 Australia				
T: (02) 9818 2177 F: (02) 9818 3461 E: design@jgarchitects.com.au				

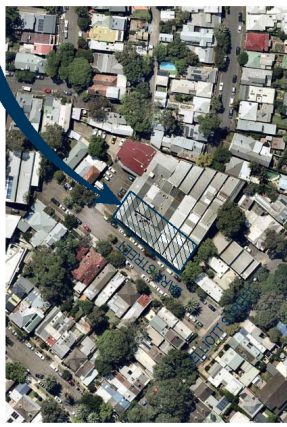


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 Level 9, The Forum, 203 Pacific Highway
 St Leonards, NSW 2065
 Tel: 02 9466 7700 Fax: 02 9468 5170
 Web: www.cardno.com.au

JOHN GREENWOOD + ASSOCIATES P/L
SUITE F1
1-15 BARR STREET
BALMAIN

COVER SHEET,
LOCALITY PLAN AND
SCHEDULE OF DRAWINGS

SCHEDULE OF DRAWINGS	
DRAWING No.	DESCRIPTION
SW1927-CH000	GENERAL
SW1927-CH001	COVER SHEET, LOCALITY PLAN AND SCHEDULE OF DRAWINGS
SW1927-CH002	CIVIL CONSTRUCTION NOTES
SW1927-CH003	PLANS AND SCHEDULES
SW1927-CH004	PROPOSED DRAINAGE SUBMITTER PLANS SECTION



INDICATIVE AREA OF WORKS

LOCALITY PLAN
NOT TO SCALE

FOR APPROVAL
NOT TO BE USED FOR CONSTRUCTION PURPOSES

Issue	CM	19/08/2019	Issue	CM	19/08/2019
Revised	CM	19/08/2019	Revised	CM	19/08/2019
Designated	CM	19/08/2019	Designated	CM	19/08/2019
K.P.	CM	19/08/2019	K.P.	CM	19/08/2019
Approved	CM	19/08/2019	Approved	CM	19/08/2019
Drawing Number		80819297-CI-1000		Revision	
AHD		AS3		1	

DATE PLOTTED: 24 February 2020 10:06 AM BY: G02ANMLR001X DATE PLOTTED: 24 February 2020 10:06 AM BY: G02ANMLR001X

CIVIL CONSTRUCTION NOTES

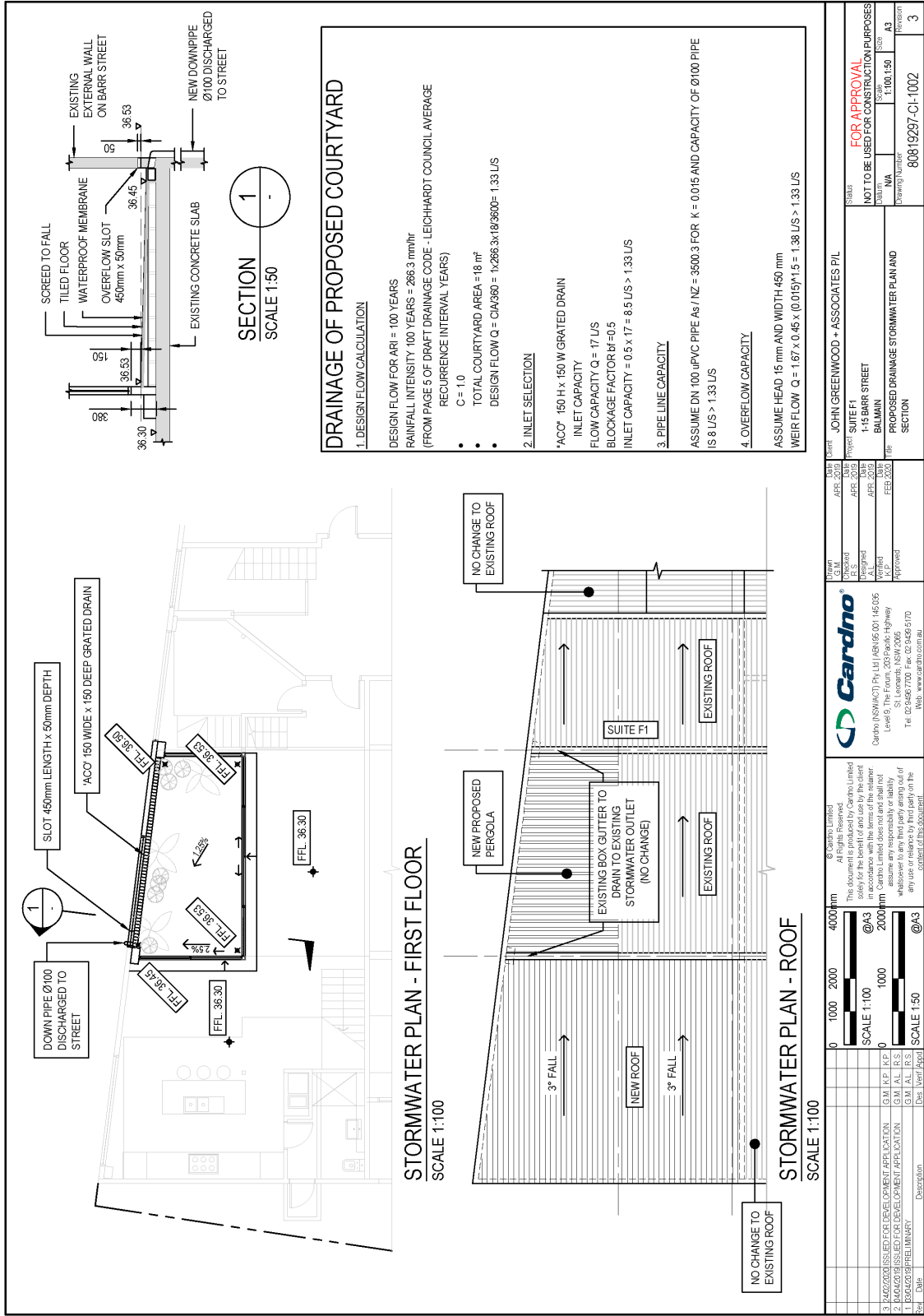
GENERAL NOTES

- G1. THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH ALL ARCHITECTURAL AND OTHER CONSULTANT'S DRAWINGS AND SPECIFICATIONS AND WITH SUCH OTHER WRITTEN INSTRUCTIONS THAT MAY BE ISSUED DURING THE COURSE OF THE CONTRACT. ANY DISCREPANCIES IN THESE DOCUMENTS SHALL BE REFERRED TO THE SUPERINTENDENT FOR A DECISION BEFORE PROCEEDING WITH THE WORK.
- G2. THE CONTRACTOR SHALL CHECK AND BE RESPONSIBLE FOR THE CORRECTNESS OF ALL DIMENSIONS AND ANY DISCREPANCY SHALL BE REPORTED IMMEDIATELY TO THE SUPERINTENDENT. DIMENSIONS SHALL NOT BE OBTAINED BY SCALING FROM THE DRAWINGS.
- G3. STABILITY OF THE BUILDING DURING CONSTRUCTION AND EXCAVATION IN THE VICINITY OF ADJACENT BUILDINGS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. NO PART OF THE STRUCTURE SHALL BE OVER STRESSED. APPROVAL OF ALL PROPOSALS MUST BE GRANTED BY THE ARCHITECT PRIOR TO THE COMMENCEMENT OF WORK.
- G4. THE CONTRACTOR SHALL NOTIFY THE ENGINEER FORTY EIGHT (48) HOURS BEFORE THE REINFORCEMENT IS COMPLETED. THE CONTRACTOR SHALL ALLOW TIME (2) HOURS AFTER THE COMPLETION OF THE REINFORCEMENT FOR THE ENGINEER'S INSPECTION. CONCRETE SHALL NOT BE ORDERED UNTIL THE REINFORCEMENT IS APPROVED BY THE ENGINEER.
- G5. ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE CURRENT SRA CODES. THE S.P.LAWS AND ORDINANCES OF THE RELEVANT BUILDING AUTHORITY AND THE SPECIFICATION.
- G6. NO CHANGES SHALL BE MADE WITHOUT THE WRITTEN CONSENT OF THE ENGINEER.
- G7. UNO DENOTES UNLESS NOTED OTHERWISE ON THE DRAWINGS.

STORMWATER CONSTRUCTION NOTES

- SW1. ESTABLISH EXACT LOCATION AND INVERT OF EXISTING SERVICES PRIOR TO COMMENCING WORKS.
 - SW2. ALLOW TO PAY ALL LOCAL AUTHORITY FEES AS REQUIRED FOR PERIODIC INSPECTIONS/APPROVALS.
 - SW3. ALL WORK TO BE IN ACCORDANCE WITH THE LOCAL COUNCIL STORMWATER POLICY.
 - SW4. MINOR FLOW ARI = 5 YEARS
MAJOR FLOW ARI = 100 YEARS
- PREWORK**
- SW5. ALL WORKS TO COMPLY TO ASS300
 - SW6. ALL NEW PIPES 300 DIA. & LARGER SHALL BE REINFORCED CONCRETE CLASS 2 WITH RUBBER RING JOINTS. WHERE ANGLED THE MINIMUM RADIUS SHALL BE 150mm. 100/225mm DIA. STORMWATER PIPES SHALL BE SEWER CLASS UPVC. MINIMUM PIPE SIZE FOR AN UNDERGROUND PIPE TO BE 150mm. MINIMUM PIPE GRADIENTS 1% UNO.
 - SW7. ALL DRAINAGE TRENCHES SHALL BE IN SOUND EXCAVATED MATERIAL. IF SOFT SPOTS EXIST REMOVE AND BACKFILL WITH COMPACTED ROAD BASE (0/30/80) WITH A MINIMUM COVER OF 25 COMPACT TO 8% STANDARD MAXIMUM DRY DENSITY TO AS 1288 E.T.L.
 - SW8. ALL PIPES SHALL BE BEDDED ON 100mm SAND BED AND BACKFILLED WITH SAND TO 150mm ABOVE BARREL OF PIPE. THE REMAINDER OF THE TRENCH WILL BE BACKFILLED IN 150mm COMPACTED LAYERS IN GRANULAR FILL NON DISPERSIVE (EMERSION CLASS 5 OR 6) MATERIAL - NO TOP SOIL. GRASS, ROOTS, OR DELETEDIOUS MATERIAL. COMPACT TO 8% STANDARD MAXIMUM DRY DENSITY AT ±2% O.M.C.
 - SW9. PROVIDE A 100mm DIA. UPVC SLOTTED DRAINAGE PIPE 3000 LONG WRAPPED IN FILTER FABRIC SOCK IN ALL TRENCHES ADJACENT TO INLET PIPES TO PITS & CONNECTED TO PIT.
 - SW10. OTHER SUB SOIL DRAINAGE PIPES SHALL BE 100mm DIA. UPVC SLOTTED BEDDED AND BACKFILLED WITH 20mm GAUGE BLUE METAL CLEAN OUTS SHALL BE EXTENDED TO THE SURFACE AND PROVIDED WITH A SCREWED COVER PLATE FLUSH WITH THE FINISHED SURFACE LEVEL.
 - SW11. ALL CONCRETE PITS CONSTRUCTED SHALL BE BEDDED AS PER PIPE SPECIFICATION. PIT BASES SHALL BE SMOOTH CONTOURED WITH MASS CONCRETE BENCHING PROVIDE STEP IRONS AS PER PIT SCHEDULE. PROVIDE HEAVY, MEDIUM OR LIGHT DUTY GALVANISED GRATE COVERS AS SPECIFIED IN SCHEDULE. ALL DRAINAGE WORKS ARE TO BE COMPLETED TO THE SATISFACTION OF THE SUPERVISING CIVIL ENGINEER. ALL WORKS TO COMPLY TO ASS300. HEADWALLS SHALL BE PRECAST CONCRETE BY BCP PRECAST OR EQUAL. ALL PITS SHALL BE PRECAST CONCRETE TYPE DPT FOR DEEP PITS BY ICON INDUSTRIES OR EQUAL. PRECAST DRAINAGE PITS DEEPER THAN 1800mm SHALL HAVE 150mm MIN. WALL THICKNESS. 20mm DIA. GALV. MS. STEP IRONS SHALL BE INSTALLED IN PITS 1200mm AND DEEPER.
 - SW12. UNLESS NOTED OTHERWISE ON THE PLANS, PROVIDE THE FOLLOWING MIN COVER TO PIPE.
- UNDER LANDSCAPE & PAVEMENT - 300mm
- UNDER ROAD (TRAFFIC) - 600mm

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DRAINAGE OF PROPOSED COURTYARD

1. DESIGN FLOW CALCULATION

DESIGN FLOW FOR ARI = 100 YEARS
 RAINFALL INTENSITY 100 YEARS = 286.3 mm/hr
 (FROM PAGE 5 OF DRAFT DRAINAGE CODE - LEICHHARDT COUNCIL AVERAGE RECURRENCE INTERVAL YEARS)

- C = 1.0
- TOTAL COURTYARD AREA = 18 m²
- DESIGN FLOW Q = CIA360 = 1x286.3x18/3600 = 1.33 L/S

2. INLET SELECTION

- *ACC* 150 H x 150 W GRATED DRAIN
- INLET CAPACITY
- FLOW CAPACITY Q = 17 L/S
- BLOCKAGE FACTOR bf=0.5
- INLET CAPACITY = 0.5 x 17 = 8.5 L/S > 1.33 L/S

3. PIPE LINE CAPACITY

ASSUME DN 100 UPVC PIPE AS / NZ = 3500.3 FOR K = 0.015 AND CAPACITY OF Ø100 PIPE IS 8 L/S > 1.33 L/S

4. OVERFLOW CAPACITY

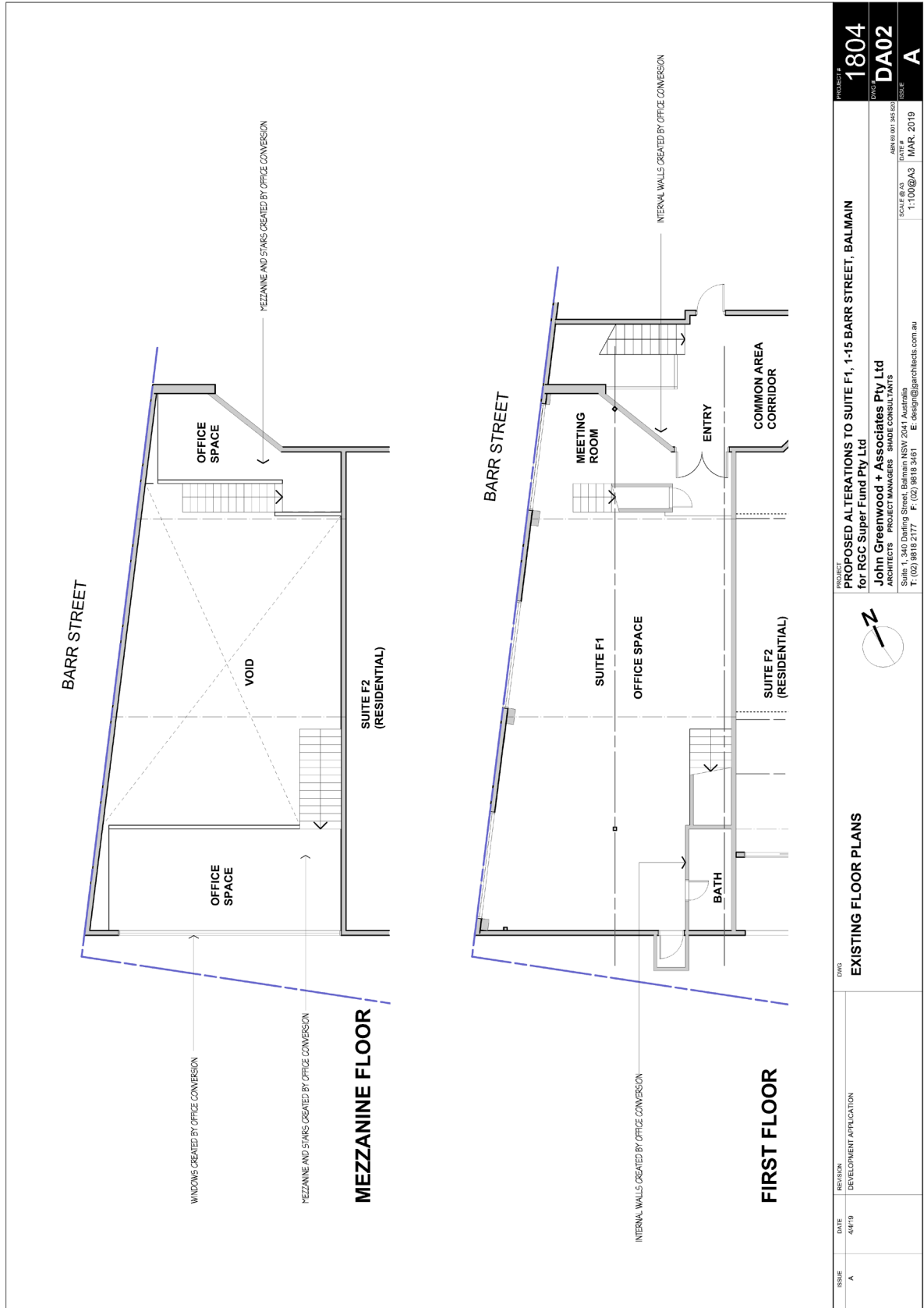
ASSUME HEAD 15 mm AND WIDTH 450 mm
 WEIR FLOW Q = 1.67 x 0.45 x (0.015)^{1.5} = 1.38 L/S > 1.33 L/S

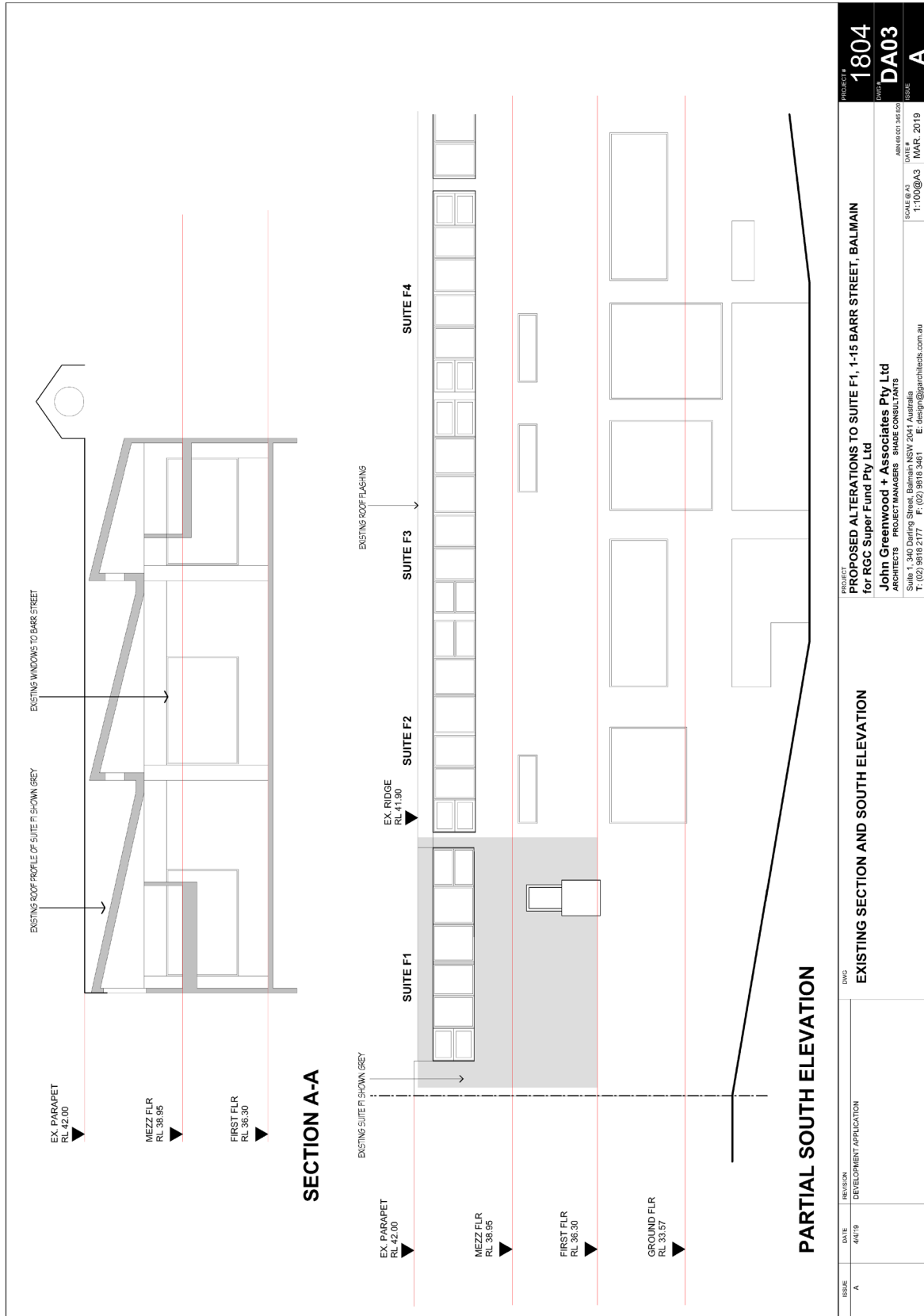
Client	JOHN GREENWOOD + ASSOCIATES PT LTD
Project	SUITE F1
Location	1-15 BARR STREET BALMAIN
Drawn	NA
Checked	NA
Scale	1:100.150
Section	PROPOSED DRAINAGE STORMWATER PLAN AND SECTION
Revision	60819297-C1-1002
Sheet	3

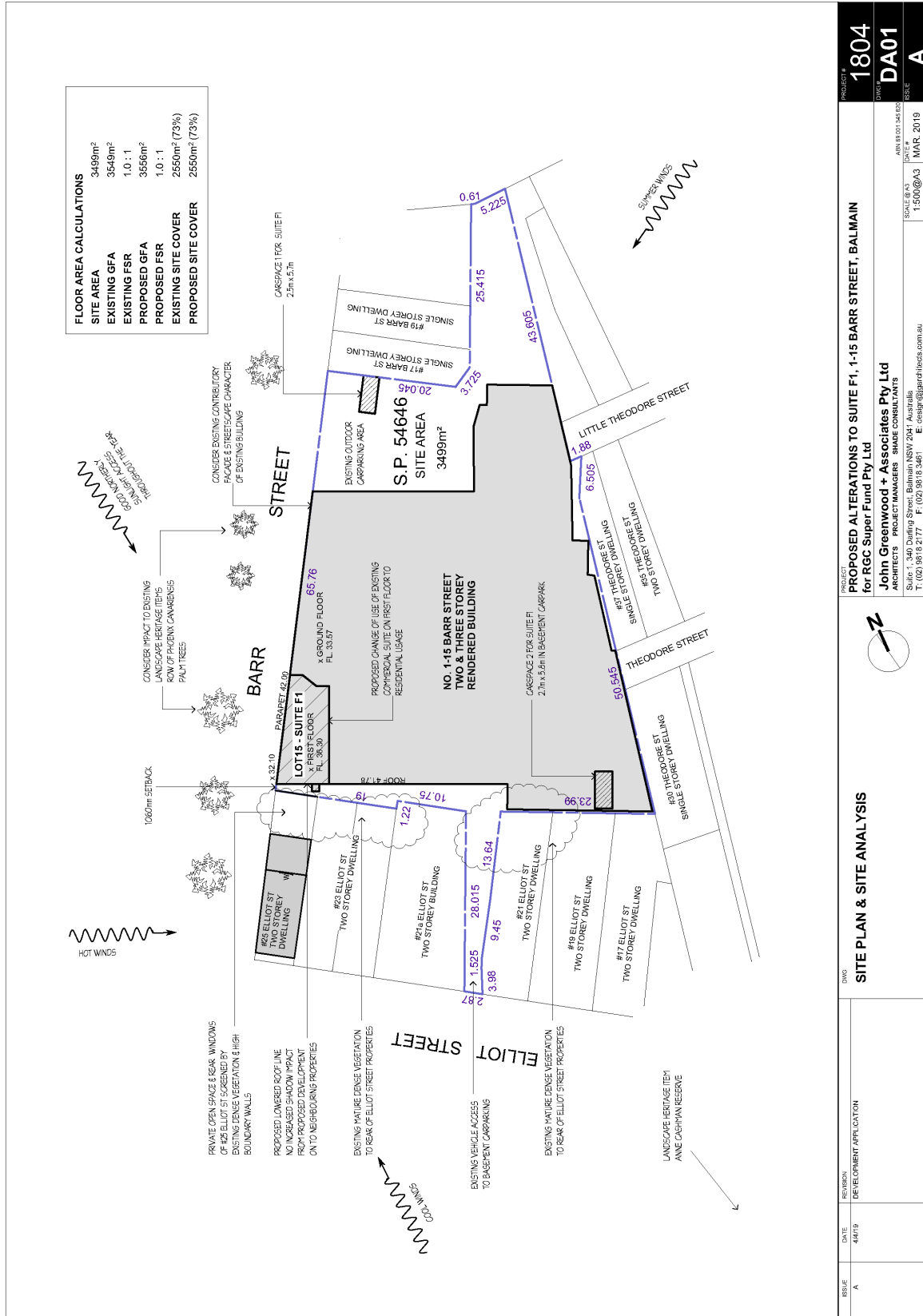
FOR APPROVAL
 NOT TO BE USED FOR CONSTRUCTION PURPOSES

Cardno (NSW/ACT) Pty Ltd (ABN 65 001 145 026)
 Level 9, The Forum, 235 Pacific Highway
 Tel: 02 9486 7700 Fax: 02 9489 5170
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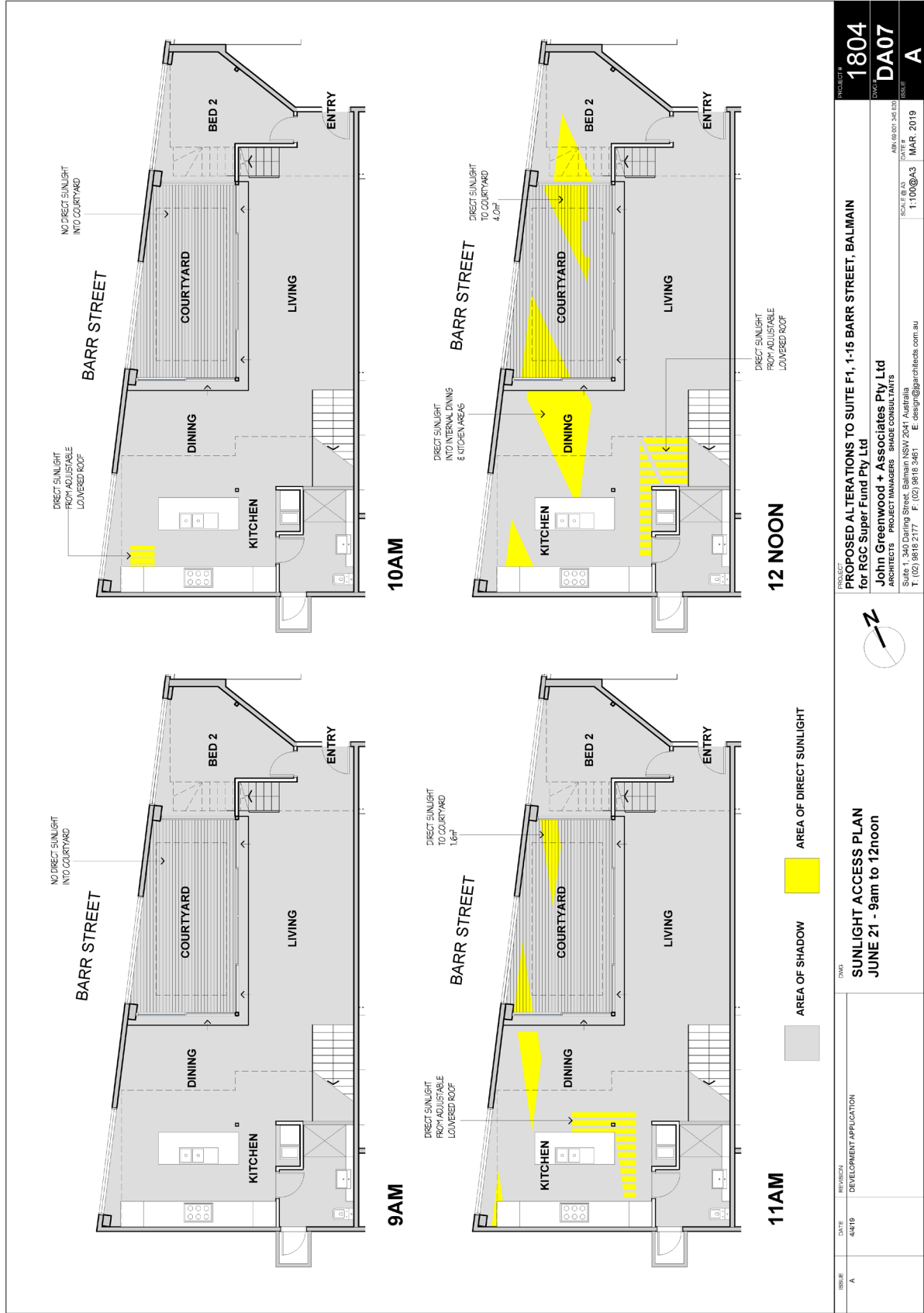
Rev.	Date	Description	Des.	Verif.	Appd.
1	15/04/2019	ISSUED FOR PRELIMINARY APPROVAL	SM, AL, J.S.		
2	16/04/2019	ISSUED FOR DEVELOPMENT APPLICATION	SM, AL, J.S.		
3	16/04/2019	PRELIMINARY	SM, AL, J.S.		



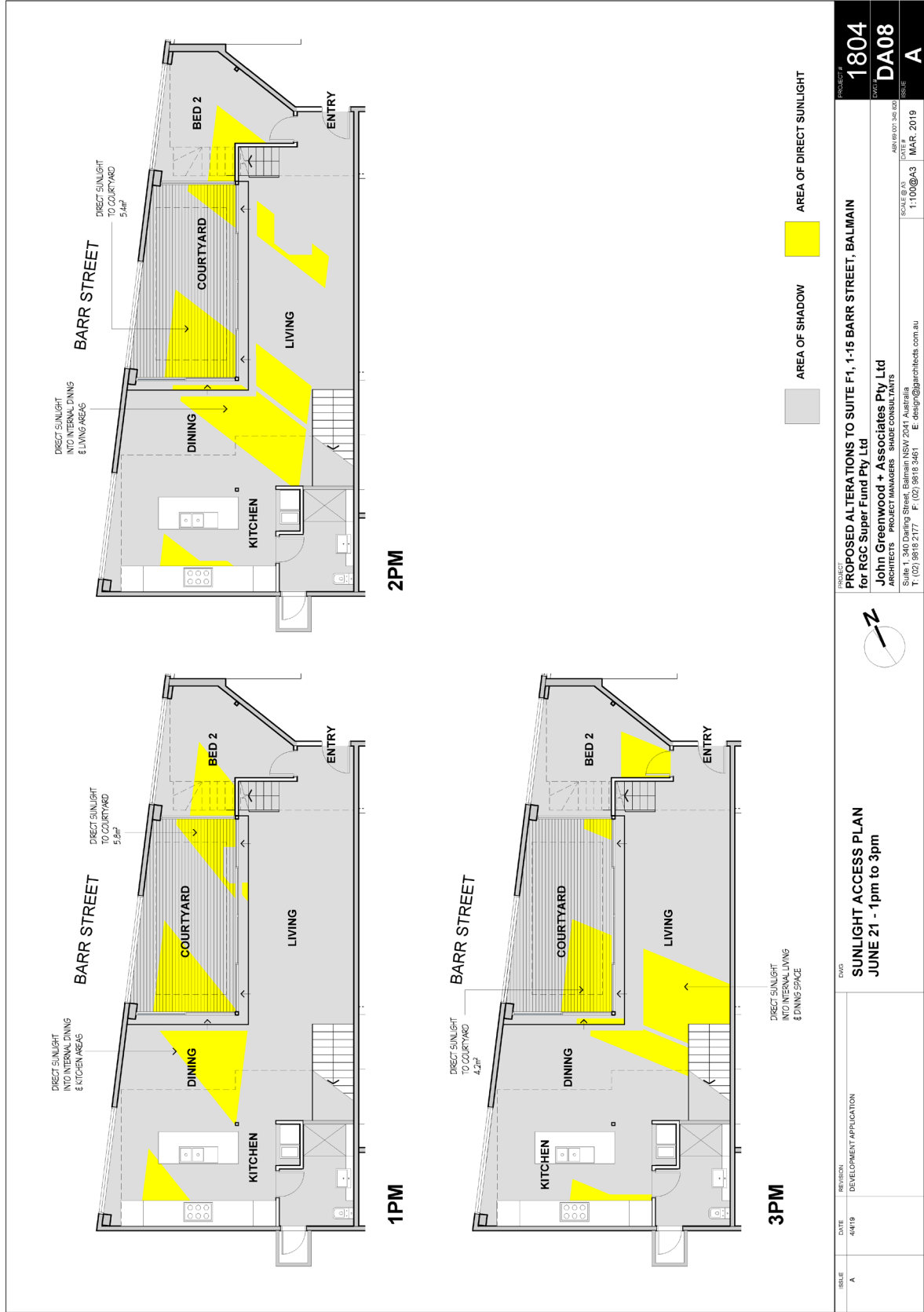




PROJECT	PROPOSED ALTERATIONS TO SUITE F1, 1-15 BARR STREET, BALMAIN
PROJECT NUMBER	1804
DATE	4/4/19
ISSUE	A
DWG	SITE PLAN & SITE ANALYSIS
REVISION	DEVELOPMENT APPLICATION
CLIENT	for RGC Super Fund Pty Ltd
ARCHITECTS	John Greenwood + Associates Pty Ltd
PROJECT MANAGERS	SHADE CONSULTANTS
SCALE @ A3	1:500 @ A3
DATE	MAR. 2019
ISSUE	A
CONTACT	1.500@GAS E. design@gardhi.com.au



ISSUE #	DATE	REVISION / DEVELOPMENT APPLICATION	PROJECT #	1804
A	4/2/19		DA07	
SUNLIGHT ACCESS PLAN JUNE 21 - 9am to 12noon			SCALE @ A3	DATE #
			1:100@A3	MAR, 2019
PROPOSED ALTERATIONS TO SUITE F1, 1-15 BARR STREET, BALMAIN for RCC Super Fund Pty Ltd Architects PROJECT MANAGERS SHADE CONSULTANTS Suite 1, 340 Darling Street, Balmain NSW 2041, Australia T: (02) 9816 2177 F: (02) 9816 3461 E: design@pararchitects.com.au				



ARCHITECTS | **John Greenwood + Associates**
Pty Limited ABN 69 001 345 820

1/340 Darling St Balmain NSW 2041
Ph 9818 2177 Fax 9818 3461 Email design@jgarchitects.com.au

1804 - DVS

SEPP 65 DESIGN VERIFICATION STATEMENT
Alterations + Additions to Suite F1/ 1-15 Barr Street, Balmain



Satellite location map

I, Jack Huynh, a Registered Architect in NSW (registration No. 5653) directed the design and checked the drawings D01- DA10 and associated documents of the proposed alterations and additions to suite F1/ 1-15 Barr Street, Balmain NSW 2041.

I confirm that the Development Application for the conversion of a commercial suite into a residential apartment in an existing building achieves the design principles set out in the State *Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development NSW* and the objectives of the *Apartment Design Guide*.

Signature:

Name: Jack Huynh



Barr Street frontage (subject lot in red)



Southern façade from Right of Way (subject lot in red)

SEPP No.65 – DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT

Review of how the proposal satisfies the design quality principles of SEPP No.65.

Principle 1: Context and neighbour character

Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.

The site is identified as S.P. 54646 at 1-15 Barr Street Balmain. It is zoned general residential under the Leichardt Local Environmental Plan 2013. Located on the site is an existing two and three storey building subdivided into 32 strata lots which comprise 28 commercial suites and 4 residential suites with off-street car parking. The primary street front is to Barr Street with a separate vehicle access from Elliot Street. The previous known use of the building was as a commercial bakery.

The site is situated in a Heritage Conservation Area but is not a listed item. It is however in the vicinity of listed landscape heritage items, being the row of Phoenix canariensis trees (I114) along Barr Street and Ann Cashman Reserve (I128) off Elliot Street.

The subject strata lot is known as suite F1, being strata lot 15 in Strata Plan 54646. It is located on the first floor and includes off-street car parking. The proposed development will convert the commercial suite into a residential apartment. This conversion has taken place with four other strata lots which adjoin the subject strata lot.

The proposal responds to the zoning of the area and its future as a residential neighbourhood. It is a unique building constructed of rendered brick external walls with a steel framed saw-toothed roof clad in steel roofing in an area comprising predominately single residential dwellings. The proposal however does not seek to change the existing external visual fabric of the building which contributes to the history of the neighbourhood. The proposal's adaptive re-use will promote the future of the building which aligns with the local context and zoning.

Principle 2: Built form and scale

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.

The proposal will not change the existing scale, bulk and height. The proposed raised portion of the roof is below the parapet fall facing the street and retains the ridge height facing the southern boundary.

No change is proposed to the streetscape apart from the removal of the glazing between the steel frames of one window to create the private open space. Planting in pots will enhance the view of this window without detracting from the existing character of the building with its large steel framed windows which contribute to the streetscape and capture views of the Phoenix canariensis trees opposite.

Principle 3: Density

Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.

The proposal will create an apartment in size which is comparable to the other four existing apartments in the building comprising two bedrooms and two bathrooms with an open plan living/ dining kitchen. It has been designed to achieve a high level of amenity through its incorporation of a private open space, access to direct sunlight and natural ventilation and soaring warehouse ceilings in the living/ dining area.

The private open space of 18m² is open to the sky with an adjustable roof and large non glazed steel framed window. It is however included in the total floor area of the apartment because it is enclosed by the existing external wall and steel framed window which forms the original fabric and features of the building. The inclusion of the private open space increases the total floor area over the entire lot by 7m² however it does not change the existing FSR of 1: 1 for the entire lot. This private open space contributes to the amenity of the proposed apartment without impacting on the amenity of the neighbours or the overall density of the strata lot.

The visual privacy situation will change as the lot changes use from a commercial office to a residential dwelling. The main floor will contain the living areas, outdoor courtyard as well as a bedroom. These will have access to the windows along Barr Street. Visual privacy and overlooking we believe will not adversely impact any adjacent neighbours, given the closest neighbours would be on the opposite side of Barr Street, which is over 20m wide with street trees also providing good screening.

The new windows in the existing openings on the southern elevation will serve a bedroom and a bathroom. An external fixed metal louvred screen to a height of 1700mm above floor level is proposed over the bedroom window on the southern façade to maintain privacy to the rear southern neighbours. The bathroom window will have obscure glazing.

Acoustic levels will no doubt increase due to the open courtyard and the change of use to a residential dwelling. Due to the wide separation across Barr Street to the neighbours opposite, we believe the impact will be minimal.

The proposed change of use from a commercial suite accommodating 8-10 people to a two bedroom apartment is an appropriate density for the site and its context. The proposed apartment will have the two car spaces that the existing commercial suite currently has.

Principle 4: Sustainability

Good design combines a positive environmental, social and economic outcomes.

The proposed works will meet the requirements as set by the BASIX certificate as part of this application and all the recommendations of sun shading, thermal performance, energy and resource efficiency and insulation shall be met.

The proposed private open space on the centre of the apartment will facilitate cross ventilation and direct sunlight into the rooms in addition to providing deep soil pots for planting.

The primary elevation along Barr Street will remain intact, with the only visible change being removal of the glazing panes to the existing window, the window frame will be retained. Colours and materials will remain the same and new materials will be compatible with those prevailing in the streetscape and the period of construction.

Principle 5: Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity.

The proposed private open space is an integral part of the design. It is the focal point of the proposed apartment providing an opportunity to create a beautiful outdoor space with garden pots for substantial planting including climbing plants along the open framed window and a vegetable/ herb garden.

Principle 6: Amenity

Good design positively influences internal and external amenity for residents and neighbours.

The proposal will retain the existing external fabric of the building which contributes to the streetscape. Amenity for neighbours will be maintained including views, sunlight and privacy. Any potential privacy concerns for the southern neighbours due to the change of use are addressed by the introduction of obscure glazing and fixed external louvres.

Good amenity is provided to the proposed apartment through the design of the internal layout which accommodates a generous open plan living area with high warehouse style ceilings. The courtyard with adjustable roof allows direct sunlight into this space, (at least 4m² for 3 hours in mid winter), cross ventilation and a green space for cultivating plants in pots and a vegetable/herb garden.

The existing building provides a unique shaped strata lot which as shown in the design of the floor plan can create a unique two bedroom two bathroom apartment with well-proportioned rooms with good access to sunlight, ventilation and views. Visual and acoustic privacy is maintained by the retention of the external materials.

Storage is provided internally in the attic on the northern mezzanine and under the stairs to the southern mezzanine. Additional storage area is provided at the rear of the underground car space which is oversized at 2.7 wide x 5.8m long.

Principle 7: Safety

Good design optimises safety and security, within the development and the public domain.

All doors into to the building are open from 7am – 6pm Monday to Friday including those from the carpark. Outside of these times the doors are secured and monitored with access only available through a swipe card. A secure roller door is provided to the underground carpark off Elliott Street.

Pedestrian access to the proposed residential apartment is via Barr Street through the well-lit main entrance to the building. The building is surrounded by residential dwellings enabling good passive surveillance.

The proposed residential apartment is adjacent to the existing residential apartments on the first floor at the western end of the building. Their proximity and use of the same circulation space provides safety and security.

The existing building has an attractive 2 storey central atrium with planting, seating areas and a café located on the ground level. The proposed apartment shares a wide corridor with the 4 other apartments that links directly to the atrium. This communal space is surrounded by suites providing a good passive surveillance.

Principle 8: Housing Diversity and social interaction

Good design provides a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.

The proposed apartment provides a unique housing choice in an existing warehouse style building adjacent to four other apartments in an established residential area within walking distance to shops, transport and parks. The proposed private open space well exceeds the size of a 2 bedroom apartment balcony providing high amenity.

Access to the buildings central atrium with café, seating area and landscaping provides opportunity for social interaction and would particularly appeal to people that might want to work from home.

Principle 9: Aesthetics

Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure.

The proposal does not seek to change the existing external and internal structural elements and building fabric of the building. The existing commercial suite has a mezzanine level at the northern and southern ends of the lot and the proposal will not change this layout.

The main modification is the extension of the width of the southern mezzanine level to create a good sized main bedroom and the raising of the roof over this portion to achieve an optimal ceiling height within the existing building height and envelope.

The creation of the open private space will introduce an adjustable louvre roof within the roof profile while retaining the external wall and opening and steel framed window.

The existing materials, colours, textures and building form will be maintained.

APARTMENT DEVELOPMENT DESIGN GUIDE

The following demonstrates how the proposal achieves the relevant objectives of the *Apartment Design Guide* despite the fact that is located within an existing non-residential building.

Section 3F – Visual Privacy

The proposal will not change the existing window openings on the southern façade which are within close proximity to the rear yards of 23 and 25 Elliott Street. Although the existing window openings will be unchanged, the space these windows service will change from office to bedroom and bathroom.

Visual privacy to the adjoining properties will be achieved by the addition of obscure glazing to the bathroom window and fixed external louvres to a height of 1.7m above the floor over the bedroom window.

Section 4C – Ceiling heights

The voluminous space of the existing warehouse style building far exceeds the ceiling height requirements for habitable rooms with the main living/ dining area ranging from 3.85m to 5.24m. This principle space has direct access to the courtyard with an equally high adjustable roof. Large glazed sliding doors to the courtyard and the removal of the glazing in the courtyard window provides good natural ventilation. The sunlight access plans included in this application demonstrate that these rooms receive direct sunlight in mid-winter for most of the day

The proposed roof over the main bedroom located on the southern mezzanine level has a ceiling raking from 2.355m to 2.560m. Good access to ventilation and sunlight is via the southern windows running the full 3.8m length of the room.

The attic space located on the northern mezzanine receives good access to light and ventilation through its existing southern highlight windows. The space has been operating well as an office space, however due to its non-compliance with ceiling height controls this room has been allocated as attic or storage space in the proposal.

The kitchen and bedroom 2 are located under the mezzanine levels at either end of the apartment. Although the ceiling height is limited to 2.4m these rooms are uniquely located to benefit from the existing large warehouse style steel framed windows facing the street as well as the courtyard with adjustable roof. The sunlight access plans included in this application demonstrate that these rooms receive direct sunlight in mid-winter for most of the day.

Ceiling height objectives are achieved by varying ceiling heights and a central courtyard as the focus creating good amenity and spatial interest.

Section 4D – Apartment size and layout

Bedroom 2 located at the northern end of the apartment is an unusual shape due to the angle of the existing masonry walls. It does not fit into the standard square or rectangular shaped room, however as the furniture layout on the floor plan demonstrates there is ample space for a single bed, wardrobe, desk and chair. It has an area of 10sqm exceeding the minimum requirement plus an additional 1sqm below head height under the stairs.

The living room is located in the centre of the apartment adjacent to the courtyard providing good access to light, ventilation and outdoor space. Its rectangular open plan shape provides flexibility in furniture layout that can accommodate a cosy tv arrangement or a more spacious living area. Its width of 3.6m falling short of the 4m requirement is more than compensated for by its 5.5m length, voluminous ceiling height and proximity to the private open space.

The circulation for the stairs up to the main bedroom is not included in the 5.5m living room length. The layout of the proposed apartment provides good separation between the living area and the two bedrooms for acoustic and visual privacy.

The objectives of apartment size and layout are achieved by the location of the rooms, their access to good amenity and overall dimensions providing ample space for flexible furniture layouts.

Section 4F – Common circulation and spaces

All doors into the existing building are open from 7am – 6pm Monday to Friday including those from the carpark. Outside of these times the doors are secured and monitored with access only available through a swipe card. A secure roller door is provided to the underground carpark off Elliott Street.

Pedestrian access to the proposed residential apartment is via Barr Street through the well lit main entrance to the building. The building is surrounded by residential dwellings enabling good passive surveillance.

The proposed residential apartment is adjacent to the existing residential apartments on the first floor at the western end of the building. Their proximity and use of the same circulation space provides safety and security.

The existing building has an attractive 2 storey central atrium with planting, seating areas and a café located on the ground level. The proposed apartment shares a wide corridor with the 4 other apartments that links directly to the atrium. This communal space is surrounded by suites providing a good passive surveillance.

The proposal achieves the objectives for safety and security of circulation spaces due to its location on the first floor above the main front entrance, its location adjacent to the other residential apartments and the existing security measures requiring swipe card access outside of office hours.

Section 4G – Storage

Accessible internal storage is provided in the attic, (in excess of 5m³ in the south-east corner) and under the stairs to bedroom 1. In addition the apartment's basement car space (2.7m wide x 5.8m long) can accommodate a further 3m³ of storage in a secure cage structure at the rear of the space.

The proposal provides achieves the objectives of adequate storage.

Section 4R – Adaptive reuse

The existing building has already undergone a successful re-use of 4 commercial suites into residential apartments. All are located at the western end of the building and the proposed residence is located on the south-western corner adjacent to them. The success of the residential apartments is due to the high level of amenity provided to them such as the internal courtyards with openable roofs, warehouse style ceilings and generous open plan layouts.

The proposed residential apartment achieves high residential amenity by the following:

- the creation of a courtyard as a private open space provides visual interest, direct sunlight, natural ventilation and deep soil pots for a variety of plants
- high warehouse style ceilings in the living and dining area
- visual and acoustic privacy for the proposal and the neighbours
- generous open plan living layout and good sized bedrooms
- 2 car spaces
- adequate storage
- access to the existing building's common atrium area with café, seating area and planting
- no change to the existing wide common circulation areas.

Section 4S – Mixed Use

The proposed residential apartment is in an appropriate location adjacent to the existing residential apartments on the first floor at the western end of the building. Their proximity and use of the same circulation space provides safety and security. The entrance to the apartments on the first floor is through the main door of the building off Barr Street. Barr Street is a residential street and the proposal is appropriate for this context.

The proposal will provide safety and security for the residents by its conversion from a commercial suite to a residence and achieves the objectives of mixed use.

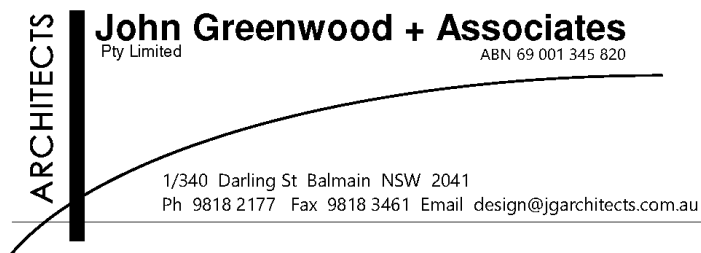
SUMMARY

The proposal addresses each of the 9 design principles of SEPP No. 65 and the relevant objectives of the Apartment Design Guide given that it is within an existing building.

There is non-compliance with the LEP of the existing building in terms of the landscaped area, site coverage and floor space ratio and the proposal will not change this. The proposal however will maintain the existing character of the building which contributes to the history of the area while creating a future use for the building that is compatible with the surrounding residential precinct.

The proposal will create a high quality residential dwelling that draws on the character of the existing building achieving high amenity for the occupants.

Attachment C – Clause 4.6 requests



1804 - SEE

EXCEPTION TO DEVELOPMENT STANDARD

ADDRESS

Suite F1/ 1-15 Barr Street, Balmain

PROPOSED DEVELOPMENT

Change of use & adaptation of existing commercial suite into single residential dwelling.

STANDARD TO BE VARIED

Floor Space Ratio – Clause 4.4 or 4.4A of LEP 2013

ENVIRONMENTAL PLANNING GROUNDS TO JUSTIFY CONTRAVENING THE STANDARD

The objectives of Clause 4.6 of the Leichhardt LEP 2013 allow for an appropriate degree of flexibility in applying certain development standards to a particular development.

The proposed development meets the requirements which would allow contravening of the Floor Space Ratio development standard as it would result in a development which still meets the underlying objectives of the development standard.

WHY COMPLIANCE WITH THE STANDARD IS UNREASONABLE OR UNNECESSARY

It is unreasonable or unnecessary to comply with the standard for the following reasons:

- the proposed increased floor area of 7m² will not change the existing FSR of 1:1 for the entire site
- the private open space proposed is calculated as FSR because it is enclosed by the existing external wall which forms the original fabric and features of the building. The proposed private open space provides light, natural ventilation and the environment for plants to grow which greatly contributes to the amenity of the proposed residential accommodation. Its calculation as FSR reduces the area available for indoor space. The proposed additional 7m² will contribute greatly to the amenity of the indoor space and will retain the existing brick façade and window openings
- the proposal is contained within the existing building envelope
- the proposal meets the objectives of Clause 6.11 of the Leichhardt LEP Adaptive reuse of existing buildings in Zone R1 by providing residential accommodation in an existing building, retaining the character of the streetscape and will make no adverse amenity impacts to adjoining neighbours, with no increase to shadow impact and no adverse privacy or overlooking impacts.

WHY THE PROPOSAL IS CONSISTENT WITH THE OBJECTIVES OF FSR

The objectives of the Floor Space Ratio development are to ensure residential accommodation

- (i) is compatible with the desired future character of the area in relation to building bulk, form and scale, and
- (ii) provides a suitable balance between landscaped areas and the built form, and
- (iii) Minimises the impact of the bulk and scale of buildings.

The proposal will retain the bulk, form and scale of the existing building. It is consistent with the desired future character of the residential zone and complies with Clause 6.11 of the Leichhardt LEP Adaptive reuse of existing buildings in Zone R1.

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DEVELOPMENT APPLICATIONS
EXCEPTIONS TO DEVELOPMENT STANDARDS
 PURSUANT TO CLAUSE 4.6 OF LEICHHARDT LOCAL ENVIRONMENTAL PLAN 2013

DEVELOPMENT APPLICATION DETAILS:

Address:	Suite F1, 1-15 Barr Street Balmain 2041
Proposed Development:	Change of use & adaption of existing commercial suite into single residential dwelling
I wish to lodge a request to vary the following development standard for the reasons indicated:	

WHAT IS THE STANDARD SOUGHT TO BE VARIED?

- Floor Space Ratio** – Clause 4.4 or 4.4A of LEP 2013
- Landscaped Area** – Clause 4.3A(3)(a) of LEP 2013
- Site Coverage** – Clause 4.3A(3)(b) of LEP 2013
- Subdivision Allotment size** – Clause 4.1 of LEP 2013
- Foreshore Building Area** – Clause 6.5 of LEP 2013
- Diverse Housing** – Clause 6.13 of LEP 2013

The purpose of the above standards is to ensure that the proposed works are compatible with the surrounding environment in terms of bulk, scale, amenity, streetscape, setting, transport and preserving the character of the building and surrounding conservation area and heritage items

Where an applicant wishes to vary a development standard, the application must be accompanied by a well-founded, written request which 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
- b. that there are sufficient environmental planning grounds to justify contravening the development standard.

<p>What are the environmental planning grounds that justify contravening the development standard?</p> <p>The objectives of Clause 4.6 of the Leichhardt LEP 2013 allow for an appropriate degree of flexibility in applying certain development standards to a particular development. The standard is not applicable for this unique type of development where the proposal is limited to an individual strata lot within an existing commercial building.</p>
<p>Why is compliance with the standard unreasonable or unnecessary? What are the special circumstances in this case? (To answer consider whether a development that complies is unnecessary or unreasonable)</p> <ul style="list-style-type: none"> • Unique situation of a commercial building within the general residential zone R1 • The proposed development, although being residential is within a commercial site • The proposed development is contained within an individual strata lot on the first floor of an existing commercial building and does not change the site coverage of the existing building
<p>Is the proposed development consistent with the objectives of the particular standard? Is the proposal consistent with the objectives of the relevant zone?</p> <p>The objectives of the site coverage development standards are not all applicable to the unique nature of the development being sought.</p> <p>In respect to objectives over the entire site, the development proposal makes no change to the existing footprint and includes an area of private open space for the residents of the subject lot.</p> <p>The development retains the existing character of the building and adheres to the future desired character of the neighbourhood.</p>



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