





INNER WEST

DEVELOPMENT ASSESSMENT REPORT

Application No.	DA/2020/0957
Address	229 Darling Street BALMAIN NSW 2041
Proposal	Alterations and additions to existing building to provide restaurant/ bar and two residential apartments with associated works
Date of Lodgement	6 November 2020
Applicant	Mr Neil Avoledo
Owner	Fenloo Pty Ltd
Number of Submissions	0
Value of works	\$500,000.00
Reason for determination at Planning Panel	Clause 4.6 variation exceeds 10%
Main Issues	FSR Variation Car parking
Recommendation	Approval with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Clause 4.6 Exception to Development Standards - FSR



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

1. Executive Summary

This report is an assessment of the application submitted to Council for Alterations and additions to existing building to provide a restaurant/ bar and two residential apartments with associated works at 229 Darling Street, Balmain. The application was notified to surrounding properties and no submissions were received in response.

The main issues that have arisen from the application include the variation to the FSR Development Standard under the LLEP 2013 as well as the non-compliance with the car parking provisions under the LDCP 2013. The proposed development seeks to reduce the existing FSR variation from 51sqm (23.1%) to 49.3sqm (22.4%). Whilst the proposal will result in the shortfall of three car parking spaces on site, it is noted these cannot be reasonably accommodated due to existing site constraints.

The proposal has been designed to accommodate a mixed-use development that suitably balances the functionality of the commercial use without compromising the amenity of the two residential units proposed and therefore the application is recommended for approval.

2. Proposal

The proposed development seeks consent for alterations and additions to the existing building to provide a restaurant and bar with two residential apartments. Specifically, the proposal consists of the following:

- Reconfiguration of the lower ground floor area to include a separate rear lane access for the new studio unit above, vehicular access from the rear lane, waste/bin store areas, WC, cool room and store room;
- Reconfiguration of the ground floor to accommodate a restaurant/cafe at the front and new studio residential unit at the rear with balcony at the rear;
- Change of use of the first floor from a restaurant to a two-bedroom residential unit with rear patio;
- New pedestrian entrance at the Darling Street elevation for the first floor residential unit;
- Installation of new bifold door entry at the Darling Street elevation for the commercial use;
- Demolish and reconstruct skillion roof over existing rear roof to match existing; and
- Installation of new mechanical exhaust.

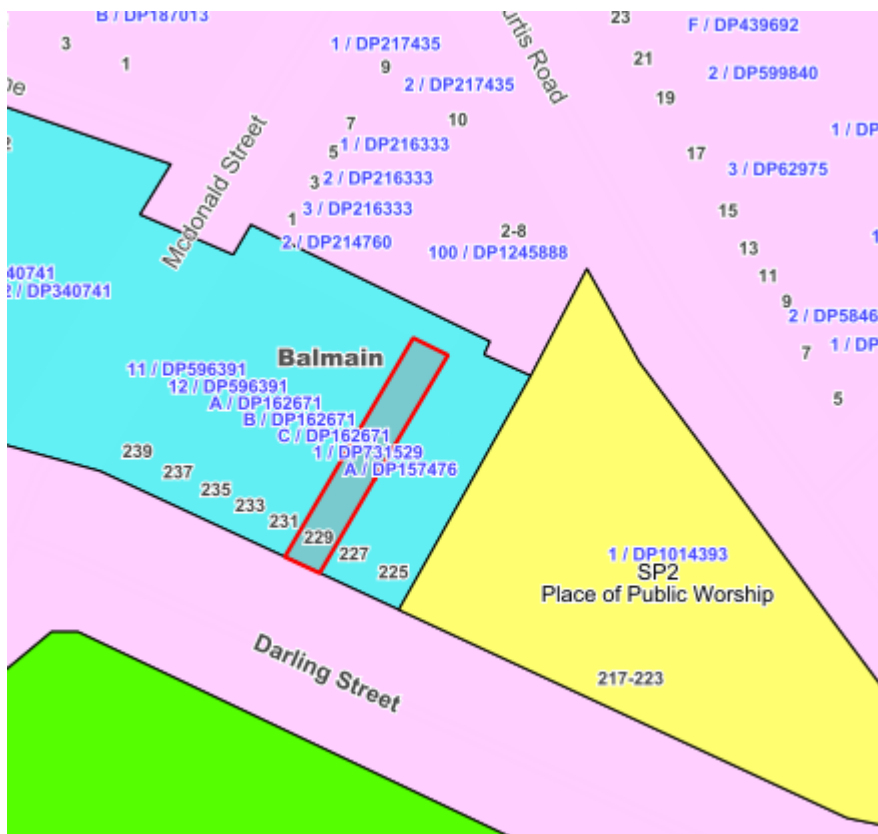
3. Site Description

The subject site is located on the northern side of Darling Street, between McDonald Street Curtis Road. The site consists of a single allotment and is generally rectangular with a total area of 147sqm and is legally described as 229 Darling Street, Balmain.

The site has a frontage to Darling Street of 4.8 metres and a secondary frontage of approximate 4.9 metres to the rear lane.

Due to the fall of the site, the existing commercial building presents as a two storey build form to the Darling Street elevation and three storey built form to the rear. The adjoining properties support commercial and mixed use developments similar in bulk and scale.

The subject site is located within the Waterview Estate Heritage Conservation Area.



Land zoning map, subject site outlined in red

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
PDA/2020/0294	Alterations and additions to the existing two storey restaurant to be split into four tenancies, including one café/restaurant and 3 X 1 bedroom units	Advice issued, 1/09/2020

There are no recent planning determinations for the adjoining properties at 227 and 231 Darling Street, Balmain.

4(b) Application history

Not applicable

5. Assessment

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

5(a) Environmental Planning Instruments

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

- *State Environmental Planning Policy No. 55—Remediation of Land*
- *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. LDCP 2013 provides controls and guidelines for remediation works. *SEPP 55* requires the consent authority to be satisfied that “the site is, or can be made, suitable for the proposed use” prior to the granting of consent.

The site has not been used in the past for activities which could have potentially contaminated the land. Despite this, the adjoining sites have been identified as potentially contaminated and, as such, the subject site may be impacted. No excavation is proposed to accommodate the proposed works and so it is considered that the site will not require remediation in accordance with *SEPP 55*. Suitable conditions are to be recommended on any consent issued requiring Council and the certifying authority to be notified of any new or unexpected information revealed during construction.

5(a)(ii) *Leichhardt Local Environment Plan 2013 (LLEP 2013)*

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

- Clause 1.2 - Aims of the Plan
- Clause 2.3 - Zone objectives and Land Use Table
- Clause 2.5 - Additional permitted uses for land
- Clause 2.7 - Demolition
- Clause 4.4 – Floor Space Ratio
- Clause 4.4A - Exception to maximum floor space ratio for active street frontages
- Clause 4.5 - Calculation of floor space ratio and site area
- Clause 4.6 - Exceptions to development standards
- Clause 5.10 - Heritage Conservation
- Clause 6.11A- Residential accommodation in Zone B1 and B2

- (i) Clause 2.3 - Land Use Table and Zone Objectives

The site is zoned B2 – Local Centre under the *LLEP 2013*. The *LLEP 2013* defines the development as a mixed-use development comprising a food and drink premises with an attached dual occupancy at the rear and first floor. A mixed-use development means “a

building or place comprising of two or more different uses”. A *food and drinks development* means

“premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar”

Whilst an *attached dual occupancy* development means

“two dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling”

The development is permitted with consent within the land use table. The development is consistent with the objectives of the B2 – Local Centre Zone.

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

Standard	Proposal	non compliance	Complies
Floor Space Ratio Maximum permissible: 1.5:1 or 220.5sqm (under Clause 4.4A)	1.82:1 or 269.8sqm	49.3sqm or 22.4%	No

Clause 4.6 Exceptions to Development Standards

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

- Clause 4.4A - Exception to maximum floor space ratio for active street frontages

The applicant seeks a variation to the Floor Space Ratio development standard under Clause 4.4A of the Leichhardt LEP by 22.4% x (metres or 49.3sqm). It is noted that the existing FSR for the subject site is 1.84:1 (271.5sqm), this being an existing variation of 51sqm (23.1%).

Clause 4.6 allows Council to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes.

In order to demonstrate whether strict numeric compliance is unreasonable and unnecessary in this instance, the proposed exception to the development standard has been assessed against the objectives and provisions of Clause 4.6 of the Leichhardt LEP below.

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

- The proposal seeks to reduce the existing FSR on the subject site; and
- The proposal seeks to improve the internal amenity of the existing use.

The applicant's written rationale adequately demonstrates that compliance with the development standard is unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

It is considered the development is in the public interest because it is consistent with the objectives of the B2 – Local Centre Zone, in accordance with Clause 4.6(4)(a)(ii) of the Leichhardt LEP for the following reasons:

- The proposed development is suitably designed to accommodate a mixed-use development that does not comprise the functionality of the commercial use whilst ensuring good internal and external amenity for new residential development on the site;
- The proposal provides residential development within the Balmain local centre.

It is considered the development is in the public interest because it is consistent with the objectives of the Floor Space Ratio development standard, in accordance with Clause 4.6(4)(a)(ii) of the Leichhardt LEP for the following reasons:

- *The maximum floor space ratio for a building on land to which this clause applies is 1.5:1 if the consent authority is satisfied that—*
- *(a) the building will have an active street frontage, and*
Comment: In accordance with Clause (5) under this part “a building has an active street frontage if all floor space on the ground floor of the building facing the street is used for a purpose other than residential accommodation”. Due to the fall of the site the ground floor of the existing building is unable to be activated at a street level at the rear lane. Given this site constraint, the proposal seeks to concentrate the retail use at the Darling Street elevation where high pedestrian activity is to occur. The proposal will maintain an active street frontage on site and is consistent with this Clause.
- *(b) the building comprises mixed use development, including residential accommodation, and*
Comment: The proposal seeks to introduce a mixed-use development within the existing built form so as not to adversely impede on the existing commercial use or the adjoining properties. The proposal is consistent with this Clause.
- *(c) the building is compatible with the desired future character of the area in relation to its bulk, form, uses and scale.*
Comment: The proposal maintains an active street frontage to Darling Street, comprises of a mixed-use development and is compatible with the desired future character of the area in terms of bulk, form and scale. The impacts to the heritage conservation area and heritage item have been reviewed in detail by Council's Heritage Advisor who outlined no objection to the proposal, subject to suitable conditions of consent

The concurrence of the Planning may be assumed for matters dealt with by the Local Planning Panel.

The proposal thereby accords with the objective in Clause 4.6(1)(b) and requirements of Clause 4.6(3)(b) of the Leichhardt LEP. For the reasons outlined above, there are sufficient planning grounds to justify the departure from Floor Space Ratio and it is recommended the Clause 4.6 exception be granted.

5(b) Draft Inner West Local Environmental Plan 2020 (Draft IWLEP 2020)

The Draft IWLEP 2020 was placed on public exhibition commencing on 16 March 2020 and accordingly is a matter for consideration in the assessment of the application under *Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979*. The amended provisions contained in the Draft IWLEP 2020 are not particularly relevant to the assessment

of the application. Accordingly, the development is considered acceptable having regard to the provisions of the Draft IWLEP 2020.

5(c) Development Control Plans

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

LDCP2013	Compliance
Part A: Introductions	
Section 3 – Notification of Applications	Yes
Part B: Connections	N/A
Part C: Place – General Provisions	
C1.0 General Provisions	Yes
C1.1 Site and Context Analysis	Yes
C1.2 Demolition	Yes
C1.3 Alterations and additions	Yes
C1.4 Heritage Conservation Areas and Heritage Items	Yes – see discussion
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes - see discussion above
C1.9 Safety by Design	Yes
C1.10 Equity of Access and Mobility	Yes
C1.11 Parking	No – see discussion
C1.18 Laneways	Yes
Part C: Place – Section 2 Urban Character	
C2.2.2.1(b) Balmain Village Sub Area	Yes
Part C: Place – Section 3 – Residential Provisions	
C3.1 Residential General Provisions	Yes
C3.2 Site Layout and Building Design	Yes
C3.3 Elevation and Materials	Yes
C3.5 Front Gardens and Dwelling Entries	Yes
C3.7 Environmental Performance	Yes
C3.8 Private Open Space	Yes
C3.9 Solar Access	Yes
C3.11 Visual Privacy	Yes
Part C: Place – Section 4 – Non-Residential Provisions	
C4.1 Objectives for Non-Residential Zones	Yes
C4.2 Site Layout and Building Design	Yes
C4.4 Elevation and Materials	Yes
C4.5 Interface Amenity	Yes
C4.6 Shopfronts	Yes
Part D: Energy	
Section 1 – Energy Management	Yes
Section 2 – Resource Recovery and Waste Management	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	Basix certificate provided
E1.1.3 Stormwater Drainage Concept Plan	Yes
E1.2.1 Water Conservation	N/A
E1.2.2 Managing Stormwater within the Site	Yes
E1.2.3 On-Site Detention of Stormwater	N/A
E1.3 Hazard Management	N/A
Part F: Food	N/A
Part G: Site Specific Controls	N/A

The following provides discussion of the relevant issues:

C1.4 Heritage Conservation Areas and Heritage Items

The subject site falls within the Waterview Town Estate Heritage Conservation Area. The proposal is generally compliant with the heritage provisions under Clause 5.10 of the LLEP 2013 and DCP 2013. The proposal was referred to Council’s Heritage officer for comment, to ensure that the proposed works do not detract from the HCA and remain consistent with the character of development Darling Street. It was recommended that the bifold doors are to be amended from aluminium framed to timber and the materials and finishes are to be revised to exclude dark greys/ blacks.

C1.11 Parking

In accordance with the provisions under this Part of the LDCP 2013 three car parking spaces are required to be provided for the proposal, this being one for the two bedroom unit, one visitor space for the residential uses and one for the commercial premises. The proposal will result in a shortfall of three car parking spaces.

There is no car parking currently available on the site. Access from the rear lane is currently restricted to a roller door and pedestrian door for loading/unloading from the rear lane, vehicular access is not available under the current arrangement for the site. A driveway turning circle diagram was provided with the application and illustrated that the subject site cannot accommodate a car parking space in compliance with the AS. Furthermore any such vehicle accessing the rear of the site has no turning option, and is constrained to reverse out.

The proposal seeks to replace and retain the existing roller and pedestrian door openings to allow direct pedestrian access to the new studio at the rear and facilitate manual loading and unloading from the rear for the commercial use.

The proposed shortfall is acceptable as public transport is readily accessible via Darling Street with on street parking available within the surrounding streets. In addition, the proposal seeks to maintain the existing loading arrangement for the commercial space retained on the subject site.

5(d) The Likely Impacts

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

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

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

5(f) Any submissions

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

5(g) The Public Interest

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed. The proposal is not contrary to the public interest.

6 Referrals

6(a) Internal

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

- Health
- Heritage

In addition, the application was referred to Council's Development Engineer and Building team for comment. Council's Engineers have recommended against the rear pedestrian access, However, it is apparent that the site has always supported rear pedestrian access although there is no formal footpath in the rear lane. The proposed parking deficit will be addressed by way of a contributions levy, which has been common practice in this area.

No other objections were raised subject to the imposition of standard recommended conditions.

7. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$77,229 would be required for the development under Leichhardt Section 94 Contributions Plan 2014 and the former (still active) S94 contributions plans, in particular Transport & Access levy for the parking deficit. A condition requiring that contribution to be paid is included in the recommendation.

8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Leichhardt Local Environmental Plan 2013*.

The application is considered suitable for approval subject to the imposition of appropriate conditions.

9. Recommendation

- A. The applicant has made a written request pursuant to Clause 4.6 to vary 4.4A of the *Leichhardt Local Environmental Plan 2013*. After considering the request, and assuming the concurrence of the Secretary, the Panel is satisfied that compliance with the standard is unnecessary in the circumstance of the case and that there are sufficient environmental planning grounds to support the variation. The proposed development will be in the public interest because the exceedance is not inconsistent with the objectives of the standard and of the zone in which the development is to be carried out. **KL**
- B. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to Development Application No. DA/2020/0957 for Alterations and additions to existing building to provide a restaurant / bar and 2 residential apartments with associated works at 229 Darling Street BALMAIN NSW 2041 subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

DOCUMENTS RELATED TO THE CONSENT

1. Documents related to the consent

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
DA-501	Concept stormwater plan	19/10/2020	Hicks & Holmested
DA-901	Schedule of External Finishes	19/10/2020	Hicks & Holmested
DA-201	Proposed Darling Street elevation	3/11/2020	Hicks & Holmested
DA-202	Proposed South East Elevation	3/11/2020	Hicks & Holmested
DA-203	Proposed North East Elevation	3/11/2020	Hicks & Holmested
DA-204	Section AA + Front & Rear Elevation	3/11/2020	Hicks & Holmested
DA-205	Proposed Section BB	3/11/2020	Hicks & Holmested
DA-102	Proposed Ground Floor Plan	3/11/2020	Hicks & Holmested
DA-103	Proposed First Floor Plan Opt 1	3/11/2020	Hicks & Holmested
DA-104	Proposed Lower Ground Floor	3/11/2020	Hicks & Holmested
DA-105	Proposed Roof Plan	3/11/2020	Hicks & Holmested

Drawing No. 101, Rev 1	Mechanical Services - Proposed Ground Floor Plan	29/09/2020	Hicks & Holmested
Drawing No. 102, Rev 1	Mechanical Services - Proposed First Floor Plan	29/09/2020	Hicks & Holmested
Drawing No. 101 Rev 1	Mechanical Services - Proposed Roof Plan	29/09/2020	Hicks & Holmested

As amended by the conditions of consent.

DESIGN CHANGE

2. Design Change

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

- a. Doors and windows in the ground floor of the Darling Street elevation must be vertically proportioned, employing traditional design (timber sash or doors) and materials (timber frame).

FEES

3. Section 7.11 (Former Section 94) Contribution

Prior to the issue of a Construction Certificate/ before commencing works written evidence must be provided to the Certifying Authority that a monetary contribution of \$77,229.00 in accordance with 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/ Marrickville Section 94/94A Contributions Plan 2014] (“CP”) has been paid to the Council.

The above contribution is the contribution applicable as at 10/02/2020.

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

Local Infrastructure Type:	Contribution \$
Open Space and Recreation	\$32,640.00
Community Facilities and Services	\$4,989.00
Payment in Lieu of Adequate Parking	\$39,600
TOTAL	\$77,229.00

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>

Payment methods:

The required contribution must be paid either **by BPAY (to a maximum of \$500,000); unendorsed bank cheque (from an Australian Bank only); EFTPOS (Debit only); credit card (Note: A 1% credit card transaction fee applies to all credit card transactions; cash (to a maximum of \$10,000))**. It should be noted that personal cheques or bank guarantees cannot be accepted for the payment of these contributions. **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.

4. Security Deposit - Standard

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

Security Deposit:	\$2,209.00
Inspection Fee:	\$236.70

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 initial 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.

5. 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

6. Waste Management Plan

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

7. Works Outside the Property Boundary

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

8. Boundary Alignment Levels

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

9. Stormwater Drainage System

Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, down pipe, pits and pipelines discharged by gravity to the kerb and gutter of a public road.

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

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

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

Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the adjoining 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.

11. Advising Neighbors Prior to Excavation

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

12. Construction Fencing

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

13. 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.

PRIOR TO CONSTRUCTION CERTIFICATE**14. Party Walls**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with Architectural Plans accompanied by a Structural Certificate which verifies that the architectural plans do not rely on the Party Wall for lateral or vertical support and that additions are independently supported. A copy of the Certificate & plans must be provided to all owners of the party wall/s.

15. 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.

16. Structural Certification for Existing Building – Alterations and Additions

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a structural certification prepared by a qualified practising certified structural engineer verifying that the existing structure can adequately support the proposed new loads and the structural design complies with the Structural Provisions of Part B1 (Vol 1) and Part 2.1 (Vol 2) of the Building Code of Australia.

A Certificate prepared by an appropriately qualified and practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction. The certificate shall also include all details of the methodology to be employed in construction phases to achieve the above requirements without resulting in demolition of elements marked on the approved plans for retention.

17. 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.

DURING DEMOLITION AND CONSTRUCTION**18. Schedule of External Finishes**

Prior to the commencement of any work, the Schedule of External Finishes is to be updated in accordance with the following:

- a. the dark grey / black proposed for the weatherboard clad wall to the rear of the proposed new kitchen and dining is to be amended to Dulux “regency White” or “Portland Stone” and
- b. a pre-coloured traditional corrugated steel shall be used for the roofing, finished in a colour equivalent to Colorbond colours “Windspray” or “Wallaby”.

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 1 and 10

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work are only permitted between the hours of 7:00am to 5.00pm, Mondays to Saturdays (inclusive) with no works permitted on, Sundays or Public Holidays.

21. Survey Prior to Footings

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

PRIOR TO OCCUPATION CERTIFICATE**22. Smoke Alarms - Certification of upgrade to NCC requirements**

Prior to the issue of any Occupation Certificate, the Principal Certifier is required to be satisfied the existing building has been upgraded to comply with the provisions of the National Construction Code (Building Code of Australia) in relation to smoke alarm systems.

23. No Encroachments

Prior to the issue of an Occupation Certificate, the Principal Certifier 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.

ON-GOING**24. 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.

ADVISORY NOTES**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.

Prescribed Conditions

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

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.

Useful Contacts

BASIX Information	1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au
Department of Fair Trading	13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Prior to You Dig	1100 www.dialprior toyoudig.com.au
Landcom	9841 8660 To purchase copies of Volume One of “Soils and Construction”
Long Service Corporation	Payments 131441

	www.lspc.nsw.gov.au
NSW Food Authority	1300 552 406
	www.foodnotify.nsw.gov.au
NSW Government	www.nsw.gov.au/fibro
	www.diysafe.nsw.gov.au
	Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	131 555
	www.environment.nsw.gov.au
Sydney Water	13 20 92
	www.sydneywater.com.au
Waste Service - SITA	1300 651 116
Environmental Solutions	www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)	www.waterrating.gov.au
WorkCover Authority of NSW	13 10 50
	www.workcover.nsw.gov.au
	Enquiries relating to work safety and asbestos removal and disposal.
Street Numbering	
If any new street numbers or change to street numbers (this includes unit and shop numbers) are required, a separate application must be lodged with and approved by Council's GIS Team before being displayed.	

Annual Fire Safety Statement

An annual Fire Safety Statement must be given to Council and the NSW Fire Brigade commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued or the use commencing, whichever is earlier.

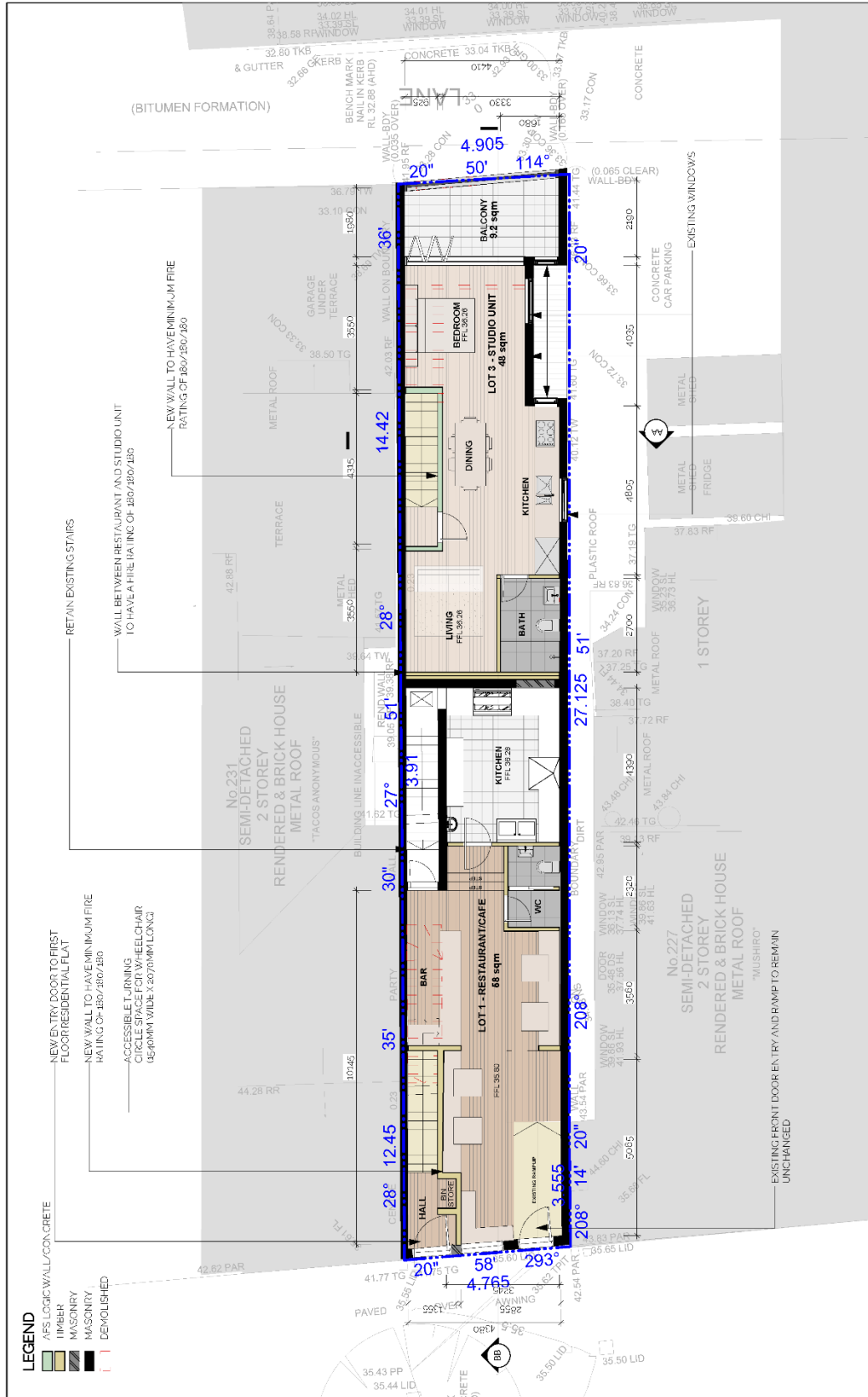
An annual fire safety statement is a statement issued by or on behalf of the owner of a building to the effect that:

- a. Each essential fire safety measure specified in the statement has been assessed by a competent fire safety practitioner and was found, when it was assessed, to be capable of performing:
 - i. in the case of an essential fire safety measure applicable by virtue of a fire safety schedule, to a standard no less than that specified in the schedule, or
 - ii. in the case of an essential fire safety measure applicable otherwise than by virtue of a fire safety schedule, to a standard no less than that to which the measure was originally designed and implemented, and
- b. The building has been inspected by a competent fire safety practitioner and was found, when it was inspected, to be in a condition that did not disclose any grounds for a prosecution under Division 7.

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.

Attachment B – Plans of proposed development



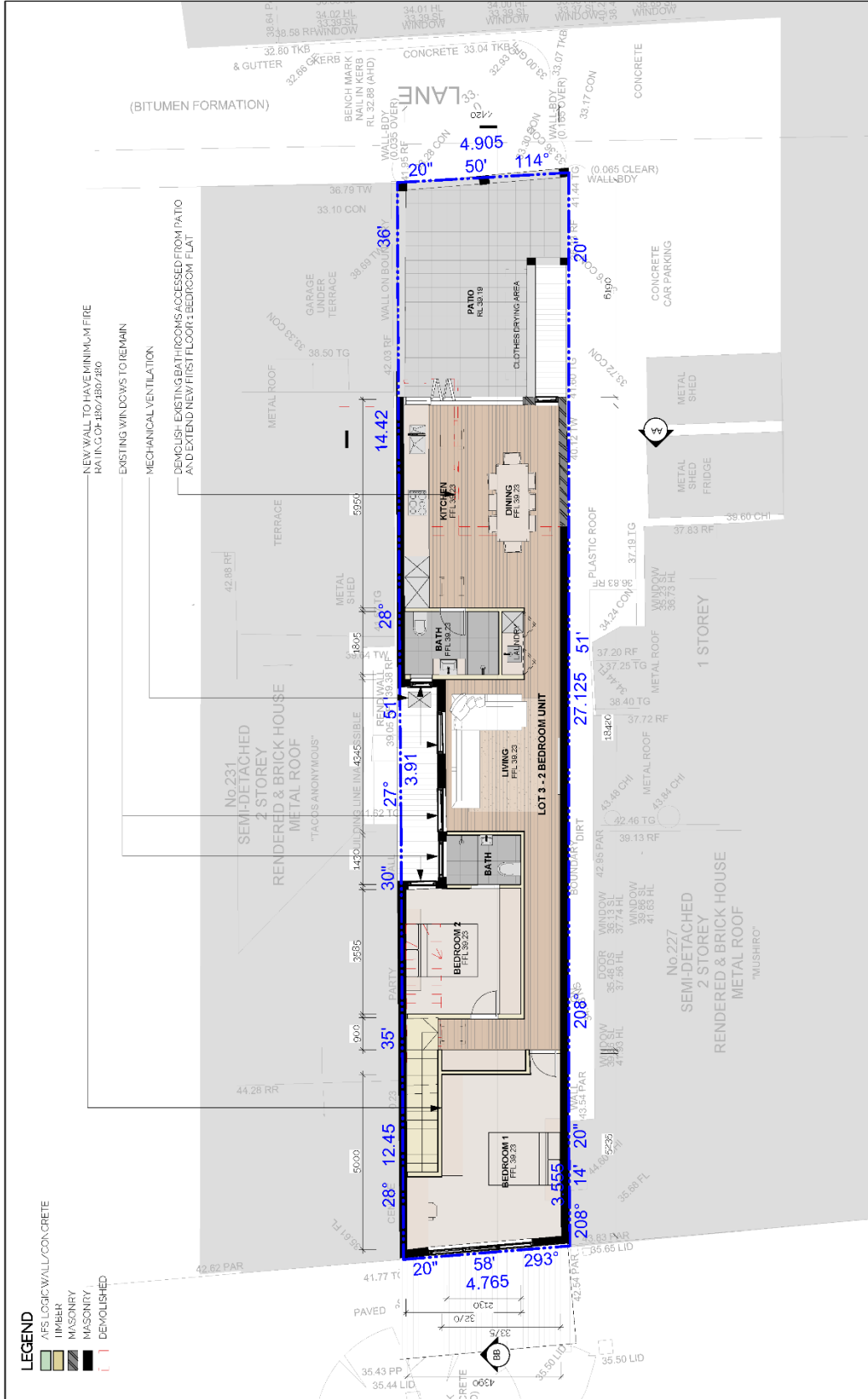
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Hicks & Holmested
ARCHITECTS • INTERIORS

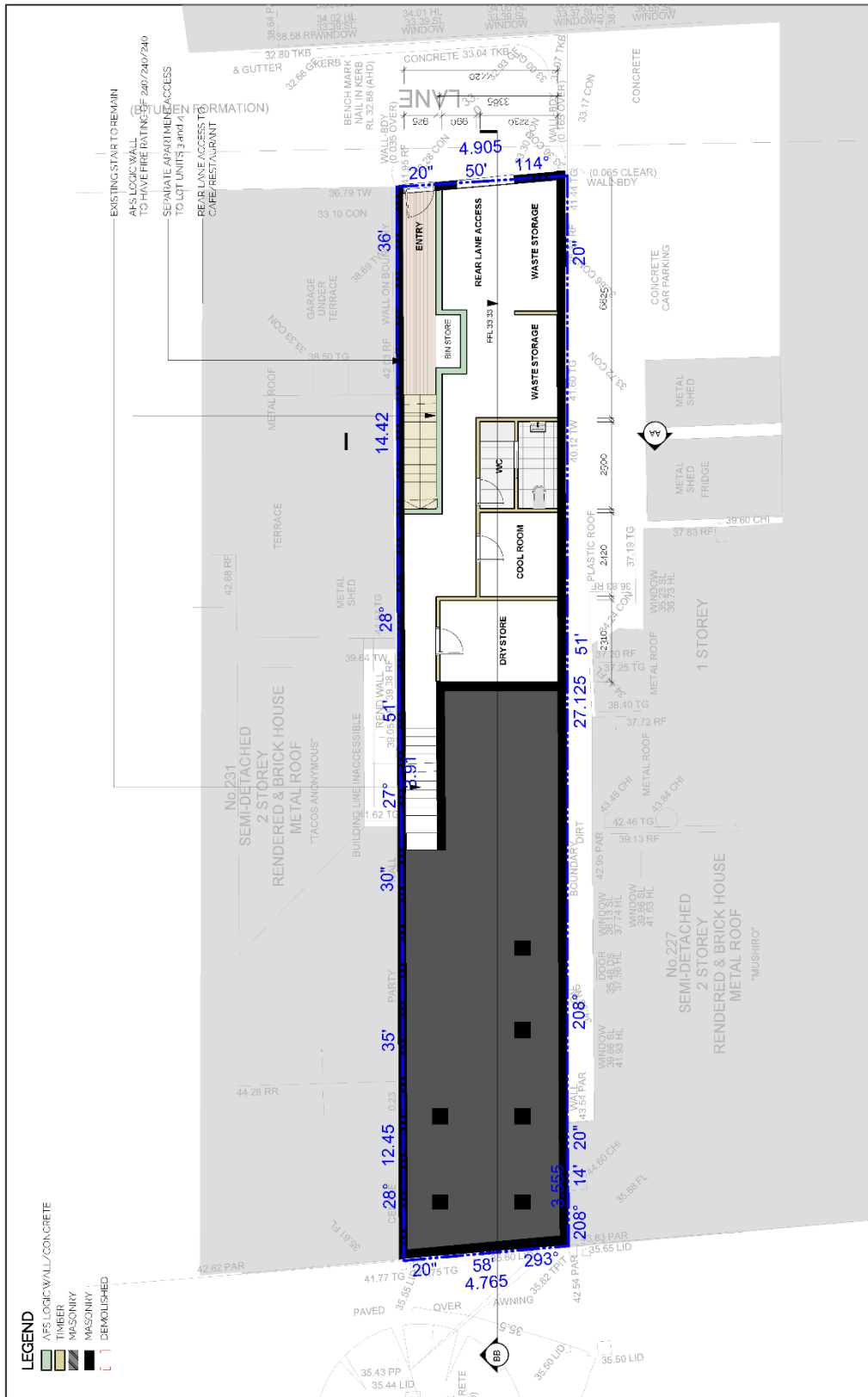
Level 10, 100 Macquarie Street, Sydney NSW 2000
T: (02) 9231 1111
W: www.hicksandholmsted.com.au

Document Set ID: 34203374
Version: 1, Version Date: 05/11/2020



CLIENT	Nell Avileco	PROJECT	229 Darling St Balmain	STATUS	DEVELOPMENT APPLICATION	SCALE	1:100 @ A1	NORTH		TITLE	PROPOSED FIRST FLOOR PLAN OPT 1	DRAWING	DA-103	REVISION / DATE	A 03/11/20
<p>Hicks & Holmsted DESIGN - ARCHITECTURE - INTERIORS</p> <p>THE CLIENT'S RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION CONTAINED IN THIS DOCUMENT IS NOT ACCEPTED BY THE ARCHITECT. THE ARCHITECT'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED BY HIMSELF OR HIS FIRM.</p>															

Document Set ID: 34203274
Version: 1, Version Date: 03/11/2020



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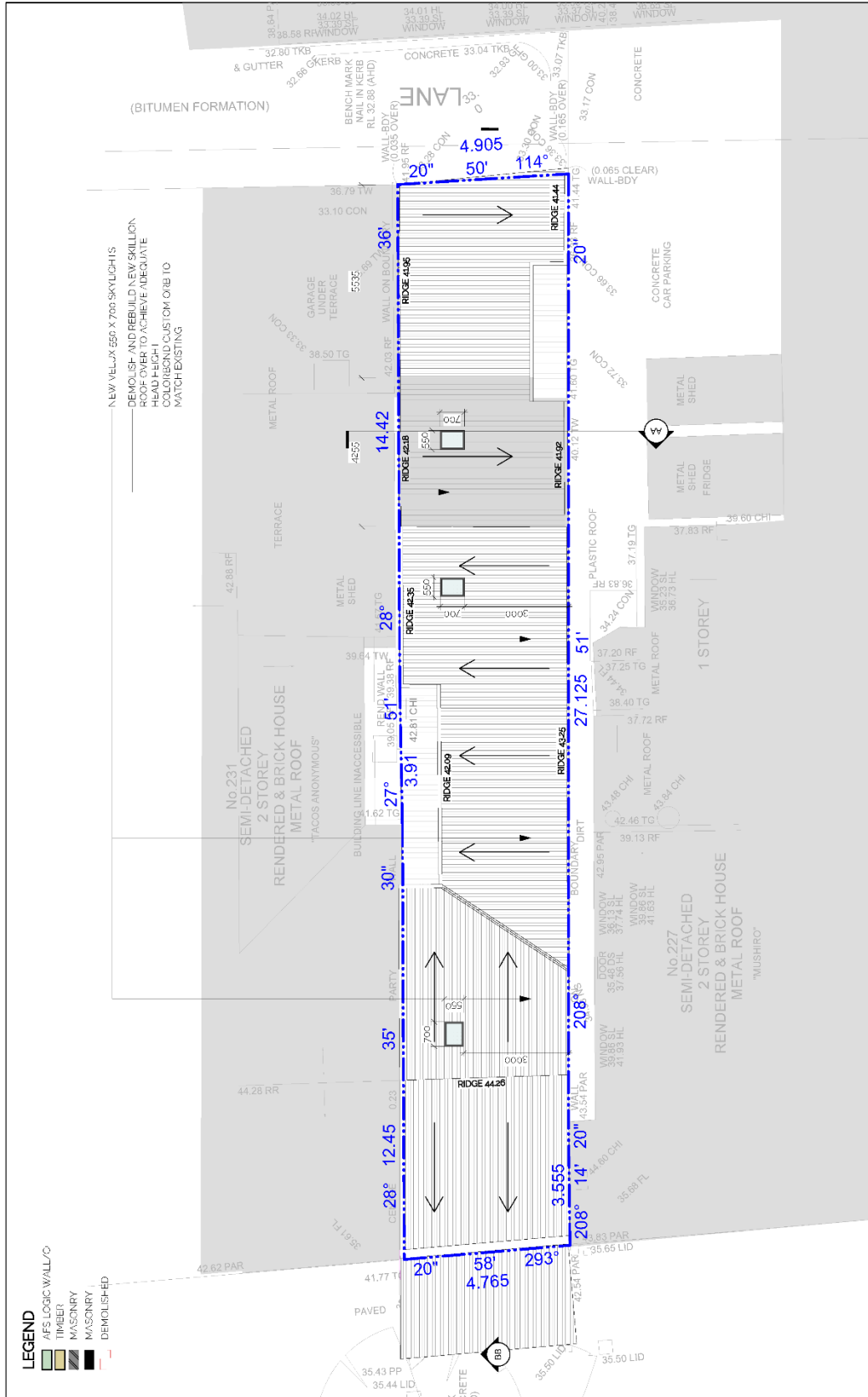
- AFS LOGIC WALL/CONCRETE
- TIMBER
- MASONRY
- MASONRY
- DEMOLISHED

CLIENT Neil Andriaco	PROJECT 286 Darling St. Balmain	STATUS DEVELOPMENT APPLICATION	SCALE 1:100 (BP-A3)	NORTH 	TITLE PROPOSED LOWER GROUND FLOOR	DRAWING DA-104	REVISION / DATE A 03/11/20
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Hicks & Holmsted
ARCHITECTS - INTERIORS

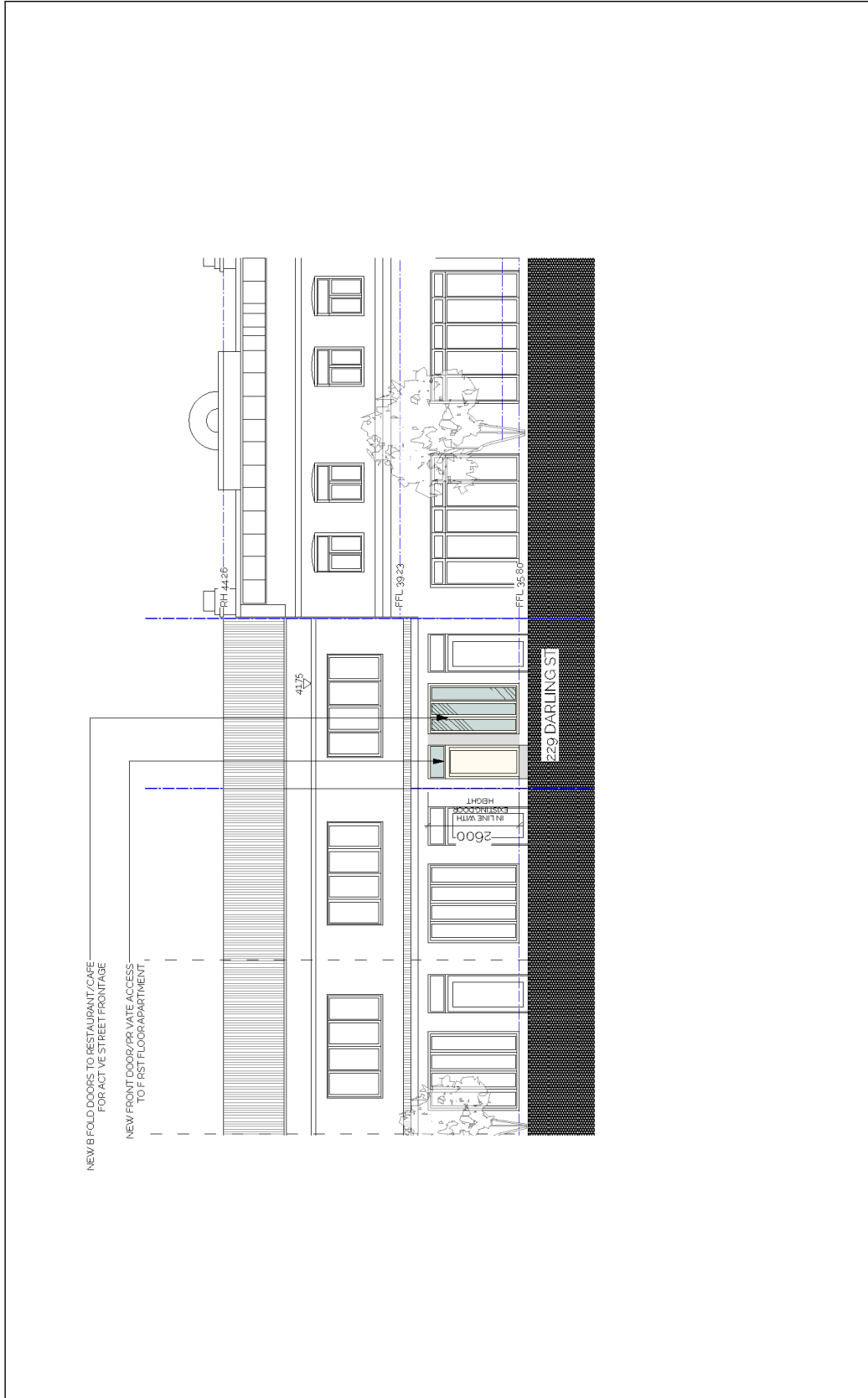
1. APPROVED FOR DEVELOPMENT APPLICATION
A. DEVELOPMENT APPLICATION
B. DEVELOPMENT APPLICATION

Document Set ID: 34203274
Version: 1, Version Date: 05/11/2020

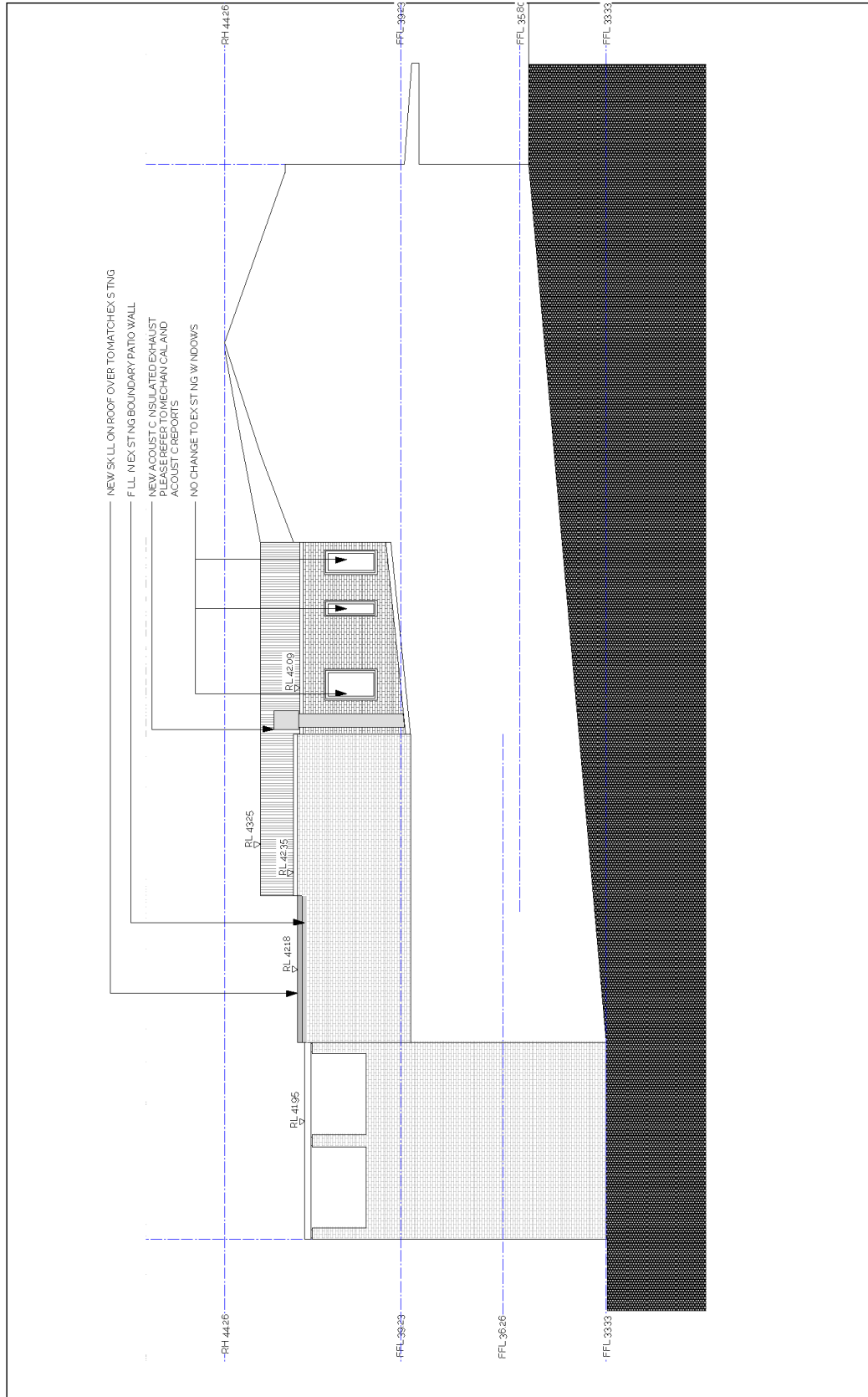


CLIENT Neil Avonico	PROJECT 22p Building St. Balmuir	STATUS DEVELOPMENT APPLICATION	SCALE 1:100 @ A3	NORTH 	TITLE PROPOSED ROOF PLAN	DRAWING DA-105	REVISION / DATE A 03/11/20
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Document Set ID: 34203274
Version: 1, Version Date: 03/11/2020

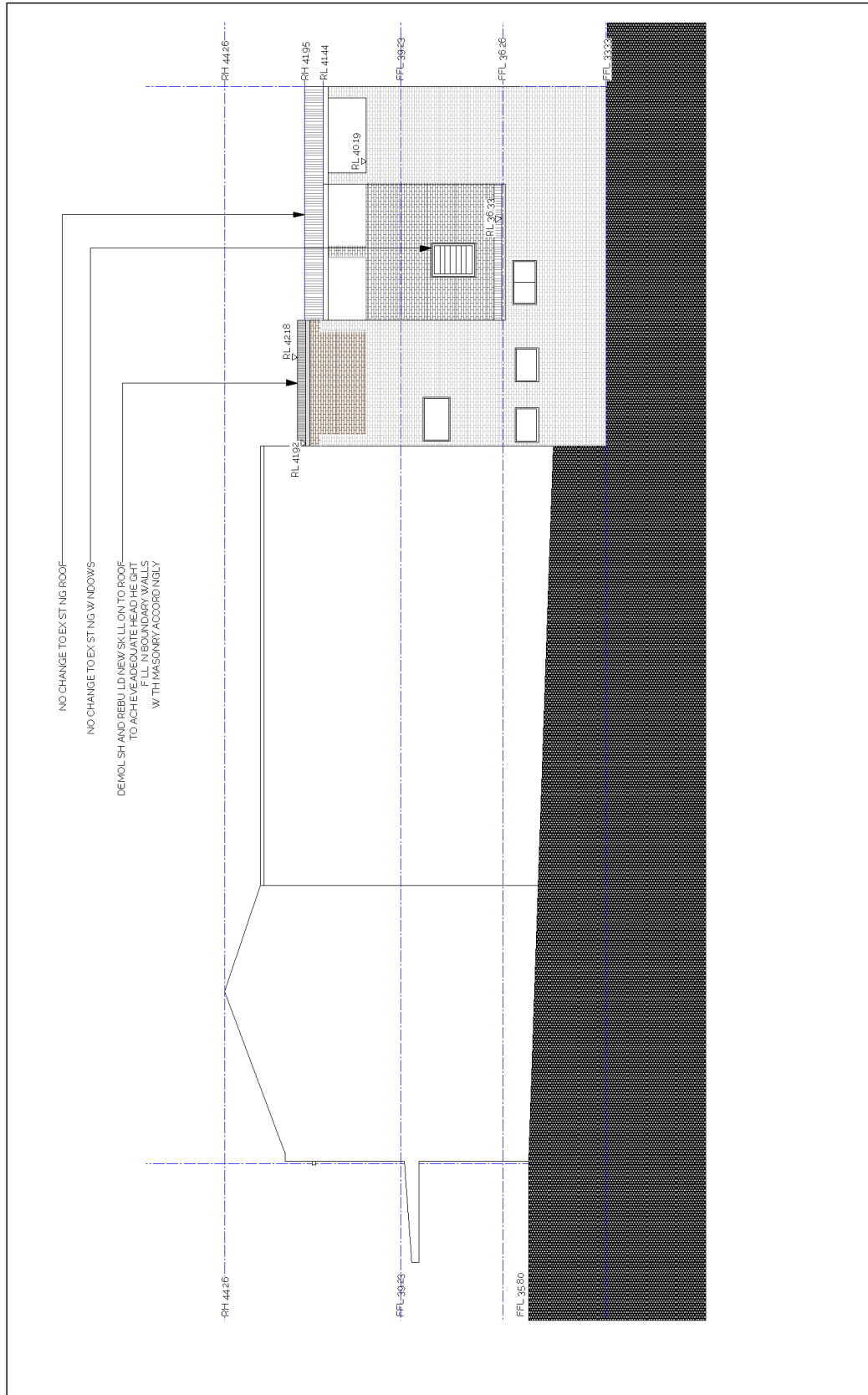


CLIENT Neil Aviledo	PROJECT 229 Darling St Cairns	 Hicks & Holmes DESIGN • ARCHITECTURE • INTERIORS	STATUS DEVELOPMENT APPLICATION	SCALE 1:100 @ A3	NORTH	<small>THE CLIENT'S SERVICES AND CONSULTING ARCHITECTS' SERVICES SHALL COMPREHENSIVELY COVER ALL ASPECTS OF THE PROJECT FROM PRELIMINARY DESIGN THROUGH TO CONSTRUCTION AND FINISHES.</small>	TITLE PROPOSED DARLING ST ELEVATION	DRAWING DA-201	REVISION / DATE A 03.11.20
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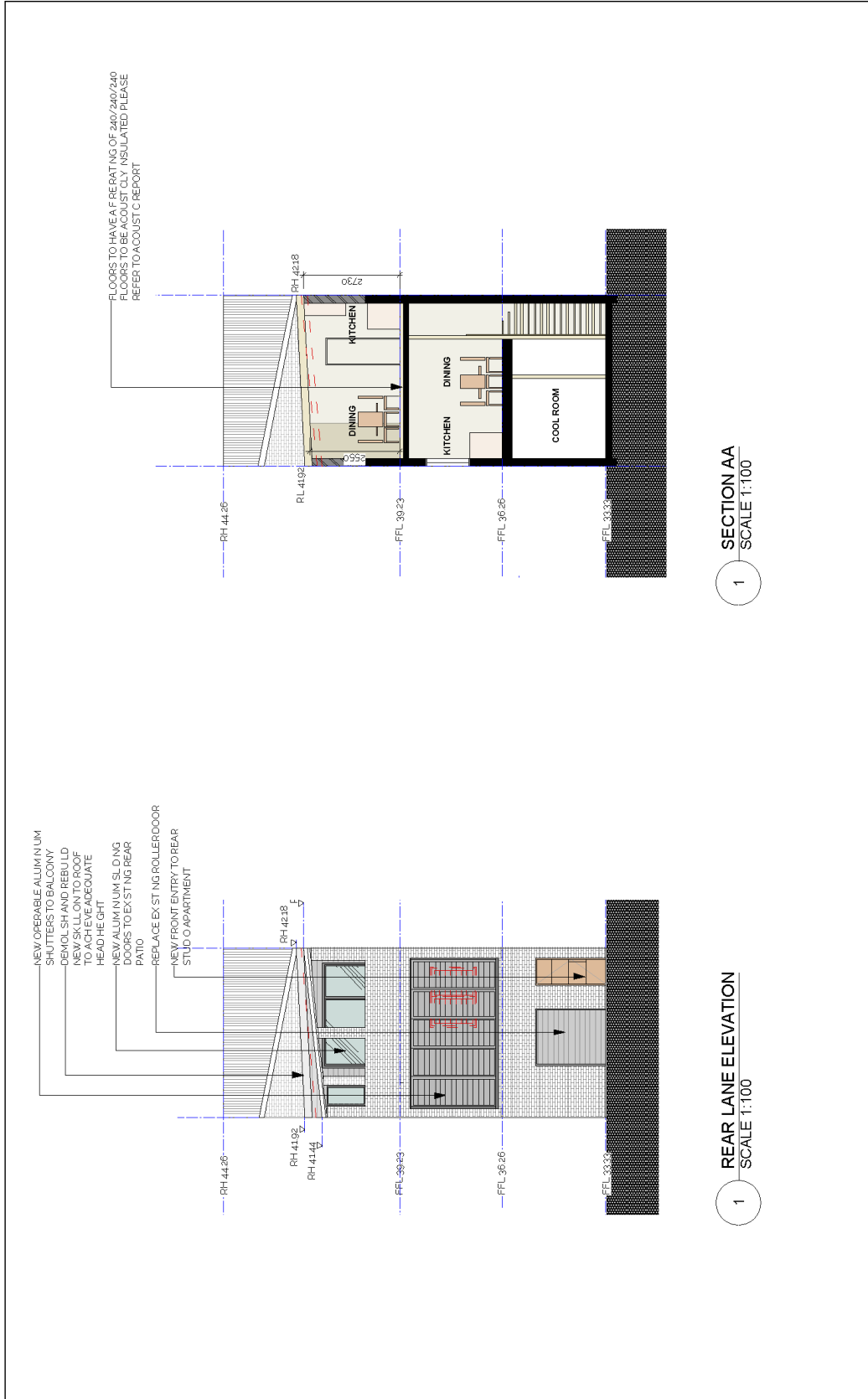


CLIENT Neil Aviledo	PROJECT 259 Darling St Cairns	 Hicks Holmsted DESIGN • ARCHITECTURE • INTERIORS	STATUS DEVELOPMENT APPLICATION	SCALE 1:100 @ A3	NORTH	TITLE PROPOSED SOUTH EAST ELEVATION	DRAWING DA-202	REVISION / DATE A 03.11.20
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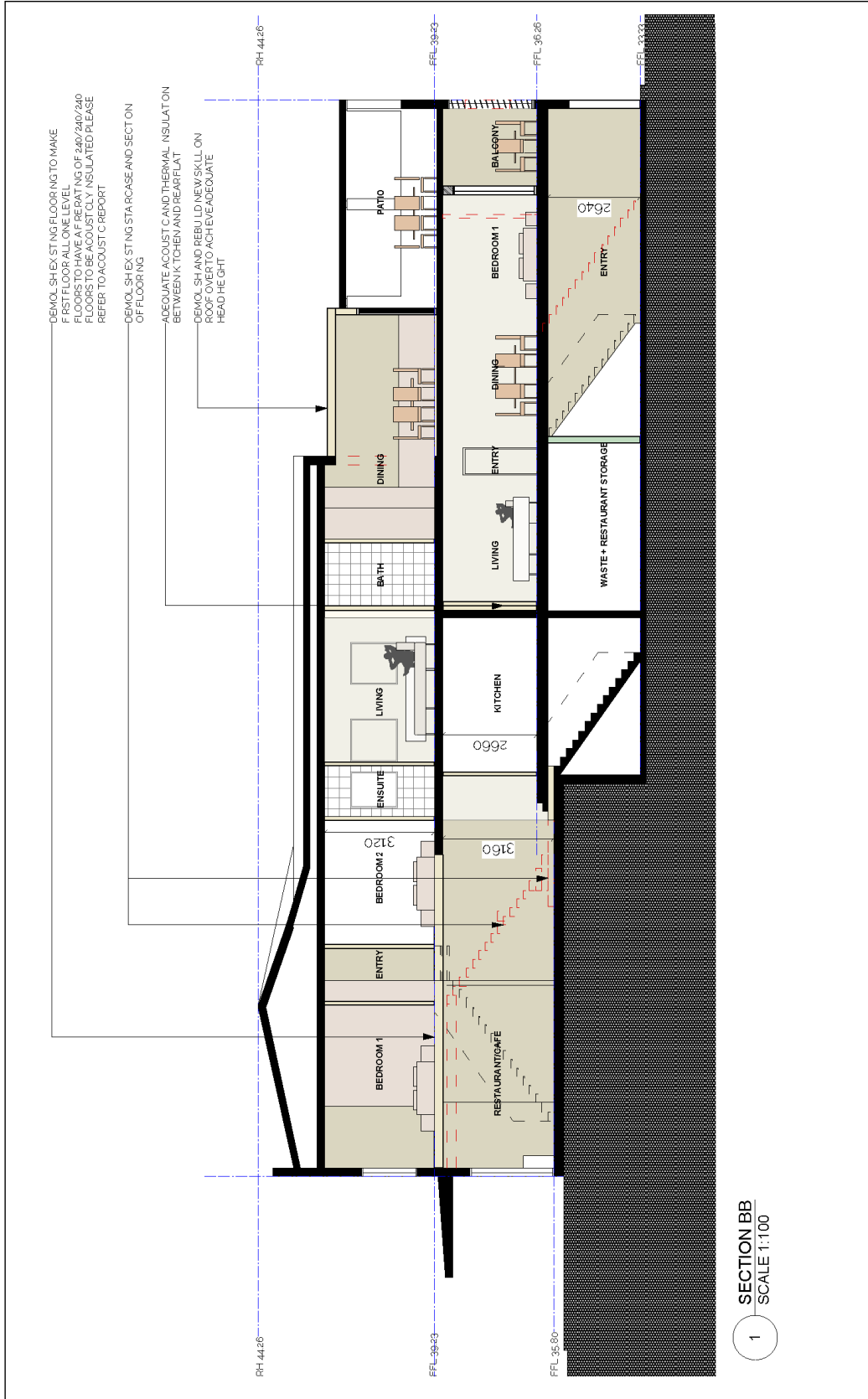
CLIENT Neil Aviledo	PROJECT 259 Darling St Cairns	 Hicks Holmstedt DESIGN • ARCHITECTURE • INTERIORS	<small>© JAMES HICKS HOLMSTEDT ARCHITECTURE ALL RIGHTS RESERVED. NO PART OF THIS DOCUMENT MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.</small>	STATUS DEVELOPMENT APPLICATION	SCALE 1:100 @ A3	NORTH	<small>THIS DRAWING IS A PRELIMINARY DESIGN AND SHOULD NOT BE USED FOR CONSTRUCTION WITHOUT THE ARCHITECT'S WRITTEN PERMISSION. THE ARCHITECT ACCEPTS NO LIABILITY FOR ANY DAMAGE OR LOSS OF ANY KIND ARISING FROM THE USE OF THIS DRAWING.</small>	TITLE PROPOSED NORTH WEST ELEVATION	DRAWING DA-203	REVISION / DATE A 03/11/20
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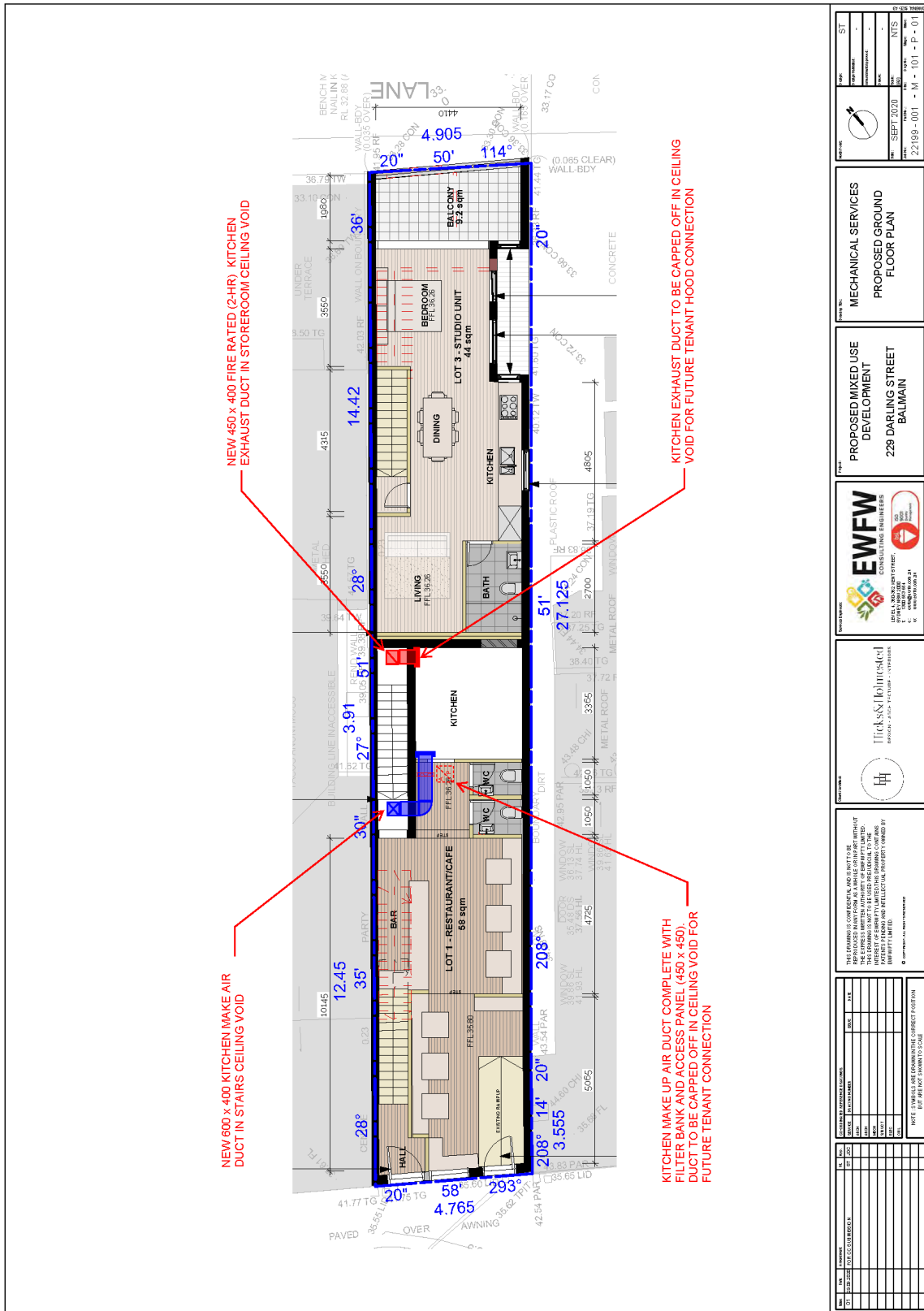
1 SECTION AA
SCALE 1:100

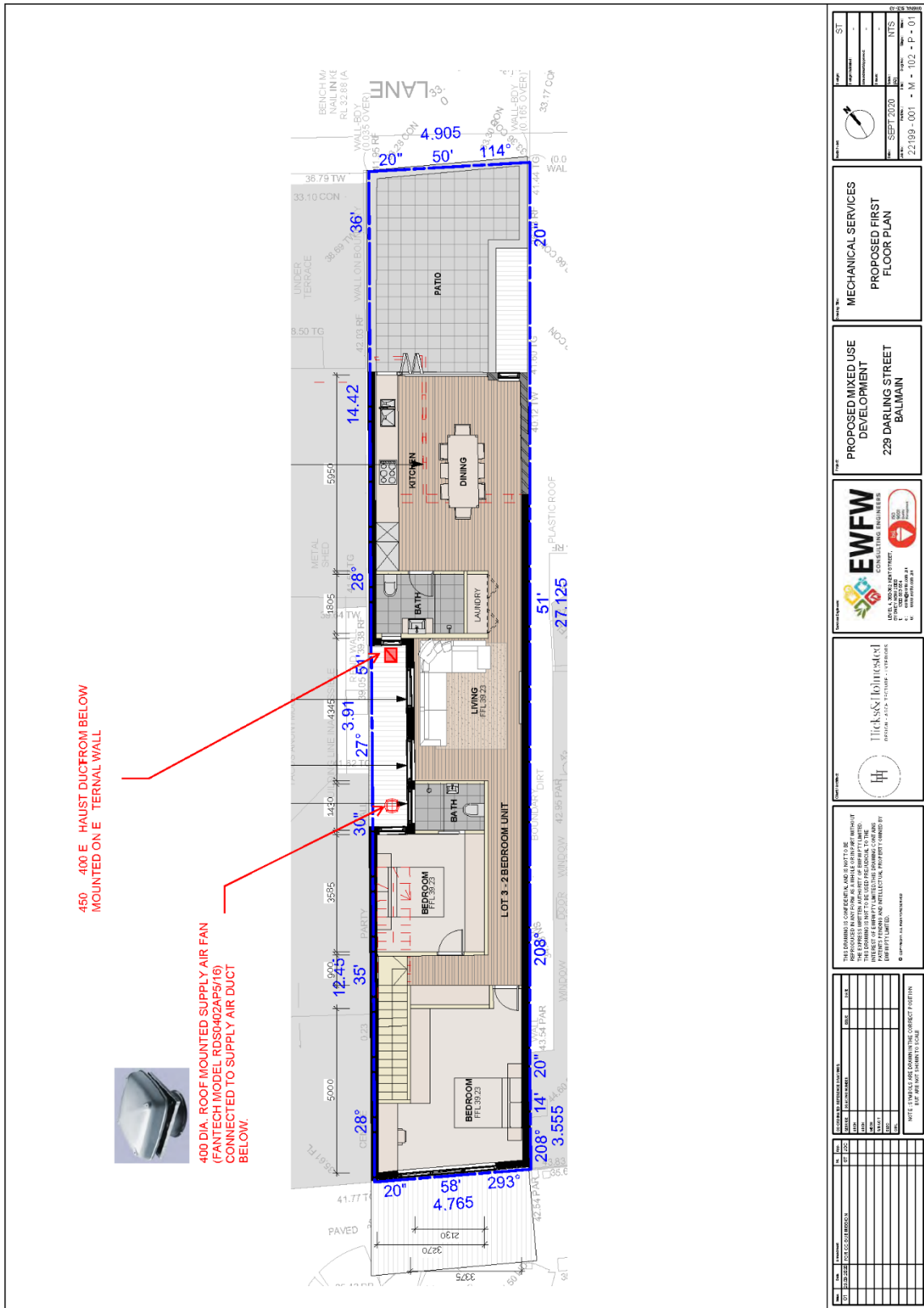
1 REAR LANE ELEVATION
SCALE 1:100

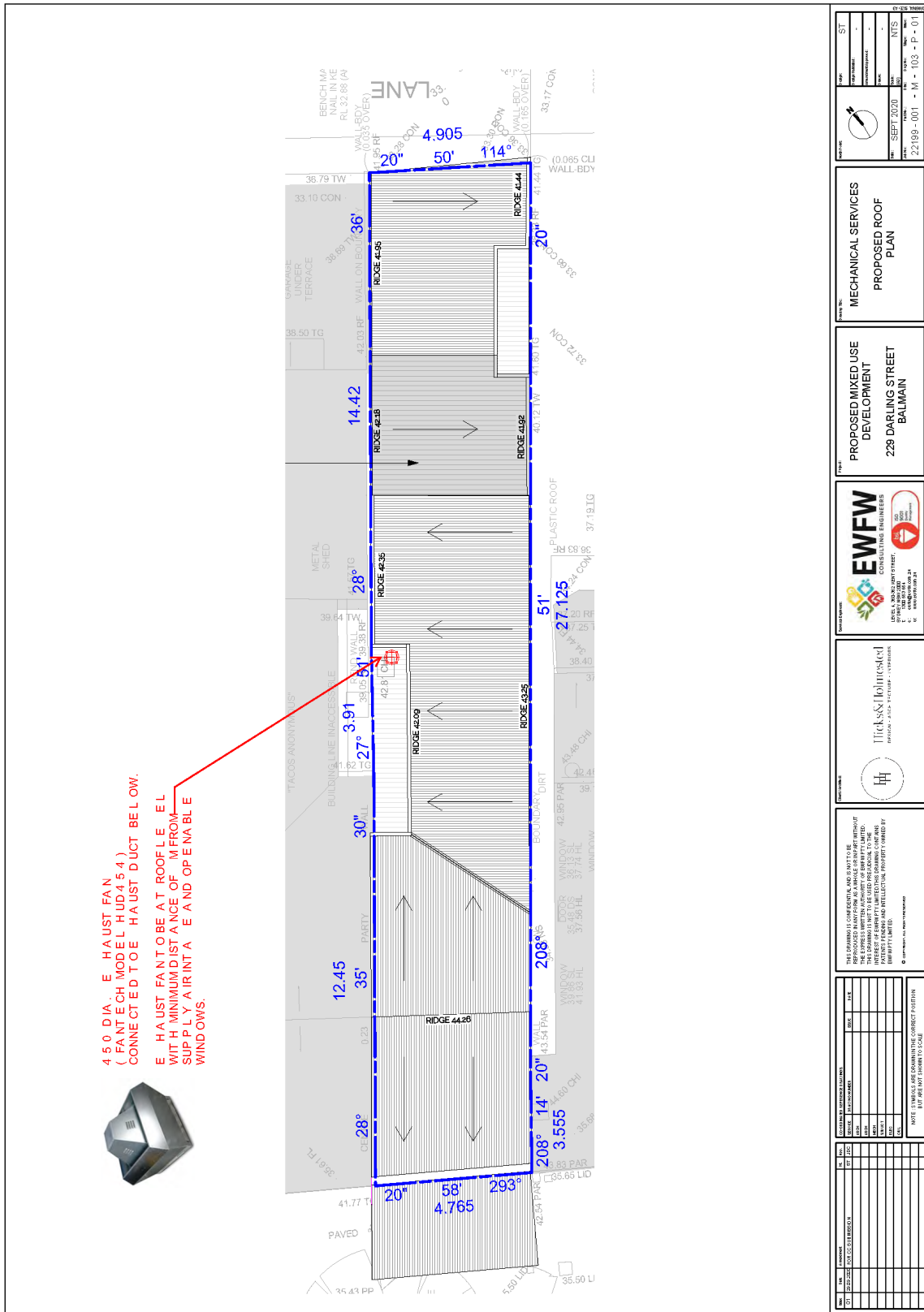
CLIENT Neil Aviledo	PROJECT 259 Darling St Cairns	 Hicks & Holmsted DESIGN • ARCHITECTURE • INTERIORS	STATUS DEVELOPMENT APPLICATION	SCALE 1:100 @ A3	NORTH	<small>THE INCLUDES SERVICES AND COSTS THAT ARE NOT COVERED BY THE ARCHITECT'S PROFESSIONAL FEE. THIS INCLUDES: CONSULTATION WITH LOCAL GOVERNMENT AND OTHER AGENCIES TO OBTAIN NECESSARY APPROVALS AND PERMITS.</small>	TITLE SECTION AA + FRONT & REAR ELEVATION	DRAWING DA-204	REVISION / DATE A 03.11.20
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CLIENT	Neil Aviledo	PROJECT	299 Darling St Cairns	STATUS	SKETCH DESIGN	SCALE	1:100 @ A3	NORTH		TITLE	PROPOSED SECTION BB	DRAWING	DA-205	REVISION / DATE	A 03/11/20
<p>THE INCLUDES SERVICES AND COSTS FOR THE WORK SHOWN. THE CLIENT IS RESPONSIBLE FOR THE ACQUISITION OF ALL NECESSARY PERMITS AND APPROVALS. THE CLIENT IS RESPONSIBLE FOR THE ACQUISITION OF ALL NECESSARY SERVICES AND COSTS FOR THE WORK SHOWN. THE CLIENT IS RESPONSIBLE FOR THE ACQUISITION OF ALL NECESSARY PERMITS AND APPROVALS.</p>															
<p>© JAMES HICKS & JOHNSTON ARCHITECTURE + INTERIORS 2/100 DUNDAS STREET, CAIRNS QLD 4878 PH: 07 4051 1111 WWW.HICKSANDJOHNSTON.COM</p>															







450 DIA. E HAUST FAN (PAINT CODE HUD454) CONNECTED TO E HAUST DUCT BELOW. E HAUST FAN TO BE AT ROOF LEVEL WITH MINIMUM DISTANCE OF 1M FROM SUPPLY AIR INTAKE AND OPENABLE WINDOWS.



NO.	DATE	REVISIONS
01	2020	ISSUED FOR PERMIT
02	2020	REVISED PER COMMENTS
03	2020	REVISED PER COMMENTS
04	2020	REVISED PER COMMENTS
05	2020	REVISED PER COMMENTS
06	2020	REVISED PER COMMENTS
07	2020	REVISED PER COMMENTS
08	2020	REVISED PER COMMENTS
09	2020	REVISED PER COMMENTS
10	2020	REVISED PER COMMENTS

PROJECT NO. **22199-001 - M - 103 - P - 01**

DATE: **08/2020**

SCALE: **AS SHOWN**

PROJECT: **MECHANICAL SERVICES PROPOSED ROOF PLAN**

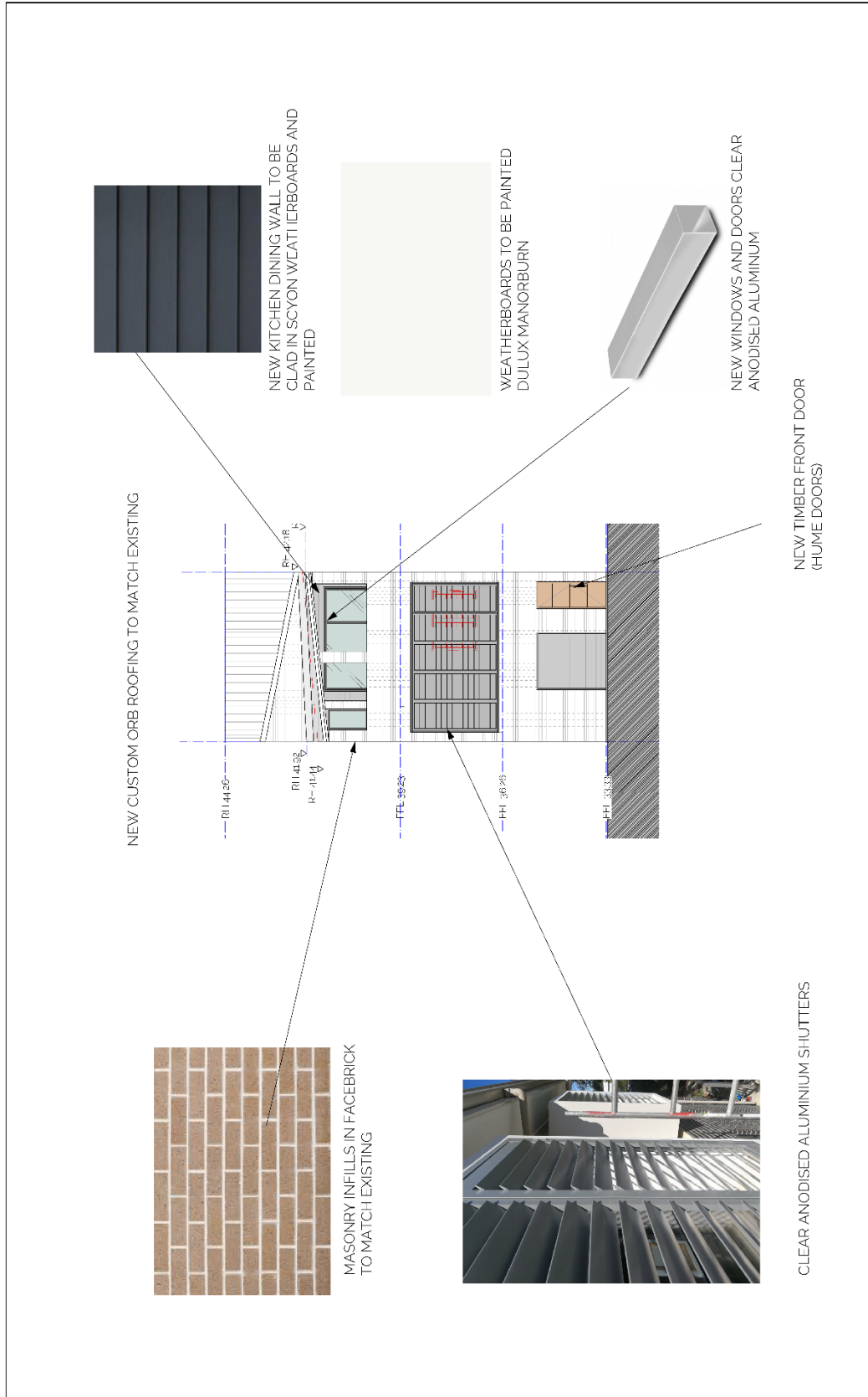
PROPOSED MIXED USE DEVELOPMENT
229 DARLING STREET
BALMAIN

EWF
CONSULTING ENGINEERS
10/11-13/15 DARLING STREET
BALMAIN NSW 1587
TEL: 02 9550 1111
WWW.EWF.COM.AU

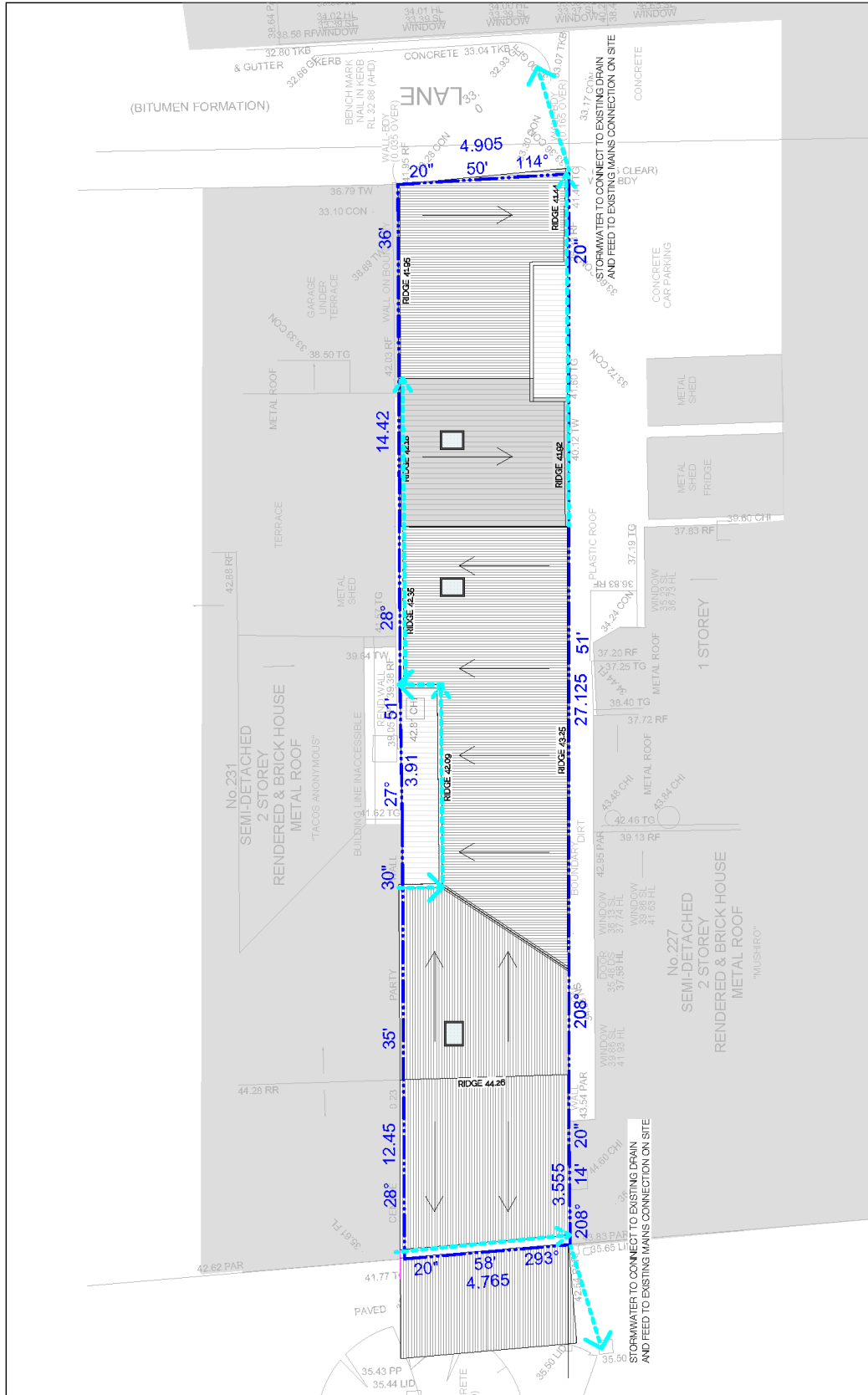
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TICKS & TALKS
ARCHITECTS

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CLIENT Neil Andriatico	PROJECT 226 Darling St Surfers	 Hicks & Holmes ARCHITECTS • INTERIORS	STATUS HK 12/10/2018	SCALE 1:100 (1/3)	 NORTH	<small>THIS DOCUMENT IS THE PROPERTY OF HICKS & HOLMES ARCHITECTS AND INTERIORS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED. IT IS NOT TO BE REPRODUCED, COPIED, OR DISTRIBUTED WITHOUT THE WRITTEN PERMISSION OF HICKS & HOLMES ARCHITECTS AND INTERIORS.</small>	TITLE SCHEDULE OF EXTERNAL FINISHES	DRAWING DA-901	REVISION / DATE A 19.10.20
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CLIENT	Neil Aviledo
PROJECT	259 Darling St Blenheim
Hicks & Holmsted	DESIGN - ARCHITECTURE - INTERIORS
STATUS	DEVELOPMENT APPLICATION
SCALE	1:100 @ A3
NORTH	
TITLE	CONCEPT STORMWATER PLAN
DRAWING	DA-501
REVISION / DATE	A 19.10.20

Attachment C- Clause 4.6 Exception to Development Standards



CLAUSE 4.6

APPLICATION TO VARY A DEVELOPMENT STANDARD

ALTERATIONS & ADDITIONS + CHANGE OF USE

TO 229 DARLING ST BALMAIN



LOT 1
DEPOSITED PLAN 731529
SITE AREA 147.7 SQ METRES

JOANNA@HICKSANDHOLMSTED.COM | R: NSWARB REG #9555
M: #0413466774 | A: STUDIO 13 136 DARLINGHURST RD, DARLINGHURST NSW 2010

pg 1



The FSR of the existing building exceeds the 1.5:1 FSR permitted and accordingly such an assessment is provided below using the question and answer format recommended by the Department of Planning and Infrastructure.

What is the name of the environmental planning instrument that applies to the land?

Leichhardt Local Environmental Plan 2013

What is the zoning of the land?

B1 – Neighbourhood Centre

What are the objectives of the zone?

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
- To ensure that development is appropriately designed to minimise amenity impacts.
- To allow appropriate residential uses to support the vitality of neighbourhood centres.

What is the development standard being varied?

Floor Space Ratio Calculation of 1.5:1

Under what clause is the development standard listed in the environmental planning instrument?

Clause 4.4A – Exception to maximum floor space ration for active street frontages

What are the objectives of the development standard?

The objective of this clause is to provide floor space incentives for mixed use development that incorporates active street frontages at ground floor level in Zone B1 Neighbourhood Centre or Zone B2 Local Centre.

- (2) *This clause applies to land identified as "Area 1" on the [Floor Space Ratio Map](#).*
- (3) *Despite clause 4.4, the maximum floor space ratio for a building on land to which this clause applies is 1.5:1 if the consent authority is satisfied that—*
 - (a) *the building will have an active street frontage, and*
 - (b) *the building comprises mixed use development, including residential accommodation, and*
 - (c) *the building is compatible with the desired future character of the area in relation to its bulk, form, uses and scale.*
- (4) *Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following—*
 - (a) *entrances and lobbies (including as part of mixed use development),*
 - (b) *access for fire services,*
 - (c) *vehicular access.*
- (5) *In this clause, a building has an active street frontage if all floor space on the ground floor of the building facing the street is used for a purpose other than residential accommodation.*

The proposal will result in no change to the overall footprint on the site. The proposed 2-bedroom apartment on the first floor will extend out approximately 3.7 metres so it is in line



with the existing rear setback of the toilets. This will create a more amenable living dining and outdoor space and still leaves the unit with ample private open space at rear. As this is located within the existing rear enclosed first floor patio the slight modification in building alignment will not be noticeable by any surrounding properties.

What is proposed numeric value of the development standard in the environmental planning instrument?

FSR 1.5:1

What is the numeric value of the development standard in your development application?

The existing FSR is 1.84:1.

The proposed is 1.83:1.

Both the existing and proposed FSR calculations exceed the allowable FSR.

What is the percentage variation (between your proposal and the environmental planning instrument)?

The existing and proposed have a variation of 1% and is actually improving the calculation with the introduction of some private open space for the studio apartment.

Therefore, the overall FSR calculation is actually reduced with the proposed alterations and additions.

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

There are sufficient grounds to permit the variation of the development standard. In particular:

- The FSR is existing and will not be increased as a result of the proposal.
- The development results in improvements to the building and are of benefit for the site whilst also be sympathetic to the streetscape.

Would strict compliance with the standard, in your particular case, would be unreasonable or unnecessary? Why?

Strict compliance would be unreasonable and unnecessary as the area of non-compliance is actually improved with the proposed alterations and additions. There is no possible way to comply as it is an existing condition to this particular site. We therefore request that this non-compliance be overlooked for the subject proposal.